UNITED STATES OF AMERICA

Congressional Record

PROCEEDINGS AND DEBATES OF THE 101st CONGRESS

FIRST SESSION

VOLUME 135—PART 8

MAY 22, 1989 TO JUNE 13, 1989

(PAGES 9993 TO 11635)

GENERAL SERVICES ADMINISTRATION
LAW
LIBRARY
CENTRAL OFFICE

UNITED STATES GOVERNMENT PRINTING OFFICE, WASHINGTON, 1989

AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
GPO

For sale by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402

United States
of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 101st CONGRESS, FIRST SESSION

HOUSE OF REPRESENTATIVES—*Monday, May 22, 1989*

The House met at 12 noon and was called to order by the Speaker pro tempore [Mr. FOLEY].

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC, *May 22, 1989.*

I hereby designate the Honorable THOMAS S. FOLEY to act as Speaker pro tempore on this day.

JIM WRIGHT,
Speaker of the House of Representatives.

PRAYER

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

Let us pray using the words of St. Francis of Assisi:

"Lord, make me an instrument of Thy peace, where there is hatred, let me sow love; where there is injury, pardon; where there is doubt, faith; where there is despair, hope; where there is darkness, light; and where there is sadness, joy.

"O Divine Master, grant that I may not so much seek to be consoled as to console; to be understood, as to understand; to be loved as to love, for it is in giving that we receive; it is in pardoning that we are pardoned; and it is in dying that we are born to eternal life." Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. The gentleman from Florida [Mr. STEARNS] will please come forward and lead the House in the Pledge of Allegiance.

Mr. STEARNS led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair desires to announce that pursuant to rule XLIX, as a result of the adoption by the House and Senate of the conference report on House Concurrent Resolution 106, House Joint Resolution 280, increasing the statutory limit on the public debt, has been engrossed and is deemed to have been passed by the House on May 17, 1989.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Haller, one of its clerks, announced that the Senate had passed with an amendment in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 2402. An act making supplemental appropriations for the Department of Veterans' Affairs for the fiscal year ending September 30, 1989, and for other purposes.

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the concurrent resolution (H. Con. Res. 106) "Concurrent resolution setting forth the congressional budget for the U.S. Government for the fiscal years 1990, 1991, and 1992."

The message also announced that the Senate had passed a joint resolution of the following title, in which the concurrence of the House is requested:

S.J. Res. 104. Joint resolution to express the sense of Congress with respect to the health of the Nation's children.

The message also announced that pursuant to sections 1928a-1928d, as amended, the Chair on behalf of the Vice President, appoints Mr. PRESSLER and Mr. SPECTER, as members of the Senate delegation to the North Atlantic Assembly spring meeting, to be held in Antalya, Turkey, May 26-30, 1989.

The message also announced that pursuant to section 1295(b), title 46, of the United States Code, the Chair on behalf of the Vice President, appoints Mr. PRESSLER, from the Committee on Commerce, Science, and Transportation, to the Board of Visitors of the U.S. Merchant Marine Academy.

The message also announced that pursuant to section 194(a), title 14, of the United States Code, the Chair on behalf of the Vice President, appoints Mr. DANFORTH, from the Committee on Commerce, Science, and Transportation, to the Board of Visitors of the U.S. Coast Guard Academy.

The message also announced that pursuant to section 9355(a), title 10, of the United States Code, the Chair on behalf of the Vice President appoints Mr. COCHRAN, from the Committee on Appropriations; and Mr. GRASSLEY, from the Committee on Appropriations; to the Board of Visitors to the U.S. Air Force Academy.

The message also announced that pursuant to Public Law 93-29, as amended by Public Law 98-459, the Chair on behalf of the President pro tempore, appoints Patricia A. Riley, of Maine, from the private sector, to the Federal Council on the Aging, vice Jon B. Hunter.

The message also announced that pursuant to section 6968(a), title 10, of the United States Code, the Chair on behalf of the Vice President, appoints Mr. HATFIELD, from the Committee on Appropriations, to the Board of Visitors to the U.S. Naval Academy.

The message also announced that pursuant to section 4355(a), title 10, of the United States Code, the Chair on behalf of the Vice President, appoints Mr. D'AMATO from the Committee on Appropriations, and Mr. Burns at Large, to the Board of Visitors to the U.S. Military Academy.

The message also announced that pursuant to Public Law 94-118, the

☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Chair on behalf of the President pro tempore, reappoints Mr. ROTH, to the Japan-United States Friendship Commission.

The message also announced that pursuant to Public Law 100-204, the Chair on behalf of the President pro tempore, appoints Mr. PELL, as a member of the U.S. Commission on Improving the Effectiveness of the United Nations.

The message also announced that pursuant to section 403(a)(2) of Public Law 100-533, the Chair announces on behalf of the majority leader his appointment of Mary Ann Campbell of Arkansas, and Virginia Littlejohn of Maryland, from the private sector, to the National Women's Business Council.

PERMISSION FOR COMMITTEE ON WAYS AND MEANS TO FILE REPORT ON H.R. 1278, FINANCIAL INSTITUTION REFORM, RECOVERY, AND ENFORCEMENT ACT OF 1989

Mr. PICKLE. Mr. Speaker, I ask unanimous consent that the Committee on Ways and Means have until midnight tonight, Monday, May 22, 1989, to file its report to accompany the bill, H.R. 1278, the Financial Institution Reform, Recovery, and Enforcement Act of 1989.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

Mr. CHANDLER. Mr. Speaker, reserving the right to object, I yield to the gentleman from Texas [Mr. PICKLE] for an explanation of his request.

Mr. PICKLE. Mr. Speaker, the bill, H.R. 1278, is a bill which affects the savings and loan, the banking and other financial institutions. Two other committees are involved. We are simply trying to expedite the business of the House, and we ask consent to file our report at midnight tonight.

Mr. CHANDLER. Mr. Speaker, I thank the gentleman from Texas [Mr. PICKLE] for his explanation, and I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

TRIBUTE TO FORMER SENATOR WARREN G. MAGNUSON

(Mr. DICKS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DICKS. Mr. Speaker, on Saturday, this Nation lost one of the giants of American politics, former Senator Warren G. Magnuson of Washington State, who was also a former Member of the House of Representatives. From 1936 to 1944 Warren Magnuson served in this body as Representative of Washington's First Congressional District, after which he began a long and distinguished career in the U.S. Senate. I rise today in the well of the House to pay tribute to a man who gave his entire adult life to public service, to the citizens of the State of Washington. He was a public man whose accomplishments are legendary, covering a broad spectrum of legislative activism: Consumer protection, health research, environmental preservation, and energy policy. But having served as a member of his staff, I want to speak about the personal side of Senator Magnuson, because it was his compassion for people and his vision of the activist role of government that provided the critical impetus for his great legislative achievements. He used his position as chairman of the Commerce Committee and later as chairman of the Appropriations Committee to protect children from flammable fabrics, to accelerate the war against cancer, to prevent consumer fraud, to lower the voting age to 18, to make American ports and waterways safer, and many other achievements. His accomplishments for Washington State are also legendary: there are tangible reminders of his power, his influence, and his concern for people in nearly every community of our State. That concern stemmed from his commitment to full employment: A job for every able-bodied man or woman. He was never bashful for bringing Federal assistance, Federal contracts or Federal jobs to Washington State—"What did they send me here for?" he used to ask. It is no overstatement to say that this one man—Warren Grant Magnuson—had a major impact on the growth and development in Washington State in the postwar years, perhaps the greatest single impact. My perspective is a personal one, though. Today I feel his loss very deeply and very personally. He was a teacher and mentor to me, one who gave me an appreciation for the honor of being elected to serve the people. Not a day goes by here in the House of Representatives when I do not reflect in some way on the lessons I learned on his staff, and the lessons learned while serving as a colleague after my election in 1976. I would not be here in the House today if it weren't for those lessons, and in paying tribute to Senator Magnuson, I must acknowledge the great debt I owe to him. I will extend to his wife, Jermaine, and their family, the deep condolences that I know are felt here in the House. We have lost a great man, a loyal colleague, and a true friend.

IS THERE A NEED FOR THE SAVINGS AND LOAN INDUSTRY?

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois [Mr. ANNUNZIO] is recognized for 5 minutes.

Mr. ANNUNZIO. Mr. Speaker, a crisis of mammoth proportions has engulfed the savings and loan industry, and its tremors have shaken the foundations of all financial institutions in this country. It is a crisis whose economic consequences may reach $200 billion, and whose resolution will likely affect every taxpayer, every homeowner and every consumer in this Nation.

My purpose is not to dramatize or minimize the seriousness of the situation, but to point out the magnitude and far-reaching repercussions of the legislation we are enacting. We must pass legislation that will not only resolve the economic and confidence crisis facing the savings and loan industry today, but provide a financial framework for growth and economic prosperity tomorrow.

It is that framework I am most concerned about. As a result of this legislation, should the first-time homeowner expect a decade of economic doom or a decade of dreams coming true? Are we raising the costs of banking services? Are we making financial services more accessible for every person? Our job is not just to restructure the S&L industry, but to make it safer and more responsive to the community it serves.

How are we going to make savings and loans more responsive to the community if we unreasonably raise net worth requirements and force them to sell to out-of-state thrifts and national bank holding companies?

I am concerned about the neighborhood S&L on the corner that has provided mortgages to thousands of families in the area. I am not talking about the greedy S&Ls that got caught with their pants down in Texas. I am talking about the smaller shops whose primary lending area is within walking distance of their building. What happens to their customers? Are the major interstate financials that take over going to demonstrate the same commitment to the community? Will their managers live and vote in that neighborhood? I think not.

About half of all S&Ls cannot currently meet a 3 percent tangible net worth requirement. To achieve this net worth to asset ratio by 1991, most will either have to sell out or shrink. Neither is a desirable alternative because ultimately the consumer will suffer: Mega-financials will be less sensitive to local conditions and shrinking S&Ls will have less money to lend. Less mortgage money means higher rates and lower market demand. Home sales will slump and housing starts will decrease.

We talk about the need to provide lifeline banking services to the less fortunate, but without the small S&L, low-cost banking options will further diminish. If we legislate the small S&L out of business we can expect a barrage of complaints from every consumer group and every senior citizen organization in the Nation. Their members will find the typical commercial bank requires twice the checking balances and charges, and twice the service fees of a typical thrift. The thrift industry has

always been sensitive to the demands of its retail customers. Commercial banks provide commercial services first, then if there is money available—service the individual—at a high price.

There is a great deal resting on our deliberations today, and I don't want my constituents—or your constituents—coming back next year, 2 years or 3 years from now saying we made a major mistake—that small homeowners cannot get or cannot afford home financing—that we are a nation of big business, big banks and big bucks—that we don't care about the little guy—because it will be too late. Right now, S&L's as we know them are an endangered species. And if our legislation drives them to extinction, we will have to invent them again because big banks and big business have never been dependable sources of single-family home financing in this country.

The first building and loan societies sprung up from church membership rolls, fraternal organizations and other nonprofit groups because big banks were unwilling to provide single-family financing.

In the forties and fifties, Federal agents traveled the country encouraging entrepreneurs and local realtors to start thrift institutions and help returning GI's buy their first home. Big banks were unwilling or unable to fulfill their financing needs.

I am not urging you to overlook problems in the S&L industry. On the contrary, I support stronger, tougher punishment for those S&L executives involved in any kind of fraud, deception or illegal activity.

In our zeal to punish the offenders and ensure this problem will not reoccur, we should not inadvertently destroy an industry that is so vital to this country. Do not throw out the baby with the bath water. Do not insist on a net worth requirement that could force one half of all S&L's to close or sell out by 1991.

Legislation must be corrective not punitive. We must shape a financial framework that will help us achieve the long-term goals of a populace not frustrate them. Punishment of fraudulent S&L operators should be metered out by a court of law not passed to the homeowner through higher mortgage rates, higher service fees and an erratic source of mortgage money.

Requiring a thrift to match the regulatory standards of a bank means ignoring the differences between them. Thrifts are not banks. Banks have shown they cannot provide for the needs of the homeowner and the businessman. Thrifts should not be encouraged to behave as banks—we don't need more banks.

Thrifts should stick to home financing, and my amendment requires them to invest 80 percent of their assets in neighborhood residential housing. They got into trouble by straying far afield—by behaving as banks—by investing where they did not belong. Legislation should ensure that S&L's remain in business to do what they do best—provide neighborhood home financing.

Congress is not without blame. It took a 150 year-old heavily regulated industry which 25 years ago only offered a passbook account and a mortgage loan, and deregulated it. And it did not do a good job. It took restrictions off savings interest rates while keeping the cap on mortgage loans. S&L managers made many mistakes but so did Congress.

And so did Continental Bank. Big, sophisticated, experienced. One of the Nation's most respected financial institutions also made bad real estate investments. And its executives were charged with fraud. But what did Congress do? It bailed them out. It did not close them down. Because Congress did not want to destroy the hundreds of smaller banks that worked with Continental nor the thousands of people who were employed and dependent upon the Bank and its corresponding banks.

I am asking that Congress treat the S&L industry in the same way it handled Continental or Chrysler. Restructure them, keep them in business, permit them to fulfill their responsibility, and the U.S. economy and the taxpayer will be the beneficiary.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. PICKLE) to revise and extend their remarks and include extraneous matter:)

Mr. ANNUNZIO, for 5 minutes, today.

Mr. KILDEE, for 60 minutes, on May 24.

Mr. LIPINSKI, for 60 minutes, on May 24.

Mr. OWENS of New York, for 60 minutes, on May 23, 24, and 25.

Mr. SCHEUER, for 60 minutes, on June 20.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. STEARNS) and to include extraneous matter:)

Mr. FRENZEL.

Mr. COUGHLIN.

Mr. BROOMFIELD.

Mr. BUECHNER.

(The following Members (at the request of Mr. PICKLE) and to include extraneous matter:)

Mr. TRAFICANT.

Mr. SKELTON.

Mr. ANDERSON in 10 instances.

Mr. GONZALEZ in 10 instances.

Mr. BROWN of California in 10 instances.

Mr. ANNUNZIO in six instances.

Mr. MONTGOMERY.

Mr. KILDEE in two instances.

Mr. ROE.

Mr. BOUCHER.

Mr. CARDIN.

Mr. BERMAN.

Mr. PICKLE in 10 instances.

SENATE JOINT RESOLUTION REFERRED

A joint resolution of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S.J. Res. 104. Joint resolution to express the sense of Congress with respect to the health of the Nation's children; to the Committee on Energy and Commerce.

ADJOURNMENT

Mr. PICKLE. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 12 o'clock and 8 minutes p.m.), the House adjourned until tomorrow, Tuesday, May 23, 1989, at 12 noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1230. A communication from the President of the United States, transmitting amendments to the request for appropriations for fiscal year 1990, pursuant to 31 U.S.C. 1107 (H. Doc. No. 101-67); to the Committee on Appropriations and ordered to be printed.

1231. A letter from the Acting Director, Defense Security Assistance Agency, transmitting notice of the Department of the Navy's proposed letter(s) of offer and acceptance [LOA] to Pakistan for defense articles estimated to cost $50 million or more, pursuant to 10 U.S.C. 118; to the Committee on Armed Services.

1232. A letter from the Secretary of Defense, transmitting a report on the assignment of military missions in NATO, pursuant to 10 U.S.C. 113 nt.; to the Committee on Armed Services.

1233. A letter from the Acting President and Chairman, Export-Import Bank of the United States, transmitting a statement with respect to a proposed transaction involving United States exports to Yugoslavia in excess of $100 million, pursuant to 12 U.S.C. 635(b)(3)(i); to the Committee on Banking, Finance and Urban Affairs.

1234. A letter from the Acting Administrator, General Services Administration, transmitting the agency's seventh report on its administration of the personal property donation program and the identification and use of Federal real property to assist the homeless, pursuant to Public Law 100-77, section 501(e) (101 Stat. 510); to the Committee on Banking, Finance and Urban Affairs.

1235. A letter from the Secretary of Education, transmitting a copy of Indian education general provisions and discretionary grant programs, pursuant to 20 U.S.C. 1232(d)(1); to the Committee on Education and Labor.

1236. A letter from the Acting Director, Defense Security Assistance Agency, transmitting notification of the Department of the Navy's proposed letter(s) of offer and acceptance [LOA] to Pakistan for defense articles and services (Transmittal No. 89-18), pursuant to 22 U.S.C. 2776(b); to the Committee on Foreign Affairs.

1237. A letter from the Acting Director, Defense Security Assistance Agency, transmitting notification of the Department of the Navy's proposed lease of defense articles to Australia (Transmittal No. 18-89), pursuant to 22 U.S.C. 2796(a); to the Committee on Foreign Affairs.

2138. A letter from the Assistant Secretary of State for Legislative Affairs, transmitting copies of the original report of political contributions by Robert D. Orr, of Indiana, Ambassador Extraordinary and Plenipotentiary-designate to the Republic of Singapore and members of his family, pursuant to 22 U.S.C. 3944(b)(2); to the Committee on Foreign Affairs.

1239. A letter from the Secretary of Commerce, transmitting his review of the FSX codevelopment project with Japan; to the Committee on Foreign Affairs.

1240. A letter from the Secretary of Defense, transmitting his views on the FSX codevelopment project with Japan; to the Committee on Foreign Affairs.

1241. A letter from the Secretary of State, transmitting his views on H.R. 1487; to the Committee on Foreign Affairs.

1242. A letter from the Secretary of the Interior, transmitting a report on the Government's helium program providing operating statistical and financial information for the fiscal year 1988, pursuant to 50 U.S.C. to the Committee on Interior and Insular Affairs.

1243. A letter from the Chairman, United States International Trade Commission, transmitting a draft of proposed legislation to provide authorization of appropriations for the United States International Trade Commission for fiscal year 1991, pursuant to 31 U.S.C. 1110; to the Committee on Ways and Means.

1244. A letter from the Secretary to the Board, Railroad Retirement Board, transmitting a draft of proposed legislation to authorize employees within the Railroad Retirement Board's Office of Inspector General who investigate violations of Federal criminal laws to exercise various law enforcement authority; jointly, to the Committees on Energy and Commerce and the Judiciary.

1245. A letter from the Secretary of the Interior, transmitting a copy of the new area report, study of alternatives for the Albuquerque West Mesa Petroglyphs, NM, pursuant to Senate Report No. 99-397, to accompany H.R. 5234, the Interior and related agencies appropriations bill for fiscal year 1987; jointly, to the Committee on Interior and Insular Affairs and Appropriations.

JOINT RESOLUTION ON DEBT LIMIT PASSED UNDER RULE XLIX

[Submitted May 17, 1989]

Under clause 1 of rule XLIX, the following joint resolution was engrossed and deemed passed:

House Joint Resolution 280. Joint resolution increasing the statutory limit on the public debt.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of the rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ANNUNZIO (for himself and Mr. WALSH):

H.R. 2436. A bill to award a congressional gold medal to the late Captain Don Gentile; to the Committee on Banking, Finance and Urban Affairs.

By Mr. BOUCHER (for himself, Mr. MADIGAN, Mr. LELAND, Mr. DOWNEY, Mr. COOPER, Mr. FIELDS, Mr. RITTER, Mr. BRUCE, Mr. ANDREWS, Mr. MRAZEK, Mr. MCGRATH, Mr. HOCHBRUECKNER, Mr. ESPY, Mr. FORD of Tennessee, and Mr. WISE):

H.R. 2437. A bill to require actions to improve competition in the delivery of television programming, to prohibit discrimination by cable programmers, and to permit telephone companies to provide video programming; to the Committee on Energy and Commerce.

By Mrs. SMITH of Nebraska:

H.R. 2438. A bill to authorize amendments to a certain water service contract for the Frenchman unit of the Pick-Sloan Missouri Basin Program; to the Committee on Interior and Insular Affairs.

By Mr. YOUNG of Alaska (for himself and Mr. MILLER of California):

H.R. 2439. A bill to define "rural" for purposes of providing for subsistence uses pursuant to title VIII of the Alaska National Interests Lands Conservation Act of 1980; to the Committee on Interior and Insular Affairs.

By Mr. JONES of North Carolina (for himself, Mr. DAVIS, Mr. HERTEL, Mr. HUGHES, Mr. FOGLIETTA, Mr. LENT, Mr. BOSCO, Mr. SHUMWAY, Mr. DYSON, Mr. MANTON, and Mr. INHOFE):

H.R. 2440. A bill to establish a program for the exploration for and commercial recovery of hard mineral resources on those portions of the seabed subject to the jurisdiction and control of the United States; jointly, to the Committees on Interior and Insular Affairs and Merchant Marine and Fisheries.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

97. By the SPEAKER: Memorial of the Senate of the State of Hawaii, relative to the establishment of a native Hawaiian rehabilitation guarantee loan fund; to the Committee on Banking, Finance and Urban Affairs.

98. Also, memorial of the General Assembly of the State of Vermont, relative to special education funding; to the Committee on Education and Labor.

99. Also, memorial of the Senate of the State of Hawaii, relative to support of the Global Poverty Reduction Act; to the Committee on Foreign Affairs.

100. Also, memorial of the Senate of the State of Hawaii, relative to the disposal of radioactive waste in the Marianas Trench by the Government of Japan; to the Committee on Foreign Affairs.

101. Also, memorial of the Senate of the State of Hawaii, relative to financial assistance for State participation in Federal regulatory proceedings; to the Committee on Government Operations.

102. Also, memorial of the Legislature of the State of Nevada, relative to its passage of assembly joint resolution No. 22, ratifying a proposed amendment to the Constitution of the United States providing that increases in compensation for Senators and Representatives may take effect only after an election of Representatives has intervened, and approved by the Governor of the State of Nevada, to the Committee on the Judiciary.

103. Also, memorial of the Senate of the State of Hawaii, relative to a review of Presidential Proclamation 5928 extending the U.S. territorial sea from 3 to 12 miles; to the Committee on Merchant Marine and Fisheries.

104. Also, memorial of the Legislature of the State of Arizona, relative to the adoption of a pending resolution to establish a national aviation policy; to the Committee on Public Works and Transportation.

105. Also, memorial of the Legislature of the State of Maine, relative to opposition to a Federal motor fuel tax for deficit reduction; to the Committee on Ways and Means.

106. Also, memorial of the Legislature of the State of Nevada, relative to extending the State ceiling on the tax credit for low-income housing; to the Committee on Ways and Means.

107. Also, memorial of the Senate of the State of Hawaii, relative to the establishment of a national policy for the conservation of biological diversity; jointly, to the Committee on Merchant Marine and Fisheries and Science, Space, and Technology.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

Mr. ACKERMAN introduced a bill (H.R. 2441) for the relief of Lea Gelb, Chaim Morris Gelb, and Sidney Gelb; which was referred to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 48: Mr. BILBRAY, Mr. BEILENSON, AND Mr. PALLONE.

H.R. 82: Mr. HASTERT, Mrs. VUCANOVICH, Mr. HERTEL, Mr. WHITTEN, Mr. SLATTERY, and Ms. LONG.

H.R. 118: Mr. MURPHY.

H.R. 293: Mr. FRANK and Mr. ROE.

H.R. 514: Mr. MOAKLEY.

H.R. 529: Mr. TORRICELLI, Mr. MRAZEK, Mr. ENGEL, Mr. LEWIS of Georgia, and Mr. HOUGHTON.

H.R. 530: Mr. TORRICELLI, Mr. LEWIS of Georgia, Mr. MRAZEK, Mr. ENGEL, and Mr. HOUGHTON.

H.R. 594: Mr. GOODLING.

H.R. 682: Mr. MCCOLLUM.

H.R. 874: Mr. FRENZEL and Mr. STARK.

H.R. 971: Mr. GLICKMAN, Mr. JOHNSON of South Dakota, Mr. MINETA, Mr. MCCURDY, Mr. ROBINSON, Mr. FRANK, Mr. WISE, and Mr. CLEMENT.

H.R. 1466: Mr. MILLER of Ohio.

H.R. 1492: Mr. WILSON, Mr. MARTINEZ, Mr. YOUNG of Florida, Mr. WEISS, Mr. CHAPMAN, and Mr. CLEMENT.

H.R. 1505: Mr. BOUCHER and Mr. FAZIO.

H.R. 1586: Mr. RAHALL, Mr. ROYBAL, Mr. SHUMWAY, Mr. BOSCO, and Mr. MCDADE.

H.R. 1587: Mr. RAHALL.

H.R. 1702: Mr. FAUNTROY, Mr. DE LUGO, Mr. CROCKETT, Mr. ACKERMAN, Mr. AUCOIN, Mr. OWENS of New York, Mr. FASCELL, Mr. DE LA GARZA, Mrs. COLLINS, Mr. VENTO, Ms. KAPTUR, Mr. CHAPMAN, Mr. LEVIN of Michi-

gan, Mr. MORRISON of Connecticut, Mr. MCDERMOTT, Mr. DYMALLY, Mr. LEWIS of California, Mrs. BENTLEY, Mr. ROYBAL, Mr. BILBRAY, and Mrs. SAIKI.

H.R. 1767: Mr. CROCKETT.

H.R. 1870: Mr. INHOFE, Mr. GALLEGLY, Mr. ROGERS, and Mr. WALKER.

H.R. 2102: Mrs. PATTERSON, Mr. ROBINSON, Mr. LIPINSKI, and Mr. MANTON.

H.R. 2131: Mr. HENRY and Mr. LANCASTER.

H.R. 2181: Mr. LEWIS of Florida.

H.R. 2263: Mr. ROWLAND of Connecticut, Mr. GILMAN, Mr. KENNEDY, Mr. FRANK, Mr. FLORIO, Ms. OAKAR, Mr. ANNUNZIO, and Mr. FAUNTROY.

H.R. 2265: Mr. ARMEY, Mr. FAUNTROY, and Mr. DYMALLY.

H.R. 2426: Mr. HYDE and Mr. MINETA.

H.J. Res. 131: Mr. GONZALEZ.

H.J. Res. 178: Mr. NOWAK, Mr. SABO, Mr. CHAPMAN, Mr. FIELDS, Mr. FEIGHAN, Mr. SOLOMON, Mr. BROWN of Colorado, Mr. SPENCE, Mr. VALENTINE, Mr. MCCANDLESS, Mr. HUGHES, Mr. LEHMAN of Florida, and Mr. PRICE.

H.J. Res. 183: Mr. SCHUETTE.

H.J. Res. 221: Mr. ACKERMAN, Mr. ATKINS, Mrs. BENTLEY, Mr. BILIRAKIS, Mr. BLAZ, Mr. BOSCO, Mr. CONYERS, Mr. DE LA GARZA, Mr. DEWINE, Mr. DYMALLY, Mr. EMERSON, Mr. ENGEL, Mr. FEIGHAN, Mr. FLORIO, Mr. FUSTER, Mr. GILMAN, Mr. HARRIS, Mr. HASTERT, Mr. HOCHBRUECKNER, Mr. HYDE, Mr. KOSTMAYER, Mr. LEHMAN of Florida, Mr. LIGHTFOOT, Mr. THOMAS A. LUKEN, Mr. MANTON, Mr. MARLENEE, Mr. MOODY, Mr. OWENS of Utah, Mr. PACKARD, Mr. STAGGERS, Mr. STALLINGS, Mr. TALLON, and Mr. WYDEN.

H.J. Res. 240: Mr. ATKINS, Mrs. BENTLEY, Mr. CLEMENT, Mr. COLEMAN of Missouri, Mr. FLAKE, Mr. KILDEE, Mr. RITTER, and Mr. WEISS.

H.J. Res. 254: Ms. LONG and Mr. TORRES.

H.J. Res. 257: Mr. BLILEY, Mr. LEHMAN of Florida, Mr. FRENZEL, Mr. COSTELLO, Mr. SANGMEISTER, Mr. ERDREICH, Mr. SMITH of New Jersey, Mr. DE LA GARZA, Mr. DWYER of New Jersey, Mr. HEFNER, Mr. HENRY, Mr. MORRISON of Connecticut, Mr. JONES of Georgia, Ms. LONG, Mr. RANGEL, and Mr. GUNDERSON.

H. Con. Res. 40: Mr. SPENCE.

H. Con. Res. 66: Mr. CARPER and Mr. RHODES.

H. Con. Res. 105: Mr. DORGAN of North Dakota, Mr. FEIGHAN, Mr. SKEEN, and Mr. WALSH.

H. Res. 146: Mr. MORRISON of Connecticut, Mr. JONTZ, and Mr. LAGOMARSINO.

EXTENSIONS OF REMARKS

TRIBUTE TO INEZ TIMS

HON. CHARLES WILSON
OF TEXAS
IN THE HOUSE OF REPRESENTATIVES

Monday, May 22, 1989

Mr. WILSON. Mr. Speaker, an outstanding citizen of east Texas passed away earlier this month, a man who deserves to be honored as one of the heroes of the civil rights movement. Inez Tims is a household name only in Angelina County, TX, but his spirit and tenacity set an example for all Americans. I ask that the following profile of Inez, written by John Kelso, be entered in the RECORD, followed by the eulogy I delivered at my friend's funeral.

[From the Lufkin Daily News, May 4, 1989]

INEZ TIMS: UNSUNG FARMER CHANGED ANGELINA

(By John Kelso)

LUFKIN.—Inez Tims, a quiet man, would rather garden than argue.

Even his grown daughter, Geisle, who sees him every day, can't remember him ever raising his voice or becoming upset. And if you spent some time talking with him, you might never suspect you were visiting with an activist.

Inez, 80, a tall slender man who speaks slowly and succintly and kicks around in casual clothes and work shoes, keeps a tiller and a tractor in his garage at home. His main joy is the earth. And every spring he sows that big tract of dirt that sits next to his house.

He brags about the size of his squashes and he holds his long, slender, gentle hands a few feet apart to show you how big the biggest ones get.

Inez, who lives with Geisle in a brick house he built with his own hands back in 1973, explained they can't eat all the collard and mustard greens, tomatoes, potatoes, turnips and the other fruits and vegetables that he grows. So he hands them out to whoever comes around and asks.

"I am a farmer," said Inez, emphasizing the verb and stretching out the sound of it, to let the listener know that working the soil is something he truly enjoys doing. "I'll tell you what I do. I raise food here. I raise a garden down here and I give the food to the elderly and the underprivileged people. I take a little bit for myself, but we don't eat too much."

If it's growing season, Inez is outside, all day long, tending the vegetable patch and working up a sweat. Keeping busy, he says, is what it's all about. He had a stroke and related brain surgery back in 1978, but, except to cloud his memory some, it doesn't slow him down. He'll tell you the stroke was the only time in his life he's ever been sick.

"You see some of these old folks who can't get around?" asked Inez, who gets out in his garden at approximately 8 in the morning, and stays there until 5-5:30 in the afternoon, even in the heat of the summer. "That's because they sit down too much. You aren't supposed to sit down, ain't that true? Besides, these people here gossip too much."

Back in the early '70s, when people around these parts gossiped, one of the most likely subjects was Inez Tims, and his radical ways. At least at the time Inez' ways seemed radical.

Inez, who says he worked for about half a century at a foundry in this East Texas community before becoming an aide for U.S. Congressman Charles Wilson in 1972, was the first Black ever to run for office in Lufkin.

In 1971, Inez ran for the City Commission against W.O. Ricks, the white incumbent, and lost in a runoff by just 60 votes. At the time, this was quite a move, when one considers that the local schools had been desegrated by federal court order just the year before.

"They voted pretty good for me," Inez recalled of the Black community support he received at the polls.

But Black support or no, Inez figured he would have had a better chance of winning that election if the voting system had been set up differently. At the time, Lufkin elected its City Commissioners on an at-large basis.

So two years after losing, Inez was the force behind a lawsuit filed against the City of Lufkin in U.S. District Court in Tyler.

Inez' side won. Judge William Wayne Justice ruled that Lufkin's at-large voting system was unconstitutional, and ordered the creation of one at-large and six single-member districts for City Commissioner races. Two of those districts, recalled David Richards, the Austin attorney who represented Inez' side, were populated by a black majority.

Prior to the suit and the court decision, Inez said, the political system was stacked heavily against Blacks in Lufkin.

"We didn't have one commissioner; nothing but white folks on the commission," recalled Inez, of the way things used to be, and why he became involved in the suit. "See, they didn't have a (Black) commissioner in the city and, see, that's what I sued them for—to get a commissioner. Yes sir. That good Lord gave us the victory.

Inez, a religious gentleman who sings regularly with the New Zion Gospel Chorus in Lufkin, had a second law suit victory. After the city case, Inez and Attorney Richards teamed up in a similar suit against Angelina County, where Lufkin is the county seat.

As in the first suit, Inez was Richards' chief witness. Also, as was the case in the first suit, the end result was the creation of single member district voting.

"I'll tell you how I happened to do this," Inez recalled of what drove him into action. "We were being treated so bad, and nobody was doing anything about it. And somebody had to do something. Somebody had to have something inside them to make them get up. It was so badly needed."

Before Inez Tims became involved in the two law suits, Lufkin had never had a Black City Commissioner, and Angelica County had never had a Black County Commissioner. Today, however, the situation is different. Two blacks—Percy Simond Jr. and Don Boyd—sit on the City Commission. And the County Commission has one black member—I.D. Henderson Jr.

Of course, none of this was easy. "The fact that Inez ran would be perceived by the community to be a radical, radical thing to do," Richards said.

And Inez will tell you that he had trouble getting other Blacks to stick their necks out with him. He says that some thought he was making a big mistake by getting involved in legal action.

"My trouble was not the white folks," Inez recalled. "My trouble was with the Black folks. They didn't go with me suing the city. Nobody didn't help me. I did that myself."

Consequently, Inez says, he was the only Black who testified in either suit. Nobody else, he said, would show up in court to speak out.

"None. None whatsoever. I couldn't get one to testify," Inez said. "They said Inez was ignorant and unlearned, and didn't know what he was doing. He was going to get defeated suing the city and the county. But see, they didn't know who I was. They didn't know I was a Christian, so I couldn't lose. They didn't know that, so I felt sorry for 'em."

Despite the lonely nature of his position at the time, Inez Tims doesn't seem angry about the situation. Other people were simply afraid, he says.

"See, our people were scary people," he said. "They were scary, scary people. You know when they wouldn't testify they were scary. When I went to Tyler, they wouldn't come up there. They wouldn't have nothing to do with it.

Inez, however, testified. Attorney Richards remembers his attitude on the stand as being "unflappable," and Inez attributes all of it to a higher authority.

"They put me on the witness stand and they had me there all day, but they couldn't shake me, 'cause the Lord told me what to say," he recalled.

Inez Tims always has done whatever needed doing at the moment in question. As a young man, he dropped out of school—eighth or ninth grade, he thinks—to take care of the family when his dad, Mose Tims, a farmer, became ill. Inez was one of 14 children, and somebody had to take care of the family.

"His life faded on him," Inez recalled of his father. "He got old and he lost his get-around. So I had to bare the burden. I didn't know any better, and I'm glad I didn't."

Inez figures he was about 16 when he dropped out of school to go to work at the foundry, where he stayed on for about 50 years. Much of the time he worked as a common laborer. For the first 10-13 years, by his recollection, his main on-the-job tool was a broom.

"I didn't do anything but sweep," Inez said. 'In 1972, after retiring from the foundry, Inez became the first paid employee of newly-elected Rep. Wilson, who made Inez his district assistant.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

His main job was working with minorities, and he traveled around the district, meeting with Black groups.

"He's a saint, he really is," Rep. Wilson said. "And no hate in him. But no compromise either, as far as principles are concerned."

Nowadays, however, Inez concerns himself mostly with his vegetable growing, though, if you ask him about it, he's glad to talk about his days as an activist. He's happy he did what he did, and he'd do it again.

"You know what the Bible said?" Inez asked. "He will make your enemy your footstool." And sure enough, during the course of time, that's what He did.

EULOGY, MAY 8, 1989

We are here to mourn the loss of a man about whom little has been written but to whom so much is owed.

If ever a man lived who, by example, showed the rest of us how to live, it was Inez Tims.

Forgive me for being personal. For the 30 years of our friendship, when I needed encouragement, he gave it. If occasionally I deserved praise, he gave it. And the many times I needed scolding, he scolded. Always gently, but always firmly.

We laughed and cried together.

We cheered the victories of Ralph Yarborough, John Kennedy, John Hannah, Barbara Jordan, John Tatum and a few of my own.

We wept together the evenings of the murders of President Kennedy and Dr. King.

Being Inez Tims meant never having to say he was sorry, because he simply never did wrong. He never lied, he was never selfish and did not know the meaning of cynicism.

He was a hero of great count but little noise.

Inwardly he raged at the injustice done to his race, but he didn't have it in him to hate the other race.

He spent his life in a quiet, steady struggle for justice for all—for an end to racial inequality—and he struggled well and hard, and thank God for many years. He never faltered. He knew no fear. He moved mighty mountains, but he did it with love and the most monumental dignity that has ever walked the face of God's earth.

So long old friend. St. Peter, you're getting a good hand.

Inez Tims, 1909-1989.

ARMY CHIEF OF STAFF COMMENDS YMCA FOR SUPPORT OF MEN AND WOMEN IN UNIFORM, OUTLINES NECESSITIES FOR CONTINUED STRONG MILITARY

HON. G.V. (SONNY) MONTGOMERY

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Monday, May 22, 1989

Mr. MONTGOMERY. Mr. Speaker, Armed Services YMCA of the USA volunteers have served members of our Armed Forces and their families continuously for more than 128 years. In 1988, the organization helped approximately 500,000 individuals, including single and married military members, spouses and children. Programs range from the traditional social and recreational activities for the single member, to counseling services, education and training, enlisted wives support groups, child care and family programs that enhance the quality of life for military families.

On May 8, Armed Services YMCA held a special recognition ceremony in Arlington, VA, in honor of the enlisted men and women of the U.S. Armed Services. Among those singled out for achievement and leadership that have greatly enhanced the services and outreach of Armed Services YMCA were: Lt. Gen. Dennis Philip McAuliffe, U.S.A. (Ret.), Administrator, Panama Canal Commission, who received the organization's Meritorious Service Award for his work on behalf of service personnel stationed in Panama; Ms. Sylvia Fisher, volunteer coordinator for the Wheeler/Schofield Branch of the Honolulu Armed Services YMCA, who was selected as Civilian Volunteer Leader of the Year; and Cpl. David Wayne Davis, USMC, whose efforts at Camp Pendleton, CA, earned for him the honor of Military Volunteer Leader of the Year.

Guest speaker for the May 8 awards luncheon was Gen. Carl E. Vuono, Chief of Staff, U.S. Army. I would like to share with my colleagues General Vuono's very poignant and timely comments regarding today's military and the quality of our military personnel.

As General Vuono points out, we have every reason to be proud of today's military personnel. The best and the brightest of our young men and women continue to serve in the Armed Forces with honor and distinction. We are cautioned by General Vuono, however, that we must provide the armed services with the resources they need to maintain troop quality and to remain competitive in the face of a shrinking cohort of young people. Without adequate pay and benefit levels, without adequate enlistment incentives, and without an adequate advertising budget, our Armed Forces will again experience the chaos and turbulence so prevalent a decade ago.

I commend the Chief of Staff of the Army for doing an outstanding job and for taking the time to participate in the armed services YMCA ceremonies.

REMARKS OF GEN. CARL E. VUONO, CHIEF OF STAFF, U.S. ARMY

Representative Byron, Mrs. Abrams, distinguished guests, ladies and gentlemen.

First of all, let me congratulate those men and women—military and civilian—honored here this afternoon. In my view, there is no greater calling than serving others, and those honored today epitomize selfless service.

I'm particularly pleased to be here because I wanted to thank the Armed Services YMCA personally for recognizing the enlisted men and women of the Armed Forces today and for working tirelessly over the years to improve the quality of life of the men and women in uniform, as well as their families.

I also want to thank Congresswoman Byron for her tremendous support as chairman of the Military Personnel and Compensation Subcommittee. The Army and all the services are greatly indebted to you for your special interest in our soldiers and family members.

This support and the support of Americans everywhere has made it possible to build facilities like the one at Fort Bliss, which I had the pleasure of visiting last December. It's a superb facility and demonstrates clearly what can be accomplished provided three ingredients are in place:

One, a firm commitment on the part of military leaders to improve the quality of life of their service members and families.

Two, support from the civilian sector—especially corporate America.

And three, a competent and hard-working YMCA staff dedicated to serving our quality Armed Forces.

My purpose this afternoon is to share with you why I believe quality is so essential to our Armed Forces, how the YMCA fits in, and what all of us must do to take greater advantage of organizations like the Armed Services YMCA in the future.

QUALITY FORCE: MORE IMPORTANT THAN EVER

Our Nation's global commitments today demand that we have trained and ready Armed Forces capable of responding to threats to our interests anywhere, anytime.

This requirement places a premium on quality. Quality men and women in uniform can better execute our doctrine, train to higher standards, more easily integrate new equipment, and become more competent leaders.

In short, quality forces provide us the flexibility so important to a global power.

Today, the Armed Forces are attracting some of the country's most talented young men and women.

As many of you know, however, the eligible cohort of these young men and women is growing smaller, at least in the near term.

Moreover, the Armed Forces must compete with others for the services of our Nation's most capable young people.

Our challenge therefore is to continue to attract these outstanding men and women and to retain the best of these in light of an increasingly competitive market.

This will take resources. Consequently, we will continue to press for adequate pay and benefits for our service members as well as enlistment incentives that will maintain our present favorable position in the open market.

But just as important, we must create the proper environment in our services—an environment that reflects that our leaders truly care for their subordinates and are sensitive to the needs of family members.

An essential part of creating this environment, of course, is ensuring that we continue to conduct the type of tough, realistic training to demanding standards that makes life in our services exciting and meaningful.

Equally indispensable is the need to ensure that we provide the kind of facilities and services on our installations that reinforce our deep and abiding concern for the well-being of our service members and their families.

After all, as General Creighton W. Abrams used to say when he was Chief of Staff: "People are not in the Army, they are the Army." This is true for all the services.

So where does the Armed Services YMCA fit into all this?

THE YMCA: ADJUSTING TO CHANGES IN OUR FORCES

For years the YMCA has been dedicated to helping men and women in unform. It traces its beginnings to the Civil War era and made major contributions in each of the four major wars in this century, primarily in assisting single service members adjust to the rigors of military life.

Yet, the YMCA has not rested on its laurels. As the character of our Armed Forces have changed, so too has the YMCA.

Today, the Armed Services YMCA understands that we are a married force. In the Army, for example, 57 percent of our soldiers are married. When you add sole and dual-service parents, the figure rises to nearly 65 percent.

In recognition of these changes, the YMCA is revitalizing itself, building new facilities and tailoring its programs to support our service members and their families, particularly our junior enlisted families. Those of us in uniform applaud these efforts.

The Residence Center at Fort Bliss is just one outstanding example of this dynamic, new approach. In other facilities from Dunoon, Scotland, to Honolulu, Hawaii, the YMCA is actively looking for ways to better support our service members and their families.

Without a doubt, the Armed Services YMCA makes a difference, and all of us in uniform owe the staff at all levels and the thousands of magnificent volunteers a tremendous debt of gratitude.

What about the road ahead?

THE ROAD AHEAD

It is no secret that we live in an era of constrained resources. And though all the Joint Chiefs strongly support—as our highest priority—a quality force, there simply are not enough resources to do all that we would want to do for our men and women in uniform.

To get the maximum value of those resources that we are given, the services must continue to expand cooperative efforts with industry and volunteer organizations such as the YMCA to enrich the quality of life of our service members and their families.

In this regard, I see several challenges ahead, which apply to three important groups in the audience today: the leaders in the military, corporate America and the YMCA.

The military

We in uniform must continue to seek new ways to take greater advantage of the opportunities the YMCA offers to our men and women. Don Infante's foresight and personal involvement in developing the Fort Bliss facility is an excellent example to all of us.

But this is only a beginning. I believe that we must redouble our efforts to realize the potential that exists by combining the resources of the services, corporate America, and the YMCA.

As senior officer and NCO leaders of our services, we must build on past successes and explore new ways of doing business that will improve the quality of life of our soldiers, sailors, airmen and marines and their families.

Corporate America

As in the past, the Armed Forces need the help of corporate America.

The creativity inherent in your industries ensures that good ideas will not languish. You have a knack for recognizing ways to bring those ideas to life even in an era of declining resources.

The facilities you have supported so well or recently developed such as those at San Diego, Norfolk and, of course, Fort Bliss are premier examples of your commitment to quality in our Armed Forces. We need your help in sustaining a long-term commitment to that quality.

The Armed Services YMCA

The challenge for the Armed Services YMCA is to continue to provide excellent services to our quality Armed Forces.

Ours is a dynamic and changing society, a fact that is reflected in the young men and women that come to our ranks. As we have seen with the increasingly married enlisted population in our services, societal changes often effect our Armed Forces in unforeseen ways.

You must continue to advance toward your vision of improving the quality of life to our enlisted men and women and their families.

More than ever before, you must work with uniformed and corporate leaders to gain the ideas and additional resources necessary to create excellent services and to operate in excellent facilities. When it comes to programs that improve morale and welfare in the Armed Forces, our young men and women deserve nothing less than excellence.

One of the benefits of my present jobs is that I get an opportunity to visit our soldiers wherever they are stationed, worldwide, and to take their measure.

Today, I am proud to say, we have trained and ready forces, prepared to carry out whatever mission is given them.

However, we cannot take these soldiers, sailors, airmen and marines for granted. They work long hours, endure lengthy separations from their loves ones, and risk their lives so that others may enjoy the blessings of liberty.

The least we can do for them is to provide them a quality of life equal to that enjoyed by those who they defend.

Working together as a team, those of us in this room can make that happen. We simply must make a commitment to do it.

Again, congratulations to the honorees and thanks to the Armed Services YMCA for caring so deeply for our service members and their families. Keep up the outstanding work.

CONGRESSIONAL SALUTE TO HENRY T. "HANK" SHIMADA

HON. ROBERT T. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 22, 1989

Mr. MATSUI. Mr. Speaker, I rise today to pay tribute to a distinguished constituent, Henry T. "Hank" Shimada. Hank Shimada has served the State of California with distinction for over 42 years and today, hundreds of his friends, his colleagues and his family are gathered in Sacramento to surprise Hank with a party in honor of his years of service. It is my honor to share with my colleagues the remarkable career of this dedicated public servant.

As a young man, Hank and his family were uprooted from their California home and placed in an internment camp in Colorado. While in confinement, Hank dedicated himself to completing his high school education and later he valiantly served in the U.S. Army in Germany. After the war, Hank returned to California to find employment and began his 42-year career with the Employment Development Department.

Although unskilled and inexperienced, Hank's tenacious efforts afforded him the opportunity to gain employment as a clerk and to excell despite the odds. Unfazed by repeated efforts to pass a typing test, Hank continued to plead his case for a promotion upstairs, and thus launched a successful career that has included several promotions to leadership positions. Hank has served the Current Employment Statistics Program of EDD in a variety of capacities since 1958 and presently holds the position of research analyst II for the unit. Although celebrating 42½ years of service, Hank is committed to serving another 42 years.

Mr. Speaker, Hank Shimada exemplifies tenacity. Throughout his lifetime, Hank has encountered hurdles, but due to his perseverence and dedication, he has turned these roadblocks into a highway to success. His devotion to the principles of public service is one that we all seek to emulate and I commend him for his contributions to my community, the State of California, and our Nation. I ask that my colleagues join me in saluting Hank Shimada and extending best wishes for his continued success.

REPRESENTATIVE DALE E. KILDEE HONORS ELLEN MAY TOWER

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, May 22, 1989

Mr. KILDEE. Mr. Speaker, I would like to bring to the attention of my colleagues and the Nation a State historical marker dedication ceremony that will be held Monday, May 29, in Byron, MI, honoring Miss Ellen May Tower. Miss Tower dedicated her life to America as well as to the American dream of freedom for all people. Her will to serve and commitment to humanity led to her unselfish death in 1898 which marked the death of the first American war nurse on foreign soil.

The community of Byron loves and admires this woman who sacrificed her life in the Spanish-American war. Today, a large statue honoring Ellen May Tower stands near the entrance of the Byron Cemetery. Local residents and tourists visit the monument and fondly recall the visions of a spirited and giving young woman.

Ellen May Tower born May 8, 1868 in Byron, MI. As a child she played along the banks of the Shiawassee River and attended classes at the Byron village school. After graduation from the 10th grade, Ellen May entered a nurses' training school at Grace Hospital in Detroit. She graduated from the training school in 1894 and became a nurse for the Michigan School of the Blind in Lansing, where she remained for approximately 4 years. In the spring of 1898 the United States declared war on Spain. Miss Tower demonstrated her unwavering patriotism by becoming the first volunteer for service as a war nurse. Her war service began at Montauk Point, NY, where soldiers injured in the war, many suffering from yellow fever, sought the medical expertise, kindness, and sympathetic nature of Miss Tower and her dedicated fellow nurses. After the New York hospital was closed, Miss Tower went to serve in Puerto Rico. It was there that she fell ill, contracting

typhoid fever. This illness led to her death on December 9, 1898.

Because of Ellen May Tower's contributions to her hometown of Byron, the State of Michigan, and the United States, many will gather on Memorial Day to pay tribute to this dedicated servant. I join with the Rauch-Tower VFW Post and the Shiawassee District Nurses Association in honoring this fine woman. Her legacy will forever remain in the hearts of Americans.

Mr. Speaker, a permanent reminder of Ellen May Tower's incredible ability to meet the needs of her fellow Americans and her desire to serve her country will be displayed at Byron Sesquicentennial Park as of May 29, 1989. On this day, a State historical marker will be presented in her honor. I know that my colleagues will join with me in recognizing the tireless efforts and strong, thoughtful nature of Ellen May Tower. She has been an inspiration to all people and her dreams of democracy will be pursued by all of those touched by the memory of her.

A TRIBUTE TO DR. ARMAND BRODEUR

HON. JACK BUECHNER

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, May 22, 1989

Mr. BUECHNER. Mr. Speaker, I rise today to recognize a man who epitomizes one of the rarest and most remarkable qualities characteristic of human nature: A proclivity for serving one's fellow man. Dr. Armand Brodeur is a philanthropist of the highest order, as reflected by his recent nomination to the Missouri Distinguished Citizen's Hall of Fame. His work for the welfare of children is an example to any who might wonder "how much good can one man do?"

It has often been suggested that the measure of government is the degree to which it helps those who cannot help themselves; I submit that this is equally true of those whose talents might allow them to work for our betterment. Within these standards, Dr. Brodeur is surely a standard unto himself. His work in the areas of child abuse and children's health is unparalleled.

From the antiseptic world of our home or office, many of us have made some contribution, be it financial or otherwise, for the betterment of children and taken some satisfaction in playing some role in a good cause. However, it is another thing entirely to roll up one's sleeves and personally involve oneself with the issue. Dr. Brodeur's commitment to the health of our children has consistently transcended the theoretical and administrative. Since he founded the child abuse committee at Cardinal Glennon Hospital in 1960, Dr. Brodeur has consistently given priority to his defense of the welfare of the younger members of society.

Such noted organizations as Boys' Hope, the Emergency Children's Home, the board of Sudden Infant Death Syndrome, the Boy Scouts of America, and a score of others have all benefited from Dr. Brodeur's dedication and expertise. He even has a health-oriented radio show in St. Louis which enjoys a large following, and received a 1985 Emmy nomination. Yet despite all of this man's accomplishments, of which there are far too many to list here, Dr. Brodeur has remained a devoted family man with several children and grandchildren. His nomination to the Citizen's Hall of Fame is certainly a great honor, but in light of the scope and number of Dr. Brodeur's contributions to society, virtually any expression of gratitude seems inadequate.

Mr. Speaker, one might be inclined to wonder what it is that makes a man such as Dr. Brodeur choose to put the welfare of others above his own personal gain. I submit that such a man realizes that what he accomplishes for himself benefits but one life and one lifetime, whereas what he accomplishes for others may benefit thousands. Thus, we find Dr. Brodeur's work immortalized in the hearts of those he has helped. To what nobler goal might one aspire?

There are many labels we might try to affix to one such as Dr. Brodeur: Pillar of the community, man among men, and many others whose meanings have been diluted through over-use. I would say simply this: He is a man with the vision to realize that we all must in some way work for the betterment of humanity. More importantly, he is a man with the courage to try to live by that vision. I know of no higher vocation than that.

A TRIBUTE TO FATHER WALTER C. NOWAK, C.S.V.

HON. JAMES H. BILBRAY

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 22, 1989

Mr. BILBRAY. Mr. Speaker, I rise today to pay tribute to a very special Nevadan, the Rev. Walter C. Nowak, who died suddenly on May 12, 1989. He was a close personal friend of mine and my family's for many years and I grieve this loss along with his mother and the entire Las Vegas community.

Father Nowak was a longtime educator and spiritual leader at Bishop Gorman High School in Las Vegas and the University of Nevada Las Vegas. He was popular with students and alumni of both schools, and had developed a large extended family of alumni for whom he performed numerous wedding ceremonies and scores of baptisms in Las Vegas. He was a man of compassion and warmth, of moral and spiritual decency, and an individual that genuinely cared about people.

Born September 11, 1927, in Chicago to Polish parents, Father Nowak entered the Viatorian order in Chicago in 1944. He was ordained a priest May 18, 1952. Father Nowak received his master's in chemistry from Notre Dame University in 1955 and his doctorate from Catholic University of America, here in Washington, DC, in 1965. He taught chemistry for college-bound students at Bishop Gorman and was an associate professor of chemistry at UNLV.

Father Nowak first arrived in Las Vegas in 1955 to teach at Bishop Gorman, 2 years after the school opened. He left Gorman for other teaching assignments at Viatorian high schools in the Midwest through the early 1960's. In 1968 he returned to Las Vegas when he became the Catholic chaplain at UNLV and cofounded, along with clergy from other faiths, UNLV's Center for Religion and Life. If it had not been for Walter Nowak's dedication there would not be a center on campus today.

Father Nowak will be remembered as an individual who genuinely cared about people. He touched many lives in our community and was loved and respected by all. I, personally will never forget the influence Father Wally had on the lives of both myself and my wife.

Mr. Speaker, I urge my colleagues to join me today in remembering one of Nevada's most influential and inspirational leaders. The legacy of Rev. Walter Nowak and his compassion and commitment to the church, the community, and people everywhere will long be remembered in Nevada.

RULES OF PROCEDURE

HON. FRANK ANNUNZIO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, May 22, 1989

Mr. ANNUNZIO. Mr. Speaker, I submit for publication in the CONGRESSIONAL RECORD a copy of the Rules of Procedure, for the Joint Committee on the Library, for the 101st Congress.

RULES OF PROCEDURE OF THE JOINT COMMITTEE ON THE LIBRARY

RULE NO. 1

General provisions

(a) The committee is authorized at any time to conduct such investigations and studies as it may consider necessary or appropriate in the exercise of its responsibilities.

(b) The committee is authorized to have printed and bound testimony and other data presented at hearings held by the committee.

(c) The committee shall submit to the Congress, not later than January 2 of each odd-numbered year, a report on the activities of the committee during the Congress ending at noon on January 3 of such year.

RULE NO. 2

Regular and special meetings

(a) The regular meeting date of the Committee shall be the first Wednesday of every month when the Congress is in session. Additional meetings may be called by the chairman as he may deem necessary or at the request of a majority of the members of the committee. The determination of the business to be considered at each meeting shall be made by the chairman. A regularly scheduled meeting need not be held if there is no business to be considered.

(b) If the chairman of the committee is not present at any meeting of the committee the vice chairman shall preside at the meeting.

RULE NO. 3

Open meetings

Each meeting for the transaction of business of the committee shall be open to the public except when the committee in open session and with a quorum present, determines by rollcall vote that all or part of the

remainder of the meeting on that day shall be closed to the public: *Provided, However,* that no person other than members of the committee, and such congressional staff and such departmental representatives as they may authorize, shall be present in any business or markup session which has been closed to the public.

RULE NO. 4

Records and rollcalls

(a) The result of each rollcall vote in any meeting of the committee shall be made available for inspection by the public, including a description of the amendment, motion, order or other proposition; the name of each member voting for and against, and whether by proxy or in person, and the members present but not voting.

(b) All Committee hearings, records, data, charts, and files shall be kept separate and distinct from the congressional office records of the member serving as chairman of the committee.

RULE NO. 5

Proxies

A vote by any member in the committee may be cast by proxy, but such proxy must be in writing and in the hands of the clerk of the committee during each rollcall in which such member's proxy is to be voted. Each proxy shall designate the member who is to execute the proxy authorization and shall be limited to a specific measure or matter and any amendments or motions pertaining thereto; except that a member may authorize a general proxy only for motions to recess, adjourn or other procedural matters. Each proxy to be effective shall be signed by the member assigning his vote and shall contain the date and time of day that the proxy is signed. Proxies may not be counted for a quorum. The member does not have to appear in person to present the proxy.

RULE NO. 6

Power to sit and act; subpoena power

(a) For the purpose of carrying out any of its functions and duties the committee is authorized (subject to subparagraph (b)(1) of this paragraph)—

(1) to sit and act at such times and places within the United States, whether the Congress is in session, has recessed, or has adjourned, and to hold such hearings, and

(2) to require, by subpoena or otherwise, the attendance and testimony of such witnesses and the production of such books, records, correspondence, memorandums, papers, and documents as it deems necessary. The chairman of the committee, or any member designated by the chairman, may administer oaths to any witness.

(b)(1) A subpoena may be authorized and issued by the committee under subparagraph (a)(2) in the conduct of any investigation or series of investigations or activities, only when authorized by a majority of the members voting, a majority being present. The power to authorize and issue subpoenas under subparagraph (a)(2) may be delegated to the chairman of the committee pursuant to such rules and under such limitations as the committee may prescribe. Authorized subpoenas shall be signed by the chairman of the committee or by any member designated by the committee.

(a) Compliance with any subpoena issued by the committee under subparagraph (a)(2) may be enforced only as authorized or directed by the Congress.

RULE NO. 7

Quorums

No measure or recommendation shall be considered unless a quorum of the committee is actually present. For the purposes of taking any action other than issuance of a subpoena, closing meetings, or changing the Rules of the Committee, the quorum shall be one-third of the members of the Committee. For purposes of taking testimony and receiving evidence, two Members shall constitute a quorum.

RULE NO. 8

Hearing procedures

(a) The chairman, in the case of hearings to be conducted by the committee, shall make public announcement of the date, place, and subject matter at least 1 week before the commencement of that hearing unless the committee determines that there is a good cause to begin such hearing at an earlier date. In the latter event the chairman shall make such public announcement at the earliest possible date. The clerk of the committee shall promptly notify the Daily Digest Clerk of the Congressional Record as soon as possible after such public announcement is made.

(b) Unless excused by the chairman, each witness who is to appear before the committee shall file with the clerk of the committee, at least 48 hours in advance of his appearance, a written statement of his proposed testimony and shall limit his oral presentation to a summary of his statement.

(c) Committee members may question witnesses only when they have been recognized by the chairman for that purpose, and only for a 5-minute period until all members present have had an opportunity to question a witness. The 5-minute period for questioning a witness by any one member can be extended only with the unanimous consent of all members present. The questioning of a witness in hearings shall be initiated by the chairman, followed by the vice chairman and all other members alternating between the chambers.

(d) The following additional rules shall apply to hearings:

(1) The chairman at a hearing shall announce in an opening statement the subject.

(2) A copy of the committee rules and this clause shall be made available to each witness.

(3) Witnesses at hearings may be accompanied by their own counsel for the purpose of advising them concerning their constitutional rights.

(4) The chairman may punish breaches of order and decorum, and of professional ethics on the part of counsel, by censure and exclusion from the hearings; and the committee may cite the offender to the Congress for contempt.

(5) If the committee determines that evidence or testimony at a hearing may tend to defame, degrade, or incriminate any person, it shall—

(A) afford such person an opportunity voluntarily to appear as a witness;

(B) receive such evidence or testimony in executive session; and

(C) receive and dispose of requests from such person to subpoena additional witnesses.

(6) Except as provided in subparagraph (a)(5), the chairman shall receive and the committee shall dispose of requests to subpoena additional witnesses.

(7) No evidence or testimony taken in executive session may be released or used in public sessions without the consent of the committee.

(8) In the discretion of the committee, witnesses may submit brief and pertinent sworn statements in writing for inclusion in the record. The committee is the sole judge of the pertinency of testimony and evidence adduced at its hearing.

(9) A witness may obtain a transcript copy of his testimony given at a public session or, if given at an executive session, when authorized by the committee.

RULE NO. 9

Other procedures and regulations

The chairman of the committee may establish such other procedures and take such actions as may be necessary to carry out the foregoing rules or to facilitate the effective operation of the committee.

RULE NO. 10

Designation of clerk of the committee

For the purposes of these rules the person designated staff director of the committee shall act as the clerk of the committee.

RULE NO. 11

Delegation of authority to committee chairman

(1) The Chairman is authorized to sign himself or by delegation all necessary vouchers and routine papers for which the committee's approval is required and to decide in the committee's behalf all routine business.

(2) The Chairman is authorized to issue, on behalf of the committee, regulations normally promulgated by the committee at the beginning of each session.

THE ISRAELI PROPOSAL FOR ELECTIONS IN THE TERRITORIES

HON. SILVIO O. CONTE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, May 22, 1989

Mr. CONTE. Mr. Speaker, I rise to bring the attention of the House to Israel's plan for elections in the West Bank and the Gaza Strip.

This plan is the product of hard work and compromise on the part of the government of Israel, our democratic friend and ally. It is a chance for peaceful negotiation, and I sincerely hope that the Arab States and the Palestinians of the occupied territories reconsider their initial rejection of the plan and use it as a step toward peace. If they do so, it can be the way to end the bloodshed and confrontation that have scarred the territories for the last year and a half, and begin the direct negotiations which are essential for a settlement.

The plan sets up elections which would allow Palestinian representatives to negotiate with Israel over the status of the occupied territories. The first stage of the talks would result in a 5-year interim settlement, in which Israel would administer foreign affairs and security for the territories, and have jurisdiction over the affairs of Israeli citizens in the territories. After 3 years of this interim settlement, Israel and the elected Palestinian representatives would begin direct negotiations for a permanent solution.

Further, the plan asks for international cooperation to improve the economic conditions of Palestinians in the territories, and invites Egypt and Jordan to participate in the negotiations for both the interim and the permanent settlements. The permanent resolution of the status of the territories would be settled along with the negotiation of a peace treaty with Jordan, and Israel would continue its long-term effort for a comprehensive resolution of the Arab-Israeli conflict, including the end of declared states of war with all Arab nations, recognition, exchange of diplomatic representatives, and the establishment of a lasting peace.

Israel recognizes that the risks of war are greater than the risks of peace and remains ready to negotiate with its neighbor states and with Palestinians for a lasting peace. This plan is evidence of that continuing commitment.

Mr. Speaker, in the past the Arab States have refused to work with Israel for peace. This plan is another chance for those states to join with Israel in the search for peace. It is a chance for the Palestinians to speak for themselves and demonstrate their commitment to peace.

CONGRESSIONAL SALUTE TO MR. CHARLES A. EDWARDS, JR.

HON. ROBERT T. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 22, 1989

Mr. MATSUI. Mr. Speaker, I rise today to pay tribute to an outstanding individual in my community who deserves to be recognized for his dedication and service to academic excellence. On June 10, 1989, Mr. Charles A. Edwards will end a career of 23 years of service at American River College and it is indeed an honor to salute this distinguished educator.

Charles Edwards devoted his life to education and has served the California community college system with distinction. Armed with a bachelor of science degree from the U.S. Military Academy and a bachelor of science and master of science degree from the University of Texas, Professor Edwards has solved the mystery of chemistry for all that have been the beneficiaries of his vast knowledge of the field. His dedication and professionalism has earned him the respect of his students and colleagues alike as evident of his 2-year service as faculty senate president.

Mr. Speaker, for nearly a quarter of a century the aspiring chemists, students, and faculty of American River College has basked in the light of Professor Edwards stellar service. Professor Edwards is to be commended for his many achievements and his contributions to the academe of the County of Sacramento as well as the State of California. I congratulate Professor Edwards for an outstanding career and know my colleagues join me in extending best wishes to him in his retirement.

KILDEE HONORS FRANK THOMAS

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, May 22, 1989

Mr. KILDEE. Mr. Speaker, I rise today to pay tribute to a man who has dedicated his life to serving the community of Grand Blanc, MI, Mr. Frank Thomas. After 37 years of community service, Mr. Thomas is retiring from the position of deputy principal of the Grand Blanc Middle School. Because of Mr. Thomas' long history of effectiveness and dedication to the betterment of our students efforts, a retirement party in his honor will be held on May 25, at the Grand Blanc Golf Club.

After graduation from Northern High School as a football star, Frank Thomas embarked upon a career characterized by his generous devotion of time to our community as a teacher, coach, counselor, athletic director, and principal. In addition to his work with schools, Mr. Thomas has given much of his personal time to the Holy Family Catholic Church. He is also, Mr. Speaker, a regular visitor to area nursing homes and many are the times he has brought a smile of joy and happiness to a lonely senior in search of companionship. As former chairman of the Grand Blanc Parks and Recreation Commission, Frank Thomas has also contributed extensive personal time assisting in the development of athletics in the Genesee County area, making sure the community is safe, attractive, and is a healthy enviroment for our citizens and their families.

Because of the leadership and commitment of Frank Thomas, he will be remembered as the driving force behind the creation of the Grand Blanc Parks and Recreation Commission and the first Genesee County hockey league.

Mr. Speaker, it is indeed a great honor and pleasure for me to pay tribute to Frank Thomas. The Grand Blanc community and I want to thank Frank Thomas for a lifetime of hard work which has helped to make the municipality a better place to live for all residents. His loving wife Teresa, his children, and countless colleagues and friends are extremely proud of Frank. Mr. Speaker, I urge my colleagues to join me in thanking Frank Thomas and wishing him a most enjoyable retirement.

THE NATIONAL SEABED HARD MINERALS ACT OF 1989

HON. WALTER B. JONES

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 22, 1989

Mr. JONES of North Carolina. Mr. Speaker, today I am introducing, with 10 of my colleagues from the Committee on Merchant Marine and Fisheries, H.R. 2440, the National Seabed Hard Minerals Act of 1989. This bill is similar to H.R. 1260 that was introduced by Representative Mike Lowry, of Washington, in the last Congress and reported by the Merchant Marine and Fisheries Committee.

Representatives from the American mining industry, environmental groups and coastal States have expressed serious misgivings about the adequacy of the Outer Continental Shelf Lands Act [OCSLA] as a statutory regime for the development of hard mineral resources within our Nation's exclusive economic zone [EEZ].

The EEZ extends 200 miles seaward from the baseline by which a nation's territorial sea is measured. More than 70 nations have established EEZ's since the concept was introduced during negotiations on the Law of the Sea Treaty and the United States, in a 1983 Presidential Proclamation, No. 5030, became the 59th nation to do so. The EEZ proclamation, while establishing United States sovereign rights over hard mineral resources under international law, did not address the issue of a domestic regime for the exploration and commercial recovery of hard minerals from the EEZ.

Generally six types of hard mineral resources have been identified in our EEZ, although the precise extent of their presence has yet to be determined. These minerals include: First, sand and gravel; second, heavy mineral placer deposits—containing tin, titanium, gold, platinum; third, phosphorites; fourth, manganese nodules; fifth, cobalt-rich manganese crusts; and sixth, polymetallic sulfides.

A 1987 report by the Office of Technology Assessment, "Marine Minerals: Exploring Our New Ocean Frontier," concludes that offshore sand and gravel and precious metals may be commercially viable right now, but that other EEZ minerals appear not to be competitive with present supplies. Serious interest seems to exist for some heavy minerals, such as the titanium compounds and phosphorite as well as the minerals noted by OTA. It may be that these additional commodities have commercial potential in the near to medium term, rather than immediately.

In 1985, a working group was formed under the auspices of the Woods Hole Oceanographic Institution consisting of interested environmental, coastal States, and mining industry representatives to determine if a consensus could be reached on the development of a statutory framework for offshore hard minerals mining. In general, the legislation I am introducing today is a result of the substantial effort made by the participants in the working group.

Meanwhile, the Department of the Interior has completed promulgation of a three-tiered regulatory regime for marine minerals other than oil, gas, and sulphur. The regulations cover prelease prospecting, leasing, and postlease operations. In March 1987, the Department issued a draft environmental impact statement for the leasing of the EEZ off Hawaii and Johnston Island despite considerable jurisdictional uncertainty regarding its authority. The Interior Department continues to base its authority to regulate the exploration and commercial recovery of hard minerals on a one paragraph section in the OCSLA.

The OCSLA was enacted in 1953 to provide a legal framework for the development of oil and gas from the U.S. Outer Continental Shelf [OCS]. The legislation, in addition to the numerous oil and gas related provisions, includ-

ed one section—section 8(k)—covering the leasing of hard minerals on the assumption that someday the technology would exist for the exploitation of hard minerals on the OCS.

With the exception of the Interior Department, there is a broad consensus among the mining industry, coastal States, environmentalists and other interested observers that a single section in the OCSLA is inadequate for hard mineral resource development for the following reasons. First, the OCSLA was enacted primarily for the purpose of promoting offshore oil and gas development. Second, the act fails to confer a sufficient jurisdictional basis over the exploitation of hard minerals from the entire EEZ. Third, the act fails to address the unique environmental and research issues that must be dealt with by any potential offshore hard minerals regime.

The bill I am introducing today would supersede section 8(k) and establish a self-standing regime for the exploration and commercial recovery of any hard minerals other than oil, gas and sulphur within the seabed adjacent to the United States and subject to its jurisdiction.

More specifically, this bill would: First, establish a legal regime that acknowledges the differences between offshore oil, gas and sulphur development and hard mineral development; second, provide a basis for appropriate public and private sector investment in research, exploration, and commercial recovery of hard minerals; third, encourage research and development technologies necessary for the exploration and commercial recovery of hard minerals from the seabed; fourth, establish measures to ensure the protection, conservation, and wise management of the resources of the marine and coastal environment, and to promote the safety of life and property at sea; fifth, provide an effective consultation process between the coastal States and the Federal Government regarding the issuance of licenses and permits for the conduct of activities under this legislation; and sixth, generally require that vessels used to explore for and produce these seabed minerals be documented under the U.S. flag.

I urge my colleagues to support this bill to establish a stand alone hard minerals regime for offshore mining.

TRIBUTE TO NATIONAL NURSING HOME WEEK

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, May 22, 1989

Mr. TRAFICANT. Mr. Speaker, it is my pleasure to join my colleagues in observing May 14 through May 20, 1989 as National Nursing Home Week. In my own 17th Congressional District of Ohio, I am proud to announce this special event and help celebrate this week with my friends and constituents at Colonial Manor. The elderly play a vital role in this Nation's social structure, but no where is this more true than in northeast Ohio.

We cannot move toward the future by forgetting our elderly. They are our foundation and our most rapid growing propulation. By celebrating this week it gives everyone a chance to realize how much the elderly touch our lives in so many special ways. It also is an opportunity to pay tribute to them and the many things they do for the community.

Mr. Speaker, I would ask you to please join me in recognizing May 14 through May 20 as National Nursing Home Week. I take great pride in saluting nursing homes throughout my district, State, and our Nation, and I urge everyone to take time out to pay tribute to our seniors.

TRIBUTE TO THE COMBONI MISSIONARIES OF THE HEART OF JESUS ON THEIR 50TH ANNIVERSARY

HON. ROBERT A ROE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, May 22, 1989

Mr. ROE. Mr. Speaker, it is with the greatest pride and deepest reverence that I rise today to pay tribute to an outstanding religious organization in my Eighth District of New Jersey which, for the past half century, has provided spiritual guidance and been a beacon of faith to countless numbers of people around the world.

I am speaking of the Comboni Missionaries of the Heart of Jesus of Montclair, NJ, who will be celebrating their 50th anniversary with a special Mass on Friday, June 2, 1989, at Our Lady of the Lake Church in Verona, NJ, followed by a reception with Archbishop Theodore J. McCarrick of the Newark diocese. I know this celebration will be a great source of pride to the Comboni Missionaries' spiritual leader, Fr. Remus A. Catellani, MCCJ, and to all those who have been working so hard to assure the success of this important observance.

Mr. Speaker, so that I may better acquaint our colleagues with the rich history of the Comboni Missionaries and the critical work they have done in 37 countries and five different continents covering nearly every corner of the globe, I would like to insert, for the RECORD, the official history of Daniel Comboni and the Comboni Missionaries:

DANIEL COMBONI AND THE COMBONI MISSIONARIES

Bishop Daniel Comboni was born in 1831 in Limone, northern Italy. The Spirit of the Lord drew him to be a missionary to the people of Central Africa. He made his own the words of Jesus: "He has sent me to bring the good news to the poor, proclaim liberty to the captives . . ." (Lk. 4:18).

True to these ideals, in 1857, at the age of 26, after his priestly ordination, Comboni left for Africa in the company of four other companions, he being the youngest of them all. He embarked on many missionary expeditions through the Nubian desert and along the Nile River, reaching as far as possible into the southern part of the Sudan, the heart of Africa.

Comboni's goal was very clear: to fight the slave trade, to promote the dignity of all Africans, to foster the growth of local leaders, and to enrich the Christian world by the inclusion of African peoples and cultures. "The black pearl of Africa" was still missing in the crown of Christ and in His body, the Church. He would do this by witnessing to the Good News to Arabs and Africans alike.

Whenever he was not riding on the back of a camel or tirelessly working under the scorching tropical sun, he was traveling all across Europe from Paris to Moscow, from Rome to Vienna, trying to convince both the rich and the powerful, the politicans and the clerics of the urgency of the plight of the Africans. He believed in the Africans and in their dignity when the Europeans and some theologians were still questioning whether they had a soul or not.

Anyone who could do mission work, men and women, lay and religious, young and old were warmly welcomed and promptly recruited by Comboni. He did not limit himself to any particular group or nationality. He took along with him priests and brothers, sisters and lay volunteers, Italians and Austrians, German and Canadians, Polish and French. He wanted to create as much cooperation as possible among all the missionary congregations and institutions to unify in one body and one plan all the missionary efforts of the time. He needed all the help others were willing to give. Because of tropical diseases, harsh climate and the lack of basic support many of his missionaries died in a short period of time.

The central core of Comboni's vision and mission was that one day all Africans would be free by their own initiative, their own strength, their own vision, and their own leadership. His motto "Save Africa with Africans" embodies all his trust and confidence in the ability of the Africans to shape their own destiny and their own life.

Comboni himself, because of the many illnesses, sufferings and hardships, came often very close to dying. The idea of dying without having someone to continue his work forced him to seriously contemplate the idea of founding a missionary society. Compelled by the evidence of his own weakening health condition and by the urgency of replacing these missionaries who had already died he finally decided to start two institutions. One for priests and brothers and one for sisters.

Africa was everything for Comboni. "Africa or death" was often on his lips and in it he summed up his whole life and dream, and God granted him both. The rigors of African life and the care of his people took their toll. In 1881 at the age of fifty, Bishop Comboni died of tropical fevers in Khartoum, Sudan.

In spite of the grim reality that surrounded him, he always anticipated an optimistic future and welcomed the many crosses that came his way as a sign of God's presence, love and protection. He used to ask for prayers to God that He would send many crosses because in them he would find blessings and new life.

Today, nearly 4.000 Comboni Missionaries keep alive the dream of their founder. They come from a score of nations in Europe, Africa and the Americas and witness to the Good News of Christ to people in thirty seven different countries.

The Comboni Missionaries came to North America fifty years ago. They started working in two black parishes in Cincinnati, Ohio. From there they spread to different parts of the United States and Canada.

Today, they are present in the states of California, Illinois, Ohio, Michigan, New Jersey and Ontario (Canada). Their work consists of mission education of the local church and of society; of vocation promotion for the missions, and of training the future missionaries. They also offer their

services to different dioceses by ministering to Blacks, Hispanics, American Indians and Appalachians.

On October 10, 1881, Daniel Comboni said: "I am dying, but my work will not die!" That evening he relinquished his mortal life to God for the salvation of Africa which he loved so much: the poorest and most abandoned Continent in that particular time. The Spirit of Comboni lives on now in every Comboni Sister, Brother or Priest. His Spirit cannot die because the Spirit of the Good News cannot die. It is the Spirit that will continue to grow in every human being until it reaches all peoples and all nations.

Mr. Speaker, I appreciate the opportunity to present this brief portrait of a truly outstanding and visionary spiritual leader, Daniel Comboni, and the Comboni Missionaries. In carrying on the great and inspirational work of their founder, the Comboni Missionaries, now celebrating their 50th anniversary, have truly made our world a better place to live.

ISRAEL'S PEACE INITIATIVE

HON. WM. S. BROOMFIELD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, May 22, 1989

Mr. BROOMFIELD. Mr. Speaker, the recent proposal by the Government of Israel to forward the peace process should be studied carefully by all who are concerned about peace in the Middle East.

The most important virtue of the proposal is that it appears to be broadly supported within the Israeli Government, and by implication, within much of the Israeli electorate.

No peace initiative in the Middle East stands any chance of success if it is not supported by the Israeli people. And without Israeli support, it will not be supported by the American people.

It is also important to understand that nothing can deflect Israel from following a course of diplomacy that puts its own continued existence first and last. To believe otherwise is to misread the character of Israel's leadership and the consistency of America's commitment to Israel's security.

Israel's new intiative is based in part on the principles of the Camp David accords. The accords point the way to a just and lasting peace in the area. The lesson is that such a peace will come only when Israel's neighbors are willing to sit down at the bargaining table and negotiate directly with Israel.

This intiative can be seen as one step toward a comprehensive peace, one that ensures the security of all states in the area, that satisfies the legitimate rights of the Palestinian people, and that is achieved only through direct negotiations between Israel and the Arab nations.

INTRODUCTION OF THE CABLE COMPETITION

HON. RICK BOUCHER

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 22, 1989

Mr. BOUCHER. Mr. Speaker, today I have introduced the Cable Competition Act, in the sponsorship of which I am pleased to be joined by the gentleman from Illinois [Mr. MADIGAN], and 14 of our colleagues.

Senators GORE, GORTON, and FORD have sponsored companion legislation in the other body.

Today the cable television industry is an unregulated monopoly. I constantly hear constituents complain of high cable rates, poor cable service, and the collapse of the tier structure, which removed viewer options to receive a basic level of services at a low rate.

Our legislation addresses these concerns by opening the way for competition by telephone companies in the delivery of cable television services. We also ensure that a basic tier of services, defined as local over the air stations and a public broadcast station, will be made available at a basic rate to be set by a governmental entity in areas where competition does not exist.

While the provision of competition in the delivery of cable television services should favorably affect both rates and viewing options, passage of this legislation will achieve another important national purpose. By providing to telephone companies the right to deliver video programming, the bill will hasten the day when fiber optic lines are deployed into homes and businesses nationwide. The telephone industry lacks sufficient financial incentive to string fiber cable from its major arteries into homes and businesses. The addition of video signals to the other data telephone companies can transmit will provide that incentive and result in the near term upgrading of the Nation's telecommunications infrastructure.

My intention in authorizing this legislation is to begin the debate on the terms and conditions under which telephone companies should be permitted to provide cable television services. The provisions of the bill are not intended as a final resolution of the concerns of television and telephone consumers and other interested members of the telecommunications community.

In the coming months, we will welcome a thorough discussion of those concerns, and I encourage interested parties to begin with us a dialog with the goal of improving our legislative product.

Specifically, we will welcome suggestions with regard to the following matters:

First, it is essential that telephone companies be prohibited from cross subsidizing the provision of cable television services. To allow such a cross subsidy would be unfair both to telephone ratepayers and to the telephone company's cable competitors. While our legislation directs the FCC to write regulations to prohibit cross subsidies, I fully anticipate that a more comprehensive statement with respect of the mechanism for prohibiting cross subsidy will appear in a final form of the bill. I look forward to discussions with various consumer organizations toward that end.

Second, the broadcast industry has long been seeking assurances that local over the air television stations will be carried on cable systems and that they will have appropriate channel positions. While the Cable Competition Act does not address this concern, broadcasters should be assured that the inclusion of such provisions are not incompatible with the overall objectives of our legislation.

Third, the final form of the legislation should ensure that fiber optic technology is employed in rural areas at the earliest possible time. The bill calls for a study of various means of accomplishing this end, including among other approaches, the provision of Government loans or the institution of a universal service fund. Prior to the passage of the bill, I am hopeful that a direction can be chosen and embodied in a subsequent version of the legislation.

Fourth, some questions have been raised regarding the appropriateness of telephone companies purchasing incumbent cable systems within their telephone service areas. The House bill directs that before any purchase of an incumbent cable system occurs, whether that purchase is by another cable company or by a telephone company, the franchising authority must find that consumers will be benefited, that channel capacity will be enhanced and that video services will be improved throught system upgrading.

To ensure the potential for competition, we also require that access to the telephone company's video lines be provided to competing program providers. We will welcome further suggestions with respect to how best to address the incumbent cable system purchase question.

Fifth, concerns have also been raised regarding the appropriateness of permitting telephone companies to both own and disseminate television programs. We will actively seek the view and suggestions of those who would offer alternative approaches to the question of vertical integration in the telephone and cable industries.

Sixth, questions have been raised concerning the assurance that telephone companies operating cable systems will not employ discriminatory policies to deny competing cable operators access to pole and conduit space. Appropriate provisions to assure these rights will also be welcome.

Seventh, we have included a broad right of access to programming which is owned by any entity affiliated with the cable industry and otherwise made available to cable systems. This right extends to telephone companies, other cable systems, and competing media such as TVRO's, MMDS, and DBS. We also solicit comments on this provision.

I want to thank my friend the Senator from Tennessee, Mr. GORE, for his assistance in structuring the legislation we are introducing today.

I ask my colleagues in the House to join us in this effort. It will serve the interests of television viewers by offering a greater variety of programming and lowering rates, and it will encourage an upgrading of our national telecommunications infrastructure by accelerating

the development of fiber optics technology nationwide.

A TRIBUTE TO LT. GEN. LEONARD H. PERROOTS

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, May 22, 1989

Mr. SKELTON. Mr. Speaker, I take this moment to salute the distinguished service career of Lt. Gen. Leonard H. Perroots, a devoted man and personal friend who retired from the U.S. Air Force on January 1, 1989.

He received a bachelor's degree in history from West Virginia University, where he went through the Reserve Officer Training Corps Program, and entered active duty in 1955. In late 1960, the general completed Squadron Officer School.

After serving in Vietnam, the general returned to the United States and engaged in many special projects, including intelligence briefings to the White House staff, congressional committees, Secretary of Defense, and the Joint Chiefs of Staff. In 1975, he received a master's degree in international affairs, and was a distinguished graduate of the National War College.

With the completion of his assignment at Ramstein Air Base, West Germany, the general became assistant chief of staff for intelligence at Air Force headquarters and commander of the Air Force Intelligence Service here in Washington. In 1985, he assumed his final duties as Director of the Defense Intelligence Agency.

I wish to express my great appreciation for Lt. Gen. Leonard H. Perroots' years of dedicated service to the Air Force and to our country. May the general and his wife Mickey enjoy the time of his retirement.

TRIBUTE TO TRENTO AND LUIGI BRIZI

HON. LAWRENCE COUGHLIN

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 22, 1989

Mr. COUGHLIN. Mr. Speaker, I rise to salute the heroic efforts of Trento and Luigi Brizi, of Assisi, Italy, on the occasion of their receiving the Freedom of the Press Award from the Graphic Arts Association in Philadelphia on May 24.

This award is presented to an individual or company who demonstrates commitment to a free and uncensored press as well as commitment to the basic human rights of all people. The Brizis' certainly exemplify his commitment.

The citizens of Assisi, Italy, risked their own lives and well-being to help save 5,000 refugees from Nazi persecution during 1943 and 1944. After the war, the Assisi underground was recognized for its selfless acts.

A key element of the underground has gone without recognition. The town printer Luigi Brizi and his son, Trento, produced false documents for all of the refugees in Assisi and the surrounding communities. These documents were so remarkable that even under close scrutiny, none were deemed to be forgeries.

The Brizis worked around the clock, running their print shop during the day and producing false documents at night. Using a Rome telephone book for names and liberated Italian towns for seals, the Brizis created documents identical to the authentic ones. By using towns under the control of the Allies, they insured that seals could not be compared by the Nazis with actual papers.

The deeds of Assisi exemplify that people can make a difference, and stand in testimony to the harmony that crosses religious and national lines.

Mr. Speaker, I ask my colleagues to join me in saluting the Brizis for their courage and compassion. Truly, our world would be a better place if there were more individuals like them.

JAMES G. O'HARA

HON. WILLIAM D. FORD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, May 22, 1989

Mr. FORD of Michigan. Mr. Speaker, I include the following statement by former Senator Robert P. Griffin, associate justice, Michigan Supreme Court on the death of James G. O'Hara.

The statement follows:

STATEMENT BY FORMER SENATOR ROBERT P. GRIFFIN, ASSOCIATE JUSTICE, MICHIGAN SUPREME COURT

Along with so many of his friends and former colleagues in the House of Representatives, I was saddened to learn recently of the death of James G. O'Hara. I appreciate this opportunity to join in memorializing a good man who was also a very able and distinguished Congressman.

Jim O'Hara came to the House in January 1959, and shortly thereafter he was assigned to the Committee on Education and Labor. It was an assignment he loved, and he soon became one of its most effective members. He and I worked together on that Committee until May 1966 when I left to go to the Senate.

Jim was not only a Democrat, but he soon emerged as one of his party's leaders. Despite our political differences, I considered Jim O'Hara to be a good friend; and I have no doubt that the feeling was mutual.

Exceedingly able as a lawyer, Jim O'Hara quickly developed into one of the most skilled legislators in the House. In addition to a keen mind, he radiated a warm personality.

I remember Jim as a very friendly colleague; he always had a smile for everyone. No wonder it was such a pleasure to work with him. Furthermore, at a time when ethics is a concern, it is reassuring to recall that the integrity of James O'Hara was always beyond question; and his word was his bond.

Jim O'Hara cared a lot about people. He worked tirelessly and unselfishly for Michigan and the people of his district. He never wavered in the pursuit of the values and ideals in which he believed. In a variety of ways, including his authorship of important legislation now on the statute books, Congressman James O'Hara left an indelible mark in the history of the House of Representatives.

Jim O'Hara was devoted to his wonderful family, and for good reason. My wife, Marge, and I wish to extend to Sue O'Hara and the family our heartfelt sympathy. May there be some small comfort for them in the knowledge that so many share in their grief.

A TRIBUTE TO CHARLES CLABAUGH

HON. BENJAMIN L. CARDIN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, May 22, 1989

Mr. CARDIN. Mr. Speaker, I would like to call to the attention of my colleagues an outstanding citizen of Baltimore, Mr. Charles Clabaugh who recently passed away.

Mr. Clabaugh dedicated himself to serving senior citizens in the Baltimore area. With his wife Leona at his side, he worked tirelessly on behalf of our seniors to make their lives easier and more joyful.

He was a recognized leader in the community. Mr. Clabaugh was, until his death, president of the Maryland Senior Citizens Hall of Fame, Inc., and was a past State president of the Maryland AARP, as well as past president of the Baltimore County Association of Senior Citizens Organizations [BCASCO].

Charles Clabaugh received many honors and accolades for outstanding service to his fellow seniors. I would like to add my thanks, and offer my deepest sympathy to his widow Leona. She can be proud of the legacy left by her husband. I urge my colleagues to join me today in remembering Charles Clabaugh.

TRIBUTE TO WALTER E. COLE

HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, May 22, 1989

Mr. PALLONE. Mr. Speaker, it is with great pride that I stand before you today to honor a true American hero. Walter E. Cole, corporal retired, is an American war hero who served his country during the Korean war. He fought with U.N. forces during the assault and seizure of Inchon and he was part of the force that captured and secured the city of Seoul. But Corporal Cole's most heroic feat occurred on the 4th of November 1950 when he and his combat friend Cpl. Joseph McDermott knocked out an enemy tank which was about to fire on members of the Reconnaissance Company and members of the 7th Marines.

The heroic action occurred as Corporal Cole and the Reconnaissance Company, First Marines Division, proceeded to North Korea along the road to Chunhung-Ni. Along this road, Corporals Cole and McDermott spotted a tank under the cover of hay and bushes. Both men mounted the tank and attempted unsuccessfully to raise the turret hatch. Corporal McDermott then knocked out the periscope as Chinese soldiers inside the tank attempted to shoot the two Marines. Corporal

Cole handed Corporal McDermott a grenade which was then dropped into the tank. The two marines were then thrown from the tank as it continued to move forward.

The two men mounted the tank for the second time and Corporal Cole successfully threw a second grenade which knocked out the tank. Sgt. Maj. Donald L. Cropper, U.S. Marine Corps, who witnessed the event has said, "If these two men had not taken the actions they did, I would hate to think what would have happened to members of the Reconnaissance Company and members of the 7th Marines."

Despite this heroic action, Corporal Cole did not receive a Silver Star Medal. However, 38 years later, this oversight will be rectified. On May 28, 1989, Gen. Alfred Gray, Commandant, U.S. Marine Corps will present Cpl. Walter E. Cole with the long awaited award. Corporal Cole is an American hero whose gallant action saved the lives of many American soldiers. The Silver Star Medal is not only a symbol of his heroic action, but a symbol of his courage and devotion to his country.

Furthermore, I would argue that the kind of heroism demonstrated by Americans like Corporal Cole can provide us with inspiration as we strive to perform our duties here in the House of Representatives. His selflessness and commitment to his fellow man provides an example that we should look to in our own lives.

It gives me great pleasure to relate to you the story of Corporal Cole and our Government's recognition—however belated—of his contribution to our Nation's history. We all owe him a debt a tremendous gratitude.

A TRIBUTE TO ARTIS SLIPSAGER

HON. HOWARD L. BERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 22, 1989

Mr. BERMAN. Mr. Speaker, I take great pleasure today in asking my colleagues to join me in saluting a respected member of the community, Artis Slipsager. She will be honored by the Los Angeles Unified School District of the San Fernando Valley for her years of outstanding service and dedication to education in the San Fernando Valley community.

Throughout her life, Artis has exhibited a strong sense of commitment and dedication to those around her. As the president of the Parent/Teacher Student Association of the 31st District, she has played a vital role in promoting standards of excellence within the school system. Her outstanding leadership has resulted in a plethora of accomplishments, greatly benefiting the quality of life of many individuals.

Artis possesses a unique spirit and abundant energy which she has freely given to volunteer organizations and other important causes. As president of the PTSA, she has actively addressed issues not only in the school, but also in the home and the community as a whole. Moreover, she has rigorously pursued means for improving parent education, public welfare, and student aid. Artis has also worked with the United Way and other California and national organizations to raise standards of home life and to secure legislation for the care and protection of children.

Artis' hard work and efforts have had a great impact on the PTSA, the schools and the community. By effectively dealing with educational issues, she has guided the 31st PTSA on the forward path of growth and dedication to the education of today's youth.

Artis' work is an inspiration to us all. She and her husband, Noel, currently reside in Studio City. They are proud parents of two sons, Eric and Neil.

I am proud to recognize Artis Slipsager and invite my colleagues to share in this expression of admiration and gratitude.

WILL MANAGED TRADE SOLVE OUR TRADE PROBLEMS?

HON. BILL FRENZEL

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 22, 1989

Mr. FRENZEL. Mr. Speaker, printed below is a "Statement on Our Trade Policy" drafted by Prof. Jagdish Bhagwati, professor of economics at Columbia University, and signed by many noted economists.

The paper, along with several accompanying editorials, draws attention to the folly of "managed trade". This concept seems to be regaining popularity among some of the trade community.

Professor Bhagwati reminds us that managed trade, along with the strengthened 301 unfair trade practice laws passed last year, are efforts to address the trade deficit in microeconomic ways that could be counterproductive. He stresses that it is far better for the long run to continue efforts to tackle the deficit through macroeconomic reforms as well as to pursue a successful trade agreement at the Uruguay round. His thoughtful paper and the editorials follow:

A STATEMENT ON OUR TRADE POLICY

(Prepared by Prof. Jagdish Bhagwati and signed by several distinguished U.S. economists)

LIST OF SIGNATORIES (APRIL 1, 1989)

Henry Aron (Brookings).
Claude Barfield (American Enterprise: AEI).
Francis Bator (Kennedy School, Harvard).
Jagdish Bhagwati (Columbia).
Barry Bosworth (Brookings).
Ralph Bryant (Brookings).
Richard Cooper (Harvard).
W. Max Corden (John Hopkins SAIS).
Robert Crandall (Brookings).
Richard Eckaus (MIT).
Ronald Findlay (Columbia).
Kenneth Flamm (Brookings).
Isaiah Frnk (Johns Hopkins SAIS).
Gottfried Haberler (AEI).
John Jackson (Michigan, Law School).
Peter Kenen (Princeton).
Charles P. Kindleberger (MIT).
Anne Krueger (Duke).
Robert Lawrence (Brookings).
Robert E. Lucas, Jr. (Chicago).
Franco Modigliani (MIT) Nobel Laureate.
Richard Nelson (Columbia).
Hugh Patrick (Columbia).
Charles Pearson (John Hopkins SAIS).
Edmund Phelps (Columbia).
Gustav Ranis (Yale).
James Riedel (Johns Hopkins SAIS).
Jeffrey Sachs (Harvard).
Paul A. Samuelson (MIT) Nobel Laureate.
Gary Saxonhouse (Michigan).
Charles Schultze (Brookings) Former Chairman, CEA.
Robert M. Solow (MIT) Nobel Laureate.
T.N. Srinivasan (Yale).
Herbert Stein (AEI) Former Chairman, CEA.
James Tobin (Yale) Nobel Laureate.
Philip Tresize (Brookings).
Ray Vernon (Kennedy School, Harvard).
Murray Weidenbaum (AEI) Former Chairman, CEA.

STATEMENT

Our trade policy, distinguished by three decades of leadership, is at a perilous turning point.

The possible embrace of managed trade to set up "results-oriented" quantity targets to judge the openness of markets, and the current use of retaliatory threats in bilateral contexts to open foreign markets, are however retrograde steps. They are not merely bad policies. They attack at its core, and will bruise fatally, the GATT-focused international trading system that brought the world economy unprecedented economic gains since the Second World War and that still serves our interests.

Managed Trade

The proponents of managed trade seek to define targets of "appropriate" exports in specific sectors to foreign countries with commitments by these countries then to fulfill these targets.

The 1980s have seen a proliferation of such "fix-quantity" trade arrangements, typically voluntary export restrictions (VERs), in regard to our imports. If the managed trade proponents had their way, we would have "voluntary import expansions" (VIEs) for our exports to match these VERs for our imports.

This would take us yet further in the direction of politically-determined, "quantity-oriented" bilateral trade arrangements. This would undermine our efforts at the Uruguay Round which are properly focused instead on strengthening the market-focused, "rule-oriented" multilateral trade regime of GATT.

Nor is it meaningful to ask countries to ensure quantities of specific imports from us. They can restrain exports by enforcement. But how are they to ensure imports by their consumers?

There is also the oft-repeated claim that the targets to be set and enforced for imports of specific items from us, especially by Japan, will reflect our "fair" and "appropriate" share of the (Japanese) market. But there is generally no plausible way in which such fair shares can be estimated.

"Super-301": Prying Open Foreign Markets

Actions under Section 301 (1974 Trade Act), now turned into Super-301 under the 1988 Act, have become an essential part of our arsenal recently. They are used to open foreign markets by alleging unfair trade and threatening retaliation.

Trade barriers have traditionally been reduced by countries trading these reductions. 301 actions proceed by unilaterally determining whether foreign trading practices are in violation of contractual obligations and, in cases where new disciplines are being sought by us, by demanding concessions from others without offering one's own.

Naturally, only the strong can proceed in this fashion; and we are strong. But might is not right, for the world trading system and for us.

For, when we so confront the strong, such as the European Community, we are likely to produce strongly spirited reactions, proportionate to our folly. While trade disputes will settle, the battles leave scars. The ethos spreads that the trading system is unfair. Protectionists can only find this to their advantage as they continually seek to maneuver the legislative and administrative processes to obtain protection.

When we so confront the weak, they are likely to buckle under. But the danger now is that the small countries we face in trade will view our 301 actions as the way of the bully, reviving the image of the "ugly American."

There is the distinct danger that the targets of our 301 efforts will satisfy our demands by diverting trade from other countries (with smaller political clout) to us, satisfying the strong at the expense of the weak. This strikes a body blow to the GATT-type rule of law. We also do not open markets efficiently this way; we divert trade.

The retaliation that we threaten and utilize is not merely unwise. At times, it has also been GATT-illegal. This is wrong. (i) Contrary to some confusion on this subject GATT has the legal force of a treaty. (ii) Consequently, we are not free to raise bound tariffs on manufactured goods at will. We have nonetheless done so.

The 1988 Act has also greatly expanded the scope of 301 actions. The President is urged to "take all appropriate and feasible action within his power" to obtain the elimination of "unreasonable" foreign trade practices. But the practices that the 1988 Act lists as objectionable are not agreed to as such by our trading partners at the GATT or in bilateral treaties. The unilateral declaration of such practices as providing us with the excuse for retribution is not calculated to produce an orderly world trading regime.

Then again, in order for a country to demonstrate that its alleged trade barriers are being removed, it is now expected to show an increase in U.S. imports annually over a three-year period. But trade flows, and balances, are determined (except in the very short-run period) by macroeconomic factors and policies, not by changes in trade barriers.

Our external payments deficit

The desired reduction of our payments deficit can come only from our correcting the macroeconomic situation. If we spend too much, there is no escape from a corresponding payments deficit, no matter what the level of trade barriers abroad. The alleged trade barriers abroad are not the problem; their removal is not the solution.

Given the relative insensitivity of private savings to policy, a reduction of the budget deficit offers a necessary and feasible way of reducing the payments imbalance. It is also likely that, if the budget deficit declines appreciably, the alarm with which any payments deficit is viewed will also diminish, thus producing a doubly favorable effect in regard to our external payments deficit.

The question of impatience

"But we cannot wait" is the typical refrain. "We need results" and "multilateralism is too slow" are variants of this theme. The enemy of a good trade policy, building anew the multilateral trade regime, is this overriding impatience.

It comes from the payments deficit. But it is illogical, as we argued, to blame trade barriers for it.

It also comes from an inadequate appreciation of what multilateralism has accomplished. Under GATT auspices, we successively lowered tariff barriers among developed countries down to negligible levels, including in Japan. It took over two decades and eight negotiating rounds; but it worked, exceeding all expectations. It is simply wrong to assert that multilateral methods will not work. Admittedly, they are slower; but the broader coverage and the added efficiency of trade it generally implies are well worth the price.

Presidential leadership agenda

The time has come therefore for President Bush to align himself strongly on the side of multilateralism, to strengthen GATT, and to bring U.S. trade into conformity with our GATT obligations.

The Presidential efforts need to be directed, not toward accommodating those who would dismantle our traditional trade policies, but rather at addressing the underlying sources of concern that fuel such demands. Assault on the budget deficit, and policies to raise domestic savings, investment and R&D, evidently belong on this agenda. So do policies to prevent our slide into illiteracy, without which we will remain in danger of developing comparative advantage soon in unskilled-labor-intensive industries no matter what else we do.

[From the Washington Post, Apr. 23, 1989]

FUMBLING FOR A WAY TO DEAL WITH JAPAN

(By Hobart Rowen)

At a recent panel discussion of trade issues, a former government official said: "Now that we're on the road to peace with the Soviets, we probably need another enemy. And until another one comes along, Japan will probably do."

Only a smart aleck's bad joke? A recent Washington Post-ABC pool found that almost half of those surveyed believe Japan is a greater threat to the United States than is the Soviet Union. Sigmund Freud would say this reflects a deep resentment of Japan's challenge to America for sole possession of the No. 1 economic ranking in the world.

Overall, America is fumbling for a way of dealing with Japan and its huge trade surplus, and more or less has settled on using authority in Section 301 of the trade law Congress passed last year. The so-called "Super 301" language requires U.S. Trade Representative Carla A. Hills to designate by May 30 foreign countries whose "unfair" trading practices makes them candidates for retaliation.

America's insecurity vis-a-vis Japan is perhaps best illustrated by the FSX jet fighter controversy, in which some officials say the coproduction arrangement gives technology to Japan with little prospect of benefit for U.S. industry. In this case, as former deputy trade representative Alan Wm. Wolff recently told the Women's National Democratic Club, "the United States government is still unsure of how to deal with a country that is a military ally but a fierce economic competitor."

Hills rejects the notion that the United States is uncertain about how to cope with Japan. She told me that the administration's "overarching trade policy is to have open and expanding markets." But she also believes that Japan threatens that policy by closing its markets, triggering "frustration and anger" here.

"It's hard to say that there is not antagonism to the Japanese in this country, or that it is not growing," she said in an interview. She plans to pursue vigorously the "Super 301" strategy, with the aim of opening the Japanese and other markets that are closed—not just for the benefit of American exporters, but "for the world."

Nonetheless, those who feel the Bush administration is veering away from traditional open-markets trade policies argue that the "Super 301" approach is flawed, and—as an exercise in the use of unilateral brute force—is a dangerous subversion of multilateral trading principles. Columbia University trade expert Jagdish Bhagwati says that a rule monitored by one of the international agencies should be established, governing countries running persistent trade surpluses. They would be expected to act, on their own, to reduce trade barriers.

Bhagwati is an academic, and Hills must operate in the real world. There, the pressure from an increasingly inward-looking Congress and business community to "do something about the trade deficit" can be oppressive. Hills deftly sidesteps characterizing it in that way. Nonetheless, she clearly is anxious to be seen as a tough negotiator, wielding a symbolic "crowbar," if necessary, to open markets.

To her credit, Hills flatly rejected "managed trade" or "quantity oriented" targets, as suggested to her in February by a business-labor advisory committee. "I don't believe that bureaucrats can set such figures very well," she said. "When you get into calls for managed trade, you are settling for less than an open market."

On the other hand, she volunteered a thinly veiled threat that if Japan fails to accept more imports, it should expect to face "import contraction" here—a closing of the American market, to some extent:

"I might say, too, that it is not in the Japanese best interest . . . As great traders, as great overseas investors, they will be hurt if the world's trade dislocation is corrected in the context of import contraction. But if they don't open the second-largest market in the world, it's very hard not to have some import contraction."

She added: "I would say to them that they didn't get into this, the largest market, because they are such savvy marketers. It was the Americans that brought them in. It was some bright New Yorker who saw the Nikon camera and said, 'Ah-ha, a better camera than the Leica, and cheaper, and I want to merchandise that.' " The Honda auto plant in Ohio and Nissan's in Tennessee can also be credited largely to the efforts of American importers, she said.

How is trade policy likely to shape up under Hills? The "managed trade" idea, despite her unqualified rejection of it, may die slowly in a protectionist-oriented Congress, nudged along by business executives seeking to expand exports.

America's trade policy "is at a perilous turning point," according to Bhagwati and a group of America's most distinguished economists from both parties, including four Nobel laureates and three former chairman of the Council of Economic Advisers. In a statement April 10 they criticized a focus on retaliatory threats, and on bilateral as opposed to multilateral relationships.

Business leaders, impatient for "results-oriented" action, seen to be weakening in their formerly strongly held free-trade convictions. In a new issues paper, the Emer-

gency Committee for American Trade (ECAT), argued for an agreement with Japan to "target" a 50 percent cut in the U.S. trade deficit by increasing imports from the United States. ECAT, it may be remembered, was formed by large corporations 22 years ago explicitly to lobby for free trade.

Bhagwati suggested in a telephone interview that the apparent defection from free-trade principles by some business groups results from the emergence of what he calls "export lobbies" that are frustrated by high growth rates in Pacific Rim markets, and which attribute their inability to do business there to something "underhanded."

Some of these lobbies were created during the Reagan administration to support its efforts to defeat traditional protectionist legislation. "But now, I think Bush and Hills have become the captives of these export lobbies," Bhagwati said.

The bottom line, as economist William Cline warned in a study recently, is that our trade deficit will again widen in 1990 unless there are heroic changes in macroeconomic policy. Hills recognizes that much needs to be done on the macroeconomic side to make American industry more competitive, more quality-conscious, more "customer-sensitive."

Simultaneously, "working with the micro problem is after all my portfolio [as trade ambassador]," she said. Thus, one can expect her to spotlight the effort to pry open foreign markets.

Expectations are likely to be raised too high: Unfair trade practices abroad are the smaller part of our trade deficit problem, and neither we nor the Japanese are moving vigorously enough to tackle the underlying and bigger macro problems at home. Thus, while Hills' vigorous pursuit of "Supper 301"retaliation will cause a flurry of headlines—and make a lot of people on Capitol Hill feel better—there won't be much progress to show for it in terms of a lower trade deficit.

[From the New York Times, Apr. 14, 1989]

PRESSURES FOR SHIFT IN TRADE POLICY

(By Leonard Silk)

Pressures are building in Congress and among business groups for the Bush Administration to impose on its trading partners quantitative targets for American exports. Those pressures are stemming from discouragement over the persistence of the United States trade deficit. After declining to $126.5 billion in 1988 from $160.3 billion the previous year, the merchandise trade deficit appears to be growing again.

So the demand is for a "results oriented" policy, known as managed trade, rather than free trade. Numerical targets would be set, sector by sector, for the volume of American goods that foreign nations would be expected to buy. If they failed to reach that volume, the United States would retaliate, or threaten to retaliate, against them. The 1988 trade act gives the President the power to do so.

The President's special trade representative, Carla A. Hills, is the point woman in the Administration's drive to negotiate away obstacles to American goods. If import targets were accepted as policy, it would be her job to recommend retaliatory actions by the President when she found discrimination against American goods.

What does she think of a "results oriented, managed trade" policy? In an interview this week, Mrs. Hills made clear her opposition to the approach. Like many American economists, she regards it as a danger to an open trading system. Asked whether she approves of specific import targets to be reached by individual countries in a specified period, she said firmly, "No, I do not."

Many people, she said, feel "frustrated with the stubbornness" of the trade deficit. "Irritation is growing, especially toward Japan," she added.

Mrs. Hills appears to share that frustration. She noted that former Secretary of State Henry A. Kissinger favored managed trade, as did business leaders like James D. Robinson, chairman of American Express, and James R. Houghton, chairman of Corning Glass. Mr. Robinson and Mr. Houghton are co-chairmen of the Advisory Committee for Trade Policy and Negotiation, which has issued a report supporting import targets.

While rejecting quantitative targets, Mrs. Hills said she found "much good" in the report. She welcomed its emphasis on the importance of macroeconomic policy, and particularly of reducing the budget deficit, if the United States is to get rid of its trade deficit. "Macroeconomic policy," she said, "drives the trade deficit."

Given the low rate of national saving, the budget deficit raises American interest rates, necessitates heavy borrowing from abroad, and exacerbates the trade deficit. With fiscal policy so stimulative and the Fed holding interest rates high enough to prevent inflation, trade policy cannot make up for the failings of macroeconomic policy.

Mrs. Hills said she did not dismiss the importance of eliminating unfair trading practices by the Japanese or others. And she emphasizes the positive: "Our Japanese friends have a wonderful opportunity to help themselves by increasing their imports," she said.

She said the main reason Japanese goods penetrated the American market during the postwar period was that there were so many bright American entrepreneurs who saw the opportunity to make money by importing Japanese goods.

There is no longer any excuse for the Japanese, with their huge trade surplus, to have a market that is less open than the United States', she said. Japan should remove its restrictions on banking, she said, and Japanese companies "should be setting up dual distribution systems, for American and Japanese products, as we do." And she added, "Twenty Japanese companies account for the majority of their exports, and they could do a lot more to help American producers enter their markets."

An economist whom Mrs. Hills says she admires, Robert Lawrence of the Brookings Institution, said yesterday that there was a lack of awareness in Congress and throughout the country of what has been happening in Japan in the last three years: Total Japanese imports, measured in dollars, have risen 70 percent, and their imports of manufactured goods have risen 80 percent. "Negotiations about rules of trade have worked," he said.

But, although he sees a real problem in continuing hidden or cultural Japanese resistance to foreign goods, Mr. Lawrence still signed the statement issued by a group of leading American economists, issued last week by Prof. Jagdish Bhagwati of Columbia, warning that American trade policy is "at a perilous turning point."

The possible embrace of managed trade to set up results-oriented quantity targets, the statement said, attacks "at its core, and will bruise fatally, the GATT-focused international trading system that brought the world economy unprecedented economic gains since the Second World War and that still serves our interests."

Mrs. Hills is clearly in sympathy with the economists' statement. But she will have a tough job dealing with the pressures on her, and will be looking for cooperation from the Japanese, the South Koreans, the Taiwanese, the Europeans and America's other trading partners, if those pressures are to be contained.

[From the Wall Street Journal, Apr. 28, 1989]

NEW SMOOTH-HAWLEY BARES ITS TEETH

(By Lindley H. Clark, Jr.)

Congress last year passed something called the Omnibus Trade and Competitiveness Act of 1988. So far, it's just lain there, doing neither good nor evil. But the trade act is about ready to show it can become the most protectionist piece of legislation enacted since the Smooth-Hawley Tariff of 1930.

The trade act is baring its teeth because its provisions say the administration by May 30 must name countries it believes have a pattern of unfair trade practices that hurt U.S. businesses. When a country is included on this list, the government has as long as 18 months to identify unfair practices. Negotiations are supposed to end the practices within three years, or the targeted nations will face trade sanctions. The small and weak countries may succumb to the pressure; large and strong nations may retaliate against any U.S. "punishment," leading to new trade wars.

The language of the act is wonderfully free-swinging. The administration is empowered to crack down on any foreign practice it deems "unreasonable." As Jagdish Bhagwati, a Columbia University economist, remarks, the practice does not have to be illegal. It need only be something we unilaterally consider "unfair and inequitable."

But can't President Bush derail all of this by living up to his free trade rhetoric? He can, but he may not. Under previous legislation, the President early in the procedure could decide against any U.S. counteraction. Now the power to determine "unfairness" has been transferred to the U.S. trade representative—currently Carla Hills. She has been talking as tough as her predecessor, Clayton Yeutter.

The President at the end of the process still can veto whatever the trade representative decides, but he'll be under strong pressure not to do so. A powerful hint of that came last week in a statement by Sen. Max Baucus, a Montana Democrat. The administration, he said, will be "cutting the heart out of" the new trade law if it doesn't put Japan on the May 30 list.

"If Japan, the most egregious offender, is not named, the most important provision of the trade bill will be cut out," the senator said. Sen. Baucus heads the trade panel of the Senate Finance Committee.

The President met last weekend at Camp David with a group of economists, so maybe there's hope yet. One area on which economists are virtually unanimous is free trade. It's all but impossible to get an economist to say a kind word for the trade act.

Prof. Bhagwati showed how true this was by preparing a statement on U.S. trade policy, with emphasis on the trade act. The statement was signed by a wide range of prominent economists of varying political persuasions.

The statement stresses that in the past, trade barriers traditionally have been reduced by trading these reductions. It's impossible to estimate exactly how our trade restraints compare with those of our trading partners, but a U.S. official once privately said the situation was "about 50-50." If Sen. Baucus gets his way, Japan and other nations will reduce their barriers against U.S. trade whether or not we do anything in return.

It's sad. The U.S. after World War II led the way toward a general opening of world markets. The result has been a huge expansion of world trade, with major benefits for the economies of the U.S. and other nations.

If the U.S. now lurches into a heavy-handed effort to reshape world trade to suit Sen. Baucus and his friends, the action could hardly be coming at a more unfortunate time. Negotiations under the General Agreement on Tariffs and Trade are still going on. The talks have had plenty of troubles, which is hardly surprising: This Uruguay round was highly ambitious. Many issues beg for reciprocal action, notably agriculture.

There is no part of the world economy that's as distorted as agriculture. It is, of course, heavily involved in domestic politics, which helps to explain why GATT has largely bypassed it up to now. Han Seung-Soo, Korea's minister of trade and industry, has been in the U.S. lately pleading for exclusion from the trade act's hit list. As an economist, he knows his country's best interest is to admit more U.S. farm imports; but as a politician, he's painfully aware of Korean demonstrations featuring the burning of Yankee products.

The U.S. and Europe, not to mention Japan, have plenty of farm restrictions of their own. The Economist magazine estimates that Europe's Common Agricultural Policy means Europeans pay up to four times the world price for food. GATT ministerial talks in Montreal late last year bogged down in part because of disputes over agriculture. Movement has more or less resumed in Geneva as all countries have agreed to reduce their subsidies to agriculture.

Well-intentioned or not, that agreement could be meaningless. We need to work out ways to get the subsidies down and, eventually, out. The atmosphere for such negotiations, which would have large and important benefits for the world, would be improved if the U.S. were not running a sock-it-to-them sideshow.

We need a kinder, gentler world, to adapt President Bush's phrase. Europe at the moment is hard at work on Europe 92, converting into a single market. There are widespread fears in the U.S. and elsewhere the result will be to exclude foreign goods. The chances Europe will become a protectionist bloc will be greatly enhanced by Europe's fears that the U.S. has something quite similar in mind for itself.

The Reagan administration came into office in 1981 with a firm commitment to free trade. In practice, the administration was more protectionist than most of its postwar predecessors. The voluntary export restraint agreement wasn't invented in the Reagan years, but it was refined to a fine art.

President Bush has an opportunity to place himself on the side of settling trade disputes by multilateral negotiations, not by one-sided threats. Working through GATT will be slower, but the results will be more likely to contribute to the sort of world we all want.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Any changes in committee scheduling will be indicated by placement of an asterisk to the left of the name of the unit conducting such meetings.

Meetings scheduled for Tuesday, May 23, 1989, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

MAY 25

10:00 a.m.
Joint Economic
To hold hearings on underclass issues.
2212 Rayburn Building

MAY 31

10:00 a.m.
Armed Services
Manpower and Personnel Subcommittee
To hold hearings on proposed legislation authorizing funds for fiscal years 1990 and 1991 for the Department of Defense, focusing on manpower programs for the Reserve Forces.
SR-232A

2:00 p.m.
Appropriations
Defense Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1990 for the Department of Defense, focusing on seapower.
SD-192

2:30 p.m.
Labor and Human Resources
To hold hearings on security care issues and the need for long term care legislation.
SD-430

JUNE 1

9:30 a.m.
Agriculture, Nutrition, and Forestry
Nutrition and Investigations Subcommittee
To hold hearings on proposed legislation authorizing funds for the Women, Infants, and Children (WIC) Program, and child nutrition programs.
SR-332

Commerce, Science, and Transportation
Merchant Marine Subcommittee
To hold hearings on proposed legislation authorizing funds for fiscal year 1990 for the Department of Transportation and Federal Maritime Commission.
SR-253

Energy and Natural Resources
To hold hearings on S. 710, S. 711, S. 712, bills to provide for a referendum on the political status of Puerto Rico.
SH-216

Governmental Affairs
Oversight of Government Management Subcommittee
To resume oversight hearings on the use of off-the-shelf items by the Department of Defense.
SD-342

10:00 a.m.
Appropriations
Defense Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1990 for the Department of Defense, focusing on Navy posture.
SD-192

Environment and Public Works
Environmental Protection Subcommittee
To hold hearings on S. 804, to conserve North American wetland ecosystems and waterfowl and other migratory birds and fish and wildlife that depend on such habitat.
SD-406

Foreign Relations
To resume hearings on the future of U.S.-Soviet relations.
SD-419

1:30 p.m.
Governmental Affairs
To hold hearings on alcohol abuse prevention.
SD-342

2:00 p.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1990 for foreign assistance programs, focusing on Central America.
SD-138

Energy and Natural Resources
To continue hearings on S. 710, S. 711, S. 712, bills to provide for a referendum on the political status of Puerto Rico.
SH-216

Environment and Public Works
Superfund, Ocean and Water Protection Subcommittee
To hold hearings on proposed legislation authorizing funds for the Office of Environmental Quality, and the proposed National Environmental Policy on International Financing Act of 1989.
SD-406

Foreign Relations
Business meeting, to mark up proposed legislation authorizing funds for fiscal year 1990 for foreign assistance programs.
SD-419

Labor and Human Resources
Employment and Productivity Subcommittee
To hold hearings on the proposed Displaced Homemakers Training and Economic Self-Sufficiency Act of 1989.
SD-430

JUNE 2

9:30 a.m.
Energy and Natural Resources
To continue hearings on S. 710, S. 711, S. 712, bills to provide for a referen-

dum on the political status of Puerto Rico.
SH-216

Finance
Social Security and Family Policy Subcommittee
To hold hearings on proposed legislation to establish the Social Security Administration as an independent executive branch agency headed by a bipartisan board, and proposed legislation to require the Secretary of Health and Human Services to provide periodic account statements to workers to inform them how much they have paid into the Social Security system.
SD-215

10:00 a.m.
Foreign Relations
To continue mark up of proposed legislation authorizing funds for fiscal year 1990 for foreign assistance programs.
SD-419

10:30 a.m.
Judiciary
To hold hearings to review the nomination rating process used by the American Bar Association.
SD-226

1:30 p.m.
Energy and Natural Resources
To continue hearings on S. 710, S. 711, S. 712, bills to provide for a referendum on the political status of Puerto Rico.
SH-216

JUNE 5

2:00 p.m.
Armed Services
Manpower and Personnel Subcommittee
To resume hearings on proposed legislation authorizing funds for fiscal years 1990 and 1991 for the Department of Defense, focusing on the military medical system.
SR-232A

Foreign Relations
To hold hearings on the nomination of John Hubert Kelly, of Georgia, to be Assistant Secretary of State for Near Eastern and South Asian Affairs.
SD-419

JUNE 6

10:00 a.m.
Appropriations
Defense Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1990 for the Department of Defense, focusing on tactical airpower.
SD-192

Foreign Relations
To resume mark up of proposed legislation authorizing funds for fiscal year 1990 for foreign assistance programs.
SD-419

2:00 p.m.
Energy and Natural Resources
Energy Research and Development Subcommittee
To hold oversight hearings on the status of current and future use of alternative motor vehicle fuels in the United States.
SD-366

Foreign Relations
To continue mark up of proposed legislation authorizing funds for fiscal year 1990 for foreign assistance programs.
SD-419

2:30 p.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1990 for foreign assistance programs, focusing on the Middle East, Pakistan and Afghanistan.
SD-138

JUNE 7

9:00 a.m.
Commerce, Science, and Transportation
Aviation Subcommittee
To hold hearings on airline concentration.
SR-301

9:30 a.m.
Governmental Affairs
To resume hearings on alcohol abuse prevention.
SD-342

10:00 a.m.
Appropriations
Defense Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1990 for the Department of Defense, focusing on Air Force posture.
SD-192

Commerce, Science, and Transportation
Consumer Subcommittee
To hold hearings on proposed legislation authorizing funds for the Federal Trade Commission.
SR-253

Foreign Relations
To continue mark up of proposed legislation authorizing funds for fiscal year 1990 for foreign assistance programs.
SD-419

2:00 p.m.
Foreign Relations
To continue mark up of proposed legislation authorizing funds for fiscal year 1990 for foreign assistance programs.
SD-419

JUNE 8

8:35 a.m.
Veterans' Affairs
To hold hearings on certain provisions of S. 13, and S. 564, bills to provide for Veterans' health care benefits and other related measures.
SR-418

9:00 a.m.
Appropriations
Defense Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1990 for the Department of Defense, focusing on manpower and personnel programs.
SD-192

9:30 a.m.
Commerce, Science, and Transportation
Consumer Subcommittee
To hold hearings on proposed legislation authorizing funds for the Federal Trade Commission.
SR-253

Energy and Natural Resources
Public Lands, National Parks and Forests Subcommittee
To hold hearings on S. 555, to establish in the Department of the Interior the De Soto Expedition Trail Commission, S. 624, to provide for the sale of certain Federal lands to Clark County, Nevada, for national defense, and S. 830, authorizing funds for the Blackstone River Valley National Heritage Corridor Commission.
SD-366

Rules and Administration
Business meeting, to resume consideration of S. 874, to establish national voter registration procedures for Presidential and Congressional elections, S. Res. 99, to require the Architect of the Capitol to establish and implement a voluntary program for recycling paper disposed of in the operation of the Senate, and other pending legislative business.
SR-301

10:00 a.m.
Foreign Relations
To continue markup of proposed legislation authorizing funds for fiscal year 1990 for foreign assistance programs.
SD-419

JUNE 9

9:30 a.m.
Environment and Public Works
Water Resources, Transportation, and Infrastructure Subcommittee
To hold hearings on scenic byways.
SD-406

JUNE 12

9:30 a.m.
Governmental Affairs
Government Information and Regulation Subcommittee
To hold hearings on proposed legislation authorizing funds for programs of the Paperwork Reduction Act.
SD-342

JUNE 13

9:00 a.m.
Appropriations
Defense Subcommittee
To resume open and closed hearings on proposed budget estimates for fiscal year 1990 for the Department of Defense, focusing on strategic programs.
SD-192

9:30 a.m.
Commerce, Science, and Transportation
To hold hearings on S. 561, to provide for testing for the use, without lawful authorization, of alcohol or controlled substances by the operators of aircraft, railroads, and commercial motor vehicles
SR-253

2:00 p.m.
Energy and Natural Resources
Energy Research and Development Subcommittee
To hold hearings on the Department of Energy's role in the area of magnetic fusion and inertial confinement fusion research and development and demonstration, and S. 964, authorizing funds for fiscal years 1990 and 1991 for civilian energy programs of the Department of Energy.
SD-366

2:30 p.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1990 for foreign assistance programs.
SD-138

JUNE 14

9:00 a.m.
Veterans' Affairs
To hold hearings on certain provisions of S. 13, S. 86, S. 192, S. 405, and S. 846, bills to strengthen and improve VA health care programs, and related measures.
SR-418

2:00 p.m.
Agriculture, Nutrition, and Forestry
Nutrition and Investigations Subcommittee
To resume hearings on proposed legislation authorizing funds for the Women, Infants, and Children (WIC) Program, and child nutrition programs.
SR-332

JUNE 15

9:00 a.m.
Appropriations
Defense Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1990 for the Department of Defense.
SD-192

9:30 a.m.
Energy and Natural Resources
Energy Research and Development Subcommittee
To resume hearings on S. 964, authorizing funds for fiscal years 1990 and 1991 for civilian energy programs of the Department of Energy, and to hold hearings on S. 488, to provide Federal assistance to a program of research, development, and demonstration of renewable energy and energy efficiency technologies, and proposed legislation authorizing funds for fiscal year 1990 for conservation and renewable energy programs of the Department of Energy.
SD-366

2:00 p.m.
Appropriations
Foreign Operations Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1990 for foreign assistance programs, focusing on the World Bank, International Development Association, International Finance Corporation, International Monetary Fund, and Multilateral Investment Guaranty Agency.
SD-138

JUNE 16

9:30 a.m.
Governmental Affairs
Government Information and Regulation Subcommittee
To resume hearings on proposed legislation authorizing funds for programs of the Paperwork Reduction Act.
SD-342

JUNE 21

2:00 p.m.
Commerce, Science, and Transportation
Science, Technology, and Space Subcommittee
To hold hearings on super computers.
SR-253

JUNE 22

8:00 a.m.
Veterans's Affairs
To hold hearings on S. 404, H.R. 1415, and S. 898, to extend certain Department of Veterans Affairs home loan guaranty provisions, and related measures.
SR-418

JUNE 23

9:30 a.m.
Select on Indian Affairs
To hold oversight hearings on administration of Indian programs by the Environmental Protection Agency.
SR-485

JULY 11

2:30 p.m.
Energy and Natural Resources
Energy Research and Development Subcommittee
To resume hearings on S. 964, authorizing funds for fiscal years 1990 and 1991 for civilian energy programs of the Department of Energy, and on fossil energy research and development and the clean coal technology program.
SD-366

JULY 18

9:30 a.m.
Energy and Natural Resources
Energy Research and Development Subcommittee
To resume hearings on S. 964, authorizing funds for fiscal years 1990 and 1991 for civilian energy programs of the Department of Energy, focusing on reactor research and development, and on commercial efforts to develop advanced nuclear reactor technologies.
SD-366

JULY 20

9:30 a.m.
Energy and Natural Resources
Energy Research and Development Subcommittee
To resume hearings on S. 964, authorizing funds for fiscal years 1990 and 1991 for civilian energy programs of the Department of Energy, focusing on reactor research and development, and on commercial efforts to develop advanced nuclear reactor technologies.
SD-366

Veterans's Affairs
Business meeting, to mark up proposed legislation to revise certain provisions of VA health care programs, including S. 13, S. 86, S. 165, S. 192, S. 263, S. 405, S. 564, S. 574, S. 748, and S. 846.
SR-418

JULY 21

9:30 a.m.
Select on Indian Affairs
To hold hearings to establish a Tribal Judicial Resource Center.
SR-485

HOUSE OF REPRESENTATIVES—*Tuesday, May 23, 1989*

The House met at 12 noon.

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

Gracious God, Your word has commanded that justice should roll down as waters and righteousness like an ever flowing stream. Our prayer, O God, is that we will dedicate our lives to doing the works of righteousness and to focus our energies to heal the wounds of injustice in our land and in our world. May we help lift the downtrodden, support the weak, protect the homeless, remember the forgotten, be reconciled with our enemies, and live in respect and dignity with all people. May we, O loving God, with humility and grace, be Your instruments of peace and good will. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from New York [Mr. FLAKE] please come forward and lead us in the Pledge of Allegiance.

Mr. FLAKE led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

RESIGNATION AS MEMBER AND APPOINTMENT AS MEMBER OF DELEGATION TO CANADA-UNITED STATES INTERPARLIAMENTARY GROUP MEETINGS

The SPEAKER laid before the House the following resignation as a member of the House delegation to the Canada-United States Interparliamentary Group meetings:

HOUSE OF REPRESENTATIVES,
Washington, DC, May 17, 1989.

Hon. JIM WRIGHT,
Office of the Speaker, House of Representatives, Room H-204, U.S. Capitol, Washington, DC.

DEAR MR. SPEAKER: I regret that due to other commitments, I will be unable to participate as a member of the House Delegation to the Canada-U.S. Interparliamentary Group meetings to be held in Canada from June 1 to June 5.

Respectfully yours,
DAVID O'B. MARTIN,
Member of Congress.

The SPEAKER. Without objection, the resignation is accepted.

There was no objection.

The SPEAKER. Pursuant to the provisions of 22 U.S.C. 276(d), the Chair appoints the gentleman from New York [Mr. WALSH] to the United States delegation to attend the meeting of the Canada-United States Interparliamentary Group to fill the existing vacancy thereon.

RECOGNIZING BENEFITS PROVIDED BY SMALL BUSINESSES

(Mr. NcNULTY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. McNULTY. Mr. Speaker, we recently celebrated Small Business Week, and I rise today to commend small businesses and the people who make them successful.

I represent the 23d District in upstate New York—the capital region, where small businesses provide an annual payroll of $4.5 billion.

We are also fortunate to have the Small Business Development Council [SBDC] in the capital district. From its beginning in 1984, the SBDC has assisted almost 1,700 clients.

Mr. Speaker, I am pleased to join with my colleagues in recognizing the tremendous benefits provided to our society by small businesses all across this great country.

RESOLUTION IN SUPPORT OF DEMOCRATIC RIGHTS IN THE PEOPLE'S REPUBLIC OF CHINA

(Mrs. SAIKI asked and was given permission to address the House for 1 minute.)

Mrs. SAIKI. Mr. Speaker, today I am introducing a resolution in support of democratic rights in the People's Republic of China.

As I have observed the events in China, I have been deeply moved by the determination and idealism of the Chinese students. Fighting in a nonviolent way for what one believes to be true has been a cornerstone of many civil rights movements.

The resolution calls for a repeal of martial law and urges the Chinese Government to respect and affirm basic human rights, such as:

First, The right of peaceful assembly;

Second, The right of free and uncensored speech; and

Third, The right of a free and unrestrained press.

The resolution further declares that a violent response on the part of the People's Republic of China could effect Sino-American relations and commends the protesting students for their commitment to nonviolent protests.

I believe it is imperative, at this critical period in China, that the Congress speak out in support of basic human rights, and I hope my colleagues will join me in support of this resolution.

THE ULTIMATE FALL OF COMMUNISM IN CHINA

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, Chairman Mao is rolling over in his grave. Those students protesting in China are not only defacing Mao's picture, they are doing something that millions of U.S. dollars have failed to do. Those Chinese students are bringing about the ultimate fall of communism in China.

That prompts me to ask here today why each year Congress continues to give more money to foreign countries that cannot even keep toilet paper on their shelves, let alone afford to buy it.

I say to my colleagues, "Why don't we let political nature run its course and let communism fall flat on its face?"

Mr. Speaker, the demise of communism may not need all the American dollars we are spending. I lost 55,000 jobs in my district, and all I see is Congress giving money away to these foreign countries, and it never even gets to the people. These countries would be better managed by those student populations.

I say today, "Let's keep the money in America for jobs, and let's let communism fall on its face with people who are fed up, and hungry and want something to eat."

INTRODUCTION OF RESOLUTION TO PROTECT THE AFRICAN ELEPHANT

(Mr. HORTON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HORTON. Mr. Speaker, last week I introduced House Concurrent Resolution 129, legislation designed to protect the African elephant from extinction. This concurrent resolution expresses the sense of the Congress that the Secretary of the Interior should use expedited procedures to list the African elephant as endangered under the Endangered Species Act.

Poaching for the world's ivory trade has had a devastating effect on the African elephant population. In 1979 there were 1,500,000 African elephants. Today there are fewer than 400,000 of these magnificent animals and poachers are killing close to 100,000 more each year. At this rate, it is not hard to figure out that the African elephant will be extinct within less than 10 years.

In recognition of these statistics, Secretary of Interior Manuel Lujan, Jr., has proposed that the African elephant be listed on appendix I—endangered—of the Convention of International Trade in Endangered Species [CITES]. Other cosigners of the convention, including Tanzania, Somalia, Kenya, Gambia, Chad, Austria, and Hungary have already expressed their desire to see the African elephant listed as endangered when the CITES nations meet this October in Switzerland.

Now that the United States has formally recognized the need to list the African elephant on appendix I under the CITES agreement, which will ban all commercial ivory trade, we must take the next logical step and recognize these animals as endangered under our internal protective laws. The United States should recapture the lead in international conservation, and list the elephant on our own domestic legislation before the CITES conference convenes. The African elephant cannot wait. Urging inclusion of the elephant on appendix I does not cover us as completely as making sure that both lists—domestic and international—include the elephant.

Secretary Lujan, our former colleague in the House of Representatives, has ordered a study be made of the effects of listing the African elephant as endangered under the Endangered Species Act. Many experts agree that this study will undoubtedly conclude that this elephant is, indeed, endangered.

Unfortunately, this study, to be conducted by the Fish and Wildlife Service, could take up to a year to complete. Within that year tens of thousands more African elephants could well be dead, killed by poachers for their ivory tusks. It is simply too late to be conducting a study. Thus, it is our wish that the Secretary will use emergency procedures to list the African elephant as endangered under the Endangered Species Act now.

There is clear evidence that a vast majority of the elephant poaching which currently occurs in Africa is a direct result of the lucrative trade in ivory. All too many times we have seen dozens of elephants slaughtered with automatic weapons on the African plains with their tusks removed and their carcasses rotting in the hot African sun.

Listing the African elephant as endangered under the Endangered Species Act would ban the import of all elephant parts, including ivory, into the United States. When the profits are removed, so too will the impetus to kill African elephants by the thousand. I urge my colleagues in the Congress to join me in cosponsoring House Concurrent Resolution 129. It could be the first time your actions in Congress are responsible for saving a species from extinction. The African elephant is endangered. Let's recognize that fact—before it's too late.

□ 1210

MINIMUM WAGE BILL GIVES TRICKLE OF HOPE TO HARD-WORKING POOR

(Mr. LIPINSKI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LIPINSKI. Mr. Speaker, for 8 years, Mr. President, the American citizen has been asked to accept tax breaks for the wealthy, accept deregulation of our vital industries, and accept cuts in the capital gains tax, because the benefits would trickle down. Indeed, shortly after you became Vice President, the flood gates of benefits opened up to this country's most well off with the only justification being the benefits would trickle down. Since then the number of America's homeless has increased, the middle class can no longer make ends meet, and hope for those in poverty has all but dried up. In fact, the only trickling I have seen has been to the established stockbroker, the struggling corporate raider, and, yes, of course our expensive technology has trickled over to the Japanese. But despite all efforts, your plan was not totally wrong. In front of you is a minimum wage bill that gives a trickle of hope to the hard-working poor of this country. If you veto this, Mr. President, be honest enough to admit that those tax breaks begun 8 years ago which poured benefits to the rich never were intended to trickle to the poor.

GET IT RIGHT, GIVE US A SEPARATE VETERANS BILL

(Mr. CONTE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CONTE. Mr. Speaker, tomorrow, yet once again, we are going to take up the dire emergency supplemental, and do you know what they are proposing to do?

They are proposing to undo everything we did last week.

Last week, we took the veterans out of this supplemental mess. Tomorrow, we will be asked to put them right back in.

Last week, we passed a separate bill to take care of the veterans till the end of the year. We will be asked to give in to the Senate and take care of them only through June 15.

What a Memorial Day present.

Four weeks ago, we voted against a bloated supplemental that did not offset nondire spending. We are still going to get $821 million in drug funds rammed right down our throats.

Do you know why we will not take care of our veterans? Because the Senate wants to hold them hostage, so they can add all their goodies. The President pro tempore of the Senate wants to add $75 million for a radio telescope in West Virginia. He wants to add $6 million for subsidies for little used airports. He wants to hold up 27 million veterans from getting their benefits and their health care, so he can get his projects, and we are going to go along.

That is crazy. It is absurd, and I hope to heaven it does not happen.

How many times do we have to send the chairman and the leadership a message? Give us a clean bill. Give us a separate veterans bill. Let us get it right.

VOTE FOR PASSAGE OF MINIMUM WAGE BILL

(Mr. FLAKE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FLAKE. Mr. Speaker, several decades ago we passed a bill that allowed for spending money to fight the war against poverty. Today we come addressing the question of the minimum wage, with the realization that many of the people who work everyday of their lives are in poverty.

It is one thing when you pass legislation that says that we are going to give people something without them having to work for it. It is another thing when you say to people that we are going to be fair, we are going to be equitable, we are going to do the just thing for those who go to work early in the morning and work all day long at minimum wage salaries that keep them in a cycle of proverty is to give them a livable wage, a wage that will allow them to meet the needs of their children, to meet the needs of their families.

Mr. Speaker, it is only right that we should pass this legislation, It is only fair and just that the President should not veto it.

Mr. Speaker, I urge my colleagues in the House to vote for the passage, not only the passage of this bill, but also to vote to override any veto. It is the right thing to do.

COLLEGE STUDENTS AND AIDS

(Mr. BURTON of Indiana asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BURTON of Indiana. Mr. Speaker, the Center for Disease Control in Atlanta announced this week that they had done some testing on our college students regarding the AIDS virus. They have concluded that 1 out of every 500 college students have the AIDS virus, at least 1 out of every 500.

Think about that. According to the statistics coming out of the Center for Disease Control, 122,000 Americans will be dead or dying of AIDS by the end of this year. If you extrapolate these figures out through the year 1999, that means that we are going to have somewhere between 4 million and 8 million people dead or dying of AIDS by the turn of the century, by 1999.

Mr. Speaker, we have not been doing anything to address this problem. We are walking around with our heads in the sack acting as if this is going to go away, when it gets worse day by day.

Now, the only logical way to address this problem, Mr. Speaker, is to have an organized program, a well thought-out program to deal with this pandemic, and the first step in that overall program is a mandatory testing program uniform across this country.

AMERICA'S MINIMUM WAGE EARNERS DESERVE BETTER FROM THEIR PRESIDENT

(Mr. NAGLE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. NAGLE. Mr. Speaker, earlier this year when the Federal pay raise proposal was before us, President Bush supported a recommendation which would have raised his own retirement pay—Presidential retirement pay—by $41.04 an hour over its 1981 level.

Let me repeat for emphasis: That's an hourly increase in Presidential retirement pay of $41.04.

That hourly increase of $41.04 in Presidential retirement pay was also supported by former President Reagan. Had the recommendation regarding their own retirement pay been adopted, Mr. Reagan would have been receiving that $41.04 hourly increase in retirement pay even as he packed his bags to go to Japan later this year to collect $2 million for giving a couple of speeches and attending a couple of cocktail parties.

By contrast, America's minimum wage earners—who work hard every day at some of the most physically demanding jobs in America—have not had a pay raise in 8 long years.

Congress has now passed legislation to increase the minimum wage—but by an amount that doesn't even make up what minimum wage earners have lost to inflation since 1981.

And despite his own generosity when it comes to his own retirement pay, President Bush now says he will veto that legislation—over three thin dimes.

The President is wrong when he says America's minimum wage earners are not worth an additional 30 cents. And they deserve better from their President.

Sign the bill, Mr. President. Sign the bill. Do not veto it over three thin dimes.

THE BATTLE FOR DEMOCRACY

(Mr. DREIER of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DREIER of California. Mr. Speaker, as the ship of democratic reform in China rapidly moves ahead into unchartered waters, it is very important for the United States Congress and our country, as the greatest bastion of freedom on the face of the Earth, to do everything that we can to provide encouragement and support. The cover story of this past week's U.S. News & World Report—"Battle for Democracy"—makes it very clear what is taking place in China today. Change exists. Change is going to continue to expand.

I also congratulate those military leaders in Red China who just the day before yesterday signed a letter clearly stating that they are not going to fire on their people. The quote of Mao Tse-tung that "political power emanates from the barrel of a gun" obviously is beginning to be proven wrong.

As I have stressed many times before, we have to provide support for anyone around the world reaching out for the same kind of freedom and opportunity which we in the United States enjoy.

I am pleased, Mr. Speaker, that President Bush and this body are doing just that.

TRIBUTE TO DEAN RUSK ON HIS 80TH BIRTHDAY

(Mr. DARDEN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DARDEN. Mr. Speaker, Dean Rusk served as our Nation's Secretary of State during one of the most turbulent periods of postwar international relations. And, certainly, the intelligence and cool demeanor of this outstanding Georgian were among the great assets of the Kennedy and Johnson administrations as they dealt with such challenges as the Berlin Wall, the Cuban missile crisis of 1962, the war in Vietnam and the continuing eruptions of conflict in the Middle East.

Since leaving public office two decades ago, Dean Rusk has served as professor of international law at the University of Georgia—passing along to new generations of leaders the lessons he learned during those years when he was a key player in the formulation of the U.S. foreign policy.

Today in Atlanta, GA, many of Dean Rusk's friends are gathering to mark his 80th birthday. Those of us in this body cannot be there, but I know that all of you join me in wishing Dean Rusk well, and in thanking him for his untiring efforts to build a more peaceful world.

INTRODUCTION OF RESOLUTION SUPPORTING DEMONSTRATORS FOR DEMOCRACY IN CHINA

(Mr. ARMEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ARMEY. Mr. Speaker, the United States must be the champion of democracy everywhere. In recent days, in the People's Republic of China, more than a million people have gathered to ask their government to implement democratic reforms and recognize their inalienable rights to free expression and free assembly. Although they have been threatened with military force, they are bravely promoting their ideals through hunger strikes and other nonviolent means.

I believe that we in Congress must show these democratic demonstrators that we are on their side.

Today, I am introducing a resolution to demonstrate our support. It expresses our sympathy with the demonstrators democratic aspirations, commends them for their use of nonviolent tactics, and urges the Chinese Government to join with the demonstrators and work for a democratic China.

I urge my colleagues to cosponsor this resolution. Let us leave no doubt that we support democracy in China.

RAISING THE MINIMUM WAGE NOW

(Mrs. COLLINS asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. COLLINS. Mr. Speaker, last week the Senate approved the conference report on the Fair Labor Standards Act Amendments of 1989, the bill that will raise the Federal minimum wage over a 3-year period to $4.55 per hour. I strongly supported this bill when the House approved it and urge the President to see that this bill is enacted immediately.

Americans who work for the minimum wage cannot wait any longer for something to be done so that they can once again earn a wage that they can live on. Because the minimum wage has not been raised since 1981 while prices have continued to rise, the number of working poor in our Nation has climbed to a shameful level. In 1987, 33 percent of individuals living in poverty worked full time.

I ask the Members: How do we expect hard-working Americans to find affordable, quality child care, to put food on the table, to pay for a roof over their heads, if their wages are below a subsistence level? These are underserved and underrepresented Americans. They deserve a living wage. We must speak out on their behalf, and then follow our words with action.

Our President has tried to set himself apart from the last administration in which he served by saying that he plans to work for a kinder, gentler America. What could be more kind or more gentle than changing the course of the last 8 years by giving attention to the problems of the working poor? He also has said he will veto the Congress' compromise bill which exceeds his idea of what the raise should be by 30 cents per hour over a 3-year period. I fail to see the connection between the President's words and his intended actions.

Maybe he has seen the studies that say raising the minimum wage will cause massive job losses. I have seen the ones that say—in fact, in each year after an increase in the minimum wage, except the recession years of 1975 and 1982, employment has increased.

Some minimum wage workers depend on the job as an entrance to the work force. But also, 84 percent of minimum wage workers are 18 years old or older. On behalf of all minimum wage workers, and especially the ones who need their pay to support their families, I urge the President to support the congressional compromise.

PUYALLUP TRIBE SETTLEMENT AGREEMENT

(Mr. MORRISON of Washington asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MORRISON of Washington. Mr. Speaker, on today's Suspension Calendar is H.R. 932, the Puyallup Tribe settlement package. I rise in enthusiastic support of that settlement agreement.

Mr. Speaker, this is a result of 4½ years of negotiations. It is very finely balanced. The majority of resources that led to this settlement are local, and it is in the best interest of the Federal Government to see this dispute settled.

This measure comes to us with unanimous support of the Committee on Interior and Insular Affairs. It is vital to move this settlement package at this time.

I urge the support of all of my colleagues for the Puyallup Tribe settlement agreement.

THE DOD AUDIT IMPROVEMENT ACT WOULD INCREASE THE EFFECTIVENESS OF MILITARY INSPECTORS

(Mr. LANCASTER asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. LANCASTER. Mr. Speaker, last week Jack Anderson published two columns that provide ample evidence that the current system in the Department of Defense where military inspectors attempt to investigate their superiors just does not work. I want to enter both columns in the RECORD so my colleagues can read about these outrages for themselves.

JOHN KASICH and I recently introduced H.R. 2362, the DOD Audit Improvement Act, that attempts to correct these abuses by changing the structure and the system in the Department. This bill would consolidate all audit, internal review, fraud, white-collar investigators, and military inspectors into one organization. The key to this reorganization, Mr. Speaker, is that this consolidated unit would be independent of the services and managed by an Auditor General, modeled after the very successful Inspector General Program.

The Department of Defense is comprised of some of the most highly motivated and intelligent individuals in our Government. The Congress needs to establish a structure that will allow these individuals to function effectively. H.R. 2362 does just that; it would turn loose all those junkyard dogs that are currently muzzled in DOD. I urge my colleagues to cosponsor this bill and actively support its passage.

ARMY INSPECTOR GOES EASY ON BRASS

(By Jack Anderson and Dale Van Atta)

Rank has its privileges and no one knows that better than Army Maj. Gen. Andrew L. Cooley. When the dinner hour rolled around at Fort Stewart, Ga., the general was served by aides in white jackets. And when he wanted to review the troops, the general cruised in a customized Army van with deep carpeting, swivel chairs, a stereo and color television set.

For every Maj. Gen. Cooley, there are thousands of grunts who joined the Army to see the world by more modest means. Someone noticed the inequity and dropped a dime to report Cooley's excesses to a Defense Department whistle-blowers' hotline. The Army inspector general spent 476 days to reach the mystifying conclusion that the complaints against Cooley could not be substantiated.

The Army said Cooley had done no wrong because the aides didn't always wear the white jackets and the modifications to the van had been approved beforehand.

The Army later clarified its policy on souping up government vehicles and using GIs as house servants. But Cooley was not held accountable for his airs. He has since been transferred to Egypt and did not return our phone calls from there.

This and more startling evidence that the Army IG fudges investigations of top brass are contained in a closely held Defense Department report obtained by our associate Stewart Harris.

Marked "Official Use Only," the report makes the case that the Defense Department IG should take over the investigations of officers because the individual inspectors general in the Army, Air Force and Navy are letting them off the hook.

The report, by its own admission, is a bombshell. The cover memo says that "information contained in this briefing book is considered sensitive, in that release of the material in total could result in embarrassment to the department."

The report includes the case of Brig. Gen. Robert Berry, who was allowed to retire before the Army IG completed a probe of allegations that he wasted money on a trip to Europe with a deputy assistant secretary of the Army, Judy Ann Miller.

A whistle-blower accused the duo of arriving in Europe earlier than business required, renting expensive cars and improperly asking for first-class seats. It took the Army IG 300 days to close the case, plenty of time for Berry to retire. The investigation concluded that Berry had arrived earlier than necessary for his business and that Miller improperly solicited first-class air travel.

In Berry's case, the report indicates the Army made an exception to its rule of not allowing personnel to retire while under investigation. Miller refused to talk to us and Berry could not be located.

The Army IG spent 799 days investigating another case. An official in St. Louis was suspected of stealing computers, using the Army phone for personal business and ordering underlings to run personal errands. Investigators confirmed some allegations and the official was suspended for 10 days. The Defense Department ordered the Army to take another look. That second inquiry found that the man had used Army phones for personal profit. His security clearance was revoked.

Army Inspector General Henry Doctor declined to talk to us.

ARMY'S COOL APPROACH TO HOT LINE

(By Jack Anderson and Dale Van Atta)

A hot line in the Defense Department puts whistle-blowers just a touch-tone away from reporting waste and mismanagement. Why then would any top military officer risk breaking the rules when it is so easy to get caught?

Maybe because the good-old-boy system in the military until recently guaranteed that complaints to the hot line about top brass end up in the Bermuda Triangle.

Take the case of Army Gen. Alonzo Short Jr. Last year an Army worker placed an anonymous call to the hot line complaining that Short had charged the Army for unnecessary trips to a base in Arizona and was about to spend $300,000 to install a kitchen and bath in his office.

If the remodeling plans were in the works, the Army should have moved quickly to investigate the charges. But four months after the tip was turned over to the Army inspector general, Short was cleared of the travel allegation but the remodeling investigation had not begun.

The Army refused to tell us the outcome of the investigation, and Short did not return our phone call to his current post at Fort Huachuca, Ariz.

The details of the initial Short investigation are in an internal Defense Department memo stamped "Official Use Only," which is highly critical of the way the individual services have fielded the hot line calls. "Issues such as this speak to the lack of sensitivity and responsiveness typical of the [Army Inspector General] office," Defense Department hot line operator Leonard Trahan Jr. wrote in the memo, obtained by our associate Stewart Harris.

Investigations of top officers have been mishandled for years by the Army, Air Force and Navy. Each service has an inspector general who is often chummy with the generals under investigation. Staff members in the inspector general offices risk their careers if they do their jobs well. Many inspectors are rotated back into the regular ranks when their tour with the inspector general is finished. No wonder they get weak in the knees on investigating bigwigs.

Defense Department Inspector General June Gibbs Brown did not like the setup and asked that the job of investigating top officers be given to her umbrella agency. Deputy Defense Secretary William H. Taft IV granted her wish.

The policy change comes none too soon. Besides botching investigations, the Army investigators drag their feet, giving the generals plenty of time to rationalize their excesses.

It took 294 days for the Army to dismiss allegations that Maj. Gen. William Streeter converted a five-ton Army truck into a recreational vehicle. The Army also cleared Streeter of allegations that he bought 10 office chairs for $359 apiece, reupholstered them for $300 each and then sent them to surplus because he did not like the color, according to the Defense Department report. The tipster also accused one of Streeter's majors of spending $997 on golf balls.

That major took the rap on some of the allegations while Streeter skated. The major was fined $500 and removed from the promotion list, according to the report. Streeter has since been promoted. Streeter did not return our call and the Army declined to comment.

VETERANS' HEALTH CARE SYSTEM NEEDS CLEAN EMERGENCY SUPPLEMENTAL

(Mr. BUECHNER asked and was given permission to address the House for 1 minute and to revise and extend his remarks).

Mr. BUECHNER. Mr. Speaker, I find that I must comment on the emergency supplemental appropriation bill which the Congress is now considering, and its effect upon our Nation's veterans.

Last week, the House passed an emergency supplemental bill, which provided funds for the veterans, health care system. This legislation was the clean bill, not the pork laden bill considered earlier in the House.

And what did the Senate do? The Senate amended this much needed emergency bill so that the funds for the VA would run out again on June 15, then the Senate left town!

Mr. Speaker, this is an outrage! Our veterans are being denied essential health care. VA hospitals are laying off thousands of employees and new VA facilities cannot be opened due to a lack of funds. In short, the VA health care system is in a crisis situation.

How could the Senate do this? How could the Senate hold funding for the VA hospital system hostage to pork-barrel spending needs? Why does the Senate play politics with the VA hospital system?

This is just another example of business as usual in Congress. Liberals, Conservatives, Republican, and Democrats all agree that the veterans' health care system is in dire need of money. Instead of providing the VA with the funds to provide health care for veterans, some Members of Congress putting their own district's needs before the needs of the Nation.

Mr. Speaker, health care is one of the promises we made to our Nation's veterans. They fought for our country and sacrificed to keep our Nation free. And now, when they need our help, the Senate decides that it is more important to fund political pork than provide funding for veterans' health care.

The Senate's behavior on this matter is reprehensible. The House should reject the Senate's amendments to the VA emergency supplemental, and once again pass a clean supplemental which provides adequate funding for the VA health care system.

GAO REPORT ON SHORT-SUPPLY

(Mr. VISCLOSKY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. VISCLOSKY. Mr. Speaker, few issues have been as important to my constituents as the extension of the steel voluntary restraint agreements [VRA's] which are due to expire September 30, 1989.

VRA's, which were negotiated in 1984 with 19 countries and the European Community, were implemented to provide relief to an industry faced with foreign competition producing at levels far in excess of their domestic needs. Significant foreign government subsidies as well as the dumping of steel in this country at prices far below cost were involved as foreign steel companies flooded the U.S. market.

The VRA's have been essential to reducing import penetration from 30 percent in 1984 to a low of 21.4 percent in 1988. A key element of the VRA's has been the short-supply program administered by the Department of Commerce. This program enables steel consumers to obtain steel in excess of VRA limits. Nineteen VRA's contain short-supply provisions.

Since the inception of the VRA's, there has been considerable criticism of the short-supply program and a widespread contention that the process is overly lengthy and cumbersome.

Well aware that the proper functioning of the steel program depends on the efficacy of the short-supply program, I requested the General Accounting Office [GAO] to undertake an examination of the process and provide recommendations for improving and expediting it.

This morning, in anticipation of the promulgation of its report in mid-June, the GAO held a briefing for members of the Executive Committee of the Congressional Steel Caucus to inform us of the report's findings and conclusions.

The GAO provided a number of recommendations which I believe will greatly enhance the functioning of the short-supply program. Namely, the GAO suggested that Secretary of Commerce Mosbacher direct the Office of Agreements Compliance of the Commerce Department to provide more process transparency by issuing comprehensive guidance or regulations on the program's requirements, policies (including decision criteria), procedures and detailed filing information for petitioners use. Decisions as well as their explanations should be made public. In addition, the GAO found that the process would be greatly improved by the establishment of a standard deadline for processing short-supply reviews.

Steel industry assistance must not come at the expense of steel consumers who rely on a reliable and adequate supply of steel for their livelihood. At the same time, easing access to foreign steel products in the absence of domestic supplies must not result in the flooding of our markets with steel imports. I believe that en-

hancing the short-supply program in the manner recommended by the GAO will achieve these twin goals of our national steel policy.

WE MUST ACT RESPONSIBLY FOR OUR VETERANS

(Mr. McEWEN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. McEWEN. Mr. Speaker, many of us recognized some months ago that the Veterans' Administration was going to be short between $500 and $600 million this fiscal year. We called upon the President, and he was gracious enough to respond with an urgent supplemental request of $340 million, the bare minimum necessary to keep our veterans' services being provided by the VA.

Last week, under the leadership of the chairman, the gentleman from Mississippi [Mr. MONTGOMERY], and the chairman, the gentleman from Mississippi [Mr. WHITTEN], the vice-chairman, the gentleman from Arizona [Mr. STUMP], and the vice-chairman, the gentleman from Massachusetts [Mr. CONTE], this House of Representatives passed that urgent supplemental necessary to keep the Veterans' Administration functioning. Then, as has been mentioned before, late Thursday afternoon, the other body acted in a manner that is unbecoming the leaders of this Nation, unbecoming a deliberative legislative body, unbecoming those who have concern for our veterans; they passed a 2-week VA supplemental and promptly left town.

Mr. Speaker, it is essential that we put Memorial Day policies above election day policies. Veterans are entitled to this assistance. It is necessary that they receive it. It is essential that we act responsibly and promptly, not with additional extraneous spending but necessary aid for our veterans.

POINT OF ORDER

The SPEAKER pro tempore. May the Chair ask the gentleman, does he feel that the other gentleman from Massachusetts complied with the new rule he helped draft in referring to the Senate?

Mr. FRANK. I would say to the Speaker that if the rules read the way I wished them to, everything my distinguished dean had said would have been in order. Given the way the rules, in fact, read, it would seem to me that he was not in order, which is to me not a reason to chastise the eminent dean of my delegation but a reason to change the silly rules.

If I might proceed out of order for 10 seconds so that people will understand, that had to do, since we do not want to raise doubts about the gentleman from Massachusetts, with reference to the Senate in which the rules unduly restrict our freedom to talk about them.

Mr. Speaker, I trust that my 1-minute will begin now.

TAKE ME TO YOUR LEADER

(Mr. FRANK asked and was given permission to address the House for 1 minute.)

Mr. FRANK. Mr. Speaker, apparently the Presidential election of last November must have been contested. I had not thought so at the time, but given George Bush's reluctance to take office, he must know something that we do not about the decisiveness of it.

This far into his Presidency, we still do not have from George Bush decisive policies in a number of important areas. Indeed, given his Maine roots, I guess he has decided to adopt a seafood emblem and, unfortunately, it has become the flounder, because that, I think, describes the Bush policy. His inability to cope with what is going on vis-a-vis the Soviet Union is now becoming a national embarrassment.

Mr. Speaker, recently the New York Times ran an editorial entitled, "Take Me to Your Leader," in which they reluctantly concluded, and it is a reluctance in which we all share, because we want our President to be a national leader, that if someone were to land on the planet today and ask to be taken to the planet's leader, George Bush would be very low on the list of those eligible. Mr. Speaker, I am, at this point in the RECORD, including the editorial.

TAKE ME TO YOUR LEADER

Imagine that an alien spaceship approached Earth and sent the message: "Take me to your leader." Who would that be? Without doubt, Maikhail Sergeyevich Gorbachev.

It couldn't be anyone from the planet's most populous country. China's Communist rulers are straining to contain the rush toward democracy by millions in the streets. It couldn't be anyone from rapidly rising Japan. It is nearly leaderless, pending resolution of political scandal.

And it's not likely that most earthlings would instantly think of George Bush. Which leader's initiatives have captured the imagination of common folk around the world? Chinese students answered last week with a banner reading: "In the Soviet Union, they have Gorbachev. In China, we have whom?"

Such impressions do not do justice to President Bush. After 40 years of cold war, re-evaluating the assumptions governing survival would be a monumental task for any President. It's all the harder for a new one. Mr. Gorbachev has been in office four years, Mr. Bush four months.

The President is just now unfolding his policies and may offer initiatives of his own today in Boston when he talks about relations with the West, and on Wednesday when the addresses national security. If so, he may finally allay growing bewilderment and concern. At three different levels of leadership, Mr. Bush has become as noteworthy for his absence as Mr. Gorbachev is for his presence.

The lowest level is that of simple language. Mr. Gorbachev talks of removing 500 nuclear weapons from Europe, a mere gesture but in a welcome direction. Defense Secretary Cheney derides it: "He has got so many ratholes over there in Eastern Europe that 500 is a pittance." When Mr. Gorbachev claims to have stopped sending arms to Nicaragua, the White House press secretary accuses him of posturing like a "drugstore cowboy." It's incomprehensible: how can the Administration expect to exert world leadership when it seems so determined to kick gift horses in the teeth?

At a higher level, the Administration has been strangely truculent about negotiations over short-range nuclear weapons in Europe. Even certified hawks believe it is safe, and sound, to pursue such talks in tandem with conventional arms negotiations. Mr. Bush will be hard pressed to lead the Western alliance without somehow acknowledging the need to negotiate.

There's a still higher level of concern over American leadership. Americans cannot let down their guard; they have seen too much evidence of aggression and repression. But they are also seeing seismic changes that offer the promise of troop withdrawals, arms reductions and the freeing of vast fortunes for peaceful purposes.

Where does George Bush wish to lead? What does his America stand for? Two present challenges are clear. Mr. Bush could start spelling out how to make the transition from the old assumptions to new ones. More specifically, he could offer some idea of how Government should organize itself to achieve new global goals.

Those are not hard to identify. After nuclear weapons, the obvious survival question concerns the environment. After military rivalry, the obvious competitive questions concern economic arrangements. And after international questions, there is abundant opportunity for domestic initiatives from the would-be Education President.

For two generations, the United States has championed political and economic freedom around the world. Now that those values are triumphant, America can do more than cautiously try to squeeze concessions out of the losers. The leader of the free world can become a leader of the whole planet; but he has to try.

□ 1230

George Bush promised us 1,000 points of light. He seems instead to be grappling with 1,000 points of view and cannot decide which one to express.

VETERANS' FUNDING

(Mr. GINGRICH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GINGRICH. Mr. Speaker, AMVETS sent I think a very important letter which I would like to read into the RECORD. They said:

On behalf of the 200,000 members of AMVETS, we are appalled at the recent action taken by the Senate to provide emer-

gency funding for the health care of America's veterans only through June 15.

This action, and the cavalier attitude toward providing necessary funding for health care for those who have borne our country's battles is unconscionable. Veterans' issues have always been nonpartisan in scope and we fail to see what gains can be had in providing emergency funding only through June 15 when the issue must be addressed again.

We call upon you and all members of the U.S. Senate to ensure that adequate funding is available to provide the requisite health care for our country's veterans.

Sincerely yours,

JIMMY T. SMITH,
National Commander.

Mr. Speaker, I urge this House to reject the Senate amendment, to send back a clean veterans' supplemental, and to take a decisive stand that we furnish funding for the veterans' hospitals through the end of the fiscal year, and we not use the veterans as a device to carry political pork barrel through the House and Senate.

VETERANS' HEALTH CARE NEEDS LONG-TERM SOLUTION

(Mr. PICKETT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PICKETT. Mr. Speaker, the adequacy of the budget for veterans' health care shouldn't be based on simply adjusting last year's budget for inflation. It should be based on need. Since 1980, we have seen the demand for inpatient hospital care go up 7 percent; outpatient visits, up 29 percent; and nursing home care, up 63 percent. As a result, there are reliable estimates that in 1989 alone there are still big shortfalls in medical funding for the Department of Veterans' Affairs.

Veterans throughout our Nation have seen a marked decline in the availability of health care as lines for outpatient care grow longer, as hospital beds disappear, and as an acute nursing shortage undermines the efficient operation of veterans' medical centers. Our 27 million veterans deserve better, much better.

There are over 9 million veterans of World War II living today, and another 5 million veterans of the Korean war. These veterans have reached the age where their medical needs will likely increase for the remainder of their lives. This fact must be taken into account as we develop our veterans' health care budgets.

Many in this body have worked hard to ensure adequate funding for veterans' programs and they have made progress. But if we are to solve this problem, the Bush administration must share responsibility for it and make a greater commitment toward solving it.

FAIR LABOR STANDARDS AMENDMENTS OF 1989

(Mr. PAYNE of New Jersey asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PAYNE of New Jersey. Mr. Speaker, I rise today in support of the conference agreement to the Fair Labor Standards Amendments of 1989; because I believe that it is the best deal at this time we can offer the minimum wage earners.

As you know, President Bush is threatening to veto this agreement. He contends that an increase to $4.25 by 1992 combined with a 6-month training wage at 85 percent of the current wage is only to preserve the economy from imminent inflationary disaster. And although Congress has made several compromises regarding this legislation, Mr. Bush still considers this his bottom line, his final offer.

I would argue that Mr. Bush's assertion is speculative at best. Job loss was minimal and the quality of life for minimum wage workers improved.

The conference agreement to H.R. 2 would restore a large percentage of the lost purchasing power of the current minimum wage. It would raise the minimum wage to $4.55 by 1992, establish a training wage not to exceed 60 days, create a Minimum Wage Review Board that would annually review economic data in order to assist Congress in assessing future increases, and finally, it not only raises the small business exemptions to $500,000 but increases the tip credit to 50 percent.

Mr. Speaker, H.R. 2 is a bill that will actually give those workers a chance to survive in an economy of consistently upward spiraling prices. It is a bill that has received bipartisan support, it is a bill worthy of enactment.

IN SUPPORT OF H.R. 2, FAIR LABOR STANDARDS AMENDMENTS OF 1989

(Mr. ENGEL asked and was given permission to address the House for 1 minute.)

Mr. ENGEL. Mr. Speaker, I rise today to urge President Bush to sign H.R. 2, which would increase the minimum wage. I cosponsored the original bill and am glad that Congress has passed this important legislation.

Both Houses have shown broad support for increasing the minimum wage from its present level. On March 23, the House passed H.R. 2 by a vote of 248–171 and the Senate passed a similar bill by a margin of 62 to 37 on April 12. Both Houses of Congress passed the conference report by similar margins.

Since 1981, the working poor's purchasing power has decreased by 39 percent. After adjusting for inflation, the minimum wage is at its lowest level since 1955. Had the minimum wage been adjusted for inflation over the last 8 years, it would now stand at $4.68 per hour. H.R. 2 would increase the minimum wage by $1.20 over a 3-year period.

President Bush has threatened to veto H.R. 2 in its present form. I urge the President to sign this bill and help the working poor make up for the erosion of their earnings over the last 8 years. These people, after all, are not looking for a handout. They are hard working people who are just looking to survive.

VETERANS' FUNDING

(Mr. WALKER asked and was given permission to address the House for 1 minute.)

Mr. WALKER. Mr. Speaker, I would certainly hope that we are going to take action this week to assure that all veterans get their funding for the full year, not for just a couple of weeks, not for just a couple of days, but for the full year, and that they get the money that they need in order to maintain veterans' hospitals and provide the veterans with a level of care that they so richly deserve.

This is not something that should be cut off as of June 15, as was proposed by our colleagues in the Senate. Referring to that action in the Senate, the AMVETS has written this phrase which I think should sum up what our attitude should be. The letter said: "This action, and the cavalier attitude toward providing necessary funding for health care for those who have borne our country's battles is unconscionable."

It is unconscionable for this House and for the other body to take actions which do not fully fund veterans' health care in this country. We need to act and to act quickly.

IN SUPPORT OF SUPPLEMENTAL APPROPRIATIONS FOR VETERANS

(Mr. LAUGHLIN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LAUGHLIN. Mr. Speaker, in this week in which we remember those that have faithfully protected this great Nation, I rise to express my deep concern that our veterans are not receiving the medical care that they deserve, and that was promised to them.

Every day I hear from veterans who have been turned away from veterans, facilities, denied the medical care and attention they deserve. These faithful protectors of our Nation relay the stories of understaffed and ill-equipped facilities, and their fears that this administration would cut programs and benefits that have been promised to them.

Many of these service men and women still bear the physical and emotional scars of battle. Should we not at least provide the medical care that they have been promised?

I recently brought to Chairman MONTGOMERY's attention the plight of a veterans' medical facility proposed for the city of Victoria, in my congressional district. I learned that although the facility had been promised, funding was not available. I am proud to say that we convinced the Veterans' Administration to live up to its word.

Let us live by our promises of medical care and financial support for our veterans. We should no longer allow them to be used as pawns in our political games.

VETERANS' FUNDING

(Mr. SOLOMON asked and was given permission to address the House for 1 minute.)

Mr. SOLOMON. Mr. Speaker, last Wednesday this House passed a supplemental appropriation for the veterans' medical care facilities of this Nation for $340 million, in good faith, and with the cooperation of the gentleman from Mississippi, Mr. JAMIE WHITTEN, the chairman of the Appropriations Committee. We sent that bill over to the Senate.

The Senate did one of the most disgraceful things I have ever seen in my life when they passed an amendment to that supplemental which allowed for a cut off or demanded a cut off of funds after June 15, then walked out and went home to make their speeches to all of the Memorial Day affairs back home. That was disgraceful, Mr. Speaker, because they have hurt the veterans of this Nation.

I can assure my colleagues that when that bill comes back over here there is going to be a motion made to strip that Byrd amendment out and to send that bill over and demand that the other body come back to this city and deal with that issue. I hope that every Member of this House will support that motion when it comes up.

□ 1240

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The Speaker pro tempore (Mr. MURTHA). The Chair would admonish all Members to not speak improperly of the Senate.

ESTABLISHING SERVICE-CONNECTED COMPENSATION FOR VIETNAM VETS EXPOSED TO AGENT ORANGE

(Mr. BRYANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BRYANT. Mr. Speaker, despite strong, compelling evidence of grave and long-lasting injury, the 2.8 million veterans who served in Vietnam and their families still don't know the effects of agent orange. And the Veterans' Administration [VA]—the bureaucracy that is supposed to serve veterans—has, in the past, had to be pushed and shoved by the veterans themselves and by Congress to even take a look at this chemical killer and what it has done.

More than 253,000 veterans and family members have filed a claim with the agent orange settlement fund to receive a portion of the $180 million from 1984 settlement with the chemical companies that made agent orange. Despite the fact that a Federal appeals court upheld a general distribution plan for that settlement last October, which with interest is more than $220 million, I understand that only $2 million of that amount has been actually distributed to the veterans while nearly $20 million from that fund has been paid to the lawyers supposedly working on their behalf.

A recently completed study of Vietnam veterans done by the American Legion leaves no doubt that agent orange is linked to certain diseases and confirms that the Government has not done its part to put an end to the suffering from the Vietnam war. I will continue to sponsor legislation to establish service connected compensation for Vietnam veterans who were exposed to agent orange.

AUTHORIZING FIRST STRIKE CEREMONY AT U.S. CAPITOL FOR BICENTENNIAL OF THE CONGRESS COMMEMORATIVE COIN

Mrs. BOGGS. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate joint resolution (S.J. Res. 128) authorizing a first strike ceremony at the U.S. Capitol for the Bicentennial of the Congress Commemorative Coin, and asked for its immediate consideration.

The Clerk read the title of the Senate joint resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Louisiana?

Mr. RHODES. Mr. Speaker, reserving the right to object, I do not plan to object, but I wonder if the gentlewoman from Louisiana [Mrs. BOGGS] will explain what the impact of Senate Joint Resolution 128 is.

Mrs. BOGGS. Mr. Speaker, will the gentleman yield?

Mr. RHODES. I yield to the gentlewoman from Louisiana.

Mrs. BOGGS. I thank the gentleman for yielding.

Mr. Speaker, this resolution authorizes the Department of the Treasury to conduct a first strike ceremony here for the congressional bicentennial commemorative coins. It will be on the Capitol grounds. The coins were authorized last year by Public Law 100-378. By law these coins must be minted by the San Francisco, West Point, and Denver mints.

In order to hold this special first strike ceremony here at the Capitol on June 14, there must be specific authorization given to the mint and that is what this resolution hopes to accomplish.

The coins will be issued in $5 gold, $1 silver, and half-dollar clad denominations, and all of us will remember that their designs were unveiled at our commemorative joint session on March 2.

A significant portion of the surcharges received from the sale of these coins will be deposited in the Capitol preservation fund and will be used for improvements to the Capitol and the acquisition of art and furnishings associated with the history of the Capitol.

This resolution has been prepared in consultation with the Department of the Treasury and has been cleared with the majority and minority leadership of the Committee on Banking, Finance and Urban Affairs.

These bicentennial coins provide us with a very unique way to commemorate the history of the first branch of Government and to honor the thousands of men and women who have served in the Congress in the past two centuries.

It is our hope that all the current Members will join, pending of course, the passage of this resolution, in the first strike ceremony on the East Plaza at 10:30 on Wednesday morning, June 14.

Mr. RHODES. I thank the gentlewoman for her explanation. I look forward to joining with her on June 14 in the first strike ceremony.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Louisiana?

There was no objection.

The Clerk read the Senate joint resolution, as follows:

S.J. RES. 128

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. AUTHORIZATION OF A FIRST STRIKE CEREMONY AT THE UNITED STATES CAPITOL FOR THE BICENTENNIAL OF THE CONGRESS COMMEMORATIVE COIN.

(a) On June 14, 1989, or any other date that the President pro tempore of the Senate and the Speaker of the House of Representatives jointly designate, a first strike ceremony may be conducted at the United States Capitol and on the Capitol Grounds to strike coins authorized by the Bicentennial of the United States Congress Commemorative Coin Act (P.L. 100-673).

(b) All activities of and preparations for the ceremony authorized by subsection (a), including the striking and distribution of coins, shall be jointly coordinated with the Commissions on the Bicentennials of the United States Senate and the United States House of Representatives and the Secretary of the Treasury.

(c) Notwithstanding the Bicentennial of the United States Congress Commemorative Coin Act or any other provision of law, the United States Mint may strike coins authorized by the Bicentennial of the United States Congress Commemorative Coin Act in Washington, D.C., during first strike ceremonies conducted as authorized by subsection (a). Such coins shall bear the mint mark of the mint facility which is designated to strike the coins.

SEC. 2. RESPONSIBILITY OF CONGRESSIONAL OFFICERS AND PHYSICAL PREPARATIONS.

(a) Under the direction of the President pro tempore of the Senate and the Speaker of the House, the Secretary of the Senate, the Clerk of the House, the Architect of the Capitol, and the Capitol Police Board shall take any action necessary to carry out section 1.

(b) The Architect of the Capitol may prescribe conditions for physical preparations for the ceremony authorized in section 1.

The Senate joint resolution was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Kalbaugh, one of his secretaries.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to the provisions of clause 5, rule I, the Chair announces that he will postpone further proceedings today on each motion to suspend the rules on which a recorded vote or the yeas and nays are ordered or on which the vote is objected to under clause 4 of rule XV.

Such rollcall votes, if postponed, will be taken after debate has been concluded on all motions to suspend the rules.

PUYALLUP TRIBE OF INDIANS SETTLEMENT ACT OF 1989

Mr. MILLER of California. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 932) to provide for the settlement of land claims of the Puyallup Tribe of Indians in the State of Washington, and for other purposes, as amended.

The Clerk read as follows:

H.R. 932

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Puyallup Tribe of Indians Settlement Act of 1989".

SEC. 2. CONGRESSIONAL FINDINGS AND PURPOSE.

(a) FINDINGS.—The Congress finds and declares that:

(1) It is the policy of the United States to promote tribal self-determination and economic self-sufficiency and to support the resolution of disputes over historical claims through settlements mutually agreed to by Indian and non-Indian parties.

(2) Disputes over certain land claims of the Puyallup Tribe and other matters, including—

(A) ownership of the Commencement Bay tidelands and areas of former Puyallup Riverbed, lands within the Puyallup Tribe's Treaty Reservation, or intended reservation boundaries,

(B) railroad and other rights-of-way,

(C) control of fisheries resource and habitat,

(D) jurisdiction over law enforcement, environment, navigation, and authority and control in the areas of land use,

(E) business regulation and zoning,

have resulted in difficult community relations and negative economic impacts affecting both the Tribe and non-Indian parties.

(3) Some of the significant historical events that led to the present circumstances include—

(A) the negotiation of the Treaty of Medicine Creek in December 1854, by the Puyallup Indians and others, by which the tribes ceded most of their territories but reserved certain lands and rights, including fishing rights;

(B) the Executive Order of 1857 creating the Puyallup Indian Reservation;

(C) the Executive Order of 1873, clarifying and extending the Puyallup Reservation in the Washington Territory;

(D) the March 11, 1891, Report of the Puyallup Indian Commission on allotments and the 1896 report by a second Puyallup Indian Commission describing the problems with sales of allotted lands; and

(E) the 1909 District Court for Tacoma decision of the United States of America against J.M. Ashton and the 1910 Supreme Court decision of United States of America against J.M. Ashton.

(4) It is recognized that both Indian and non-Indian parties enter into this settlement to resolve certain problems and claims and to derive certain benefits:

(5) There is a recognition that any final resolution of pending disputes through a process of litigation would take many years and entail great expense to all parties; continue economically and socially damaging controversies; prolong uncertainty as to the access, ownership, and jurisdictional status of issues in question; and seriously impair long-term economic planning and development for all parties.

(6) To advance the goals of Federal policy of Indian self-determination and to carry out the trust responsibility of the United States, and to advance the Federal policy of international trade and economic development, and in recognition of the Federal policy of settling these conflicts through comprehensive settlement agreements, it is appropriate that the United States participate in the funding and implementation of the Settlement Agreement.

(b) PURPOSE.—Therefore, it is the purpose of this Act—

(1) to approve, ratify, and confirm the agreement entered into by the non-Indian settlement parties and the Puyallup Tribe of Indians,

(2) to authorize and direct the Secretary to implement the terms of such agreement, and

(3) to authorize the actions and appropriations necessary to implement the provisions of the Settlement Agreement and this Act.

SEC. 3. RESOLUTION OF PUYALLUP TRIBAL LAND CLAIMS.

(a) RELINQUISHMENT.—In accordance with the Settlement Agreement and in return for the land and other benefits derived from the Settlement Agreement and this Act, the Tribe, and the United States as trustee for the Tribe and its members, relinquish all claims to tidelands, submerged lands, and any other lands, and including any mineral claims and nonfisheries water rights connected with such relinquished land, known or unknown, within the State of Washington, subject to the exceptions referred to in subsection (b).

(b) EXCEPTION FOR CERTAIN LANDS.—Subsection (a) shall not apply to the following:

(1) 12.5 acres of former riverbed land confirmed to the Tribe in Puyallup Tribe of Indians against Port of Tacoma (717 F. 2d 1251 (1983)), which land shall be subject to the terms and conditions described in the Settlement Agreement and document 6 of the Technical Documents.

(2) All land to which record title in the Tribe or the United States in trust for the Tribe or its members derives from a patent issued by the United States or from a conveyance of tideland by the State of Washington. For the purposes of this paragraph, the term "record title" means title documented by identifiable conveyances reflected in those records imparting constructive notice of conveyances according to the laws of the State (RCW chapters 65.04 and 65.08) and the final judgments of State or Federal courts.

(3) Certain land recognized to be owned on August 27, 1988, by the Tribe or the United States in trust for the Tribe within the Indian Addition to the city of Tacoma, Washington, as recorded in book 7 of plats at pages 30 and 31, records of Pierce County, Washington, as follows:

(A) Land owned on August 27, 1988:

(i) Portions of tracts 2, 5, 6, 10, and 11.

(ii) Tract 7 (school site).

(iii) Tract 8 (church site).

(iv) Tract 9 (cemetery site).

(v) Approximately 38 lots in blocks 8150, 8249, 8350, and 8442, inclusive.

(B) Land, wherever located, added to the above list of parcels on or before December 1, 1988, in accordance with paragraph A.3. of section IX of the Settlement Agreement.

(4) The lands transferred to the Tribe pursuant to the Settlement Agreement.

(5) The rights to underlying lands or the reversionary interest of the Tribe, if any, in the Union Pacific or Burlington Northern rights-of-way across the 1873 Survey Area, where the property over which they were granted belonged, at the time of the grant, to the United States in trust for the Tribe or to the Tribe.

(6) The submerged lands as of August 27, 1988, in the Puyallup River within the 1873 Survey Area below the mean high water line.

(c) PERSONAL CLAIMS.—Nothing in this section or in the Settlement Agreement shall be construed to impair, eliminate, or in any way affect the title of any individual Indian to land held by such individual in fee or in trust, nor shall it affect the personal claim

of any individual Indian as to claims regarding past sales of allotted lands or any claim which is pursued under any law of general applicability that protects non-Indians as well as Indians.

SEC. 4. SETTLEMENT LANDS.

(a) ACCEPTANCE BY SECRETARY.—The Secretary shall accept the conveyance of the lands described in subsection (c), and the Outer Hylebos tidelands property referred to in section VIII, A,1,c of the Settlement Agreement, subject to the terms and conditions of the Settlement Agreement and shall hold such lands in trust for the benefit of the Tribe.

(b) CONTAMINATION.—(1) Contamination audits and cleanup of settlement lands shall be carried out in accordance with the Settlement Agreement and document 1 of the Technical Documents.

(2) The Tribe shall not be liable for the cleanup costs or in any other manner for contamination on properties described in subsection (c) except any contamination caused by the Tribe's activities after conveyance of these properties to the Tribe under the terms of the Settlement Agreement and document 1 of the Technical Documents.

(c) LANDS DESCRIBED.—The lands referred to in subsection (a), and more particularly described in the Settlement Agreement, are as follows:

(1) The Blair Waterway property, comprised of approximately 43.4 acres.

(2) The Blair Backup property, comprised of approximately 85.2 acres.

(3) The Inner Hylebos property, comprised of approximately 72.9 acres.

(4) The Upper Hylebos property, comprised of approximately 5.9 acres.

(5) The Union Pacific property (Fife), comprised of a parcel of approximately 57 acres, and an adjoining 22-acre parcel if the option relating to the Union Pacific property (Fife) (as described in document 1 of the Technical Documents) is exercised.

(6) The Torre property (Fife), comprised of approximately 27.4 acres, unless the Port elects to provide the cash value of such property.

(7) The Taylor Way and East-West Road properties, two properties totaling approximately 7.4 acres.

(8) The submerged lands in the Puyallup River within the 1873 Survey Area below the mean high water line, as provided in section I. B. of the Settlement Agreement. To the extent that the United States has title to any of the lands described in this subpart, then such lands shall be held by the United States in trust for the use and benefit of the Puyallup Tribe.

(9) The approximately 600 acres of open space, forest, and cultural lands to be acquired by the Tribe with cash received pursuant to section I of the Settlement Agreement or other tribal funds.

(d) RESERVATION STATUS.—Nothing in this Act is intended to affect the boundaries of the Puyallup Reservation, except that the lands described in subsection (c) above in paragraphs (1) through (8), and the Outer Hylebos tidelands property referred to in section VIII of the Settlement Agreement, shall have on-reservation status.

(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $500,000 for the Federal share for the purchase of the lands referred to in subsection (c)(9).

SEC. 5. FUTURE TRUST LANDS.

In accepting lands in trust (other than those described in section 4) for the Puyallup Tribe or its members, the Secretary shall exercise the authority provided him in section 5 of the Act of June 18, 1934 (25 U.S.C. 465), and shall apply the standards set forth in part 151 of title 25, Code of Federal Regulations, as those standards now exist or as they may be amended in the future.

SEC. 6. FUNDS TO MEMBERS OF PUYALLUP TRIBE.

(a) PAYMENT TO INDIVIDUAL MEMBERS.—(1) To the extent provided in advance in appropriation Acts or to the extent funds are provided by other parties to the Settlement Agreement, the Secretary shall place with a financial institution the amount of $24,000,000 in an annuity fund or other investment program (hereafter in this subsection referred to as the "fund"). The selection of the institution or institutions where the funds will be held and the administration of the funds shall be in accordance with section II of the Settlement Agreement and documents 2 and 3 of the Technical Documents. Amounts earned pursuant to any investment of the fund shall be added to, and become part of, the fund.

(2) Upon attaining the age of 21 years, each enrolled member of the Tribe (determined by the Tribe pursuant to its constitution to have been a member as of the date of ratification of the Settlement Agreement by the Tribe) shall receive a one-time payment from the fund. The amount of such payment shall be determined in accordance with section II of the Settlement Agreement and document 2 of the Technical Documents.

(3) A reasonable and customary fee for the administration of the fund may be paid out of the income earned by the fund to the financial institution with which the fund is established.

(4) Upon payment to all eligible members of the Tribe pursuant to paragraph (2), any amount remaining in the fund shall be utilized in the manner determined by a vote of the members of the Tribe.

(5) There is authorized to be appropriated $22,350,000 for the Federal share of the fund.

(b) PERMANENT TRUST FUND FOR TRIBAL MEMBERS.—(1) In order to provide a permanent resource to enhance the ability of the Tribe to provide services to its members, there is established the Puyallup Tribe of Indians Settlement Trust Fund (hereafter in this subsection referred to as the "trust fund").

(2) Upon appropriation by Congress or to the extent funds are provided by other parties to the Settlement Agreement, the Secretary shall deposit $22,000,000 into the trust fund. The trust fund shall be invested in accordance with the Act of June 24, 1938 (25 U.S.C. 162a), so as to earn the maximum interest on principal and interest available under that Act. No part of the $22,000,000 principal may be expended for any purpose. Income earned on the principal or interest of the trust fund shall be available for expenditure as provided in paragraph (3).

(3)(A) The trust fund shall be administered and the funds shall be expended in accordance with section III of the Settlement Agreement and document 3 of the Technical Documents. Income from the trust fund may be used only for the following purposes unless modified in accordance with subparagraph (B):

(i) Housing.

(ii) Elderly needs.

(iii) Burial and cemetery maintenance.

(iv) Education and cultural preservation.

(v) Supplemental health care.

(vi) Day care.

(vii) Other social services.

(B) The purposes of the trust fund may be modified only as provided in document 3 of the Technical Documents.

(4) The fund established under this subsection shall be in perpetuity and inviolate.

(5) There is authorized to be appropriated $18,800,000 for the Federal share of the trust fund.

SEC. 7. FISHERIES.

In order to carry out the Federal part of the fisheries aspect of the Settlement Agreement, there is authorized to be appropriated $100,000 for navigation equipment at Commencement Bay to be used in accordance with section A of document 4 of the Technical Documents.

SEC. 8. ECONOMIC DEVELOPMENT AND LAND ACQUISITION.

(a) ECONOMIC DEVELOPMENT AND LAND ACQUISITION FUND.—To the extent provided in advance in appropriation Acts, the Secretary shall disburse $10,000,000 to the Tribe of which—

(1) $9,500,000 shall be available for the Tribe to carry out economic development consistent with section VI of the Settlement Agreement or to acquire lands; and

(2) $500,000 shall be available only to support and assist the development of business enterprises by members of the Tribe in a manner consistent with the Settlement Agreement.

There is authorized to be appropriated $10,000,000 to carry out this subsection.

(b) FOREIGN TRADE.—The Congress recognizes the right of the Tribe to engage in foreign trade consistent with Federal law and notwithstanding article XII of the treaty with the Nisqually and other bands of Indians entered into on December 26, 1854, and accepted, ratified, and confirmed on March 3, 1855 (11 Stat. 1132).

(c) BLAIR PROJECT.—There is authorized to be appropriated to the Secretary the amount of $25,500,000 for the Federal share of the costs associated with the Blair project, which shall be carried out in accordance with document 6 of the Technical Documents. For the purpose of this subsection, the Secretary shall transfer such amount to the Department of Transportation of the State of Washington. Such amount may only be used by the Department of Transportation of the State of Washington to carry out the Blair project in accordance with document 6 of the Technical Documents. Operation and maintenance of the Blair Waterway channel shall remain the responsibility of the Secretary of the Army, acting through the Chief of Engineers.

SEC. 9. JURISDICTION.

The Tribe shall retain and exercise jurisdiction, and the United States and the State and political subdivisions thereof shall retain and exercise jurisdiction, as provided in the Settlement Agreement and Technical Documents and, where not provided therein, as otherwise provided by Federal law.

SEC. 10. MISCELLANEOUS PROVISIONS.

(a) LIENS AND FORFEITURES, ETC.—(1) None of the funds, assets, or income from the trust fund established in section 6(b) which are received by the Tribe under the Settlement Agreement shall be subject to levy, execution, forfeiture, garnishment, lien, encumbrance, or seizure.

(2) The annuity fund, or other investment program, established in section 6(a) shall not be subject to levy, execution, forfeiture, garnishment, lien, encumbrance, or seizure.

Payments from the fund shall be in accordance with the Act of August 2, 1983 (25 U.S.C. 117a et seq.; commonly referred to as the "Per Capita Act").

(b) ELIGIBILITY FOR FEDERAL PROGRAMS; TRUST RESPONSIBILITY.—Nothing in this Act or the Settlement Agreement shall affect the eligibility of the Tribe or any of its members for any Federal program or the trust responsibility of the United States and its agencies to the Tribe and members of the Tribe.

(c) PERMANENT TRUST FUND NOT COUNTED FOR CERTAIN PURPOSES.—None of the funds, assets, or income from the trust fund established in section 6(b) shall at any time be used as a basis for denying or reducing funds to the Tribe or its members under any Federal, State, or local program.

(d) TAX TREATMENT OF FUNDS AND ASSETS.—None of the funds or assets transferred to the Tribe or its members by the Settlement Agreement of this Act, and none of the interest earned or income received on amounts in the funds established under section 6 (a) and (b), shall be deemed to be taxable, nor shall such transfers be taxable events.

SEC. 11. ACTIONS BY THE SECRETARY.

The Secretary in administering this Act shall be aware of the trust responsibility of the United States to the Tribe and shall take such actions as may be necessary or appropriate to carry out this Act and the Settlement Agreement.

SEC. 12. DEFINITIONS.

For the purposes of this Act—

(1) the term "1873 Survey Area" means the area which is within the area demarked by the high water line as meandered and the upland boundaries, as shown on the plat map of the 1873 Survey of the Puyallup Indian Reservation, conducted by the United States General Land Office, and filed in 1874;

(2) the term "Secretary" means the Secretary of the Interior;

(3) the term "Settlement Agreement" means the document entitled "Agreement between the Puyallup Tribe of Indians, Local Governments in Pierce County, the State of Washington, the United States of America, and certain private property owners", dated August 27, 1988;

(4) the term "State" means the State of Washington;

(5) the term "Technical Documents" means the 7 documents which comprise the technical appendix to the Settlement Agreement and are dated August 27, 1988;

(6) the term "Tribe" means the Puyallup Tribe of Indians, a tribe of Indians recognized by the United States;

(7) the term "below the mean high water line" in reference to the submerged lands of the Puyallup Riverbed means "below the ordinary high water mark" in that portion of the river not subject to tidal influence and "below the mean high water line" in that portion of the river which is subject to tidal influence; and

(8) the term "on-reservation status" means a status under which Federal laws and regulations, treaty rights, and rights of sovereignty, which define the rights and responsibilities on trust or restricted lands (including rights-of-way and easements running through such lands within a Federal Indian reservation) apply: *Provided*, That such application is not inconsistent with any provision of the Settlement Agreement.

SEC. 13. EFFECTIVE DATE.

Sections 3 and 9 shall take effect on the effective date of the Settlement Agreement and when all terms are met as stated under section X of the Settlement Agreement.

The SPEAKER pro tempore. Pursuant to the rule, a second is not required on this motion.

The gentleman from California [Mr. MILLER] will be recognized for 20 minutes and the gentleman from Arizona [Mr. RHODES] will be recognized for 20 minutes.

The Chair recognizes the gentleman from California [Mr. MILLER].

GENERAL LEAVE

Mr. MILLER of California. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 932, the bill presently under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. MILLER of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am pleased to bring to the floor H.R. 932, a bill to provide for the settlement of land claims of the Puyallup Indian Tribe. The bill was reported favorably from the Interior Committee on May 10.

This bill provides for the ratification and implementation of an agreement reached by the tribe, the State of Washington, various local governments, private owners, and others to settle long standing claims—some over 100 years old—raised by members of the tribe.

Litigation and assertion of the Indian claims has clouded title to lands in the Tacoma Area. The absence of a settlement of these claims has been troublesome to the Indians and to others affected by the claims. It is important to the area and affected parties that these issues be finally put to rest.

Just over 4 years ago, the tribe approached various authorities in the area and suggested that they work together to reach a negotiated settlement. A settlement was finally reached and ratified by the tribe last summer. This bill will implement that agreement.

Under terms of the agreement, the tribe will waive its land and land-related claims in Washington State. In return, the various parties—private, State, local, and Federal—will provide an assortment of benefits to the tribe.

I urge my colleagues to join me in supporting enactment of this legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. RHODES. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 932, the Puyallup Tribe of Indians Settlement Act of 1989.

We concur with the statements of the chairman and sponsors of H.R. 932 expressed here today. We believe that Federal ratification of and contribution to the settlement agreement between the Puyallup Tribe and their neighboring landowners and local governments is an appropriate step for the Congress to take.

Over the last 25 years the Puyallup Tribe has successfully litigated a variety of claims against private landowners in and around the city and Port of Tacoma, WA, and the courts have upheld the tribe's ownership of and right to use certain lands and resources in this locality. With great foresight, the parties to this conflict diverted from protracted and fractious litigation, and negotiated a settlement that accomplishes two important results. The settlement protects the economic health of the local, State, and national interests, and it promotes cooperation between State, tribal, and local units of government in the regulation and management of the land and related resources which make up the settlement package.

Concern has been expressed about the legal liability of the Federal Government to contribute to the total dollar amount of the settlement. While the United States is neither a party to the litigation, nor bears any strict legal exposure for the conflicts at issue, is incontrovertible that the multitude of conflicting, but well-intentioned, Federal Indian laws and policies enacted during the 19th and 20th centuries have contributed significantly to the disputes that are at the heart of this settlement agreement.

This settlement provides a fair and honorable resolution to the tribe's land claims and secures to the tribe an alternative to the permanent homeland promised to the tribe in the Treaty of 1854. The settlement assures the tribe's long-term economic self-sufficiency and promotes a cooperative partnership between the tribe and their non-Indian neighbors both on intergovernmental matters and on matters pertaining to the economic health of the community.

For all of the foregoing reasons, I strongly urge my colleagues to support the passage of H.R. 932.

Mr. Speaker, I commend the entire Washington delegation and especially the gentleman from Washington [Mr. DICKS] for bringing this matter to us.

Mr. Speaker, I have been involved in a couple of these myself. I know fully well when you have a settlement in matters such as this, it is necessary to act quickly.

I would urge the House to do so.

29-059 O-90-2 (Pt. 8)

Mr. Speaker, I yield such time as he may consume to the gentleman from Washington [Mr. CHANDLER].

Mr. CHANDLER. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, over 100 years ago, before Washington became a State, the Puyallup Tribe of Indians was formally recognized by the Federal Government. With this recognition came land—traditional inland coastal and tidal areas where this proud people had made their home and livelihood for centuries.

The creation of a right does not ensure its continued protection, however. Over time, and through various legal maneuverings, the Puyallups lost more of their rightful land claims.

Today we have the opportunity to right a wrong and compensate the Puyallups for these takings. Federal ratification of this negotiated settlement is essential. The settlement is balanced—with contributions not just from the Federal level, but private, State, and local expenditures as well. The Federal share of the settlement is less than 50 percent of the total.

The House should support this settlement. It is not without cost, but it represents money well spent. It is a model of successful negotiation, without litigation, between Indian tribes and local, State, and private entities.

Much of the agreement provides assistance to the Puyallups in the form of job training, funding for tribal social service programs, restoration of salmon runs, and economic development. These will produce permanent dividends for the Indian community and its neighbors.

Without resolving the issues addressed by the agreement, much-needed economic development at the Port of Tacoma could be stalled. Hopes for greater Pacific Rim trade throughout the region could suffer.

In a recent economic study, it was found that removing the clouds on land title could encourage $500 million in economic investment and the creation of over 6,000 permanent jobs over the next 8 to 10 years. Unless the agreement is implemented, those clouds on land title remain. Years of litigation—a halt to economic development—will result.

There are probably some in this body who question the expenditure of Federal funds for a settlement of this nature, but the alternative is, I'm afraid, protracted litigation, where no one wins but the lawyers.

Finally, I would like to commend my friend and colleague, from the State of Washington [Mr. DICKS] and the outstanding effort he has made on behalf of the negotiated settlement and in drafting the measure before us today. We have a truly bipartisan proposal.

I am proud to support this bill, Mr. Speaker, and urge my colleagues to do the same.

□ 1250

Mr. MILLER of California. Mr. Speaker, I yield 5 minutes to the gentleman from Washington [Mr. MCDERMOTT].

Mr. McDERMOTT. Mr. Speaker, I rise in support of H.R. 932, which ratifies and authorizes funding for one of the most comprehensive and complex Indian claims settlements to come before the Congress in a long time. This bill represents an enormous achievement by Congressman NORM DICKS, who pushed the negotiations along over 4 years, to a settlement that is fair to all the parties.

The Puyallup people lived on the shores of Puget Sound for thousands of years before the white man came. Since the 1850's, theirs has been a story like that of many native American tribes—of misunderstanding, conflict, and exploitation. The land whose cedar trees has provided longhouses, canoes, and clothing became Washington's third largest city, the western terminus of the Union Pacific Railroad. The tideflats and fishing grounds that had provided the tribe's food supply became one of the largest ports on the west coast. The Puyallup reservation shrank to 65 acres in the middle of a metropolitan area of over a million people.

More recently, Puyallup land claims have clouded title to some 300 acres, including downtown Tacoma and its port. The result has been a near halt to economic development, modernization of port facilities, and many other activities. People have been unable to sell their houses, or even contract for major repairs. The social conflict has been severe and destructive to all concerned. A few years ago, the tribe initiated settlement talks. Thanks to NORM DICKS and Senator DANIEL INOUYE, and thanks to the tribe and all the nontribal parties who stuck with the process over the years, those talks brought about this settlement.

I especially appreciate the work of the tribal council and its chairman, Bill Sterud, and the others in the tribe who came forward to begin the negotiations and saw them through. They could have pursued the legal claims without regard for the consequences to the community, but they chose instead to work for a settlement and a partnership that holds great promise for all the people who now live and work where the Puyallups once hunted and fished.

The settlement recognizes the Federal responsibility in creating the land claims, and provides a fair and appropriate level of Federal participation. It will benefit not only the tribe and its members, but all the people of Pierce County and the State of Washington—unlocking port facilities to Pacific rim trade, providing the tribe with funds for much needed social services and job training, settling jurisdictional issues.

Equally important, the settlement includes a consultative process for resolving future disputes about land use and fisheries. In that respect, it can provide a model for relations between tribal governments and the State and local governments, in our State and elsewhere.

Mr. Speaker, when I think about Indian land claims I think about Chief Joseph, one of the great Indian chiefs of the Northwest, and what he said nearly a century ago:

> I never said the land was mine to do with as I chose. The one with the right to dispose of it is the one who created it. I claim a right to live on my land, and I accord you the privilege to live on yours.

In that spirit, and in recognition of the great achievement this settlement represents, I urge your support for H.R. 932.

Mr. RHODES. Mr. Speaker, I yield such time as he may consume to the gentleman from Washington [Mr. MORRISON].

Mr. MORRISON of Washington. Mr. Speaker, the Federal role in this Puyallup Tribe is really intriguing when you look at the history. Federal treaty, 135 years ago, it was modified by executive orders. In 1857 and 1873, as often we find in the West, there was a questionable survey. No one really knew where the lines were. As a result, Federal commissions were created by Congress in 1890 and 1893.

In other words, Mr. Speaker, there is a history of Federal actions and inactions that bring this issue to Members today. Those Federal actions, however, never led to any conclusions. As we see it, the tremendous potential liability to the U.S. Government, is in fact the issues related to the Puyallup Tribe really never went to court, which is where they were headed without this settlement.

Now, almost 5 years later after negotiations we have an agreement, a practical solution. I think tribute should be paid to our colleague, the gentleman from Washington [Mr. DICKS] and others, including a number of folks at the Federal level who participated in these negotiations. We have an agreement that is of vital interest at the Federal level, and in spite of that, a majority of the cost is borne locally.

I think it is a very good package. It is appropriate that Congress should pass it. I urge support of my colleagues for H.R. 932.

Mr. MILLER of California. Mr. Speaker, I yield 7 minutes to the gentleman from Washington [Mr. DICKS].

Mr. DICKS. Mr. Speaker, I am pleased to rise in support of H.R. 932,

Puyallup Tribe of Indians Settlement Act of 1989.

First of all, I want to commend my colleagues, the gentleman from California [Mr. MILLER], the gentleman from Washington [Mr. MCDERMOTT], Frank Ducheneaux, a very able member of the staff of the Committee on Interior and Insular Affairs. I want to thank the gentleman from Alaska [Mr. YOUNG], and the gentleman from Arizona [Mr. RHODES], and Rick Agnew and Kathy Wilson, who have also worked on this. We had tremendous bipartisan support for this settlement.

The Puyallup Tribe was originally on the east side of Puget Sound in Washington State in the vicinity of what is now the city of Tacoma. The tribe was reorganized pursuant to the Indian Reorganization Act of 1934 and has an enrolled membership of approximately 1,400 members.

□ 1300

In 1854, the Puyallup Tribe, along with several other coastal tribes of the Puget Sound Area, entered into the December 26, 1854, Treaty of Medicine Creek with the United States. In the treaty, the tribes ceded to the United States their right to large tracts of land in the Puget Sound Area. They did reserve to themselves certain lands for reservations, but no specific boundaries were set for the reservations.

Shortly after the treaty, Isaac Stevens, the Governor and Superintendent of Indian Affairs of Washington Territory, submitted to the President a description of a reservation for the Puyallup Tribe which was contrary to the promises made to the tribe at the time of the treaty. The area described was not at the mouth of the Puyallup River as described by the tribe, but in the area of what is now downtown Tacoma with poor access to Commencement Bay. As a result of this broken promise, hostilities between the United States and the tribe resulted. The war ended with the Fox Island Conference of August 1956, at which the tribe was promised a large reservation at the mouth of the Puyallup River.

Pursuant to that Fox Island Agreement, the Executive order of January 20, 1857, set aside a new or expanded reservation for the Puyallup Tribe at the mouth of the river. However, the survey of this reservation created two new issues. First, the surveyor described a smaller inland area than the Puyallups understood they were to have. Second, while the reservation extended to the uplands on both sides of Commencement Bay surrounding the mouth of the river, the surveyor drew a straight line from one point to the other, including some critical tidelands, but excluding others. As stated in the August 26, 1873, letter from the Acting Commissioner of Indian Affairs to the Secretary of the Interior:

> The survey was thought to be made so as to give to the Indians this frontage upon the bay, with free access to the water thereof. More recent surveys, however, develop the fact that there is land along the shore, and outside the reservation, arising from an error of the surveyor in leaving the low-water mark, along the shores of said bay, and running a direct line to the place of beginning.

These two issues did not result in any real problems until after the Civil War, when settlers began to flood into the area and to interfere with the tribal use of the tidelands.

Mr. Speaker, I recount this brief history in order for my colleagues here to understand that the reason for the problem we face today in Tacoma, WA, is because of the mistakes that were made by the Federal Government when this reservation was created and the attitude that was taken by the administration and Congress at that time. Today, one hundred and some years later, in Tacoma, WA, we are faced with land claims that affect hundreds and hundreds of businesses and hundreds and hundreds of individuals. The Puyallup Tribe has already brought claims in court that have been upheld by the circuit court of appeals and by the U.S. Supreme Court.

Mr. Speaker, I can tell the Members this: If we do not pass this legislation today, this issue will be revisited, because when the tribe moves people off their lands and out of their homes and out of their businesses, they are going to petition the Congress and say that the mistakes of the original patented land are what resulted in this entire episode, and I think there is contingent liability clearly on the part of the Government of the United States.

But I would say also to my colleagues that this is a positive settlement, a settlement that was worked on by Members of both bodies of Congress. It was a bipartisan effort to try to solve a very difficult problem that continues to exist today. I believe it is an example of how to work with native Americans, how to resolve claims, and how to resolve jurisdictional disputes. That is why I put so much effort into this.

I would also point out to my colleagues that a very important project, the Blair Transportation project, is also funded, and the reason it had to be in this bill was because the tribe had a block on the area where we were going to put the dredge spoils, and without this project being in the bill we would not have been able to get that problem resolved and get that project funded.

So I would just urge my colleagues to give us a positive vote on this particular settlement. Again I want to thank my colleagues from Washington State, Mr. MORRISON, Mr. CHANDLER, and Mr. MILLER. This has been a bipartisan effort. I also want to thank the majority leader for his help and guidance on this legislation.

Mr. MILLER of California. Mr. Speaker, will the gentleman yield?

Mr. DICKS. I yield to the gentleman from California.

Mr. MILLER of California. Mr. Speaker, first I would just like to thank the gentleman from Washington [Mr. DICKS] for all his work and his personal involvement. I thank him for his hands-on approach to this problem over the last couple of years. I think it is very clear that without that commitment to getting this solution to the problem and without the gentleman's involvement, we would not be here this afternoon. I just want to commend the gentleman for doing that.

This committee is very often saddled with very difficult issues of Indian settlements and claims and with all of the emotion that brings about. What the gentleman has done is to almost set out a model for people who want to work these problems out in the future. I want to thank the gentleman very much for his efforts.

Mr. FOLEY. Mr. Speaker, will the gentleman yield?

Mr. DICKS. I yield to the majority leader.

Mr. FOLEY. Mr. Speaker, I want to echo the comments of the subcommittee chairman concerning the gentleman from Washington [Mr. DICKS]. His leadership has been absolutely essential to bringing this bill to the floor. It could not have happened without his leadership and his responsible involvement for many years working toward the solution of this difficult problem. I compliment the gentleman. He deserves the thanks of the House.

Mr. SWIFT. Mr. Speaker, will the gentleman yield?

Mr. DICKS. I yield to my colleague, the gentleman from Washington.

Mr. SWIFT. Mr. Speaker, I want to commend the gentleman from Washington [Mr. DICKS]. I know of the months and years he has put into working out a fair solution for both the Indian tribes and the non-Indians. The gentleman is to be commended.

Mr. Speaker, I urge my colleagues to support H.R. 932, the Puyallup Tribe of Indians Settlement Act of 1989, which is being considered by the House today. H.R. 932 has the support of the entire Washington State congressional delegation and recently received unanimous approval from both the House Interior Committee and the Senate Select Committee on Indian Affairs.

Why should the Federal Government make some financial contribution to the settlement? The answer is not simply that it is a noble or generous or good thing to do. There is not charity asked for here.

Rather, the Federal Government—albeit in years far gone in the past—made the judg-

ments, decisions, and errors that created this awkward situation and it now has a responsibility to help in forging a solution that is fair to the Indians and to the non-Indian populations.

To do otherwise would simply mean that the Federal Government created a massive problem and is willing to walk away from the wreckage and let the victims of Federal decisions fight it out as best they can. That is unfair and irresponsible.

NORM DICKS has built a resolution to the problem—one I personally admire enormously. He has done us all a favor in solving this problem and his bill, this bill, deserves our support.

Mr. DICKS. Mr. Speaker, I also want to thank two members of my staff who put in literally many hours, Tim Thompson and Mike Bagley. And again I want to thank the gentleman from Washington [Mr. MCDERMOTT] for managing this in the committee. The gentleman did an outstanding job.

Mr. RHODES. Mr. Speaker, I yield 2 minutes to the gentleman from Minnesota [Mr. FRENZEL].

Mr. FRENZEL. Mr. Speaker, I rise in opposition to the bill.

Mr. Speaker, occasionally it becomes necessary to be the onion in the petunia patch, and in this case I am going to be a lone voice in disapproval of this bill, despite the brilliant work on the part of the Washington delegation and principally by the gentleman from Washington [Mr. DICKS] in negotiating a difficult situation to an apparently wonderful conclusion.

The only problem is that all of the parties were made whole by a solution which causes the Federal taxpayers to pick up the tab. Suits are dismissed against private parties, and the State and local governments and the port authority get absolved of potential claims. And how do we resolve them? We take the party that did not participate in the negotiations, that is, the Federal taxpayer, and stick the taxpayer for the solution.

The Department of Justice, in a letter appearing in the committee report, says, "There is marginal risk of Federal liability from legal claims that could be relinquished under the settlement, and the $77 million Federal expenditure is, therefore, not justifiable solely as the settlement of such claims against the United States."

Earlier on there is a statement saying, "The only active litigation dismissed under the agreement is an action by the tribe against several of the non-Indian parties to the agreement, including the Federal Government."

It is a good solution but a rather unfortunate one for the Federal taxpayers. What we really have here is a nice bill for some interests in the State of Washington.

It is one, I think that does not meet the test for approbation for this body.

Mr. RHODES. Mr. Speaker, to conclude the debate on our side, I yield myself such time as I may consume.

Mr. Speaker, I would simply like to say in response to the remarks just made by my friend, the gentleman from Minnesota [Mr. FRENZEL] that when we deal with settling a claim by an Indian tribe, we are in fact dealing with a nation issue. The fact that this particular tribe is located in the State of Washington and the fact that its protagonists are Washington entities does not lessen the relationship between the United States of America and all the citizens of this country and an Indian tribe which has a dispute arising out of its relationship with the United States.

I think our participation in settlement of this dispute is not only appropriate but is called for.

Mr. Speaker, I again congratulate the Washington delegation, including the gentleman from Washington [Mr. DICKS], and I call upon my colleagues to support this bill.

Mr. MILLER of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, Mr. ROSTENKOWSKI, the chairman of the Ways and Means Committee, wrote to Chairman UDALL expressing his concern about subsection 10(d) of H.R. 932. This subsection provides that the settlement funds made available to the tribe and its members will not be subject to certain taxes.

This provision was included in the legislation by the parties to the negotiations out of an abundance of caution. The transfer of funds to the Puyallup Tribe as a part of the settlement and the per capita payments to the members out of these funds held in trust by the United States would have been nontaxable under other law.

However, it is clear that the provision does deal with taxation and does fall within the jurisdiction of the Ways and Means Committee. I want to recognize that passage of this bill does not constitute a jurisdictional precedent for future legislation.

Mr. Speaker, under leave to include extraneous matter, I submit a letter from Chairman ROSTENKOWSKI to Chairman UDALL and my response on behalf of Chairman UDALL to that effect to be made a part of the RECORD:

COMMITTEE ON INTERIOR
AND INSULAR AFFAIRS,
Washington, DC, May 23, 1989.

Hon. DAN ROSTENKOWSKI,
Chairman, Committee on Ways and Means, U.S. House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: On behalf of Chairman Udall, I am happy to respond to your letter in which you express concern about section 10(d) of H.R. 932, the Puyallup Tribe of Indians Settlement Act of 1989. That subsection deals with the tax treatment of funds or assets made available to the Puyallup Tribe and its members under the terms of the Settlement.

Our Committee recognizes that tax matters fall within the jurisdiction of your Committee. we would not expect that passage of H.R. 932 without referral to your Committee based upon the provisions of section 10(d) would represent a jurisdictional precedent for any future legislation.

I appreciate very much your cooperation in this matter.

Sincerely,

GEORGE MILLER,
Ranking Democrat.

COMMITTEE ON WAYS AND MEANS,
Washington, DC, May 23, 1989.

Hon. MORRIS K. UDALL,
Chairman, Committee on Interior and Insular Affairs, U.S. House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: It has come to my attention that the bill H.R. 932, which provides for the settlement of land claims of the Puyallup Tribe, contains a revenue measure which is within the jurisdiction of the Committee on Ways and Means.

Section 10(d) of H.R. 932, as reported by the Committee on Interior and Insular Affairs, would provide that any funds or assets transferred to the Puyallup Tribe under the bill, as well as interest earned or income received on amounts in the funds established under the bill, would not be taxable. In addition, section 10(d) would provide that transfers under the bill would not constitu e taxable events.

After discussing this issue with the Majority Leader, I understand the urgency surrounding this legislation. However, I must also point out that clause 5(b) of House Rule XXI prohibits the consideration of any revenue matter in the House which has not been reported by a Committee with jurisdiction over such revenue matters.

Notwithstanding this House rule and the fact that H.R. 932 was neither referred to nor reported by the Committee on Ways and Means, I will not object to consideration of this bill under suspension of the rules today. I do not object assuming that we have an understanding between our two committees that, in the future, revenue matters will not be included in legislation reported by the Committee on Interior and Insular Affairs, and that action on H.R. 932 will not be cited as a precedent regarding the jurisdiction of our two respective committees. In addition, should a conference be necessary concerning the tax provisions of this bill, I will request that members of the tax writing committees be appointed as exclusive conferees. Finally, I would request that this letter and any reply from you on behalf of the Committee on Interior and Insular Affairs be printed in the Congressional Record with the general debate on this issue. I am confident that this course of action will satisfy the interests of our two respective committees.

Sincerely,

DAN ROSTENKOWSKI,
Chairman.

Mr. OWENS of New York. Mr. Speaker, I would like to speak in support of H.R. 932 and commend Congressman DICKS, the Puyallup Tribe, and elected officials of the State of Washington, for what appears to be an extraordinary accomplishment in mutual consideration and compromise.

I have a special appreciation for this legislation because it would effect comprehensive resolution of a longstanding dispute that closely parallels a conflict involving claims of the Ute Indian Tribe in the State of Utah.

The case of the Ute Indians involves disputes and claims relating to water rights, police authority, taxation, jurisdiction, busi-

nesss regulating, title to land, ownership and management of fish and wildlife resources, and entitlement to compensation and economic assistance.

As with the Puyallup Tribe, the Utes have won court battles upholding many of their claims, and the litigation continues. As with the Puyallup Tribe and the State of Washington, the conflict has and continues to retard the growth and progress of both the State of Utah and the Ute Indian Tribe.

This settlement demonstrates that Federal, State, and local and private interests and Indian tribes can sit down together to work out rational comprehensive solutions to knotty and emotionally charged problems. I congratulate the Washington delegation and other negotiators of this settlement. I commend the fact that it clearly includes significant contributions from all parties who were affected.

This settlement and legislation represents a challenge to us in Utah; to undertake a comprehensive settlement of the Ute Indian claims with the same good faith and mutual commitment to fairness. With enthusiasm, I urge support of H.R. 932. It will be used as a model for resolving similar challenges in the State of Utah. I am pledged to work toward a comprehensive Utah and Federal settlement with the Ute Indians. I hope the Congress will be equally supportive of the results of our efforts in the State of Utah.

The SPEAKER pro tempore (Mr. MURTHA). The question is on the motion offered by the gentleman from California [Mr. MILLER] that the House suspend the rules and pass the bill, H.R. 932, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The title of the bill was amended so as to read: "A bill to provide for the settlement of land claims, and the resolution of certain issues of governmental jurisdiction, of the Puyallup Tribe of Indians in the State of Washington, and for other purposes."

A motion to reconsider was laid on the table.

□ 1310

PARLIAMENTARY INQUIRY

Mr. SOLOMON. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore (Mr. MURTHA). The gentleman will state it.

Mr. SOLOMON. Mr. Speaker, I thought I heard on the floor here a little while ago a message from the Senate having sent back over to us the supplemental budget, that dire supplemental that we passed last Thursday, and my parliamentary inquiry is:

What is the appropriate procedure for getting a supplemental bill on the floor so that we can consider the Senate amendment?

The SPEAKER pro tempore. The Chair will await the arrival of the chairman of the Committee on Appropriations.

Mr. SOLOMON. Awaiting the arrival?

I would just like to inform the House, Mr. Speaker, that the Republican membership is in full agreement to bring up that dire supplemental to consider the Senate amendment at any time, and we hope that we would have the cooperation of the Democratic leadership as well. I would appreciate being informed when the Committee on Appropriations arrives here on the floor.

APPOINTMENT OF ENLISTED PERSONNEL TO THE AMERICAN BATTLE MONUMENTS COMMISSION

Mr. MONTGOMERY. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1414) to provide for the appointment of enlisted members of the Armed Forces to the American Battle Monuments Commission, as amended.

The Clerk read as follows:

H.R. 1414

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. MEMBERSHIP ON AMERICAN BATTLE MONUMENT COMMISSION.

The first section of the Act entitled "An Act for the creation of the American Battle Monuments Commission to erect suitable memorials commemorating the services of the American soldier in Europe, and for other purposes" (36 U.S.C. 121), approved March 4, 1923, is amended by striking out "commissioned officers" in the third sentence and inserting in lieu thereof "members".

SEC. 2. GRAVE LINERS.

(a) IN GENERAL.—Subsection (e) of section 906 of title 38, United States Code, is amended by adding at the end of the following new paragraph:

"(3) The Secretary of Veterans Affairs shall provide a grave liner for each grave in a cemetery within the National Cemetery System if the cemetery—

"(A) was established on or after January 1, 1987; or

"(B)" had over 200 interments during the year preceding the year in which the grave liner is to be provided.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on October 1, 1989.

SEC. 3. OPERATION OF CERTAIN CEMETERY.

The Secretary of Veterans Affairs shall enter into a contract with the State of Michigan, or the appropriate State agency thereof, under which the Secretary shall, beginning not later than July 1, 1990, operate and maintain the cemetery located in Mackinac Island State Park, Michigan, in accordance with standards applicable to cemeteries in the National Cemetery System.

The SPEAKER pro tempore. Is a second demanded?

Mr. STUMP. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER pro tempore. The gentleman from Mississippi [Mr. MONTGOMERY] will be recognized for 20 minutes and the gentleman from Arizona [Mr. STUMP] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Mississippi [Mr. MONTGOMERY].

GENERAL LEAVE

Mr. MONTGOMERY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

Mr. MONTGOMERY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 1414 would provide a needed change regarding personnel of the American Battle Monuments Commission. This Commission does an excellent job of maintaining monuments and cemeteries overseas that provide a fitting tribute to the Americans who have died on foreign soil in defense of freedom for all people. The bill also makes important improvements in the National Cemetery System.

Before yielding to the distinguished gentleman from West Virginia [Mr. STAGGERS] for an explanation of the bill, I want to thank him for his work on this measure and for the excellent job he is doing as chairman of our Subcommittee on Housing and Memorial Affairs. He's taking his job very seriously, and the committee is fortunate to have a man of his leadership ability.

I also want to thank the ranking minority member of the subcommittee, the gentleman from Indiana [Mr. BURTON], for his continued cooperation and hard work. The gentleman from West Virginia and the gentleman from Indiana are working together to help our veterans and I'm grateful for what they have accomplished this session.

After the Memorial Day recess, we will have a major veterans housing reform bill on the floor and a second memorial affairs bill has been reported by our committee and referred to the Armed Services Committee. The subcommittee has been busy and I thank all members of the subcommittee for their work on the bill.

Mr. Speaker, I yield such time as he may consume to the gentleman from West Virginia [Mr. STAGGERS].

Mr. STAGGERS. Mr. Speaker, under current law, only commissioned officers of the Armed Forces of the United States may be appointed as members of the American Battle Monuments Commission. Therefore, H.R. 1414 would allow for the appointment of enlisted members of the

Armed Forces to serve on the Commission.

The principal functions of the American Battle Monuments Commission are to commemorate the sacrifices and achievements of the American Armed Forces since April 6, 1917, through the erection of suitable memorial shrines; to design, construct, operate, and maintain permanent American military burial grounds in foreign countries; to control the design and construction of U.S. military monuments and markers in foreign countries by U.S. citizens and organizations both public and private; and to encourage the maintenance of such monuments and markers by their sponsors. In performing these functions, the Commission administers, operates, and maintains 24 permanent American military burial grounds, 14 separate monuments and 4 memorials in 12 countries around the world.

Prior to 1923, no Federal agency was responsible for commemorating the sacrifices and achievements of U.S. Armed Forces. After the allied victory in World War I, many American troop units erected monuments and markers to themselves where they had served in Europe. These monuments and markers came in assorted sizes, shapes, and descriptions. Too often, they bore little relationship to the achievements of the units, were poorly designed and constructed, were erected on land not owned by the units and were without provision for future maintenance.

When the decision was made by the War Department that a Federal agency should be responsible for honoring American Armed Forces where they served, legislation was enacted in 1923 creating the American Battle Monuments Commission. Gen. John J. Pershing was appointed by President Harding to the newly formed Commission in 1923 and was elected chairman by the other members. Gen. George C. Marshall became chairman in 1948, Gen. Mark W. Clark in 1967, Gen. Jacob L. Devers in 1969, and Gen. Andrew J. Goodpaster, the present chairman, in 1985.

The policymaking body of the Commission consists of 11 members who are appointed by the President for an indefinite term and serve without pay. They meet with the professional staff of the Commission once or twice annually, ABMC is staffed by 387 full-time civilian employees and 6 military officers who work for the Commission on a reimbursable basis by arrangement with the Department of Defense. Since its inception, service on the Commission has been limited by law to commissioned officers.

Mr. Speaker, such restriction was not uncharacteristic for the times when the law was adopted in 1923 but since the enlisted serviceman and the noncommissioned and petty officer bear the brunt of the battle preceding the creation of every memorial, they should be represented on the Commission. Therefore, H.R. 1414 would allow for such appointment.

The bill would also mandate graveliners at all open cemeteries which have been established since 1987 and at cemeteries which have over 200 interments a year.

Mr. Speaker, graveliners were first introduced in the National Cemetery System in 1975 on an experimental basis at 10 locations. The test proved so successful that use was gradually expanded to 30 of the 57 national cemeteries then open. In 1980, however, the administration forced the agency to cut back substantially on the use of graveliners.

Graveliners are rigid outer liners, typically made of concrete, which enclose the casket in order to prevent sinkage and thus reduce overall maintenance costs. As the ground settles over a grave, sinkage occurs and maintenance efforts are required about 10 times over a 20-year period after an interment is made. In each case, the resulting depression must be filled in order to maintain an acceptable standard of cemetery appearance.

In July 1987, the Subcommittee on Housing and Memorial Affairs heard testimony from a variety of witnesses on the potential for using graveliners to improve cemetery operations. It was reported that graveliners are required today in the vast majority of private and denominational cemeteries, a clear demonstration of their effectiveness in reducing costs and improving cemetery appearance. The American Cemetery Association commented that it was "inconceivable" that any modern cemetery operated without them.

Public Law 100-322, which became effective on May 20, 1988, authorized the Veterans' Administration to use graveliners at all national cemeteries. However, only seven cemeteries are using graveliners today. These cemeteries are Calverton, NY; Riverside, CA; Massachusetts National Cemetery; Florida National Cemetery; Houston, TX; Fort Sam Houston, TX; and Fort Snelling, MI.

Graveliners are used by the Department of Veterans' Affairs for four reasons: First, to reduce maintenance requirements by preventing the ground from sinking over a collapsing casket; second, to prevent headstones from sinking and tilting; third, to reduce falls and accidents to employees and visitors when walking over uneven ground; and fourth, to assure that cemetery appearance meets the high standard expected by the public.

Mr. Speaker, a study conducted by consulting engineers at the request of the Veterans' Administration outlined a methodology for determining at individual cemeteries whether graveliners are cost beneficial. The basic finding is that graveliners are cost effective at cemeteries with over 550 interments a year. Graveliners cost approximately $100 per unit; and according to the study, the initial cost of graveliners in national cemeteries with over 550 interments a year is recovered in 5 to 7 years with $21 yearly savings per gravesite thereafter. The recovery period for cemeteries with under 550 interments a year is slightly longer.

Mr. Speaker, the report deals only with cost savings and does not address any of the other advantages cited by the VA resulting from the use of graveliners. The committee believes that preventing headstones from sinking and tilting, reducing falls and accidents due to uneven ground, and improved cemetery appearance has value. The committee has been advised by the Veterans' Administration that mandating graveliners at cemeteries which have been open since 1987 or which have over 200 interments a year makes sense operationally in order to maintain high standards of appearance in our National Cemetery System.

Mr. Speaker, we would also expect the Secretary to use graveliners at any other national cemetery where for reasons of cost effectiveness, appearance, severe weather, soil conditions or other operational considerations, it is appropriate to do so.

Also, in light of rising workload and constrained resources, any savings which are generated should be retained within the National Cemetery System to maintain and improve the appearance of the cemeteries.

Last, the bill would require the Department of Veterans' Affairs to enter into a contract with the State of Michigan to operate and maintain the veterans cemetery located in Mackinac Island State Park.

Fort Mackinac was established as a U.S. military post in 1796. A small post cemetery was located there for burial of soldiers and family members. There are about 110 interments in the cemetery—70 unknown and 30 to 40 known. The first battle of the War of 1812 fought on U.S. soil took place at Fort Mackinac, and 17 dead from that encounter are among those buried. There have been no interments since 1895.

Fort Mackinac became the second national park—after Yellowstone—in 1875. It was turned over to the State of Michigan in 1895 and is now operated by the Mackinac Island State Park Commission.

Mackinac Island covers about 2,200 acres—1,850 of which belong to the State park. About 1 million people visit the island annually. The park is operated with a view toward historical and environmental preservation and toward educational and recreational opportunities for visitors, and the 1-

acre cemetery is operated as an integral part of the park experience.

Mr. Speaker, under the provision of this bill, the Department of Veterans' Affairs would be required to enter into a contract with the State of Michigan by July 1, 1990, to operate and maintain the veterans cemetery located in Mackinac Island State Park.

If an actual transfer were to occur, the committee envisions that the post cemetery would be incorporated into the National Cemetery System as a soldiers' lot or similar entity. In any event, it should be operated and maintained in accordance with policies, standards, and procedures of the National Cemetery System. The Department of Veterans' Affairs would typically contract out for maintenance of a small, closed burial ground like this. At Mackinac, a maintenance agreement could possibly be worked out with the park itself.

According to Mr. David L. Pamperin, director of the Mackinac Island State Park Commission, operating costs are estimated to be $8,000 to $10,000 annually. Another $25,000 would be required for one-time restoration projects.

I wish to commend the chairman of the Veterans' Affairs Committee, SONNY MONTGOMERY, for his great leadership and strong support of this measure as well as BOB STUMP and DAN BURTON, ranking minority members of the full committee and the subcommittee.

Mr. Speaker, this is a good measure, and I urge its favorable consideration.

Mr. STUMP. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I completely concur with the remarks of the distinguished chairman of the full committee, the gentleman from Mississippi [Mr. MONTGOMERY] and I too want to compliment all the members of the subcommittee for their fine work on this legislation.

H.R. 1414 improves the makeup of the American Battle Monuments Commission by authorizing participation by enlisted personnel. The bill also provides for long-term improvements in the National Cemetery System, as described by the gentleman from West Virginia [Mr. STAGGERS].

Mr. Speaker, I yield such time as he may consume to the gentleman from Indiana [Mr. BURTON], the ranking authority member of the Subcommittee on Housing and Memorial Affairs.

Mr. BURTON of Indiana. Mr. Speaker, I thank the gentleman from Arizona [Mr. STUMP] for yielding time to me, and I thank both him and the gentleman from Mississippi [Mr. MONTGOMERY], the chairman of the full committee, for their kind remarks.

Mr. Speaker, I agree with my colleague from West Virginia [Mr. STAGGERS] that this legislation is worthy of our attention. There are many imperfections in past legislation which need to be set right in each Congress, but are not addressed because of the many competing priorities of public policy. Some of these are within the Veterans' Affairs Committee's jurisdiction.

This legislation allows enlisted members of the Armed Forces to serve on the American Battle Monuments Commission. Many times, the enlisted men in our military who have answered a call to arms have fallen in their duty and service to this Nation.

H.R. 1414 allows only what should have been included when the Commission was first established. As the ranking minority member of the Housing and Memorial Affairs Subcommittee, I support this bill and encourage my colleagues to support this long overdue legislation to allow the participation by enlisted military personnel on the Commission, and address some technical adjustments concerning graveliners and a Michigan veterans cemetery.

Mr. STUMP. Mr. Speaker, I yield back the balance of my time.

Mr. MONTGOMERY. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Mississippi [Mr. MONTGOMERY] that the House suspend the rules and pass the bill, H.R. 1414, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended, and the bill, as amended, was passed.

The title of the bill was amended so as to read: "A bill to provide for the appointment of enlisted members of the Armed Forces to the American Battle Monuments Commission, and for other purposes."

A motion to reconsider was laid on the table.

INDIAN LAW ENFORCEMENT REFORM ACT

Mr. MILLER of California. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 498) to clarify and strengthen the authority for certain Department of the Interior law enforcement services, activities, and officers in Indian country, and for other purposes, as amended.

The Clerk read as follows:

H.R. 498

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Indian Law Enforcement Reform Act".

SEC. 2. DEFINITIONS.

In this Act, unless the context otherwise requires—

(1) "employee of the Bureau of Indian Affairs" includes an officer of that bureau;

(2) "enforcement" of a law includes the prevention, detection, and investigation of an offense and the detention and confinement of an offender;

(3) "Indian country" has the meaning given that term in section 1151 of title 18, United States Code;

(4) "Indian tribe" has the meaning given that term in section 201 of the Act of April 11, 1968 (82 Stat. 77; 25 U.S.C. 1301);

(5) "law" includes a regulation authorized by law;

(6) "offense" means an offense against the United States and includes a violation of a Federal regulation relating to part or all of Indian country, and

(7) "Secretary" means the Secretary of the Interior.

SEC. 3. INDIAN LAW ENFORCEMENT RESPONSIBILITIES.

(a) SECRETARIAL RESPONSIBILITY.—The Secretary, acting through the Bureau of Indian Affairs (BIA), shall be responsible for providing, or for assisting in the provision of, law enforcement services in Indian country as provided in this Act.

(b) DIVISION OF LAW ENFORCEMENT SERVICES.—There shall be, within the BIA, a Division of Law Enforcement Services which, under the supervision of the Secretary or the Secretary's designee, shall be responsible for carrying out the law enforcement functions of the Secretary in Indian country and for implementing the provisions of this section.

(c) DIVISION RESPONSIBILITIES.—Subject to the provisions of this Act and other applicable Federal or tribal laws, the Division of Law Enforcement Services, in carrying out its functions, shall be responsible in Indian country, for, inter alia—

(1) the enforcement of relevant Federal law and, with the consent of the Indian tribe, tribal law;

(2) in cooperation with appropriate Federal and tribal law enforcement agencies, the investigation of offenses against criminal laws of the United States;

(3) the protection of life and property;

(4) the reduction of the incidence of crime which adversely affects the quality of life;

(5) the development of methods and expertise to resolve conflicts and solve major crimes;

(6) the provision of criminal justice remedial actions and rehabilitation;

(7) the reduction of recidivism and adverse social effects;

(8) the development of preventive and outreach programs which will enhance the public conception of law enforcement responsibilities through training and development of needed public service skills;

(9) the assessment and evaluation of program accomplishments in reducing crime; and

(10) the development and provision of law enforcement training and technical assistance.

(d) BRANCH OF CRIMINAL INVESTIGATION.—(1) The Secretary shall cause to be created within the Division a separate Branch of Criminal Investigations which, under such inter-agency agreement as may be reached between the Secretary and appropriate agencies or officials of the Department of Justice and subject to such guidelines as may be adopted by relevant United States Attorneys, shall be responsible for the investigation, and presentation for prosecution, of cases involving violations of the General Crimes Act (18 U.S.C. 1152) and the Major Crimes Act (18 U.S.C. 1153) within Indian country.

(2) The Branch of Criminal Investigations shall not be primarily responsible for the BIA's function of routine law enforcement and police operations in Indian country and, unlike such operations, shall not be subject to contracting under the Indian Self-Determination Act.

(3)(A) Criminal investigative personnel of the Branch shall be subject only to the supervision and direction of law enforcement personnel of the Branch or of the Division. Such personnel shall not be subject to the supervision of the BIA Agency Superintendent or BIA Area Office Director. Nothing in this paragraph is intended to prohibit cooperation, coordination, or consultation, as appropriate, with non-law enforcement BIA personnel at the Agency or Area levels.

(B) The Secretary shall adopt regulations which shall require, and establish a procedure for, active cooperation and consultation of BIA criminal investigative personnel assigned to an Indian reservation with the governmental and law enforcement officials of the Indian tribe located on such reservation.

(e) LAW ENFORCEMENT PERSONNEL; STANDARDS; PAY COMPARABILITY.—(1) The Secretary shall establish appropriate standards of education, experience, training, and other relevant qualifications for law enforcement personnel of the Division who are charged with law enforcement responsibilities pursuant to section 4 of this Act.

(2) The Secretary shall also provide for the classification of such positions within the Division at GS grades, as provided in section 5104 of title 5, U.S.C., consistent with the responsibilities and duties assigned to such positions and with the qualifications established for such positions.

(3) In classifying positions in the Division as provided in paragraph (2), the Secretary shall ensure that such positions are classified at GS grades comparable to those for other Federal law enforcement personnel in other Federal agencies in light of the responsibilities, duties, and qualifications required of such positions.

SEC. 4. LAW ENFORCEMENT AUTHORITY.

The Secretary may charge an employee of the BIA with law enforcement responsibilities and may authorize the employee to do any of the following:

(1) carry firearms;

(2) execute or serve warrants, summonses, or other orders relating to a crime committed in Indian country and issued under the laws of the United States (including those issued by a Court of Indian Offenses under regulations prescribed by the Secretary) or of an Indian tribe if authorized by the tribe;

(3) make an arrest without a warrant for an offense committed in Indian country—

(A) in the presence of the employee; or

(B) if the offense is a felony and the employee has reasonable grounds to believe that the person to be arrested has committed or is committing the felony;

(4) offer and pay a reward for services or information or purchase evidence assisting in the detection or investigation of the commission of an offense committed in Indian country or in the arrest of an offender against the United States;

(5) make inquiries of, and administer to, or take from a person an oath, affirmation, or affidavit, concerning any matter relevant to the enforcement or carrying out in Indian country a law of either the United States or an Indian tribe that has authorized the employee to enforce or carry out its laws;

(6) wear a prescribed uniform and badge or carry prescribed credentials;

(7) perform any other law enforcement related duty; and

(8) when requested, assist (with or without reimbursement) any Federal, tribal, State, or local law enforcement agency in the enforcement or carrying out of the laws and regulations they enforce or administer.

SEC. 5. ASSISTANCE BY OTHER AGENCIES.

(a) SECRETARIAL AGREEMENT WITH OTHER AGENCIES.—The Secretary may enter into an agreement for the use (with or without reimbursement) of the personnel or facilities of a Federal, tribal, State, or other government agency to aid in the enforcement or carrying out in Indian country of a law of either the United States, or an Indian tribe that has authorized the Secretary to enforce its laws. The Secretary may authorize a law enforcement officer of such an agency to do any of the things which the Secretary may authorize under section 4 of this Act.

(b) ACCORD WITH U.S. ATTORNEY GENERAL.—An agreement under this section relating to the enforcement of the criminal laws of the United States shall be in accord with an agreement between the Secretary and the Attorney General of the United States.

(c) TRIBAL CONSENT.—The Secretary may not use the personnel of a non-Federal agency under this section if the tribe with jurisdiction over the area of Indian country involved has by resolution objected to the use of that agency's personnel.

(d) 31 U.S.C. 1535; LIMITATIONS ON INTER-AGENCY AGREEMENTS; EXEMPTION.—Notwithstanding the provisions of section 1535 of title 31, United States Code, the head of a Federal agency with law enforcement personnel or facilities may enter into an agreement (with or without reimbursement) with the Secretary under subsection (a) of this section.

(e) AGREEMENTS WITH INDIAN TRIBES.—The head of a Federal agency with law enforcement personnel or facilities may enter into an agreement (with or without reimbursement) with an Indian tribe relating to the tribe's law enforcement authorities or carrying out of a law of either the United States or the tribe.

(f) STATUS OF NON-FEDERAL PERSONNEL UNDER AGREEMENTS.—While acting under authority granted by the Secretary under subsection (a) of this section, a person who is not otherwise a Federal employee is deemed an employee of the Department of the Interior only for purposes of section 3374(c)(2) of title 5, United States Code, and sections 111 and 114 of title 18, United States Code; and an "eligible officer" under subchapter III of chapter 81 of title 5, United States Code.

SEC. 6. REGULATIONS.

After consultation with the Attorney General of the United States, the Secretary may prescribe regulations under this Act relating to the enforcement of criminal statutes of the United States.

SEC. 7. JURISDICTION.

(a) SECRETARIAL JURISDICTION; AGREEMENT WITH ATTORNEY GENERAL.—The Secretary shall have investigative jurisdiction over offenses against criminal laws of the United States in Indian country subject to an agreement between the Secretary and the Attorney General of the United States.

(b) COOPERATION WITH OTHER AGENCIES.—In exercising the investigative authority conferred by this section, the BIA's personnel shall cooperate with the law enforcement agency having primary investigative jurisdiction over the offense committed.

(c) SAVINGS PROVISION.—This Act does not invalidate or diminish any law enforcement commission or other delegation of authority issued under authority of the Secretary before enactment of this Act.

(d) PRESERVATION OF JURISDICTION AND AUTHORITIES.—The authorities provided by this Act are in addition to, and not in derogation of, any existing authority. This Act alters neither the civil or criminal jurisdiction of the United States, Indian tribes, States, or other political subdivisions or agencies, nor the law enforcement, investigative, or judicial authorities of any Indian tribe, State, or political subdivision or agency thereof, or of any department, agency, court, or official of the United States other than the Secretary.

SEC. 8. UNIFORM ALLOWANCE.

Notwithstanding the limitation in section 5901(a) of title 5, United States Code, the Secretary may provide a uniform allowance for uniformed law enforcement officers under section 4 of this Act of not more than $400 a year.

SEC. 9. SOURCE OF FUNDS.

Any expenses incurred by the Secretary under this Act shall be paid from amounts appropriated under the Act of November 2, 1921 (42 Stat. 208; 25 U.S.C. 13).

The SPEAKER pro tempore. Is a second demanded?

Mr. RHODES. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER pro tempore. The gentleman from California [Mr. MILLER] will be recognized for 20 minutes and the gentleman from Arizona [Mr. RHODES] will be recognized for 20 minutes.

The Chair recognizes the gentleman from California [Mr. MILLER].

□ 1320

GENERAL LEAVE

Mr. MILLER of California. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 498, the bill now under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. MILLER of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 498, a bill sponsored by Mr. RHODES and Mr. UDALL to clarify and strengthen the law enforcement services and authorities of the Department of the Interior in Indian country. Initially an administration proposal, the bill was reported favorably by the Interior Committee.

The bill is needed because the existing law enforcement authorities under which the Bureau of Indian Affairs operates are not sufficiently clear, explicit, or comprehensive.

Lack of explicit authority means that actions taken by BIA law enforcement officials to meet their general responsibilities to maintain law and order in Indian country might be challenged successfully in court.

Let me illustrate. BIA officers do not have explicit authority to carry firearms and make arrests—such as FBI agents or officers of the Park Service have. Therefore, serious concerns have been raised that a court could rule that BIA law officers do not have the authority to make arrests or carry firearms. Obviously, a potential lawsuit of this nature undercuts BIA's effectiveness and certainly creates doubts among Indians about what to expect from BIA.

It is time that we take action to clarify BIA's law enforcement authorities and eliminate the current gray areas.

The Interior Committee held several hearings during this Congress and the last concerning Federal crimes and law enforcement in Indian country. H.R. 498 reflects and incorporates key recommendations made during those hearings.

The bill clarifies the BIA law enforcement responsibilities in several ways. For example, H.R. 498 authorizes the Secretary of the Interior to delineate clearly the law enforcement authorities of the BIA officers, including the authorities to carry firearms and make arrests.

The bill requires that a branch of Criminal Investigations look into violations of Federal criminal law in Indian country. While the FBI presently investigates many such crimes, its personnel and other resources are limited. In fact, its resources do not permit the FBI to look into many of the lesser crimes. The BIA could play an important role and fill gaps left by the FBI.

The bill also requires the Secretary of the Interior to take steps to ensure BIA officers are paid at comparable levels with their counterparts at other agencies. This provision will help the BIA maintain trained and qualified law enforcement personnel.

Mr. Speaker, H.R. 498 is an important step toward providing clearer law enforcement authorities to the BIA. Such a step is widely supported. I urge my colleagues to support this legislation.

Mr. RHODES. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as primary sponsor, I rise in support of H.R. 498, the Indian Law Enforcement Reform Act.

H.R. 498 would clarify and strengthen the authority of the Department of the Interior/Bureau of Indian Affairs to engage in law enforcement activities in Indian country. An identical draft bill was submitted by the administration in the 100th Congress, which I introduced by request as H.R. 3583. The committee conducted a series of hearings on both bills in the 100th and 101st Congress.

The bill as originally introduced accomplished several things:

First, it set forth with specificity the law enforcement responsibilities and authorities of the Department of the Interior in Indian country, including the authority for carrying firearms and executing search and arrest warrants;

Second, it authorized the Secretary of the Interior to enter into law enforcement agreements with other Federal, State, and tribal agencies to aid in the enforcement of laws in Indian country; and

Third, it unequivocally avoided altering any existing Federal, State, or tribal jurisdictional authorities.

An amended version of H.R. 498 was reported favorably out of the committee. The amended version of H.R. 498 includes the following important additions:

First, it establishes and sets forth the program responsibilities of the Bureau of Indian Affairs/Division of Law Enforcement Services and its Branch of Criminal Investigation;

Second, it exempts the Branch of Criminal Investigation from the contract provisions in the Indian Self-Determination Act, but requires the Secretary to establish procedures for cooperation and consultation between the criminal investigative personnel and the tribal governmental officials on an affected reservation;

Third, it subjects the criminal investigative personnel to the supervision and direction of law enforcement professionals within the Division, at both the Area and Central Offices of the Bureau; and

Fourth, it requires the Secretary to establish appropriate education, experience and training standards for officers and to provide a pay scale comparable to those for other Federal law enforcement personnel.

H.R. 498, as amended, has a sound legal foundation and is an expression of good Federal Indian policy.

Since early in this century the law enforcement authority of the Department of the Interior in Indian country has had a very scanty basis. The operation of the Department's entire law enforcement presence in Indian country is based on nothing more than a general statute authorizing the Bureau of Indian Affairs to provide services to Indians, and various annual appropriations acts giving the BIA funds for maintaining law and order on Indian reservations.

Because these laws do not provide clearly stated and comprehensive statutory authorities, the BIA law enforcement officers run the risk of having their authority successfully challenged in court and of being found liable for unauthorized law enforcement actions. A challenge of such authority is bolstered by the fact that virtually every other Federal law enforcement agency within the Department of the Interior has had its enforcement powers delineated through specific statutes.

H.R. 498, as amended, shapes and puts into effect the Criminal Investigation Branch of the BIA. This branch will be responsible for the investigation and presentation for prosecution of violations of Federal criminal laws that occur in Indian country. The law enforcement professionals in this Branch will have their activities guided by an inter-agency agreement between the Secretary of the Interior and appropriate officials within the Department of Justice, and will coordinate their activities with the FBI and the U.S. attorneys.

Professionalism and dependability within the Branch of Criminal Investigation are essential if this approach is to work. Accordingly, the bill as amended establishes that the Criminal Investigation Branch will be exempted from the Indian Self-Determination Act which would otherwise allow tribes to assume responsibility and control for the services provided by the Branch. It provides further that the law enforcement personnel of the Branch will be subject to a chain of command and supervision of law enforcement professionals from the field to the central office, rather than the current regime which allows law enforcement personnel to be supervised by non-law enforcement professionals.

H.R. 498, as amended, includes several provisions that promote interagency law enforcement cooperation and communication in Indian country.

I urge all of my colleagues to support the enactment of H.R. 498, as reported out of committee. This bill is a significant step toward improving the effectiveness of law enforcement activties in Indian country.

Mr. Speaker, I yield such time as he may consume to my colleague, the gentleman from New York [Mr. HORTON].

Mr. HORTON. Mr. Speaker, I thank the gentleman from Arizona for yielding time to me, and I take this time to engage the gentleman from New York and the chairman of the committee in a colloquy.

Mr. Speaker, nearly 11 years ago, I joined with JACK BROOKS in authoring the Inspector General Act of 1978. I'm proud to say that we now have IG's in 59 Federal agencies, including all Cabinet departments and major executive agencies, except the CIA. The performance of the IG's has been unanimously praised, with literally billions of dollars in Federal funds having been saved as a result of their efforts to halt waste, fraud, and abuse.

Proposals have recently been made to grant IG investigative agents blan-

ket law enforcement authority. While we are all concerned about the safety of IG agents, it would seem important that before granting such authority Congress should further evaluate the role of IG investigative agents and consider the ramifications of establishing 59 independent law enforcement agencies.

Mr. Speaker, may I ask the gentleman from Arizona [Mr. RHODES], it is my understanding that in reporting H.R. 498 to the House and in bringing it to the floor today for consideration, it was neither the intention nor purpose of the House Committee on Interior and Insular Affairs to provide Department of the Interior inspector general investigative agents with any law enforcement authorities not already provided under current law. It is also my understanding that it was neither the purpose nor intention of the House Committee on Interior and Insular Affairs to establish through H.R. 498, statutory or regulatory means not already provided under current law by which inspector general investigative agents would be granted authority to carry firearms, and execute warrants, subpoenas, and arrests. Is my understanding correct?

Mr. RHODES. Mr. Speaker, if the gentleman will yield, the gentleman's understanding is correct.

Mr. MILLER of California. Mr. Speaker, will the gentleman yield?

Mr. RHODES. I yield to the gentleman from California.

Mr. MILLER of California. Mr. Speaker, I concur in the remarks of the gentleman from New York and the gentleman from Arizona.

Mr. HORTON. Mr. Speaker, I thank the chairman and the gentleman from Arizona.

Mr. RHODES. Mr. Speaker, I thank the gentleman for clarifying that point. I urge my colleagues to join with us in support of this very important law enforcement legislation.

Mr. RHODES. Mr. Speaker, I yield back the balance of my time.

Mr. MILLER of California. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California [Mr. MILLER] that the House suspend the rules and pass the bill, H.R. 498, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

□ 1330

COQUILLE RESTORATION ACT

Mr. MILLER of California. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 881) to provide for restoration of the Federal trust relationship with, and assistance to the Coquille Tribe of Indians and the individual members consisting of the Coquille Tribe of Indians and for other purposes, as amended.

The Clerk read as follows:

H.R. 881

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Coquille Restoration Act".

SEC. 2. DEFINITIONS.

For the purposes of this Act—

(1) "Tribe" means the Coquille Indian Tribe consisting of the Upper Coquille and the Lower Coquille Tribes of Indians;

(2) "Secretary" means the Secretary of the Interior or his designated representative;

(3) "Interim Council" means the governing body of the Coquille Tribe which serves pursuant to section 8 of this Act;

(4) "Member" means those persons eligible for enrollment under section 7 of this Act and after the adoption of a tribal constitution, those persons added to the roll pursuant to such constitution;

(5) "service area" means the area composed of Coos, Curry, Douglas, Jackson, and Lane Counties in the State of Oregon;

(6) "State" means the State of Oregon; and

(7) "Reservation" means those lands subsequently acquired and held in trust by the Secretary for the benefit of the Tribe.

SEC. 3. RESTORATION OF FEDERAL RECOGNITION, RIGHTS, AND PRIVILEGES.

(a) FEDERAL RECOGNITION.—Notwithstanding any provision of law, Federal recognition is hereby extended to the Coquille Indian Tribe. Except as otherwise provided therein, all laws and regulations of general application to Indians or nations, tribes, or bands of Indians that are not inconsistent with any specific provision of this Act shall be applicable to the Tribe and its Members.

(b) RESTORATION OF RIGHTS AND PRIVILEGES.—Except as provided in subsection (d) of this section, all rights and privileges of this Tribe and of its members under any Federal treaty, Executive order, agreement or statute or under any other authority, which were diminished or lost under the Act of August 13, 1954 (68 Stat. 724) are hereby restored and provisions of said Act shall be inapplicable to the Tribe and its Members after the date of enactment of this Act.

(c) FEDERAL SERVICES AND BENEFITS.—Notwithstanding any other provision of law and without regard to the existence of a reservation, the Tribe and its members shall be eligible, on and after the date of enactment of this Act, for all Federal services and benefits furnished to federally recognized Indian tribes or their members. In the case of Federal services available to members of federally recognized tribes residing on a reservation, Members of the Tribe in the Tribe's service area shall be deemed to be residing on a reservation. Notwithstanding any other provision of law, the Tribe shall be considered an Indian tribe for the purpose of the Indian Tribal Government Tax Status Act (26 U.S.C. 7871).

(d) HUNTING, FISHING, TRAPPING, AND WATER RIGHTS.—Nothing in this Act shall expand, reduce, or effect in any manner any hunting, fishing, trapping, gathering, or water right of the Tribe and its Members.

(e) INDIAN REORGANIZATION ACT APPLICABILITY.—The Act of June 18, 1934 (48 Stat. 984), as amended, shall be applicable to the Tribe and its members.

(f) CERTAIN RIGHTS NOT ALTERED.—Except as specifically provided in this Act, nothing in this Act shall alter any property right or obligation, any contractual right or obligation, or any obligation for taxes levied.

SEC. 4. ECONOMIC DEVELOPMENT.

(a) PLAN FOR ECONOMIC DEVELOPMENT.—The Secretary shall—

(1) enter into negotiations with the governing body of the Tribe with respect to establishing a plan for economic development for this Tribe;

(2) in accordance with this section and not later than two years after the adoption of a tribal constitution as provided in section 9, develop such a plan; and

(3) upon the approval of such plan by the governing body of the Tribe, submit such plan to the Congress.

(b) RESTRICTIONS TO BE CONTAINED IN PLAN.—Any proposed transfer of real property contained in the Plan developed by the Secretary under subsection (a) shall be consistent with the requirements of section 5 of this Act.

SEC. 5. TRANSFER OF LAND TO BE HELD IN TRUST.

(a) LANDS TO BE TAKEN IN TRUST.—The Secretary shall accept any real property located in Coos and Curry counties not to exceed one thousand acres for the benefit of the Tribe if conveyed or otherwise transferred to the Secretary: *Provided,* That, at the time of such acceptance, there are no adverse legal claims on such property including outstanding liens, mortgages or taxes owed. The Secretary may accept any additional acreage in the Tribe's service area pursuant to his authority under the Act of June 18, 1934 (48 Stat. 984).

(b) LANDS TO BE PART OF THE RESERVATION.—Subject to the conditions imposed by this section, the land transferred shall be taken in the name of the United States in trust for the Tribe and shall be part of its reservation.

(c) LANDS TO BE NONTAXABLE.—Any real property taken into trust for the benefit of the Tribe under this section shall be exempt from all local, State, and Federal taxation as of the date.

SEC. 6. CRIMINAL AND CIVIL JURISDICTION.

The State shall exercise criminal and civil jurisdiction within the boundaries of the reservation, in accordance with section 1162 of title 18, United States Code, and section 1360 of title 28, United States Code, respectively. Retrocession of such jurisdiction may be obtained pursuant to section 403 of the Act of April 11, 1968 (82 Stat. 77).

SEC. 7. MEMBERSHIP ROLLS.

(a) COMPILATION OF TRIBAL MEMBERSHIP.—Within one year of the enactment of this Act, the Secretary shall compile a roll of the Coquille Indian Tribe.

(b) CRITERIA FOR ENROLLMENTS.—(1) Until a tribal constitution is adopted, a person shall be placed on the membership roll if the individual is living, is not an enrolled member of another federally recognized tribe, is of Coquille ancestry, possesses at least one eight or more of Indian blood quantum and if—

(A) that individual's name was listed on the Coquille roll compiled and approved by the Bureau of Indian Affairs on August 20, 1960;

(B) that individual was not listed on but met the requirements that had to be met to be listed on the Coquille roll compiled and

approved by the Bureau of Indian Affairs on August 29, 1960; or

(C) that individual is a lineal descendant of an individual, living or dead, identified by subparagraph (A) or (B).

(2) After adoption of a tribal constitution, said constitution shall govern membership in the Tribe: *Provided*, That in addition to meeting any other criteria imposed in such tribal constitution, any person added to the roll has to be of Coquille Indian ancestry and cannot be a member of another Federally recognized Indian tribe.

(c) CONCLUSIVE PROOF OF COQUILLE ANCESTRY AND DEGREE OF INDIAN BLOOD QUANTUM.—For the purpose of subsection (b) of this section, the Secretary shall accept any available evidence establishing Coquille ancestry and the required amount of Indian blood quantum. However, the Secretary shall accept as conclusive evidence of Coquille ancestry information contained in the Coquille roll compiled by the Bureau of Indian Affairs on August 29, 1960 and as conclusive evidence of Indian blood quantum the information contained in the January 1st, 1940, Census Roll of non-reservation Indians of the Grand Ronde-Siletz Agency.

SEC. 8. INTERIM GOVERNMENT.

Until a new tribal constitution and bylaws are adopted and become effective under section 9 of this Act, the Tribe's governing body shall be an Interim Council. The initial membership of the Interim Council shall consist of the members of the Tribal Council of the Coquille Tribe on the date of enactment of this Act, and the Interim Council shall continue to operate in the manner prescribed for the Tribal Council under the tribal bylaws adopted on April 23, 1979. Any new members filling vacancies on the Interim Council must meet the criteria for enrollment in section 7(b) of this Act and be elected in the same manner as are Tribal Council members under the April 23, 1979 bylaws.

SEC. 9. TRIBAL CONSTITUTION.

(a) ELECTION; TIME AND PROCEDURE.—Upon the completion of the tribal membership roll and upon the written request of the Interim Council, the Secretary shall conduct, by secret ballot, an election for the purpose of adopting a constitution for the Tribe. Absentee balloting shall be permitted regardless of voter residence. In every other regard, the election shall be held according to section 16 of the Act of June 18, 1934 (48 Stat. 984), as amended.

(b) ELECTION OF TRIBAL OFFICIALS; PROCEDURES.—Not later than one hundred and twenty days after the Tribe adopts a constitution and bylaws, the Secretary shall conduct an election by secret ballot for the purpose of electing tribal officials as provided in the tribal constitution. Said election shall be conducted according to the procedures stated in paragraph (a) of this section except to the extent that said procedures conflict with the tribal constitution.

The SPEAKER pro tempore (Mr. MURTHA). Is a second demanded?

Mr. RHODES. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER pro tempore. The gentleman from California [Mr. MILLER] will be recognized for 20 minutes and the gentleman from Arizona [Mr. RHODES] will be recognized for 20 minutes.

The Chair recognizes the gentleman from California [Mr. MILLER].

GENERAL LEAVE

Mr. MILLER of California. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 881, the bill now under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. MILLER of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 881, a bill to provide Federal recognition for the Coquille Indian Tribe. This bill was recently reported favorably by the Interior Committee.

The Federal Government terminated recognition of the Coquille Tribe in 1954 over the strong objections of the Tribe.

Enactment of this bill will restore all rights and privileges of the tribe and its members lost because of the Federal termination action.

The tribe has about 550 members, many of whom live in the Coos Bay, OR, area. Many of these individuals are descendants of Indians who were earlier removed from these lands by the Federal Government, but who subsequently returned to their aboriginal lands.

The tribe is organized. It holds regular meetings and elections and has maintained an updated membership roll.

Mr. Speaker, the termination era was one of the darkest periods of Federal Indian policy. It represented an attempt to eradicate government-to-government relations, abolish cultural values, and abrogate treaties. That era is over and let us hope it will never return. However, we have an obligation to correct mistakes made during termination. This legislation is one such bill.

It is our committee's conclusion that Federal recognition should be returned to this tribe. I urge my colleagues to support this bill.

Mr. Speaker, I yield 5 minutes to the gentleman from Oregon [Mr. DEFAZIO], who has worked so terribly hard on this legislation, for an explanation of the bill.

Mr. DEFAZIO. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, I rise in support of H.R. 881, a bill to restore the Coquille Tribe of Oregon. The Coquilles are among the western Oregon Indian tribes terminated by Congress in 1954 under the now discredited assimilation policy of that day. Of the Oregon terminated tribes the Coquilles are the last to seek restoration by Congress. The others, including the Confederated tribes of Coos, Lower Umpqua, and Siuslaw Indians and the Cow Creek Band of Umpqua Indians, both located in my district, were restored by individual acts in recent years.

Congress acted in 1956 to terminate the western Oregon tribes because of a determination to assimilate Indians into the dominant white culture. The argument at the time was that Indians would be better served by being relieved of the Federal trust relationship.

The consequence was economic and cultural disaster. Tribal members were no longer eligible for Indian health and education programs. The ability of the tribe to function as a sovereign entity was lost. Tribal members scattered and the identity of the Coquilles as a living part of Oregon's heritage faded. Economic surveys of the terminated tribes have repeatedly found that tribal members were among the most economically disadvantaged in their communities.

Restoration means reestablishment of Federal health, education, and economic development services as well as the important benefits of a government-to-government relationship with the United States. H.R. 881 provides Federal recognition of the Coquille Tribe and establishes eligibility for Federal Indian services.

H.R. 881 is cosponsored by the entire Oregon House delegation. I have received numerous resolutions of support from southwestern Oregon including the boards of commissioners from Curry and Coos Counties as well as local port authorities, city councils, and State and local officials. I am proud to sponsor this bill and I urge the Members to approve it.

Mr. RHODES. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 881, the Coquille Restoration Act, which restores Federal recognition to the last of a handful of small tribes in western Oregon which had their political relationship with the United States terminated by Congress in the 1950's.

The Republican members of the committee believe this bill is justified for several reasons. First, the Western Oregon Termination Act was passed over the strong objection of the tribe. Second, in spite of the termination, the tribe and its members have continued to maintain their governmental structure and tribal membership roll.

Third, this bill is very similar to the other restoration bills enacted by Congress for terminated tribes in western Oregon. The bill reinstates the eligibility of the tribe and its members for Federal services and benefits, authorizes the acquisition of a land base for the tribe, and directs the preparation

of an economic development plan for the tribe.

The administration has gone on record as opposing this bill. The administration's opposition is based on its belief that the Coquille Tribe should be required to seek Federal recognition through the administrative recognition process within the Department of the Interior. We have considered the position of the administration on this point and have determined that we cannot accommodate it in this case. Because Congress acted in the 1950's to terminate the Federal relationship with the Coquille Tribe, we believe that Congress should assume the responsibility for restoring this relationship.

For these reasons, I urge my colleagues to support H.R. 881 and the restoration of the Coquille Tribe.

Mr. Speaker, I yield such time as he may consume to the gentleman from Oregon [Mr. ROBERT F. SMITH].

Mr. ROBERT F. SMITH. Mr. Speaker, I am here to support the position of my colleague, the gentleman from Oregon, to reestablish the Coquilles as a tribe within the canopy of the Bureau of Indian Affairs.

Mr. Speaker, 35 years ago this Nation made a mistake. It was attempting, I think at that time in good faith, to reestablish the Indians as part of the modern fiber of America, and in doing so, it forgot about the fact that Indians have been deprived, are deprived now, and since that time to the point that this small tribe, the last of 63 tribes, has been reestablished as an official tribe to qualify under Federal support systems for Indians for education benefits, for economic benefits, and for health benefits.

It is no secret that we are trying to rectify what occurred 35 years ago, as we did, and as this Congress supported me last year in reestablishing the Klamaths on a tribal basis status.

Mr. Speaker, I am here to join with my colleague, the gentleman from Oregon [Mr. DEFAZIO]. I congratulate him for this legislation. Every member of the Oregon delegation supports this legislation. There is no reason, even though the administration may oppose it, that it ought not to have unanimous support from this Congress.

Mr. RHODES. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I join in congratulations to the Oregon delegation, especially the gentleman from Oregon [Mr. DEFAZIO] for moving this legislation to this point.

Mr. Speaker, I urge its unanimous support.

Mr. Speaker, I yield back the balance of my time.

Mr. MILLER of California. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California [Mr. MILLER] that the House suspend the rules and pass the bill, H.R. 881, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended, and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

AUTHORIZING TRANSFER TO THE REPUBLIC OF THE PHILIPPINES OF TWO EXCESS NAVAL VESSELS

Mr. SOLARZ. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2344) to authorize the transfer to the Republic of the Philippines of two excess naval vessels.

The Clerk read as follows:

H.R. 2344

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. AUTHORITY TO TRANSFER CERTAIN EXCESS NAVAL VESSELS TO THE PHILIPPINES.

(a) AUTHORITY TO TRANSFER WITHOUT CHARGE.—The Secretary of the Navy is authorized to transfer to the Republic of the Philippines without charge a floating drydock, the ex-AFDL-40, and a medium yard tug, the ex-YTM-776.

(b) APPLICABLE LAW.—Any transfer of a vessel under subsection (a) shall be in accordance with chapter 2 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2311 and following), except that section 632(d) of that Act (22 U.S.C. 2392(d)) shall not apply with respect to that transfer.

(c) TERMS OF TRANSFER.—Any transfer of a vessel under subsection (a) shall be subject to such terms and conditions as the President may require.

(d) EXPENSES.—Any costs incurred in the transfer of a vessel under subsection (a) shall be at the expense of the Republic of the Philippines.

(e) EXPIRATION OF AUTHORITY.—The authority granted by this section shall expire at the end of the 2-year period beginning on the date of the enactment of this Act.

The SPEAKER pro tempore. Pursuant to the rule, a second is not required on this motion.

The gentleman from New York [Mr. SOLARZ] will be recognized for 20 minutes and the gentleman from Michigan [Mr. BROOMFIELD] will be recognized for 20 minutes.

The Chair recognizes the gentleman from New York [Mr. SOLARZ].

Mr. SOLARZ. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I will be quite brief. I think this is a relatively noncontroversial bill. It passed at the end of the last session of Congress here in the House, but time ran out before the request could be approved by the Senate.

Consequently we are back here today seeking approval, at the request of the administration, to transfer on a grant basis two surplus naval vessels, a floating drydock and a medium yard tug to the Philippines.

Mr. Speaker, the Pentagon has determined that these two vessels, the floating drydock and the tug, are not needed by the U.S. Navy any longer. They no longer count toward the objective of the 600-ship Navy. We no longer have any use for them. It turns out, however, that our friends in the Philippines can use them, and consequently the administration has decided that it would be appropriate to give these two vessels which we no longer need to the Filipinos.

Mr. Speaker, this legislation also provides that the Philippines will pay for the costs of bringing this tug and the floating drydock over to the Philippines. Mr. Speaker, the alternative would be for us to scuttle these two vessels which would cost us some additional money in order to enable them to be towed out to sea.

□ 1340

Mr. Speaker, the Philippines is one of our closest friends in Asia. They have worked with us in an effort to preserve the peace in the region.

They have a lot of difficulties there at the present time: Substantial poverty, a Communist insurgency, a substantial foreign debt. But enormous progress has been made over the course of the last few years by President Aquino and her government in establishing a firm foundation for democracy.

This is a very modest gesture on our part to provide some additional help for the Philippines. I think we should do it. The administration has asked us to do it.

I believe the legislation enjoys broad bipartisan support from both sides of the aisle, and I urge its adoption by the House.

Mr. BROOMFIELD. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to join with my friend, the gentleman from New York [Mr. SOLARZ] in the sponsorship of this bill.

Mr. Speaker, I understand the administration strongly supports this legislation and I have received notice from OMB of the administration's support.

I would like to express my personal support for this legislation.

The United States and the Philippines have enjoyed a long friendship based on common values and interests. Our military assistance to the Philippines is a sign of that friendship and our commitment to assist the democracy in that country.

The young democracy in the Philippines needs our support. The Aquino government is threatened by Communist forces attempting to thwart the

return of democracy to the Philippines. The New People's Army is waging a ruthless guerrilla war. Furthermore, the Soviet Union has a significant naval presence in East Asia, to intimidate the free nations of that region.

This legislation will allow the United States to transfer two naval vessels to the Philippines at no cost to the American taxpayer. They are a tangible symbol of America's commitment to the Philippines.

I urge my colleagues to support this measure.

Mr. FASCELL. Mr. Speaker, I rise in support of H.R. 2344, to provide authority for the transfer to the Philippines of a floating drydock and a medium yard tug which have been declared excess by the United States Navy. This legislation makes a small but important contribution to the ongoing close military relationship between the United States and the Philippines. It should be emphasized that these vessels have already been retired and removed from the naval registry. If they were not transferred to another country, their disposal would result in additional costs to the taxpayer.

These vessels will help the modernization program of the Philippine Navy. The legislation also provides that the transfer costs will be paid by the Government of the Philippines. Thus an important foreign policy objective can be advanced at minimum cost.

Mr. Speaker, the legislation has full bipartisan support and I urge its adoption.

Mr. BROOMFIELD. Mr. Speaker, I yield back the balance of my time.

Mr. SOLARZ. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. MURTHA). The question is on the motion offered by the gentleman from New York [Mr. SOLARZ] that the House suspend the rules and pass the bill, H.R. 2344.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. SOLARZ. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include therein extraneous material on H.R. 2344, the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

SENSE OF CONGRESS WITH RESPECT TO ASSASSINATION OF COL. JAMES ROWE IN THE PHILIPPINES

Mr. SOLARZ. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 121) to express the sense of the Congress with respect to the assassination of Col. James Rowe in the Philippines.

The Clerk read as follows:

H. CON. RES. 121

Whereas on April 21, 1989, Colonel James N. Rowe, the Chief of the Ground Forces Division of the Joint United States Military Assistance Group in the Philippines, was brutally assassinated while en route to his office; and

Whereas in a press statement the day after this murderous act was committed, Rolly Kintanar, the Chief of Staff of the General Command of the New People's Army, stated not only that the New People's Army was responsible for Colonel Rowe's murder but that the New People's Army would continue to attack American personnel and installations in the Philippines: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That the Congress—

(1) categorically rejects any attempts by the New People's Army, whether through assassinations or through other methods of violence or intimidation, to force the United States to withdraw from military facilities in the Philippines or to end its support for the democratically elected Government of the Philippines;

(2) declares that the United States should continue to provide economic and military assistance to the Philippines in order to facilitate efforts by the government of the Philippines to consolidate democracy, address the underlying economic problems that confront that country, and combat the New People's Army insurgency; and

(3) further declares that the United States will not be deterred from utilizing all military facilities in the Philippines to which the United States currently has access pursuant to the military bases agreement between our two countries.

The SPEAKER pro tempore. Pursuant to the rule, a second is not required on this motion.

The gentleman from New York [Mr. SOLARZ] will be recognized for 20 minutes and the gentleman from Michigan [Mr. BROOMFIELD] will be recognized for 20 minutes.

The Chair recognizes the gentleman from New York [Mr. SOLARZ].

Mr. SOLARZ. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, about a month ago a genuine American hero, Col. James Rowe, the first American POW to escape from captivity in Vietnam, was brutally assassinated by a sparrow's squad of the Communist dominated New Peoples Army in the Philippines.

The purpose of this resolution today is to send a very clear message to the leadership of the Communist Party of the Philippines and their military arm, the New Peoples Army, that the United States will not be intimidated by threats or acts of assassination into withdrawing from military facilities in the Philippines, which by virtue of a treaty with the Philippines we have every right to utilize. Nor will we, as a result of these threats and attempts at intimidation, walk away from our obligations to the duly elected Government of the Philippines.

I do not know whether the action of the Congress today will persuade the NPA and the CPP in the Philippines to desist from this dastardly course of action. They have issued threats against the lives of many Americans in the Philippines who are engaged in some way with efforts to help the Government of the Philippines cope with this violent challenge to the duly constituted democratic system of government in their country.

As we speak, these men and women, representatives of the United States, are risking their lives to help a friendly democracy survive in Asia. We would be remiss in our responsibilities, both to those men and women whose lives may be at stake as well as to our Filipino friends who are so deeply committed to the cause and concept of democracy, which is what our country is all about, if we were not to take this action today and make it clear that we are not going to be intimidated by such acts of assassination now or in the future.

Colonel Rowe cannot unfortunately be called back to life. But by passing this resolution today, which provides a renewed expression of American support for our friends in the Philippines, we help to assume that Colonel Rowe did not die in vain.

Mr. Speaker, I call upon my colleagues on both sides of the aisle who share my anguish over the assassination of Colonel Rowe to join with me, and with the members of the Foreign Affairs Committee who reported this resolution out a short while ago, in voting for this effort to put the U.S. Congress on record that we will not be intimidated by threats or acts of violence in the Philippines now or in the future.

Mr. BROOMFIELD. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would like to express my support for this resolution and express my deepest sympathy to Colonel Rowe's family. His children should know of our undying respect for their father's sacrifice.

The cost of freedom has always been high. No one knows better than the families of those Americans who have paid the ultimate price. It is appropriate that Congress should honor the sacrifice that Col. James Rowe made for his country and the Filipino people.

Col. James Rowe was assisting the Filipino Army in its fight against the New People's Army. He was one of

many brave and dedicated Americans waging the twilight struggle against tyranny in the Philippines.

The New People's Army can murder a man, but they cannot destroy an idea. The idea of freedom and democracy lives in the hearts of Americans and Filipinos alike. We stand together in the struggle for freedom from the tyranny that the New People's Army represents.

I urge my colleagues to support this resolution, to honor the memory of Col. James Rowe.

□ 1350

Mr. Speaker, I yield such time as he may consume to the gentleman from Wisconsin [Mr. ROTH], a member of the Committee on Foreign Affairs.

Mr. ROTH. I thank the gentleman for yielding time to me.

Mr. Speaker, I urge my colleagues to read this resolution before voting on it. Seen in the bright light of Colonel Rowe's distinguished career and his ultimate sacrifice, this measure is inadequate and inappropriate. We can—and should—do better by Colonel Rowe.

Some of my colleagues might wonder why this question is being raised. My response is that Col. James Rowe is that rarest and most precious of national treasures: a true national hero. Instead of honoring Colonel Rowe's memory, this resolution is being used to make a political statement about our monetary support for the Philippine Government.

On a day when we should be honoring a brave soldier and patriot, some in this Chamber seek to play international politics with his memory. To me, this is unseemly.

Let each Member of this House ask: Of what value is this resolution to Colonel Rowe's widow, to his children, or to his family? Is this resolution the language you would use to honor a man who dedicated his life to this country? How pitiful is this measure for a man of Colonel Rowe's bravery.

Consider Col. James Rowe's career. Captured in Vietnam, he spent 5 years in a POW camp, enduring torture, solitary confinement, and starvation. Yet he summoned the strength and courage to escape, the first American to make it back from his imprisonment.

In battle, Colonel Rowe proved his bravery. A grateful Nation bestowed on him the Silver Star, two Bronze Stars, the Legion of Merit, and two Purple Hearts.

To honor its fallen heroes is a timeless duty of nations. The ancient Greeks are unequaled in their stirring eloquence. Rather than this resolution, Colonel Rowe's memory would be better honored by this immortal passage from Thucydides' Funeral Oration of Pericles:

So they gave their bodies to the commonwealth and received praise that will never die, and with it the grandest of all sepulchers, not that in which their mortal bones are laid, but a home in the minds of men, where their glory remains fresh to stir speech or action.

Those words are the kind of honor Colonel Rowe deserves. Let us withdraw House Concurrent Resolution 121 and rewrite it to meet a higher standard, one that is fitting for a hero who gave his life for his country.

Mr. Speaker, I include a proposed resolution with my statement:

A RESOLUTION INTRODUCED BY MR. ROTH

Whereas Colonel James N. Rowe served his country with honor and distinction throughout his career in the United States Armed Forces;

Whereas Colonel Rowe repeatedly demonstrated his bravery and professional excellence, earning the Silver Star, the Legion of Merit, two Bronze Stars, the Meritorious Service medal, and two Purple Hearts;

Whereas Colonel Rowe's five years' captivity in a Vietcong prison camp, where he was subjected to beatings, torture, deprivation of food and water, and periods of isolation up to 23 months, left no lasting mark of bitterness upon him, but rather became the source of valuable lessons that he imparted as an instructor to other soldiers and to the general public through his books and writings;

Whereas Colonel Rowe was the first American to escape from a Communist prison camp in the Vietnam war;

Whereas Colonel Rowe was slain on April 21, 1989 in Manila, where he served as the chief United States military adviser to the Philippine armed forces;

Whereas the assailants, members of the Communist New People's Army, assassinated Colonel Rowe precisely because he was a distinguished representative of the United States Armed Forces; and

Whereas Colonel Rowe is survived by his wife and four children: Therefore, be it

Resolved, That the Congress—

Recognizes that Colonel James N. Rowe was an exemplary officer;

Declares that Colonel Rowe is entitled to the grateful remembrance of every American;

Condemns the assassination of Colonel Rowe as a cowardly, terrorist act;

Urges the appropriate authorities to make all possible efforts to bring the assailants to justice;

Expresses to Colonel Rowe's wife and children the deepest sympathies of the American people; and

Further declares that Colonel Rowe's bravery, dedication, and sacrifice are a shining example of heroism, patriotism, and honor, for all Americans to cherish as the ultimate contribution by a true hero.

Mr. SOLARZ. Mr. Speaker, I yield myself such time as I may consume in order to conclude for the majority.

Mr. Speaker, I feel compelled to say that my very good friend from Wisconsin seems to have misunderstood the purpose of this resolution. The purpose of the resolution was not to deliver a eulogy for Colonel Rowe. That was done appropriately on the occasion of his funeral.

Mr. Speaker, I was at the funeral services for Colonel Rowe. I am not sure that I recognized my very good friend from Wisconsin at the time those services were conducted. Several Members of this House who went to the funeral services, including among them those like myself who had never met him personally, did so because we wanted to personally participate in the tribute which was paid at that time to the memory of this extraordinary and patriotic American.

The purpose of this resolution today, however, is to make a statement of American policy, that the United States is not going to be intimidated by those who were responsible for the assassination of Colonel Rowe.

Why does my friend on the other side of the aisle think Colonel Rowe was killed? It was not an accident, it was not because he had had some argument with some Filipino who decided to execute him.

He was murdered because the Communist Party of the Philippines wanted to send a message to the United States of America. That message was that unless we walked away from the Philippines, unless we stopped utilizing our bases, unless we stopped continuing to provide assistance to the Government of the Philippines in order to enable it to do a better job in countering this Communist insurgency, they might kill additional Americans in the future.

The message was clear and most of us understood exactly what this message was intended to do.

We were faced with several alternatives. We could have ignored this murderous act. But if we had done so, those who were responsible for the murder of Colonel Rowe might have concluded that we were afraid to respond, that their message had sunk home and that perhaps we might consider doing the very things they murdered Colonel Rowe for in order to have us do.

Or, we had another alternative: to send the message back, which we are attempting to do in this resolution, in which we say to those responsible for the assassination of Colonel Rowe: "Your efforts have not succeeded and they will not succeed."

Let me assure my friend from Wisconsin this is not some subtle or sophisticated effort on our part to build a record in favor of new spending initiatives for the Philippines. That will come up at a later time and will be dealt with separately.

This resolution has one purpose and one purpose only, to send a message right back to those people in the Philippines responsible for the murder of an extraordinarily distinguished American colonel.

I have to believe that the other dedicated Americans working in the Philippines who, like Colonel Rowe, are on the list of potential targets—and there is such a list and as we speak their lives are in danger—would want us to

pass this resolution. There is at least a chance that if those responsible for this murder can get it through their thick skulls that a great power like the United States does not turn tail and run simply because they are threatening American lives, that maybe they will think twice before they murder another American.

I do not know if they will think twice; possibly they will not. I am not overly optimistic. But I say to my friend from Wisconsin and to the other Members of this House that we have an obligation to pass this resolution, in order to let the Communists in the Philippines know that they cannot intimidate us.

What is the alternative? To turn tail and run, to leave bases that are essential in terms of our capacity to preserve the peace and maintain a balance of power in Asia and the elimination of which would send shock waves throughout the region? To turn our backs on democracy in the Philippines? To cut off American aid to a struggling democracy that needs our help in order to translate the promises of democracy into a better life for the Filipino people? Is that the alernative?

I do not think anybody here would want to accept such an alternative. So I think this is the least that we can do.

But let me assure my friend, the gentleman from Wisconsin [Mr. ROTH] that I share entirely the eloquent tribute he paid to Colonel Rowe. I heard equally eloquent tributes paid to him at the funeral service in his honor which seemed to me to be the suitable occasion for it.

□ 1400

If the gentleman from Wisconsin feels that was not sufficient, I would be more than pleased to participate in a special order in honor of Colonel Rowe in which Members of the House would be free to express their views about the services which this great man contributed to his country.

Mr. Speaker, I yield such time as he may consume to the gentleman from Florida [Mr. FASCELL].

Mr. FASCELL. Mr. Speaker, I thank the chairman of the subcommittee and join him in the eloquent remarks that he has just made with regard to Colonel Rowe, and I rise in full support of this legislation.

Mr. Speaker, I rise in support of House Concurrent Resolution 121, expressing the sense of Congress regarding the brutal assassination of Col. James N. Rowe by the New People's Army, a terrorist organization in the Philippines. Colonel Rowe was a dedicated military officer, serving as Chief of the Ground Forces Division of the Joint United States Military Assistance Advisory Group at the time of his death.

The New People's Army has apparently launched a campaign against United States nationals and facilities in the Philippines in an effort to force the government of Cory Aquino to abrogate the bases agreement. The resolution states the determination of the American people not to be deterred by such heinous acts of terrorism as that which brought down Colonel Rowe, and declares that the United States presence in the Philippines, both military and economic, will be in no way altered by this incident. The mutual interests of the Philippines and the United States continue to be served by our friendship and by the substantial volume of United States assistance provided, and the processes of democracy so important to the Philippines future will be nurtured by the continuance of our present policy.

Our sympathy goes out to the family and friends of Colonel Rowe, and to all those whose lives have been affected by other acts of violence against such dedicated U.S. servants as he.

Mr. SOLARZ. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. BROOMFIELD. Mr. Speaker, I yield 1 minute to the gentleman from Wisconsin [Mr. ROTH].

Mr. ROTH. Mr. Speaker, my resolution condemns assassination and it sends a strong message and it does an honor to the memory of Colonel Rowe.

The resolution before us mentions Colonel Rowe only twice, and the perpetrators five times, and it does not mention Colonel Rowe in the operative parts of the resolution.

Mr. Speaker, we have 435 Members of Congress. All can think for themselves. All can read the resolution. It is very short. I hope that they will vote this sham resolution down and pass a resolution which Congress can be proud of, and pass a resolution that will do justice to the memory of Colonel Rowe, to his wife, and to his children, and something we can hand to them with pride. This resolution we cannot.

Mr. CRANE. Mr. Speaker, I rise in heartfelt support for House Concurrent Resolution 121, to express the sense of the Congress with respect to the assassination of Col. James John Nicholas Rowe in the Philippines. Col. Nick Rowe was shamelessly assassinated by a Communist terrorist group in Quezon City, outside Manila, the Philippines. Colonel Rowe was serving his country as a member of the armed services in the position of Ground Forces Director for the Joint United States Military Advisory Group Headquarters. This courageous soldier exemplified the American soldier and could, without any reservation be considered a hero.

The loss of any soldier who is serving his country is a terrible loss. The loss of this Green Beret who served his country in Vietnam was a tragedy. Colonel Rowe graduated from the U.S. Military Academy in 1960 as a second lieutenant in field artillery. Not satisfied with doing the minimum, Colonel Rowe graduated from two of the Army's more prestigious and difficult courses, the Army's Airborne School and Ranger School, both located at Fort Benning, GA. In 1961, he completed the field artillery officers basic course at Fort Sill, OK. Colonel Rowe then accepted the assignment that the ordinary avoid: service with the U.S. Army Special Forces. His first assignment was with the 7th Special Forces Group, Fort Bragg, NC, and in 1962 he graduated from the U.S. Army unconventional warfare school at Fort Bragg. In July 1963, Colonel Rowe deployed to the jungles of Vietnam, where the Green Berets were working as military advisers and joined A-Detachment A-23. Later that year, Colonel Rowe was captured by the Vietcong after a firefight.

In captivity, Colonel Rowe faced torture, solitary confinement, starvation, mental and physical abuse, and medical neglect. For 5 long years, he refused to give into the indoctrination rituals of the Vietcong and managed three escape attempts. After being pegged as a Special Forces soldier and marked for execution, Colonel Rowe attempted to flee his captors one more time. He was successful. Colonel Rowe returned from Vietnam as a genuine American hero. But Colonel Rowe did not end this prestigious and courageous career here, he continued to serve his country and was assigned to the Army General Staff, Office of the Assistant Chief of Staff for Intelligence, and later to the Adjutant General's Office to work on the Army POW/MIA Program. After an assignment with the Defense Intelligence Agency, Colonel Rowe left the Army.

In 1981, as the Reagan administration saw the need to better fund and train the military, the administration also recognized the continued need for a specialized elite unit that harbors the finest soldiers in the world. With the expansion and continued demand of special operations in the world, Colonel Rowe was requested to return to active duty to create a school in order that he could teach his special skills of how to survive capture and escape. His creation, the survival, evasion, resistance, and escape [SERE] course, is a critical school for personnel placed in positions of possible capture and confinement. His program standardized the Army's survival instruction by providing a rigorous, realistic, yet safe training environment where soldiers could learn how to avoid capture and return home with honor. In 1988, Colonel Rowe left Fort Bragg for the Defense Language Institute, and then on to the Philippines.

Colonel Rowe's awards and decorations only confirm that he is a great soldier and a great leader. They include the Silver Star, the Legion of Merit, the Bronze Star with oak leaf cluster, the Purple Heart with oak leaf cluster, the Meritorious Service Medal, the Vietnam Service Medal with eight campaign stars, the Combat Infantryman's Badge, Master Parachutist Badge, Ranger Tab, Special Forces Tab, and Vietnamese Parachutist Badge.

I salute my colleague, Mr. SOLARZ, for recognizing the loss of an American soldier who gave the greatest gift an individual can give to his country, his own life. Col. James "Nick" Rowe leaves us with a loving family, many friends, a better U.S. Army, and most important, a nation indebted for his courage and devotion to God and country. Colonel Rowe, we the Members of Congress salute you for your unyielding service and duty to preserving the freedom of this country and working to ensure

the freedom of other countries. Mr. Speaker, I ask that this body support House Concurrent Resolution 121 and offer Colonel Rowe the Special Forces prayer:

Almighty God, Who art the Author of liberty and the Champion of the oppressed, hear our prayer.

We, the men of the Special Forces, acknowledge our dependence upon Thee in the preservation of human freedom.

Go with us as we seek to defend the defenseless and to free the enslaved.

May we ever remember that our Nation, whose motto is "In God We Trust," expects that we shall acquit ourselves with honor, that we may never bring shame upon our faith, our families, or our fellow men.

Grant us wisdom from Thy mind, courage from Thine heart, strength from Thine arm, and protection by Thine hand.

It is for Thee that we do battle, and to Thee belongs the victor's crown.

For Thine is the kingdom, and the power and glory, forever.

Col. Nick Rowe, "de oppresso liber," thank you, goodbye, and God bless you.

Mr. GILMAN. Mr. Speaker, I rise in strong support of House Concurrent Resolution 121, expressing the sense of Congress with respect to the assassination of Col. James Rowe in the Philippines.

Col. James Rowe began his distinguished military career at the U.S. Military Academy at West Point. In 1963, Colonel Rowe was captured by the Vietcong while serving with the Special Forces. For 5 years he endured maltreatment in the form of starvation and torture at the hands of his Vietcong captors. On New Year's Eve of 1968, Colonel Rowe courageously arranged his own dramatic escape. He was, in fact, the only American officer ever to escape from a Vietcong prison camp.

During his career, Col. James Rowe was awarded the Silver Star, Legion of Merit, Bronze Star (twice), Purple Heart (twice), Meritorious Service Medal, along with myriad other accolades which bear testimony to James John Nicholas "Nick" Rowe's dedication to duty and love of country.

Mr. Speaker, Colonel Rowe specifically requested assignment to the Philippines because he wished to contribute to the process of reestablishing democracy under President Aquino. Colonel Rowe's assassination by members of the New People's Army on April 21, 1989, was egregious testimony against those who wish us to withdraw from our military facilities in the Philippines.

We remain unequivocally devoted to providing economic and military assistance to the Philippines in support of our longstanding cooperative relationship with that nation.

Accordingly, Mr. Speaker, this resolution makes our sentiments clear. While we are profoundly distressed at the loss of Colonel Rowe, this tragedy focuses our attention on the hard reality with which we are faced: As the custodians of democracy around the world, we often pay a heavy price. We have lost a fine military officer, yet his loyalty and sacrifice will burn in our hearts forever.

Mr. PORTER. Mr. Speaker, I strongly support House Concurrent Resolution 121, a resolution to express the sense of the Congress with respect to the assassination of Col. James Rowe in the Philippines.

Colonel Rowe was a prisoner of the Vietcong from 1963 to 1968, during which time he endured torture, starvation, and maltreatment at the hands of his captors. He escaped from captivity on New Year's Eve, 1968 and continued to serve in the U.S. military in Southeast Asia. He specifically requested assignment to the Philippines because he wanted to help the process of reestablishing democracy under President Aquino. He was serving in the Joint U.S. Military Assistance Group when he was brutally and tragically gunned down in Quezon City outside Manila.

I am outraged at the continued danger and violence to which United States citizens and military personnel living and serving in the Philippines are subject. The killing of Colonel Rowe is a blatant example of the aggression they face. The United States must take the necessary steps to protect and defend United States citizens and military personnel in the Philippines.

At the same time, we must reject attempts of violence and intimidation to force the United States withdrawal from military facilities in the Philippines. We must stand firmly in the face of terrorism, and those forces in the Philippines must go on notice that United States support for the democratically elected government of President Corazon Aquino will not falter. We must also continue to provide economic and military assistance in order to allow the Philippine Government to strengthen democracy and address the underlying problems that confront the country. Our support, both political and economic, will also help combat the new People's Army insurgency which claimed responsibility for the senseless assassination of Colonel Rowe.

I want to extend my condolences to Colonel Rowe's family. He served his country with great dignity and courage.

Mr. BROOMFIELD. Mr. Speaker. I yield back the balance of my time.

The SPEAKER pro tempore (Mr. MURTHA). The question is on the motion offered by the gentleman from New York [Mr. SOLARZ] that the House suspend the rules and agree to the concurrent resolution, House Concurrent Resolution 121.

The question was taken.

Mr. ROTH. Mr. Speaker, I object to the vote on the grounds that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 401, nays 9, not voting 24, as follows:

[Roll No. 59]

YEAS—401

Ackerman	Aspin	Bennett
Akaka	Atkins	Bentley
Alexander	AuCoin	Bereuter
Anderson	Baker	Berman
Andrews	Ballenger	Bevill
Annunzio	Barnard	Bilbray
Anthony	Bartlett	Bilirakis
Applegate	Barton	Bliley
Archer	Bates	Boehlert
Armey	Beilenson	Boggs
Bonior	Gonzalez	McCloskey
Borski	Goodling	McCollum
Bosco	Gordon	McCrery
Boucher	Goss	McDade
Boxer	Gradison	McDermott
Brennan	Grandy	McEwen
Brooks	Grant	McGrath
Broomfield	Gray	McHugh
Browder	Green	McMillan (NC)
Brown (CO)	Guarini	McMillen (MD)
Bruce	Gunderson	McNulty
Bryant	Hall (OH)	Meyers
Buechner	Hall (TX)	Mfume
Bunning	Hamilton	Michel
Bustamante	Hansen	Miller (CA)
Byron	Harris	Miller (OH)
Callahan	Hastert	Miller (WA)
Campbell (CA)	Hatcher	Moakley
Campbell (CO)	Hawkins	Mollohan
Cardin	Hayes (IL)	Montgomery
Carper	Hayes (LA)	Moody
Carr	Hefley	Moorhead
Chandler	Hefner	Morella
Chapman	Henry	Morrison (CT)
Clarke	Herger	Morrison (WA)
Clay	Hertel	Mrazek
Clement	Hiler	Murphy
Clinger	Hoagland	Murtha
Coble	Hochbrueckner	Myers
Coelho	Holloway	Nagle
Coleman (MO)	Hopkins	Natcher
Coleman (TX)	Houghton	Neal (MA)
Collins	Hoyer	Neal (NC)
Combest	Hubbard	Nelson
Conte	Huckaby	Nielson
Conyers	Hughes	Nowak
Cooper	Hutto	Oakar
Costello	Hyde	Oberstar
Coughlin	Inhofe	Obey
Cox	Ireland	Olin
Coyne	James	Ortiz
Craig	Jenkins	Owens (NY)
Crane	Johnson (CT)	Owens (UT)
Crockett	Johnson (SD)	Oxley
Dannemeyer	Johnston	Packard
Darden	Jones (GA)	Pallone
Davis	Jones (NC)	Panetta
de la Garza	Jontz	Parker
DeFazio	Kanjorski	Parris
DeLay	Kaptur	Pashayan
Dellums	Kasich	Patterson
DeWine	Kastenmeier	Paxon
Dickinson	Kennedy	Payne (NJ)
Dicks	Kennelly	Payne (VA)
Dingell	Kildee	Pease
Dixon	Kleczka	Pelosi
Donnelly	Kolbe	Penny
Dorgan (ND)	Kolter	Perkins
Douglas	Kostmayer	Petri
Downey	Kyl	Pickett
Dreier	LaFalce	Pickle
Duncan	Lagomarsino	Porter
Durbin	Lancaster	Poshard
Dwyer	Lantos	Price
Dymally	Laughlin	Pursell
Dyson	Leach (IA)	Quillen
Early	Leath (TX)	Rahall
Eckart	Lehman (CA)	Rangel
Edwards (CA)	Lehman (FL)	Ravenel
Emerson	Leland	Ray
Engel	Lent	Regula
English	Levin (MI)	Rhodes
Erdreich	Levine (CA)	Richardson
Evans	Lewis (CA)	Rinaldo
Fascell	Lewis (FL)	Ritter
Fawell	Lewis (GA)	Roberts
Fazio	Lightfoot	Robinson
Feighan	Lipinski	Roe
Fields	Livingston	Rogers
Fish	Lloyd	Rohrabacher
Flake	Long	Rose
Flippo	Lowery (CA)	Rostenkowski
Foley	Lowey (NY)	Roukema
Ford (MI)	Luken, Thomas	Rowland (CT)
Ford (TN)	Machtley	Rowland (GA)
Frenzel	Madigan	Russo
Gallegly	Manton	Sabo
Gallo	Markey	Saiki
Garcia	Marlenee	Sangmeister
Gaydos	Martin (IL)	Sarpalius
Gejdenson	Martin (NY)	Savage
Gekas	Martinez	Sawyer
Gephardt	Matsui	Saxton
Gillmor	Mavroules	Schaefer
Gilman	Mazzoli	Scheuer
Glickman	McCandless	Schiff

Schneider	Snowe	Valentine
Schroeder	Solarz	Vander Jagt
Schuette	Solomon	Vento
Schulze	Spence	Visclosky
Sharp	Spratt	Volkmer
Shaw	Staggers	Vucanovich
Shays	Stallings	Walgren
Shumway	Stark	Walker
Shuster	Stearns	Walsh
Sikorski	Stenholm	Watkins
Sisisky	Stokes	Waxman
Skaggs	Studds	Weber
Skeen	Stump	Weiss
Skelton	Sundquist	Weldon
Slaughter (NY)	Swift	Wheat
Slaughter (VA)	Synar	Whittaker
Smith (FL)	Tanner	Whitten
Smith (IA)	Tauke	Williams
Smith (MS)	Tauzin	Wilson
Smith (NE)	Thomas (CA)	Wise
Smith (NJ)	Thomas (GA)	Wolf
Smith (TX)	Thomas (WY)	Wolpe
Smith (VT)	Torres	Wyden
Smith, Denny (OR)	Torricelli	Wylie
	Towns	Yates
Smith, Robert (NH)	Traficant	Yatron
	Traxler	Young (AK)
Smith, Robert (OR)	Unsoeld	Young (FL)
	Upton	

NAYS—9

Burton	Hancock	Ridge
Dornan (CA)	Hunter	Roth
Gingrich	Jacobs	Sensenbrenner

NOT VOTING—24

Bateman	Frank	Molinari
Brown (CA)	Frost	Pepper
Courter	Gibbons	Roybal
Derrick	Hammerschmidt	Schumer
Edwards (OK)	Horton	Slattery
Espy	Lukens, Donald	Stangeland
Florio	McCurdy	Tallon
Foglietta	Mineta	Udall

□ 1428

Mr. SENSENBRENNER changed his vote from "yea" to "nay."

Mr. VALENTINE changed his vote from "nay" to "yea."

So (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

□ 1430

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 1470

Mr. ROBINSON. Mr. Speaker, I ask unanimous consent that my name be removed as a cosponsor of the bill, H.R. 1470.

The SPEAKER pro tempore (Mr. MURTHA). Is there objection to the request of the gentleman from Arkansas?

There was no objection.

REPORT CONCERNING NATIONAL EMERGENCY WITH RESPECT TO IRAN—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 101-68)

The SPEAKER pro tempore (Mr. KANJORSKI) laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Foreign Affairs and ordered to be printed.

To the Congress of the United States:

I hereby report to the Congress on developments since the last report of November 15, 1988, concerning the national emergency with respect to Iran that was declared in Executive Order No. 12170 of November 14, 1979, and matters relating to Executive Order No. 12613 of October 29, 1987. This report is submitted pursuant to section 204(c) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(c), and section 505(c) of the International Security and Development Cooperation Act of 1985, 22 U.S.C. 2349aa-9. This report covers events through March 28, 1989, including those that occurred since the last report under Executive Order No. 12170 dated November 15, 1988. That report covered events through October 1, 1988.

1. Since the last report, there have been no amendments to the Iranian Assets Control Regulations, 31 C.F.R. Part 535 (the "IACRs"), or the Iranian Transactions Regulations, 31 C.F.R. Part 560 (the "ITRs"), administered by the Office of Foreign Assets Control ("FAC"). The major focus of licensing activity under the ITRs remains the importation of certain nonfungible Iranian-origin goods, principally carpets, which were located outside Iran before the embargo was imposed, and where no payment or benefit accrued to Iran after the effective date of the embargo. Since October 1, 1988, FAC has made 583 licensing determinations under the ITRs.

Numerous Customs Service detentions and seizures of Iranian-origin goods (including carpets, caviar, dates, pistachios, and gold) have taken place, and a number of FAC and Customs investigations into potential violations of the ITRs are pending. Several of the seizures have led to forfeiture actions and imposition of civil monetary penalties. An indictment has been issued in the case of *United States* v. *Benham Tahriri*, which is now pending in the United States District Court for the District of Vermont.

2. The Iran-United States Claims Tribunal (the "Tribunal"), established at The Hague pursuant to the Claims Settlement Agreement of January 19, 1981 (the "Algiers Accords"), continues to make progress in arbitrating the claims before it. Since the last report, the Tribunal has rendered 22 awards, for a total of 418 awards. Of that total, 308 have been awards in favor of American claimants: 193 of these were awards on agreed terms, authorizing and approving payment of settlements negotiated by the parties, and 115 were decisions adjudicated on the merits. The Tribunal has dismissed a total of 25 other claims on the merits and 56 for jurisdictional reasons. Of the 29 remaining awards, two represent withdrawals and 27 were in favor of Iranian claimants. As of March 28, 1989, awards to successful American claimants from the Security Account held by the NV Settlement Bank stood at $1,136,444,726.

As of March 28, 1989, the Security Account has fallen below the required balance of $500 million 25 times. Each time, Iran has replenished the account, as required by the Algiers Accords, by transferring funds from the separate account held by the NV Settlement Bank in which interest on the Security Account is deposited. Iran has also replenished the account once when it was not required by the Accords, for a total of 26 replenishments. The most recent replenishment as of March 28, 1989, occurred on March 22, 1989, in the amount of $100,000, bringing the total in the Security Account to $500,011,034.15. The aggregate amount that has been transferred from the interest account to the Security Account is $624,698,999.39. The amount in the interest account as of March 28, 1989, was $128,220,636.82.

Iranian and U.S. arbitrators agreed on two neutral arbitrators to replace Professor Karl-Heinz Bockstiegel and Professor Michel Andre Virally, who had submitted letters of resignation. On December 16, 1988, Professor Bengt Broms of Finland replaced Professor Bockstiegel as Chairman of Chamber One, and on January 1, 1989, Professor Gaetano Arangio-Ruiz of Italy replaced Professor Virally as Chairman of Chamber Three. Professor Bockstiegel had also served as President of the Tribunal. After Iran and the United States were unable to agree on a new President of the Tribunal, former Netherlands Supreme Court Chief Judge Charles M.J.A. Moons, the appointing authority for the Tribunal, appointed Professor Robert Briner to the position on February 2, 1989. Professor Briner, who has been a member of the Tribunal since 1985, will continue to serve as Chairman of Chamber Two.

3. The Tribunal continues to make progress in the arbitration of claims of U.S. nationals for $250,000 or more. Over 68 percent of the nonbank claims have now been disposed of through adjudication, settlement, or voluntary withdrawal, leaving 169 such claims on the docket. The largest of the large claims, the progress of which has been slowed by their complexity, are finally being decided, sometimes with sizable damage awards to the U.S. claimant. Since the last report, nine large claims have been decided. One U.S. company received an award on agreed terms of $10,800,000.

4. The Tribunal continues to process claims of U.S. nationals against Iran of

less than $250,000 each. As of March 28, 1989, a total of 362 small claims have been resolved, 82 of them since the last report, as a result of decisions on the merits, awards on agreed terms, or Tribunal orders. One contested claim has been decided since the last report, raising the total number of contested claims decided to 24, 15 of which favored the American claimant. These decisions will help in establishing guidelines for the adjudication or settlement of similar claims. To date, American claimants have also received 56 awards on agreed terms reflecting settlements of claims under $250,000.

The Tribunal's current small claims docket includes approximately 185 active cases. It is anticipated that the Tribunal will issue new scheduling orders later this spring to bring its active docket to approximately 225 active cases.

5. In coordination with concerned government agencies, the Department of State continues to present United States Government claims against Iran, as well as responses by the United States Government to claims brought against it by Iran. Since the last report, the Department has filed pleadings in eight government-to-government claims, and presented one claim at a hearing before the Tribunal. In addition, two claims have been settled.

6. Since the last report, nine bank syndicates have completed negotiations with Bank Markazi Jomhouri Islami Iran ("Bank Markazi," Iran's central bank) and have been paid a total of $11,235,741.87 for interest accruing for the period January 1-18, 1981 ("January Interest"). These payments were made from Dollar Account No. 1 at the Federal Reserve Bank of New York ("FRBNY"). Moreover, under the April 13, 1988, agreement between the FRBNY and Bank Markazi, the FRBNY returned $7,295,823.58 of Iranian funds to Bank Markazi. That transfer represents the excess of amounts reserved in Dollar Account No. 1 to pay off each bank syndicate with a claim for January Interest against Bank Markzai.

7. The situation reviewed above continues to implicate important diplomatic, financial, and legal interests of the United States and its nationals and presents an unusual challenge to the national security and foreign policy of the United States. The Iranian Assets Control Regulations issued pursuant to Executive Order No. 12170 continue to play an important role in structuring our relationship with Iran and in enabling the United States properly to implement the Algiers Accords. Similarly, the Iranian Transactions Regulations issued pursuant to Executive Order No. 12613 continue to advance important objectives in combatting international terrorism. I shall continue to exercise the powers at my disposal to deal with these problems and will continue to report periodically to the Congress on significant developments.

GEORGE BUSH.

THE WHITE HOUSE, *May 23, 1989.*

THE 40TH ANNIVERSARY OF BASIC LAW AND FOUNDING OF FEDERAL REPUBLIC OF GERMANY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Missouri [Mr. COLEMAN] is recognized for 5 minutes.

Mr. COLEMAN of Missouri. Mr. Speaker, as chairman of the Congressional Study Group on Germany I am pleased to ask my colleagues to join me today in marking the 40th anniversary of the basic law and the founding of the Federal Republic of Germany.

Today we can look back upon 40 years of remarkable stability and economic growth in West Germany. From the political and physical destruction of a great world war, it has taken its place among the free nations of Europe. If there were those who viewed postwar Germany as a great experiment, we can now fairly say that it has been one of history's great successes.

Over the past four decades, the relationship between West Germany and the United States has become a lynchpin of the security of Europe and the free world. This relationship stands not only on shared security interests but on the shared values of the people of our two nations. Chief among these is respect for individual freedom, human rights, and democratic government.

We can celebrate today because in the aftermath of World War II there were men and women of remarkable foresight who saw those shared values beneath the tarnish and rubble of the modern Dark Age. Most of these giants in the era of modern United States-German relations have passed from the scene—and here I sadly note that only a few months ago I attended the funeral of United States High Commissioner John McCloy who was central to rebuilding the German State. Yet we must never forget their work which today stands as a monument to 40 years of peace and stability in Europe.

We must take a lesson from those giants of yesterday who saw beyond the great difficulties of their time to the requirements of our own time. We must take this occasion of celebration and make it one of dedication to maintaining the strong relationship between our two nations.

Mr. Speaker, as this year unfolds there will be many events commemorating the 40th anniversary of the Federal Republic of Germany. But today I would simply ask my colleagues to join with me in honoring a great nation and a great people who four decades ago began their remarkable journey to freedom.

REPORT ON RESOLUTION PROVIDING FOR FURTHER CONSIDERATION OF H.R. 2072, DIRE EMERGENCY SUPPLEMENTAL APPROPRIATIONS, FISCAL YEAR 1989, AND CONSIDERATION OF H.R. 2442

Mr. MOAKLEY, from the Committee on Rules, submitted a privileged report (Rept. No. 101-63) on the resolution (H. Res. 160) providing for the further consideration of the bill (H.R. 2072) making dire emergency supplemental appropriations and transfers, urgent supplementals, and correcting enrollment errors for the fiscal year ending September 30, 1989, and for other purposes, and the consideration of the bill, H.R. 2442, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 2392, MINERAL LEASING ACT AMENDMENTS RELATING TO OIL SHALE CLAIMS

Mr. MOAKLEY, from the Committee on Rules, submitted a privileged report (Rept. No. 101-64) on the resolution (H. Res. 161) providing for the consideration of the bill (H.R. 2392) to amend section 37 of the Mineral Leasing Act relating to oil shale claims, and for other purposes, which was referred to the House Calendar and ordered to be printed.

AGENT ORANGE COURT RULING

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Mississippi [Mr. MONTGOMERY] is recognized for 5 minutes.

Mr. MONTGOMERY. Mr. Speaker, I rise today to advise my colleagues and provide clarification about a recent court ruling in San Francisco which invalidated a Department of Veterans Affairs regulation regarding disabilities associated with exposure to agent orange in Vietnam.

In brief, the court struck down a DVA regulation which required that a cause and effect relationship be shown between exposure to agent orange and subsequent diseases in order for the Department to presume under the authority granted by Public Law 98-542 that the disease is service connected.

In addition to finding that a cause and effect test was too strict a standard, the court also held that, although the law was clear, the DVA did not apply the reasonable doubt doctrine applicable to decisions in individual veterans' cases to determinations regarding the diseases which would or would not be deemed to be service connected.

Back in 1985, when this regulation was first promulgated, I raised objections to its provisions, particularly with regard to the cause and effect requirement. There follows a copy of my letter to then Administrator Harry Walters which details my objections.

COMMITTEE ON VETERANS' AFFAIRS,
Washington, DC, May 24, 1985.

Hon. HARRY N. WALTERS,
Administrator of Veterans Affairs, Washington, DC.

DEAR MR. ADMINISTRATOR: The following are our comments concerning your proposed regulations effectuating certain provisions of Public Law 98-542.

Sec. 3.311a(a)(4).—These regulations quote the law and introduce a phrase "sound medical and scientific evidence" into the adjudication of claims. The definition does not clarify that phrase relative to "sound medical principles" which has long been one of the cornerstones of claims adjudication. We believe such clarification is essential to avoid misinterpretation by Rating Boards. The same phrase recurs in 3.311a(g), 3.311b(c)(3) and (h).

Under the law service connection has always been a product of temporal rather than casual relationship between a disability and the period of active duty. We believe it important to include a paragraph in these regulations restating that principle and pointing out that statutory criteria for relationship to substance and radiation exposure merely require "sound medical principles" and do not introduce a causal relationship requirement into the law.

Sec. 3.311a(c) and (d).—These specific regulations are required by Public Law 98-542, but we believe they would be better worded affirmatively. This would avoid confusion and eliminate the necessity for (g). Thus, chloracne, without intercurrent cause, is service connectable if manifested anytime in service or 3 months after exposure whichever is more advantageous to the veteran. Similarly, porphyria cutanea tarda (PCT) is service connectable if manifested in service. Soft tissue sarcoma must be service connected if shown in service or within one year after separation.

Sec. 3.311b sets forth criteria for determining exposure dosages to radiation. The proposed rule appears to be more restrictive than your previous practice. Previously, the Defense Nuclear Agency (DNA) gave you the individual badge readings as well as the high and low readings for the veteran's unit. You then credited him with the higher level of exposure. What in Public Law 98-542 would impel you to write a more restrictive rule?

Sec. 3.311b(b) in outlining procedures requires referral of all claims that meet three criteria to the Chief Medical Director for a rationalized conclusion as to service connection. This is tantamount to a transfer of rating jurisdiction from the Department of Veterans Benefits (DVB) to the Department of Medicine and Surgery (DM&S). We strongly oppose such a change. We might point out that the "medical referee" system was tried by the Veterans Administration and discarded as impractical over a half century ago.

Sec. 3.311b(b)(4)i and ii, specifies that leukemia and bone cancer must become manifest more than 2 years but less than 30 years after exposure. Other forms of cancer must be manifest 10 years or more after exposure. 38 USC 301 and 312 require service connection if any of these conditions are manifested within one year of separation from service. What you have in effect proposed is a hiatal period of up to one year in the case of leukemia and bone cancer and up to 9 years in the case of the other cancers. We do not agree that Public Law 98-542 intended this anomaly.

Section 3.311b(d) provides for referral to outside consultants. It does not however specify who shall pay such consultants, out of which appropriations payments will be made or how much these payments shall be. It is desirable that the regulations be specific as to such authority.

We would appreciate your giving these suggestions and comments careful consideration as you promulgate your final regulations on this subject.

Sincerely,
G.V. (SONNY) MONTGOMERY,
Chairman.
JOHN PAUL HAMMERSCHMIDT,
Ranking Minority Member.

As we know, Secretary Derwinski has indicated that the DVA will not seek to appeal this decision and that an effort will be made to rewrite the regulation by October of this year. I applaud the Secretary's decision not to appeal. I think an appeal would have been fruitless and would have futher damaged the Department's image. I do want to caution my colleagues, however, not to read too much into the court's decision or the Department's reaction thereto. We must adopt a wait and see attitude and give the Department the opportunity to revise its regulations before reacting further.

I urge all of my colleagues to be patient in their desires to initiate well meaning legislation in this area. It is an area fraught with uncertainties and many scientific studies are still in progress. Members should remember that last year we gave veterans the right to pursue their claims in a court of veterans appeals. This court will begin operation in September. So, let's give the Department a chance to rewrite its regulations and the new court an opportunity to review the Secretary's decisions on this issue.

CORRECTIONAL ALTERNATIVES ACT OF 1989

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey [Mr. GUARINI] is recognized for 5 minutes.

Mr. GUARINI. Mr. Speaker, as you know, our distinguished colleague, Mr. RANGEL, recently introduced the Correctional Alternatives Act of 1989, a creative and thoughtful piece of legislation designed to attack overcrowding in our prison system.

This is yet another example of the fine work Mr. RANGEL has done as chairman of the Select Committee on Narcotics Abuse and Control to combat not only the drug problem in our country, but also to improve our criminal justice system.

As an original member of the select committee, I have worked alongside Mr. RANGEL for 11 years now on national drug policy, and have been constantly impressed with his constant and vigorous attacks on narcotics abuse and trafficking.

I would strongly recommend to my distinguished colleagues the following article from the Daily News of May 17, 1989, on Mr. RANGEL's Correctional Alternatives Act of 1989, of which I am an original cosponsor.

[From the Daily News, May 17, 1989]

BUSH'S PRISON PLAN IS A CRIME

(By Earl Caldwell)

Obviously, President Bush had hoped for a warm, sunshiny day. He got rain. But that did not deter the President. He had planned to unveil his anti-crime package in a setting fit for a campaign rally. Despite a driving rain that left those gathered on the steps outside the Capitol thoroughly drenched, the President went ahead as scheduled. It may have been a signal that Bush was all wet in the approach he chose for fighting a drug-fueled crime problem that has soared far out of control.

Basically, what the President proposed was building more and more prisons. He did ask for funds to hire more U.S. attorneys and more federal agents. But the centerpiece of his package called for spending more money to build more prisons to lock up more people. Bush did not even move to take the most dangerous weapons of all off the streets. He bowed to the gun lobby and refused to outlaw domestically made military-type assault weapons.

Bush was playing to the crowd. More penitentiaries will enable law enforcement officers to lock up more people. But those who are imprisoned do not stay in jail. They do their time and, most often, come back to the streets, picking up where they left off. If anything, many are more violent and even more dangerous.

The Bush approach was basically a rerun. It was reminiscent of Richard Nixon 20 years ago with his "get-tough" approach. Prisons got built, laws toughened. But trafficking in drugs increased—and, through the next two decades, crime and violence rose to frightening new heights.

A day after Bush detailed his approach, Manhattan Rep. Charles Rangel offered a bill of his own. As chairman of the House Select Committee on Narcotics Abuse and Control, Rangel points out that some $17 billion already is spent on prisons. He argued that $40,000 is spent per year on each inmate. "And what do they do while they're locked up, besides making license plates?" he asks. "They sit around watching television, messing with each other, and a third come back (to the streets) in five years."

Rangel says there has to be another way to go. Yesterday he put legislation in the hopper designed "to give some alternatives" to inmates once released from prison. Rangel's Correctional Alternatives Act of 1989 proposes spending $200 million in each of the next four years to assist state and local efforts to institute new and innovative alternatives to imprisonment.

"American prisons today are not doing the job of rehabilitating prisoners or deterring future crime," Rangel says. "We are warehousing prisoners at incredible cost and when they come out they are simply better prisoners. We need to explore new approaches. (Bush) concentrated on prisons and incarceration. Punishment is seen as the answer. Even if we build more prisons, as the President proposes, why should we not require that when inmates are released they return to society as bricklayers, electricians, painters, carpenters and skilled in other trades?"

Rangel wants to take criminals imprisoned for nonviolent crimes and, while in custody, give them skills that would, in turn, give them another way to go upon release. Rangel proposes creating boot camps, using forms of house arrest and drug treatment centers to deal with nonviolent felons. "The traditional form (of imprisonment) isn't working," he argues. He says the time has come to dig deeper. He wants to use federal money to create partnerships with private business to take on the job of training and

in turn providing marketable skills to felons.

Rangel is going back—saying that we need to look at root causes. "Our approach should be: 'If you're going to do a crime you're going to do time—but you're also going to come out with a skill to become a productive citizen.' If our prisons remain warehouses, then all we are buying with more and bigger prisons is a bit of time and a false sense of security."

While Bush plays to the crowd, Rangel is looking at what is and saying: *We have to do better.* He's right—If "taking the streets back" is the goal.

VETERAN PERFORMANCE

The SPEAKER pro tempore (Mr. VOLKMER). Under a previous order of the House, the gentleman from Ohio [Mr. MCEWEN] is recognized for 60 minutes.

Mr. MCEWEN. Mr. Speaker, as you are fully aware, the funding for this fiscal year for the Veterans' Administration was not sufficient. It became apparent along about December or so that there was not going to be a sufficient amount of funding to maintain the current level of services for our veterans. Many of us brought this to the attention of the President. The President at the time, recognizing that he was leaving office within a matter of days, felt it was not appropriate for him to make any permanent decisions on the matter. He felt it best that it be laid over until the new President took office on January 20.

When President Bush took office, the same dilemma was presented to him. It looked as though a $500 million or $600 million shortfall in the Veterans' Administration. The President wisely decided it was perhaps not appropriate for him to make that kind of decision right away.

Then on March 1 the Cabinet member for Veterans' Affairs, the new Cabinet position was being established, and a new Secretary was going to be sworn into office.

□ 1440

It would be appropriate for that Secretary to make the decision, and so shortly after March, the gentleman from Mississippi, the chairman of the Committee on Veterans' Affairs, various members of the Committee on Veterans' Affairs, met with the new Secretary, Secretary Derwinski, and shared with him the dilemma. He recognized the problem. He asked for a significant amount of funds at the White House. The White House, through the Office of Management and Budget, came back with an urgent supplemental request for only $340 million. Many of us were disappointed in the amount, but we thought it was essential to begin to move because already services were being denied veterans across the country. Mr. Speaker, in my own particular district in southern Ohio, whole wards were being closed as there were not sufficient funds to keep them operating.

The way the Congress operates many times is once the request is made and there is a desire for additional spending and then having it wrapped in the cloak of aid to veterans, between those two requests Members of Congress saw an opportunity for additional spending. They said, "If this is what the President wants and this is going to go for veterans, perhaps we should add a little additional funding."

They then began a little bit more, and another for this program over here, and recognizing that this will not be recognized for what it is, that this all comes under the heading of aid for veterans, let us add another program.

I took the floor of this House sometime on Thursday in late April to point out that the direction we were headed, the urgent supplemental for veterans the President had requested at $340 million had already surpassed $1.9 billion under the heading of urgent supplemental appropriations for veterans and for other purposes, and the other purposes were five times as large as what was asked for the veterans. That was on Thursday.

On Tuesday, when we came back, that same supplemental had grown to $2.5 billion, and some of us took the floor to say that this was very unwise. It was unfair to veterans to be riding on the backs of veterans to use the money that was requested for the veterans' hospitals to be so larded up with all of these other requests. That was on Tuesday.

On Wednesday when the bill came to the floor, it had grown to $4.9 billion. We all remember what happened. Many of this side of the aisle as well as on both sides expressed their opposition at that sort of activity. An effort to amend it was denied, and so the Speaker pulled the bill off the floor, and we went for 3 more weeks with no action.

Finally last week with the constant urging of the veterans' organizations, the recognition that this money is needed urgently, immediately, now, last Thursday the House of Representatives passed the necessary $340 million for medicine and surgery. It was sent over to the other body. The other body, so frustrated at not having this opportunity for unlimited new spending under the cloak of a Bush request for veterans, decided that they would not sign on, but what they would do is just pass the money for about 2 weeks and come back after their recess and try to fight it out with the House again.

Mr. Speaker, the reason I have taken this time here is to pay tribute to some very courageous leaders, particularly the chairman of the Committee on Veterans' Affairs, the gentleman from Mississippi [Mr. MONTGOMERY], and also the vice chairman of that committee, the gentleman from Arizona [Mr. STUMP]. I want to commend the ranking Republican on the Committee on Appropriations, the gentleman from Massachusetts [Mr. CONTE]. I believe that SILVIO CONTE has done yeoman's work on trying to hold this bill to exactly what it could and should be, that is, emergency supplemental aid to veterans and not just a cloak whereby Members will add dozens and dozens of other items.

The bill that came to the floor some weeks ago, 93 percent of all of the spending in that bill had nothing to do with veterans. I submit that if those programs are so good, then let them stand the light of day as individual legislation. Veterans have been used long enough for excessive spending.

But the other body has an obligation, it feels, to use whatever vehicle it can to increase the national debt, and so they refused to go along with the House, and they played their game, as we mentioned, by passing the supplemental only until June 15.

Mr. Speaker, let me read a letter from Jimmy Smith, national commander, AMVETS. It is to a leading member of the other body, and it says:

AMVETS NATIONAL HEADQUARTERS,
Lanham, MD, May 22, 1989.

Hon. MARK O. HATFIELD,
U.S. Senate, Washington, DC.

DEAR SENATOR HATFIELD: On behalf of the 200,000 members of AMVETS, we are appalled at the recent action taken by the Senate to provide emergency funding for the health care of America's veterans only through June 15th.

This action, and the cavalier attitude toward providing necessary funding for health care for those who have borne our country's battles is unconscionable. Veterans' issues have always been non-partisan in scope and we fail to see what gains can be had in providing emergency funding only through June 15th when the issue must be addressed again.

We call upon you and all members of the United States Senate to insure that adequate funding is available to provide the requisite health care for our country's veterans.

Sincerely yours,

JIMMY T. SMITH,
National Commander.

This past Sunday in the Washington Post in an editorial entitled "Veteran Performance" the Washington Post lays the story out just as I have moments ago, only it mentions specific Members, and I would like to call the attention of the Members to this editorial and read it for the RECORD. It begins by saying that:

[From the Washington Post, May 21, 1989]

VETERAN PERFORMANCE

Congress never lets you down. The big issue last week was what to do about the $1.2 billion in the measure for veterans' benefits. The money is necessary to keep programs running through the fiscal year. Members wanted to vote it out in time for the Memorial Day weekend, when many

would be making speeches to veterans' groups. But they also wanted to hold it back as a vehicle to which to attach funds for other purposes dearer to their hearts than the president's.

That's how the supplemental appropriations game is played: you either await or, if you're good, help create a fiscal emergency—by now they've done it so often that they're up to dire emergencies, and this is known as the dire emergency appropriations bill—then take a free ride on it. In this case the House finally voted to relinquish the emergency money, sending it to the Senate in a separate bill. The veterans, after all, are a hard group to say no to—and the House still had a few other emergency amounts in reserve. It turns out money is also needed to keep the student loan and foster care programs going through the year.

To the wily Senate, however, this House maneuver seemed much too straightforward and amateurish and—we hate to say it—a little crude. The Senate is not thought of as the upper house for nothing. Its new appropriations chairman is former majority leader Robert Byrd, and perhaps he had a little something to prove. The Senate, at any rate, approved only about $75 million for the veterans' programs, enough to last the Department of Veterans' Affairs no more than a month and re-create its fiscal emergency in about mid-June, safely after Memorial Day. The West Virginian made no secret of what he had in mind. There are, he said, "many, many programs" that need extra funding this year—for example, one that subsidizes air service to remote communities, of which there are more than a few in his state. The Senate then sent its bill back to the House and went off for two weeks, leaving the House no choice but to accept it next week, when it will still be in session.

There's nothing inherently wrong with the programs the appropriators want to add to the supplemental. Quite the contrary: many of them are altogether worthy. The White House likes to say that everything Congress wants and it doesn't is pork, but that's not necessarily so. The only problem is that Congress doesn't want to pay for the add-ons with either a tax increase or offsetting spending cuts. It is voting to add to the deficit, secure in the knowledge that the budget rules are rarely applied once a fiscal year begins. That's because everyone by then is paying attention to the next year.

In the House this time, the president and ultimately Democratic leaders insisted on staying within the rules, or near enough; the first draft of the supplemental was sent back to committee, spoiling the appropriators' fun. But the House committee, and Mr. Byrd in the Senate, are still at it. Who knows how bad the next emergency may be? Truly serious? Cataclysmic? Apocalyptic? The appropriators can afford to wait.

Mr. Speaker, the story is very simply this; money is needed for veterans. The President recognizes it. Members of Congress understand it. The question is whether or not we will spend money to help the veterans or whether we will use that vehicle to spend a lot of money for other programs that could never pass on their own.

The American people understand that is unfair. The American people understand that that is a wrong thing to do. The House did the right thing last week by holding its bill to only veterans. It will do the wrong thing if it submits to the blackmail of the other body by larding up this appropriation bill, not just for veterans, but for every other program that could and should stand on its own.

□ 1450

BLOCKBUSTER SAVINGS AND LOAN BAILOUT

The SPEAKER pro tempore (Mr. VOLKMER). Under a previous order of the House, the gentleman from New York [Mr. OWENS] is recognized for 60 minutes.

Mr. OWENS of New York. Mr. Speaker, the dinosaur, blockbuster spending bill of $157 billion as proposed by the President is slowly marching forward, and after the Memorial Day recess probably will be on the floor of the House. The bill has gone through the Committee on Banking, Finance and Urban Affairs, it has been considered by the Ways and Means Committee. Of course, we all know the Senate has already passed the bill, and the likelihood is that when the bill arrives on the floor of the House there are not enough votes to pass the bill.

But I am concerned again, Mr. Speaker, about the fact that there has been so little discussion and so little debate on a bill which purports to authorize the expenditure of $157 billion. It authorizes $157 billion of expenditure over a 10-year period, but under any circumstances it is still one of the biggest commitments ever made by the American Government, the U.S. Government for a peacetime expenditure. So it deserves more consideration, it deserves more discussion. It is a mystery as to why this discussion is not taking place, why in the media we do not have any discussion, why on the floor many of our conservatives have gone completely silent on the issue. It is a very fundamental problem, it seems to me, in terms of a conservative philosophy that Government should never intervene in the private sector too heavily.

We are intervening into the private sector, we are subsidizing the banking industry, and yet it is marching forward without very much comment or discussion. I do not think it is stretching too far to draw some kind of connection between what is about to happen with the savings and loan scandal and what is happening now in Beijing, China. Students are rebelling, millions of people led by students are rebelling against the government which they consider to be basically a problem because they perceive it to be corrupt, and they perceive it to be ineffective.

Those two problems, a government that is corrupt, they do not believe the officials who are in charge, who are wielding power are doing it fairly, they do not believe that they are doing it without attempting to pad their own pockets, attempting to extend the maximum number of privileges to themselves, they do not believe the officials are being fair in the use of their resources and their treatment of all segments of society, and they call that corruption. They do not believe their officials are competent to deal with the changing situation that they are faced with. The economy is changing, the whole world is changing, and we have some high bound Democrats, some old party people who are sitting there trying to make a minimum number of changes and deal with life only in their particular areas and sectors that they consider important.

But the rising expectations of the young people of China are such that they want officials, they want decisionmakers at the government level who are more competent and more imaginative and more creative. There are two things they are insisting on. They want integrity and they want effectiveness.

Effectiveness means they want people to have more imagination. Certainly the issue of integrity means they want people who will look at every aspect of what they are doing and trying to guarantee that it is fair, that no particular segment of the populace is being given some favored treatment that they themselves are not favoring themselves.

So the issue of corruption, the issue of effectiveness is not going to remain in China. It is likely to be an issue on the agenda for the next 10 years. More and more people everywhere are going to demand that on these two issues government officials must shape up, regardless of what the system is.

We know, of course, that in the totalitarian systems the likelihood that corruption will persist and get worse is far greater because of the fact that there is a cap on discussion, there is an inability to have alternatives. So the corruption that has been exposed in the Government of the Soviet Union has been shocking, but because it was a closed society and officials had such widespread privileges, that corruption was rampant. The corruption problem in China is on the same scale because of the closed society.

We have some safeguards, we have some checks and balances in our society. I think we should not hesitate to use those checks and balances. Every Member of the Congress is a check and a balance. They can speak out, they can make certain that light is thrown on any movement taken by the Government.

Certainly the press, any citizen, all branches of our Government are checks and balances on each other, so nothing should go forward which is a tremendous disaster and a tremendous

catastrophe which at least does not have the fullest possible discussion. If we do something in the next few weeks which future generations will hold us responsible or condemn us for, it will not be because we have not had an opportunity to have these checks and balances go into motion. It will not be because we have not had an opportunity to hear free discussion on it.

So I am not here because I am an expert on the savings and loan associations or because, as I have repeatedly stated before, I am not a member of the Committee on Banking, Finance and Urban Affairs, I am not a member of the Committee on Ways and Means. I am here because I want to maximize the amount of discussion on this tremendous $157 billion bill to bail out the savings and loan associations, most of whom were crooked, most of whom involved fraud, and I will get back to that in a minute.

I am here today because this is the biggest spending bill in peacetime history. Those Members who have been on the floor repeatedly since I have been here in the last 7 years condemning big spending bills suddenly have lost their tongues. They are not here. They do not see this as a big spender, but this is the biggest spending, this is a blockbuster, this is a dinosaur, this is a dragon. It will eat up all possibility of any new initiatives in the next 10 years. We will not have any money to spend on education additionally, we will not have any additional money to spend on the problem of health care for all our people. We will not have that opportunity because every penny that is saved in any other way, if we do finally begin to save money in the area of defense because the cold war is lessening, because the tensions in the world are lessening, any money saved from defense will be shuttled to the savings and loan catastrophe. We must pay off that $157 billion obligation. Everything we do from the moment that bill is passed will be shaped by the fact that that bill has passed. It will establish a new set of parameters, a new set of boundaries in which the Congress will have to operate.

So all of our decisionmaking from that point on, from the point we take on the obligation of $157 billion, all of our new decisionmaking will be shaped partially by the fact that we have made that decision.

What are we about to do when we move to act on the President's bill, his proposal that we obligate ourselves to the tune of $157 billion for the next 10 years? What is he obligating us to do?

I am pleased by the fact that certain members of the Committee on Banking, Finance and Urban Affairs have come on the floor in special orders and explained matters more in the last few weeks. I am pleased by the fact that I hope the people who have the expertise have leveled with the American people about the nature of the problem. I heard certain Members who came before the House in special orders recently explain what I understand already, that we have an obligation as an American people. We took on an obligation through our Government to take care of any depositor who deposited up to $100,000 in any one of these savings and loan institutions that are now failing. Any person who deposited up to $100,000 has the assurance of the Federal Government that their deposit would be guaranteed if anything happend to the bank.

I certainly think we must honor that obligation. It is a legal obligation. We have no way not to honor it. It is altogether fitting and proper that we should honor that obligation to take care of depositors that we said we would guarantee that their money would not be lost.

The question that the Members who come to this podium, the Members who have been on special orders to explain the nature of the bill, the questions they refuse to answer and did not even treat was how many people or how many business concerns are we attempting to save who have deposits above $100,000? How many Japanese bankers, how many Arab sheiks, how many multimillionaires who were speculating are we attempting to save in addition to the savings depositors which we guaranteed? In other words, as we reach into the pockets of the American taxpayers, because in the end it is the American taxpayer who will pay this $157 billion, as we reach into their pockets are we reaching into the pockets to get enough money to meet the obligations, that are legally the obligations of the American Government, or are we reaching into their pockets to get money to take care of people we never said we would take care of? If people speculated and they put their money into savings and loan associations and they knew they were going under, or for whatever reason, above the $100,000, then why should our taxpayers be asked to bail out those people in addition to the depositor who put his money in in accordance with the rules of guaranteed up to $100,000?

□ 1500

That question has not been answered. How much money do we need just to take care of our obligations? Nobody wants to answer that question.

The answer to the question, I assure you, is that we need far less than $157 billion. It would take far less than $157 billion if we merely met our obligations to take care of the depositors who have put in $100,000 in each savings and loan institution.

What we are trying to do, instead of merely honoring the obligations of the U.S. Government, we are trying to save everybody who has a dime invested in the savings and loan association above the maximum of $100,000. We are taking on obligations we do not need to take on and as a result not only is the obligation likely to be $157 billion, but the chairman of the Committee on Banking, Finance and Urban Affairs, himself, has said we are likely in the end to be obligated to as much as $335 billion.

You might ask how does this take place? How does it occur? Well, if you do not just pay off the depositors that we owe, the depositors that we are obligated to, then what you have to do is try to save the institution. Each savings and loan association that is going under, instead of just paying off the depositors, we are making an attempt to save the institution so that nobody who has invested will lose any money.

When you do that you take on obligations, all of the obligations that the institutions have. If some of those obligations come due later and they pay off then, great, we will not lose that money.

But those that later on do not materialize, we are obligated to pay that.

In addition to that we have deals which any new institution that buys a failing institution can take advantage of. If institution A is a healthy banking institution, it wants to buy a failing savings and loan association—and most of them are failing because they are crooked, there is some fraud somewhere, let alone mismanagement. Mismanagement and fraud are almost synonymous because people who mismanage banks are people who deliberately are trying to cloud the issue in order to permit some kind of malfeasance to take place.

At any rate, if a healthy institution buys a failing one we give them tax writeoffs. They take on those losses and they get a tax writeoff for something which, in the end, they may have absolutely no risk because in addition to the tax writeoff we say that if these failing obligations, if this portfolio of losses or near losses does not materialize, then we are going to pay it off through this $157 billion bailout that the Federal Government has and "you have nothing to lose, everything to gain."

So in addition to the $157 billion of the deals where people receive tax writeoffs in terms of millions and millions of dollars is also coming out of the pocket of the American taxpayer.

I think it is important to note that the discussions that are taking place, that have taken place in the committees, in the discussions brought to the floor by certain persons who wanted to enlighten us, very little has been said about fraud, about stealing.

You know, we use words like "fraud" and "embezzlement" when you are talking about professional white-collar criminals, but it is really stealing.

Very little has been said about the stealing that is taking place.

However, even the most conservative review of the institutions that have been failing has come up with the answer, with one observation, that at least half of them you can prove that there was stealing in at least half of them. That is a conservative review, not an investigation in depth by the FBI or the CIA, but a conservative view by Mr. Seidman of the FDIC.

Mr. Seidman was given the job by President Bush to take over the failing institutions.

One of the things the President asked Mr. Seidman to do was to check to see immediately how much fraud was involved, how much stealing was involved.

The report that came back from Mr. Seidman, according to the New York Times on May 19, was that at least half, half, in half of the failing savings and loans/banks there was evidence of criminal fraud.

I will read directly from the article:

The Federal Deposit Insurance Corporation said today that after examining more than 200 insolvent savings associations at the request of President Bush, it had found evidence of criminal fraud and abuse at almost half the institutions.

In a report that summarized the findings of the agency during its examination of almost 220 institutions in the last three months, agency officials said that in addition to possible criminality found previously by the Federal Home Loan Bank Board, the F.D.I.C. had uncovered an additional 50 instances of possible wrongdoing.

This brings it to a total of about 50 percent of the institutions that are failing having criminal fraud as a problem.

However, the FDIC Chairman, Mr. William Seidman, went on to say—to make a statement with which I take issue. He warned that the amount of money recovered from any people found guilty of self-dealing and other insider abuses would be small. The money is long gone and it is spent by the criminals, Mr. Seidman says.

He goes on to say we cannot expect any substantial recovery from criminal abuse.

Mr. Seidman did not cite any kind of investigation or study to back up that statement. He wants to make the assumption that there can be no recovery of what the crooks have run off with. I take issue with that and I think that is one of the big holes in the proposals that the President has before us.

He is asking the American people to spend $157 billion to bail out these institutions, most of whom are crooked, and they are not making an effort to recover from the crooks, from the criminals, the kind of money that they could recover.

If there were more prosecutions, if they were to undertake an effort to have a more strenuous investigation, I guarantee you the kind of people who would be put on the spot, people who would face jail, would come forward and you would be able to recover much more of the money than you will ever recover by making a statement ahead of time that it is already spent, it is gone.

It is in Swiss banks, it is invested in various investments where we could force the people who committed the fraud to pay up.

There are a number of ways that if you pursue these criminals the money could be recovered.

Why are we taking such a soft attitude toward white-collar criminals?

You know, if this were a group of welfare mothers who had stolen a thousand dollars and they caught them, you would have all kinds of screams for the harsher kind of punishments; welfare queens who cheat the Government out of a little money here, and a little money there are certainly held up as the worst kind of criminals.

I certainly do not mean to apologize for that kind of behavior. They should be punished.

But you would have screams on this floor about that kind of criminality. However, here we have a group of criminals, a network of racketeering enterprises who from one to another, in many instances, are guilty of stealing vast amounts of money, millions and millions of dollars, and we are soft on them. We are not willing to call them the criminals that they are; we are not willing to put forth the kind of investigation that should go forth; we only want to hasten on to get the matter over with by reaching into the pockets of the taxpayers and paying off not only the depositors that we owe but paying off everybody who was in danger of losing any money.

Mr. Speaker, I submit for the RECORD the entire article dated May 19, 1989, from the New York Times entitled "FDIC Found Fraud at Half of Savings Units It Studied."

The article referred to is as follows:

FDIC FOUND FRAUD AT HALF OF SAVINGS UNITS IT STUDIED

(By Nathaniel C. Nash)

WASHINGTON, May 18.—The Federal Deposit Insurance Corporation said today that after examining more than 200 insolvent savings associations at the request of President Bush, it had found evidence of criminal fraud and abuse at almost half the institutions.

In a report that summarized the findings of the agency during its examination of almost 220 institutions in the last three months, agency officials said that in addition to possible criminality found previously by the Federal Home Loan Bank Board, the F.D.I.C. had uncovered an additional 50 instances of possible wrong-doing.

The F.D.I.C.'s chairman, L. William Seidman, warned that the amount of money recovered from any people found guilty of self-dealing and other insider abuses would be small. "The money is long gone, spent," Mr. Seidman said, "We cannot expect any substantial recovery from criminal abuse."

Separately, the House Ways and Means Committee today approved a plan to put most of the President's savings rescue plan on the Government's books. The vote was a rebuff to a last-minute attempt by the White House to keep the plan's costs outside the budget and represented the first defeat for the Administration in its bailout plan.

Despite threats of a veto, some members of Congress predicted the full House would approve the plan to put $50 billion of borrowings on the Government's books but to exempt that amount from the automatic spending cuts under Gramm-Rudman-Hollings budget balancing law.

In a statement, Treasury Secretary Nicholas F. Brady said the vote by the committee set a precedent that would render the budget-cutting discipline of the Gramm-Rudman-Hollings law meaningless.

"I think that in a week you will see the Administration trying to cut a face-saving deal," said Representative Charles E. Schumer, Democrat of Brooklyn and a chief architect behind the on-budget plan.

The committee balked at raising taxes to pay for the savings rescue. In a 13-to-11 vote, it defeated a provision, sponsored by Representative Sam M. Gibbons, a Florida Democrat, to impose new taxes to pay for the plan.

In the wake of President Bush's announcement of his $157 billion rescue plan, Mr. Bush directed the F.D.I.C. to take control of the nation's insolvent savings institutions until new money was approved by Congress to liquidate or sell them. The report issued by the F.D.I.C. was its first general statement on the condition of the savings indutry's sickest members and how the agency was handling the task.

Some members of Congress have said the task far exceeds the agency's ability. They have suggested that while the F.D.I.C. pays attention to the ailing institutions, bank examinations would be left unattended.

Mr. Seidman tried to reject such charges, although he acknowledged that short-term examinations have fallen 22 percent from last year's level. He added that the agency's total examination of banks this year would be slightly above the level of examinations done in 1988 but down 9 percent from the number of exams the F.D.I.C. had hoped to complete in 1989.

Mr. Seidman disputed assertions that the agency was ineffective in its management of the ailing institutions. He said F.I.D.C. control of the institutions was saving an estimated $13.6 million a month and that within several months most of the agency's examiners would return to their normal duties of bank supervision.

Mr. Speaker, I would also like to point out that as we march toward the process of guaranteeing these savings and loan institutional bailouts, we are not taking full consideration of the fact that other budget initiatives will be shut down. These amounts of money are so enormous that we should take a look at what they would buy if they were to spend them for some of the more positive initiatives; instead of spending such funds on the bailout of the crooked institutions, which I think is a negative expenditure, if we were to devote ourselves to

spending the same kind of money to other kinds of positive expenditures, I think the American people need to know what it would buy.

Tomorrow in New York City at the Federal Building, 26 Federal Plaza, I will be holding a briefing for nonprofit organizations, social services organizations, for the press, for all kinds of educational institutions to let them know why the next 10 years they cannot look forward to having the Federal Government do very much about alleviating some of the serious problems that we face in terms of our budgetary needs. Indeed, the likelihood is that there are going to be more cuts of Federal expenditures for education and for other kinds of basic care such as health care and housing.

□ 1400

I want the people of my district to understand next year, the year after that, for the next 10 years, why I have to keep coming back emptyhanded. Why I cannot say that our Federal Government recognizes the tremendous problem that we have with education, that our Federal Government recognizes that in this modern era the local school boards and the State government can never provide enough money to keep our schools modern. We cannot do it.

It is impossible the kind of equipment, the kind of facilities needed to provide modern education without help from the Federal Government. After all, the Federal Government takes in the largest amount of taxes. The Federal Government has the largest budget. I think it is quite fitting that we understand that in the area of education, for example, the Federal Government should spend far more than the small amount of money that it is presently spending. We are spending less than 6 percent, paying for less than 6 percent of the total cost of education in our country at this point. The expenditure for education by the Federal Government has gone down in the last 8 years, and the President has not made any attempt to raise the level of expenditures for education. He talks about new programs, but he insists that we have to cut all programs in order to provide the money for new programs.

So educational loan is a major problem that will get no relief if this $157 billion blockbuster of a spending bill to bail out the crooked savings and loan associations goes forward. Let us look, for example, take a hypothetical example of what it would mean if the $157 billion was to be spent over the next 10 years for positive programs. That would mean that each year Members would have one-tenth of $157 billion which is $15.7 billion to spend.

What would it buy in the area of education? In the area of education we could provide a quality education to an entire generation of disadvantaged young Americans. We could fully fund chapter 1 which provides remedial courses for millions of children, many of them who are in need and we have identified them. They are in need of this kind of service, are presently not receiving it because we do not have enough money. We can service all 8.5 million children identified as having the need for chapter 1 programs, costing $2.3 billion out of the $15.7 billion we have available. We could go on in there and fully fund the Education of Handicapped Act, serving children who have disabilities. We could spend another $6.5 billion each year on the education of the handicapped. We can fully fund the Head Start Program. We can serve all 2.8 million of the children who are eligible. There are 2.8 million children eligible for Head Start, most not being served because we do not have the money.

If Members had the $6.3 billion we could serve all of the children who are eligible for Head Start programs. We could fully fund Pell grants for higher education. If there is a maximum grant of $2,900, as it is today, the maximum is $2,900 per person, with another $0.6 billion we could take care of all those people eligible for Pell grants, a total of $15.7 billion spent for education.

What about housing? What about some kind of Federal Government relief for the people who are homeless, or for the people who are in substandard housing conditions across the country? With $15.7 billion a year, if we choose to devote it to housing, we could end the housing crisis which is faced by low-income Americans. We could provide section 8 housing vouchers to all of the unserved very low income households, about 2.2 million families with median incomes, 50 percent median incomes. Eleven point one billion dollars is needed to provide the section 8 vouchers to cover the people in need, $11.1 billion out of the total $15.7 billion. We could also construct an additional 65,000 new public housing units each year. This would increase the number of public housing units by 50 percent over the next 10 years. With those two items, in the area of housing, we end up spending $15.7 billion on constructive and positive programs instead of pouring it down the drain on the crooked savings and loan associations.

What about the area of health care? If there is $15.7 billion to spend on health care, Members could extend the Medicaid coverage to all Americans who are below the poverty line. We have 11 million persons in this country who are officially recognized as being below the poverty line established by the Government. It would take $9 billion to provide health care for all of those people. We could extend the Medicare coverage to all pregnant women and children under age with incomes of less than 200 percent of poverty. All children who are eligible would be covered by the WIC Program for only $1 billion more out of the $15.7 billion. We can eliminate new monthly premiums, the new monthly premium we are now charging to the senior citizens in the Medicare Catastrophic Coverage Act. We could eliminate that and cover that with $2.2 billion out of the $15.7 billion. We could freeze Medicare part B premiums using just $1 billion out of the $15.7 billion. We could double the alcohol, drug abuse, and mental health block grants that go to States and cities, costing only $0.8 billion for a total of $15.7 billion in health care.

There are numerous positive creative ways to use the money we are about to pour down the drain on the crooked savings and loan associations. There are numerous ways money can be used, and yet we march forward. The votes have been counted on the floor of the House, it will probably pass when it reaches here because there are not enough voices being raised against it.

The implications are not clear to the American people. We will do something which will haunt Members for many years to come. Our children will be demonstrating, somewhere in the future, against the monumental blunder and error we are about to undertake if we pass the savings and loan association bill. Our children will point a finger at Members and say we were corrupt, we were ineffective, we lacked imagination, we did not do what made common sense. We did not step forward and say, look, how much money do we owe to those depositors out there whose deposit we guaranteed. Let Members pay just those deposits that we guaranteed. Let Members pay them off and get out of this business of subsidizing banks. Banks are the last institutions that the American Government should be subsidizing, but yet we are pouring money down the drain to take care of the crooked savings and loan banks. We are doing what the Government has never done before. When Chrysler was bailed out, there was a great deal of debate on this floor across the country saying that the Government should not bail out a private enterprise. But Chrysler only wanted a loan. Chrysler wanted a loan from the Government, they got a loan. They paid it back. When New York City was in trouble with their government, their government expenditures, and New York City is not a private enterprise, it is a public entity. The expenditures were for public purposes, and yet there was a great debate over whether the Federal Government should give New York City a loan. Large amounts of money were

loaned, but in both those instances, the total amount of money was less than $5 billion.

If Members had all the interest and the principal, Chrysler and New York City cost less than $5 billion, and they paid it back. They paid it all back.

In the case of the savings and loan association there is no plan, no proposal that the banks will ever pay the Government back. The taxpayers will lose the money once and for all.

There are those who say if we do not do this, the economy will go down hill. Something will happen in the economy, it will cause more problems than we have already. In other words, they want to present Members with a situation where people have taken the savings and loan association authority, they have misused it, they have abused it and now the banks are failing and they want to order on top of this misuse and abuse, this criminal fraud, they want to add blackmail. They are going to blackmail the American economy and say if we do not bail them out, it will wait for dislocations in other parts of the economy and we will have serious problems as a result.

I do not see why the best minds in America, the best and the brightest of the people in America, and some of them are in Washington, and the executive branch and legislative branch, I do not see why they should stand still and allow themselves to be blackmailed by people who have committed fraud and played footloose and fancy free with the public authority.

□ 1520

I think that there must be some better solutions. I think there must be a better way to recover the money to pay off the depositors and to get out of the business of backstopping these enterprises.

It is still a mystery to many of the American people as to how this was allowed to happen. Well, if you get the ownership of a savings and loan association and you apply to the Government and get the authority and you meet all the requirements, you put up a sign and it says you are in business and the Federal Government stands behind you. Once you put up a sign that says deposits up to $100,000 are guaranteed by the Federal Government, people come in and put their money in. So by using this method, large numbers of people who never should have been given that authority were able to gain authority over large amounts of money that did not belong to them. They proceeded to spend the money in ways which were quite risky in many cases, and in other cases they were deliberately passing the money into the hands of friends and relatives and various kinds of business associates that would never return it. After having committed that crime—and it was a crime in many cases, but in some cases it was error—they also had another racket which must be described. They had what are called brokered deposits. None of the Members who have come on the floor who are experts from the Banking Committee have chosen to explain what brokered deposits are.

What are brokered deposits, and how did they impact on the situation? Let me describe in street language what a brokered deposit means. In street language, if a person wanted to borrow $100 from another person and told that person, "Look, I want to borrow $100, but I have a friend of mine who is going to guarantee that no matter what happens to me, that $100 will be repaid," he may also tell the person that he is borrowing the $100 from, that "I have done some things which are not legal; I have done some things which make it necessary for me to get out of town, so I want to borrow $100 and my friend is going to guarantee it and I want to let you know there is no problem. I have to get out of town, but he will take care of it."

Then let us say the same person wants to get out of town and he needs more than $100; he needs $1,000, but his friend does not have more than $100. If his friend is a broker, he can turn to his friend and say, "Look, I need $1,000. If you will go out and round up other people to lend me $100, I will pay them 12 percent interest. You can't get that kind of interest in any bank. I will pay them 15 percent."

The savings and loan associations were able to pay higher interest than in normal cases, and as they got into more and more trouble, they raised the interest. They would say, "I want to get out of town and I need as much money as I can get, so I will pay you 10- or 15-percent interest on every $100 you bring in. As you bring in the $100, then it means that I pay you, first of all, for being the broker. I will give you 10 percent. That means that for every $100 you bring in, I will give you $10 and I keep $90. Then I will pay 12-percent interest out of that $90, so I end up with $78. After I take care of all other traveling expenses out of every $100 that the brokers brought into the bank, we are able to gain $75 which we can use to get out of town, to go Switzerland, or do whatever we have to do."

Millions and millions of dollars were brought in in this way. The brokers who paid for bringing in the money knew that the institutions were going downhill, they knew they were failing, and they knew the higher the interest rates were, the more likely the institution was to be failing. Any sophomore in high school could have understood that at a certain point. Yet they brought in millions and millions of dollars. Interest was paid to the depositors, the broker got his fee, and whatever was left was used by the owners and the people who poured it down the drain for their own needs. It is in Swiss banks, it is in all kinds of crooked investments. That was all considered legal and legitimate. These were the brokered deposits. Nobody bothered to explain brokered deposits to us.

In the consideration of the bill in the Banking Committee by the subcommittee and the full committee, there were proposals that brokered deposits be regulated or eliminated. All kinds of things were proposed, but brokered deposits are going to continue. The same people who were basically guilty in other ways, who are allowing the scandal to reach the point where the American people will have to bail them out to the tune of $157 billion, are also going to continue their various regulatory schemes. There is not going to be any drastic overhaul of the way savings and loan associations are administered. There are changes that are going to be made, but basically the same crowd will be back; the same people will be making decisions.

Attempts were made to provide for some compensation from the industry. One amendment was proposed that the industry cash the checks for senior citizens without charging them; that was one way to get restitution to the American people. But that amendment was defeated. They are not going to be punished in any way. There is really no great sense of remorse in the industry as a whole.

I see no reason to believe that 2 or 3 years from now, or certainly 5 or 10 years from now, we will not be back again with another savings and loan crisis asking for more money from the taxpayers to bail them out.

All these things are happening, all these things are going forward, and the voices of reason seem to be stilled in many quarters. I certainly would like to point out that the conservatives in the House, those Members who always argue for the minimum amount of interference by the Federal Government, seem to have lost their voice. The people who always argue against crime, and rightly so, seem to have lost their voice.

This is a crime of tremendous proportions. We do not seem to know how to deal with economic crimes in this country, economic crimes which take away millions of dollars and which bind the Government into agreements, legal or otherwise, which cannot be met. Those kinds of crimes have an impact on people everywhere. They have a tremendous impact on these types of situations, and those economic crimes should be recognized for what they are. The people who commit these crimes should have the same kind of indignation aroused

against them that we would feel on any other front.

I hope there will be more discussion on this as we go forward. I hope that the letter that was sent to the Speaker and to the leadership of the Democratic Party will be responded to in a positive fashion. The members of the populist caucus and the Black Caucus, along with some other Members, came together and issued a letter asking the Speaker and the leadership to please allow at least 10 hours of debate on the floor. We had a base closing bill not too long ago and we had 10 hours of debate on the issue of closing bases around the country. Even though they know they have the votes and the votes have been counted, even though the President has lined up his votes and the votes have been guaranteed by the Democratic Party, whatever the outcome will be, the minimum we should expect is that the American people will be given 10 hours of debate on the floor of the House.

The same group also asked the Speaker to appoint a task force and have that task force consist of the members and chairman of the Ways and Means Committee, and the members and chairmen of the Energy and Commerce Committee and the Banking Committee and have all those committee members look at this proposition of the $157 billion bailout and give us the best and wisest advice we can get from our leadership before it goes forward to a vote. As I said before, the American people have a right to expect from some of the best and brightest minds in America that there will not be a swindle perpetrated by the network of racketeering and enterprising that persisted before and brought about these crooked savings and loans. They have a right to expect that these minds will be used to protect the American people, that every effort will be made to protect those taxpayers who have to go into their pockets and pay this bill.

One estimate is that the $157 billion bailout means that about $500 of every household in America will go to pay off the money that has been stolen by these banks. That is a very serious problem. It is a serious forced commitment. It is a serious robbery of the American people, and they ought to be given every possible consideration before this goes forward.

The students in the square in Beijing, China, are demonstrating and they are quite angry about two things—corruption and ineptness. If future generations examine this deal, if they examine this bill that is before us, I am afraid that if we do not do something different than what is being done now, the finger is going to be pointed at us and we are going to be accused of being corrupt and ineffective. We are going to be accused of a lack of imagination, and we are going to be accused of making decisions for the wrong reasons, decisions that did not protect the American people but which met our own needs.

□ 1530

Mr. Speaker, whether that is the case or not, that is going to be the accusation. There is going to be a poison pill dropped into the American body politic if we do not carefully weigh the alternatives of this $157 billion commitment.

Nothing that we have done in the last 20 or 30 years has been as monumental and will have as great an impact on the Federal Government and on our ability to meet the needs of people as this blockbuster expenditure of $157 billion. I think we owe it to the future generations, and we owe it to ourselves, never to be accused of being ineffective, unimaginative, or lacking in integrity.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. STANGELAND (at the request of Mr. MICHEL), for today, on account of illness.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. HEFLEY) to revise and extend their remarks and include extraneous material:)

Mr. HASTERT, for 60 minutes, on May 31.

Mr. HASTERT, for 5 minutes, on May 24.

Mr. COLEMAN of Missouri, for 5 minutes, today.

Mr. MCEWEN, for 60 minutes, today.

(The following Members (at the request of Mr. LAUGHLIN) to revise and extend their remarks and include extraneous material:)

Mrs. LOWEY, for 5 minutes, today.

Mr. MONTGOMERY, for 5 minutes, today.

Mr. ANNUNZIO, for 5 minutes, today.

Mr. GUARINI, for 5 minutes, today.

Mr. BATES, for 5 minutes, on May 24.

Mr. DURBIN, for 30 minutes, on May 24 and 25.

Mr. POSHARD, for 30 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. GILMAN, in support of House Concurrent Resolution 121, prior to vote.

(The following Members (at the request of Mr. HEFLEY) and to include extraneous material:)

Mr. DONALD E. "BUZ" LUKENS.

Mr. BROOMFIELD in two instances.

Mr. GILMAN.

Mr. LENT.

Mr. HANSEN of Utah.

Mr. COURTER.

Mr. SCHUETTE.

Ms. SNOWE.

Mr. CRANE.

Mr. GALLO.

Mr. GREEN.

Mr. LAGOMARSINO.

Mr. DANNEMEYER.

(The following Members (at the request of Mr. LAUGHLIN) and to include extraneous material:)

Mr. LELAND.

Mr. HOYER

Mrs. BOGGS.

Mr. MAZZOLI.

Mr. GUARINI

Mr. STARK in two instances.

Mr. RAHALL in two instances

Mr. ROE.

Mr. ECKART.

Mr. FAZIO in three instances.

Mr. FAUNTROY.

Mr. FASCELL.

Mr. SMITH of Florida.

Mr. WYDEN.

Mr. SLATTERY.

Mr. APPLEGATE.

Mr. EDWARDS of California.

Mr. MURTHA.

Mr. HOCHBRUECHNER.

ADJOURNMENT

Mr. OWENS of New York. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 3 o'clock and 31 minutes p.m.), under its previous order, the House adjourned until tomorrow, Wednesday, May 24, 1989, at 11 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1246. A letter from the Acting Secretary of the Air Force, transmitting notification that the Tacit Rainbow Program has exceeded its baseline unit cost by more than 15 percent, pursuant to 10 U.S.C. 2431(b)(3)(A); to the Committee on Armed Services.

1247. A letter from the Assistant to the President for National Security Affairs, transmitting his views on the FSX codevelopment project with Japan; to the Committee on Foreign Affairs.

1248. A letter from the Comptroller General, General Accounting Office, transmitting a list of all reports issued or released by GAO in April 1989, pursuant to 31 U.S.C. 719(h); to the Committee on Government Operations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. UDALL: Committee on Interior and Insular Affairs. H.R. 498. A bill to clarify and strengthen the authority for certain Department of the Interior law enforcement services, activities, and officers in Indian country, and for other purposes; with an amendment (Rept. 101-60). Referred to the Committee of the Whole House on the State of the Union.

Mr. UDALL: Committee on Interior and Insular Affairs. H.R. 881. A bill to provide for restoration of the Federal trust relationship with, and assistance to the Coquille Tribe of Indians and the individual members consisting of the Coquille Tribe of Indians and for other purposes; with an amendment (Rept. 101-61). Referred to the Committee of the Whole House on the State of the Union.

Mr. UDALL: Committee on Interior and Insular Affairs. Report of the Committee on Interior and Insular Affairs, subdivision among programs of budget allocation for fiscal year 1990, submitted pursuant to section 302(b) of the Congressional Budget Act of 1974 (Rept. 101-62). Referred to the Committee of the Whole House on the State of the Union.

Mr. MOAKLEY: Committee on Rules. House Resolution 160. Resolution providing for the further consideration of H.R. 2072 making dire emergency supplemental appropriations and transfers, urgent supplementals, and correcting enrollment errors for the fiscal year ending September 30, 1989, and for other purposes, and the consideration of H.R. 2442 (Rept. 101-63). Referred to the House Calendar.

Mr. GORDON: Committee on Rules. House Resolution 161. Resolution providing consideration of H.R. 2392, a bill to amend section 37 of the Mineral Leasing Act relating to oil shale claims, and for other purposes. (Rept. 101-64). Referred to the House Calendar.

Mr. UDALL: Committee on Interior and Insular Affairs. H.R. 2392. A bill to amend section 37 of the Mineral Leasing Act relating to oil shale claims, and for other purposes. (Rept. 101-65). Referred to the Committee of the Whole House on the State of the Union.

REPORTED BILLS SEQUENTIALLY REFERRED

Under clause 5 of rule X, bills and reports were delivered to the Clerk for printing, and bills referred as follows:

[Omitted from the Record of May 22, 1989]

Mr. ROSTENKOWSKI: Committee on Ways and Means. H.R. 1278. A bill to reform, recapitalize, and consolidate the Federal deposit insurance system, to enhance the regulatory and enforcement powers of Federal financial institutions regulatory agencies, and for other purposes, with amendment 4. Amendment No. 3 referred to the Committee on Government Operations and to the Committee on Rules for a period ending not later than May 25, 1989, for consideration of such provisions of the amendment as fall within the jurisdiction of those committees pursuant to clause 1 (j) and (q), rule X. The amendment recommended by the Committee on Banking, Finance and Urban Affairs referred to the Committee on Rules for a period ending not later than May 25, 1989, for consideration of such provisions of the amendment as fall within the jurisdiction of that committee pursuant to clause 1(q), rule X. (Report No. 101-54, Pt. 2). Ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. AuCOIN (for himself and Mr. MILLER of California):

H.R. 2442. A bill to provide additional funds for the programs authorized in the Anti-Drug Abuse Act of 1988 by requiring the transfer of amounts in excess of $3,738,000,000 that are appropriated or otherwise made available to the Department of Defense for research, development, test, and evaluation for fiscal year 1990 relating to the Strategic Defense Initiative; to the Committee on Appropriations.

By Mr. GIBBONS:

H.R. 2443. A bill to authorize appropriations for fiscal year 1990 for the customs and trade agencies, and for other purposes; to the Committee on Ways and Means.

By Mr. ANDERSON (for himself (by request), Mr. HAMMERSCHMIDT, Mr. OBERSTAR, and Mr. CLINGER):

H.R. 2444. A bill to provide for the appointment of Adm. James B. Busey as Administrator of the Federal Aviation Administration, and for other purposes; to the Committee on Public Works and Transportation.

By Mr. BRYANT (for himself, Mr. COLEMAN of Texas, Mr. DWYER of New Jersey, Mr. JACOBS, and Mr. RAHALL):

H.R. 2445. A bill to prevent U.S. foreign assistance funds from being used for the corrupt personal financial gain of any person or otherwise diverted from their intended use; to the Committee on Foreign Affairs.

By Mr. DAVIS:

H.R. 2446. A bill to prohibit hazing or sexual harassment in the Coast Guard, the merchant marine, or otherwise at sea, and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. DOWNEY:

H.R. 2447. A bill to extend the existing temporary suspension of duty for certain small toys and novelty goods, and for other purposes; to the Committee on Ways and Means.

By Mr. FISH:

H.R. 2448. A bill to amend the Immigration and Nationality Act to revise the numerical limitation and preference system for admission of independent immigrants, and for other purposes; to the Committee on the Judiciary.

H.R. 2449. A bill to authorize appropriations for the purpose of carrying out the activities of the Department of Justice for fiscal year 1990 and for other purposes; to the Committee on the Judiciary.

By Mr. GEKAS:

H.R. 2450. A bill to repeal section 89 nondiscrimination rules under the Internal Revenue Code of 1986; to the Committee on Ways and Means.

By Mr. HOAGLAND (for himself and Mr. Goss):

H.R. 2451. A bill relating to the tariff treatment of screenhouse tents; to the Committee on Ways and Means.

By Mr. LEWIS of California (for himself, Mr. MICHEL, Mr. MADIGAN, Mr. PAXON, Mr. LAGORMARSINO, Mr. HILLER, Mr. McEWEN, Mr. SOLOMON, Mr. BUNNING, Mr. DORNAN of California, Mr. NIELSON of Utah, Mr. BROOMFIELD, Mr. HENRY, Mr. EDWARDS of Oklahoma, Mr. HYDE, Mr. HUNTER, Mr. EMERSON, Mrs. SAIKI, Mr. SCHUETTE, and Mr. MILLER of Washington):

H.R. 2452. A bill to establish programs to strengthen America's families, and for other purposes; jointly, to the Committees on Education and Labor, Ways and Means, Rules, Banking, Finance and Urban Affairs, the Judiciary, Armed Services, Post Office and Civil Service, and Energy and Commerce.

By Mrs. LOWEY of New York:

H.R. 2453. A bill to amend title 46, United States Code, to provide for consideration of alcohol abuse with respect to issuance, renewal, suspension, and revocation of seamen licenses, and for other purposes; jointly, to the Committees on Merchant Marine and Fisheries and Public Works and Transportation.

By Mr. PEPPER:

H.R. 2454. A bill to amend the Higher Education Act of 1965 to assure low-income students of postsecondary educational opportunities, and for other purposes; to the Committee on Education and Labor.

By Mr. RHODES (for himself, Mr. UDALL, Mr. STUMP, Mr. KOLBE, and Mr. KYL):

H.R. 2455. A bill to designate the Salt-Gila aqueduct of the central Arizona project as the Fannin-McFarland aqueduct; to the Committee on Interior and Insular Affairs.

By Mr. STARK (for himself, Mr. STAGGERS, Mrs. UNSOELD, and Mr. McDERMOTT):

H.R. 2456. A bill to amend the Social Security Act by establishing a program to be funded by a trust fund financed by increasing certain excise taxes, under which a coordinated system of treatment providers, assessment and case-management experts, and case and program evaluators shall provide treatment services to persons suffering from drug or alcohol addiction; jointly, to the Committees on Ways and Means and Energy Commerce.

By Mr. WALKER:

H.R. 2457. A bill to require the Environmental Protection Agency to conduct a study and produce a decision aid to assist State and local authorities in planning and managing suburban and rural growth and development while preserving environmental quality; to the Committee on Science, Space, and Technology.

By Mr. WYDEN:

H.R. 2458. A bill to authorize the Secretary of Housing and Urban Development to carry out a demonstration program of providing grants to housing development agencies to acquire abandoned and vacant housing for rehabilitation and rehabitation by homeless and low-income families; to the Committee on Banking, Finance and Urban Affairs.

By Mr. BOSCO (for himself, Mrs. BOXER, and Ms. PELOSI):

H.J. Res. 281. Joint resolution to approve the designation of the Cordell Bank National Marine Sanctuary, to disapprove a term of that designation, and to prohibit the exploration for, or the development or produc-

tion of, oil, gas, or minerals in any area of that sanctuary; to the Committee on Merchant Marine and Fisheries.

By Ms. SNOWE (for herself, Mr. FRENZEL, Mr. ROE, Mr. BLILEY, Ms. KAPTUR, Mr. GUNDERSON, Mr. DENNY SMITH, Mr. HEFNER, Mr. BLAZ, Mr. WOLF, Mr. PAYNE of New Jersey, Mr. LEHMAN of Florida, Mr. DORNAN of California, Mr. ERDREICH, Mr. HORTON, Mr. BILBRAY, Mrs. ROUKEMA, Mr. MATSUI, Mr. TRAXLER, Mr. DYMALLY, Mr. MCGRATH, Mr. JONTZ, Mr. BERMAN, Mr. LAGOMARSINO, Mr. KOSTMAYER, Mr. HATCHER, Mrs. BOXER, Mrs. SAIKI, Mr. ACKERMAN, and Mr. SPENCE):

H.J. Res. 282. Joint resolution designating November 19-25, 1989, as "National Family Caregivers Week," to the Committee on Post Office and Civil Service.

By Mr. ARMEY:

H. Con. Res. 131. Concurrent resolution expressing the sense of the Congress with respect to the demonstration in Tiananmen Square in Beijing, People's Republic of China; to the Committee on Foreign Affairs.

By Mrs. KENNELLY:

H. Con. Res. 132. Concurrent resolution concerning democracy, human rights, and justice in the People's Republic of China; to the Committee on Foreign Affairs.

By Mr. ROTH:

H. Con. Res. 133. Concurrent resolution honoring Col. James N. Rowe; to the Committee on Foreign Affairs.

By Mrs. SAIKI (for herself, Mr. BLAZ, Mr. HUNTER, Mr. MYERS of Indiana, Mr. HORTON, Mr. CAMPBELL of California, Mr. GINGRICH, Mr. ROTH, Mr. LAGOMARSINO, Mr. DREIER of California, Mr. GUNDERSON, Mr. BURTON of Indiana, Mr. ARMEY, Mr. MORRISON of Washington, Mr. DORNAN of California, Mr. CHANDLER, Mr. COUGHLIN, Mr. MILLER of Washington, Mr. BALLENGER, Mr. BUNNING, Mr. BUECHNER, Mr. HASTERT, Mr. SKEEN, Mr. CLINGER, Mr. CONTE, Mr. GRANDY, Mr. RHODES, Mr. WELDON, and Mrs. BENTLEY):

H. Con. Res. 134. Concurrent resolution expressing the sense of Congress in support of democratic rights of the people of the People's Republic of China: to the Committee on Foreign Affairs.

By Mr. SCHUETTE:

H. Con. Res. 135. Concurrent resolution expressing the sense of Congress that Guillermo Endara should be invited to address a joint meeting of Congress; to the Committee on Foreign Affairs.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

108. By the SPEAKER: Memorial of the Legislature of the State of Alaska, relative to schools on military bases; to the Committee on Education and Labor.

109. Also, memorial of the Senate of the State of Hawaii, relative to the Wailue sewage treatment plant expansion project; to the Committee on Public Works and Transportation.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 5: Ms. LONG and Mr. DORGAN of North Dakota.

H.R. 30: Mr. LEVIN of Michigan, Mr. PALLONE, Mr. FLAKE, Mr. WOLPE, Mrs. BOGGS, and Mr. NEAL of Massachusetts.

H.R. 40: Mr. ECKART.

H.R. 41: Mr. CAMPBELL of California, Mr. DURBIN, Mr. LEHMAN of Florida, Mr. MATSUI, Mr. OBERSTAR, Mr. ROBINSON, Ms. SCHNEIDER, and Mr. SOLARZ.

H.R. 46: Mr. ANDERSON.

H.R. 70: Mr. FALEOMAVAEGA and Mr. HERGER.

H.R. 215: Mr. JONES of North Carolina, Mr. HYDE, and Mr. JOHNSON of South Dakota.

H.R. 360: Mr. OBERSTAR.

H.R. 361: Mr. OBERSTAR.

H.R. 418: Mr. WOLPE, Mr. ACKERMAN, and Mr. MINETA.

H.R. 500: Mr. BEILENSON.

H.R. 586: Mr. SCHUETTE.

H.R. 711: Mr. LEWIS of Georgia, Mr. HALL of Ohio, Mr. MURTHA, and Mr. BRUCE.

H.R. 720: Mrs. BOXER, Mr. CHANDLER, Mr. HOUGHTON, Mr. LANTOS, Mr. LEVINE of California, Mr. VALENTINE, and Mr. BRYANT.

H.R. 737: Mr. OWENS of Utah, Mr. STUMP, Mr. BOSCO, Mr. SHUMWAY, and Mr. SKEEN.

H.R. 775: Mr. DONNELLY, Mr. BEILENSON, Mr. CLEMENT, Mr. FAUNTROY, Mr. BONIOR, and Mrs. COLLINS.

H.R. 777: Mr. ALEXANDER, Mr. CONTE, Mr. DYMALLY, Mr. ERDREICH, Mr. FRANK, Mr. JONES of Georgia, Mr. KLECZKA, Mr. MCDADE, Mr. NEAL of Massachusetts, and Mr. PETRI.

H.R. 796: Mr. PAYNE of New Jersey, Mr. MCDERMOTT, Mr. SMITH of New Hampshire, Mr. JONES of North Carolina, Mr. LEHMAN of California, Mr. ACKERMAN, Mr. MARTIN of New York, Mr. MCNULTY, Mrs. LLOYD, Mr. TRAXLER, Mr. PANETTA, Mr. BILBRAY, and Mr. YATES.

H.R. 806: Mr. SPRATT and Mr. FEIGHAN.

H.R. 844: Mr. SOLOMON and Mr. BILIRAKIS.

H.R. 874: Mr. JACOBS, Mr. RANGEL, and Mr. EDWARDS of Oklahoma.

H.R. 911: Mr. ALEXANDER, Mrs. BENTLEY, Mr. BERMAN, Mr. BILBRAY, Mr. BLILEY, Mr. BROWN of Colorado, Mr. BUNNING, Mr. CARPER, Mr. CHANDLER, Mr. COBLE, Mr. COLEMAN of Missouri, Mrs. COLLINS, Mr. DAVIS, Mr. DORGAN of North Dakota, Mr. ESPY, Mr. GEKAS, Mr. GOODLING, Mr. GORDON, Mr. HANCOCK, Mr. HATCHER, Mr. HEFNER, Mr. HENRY, Mr. HUGHES, Mr. HUNTER, Mr. HUTTO, Mr. HYDE, Mr. IRELAND, Mr. JOHNSON of South Dakota, Mr. KOSTMAYER, Mr. KYL, Mr. LANCASTER, Mr. LANTOS, Mr. LEATH of Texas, Mr. LEWIS of Georgia, Ms. LONG, Mr. LOWERY of California, Mrs. LOWEY of New York, Mr. MARLENEE, Mr. MAZZOLI, Mr. MCCURDY, Mr. MCDADE, Mr. MCNULTY, Mr. NATCHER, Mr. NEAL of North Carolina, Mr. PANETTA, Mrs. PATTERSON, Mr. PAYNE of Virginia, Mr. PEASE, Mr. PETRI, Mr. PICKETT, Mr. QUILLEN, Mr. RAVENEL, Mr. RHODES, Mr. RICHARDSON, Mr. RINALDO, Mr. RITTER, Mr. ROBERTS, Mr. ROBINSON, Mr. ROGERS, Mrs. SAIKI, Mr. SAXTON, Ms. SCHNEIDER, Mr. SISISKY, Ms. SNOWE, Mr. SOLOMON, Mr. STANGELAND, Mr. TAUKE, Mr. THOMAS of Georgia, Mr. WALGREN, Mr. WALKER, Mr. WELDON, and Mr. WILSON.

H.R. 917: Mr. BILIRAKIS and Mr. SMITH of Florida.

H.R. 952: Mr. LAGOMARSINO and Mr. HOAGLAND.

H.R. 979: Mr. PICKETT, Mr. HALL of Ohio, Mr. RUSSO, Mr. SKEEN, and Mr. KOSTMAYER.

H.R. 982: Mr. BROWDER and Mr. HUTTO.

H.R. 987: Mr. ROSE, Mr. HENRY, Mr. WEISS, Mr. ANNUNZIO, Mr. TRAXLER, Mr. LIPINSKI, Mr. HOUGHTON, Mr. LEVIN of Michigan, Mr. LELAND, Mr. TOWNS, Mr. CROCKETT, and Mr. MOAKLEY.

H.R. 1029: Mr. CRAIG.

H.R. 1030: Mr. LANCASTER.

H.R. 1074: Mr. BROWN of California, Mr. MAVROULES, Mr. LEHMAN of California, Mr. BENNETT, Mr. CAMPBELL of Colorado, Mr. MILLER of California, Mr. MCHUGH, Mr. SHAW, Mr. WEISS, Mr. BARNARD, Mrs. SMITH of Nebraska, Mr. LAUGHLIN, Mr. SPRATT, Mr. JACOBS, and Mr. DORNAN of California.

H.R. 1101: Mr. ROE, Mr. WISE, and Mrs. SAIKI.

H.R. 1104: Mr. COURTER, Mr. SHAYS, Mr. LIGHTFOOT, and Mr. HOLLOWAY.

H.R. 1109: Mr. OWENS of Utah, Mr. ROBERT F. SMITH, and Mr. DELLUMS.

H.R. 1157: Mrs. BENTLEY, Mr. COYNE, and Ms. PELOSI.

H.R. 1158: Mrs. BENTLEY, Mr. COYNE, and Ms. PELOSI.

H.R. 1166: Mrs. BYRON, Mr. OLIN, Mr. QUILLEN, Mr. SPRATT, Mr. HUBBARD, and Mr. COOPER.

H.R. 1167: Mr. OLIN, Mr. SPRATT, Mr. HUBBARD, and Mr. COOPER.

H.R. 1216: Mr. KENNEDY, Mr. MORRISON of Connecticut, Mr. AKAKA, Mr. JONTZ, Mr. HALL of Ohio, Mr. FAWELL, Mrs. UNSOELD, Mr. BUSTAMANTE, Mr. STAGGERS, Mr. SKELTON, and Mr. WEISS.

H.R. 1295: Mr. SCHUETTE.

H.R. 1351: Mr. WEBER, Mr. HERGER, and Mr. BURTON of Indiana.

H.R. 1432: Mr. DOWNEY, Mr. FAUNTROY, Mr. FLORIO, Mr. FRANK, Mr. ROBINSON, Mr. MANTON, Ms. PELOSI, Mr. RICHARDSON, Mr. SOLARZ, Mr. STAGGERS, and Mr. SYNAR.

H.R. 1461: Mr. SPENCE, Mr. ACKERMAN, Mr. GEPHARDT, Mr. LEWIS of Georgia, and Mr. DYMALLY.

H.R. 1465: Mr. ATKINS, Mr. CLEMENT, Mrs. LOWEY of New York, Mr. CONTE, Mr. ERDREICH, Mr. CHANDLER, Mr. TORRICELLI, Mr. GALLO, Mr. RICHARDSON, and Mr. ACKERMAN.

H.R. 1573: Ms. PELOSI, Mr. PAYNE of New Jersey, and Mr. BROWN of California.

H.R. 1574: Mr. DORGAN of North Dakota, Ms. PELOSI, Mr. JOHNSTON of Florida, and Mr. CLEMENT.

H.R. 1632: Mr. FRANK.

H.R. 1654: Mr. FAZIO.

H.R. 1953: Mr. STANGELAND, Mr. DONALD E. LUKENS, Mr. DANNEMEYER, Mr. ARMEY, and Mrs. BENTLEY.

H.R. 1992: Mr. CARPER.

H.R. 2008: Mr. DE LUGO, Mr. HYDE, Mr. BEREUTER, Mr. DUNCAN, Mr. MCCOLLUM, Mr. HENRY, Mr. DICKINSON, Mr. MILLER of Ohio, Mr. ROBERT F. SMITH, Mr. KOLBE, and Mr. LIGHTFOOT.

H.R. 2022: Mr. SANGMEISTER, Mr. BUSTAMANTE, Mr. RANGEL, Mr. COURTER, Mr. PAXON, Mr. JOHNSTON of Florida, Mr. SAWYER, and Mr. BOUCHER.

H.R. 2042: Mr. THOMAS of Georgia, Mr. MCCLOSKEY, Mr. STALLINGS, Mr. ROBERTS, Mrs. MARTIN of Illinois, Ms. LONG, Mr. WOLPE, Mr. STENHOLM, and Mr. PENNY.

H.R. 2060: Mr. GEJDENSON, Mr. SIKORSKI, Mr. ROBINSON, Mr. BRYANT, Mr. EVANS, and Mr. FUSTER.

H.R. 2102: Mr. EDWARDS of Oklahoma.

H.R. 2110: Mr. FUSTER, Mr. ROBINSON, Mr. GEKAS, and Mr. JAMES.

H.R. 2126: Mr. COOPER.

H.R. 2238: Mrs. BENTLEY, Mr. DWYER of New Jersey, and Mr. HATCHER.

H.R. 2273: Mr. BRYANT, Mr. BOEHLERT, Mr. OWENS of Utah, Mr. DICKS, Mr. MACHTLEY, Mrs. SCHROEDER, Mr. BONIOR, and Mr. CARPER.

H.R. 2290: Mr. DYMALLY, Mr. TORRES, Mr. MORRISON of Connecticut, Mrs. BOGGS, and Mrs. BOXER.

H.R. 2291: Mr. PALLONE and Mr. LIPINSKI.

H.R. 2330: Mr. SMITH of Vermont, Mr. LAGOMARSINO, and Mr. LEWIS of Georgia.

H.R. 2373: Mr. WALSH, Mrs. JOHNSON of Connecticut, and Mr. UPTON.

H.R. 2392: Mr. OWENS of Utah.

H.R. 2426: Mr. DWYER of New Jersey and Mr. POSHARD.

H.J. Res. 94: Mr. WAXMAN.

H.J. Res. 98: Mr. LANTOS and Mr. FROST.

H.J. Res. 104: Mr. MCHUGH, Mr. WOLF, Mr. HARRIS, Ms. LONG, and Mr. PETRI.

H.J. Res. 131: Mr. BERMAN, Mr. BOUCHER, Mr. KILDEE, Mr. BROOMFIELD, Mr. FORD of Tennessee, Mr. FLORIO, and Mr. SMITH of Mississippi.

H.J. Res. 138: Mr. HALL of Ohio, Mr. PICKETT, Mr. SKEEN, Mr. LANTOS, and Mr. KOSTMAYER.

H.J. Res. 151: Mr. HAYES of Illinois, Mr. KOLTER, Mr. ATKINS, Mr. GUNDERSON, Mr. YOUNG of Alaska, Mr. ROGERS, Mr. FLIPPO, Mr. NIELSON of Utah, Mr. RANGEL, Mr. MILLER of Washington, Mr. BERMAN, Mr. DYSON, Mr. COYNE, Mr. TRAXLER, Mr. YATRON, Mr. CARPER, Mr. GRANDY, Mr. SKELTON, Mr. SAWYER, Mr. HAYES of Louisiana, Mr. TOWNS, Mr. EVANS, Ms. KAPTUR, Mr. WALGREN, Mr. KASICH, Mr. MCEWEN, Mr. KOSTMAYER, Mr. MARTIN of New York, Mr. OWENS of New York, Mr. OWENS of Utah, Mr. FUSTER, Mr. BOUCHER, Mr. LANTOS, Mr. YOUNG of Florida, Mr. WATKINS, Mrs. SAIKI, Mr. NEAL of North Carolina, and Mr. TAUZIN.

H.J. Res. 160: Mr. GONZALEZ and Mr. FROST.

H.J. Res. 178: Mr. MAZZOLI, Mrs. PATTERSON, Mr. PEPPER, Mr. MATSUI, Mr. MCGRATH, Mr. FLORIO, Mr. JONTZ, Mr. DYMALLY, Mr. BUSTAMANTE, Mr. COUGHLIN, Mr. KOLTER, Mr. NIELSON of Utah, Mr. EMERSON, Mr. ROWLAND of Connecticut, Mr. TAUKE, Mr. COURTER, Mr. BONIOR, Mr. WALSH, Mrs. COLLINS, Ms. KAPTUR, and Mr. FROST.

H.J. Res. 209: Mr. FISH, Mrs. VUCANOVICH, Mr. LANCASTER, Mr. MARTINEZ, Mr. LAGOMARSINO, Mr. FROST, Mr. DEWINE, Mr. CLEMENT, Ms. LONG, Mr. YOUNG of Florida, and Mr. LANTOS.

H.J. Res. 223: Mr. STALLINGS, Mr. SAWYER, Mr. FLORIO, Mr. PICKETT, and Mr. RAVENEL.

H.J. Res. 230: Mr. FLORIO, Mr. EVANS, Mr. HENRY, Mr. WOLPE, Mr. CONTE, Mr. CARPER, Mr. KLECZKA, Mr. DORGAN of North Dakota, Mr. WOLF, Mr. SCHULZE, Mr. AUCOIN, Mr. DENNY SMITH, Mr. GRANDY, Mr. FUSTER, Mr. JONES of North Carolina, Mr. GEKAS, Mr. ROYBAL, Mr. HOPKINS, Mr. OWENS of New York, Mr. ALEXANDER, Mr. SMITH of Florida, Mr. BROWN of California, Mr. WYLIE, Mrs. BOGGS, Mr. COX, Mr. ERDREICH, Mr. MILLER of Washington, Mr. LEWIS of Georgia, Mr. BUECHNER, Mr. HALL of Ohio, Mr. YOUNG of Florida, Mr. SAWYER, Mr. TAUKE, Mrs. UNSOELD, Mr. FASCELL, Mr. MORRISON of Connecticut, Mr. CHANDLER, Mr. FALEOMAVAEGA, Mr. STALLINGS, and Mr. ROTH.

H.J. Res. 231: Mr. FROST, Ms. PELOSI, Mrs. MEYERS of Kansas, Mr. WYDEN, Mr. DEWINE, Mr. LANCASTER, Mr. YOUNG of Florida, and Ms. LONG.

H.J. Res. 255: Mr. WALGREN, Mr. FUSTER, Mr. DONNELLY, Mr. DYMALLY, Mr. DWYER of New Jersey, Mr. SAXTON, Mr. SMITH of New Jersey, Mr. HORTON, Mr. FLORIO, Mr. ERDREICH, Ms. LONG, Mr. LAGOMARSINO, Ms. KAPTUR, Mr. ACKERMAN, Mrs. JOHNSON of Connecticut, Mr. BEVILL, Mr. RANGEL, Mr. FAZIO, Mr. BUSTAMANTE, and Mr. CARPER.

H.J. Res. 264: Mr. HILER.

H. Con. Res. 40: Mr. HATCHER.

H. Con. Res. 101: Mr. WALSH.

H. Con. Res. 110: Mr. DELLUMS, Mr. MURPHY, Mr. BILBRAY, Mr. BERMAN, Mrs. PATTERSON, Mr. ROBINSON, and Mr. DYMALLY.

H. Res. 21: Mr. FORD of Michigan, Mr. WILSON, Mr. POSHARD, Mr. KOLTER, Mr. ROE, and Mr. CROCKETT.

H. Res. 157: Mrs. BYRON, Mr. DINGELL, Mr. GREEN, Mr. DURBIN, Mr. HENRY, Mrs. VUCANOVICH, Mr. MOORHEAD, Mr. DYMALLY, Mr. DARDEN, Mr. SHAYS, Mr. AUCOIN, Mr. VENTO, Mr. GOODLING, Mr. LIPINSKI, Mr. MACHTLEY, Mr. NEAL of Massachusetts, Mr. MCGRATH, Mr. CARDIN, Mr. JONTZ, Ms. PELOSI, Mr. MATSUI, Mr. HASTERT, Mr. MORRISON of Connecticut, Mr. THOMAS of Georgia, Mr. JONES of Georgia, Mrs. MARTIN of Illinois, Mr. JOHNSTON of Florida, Mrs. KENNELLY, Mr. LAUGHLIN, Mr. BURTON of Indiana, Mr. KOLBE, Mrs. MORELLA, Mr. VALENTINE, Mr. ATKINS, and Mr. YATES.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, sponsors were deleted from public bills and resolutions as follows:

H.R. 1470: Mr. ROBINSON.

PETITIONS, ETC.

Under clause 1 of rule XXII:

41. The SPEAKER presented a petition of the common council of the city of Gary, IN, relative to jobs and the economy; which was referred to the Committee on Education and Labor.

EXTENSIONS OF REMARKS

IN RECOGNITION OF REPRESENTATIVE WILLIAM LEHMAN

HON. DANTE B. FASCELL
OF FLORIDA
IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 23, 1989

Mr. FASCELL. Mr. Speaker, an unfortunate consequence of the hectic pace of our schedules is that we do not always take time to recognize the fine men and women we are privileged to serve with. When one of our colleagues announces his or her retirement we always find the time to tell a good story or two about our good friend, but I feel we should take the time to recognize our peers a little more often. In this vein, I am honored to serve with BILL LEHMAN, and I am even prouder to call BILL my good friend. The contributions he has made and his commitment to improving his community and his country are a small reflection of BILL's virtue.

BILL came to the House after many years running a successful business, and has represented Florida's 17th Congressional District since 1972. I know that these are good people because when I first came to the House of Representatives, I had the privilege of representing much of what is now his district. Having served with BILL for all these years, I can honestly say that my former constituents are very fortunate to have a man of BILL's integrity, character, and perseverance fighting their fights in Washington. Through his courageous stands on many of the tough issues of our day, BILL has demonstrated that he is willing to vote his conviction.

For many years now, Jeanne-Marie and I have had the pleasure and the good fortune of knowing that Bill and Joan Lehman are wonderful people. I would like to take a moment and share with our colleagues an article from the May 17 edition of the Fort Lauderdale Sun-Sentinel which should remind us of how fortunate we are to have a man like BILL LEHMAN in the House of Representatives.

[From the Ft. Lauderdale Sun-Sentinel, May 17, 1989]

THE UN-POLITICIAN—HIS PRINCIPLED APPROACH ISN'T ALWAYS POPULAR, BUT IT'S ALL REP. BILL LEHMAN IS WILLING TO GIVE

(By William E. Gibson)

Need a friend in Washington? Somebody to deliver those hard-to-find federal dollars for a favorite project in Florida?

The man to see is a former used-car salesman, former teacher of classic literature, former school board chairman who made desegregation work.

He is one politician you would—and maybe once did—trust enough to sell you a used car.

He is U.S. Rep. Bill Lehman, D-Biscayne Park. "D" for Democrat. "D" for Defying conventional wisdom, public pressure and most stereotypes of a good ol' boy from Alabama.

The most liberal congressman from one of the most conservative states has emerged this year as arguably the most important member of Florida's Washington delegation.

When sticky issues come to a vote, he may be out there all alone, taking a principled stand that makes him unpopular.

But from his perch on the House Appropriations Committee, Lehman is Florida's best hope for loosening up congressional purse strings to pay for local projects.

Lehman is the "un-politician." He tells folks flat out what they don't want to hear and then finds a way to solve their problems anyway.

"I'm a facilitator," Lehman says of his role in Congress. "In my position, I do have some political leverage to get things done."

Some people might call this way of getting things done a series of tradeoffs.

"A tradeoff," Lehman says, "is the oil that makes the wheels turn."

BACK-ROOM WORK

They all came courting, the transportation specialists and local pleaders from around the nation.

Nearly a hundred of them came before Lehman's Subcommittee on Transportation last month. They each had 5 minutes to make one last pitch for federal dollars to build this bridge or complete that highway, create a railway or pave a runway.

Amid the tug of war for federal dollars, Lehman finds ways to earmark money for South Florida, even when some people back home call his ideas crazy or wasteful.

South Florida has begun to move by rail this decade, largely because of Lehman's dealings in Washington. Overcoming all doubts and criticism, he has found money over the past few years for the Tri-County Commuter Rail, Metrorail and Miami Downtown Metromover.

He gets these goodies by balancing out requests in the collegial atmosphere of congressional back rooms.

It comes down to something like this: "I know that Bill Natcher [D-Ky.] wants to help us in Dade County," Lehman remarks, "but I also know he wants a bridge over the Ohio River." The result will be more transit money for South Florida and a new bridge to Kentucky.

Some would call it a political deal. Lehman calls it "mutuality of needs."

STRONG CONVICTIONS

Quick to negotiate over transportation projects, Lehman, the Great Facilitator, refuses to compromise on matters of strong conviction.

Sinking into a sofa in his pleasant Capitol Hill apartment on a bright spring day, Lehman shrugs off the politically risky episodes that have marked his public career.

"When it comes to right-to-life, gun control, Contra aid, the MX missile—on these sensitive subjects I just have to vote my convictions," he says. "I just can't do it another way. I guess I wish I could."

No amount of pressure has altered his support for legal abortion and gun control, nor has it blunted his opposition to the MX missile and weaponry for the Nicaraguan rebels.

During the bitterest hours of the Contra aid debate in the mid 1980s, Lehman was lambasted daily over Cuban-American radio because of his steadfast opposition to military assistance.

"I wanted to vote responsibly, not symbolically," Lehman now says. "And I just figured the war was over."

Two bomb threats came into Lehman's office. A torrent of angry callers tied up the switchboard. And more angry callers who could not get through accused Lehman of taking his phone off the hook.

Lehman never budged. While every other Florida congressman at some point voted for military aid, Lehman kept his early pledge never to vote to send another bullet to Central America.

"Up to a certain point in your life," he says, "if you have to compromise to keep your job, it isn't worth it."

CONCERN ABROAD

Typical of Lehman, he still found a way to soothe his critics while doing something he believed in.

Lehman jumped at a chance this past October to help release three Cuban prisoners who had been jailed more than 20 years for their political beliefs.

He formed an alliance with the Cuban-American National Foundation, which had been sharply critical of his contrariness on Contra aid, and spent three days in Cuba negotiating the release. Lehman chartered a plane at his own expense and escorted the three prisoners to freedom in Miami.

The Cuban episode was only the latest example of Lehman's public service abroad. After losing his own daughter to cancer, Lehman rescued two teen-age girls, one in Argentina, one in the Soviet Union.

Hearing that Debora Benchoam had been imprisoned for espousing democracy, Lehman ignored resistance from the State Department and traveled to Argentina in 1981 to negotiate her release. He convinced Argentine officials that he sought no publicity and merely wanted to take personal custody of the girl, who spoke no English and had never met this bewildering congressman from the United States.

Lehman gave Benchoam freedom and a new home and later attended her wedding.

Then in 1984, Lehman heard about a Soviet teen-ager who was about to die for lack of a heart valve. He packed an artificial valve in his suitcase on a trip to the Soviet Union and smuggled it to the young girl in time to save her life.

INNER NEEDS

Lehman cannot quite explain or reconcile his knack for standing against the popular will at some times while all the while serving public needs.

After ransacking his brain for an explanation, he shrugs and says, "It's my job."

His wife, Joan, a sculptor, attributes all of Lehman's seeming contradictions to his "inner needs," originally formed in impoverished Alabama where he was born the son of a candy manufacturer 75 years ago.

"Growing up in a little town and, in a way, having more than other people during a bad time for our country, he felt a little bit un-

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

comfortable because he wanted to be like the other kids," Joan says.

Lehman's father and mother were models of civic-minded integrity, qualities he took with him to Miami during the Great Depression.

Lehman opened up his business, selling and financing cars to black and white customers, an unusual practice in that day.

Joan, who also came to Miami from Alabama, says they experienced bigotry in a personal way. "We're Jewish," she says, "and I grew up with signs all over the place—'Restricted Clientele.' There were places we could not go."

Lehman, shuffling around the hot asphalt car lot in scruffy shoes and a fishing cap, created a character for himself called "Alabama Bill." He began appearing on a hillbilly television show, sitting on a bale of cotton, advertising his cars and giving away stacks of Confederate money.

Along the way, Lehman, feeling restless, decided he wanted to teach school in Dade County. He recalls, "I was just troublesome enough to teach books nobody else was teaching, such as *Huckleberry Finn, The Merchant of Venice* and *The Quiet American.*"

Restless again, Lehman shifted his attention to the treacherous world of politics.

UNPOLITIC DECISION

Lehman's loyal customers—a mix of Crackers, Jews and blacks—helped him get elected to the school board. And his reputation for fairness helped him bridge racial gaps and put into practice a court-ordered school busing plan to desegregate the schools.

Not everybody was happy about it.

"That was a time when I would go out to school-board meetings and I would have to have a person from security escort me in and out," he recalls. "A lot of people, when I was on the school board, said, 'I'll never buy a car from anybody else, but I won't vote for you on account of that busing.' "

"The busing controversy still loomed over Lehman when he ran for Congress in 1972. A long-shot candidate, he made a fateful and unpolitic decision.

His advisers insisted that he go on television saying, "No more forced cross-town busing."

"I said, 'No way, that is not me,' " Lehman now recalls. "They said, 'You want to get elected?' And I said, 'That bad, I don't want to get elected, because I've been trying to work with desegregation on the school board for six years, and I'd be going against what I've been doing, what I am.' "

Lehman is convinced his principled decision earned him the editorial endorsement of the *Miami Herald,* which may have made the 200-vote difference that put him in the runoff election and cleared the way for eventual victory.

"Rationalizations would have gotten me in trouble," he says.

CLOSE TOUCH

How does he get away with it?

Lehman represents a district well suited for his maverick brand of liberal politics.

It stretches from the predominately Jewish neighborhoods along the coastline north of Miami to black communities in Liberty City, Carol City and Opa-Locka. This district includes Hispanic neighborhoods in Hialeah, were many residents rely on federal programs, and the suburbs in North Central Dade.

Lehman has avoided the pitfalls of a veteran congressman by staying in close touch with his loyal following back home.

Airport baggage-handlers and chance passers-by will come up to Lehman to remind him about the time he once did them a favor.

"He can make people angry too; I've seen him do that," Joan says. "Sometimes he has to be real harsh, you know, and just tell them, "This is the way it is.' And then they aren't too happy about it.

"He votes a lot of times against the whole House if he believes in something," she says. "And somehow people stick by him no matter what he votes."

Lehman maintains his popularity among his colleagues by forming personal friendships that cross partisan and ideological lines.

"My experience is that if you do it aboveboard and you manage to keep your civility about it, you can still be friends," he says.

His regular tennis partners range from Rep. Don Edwards, D-Calif., the essence of a San Francisco-area liberal, to Rep. Sonny Montgomery, D-Miss., the epitome of an old-guard Southern conservative.

"We get along just fine on the tennis court," Lehman says.

DAUNTING CHALLENGES

"The score was five games to five, and Lehman was moving across the tennis court on 75-year-old legs, sending mean little drop shots just over the net, then lobbing the ball high overhead, forcing his much younger opponent to huff and puff.

Lehman, despite age and past health problems, still proves fully capable of beating a competitive player half his age.

A cancerous tumor in his jaw, requiring surgery and radiation treatments in 1983, did not quench Lehman's restlessness. His operation left a slur in his speech, which makes him reluctant to appear on television or radio, but does not slow his frenetic pace.

His fantasy is to retire from Congress and travel the country on the 75-and-older tennis tour.

His actual plans are to remain in Congress and carry on the task of doling out appropriations. He now faces one of his more daunting challenges.

Lehman has become Florida's lonely leader on funding matters because of the absence this year of former Sen. Lawton Chiles, D-Fla., and former Rep. Bill Chappell, D-Ormond Beach. Lehman demurs, however, when asked about his political clout. "I have more political responsibility now," he says. "Clout is not my style."

All of this seems a long way from the days when "Alabama Bill" made corny cracks on television. Joan regrets those old commercials, saying she knew Lehman would never be rid of "Alabama Bill."

Lehman himself seems somewhat sheepish about the old image but fails to see any disparity in his past and present roles. While he once helped people by loaning a car, forgiving an old debt or repairing a gasket, he now comes up with ways to connect highways, buy rail cars or free political prisoners.

"The car business, the school board and being up here," he says, "is not all that different.

"If you show the ability to produce, people gravitate to you. People seem to think that I can provide some help to them."

THE REFUGEES IN CYPRUS: IT'S TIME FOR SOME OF THEM TO GO HOME

HON. WM. S. BROOMFIELD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 23, 1989

Mr. BROOMFIELD. Mr. Speaker, since the Turkish invasion of Cyprus in 1974, over 150,000 Greek Cypriots have been refugees in their own land. When Turkish forces took control of the northern part of that island, many Greek Cypriot refugees fled southward, Turkish Cypriots were also affected by the de facto partition of that lovely island. I urge the administration to do everything possible to support a United Nation's plan to resettle some Greek Cypriots, as well as some Turkish Cypriots, in New Famagusta [Varosha] as soon as possible. I plan to introduce an amendment to the foreign aid bill which would encourage both sides to the conflict to cooperate in returning these Greek-Cypriot and Turkish-Cypriot refugees to their homes in New Famagusta.

In 1984, the United Nations Security Council adopted Resolution 550 which deemed as inadmissible any attempts to settle any part of the Cypriot resort city of New Famagusta [Varosha], a coastal city north of the Green Line which divides Cyprus. The resolution also calls for the transfer of this city to the administration of the United Nations. Unfortunately, this resolution has never been implemented by the Turkish Cypriots who control the northern part of the island where New Famagusta is located.

In violation of the spirit and the letter of the U.N.'s resolution, Turkish Cypriot students from the northern part of the island have occupied a number of Greek-Cypriot-owned hotels in that closed city. Although Turkish officials claim that they are using those hotels because of a housing shortage, the students continue to use those facilities.

A few years ago, both communities on that divided island proposed the return of the refugees to the city of New Famagusta. I encourage the United Nations to actively support this positive initiative for the cause of a peace on that troubled island, and urge the administration to support this effort to get some of the refugees home where they belong.

I plan to offer an amendment to the foreign aid bill which would require our Government to withhold a portion of U.S. military assistance to any of the parties to the conflict who refuse to cooperate in this effort to resettle New Famagusta.

Now is the time to take a brave step along the road to peace on that troubled island. We must make it perfectly clear to all of the concerned parties to that dispute that the world community no longer tolerates the continuation of this artificial division of a sovereign nation.

A TRIBUTE TO A GREAT PHILANTHROPIST: JOHN JOYCE

HON. NITA M. LOWEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 23, 1989

Mrs. LOWEY of New York. Mr. Speaker, I rise today to recognize the philanthropy of Mr. John Joyce, a distinguished resident of my district for over 45 years.

Mr. Joyce, who passed away April 23, 1989, at the age of 80, was the chairman of Joyce Beverage, Inc., based in New Rochelle, NY, from 1973 until his retirement in 1984. A former trustee of Emigrant Savings Bank in Manhattan, Mr. Joyce was also a former director of Lincoln First Banks, Inc. in Rochester, NY.

New Rochelle and the county of Westchester will forever be grateful for the generous work of Mr. Joyce. From 1943 to 1988 Mr. Joyce was a member of the board of governors of the New Rochelle Hospital Medical Center, and in 1988 he was made an honorary member of the board. The Joyce Pavilion at the medical center is named in his honor and is a tribute to the contributions he made to meeting the health care needs of Westchester residents.

In addition to his work with the New Rochelle Hospital Medical Center, Mr. Joyce was president of the John and Mary A. Joyce Foundation formed by his parents. In that capacity, he directed the contribution of several million dollars to hospitals, churches, and educational institutions throughout the country.

Mr. Joyce was a trustee of Catholic Charities of the Archdiocese of New York, as well as of the Alfred E. Smith Memorial Foundation and the St. Patrick's Cathedral in Manhattan. He was chairman of the board of lay trustees at Iona College in New Rochelle, as well as president of the Boys' and Girls' Club of New Rochelle.

Mr. Joyce's many distinctions include an honorary degree in 1962 from Iona College, and the Distinguished Service Medal presented in 1982 by the Christian Brothers of Iona Preparatory School.

Born in Grand Rapids, MI, in 1908, Mr. Joyce was educated in Missouri. He graduated from the St. Louis University School of Commerce and Finance. He married Catherine Peet of St. Louis in 1934. They have 7 children, 33 grandchildren, and 15 great-grandchildren.

To his family, I extend my deepest sympathy. He will be greatly missed for his charitable efforts, as well as his leadership and devotion, by the people of New Rochelle and Westchester County.

RECOGNIZING THE PUBLIC SERVICE OF PETER PENCOLA

HON. JOHN P. MURTHA

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 23, 1989

Mr. MURTHA. Mr. Speaker, recently, the Conemaugh-Franklin Post 833 of the American Legion joined in recognizing a good friend and a dedicated American, Peter Pencola, the mayor of East Conemaugh Borough.

Mayor Pencola has served as mayor, has worked on the school board, and is very involved in veterans affairs in the area.

As more and more people learn about our area's celebration of the flood recovery, they ask me how the community overcame such odds. Well, in the 1977 flood, I talk about the community spirit of people such as Mayor Pencola. He embodies the commitment to community, the dedication to his fellow men and women, and the family spirit that have always been hallmarks of our area, and represent the true spirit of America.

Mayor Pencola was very deserving of this recognition. Through his life and activities, we can all learn how much we can do to help our fellow citizens, and how beneficial to the community it can be. It's a pleasure for me to make this public recognition of the outstanding service of Mayor Peter Pencola.

THE SALEM HIGH SCHOOL CLASS OF 1939

HON. DOUGLAS APPLEGATE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 23, 1989

Mr. APPLEGATE. Mr. Speaker, today I rise to recognize two fine organizations to come out of Salem High School, located in my district in Salem, OH. They are the Salem High School Class of 1939 and the Salem High School Alumni Association.

On June 2 of this year, the class of 1939 will be holding its 50th class reunion, and its members will be honored the next evening at the annual SHS Alumni Association dinner. This year about 100 members of the class will attend the reunion out of approximately 200 graduates. The emcee at this golden reunion will be John F. Evans, who is the president of the class of 1939 and now resides in the State of Maryland.

All graduates of Salem High School automatically become members of the alumni association, which is the most richly endowed public high school alumni group in the Nation, with assets of $1.5 million. Since 1908, based on scholastic ability, the association has awarded over $1 million in scholarships to 680 high school seniors. This year 38 seniors will receive more than $105,000 to further their education.

Mr. Speaker, I urge you and my fellow colleagues to join me in praising these worthy organizations. The members of both the class of 1939 and the SHS Alumni Association have enriched the lives of hundreds of Salem High School graduates and brought hope and pride to the Salem community. They also set a wonderful example of how adults can encourage students to work to the best of their ability, enriching themselves, and their community.

IN RECOGNITION OF THE 25TH ANNIVERSARY YEAR OF THE COMMUNITY ACTION AGENCIES AND THEIR CONTINUING WAR ON POVERTY

HON. NICK JOE RAHALL II

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 23, 1989

Mr. RAHALL. Mr. Speaker, some 25 years ago this year, President Lyndon Johnson began his war on poverty. One of the first programs to be established by the Congress under his leadership was the Office of Economic Opportunity in 1964, and from that sprung what were known then and which continue to be known as community action agencies. In States and localities, they are known simply as CAA's or CAP's.

In his 1964 budget message to the Congress, President Johnson said, in regard to them:

Poverty stems from no one source, but reflects a multitude of causes. Correspondingly, a number of individual programs have been developed over the years to attack these individual problems of job opportunities, education and training. Other specific programs deal with the closely related areas of health, housing, welfare, and agricultural services. I propose to establish a means of bringing together these separate programs—Federal, state and local—in an effort to achieve a unified and intensified approach.

Community action agencies became the means he spoke of. CAA's could be a State, a political subdivision of a State, a combination of political subdivisions, a public agency, or a private corporation. State and political subdivisions were given the authority to designate what type of agency became the CAA. An overwhelming number of States chose to designate a new, nonprofit corporation as the CAA and today, 90 percent of the almost 940 community action agencies are private, nonprofit corporations.

Stipulations in law and regulation ensured that CAA's would carry out the community action concepts, which were:

That the CAA be located in the community it serves;

That its control be local and its board of directors be composed of one-third public officials; one-third private members; and one-third representative of the poor in the area served by the CAA. Private members included representatives of business, industry, labor, religious, welfare, education, or other major groups and interests in the local community.

That the CAA develop and implement an outreach capacity to locate the poor of their community, assess their needs, and deliver services to them, if necessary;

That the CAA, in some measure, employ low-income people on its staff; and

That CAA administer numerous Federal Government, State, and local government programs as well as projects funded through private sources. These programs are generally operated at no cost to the program.

In 1964, CAA's received their grants from the Office of Economic Opportunity and starting in 1975 from the Federal Community Serv-

ices Administration; beginning in 1982, from the Community Services block grants [CSBG]. Since 1982, no less than 90 percent of the CSBG moneys have gone to CAA's and migrants and seasonal farmworkers organizations.

Twenty years ago, the participation of the poor in the decisionmaking about the programs that were to affect them seemed almost revolutionary. It is that participation of the community at large which has built up the credibility of the CAA within its locality. CAA's are often the sole organization in a community that can effectively respond to the specialized needs of populations such as the handicapped, minorities, refugees, and Native Americans. This is because CAA's are located in the communities they serve, and directors and staff are well known to low-income citizens in those communities. CAA's offer a comprehensive array of services and are often the best provider of immediate aid in the face of a crisis and for long-term assistance when changes in the poverty population occur.

In times of economic downtrends for whole segments of populations, such as after mass flooding or hurricane destruction of property, or other personal catastrophies such as the burning of one's home, CAA's are usually the first on the scene with assistance for immediate needs, and are later the conduits for public and private relief services. This is true also when a community receives a sudden influx of refugees, when fuel prices soar, or unemployment increases due to plant or mine shutdowns.

For 25 years our people have enjoyed and benefited greatly from Community Action Agencies—the only network of local organizations nationwide that are specifically mandated, and whose experience is extensive, to serve low-income people. Even the Bureau of the Census has recognized their abilities by using them extensively during the last national census to inform the poor that they could answer questions without being threatened in order to obtain the necessary information from the low income.

Most important, Mr. Speaker, Community Action Agencies are cost effective. Ninety cents of each dollar received by CAA's is spent in direct services or payment to program recipients. CAA's also contribute or share their administrative resources and capabilities in operating such programs as Head Start, Low-Income Energy and Weatherization, Meals on Wheels, and others.

CAA's provide space, facilities, utilities, supplies, materials, equipment, and maintenance to support these programs. The result is that CAA's cut costs substantially for many programs.

Interestingly, no two CAA's are alike—because they develop locally or administer programs for other diverse entities in response to local need. No complete listing of Community Action programs is possible, but some of the general areas in which they work and the low-income populations they serve are:

Program areas include employment and training, emergency services, food distribution, shelter for homeless, energy needs, information and referral, transportation, housing, Head Start/day care, adult education, economic development, nutrition, health services, recreation, antidrug abuse, prisoner rehabilitation, and welfare.

Populations served include general, low income, female, heads of household, elderly, children and youth, refugees, minorities, the handicapped and otherwise developmentally disabled, victims of crime, and the recently unemployed.

BACKGROUND AND UPDATE ON COMMUNITY ACTION AGENCIES

The Economic Opportunity Act of 1964 set up the Office of Economic Opportunity as a single Federal focal point for the War on Poverty. Within OEO, numerous antipoverty programs were developed and tested and, if considered successful, spun off to other Federal agencies for full-scale operation. Among them are; Head Start, Low-income Energy Assistance, Weatherization, Job Corps, and Legal Services.

The cornerstone of OEO's antipoverty activities was the Community Action Program, which gave basic seed grants to local, private nonprofit, or public organizations designated as the official antipoverty agency for a community. They received funds from OEO for administration and to operate programs, but they also received grants from other Federal, State, and local agencies to operate a wide variety of antipoverty activities. CAA's were directed to offer services and activities "having a measurable and potentially major" impact on the causes of poverty.

The OEO was succeeded by the Community Services Administration, through which CAA's received funding through fiscal year 1981. In that year, there were more than 900 CAA's nationwide. The Community Action Program was funded in fiscal year 1981 at about $394 million, of a total appropriation for CSA of $526.4 million. Other programs funded by CSA that year included small, special purpose programs, such as senior opportunities and services, community food and nutrition, community economic development, national youth sports, and summer youth recreation.

THE CREATION OF THE COMMUNITY SERVICES BLOCK GRANT

When President Reagan came into office and presented his budget and policy agenda, he proposed the complete dismantling of CSA and the consolidation of its activities with 11 other social services programs, into a single social services block grant to States. Among the programs he would have included in this block grant, in addition to CAA's, were title XX of the Social Security Act, child welfare services, foster care, adoption assistance, child abuse, runaway youth, developmental disabilities, and rehabilitation services. The administration proposed to fund this massive block grant in fiscal year 1982 at about 75 percent of the 12 programs' combined spending levels in fiscal year 1981.

Congress rejected most of the administration's proposal, preferring to maintain a separate antipoverty program with the Federal Government and to consolidate fewer programs. The Community Services Administration was abolished as a separate agency but replaced with a new Community Services Block Grant Program to be administered by the Department of HHS.

As part of the Omnibus Budget Reconciliation in 1981, the CSA was dismantled, and the block grant took effect on October 1 of that year. Appropriations for the new block grant in fiscal year 1982 were $348 million, which amounted to a reduction of about 30 percent from previous year's funding.

The CSBG Act established a new Office of Community Services [OCS] within HHS to administer the block grant. Under the act, the CAA's responsibility remained the same—"to use block grant funds for services and activities having measurable and potentially major impact" on poverty in the community—as originally required under the old OEO—to promote self-sufficiency for low-income individuals, to provide emergency food and nutrition services, to coordinate public and private social services programs, and to encourage the use of private sector entities in antipoverty activities.

Creation of the block grant was the first time the States had had the option of administering the Community Action programs, and those who did opt to operate them, were required to use at least 90 percent of their allotments to fund existing CAA's, and other former CSA grantees. That was true in fiscal year 1982, but in fiscal year 1983 and in subsequent years, the legislation allowed States to fund antipoverty programs administered through local governments or nonprofit community groups of their own choice, although the act intended that CAA's be given priority. And despite the language in the Reconciliation Act, States are still subject to the 90-percent passthrough requirement.

In fiscal year 1984, Reagan proposed the termination of CSBG entirely, but Congress again rejected this proposal.

In fiscal year 1985, Reagan again proposed terminating the CSBG, requesting only $2.9 million for activities necessary to close down the program. His proposal was again rejected.

CSBG has strong bipartisan support in Congress. In fiscal year 1983, the National Governor's Association conducted a survey, which found that 91.6 percent of CSBG funds were obligated to eligible entities, that is, Community Action agencies; 39 States chose to fund discretionary projects, 4 States transformed CSBG funds to low-income energy assistance, and 1 State transferred its funds to Head Start.

Regardless of size, the fact is that CAA's each has a process in place to assess needs and establish new priorities as needed, and this has made them resilient, adaptable, responsive, and relevant throughout the 25 years they have been in existence, always in the face of changing economic conditions, changing resources to deal with the causes and conditions of poverty, and a changing poverty population.

HARD TIMES

Throughout their existence, Community Action Agency programs have been subjected to efforts by various administrations to get rid of them. For example, in 1973 the White House announced it would discontinue Federal funding for CAA programs, and dissolve the Office of Economic Opportunity.

There would be no budget for the U.S. Office of Economic Opportunity, President Nixon announced, beginning on July 1, 1973. Within a few days, Nixon named Howard Phil-

lips, an avowed enemy of OEO, to take over and begin phasing it out. Within 3 months, Howard Phillips was out of a job. He had been removed by Judge William B. Jones of the Federal district court, in response to a lawsuit filed by the OEO employees. The judge upheld the claim that the OEO was an agency established by Congress, and determined that Nixon's plan to phase out the OEO before its authority expired 2 years hence—1975—was illegal.

Under threat of extinction, CAA groups looked to their cities, counties, and States for financial support. Hard pressed to meet current commitments in a time of rising costs and lagging revenues, Governors and mayors passed the word to Congress that they wanted the poverty programs to continue.

Inflation surged, further straining State and local governments' revenues; the economy began its downturn; support for the poverty programs grew. Unprecedented scarcities of gasoline whose taxes are a major source of local revenue, added to the push for Federal funding of the CAA's. The subsequent events of inflation, recession, and energy scarcity solidified the reversal of the attempts to abolish OEO.

It soon became clear that Congress had the desire, and the need, to protect their 10-year investment in the CAA's, and the combined efforts of at least three Federal agencies. This was done by documenting to States and local governments the accomplishments and potentialities of CAA's and by taking administrative steps to facilitate local efforts to continue the agencies.

Mr. Speaker, I am pleased to be able to rise in tribute to the Community Action Agencies who were born during Lyndon Johnson's War on Poverty as the most effective arm of the Office of Economic Opportunity.

I believe that no Federal program, with the exception of the long-gone and sorely missed Revenue Sharing Program, has given greater control to communities to determine and then to meet their local needs. And no program has been as comprehensive, responsive, innovative, and successful in meeting the needs of low-income citizens.

I want to wish a very happy 25th birthday to Community Action Agencies everywhere, and particularly in my own great State of West Virginia, and to wish them well in the future, as they continue to address the needs of people wherever there is poverty to overcome.

IN SUPPORT OF ISRAEL'S PEACE INITIATIVE

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 23, 1989

Mr. GILMAN. Mr. Speaker, I rise in strong support of the Government of Israel's initiative to bring a full and lasting peace to the Middle East. During Prime Minister Shamir's recent visit to the United States, he articulated a plan designed to terminate the state of war which exists between Israel and the Arab States, to resolve the problems of the residents of the refugee camps in Judea, Samaria, and the Gaza district, as well as to create an effective and lasting peace with Jordan.

This is an ambitious plan, but it is one which clearly embodies the Israeli commitment to freedom and the pursuit of democratic values. Israel yearns for a permanent and lasting peace. The Government and people of Israel realize that there is only one path to peace: Direct bilateral negotiations between all parties; regional cooperation among neighboring states and a cessation of hostilities toward Israel in all international forums is essential if true peace is to be achieved.

In order to advance the peace process, Israel has called for free and democratic elections among the Palestinian Arab inhabitants of Judea, Samaria, and the Gaza district in an atmosphere devoid of violence, threats, and terror. These elections will form the basis for further negotiation toward a permanent solution, during which all proposed options will be examined, and peace between Israel and Jordan will be achieved.

Mr. Speaker, as ranking minority member of the Subcommittee on Europe and the Middle East, I invite my colleagues to applaud this important initiative. Israel has always been a bastion of stability and democracy in the Middle East, as well as our most resolute ally in the region.

DRUG TREATMENT AND CRIME REDUCTION ACT OF 1989

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 23, 1989

Mr. STARK. Mr. Speaker, we continue to lose ground in our "war on drugs." We can help turn the tide with imaginative, innovative attacks on the demand side of the battlefield. To that end, Mr. STAGGERS, Mrs. UNSOELD, Dr. MCDERMOTT, and I are introducing today a bill which:

First, establishes a minimum of 10 comprehensive demonstration programs for the treatment of drug and alcohol abuse [CDAAT];

Second, provides for treatment of substance abuse as our first line of defense against the drug problem;

Third, accepts that different severities and conditions of addiction will require different treatment modalities;

Fourth, initiates the concept of triage and case management, key elements in the assurance of proper treatment referral and compliance;

Fifth, mandates evaluation of the clinical effectiveness and cost effectiveness of various treatment modalities and providers, and termination of ineffective programs;

Sixth, requires copayment by patients, but does not deny treatment to the needy;

Seventh, mandates the development and implementation of an effective prospective payment system to control costs and ensure the most effective treatment of addiction;

Eighth, finances the program through the establishment of a treatment trust fund financed by a 1.4-percent increase in excise taxes on alcoholic beverages and tobacco products;

Ninth, requires each CDAAT Program to be of sufficient size—expected annual census: 1,500 to 3,000 per program—that the widest possible range of therapeutic modalities can be offered to patients; and

Tenth, encourages a broad socioeconomic case mix, but mandates that a minimum of 50 percent of a CDAAT Program's patients will be from the ranks of the working poor and the unemployed.

Treatment provided by this bill will result in a substantial decrease in drug-related crime and its attendant social and financial burden on our people. Finally, this bill will strike at the major route for the spread of the AIDS virus into the general population.

Late in the 100th Congress I introduced H.R. 5545, the forerunner of this bill, and requested my colleagues' assessment and input. The response has been most gratifying; we have consulted with over 200 experts in the addiction treatment field, including governmental—Federal and State, national organizations, and addiction therapy practitioners. The result of this extensive input is, I believe, a significantly better bill.

Last year's bill, H.R. 5545, we found, was too sweeping. It would have poured billions of dollars into a system unprepared to handle it efficiently: There is too little practical, nitty-gritty knowledge as to what works; the infrastructure is organized to address narrow segments of the drug problem—examples of a comprehensive approach are vanishingly rare; addiction treatment expenditure data from the 50 States are so varied as to limit sharply their value in planning a rational nationwide approach.

Since this introduction of last year's bill, things have not improved. Clearly, our present policies are not working; new, effective approaches are urgently needed. Drug use continues to increase in the young, the elderly, the disadvantaged. Increasingly, babies are born addicted to heroin and to cocaine. Drug dependency is exploding in the educated professional groups we look to for our society's integrity; lawyers, physicians, governmental officials. Our headlines scream: "Suburban Drug Users Middle Class"; "Doctor Faces Drug, Gun Charges"; "Lawyers on Drugs Create Problem Fraught With Legal, Moral Questions"; "Children Tangled in Drug Net." These reports come not just from the major cities, but also from the farmlands of Iowa, from the high mountain country of Colorado, and from rural West Virginia. The Nation's Capital saw, in just the past year, cocaine related hospital emergency admissions rise over 100 percent, PCP admissions more than double, and heroin admissions increase by one-third.

Nationwide, our current drug law enforcement policy is a lottery: Less than 3 percent of the 30 million regular illicit drug users, or 750,000 individuals per year, are arrested for drug violations. Just to maintain the status quo will soon require the doubling, then tripling of Federal law enforcement funds. Fifty thousand additional State prison spaces each year will be required if detention rates continue on their present upward course. The costs of continuing this escalation are staggering. Even though we are spending over 75 percent of our war on drug funding on law enforce-

ment, it is now clear that we'll never be able to afford to prosecute our way out of the drug problem. Currently, the purely financial cost of drug abuse—in terms of providing health care, reduced productivity, law enforcement, plus theft and destruction of property—is estimated at $60 billion—annually.

Meanwhile, only 1 of every 30 people in need of treatment is able to receive it at any given time. Typically, we ask those desperate to get off drugs to wait 6 to 18 months for needed treatment. Addicts desperate for treatment have resorted to criminal activity such as throwing stones through windows, or attempting suicide, in order to get their name higher on the waiting list. Directors of State drug abuse programs plead for increased treatment capacity. All this is in the face of data which show a $3 return for every dollar spent on treatment.

Drug dependency is a chronic condition, much like chronic heart or kidney disease. We must begin to respond to it as a medical problem, to recognize that quick cures do not happen, that long-term programs for prevention of relapse are essential. We waste our money when we moralistically restrict the proper medical decisions as to effective therapy. Patients who have been free of illicit drugs for 2 or more years on methadone maintenance have been forced—by law—out of these programs. Many of these, not unexpectedly, have become ensnared by illicit drugs and have returned to intravenous drug usage.

AIDS brings an even greater urgency to the drug problem. Three-quarters of all heterosexually transmitted AIDS comes from contact with intravenous drug users. Moreover, by 1991 there will be 20,000 infants and children with AIDS; the overwhelming majority of these will be due to intravenous drug using parents. This is AIDS' major gateway to the population at large, and urgent, effective action is essential.

The bill I am introducing rests on the well-founded concept that drug dependency is a chronic relapsing disease for which initial therapy must be followed by a prolonged, but less intensive, period of prevention of relapse—perhaps lifelong. This concept is sound, medically and psychologically. Moreover, it fits well the observations of law enforcement experts, who see recidivism as the usual outcome of programs which provide acute initial treatment only. But the recognition of a long-term health problem demands that we find a long-term solution. We have to realize that the "war on drugs" is not a lightning 6 day war such as Israel's victory over Egypt—it is more like World War II—and so far it has been one long Pearl Harbor.

This bill allows entry into a treatment program only after the formal assessment of the individual's severity of addiction. Such assessment is to be accomplished with a tried and proven instrument such as the addiction severity index—ASI; as cited in NIDA Second Triennial Report, 1987. With proper triage, the most clinically effective, most cost-effective treatment will be selected for each individual. Costly, ineffective treatments will not be reimbursable. A valid triage method is essential, because the methods and cost of treating a cocaine addict who is a graduate of an Ivy League school holding a highly paid job with a supportive family, are far different from the methods and cost of treatment of a 16-year-old inner-city minority juvenile delinquent who has dropped out of school and has no family.

Because we require a well-stratified entry into the treatment programs, this bill will result in the production of much needed data on the effectiveness of various therapeutic modalities. Selected data will be reported to the Department of Health and Human Services on a quarterly basis. The required information will be carefully defined so as to show the effectiveness of the program and areas needing improvement. Data will be collected on a number of applicants, time between application and start of individual therapy, severity of addiction profile, treatment regimen prescribed, compliance, duration of therapy, maintenance or secondary preventive regimen, outcome at defined times—1 to 5 years, for example. These data will form the backbone of an evaluative process which will be independent of the treatment providers, thus allowing objectivity.

Working with this practical data base, and taking into account other clinical and research information, the DHHS will periodically reevaluate the appropriateness of therapy regimens being funded, thus enhancing the cost-effectiveness of the approach. Moreover, the success and compliance of specific providers can be monitored, allowing timely program adjustments. Thus, this bill will accelerate the process of filling the knowledge gaps in the therapeutic matrix of treatment method versus drug of dependency, stratified by severity of addiction. In other words, we can find out what works best for a crack addict who has no job and family support, versus what works best for an upper-income weekend heroin chipper with family and job.

Funding will be accomplished by a very small increase in the existing excise taxes on alcoholic beverage and tobacco products. The revenue raised, approximately $150,000,000, will allow fully adequate funding of at least 10 geographically and demographically diverse comprehensive addiction treatment programs, which will go far toward correcting the dismal state of our knowledge about what works in drug treatment.

The payoff for Americans in decreased human suffering and criminal activity is well worth the cost. Indeed, data from the Department of Health and Human Services, from the U.S. Customs Service, and from private industry's employee assistance programs, indicate that a net financial gain may be expected from increased expenditures for treatment and prevention.

In summary, emphasis on the criminal justice approach to the control of drugs in the United States is, by itself, inadequate. This bill's treatment-based approach is a complement to law enforcement, not a replacement. The programs will provide the methodology for establishing and monitoring treatment so that only effective therapeutic programs are paid for. This information will prove invaluable in planning future prudent expenditures of large-scale drug treatment programs. The bill insists that the drug abuser pay as he is able, but does not deny therapy to the poor. This bill will reduce the cost of dealing with the drug problem; drug-related crime will decrease; the spread of AIDS will be stemmed.

The time is ripe for mounting this tightly controlled, comprehensive approach to dealing with the demand side of our conflict.

MIAMI CORAL PARK SENIOR HIGH SCHOOL—A WINNER

HON. LAWRENCE J. SMITH

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 23, 1989

Mr. SMITH of Florida. Mr. Speaker, I am proud to announce that the Miami Coral Park Senior High School recently won the National Bicentennial Competition on the Constitution and Bill of Rights for the 16th Congressional District of Florida.

In its second year of implementation, the National Bicentennial Competition on the Constitution and Bill of Rights attracted an estimated 595,350 high school students to participate in what is considered to be one of the most extensive educational programs of its kind in the Nation. The program features an extensive 6-week curriculum which provides a basic knowledge of topics including political philosophy, history and experience, the Constitution, establishment of the government, fundamental rights, and responsibilities of the citizen. The 6-week program culminates in a mock congressional hearing competition in which students have the opportunity to demonstrate their knowledge of these subjects.

I would like to commend Miami Coral Park Senior High School for their diligence and commitment to excellence in the Constitution and Bill of Rights. It is equally important to praise the teachers whose dedication is vital to the promotion of education. It is under the guidance of these devoted teachers that students attain academic excellence and earn the right to participate in programs such as the National Bicentennial Competition on the Constitution and Bill of Rights.

Competitions such as this represent the new wave of patriotism emerging among our youth while helping to promote a deeper understanding and love of our country. I applaud this trend and encourage our youth to pursue it.

I urge my colleagues to support the National Bicentennial Competition on the Constitution and the Bill of Rights in their own States, and to encourage student participation in future competitions.

Again, my congratulations to Miami Coral Park High School, principal Carnell A. White, teacher Lisa Lens-De Yarza, and the following students:

Diana Mario Carballosa, Geraldo Delgado, Dalia Gonzalez, James J. Misrahi, Martha Ravirosa, Monica Lucia Roca, Juan Jose Sanmiguel, Jacqueline Carranza, Raquel Espinel, Roberta Martinez, Ravin Nawalrai, Carmen Regalado, Orlando Trujillo, David Valencia, Rocio Davis, Jesus Lovo, Alba Macias, Maria Quant, Ivonne Sanchez, Patricia Wong, and Yuan Yin Yen.

NATIONAL ASTHMA AND ALLERGY AWARENESS MONTH

HON. VIC FAZIO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 23, 1989

Mr. FAZIO. Mr. Speaker, I rise today in recognition of "National Asthma and Allergy Awareness Month." Today, over 35 million American children and adults suffer from a group of diseases often presented to the public as trivial but, in reality, painful, disruptive, costly, and sometimes deadly. As a sufferer of asthma, I know firsthand the consequences of these diseases. One of our late Members, Representative George O'Brien of Illinois, clearly recognized this fairly invisible health problem and saw that Federal support for medical-scientific research into the causes of asthma and allergic diseases was sufficient and sufficiently diverse.

George also recognized how important it is to encourage well-based information and education about asthma and allergic diseases, so prone to unproved cures by some. As one form of this recognition, he encouraged the House to proclaim 1 month each year as "National Asthma and Allergy Awareness Month."

The sponsoring voluntary health organization of the national awareness month is the Asthma and Allergy Foundation of America. I wish to acknowledge May as this year's time—weatherwise and otherwise—to call on our public to pay heed to the problems of and prospects for those with asthma and allergic diseases; and the sizable human and social costs awaiting our concern and help.

MIT STUDY CRITICIZES BOSTON HARBOR CLEANUP

HON. BRIAN J. DONNELLY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 23, 1989

Mr. DONNELLY. Mr. Speaker, the Massachusetts Institute of Technology, which is considered one of the best and credible institutions of higher learning in the study of the sciences, has released a detailed report that clearly outlines the ongoing Boston Harbor cleanup as one of the biggest bureaucratic ripoffs the taxpayers of Massachusetts have ever seen.

The study, conducted by Prof. Donald R.F. Harleman of MIT, which will be published in the next issue of the Journal of the Boston Society of Civil Engineers, presents an objective review of the cleanup and makes sound suggestions—which differ overwhelmingly from the present Environmental Protection Agency mandates and the court-ordered schedule for construction of a secondary sewage treatment plant on Deer Island.

The centerpiece of the study suggests that the cleanup efforts be directed away from the secondary treatment plant in favor of facilities that control the combined sewer overflows.

For the over 2.5 million Massachusetts residents who will foot the bill for the Deer Island plant, this commonsense study—which the EPA has tagged as "unscientific"—shows that the water in Boston Harbor will not improve significantly. The study concludes that "It will come as a rude shock to ratepayers that the $6 billion plan, when completed, will not make Boston Harbor fishable or swimmable."

I include the study written by Dr. Harleman of MIT at this point in the body of the RECORD.

BOSTON HARBOR CLEANUP: USE OR ABUSE OF REGULATORY AUTHORITY?

(By Donald R.F. Harleman)

Boston Harbor is frequently described as the "dirtiest" in the country. During the presidential campaign the Harbor was the subject of heated, if not enlightened, debate on whether its condition and the delay in cleaning it up was the fault of federal or state and local government. Regardless of who is at fault, the public has been led to believe that a logical set of plans and priorities for the cleanup of Boston Harbor is finally in place. The present court-ordered schedule calls for the construction of a new primary treatment plant, interim sludge disposal facilities and a nine-mile ocean outfall by 1995. Additional treatment in a secondary stage as well as facilities for the land disposal of all sludge is required by 1999. The estimated cost of the new facilities is 6.1 billion dollars. Boston area residents will pay the highest water and sewer rates in the nation largely because EPA's construction grant program, which previously would have paid 75 percent or more of the cost, has now been phased out of the federal budget.

Do the present court-ordered facilities and the schedule for the cleanup represent an environmentally sound solution for Boston Harbor? The answer is no. To understand the reasons, it is necessary to go back to the passage of the federal Clean Water Act of 1972, and beyond that to the evolution of the harbor pollution problem and the nonfederal plans to remedy it.

1972 CLEAN WATER ACT

The Clean Water Act of 1972 required all publicly-owned treatment plants, without regard to the nature or location of the water into which they discharge, to achieve secondary treatment by 1977. EPA defined treatment in terms of the amount by which two quantities, biochemical oxygen demand (BOD) and suspended solids, are reduced in the treatment plant effluent. BOD is of concern because it tends to reduced dissolved oxygen levels in the receiving water. The severity of the depletion depends on a replenishment process, known as reaeration, in which oxygen is transferred from the air through the water surface. If the treatment plant effluent is discharged to a fresh water stream, the dissolved oxygen may drop to a level that is harmful to aquatic life because reaeration is limited by small water surface areas. In such cases high levels of BOD removal are desirable. In the ocean, water surface areas are large and oxygen is replenished readily, hence BOD removal is less critical. Suspended solids are of concern because their removal in the treatment process improves clarity and reduces formation of bottom deposits in the receiving water. In addition, hazardous and toxic substances tend to be absorbed onto suspended solids.

A primary plant, the first stage of any treatment system, removes about 40 percent of the incoming BOD and 60 percent of the suspended solids in a series of sedimentation tanks. The secondary treatment stage is a biological process which provides additional treatment to the effluent of the primary plant with the result that the overall removals of BOD and suspended solids are increased to about 85 percent. The additional removal of BOD in the secondary stage is accomplished by adding oxygen to treatment tanks to speed the growth of bacteria that feed on, and oxidize dissolved organic, oxygen demanding material in the wastewater. The bacteria, which continually grow and die, and other suspended solids settle out in secondary sedimentation tanks.

Sediment residue from the primary and secondary treatment stages is called sludge. The sludge contains everything that has been removed from the raw wastewater as well as new biomass generated in secondary treatment. Consequently, the amount of sludge produced by the combined primary-secondary stages is about twice as much as is produced by the primary stage alone. Current regulations prohibit the ocean disposal of sludge.

Soon after the 1972 act was passed, many municipalities argued to Congress and EPA that secondary treatment was not universally necessary for protection of the coastal marine environment. They contended that large reductions in BOD, while important for inland freshwater streams and lakes, were of little benefit to the coastal ocean where treatment plant effluents are mixed and dispersed by tidal currents and aerated by large water surface areas. They also pointed out that long outfall pipes could reach coastal areas of significant depth and tidal flushing action. Furthermore multiport diffusers, thousands of meters in length, could be attached to the outfalls to reduce the concentration of treated effluents by more than a hundredfold through jet mixing. A number of Pacific coast communities that had been discharging primary effluent through ocean outfalls had accumulated evidence to demonstrate the scientific merit of their claims for exemption from secondary treatment requirement. Congress was persuaded and, in special provisions of the 1977 Clean Water Act, Section 301(h), directed EPA to allow municipal marine dischargers to test their case in the administrative process.

BOSTON HARBOR POLLUTION BACKGROUND

Boston began discharging untreated waste into the harbor more than a hundred years ago. It was not until 1968 that all dry weather sewage began receiving primary treatment at Nut and Deer Islands. However, that treatment has been essentially negated by the fact that the primary effluent and the sludge is discharged, after some digestion and chlorination, through short pipes near the entrance to the harbor. Although, sludge discharge is supposed to occur mainly during the outgoing tide, much of Boston's present problem is due to this long-banned but continuing practice.

The first serious water quality study of Boston Harbor was completed in the late 1960s. The findings were that primary treatment was satisfactory, disposal of sludge to the harbor should be stopped and the major problem for the harbor was combined sewer overflows. These overflows, from about 90 sources on the perimeter of the harbor, result from the collection of storm water and sewage in the same pipes throughout much of the older inner city area. Raw sewage is discharged from these sources during wet weather about 60 times a year when the treatment plant capacity is exceeded. It is generally agreed that combined sewer overflows are responsible for the fre-

quent closing of shellfishing and bathing areas within the harbor.

The only positive thing to be said about the water quality situation in Boston Harbor is that the depletion of dissolved oxygen has never been a problem, except near the shoreline. It was therefore natural that the Metropolitan District Commission (MDC), the responsible state agency, should apply for a waiver of the secondary treatment requirement so that it could focus cleanup efforts on stopping sludge discharges and combined sewer overflows.

THE WAIVER PROCESS

In response to the 1977 Congressional directive, EPA published preliminary criteria and procedures in spring 1978 and final guidelines in summer 1979 by which municipalities could apply for waivers of the secondary treatment requirement for discharges into coastal waters. Boston's application was one of 70 filed prior to the 1980 deadline. Subsequently the deadline was extended to the end of 1982 and 137 additional applications were filed. An EPA bias against the waiver procedure, in favor of the more easily enforceable uniform secondary treatment, was suspect from the beginning. Their guidelines stated that applicants "will bear a particularly heavy burden in demonstrating to EPA that such (less-than-secondary) treatment is sufficient to protect marine waters."

In addition, EPA, contradicting accepted principles of environmental impact analysis, refused to allow applicants to compare the environmental impacts of less-than-secondary and secondary effluents through the same outfall. That incremental benefits of secondary treatment might be negligible or unjustifiably costly was of no interest to EPA.

BOSTON'S WAIVER PLAN

In 1967, well before the major federal water acts, Boston's MDC had concluded that the benefits of secondary treatment were minimal and proposed a three-part plan: an ocean outfall 7 miles offshore of Deer Island for the discharge of primary treatment effluent, the cessation of ocean sludge discharge and combined sewer overflow controls. In 1976, in the process of setting priorities, MDC determined that providing secondary treatment ranked 40th in a list of about 50 projects that would be required to improve Boston harbor.

These earlier studies became the basis for the waiver application to EPA in the fall of 1979. MDC proposed upgrading the existing primary treatment plants, which were severely deteriorated, and constructing a combined ocean outfall and multi-port diffuser with a total length of 9 miles terminating in water more than 100 feet in depth. Boston was required to demonstrate that the waiver plan would meet state water quality standards for marine waters. The major standard was that dissolved oxygen not fall below 6 parts per million (ppm), about 80 percent of its saturation value under summer temperature conditions.

The estimated cost of the proposed facilities including sludge disposal on land was 480 million in 1979 dollars, about half of this was the cost of the 9-mile ocean outfall and diffuser. At that time EPA was funding 75 percent of capital costs. MDC settled back to await EPA's verdict having no inkling that a decision on the waiver would drag on for the next five-and-one-half years.

EPA'S RESPONSE

EPA, overwhelmed by the mountain of waiver applications, hired a consulting firm to assist in the review process. In mid 1981, EPA requested additional information from MDC including a sensitivity analysis of the water quality model, additional sampling and assessments of sediment deposition and resuspension. MDC responded in the fall of 1982 with new monitoring data and the analyses requested.

In the summer of 1983, EPA issued a tentative denial of Boston's waiver. The denial focused on potential violations of the state dissolved oxygen standard and excessive solids deposition; however, EPA left the door open by stipulating that MDC could submit a revised application by July 1984. There was a significant amount of interaction between MDC and EPA on the nature of new information to be submitted. The revised application was submitted and six months later EPA's consultant issued its technical review.

One point of contention between MDC and EPA's consultant was the proper value of the background or ambient dissolved oxygen in the vicinity of the 9-mile outfall. MDC said 7.4 ppm was reasonable for late summer conditions when dissolved oxygen was observed to be at its minimum. The consultant recommended a more stringent value of 6.5 ppm, recalculated dissolved oxygen impacts in four separate analyses and concluded that "the Massachusetts dissolved oxygen standard will be met." MDC assumed that the major issue had been resolved and awaited its waiver. Its optimism was short-lived because in March 1985, the EPA regional administrator issued a "tentative decision" that the revised waiver application be denied.

EPA's denial was based on seven findings. Six were non-quantitative or procedural in nature such as deficiencies in the monitoring program to assess future impacts and future source control programs to reduce toxics. The single quantitative finding reversed the conclusion of EPA's consultant in one of the four impact analyses carried out to check the state's 6.0 ppm dissolved oxygen standard. This analysis involved the calculation of a dissolved oxygen change due to the resuspension in a storm event of organic particles deposited on the bottom after 90 days of uninterrupted deposition. EPA calculated a dissolved oxygen concentration of 5.5 ppm (a violation of 0.5 ppm) by means of two "adjustments." The first involved an arbitrary one-third increase in the rate of organic sediment accumulation in the vicinity of the outfall diffuser. The second and more serious adjustment reduced the ambient dissolved oxygen concentration for the resuspension event from 6.5 to 6.1 ppm, a value only 0.1 ppm above the standard, which even the effluent from a secondary treatment plant would have violated. EPA made no effort to defend its arbitrary adjustments in this critical instance, yet proceeded to rest its case for secondary treatment on them.

There were valid reasons for challenging EPA's tentative denial, but other events had by this time removed MDC as the responsible state agency.

NEW AGENCY, NEW PLANS

Early in 1983 the city of Quincy, on the southern portion of Boston Harbor, sued MDC for polluting its beaches. The case was heard by State Supreme Court Judge Paul Garrity who appointed Professor Charles Haar of Harvard Law School as special master. Haar's report adopted by the Court in the fall of 1983 included (1) a strict timetable for stipulated remediation measures, which, incidentally did not include secondary treatment, and (2) recommended the creation of a new state agency with the power to issue bonds outside the control of the State legislature.

Following a year of MDC failure to meet Haar's schedule, Judge Garrity threatened to stop sewer connections for new buildings in Boston. In the last hours of 1984, the legislature created the Massachusetts Water Resources Authority (MWRA) and gave it bonding authority. In January 1985 EPA sued MWRA in Federal District Court for polluting the harbor. Under threat of a huge retroactive fine, MWRA has been operating under a 1986 federal court-ordered planning and construction schedule designed to carry out EPA's insistence on full secondary treatment by 1990. MWRA made the judgment that any attempt to reopen the waiver was doomed to failure.

It is easy to look back over the past ten years and to say what should have been done. The existing primary treatment plants are beyond rehabilitation and, in fact, never performed satisfactorily. Design and construction of new state-of-the-art primary plants and land-based facilities for the disposal of the primary sludge should have begun in 1979. No one ever questioned the need or priorities for these facilities regardless of the waiver decision. Work would have begun in 1979 but for the fact that EPA would not approve an application for a federal grant while a ruling on the waiver application was pending.

In retrospect, the most serious flaw in the waiver process was EPA's refusal to consider a comparison of the environmental impacts of primary treatment effluents and secondary treatment effluents through the same outfall. As a result the incremental environmental benefits of secondary treatment for the harbor were never balanced against the negative environmental impacts of disposing of twice as much sludge on land or by incineration in the air. Through a fortuitous set of circumtances in the spring of 1988, the data necessary for such a comparison became available.

In March 1988, MWRA published a comprehensive primary and secondary treatment facilities plan, and a few weeks later EPA issued a draft Environmental Impact State for Boston Harbor based on this plan. The astonishing thing about the 1988 facilities plan is that the length of the outfall and diffuser, about nine miles, is the same as in the 1979 waiver. So it is now planned to discharge secondary effluent at essentially the same location as was originally suggested for the primary effluent. This is the longest outfall and diffuser ever designed specifically for secondary treatment effluent.

According to the court-ordered schedule, the new primary plant and the outfall and diffuser are to be completed by 1995 and the secondary treatment stage by 1999. Because of the five-year construction lag, MWRA and EPA were required to predict water quality conditions for primary as well as primary plus secondary effluents. Separate consulting firms were employed to carry out the technical analyses for the two agencies.

The MWRA facilities report provides a detailed analysis of all state and federal water quality criteria for conventional as well as hazardous wastes. MWRA concluded that standards, including dissolved oxygen, would be met by the primary effluent and that in general "secondary treatment discharge impacts are not expected to be significantly different from primary impacts."

Despite these findings, MWRA again made no effort to reopen the issue of the marginal benefit of secondary treatment. When this was explicitly pointed out during the public comment period on the facilities plan, the MWRA response was "it is not necessary to justify secondary treatment in the Facilities Plan as the MWRA is mandated by Federal law and court agreements to provide this level of treatment."

EPA made separate impact analyses of the facilities plan for primary and secondary effluents through the proposed 9-mile outfall and diffuser. Non-compliance with standards were cited in three instances for primary effluent. The first was based on a predicted dissolved oxygen violation of 5.7 ppm during a 90-day sediment resuspension event. In contrast to the 1985 waiver denial based on a similar event, EPA now assumed the ambient dissolved oxygen at 6.5 mg/l, thereby backing away from its earlier indefensible ambient of 6.1 ppm. A search was made for reasons why EPA predicted a dissolved oxygen violation while MWRA's analysis of the same event did not. It was found that EPA calculated a six-fold increase compared to MWRA in the average rates of sediment deposition in the ocean area surrounding the multi-port diffuser. This was caused by EPA's determination that a small fraction of sediment in the primary effluent would be in the size range having a fall velocity of 0.1 centimeters per second. On the other hand, MWRA determined that the maximum fall velocity of sediment in the effluent would be 0.01 cm/sec. A calculation of the sediment removal capability of the new primary treatment plant indicated that all parties having a fall velocity of 0.1 cm/sec would be removed in the primary treatment process even when the primary plant was operated at its maximum capacity of 1.2 billion gallons per day, which is two and a half times its average flow rate. EPA's use of the incorrect size fraction in the effluent resulted in higher calculated rates of sediment deposition and consequently an overestimation of the dissolved oxygen depression due to resuspension.

The second point in which EPA indicated that primary effluent impacts were less satisfactory than secondary was in the areal extent of bottom sediment enrichment and toxicity. Again this was a result of overestimating sediment deposition rates.

The third point, aquatic life criteria, is based on a screening of toxic effects of more than 50 non-conventional pollutants. Of these, the only violations indicated were for mercury and three compounds (two pesticides and PCB) not presently detected in the inflow to Boston's treatment plants.

The above issues were pointed out during the public comment period and EPA's responses were given in the final environmental impact statement (FEIS) of July 1988. On the major non-compliance issue which revolves around the disagreement on sedimentation rates, EPA acknowledged that the faster settling sizes would be removed in the primary treatment process. However, EPA justified retaining the high settling rate in order to "account for potential aggregation of the effluent particles in the marine waters, which would cause the aggregate particles to fall faster."

The suspended solids concentration in the primary effluent is only about 50 ppm before undergoing a hundred-fold reduction in concentration through the multi-port diffuser. Even at the undiluted value there is no scientific basis for assuming that aggregation is effective at such low particle concentrations. The only evidence for aggregation in marine waters is in the discharge of sludge from outfalls where particle concentrations are more than a thousand parts per million.

EPA summed up the level of treatment issue in its FEIS "Some commentors questioned the need for secondary treatment, particularly for a discharge as far off-shore and as deep as the outfall location recommended. The suggestion was made that EPA was over-conservative in its analysis, and that money required to construct and operate the new secondary treatment facilities could better be used to address other pollution problems such as discharges of raw sewage from combined sewer overflows."

EPA continued by saying that because the waiver was denied and MWRA is now committed to secondary treatment "the need for secondary treatment of MWRA wastewater was not a question addressed by this FEIS, and a comparison of the impacts of primary effluent versus secondary effluent is not required." Regulatory zeal here runs counter to the spirit of environmentalism that led to the creation of EPA and to the concept of environmental impact analysis. EPA's "tentative" waiver denial of 1985 has become incontrovertible law. It is as if the Food and Drug Administration, having tentatively kept a questionable drug off the market, used that tentative denial as an excuse not to consider later evidence that the drug had over-riding beneficial effects.

PRIORITIES

Vitally important components are not included in the present federal court construction schedule for the harbor cleanup. They are the combined sewer overflow (CSO) control facilities. Preliminary plans indicate that more than 20 miles of deep-rock tunnels, 25 feet in diameter will be needed to store wet weather sewer flows so they can be fed into the treatment system in subsequent dry periods. The cost, certain to be a billion dollars or more, will ultimately be added to the 6.1 billion dollar price tag for scheduled facilities. While MWRA has accepted responsibility for the CSO problem, its placement in the construction schedule will not be resolved until after final CSO plans are submitted in mid 1990. It is very apparent that MWRA's financial and management capabilities will be stretched to the limit to complete the secondary treatment facilities plan by 1999 and that CSO construction will probably extend well into the next century. It will come as a rude shock to rate payers that the 6 billion dollar plan, when completed, will not make Boston harbor fishable or swimmable.

The cost of the secondary treatment and secondary sludge disposal facilities in the present schedule is about 2.5 billion dollars. This is a very high price to pay for the marginal environmental benefits of secondary treatment especially when the negative environmental impacts of disposing of twice as much sludge have yet to be evaluated. EPA's claimed benefits of secondary treatment relate to the removal of suspended solids rather than to the purpose for which it was designed, that is the removal of soluble organic material (BOD).

An innovative treatment process capable of levels of suspended solids removal comparable to secondary treatment but without high BOD removal and sludge production has not been considered in any of MWRA's post-waiver planning. This process, known as advanced primary treatment, consists of adding very small amounts of polymer chemicals to primary treatment tanks to cause aggregation of particles and increased sedimentation. Los Angeles County, Orange County and the City of San Diego have successfully used advanced primary treatment for more than 10 years. Advanced primary treatment has achieved 80 percent suspended solids removal with only a 30 percent increase in sludge production over conventional primary treatment, as compared to a 100 percent increase in sludge production with secondary treatment. Orange County received a waiver of the full secondary treatment requirement from EPA in 1985. Los Angeles County's waiver application is still pending; however they are expecting a favorable decision that will allow them to continue this sensible practice. The City of San Diego waiver application has had a checkered history. It was tentatively approved in 1981; however in 1986, EPA announced a reversal of its decision with an option for the City to submit a revised application. In 1987 in response to public pressure, the City decided not to resubmit.

A logical set of priorities for Boston Harbor would follow the current schedule through the completion by 1995 of the new primary treatment plant, its sludge disposal facility and the 9-mile ocean outfall and diffuser. At that time, the cleanup effort should be directed away from secondary treatment in favor of facilities for the control of combined sewer overflow. Upon completion of the new primary plant and the ocean outfall and CSO remediation measures, an intensive monitoring program in Boston Harbor will indicate whether additional treatment is necessary. If so, the sensible step would be to implement advanced primary treatment.

Fortunately during the next six years, there is time to bring scientific and political pressure to force the priority issue through the new EPA administration and Congress. When EPA was footing three-fourths of the bill and threatening massive retroactive fines, there was little incentive to argue. Now there is every reason to insist that local funds be used to achieve an optimal environmental solution rather than one that adheres to a narrow and outmoded regulatory viewpoint.

ACKNOWLEDGMENTS

The author acknowledges the support and comments provided by fellow members of the John R. Freeman Fund Committee of BSCES: Lee Marc G. Wolman, Chair; Harry L. Kinsell, Edward B. Kinner, George E. Hecker, Jonathan A. French.

This paper is an extension of remarks made at the 1988 BSCES Freeman Lecture Symposium on "Boston Harbor: Engineering and Technical Issues," which was held on April 7, 1988.

CUBAN INDEPENDENCE DAY

HON. CLAUDE PEPPER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 23, 1989

Mr. PEPPER. Mr. Speaker, for several years now I have commemorated Cuban Independence Day, May 20, 1902, by placing in the RECORD a statement by officers of Cuban Crusade. I again this year include the statement:

CUBAN INDEPENDENCE DAY—1989

Crusade 1989: Respectfully our message is being addressed to His Excellency, President

George Bush, Vice President Daniel Quayle, and Administration, Honorable Speaker Jim Wright, Congressmen Claude Pepper, Dante B. Fascell, and to all other members of Congress.

On this glorious day, commemorating May 20, 1902, Cuban Independence Day, a significant and important Cuban-American Liberation Victory over an oppressive foreign power, Spain. Democratic America had aided to establish a free brother nation constituting a precedent never before seen in this world. The transfer of power from a powerful nation to a fledgling weak democracy, instead of annexing it as a colony, a practice followed since the inception of written history, resulted.

In 1959, Cuba, a free, economically powerful nation, had its freedom terminated by a Communist-led revolution headed by Dr. Fidel Castro Ruz. For 30 years poverty, war, oppression and a dismal, spiritually-bankrupt leadership has been the Cuban people's life under the Russian empire's boot.

Fidel Castro's spoils of war is AIDS for millions of Cubans. When the Cuban leader first ordered an expeditionary force of 15,000 troops into Angola in 1975 to put a Marxist regime in power with the help of Soviet arms, he had no way of knowing that the rotation of 300,000 Cuban soldiers through two years of duty in Angola and Africa over a decade would eventually threaten his own population with the spread of an incurable disease.

However, in the 1984-85 period, medical evidence accumulated that AIDS originated in Central Africa and that spread over to Zaire, Angola and other African nations. Doctor Jonathan Mann, Director of the World Health Organization's Special AIDS Program points out in a recent article that in some African nations the incidence of AIDS among urban prostitutes is as high as 59%. This infected population may turn out to be a major cause of the disease amongst Cuban soldiers, in view of the fact, that the troops were not adequately warned for years.

A second tragic cause of contamination was the fact that Cuban wounded received transfusions from African Blood Banks until the middle of 1986. The evidence suggests that as much as 20% of this blood was contaminated and that one-fifth of the approximated Cuban wounded may have been infected in this manner.

It is conservatively estimated that in failing to provide preventative service to the families of returned Cuban soldiers, the Cuban leader has created a potential exposed population of one and a half million Cubans.

The present Cuban government resolution Number 575 of July 5, 1960 from the Cuban Ministry of Finance, established "The Candy Achay Obra Benefica Religiosa Social En La Sierra Maestra." It sets a unique precedent since it permitted for the first time, the teaching of religious and social work within a Communist nation. Our Sierra Maestra's program was conceived and officially sanctioned as an autonomous organization without any government control of intervention.

It allowed for the construction of (a) One three hundred bed hospital in the Sierra Maestra mountains, and (b) a vocational school teaching arts, trades, agricultural and mining techniques, etc.

It is therefore a perfect instrument in our hands with which to spearhead the process of peace and gradual normalization of relations between Americans and Cubans.

It was precisely Miss Achay's dream and prophetic desire at the time of her ill-fated, premature death. In our (Candy Achay OBRS) program, at the proper time, and AIDS Research Center and Hospital which could save millions of Cuban lives in the Sierra Maestra Mountains site originally planned would be erected.

It all began with Commandante Castro's Revolution embracing the Christian crucifix and the insidious metamorphosis that followed Castro's rise to power which marked a turning point in the traditional love-hate relationship between North and South America and amongst Latin Americans themselves.

The time is ripe for action, and not military interventionism which could turn out to be as counter-productive today as it was in the past.

It is time for action through good will and common sense. As our late leader-founder Miss Achay said: "The moment of truth is now."

Fidel Castro's Communist experiment has been a disastrous failure for the bulk of the Cuban population, when during February, 1989, an eighty-member committee composed of His Eminence John Cardinal O'Connor of the New York Archdiocese, Catholic monsignors, priests, nuns, visited Cuba with the Cuban government's approval. They found:

(1) Abject poverty conditions in all provinces that compose Cuba;

(2) Public housing is falling apart in every Cuban province, with the exception of the Showplace Housing now being constructed in Havana by a Spanish corporation to give a progress impression to tourists and foreign visitors;

(3) The Cuban public is ill-dressed. Food is scarce universally in Cuba, for the average worker and public comprising the bulk of the Cuban population. However, a flourishing black market in food is tolerated everywhere as well as for clothing and other consumer products.

In summation, the Religious Committee found in an unofficial report, that if elections were held today, Fidel Castro's government would lose by a good margin because of the above stated.

President Castro is eager to cement renewed relations with the United States now. It is apparent there is some desperation in his political position today.

Secretary General Mikhail Gorbachev's perestroika was forced upon the Russian leadership by the rapidly-growing avalanche of discontent by the Russian people and other peoples in the U.S.S.R. A very explosive condition for Communist Russia and satellites.

Today, however, the Soviet government still sustains military budgets year after year that consume incredible proportions of their gross national product. The Soviets have not reduced those budgets, nor have they attempted to reduce the high cost of empire, for example, by cutting their heavy subsidies to Cuba, Nicaragua, Vietnam, and Ethiopia. The Soviet Empire is completely cracking up at its very seams, universally, because of this high-cost empire.

To prop up the Russian global image Mikhail Gorbachev is executing a clever public relations chess game with the West. Russian troops left Afghanistan as Gorbachev surely sees it, sacrificing a pawn now could clear the way to a neutralized defenseless Europe later. West Germany appears to be the weakest link in the NATO chain, by delaying NATO's missile modernization program today.

However, all these political niceties do not alter the serf-like existence of the Russian, Cuban, Vietnamese, Ethiopian, the Eastern bloc etc. populations of the international Russian empire. This fact is the weakest link in the Socialist chain system that will crumble international and national Communism one by one. To correct this debility is not feasible under the mandates of Communist society.

America must also now weigh its options as Europe awaits the post-Communist era. Europe will become a solid block of United States of Europe, a formidable trading and financial giant. Political sensitivity and insight is needed in handling the Latin American and his problems with America. This is sorely required now to forge ahead as hemispheric brother nations marching together as true Democratic success stories into the 21st century. One powerful political and economic American hemisphere.

The time is now ripe to open up the sugarcane curtain and obligate Cuba to make hard decisions. Cuba's proximity to the United States makes this thirty-year Cuban Communist experiment show up as a total failure. For these same bankrupt, hungry, sad refugees of the 1960's, now go home looking as prosperous as Secretary General Gorbachev. They also bring home to Cuba good quantities of dollars to spend upon their Cuban families there.

The Cuban Crusade believes placing Castro in a position of national and international scrutiny through the United States offering to lift its embargo upon Cuba, providing the present government in Cuba agrees to organize a fair Democratic plebiscite based upon the exact parameters as they concluded in Chile recently. The results there overthrew Right Dictator President Pinochet, which he accepted.

If President Castro loses said plebiscite, he must step down. If he wins, then he must accept executing all conditions contained in the embargo ending accord which he must conclude with the United States. President Castro fully realizes that once he opens up the floodgates to American tourism and culture his regime is doomed and must end by Cuban national popular demand. This is precisely Communist Castro's dilemma. For the demise of world Communism is becoming a fact today. Therefore, even if he wins said plebiscite, the accord will call for prompt national elections in Cuba.

May 20th, Cuban Independence Day, is the anniversary of American Foreign Policy principles: liberate and aid to liberate as against dominate by force and colonize practice heretofore championed by world Communism. The time has come for freedom in Eastern Europe for these soon to be liberated nations to keep them free and democratic. Gorbachev wants Russia to have a position of membership, perhaps politically of leadership in the common European home, stretching from the Volga to the Atlantic. However, favoring America and the Democratic world is the fact that Communism's failure, through that of its leader, should have forfeited any claim to Soviet partnership in a new hegemony.

Honoring our late beloved leader, Candy Achay's wishes, we have formed in exile the Christian Social Democratic Party of Cuba. In our September 6, 1985 statement we stated our goal to execute this step to advance Cuba's future.

This organization promotes its own (a) development of Cuban natural resources, (1) engineering report by Cuban and American engineers of international repute that

would supply approximately a million new jobs for Cubans through creation of hundreds of new industries; (2) a (Havana/Freeport program) to accommodate armies of tourists coming to visit Cuba on cruise liners; (3) intensify Cuban mining of copper, gold, silver, manganese etc. by exploiting its commercial deposits throughout Cuba now abandoned.

The above program via correct financial assistance available to the Cuban Crusade can enable Cuba to climb the ladder to political and economic success in the Democratic world.

The Cuban Crusade will execute everything required socially, politically, and economically inside Cuba under the new Christian Social Democratic Party of Cuba if elected. Our highest honor is to once again fly the (Candy Achay Free Democratic and Religious Flag) over the Morro Castle in Havana Bay, Cuba.

Revolution, no! Evolution, si!

1989 Cuban Independence Day is also commemorated as Latin American and World American Solidarity Day since it signifies the very first day of hemispheric and global brotherhood.

DR. JOSEPH R. JULIA,
President, Cuban Crusade-Political Committee.
FERNANDO CAMPO,
Chairman, Funding 1989.
DR. ALEJANDRO D. PANIAGUA,
Global Coordinator.
DR. JOSEPH YALI,
African Committee.
DR. JEFFERY HARTWICH,
Crusade Director, 1989.

CHRISTENING OF THE U.S.S. "RUSHMORE"

HON. LINDY (MRS. HALE) BOGGS

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 23, 1989

Mrs. BOGGS. Mr. Speaker, on Saturday, May 6 a new Navy ship, the U.S.S. *Rushmore,* was christened at Avondale Shipyards in New Orleans. The *Rushmore* is a dock landing ship, a type of ship important to the Navy for its versatility and durability in the transportation and delivery of men and materials. Because these ships can ballast down to flood a well deck, it is possible to load and transport virtually any type of cargo at sea. The *Rushmore* is the seventh ship in the Whidbey Island class of LSD's.

The *Rushmore* is another example of the outstanding workmanship of the men and women who build ships at Avondale Shipyards. The Navy is certainly getting its money's worth for these ships when it comes to quality of workmanship and the ability to deliver the product on time and at the agreed upon price.

The christening of the *Rushmore* was a very special day for the people of South Dakota, the home State of the ship's namesake. Gov. George Mickelson and Senator LARRY PRESSLER participated in the ceremonies, and Meredith Brokaw launched the ship. Her husband, NBC News anchor Tom Brokaw, also spoke. Both are South Dakota natives.

Senator PRESSLER gave remarks on the naval heritage of the State of South Dakota, a subject with which some might not readily identify. He also discussed the history of the Mt. Rushmore National Monument. I would like to submit his remarks at the christening ceremony for the RECORD.

REMARKS OF U.S. SENATOR LARRY PRESSLER

My classmates from the University of South Dakota, Tom and Meredith Brokaw; my colleagues from the U.S. House of Representatives, Congresswoman Lindy Boggs and Congressman Bob Livingston; Governor Mickelson, distinguished Navy officers, visiting dignitaries from my State of South Dakota, Avondale Industries workers, and ladies and gentlemen.

We are gathered here at this beautiful shipyard in New Orleans for the purpose of launching the U.S.S. *Rushmore.* This is a great occasion for South Dakota, the Navy, and our country.

I have been asked why so many young farm boys from South Dakota join the Navy. The answer is they don't want to have to get up until 6 in the morning!

For several years, I have worked on matters relating to the Navy. That may sound unusual for a Senator from South Dakota, but the Navy has played an important role in my State.

When I was first elected to the U.S. House of Representatives in 1975, it was my pleasure to bring the Secretary of the Navy, William Middendorf, to South Dakota. While there we visited the Navy Reserve unit in Sioux Falls which has 300 members. We also visited the museum erected in honor of the battleship, the U.S.S. *South Dakota.*

Evans Nord, who was head of the Navy League, hosted us in Sioux Falls. I might say with some pride that even though I served in the Army as a second lieutenant in Vietnam, Mr. Nord has waived the rules and I am a member of the Navy League!

During our discussions, I was alerted to the fact that South Dakota needed a ship named after it or after some appropriate historical site in our State. At that point, I began my efforts with the Navy to have a ship named either the U.S.S. *South Dakota* or the U.S.S. *Rushmore.* Two other ships named the *South Dakota* and the *Rushmore* had served with distinction in World War II, so it was appropriate to continue that legacy with the naming of new ships.

Over the years, there were a variety of discussions and many letters written to the Navy and other interested parties. Indeed, I find that I am getting old when I reviewed the people who cosigned letters or worked on this matter with me. Some of my colleagues in the Senate during this time included Jim Abourezk, George McGovern, James Abdnor, and Tom Daschle. I must be getting old if I have had four colleagues already!

In any event, we are glad that the Navy made the decision to name a ship the U.S.S. *Rushmore.* We continue to hope there is a time when another U.S.S. *South Dakota* is launched.

But, perhaps we are here for a higher purpose. There are many South Dakotans who have traveled here for this occasion. Mount Rushmore will be celebrating its golden anniversary in 1991. In 1941, the last work was done on Mount Rushmore. It was also the year Gutzon Borglum, the monument's sculptor, died.

I have worked on a variety of legislative initiatives regarding Mount Rushmore. I was successful in including an amendment in the highway bill for the widening of the road leading to Mount Rushmore. I also secured a $350,000 appropriation for architectural and engineering designs for improvements at the memorial.

Currently, I am the sponsor of the 1991 Mount Rushmore Commemorative Coin Act which calls for the minting of a series of coins commemorating Mount Rushmore's fiftieth aniversary. Part of the funds raised from the sale of the coins will go to reducing the Federal deficit, and half will go to the Mount Rushmore Society.

A few years ago, we had a meeting with leaders of the society during which we had a vision of a national fundraising effort for Mount Rushmore similar to what was done for the Statue of Liberty. I have spoken personally to Lee Iacocca about his efforts on behalf of the Statute of Liberty.

The Mount Rushmore Society is now in the planning stages of a nationwide fundraising effort. It was my honor to present them to Al Neuharth of USA Today, who has agreed to serve as the national chairman of the fundraising drive.

Nearly 2 million tourists come each year to South Dakota to see Mount Rushmore. Tourism, my State's second largest industry, is important to our economy.

Mount Rushmore symbolizes idealism. The four Presidents, Washington, Jefferson, Lincoln, and Roosevelt, inspire school children not only in this country but throughout the world. Today's christening and launching is a tribute Mount Rushmore and everything it stands for. It is also a great honor for the people of South Dakota.

We are here to salute the U.S.S. *Rushmore* and the idealism that helps us all serve our country and our God. Thank you very much.

LARRY IRVING, SENIOR COUNSEL, HOUSE TELECOMMUNICATIONS SUBCOMMITTEE

HON. MICKEY LELAND

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 23, 1989

Mr. LELAND. Mr. Speaker, I am elated about the progress of Mr. Larry Irving who served as my legislative director and counsel from 1983 to 1987.

I know Mr. Irving very well. This article in Broadcasting magazine best describes the excellent work he has done for my office and the House Telecommunications and Finance Subcommittee as well as the professional and conscientious demeanor he possesses.

Please place this March 6, 1989 Broadcasting article in the CONGRESSIONAL RECORD.

Thank you for your consideration on this matter.

[From Broadcasting magazine, Mar. 6, 1989]

LARRY IRVING: MARKEY'S MAN FOR ALL MEDIA

It was the waning days of the 98th Congress and the Cable Communications Policy Act of 1984 was under siege. Its chances for survival were slim to none—a conservative group of senators led by Orrin Hatch (R-Utah) had targeted the measure because of its equal employment opportunity standards. Then in strode Texas Democrat Mickey Leland, author of the House-passed EEO language, who struck a compromise with the senators preserving the essential elements of an affirmative action plan for the cable industry but eliminating the requirement to hire certain percentages of

women and minorities—thus keeping the initiative alive.

At Leland's side during those touch-and-go negotiations with the Senate was Clarence (Larry) Irving Jr. It was Irving, then Leland's legislative director and counsel, who played a pivotal role in drafting the initial EEO section of the bill and who worked tirelessly to gain industry backing of the EEO provision.

Today House Telecommunications Subcommittee Chairman Edward Markey (D-Mass.) relies on Irving's expertise as a formidable mediator in handling the subcommittee's mass media business. As senior counsel to the subcommittee, Irving is a key player in the formulation of any communications policy that emerges under Markey's chairmanship.

Irving joined the subcommittee in 1987 shortly after Markey succeeded Tim Wirth (D-Colo.), now in the U.S. Senate. The lawmaker describes his aide's grasp of the issues and his political acumen as "superior." Says Markey: "I was looking for people who were not ony individually talented but capable of working as a team." Irving, he says, "was an ideal selection."

And Irving's sense of fair play earns him high marks from industry observers. He "bent over backwards" to "give us a fair shake," says the Association of Independent Televison Stations' Jim Hedlund, who worked with Irving on children's television legislation last year. And he wins praise from industry representatives for being accessible and conscientious.

But there are those who see Irving in a less flattering light. His aggressive manner and outspokenness in dealing with the FCC has made him a sometimes unpopular figure there. But, as most Capitol Hill veterans attest, staff members are "not going to be universally loved."

Moreover, the FCC's marketplace-oriented approach to policy is frequently in sharp contrast with Markey's views and it is up to Irving to convey his boss's concerns to the commission. If Irving is a "little bit of a lightning rod," says Turner Broadcasting's Bert Carp, it is because "it serves the interests of his principles."

But Irving bristles at the thought that the world may perceive him as a "bomb thrower." "If someone thinks I am tough or aggressive or abrasive, it is not because I want to be viewed that way. I prefer to be liked by everybody, but I also have a job and I try to do my job," says Irving.

"Larry is a dynamic person who makes things happen, and people who make things happen occasionally ruffle some feathers," says Larry Sidman, staff director and chief counsel to the subcommittee.

Described as a "man of elegant taste" who likes fine wine and is a sharp dresser, Irving says he has come a long way from his boyhood days in Queens, N.Y. He attributes much of his success today to his mother and family, who encouraged him to test the limits of his abilities.

"In my family . . . we were going to do better than our parents. They did well but they wanted their kids to do better than they did and there was a sense that education was the way to do that." He also credits Leland and Markey, whom he calls his mentors, for widening his horizons.

Growing up during the politically turbulent 1960's, Irving saw the law as the "root to political power." He envisioned himself as a civil rights attorney or thought about pursuing a career in criminal law, but during his undergraduate studies at Northwestern University in Chicago he toyed with the idea of becoming a broadcast journalist. A "media junkie" who earned money as a disk jockey at parties, Irving gave it some serious thought, but by his junior year he had set his sights back on law school.

Irving attended Stanford law school (he was elected senior class president) and spent one summer clerking at Kirkland & Ellis's Chicago office and another summer with the Wall Street firm of Breed, Abbott & Morgan. But as graduation approached in 1979, he began eyeing a move to Washington and, as it turned out, to Hogan & Hartson, which had a strong pro bono department, something Irving felt was an essential ingredient for his legal career. He spent four years with the firm, devoting some time to communications issues.

But Irving grew restless and, as coincidence would have it, Leland was looking for someone with a broad legal background and a familiarity with communications issues. Irving joined Leland's staff in 1983 just as the congressman was taking a seat on the Telecommunications Subcommittee.

Those were exciting if not tumultuous times. Pushing Leland's EEO agenda with the broadcast and cable industries often propelled him into the limelight. He was frequently at loggerheads with broadcasters who refused to accept any EEO language in the broadcast deregulation legislation Congress was then considering.

His history on the Hill, he says, has been a growth process. Working on the Cable Act, says Irving, was particularly instructive. "I learned a lot. It was the first time I was out on the firing line on an issue." In hindsight, he became too personally involved in the issue, he says. "That is the difference between 27 and 34. Now I am better able to step back and represent my clients' views without becoming emotionally involved." He nevertheless admits that when it comes to policy affecting minorities and women it is hard not to get emotionally involved.

Down the road, Irving expects the 101st Congress to start laying the groundwork for a broad inquiry into "what is a good and sound regulatory structure for the next 20 or 30 years." Markey, he says, will be asking communications interests to work with Congress in developing such a scheme. "There should be a way for all of the players to benefit," says Irving, and that is what Ed Markey wants to figure out. Such an endeavor will be like a "big mystery," he says. And as a self-described "mystery novel nut," Irving wants to be there "at the climax of the story."

NATIONAL DRUG WAR WON AT THE LOCAL LEVEL

HON. LAMAR S. SMITH

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 23, 1989

Mr. SMITH of Texas. Mr. Speaker, this country has declared war. The war is on drugs and it is being fought hard at both the national and local levels. Our efforts are paying off on both.

A recent national survey shows a steady decline over the past 4 years in cocaine use by high school seniors. According to the survey, teenagers are also more aware of the risk associated with drug use.

This steady change in attitude among our young peole is impressive. Here is where the war will truly be won.

I am encouraged about our prospects when I read student essays like the ones I've placed in the RECORD today. Both are written by high school students in Midland, TX.

Catherine Robinson and Christi Benson understand the importance of "saying no" to substance abuse.

With examples like Catherine and Christi, our victory over drug abuse is certain.

[From the Midland Reporter-Telegram, Apr. 30, 1989]

ALCOHOL U.S. "DRUG OF CHOICE"

(By Catherine Robinson)

A 17-year-old is riding with his friend in a borrowed car. Suddently the driver, who has been drinking, loses control of the car, and it veers off the road. The vehicle turns over four times, hurling both occupants out of the car. The driver is killed. The passenger suffers a broken pelvis, crushed shoulder, and dental injuries requiring surgery. His medical bills totaled nearly $40,000." (USAA Aide Magazine, February 1989)

Life will never be the same for the families of those teen-agers. In America, alcohol is the teenagers' drug of choice. Teens must decide never to use alcohol or any other drug for three important reasons. Alcohol has a devastating effect on the individual teen-ager, his/her family, and his/her society.

According to the University of Michigan's 1988 drug survey, 92 percent of all high school seniors have experienced alcohol. The frequent use of alcohol by teenagers leads to addiction. There is cause for America to be concerned because 64 percent of her teen-agers are current users of alcohol (had one or more drinks in the past 30 days).

The 35 percent who drank five or more drinks in a row within the last two weeks are in great danger of addiction. Five percent of all American teen-agers are daily drinkers and are already addicts.

What does this mean to the individual teenager? Temporarily it may mean that you are the life of the party, a gregarious teenager who follows the crowd. Permanently, alcohol is a killer. If you survive the use of alcohol it will impair your language, deform your central nervous system, and cause brain damage. Every drink kills some brain cells!

According to Reader's Digest, "World of Medicine," "It may take ten years of alcohol consumption to damage an adult brain; the same amount of damage could occur in six months in a teen-ager." Do you know, doctors tell us that beer is more damaging to brain cells than hard liquor. Beer is usually what drinking teens choose.

Alcohol causes dramatic changes in the teens' home life. It often creates a lack of interest in normal activities, a low tolerance level of stress, mood swings, and frequent withdrawal from the family. Alcohol abuse in adults is a major factor in divorce, child abuse, battered wives and violence.

Teen-age pregnancies have increased because of the use of alcohol. Fetal alcohol syndrome is the third leading cause of birth defects such as learning disabilities and facial deformity. Dr. Dennis Reardon, Texas A&M drug prevention representative, said, "Alcohol is, by far, the most damage-causing and expensive mood-altering drug in the country."

"They haven't made a rule I can't bend!" says Garfield, the cartoon cat star. Is this the attitude of teen-agers growing up in America's modern, fast-paced society?

This attitude is reinforced by the media which consistently tell us that anything goes and is accepted without question. The media urge teens to be party animals. According to the National Institute of Drug Abuse, "Drunk driving is the leading single cause of death among 15-24 year olds."

Although some television programs advise moderation in drinking, the television networks sell their souls to the beer producers because of the megabucks their advertising produces.

These television beer commercials seductively show good-looking young people using these products. The result is 10 million Americans suffer because of alcoholism. Three and one-third million teen-agers show signs of alcohol-related problems. The direct or indirect use of alcohol causes the death of 95,000 people a year. Alcohol costs America $49.4 billion a year.

The Texas Deputy Prison Director, Andy Collins, relates that about 80 percent of prison inmates admit to the use of alcohol or drugs. However, Andy says, "I've never met anybody down here (in prison) that wasn't a drinker or wasn't a drug user." Our American society is paying a deadly price for its love affair with drugs and alcohol.

The Japanese say: "A man takes a drink, then the drink takes a drink, and the next drink takes the man." Is America's future hanging in the balance because our generation wants the next drink? That one drink can throw the teenager, the family, and society out of control. Our generation has a choice which will affect our entire civilization. Our choice must be to reject alcohol and all illicit drugs.

AMPHETAMINES WIDELY ABUSED

(By Christi Benson)

The United States has the highest level of psychoactive drug use of any industrialized society. It is considered one of the leading problems facing our youth.

Even in Midland schools the problem is eminent. Amphetamines are synthetic drugs which are used as behavioral stimulants. Created in 1837 by a German scientist, amphetamines are readily available to the American public.

Amphetamines have positive as well as negative effects on their users, some of which were discovered too late to halt an international amphetamine epidemic. Today amphetamine use stands second only to marijuana use. This is a sad statistic concerning the world's most affluent nation.

Amphetamines became very popular during the 1940s. Commonly known as the pep pill, amphetamines were administered regularly to two hundred million soldiers during World War II. These pills were given to the soldiers to enable them to work longer with less sleep. Many of these soldiers returned to civilian life with an addiction to the drug.

At the same time, amphetamines were being introduced to the American market in the form of diet pills and nasal inhalants. Women of all ages were widely attracted to the new and easier method of weight loss. Sinus sufferers were thankful for the alternative choice for treatment and relief. No warnings were posted on these drugs. The Japanese, Swedish and American governments were faced with an epidemic of intravenous, prescription, and illegal drug use.

A pattern of abuse soon became prevalent among the users of amphetamines. The pattern began with occasional low-dose use. Then the user would graduate to a sustained low-dose use.

In an effort to maintain the state of euphoria, the user would slowly increase his daily dosage, eventually reaching high-dose intravenous use.

From personal observation, this has deemed itself true even within the boundaries of Midland. People who obtained the drugs over the counter or from prescriptions would often use three to four times the recommended dosage to achieve a high. This was the pattern of abuse most visible among the users.

Amphetamines have many positive medical effects. Extreme obesity can be helped with aid of these drugs. The amphetamines cause a person to become more active and require less sleep. Calories would literally be burned off a person. Narcolepsy, sudden recurring attacks of irresistible sleep, can be treated with amphetamines. The drugs fight off the urge for sleep.

Being a stimulant, amphetamines can also be used to counteract depressants. For example, an intoxicated person could return himself to normal with the correct amount of amphetamines. Many nasal inhalants contain amphetamines. Hyperkinesis can also be cured through the use of amphetamines. Many positive effects are achieved through the use of amphetamines.

There are also many negative effects caused by amphetamine use. Use of these drugs can cause increased blood pressure which can lead to a heart attack and eventual death. It also causes restlessness. This restlessness causes increased talking and activity which can lead to burn out. When a person stops taking the amphetamines, he/she often enters an intense sleep for several days. Weight loss can also be a result of extended use.

People often lose too much weight and become anemic or even anorexic. Amphetamines can cause violent behavior and hallucinations. Amphetamine use during pregnancy can cause deformity in fetal children. This deformity attacks mainly the lower limbs of the child. Amphetamine use and its symptoms have also been known to lead to suicide. The negative symptoms of speed abuse are very harmful to its victims.

Often, people close to an amphetamine addict can offer help in the early stages of addiction. There are many signs one can watch for. Users have an extremely dry mouth and high blood pressure. They often breathe at a much increased rate and have rapid weight loss.

In the later stages of addiction, users often have hallucinations and talk incessantly without structure and with no interruption. Across the country many counseling centers are available for addicts and their families. The best bet for the friend or family member of an addict is to get the addict to one of these centers. Help can be found. It could change the addict's life dramatically.

Though amphetamine use has decreased through the years, it is still an enormous problem today.

Unfortunately it is only one of the destructive drugs our society battles today. The drugs are still available and easy to get. The federal government has issued warnings against them, and nasal inhalants now include specific instructions.

Amphetamines have both a positive and negative side. Education and knowledge about these drugs can help another international epidemic from occurring.

This is a call to action, America. Do not let drugs destroy the future of our great nation.

RIPPING OFF THE PAST: THE ONGOING TRAGEDY OF CYPRUS

HON. WM. S. BROOMFIELD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 23, 1989

Mr. BROOMFIELD. Mr. Speaker, I want to share with my colleagues a recent article concerning the theft of priceless religious artifacts from a Greek church in northern Cyprus. The ongoing efforts by the Republic of Cyprus to recover those extremely valuable items from an American collector is another chapter in the tragic story of Cyprus. The desecration of Greek Orthodox churches in northern Cyprus since the illegal occupation of that island must stop. I urge the administration to do everything possible to bring peace to that island by putting the issue of reducing the number of Turkish occupation troops on the front burner in our talks with Turkish authorities.

The invasion of Cyprus in 1974 cruelly divided that lovely island. Over 150,000 Greek Cypriots were displaced from their homes in the north of the island and became refugees in their own land. Thousands of Greek Cypriots are still missing to include Andrew Kassapis, as young Michigan resident who was taken from his family's home on Cyprus and never seen again. Nearly 30,000 Turkish troops occupy the northern tier of Cyprus and over 50,000 Turkish settlers were brought from Turkey to live in the north. The Green Line, an empty strip that is manned by United Nations soliders, now divides that once unified island.

The theft from a Greek Orthodox church in northern Cyprus of millions of dollars worth of valuable mosaics is not the first time that treasures have been taken from churches in the north of that island. I trust that the courts will succeed in restoring those ancient mosaics to their rightful owner, the Greek-Cypriot church. I am concerned that this regrettable incident may not be the last.

I want to share with other Members this disturbing New York Times article about the ongoing rip off of historic mosaics in Cyprus. Now is the time to move toward a settlement of the long-standing Cyprus problem.

The articles follows:

[From the New York Times, May 17, 1989]

COURT TO SAY WHO OWNS 6TH-CENTURY CHURCH ART

(By William H. Honan)

Four rare Byzantine mosaic fragments from the sixth century have been placed in an Indianapolis vault awaiting the outcome of a Federal court trial this month that may determine their ownership. This unlikely setting is the latest stop on a bizarre journey that began in Cyprus with the Turkish invasion in 1974 and that wound its way through Munich, Geneva and New York.

The four mosaics, each about two feet square, are pieces of a much larger decoration that once covered the vaulted ceiling of

the apse of the fifth-century Church of the Panagia Kanakaria in the village of Lythrankomi in northern Cyprus, the Turkish side of the island. Both Greek and Turkish Cypriots say the mosaics were stolen from the church after the invasion.

REASON FOR RARITY

The mosaics, recently offered for sale for $20 million, are composed of hundreds of jewel-like bits of glass, marble and stone, called tesserae, set in gold and silver mountings. The largest of the fragments depicts an adolescent Christ—a rarity because Jesus is usually portrayed as an infant or an adult. The smaller mosaics are portraits of the Apostles Matthew and James and an archangel.

"They are one of only three such early sets of mosaics in the world," said Walter Hopps, until recently director of the Menil Collection in Houston, which has one of the country's foremost holdings of Byzantine art. He said few such mosaics survived an eight-century edict by the Emperor of Byzantium that called for the destruction of images depicting sacred figures.

Lawyers for the Republic of Cyprus, which is the Greek Cypriot side of the island, and the Autocephalous Greek Orthodox Church contend that the mosaics were unlawfully bought at the airport outside Geneva last July by an Indianapolis art dealer who failed to make a reasonable effort to learn whether they were stolen. Accordingly, they seek their return.

"For us, these works are part of our inheritance, our history, our worship and the whole life of our church," said the Rev. Pavolos Maheriotis, the Abbot of Maheras, which is one of the largest monasteries in Cyprus. Father Pavlos, an imposing figure who carries a staff capped with a gold two-headed eagle, has been designated the spokesman for the church on the issue and is to testify at the trial.

"A GOOD-FAITH PURCHASE"

The defendants in the case are Peg Goldberg and her firm, Goldberg & Feldman Fine Arts Inc., of Carmel, a suburb of Indianapolis. Ms. Goldberg, who is also one of three elected county commissioners in Hamilton County, is not well known in the international art world. Her lawyers will argue that under the laws of Switzerland, she made a good-faith purchase. "We contend that Swiss law applies," said Joe C. Emerson, one of her lawyers, "because under the Indiana choice-of-law rule, the governing law is the law of the place where the transaction occurred."

Some authorities on art law believe the outcome may have far-reaching effects. "This is an important and intriguing case," said Stephen K. Urice, a Los Angeles lawyer who specializes in art law," since it may answer such questions as whether an occupying force like the Turkish troops that invaded Cyprus and remain in control of about one third of the island can actually abrogate property rights to works of art. Another important issue is what constitutes due diligence in the purchase of an antiquity."

HOW IT STARTED

In 1986, Ms. Goldberg said, she first learned of the possible availability of "some very extraordinary early Christian pieces" from another Indianapolis art dealer, Robert E. Fitzgerald. According to her pretrial deposition, two years later she and Mr. Fitzgerald were in Amsterdam on other business when Mr. Fitzgerald recalled her interest in the early Christian pieces. She said he invited Michel van Rijn, a well-known Amsterdam art dealer who he said had access to the art, to lunch with them.

Mr. Fitzgerald's lawyer, William S. Spangler Jr., confirmed this account.

In 1985 in France, Mr. van Rijn was convicted in absentia of forging the signature of Chagall on works he was trying to sell and of other charges. Last year he was jailed for about two months in Spain, apparently as a result of a French request that he be extradited. Mr. van Rijn maintains his innocence and said recently that the French did not notify him of the proceedings so he could defend himself.

When Mr. van Rijn arrived for lunch, Ms. Goldberg was shown photographs of the mosacis and she immediately fell "in love with them," she said in her deposition. She said Mr. van Rijn said the pieces were owned by a Turkish art dealer named Aydin Dikmen who had been "the official archeologist for northern Cyprus." Ms. Goldberg said she was told that Mr. Dikmen had found them "in the rubble" of a church and had them legally exported to his home in Munich.

REACTION ON THE "OFFICIAL"

Mr. van Rijn, according to Ms. Goldberg's deposition, said Mr. Dikmen had offered to sell the mosacis to him for about $2 million because Mr. Dikmen was terminally ill.

Mr. Dikmen has not returned calls made to his home in Munich. A spokesman for the Turkish Embassy in Washington said there was no basis for calling him an official archeologist. Cumhuriyet, a major daily newspaper in Istanbul, said on May 9 that when a reporter showed a copy of one of Mr. Dikmen's "export documents" to a former Turkish Prime Minister, Osman Orek, who had purportedly signed it, Mr. Orek denied signing it.

A spokesman for the Turkish Republic of Northern Cyprus reported that Mr. Dikmen had been indicted on charges of smuggling antiquities but was never convicted.

Mr. Fitzgerald, in his pretrial deposition said Ms. Goldberg agreed that if she bought the mosacis and resold them, she would give Mr. van Rijn and him each 25 percent of the profit. Ms. Goldberg said she was shown the mosacis on July 4 in packing crates at the airport outside Geneva.

CHECKING FOR PROPRIETY

In an interview last week, Ms. Goldberg said she checked with "all the agencies I thought were applicable" to determine the propriety of her prospective acquisition. She said she spoke by telephone to Unesco in Geneva to ask about any possible treaty violation, to the International Foundation for Art Research in New York, which maintains records on stolen art, and to the customs services in the Turkish Republic of Northern Cyprus, Switzerland, West Germany, Turkey and the United States. Each one, she said, gave her an all-clear signal.

Asked why she had not checked with the last known owner, the Autocephalous Creek Orthodox Church, Ms. Goldberg said: "I profess ignorance. I contacted the governments that I thought were appropriate."

The Greek Cypriots say that in 1979 they were informed by travelers that the Church of the Kanakaria and other sites in northern Cyprus occupied by the Turks had been vandalized. They say they promptly publicized the losses in public statements, lectures and letters to specialists in Byzantine art. In 1982, they say, they widely distributed a press release calling attention to the missing Kanakaria mosaics.

Bulent Aliriza, a spokesman in Washington for the Turkish Republic of Northern Cyprus, said that the Turkish Cypriot Department of Antiquities had kept the church locked but learned in May 1982 that the mosaics had been removed. A police investigation, he said, "failed to catch those responsible" but recent reports in Turkish newspapers about Mr. Dikman's possible involvement have led to "a very serious investigation" by the Turkish Cypriot police.

HELP OF AN ARCHDUKE

Ms. Goldberg said in her deposition that she got a bank loan in Indianapolis and bought the mosaics for $1.2 million from Mr. Dikman through an intermediary.

In October, she said in the interview, she enlisted Archduke Geza von Habsburg, the great-grandson of Emperor Franz Josef of Austria-Hungary, to see if he could help her sell the mosaics. He was preparing to open a branch of his Geneva-based art auction house in New York.

Mr. von Habsburg telephoned Dr. Marion True, curator of antiquities at the J. Paul Getty Museum in Malibu, Calif. Dr. True said in an interview that he offered her the works for sale; Mr. von Habsburg said in a separate interview that he was only requesting information. Dr. True said she told him the Getty did not collect Byzantine art and that she believed the mosaics were probably stolen. She said she also told the Archduke he should immediately notify the authorities on Cyprus. The Archduke said in an interview last week in New York that he reported to Ms. Goldberg that "the most graceful way out would be to find a donor who would purchase them and donate them back to Cyprus."

ROLE OF U.S. CUSTOMS

Ms. Goldberg denied that Mr. von Habsburg made such a statement to her, but by late October she had retained Louis F. Gerig, an Indianapolis public relations man who was an assistant press secretary in the Reagan White House and later was a special assistant to the commissioner of the United States Customs Service.

THE TRIAL IS SET

With Customs stepping aside, Thomas R. Kline, a partner of Manatt, Phelps, wrote to Ms. Goldberg seeking the return of the mosaics to Cyprus. Ms. Goldberg's response was to retain a law firm of her own, Baker & Daniels of Indianapolis.

On March 29, Manatt, Phelps obtained a restraining order in Federal District Court for the Southern District of Indiana forbidding Ms. Goldberg to dispose of the mosaics for a period of 90 days. Judge James E. Noland set a trial date for May 30.

A.H.S. Megaw, former director of antiquities during the British occupation of Cyprus, which ended in 1960, and co-author of a monograph on the Kanakaria mosaics, said: "They are unique treasures of the pure Byzantine tradition. One prays that their return will lead to the recovery of so much else that has been lost from Cyprus under similar circumstances." His job, Ms. Goldberg said, "was to make sure that all of the appropriate agencies in the United States knew of our acquisition so that there was no reason why we did not properly own the mosaics and so that we could proceed to sell them."

Meanwhile, Dr. True of the Getty Museum said she called Dr. Vassos Karageorghis, then the director of antiquities in Cyprus, and told him the Kanakaria mosaics were in the possession of an American

dealer. Shortly thereafter, the Republic of Cyprus and the Church of Cyprus told their Washington law firm, Manatt, Phelps, Rothenberg & Phillips, to try to recover the artworks.

Manatt, Phelps asked the Customs Service to intervene in the case. A spokesman for the service, Denis Shimkoski, said the Customs Services would not discuss the case now that it is in litigation.

Mr. Gerig, the publicity agent retained by Ms. Goldberg, said he called on William von Raab, the head of the United States Customs Service, this year. A few weeks later, Ms. Goldberg said, she received a letter from Mr. von Raab stating that the Customs Service saw "no reason to contemplate enforcement action with respect to the mosaics."

RENEWAL OF SEAMEN'S LICENSES

HON. NITA M. LOWEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 23, 1989

Mrs. LOWEY of New York. Mr. Speaker, the Coast Guard should be authorized to use all means available to assess a seaman's fitness to pilot vessels. Yet, under the current system, the Coast Guard may not investigate the driving record of a candidate for license renewal to determine if that candidate has a record of alcohol-related misconduct. In renewing seamen's licenses the Coast Guard is directed to account only for the seaman's license. Any acts of misconduct or negligence committed on land, like driving while intoxicated, cannot be included in the evaluation for the renewal of a mariner's license.

Today I rise to introduce a measure to expand the Coast Guard's ability to assess the fitness of applicants for pilots' licenses. My bill would direct the Coast Guard to consider alcohol abuse when licensing ship pilots. We were all made painfully aware of the need for this type of measure when Captain Hazelwood, a three-time DWI offender, allegedly left the helm of the *Exxon Valdez* under the influence of alcohol before the ship ran aground on March 24, releasing 10 million gallons of oil into the Prince William Sound.

My legislation would authorize and require the Coast Guard to access the national driver register to investigate a seaman's driving record when assessing his fitness to pilot a vessel. In addition, my measure would direct the Coast Guard to suspend or revoke a seaman's license if it is found that the license holder has an alcohol problem. I am hopeful that, with the enactment of this bill, we will move closer to ensuring that an environmental disaster like the one caused by the *Exxon Valdez* is never repeated.

RECOGNIZING REV. CHRISTIAN ROBERT ORAVEC

HON. JOHN P. MURTHA

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 23, 1989

Mr. MURTHA. Mr. Speaker, this past Sunday, my good friend Father Christian Oravec celebrated his 25th anniversary of his ordination to the priesthood by offering his Silver Jubilee Mass in Johnstown, PA.

It has been my distinct pleasure to know and work with Father Oravec for many years. To every issue he confronts, he brings the dedication, compassion, and commitment that is in the highest ideals not only of the priesthood, but of the American spirit as well.

Over the past couple of decades, our part of the country has known tough times, including a disastrous flood and at one point the highest unemployment rate in the Nation. Father Oravec was a constant source of spiritual leadership through these times and of community activity as we rallied together to overcome these problems.

Please let me extend my sincere congratulations to Father Oravec, and state my pleasure in making these public comments in recognition of his service and dedication.

SPECIAL WORDS FROM A YOUNG AMERICAN

HON. DOUGLAS APPLEGATE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 23, 1989

Mr. APPLEGATE. Mr. Speaker, I would like to take this opportunity to share with my colleagues in the House of Representatives the highly prescient and reassuring views and thoughts of a young American, Jennifer L. Sherman, a 13-year-old student at the Southern Local Middle School of Columbiana County in my congressional district.

I'm certain that Jennifer conveys the views that most Americans hold when it comes to the American flag and America's veterans. The recent events in which some individuals have sought to pursue ill-conceived notions of freedoms of expression, particularly the case of an artist displaying the American flag on the floor of an exhibit in Chicago, have evoked some real words of wisdom from an outstanding young American, a person very much younger than many of us, but someone who exhibits far greater maturity and citizenship that we often see in our land today. I feel Jennifer's thoughtful remarks are highly appropriate for our time.

WHAT PRICE FREEDOM?

Over one million American servicemen have died for our country; hundreds of thousands have been wounded, including many thousands of amputees. The families of these casualties number in the millions and have suffered deeply to form our nation and defend our flag.

It is a wonderful thing to live in a country that has freedom of expression. It is easy to take this for granted because many of us living in America today did not have to fight for this right.

Recently an artist in Chicago laid the American flag, as his art exhibit, on the floor of an art gallery in a position where many people walked on it. A group of Veterans saw this and took the artist who was backed by the American Civil Liberties Union, to court to get him to take the American flag off the floor. When they lost this battle, you could see tears rolling down the Veterans' faces.

When these brave men sacrificed everything to win our freedom, they did not intend for us to disgrace the American flag. Who is going to fight for their rights?

WHAT THE GETTYSBURG ADDRESS MEANS TO ME

It is July 1, 1863. You are standing on the battlefield at Gettysburg, Pennsylvania. To the steady beat of drums, men are marching into battle carrying the American flag. They are hot and sweaty. Some of them are infected by disease. A cannon goes off. Several men fall screaming in pain as shrapnel tears through their bodies. A man kneels down by this friend who was just killed by a musket ball. Moments later he too is dead. It is very loud, hot, and smokey. Most of the men on the field are wearing wool uniforms and hats.

At a camp nearby a doctor takes off a man's badly injured arm. He is using no anesthetic and his knife is still blood-stained from the last operation.

When both armies, the North and South, marched away from Gettysburg on July 5, 1863, they left a town in shambles. More than 51,000 casualties were left behind. The wounded and dying were crowded into buildings and homes. Homes were hospitals and barnyards were graveyards. Some men were buried in hasty graves and others weren't buried at all.

This alarmed Pennsylvania's governor, Andrew Curtain. He called on a local attorney, David Wills, to buy land for a proper burial ground for the Union dead. Four months after the battle, preparation began on seventeen acres of land that became Gettysburg National Cemetery.

President Abraham Lincoln was summoned to give a small speech. He dedicated a memorial park to the Union soldiers who fought there. The Address, containing 272 words, was given on November 19, 1863. Lincoln made the speech in two minutes. It was more moving and touching than Edward Everett, the famous orator, who was the main speaker.

"Fourscore and seven years ago our fathers brought forth on this continent a new nation, conceived in liberty, dedicated to the proposition that all men are created equal." This means that more than eighty-seven years before Lincoln gave his speech, our founding fathers signed the Declaration of Independence and intended this country to treat men and women of all races and religious preferences, alike.

Yet today all human beings are not treated equal. The Ku Klux Klan and other white supremacy groups terrorize minorities. The Indians have given up all hope of being equal to white Americans. Many have deteriorated to the point where they are caught up in alcoholism and gambling. They are experiencing low employment and income. Child abuse is widespread.

The words ". . . that this nation under God, shall have a new birth of freedom, and that this government of the people, by the people, and for the people shall not perish from the earth" means we as a nation under

God should pull together and fight problems together and rejoice when happiness comes our way. We need to be strong and to fight for what's right.

The 51,000 men at Gettysburg and the 16th President of the United States, Abraham Lincoln, gave their lives to preserve our freedom and liberty.

How many people today would leave their families to fight for their country? How many people would die to preserve our freedom?

How many people really love our country? We don't even say the Pledge of Allegiance in school. Roughly half of the eligible voters don't even bother to go to the polls. During the Vietnam Conflict many men headed for Canada rather than serve their country. There are demonstrations against our President and our government. We are no longer a united country.

During the raging battles of the Civil War, a soldier would carry the American flag and hold it high off the ground. Often a flag bearer would be shot clutching the flag as he fell.

Recently an artist in a major city laid the American flag, as his art exhibit, on the floor of an art gallery and expected people to walk on it. A group of Veterans saw this and took the artist who was backed by the American Civil Liberties Union, to court to get him to take the American flag off the floor. When they lost this battle you could see tears rolling down the Veterans' faces.

When people like this deliberately deface the American flag they are making a mockery of the thousands of soldiers and families who suffered or died to preserve our freedom.

The next time we need men to fight for our country who is going to want to do it considering what the Veterans are going through?

The men at Gettysburg who suffered and died did not intend for us later to disgrace America and her flag. They gave their "last full measure of devotion." Shouldn't we also?

A NOTE ABOUT THE AUTHOR

My family and I visited Gettysburg last summer. We had a personal tour guide take us around Gettysburg National Park while she explained the battles to us. I tried to imagine myself out on the field fighting and then standing there listening to the Gettysburg Address. It made me proud to be an American. I wondered what I could do to help our country.

Last week when I heard about the artist and the A.C.L.U. getting away with making a mockery of the American flag while bringing tears to the eyes of the Veterans, it made me want to help our country by helping the American Veterans. I hope by writing this paper someone might read it and help them.

RURAL HEALTH CARE: THE STRUGGLE FOR ACCESS STILL RAGES

HON. NICK JOE RAHALL II

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 23, 1989

Mr. RAHALL. Mr. Speaker, I am a member of the Rural Health Care Coalition, and a cosponsor of a series of bills recently introduced by the coalition.

There is no question that when, in 1987, the Rural Health Care Coalition was founded by Representatives TOM TAUKE and MIKE SYNAR, it was an idea whose time had come. I applaud the leadership they showed in founding the coalition, and convey my thanks to them for the time and effort they and their staff provide to other coalition members.

Recently, a series of bills were introduced (H.R. 1583, H.R. 1584, H.R. 1585, H.R. 1586, H.R. 1587, H.R. 1588, and H.R. 1589) and which I strongly recommend to my colleagues for their consideration and cosponsorship, that represent the coalition's intent to maintain and strengthen the Nation's rural health care delivery system. We have, as our goal, the ensurance that every rural American has access to high-quality, affordable, community-based health services.

Mr. Speaker, I know that the Congress has just acted on next year's budget resolution covering all the major programs that we hold to be crucial to the well-being of our citizenry—everything from Medicare and Medicaid, to education and health care—and we went on record with regard to protecting those who need a helping hand the most—those whom we designated in low-income/high priority programs.

Members of the coalition testified before the Appropriations Subcommittee on Labor, Health and Human Services, Education, and Related Agencies on May 2. I would like to add my voice to that testimony on behalf of those appropriations requests. While we know the budgetary constraints faced by all Members of Congress this year, and certainly the next, and while we kept our requests on behalf of rural health to a short list of priorities, those included in our requests for funding are those that will do the most to address health care needs in rural areas.

Priorities described in the coalition members' testimony included rural health care transition grants for the purpose of assisting small rural hospitals adapt to new trends in medical care and technologies, and to the changing demographics and economies of rural areas. We ask for full funding of these grants at $15 million.

The need for additional Federal support to combat infant mortality is overwhelming. The United States ranks 19th among industrialized nations in its infant mortality rate—10.4 per thousand births. To address this problem, virtually all maternal-child health experts have stressed the need to reduce the obstacles women face in obtaining prenatal care, including geographic, financial, and education barriers. We ask for a $50 million increase in the maternal-child health block grant in order to involve more pregnant women and mothers with infants in Federal maternal-child health programs. This is not a lot of money when you consider that taxpayers spend $6 billion to care for infants not receiving prenatal care—and it would benefit urban as well as rural areas.

We are deeply appreciative that the HHS Secretary, in 1987, responded to our request for an Office of Rural Health Policy at the Public Health Service—but what it needs now is funding. Last year, funds to support the important activities of the newly created Office were taken from appropriations for rural health research centers—the funding for which was only $1.48 million in fiscal year 1989. This important Office cannot address the rural health care crisis if it does not have the resources to do the job. We ask for funding at or above the $3.1 request of the administration, and for a specific set-aside of those funds for the operations of the Office of Rural Health Policy.

Other coalition requests for funding priorities included programs to alleviate the shortage of health care personnel in rural areas—of not just doctors but also of nurses, nurse practitioners, medical technologists, physical and occupational therapists, and a whole array of allied health professionals. We ask for maintenance of National Health Service Corps, including the earmark of $3 million for the NHSC loan repayment for nurses.

The coalition included in its request, at least current levels plus inflation adjustments for area health education centers [AHEC's]. This program is of critical importance in my district and to the State of West Virginia as a whole.

Mr. Speaker, since the 1960's there has been a concerted effort by the Federal Government to improve the health status of the population of the Appalachian region—a region consisting of 397 Appalachian counties in 13 States. West Virginia is the only State which falls entirely within the definition of Appalachian "poverty."

Federal health care initiatives have been designed to increase the access to medical care for the indigent, women and children, the elderly, or anyone else in need. The philosophy behind this effort has been that health care is a right regardless of ability to pay. The outcome has been the creation of some 400 primary care/community health clinics scattered throughout the Appalachian region.

In spite of these federally funded initiatives, many areas within this region report continuing shortages of physicians, nurses, physical therapists, and other types of health workers. For example, in West Virginia, National Health Corps Services assignees often leave after their obligations have been met, especially those assigned to rural areas. Today, some 45 or so counties in West Virginia report a shortage of physicians within four levels of the HMSA designations used by the Federal Government. Conversely, epidemiological indicators point to high rates of poor nutrition and obesity, drug/alcohol dependency, certain cancers, teen pregnancies, industrial accidents, poor dental hygiene, and a variety of other health problems throughout the State. This is a deadly combination when you factor in massive unemployment causing thousands of individuals and families to be without health insurance.

An expansion of area health education centers, Mr. Speaker, would go far in converting a liability into an asset; that is, the existence of serious untreated health problems provides an excellent learning opportunity for health science students, and could also serve as an inducement in the recruitment and retention of these students after graduation. We need to build on the firm foundation already laid by past initiatives to increase access to health care, by constructing as the next component, a network of learning centers in select primary

care centers throughout the Appalachian region.

By implementing this "second phase," we could realistically build upon the AHEC concept which was designed to serve both student and the surrounding areas, linking academic medical centers with actual clinical training in underserved areas. Forty-three AHEC centers now serve 247 counties in 19 States, and 19 of the first 21 AHEC's, including West Virginia's, are still in operation despite the fact that they are no longer eligible for Federal assistance.

West Virginia, which is 63-percent rural in nature, has begun to address the problem of uncompensated health care, and has established a pilot health insurance program for the working uninsured. The State's total uncompensated health care amounted to $130.87 million in fiscal year 1987—the last year for which such data is available. Blue Cross/Blue Shield has recently notified the State that group health care rates will increase by as much as 90 percent in some areas in West Virginia. This means that 1,000 more in our State will probably cancel their insurance, because they can't afford the higher premiums—and there are already an estimated 300,000, or nearly 16 percent of West Virginians without health care insurance; and 80 percent of those have incomes below 200 percent of the Federal poverty level or, roughly translated, are medically indigent.

Finally, Mr. Speaker, I want to reiterate my appreciation for the many benefits that have accrued to rural West Virginia, and Appalachia as a whole, as a result of Federal initiatives for improving access to health care. I single out the AHEC's for special praise because access to health care has been improved. But the incontrovertible fact remains that—geographic isolation continues to be a major constraint for future programming—and geographic isolation continues to be a common characteristic among the 13 Appalachian States, ranging from the southwestern counties of New York, to the rolling hills of Mississippi's northwest, and includes the States of Pennsylvania, Maryland, Ohio, Kentucky, West Virginia, Tennessee, North Carolina, South Carolina, Georgia, Alabama, and Virginia. The Nation's poverty pocket—known as Appalachia—still needs our attention and our care to bring it into the mainstream of civilization, and out of the misery of constant want and the despair of never quite having full access to such life-giving necessities as jobs, food, shelter, and health care.

A TRIBUTE TO REGINALD F. MARRA: AN OUTSTANDING PUBLIC SERVANT

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 23, 1989

Mr. GILMAN. Mr. Speaker, each of our colleagues can attest to residents of our congressional districts whose devotion to public service is well above and beyond the call of duty. I would like to call to the attention of our colleagues the career and accomplishments of one such constituent in my own 22d District of New York.

Reginald F. Marra decided at an early age that he would devote himself to a life of serving others. After graduation from the State University of New York in Oswego in 1963, he pursued a career of teaching—which we all know is one of the most thankless, yet gratifying, professions that an individual can engage in. By helping mold young minds, Reg Marra helped guarantee the future of our Nation. Reg Marra followed 11 successful years as a teacher by becoming principal of the Saunders Trades and Technical High School in Yonkers. After successful stints as director of occupational education and special assistant for legislation for the Yonkers School District, Reg now serves as deputy superintendent of schools for Yonkers: A career of dedication to the education of our youth.

In addition to his education pursuits, Reg Marra's public career began in 1973, when he was elected to the first of three terms as trustee in the village of Irvington-on-Hudson. The Irvington residents in gratitude for Reg's devotion to his community, and for his outstanding years as a trustee, rewarded him by electing him mayor in 1979. During the subsequent 10 years, Mayor Marra led his village through some of the most controversial and challenging years which all of our small communities faced. Mayor Reg Marra, in an outstanding manner, lead Irvington-on-Hudson through those years and successfully met those challenges. His expertise and dedication were recognized in his election as first vice president, and then president, of the Westchester County Village Officials Association.

Throughout his years of service, Reg Marra did not neglect his family and personal lives. His lovely wife Marianne, their sons J.P. and Matthew; and their daughter Lisa are proud of the accomplishments that Reg Marra has achieved. In the meantime, Reg found time to earn a master of arts degree at Manhattan College and to study educational administration at Fordham University.

As a lifelong resident, born and raised in Irvington, Reg Marra's fellow villagers especially appreciated his choce to devote his life to building a better community. In addition to his elected positions, Reg Marra has also served on the board of directors of the Hudson Valley Day Care Center, the Jobs for Youth Program, and the board of trustees of the Dobbs Ferry Hospital.

Reg Marra chose not to seek a sixth term as mayor this year because he has duly earned a respite, and an opportunity to spend more time with his family. But his services will not soon be forgotten.

Mr. Speaker, I invite my colleagues to join with me in saluting an outstanding public servant who has been an inspiration to us all and to join with me in wishing Reg and Marianne Marra good health and happiness in all their future endeavors.

FIX FAX FLOOD

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 23, 1989

Mr. STARK. Mr. Speaker, it began a few months ago, and appeared to be somewhat of a novelty or rare occurrence: Our fax machine would spontaneously spout a faxed commercial advertisement for office equpment or pitching discount prices for fax paper. Sometimes, an unsolicited fax advertisement for a pizza carryout or a sub shop came over the fax machine.

Admittedly, the early fax advertising was somewhat amusing.

Now, it's a royal pain in my backside. Misuse of junk fax advertising, initiated by irresponsible and notorious advertisers, threatens the current legislative environment in this new technology.

Just a few weeks ago, I joined my colleagues ED MARKEY, CHRISTOPHER SHAYS, BARNEY FRANK, and MATTHEW RINALDO in introducing legislation which would allow fax owners to effectively block junk fax advertising. The approach parallels efforts to encourage the regional telephone companies to allow blockage of "976" numbers and stop the intrusive dial-a-porn industry.

The following article outlines a very interesting perspective on the need for Federal junk fax adverstising restrictions. I urge my colleagues to consider the article.

[FROM THE WASHINGTON POST, MAY 23, 1989]

THE JUNK FAX ATTACK: WHY MARYLAND MAY OUTLAW UNSOLICITED ADVERTISEMENTS

(By Jerry Knight)

When the history of facsimile transmission machines is written, Elliot Segal should be remembered as The Man Who Faxed Himself to Death.

Segal is a classic late 20th Century technopreneur, an innovator who ranks right up there with the inventors of phone sex, colorized movies and 900-numbers that tout video game tips to little kids.

He is also the reason that Maryland this week could become the second state in the union to outlaw "junk fax."

Fax machines, for those who blinked and missed the revolution, are the hottest tech since cellular phones. They send and receive copies (facsimiles) of documents by phone lines at the rate of a page a minute or less. At $8 a pop to send a letter across the country by Federal Express or across town by messenger, versus less than $1 a minute for a phone call, it doesn't take long to pay for a $799 fax machine. That's why the fax population has doubled—to 2.5 million—in the last year and could double again in the next.

Junk fax is the electronic equivalent of junk mail. More than a medium with a new message, it is a rave new world of marketing that literally uses the fax as an advertisement for itself. Unsolicited solicitations are an occupational hazard in the newspaper business; our fax machines generate missives with such fecundity that even Fawn Hall couldn't keep up with shredding them. Some papers—not this one—have decided that unsolicited fax are not fit to print, so they change their fax numbers frequently. But these are not junk fax messages. Junk fax is advertising.

Which brings us to the Elliot Segals of the world. His contributions to the trivialization of technology include transforming the fax machine into a vending device and paying bounties for lists of unlisted fax numbers.

Segal is VP for marketing for a California company called Mr. Fax. Two years ago he and President Steven Ridinger set out to become electronic Fuller Brush men, using fax machines to sell fax machine paper. Mr. Fax gets his foot in the door by sending out ads by fax. Your machine beeps and out belches an order form from Mr. Fax. You fill in the blanks, fax it back and your paper will be on the next truck.

And you get a free bonus! A Polaroid camera for every 100 new fax numbers you provide. Just make a copy of the fax line phone bill, fax it to us and the camera is in the mail. Thus junk fax spreads like a social disease, when someone you faxed with swaps your phone number for a Polaroid.

In this era of instantaneous communication, the backlash against junk fax was not long in coming. At latest count, the federal government and nine states were moving to curb junk fax.

House Telecommunications and Finance subcommittee chairman Ed Markey (D-mass.) will start hearings Wednesday on a bill that would require the phone company to help control junk fax. People who don't want to receive advertising on their fax could notify the phone company, which would publish lists of numbers that fax advertisers would have to avoid.

Aside from the aggravation, there are two complaints against junk fax. First, the recipient has to pay for it. Fax machines use special paper and that paper isn't cheap—3 to 5 cents a foot if you buy it at a discount from Mr. Fax—so receiving a junk fax is like getting junk mail with the postage due. Second, when someone is sending you a junk fax, you can't use the machine either to send or receive.

There are lots of jammed-with-junk-fax horror stories around, the best of them about the New York nuclear/submarine crisis. As the Associated Press tells it, New York Gov. Mario Cuomo was expecting a memo on nuclear power plants from state consumer protection chief Richard Kessel, but Kessel couldn't fax it because his machine was busy receiving a three-page menu from a local sub shop. That's one reason New York is considering a junk fax law.

Connecticut became the first state to legislate against junk fax thanks to our Mr. Segal and another of his ventures, an organization called the National Fax Users Committee. Ridinger said Mr. Fax organized the NFUC at the urging of customers, who fear that junk fax controls will not only outlaw advertising but also require all users to call for permission before they fax anything to anybody.

Threatened with the loss of the lucrative Connecticut junk fax market, the NFUC launched a fax attack to try to get Gov. William A. O'Neill to veto the bill. NFUC sent out several thousand faxes urging the faxees to refax the fax to the fax machines in the governor's office. They did. Unfortunately the fax flood coincided with a real one. As the governor was awaiting a flood condition report from the state Office of Emergency Management, the veto pleas came faxing in. Until that moment, the junk fax problem was not considered important enough to require a new law. After the industry faxed itself in the foot, junk fax victims in Connecticut can qualify for up to $200 in damages.

Then it was on to Annapolis, where the junk fax industry last week launched what Robert Iannucci, the governor's legislative director, called, "the most counterproductive lobbying effort I've ever seen."

For hours, Gov. William Donald Schaefer's machine churned out faxes on the fax bill, 343 of them, more than all the messages the governor's office has received on all the other 900 bills awaiting his signature. Most of the faxes came from out of state and most urged the governor to veto the bill. But roughly one faxer in five crossed out "veto" and wrote in "sign." Many of them added comments that cannot be printed in a family newspaper but used language Schaefer could relate to.

The governor says he will decide in the next few days whether to sign the bill. If you want to influence his decision, don't send a fax.

SALUTE TO NATIONAL MARITIME DAY AT PORT EVERGLADES, FL

HON. LAWRENCE J. SMITH

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 23, 1989

Mr. SMITH of Florida. Mr. Speaker, as part of our national celebration of America's merchant marine, I invite you and all my colleagues to join me in applauding a young man from my district who recently won a nationwide essay contest sponsored by the Propeller Club of the United States.

Adam Pollack of Cooper City High School competed with students from across the country, and in winning the contest, he became the second Port Everglades Propeller Club representative in a row to be awarded first place. I congratulate the entire Pollack family on Adam's achievement. Also, I wish to recognize his teacher, Marsha Williams, for helping Adam develop the skills which let him create such an exemplary essay.

Members of the House, I find it especially appropriate that part of America's tribute to its merchant marine involves our youth. Today's students should learn all they can about this unique and important part of American history. American mariners have made outstanding contributions to our Nation. They were a vital part of America's fledgling Navy during the Revolutionary War, and they proved their commitment to the country in this century again, when they endured terrible losses and hardships in order to supply the Allies during World War II.

In peacetime, American mariners have always helped America build and develop its economic strength, and they should be thanked for their part in our success. The merchant marine has earned a proud place in America's history and culture.

Finally, I wish to recognize the Port Everglades Authority and the Propeller Club for cosponsoring a National Maritime Day reception.

H.R. 1654, THE CRIMINAL ASSAULT WEAPONS ACT OF 1989

HON. VIC FAZIO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 23, 1989

Mr. FAZIO. Mr. Speaker, today I am adding my name to the list of Members cosponsoring H.R. 1654, the Criminal Assault Weapons Act of 1989. While I am supporting this measure to enhance the penalties associated with the use of semiautomatic assault weapons in connection with crimes of violence and drug trafficking offenses, I also believe that we must go beyond enhanced penalties and enact legislation which will prohibit the importation and manufacture of semiautomatic assault weapons.

In this light, I am also a cosponsor of H.R. 1190, the Semiautomatic Assault Weapons Act, legislation which includes enhanced penalties and a ban on the importation and manufacture of semiautomatic assault weapons. If we are to limit the easy availability of these types of weapons and limit their use by drug dealers and others who use them in the commission of crimes, then we must approve a comprehensive measure which bans manufacture and importation and includes enhanced penalties.

PRESIDENTIAL MANAGEMENT INTERN PROGRAM

HON. BRIAN J. DONNELLY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 23, 1989

Mr. DONNELLY. Mr. Speaker, over the past 10 years as a Member of the House of Representatives, I have had the opportunity to meet many of the people that have come to visit my office. Many of my visitors have come for advice on how to land a job on Capitol Hill or in one of the many Federal agencies. For all the advice that my office has been able to muster, I regret that the demand for most of the jobs and internships vastly outweigh the supply.

One of my constituents, Elaine M. Sudanowicz of Dorchester, MA, who participated in the Presidential Management Intern Program in 1986, has written a piece that I believe should be reprinted in the RECORD. Her accounting of the PMI Program should be of value to many young professionals who have been inspired to gain experience in the public sector.

Elaine, a graduate of Suffolk University in Boston, is a contract negotiator for the Air Force Systems Command/ESD-PK at Hanscom Air Force Base, MA. She dedicated the following article to her mother, Helen Sudanowicz, who passed away during her internship. Mrs. Sudanowicz served the Federal Government for 20 years with distinction and shaped Elaine's commitment to public service.

The article follows:

A FIELD PERSPECTIVE ON THE PMI PROGRAM

(By Elaine M. Sudanowicz)

Why select a public service career? When compared to the private sector, the motivational factors certainly are not monetary gain or financial reward through attractive benefits. For many, the decision to enter government service is based on intangible values anchored in commitment, dedication, and integrity. Giving oneself in service to others and to our country motivates many and attracts them to the higher calling of public service. The Presidential Management Intern (PMI) program is such an initiative.

INTRODUCTION

The PMI program began in 1978 to attract the "best and the brightest" to public service and to train them as future federal managers. Today, the program, sponsored by the Office of Personnel Management (OPM), competitively selects approximately 400 highly qualified master's degree graduates annually for federal placement in diverse career fields. Although many interns are right out of graduate school, other PMIs are already career civil servants who "downgrade," accepting less pay in order to serve an agency in a new capacity, and gain a different experience. Others have prior work experience at the state or local government level.

PMIs train with an agency for two or three years and begin their internship at a General Schedule (GS) level 9 position, earning around $22,000 annually. During the internship, PMIs advance a grade per year, ending at the GS-12 level. In many agencies, PMIs are free to change positions during the internship. For example, a PMI with an interest in budgeting might work for a congressional budget committee or the Office of Management and Budget for awhile to gain budget experience.

As a PMI finalist gets to the point of selecting an agency, major career decisions take place that prove more intense than the initial competition phase of the Office of Personnel Management's selection process. It is an exciting time to become a federal employee and help influence the future of public service. Learning to work within the federal bureaucracy and make a difference in your agency is a daily challenge. The time has arrived when more must be accomplished with less. Major changes and budget cuts are overdue, forcing a reprioritization of programs. All of these interrelated factors will affect your internship.

The issues presented in this article are based upon my career decisions and experiences as a "field" PMI training as a defense contract negotiator. A "field" intern works outside of Washington, DC in one of the 10 federal regions. Specific lessons learned for interns include:

Believing in and understanding your agency's mission;

Decisionmaking to support the agency from the field; and

Balancing on-the-job training (OJT) with continued education and planning for a future federal career beyond the PMI program.

SELECTION PROCESS

Recruitment

Agency recruitment correlates directly to agency need. The number of interns selected by an agency varies from year to year. Some federal agencies develop their own internal training programs. Interns are influenced greatly by external factors that contribute to their attitudes toward a particular federal agency or career field. Likewise, agencies develop attitudes about PMIs—most positive, others negative.

In 1986, the uncertainty of the Gramm-Rudman impact on federal agencies left many interns with limited career options. Initially, agencies withdrew job offers and later reinstated positions after the majority of interns were placed. However, in the years following 1986 more positions have opened up to PMIs. The program recently has grown from 200 to 400 positions annually.

Agency Mission

The selection of a federal agency and career field is a complicated process involving deep self-analysis and examination of an agency's mission. Understanding and supporting an agency's mission is critical to carrying out its goals at every level within the organization. A commitment to serve the public and dedication to the agency's mission should be ingrained in those honored to hold positions of public trust.

It does not matter at what organizational level you are assigned. Without strong personal belief in the agency's goals, you may become narrow-minded and unable effectively to sustain enthusiasm for all of the minute tasks assigned over an extended period of time. For example, at times extensive paperwork may diminish job satisfaction, but if you believe in your contribution to your agency's goals, productivity will increase and a feeling of accomplishment can tackle any obstacle.

If an intern does not examine his or her suitability to an agency's mission, a mismatch could force a disconnect between the agency and the intern, leading to employee turnover. If a PMI takes a job with an agency whose mission he or she does not particularly care about, the PMI may end up quickly losing interest in the agency and the job.

It is important to realize, too, that agencies select interns according to who best fits their mission goals and needs, and that different agencies have varied levels of expertise at administering internship programs. New interns should exercise patience with their agencies because many are trying to provide quality training, and their training programs may just be starting to evolve.

Selection

Selecting an agency is multi-faceted. True personal success and a bright future with an agency depend heavily upon both the agency and the intern supporting the agency's mission and on the fulfillment of mutual needs.

An agency makes a financial training investment in each intern, and it is the intern's responsibility to make a return on the agency's investment. If the intern is unwilling to reciprocate, the agency may not be as willing to offer a high position or increased challenges when the internship is over. Although intern salaries tend to be low, an intern should factor in the training investment and courses provided by the agency.

Personal Choice

In 1968, influenced by the space shuttle disaster and reports of high priced spare parts in Defense, personal career choices led me toward the contract negotiation career field. Prior work experience would have led to a more obvious career choice in the corrections and criminal justice area. However, ask yourself as I asked myself, "Where can I serve to help make a difference, learn the most in the intern process, and make future contributions to public service?"

After completing the PMI program interview process in Washington, DC and accepting a training position as a contract negotiator with the Air Force Systems Command, Electronic Systems Division, of Hanscom Air Force Base, I visited Arlington National Cemetery. Walking through the cemetery was a sobering experience which reaffirmed my commitment to serving the public and the mission of my agency. Symbolically depicted, I felt the dedication of individuals who gave their life in service to defending our country and to furthering the exploration of space.

Contributions to Public Service

Even though as an intern your contribution may only be a small part of the whole, if all your work is quality work, then you can take pride in the larger coordinated effort. In the final analysis, it all relates to an agency's mission and to serving the public with excellence. As a contract negotiator, I derive great satisfaction from conducting a thorough analysis, examining proposals, and negotiating a fair and reasonable price for the government. I have never regretted doing extra work to ensure a quality effort.

Be prepared to give your best at all times because the public deserves your best effort. As a PMI, you represent the PMIs who will come after you. You are also a reflection of your agency and of your graduate school. Try not to make the road harder for future PMIs. Some federal agencies now refuse to hire PMIs because it is not worth their extra effort to continue hiring PMI's when past PMIs made it very difficult for others. As an intern, you have a responsibility to assist your fellow trainees regardless of the training program to which you happen to be assigned. Serve as a true role model for the newer interns following behind you.

Loyalty

Loyalty to your agency and to serving the public is an important attribute. Loyalty must not be blind, but have a concrete foundation in high ethical values. Upholding the United States Constitution through quality public service in your agency is key.

All federal employees recite and affirm an oath of public office. As you enter federal service, take your oath and conviction to your agency's mission seriously and try to maintain it throughout your career. Reciting your oath with conviction is important because these are not mere words, but your pledge to uphold the Constitution through the work of your agency.

WORKING OUTSIDE THE BELTWAY

Although proportionally fewer PMIs are permanently located in the field, it is important for an internship to be well-rounded. Those PMIs permanently located in Washington, DC should consider rotating to regional field offices to gain an understanding of field level implementation of national level policy. Likewise, those PMIs in the field should be fully aware of department-level coordination of various field activities and their established processes of follow-through to ensure that policy is implemented properly.

Field Advantages

There are many advantages to working in the field. Working for an agency at the regional level is often where the greatest contact is made with the general public and with its operational functions. In many instances, the service delivery process begins and ends in the field. Federal policy is tested in the field and measured against

how these policies affect the public. It is in the field where the most intergovernmental coordination takes place between all levels of government. For example, there is a great deal of operational contact between leaders of the local business community and every federal agency involved in acquisition contracting.

Individual public access is greater in the field than it is in Washington, DC. Field office employees in federal agencies such as the Social Security Administration, the Environmental Protection Agency, and the Internal Revenue Service have direct contact with the public on a one-on-one basis.

Field Disadvantages

The greatest drawback to accepting a field position when 90 percent of your counterparts are located in Washington is geographical isolation or distance. Another disadvantage is not gaining Washington or headquarters experience.

To compensate, field interns should participate in all PMI conferences sponsored by OPM. The PMI program encourages all interns to attend management development seminars designed specifically for them at certain points in their program development. These programs consist of PMI Orientation, End of First Year Seminar, End of Second Year Seminar or Graduation, and a Foreign Affairs and Congressional Briefing Conference. Additionally, interns may consider taking other headquarters' courses.

Field Isolation—A Solution

Field interns actually have greater personal flexibility. A field intern can take advantage of both many Washington, DC activities, and events geared to PMIs in the region. For personal and family reasons, many PMIs must work close to home. Many already have established themselves in their local communities, own their own homes, and must in addition to career, care for children or aging family members. There is flexibility to participate in many PMI activities, serve your agency from the field, and maintain personal relationships and responsibilities. It is important to realize that field PMIs can develop a quality internship.

Field isolation occurs if the intern decides not to become involved. Each intern is personally responsible for his or her level of interaction in the field with other activities. There are plenty of opportunities to join work-related professional associations, like the American Society for Public Administration, the National Contract Management Association, and the Presidential Management Alumni Group.

Actively participate in professional activities, get involved at work, and support one another within the same geographical location. It is challenging to utilize your organizational skills around career field specialties within your own agency and with other federal, state, and local governmental units.

Although interns are usually clustered by class year and geographical location, it may make sense to coordinate field activities to include all PMIs and PMI alumni located within one federal region. Doing so fosters networking and field interns can learn more from each other through their assigned agencies.

Policy Implementation

Deciding the level within the organization at which the internship is to be performed is based on agency need and personal choice. It may also depend upon the intern's past work experience. As an intern, it is important to blend both a macro and micro understanding of policy implementation and operational functions in the field.

Those more effective at drafting public policy should have a thorough understanding of how this policy will be implemented and how it will affect the field's operating procedures. It does not take long when implementing higher level policy to realize how important its effect is on the field. PMIs in Washington work on broader public policy issues. Interns should seriously consider this important difference. For example, acquisition interns must learn the fundamentals of contracting in the field before thinking of working on contracting policy in Washington.

Policy should be tested at the most basic implementing process levels in the field. Providing training and enough time for proper implementation is critical. Follow-through with periodic field visits is necessary to check on the effectiveness and the efficiency of new policy. At times the intent of policy is lost when it filters its way down to the field operating level after being subjected to various higher levels of interpretation. Interns on rotational assignments often work in capacities where they experience this conflict firsthand.

Increased Responsibility

When located in the field, most field interns are utilized immediately and are placed in positions of greater responsibility than they would have in Washington. Interns often fill vacancies due to federal hiring freezes, and as such, are expected to step right into the job, perform many tasks with a lot of responsibility, and maintain aggressive PMI and agency-related training and travel schedules. For example, the turnover rate in the acquisition career field is high and many times acquisition interns are learning on the job while filling a critical seat in the organization.

Regardless of the pressure, field interns should assist their managers and rise to the challenges presented to them in the field when filling the needs that vacancies inevitably create. After all, as future managers, you will face the same issues with increasingly limited resources. Deciding to train in the field is often based on a strong belief that in order to impact future public policy, a full understanding of how the field level works and its problems is crucial. The probability of a PMI obtaining future supervisory experience with higher responsibility is also enhanced in the field.

BEYOND THE PMI PROGRAM

Rotational Assignments

The highlight of the PMI program is rotational on-the-job training (OJT) assignments. As an intern, it is imperative that you are exposed to various management levels within an agency. You should attend higher level meetings, assist the agency in developing managerial problemsolving techniques, and understand the multifaceted issues confronting your agency. Depending upon your job series and agency, rotational assignments vary greatly.

It is safe to state that no individual internship is exactly the same. This is due mainly to the diverse needs and expectations of various agencies with differing missions and to the diversity of PMIs. Interns work to complement and help the agency achieve its goals. It is not unusual for PMIs to have cooperative interagency agreements where several agencies working on similiar projects allow interns to crossover from agency to agency. The most common rotation is gaining departmental level experience by serving an agency in Washington and at the regional level in the field.

At times, it is difficult comparing yourself to other interns who have what are perceived as more glamorous rotational assignments. In certain federal agencies like the Office of Management and Budget or the State Department, rotational assignments may involve high-level policy decision analysis or exposure to international issues. Keep in mind the end result and the mission of your agency if your agency does not allow you to rotate. If you are learning and contributing to your agency, your experiences may be different from that of other interns, but not necessarily less valuable.

Generalist versus Specialist Training

When deciding which rotational assignments to take determine whether you are being trained as a generalist or as a specialist within a specific job classification series. Fully understanding this concept allows the intern to plan more effectively. For example, being trained as a contract negotiator in the 1102 job series demands highly specialized OJT and formal education in acquisition with a business base.

Management intern programs tend to promote more generalist training techniques. However, future success in some fields such as contracting is limited without specialized training. It is important to analyze what criteria are promoted in your agency and within your career field, and to obtain the appropriate expertise. No one can take this added edge away from you and it will make you a better manager to your agency in the long term.

You and your agency must develop a trust for future growth within specific career fields. To be well-rounded as a PMI, be aware of your position and exercise your options cautiously. If you are being trained solely as a generalist, search for opportunities to learn about more specialized areas within your assignment. Likewise, if you are limited by only specialized training, examine alternatives to keep your good "generalist" management skills fine-tuned throughout your specialized training.

The key to success is flexibility and adaptability. The learning process continues if your mind is open to alternatives. Overall, your success depends upon the quality OJT received from your coworkers and supervisors. Observe and adapt to differing conditions and management styles, because you will learn a lot in the process if you remain open and trust those at higher levels.

Organizational Structure

Most interns admire and respect their coworkers, supervisors, and managers. Grade level should not matter. At every level in the organization, excellence can be achieved. There are many unsung heroes. Those with the greatest amount of experience and time in federal service may not hold the higher positions. Often an observant intern will see that these same individuals support the foundation of the organizational structure. Without them, the mission would not be achieved.

Interns can learn a great deal by observing and examining how the various parts of their agency's organization support the whole. In order for the mission to be successfully accomplished, all must contribute the very best they can offer. An intern should perform in a manner that complements the work of others in the unit.

Upper Level Management Support

Executive level managers set the example and tone for the rest of the agency. Many members of the Senior Executive Service [SES] and high-level managers contribute valuable time and advice by serving as mentors for interns, as training program coordinators, and as PMI cluster group leaders. A cluster group is made up of about 30 PMIs. Outside of DC, PMIs are clustered by geographical region. Regardless of location, cluster groups help PMIs network and organize additional training and exposure to federal issues beyond the boundaries of one federal agency.

These managers' dedication, commitment to public service, and extra effort on behalf of intern training programs is commendable. Without SES and high-level management support and active involvement, the internship would not be as effective.

Unless upper management sets the tone for intern acceptance, quality training may not occur throughout the agency through rotational assignments. Cluster group leaders often are the critical link in an agency to coordinate innovative training opportunities and cluster group activities such as those advanced management development techniques conducted by the PMI Southern Cluster Group as NASA's Johnson Space Center.

Transitioning

Real learning will most likely occur after the intern has completed all rotational assignments and is actually performing on his or her job. Interns need to step back and examine their training. During the internship, rotational assignments expose you to short-term training assignments only. Analyze the total experiential learning process to gain a full understanding of your internship.

Once the internship is completed, most interns are hired by an agency and converted to a competitive position. Understand that experience can only be replaced with experience. For example, the high employee turnover rate in the contract negotiation career field means that many experienced negotiators governmentwide have been lost.

Education and training are important factors, but experience is as important when filling future permanent vacancies. Education can complement but never quite replace experience. This understanding is critically important because in most fields, common sense and a solid track record count.

Promotions

It is a mistake to assume higher grades will automatically be given to you after being converted to a permanent position. In fact, higher grades will never automatically be achieved. In most cases, interns are provided with training to work toward the position at their targeted grade level within a job classification series. The PMI screening process and agency interviews measured your potential to the GS-11 or 12 level, which is the journeyman/woman's level.

Unless you can prove to your superiors (in a competitive arena with your peers) that you can function at higher grades before promotion, you may not be in contention to go any higher. In other words, do not expect anything without hard work, long hours, and planning. The bottom line is you will only achieve what you are willing to put into the effort. A little luck at times may help, but do not count on it. Interns should look beyond to the next challenge ahead.

Future Planning

Look beyond the present and plan for the future. In fact, once you have an understanding of your agency's parameters, it is not premature to extend your personal planning for five years. Incremental planning is important in achieving long-range career goals.

It is vitally important to realize that your career depends upon your personal involvement and sacrifice. If you are honest about personal achievement, you should develop future career plans. Quick achievement of higher grades is not always a true indicator of success. Interns should also be seeking methods to acquire advanced knowledge in their selected career field. Keep current on where your agency is headed. Know who and what impacts your agency and programs. If you are not privy to higher level decisionmaking and policy, seek other avenues to educate yourself. Subscribe to trade and professional journals, General Accounting Office and Congressional Budget Office reports, and be genuinely interested in what happens to your project after it leaves your hands.

Advancement Through Training

Personally examine where and how you fit your agency's future plans. It is not up to the government to provide and finance your concept of professional self-development. If an intern or any employee waits to be handed education and training, his or her options for higher level positions become self-limiting. Keep in mind that at all times your career is up to you. Risk-taking is important to future success. All PMIs took a risk during the application screening, competition, and interview phases to enter the PMI programs. Adjusting to risk takes place everytime a PMI rotates to the next assignment.

A word of caution: do not get too comfortable in a particular job series. Seek out career growth opportunities even if it means additional risk. Keep your edge sharp with or without the support of your agency, because your future with your agency depends upon your motivation and drive to stay a valuable asset to that agency.

Rapid technological changes have made continuing adult education essential. In order to keep abreast of newly emerging systems, it is imperative that training become a necessary complement to the work performed on the job.

You must continue to apply what is learned in the classroom, blending theoretical and practical application to produce an integrated total learning experience beyond the PMI program. It is equally important to make certain there is a balance between developing good generalist management skills and fine tuning technical proficiency in specialized areas.

In the final analysis, developing yourself as a valuable asset and future federal manager involves risk-taking and sacrifice. The future will be challenging within the federal service, and the PMIs ready to adjust to its dynamic nature will be the future leaders of their federal agency. Be prepared to accept the challenges ahead.

CONCLUSION

The internship was one of my best life experiences. At times, it was a very difficult experience filled with the stress of learning a new, constantly changing career field within the large confines of federal bureaucracy. The acquisition career field continues to evolve, always presenting new and exciting challenges. It cannot be emphasized enough that becoming a PMI with an agency is only the very beginning. Many PMIs may feel just surviving the OPM screening process was an end. In fact, it is actually the end of a new beginning. My fellow 1986 interns and I have ended one phase of our careers and are starting another as permanent federal employees.

My observations and experiences are intended to further the goals and aspirations of new interns who are just starting federal careers. I have found you will only get out of this special experience what you put into it! Make your two or three years count by building a solid foundation. Be willing to go beyond and challenge yourself because federal service demands excellence.

IN MEMORY OF A MAN OF RECONCILIATION: JEAN-MARIE TJIBAOU OF NEW CALEDONIA

HON. ROBERT J. LAGOMARSINO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 23, 1989

Mr. LAGOMARSINO. Mr. Speaker, I was saddened to hear of the assassination of Jean-Marie Tjibaou of New Caledonia on May 4, 1989. A former priest, Tjibaou was the key leader who advanced the resolution on the decades old self-determination struggle of the people of New Caledonia by signing a peace agreement last year with French Prime Minister Michel Rocard. While violence was advocated by militant separatists as a means to achieve independence from France, Mr. Tjibaou used diplomacy, dialog and the political process to gain recognition of the political aspirations of his followers. He was considered to be the only leader who could reconcile the often strident and divergent views of the proindependence factions.

New Caledonia is a French overseas territory comprising a large island group to the east of Australia and populated by two principal groups: the Kanaks or indigenous people and settlers from France, Asia, and other Pacific islands. The Kanaks comprise less than 50 percent of the population and are divided according to political status preference. A majority of the indigenous people want some form of sovereignty while the rest favor continued association with metropolitan France.

Jean-Marie Tjibaou was the most respected and well-known separatist leader in New Caledonia who sought change by engaging in the political process, while others openly urged war with France. In spite of the status-related death of his brothers some years ago, Tjibaou continued his peaceful activism and tolerance of militant separatists and anti-independence radicals. Tjibaou recognized, but did not agree with the preference of those of his fellow islanders who advocated for continued association with metropolitan France. Both he and pro-France Kanak leaders acknowledged the importance of openly discussing their views if a solution to the self-determination problem were to be realized.

On September 30, 1986, I hosted a conference at the Capitol entitled "Oceania at a Crossroad: Strategic Consideration for the Western Alliance." The speakers included

Jean-Marie Tjibaou, president of the Kanak Liberation Front, Dick Ukeiwe, President of the territory assembly and leader of the pro-France coalition and Gaston Flosse, President of French Polynesia and Secretary of State for South Pacific Affairs. I believe this may have been the first time that these South Pacific leaders, who were proponents of different status relations with France, spoke together in an international forum relating to this emotionally and politically-charged issue.

At the time, I questioned the effectiveness of a conference which would likely involve the volatile issue of French Pacific territories. However, I believed a real benefit existed in having these prominent Pacific leaders air their different political philosophies in a neutral forum.

The highlight of the conference was the powerful oratory of the French Pacific territorial speakers. They were eloquent and emphatic of their views, yet in a most respectful way. Perhaps in part, because they were speaking here, at the world's foremost democratic institution.

I was most pleased last year to hear of the signing of the peace agreement, or Matignon accords, between the French Government, Jean-Marie Tjibaou, and pro-French leader, Jacque Lafleur. The accords provided for increased self-government for the people of New Caledonia during a 10-year transitional period. France also agreed to a referendum on independence at the end of the transition. It appeared that the consummation of a self-determination process would end the often violent struggle for New Caledonia's political identity.

Tjibaou knew that resolving New Caledonia's political status through an agreement which reflected the consensus views of all Kanaks and actually provided for measureable progress would best serve the welfare of the people. His signing of the peace accords with the anti-independence leader and the Prime Minister of France marks the most important event in the islands' self-determination evolution.

What a shame that Jean-Marie Tjibaou lost his life at the hand of a militant separatist who shared the same ultimate political status objective but disagreed as to the means. Unfortunately, many would not accept that peace and reconciliation could deliver what war and belligerence had not.

Prime Minister Rocard of France, upon hearing of Tjibaou's death stated, "The Kanak community loses a generous leader, New Caledonia a man of reconciliation, and I lose a friend." I believe the entire Pacific community, of which the United States is part, has suffered a great loss. However, it is my hope that we remember Jean-Marie Tjibaou's achievements through reconciliation and his active peaceful engagement in the democratic political process.

I join with those who hope that all factions in New Caledonia will move foward with the Matignon plan as a fitting tribute and memorial to the vision of Jean-Marie Tjibaou.

CUT OFF AID TO THE AFGHAN REBELS

HON. DON EDWARDS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 23, 1989

Mr. EDWARDS of California. Mr. Speaker, I would like to call to the attention of my colleagues an article written by Congressman ANTHONY BEILENSON, which appeared in the New York Times on May 22.

As the gentleman from California points out, the original goal of United States aid to the Afghan rebels was to force the withdrawal of Soviet troops from Afghanistan. Now that that goal has been accomplished, the Bush administration should use this opportunity to negotiate an agreement with the Soviet Union on a cutoff of all aid to Afghanistan.

Continued aid to the rebels incorrectly sends the message that the United States is interested in intervening in the internal affairs of Afghanistan. This is certainly not our policy, and bringing an end to United States aid to Afghanistan would make that clear.

I would like to insert Mr. BEILENSON's article in the RECORD, and I commend it to the attention of my colleagues.

END AID TO THE AFGHAN REBELS

(By Anthony C. Beilenson)

WASHINGTON.—The Bush Administration missed an important opportunity to bring an end to U.S. involvement in Afghanistan when Secretary of State James Baker failed to pursue the subject during his visit to Moscow last week.

Supplying military aid to the Afghan rebels is no longer in our interest now that the Soviets have withdrawn. If the Bush Administration won't cut off this aid then Congress must do it for the Administration.

The United States' original goal in arming the mujahedeen was crystal-clear: The Soviet Union had invaded this nonaligned, fiercely independent country, and we wanted to help the indigenous resistance forces oust the occupying army.

It was an instance where American intervention in the affairs of another nation was clearly the right thing to do.

To the surprise of many in the international community, our intervention worked. Ten years after the Soviet Army occupied Kabul, it troops have retreated across the northern border—a significant victory for the Afghan people and the United States.

But now that we have achieved our goal, we ought to get out of Afghanistan before our foreign policy success turns into a disaster.

By continuing to send weapons to the rebels, we are risking all the benefits we have gained, since the Afghans are beginning to turn their anger—once directed at the Soviets—toward the U.S. for helping to prolong the war and the killing in this war-weary nation.

Our continued intervention raises questions about who we are supporting, and why. The resistance has never been a unified political movement but rather a loose coalition of at least seven separate factions that often are paralyzed by infighting and squabbling.

By providing aid selectively to the bickering factions, the U.S. is undermining the rebels' struggling efforts to forge a consensus in military or political strategy—and stirring up a lot of anti-American sentiment in the process.

Moreover, some of the largest and best equipped factions are made up of Islamic fundamentalists whose goals for a new Afghanistan are in stark contrast with our own.

We may have been willing to ignore the ideology of the rebels while they were fighting the Soviets, but now that they are fighting only their own countrymen and are trying to form a new post-occupation government as well, we face an entirely different situation that demands a cutoff of our military aid.

Even if we were supporting factions that were clearly aligned with the U.S., it was never our goal to install a pro-American client government. Ultimately, of course, the U.S. would like to see a broad-based popular government in Kabul, with prospects for long-term stability and a friendly view toward American interests in southwest Asia. But we have no business telling the Afghans what kind of government they should establish.

Of course, U.S. aid to the mujahedeen is not the only issue. Soviet military support for President Najibullah's regime is also a serious obstacle to Afghan self-determination. Yet the Bush Administration remains unwilling to negotiate with the Soviets for a mutul cutoff of all military aid to Afghanistan.

So far, U.S. support for the resistance has been especially popular in Congress. But as the American people begin to realize that we are now mired in another country's messy, protracted civil war and are sending weapons to Islamic fundamentalists, Congressional support will certainly erode.

Before that happens, the Administration would be wise to seize the moment and announce a new U.S. proposal for an American-Soviet hands-off policy in Afghanistan.

Military aid to the rebels was morally defensible and wisely supported by the international community.

It has been a success. Now let's take satisfaction in our achievement and gracefully retire, leaving the task of building a new government to the Afghan people.

ISRAEL'S PEACE PLAN IS A POSITIVE STEP

HON. WILLIAM LEHMAN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 23, 1989

Mr. LEHMAN of Florida. Mr. Speaker, let us hope that the Palestinians will finally realize that the time has come to work constructively toward a peaceful settlement with Israel. The Palestinians living in the West Bank and Gaza have much to gain from taking steps which will lead to a permanent solution.

Like the automony plan offered in the historic Camp David accords, Israel's offer of democratic elections in the West Bank and Gaza may not offer everthing the Palestinians want. Elections, however, would give them a political opportunity to build, to have a voice in their own future, and to prove to the world that they are politically mature enough to emerge from the limiting physical expression of the intifada to claiming a serious, constructive role as a partner for peace. There is in-

creasing skepticism about the ability of the Palestinians and their supporters to fashion an acceptable leadership that can make any serious progress toward serving their interests. That skepticism will only be reinforced if the Palestinians reject the offer Israel has made.

For some time, the PLO has not represented the true interests of the Palestinians in the West Bank and Gaza. The inability to go beyond talk and public relations is a self-defeating tactic, not a strategy to achieve success. The recent example of seeking admittance to the World Health Organization does not inspire confidence in its leadership. If willing, the PLO could allow Palestinians the freedom to elect representatives to conduct meaningful peace negotiations.

Maximalist in all PLO responses to peace offers, the Palestinians are today paying the price of abandonment by so-called supporters. Now is the time for the Palestinians to look out for their future while there is still opportunity to do so. Elections are a way to start the process and build an infrastructure that can lead to more gains. Involvement must come before self-rule is possible. A transition period without violence is a necessary step toward a negotiated permanent solution. The sooner it starts, the better.

Mr. Speaker, I would like to insert into the RECORD the principles of Israel's peace initiative.

A PEACE INITIATIVE BY THE GOVERNMENT OF ISRAEL

GENERAL

1. This document presents the principles of a political initiative of the Government of Israel which deals with the continuation of the peace process; the termination of the state of war with the Arab states; a solution for the Judea, Samaria and the Gaza district; peace with Jordan; and a resolution of the problem of the residents of the refugee camps in Judea, Samaria and the Gaza district.

2. The document includes:

A. The principles upon which the initiative is based.

B. Details of the processes for its implementation.

C. Reference to the subject of the elections under consideration. Further details relating to the elections as well as other subjects of the initiative will be dealt with separately.

BASIC PREMISES

3. The initiative is founded upon the assumption that there is a national consensus for it on the basis of the basic guidelines of the Government of Israel, including the following points:

A. Israel yearns for peace and the continuation of the political process by means of direct negotiations based on the principles of the Camp David accords.

A. Israel opposes the establishment of an additional Palestinian state in the Gaza district and in the area between Israel and Jordan.

B. Israel will not conduct negotiations with the PLO.

C. There will be no change in the status of Judea, Samaria and Gaza other than in accordance with the basic guidelines of the government.

SUBJECTS TO BE DEALT WITH IN THE PEACE PROCESS

4. Israel views as important that the peace between Israel and Egypt, based on the Camp David accords, will serve as a cornerstone for enlarging the circle of peace in the region, and calls for a common endeavor for the strengthening of the peace and its extension, through continued consultation.

A. Israel calls for the establishment of peace relations between it and those Arab states which still maintain a state of war with it, for the purpose of promoting a comprehensive settlement for the Arab-Israel conflict, including recognition, direct negotiations, ending the boycott, diplomatic relations, cessation of hostile activity in international institutions or forums and regional and bilateral cooperation.

B. Israel calls for an international endeavor to resolve the problem of the residents of the Arab refugee camps in Judea, Samaria and the Gaza district in order to improve their living conditions and to rehabilitate them. Israel is prepared to be a partner in this endeavor.

C. In order to advance the political negotiation process leading to peace, Israel proposes free and democratic elections among the Palestinian Arab inhabitants of Judea, Samaria and the Gaza district in an atmosphere devoid of violence, threats and terror. In these elections a representation will be chosen to conduct negotiations for a transitional period of self-rule. This period will constitute a test for coexistence and cooperation. At a later stage, negotiations will be conducted for a permanent solution, during which all the proposed options for an agreed settlement will be examined, and peace between Israel and Jordan will be achieved.

D. All the above mentioned steps should be dealt with simultaneously.

E. The details of what has been mentioned in (D) above will be given below.

THE PRINCIPLES CONSTITUTING THE INITIATIVE

Stages:

5. The initiative is based on two stages:

A. Stage A—A transitional period for an interim agreement.

B. Stage B—Permanent solution.

6. The interlock between the stages is a timetable on which the plan is built; the peace process delineated by the initiative is based on resolutions 242 and 338, upon which the Camp David accords are founded.

Timetable:

7. The transitional period will continue for five years.

8. As soon as possible, but not later than the third year after the beginning of the transitional period, negotiations for achieving a permanent solution will begin.

PARTIES PARTICIPATING IN THE NEGOTIATIONS IN BOTH STAGES

9. The parties participating in the negotiations for the first stage (the interim agreement) shall include Israel and the elected representation of the Palestinian Arab inhabitants of Judea, Samaria and the Gaza district. Jordan and Egypt will be invited to participate in these negotiations if they so desire.

10. The parties participating in the negotiations for the second stage (permanent solution) shall include Israel and the elected representation of the Palestinian Arab inhabitants of Judea, Samaria and the Gaza district, as well as Jordan; furthermore, Egypt may participate in these negotiations. In negotiations between Israel and Jordan, in which the elected representation of the Palestinian Arab inhabitants of Judea, Samaria and the Gaza district will participate, the peace treaty between Israel and Jordan will be concluded.

Substance of the transitional period:

11. During the transitional period the Palestinian Arab inhabitants of Judea, Samaria and the Gaza district will be accorded self-rule, by means of which they will, themselves, conduct their affairs of daily life. Israel will continue to be responsible for security, foreign affairs and all matters concerning Israeli citizens in Judea, Samaria and the Gaza district. Topics involving the implementation of the plan for self-rule will be considered and decided within the framework of the negotiations for an interim agreement.

Substance of the permanent solution:

12. In the negotiations for a permanent solution, every party shall be entitled to present for discussion all the subjects it may wish to raise.

13, The aim of the negotiations should be:

A. The achievement of a permanent solution acceptable to the negotiating parties.

B. The arrangements for peace and borders between Israel and Jordan.

DETAILS OF THE PROCESS FOR THE IMPLEMENTATION OF THE INITIATIVE

14. First and foremost, dialogue and basic agreement by the Palestinian Arab inhabitants of Judea, Samaria and the Gaza district, as well as Egypt and Jordan if they wish to take part, as above mentioned, in the negotiations on the principles constituting the initiative.

15. A. Immediately afterwards will follow the stage of preparations and implementation of the election process in which a representation of the Palestinian Arab inhabitants of Judea, Samaria and Gaza will be elected. This representation:

I. Shall be a partner to the conduct of negotiations for the transitional period (interim agreement).

II. Shall constitute the self-governing authority in the course of the transitional period.

III. Shall be the central Palestinian component, subject to agreement after three years, in the negotiations for the permanent solution.

B. In the period of the preparations and implementation there shall be a calming of the violence in Judea, Samaria and the Gaza district.

16. As to the substance of the elections, it is recommended that a proposal of regional elections be adopted, the details of which shall be determined in further discussions.

17. Every Palestinian Arab residing in Judea, Samaria and the Gaza district, who shall be elected by the inhabitants to represent them—after having submitted his candidacy in accordance with the detailed document which shall determine the subject of the elections—may be a legitimate participant in the conduct of negotiations with Israel.

18, The elections shall be free, democratic and secret.

19. Immediately after the election of the Palestinian representation, negotiations shall be conducted with it on an interim agreement for a transitional period which shall continue for five years, as mentioned above. In these negotiations, the parties shall determine all the subjects relating to the substance to the self-rule and the arrangements necessary for its implementation.

20. As soon as possible, but not later than the third year after the establishment of the self-rule, negotiations for a permanent solution shall begin. During the whole period of these negotiations until the sign-

ing of the agreement for a permanent solution, the self-rule shall continue in effect as determined in the negotiations for an interim agreement.

INGLEWOOD: THE ALL-AMERICA CITY

HON. JULIAN C. DIXON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 23, 1989

Mr. DIXON. Mr. Speaker, hats off to the city of Inglewood. Last year it was the home of basketball's world champions, the Lakers. And now, it has just been named a 1989 All-America City by the National Civil League. Congratulations to Mayor Ed Vincent, the city council, and all the people of Inglewood. I am privileged to have parts of Inglewood in my congressional district.

There are many reasons why Inglewood deserves the All-America City honor. Its educational, health care, and sports facilities are first-rate. It is an ethnically diverse city—blacks, whites, Hispanics, and Asians—with good, harmonious relations between the various groups.

But perhaps most important, the people of Inglewood care about their city and show it through community activism and civic participation. Whether on the school board, in neighborhood or professional groups, in churches, or as members of the Laker organization, Inglewood's residents give of themselves to make their community a better place to live. I am glad to see this recognized nationwide. Inglewood is indeed an All-America City.

Inglewood has gained its reputation by organizing people, programs, and resources to tackle the tough problems of drug abuse and gang violence.

The city last year initiated a Drug Abuse Resistance Education [DARE] Program designed to develop positive self esteem and values that will enable youngsters to resist the peer pressures to take drugs or join gangs. Every public school in Inglewood is participating in this program. Almost 3,000 students have completed it—according to city officials, not one has yet been in trouble with the law.

Impetus for the DARE Program came not from outside the city but from grassroots activism within the community. Civic groups, including the Inglewood Coalition Against Drugs, organized a walk-a-thon to promote the program. Hundreds of volunteers, joined by Laker team members, turned the walk-a-thon into a successful fundraising and public education event. The community has shown that it is united to fight the scourge of drugs at the most basic level—with our youngsters.

But the people of Inglewood also know that it is not enough to educate only students. The entire community must also be educated. That is why the city drew on both public and private resources to create the antidrug advertising project—a program to publicize the police department's successful "reverse sting" operations against drug sales. This program, which has attracted nationwide attention and massive local support, was designed to intimidate potential drug buyers and show what the city was doing against drugs. It has had the desired effect on drug sales: drug arrests dropped 30 percent during the 3 main months of the campaign, and more than 20 percent for the rest of the year.

The citizens of Inglewood have also put their money behind their community needs. City residents overwhelmingly voted to levy a new tax on themselves to fund a special 20 police officer crime suppression unit. Support for this initiative came from a broad coalition of community groups, educators, business leaders, and law enforcement officials—known as the Inglewood Coalition for Police Support. Meetings, hearings, and an aggressive public information campaign brought home the need for this unit, and the public responded by passing the measure with a 78-percent margin, making Inglewood the first assessment district in the State of California to finance police services.

The city has established many other programs that place it at the cutting edge of urban American living. For example, it has dealt with noise pollution from the LAX Airport by helping families relocate to quieter areas and redeveloping residential areas near LAX into commercial and industrial use.

Mr. Speaker, the people of Inglewood have shown that citizen action and civic pride are indispensable building blocks for a better community and quality of life. Inglewood was 1 of only 10 cities chosen for the All-America City honor out of 109 that applied. A better choice could not have been made. Congratulations again to the people of Inglewood.

NOVA HIGH SCHOOL—AN OUTSTANDING SCHOOL

HON. LAWRENCE J. SMITH

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 23, 1989

Mr. SMITH of Florida. Mr. Speaker, I would like to bring to your attention a school of national excellence—Nova High School of Davie, FL.

It is my privilege to announce that Nova High School, located in my district, was recently chosen by the U.S. Department of Education as one of the 218 outstanding secondary schools in the Nation.

The U.S. Department of Education, through its School Recognition Program, identified a diverse group of outstanding public and private secondary schools throughout the Nation that are unusually effective in educating their students with the resources available to them. A total of 629 schools were nominated for this prestigious honor, from which 263 were chosen for onsight visits by a departmental review panel. Among the many criteria used in making the final decision was student achievement, teaching environment, learning environment, parent and community involvement, institutional vitality, leadership, geography, and curriculum reform, with emphasis this past year on the latter two. It was only after this intensive review process was complete that the final 218 schools were selected.

As a tribute to their excellence and achievement, Nova High School will receive a ceremonial plaque and a flag of excellence. In addition, three representatives from Nova will be invited to attend a national recognition ceremony in Washington this fall. As worthwhile as these rewards are, the true reward is the pride that the faculty, the students, the parents, and the community at large can take from this great honor. In a day where our educational system is often attacked and ridiculed, it is very gratifying for me, as a Congressman and as a parent, to see young men and women who are willing to work very hard to excel in their scholastic endeavors.

I ask my colleagues to join me in paying tribute to the many wonderful people who made this honor possible. My sincerest congratulations to the students and faculty of Nova High School.

A TRIBUTE TO ANDROS "ANDY" KARPEROS

HON. VIC FAZIO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 23, 1989

Mr. FAZIO. Mr. Speaker, I rise today to salute a dear friend of mine, Andros "Andy" Karperos, who will retire as the superintendent of the Yuba City Unified School District on July 1, 1989, after 35 years of distinguished public service.

Andy has served his country, community, and profession in an exemplary fashion. He served in the U.S. Army from 1943 through 1946, and fought in the Battle of the Bulge during World War II. After the war, he worked as a cartographic photogrammetrist with the U.S. Geological Survey and as an assessor in Solano County, CA.

In 1954, he began his distinguished career as an educator, working first as a teacher with the Dixon, CA, Unified School District. Andy and his family, in 1960, moved to Yuba City, CA, where they have lived ever since. Andy started as a school principal in Yuba City, but 3 years later he became a district superintendent for the Lincoln Elementary School District. In 1966, he was promoted to director of special services for the Yuba City Unified School District, and in 1972 took the helm as superintendent of the district for the next 17 years.

All told, Andy has been an outstanding school administrator for over 29 years. Under his direction and leadership, the Yuba City School District has grown to become a model for our State.

Many know Andy for those outstanding accomplishments, but I also know Andy for his deep commitment to his family. I have been fortunate to have Andy's wife Ann on my staff for the past 9 years. Ann is a true professional and a valuable asset to my staff. I have been with the Karperos family through the marriages of their children Nina, Nan, and Kurt and the births of their grandchildren. I've seen Andy's strength, compassion, and commitment in each member of his family. Among his many accomplishments there is none greater than Andy's success with instilling those remarkable characteristics to his children and our future.

Andy has also shown deep commitment to the Yuba City/Marysville Community. He is an

active member of St. John's Episcopal Church, a past chairman of the Association of California School Administrators Legislative Action Committee, a past member of the Yuba City Recreation Commission. After his retirement, Andy plans to stay active in the community. As the son of immigrants, he intends to spend much of his time helping newcomers to America assimilate into our society through teaching citizenship classes.

All students, teachers, and educators in all capacities have benefited from his unique talents and hard work. The high degree of loyalty, dedication, and professionalism Andy has shown throughout his career will be missed by all who have had the opportunity to work with him. With respect and admiration, I congratulate Andy on his retirement and extend my best wishes for the future to him and his family.

IN HONOR OF THE ANNUAL CALL TO CONSCIENCE VIGIL

HON. NORMAN F. LENT

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 23, 1989

Mr. LENT. Mr. Speaker, I would like to thank my distinguished colleagues, Congressmen PETER KOSTMAYER from Pennsylvania and JOHN MILLER from Washington, for organizing this year's Congressional Call to Conscience Vigil for Soviet Jewry.

The annual call to conscience vigil has roused support in Congress and around the world for the noble cause of human rights and religious freedom for Soviet Jews and other oppressed people. This is an opportunity to raise people's consciousness and urge them to become involved. During the vigil, participants can express our solidarity with the brave men and women who must struggle daily for the right to practice their religion freely and live in the land of their choice.

Finally, after many years of hard work, our efforts are paying off. In 1986, nearly 20,000 Soviet Jews were permitted to leave the Soviet Union. This year, emigration figures are expected to rise even higher, perhaps to 30,000. I am proud that my own adopted refusenik family, the Kazakevich family from Leningrad, recently received permission and should be emigrating for Israel any day. However, we should not lose sight of the fact that over 7,000 long-term refuseniks are denied permission for arbitrary reasons. That the number of "poor relatives" grows every day—those who cannot even apply because a family member claims financial hold over them. That people are denied visas for vague reasons such as "state secrets" or because a family member may have knowledge of "state secrets."

Furthermore, the vigil focuses attention on the debate in Congress of how the United States Government should respond to Soviet progress on emigration and human rights. What is appropriate? Should we ease trade restrictions, such as the Jackson-Vanik and Stevenson amendments, or waive them entirely?

The Long Island Committee for Soviet Jewry [LICSJ], a member of the Union of Councils, has presented a thoughtful, carefully prepared position paper on this issue. If I may quote, "Mr. Gorbachev's first tentative steps towards freedom for many Soviet Jews do deserve positive rewards from the West. But those rewards must—first and foremost—be calibrated to encourage even greater leaps toward freedom for all Soviet Jews."

To refresh our memories, the Jackson-Vanik amendment denies most favored nation [MFN] status to nations that prohibit free emigration. The Stevenson amendment restricts the level of export-import credits available to the U.S.S.R. The LICSJ supports a repeal of the Stevenson amendment only after the Soviet Union has fulfilled these criteria:

First, sustained annual emigration of between 30,000 to 35,000 Soviet Jews;

Second, emigration for all long-term refuseniks; and

Third, institutional reforms of human rights and emigration laws, such as removing family reunification requirements for applying to emigrate.

Further, the LICSJ contends that a 1-year waiver of the Jackson-Vanik amendment should be predicated only on the "high and sustained" annual level of emigration as the legislative history requires. Congress must then vote to extend the waiver.

As Congress considers these important issues in the days ahead, we must not lose sight of our singular purpose: To achieve human rights and free emigration for Soviet Jews and all those who suffer religious persecution. A new era is emerging in the cause of human rights, and we must seize this window of opportunity before it shuts forever. However, we should be careful not to be blinded by rosy promises nor bullied by knee-jerk extremists for the lives of thousands of people will be affected by the action Congress may take. That's an awesome responsibility, and I hope Congress will afford this important issue the careful debate and consideration it deserves. I appreciate the opportunity to participate in this year's vigil and to bring to my colleagues' attention this critically important issue.

HUMAN RIGHTS POTENTIAL AT PARIS HUMAN DIMENSION MEETING

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 23, 1989

Mr. HOYER. Mr. Speaker, on May 30, 1989, the 35 signatory nations to the Conference on Security and Cooperation in Europe will convene the first of three Conferences on the Human Dimension in Paris. The Paris meeting, and subsequent meetings in Copenhagen in 1990 and Moscow in 1991, are mandated to review the implementation of the human rights, human contacts, and other humanitarian provisions of the Helsinki Final Act and of the Madrid and Vienna Concluding Documents. This review, I believe, is one of the most important functions of the CSCE meetings in that it calls participating States to account for violating their CSCE commitments.

The U.S. delegation to the Paris meeting will be headed by Morris Abram, former chairman of the Conference of Presidents of Major Jewish Organizations, and the National Conference on Soviet Jewry. Public members, who will play a critical role in our delegation include, former Helsinki monitor, Ludmilla Alexeyeva; prominent Philadelphia attorney, John Elliott; Alice Henkin, vice chairperson of Helsinki Watch; and Frank Koszorus, a member of the International Human Rights Law Group.

Mr. Speaker, as cochairman of the Commission on Security and Cooperation in Europe, I will travel to Paris, along with the Commission's Chairman, Senator DENNIS DECONCINI, for the opening of the meeting. I believe that the United States has an historic opportunity to press for continued progress in the human rights field. We would all agree that drastic changes are underway in the Soviet Union, Hungary, and Poland—changes that even a year or two ago would have almost been unheard of. Yet while recognizing that changes have occurred, we must continue to press for a thorough review and full implementation of the commitments that these countries have undertaken.

In Bulgaria, we will stress the continued refusal of officials to allow the practice of the Islamic religion and its categorical denial of the existence of the repressed 900,000-member Turkish minority.

In Czechoslovakia, while we note the recent release of internationally renowned playwright Vaclav Havel and long-time prisoner of conscience Jiri Wolf, we will concentrate on the ongoing harassments, detentions, confiscations of property, and interrogations by Czechoslovak officials of citizens seeking to exercise basic human rights. A marked increase in public demonstrations and religious activism reflects the Czechoslovak people's aspirations to realize fully these rights.

In Hungary, which I visited in April, we acknowledge continued progress in the areas of human rights and human contacts and hope that the transition to a multiparty system will maintain its momentum. Yet we recognize that much remains to be done in an institutionalized fashion to ensure that all Hungarian citizens can participate fully in political life and exercise their rights without fear of future sanctions or reprisals.

For the first time, the Polish Government has granted the Roman Catholic Church legal status. Parliamentary elections in that country are scheduled for June 4 and June 18. Solidarity has been relegalized. A meeting between Lech Walesa, and the leader who jailed him, Wojciech Jaruzelski, was a good indication that the Government and the opposition can come to terms in the hope of salvaging the economy. We need to encourage greater participation by opposition groups in government, as well as to monitor the election process carefully.

We must continue to hold Romania accountable for its myriad human rights violations, despite its protests that it is not bound to implement commitments it undertook freely. Baptist activist Nestor Corneliu Popescu remains incarcerated in a psychiatric institution. The six former Communist leaders who signed a courageous open appeal earlier this year calling on the Romanian regime to implement

more humane policies remain isolated subject to interrogation, house arrest, and internal exile.

In the Soviet Union, known outstanding human contacts cases have decreased significantly from over 600, the number which the Helsinki Commission presented to Soviet authorities in November, to 52 at this time. The current consolidated Helsinki Commission—State Department lists also has decreased, now totaling approximately 600 families. Let us hope that such names as Emmanuel and Judith Lurie, Natasha and Leonid Stonov, Igor and Inna Uspensky, and Anatoly Genis are soon removed from these lists, and indeed, that there will be no further need for lists at all.

We are concerned that at least 20 people have been killed in Soviet Georgia, where on April 9, peaceful demonstrations and hunger strikers in Tbilisi were dispersed by troops using sharpened shovels and poison gas. Almost all the members of the Karabakh Committee remain incarcerated, and awaiting trial, bringing the total of people, according to Commission records, now confined in prisons or psychiatric institutions in the Soviet Union to 142.

Last week, three Ukrainian Catholic bishops and three priests, including Bishop Pavlo Vasylyk and Father Hryhory Simkailo, whom I met in November, began a hunger strike to call for the legalization of the Ukrainian Catholic Church.

We would hope that those citizens who are granted the right to leave the Soviet Union for a visit are properly treated upon their return. Specifically, we have learned that Emmanuel Zingeris, the elected president of the Lithuanian Jewish Cultural Society, was detained upon his return to the Soviet Union from a visit to the United States. While detained, Zingeris was interrogated and several items were confiscated by these authorities, including Jewish cultural material. In another incident 19 members of a 23-person Latvian Popular Front delegation, upon their return after a 1-month visit to the United States and Canada, had documents, personal computers, and telephones confiscated by Soviet officials in Moscow on April 30. Let us hope that these incidents do not become the norm for citizens returning from visits abroad.

Finally, problems with individuals receiving visas to come to the United States for visits, such as Dr. Juris Vidins, who was denied a visa to come to the United States to attend the American Latvian Association meeting in early May, must be made routine and the visa process institutionalized. In addition, American citizens traveling to the Soviet Union should not encounter problems such as undue delays in visa processing or, in the case of Lithuanian-American physician Dr. Peter Kiselius, once arriving in the Soviet Union, facing detentions by Soviet officials, and being told that they should not have received a visa in the first place.

Mr. Speaker, I look forward to the opening of the Paris meeting and the potential for progress that it holds for the citizens of all CSCE states. I do not want to end, Mr. Speaker, without adding that the United States is ready to discuss its own record as well. Implementation of the Helsinki Final Act and the Madrid and Vienna Concluding Documents is a continuous process. None of the 35 participating states are in total compliance with each and every provision of these unique political agreements. There will always be room for improvement, varying in degree and subject from country to country. The Western countries, and in particular, the United States, are under no less obligation to improve than other countries.

However, what one gleans from the public and private agencies in the United States who monitor year-round domestic policies, I believe, is a consistent striving for improvement. It is in that spirit that I hope all 35 states will discuss human rights at this very important meeting.

NEW JERSEY PRIDE HONOR ROLL

HON. DEAN A. GALLO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 23, 1989

Mr. GALLO. Mr. Speaker, as a Member of Congress, I have the great privilege of working with New Jersey citizens who care about their State and who are always willing to go the extra mile to promote cooperative projects within the community.

One individual who is definitely a member of my New Jersey Pride Honor Roll is Herman Simonse, the recent recipient of the New Jersey Chapter NAIOP Individual Achievement Award for contributions to the industry and community.

The award, which is the most prestigious individual award offered by the State NAIOP, recognizes an individual in the development industry who has distinguished himself through extraordinary achievement in civic activities and contributions to the progress of the industry.

In 1984, Mr. Simonse was honored with the Eagle Award from the New Jersey Alliance for Action, a statewide coalition of more than 500 business, labor, and government organizations dedicated to solving our common problems through cooperation.

He has also received the Humanitarian Brotherhood Award from the National Conference of Christians and Jews.

As the current chairman of the Alliance for Action, he plays a key role in one of the most important efforts underway in New Jersey—promoting cooperation among labor, business, government, and citizens for projects that improve New Jersey's quality of life through economic progress and the creation of new employment opportunities.

Mr. Simonse is an active member of the Midland School Foundation, is a commissioner of the Somerset County Park Commission, and was appointed by New Jersey Gov. Thomas H. Kean to serve on the Governor's Port Authority Advisory Committee.

As associate professor of economics at Morris County College, Mr. Simonse holds degrees in economics and business administration from Rutgers University and Fairleigh Dickinson University.

He is executive vice president of the Bellemead Development Corp., of Roseland, NJ.

Mr. Speaker, on behalf of the people of New Jersey and the 11th District, I ask for your recognition for the accomplishments of Mr. Herman Simonse, a member of my New Jersey Pride Honor Roll.

CONGRESSIONAL SALUTE TO DANIEL L. MARCANTUONO, PASSAIC'S UNICO'S "MAN OF THE YEAR"

HON. ROBERT A. ROE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 23, 1989

Mr. ROE. Mr. Speaker, it is with great pride that I rise today to salute a truly outstanding individual from my home State of New Jersey whose civic efforts on behalf of his community and whose dedicated professional efforts to assure the economic viability of major health care institutions in his State have truly made New Jersey a far better place to live.

I am speaking of Daniel L. Marcantuono, president and chief executive officer of the General Hospital Center at Passaic, NJ, who, for nearly two decades, has worked ceaselessly to guard and improve the financial stability of major health care institutions throughout the State of New Jersey.

Mr. Speaker, for his numerous personal and professional efforts, Mr. Marcantuono will be honored on Friday, June 2, 1989, as Man of the Year by the Passaic Chapter of Unico at the chapter's 40th annual dinner dance at the Princess in Lodi, NJ. I cannot think of anyone more deserving of this great honor, and I know that in receiving this award Daniel L. Marcantuono will bring great pride to his family, his lovely wife, Joanne, and his devoted children, David, Lisa, and Cheryl Marcantuono. I know, too, that this event will be an outstanding affair because of the tireless efforts of Unico president Anthony Catanzaro to make this dinner a great success.

Mr. Speaker, Daniel L. Marcantuono, who resides in Sparta, NJ, is eminently qualified for the important work he has undertaken. He received his B.S. degree from Seton Hall University in 1963 and earned his M.B.A. at George Washington University 3 years later. He did his administrative residency at Perth Amboy General Hospital in Perth Amboy, NJ, and has taken additional studies toward his doctorate at Temple University in Philadelphia, PA.

Daniel Marcantuono began his career as a planning associate with the Hospital and Health Council of Metropolitan New Jersey where he was responsible for reviewing more than $25 million worth of proposed hospital construction projects. It was while he was with the council that he founded and organized the Central Services Corp. of Metropolitan New Jersey, a nonprofit company of 14 hospitals organized to initiate a variety of shared services.

In 1970, he became assistant director of field services for the Health Facilities Planning Council for New Jersey, and his work with this organization resulted in the creation of an in-

novative method for the allocation of hospital beds to specific geographical areas as a means of improving the effectiveness and economy of health facilities in the State of New Jersey.

Mr. Speaker, from 1971–79, Daniel L. Marcantuono served as senior vice president in charge of operations for Cooper Medical Center in Camden, NJ, where he was responsible for the day-to-day operations of the 350-bed facility. He left that institution in 1979 to become first vice president of St. Michael's Medical Center in Newark, where he was responsible for the day-to-day operations of a 456-bed acute care medical center with a $32 million annual budget. Through his innovative style, he created and implemented systems that maximized the institution's fiscal responsibilities, effecting a 67 percent reduction in the number of incomplete charts to substantially enhance the center's cash flow.

In 1979, he joined St. James Hospital in Newark and in 1982 was named its president and chief executive officer. Again, through innovation and dedication to his work, Daniel L. Marcantuono was successful in reversing the institution's deficit financial status, making it a profitable operation while reestablishing the hospital as the community's Catholic health resource.

Mr. Speaker, Daniel L. Marcantuono's outstanding track record led to his being chosen from a group of more than 200 applicants for the position of president and chief executive officer of the General Hospital Center at Passaic. The newly renovated facility has been a part of the community since the turn of the century and today, a completely rebuilt institution, it stands as a towering landmark. Under Mr. Marcantuono's strong leadership and guidance, this outstanding facility has earned an enviable reputation in its cardiology department with more than 600 cardiac surgeries and 1,500 diagnostic catherizations in 1988. The Eastern Heart Institute which Daniel L. Marcantuono established serves as a regional heart center with complete cardiac and support services. And a new, neonatal intensive care unit began full operation earlier this month.

Among his many professional memberships are the American College of Hospital Administrators, American Hospital Association, Catholic Health Association, New Jersey Hospital Association, New Jersey Catholic Health Assocaition, New Jersey Hospital's Association's Councils on Planning and on Governmental Relations, the Health Care Advisory Committee of Rutgers University-Camden, the Ironbound Rotary, the East Side High School Advisory Board, and the Sparta Township Board of Health. He has also been extremely active in the Lions Club, the Salvation Army, and the Chamber of Commerce.

Mr. Speaker, I invite you and our colleagues to join me in saluting Daniel L. Marcantuono who, for the past two decades, has worked tirelessly and made an invaluable contribution to the health care delivery system of New Jersey, a contribution that can be readily held up to the rest of the Nation as a model for helping to assure the economic viability of our health care institutions. He has helped make our health care system better, not just for New Jersey, but for all Americans, and is truly worthy of being honored as the Passaic Chaper of Unico's Man of the Year.

NATIONAL FAMILY CAREGIVERS WEEK, NOVEMBER 19–25, 1989

HON. OLYMPIA J. SNOWE

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 23, 1989

Ms. SNOWE. Mr. Speaker, today I am introducing legislation along with my colleagues, to establish the week of Thanksgiving, November 19 through November 25, 1989, as National Family Caregivers Week.

As you know, National Family Caregivers Week has been signed into law for the past 3 years. Each year, this legislation has gained broad-based support which is indicative of the important role families continue to play in the care of the frail and disabled. Indeed, three quarters of the noninstitutionalized disabled elderly rely solely on informal care. As such, family caregivers, primarily wives, daughters, and daughters-in-law, are the principal providers of the long-term care system. Today a woman will spend 18 years caring for an aging parent and only 17 years caring for a child, a pattern that is expected to persist into the future.

Generally, family care is the main factor associated with the delay or prevention of nursing home care, making it not only humane, but also cost-effective care. Although there is a false notion that families have withdrawn from the care of their relatives, the reality is that the family continues to be committed to this responsibility, even at great financial or emotional cost.

Legislation designating National Family Caregivers Week remains as important today as it was when I first introduced the concept. We have only just begun to understand the essential role of the family in providing care to the frail and disabled. National Family Caregivers Week is a tribute to all informal caregivers across the country. This bill reflects our Nation's appreciation for caregivers by recognizing and commending their important contribution.

REMEMBERING CHANCELLOR RICHARD GREEN

HON. STEPHEN J. SOLARZ

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 23, 1989

Mr. SOLARZ. Mr. Speaker, I rise to remember the life and accomplishments of New York City School Chancellor Richard Green who died on May 10, 1989. Although he served a brief 14 months, Chancellor Green has left a legacy of caring and competence which will challenge his successor.

Chancellor Green left a very personal stamp on New York, not only for his daring and creative initiatives, but also because he truly cared about our children's future. Running that system proved a daunting task with over 1 million children and 1,000 deteriorating school buildings spread out over 32 school districts.

If the job was tough, Richard Green proved he could be tougher. If the system needed an extraordinary individual who could pull together an often divided city, he was that person. He won the respect of parents and children, administrators and teachers. As board of education President Robert Wagner put it:

He loved kids, and they loved him. He was a remarkable man and brought to the system a combination of passion for education as well as toughness, and I think for so many of our teachers and kids he had become kind of a role model.

United Federation of Teachers President Sandra Feldman remembered him as "a chancellor who really had a collegial relationship with teachers, who thought as a teacher, who related to kids as a teacher."

Born in Meniffee, AR, 52 years ago, Richard Green moved, with his family, to Minneapolis before his second birthday. He was raised in a public housing project in Minneapolis' north side and found himself, at times, in trouble with the authorities.

In spite of a lifelong battle with severe asthma, which cause doctors to urge him not to play any sports. Richard Green earned a basketball scholarship to Augsburg College where he received a bachelor's degree in education. He received his master's from St. Cloud State College.

Having completed his education, Richard Green began his life's work, attending to the educational needs of others. He achieved a number of firsts over the course of his 30-year career: The first black coach, the first black principal, and the first black school superintendent of Minneapolis.

During his tenure in the Minneapolis School System, Richard Green administered a desegregation plan which avoided much of the strife and divisiveness suffered in many other cities. He was at the forefront of a national movement to elevate standards in public schools, championing such controversial programs as gates testing for kindergarten students and greater discipline at all grade levels.

Following a nationwide search, Richard Green became the first black chancellor of the New York City School System. He arrived in March 1988 and began tackling problems that had plagued the system for years. He was shocked by the condition of many school buildings, some so run down that they hindered the learning process. He pushed for, and won, passage of a school construction authority to rebuild the system's aging infrastructure. He reorganized the central board and put forward a budget which won him high praise even from detractors.

Richard Green was an administrator who understood the school system as a teacher, an educator who understood the needs of our children, but most of all he was a man deeply committed to the future. We were touched by his presence, ennobled by his vision, and electrified by his energy.

Mr. Speaker, Chancellor Richard Green left our city a better place. It's not always easy to teach a New Yorker a lesson, but I think we learned a great deal from him. I know that all New Yorkers will want to strive to carry on his dream. Richard Green touched each of us,

and he will always occupy a special place in our city.

SUPPORT SWEAT EQUITY PROGRAMS: AN INNOVATIVE METHOD FOR BUILDING AFFORDABLE HOUSING AND RENOVATING OUR NEIGHBORHOODS

HON. RON WYDEN

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 23, 1989

Mr. WYDEN. Mr. Speaker, several neighborhoods in my district in Portland, OR, are the sites of a sad paradox: hundreds of homeless families and hundreds of abandoned houses.

Portland neighborhoods are not unique in this way. The abandoned houses plaguing the neighborhoods in my district and the squalor in which homeless families must live are tragically now a part of the American terrain.

How can we have a situation where good houses are allowed to lie vacant while families who can't find affordable housing are forced to crowd in with friends or relatives, or to live in their cars?

The answer, of course, is simple. Those who need the housing lack the financial resources to rebuild houses. In fact, they often couldn't get title even if they could rebuild them. The houses are allowed to decay, and the homeless shelters become more overcrowded.

Today I am introducing legislation which will help reverse this tragic and wasteful trend by promoting the use of local sweat equity programs to repair the abandoned houses and make them available to low-income families, especially the homeless. Here's how my legislation will work:

First. It will provide grants to State or local agencies, or to public or private nonprofit agencies, which acquire abandoned housing and utilize sweat equity to assist homeless families or families with incomes below 80 percent of the area median income.

Second. It will promote basic training in building and home maintenance skills, as well as financial counseling, to the prospective households.

Third. Recognizing that homeownership is not a viable option for some households, it will promote programs which increase the stock of both affordable owner- and renter-occupied housing.

Fourth. It will ease the process of acquiring housing, by directing the Departments of Housing and Urban Development, Veterans' Affairs, and Agriculture to make available abandoned FHA, VA, and FmHA housing which has been vacant or unsold for at least 6 months. Such housing should be sold at a price no greater than either 90 percent of the outstanding mortgage balance, or the current market value, whichever is less.

The program will support innovative solutions by local nonprofit agencies. As such, these agencies will be allowed to allocate some of their funds for establishing material banks, for hiring electrical and plumbing contractors, or for other purposes as they see fit. Such technical assistance will be limited to 25 percent of the total appropriation.

State or local governments participating in the program will be required to provide at least a 25-percent match to the Federal grant. This will ensure a local commitment to the sweat equity program.

Sweat equity programs have been successfully implemented throughout the country. They are a low-cost way to both provide housing and to revitalize neighborhoods. Such solutions should be supported by the Federal Government, and I urge my colleagues to join me in supporting this legislation.

CUBAN INDEPENDENCE DAY

HON. DONALD E. "BUZ" LUKENS

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 23, 1989

Mr. DONALD E. "BUZ" LUKENS. Mr. Speaker, on May 20 of this year, Cuba will mark its 87th anniversary of independence. While this should be a great time of celebration, it cannot be so. True independence has not yet been achieved for its gallant people. True freedom from oppression waits for the future.

After the United States won an overwhelming victory over Spain in the Spanish-American War of 1898, the island of Cuba was ceded to the United States as part of the peace agreement. For the next several years, Cuba remained a protectorate of the United States and benefited from the development that the American presence brought. But sentiment in both the United States and Cuba felt that the time for complete independence had at last come.

Therefore, in 1902, the United States granted Cuba freedom, and it promptly set up its own constitution. Strong ties were formed between the two nations. The first president elected under the new constitution was Tomas Estrada Palma. Unfortunately, democracy was always a fledgling concept within Cuba. Uprisings occurred, and American military assistance was called upon several times to keep the peace.

Since its independence, the story of Cuba has not been a joyous one. Several dictators have held strict control of the nation and her people. True freedom has never been achieved. But the greatest blow to the efforts of justice and liberty came in January 1959 when Fidel Castro and his Communist followers cast a web of darkness over the unfortunate state. Since that day, Cuban attempts at social justice and economic opportunity have met with futility.

Cuban Independence Day can never really be celebrated in Cuba until the heavy, awful yoke of communism has been lifted from its tired shoulders. The excesses of the Soviet Union and its ally, Fidel Castro, have plunged the Cuban people into economic despair and sent many young Cubans to die in wars of aggression in South Western Africa. Once free to decide its own fate amongst the other nations of the world, Cuba is now unfortunately little more than an oppressive puppet-state in the hands of a sprawling empire.

The commemoration of Cuban Independence Day is an important and significant thing. But its importance lies in the fact that true independence has not come about. For that to become reality, the great people of Cuba will have to assert themselves once again and make their demands heard.

PERSONAL EXPLANATION

HON. JIM SLATTERY

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 23, 1989

Mr. SLATTERY. Mr. Speaker, I was unavoidably absent during the recorded vote on May 23, 1989, concerning House Concurrent Resolution 121, which condemned the assassination of Col. James Rowe, Chief of the United States Ground Forces Division in the Philippines. I was absent from this vote due to a prior commitment in my congressional district. Had I been present, I would have voted in favor of House Concurrent Resolution 121. I agree that we must reject any attempts, whether through violence or intimidation, to force the United States to withdraw from military facilities in the Philippines or to end our support for the Philippine Government. The United States should continue to provide economic and military assistance to the Philippines to help consolidate democracy, address the country's economic problems, and help combat the Communist insurgency.

CENTENNIAL CELEBRATION—WATERVLIET PUBLIC SCHOOLS 100TH GRADUATING CLASS

HON. FREDERICK S. UPTON

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 23, 1989

Mr. UPTON. Mr. Speaker, I rise today to pay tribute to the Watervliet Public Schools as they celebrate the occasion of their 100th graduating class. I am honored to have the opportunity to congratulate each person who has played a part in this school system.

Watervliet deserves to be recognized for its exceptional dedication to education. The surrounding community takes great pride in placing education first, and these students are fine examples of outstanding young people. They have distinguished themselves both in the classroom and in their extracurricular activities.

On July 4, the community will hold an official celebration. Each graduate of the school will be an honored guest at the gala as they gather with their families, friends, and public officials to observe this important event. Those participating recognize that they are not marking the centennial of their first graduating class, but are also applauding what makes America great: Pride in the finest education system in the world. They realize that the knowledge they have attained in school prepares them for the challenges they face in life.

Those assembled on that day will come from various backgrounds, professionally, economically, and religiously. But although their personal attributes may vary, they have all benefited from the fine education they received in the Watervliet Public Schools. I commend each person attending the celebration: The students, past and present; the educators, who have devoted themselves to lives of teaching others; the families and friends, and the community, and I am proud to represent them in Congress.

A CONGRESSIONAL TRIBUTE TO BOYD T. THURGOOD

HON. JAMES V. HANSEN

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 23, 1989

Mr. HANSEN. Mr. Speaker, I rise today to pay tribute to Mr. Boyd T. Thurgood on the occasion of his retirement from the U.S. Air Force on June 2, 1989. His well deserved rest comes after 41 years of dedication and exemplary service.

This fine gentleman's outstanding accomplishments merit recognition and praise. Mr. Thurgood will be retiring from the position of deputy director of maintenance, Ogden Air Logistics Center, Hill Air Force Base, UT. As this institution resides in my district it is my honor and pleasure to acknowledge his generous service.

Mr. Thurgood's accomplishments are numerous and wide-ranging. Through his assiduous pursuit of knowledge he prepared himself for a wonderful career. As director of maintenance, he was responsible for directing over 6,500 employees in accomplishing maintenance on all Air Force missile weapon systems. Mr. Thurgood was also instrumental in obtaining the C-130 and OV-10 workload to Hill Air Force Base which brought over 100 jobs to the community. Additionally, his expertise was the driving force in developing and promoting the DMMIS program and QP4 total quality program, making Hill the forerunner in command.

He began his civil service career at the Naval Supply Depot in Clearfield, UT where he served until he was called to Korea. There he achieved the rank of sergeant first class while serving in the 25th Infantry Division and was nominated for the rank of master sergeant. After returning home, Mr. Thurgood resumed his civil service career at the Hill Air Force Base. While at Hill, his value is at least partially depicted through the many promotions he has enjoyed. His positions held include the quality branch chief of the Aircraft Division, workload division chief of the Work Load and Posture Planning Branch and chief of the Missile and Aircraft Systems Division.

Mr. Thurgood's value transcends his service to the U.S. Air Force. He is busily involved in the community, having been elected to the Syracuse City Council where he served for 6 years. He was then elected to the office of mayor where he served for an additional 12 years. While serving in this city position, Mr. Thurgood held many positions in the Utah League of Cities and Towns as well as other regional councils. Despite this hectic schedule he remains actively involved in his church.

Mr. Speaker, this man strives to improve the lives and opportunities of all those around him and beyond. In saluting him today, we pay tribute to someone who has diligently magnified his callings and responsibilities. May we extend to Mr. Thurgood our deepest appreciation for a career and life which lends to all a priceless example.

SUPPORTING THE INCREASE IN THE MINIMUM WAGE

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 23, 1989

Mr. DINGELL. Mr. Speaker, I rise today in support of the conference report on the increase in the minimum wage from $3.35 an hour to $4.55 over the next 3 years. I urge the President to sign this into public law.

The Fair Labor Standards Act established the first Federal minimum wage at 25 cents per hour in 1938. Since that time the minimum wage has been periodically raised. Today, the minimum wage is the same as it was in 1981, $3.35 an hour. The purchasing power of the minimum wage has decreased by more than 30 percent since 1981. Had the minimum wage kept pace with inflation since 1981, it would now stand at about $4.57. During the 1960's and 1970's, a person who worked full time at a minimum wage job could earn slightly more than the amount required to keep a family of three out of poverty. Today, however, the earnings of such a full-time minimum wage worker would be 29 percent below the poverty line for a three-person family.

Clearly, it is time that the minimum wage be raised. Americans from every region across the country overwhelmingly support an increase in the minimum wage. Reflecting that support, the Congress has voted for a long overdue increase in the minimum wage. I hope the President will reflect a similar concern for the needs and desires of working Americans.

A GRATEFUL NATION REMEMBERS ITS VETERANS

HON. ROY DYSON

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 23, 1989

Mr. DYSON. Mr. Speaker, I rise today in remembrance of those brave men and women who made the ultimate sacrifice so that their countrymen could enjoy the blessings of freedom. As I think back over the years, I am uplifted by the valor, courage, and sense of purpose that these special people demonstrated in the face of opposition. I am also deeply humbled by the selfless sacrifice they made to protect liberty and democracy. As the Bible says, "Greater love than this no man has than that he lay down his life for his friends."

It was in 1868 that the first national Memorial Day was observed. It was an occasion of more than 100 exercises commemorating the soldiers who fell in the Civil War. The Commander in Chief of the Grand Army of the Republic issued a proclamation marking one special day "for the purpose of strewing with flowers or otherwise decorating the graves of comrades who died in defense of their country."

Since that first Memorial Day millions of Americans have fallen in service to our country. They fought for those principles of freedom upon which our Nation was founded and to protect the rights of individuals which make the United States the greatest nation in the world. We must never forget their sacrifices. Our gratitude should be expressed in our daily actions. Abraham Lincoln wrote during the Civil War, "Let us care for him who shall have borne the battle, and for his widow, and his orphan."

As a member of the powerful House Armed Services Committee I am always mindful of the great debt that this country owes to those who have made sacrifices in its defense. I am especially proud of the patriots from the First District of Maryland. The courage of people like Donny Preston from Cecil County who fought in the Signal Corps during World War II, of Robert Dellinger from Salisbury who was a Marine in World War II, and of Larry Schilling from Elkton who served his country valiantly in the Vietnam war, shine as memorable examples. They did not ask to leave their jobs, their educations, their families to fight oppression throughout the world. America called on them and they went. They accepted their responsibilities with high ideals and patriotism. Each of them is an American hero.

I would also like to pay tribute to organizations like the American Legion and the Veterans of Foreign Wars. They keep the memory of our patriots alive throughout the year. They remind us that liberty has a cost which is borne gladly by all who value our cherished institutions and rich tradition of freedom. Today, more than 28 million Americans, men and women, young and old, proudly call themselves veterans. And they salute the courage and commitment shown by their fellow veterans. They remember all too well what it took to keep America free. It is appropriate to share these reflections and to listen to their voices as they communicate history to us through their memories and experiences.

It is also appropriate to recognize the Americans of today who serve in the Army, the Navy, the Air Force, and the Marine Corps who keep America free today. They carry the torchlight of democracy into the future. Let us look forward to a world of peace and pray that never again will America ask so much of its honest citizens. While we can never repay their sacrifices, let us remember them and express our feelings to our veterans and to the families of our fallen soldiers. We must let them know that their sacrifices were not in vain.

THE 15TH ANNIVERSARY OF LENOX HILL HOSPITAL HEALTH EDUCATION CENTER

HON. BILL GREEN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 23, 1989

Mr. GREEN. Mr. Speaker, I should like to commend Lenox Hill Hospital for providing exceptional health services to New Yorkers. The hospital will celebrate the 15th anniversary of its health education center on May 31 of this year.

The health education center was the first service in New York City to offer free health education and information on a continuing basis to the public, and it has served more than 300,000 New Yorkers. A leader in preventative medicine, the program includes free education and screening programs, literature, exhibits, lectures, audiovisual programs, counseling, tel-Med telephone services, and several hotlines such as a Sex Helpline, Sleepline, Stay-Off-Smoking Hotline, and a Relaxation Line.

The center has been a districtwide and nationwide force demonstrating the value of health education to improve health and lower medical costs. The celebration to commemorate the anniversary of that revolutionary health center will include a day-long health fair, followed in the evening by a ceremony and reception.

I should like to thank Lenox Hill Hospital for the excellent contributions that it has made to the health and welfare of New York City and enourage it to continue developing its diverse programs.

THE 100TH ANNIVERSARY OF THE NEWTOWN FIRE ASSOCIATION

HON. PETER H. KOSTMAYER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 23, 1989

Mr. KOSTMAYER. Mr. Speaker, I rise today honoring the 100th anniversary of the Newtown Fire Association. Led by Chief Dennis Forsyth, these men are part of a rich tradition of dedicated volunteer firemen that have provided an invaluable service in my district of Bucks County, PA.

In an age some say is characterized by greed and selfishness, these men volunteer their time and energy for the good of the community. Their courage and selfless dedication exemplify the true spirit of American voluntarism.

The American institution of the volunteer fire company originated in Philadelphia during the time of Benjamin Franklin. Approximately 100 years later, on October 28, 1889, the Newtown Fire Association was formally established. Since then the Newton Fire Association has seen great changes in fire-fighting techniques and equipment. From the use of the antique pumper "Old Washy," to the new trucks the association will house at its 100th anniversary ceremony on June 10, 1989, Newtown's Fire Association has provided quality service to the community.

Mr. Speaker, safety in our society depends on the unselfish dedication of men such as those in the Newtown Fire Association. These men often put their lives on the line to ensure the safety of the community. I want to take this opportunity to thank them on behalf of myself and citizens of Newtown, Bucks County, and to wish them good luck and continued success in the future.

A TRIBUTE TO THE SHEPHERD HIGH SCHOOL BAND

HON. BILL SCHUETTE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 23, 1989

Mr. SCHUETTE. Mr. Speaker, I have the privilege today of commending a fine group of young individuals who were recently awarded a first division rating at the State band festival in Michigan. The Shepherd High School band, which is composed of over 80 students, has participated at the State level of competition for the past 4 years and has received a first division rating 3 out of the 4 years.

In addition to the first division ratings they have received, the Shepherd High School band has also been recognized for its fine performance at the Michigan Sesquicentennial Celebration 2 years ago and its annual presentation in Lansing's Michigan on the Mall. The band is also currently a member of the Michigan School Band Orchestra Association [MSBOA].

Claude Lemmer, director of the band, has conducted the Shepherd High School band for 28 years. Each individual put forth many long, enduring hours of practice to achieve a quality band, which in turn led them to provide their community with outstanding entertainment. The band will finish up their season with a spring concert and a positive attitude for the following year.

Mr. Speaker, I ask my colleagues in the U.S. House of Representatives to join me today in congratulating these students for their excellent performance in the State band festival. I know these talented individuals made their families, their communities, and the State of Michigan very proud for their excellent achievements.

TRIBUTE TO ARTHUR DIMICELI

HON. JIM COURTER

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 23, 1989

Mr. COURTER. Mr. Speaker, I rise today in tribute to Art Dimiceli, devoted teacher and coach at Hackettstown High School, Hackettstown, NJ. Art will retire in June 1989 after 36 years of dedicated service.

As a teacher since 1952, Mr. Dimiceli's selfless involvement has earned him the respect of the entire Hackettstown High School community. During his 34 years as coach of the baseball program, he posted 310 wins, 5 Delaware River Conference Championships, 2 State Sectional Championships, and 7 Little Four titles. He also served for 9 years as Hackettstown High School athletic director, head basketball coach, and assistant football coach.

Art and his wife, Agnes, have two children, Michele and Joseph. His distinguished record of achievement represents a commitment to excellence that any parent would want to influence their child. Winning is no stranger to Art Dimiceli's students and student-athletes. I take great pride in noting his accomplishments before my colleagues.

TRIBUTE TO DR. THOMAS E. KEE, SR., OF SHAW UNIVERSITY

HON. MERVYN M. DYMALLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 23, 1989

Mr. DYMALLY. Mr. Speaker, I rise to pay tribute to Dr. Thomas E. Kee, one of the outstanding sons of Shaw University in Raleigh, NC, founded in 1865.

Dr. Kee will retire on June 30, 1989, after 40 years of dedicated service to his alma mater.

He graduated from high school in Newark, NJ. Opportunities for higher education were then and still are, rare for black youth. Shaw University, a predominantly black institution of higher education afforded the opportunity as it has done for thousands. Because of its historic philosophy of patience and understanding in taking students where they were, irrespective of economic status and at tremendous sacrifice graduating them, Dr. Kee graduated in 1947.

Like so many graduates of black higher education, Dr. Kee was dedicated and committed to "paying his dues" by giving back to the community some of what he had received. He elected to do this by working for Shaw University for more than 40 years in different working capacities such as teaching, dean of students, vice president for student affairs, vice president for university relations and development, special assistant to the president, executive vice president and vice president for institutional relations and enrollment management. He performed all of these roles with distinction, dignity, and skill.

There is no question that Dr. Kee has contributed significantly to the survival and to the growth and development of Shaw University. He leaves that venerable and illustrious institution with the most gratifying satisfaction and belief that he has contributed to the molding of character.

Dr. Kee will continue to serve, even in retirement, as a beacon of hope to black youth, particularly the embattled black male.

CHOWAN PRESIDENT, DR. BRUCE WHITAKER, RETIRES

HON. WALTER B. JONES

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 23, 1989

Mr. JONES of North Carolina. Mr. Speaker, Chowan College in Murfreesboro, NC, is an important institution in my congressional district, and Dr. Bruce Whitaker who is serving his 32d year as president of Chowan College, has been a close personal friend for many years. Dr. Whitaker will retire as president on June 30, 1989, and certainly his years of service to Chowan need to be noted.

Under his leadership, Chowan's enrollment has climbed from under 30 to some 950. More than $20 million has been added to the assets of the college. For the past 30 years, Chowan has operated in the black. Thirteen major buildings have been added, including the $2.75 million gymnasium—physical education facility, Helms Center, and a new graphic communications building. Whitaker Library is named in his honor.

He is past secretary and member of the executive committee and current member of the National Association of Independent Colleges and Universities. He has served as president of five educational organizations, including the National Council of Independent Junior Colleges and Association of Southern Baptist Colleges and Schools.

In addition to his work with Chowan College, Dr. Whitaker is very active in mental health efforts in the State of North Carolina. Dr. Whitaker is a past chairman and current member of the North Carolina Commission for Mental Health, Mental Retardation, and Substance Abuse Services. He is chairman of the commission's mental health committee.

The chairman of the board of trustees of Chowan sums it up best in praising Dr. Whitaker for his "selfless and capable leadership. Dr. Whitaker has led the college through times of adversity and times of triumph. Because of his keen insight, he has been able to use all of these circumstances to promote the continued growth of Chowan College."

I am grateful for the honor of being considered a close, personal friend of Dr. Whitaker, and along with many, many others, I wish him much health and happiness in the coming years.

SALUTE TO DAVID A. BRODY

HON. DENNIS E. ECKART

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 23, 1989

Mr. ECKART. Mr. Speaker, I rise today in recognition of Mr. David A. Brody, retiring director of the Washington Office of the Anti-Defamation League of B'nai B'rith. Mr. Brody has had an impressive career working effectively with the executive and the legislative branches of Government to achieve progress in such areas as civil rights, civil liberties and social welfare. His work on behalf of Israel and Soviet Jewry has also been very valuable. Mr. Brody has been quite successful at sharing his extensive knowledge of the issues facing Israel and Soviet Jews with the Congress. Because of his communication efforts, he has helped members of Congress better understand those issues. I come before you today to salute Mr. David Brody for his many years of dedication and commitment to these important goals.

PAYING TRIBUTE TO TRENTO BRIZZI

HON. THOMAS M. FOGLIETTA

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 23, 1989

Mr. FOGLIETTA. Mr. Speaker, I rise today to pay tribute to an outstanding individual from Assisi, Italy who deserves to be recognized for his major contributions to the Jewish people during World War II. This man is Trento Brizzi.

During the Second World War, Trento and his father, Luigi, were part of an organization which later became known as the Assisi Underground. Led by the archbishop, his appointment secretary, Dan Aldo Brunnacci, and a simple monk, Father Raffino, the Assisi Underground was responsible for saving the lives of almost 5,000 Jewish people from Nazi Germany.

Even more remarkable is the fact that they were 100 percent successful in every attempt they made. This is an incredible achievement considering that these men were not trained spies, but simple Italian villagers. Not one Jewish person who went through their operation was ever captured. In fact, through efforts like this all over Italy, 80 percent of the Italian Jewish population survived.

On May 24, 1989, the Graphics Arts Association is holding a ceremony to honor Trento Brizzi, a 75-year-old printer who still resides in Assisi, Italy, by presenting him the "Freedom of the Press Award" for his courageous work. They are flying him, Don Aldo Brunacci, and the mayor of Assisi to Philadelphia for the presentation. They will also hold a ceremony for them at the Holocaust Memorial in Philadelphia later during the week. The Graphic Arts Association deserves to be thanked as well for all the work and time they have put into making this important ceremony possible. In fact, Yihtzak Shamir's son is coming from Israel to help pay tribute to Mr. Brizzi. I regret that the demands of the House schedule may mean that I will not be in Philadelphia to properly honor Trento Brizzi, in person.

Mr. Speaker, I rise to pay tribute to a man who did not simply ignore the tyranny of the Nazi regime, but instead chose to fight back and help the Jewish people. The Assisi Underground's dedication and compassion in the ever present face of danger was heroic. Trento Brizzi and the men who worked for the Assisi Underground demonstrated to the world that a few caring men can make a difference.

NATIONAL MARITIME DAY

HON. GEORGE J. HOCHBRUECKNER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 23, 1989

Mr. HOCHBRUECKNER. Mr. Speaker, today is National Maritime Day. I rise to pay tribute to the vital role played throughout history by members of the U.S. merchant marine, and to highlight the importance of restoring our domestic shipping industry to its former prominence.

In order to recognize the critical national security role played by merchant mariners over the years, the 100th Congress enacted the Merchant Marine Decorations and Medals Act (Public Law 100-324). I cosponsored this legislation to authorize medals and decorations for outstanding and meritorious conduct and service for members of the U.S. merchant marine during a national emergency. The law also authorizes the Secretary of Transportation to provide a U.S. flag and a gravemarker to the family of a deceased person with such a record of service. The legislation, while long overdue, provided for important national recognition of combat merchant mariners.

I am very concerned about the unfortunate state of the U.S. merchant marine. As a member of the Committee on Merchant Marine and Fisheries, I have supported measures designed by our committee chairman, the gentleman from North Carolina [Mr. JONES] to improve the condition of the American merchant marine. For example, I support the policy that wherever possible, U.S. products should be shipped on U.S.-flag ships.

Unfortunately, however, the executive branch under the Reagan administration repeatedly side-stepped the requirements of law and allowed American goods to be carried on foreign-flag vessels. It seems that even after Congress has carefully designed laws to ensure fairness to American seamen, the administration finds loopholes which enables it to weaken protections. I hope that President Bush's administration will adopt a "kinder, gentler" policy toward the merchant marine.

Mr. Speaker, on this, National Maritime Day, let us honor the Americans who join the U.S. merchant marine.

HONORING THE EL RANCHO UNIFIED SCHOOL DISTRICT EMPLOYEES MAY 26, 1989

HON. ESTEBAN EDWARD TORRES

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 23, 1989

Mr. TORRES. Mr. Speaker, on Friday, May 26, 1989, at a special reception the El Rancho Unified School District Board of Education will honor its employees. In addition, retiring teachers and those who have served the school district for 25 and 15 years will be honored with special awards.

These fine and dedicated people have served many years with distinction and are

being honored for their outstanding public service by their peers, their school district, and their community.

Education is an extremely important subject to me. The people who educate, train, and care for our youth are very special. As we commend these fine individuals, let us also commend all those who serve throughout our country's educational system.

I would like to point out that these employees have served in one of the finest school districts in the 34th Congressional District. The El Rancho Unified School District has an outstanding record of high educational quality.

RETIRING

Carl Fiorito, 37 years; David Turovsky, 35; Huey P. Nolin, 32; Alex Dallas, 31; Harriet Jungels, 31; Ruth Oppenlander, 31; Jack Beals, 30; Michelina Guerrero, 30; Del Bock, 27; Joseph S. Albert, 26; Lyle G. Bollum, 26; Phyllis H. (Sophie) Ellis, 26; Ralph R. Meyers, Jr., 26; Catherine Ostrich, 26; Hal S. Ramsaur, 26; Eileen Cautillo, 24; Stella M. Smith, 24; Wilma Page, 23; Emma Peraz, 23; Martha Vaughan, 23; Ernestine Zule, 23; Elvira Durazo, 22; Stella M. Johnson, 22; G. Marie Borchardt, 20; Medardo Garcia, 19; Martin B. Aparacio, 18; Betty Pixler, 18; Jane Yotsuya, 18; Aleda Barton, 17; Esperanza Estrada, 17; Alice Saldibar, 17; Ann L. Allison, 16; Damaso Henry Sutis, 16; Aurora G. Lopaz, 15; Josie Navarro, 15; Juanita Lucero, 13; Dorothy Rodriguez, 12; Armida Comaduran, 11; Margaret Galuz, 11; and Ruth P. White, 11.

25-YEAR GOLD PINS

Kathleen J. Beck; Patricia C. Cashin; Praxedes R. Flores; Jeanne H. Higashi; Emma Jean Hilsinger; David E. Honig, Nancy D. Jensen-Austin; Gary F. Lovett; Rosalie Ann Lucey; Rose K. Moreno; Edwina F. Rollo; Joseph Valenzuela, and Edwin Wong.

15-YEAR SILVER PINS

Mike Aguilar; Angelina Aquirre; Lucille M. Alaniz; Joseph L. Alvarado; Siegfried Angelo; Norma Benavides; Lilia Bermudez; Eleanor Carreon; Gloria Castaneda; Esperanza Cruz; Corlyn Curtis; Nancy Dillon; Marcella Duron; Anita Enriquez; Estela Faif; Juliet Felix; Josie Gallardo; Grace Gallegos; Fortunato Garcia; Rosemarie Garibay; Elsie Gomez; Esperanza Gonzales; Richard Gonzales; Juliet Goulet; Bertha Gurule; Betty Hernandez, Frances L. Hernandez; Donna A. Hirn; Anna M. Jaramillo; Barbara Ann Jones; Frances Lay; Mary M. Logsdon; Aurora Lopez; Beatrice Lopez; Gila Lopez; Lucy Lopez; Sara D. Lugo; Anita Martinez; Martha Martinez; Benjamin J. Meza; Arthur Narvaez; Adela Palomar; Paula Pina; Julia M. Ramiraz; Elena Rodarte; Adriana Rodriguez; Grace Rodriguez; Guadalupe Ruiz; Frances Salazar; Amelia Salgado; Rachel E. Salgado; Andrew Zermeno; Emily D. Swirbul; Lupe V. Teran; Armida Villa; Marion Wallenberg; Lilia Wolf; and Martha Ybarra.

IN MEMORIAM

Janice Salazar, teacher, 24 years of service at El Rancho High School.

Gaynell Buis, teacher, 23 years of service at North Park Middle School.

Joan Bonilla, clerk-typist, 10 years of service at Burke Middle School.

Mr. Speaker, it is with great honor and pride that I rise to recognize the teaching staff and classified employees of the El Rancho Unified School District on the floor of the U.S. House of Representatives. I ask my colleagues in the House to join me in extending best wishes and heartiest congratulations to the teachers and classified employees who have added so much to enhance this school district..

HOUSE OF REPRESENTATIVES—*Wednesday, May 24, 1989*

The House met at 11 a.m.

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

Let us pray using the words of the 100th Psalm:

Make a joyful noise to the Lord, all the lands! Serve the Lord with gladness! Come into His presence with singing!

Know that the Lord is God! It is He that made us, and we are His; We are His people, and the sheep of His pasture.

Enter His gates with thanksgiving, and His courts with praise! Give thanks to Him, bless His name!

For the Lord is good; His steadfast love endures forever, and His faithfulness to all generations.

Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

Mr. THOMAS of Wyoming. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The SPEAKER. The question is on the Chair's approval of the Journal.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. THOMAS of Wyoming. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 299, nays 109, not voting 26, as follows:

[Roll No. 60]

YEAS—299

Ackerman	Beilenson	Broomfield
Akaka	Bennett	Browder
Alexander	Bereuter	Brown (CA)
Anderson	Berman	Bruce
Andrews	Bevill	Bryant
Annunzio	Bilbray	Bustamante
Anthony	Boggs	Byron
Applegate	Bonior	Callahan
Atkins	Borski	Campbell (CA)
AuCoin	Bosco	Campbell (CO)
Barnard	Boucher	Cardin
Bartlett	Boxer	Carper
Bateman	Brennan	Carr
Bates	Brooks	Chapman
Clarke	Johnson (SD)	Pickle
Clement	Johnston	Porter
Coelho	Jones (GA)	Poshard
Coleman (MO)	Jones (NC)	Price
Coleman (TX)	Jontz	Quillen
Combest	Kanjorski	Rahall
Conte	Kaptur	Rangel
Conyers	Kasich	Ravenel
Cooper	Kastenmeier	Ray
Costello	Kennedy	Regula
Cox	Kennelly	Richardson
Coyne	Kildee	Rinaldo
Craig	Kleczka	Ritter
Crockett	Kolter	Robinson
Darden	Kostmayer	Roe
Davis	LaFalce	Rohrabacher
DeFazio	Lancaster	Rose
Dellums	Lantos	Rostenkowski
Derrick	Laughlin	Rowland (CT)
Dicks	Leath (TX)	Rowland (GA)
Dingell	Lehman (CA)	Roybal
Dixon	Lehman (FL)	Russo
Dorgan (ND)	Leland	Sabo
Dornan (CA)	Lent	Saiki
Downey	Levin (MI)	Sangmeister
Dreier	Lewis (GA)	Sarpalius
Duncan	Lipinski	Savage
Durbin	Livingston	Sawyer
Dwyer	Lloyd	Saxton
Dymally	Long	Scheuer
Early	Lowey (NY)	Schiff
Eckart	Luken, Thomas	Schneider
Edwards (CA)	Manton	Schulze
Edwards (OK)	Markey	Schumer
English	Martinez	Sharp
Erdreich	Matsui	Shaw
Espy	Mavroules	Shumway
Evans	Mazzoli	Shuster
Fascell	McCloskey	Sisisky
Fazio	McCrery	Skaggs
Feighan	McDade	Skeen
Fish	McDermott	Skelton
Flake	McEwen	Slaughter (NY)
Flippo	McHugh	Smith (FL)
Foglietta	McMillen (MD)	Smith (IA)
Foley	McNulty	Smith (NE)
Ford (MI)	Meyers	Smith (NJ)
Ford (TN)	Miller (CA)	Smith (VT)
Frank	Miller (WA)	Snowe
Frost	Mineta	Solarz
Garcia	Moakley	Spratt
Gaydos	Mollohan	Staggers
Gejdenson	Montgomery	Stallings
Gephardt	Moody	Stark
Gillmor	Moorhead	Stenholm
Glickman	Morrison (CT)	Stokes
Gonzalez	Morrison (WA)	Studds
Gordon	Mrazek	Swift
Grant	Murtha	Synar
Gray	Myers	Tallon
Green	Nagle	Tanner
Guarini	Natcher	Tauzin
Gunderson	Neal (MA)	Thomas (GA)
Hall (OH)	Neal (NC)	Torres
Hall (TX)	Nelson	Torricelli
Hamilton	Nielson	Towns
Hammerschmidt	Nowak	Traficant
Hansen	Oakar	Traxler
Harris	Oberstar	Valentine
Hatcher	Obey	Vander Jagt
Hawkins	Olin	Vento
Hayes (IL)	Ortiz	Visclosky
Hayes (LA)	Owens (UT)	Volkmer
Hefner	Packard	Walgren
Hertel	Pallone	Watkins
Hoagland	Panetta	Waxman
Hochbrueckner	Parker	Weiss
Horton	Patterson	Weldon
Hoyer	Payne (NJ)	Whitten
Hubbard	Payne (VA)	Wise
Huckaby	Pease	Wolpe
Hughes	Pelosi	Wyden
Hutto	Penny	Wylie
Hyde	Perkins	Yates
Jenkins	Petri	Yatron
Johnson (CT)	Pickett	

NAYS—109

Armey	Herger	Roth
Baker	Hiler	Roukema
Ballenger	Holloway	Schaefer
Barton	Hopkins	Schroeder
Bentley	Hunter	Schuette
Bilirakis	Inhofe	Sensenbrenner
Bliley	Ireland	Shays
Boehlert	Jacobs	Sikorski
Brown (CO)	James	Slaughter (VA)
Buechner	Kolbe	Smith (MS)
Bunning	Kyl	Smith (TX)
Burton	Lagomarsino	Smith, Denny (OR)
Chandler	Leach (IA)	Smith, Robert (NH)
Clay	Lewis (CA)	Smith, Robert (OR)
Coble	Lewis (FL)	Solomon
Coughlin	Lightfoot	Spence
Crane	Lowery (CA)	Stangeland
Dannemeyer	Machtley	Stearns
DeLay	Madigan	Stump
DeWine	Marlenee	Sundquist
Dickinson	Martin (IL)	Tauke
Douglas	Martin (NY)	Thomas (CA)
Emerson	McCandless	Thomas (WY)
Fawell	McCollum	Upton
Fields	McMillan (NC)	Vucanovich
Frenzel	Michel	Walker
Gallegly	Miller (OH)	Walsh
Gallo	Molinari	Weber
Gekas	Murphy	Wheat
Gingrich	Oxley	Whittaker
Goodling	Parris	Wolf
Goss	Pashayan	Young (AK)
Gradison	Paxon	Young (FL)
Grandy	Pursell	
Hancock	Rhodes	
Hastert	Ridge	
Hefley	Roberts	
Henry	Rogers	

NOT VOTING—26

Archer	Florio	Morella
Aspin	Gibbons	Owens (NY)
Clinger	Gilman	Pepper
Collins	Houghton	Slattery
Courter	Levine (CA)	Udall
de la Garza	Lukens, Donald	Unsoeld
Donnelly	McCurdy	Williams
Dyson	McGrath	Wilson
Engel	Mfume	

□ 1123

So the Journal was approved.

The result of the vote was announced as above recorded.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore (Mr. FOLEY). The Chair will ask the gentleman from Wyoming [Mr. THOMAS], if he would come forward and lead the House of Representatives in the Pledge of Allegiance.

Mr. THOMAS of Wyoming led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

PERMISSION FOR COMMITTEE ON THE JUDICIARY TO SIT DURING 5-MINUTE RULE

Mr. FRANK. Mr. Speaker, I ask unanimous consent that the Committee on the Judiciary be permitted to sit during the 5-minute rule for purposes of consideration of the bill dealing with the savings and loan industry.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

PERMISSION FOR SUBCOMMITTEE ON COAST GUARD AND NAVIGATION OF THE COMMITTEE ON MERCHANT MARINE AND FISHERIES TO SIT DURING 5-MINUTE RULE

Mr. CLEMENT. Mr. Speaker, I ask unanimous consent that the Subcommittee on Coast Guard and Navigation of the Committee on Merchant Marine and Fisheries be permitted to sit during the 5-minute rule. This request has been cleared with the ranking minority member of the subcommittee, the gentleman from Michigan [Mr. DAVIS].

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

REQUEST FOR PERMISSION FOR SUBCOMMITTEE ON ECONOMIC DEVELOPMENT OF THE COMMITTEE ON PUBLIC WORKS AND TRANSPORTATION TO SIT TODAY AND TOMORROW DURING THE 5-MINUTE RULE

Mr. SAVAGE. Mr. Speaker, I ask unanimous consent that the Subcommittee on Economic Development of the Committee on Public Works and Transportation be permitted to sit today and tomorrow while the House is operating under the 5-minute rule.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

Mr. THOMAS of Wyoming. Mr. Speaker, reserving the right to object, has the gentleman from Illinois cleared this with the minority?

Mr. SAVAGE. Mr. Speaker, if the gentleman will yield, yes, that is my understanding on our committee.

The SPEAKER pro tempore. The gentleman from Illinois has cleared the request with the minority?

Mr. SAVAGE. Mr. Speaker, it is my understanding that it is cleared with the ranking members of the Committee on Public Works and Transportation.

Mr. THOMAS of Wyoming. Mr. Speaker, would the gentleman from Illinois withhold his request until we make a phone call, please?

The SPEAKER pro tempore. The gentleman from Illinois will withhold his request.

LITTLE LEAGUE'S 50TH ANNIVERSARY

(Mr. CLARKE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CLARKE. Mr. Speaker, June 6 of this year will be the 50th anniversary of the first official Little League baseball game which took place in Williamsport, PA, on June 6, 1939.

Since that time Little League baseball has grown into a major American institution for youngsters and parents alike. Little League baseball has also spread to other countries.

Last year there were more than 2.5 million Little League baseball players in 28 countries around the world.

Not surprisingly Little League baseball has produced more than 450 professional baseball players during its first 50 years.

Little League baseball owes much to its adult volunteers—coaches, umpires, scorekeepers, and many others who make it possible for each local Little League team to play. It is estimated that over 750,000 adults are helping at Little League games every year.

Little League baseball has pioneered in baseball safety developments. It helped develop the added double-ear-flap batting helmet, the aluminum bat and safety improvements in catchers' chest protectors.

Sometimes Little League competition may get a bit too serious but the overall result has been to emphasize clean play, good sportsmanship, team effort, and the development of confidence. All of us who are parents owe a lot to Little League baseball and will be proud to celebrate its 50th anniversary on June 6. It's a bright event in our world.

SECTION 89 TAXES INSURANCE BENEFITS

(Mr. GUNDERSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GUNDERSON. Mr. Speaker, the 1986 Tax Reform Act, including section 89, which probably had a good goal, had a goal to equalize insurance in this country. The result, however, has not been an equalization of insurance. It is, unfortunately, an elimination, eliminating insurance for many, many companies.

Section 89, while well-intentioned, is nothing but a back-door approach to taxing insurance benefits in this country. Every day that we delay repeal we put another company's employees into the ranks of not covered in terms of health insurance.

For example, I would like to read to the Members from a letter from a Domino's pizza franchise which says:

> The obstacles imposed by section 89 and the problems encountered from the insurance industry has made our ability to offer insurance companywide an impossibility.

□ 1130

Today when we consider the rule on the dire supplemental appropriation bill we are asking Members to defeat the previous question in order that an amendment might be made in order to allow the immediate repeal of section 89.

Talking about dire emergencies, repealing section 89 is one.

FOREIGN SUBSIDIARY TAX EQUITY ACT

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, 4 years ago AT&T closed its Shreveport, LA, plant. They laid off 1,200 Americans. Then they invested $40 million in Singapore and hired 1,500 people in Singapore.

They used to make the telephones we buy for our houses in Shreveport. Now they are made in Singapore.

But what I am talking about today is if AT&T takes the profits from the sale of those imported phones and expands the factory in Singapore, they do not even pay taxes to Uncle Sam. That is stupid.

I had the Foreign Subsidiary Tax Equity Act included in the 1987 reconciliation bill, but the Senate would not accept it. I am reintroducing it today, and I am saying we should stop these "tax holidays" and "runaway plants" that do not even pay tax to Uncle Sam. Let us start looking at American workers around here. That happens to be our job, by the way.

CONTINUED FUNDING FOR THE HURRICANE HUNTER PROGRAM

(Mr. LEWIS of Florida asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LEWIS of Florida. Mr. Speaker, next week begins another hurricane season, a time when those of us who live on the eastern seaboard or the gulf coast begin to wonder if another major hurricane like Gilbert or Donna is on the way.

Unfortunately, as things stand, we can only wonder if we will get adequate warning before we feel the fury of a major storm's winds.

Earlier this month, several of my colleagues in the House and Senate and I met with Air Force, DOD, and NOAA, and received assurances the aircraft hurricane reconnaissance pro-

gram would be funded for at least 2 years.

When the meeting was over, the Air Force changed that to 1 year.

It's become abundantly clear to me after more than a year of fighting for this lifesaving program that the Air Force will not fund the hurricane hunters unless forced to.

So, today, I have introduced a bill that requires the Air Force to fund and with the National Oceanic and Atmospheric Administration to jointly administer the hurricane hunter program for 5 years.

It's imperative that we do whatever is necessary to give millions of Americans a chance to escape the wrath of the next Gilbert. The hurricane hunters give us the best chance.

We are speaking about saving American lives.

PERMISSION FOR SUBCOMMITTEE ON ECONOMIC DEVELOPMENT OF COMMITTEE ON PUBLIC WORKS AND TRANSPORTATION TO SIT TODAY AND TOMORROW DURING THE 5-MINUTE RULE

Mr. SAVAGE. Mr. Speaker, I renew my unanimous consent request that the Subcommittee on Economic Development of the Committee on Public Works and Transportation be permitted to sit today and tomorrow while the House is operating under the 5-minute rule.

The SPEAKER pro tempore (Mr. BOUCHER). Is there objection to the request of the gentleman from Illinois?

Mr. McEWEN. Mr. Speaker, reserving the right to object, I regret the inconvenience and appreciate the explanation of the chairman of the subcommittee. I will not object.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

LET US TAKE A NEW LOOK AT CABLE TV

(Mr. NEAL of Massachusetts asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. NEAL of Massachusetts. Mr. Speaker, if your experience has been at all like mine, you have been receiving an increasing number of complaints from constitutents and municipal officials about the operation of local cable television systems.

One of the prime motivations in the passage of the Cable Communications Policy Act of 1984 was a desire to foster the development of a healthy cable television industry. By any standard of measurement, that goal has been achieved. Everything about cable television is up—profits, number of subscribers, value of individual cable systems, and, of course, rates. The average price for cable service rose by nearly 20 percent in 1987, and by 13.6 percent last year, a pace that far outdistanced increases in the Consumer Price Index.

Cable television now reaches nearly 60 percent of U.S. households. In most service areas, no meaningful competition exists for the local cable provider. Coupled with this virtual monopoly status, cable systems are now buying programming services directly, thereby giving them the ability to control what goes into our homes as well as which homes are eligible to receive it.

What restraints exist on the power of the cable companies? They are certainly not to be found in the possession of the municipalities that grant cable franchises. When we deregulated cable prices in 1984, we took away most of the leverage and we made it harder for municipalities to revoke cable franchises.

Mr. Speaker, Congress gave a boost to a struggling industry when it adopted the 1984 Cable Act. I do not believe, however, that it intended to create a situation in which the interests of consumers would be forever subordinate to the interests of the owners of cable television systems. It is time to balance those interests. I am today introducing a concurrent resolution which calls upon the committees of the House and Senate with jurisdiction over cable television to expeditiously review the operation of the 1984 Cable Act, and propose legislation to correct the problems caused by its deregulatory provisions. I urge my colleagues to cosponsor this resolution.

REPEAL 89 IN '89

(Mr. GEKAS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GEKAS. Mr. Speaker, repeal 89 in '89. That is the rallying cry, that is the slogan by which our actions today will be measured.

There is no need to explain the odious provision of section 89. Everyone knows what it stands for. It stands for a tragedy for our business committees, for our labor communities, for commercial activity throughout the Nation.

We have an opportunity, more than 300 of us, to have a bill before the House in which we cosponsored repeal of section 89. I ask Members if they are sincere about that sponsorship, 304 strong or more, we have an opportunity to put our words into actions today with a vote to defeat the previous question so that the Rules Committee can honor that first attempt that we made in front of them to make the repeal of section 89 in order.

I ask Members for the sake of their constituents to vote down the previous question and vote their conscience and their sponsorship of the repeal of section 89.

URGE SUPPORT FOR ANTIDRUG FUNDING IN SUPPLEMENTAL APPROPRIATIONS BILL

(Mr. COLEMAN of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. COLEMAN of Texas. Mr. Speaker, our Nation is awash in drugs and drug-related crimes. Our people, especially those in urban areas, live in fear of violent crime, much of it fueled by the dramatic increase in illegal narcotics. No family, neighborhood, or community seems immune from this scourge.

Mr. Speaker, the people are demanding action from their Government, and rightly so. Poll after poll shows that crime and drugs top the list of issues about which most persons are concerned. The American people are tired of listening to the bureaucratic arguments against doing something about drugs and crime from the other side of the aisle.

The Presidential race last year, as did most congressional races, focused on opposition to crime and drugs. Now every Member of this body has the opportunity to prove it. Make no mistake—this is the day of reckoning. You can vote against crime and drugs by supporting this supplemental, or you can vote for them by opposing it. It is that simple, and the American people are going to remember.

OLDER AMERICANS FREEDOM TO WORK ACT

(Mr. HASTERT asked and was given permission to address the House for 1 minute and revise and extend his remarks.)

Mr. HASTERT. Mr. Speaker, this morning over 100 of my colleagues join me in introducing the Older Americans Freedom to Work Act, a bill that would repeal the Social Security earnings test for people aged 65–69.

The Social Security earnings test is an antiquated provision in the Social Security Act that actually penalizes our Nation's seniors for being productive citizens. For every $2 earned by a retiree over the $8,880 earnings cap, that retiree would lose $1 in Social Security benefits.

That hits seniors just as hard as a 50-percent marginal income tax. When the effect of the earnings test is added to the other taxes that seniors pay, a retiree earning just $10,000 to supplement their Social Security check faces

an effective marginal income tax of over 83 percent.

Mr. Speaker, we should not punish older Americans for working.

Yet, that is what the Social Security earnings test does: It allows bureaucrats to withhold money from seniors who want to continue to work in their community.

This has had a devastating effect on low- to moderate-income seniors; many of them simply drop out of the labor force when they are faced with such a tremendous loss of income.

If a senior citizen was working full-time at just $4.90 an hour, for every hour worked past the earnings limit, that senior would effectively only be able to keep 98 cents an hour.

Mr. Speaker, that just is not fair.

I urge Members of the House to join me in cosponsoring the Older Americans Freedom to Work Act to repeal the unfair Social Security earnings test for people aged 65 through 69.

□ 1140

CRACK COCAINE AND AIDS THREATEN THE WELL-BEING AND SECURITY OF OUR COUNTRY

(Mr. ROWLAND of Georgia asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROWLAND of Georgia. Mr. Speaker, there are two problems that are almost overwhelming in our society that I wish to speak to this morning. One is crack cocaine and the other is AIDS.

Crack cocaine, free-base, alkaloid, so readily and cheaply available, it is smoked and inhaled into the lungs and within a matter of 8 to 10 seconds the individual is propelled into a feeling of pleasure that is beyond all human experience.

A problem that is causing so much difficulty in our society now because of the addictive nature of this drug that comes about so readily. Then within 10 to 15 minutes the individual crashes and has to have another fix in order to sustain himself.

Mr. Speaker, AIDS was a problem that was first found in the homosexual community and that is where it largely existed for a period of time. Now AIDS is found more and more in the drug-abuse community.

Drugs and AIDS are so closely tied together. Mr. Speaker, these two problems are threatening the well-being and security of our country. So when you think about how to spend our money, you think about this threat from AIDS and crack cocaine.

LET US DO AWAY WITH THE SOCIAL SECURITY EARNING TEST

(Mr. HEFLEY asked and was given permission to address the House for 1 minute.)

Mr. HEFLEY. Mr. Speaker, this morning a bill was introduced to do away with the Social Security earnings test. America stands for freedom and opportunity, freedom to choose how you want to spend your life, opportunity to achieve whatever your talents and energy permit you to achieve. We encourage achievement and productivity unless you are one group of people.

If you are an older American we say by the Social Security earnings test that we do not "need you anymore, we don't want you to contribute, we don't want you to be productive." Further, we say, "If you insist on participating in a full and active way in society, we reward you by taking away a sizable portion of you Social Security. So work if you want, but you will pay the price for your freedom and opportunity."

This is not right. This is not in the spirit of what this country stands for. This is blatant age discrimination and it should be stopped right now and it can be stopped by passing the Older Americans Freedom to Work Act.

URANIUM ENRICHMENT REORGANIZATION ACT

(Mrs. LLOYD asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. LLOYD. Mr. Speaker, I have joined my colleague from Ohio [Mr. MCEWEN] in introducing the bill entitled the "Uranium Enrichment Reorganization Act." This legislation would establish a Government-owned corporation to operate the Nation's uranium enrichment enterprise. The time has come to create a self-sustaining entity which would be run on a business-like basis.

The new Uranium Enrichment Corporation would have more flexibility to be managed in a competitive commercial manner, with fewer bureaucratic restrictions. The uranium enrichment program to date has been too constrained and inefficient within the structure of the Department of Energy and as a result, of these problems, the United States has seen a loss of market share and revenue in the supply of enrichment services.

I will continue to work to assure that the bill does not predetermine the location of any additional capacity which might eventually be needed for the Uranium Enrichment Corporation. I realize this is not a perfect bill but I intend to continue working constructively with the administration to more finely tune the legislation.

As chairman of the Energy Research and Development Subcommittee, I intend to move forward in a timely manner to ensure that the legislation comes to fruition as soon as possible and that the bill is a realistic one with achievable goals.

We hope our colleagues will join us in cosponsoring this legislation.

STOP DELAYING THE SAVINGS AND LOAN BILL

(Mr. ROTH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROTH. Mr. Speaker, on February 6 the President sent to us a bill to rescue the savings and loan industry. He said, "Pass this legislation in 45 days."

Now, 100 days later, over 3 months later, this bill is bogged down in endless committee meetings.

While Congress is fiddling with this legislation, it is costing us $1 billion a month.

GAO has now reported it is going to cost the American taxpayers some $284 billion.

To give you an idea what this means in daily terms: From the time you came to work this morning until the time you go home this evening it is going to cost the American taxpayer $10 million in additional costs.

We must come to grips with this legislation and we have got to do it now. There is nothing more important than this bill.

Let us get on with it and pass it while there is still time.

WE ARE CLEARLY LOSING THE WAR ON DRUGS

(Mr. JONES of Georgia asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. JONES of Georgia. Mr. Speaker, recently the district attorney of suburban De Kalb County, GA, shared with me some remarkable statistics: Over 40 percent of his cases were direct narcotics arrests; possession and distribution of illegal drugs. As much as 70 percent of the crime in our society—burglaries, robberies, break-ins, car thefts, and the accompanying violence, assaults, and murders, are the direct result of drug addiction—that desperate craving that demands a fix at any price.

The American people have seen the drug epidemic flood our towns and cities with tragedy and death, destroying the fiber of our society as it destroys the minds and the bodies of our youth.

The fact that the Omnibus Drug Act of 1988 is woefully underfunded is a tragic comment on why we are clearly losing the war on drugs.

29-059 O-90-4 (Pt. 8)

Our Nation is awash in illegal drugs and the body count is rising by the hour. How long are we going to wait until we recognize the clear call of the American people.

The war on crime and drugs must become our No. 1 priority until we clean it up, we are not a truly free people.

VOTE "NO" ON THE NOT-SO-URGENT SUPPLEMENTAL APPROPRIATIONS BILL

(Mr. ARMEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ARMEY. Mr. Speaker, later today when this body takes up the rule on the not-so-urgent supplemental appropriations bill, Mr. GEKAS from Pennsylvania is going to give each and every one of us an opportunity to cast a vote for freedom and security for the working men and women of America. He is going to ask us to vote no on the moving of the previous question on the rule so that we can add an amendment to the rule that will allow us to subsequently repeal section 89 of the 1986 Tax Code which has cost millions of working men and women of America their benefits package.

I have before me a letter from a small corporation in Omaha, NE, and they have said, "Our only sound business decision is to totally eliminate our health plan for all employees effective January 1, 1989."

Mr. Speaker, if this body wants to act truly responsibly on behalf of the working men and women of America, they will vote "no" on section 89, "no" on the moving of the previous question and "yes' for freedom, dignity, and security for people who work in this country, pay their taxes, support their families, and make our jobs in this body possible in the first place.

THE DOD AUDIT IMPROVEMENT ACT WOULD ATTACK PROCUREMENT FRAUD

(Mr. LANCASTER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LANCASTER. Mr. Speaker, for the last few years we have been rocked by procurement scandals and waste and inefficiencies in the Department of Defense. A number of us have been asking why these problems keep occurring and what we can do to prevent them. Some feel that we should give DOD more resources to devote to auditing and investigating. I don't agree with that approach, and I wonder if my colleagues know that we now have 22,000 auditors, investigators, and inspectors in DOD.

Mr. Speaker, H.R. 2362, the DOD Audit Improvement Act, takes a different approach; it does not increase the total numbers in DOD, but it does realign them so that they are better focused to deal with the major problems in DOD.

The current inspector general appeared before the House Armed Services Committee earlier this year and said she could not afford to hire the number of procurement fraud investigators she believes are needed in DOD. My reaction was shock; here we are in the biggest procurement fraud scandal of the decade and the DOD inspector general is cutting back on the number of procurement investigators.

This bill will realign resources within the Department so that the Defense Criminal Investigative Service, the premier procurement fraud unit in DOD, would be increased by 500 personnel. These personnel would come from lower priority positions within the Department.

I urge my colleagues to cosponsor H.R. 2362 and support its passage. It is a good government bill that focuses our resources at the major problems in DOD with only minimal cost.

INTRODUCTION OF SENIOR INTERNS

(Mr. BARTON of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BARTON of Texas. Mr. Speaker, I rise for two purposes today. First I would like to commend the senior intern program which is underway in Washington, DC, this week.

□ 1150

This is a bipartisan effort that brings seniors from all over the country to learn a little bit about the Government and participate in the Government. I especially want to commend my two seniors, Elizabeth Withrow from Mexia, TX, and Ubah Stiles from Midlothian, TX.

REPEAL SECTION 89

I also want to speak on the repeal of section 89, and a letter from Spacemark, Inc., from Decatur, IL, and I will quote. "We do not understand the rationale for passage of section 89. Will section 89 reduce the number of workers we will hire in the future? Will section 89 eventually cause small businesses to just scrap their fringe benefit packages? We think the answer to both questions is yes. We urge your support of H.R. 634 to repeal section 89."

I would urge the support of the gentleman from Pennsylvania, Mr. GEKAS' effort to make an order and amendment to repeal section 89.

SUPPORT THE WAR ON DRUGS

(Mr. CHAPMAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CHAPMAN. Mr. Speaker, in 1986 and again in 1988, with my support, the Congress passed and the President signed a war on drugs bill to promise some hope to fight effectively the war on drugs. That effort will occur on five fronts: Interdiction, eradication, enforcement, education, and rehabilitation.

Here we are now, some 2 years later after that initial effort and we find that because of funding shortfalls, some of which are beyond our control, we have been unable to adequately fund the war on drugs to the extent that we must.

Before I came to Congress I served as a district attorney and prosecuted many drug offenders. Recently I was in my district. The officers at home that I used to work with tell me we are losing the fight. We are losing the war on drugs. We have an opportunity today to put our money where our mouth has been to fund the war on drugs, to put additional resources behind this effort. I urge my colleagues today to support the dire supplemental appropriations bill. Let us put our resources behind this war. Let us fight the scourge of drugs in America. Let us make a difference for the future. Support the war on drugs—it's a war we cannot afford to lose.

REPEAL SECTION 89

(Mrs. VUCANOVICH asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. VUCANOVICH. Mr. Speaker, citizens all over this country are up in arms about section 89 of the Tax Code. They are urging repeal of this onerous provision of the tax law.

I would like to read a portion of a letter from a small contractor in Iowa.

I am writing to urge you to repeal the section 89 tax law because the law is too complicated to understand, too many variables and interpretations. I cannot determine if we comply at all. I will probably drop all health care for everyone so that no one gets benefits, to eliminate the possibility of penalties. I would rather have a 1 percent increase in income tax than risk complying with section 89 because section 89 is really a tax increase in disguise.

I urge my colleagues to vote down the previous question and allow the gentleman from Pennsylvania [Mr. GEKAS] to offer his amendment to vote to repeal section 89.

SOCIAL INSECURITY?

(Mr. PORTER asked and was given permission to address the House for 1

minute and to revise and extend his remarks.)

Mr. PORTER. Mr. Speaker, the last few years of much ballyhooed Gramm-Rudman deficit reductions have been a sham. Our budget deficit is artificially low because we persist in counting the Social Security surplus toward deficit reduction. If we continue to reap this short-term gain, we may be hard pressed to pay the baby boomer's Social Security benefits in the next century.

Soon, I will be introducing legislation that addresses this unconscionable misuse of the Social Security reserves and the very real potential for a Social Security crisis in the early 21st century. This bill ends the masking effects of Social Security by taking it off-budget after fiscal year 1991.

My bill also requires the Board of Trustees of the Social Security trust fund to undertake a study of how to convert the current Social Security arrangement to a system of personal retirement accounts for each American worker. Such a system would put the Social Security reserves out of the reach of future Congresses while insuring that everyone who participates in the Social Security System will receive the retirement benefits they are promised and paid for.

We can't afford to wait until a crisis occurs and our options are limited. Now is the time to think about securing the future of Social Security.

SUPPORT ANTIDRUG FUNDING

(Mr. POSHARD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. POSHARD. Mr. Speaker, the slow march of drugs and death continues. They are partners in crime that's taken a grip on this Nation few of us could have imagined a few short years ago.

But now it is here, it is real, and we have to solve the crisis.

We can start by supporting this supplemental appropriation which includes millions in funding for antidrug measures.

I consider myself lucky not to have the degree of drug violence in my rural district we see in some places, but even in rural America the problem is great. The illegal use of drugs create a large part of the personal and property crime that occurs in an otherwise placid area.

We can tell our kids to say "no," dare to be drug-free, and say that dreams and drugs do not mix. But we have to do more.

We have to have the courage to put action and appropriations behind those words.

VOTE FOR REPEAL

(Mr. KOLBE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KOLBE. Mr. Speaker, later today this House is going to take up H.R. 2072, the dire emergency supplemental appropriations bill.

Yesterday in the Rules Committee, my colleague, the gentleman from Pennsylvania [Mr. GEKAS], offered an amendment to the dire emergency supplemental. This amendment would repeal section 89 of the Tax Code, so-called nondiscrimination rules for the employee-paid health benefits. I think everyone in this House has heard the outcry from their constituents and small businesses who find this such an onerous provision. Now we have another reason, it seems to me, for outrage, because the amendment to repeal section 89 was not made in order by the Committee on Rules.

The pretext, of course, is that we want to keep the supplemental appropriation bill clean. But where was the white glove test when it came to the AuCoin-Miller amendment? I say amendment because that so-called separate bill, if the rule allows it, could then be engrossed as a part of the dire emergency supplemental appropriation.

The Gekas amendment is not as controversial as the AuCoin-Miller amendment. Two hundred thirty-four Members have cosponsored legislation to repeal section 89. I want a clean supplemental appropriation, but it is apparent we are not going to get it. So I say we should allow all of the amendments to be offered and to let the House express its will on whether section 89 should be repealed. I urge my colleagues to vote to defeat the previous question on the rule this afternoon.

□ 1200

IN SUPPORT OF DEMOCRATIC REFORM IN THE PEOPLE'S REPUBLIC OF CHINA

(Mrs. KENNELLY asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. KENNELLY. Mr. Speaker, today I introduce a resolution expressing the strong support of the American people for the peaceful protest to promote democratic reform in the People's Republic of China. Yesterday, National People's Congress Chairman Wan Li met with President George Bush. Let us seize this opportunity as the U.S. House of Representatives to express our strong support for peaceful protest and democratic reform in the People's Republic of China.

The Chinese students who occupy Tiananmen Square shout out for the exercise of their human rights—the fundamental rights of freedom of speech, freedom of the press, and peaceful assembly. The freedom of movement and the freedom to form independent trade unions, student organizations and other voluntary associations. Do we in the United States not remember our own struggles for greater democracy—our own great movements for civil and equal rights? These students hold signs bearing the quotes or near quotes of great Americans—"Give me democracy or give me death" and "I have a dream." These students are the future leaders of China—the leaders with whom our children will engage in diplomatic relations.

The United States of America was founded on the democratic principles that all men and women are created equal and entitled to the exercise of their human rights. The advancement of democracy and human rights are prime objectives of the foreign policy of the United States. Led by the Independent Student Union of Beijing universities, the Chinese people have demonstrated their desire for democracy, human rights, and an end to the present system in the People's Republic of China.

Therefore, I am introducing a resolution to express the sense of the Congress that the American people desire to extend their support to the struggle for democracy, liberty, and justice within the People's Republic of China. That the leadership of the People's Republic of China should take all necessary steps to establish a just and democratic society, with a free and open political system that will protect the essential human rights of all people living within that country. And that the Secretary of State and the President of the United States should communicate again to the leadership of the People's Republic of China that official violence directed at those who would peacefully demonstrate for democracy, liberty and justice will have implications for United States-Chinese relations.

Let us not allow the quelching of political expression and peaceful protest, for these are the means of true democratic reform.

I urge your support for this important resolution.

REPEAL SECTION 89 IN 1989

(Mr. STEARNS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STEARNS. Mr. Speaker, I rise to address the House to ask the Members to repeal section 89. I want to echo the comments of one of my other distinguished colleagues who spoke

earlier. Let us repeal section 89 in 1989.

Across the Nation we are receiving letters from our constituents on this section relating to for-profit operations and not-for-profit-operations. I think it is time we listen to them and repeal this bill.

I would like to read to the Members what one small businessman said to us in a letter:

> This is going to cost my business hundreds of thousands of dollars annually to evaluate and maintain this information. * * *

He goes on to say that it is an added inflationary cost of doing business, and then he says this:

> It would be much easier for me to eliminate the benefits that I now am providing to my employees and let them take care of themselves.

Mr. Speaker, we should think about this. We have put legislation in place that would cause businesses to do away with the benefits they now have.

Mr. Speaker, the cry is: "Repeal section 89 in 1989."

TENNESSEE'S EIGHTH DISTRICT REPORTS SUCCESS IN ITS WAR AGAINST DRUGS

(Mr. TANNER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TANNER. Mr. Speaker, the Eighth District of Tennessee is a predominantly rural area, an area of small towns, and counties with small police and sheriff's departments. Today, those law enforcement agencies are marching together in drug task forces under the direction of the local district attorneys general.

This approach, I am told, makes Tennessee the only State in the country with locally elected district attorneys; possessing border to border organization to combat the drug problem. These drug task forces have met with unparalleled success because they have been able to utilize Federal moneys made available under antidrug legislation passed by this body to a great effect.

By way of comparison, let me cite my hometown of Union City, TN, a city of approximately 10,000. In 1988, with no Federal grant money, local police there made 44 drug arrests. In the first quarter of 1989, January 1 to March 31, with the assistance of Federal grant funds, that same police department made 136 drug arrests in addition to five Federal arrests made for trafficking in cocaine.

The point is that law enforcement personnel both urban and rural and the prosecutors who direct efforts to cleanup their communities need more, not less, support from this body if we are going to win this war, and it is a war.

We are not talking about risking our national security by maintaining funding for SDI at fiscal year 1989 levels. We are talking about continuing SDI research at a reasonable level while using funds to conduct another war with an enemy who has already invaded our shores; cities, counties, small towns, and rural communities; an enemy that is poisoning our young people. That war deserves more than our rhetoric. It deserves and demands our support. Indeed, it is imperative that we support those public servants who risk their lives carrying this war to that enemy.

STOP QUOTAS AGAINST ASIAN-AMERICANS

(Mr. ROHRABACHER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROHRABACHER. Mr. Speaker, we hear, with alarming frequency, charges that colleges and universities across our country are using quota systems to limit the admission of Asian-Americans.

These charges do not appear unfounded.

There is ample evidence of a conscious effort aimed at reducing the percentage of Asian-Americans at certain institutions of higher education.

These are not isolated incidents. That is why Congresswoman SAIKI and myself are introducing a sense of the Congress resolution expressing outrage at the use of quotas to limit the number of Asian-Americans, or for that matter students of any race or nationality.

Mr. Speaker, the facts suggest we may be returning to a period in American history when ugly, yet similar, quotas were used to limit the number of Jewish students. Let us learn from history and strike a blow for decency and American ideals. I urge my colleagues to join us in condemning with a loud and clear voice, discrimination against Americans of Pacific and Asian heritage, especially in their efforts to attend the university of their choice. America will only reach its potential when each and every American has the opportunity to reach his or her potential.

What we see is envy focused on Asian-Americans and it should not be tolerated.

A TRIBUTE TO CONGRESSMAN TONY HALL

(Mr. KASICH asked and was given permission to address the House for 1 minute.)

Mr. KASICH. Mr. Speaker, the National Collegiate Athletic Association recently presented one of its highest honors to my fellow Ohio Member and our colleague TONY HALL of Dayton, OH. TONY received the NCAA's Silver Anniversary Award for his accomplishments over the last 25 years.

Most people in the House are unaware of what TONY has done in contributing to the health, the stability, and the work of the NCAA.

I know that TONY finds it hard to believe, although I do not, but it was a quarter of a century ago that he was piling up yardage as a single-wing tailback at Denison University, although it seems more like 40 years ago. Denison University, by the way, is located about 25 miles east of Columbus in my congressional district.

After gaining over 1,300 yards in 1963, TONY was named to the Little All America Team.

TONY's coach called him "one tough hombre," but we know him as one of this body's most compassionate Members. He served in the Peace Corps in Thailand in the late 1960's. In his 10 years in the House of Representatives, TONY has been best known for his efforts in the Congress to eliminate hunger, both here in this country and abroad.

Mr. Speaker, he may have been known as a "Little All American," but there has been nothing "little" about TONY's accomplishments, both on and off the football field. I know my colleagues will join me in congratulating TONY HALL for the award the NCAA has presented him, and I am proud to call him my friend.

THE PRESIDENT'S "NEW" WAR ON DRUGS

(Mr. WISE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WISE. Mr. Speaker, there was some confusion when I heard the President announce his "new" drug program recently in a way that made it sound as though his proposals were the first shots being fired in the drug war.

While I agree with his calls for more money for prisons and law enforcement personnel, where has he been in the last 4 years? Congress and President Reagan enacted the sweeping drug bills of 1986 and 1988 authorizing billions of dollars in new drug-fighting programs.

These programs are on the books. The problem is funding. Like all wars, the drug war is an expensive one. Billions were authorized last year, but the President's request falls $1.8 billion short of full funding for the drug bill. This year President Bush, in his State of the Union message, only requested a net $388 million increase, and now after the budget resolution was passed, he suddenly wants $1.2 billion more.

Today the House has a chance to vote for more funds for the drug war. Let us take dollars from star wars and give them to drug wars. We can take our choice—building in space SDI's "Brilliant Pebbles" or clearing our streets of drugs' crack rocks.

□ 1210

REPEAL SECTION 89

(Mrs. BENTLEY asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. BENTLEY. Mr. Speaker, I rise to address the issue of section 89, and I am hoping this House will vote to repeal.

I have a letter here that is typical of the many, many letters I have received from my district. This is from a firm of two female entrepreneurs which was founded in April 1986, and the letter says that—

The first year we were in business, we employed 250 temporary workers and were pleased to pay taxes on $11,000 of the profits. We have been in business almost 3 years now. In 1988 we employed over 700 temporary workers, have a permanent staff of 7 full-time employees and gross receipts of nearly $2 million.

Early in 1989 we decided to become a responsible employer and provide health and disability insurance, and a qualified pension plan to all our permanent full-time employees (7). Our plans were liberal—vested in three years, insurance began at date of hire.

Section 89 put an end to all those benefits. We were informed that all our temporary employees who had accumulated over 1,000 hours in a calendar year, must also be qualified for the pension plan and be included in health and disability plans as well.

This issue has raised havoc among our permanent staff. The benefits are part of the reason why people choose to work permanently. As an employer, I feel I can't provide for my "real" employees like I should.

Section 89 has shot a hole into us as a company and all our permanent employees. What a disservice it has done to small business!

FUND THE WAR ON DRUGS OR NOTHING WILL BE LEFT FOR SDI TO PROTECT

(Mr. McDERMOTT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. McDERMOTT. Mr. Speaker, today we have an opportunity that comes rarely in this body—a clear choice between a program that will escalate the arms race and a program designed to save lives.

The choice is between increased funding for the strategic defense initiative, star wars, and increased funding for the war on drugs. It is a choice about our real national security and our children's future.

And it's a clear choice. If we do not protect our children from drug abuse, protect our streets from the murderous violence of drug dealers, protect our homes and businesses from the crime that feeds drug habits, what will be left for SDI to protect? What kind of a country would spend billions to escalate the arms race, and yet neglect its children's health and safety?

Nine out of ten people seeking treatment for drug dependency are turned away. Half of them are under the age of 18. The typical waiting list for treatment is 6 to 18 months. Those were the facts given in the testimony of the Federal Alcohol, Drug Abuse, and Mental Health Administration last year.

I wasn't here last year, when the 100th Congress passed an ambitious drug bill, aimed at reducing both demand for drugs and the supply of drugs. That bill commits us to serious action, not just to words. Words are cheap: action costs money. The test of our commitment to the war on drugs is not a rhetorical test. It is a financial test. By supporting the war on drugs over the arms race, we will show that we are ready to meet that test.

CONGRESS MADE A MISTAKE IN THE TAX REFORM ACT OF 1986

(Mr. ROWLAND of Connecticut asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROWLAND of Connecticut. Mr. Speaker, it is not too often that Congress will admit it has made a mistake, but during the Tax Reform Act of 1986 we did make a mistake, a troubling one: section 89.

Mr. Speaker, section 89 is unfair. It assumes that employers are discriminating until they can prove to the IRS that they are not.

The complicated tests required by section 89 are particularly difficult for companies with complex benefit plans that are designed to meet the individual needs of their employees. Section 89 works against the basic public policy of encouraging employers to offer their employees health insurance.

In fact, Mr. Speaker, section 89 is a disincentive for employers to offer health insurance to anyone. Many employers have considered dropping their health plans altogether in order to avoid the penalties for noncompliance with section 89, especially small businesses that have neither the money to hire professional help, nor the time to understand the regulation themselves.

Mr. Speaker, my colleagues, let us repeal section 89 and give encouragement to small business and their employees.

DRUG CRIME

(Mr. MOAKLEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MOAKLEY. Mr. Speaker, I rise today to express my commitment to the fight against illegal drug use.

I am distressed over the violence crime, and human suffering that has resulted from the abuse of narcotics. The effects of illegal drug abuse, a rise in violent crime, an unusually high number of murders, three to four times as many babies born exposed to drugs since 1985, and children lured into dealing drugs for the money are all evident in cities throughout the country. Drug abuse has permeated all segments of our society in America. We must demonstrate our full commitment to protecting our Nation's children from the battle raging in the streets.

Last year Congress passed the Anti-Drug Abuse Act to combat illegal drug use. However, the bill is terribly underfunded. Of the $2.7 billion authorized, only $1.4 has been appropriated for fiscal year 1990.

I urge my colleagues to support the urgent supplemental appropriation and continuing efforts to fund the commitment that Congress and the administration made in last year's drug legislation.

SECTION 89 IS AN ABSOLUTE MESS

(Mr. UPTON asked and was given permission to address the House for 1 minute.)

Mr. UPTON. Mr. Speaker, there are many ways that all of us rely on to stay in touch with our districts. One of the ways, one of the ideas that I have had, is to have a number of advisory committees, whether they be agriculture advisory committees, or education, business advisory committees and so forth.

In my last business advisory committee, people come from all over the district, we came and we discussed section 89 and the harm that it was going to do to business. Since then I have received literally hundreds of letters from constitutents asking for a repeal of section 89. Now the original intent was a good one, to expand health insurance coverage to some 37 million Americans that do not have it today.

Once again Congress screwed it up, and what we have today is an absolute mess. Rather than having more folks covered by insurance, instead we have CPA's, attorneys, business people, business publications recommending employers to in fact drop their coverage, and I today say, "We have a chance to perhaps repeal section 89 on a rule, and I urge a no on the previous question which will allow Congress to redress this travesty that was included in the Tax Reform Act of 1986."

THE WAR ON DRUGS

(Mr. WATKINS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WATKINS. Mr. Speaker, I rise today in support of the supplemental funding to combat drugs, and I'll tell you why:

In 1986, the total State and Federal prison population was slightly over 600,000, and 11.3 percent of those criminals are doing time because of drug-related offenses. This doesn't take into account those who were convicted of other crimes because they were using drugs, the Bureau of Prisons informs me.

Ten days ago, on May 14, 1989, 42,794 people were in Federal prisons with another 5,662 awaiting trial or sentencing, and 43.8 percent of the Federal prisoners are there because of drug-related offenses. Last year we spent an average of $15,326 to house each of those in Federal prisons.

Mr. Speaker, we've heard about the war on drugs, and it is a war, with drug dealers fighting on the street corners and the worldwide use of drugs being encouraged and fostered by international cartels of criminals and, yes, even politicians.

Where would we be today, Mr. Speaker, if, when the Congress in 1917 and 1941 declared war at the President's request, but didn't provide any funds with which to conduct those wars.

"Yes sir, President Wilson and President Roosevelt, we believe in what you are doing, but you don't get any money from us."

If we are going to declare war on drugs, let's furnish the tools with which to fight that war. It is going to be an extremely difficult war to win, but we've got to try. We are fighting a war for the very moral fiber of our young people, and ultimately, our Nation. We are engaged in a war to save lives of this and future generations.

I urge the passage of the supplemental funding for the war on drugs.

SECRETARY BAKER'S UNFORTUNATE CHOICE OF WORDS

(Mr. INHOFE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. INHOFE. Mr. Speaker, in reporting on Secretary of State James Baker's speech Monday to the American Israel Public Affairs Committee, the Washington Post chose to focus on a small part of the whole and thereby give the impression that Baker's speech marked a change in United States policy toward Israel. It did not. Unfortunately, Secretary Baker's choice of words encouraged that perception and gave the Post and others the opening to promote that view.

In fact, Secretary Baker emphasized the importance of United States-Israeli strategic cooperation, our free trade agreement, and our close friendship. He applauded Prime Minister Shamir's proposal to hold free elections in Gaza and the West Bank as a first step toward a political negotiating process. He urged an end to the Arab boycott of Israel and recognition of Israel.

But the phrasing of one paragraph undercut the message of support in the rest of the speech. When he called on Israel to "lay aside * * * the unrealistic vision of a greater Israel," the Secretary delivered a stomach punch to Prime Minister Shamir. His statement gives the impression that the United States rejects Shamir's goal as a possible outcome of any future negotiations.

This, in my view, is a misstatement of U.S. policy. The United States has taken the firm position that the outcome of direct negotiations cannot be dictated before they begin. That is why the United States has taken the position of neither supporting nor opposing any possible outcome.

Historically, Israel has unquestionably been our most consistent friend and ally in the Middle East. It is faced with tremendous challenges and pressures. The Secretary's unfortunate choice of words—and the distortion of them by the press—add unnecessarily to that pressure.

There is no question that the reporting on Secretary Baker's speech has not been evenhanded. But there is also no question that Secretary Baker opened himself up to it. In future speeches on United States policy in the Middle East, I trust he will give more care to his choice of words and how they may be construed both in the region and here in the United States.

□ 1220

CONVERT OBSOLETE MILITARY BASES INTO PRISONS AND DRUG TREATMENT CENTERS

(Mr. BATES asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BATES. Mr. Speaker, there is no doubt that we need additional funds for combating drugs and crimes, but there are many other ways we can achieve these goals to combat drugs and crime in our country.

I strongly support legislation that would convert the obsolete military bases that are being closed into prisons and drug treatment centers. Nationwide, Federal prisons are between 37 and 73 percent over capacity.

We also need more law enforcement officers in America. Our national security is more at risk in our own cities and neighborhoods than it is in Europe. We spend $2 of taxpayer's money for the defense of Europe for every $1 that a European pays for his own defense.

I am advocating that we withdraw 20,000 American troops from West Germany immediately and convert those funds to adding policemen across every major city of this country.

We need military bases converted to prisons. We need NATO troops withdrawn and converted to policemen. We need star wars to drug wars.

INTRODUCTION OF THE AMERICAN FAMILY ACT

(Mr. LEWIS of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LEWIS of California. Mr. Speaker, in his remarks before the House Republican Conference, President Bush restated his belief that preserving the American family and our communities are the keys to helping us fight drugs, educate our children, providing child care, and most other problems facing our society.

Recognizing that, I am especially pleased to announce the introduction of H.R. 2452, the American Family Act, part I. This act is a comprehensive package of family initiatives, covering four broad areas: education, family support and stability, at-risk children, and families in need.

The American Family Act, part I, contains President Bush's child care proposal as well as some other initiatives that have one thing in common: they work. Nearly all of them are based upon successful programs put into place by communities who grew tired of awaiting a Federal prescription.

The act addresses crime and drugs in our communities, early childhood education, family and spousal abuse, kids caught up in gangs, delinquent child support payers, and encouraging adoption. Yet the total cost of the act remains less than a single child care bill, the act for Better Child Care.

This legislation will not remove all of the obstacles facing the American family. It is not a panacea, but it is a beginning vision for American families in the 1990's. Senator COATS is introducing a companion bill in the Senate. I hope my colleagues on both sides of the aisle will support the American Family Act.

REPEAL SECTION 89 OF THE TAX CODE

(Mr. WALKER asked and was given permission to address the House for 1 minute.)

Mr. WALKER. Mr. Speaker, later today we will consider a very important question in this House. The question is this: Will the House consider repeal of section 89?

Later today we will have a rule on the floor that suggests that you can bring a bill to the floor that has not gone to any committee, has not been subjected to any hearings, has not really been involved in any of the House processes, and you can bring it directly to the floor and vote on it.

A number of my colleagues have commented on this earlier today. Some of us on our side believe that there is a very important issue out there in the country, the repeal of section 89, that ought to be brought to the floor under the same methodology, and that is what we are going to be proposing. It is something that needs to be done right now.

For instance, I have a letter here from the United Insurance Services, Inc., that tells me that out in Indiana, they say:

> Since the first of the year, our insurance agency has seen four employers terminate their group coverage and tell their employees to "go find your own coverage, because we can't afford to keep you covered anymore."

Mr. Speaker, that is disaster in this country. That is a terrible situation where employees are losing their health insurance and their life insurance as a result of actions this Congress took.

Let us repeal section 89 and give the people back their insurance coverage.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 586

Mr. KENNEDY. Mr. Speaker, I ask unanimous consent that my name be removed as a cosponsor of H.R. 586, the National Beverage Container Reuse and Recycling Act.

The SPEAKER pro tempore (Mr. SWIFT). Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

EXPRESSING PROFOUND ADMIRATION FOR COURAGE OF STUDENTS IN CHINA

(Mr. MILLER of Ohio asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MILLER of Ohio. Mr. Speaker, I would like to take a moment to express my profound admiration for the courage displayed by the core of students and hundreds of thousands who have taken to the streets in Beijing—and in outlying provinces—to demonstrate for the democratization of their nation. These hardy individuals deserve recognition for their peaceful tenacity as they stand firm in spite of the ever-present threat of a military crackdown.

The future of China now hangs in balance as we in the free world hold our breath in anticipation of what will result from their peaceful insurrection.

As the students and demonstrators carve out their future, I hope you will join me in sending them a message of hope and reinforcement for the principles of democracy. Perhaps the most important element for which they strive is freedom of the press. There are reports that the Voice of America has been jammed and of a total news blackout. However, word from America is being relayed by a newslift devised by American and Chinese students in the United States to circumvent the Chinese Government's censorship. Students have devised a network of telefax machines and communications equipment to keep the lines of communication open. I commend the students around the world who have joined hands. I extend my hand of hope to you and praise for your peaceful methods. The hearts and souls of our people are with you.

COMMENDING RULES COMMITTEE FOR MAKING IN ORDER MILLER-AUCOIN AMENDMENT TO FUND DRUG LEGISLATION

(Mr. DE LUGO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DE LUGO. Mr. Speaker, I want to commend the Rules Committee for making in order the Miller-AuCoin amendment which will fund the drug legislation that was passed by Congress last year. We all know what the drug menace is doing to our communities.

Let me tell you that in my area and in the other U.S. insular areas, drugs that are being transported from Latin America or from Asia to the mainland are devastating once wonderful, idyllic island communities.

We need the funds that haven't been provided to fight the drug war. So, I hope that the House will support the rule.

I want to commend the gentleman from California [Mr. MILLER] and the gentleman from Oregon [Mr. AUCOIN] for making sure that we put our money where our mouths were last year and seriously fund drug abuse prevention and treatment.

VOTE NO ON PREVIOUS QUESTION, REPEAL SECTION 89 OF TAX CODE

(Mr. GINGRICH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GINGRICH. Mr. Speaker, we must vote no on the previous question to make in order the repeal of section 89. Every day we delay, businesses are giving up their group health insurance plans. Every day we delay, workers and their families are losing their health insurance.

If you want to help small business keep their insurance plans, vote no on the previous question and vote to repeal section 89.

If you want to help working families keep their health insurance plans, vote no on the previous question and vote to repeal section 89.

DAYS OF FREE LUNCH ARE OVER

(Mr. CONTE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CONTE. Mr. Speaker, the days of the free lunch are over. We heard a battery of speakers here on the Democratic side today come up here and say we need more money for drugs. We need more money for drugs, while in 1988 we appropriated $3.5 billion; last year $5.3 billion, and we need more money for drugs.

Mr. Speaker, nobody is opposed to putting in more money for drugs. What we are opposed to is the irresponsible way they are doing it.

We are $25 billion over Gramm-Rudman-Hollings. We are $1 billion over the 1987 budget, the summit budget agreement. Where are the efforts to all this money being shaved in this budget. "Profiles in Courage"—shame on you.

□ 1230

TAKE ACTION FOR VETERANS OF THIS NATION

(Mr. SOLOMON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SOLOMON. Mr. Speaker, earlier today I passed out a number of letters from a number of veterans' organizations around this country severely criticizing the other body for walking out on the veterans of this Nation.

Let me read another letter that just arrived a few minutes ago addressed to the gentleman from Arizona [Mr. STUMP], the ranking member:

> Last week the House of Representatives addressed the catastrophic funding situation currently besetting veterans' health care only to see the United States Senate constrict these vital funds through their actions. Last week Department of Veterans' Affairs employees at one medical center took up a collection of $1,600 just to be able to purchase such routine medical supplies as adhesive tape.

Mr. Speaker, I urge the Members to defeat this rule. I urge the Members to get the leadership of this House to bring out that veterans' supplemental. Let us strip the Byrd amendment out of it and send it back to the Senate and demand the other body come back and take action for veterans of this Nation.

PROVIDING FOR FURTHER CONSIDERATION OF H.R. 2072, DIRE EMERGENCY SUPPLEMENTAL APPROPRIATIONS, FISCAL YEAR 1989, AND CONSIDERATION OF H.R. 2442

Mr. MOAKLEY. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 160 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 160

Resolved, That during the further consideration of the bill (H.R. 2072) making dire emergency supplemental appropriations and transfers, urgent supplementals, and correcting enrollment errors for the fiscal year ending September 30, 1989, and for other purposes, it shall be in order to consider the amendments printed in the report of the Committee on Rules accompanying this resolution, if offered by the Member specified, or his designee, and said amendments shall be considered as having been read. The amendments shall be debatable for not to exceed one hour each, equally divided and controlled by the proponent and a Member opposed thereto, shall not be subject to amendment, or to a demand for a division of the question in the House or in the Committee of the Whole. All points of order against said amendments for failure to comply with the provisions of clauses 2 and 6 of rule XXI are hereby waived.

SEC. 2. After passage of H.R. 2072, it shall be in order to consider the bill (H.R. 2442) in the House. All points of order against the bill and against its consideration are hereby waived. Debate on the bill shall continue not to exceed two hours, equally divided and controlled by Representative AuCoin of Oregon, or his designee, and a Member opposed thereto. No amendment to the bill shall be in order. The previous question shall be considered as ordered on the bill to final passage without intervening motion except one motion to commit.

SEC. 3. If H.R. 2442 is adopted by the House, it shall be in order to consider a motion, if offered by Representative AuCoin, or his designee, directing the enrolling clerk of the House to add the text of H.R. 2442, as passed by the House, together with such technical and conforming changes as may be necessary, to the engrossment of H.R. 2072. All points of order against said motion are hereby waived. Debate on the motion shall continue not to exceed twenty minutes, equally divided and controlled by the proponent and a Member opposed thereto, and the previous question shall be considered as ordered on the motion to final adoption without intervening motion. If said motion is agreed to, the engrossment of H.R. 2442 shall not be messaged to the Senate, and H.R. 2442 shall then be considered to have been laid on the table.

The SPEAKER pro tempore (Mr. SWIFT). The gentleman from Massachusetts [Mr. MOAKLEY] is recognized for 1 hour.

Mr. MOAKLEY. Mr. Speaker, I yield the customary 30 minutes, for the purposes of debate only, to the gentleman from New York [Mr. SOLOMON], pending which I yield myself such time as I may consume.

Mr. Speaker, House Resolution 160 is the rule providing for the further consideration of H.R. 2072, the emergency supplemental appropriations bill for the remainder of fiscal year 1989.

The rule makes in order two amendments that are printed in the report accompanying this resolution, first, the amendment offered by the gentleman from Mississippi [Mr. WHITTEN] or his designee, and second, the amendment offered by the gentleman from Massachusetts [Mr. CONTE] or his designee.

The amendments are each debatable for 1 hour and are to be equally controlled by the proponent of the amendment and a Member opposed. The amendments are not subject to amendment or to a demand for a division of the question in the House or in the Committee of the Whole.

Also, Mr. Speaker, clauses 2 and 6 of rule 21 are waived against the two amendments. Clause 2 prohibits the inclusion of legislation and unauthorized appropriations in any appropriations bill, and clause 6 prohibits reappropriations in a general appropriations bill.

Mr. Speaker, the Whitten amendment would reduce the reported supplemental bill by a total of $1.005 billion.

The Conte amendment would strike $821 million in additional funding for antidrug law enforcement programs.

The rule further provides that after passage of H.R. 2072, it shall be in order to consider in the House, the bill H.R. 2442. The bill will not be subject to amendment and all points of order against the bill and against its consideration are waived.

Mr. Speaker, the bill will be debatable for 2 hours, equally divided and controlled by the gentleman from Oregon [Mr. AUCOIN] and a Member opposed thereto, and one motion to commit will be in order.

Mr. Speaker, if H.R. 2442 is adopted, the rule makes in order a motion, if offered by Mr. AUCOIN or his designee, directing the enrolling clerk to add the text of H.R. 2442 as passed by the House, together with the necessary technical and conforming changes, to the engrossment of H.R. 2072.

The motion is debatable for 20 minutes, equally divided and controlled by the proponent of the motion and a Member opposed thereto. All points of order are waived against the motion, and if the motion is agreed to the engrossment of H.R. 2442 shall not be messaged to the Senate and H.R. 2442 shall be considered to have been laid on the table.

Mr. Speaker, this is the second attempt to pass a supplemental appropriations bill, on April 26 the House voted down an amendment that would have reduced spending in the bill by 0.57 percent.

Mr. WHITTEN with the help of his subcommittee chairmen and the ranking minority members of the Committee on Appropriations have put together two amendments that will give the Members of the House a chance to bring the funding for the supplemental appropriations bill closer to what the administration first requested.

Mr. Speaker, this rule is an open rule, any Member will be allowed to offer amendments the bill not otherwise prohibited by the standing rules. To those Members who oppose the procedure that the AuCoin amendment is to be considered under, the rule is structured so as to allow a separate vote on this amendment. I urge my colleagues to support this rule and to pass this urgent supplemental bill.

Any further delays will only hurt those that depend on the programs that are to be funded by this bill.

Mr. SOLOMON. Mr. Speaker, I yield myself 3½ minutes.

Mr. Speaker, I feel a little bit like a player in an extra-inning baseball game. This latest rule now before the House is a variation on the old theme that says if you are behind after playing nine innings, keep on playing until you get the runs you need.

H.R. 2072 first came before the Rules Committee 1 month ago today, and here we are still going at it. And may I say, Mr. Speaker, with all due respect to the members of the Appropriations Committee, that the new amendment which this rule makes in order is not going to prevent a veto of H.R. 2072 by the President. Because it is still a budget buster.

Mr. Speaker, the veterans of America are still being held hostage by the convoluted process that took a simple supplemental request from the administration and turned it into a Christmas tree. The veterans package is still being used as the engine to drive this monstrosity through the Congress; and, believe me, we are playing with fire when we do that. The veterans resent it, and they are not going to forget it.

Turning to the rule itself, Mr. Speaker, all of the objections that were raised 1 month ago are still valid: The budget process continues to be abused; legislative language continues to be placed in appropriations bills, and on the AuCoin-Miller bill the minority continues to be denied its traditional right of offering a motion to re-

commit with instructions. We are gagged again.

But this rule also adds an entirely new twist, an entirely new precedent for the 101st Congress—and so for that reason it marks something of a historic milestone. I am referring to the fact that the rule makes in order the consideration of a nongermane bill for possible inclusion in H.R. 2072. At the time the Rules Committee met to approve this scam, the bill in question hadn't even been introduced yet. It goes without saying that the bill to be offered by the gentlemen from Oregon and California has not been the subject of any hearings, nor were the views of the relevant committees of jurisdiction even solicited before the Rules Committee acted.

Mr. Speaker, if this new precedent is an indication of how the majority intends to conduct the business of the House, let me just say that two sides can play this game. At the appropriate time today, I will move to defeat the previous question so that the gentleman from Pennsylvania [Mr. GEKAS] will be permitted to offer his bill that would repeal section 89 of the Internal Revenue Code.

Let me just conclude by saying that when the majority members of the Rules Committee were asked yesterday about the rationale behind making the AUCOIN bill in order but not the Gekas bill, the answer came back that Mr. AuCoin is decent. Well, nobody on this side of the aisle is questioning Mr. AuCoin's decency; that is not the issue here. What is at issue is fairness.

Mr. Speaker, the majority told us yesterday that two wrongs do not make a right. But, Mr. Speaker, two wrongs do make it fair.

If this House is going to proceed on the basis that rules are made to be broken, we ought to be fair about it and have an opportunity to debate the Gekas bill. He is just as decent as Mr. AUCOIN is, and his bill deserves to be heard.

Members of the House, at the end of this rules debate, I urge the Members, out of fairness, to defeat the previous question. Failing that, defeat the rule, and failing that, defeat this porker of a supplemental, take up the clean veterans' supplemental, strip out the Byrd amendment, send it back to the other body, and demand they return and help the veterans of this Nation. Our veterans need our help.

□ 1240

Mr. Speaker, I reserve the balance of my time.

Mr. MOAKLEY. Mr. Speaker, I yield 5 minutes to the gentleman from Massachusetts [Mr. FRANK].

Mr. FRANK. Mr. Speaker, here we go again. It is the on again, off again, Republicans sometimes I like gag rules and sometimes I do not approach.

The gentleman from New York says that this is a gag rule because he cannot under this offer an amendment that he would like to. It all depends on whose ox is being gagged.

I will read the gentleman what he said on April 13, 1989, representing the minority. He was talking about the bill to provide aid for the Contras, a very controversial bill carrying a lot of money. Do my colleagues know how many amendments were in order under that bill, Mr. Speaker? None. The minority was allowed, nobody on the majority side, but the minority was allowed one recommit. It was a bipartisan agreement and no one on the majority side was allowed anything. The minority was.

How much protest did we hear from the minority? None.

Mr. SOLOMON. Mr. Speaker, will the gentleman yield on that point, respectfully?

Mr. FRANK. I yield respectfully to the gentleman from New York.

Mr. SOLOMON. Mr. Speaker, we have an understanding with the gentleman from Massachusetts' side of the aisle, and with that gentleman that when the majority and minority are in agreement that we will then agree to closed rules or modified rules, but that was not an agreement here today.

Mr. FRANK. Apparently the theory of democracy that the minority is talking about has a footnote. It is that there must be free enterprise, but the footnote says that it is OK to subsidize agriculture. Apparently all of the text attacks about democracy and freedom say people should be allowed to speak and the representatives should be allowed their voice, and nobody should be gagged unless both leaderships say it is OK. So the gentleman from New York is not opposed to the idea of a gag rule, what he really opposes is a gag rule where he does not have half of the gag in his hands.

So we are not talking about whether or not to gag, but who gags, but it is enough to make you gag.

If Members believe in democracy, we do not turn it off because the majority and minority leadership want to cut off debate.

Mr. SOLOMON. Mr. Speaker, if the gentleman will yield, let us make a deal: no more closed rules. I am for open rules, as is the gentleman.

Mr. FRANK. The gentleman from New York is now for open rules because he got his closed rule.

On April 13, 1989, and this is not ancient history, this is a month ago, the gentleman from New York said, and this is after it was revised and extended; perhaps the gentleman should have revised and diminished; what the gentleman said was, having spoken the truth a little bit too freely perhaps for his current purposes, but this is from the gentleman from New York:

Yes, it is true that we have before us today a modified closed rule.

It was modified by allowing the minority one chance at it. It is true that we had a modified closed rule, one free shot for the minority, and that was the modification.

And as the Members know, I and other Republicans are usually critical of this kind of rule. But the House will be considering today an extraordinary piece of legislation which is the product of extraordinary negotiations between the White House and a bipartisan group of leaders from both Houses of Congress.

The leadership of both parties in the House have requested this specific rule.

It is—

very balanced. And the leadership of both parties, considering the unusual and intense negotiations which wrote the bill, have thought it wise to preserve the bill against amendments.

Mr. SOLOMON. Mr. Speaker, if the gentleman will yield——

Mr. FRANK. Mr. Speaker, if you could explain the rules to the gentleman from New York, I am happy to yield when he asks, but I am sorry he said something in April that he wishes he had not said, but by not abiding by the rules now it does not take it back. The fact is that when it was convenient to the Republican Party they were for a closed rule with no majority amendment allowed. Now that it is not convenient, they are against it. Democracy is not a matter of bipartisan convenience. If we want to argue democratic theory, if we want to talk about the right of people to speak out, that it not something that disappears when both leaderships are in agreement.

They wanted a closed rule then. They also wanted a pretty much closed rule on the budget. The gentleman from Oregon [Mr. AUCOIN] and other Members had amendments that they wanted to offer which were not allowed, and in fact more minority amendments were allowed than majority amendments.

We will get to the merits of the bill. The merits of the periodic claims from the poor, beleaguered Republicans that they are being denied their rights, we do not have to get to because there are not any. Members simply cannot turn on and off a belief in open rules, in democracy, like a faucet. And having shut off Members from offering amendments, the gentleman from New York was the one who put the hammer on other Members by saying you cannot amend our Contra bill. Why not? Because the majority and minority leadership say so. That is about as bizarre an expostulation of democracy as I have heard on this floor.

Let us get on to the merits. We were prepared to pass a veterans bill. There were problems with Members in the Senate, and playing ping pong with

the other body gets the veterans nothing.

But let us have a moratorium on the blatant inconsistency of being periodically for closed or open rules, depending on what the minority finds convenient.

Mr. SOLOMON. Mr. Speaker, before yielding to the distinguished Republican leader, I yield myself such time as I may consume just to say that the Republican leadership polled all the Republican Members, rank and file, and no one was being gagged. It is too bad the Democratic leadership did not do that to the Republicans and Democrats.

Mr. FRANK. Mr. Speaker, will the gentleman yield?

Mr. SOLOMON. I yield, respectfully, to the gentleman from Massachusetts.

Mr. FRANK. Mr. Speaker, I guess again this is a new theory of democracy. We only have to worry when we are gagging Republicans. Let me say to the gentleman that his theory was that it was OK for Republicans to be for a closed rule because no Republicans complained. I am not aware of any Democrats who wanted an amendment, but I am simply trying to explain the rules. If the gentleman from New York did not like it, then he should not have said it.

Mr. SOLOMON. Mr. Speaker, I yield 3 minutes to the minority leader, the distinguished gentleman from Illinois [Mr. MICHEL].

Mr. MICHEL. Mr. Speaker, the Congress is not looking very good these days. A case in point is this two-headed malodorous swamp animal which the Rules Committee deposited on the floor just yesterday.

I am reminded of the chant of the carnival barker about the amazing attraction inside the tent: "Ladies and gentlemen, it walks, it talks, it chews knives and forks."

Somebody let this one out of the tent, and if we do not send it back, it is going to chew up whatever small shreds of reputation we have.

This is only the second time in the history of the Congress that we have had one of these procedural mutants brought to the floor of the House. The last time it involved another victim of legislative chicanery, the Contras.

This whole episodic string of embarrassments involving a simple emergency appropriation for veterans health care is becoming ridiculous, if not tragic, for veterans who are, or believe they are, facing a cutoff of health care.

□ 1250

Mr. Speaker, we should not have to remind ourselves of the state of the reputation of this body today. The American people don't have what one would call a benevolent, respectful attitude toward the Congress. They are fed up and we just feed them more.

The American people see a branch of Government suspended in air by questions of ethics, pay raises, PAC's, partisanship, inaction, and ineptness.

The American people draw those conclusions from legislation like this rule.

Both bills violate a budget summit agreement whose ink is not yet dry.

I would remind the Democratic leadership of how in certain cases we do come to agreement and hopefully to have that agreement inviolate and adhered to.

The title of the first is deliberately misleading if not a flatout falsehood. Much of the spending in the supplemental is no more a dire emergency than the distinguished chairman's dry cleaning.

The other bill, transferring funds from military programs to drug programs, is designed to exploit and churn up the emotions of people, again with falsehood and distortion. The imagery being created is of an emergency need for $800 million more for the drug war, when in fact that bureaucracy right now has more money than they can physically spend. Actual drug program funding has increased 39 percent in the last year. You cannot plan and spend prudently any faster than that, as was pointed out so eloquently by the gentleman from Massachusetts [Mr. CONTE] just a few moments ago.

The $800 million is about $700 million in deliberate waste, and it's not for the drug war; $700 million is the amount the Democratic leadership is willing to pay for a single vote on the floor of this House to build a partisan record to be used against incumbents in next year's election. That is what it is all about.

That's not all. This second head of the monster was brought to the floor without hearings, without previous debate, without so much as a gesture to our minority rights. In short, it violates every single good principle of legislative procedure. What's the rush? Politics is the rush.

There is no sense in tearing apart the SDI Program without a thorough discussion of the consequences.

We can have a full-fledged debate in an orderly fashion on this subject when we consider the Defense authorization bill.

That is where that debate belongs, not here.

The first head of the monster had legitimacy in the beginning. The shortfall in veterans health care benefits was a legitimate need, which could have been met. The veterans, however, were not seen as a segment of society in need. They were rather seen in this body, and to a greater extent in the other body as a train engine with such power, just about any other special interest spending program could be hitched on for the free ride through Congress, and then on down to the President for his consideration.

Wait till we see what else the Democratic majority in the other body is going to add to the veterans' gravy train bill.

Mr. Speaker, the integrity and respectability of the Congress is about to suffer another blow. And what a week for it.

This rule is wrong.

The process is wrong.

So much for dire emergencies.

This procedure is all politics.

The victims—the real victims—are America's veterans.

I would urge my colleagues to certainly vote against this rule or, as my colleague indicates, vote against the previous question so that he might in turn offer a substitute rule for us to consider.

Mr. MOAKLEY. Mr. Speaker, for purposes of debate only, I yield 4 minutes to the gentleman from Ohio [Mr. TRAFICANT].

Mr. TRAFICANT. I listened to the previous speaker, and he is right. I think everybody who gets up here has their own opinion and in most cases they are right from their own perspective.

I do make one statement: It is evident we cannot protect America with the Neighborhood Watch Program. But I think it is time we realize that we do not need a missile for every barroom brawl. I would like to remind the House that the Pentagon has $50 billion in the pipeline. They do not know how to spend it, so they buy toilet seats that cost $800, little screws about an inch long for about $1,100, and they call them external screws at the Pentagon. That is really a taxpayer screw.

We have missiles launched from submarines that do cartwheels, MX missiles cannot fly straight. Where are we going?

I do not like the idea of what we are doing with drugs. I am going to support the rule and support the bill, but as a former director of a drug treatment program for 11 years and a sheriff, I hear all this great talk from Washington, and you know what you give us? Really, nothing.

We have gone so far in America we do not have a new director, we do not have a coordinator, we do not have a facilitator, but Washington gave us a czar, a drug czar, a czar. I am not knocking Mr. Bennett. If someone would listen to him the country would be in better shape. He is doing a good job.

But that is politically what it is, rhetoric.

I cannot vote for Mr. CONTE'S amendment although I would like to because he is right in one regard. We are not even spending that money.

Listen, 8 years ago in Miami, FL, the biggest bust in American history; DEA officials busted a Colombian diplomat with 90 pounds of cocaine. They gave him $9 million. They gave him the money, flashed their badges, told him who they were, took him to court.

When they got into court, bond was set at $5 million. His attorneys came in and negotiated the bond to $1 million. In less than 45 minutes a briefcase was delivered with $1 million cash and the Colombian diplomat walked out of the court, smiled, left the country, and never came to trial.

I have introduced a bill that would call for the death penalty for drug kingpins. And before you continue to smirk, if you want to do something in America, people with boatloads of heroin and cocaine are killing our kids. You get caught with 100 pounds of cocaine or heroin and you are not a mule that is being paid to deliver it; you are one of the key figures and you should be subject to that death penalty.

You want to do something around here? I am going to go along with the AuCoin-Miller of California amendment. It means well. But I think we have too much money in outer space and all over the world and not enough in our own country.

But I think Mr. CONTE in one regard makes a lot of sense.

I would hope that the Republicans would start looking at the $50 billion in the pipeline at the Pentagon because we could hire some of those generals a lot cheaper from Korea.

I thank the gentleman for the time. I will support the bill. I would hope that the Republicans as well as the Democrats would look at my drug kingpin bill that would bring the death penalty for those who would send over a boatload of heroin.

Mr. SOLOMON. Mr. Speaker, I yield 3 minutes to the gentlewoman from Illinois [Mrs. MARTIN], a member of the Committee on Rules.

Mrs. MARTIN of Illinois. Mr. Speaker, I am surprised my colleagues on the majority side did not begin this debate by singing a few bars from that old popular song, "Lulu's Back in Town;" because believe you me, this rule is a real lulu.

This is the third time in 5 weeks that we have visited the Dire Emergency and Urgent Supplemental Appropriations Act for fiscal year 1989. And in fact, it has become so dire and urgent that the Rules Committee is now throwing in the issues of star wars and drug wars in fiscal 1990. Perhaps it would be more appropriate today to sing a medly of "Carry Me Back to Old Dire Emergency" and "How High the Moon."

Not only do you get to make in order two bills in one rule today, but, as an extra bonus, if you pass the second bill, on SDI and drugs, you can then debate and vote on a motion to attach its provisions to the supplemental. Now if that doesn't push this dire emergency into next October I don't know what will.

Mr. Speaker, the other body barred the door last Thursday to our emergency veterans supplemental by terminating the availability of those funds on June 15, and then by skipping town for 2 weeks. Another profile in responsibility. Now we are being asked in this rule to further delay the release of those funds by injecting two issues which should have been dealt with in the budget resolution for fiscal 1990. And the fact is, this very amendment to the budget resolution was denied by the Rules Committee on the instructions of the majority leadership.

Now that we have completed action on the budget resolution, the Democratic leadership, whoever that is today, appears to be reversing itself. Now it wants to permit this star wars for drug wars provision, even though it violates the bipartisan budget agreement and rewrites the budget conference report.

Mr. Speaker, if this reversal and the complex rule written to implement it confuses my colleagues, they should not feel like the Lone Ranger. We are not just witnessing massive disarray over there; we are watching Looney Tunes. I would urge defeat of this Rube Goldberg rule.

Mr. MOAKLEY. Mr. Speaker, for purpose of debate only, I yield 3 minutes to the gentleman from California [Mr. PANETTA].

Mr. PANETTA. Mr. Speaker, I would like to summarize the situation from the Committee on the Budget's perspective with regard to the supplemental issue alone.

As many of you know, we had expressed serious concerns with regard to the initial supplemental bill because it breached both budget authority and outlay ceilings in the 1989 budget resolution.

It was at our urging that the Foley amendment was offered as part of the last debate on the supplemental as an offset to these costs by an across-the-board reduction.

□ 1300

This was unfortunately rejected. In this rule, however, there are two amendments that essentially meet the same goals that were performed by the Foley amendment, in that they limit the bill to dire emergencies.

The first amendment to be offered by the chairman, the gentleman from Mississippi [Mr. WHITTEN] would reduce funding in the original supplemental bill to approximately $1.8 billion in discretionary budget authority and $1 billion in outlays in fiscal year 1989. Funding would result in approximately $250 million in outlays for fiscal year 1990.

The rule also makes in order and an amendment to be offered by the gentleman from Massachusetts [Mr. CONTE] to strike the drug funding portion of the Whitten amendment which totals $821 million in budget authority and $350 million in outlays for fiscal year 1989; $244 million in fiscal year 1990 outlays.

Mr. Speaker, it is my understanding that once this drug money is removed from the supplemental the bill would be acceptable to the President. Should the Conte amendment be adopted, the House Committee on the Budget would also consider the legislation to be a dire emergency supplemental bill which complies with the 1987 and 1989 budget agreements between the White House and the Congress.

I recognize that these are tough votes, Mr. Speaker, but ultimately we have to put our votes where our mouths are. We need to have the courage to vote on both of these amendments to make this bill meet the budget concerns that have been raised.

Mr. Speaker, for the record I would also remind Members that the supplemental bill, as reported from the Appropriations Committee, violates the Budget Act by providing discretionary spending in fiscal year 1989 in excess of the spending ceilings set forth in the budget resolution. Specifically, the bill violates section 302(f)(1) of the Budget Act by providing spending in excess of the committee's appropriate subcommittee section 302(b) allocations. Also, since the overall budget authority and outlay ceilings for fiscal year 1989 have already been exceeded and since the Appropriations Committee has exceeded its 302(a) allocation of total discretionary spending, the reported bill violates section 311(a) by causing the ceilings to be further exceeded. The current level of budget authority is over the ceiling by $934 million and the current level of outlays exceeds the ceiling by $391 million.

Additionally, CBO estimates that $462 million in outlays will spill over into fiscal year 1990 as a result of this supplemental.

Title I of the bill provides mandatory supplementals of $2.288 billion in budget authority for fiscal year 1989. The additional funding for mandatory programs does not raise any Budget Act issues since full funding of mandatory programs was assumed in the fiscal year 1989 budget resolution.

The bill provides total discretionary spending of $2.718 billion in budget authority for fiscal year 1989. CBO estimates that the bill results in $1.443 billion in outlays in fiscal year 1989. Discretionary programs funded in titles I and II of the bill include FAA, refugee assistance, veterans' medical care, farm income stabilization, emergency drug funding, homeless programs, peacekeeping activities, Japanese-American reparation payments, NOAA operations, agricultural credit insurance fund, and other programs.

I recognize that many of the programs in the supplemental bill require additional funding to prevent a disruption in services or benefits. I also recognize that most of this funding is intended to meet critical needs in our society.

However, the reported bill raises serious questions about the willingness or ability of the House to adhere to budgets and to budget agreements with the White House. The bill not only provides for spending beyond the levels set in the budget resolution but also challenges the provision of the 1987 summit agreement between Congress and the White House which specifically ruled out supplementals except for dire emergencies.

As my colleagues know, the bipartisan leadership of the House and Senate have reached a new budget agreement with the White House for fiscal year 1990. Frankly, if we do not adhere to the 1987 agreement, and if we take action that actually causes additional spending in fiscal year 1990, it will cause considerable doubt about implementation of this agreement.

We have an uphill road to travel if we are going to make serious reductions in the deficit and meet the Gramm-Rudman deficit reduction targets. If we cannot stick to the budgets we enact and to agreements reached in good faith, it becomes that much more difficult to reach those targets.

Approval of the two amendments made in order here today will not eliminate the Budget Act problems, but it will make the legislation a true dire emergency supplemental which conforms to the spirit of the 1987 and 1989 summit agreements between the White House and the Congress.

Mr. SOLOMON. Mr. Speaker, I yield 2 minutes to the gentleman from Pennsylvania [Mr. WALKER].

Mr. WALKER. Mr. Speaker, I thank the gentleman for yielding.

I wanted to rise and praise, in the bipartisan spirit, for the creativity shown in this rule. This rule is a very interesting document that for the first time that I can remember in quite a while, anyhow, where we have made in order a nongermane bill that is considered by no one as part of the process. Now that strikes a number of Members as very interesting because what we have is a bill on the floor that essentially takes a bumper sticker slogan, reduces it to legislation, and parades it on the floor under this rule. Some Members believe that there might be something that is more serious about to be addressed under the same procedure. That is the repeal of section 89.

Now, I was astounded a few minutes ago to hear the gentleman from Massachusetts bring this rule to the floor to suggest that somehow section 89 would be ruled out of order, having gotten another bill to the floor that has absolutely no legislative history connected with it whatsoever. It seems to me that if we are going to establish a procedure that allows Members to bring totally nongermane irrelevant bills to the floor and add them onto appropriation bills that we ought to be able to address some of the very serious concerns before this House that the Democratic leadership does not seem to want out of the committee.

Section 89 is one of those. Thousands of people across this country are writing to our offices saying they want something done. Three hundred Members of this body have signed on to a piece of legislation to repeal section 89. All we are saying today is let us have another nongermane bill out here on the floor. Let us amend this rule and allow section 89 to come up for consideration. I guess the reason why it is going to be out of order by the Chair, they are afraid it will pass, afraid it will defeat the previous question and afraid if we bring section 89 out here it will pass. I think it will because it is a more serious effort than what is being done with regard to star wars and drug wars, whatever that means.

I suggest to my colleagues that this is the time to decide whether or not Members will stand up for what they have written to their constituents in letters that Members are opposed to section 89. Let us have a chance out here, let us see whether the Democratic leadership is going to stand up and rule out of order an attempt to bring section 89 to the floor. I guess they might. It sounds to me as though they might. It would be a sham, but let us try anyhow.

Mr. MOAKLEY. Mr. Speaker, for the purpose of debate only, I yield 3 minutes to the gentleman from Texas [Mr. STENHOLM].

Mr. STENHOLM. Mr. Speaker, I rise in support of this rule today. I do so for several reasons.

First, I commend the chairman of the Committee on Appropriations for a most difficult task that he has had over the last several weeks in bringing Members to this point. I did not support the gentleman the last time, but I am here today to support both the rule and the Whitten amendment because for one of the first times in recent history we are finding that cuts in the amount of $1 billion are being made appropriately by the Committee on Appropriations.

As you know, I have been here on the floor asking for a percentage across-the-board cut, and we have not done too well. In this case we asked the committee to go back and take another look, and they have. It is $1 billion in savings as a result of the committee's work.

I also rise in support of this amendment today, or this rule, because it makes in order of the Conte amendment, since we still seem to be divided regarding drugs. It seems to me that Members ought to have an up-and-down vote, vote for the Conte amendment, and strip it, if that is what we want to do, which I will do because the drug money has no place in the supplemental appropriations. At the same time I will support this rule because it makes in order a very controversial amendment of taking star wars and shifting that money, SDI, into drug wars. Now that is not my preference of the way to go. I agree we ought to freeze SDI. I agree that we ought to fully fund the drug program, but this is the best opportunity we have to stand up and be counted and make some hard choices.

This rule today is not perfect. We can pick it to death. It does not have section 89 stricken from it, but we will have that back on the floor at the appropriate time and appropriate place. That is a red herring to say that this is the up-and-down vote on section 89.

I respect the gentleman from Pennsylvania who said otherwise. We are going to have section 89 on the floor and we are going to deal with that. I wish we could deal with it today, also, but we can't. There are some things we all agree are emergencies. The veterans' funding, we have all agreed to that. Now, this rule is not perfect, but it is the best possible compromise, at least in this Member's judgment, that we could get at this point in time. So I hope that the entire membership will vote for this rule, will speak and stand up and be counted on those choices that we have to make and it will be some tough ones, but this is the first of many tough choices we are going to have to make as a body, if we are going to deal responsibly with the fiscal problems of this country. Support this rule today, let us pass our vote, standup and be counted on these issues before us today and then let us to get ready for some even tougher ones down the line.

Mr. SOLOMON. Mr. Speaker, I yield 8 minutes to the gentleman from Massachusetts [Mr. CONTE] who led a valuable fight on behalf of the Veterans' Administration.

Mr. CONTE. Mr. Speaker, the issue at hand is whether to return to consideration of the dire emergency supplemental appropriations bill.

It has been almost a month to the day since H.R. 2072 was pulled off the House floor, because the House, according to the Washington Post, showed half a backbone.

It showed half a backbone because the House refused to let a big, bloated supplemental go forward until we found an acceptable way to pay for it. We balked at huge new expenditures until we found a way to offset what we wanted to spend.

So the chairman and subcommittee chairmen put the bill in front of the mirror, looked at it for a month, and you know what they found? They found a billion dollars in spending that we didn't need, and they found offsets for four programs that we did need.

The House was right. It called this bill's bluff, and a billion dollars of proposed spending went up in smoke.

So is the bill in good shape now? Are we ready to show we have all our vertebrae? Unfortunately, Mr. Speaker, the answer is "No."

No, because in the bill this rule would allow to come up, there is another $821 million in funding that is not dire, that has not been cut, and for which no offsets are proposed. Didn't we learn our lesson the first time around?

This is the same $821 million you heard about last time this bill was up: $150 million in 1990 money pushed forward to avoid budget ceilings; $85 million in funding earlier rejected by the Congress; $50 million in funding never requested by anybody. Only about $500 million of that is connected with last fall's drug bill. If all that money were put in here, only about $150 million would be spent before the end of the fiscal year. This is not the portrait of a dire funding emergency. This is the portrait of a confidence game; $821 million in new spending and not one penny in offsets.

Why is that bad? Because we don't have any money left to spend. We are over our Gramm-Rudman ceiling by $25 billion. We are over the 1987 budget summit agreement by $1 billion. And we are over the appropriations discretionary spending ceiling for this year by approximately $300 million. We have broken all our budget ceilings.

And here we go again on our merry way, spending as if there were no tomorrow. And no need to offset.

There is a choice to be made here. This rule brings the bill back up without any offsets for the $821 million. It puts our backbones to the test. Did we mean it when we sent the bill back to committee for certain corrective surgery?

Because, sure as shooting, if we don't exercise restraint on our side, the Senate will go hog wild. The chairman of their Appropriations Committee, said it when he refused to let the veterans, money go through separately. He said that there are many, many programs in need of additional spending.

They're just waiting to pile on their pet projects over there. The chairman has a $75 million radio telescope for West Virginia he's waiting to put in. He's got $6 million in subsidies for little use airports he's waiting to put in. And if we don't offset, they won't offset. We'll be here in June, July, August, trying to dig ourselves out of this mess.

That is OK with me—I could stand here and scream until October—except for one fact. The veterans' money is still in here. Even though we passed a separate bill last week, the veterans' money is right back here. The Senate won't release the veterans as hostages. Apparently, we've not going to put our foot down. Which means that the howls of pain from veterans denied their medical care will only get worse. Worse because we do not have the backbone, the courage, the wisdom, to insist that either this bill gets cleaned up, or the additional spending gets offset.

The House called the committee's bluff a month ago, and saved a billion dollars. Call the committee's bluff one more time, and I guarantee you, you'll save another $700 million. And you'll get your veterans their funds a whole lot quicker.

Vote to finish the job you started a month ago. Don't let this bill come up until the committee gets it right. Stiffen that backbone and vote this rule down.

□ 1310

Mr. SOLOMON. Mr. Speaker, I reserve the balance of my time.

Mr. MOAKLEY. Mr. Speaker, for the purposes of debate only, I yield 5 minutes to the chairman of the Appropriations Committee, the gentleman from Mississippi [Mr. WHITTEN].

Mr. WHITTEN. Mr. Speaker, if I may have the attention of my Republican friends here, let me remind the Members that we have two branches of Congress. I was the one who separated the veterans' program from the rest of the supplemental last week so that action on that bill (H.R. 2402) could be completed promptly by the Congress and so that employment reductions in the medical care program would not have to be made. I received commendations for doing that because we were to the point where we were going to affect adversely our veterans' programs.

That bill went to the other body. The other body in turn limited funds in that bill until June 15, and I am asking all the Members, particularly my friend, the gentleman from New York [Mr. SOLOMON] to help me here in handling the conference we are bound to have with our friends in the Senate.

We went before the Rules Committee, and all the complaints made there and all the complaints we have heard here have been about the other body. What we have here is a rule making it possible for us to get (H.R. 2072) so it can go to conference and we can get what we believe in and need. It was said on the other side that the reason they limited the veterans to June 15 was so they could pass this supplemental—the same bill I am trying to get to Members to pass here. The difference with our friends, as they describe it here, is that this is $1 billion below the original request. That is not true. It is $1 billion less than the total reported by the committee. It is $1 billion less than the total amount that might have been available. But it does save $1 billion.

Let me tell the Members this: I was a district attorney in a circuit of eight courts for 8½ years before coming here so I am familiar with law enforcement. I think that law enforcement has broken down in the country. We cannot walk the streets in Washington or in any rural community in safety today. They talk about how much money we have left for fighting drug-related crime. We have enough money to carry on now until June 15. We may have enough for the rest of the year, but that is not enough.

We have cases that are being dismissed because nobody is prosecuting. We have cases that are dismissed because there are no jails to put them in. I say that the President—and he is my President, too—has recommended that we do this in future years. He just does not want to do it at this time.

Let me say something else to the Members. In connection with veterans, we want to protect the veterans, as you do, and this bill will enable us to do it in conference. If we put these things in here, then we would have no excuse for agreeing to the cutoff on June 15. Let me go ahead and say here that what we do is to restore funds. My friend, the gentleman from Iowa [Mr. SMITH], who heads the subcommittee, is more expert in these figures than I am, but we provide U.S. marshal service, support for U.S. prisons, the Federal Bureau of Investigation, and these other things, but let me say something here that many of us will not stop to think about. We can appropriate the money, but the fellow who spends it is in the executive branch.

We say, "Mr. President, we are not doing enough. We are making this money available to you. You will be the one to decide whether to spend it or not. It doesn't come out of the Treasury until it is expended."

So I just say, that with law enforcement breaking down all over the United States and agreeing with our colleagues about taking care of the veterans, let us strengthen our hands in conference. I ask the Members to give us this rule, which is what they claim they want. I do not think they are correct about their wants, but let me say that we do need this bill.

Let me repeat again that this has the veterans' money in here. All the money for the veterans is in this bill. So let us go to conference where we will have a loaf and a half of bread instead of standing buck naked with nothing to offer or to give. I beg the Members to vote for this rule and bring up (H.R. 2072) so we can strengthen our hands in conference. That is where it is going to be handled.

No one can feel more strongly about protecting the veterans than I do. Nobody could be more cognizant of the breakdown of law enforcement

throughout the United States. We are not doing enough. I heard it said 2 years ago that we would have a czar, but if we read his authority, the czar only has the power to issue news releases and make speeches.

We have got to have some changes.

Let me repeat again that this money is appropriated and made available by Congress, but the executive branch must decide whether to take it out of the Treasury or not.

Mr. Speaker, I am not going to repeat all the arguments here. We do need to strengthen law enforcement, which is so essential, and we have got to make sure we have made the funds available. I hope the President will change his mind and not wait 2 or 3 years before doing what we would make possible in the supplemental. Again, I plead with the Members to strengthen our hands in conference with the Senate. If the Members will give me this rule, I will give them what they want.

Mr. SOLOMON. Mr. Speaker, I yield 5 minutes to the gentleman from Pennsylvania [Mr. McDADE].

Mr. McDADE. Mr. Speaker, I rise in strong opposition to the rule.

We are gathered once again looking at a rule that ought to be making in order a means for the committee to deal quickly with the question of assistance to our veterans. We need to move this bill, not today but yesterday. One would think that the leadership would have gotten the message on that side of the aisle that it is time for action and not for speechmaking. If we begin to look at the bill and the rule that is before us today that makes in order the so-called AuCoin bill, it only adds unnecessary baggage and delay in the supplemental. It undermines the bipartisan summit agreements that were reached in both 1987 and once again this year.

Perhaps most importantly, in my opinion, it makes a mockery of established procedures in this Congress. And if enacted, this will surely be vetoed. What the Rules Committee is asking us to do is consider attaching a misguided and unprecedented restriction of fiscal year 1990 dollars to a supplemental for fiscal year 1989. Imagine, not one committee of original jurisdiction has reported an authorization or appropriation bill for fiscal year 1990; yet the Rules Committee today asks us to act without those things having occurred.

The AuCoin bill, if enacted, by setting limitations on fiscal year 1990 funding for the strategic defense initiative and transferring funds to the drug effort, if that is what the intention is, would plainly and simply usurp the authority and prerogatives of our entire committee process.

This is an end run around the summit agreements, it is an end run around the Budget Committee, it is an end run around each authorizing committee, and it is an end run around the Appropriations Committee. It is an end run around the House of Representatives.

Let me say to my friends that if we do this today, it is not going to be the last time we are going to see it. We are establishing a precedent for the first time that can come back and be repeated and repeated. Every time we authorize, we can be unauthorized with a simple resolution out of the Rules Committee. Every time we appropriate, it can be the same way; we can make agreements on the summit in one year and have them violated the next.

□ 1320

Mr. Speaker, all of us understand the motivations of trying to get money into the drug war, but, when I was in law school, we used to have a saying that hard cases make bad law. Hard cases, Mr. Speaker, make bad law, and our history and history itself is full of too many instances where hard cases resulted in bad law.

There has been too much of that where we have taken time-honored procedures, rules, and sets of precedents and thrown them out the window without have taken 2 seconds in times of emergency to look at them. Hard cases make bad law.

One of the items that has been stricken that was in this bill is a hard case that made bad law, and that is the $250 million that all of us want to appropriate because of the unhappy occurrence when this country—hard cases making bad law—put Japanese-American citizens in detention camps in World War II. We were caught in an emotional moment, and a hard case made a bad law. It still haunts our Nation.

Mr. Speaker, I remember being a Member here when the Tonkin Gulf resolution was belted down here one day without hearings, without experts coming in from around the country, without people being able to talk about it, and it was rushed through the Congress.

Hard cases, bad law, Mr. Speaker. Let us not react to the hard case of the drug war by making a bad law. Let us not succumb to the pressures of the moment by considering a bill that would look good on a bumper sticker, but would make horrible public policy. Let us not throw out the procedures, the rules, the precedents, and the normal policies of the House of Representatives. Let us be responsible and defeat this rule so that at long last we can cleanly debate a clean supplemental which in the end would have hope of being enacted into law.

Mr. MOAKLEY. Mr. Speaker, I reserve the balance of my time.

Mr. SOLOMON. Mr. Speaker, I yield 2 minutes to the gentleman from Pennsylvania [Mr. GEKAS].

Mr. GEKAS. Mr. Speaker, in going before the Committee on Rules when it met to consider the supplemental appropriations bill, the dire emergency case which is before us, I must say I was flabbergasted at the outcome of my sincere effort to have the Committee on Rules consider, as it did another measure, as I knew it would another measure, on that is important, one that carries with it its own dire emergency, one that is urgent, one that the people of the United States want to have heard, which the business community and the labor and management coalitions of this country consider an absolute necessity to clear up the ambiguities and downright tragedies that appear in the tax reform code of 1986 and to give us a chance to bring to the floor for full debate and consideration the repeal of section 89. The chairman, the acting chairman, the gentleman from Massachusetts [Mr. MOAKLEY], very properly, very appropriately, asked me if I had gone before the Committee on Ways and Means, which has jurisdiction over that type of legislation, and I answered, "No, I did not."

In addition, when the gentleman from Texas [Mr. ARCHER] brought up the question of doing something about the catastrophic health plan, the gentleman from Massachusetts [Mr. MOAKLEY] repeated that question, had he had that considered before the Committee on Ways and Means.

Mr. Speaker, that is a precondition that I would have been glad to meet if the ordinary procedures would be followed by the Committee on Rules, but then I learned that the bill that is being made in order today, the one sponsored by the gentleman from California [Mr. MILLER] and the gentleman from Oregon [Mr. AUCOIN], or whatever that combination is, never went before any other committee. I do not know if that question was posed to them. Was the jurisdiction of whatever committee considered before allowing that bill to be appended to the supplemental? The answer is "No."

Mr. Speaker, in my judgment what the Committee on Rules did, the majority in the Committee on Rules, is to commit attempted legiscide. They attempted to kill the bill that would repeal section 89. Give us a chance by defeating the previous question.

Mr. SOLOMON. Mr. Speaker, I yield 1 minute to the gentleman from Wisconsin [Mr. GUNDERSON].

Mr. GUNDERSON. Mr. Speaker, what are we doing here today?

We are supposed to have a dire supplemental appropriation bill. We are supposed to be doing what is necessary to deal with saving the veterans' hospitals, and, all of a sudden, we hear

rhetoric that says what we need to do today is pass a bill which takes us to conference so we can negotiate in conference.

Mr. Speaker, we are at a time when the credibility of the House of Representatives is at an all-time low establishing a new precedent to take us even lower, and what is that precedent? It is not a rule to just bring up the dire supplemental appropriation. It is a rule that brings up not one, but two bills, and, as the gentlewoman from Illinois [Mrs. MARTIN] said, if we pass both bills, then probably, if we want to, we can put them both together into one bill.

The reality is that we just 2 weeks ago passed a budget agreement. The leadership of the Democratic Party, the leadership of the Republican Party, with the White House, joined together in a budget agreement to guide the appropriations process in this Congress for this year, and this rule already breaks that budget agreement. Have we no respect anymore?

Mr. SOLOMON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, my colleagues have heard the gentleman from Mississippi [Mr. WHITTEN] give one of the finest speeches that I have heard around here in 12 years. He is an outstanding Member of this House, and I know he is very, very sincere in his support for the veterans of this Nation.

However, Mr. Speaker, the thing that we are worried about, I would say to the gentleman from Mississippi [Mr. WHITTEN], is that, if we were to go ahead and pass this supplemental, 2072, and, if we then send it over to the Senate and they pass theirs, we all know what they are going to do with it. We know what the other body, what they intend to do with amendments. One of the Members over there on the Appropriations Committee has talked about add-ons that he wants to make for just his particular State, and there are 100 Senators over there. We know historically what precedent has given us. That means that the gentleman from Mississippi [Mr. WHITTEN] is going to be dealing, not from strength, but from weakness.

Mr. WHITTEN. Mr. Speaker, will the gentleman yield?

Mr. SOLOMON. I respectfully yield to the gentleman from Mississippi although I do not have much time.

Mr. WHITTEN. Mr. Speaker, the way to stand up to the Senate is get what you want, and then tell them, "We're not going to agree with you," and I have done that more times than anybody here.

Mr. SOLOMON. Mr. Speaker, reclaiming my time, I would just say that, if we can defeat this rule or if we can defeat the rule and then act on the veterans supplemental, which is resting in this House right now, if we can strip the Byrd amendment out of that bill, send it back, then we are dealing from strength. Then we can put a bill on the President's desk which will take care of the veterans of this Nation, and we can come back to live and fight another day.

Mr. WALKER. Mr. Speaker, Will the gentleman yield?

Mr. SOLOMON. I yield to the gentleman from Pennsylvania.

Mr. WALKER. Mr. Speaker, it seems to me what the gentleman from New York [Mr. SOLOMON] is saying is that this position is strength, that the House should go into a conference with the Senate on it and say that we want a clean bill that speaks to only the veterans. We do not want to trade pork for pork.

I mean what is happening here is, if we load up our bill, and then get into a conference with the bill that they have loaded up, what we are doing is having the Committee on Appropriations sit around and trade their pork for our pork, and we end up with a massive bill with pork from both sides.

It seems to me that the gentleman from New York [Mr. SOLOMON] is absolutely right. What we want to have is a clean bill that addresses only the veterans' concerns. Then we really are dealing from a position of strength. We are saying we are willling to accept no pork at all.

Mr. Speaker, let us do what is right for the veterans.

□ 1330

Mr. SOLOMON. Mr. Speaker, the gentleman's last sentence sums up really what this is all about. Let us do what is right for the veterans. Let us not jeopardize the veterans hospitals in this country. We have serious problems, serious geriatric problems with the older World War II veterans today who are being turned away from these hospitals. Do not jeopardize that.

I have all the respect in the world for the gentleman from Mississippi. We will not have any less respect for the gentleman if we all vote against his supplemental today and send that clean veterans supplemental over to the Senate. I am confident they will act on it and put it on the President's desk.

Mr. Speaker, I yield 1 minute to the gentleman from California [Mr. DREIER].

Mr. DREIER of California. Mr. Speaker, I thank my friend for yielding this time.

Mr. Speaker, I have a great deal of respect for the arguments that he and my friend, the gentleman from Pennsylvania, were making, but I would like to come back to another point which has I know been made since the 1-minute speeches started this morning.

There is no doubt about the fact that the small business sector of our economy is the most talked about, yet least acted upon segment of the economy.

The problem is that when we act upon it, as we did in the 1986 Tax Reform Act, we put into place something like this unbelievable section 89. As has been pointed out by a number of people, 300 of us have responded to the hue and cry from our constituents by cosponsoring a resolution to completely repeal section 89. We clearly have that opportunity here today.

I hope very much, Mr. Speaker, that we will seize that chance to respond to the will of our constituents.

Mr. MOAKLEY. Mr. Speaker, I yield 4 minutes to the gentleman from Oregon [Mr. AUCOIN].

Mr. AUCOIN. Mr. Speaker, I appreciate the gentleman yielding me this time.

Mr. Speaker, I would hope that all of my colleagues on both sides of the aisle would support the rule that is before this body at this time.

For those of you who are concerned about fighting drugs, this rule, the passage of this rule making in order a bill that could be attached to the supplemental, may be your last best chance to fully provide the funds to fulfill the promises that we made on the omnibus drug bill of a couple years ago. I urge my colleagues to take advantage of this opportunity. It may not come again, and if it does not come again, your vote against this rule is one that will be seen as a lost chance, a missed chance.

I would not like your constituents to hold you responsible for that.

Someone said on the House floor earlier today that the bill that would be made in order, the AuCoin-Miller bill that would be made in order under this rule, is misleading, is duplicitous, I think the word was.

Let me tell you what is misleading. What was misleading was the passage of an omnibus drug bill with a White House Rose Garden ceremony suggesting to the people of this Nation whose communities are being ravaged by the problems of youth gangs, drug wars, crime driven by the use and consumption and selling of drugs, that somehow we had a serious attack and mobilization against drugs in this country. That is what is misleading, because the omnibus drug bill is now underfunded, my friends, by $1.2 billion.

The bill that will be made in order, in addition to the supplemental, will be a bill that doubles the size of the current appropriation for the omnibus drug bill. It transfers over $862 million from star wars, freezes star wars right where it is at, does not cut into it, puts a freeze on it, and takes the projected $862 million of fiscal year 1990 funds and puts it into programs where the real threat is to the American population today, the threat in our streets, the threat in our schools, the threat in

our schoolyards, the threat in every city, large or small, all over this Nation.

It funds judges, policemen, drug interdiction, treatment, and education.

Now, if you think this bill that does all that is misleading, that somehow, as was also suggested, that there are ample funds already out there, I urge you before you come down to voting on the rule to go into your Cloakrooms, pick up the telephone, call the chief of police in your local communities and ask him whether he thinks that there are enough resources for him or her and their forces to battle this problem. They will tell you they do not have the resources.

In fact, I can tell you, my good friend, the gentleman from Illinois [Mr. MICHEL], whom I respect, suggests that the agencies have more funds than they can cope with. Well, he is wrong.

In the city of Peoria, in the last 2 years they are resource-poor in fighting the drug problem. There has been an 18-percent increase, my friends, in serious felonies, many of which have been drug driven, drug related in the last 2 years in Peoria. There has been a 245-percent increase in drug use in the last year alone in Peoria.

Let me just close by saying it is like the movie "Wall Street," where Gordon Gekko says, "It's all bucks, kid. The rest is conversation."

Let us knock off the conversation and put in the bucks behind a serious effort to beat the drug war. That is what this rule will make in order.

Mr. SOLOMON. Mr. Speaker, I yield our final 1 minute to the distinguished whip of the Republican Party, the gentleman from Georgia [Mr. GINGRICH].

Mr. GINGRICH. Mr. Speaker, I simply want to take this 1 minute to urge all Members to vote no on the previous question. Under the new rule as it is crafted, it is obvious that bills which are not currently germane under the old rules fit. That is how we got the AuCoin bill.

The gentleman from Pennsylvania [Mr. GEKAS] has offered a very fine motion to repeal section 89.

Families and workers all across the Nation want section 89 repealed so they can keep their health insurance. Families are losing health insurance every day because of section 89.

I would urge every Member, and there are over 300 of them who have cosponsored the bill to repeal section 89, to vote "no" on the previous question to make in order an opportunity for the gentleman from Pennsylvania [Mr. GEKAS] to offer a repeal of section 89.

So if you are cosponsoring the bill to repeal section 89, you should vote "no" on the previous question.

Mr. MOAKLEY. Mr. Speaker, for purposes of debate only, I yield 1 minute to the gentleman from West Virginia [Mr. WISE].

Mr. WISE. Mr. Speaker, I thank the gentleman for yielding this time.

As one of those who has cosponsored the bill to repeal section 89, I think it is helpful to relate a conversation that we just had in the Government Operations Committee, hearing testimony from Office of Management and Budget Director Richard Darman. I specifically asked him, knowing of this debate, whether he favored a repeal of section 89 at this time.

I do not. I would be opposed to a repeal at this time.

Why is he opposed? Because the administration has already extended to October 1 the implementation of this, because the administration is already working with the chairman of the Committee on Ways and Means and the Senate Finance Committees to accomplish equity, to accomplish the same thing.

It will cost $300 million the first year and well over a billion dollars and more billions in outyears; so you are going to accomplish the same thing in the future.

As I say, I also favor changing section 89, but I also favor at this point following the recommendations of the Office of Management and Budget Director, which is to vote against repealing it and so to vote for this rule.

Mr. MOAKLEY. Mr. Speaker, I yield myself the remaining time.

Mr. Speaker, I would like to repeat again, because some of the Members were not here, that they should be advised that even if the effort to defeat the previous question is successful, an amendment to the rule that would allow consideration of the amendment to repeal section 89, under the practices and precedents of the House, would most likely be ruled out of order as nongermane, so defeat of the previous question therefore would not only be futile and nonproductive, it would only serve to delay consideration of the Urgent Supplemental Appropriations bill.

□ 1340

Mr. Speaker, I am a cosponsor of the repeal of section 89, but it is my understanding that the appropriate committee does have the bill before it and is working on it. I do not think it would serve any good for defeating the previous question.

Mr. MARLENEE. Mr. Speaker, I rise today to support the motion offered by my good friend and colleague from Pennsylvania to defeat this gag rule to allow a vote on repealing section 89. I am amazed at the audacity of the Members on the other side of the aisle where they permit a vote on transferring funds from the strategic defense initiative to fight the war on drugs yet they oppose the motion to consider a commonsense amendment offered by Mr. GEKAS to repeal section 89.

I commend my Republican colleagues in joining me in this crucial vote to allow repeal of the disastrous, bureaucratic redtape monster known as section 89. This vote today represents another positive step toward attempting to right some of the many wrongs perpetrated on the American people by the infamous Tax Reform Act of 1986. Unfortunately, exactly as I had predicted, this Tax Confusion Act has created problem after problem for many Americans.

Mr. Speaker, I was an early cosponsor of legislation to repeal section 89 that now enjoys the support of more than 300 Members of the House of Representatives, which is nearly three-fourths of the membership of the House. As these Members of Congress have now come to realize, section 89 is nothing but a boondoggle for business. By the U.S. Treasury Department's own admission, complying with just the partial regulations of section 89 will require 9,000,000 hours and impose great monetary expenses on businesses.

Section 89 was a misguided attempt by Congress to make benefits fairer for lower-paid workers. Although the intentions were good, section 89 puts employee benefit plans at risk because many smaller companies—as they discover the complexities of compliance—may be discouraged from offering any benefits. If that happens, everyone loses.

Again, I commend my Republican colleagues who are pushing for this vote to preserve an environment for businesses to expand and create new jobs. We can't continue to let this issue languish in the Ways and Means Committee. This is a vote for jobs, and a vote to allow businesses to continue providing vital benefits for employees, which needs to be passed immediately. I urge the defeat of this gag rule, and if this motion succeeds, support the Gekas amendment to repeal section 89.

Mrs. LLOYD. Mr. Speaker, on January 1, 1989, Internal Revenue Code section 89 standards governing tax qualification of a certain employer provided fringe benefits became effective. While section 89 is intended to ensure that businesses do not discriminate in favor of highly compensated employees, it attempts to effect this policy, through an exceedingly complex set of tests which require employers to collect and maintain extensive information on workers, plan coverage provisions, and workers' benefits eligibilities, and sanctions noncompliance with onerous penalties.

In short, the law is so exceedingly complex and imposes such a costly administration burden that it will impede, rather than encourage, the expansion of health care coverage among the Nation's uninsured. Clearly, any Federal policy directed at closing the gap in health care coverage among the working uninsured must focus on the small business sector. And any policy which would discourage the expansion of health insurance coverage among small business must be avoided. This is why I have joined with over 300 of my colleagues in cosponsoring legislation to repeal section 89. Repeal will give us an opportunity to explore reasonable, simplified alternatives to achieve the policy goals of as-

suring fair distribution of employee benefits and reducing the ranks of the uninsured.

Recently the Bush administration ordered a 90-day delay—from July 1 to October 1—in the beginning date for testing benefit plans for compliance with section 89 and the Ways and Means and Finance Committees held hearings on rewriting the law. Both developments are further evidence that the battle for section 89 relief had gained real momentum.

I am disappointed however, that an amendment was not made in order to the legislation we are considering today, to make supplemental appropriations for fiscal year 1989, which called for an outright repeal of the section 89 nondiscrimination rules. In light of the tremendous outpouring from the American public, I believe the Rules Committee should have made this proposed amendment in order. I am confident that the overwhelming majority of the House would have supported it. I will, of course, continue to strongly support efforts calling for an all out repeal of section 89.

Mrs. MARTIN of Illinois. Mr. Speaker, during the committee markup of this emergency supplemental appropriations bill, the Committee on Appropriations rejected two amendments to fully fund the Essential Air Service [EAS] through the end of fiscal 1989.

The rejection of these amendments was not in opposition to EAS, but rather due to a lack of consensus on the offsets that are necessary to fund the $6.6 million needed to maintain current EAS levels.

I would like to commend the gentlewoman from Nebraska [Mrs. SMITH] for her efforts on behalf of EAS during the committee's deliberations. The gentlewoman has worked many years in support of EAS and the rural communities that depend on its service and has been an effective spokeswoman for the concerns of America's rural residents.

There are currently 68 congressional districts that contain airports which participate in the EAS Program, many of them located in rural areas. Two of those airports are in Illinois—one at Sterling-Rockfalls and one at Mount Vernon. Both those communities will possibly lose the airlines that currently serve them if additional EAS funds are not forthcoming.

If these airlines go out of business, they will not return magically in fiscal 1990. Without EAS funding, those airlines will get a one-way ticket out of town.

Mr. Speaker, earlier this month I sent a letter to two of the distinguished Members of the other body, asking for their support for EAS when H.R. 2072 is considered by them. I know they recognize the importance of this program, and I would encourage Members of the House to look favorably on EAS when H.R. 2072 is sent to conference.

CALL OF THE HOUSE

Mr. MOAKLEY. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The call was taken by electronic device, and the following Members responded to their names:

[Roll No. 61]

ANSWERED "PRESENT"—406

Ackerman	Dwyer	Kildee
Akaka	Dyson	Kleczka
Alexander	Early	Kolbe
Anderson	Eckart	Kolter
Andrews	Edwards (CA)	Kostmayer
Annunzio	Edwards (OK)	Kyl
Anthony	Emerson	LaFalce
Applegate	Engel	Lagomarsino
Armey	English	Lancaster
Atkins	Erdreich	Lantos
AuCoin	Espy	Laughlin
Baker	Evans	Leach (IA)
Ballenger	Fawell	Leath (TX)
Barnard	Fazio	Lehman (CA)
Bartlett	Feighan	Lehman (FL)
Barton	Fields	Leland
Bateman	Fish	Lent
Bates	Flake	Levin (MI)
Beilenson	Flippo	Levine (CA)
Bennett	Foglietta	Lewis (CA)
Bentley	Foley	Lewis (FL)
Bereuter	Ford (MI)	Lewis (GA)
Berman	Ford (TN)	Lightfoot
Bevill	Frenzel	Lipinski
Bilbray	Frost	Livingston
Bilirakis	Gallegly	Lloyd
Bliley	Gallo	Long
Boehlert	Garcia	Lowery (CA)
Boggs	Gaydos	Lowey (NY)
Bonior	Gejdenson	Luken, Thomas
Borski	Gekas	Machtley
Bosco	Gephardt	Madigan
Boucher	Gillmor	Manton
Boxer	Gingrich	Markey
Brennan	Glickman	Marlenee
Brooks	Gonzalez	Martin (IL)
Broomfield	Goodling	Martin (NY)
Browder	Gordon	Martinez
Brown (CA)	Goss	Matsui
Brown (CO)	Gradison	Mavroules
Bruce	Grandy	Mazzoli
Bryant	Grant	McCandless
Buechner	Gray	McCloskey
Bunning	Green	McCollum
Burton	Guarini	McCrery
Bustamante	Gunderson	McCurdy
Byron	Hall (OH)	McDade
Callahan	Hall (TX)	McDermott
Campbell (CA)	Hamilton	McEwen
Campbell (CO)	Hammerschmidt	McHugh
Cardin	Hancock	McMillan (NC)
Carper	Hansen	McMillen (MD)
Carr	Harris	McNulty
Chandler	Hastert	Meyers
Chapman	Hatcher	Mfume
Clarke	Hawkins	Michel
Clay	Hayes (IL)	Miller (CA)
Clement	Hayes (LA)	Miller (OH)
Clinger	Hefley	Miller (WA)
Coble	Hefner	Mineta
Coelho	Henry	Moakley
Coleman (MO)	Herger	Molinari
Coleman (TX)	Hertel	Mollohan
Combest	Hiler	Montgomery
Conte	Hoagland	Moorhead
Conyers	Hochbrueckner	Morella
Cooper	Holloway	Morrison (CT)
Costello	Hopkins	Morrison (WA)
Coughlin	Horton	Mrazek
Cox	Hoyer	Murphy
Coyne	Hubbard	Murtha
Craig	Huckaby	Myers
Crane	Hughes	Nagle
Dannemeyer	Hunter	Natcher
Darden	Hutto	Neal (MA)
Davis	Hyde	Neal (NC)
de la Garza	Inhofe	Nielson
DeFazio	Ireland	Nowak
Dellums	Jacobs	Oakar
Derrick	James	Oberstar
DeWine	Jenkins	Obey
Dickinson	Johnson (CT)	Olin
Dicks	Johnson (SD)	Ortiz
Dingell	Johnston	Owens (UT)
Dixon	Jones (GA)	Oxley
Donnelly	Jones (NC)	Packard
Dorgan (ND)	Jontz	Pallone
Dornan (CA)	Kanjorski	Panetta
Douglas	Kaptur	Parker
Downey	Kasich	Parris
Dreier	Kastenmeier	Pashayan
Duncan	Kennedy	Patterson
Durbin	Kennelly	Paxon
Payne (NJ)	Schiff	Sundquist
Payne (VA)	Schneider	Swift
Pease	Schroeder	Synar
Pelosi	Schuette	Tallon
Penny	Schulze	Tanner
Perkins	Schumer	Tauke
Petri	Sensenbrenner	Tauzin
Pickett	Sharp	Thomas (CA)
Pickle	Shaw	Thomas (GA)
Porter	Shays	Thomas (WY)
Poshard	Shumway	Torres
Price	Sikorski	Torricelli
Pursell	Sisisky	Traficant
Quillen	Skaggs	Traxler
Rahall	Skeen	Unsoeld
Rangel	Skelton	Upton
Ravenel	Slaughter (NY)	Valentine
Ray	Slaughter (VA)	Vander Jagt
Regula	Smith (FL)	Vento
Rhodes	Smith (IA)	Visclosky
Richardson	Smith (MS)	Volkmer
Ridge	Smith (NE)	Vucanovich
Rinaldo	Smith (NJ)	Walgren
Ritter	Smith (TX)	Walker
Roberts	Smith (VT)	Walsh
Robinson	Smith, Denny (OR)	Watkins
Roe	Smith, Robert (NH)	Waxman
Rogers	Smith, Robert (OR)	Weber
Rohrabacher	Snowe	Weiss
Rose	Solarz	Weldon
Rostenkowski	Solomon	Wheat
Roth	Spence	Whittaker
Roukema	Spratt	Whitten
Rowland (CT)	Staggers	Williams
Rowland (GA)	Stallings	Wise
Russo	Stangeland	Wolf
Sabo	Stearns	Wolpe
Saiki	Stenholm	Wyden
Sangmeister	Stokes	Wylie
Sarpalius	Studds	Yates
Savage	Stump	Yatron
Sawyer		Young (FL)
Saxton		
Schaefer		

□ 1400

The SPEAKER pro tempore (Mr. SWIFT). On this rollcall, 406 Members have recorded their presence by electronic device, a quorum.

Under the rule, further proceedings under the call were dispensed with.

PROVIDING FOR FURTHER CONSIDERATION OF H.R. 2072, DIRE EMERGENCY SUPPLEMENTAL APPROPRIATIONS, FISCAL YEAR 1989, AND CONSIDERATION OF H.R. 2442

Mr. MOAKLEY. Mr. Speaker, I move the previous question on the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

RECORDED VOTE

Mr. SOLOMON. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 217, noes 203, not voting 14, as follows:

[Roll No. 62]

AYES—217

Ackerman	Bates	Boxer
Akaka	Beilenson	Brennan
Alexander	Bennett	Brooks
Anderson	Berman	Brown (CA)
Andrews	Bevill	Bruce
Annunzio	Bilbray	Bryant
Anthony	Boggs	Bustamante
Aspin	Bonior	Byron
Atkins	Borski	Cardin
AuCoin	Bosco	Carper
Barnard	Boucher	Chapman

Clarke
Clay
Clement
Coelho
Coleman (TX)
Conyers
Cooper
Costello
Coyne
Crockett
Darden
DeFazio
Dellums
Derrick
Dicks
Dingell
Dixon
Donnelly
Dorgan (ND)
Downey
Durbin
Dwyer
Dymally
Early
Edwards (CA)
Engel
Espy
Evans
Fascell
Fazio
Feighan
Flake
Flippo
Foglietta
Foley
Ford (MI)
Ford (TN)
Frank
Frost
Garcia
Gaydos
Gejdenson
Gephardt
Glickman
Gonzalez
Gordon
Gray
Guarini
Hall (OH)
Hatcher
Hawkins
Hayes (IL)
Hayes (LA)
Hefner
Hertel
Hoagland
Hochbrueckner
Hoyer
Hughes
Jenkins
Johnston
Jones (GA)
Jones (NC)
Jontz
Kanjorski
Kaptur
Kastenmeier
Kennedy
Kennelly
Kildee
Kleczka
Kostmayer
LaFalce
Lancaster
Lantos
Laughlin
Leath (TX)
Lehman (CA)
Lehman (FL)
Leland
Levin (MI)
Levine (CA)
Lewis (GA)
Lipinski
Long
Lowey (NY)
Manton
Markey
Martinez
Matsui
Mavroules
Mazzoli
McCloskey
McCurdy
McDermott
McHugh
McMillen (MD)
McNulty
Mfume
Miller (CA)
Mineta
Moakley
Mollohan
Moody
Morrison (CT)
Mrazek
Murtha
Nagle
Natcher
Neal (MA)
Neal (NC)
Nelson
Nowak
Oakar
Oberstar
Obey
Olin
Ortiz
Owens (UT)
Pallone
Panetta
Payne (NJ)
Payne (VA)
Pease
Pelosi
Penny
Perkins
Pickett
Pickle
Poshard
Price
Rahall
Rangel
Ray
Richardson
Roe
Rose
Rostenkowski
Rowland (GA)
Russo
Sabo
Sangmeister
Sarpalius
Savage
Sawyer
Scheuer
Schroeder
Schumer
Sikorski
Skaggs
Skelton
Slattery
Slaughter (NY)
Smith (FL)
Smith (IA)
Solarz
Spratt
Staggers
Stark
Stenholm
Studds
Swift
Synar
Tanner
Torres
Torricelli
Towns
Traficant
Traxler
Unsoeld
Valentine
Vento
Visclosky
Volkmer
Walgren
Watkins
Waxman
Weiss
Wheat
Whitten
Williams
Wise
Wolpe
Wyden
Yates

NOES—203

Applegate
Archer
Armey
Baker
Ballenger
Bartlett
Barton
Bateman
Bentley
Bereuter
Bilirakis
Bliley
Boehlert
Broomfield
Browder
Brown (CO)
Buechner
Bunning
Burton
Callahan
Campbell (CA)
Campbell (CO)
Carr
Chandler
Clinger
Coble
Coleman (MO)
Combest
Conte
Coughlin
Cox
Craig
Crane
Dannemeyer
Davis
de la Garza
DeLay
DeWine
Dickinson
Dornan (CA)
Douglas
Dreier
Duncan
Dyson
Eckart
Edwards (OK)
Emerson
English
Erdreich
Fawell
Fields
Fish
Frenzel
Gallegly
Gallo
Gekas
Gillmor
Gingrich
Goodling
Goss
Gradison
Grandy
Grant
Green
Gunderson
Hall (TX)
Hamilton
Hammerschmidt
Hancock
Hansen
Harris
Hastert
Hefley
Henry
Herger
Hiler
Holloway
Hopkins
Horton
Hubbard
Huckaby
Hunter
Hutto
Hyde
Inhofe
Ireland
Jacobs
James
Johnson (CT)
Johnson (SD)
Kasich
Kolbe
Kolter
Kyl
Lagomarsino
Leach (IA)
Lent
Lewis (CA)
Lewis (FL)
Lightfoot
Livingston
Lloyd
Lowery (CA)
Luken, Thomas
Machtley
Madigan
Marlenee
Martin (IL)
Martin (NY)
McCandless
McCollum
McCrery
McDade
McEwen
McMillan (NC)
Meyers
Michel
Miller (OH)
Miller (WA)
Molinari
Montgomery
Moorhead
Morella
Morrison (WA)
Murphy
Myers
Nielson
Oxley
Packard
Parker
Parris
Pashayan
Patterson
Paxon
Petri
Porter
Pursell
Quillen
Ravenel
Regula
Rhodes
Ridge
Rinaldo
Ritter
Roberts
Robinson
Rogers
Rohrabacher
Roth
Roukema
Rowland (CT)
Saiki
Saxton
Schaefer
Schiff
Schneider
Schuette
Schulze
Sensenbrenner
Sharp
Shaw
Shays
Shumway
Shuster
Sisisky
Skeen
Slaughter (VA)
Smith (MS)
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (VT)
Smith, Denny (OR)
Smith, Robert (NH)
Smith, Robert (OR)
Snowe
Solomon
Spence
Stallings
Stangeland
Stearns
Stump
Sundquist
Tallon
Tauke
Tauzin
Thomas (CA)
Thomas (GA)
Thomas (WY)
Upton
Vander Jagt
Vucanovich
Walker
Walsh
Weber
Weldon
Whittaker
Wolf
Wyden
Wylie
Yatron
Young (AK)
Young (FL)

NOT VOTING—14

Collins
Courter
Florio
Gibbons
Gilman
Houghton
Lukens, Donald
McGrath
Owens (NY)
Pepper
Roybal
Stokes
Udall
Wilson

□ 1418

The Clerk announced the following pair:

On this vote:

Mr. Roybal for, with Mr. Houghton against.

Messrs. DYSON, STALLINGS, and THOMAS A. LUKEN changed their vote from "aye" to "no."

So the previous question was ordered.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. SOLOMON. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device; and there were—ayes 219, noes 201, not voting 14, as follows:

[Roll No. 63]

AYES—219

Ackerman
Akaka
Alexander
Anderson
Andrews
Annunzio
Anthony
Atkins
AuCoin
Barnard
Bates
Beilenson
Bennett
Berman
Bevill
Bilbray
Boggs
Bonior
Borski
Bosco
Boucher
Boxer
Brennan
Brooks
Brown (CA)
Bruce
Bryant
Bustamante
Cardin
Carper
Carr
Chapman
Clarke
Clay
Clement
Coelho
Coleman (TX)
Conyers
Cooper
Costello
Coyne
Crockett
Darden
de la Garza
DeFazio
Dellums
Derrick
Dingell
Dixon
Donnelly
Dorgan (ND)
Downey
Durbin
Dwyer
Dymally
Dyson
Early
Eckart
Edwards (CA)
Engel
Espy
Evans
Fascell
Fazio
Feighan
Flake
Foglietta
Foley
Ford (MI)
Ford (TN)
Frank
Frost
Garcia
Gaydos
Gejdenson
Gephardt
Glickman
Gonzalez
Gordon
Gray
Guarini
Hall (OH)
Hatcher
Hawkins
Hayes (IL)
Hayes (LA)
Hefner
Hertel
Hoagland
Hochbrueckner
Hoyer
Hughes
Jenkins
Johnston
Jones (GA)
Jones (NC)
Jontz
Kanjorski
Kaptur
Kastenmeier
Kennedy
Kennelly
Kildee
Kleczka
Kostmayer
LaFalce
Lancaster
Lantos
Laughlin
Leath (TX)
Lehman (CA)
Lehman (FL)
Leland
Levin (MI)
Levine (CA)
Lewis (GA)
Lipinski
Long
Lowey (NY)
Luken, Thomas
Manton
Markey
Martinez
Matsui
Mavroules
Mazzoli
McCloskey
McDermott
McHugh
McMillen (MD)
McNulty
Mfume
Miller (CA)
Mineta
Moakley
Mollohan
Montgomery
Moody
Mrazek
Murtha
Nagle
Natcher
Neal (MA)
Neal (NC)
Nelson
Nowak
Oakar
Oberstar
Obey
Olin
Ortiz
Owens (UT)
Pallone
Panetta
Parker
Patterson
Payne (NJ)
Payne (VA)
Pease
Pelosi
Perkins
Pickle
Poshard
Price
Rahall
Rangel
Ray
Richardson
Robinson
Roe
Rose
Rostenkowski
Rowland (GA)
Russo
Sabo
Sangmeister
Sarpalius
Savage
Sawyer
Scheuer
Schroeder
Schumer
Sikorski
Skaggs
Slattery
Slaughter (NY)
Smith (FL)
Smith (IA)
Solarz
Spratt
Staggers
Stallings
Stark
Stenholm
Stokes
Studds
Swift
Synar
Tanner
Torres
Torricelli
Towns
Traficant
Traxler
Unsoeld
Valentine
Vento
Visclosky
Volkmer
Walgren
Waxman
Weiss
Wheat
Whitten
Williams
Wise
Wolpe
Wyden
Yates

NOES—201

Applegate
Archer
Armey
Aspin
Baker
Ballenger
Bartlett
Barton
Bateman
Bentley
Bereuter
Bilirakis
Bliley
Boehlert
Broomfield
Browder
Brown (CO)
Buechner
Bunning
Burton
Byron
Callahan
Campbell (CA)
Campbell (CO)
Chandler
Clinger
Coble
Coleman (MO)
Combest
Conte
Coughlin
Cox
Craig
Crane
Dannemeyer
Davis
DeLay
DeWine
Dickinson
Dicks
Dornan (CA)
Douglas
Dreier
Duncan
Edwards (OK)
Emerson
English
Erdreich
Fawell
Fields
Fish
Flippo
Frenzel
Gallegly
Gallo
Gekas
Gillmor
Gingrich
Goodling
Goss
Gradison
Grandy
Grant
Green
Gunderson
Hall (TX)
Hamilton
Hammerschmidt
Hancock
Hansen
Harris
Hastert
Hefley
Henry
Herger
Hiler
Holloway
Hopkins
Horton
Hubbard
Huckaby
Hunter
Hutto
Hyde
Inhofe
Ireland
Jacobs
James
Johnson (CT)
Johnson (SD)
Kasich
Kolbe
Kolter
Kyl
Lagomarsino
Leach (IA)
Lent
Lewis (CA)
Lewis (FL)

Lightfoot	Porter	Smith (TX)
Livingston	Pursell	Smith (VT)
Lloyd	Quillen	Smith, Denny (OR)
Lowery (CA)	Ravenel	Smith, Robert (NH)
Machtley	Regula	Smith, Robert (OR)
Madigan	Rhodes	Snowe
Marlenee	Ridge	Solomon
Martin (IL)	Rinaldo	Spence
Martin (NY)	Ritter	Stangeland
McCandless	Roberts	Stearns
McCollum	Rogers	Stump
McCrery	Rohrabacher	Sundquist
McCurdy	Roth	Tallon
McDade	Roukema	Tauke
McEwen	Rowland (CT)	Tauzin
McMillan (NC)	Saiki	Thomas (CA)
Meyers	Saxton	Thomas (GA)
Michel	Schaefer	Thomas (WY)
Miller (OH)	Schiff	Upton
Miller (WA)	Schneider	Vander Jagt
Molinari	Schuette	Vucanovich
Moorhead	Schulze	Walker
Morella	Sensenbrenner	Walsh
Morrison (WA)	Sharp	Watkins
Murphy	Shaw	Weber
Myers	Shays	Weldon
Nielson	Shumway	Whittaker
Oxley	Shuster	Wolf
Packard	Sisisky	Wylie
Parris	Skeen	Yatron
Pashayan	Skelton	Young (AK)
Paxon	Slaughter (VA)	Young (FL)
Penny	Smith (MS)	
Petri	Smith (NE)	
Pickett	Smith (NJ)	

NOT VOTING—14

Collins	Houghton	Pepper
Courter	Lukens, Donald	Roybal
Florio	McGrath	Udall
Gibbons	Morrison (CT)	Wilson
Gilman	Owens (NY)	

□ 1436

The Clerk announced the following pair:

On this vote:

Mr. Roybal for, with Mr. Houghton against.

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. WHITTEN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks, and that I may include extraneous and tabular material, on H.R. 2072, making dire emergency supplemental appropriations for fiscal year 1989 and for other purposes.

The SPEAKER pro tempore (Mr. SWIFT). Is there objection to the request of the gentleman from Mississippi?

There was no objection.

DIRE EMERGENCY SUPPLEMENTAL APPROPRIATIONS, FISCAL YEAR 1989, AND CONSIDERATION OF H.R. 2442

The SPEAKER pro tempore. Pursuant to House Resolution 160 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 2072.

□ 1438

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 2072) making dire emergency supplemental appropriations and transfers, urgent supplementals, and correcting enrollment errors for the fiscal year ending September 30, 1989, and for other purposes, with Mr. GLICKMAN in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee of the Whole rose on Wednesday, April 26, 1989, the bill was considered as read and open for amendment at any point.

Pursuant to House Resolution 160, the amendments printed in House Report 101-63, if offered, are considered as having been read, are not subject to amendment or to a demand for a division of the question, and are debatable for 60 minutes each, equally divided and controlled by the proponent of the amendment and a Member opposed thereto.

The Chair recognizes the gentleman from Mississippi [Mr. WHITTEN].

AMENDMENT OFFERED BY MR. WHITTEN

Mr. WHITTEN. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. WHITTEN:

On page 14, line 23, strike "$599,669,000" and insert "$341,669,000".

On page 15, line 5, strike "$508,000,000" and insert "$250,000,000".

On page 15, after line 9, insert:

DEPARTMENT OF ENERGY ALTERNATIVE FUELS PRODUCTION

(TRANSFER OF FUNDS)

Monies received from government operations and sale of the Great Plains Gasification Plant, including accrued interest, which currently are deposited in the liquidating trust at the First Trust of North Dakota shall be deposited in this account, and $12,000,000 determined by the Secretary of Energy to be excess to the needs of ongoing alternative fuels programs shall be transferred to the General Fund of the Treasury prior to October 1, 1989.

On page 19, after ine 25, insert:

CONSERVATION RESERVE PROGRAM

In Public Law 100-460, "An Act making appropriations for Rural Development, Agriculture, and Related Agencies for the fiscal year ending September 30, 1989, and for other purposes", in the account titled "Conservation Reserve Program", delete the sum "$1,864,000,000" and insert in lieu thereof "$1,789,000,000", and delete the sum "$385,000,000" and insert in lieu thereof "$310,000,000".

On page 20, line 6, after "$675,000,000" delete ", to be derived by transfer from guaranteed operating loans".

On page 20, strike line 10 through line 18.

On page 23, strike lines 22 through 24.

On page 24, strike line 15 through line 18 on page 25, and insert:

PAYMENTS FOR OPERATION OF LOW-INCOME HOUSING PROJECTS

(TRANSFER OF FUNDS)

For an additional amount for "Payments for operation of low-income housing projects", $88,000,000, to remain available until September 30, 1990: *Provided*, That such amount shall be derived by transfer from "Annual contributions for assisted housing", and the amount specified for the section 8 moderate rehabilitation program in the first proviso under that head in the Department of Housing and Urban Development-Independent Agencies Appropriations Act, 1989 (Public Law 100-404, 102 Stat. 1014) shall be reduced by such amount: *Provided further*, That from the foregoing amount, $8,000,000 shall be made available, not withstanding section 9(d) of the United States Housing Act of 1937, for increased security assistance.

On page 27, on line 4 after "$15,000,000", insert:

to be derived by transfer from "urban development action grants"

On page 27, strike line 17 through line 12 on page 29.

On page 29, strike line 21 through line 22, and insert:

That the authority under the Supplemental Appropriations Act, 1985, (Public Law 99-88) with respect to the relocation of the Fort Lauderdale Monitoring Station be amended to authorize the Federal Communications Commission to expend the funds remaining from the sale of Fort Lauderdale, Florida, Monitoring Station, for salaries and expenses in FY 1989 in lieu of returning the unused funds to the general fund of the U.S. Treasury.

On page 30, strike line 1 through line 9 and insert:

ADMINISTRATIVE PROVISIONS

SEC. 101. Funds appropriated to the Commission for the Study of International Migration and Cooperative Economic Development and the Commission on Agricultural Workers in Public Law 100-459 shall remain available until expended.

SEC. 102. The Director of the Administrative Office of the United States Courts, under the supervision of the Judicial Conference of the United States, and upon notification to the Committees on Appropriations of the House of Representatives and the Senate in compliance with provisions set forth in Section 606 of Public Law 100-459, may transfer unobligated balances available under Courts of Appeals, District Courts, and other Judicial Services, "Defender Services", to any appropriation account of the Judiciary: *Provided*, That compensation and reimbursement of attorneys and others as authorized under 18 U.S.C. 3006A and 28 U.S.C. 1875(d) may hereinafter be paid from funds appropriated for "Defender Services" in the year in which payment is required.

On page 34, after line 18, insert:

GENERAL SERVICES ADMINISTRATION
ADMINISTRATIVE PROVISION

Notwithstanding any other provision of law, the Administrator of General Services (Administrator) shall transfer to the administrative jurisdiction of the Holocaust Memorial Council (Council), without consideration, the Auditors West Building (Annex 3) located at Raoul Wallenberg Place and Independence Avenue SW, Washington, DC.

Prior to such transfer of jurisdiction to the Council, the Council shall agree to perform all necessary repairs and alterations to the Auditors West Building so as to ren-

ovate the exterior of the Auditors West Building in a manner consistent with preservation of the historic architecture of the building, and to preserve the structural integrity of the building. The Council, prior to such transfer, shall furnish to the Administrator, for his approval, a plan detailing the repairs and alterations proposed, dates for completion of the work, and funding availability.

In the event the Council ceases to exist, administrative jurisdiction of the Auditors West Building (Annex 3) shall revert to the General Services Administration.

On page 36, strike line 19 through line 24.

The CHAIRMAN. Under the rule, the gentleman from Mississippi [Mr. WHITTEN] will be recognized for 30 minutes and a Member opposed will be recognized for 30 minutes.

The Chair recognizes the gentleman from Mississippi [Mr. WHITTEN].

Mr. WHITTEN. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, for the current fiscal year, as my colleagues will recall, toward the end of the conference on the budget resolution, the Senate insisted that we cut $1 billion 900 million in the budget ceiling. I find that many subcommittees on this side went along with that on the basis that we could remedy the situation with a supplemental.

□ 1440

So many of the items in the supplemental here come because of their insistence on cutting the budget ceiling by $1.9 billion.

You will recall that we called this bill up some time ago, a few weeks ago, and after we had lost an amendment on this side to cut it fifty-seven one-hundredths of 1 percent, I asked the Committee to rise; so prior to rising we have waived our budget ceiling, which as I said was kind of forced on us; so the budget ceiling is not a problem insofar as the total bill is concerned.

So the amendment that we have before you comes after we had a separate bill for veterans, which came on my motion, when it looked like delay on this supplemental was going to seriously affect the veterans programs. Rather than have that happen, on my motion, we separated the veterans program from the rest and we acted on it in the House expeditiously. That was necessary because of a time element.

It went to our friends on the Senate side and they in turn limited obligations from funds in the veterans bill until June 15. According to the record over there, the intention was that veterans would be included with the other things in this bill. That is the situation.

Now, I want to talk some common sense to you and down-to-earth business. Unfortunately, all the criticism that I have heard in the Rules Committee and elsewhere has to do with the Senate action in cutting the veterans bill down. That was a Senate action, not ours, so whatever we do here, if we pass a bill, we face a conference with the Senate.

I say to you that in this bill we continue the veterans programs so they will be in this bill as well as in the other one.

May I say, too, and if you have not read the papers that we have got on the streets, law enforcement has broken down, not merely Federal law enforcement, but all law enforcement.

The President through others has said they object to the funds we have in here for drugs.

I say that we have got to have this, and let me remind you, that when we provide this money for drugs, the President and the executive branch will determine whether to spend it, how to spend it and draw on it themselves; but with the breakdown in law enforcement, which I pointed out in detail, as a former lawyer and a district attorney, we have got cases that they cannot handle because they have no lawyers to handle them. We have got cases where there are no jails to put them in. It has saturated local law enforcement.

I just say that by all means we should be sure that we provide sufficient funds.

Not only that, but let me say something else to you. I have been in many conferences with our friends on the Senate side. Two-thirds of them are not up for reelection. They can outsit most anybody in the world.

I am asking you to give us this bill which takes care of drugs, which takes care of veterans, to strengthen our hands in arguing with our friends on the other side where they have cut off funds after June 15. It is that simple.

Anybody who does not think law enforcement has broken down has not walked around on our streets. It is not just limited to the major cities. It is in rural areas. If we do not do something about drugs, may I say again, we cannot make the executive branch use this money. We can point out that it is needed. We can say that what you are doing is not enough, and they do have enough money to go ahead like we are; but like we are is not good enough.

So I am asking you to strengthen the hands of the conferees on the House side. Keep funds for drugs. Keep funds for the veterans. If we go to conference with what we want, we can stay there a long time.

Mr. CHAIRMAN. First I want to assure everyone that the bill includes $1,208,818,000 for veterans. This includes $340,125,000 for medical care in order to maintain an employment level of 194,720. Including those funds in this bill as well as the veterans supplemental we passed last week will strengthen our hand when we go to conference with the Senate.

It also includes the following money to fight the war on crime and drugs:

Emergency Drug Funding:	
Justice Department:	
U.S. Marshals Service	$7,900,000
Support of U.S. Prisoners	26,900,000
Federal Bureau of Investigations	36,691,000
Drug Enforcement Administration	70,409,000
Immigration and Naturalization Service	26,000,000
Federal Prison System—S&E	27,183,000
Institute of Corrections	14,000,000
Buildings and Facilities	205,370,000
Anti-drug Abuse Grants	125,000,000
Other Justice Department programs	51,686,000
Total Justice Department	588,139,000
State Department	4,000,000
The Judiciary	129,420,000
State-Justice Institute	4,020,000
Treasury Department:	
Bureau of Alcohol, Tobacco and Firearms	4,000,000
Customs Service	35,000,000
Air Interdiction	51,000,000
Law Enforcement Training Center	6,000,000
Total, Treasury	96,000,000
Total, Drugs	821,579,000

One thing I want to make clear is that the drug money in this bill does not get spent until the executive says to. We are faced with a desperate problem on drugs and I want to be on the side that says do as much as we can as soon as we can.

Mr. Chairman, after the committee reported H.R. 2072, the dire supplemental, on April 18, the executive branch called for substantial across-the-board reductions in other programs handled by the various subcommittees, and I requested each subcommittee to review their earlier determination.

After a leadership proposal to provide offsets with a fifty-seven one-hundredth of 1 percent governmentwide cut was rejected by the House on April 26, I asked the subcommittee chairmen involved to either provide offsets or to defer programs to the regular 1990 bills in order to meet the intent expressed by the House.

Mr. Chairman, the amendment I offer on behalf of the subcommittee chairmen involved and the committee, reduces the pending bill by $1,005,611,000 as follows:

First, by providing offsets where possible,

Second, by reducing the amount, where possible; or

Third, by deferring amounts until later.

Programs for which offsets are provided include:	
Farm operating loans	$75,000,000

Low-income housing assistance	88,000,000
FEMA emergency food and shelter	15,000,000
Forest firefighting reimbursement	(12,000,000)
Judiciary transfer authority	16,240,000
FCC operation expenses	500,000
Total offset	194,740,000
Program for which a reduction is proposed: Forest Service forest firefighting reimbursement	258,000,000
Programs for which funding is deferred for later action:	
FAA operations	70,700,000
VA homeless assistance	30,000,000
HUD homeless assistance	108,500,000
Justice Department programs	43,186,000
NOAA operations and research	32,200,000
Civil liberties public education fund	250,000,000
Securities and Exchange Commission operations	18,285,000
Total deferred	552,871,000

H.R. 2072 is still needed. It includes funds for vital, important programs including the critical appropriations for veterans, programs and the war on crime and drugs.

Other dire emergencies and transfers included in title I are:	
Migration and Refugee Assistance	$100,000,000
UN Peacekeeping Operations	125,000,000
Firefighting Reimbursement	341,669,000
Trade Adjustment Assistance	126,648,000
Payments to States for Foster Care and Adoption Assistance	423,345,000

REHABILITATION SERVICES AND HANDICAPPED RESEARCH

Language clarifies intent of 1989 appropriation for the Department of Education that this is a mandatory account and therefore not subject to an across-the-board reduction in the 1989 bill to be applied only to discretionary accounts in the 1989 bill.

Guaranteed Student Loans	$892,428,000
Disaster Assistance Administrative Expenses (by transfer)	40,000,000
Agricultural Insured Operating Loans	75,000,000
Internal Revenue Service (by transfer)	73,983,000
Payments for Operation of Low-Income Housing Projects (by transfer)	88,000,000
FEMA Emergency Food and Shelter Program (by transfer)	15,000,000

TITLE II—URGENT SUPPLEMENTALS

Federal Ship Financing Fund (applied to debt reduction)	$515,000,000
Aircraft Purchase Loan Guarantee Program (applied to debt reduction)	10,770,941

TITLE III—TECHNICAL ENROLLMENT CORRECTIONS

Corrects five errors made in the enrolling process on the regular fiscal year 1989 appropriations bills.

Mr. Chairman, I urge the amendment be approved.

Mr. VENTO. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN. The gentleman from Minnesota [Mr. VENTO] will be recognized for 30 minutes.

Mr. VENTO. Mr. Chairman, I yield myself such time as I may consume.

Obviously, I would be pleased to yield to the distinguished ranking member, who but for the rule, would be recognized for time. I do not intend to take the 30 minutes, Mr. Chairman, but I thought it was important to rise, not necessarily to disagree with the distinguished chairman of the Appropriations Committee with regard to his plea for trying to work out the issue and address some of the problems that deal with veterans, but really because I think, Mr. Chairman, that today this body should be addressing the other types of urgent needs that exist.

I looked at the gentleman's amendment that he is offering. I understand the political reality of what has happened in the last several weeks and I lament that; but the fact is that, I do not believe, that this is the necessary amendment to move forward. In fact, I think it is the wrong signal to send to the various groups and constituencies that we repressent.

This amendment would cut out programs and cut out spending that frankly is necessary. In fact, this House on a bipartisan basis with the administration, has repeatedly made commitments to fund these programs.

This amendment cuts out the $250 million for payments to Japanese Americans interned during World War II that this House overwhelmingly voted for and for which the past President had a signing ceremony at the White House. It is not money that will be saved in the final analysis. It is spending that is deferred, that we do not choose to appropriate right now, and during the interim, of course, we can expect that some of the intended recipients will not be able to gain that benefit as, of course, old age and other factors will eliminate them from eligibility.

Second, this amendment suggest to the body that the type of forest fires that occurred last year throughout the western United States and Alaska did not occur; that is, it suggests that the $258 million that are owed to the various programs within the Department of the Interior—that are owed, for example, to the Knutson-Vandenberg fund, which is so important, for restoration and for fire suppression—will not be forthcoming despite the fact that those funds are practically down to nothing. We are not going to pay back those funds in this fiscal year and the reforestation and rehabilitation, fire suppression work won't be done that is necessary now, today.

Well, if we do not restore the funds this year, we are going to have to restore them in the very near future. My friends, we and those who work in these areas well know that this is not, therefore, in any shape or form a saving. It is simply a deferral. It is suggesting savings, when in fact these are dollars that are owed to the various funds. These are moneys that are necessary to properly manage the forest fires protection and fire suppression programs.

The Whitten amendment would cut $70.7 million from the Federal Aviation Administration funds, and those are important dollars that are necessary for a variety of programs in that area, including additional security agents, safety inspectors and air traffic controllers.

Mr. Chairman, my last point is, of course, the funding cuts that affect the homeless programs. As many of the Members are probably aware, we have worked long and hard on homeless assistance programs. They are very important programs, that I think deserves all of our strong support.

There is no season of physical comfort or easy living for the homeless. Bitter winter temperatures are replaced by torrential spring rains, leading to searing summer heat and humidity. For these homeless Americans, our fellow human beings, are living in the streets; exposed to the weather and to human misery without relief. For them, homelessness remains a life-threatening epidemic throughout the seasons that deserves immediate and adequate attention and demands our prompt action.

President Bush, as an aspiring candidate last fall, strongly supported full funding of the McKinney Act. This measure that we have before us would cut $138 million of that funding. In fact a full funding would actually be $259 million. So even fulfilling half of the commitment of the remaining authorization would be denied by this Whitten amendment.

Vice President QUAYLE voiced support for full funding of the McKinney Act.

HUD Secretary Jack Kemp supports full funding of the McKinney Act for 1989 and the McKinney dollars in this measure.

Mr. Chairman, 159 Members of this House of Representatives from both sides of the aisle have cosponsored House Joint Resolution 31, a resolution that calls for full funding of the McKinney Act in fiscal year 1989.

What more support does this House need in order to act on the fulfillment of the administration's promise and the promises that Congress made to meet the needs of the most vulnerable in our society, the homeless? We have demonstrated needs. We have proven, successful programs. We have lots of rhetoric. Let us now have the political will and the leadership to put it together for the actual funding of homeless assistance.

Mr. Chairman, if we approve the Whitten amendment today, we will write off the chance for thousands of our citizens to make their way off the grates and into a shelter or even a home.

□ 1450

Mr. Chairman, the homeless do not come to Washington with hats in hand to lobby for assistance. They have no service organizations; few, if any, lobbyists. This surely does not make it any less a responsibility for the Members of this Chamber to represent them in their needs. In fact, I believe it is imperative that we represent them, because if we do not, they will be without a voice.

The supplemental appropriations bill has been like a chicken bone caught in our throats. We cannot seem to dislodge it. We unsuccessfully tried to offset the costs, and the bone is still stuck. We broke off the important veterans' assistance into a separate bill. The measure is still stuck in Congress.

I would venture to state for the record that the dollars for the homeless, for the homeless assistance programs and the McKinney Act that we now seek to cut are not the basis for the sticking point. The funding sought is modest. We are not choking on the homeless funding, Mr. Chairman. It should remain in the supplemental as a matter of simple equity; as a matter of elemental fairness; and to fulfill the Democratic and Republican political campaign promises. If these homeless funds are not a dire emergency, then nothing in this bill really is a dire emergency.

Mr. Chairman, we should be concerned not just about the medical assistance for the unhealthy veteran, but also the $30 million that is being struck by this amendment for the homeless veterans.

Mr. Chairman, with the support of Congress, the administration and the American people, we must act to prevent homelessness and provide the needed McKinney Act assistance now to our most vulnerable citizens, the homeless.

I urge my colleagues to defeat the Whitten amendment that would eliminate supplemental funding for the homeless and support final passage of this measure.

Mr. Chairman, I reserve the balance of my time.

Mr. WHITTEN. Mr. Chairman, I yield 3 minutes to the gentleman from Arkansas [Mr. ALEXANDER].

Mr. ALEXANDER. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman. I rise in support of the Whitten amendment and of H.R. 2442 to be offered later today by the gentleman from Oregon Mr. AUCOIN. Since the early 1970's Washington has debated an antidrug policy, and it is my observation that in comparing the conditions that existed then as compared to now, the drug problem has gotten worse, much worse. In fact, some will say that it is out of control. Col. Tommy Goodwin, director of the Arkansas State Police told me today: "Drugs are out of control in Arkansas," he said.

I have written all of the sheriffs, chiefs of police and superintendents in my district, urging each to respond to the current drug policy debate. I have here a sampling of the letters that are representative of the conditions that exist in the First Congressional District of Arkansas, and I will refer to several of them. I have prior permission to insert them in the RECORD. From Newport, AR, the superintendent of schools says that the interdiction effort has failed, "and we need money for antidrug education." The chief of police at Cotton Plant says,

> We need money in our cities to upgrade training and to buy equipment to fight crime. Our law enforcement training is necessary. We need money to build more jails. We need support from the Federal Government.

From Corning, AR, the chief of police says,

> We need more money to buy surveillance equipment, to provide education, to train our officials and to provide equipment to our law-enforcement officials.

The sheriff in Independence County says that,

> We do not have adequate funds to fight the drug war in Arkansas.

Here is a letter from the chief of police in Paragould who says that,

> The drug war does not exist at the local level. Only in Washington we can only try to prevent chaos at the local level.

Here is a letter from the superintendent of schools at Paragould, who said, "The drug problem is a crisis. We need help from Washington. We need funds to help us fight this war," and I have letters all throughout my district that go on and on and to say and to summarize the fact that the local officials in our county today need help from Washington to fight the drug war. They are committed to it. They do not have the resources with which to do the job.

Mr. Chairman, I would also add that at the national level we need a clear, unmistakable national policy that there must be coordination of the 33 Federal agencies that have concurrent jurisdiction over drug-related crimes. We need cooperation of the Federal bureaucracy, among and between the Federal agencies and with the States, and I would add to that that we need a foreign policy and an intelligence agency policy that is compatible with our national interest. I am not talking about our foreign friends. I am talking about our national interest. We need more enforcement. We need more officers. We need more funds to help our local law enforcement agencies and our Federal law enforcement agencies. We need more education. We need funds for education.

Mr. Chairman, in every case our people back home say that they want to fight this war, but they need help, and it is time for the Congress to pass the supplemental appropriation to give the people back home the funds with which to do the job.

NEWPORT PUBLIC SCHOOLS,
Newport, AR, May 1, 1989.

Congressman BILL ALEXANDER,
Cannon House Office Building, Washington, DC.

DEAR CONGRESSMAN ALEXANDER: I received your letter of April 26, 1989 relative to Secretary William Bennett's National Drug Control Policy and would like to make the following comments for your consideration.

1. The interdiction effort is doomed to failure. It is literally impossible to patrol the thousands of miles of coast line and hundreds of thousands of square miles of ocean to prevent drugs from being filtered into our country. The profits are so enormous that drug smugglers are able to consider airplanes as disposable parts of their operation, and they are willing to fly across our borders to land their airplane and abandon it.

2. The only way we will ever be successful in curbing the use of drugs is to mount a tremendous education effort at the lowest possible level. Federal programs should be directed to the elementary school children and should fund a wide variety of educational efforts. As generations grow up and become adults the problem can be controlled through educational efforts.

3. There should be some consideration to legalizing certain drugs for adults. While this is very unpopular, I believe our history regarding prohibition of alcohol in the 1920's shows us that a complete ban on the substance, no matter how threatening the substance might be, plays into the hands of the drug smugglers, the rum-runners, etc. I know this will be difficult but I honestly believe that some effort must be made to legalize certain drugs which do not necessarily provide an open path to harder drugs or more devastating drugs. I appreciate the opportunity to make these brief comments and I wish you well in your efforts to help our nation solve this problem.

Sincerely yours,
STEVE CASTLBERRY, Ed. D.
Superintendent.

CITY OF COTTON PLANT POLICE DEPARTMENT,
Cotton Plant, AR, May 2, 1989.

Congressman BILL ALEXANDER,
Cannon House Office Building, Washington, DC.

DEAR CONGRESSMAN ALEXANDER: My name is Gary Culbreath. I have been an active

member of law enforcement since 1972. I assumed the position of Chief of Police for Cotton Plant in April of 1988. In the time I have been in law enforcement, I have been able to watch the tremendous growth in popularity of drug use and abuse.

This problem continues to grow each year and affect more and more of our citizens. This problem must be stopped at all cost.

Attached you will find four recommendations from my office. I know these are only a start, but you have to start before you can accomplish anything. I appreciate the opportunity to present these suggestions to you and I look forward to seeing new legislation to help alleviate the drug crises.

Sincerely,

GARY S. CULBREATH,
Chief of Police.

Enclosure.

1. More grant money available to cities to upgrade training and equipment for drug detection and elimination.

2. More money available to law enforcement Training academies to offer drug detection, and investigation courses more often and in more places, to reach more small departments.

3. More jail space for drug offenders, so they don't get back on the streets as quick, because of overcrowding.

4. Tougher penalities for pushers and manufacturers. Including mandatory property forfeiture even with misdemeanor charges. Also mandatory life or death penalty when drugs are involved in the killing of a police officer.

CORNING POLICE DEPARTMENT,
Corning, AR, May 8, 1989.

Hon. BILL ALEXANDER,
Cannon House Office Building, Washington, DC.

DEAR MR. ALEXANDER: I have talked to all of my officers that work on a daily basis, as to the drug problems in our city and our suggestions are as follows:

1. Make grants available to smaller cities ie., money to be used to purchase surveillance equipment, education, cars, and communication equipment.

2. Hire undercover officers who would be transferred to different areas of the state.

(A) Have undercover officers trained by a DEA agent in the field.

(B) Conduct seminars at Arkansas State University in Jonesboro Ar. this would give patrol officers and undercover officers an update on drugs, street language, effects from use, what to look for and how to identify types of drugs being used.

3. Make intelligence information available from State and Federal Government agencies as to what laboratories and/or dealers that may be operating in our area.

4. Use of DOD Helicopters as spotter aircraft. Work our area (Clay County) three or four days at a time.

5. Guarantee punishment for casual drug users.

(A) Community service with parent supervision of person's under 18 yrs.

(B) If above 18 yrs. of age, community service parent supervision and offenders spends week-end in jail.

(C) If motor vehicle is used to purchase drugs, offender could lose their vehicle.

(D) Vehicle's could be sold at an auction, regardless of owner debt. Owner would still be liable for the lien. Vehicles used for undercover officers, regardless of owners debt, owner must still be liable for lien. Fine money, one half to go into a special account at local level.

6. Have schools start drug classes at third grade level and continue through graduation.

7. Multi-county, city and State may work, however there would have to be a separate board of directors elected to effectively operate a drug task force if it was comprised of the following countries and cities:

(A) Clay County: Corning, Piggott, Rector.

(B) Green County: Paragould, Marmaduke.

(C) Randolph: Pocahontas.

8. If this type of operation was set up it would be difficult to have someone from the above mentioned counties or cities to control the operations.

9. At present the city of Corning has U.S. 67, U.S. 62 and State Hwy 135 that connect in Corning. This Hwy connection in Corning is at times the connecting link for the movement of drugs from areas outside the state and major cities in the state such as Little Rock, West Memphis, Hot Springs and Jonesboro. Cities outside the State of Arkansas such as St. Louis Mo., Poplar Bluff, Mo. and Memphis Tn. This is to just name a few areas that I've been told by informants that drugs are being brought in from.

With all respect to you congressman and to Mr. Bennett, I have been told by those who approve the grant money, it is highly unlikely your city would qualify for a grant because you are not large enough in population.

If the smaller cities and counties had money and equipment to take care of the drug pushers it may curtail some of the suppliers with information obtained after the arrest of a pusher at our level.

If at all possible and you are in the area of Corning, I would like to arrange a meeting with you to discuss other aspects of the drug problems.

Cordially,

JAMES E. KEOWN, Sr.,
Chief.

INDEPENDENCE COUNTY,
Batesville, AR, May 2, 1989.

Congressman BILL ALEXANDER,
Cannon House Office Building, Washington, DC.

DEAR CONGRESSMAN ALEXANDER: As you are aware, the war on illegal drugs is a hard battle to fight for most of us on a county level. The problem I have along with most other sheriff's is a lack of funds to fight the battle. Most counties do the best they can with the limited funds made available to them.

Here in Independence County we have a newly established Drug Task Force that is being coordinated by the Prosecuting Attorney's Office of the 16th Judicial District. I think this is an outstanding idea but, even with the government grant they too are limited as to their effectiveness because of limited manpower and money available to them. This program needs to be expanded.

Another major concern to me and the people here in our county are laws that allow the sale of "look-alike" drugs to our young people. Even though these pills are found to be not harmful physically, I feel that this helps pave the road for our young people to try the real drugs later on. I would like to see laws established preventing the sale of these items. Not only can these pills be purchased by the thousands from magazine advertisements, we have experienced one local man here sitting up his own business selling these items, "over the counter."

Another area that should be addressed is the case to which a person can get prescription drugs from medical doctors. A closer scrutiny of the practice of just handing out these prescriptions should be established and closely monitored.

Further, without increased assistance from the government it will become increasingly difficult to establish and maintain an effective educational program against drugs, not only for our young people but also for the adult population that has never been subjected to the cause and affect of our drug problem.

Last, but certainly not least, is a question as to why can't we get our military more involved in this battle, especially around the borders of our country with the manpower and other resources readily available to them? I feel they would be a weapon to incorporate into the war that could make a tremendous impact on the illegal drugs not only being brought into our country, but also these being grown or produced within our country.

My office will forever be at your disposal in this fight.

Sincerely,

DAVID HUNTER,
Sheriff.

PARAGOULD POLICE DEPARTMENT,
Paragould, AR, May 1, 1989.

Subject: National Drug Policy.

Hon. BILL ALEXANDER,
Congress of the United States, Cannon House Office Building, Washington, DC.

DEAR CONGRESSMAN ALEXANDER: I am in receipt of your letter dated April 26, 1989 requesting input from the local level pertaining to the development of a National Drug Policy.

The "drug war," at least from my perspective, exists solely at the national level. We, in the smaller communities of this country, and in particular, Paragould, Arkansas, are merely attempting to prevent chaos. Our fair city can ill afford the necessary funds to adequately combat this menace to our society. The millions of dollars that have been allocated at the national level to wage this war never trickle down to our level. Unless a city is of such import as Washington, D.C., or perhaps a border state, the Federal Government seems to be apathetic to our needs and concerns. This is evidenced by the bureaucratic red tape found in the applications for drug grant assistance. These grants may be beneficial to larger cities with a large tax base but, cities the size of Paragould can barely afford the salary and minimal equipment required to field a semblance of a police force. We do not have and cannot afford the expenditures for clandestine equipment or the personnel it takes to wage a "war on drugs." Training is also a major concern. Again, it is a matter of economics. If the Federal Government is sincere about the drug problem, I would ask then that the Federal Government and/or the DEA be more demonstrative to our needs. If we are to make a difference in the drug problem, we must all work together. To act as separate entities is ludicrous.

The drug problem that now exists did not happen over night. It has been a long time coming and it will take a long time to rid ourselves of this blight. In order to effectively wage a war on drugs, we must have the desire and be totally committed. When I say desire, I mean that the community as a whole must have the desire. This can only be done through an all out educational program. We must begin at the earliest school

year. Drugs and their effects should be part of the regular curriculum in our educational institutions. We must also educate the parents and the educators. I am of opinion that our educators, especially the school principals and superintendents, do not want to admit that there is a problem with substance abuse in the schools. Perhaps they are right. Maybe it is a community problem. But, where better to begin than in our public schools. In the meantime, we, the law enforcement community, must do all we possibly can to eradicate this destructive element from our midst.

To put it bluntly, we need money. If the only way we can get this assistance is by matching grants, thanks, but no thanks. I fail to understand how Washington, D.C., can be subsidized by the Federal Government and not other communities, both large and small. It would seem to me that by doing so is unfair, if not unconstitutional. I would guess that Washington, D.C., does not have the tax base to afford a three-billion dollar budget (Kopple Report, A City Divided).

We make it too easy for kids to quit school; we do not have an effective juvenile justice system; our jail facilities are woefully inadequate; the judicial system is overburdened; prisons are overcrowded; we have a serious lack of man power (city/state); we lack the necessary equipment and training; In short, we are in the starting blocks with no way to get out and running.

I hope that I have not taken up too much of your time with this letter. I appreciate the opportunity to have gotten in my two cents worth. Keep up the good work. And, remember, we need help as much as any other city.

Respectfully,

DENNIS F. HYDE,
Chief of Police.

NORTHEAST ARKANSAS
SCHOOL DISTRICT,
Paragould, AR, May 3, 1989.

Congressman BILL ALEXANDER,
Cannon House Office Building,
Washington, DC.

DEAR CONGRESSMAN ALEXANDER: My thoughts on Drug Control are as follows:

1. The drug problem is a national crisis in this country.

2. Strong educational program in all schools.

3. Expand prison facilities. (a must)

5. Use military equipment and personnel to patrol our boundaries to keep as much as possible from entering the country.

6. Use National Guard and regular military units to patrol national forests.

7. Get tougher with the street pusher. Force them to talk then work on up through the levels of distributors. With enough pressure and they will all talk.

8. Penalties must be harsh enough to be a deterrent.

The breakdown of law and order is the greatest threat to this great nation.

Sincerely,

ED TEETER,
Superintendent.

MARION SCHOOL DISTRICT,
Marion, AR, May 1, 1989.

Hon. BILL ALEXANDER,
Cannon House Office Building,
Washington, DC.

DEAR CONGRESSSMAN ALEXANDER: I am writing in response to your letter of April 26, 1989, regarding input of suggestions for effective strategies against drug abuse.

My first recommendation is that schools involve students in any attempt to find solutions. Preaching administrators and regulatory content prescribed by authoritative adults will not produce solutions of the drug problems among students. Any practical attempt must involve young people from the affected population. Gaining the advantage of peer group momentum is paramount in the importance of any strategy for solution.

My second recommendation is that school authorities be accurate in any public commentary about the magnitude of the problem in thier community. There are ways to find out what the students are, in fact, doing. In conection with this emphasis, I recommend contact with PRIDE. This organization is known as the National Parents' Resource Institute for Drug Education, Inc. Their address is Suite 1002, 100 Edgewood Avenue, Atlanta, Georgia, 30303. This nonprofit organization hss validated a summary for an identification of drug abuse. Please find enclosed a typical copy.

The above two recommendations cover my best suggestions. I would also suggest contact with school administrators in the Arkadelphia School District. Arkadelphia has probably done more in its efforts against drug abuse than any of the schools in this region.

Our school will respond in any way necessary to support your efforts.

Sincerely,

JAMES H. CARTER,
Superintendent.

NATIONAL PARENTS' RESOURCE INSTITUTE FOR DRUG EDUCATION, INC.,
Atlanta, GA, August 23, 1988.

Mr. HERBERT JAMES CARTER,
Superintendent, Marion City Schools,
Marion, AR.

MR. CARTER: We hope that your use of the PRIDE Questionnaire in the Spring of 1984 provided you with useful information regarding drug and alcohol use by your students.

Effective July 1, 1988, to receive funding for drug education programs from the Title V of ESEA, schools must describe the extent of their drug problems and have a monitoring system to show the effectiveness of their programs (H.R. r, the Hawkins-Stafford School Improvements Amendments of 1988). In light of the new requirements we thought you may be considering again surveying your student drug and alcohol use.

This year, due to requests from many of you, we have developed another questionnaire for use with students in grades 4 through 6. This questionnaire for students in the upper elementary grades provides information on prevalence and perceptions of gateway drug use. We at PRIDE are convinced that information obtained from these two questionnaires is a critical ingredient for an effective school/community-based prevention program.

The PRIDE Questionnaires will serve your needs for obtaining cost effective information. They have undergone a great deal of development and provides accurate, reliable and useful information. The Questionnaires are easily administered in a minimal amount of time. Accuracy is enhanced through machine scoring and data are reported in easily understood tables and graphs. Annual data (national summary) of all schools utilizing the PRIDE Questionnaire during a given school year are available for comparison purposes.

Additional reasons for conducting a school survey of student drug and alcohol use:

Assists in community awareness efforts through providing current information about frequency and patterns of drug and alcohol use by your.

Provides a focus on drug use by youth as a community problem . . . since most use occurs on "weekends" and "at nights" with very little use reported "during school."

Provides data for planning community-based drug and alcohol prevention programs.

May be used in grade levels 4–12.

We hope that you will consider utilizing the PRIDE Questionnaire during the 1988–89 school year. We feel information you obtain will be useful for many purposes and will increase the effectiveness of your education efforts at the elementary, junior high and senior high school levels.

Enclosed is some additional information about the PRIDE Questionnaire. We look forward to working with you in the coming year. Please write or call us if you have questions about the PRIDE Questionnaires or about PRIDE's other products and services. Our toll-free number is 1-800-241-7946.

Sincerely,

THOMAS J. GLEATON, Ed.D.,
President.

1988–89 prices for the PRIDE questionnaire for grades 6–12

Processing fee:	
Basic processing fee	$50.00
Processing fee for additional reports of subgroups (each)	25.00
Survey fee: Cost per student surveyed (thru Jan. 1, 1989)	.53
Data disk: Your data is available on computer disk (each)	50.00

Special services: Additional services are available from PRIDE on an individual school/school system basis and include the following:

a. Consultant services.
b. Training seminars on use of data.
c. Special analysis of data.
d. Special graphics (including color slides).
e. Maintaining longitudinal data files.

YOUR COST

To estimate the cost for your school or school system use the following steps:

Step 1: Determine the approximate number of students to be surveyed.

Step 2: Multiple this number by $.53 to obtain the survey fee.

Step 3: Add $50.00 to the survey fee to get the estimated cost of the basic survey for your school system.

Step 4: Decide what, if any, additional reports you want (such as, individual schools or male and female samples) and add $25.00 for each additional analysis.

Step 5: Decide what, if any, additional services you want to contact PRIDE for an individual cost estimate.

Note: You may want to do Steps 4 and 5 after you have received and reviewed your basic report.

EXAMPLE

Suppose a school system had two high schools with 1,000 students in each school. The total cost of the basic survey would be computed as follows:

$2,000 \times \$.53 = \$1,060.00$.

$\$1,060.00 + \$50 = 1,110.00$.

An analysis of each school's data was requested increasing the cost by $50, thus: $\$1,110.00 + (2 \times \$25) = \$1,160.00$ = Total Cost.

Prices will go into effect on June 30, 1988 and are subject to change after June 30, 1989.

Normally, results will be returned within three to four weeks after receipt of the completed Questionnaires at the PRIDE Office. Orders or additional information can be obtained by completing the attached form, calling the PRIDE Office at 1-800-241-7946, or by writing to: PRIDE, Inc., Suite 1002, 100 Edgewood Ave., Atlanta, GA 30303.

THE PRIDE USA QUESTIONNAIRE FOR GRADES 4-6

A. STUDENT INFORMATION

	Answer
1. I am:	
A boy	
A girl	
2. I am in the:	
4th grade	
5th grade	
6th grade	
3. I am:	
White	
Black	
Hispanic	
Asian	
Native American	
4. I am:	
8 years old	
9 years old	
10 years old	
11 years old	
12 years old	
13 years old	
Older than 13	

B. STUDENT CHARACTERISTICS

	Never	Sometimes	A lot
1. I make good grades			
2. I get into trouble at school			
3. I go to church or synagogue			
4. I talk to my parents about my problems			
5. My parents talk to me about the dangers of using drugs			
6. My teachers talk to me about the dangers of using drugs			
7. My parents make me follow certain rules			
8. I have to be home at a certain time			
9. I to go parties			
10. I go on dates			
11. The kids at school like me			
12. I feel lonely			

C. WITHIN THE PAST YEAR HOW OFTEN HAVE YOU

	Did not use	1-6 times a year	1-2 times a month	1-7 times a week
1. Smoked cigarettes?				
2. Chewed tobacco, snuff?				
3. Drunk beer?				
4. Drunk wine coolers?				
5. Drunk liquor?				
6. Smoked marijiuana (pot)?				
7. Sniffed glue, gas, etc.?				
8. Used other drugs?				

D. HOW MANY OF YOUR FRIENDS

	None	A few	A lot
1. Smoke cigarettes?			
2. Chew tobacco, snuff?			
3. Drink beer?			
4. Drink wine coolers?			
5. Drink liquor?			
6. Smoke marijiuana (pot)?			
7. Sniff glue, gas, etc.?			
8. Use other drugs?			

E. DO YOU FEEL THE FOLLOWING ARE HARMFUL TO YOUR HEALTH

	No	Yes	A lot
1. Cigarettes?			
2. Chewing tobacco, snuff?			
3. Beer?			
4. Wine coolers?			
5. Liquor?			
6. Marijiuana (pot)?			
7. Sniffing glue, gas, etc.?			
8. Cocaine/crack?			

F. DO YOU THINK YOU WILL EVER

	Never	Maybe	Yes, I will	Already have
1. Smoke cigarettes?				
2. Chew tobacco, snuff?				
3. Drink Beer?				
4. Drink wine coolers?				
5. Drink liquor?				
6. Smoke marijuana (pot)?				
7. Sniff glue, gas, etc.?				
8. Use cocaine/crack?				
9. Use other drugs?				

G. HOW EASY IS IT FOR KIDS YOUR AGE TO GET

	Cannot get	Hard to get	Easy to get
1. Cigarettes?			
2. Chewing tobacco, snuff?			
3. Beer?			
4. Wine coolers?			
5. Liquor?			
6. Marijuana (pot)?			

H. WHERE DO KIDS YOUR AGE GET

[You can mark more than one answer]

	Home	School	Friend's house	A store	Other place
1. Cigarettes?					
2. Chewing tobacco, snuff?					
3. Beer?					
4. Wine coolers?					
5. Liquor?					
6. Marijuana (pot)?					
7. Other drugs?					

I. WHO GIVES KIDS YOUR AGE

[You can mark more than one answer]

	A stranger	Older student	Your friends	Brother/ sister	Parents	Other person
1. Cigarettes?						
2. Chewing tobacco, snuff?						
3. Beer?						
4. Wine coolers?						
5. Liquor?						
6. Marijuana (pot)?						
7. Other drugs?						

J. WHY DO KIDS YOUR AGE START TO USE

[You can mark more than one answer]

	Look older	Feel good	Be like friends	Be like parents	Be like stars	Get attention	Other reason
1. Cigarettes?							
2. Chewing tobacco, snuff?							
3. Beer?							
4. Wine coolers?							
5. Liquor?							
6. Marijuana (pot)?							
7. Other drugs?							

RIVERSIDE SCHOOL DISTRICT NO. 15,
Lake City, AR, April 28, 1989.

Hon. BILL ALEXANDER,
U.S. House of Representatives, Washington, DC.

DEAR REPRESENTATIVE ALEXANDER: I heartily commend you for your effort to try to help in the area of drug and alcohol abuse. Thanks for inviting me to make suggestions on how to help. I certainly wish I had some quick and certain cures.

One thing that would be of little value is another required course in school beyond what we are already doing. However, our educational co-op, The Crowleys Ridge Coop, headed by Mr. Jim Parrish provided some seminars for both students and parents that have helped in awareness. Perhaps some financial help in continuing this type effort would help some.

One thing that might help would be more stringent mandatory penalties such as loss of drivers license or mandatory testing for drug use prior to receiving or renewing a drivers license.

I certainly hope your efforts result in a drastic reduction of drug and alcohol use because it has become one of our major problems.

Sincerely,

CHARLES D. OWENS,
Superintendent.

HARRISBURG POLICE DEPARTMENT,
Harrisburg, AR, April 27, 1989.

Mr. BILL ALEXANDER,
Congressman, Washington, DC.

DEAR CONGRESSMAN ALEXANDER: In response to your letter regarding the strategies for the nation's war on illegal drugs. We, the City of Harrisburg, are faced with the drug problem daily, as are other cities throughout the United States.

I have noticed that when I teach a program at the Harrisburg High School, related to drug abuse, it is very difficult for me to keep the attention of the sophomores thru seniors. They seem to possess very little interest, since most have seen or used the drugs described in the program.

In my opinion, we need more education in our schools relating to drug and alcohol abuse. We need to concentrate on kindergarten thru the ninth grade, with hopes of stopping or slowing the problem in the future.

We need more strict penalties for the pusher or dealer, I know this would place a burden on our state and federal prisons, however, if we need to expand our present facilities or build new ones, I think this is our only option.

I feel as long as we have a demand, we will have a supply. We need to take the demand away and I think the only way is to educate our youth, after all, they are our future.

If this office or myself can ever be of assistance to you in any way, please feel free to contact me at any time.

Sincerely,

LARRY K. MILLS,
Chief of Police.

ST. FRANCIS COUNTY,
Forrest City, AR, May 1, 1989.

Hon. Bill Alexander,
United States Congress, Washington, DC.

DEAR SIR: I want to thank you for allowing me the opportunity to express my opinion and ideas on how to fight the war on illegal drugs, a problem that concerns all of us especially in law enforcement.

It is my belief that this war could be fought more effectively from within. By

this I mean appropriating monies and dispursing it to both State and Local Law Enforcement agencies, allowing them to investigate drug trafficking on a local level more effectively.

It is my belief that if the local demand for drugs is diminished certainly the supply will likewise diminish. If each individual County had the means to properly combat their illegal drug trafficking it would have a greater impact on a National level than trying to work from our National borders into the interior.

Sincerely,

DAVE PARKMAN,
Sheriff.

OSCEOLA POLICE DEPARTMENT,
Osceola, AR, May 1, 1989.

Hon. Bill Alexander,
House of Representatives, Washington, DC.

DEAR BILL: I am in receipt of your letter of April 26, 1989, in which you requested any thoughts I might have on a national strategy for war on illegal drugs.

A good working relationship with other law enforcement agencies (county, state and federal) has proven invaluable to this department. Also, good communications and exchange of information on drug pushers and distributors.

I am most concerned about this cancer in our nation (drugs) and feel that a better effort at sealing our borders against the entry of drugs must be done. That no resources should be spared in this endeavor.

We have organized a Crime Stopper Program where citizens can call in tips on illegal drug activity or any other crimes. Rewards are given according to the value of the information. This program has proven to be very successful.

These are a few of the things this department is doing. I hope this has been of some assistance to you.

Thank you for your support. Please call on us any time we can be of service.

Sincerely,

PHIL D. JOHNSON, JR.,
Chief of Police.

SLOAN-HENDRIX
SCHOOL DISTRICT NO. 45,
Imboden, AR, May 5, 1989.

Hon. BILL ALEXANDER,
Congress of the United States, Washington, DC.

DEAR CONGRESSMAN ALEXANDER: In response to your letter of April 26, 1989, I wish to pass along some ideas I received from a group of students who recently attended a drug awareness workshop. I feel the ideas have merit.

First, we who work with kids know they are basically good. They do not do things without reason. Their involvement with chemical and substance abuse is an attempt to get needs met. Too often in the rural areas where we live, students are bored due to a total absence of acceptable, supervised activities. Young people left to their own devices will find something to entertain themselves. Communities do not have the agencies, personnel or programs to provide them with much needed leisure-time activities.

However, the school is not the place to handle this problem. We can help by offering drug awareness in health class and by improving parenting skills in family living classes, but the problem of after-school leisure must be addressed by the community. With help from the federal government, communities could develop recreation areas, such as community youth centers, swimming pools, and recreation areas. More importantly, a community could hire a youth activity counselor to plan activities to fill much of the unsupervised leisure time.

As important as the money is, the effort that can be put forth will go a long way to show youth that they are important and a valuable part of the communities in which they live. We need to allocate money toward the prevention of the problems . . . after all, we spend a tremendous amount on remediation efforts after the damage has been done.

I believe that when we help young people feel valuable and "worth the effort" we put forth, we will see a decline in substance abuse. When young people feel esteemed and they are happy and busy, drugs will not be the attractive alternative they presently are.

Sincerely,

LARRY E. DAVIS,
Superintendent of Schools.

Mr. VENTO. Mr. Chairman, I yield 5 minutes to the ranking member, the gentleman from Massachusetts [Mr. CONTE].

Mr. CONTE. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, this amendment is progress. It is progress, painfully and sorely won, won only because the House took on its leadership and won only because this House stood up for some fiscal discipline.

This amendment cuts or offsets in some manner $1 billion of spending originally in the bill, $1 billion.

Here is the answer to whether there are things in H.R. 2072 that are not dire emergencies: The first offer is $1 billion. Unfortunately, that is not all of it. There is $821 million in additional drug funding that is just as much of a puffball as the $1 billion being stripped today.

The striptease has just begun. I hope the House will not let it stop here. We need to get it down to bare bones.

Mr. Chairman, there is another issue that I want to take up with the chairman, and that is the veterans' money. I am completely lost for an explanation of why the chairman is leaving the veterans' money in here after we passed a separate supplemental, H.R. 2402, last Thursday. This, of course, has got to be tied up with the chairman's intentions on H.R. 2402.

Mr. Chairman, can the chairman tell me his intentions with respect to H.R. 2402?

Mr. WHITTEN. Mr. Chairman, will the gentleman yield?

Mr. CONTE. I am happy to yield to the gentleman from Mississippi.

Mr. WHITTEN. Mr. Chairman, first, may I say that we have pending before us the Senate amendment on H.R. 4024, and I will move to bring it up, and to differ with the Senate, so they can send it to conference. I think both of these bills should be before the same conferees, H.R. 4024 and this one. As the gentleman heard my argument, my argument is we need this bill in order to correct the other one.

Mr. CONTE. Reclaiming my time, Mr. Chairman, as I understand it, the gentleman will submit 2402?

Mr. WHITTEN. If the gentleman will yield further, I will call up the other bill, differ with the Senate so we can go to conference. I hope that two bills will go to this conference and use this to stand by our rights in connection with the other one.

Mr. CONTE. Will the gentleman insist on the House position, Mr. Chairman?

Mr. WHITTEN. The House position is registered by the vote that we had, and we voted rather solidly for it. I expect to stand by the House position on the other bill.

The passage of this bill will strengthen our hand in standing up to the other bill.

Mr. CONTE. We will have two bills then? We will have this bill, and we will have 2402? Am I right?

Mr. WHITTEN. I did not understand the question of the gentleman.

Mr. CONTE. We will vote on this, and then we will vote on the other bill, 2402, the minisupplemental with just the veterans?

Mr. WHITTEN. I will move that we send it back to the Senate so that we can go to conference with the Senate on the other bill and that both of them will be before the same conferees at the same time.

Mr. SOLOMON. Mr. Chairman, will the gentleman yield?

Mr. CONTE. I am happy to yield to the gentleman from New York.

Mr. SOLOMON. Mr. Chairman, it was my understanding that we were going to have an opportunity on the floor of the House to strip out the so-called Byrd amendment and to send that bill back over along with whatever happens with this 2072 bill here. Is that not the case? I thought that was the agreement we had.

Mr. WHITTEN. Mr. Chairman, will the gentleman yield?

Mr. CONTE. I am happy to yield to the gentleman from Mississippi.

Mr. WHITTEN. Mr. Chairman, may I say in connection with the other bill, I expect to insist on the House position. I repeat, this bill will help me to stand up to what the House made provision for before.

Mr. CONTE. Mr. Chairman, does the gentleman intend to bring it up here today right after this here, right after this bill?

Mr. WHITTEN. I intend to bring up the other bill, insist on the House position, so that we can go to conference on the other bill as well as this.

Mr. CONTE. Today? If we leave the veterans' money in here, I am pleased to hear that we are going to have the two bills, then we will have this bill

and then the gentleman will move to send the other bill back to the Senate.

□ 1500

Mr. WHITTEN. Mr. Chairman, may I say to my colleague, with whom I have worked very closely, it is in the RECORD that on the Senate side they said they had to take the action that they did in order to get the other parts of this bill passed through the Senate.

If we send them this bill, as modified by my amendment, there will be no need for them to have to add the other one. I would not say that they gave me the full facts, but the RECORD does show their purpose in limiting the other bill was so as to be able to include the other programs that we have in this bill.

Mr. CONTE. The thing that worries me is that the Senate, I am afraid, is going to try to hold the veterans part of this bill hostage. They want an excuse to load it down with their pet projects.

The chairman of the committee over there already said that he wanted to put some money in for that radio telescope up in West Virginia, and he said he wants to put in $6 million for essential air service.

Mr. WHITTEN. Personally, I expect to insist on the House position, and I expect the conferees will back me.

Mr. Chairman, I yield 3 minutes to the gentleman from California [Mr. BERMAN].

Mr. BERMAN. Mr. Chairman, I rise today in support of H.R. 2072, the dire emergency supplemental appropriations bill, and with particular gratitude and appreciation for the decision of the chairman and members of the Appropriations Committee to include $100 million for migration and refugee assistance. In 1986, 900 Jews left the Soviet Union. For 1989 we expect the figure to be over 35,000. An unprecedented coalition which encompasses Congress, the executive branch and democratic governments around the world have made basic human rights for Soviet Jews, including the right to emigrate, a key plank of the East-West dialog. From arms control to trade, we have linked foreign policy decisions to these fundamental reforms.

Under glasnost we are witnessing what appears to be a historic reversal in the Soviet attitude toward emigration. Ironically, now it is our own country that is responsible for the continued suffering of newly released Soviet refugees.

Last year, the State Department vastly underestimated the number of refugee slots we would require in this fiscal year. All of this year's allocation has now been used up and in consequence the Immigration and Naturalization Service resorted to a capricious and arbitary selection process—which last month saw a denial rate of almost 40 percent. We also have to note that as more refugees pour into Italy, the backlog grows and the misery increases. In human terms, families are being torn apart as parents but not children, sisters but not brothers are granted refugee status in the United States.

Mr. Chairman, this bill begins the process of solving the current crisis; $85 million in this supplemental will channel resources to the private relief agencies now providing food and shelter to East bloc refugees in Europe; $75 million of that amount has been earmarked specifically for Soviet refugees. In addition, these funds together with others already appropriated for fiscal 1990, will provide an additional 24,500 refugee slots. Also provided are funds to cover transportation costs to this country as these refugees begin the process of rebuilding their lives.

But it is only a beginning. Congress also needs to accept its responsibility in providing Federal funding for domestic resettlement of these refugees as envisaged under the Refugee Act. The act was specifically intended to hold the States and local governments harmless for the foreign policy decisions of the Federal Government. Without this provision we are inviting States and cities to hang out a shingle—"refugees not welcome here." This would be the devastating consequence of failing to provide domestic resettlement funds that would mark a dramatic departure from our own tradition of acceptance for refugees and asylees and a failure of our own foreign policy. One of the key tenets of Democracy is the right to live and move freely anywhere within a country's borders. We could never tolerate or allow a situation that denied that right to any individual or family residing in the United States.

Mr. Chairman, we have to ensure that once these refugees reach our shores we provide them with the language training and job skills they require to become fully contributing citizens and that we do so at the Federal level. There are basic rights at stake here and it is the job of Congress to ensure that they are upheld. I therefore hope that the Senate will see fit to include funding for domestic resettlement of these refugees, the importance of which is recognized in the report accompanying this legislation.

To conclude, Mr. Chairman, with this bill, we provide the means to relieve at least part of the suffering engendered by the current crisis. Our challenge ahead is to foster and build a new consensus both in Congress and across the country.

In forging that new consensus we have to make clear that an enlightened and generous approach to this issue is not only humanitarian, it is in the best interests of the United States and its citizens. These refugees bring with them a vitality and will to succeed that strengthen and expand our own economic base. That means new and better jobs for our domestic work force and ensures that we continue at the vanguard of scientific, cultural, and industrial progress.

Mr. VENTO. Mr. Chairman, I yield 4 minutes to the gentlewoman from Rhode Island, [Ms. SCHNEIDER].

Ms. SCHNEIDER. Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from Mississippi. One of my reasons for doing so is the fact that the amendment would remove from the supplemental funding $32.2 million for the National Weather Service. That was requested by the administration. Striking this funding I believe would imperil the public's safety and overturn an agreement between the administration and many concerned Members of this body. Third, I would like to point out that it is not necessary from a budgetary point of view.

First of all, the National Weather Service is vital to public safety. As a matter of fact, the weather stations that are at our airports are especially vital. The National Transportation Safety Board estimates that over a third of all fatal air carrier crashes are weather related, and every year we see severe weather that kills hundreds of people and it costs millions of dollars in damage.

We held hearings before my Committee on Science, Space and Technology which documented the importance of adequate weather coverage to predicting an providing warning about severe storms.

The second point is that the supplemental funding fulfills a pledge from the administration. Earlier this year the administration was considering eliminating numerous weather stations around the country, but after Members of Congress pointed out that these closures would cause great damage, the administration pledged to keep these stations open at least in fiscal 1989 and 1990.

This money in the supplemental is necessary to help the administration keep its promise on these programs.

Third, when we look at the economics and the cost benefit analysis, it is not necessary to strike this funding for budgetary reasons. The Department of Commerce has discovered that a certain account will have unexpected positive balances at the end of this year, and this account, the EDA revolving loan fund, provides liability coverage in the event of a loan default. Currently, however, this fund has $39 million more than all of the outstanding loans for this year. Therefore, the administration's request for supplemental funding of $32.2 million for the Weather Service, another program within the Department of Commerce,

could be provided for through a transfer of this account or any other account where we might find some additional funding. The Department of Commerce supports this transfer as a way of providing this money.

Therefore, Mr. Chairman, I oppose this amendment as needlessly harmful to these valuable programs, and I urge the rejection of it.

Mr. WHITTEN. Mr. Chairman, I yield 3 minutes to the gentleman from Hawaii [Mr. AKAKA].

Mr. AKAKA. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, I rise to engage my good friend, the chairman of the Subcommittee on Commerce, Justice, State, and the Judiciary, in a colloquy.

First, I want to commend Chairman SMITH for his steadfast support for a program that is of special importance to many Members of the House, the civil liberties public education fund. You took the bold step of including $250 million in the original version of H.R. 2072, together with the necessary administrative moneys to operate this program. More than anyone, you recognize that the payments required under Public Law 100-383 are an obligation of the Federal Government that must be satisfied through appropriations.

Obviously, the Members of the House who supported this legislation are deeply disappointed that the committee amendment strikes funds contained in the bill for redress payments and administrative costs. Striking these funds from the bill does not alter the legal requirement to pay redress. It only delays the day when this obligation must be paid.

Mr. Chairman, funds are urgently needed in fiscal year 1989 to cover the tremendous responsibility that the Office of Redress Administration faces in light of the statutory requirements and deadlines contained in Public Law 100-383. On this there is no disagreement.

The administration's own budget contained a request for a supplemental to pay for the administration of this program and the Office of Management and Budget has permitted the Justice Department to spend funds at the higher rate assumed by their supplemental request.

As this bill advances through the Senate and to conference, I hope that funds will be restored to cover the costs of administering this program. These funds are urgently needed and I urge you to include these funds in the conference agreement.

I will yield to the gentleman from Iowa for a response.

Mr. SMITH of Iowa. Mr. Chairman, will the gentleman yield?

Mr. AKAKA. I yield to the gentleman from Iowa.

Mr. SMITH of Iowa. Mr. Chairman, I agree with what the gentleman said. The law was passed here by an overwhelming majority of the House and Senate. If the overwhelming majority did not want to fund the law, they should not have voted for it.

Now we have an administration request for insufficient funds even to administer the law, and for no money in fiscal year 1989 to start the payments to the eligible beneficiaries.

□ 1510

So I agree with what the gentleman says. However, we included that money in the supplemental as reported by the committee and a vote against the Foley amendment which offset the additional discretionary spending by an across-the-board cut was, among other things, a vote against funding this program.

So we had to take those programs out of the bill. I agree with the gentleman that certainly the administrative funds of $2.1 million are badly needed, and in some way or other, I am assuming that we can, if we get to conference, find some way to fund that item.

I do not see how we can fund payments to the beneficiaries under this bill as it comes out of the House. However, we will do the best we can. I am for what the gentleman says.

Mr. AKAKA. Mr. Chairman, second, I point out that because the committee amendment strikes the $250 million for redress payments, we are failing to meet our obligations under the legislation passed last year.

My concern is that former internees are dying at a rate of 200 per month. Everyone recognizes that sufficient funds should be appropriated in fiscal year 1990 to pay those 70 years of age or older.

Because the committee amendment eliminates $250 million for the civil liberties public education fund, far greater emphasis must now be given to the fiscal year 1990 appropriations process. I know that markup of your bill is some weeks away. I also know that the subcommittee chairmen have not yet agreed upon section 302(b) budget allocations.

However, as the fiscal year 1990 appropriations process advances, I urge you to make certain that sufficient funds are available to meet our legal and moral obligations under the law. We must pay those 70 years of age and older in the coming fiscal year.

I urge the subcommittee chairman to provide sufficient funds in your fiscal year 1990 bill to cover payments for those age 70 and older.

I think the chairman has been doing this. We certainly appreciate what he has been doing to try to help.

Mr. SMITH of Iowa. Mr. Chairman, will the gentleman yield?

Mr. AKAKA. I yield to the subcommittee chairman.

Mr. SMITH of Iowa. I thank the gentleman for yielding.

Mr. Chairman, I will do my best. Again, I emphasize we need to pass this bill in the House and get to conference before we can do anything on this matter.

Mr. AKAKA. I thank the gentleman very much for his response and thank the chairman of the full committee for this time.

Mr. Chairman, we regret that striking the $250 million out is in this bill, but we know that it is something that has to be done.

Mr. VENTO. Mr. Chairman, I yield myself 3 additional minutes.

Mr. Chairman, it is not clear that this is something that needs to be done. I think it is a political judgment or call on the part of the chairman and others to move in this direction.

As I pointed out in my introductory remarks, I think that much of the suggested savings, in this bill, for example, the $250 million for the Japanese internees, or the firefighting funds that are not being spent, really represent a false type of saving. That is, the commitments are there, they have to be kept, and they are going to be tougher to meet or as difficult to meet in 1990 as they are in 1989.

The fact is that with regard to the McKinney homeless funding, $138 million will be denied by this measure. I understand that the chairman excluded the $15 million in FEMA money. Those are important dollars and I appreciate that he has dealt with that. But it will not fund $30 million for homeless veterans. We want to take care of the veterans' health problems, but we should also take care of those veterans on the streets who do not even have shelter.

We should be taking care of others.

There is some misunderstanding about the McKinney Act. It is not principally a shelter program. Some of the dollars go for shelter, but much of it goes for transitional housing, for medical care, for counseling, for education and training programs that are necessary for people who have fallen into the plight of being homeless.

These are very important programs. They are very important dollars. They are needed now.

Funds are needed urgently at this time. As I said, if there are urgent needs, these programs should certainly be among them.

Earlier in the debate, Mr. Chairman, I noted that the distinguished ranking minority member on the Committee on Appropriations commented on the fact that the budget is out of sync by some $20 or $25 billion. It is not because of these programs that it is out of sync. It may be that the inflation rate or the debt anticipated were forecasted incorrectly.

It may be the interest payments on the total national debt were forecast wrong. It may be other economic fac-

tors that have contributed to the undoing of the 18-month-old budget document that is in error.

But the fact is that the House passed and authorized programs, programs with modest needs, but important, very important to the poor or minorities in our society. When we passed and hailed the McKinney Act we made some promises and commitments, the same as we did when we passed the legislation dealing with the Japanese internees or with the various programs that exacted a certain stumpage fee to be paid to the Knutson-Vandenberg fund for firefighting and for fire suppression.

We made important commitments in these instances.

Congress meant what it said when we passed those laws. I do not think they were hollow promises. But I think the chairman is asking us to cut these programs out because politically we cannot muster the will to face up to what the real needs of this Nation are, including programs to help the poorest of the poor.

The fact of the matter is I do not agree with the current scenario. In fact, these programs that I talked about that are being cut out, programs dealing with weather information, for example, are not some sort of pork-barrel programs that we can eliminate without impacting significantly the people we represent. They are real programs that affect real people and I think do fall under that category of urgent need.

I would ask my colleagues on this floor to reject the amendment offered by the distinguished chairman, the gentleman from Mississippi [Mr. WHITTEN], and continue to fight to fulfill the promise of the basic laws that we have held out as needed so urgently by our strong authorization action in the past Congress.

The CHAIRMAN. The time of the gentleman from Minnesota [Mr. VENTO] has expired.

Mr. WHITTEN. Mr. Chairman, I yield myself 2 minutes.

Mr. Chairman, may I say to my colleague from Minnesota that this is a supplemental bill and it is limited to dire emergencies except in those cases where we have offsets, to correct errors, and a few things of that nature.

We all would like more for many things. But insofar as the homeless are concerned, I initiated this in my investigation some time ago having to do with Tunica, MS, but had them look into the situation over the whole Nation. There remains $88 million here plus $15 million for FEMA.

Within the limits under which we operated, we did the very best we could.

Mr. DINGELL. Mr. Chairman, H.R. 2072 as reported by the Committee on Appropriations includes a supplemental appropriation of $18,285,000 for the Securities and Exchange Commission for fiscal year 1989.

The committee report notes the dire need for additional enforcement resources and the backlog of pending matters under the Public Utility Holding Company Act of 1935. It directs the Commission to address this problem immediately and allocate an appropriate level of resources from this supplemental to hire sufficient additional staff.

I applaud and fully support the additional funding. I strongly oppose the Whitten amendment inasmuch as it strikes the $18 million supplemental.

This amendment will not hurt the SEC. It will do great harm to the American public. After a 3-year investigation, the SEC voted to take no enforcement action in the matter of the $2.25 billion default on WPPSS municipal bonds due to inadequate staff resources. The SEC is also losing the war against penny stock fraud because of inadequate staff resources. What are we doing to this country?

The SEC does not contribute to the national budget deficit problem in any way. Every year, it collects registration, transaction, and other fees which go to the U.S. Treasury. Last year, it collected $2.50 for every dollar it was appropriated. This $18 million has been offset many times over.

Let's look at the record of SEC enforcement, inspection, and examination activity during the 10-year period 1977 through 1987:

The number of broker-dealers registered with the SEC more than doubled.

The number of registered representatives associated with these broker-dealers more than quadrupled.

The number of investment advisers registered more than tripled.

The assets of investment companies registered increased over 14-fold.

The number of annual reports filed by publicly held companies increased by 26 percent.

The number of tender offers filed with the SEC quadrupled.

The number of registration statements for public offerings filed with the SEC more than doubled.

In 1977, the SEC instituted 308 enforcement actions and administrative proceedings against 715 persons, as compared to only 290 such actions against only 376 persons in 1987.

In 1977, the Commission staff conducted a full review of 85 percent of all registration statements for public offerings of securities, whether they involved initial of repeat offerings; in 1987, only 23 percent or repeat offerings were reviewed and 21 percent were monitored; 20 percent of the initial offerings were not even reviewed.

In 1977, 66 percent of the annual reports and 50 percent of other reports filed by publicly held companies were fully examined and the rest were given abbreviated review. By 1987, only 16 percent of the annual reports were reviewed or even monitored, and only 24 percent of other reports received any such attention.

By 1987, the Commission also continued to fall behind in investment company and investment adviser inspections; only 22 percent of investment companies were inspected in that year.

The 1987 inspection rates for investment advisers were far lower. Only 8 percent of the registered advisers were inspected in that year, representing an inspection cycle of once every 12 years.

On May 15, 1989, the chairman of the Executive Council of the Securities Law Committee of the Federal Bar Association wrote to the Committee on Energy and Commerce pleading for larger SEC appropriations. The members of this group represent clients before the SEC and defend people accused of violating the Federal securities laws. Their words thus present a particularly striking condemnation of what we are being asked to vote for today in the Whitten amendment:

The inability of the Commission's enforcement inspection and examination programs to keep pace with industry growth has had serious effects on investor confidence in the securities markets. The SEC functions as the "cop on the beat" for those markets. Its enforcement compliance presence remains visible only through continuous and thoroughgoing programs of staff inspection of industry operations and examination of disclosure documents required to be filed with the Commission. Moreover, respect for the Federal securities laws requires that enforcement actions must be regularly brought, not only for the flagrant violations that capture the front pages, but also for the more routine violations of the securities laws.

The absence of a strong SEC "cop on the beat" presence in recent years accounts, we believe, at least in part, for the serious insider trading, parking and other enforcement problems that have afflicted a prominent part of the securities industry. Repetition of these episodes can only be avoided by providing the SEC with substantially greater resources.

The Whitten amendment is a bad amendment.

Mr. ROYBAL. Mr. Chairman, today I rise in support of H.R. 2072, the dire emergency supplemental appropriations, fiscal 1989.

As a ranking member of the Appropriations Committee, I fully recognize the necessity for the projects included in this bill. For instance, this bill provides payments for low-income housing projects. It provides assistance for foster care and adoptions, and for new international peacekeeping activities and operations. However, I also fully recognize the constraints under which we have to operate due to the budget woes of this Nation. In my opinion, this bill contains appropriations which many Americans will appreciate, not because of greed, but because of need.

I must also point out that this bill has a provision which I introduced that is critical to American Indian elders. As you know, Native American peoples of this Nation have a long history of suffering. American Indian elders suffer, too. Even though the Older Americans Act was legislated to help all older Americans, the Indian elders fell through the gaps created in the aging network. This necessitated the creation of title VI—Grants to Indian Tribes in the Older Americans Act. This title was intended to provide nutrition and supportive services to Indian tribes, similar to those services provided by title III—Grants to States and Community Programs. However, it has fallen short of its intended purpose due to funding difficul-

ties. I introduced report language which would prevent Indian elders from receiving cutbacks of up to 50 percent in essential meals and supportive services programs. This language provides for reprogramming $3.3 million in fiscal year 1989 unexpended Older Americans Act funds to cover the shortfall in title VI. This action will have the added benefit of triggering mandated funding for similar programs for Native Hawaiian elders. To the Appropriations Committee's credit, it has accomplished this action with totally revenue-neutral report language. It is truly unfortunate that the Administration did not come forward to request the additional funding needed to keep the Indian tribes from competing with each other in their efforts to serve their elders.

I urge my colleagues in the House to support this action on behalf of older Indians and Native Hawaiians who have traditionally been underserved by the usual channels in the aging network. Support the dire emergency supplemental appropriations for fiscal 1989.

Mr. OBERSTAR. Mr. Chairman, as we deliberate the emergency supplemental appropriations bill, I wish to call to my colleagues' attention a program which is not in H.R. 2072, but whose fate—and thereby the economic development hopes of many communities—is vitally affected by it.

I speak of the Essential Air Service [EAS] Program, which ensures air service to many smaller communities across the country, communities which would otherwise be cut off from ready access to the Nation's transportation corridors.

EAS suffered a $6.6 million shortfall in the fiscal year 1989 appropriations act.

H.R. 2072 includes no supplemental funding for the program.

Without supplemental funding, the Essential Air Service Program will come to an abrupt halt in July. Once subsidies and service are terminated, they may be difficult if not impossible to resume.

Our only hope remains, therefore, that the Senate will provide the $6.6 million shortfall, and that the House will accept this in conference.

Lest there be any doubt, a $6.6 million shortfall does exist, and unless Essential Air Service is included in the supplemental appropriations bill sent to the President's desk, the following 141 communities in 42 States and territories will lose their essential air service in July:

ESSENTIAL AIR SERVICE—SUBSIDIZED COMMUNITIES

COMMUNITY

Alaska: Atka, Boswell Bay, Cape Yakataga, Central, Chisana, Circle, Cordova, Gustavus, Icy Bay, Ivanoff Bay, May Creek, McCarthy, Nikolski, Nyac, Perryville, Petersburg, Port Heiden, Sand Point, Seward, St. George, Wrangell, Yakutat, 19 Kodiak Island Points.

Alabama: Anniston, Gadsden.

Arizona: Kingman, Page Winslow.

Arkansas: Camden, El Dorado, Harrison, Hot Springs, Jonesboro.

California: Blythe, Crescent City, Merced.

Colorado: Alamosa, Cortez, Lamar.

Georgia: Athens, Moultrie/Thomasville.

Illinois: Mt. Vernon, Sterling/Rock Falls.

Indiana: Elkhart, Kokoma/Logansport/Peru, Terre Haute.

Iowa: Clinton, Ottumwa.

Kansas: Dodge City, Garden City, Goodland, Great Bend, Hays, Hutchinson, Independence/Parsons/Coffeyville, Liberal/Guymon.

Kentucky: Owensburo.

Maine: Lewiston/Auburn.

Massachusetts: New Bedford.

Michigan: Alpena, Battle Creek, Benton Harbor/St. Joseph, Iron Mountain, Ironwood, Jackson, Manistee, Menominee/Marinette, Sault Ste. Marie.

Minnesota: Fairmont, Mankato, Worthington.

Missouri: Ft. Leonard Wood, Kirksville.

Montana: Glasgow, Glendive, Havre, Lewistown, Miles City, Sidney, Wolf Point.

Nebraska: Alliance, Chadron, Columbus, Grand Island, Hastings, Kearney, McCook, Norfolk, North Platte, Scottsbluff, Sidney.

Nevada: Ely.

New Hampshire: Laconia.

New Jersey: Cape May.

New Mexico: Alamogordo, Clovis, Hobbs, Santa Fe, Silver City/Hurley/Deming.

New York: Massena, Ogdensburg, Plattsburgh, Saranac Lake, Watertown.

North Carolina: Rocky Mount/Wilson, Winston-Salem.

North Dakota: Devils Lake, Jamestown, Williston.

Northern Marianas: Rota.

Ohio: Mansfield.

Oklahoma: Enid, McAlester, Ponca City.

Oregon: Salem.

Pennsylvania: Franklin/Oil City.

Puerto Rico: Ponce.

South Dakota: Brookings, Huron, Mitchell, Pierre, Yankton.

Tennessee: Clarksville/Ft. Campbell, Hopkinsville.

Texas: Brownwood, Paris, Temple.

Utah: Cedar City, Moab, Vernal.

Vermont: Montpelier.

Virginia: Danville, Hot Springs.

Washington: Moses Lake/Ephrata.

West Virginia: Beckley, Princeton/Bluefield, Clarksburg/Fairmont, Elkins, Morgantown.

Wisconsin: Beloit/Janesville, Manitowac.

Wyoming: Worland.

Mr. Chairman, each Member will obviously make up his or her own mind on how to vote on H.R. 2072; however, I did want to point out the need for a supplemental appropriations bill on this side, to give the Senate a chance to add EAS funding on their side.

Mr. SMITH of Iowa. Mr. Chairman, I would like all the Members to know what is involved in the committee amendment concerning the programs in title II of the bill under the jurisdiction of the Commerce, Justice, and State Subcommittee which I chair. Therefore, I offer the following statement concerning these matters:

TITLE II—URGENT SUPPLEMENTAL APPROPRIATIONS

Chapter I—Subcommittee on Commerce, Justice, State, the Judiciary, and Related Agencies

DEPARTMENT OF COMMERCE

NATIONAL OCEANIC AND ATOMOSPHERIC ADMINISTRATION

Operations, research, and facilities

The Committee amendment deletes a supplemental appropriation of $32,200,000 for NOAA's Operations, Research and Facilities Account for FY 1989, which would have provided funds for the geostationary satellite (GOES) program and to alleviate National Weather Service shortfalls.

DEPARTMENT OF JUSTICE

LEGAL ACTIVITIES

Salaries and expenses, general legal activities

The Committee amendment deletes a supplemental appropriation of $7,700,000 for General Legal Activities which would have provided funds to handle the prosecution of financial institution fraud cases and for administrative expenses to implement the provisions of the Civil Liberties Act of 1988 (Public Law 100-383). $6,400,000 is required in order for the Department to expeditiously process redress payments.

Although the Committee was forced to delete funding for redress administration due to the failure of floor action on April 26 to support it, the Committee expects the Department to continue to expeditiously process payments within available resources. The Committee expects the Department to begin making payments subject to appropriations, as soon as recipients have been validated, in as expeditious a manner as possible with priority going to the eldest of those recipients who have been validated.

Salaries and expenses, United States attorneys

The Committee amendment deletes a supplemental appropriation of $12,476,000 for the U.S. Attorneys which would have provided additional funds to investigate, audit, and prosecute financial institution fraud.

Civil liberties public education fund

The Committee amendment deletes a supplemental appropriation of $250,000,000 for payments authorized under the Civil Liberties Act of 1988 (Public Law 100-383).

Federal Bureau of Investigation

The Committee amendment deletes a supplemental appropriation of $23,010,000 for the FBI which would have provided funds to investigate, audit and prosecute financial institution fraud.

THE JUDICIARY

SUPREME COURT

The Committee recognizes that the Supreme Court may amend its rule to allow it to retain amounts received in connection with attorney admissions to the Supreme Court Bar as non-appropriated funds for the benefit of the bench and the Supreme Court Bar, and related purposes.

COURTS OF APPEALS, DISTRICT COURTS AND OTHER JUDICIAL SERVICES

Salaries and expenses

The Committee amendment deletes a supplemental appropriation of $29,000,000 for the salaries and expenses of the Courts of Appeals, District Courts and Other Judicial Services which would have provided funds requested to implement the sentencing guidelines.

Defender services

The Committee amendment deletes a supplemental appropriation of $6,750,000 for defender services which would have provided funds requested to implement the sentencing guidelines.

ADMINISTRATIVE OFFICE OF THE UNITED STATES COURTS

Salaries and expenses

The Committee amendment deletes a supplemental appropriation of $50,000 for the Administrative Office which would have provided funds to implement the sentencing guidelines.

FEDERAL JUDICIAL CENTER

Salaries and expenses

The Committee amendment deletes a supplemental appropriation of $440,000 for the Federal Judicial Center which would have provided funds to implement the sentencing guidelines.

RELATED AGENCIES

FEDERAL COMMUNICATIONS COMMISSION

Salaries and expenses

The FY 1987 Appropriation Act (P.L. 99-88) included a provision for the FCC to relocate its Ft. Lauderdale, Florida Monitoring Station within the State of Florida. Proceeds from the sale of the existing site, not to exceed $5 million was to be used to cover all costs of the relocation. Sales proceeds in excess of this amount, less costs associated with the sale of the property were to be deposited into the general fund of the Treasury. The FY 1989 Appropriations Act (P.L. 100-459) extended the FCC's authority to complete the relocation through FY 1989.

The property sold for $4.3 million and the cost of relocation totalled $3.9 million, leaving a balance of $400,000. Rather than return these funds, which were scored in the FY 1989 budget process, to the Treasury, the Committee amendment includes language to offset the FCC's personnel compensation deficit to avoid furlough days for all employees.

SECURITIES AND EXCHANGE COMMISSION

The Committee amendment deletes a supplemental appropriation of $18,285,000 for the SEC, which would have restored funds requested, but not appropriated, for enforcement activities.

GENERAL PROVISIONS

SEC. 102

The Committee amendment adds language which will allow the Federal Courts to transfer unobligated balances from the Defender Services appropriation to other court appropriations in order to handle any uncontrollable funding shortfalls which may occur in fiscal year 1989.

Mr. MILLER of Washington. Mr. Chairman, how are we ever going to prove to the American taxpayer that the Congress of the United States has the resolve, has the will, and has the courage to balance the budget if this body continues to usurp the congressional budget process? In back-to-back pieces of legislation this body is considering two different, yet equally flawed, bills—the dire supplemental and the bill to transfer SDI funds to drug programs. These two bills are thoroughly disguised in politically pleasing funding proposals, which make it difficult to vote against them on their true merits. A Member risks political suicide every time he or she stands in support of responsible and prudent congressional spending practices. Well, Mr. Chairman, these two bills are not responsible nor are they prudent.

The dire supplemental is still in violation of the bipartisan budget agreement by offering nondire emergency funding. And what about Gramm-Rudman? What good are the Gramm-Rudman deficit reduction targets if we simply pass them by with these fat supplemental appropriations that further add to the deficit? By supporting this additional spending bill, the House would be betraying the trust of the American people. We said we were serious about reducing the deficit, so we passed Gramm-Rudman-Hollings. Well, it looks as if Gramm-Rudman was only a smoke screen; the defict reduction targets mean nothing if we continue to let supplemental appropriations wreak havoc on the budget.

Similarly, the idea of transferring funds from SDI research to various drug programs assumes Congress is so enthralled with the war on drugs that it is willing to write dozens of blank checks. I am as sympathetic to the needs of the drug abuse clinics and local law enforcement agencies as any other Member in this body, but I am not about to merely throw money at the problem without following common sense. If the House decides to freeze SDI funding at fiscal year 1989 levels, then so be it. But let's stop playing games in the process. Funding one program only to have those funds automatically rerouted to another program only complicates our present budget problems.

Mr. Chairman, in considering these two bills, the House is in jeopardy of topping the Consumer Credit Bureau's "10 most wanted list." We can do better. We must do better. Let's not violate the trust of the American taxpayer; I urge my colleagues to vote "no" on both of these flawed measures.

Mr. MFUME. Mr. Chairman, last Congress, we overwhelmingly passed the Anti-Drug Abuse Act of 1988 taking strong legislative steps to curtail the detrimental effect of drugs on our Nation. But it seems that our efforts were simply not enough because as recent drug and drug-related statistics indicate, more drugs are available in the United States today than ever before and drug-related crime has skyrocketed beyond control.

It has been estimated that a total funding increase of up to $2 billion would have to be added to fully fund our Nation's drug efforts. What has been the administration's response? The President has proposed an increase of only $635 million over fiscal year 1989 funding which is just $488.7 million more than President Reagan's proposed fiscal year funding.

State and local effort will be a crucial part of the strategy to eradicate drugs. Yet the President has proposed only $150 million for the State and local law enforcement agencies. Hospitals report that a record number of drug patients seeking treatment turned away because of the lack of space or the inability to pay for the services.

And now, Mr. Chairman, it has been reported in the Washington Post today that some concerned citizens are going door-to-door with tincans raising money to fight drugs by providing alternatives for our children.

President Bush, this is no way to wage a war on drugs. The drug problem is a real and grave one. We must put our resources where they are needed most. I urge all Members to support supplemental appropriations funds to strengthen our antidrug efforts.

Mr. KANJORSKI. Mr. Chairman, I rise today in support of the aging veterans of northeast Pennsylvania and their right to adequate care. In the last Congress, the Subcommittee on Veterans' Affairs, HUD, and Independent Agencies allocated $4.67 million to construct a 60-bed VA nursing home care unit in Wilkes-Barre, PA.

As I described in my testimony before the subcommittee on April 28, 1988, the current facility is consistently occupied at maximum capacity with a waiting list of up to 250 veterans: service-connected veterans must wait for periods of up to 3 to 4 months, while nonservice-connected veterans may wait indefinitely.

Although this expansion project was originally authorized in 1985, the administration has dragged their feet on this matter, and has delayed initial construction until 1993 at the earliest.

Many of the brave men who fought for their Nation cannot afford to wait until 1993 or later for nursing home care. They need help now. Inasmuch as they came to our aid when we needed them, it is time for us to come to their aid when they need us.

Through the hard work of former Chairman Boland, as well as persistence by the subcommittee's new able leader, my distinguished colleague from Michigan, Mr. TRAXLER, and consistent support from the distinguished gentleman from New York [Mr. GREEN], the needs of our veterans have prevailed.

With the funds made available through H.R. 2402, aging veterans in northeastern Pennsylvania who are in need of nursing home services will have the opportunity to receive the care they need and deserve.

Mr. Chairman, I rise in strong support of H.R. 2402, and I urge my colleagues to support this important supplemental appropriations bill.

Mr. RAH \LL. Mr. Chairman, I rise today in strong support for H.R. 2072, the fiscal year 1989 supplemental appropriations bill. Included in this legislation is much needed funding for many programs which are of critical importance to the people in my home State of West Virginia.

To begin, H.R. 2072 provides supplemental appropriations of $1.2 billion for the Veterans' Affairs Department, including $370 million for veterans' medical care. Of that amount, $340 million will permit the VA to increase its medical care staff by the end of fiscal year 1989.

During the past few weeks, I have met with several veterans from my home State. The major concern expressed by each of them is the lack of funding for veterans health care. Mr. Chairman, I, too, share their concerns. We must act now by providing adequate funding to meet the immediate shortfall facing the Veterans' Administration medical centers [VAMC's]. If we don't veterans not only in my district, but all over the Nation are going to suffer the ramifications.

Most of this country's 172 VAMC's are combating staff shortages, terminated services and curtailment of needed construction and renovation. Most alarming though, is the fact that veterans are being turned away from Veterans' Administration [VA] centers for treatment. This is outrageous! We must stop this injustice. If this shortfall of funding is not corrected, it will have a devastating affect not only on the two VA centers in my district, but on centers across our great Nation.

The population of my district is primarily rural and slightly older than the national average. Both of the VA centers, one located in Huntington and the other in Beckley, serve a large number of veterans. The Huntington VAMC was one of the first constructed by the

VA in 1932. This 180-bed university affiliate serves 9 counties in West Virginia. It is a vital part of the community and serves also as a secondary care center that provides acute medical and surgical inpatient care and intermediate inpatient care. The Beckley VAMC has 174 hospital beds providing medical and surgical care to 12 counties, 11 in West Virginia and 1 in Virginia. Together both of these VAMC's provide crucial care to approximately 200,000 veterans.

The VA medical programs are suffering a shortage in program funding this fiscal year of more than $625 million. We cannot let this go uncorrected. We owe our veterans their fair share. They have risked their lives and made immense sacrifices for this great country of our's, and it is our obligation to see that their commitment is honored. To quote Theodore Roosevelt, "A man who is good enough to give his blood for his country, is good enough to be given a square deal afterward."

H.R. 2072 also appropriates supplemental funds in the amount of $127 million for the Trade Adjustment Assistance Program, to fund the expansion in coverage and eligibility for workers adversely affected by increased imports authorized in the trade bill last Congress. I fully supported the expansion of the TAA program and believe it is imperative that we provide sufficient funds to carry out the program as intended.

My home State continues to fight inordinately high levels of unemployment because of the erosion of our industrial base, due in part to the unfair trading practices of many U.S. trading partners. Those workers who have lost their jobs due to increased imports by this Nation's competitors, including many coal miners, deserve this assistance so that they can seek training for new jobs and begin the process of rebuilding their lives.

Of the total appropriated in the bill for TAA, $92 million is for weekly benefits for displaced workers, which is in addition to the $132 million previously appropriated, for a total of $224 million for fiscal year 1989. The remaining $35 million in the bill is for training, job search, and relocation efforts.

The Guaranteed (Stafford) Student Loan Program is an entitlement program which is increased by $892.5 million in today's supplemental appropriations bill. These funds are in addition to those contained in the regular fiscal year 1989 appropriations bill of $3.2 billion, and are required to cover unanticipated higher interests rates for the student loans. These funds are vital to the continued Federal effort to assist college-bound students pursue their educations.

Mr. Chairman, following passage of H.R. 2072, it will be in order to consider H.R. 2442, as a separate measure. This bill, which has my support, provides that any funds made available in fiscal year 1990 for the strategic defense initiative [SDI] in excess of the current—fiscal year 1989—level of $3.74 billion would be automatically transferred to programs authorized under the Antidrug Abuse Act of 1988.

H.R. 2442 applies only to the upcoming fiscal year, fiscal year 1990, for which appropriations have not yet been made, and does not affect funds in the current fiscal year for use in the war on drugs. By freezing SDI at the fiscal year 1989 level in fiscal year 1990, and using any excess to be automatically transferred to help bring funding for the war on drugs up to the levels authorized by last year's omnibus antidrug bill, we are spending our scarce resources in more realistic ways, such as for the betterment of humankind.

Mr. Chairman, the immediate and lasting addiction of young and old alike to this new substance known as crack cocaine is out of control in the United States. This life-threatening drug comes from other countries, across our borders in ways so diabolical and in amounts so staggering that our combined antidrug forces cannot keep it out or diminish its effects on people in this country.

We used to think heroin, the hard drug of choice of a few years ago for the hardened addict, was the worst—and yet to some degree we were able to rehabilitate many users, through methadone treatment and other treatments, and see some progress away from massive use in this country. But the onslaught of crack cocaine use, and its ability to produce an immediate high for users, and the fact that brazen drug dealers deal in open air markets right here in the Nation's capital, and in housing developments, residential areas, and city streets everywhere, in total defiance of the laws of society or threats of criminal penalities by law enforcement officials and our court systems. This blatant and unceasing availability of the current drug of choice—crack cocaine—has driven up the demand, and thus the supply in the United States, in a vicious and never-ending cycle.

More frightening than any statistic available on the use of crack cocaine, other than the fact that addiction is nearly always immediate, upon first use, is that it causes violent behavior among its users—and while violence attended the heroin user who would rob, kill, and maim to get enough money for the next fix, crack cocaine users turn to violence for violence sake alone. This results not just in dealers and users killing each other over payment for drugs, or turf wars among dealers—violence you can expect with regard to drug trafficking and abuse—but it results in spousal abuse and child abuse that has sent statistics soaring over just the past year—tearing families asunder and causing lifelong traumas among children of abuse. If we do not have the courage of our convictions and fully fund the war on drugs, then we are not going to begin to undo the tremendous harm to our human resources—not only today's populations affected by drugs and the attendant costs of society in other terms—but the horror of generations to come if the importation and use of drugs in our country remain unchecked.

To conclude my remarks, Mr. Chairman, this legislation contains funding for a number of critically important programs, only a few of which I have mentioned. I urge my colleagues to live up to our obligations to this Nation's neediest populations—veterans, dislocated workers, college students, and families and individuals hopelessly trapped in life-threatening situations created by all manner of drug trafficking and abuse in this country.

Mr. BRYANT. Mr. Chairman, drugs and the neighborhood crime they cause are perhaps our Nation's most serious problems. They scar our children, our workers, our athletes—in short, drugs are eating away at the fabric of our Nation.

Combating this menace deserves our total support. While President Bush's proposed $6 billion antidrug budget was $635 million above 1989 levels, it underfunded the 1988 Anti-Drug Abuse Act by nearly $1.5 billion. My colleagues and I on the Budget Committees recognized this shortfall, but, constrained by a bipartisan budget accord, we could add only an additional $250 million to the President's request. We are still more than $1 billion short of fully funding the war on drugs. This supplemental appropriation of $822 million begins to make that commitment.

But, we have to recognize that this is a war. We are up against a highly sophisticated, well-organized industry whose sole service is the delivery of illicit drugs into our country. The profit is so great and the risk of detection and capture is relatively so small that our outmanned drug-stopping forces are falling further and further behind. We can only stem this monstrous tide if we commit adequate resources for those men and women fighting on the front lines of this war.

Winning the war on drugs is essential to our Nation's future. In supporting the supplemental appropriation for the war on drugs, my colleagues and I demonstrate our commitment to this cause. We hope that all our colleagues on both sides of the aisle will join us in giving this war the priority it deserves. Together we can wipe this scourge of drugs from our land.

Mrs. SAIKI. Mr. Chairman, I rise in opposition to the Whitten amendment and to H.R. 2072, the emergency supplemental appropriations for fiscal year 1989.

I am extremely disappointed that this legislation, as amended, does not include funding for the implementation of the Civil Liberties Act of 1988. When the Congress passed the Civil Liberties Act of 1988, it expressed very clearly the intention that those Japanese-Americans who were interned during World War II should be paid reparations for the violation of their civil rights. When H.R. 2072 originally came to the House floor several weeks ago, it included supplemental funding of $250 million for the payment of reparations to surviving internees.

It is estimated that nearly 200 former internees die with every passing month. Clearly, this funding is appropriate for inclusion within this emergency supplemental legislation.

I urge my colleagues to vote against this legislation as it is currently written, and I ask that the Appropriations Committee come forth once again with a bill that adequately provides for the funding of the Civil Liberties Act.

Mr. DOWNEY. Mr. Chairman, I rise today in support of H.R. 2072, the dire emergency supplemental appropriations and transfers, urgent supplementals, and correcting enrollment errors bill, 1989, for critical programs.

As the chairman of the House Aging Committee's Subcommittee on Human Services, I am especially in support of the provision introduced by Chairman ED ROYBAL which would prevent American Indian elders from receiving reductions in meals and other supportive service programs. Under title VI of the Older Americans Act, American Indian tribes are able to apply for funds from the Administration

on Aging to provide certain social services, including meal programs to their elderly members. A recent decision made by the administration to add 52 new grantees to title VI of the Older Americans Act has created a very serious problem for certain needy Indians through the country. Some congregate meals sites are now serving less than 20 percent of the eligible elderly population. Despite their need for reductions in the population served, they can often provide only three meals per week. Further cutbacks may force programs like this to end. Needy elders formerly served will be denied services, staff will have to be laid off, and some sites will close down altogether. I together with Chairman ROYBAL and many of our colleagues on the Select Committee on Aging have been working with the Administration on Aging and Labor HHS Subcommittee Chairman NATCHER to avert the cuts that have occurred among the existing tribes.

The bill language that is before us today provides for the reprogramming of $3.3 million in fiscal year 1989 unexpended Older Americans Act funds to cover the needs of title VI. These moneys will be used to reinstate nutrition and other programs for needy Indian elders and will ensure that native Hawaiians receive similar services for the first time.

I urge my colleagues to support this provision on behalf of our Nation's 200,000 older Indians, one-eighth of whom are served by funds under title VI. It was never the intention of Congress to deny services to some elders in order to make new grants available.

Mr. GILMAN. Mr. Chairman, I rise today in support of H.R. 2072, the emergency supplemental appropriations, fiscal year 1989.

I am fully aware that many of my Republican colleagues believe that H.R. 2072 violates the November 1987 budget summit between Congress and the administration. However, Congress and the President are also in danger of rescinding the commitment they made to many Americans when we enacted the Anti-Drug Abuse Act of 1988, the McKinney Homeless Assistance Act, the Civil Liberties Act, and various other longstanding and urgently needed programs. We have been in the practice of enacting omnibus legislation while failing to appropriate adequate funding to make those programs work.

There is no greater "dire emergency" than our war against drugs. Every day more Americans become addicted to drugs. The costs which the American economy must absorb, due to increased health expenses, lost productivity, and soaring crime, continue to rise. The very least we must do to combat the deadly menace of drug trafficking and drug abuse is to adequately fund our existing Anti-drug Program.

H.R. 2072 provides some desperately needed resources in the war against drugs. The additional $821 million in drug funding will support a number of essential law enforcement and interdiction programs. Just as we must regain control of our streets from the drug dealers, we must regain control of our borders from the drug traffickers. I urge my colleagues to endorse this funding measure and support our frontline soldiers in the war against drugs as they protect our Nation from the dangers of drug trafficking, crime, violence and drug abuse.

Our veterans' health care system is also in a state of unprecedented crisis. After almost a decade of budget cutbacks, the world's largest health care systems can no longer provide enough beds, equipment, or staff to service our Nation's 27 million veterans. At current funding levels, the Department of Veterans' Affairs can treat only 80 percent of eligible veterans. The VA's budget trouble—complicated by the AIDS epidemic, the nationwide nursing shortage, and an aging veterans population—will only get worse. The supplemental appropriations includes $1.2 billion for mandatory veterans' programs, $340 million to address the shortfall in veterans medical care funding across the Nation. This is only a dent in the expected $620 million shortfall for this year. Our veterans deserve more.

I would also like to take note of the inclusion of the $100 million appropriated for the benefit of refugees. Of this amount, $85 million is earmarked for Soviet religious minorities, such as Soviet Jews and Pentecostalists. The urgency of this request cannot be overstated. With our human rights policy now bearing fruit, the Iron Curtain that once was the Soviet Union has begun to part. The gates are opening for many, and it is incumbent upon us to ensure that we provide for these refugees. Unfortunately, poor forecasting has led to a much greater influx of Soviet refugees than initially expected for this year. This situation has been exacerbated by the lack of sufficient personnel to process applications, resulting in a backlog of approximately 10,000 applications in Rome and over 25,000 in Moscow.

I might add, Mr. Chairman, that while this infusion of funds will shore up the State Department's refugee account, we are still lacking in adequate funds for domestic refugee assistance, a program administered by the Department of Health and Human Services. This aspect of the refugee program must also be addressed as soon as possible. We must be consistent in our efforts to assure proper funding for refugee assistance. I urge our colleagues on the Appropriations Committee to work with us in finding a viable funding solution for domestic refugee assistance.

There are other worthwhile programs receiving supplemental appropriations for fiscal year 1989, including money for the Stewart B. McKinney Homeless Assistance Act and for firefighting expenses that resulted from last summer's forest fires. Accordingly, I urge my colleagues to support H.R. 2072.

Mr. SCHEUER. Mr. Speaker, we are engaged right now in a severely underfunded war on drugs.

Star wars is severely overfunded.

We are not and may never be engaged in star wars.

We don't need to spend another $800 million on missile shield fantasies.

We need to spend that $800 million on treatment programs for desperate youth who call hotlines and are told they must wait for from 8 months to 1 year for treatment.

How can we tell that person who wants to get the monkey off his back that we are spending his treatment money on fantasy space weapons?

Today we have drug treatment for only 1 out of 25 drug abusers who need it.

Meanwhile in New York City 75 percent of those imprisoned for crimes are drug abusers.

We cannot continue to neglect a whole generation of drug abusers!

It's a crime to fund a fantasy when there is a nightmare on our streets!

It's a crime to give more funds to a fantasy like star wars when 3,500 youngsters per day drop out of school in this Nation!

How can we say that $800 million is better spent on a miasma called the strategic defense initiative when we have to deny the Head Start Program to five of every six preschoolers who desperately need it?

It's a crime to fund a fantasy when our graduates suffer from educational infirmities such as illiteracy, functional illiteracy, and the inability to think!

How can we spend that $800 million on a chimera space umbrella when 13 percent of 17-year-old Americans cannot read, write, or count?

Or when functional illiteracy costs our Nation $25 billion a year in lost productivity, accidents, damage to equipment, and Government support programs?

When municipalities across the country are faced with homelessness, AIDS, teen pregnancy, low-income single parent families, infant mortality and 65–70 percent school dropout rates in the inner cities?

We don't need that $800 million for star wars.

How can we invest more money in star wars when we need to invest that money in lives?

Mr. WHITTEN. Mr. Chairman, I have no further requests for time, and I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Mississippi [Mr. WHITTEN].

The amendment was agreed to.

The CHAIRMAN. Are there other amendments to the bill? If not, does the gentleman from Mississippi have a motion?

Mr. WHITTEN. Mr. Chairman, I move that the Committee do now rise and report the bill back to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill, as amended, do pass.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker pro tempore [Mr. BARNARD] having assumed the chair, Mr. GLICKMAN, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 2072) making dire emergency supplemental appropriations and transfers, urgent supplementals, and correcting enrollment errors for the fiscal year ending September 30, 1989, and for other purposes, had directed him to report the bill back to the House with sundry amendments, with the recommendation that the amendments be agreed

to and that the bill, as amended, do pass.

The SPEAKER pro tempore. Without objection, the previous question is ordered.

There was no objection.

The SPEAKER pro tempore. Is a separate vote demanded on any amendment? If not, the Chair will put them en gross.

The amendments were agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. CONTE

Mr. CONTE. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. CONTE. I am, Mr. Speaker.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. CONTE moves to recommit the bill, H.R. 2072 to the Committee on Appropriations with instructions to that Committee to report the bill back to the House forthwith with the following amendment:

Strike all after the enacting clause, and insert the following:

DEPARTMENT OF VETERANS AFFAIRS

VETERANS BENEFITS ADMINISTRATION

COMPENSATION AND PENSIONS

For an additional amount for "Compensation and pensions", $701,481,000, to remain available until expended.

READJUSTMENT BENEFITS

For an additional amount for "Readjustment benefits", $22,212,000, to remain available until expended.

LOAN GUARANTY REVOLVING FUND

For an additional amount for "Loan Guaranty Revolving Fund", $120,100,000, to remain available until expended.

VETERANS HEALTH SERVICE AND RESEARCH ADMINISTRATION

MEDICAL CARE

For an additional amount for "Medical care", $340,125,000: *Provided*, That of the sums appropriated under this heading in fiscal year 1989, not less than $6,800,000,000 shall be available only for expenses in the personnel compensation and benefits object classifications.

DEPARTMENTAL ADMINISTRATION

GENERAL OPERATING EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for "General operating expenses", $24,900,000, of which $15,000,000 shall be derived by transfer from "Construction, minor projects": *Provided*, That in the appropriation language under this heading in the Department of Housing and Urban Development-Independent Agencies Appropriations Act, 1989, insert a period after "$774,316,000" and delete the language that follows.

No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

□ 1520

Mr. CONTE (during the reading). Mr. Speaker, I ask unanimous consent that the motion to recommit be considered as read and printed in the RECORD.

The SPEAKER pro tempore (Mr. BARNARD). Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

The SPEAKER pro tempore. The gentleman from Massachusetts [Mr. CONTE] is recognized for 5 minutes in support of his motion to recommit.

Mr. CONTE. Mr. Speaker, my motion to recommit will have the effect of freeing the veterans provisions from the other items in this bill. Last week, we indicated that our Nation's veterans should not be held hostage to the other programs affected by H.R. 2072. Let us renew our commitment to that principle by sending the bill back to committee with instructions to report a clean veterans supplemental.

Mr. Speaker, we have come to the moment of truth. Will we stand by our commitment to deliver emergency funding for veterans health care as quickly as possible, or will we continue to tie up the veterans in a complicated and oversized knot of supplemental proposals?

Mr. Speaker, we thought we had moved off square one when we passed H.R. 2402, the clean veterans supplemental, last week. But last Friday, the other body amended H.R. 2402 to prohibit the use of supplemental funds after June 15.

We have heard the argument that half a loaf is better than no loaf, and therefore, we should vote to accept the half loaf and pin our hopes on this bill to deliver the whole loaf. That's all fine and good, but where's the half loaf? It's not in the Senate. We need the full appropriation for veterans, and we need it now. My friends, to make even a half loaf, you need some real dough. And to move anything other than a clean veterans supplemental is a half-baked idea.

It's heartbreaking that our veterans are still twisting in the wind while political games are being played with their fate. If we are dedicated to addressing their urgent health care needs, then we must once again disengage the engine from the train and permit a separate vote on VA funding.

Our efforts to address the real dire emergency in VA medical care must not be thwarted by budget-busting attempts to forward-funding programs that should be funded by the regular fiscal year 1990 appropriations bill.

The certain effect of including this money in the supplemental bill is to jeopardize the delivery of critical health care to our Nation's deserving veterans.

The Bush administration has clearly stated that the addition of hundreds of millions of dollars in unrequested antidrug money—without legitimate offsets and in violation of all budget agreements—is unacceptable at this time. It would be unconscionable, at this late date, to include just enough weight to this bill to sink our drowning veterans.

When the freedoms and principles of this great country have been threatened, our veterans have always put America first. With Memorial Day right around the corner, let's put our Nation's veterans first and vote in favor of the motion to recommit.

Mr. WHITTEN. Mr. Speaker, I yield to the gentleman form Iowa [Mr. SMITH].

Mr. SMITH of Iowa. Mr. Speaker, in essence, what we have here is a motion to strike the funds in the bill for the war on drugs. That is what we are really voting on. Veterans are in the bill now, they were in the bill that was passed last week. If Members vote for the gentleman's motion, what Members are doing is voting against enhancing and speeding up the war on drugs.

Now it is said they have plenty of money. Well, let me tell Members how the prison construction program works. Until the Bureau of Prisons gets the budget authority in an appropriations bill, they cannot even start the process of locating a new prison. It takes several months. The budget authority for the new prison that Mr. Bennett announced would be located in Cumberland, MD, was appropriated last year. So by putting funds for new prisons in this bill, we are advancing by several months the time in which the prison will be completed.

If there is another Willie Horton that commits a crime because we did not have a prison cell that could have been built earlier with the funds in this bill, then those that vote for this motion to strike those funds are also sharing in the responsibility for the commission of that crime. That is what Members are voting on.

Do Members want more money to enhance and to speed up the war on drugs or not? Now it emerged here pretty clearly in the last few weeks what is going on. The administration wants to speak loudly and carry a small stick. The President came up to the Capitol and got on the front steps a week ago Monday and said he wants another billion over what he has already requested for fiscal year 1990 for prisons. At the same time the political operators in the administration are trying to keep Members from placing the money in this bill that will speed up this war on drugs. So that is what Members are voting on here today. Do Members want to vote for a policy of enhancing and speeding up

the war on drugs, or do Members want to support the administration's policy of speaking loudly and carrying a small stick?

Mr. WHITTEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, what is left by this amendment is what we already passed last Thursday. The Senate wanted to cut off funds June 15. To send Members to conference when the Senate already has shown what they will do will not help the situation for the veterans. It will just be unbelievable.

May I say, H.R. 2072 includes many programs. It provides funds to meet dire emergencies in the area of drugs and crime. Veterans programs, guaranteed student loans, operating crop loans, U.N. peacekeeping, migration and refugee assistance, trade adjustment assistance, forest fire fighting and rehabilitation, reimbursement to States for foster care and adoption assistance, and to the Internal Revenue Service for processing tax returns and investigation, collection, and taxpayer services. If this amendment is agreed to, Members are doing nothing more than what we already did, sending it to the Senate so they can take the same action, and then send us to conference and expect Members to support your position. There is no way we should do this.

I hope we will vote it down. We simply cannot afford it.

I yield back the balance of my time.

Mr. CONTE. Mr. Speaker, I yield to the gentleman from New York.

Mr. SOLOMON. Mr. Speaker, back in their offices, I want Members to turn on their television sets. This is the veterans' vote right here. I ask Members to look on all of their tables on their side of the aisle and all the letters from the VFW, VAV, AMVETS, and American Legion. They want Members to send a clean bill over to the other body. This is the opportunity to do it.

We will have two opportunities today to send two clean veterans' bills. That means there will be no question about it. The veterans' hospitals will be back in action. Come over here and vote and vote for the veterans today.

The SPEAKER pro tempore. The Chair reminds the gentleman he is not supposed to address the TV audience.

Mr. CONTE. Mr. Speaker, the issue is not whether Members are for or against the war on drugs. That is a lot of malarkey. In 1988, we appropriated $3.8 billion for the war on drugs. In 1989, we appropriated $5.3 billion for the war on drugs. The drug money in this bill is a Smith amendment to take that subcommittee out of the straitjacket of the 302(b) budget ceiling in fiscal year 1990. Be honest about it. Get up and say it. That is what this funding in here is all about. It is not a question of there being a war on drugs. It's a question of paying for the extra money. If Members want to put $800 million in for Mr. SMITH's programs, put in an offset, but Members won't do it. The day of the free lunch is over. Members have got to pay as they go.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. CONTE. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device; and there were—yeas 205, nays 217, not voting 12, as follows:

[Roll No. 64]

YEAS—205

Anthony	Hall (OH)	Parker
Applegate	Hall (TX)	Pashayan
Archer	Hammerschmidt	Patterson
Armey	Hancock	Paxon
Baker	Hansen	Penny
Ballenger	Hastert	Petri
Barnard	Hefley	Porter
Bartlett	Henry	Pursell
Barton	Herger	Quillen
Bateman	Hiler	Ravenel
Bentley	Holloway	Ray
Bereuter	Hopkins	Regula
Bilirakis	Horton	Rhodes
Bliley	Houghton	Ridge
Boehlert	Hubbard	Rinaldo
Broomfield	Huckaby	Ritter
Brown (CO)	Hunter	Roberts
Buechner	Hutto	Robinson
Bunning	Hyde	Rohrabacher
Burton	Inhofe	Roth
Byron	Ireland	Roukema
Callahan	Jacobs	Rowland (CT)
Campbell (CA)	James	Rowland (GA)
Chandler	Johnson (CT)	Saiki
Clinger	Johnson (SD)	Sarpalius
Coble	Kasich	Saxton
Coleman (MO)	Kolbe	Schaefer
Combest	Kyl	Schiff
Conte	Lagomarsino	Schneider
Cooper	Lancaster	Schuette
Coughlin	Leach (IA)	Schulze
Cox	Leath (TX)	Sensenbrenner
Craig	Lent	Shaw
Crane	Lewis (CA)	Shays
Dannemeyer	Lewis (FL)	Shumway
Davis	Lightfoot	Shuster
de la Garza	Livingston	Sisisky
DeLay	Lloyd	Skeen
Derrick	Lowery (CA)	Skelton
DeWine	Machtley	Slattery
Dickinson	Madigan	Slaughter (VA)
Dornan (CA)	Marlenee	Smith (MS)
Douglas	Martin (IL)	Smith (NE)
Dreier	Martin (NY)	Smith (NJ)
Duncan	McCandless	Smith (TX)
Edwards (OK)	McCollum	Smith (VT)
Emerson	McCrery	Smith, Denny (OR)
Fawell	McCurdy	Smith, Robert (NH)
Fields	McDade	Smith, Robert (OR)
Fish	McEwen	Snowe
Frenzel	McMillan (NC)	Solomon
Gallegly	McNulty	Spence
Gallo	Meyers	Stangeland
Gekas	Michel	Stearns
Gillmor	Miller (OH)	Stump
Gilman	Miller (WA)	Sundquist
Gingrich	Molinari	Tallon
Glickman	Montgomery	Tauke
Goodling	Moorhead	Tauzin
Goss	Morella	Thomas (CA)
Gradison	Morrison (WA)	Thomas (WY)
Grandy	Myers	Upton
Grant	Nielson	Valentine
Green	Oxley	Vander Jagt
Gunderson	Packard	Vucanovich
Hall (OH)	Parker	Walker
Hall (TX)	Pashayan	Walsh
Hammerschmidt	Patterson	Weber
Hancock	Paxon	Weldon
Hansen	Penny	Whittaker
Hastert	Petri	Wolf
Hefley	Porter	Wylie
Henry	Pursell	Yatron
Herger	Quillen	Young (AK)
Hiler	Ravenel	Young (FL)
Holloway	Ray	
Hopkins	Regula	
Horton	Rhodes	
Houghton	Ridge	
Hubbard	Rinaldo	
Huckaby	Ritter	
Hunter	Roberts	
Hutto	Robinson	
Hyde	Rohrabacher	
Inhofe	Roth	
Ireland	Roukema	
Jacobs	Rowland (CT)	
James	Rowland (GA)	
Johnson (CT)	Saiki	
Johnson (SD)	Sarpalius	
Kasich	Saxton	
Kolbe	Schaefer	
Kyl	Schiff	
Lagomarsino	Schneider	
Lancaster	Schuette	
Leach (IA)	Schulze	
Leath (TX)	Sensenbrenner	
Lent	Shaw	
Lewis (CA)	Shays	
Lewis (FL)	Shumway	
Lightfoot	Shuster	
Livingston	Sisisky	
Lloyd	Skeen	
Lowery (CA)	Skelton	
Machtley	Slattery	
Madigan	Slaughter (VA)	
Marlenee	Smith (MS)	
Martin (IL)	Smith (NE)	
Martin (NY)	Smith (NJ)	
McCandless	Smith (TX)	
McCollum	Smith (VT)	
McCrery	Smith, Denny (OR)	
McCurdy	Smith, Robert (NH)	
McDade	Smith, Robert (OR)	
McEwen	Snowe	
McMillan (NC)	Solomon	
McNulty	Spence	
Meyers	Stangeland	
Michel	Stearns	
Miller (OH)	Stump	
Miller (WA)	Sundquist	
Molinari	Tallon	
Montgomery	Tauke	
Moorhead	Tauzin	
Morella	Thomas (CA)	
Morrison (WA)	Thomas (WY)	
Myers	Upton	
Nielson	Valentine	
Oxley	Vander Jagt	
Packard	Vucanovich	
Parker	Walker	
Pashayan	Walsh	
Patterson	Weber	
Paxon	Weldon	
Penny	Whittaker	
Petri	Wolf	
Porter	Wylie	
Pursell	Yatron	
Quillen	Young (AK)	
Ravenel	Young (FL)	
Ray		
Regula		
Rhodes		
Ridge		
Rinaldo		
Ritter		
Roberts		
Robinson		
Rohrabacher		
Roth		
Roukema		
Rowland (CT)		
Rowland (GA)		
Saiki		
Sarpalius		
Saxton		
Schaefer		
Schiff		
Schneider		
Schuette		
Schulze		
Sensenbrenner		
Shaw		
Shays		
Shumway		
Shuster		
Sisisky		
Skeen		
Skelton		
Slattery		
Slaughter (VA)		
Smith (MS)		
Smith (NE)		
Smith (NJ)		
Smith (TX)		
Smith (VT)		
Smith, Denny (OR)		
Smith, Robert (NH)		
Smith, Robert (OR)		
Snowe		
Solomon		
Spence		
Stangeland		
Stearns		
Stump		
Sundquist		
Tallon		
Tauke		
Tauzin		
Thomas (CA)		
Thomas (WY)		
Upton		

NAYS—217

Ackerman	Frost	Oakar
Akaka	Garcia	Oberstar
Alexander	Gaydos	Obey
Anderson	Gejdenson	Olin
Andrews	Gephardt	Ortiz
Annunzio	Gonzalez	Owens (NY)
Aspin	Gordon	Owens (UT)
Atkins	Guarini	Pallone
AuCoin	Hamilton	Panetta
Bates	Harris	Payne (NJ)
Beilenson	Hatcher	Payne (VA)
Bennett	Hawkins	Pease
Berman	Hayes (IL)	Pelosi
Bevill	Hayes (LA)	Perkins
Bilbray	Hefner	Pickett
Boggs	Hertel	Pickle
Bonior	Hoagland	Poshard
Borski	Hochbrueckner	Price
Bosco	Hoyer	Rahall
Boucher	Hughes	Rangel
Boxer	Jenkins	Richardson
Brennan	Johnston	Roe
Brooks	Jones (GA)	Rogers
Browder	Jones (NC)	Rose
Brown (CA)	Jontz	Rostenkowski
Bruce	Kanjorski	Russo
Bryant	Kaptur	Sabo
Bustamante	Kastenmeier	Sangmeister
Campbell (CO)	Kennedy	Savage
Cardin	Kennelly	Sawyer
Carper	Kildee	Scheuer
Carr	Kleczka	Schroeder
Chapman	Kolter	Schumer
Clarke	Kostmayer	Sharp
Clay	LaFalce	Sikorski
Clement	Lantos	Skaggs
Coelho	Laughlin	Slaughter (NY)
Coleman (TX)	Lehman (CA)	Smith (FL)
Conyers	Lehman (FL)	Smith (IA)
Costello	Leland	Solarz
Coyne	Levin (MI)	Spratt
Crockett	Levine (CA)	Staggers
Darden	Lewis (GA)	Stallings
DeFazio	Lipinski	Stark
Dellums	Long	Stenholm
Dicks	Lowey (NY)	Stokes
Dingell	Luken, Thomas	Studds
Dixon	Manton	Swift
Donnelly	Markey	Synar
Dorgan (ND)	Martinez	Tanner
Downey	Matsui	Thomas (GA)
Durbin	Mavroules	Torres
Dwyer	Mazzoli	Torricelli
Dymally	McCloskey	Towns
Dyson	McDermott	Traficant
Early	McHugh	Traxler
Eckart	McMillen (MD)	Unsoeld
Edwards (CA)	Mfume	Vento
Engel	Miller (CA)	Visclosky
English	Mineta	Volkmer
Erdreich	Moakley	Walgren
Espy	Mollohan	Watkins
Evans	Moody	Waxman
Fascell	Morrison (CT)	Weiss
Fazio	Mrazek	Wheat
Feighan	Murphy	Whitten
Flake	Murtha	Williams
Flippo	Nagle	Wise
Foglietta	Natcher	Wolpe
Foley	Neal (MA)	Wyden
Ford (MI)	Neal (NC)	Yates
Ford (TN)	Nelson	
Frank	Nowak	

NOT VOTING—12

Collins	Gray	Pepper
Courter	Lukens, Donald	Roybal
Florio	McGrath	Udall
Gibbons	Parris	Wilson

□ 1547

Messrs. COELHO, STENHOLM, CARR, RANGEL, and HAYES of Louisiana changed their vote from "yea" to "nay."

Messrs. LANCASTER, GLICKMAN, and McNULTY changed their vote from "nay" to "yea."

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. BARNARD). The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. SOLOMON. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 227, noes 197, not voting 10, as follows:

[Roll No. 65]

AYES—227

Ackerman	Flake	McHugh
Alexander	Foglietta	McNulty
Anderson	Foley	Mfume
Andrews	Ford (MI)	Miller (CA)
Annunzio	Ford (TN)	Moakley
Anthony	Frank	Mollohan
Applegate	Frost	Montgomery
Aspin	Garcia	Moody
Atkins	Gaydos	Morella
AuCoin	Gejdenson	Morrison (CT)
Bellenson	Gephardt	Mrazek
Bennett	Gilman	Murphy
Berman	Glickman	Murtha
Bevill	Gonzalez	Nagle
Bilbray	Gordon	Natcher
Boggs	Gray	Neal (MA)
Bonior	Guarini	Neal (NC)
Borski	Hall (OH)	Nelson
Bosco	Hamilton	Nowak
Boucher	Hatcher	Oakar
Boxer	Hawkins	Oberstar
Brennan	Hayes (IL)	Obey
Brooks	Hayes (LA)	Olin
Brown (CA)	Hefner	Ortiz
Bruce	Hertel	Owens (NY)
Bryant	Hoagland	Owens (UT)
Bustamante	Hochbrueckner	Pallone
Campbell (CO)	Hoyer	Parker
Carr	Hughes	Payne (NJ)
Chapman	Hutto	Payne (VA)
Clarke	Jenkins	Pease
Clay	Johnson (SD)	Pelosi
Clement	Johnston	Perkins
Coelho	Jones (GA)	Pickle
Coleman (TX)	Jones (NC)	Poshard
Conyers	Jontz	Price
Cooper	Kanjorski	Pursell
Costello	Kaptur	Rahall
Coyne	Kastenmeier	Rangel
Crockett	Kennedy	Richardson
Darden	Kennelly	Rinaldo
Davis	Kildee	Roe
de la Garza	Kleczka	Rogers
DeFazio	Kolter	Rose
Dellums	Kostmayer	Rostenkowski
Derrick	LaFalce	Rowland (GA)
Dicks	Lancaster	Russo
Dingell	Lantos	Sabo
Dixon	Laughlin	Sangmeister
Donnelly	Leath (TX)	Sarpalius
Dorgan (ND)	Lehman (CA)	Savage
Downey	Lehman (FL)	Sawyer
Durbin	Leland	Scheuer
Dwyer	Levin (MI)	Schroeder
Dymally	Levine (CA)	Schuette
Dyson	Lewis (GA)	Schumer
Early	Lipinski	Sharp
Eckart	Lowey (NY)	Sikorski
Edwards (CA)	Luken, Thomas	Sisisky
Engel	Manton	Slaughter (NY)
English	Markey	Smith (FL)
Espy	Martinez	Smith (IA)
Evans	Mavroules	Smith (NJ)
Fascell	Mazzoli	Solarz
Fazio	McCloskey	Spratt
Feighan	McDermott	Staggers
Stark	Traficant	Weiss
Stokes	Traxler	Wheat
Studds	Unsoeld	Whitten
Swift	Valentine	Williams
Synar	Vento	Wise
Tanner	Visclosky	Wolpe
Thomas (GA)	Volkmer	Wyden
Torres	Walgren	Yates
Torricelli	Watkins	Yatron
Towns	Waxman	

NOES—197

Akaka	Hansen	Porter
Archer	Harris	Quillen
Armey	Hastert	Ravenel
Baker	Hefley	Ray
Ballenger	Henry	Regula
Barnard	Herger	Rhodes
Bartlett	Hiler	Ridge
Barton	Holloway	Ritter
Bateman	Hopkins	Roberts
Bates	Horton	Robinson
Bentley	Houghton	Rohrabacher
Bereuter	Hubbard	Roth
Bilirakis	Huckaby	Roukema
Bliley	Hunter	Rowland (CT)
Boehlert	Hyde	Saiki
Broomfield	Inhofe	Saxton
Browder	Ireland	Schaefer
Brown (CO)	Jacobs	Schiff
Buechner	James	Schneider
Bunning	Johnson (CT)	Schulze
Burton	Kasich	Sensenbrenner
Byron	Kolbe	Shaw
Callahan	Kyl	Shays
Campbell (CA)	Lagomarsino	Shumway
Cardin	Leach (IA)	Shuster
Carper	Lent	Skaggs
Chandler	Lewis (CA)	Skeen
Clinger	Lewis (FL)	Skelton
Coble	Lightfoot	Slattery
Coleman (MO)	Livingston	Slaughter (VA)
Combest	Lloyd	Smith (MS)
Conte	Long	Smith (NE)
Coughlin	Lowery (CA)	Smith (TX)
Cox	Machtley	Smith (VT)
Craig	Madigan	Smith, Denny (OR)
Crane	Marlenee	Smith, Robert (NH)
Dannemeyer	Martin (IL)	Smith, Robert (OR)
DeLay	Martin (NY)	Snowe
DeWine	Matsui	Solomon
Dickinson	McCandless	Spence
Dornan (CA)	McCollum	Stallings
Douglas	McCrery	Stangeland
Dreier	McCurdy	Stearns
Duncan	McDade	Stenholm
Edwards (OK)	McEwen	Stump
Emerson	McGrath	Sundquist
Erdreich	McMillan (NC)	Tallon
Fawell	McMillen (MD)	Tauke
Fields	Meyers	Tauzin
Fish	Michel	Thomas (CA)
Flippo	Miller (OH)	Thomas (WY)
Frenzel	Miller (WA)	Upton
Gallegly	Mineta	Vander Jagt
Gallo	Molinari	Vucanovich
Gekas	Moorhead	Walker
Gillmor	Morrison (WA)	Walsh
Gingrich	Myers	Weber
Goodling	Nielson	Weldon
Goss	Oxley	Whittaker
Gradison	Packard	Wolf
Grandy	Panetta	Wylie
Grant	Pashayan	Young (AK)
Green	Patterson	Young (FL)
Gunderson	Paxon	
Hall (TX)	Penny	
Hammerschmidt	Petri	
Hancock	Pickett	

NOT VOTING—10

Collins	Lukens, Donald	Udall
Courter	Parris	Wilson
Florio	Pepper	
Gibbons	Roybal	

□ 1606

Ms. LONG and Messrs. SLAUGHTER of Virginia, MATSUI, and McMILLEN of Maryland changed their vote from "aye" to "no."

Mr. DAVIS changed his vote from "no" to "aye."

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

REMOVAL OF NAMES OF MEMBERS AS COSPONSORS OF H.R. 993

Mr. SMITH of Florida. Mr. Speaker, because of staff miscommunication, the names of four Members were added by mistake as cosponsors of one of my bills. I, therefore, ask unanimous consent that the names of Mr. CROCKETT, Mr. FLORIO, Mr. RINALDO, and Mr. WOLPE be removed as cosponsors of H.R. 993.

I regret any inconvenience that this error may have caused.

The SPEAKER pro tempore (Mr. BARNARD). Is there objection to the request of the gentleman from Florida?

There was no objection.

STAR WARS FOR DRUG WARS ACT OF 1989

Mr. AUCOIN. Mr. Speaker, pursuant to section 2 of House Resolution 160, I call up the bill (H.R. 2442) to provide additional funds for the programs authorized in the Anti-Drug Abuse Act of 1988 by requiring the transfer of amounts in excess of $3,738,000,000 that are appropriated or otherwise made available to the Department of Defense for research, development, test, and evaluation for fiscal year 1990 relating to the strategic defense initiative and ask for its immediate consideration.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Pursuant to section 2 of House Resolution 160, no amendments to the bill are in order.

The Clerk read the bill, as follows:

H.R. 2442

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Star Wars for Drug Wars Act of 1989".

SEC. 2. (a) for fiscal year 1990, funds in excess of $3,738,000,000 that are appropriated or otherwise made available to the Department of Defense for research, development, test, and evaluation relating to the Strategic Defense Initiative shall be transferred to provide additional funds for that fiscal year for the programs authorized in the Anti-Drug Abuse Act of 1988 (Public Law 100-690).

(b) If the aggregate amount of funds transferred under subsection (a) is insufficient to fund the programs in the Anti-Drug Abuse Act of 1988 to the full amount appropriations are authorized for those programs for fiscal year 1990, the President shall allocate to each program an amount which bears the same ratio to the appropriations shortfall for that program as the aggregate amount of funds transferred bears to the total appropriations shortfall for all those programs.

The SPEAKER pro tempore. The gentleman from Oregon [Mr. AUCOIN] will be recognized for 1 hour and a Member oppposed will be recognized for 1 hour.

The Chair recognizes the gentleman from Oregon [Mr. AUCOIN].

PARLIAMENTARY INQUIRY

Mr. AUCOIN. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state his parliamentary inquiry.

Mr. AUCOIN. Mr. Speaker, my understanding is that under the rule the 2 hours is divided equally, 1 hour on each side, and that I am controlling the hour on this side. May I make the inquiry as to who is controlling the other hour?

The SPEAKER pro tempore. No Member has indicated to the Chair who will control the time of the opposition.

Mr. MCDADE. Mr. Speaker, I ask to control the time.

The SPEAKER pro tempore. The gentleman from Pennsylvania [Mr. MCDADE] will be recognized for 1 hour.

Mr. AUCOIN. Mr. Speaker, I yield myself such time as I may consume.

This is now the bill permitted under the rule which transfers funds from star wars into the real war that affects the real personal security of Americans and American families. I refer, of course, to the drug wars, the drug wars that are occurring in our streets, in our schools, in our neighborhoods from coast to coast across this Nation.

Mr. Speaker, we just passed a dire emergency supplemental appropriation bill. I think it was an emergency, but I want to submit to the Members of this House that there is no greater emergency, no problem that has more dire consequences than the drug wars that affect and afflict the people of this country, the youth of this country, the cities of this country.

□ 1610

Mr. Speaker, 24 million Americans are regular users of illegal drugs today because this problem is out of control. The illicit drug industry now reaps $130 billion a year in profits, and yet the Federal Government is spending less than 4 percent of that amount to fight that problem.

Mr. Speaker, we just passed a dire emergency supplemental appropriation and it was an emergency, but no situation is more dire than the poison that affects our communities that is poisoning our youth, ruining our communities, making battle zones out of our neighborhoods. This is a true emergency.

The number of cocaine-related emergencies reported in American hospitals has jumped nearly 200 percent in the last 3 years. The President's Commission on Crime states "40 percent of all organized crime in America involves drug trafficking."

Mr. Speaker, it has gotten so bad that officials in my State of Oregon found a baby's rattle stuffed with rocks of cocaine inside that baby's toy.

Last year, responding to the understandable public clamor for this Government to do something about this national crisis, Congress passed what came to become a fib. It passed a drug bill that authorized $3.1 billion to get serious about this epidemic, to get serious about this blight on our communities and to protect those communities and to protect the integrity and the unpinning of this Nation. What Congress passed was a fib because that drug bill that was designed to attack this drug epidemic authorized $3.1 billion, a significant sum of funds, and it was so good that we had a Rose Garden ceremony at the White House with bipartisan leadership and everybody celebrated, patted themselves on the chest and patted themselves on the backs and said we are getting serious about this problem of attacking drugs and we are waging a war. Unfortunately, Mr. Speaker, it was a fib because that drug bill's funding today is $1.2 billion short of the advertised and authorized level of funding that we, the Congress, and the executive branch promised the American people, families who are living in fear for their children, families who are living in fear for their safety because of drugs in the streets and in our communities.

In the meantime, the star wars budget under the fiscal 1990 Bush proposal calls for an increase of more than $862 million or 20 percent over the last year's appropriated level. Star wars is a program, my friends, that has had $17 billion thrown at it over the last 6 years, $17 billion in 6 years.

Given how far we have fallen short of full funding of the war on drugs, I think that star wars expenditure is unconscionable, because drug wars, not star wars, is the highest priority for the American family and the American people. The real threat is going to be prevented by what we put in the hands of our law enforcement officiers, by the judges in the help we supply to them, by the interdiction, and the treatment, and the education to fight drugs. That is where the threat is that is weakening America today, not as a high priority star wars.

The bill before us puts forward a proposal. That proosal is one that the American people understand very well. Ask them. Ask your constituents what do they think is most important, throw some more money after the $17 billion at star wars or to get serious and meet our promise and live up to our promise on drug wars. I think Members will find their constituents will say get serious, get real about drug wars. You made us a promise; now back it up with bucks.

This bill does that. This bill does not gut star wars. This bill freezes star wars at the 1989 appropriated level. With $17 billion being spent over the last 6 years, it is not too much to ask the Department of Defense to simply live with a freeze in star wars for this year, and then take the $862 million in what would be the increase for that program and transfer it over to the omnibus drug bill to make that bill work. This would leave star wars at $3.7 billion or about $1 billion more than the authorized level of the entire 1989 drug bill, $1 billion more. Star wars is not being hurt.

Let me tell Members how much star wars has made off with since 1985. In 1985 we funded star wars at $1.5 billion; in 1986 we jumped it to $2.8 billion; in 1987 we went to $3.2 billion; in 1988 it was $3.7 billion. Yet today, if Members look at the testimony of the program manager for star wars, in testimony on May 11 of this year in the Senate Appropriations Committee, the program manager, Gen. George Monahan, Jr., indicated that star wars will not, my friends, repeat, not protect the American people from incoming ballistic missile attack.

Let me tell Members what will protect the American people against a real threat. It will be this bill that puts into the hands of our police chiefs, puts into the hands of youth counselors, puts into the hands of law enforcement people, the Coast Guard, Customs interdiction assistance, that is what will protect the American people from the real threat.

So what we are saying today, Mr. Speaker, is that this is a choosing time. This is a time when we make a choice of priorities. The American people are watching what we do and what we say here, and they are going to watch this vote.

This is an uncomfortable vote for a number of Members. A lot of Members like star wars. I am not wild about it, but I know a number of my colleagues who I respect are wild about it. They think star wars is a pretty good thing. Those same Members, many of them, also agree with me that we have a real problem on drug wars.

So we have a tough choice. I just suggest that members can say to their constituents freezing star wars after receiving $17 billion is not going to make star wars poor. We are not going to make them bankrupt. We are not going to send them to the poorhouse. By transferring $862 million into the omnibus drug bill, distributed across education, treatment, drug law enforcement, interdiction, and all the rest, we are going to be able to double the amount of spending and enforcement and effective program management in the real war against drugs.

It may not be an easy choice, but it is an easy choice for the American people, because the people, in poll after poll, have shown that they believe this Government has got to get serious about its budgetary priorities. It wants a stop to the guns, the shooting, the gangs, the drugs, and the obscene profits that the drug industry is achieving at this time.

□ 1620

I urge the Members of the House to support the AuCoin-Miller bill.

Mr. Speaker, I would end my remarks by simply saying that when all the talking is over, what the American people are looking for is where the bucks are.

You know, there was a movie called "Wall Street." Michael Douglas played the character Gordon Gekko.

Gordon, at one point a high-stepping Wall Street broker, at one point turned to his young protege and said, "It is all in the bucks, kid. All the rest is conversation."

Let me tell you folks, all the rhetoric here on the House floor about drug wars is just conversation. Now we bring you a chance to put some bucks up. Now it is a question of bucks and whether we really mean it when we say we want to get serious about drugs.

Mr. Speaker, I urge my colleagues to support this bill.

Mr. Speaker, I reserve the balance of my time.

Mr. McDADE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong opposition to this vehicle, whatever one might call it, which is before us today, I say that because today is the day you are being asked to tear up all of the procedures under which the House of Representatives has operated, in my experience with 27 years in this body. We have never seen anything like this. Just willy-nilly throw out the procedures as if they mattered not at all.

Imagine, every single point of order is waived. This piece of legislation is not germane to this appropriations bill. But the germaneness rule is waived.

This piece of legislation or whatever it is has never been before an authorization or an appropriations committee or any standing committee of the House where experts might be able to give expert testimony and give us in the normal situation their advice about how the public policy of the country ought to be decided, subject to cross examination by both parties, Members from both sides, in order to try to arrive at a policy.

This bill has a cute little name, "Star Wars for Drug Wars." It would make a great bumper sticker but terrible public policy to attempt to tear up the rules, to consider this bill in this fashion and try to attach it to an earlier-passed appropriation bill.

It is in my judgment, Mr. Speaker, a travesty.

I wish things were just about as simple. The bill itself says and you can cite this when you want to send out your bumper stickers, this is the "Star Wars for Drug Wars Bill." Wow, is that not a beauty of a name.

But nothing is quite as simple as it seems around here. I do not know why we have to find ourselves funding what everybody wants to do to cure this horrible problem in this country by making an attack on another program, the strategic defense initiative, which is not a matter without significance.

Let me tell you what this amendment would do to the SDI Program before anybody has had an opportunity to decide on a 1990 authorization, because that is what this bill is reaching into, the 1990 authorization, the 1990 appropriation.

According to the Comptroller's Office of the Department of Defense, in including the words, "or otherwise available," this bill reaches back. It has the capacity to take not just the $800 million that my friend refers to but over a billion dollars more, because this is an R&D Program, and the funds do not get expended in a single fiscal year.

Now, Mr. Speaker, what would it do to the SDI Program? The bill would require significant reductions; a reduction of $900 million from the fiscal 1990 request; not considered, not considered by an appropriations committee or an authorization committee; and up to $1.4 billion in fiscal year 1989 dollars. That is how it reaches back.

There could be as much as $2.3 billion on the table the way this bill is drawn, or this piece of legislation or whatever it is.

The impacts of such a cut would be enormous. The entire thrust of the program would be taken away and many worthwhile projects would have to be canceled.

For example, in the SDI Program we are working on a joint program with the State of Israel to develop a new antiballistic missile called Arrow.

That program is funded 80 percent by the SDI Office and is of the utmost importance to the State of Israel and the free world because it is the only project under way which could offer Israel a defense against tactical ballistic missiles, missiles which have proliferated in the Middle East and which, if coupled with chemical weapons, would give the enemies of Israel a means they currently do not have to put that State at risk.

Mr. Speaker, just this morning, under the leadership of my able friend, the gentleman from Pennsylvania [Mr. MURTHA], we held hearings in the Subcommittee on Defense Appropriations, and we were privileged to have the former prime minister of Israel, the current defense minister of Israel before us. He was before us discussing the fact that proliferation of tactical ballistic missiles has occurred in that part of the world and it is coupled with, today, delivery systems which the Iraqis and the Syrians can use with impunity.

It is in their judgment, without question, the critical program that they would have to have.

This program would be canceled if this amendment is adopted.

That is just one example.

But beyond the immediate impact on the project and programs in SDI, remember what SDI is and where it came from. It is a primary component of our arms control and foreign policy which over the past few years has been an engine of change in United States-Soviet relations.

It was just 6 years ago that the Soviet Union walked away from the bargaining table, and I think all of us can remember that. But they came back when we stayed the course, and every one of their statements then and since has pointed to the strategic defense initiative.

Every time you talk to them, they want to know what we are going to do with the SDI. SDI helped create a backdrop and a climate that led to the INF treaty, the first treaty to eliminate nuclear arms of any type. SDI helped to induce the Soviets to take up our offer for deep cuts in strategic nuclear forces, and we will meet with them on that issue in the near future.

If you will look in today's paper, you will see something astonishing. For the first time in over 14 years in negotiations conducted back and forth between the United States and the other superpower, there is movement on conventional force reductions that appears to be positive in nature.

That kind of change in relationship with the other superpower is not something that we ought to throw away here casually in one afternoon on a debate on a nongermane amendment protected from all points of order, that has not been before an authorizing committee, that has not been before an appropriations committee, that attempts to reach out somewhere into the 1990's and recapture money.

Oh, the drug problem is terrible and so is war; both are terrible. Fifty million people died in World War II in a conventional war. Now we have the possibility to change the superpower relationships maybe for our lifetime and our children's.

Mr. Speaker, to do that we need to preserve the procedures that make this House efficient and effective and have for over 200 years. That is the

bedrock of the committee system which enables us to bring witnesses, to cross examine them, to report out through regular procedures bills out of committees with standing jurisdiction, report them to the House for its disposal.

□ 1630

Mr. Speaker, I hope that this bill will be roundly defeated.

Mr. MILLER of California. Mr. Speaker, will the gentleman yield?

Mr. McDADE. I yield to the gentleman from California.

Mr. MILLER of California. Mr. Speaker, I would say I think the gentleman recognizes the reason this bill is not before any committee, is the fact that we spent almost a year and a half putting together the drug bill and this bill does nothing more than fully fund that bill that this Congress voted on, worked on, overwhelmingly involved 53 committees. All that we are asking now is to fully fund that bill in the next fiscal year so we can get on with the war on drugs. That argument took place 2 years ago.

Mr. McDADE. Mr. Speaker, I reclaim my time. The gentleman is my dear friend, I love him and he has done a lot of great work in this area, done great things, and he can make his speech on his own time.

I need to say in response what has happened here is this bill tears up two summit agreements. It tears up two summit agreements that established how much money will be spent in the various categories of effort in this country. We ought not to be engaged in that kind of procedure.

I reserve the balance of my time.

Mr. AuCOIN. Mr. Speaker, I yield 5½ minutes to the distinguished chairman of the Select Committee on Narcotics Abuse and Control, the gentleman from New York [Mr. RANGEL].

Mr. RANGEL. Mr. Speaker, I rise in support of H.R. 2442. I am a little shocked that this House would want to protect the procedure. I have been here close to 20 years and never understood the procedures of Gramm-Rudman. I thought that changed the obligations of Members of Congress to make legislative decisions, and then they told me that a new procedure has taken place even superseding Gramm-Rudman, and that is Members have to be involved in a summit. So it does not even make any differences what committees members sit on, whether a member chairs them, whether a member gets invited to the summit. That is a new procedure. The last procedure I heard which I am still studying is if members still cannot reach Gramm-Rudman then they take the whole darn thing off budget, and that is a new procedure. So if we have an opportunity to legislate merely because no one is going to raise a point of order, then this is the type of thing that I think promises our constituents should have a better understanding.

I do not like the word star wars versus drug wars. We are not fighting the stars and we are not fighting drugs. The question is that if indeed there are some Members of this House who think that it is preserving peace to arm the entire planet, to prevent intrusions of foreign missiles, I am not against that. But I am saying if indeed we are going to talk about preserving life, let us not go back to World War II and say that star wars is preventing Members from losing lives.

There is no one in my district or in any major city throughout this great country of ours that is concerned as to whether or not we are going to protect any stars. They are concerned as to whether we have to protect any lives.

Now I, for one, have not been able to see any generals in the last 8 or 9 years that have involved in the so-called war against drugs, with the exception of the former First Lady, Nancy Reagan. Notwithstanding that, I have never felt more proud of being in politics and being a Member of this House, where without any direction from the White House this body and the Senate decided that we were going to do something about it. So in 1986, true on the eve of an election, we go together, and said the star wars starts here. I was pleasantly surprised, even though the bill was veto-proof, that the President of the United States invited Members to the White House as he signed this. Even though the very first thing he did was to cut out the money for the bill.

Once again, in 1988, when the American people were asking, "What are you doing in the Congress," we have come together, all of the standing committees, we have put together a bill and we made a commitment again on the eve of an election that this Congress and this Nation was prepared to give some assistance to those dedicated people that are out there on the street in law enforcement, some of them in the city of New York, even being assassinated.

We promised that in our emergency rooms we will be able to give some assistance to the nurses and doctors. We promised that after we said, "Just say no," that if someone said no, they want treatment, that help was on the way. We told our teachers and our parents and our community leaders that we are not a Congress of slogans, that when we say something we are not only prepared to talk about a war but we are going to put up the money, the resources that are necessary to fight the war. How could we be concerned about procedures when our constituents believed?

Our Select Committee on Narcotics Abuse and Control goes around the world defending our policy and telling people who believe that we do not care about doing anything about it, look at the 1986 bill, look at the 1988 bill. We are a nation that is concerned with sanctions not against foreigners but against those who violate the law, the social structure.

We are there to reduce demand, to give assistance to those who need help, to provide for education and prevention, and then they asked a question, "Yes, you passed a good bill, but you did not fund the bill." How do we explain it? Do we say because we were concerned about protecting the planet with star wars? Do we say because it was outside the limits of Gramm-Rudman? Do we say that it was not included in the summit? Do we say that we could not take it off budget?

It seems to me that even though this procedure of taking money from one particular program that we support and applying it to another may not be the way that we should go. But in the final analysis, what procedures are left for Members to follow? I would like to conclude by saying that we have shattered the procedures in this House where a Member can introduce legislation, get it out of authorization, take it to Appropriations, and have some reason to believe that if it becomes law it will be fully funded. If we shatter those procedures, do not deny Members an opportunity at least to give credibility to the House when we say we are fighting a way and we hope to remove this scourge from the face of the Earth.

Mr. McDADE. Mr. Speaker, I am delighted to yield 5 minutes to the distinguished chairman of the Subcommittee on Defense, the gentleman from Pennsylvania [Mr. MURTHA].

Mr. MURTHA. Mr. Speaker, let me talk about the problem that we have here in this procedure. We have held hearings since January. We have had hearings every morning for 2½ hours, every afternoon for 2½ hours. Most of the subcommittee members have been there for every hearing, and we have considered requests for modernization, troop strength, readiness and R&D. There is no question in my mind that SDI will probably be reduced this year.

The Committee on Armed Services will look at it and then we will look at it. There is no question we will scrub those programs down to the bone. Our problem is that we do not have the money in the budget to fund the forces at the strength they are presently. Now I have talked to the Secretary of Defense, and I told him that I felt if we did not raise taxes we were going to have to reduce the total strength of the Armed Forces and probably pull forces out of Europe. We are not going to be able to fund the missiles and the other systems that are needed in order to provide the defense required by the missions that we

have at this time. We have before our subcommittee right now about 200 requests from Members. Two hundred requests, and some of those Members are in this Chamber, and many are asking to increase the budget. We do not even have the amount of money we need for adequate defense right now. Yet there are Members in this room that will vote for this amendment and then turn around, even though the money is not there, and ask our subcommittee to fund other programs in defense which will be beneficial to their particular district.

We are going to try to fashion the best defense bill we can to protect the United States. Not long ago I attended a memorial service for the people killed on the *Iowa*. I saw the President of the United States stop his speech because he felt so strongly about those young men that were killed. I watched the young children of the sailors that were killed on the *Iowa* crying during the memorial service. The money we spend is not being wasted on defense if we can help it.

□ 1640

Funds are going to train those people to avoid those kinds of tragic accidents. We started to cut back on defense 4 years ago, and we have had negative growth for 4 years.

I went to the Persian Gulf over a year ago and looked at a ship that had been hit by a mine that cost about $10,000. Two compartments were filled up completely with water. There was a raging fire, and the men of that ship, because of their high level of training, saved the ship. We did not lose any lives, and we were able to repair that ship for $100 million, and save a $470 million ship.

But when I came back, I found that the Navy had cut out the realistic training that had saved that ship—but we put the funds back.

We now have fewer accidents today than we have ever had. We have fewer airplane accidents. Why? Because they receive the right amount of flying hours, and they are able to have the right amount of training. We have our people in the highest state of readiness, higher than we have ever had.

Not long ago the Army asked us to reduce the number of years people would have to serve from 4 years to 2 years because they are getting more category IV's. That means it costs more to train them. That means it costs more to replace them. They are recruiting them because we have fewer 18-year-olds available.

If anybody thinks it is an easy thing to serve in the armed services today, all they need to do is go out into the field. Not long ago four of us went up to the Arctic, and we got aboard a submarine. The submarine broke through the ice, and we watched those young men who had been out for 42 days man their posts with pride. They were telling us about the Soviet submarines and the quietness of their submarines. They talked about the equipment they operated, and how well they are trained. These young sailors knew their mission and were true professionals.

We do not want to have more *Iowa* accidents and we do not want to have more accidents on these aircraft carriers. We have about 5,000 people aboard a carrier, and those airplanes come in at 170 miles an hour which is a controlled crash onto the deck, so a high state of readiness is essential to operate under such conditions.

It is absolutely essential that we have the kind of money available that we can keep our people well trained, to prevent them from having any of these types of accidents. We will take that SDI money that Members want to move under the pending proposal, if there is any extra money in it, and we will put that money into training to keep our troops at the highest state of readiness to prevent these types of accidents. We must prevent warfare and keep the peace of this great country but that requires adequate funding.

Mr. AuCOIN. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Florida [Mr. BENNETT], a member of the Armed Services Committee.

Mr. BENNETT. Mr. Speaker, it certainly is true that we are underfunding the conventional warfare of our country. That is probably the greatest mistake we are making.

The next greatest mistake we are making is not adequately funding the drug war. These are the two greatest errors we are making.

It has been said that the assistance to Israel in some way would be hurt by voting for this bill. It will not, though, because the legislation is just a freeze of what we had last year, plus the fact that the authorization for money is available for the Israel item.

I speak here from two points of real authority. I lost a son to drugs. I want this country not to lose anymore sons to drugs. I want this country to survive. Drugs are the most dangerous thing in the American panoply today. Drugs are the most dangerous thing we have to face.

The second point is that I am an authority, in a way, on SDI because I have heard probably more words spoken by ex-Chairmen of the Joint Chiefs of Staff and by ex-Secretaries of Defense on this subject than anybody else. I have sat for hours and hours presiding and listening to them. What was the consensus? The consensus was that anything over $3 billion as an annual appropriation for SDI was excessive. They do not need it.

Therefore, I hope that we will not have a $3.7 billion appropriation but that we would have $3.1 billion or $3 billion. The Congress, or this House at least, has repeatedly put a $3.1 figure on that authorization bill, and that is what we really should have. It should really not be in excess of $3 billion.

So we have two great problems. One great problem is the wasting of money on SDI and not taking care of conventional weaponry, and the other problem is that we are not really fighting the great war on drugs that faces our country from an immediacy standpoint today.

In the drug situation, there are many places where money is needed. Some have been alluded to. One is the videos to be used in the grammar schools and high schools and in other aspects of fighting the drugs.

So, Mr. Speaker, I strongly support this bill. It is logical. It is the thing to do. We have had hearings. I hope that Members have not gotten the idea that we have not held hearings. We have had extensive hearings on the drug war. We have authorized the legislation to do that. We have also had extensive hearings on SDI, and we know the figures that are proper in that regard.

Mr. Speaker, I thank the gentleman for yielding time to me. I am enthusiastic in supporting this legislation, and I hope it passes.

The SPEAKER pro tempore (Mr. BARNARD). The time of the gentleman from Florida [Mr. BENNETT] has expired.

Mr. AuCOIN. Mr. Speaker, I yield 30 additional seconds to the gentleman from Florida [Mr. BENNETT].

Mr. Speaker, will the gentleman yield?

Mr. BENNETT. I yield to the gentleman from Oregon.

Mr. AuCOIN. Mr. Speaker, the gentleman from Florida [Mr. BENNETT] is the ranking member of the House Armed Services Committee. The gentleman has served in this House and followed military questions virtually all of this career.

We are talking here about one-third of 1 percent of the entire budget of the Department of Defense. Is it the gentleman's judgment that the transfer of that limited amount of money would cause grave consequences to our readiness, to our submarines that are iced in, or to any of these other programs we have heard discussed today? I am speaking of a transfer of one-third of 1 percent of the DOD budget.

Mr. BENNETT. Mr. Speaker, I do not think it would hurt at all, but I would like to see that whatever we take out of that budget would go either into the drug fight or into conventional weapons.

Mr. McDADE. Mr. Speaker, I am pleased to yield 10 minutes to the distinguished gentleman from Alabama [Mr. DICKINSON], the ranking member of the Committee on Armed Services.

Mr. FLIPPO. Mr. Speaker, will the gentleman yield?

Mr. DICKINSON. I am very pleased to yield to my colleague, the gentleman from Alabama.

Mr. FLIPPO. Mr. Speaker, I rise in opposition to the bill.

Mr. Speaker, let there be no confusion over what is at issue here today. H.R. 2442 is an antistrategic defense bill masquerading as an antidrug bill.

Passage of this bill will not guarantee one dime more for the war on drugs. Passage of this bill will only preempt efforts by responsible Members of the House to determine what level of funding is needed for responsible SDI research efforts.

The President has requested $4.6 billion for fiscal year 1990's strategic defense efforts. The proponents of this bill say that this is too much money, that it should be spent for something else. How do they support this argument? They cannot point to the House Armed Services Committee's funding recommendations for SDI. The committee has not made any recommendations. They cannot point to action taken by the House Appropriations Committee. The committee has certainly not yet voted on this issue.

H.R. 2442 would simply tell the members of the House Armed Services Committee and the Appropriations Committee that they need not consider the merits of any increase in SDI funding. Regardless of the great progress being made in many SDI research areas, funding would be frozen at the 1989 level. Any amount authorized or appropriated above the fiscal year 1989 $3.7 billion level would be shifted automatically to another account. Does any Member seriously think that the Armed Services Committee or the Appropriations Committee would provide SDI funding levels above H.R. 2442's appropriations cap under these circumstances?

The proponents of this amendment say that more needs to be spent on the war on drugs, that we need to fully fund last year's antidrug bill. Let me say that I agree with them on this point. We must do more to fulfill the promise of a drug free America. The problem with H.R. 2442 is that it is an empty promise.

Again, passage of this bill will not guarantee one extra dime for antidrug efforts. This measure is only a showboat attempt to put the House on record in opposition to any new strategic defense spending. If the opponents of SDI want to make that argument, let them take their best shot when the House considers the fiscal year 1990 Department of Defense authorization and appropriation bills. I urge my colleagues to reject this attempt to preempt the legislative process, and vote against H.R. 2442.

Mr. DICKINSON. Mr. Speaker, I think it would be perhaps beneficial now to put things in context. I do not think there is any person on this floor or in the Congress or probably within the hearing of my voice who does not agree that drugs are a scourge. It is one of the biggest problems facing this country. It is ruining the lives of countless thousands of people. It is causing death, and it is causing disfigurement of children.

All these things are true. I agree with my colleague, the gentleman from Oregon, when he talks about how serious the problem is and says that we have got to do something about it. Of course this is true. Nobody in their right minds would not want to do whatever is necessary to do away with and eradicate this cancer on society.

But that is not really what is in contention here today because we are talking about procedure and we are talking about what the House normally does, what it should do, and what it is doing.

Let me say first that a great deal has been made of the underfunding of the drug war, so to speak. I have here a letter from the Executive Office of the Office of Management and Budget, and according to the Director, Richard Darman, in fiscal year 1988 we spent $3.8 billion in fighting the drug war, in fiscal year 1989, we funded $5.3 billion on the drug war, and in the fiscal year 1990 request, excluding this amount that they are trying to grab now, there was $6.4 billion included to fight the drug war.

So it is not an inconsequential figure when we have about $15 billion funded in the last 3 years, including 1990, to eradicate and help fight the drug war. So it is not that nothing is being done, it is not that we have closed our minds and our eyes and our ears to the problem, because we are doing something about it.

□ 1650

Mr. Speaker, if more money is needed, the problems cannot be solved just by throwing money at them, but, if more money is needed, then let whoever is proposing it go through the orderly process that is set up in the House. Let them have hearings in committee. Let them have the law enforcement people come in to justify it, to say how it will be used, how the educators can come in, how the medical experts can come in, so that we can get some calm, rational approach to the solving of the problem. This is the way, the orderly way, of doing business. That is the way we normally do business. This is the way we have arrived at the figures that have already been authorized and appropriated. This is the way we should do it in the future, and I would support that.

However, Mr. Speaker, that is not what we are doing here. We, by this amendment, are saying, "Hey, we don't care about how we normally do things. Here's a big plum out here. We're not going to go by the authorizing committee, we're not going by the appropriating committee. We're not even going to be germane to the bill under discussion. We want to reach ahead in next year's budget and grab $900 million, and we want to reach back a year and grab what hasn't already been spent in the SDI," and that is not a rational approach to solving anybody's problem.

Mr. Speaker, I heard the gentleman from Pennsylvania [Mr. MURTHA], the chairman of the Subcommittee on Defense Appropriations, comment that we had had requests from 200 Members of this body asking for add-ons, for additions, in defense spending. On our committee, the Committee on Armed Services, to date, and we have not even finished our hearings, we have requests from Members for $6 billion additional spending. That is not considering the cancellation of the V22, and now, if that does not get anybody's attention, it ought to. We are trying to find the money to fund the V22 that the Marine Corps so desperately needs they say. We are trying to find the money to continue their helicopter lines that will terminate in 1991. There will not be another hot production line until sometime in 1995, if the present plans go through because of the elimination of funds. The aid helped, and the Apache cancelling its nuclear submarine. All of these things are done in the budget because of lack of funds.

Mr. Speaker, if there is something left over out of SDI, I would like to see it taken and used in conventional forces, as the gentleman from Florida [Mr. BENNETT] was talking about, use it in the Defense budget. If we need additional funds, then all right, let us find where they are coming from and authorize and appropriate them in the normal way.

I have a letter here, Mr. Speaker, in my hand that was dated May 24. It is from the Secretary of Defense. He writes as follows:

The Department of Defense strongly opposes the AuCoin-Miller bill. The bill seeks a damaging and unacceptable reduction in the amount requested by the President for SDI. The administration's recommended funding level is the minimum needed to sustain a viable program. This funding level already reflects the Defense Department's commitment to spending restraint in keeping with current budget circumstances. Given the importance that the President and I attach to this vital program, any further reductions would be unacceptable.

Mr. Speaker, it goes on to say:

By proposing to transfer funding between budget functions the bill would violate—now listen to this—the bill would violate bipartisan budget agreements. It would violate the fiscal year 1990 congressional budget resolution only weeks after the measure was passed, and it seeks to siphon off funds that are as yet unauthorized and unappropriated. It strikes me as a truly irresponsible and incredible way to manage the budget.

Mr. Speaker, I cannot understand. We have had two summit meetings on the budget. Bipartisan, we came together, there was a meeting of the minds, and there was an agreement as to the level of funding. I ask my col-

leagues. "Doesn't an agreement mean anything around here anymore?"

Mr. Speaker, we know what the agreement was. We know what the funding level was. This abrogates the agreement on two occasions. I hope it does not get to the point where agreements, solemn agreements, reached in a bipartisan manner, become absolutely meaningless, worthless, to be abrogated at the whim of whatever.

We have requests for additional fundings in defense that we cannot meet. We have need for conventional weapons that we cannot buy. If there is anything in the defense budget that can be shifted, whether it be from SDI, whether it be from B2, or Stealth bomber, or whatever, then, if it is in the defense budget and it has been agreed to what the level of spending should be, then it should be spent in the defense budget where it is most needed.

Mr. Speaker, we arrived at this decision after months of hearings and hundreds of witnesses. But the mischief that this amendment, resolution or bill, whatever it is, seeks to do is abrogate months of work by the Committee on Appropriations, the authorizing committees, nullify that, reach over and say, "Hey, here's a big pot of money, and we need it because it's for a worthy cause."

Mr. Speaker, I know it is for a worthy cause, but I just point out that we have raised and appropriated $15 billion in 3 years for drugs. If we need more, let us hear the witnesses, appropriate the money according to what we have in our budget.

Do we want to raise our deficit more? No, I do not think so. Well, where is the money coming from?

Mr. Speaker, I think this is an ill-considered piece of legislation. I think it is unnecessary and unwarranted. I think it creates a great deal of mischief for the entire legislative process. I think, even though its motives and intent are noble, it is not the answer to the problem. All it is doing is creating problems in another area of government and at the same time not really accomplishing what is intended in our war against drugs.

I would hope, Mr. Speaker, that the House will protect its prerogatives, that each of the committees will think what mischief this will do if someone decided to reach into their committee assignments and just, without hearings and with no justification just reach in and say, "Hey, the money that you appropriated last year, we've got a better use for it, and the Rules Committee has protected us now so it doesn't have to be germane. You can't even amend this amendment. You can't get at it in any way."

I hope we would protect the dignity and the procedures of the House and approach this thing in a calm, rational way and defeat the amendment.

Mr. AuCOIN. Mr. Speaker, I yield myself 15 seconds.

Mr. Speaker, I would like to make the observation that only a couple of weeks ago the President of the United States, George Bush, came to the House of Representatives, stood on the steps of the House, and proposed a $1.2 billion crime package which was itself in violation of the summit agreement and for which there are no funds in this budget.

So, to say that somehow this is an irregular procedure is somewhat odd, it seems to this Member of Congress, since the President of the gentleman from Alabama [Mr. DICKINSON] has seen fit to meet his own sense of an emergency with a budget recommendation of his own.

Mr. Speaker, I yield 3 minutes to the gentlewoman from California [Mrs. BOXER].

Mrs. BOXER. Mr. Speaker, I thank the gentleman from Oregon [Mr. AuCOIN] for yielding this time to me.

Mr. Speaker, I wavered on whether I would tell this little story that came walking into my office, but I think it is very important to tell it.

I met with an emergency room doctor about a week ago who told me an extraordinary thing, that a young women was rushed into the emergency room with a drug overdose, and she was pregnant, and, when she came around, he asked her, "Why would you want to have a child in this particular condition you're in?"

Do my colleagues know what she said, Mr. Speaker? She said, "I ran out of veins. I'm an IV drug abuser, and, in order to be able to find some veins, I got pregnant."

Mr. Speaker, that moved me. It got me to thinking about this baby that is coming into the world today. What kind of chance does this child have?

In addition, Mr. Speaker, if this woman wanted to get into a treatment program, she could not get into one for 6 months, for 8 months, because we in this House have not done enough. We make great speeches, Mr. Speaker, but we are at war, and we need more than speeches.

The war I speak of is the war against illegal drugs. Our children are on the frontlines.

For years we politicians have rallied against drugs in campaign speeches and television commercials. And today, our commitment can match our rhetoric. As the pleas for help have grown ever louder, we have not provided adequate funding for our own antidrug initiative, the Anti-Drug Abuse Act of 1988.

Illegal drugs are exacting a terrible toll on our children. Children are unable to assess the danger of drugs—and the drug trade—and at the same time are most susceptible to peer pressure. It is up to us, as parents and leaders, to measure the danger and act on our judgments. It is up to us to provide leadership.

I ask for you to join with me in supporting the Star Wars for Drug Wars Act of 1989. This bill would take only a portion of the funds appropriated for this speculative defense concept and allocate it to our most vital defense need—the protection of our children. It's time to stop looking to the stars and start looking to the street. There is a war raging all around us, and we won't win by ignoring it.

As a mother of two, it's hard for me to imagine anyone opposing this proposal, but for those of you who might be wavering, let me cite a few facts. And these are not for the faint of heart.

As of 1987, the average age for the first time drug user was 12.5 years.

A 1987 survey revealed that one in three students in grades 6 to 12 feels peer pressure to try cocaine or crack.

Cocaine use among arrested juveniles in the District of Columbia increased from a negligible number in 1984 to 23 percent in 1988.

Persons seeking drug treatment in many cities face waiting lists of up to 6 to 18 months.

In 1988, 77 percent of the foster care cases handled by the San Francisco Department of Social Services involved parents addicted to crack.

Most harrowing is the fact that the ravages of crack have spread to a new population—infants, whose only sin was to be born to drug abusing mothers.

Between 1987 and 1989, the number of laboring mothers reporting drug use at D.C. General Hospital had doubled from 1 in 10 to 1 in 5.

A recent survey of California hospitals revealed that 11 percent of newborns had been exposed to drugs.

Hospital costs for drug-exposed infants born in California in 1989 will range from $500 million to $1 billion.

Approximately 375,000 babies will be born drug-exposed in the United States this year.

Drug-exposed babies are more likely to be born prematurely and have low birthweight, dramatically raising their risk of infant mortality and childhood disability. But women who seek help during pregnancy cannot get it. Two-thirds of the hospitals recently surveyed by the Select Committee on Children, Youth and Families reported that they had no place to refer substance-ablusing pregnant women for treatment.

The most recent entrant in this parade of horrors is the phenomenon of children with AIDS. As a consequence of their intravenous drug use—or sex with intravenous drug users—mothers with AIDS are now giving birth to babies with the same terrible affliction. In many cases, women addicted to crack are turning to prostitu-

tion to subsidize their cravings. These women are highly unlikely to consider birth control or protection against AIDS. The problem spirals until it is almost beyond our comprehension.

By providing additional funding for the antidrug law, we can greatly increase our law-enforcement capabilities. We must try to choke off the supply of drugs, to sweep pushers out of our communities and protect our kids. Our inability to enforce our antidrug laws has created the impression that we lack the resolve to fight this war. And that sends a message of encouragement to drug dealers and their customers.

We must also stand ready to aid those already addicted. The National Institute on Drug Abuse estimates that 6.5 million people in this country are using illegal drugs. How many are in treatment? Only 250,000. Only 12 percent of the IV drug abusers are receiving treatment.

And let us clear up a misconception: drug abuse is not an urban problem. A California study by the State attorney general found rural high school students used more drugs and alcohol than urban students. The 800-COCAINE hotline operated by Fair Oaks Hospital in Summit, NJ, reports that nearly half of all teen calls now received are from suburban and rural areas.

But these statistics are abstractions. Picture the drug-related obstacles which a child must hurdle to survive. Before he is born, his mother may have been using illegal drugs—or sleeping with an IV drug abuser. As he grows, he is constantly tempted—to use or sell drugs as an escape. Because crack is extremely cheap, it is affordable even for a poor child; but it is so addictive that it will make the poor child impoverish himself further.

A child must not only make his own decisions about drugs; he must live with his parents' decisions, before and after his birth. In Washington, DC, almost 90 percent of the parents or other caretakers reported for child abuse are active substance abusers.

Even if the youngster can avoid selling or using drugs, he or she may yet be a victim—or hostage—of the drug trade. We read every day of children who have lost parents, siblings, and friends. But it now seems that even the child who is not himself the victim of physical violence does not escape unscathed. Researchers now report that children in cities rocked by drug-related violence are experiencing a form of trauma previously confined to combat veterans.

The drug war lacks the glossy, high-tech glamor of star wars. The drug war demands to be fought in the trenches—with more prosecutors, more prisons, more treatment. It is not a war we choose, but are stuck with it. And while Congress talks the world watches—mothers and fathers, teachers and doctors, policemen and prosecutors. And, make no mistake, the dealers in Columbia and the District of Columbia, are watching, too. Every day that we delay raises the body count and bolsters the enemy.

There is a war on here. I invite all of my colleagues to stand up and be counted.

□ 1700

Mr. McDADE. Mr. Speaker, I yield 6 minutes to the able gentleman from Louisiana [Mr. LIVINGSTON].

(Mr. LIVINGSTON asked was given permission to revise and extend his remarks.)

Mr. LIVINGSTON. Mr. Speaker, I thank my friend for yielding his time.

Mr. Speaker, this bill is not about drug interdiction. I heard the speaker who just left the floor. Certainly we know that we have a scourge of drugs prevalent throughout the society. It is not new. It did not happen when that young lady walked into the office of the gentlewoman from California. It did not happen 6 months ago, 6 years ago. It has been in this society for a very, very long time. Almost 20 years ago I was a criminal prosecutor and drug abuse was terribly prevalent then.

We have never applied enough resources to it, but this bill is not really about effective drug enforcement of any sort. Last year we spent $3 billion on drug prevention. This year we will spend $5 billion. Next year we will spend $6 billion on fighting drug abuse and trying to stop the flow of drugs.

We just appointed a drug czar. Bill Bennett has been sworn in only a few short months ago. He does not have a staff. He is not supposed to come to this Congress until next September with a plan to combat this terrible scourge. We should wait for that plan.

If Members of this House think they are doing something constructive by taking money out of the defense program of the United States to throw at the drug problem in the guise of some bumper sticker slogan, like "fight drug wars, not star wars," then they are wrong. They are doing themselves and the people of this country a disservice. We cannot solve the problem by throwing money at drug wars or at bumper stickers. We need to act methodically. We need to utilize this drug czar that we have appointed, Mr. Bennett. We need to give him the wherewithal and the resources to do his job in an orderly and effective fashion. That is not what this bill is about.

This bill is an effort to unilaterally curtail the progress that this country has made in defending against the strategic threat of nuclear war. Nuclear war is and always will be, unfortunately, a reality facing the peoples of this world. It is not just a threat from the Russians or the Chinese. It is a threat from the Third World.

In the world market today, you can buy, from the Chinese or from the Argentines or others, missiles that could go into the stratosphere and threaten other nations. If you can buy from other folks nuclear warheads to fasten on to those missiles, then you can pose a nuclear threat to any nation in this world. As of today, no nation has a defense against those missiles.

Now, the Soviets are working on such a defense. And the Soviets have been working on the other weapons utilizing modern technology. They are developing and have even tested antisatellite weapons. We know they have them. And they have variations of a strategic defense arsenal. But, we in the United States have tied our own hands, and prevented our ability to test antisatellite weapons. We cannot test those weapons because Members in this Chamber, in fact, sponsors of this particular amendment, have successfully kept the United States from testing those weapons.

We cannot knock out satellites, because we have tied our own hands, and prevented the testing of an ASAT, even though we know the Russians have the technology.

This bill is an attempt to tie our hands and prevent us from developing a strategic defense against nuclear weaponry, advocated by the very same people who have curtailed our ability to test antisatellite weapons.

So, Mr. Speaker, I suggest this is not a drug bill. This is a bill that makes a political statement that we should not engage in strategic defense. It is a foolhardy bill. It is a bad move.

If the House wishes to throw more money at the drug program, let it do it. We have never really stopped short when it comes to spending money. We can find the money if we want to, but let us not unilaterally strip our only hope of providing a strategic defense against nuclear weaponry in the future. Let us not keep ourselves from being able ultimately one day to deploy a strategic defense umbrella that will keep those nuclear weapons from hitting the shores of the United States.

We made an agreement on the budget that would prevent this kind of bill, but the other side of the aisle is coming forth with this initiative anyway. It is a bad initiative. It will unilaterally cut our ability to develop a strategic defense initiative, and I would urge my colleagues to vote against it. Vote it down and relegate it to the trash pail of history.

Mr. AuCOIN. Mr. Speaker, I yield 1 minute to my colleague, the gentleman from Oregon [Mr. DeFazio].

Mr. DeFAZIO. Mr. Speaker, I congratulate my colleague, the gentleman

from Oregon, for his leadership on this very difficult issue.

Today we have seen a lot of fancy legislative footwork, bobbing and weaving, procedural votes, we are for or against veterans, we are for or against repeal of section 89, a lot of smoke in an attempt to avoid or obscure one very real and one very tough vote. Should we vote to reprogram money from the star wars fantasy research to fight the very real drug war here on Earth. Make no mistake about it. That is the very vote we are about to take.

Should we send our police and our DEA agents into the fray, outgunned, undermanned, without the funds they need, without the jail cells and prosecution they need to put the pushers and drug lords away, without the prevention, education, and treatment we need to protect our kids?

Mr. Speaker, it is a simple vote, a chance for the Congress and the President to put our money, the taxpayers' money, where our rhetoric is, yes, to fully fund the war against drugs.

□ 1710

Mr. AuCOIN. Mr. Speaker, I yield 3 minutes to the gentleman from California [Mr. EDWARDS], a member of the Judiciary Committee.

Mr. EDWARDS of California. Mr. Speaker, I am happy to join my colleagues, Mr. AuCOIN and Mr. MILLER, today, in supporting H.R. 2442, which will put a real financial commitment behind the rhetoric of the war on drugs.

H.R. 2442 will provide additional funds for the programs authorized under the Anti-Drug Abuse Act of 1988 by transferring funds from the strategic defense initiative program. The money will be made available by freezing star wars funding at fiscal year 1989 levels, and could be as much as $862 million. The funds represent only one-third of 1 percent of the Department of Defense fiscal year 1990 budget. However, if the money is transferred it will more than double the Government's efforts to fight the war on drugs.

We must make this financial commitment. For all the talk last year about the importance of stepping up the national fight against drugs, we have not provided the dollars necessary to fully implement new programs created by the Anti-Drug Abuse Act. In fact, there is a $1.4 billion shortfall in the amount needed to fund the act, and our ability to end the drug crisis is being seriously impaired because of it.

H.R. 2442 gives our colleagues an opportunity to eliminate a large portion of this shortfall, without increasing the deficit, and demonstrate a true commitment to the war against drugs.

Our Federal efforts to fight the drug crisis have been dismal. The Customs Service staff, which has prime responsibility for monitoring drug traffic at our borders, was butchered by President Reagan in the 1980's. The President also ignored drug treatment, one of the most important elements in the fight against drugs, cutting the budget by 40 percent.

Addicts seeking drug treatment are told they must wait up to a year in some cities. And less than one-half of those who are turned away reapply after the waiting period. Drug-related crime is on the rise in most major cities. The cost of cocaine and heroin is cheaper, and its purity greater, than it has ever been in the country. Let's face it, treatment and interdiction efforts have been a total failure and President Bush is repeating the same short-sighted, destructive policies.

The strategic defense initiative is a logical place to look for additional funds. Its value, even after 8 years of research, is dubious at best. Many of America's top scientists don't believe the concept will ever work.

It is ridiculous to pour as much as a trillion dollars into the SDI missile defense system when a new era of détente is on the horizon. Continued growth in the SDI budget jeopardizes the opportunity for meaningful negotiation with the Soviet Union and weakens our chances for world peace.

The commitment Congress made to fight the war on drugs last year has not been kept. Serious shortfalls exist, especially in treatment and interdiction programs. Neither can we expect the Bush administration to change its tune and increase support, despite the President's rhetoric.

Unless Congress provides more money to support drug programs, the crisis will only grow worse. We have a chance today to provide the needed funds and meet the commitment we made last year.

H.R. 2442 is a question of priorities. Given current budget constraints, we simply can't have everything, and some tough choices will have to be made. The drug crisis is one of the most important problems facing America in the eyes of our constituents, much more important than a 20-percent increase in funding for the strategic defense initiative. I fully support the concept of star wars for drug wars and urge my colleagues to support the measure.

Mr. AuCOIN. Mr. Speaker, I yield myself 45 seconds.

Mr. Speaker, it has been called to my attention that some Members are confused about the effect of this amendment in one particular respect. It was stated earlier in the debate if this amendment passes, which freezes the aggregate of SDI funding and takes the savings and pushes it over to fund the omnibus drug bill, that somehow that would zero out a contract to the Israeli Government for a single star wars related program. I want to put to rest that statement. This is an aggregate freeze on the entirety of the SDI Program. There is nothing line itemed in this, and I cannot believe, as a member of the Subcommittee on Defense Appropriations, and I serve on that committee, that our committee would line out that program for the Israeli Government. I want to put it to rest. Members should know that it is a false argument, period.

Mr. Speaker, I yield 4 minutes to the chairman of the Subcommittee on Crime of the Committee on the Judiciary, the gentleman from New Jersey [Mr. HUGHES].

Mr. HUGHES. Mr. Speaker, I thank the gentleman for yielding me this time, and I congratuate our colleague, the gentleman from Oregon, and our colleague, the gentleman from California, for offering this amendment.

Mr. Speaker, it is a very simple amendment. It transfers $862 million from SDI, or star wars, to combat substance abuse in our country. That still leaves, by my calculation, about $3.7 billion for SDI.

Mr. Speaker, I have listened to a lot of statements today about our promises and our commitment. I have heard more declarations of war on drugs in this House and fewer battles than probably in the recorded history of mankind in all the wars in history. We have declared war after war, and it has been really a shallow, shallow battle thus far.

It is true, as my colleague from Alabama, a member of the Committee on Armed Services, articulated, that we have spent more money on drugs. I, too, remember 20 years ago as a public prosecutor, and the problem was nowhere near what it is today. We have an epidemic in our country. We talk about $6 billion. That is a lot of money, except when we compare it to what is being spent in this country on drugs, $140 billion on illicit drugs last year, and that is increasing by about $10 billion annually, in addition to the human suffering not only in this country but around the world. The estimates of the social and economic costs of drug-abuse prevention, treatment, related crime, violence, death, property destruction, lost productivity, and drug enforcement is an additional $100 billion, and that is growing astronomically.

We think that really what has happened to countries like Colombia cannot happen in our country. Colombia basically lost its criminal justice system to the drug traffickers. A few years ago the traffickers offered to bail out their entire national debt, $1 billion, and that is the kind of power that they have. They control many sections of Central and South America. Make no mistake about that.

We think that cannot happen in our country. Let me tell the Members, and

I think they know it, that the traffickers have taken over in our neighborhoods. Look around our cities. They have taken control of our neighborhoods. They are poisoning our kids. And let me tell the Members that we have an epidemic on our hands.

This $862 million is just a downpayment, because if we are really serious about substance abuse and crime, we are going to fulfill the promise we made in the last Congress when we beat our chests and said that we passed a $2.7 billion drug bill, that we fund it realistically, but we have not done that. It is underfunded by about $1.4 billion.

Much of my work was in the enforcement side, and I can tell the Members that we ought to be ashamed of ourselves with the commitment we make in source and transshipment countries. If we really want to get serious about the enforcement side and the supply side, we will start to fund the foreign cooperative investigative programs more realistically, and that is in source and transshipment countries where we can begin to disrupt the traffickers overseas. We are not doing that.

Mr. Speaker, in my own State of New Jersey, on the demand-reduction side, we have 10,000 addicts who are walking around who want help, who need help, and are not getting it. They are on waiting lists. What are they doing every day? They are out stealing to pay for their habits. Why do Members think our prisons are so full today? It is because that 60 to 65 percent of the prisoners today are in there on drug-related offenses. They are out stealing, mostly property crimes, to pay for their habit.

Mr. Speaker, we have not begun to deal with that problem. We do not have the resources, and we have not begun to deal on the education side with the youngsters in the schools, and that is where the battle is going to be won.

We are going to have as much substance abuse in our country as we tolerate and, frankly, we have been very tolerant. It is time we got serious. I think this is a step in the right direction.

Mr. McDADE. Mr. Speaker, I yield 2½ minutes to the distinguished chairman of the Subcommittee on Energy and Water Development, the gentleman from Alabama [Mr. BEVILL].

Mr. BEVILL. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, I rise today strongly opposed to this H.R. 2442.

Actually this is to cut defense, and nobody would question that. This is the purpose, and for a good reason, and that is to add to the antidrug appropriations.

□ 1720

But it strikes me rather as strange that my good friend and colleague, the gentleman from Oregon who is on the subcommittee that handles this very transaction does not offer it in the subcommittee. He does not want to go through the Appropriations Committee. He does not want to follow the regular procedures. He wants to come to the floor and avoid all of the committee action that has worked well in this body for 200 years. He now wants to avoid it and take a shortcut, a very big shortcut, and deny the Defense Appropriations Subcommittee the opportunity to consider this legislation. I think this is a mistake.

Sure, we want to fight the war on drugs and we are going to fight it. We have every intention of continuing. I have every intention of continuing to support the war on drugs as I have always done. But I am going to follow the committee procedure that we have established here for over 200 years, and it has worked and it has worked well.

Of course, we could change that. We could cut defense by putting this money into cancer research. We have a lot of cancer patients and problems in this country and a lot more money needs to be put into cancer. We have AIDS, a terrible thing that is happening in our country and spreading, so we could just go down the line. Actually, we could use all the money in the defense appropriation and just wipe it out.

Mr. Gorbachev was very shaken up about this part of the defense program. To refresh the memory of my colleagues, he would not even meet with President Reagan until he promised him that he was going to eliminate the Star Wars Program. That is the only thing he was interested in, nothing else. He finally gave in.

I do not think we are sending the right message here to be taking money out of defense and putting it over into the other without even going through the committee and without considering it.

What this really does is it really ties the appropriation bill for 1990. Here we are in a supplemental and we are trying to tie the hands of the Appropriations Committee on the 1990 appropriation that the committee has not even considered yet and has not passed the legislation.

So I think this is something we had better think about. We know that we all have disagreements on defense, but let us not play games on this. This is a serious matter. Let us go through the normal procedure. Let the Defense Appropriations Subcommittee that decides and makes these decisions and listens to this consider it in the 1990 appropriations bill as they are going to do.

So I urge Members on this vote to vote no on H.R. 2442.

Mr. Speaker, I rise today to strongly oppose H.R. 2442. This measure would cut the strategic defense initiative in fiscal year 1990 before the House Appropriations Committee even has the opportunity to consider and act on the 1990 appropriations.

I certainly want to fund the war on drugs. I have every intention of continuing to support our antidrug programs, through the normal committee procedure. But, this is not the way to do it.

It is premature to discussed freezing the SDI Program. You are being asked to take a shortcut on an appropriations matter which has not been considered in committee. We should not freeze the SDI Program at the 1989 funding level, thereby denying our committee system the opportunity to function.

Let's give the House Appropriations Committee the chance to find a responsible way to fund the war on drugs. Let's don't bypass the committee, tying their hands on the 1990 appropriations.

In addition, we cannot afford to let the Soviet Union think we are backing away from the SDI Program. The freeze provided in this amendment would certainly send that message.

I urge my colleagues to vote no on H.R. 2442.

Mr. McDADE. Mr. Speaker, I am delighted to yield 5 minutes to the distinguished gentleman from Arizona [Mr. KYL].

Mr. KYL. Mr. Speaker, I think our colleague, the gentleman from Alabama [Mr. BEVILL] has just made some very cogent points. I would like to associate myself with those remarks.

Frankly, I do not have the foggiest notion why we ever vote on budgets around here or why the President would ever want to negotiate a budget agreement with us. Why should President Bush ever believe us if we deliberately break our word before the ink is even dry on our agreements?

How else can we explain what we are doing to the budget agreement? The President and the leaders of this body and the other body spent a lot of time working out the bipartisan budget agreement of 1989. It had specific program caps for defense and for domestic discretionary spending and so forth. Attempting to offset the additional spending on drugs with a raid on defense funds is a clear and blatant violation of the budget agreement. Our word means nothing if we break the most serious of our agreements, budget agreements with the Senate and with the President.

We also show total disregard for our own rules by somehow voting next year's funds in a 1989 supplemental. Have we no shame?

This is a bill that has never been heard, never been assigned to a committee, never been voted upon, never been marked up. We cannot earmark as yet authorized and unappropriated

fiscal 1990 funds. We are breaking rules right and left.

Is it any wonder, Mr. Speaker, that the American people think their representatives have the ethics of alley cats?

This vote will say a lot about how important we consider rules to be. But proponents of this bill apparently really do not care about the rules because they are so opposed to SDI that they would do almost anything to stop it, including breaking solemn agreements. It is pure politics, Mr. Speaker, by those who want to see SDI fail. What better way than to undefund it and guarantee that it cannot succeed?

Then these same advocates get to be for the drug war. They would do better, Mr. Speaker, by supporting the death penalty, by repealing the exclusionary rule, and by supporting zero tolerance with stiff penalties.

This is the ultimate in bumper sticker legislation: fund drugs war with star wars. It is very catchy, but it is not very smart.

SDI has already been cut $1 billion for fiscal 1990. I would like to make a very important point and I think the gentleman from Oregon [Mr. AUCOIN] might like to hear what I have to say because he just tried to clarify a matter with respect to the Arrow missile and he is wrong.

Secretary Cheney has just sent a letter to the minority leader, the gentleman from Illinois [Mr. MICHEL] and attached to this letter, dated this date, parts of the letter having been read previously by the gentleman from Alabama [Mr. DICKINSON], the ranking member on the House Armed Services Committee, attached is a list of the effects of this legislation should it pass. I move to one of the effects that Secretary Cheney indicates.

"The proposal interferes with our ability to maintain a balanced (research) program, undercuts the necessary technical resolution to support a national strategy decision in 3 to 4 years," quoting from the Secretary, "and would require the elimination of cooperative U.S.-allied theater defense efforts—specifically the Arrow program with the Israeli Government."

I would like to repeat that specifically, the Arrow Program with Israeli Government.

My friends, if we would like to terminate that program, then we should vote yes on this bill. But if we would like to protect that Arrow Program that means a great deal to our Israeli allies, then I suggest we vote no on the bill.

What are some of the other effects that the Secretary points out would result if we voted this progrtam in?

The proposed reduction represents nearly a 20 percent reduction in the President's budget.

This action would constitute the fourth major restructuring of the program in less than 2 years. The basic strategy behind the program structure would be damaged severely.

Numerous contracts will have to be renegotiated, requiring months to accomplish and disrupting many of the hiring actions under way.

I suppose then, Mr. Speaker, our friends will accuse the SDIO of the inefficiency.

There will be great uncertainty in the contractor community. "Alienation and mistrust would reverberate through the entire defense community."

The proposal will interfere, as I said, with our ability to maintain programs with our allies, to conduct experiments, will result in the layoff of many highly skilled scientific and engineering contract personnel.

And very importantly, "Supporting technologies for far-term systems would be affected. As an example, national launch capability, not essential to near-term program, would be drastically delayed."

Mr. Speaker, I think as the Secretary points out, there are many reasons to vote on this bill, not the least of which is the fact that it breaks our budget agreements. But most importantly, most importantly, Mr. Speaker, it will disrupt an important defense program.

We have already expressed ourselves on the drug program. Now we should express ourselves for the defense of this country by voting no.

Mr. AUCOIN. Mr. Speaker, I yield 3½ minutes to my colleague, the gentleman from Texas [Mr. STENHOLM].

Mr. STENHOLM. Mr. Speaker, historic precedent is being set this evening by having this normally nongermane amendment allowed on the floor.

Regular procedures through committees, as my colleague from Alabama spoke about a while ago, have often been frustrating to this Member when we have been unable to bring amendments like this amendment to the floor and have an up or down vote concerning the will of the House of Representatives.

Budget agreements come and go, but come on, since when is an agreement agreed to by anybody intended to take precedence over the will of the majority of this House of Representatives expressing ourselves on the issue before us?

Vote yes or vote no. I have mixed emotions about this amendment myself, but I know how I am going to vote because this amendment is about star wars, it is about drug wars, but it is also about budget wars.

□ 1730

Truth in budgeting, truth in legislating.

I remember when Congressman MILLER first suggested years ago that we make all our budgeting decisions on a pay-as-you-go basis. That is what this is about. If you do not like the choices, vote "No." But we are given a choice today.

I hope that we are going to have some other choices on this floor very soon because it seems that we have difficulty, as a body, making choices.

The budget that has been referred to was not a choice, it was a "give everything to everybody." Now we talk about the drug wars today and we are all interested in that, and I wish we could stop making this a political issue because it serves no one a good purpose. We, this body, last year authorized $3.1 billion for fiscal year 1990 to fight the drug war. The bipartisan magic summit agreement only set aside $1.9 billion, $1.2 billion short.

Now this bill makes up for three-fourths of that shortfall.

Now it is not a perfect proposal. I would rather have gone about providing these funds which are needed to fight the war on drugs in a different way; I would have preferred to have found this $862 million in other domestic programs or entitlements or, perhaps in fairness, split the difference between defense and domestic spending. But we cannot let the perfect be the enemy of the good. After all we do not usually have enough good in our legislating.

Importantly, this proposal sets priorities; everything is not of equal importance. As responsible legislators we are supposed to make tough choices, we are supposed to prioritize and we are supposed to pay for priority programs with restraint in other programs.

I want to emphasize that I support and I have always supported SDI. This proposal before us does not cut SDI; it freezes SDI at last year's levels.

Now how many folks in this Chamber have been saying we are concerned about deficits, we are concerned about how we deal with them, we ought to freeze everything? This is an opportunity to freeze one program and to reprioritize, if that should be our desire.

If not, vote "No." I intend to vote "Yes."

Mr. AUCOIN. Mr. Speaker, I yield 3 minutes to the gentleman from Connecticut [Mr. GEJDENSON].

Mr. GEJDENSON. Mr. Speaker, great societies often prepare themselves for the wrong battle.

The French, prior to World War II, built the Maginot Line; the Israelis, before the 1973 war, had the Bar Lev Line.

As we look at the Chinese today confronting their students in their main plaza, the Chinese are ready for a Soviet invasion and they find their real problems at home. This country's real problem is here at home, as our cities and small towns are being decimated by the drug problem, as young

people have their lives destroyed and young professionals lose their families.

The Star Wars Program, funded at a level of $1 billion, would adequately research particle acceleration and laser technology. What we have before us today is an opportunity to provide more funding than anybody, I believe, seriously believes star war needs and also start the battle against drugs that is tearing our cities, our families, and our children apart.

We need police officers walking the beat as they did four or five decades ago, to make sure that mothers and fathers can have their children on the street without fear of gunfire ripping them apart. We need research and development funds to make sure that the medical and scientific community is ready to provide all its assistance and capabilities in the fight against drugs. And we need to make sure that when young people and old people alike go to get rehabilitation in our cities, in our towns, that they are not told that they have to wait 8 or 9 months before they can get into a drug problem.

Mr. Speaker, people in my part of eastern Connecticut are forced to drive over an hour to get into a drug rehab program and are often told they have to wait 6 months or a year to get into it.

The choice for our society is simple: Squander more money on a program that cannot and will not work, a program that is already overfunded, or begin the battle to reclaim the cities, our cities and towns to give our children and to make for our children a society that is not so widespread with drugs that we find the losses from drug addiction outnumbering anything we would face in war at any time.

Our cities are in danger, our communities are in danger, our families are in danger; the choice here is between wasting money on star wars and putting a full measure of effort into the drug wars.

Mr. Speaker, I rise in support of the star wars to drug wars funding transfer.

We must make a national commitment to sustained funding for the war on drugs if we are to have any hope of reducing drug-related crime and the tragic effects of drug abuse. This transfer of funds from star wars to drug wars will help to reduce the demand for drugs, by increasing the funds available for drug treatment and rehabilitation.

It is time to make drug abuse treatment and rehabilitation easily accessible for those who need and want help ending their addiction. It is time to end the despair and misery of addicts and their families; to end the downward spiral of hopelessness and crime connected to drug abuse.

The star wars to drug wars transfer will also strengthen our law enforcement and justice programs with additional funding. The Federal Government must be a full partner in efforts to apprehend and prosecute drug traffickers.

It is time to end the fear and violence suffered daily in neighborhoods terrorized by drug dealers who openly hawk their poison on the streets and murder wantonly, killing and maiming innocent citizens in the crossfire. The flow of illicit drugs pouring across our borders, unleashing a flood of death and destruction, poses an immediate threat to national security.

Over the last 6 years, the United States has spent more than $15 billion for the strategic defense initiative [SDI], or star wars. SDI is supposed to be designed to protect the United States against attack by nuclear missiles. But the new Secretary of Defense, Dick Cheney, recently said, "SDI was oversold." I think he's right.

SDI can never adequately protect the United States. It can't be thoroughly tested, and it would have to work perfectly the first time, under the unpredictable circumstances of a nuclear war.

Second, star wars only deals with ballistic missiles, which attack by flying through outer space. Star wars won't protect at all against bombers or low-flying cruise missiles armed with nuclear warheads.

Third, star wars is very dangerous to arms control. Star wars provides an incentive to the Soviets not to reduce their nuclear arsenals, in order to maintain an adequate force to penetrate star wars. It would be even cheaper for the Soviets to use decoys or attack the star wars weapons directly.

We are, I believe, dealing sensibly with the nuclear threat by pursuing arms control, which has the potential not only to reduce military capabilities but to improve the political situation and thereby further reduce the likelihood of war. Meanwhile, there is a very real war in our streets which is underfunded, in which people are dying every day.

While SDI can't protect the United States, it can do other things: it can spur an arms race in space, and it can jeopardize arms control. By giving priority to the war on drugs instead of star wars, we can protect the health of our people and the safety of our communities, while reducing the threat of the nuclear arms race on Earth and in space. The condition of life in our communities is what national security is all about. Our communities are what we seek to protect, and right now we can do that best by fighting a war on drugs. We have a choice: a security fantasy with an out-of-this-world price tag, or down-to-earth war on drugs. What'll it be, star wars or drug wars?

Mr. McDADE. Mr. Speaker, I am privileged to yield 5 minutes to the distinguished gentleman from California [Mr. LEWIS].

Mr. LEWIS of California. Mr. Speaker, it is relatively rare that I rise to speak on an issue in which I do not serve in the Subcommittee on Appropriations. Indeed, I do not serve on the Subcommittee on Defense Appropriations.

Having said that, I do not serve on the subcommittees that currently are dealing specifically with questions of the drug war.

If I were going to speak in a detailed way in any of those special areas, I would not have asked for this time.

But, friends, that is not what this debate is really all about. We have today here on the floor a display of the most classic of just pure politics.

Usually in our budget processes we find ourselves in a tug of war between those people who feel we ought to fund an adequate level of defense and the various segments of those programs, against many others who tend to be on the more liberal side of the aisle in terms of our House who do not believe we ought to spend much money on defense at all. And they prefer to spend every dollar available in domestic programming. That is a legitimate difference in view.

Over the years we have found people particularly focusing upon SDI as their symbol of why we should not be involved in defense programming, and they suggest more money and more money in domestic programs.

Rarely have those same people who want to spend money on defense been those who are standing up for fighting any sort of war on crime. I must say we have seen some shift in that of late because many of those people sense the folks out there reacting to the impact of drugs upon our society. And with that growing sense of wrath on the part of the public, even the liberals are suggesting we ought to enter that war on drugs.

So over the last 3 years we have increased funding in that category by about 39 percent. I have argued for more than that 39 percent in the war on drugs. During our Subcommittee on Appropriations hearings, those same liberals said, "Wait a minute, we can't do that. There is money in the pipeline that can't even be spent because matching funds are not available at the local level."

Today they decided to raise another symbol to tell the public they are really ready to fight and they are in a simplistic way suggesting we will provide a tradeoff between star wars, as they suggest, and drug wars; take funding away from SDI and put more money in the war on drugs, when in reality in our committee hearings they were not willing to vote for that money when we had a real debate between many a tradeoff. It is the purest of crass politics. "Pound my chest, say we are against crime when consistently we voted against crime; pound my chest and say I am not really against a strong defense" when they have always voted against a strong defense.

Well, folks, there is another element we ought to focus upon that is involved here. In this element I am talking to the Members of the House.

My predecessor, after winning my first election, came to me and said,

Jerry, there are a number of items I would like to share with you, but there is one thing that is fundamental in this business, and I hope you will always remember it. That is that in the legislative business that

we are involved in, nothing counts if your word does not count. There is nothing more important in this business than your word.

□ 1740

In this process that we are about today there are several Members who participated in summit budget agreements that said so much money will go for spending for domestic programs, so much money will go for defense, we will not later come and violate that agreement. It is between Democrat and Republican, between the House and the administration. For crass politics today, I see colleagues for whom I have the greatest respect, willing to shove their word aside, forget about the commitments they made and say it is important for me to point to the folks that finally I am for fighting crime. It is the worst of politics. It is the worse reflection on this House that I can imagine. I must say it is also a reflection of a lack of leadership in this House. At this moment, with strong leadership, there is no way the Democrats would be allowing their Members to violate our word in this fashion, a word between our parties, Democrats versus Democrat and Republican or the House and its word relative to this administration.

I hope the rest of my colleagues would consider their word when we make agreements in the future.

Mr. AUCOIN. Mr. Speaker, I yield 3 minutes to the gentleman from Illinois [Mr. DURBIN].

Mr. DURBIN. Mr. Speaker, for over 200 years this institution has existed as a representative of the American people. Even today as we consider the people we represent in those families, living in homes across America, let us put ourselves in their shoes for just a moment.

For those families that look on their children tonight as they tuck them in or sit down to dinner, and if we ask those parents across America, "What is it you fear about the future for your children? What is the greatest threat to your child's livelihood?" Would it be Soviet missiles? Or cocaine? Would it be nuclear warheads raining down from the skies, or narcotics peddlers on the school playgrounds across America? I think we know the answer to those questions.

This amendment will force this institution to decide on a course change. That is not an easy thing to accomplish. This House, the ship of state, moves very slowly. But it is time that we recognize that our national preoccupation with the cold war has cost us dearly. We have squandered opportunities and we have ignored critical national needs. Let me speak to a few of those needs.

Visit our Nation's Capital and you're warned to stay on the main streets, do not wander off those, particularly at night, neighborhoods where a person might be literally killed, maimed, or harassed by the drug gang wars that are taking place. Visit the hospitals across America, even in small-town America, where there is a new phenomenon, addicted babies, children born addicted to cocaine. Mercifully, some of those children die within the first few days of their lives and are spared a life of pain, suffering, and deprivation.

Look for the biggest growth industry in America. Know what that is in my home state of Illinois? It is not the construction of high technology, it is the construction of prisons. We have built 10 new prisons in the last 10 years and we need more. In the Federal prisons today, more than 40 percent of the inmates are in there for drug crimes.

These are the priorities. These are the threats to America. These are the things that Americans would tell Members in their living rooms about their own families, their fears, and yes, their hopes.

The question before Members today is whether we are willing to address the real national security, not the national security of missiles and throw-weight but the security of more policemen with better training and equipment, more prisons to house offenders, more drug rehabilitation clinics to end the shameless waiting periods in our big cities, more technology for our kids so that they have the guts and the good sense to say no. America needs peacekeepers in the patrol cars. We need a Congress with the courage to make the changes in national policy necessary to reclaim our neighborhoods, clean up our schoolyards, and save our kids.

The choice is star wars or drug wars. Vote for real national security. Vote for the Miller-AuCoin amendment.

Mr. McDADE. Mr. Speaker, I yield such time as he may consume to the gentleman from Arizona [Mr. RHODES].

Mr. RHODES. Mr. Speaker, I rise in strong opposition to this legislation. I urge my colleagues to join in defeating this bill.

Mr. Speaker, this bill creates even greater chaos and confusion to a budget process which, to many Americans, is already out of control.

H.R. 2442 authorizes the transfer of money that has not even been appropriated from one program to another completely unrelated program. Mr. Speaker, where has logic and common sense gone? Have we digressed into political maneuvering to such an extent as to subvert any semblance of order?

Consider the dangerous precedent set by passage of this legislation. If passed, any budget agreements made, any appropriation levels and authorization levels created in legislation will have little meaning because legislation, similar to the one considered today, could take money from one program and give it to another program regardless of intent.

Is it not the intent of the appropriations process to appropriate funds needed for each function of the Federal Government? Does this legislation not violate that purpose? I think it does so in the most perilous irresponsible manner.

Mr. McDADE. Mr. Speaker, I am pleased to yield 4 minutes to the distinguished gentleman from Ohio [Mr. OXLEY], a member of the Select Committee on Narcotics Abuse and Control.

Mr. OXLEY. Mr. Speaker, I am disappointed, really disappointed in the people who would offer this amendment for the simple reason that the agreement that was struck, the historic agreement, really, that was struck between the legislative branch dominated by one party and the executive branch by another is starting to bring asunder, basically, for political reasons. That is why I am disappointed.

We had an agreement that should be complied with and yet when the first opportunity comes to wave the bloody shirt of politics, we find ourselves working in that category. I have heard the drug czar, the office created by this Congress, just a few months ago calling for more money to fight the war on drugs. All Members thought, and particularly, I think, all members on the Select Committee on Narcotics Abuse and Control felt that after a couple of meetings with the new drug czar, Bill Bennett, that we had struck a new bipartisan opportunity here to fight the war on drugs.

President Bush has been forthcoming. He has offered a 39-percent increase in the drug-fighting budget, another 20 percent for the next fiscal year. He has put his money and our money where his mouth is, and he thinks he should be credited for instead of being undermined by this very obvious attempt to politicize what is a very, very difficult issue for this Congress and this country.

So that is why I am disappointed in this House today. I think common sense will prevail. I think common sense will tell the Members that we have increased the money for the war on drugs. What concerns me, frankly, and we saw this back in the late 1960's when the Congress, in a rush to fight what was then perceived as the crumbling of cities, passed the omnibus crime bill in 1968 in response to the riots and in response to the growing crime wave set up the Law Enforcement Assistance Administration, a classic example of how not to deal with street crime, throwing money at the problem, providing hardware to police departments throughout this country. Many cases, in areas such as mine, they did not use it, never used it, still have them on the shelves, wasted millions and millions of taxpayers' dollars, and we are about to try the same thing if we adopt this amendment.

Surely we could have learned from that experience, but apparently some had not.

Let us look at the unobligated funds that are already there for fiscal year 1989. The FBI is now obligated to almost 50 percent of the fiscal year 1989 appropriations. The DEA, 52 percent. U.S. Marshals, 52 percent. U.S. prison systems that my friend from Illinois was concerned about has over 54 percent, the fiscal year 1989 budget to spend. Now those Members who are serious about the war on drugs, and I do not doubt the sincerity of any Member, has to admit that the increase that we have given and the increases asked for by the President are adequate. They are up to the very, very difficult task that we have to assume in fighting that war on drugs, and no one takes a back seat to the war on drugs than this member of the Select Committee on Narcotics Abuse and Control.

I think our committee has been very, very cooperative with the new drug czar, but until the drug czar that we have created comes to this Congress and says, "I need your money to fight the war on drugs," then we have a job to do and that is to listen to him and to defeat this amendment. That is what we ought to do and I ask that this amendment be defeated and we get back to some fiscal sanity in this House.

The SPEAKER pro tempore (Mr. BARNARD). The gentleman from Oregon [Mr. AUCOIN] has 19 minutes remaining and the gentleman from Pennsylvania [Mr. MCDADE] has 12½ minutes remaining.

Mr. AUCOIN. Mr. Speaker, I yield 2 minutes to the gentleman from North Dakota [Mr. DORGAN].

□ 1750

Mr. DORGAN of North Dakota. Mr. Speaker, I thank the gentleman for yielding this time to me.

Mr. Speaker, the House today can make good on its promise to wage war on the scourge of drug addiction that is sapping our Nation. My colleagues can do so by supporting an amendment to shift almost $900 million from star wars in the heavens to the drug wars on the streets.

The Miller-AuCoin amendment, which other Members have joined in offering, would cap the fiscal year 1990 funding for the strategic defense initiative at the fiscal year 1989 level. By freezing SDI, we could marshall the $862 million in additional funds requested by President Bush for the fight against drug abuse and chemical dependency.

I think this approach makes good sense.

It transfers money from an inflated program we do not need—star wars—to an underfunded initiative we cannot ignore—drug wars.

The amendment skims money off the top of a program that may not work and moves it to work in the cause of drug education and addict rehabilitation.

What we would do is leave in place a robust research program on SDI to guard against Soviet strategic breakthroughs and to serve as a lever in strategic arms talks with the Soviets.

What we also do is trim only one-third of 1 percent of the entire defense budget in order to double the resources for fighting our No. 1 national security problem: the threat of massive and growing drug abuse and the full gamut of crime, murder, and wasted lives that goes with it.

Rather than brilliant pebbles in the heavens, we need a defensive shield here at home, a barrier against a drug epidemic. A nation with less than 5 percent of the world's population that consumes over 50 percent of the world's cocaine ought to make a massive investment in tough law enforcement against drug peddlers and in drug treatment and education programs to salvage and safeguard the lives of drug abusers and potential users.

We do know the consequences of a full-blown star wars effort. The likely breakdown of talks to write a Strategic Arms Limitation Treaty. The expenditure of a minimum of $40 billion and probably several hundreds of billions on a space defense system that may not work and which may only create a traffic jam in the heavens to the detriment of our own space program.

We also know the consequences of the drug epidemic and underfunded drug programs. Addiction rates in newborn babies as high as one in six in some hospitals. Crippled services which leave 19 of 20 drug addicts without treatment. Hundreds of murders in major cities each year from drug-related violence.

Let us make a smart choice today. Let us do the right thing. Let us save this country from within by excising the cancer of drug traffic instead of trafficking the heavens with nuclear weapons.

Mr. AUCOIN. Mr. Speaker, I yield 3 minutes to the majority whip, the gentleman from Michigan [Mr. BONIOR].

Mr. BONIOR. Mr. Speaker, across the Nation our newspapers are filled daily with stories of babies born as addicts, of children in fear of drug violence on their playgrounds, of teenagers caught in an endless cycle of drugs, and parents watching as their families drift out of control.

Drugs are ravaging our homes, our schools, our streets, and our neighborhoods. It is a national disgrace when people cannot go to the grocery store to get groceries or go to church to worship their God because the drug people are controlling the streets. And when we catch the drug peddlers and try to put them behind bars, we do not have enough prison space to put them there.

From 1980 to 1987, the total number of prisoners in the Federal and State prison system soared 76 percent. U.S. correction officials have called prison overcrowding no longer just an emergency, but a disaster.

We cannot win the war on drugs without curbing the demand. Yet we have only one-quarter of 1 million treatment spots for 6.5 million addicts who need help. The drug epidemic is killing our Nation's youth, it is destroying our families, and it is infesting our schools.

In poll after poll in this country, Americans express far more concern about the threat from drugs than the threat from the Soviet Union.

Anyone, Mr. Speaker, can talk tough on drugs, but are we willing today to support our law enforcement officers, to put the pushers behind bars, and to provide the treatment facilities to kick the habit?

Today we have a unique opportunity to heed the call of the American people and deal with the drug problem forcefully by voting for this resolution. The AuCoin-Miller resolution offers us that opportunity to set our national priorities straight.

Mr. Speaker, we cannot defend our country abroad when it is bleeding at home.

Mr. AUCOIN. Mr. Speaker, I yield 2 minutes to the gentleman from New Jersey [Mr. GUARINI].

Mr. GUARINI. Mr. Speaker, the issue before this House is simple:

Will we talk about a war on drugs, or fight one?

Will we talk about hard budget choices, or make them?

I rise in support of the AuCoin-Miller transfer. It makes the choices. It fights the war on drugs.

Think about the human cost of drugs. Illness, pain, crime, violence, anguish, and fear. Think about the economic cost. Law enforcement, treatment, incarceration—over $100 billion a year. Think about it.

The President proposed a "kinder and gentler" budget, but that budget falls short in the war on drugs.

It falls short in treatment. It falls short in enforcement. It falls short in education. It falls short on leadership. And it falls short—$1½ billion short—in funding the drug bill.

The drug bill called for treatment on demand. In many cities today, addicts must wait 6 to 12 months for treatment. And they are placed in centers that often operate two to three times above capacity. The result: people that want a cure cannot get it. The drug problem spreads. Innocent people are victimized by addicts that remain on the streets.

That is not a war against drugs. That is neglect.

The President proposes to spend only $30 million for treatment programs in partnership with State and local government.

That's not a war against drugs. That is surrender.

The primary source of treatment funding is the Alcohol, Drug Abuse and Mental Health Administration, but the President's proposal underfunds this program—by some $900 million in fiscal year 1989, and even more in fiscal year 1990.

That is not a war against drugs. That is a retreat from the needs of this Nation.

As we debate today, heroin is causing insufferable pain. It is cheap and accessible and it kills, but we do not even have an alternative to methadone, and we are not trying hard enough to find one.

Meanwhile, cocaine remains a deadly threat. There should be a major program of research for new forms of treatment, but there is not.

That is not a war. That is not a policy. That is a shame.

In his supplemental request, the President did not ask for any money for antidrug abuse programs. Not one penny. Not one dime. Not one ounce of leadership.

Mr. Speaker, either we fight a war against drugs, or we do not. And if we fight it, we have to pay for it; and to pay for it, we have to make choices in the budget.

I sit on the Narcotics Committee and the Budget Committee. We can have adequate funding for star wars. We can have a real war against drugs—and we can do this by passing the AuCoin-Miller transfer.

Mr. Speaker, if we want to fight the war against drugs, if we want to win the war, the time is now and the vote is "yes."

I urge my colleagues to support this legislation.

Mr. McDADE. Mr. Speaker, I yield 3 minutes to the gentleman from California [Mr. HUNTER].

Mr. HUNTER. Mr. Speaker, this is a cruel game we are playing on the American people. I can recall when the last star wars versus drug wars was offered. It was offered last year by the gentleman who offered it this year.

At that time the gentleman from Arkansas [Mr. ROBINSON] and I offered an amendment to amend that particular provision that brought the military into the war against drugs. We thought that the gentleman and his colleagues would be elated. In fact, they were aghast, and I remember this side offered a point of order against us. I absolutely could not believe it. I said, "I thought they wanted to fight the war against drugs," and then I realized the reason they were upset is because they were not getting political credit for taking that particular action and they tried to kill this very important amendment which has brought the military into the war against drugs. Let us go to the statement that was made by the gentleman from Illinois [Mr. DURBIN] very recently. He asked the question: "What would a young person sitting around the dinner table with his mother and father really fear and really want to work against in this country? Would it be Russian missiles he would fear, or would it be cocaine?"

Let me advise my colleagues that if that young person was sitting in Israel around a table and in a very close situation to Syria, as they are right now, and you had Russian missiles, the SS-21's that the Syrians have and against which the Israelis have no defense, I think the answer might be, "Those SS-21, Russian-made missiles."

Right now we have the ARROW Program, which is an SDI Program that, according to DOD, will be cut out if this cut is made on SDI. That is a very critical program for Israelis.

Mr. FRANK. Mr. Speaker, will the gentleman yield?

Mr. HUNTER. I will not yield. I will let the gentleman take his own time.

Mr. Speaker, there are many people around this world who are very concerned about missiles. The American people are concerned about missiles and defense.

□ 1800

Mr. Speaker, it is absolutely wrong to try to play off the drug war against the importance of having an SDI, whether it is for the United States of America or for Israel. In fact, the ARROW Program, which is the only short-range theater ballistic missile defense system, according to DOD, if these cuts were made, would be cut out of the budget, and that cuts a major asset away from the West, the ability to stop missiles.

Let me just say to my colleagues who offered this thing last year, "We should work this thing in a bipartisan way. You haven't done that. We have a chance to come back and do some very important things with the drug war this year. Let's not start tearing the country apart and saying that only the liberal left on defense can participate actively in the drug war."

Mr. Speaker, I yield to the gentleman from Massachusetts [Mr. FRANK], my friend.

Mr. FRANK. Mr. Speaker, I thank the gentleman from California [Mr. HUNTER] for yielding finally.

As I understand it, nothing in this amendment tells them how to do the cutting, so if as a result of this amendment the ARROW Program is cut, it will be because this administration decides——

Mr. HUNTER. Mr. Speaker, reclaiming my time, I would simply say that we have a letter from the Secretary of Defense——

Mr. FRANK. Saying that he would do that, that is his choice.

The SPEAKER pro tempore (Mr. BARNARD). The time of the gentleman from California has expired.

Mr. HUNTER. We have a letter to that effect.

Mr. AUCOIN. Mr. Speaker, I yield 1 minute to the gentleman from Illinois [Mr. RUSSO].

Mr. RUSSO. Mr. Speaker, if we ask our constituents and if we look at the public opinion polls, we will find that basically the No. 1 problem facing this country is drugs. We all know that, and we have been doing the best job we possibly can to pass legislation to deal with it.

But what are we doing about this fight against drugs? We have given it more rhetoric and less funding. What we need in America is real dollars to fight the war against drugs.

We have had ceremonies at the White House. We have had ceremonies at the Rose Garden. That is not helping us, my colleagues. We are not meeting the challenge.

Mr. Speaker, let me make it clear to all of my colleagues. Read my lips. We do not need any more rhetoric. We need real money to fight the war against drugs. So, let us do it today. This amendment puts real money where it counts, and let us do it for America. We need it.

Mr. McDADE. Mr. Speaker, I yield 3 minutes to the gentleman from Georgia [Mr. GINGRICH].

Mr. GINGRICH. Mr. Speaker, I thank the gentleman from Pennsylvania [Mr. MCDADE], my friend, for yielding me this time.

Let me say first of all that I think that this is one of the saddest days we have had in this House this year. For this particular bill I am confident my colleagues will like laughing because this bill resembles a lot of people who would laugh at comments. This bill is a joke. It has not been to a single subcommittee; it has not been to the full committee. Nobody has looked at what it really means.

The fact is AIPAC just came out against the bill flatly. AIPAC has analyzed the bill and says flatly it will kill the Arrow missile.

My colleagues shake their heads no, but I just talked to Tom Dine, and AIPAC is adamantly opposed to this bill. It clearly is going to kill the Arrow missile because the way it is written the bill guarantees the death of the Arrow missile. Dick Cheney, the Secretary of Defense, said flatly——

Mr. FRANK. Mr. Speaker, will the gentleman yield?

Mr. GINGRICH. I will not yield. If the gentleman from Massachusetts [Mr. FRANK] gets some time later, I will have a dialog with him.

Mr. FRANK. How can we have a dialog if the gentleman from Georgia [Mr. GINGRICH] does not yield?

Mr. GINGRICH. Mr. Speaker, the gentleman from Massachusetts [Mr. FRANK] has no idea what this will do because we have had no hearings on it, we have had no checking out, and I know it is a small simple thing to do. This is a small, simple bill we are debating, and I will not comment about what that says about the small, simple amount of effort that went into preparing it, but it is a terrible piece of legislation.

Mr. Speaker, this would break the bipartisan agreement on the budget. It is clearly, I think, a betrayal of good faith in President Bush for the Democractic leadership to have allowed it to come to the floor, and the fact is that the people who are opposed to SDI are simply using a sham to try to kill the SDI Program.

But I would urge my colleagues to vote no because we are breaking every basic fundamental rule of how you run a legislative process. We are not using the subcommittee. We are not using the full committee. We are waiving germaneness, and we are bringing it to the floor with no knowledge of what is involved in this particular bill, and I think that it is an extraordinarily irresponsible act to propose that we develop a pattern here which in fact is a sham because, if this bill did pass, if this bill were signed into law, we simply would not spend more than $3.7 million in SDI, and not a dime would be transferred in 1990, and we would have in effect not achieved anything for the war on drugs.

Mr. Speaker, when we get around to the death penalty, and when we get around to longer sentences and when we get around to mandatory sentencing, we will see how many of the people who are up here today so passionately concerned about drugs are willing to do anything that is truly tough and truly serious about the war on drugs, but for this particular childish act I urge everybody to vote no on what is a first-rate piece of very simplistic and simple-minded legislation that will kill the Arrow missile and is opposed by AIPAC.

Mr. AuCOIN. Mr. Speaker, I yield such time as he may consume to the gentleman from Arkansas [Mr. ALEXANDER].

Mr. ALEXANDER. Mr. Speaker, I rise to support H.R. 2442 and applaud the initiative of the gentleman from Oregon [Mr. AUCOIN].

For years the powers that be in Washington have talked a good war on drugs, but have fallen far short in their action to do enough. This bill takes action, it puts the Nation's money where the Washington mouth is. It is past time to act

The drug traffic in Arkansas is out of control. Col. Sammy Goodwin, director of the Arkansas State Police said to me today "The availability of drugs is out of control in Arkansas today" he said, an Arkansas chief of police said that there is no war on drugs at the local level. He only prevents chaos. Earlier today during the debate on the supplemental appropriation bill I included numerous letters from school superintendents, sheriffs, and chiefs of police that confirms the dire emergency that exists in Arkansas.

The National Government must act now.

They must appropriate funds now.

Also the following is needed:

First, a clear national policy is urgently needed. There is no policy now.

Second, executive coordination of the same 33 agencies having antidrug jurisdiction is urgently needed.

Third, cooperation among the Federal agencies is urgently needed; among the agencies and with the State and local governments.

Fourth, U.S. foreign policy and U.S. intelligence agencies policies must be made compatible with the national interest, the national policy. There is too much foreign corruption in drug trafficking being protected by unneeded classification and secrecy. This is a disgrace and a disservice to the the American people.

Fifth, more enforcement is needed, more training, more antidrug assists and resources.

Sixth, more education is needed. The President must get serious about the drug problem in America. The Nation needs action not more words.

Mr. AUCOIN. Mr. Speaker, I yield such time as he may consume to the gentleman from Wisconsin [Mr. MOODY].

[Mr. MOODY addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

Mr. AUCOIN. Mr. Speaker, I yield 1 minute to the gentleman from New York [Mr. SCHUMER].

Mr. SCHUMER. Mr. Speaker, I am almost incredulous to hear the gentleman from Georgia [Mr. GINGRICH] talk about longer sentences, to talk about the death penalty and to talk about harsher terms. I would tell the gentleman from Georgia we have been doing that for 10 years. We have been doing it for 10 years.

Mr. Speaker, we have been increasing sentences and toughening up penalties, and it does not make a darn bit of difference because there is not enough room in our jails, there is not enough room in our courts, because we arrest people, and we do not lock them up.

Mr. Speaker, we have a real war going on. Outside my house the windows of the cars, 15 cars a night, are smashed so addicts can rifle through the glove compartments and get some spare change. My colleagues tell me that that is less important than a grandiose scheme to do something in the sky that most people we talk to say cannot work.

Mr. Speaker, it is about time we put our money where our mouth is. It is about time we said, "Enough of this phoniness. If we're going to fight drugs, we're going to have to pay for it."

Once and for all we are going to have to pay for it from somewhere, and it is about time we stepped up to the plate and did it.

Mr. AUCOIN. Mr. Speaker, I yield such time as he may consume to the gentleman from Michigan [Mr. WOLPE].

[Mr. WOLPE addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

Mr. AUCOIN. Mr. Speaker, I yield 1 minute to the gentleman from Minnesota [Mr. PENNY].

Mr. PENNY. Mr. Speaker, the bottom line is we do not have any extra money to finance pressing public needs. Clearly the huge budget deficit dictates that any new spending initiatives must be offset by cuts in other areas. The budget agreement for the coming year allows for an increase in star wars funding, but it does little to fund our war on drugs.

Mr. Speaker, we need better law enforcement. We need education, prevention, and rehabilitation.

The choice before us today is clear. Deny the spending hike for star wars and spend that money instead to deal with the drug problem plaguing our society and threatening our next generation. Budgeting in its simplest terms is setting priorities. This transfer of funds represents a pay-as-you-go approach to our war on drugs. It sets the right priority. It deserves our support.

Mr. McDADE. Mr. Speaker, I yield 2 minutes to the gentleman from New York [Mr. SOLOMON].

Mr. SOLOMON. Mr. Speaker, I think I need to stand over here and talk to these people.

Mr. Speaker, I led a codel to China last year, and one of the things that impressed me in talking to the hierarchy of the Chinese Government was what they thought about SDI, and they said that what brought the Soviets back to the table, more than the deployment of intermediate-range missiles, more than anything else, was that the Soviets were scared to death of Ronald Reagan's SDI Program because they knew they could not compete. They did not have the technology, and it scared them to death. So much for that.

My colleagues know that all during this debate on drugs, to which I have listened very carefully, that not once have I heard the word "demand." The real problem is supply and demand. My colleagues know that as long as we have demand for drugs in this country we are always going to have the supply, no matter how much money we spend in education, no matter how much money in rehabilitation, no matter how much money in interdiction. Using our Army, the Coast Guard, the Customs, using everything

at our disposal, we will always have the problem.

Mr. Speaker, I stayed out of this Congress during the sixties and seventies raising five teenage kids while these wacky drug users were running around the country. The only way to change it is by two words, "ridicule" and "scorn" until the Members of Congress turn to our people, our fellow peers, until the school teachers in this country turn to their fellow peers, the athletes, the students, everybody, and looks down their noses at people that break the law and use these filthy, lousy illegal drugs.

□ 1810

There is no way we are ever going to deal with it; 220 million-plus Americans have got to stand up to the 20 million Americans who use these illegal drugs that break the law. We have to say to them, "You're a lawbreaker. I don't want to sit next to you at a hockey game. I don't want to work next to you on an assembly line. I don't want to serve in this Congress with you because you're a lousy drug user and you're affecting my children."

Let us get to it. Let us change society and let us hold these people up to ridicule and scorn and we will have licked 90 percent of the problem.

Mr. AuCOIN. Mr. Speaker, I yield 1 minute to the gentleman from Maine [Mr. BRENNAN].

Mr. BRENNAN. Mr. Speaker, I rise in strong support of this bill to transfer $862 million from star wars to help fight the drug wars which are taking place across our Nation.

We know that drug dealers have invaded every city, and even most small towns, across America.

We know that drug abuse and senseless violence are destroying our young people, devastating families, crippling our elderly with fear, and tearing communities apart.

We know that the threat posed to America by drugs is very real, and very close. It's as near as the nearest street corner—or schoolyard—where illegal drugs are being sold.

Let's stand together today against a real and present danger here on Earth—and leave the wars in outer space for another day and another time.

Let us fully fund the war on drugs.

Government is about choice. My choice today is to fund a real war against drugs.

Mr. AuCOIN. Mr. Speaker, I yield 1 minute to the gentlewoman from New York [Ms. SLAUGHTER].

Ms. SLAUGHTER of New York. Mr. Speaker, on the last day of the 100th Congress we passed the massive Antidrug Abuse Act of 1988 and then we all went home very proud of it, told our constituents that their Government is committed to fighting the scourge of drugs; but behind our good intentions we discovered to our surprise that all the money that was needed to fight that war on drugs was never appropriated. We have always known that we would have to do more to make our intentions a reality.

We took one step today in fulfilling our promises to the American people by boosting the funding, but now we have another opportunity to remedy the underfunding of our drug initiatives. As it stands now, we are still going to fall $1.4 billion short in 1990.

We can double assistance to State and local law enforcement agencies for their antidrug efforts in communities across the Nation. That is why the president of the National Association of Chiefs of Police strongly support this bill, with the comment, "Please help us save this Nation from a war already inside our borders and every community in America."

If we fund the teacher training programs to help cut down on the demand for drugs, if we can insure that the Customs air interdiction efforts will not be cut by $21 million and if we can provide the drastically needed drug treatment and rehabilitation services for the 6 million Americans in need of help, we will be doing our job.

Mr. AuCOIN. Mr. Speaker, I yield 1 minute to the gentlewoman from New York [Mrs. LOWEY].

Mrs. LOWEY of New York. Mr. Speaker, I rise in strong support of H.R. 2442. This bill stands out as a glimmer of hope amidst the many budget measures that lead us deeper and deeper into budgetary crisis and neglect important human needs.

Mr. Speaker, every single Member of this body understands that we face a Federal budget deficit crisis. We all have constituents who are frustrated and angered by the failure of the Federal Government to live within its means. And we all have constituents who are frustrated and angered by the failure of the Federal Government to meet the urgent needs that our communities now face: improving our schools, cleaning up the environment, and fighting the drug menace that is threatening our children's lives and turning our neighborhoods into battle zones.

This frustration and anger center around the fact that Congress and the President have thus far not been willing to make the tough choices to bring our deficit down and free up resources to meet our Nation's most pressing needs.

That is what H.R. 2442 is all about. In a year of budget measures that have failed to make the tough choices, we finally have a measure before us that forces us to decide what our priorities as a nation really are.

What does H.R. 2442 do? It freezes spending on the star wars missile defense shield, and transfers all of the savings from that freeze—$862 million—into fighting the war against drugs.

Last year, our Nation spent $3.7 billion on developing a defense against Soviet missiles that most experts believe is not technically feasible and whose total cost would bankrupt our Nation. This year, the Bush administration proposed an increase of more than 20 percent over last year's appropriated level for the Star Wars Program.

At the same time, the omnibus drug bill of 1988 has not been adequately funded. Congress authorized expenditures of $3.1 billion in fiscal year 1990 to fight the war against drugs. But because of the budget deficit, the actual project expenditures will be $1.4 billion less than Congress authorized.

The need to fully fund the war against drugs is absolutely urgent. We need more resources to interdict drugs at our borders. We need more resources to arrest and convict drug felons in our communities. We need more resources for drug treatment programs. And we need more resources for drug education programs.

Drug abuse and drug-related violence are running rampant around the Nation. And unless we are willing to deal with this problem as the national emergency it clearly is, the situtation will only grow worse.

Mr. Speaker, $3.7 billion is enough for the Star Wars Program. In fact, this is far above the levels that many of the experts believe is appropriate. Many believe we should return to a limited program of research that is sufficient to keep our Nation ahead of the Soviet Union in star wars technology.

But $1.7 billion is not enough to fight a real war against drugs. Winning the war against drugs is one of our most important national priorities. We cannot pay lip service to this issue. We must be willing to back up our words with dollars. We must be willing to fully fund the Anti-Drug Abuse Act.

H.R. 2442 provides us with a responsible method of doing this. It is fiscally responsible in that it will not increase the deficit by 1 penny. It is responsible from a security standpoint, since it will keep us far ahead of the Soviet Union in antimissile technology. And it is certainly responsible from the standpoint of communities and individuals who daily face the menace of drugs and drug-related crime. This measure will go a long way toward bringing sanity to our national drug policy.

Mr. Speaker, as a member of the Select Committee on Narcotics Abuse and Control, and as a concerned Representative of my constituents in Westchester County, NY, I am proud to place my wholehearted support

behind this crucial measure, and I urge all of my colleagues to do likewise.

Mr. McDADE. Mr. Speaker, I yield 2 minutes to my friend, the gentleman from Pennsylvania [Mr. COUGHLIN], the ranking member of the Select Committee on Narcotics Abuse and Control.

Mr. COUGHLIN. Mr. Speaker, we cannot solve the drug problem simply by throwing money at it. The American people do not want us to solve the drug problem simply by throwing money at it. Poll after poll shows that.

In my own district if you ask, "Which do you think is more important than fighting the war on drug abuse (A) more money for drug interdiction, education and treatment, or (B) tougher enforcement against users, pushers and drug testing?" Seventy-five percent say tougher enforcement and 25 percent say more money.

Now here we are two-thirds of the way through the fiscal year. We are going to pour another $800 million into the war on drugs, money which probably cannot be spent because of the unobligated balances that we already have. Why can it not be spent? Because this requires matching funds. It requires grant applications. It requires increases in personnel.

You might say if it cannot be spent, why not just appropriate it anyway? Well, because we are just setting ourselves up for next year if we do that. We are wasting money, waste, waste, waste.

We have increased the money for drug abuse and control from $2.2 billion in 1986 to $4.0 billion in 1987, to $5.3 billion in 1989, and to $5.9 billion in 1990, and if we try to dump more money into it we will be wasting and we should not do it.

Mr. AuCOIN. Mr. Speaker, I yield 1 minute to the gentleman from Florida [Mr. SMITH].

Mr. SMITH of Florida. Mr. Speaker, well, this is the time. You cannot run and you cannot hide, and all of you who last year were trying to tack on antidrug amendments to every bill, today is the day of judgment. Today is accountability day.

There is not an American out there who does not believe that the greatest single menace to them and their children is the drug war and drugs in this country. Not one of them that I know of where I come from, the people that I represent, worry that a bomb is going to be dropped on them tomorrow, but they are darn sure that some neighbor's kid is going to come home having fallen or succumbed to the drug problem in this country.

No more running, no more hiding, this is the time. We are linking it right to those things that we have fought all those years as excessive. The drug war requires this money.

Waste? That is a joke. There is no program that is going to be cut in star wars.

The gentleman from Georgia frankly was way off base. There are no programs that are going to be cut. NACP does not have any interest at all in this bill.

Now is the time to vote. You want to do what you say you want to do, stop the drug war? They you will vote for this bill. If not, frankly, it is just a lot of hot air.

□ 1820

Mr. AuCOIN. Mr. Speaker, I yield 1 minute to the gentleman from Massachusetts [Mr. FRANK].

Mr. FRANK. Mr. Speaker, after all the red herrings here, we undoubtedly are going to have a problem with the fisheries.

There is nothing in this bill whatsoever that mandates any reduction in Arrow, and this dragging in of Israel for these purposes seems to me very unworthy. The fact is that if Mr. Cheney chooses, with most of star wars still intact, to cut Arrow, it will be his choice.

Then we were told by people on the other side that we cannot use the money. There are people who want treatment who cannot get it. There are police departments who want to expand. Of course, we can get it.

But the most unrealistic arguments are the procedural ones. Many of our colleagues on that side have for years been telling us how this place is too stultified, it is too muffled, let us get out there and deal with the issues. Here they are, and what is the biggest argument against it, that somehow we are violating an agreement with the President. I signed no agreement with the President. I see in the Constitution nothing that says that some statement issued by a few people suspends our right to vote.

Mr. Speaker, if people want to vote against this, they should vote against it. But hiding behind the Israel issue and hiding behind the President are not valid reasons.

Mrs. MORELLA. Mr. Speaker, today we have before us an emergency supplemental appropriations bill to carry us through the 4 months remaining in fiscal year 1989. How odd and inappropriate to be considering transferring funds from fiscal year 1990 accounts before they have even been authorized or appropriated. I will, therefore, be voting against the amendment to transfer fiscal year 1990 funding from the strategic defense initiative to antidrug programs.

I am opposed to this amendment because it sets a bad precedent. We are voting today on an emergency supplemental appropriations bill for fiscal year 1989. It is the wrong time to be making funding decisions for 1990. To do so would establish a precedent which could then be cited by other advocates for any number of spending programs.

I have consistently voted for modest funding levels for SDI, and I will continue to do so. This vote has nothing to do with my views on the appropriate funding level for this program. I also support increases in funding for our antidrug programs. However, I strongly believe that these decisions should be made in the fiscal year 1990 authorization and appropriations bills, not in an emergency spending bill for the current fiscal year.

Mr. DE LUGO. Mr. Speaker, I support H.R. 2442 which would provide many of the still unappropriated funds authorized by the 1988 Anti-Drug Abuse Act. And I thank the sponsors, the gentlemen from Oregon and California, LES AuCOIN and GEORGE MILLER, for proposing it.

Our constituents are sometimes cynical about the purposes for which their tax dollars are spent. But there can be no question that they want an all-out war to be waged on drug abuse.

And although there is a lot of talk in Washington about waging such a war, the necessary resources haven't been dedicated to it.

The drug traffickers, though, have the resources they need.

Some of what we need to fight them was authorized by last year's Anti-Drug Abuse Act; but much of this hasn't been provided.

For example, there have been almost no appropriations for authorizations within the jurisdiction of the Interior and Insular Affairs Committee.

Meanwhile, we continue to lose the drug abuse war.

Drug abuse is probably the most serious social problem in many of the insular areas. It is particularly serious in the Virgin Islands, Puerto Rico, and Palau.

It has caused crime so vicious and pervasive that it has changed the very nature of island societies. Violent crime rates actually range to many times the national average and most of these crimes are drug related.

And the insular drug problem is not just a local problem; it is a national problem. Drugs are abused in islands as a byproduct of increasing foreign transshipment through them into the lucrative U.S. market.

Yet Federal prevention and treatment efforts in the insular areas are spotty. And local efforts are limited because insular governments don't have the required resources.

The insular areas drug abuse amendments I sponsored last year as part of the Anti-Drug Abuse Act would dedicate some of the resources needed to counter the national drug abuse threat in the insular areas. It is understood that the amendment would proportionately fund these authorizations, along with other programs authorized by the act.

This includes $13 million for prevention—including both law enforcement and education—and treatment in the U.S. insular areas and the trust territory.

Ms. PELOSI. Mr. Speaker, today we have the opportunity to show the Nation that we are serious about finding solutions to the drug problem. Last year, Congress overwhelmingly passed the omnibus drug bill of 1988. Unfortunately, we have not been overwhelmingly successful in obtaining funding for the programs contained in the omnibus drug bill.

The framework for a national drug intervention strategy has been set—we now must act to ensure that the necessary programs are adequately funded, and by supporting this amendment, we can take a step in the right direction.

Over the past several months, the number of people whose lives have been touched by the violence of the drug crisis has risen dramatically. In 1987, 11,000 people died as a direct result of drugs or drug-related crime. In that same year, Americans spent an estimated $140 billion to purchase illicit narcotics. In my district of San Francisco in 1988, police recorded 55 drug gang shooting incidents, leaving 64 injured and 3 dead.

We must consider the human costs of this crisis. We must fund the necessary programs to meet the demands placed on our society by the drug epidemic. I urge my colleagues to support this amendment—it will assist us in the war on drugs.

Mr. MARLENEE. Mr. Speaker, this House has been debating an emergency supplemental appropriations for over 7 weeks. Last March, President Bush offered a $2.1 billion supplemental request to honor previous obligations mandated by law. The bulk of the President's request was targeted on veterans' benefits, adequate funding for the guaranteed student loan program, and payments to States for foster care and adoption assistance. We've still yet to resolve this issue.

The proposal by Representatives MILLER and AUCOIN would transfer all moneys appropriated for the strategic defense initiative in 1990 above $3.7 billion to antidrug abuse initiatives. This measure would be tacked on the dire emergency supplemental, jeopardizing veterans' health care so that radical liberals can make political points against SDI.

The Democrats had the opportunity to press for a vote on this proposal during the debate over the congressional budget resolution. That's where we fought over authorized spending levels for all Government agencies. It's ironic that just as we finish work on the budget resolution, the radical liberals want to legislate on an emergency supplemental appropriations, which, in part, funds veterans' benefits.

Mr. Speaker, the Office of Management and Budget [OMB] has said that the executive branch is swamped in money to fight drug abuse. They can't spend it fast enough. In fact, OMB estimates that only $150 million could be properly administered before the end of this fiscal year. In other words, this initiative would violate the budget summit agreement by reordering the priorities that we just voted on earlier this month.

There is no dire emergency to spend more money for the war on drugs. There is, however, a grave emergency to keep VA hospitals open. Mr. Speaker, we should not hold veterans hostage to a debate in Congress on who is the most bombastic in delivering an anti-star wars speech.

What's even more ironic is that this legislation would only go into effect next year. I've heard from some of my colleagues on the other side of the aisle about the dire need for this money to fight the war on drugs. I can already hear the churning of the press releases from their computers and fax machines praising the valiant work of Members who vote for drug wars not star wars. And yet none of the proposed money would be designated for the drug wars late into 1990. Who are they fooling?

This should be handled during the regular budget process. If the radical liberals still believe in their approach, they should carry this fight to the 1990 appropriations process. In various committees, they should press for increased spending on antidrug initiatives and freeze SDI spending. That is their right.

But, Mr. Speaker, what they are doing today is simply outrageous, and out of line. It might feel good, but the Federal Government shouldn't be run on fuzzy emotions. The anti-defense liberals are foistering a Jesse Jackson rhyme on responsible government. I urge my colleagues to defeat this bill. I plead with my colleagues on the other side of the aisle to stop making political points at the expense of veterans. Let's vote for a clean supplemental request for veterans, and save this battle for another day in the regular appropriations process.

Mr. McDADE. Mr. Speaker, I yield my remaining time, 2½ minutes, to the distinguished minority leader, the gentleman from Illinois [Mr. MICHEL].

Mr. McCURDY. Mr. Speaker, will the gentleman yield?

Mr. MICHEL. I am happy to yield to the gentleman from Oklahoma.

Mr. McCURDY. Mr. Speaker, I rise in opposition to this bad policy and bad precedent.

Mr. MICHEL. Mr. Speaker, we are told that we have to choose between star wars and drug wars. It is a very catchy phrase. It will fit quite nicely, I guess, into a headline, just short enough and silly enough, and I suppose to appear as a sound bite on the television evening news, but, Mr. Speaker, our national security and our fight against drugs are too important to be left to sound bites and to slogans.

Secretary of Defense Cheney, and our former colleague, wrote me earlier in the day. At this point in the RECORD the full text of that letter will be included:

THE SECRETARY OF DEFENSE,
Washington, DC.

HON. ROBERT H. MICHEL,
House Minority Leader, House of Representatives, Washington, DC.

DEAR CONGRESSMAN MICHEL: The Department of Defense strongly opposes the AuCoin-Miller bill. The bill seeks a damaging and unacceptable reduction in the amount requested by the President for the Strategic Defense Initiative in FY 1990.

The Administration's recommended funding level is the minimum needed to sustain a viable SDI program. This funding level already reflects the Defense Department's commitment to spending restraint in keeping with current budget circumstances. Given the importance that the President and I attach to this vital program, any further reductions would be unacceptable. A reduction such as the AuCoin-Miller proposal would force a drastic restructuring of the SDI program, including termination of major partially-completed experiments, contract renegotiations with subsequent lay-offs, and a substantial delay in obtaining program objectives critical to our national defense posture in the future.

By proposing to transfer funding between budget functions, the bill would violate the bipartisan budget agreement. It would violate the FY 90 Congressional Budget Resolution only weeks after that measure was passed, and it seeks to siphon off funds that are as yet unauthorized and unappropriated by Congress. This strikes me as truly irresponsible and an incredible way to manage the budget process.

I hope the members of the House will reject this legislation and instead proceed by means of the normal authorizing and appropriations process to establish adequate funding levels for the FY 1990 SDI program, in keeping with existing budget agreements and resolution.

I urge you to oppose the AuCoin-Miller bill, and any similar legislation that seeks to reduce funding for the SDI program.

The Office of Management and Budget advises that enactment of the AuCoin-Miller bill is not in accord with the Administration's program.

Best regards,

DICK CHENEY.

SUBJECT: IMPACT ON THE SDI PROGRAM OF FY 1990 REDUCTION OF $900M

DISCUSSION

The proposed reduction in FY90 represents nearly a 20% reduction in the President's budget. The balance remaining would be less than half of the amount originally programmed when many of the current SDI programs were developed and contracts written.

This action would constitute the fourth major restructuring of the program in less than two years. The basic strategy behind the program structure would be damaged.

Numerous contracts will have to be renegotiated requiring months to accomplish and disrupting many of the hiring actions underway.

Resulting uncertainly and turmoil in the contractor community would reduce the commitment by contractors and the infusion of their R&D resources. Alienation and mistrust would reverberate through the entire defense community, impacting not only SDIO, but all government R&D efforts.

The proposal interferes with our ability to maintain a balanced program, undercuts the necessary technical resolution to support a national strategy decision in 3 to 4 years, and would require the elimination of cooperative US-Allied Theater Defense efforts—specifically, the Arrow program with the Israeli government.

Some technologies moving from the laboratory to a stage requiring larger, more complex experiments would be cancelled; others would be significantly delayed. The resulting unresolved technical issues would make it impossible to maintain the connectively between near-term and follow-on systems, and in some cases prevent our ability to research follow-on systems.

Major experiments with large sunk costs would be terminated (Free Electron Laser, Star Lab, Neutral Particle Beam, and/or Chemical LASER) with associated lay-offs of many highly skilled scientific and engineering contractor personnel.

Near-term technology work would be maintained; however, the quality of technical resolution would be lower (e.g., mid-course sensing) and would not be adequate

to support the national strategy decision. Additionally, some other critical systems for other missions, such as TW/AA, would be significantly delayed.

Supporting technologies for far-term systems would be affected. As an example, national launch capability, not essential to near-term program, would be drastically delayed. In addition, a significant portion of the general technology base would be reduced, jeopardizing the timely availability of essential technologies to support near-term systems.

It has been referred to several times here, and if I might repeat only a phrase or two: "By proposing to transfer funding between budget functions, the bill would violate the bipartisan budget agreement. It would violate the fiscal year 1990 Congressional Budget Resolution only weeks after that measure was passed.

"I hope the Members of the House will reject this legislation and instead proceed by means of the normal authorizing and appropriations process to establish adequate funding levels for the fiscal year 1990 SDI Program, in keeping with existing budget agreements and resolutions."

Mr. Speaker, naturally I agree wholeheartedly with what the Secretary of Defense has said.

Furthermore, later on this afternoon I received a letter from Tom Dine, which reads as follows:

AMERICAN ISRAEL
PUBLIC AFFAIRS COMMITTEE,
Washington, DC, May 24, 1989.

Hon. ROBERT H. MICHEL,
House Minority Leader, House of Representatives, Washington, DC.

DEAR MR. LEADER: I have read Defense Secretary Cheney's letter to you concerning the effects of the AuCoin-Miller bill currently before the House of Representatives. Specifically, the Secretary points out that the proposal "would require the elimination of cooperative U.S.-Allied Theater Defense efforts—specifically the Arrow program with the Israeli government." The Arrow has been favorably considered and voted on by Congress for the last two years because it is the centerpiece of U.S. strategic cooperation with Israel and is considered by Congress to advance U.S. strategic interests. I believe the Arrow program should continue.

Therefore, AIPAC opposes any effort to cut or eliminate funds for this important U.S. defense program.

Thank you for your consideration.

Sincerely,

THOMAS A. DINE,
Executive Director.

Mr. Speaker, in conclusion, the British have a saying about the type of thing found in the AuCoin-Miller measure. They say it is too clever by half. The American people do not want cleverness. They do not want exploitation about drugs. All they ask is that we work with them in protecting this Nation from attack and their families from drugs. These are not mutually exclusive goals. One does not help one by gutting the other.

This bill has, as its heart, a fatal flaw. It is the flaw of seeking instant political gratification instead of long-term national security and antidrug successes. It is, frankly, not worthy of being considered as an addendum to what was originally supposed to be a dire emergency supplemental appropriation bill.

Earlier in this day I condemned the process under which we were considering this two-headed monster, and now we have come to the point of making a decision I hope Members will obviously vote down, this proposition, and that we get on with the legislation of the day.

CALL OF THE HOUSE

Mr. AUCOIN. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The call was taken by electronic device, and the following Members responded to their names:

[Roll No. 66]

Ackerman	Combest	Gingrich
Akaka	Conte	Glickman
Alexander	Cooper	Gonzalez
Anderson	Costello	Goodling
Andrews	Coughlin	Gordon
Annunzio	Cox	Goss
Anthony	Coyne	Grandy
Applegate	Craig	Grant
Archer	Crane	Gray
Armey	Crockett	Green
Aspin	Dannemeyer	Guarini
Atkins	Darden	Gunderson
AuCoin	Davis	Hall (OH)
Baker	de la Garza	Hall (TX)
Ballenger	DeLay	Hamilton
Barnard	Dellums	Hammerschmidt
Bartlett	Derrick	Hancock
Barton	DeWine	Hansen
Bateman	Dickinson	Harris
Bates	Dicks	Hastert
Beilenson	Dingell	Hatcher
Bennett	Dixon	Hawkins
Bentley	Donnelly	Hayes (IL)
Bereuter	Dorgan (ND)	Hayes (LA)
Bevill	Dornan (CA)	Hefley
Bilbray	Douglas	Hefner
Bilirakis	Downey	Henry
Billey	Dreier	Herger
Boehlert	Duncan	Hertel
Boggs	Durbin	Hiler
Bonior	Dwyer	Hoagland
Borski	Dyson	Hochbrueckner
Bosco	Early	Holloway
Boucher	Eckart	Hopkins
Boxer	Edwards (CA)	Horton
Brennan	Edwards (OK)	Houghton
Brooks	Emerson	Hoyer
Broomfield	Engel	Hubbard
Browder	English	Hughes
Brown (CA)	Erdreich	Hunter
Brown (CO)	Espy	Hutto
Bruce	Evans	Hyde
Bryant	Fascell	Inhofe
Buechner	Fawell	Ireland
Bunning	Fazio	Jacobs
Burton	Feighan	James
Bustamante	Fields	Jenkins
Byron	Fish	Johnson (CT)
Callahan	Flake	Johnson (SD)
Campbell (CA)	Flippo	Johnston
Campbell (CO)	Foglietta	Jones (GA)
Cardin	Ford (MI)	Jones (NC)
Carper	Ford (TN)	Jontz
Carr	Frenzel	Kanjorski
Chandler	Frost	Kaptur
Chapman	Gallegly	Kasich
Clarke	Gallo	Kastenmeier
Clay	Garcia	Kennedy
Clement	Gaydos	Kennelly
Clinger	Gejdenson	Kildee
Coble	Gekas	Kleczka
Coelho	Gephardt	Kolbe
Coleman (MO)	Gillmor	Kostmayer
Coleman (TX)	Gilman	Kyl
LaFalce	Nowak	Skaggs
Lagomarsino	Oakar	Skeen
Lantos	Oberstar	Skelton
Laughlin	Obey	Slattery
Leach (IA)	Olin	Slaughter (NY)
Leath (TX)	Ortiz	Slaughter (VA)
Lehman (CA)	Owens (NY)	Smith (FL)
Lehman (FL)	Owens (UT)	Smith (IA)
Leland	Oxley	Smith (MS)
Lent	Packard	Smith (NE)
Levin (MI)	Pallone	Smith (NJ)
Levine (CA)	Panetta	Smith (TX)
Lewis (CA)	Parker	Smith (VT)
Lewis (FL)	Pashayan	Smith, Denny (OR)
Lewis (GA)	Patterson	
Lightfoot	Paxon	Smith, Robert (NH)
Lipinski	Payne (NJ)	
Livingston	Payne (VA)	Smith, Robert (OR)
Lloyd	Pease	
Long	Pelosi	Snowe
Lowery (CA)	Penny	Solarz
Lowey (NY)	Perkins	Solomon
Luken, Thomas	Petri	Spratt
Machtley	Pickett	Staggers
Madigan	Pickle	Stallings
Manton	Porter	Stangeland
Markey	Poshard	Stearns
Marlenee	Price	Stenholm
Martin (IL)	Pursell	Stokes
Martin (NY)	Quillen	Studds
Martinez	Rahall	Stump
Matsui	Ravenel	Sundquist
Mavroules	Ray	Synar
Mazzoli	Regula	Tallon
McCandless	Rhodes	Tanner
McCloskey	Richardson	Tauke
McCollum	Ridge	Tauzin
McCrery	Rinaldo	Thomas (CA)
McCurdy	Ritter	Thomas (GA)
McDade	Roberts	Thomas (WY)
McDermott	Robinson	Torres
McEwen	Roe	Towns
McGrath	Rogers	Traficant
McHugh	Rohrabacher	Traxler
McMillan (NC)	Rose	Unsoeld
McMillen (MD)	Rostenkowski	Upton
McNulty	Roth	Valentine
Meyers	Roukema	Vander Jagt
Mfume	Rowland (CT)	Vento
Michel	Rowland (GA)	Visclosky
Miller (CA)	Russo	Volkmer
Miller (OH)	Sabo	Vucanovich
Miller (WA)	Saiki	Walgren
Mineta	Sangmeister	Walker
Moakley	Sarpalius	Walsh
Molinari	Savage	Watkins
Mollohan	Sawyer	Weber
Montgomery	Saxton	Weiss
Moody	Schaefer	Weldon
Moorhead	Schiff	Wheat
Morella	Schneider	Whittaker
Morrison (CT)	Schroeder	Whitten
Morrison (WA)	Schuette	Wise
Mrazek	Schulze	Wolf
Murphy	Schumer	Wolpe
Murtha	Sensenbrenner	Wyden
Myers	Sharp	Wylie
Nagle	Shaw	Yates
Natcher	Shays	Young (AK)
Neal (MA)	Shumway	Young (FL)
Neal (NC)	Sikorski	
Nielson	Sisisky	

□ 1844

The SPEAKER pro tempore. On this rollcall, 403 Members have recorded their presence by electronic device, a quorum.

Under the rule, further proceedings under the call were dispensed with.

STAR WARS FOR DRUG WARS ACT OF 1989

Mr. AUCOIN. Mr. Speaker, I yield such time as he may consume to the gentleman from Massachusetts [Mr. CONTE].

Mr. CONTE. Mr. Speaker, I rise, with regret, in opposition to the bill transferring funds from

SDI to drug programs. It is a good goal, but it is a bad bill.

I do not support the strategic defense initiative. It is not possible to erect an astrodome over the United States. Plunging forward on SDI would simply destabilize the strategic balance, hold back arms control efforts, and jeopardize possibilities of improved relations with the Soviet Union. In the past, I have consistently supported efforts to cut SDI funding—for example, in voting for the Bennett-Ridge Amendment to reduce SDI spending to $3.5 billion, and for the Dellums-Boxer amendment to cut it to $1.2 billion.

But Mr. Speaker, I cannot support this bill. There is a well-established way of bringing this type effort to the floor—through hearings, consideration, and votes in the authorizing and appropriating committees. This bill bypasses those committees.

Not only does this avoid policy discussion and amendment in committee, it does serious damage to the fiscal year 1990 budget process. This House has well-established procedures for appropriating money for programs; and it will appropriate fiscal year 1990 funds for both the drug war and the Department of Defense in time. This bill subverts those procedures by setting an appropriation ceiling for next year's Defense appropriation bill.

I am opposed to SDI. But I am also opposed to subverting the appropriation process. If the authors of this bill want this effort to suceed, they should introduce it next year as an appropriation amendment. But Mr. Speaker, this bill is the wrong way to go. I hope my colleagues will recognize that, and return with a better proposal.

Mr. AUCOIN. Mr. Speaker, to conclude debate on our side, I yield the remaining time on our side, 4 minutes, to the gentleman from California [Mr. MILLER].

Mr. FRANK. Mr. Speaker, will the gentleman yield?

Mr. MILLER of California. I yield to the gentleman from Massachusetts.

Mr. FRANK. Mr. Speaker, a great deal more has been made, it seems to me, than ought to have been about the position of one organization, AIPAC. I assume Members will vote as they wish. But I spoke to Mr. Dine.

We have a letter being given out dated May 24, 1989. It refers to the Arrow Program, which is important for Israel. And its last line of the first paragraph is, "I believe the Arrow Program should continue." The next paragraph says, "Therefore, AIPAC opposes any effort to cut or eliminate any funds for this important U.S. defense program."

Mr. Dine just told me on the phone and the gentlewoman from New York [Ms. LOWEY] that AIPAC takes no position on the AuCoin amendment, that this language refers to the Arrow Program, that they oppose a cut in the Arrow Program. If the AuCoin amendment passes, there would be $3.7 billion left and the Secretary of Defense would be free to do as he wished.

So according to the conversations I had with Mr. Dine, and that Ms. LOWEY had, they take no position on the overall question with respect to the Arrow Program.

Mr. MILLER of California. Mr. Speaker, and Members in the Chamber, it has been widely said here today that this is an unprecedented procedure, and it is. But it is necessary. It is necessary if this Congress is going to keep the commitment it made to the American people that the war on drugs is important today as it was before the election, that it is important today as the day you all went down to the Rose Garden for the signing of the bill, that it is as important today as it was the day you made up your campaign literature that said you wanted to fight drugs.

Why are we taking this unprecedented procedure? Because never in the history of this country, outside of foreign invasion, have we ever had a problem that affected every segment of our society as we have with drugs.

For 6 years I have been the chairman of the Select Committee on Children, Youth, and Families and for 6 years I have witnessed and listened to people who told me that every institution that has confronted the drug problem in American society has lost and has been overwhelmed.

□ 1950

Not our jails, not our prosecutors, not our judges, not our schools, no one has been able to confront the problem on drugs. Why? Because they do not have enough resources. The drug kingpins are willing to put in whatever it takes to protect their $100 billion market. We have not been willing to put in what is necessary to take the market back, to take our children back, to take our neighborhoods back, to take our families back, to take our schools back. That is what this bill is about, because if Members vote for the bill, it is different than when Members voted for the authorizing language. Now Members are going to put up the money. Now the rubber meets the road, ladies and gentlemen, in terms of the politics, because the politics here are clear. Either we are going to fund these programs or we are going to do as we have done every time we declare war on drugs, and that is we have lost our courage when it comes to money. The drug cartel has not lost its courage to hear American citizens. The drug cartel has not lost its courage to go on to our school grounds. The drug cartel has not lost its courage to kill U.S. custom agents and DEA agents. We have lost our courage to fight back. We thought we could fight it with the press release. We cannot. This is about a billion dollars for America's war on drugs.

This is about one-third of 1 percent of the defense budget of this Nation so that we can double our efforts under the Drug Act of 1988. This is my third war on drugs since I have been in this Congress. We have not won any of them, and the reason we have not won any of them is we did not have the courage of our convictions when it came time to spend the money. Members all voted to spend the money, but Members just do not want to be held accountable for it, so that is where we are today. That is the clear message.

It is very simple. Some people said this would decimate the Star Wars Program. At the same time, members of the Committee on Appropriations got up here and said they want to cut the Star Wars Program so they can hand out the goodies. Let us forego the goodies. Let us take care of our children. Let us take care of our families. Let us once and for all put the money into this bill. Members will get a vote to link up appropriations. We all know the supplemental is about real money. This is about a real problem, about saving our children, saving our families, and saving our institutions.

The SPEAKER pro tempore. (Mr. BARNARD). Under the rule, the previous question is ordered.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced he was in doubt.

Mr. McDADE. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 205, nays 213, not voting 16, as follows:

[Roll No. 67]

YEAS—205

Ackerman	Coelho	Gejdenson
Akaka	Conyers	Gephardt
Alexander	Costello	Glickman
Anderson	Coyne	Gonzalez
Annunzio	Crockett	Gordon
Anthony	de la Garza	Gray
Applegate	DeFazio	Guarini
Atkins	Dellums	Hall (OH)
AuCoin	Derrick	Hamilton
Bates	Dicks	Hatcher
Beilenson	Dingell	Hawkins
Bennett	Donnelly	Hayes (IL)
Berman	Dorgan (ND)	Hayes (LA)
Bilbray	Downey	Hefner
Boggs	Durbin	Hertel
Bonior	Dwyer	Hoagland
Borski	Early	Hochbrueckner
Bosco	Eckart	Hoyer
Boucher	Edwards (CA)	Hughes
Boxer	Engel	Jacobs
Brennan	English	Jenkins
Brooks	Espy	Johnson (SD)
Brown (CA)	Evans	Johnston
Bruce	Fascell	Jones (GA)
Bryant	Fazio	Jones (NC)
Campbell (CA)	Feighan	Jontz
Cardin	Flake	Kanjorski
Carper	Foglietta	Kaptur
Carr	Foley	Kastenmeier
Chapman	Ford (MI)	Kennedy
Clarke	Ford (TN)	Kennelly
Clay	Frank	Kildee
Clement	Garcia	Kleczka

Kostmayer	Neal (NC)	Slattery
LaFalce	Nowak	Slaughter (NY)
Lancaster	Oakar	Smith (FL)
Lantos	Oberstar	Smith (IA)
Lehman (CA)	Obey	Solarz
Lehman (FL)	Ortiz	Staggers
Leland	Owens (NY)	Stallings
Levin (MI)	Owens (UT)	Stark
Levine (CA)	Pallone	Stenholm
Lewis (GA)	Payne (NJ)	Stokes
Lipinski	Pease	Studds
Long	Pelosi	Synar
Lowey (NY)	Penny	Tallon
Luken, Thomas	Perkins	Tanner
Manton	Pickle	Torres
Markey	Poshard	Towns
Martinez	Price	Traficant
Matsui	Rahall	Traxler
Mavroules	Rangel	Unsoeld
Mazzoli	Robinson	Valentine
McCloskey	Roe	Vento
McDermott	Rose	Visclosky
McGrath	Rostenkowski	Volkmer
McHugh	Rowland (GA)	Walgren
Mfume	Russo	Watkins
Miller (CA)	Sabo	Waxman
Mineta	Sangmeister	Weiss
Moakley	Sarpalius	Wheat
Molinari	Savage	Williams
Moody	Sawyer	Wise
Morrison (CT)	Scheuer	Wolpe
Mrazek	Schneider	Wyden
Murphy	Schroeder	Yates
Nagle	Schumer	Yatron
Natcher	Sharp	
Neal (MA)	Sikorski	

NAYS—213

Andrews	Frenzel	McCandless
Archer	Frost	McCollum
Armey	Gallegly	McCrery
Aspin	Gallo	McCurdy
Baker	Gaydos	McDade
Ballenger	Gekas	McEwen
Barnard	Gillmor	McMillan (NC)
Bartlett	Gilman	McMillen (MD)
Barton	Gingrich	McNulty
Bateman	Goodling	Meyers
Bentley	Goss	Michel
Bereuter	Grandy	Miller (OH)
Bevill	Grant	Miller (WA)
Bilirakis	Green	Mollohan
Billey	Gunderson	Montgomery
Boehlert	Hall (TX)	Moorhead
Broomfield	Hammerschmidt	Morella
Browder	Hancock	Morrison (WA)
Brown (CO)	Hansen	Murtha
Buechner	Harris	Myers
Bunning	Hastert	Nelson
Burton	Hefley	Nielson
Bustamante	Henry	Olin
Byron	Herger	Oxley
Callahan	Hiler	Packard
Campbell (CO)	Holloway	Panetta
Chandler	Hopkins	Parker
Clinger	Horton	Pashayan
Coble	Houghton	Patterson
Coleman (MO)	Hubbard	Paxon
Coleman (TX)	Huckaby	Payne (VA)
Combest	Hunter	Petri
Conte	Hutto	Pickett
Cooper	Hyde	Porter
Coughlin	Inhofe	Pursell
Cox	Ireland	Quillen
Craig	James	Ravenel
Crane	Johnson (CT)	Ray
Dannemeyer	Kasich	Regula
Darden	Kolbe	Rhodes
Davis	Kyl	Richardson
DeLay	Lagomarsino	Ridge
DeWine	Laughlin	Rinaldo
Dickinson	Leach (IA)	Ritter
Dixon	Leath (TX)	Roberts
Dornan (CA)	Lent	Rogers
Douglas	Lewis (CA)	Rohrabacher
Dreier	Lewis (FL)	Roth
Duncan	Lightfoot	Roukema
Dyson	Livingston	Rowland (CT)
Edwards (OK)	Lloyd	Saiki
Emerson	Lowery (CA)	Saxton
Erdreich	Machtley	Schaefer
Fawell	Madigan	Schiff
Fields	Marlenee	Schuette
Fish	Martin (IL)	Schulze
Flippo	Martin (NY)	Sensenbrenner
Shaw	Smith, Robert (NH)	Thomas (WY)
Shays	Smith, Robert (OR)	Upton
Shumway	Snowe	Vander Jagt
Shuster	Solomon	Vucanovich
Sisisky	Spratt	Walker
Skaggs	Stangeland	Walsh
Skeen	Stearns	Weber
Skelton	Stump	Weldon
Slaughter (VA)	Sundquist	Whittaker
Smith (MS)	Tauke	Whitten
Smith (NE)	Tauzin	Wolf
Smith (NJ)	Thomas (CA)	Wylie
Smith (TX)	Thomas (GA)	Young (AK)
Smith (VT)		Young (FL)
Smith, Denny (OR)		

NOT VOTING—16

Collins	Kolter	Swift
Courter	Lukens, Donald	Torricelli
Dymally	Parris	Udall
Florio	Pepper	Wilson
Gibbons	Roybal	
Gradison	Spence	

□ 1910

Mr. PANETTA changed his vote from "yea" to "nay."

So the bill was not passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. AuCOIN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 2442.

The SPEAKER pro tempore (Mr. BARNARD). Is there objection to the request of the gentleman from Oregon?

There was no objection.

PARLIAMENTARY INQUIRY

Mr. MICHEL. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. MICHEL. Might I inquire of the distinguished gentleman in the chair if a motion to reconsider has been laid upon the table?

The SPEAKER pro tempore. Yes; it has.

Mr. MICHEL. I thank the Chair.

PERMISSION TO CONSIDER MOTION TO TAKE FROM THE SPEAKER'S TABLE H.R. 2402, SUPPLEMENTAL APPROPRIATIONS FOR THE DEPARTMENT OF VETERANS' AFFAIRS, AND DISAGREE TO SENATE AMENDMENT

Mr. WHITTEN. Mr. Speaker, under the rules of the House, I ask unanimous consent that it be in order to consider a motion to take from the Speaker's table the bill (H.R. 2402) making supplemental appropriations for the Department of Veterans' Affairs for the fiscal year ending September 30, 1989, and for other purposes, with the Senate amendment thereto, and disagree to the amendment of the Senate, and further that the motion be debatable for 1 hour, equally divided and controlled by myself and the gentleman from Massachusetts [Mr. CONTE], and that the previous question on the motion be considered as having been ordered without intervening motion.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

LEGISLATIVE PROGRAM

(Mr. MICHEL asked and was given permission to address the House for 1 minute.)

Mr. MICHEL. Mr. Speaker, I asked for this 1 minute for the purpose of inquiring of the distinguished majority leader, the gentleman from Washington [Mr. FOLEY] at the time when we have the attention of the House what the program will be for the balance of this day, tomorrow, and probably a projection into the future for next week.

Mr. FOLEY. Mr. Speaker, will the gentleman yield?

Mr. MICHEL. Mr. Speaker, I yield to the distinguished majority leader.

Mr. FOLEY. Mr. Speaker, I would like to advise the House that the motion which the gentleman from Mississippi [Mr. WHITTEN] is offering will in my judgment most likely result in a rollcall vote, and Members should be advised that that will be the case.

Also there is the possibility tonight of one additional unanimous-consent consideration of a resolution regarding the current situation in the People's Republic of China.

Other than that it will be our intention to have a session tomorrow that will be pro forma, no legislative business, and that the House will adjourn until Wednesday next, and on Wednesday the House would meet at noon to consider H.R. 2392 to amend the Mineral Leasing Act relating to oil shale claims, an open rule, 1 hour of debate, and on Thursday the House will meet at 10 a.m. to consider Senate Joint Resolution 113 relating to the cooperative arrangement with Japan regarding the FSX weapon system subject to a rule. The House is not expected to be in session next Friday.

Mr Speaker, of course, this announcement is made subject to the usual reservations. A further program may be announced later, and conference reports could be brought up at any time.

Mr. MICHEL. Mr. Speaker, I might inquire of the distinguished majority leader whether under that mineral leasing bill when would the distinguished majority leader expect that a rollcall vote then on Wednesday might occur?

Mr. FOLEY. Mr. Speaker, we would try to postpone any votes that would occur beginning at 3 o'clock in the afternoon.

Mr. MICHEL. Mr. Speaker, I thank the distinguished Member.

Mr. FOLEY. However, Mr. Speaker, Members should be advised that without question there will be rollcall votes expected that day, will be held that day, and the assumption will have to be that such rollcall votes might occur immediately at 3 o'clock in the afternoon. So that is not an advisory that has much slippage with respect to it, and of course I cannot guarantee that there would not be a vote on the Journal or some other procedural vote.

Mr. Speaker, we will do our best, however, to keep to that, but again I repeat and underline that on Wednesday there will be votes. Members should expect such votes to take place by 3 o'clock in the afternoon.

Mr. MICHEL. Mr. Speaker, if I might direct a question to the distinguished chairman of the Committee on Appropriations, the gentleman from Mississippi [Mr. WHITTEN], that his motion currently pending before the House is one to disagree; is it not, with the Senate, that having to do with that June 15 cutoff date for funding for veterans' programs?

Mr. WHITTEN. If the gentleman will yield, that is correct.

Mr. MICHEL. Mr. Speaker, I thank the distinguished gentleman from Mississippi [Mr. WHITTEN].

SUPPLEMENTAL APPROPRIATIONS FOR THE DEPARTMENT OF VETERANS' AFFAIRS

Mr. WHITTEN. Mr. Speaker, pursuant to the previous order of the House, I move to take from the Speaker's table the bill (H.R. 2402) making supplemental appropriations for the Department of Veterans' Affairs for the fiscal year ending September 30, 1989, and for other purposes, with the Senate amendment thereto, and disagree to the amendment of the Senate.

The Clerk read the title of the bill.

The Clerk read the Senate amendment, as follows:

Senate amendment:

Page 3, strike out:

"No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein." and insert:

Notwithstanding any other provision of this Act, no part of any appropriation contained in this Act shall remain available for obligation after June 15, 1989.

The SPEAKER pro tempore. Pursuant to the previous order of the House, the gentleman from Mississippi [Mr. WHITTEN], will be recognized for 30 minutes and the gentleman from Massachusetts [Mr. CONTE] will be recognied for 30 minutes.

Mr. Chair recognizes the gentleman from Mississippi [Mr. WHITTEN].

GENERAL LEAVE

Mr. WHITTEN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the disposition of the Senate amendment to the bill (H.R. 2402) making supplemental appropriations for the Department of Veterans' Affairs for the fiscal year ending September 30, 1989, and for other purposes, and that I be permitted to include tabular and extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

□ 1920

Mr. WHITTEN. Mr. Speaker, I yield myself such time as I may require.

Mr. Speaker, I am not going to delay this.

Mr. Speaker, I say again, that every Member is for taking care of the needs of the veterans. That is why I separated the veterans funds from the supplemental last Thursday and put them into a separate veterans supplemental—H.R. 2402 and we passed that bill. The Senate amended the bill to make the funds available only until June 15, 1989.

Mr. Speaker, the present employment level for medical care is 190,000. The required level is 194,720. The importance of providing $340,125,000 for medical care is to permit the Department to resume hiring to get from the present level to 194,720. The Senate language delays the time when the Department can resume hiring additional employees.

Mr. Speaker, with the passage of H.R. 2072 earlier today, and agreeing to insist on the House position on H.R. 2402, when the Senate returns next week, there will be before them two identical provisions for meeting the needs of our veterans. We have done all we can to protect the house position by having both bills pending consideration in conference at the same time.

I truly believe the passage of H.R. 2072 earlier today provides protection for veterans. In addition, funds are made available to the President to move rapidly to correct the almost national breakdown in law enforcement, along with providing for dire emergencies—a major action which will be of tremendous help in a conference with our Senate colleagues.

Mr. CONTE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of the motion to insist. Mr. Speaker, this body has a long and proud tradition of bipartisan cooperation on veterans issues. That spirit of cooperation led us to put partisan politics aside just long enough to enact a clean supplemental bill for veterans last week. Members on both sides of the aisle should feel proud of that accomplishment.

Now the Senate has given us the option of throwing away that progress and moving all the way back to square one. We must reject the Senate's invitation and insist upon a clean supplemental appropriation for veterans—one that will provide real relief for the remainder of the fiscal year.

Mr. Speaker, if we were to accept the Senate action, it would be just as well to pass a resolution stating that we care about this country's veterans—but not enough to look after their health care needs for the rest of the fiscal year.

This country's veterans do not need a symbolic appropriation from Congress. They do not need to be told that everything will be alright for a fortnight while the future of their health care delivery system hangs in the balance. And Mr. Speaker, they will not tolerate being held hostage to other items in the supplemental spending bill any longer.

Make no mistake: The veterans do need help and they need it now. But they need real help. They need a decisive commitment from this Congress to look after their health care needs.

The Senate amendment fails to provide any real relief. The immediate problem created by the funding shortfall in VA medical care is a drastic staff reduction at VA medical centers. The medical centers are losing doctors and nurses to the private sector like crazy, and the centers don't have enough money to hire replacements.

The Senate amendment does nothing to resolve this problem. The VA cannot go on a hiring spree for 2 weeks without a commitment that there will be money for salaries after the first paycheck. We will not draw doctors and nurses back from the private sector with a promise of challenging work, free parking and 2 weeks pay!

We have heard it said that a half-loaf is better than no loaf, and that we should therefore accept the amendment and keep working to get a full loaf.

That is all fine and good, but where is the half-loaf? It is not in the Senate amendment. My friends, to make even a half-loaf, you need some real dough.

Do you know how the veterans service organizations feel about the Senate amendment? They think it stinks. They know that it's long on symbolism and short on relief. They know that it nullifies the great progress this body has made in separating VA supplemental funding from the dire emergency supplemental appropriations bill. They know it and we know it, so let us move forward and demand that our veterans be granted real relief now.

Mr. Speaker and friends, the real question is not whether we will give the VA half a loaf. It is whether we will follow the other body in taking symbolic action and holding the veterans hostage to other supplemental spending items. It took weeks of effort—and a lot of blood, sweat, and tears—but we finally succeeded in passing a clean VA supplemental.

Today will be a sad day for veterans if we throw away that progress and move back to where we started from.

We need to stand by our guns and insist upon a clean supplemental bill for veterans. We must refuse to let our veterans be used as a negotiating tool in efforts by the other body to advance its pet projects. Did you know that the other body is poised to load the supplemental bill with $75 million for a new radio telescope in West Virginia?

One Mountaineer in particular gets stars in his eyes—becomes moonstruck—when he thinks about this project. When I think about the project, I see a wire and steel monument to pork barrel politics. There is a mechanism in place for dealing with this kind of nonemergency funding request. It's called the appropriations process, and it has been working well for a lot longer than any of us have been around.

Mr. Speaker, it took an action of courage and bipartisan cooperation to enact a clean supplemental for veterans.

I am confident that this great body will reject symbolism in favor of decisive action and vote in favor of this motion.

Mr. CONTE. Mr. Speaker, I yield back the balance of my time.

Mr. WHITTEN. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion.

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Mississippi [Mr. WHITTEN].

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. CONTE. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device and there were—ayes 409, noes 0, not voting 25, as follows:

[Roll No. 68]

AYES—409

Ackerman	Archer	Bartlett
Akaka	Armey	Barton
Alexander	Aspin	Bates
Anderson	Atkins	Beilenson
Andrews	AuCoin	Bennett
Annunzio	Baker	Bentley
Anthony	Ballenger	Bereuter
Applegate	Barnard	Bevill
Bilbray	Garcia	Madigan
Bilirakis	Gaydos	Manton
Bliley	Gejdenson	Markey
Boehlert	Gekas	Marlenee
Boggs	Gephardt	Martin (IL)
Bonior	Gillmor	Martin (NY)
Borski	Gilman	Martinez
Bosco	Gingrich	Matsui
Boucher	Glickman	Mavroules
Boxer	Gonzalez	Mazzoli
Brennan	Goodling	McCandless
Brooks	Gordon	McCloskey
Broomfield	Goss	McCollum
Browder	Gradison	McCrery
Brown (CA)	Grandy	McCurdy
Brown (CO)	Grant	McDade
Bruce	Gray	McDermott
Bryant	Green	McEwen
Buechner	Guarini	McGrath
Bunning	Gunderson	McHugh
Burton	Hall (OH)	McMillan (NC)
Bustamante	Hall (TX)	McMillen (MD)
Byron	Hamilton	McNulty
Callahan	Hammerschmidt	Meyers
Campbell (CA)	Hancock	Mfume
Campbell (CO)	Hansen	Michel
Cardin	Harris	Miller (CA)
Carper	Hastert	Miller (OH)
Carr	Hatcher	Miller (WA)
Chandler	Hawkins	Mineta
Chapman	Hayes (IL)	Moakley
Clarke	Hefley	Molinari
Clay	Hefner	Mollohan
Clement	Henry	Montgomery
Clinger	Herger	Moody
Coble	Hertel	Moorhead
Coelho	Hiler	Morella
Coleman (MO)	Hoagland	Morrison (CT)
Coleman (TX)	Hochbrueckner	Morrison (WA)
Combest	Holloway	Mrazek
Conte	Hopkins	Murphy
Cooper	Horton	Murtha
Costello	Houghton	Myers
Coughlin	Hoyer	Nagle
Cox	Hubbard	Natcher
Coyne	Huckaby	Neal (MA)
Craig	Hughes	Neal (NC)
Crane	Hunter	Nelson
Crockett	Hutto	Nielson
Dannemeyer	Hyde	Nowak
Darden	Inhofe	Oakar
Davis	Ireland	Oberstar
de la Garza	Jacobs	Obey
DeFazio	James	Olin
DeLay	Jenkins	Ortiz
Dellums	Johnson (CT)	Owens (NY)
Derrick	Johnson (SD)	Owens (UT)
DeWine	Johnston	Oxley
Dickinson	Jones (GA)	Packard
Dicks	Jones (NC)	Pallone
Dingell	Jontz	Panetta
Dixon	Kanjorski	Parker
Donnelly	Kaptur	Pashayan
Dorgan (ND)	Kasich	Patterson
Dornan (CA)	Kastenmeier	Paxon
Douglas	Kennedy	Payne (NJ)
Downey	Kennelly	Payne (VA)
Dreier	Kildee	Pease
Duncan	Kleczka	Pelosi
Durbin	Kolbe	Penny
Dwyer	Kostmayer	Perkins
Dyson	Kyl	Petri
Eckart	LaFalce	Pickett
Edwards (CA)	Lagomarsino	Pickle
Emerson	Lancaster	Porter
Engel	Lantos	Poshard
English	Laughlin	Price
Erdreich	Leach (IA)	Quillen
Espy	Lehman (CA)	Rahall
Evans	Lehman (FL)	Rangel
Fascell	Leland	Ravenel
Fawell	Lent	Ray
Fazio	Levin (MI)	Regula
Feighan	Levine (CA)	Rhodes
Fields	Lewis (CA)	Richardson
Fish	Lewis (FL)	Ridge
Flake	Lewis (GA)	Rinaldo
Flippo	Lightfoot	Ritter
Foglietta	Lipinski	Roberts
Foley	Livingston	Robinson
Ford (MI)	Lloyd	Roe
Ford (TN)	Long	Rogers
Frank	Lowery (CA)	Rohrabacher
Frost	Lowey (NY)	Rose
Gallegly	Luken, Thomas	Rostenkowski
Gallo	Machtley	Roth
Roukema	Smith (IA)	Torres
Rowland (CT)	Smith (MS)	Towns
Rowland (GA)	Smith (NE)	Traficant
Russo	Smith (NJ)	Unsoeld
Sabo	Smith (TX)	Upton
Saiki	Smith (VT)	Valentine
Sangmeister	Smith, Denny (OR)	Vander Jagt
Sarpalius	Smith, Robert (NH)	Vento
Savage	Smith, Robert (OR)	Visclosky
Sawyer	Snowe	Volkmer
Saxton	Solarz	Vucanovich
Schaefer	Solomon	Walgren
Scheuer	Spratt	Walker
Schiff	Staggers	Walsh
Schneider	Stallings	Watkins
Schroeder	Stangeland	Waxman
Schuette	Stark	Weber
Schulze	Stearns	Weiss
Schumer	Stenholm	Weldon
Sensenbrenner	Stokes	Wheat
Sharp	Studds	Whittaker
Shaw	Stump	Whitten
Shays	Sundquist	Williams
Shumway	Synar	Wise
Shuster	Tallon	Wolf
Sikorski	Tanner	Wolpe
Sisisky	Tauke	Wyden
Skaggs	Tauzin	Wylie
Skeen	Thomas (CA)	Yates
Skelton	Thomas (GA)	Yatron
Slattery	Thomas (WY)	Young (AK)
Slaughter (NY)		Young (FL)
Slaughter (VA)		
Smith (FL)		

NOT VOTING—25

Bateman	Frenzel	Roybal
Berman	Gibbons	Spence
Collins	Hayes (LA)	Swift
Conyers	Kolter	Torricelli
Courter	Leath (TX)	Traxler
Dymally	Lukens, Donald	Udall
Early	Parris	Wilson
Edwards (OK)	Pepper	
Florio	Pursell	

□ 1937

So the motion was agreed to.

The result of the vote was announced as above recorded.

EXPLANATION OF PROCEDURES FOR CONSIDERATION OF H.R. 1278, FINANCIAL INSTITUTIONS REFORM, RECOVERY, AND ENFORCEMENT ACT OF 1989

(Mr. MOAKLEY asked and was given permission to address the House for 1 minute.)

Mr. MOAKLEY. Mr. Speaker, I ask for the Members' attention for this important announcement relative to H.R. 1278, the Financial Institutions Reform, Recovery, and Enforcement Act of 1989.

As the Members know, this important piece of legislation is a complex matter, and has been referred to five committees of the House. The leadership anticipates the measure coming to the floor perhaps during the first or second week of June, with Rules Committee action occurring shortly before that time.

There is a strong possibility that the Committee on Rules will be asked to grant a modified open rule for the measure, with only designated amendments being made in order. In anticipation of that possibility, I am taking this occasion to inform the House that any Member who wishes to offer amendments to H.R. 1278 should have

35 copies of any amendment—together with explanatory materials—delivered to the Rules Committee offices in room H-312 of the Capitol no later than 3 p.m. on Friday, June 2.

The Rules Committee will be sending a "Dear Colleague letter" to all offices tomorrow with more details.

I thank the Members for their attention.

□ 1940

PERSONAL EXPLANATION

Mrs. MEYERS of Kansas. Mr. Speaker, sadly, I was not here in Washington last week due to the death of my father. As a result, I missed severall rollcall votes. Had I been present, I would have voted "yes" on rollcall votes 53, 54, 55, 56, 57, and 58.

Mr. Speaker, I would also like to add that I was deeply moved by the warm condolences that many of you extended to me and my family. We appreciated your thoughtfulness during that time, and we thank you.

PERSONAL EXPLANATION

Mr. GILMAN. Mr. Speaker, I was unavoidably detained earlier today because I was accompanying Vice President Quayle to the U.S. Military Academy graduation at West Point, and as a result I was not able to cast my vote on rollcall No. 60, approving the Journal; rollcall No. 61, a quorum call; rollcall No. 62, ordering the previous question; and rollcall No. 63, on agreeing to House Resolution 160, the rule allowing for consideration of H.R. 2072, emergency supplemental appropriations, fiscal year 1989. Had I been present, I would have voted "yea" on rollcall No. 60, "present" on rollcall No. 61, and "nay" on rollcall Nos. 62 and 63.

SENSE OF CONGRESS ON THE MOVEMENT FOR DEMOCRACY IN CHINA

Mr. SOLARZ. Mr. Speaker, I ask unanimous consent for the immediate consideraton of the concurrent resolution (H. Con. Res. 136) expressing the sense of the Congress on the movement for democracy in China.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore (Mr. BARNARD). Is there objection to the request of the gentleman from New York?

There was no objection.

The Clerk read the concurrent resolution, as follows:

H. CON. RES. 136

Whereas since mid-April millions of Chinese citizens have engaged in peaceful demonstrations in Beijing and other Chinese cities, calling for greater democracy, freedom of expression, freedom of assembly, freedom of association, and for a government which is responsive to the people and free of corruption;

Whereas the demonstrators, in carrying out their peaceful protest, have displayed extraordinary courage, discipline, and restraint;

Whereas such demonstrations reflect a broad-based feeling on the part of many Chinese that the political reforms which have occurred in China have not kept pace with the progress of economic reform, and the current difficulties in economic reform will only heighten the popular desire for political reform;

Whereas the extraordinary demonstrations in China constitute one of the most significant movements for democracy in modern history;

Whereas on May 20, 1989, the Chinese Government declared martial law in eight districts of Beijing, and imposed edicts forbidding marches, strikes, class boycotts, distribution of pamphlets, spreading rumors, attacks on leaders, and any other "destructive actions;"

Whereas on May 20, 1989, the Chinese Government ordered units of the People's Liberation Army into Beijing in order to restore order;

Whereas military units attempting to enter the center of Beijing have been met by crowds of pro-democracy demonstrators and have chosen to withdraw or remain in place rather than use force to move forward;

Whereas in April 1989, the authorities of the Shanghai municipality dismissed the editor-in-chief of the World Economic Herald, one of China's more independent newspapers;

Whereas the Chinese authorities have ordered foreign journalists not to go to Tiananmen Square, have stopped international satellite news transmissions, and have jammed three of five Voice of America frequencies (the first time that VOA broadcasts to China have been jammed since the normalization of US-China relations in 1979);

Whereas, in the wake of democracy movements in 1978-79 and 1986-87, the authorities subjected participants in those movements to a variety of sanctions, and some individuals incarcerated for their peaceful political activity during those movements remain in prison;

Whereas an acceleration of political reform, including greater pluralism and respect for internationally recognized human rights, will have positive consequences for the development of relations between the United States and China, and repression of the movement for democracy in China will seriously impair those relations:

Now be it

Resolved by the House of Representatives (the Senate concurring) as follows:

The Congress looks with admiration on the courage which Chinese citizens have demonstrated in striving for democratic political reform, including freedom of expression, freedom of assembly, freedom of association, and freedom of the press, and on the peaceful and disciplined manner with which they have pursued their cause;

The Congress calls on the Chinese Government to resolve the political crisis in China without violence, to end martial law, to enter into a genuine dialogue with representatives of the demonstrators, to permit a free flow of information about the democracy movement, and to embark on a program of political reform which includes greater pluralism and respect for internationally recognized civil and political rights;

The Congress calls on the Chinese authorities to refrain from imposing sanctions (such as detention and prosecution, and termination of employment and student status) on those who have led and participated in the current movement for democracy, and to release those Chinese citizens still imprisoned for the nonviolent expression of their politcal beliefs.

The Congress calls on all parties to this crisis to exercise restraint, and to resolve it in a way that is peaceful and consistent with the political aspirations of the Chinese people.

Mr. SPEAKER pro tempore. The gentleman from New York [Mr. SOLARZ] is recognized for 1 hour.

Mr. SOLARZ. Mr. Speaker, I yield 30 minutes to the gentleman from Iowa [Mr. LEACH].

Mr. SPEAKER pro tempore. The gentleman from Iowa [Mr. LEACH] will be recognized for 30 minutes.

Mr. SOLARZ. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would like to take this opportunity now to briefly explain what this concurrent resolution is all about. Let me first say that I very much appreciate the willingness of the Members on both sides of the aisle who were involved in the drafting of this resolution and whose committees had jurisdiction over it to agree to its being brought up at this late hour under a unanimous consent procedure. I am pleased to report to the House that the distinguished chairman of the Foreign Affairs Committee, the distinguished ranking minority member of the Foreign Affairs Committee, as well as the chairman and the ranking minority members of each of the subcommittees of the Foreign Affairs Committee that have jurisdiction over this resolution all agreed to waive their jurisdiction in order to expedite its consideration by the House before we left on a recess for the next several days. I am also pleased to report that it enjoys the support of the administration as well.

Mr. Speaker, this resolution expresses the sense of the Congress with respect to the dramatic events which are now unfolding in the People's Republic of China. Over the course of the last few weeks we have witnessed on the television screens of our own country what may well be the most momentous moment for democracy in this history of our time.

The sight of over a million Chinese, students, workers, housewives, bureaucrats, professionals, calling for greater freedom of expression, freedom of speech, and freedom of the press, and in general for greater democratization in that country, has to be considered an event of the most extraordinary significance. I stand in awe, as I know each of my colleagues does, of the enormous courage on the part of those Chinese who have participated in

these demonstrations, whose willingness to put their careers in jeopardy and possibly even their lives on the line in order to promote those democratic values on which our country was founded over two centuries ago, has to be considered one of the most extraordinary developments of our time. I felt that we would have been remiss in our responsibilities as the preeminent parliament for pluralism in the world if we had neglected to go on record with respect to these dramatic developments.

So this resolution takes note of the outpouring of support in China on the part of millions of Chinese, not only in Beijing, but in Shanghai, Chengdu, and Xian and other cities around the country on behalf of democracy, and it calls on the Chinese Government to resolve the current crisis in China without violence, to end martial law, and to enter into a genuine dialog with representatives of the demonstrators in order to facilitate a peaceful resolution of this crisis.

It calls on the Chinese authorities to refrain from imposing sanctions on those who have led and participated in this movement for democracy, just as it also calls upon them to release from prison those Chinese who were incarcerated the last time there was a movement for democracy, and who unfortunately remain in prison.

Finally, it calls upon all parties to the crisis to exercise restraint and to resolve it in a way that is peaceful, and which is consistent with the political aspirations of the Chinese people.

Mr. Speaker, we can have a relatively limited influence or impact on what happens in China. The fated future of that great country is a matter for the Chinese people and the Chinese authorities fundamentally to determine for themselves.

But it is important for the Chinese to know that our relationship with them in the future will be determined in no small measure by how they resolve this crisis. If they resolve it peacefully, if they resolve it without violence, if they resolve it in a way which is compatible with the self-evident desire of the great majority of the Chinese people for greater freedom, it will inevitably help to further solidify the warm relationships between our two countries.

But if they should attempt to resolve it by using force, by incarcerating demonstrators, possibly even by killing thousands of their fellow citizens, by incarcerating tens of thousands of others, then I have to say, as this resolution indicates, that it would inevitably have significantly adverse consequences for the relationship between our two countries.

Over the course of the last decade, the Chinese authorities, to their credit, have launched fundamental economic reforms which have resulted in a significant improvement in the standard of living of hundreds of millions of Chinese people. It is now clear that the people of China, having experienced and benefited from the fruits of greater freedom in the economic sphere of their society, now want some greater political freedom as well.

Once you begin to let the genie of freedom out of the bottle of repression, it is not so easy to put it back in. So in this resolution today we say to the people of China that we have watched with awe and admiration your disciplined, peaceful demonstrations on behalf of democracy, and we call upon the authorities in China to heed the demands of their own people and to resolve this crisis in a peaceful fashion.

The SPEAKER pro tempore (Mr. POSHARD). The gentleman from Iowa [Mr. LEACH] is recognized for 30 minutes.

Mr. LEACH of Iowa. Mr. Speaker, I yield such time as he may consume to the gentleman from Maryland [Mr. HOYER] in order that he may make several unanimous-consent requests.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY, MAY 31, 1989

Mr. HOYER. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday, May 31, 1989.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Maryland?

There was no objection.

AUTHORIZING THE SPEAKER TO ACCEPT RESIGNATIONS AND APPOINT COMMISSIONS, BOARDS, AND COMMITTEES, NOTWITHSTANDING ADJOURNMENT

Mr. HOYER. Mr. Speaker, I ask unanimous consent that, notwithstanding any adjournment of the House until Wednesday, May 31, 1989, the Speaker be authorized to accept resignations, and to appoint commissions, boards, and committees authorized by law or by the House.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Maryland?

There was no objection.

Mr. LEACH of Iowa. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, with sadness, I must indicate that one of those requests by the gentleman from Maryland [Mr. HOYER] might be of historical dimension.

But having said that, let me just stress that it is always awkward to comment on the affairs of other countries and what happens internally, but there comes a time in the affairs of states when it is fitting and proper to make such comments. I think this is one of those times, and this resolution is one of those reflections.

Two decades ago, a group of French foreign journalists interviewed Chou En-lai and asked, among other things, what he thought of the French Revolution, what he thought its historical significance was, to which Chou En-Lai responded, "It is too early to tell."

□ 1950

It strikes me it may be too early to tell the exact ramifications of what these tens of thousands of students are doing in China. But it is certain that the ramifications are deep and profound and whether change will occur this week, next year, or next decade, change will occur.

Seven decades ago, one of the great founders of liberal Chinese thought, Sun Yat-sen, wrote about three stages of democratic development. I think the Chinese leaders ought to be put on notice that not only should martial law be lifted but so should the alleged second stage of democratic governance, the period of democratic tutelage, be lifted, and that China should, as rapidly as possible, move in the direction of democratic institutions and, without hesitancy, move to accept freedom of speech, freedom of association, the kinds of basic freedoms that this country is based upon.

I think it is interesting to note that when Chinese students are interviewed, when the people are asked what they mean by democracy, not infrequently they reference the term "corruption" that exists in the current system.

I think it is very intriguing when we think of democratic values that even though political corruption exists in almost all societies, it is striking how the more democratic the institution is, the less the levels of corruption are. Whether we look at countries like the Philippines or South Korea that do not have quite as strong a democracy as our own, we are talking about graft in the billions of dollars range. When we look at our own society, we are looking at conflicts of interests with zeros being three and four less than in so many other societies that are frankly not as advanced economically as our own. In fact, it is intriguing when we think of democracy that our Founding Fathers talked about human nature and the need to have a separation of powers because human nature was vulnerable to conflicts of interest unless there were institutions that could be set up to hold people accountable.

Let me just conclude by commending the gentleman from New York for his wise timing and thoughtfulness in introducing this legislation and also point out the great leadership of the gentlewoman from Hawaii, PAT SAIKI, who introduced comparable legislation earlier in the week and from which some of the thoughts and ideas of this particular piece of legislation are derived.

Mr. Speaker, I reserve the balance of my time.

Mr. SOLARZ. I thank the gentleman.

Mr. Speaker, I yield such time as he may consume to the distinguished gentleman from Connecticut [Mr. GEJDENSON].

Mr. GEJDENSON. I thank the gentleman for yielding.

Mr. Speaker, I just take a moment to commend my colleague, the gentleman from New York [Mr. SOLARZ], the chairman of the subcommittee with appropriate jurisdiction on the Committee on Foreign Affairs, for his leadership role not just in this instance but time and time again ensuring that America's voice, for the Congress at least, is there in support of democratic movements.

When people around the globe seek democratic institutions in their own country, they turn to the United States in virtually every instance. And when they look to this body where democracy acts on behalf of the people of this Nation, it is heartening to see the great work done by the gentleman from New York on behalf of democratic movements across the globe.

These are indigenous movements, clearly operating without our efforts and do not necessarily need our approval. But certainly for these students struggling for democracy it must be heartening to see the kind of support they are getting, not just here but again across democratic institutions in almost every country.

Mr. LEACH of Iowa. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from New York [Mr. GILMAN].

Mr. GILMAN. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, I want to commend the distinguished chairman of the Asian and Pacific Affairs Subcommittee, and the gentleman from New York [Mr. SOLARZ] the ranking minority member of the Asian and Pacific Affairs Subcommittee, the gentleman from Iowa [Mr. LEACH] for bringing before us this timely resolution. The students and workers and all who support China's hunger strikers warrant our full support and praise for their brave attempt in encouraging democracy in the People's Republic of China. Though we do not know where the chips may fall in Beijing, the historic peaceful protests for democracy represent a turning point for representative forms of government around the world.

Let us not forget, however, that martial law was proclaimed by PRC authorities 10 weeks ago in Lhasa, the capitol of Tibet, and within that time there have been 260 confirmed deaths during the first and second week of March and hundreds more since then. Some reports state that 800 to 1,000 people have been killed.

Our response to martial law in Beijing should be swift and strong and I commend the authors of the resolution. The bravery of the Chinese students is, as the resolution states, "extraordinary." The television coverage and news reporting has allowed us all to know this to be so.

It took us 2 days to respond to martial law in Beijing, and 2 months to respond to it in Lhasa.

I only hope that our future action in regard to what happens in Tibet will also be timely and strong. I also hope that media representatives will be allowed back into Tibet. Words to describe the degree of bravery in that isolated land are difficult to find.

I am pleased to be able to join in calling on the People's Republic of China to respond and to resolve those demands by their people for freedom without violence.

Mr. LEACH of Iowa. Mr. Speaker, I yield 3 minutes to the distinguished gentleman form California [Mr. LAGOMARSINO].

Mr. LAGOMARSINO. I thank the gentleman for yielding.

Mr. Speaker, I want to commend the gentleman from Iowa [Mr. LEACH] and the gentleman from New York [Mr. SOLARZ], the chairman of the subcommittee, as well as the chairman of the full committee, the gentleman from Florida [Mr. FASCELL] and the ranking Republican on the committee, the gentleman from Michigan [Mr. BROOMFIELD] for bringing this resolution before us.

You know, it is just absolutely incredible what we are seeing in China. Who would have believed it even just a few months ago perhaps? One million people, perhaps more than that, students, laborers, all kinds of people joining in it. The only thing I guess we have seen recently that would even come close or be comparable at all would be what happened in the Philippines, where the people went out into the streets at great risk to their lives and brought down the government.

I do not know if that is going to happen in China or not, but we already see signs that something will be changing.

It is not something that will go away. The Chinese leadership has figured that out. We will see results of one kind or another.

I think it will be to the better. I think we can be proud as Americans that we have provided a symbol, we have provided ideals, we have provided ideas for those students.

I understand many of them are demonstrating carrying banners from the colleges and universities that they attended here in the United States.

Mr. Speaker, I also want to commend Representative PAT SAIKI, who introduced a very similar resolution last month with a number of cosponsors, including this gentleman; and many of the remarks and many of the provisions that are contained in her resolution also find their way into this one.

Again I urge my colleagues to support this, to let the Chinese Government know that we are watching, that we are supporting what the students are trying to achieve and that this is a measured and responsible resolution and speaks to the great issues happening in China.

Mr. LEACH of Iowa. Mr. Speaker, I yield 3 minutes to the very distinguished gentlewoman from Hawaii [Mrs. SAIKI] whose leadership we have all appreciated so much on this issue.

Mrs. SAIKI. I thank the gentleman for yielding.

Mr. Speaker, I rise in very strong support of this resolution, and I do commend my colleague from New York for introducing it and for carrying it through the committee process.

I did introduce a very similar resolution, and I am glad to see that so many of the points made in my resolution are adopted in this one. As I have observed the events in China the past few weeks, I have been deeply moved by the determination and the idealism of the Chinese students.

□ 2000

Their nonviolence protests have been impressive and their determination to gain democratic rights in China must be recognized by all the world. I join the call for the repeal of martial law, and I urge the Chinese Government to respect and reaffirm basic human rights such as the right of peaceful assembly, the right of free and uncensored speech and the right of a free and unrestrained press.

I understand from the latest reports that the plugs on a television communication have already been pulled. Hopefully, this will be restored.

I would like to take this opportunity, with the permission of my colleague from New York, to use this time to urge the Secretary of State, through the United Nations and other international forums, to take appropriate actions, to protect the rights of the protesting students and the many workers under very great strain in China.

I believe it is imperative at this critical period in China that the Congress speak out in support of basic human rights and therefore commend my colleague from New York and ask all Members to join enthusiastically in support of this resolution.

Mr. LEACH of Iowa. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from California [Mr. DREIER].

Mr. DREIER of California. Mr. Speaker, I thank my friend from Iowa for his very kind words.

Mr. Speaker, I rise in strong support of this resolution. I would like to com-

mend my friend from New York [Mr. SOLARZ] for leading the charge on this issue. I would like to say that we certainly are, as is pointed out in this resolution, witnessing one of the most dramatic occurrences that have ever taken place. I say that because we are now in the midst of democracy on the move. It is fascinating when one looks throughout the world.

I have to say that I express appreciation to my friend from New York because, frankly, there are many people, many Members on his side of the aisle who have not necessarily been as supportive of that democratic move throughout the world as I would like to have seen. That is why I am very pleased that on this issue and on the issue of Afghanistan, on the issue of certainly Chile, where on December 14 we will experience an election, and other nations throughout South and Central America, of course, the Philippines where my friend from New York took a leadership role, South Korea, in a wide range we are seeing democracy on the move, but never before has it been as dramatic as this. That is why I am very pleased, in a bipartisan way, Democrats and Republicans are united in strong support of the students and the people of China.

No one predicted this. I do not believe anyone predicted this. I do not believe any predicted that we would see this kind of support for democracy in such great numbers at this time. I have to, as a Californian who came to this Congress in 1980, I have to point out to the Reagan doctrine, which I believe played a role in encouraging democracy throughout the world. There is no doubt about the fact that our support for those who have been struggling for freedom throughout the world is one which has been strong. Not always as strong from this Congress as some Members would like to have seen it, but there is no doubt about the fact that we have been encouraging it, and Ronald Reagan really led the charge, starting in 1980, to do just that.

I think it is important for Members to recognize that he did lay the groundwork for what we are witnessing today in Tiananmen Square.

I congratulate my friend from Iowa, my good friend from New York [Mr. GILMAN], my colleague from Hawaii [Mrs. SAIKI], who joined with a number of others in introducing her resolution. I think we do not have to have a vote on this because we know it will be unanimous. I congratulate my friends and I yield back the balance of my time.

Mr. SOLARZ. Mr. Speaker, I yield such time as he may consume to the distinguished gentleman from Florida [Mr. BENNETT].

Mr. BENNETT. Mr. Speaker, I hate to pass up this opportunity in history because something is really happening in the world today. I think the gentleman from New York deserves credit for getting together this very fine resolution. It is heartening to see the processes of democracy spreading throughout the world and let us hope not in bloodshed or no serious hurt to people, but as a result of this activity that is occurring in China today, that a great new thrust for democracy will occur.

Mr. SOLARZ. Mr. Speaker, I yield myself such time as I may consume.

The winds of democracy are clearly blowing through Asia. They began at gale force levels in the Philippines in 1986. They spread to the Republic of Korea in 1987. They reached Pakistan in 1988. Now they appear to have arrived in China in 1989.

I do not know, no Member knows, what the outcome of this current movement for democracy in China will be. We will all watch with bated breath as the fate and future of an entire nation literally hangs in the balance.

Mr. Speaker, it has often been noted that thanks to modern technology we live in what can be fairly characterized as a global village. I have no doubt that this debate, here in the House of Representatives in Washington, DC, will be heard via the Voice of America in cities all across the length and breadth of China. As a result of which the Chinese people will know that in this great moment of crisis with a struggle for democracy in China hanging in the balance, that the Congress of the United States spoke out for pluralism and peaceful change in their country. I have to believe that whatever may happen in the days and weeks ahead, in the fullness of time, that the Chinese people will remember that we stood side by side with them in their efforts to bring about greater democracy through peaceful means in the People's Republic of China.

So Mr. Speaker, I call upon those Members who are present to join with me in voting for this resolution which will put the House of Representatives clearly on the side of pluralism and peaceful change in China.

Mr. Speaker, I yield back the balance of my time.

Mr. LEACH of Iowa. Mr. Speaker, I had not intended to conclude the debate, but I would like to make further comments. One, the winds of freedom are blowing not only in Asia but throughout the Communist world, in Eastern Europe, even in the Soviet Union's own captive republics.

If we think about democracy, it is also interesting to think about the ways of achieving it. In this particular instance, it appears that it is a nonviolent technique, reminiscent of another Asian, Mahatma Gandhi, in his movement called Satyagraha which is of relevant international significance because it commenced in South Africa, a country to which perhaps the same principles should be applied in the very, very near future.

Finally let me make one comment about Chinese history. One hundred and thirty-five years ago, in the bloodiest civil war in recorded history, over 20 million Chinese were killed in something called the Taiping Rebellion. Today we are seeing change precipitated by the mobilization of a billion people, but in a nonviolent way.

□ 2010

In an historical sense, this is an extraordinary phenomenon, and it also reflects the extraordinary changes that have occurred in the nation we call China. I would concur with the gentleman from New York that nothing could be more appropriate for this body not only to stand for principles of democracy but to tip our hats to these extraordinarily courageous people for advancing at their own will and their own sacrifice in their own way a cause with which we so thoroughly identify.

Mr. Speaker, I yield back the balance of my time.

Mr. YATRON. Mr. Speaker, I strongly endorse this resolution. Because the prodemocracy movement in China is changing so rapidly, I think it is important to state our position now on this historic event.

What we are witnessing is a demonstration of enormous magnitude and restraint. Hundreds of thousands of people have participated in these peaceful demonstrations for democratic reforms in over 20 provinces. The Chinese people are calling for reforms that have already been agreed upon by the Chinese Communist Party. The demonstrators are asking the Chinese authorities to carry out what they have already determined is in the best interest of the country in its move toward greater economic and social reforms.

This resolution urges the Chinese Government to exercise restraint and to arrive at a peaceful resolution to this crisis. This entails dealing with the demonstrators without violence, ending martial law, opening a genuine dialog with the demonstrators, permitting the free flow of information about the democracy movement, and pursuring political reforms which adhere to internationally recognized human rights.

This resolution also makes the important point that sanctions have been imposed on prodemocracy participants in the past and calls on the Chinese authorities in the aftermath of these demonstrations to refrain from imposing sanctions. This resolution also calls for the release of those Chinese citizens who have been imprisoned for expressing their political beliefs.

Mr. Speaker, the situation in China right now is very serious and I hope my colleagues will vote in favor of this resolution.

The SPEAKER pro tempore (Mr. POSHARD). The question is on the concurrent resolution.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. SOLARZ. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the concurrent resolution just adopted.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 586

Mr. BENNETT. Mr. Speaker, I ask unanimous consent that my name be removed as a cosponsor of H.R. 586. My name was entered by accident.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

EDUCATORS, HIGH SCHOOLS IN HAWAII'S SECOND DISTRICT RECEIVE SPECIAL RECOGNITION

(Mr. AKAKA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. AKAKA. Mr. Speaker, I rise to extend my heartiest congratulations to Kahuku, Kailua, and Waiakea High Schools in the State of Hawaii for being honored by the U.S. Department of Education's School Recognition Program.

The School Recognition Program commends the best schools in our Nation that are notably effective in educating their students. The schools are chosen based upon outstanding student achievement, teaching and learning environment, community involvement, institutional vitality, curriculum reform, and leadership.

I am particularly proud that all of Hawaii's honorees are from my district—the Second Congressional District of Hawaii. These institutions epitomize what works in our Nation's schools—high standards of educational goals, active parental involvement, and effective teachers and administrators. They are the embodiment of "excellence in education." I would also like to note that three out of Hawaii's four candidate schools were chosen for this distinction.

Congratulations to the dedicated faculty and its students, and a special note of acknowledgment to the principals—Lea Albert of Kahuku, Meredith Maeda of Kailua, and Danford Sakai of Waiakea. Their guidance and zeal to provide the best education possible for Hawaii's students are exemplary. As a former educator, I share their pride in this exceptional achievement.

COMMUNICATION FROM CHAIRMAN OF THE COMMITTEE ON VETERANS' AFFAIRS

The SPEAKER pro tempore laid before the House the following communication from the chairman of the Committee on Veterans' Affairs, which was read and, without objection, referred to the Committee on Appropriations:

COMMITTEE ON VETERANS' AFFAIRS,
Washington, DC, May 18, 1989.

Hon. JIM WRIGHT,
The Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Section 5004 of title 38, United States Code, requires that the Committees on Veterans' Affairs adopt a resolution approving major medical construction projects and leases of $500,000 or more proposed by the Department of Veterans Affairs for each fiscal year.

The House Committee on Veterans' Affairs met on May 17, 1989, and authorized leasing and construction of various projects for fiscal year 1990 by unanimous voice vote.

A copy of the Resolution adopted by the Committee and a listing of the projects authorized are enclosed.

Sincerely yours,

G. V. (SONNY) MONTGOMERY,
Chairman.

Enclosure.

COMMITTEE ON VETERANS' AFFAIRS,
Washington, DC, May 17, 1989.

RESOLUTION OF THE COMMITTEE ON VETERANS' AFFAIRS, HOUSE OF REPRESENTATIVES

Resolved by the House Committee on Veterans' Affairs, that pursuant to the provisions of Section 5004, title 38, United States Code, the attached listing of a lease and major medical construction projects is approved. This approval is by project and includes funds authorized in fiscal year 1990 and future fiscal years.

G. V. (SONNY) MONTGOMERY,
Chairman.

VETERANS HEALTH SERVICES & RESEARCH ADMINISTRATION, DEPARTMENT OF VETERANS AFFAIRS, MAJOR CONSTRUCTION, FISCAL YEAR 1990

[In millions of dollars]

Location	Project description	Prior authorization	Authorization fiscal year 1990	Total estimated cost
Bay Pines, FL	Colocation with regional office		$13.9	$13.9
Cleveland, OH	Colocation with regional office		18.6	18.6
Columbia, SC	New psychiatric building		10.6	10.6
Dublin, GA	Outpatient clinic addition		9.5	9.5
East Orange, NJ	Relocate/consolidate research	$3.9	3.1	7.0
Gainesville, FL	290-bed psychiatric building design funding		8.9	80.5
Hartford, CT	Colocation with regional office		7.3	7.3
Jackson, MS	Colocation with regional office		7.0	7.0
Lake City, FL	120-bed nursing home care unit		8.0	8.0
Las Vegas, NV	VA/Air Force Joint Venture Medical Center, Nellis Air Force Base		9.3	9.3
Long Beach, CA	Structural seismic corrections		6.0	60.0
Los Angeles, CA	Colocation with regional office		20.5	20.5
Lyons, NJ	Renovate building 53		10.7	10.7
Marion, IN	Geropsychiatric facility		33.0	33.0
Montgomery, AL	Colocation with regional office		7.2	7.2
Newington, CT	Medical center modernization	5.3	53.8	59.0
North Chicago, IL	Environmental improvements, patient and nursing home care buildings	75.8	17.2	127.0
Palm Beach, FL	New medical center/garage/240-bed nursing home care unit	20.5	117.5	138.0
Salisbury, NC	120-bed nursing home care unit		9.0	9.0
Salt Lake City, UT	Renovate building 1		26.6	26.6
Tampa, FL	Renovation/30-bed addition spinal cord injury unit		2.3	23.0
Temple, TX	Bed addition		46.3	46.3
Waco, TX	Renovate buildings 4, 7, and 11		19.2	19.2
Wilkes/Barre, PA	Medical center modernization		47.5	47.5
Various Stations	Advance planning funds		24.8	24.8
Do	Asbestos abatement		30.0	30.0
Do	Design fund		13.6	13.6
Do	Hazardous waste abatement		12.0	12.0
Total: Major construction		105.5	593.4	879.1

LEASES

Location	Project description	Authorization fiscal year 1990
Ft. Worth, TX	Outpatient clinic	$0.6

There was no Objection.

COMMUNICATION FROM CHAIRMAN OF THE COMMITTEE ON PUBLIC WORKS AND TRANSPORTATION

The SPEAKER pro tempore laid before the House the following communication from the chairman of the Committee on Public Works and Transportation, which was read and, without objection, referred to the Committee on Appropriations:

COMMITTEE ON PUBLIC WORKS AND TRANSPORTATION,
Washington, DC, May 9, 1989.

Hon. JIM WRIGHT,
The Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to the provisions of the Public Buildings Act of 1959, as amended, the House Committee on Public Works and Transportation approved the following projects on May 4, 1989.

11(b) RESOLUTIONS

Bloomington, Monroe, County, Indiana.
Pioneer Valley Region, Massachusetts.

The original and one copy of the authorizing resolution are enclosed.

Sincerely,

GLENN M. ANDERSON,
Chairman.

COMMITTEE RESOLUTION

Resolved by the Committee on Public Works and Transportation of the U.S. House of Representatives, That pursuant to the provisions of section 11(b) of the Public Buildings Act of 1959, as amended, the Administrator of General Services in cooperation with other interested agencies, is authorized and directed to investigate the feasibility and need for acquisition or construction of a Federal building in Bloomington, Monroe County, Indiana, to meet the needs of Federal agencies in the area and submit a report to the Congress within 90 days.

GLENN M. ANDERSON,
Chairman.

Dated: May 4, 1989.

COMMITTEE RESOLUTION

Resolved by the Committee on Public Works and Transportation of the U.S. House of Representatives, That pursuant to the provisions of section 11(b) of the Public Buildings Act of 1959, as amended, the Administrator of General Services, in cooperation with other interested agencies, including the Fish and Wildlife Service, Department of Interior, is authorized and directed to investigate the feasibility and need for construction of a Federal building in the Pioneer Valley region of Massachusetts consisting of Hampshire County, Franklin County, and Hampden County west of the Connecticut River, to meet the needs of Federal agencies in the area and submit a report to the Congress within 90 days.

GLENN M. ANDERSON,
Chairman.

Dated: May 4, 1989.

There was no objection.

STAND UP FOR ANTIDRUG FUNDING

(Mr. HOAGLAND asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. HOAGLAND. Mr. Speaker, more than any other American city Omaha, NE, is the creation of President Lincoln; President Lincoln chose Omaha as the eastern terminus of the first transcontinental railroad. As the rail reached out, a family town was born

Omaha never grew as large as Los Angeles or Kansas City, but that has not thwarted west coast-based drug gangs, ever searching for new victims, from spreading to Omaha, traversing our Great Plains via our modern interstate system.

My hometown—a family town—is now being invaded and degraded by drugs and gang violence. We must support today's legislation.

These drug dealers infiltrate by car or plane, carrying dope and guns—poisoning our community, spreading misery and despair—even communicating with high-technology beepers and car telephones.

They spread their misery for profits and money. New territory. New markets. New victims. As they multiply their numbers, Omaha and other vulnerable towns in the heartland, will be invaded by these traveling drug thugs.

President Lincoln once said, "The spirit of all prairie towns must be preserved."

Omaha can remain a family town. I urge all members to stand up for real antidrug funding. I urge you to vote in favor of the rule for the supplemental bill to combat drugs and drug-based crime.

BIGGER PROFITS IN OMAHA—DRUG BATTLE FOCUSES ON K.C. CONNECTION

(By Terry Hyland)

Kansas City drug dealers have been heading north in increasing numbers, looking for a share of Omaha's crack cocaine market, authorities say.

"We're getting a lot more information about (people in) cars with Missouri license plates out dealing drugs," said Lt. Tim Dunning, head of the Omaha police narcotics unit. "They come up long enough to get rid of their dope."

Since October, at least 10 Kansas City residents have been arrested in Omaha on drug charges. Most have been caught with weapons and large amounts of crack and cash.

Some have ties to the Bloods and Crips, two West Coast-based drug gangs that have infiltrated a number of Midwestern cities in recent years, including Omaha.

POTENTIAL FOR VIOLENCE

Along with drugs, the Kansas City dealers bring with them a potential for increased drug-related violence, Dunning said.

Dunning speculated that three factors have led the out-of-town dealers to Omaha:

Bigger profits, because crack cocaine brings a higher price in Omaha than in Kansas City.

Pressure from organized drug traffickers in Kansas City, especially the violent Jamaican gangs, to stay out of the drug trade there.

Omaha's nearness, only a 3½-hour drive from Kansas City along Interstate 29.

Capt. Dave Barton, commander of the Kansas City Police Department's narcotics division, said crack prices in Kansas City have dropped as outside suppliers bring in more of the drug. As a result, dealers are looking for new markets.

"It's a matter of economics," he said. "Some groups send sales representatives ahead. They do everything a Fortune 500 company would do."

FERTILE MARKET

Dunning said a small rock of crack that would cost $15 to $20 in Kansas City sells for $50 in Omaha.

Barton said Omaha also is attractive because dealers are not known by police officers, and the dealers figure they can operate here without interference.

"They like to go to a fertile market that appears to be wide open, where they can hide from police," Barton said,

Barton suggested that the lure of bigger profits has played a larger role in the migration of Kansas City drug dealers to Omaha than turf battles between Kansas City drug gangs.

Although Jamaican gangs still hold a share of Kansas City's crack market, he said, law enforcement efforts have weakened their power. Barton said 200 Jamaicans have been arrested in Kansas City in the last 18 months.

"No one controls the crack market in Kansas City," Barton said.

SHORT STAY

Dunning said Omaha police investigators have found that Kansas City dealers usually don't stay in Omaha long. They drive to Omaha on I-29, sell their supply of crack or powdered cocaine, and return to Kansas City with the profits to buy more drugs, he said.

"We know from people we've arrested that that's the route they took," Dunning said.

Besides adding to the Omaha drug problem, Kansas City dealers—particularly those with gang ties—have brought the potential for violence, Dunning said.

"They can travel to Omaha by car, easily carrying guns and dope," he said, "You usually find a gun when you do a searchwarrant on Kanasas City dealers."

WEAPONS FOUND

Last October, during a police-FBI drug raid that resulted in the arrests of three Kansas City men, officers found just under a quarter-pound of crack, about $4,000 in cash and two weapons—a 9mm handgun and a 9mm machine pistol.

In February, two Kansas City men and an Omaha woman were arrested after police officers seized seven handguns, an ounce of crack cocaine and $3,800 in cash. All three allegedly have ties to the Bloods.

In March, police arrested three Kansas City men after finding 100 pellets of crack and two loaded .38-caliber revolvers hidden in the engine compartment of their car,

Dunning said concern is growing about the Kansas City-Omaha drug and gang connection.

Last month, Omaha police and the Iowa and Missouri State Patrols began sharing information to keep tabs on gang members and other dealers who ferry drugs along I-29.

FORGING A COMPREHENSIVE HOUSING POLICY

(Mr. PRICE asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. PRICE. Mr. Speaker, Congress and the Nation are now faced with a tremendous challenge: addressing our Nation's housing problems. The plight of the homeless in this country is only the most visible manifestation of the housing crisis in our country. Waiting lists for public housing have grown tremendously in recent years; renters have been increasingly squeezed by higher rental prices; and the home ownership rate has been on a decline after 40 years of steady increase.

This crisis demands a creative and flexible governmental response at all levels, particularly at this time of severe budgeting constraints. We need a combination of proven programs and new, innovative ideas to address our housing problems. Our goal should be a comprehensive housing policy for the 1990's, an affordable housing policy that boosts home ownership rates and provides more housing opportunities for low- and moderate-income families.

I have introduced legislation that should be one plank in this housing policy. H.R. 812, the Homeownership Assistance Act of 1989, will modify the FHA Mortgage Insurance Program to stimulate more home ownership opportunities. As a recent article in the Washington Post article indicates, which I enclose for the RECORD, the FHA Program is becoming increasingly important for first-time home buyers. Utilizing these existing programs in creative ways is essential is we are to forge a comprehensive solution to the Nation's housing crisis.

[From the Washington Post, May 13, 1989]

FIRST-TIME BUYERS SHIFT TO U.S. LOAN PROGRAMS

Government mortgage programs, requiring lower down payments than conventional financing, were increasingly important in helping first-time home buyers over the past five years, the National Association of Realtors said this week.

The association's 1988 year-end report on home financing transactions compares privately insured mortgages with mortgages insured by the Federal Housing Administration and guaranteed by the Veterans Administration from 1984 through 1988.

The study shows the proportion of FHA-insured mortgages going to first-time buyers rose from 43 percent in 1984 to 72 percent in 1988. The proportion of VA-guaranteed financing accounted for by first-time buyers rose from 45 percent in 1984 to 64 percent in 1988.

Ira Gribin, president of the association, said the survey shows the important role the FHA and VA mortage programs have in assisting home buyers with modest incomes.

Although use of the programs steadily picked up as mortgage interest rates declined from 1984 through 1987, use continued to increase as rates rose from 1987 to 1988, showing the programs as a key source of affordable financing, he noted.

The study underscores the need for a national housing policy to fully address the needs of entry-level buyers, Gribin said.

From 1984 to 1988, the fixed-rate home loan was the mortgage instrument most commonly used, as lower interest rates diminished the popularity of adjustable-rate mortgages for much of that period.

The proportion of home buyers seeking the predictable monthly payments of fixed-rate mortgages, including privately insured, FHA-insured and VA-guaranteed mortgages, rose from 54 percent in 1984 to a peak of 87 percent in 1986.

Last year, the share dropped to 65 percent from 72 percent in 1987, reflecting the rise in interest rates between 1987 and 1988.

Generally, the survey found that buyers using conventional financing tend to have higher incomes, buy more expensive homes and are more apt to be trade-up buyers than those using FHA-insured or VA-guaranteed mortgages.

The interest rate for the conventional 30-year fixed-rate mortgage dropped from an average of 13.14 percent in 1984 to 9.62 percent in 1987, before climbing to 10.08 percent last year, the survey said.

Home buyers purchasing homes financed with conventional 30-year fixed-rate mortgages during 1984 had a median income of $45,000. In 1988, the median income had risen to $51,200.

The median age of home buyers using this financing rose from 32 in 1984 to 35 in 1988. Eighty-two percent of the buyers in 1984 were married couples; by 1988 that percentage fell to 75 percent.

Throughout the period, the majority of purchasers using conventional fixed-rate mortgages were repeat buyers, those most able to withstand the relatively strict loan qualifications and down payment requirements associated with privately insured financing.

The study notes that one result of the declining interest rate environment was a shift among the users of one-year adjustable-rate mortgages, from modest-income borrowers to wealthier borrowers financially capable of withstanding future increases in their monthly payments.

Buyers of homes financed with one-year ARMs during 1984 had a median household income of $41,700; by 1988, the income had risen to $50,000. In 1984, 63 percent of the borrowers using ARMs were repeat buyers, and in 1988, 69 percent were repeat buyers.

Over the 1984-1988 period, borrowers of both FHA-insured and VA-guaranteed loans financed more of their home purchases and paid less down, reflecting the growing difficulty entry-level buyers face in accumulating down payment funds.

MINIMUM WAGE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. BATES] is recognized for 5 minutes.

Mr. BATES. Mr. Speaker, what troubles me most about the Bush administration's minimum wage proposal is the lengthy time that a subminimum training wage would be in effect.

The Bush proposal would pay a subminimum training wage to all newly hired workers for 6 months—regardless of prior training. Yet studies have shown that job turnover among minimum wage workers is greater than for other workers. Further, minimum wage jobs do not require 6 months of training. If the Bush proposal is adopted, employers will hire and fire low skilled workers so that the employees will never rise to the minimum wage level.

The Democratic proposal—which includes a one-time only 60-day training wage is a fairer proposal. It contains safeguards against employer abuse of the subminimum training wage. I support it wholeheartedly, and I urge my colleagues to do so also.

THE INTRODUCTION OF THE CHILD LABOR DETERRENCE ACT OF 1989

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio [Mr. PEASE] is recognized for 5 minutes.

Mr. PEASE. Mr. Speaker, in 1986, the International Labor Organization [ILO] reported the number of working children under the age of 15 to be at least 200 million worldwide. In some Asian countries, children constitute as much as 15 percent of the workforce. Worse yet, that percentage rises to 17 percent in some African countries and as high as 26 percent in some Latin American countries.

Millions of children, especially in developing countries, can be found working in such dangerous industries as mining, metal works, glass and fireworks manufacturing, commonly without any protection or awareness of the health risks. Often these children are the victims of burns and cuts; many are maimed and left miserably handicapped; and many more contract diseases that lead to death or to incapacitation for life. In 1987, Cox Newspapers in a series called "Stolen Childhood" and the Christian Science Monitor in a series called "Children in Darkness" documented in detail the heart-wrenching consequences and scope of global exploitation of children in the workplace.

Here are a couple of examples of what they found:

In Thailand, thousands of young peasant girls work seven days a week inside hole-in-the-wall Bangkok factories called "shophouses" for less than seven cents an hour.

Shadab is 9. Since he was 6, he has spent 12 hours a day, six days a week, squatting in semi-darkness on damp ground, polishing little pieces of metal on a high-speed grinding wheel. In the lock factory where he works, the gloom is only broken by a few narrow shafts of light entering through holes in the brick walls, and by a single light bulb. The air is visibly, palpably thick with metal dust, the temperature about 120° F. The bare floor is damp with acid that sloshes from big vats onto the ground.

The factory where Shadab works is in Abigash, 80 miles southeast of New Delhi. It employs nine people, five of whom are under 12. The adults are paid more than three times as much as the children, though many of their tasks are the same.

Just last month, the Christian Science Monitor published another disturbing article on the high cost of widespread child labor in Turkey. That article will be reprinted at the end of my statement.

The misery associated with international trading of products made by exploited children goes on out of sight and, almost always, out of mind. Once in a great while, the well-to-do American consumer is jolted upon learning that the beautiful, hand-knotted rug that he bought for $449 at Macy's was made by 7-year-old Moroccan girls who are lucky if they are paid 90 cents a day.

That children are working and sometimes must, is unacceptable, but that they should be forced to work under conditions demonstrably dangerous to their health and safety is reprehensible and must be stopped in all countries, regardless of differing stages of development. A 1987 World Health Organization [WHO] study has found that compared with adults, children tend to react differently and more severely when exposed to chemical substances and physical agents at work. There is a growing body of research evidence indicating that the exposure limits recommended for adult workers are not adequate for protecting children. Surely, no children should be exposed to extremely toxic chemicals or to dangerous physical agents like ionizing radiation.

To hear some people talk, we should not be disturbed that imports entering the American marketplace are sometimes made by children working under barbaric conditions. We are told nothing can be done to stop the suffering and, besides, it is none of our business. Still others, knowing in their hearts that they are profiting from something very wrong, seek to forestall U.S. action and tell us to wait for multilateral action. Some of the same bad actors then proceed to quietly frustrate any consensus for international action at the GATT or elsewhere.

I am fervently opposed to the exploitation of children in the workplace. Moreover, I do not believe it is fair to ask American workers to compete with imports made by brutalized children slaving away under medieval working conditions.

Sadly, the number of children working and the scale of human suffering increase every year, despite the existence of more than 20 ILO conventions on child labor and innumerable pieces of high-sounding national legislation in many countries which purportedly prohibit the employment of children under the age of 15. Something else clearly must be done to effectively stop the exploitation of children in the workplace.

I think a key to effective action is drying up trading markets for goods made by exploited children.

America should push for the rules of international trade to be changed to pointedly discourage child labor, especially in industry and mining. The basic human rights of children deserve at least as much GATT protection as is already provided to the intellectual property rights of businessmen and to the capital investments of financiers. Simple fairness and due regard for American workers require that we settle for nothing less.

But I also recognize that securing international agreement to outlaw trade in goods made by exploited children will not be easily attained. While the need to act is widely recognized, the political will to do so has been sorely lacking. That is precisely why the United States should break the long stalemate and move expeditiously to enact legislation to prohibit imports made by children exploited in the workplace. Toward that end, I am pleased to join with my distinguished colleague, TONY HALL, in sponsoring the Child Labor Deterrence Act of 1989.

In shaping U.S. trade policy to discourage the exploitation of children in the workplace, our bill follows a few straightforward guidelines. First, it should be acknowledged that child labor cannot practically be eradicated overnight. Rather priority should go in the near term to stopping the most egregious forms of exploitation of children in the workplace around the world. In our opinion, the widest possible international consensus can be mobilized around the proposition that children under 15 should not be allowed to work in industry or mining. This approach would prevent younger children from being put to work in occupations where they would be in the greatest danger of traumatic injury or occupational disease.

Second, the U.S. Department of Labor has both the commitment and the expertise to compile and maintain a list of foreign countries that condone child labor in industry and mining for the production of exports. Identifying such countries each year and releasing that information to the Congress and to the general public will alert U.S. importers to be on the lookout to avoid trafficking in child labor products from any of the listed offenders.

Third, rather than placing the onus solely upon the U.S. Government to make certain that manufactured products imported into America are not made by exploited children, that responsibility should be placed primarily upon the importers themselves. Our bill simply requires that U.S. importers, as a condition for bringing a manufactured product into the American marketplace, certify in writing that such product was not made by children under the age of 15. Under this approach, eligibility to import would be treated as the privilege that it is and basic standards would need to be upheld if an importer wants to retain the privilege. In the course of doing business, it is reasonable to expect foreign producers and importers not to undermine the international trading system by trafficking in manufactured products made by exploited children.

Fourth, stiff civil and criminal penalties would be imposed upon importers who knowingly violate the prohibition against bringing into the U.S. market manufactured products made by exploited children. Those tempted to violate the import ban would be running the risk that investigators from inside or outside the U.S. Government at any time will uncover evidence that could be brought to bear in administrative review proceeding and/or a court of law.

Fifth, the U.S. should push for multilateral action to redress the commercial exploitation of children. The President should propose to the United Nations Economic and Social Rights Committee that the Convention for the Rights of the Child, which is to be submitted this year to the General Assembly of the United Nations, include a worldwide ban on trade in products, in whole or in part, made by children under the age 15 who are employed in industry or mining.

In conclusion, we recognize that to avoid chaos and global stability, the international trading system must operate according to basic rules of fairness. The fact that current GATT rules assiduously protect property rights, while basically ignoring the rights of working people—including children—is a tragic commentary on contemporary priorities. But we have the capacity to change this situation. Access to the American marketplace is powerful leverage that should be used positively to encourage foreign producers and importers to treat defenseless children with dignity, rather than contempt. We cannot accept the bizarre reasoning and skewed priorities whereby international rules and U.S. import laws now protect endangered animals and plants, but remain silent on imports made by children shamelessly exploited in the workplace.

[From the Christian Science Monitor]

HIGH PRICE FOR TURKISH CHILD LABOR

(By Aliza Marcus)

On a ferry traveling across the Bosphorus from the Asian to the European side of the city, several young boys hoisting ornate shoeshine boxes exhort passengers to have their shoes polished.

In a room above a newly built wall housing shops and offices, four adolescents hunch over sewing machines, pinning together men's ties.

At a site for car repair shops on the outskirts of the city, 12-year-old Huseyn Ozturk carries a piece of tubing almost as big as he is. Originally from Kars in East Turkey, his parents sent him to Istanbul three years ago to learn a trade.

"I was going to school, but they thought it was better for me to learn how to earn money," he says.

Across Turkey, from the cotton fields in Anatolia to the hundreds of small textile factories springing up to meet the growing demands of the country's main export industry, child labor is widespread and generally accepted.

Experts say the practice is not only ingrained, but growing, as families stagger under the burden of trying to make ends meet in a country where the annual inflation rate is 75 percent and the average factory worker takes home about 250,000 TL (Turkish lirn) ($125) a month.

Fueled by a high population growth rate of 2.4 percent and the increasing number of people migrating from rural areas to the cities in search of better jobs, children are becoming more important as economic providers.

"I am afraid this could soon become the biggest problem facing Turkey. We must really resolve it before it gets out of control," says Esin Konanc, a professor specializing in child labor at Ankara University.

According to official statistics, 17 percent of the country's labor force is between the ages of 12 and 19, but only about 800,000 of the 2.5 million working children are legally employed.

And although children are not allowed to work full time until they have finished elementary school, an overcrowded school system and lax enforcement of laws allows many to end up hawking goods in the street or doing so-called black factory work.

Child labor experts say if the practice continues to grow unchecked, in a decade Turkey will be faced with millions of poorly trained, poorly educated workers who are unable to compete effectively in the European market.

"If we don't train these kids now, then they will never learn about the new technologies and methods being used in basic industries. As a result, 10 years from now we will really suffer economically and everybody will laugh at us about our dreams for membership in the European Community," says Ali Kansu, director of a private vocational training program for children in Istanbul.

Government officials have scheduled a conference in May to establish a nationwide policy on children, and experts are now drawing up a series of proposals designed to address the needs of child laborers.

Proposals center on better enforcement of existing laws protecting working children, along with increased funding to expand the number of vocational training centers for children who have finished elementary school.

Under the current law, working children are required to enroll in an apprenticeship program, but lack of adequate funding has left more than 80 percent of legally employed children unable to find space in a center, Mr. Konanc says.

Other laws mandating medical examinations, health and safety standards, and the number of hours a day children are permitted to work are routinely ignored, according to a study Konanc conducted in three major cities.

Experts say emphasis must be placed on getting children off the streets and out of illegal factory work, where they usually receive better wages but work long hours in unsafe conditions and do not qualify for health insurance or vocational training.

They also want to see the relevent laws expanded to include children who work in the agricultural sector. About half of Turkey's 55 million people live in rural areas, and children of all ages there routinely work full days with no health insurance or other protection, Konanc says.

There are also calls for an increase in the adult minimum wage—now set at about 140,000 TL ($70) a month, in the hope this could reduce families' dependence on extra wages from their children.

But raising the minimum wage could actually hurt adult employment unless backed up by strict enforcement of laws regulating child labor. While Turkey's adult unemployment rate is about 15 percent, children, low-paid and not allowed to join unions—can usually find jobs where adults fail, Konanc says.

Government officials have said they may soon ratify the International Labor Organization's convention setting the basic minimum working age at 14, but experts say unless economic pressures diminish, such a move will have little effect on the number of working children.

"Short of radical economic changes, there is no way that we can do away with the practice of children working. What we must do in the short run is accept that children have to work and we must figure out how we can help protect them from being exploited," says Konanc.

IS IT TIME TO TRADE WITH THE SOVIETS?

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. STARK] is recognized for 5 minutes.

Mr. STARK. Mr. Speaker, there has been much discussion recently about the Jackson-Vanik amendment, which links United States-Soviet trade to civil rights and emigration issues. Over the last year, the Soviet Union initiated reforms which allowed increased emigration and improved religious tolerance. Yet, the eventual scope and permanence of such reforms remains undefined. Nonetheless, it's clear that the time has come to seriously consider the removal of trade barriers with the Soviets. To assist my colleagues in their consideration of this issue, I would like to recommend the following recent articles:

[From the Washington Post, May 13, 1989]

BUSH'S SOVIET TRADE STANCE HAILED

(By David B. Ottaway)

American Jewish groups yesterday generally welcomed President Bush's conditional support for a temporary waiver of Jackson-Vanik restrictions on U.S. trade with the Soviet Union, and predicted the issue will now be at the forefront of debate within the entire Jewish community.

But at least one organization, the American Jewish Congress (AJC), expressed disappointment that Bush had not immediately ordered a waiver of the 1974 Jackson-Vanik Amendment, which deprives the Soviet Union of tariff and credit privileges because of its curbs on Jewish emigration.

"We call on the president to waive the Jackson-Vanik Amendment's application to the Soviet Union as expeditiously as possible," said Phil Baum, AJC associate executive director.

Stephen Silbiger, an aide to Baum, predicted the Bush statement would put the waiver issue "on the agenda of every Jewish group and stimulate a lot of activity."

Bush said in a Texas speech he is prepared to work with Congress for a temporary waiver of Jackson-Vanik, a step toward restoring Most Favored Nation tariff status to the Soviet Union, "should the Soviet Union codify its emigration laws in accord with international standards and implement its new laws faithfully."

The Jewish community is already in ferment over whether to support a waiver in light of the recent increase in Jewish emigration, and out of concern that it failed to respond positively in the late 1970s to Soviet leader Leonid Brezhnev's liberalization of Soviet emigration policy.

"In 1979, a large number of Jews [51,000] were coming out and nobody responded to encourage it continuing, and then it stopped," said Warren Eisenberg, a spokesman for B'nai B'rith International. "There is a concern we do have to encourage them to continue."

Silbiger said it was ironic that the Jewish community had pressed Yasser Arafat, leader of the Palestine Liberation Organization, to "codify" his recognition of Israel and renunciation of terrorism without first insisting on "deeds."

In the case of Soviet President Mikhail Gorbachev, it was the reverse, he said: "Gorbachev gave us all the deeds but the Jews say they won't move until he codfies it."

More than 4,557 Jews were granted exist permits in April, and 14,018 Soviet Jews arrived in the west or Israel in the first four months of this year. Richard Schifter, assistant secretary of state for human rights, said yesterday the Soviets told him this week they gave out 57,000 emigration permits between Jan. 1 and May 1, the highest since 1979, and that "the trend is upward."

These include permits for Germans, Armenians and Pentecostals as well as Jews, but Schifter said the figures for Soviet Jews and Pentecostals would indicate that as many as 63,000 would get permission to leave this year. At the height of Jewish emigration in 1979, 51,000 left the Soviet Union.

Schifter said Soviet officials had shown him the test of draft legislation for a new emigration law that responds to many U.S. objections made in the past to Soviet emigration practices. About 40 Soviet Jews who attended the 1987 Passover Seder in Moscow with then-Secretary of State George P. Shultz have all received permission to leave the Soviet Union, he said.

Silbiger noted a widespead feeling in the Jewish community that "if we give up Jackson-Vanik, we're giving up the Soviet Jewish issue."

The National Conference on Soviet Jewry (NCSJ), the main Jewish group concerned with Soviet emigration, issued a statement welcoming Bush's insistence on the codification of Soviet emigration law as prelude to a temporary waiver.

"The president's criteria are consiste it with those set forth by the NCSJ in the continuing reassessment of its position," said NCSJ Chairman Shoshana S. Cardin.

His group has also been demanding progress on exit permits for long-term refuseniks and a redefinition of the "state secrets" law under which many Jews have been refused passports.

The issue of whether to support a Jackson-Vanik waiver comes up at the NCSJ executive committee and board of governors meeting here June 12-13. In preparation, a NCSJ delegation goes to Moscow May 23-28 to sound out Soviet officials on possible changes this year in Soviet emigration law.

Former representative Charles A. Vanik (D-Ohio), who was the coauthor of the Jackson-Vanik Amendment with the late Senator Henry A. Jackson (D-Wash.), said he was "pleased and delighted" with Bush's statement, which he interpreted as a call for a waiver.

In a speech before the American Committee on U.S.-Soviet Relations May 4, Vanik called on Bush for a waiver "without further conditions." He pledged yesterday to "organize widespread support" for it.

Reports conflict on how far the Soviets intend to go this year in changing their emigration law. Rudolph Kuznetsov, chairman of the Soviet emigration bureau, told Soviet human rights activist Arkady Vakesberg in late March that the Soviet government intends to take a "step-by-step approach."

The only immediate change planned is for an extension of emigration permits to all Soviets who could show they had a "close relative" abroad, Kuznetsov told Vakesberg, according to notes on that meeting given to the congressional Commission on Security and Cooperation in Europe.

"That's a far cry from what we were told in Moscow in November," said Jane Fisher, the commission's deputy staff director. She accompanied Sen. Dennis DeConcini (D-Ariz.) and Rep. Steny H. Hoyer (D-Md.), the commission's co-chairmen to Moscow, where they came to expect broader changes, she said.

Reacting to Bush's remarks, Seymour D. Reich, chairman of the Conference of Presidents of Major American Jewish Organizations, said Bush has set "fair and firm conditions" for granting a waiver.

"We trust that the U.S.S.R. will meet that test and institutionalize by law the reforms that it has begun," Reich said.

The president of the Union of Councils for Soviet Jews, Pamela B. Cohen, congratulated Bush for remaining "faithful to the strict requirements of the Jackson-Vanik Amendment." The councils' members and colleagues inside the Soviet Union "will be relieved, joyful and full of gratitude," she said.

The American Jewish Committee also applauded Bush, but said his statement "could go further in setting criteria for Soviet actions."

[From the Washington Post, May 12, 1989]

MR. VANIK AMENDS HIS AMENDMENT

Whether Charles Vanik was right the first time on Soviet trade and emigration is still much disputed. As a congressman he put his name on the 1974 legislation that ties Soviet-American trade to liberal Soviet emigration. Trade, detente and emigration subsequently faltered. But, you could say, different factors were at work, and that was then. Mr. Vanik, having left Congress, is now a trade lawyer, and he thinks the Soviet Union has freed up emigration to the point that it makes sense to waive the Jackson-Vanik amendment and restore normal tariff (and credit) conditions to Moscow. It seems to us that this time around he's on the right track.

Jews, Armenians and Pentecostals are now leaving the Soviet Union in the tens of thousands—faster than the United States can absorb Soviet Jews who prefer this country to Israel. The list of long-term refuseniks is shortening too slowly, but Soviet authorities are working on legislation to regularize the emigration rules; a complicating factor seems to be that they want to make sure first how these rules affect other "nationality" groups with kin outside the Soviet border. Opportunities for cultural and religious observance within the Soviet Union are expanding. Responding to the good news, American Jewish monitoring organizations are moving closer to releasing the veto that, as a practical political matter, they wield over a presidential waiver decision.

Especially in human rights cases, there is a continuing moral obligation to maintain vigilance and not to yield the pass too soon. But there is also a responsibility to take account of Soviet developments and to make a balanced judgment about what will best ensure a healthy emigration flow. It is a good thing, we think, that the relaxation evident in this aspect of Soviet policy arises not simply from a desire to expand trade—the Soviets do have other trading partners, including the United States' competitors—but from a drive to modernize the whole of Soviet society. This roots emigration changes in far deeper soil.

With the emigration issue apparently coming unstuck, some Americans are tempted to legislate new and broader human rights, economic and political conditions on Soviet-American trade. Such a response of upping the ante after each Soviet advance seems to us to promise no good. The at best checkered record of the Jackson-Vanik amendment ought to sober those who would draft new amendments. In emigration, as elsewhere, the broad interest of the West is served by the domestic renewal the Soviet Union is pursuing under its own steam.

THE NATIONAL AFFORDABLE HOUSING ACT: NEW IDEAS FOR ELDERLY HOUSING

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Wisconsin [Mr. KLECZKA] is recognized for 5 minutes.

Mr. KLECZKA. Mr. Speaker, earlier this year, I introduced comprehensive housing legislation, the National Affordable Housing Act, which includes some innovative provisions designed to increase the supply of housing for the elderly.

Title V of bill, "Housing for Persons With Special Needs," renews the Federal commitment to elderly housing while embarking on new initiatives to meet the such special problems as those encountered by the frail elderly.

Specifically, the title restructures HUD by establishing an Assistant Secretary for Supportive Housing, an action recommended by the American Association of Retired Persons.

In addition, H.R. 1532 provides for 12,000 units of elderly housing in fiscal year 1990 and fiscal year 1991, well above the current CBO baseline of 7,041 units. The measure replaces the current fair market rent limitation on development costs with a standard based on local construction costs, thereby limiting a major cause for delays in the current program. According to the American Association of Homes for the Aging, calculating development costs based on unrealistic fair market rent standards means that 30 percent of the country is effectively "redlined" for section 202 purposes.

One of the most far-reaching reforms included under title V is the revision of the section 202 financing system. H.R. 1532 would provide nearly twice as many housing units within a given level of budget authority by providing assistance through forgivable loans rather than through the current "double budget authority" method.

Let me explain why this reform makes sense. Under current law, the 40-year direct loans are made to nonprofit sponsors at interest rates which reflect the Federal cost of borrowing. The occupied projects receive a section 8 rental subsidy, roughly 75 percent of which goes to pay principal and interest on the loan. This puts Congress in the position of allocating budget authority both to make the loan and then to repay it, a position which unnecessarily inflates the cost of elderly housing when it comes to scoring for Gramm-Rudman-Hollings purposes.

The National Affordable Housing Act would revise the funding system to authorize interest-free loans to nonprofit sponsors for 100 percent of a project's development costs. Payments on this up-front financing would be deferred for 20 years. Beginning in year 21, 5 percent of the principal would be forgiven for each year the housing serves low-income elderly tenants. After 40 years, the loan would be forgiven in its entirety. HUD would be authorized to enter into a 20-year contract to fund the deficit between tenant rents and project operating costs. After the initial 20-year operating contract expires, HUD would have the option to renew the contract in 5-year increments.

In addition, title V of the bill establishes Project Retrofit, a program designed to make existing elderly housing more suitable to the needs of frail elderly. This program is designed to address a phenomena known as aging in place. As many Members may know, a substantial portion of our public housing residents are elderly. Some residents may move into a project at age 65, continue to stay there and age there in the ensuing years. Advancing age, of course, can make a person frailer and more in need of additional supportive services. A public housing resident at 75 or 76, for example, may have different needs than he or she had at age 65. According to one estimate, one out of four elderly residents in federally assisted housing require some type of support to live independently.

Project Retrofit provides that, if a project has a commitment for funds from a State, locality or other source to provide supportive services for the elderly, such as meals, housekeeping, personal care, or transportation, HUD funds could be used to expand existing elderly housing space to provide congregate dining, health related clinics or other facilities. Small, flexible HUD grants for particularly innovative frail elderly projects would be made available, and supportive service coordinators could be hired in certain instances.

Mr. Speaker, the need for a renewed Federal commitment to elderly housing is clear. A recent Harvard University study points out that the number of households headed by persons aged 65 or older will rise by 48 percent between 1980 and 2000—from approximately 16 million in 1980 to nearly 24 million at the turn of the century. Another study, this one by the University of Michigan, projects an increased need for 9.6 million specialized units for older persons in this period but forecasts private market production of only 6.8 million. That 2.8 million shortfall will fall hardest on the poorest and the frailest, those least able to meet their own housing needs. To meet that challenge, we need a robust and reinvigorated section 202 program.

A revitalized system of Federal production of housing for the elderly is the basis of title V of the National Affordable Housing Act. While this legislation does not provide for the 22,000 elderly and handicapped housing units funded under section 202 in 1979, it does provide authorization for 17,000 units, nearly double the CBO baseline amount. It does this while staying within budget limitations. I urge my colleagues to study these provisions and to support the legislation.

BROKERED DEPOSITS INCREASE IN FDIC CONTROLLED SAVINGS AND LOANS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois [Mr. ANNUNZIO] is recognized for 5 minutes.

Mr. ANNUNZIO. Mr. Speaker, brokered deposits are widely regarded as a detriment to the soundness of the savings and loan industry. They put a strain on Federal deposit insurance funds, inflate banking costs, and encourage high interest funds to flow to problem institutions.

The amount of brokered deposits in failing institutions has increased since being taken

over by the FDIC. This is in direct contrast to what is known about the use of these funds. There is no question that brokered deposits have been a great contributor to the problems facing the savings and loan industry. The FDIC should be trying to reduce, rather than increase, the amount of brokered deposits in the institutions it takes over.

From December 31, 1988, to May 5, 1989, the 219 savings and loans in FDIC conservatorship have increased their brokered deposits from $10.7 to $12.1 billion—a 13.9-percent increase in only 5 months. This trend in failing institutions is bad in and of itself, but it is made worse by the fact that in these same 219 institutions, there has been a 9.1-percent decrease in other deposits. Nonbrokered deposits in these FDIC controlled institutions have gone from $68.1 billion in December 1988 to $61.8 billion as of May 5, 1989. Furthermore, the percentage of brokered deposits in total deposits has gone from 13.6 percent to 16.5 percent. This is certainly not the direction the FDIC should be leading brokered deposits.

Troubled institutions use brokered funds more frequently and more extensively than well-rated institutions. These institutions pay the highest rates, and brokered funds flow to the highest bidder. This serves to hurt healthy institutions since they must raise their rates in order to compete. An institution's soundness is only of secondary concern to a broker because there is absolutely no risk to him or his customer.

William Seidman, Chairman of the Federal Deposit Insurance Corporation in hearings held by the Subcommittee on Financial Institutions, which I chair, recognized the need to curb the use of brokered deposits. He recognized they cause troubled institutions to take excessive risks and inevitably leave taxpayers to pay the costs. Mr. Seidman has also stated his plans to propose a rule that requires institutions who plan to expand their deposit base through the use of these high-rate brokered deposits to notify the FDIC in advance for approval. If the Chairman realizes this, the FDIC should take the lead by relying less, not more, on brokered deposits. Control over brokered deposits should start with the FDIC itself. It should set an example rather than be a leading contributor to the problem.

This is not a "do as I say, not as I do" situation. The answer is not for the FDIC to continue to involve savings and loans under its control in the risky, high interest activities that caused the problems in the first place. The solution is to obtain funds from lenders such as the regional Federal Home Loan Banks and the Federal Reserve. Money from the FHLB should not be difficult to obtain since collateral is not a problem for these 219 now federalized institutions. The Federal Reserve has made arrangements to lend money to these institutions at a much lower rate than brokers through emergency backup funding. Nevertheless, only two institutions are actually using it as a funding source. The FDIC has had these institutions in conservatorship for months. It is time it started using sound, effective means to return them to healthy thrifts. Brokered deposits are not the way to get these institutions out of trouble. The FDIC should not be involved in problem causing activities. As conservator, it should become part of the solution not part of the problem.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York [Mr. HOCHBRUECKNER] is recognized for 60 minutes.

[Mr. HOCHBRUECKNER addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

LEGAL IMMIGRATION REFORM ACT OF 1989

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York [Mr. FISH] is recognized for 60 minutes.

Mr. FISH. Mr. Speaker, on Tuesday, May 23, I introduced H.R. 2448, legislation to reform our legal immigration preference categories. Legal immigration reform has been the subject of discussion and hearings since the Select Committee on Immigration and Refugee Policy—the Hesburgh Commission—made its recommendation in 1981. I was a member of that Commission. The bill I am introducing today borrows from the Commission's recommendations and incorporates concepts recommended at hearings since the Commission's report, particularly the contributions of Senators SIMPSON and KENNEDY in the 100th Congress, the Canadian experience with a points system, and the administration's input.

As my colleagues know, in 1986, Congress passed and the President signed into law the Immigration Reform and Control Act [IRCA] to address primarily our growing undocumented alien problem. It was felt that passage of such legislation was a necessary first step in reforming our current immigration laws. In essence, the back door to illegal migration first had to be closed before making revisions to our legal immigration categories. This 1986 law is now well on its way to implementation and the time is now ripe for the second step—reform of our legal preference categories.

Several fundamental principles are a part of our immigration traditions and must be in any reform proposal. Family reunification must be maintained. The entry of skilled workers and professionals needed by American industry should be facilitated. A diversity of hard working, ambitious foreign nationals should be encouraged. Results, however, have been uneven.

In the reform of 1966, national origin gave way to family reunion and by 1988, 92 percent of legal immigrants entered as members of families of citizens and permanent residents. It soon became apparent, that nationals of the traditional sending countries of the 19th century were disadvantaged, as few could qualify as close family members. The Hesburgh Commission, 8 years ago, recognized this and recommended a new seed or independent category in which the young and ambitious and otherwise ineligible could compete.

Immigration reform must also address the problem of immigrant backlogs and attempt to avoid a recurrence. Approximately 2.3 million individuals around the globe have approved petitions which means they currently qualify under our immigration laws to enter the United States. With worldwide annual quotas a fraction of that number they must wait years until a number is available. The bulk of these individuals are second preference-immediate family of permanent resident aliens, and fifth preference—brothers and sisters of U.S. citizens.

In addition, the 1986 Immigration Reform and Control Act legalized some 3.1 million individuals, some of whom have spouses and minor children who did not qualify for legalization. The exact number is unknown. However, it is estimated that 80 percent of this group are currently residing in the United States in limbo—here, not leaving, presumably working. When petitioned for by their legalized spouses, they too will add to our current backlogs.

The immigration reform legislation that I have introduced addresses these issues.

My legislative proposal would wipe out the current second preference backlog reuniting spouses and minor children of permanent residents. Under current law, only spouses and minor children of citizens are numerically unlimited. It is only fair to treat spouses and minor children of permanent residents—the same as those of U.S. citizens.

These changes would correct this inequity and as well prevent future backlogs of these immediate family members. It would also solve the prblem of legalized alien spouses and minor children who did not qualify under the 1986 law.

The policy of equal treatment for family members of both U.S. citizens and permanent residents carries over to the remaining family reunification preferences in my proposal. First preference: unmarried sons and daughters of U.S. citizens and permanent residents; second preference: married sons and daughters of U.S. citizens and permanent residents. The only other preference in my proposal, the third preference, adds unmarried brothers and sisters of U.S. citizens. This is the present fifth preference with the change that married brothers and sisters are excluded prospectively. They may compete in the independent category. The inclusion in today's law of married brothers and sisters results in unacceptable exponential growth in immigrant petitions for families.

In addition, my bill creates 200,000 immigrant visas for a new independent category, separate from the family categories. To respond to the needs of American industry, 20,000 visas would be allocated to Ph.D. professionals; 20,000 for professionals with exceptional ability, 30,000 for skilled workers, and 5,000 visas for a new category for investors—those who could demonstrate that they have $1 million and no less than 10 employees.

The total number in the preference and independent categories only marginally increases in our current worldwide ceilings.

This independent category includes a "new seed" provision which makes available 125,000 immigrant visas to applicants with the highest points for certain important characteristics. Points are awarded for proficiency in the English language, education, age, occupa-

tional demand and prearranged employment. This new seed category is designed to encourage diversity of immigrants allowing nationals of countries which have not enjoyed immigration to the United States in recent years to compete.

For the first 3 years, 100,000 visas would be taken out of the Independent category to clear up the fifth preference backlog, now amounting to about 1½ million people. The bill would also reduce the naturalization requirement from 5 years to 3 years to encourage more rapid integration into U.S. society.

Mr. Speaker, I believe my bill is a good first step in addressing our major legal immigration problems. I encourage my colleagues to take a look at this legislation and welcome any suggestions for modifications or additions to the bill. A brief summary follows:

SUMMARY OF FISH LEGAL IMMIGRATION REFORM ACT OF 1989

FAMILY CATEGORIES (103,000)

1. *Unlimited Category:*
(a) Spouses, minor children, parents of citizens (current law).
(b) Spouses, minor children of permanent residents (legalized aliens cannot obtain welfare benefits for 5 years as under IRCA).
2. *Limited Category:*
1st Preference (54,000). Unmarried sons and daughters of U.S. citizens and permanent residents.
2nd Preference (27,000). Married sons and daughters of U.S. citizens and permanent residents.
3rd Preference (22,000). Unmarried brothers and sisters of U.S. citizens.

INDEPENDENT CATEGORY (200,000)

1. PhD professionals 20,000.
2. Professionals with exceptional ability 20,000.
3. Skilled workers with two years fallout from 1-3 goes to New Seed Category 30,000.
4. *Investors*—(5,000) with $1,000,000 limit and 10 employees and two year anti-fraud provision (i.e., investors would have conditional status for two years to avoid fraud in this category).
5. *New Seed* (125,000) and fallout from above:
English—20 points;
Occupational demand up to 30 points;
Prearranged empl. up to 20 points;
Education, Baccal.—10 points;
Age 18-35 10 points; 36-45 5 points.

SPECIAL PROVISIONS

1. Backlog for 5th preference. 100,000 for 3 years from independent category.
2. Per country limit 20,000 for family categories. No per country limit for independent categories.
3. Requires backlogged petitions to be verified within two years by petitioner.
4. Reduce citizenship requirement from 5 to 3 years.

GEN. JOHN A. LOGAN, THE FOUNDER OF MEMORIAL DAY

The SPEAKER pro tempore (Mr. HOCHBRUECKNER). Under a previous order of the House, the gentleman from Illinois [Mr. POSHARD] is recognized for 60 minutes.

Mr. POSHARD. Mr. Speaker, from sometimes humble beginnings come great people. Surely one example of that in our history is Gen. John A. Logan, whose legacy is long, but perhaps most notable for creating the special holiday we are about to observe, Memorial Day.

I'm honored to tell my colleagues about Gen. John Alexander Logan, a man who was born and raised in what is now my congressional district, a man who was out front on so many issues and ideas that he must surely rank as one of the great minds, one of the great Americans in history.

Just to give you an example of the regard in which General Logan was held, let me quote from the general's funeral service in the Chambers of the U.S. Senate on December 31, 1886:

And hereafter and forever, Illinois will have illustrious trinity of national greatness—Lincoln, the greatest of statesmen; Grant, the greatest of professional soldiers; and Logan, the greatest volunteer general ever produced by this country.

John Alexander Logan was the first of 12 children, born to a doctor in Jackson County, IL on February 9, 1826.

His career includes distinguished service in the Congress, both in the House and Senate, as a Vice-Presidential candidate and in the military.

Come next Monday, ceremonies across this great country will honor the war dead, ceremonies we've grown up with, become accustomed to, and perhaps forgotten where they came from.

They came from Gen. John A. Logan, and a town in my district lays claim to the honor of having begun the movement leading to the national celebration of Memorial Day.

On a Sunday in April, April 29, 1866, the good people of Carbondale, IL, held a daylong observance, concluding with the decoration of the graves of some 20 Union soldiers. The principal speaker this day? Gen. John A. Logan. There's no doubt this experience moved General Logan greatly, because on May 5, 1868, as first Commander in Chief of the Grand Army of the Republic, he issued the general order providing for nationwide observance of Decoration Day, which would henceforth be held on May 30.

Known for his brilliant oratory, it probably does not do the general justice for me to repeat his words on the floor of this great body. But it is a risk I'll take, with apologies to his memory, so that he may be remembered for his accomplishments at this time of national togetherness.

[General Orders]

HEADQUARTERS GRAND ARMY OF THE REPUBLIC, ADJUTANT GENERAL'S OFFICE, 440 FOURTEENTH STREET,
Washington, DC, May 5, 1868.

General Orders No. 11

I. The 30th day of May, 1868, is designated for the purpose of strewing with flowers or otherwise decorating the graves of comrades who died in defense of their country during the late rebellion, and whose bodies now lie in almost every city, village and hamlet church-yard in the land. In this observance no form of ceremony is prescribed, but posts and comrades will in their own way arrange such fitting services and testimonials of respect as circumstances may permit.

We are organized, comrades, as our regulations tell us, for the purpose, among other things, "of preserving and strengthening those kind and fraternal feelings which have bound together the soldiers, sailors and marines who united to supress the late rebellion." What can aid more to assure this result than cherishing tenderly the memory of our heroic dead, who made their breasts like a barricade between our country and its foes? Their soldier lives were the reveille of freedom to a race in chains, and their deaths the tattoo of rebellious tyranny in arms. We should guard their graves with sacred vigilance. All that the consecrated wealth and taste of the nation can add to their adornment and security is but a fitting tribute to the memory of her slain defenders. Let no wanton foot tread rudely on such hallowed grounds. Let pleasant paths invite the coming and going of reverent visitors and fond mourners. Let no vandalism of avarice or neglect, no ravages of time testify to the present or to the coming generations that we have forgotten as a people the cost of a free and undivided republic.

If other eyes grow dull, other hands slack, and other hearts cold in the solemn trust, ours shall keep it well as long as the light and warmth of life remain to us.

Let us, then, at the time appointed gather around their sacred remains and garland the passionless mounds above them with the choicest flowers of springtime; let us raise above them the dear old flag they saved from dishonor; let us in this solemn presence renew our pledges to aid and assist those whom they have left among us as a sacred charge upon a nation's gratitude, the soldier's and sailor's widow and orphan.

II. It is the purpose of the Commander-in-Chief to inaugurate this observance with the hope that it will be kept up from year to year, while a survivor of the war remains to honor the memory of his departed comrades. He earnestly desires the public press to lend its friendly aid in bringing to the notice of comrades in all parts of the country in time for simultaneous compliance therewith.

III. Department commanders will use efforts to make this order effective.

By order of

JOHN A. LOGAN,
Commander-in-Chief
N.P. CHIPMAN,
Adjutant General.

Official: Wm. T. Collins, A.A.G.

General Logan was one of the most active participants in the Civil War, passionately committed to keeping the Union intact.

He took his regiment into early action, had a horse shot from beneath him, injured seriously twice, made a brigadier general after Fort Donelson, a major general after Vicksburg. The names of the battles where this general led are the battles that shaped a Nation.

The day after Christmas, 1886, Gen. John A. Logan passed away. He was 60 years old.

Today in my district, there is a community college named for him, a place

that fosters the volunteer spirit which Logan helped bring to this great Nation, a spirit which we depend on now for so many great things in our towns and villages.

His spirit surely walks the graveyards of this Nation each Memorial Day, stirring the hearts of those gathered, reminding them of the ultimate sacrifices which allow us to live our lives in the greatest country on Earth.

Our debt to him is tremendous. He has our thanks.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. DREIER of California) to revise and extend their remarks and include extraneous material:)

Mr. FISH, for 20 minutes, today.
Mr. SOLOMON, for 60 minutes, today.
Mr. WALKER, for 60 minutes, today.
Mr. GINGRICH, for 60 minutes, today.
Mr. GINGRICH, for 60 minutes, on May 25.
Mr. MCEWEN, for 60 minutes, today.
Mr. GRANDY, for 60 minutes, on June 7.

(The following Members (at the request of Mr. HOCHBRUECKNER) to revise and extend their remarks and include extraneous material:)

Mr. PEASE, for 5 minutes, today.
Mr. STARK, for 5 minutes, today.
Mr. KLECZKA, for 5 minutes, today.
Mr. ANNUNZIO, for 5 minutes, today.
Mr. GONZALEZ, for 60 minutes, on May 25.
Mr. LIPINSKI, for 60 minutes, on May 25.

EXTENSIONS OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. ALEXANDER, and to include extraneous matter on H.R. 2072, in the Committee of the Whole today.

Mr. MARLENEE, prior to the vote on House Resolution 160.

(The following Members (at the request of Mr. DREIER of California) and to include extraneous matter:)

Mr. CONTE.
Mr. HORTON.
Mr. MCEWEN.
Mr. PORTER in four instances.
Mr. MACHTLEY in three instances.
Mr. MADIGAN in two instances.
Mr. PARRIS.
Mr. DANNEMEYER.
Mr. DOUGLAS.
Mr. GEKAS.
Mr. SCHUETTE.
Mr. TAUKE.
Mr. HUNTER.
Mrs. SMITH of Nebraska.
Mr. BUECHNER in two instances.
Mr. BURTON of Indiana.
Mr. GILMAN in two instances.
Mr. COX.
Mr. MCCOLLUM.

(The following Members (at the request of Mr. HOCHBRUECKNER) and to include extraneous matter:)

Mr. DONNELLY.
Mr. TRAXLER.
Mr. ROSTENKOWSKI.
Mr. ROWLAND of Georgia.
Mr. GORDON.
Ms. PELOSI.
Mr. KANJORSKI.
Mr. MAZZOLI in two instances.
Mr. SMITH of Florida in two instances.
Mr. BRYANT.
Mr. ACKERMAN in two instances.
Mr. TRAFICANT.
Mr. KOSTMAYER.
Mr. HALL of Ohio.
Mr. GARCIA in two instances.
Mr. MOODY.
Mr. CONYERS.
Mr. LAFALCE.
Mr. SCHUMER in four instances.
Mr. RANGEL.
Mr. LEVINE of California.
Mr. MURTHA in two instances.
Mr. KASTENMEIER.
Mr. DOWNEY.
Mr. DERRICK.
Mr. MORRISON of Connecticut.
Mr. CLEMENT.
Mr. TORRICELLI.
Mr. FEIGHAN.
Mr. DE LA GARZA.
Mr. DIXON in two instances.

ADJOURNMENT

Mr. POSHARD. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 8 o'clock and 28 minutes p.m.), the House adjourned until tomorrow, Thursday, May 25, 1989, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1249. A letter from the Secretary of Education, transmitting the Department's 13th annual report on the distribution of State-administered Federal education funds, pursuant to section 406A, General Education Provisions Act, as amended; to the Committee on Education and Labor.

1250. A letter from the Acting President, Inter-American Foundation, transmitting the Foundation's report on activities under the Freedom of Information Act during calendar year 1988, pursuant to U.S.C. 552(d); to the Committee on Government Operations.

1251. A letter from the Assistant Attorney General for Administration, Department of Justice, transmitting a copy of the annual report of the Attorney General for the 1987 fiscal year, pursuant to section 28 U.S.C. 529; to the Committee on the Judiciary.

1252. A letter from the Deputy General Counsel, Department of Defense, transmitting a draft of proposed legislation to amend sections 5544, 5546 and 5550 of title 5, United States Code, relating to Sunday premium pay for civil service employees, to accommodate schedules in foreign areas where Sunday is a routine workday and another day of the week is officially recognized as the day of worship; to the Committee on Post Office and Civil Service.

1253. A letter from the Secretary of Transportation; transmitting the ninth annual report on collision avoidance systems, pursuant to 49 U.S.C. app. 1348 nt.; to the Committee on Public Works and Transportation.

1254. A letter from the Acting Administrator, General Services Administration, transmitting copies of prospectuses, pursuant to 40 U.S.C. 606(a); to the Committee on Public Works and Transportation.

1255. A letter from the Secretary, Department of Health and Human Services, transmitting a report entitled, "State Actions to Adopt Federal Minimum Standards For Medigap Policies," pursuant to 42 U.S.C. 1882(1)(6); jointly, to the Committees on Ways and Means and Energy and Commerce.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. ROSTENKOWSKI: Committee on Ways and Means. House Resolution 146. Resolution to call for the President to take action to enforce the semiconductor agreement, and prevent further unfair Japanese trade practices (Rept. 101-66). Referred to the House Calendar.

SUBSEQUENT ACTION ON A REPORTED BILL SEQUENTIALLY REFERRED

Under clause 5 of rule X the following action was taken by the Speaker:

H.R. 1278. Referral to the Committees on Government Operations, the Judiciary, and Rules extended for a period ending not later than June 1, 1989.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. TAUZIN (for himself, Mr. JONES of North Carolina, Mr. DAVIS, and Mr. GEJDENSON):

H.R. 2459. A bill to authorize appropriations for the Coast Guard for fiscal year 1990, and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. HASTERT (for himself, Mr. RHODES, Mr. ARCHER, Mr. ARMEY, Mr. BAKER, Mr. BALLENGER, Mr. BARTLETT, Mrs. BENTLEY, Mr. BILIRAKIS, Mr. BLILEY, Mr. BOEHLERT, Mr. BUECHNER, Mr. BUNNING, Mr. BURTON of Indiana, Mr. CALLAHAN, Mr. CLINGER, Mr. COBLE, Mr. COX,

Mr. COMBEST, Mr. CRANE, Mr. DANNEMEYER, Mr. DELAY, Mr. DEWINE, Mr. DICKINSON, Mr. DORNAN of California, Mr. DOUGLAS, Mr. DUNCAN, Mr. DYMALLY, Mr. EDWARDS of Oklahoma, Mr. EMERSON, Mr. FAWELL, Mr. GALLEGLY, Mr. GALLO, Mr. GILLMOR, Mr. GINGRICH, Mr. GOSS, Mr. GRANDY, Mr. GUNDERSON, Mr. HAMMERSCHMIDT, Mr. HANCOCK, Mr. HANSEN, Mr. HEFLEY, Mr. HENRY, Mr. HERGER, Mr. HILER, Mr. HOLLOWAY, Mr. HOPKINS, Mr. HOUGHTON, Mr. HUCKABY, Mr. HUNTER, Mr. HYDE, Mr. INHOFE, Mrs. JOHNSON of Connecticut, Mr. JOHNSON of South Dakota, Mr. KASICH, Mr. KOLBE, Mr. KYL, Mr. LAGOMARSINO, Mr. LEWIS of California, Mr. LIGHTFOOT, Mr. LIVINGSTON, Mr. DONALD E. LUKENS, Mr. MACHTLEY, Mr. MADIGAN, Mr. MARTIN of New York, Mrs. MARTIN of Illinois, Mr. MCCANDLESS, Mr. MCCRERY, Mr. MCEWEN, Mr. MCGRATH, Mr. MCMILLAN of North Carolina, Mrs. MEYERS of Kansas, Mr. MICHEL, Mr. MOORHEAD, Mrs. MORELLA, Mr. MOLINARI, Mr. MRAZEK, Mr. NIELSON of Utah, Mr. OXLEY, Mr. PACKARD, Mr. PAXON, Mr. PARRIS, Mr. PETRI, Mr. PORTER, Mr. QUILLEN, Mr. RAVENEL, Mr. RINALDO, Mr. ROE, Mr. ROGERS, Mr. ROHRABACHER, Mrs. SAIKI, Mr. SAXTON, Mr. SCHAEFER, Mr. SHAYS, Mr. SHUMWAY, Mr. SKEEN, Mr. SLAUGHTER of Virginia, Mr. SMITH of New Jersey, Mr. DENNY SMITH, Mr. SMITH of Texas, Mr. SMITH of Mississippi, Mr. SMITH of Vermont, Mr. ROBERT F. SMITH, Mr. STANGELAND, Mr. STEARNS, Mr. STUMP, Mr. SUNDQUIST, Mr. TAUKE, Mr. TRAFICANT, Mr. UPTON, Mrs. VUCANOVICH, Mr. WALKER, Mr. WEBER, Mr. WELDON, Mr. WOLF, Mr. WYLIE, Mr. YATES, Mr. YOUNG of Alaska, Mr. WALSH, Mr. WHITTAKER, and Mr. CRAIG):

H.R. 2460. A bill to amend title II of the Social Security Act to eliminate the earnings test for individuals who have attained retirement age; to the Committee on Ways and Means.

By Mr. ASPIN (for himself and Mr. DICKINSON) (both by request):

H.R. 2461. A bill to authorize appropriations for fiscal years 1990 and 1991 for military functions of the Department of Defense and to prescribe military personnel levels for such Department for fiscal years 1990 and 1991, and for other purposes; to the Committee on Armed Services.

By Mr. BENNETT (for himself, Mrs. BOXER, Mr. AUCOIN, and Mr. PENNY):

H.R. 2462. A bill to amend title 10, United States Code, to prohibit senior civilian officials of the Department of Defense and general and flag officers of the Armed Forces from working for defense contractors for a period of 2 years after leaving service in the Department of Defense; to the Committee on Armed Services.

By Mr. BENNETT (for himself, Mr. JONES of North Carolina, Mrs. BENTLEY, Mr. ANDERSON, Mr. BATEMAN, Mrs. BOGGS, Mr. BORSKI, Mr. DE LUGO, Mr. DYSON, Mr. FOGLIETTA, Mr. GAYDOS, Mr. GONZALEZ, Mr. HOCHBRUECKNER, Mr. HUNTER, Mr. HUTTO, Mr. INHOFE, Mr. LAUGHLIN, Mr. LIPINSKI, Mr. MRAZEK, Mr. PICKETT, Mr. SMITH of Mississippi, Mr. STUDDS, Mr. TALLON, Mr. TAUZIN, Mr. WELDON, Mrs. UNSOELD, Mr. PALLONE, and Mr. MURTHA):

H.R. 2463. A bill to increase the capacity of United States maritime industries to meet the national defense and ocean transportation needs of the United States; jointly, to the Committees on Merchant Marine and Fisheries, Ways and Means, and Armed Services.

By Mrs. BOXER (for herself, Mr. PANETTA, and Ms. PELOSI):

H.R. 2464. A bill to amend the Marine Protection, Research, and Sanctuaries Act of 1972 to prohibit exploration, development, and production of oil, natural gas, or minerals in national marine sanctuaries; to the Committee on Merchant Marine and Fisheries.

By Mr. GILMAN (for himself, Mr. RANGEL, Mr. COUGHLIN, Mr. DORNAN of California, Mr. FAUNTROY, Mr. GRANT, Mr. GUARINI, Mr. LEWIS of Florida, Mrs. LOWEY of New York, Mr. MFUME, Mr. SCHEUER, Mr. SENSENBRENNER, Mr. SHAYS, Mr. SMITH of Florida, and Mr. TOWNS):

H.R. 2465. A bill to amend the Federal Property and Administrative Services Act of 1949 to make certain surplus property of the United States available for use for substance abuse treatment and rehabilitation; to the Committee on Government Operations.

By Mr. CONYERS (for himself, Mr. BUSTAMANTE, Mr. TORRES, Mr. LEWIS of Georgia, Ms. PELOSI, Mr. LELAND, Mr. DYMALLY, Mr. PANETTA, Mr. ROYBAL, Mr. UDALL, Mr. SLATTERY, and Mr. DELLUMS):

H.R. 2466. A bill to assure due process and equal protection of the law by permitting the use of statistical and other evidence to challenge the death penalty on the grounds of disproportionate patterns of imposition with respect to racial groups, to prohibit such patterns, and for other purposes; to the Committee on the Judiciary.

By Mr. DE LA GARZA (for himself, Mr. MADIGAN, Mr. BROWN of California, Mr. ROSE, Mr. ENGLISH, Mr. COLEMAN of Missouri, Mr. GLICKMAN, Mr. MARLENEE, Mr. HUCKABY, Mr. ROBERTS, Mr. STENHOLM, Mr. GUNDERSON, Mr. VOLKMER, Mr. HATCHER, Mr. EMERSON, Mr. TALLON, Mr. STALLINGS, Mr. NAGLE, Mr. JONTZ, Mr. JOHNSON of South Dakota, Mr. SARPALIUS, Mr. SCHUETTE, Mr. GRANDY, Mr. GRANT, Mr. DYSON, Mr. LANCASTER, and Mr. SLATTERY):

H.R. 2467. A bill entitled the "1988 Disaster Assistance Extension Act;" to the Committee on Agriculture.

By Mr. DYMALLY:

H.R. 2468. A bill to authorize the appropriation of funds for a pilot program to assist other countries in the development of their domestic industrial standards; to the Committee on Science, Space, and Technology.

By Mr. ENGLISH:

H.R. 2469. A bill to limit a previous owner's right of first refusal in the case of fraud or resale for sales of farm property by the Farmers Home Administration and the Farm Credit System; to the Committee on Agriculture.

By Mr. UPTON (for himself, Mr. STANGELAND, Mr. VANDER JAGT, Mr. HENRY, Mr. SCHUETTE, Mr. PURSELL, Mr. TRAXLER, Mr. HERTEL, Mr. ATKINS, Mr. BARNARD, Mr. DEFAZIO, Mr. KOSTMAYER, Mr. BALLENGER, Mr. HOUGHTON, Mrs. MARTIN of Illinois, Mr. ROE, Mrs. SMITH of Nebraska, and Mr. WHITTAKER):

H.R. 2470. A bill to provide procedures for the protection of recreational uses with respect to water resources projects of the Corps of Engineers; to the Committee on Public Works and Transportation.

By Mr. GORDON:

H.R. 2471. A bill to make appropriations for the operation of the air traffic control tower at Smyrna Airport in Smyrna, TN; to the Committee on Appropriations.

H.R. 2472. A bill to make appropriations for the restoration of Fortress Rosecrans in Murfreesboro, TN; to the Committee on Appropriations.

By Mr. HALL of Texas:

H.R. 2473. A bill to clarify the exemptive authority of the Securities and Exchange Commission; to the Committee on Energy and Commerce.

By Mr. LAFALCE:

H.R. 2474. A bill to amend the Internal Revenue Code of 1986 to allow a deduction for sewer taxes, rents, and other similar sewer charges; to the Committee on Ways and Means.

H.R. 2475. A bill to amend the Federal Water Pollution Control Act to allow all recipients of grants for treatment works to use dedicated ad valorem taxes in order to meet the requirement of the act that such recipients adopt user charges to pay for operation and maintenance of treatment works; to the Committee on Public Works and Transportation.

H.R. 2476. A bill to amend the Federal Water Pollution Control Act relating to the construction and operation of certain treatment works which are subject to regulation under international treaties; to the Committee on Public Works and Transportation.

By Mr. LELAND:

H.R. 2477. A bill to authorize the establishment of the National African-American Heritage Memorial Museum within the Smithsonian Institution; jointly, to the Committees on Public Works and Transportation and House Administration.

By Mr. LEVIN of Michigan (for himself, Mr. PEASE, and Mr. KILDEE):

H.R. 2478. A bill to permit states to use an indicator based on exhaustion rates for purposes of determining whether extended unemployment benefits are payable; to the Committee on Ways and Means.

By Mr. LEWIS of Florida (for himself, Mr. FASCELL, Mr. MONTGOMERY, Mr. DE LA GARZA, Mr. SMITH of Mississippi, Mr. RAVENEL, Mr. CALLAHAN, Mr. TOWNS, and Mr. PARKER):

H.R. 2479. A bill to establish a tropical cyclone reconnaissance, surveillance, and research program under the joint control of the Secretary of Defense and the Secretary of Commerce; jointly, to the Committees on Armed Services and Science, Space, and Technology.

By Mrs. LLOYD (for herself (by request), Mr. MCEWEN, and Mr. HUBBARD):

H.R. 2480. A bill to maintain a competitive, financially strong, and secure uranium enrichment capability in the United States by reorganizing the uranium enrichment enterprise, and for other purposes; jointly, to the Committees on Energy and Commerce, Interior and Insular Affairs, and Science, Space, and Technology.

By Mr. MADIGAN:

H.R. 2481. A bill to amend title XX of the Public Health Service Act to authorize appropriations for the adolescent family life program; to the Committee on Energy and Commerce.

H.R. 2482. A bill to require the Secretary of Health and Human Services to impose fees under the Federal Food, Drug, and Cosmetic Act for the review of applications for marketing approval for new human and animal drugs, antibiotics, medical devices, and biological products, and for other purposes; to the Committee on Energy and Commerce.

By Mr. MAZZOLI:

H.R. 2483. A bill to provide for establishment of the bipartisan Medicare Financing and Benefit Review Commission to study and make recommendations concerning changes in the Medicare Program to ensure its short-term and long-term financial solvency and the appropriateness of its benefit structure; jointly, to the Committees on Ways and Means and Energy and Commerce.

By Mr. PARRIS:

H.R. 2484. A bill to repeal the District of Columbia Good Time Credits Act of 1986; to the Committee on the District of Columbia.

By Mr. PEASE (for himself and Mr. HALL of Ohio):

H.R. 2485. A bill to prohibit the importation of goods produced abroad with child labor and for other purposes; jointly, to the Committee on Ways and Means and Foreign Affairs.

By Mr. PENNY (for himself and Mr. SMITH of New Jersey):

H.R. 2486. A bill to amend title 38, United States Code, with respect to veterans' readjustment appointments authorized by such title; to the Committee on Veterans' Affairs.

By Mr. SMITH of Florida (for himself, Mr. TOWNS, Mr. DONALD E. LUKENS, Mr. FAUNTROY, Mr. TORRES, Mr. LEWIS of Georgia, Mr. RANGEL, Mr. LEWIS of Florida, Mr. CHAPMAN, Mr. MCCOLLUM, Mr. PEPPER, and Mr. PORTER):

H.R. 2487. A bill to amend the Higher Education Act of 1965 to increase the Secretary of Education's authority to prevent fraud and abuse by eligible institutions, and for other purposes; to the Committee on Education and Labor.

By Ms. SNOWE:

H.R. 2488. A bill to improve international aviation security; jointly, to the Committees on Public Works and Transportation and Foreign Affairs.

By Mr. TRAFICANT:

H.R. 2489. A bill to discourage domestic corporations from establishing foreign manufacturing subsidiaries in order to avoid Federal taxes by including in gross income of United States shareholders in foreign corporations the retained earnings of any such subsidiary which are attributable to manufacturing operations in runaway plants or tax havens; to the Committee on Ways and Means.

By Mr. WALGREN:

H.R. 2490. A bill to amend the Internal Revenue Code of 1986 to provide a mechanism for taxpayers to designate any portion of any overpayment of income tax, and to contribute other amounts, for payment to the national organ transplant trust fund, and for other purposes; jointly, to the Committees on Ways and Means and Energy and Commerce.

By Mr. YATES:

H.R. 2491. A bill to prohibit the importation, manufacture, sale, purchase, transfer, receipt, or transportation of handguns, in any manner affecting interstate or foreign commerce, except for or by members of the Armed Forces, law enforcement officials, and, as authorized by the Secretary of the Treasury, licensed importers, manufacturers, dealers, and pistol clubs; to the Committee on the Judiciary.

By Mr. ORTIZ:

H.J. Res. 283. Joint resolution designating May 27, 1989, as "Kleberg County Trail Riders Association and Texas A&I University Law School Day"; to the Committee on Post Office and Civil Service.

By Mr. ROBINSON (for himself, Mr. OWENS of Utah, Mr. TAUKE, Mr. HORTON, Mr. GORDON, Mr. GUARINI, Mr. BLILEY, Mr. SKEEN, Mr. HAYES of Illinois, Mr. WOLF, Mr. HUGHES, Mr. FAZIO, Mr. DYMALLY, Mr. YATRON, Mr. DEFAZIO, Mr. HAMMERSCHMIDT, Mr. LELAND, Mr. COYNE, Mr. WALSH, Mr. EVANS, Mr. HATCHER, Mr. CAMPBELL of Colorado, Mrs. PATTERSON, Mr. MARTINEZ, and Mr. LAGOMARSINO):

H.J. Res. 284. Joint resolution to designate the week beginning April 8, 1990, as "National Telecommunicators Week"; to the Committee on Post Office and Civil Service.

By Mr. SOLARZ:

H. Con. Res. 136. Concurrent resolution expressing the sense of the Congress on the movement for democracy in China; to the Committee on Foreign Affairs.

By Mr. MCCOLLUM:

H. Con. Res. 137. Concurrent resolution expressing the sense of the Congress concerning the Kennedy-Khrushchev accord; to the Committee on Foreign Affairs.

By Mr. NEAL of Massachusetts:

H. Con. Res. 138. Concurrent resolution expressing the sense of the Congress regarding the deregulation of the cable television industry; to the Committee on Energy and Commerce.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

110. By the SPEAKER: Memorial of the Senate of the Commonwealth of Pennsylvania, relative to human rights in Romania; to the Committee on Foreign Affairs.

111. Also, memorial of the General Assembly of the Commonwealth of Pennsylvania, relative to a memorial for the servicemen and servicewomen who served during the Korean war; to the Committee on House Administration.

112. Also, memorial of the Senate of the Commonwealth of Massachusetts, relative to freedom for Joseph Patrick Thomas Doherty; to the Committee on the Judiciary.

113. Also, a memorial of the General Assembly of the Commonwealth of Pennsylvania, relative to air transportation; to the Committee on Public Works and Transportation.

114. Also, memorial of the Senate of the State of Hawaii, relative to expanding educational outreach programs in Hawaii; to the Committee on Science, Space, and Technology.

115. Also, memorial of the General Assemby of the Commonwealth of Pennsylvania, relative to setting aside the termination date of December 31, 1989, for GI bill purposes; to the Committee on Veterans' Affairs.

116. Also, memorial of the General Assembly of the Commonwealth of Pennsylvania, relative to reducing the Federal deficit; to the Committee on Ways and Means.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

Mr. BEREUTER introduced a bill (H.R. 2492) for the relief of Richard W. Schaffert; which was referred to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 6: Mr. EMERSON, Mr. PORTER, Mr. PARRIS, Mr. BURTON of Indiana, Mr. LOWERY of California, Mrs. SAIKI, Mr. ROBERTS, Mr. BAKER, Mr. INHOFE, Mr. BLILEY, and Mr. PAXON.

H.R. 37: Mr. DYSON.

H.R. 45: Mr. SKAGGS.

H.R. 56: Mr. PANETTA, Mrs. PATTERSON, Mr. PAXON, and Mr. TORRES.

H.R. 58: Mr. MCDADE, Mr. BEREUTER, and Mr. DELAY.

H.R. 60: Mr. DENNY SMITH, Mrs. VUCANOVICH, Mrs. SMITH of Nebraska, Mr. GRANDY, Mr. JONES of Georgia, Mr. GALLEGLY, Mr. ROBERT F. SMITH, Mr. COBLE, Mr. ROBINSON, Mr. SUNDQUIST, Mr. MCDADE, Mr. HAYES of Louisiana, Mr. WEBER, and Mrs. MARTIN of Illinois.

H.R. 63: Mr. ANDERSON, Mr. SPENCE, Mr. GALLO, Mr. EDWARDS of Oklahoma, Mr. MACHTLEY, and Mr. BURTON of Indiana.

H.R. 109: Mr. RAY and Mr. MARTIN of New York.

H.R. 145: Mr. CARDIN and Mr. PAYNE of New Jersey.

H.R. 150: Mr. GOODLING.

H.R. 154: Mr. SYNAR.

H.R. 160: Mr. SKAGGS Mr. KENNEDY, Mr. FLORIO, Mr. REGULA, Mr. SHAW, and Mr. CARPER.

H.R. 169: Mr. CRANE.

H.R. 211: Mr. STALLINGS and Mr. WISE.

H.R. 215: Mr. RICHARDSON, Mr. STOKES, Mr. WISE, Mr. SOLARZ, and Mr. SIKORSKI.

H.R. 222: Mr. ANNUNZIO, Mr. SMITH of Florida, Mr. GRANT, Mr. HAMILTON, and Mr. RUSSO.

H.R. 230: Mr. CARPER.

H.R. 239: Mr. BRYANT, Mr. RITTER, Ms. LONG, Mr. FALEOMAVAEGA, Mr. SKEEN, Mr. WISE, and Mr. FUSTER.

H.R. 425: Mr. MOODY, Mr. RAHALL, Mr. YATES, and Mr. TRAFICANT.

H.R. 446: Mr. CRANE, Mr. HAMMERSCHMIDT, and Mr. BAKER.

H.R. 496: Mr. JOHNSON of South Dakota.

H.R. 499: Mr. KOLBE.

H.R. 504: Mr. KOLBE.

H.R. 509: Mr. CALLAHAN, Mr. FROST, Mr. HAYES of Louisiana, Mr. MOLINARI, Mr. ORTIZ, and Mr. RICHARDSON.

H.R. 534: Mr. NOWAK, Mr. HENRY, Mr. MCNULTY, Mr. FAUNTROY, Mr. BERMAN, Mr. ACKERMAN, and Mr. MADIGAN.

H.R. 537: Mrs. JOHNSON of Connecticut and Mr. MADIGAN.

H.R. 574: Mr. SOLOMON, Mr. DENNY SMITH, and Mrs. VUCANOVICH.

H.R. 578: Mr. SHAYS.

H.R. 594: Mr. GORDON, Mr. MCNULTY, and Mr. LOWERY of California.

H.R. 624: Mr. CRAIG and Mr. SMITH of Texas.

H.R. 625: Mr. HOLLOWAY.

H.R. 626: Mr. CRANE.

H.R. 638: Mr. CLEMENT, Mr. FAZIO, and Mr. RAHALL.

H.R. 645: Mr. MFUME and Mr. HUTTO.

H.R. 664: Mr. PASHAYAN and Mr. MOORHEAD.

H.R. 675: Mr. ECKART and Mr. GORDON.

H.R. 677: Mr. FAZIO, Mr. SKAGGS, Mr. HUBBARD, Mr. LEHMAN of California, Mr. VOLKMER, Mr. RAY, Mr. TORRICELLI, Mr. MAZZOLI, and Mr. PERKINS.

H.R. 719: Mr. CAMPBELL of California, Mr. BARTLETT, Mr. COMBEST, Mr. HALL of Ohio, Mr. THOMAS of California, Mr. GRADISON, Mrs. BENTLEY, Mr. SHAYS, Mr. MORRISON of Connecticut, Mr. ERDREICH, Mr. HENRY, Mr. CRAIG, Mr. FAWELL, Mr. ROBINSON, Mrs. SAIKI, Mr. REGULA, Mr. SMITH of New Hampshire, Mr. SMITH of Iowa, and Mr. BUECHNER.

H.R. 745: Mr. HORTON, Mr. STARK, Mr. OWENS of New York, Mr. HERTEL, Mr. LIPINSKI, Mr. SIKORSKI, Mr. FROST, and Mr. BUSTAMANTE.

H.R. 766: Mrs. BOXER.

H.R. 774: Mr. PEPPER, Mrs. UNSOELD, Mr. PAYNE of New Jersey, Mr. GEKAS, Mr. FEIGHAN, and Mr. PRICE.

H.R. 796: Mr. ALEXANDER and Mr. OLIN.

H.R. 854: Ms. PELOSI, Mr. HALL of Ohio, Mr. VENTO, and Mr. PENNY.

H.R. 857: Mr. BROWN of California.

H.R. 874: Mr. GEPHARDT.

H.R. 947: Mrs. UNSOELD.

H.R. 966: Mr. STUDDS, Mr. TRAFICANT, Mr. SKAGGS, Mr. GEJDENSON, Mr. BERMAN, Mr. WEISS, and Mr. BEILENSON.

H.R. 987: Mr. RAHALL.

H.R. 1008: Mr. DIXON, Ms. LONG, and Mr. CAMPBELL of California.

H.R. 1025: Mr. LEVINE of California.

H.R. 1028: Mr. DORGAN of North Dakota, Mr. RHODES, Mr. DE LA GARZA, Mr. ANDREWS, and Mrs. VUCANOVICH.

H.R. 1056: Mr. NEAL of North Carolina, Mr. ACKERMAN, and Mr. BATES.

H.R. 1074: Mr. GALLEGLY, Mr. WELDON, and Mr. DE LA GARZA.

H.R. 1095: Mr. DEWINE, Mr. DREIER of California, Mr. GILMAN, and Mr. GRAY.

H.R. 1100: Mr. RICHARDSON, Mr. CLEMENT, Mr. MILLER of Ohio, Mr. OXLEY, and Mr. CRAIG.

H.R. 1136: Mr. HENRY, Mr. GREEN, Mr. BONIOR, Mr. MCEWEN, Mr. DEWINE, Mr. SHAYS, Mr. MILLER of Ohio, Mrs. PATTERSON, Mr. RAHALL, Mr. SHARP, Mr. KLECZKA, Mr. PAYNE of Virginia, and Mr. RAVENEL.

H.R. 1140: Mr. FRANK and Mr. CHAPMAN.

H.R. 1148: Mr. HERGER.

H.R. 1180: Mr. JONTZ.

H.R. 1197: Mr. CAMPBELL of Colorado, Mr. GRANDY, Mr. MCCOLLUM, Mr. SLAUGHTER of Virginia, Mr. GEKAS, Mr. BEREUTER, Mr. WALSH, and Mr. LIVINGSTON.

H.R. 1200: Mr. MCMILLEN of Maryland, Mr. MILLER of Washington, Mr. SHUSTER, Mr. HAMMERSCHMIDT, Mr. GRAY, Mr. DREIER of California, Mr. MCMILLAN of North Carolina, Mr. LIPINSKI, Mr. LAFALCE, Mr. NATCHER, Mr. PASHAYAN, Mr. CLARKE, Mr. EDWARDS of Oklahoma, Mr. BONIOR, Mr. MCCLOSKEY, Mr. THOMAS of Wyoming, Mr. LEWIS of California, Mr. COLEMAN of Texas, Mr. GRANT, Mr. PAXON, Mr. GILLMOR, Mr. PEPPER, Mr. GOSS, and Mr. LEWIS of Florida.

H.R. 1206: Mr. BATES.

H.R. 1237: Mrs. MARTIN of Illinois.

H.R. 1243: Mr. WYDEN, Mrs. BOXER, and Mr. ROWLAND of Georgia.

H.R. 1245: Mr. STALLINGS.

H.R. 1292: Mr. PANETTA, Mr. WALGREN, Mr. LANCASTER, and Mr. TRAXLER.

H.R. 1333: Mr. LELAND, Mr. BUSTAMANTE, Mr. LIPINSKI, and Mr. OWENS of New York.

H.R. 1383: Mr. MOODY, Mr. KLECZKA, and Mr. LELAND.

H.R. 1386: Mr. SIKORSKI, Mr. WEISS, Mr. LEHMAN of Florida, Mr. OWENS of New York, Mr. FUSTER, and Ms. PELOSI.

H.R. 1387: Mr. KOLTER, Mr. MARTINEZ, and Mr. BEREUTER.

H.R. 1400: Mr. STEARNS, Mr. ROE, Mr. SIKORSKI, Mr. PAYNE of Virginia, Mr. MCCLOSKEY, Mr. STALLINGS, Mr. BLAZ, Mr. DELLUMS, Mr. STENHOLM, Mr. BROWDER, Mrs. BOXER, Mr. FLORIO, and Mr. MATSUI.

H.R. 1416: Mr. LEVINE of California, Mr. GLICKMAN, Ms. PELOSI, Mr. SMITH of Mississippi, Mr. FAZIO, Mr. WYDEN, Mr. DWYER of New Jersey, Mr. BERMAN, Mr. WEISS, Mr. DORNAN of Califorina, Mr. ROE, Mr. TALLON, Mr. PACKARD, Mr. MAZZOLI, Mr. HYDE, Mrs. SMITH of Nebraska, Mr. CRAIG, Mr. LEWIS of Florida, Mrs. MEYERS of Kansas, Mr. LOWERY of California, Mr. WATKINS, Mr. BOSCO, Mr. RITTER, Ms. SLAUGHTER of New York, Mr. KOLBE, Mr. TAUZIN, Mr. DAVIS, Mr. PRICE, and Mrs. UNSOELD.

H.R. 1429: Mr. PALLONE, Mr. ROE, Mrs. MEYERS of Kansas, and Mr. FRANK.

H.R. 1439: Mr. BUECHNER, Mr. HEFNER, Mr. MARTINEZ, and Mr. TRAFICANT.

H.R. 1490: Mr. SAVAGE, Mr. DURBIN, Mr. LEWIS of Georgia, Mr. HOPKINS, and Mr. BROWN of California.

H.R. 1499: Mr. BALLENGER, Mr. TOWNS, and Mr. COURTER.

H.R. 1515: Mrs. MEYERS, of Kansas.

H.R. 1526: Mr. GOODLING and Mr. HERGER.

H.R. 1532: Mr. FRANK.

H.R. 1540: Mr. LEWIS of Georgia.

H.R. 1561: Mr. FASCELL, Mr. WEISS, and Mr. SCHIFF.

H.R. 1564: Mr. MACHTLEY, Mr. MURPHY, and Mrs. BOXER.

H.R. 1601: Mr. LAGOMARSINO and Mr. GALLEGLY.

H.R. 1614: Ms. KAPTUR and Mr. PAYNE of New Jersey.

H.R. 1615: Mr. FUSTER, Mr. RANGEL, Mr. WEISS, Mr. DE LUGO, Mr. ACKERMAN, Mr. LEWIS of Georgia, Mr. TOWNS, Ms. PELOSI, and Mr. WISE.

H.R. 1619: Mr. BRUCE.

H.R. 1641: Mr. LEWIS of Georgia.

H.R. 1643: Mr. LEWIS of Georgia.

H.R. 1645: Mr. NIELSON of Utah.

H.R. 1658: Mr. HERGER.

H.R. 1675: Mr. SMITH of Mississippi, Mr. SHUMWAY, and Mr. BARNARD.

H.R. 1676: Mr. TRAFICANT and Mr. COELHO.

H.R. 1677: Mr. BEREUTER, Ms. LONG, Mr. OWENS of Utah, and Mr. CLEMENT.

H.R. 1690: Mr. AKAKA, Mr. CLAY, Mr. COELHO, Mr. EDWARDS of California, Mr. HANSEN, Mr. HAYES of Illinois, Mr. HOYER, Mr. LAGOMARSINO, Mr. LEHMAN of California, Mr. MCCURDY, Mr. MORRISON of Connecticut, Mrs. PATTERSON, Mr. PEPPER, Mr. RAHALL, Mr. ROBINSON, Mr. ROYBAL, Mr. SAVAGE, Mr. SOLARZ, Mr. STARK, Mr. STOKES, Mr. WEISS, Mr. WOLPE, Mr. CROCKETT, Ms. PELOSI, and Mrs. MORELLA.

H.R. 1691: Mr. HAWKINS, Mr. CARPER, Mr. TORRICELLI, Mr. LEVINE of California, Mr. BEILENSON, and Ms. PELOSI.

H.R. 1710: Mr. SMITH of Florida, Mr. KOSTMAYER, Mr. BOUCHER, Mr. HARRIS, Mr. ROBINSON, Mr. HENRY, Mr. BLAZ, Mr. MOLLOHAN, Mr. LAGOMARSINO, Mr. COSTELLO, Mr. ROWLAND of Connecticut, and Mr. THOMAS of Georgia.

H.R. 1782: Mr. SKEEN and Mr. HERGER.

H.R. 1861: Mr. HORTON, Mr. MATSUI, Mr. STUDDS, Mr. WEISS, Mr. OWENS of New York, Mr. DE LUGO, Ms. LONG, Mr. FEIGHAN, Mr. GILMAN, and Mrs. PATTERSON.

H.R. 1864: Mr. SPRATT, Mr. MEYERS of Kansas, Mr. AKAKA, Mr. QUILLEN, Mr. FAUNTROY, Mr. SAVAGE, Mr. ACKERMAN, Mr. GILMAN, Mr. SOLOMON, Mr. FOGLIETTA, Mr. LANTOS, Mr. WILSON, Mr. FAZIO, Mr. FASCELL, Mr. PASHAYAN, Mrs. BOGGS, Mr. HOCHBRUECKNER, Mr. REGULA, Mr. FEIGHAN, Mr. DWYER of New Jersey, Mr. WHITTAKER, Mr. NOWAK, Mr. BRUCE, Mr. ATKINS, Mr. VENTO, Mr. SIKORSKI, Mr. WISE, Mr. POSHARD, Mr. FLORIO, Mr. HERTEL, Mr. CARPER, and Mr. WALGREN.

H.R. 1883: Mr. BENNETT and Mr. MARTINEZ.

H.R. 1957: Mr. BALLENGER.

H.R. 1984: Mr. BROWN of Colorado.

H.R. 1985: Mr. BROWN of Colorado.

H.R. 2042: Mr. DE LA GARZA, Mr. GLICKMAN, Mr. VOLKMER, Mr. HUCKABY, Mr. HATCHER, Mr. COLEMAN of Missouri, Mr. DYSON, Mr. SCHUETTE, Mr. SHARP, Mr. JOHNSON of South Dakota, Mr. EMERSON, Mr. MARLENEE, Mr. UPTON, and Mr. BRUCE.

H.R. 2051: Mr. BILBRAY and Mr. WHEAT.

H.R. 2055: Mr. BURTON of Indiana.

H.R. 2086: Mr. GALLEGLY, Mr. PARRIS, Mrs. BENTLEY, Mr. DANNEMEYER, Mr. LEWIS of Georgia, Mr. LIPINSKI, and Mr. SCHUETTE.

H.R. 2096: Mr. BUSTAMANTE, Mrs. COLLINS, Mr. FAUNTROY, Mr. DIXON, Mr. TOWNS, Mr. HAYES of Illinois, and Mr. EVANS.

H.R. 2098: Mr. MOLLOHAN, Mr. SCHIFF, Mr. AUCOIN, Mr. SCHAEFER, Mr. CLAY, Mr. FLORIO, Mr. BOEHLERT, Mr. SAWYER, Mr. MARLENEE, Mr. LAFALCE, Mr. JONES of North Carolina, Mr. JONTZ, Mr. MARKEY, Mr. BILBRAY, Ms. PELOSI, Mr. ROBINSON, Mr. RICHARDSON, Mr. STUDDS, Mr. HATCHER, Mr. BALLENGER, Mr. BARTLETT, Mr. CLARKE, Mr. HORTON, Mrs. BOXER, Mr. HAMILTON, Mr. GORDON, Mr. EVANS, Ms. OAKAR, Mr. NEAL of North Carolina, and Mr. BRYANT.

H.R. 2102: Mr. FROST.

H.R. 2121: Mr. WOLPE, Mr. HERGER, Mrs. COLLINS, Mr. WYDEN, Mr. EVANS, Mr. TRAXLER, Mr. JONES of North Carolina, Mr. GLICKMAN, Mr. GALLEGLY, Mr. GUNDERSON, Mr. LAFALCE, Mr. KLECZKA, Mr. CHAPMAN, Mr. CRAIG, Mr. BILBRAY, Mr. RAVENEL, Mr. KOLTER, Mr. DYMALLY, Mr. FAZIO, Mr. BOUCHER, Mr. COMBEST, Mr. RICHARDSON, and Mr. BRUCE.

H.R. 2131: Mr. COURTER, Mr. LIPINSKI, and Mrs. SAIKI.

H.R. 2170: Mr. LEWIS of Florida, Mr. CRAIG, Mr. BURTON of Indiana, and Mr. MACHTLEY.

H.R. 2173: Mr. WATKINS.

H.R. 2184: Mr. BRYANT, Mr. KLECZKA, and Mrs. ROUKEMA.

H.R. 2189: Mr. TRAFICANT.

H.R. 2190: Mr. JOHNSTON of Florida, Mr. SIKORSKI, Mr. HORTON, and Mr. DICKS.

H.R. 2191: Mr. ENGEL and Mr. MCNULTY.

H.R. 2192: Mr. FALEOMAVAEGA, Mr. ROBINSON, Mr. JAMES, Mr. OWENS of Utah, Mr. KOLTER, Mr. BUSTAMANTE, Mr. COURTER, Mr. HAYES of Illinois, and Ms. KAPTUR.

H.R. 2209: Mr. ENGLISH, Mr. HUBBARD, Mr. BEREUTER, and Mr. COOPER.

H.R. 2228: Mr. GUNDERSON, Mr. TOWNS, Mr. KASTENMEIER, Mr. GILMAN, Mr. MCNULTY, Mr. DYMALLY, Mr. HORTON, and Mr. MCDADE.

H.R. 2232: Mr. JOHNSON of South Dakota.

H.R. 2246: Mr. DYMALLY, Mr. KOLTER, Mr. SENSENBRENNER, Mr. STAGGERS, and Ms. KAPTUR.

H.R. 2269: Mr. SCHAEFER and Mr. ROBERTS.

H.R. 2312: Mr. HYDE, Mr. BEREUTER, Mr. PENNY, and Mrs. ROUKEMA.

H.R. 2318: Mr. NEAL of Massachsuetts, Mr. MFUME, Mr. FALEOMAVAEGA, and Mr. MCGRATH.

H.R. 2319: Mrs. BOXER, Mr. FRANK, Mr. LEWIS of Georgia, Mr. SMITH of New Jersey,

Mrs. BYRON, Mr. HOCHBRUECKNER, Mrs. MORELLA, Mr. ESPY, and Mr. MCGRATH.

H.R. 2331: Mr. GILMAN, Mr. HANSEN, and Mr. MYERS of Indiana.

H.R. 2353: Mr. CRAIG.

H.R. 2366: Mr. COUGHLIN, Mr. CAMPBELL of California, Mr. SOLOMON, Mr. RITTER, Mr. WELDON, and Mr. WAXMAN.

H.R. 2406: Mr. SCHEUER.

H.R. 2418: Mr. WEBER, Mr. SHARP, Mr. CONYERS, Mr. ARMEY, Mr. DORNAN of California, Mr. ROHRABACHER, Mr. VANDER JAGT, Mr. ROWLAND of Connecticut, Mr. FRENZEL, Mr. BURTON of Indiana, Mr. CRANE, Mr. STENHOLM, Mr. IRELAND, and Mr. ROBINSON.

H.J. Res. 93: Mr. HUGHES.

H.J. Res. 126: Mr. HERTEL, Mr. FRANK, Mr. OWENS of Utah, Mrs. SAIKI, Mr. NEAL of North Carolina, Ms. LONG, Mr. RAVENEL, Mr. FASCELL, Mr. KOSTMAYER, Mr. MACHTLEY, Mr. DURBIN, Mr. SKELTON, Mr. COURTER, Mr. GALLO, Mr. BATEMAN, Mr. BATES, Mr. ASPIN, Mr. BERMAN, Mr. EDWARDS of Oklahoma, Ms. KAPTUR, Mr. RHODES, Mr. TALLON, Mr. DERRICK, Mr. COLEMAN of Texas, Mrs. MEYERS of Kansas, Mr. OLIN, Mr. MCDADE, Mr. GILMAN, and Mr. MOODY.

H.J. Res. 127: Mr. LANTOS.

H.J. Res. 131: Mr. COELHO, Mr. BENNETT, Ms. OAKAR, Mr. MCNULTY, Mr. TAUZIN, Mr. NEAL of North Carolina, Mr. ALEXANDER, Mr. FRANK, Mrs. BOGGS, Mr. MILLER of California, Mr. PURSELL, Mr. GEJDENSON, Mr. EDWARDS of California, and Mr. GILMAN.

H.J. Res. 149: Mr. FLIPPO, Mr. DONALD E. LUKENS, Mr. MANTON, Mr. HORTON, Mr. GUNDERSON, Mr. DYMALLY, Mr. FEIGHAN, Mr. APPLEGATE, Mr. DENNY SMITH, Mr. ERDREICH, Mr. MCDADE, Ms. PELOSI, Mr. GREEN, Mr. DORGAN of North Dakota, Mr. DONNELLY, Mr. FAZIO, Mr. ROE, Mr. HENRY, Mr. KOLTER, Mr. LIPINSKI, Mr. MARTIN of New York, Mr. BROOMFIELD, Mr. BUSTAMANTE, Mr. ANNUNZIO, Mr. ACKERMAN, Mr. DWYER of New Jersey, Mr. MOAKLEY, Mr. HERTEL, Mr. WOLF, Mr. DANNEMEYER, Mr. HUGHES, Mrs. COLLINS, Mr. DURBIN, Mr. BLILEY, Mr. HAYES of Illinois, Mr. VANDER JAGT, Mr. MFUME, Mr. OWENS of New York, Mr. MCGRATH, Mr. COYNE, Mrs. BENTLEY, Mrs. BOXER, Ms. SLAUGHTER of New York, Mr. COURTER, Mr. WEISS, Mr. ECKART, Mrs. JOHNSON of Connecticut, Mr. GALLO, Mr. SMITH of New Jersey, Mr. PORTER, Mr. WEBER, Mr. LAGOMARSINO, Mr. MCHUGH, Mr. MORRISON of Connecticut, Mr. CAMPBELL of Colorado, Mr. RINALDO, Mr. BARTLETT, Mr. LEVIN of Michigan, Mr. MATSUI, Mr. EVANS, Mr. GORDON, Mr. FOGLIETTA, Mr. LANCASTER, Mr. RITTER, Mr. FROST, Mr. HOYER, Mrs. MARTIN of Illinois, Mr. TOWNS, Mr. HASTERT, Mr. FAWELL, Mr. NELSON of Florida, Mr. YOUNG of Florida, Mr. BEREUTER, Mr. LEWIS of Georgia, Mr. DORNAN of California, Mr. SOLOMON, Mr. HYDE, Ms. OAKAR.

H.J. Res. 198: Mr. TORRES.

H.J. Res. 201: Mr. STEARNS.

H.J. Res. 202: Mr. STEARNS.

H.J. Res. 204: Mr. SKAGGS, Mr. COX, Ms. LONG, and Mrs. COLLINS.

H.J. Res. 206: Mr. LEWIS of Georgia, Mr. FISH, Mr. CLEMENT, and Mrs. MEYERS of Kansas.

H.J. Res. 217: Mr. COSTELLO, Mr. SKELTON, Mr. HORTON, Mr. THOMAS A. LUKEN, Mr. RANGEL, Mr. FAZIO, Mrs. COLLINS, Mr. DYMALLY, Mr. DWYER of New Jersey, Mr. KOLTER, Mr. DE LUGO, Mr. HUGHES, Mr. CROCKETT, Mr. LAGOMARSINO, Mr. PAYNE of New Jersey, Mr. GUARINI, and Mr. FALEOMAVAEGA.

H.J. Res. 245: Mr. CONYERS and Mr. LAFALCE.

H.J. Res. 253: Mr. LANTOS.

H.J. Res. 254: Mr. SIKORSKI.

H.J. Res. 276: Mr. NELSON of Florida, Ms. OAKAR, Mr. NIELSON of Utah, Mr. UPTON, Mr. PRICE, Mr. HAYES of Louisiana, Mr. MACHTLEY, Mr. GEPHARDT, Mr. GORDON, Mr. FROST, and Mr. LEHMAN of California.

H. Con. Res. 73: Mr. ENGEL, Mr. WEISS, and Mr. COYNE.

H. Con. Res. 85: Mr. PENNY, Mr. WEISS, Mr. MRAZEK, Mr. PARKER, Mr. WILLIAMS, Mr. LEWIS of Georgia, Ms. KAPTUR, Mr. JOHNSTON of Florida, and Mr. LEWIS of Florida.

H. Con. Res. 92: Mr. BUSTAMANTE and Mr. SMITH of Florida.

H. Con. Res. 113: Mr. ROTH, Mr. BLAZ, Mr. CAMPBELL of California, Mrs. BENTLEY, and Mr. BUSTAMANTE.

H. Con. Res. 127: Mr. MONTGOMERY, Mr. PORTER, Mr. ARMEY, Mr. SUNDQUIST, and Mr. HUTTO.

H. Con. Res. 134: Mr. BROOMFIELD, Mr. LOWERY of California, Mr. FAUNTROY, Mr. APPLEGATE, Mr. GALLEGLY, Mr. GALLO, Mr. MCCANDLESS, Mr. THOMAS of California, Mrs. ROUKEMA, Mr. BOEHLERT, Mr. BATEMAN, Mr. GRANT, Mr. INHOFE, Mr. VANDER JAGT, Mr. SPENCE, Mr. WYLIE, Mrs. MEYERS of Kansas, Mr. MCCRERY, Mr. HEFLEY, Mr. UPTON, Mr. HOLLOWAY, Mr. SHAYS and Mr. DYMALLY.

H. Res. 34: Mr. CARPER.

H. Res. 41: Mr. KILDEE, Mr. MONTGOMERY, Mr. ORTIZ, Mr. ROYBAL, and Mr. SPRATT.

H. Res. 120: Mr. TORRICELLI, Ms. PELOSI, Mrs. SAIKI, Mr. RAVENEL, and Mr. HOAGLAND.

H. Res. 122: Mr. SHUMWAY.

H. Res. 129: Mr. SHAYS, Mr. CLEMENT, and Mr. FALEOMAVAEGA.

H. Res. 134: Mr. COURTER.

H. Res. 137: Mr. SHUSTER.

H. Res. 144: Mr. BUSTAMANTE, Mr. COURTER, Mr. LANCASTER, Mr. DENNY SMITH, Mr. ARMEY, and Mr. MOORHEAD.

H. Res. 158: Mr. HORTON and Mr. MANTON.

DELETION OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, sponsors were deleted from public bills and resolutions as follows:

H.R. 586: Mr. BENNETT and Mr. KENNEDY.

H.R. 993: Mr. CROCKETT, Mr. FLORIO, Mr. RINALDO, and Mr. WOLPE.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

42. By the Speaker: Petition of The Center for International Affairs, Cambridge, MA, relative to China; to the Committee on Foreign Affairs.

43. Also, petition of Dr. Vernon G. Smith, city of Gary, IN, relative to drug education and treatment; to the Committee on the Judiciary.

44. Also, petition of the city of Athens, AL; relative to a small issue bond program for manufacturing facilities; to the Committee on Ways and Means.

EXTENSIONS OF REMARKS

SECTION 89: WHAT STAFF HATH CREATED, CONGRESS SHOULD TAKE AWAY

HON. CHUCK DOUGLAS
OF NEW HAMPSHIRE
IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 24, 1989

Mr. DOUGLAS. Mr. Speaker, one of the tragedies of the section 89 fiasco has been its use by staff for a well paid exit to unravel the mess they created. Section 89 reminds me of the old Chinese proverb that success has a thousand fathers but failure is an orphan. The orphan is well described in a brilliant expert analysis by Attorney Alan Cleveland of my State in a review requested by me concerning this disaster to small business. I insert relevant excerpts of his letter in the RECORD.

SHEEHAN, PHINNEY, BASS & GREEN,
PROF. ASS'N,
Manchester, NH, May 17, 1989.

Re Section 89.

Congressman CHUCK DOUGLAS,
Washington, DC.

DEAR CHUCK: Section 89 is the most current and visible example of a staff out of control, or, as some have more delicately put it, "a process awry".

As you know, Section 89 as presently in effect requires employers who offer employee benefit plans to apply complicated rules to either prove these benefit plans are "nondiscriminatory", or calculate the amount of "discriminatory excess benefit" should any of a number of complex tests not be passed.

We also discussed the fact that this Section 89 timebomb was inserted by Congressional staff into the Tax Reform Act of 1986 without the benefit of public testimony, without any evidence making a case for any problems or abuses in the area, and without any assessment of the extraordinary costs, difficulty, and disincentives to small business in compliance. The implied public policy behind Section 89 is that employee benefits would somehow be made more available to the workforce, and that federal revenue would be increased by penalties imposed on employees and employers for noncompliance.

So what is happening in the wake of this hidden timebomb? First, health benefits to employees are being cut back, put on hold, or dropped altogether. Second, the tax-deductible fees and costs of Section 89 compliance being paid to assorted consultants, lawyers and accountants in fact exceed any extra revenue projected by this "revenue enhancer. Third, and most troubling, many honest, law-abiding employers now covering employees with non-discriminatory benefits intend to disregard Section 89 altogether as unfair, illegitimate, and impossible to comply with anyway. This resulting contempt for our laws does not reflect well on the tax changes made by Congress, and, ironically, undermines the equity argument on which the Tax Reform Act of 1986 was sold to the American people.

Instead of more health benefit coverage, more federal revenue, and more compliance with a fair and equitable tax code, Section 89 has effected an erosion of each. These are the kinds of unintended consequences we get when a democratic legislative process is short-circuited by staff rule, which seems to attach little weight to public laws publicly arrived at.

I know that you, as one of the early sponsors of Mr. LaFalce's bill to repeal Section 89, understand these issues. But there is an aspect to this which is rarely discussed, let alone publicly, although disturbing in the extreme and perhaps relevant to Congressman Frank's scheduled hearings this week concerning ethics in government and conflicts of interest.

Some of us are persuaded that employee benefits legislation (and ancillary regulation) is drafted in part by staffers to be purposely arcane and complex. This virtually guarantees the draftsmen's entree into private consultancy as highly paid experts holding the only keys for unlocking the enigmas they have created. The more complicated the law is (hopefully beyond comprehension) and the more severe the penalties for noncompliance, the more valuable the "expertise" of the staffer whose services are now up for bid to the private sector. An element of this type of nest feathering has always been with us of course, but never to this degree or on this scale. Given the pain and costs involved, Section 89 is a compelling illustration of what appears to be an increasing abuse in the area.

It is undisputed that two staffers, Harry Conaway and Kent Mason, created Section 89 between them. No bill was ever filed in Congress, and no Congressman will admit to having even suggested the Section 89 concept. Rather, it was inserted by Messrs. Mason and Conaway at some point during the closed sessions of the tax writing committee in the latter stages of the Tax Reform Act of 1986. It was literally sandwiched in with thousands of pages of text of tax changes as a packaged deal. Discrete floor change was an option not permitted our elected officials. [See Wall Street Journal article of 8/29/88 "Nuking Employee Benefits", and the 1/26/89 piece, "Rosty's Albatross". Also see enclosed copies of an article co-authored by Messrs. Conaway and Mason in the Benefits Law Journal (Spring 1988), and an illuminating interview with Harry Conaway in that same issue of Benefits Law Journal.]

Of special interest is a transcript of the U.S. Chamber of Commerce televised program of March 22, 1989, which involved a panel discussion of Section 89 with Dr. Lesher of the U.S. Chamber of Commerce, Representative LaFalce, Harry Conaway and Kent Mason as participants. You may note that both Mr. Conaway and Mr. Mason are introduced as "formerly" staff members.

Mr. Conaway is now with the Washington office of Mercer-Meidinger (that same firm which beautifully analogized Section 89 as "dropping an atomic bomb on a suspect ant hill—and missing the ant hill"). To add additional luster to its enviable reputation in the employee benefits field, MMH hired Mr. Conaway to serve in its Washington-based "government liaison department". Among Mr. Conaway's duties is to consult on Section 89, and to receive early intelligence from his erstwhile governmental colleagues of further developments in the area.

Mr. Mason is now with the Washington-based law firm of Caplin & Drysdale. Mr. Mason of course is also touting his Section 89 expertise, as is a client consulting group marketing a Section 89 software program (at $5,000 a copy), apparently endorsed and recommended by "Kent Mason who wrote Section 89". [See attached HRCG marketing memorandum].

Stories like this are no longer rare, and in fact are getting all too common.

In their pupal form as Treasury or committee staff, these guys wage unrestricted class warfare against the so-called "highly compensated" with absolute impunity. They are virtually invisible—except to a tiny cadre knowledgeable in the area. They are unassailable—being unelected and beyond recall even if identified by a victimized citizenry. They are all powerful—deferred to as "experts" by Congress they are licensed to act in its name as the law of the land.

However, once having created their personal regulatory rubic's cube in the name of "horizontal equity", they metamorphosize to consultants and move on to the private sector to make a very satisfying living from their late victims. Some might call this an ingenious form of parasitism.

From personal experience, having lectured many times on employee benefits from Portsmouth, New Hampshire to Kansas City, Missouri, to Los Angeles, California, I can tell you the real anguish and incredible cost already inflicted by Section 89. Many have contacted their Congressmen and Senators to beg for its repeal as a horrible mistake.

The conventional wisdom of the Beltway however is that is Section 89 is repealed, Treasury, the Joint Committee Staff, and Mr. Rostenkowski will make good on their voiced threat to exact extreme retribution elsewhere in the employee benefits area. These guys are so powerful and beyond the reach of Congress, that those lobbying against Section 89 right now are bending over backwards not to antagonize this clique if it can possibly be avoided. Even so, we know that they will have their way, that a penalty will be exacted in the employee benefits area (to "pay" for the alleged revenue loss of repealing any part of Section 89) and that Congress will surely vote whatever omnibus bill these guys choose to encapsule that retribution.

As a sample of the transparent attitude of this bunch, you might want to scan the discussion starting at page 27 of the enclosed "Code Section 89 Simplification (Description of H.R. 1864)", prepared by the Staff of the Joint Committee on Taxation April 25, 1989, to explain Mr. Rostenkowski's bill. The party line of course is that there are no defects to Section 89—rather, there is only a fuss caused by what "employers argue". A killer argument put forth by Staff is the last paragraph of its "explanation", and can be found at page 36: "Some employers have already incurred significant expense to modify their benefits plans to comply with

the present law. They argue that they should not be disadvantaged by any changes to Section 89."

This would be like NASA arguing against shuttle re-design because it had incurred significant costs for the O-rings already in stock. This type of mentality unfortunately guarantees your Golden Waste Basket will always be full.

Lest these observations be discounted as "special pleading" by a craven apologist for greedy business, enclosed are copies of submitted written testimony as to the absurdity of Section 89 from county, city, college, and charitable organizations, as well as from professional and business representatives. It seems the only defenders of section 89 are the tax staff, Mr. Rostenkowski and, of course, its co-authors, who just possibly face obsolescence upon its repeal.

Treasury Staff may argue that the recently issued Section 89 proposed regulations (four months after the time Congress impotently mandated the IRS publish them) will facilitate compliance. As suggested by the enclosed Tax Notes by Eric Raps, "Satanic Verses From IRS", some things are just so inherently defective as to be beyond fixing.

Lastly, although having no direct relation to Section 89, I mentioned Al Lurie's Report of the Special Committee for Pension Simplification of the New York Bar Association "'A Process Awry' Federal Pension Laws". You may remember Mr. Lurie as IRS Assistant Commissioner for Employee Benefit Plans (1975-78) when ERISA was implemented, and an extremely knowledgeable observer of the employee benefits area for these last 25 years. When the New York Bar stands up to complain of legalistic mumbo-jumbo and grid lock, you *know* how badly employee benefits law has deteriorated.

Again, for reasons having little to do with public policy or Congress' informed legislative intent, but everything to do with staff's own career agenda and their ideological intentions for an undebated retransformation of American society, the process is more than a little "awry": Employee benefits legislation has become a personal and ideological transfer ticket passed from staff to staff at incalculable present and future cost to the American public.

The unique position now occupied by Staff in the employee benefits and tax writing area seems to confer to them extraordinary power, yet no accountable or institutional legislative right. In a constitutional form of government, one having separate powers, that right is exclusive to the Congress. Here, it appears Treasury, as the executive branch, is now writing the laws, and Congress, the legislature, is merely implementing (rather rubber-stamping) them.

If you think this an absurd assertion, read again Congressman LaFalce at page 6 of the Chamber transcript enclosed: "I know of no one who was aware of it. I have not talked to any member of Congress who says he understood what Section 89 was all about, or even that there was a Section 89. When a tax code is so large, an awful lot of things can get in that you're totally unaware of. I have met no member of Congress who says, yes, we really understood what Section 89 was all about."

And this from a seven-term Congressman, receiving nearly 73% of the vote in the last election. If the undersigned were to admit to such a thing after recommending a client's execution of a legal contract, I would be sued for malpractice—and deservedly so.

We all sincerely hope Congress will be awakened by the Section 89 fiasco to resume its legislative responsibilities in this area, and limit the executive branch to the discharge of its regulatory responsibilities. We also think this highly unlikely until Congress first regains control over its committee staff as the helpmates, and not the architects and masters, of the legislative process.

Very truly,

ALAN P. CLEVELAND.

INTRODUCTION OF THE MERCHANT MARINE AND DEFENSE ACT OF 1989

HON. CHARLES E. BENNETT

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 24, 1989

Mr. BENNETT. Mr. Speaker, Chairman WALTER JONES, Congresswoman BENTLEY, and I are today introducing the Merchant Marine and Defense Act of 1989.

In 1984 Chairman JONES, Congresswoman BENTLEY, and I and others had the idea of getting together a commission to study the problems of the maritime industrial base. That Commission, the Commission on Merchant Marine and Defense, was enacted and ably went about its business of studying the maritime industrial base of our country, with an eye on the military aspects of sealift of commodities during time of war.

The Commission came out with four reports. In its first report, the Commission concluded there is a "clear and growing danger to the Nation's security in the deteriorating condition of America's maritime industries." Commission Chairman Jeremiah Denton said in his January 29 letter accompanying the fourth report:

Both our strategic sealift capability and our shipyard mobilization base today fall significantly short of defense requirements, and we fear that without decisive action the situation will worsen substantially by the year 2000.

I want to thank the Commission for its work. Our goal here is to follow the Commission's intent that we consider its recommendations as a package, instead of piecemeal, as some have suggested we do. This is a package; everyone won't agree to all parts of it, but it's a compromise, worked out among the various Commissioners after months of hearings and studies.

We all remember when the Social Security system was in deep trouble; we established a commission. Some controversial parts were in the final legislative package, but everyone got on board to save Social Security. I hope everyone will get onto this bill to revive our dying maritime industrial base—so important to our national defense.

Joint Chiefs of Staff Chairman Crowe recently told Congress that our most pressing problem now is the lack of adequate sealift capability. The Commission supplied the know how and momentum to do something about this; it's up to us to have the political will.

Mr. Speaker, I include for the RECORD a copy of the synopsis of the bill. I will not put the whole bill in the RECORD, as it is some 75 pages long. Twenty-two other Members have joined us in sponsoring this legislation. I urge my other colleagues to join on as well.

SYNOPSIS

Merchant Marine and Defense Act of 1989.

TITLE I. GENERAL PROVISIONS

Finds that the necessary maritime resources, including a healthy merchant marine and a broad-based shipbuilding and ship repair capability, must be developed and maintained to meet defense and national economic support requirements.

TITLE II. OPERATING DIFFERENTIAL SUBSIDY REFORM

Provides reform of the Operating Differential Subsidy (ODS) Program to ensure a more flexible and competitive United States flag merchant marine able to make a major contribution to the strategic sealift capabilities of the United States. ODS reform would apply primarily to liner operators, and reform would therefore have little or no direct effect on operators of tankers and dry bulk ships.

Provides immediate ODS eligibility, subject to other provisions of the law, for existing foreign-built ships registered in the United States and would also provide a one year period when existing operators could apply for ODS.

The program would also allow existing operators to modernize and expand their fleets by acquiring or building ships abroad during a limited initial period; the vessels would be immediately qualified for ODS and for the carriage of government-preference cargoes. The intent is to allow the immediate and rapid modernization of the commercial fleet at prices that allow operators to replace outmoded ships with modern ships.

After the initial period, ODS eligibility for foreign-built ships would be linked one-for-one to the number of oceangoing merchant vessels built in United States shipyards, with the Secretary of Transportation given the authority to allocate the right to build an ODS-eligible ship abroad as to make the maximum contribution to strategic sealift capability and the health of the commercial fleet.

TITLE III. PROCURE AND CHARTER PROGRAM

Establishes a "Procure and Charter and Shipyard Improvement Revolving Fund" for the design and construction of modern, commercially viable yet militarily-useful, dry and liquid cargo vessels in United States shipyards. Vessels built would be available for charter to commercial operators, for sale, or for charter to the Navy.

The purposes of the program are to sustain and improve the commercial shipbuilding and supplier industry base in the United States; build the most modern possible ships suitable for economical operation in competitive commercial service; build ships that respond directly to the most critical shortfalls in strategic sealift; and make ships available to operators at rates that allow profitable competitive operation in world markets.

TITLE IV. SIMPLIFICATION OF PROCEDURE FOR LONG-TERM MILITARY LEASES

Allows the Department of Defense to obtain the use of new cargo ships through a "build and charter" mechanism in which ship construction is financed by private money. The provisions would simplify the process of getting waivers to statutory limits on charter length, but would still allow the Congress to approve long-term commitments.

TITLE V. VESSEL PROTOTYPE DESIGN AND CONSTRUCTION PROGRAM

Establishes a program to develop and disseminate military sealift mobilization ship designs optimized purely for military utility and speed of construction during war or national emergency. One ship of each type would be built to validate and optimize the design and construction plans.

TITLE VI. FEDERAL SHIP MORTGAGE INSURANCE

Limits the applicability of the Title XI loan guarantee program to ocean going ships and gives priority to militarily useful vessels.

TITLE VII. TAX INCENTIVES FOR MODERNIZATION OF U.S. SHIPYARDS

Extends the scope of the Capital Construction Fund program to include general ship repairs more than $1,000,000, and allows qualified shipyards to establish Capital Construction Funds to be used for modernization, improvement, and repair of their facilities.

Restores the investment tax credit for ship owners and shipyards to the levels in effect before enactment of the Tax Reform Act of 1986. Because current law adversely affects capital acquisition, United States flag ship operators are at a disadvantage to the foreign shipping companies against whom they compete, thus making it difficult for United States private shipyards to invest in new plants and equipment.

TITLE VIII. TARIFF AND TRADE REFORM FOR VESSEL CONSTRUCTION AND OPERATIONS

Strengthens the ad valorem ship repair provisions of the Tariff Act of 1930 to enable the tariff to function, as originally intended, to preserve the ship-repair capability of the United States for national security purposes.

The intent is to limit foreign conversions or rebuilding (including conversions of United States built vessels for the domestic trade such as conversion of a container ship to a fish-processing vessel, installation on a United States built hull of hotel facilities for cruise ships, or conversion of oil drilling work boats to other purposes), to limit the ability of operators to conduct routine inspections and non-emergency repair work in foreign shipyards, and to promote the use of United States shipyard and ship repair facilities and services.

In part to offset the tightening of the law, this title also provides for a waiver of the duty if the ship owner spends an amount at least equal to the duty in a United States shipyard within five years. This title also provides that revenues from the ad valorem tariff would be placed in the "Procure and Charter and Shipyard Improvement Revolving Fund" that would be established under Title III.

TITLE IX. EXPANSION OF CARGO RESERVED FOR U.S. VESSELS

Amends existing law to increase to 100 percent the percentage of currently-reserved categories of government owned or government-impelled cargo that must be carried in United States flag ships.

Also restricts the granting of waivers for the carrying of Public Resolution 17 cargoes only to ships of recipient nations; requires 100 percent reservation of government-owned cement and clinker cargo, outbound United States mail, and United States cargoes generated because of foreign aid cash transfer programs; and amends other provisions of law to require that goods bought in the United States with cash transfer aid programs be carried on United States flag ships. The intent is to require that cargoes owned by the United States government or bought with United States Government funds travel entirely on United States flag ships.

Would not affect agricultural cargoes exempted from cargo preference requirements by the Food Security Act of 1985.

TITLE X. INCREASING DEFENSE READINESS OF U.S. MERCHANT MARINE

Provides ship operators in the "Jones Act" trade with incentives to improve the quality and the military utility of their ships. Directs the Secretaries of Transportation and Defense to take certain measures to ensure, to the maximum extent possible, the military utility of new "Jones Act" ships, and provides for reimbursement for the installation and operating costs of national defense features.

States the sense of Congress that rates paid for the carriage of Department of Defense cargo should be fully compensatory and that the nation's strategic sealift needs should be considered when contract awards for ocean transportation are made. Prevents the use of foreign built or reflagged vessels in the carriage of Department of Defense cargo, including Navy and Air Force Exchange Service (AAFES) cargo, except as specifically allowed by law.

Establishes and defines a "National Maritime Industries Research and Development Program" with shared funding by government and industry. The intent is to increase maritime research and development done in the United States, with the federal government taking the lead role.

TITLE XI. MARITIME LABOR REFORM

Allows greater flexibility in the use of merchant vessel personnel by permitting the Secretary of Transportation to create and keep current, through the regulatory process, licensed and unlicensed ratings with accompanying qualifications and experience; to proscribe qualifications and standards, based on safety, navigational, engineering, and maintenance requirements, under which intermixing of deck and engine department duties would be permitted; and to remove the statutory proscriptions and prohibitions on manning standards, requirements, and watches to provide flexibility to address operational requirements based on current safety, navigational, engineering, and maintenance needs.

Requires a study and report on measures to equalize allowable compensation provided under the provisions of the Longshoremen's and Harbor Workers' Compensation Act with that provided by comparable industrial workmen's compensations programs.

XII. MISCELLANEOUS

Requires the proper Executive Branch departments and agencies to submit an annual report to the Congress on unfair foreign trade practices that affect the United States maritime industries, on efforts to end or counter those practices, and on efforts to promote the United States maritime industries. The intent is to require a coordinated evaluation and assessment instead of a series of independent reports submitted individually by different federal agencies.

Requires the Secretary of Defense to report annually to the Congress on key issues and actions under Department of Defense cognizance that directly affect strategic mobility requirements and capabilities.

Requires the Secretary of Transportation to report annually to the Congress on key issues and actions under Department of Transportation cognizance that directly affect strategic mobility requirements and capabilities.

Requires the Secretary of Transportation to submit recommendations for conforming amendments to the Congress not later than 90 days after enactment of this Act.

O'HARE EXCELLENCE

HON. JOHN EDWARD PORTER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 24, 1989

Mr. PORTER. Mr. Speaker, I submit for the RECORD a copy of a letter I received from my constituent, Mr. Bruce Blietz, a general aviation pilot who has extensive experience flying in the Chicago area.

As a frequent flyer from the Chicago area, I am well aware of the many air traffic incidents that have plagued O'Hare Airport during the last decade, and that have been a constant concern to those of us who fly in and out of that airport on a regular basis.

I am also aware of the tremendous stress under which the O'Hare air traffic controllers have been working. Controllers at O'Hare have been working 10- and 12-hour days, 6 days a week for months, some even years.

I have always been impressed with the high level of professionalism and dedication demonstrated by the O'Hare ATC staff. But the letter I received and submit is a better testament than any I could make:

THE BLIETZ ORGANIZATION, INC.,
Evanston, IL, March 31, 1989.

Mr. MICHAEL J. NOWICKI,
GADO Office Manager, Federal Aviation Administration, Flight Standards District Office No. 3, DuPage County Airport, West Chicago, IL

A couple of Sundays ago, Mr. Nowicki . . . on the 12th of March, my wife and I were on a flight returning from an extended trip through Mexico. It was quite late in the day—just after 6:00 p.m. local time—and we were on an inbound IFR flight to Waukegan (UGN). Shortly before, we had been turned over to Chicago approach on 120.55. Frankly, we were most happy to be on an instrument flight plan, as the weather was "pretty scuzzy". I was flying and my wife was handling the radio work—as she also is an instrument rated pilot and an Accident Prevention Counselor under Theo L. Moore's group. Since the flight, I have tracked down the controller's name, and I understand it was John Carr.

My purpose in writing is to comment to you about the outstanding job that John Carr did in a very difficult circumstance. Beside controlling us, I would say that he was probably handling at least 6 to 8 other commercial and private aircraft at the same time. My wife and I just happened to be in the right place at the right time.

Carr had a Mooney 4182H, which was lost in the IMC conditions that were existing at the time and, in addition, 82H was having difficulty with it's radio equipment. John Carr contacted us to see if we could get in touch with 82H—which we were successful in doing. He asked if we would check out the amount of fuel that the lost Mooney had, and he also inquired as to our fuel position. Since we had more than adequate fuel available, he asked us if we could "hang around" to relay to 82H while he tried to work him

into Palwaukee Airport (PWK). This episode went on for about 40 minutes—I would guess—all the while John Carr was doing the most professional job of controlling the many other aircraft that he had on his scope at the time, as well as finally locating the lost Mooney, and he certainly did a more than professional job with the other aircraft while doing a masterful job of bringing the Mooney out of the difficult circumstance he was in with great sensitivity to the obvious concerns that the Mooney pilot must have had. He eventually got him to Palwaukee successfully and then vectored us for an instrument approach into Waukegan.

The next day I received a most delightful phone call from Dick McNeill, the area manager for O'Hare approach, thanking us for the help in bringing the Mooney successfully to PWK. He also gave us a little further background on the problems the Mooney was having in determining it's location prior to the time that my wife and I became involved, i.e. the Mooney apparently thought he was somewhere Northwest of Palwaukee and turned out to be 20-some miles Southeast of Midway. If it hadn't been for John Carr's skill in handling the situation—as well as continuing to execute his normal control functions with the other aircraft—there could have been a major disaster.

Mr. Nowicki, I read most of the aviation publications as well as newspapers in the Chicago area, and frequently see shots being taken at the FAA, and particularly "the unsafe circumstance" in the controller situation in the Chicago metropolitan area. Frankly, I don't think the general public realizes what a tremendous group of people are in the controller positions, but I can tell you from one personal experience with John Carr—he is one heck of a guy and totally skilled in his abilities and execution of his responsibilities. I hope that you will make it known to the people in your organization that at least two pilots—my wife and I, and I know there are many more—are more than appreciative of the quality of professional service which we received from the Chicago controllers.

I get thoroughly ticked off at times when I see some of the shots taken at the fine ATC system which we have, and I think it's about time that some of our elected officials be made aware of the personal efforts of those people in your team who perform under very difficult circumstances in such a positive and routine basis. For that reason, I am forwarding a copy of this letter to the gentleman you see listed below.

I am directing this letter to you as, I hope, the correct person, but if I have not gotten it to the right person, I would very much appreciate it if you could forward it along to whomever in the FAA office has the supervision responsibility for the Chicago Approach Control controllers.

Again, congratulations on having such a skilled man as John Carr in your organization.

Sincerely,

BRUCE S. BLIETZ,

Chairman and CEO.

A TRIBUTE TO MR. JAMES B. LINCHAN

HON. RONALD K. MACHTLEY

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 24, 1989

Mr. MACHTLEY. Mr. Speaker, it is my distinct pleasure today to honor James B. Linchan, of Bristol, RI. Mr. Linchan has served the United States of America and the State of Rhode Island with distinguished courage and integrity.

A veteran on World War I, Mr. Linchan served in the French theater. After attending Boston College as an undergraduate and law student, he was appointed to his judgeship following World War II. Mr. Linchan dedicated over 30 years to the bench, serving through some of the most difficult times on the judicial circuit.

Today, Mr. Linchan has 12 grandchildren and 13 great grandchildren. I would like to wish him a happy 95th birthday this Saturday, May 27, and send him our gratitude and best wishes for many more.

TRIBUTE TO NARCOTICS CONTROL PERSONNEL KILLED IN PERU

HON. LAWRENCE J. SMITH

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 24, 1989

Mr. SMITH of Florida. Mr. Speaker, last Saturday an unarmed State Department aircraft used in our Narcotics Control Program crashed in Peru, killing its passengers. The plane was flying from Tingo Maria in the coca-growing Upper Huallaga Valley to Lima.

Aboard the plane were Americans DEA agent Rick Finley, U.S. Embassy security officer Clyde Bayless, helicopter pilots Billy McDonald and Dennis Eisler, helicopter mechanic John Van Zandt, and aircraft pilot John Knapp. Among the three Peruvians killed were Hugo Samanez, the head of Peru's coca eradication, the aircraft's copilot Mario Matallana, and Raoul Quintana, the young son of the police commander in Tingo Maria.

I want to express my deepest sympathies to the families of those who died. Nothing can ease the pain they feel.

Too often Americans who serve in dangerous posts abroad and their families may feel that they are forgotten and their sacrifices unappreciated. But, I am one Member of Congress who recognizes the importance of their efforts in our International Narcotics Control Program. Fewer jobs are more difficult, more frustrating, and less appreciated than theirs, but none are more important.

Mr. Speaker, these fatalities are the first significant American casualties in the Andean drug war. These Americans gave their lives in the defense of the rest of us. We must not forget them or their sacrifice.

The most fitting tribute to them would be a renewed commitment on the part of all Americans to do everything possible to put an end to the production and trafficking of illegal drugs anywhere and everywhere in the world.

A SHINING EXAMPLE OF INDIAN ECONOMIC DEVELOPMENT

HON. BILL RICHARDSON

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 24, 1989

Mr. RICHARDSON. Mr. Speaker, I want to commend one of my constituents, Ron Solimon, who was recently named by the Small Business Administration as New Mexico's Small Business Person of the Year. Mr. Solimon, president and general manager of Laguna Industries Inc., is the first native American to receive the award in New Mexico. He and the Pueblo of Laguna have set a shining example of successful economic development on Indian lands.

The following article describes Mr. Solimon's work with Laguna Industries and demonstrates that business can thrive on Indian lands to the benefit of the Indian people and our Nation as a whole.

The article follows:

[From the Albuquerque Journal, May 8, 1989]

LAGUNA MAN WINS TOP SBA STATE AWARD

(By Paul Logan)

Ron Solimon brought his brown camperbus to a stop on the narrow, dusty street next to a familiar adobe. His grandparents, Stella and former pueblo governor James Solimon, once lived in Paguate, the Laguna Reservation's northernmost village.

His maternal grandparents, Jim and Marie Poncho, lived on the other side of a nearby ridge, in the village of Encinal.

"My grandparents didn't believe anyone should sit on their hands, "Solimon said during a recent visit to the area where he lived as a boy. "They taught me the spirit of entrepreneurship."

Solimon continues to follow their teachings as president and general manager of Laguna Industries Inc. in Mesita, about 40 miles west of Albuquerque. LII, a manufacturer of both sheet metal and electrical assemblies, reached $18 million in sales in 1988—the highest sales mark in its three-year history.

The U.S. Small Business Administration's district advisory council recognized Solimon's achievements by naming him New Mexico's Small Business Person of the Year.

Solimon is the first Native American to receive the state's outstanding entrepreneur award and is believed to be only the second Indian nationwide to be selected in the 25-year history of the award, according to the SBA.

He and 51 other state, District of Columbia and Puerto Rico/Virgin Islands winners will be honored in Washington, D.C., this week. A national business person of the year will be chosen from this group during Small Business Week, which opened Sunday.

Solimon called the award a tribute to the Pueblo of Laguna's successful economic development efforts. But, he said, this award must be shared in spirit with his ancestors.

"It's as if I am representing all these people who have gone before me," Solimon said. "And so I will take great pride in being

their representative here in the modern world of business."

The leader of Laguna Industries is a man in motion. During one recent three-day business trip, Solimon was deep in the Colorado Rockies one day, on the island of Manhattan the next and finally in New Jersey talking government contracts at Fort Monmouth. Nearly every week of the year, Solimon spends time on an airplane for his company, the reservation's largest employer.

When he's not flying, Solimon commutes to work. He and his wife, Elaine, and their children, Kristin, 11, and Justin, 8, live in Albuquerque.

Solimon can speak the bureaucratic language of government contractors with the best of them. But he's also showing signs of his fast-paced life—growing swatches of gray hair.

"I'm 38," said Solimon, "going on 98."

When he took over the LII reins in 1985, Solimon brought along a business degree from New Mexico State University, a law degree from the University of New Mexico and a strong commitment to help the pueblo," he said. The tribe had sponsored Solimon throughout his undergraduate work, and he had promised to work for his people as a payback.

And the reservation was in need of help in the 1980s. Until 1982, the tribe had received royalties as well as jobs from an outside company's uranium mining operations near the village of Paguate for many years. Then Atlantic Richfield Co., the leaseholder, closed the Jackpile Mine because the demand for uranium had dropped. Five hundred jobs were lost, raising unemployment on the reservation to about 76 percent, according to Solimon.

Some tribes believe their land is too sacred to be disrupted. They didn't agree with the Lagunas' decision to allow about 7,500 of the pueblo's 525,000 acres to become the world's largest uranium mine, Solimon said.

"We consider our land sacred, too," he said, "but we've also been given a gift of mineral wealth, which can provide for our people."

After the closing, the tribe considered such businesses as a dog track, bingo parlor, and manufacture of farm tools, solar hot water systems, and vertical access wind turbines, but rejected all those ideas. The Lagunas also entertained the idea of becoming a depot for overhauling military equipment, but the Pentagon was not interested, Solimon said.

"When we first contacted Albuquerque's commercial lending institutions, the three or four we met with wouldn't give us the time of day," he said.

So the Pueblo of Laguna helped give birth to Laguna Industries with a $127,000 no-interest loan in 1984 and followed that with a $1.5 million line of credit in 1985, said Solimon, who began running LII in 1985. Most of the funding came from uranium mining royalties, he said.

But becoming one of the few Indian-owned and operated companies to do government contract work was a slow process, Solimon said. LII received assistance from Indian agencies, state and federal agencies, private industry, New Mexico's congressional delegation and the leadership of the governors and tribal counsel during the 1980s, he said.

"Sometimes tribal politics interferes with the establishment of successful economic development enterprises on Indian reservations," Solimon said. "However, the Pueblo of Laguna tribal leadership was able to set aside politics in order to meet the employment needs of its people."

Late in 1985, LII received its first major contract—outfitting the Army's olive drab transportable communications shelters for electronic equipment installed by Raytheon Service Co. The shelters are used in the field by the military.

During its first full year of operation, the company did $3 million in sales.

This year LII hopes to at least reach $18 million in sales, performed over the next two years. So far, LII has completed 253 of the shelters, about the size of a small garage.

The company, which started with three employees in 1984, now has 240 workers with tribal members filing about 90 percent of the positions. Several Laguna college graduates now hold management positions that non-pueblo members held when LII opened, including Elaine Hunt, who works in computer financial management.

"The company was a very important factor in the community after having high unemployment for such a long time," said Hunt, a single parent who went back to school in her 30s and graduated from New Mexico State University with a degree in business administration. Her 20-year-old son, Alan, also works at LII as a mechanic technician.

"It was a godsend as far as we're concerned," she said. "A lot of our young people are learning new skills and putting them to use here."

Tim Smith, who works with Hunt, is also a NMSU graduate with degrees in accounting and business administration. He said Solimon's SBA award for the company will help bring more national attention to Laguna Pueblo.

"The elders are glad about the award," Smith said. "Our main focus here is to provide for our people. The positions we have here, especially Ron's, can provide employment to the people. We're here for the people, not for our individual selves."

Three mobile homes along Laguna Industries' west side act as temporary offices until the plant can be expanded.

Future plans calls for more than doubling the plant space with 40,000 square feet for manufacturing and 6,800 square feet for offices. Other plans involve moving free-standing buildings from the Jackpile to LII and expanding the plant area into a business park with private construction, Solimon said.

A key to LII's growth is balancing its present contract ratio of 90 percent government and 10 percent commercial, he said. Presently, most of the commercial work is being done for Digital Equipment Corp.'s Albuquerque plant, making electronic components and devices that go into computer terminals.

"The planned government defense budget cutbacks make defense contracting work a volatile market," Solimon said. "We would eventually like to have 60 percent commercial and 40 percent defense."

The company has started a major marketing campaign in the commercial sector this year. LII has received inquiries from Japan, several NATO countries as well as American companies, he said.

"The SBA's award has already been a catalyst," said Solimon, referring to meetings planned this week in Washington with the Marine Corps, GTE and Hughes Aircraft.

Plaques on the wall are nice, according to Solimon, but the real payoff for the Pueblo is helping reduce unemployment on the reservation. Of the available workforce, there's about 25 percent unemployment or about 500 people, he said.

"My satisfaction really comes from seeing my people at work," said Solimon, "growing, day by day, in their jobs."

HONORING THE WEST INDIAN INVOLVEMENT IN BUILDING THE PANAMA CANAL

HON. GARY L. ACKERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 24, 1989

Mr. ACKERMAN. Mr. Speaker, on August 15, 1989, the 75th anniversary of the opening of the Panama Canal will be celebrated throughout the world. America has millions of residents of Caribbean ancestry, many of whom are descendents of those who worked and died building this historic canal.

A wonderful way to recognize this momentous occasion would be through issuing a postage stamp depicting the Herculean efforts that went in to the building of the canal. Although I realize that it may be too late to authorize a stamp honoring the 75th anniversary, it would be a nice gesture to pay tribute to these unsung heroes by issuing a postage stamp on a future anniversary.

Mr. Speaker, I would like to enter into the CONGRESSIONAL RECORD the following poem written by Mr. Horace Brathwaite. This poem vividly expresses the feelings of Americans of West Indian heritage.

THE WEST INDIAN IN PANAMA

Our forefathers gave their blood, sweat, tears and lives for the two greatest enterprises the modern world has ever known. The building of the first trans-continental railway in the western hemisphere and the construction of the Panama Canal.

Rarely in the annals of human history an endeavour as such a mighty task of excavation, and service borne such fruit for the betterment of mankind and the general welfare of all.

Malaria and yellow fever were their constant companions and death their bedfellow, but worse than this, was the brutal and inhuman treatment visited upon him by the greatest power on earth; the *United States of America.*

They nevertheless persevered, and willed to their offsprings the desire to survive. So, I say to them in praise:

Thou noble sons of ebon hue—
Daughters of copper bronze and gold,
Born of a clime hot and true—
Onward always and ever bold.

Your task completed—but never noted.
Your job well done—yet exploited.
Unsung, unheralded you have gone away,
But we your issues, shall sing your glories
everyday.
Now, and a thousand years away!

THE TIME IS RIPE FOR A MEDICARE BIPARTISAN COMMISSION

HON. ROMANO L. MAZZOLI

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 24, 1989

Mr. MAZZOLI. Mr. Speaker, today, I am introducing legislation to establish a bipartisan Commission to study all aspects of Medicare and to recommend ways in which we can insure the solvency and stability of this program for all the years to come.

In 1965, Medicare was established under Social Security to assist our Nation's elderly in addressing their health care costs. Currently, the Medicare Program reaches nearly 30 million Americans, and last year, provided $97 billion worth of benefits.

Especially in light of the graying of our Nation—a growing percentage of our population is reaching the age of 65 years and older—and with the escalation of health care costs, increasing demands are being placed on the Medicare Program.

Unfortunately, at this moment in history our Nation is facing its worst deficits ever, and all Federal spending—including Medicare—is being carefully scrutinized. In fact, in the fiscal year 1990 congressional budget resolution, Medicare is targeted for $2.3 billion in reduced spending, though this is far less a reduction than earlier proposals would have levied.

It is unclear what impact these efforts to reduce deficits—and I expect such efforts in the future—will have on the Medicare Program or Medicare providers and the program's beneficiaries.

I believe the best way to help Medicare navigate into the future is to make a comprehensive study of Medicare—past, present and future: no holds barred. It was exactly that kind of a stem-to-stern scrutiny of Social Security back in 1983 which led to changes which have now placed the system on solid financial footing until well into the next century.

I hope my colleagues will join me in supporting this legislation.

PERSONAL EXPLANATION

HON. ROBERT GARCIA

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 24, 1989

Mr. GARCIA. Mr. Speaker, on Tuesday, May 16, I was unavoidably delayed by commitments in my congressional district and was unable to record my votes. Had I been present, I would have voted in favor of House Concurrent Resolution 63, H.R. 2145, and House Concurrent Resolution 122.

A TRIBUTE TO MARV BATEMAN

HON. BILL SCHUETTE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 24, 1989

Mr. SCHUETTE. Mr. Speaker, I would like to take this opportunity to pay tribute to Mr. Marv Bateman, who is retiring from the post of head custodian of Morley Stanwood High School in Morley, MI, after 10 years of service. There will be a retirement party honoring Marv on June 2, 1989.

Marv was born in February 1924 in Stanwood, MI, and has lived in the Morley Stanwood area all of his life. He is a veteran of World War II and he spent most of his duty during the war in Africa.

Before Marv came to Morley Stanwood High School, he spent 23 years at Kitson's Manufacturing in Morley. Prior to that, he worked at Van's Plumbing and Heating for 4 years. Marv is married to Janet Bateman, a native Englander. He met Janet while she was vacationing in Morley and they have been married for 34 years. Marv and Janet have four daughters and one son who all reside in Michigan.

Mr. Speaker, I hope my colleagues will join me today in wishing Mr. Marv Bateman the very best on the occasion of his retirement. The upkeep of our schools is a very important job which does not always receive the recognition that it should. Marv Bateman was a dedicated and loyal worker at Morley Stanwood High School and he deserves the utmost respect for his contribution to society.

A TRIBUTE TO THE BROOKLYN COUNTY COUNCIL OF VETERANS OF FOREIGN WARS ON MEMORIAL DAY

HON. CHARLES E. SCHUMER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 24, 1989

Mr. SCHUMER. Mr. Speaker, my colleagues, today I call your attention to the Brooklyn County of Veterans of Foreign War and their May 29 demonstration in Grand Army Plaza in Brooklyn for Memorial Day.

In 1868, the commander in chief of the Grand Army of the Republic issued a general order setting aside a day "for the purpose of strewing with flowers or otherwise decorating the graves of comrades who died in defense of their country." Ever since that day at the end of the Civil War, we have gathered on Memorial Day to remember and salute the men who both served their country and who lost their lives serving their country in times of trouble.

Let us not forget, as these fine veterans do not, the historical significance of Memorial Day. For these men, Memorial Day is more than the commencement of summer, it is the day in which we all pay tribute to over 1 million men who have died in defense of our country and democracy, over our 200-year history. The American Revolution claimed the first 2,000 American casualties, 2,000 more were lost in the War of 1812, 13,000 in the Mexican War, 490,000 in the Civil War, 11,000 in the Spanish-American War, 116,000 in World War I, 400,000 in World War II, 55,000 in the Korean conflict, and finally 86,000 in the war in Vietnam. These are the 1 million reasons we celebrate Memorial Day.

Even in times when peace and democracy are spreading as quickly around the world as the times when war spread like a contagion, our fine young soldiers still put their lives on the line for their country and for the ideals their country represents. Just over a month ago, on April 19, 47 young men were killed on the U.S.S. *Iowa* when their gun turret exploded. As long as we arm young men and women and send them out to represent our country, there will be ever increasing casualties to be remembered and mourned on Memorial Day.

Yet Memorial Day is about more than just honoring the dead, it is also about honoring the living. We must not forget to pay tribute to the brave men who risked their lives for peace and security and who were lucky enough to return home. This day is especially about their valor.

In these times of great fiscal austerity and budget constraints, it is all too easy to neglect our commitment to the fine young men and women who served our country, and who returned home to a country less than willing to embrace them. I believe their is no sadder occurrence than the neglect of those who have sacrificed their own well being to serve their country in times of war.

It is important today as many of us embark on our first holidays of the summer, that we think about the debt we owe to those who have fought for and provided us with the freedom that allows us to take summer weekend vacations. With the words of Theodore O'Hara, I pay my special homage to the veterans all over this country still living today, to their brethren who did not manage to return to America's shores alive, and especially to the Brooklyn County Council of Veterans of Foreign Wars:

Nor shall Your story be forgot,
While Fame her record keeps,
Or Honor points the hallowed spot
Where Valor proudly sleeps.

THE BALLAD OF JOHN BAKER

HON. JOHN P. MURTHA

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 24, 1989

Mr. MURTHA. Mr. Speaker, as the people of Johnstown, PA, commemorate the 100th anniversary of the disastrous 1889 flood, many stories about the flood and the events surrounding it are being retold. A number of these tales have been included in a booklet which has been published by the Greater Johnstown Chapter of the Pennsylvania Poetry Society entitled "Poetic Laurels." This publication has been dedicated to the spirit of the people of the Greater Johnstown area in their efforts to rebuild from the three Johnstown floods, and has been produced in conjunction with the flood centennial.

I would like to share one poem from this booklet which exemplifies the efforts that individuals made in the wake of this disaster. Marion Gladys, a resident of Johnstown and a neighbor of mine, wrote "The Ballad of John Baker" in commemoration of an 18-year-old man who rode his horse through the small community of South Fork, warning people of the impending flood and saving many lives. This is only one example of the heroism exhibited during this disaster, and has grown to be part of the folklore surrounding the events of 1889. As we recall the events of 100 years ago, it is the efforts of individuals like John Baker that we remember, for it is their work and spirit that have enabled Johnstown to recover from these disasters and prosper as a community.

THE BALLAD OF JOHN BAKER

A young man on horseback
Was riding that day,
1889 31st of May.
John Baker, eighteen,
Inspected the dam,
Saw it weakening, collapsing;
In terror he ran.
No thought for his safety,
He galloped away
Just ahead of the water wall
Threatening the day.
He rode like a demon
All through South Fork town,
Shouting his warning,
And only two drowned.
But hundreds of others
Sought out higher ground,
Thanks to John Baker.
Thanks to John Baker.

MARION GLADYS.

THE ADOLESCENT FAMILY LIFE ACT OF 1989

HON. EDWARD R. MADIGAN

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 24, 1989

Mr. MADIGAN. Mr. Speaker, today I am introducing, on behalf of the administration, the Adolescent Family Life [AFL] Act of 1989 to extend for 3 fiscal years the Adolescent Family Life Program authorized under title XX of the Public Health Service Act. It reauthorizes the current AFL Program with appropriations of $9,529,000 for each of fiscal years 1990–92.

This legislation represents a commitment to the continuation of the Adolescent Family Life Program, the only Federal program specifically designed to address the problems of adolescent sexual activity and adolescent pregnancy. Teen pregnancy continues to be a serious problem in the United States and continuation of the AFL Program will assist in developing new approaches to dealing with the problem.

The program is unique in its mandate which seeks to involve family members in service delivery in order to maximize family support for teens, pregnant teens, and teen mothers and their children, and which requires parental consent for services. Another unique feature of the program is its emphasis on promoting adoption as an alternative to abortion for young, pregnant teens who are facing the difficult and stressful situation of an unplanned or unwanted pregnancy.

I believe it is important to continue the existing AFL Program and its efforts to address the problems of teenage pregnancy. I urge my colleagues to support this bill.

RULE ON H.R. 1278, THE FINANCIAL INSTITUTIONS REFORM, RECOVERY AND ENFORCEMENT ACT OF 1989 (H. REPT. 101-54, PART 2)

HON. DAN ROSTENKOWSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 24, 1989

Mr. ROSTENKOWSKI. Mr. Speaker, pursuant to the rules of the Democratic caucus, I wish to serve notice to my colleagues that I have been instructed by the Committee on Ways and Means to seek less than an open rule for the consideration by the House of Representatives of the Ways and Means Committee amendments to H.R. 1278, the Financial Institutions Reform, Recovery and Enforcement Act of 1989 (H. Rept. 101–54, part 2).

THE ROAD TO THE GENEVA RESOLUTION AGAINST ROMANIA

HON. TONY P. HALL

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 24, 1989

Mr. HALL of Ohio. Mr. Speaker, many of my colleagues are familiar with the human rights work of Dr. Z. Michael Szaz. Dr. Szaz wears several hats, including that of Secretary of International Relations of the American Hungarian Federation and executive vice president of the American Foreign Policy Institute, to name two of his positions. One particular focus of his current human rights activities is the plight of the Hungarians of Transylvania, in addition to the overall repression of the Ceausescu regime in Romania.

Dr. Szaz had the opportunity to attend meetings of the United Nations Human Rights Commission in Geneva when the Commission voted to denounce human rights abuses in Romania and to appoint a special rapporteur to investigate these abuses. He has written his own observations of the proceedings in Geneva and the activities of groups concerned about the human rights situation in Romania.

In view of the interest of my colleagues in human rights conditions in Romania, Dr. Szaz's perspective on the Geneva resolution follows:

THE ROAD TO THE GENEVA RESOLUTION AGAINST ROMANIA

In the next few days, the new Special Rapporteur, appointed by the United Nations Human Rights Committee, Mr. Joseph Voyname, is assuming his position and will begin work of investigating the human rights abuses in Romania, including those directed against the religious and national minorities.

At this juncture, it is useful to recapitulate the efforts in the United States, Western Europe, South America and Hungary which have led to the passage of the resolution of March 10, 1989 denouncing the Ceausescu regime's human rights violations. Since I am most familiar with those undertaken by the Hungarians in the West and in Hungary, I will concentrate on these efforts.

In July 1988 the Vienna representative of the Hungarian Democratic Forum, the foremost alternative group in Hungary, Dr. Eva-Maria Barki, submitted a memorandum to the Human Rights Commission in Geneva outlining the abuses against the national minorities, especially the 2.5 million Hungarians of Transylvania. On September 23, 1988 the American Hungarian Federation followed suit with a more detailed memorandum outlining the same and other abuses. The meeting of the experts of the Subcommission on Human Rights in July 1988 already discussed the Vienna memorandum, but had failed to reach any conclusions.

It was against this background that the efforts began in December 1988 by the Hungarian government to obtain a neutral member of the 43-member Human Rights Commission to submit a resolution denouncing Romanian human rights abuses and asking for the appointment of a Special Rapporteur. Until early January, its efforts were inconclusive at best. At this point, recalling the procedure of having human rights abuses considered by the Subcommission on the basis of numerous specific individual complaints, various Hungarian organizations in the West and several alternative groups in Hungary had begun the sending of letters of individual complaints to the Human Rights Commission. In the United States it was the American Hungarian Federation and its New York associate, the American Hungarian Action Committee, which had caused the dispatch of more than 4,000 letters by its membership to Geneva. It was aided in its endeavors even by nonmembers displaying great concern about the situation of the Hungarian minority in Romania.

In South America, it was particularly the Transylvanian World Federation which arranged for several thousand letters from Brazil, Argentina and Chile.

In Western Europe, there were several Hungarian organizations, organized mainly by Dr. Eva-Maria Barki, the representative of the Transylvanian World Federation in West Germany, Dr. Bartholomew Konthur and the Swiss Hungarian organization led by Dr. Josef Komlossy who had spearheaded the action. Others, like the SOS Transylvania's Geneva group led by Mrs. Eva Zabolay were also very active in having letters sent to the Commission by the thousands.

However, the largest outpouring of letters came from Hungary where the Transylvanian Federation arranged for sending more than 100,000 letters and the Hungarian Democratic Forum about 30,000 letters. The global action had produced altogether more than 160,000 letters sent to Geneva. While under procedual rules, these letters would be only considered by the summer 1989 meeting of the Subcommission, their presence gave great encouragement to those states who were considering action at the meeting of the Commission between February 5—March 10, 1989.

The next act consisted of the efforts of the Hungarian and Austrian, and according to diplomatic sources, also of the Swiss government (which is not a member of the

United Nations) to persuade Sweden to submit a resolution which would then be cosponsored by Western nations and Hungary. This had finally occurred on February 27, 1989. However, already before, Ghoerghe Dogu, Romanian chief delegate, launched vituperous tirades both against Hungary and France and other nations criticizing Romania's human rights records.

The final drama began upon my arrival to Geneva on March 7, 1989. In the evening, the Romanian delegation faced with a defeat in the Commission, and urged by the Soviet delegation that did not want Warsaw Pact nations to vote against one another, submitted a counterproposal. According to the proposal, the Swedish resolution would be withdrawn and the Commission would accept a Romanian invitation to the president of the Human Rights Commission and four staff members to visit Romania for "exchanges of views." In the morning of the 8th, some of the cosponsors of the Swedish resolution and even Sweden were willing to consider the proposal but wanted more details and to attach certain conditions to the Romanian plan. The cosponsors of the resolution were Portugal, Hungary, Austria, Australia, Great Britain, France. At noontime there was a meeting with the Romanian chief delegate who had rejected any conditions. It would be the Romanian government and not the Commission who would set the agenda and the program of the visit. The seven nations asked Dogu to send their conditions to Bucharest to see whether his government would change its mind. This took approximately thirty-six hours leading to a postponement of the vote from 9 P.M. on March 9, in order to provide the Romanian government to reply. The reply was negative. At 4:15 P.M. on March 10, 1989 the Commission voted by 22 votes against 7, with 10 abstentions and five nations answering "not present" to adopt the Swedish resolution. Almost immediately thereafter, the Romanian chief delegate launched a bitter diatribe against the cosponsors and Hungary. This was in contradistinction to the moderate speech of the Hungarian State Secretary of Foreign Affairs, Gyula Horn, at the end of February 1989. A special Rapporteur was called for in the resolution and given far-reaching powers to investigate the situation and to report back to the next meeting in February 1990.

The actual lobbying by Hungarian organizations in the West was one by Dr. Josef Komlossy from the Swiss Hungarian Federation, Dr. Paul Benczedi and Mrs. Eva Zabolai from the SOS Transylvania Geneva group Dr. Eva-Maria Barki from Vienna and myself. Dr. Barki also brought her exhibition of pictures and stories "Genocide in Central Europe" in February to Geneva which was opened by a speech of Björn Otto Funnemark, the chairman of the Norwegian Helsinki Commission. The Geneva group, in turn, organized an international press conference with the participation of Professor Dr. Rudolf Joó from the Hungarian Democratic Forum and Professor Geza Jesszenszky from the Transylvania Federation, who were also received by the staff of the Human Rights Commission.

Finally, we should not forget the role played in the outcome by the report of the United Nations High Commissioner for Refugees whose task force had visited Hungary around February 2, 1989 and reported factually the abuses told by the Hungarian and Romanian nationality refugees which they suffered under the Ceausescu regime.

This was probabaly the largest and most coordinated action Hungarians in the West had undertaken on behalf of the human, cultural and self-determination rights of the Hungarian minority in Romania. This had occurred, for the first time, with the diplomatic support of the Hungarian government which had fought valiantly for the passage of the resolution. However, the greatest merit goes to President Nicolae Ceausescu. Without his village destruction project and his persecution of religious and national minorities no resolution could have been drafted and passed in the United Nations.

STATEMENT OF THOMAS T. DEMERY

HON. BOB McEWEN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 24, 1989

Mr. McEWEN. Mr. Speaker, former Housing and Urban Development Assistant Secretary for Housing Thomas T. Demery recently testified before the Housing Subcommittee of the House Banking and Urban Affairs Committee. I would like to commend Mr. Demery for his testimony and call it to the attention of my colleagues.

The statement follows:

STATEMENT OF THOMAS T. DEMERY, FORMER ASSISTANT SECRETARY FOR HOUSING/FHA COMMISSION

Mr. Chairman, Members of the Committee, thank you for the opportunity to testify here today and to set the record straight concerning the most important and personally devastating matter I have ever confronted.

On April 17, 1989 my life was affected dramatically when a Report of Investigation, prominently bearing my name in its very title, was released to the national media by the Inspector General of HUD. This 700 page report, on the basis of its title alone, created a perception of impropriety reflecting upon my activities at HUD. This has naturally resulted in emotional distress for myself and my family. If this perception is left unanswered, irrevocable harm to my name and reputation will undoubtedly result.

In the days following April 17th, it became readily apparent to me that the overwhelming bulk of the report concerned funding decisions that occurred before I, Tom Demery, started work at HUD.

I arrived at HUD to find a system for allocating moderate rehabilitation funding which suffered from a sullied reputation as well as a widely perceived ability to be influenced by factors other than mechanically applied, objective criteria utilized in other HUD programs.

After learning how the old system worked, and where the principal weaknesses lay, I made substantial efforts to totally revise the process. The balance of funding "power" shifted greatly as a result of my proposed changes. Apparently, Tom Demery ruffled some feathers along the way.

In sworn Congressional testimony in support of the Report of Investigation, the Inspector General made repeated references to the fact that significant improvements, created and instituted by me, were made to the system. Sitting here today, I'm not sure the gain is worth the pain.

I would like to begin my testimony today by stating for the record the following incontroverted facts, established by Inspector General Adams himself, supported by his own findings, and to which he testified before Congress four days ago.

FINDINGS OF FACT FROM IG REPORT

1. The moderate rehabilitation selection process which was in place at the time of my arrival at HUD in October, 1986 appeared vulnerable to improper influence. Therefore, some unspecified people perceived that the system had been abused prior to that time.

2. Unattributed, uninformed speculation and rumors existed to the effect that such abuses continued with my countenance while I was Assistant Secretary for Housing. Uniformly, these rumors were found to be groundless.

3. The Inspector General, in the course of the most extensive investigative effort he ever undertook—the equivalent of over 17 staff years—was unable to find a single instance in which manipulation of the system occurred in connection with any recommendation I made.

4. No former HUD official, in his capacity as project owner or as a consultant, ever improperly influenced any recommendation I made at HUD.

5. No proposal was ever given special consideration on my part on the basis of whether or not a consultant was used, nor was the identity of any consultant a factor in my decision making process.

6. At no time did I provide any person with inside, or predecisional information; nor with any information which would put such person at an unfair competitive advantage vis-a-vis other program participants.

7. In the fall of 1987, the selection process for FY 1988 was changed significantly. As opposed to the undocumented and closed process, a rating and ranking process was developed that was patterned after systems used in other HUD programs. I was responsible for this change.

8. No preference was ever given to any person on the basis of whether or not he or she supported the charitable organization known as F.O.O.D. for Africa.

9. F.O.O.D. for Africa is a worthwhile, thoroughly, legitimate cause which was not found to be involved in any impropriety whatsoever. Further, there is no evidence that it was utilized as a means to achieve any improper objective.

CONCLUSION

The foregoing findings of fact, distilled from a massive effort personally directed by Inspector General Paul Adams, utilized the substantial resources of the Office of Inspector General, including scores of agents at his disposal from Seattle to San Juan. Yet with all these facts known to him, on April 17, 1989 my name alone was the report's title, for no other reason, according to his testimony, than I was the most recent incumbent Assistant Secretary. This is a reason with no relevance or connection. He also stated that contributing to his decision were some of the rumors he had heard involving me—specifically speculation about FOOD for Africa—all of which were conclusively disproved. So why were those rumors still a factor in his decision? I am pleased that, at a Congressional hearing this week, Adams conceded that it might have been better to have dropped my name from the title of the report. But the damage to FOOD for Africa has already been done. Because of the gross inaccuracies contained in

the IG report, major fundraising events scheduled for this month have been cancelled and the soup kitchens in Mozambique are now threatened.

Mr. Chairman, it is my sincere hope that these hearings will result in findings and conclusions which will emphasize accountability. It was this desire for accountability in public service which drew me to government in the first place and which led me to propose and put in place significant changes in the mod rehab program. In this instance, accountability replaced chaos. I'm proud that it happened on my watch and at my direction.

The Inspector General has conclusively shown that he can detect rumors and speculations and publish them at tremendous cost; all without any accountability for the greater harm to lives and reputations caused by doing so.

There are supermarket tabloids which already provide these services at no cost to the government. Imagine, if you will, the National Enquirer with a badge, a gun, and the power of subpoena.

Mr. Chairman, I am ready to answer any questions you or the members of this committee may have with respect to my activities during my tenure as Assistant Secretary for Housing.

THIRD WORLD AID AGENDA

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 24, 1989

Mr. RANGEL. Mr. Speaker, I rise today to discuss an issue of great importance—world hunger. I bring to your attention an article that recently appeared in the Carib News regarding the Third World agenda as it relates to hunger.

As John Jacob, president of the National Urban League said:

While the Big food producing countries bicker about subsidies to farmers and cutting surplus production, millions in the Third World starve.

It is a terrible thought to know that 15 countries require food aid. Research from the United Nations foreshadowed a one-fourth drop in food aid from Western countries this year. This number will increase unless we do something. Third World countries can do little as they attempt to deal with large debts and rising prices. Some of the poorer countries are even looking to enact moratoriums on their debts. We must do something for these countries.

One idea is to increase trade with some of these failing economies. Aid to help get them back on their feet can only benefit the U.S. economy in the long run as trade and relations would improve. We must not let the Japanese do all of the foreign investing, or we will be left in the dust as the dying superpower.

Instead, the two superpowers should work together. Let us use our new ties with the Soviet Union to help countries get back to a state above poverty and hunger. We must do everything we can to prevent hunger, poverty, and help bring about a stable economic world. We should take this commentary by Mr. Jacob, and use it to further our programs relating to world hunger.

THIRD WORLD AID AGENDA

A recent headline told it all: "Rise in Hunger Seen As World's Harvest Fall and Costs Soar."

The story reported on a UN Food and Agricultural Organization statement that said 15 countries require "exceptional or emergency" food aid. If the present situation continues, more could be added to that grim list.

World food grain production has fallen for the past two years. Food reserves are shrinking. Another drought in the U.S. or a low harvest elsewhere could lead to widespread famine in the most vulnerable parts of the Third World.

Over half a billion people around the world are undernourished, and the situation will worsen over the next several months. The UN expects the tonnage of free food from Western countries to decline by about a fourth in 1989.

While the big food producing countries bicker about subsidies to their farmers and cutting "surplus" production, many millions in the Third World starve.

Rising prices are making it even tougher for paying customers in the Third World to import food through normal trade channels. Many of those countries are over their heads in debt and have cut back living standards drastically in order to pay interest charges.

The world debt issue is too often discussed in terms solely concerned with its impact on western financial institutions, but there should be more focus on its impact on Third World hunger and on the need for development programs.

Proposals floated in western Treasury ministries focus on how to relieve some of the debt repayment pressure on Third World countries without endangering the banks, usually through creation of government facilities that would refinance the loans.

The poorer countries are advancing proposals of a different kind—to limit debt and interest repayment to a portion of foreign export earnings, to forgive some of the debt, or to enact a moratorium on it.

Whatever final agreement emerges, it will have to allow breathing space for the poorer nations to revitalize their economies and raise their living standards. Their western creditors should understand that it's in their long-term economic interests to prevent the Third World from suffocating in the debt choke-hold.

A big part of the troubling U.S. trade deficit, for example, is due to the drastic slowdown of trade with Latin America. We once had a trade surplus with that region, but the area is in a depression due to the strain of debt repayments and trade has slowed.

So aid to help develop the poorer countries' economies is a good investment. The better off they become, the more they will import from the industrial world.

But U.S. foreign aid investments are declining. Japan's are rising, and that could hurt us in the long run since foreign aid donors often become the country of choice as trading partners.

With the Cold War winding down and the Soviet Union expressing an interest in cooperating with the West in regional issues, the time may be ripe for a sustained effort by all of the industrial countries to provide development aid and emergency food supplies to the Third World.

The goal should be to prevent hunger and starvation, and to assist those countries to enter the mainstream of the world's economy.

CLOSING THE REVOLVING DOOR

HON. CHARLES E. BENNETT

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 24, 1989

Mr. BENNETT. Mr. Speaker, today, I, Congresswoman BARBARA BOXER, Congressman LES AUCOIN and Congressman TIMOTHY PENNY are introducing a bill to prohibit major defense contractors from hiring our country's senior defense officials for 2 years after they leave Government service. We will offer this legislation as an amendment to the Defense Authorization Act for fiscal year 1990. We hope our colleagues will join us by cosponsoring our bill.

The General Accounting Office reports that current law is ineffective in curtailing abuses in the way Congress intended when it enacted our original Revolving Door Act in 1986. GAO testified in April 1989 that: 70 percent of defense officials are not even filing the report required when they go to work for a defense contractor; 26 percent of former DOD officials go to work for the same contractors over whom they exercised substantial responsibilities; 21 percent work for the contractor on the very same contract that they worked on while at DOD; and provisions of current law that were added in the Senate in 1986 mean that few if any former senior officials are covered by the revolving door law. This is exactly the opposite of what we intended.

On average, almost 50 percent of all general officers who leave DOD go to work for a defense contractor. How can we maintain public faith in the integrity of the Department of Defense if our senior officials with responsibilities for billions of dollars immediately go to work for the very contractors that they are charged with regulating?

Herewith is a copy of the bill:

H.R. —

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

(2)(A) That section—

(i) does not preclude the continuation of employment that began before the effective date specified in paragraph (1) or the acceptance of compensation for that employment; and

(ii) does not, except as provided in subparagraph (B), apply to a person whose service in the Department of Defense terminates before the effective date specified in paragraph (1).

(B) Subparagraph (A)(ii) does not preclude the application of that section to a person with respect to service in the Department of Defense by such person on or after the effective date specified in paragraph (1).

SECTION 1. LIMITATION ON POST-GOVERNMENT EMPLOYMENT BY SENIOR DEPARTMENT OF DEFENSE CIVILIAN OFFICIALS AND GENERAL AND FLAG OFFICERS.

(a) TWO-YEAR BAR ON EMPLOYMENT BY DEFENSE CONTRACTORS.—(1) Chapter 141 of title 10, United States Code, is amended by inserting after section 2397c the following new section:

"§ 2397d. Former senior defense officials and general and flag officers: two-year prohibition on employment by contractors

"(a)(1) A person who is a former senior civilian official of the Department of Defense may not accept compensation from a contractor during the two-year period beginning on the date of such person's separation from service in the Department of Defense. A person who is a retired general officer or a retired Navy flag officer may not accept compensation from a defense contractor during the two-year period beginning on the date of such officer's initial release from active duty as a retired officer.

"(2) For purposes of paragraph (1), a senior civilian official of the Department of Defense is a civilian officer or employee serving in a position for which the rate of pay is greater than or equal to the minimum rate of pay payable for a position in the Senior Executive Service.

"(b) In the application of subsection (a) to a former official of the Department of Defense or a former or retired officer, a person's status as a contractor shall be determined as of the date of the separation from service from the Department of Defense of the official or officer involved.

"(c)(1) The provisions of subsection (b) of section 2397b of this title shall apply with respect to violations of subsection (a) in the same manner as those provisions apply to violations of subsection (a)(1) of that section.

"(2) A person shall not be subject to a fine under subsection (b) of section 2397b of this title and under paragraph (2) with respect to the same conduct.

"(e) The provision (e) of section 2397b of this title, and the definitions prescribed in paragraphs (1) and (2) of subsection (f) of that section, apply to this section.".

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 2397c the following new item:

"2397d. Former senior defense officials and general and flag officers: two-year prohibition on employment by contractors.".

(b) EFFECTIVE DATE.—(1) Subject to paragraph (2), section 2397d of title 10, United States Code, as added by subsection (a), shall take effect 60 days after the date of the enactment of this Act.

GOVERNMENT BY POLL

HON. JOHN EDWARD PORTER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 24, 1989

Mr. PORTER. Mr. Speaker, 70 percent of the American people get all of their news from TV. They don't read a newspaper, weekly news magazine or even tune in the news on the radio.

The news they see is sent to them through the marketing departments. The marketing departments give them what they want. Ask any marketer to justify the fare on their viewers' menu and they'll tell you—that's what the people want.

Politicians didn't get into office without being pretty good at marketing themselves. They know how to keep people happy, too. So we seem to be making public policy in America the same way: Take a poll and give them what they want.

The polls tell us that the people want no increase in their taxes and no decrease in Government services, at least not those that affect them. And never mind the deficits.

Well, America's getting it. We consume nearly everything we earn, saving a paltry 4 percent. We run $200 billion deficits every year and spend the Social Security reserve to support it. And with our low savings rates we depend on Japanese capital—their savings—to finance our consumption and deficits, and wonder why.

Let's get off the polls and the marketers, Mr. Speaker. Let's stop promoting economic ignorance and fiscal irresponsibility. Let's start showing some leadership and courage. Doesn't our duty extend beyong reading the next poll and giving them what they want?

A TRIBUTE TO DR. MORRIS J.W. GAEBE

HON. RONALD K. MACHTLEY

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 24, 1989

Mr. MACHTLEY. Mr. Speaker, today it is my great pleasure to honor one of our Nation's premier educators, Dr. Morris J.W. Gaebe of Rhode Island. As president of Johnson & Wales University since 1967, he has brought international respect to the university and elevated it to one of the finest schools of culinary arts in the United States.

Dr. Gaebe has served in many State and national organizations and received many prestigious awards and honors, including Rhode Island Business Educator of the Year. He was named to the Rhode Island Heritage Hall of Fame and has been active in church and community affairs, including the Boy Scouts of America.

There are few people who have expressed such love and interest in the future of the youth of Rhode Island. He has consistently sought to light the spark of curiosity in these students' souls. His determination and trust have touched many.

Dr. Gaebe has dedicated his life to serving the youth of this country and also defending it in times of need. He served as a lieutenant in the U.S. Navy during World War II. After the war, he came to Johnson & Wales, taking over as codirector from its original founders in 1947.

Now on the 75th anniversary of the founding of the university, he is being honored as Rhode Island Citizen of the Year by the Rotary Club. This is a most appropriate award for a man who has served his country, university, and community with distinction and integrity.

THE 15TH ANNIVERSARY OF THE NATIONAL COALITION TO BAN HANDGUNS

HON. LAWRENCE J. SMITH

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 24, 1989

Mr. SMITH of Florida. Mr. Speaker, this Saturday, we will celebrate the 15th anniversary of the National Coalition to Ban Handguns, an organization that combats the increasing violence and deaths on our streets.

The coalition, which was founded on May 27, 1974, consists of 34 national organizations representing public health associations, religious groups, social organizations, labor, and public interest groups—14 million people are associated with this organization because they care about the 22,000 Americans who are killed each year by handguns.

The coalition supports a ban on the future private sale and possession of handguns, Saturday night specials, and assault weapons. In 1988, it successfully fought powerful special gun interests in Maryland to ban the small, concealable, and very dangerous handguns called Saturday night specials. That year, it also succeeded in banning plastic guns, and earlier this year, it won an important victory when California banned assault weapons.

The tide is turning in the political battle to save our streets from becoming war zones. It is not easy to fight the NRA, but the coalition truly represents much of the American public who believe that certain weapons are just too dangerous to have on our streets. If the coalition can save one child's life, then its efforts have been well worthwhile.

I congratulate the National Coalition to Ban Handguns for its ability to join diverse groups together to achieve a common, worthy goal. I salute its victories, and wish it the best of luck.

PRESIDENT BUSH MISSES WAVE OF FUTURE

HON. BILL RICHARDSON

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 24, 1989

Mr. RICHARDSON. Mr. Speaker, I have just read a brief, yet very thought-provoking news article analyzing President Bush's reactions—or inaction, if you will—to recent decisions made by Soviet Premier Mikhail Gorbachev. Author Paul Wieck, Washington correspondent for the Albuquerque Journal, questions why Bush is unable to respond to Soviet moves such as the Soviet withdrawal of troops from Afghanistan, their cutting off of arms to Nicaragua, and the Soviet's offer to reduce arms in Europe. I encourage my colleagues to read this insightful piece which I ask to be inserted into the RECORD.

PRESIDENT BUSH MISSES WAVE OF FUTURE

(By Paul R. Wieck)

WASHINGTON.—President George Bush's dogged determination to hold Soviet Pre-

mier Mikhail Gorbachev at arm's length may turn into a major disappointment.

It seems almost out of character for a man who spent the first four months of his administration reaching out to groups who had doubts about him—blacks, Hispanics, environmentalists.

It's the kind of thing we had come to expect from former President Reagan, who looked through the Iron Curtain and saw an "Evil Empire."

But Reagan warmed up to Gorbachev's glasnost. Why not Bush?

True, Bush went to Texas and, in a major speech, set up some hoops and said that, if Gorbachev jumped through them all without knocking any over, he'd welcome the Soviet Union back into the family of nations.

Well, Gorbachev has been trying to do that, but Bush can't seem to believe he's sincere about it.

Gorbachev says the Soviet Union is cutting off arms to Nicaragua, a move you'd think would warm a lot of White House hearts. It hasn't. Bush and the people around him act like they've been betrayed by Gorbachev's decision to cut loose the Ortega government.

Gorbachev's offer of further arms cuts is treated as a threat to the stability of Europe by Bush and the people around him. It's a worrisome attitude.

Why, you ask, should they trust Gorbachev? The obvious answer is that Gorbachev has delivered in a number of ways that, judged from a 1980 perspective, are nothing short of sensational.

Who would have believed, back in the days of Reagan's "Evil Empire," that the Soviets would withdraw their troops from Afghanistan without first crushing the revolt in the countryside?

Who would have believed that the Kremlin would agree to elections to a new body that were open enough to permit the defeat of large numbers of entrenched and very conservative party leaders, and the election of many critics of the government?

For that matter, who would have believed the Reagan years would give us the INF Treaty?

You don't have to look very far for a reason for the changes.

Gorbachev and the thinking people around him know that the Soviet Union's form of communism has left it with food shortages, poor housing, an infrastructure that doesn't always work and, in general, an economy with many of the trappings of the Third World.

Some people around Bush, including Secretary of Defense Richard Cheney, have questioned whether Gorbachev can survive.

There's no question he's upsetting the conservative element in the Soviet Union, just as he's disturbing their U.S. counterparts and, sad as it would be there's always the possibility a leader like Gorbachev will be overthrown by his enemies.

There are days when one suspects Gorbachev's overthrow would come as a relief to the hard-line anti-Communists in this country and maybe even a few in the Bush circle who find him too much of a challenge.

The next question would be how far the hard-liners in the Soviet Union could go in putting Soviet society back into a straitjacket, given the prevailing winds of change. Everywhere we turn, vast numbers of people are rejecting authoritarian regimes of both the left and the right.

The people of Manila spilled into the streets by the hundreds of thousands to force Ferdinand Marcos, their despotic leader, out of office.

It's happening now in China, where the Communist party leadership has sent troops to break up huge demonstrations in Tianenmen Square.

In the Soviet Union there are popular movements in the restless Baltic states which won control of local legislatures and stand poised to declare their freedom from Moscow's dictates.

In Panama, the majority has voted its desire to be free of Gen. Manuel Noriega.

That's the wave of the future that Bush should be trying to ride.

Why isn't he? It could be that Gorbachev's free-wheeling style is a bit intimidating for a cautious man like Bush, who'd prefer to work things out quietly and politely without a lot of public maneuvering.

Or he may not have rid himself of all the vestiges of the Cold War psychology that settled down on this country in the '50s. Cold War doctrine told us to contain the evils of Communism, not cozy up to its leaders.

To carry it out, we fought in Korea and Vietnam and, to match the Soviet Union, built huge military arsenals at great cost to the public treasury.

After 40 years, it can be hard to give up such a burden and, given his cautious nature, Bush may not want to play by Gorbachev's rules. Too bad. He should be riding the wave of the future. Now.

FLUSHING SAVINGS BANK CELEBRATES 60 YEARS OF SERVICE IN QUEENS COUNTY

HON. GARY L. ACKERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 24, 1989

Mr. ACKERMAN. Mr. Speaker, I rise today to pay tribute to one of the most successful and well respected banking institutions in the entire Queens County area, the Flushing Savings Bank. On May 30, 1989, the board of trustees will be hosting a dinner in honor of the bank's 60th anniversary.

Since its inception in 1929, Flushing Savings Bank has been a prominent fixture in Queens County, NY. The bank has provided the citizens of Flushing dependable and personable service, along with sound advice on monetary matters. The bank's successful track record has earned it the trust and devotion of generations of satisfied customers.

Not only does Flushing Savings Bank handle the banking needs of the community, it also works to promote the neighborhoods it serves through its civic activities. Along with a commitment to serving the people of Flushing, the bank has helped develop the area through its fiscal guidance and community organization. The Flushing Savings Bank has been a dedicated member of both the Downtown Flushing Development Corp. and the Greater Flushing Development Corp. The bank trustees have always maintained a strong commitment toward the small business community, which has thrived throughout Flushing.

Many describe the Flushing Savings Bank as having a rural-type atmosphere. That is because the bank's leaders have tried hard to retain a personable environment. They realize that the secret to their success has been the ability to be friendly and reliable. For over six decades, the saving bank has provided the Flushing area with dedicated service stemming from leadership which truly cares about the surrounding community. That dedication is carried on today by the president of the Savings Bank, James F. McConnell, and a loyal board of trustees, headed by Gerard Tully Sr., and made up of other prominent Flushing leaders such as Franklin (Pete) Regan, John Gleason, Michael Haggerty, Robert Marani, John Mead, Vincent Nicolosi, John Roe, Michael Russo, and Thomas Trent.

Mr. Speaker, in a day of corporate takeovers and disinterested ownership, it is a pleasure to witness a business that exhibits such outstanding values, customer loyalty and community service. I call on my colleagues in the House of Representatives to congratulate Flushing Savings Bank on its 60th anniversary, and wish the bank continued success in the future.

GENE AUTRY JONES SELECTED AS OUTSTANDING POSTAL EMPLOYEE WITH A DISABILITY

HON. ROMANO L. MAZZOLI

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 24, 1989

Mr. MAZZOLI. Mr. Speaker, it is a privilege for me to call attention to a very special man—who I am pleased and proud to say is one of my constituents—Mr. Gene Autry Jones.

Mr. Jones was selected from among 34,000 disabled Postal Service employees to receive from the Postmaster General the Outstanding Disabled Postal Employee Award for 1989.

While serving in Vietnam, Mr. Jones lost his right leg and right arm as a result of an explosion. However, he did not allow these losses to stand in his way.

Starting out as a distribution clerk with the Postal Service, his superiors were quick to note that he consistently met and exceeded his productivity goals and that he demonstrated leadership abilities and management potential. He has since risen to supervisor of mails where he continues to excel.

He is well-liked by his employees, whom he informs and educates and to whom he gives encouragement and support when they seek advancement in the Postal Service.

In addition to his recent award, the Postal Service has also selected Mr. Jones—from its 700,000 employees—to be its nominee for the 1989 President's Award which goes to the outstanding Government employee.

We in Louisville are proud of Mr. Jones and of his loving and supportive family: His wife of 26 years, Gerrie, his daughters, Angela and Sheryl, and his son, Gerald.

This recognition and honor of Gene Autry Jones and his achievements are much deserved.

D.R. TWIN-PLANT PROGRAM LAUDED

HON. ROBERT GARCIA

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 24, 1989

Mr. GARCIA. Mr. Speaker, because of my support of the Caribbean Basin Initiative, I want to share the following article, entitled "D.R. Twin-Plant Program Lauded," which appeared in the San Juan Star on April 10, 1989. At the same time, I would like to commend the leadership role of the Commonwealth of Puerto Rico and the Commonwealth's Economic Development Administration, headed by Antonio J. Colorado, in their role in the economic development of the region.

The article follows:

D.R. TWIN-PLANT PROGRAM LAUDED

(By Doreen Hemlock)

U.S. Ambassador to the Dominican Republic Paul Taylor says he supports Puerto Rico's twin-plant program in that country—with or without 936 financing—as one way to stem illegal migration to the island.

"If we can succeed in helping the Dominican Republic increase employment opportunities, it should dampen pressures for migration," Taylor said in an interview here.

The ambassador visited San Juan last week to participate in a seminar on offshore manufacturing opportunities in the Dominican Republic, attended by dozens of executives from multinationals operating in Puerto Rico.

In an interview, Taylor lauded Puerto Rico's twin-plant program for encouraging corporations, including Westinghouse Electric and Baxter, to open factories in the Dominican Republic and create thousands of jobs there. Those two companies alone employ nearly 2,000 workers in the Itabo Industrial Free Zone outside Santo Domingo.

The ambassador's comments come at a time when Puerto Rico is trying to get Washington to measure the success of the Commonwealth's much-touted Caribbean program on the basis of jobs created, not direct 936 loans.

As of March 1, 1989, Puerto Rico had loaned only $11 million in 936 funds to regional nations. But Fomento-promoted twin-plant ventures, mostly in the Dominican Republic, were expected to create 10,800 jobs in the Caribbean and 3,800 jobs in Puerto Rico, according to Commonwealth figures.

The seminar in San Juan focused on how manufacturing firms can cut costs and boost profits by combining Puerto Rico's 936 tax breaks with the Dominican Republic's abundant, low-wage labor.

Minimum wages in the Dominican Republic are 41 cents an hour, without fringe benefits, compared to $3.35 hourly in Puerto Rico.

Unemployment in the country of more than 6 million tops 25 percent, prompting many Dominicans to risk their lives in overcrowded, rickety boats to cross the narrow Mona Passage to seek jobs in Puerto Rico.

Fomento Administrator Antonio Colorado said at the seminar that twin-plants in the Dominican Republic help keep companies in Puerto Rico that otherwise might move their entire operation to cheaper production sites. It also encourages firms to expand here, creating thousands of jobs locally.

But Taylor insisted the Dominican government could hasten job creation by signing a tax information exchange agreement with Washington. The agreement is required to qualify for direct loans from Puerto Rico's low-cost 936 funds.

The ambassador said bilateral talks on the accord were expected to continue later this month, and he expressed optimism the agreement could be signed "because of growing awareness of the benefits of 936."

Dominican Industry and Commerce Minister José Manuel Trullols said at the seminar that the fate of the accord depends solely on decisions by President Joaquín Balaguer, who has a draft copy of the agreement on his desk.

But officials and executives in Santo Domingo have said there is still considerable doubt whether the legislature will ratify the agreement over local opposition.

Many Dominican businessmen fear a future government could use the accord against them to investigate their bank accounts or other holdings in the United States, they said.

Even without direct 936 loans, however, twin-plant investments in the Dominican Republic are growing quickly.

Johnson & Johnson, for example, last month opened a dental-floss assembly operation in the Itabo free zone with 60 workers. Ayerst Wyeth Pharmaceuticals Inc. is slated to start a birth-control pill packaging plant with an initial 40 workers later this year, and Westinghouse is completing its fifth factory there, Itabo executives said.

"The initial wave into the Dominican Republic was purely a political, tactical move to save 936," said Itabo President Manuel E. Tavares, referring to Puerto Rico's pledge to Washington to help the Caribbean if the island's tax benefits were spared from a proposed phaseout. "But the commitment has proved to be very good business for all the companies."

Most of the twin-plant business is going to the Dominican Republic's industrial free zones, where companies enjoy customs and tax breaks, freedom from foreign currency restrictions, unrestricted profit repatriation and other benefits.

Employment in Dominican industrial free zones has jumped from about 20,000 in 1984 to more than 80,000 last year, and is expected to top 100,000 this year, Dominican officials said.

Total manufacturing employment in Puerto Rico is about 150,000, according to Commonwealth figures.

A TRIBUTE TO THE MOUNT PLEASANT LIONS CLUB

HON. BILL SCHUETTE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 24, 1989

Mr. SCHUETTE. Mr. Speaker, I would like to take this opportunity to give special recognition to an important organization in my district. The Mount Pleasant Lions Club will celebrate its 50th anniversary on June 3, 1989. This club has devoted time, energy, and money to those with sight and hearing disabilities.

The Mount Pleasant Lions Club was founded in June 1939. The purpose of the Lions Club is to determine community needs and develop means of meeting them, either through its own efforts or in cooperation with other agencies.

In its 50 years of existence, the Mount Pleasant Lions Club has supported local and State projects through fundraisers that have totaled $250,000. Support activities include helping those who need new eye glasses, eye exams or hearing aids and support of hearing clinics at Central Michigan University, reading machines for the blind, Leader Dog school and much more.

The members of the Lions Clubs are selected from the community's leading business and professional men, industrialists, farmers, clergymen, educators, merchants, and others. They are pledged to help through Lionism those less fortunate than themselves. Lionism is nonsectarian, yet it encourages religious observances and church loyalties. It is nonpolitical, yet it inculcates a lively interest in governmental and civil affairs.

Mr. Speaker, I hope my colleagues will join me in commending this find organization, and its volunteers for their participation in the Mount Pleasant Lions Club. I urge my colleagues in the House to wish the Mount Pleasant Lions Club a joyous 50th anniversary celebration along with best wishes for many years to come.

A TRIBUTE TO WARREN ROSENBLUM ON THE OCCASION OF HIS RETIREMENT

HON. CHARLES E. SCHUMER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 24, 1989

Mr. SCHUMER. Mr. Speaker, my colleagues. I would like to call your attention to Mr. Warren Rosenblum who is retiring from the New York Board of Education after 31 years of service.

Mr. Rosenblum was born in Brooklyn, NY, where he attended Public School 193 and Madison High School. He then attended Ithaca College and Long Island University where he received a B.S. and M.A. in education. For 31 years he has been helping the students of Junior High School 126K and Intermediate School 278K learn to develop their athletic ability, competitive skills, sense of team work, and their sportsmanship as a physical education teacher.

We must never forget, nor underestimate the contribution teachers make to the lives of our children, and through these children to the health of our community. Teaching is indeed a noble profession and it is an honor to be given the opportunity to thank an individual who dedicated 30 years of his life to improving the very fabric of our society through his teaching. Our children and our society both benefit from the work of dedicated teachers like Warren Rosenblum.

Besides teaching, Mr. Rosenblum has been a gym chairman, a social committee and advisory board member of East Midwood Jewish Center Shaare Torah, and a Little League baseball and basketball coach. He is also an aficionado of both sports and opera.

Mr. Speaker, my colleagues, please join me in saluting this fine man and his wife, of 30

years, Harriet Dienstag Rosenblum on the occasion of his retirement from his long life of serving and educating our children.

TRIBUTE TO JOHNSTOWN RESIDENTS

HON. JOHN P. MURTHA

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 24, 1989

Mr. MURTHA. Mr. Speaker, on May 31, 1889 at 4:07 p.m., 20 million tons of water, up to 70 feet high in certain areas, splashed into Johnstown, PA, causing the worst natural disaster our Nation had yet suffered. The great flood killed 2,209 men, women, and children which was close to three times the number of people killed in the 1906 San Francisco earthquake, and caused $17 million in destruction.

Houses were washed away and hundreds of people were trapped in the wreckage. The dead were everywhere. Over 750 bodies were never identified.

The people of Johnstown responded to the flood with courage and ingenuity. By the fall of 1889, the city of Johnstown was again back in business. The spirit of the people of Johnstown in rebuilding their city was incredible.

They began their efforts by identifying and burying their dead. Groups were organized to repair the damaged railroad tracks. Food, clothing, blankets, and medicine sent into the city from concerned neighbors were sorted and distributed. Temporary housing was set up. The South Fork Dam which broke causing the flood was repaired by the people.

Shortly after the flood, Ms. Clara Barton who founded the American Red Cross, arrived in Johnstown to help with the hungry, injured, and homeless and stayed into October. This was the Red Cross' first major effort at disaster relief.

The story of Johnstown is very touching. The spirit of the Johnstown people in both recovering from the flood and overcoming their economic difficulties is remarkable. We have faced hard times, high unemployment, natural disasters, and the decline of the steel and coal industries. Yet, Johnstown always bounces back and triumphs.

The industrial heritage project that is currently underway in Johnstown and the surrounding area in southwestern Pennsylvania is an example of our efforts. We are striving to show visitors from across the Nation and the world our important industrial heritage sites. Tourism is just one of many ways we are helping to revitalize and redevelop our area's economy.

I proudly commend the rescue efforts of the people who lived in Johnstown in 1889 as well as the current residents of Johnstown. Now, 100 years after this tragedy, we are inviting you to visit Johnstown to relive our history. We will be celebrating the achievements, comradery, spirit, and growth of our community, not the devastation. I sincerely hope you have the opportunity to visit our beautiful community. Festivities begin the weekend of May 27 and continue through October.

NEW DRUG AND DEVICE APPLICATION AMENDMENTS OF 1989

HON. EDWARD R. MADIGAN

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 24, 1989

Mr. MADIGAN. Mr. Speaker, I am pleased to introduce, on behalf of the administration, a proposal which would provide the Food and Drug Administration [FDA] with the authority to charge user fees for the review of new product applications in the areas of food additives, human and animal drugs, antibiotics, medical devices, and biological products. This bill is widely viewed as an important vehicle for addressing the budget constraints we are facing in the FDA.

This proposal would give the FDA the authority to issue regulations establishing user fees for the review of product applications; the funds collected would be retained by the agency to defray the cost of these activities. This proposal would permit some of the costs of application review to be shifted from the taxpayer to the producers and manufacturers which profit from the FDA product approvals. Since the FDA approval represents a license to market the product, this proposal would enable FDA to charge companies a fee for this service. Waivers or reductions of fees in exceptional circumstances in the public interest are available in this bill. In addition, a fair and equitable fee structure to accommodate small firms could be designed during the regulatory process. I believe such accommodations are essential in order to continue the innovative research that the small business community has brought this country.

I believe it is only equitable that those companies which benefit should bear a fair share of the cost of doing business with public agencies when these agencies are providing a service which directly results in private sector profits. I hope my colleagues will join me in supporting this legislation.

HUMAN RIGHTS ABUSES IN TIBET

HON. DAN BURTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 24, 1989

Mr. BURTON of Indiana. Mr. Speaker, I intended to deliver this speech in front of the Chinese Embassy yesterday, May 22, to a group protesting against Chinese occupation in Tibet. I was unable to deliver the speech because I was unexpectedly needed at a markup in the Foreign Affairs Committee. The visit of Wan Li, president of the Chinese National Congress to Washington, DC, prompted the demonstrators to call public attention to the human rights abuses now taking place in Tibet.

As a United States Congressman, I felt an obligation to come here today, just as you have. I felt an obligation to speak out against the atrocious human rights abuses which China is now committing in Tibet. It is only right that we gather here on American ground, where freedom and democracy prevail, to demand that Chinese communists grant this same freedom and democracy to the Tibetan people.

The brutal repression and the human rights abuses in Tibet must be stopped. An end must come to the martial law declared on March 8 in Tibet. The announcement of martial law followed violent suppression of peaceful protests by Tibetans against Chinese occupation. The peaceful demonstrations commemorated the slaughter of thirty Tibetan monks on March 5 of last year. The Chinese responded by killing 60 unarmed demonstrators. Unfortunately, the deaths and injuries of these innocent Tibetans are only a tiny fraction of the 600 casualties resulting during the last 18 months in Tibet.

Tibet's entire cultural heritage and way of life has been pushed to the verge of extinction since Chinese occupation in 1950. Nearly 400,000 have been killed and 600,000 have disappeared due to starvation and torture in labor camps. Forced abortions are routinely used in Chinese attempts at genocide. Thousands of Chinese have been moved in to further disintegrate Tibetan culture. This has resulted in the absurd ratio of 3 Chinese to every 1 Tibetan, making the Tibetans a minority in their own country.

Demonstrations of nearly 1 million Chinese in Beijing continue while no more than two Tibetans are allowed to meet together since the declaration of martial law. The ongoing suppression of their own people's cries for democracy reiterate the insensitivity of communist Chinese leaders. The protests of the Chinese have at least been recognized. The Tibetans continue to be ignored. In Tibet there are fresh arrests, executions and tortures everyday.

One week ago today a resolution passed by the U.S. Congress condemned the use of excessive and lethal force by Chinese authorities in Tibet. It also calls for an immediate lifting of martial law and a dialog between Chinese officials and the Dalai Lama. I have also signed a letter written to Wan Li, who is heading the official Chinese delegation here in Washington. This letter condemns the brutal Chinese suppression of unarmed Tibetan demonstrators. It also calls for the allowance of human rights monitoring organizations to investigate in Tibet.

The United States can no longer continue business as usual with a country that advocates inhumane torture and abuses. I call upon President Bush and Secretary Baker to recognize the events that are taking place in Tibet. The United States needs to become an active part of the campaign to preserve Tibetan identity, Tibetan culture and Tibetan religion. These people need the support of freedom-loving people around the world. The Chinese suppression has yet to cease. But as the Tibet saying goes "Even though the fire burns, you have to attack the fire."

CIVIL DISOBEDIENCE

HON. JOHN J. LaFALCE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 24, 1989

Mr. LAFALCE. Mr. Speaker, the recent protests throughout the Nation by Operation Rescue, a grassroots antiabortion organization, present us with an opportunity to examine once again the time tested principles of civil disobedience. In this connection the Diocese of Rochester has recently issued an excellent statement which summarizes these im-

portant principles. I insert the statement in the RECORD.

DIOCESE OF ROCHESTER—STATEMENT ON CIVIL DISOBEDIENCE

Throughout history, moral issues of one nature or another have called forth responses of nonviolent civil disobedience. Today the sanctity of life, especially the life of the unborn, is once again challenging sincere people of all faiths to examine their consciences regarding what Bishop Matthew H. Clark calls "a morally unacceptable" reality—abortion.

Whether or not an individual lay person, religious or priest engages in nonviolent civil disobedience is a personal conscience decision that should be made only after serious prayer and reflection.

In formulating a conscience decision, there are four points that must be given careful consideration. It is necessary to show that the purpose or end of the contemplated civil disobedience is just. At the same time, the person making this decision must be able to show that other approaches to alleviating the injustice have been tried but failed. There should be some expectation that the disobedience will be effective at least to the point that it provides an effective symbolic witness. Lastly, any person making a conscience decision to engage in civil disobedience must be satisfied that whatever negative consequences arise from the act will not outweigh the probable positive results.

In making a conscience decision to engage in nonviolent, civil disobedience it should be clearly understood that the primary goal of civil disobedience is to educate people so they might see the injustice that exists and that that injustice represents an unwanted evil element in their lives.

Those who feel called to the path of nonviolent civil disobedience—laity, religious, priests—must be certain that any civil disobedience is carried out in a nonviolent, caring and loving way. They must also be willing to accept the legal consequences of such action.

The seeds of civil disobedience as a possibly morally acceptable response to injustice are found in the earliest days of the Christian Church when Peter and the Apostles responded to the high priest of the Sanhedrin with the words: "Better for us to obey God than men." (Acts 5:29) Other noted theologians in the Church since that time, Augustine and Aquinas among them, reinforce that concept in their position that "an unjust law is no law at all" and hence a response of civil disobedience can be morally correct when other legal corrective efforts have failed. Martin Luther King, Jr. said that in some eventualities there may be "a moral responsibility to disobey unjust laws."

On February 13, 1973, less than a month after the Supreme Court's decision in Roe versus Wade legalized abortion in the United States, the Administrative Committee of the National Catholic Conference of Bishops issued a Pastoral Message calling the decision "erroneous, unjust, and immoral."

The Diocese of Rochester supports the right of its laity, religious and priests who, after prayer and reflection, make a conscience decision to engage in nonviolent disobedience.

The evil of abortion must not continue. Joseph Cardinal Bernardin, the chairperson of the NCCB's Committee for Pro-Life Activities, wrote: "The scriptures tell us that, when Jesus died, a darkness covered the earth. This darkness now envelops our world. No matter how much we try to lift this darkness, we will never succeed unless we first decide, as individuals and as a nation, that we will protect the life of the unborn, that we will not deprive the most vulnerable of God's creatures of the gift of life which he has given them."

The Diocese of Rochester restates its commitment to protect the unborn and to speak against the abortion laws so destructive of human life and the fabric of our society.

Bishop Clark has said: "The violence of abortion does not end with the unborn victim. As those of you who work with women who anguish over past decisions to abort a child know well, abortion also perpetrates violence against the mother. The victims of this violence are the unborn child, the mother and, in the final analysis, all of us whose lives are diminished by this ongoing tragedy."

Operation Rescue is one of many approaches being employed to focus on the tragic problem of abortion and the unjust law that denies the unborn the protection they deserve.

It should be noted that the nature of civil disobedience in which participants in Operation Rescue are engaged, involves the breaking of just laws, such as laws that are necessary to maintain public order, to protest an unjust law, the taking of the life of the unborn. It must remain clear that it is the unjust law that permits abortion that is being challenged, not the just laws of our nation.

H.R. 2 CONFERENCE REPORT

SPEECH OF

HON. RON de LUGO

OF THE VIRGIN ISLANDS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 11, 1989

Mr. DE LUGO. Mr. Speaker, I rise today in support of the conference report on H.R. 2, the Fair Labor Standards Amendments of 1989.

I commend the members of the Education and Labor Committee for moving so quickly with this important bill from the subcommittee to the full committee and through conference.

Mr. Speaker, I regret that the President has not seen fit to support this important bill. The President has stated that he will veto this conference agreement if it is sent to him because the minimum wage will be raised 30 cents an hour more than he wants. H.R. 2 will increase the minimum wage from the current $3.35 an hour to $4.55 an hour over a 3-year period. The $4.55 an hour wage rate would begin October 1, 1991.

It is very unfortunate that an important bill such as H.R. 2 may be vetoed because of a 30-cents-an-hour difference with the President. H.R. 2 is a bill that will help millions of working people who are trying to make a better life for their families by working full time and yet continue to remain in poverty. I cannot believe that vetoing this bill will lead to a kinder and gentler nation that the President has said he wants to see. To the contrary, such action will be extremely brutal to the millions of families that can hardly survive on the current minimum wage.

Mr. Speaker, there has not been an increase in the Federal minimum wage since 1981, over 8 years ago. We must now act on behalf of the hard-working men and women of America to increase the minimum wage to a decent level. These workers deserve to be treated fairly.

I hope my colleagues will agree and support the conference report on H.R. 2.

MEETING WITH ANTI-BOLSHEVIK BLOC NATIONS

HON. DUNCAN HUNTER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 24, 1989

Mr. HUNTER. Mr. Speaker, recently I had the opportunity to meet with members of the Anti-Bolshevik Bloc of Nations. They presented me with a memorandum that I would like to bring to the attention of my colleagues and be made part of the RECORD.

Their memorandum follows:

The Bicentennial Celebrations of seminal events in the founding of the United States of America have provided an opportunity for Americans to reaffirm their role in humanity's quest for universal emancipation and liberty. The Declaration of Independence, the Revolutionary War, the ratification of the Constitution, and this year's celebration of the inauguration of the first President of the United States have become the inspiration, indeed, the common heritage of all who strive for democracy and independence.

Two hundred years after the Founding Fathers fought to establish a free and independent state on the North American continent, much of the political map of the world has been transformed from one of colonial domination to one of freedom and independence. Significantly, the progressive demise of the colonial era, initiated by the American Revolution, was greatly accelerated during this century, when the European Great Powers relinquished their empires in favor of a new international political order based on recognition of the right of colonial peoples to self-determination and independence. Ironically, the benefits derived from the process of decolonization and the institutionalization of the principles of independence, democracy, justice, equality, and human dignity have been withheld from the majority of the countries on the European continent itself. The perpetuation of this historical anachronism of the by-gone colonial era continues in the form of Russian imperialism.

The United States' victorious Revolutionary War remains the model for those countries in Europe who have still to cast off the colonial yoke accede to their own independent states. For Ukraine in particular, America continues to be the inspiration in its struggle for independence and democracy. However, there are two further aspects which distinguish Ukraine's situation from that of other colonial nations, thus rendering its plight far more difficult. Firstly, in addition to colonialism's classic features of domination and exploitation, a deliberate policy of national annihilation has been directed against Ukraine, through policies and practices constituting genocide and ethnocide. Secondly, they are carried out behind a "Potamkin village" facade of "reforms" and socialist "progress" in a so-called Soviet Ukraine. Yet, America and the West seem to have accepted Moscow's contentions that it has made major policy revisions under the

tutelage of Gorbachev, principally, the abandonment of imperialism and "restructuring" of the Soviet Russian Empire into a system acceptable to Ukraine and other non-Russian colonial countries in the USSR. Hence, some in the West have come to view the USSR as having transformed itself into a partner with which the industrialized democracies can engage in a common endeavor to realize a shared vision of the world.

As a result of this flawed view of the realities as they pertain to the Soviet Union, straight-forward issues, such as Russian imperialism and colonial repression in Ukraine, are increasingly seen in the West as no longer constituting fundamental features of the Soviet system. Rather, they are regarded as irrelevant and even annoying distractions which stand in the way of improving East-West relations. In this context, the U.S. Administration and the media largely recognize Ukraine merely as a human rights and civil liberties problem to be resolved by reforms instituted by Gorbachev. Furthermore, to the extent that the denial of Ukraine's national rights is recognized, conventional wisdom maintains that the West should refrain from addressing this issue, as it is best left to Russia to deal with this formidable problem. Because Gorbachev portrays Ukraine as a non-negotiable, vital interest of Russia, the West has acquiesced on the question of Ukraine by regarding it as an acceptable, if not fully justified concession in the interest of rapprochement and renewed detente.

For the West, such a position is as morally disgraceful as it is strategically dangerous, as it can only result in the strengthening of the Soviet Russian Empire. For not only does it demoralize the resistance in Ukraine and throughout the empire, but, simultaneously, it undermines the unity and solidarity of the NATO alliance vis-a-vis its ability to withstand Gorbachev's "peace offensive." As the largest remaining colonial country in the world, with a population and territory comparable to France, Ukraine is of immense geo-strategic importance for the West. In any future Europe, where all of the continent's countries will be free and independent states, a sovereign Ukraine will reemerge in its historical role of staying threats to European security from the east and will become the continental linchpin in the maintenance of peace and stability among the region's states. Therefore, the industrialized democracies are shortsighted when they remain silent about Ukraine, and are placing their own states at risk when they deliberately misrepresent Ukraine as a provincial territory involved in inter-Slavic squabbles and ethnic intolerance.

The reality of Ukraine transcends its strategic dimension. It impinges on the universal right of a nation to freedom and independence. It is the reality of Soviet Russia's armed invasion and illegal occupation. It is the reality of a country subjected to a colonial bondage of unimaginable repression and foreign, totalitarian oppression. While Gorbachev is courting the favors of the free world with pronouncements about "glasnost" and "perestroika," he is simultaneously engaged in further entrenching the repressive structure of colonial domination and ethnocide in Ukraine. In an attempt to delude the West in this regard, the Kremlin leaders recently held "free" elections, allowing popular candidates to run for office in districts closely watched by western observers, particularly media representatives based in Moscow. However, in the non-Russian colonies in the USSR, particularly in Ukraine, the authorities foreclosed any hope for free and fair elections by resorting to violence and intimidation to keep the people's candidates off of the ballot.

Consequently, the Kremlin's attempts to shore its empire by conducting "elections" and creating pseudo-political institutions was exposed by the practices of the colonial authorities themselves. The Ukrainian resistance recognized the elections for the sham that they were and mounted an effective nationwide boycott, thereby rejecting the official party bosses. The people increased their demands for the restoration of Ukrainian sovereignty, including respect for all aspects of its national rights. In the course of the past year alone, there has been an upsurge of popular resistance against the occupation of Ukraine [see addenda]. In response to the intensification of the liberation struggle, the occupation regime has re-criminalized criticism of the Soviet Union and its officials and has imposed emergency regulations to enforce the re-imposed repressive laws. These decrees establish a legal basis providing Soviet troops and police with a virtual carte blanche to bludgeon, arrest, detain and torture participants in the mass demonstrations against the continued denial of Ukrainian rights.

The reality in Ukraine reflects the Kremlin's need to preserve its occupation regime in order to retain the colony's much needed vast natural resources and industrial base. For this purpose, a massive military force is permanently stationed there. The military has been recently augmented by Special Forces units in an attempt to control the increasingly militant and widespread protests, demonstrations and strikes. As a result of the repressive tactics on the part of the occupation force, countless Ukrainian patriots have been subjected to intimidation and coercion, kidnapings and disappearances, brutal beatings, incarceration and torture. This is the reality of "glasnost" and "perestroika" in Ukraine. However, the heightened confrontation between the people and the Russian oppressor has only strengthened the resolve of the Ukrainian nation in its struggle for independence.

Today, in this Bicentennial year of the American Presidency, the government of the United States has the opportunity to reclaim its role as the torch bearer of freedom in the world. However, in order to do so, it must end its silence on the Ukrainian struggle for independence. It must express outrage at the oppression and exploitation of Ukraine at the hands of the Soviet Russian colonialists. No longer should Ukraine be a pawn in the calculation of U.S./Soviet competition. For, in the pursuit of this policy, the U.S. contributed to the denial of the inalienable right of the Ukrainian people to restore their sovereign and independent state and to establish their own democratic government. Ukraine must be treated by the U.S. government as a subject and not an object of its policies. This important human tragedy is, in its own right, deserving of the attention and support of the American people and government.

The ideals of self-determination, independence, freedom, justice and respect for human rights are the very same ideals in whose name the American Revolution was fought and won. These are the ideals that the Ukrainian Liberation Front, led by the Organization of Ukrainian Nationalists (OUN) are fighting to achieve. These are the principles for which the Ukrainian National Republic of 1918 and the Ukrainian National Government of 1941 were created to uphold. The United States must reassert its vision of a democratic world. Thus, it is incumbent upon America to recognize our shared commitment to the realization of these rights. In the defense of these important universal truths, the American public and government should find reason to act in support of Ukraine's just struggle for freedom and the restoration of its sovereign and independent state.

BOHDAN FEDORAK,
Executive Chairman.
SLAVA STETSKO,
Chairman.

SAVE HUMAN RIGHTS IN HONG KONG

HON. JOHN EDWARD PORTER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 24, 1989

Mr. PORTER. Mr. Speaker, martial law in Beijing sent shock waves through Hong Kong because the mainland Chinese are scheduled to take control of the colony in 1997. The Tiananmen crackdown shows that Hong Kong's human rights and economic future are in jeopardy; 400,000 Hong Kong citizens brought the city to a standstill as they marched in support of Democracy and their brethren in Beijing.

Hong Kong citizens fear the future. Last year 45,000 fled the colony for Australia, Canada, and the United States. Some 60,000 will leave in 1990. Over one-third of Hong Kong citizens plan to emigrate, and political confidence has plummeted to its lowest level in years.

I urge all Members to cosponsor House Concurrent Resolution 79, a resolution I introduced in support of human rights and democracy in Hong Kong. In light of the repeated heavy hand used by Chinese authorities in Tibet and now Beijing, the United States must let it be known that fundamental freedoms in Hong Kong must be guaranteed.

OLDER AMERICANS MONTH

HON. RONALD K. MACHTLEY

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 24, 1989

Mr. MACHTLEY. Mr. Speaker, this month our Nation is honoring the many contributions of older Americans through the celebration of Older Americans Month. Today it is my distinct pleasure to honor Mrs. Naomi Craig, of Providence, RI.

Mrs. Craig has been a community activist and leader for most of her 82 years. Her achievements include founding of the Henrietta Borge Chapter of the Rhode Island Black Social Workers, serving on the first panel of Americans for the National Council of Christians and Jews, and visiting residents in Bannister Nursing Home.

Today, Mrs. Craig is accepting a plague on behalf of all older volunteers in the State of Rhode Island in a ceremony with the Secretary of Health and Human Services, Dr. Louis

W. Sullivan. We honor her altruistic spirit and selfless dedication to her community.

A TRIBUTE TO DR. ARYEH ROHN ON THE OCCASION OF HIS RETIREMENT

HON. CHARLES E. SCHUMER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 24, 1989

Mr. SCHUMER. Mr. Speaker, my colleagues, today I call your attention to Dr. Aryeh Rohn on the occasion of his retirement dinner, after 45 years of teaching, from the Rabbi Harry Halpern Day School in Brooklyn.

Dr. Rohn was born in Vienna, Austria, where he was a Jewish Boyscout, wrestler, and participant in the sports section of Hakoah in Vienna. After leaving Austria, he continued his education at Brooklyn College where he received his B.A. magna cum laude. Culminating his formal education, he attained a doctorate of education from Dropsie University in Philadelphia. He also holds an honorary degree from the Jewish Theological Seminary of America.

Aryeh Rohn did not waste his education, rather he dedicated his life to sharing the joys of learning with both young and old as a teacher. He has been the principal of the Talmud Torah, principal of the Rabbi Harry Halpern Day School, and educational director of the East Midwood Jewish Center Shaare Torah. While holding these various positions, he has found time to serve as the head counselor, educational director, and director of Camps Ramah. And still he was able to find time to act as the president and honorary president of the Educator's Assembly.

The community of East Midwood and all of Brooklyn hold Dr. Aryeh Rohn in the highest esteem for his service. For 45 years he has taught us about the principles of Judaism, Jewish history, Hebrew, Israel, and the Torah. We are all in debt to this man and I am happy to have this opportunity to thank him for his tremendous work.

Happily, this is an occasion celebrating more than his retirement, this is also Aryeh and Rachel's 48th wedding anniversary. There is little doubt that Dr. Rohn would not have been able to accomplish all that he has without the support of his loving family including, Dr. Reuven Rohn and his wife Judy, Ruth Rohn Minden, and his two granddaughters Karen and Alisa.

Mr. Speaker, please join me and my fellow colleagues in saluting this fine man and his family on the occasion of his retirement from his long life of serving and educating the community of Brooklyn.

TRIBUTE TO MSGR. JOSEPH O'TOOLE

HON. JOHN P. MURTHA

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 24, 1989

Mr. MURTHA. Mr. Speaker, I would like to offer my congratulations to Msgr. Joseph O'Toole on the occasion of the celebration of his golden jubilee in the priesthood. This remarkable achievement is a testament to a remarkable man, as Monsignor O'Toole has demonstrated throughout his career in the church a wonderful ability to relate to people and to provide guidance to generations of individuals in our area.

Monsignor O'Toole has compiled an impressive list of achievements in the church. He was the founding pastor of St. Clement Church, named a papal chamberlain by Pope Paul VI, and appointed a prelate of honor by Pope John Paul II. But his most important work has always been with the people of western Pennsylvania. Throughout his long career, Monsignor O'Toole has been there to provide comfort to those in need, and to celebrate the triumphs of those who have succeeded.

I salute Monsignor O'Toole on this joyous occasion. I also wish him well in his retirement, as early in June he will be retiring from St. Clement Church. He has been a vital part of the community for many years, and I am sure even in retirement, he will be working harder than most of us do now. Thank you, Monsignor O'Toole, for your dedication and love, and we wish you all the best.

THE FOREIGN ASSISTANCE ACCOUNTABILITY ACT OF 1989

HON. JOHN BRYANT

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 24, 1989

Mr. BRYANT. Mr. Speaker, yesterday, along with my colleagues, Mr. COLEMAN of Texas, Mr. DWYER of New Jersey, Mr. JACOBS of Indiana, and Mr. RAHALL of West Virginia, reintroduced the Foreign Assistance Accountability Act, to prohibit diversion of our foreign assistance funds to unauthorized uses and to strengthen our accounting procedures for those funds to assure that they are spent as Congress directs.

I originally introduced this legislation in June 1986, and, in the last Congress, Chairman LEE HAMILTON attached it in slightly modified form to last year's foreign aid bill. Unfortunately, although the legislation passed the House, it was not taken up by the Senate.

American taxpayers always deserve our best efforts to see that their money is not wasted. And in the current budget constraints, when all programs are necessarily being scrutinized for cuts, it is all the more important to see to it that the funding Congress for a program is responsibly spent on its intended purpose.

Disturbingly, our Government makes scant effort to determine if this is the case in foreign assistance programs. In fact, U.S. foreign aid can legally be diverted to any use the recipient desires—including personal aggrandizement. The current accounting controls are woefully inadequate to effectively prevent this.

In a December 1986, report, the General Accounting Office said it could not account for half of the $27 million in humanitarian aid Congress voted for the Nicaraguan Contras in 1985—lending further credence to the rumors that some of it may have been used to purchase prohibited military equipment or to line the pockets of Contra leaders or various middlemen.

Commenting on the investigation, a GAO spokesman said there was "enough evidence to be concerned that humanitarian assistance may not be reaching the intended beneficiaries."

Another GAO report, issued in May 1986, found that because of inadequate controls on how the billions of dollars in United States foreign aid to the Philippines during the Marcos era was spent, it is impossible to determine what a major portion of the money was used for. There is increasing evidence that a portion of it went into the pockets of Ferdinand and Imelda Marcos and their cronies, perhaps enabling Imelda Marcos to compile her collection of Italian shoes, United States real estate properties, and Swiss bank accounts.

In testimony before the House Government Operations Committee, Comptroller General Bowsher cited "massive amounts of funds * * * allegedly diverted, misused, or transferred out of the Philippines, highlighting longstanding concerns over the adequacy of controls governing economic assistance to foreign countries."

The revelations that United States Government officials supervised a secret sale of United States weapons to Iran—and siphoned off excess profits into a slush fund to aid the Contras—further emphasize the need for a means to assure that Congress' foreign assistance directives are followed. The Foreign Assistance Accountability Act would help assure that Congress and the American people that our foreign aid dollars are not being wasted or misused.

There appears to be absolutely no way under current law to ascertain whether U.S. foreign aid to any nation is appropriately spent in furtherance of U.S. objectives or improperly diverted to other corrupt purposes.

My bill would:

Make it against the law for anyone to divert foreign aid funds to any purpose other than the specific purpose for which the funds are provided;

Establish civil and criminal penalties for violators;

Require the President to develop a comprehensive accounting system to track the funds; and

Requires that the accounting procedures and penalties be included in any agreements made with other nations for the United States to provide foreign assistance.

Enactment of this legislation will be a major improvement in Congress' ability to exercise its responsibility to the American people in foreign assistance policymaking and in insuring that Americans' tax dollars are well spent to further the interests of the United States.

DAVID SARPALIUS' BIRTHDAY

HON. BILL SARPALIUS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 24, 1989

Mr. SARPALIUS. Mr. Speaker, 16 years ago today, I was young, fresh out of college, and working for Cal Farley's Boys Ranch when I experienced the proudest moment of my life. My son David was born.

When I think about it, the moment of his birth seems as clear to me now as it did then. It came, ironically, on my mother's birthday. It's almost impossible for me to believe that he turns 16 today. He's getting his driver's license and driving his first car. It doesn't seem all that long ago I was helping him learn to walk. It makes me realize time may not fly, but it runs awfully fast.

Sometimes, a father doesn't always do the best job of telling his son how proud he is of him. And, I certainly don't want to take too much of the House's time on this matter. But, I want to say this to David:

In the 16 years since you were born, a lot of very good things have happened to me. I have been elected 3 times to the Texas Senate. I won some critical legislative victories in Austin. I was elected last November to this House in the hardest-fought race of my life.

Nothing in those 16 years has equaled the thrill I felt when you were born. Nothing has pleased me more than watching you grow to be the fine young man you are today. I'm proud of you, son.

Happy birthday.

U.S. BUSINESSES LOOSEN LINK TO MOTHER COUNTRY

HON. BOB TRAXLER

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 24, 1989

Mr. TRAXLER. Mr. Speaker, I call the attention of my colleagues to an insightful article which ran in last week's Sunday edition of the New York Times. This article, written by Louis Uchitelle, outlines the increasing differences between national interests and corporate interests of U.S.-owned corporations. I urge my colleagues to ponder Mr. Uchitelle's point that corporate leaders of America feel little responsibility for the welfare of the country and workers which built their corporations.

[From the New York Times, May 21, 1989]

U.S. BUSINESSES LOOSEN LINK TO MOTHER COUNTRY

(By Louis Uchitelle)

With a new surge of investment abroad, many American companies are shedding the banner of a national identity and proclaiming themselves to be global enterprises whose fortunes are no longer so dependent on the economy of the United States.

Globalization, in fact, is emerging as corporate America's strategy of choice for the 1990's one heralded in the latest issue of The Harvard Business Review as a main road to industrial prowess. In the name of globalization, American companies' overseas spending on plants and equipment has revived for the first time in a decade, and executives increasingly speak as if the United States were no longer home port.

"The United States does not have an automatic call on our resources," said Cyrill Siewert, chief financial officer at the Colgate-Palmolive Company, which now sells more toothpaste, soaps and other toiletries outside the United States than inside. "There is no mindset that puts this country first."

GOALS AT ODDS WITH NATION'S

Inevitably, such views are putting American companies at odds with widely advocated national goals.

In a growing number of cases, high-paying jobs, including those for engineers and other professionals, are going abroad, instead of being kept at home. Spending by American manufacturers on research, an important source of financing for universities and laboratories, is rising far more quickly overseas than at home, according to the National Science Foundation. And American companies are increasingly supplying foreign markets from their overseas operations, rather than by exporting, a practice that makes this country's trade deficit hard to eliminate.

Perhaps the sharpest test of globalization would come in a recession, when the companies would face public pressure to preserve as many jobs as possible in the United States, thus holding down the unemployment rate. One way to do this would be for them to close overseas operations and pull back production to the United States, exporting from this country to keep their American factories occupied.

NO FAVORING AMERICAN WORKERS

But many executives say that global strategy supersedes preferential treatment for American employees. Motorola Inc., for example, makes telephone pagers in Boyton Beach, Fla., and Kuala Lumpur, Malaysia, with the Malaysian plant now also the design and engineering center for these electronic beepers.

"We'd try to make a balanced decision that took everyone into consideration, Malaysians and Americans," said Robert H. Galvin, Motorola's chairman. "We need our Far Eastern customers, and we cannot alienate the Malaysians. We must treat our employees all over the world equally."

Many global executives also distance themselves from the trade issues that are stirring so much concern in Congress and the Bush Administration. Motorola and the Hewlett-Packard Company, for example, say they will not be directly affected if the United States fails to outdistance other countries in the development of high-definition television, a breakthrough technology that could require every household to buy a new television set.

GOING AFTER NEW TECHNOLOGY

"Whatever the technology that is developed, in whatever country, we'll be going after it for our products," said John Young, chief executive of Hewlett-Packard. These products include semiconductors and electronic measuring instruments made in several countries.

To be sure, American companies still spend much more on plant and equipment in this country than they do abroad: $488 billion last year versus $42 billion overseas. But the outlays have been rising since the mid-1980's.

In addition, companies like International Business Machines, Ford Motor, NCR, Motorola, Colgate-Palmolive and the Stanley Works now collect 30 percent or more of their revenues, and big chunks of their profit, from production outside the country, usually in high-tech factories far more sophisticated than the assembly plant operations that characterized earlier periods of overseas expansion.

THE NEW COMPANY—CORPORATE AMERICA FOLLOWS ITS MARKET

Very slowly, corporate America is building up its holdings abroad. Nearly 17 percent of total corporate assets are now overseas, up from 14.4 percent in 1984, according to data compiled by Robert Lipsey of the National Bureau of Economic Research. This amount is greater than that for nearly every other industrial nation and more than three times the percentage of Japan's overseas holdings, although in every developed country the percentages are also rising.

The explanation of this trend is evident in the comments of many American executives, among them John A.M. Grant, executive director of corporate strategy at the Ford Motor Company. "In any country where Ford operates, the value added—the amount of manufacturing done in that country—should be as great as possible," he said.

True to this policy, Ford's auto-making operation in Europe, among the largest on the Continent, now makes or buys 98 percent of its parts, supplies and machinery in Europe, building up to this level over more than a decade. "The only thing we import from the United States is some machine tools," Mr. Grant said.

TRANSFERRING OF WEALTH

For Ford and many American companies, the big lure of globalization is the promise of Europe and Asia. Sales of many products are growing more rapidly in these two markets than in the United States, and corporate America has decided that they must be served on the spot, not from home. "You cannot really make a penetration with exports," said Ralph Hake, vice president of planning at the Whirlpool Corporation.

But the exodus abroad is raising the possibility that American companies, by expanding foreign production, are transferring to much wealth to other countries. Not only are the factories as sophisticated as those back home, but much of the overseas investment today takes the form of joint production ventures with foreign companies, a rare practice before the 1980's. According to a survey by the Conference Board, a business organization, 40 percent of the overseas investment last year was in such joint ventures, which spread technology quickly across borders.

"There is a decoupling of the corporation from the country; that is what is developing," said Gus Tyler, an official of the International Ladies Garment Workers Union. "The country can be facing economic disaster, and the global corporation can avoid it."

THE REASONS—SUCCESS IN PAST LOSES ITS VALUE

Twenty years ago, in a period of overseas expansion that peaked in 1977, the trend was much less of a national problem. For one thing, most American companies insisted on ownership control of their foreign operations, and they kept their best factories, their best jobs and their best technologies at home.

As Richard H. Ayers, chairman of the Stanley Works, put it, the tendency was to equip foreign operations with hand-me-down machinery and technology, used first

in this country and then sent abroad, often to make products from parts and materials shipped from the United States.

But in those days, the American multinational company's foreign operations did not have to be as productive and modern as they must be today. For one thing, low-wage foreign labor more than offset the extra cost of using older, less-efficient machinery.

Now, this advantage is gradually being lost as wages rise not only in Europe and Japan, but in South Korea, Taiwan, Singapore, Indonesia and other third world countries.

"What this means is that there will have to be more investment in high-tech factories around the world," Mr. Ayers said, "because in the long run, you can't escape rising wages."

RISE OF REGIONAL OPERATIONS

Finally, until the 1970's, many of the overseas operations served only one country's marketplace, a strategy often dictated by tariff barriers. But as these barriers disappear and consumption rises abroad, American companies are closing their one-country factories. In their place, regional operations are emerging that serve a host of countries and draw their parts and materials partly from the United States but increasingly from local suppliers.

The Stanley Works, based in New Britain, Conn., has gone through this conversion process. A factory in Taiwan, originally opened because of the low-wage labor force, has been upgraded to production of quality wrenches, sockets and other tools for auto mechanics. The American market is supplied from this plant.

Most of Stanley's most sophisticated products are still made in the United States. "But if the best markets for any product develop overseas, then I would not hesitate to switch the operation abroad," Mr. Ayers said.

Pursuing this strategy, Stanley's factory in Sheffield, England, has become the company's engineering, design and manufacturing center for wood planes, the metal hand tools used to shave wood. All the world is served from this plant, which was placed in England because Europe has become the biggest market for wood planes and might grow even bigger after 1992, when the 12 members of the European Community plan to remove the last of the barriers that separate their marketplaces.

THE EFFECTS—JOBS AND WEALTH, HOME AND ABROAD

The leading critics of globalization are union leaders, trying to save American jobs, and some economists and politicians, who assert that any manufacturing operation creates wealth for the host country. The argument is that industry is not only a source of jobs, but also of income for researchers who develop new products, for parts suppliers and for lawyers, accountants and many other service workers.

Realizing this, the Japanese and most European countries find ways to limit globalization and to keep industry at home, said Clyde V. Prestowitz, a trade negotiator in the Reagan Administration and a frequent critic of the Japanese. They do so, he added, through trade barriers, tax breaks and local-content laws that require foreign manufacturers, including Americans, to use locally made supplies.

"My view is that globalization is not really taking place as a worldwide phenomenon," Mr. Prestowitz said. "Only American companies are really doing it."

Whatever the case, American executives defend the practice with growing confidence. Their survival, they say depends on serving all the world's major markets, and this can be done efficiently in most cases only when production is near each market.

Although globalization might deprive the United States of some factories, Mr. Ayers of the Stanley Works said, "wealth still comes back to the country in the form of dividends to shareholders, who are mostly Americans."

INCREASE IN FOREIGN OWNERSHIP

Americans do indeed hold 93.8 percent of all corporate stock, according to the Securities Industry Association. But foreign ownership is creeping up, from 4.1 percent in 1980 to 6.2 percent through last year's first half.

And foreign ownership of corporate bonds has risen several fold in this decade, to 12.9 percent last year. The interest on these bonds is paid, like stock dividends, from company earnings.

Finally, executives and economists point out that while American companies invested $42 billion in plant and equipment abroad last year, Japanese, European and other foreign companies invested as much here, creating jobs and other benefits for Americans.

"If the argument is that wealth is created where the production is done, then what difference does it make whether the factories are owned by Japanese or Americans, as long as they're here?" said Charles Wolf Jr., director of the Rand Corporation's international economic policy program.

THE POLITICS—RETALIATION AND REALITIES

The public debate over trade and other public policy issues has not yet caught up with the changes wrought by globalization, said Jerry Jasinowski, chief economist of the National Association of Manufacturers, an industry trade group.

The Bush Administration, for instance, has threatened to retaliate against a host of barriers to American exports, particularly Japanese and South Korean ones. But this month, the National Association of Manufacturers, out of concern that harsh treatment could harm American investment has asked the administration not to use forceful action.

The Goodyear Tire and Rubber Company is among those opposed to retaliation, although in 1984 it had angrily demanded that the Federal Government penalize South Korea for selling tires in the United States below cost. Now, Goodyear is in touchy negotiations with 120 South Korean property owners to buy a huge tract of land for a $110 million tire factory, one that will be big enough to make 10,000 tires a day for the North Pacific rim countries, including Japan. Goodyear already has two other major factories in Asia.

"If companies have the alternative of moving across borders, there is not much point in doing a lot of shouting about trade," said Raymond Vernon, an international economist at Harvard Business School.

EFFECT ON TELEVISION DEBATE

The debate over high-definition television is also being skewed by globalization. Many American companies have expressed interest in helping to develop, with some Federal financing, a system that will make possible the transmission and reception of television images far clearer than what is possible today.

But William F. Schreiber, director of the Advance TV Research Program at the Massachusetts Institute of Technology, said that when it comes time to license companies to produce the new television sets, transmitters and the other spinoff products, "there is no guarantee that the licensees are going to all be American companies."

Even if they are American, they might decide to manufacture abroad, Mr. Schreiber said. So far, the principal contenders to make the new televisions include the Sony Corporation, which is Japanese, and the North American Philips Corporation, which is Dutch-owned. Both make televisions in this country, while the major American contender, the Zenith Electronics Corporation, produces them in Mexico.

Globalization has also raised the concern that American wages will stagnate, growing very slowly while the wages of workers making the same products in countries like Taiwan, South Korea and Singapore catch up.

"The cost disparity between 'old world' and 'new world' labor is narrowing, but it will take years or decades rather than months or days to disappear," said Albert M. Wojnilower, senior economist at the First Boston Corporation. "Eventually, the new labor, its wages rising toward a world scale, competes with the old, not only as workers but as consumers vying to buy a higher standard of living."

KEITH HERRELL RECOGNIZED FOR LEADERSHIP IN FISHING COMMUNITY

HON. JOLENE UNSOELD

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 24, 1989

Mrs. UNSOELD. Mr. Speaker, it is my pleasure today to pay tribute to Mr. Keith Herrell, who has become the first person from the State of Washington to be named to the Fresh Water Fishing Hall of Fame in Hayward, WI. For many years, Mr. Herrell has been involved in efforts to further interest in sport fishing, which is an important part of our way of life in the Northwest and critical to our economy.

Mr. Herrell began his career in the U.S. Coast Guard. After 20 years, he retired as commander of the lifeboat station in Westport, WA, and went into the fishing business as a salmon charter boat operator. Keith was instrumental in organizing the first Economic Development Council in Grays Harbor County. Recognizing the need for diversification in the fishing industry, he secured a grant which led to funding for increased participation in bottom fishing as a commercial activity. Keith headed up "Visit the Washington Coast," a nationwide campaign aimed at attracting visitors not only for salmon fishing but for bottom fishing and whale watching as well.

Keith is involved in numerous regional fishing groups including the Pacific Fishery Management Council, a political action committee for sports fishing called CASTS, and the Governor's Select Environment 2010 Committee. He is also a member of both the Advisory Committee to the State Department of Fisheries and the Marine Fish Advisory Council for the U.S. Secretary of Commerce.

In addition to his contributions to the fishing and tourist industries, Keith was a member of the Grays Harbor Chamber of Commerce in the early 1980's and currently serves as a trustee to Grays Harbor Community College. Without compensation, he has spent a good part of his life in public service. Keith's efforts have played a major role in revitalization of his community.

I would like to congratulate Keith on his induction to the Fresh Water Fishing Hall of Fame and thank him for his contributions to not only Grays Harbor County, but to all Washington coastal communities.

A TRIBUTE TO POW-MIA DAY

HON. CHARLES E. SCHUMER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 24, 1989

Mr. SCHUMER. Mr. Speaker, today I call your attention to a candlelight vigil to be held June 2 in Brooklyn, by the Brooklyn County Council of Veterans of Foreign Wars, in support of POW-MIA day. As we all stop to remember those memorialized by Memorial Day, let us not forget those brave soldiers who never returned home and who still remain unaccounted for.

The Vietnam war produced fewer prisoners of war [POW's] and personnel missing in action [MIA's] than previous American wars, yet still as of February 22, 1989, 2,377 Americans remain unaccounted for in Indochina. While some controversy surrounds the question of whether or not Americans remain held against their will in Indochina, the smallest possibility that these soldiers remain held against their will, and the continued anguish caused to their families and loved ones, who remain in perpetual uncertainty about the well-being of their kin, should lead us to press on and find a concrete answer to the questions regarding these MIA's.

New York alone has 157 servicemen still unaccounted for. As President Reagan said on his weekly radio address to the Nation on July 19, 1986:

All Americans, after all, have a common goal in this endeavor: freedom for any prisoner who may still be held in Southeast Asia and justice for all of the families who have worked so long to resolve the fate of our POWs and MIAs in Vietnam. They were our loved ones and our fellow Americans; and they were . . . history's heroes.

We will not forget the proud service these men provided their country. And we will push on in the fight to find out the certain status of these men. I will not rest easy until the question of the 2,377 men still missing in action is solved.

Mr. Speaker, please join me and the men of the Brooklyn County Council of Veterans of Foreign Wars in remembering on June 2 those fine men who still remain unaccounted for after the war in Indochina.

COMMENDING THE HARDIN MIDDLE SCHOOL ON ITS PARTICIPATION IN THE CIVIC ACHIEVEMENT AWARD PROGRAM

HON. JACK BUECHNER

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 24, 1989

Mr. BUECHNER. Mr. Speaker, I rise today in recognition of the Hardin Middle School in St. Charles, MO, for its participation and success in the Civic Achievement Award Program. Created and funded by the U.S. Congress, the Civic Achievement Award Program is concerned with teaching students what it means to be an American.

Structured as an integrated learning project it is designed to facilitate an awareness of significant aspects of American culture. It is divided into three parts: Learning, research, and civics. Through a combination of research, decisionmaking, and active participation in community activities, students acquire a contextual understanding of how our system functions from a historical and contemporary perspective.

Any successful educational program depends on hard work and commitment. The Hardin Middle School program is no exception. For the past year dedicated administrators and faculty have worked to instill in these students the knowledge to become better citizens. For this we owe them our highest accolades and sincere thanks. However, these educators would be the first to say that their work is made infinitely simpler when those who are being taught are eager to learn. To this end we praise the hard work and dedication of the students of the two Hardin sixth grade social studies classes who joined in this effort. What you have gained from this program will be of inestimable value to you in the years to come. Your help in making this program a success will also insure that future generations of students will also benefit.

Becoming a good citizen requires an understanding of how the diverse elements of one's society work together to make a coherent whole. This does not confer the privilege of participation because this is a constitutional right we each one already enjoy. But it is hoped that by understanding that which is uniquely American, that which previous generations have sacrificed and fought for, generations to come will make the commitment to preserve and protect it.

As the parents, faculty, and administrators of the Hardin Middle School meet on May 30 to present the students with their awards of participation, it would be well to remember that we all gain from this program. The true strength of a democracy is an informed and active citizenry. The Civic Awards Recognition Program is one way in which this goal can be met, and our Nation kept strong.

I ask each of my colleagues to join with me in thanking the participants of the Hardin Middle School who have worked hard at making this program a success.

A VERY SPECIAL FAMILY, THE LACKAFFS

HON. VIRGINIA SMITH

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 24, 1989

Mrs. SMITH of Nebraska. Mr. Speaker, I am proud to be able to boast about a very special family whose commitment to the cattle industry in Nebraska is demonstrated by three generations of distinguished leadership and service in the Sandhills Cattle Association.

I would like to share with my colleagues this wonderful story of this very special family, the Lackaffs—Floyd, Richard, and Rich. The following article from the Atkinson Graphic tells beautifully the story of this dedicated family.

CATTLE ASSOCIATION TO HONOR THREE GENERATIONS OF LACKAFFS

VALENTINE.—When members of the Sandhills Cattle Association meet in Valentine on May 25, they will be honoring three generations of the Lackaff family along with 23 others who have served as president of the organization over the past 50 years.

The Lackaffs are well-known ranchers from the Bassett area. Floyd, 92, the senior member of the family was the first Lackaff to serve as president of the Sandhills Cattle Association in the early 1950's. His son Richard took the post in 1966-67 while grandson Rich currently serves as president of the organization of Sandhills ranchers.

Floyd grew up near Bassett attending school at Rock County School District #9, Spalding Academy and Trinity College. After serving two years in World War 1, he returned to the ranch building his cowherd upon six registered Hereford heifers.

Floyd is a charter member of the Sandhills Cattle Association, then known as the Sandhills Feeder Cattle Producers. He was elected to the organization's board of directors in 1940 and was a director for eight years. In 1950-51 he served as vice-president of organization which was designed to promote Sandhills cattle. He took over as president in 1952, leading the Association for two years. During his term as president, he was very active in the Association sponsored feeder cattle sale held annually in Bassett. This sale was very popular among both the buyers and the ranchers, drawing cattlemen from all over the country.

Floyd was also active in many other community and industry activities including the development of the Valentine Production Credit Association and the Bassett Federal Land Bank Association. He was a brand inspector and served on the Nebraska Brand Committee. He was also a director of the Nebraska Stock Growers Association, a member of the North Central and Nebraska Hereford Associations, the American Legion and the Lions Club. He and his wife, Maude, were very instrumental in building the Bassett Lodge and Range Cafe with the assistance of area businessmen and ranchers. Floyd continues his interest in the operations of the ranch and the Bassett Lodge and Range Cafe.

Richard T. Lackaff served as a president of the Sandhills Cattle Association in 1966 and 1967. He began his service to the organization as a director in 1957, serving as a director from the Bassett area for three years. He worked up through the Association's offices beginning as treasurer in 1962. He

filled that post for two years followed by a two-year term as vice president in 1964-65. He was also very active in the operation of the feeder cattle sale held in Bassett and sponsored by the Sandhills Cattle Association.

Like his father, Richard was raised on the Lackaff ranch in Rock County. After a year at the University of Nebraska-Lincoln and two years in World War II, he returned to the ranch in 1946. Under his guidance, the ranch progressed into a controlled crossbreeding program based upon the Hereford breed and incorporated irrigated alfalfa and corn silage into the ranch operation. He, too, is very active in other industry and community organizations including serving as president of the Nebraska Stock Growers Association. He was a director of the Valentine PCA, the American National Cattlemen's Association, and the National Cattlemen's Association. He has also served as president of the North Central Nebraska Hereford Association and the KBR Calf Show Association. He has also been active in the Bassett Area Development Board, the Knights of Columbus, school board and the Nebraska Brand Committee. He and his wife, Genevieve currently own and manage the Bassett Lodge and Range Cafe in addition to being involved in the management of the family ranch.

The third generation of the Lackaff family to head up the Sandhills Cattle Association is Richard H. Lackaff, DVM. Rich has served on the Association's board of directors for eight of the 10 years he has been back on the family ranch. He was vice president of the organization in 1987-88 and is currently serving as the Association's president. Both he and his wife Lora are serving on the SCA's 50th Annual Convention planning committee.

Rich also grew up on the family ranch near Bassett. He attended college at the University of Nebraska and Colorado State University. Upon receiving a doctorate in veterinary medicine from Iowa State University in 1978, he returned to the home place to assist his family in its operation. His passion for studying the performance and breeding of Hereford cattle and his knowledge of the advantages of a sound crossbreeding program, has led him to resume building the registered Hereford herd and to introduce Red Angus into the crossbreeding program.

His community activities includes Vocational Advisory Board member at Rock County High School, Rock County Reorganization Committee and treasurer of the Board of Education. He is also a member of the Nebraska Veterinary Medical Association, the American Association of Bovine Practitioners and the Society of Theriogenology.

A CONGRESSIONAL SALUTE TO ROGER REYBURN, GUS WALKER, RENEE SIMON, AND JAMES P. ZARIFES

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 24, 1989

Mr. ANDERSON. Mr. Speaker, I rise today to pay tribute to four outstanding individuals who have devoted years of their lives to the Long Beach area. Roger Reyburn, Gus Walker, Renee Simon, and James P. Zarifes will be presented with the 1989 Humanitarian Award at the 26th Annual Humanitarian Award Dinner of the National Conference of Christians and Jews, to be held on Thursday, May 25, 1989. This occasion gives me the opportunity to express my sincere appreciation for their many years of hard work and unending commitment.

Roger Reyburn is an extremely active and highly visible member of the Long Beach community. Currently, he serves as a board member of the American Red Cross, Long Beach Community Hospital, Long Beach Public Transportation Co., the Chamber of Commerce and Rotary Club of Long Beach. In addition to his involvement in the previously mentioned originations, he also devotes his time and energy to the Long Beach Community Foundation, the Private Industry Council and the 49er Athletic Foundation, of which he was past president. Despite his heavy volunteer involvement, Mr. Reyburn is employed full time by General Telephone as the south coast division manager. He also devotes his time to his wife Elizabeth and their four children, Stephanie, Suzanne, Sam, and Matthew.

A former member of the Long Beach City Council, and professor of public administration for the Graduate Center for Public Policy and Administration, Renee Simon is viewed as an outstanding leader. She is the founder and president of the Institute of Management Communications, an organization devoted to Management Communications, an organization devoted to teaching more effective methods of communicating. In addition to her many professional affiliations, she is also heavily involved in community service organizations. Currently, she is chair of the Blanche Collins Forum, an endowment fund of Friends of the Long Beach Public Library, a member of the Redevelopment Agency of Long Beach, and participates on the Community Review Panel of the Long Beach AIDS Prevention Program. Her years of involvement have provided her with numerous honors, among them: Pi Alpha Alpha Distinghished Achievement Award. Who's Who in American Politics and receipt of the first Susan B. Anthony Award of the Greater Long Beach National Organization of Women. Although she has been so generous to the Long Beach community, her greatest allotment of time and energy belongs to her three children, Joel, Matthew, and Amy Simon Weiner, and her grandchild.

It would be rather difficult to find a man more representative of Long Beach than Gus Walker. He was born in Long Beach, attended Poly High School in Long Beach, went to USC, and has been involved in Long Beach civic affairs for many years. Currently, he is chairman of the board of Farmers & Merchants Bank. He has served as president of the California Bankers Association, Rotary Club of Long Beach, and the Council of Churches. He has also served as a board member of General Telephone, Metropolitan Water District and the Chamber of Commerce. Mr. Walker's involvement with the Downtown YMCA has been a longstanding tradition in the Walker family. C.J. Walker, Gus Walker's father, was a member of the original YMCA Board of Directors and served as president for 13 years. He has served as board president, and in 1984, Mr. Walker accepted a tribute to the Walker family for five generations of volunteer service to the YMCA. With five children, Richard, Kenneth, Donald, David, and Beverly Walker McLaughlin, 18 grandchildren, 18 great-grandchildren and more on the way. It is obvious that the Downtown YMCA should have no shortage of future Walker volunteers, or lack a better example of commitment to community service.

The last individual to whom I wish to pay tribute is James P. Zarifes, also a native of Long Beach, who left this area only long enough to attend Stanford University. This year he celebrates 30 years of private practice as an attorney in Long Beach. Mr. Zarifes' contributions to the community are many and varied. He has been a past member and president of the Board of Education for both the Long Beach Community College District and the Long Beach Unified School District. His commitment to the community is also reflected by his involvement in the Junior Chamber of Commerce, the board of directors of the Boys Club of Long Beach, president of the Downtown Lions Club and a board member for the Greek Orthodox Church. He has also received numerous awards, among them: the State of California PTA "Public Service Award," was selected as 1 of only 47 outstanding alumni of Poly High School over a 75-year-period, and was named one of the "Emerging Leaders" of the city of Long Beach. Joining him in full support of his unselfish commitment to the community, is his lovely wife of 29 years, Angie, and their three children, Peter, Michael, and Marina.

My wife, Lee, joins me in extending our congratulations to these caring and giving individuals. Roger Reyburn, Gus Walker, Renee Simon, and James P. Zarifes are truly remarkable individuals who have devoted their talents and energies to enriching the lives of so many other people. We wish these fine Long Beach citizens all the best in the years to come.

CONGRATULATIONS TO THE NEW PRESIDENT OF MALTA

HON. EDWARD F. FEIGHAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 24, 1989

Mr. FEIGHAN. Mr. Speaker, I wish to congratulate the Maltese people on the election of Dr. Vincent Tabone as the new President of Malta.

Since May 1987, President Tabone was Malta's Minister of Foreign Affairs before becoming President. As Foreign Minister, he was very instrumental in establishng the excellent relations that now exist between the United States and Malta. He also served as president of the Committee of Ministers of the Council of Europe and was a strong advocate of Malta's bid to join the European Economic Community. Dr. Tabone was the only Minister to serve in two nationalist governments and also had the honor to hold the post of Minister of Labor, Employment and Welfare.

Throughout his distinguished career, Dr. Tabone has championed democratic values, human rights, and strong, peaceful relations

among nations. President Tabone has been diligent in maintaining the Central Mediterranean as a peaceful area. He believes that peace is best served when the countries of Eastern and Western Europe work together for the benefit of their people. More importantly for the United States, Dr. Tabone supports Western values and he has worked vigorously to maintain a positive dialog between Malta and the United States.

Mr. Speaker, I have met with President Tabone in Malta and in the United States. We can be assured that he will continue to promote strong ties between the United States and the Republic of Malta. I wish him well as the new President of Malta.

ALEXANDER L. KYMAN RECEIVES DISTINGUISHED CITIZEN AWARD

HON. MEL LEVINE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 24, 1989

Mr. LEVINE of California. Mr. Speaker, I rise today to ask my colleagues in the U.S. House of Representatives to join me in paying tribute to a good friend and outstanding humanitarian as he is honored by the Anti-Defamation League of B'nai B'rith with its prestigious Distinguished Citizen Award of 1989. Alex will receive this award at a gala dinner in his honor at the Beverly Hilton Hotel in Beverly Hills, CA on June 4, 1989.

Alexander L. Kyman is being honored for his outstanding professional accomplishments in banking as well as his community leadership and his humanitarian good deeds which have helped so many people throughout the community.

Alex was raised in New York and received his BA degree from Southern Methodist University. He earned his law degree from Harvard Law School in 1953. He started his banking career at Chase Manhattan Bank and moved west to join Union Bank in 1964. In 1966 he joined City National Bank as vice president and in 1967 he became manager of its new Pershing Square office. He became senior vice president in 1968. In 1976 he was assigned to establish the bank's loan administration department in Beverly Hills and was appointed executive vice president in 1976.

Alex became president and chief operating officer of the bank in 1984 and was named president of City National Corp. in 1986. He is a member of the board of directors of both City National Corp., and City National Bank. He is a director of both the California Bankers Association and the California Bankers Clearing House Association. He is also a member of the American Bankers Association.

Alex is actively involved in philanthropic and civic activities and also has a strong commitment to the Jewish community. He has successfully combined his busy career as a banker with a deep commitment to the Pacific Southwest region of the Anti-Defamation League which he also serves as a national commissioner. He is a director of the Jewish Federation Council of Greater Los Angeles, a trustee of the Jewish Community Foundation, and is a director of the Jewish Vocational Service, among many others. He is a director of the United Way of Greater Los Angeles, a member of its executive committee, and serves as a cocampaign chairman of the Los Angeles Western Region United Way.

Throughout all his endeavors Alex has enjoyed the love and support of his wonderful wife, Jean and their terrific children, David, Lynn Langley, Miriam Polski and husband Tom, and youngest daughter Rebecca. Alex and Jean are the proud grandparents of Summer, Jesse, Nathan and Jacqueline.

Throughout his life, Alex has been dedicated to the high ideals and aspirations of the ADL. He freely gives of his time and expertise to advance the cause of human rights. Through his words and deeds, he supports the league's goals of equal opportunities and justice for all.

I am happy to share this information on a fine American and congratulate him on a job well done.

DR. THOMAS McPHERSON BROWN: A MAN BEFORE HIS TIME

HON. JOHN EDWARD PORTER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 24, 1989

Mr. PORTER. Mr. Speaker, over the last several years the House Appropriations Subcommittee on Labor, Health and Human Services, Education and Related Agencies has heard the testimony of Dr. Thomas McPherson Brown and his patients as to the effectiveness of the antibiotic treatment of rheumatoid arthritis which Dr. Brown developed over a period of 50 years. On April 17 of this year, Dr. Brown died. Dr. Brown was truly a man ahead of his time. In 1939 he recognized the link between infectious agents and rheumatic disease, a link which is finally receiving the serious attention it deserves in the biomedical research community. With Dr. Brown's passing it is up to all of us to ensure that his work lives on—we cannot allow another 50 years to elapse without solving the mystery of rheumatoid arthritis, and establishing the efficacy of antibiotic therapy and the role of infectious agents such as mycoplasma in triggering the disease. In this regard, I hope that all of my colleagues will read the attached testimony of Douglas C. Matia and Barbara A. Matia, as well as an article from March 1939 which appeared in the New York Times.

TESTIMONY OF DOUGLAS C. MATIA

Mr. Chairman, Members of Congress and staff, my name is Doug Matia and I am 17 years of age. I appreciate the opportunity to testify here before you today.

Since the time I was a young child I have lived in a home that has suffered in some way from rheumatoid arthritis. From my early years until I was nine years old, my mother was bedridden with the disease. Not only did this affect her life, but changed the lives of the whole family. With my father working long days and nights I was left with nurses or babysitters during my childhood years. I saw my mother with heat packs on her face and various joints constantly. I knew something terrible had happened to her but could not discover exactly what it was. As I matured, I learned she had a disease that affected her whole body. At this point in my life I began to feel cheated by my mother's illness. I was hurt that she could not play with me like all of my friend's mothers could. Not only did this hurt me but it also devastated my mother that she could not take care of me as a normal mother could.

This situation slowly changed, however, because my mother started treatments at a hospital in Arlington, Virginia. After several years my mother was able to move around and spend time with me and my family. By the time I entered junior high school my mother was almost living a normal life with occasional flare-ups.

A few years later, to my surprise, my sister, Bethany, was diagnosed to have rheumatoid arthritis as well. I could definitely see the change in her personality. She was really ornery—always tired and had trouble remembering things. She complained constantly of headaches and pain that I could not understand. The disease made her so moody that it was hard to be around her. She even seemed to blame my mother for "giving" her arthritis and her anger caused tremendous tension in the family. Bethany began antibiotic treatments at the National Hospital and was turned around quickly because the disease was caught in the early stages.

At this point, I thought I understood arthritis and its affects until I started to suffer from the disease myself.

During my early years and first year and one-half of high school, I lived a healthy, happy life, but after the completion of my first semester of sophomore year, I began to feel sick and depressed. I was diagnosed as having rheumatoid arthritis over the holiday break of that year. This particular event caused a dramatic change that proved a turning point.

Through my seventh-, eighth- and ninth-grade years, my energetic attitude shone in my desire to accomplish any task put before me. I soon earned many leadership roles, due to the respect of my teachers and peers. Through these leadership positions, I continued to display a positive outlook on life, hard work and academics. My academic status during this period also improved. Learning came naturally, and my good memory made studying that much easier. Overall, this period in my life created a positive environment in which to mature.

After the first semester of my sophomore year my life seemed to take a turn for the worse. I discovered that I, too, was suffering from rheumatoid arthritis. I began to feel the fatiguing effects as well as the extreme pain of the disease, shortly after this discovery. From this point on, I never really felt at full strength.

I soon learned of many types of internal and mental symptoms of the disease. The depression and lack of interest in life that followed sent my life into disarray. I felt down and angry psychologically, but I could not discover exactly why I began to have sudden, rapid and seemingly inexplicable mood swings. At one moment I would feel content but before I realized it, I would feel down and depressed. These mood swings scared me because I could not explain to myself why they were occurring.

Because of the internal battles from the disease that penetrated my deepest thoughts, I developed a poor attitude about life, school and friends. The pain and fatigue created an attitude that said to others

that I did not care about talking to others or accomplishing goals. This attitude turned people off because friends and teachers did not fully understand the situation which with I was dealing.

I soon lost the respect of my peers and elders which affected my leadership positions. My responsible outlook on goals, hard work and academics faded away causing a slow drop in my academic achievements. Due to loss of memory, motivation and concentration, my grades declined over the semester. The things that had come easily to me during my transition years had become nearly impossible.

This evolution from healthy to diseased frustrated me beyond belief. No one truly could understand how having this disease felt. People thought that I just developed an arrogance and an attitude problem. Contracting this disease put my life into a tailspin from which it seemed impossible to escape.

I am in the perfect position to realize that you cannot truly understand the suffering of rheumatoid arthritis unless you have it.

It turned out, however, that I was lucky because my mother and sister had already proven that the treatment of oral and intravenous antibiotics worked. All I needed to do was go through the process. After a year of treatment my symptoms started to turn around. My memory, energy level and attitude started to improve slowly thanks to the treatment program. I still suffer from occasional flares, but they are decreasing monthly. The flares involve swelling in my joints, extreme pain in my face and eyes, and lack of concentration on any subject matter. Every time a flare happens, my life is put on hold.

At times I wonder what my life would have been like without hope of this treatment program. I also wonder why there are so many people suffering from rheumatoid arthritis when an effective treatment program exists. The purpose of my visit here today is to encourage you to increase significantly the funding for the NIAMSD in the year of 1990. By funding for more research, the medical community will be enlightened to the fact that rheumatoid arthritis can be reversed.

Thank you very much.

Testimony of Barbara A. Matia

Mr. Chairman, Members of Congress and Staff, I am Barbara Matia of Scottsdale, Arizona. I appreciate the opportunity to testify before you for the sixth time. For those of you who have not heard me testify in the past, I believe that it is important for you to know that I was completely bedridden eleven years ago with rhematoid arthritis. I was treated by Dr. Thomas McPherson Brown with oral and intravenous antibiotics over a long period of time. After getting through the period during which this treatment causes you to feel worse, I improved each year, watching my blood tests go from an initial rhematoid factor of 10,000 to a zero reading after five years. As you can tell by looking at me today, I am totally functional and am living a normal healthy life.

Dr. Brown and Dr. Homer Swift, who has been referred to as the father of modern rheumatology, first reported the isolation of a mycoplasma organism—then referred to as a pleuropneumonia-like organism or PPLO—in the March 24, 1939 issue of Science magazine. Both the New York Times and the New York Post carried articles on this achievement with headlines which read as follows: "Rheumatism Germ Found, say Rockefeller Doctors;" and "Rheumatic Fever Cause Clues Are Found by Science." That discovery occurred fifty years ago last month. Dr. Brown persisted in the direction of the infectious theory of arthritis for fifty years. Last Monday, April 17, 1989, he died. The gift he left to the world is that there is real hope for the arthritics today. He was way ahead of his time with his theory, that rheumatoid arthritis is a long-term acute illness rather than a chronic illness, and that if treated properly with antibiotics over a long period of time it is potentially curable.

Because of my experience with this disease and that of thousands of other patients which Dr. Brown has successfully treated, I know that when a clinical trial is completed on the antibiotic treatment program and when the research is finally completed on the cause of the disease, it will be established that Dr. Brown was right both as to the cause and the treatment of rheumatoid arthritis.

According to the National Institutes of Health, there are over one hundred different forms of arthritis, all needing specific research in the various scientific disciplines such as genetics and immunology, and all needing separate clinical trials to test proper dosages of medicines found to be effective against one or more of those forms. This is going to be an endless task when you consider that the NIAMSD is the third lowest institute at the NIH in funding and has the lowest grant payline of all of the institute.

When you say you have arthritis, people do not associate with it the tragedy which they associate with cancer or heart disease. Arthritis is not generally a killer. But there is a tragedy in the immeasurable suffering which arthritics endure. And arthritis has an additional, almost ironic, tragedy associated with it. Because arthritis is not a killer, the economic loss to America from the reduced productivity and lost earnings, which has been estimated in the tens of billions of dollars annually, and the economic burden of long-term medical and custodial care which often becomes necessary, is a real American tragedy.

If we would devote substantial additional dollars to solving the arthritis mystery, this staggering annual economic loss would begin to diminish and the economic gain from such a result would more than pay the investment.

I urge you to seriously consider increasing the NIAMSD appropriation to two hundred million dollars for fiscal year 1990. This money will have a significant positive impact on balancing future budgets.

Rheumatism Germ Found, Say Rockefeller Doctors

Two doctors of the Hospital of the Rockefeller Institute for Medical Research today announced the discovery of a germ which may solve the problem of rheumatic fever and rheumatic heart disease.

One of the most serious diseases of mankind because it is so often followed by progressive heart impairment, particularly in children, rheumatic fever has baffled medical scientists seeking both its true cause and an effective cure.

Dr. Homer F. Swift considered the world's leading research scientist on rheumatic fever, and Dr. Thomas McPherson Brown, announce their discovery in the current issue of Science.

There is a possibility that the rheumatic fever germ they have found is the same one announced two weeks ago by Dr. A. B. Sabin, also of the Rockefeller Institute, as a probable cause of arthritis.

The two diseases, rheumatic fever and arthritis, together constitute one of the major causes of chronic illness and disability.

For years medical scientists have pursued the belief that the two diseases have been caused by some type or types of the common streptococcus, the most frequent cause of infections.

Serums, vaccines and antitoxins have been produced with only slight success to fight both diseases.

The new germ or germs, both called "pleuropneumonia-like micro-organisms" by the three doctors, may be the missing element in the cause of rheumatic fever and arthritis, with the streptococcus also playing a causative role.

The germ isolated by Drs. Swift and Brown was found after using highly ingenious techniques to cultivate a bacteriological response from secretions developed by a child with rheumatic fever.

The germ cultivation was done by implantation of the secretion in one of the special membranes of chicken eggs. It was only after taking the fluid from one planting and placing it into a new one for five successive times that a recognizable response was observed. This compares with ordinary bacteriological germ cultivation in which suspected material is planted in a medium and germ growth begins immediately.

Drs. Swift and Brown were able to produce a lung inflammation in mice with their germ, a response which Dr. Sabin was unable to do with his almost identical arthritis germ.

The two doctors believe that the difference may be only one of selectivity of site by a different type of the same germ. Dr. Sabin's germ produced lesions in the joints of rabbits but not pneumonia.

All three doctors are now concentrating on better methods to cultivate the germ and to further establish its connection with human arthritis and rheumatic fever.

Once this is done, research will be started to find ways to fight the germ, just as ways have been found to fight other diseases once the true cause was established.

Rheumatic Fever Cause Clues Are Found by Science

New York, March 23.—Clues to the unknown cause of rheumatic fever, a disease that attacks 1 of every 100 Americans, were announced today in science.

Rheumatic fever is a particularly vicious disease of school age children in the northeastern United States. It frequently results in damaged hearts, and often in death a few years after the rheumatic attack.

An unidentified streptococcus has been suspected. But at the Rockefeller Institute a new microorganism, said to resemble the pneumonia germ, has been found in rheumatic fever sufferers.

The evidence on this new cause of disease is unusual, all being "backhanded." Two Rockefeller scientists, Homer F. Swift and Thomas McPherson Brown, announce that this new organism causes pneumonia in mice and even other ills in animals deliberately infected with it.

Two weeks ago A. B. Sabin of the institute reported discovery that this same new organism caused chronic arthritis in mice.

In all cases the new germ, or virus, was obtained from human beings with rheumatic fever. This cumulative evidence puts the

new germ on the spot as the possible cause of the rheumatism.

PERSONAL EXPLANATION

HON. BUTLER DERRICK

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 24, 1989

Mr. DERRICK. Mr. Speaker, on May 23, 1989, I was unavoidably absent from the House Chamber and missed recording my vote on House Concurrent Resolution 121, a motion to suspend the rules and agree to the resolution to express the sense of the Congress with respect to the assassination of Col. James Rowe in the Philippines.

Had I been present, I would have voted "yea" on Rollcall No. 59.

EXTENDED UNEMPLOYMENT BENEFIT REFORM

HON. SANDER M. LEVIN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 24, 1989

Mr. LEVIN of Michigan. Mr. Speaker, today, Congressmen DON PEASE, DALE KILDEE, and I are introducing legislation that will help to bring the moribund Extended Benefit Program back to life.

For over 50 years, unemployment insurance has provided millions of workers protection against the vagaries of the business cycle. The 26 weeks of benefits provided by regular State unemployment compensation programs helps families get through a spell of unemployment with their lives and dignity intact. However, since the original enactment of the unemployment insurance system, the national economy has experienced several recessions—eight since World War II. The increase in the number of unemployed workers exhausting their unemployment benefits during these recessions prompted the Congress to authorize various temporary programs to supplement regular benefits.

For many years these temporary programs were the only method of extending unemployment benefits beyond 26 weeks. Then in 1970, Congress enacted the Extended Unemployment Compensation Act which provides an additional 13 weeks of benefits for States with high unemployment rates. Extended benefits are equal to a worker's regular State benefits and are paid half by the Federal Government and half by the State. The Extended Benefit Program is designed to provide additional weeks to those areas where tough times have made it difficult or impossible to find a job within the normal 6 months of benefits.

Today, although 10 States have unemployment rates more than 2 points higher than the national average unemployment rate—only 1 is eligible for the Extended Benefit Program. This failure of the Extended Benefit Program to meet its design goal has been evident for several years. In 1987, only two States were eligible, and none during all of 1988. This would be cause for celebration, if the reason for this low level of assistance was due to strong economies in all 50 States. However, this has not been the case. This extremely low level of eligibility has occurred despite high levels of unemployment in many areas.

In 1981, the criteria for a State to trigger on the Extended Benefit Program were significantly tightened. As was expected, these changes did lead to fewer States being eligible for extended benefits. But as the decade went on, it became increasingly clear that the 1981 amendments alone did not explain the dramatic decline in the Extended Benefit Program's effectiveness. It is important to understand that even if the Congress were to return the Extended Benefit Program to its original form, and reverse the 1981 amendments, no additional States would be eligible.

The labor markets of the late 1980's have changed significantly from only a decade before. Unless we make some fundamental amendments to the unemployment insurance system, million of jobless will continue to face destitution after 6 months of unemployment, even in States with double-digit unemployment rates.

Since the early part of this decade, for as yet unexplained reasons, the traditional measure of unemployment that we are all familiar with, called the total unemployment rate, began to diverage from the insured unemployment rate [IUR]. The IUR measures only those who are out of work and are currently collecting benefits, while the total unemployment rate is based on a survey of households and measures everyone out of work and looking for a job, whether or not they are collecting benefits. The IUR was traditionally about 50 percent of the total unemployment rate. Recently, because of the drastic decline in the number of unemployed workers who are eligible for any benefits, the IUR is usually about one-third to one-quarter of the total unemployment rate.

In the recent past, these two measures moved in tandem. When times were tough and the unemployment rate went up, the IUR rose right along side. This was important because getting the additional 13 weeks of extended benefits depends on a State's IUR, not the total unemployment rate. Today, there is such correlation. Many States with high unemployment rates have low IUR's.

Thus, this IUR measure no longer captures the amount of distress in a State's labor market. The Extended Benefit Program is premised on the idea that if unemployment rates are high in a given State, it will probably take longer to find another job. Extended benefits are supposed to be available wherever there is high unemployment. Because the IUR no longer shows which States are having trouble with their job markets, almost nobody is eligible for extended benefit.

In the past several Congresses, many Members have put forward proposals to change the mechanism for triggering on the Extended Benefit Program. I have cosponsored several. The basic approach of these bills is to use the total unemployment rate as the key statistic. Critics have pointed out several difficulties with this approach and to date little progress has been made.

Our proposal takes a new tack. Our bill would add a new State-optional alternative trigger to the extended benefit law based on exhaustion rates. An exhaustion rate measures the number of people who run through their 26 weeks of regular State unemployment insurance and fall out of the system. Our proposal says that if a State has a high exhaustion rate, when compared to that State's average historic exhaustion rate, then that is a State with economic problems, and workers should have the extra 13 weeks to find a job.

This exhaustion rate trigger meets many of the problems that have been raised regarding a total unemployment rate trigger. Exhaustion rates are easily measurable and are equally accurate in all States. They can be available on a weekly or monthly basis without delay, and measure only those who are covered by the umemployment insurance system. Finally, an exhaustion rate trigger would focus precisely on the people that the Extended Benefit Program is designed to help—workers who have exhaused their 26 weeks of benefits.

This legislation is a refinement of a similar bill introduced last Congress. The bill we are introducing today would allow a State to choose to participate in the Extended Benefit Program when its exhaustion rate raises to 110 percent of its average historic rate. In addition, that State would have to have an IUR of at least 3 percent.

This legislation is not intended to be a solution to the problem of long-term unemployment. Indeed, I strongly believe that unemployment reform must include not only benefit improvements, but also better access to training and counseling, with strong links to the business community. I will be introducing additional legislation to address these aspects of reform in the near future.

This legislation is a fresh idea that promises a workable solution to a longstanding problem. I urge my colleagues to join us in making the Extended Benefit Program viable again.

I insert the text of the bill in the RECORD at this point:

H.R. —

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) subsection (d) of section 203 of the Federal-State Extended Unemployment Compensation Act of 1970 is amended to read as follows:

"STATE 'ON' AND 'OFF' INDICATORS

"(d)(1) For purposes of this section, there is a State 'on' indicator for a week—

"(A) if the rate of insured unemployment under the State law for the period consisting of such week and the immediately preceding 12 weeks (i) equaled or exceeded 120 percent of the average of such rates for the corresponding 13-week period ending in each of the preceding 2 calendar years, and (ii) equaled or exceed 5 percent, or

"(B) if the State law provides that this subparagraph applies and—

"(i) the average of the State's exhaustion rates for weeks in the period consisting of such week and the immediately preceding 12 weeks equaled or exceeded 110 percent of the State's historic exhaustion rate, and

"(ii) the rate of insured unemployment under the State law for such 13-week period equaled or exceeded 3 percent.

"(2) For purposes of this section, there is a State 'off' indicator for a week if, for the period consisting of such week and the im-

mediately preceding 12 weeks, the requirements of paragraph (1)(A) were not met and, if applicable, the requirements of paragraph (1)(B) were not met.

"(3) The State may by law provide that the determination of whether there has been a State 'on' or 'off' indicator beginning or ending any extended benefit period shall be made under this subsection as if (A) paragraph (1)(A) did not contain clause (i) thereof, and (B) the figure '5' contained in clause (ii) thereof were '6'; except that, notwithstanding any such provision of such law, any week for which there would otherwise be a State 'on' indicator shall continue to be such a week and shall not be determined to be a week for which there is a State 'off' indicator.

"(4) For purposes of this subsection, the rate of insured unemployment for any 13-week period shall be determined by reference to the average monthly covered employment under the State law for the first 4 of the most recent 6 calendar quarters ending before the close of such period.".

(b) Section 203 of such Act is amended by adding at the end thereof the following new subsection:

"EXHAUSTION RATE; HISTORIC EXHAUSTION RATE

"(f)(1) For purposes of subsection (d), the term 'exhaustion rate' means, with respect to any week, the percentage arrived at by dividing—

"(A) the number of individuals who, for such week, received their last payment of regular compensation with respect to a benefit year, as determined on the basis of reports made by the State agency to the Secretary, by

"(B) the number of individuals who, for the first week of the 26-week period ending with the week for which the rate is being determined, received their first payment of regular compensation with respect to a benefit year, as so determined.

"(2) For purposes of subsection (d), the term 'historic exhaustion rate' means the average of the State's exhaustion rates for weeks in the period beginning with calendar year 1948 and ending with the most recent calendar year for which data is available."

(c) The amendments made by this section shall apply to weeks beginning after the date of the enactment of this Act (or, if later, the date established pursuant to State law).

WHEN ABORTION WAS ILLEGAL

HON. PETER H. KOSTMAYER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 24, 1989

Mr. KOSTMAYER. Mr. Speaker, I rise today to speak about a serious and controversial issue. On April 26, 1989, the Supreme Court heard oral argument in Webster versus Reproductive Health Services, a case in which the Court has the opportunity to reconsider its 1973 decision in Roe versus Wade.

Roe held that a woman has a constitutionally protected right to determine whether to terminate a pregnancy, and belongs to a 50-year line of decisions which establish that certain choices are so fundamental that they are encompassed within a constitutional right of privacy.

Many in the health care field, Mr. Speaker, are concerned about the impact a reversal of Roe could have in our country. Recently, a letter from a retired nurse from Allentown, PA, was brought to my attention. This letter serves to remind us about the terrible situation which existed before women could safely and legally seek abortion.

Mr. Speaker, I would like to share this letter with my colleagues:

I am a retired nurse (R.N.). I cannot say that I am 100% for abortion, but I can say I am 100% pro-choice.

No one who has ever been in a situation where it is unthinkable to bring a child into this world has any right to sit in judgment on another person and say, you must have this child! Fortunately, I have never been in this position myself, but I have seen what has happened to some of these desperate women who were forced to come to the hospital.

One of these women was brought into the Emergency Room about 2:00 a.m. when I was a student nurse. She was as sick as you could probably imagine—temperature of 105 degrees, headache, nausea, vomitting, and extreme abdominal pain. After she had been checked, it was determined that she had had an abortion. This was 1948. The doctors told her they could not touch her, treat her in any way, until she told me she was sworn to secrecy. I was trying to make her a bit more comfortable, but the doctors ordered me out. When she said again a bit later that she could not tell, I was ordered to ready her for discharge. They knew and I knew too, that she would die if the delay in treatment continued and how would she ever get to another hospital as sick as she was? I pleaded with her to tell them, because outside of the room I had said, "Surely, you are not serious about not treating her!" and they said they could be held as responsible as whoever had performed the abortion.

Finally, of course she told them. They immediately did a D & E, a dilation and evacuation, and she survived, but would not have a few years earlier when we did not have Penicillin.

I feel strongly that a woman must have the right, with counselling, to decide what she must do.

Mr. Speaker, abortion is a serious issue. A decision which overturns or substantially undermines Roe would deny women the most fundamental right, and would result in the chaos, inequities, and disrespect for State law which reigned before Roe.

DEDICATION OF THE LIVING HERITAGE TREE MUSEUM

HON. GEORGE W. GEKAS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 24, 1989

Mr. GEKAS. Mr. Speaker, I would like to bring to the attention of my colleagues the dedication of the Living Heritage Tree Museum in Selinsgrove, PA. Trees have been silent witnesses to the great events of history and they stand today as living memorials to these events. Building on this concept the Selinsgrove Shade Tree Commission designed an outdoor museum in which trees of historical prominence will be acknowledged. The Living Heritage Tree Museum is the first of its kind on the eastern seaboard.

On April 28, 1989, the Selinsgrove Shade Tree Commission, in the true spirit of Arbor Day, planted a grove of trees with historical roots. The Arbor Day plantings included, or will include in the future, seedlings from the Joan-of-Arc Willow Tree of Domremy Haute Marne, France; the Johnny Appleseed Apple Tree of Lima, OH; the Hippocratic Oath Plane Tree from the Island of Cose, Greece; the Sir Isaac Newton Apple Tree of Lincolnshire, England; the Gifford Pinchot Sycamore from Connecticut; and, a Shakespeare Mulberry from William Shakespeare's birthplace. For this fine work Selinsgrove has been recognized as "Tree City USA" by the National Arbor Day Foundation.

I commend the innovative efforts of the Selinsgrove community to preserve and promote the rich history of the Western World. I also challenge the members of the Selinsgrove Area Middle School Band who participated in the dedication of the Living Heritage Tree Museum in 1989 to return to this site on Arbor Day in 2014 and reflect on the sense of community pride that was felt.

ANNE DeLEO: A WOMAN OF COMPASSION AND TENACITY

HON. JIM MOODY

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 24, 1989

Mr. MOODY. Mr. Speaker: I rise today to pay tribute to Anne Lucia DeLeo who, after 14 years of dedicated service, is leaving Legal Action of Wisconsin.

In 1975, after graduating from law school, Anne joined VISTA and served a year of volunteer service as an attorney with Legal Action. This was Anne's second term with VISTA. Her first was with Milwaukee's Independent Learning Center.

Anne's dedicated belief that our legal system must provide equal justice for all people led to a career spanning 14 years. She worked her way from a staff attorney's position to become the program's associate director. And throughout these years, Anne never flinched at taking on the tough issues.

When Milwaukee's homeless population was unable to receive general assistance benefits, Anne was there to fight for them. When the children of undocumented migrant workers were denied benefits, Anne stood by the children and took the case to court. When welfare recipients in Milwaukee County were not properly notified of reductions in their benefits, Anne was there to protect their rights. Time and time again, Anne DeLeo has had to shake the system up for the benefits of poor people. Her successes have angered bureaucrats and frustrated elected officials. She surely will not be elected to the Milwaukee County Corporation Counsel's Hall of Fame.

However, Anne Lucia DeLeo will be remembered by all of us who admired her tenacity and character—and by all who benefitted from her compassion and expertise as a woman eager to make the good fight, and who always valued equal justice above profit.

Please join me in wishing Anne only the best in her future endeavors.

TRIBUTE TO THOMAS NATCHURAS

HON. ROBERT G. TORRICELLI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 24, 1989

Mr. TORRICELLI. Mr. Speaker, it is with great admiration and respect that I rise today to pay tribute to Thomas Natchuras, of Woodbridge, NJ. Tom has held a special place in the International Union of United Automobile, Aerospace, and Agricultural Implement Workers of America since 1956, providing his expertise and valuable services for over 30 years.

Tom's activism on behalf of others is also evident in his involvement as a member of the board of directors of the Northeast-Midwest Institute, as a member of the board of directors of the Blue Cross Hospital Corp., of western New York, and as a member of the board of directors of the United Way. Tom also keeps his commitment to education and the UAW strong by acting as an instructor at both the Cornell University labor extension service and the UAW summer education institutes. I take pride in recognizing the many accomplishments of this fine individual.

Tom's involvement with the UAW resulted in his election to the UAW International Executive Board as director of region 9 at the UAW's 27th Constitutional Convention in May 1983. Tom's election to this position is further evidence of his years of hard work and leadership skills.

Thomas Natchuras is indeed a man who deserves our respect and appreciation. It is with great honor and pleasure that I am able to pay tribute to him as he is honored for his years of dedication on the occasion of his retirement. I wish him continued health and happiness in the many more productive years to come.

INTRODUCTION OF THE FOREIGN SUBSIDIARY TAX EQUITY ACT

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 24, 1989

Mr. TRAFICANT. Mr. Speaker, today I am reintroducing legislation, the Foreign Subsidiary Tax Equity Act. This bill will discourage U.S. corporations from taking advantage of foreign tax havens at the expense of lost dollars here at home. For too long America has been getting the runaround in international trade circles and letting foreign countries—with their tax havens—lure U.S. corporations overseas. Well, enough is enough. The time has come to put our foot down and tighten up tax loopholes. This is deficit-trimming time, and we have a lot of deficit fat to get rid of. This country needs revenues and my bill works to get them.

It is amazing that every year the U.S. Government allows American-based corporations to develop technology and manufacturing processes here, then suddenly—many times without prior notice—pack up their manufacturing plants, layoff workers, and move the whole manufacturing package abroad. Many times the products made at the new foreign plant are resold for profits here in the United States. And what are their motivations for leaving? Two reasons: Lower tax rates in developing countries, and the ability of U.S. corporations to defer tax payments.

The Foreign Subsidiary Tax Equity Act amends the Internal Revenue Code by requiring U.S. taxation of earnings and profits of U.S.-owned manufacturing plants in foreign countries that receive special tax breaks, or are being taxed at a significantly lower rate. My bill would require that these plants receive the same tax treatment as if they were still located in the United States. In cases where U.S. manufacturers defer taxes owed to the United States, the deferral loophole would be closed, and the incentive for companies to shut down and start up overseas would be removed.

Languages from my bill—H.R. 606 in the 100th Congress—was incorporated in the House version of the October 1987 Omnibus Budget Reconciliation Act. This budget reconciliation bill provided for major deficit reductions as required under Gramm-Rudman. The revenue-raising provision from my bill stated that U.S. corporations would be required to pay currently on the income of their foreign subsidiaries which are producing for the U.S. market. Unfortunately this section of the omnibus bill was not included in the Senate version, and that is why I am reintroducing my bill as a freestanding measure.

Our powerhouse manufacturing industries have seen hard times. America is in danger of losing its once mighty industrial base. Given the worsening condition of American industry, action must be taken to offset the efforts many foreign nations are making to seduce American manufacturers overseas. Low tax rates and cheap labor are enticing. It is time we shape our own Tax Code which now provides an incentive for U.S. companies to move their manufacturing operations overseas.

The Foreign Subsidiary Tax Equity Act makes good sense and directly addresses the inequities in the Tax Code relative to U.S.-owned foreign subsidiaries. Badly needed revenues—approximately $100 million per year—will be brought back to this country through the plugging of the deferral loophole. What's more, by encouraging manufacturers to stay here at home we send a clear message to the U.S. workers that we will not sell them out to slave wages earned abroad. My bill will keep American jobs here in America. The time has come for Congress to address this tax issue and just say "no" to foreign countries that lure American manufacturers away at our expense.

TRIBUTE TO DONALD RICHARDSON

HON. J. ROY ROWLAND

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 24, 1989

Mr. ROWLAND of Georgia. Mr. Speaker, one of the most outstanding basketball coaches in the history of the sport is being honored in his hometown of Macon, GA.

His name is Donald Richardson. If you haven't heard of him, it's because he did not seek the national fame that may have come in the college or professional ranks and instead dedicated his life to coaching in high school. He spent his entire career at just two schools in Macon—13 years at Ballard-Hudson Junior High and 19 years at Southwest Senior High.

At any level, his record would be phenomenal.

Coach Richardson's teams have won a total of 581 games and lost just 98, including 5 straight junior high championships; 1 senior high national championship; 6 senior high State championships, and 10 senior high regional championships. He has twice been named State junior high coach of the year and seven times State senior high school coach of the year. If that isn't enough, he has also captured a State championship in track and has been Georgia high school track coach of the year.

During 19 years at Southwest High, 87 of his players have received college basketball scholarships and 90 percent of those players started as freshmen. Twelve have been high school all-American and four have been drafted by professional teams, including Norm Nixon and Jeff Malone, who is currently with the Washington Bullets.

Among fellow coaches, he is, in fact, a nationally prominent figure. He has been selected as coach for the annual Dapper Dan Classic for high school all-American players and is director of the annual Nike basketball camp at Princeton University, where the top high school basketball talent is invited for instruction in social and academic skills, as well as in basketball.

Coach Richardson is a truly remarkable coach and leader of young people. He is also a gentleman in every sense of the word. I know his wife, Jacquelyn, and four children are very proud of him. Macon and all of Georgia are proud of him, too.

The community celebrated "Don Richardson Appreciation Day" on Sunday, May 21. This event has given us an opportunity to express the pride we have in Coach Richardson and all that he has accomplished for the young people in Macon and across the country.

THE RETIREMENT OF JONATHAN BELDUE

HON. FRANK HORTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 24, 1989

Mr. HORTON. Mr. Speaker, I rise today to speak about the Fire Related Youth Program which is the creation of fire investigator Jonathan Beldue of Rochester, NY. I have addressed the House previously on Mr. Beldue's program and wish to update my colleagues on what is now a State program in New York and is in the process of becoming a national success.

Briefly, the FRY Program offers education and counseling to children about the dangers

of playing with fire. The project also offers these services to the families of children who become involved in these activities. It was started after Mr. Beldue noticed a trend of recidivism among several youth offenders.

Typically, a FRY investigator will visit the scene of a fire that appears to have been started by a child or children. The investigator will later interview the child and his or her family and offer guidance to counseling services in order to prevent repeat occurrences.

The program also conducts research on the causes of recidivist behavior and has published its findings. The research serves as a resource for other fire departments interested in curbing youthful fire starters. These studies are the real focus of my remarks today for the results from the second study, entitled "Children and Fire," have recently been published by the Rochester FRY Program. I invite all of my colleagues to spread the word about these reports to their fire departments back home. I am making them available to all members through the Congressional Fire Services Caucus.

On a personal note, I want to thank Jonathan Beldue for all of his work over the years on this project. He was forced to retire recently after injuries sustained during a FRY investigation rendered him disabled. Mr. Speaker, I know of no better tribute to Jonathan Beldue than to continue the spread of programs like the FRY project throughout the Nation. It is a worthy cause in honor of a deserving man.

STEWARD OF STONES RIVER LEAVES BETTER BATTLEFIELD

HON. BART GORDON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 24, 1989

Mr. GORDON. Mr. Speaker, the past 9 years have seen great and exciting changes at an important battlefield park in my congressional district.

Many local people have discovered this historical treasure in their midst. And many out-of-towners have learned about one of the bloodiest, most important battles of the Civil War by visiting the Stones River National Battlefield and Cemetery.

Most recently, Congress made Stones River Battlefield one of the very few park sites around the country to win funds for expansion—an expansion that was the last chance to preserve key portions of the battle site.

Park Superintendent Don Magee deserves a lion's share of the credit for what Stones River Battlefield has come to mean to its community. His creativity, energy, and foresight have made the battlefield and its environs a place that for many years will bring enjoyment to visitors and pride to its neighbors.

Under Don Magee's stewardship, visits to the battlefield and cemetery have grown dramatically. It is by far the most popular tourist attraction in Rutherford County, and one of the most popular in middle Tennessee. Improvements now underway are bound to make the park even more valuable.

Don Magee initiated a program of special events at the park, events that make history come alive. One living history tour, for example, involves visits to the battlefield and the cemetery, where volunteers reenact some of the actions of the 1862–63 battle or give eyewitness accounts of the events.

Other regular ceremonies involve exhibits of period costumes and ceremonial firings of cannons.

The Battle of Stones River was a key battle in the western campaign of the Civil War. The Union victory allowed Federal troops to build Fortress Rosecrans just across the river from the main battlefield. Fortress Rosecrans, the largest earthen fort in the world, served as a main supply depot and base of operations for Union forces in the western fighting.

In recent years, the rapid growth of the city of Murfreesboro had covered most of the historic battlefield. The National Park Service for some time had been recommending park expansion. Development had left only 53 acres available for the park. Working closely with Don Magee, Senator JIM SASSER and I successfully moved legislation through Congress that will result this year in the purchase of the 53 acres, along with the first step in an effort to restore Fortress Rosecrans.

Next month, the Park Service will transfer Don out of the friendly confines of middle Tennessee, much to my regret.

I suppose the move won't be too much of a hardship on him, however. He is being transferred to Pearl Harbor in Hawaii, where Don, who served on the battleship U.S.S. *Iowa*, will supervise the U.S.S. *Arizona* monument.

Don Magee has made a career of service to the people of the United States both in the Navy, where he served on the *Iowa*, and at Park Service facilities in Arizona, Utah, and Washington, DC.

As an American and a Tennessean, I want to say thanks for a job well done and to wish Don the best of luck in his new post.

OLDER AMERICANS MONTH

HON. BOB CLEMENT

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 24, 1989

Mr. CLEMENT. Mr. Speaker, the month of May has been designated Older Americans Month. I would like to take this opportunity to pay tribute to the older Americans of this country. I want to express my deep admiration and appreciation for all the contributions they have made and continue to make to communities across the country. I am pleased to be a cosponsor of legislation that designates the month of May as Older Americans Month.

Mr. Speaker, older Americans possess a wealth of knowledge and experience that has greatly contributed to the betterment of this Nation. I am sure we all appreciate the many years they have devoted to the growth of this Nation through their involvement in volunteer work, business, education, and government. Older Americans also provide a positive role model to the youth of this Nation, who hold the future in their hands.

Today, senior Americans are the fastest growing population segment in the country. But they are also faced with more and more problems that we in Congress must address with urgency. One of the most pressing problems that older Americans face is the soaring costs of health care. With the advances in medical technology have come the higher costs that are associated with these technological advances. Coupled with this, Americans are living longer and this has increased the strain on our health care system, and in particular the Medicare and Medicaid systems. The limits to which these health care systems can operate effectively are being tested on a daily basis and these tests are being placed squarely on the backs of our older Americans. The Congress has a responsibility to provide older Americans with a health care system that provides quality care without taking every penny that they have worked so hard for all their lives.

Mr. Speaker, I am proud to have this opportunity to express my sincere admiration to older Americans throughout this Nation. They have laid the foundation that built this country and continue to be a vital part of the fabric that holds this Nation together and keeps it great.

KLEBERG COUNTY TRAIL RIDERS ASSOCIATION

HON. SOLOMON P. ORTIZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 24, 1989

Mr. ORTIZ. Mr. Speaker, I rise today to introduce legislation which will recognize the efforts of an organization in my district to serve its community by promoting the establishment of a school of law at Texas A&I University in Corpus Christi, TX.

The organization I speak of is the Kleberg County Trail Riders Association.

The Trail Riders Association is sponsoring a trail ride on May 27 of this year to raise funds so that a law school may be established at Texas A&I University, a local institution of higher education.

The Trail Riders Association has recognized the need for a school of law in this rapidly developing area with a tremendously bright future.

In order to recognize this effort, I have introduced legislation today to declare May 27, 1989, as Kleberg County Trail Riders Association and Texas A&I University Law School Day.

I urge my colleagues to cosponsor and support this legislation.

REUNION AT THE GOLDEN GATE

HON. NANCY PELOSI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 24, 1989

Ms. PELOSI. Mr. Speaker, I wish to call to the attention of my colleagues in the U.S. House of Representatives an extraordinary group of people with an exceptional pride in their heritage.

These fine people are originally from Port Arthur, TX, in the Ninth Congressional District, which is most ably represented by my distinguished friend the Honorable JACK BROOKS, chairman of the House Judiciary Committee.

In July, a large contingent of Port Arthurans from every section of our great land will meet in a reunion at the golden gate. It is an honor and a privilege to welcome them to San Francisco.

I commend this group of Port Arthurans who have a network of their fellow "homefolk" nationwide and meet in a biennial reunion to nourish the bonds of culture, build on the strength of their unity, and renew their determination to reach new heights.

The San Francisco Bay area is an ideal setting for the reunion of Port Arthurans, since a large migration to the area took place just before and during World War II. The generations that followed have been civic leaders and outstanding citizens. In fact, a large number still active and are members of the northern California chapter which is hosting the national reunion.

The roots of these Port Arthurans run deep, their message is rich and sound, and their pride of heritage and kinship strong—but at the same time, simple.

I applaud the leaders and participants of this fine organization and welcome them to share the beauty, culture, and history of the San Francisco Bay area. I ask my colleagues to join me in expressing appreciation and offering support to such a fine, devoted group.

FINANCIAL DISCLOSURE STATEMENT

HON. ROBERT W. KASTENMEIER

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 24, 1989

Mr. KASTENMEIER. Mr. Speaker, in 1963, I first reported in the CONGRESSIONAL RECORD a statement on my financial condition. Today, I am continuing that annual practice by reporting on my financial condition for the calendar year 1988.

While the Ethics in Government Act of 1978 and the House rules require public financial disclosure, the statement which I am presenting is more precise in certain respects in its reporting than that required by law and by the House rules.

The report covers the calendar year 1988 and also includes the amount of Federal, State of Wisconsin, and local real estate taxes paid in 1988.

Financial Disclosure Statement—Statement of Financial Condition

DECEMBER 31, 1988

Checking account, with the Sergeant at Arms, House of Representatives	$3,373.25
Cash	108.25
Securities (3,000 shares of high yield)	26,625.00
IMMA account at First Virginia Bank	50,704.26
IRA account at the Wright Patman Credit Union	2,261.66
Federal retirement thrift investment balance 11/14/88	10,904.80
Residential real estate:	
Arlington house and lot (1988 assessment)	286,400.00
Equity	286,400.00
Sun Prairie house, lot and improvements (1988 Fair Market Value)	62,400.00
Less mortgage (12/31/88)	6,421.30
Equity	55,978.70
Household goods	12,000.00
Miscellaneous assets, deposits with U.S. Civil Service retirement fund through December 31, 1988	76,206.35
Additional retirement fund deposit	1,130.00
Cash value	None
Life insurance—GI policy and congressional life insurance (2).	None
Donaldson Run deposit	600.00
Automobile, 1987 Cutlass	10,000.00
Total net worth	458,955.92
Taxes paid in 1988:	
Federal income tax	23,906.00
Wisconsin income tax	6,643.00
Federal employers tax	184.51
Sun Prairie real estate tax	1,670.41
Arlington County real estate tax	2,548.96
Total	34,952.88
1988 income:	
Congressional salary	85,024.92
Honoraria (5)	3,350.00
Interest IMMA bank account	3,550.76
IRS interest	13.18
Bonds, H yield and capital gains and dividends	1,500.00
Rent, Sun Prairie house (Gross $4,800) Net	144.73
Capital loss, sale of stocks	−399.91

NOTE.—Separate property and income of spouse not listed.

A TRIBUTE TO MR. JOE GOLDEN

HON. LES ASPIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 24, 1989

Mr. ASPIN. Mr. Speaker, today I would like to pay tribute to a Great American on his retirement. I am speaking of Joe Golden from Elkhorn, WI. On Thursday May 27, 1989, Joe will be honored for his retirement from the Elkhorn School Board where he has served for the past 12 years as an elected official. He has served the school board with dedication and vigor that is hard to match. Joe is an inspiration to the community and to those who follow in his steps.

Joe was born in Chicago on August 28, 1917. In 1941 Joe enlisted in the Army Corps of Engineers and worked for the Corps for 4 years including 2 in the European Theatre. When he came home to the States Joe met his lovely wife Rosemary and they were married in 1945. The following year Joe became a journeymen carpenter, a trade which he worked at for the next 33 years until an accident in 1979 led to his early retirement.

Joe has been active volunteer in elective politics for the past 40 years. In fact, in Walworth County, WI, Joe is considered the patriarch of the Democratic Party and in 1985 the party awarded him a Certificate of Merit for Principles and Ideas. He has been a good friend and supporter since I came to Congress in 1971. Throughout his contribution to his life Joe Golden has made and continues to make a tremendous contribution to his family, his community, and his country and he deserves much thanks and praise for all of his hard work and dedication. Joe Golden is one of those rare individuals who spends his life helping others and he is an inspiration to us all. It is an honor and a pleasure to acknowledge and pay tribute to one of the best citizens Walworth County, WI, and the United States has ever known.

INTRODUCTION OF 1988 DISASTER ASSISTANCE EXTENSION ACT

HON. E de la GARZA

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 24, 1989

Mr. DE LA GARZA. Mr. Speaker, today I am pleased to introduce with my colleague, Mr. MADIGAN, the ranking minority member of the House Committee on Agriculture, bipartisan disaster assistance legislation which targets financial help to our Nation's farmers who are faced with back-to-back droughts and other natural calamities during 1989. This legislation, I am proud to say, has been cosponsored by a number of my colleagues on both sides of the aisle.

This legislation is, quite simply, an extension of the major crop assistance provisions contained in the bipartisan Disaster Assistance Act of 1988 which was passed overwhelmingly by both Houses of Congress and signed into law by President Reagan on August 11, 1988. The most significant difference in the bill we introduce today is that it also covers freeze damage to crops in 1988 and 1989.

Abnormally dry conditions currently threaten nearly 40 percent of the Nation's Farm Belt. While the 1989 drought may—at this point—be smaller and more localized than in 1988, its economic effects are no less real for the family farmers who are affected.

Hardest hit by the continuing drought has been the midsection of the Farm Belt—Kansas, Oklahoma, Nebraska, Iowa, Montana, Missouri, and Texas. In addition, portions of the Dakotas and California, which were among the driest areas in 1988, still face significant shortfalls in critical subsoil moisture.

Not only have these areas suffered from continuing drought conditions, but the lack of a protective snowfall this past winter, wildly fluctuating temperatures, and a freak late freeze this spring has compounded the damage to the winter wheat crop and early spring-planted crops.

The Nation's winter wheat harvest, according to the most recent crop estimates by the U.S. Department of Agriculture [USDA], is expected to be the smallest in 11 years due to the lack of moisture during this past winter and spring. Kansas has been the hardest hit of any wheat State. As of last week, 89 percent of the Kansas winter wheat crop, which accounts for one-third of the Nation's winter

wheat harvest and about 17 percent of total U.S. wheat production, was rated in poor to very poor condition.

And while portions of my home State of Texas have been in the news in recent weeks because of flooding, the western and southern parts of the State have had a record dry spell. Last week, at a House Agriculture subcommittee hearing in Amarillo, TX, a State agricultural extension economist told us that the Texas winter wheat loss will total $378 million and that's just the tip of the iceberg, he said. That's not counting the economic ripple effect the natural disasters of 1989 will have on every farm supplier and every Main Street retail business in those Texas communities and across the Farm Belt.

To the credit of Secretary Yeutter and his staff, USDA has responded to this drought situation—and to concerns raised by myself and other members of the House Committee on Agriculture—in a timely fashion. On April 14 Secretary Yeutter toured the drought-stricken areas of Kansas. On April 26 he announced the establishment of an internal USDA task force to coordinate the agency's drought response and put into effect most of the available programs at his discretion to assist eligible livestock and crop producers.

But what the Secretary cannot do is ensure that a farmer's crop failure does not turn into a total income loss which could force the farmer out of business. Only Congress can legislate that kind of assistance.

I wish all farmers would buy Federal crop insurance coverage but for many reasons many do not. Since early February when drought conditions in Texas and parts of the Wheat Belt were first being assessed, I have been urging farmers to purchase crop insurance, warning them that our Federal budget deficit is making it increasingly difficult to pay for disaster assistance. We currently have a congressionally mandated commission studying the crop insurance problems and I hope they are able to offer Congress some positive recommendations that will improve the program.

But the fact of the matter is that far too many farmers are now exposed to significant financial losses because of the continuing drought and these other natural calamities for us to just stand by and say "we told you so."

I would note that the legislation we are introducing today would require all recipients of disaster assistance in 1989 to sign up for Federal crop insurance for their 1990 crops. This is similar to a provision which was contained in the House-passed disaster legislation of 1989, but which was watered down in conference.

As was the case with the Disaster Assistance Act of 1988, it is our intent to pay for any aid provided this year through the anticipated reduced outlays for farm programs resulting from the continuing drought. The Congressional Budget Office has given us a preliminary estimate that the smaller 1989 winter wheat crop alone will result in nearly $1 billion in savings. So it is these savings that we will use to provide disaster assistance in 1989.

We cannot afford to stand idly by and watch farmers go broke because of weather conditions totally beyond their control. We have invested too much in helping American farmers and rural America's small towns get back on their feet after the economic disaster of the first half of this decade to let them down now. And finally and most importantly, we must ensure that American consumers continue to have as many economically viable farms producing food as possible come next year.

Last year, Congress was faced with responding to the most widespread and most severe drought this country's agricultural heartland has had since the 1930's. In the midst of that crisis Congress forged a remarkable, all-encompassing bipartisan disaster assistance bill that was, on the one hand, fair and compassionate for drought-stricken agricultural producers, and on the other hand a reasonable Government response from the taxpayers' viewpoint.

Today, my colleagues and I are proposing that we extend the major provisions of the Disaster Assistance Act to cover all 1989 crops. It is time we now assure America's farmers that they will have the same fair and reasonable income protection against natural disasters that we extended to them in 1988. I urge my colleagues to support this legislation.

HELPING OTHERS GET ORGAN TRANSPLANTS

HON. DOUG WALGREN

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 24, 1989

Mr. WALGREN. Mr. Speaker, today I am introducing legislation, a companion bill to S. 174 introduced by Senator BUMPERS, which would create a checkoff on the Federal tax return for taxpayers to direct any portion of their tax refund or a cash contribution to a National Organ Transplant Trust Fund. The Department of the Treasury would return to each State funds contributed by its citizens and each State would establish a program to help needy people pay for organ transplants. It is important to understand that this bill does not use or divert tax funds; it simply creates a method to allow individuals to make a donation, if they wish. The basic problem that this bill addresses is the fact that current insurance coverage of organ transplants, private and public, is inadequate. People today in many cases literally have to beg for enough money to pay for transplants. Many of them even go to their Congressman or Senator—even to the White House—looking for help.

Patients struggling for their life should not have to have bake sales and press conferences to raise money to pay for their medical care. Their survival should not depend on their political connections, where they live, or whether they are lucky enough to find a generous benefactor. We should be able to find ways to pay for necessary medical care without impoverishing people. A compassionate country, as abundant in resources as ours, should not turn people away at the hospital door to die when they cannot pay for medical help.

Organ transplants to day are terribly expensive and out of the reach of most people. Heart transplants costs approach $100,000. Kidney transplants cost, on average, $30,000 to $40,000. Coverage of transplants by private insurance policies is increasing, but usually the patient has to pay a share. Even if insurance covers 80 percent of the costs, that still leaves 20 percent for the patient to pay—an amount still out of the reach of most people. Medicaid coverage for the poor varies from State to State and is often inadequate. Oregon has canceled the whole transplant program. Medicare, for the elderly, covers some—not all—transplants. After the initial operation, immunuosuppressive drugs, needed to make the transplant effective, can cost up to $5,000 a year, and very few insurance policies cover outpatient drugs. The result of this patchwork of health insurance coverage is that the bulk of American people—a broad swath of middle-income Americans—are uninsured or underinsured for organ transplants and the financial burdens are crushing.

All of these costs often leave the institutions which performs transplants with the choice of turning the patient away or accepting the patient and incurring huge financial losses.

The best and the long-term solution is to improve the coverage of transplants under Medicare, Medicaid, and private insurance. Congress has, in the case of Medicare, in which there is a direct Federal responsibility, been strengthening Medicare's benefits. But we have a long way to go in providing comprehensive coverage for everyone.

I represent an area—Pittsburgh—which has led the country in organ transplants. Transplants represent the frontier of medicine and we all must support it. Life can be extended and enhanced beyond our imagination through the ability to transplant organs and save lives. But this can occur only if we provide support to allow these medical miracles to be pursued. By building on this country's long-standing tradition of helping each other, we are also bringing attention, in this special field of medicine, to our common unity as human beings.

INTRODUCTION OF LEGISLATION TO REPEAL THE DISTRICT OF COLUMBIA GOOD TIME CREDITS ACT OF 1986

HON. STAN PARRIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 24, 1989

Mr. PARRIS. Mr. Speaker, I have today introduced legislation which will repeal the District of Columbia's Good Time Credits Act of 1986. I take this step, an admittedly unprecedented step, because the effect of this law is to cut the mandatory minimum prison sentence for persons convicted of first degree murder by as much as 10 to 13 years.

The District of Columbia Good Time Credits Act adversely impacts the penalty structure of the criminal justice system which seeks to hold persons accountable for their acts. I cannot believe the city council, in enacting this act, intended to cut the minimum prison sentence for first degree murder. Unfortunately, however, the statute has been interpreted by Judge Joyce Hens Green as having that effect.

At a time when the murder rate in the Nation's Capital stands today at 182, we simply cannot suggest that human life is so cheap that a first-degree murderer need only serve 13 years to atone for that act.

While one might argue that the statute was passed in 1986 to relieve prison overcrowding and could be corrected by amendments to assure that first degree murderers would serve their full time, it seems to me that there is a more fundamental flaw with the statute. That flaw lies with the proposition that instead of building facilities, utilizing the best technologies to constrain lawbreakers, and adopting a comprehensive and modern penal philosophy, the city has elected to simply release prisoners.

This is not the first statute of this kind. There is the early release program which authorizes the Mayor to simply release prisoners to obviate overcrowded conditions; which, since 1987, he has used to release some 5,000 criminals. Taken together, these kinds of acts make the minimal penalties which are imposed for crime even less stringent.

In far too many cases, the application of both the early release statute and the good times credit statute, not to mention the near complete inability to incarcerate under the pretrial detention statute, convicted and sentenced inmates in the District of Columbia have walked free without serving so much as a day in jail.

That the city council would enact legislation so seriously flawed that it causes a judge to overturn sentences given for murder is tantamount to aiding and abetting the enemy in the war on drugs and drug related murders. In light of the urgency which requires that this law be corrected, I have determined that Congress must act.

I would hope that we can act soon on this matter. Unless this act is corrected or a judge determines that there is some basis to amend this decision, there are numerous murderers who will walk free with the potential to ply their evil craft on the unsuspecting citizens of this metropolitan area. Life has been made so cheap; punishment for serious crime so light. That is not the way it ought to be.

The cost of doing criminal business and criminal acts ought to be so high, so costly, and so devastating that people will be deterred from doing them. Repealing this statute is one way to increase the costs of criminal behavior as well as to send a message about the norms of behavior that we expect from people in a civilized society.

SUPPORT OF FUNDS TO COMBAT DRUG CRIME

HON. RONNIE G. FLIPPO

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 24, 1989

Mr. FLIPPO. Mr. Speaker, I had intended to be here on the House floor as the session opened to participate with my colleagues in the 1-minute speeches in support of funds to combat drug crime. Unfortunately, committee meetings precluded my speaking on the House floor. However, I would like to include my statement on this subject in the Extension of Remarks.

As I've traveled around my district and my State and talked to the people there about their concerns, their fears for the future, the word I hear most often is—drugs. I'm sure you hear that word from your constituents too, and I'm sure you have seen the same fear and dread associated with that word. I'm sure you've also seen the destruction it is causing to the communities of your home State. We are all fighting the same enemy.

Our enemy is one that infiltrates every stratum of society. It rules in many urban areas and is tightening its grip on the inhabitants of those areas, but it hasn't stopped there. Now it reaches into the corners of our most placid small towns, creating chaos and tearing at the very foundations of our communities.

Under the relentless invasion of drugs, families are destroyed, fortunes are lost and our young children—some only 6 and 7 years old—are corrupted.

The future of our children hangs in the balance. It depends on the courage of the actions we take now. Far too many of our children turn to drugs for some fleeting pleasure or perhaps to blot out some gnawing emotional pain. The lives that they lead as they fall deeper into addiction are the thousands of threads that weave the American tragedy we see depicted on the nightly news.

We must all work together on every level. The police, the judges, the prosecuting attorneys and the educators. We must combine forces to support families and help them protect themselves from the insidious danger of drugs.

SUPPORT FOR DEMOCRACY IN CHINA

HON. JACK BUECHNER

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 24, 1989

Mr. BUECHNER. Mr. Speaker, over the past few weeks we have anxiously watched over 1 million Chinese people raise their collective voice expressing their belief that the time for democracy in China is now. We have watched with bated breath as deadlines imposed by the Government of China for the Demonstrators to dispel have come and gone. We have seen Chinese, young and old, confront soldiers or the Red Guard, prostrate themselves in front of tanks, and overcome the enimity of the authorities with a quiet surety born in the knowledge that they are right.

There are those who believe that watching is not enough. They excoriate President Bush for not speaking out forcefully in support of the student demands or of imposing sanctions on the Chinese Government. But now is not the time to interpose the wishes of the United States into the internal workings of the Chinese Government—indeed the Chinese people are exerting great pressure on their own in support of the Democratic reforms that we consider to be basic rights.

Thus far, restraint has been shown on all sides. But one thing should be clear: If the Government of China feels that the United States is overtly encouraging these demonstrations they will have little hesitancy about crushing them.

President Bush knows this. He knows that the role of the United States in this revolution must be as an example, not as an agitator. I commend President Bush for demonstrating restraint. By sacrificing easy headlines he has saved many lives. The success of democracy in China is in the hands of the Chinese people. I pray that God grant them the wisdom to control their own destiny and for giving President Bush the understanding that this is so.

RACIAL JUSTICE ACT TO END DISCRIMINATION IN CAPITAL SENTENCING

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 24, 1989

Mr. CONYERS. Mr. Speaker, equal justice under law has long been the cornerstone of the American judicial system. It is a concept that is embodied in our Constitution and which sets our National apart from such tyrannical regimes as South Africa. Yet, during my career as an attorney, and as a Member of Congress serving on the House Judiciary Committee, I have seen many cases pass through our courts where race has been a factor determining the outcome.

Each branch of our Government has, from time to time, taken steps to reduce the effects of racism in our society and to ensure that all citizens are treated equal. In our criminal justice system, these efforts are especially important, because it is there where an individual's life and liberty are at stake.

Seventeen years ago, the U.S. Supreme Court was called upon to consider evidence that the death penalty was being imposed more frequently when the defendant was black and the victim was white. The Court found, in the case of Furman versus Georgia, that the statutory procedures then in effect produced a penalty that was being applied in an arbitrary and capricious manner. Capital sentencing statutes were ruled unconstitutional and the States then began to enact new ones providing for guided discretion. These statutes, however, have also failed to eliminate the impact of race as numerous studies since Furman have shown that those who kill whites remain much more likely to be sentenced to death than those who kill blacks.

Two years ago the Supreme Court, in a 5–to–4 decision, rejected statistical evidence of continued racial disparity in the imposition of death sentences in Georgia. Justice Powell, writing for the majority, stated that racial discrimination in sentencing was an inevitable part of the judicial process. He then went on to hold that statistical evidence of that fact was not sufficient to establish a constitutional violation and that defendants must prove what is virtually impossible, that specific decision makers in their case acted with discriminatory purpose in seeking or imposing a death sentence.

Because it is now clear that the Court has turned its back on this problem, it is necessary for the Congress to act to protect the civil and constitutional rights of capital defendants. That is why I have today introduced the Racial Justice Act. The measure is supported by a wide variety of civil rights organizations that are calling for its prompt consideration.

The Racial Justice Act will allow defendants who have been condemned to death to challenge their sentence on the ground that a disproportionately high number of those who kill whites are condemned to death in the State where their conviction has been obtained. It permits the use of statistical evidence to establish that either the race of the defendant, or the race of their victim, improperly influences the outcome of the sentencing process. Such a showing would give rise to a prima facie violation of the defendant's 14th amendment right to equal protection under the law. The Government could then rebut the claim by presenting clear and convincing evidence that the racial disparity was the result of nondiscriminatory factors.

This legislation will reverse the impact of the Supreme Courts decision in McCleskey versus Kemp, by permitting the use of statistical evidence of discrimination to establish a constitutional violation in capital cases, just as it is already allowed in constitutional challenges to jury selection and employment discrimination cases.

There have been no major studies on capital punishment during the past 15 years which have failed to find that race is a significant factor in determining who is sentenced to death. Evidence of racial disparity has been found by scholars in 13 States.

In 1980, William Bowers and Glenn Pierce examined over 16,000 homicide cases in Florida, Georgia, Texas, and Ohio and found that black defendants convicted of killing whites were more likely to receive the death penalty than were defendants of other races.

In 1982, Profs. Joseph Jacoby and Raymond Paternoster conducted an analysis of South Carolina death penalty cases and discovered that defendants charged with killing whites were 3.2 times more likely to have the prosecutors seek the death penalty than those who killed blacks.

In 1984, Profs. Samuel Gross and Robert Mauro examined sentencing patterns in Arkansas, Florida, Georgia, Illinois, Mississippi, North Carolina, Oklahoma, and Virginia. They found consistent discrimination based on the victim's race in all these States.

In 1985, Profs. Michael Radelet and Glenn Pierce scrutinized prosecutorial discretion in a sample of 1,017 Florida homicide cases. They found a strong tendency to treat cases more severely if they involved black defendants and white victims.

A 1987 study by professors Bienien, Weiner, Denno, and Allison of the University of Pennsylvania, and Prof. Douglas Mills of Princeton University, revealed that the death penalty is sought by New Jersey prosecutors in 50 percent of the cases where there are black defendants and white victims, but only in 28 percent of the cases where blacks kill blacks.

A 1987 study by Prof. Sheldon Eckland-Olsen from the University of Texas concluded that cases involving white victims in that State are more likely to produce death sentences for the defendant.

A 1987 study of capital cases in Colorado, conducted by Prof. David Baldus, concluded that the killer of a white person is 20 times more likely to be sentenced to death than one who kills a black.

The most far-reaching look at race and capital punishment was undertaken not by the academic community, but by the Dallas Times Herald newspaper. On November 17, 1985, the paper reported that it had examined capital sentencing in 32 States and found that a person convicted of killing a white was three times more likely to receive a death sentence than if the victim had been black.

The text of the Racial Justice Act follows along with a section-by-section analysis:

H.R. —

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Racial Justice Act".

SEC. 2 PROHIBITION OF DEATH PENALTY IN DISPROPORTIONATE PATTERN.

(a) IN GENERAL.—A government shall not impose or carry out the penalty of death in criminal cases in a racially disproportionate pattern. An individual shall not be put to death in execution of a death sentence imposed under law administered in violation of this subsection.

(b) DISPROPORTIONATE PATTERN.—For purposes of subsection (a), a racially disproportionate pattern occurs when the penalty of death is imposed—

(1) more frequently upon persons of one race than upon persons of other races convicted of crimes for which such penalty may be imposed; or

(2) more frequently as punishment for crimes against persons of one race than as punishment for crimes against persons of another race;

and the greater frequency is not explained by relevant nonracial circumstances.

SEC. 3. PROOF REQUIREMENTS.

(a) ESTABLISHING PATTERN.—To establish that a racially disproportionate pattern exists for the purposes of this Act—

(1) ordinary methods of statistical proof suffice; and

(2) it shall not be necessary to show discriminatory motive, intent, or purpose on the part of any individual or institution.

(b) PRIMA FACIE CASE.—To establish a prima facie showing that a racially disproportionate pattern exists for purposes of this Act, it suffices to show that death sentences are being imposed or executed—

(1) upon persons of one race with a frequency that is disproportioned to their representation among the total numbers of persons arrested for, charged with, or convicted of, death eligible crimes; or

(2) as punishment for crimes against persons of one race with a frequency that is disproportioned to their representation among the numbers of persons against whom death eligible crimes have been the subject of arrests, charges, or convictions.

(c) REBUTTAL OF PRIMA FACIE CASE.—To rebut a prima facie showing of a racially disproportionate pattern, a government must establish by clear and convincing evidence that identifiable and pertinent nondiscriminatory factors persuasively explain the observable racial disparities comprising the disproportion.

SEC. 4. DATA ON DEATH PENALTY CASES.

(a) DESIGNATION OF CENTRAL AGENCY.—Any State or Federal entity that provides by law for death to be imposed as a punishment for any crime shall designate a central agency to collect and maintain pertinent data on the charging, disposition, and sentencing patterns for all cases of death-eligible crimes.

(b) FORM FOR DATA.—The central agency so designated shall devise and distribute to every lcoal official or agency responsible for the investigation or prosecution of death-eligible crimes a standard form to collect pertinent data.

(c) PREPARATION OF DATA BY LOCAL OFFICIALS.—Each local official responsible for the investigation or prosecution of death-eligible crimes shall complete a standard form on every case of death-eligible crime and shall transmit it to the central agency no later than 3 months after the disposition of each such case—whether that disposition is by dismissal of charges, reduction of charges, acceptance of a plea of guilty to the death-eligible crime or to another crime, acquittal, conviction, or any decision not to proceed with prosecution.

(d) POLICE AND INVESTIGATIVE REPORT.—In addition to the standard form, the local official or agency shall transmit to the central agency one copy of all police and investigative reports made in connection with each case of death-eligible crime.

(e) OTHER DUTIES OF CENTRAL AGENCY.—The central agency shall affirmatively monitor compliance with this section by local officials and agencies. It shall maintain all standard forms, compile and index all information contained in the forms, and make both the forms and the compiled information publicly available. The compiled information shall be made publicly available in machine readable form. The central agency shall also maintain a centralized, alphabetically indexed file of all police and investigative reports transmitted to it by local officials or agencies in every case of death-eligible crime. It shall allow access to its file of police and investigative reports to counsel of record for any person charged with any death-eligible crime or sentenced to death who has made, or intends to make, a claim under section 2; and it may also allow access to this file to other persons.

SEC. 5. LEGAL COUNSEL.

(a) REQUIREMENT.—In any action brought in a court of the United States within the jurisdiction conferred by section 2241, 2254, or 2255 of title 28, United States Code, in which any person raises a claim under section 2—

(1) the court shall appoint counsel for any such person who is financially unable to retain counsel; and

(2) the court shall furnish investigative, expert or other services necessary for the adequate development of the claim to any such person who is financially unable to obtain such services.

(b) NONAPPLICATION OF PRESUMPTION OF CORRECTNESS.—Notwithstanding section 2254 of title 28, United States Code, no determination on the merits of a factual issue made by a State court pertinent to any claim under section 2 shall be presumed to be correct unless—

(1) the State is in compliance with section 4;

(2) the determination was made in a proceeding in a State court in which the person

asserting the claim was afforded rights to the appointment of counsel and to the furnishing of investigative, expert, and other services necessary for the adequate development of the claim which were substantially equivalent to those provided by subsection (a); and

(3) the determination is one which is otherwise entitled to be presumed to be correct under the criteria specified in section 2254.

SEC. 6. DEFINITIONS.

As used in this Act—

(1) the term "pertinent data" means the data to be collected in the standard form as designated by the central agency. Such term includes, at a minimum—

(A) pertinent demographic information on all persons charged with the crime and all victims (including race, sex, age and national origin);

(B) information on the principal features of the crime;

(C) information on the aggravating and mitigating factors of the crime, and on the background and character of every person charged with the crime; and

(D) a narrative summary of the crime; and

(2) the term "case of death-eligible crime" means a case in which the complaint, indictment, information, or any other initial or later charging paper charges any person with a crime for which the punishment of death is authorized to be imposed under any circumstances upon conviction.

SEC. 7. CLAIMS BEFORE ENACTMENT NOT BARRED.

A person is not barred from raising a claim under section 2 on the ground of having failed to raise or to prosecute the same or a similar claim before the date of the enactment of this Act, nor by reason of any adjudication before that date.

RACIAL JUSTICE ACT SECTION-BY-SECTION ANALYSIS

SECTION 1

Establishes the short title of the bill as the "Racial Justice Act."

SECTION 2

Prohibition of death penalty in disproportinate pattern

Prohibits the imposition or the carrying out of the death penalty in a racially disproportionate pattern. Such a pattern occurs when a death sentence is imposed more frequently upon defendants of one race, or is imposed more frequently upon defendants as punishment for crimes against persons of one race.

SECTION 3

Proof requirements

(a) Provides that ordinary methods of statistical proof shall suffice to establish a racially disproportinate pattern. It is not necessary to show discriminatory motive, intent, or purpose on the part of any individual or institution. (b) Establishes the requirements for a prima facie case. (c) A government may rebut a prima facie case by presenting clear and convincing evidence that the observable racial disparities are the result of identifiable nondiscriminatory factors.

SECTION 4

Data on death penalty cases

Any government which provides by law for the imposition of a dealth sentence shall designate a central agency to collect and maintain data on the charging, disposition, and sentencing patterns for all capital cases. A standard data collection form shall be utilized. Local law enforcement officials shall transmit the data collection form and a copy of the police investigative report to the central agency no later than three months after the disposition of each such case. The data compiled from the forms shall be made available to the public. The police reports shall be made available to the counsel of record for any defendant seeking to establish a claim under Section 2 of this Act.

SECTION 5

Legal counsel

(a) Counsel shall be appointed for all indigent defendants pursuing habeas relief under 28 U.S.C. §§ 2241, 2254, or 2255 in a Federal court. The court shall furnish investigative, expert, or other services necessary for the adequate development of such a claim. (b) No state court determination on the merits of a factual issue pertinent to a claim under Section 2 shall be presumed correct unless the State is in compliance with Section 4 and the factual determination was made in a court proceeding where the requirements of Subsection (a) were met.

SECTION 6

Definitions

The term "pertinent data" is defined.

SECTION 7

Claims before enactment not barred

The failure to raise a claim of this nature before the date of enactment shall not act as a bar to a future claim, nor shall having previously raised this or a similar claim act as a bar.

HONORING LUKE ERICKSON FOR BEING A FINALIST IN THE NATIONAL CITIZEN BEE

HON. SILVIO O. CONTE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 24, 1989

Mr. CONTE. Mr. Speaker, I rise today to pay tribute to a fine young mind, that of Luke Erickson, an 18-year-old student from Westfield, MA.

Luke, who became a national finalist at the Citizen Bee regional championships in Worcester in April, has distinguished himself as a noteworthy academic and citizen. Luke will be representing himself, his family, and his country when he competes in the Citizen Bee final which takes place from June 17th to the 21st in Washington, DC.

Reaching the National Citizen Bee final is quite a feat. In the initial regional Citizen Bee, Luke competed against more than 200 students from 64 different high schools. Luke performed superbly in the regional bee and advanced to the State final where he placed second, high enough to compete in the national final. The competition is run in much the same format as a spelling bee; however, the questions asked involve current events, civics, geography, and history.

The process of preparing for the Citizen Bee is rigorous. It involves many hours of reading and studying about current as well as past events. Luke has shown himself to be excellent in and devoted to the pursuit of historical knowledge. In fact, as a child, Luke could often be found reading through an encyclopedia. It is appropriate that he currently plans to study history at the University of Massachusetts.

It is a joy to see a student from Westfield High School performing so excellently. Everyone in Westfield as well as in New England should be proud of their native son. Mr. Speaker, it is with great pleasure that I honor Luke Erickson today for his hard work and academic brilliance. I wish him the best of luck in the upcoming National Citizen Bee final. As Dick Garvey noted in the May 2 issue of the Union-News, "I shall be rooting for him."

WEST POINT'S 191ST GRADUATING CLASS

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 24, 1989

Mr. GILMAN. Mr. Speaker, it is indeed a great honor to represent the beautiful mid-Hudson region of the State of New York in this body.

One of the special attributes of the Hudson Valley is our U.S. Military Academy at West Point. This beautiful, historic site has produced some of our greatest military leaders for nearly two centuries.

Earlier today, I had the honor of accompanying the Vice President of the United States to the 191st graduation exercises. We were extremely impressed that the Vice President took time out of his busy schedule to deliver the commencement address, and I am pleased to report that the Vice President was impressed with both the scenic beauty of West Point and with the skill and determination of the class of 1989.

Today 11,011 cadets graduated, the largest class in West Point history. Nearly 10 percent of the class—112 graduates—were women, the highest percentage of women since coeducational classes began 10 years ago.

Mr. Speaker, I am proud that nine of my own appointments graduated today. Four years ago, when I appointed these two young men and women, our 22d Congressional District Service Academy Review Board predicted that their excellent academic standings and sterling characters would be a credit to the U.S. Military Academy and to the Armed Forces of the United States. I was proud today to be able to attend their graduation.

Our 22d Congressional District appointments who graduated today are: Michael Halpin of Pearl River, NY; Russell Hayes of Nanuet, NY; John S. Hurley of Stony Point, NY; Joel H. Lin of White Plains, NY; John P. Musone of Chestnut Ridge, NY; Paul M. Olsen of New City, NY; Kelly O. Ouderkirk of New Hampton, NY; Adam A. Such of Monroe, NY; and John N. Wilson of Pearl River, NY.

These nine new lieutenants give us a great deal of assurance that our Nation need not worry about its future.

Lt. Gen. Dave Palmer, the Superintendent of the Military Academy, can justly be proud of the warm hospitality that West Point bestowed upon the Vice President, the Secretary of the Army, John Marsh, and Gen. Carl Vuono, Army Chief of Staff. I am confident that they

will long remember the warm welcome of the West Point community.

Undoubtably, the high point of the graduation ceremonies, however, was the inspirational commencement address by the Vice President, which I would like to share with all of our colleagues by inserting it into the CONGRESSIONAL RECORD at this point:

COMMENCEMENT ADDRESS OF HON. DAN QUAYLE, VICE PRESIDENT OF THE UNITED STATES, U.S. MILITARY ACADEMY, WEST POINT, NY, MAY 24, 1989

General Palmer, Distinguished Guests, and men and women of the Corps of Cadets:

It is a high honor for me to address you today. Gathered here today are Americans from every walk of life, from backgrounds that reflect the richness and diversity of our nation's character and heritage. But despite this diversity, we all stand united behind one simple conviction: the belief that freedom can only be enjoyed by a people that is willing and able to defend it. That belief is the reason West Point exists. That belief—that commitment—is what West Point embodies.

Because this institution plays such a vital role in the life of our Nation and our world, I always paid special attention to the qualifications of the candidates I nominated for appointments to West Point during my 12 years in Congress. I am especially pleased that three of my nominees—Greg Buehler [Bee-lur], Steven Calhoun, and Brett Jenkinson—are graduating today. And I'm proud to note that Greg and Steven made the Dean's List.

Today, I want to address special messages to three distinct groups in our audience—all of whom have dedicated themselves, in different ways, to the commitment to defend freedom.

First, I want to speak directly to the parents and loved ones who are with us here this morning. Your support for these superb young men and women, your understanding and encouragement, have been vitally important to these cadets. Now that they have earned the privilege of pinning the bar of gold on their Army green, you share not only in their joy, but also in the credit for their achievement.

As President Bush has emphasized time and again, America's families are the bedrock of our society. This is particularly evident on occasions such as these, which are, in effect, celebrations of our families and of their role in instilling values in succeeding generations of young Americans.

But your role is far from over; indeed, in some ways, it has only begun. For these men and women, as leaders in our armed forces, will face new and more demanding challenges in the years ahead. I ask, therefore, that you continue to provide them with the loving support that has been so important in their lives up to this point. They will need your reinforcement to get them through the tough times—and a cold dose of reality when everything seems to be going their way. And whatever the circumstance, always remember to be proud—very proud—that they have chosen to serve their country. There is no more noble calling.

Second, I want to express my appreciation for the staff and faculty here at the military academy. Once again, you have done a magnificent job. The task of educating and training our young men and women for a lifetime of service to our nation is crucially important to this country. Keep up the splendid work!

And, most important, to those of you graduating today, I offer my warmest congratulations. Your class has compiled an enviable record, both academically and in athletics. There are remarkable scholars in your midst—like Lisa Ann Shay, who was awarded a Marshall Scholarship at Cambridge; John Michael George, who received a Rhodes Scholarship at Oxford; and Andrew Fedorchek, who won both Hertz and National Science Foundation Fellowships. In football, your class has won a 20-15 victory over Navy that evened the series and captured the Commander-in-Chief trophy; in golf, you captured the eighth consecutive MAAC championship; in men's tennis, you captured the MAAC for the fourth time; and in women's tennis, you ranked second in the East. Not bad at all!

But all of these achievements are, of course, secondary to your basic achievement: you have successfully completed your vigorous course of study and training here, and are now ready to lead in the service of our country. I'm sure all of you recognize that you have been enormously privileged to attend this institution and to have the chance to join the "long gray line." Many talented candidates competed for appointments, but they were not as fortunate as you. You have received an education whose true value will become even more apparent with time. Moreover, you are about to realize the greatest privilege of all: leading our outstanding men and women in uniform.

As an officer in the regular Army, your service will be fulfilling and valuable for the Nation, but you will face some significant challenges. You will be challenged to lead young men and women from a variety of backgrounds in a very dangerous profession, the profession of arms. Those who volunteer for the ranks of the Army come from all walks of life in a diverse culture. Your challenge is to help them meet their potential in whatever they do.

You know that soldiers are pretty good judges of the ability and character of their commanding officers. So the only way to get a lot out of your units is to put a lot of time and effort into them. As General Douglas MacArthur once put it, "The unfailing formula for production of morale is patriotism, self-respect, discipline, and self-confidence within a military unit, joined with fair treatment and merited appreciation from without* * * . It will quickly wither and die if soldiers come to believe themselves the victims of indifference or injustice on the part of their governments, or of ignorance, personal ambition or ineptitude on the part of their military leaders."

Fortunately, devotion to the profession of arms, and to the well-being of soldiers, is a legacy of West Point, and of those leaders in the long grey line that preceded you. It is their achievement, and their sacrifice, that you must never fail to honor.

General George Marshall, a great soldier-statesman, said this about the treatment of soldiers: "The soldier is a man; he has rights; they must be made known to him and thereafter respected. He has ambition; it must be stirred. He has a belief in fair play; it must be honored. He has a need of comradeship; it must be supplied. He has imagination; it must be stimulated. He has a sense of personal dignity; it must be sustained. He has pride; it can be satisfied and made the bedrock of character once he is assured that he is playing a useful and respected role. He becomes loyal because loyalty has been given to him."

Never forget that our Army is part of a larger American democratic society where we measure soldiers not on the basis of gender, color or creed but rather on their performance. The President and I expect you to give soldiers the fair and equal treatment they deserve. More important, the American people expect the kind of dignified, respectful treatment of their sons and daughters in uniform that you will provide.

The American people are also united in the hope that never again will their sons and daughters be called upon to face the cruel test of battle. I know that everyone here today shares that hope. But everyone here also knows that the best way to prevent war is to think about it, and to prepare for it, in times of peace. As Alexander Hamilton put it in the Federalist Papers "To model our political systems upon speculations of lasting tranquility is to calculate on the weaker springs of the human character."

That is why, while hoping and working for peace, we need to keep our powder dry—and ample. We must maintain a military establishment that is respected by friend and adversary alike. And we must continue to support a strong national defense with military forces adequate to protect and defend our vital interests. Throughout your careers, you will be challenged to ensure that our forces remain prepared to carry out any mission assigned to them, ranging from disaster relief in our own country to conflict anywhere in the world.

You will also be challenged to develop and apply new methods for carrying out your responsibilities in battle. Changes in military technology have already resulted in long-range, conventional stand-off weapons systems like cruise missiles. Future developments in technology areas such as electrothermal propellants, hypersonic boost-glide vehicles, and multi-spectral sensors could cause, over the next 10-15 years, a revolution in military affairs. This will require us to develop new operational concepts, new military organizations and new methods of warfare. The Defense Department has initiated a new strategic planning tool called "Competitive Strategies" to help identify, develop, and field the weapons systems we need to be competitive with our major adversary, and to understand how those weapons might be used operationally.

Because of your background, education, and future assignments, you will be uniquely prepared to meet the challenges these changes will bring. Your education in the sciences and engineering allows you to comprehend the capabilities, and limits, of modern technology. Your military assignments will broaden your understanding of military innovation and operational requirements. And your military training provides you with deeper insights into the impact of human factors on warfare and with the leadership abilities to successfully deal with those factors. In sum, you have begun to develop the technical and operational skills to become effective battlefield leaders. You need to continue to hone those skills while simultaneously developing the necessary vision to contribute, as strategic thinkers, to the defense of our Nation.

And finally, you will be challenged to work long hours, to endure lengthy separations from your loved ones, and to risk your lives so that others may continue to enjoy the blessing of liberty. This is nothing new. But your challenge is to maintain your inner strength—your faith in our Creator and our Country—and to continue meeting the expectations of a leader throughout these periods of hardship.

You are prepared, perhaps better than you realize at this moment, to meet those challenges. West Point has imbued you with patriotic values, and developed your abilities as a leader. The education and training you have gained here will provide you with the necessary intellectual and moral foundation for a lifetime of service to our Country.

Since 1802, West Point has been the wellspring of bedrock values for over 40,000 graduated cadets. These values have developed in generations of Americans the strength to be a leader. You are privileged, because those values—gained here in the birthplace of our American military ethos—make up your moral, ethical, and professional character.

It is your character—shaped by your family and your loved ones to strive for ever-higher standards of excellence, and nurtured here at West Point—that will help you to be selfless in service, responsible in duty, and honorable in all things. It is your character that will give you the confidence to look your soldiers in the eye and say: "Follow me and do as I do." And it is your character that will enable you to instill those same fundamental values in your soldiers.

In closing, let me reiterate that your service to our Nation is a sacred privilege. Your service is sacred because our Nation's freedom, our way of life and our values ultimately depend on your ability to discharge your duties effectively and to meet the challenges of a changing world.

Ladies and Gentlemen of the West Point Class of 1989: today you enjoy the trust and confidence of the American people. Guard jealously that trust and confidence, because they enable you to carry out your task—the defense of our Nation and of the cause of peace and freedom.

Our peace and freedom have not been easily won; they have been gained at a heavy price. You who serve in defense of our Nation will come to understand the price of maintaining that peace and freedom. Your lifetime of service, sacrifice, and selflessness will be the benefit of millions of Americans across this great Nation, and for generations yet to come. For Americans of today, and Americans of the future, I thank you for joining the ranks of our armed services, and I wish you all the best.

God Bless you all.

TRIBUTE TO THE LATE MS. CAROLINE COLEMAN

HON. JULIAN C. DIXON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 24, 1989

Mr. DIXON. Mr. Speaker, I rise before my colleagues today with deep sadness. An outstanding member of the Los Angeles community and a dear friend of mine, Ms. Caroline Coleman, passed away on Saturday, April 22, 1989. Caroline, only 51 years old, was finally defeated by illness after waging a courageous battle.

Caroline and I met during my first campaign for the California Legislature. I recall that I was immediately struck by her enthusiasm, diligence, and wonderful sense of humor. Over the years I came to know her not only as a compassionate friend, but as a loving family member and a strong, determined politician. I feel privileged to have known Caroline as a friend; she was truly a remarkable woman.

Born on May 17, 1937, to Henry and Evangeline Koffky, Caroline spent her early years in Oberlin, OH. She attended Finlay College in Ohio and following her graduation, married Eugene Coleman. While living in Cleveland, OH, Caroline and Eugene had three children, Dean, Lisa, and Keely. The family moved to California in 1969, settling in the city of Inglewood.

Caroline's energy and high ideals led her almost immediately to become involved in local and State political activities. She was elected as a member of the Los Angeles County Central Committee, chosen as a delegate to the Democratic State Central Committee, and as a delegate to the Democratic National Convention in 1976. I was privileged to have served with Caroline during this time in the New Frontier Democratic Club based in Los Angeles. Caroline also belonged to the Inglewood, Fox Hills, Culver City, Marina del Rey, and the Westside Democratic Clubs and the Black Probation Officer's Association. She served for many years as the secretary of the Los Angeles County Probation Officer's Union.

Caroline had a deep and abiding love for children. This compassion, coupled with her concern about the quality of education, allowed her appointment to the Inglewood School Board in 1977. Because of her dedication to quality education, Carolyn was twice reelected to the board where she served with honor and distinction. At the time of her death, she was president of the Inglewood School Board.

Caroline's sense of responsibility and commitment to the community did not stop with school activities. She worked with many community and civic groups, including the Mayor's Task Force on Crime, the Martin Luther King, Jr., Planning Committee, and the Inglewood Coalition for Police Support. Her political interests inspired her to hold the office of vice president of the Wilkie Avenue Block Club. She was also an upstanding member of the Inglewood/Airport Area Chamber of Commerce.

For her distinguished and selfless contributions, Caroline received many commendations and awards. These awards included special recognition by the mayor of Inglewood in 1980 and a resolution of the California Legislature in 1983. In 1971 she was named the Inglewood Democrat of the Year and in 1980 she was named Morningside High School Parent of the Year.

Caroline was also an avid sports fan. She attended all of the Los Angeles Lakers home games and became known as the Lakers' No. 1 fan. She helped to organize the Los Angeles Laker Walk-a-Thon which raised money for special community programs.

Caroline was admired by many friends, coworkers, and political supporters and her untimely passing leaves a void that will not easily be forgotten. Her boundless energy, talent, and zest for life serves as a true inspiration to us all.

I would like to offer my sincerest condolences to her son, Dean, her daughters, Lisa and Keely, her father and stepmother, Henry and Betty Koffky, and a host of her family and friends.

HONORING SCHOLASTIC EXCELLENCE

HON. C. CHRISTOPHER COX

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 24, 1989

Mr. COX. Mr. Speaker, on Friday, May 26, the Commodores Club of the Newport Harbor Chamber of Commerce will honor 30 outstanding scholar athletes from Newport Harbor and Corona del Mar High Schools. For more than a quarter of a century, this group of prominent southern California businessmen and businesswomen has joined with local educators to honor our area's outstanding student-athletes.

These students were selected by their principals and athletic directors for special recognition. Each represents the finest traditions of secondary education, the classic combination of academic excellence and athletic fitness. In an era when the mettle of our younger generation is being seriously tested, these young leaders set an example for our entire Nation.

From Corona del Mar High School: Brett Allen, Patrick Callaghan, Matthew Cwiertnia, Katie Geib, Gregory Haack, Bonnie Hagan, John E. Katovsich, Edward Lavelle, Christopher Oeding, Kirsti Phebus, Ty Price, Laurie Sawin, Gregory Shryock, Julia Smith, and Brian Spratt.

From Newport Harbor High School: Anthony Altobelli, Jay R. Boris, Hilleri Bunnell, William R. Castanha, Sienna Curci, Lena Dahbour, Robert L. Edwards, Christopher T. Lee, Molly E. McCray, Jody Miller, Steve Moore, Christopher Rabbitt, Sandra Ruffini, Danielle Tomasick, and Tom Walker.

Mr. Speaker, it is with great pleasure that I ask my colleagues to join with me in granting to these fine young citizens the congratulations of the U.S. House of Representatives for their achievements.

BEN WINTERS RECEIVES THE ALBERT EINSTEIN AWARD

HON. MEL LEVINE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 24, 1989

Mr. LEVINE of California. Mr. Speaker, I rise today to pay tribute to a fine American and good friend, Ben Winters, as he is honored with the coveted Albert Einstein Award of the southern California chapter of the American Society for Technion, the Israel Institute of Technology. Mr. Winters will be honored at a special dinner gala on May 24, 1989, in Century City, CA.

A native of New York City, Ben Winters moved to Los Angeles in 1937. Community leader and philanthropist Ben Winters has played a key role in the Jewish world. Ben is currently an independent consultant specializing in economic and business policy and organizational development. He has also worked on and off over the past 21 years as a consultant to firms seeking mergers and acquisitions.

Among Ben's current community involvements are Claremont University Center, where he is on the board of fellows, board of directors of Claremont Graduate School, Claremont CA, and board of directors of Cedars-Sinai Medical Center, Los Angeles.

In the past Ben Winters was a board member of the Douglas House Foundation, Watts writers workshop, a fellow and director of the Hastings Center—the Institute of Society, Ethics and the Life Sciences—Hastings-on-Hudson, NY, and governor of the Hebrew Union College, Los Angeles, CA.

Ben's Technion experiences are well known and well received. This honor is representative of his abilities. Ben has served as president of the southern California chapter and is currently president of the western region. He has been national campaign chairman as well as the national chairman of Technion's Planned Giving Program, and led the highly successful National Founder's Mission to Technion in June 1988, and is currently a member of the international board of governors for Technion-Israel Institute of Technology.

Throughout all his endeavors, Ben has enjoyed the love and support of his wonderful wife Elaine and his lovely children, Sherry and John, who are also special friends of ours.

I ask that my colleagues in the U.S. House of Representatives join me in saluting this fine man, Ben Winters.

A SALUTE TO THE NEW HAVEN COMMISSION ON EQUAL OPPORTUNITIES

HON. BRUCE A. MORRISON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 24, 1989

Mr. MORRISON of Connecticut. Mr. Speaker, on May 31, the New Haven Commission on Equal Opportunities will celebrate its 25th anniversary at a banquet in New Haven. Although my responsibilities here will prevent me from attending, I salute those assembled and join them in their sense of accomplishment and pride in the progress made over the last 25 years.

When Mayor Richard C. Lee created a commission to study the problems of minorities in New Haven in 1963, it was out of recognition that the City's revitalization was bypassing this group. Whites were enjoying the benefits of economic growth, but minorities were missing the opportunities. Blacks, Hispanics, and women in New Haven lagged behind whites in job security, income, seniority, and potential advancement. Moreover, housing opportunities were unequal, and those open to minorities often substandard. Members of these groups were stuck in a rut which did not allow them to advance.

What the commission found was that discrimination in employment was widespread. For no reason other than race, sex, color, religion, or national origin, individuals were facing discrimination in the workforce. It was obvious that the only way to break the barriers was for the city to take a more active role in promoting and protecting economic opportunities for minorities. Affirmative action was needed, and the Commission on Equal Opportunities was the perfect vehicle. On May 14, 1964, legislation to make the commission permanent was enacted by the Board of Aldermen, and on May 22, 1964, it was signed by Mayor Lee.

Since its creation, the commission has had notable accomplishments in the pursuit of racial justice and equality. A steady expansion of its authority and activities has enabled it to benefit the lives of countless individuals. When the Connecticut General Assembly passed a law in 1980 upholding the legality of equal opportunity commissions, the commission knew that was doing a good job.

One of the commission's greatest achievements has been increasing the utilization of minority and women business enterprises in city and city related construction and rehabilitation projects. In 1977 a contract compliance ordinance was enacted requiring that city construction projects use at least 15 percent minority businesses and that women be hired as craftspersons.

Last year women and minority businesses received contracts for much more than the minimum percentage required by law. It was the resounding successes of efforts like this that caught the attention of the U.S. Department of Housing and Urban Development [HUD]. In 1983 HUD gave its vote of confidence by certifying the commission as a Substantial Equivalent Agency and allowing the commission authorization to investigate housing discrimination complaints on behalf of HUD. In 1984 HUD actually gave the city an award for its outstanding efforts in promoting minority businesses. In 1988 the commission was once again the recipient of a commendation from HUD.

While the commission has made significant progress towards its goal of equal opportunity for all, its work is by no means complete. Unfortunately, discrimination in housing and the workplace still exists. We cannot be satisfied until it is entirely eliminated. Equal opportunity commissions and programs, like the one in New Haven, need and deserve our support and funding so that they can continue their vital task.

Mr. Speaker, I wish that I were able to be in New Haven next Wednesday evening to personally tell the commission how important a role they have played in advancing the cause of minorities. My congratulations go to the members of the commission, the commission staff and the city of New Haven for their 25 years of work, and I wish them equal success in the future.

THE KENNEDY-KHRUSCHEV ACCORDS

HON. BILL McCOLLUM

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 24, 1989

Mr. McCOLLUM. Mr. Speaker, in 1962, President Kennedy, in an attempt to avoid a potentially explosive situation in Cuba over the deployment of Soviet missiles in that country, negotiated an agreement with Nikita Khruschev. This agreement is now referred to as the Kennedy-Khruschev accords.

The details of these accords have never been completely disclosed to the American public. Moreover, the accords have never been ratified by the Senate, nor have they ever been presented to the Senate for that purpose.

The concurrent resolution that I am introducing today would ensure that the details of the Kennedy-Khruschev accords are indeed disclosed, in full, to the public, and it would further ensure the Senate's refusal to ratify these accords.

According to the charter of the Organization of American States, the United States pledges to support popular sovereignty and representative democracy in Cuba as well as elsewhere in Latin America. This resolution calls for the dismissal of all provisions of the accords which violate this charter.

Cuba has continuously threatened the national security of the United States by supplying neighboring Latin American countries with arms, ammunition, and personnel in an attempt to establish Communist regimes in those countries. Therefore, we should further reject any recognition of the Communist government in Cuba. We should instead use all necessary means to establish true democracy in Cuba.

Resolutions similar to this one have already been passed at the State legislature level in Florida and in California. It is time for the people of the United States, as a whole, to stand up and be counted.

MAKING FEDERAL SURPLUS PROPERTIES AVAILABLE FOR DRUG ABUSE TREATMENT AND REHABILITATION CENTERS, H.R. 2465

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 24, 1989

Mr. GILMAN. Mr. Speaker, as you know, our Nation is experiencing a major crisis in the shortage of available substance abuse treatment and rehabilitation slots. The demand is alarming. We know that at least 6 million to 6.5 million of our citizens are in need of substance abuse treatment. At least 1.2 million of these people are intravenous drug abusers. There are only 250,000 slots to treat these people with over half of these slots being used for the intravenous drug abusers. Most drug treatment centers are overburdened with extremely long waiting lists. Currently, we cannot treat all of those asking for help, let alone those requiring it.

If we have any chance to make a dent in our Nation's catastrophic substance abuse problem, we need to make substance abuse treatment and rehabilitation available to all that need it.

Mr. Speaker, today I am introducing a measure—H.R. 2465—that would amend the Federal Properties and Administrative Services Act of 1949 to allow the Federal Government to transfer surplus Federal properties at no cost, for the establishment of substance abuse treatment and rehabilitation centers.

This bill would also place equal emphasis on the acquisition of these properties for treatment centers as for correctional institutions, which are already authorized in the Federal Properties and Administrative Services Act of 1949, as amended. The most comprehensive approach to fighting the demand side of the drug war is not only to facilitate the setting up of institutions to lock up the drug pushers but also to create facilities to treat and rehabilitate the victims of drug abuse.

I invite and urge my colleagues to support this bill. Until we are able to assist all that need our help in fighting their craving for these dangerous substances, we will have little impact on the overall illicit substance demand problem.

Mr. Speaker, in an effort to better inform my colleagues on the details of my proposal, I am inserting at this point in the RECORD the complete text of my bill—H.R. 2465:

H.R. 2465

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. FINDINGS.

The Congress finds the following:

(1) Substance abuse treatment and rehabilitation should be available for those who request or require it. Currently, there is a substantial waiting period for treatment nationwide, in both rural areas and cities.

(2) A substantial amount of federally owned property with attributes conducive to substance abuse treatment and rehabilitation (including with respect to location, equipment, housing potential) is declared each year to be surplus to the needs of the Government.

(3) It has been estimated that there are 1,200,000 to 1,300,000 intravenous substance abusers in the United States and programs to treat only 148,000 of them at a time.

(4) A recent National Institute on Drug Abuse study found that the United States has the highest rates of substance abuse among the world's industrialized nations. The problem will become worse unless opportunities for substance abuse treatment and rehabilitation dramatically increase.

(5) The increased availability of the extremely addictive form of cocaine known as "crack" puts an increased burden on substance abuse treatment and rehabilitation centers.

(6) Treating and rehabilitating substance abusers now will save society from health and criminal justice costs later.

SEC. 2. AVAILABILITY OF SURPLUS PROPERTY FOR SUBSTANCE ABUSE TREATMENT AND REHABILITATION.

Subsection (p)(1) of section 203 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 484(p)(1)) is amended to read as follows:

"(p)(1)(A) Under such regulations as the Administrator may prescribe, the Administrator may transfer or convey—

"(i) to any State surplus real and related personal property determined by the Attorney General to be required for correctional facility use by the authorized transferee or grantee under an appropriate program or project for the care or rehabilitation of criminal offenders as approved by the Attorney General; or

"(ii) to any State or nonprofit institution any real and related personal property determined by the Secretary of Health and Human Services to be required for use for substance abuse treatment and rehabilitation under an appropriate program which is approved by the Secretary of Health and Human Services.

"(B) Transfers and conveyances under this subsection shall be made by the Administrator without monetary consideration to the United States.

"(C) If the Attorney General determines that any surplus property transferred or conveyed pursuant to an agreement entered into between March 1, 1982, and October 12, 1984, was suitable for transfer or conveyance under this subsection, the Administrator shall reimburse the transferee for any monetary consideration paid to the United States for such transfer or conveyance.

"(D) In this paragraph the term 'State' means the several States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, the Trust Terriroty of the Pacific Islands, the Commonwealth of the Northern Mariana Islands, or any political subdivision of instrumentality thereof.".

NATIONAL TAP DANCE DAY

HON. JULIAN C. DIXON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 24, 1989

Mr. DIXON. Mr. Speaker, it is time to honor and celebrate a vintage American art form that for too long has not received its due. Tap dancing is an American original. Its jazz syncopations and percussive footwork have moved their way through our culture with the fluid grace of a Bill "Bojangles" Robinson and the triphammer intensity of a Gregory Hines.

Like so much of American life, tap is derived from a fusion of other cultures—from Africa's juba and ring shout dances, and Europe's clogs and jigs. In the first part of the 19th century, blacks developed it on the fields of plantations and the streets of New York. It influenced white culture as minstrel performers absorbed black styles. After the Civil War, tap dance emerged as a major draw on the vaudeville circuit, especially the segregated black vaudeville circuit known as TOBA, the Theater Owners Booking Association—known among black performers as "tough on black artists".

Tap dancing—its rhythms, improvisations and instantaneous choreography—have influenced a wide array of our entertainment life. Broadway musicals, vaudeville, and films have all featured tap. Cultural institutions such as Harlem's Apollo Theater and Hoofers Club gained their renown through the great tap masters who graced their floors. Few followers of American cinema will ever forget when Bill "Bojangles" Robinson and Shirley Temple performed the famous stair dance in the 1935 film The Littlest Rebel.

One-hundred and eleven years ago tomorrow Bill "Bojangles" Robinson was born. To commemorate this day and recognize the role of tap dancing in our Nation's culture, my colleague Rep. JOHN CONYERS has offered legislation (H.J. Res. 131) to make May 25 National Tap Dance Day.

Whether the bill passes or not, tap lovers throughout the country will make this a day of celebration, performance, and study of their great art form. And if it doesn't pass this year, we should redouble our efforts to ensure that May 25, 1990 will become the first official national celebration of this unique American dance.

There should forever be a place in the pantheon of American artistic history for tap dancers like Honi Coles; Bunny Briggs; Howard "Sandman" Simms; the Nicholas Brothers; Baby Laurence; the Will Mastin Trio; Tip, Tap, and Toe; Lon Chaney; Chuck Green; and many others. An official Tap Dance Day will help make sure of that.

Mr. Speaker, I am submitting an article on tap dance, its history and traditions that appeared in the September 1988 issue of Dance Magazine. I recommend it to any of my colleagues who want a better understanding of the development, texture, and feel of this very American art form.

FEET, TALK TO ME!—TAP DANCE AND HOW IT GOT THAT WAY

(By Sally Sommer)

Tap is doubly delicious. This is dance you can hear as well as see. Close your eyes and listen to the melodies of its rhythms. Open your eyes and watch its magic. At the heart is illusion and mystery—on good tap dancers, the feet are faster than the eye. No matter how busy the chattering feet below, brilliant performers ride cool and easy on top of flying feet. Toss-away skill is part of tap's charm, creativeness seems casual, and art bubbles up as spontaneously as a smile. Chatty percussions make tap a highly conversational dance style, and when the tap masters exclaim, "Feet, talk to me!" they are really talking about the deepest metaphysical meanings of tap. Typical of this special breed of artist, they have coded this important idea into a witty throwaway phrase.

Tap dancers consider themselves percussive musicians and will describe their feet as a set of drums. Toes tap the melody, heels play the bass, and the tom-tom is the ball of the foot. Depending upon how they hit it, tappers can click off rim shots or thump out bass slaps. When they dance without the sounds of the metal plates, their feet become soft mallets. Dancing on sand, their feet whisk the floor like wire brushes on snare drums.

Like jazz music, tap dance is an American art, born of African and European parents. When African percussive sensibilities and performance styles fussed with the techniques of European clog and step dancing in the cauldron of the New World, the tap hybrid was created.

But it is the unique jazz rhythms of American tap dance that distinguish it from all other kinds of dancing based on percussive footwork. Although they share common techniques of footwork, traditional clog and flamenco rhythms, for example, sound quite different from those of tap. Rhythmic patterns and accenting give each their special meaning. Because jazz syncopations are tap's fundamental heartbeat, the heritage of African percussive sensibilities must be seen as exerting the most powerful influence on tap dance's evoluton. The roots of tap run deep and they run black, twining across the centuries and continents to the ancestral tree in Africa. It was the exacting techniques of clogging, the mechanics of hard-soled shoes striking wooden floors, that amplified the song.

Like ballet, it took tap hundreds of years to separate from its social-dance parents.

Between the 1600s and early 1800s, tap slowly evolved from European step dances like the jig and clog and a variety of secular and religious African step dances that were loosely labeled "juba" dances and "ring shouts." If colonial America had a favorite dance it was the jig, which ran the gamut of styles. It could be an elegant dance of highly articulate footwork and formal figures done in the ballroom, or a whooping, stomping, competitive solo performed by men on the frontier. The juba was done in a circle, with percussive musical accompaniment being provided by the participants clapping and singing in a call-and-response pattern. Inside the circle, individual soloists or couples improved until exhausted and they were replaced by fresh performers from the circle. Gradually, these two dance styles overlapped and blended. The African elements became more formal and diluted, the European styles became more loose and rhythmic. The blend of jig and juba, begun in the arenas of social dance, would be transferred to the minstrel stage, and there it would be polished into something identifiable as "American tap dance."

Whites and blacks obviously watched each other dancing. Despite deep racial barriers, hatred, mistrust, segregation, patterns of movements crossed color lines and class distinctions. (See illustration on this page.) In general, between 1600 and 1800, black performers adapted the figures and partner relationships of European dances for their use—men and women dancing together, following the configurations of reels and quadrilles—but retained their Africanisms in the steps and rhythms. After 1825, that trend was reversed. First, white minstrels frankly copied black dance and musical styles and used them as their stage material. Then, after 1890—setting a trend that is still going on today—mainstream while culture rapidly assimilated black social dances, from the cakewalk to the Lindy Hop, from rock'n'roll to disco, to the 1980s' free-form and the current fad, the funky-butt.

It would be on the minstrel stage where tap's evolution would be pushed forward rapidly. Between 1840-90, minstrel shows were the most popular form of theatrical entertainment in this country. Using a loose variety format of songs, jokes, dancing, and music, minstrel shows could have anywhere from 4 to 150 performers. At its peak, more than sixty companies toured this country, and many regularly toured Europe. What is fascinating is the longevity of minstrel popularity, and the fact that all the subject material and characterizations were drawn from Afro-American culture. The story of minstrels is really the story of the growing influence of Afro-American song and dance styles. It is also a bitter story. With few exceptions, blacks themselves were not permitted to play onstage. So white minstrels wearing blackface—putting blackened cork on their faces and wearing wigs—mimicked black performance styles and competed amongst themselves about who had the most "authentic plantation" material. At best, they offered only a pale copy of the strong original. At worst, they degraded the form and themselves with racial caricatures. However, each time they imitated their black brethren—no matter whether their intent was to degrade or celebrate—they absorbed black styles into their performance.

Although black and white dancers were not permitted to perform together, one notable exception—perhaps the best-known figure in the early history of tap—was William Henry Lane, also known as "Master Juba" (c. 1825-52). Lane, a free man, grew up in the Five Points area of Manhattan (now the South Street Seaport area). By the time he was a teenager, he was famous for his skillful imitations of the best-known minstrel dancers of the day (fine Irish jig and clog dancers). In addition, he created his own complicated rhythm dance. Declared champion, Lane won his title in fierce dance competitions promoted by various companies. He traveled to London with "Pell's Ethiopian Serenaders" in 1848, enthralling English critics and audiences (as well as Queen Victoria), who were discerning judges of the traditional jigs and clogs. Lane's dancing was hailed as unique, "far above the common performance of the mountebanks who give imitations of American and Negro character; there is an ideality in what he does that makes his efforts . . . poetical, without losing sight of the reality of representations" (Theatrical Times, 1848). When Lane grafted African rhythms and loose, fluid body styles onto the exacting techniques of jig and clog dancing, he forged a new kind of dance that was neither African or European, but somthing in between. Although he died in his late twenties, Lane's excellence was so respected that for years after his death, many minstrels boasted that they danced like "the late Master Juba," in honor of that remarkable granddaddy of tap dancing.

After the Civil War, vibrant new steps entered the vocabulary: syncopated "stop time" (using silence to punctuate rhythms); "sand dancing" (the gritty abrasive sounds of feet scraping on sand as percussion); the "essence" (a rapid pigeon-toed motion in which the dancer appears to slide along as if on rollers); "soft shoe" (a graceful dance usually performed to a languid ¼ tempo, originally done in a soft-soled shoe, and later with taps, and later still, a term denoting an elegant dance and style of performance); the "waltz-clog" (a basic clog step done in easy ¾ time); and the "time step" (a basic combination that uses syncopated accents in ¼ time).

Tap incorporated all kinds of steps and phrases from social dances—the strut, rubber-legging, camel-walk, peckin, wings, scratchin', shimmy, and nerve vibrations, as well as witty slides, and an entire vocabulary of shuffles, chugs, and drags. The body softened and relaxed from the erect position of the clog dancer, the knees were slightly bent, shoulders and arms were used for whimsical gestures.

After 1900, great individual talents were polished on the stages of vaudeville, then fed into Broadway shows and Hollywood films. However, racism was insidious, and most black dancers performed on a separate vaudeville circuit, "TOBA," Theater Owners Booking Association (dubbed "tough on black artists"), which linked more than 300 black theaters. Denied access to the white film industry, black dancers appeared in movies made exclusively for black audiences. Because of continued segregation—and different budgets within different venues—a distinction in styles developed. In general, black artists kept the tradition of rhythm-jazz tapping, sometimes using flights of percussive improvisations as did jazz musicians. White artists polished the high style of tapping seen in films and on Broadway, which did not rely upon complicated rhythms. Rhythms were often less important than the integration of choreography and scenography.

The most beloved of all the early tap dancers was Bill "Bojangles" Robinson (1878-1949), famous for neat, clean footwork and his style of dancing up on his toes with few heel taps. Tappers say Robinson brought "tap up on its toes" from the flat-footed buck-and-wing. His up dances had economical, yet swinging rhythmic lines, and his light, upright style set new standards of performance. Robinson's pattern of using three two-bar phrases, followed by a two-bar contrasting phrase (known as the "break"), is a classic tap dance structure, as fundamentally important today as it was sixty years ago.

A younger man, but Robinson's contemporary, was John W. Bubbles (John Sublett, 1890?-1986), known as "the father of rhythm tap." What Robinson did for articulation, Bubbles did for rhythm. By packing his bar and dropping his heels in unusual accents and syncopations, Bubbles kicked open the door of modern jazz-tap percussion. Important exchanges occurred between tappers and jazz musicians, and percussionists like Bubbles contributed the sounds that prepared the ear for bebop.

During the first sixty-five years of this century, tap was the favorite form of dance on broadway, in vaudeville, in nightclubs, and in films. But, by the end of the 1930s, the stages were falling silent. Vaudeville was languishing. Nightclubs were closing, and Broadway and Hollywood were changing musical formats. Ballet and modern dance were integrated into musicals, and by the mid-'40s, tastes had shifted. During the next twenty years, tap got shuffled under. By the mid-'50s, little was left beyond reruns of Fred Astaire films, which kept a form of tap before the public's eye when it almost got lost.

In 1962, jazz historian Marshall Stearns brought eight of the great jazz tap percussionists (the Copasetics) to the Newport Jazz Festival, placing the dance art in its musicial tradition. Everyone thought it was the requiem. A finale. In reality, it was the tap revival. In 1968, Letitia Jay produced *A Tap Happening* with another large group of black tap masters (they would become known as "The Hoofers"), and suddenly, tap was being looked at as art rather than entertainment.

During the 1970s, tap returned to Broadway in *No, No Nanette, Bubbling Brown Sugar, Eubiel, The Wiz, Black Broadway,* seguing into the '80s with *Sophisticated Ladies, 42nd Street, Tap Dance Kid, My One and Only, Anything Goes,* and the films *Cotton Club* and *White Nights.* Gregory Hines's new film, *Tap,* will soon be released. On the concert dance scene, there are dozens of young tap dance companies throughout the U.S. as well as in Germany, France, England, and Japan.

Curiously, it was the contemporary dance audience that embraced tap most readily in the 1970s. And why not? It was the first time this generation had seen the great jazz-tap percussionists like Chuck Green, Charles "Honi" Coles, Jimmy Slyde, Harold and Fayard Nicholas, Charles "Cookie" Cook, Sandman Sims, Bunny Briggs, Steve Condcs, Eddie Brown, and others. It rocked them from their seats into standing ovations.

Young dancers broke out their tap shoes. They wanted to learn from these artists, and they wanted to find their own percussive voices. That fits perfectly the tap mandate: "You may copy my steps—but not exactly. Take it, change it, and make it yours." Another tap dictum: "The man who improvises is a free man."

Young dancers felt that liberty, they are experimenting with the possibilities of the form, tapping their way into the future. At one of the big annual tap conferences that was held in Colorado in 1986, Gregory Hines snapped: "Stop talking about a tap *revival!* That doesn't make it live in a contemporary sense. We're not bringing anything back. Tap is here. Now." Hines was right. You can't revive anything that is so rambunctiously healthy. □

WOONSOCKET, RI: AN ALL-AMERICAN CITY

HON. RONALD K. MACHTLEY

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 24, 1989

Mr. MACHTLEY. Mr. Speaker, today I would like to honor a fine city in my State of Rhode Island. Woonsocket, the sixth largest city in Rhode Island, was recently nominated for consideration as 1 of America's 10 all-American cities.

Woonsocket merited inclusion in this national competition for a variety of important cultural and historical reasons.

Running 46 miles from central Massachusetts to the Seekonk River, in Pawtucket, RI, the Blackstone River trapses through the historic Blackstone Valley. At the center of the Blackstone River Valley is Woonsocket—which stands as an emblem of the American Industrial Revolution and the Rhode Island system of manufacturing.

The rich social and industrial history of Woonsocket tells the tale of the textile industry in New England.

Of Indian origin, Woonsocket's name means "Thundermist." Incorporated as a city in 1888, the city's industrial base was drawn from the many textile mills which dotted its hills. Many diverse groups of immigrants were to come to Woonsocket, seeking jobs.

The thriving city which grew around the mills became the home for many people of different cultural origins. Many residents of Woonsocket can trace their ancestry back to French-Canadian roots. Today, Woonsocket is the national headquarters for L'Union St. Jean Baptiste, Franco-American Society.

A city with a rich cultural past, Woonsocket continues to grow and modernize without losing its uniquely American character.

Located 15 miles from Providence, 35 miles from Boston, and 25 miles from Worcester, Woonsocket is perfectly situated between larger New England cities, while retaining the small city flavor of its tightknit community.

Woonsocket has been a leader in many areas which demonstrate the strength of the community to become actively involved in the development of the city.

Woonsocket's success stories span the gambit from housing to health to education. This comprehensive approach to local improvements has reaped national attention. For example, Department of Housing and Urban Development recently honored Woonsocket for the city's work in affordable housing.

Other developments include the consolidation of the Fogarty and Woonsocket Hospitals into the Landmark Health Complex, a change which has ensured better health care for all of northern Rhode Island. Along this vein, Woonsocket has also received national appreciation for its coordinated efforts to combat drugs and alcohol problems in Rhode Island.

Commercially, Woonsocket has forged business and education partnerships which led to every school in the northern Rhode Island area to be adopted by a local business. Woonsocket is also the site of the first Rhode Island day care center located in an industrial park.

And, economically, Woonsocket has made great strides. The unemployment rate in northern Rhode Island has dropped almost 18 percent in the past 6 years, and continues to be on the decrease.

Woonsocket residents have a right to feel proud of their city and of the fine achievements which have brought national attention to northern Rhode Island.

In Washington, I am proud to represent the city of Woonsocket. I applaud the efforts of this successful all-American city.

THE BELL BABIES CLEARLY REQUIRE A NEW FORMULA

HON. THOMAS J. TAUKE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 24, 1989

Mr. TAUKE. Mr. Speaker, I recently read an essay by Mr. James Flanigan, from the December 18, 1988 edition of the Los Angeles Times, in which he expressed concern about our reform of our Nations telecommunications market.

Mr. Flanigan presents an objective view of the challenges which face the U.S. communications industry, which is hampered by the restrictions created from the breakup of AT&T. I hope that Mr. Flanigan's remarks will spark interest in the bill (H.R. 2140) Congressman SWIFT and I have introduced to permit the Regional Bell Operating Co.'s to first, manufacture telecommunications equipment and second, provide information services.

We believe that H.R. 2140 will help create the technological revolution needed to provide the United States with the tools necessary to compete in the global marketplace of the 21st century.

The time to act is now.

I commend Mr. Flanigan's column to my colleagues attention:

[From the Los Angeles Times, Dec. 18, 1989]

THE BELL BABIES CLEARLY REQUIRE A NEW FORMULA

(By James Flanigan)

Is the law of unintended consequences at work in the telephone business?

When IBM sold its Rolm office switchboard operation to Siemens of West Germany last week, that left one U.S. company, American Telephone & Telegraph, among the half dozen leading suppliers to a $4-billion U.S. business market.

In the much larger, $30-billion market for basic equipment for U.S. telephone companies, the situation is the same. One major U.S. supplier, AT&T, and a half-dozen global giants—Northern Telecom of Canada, Siemens of Germany, Alcatel of France, L. M. Ericsson of Sweden, NEC and Fujitsu of Japan—sell into the world's biggest telecommunications market.

It has been that way since the breakup of AT&T on Jan. 1, 1984, separated the local Bell companies from the parent. Before the breakup, the local companies bought equipment only from AT&T. But afterward, more than 40% of their purchases go to foreign suppliers.

There's irony there. One thought behind the government's antitrust action against AT&T had been that spreading those local purchases to other suppliers would spur U.S. technology. But the breakup decision by federal Judge Harold H. Greene turned out instead to be an invitation to foreign competitors.

"The Bell system breakup has aroused substantial trade concerns," says a recently issued report by the National Telecommunications and Information Administration, a White House panel." An $817-million trade surplus in 1981 deteriorated to a $2.5-billion deficit in 1987 in telephone and telegraph equipment."

One problem is that the breakup's terms prohibit the Bell regional companies (Ameritech, Bell Atlantic, BellSouth, NYNEX, Pacific Telesis, Southwestern Bell and U.S. West) from making or even designing their own equipment—on grounds that their monopoly on local phone service would distort markets.

MUCH MONEY WASTED

Meanwhile, other U.S. companies turned out to be fragile shoots—like Rolm, which was already past its peak when IBM bought it in 1984—and no match for companies like Siemens and Alcatel, which enjoy billions of dollars in telecommunications sales.

So U.S. phone companies became good customers, but foreign markets didn't throw open their doors in gratitude. France spurned an AT&T bid on a major contract last year because of European politics, and there is worry that AT&T will be shut out of Italy's $28-billion revamping of its telephone system to be awarded this month.

But change is coming. Both Congress and aides to Judge Greene will reconsider the breakup decree in 1989, to remedy its competitive shortcomings. "The breakup was decreed with antitrust concerns very much in mind, but not competitive and foreign trade concerns," says a Federal Communications Commission official.

One unintended consequence was that the Bell companies were restricted from so many sensible business moves that they wasted money on unwise or unnecessary diversifications.

Ameritech, for example, bought a computer software firm, lost money and is now selling it at a loss. Others have brought out new editions of the Yellow Pages.

If that's all they can do with the money, the companies should give it back to the customers by lowering phone rates.

Yet they face real challenges. The Bell companies soon will have to spend heavily to bring fiber-optic networks—with vastly expanded communications capacity—to homes and businesses, says Andrew Silton, research director at First Albany Corp. Those networks will be key to competitiveness in the 1990s and into the 21st Century.

And they see real opportunity. The New York and New England phone company Nynex, for example, wants to invest in an Atlantic cable to serve corporate customers. Pacific Telesis wants to invest in a cable to Japan. But they need approval from Judge Greene to make such investments.

And that's the problem. An immense and crucially important U.S. industry is still being regulated by a single judge working from a breakup decree that spoke to problems of another time and ignored the globally competitive world of today.

NATION'S ENERGY SECURITY IN PERIL

HON. MARY ROSE OAKAR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 24, 1989

Ms. OAKAR. Mr. Speaker, on May 9, the House Economic Stabilization Subcommittee, which I chair, opened public hearings to assess the economic and energy security consequences of the Alaska oilspill.

Because several of the issues emerging from this inquiry are of overriding importance to the Nation's industrial base, foreign policy, and economic stability, I would like to provide this House with an initial summary of the testimony and research so far.

BACKGROUND

In July 1988, the subcommittee held a hearing on U.S. economic and energy security interests in the Persian Gulf. The subcommittee's jurisdiction in these matters is based upon the 1980 Energy Security Act Amendments to the Defense Production Act, which designate energy as "a strategic and critical material" for Defense Production Act purposes—Public Law 96-294.

The Alaska spill highlighted the fact that approximately two-thirds of the oil presently consumed in the United States must travel long distances by sea to get here, and this figure may rise to more than 90 percent in a decade.

WITNESSES APPEARING

At the May 9 hearing, the following witnesses presented testimony: Former Secretary of Energy James Schlesinger; Robert Fri, president of Resources for the Future; Trace Stanton, owner of the Shell Service Center in Bexley, OH, and past president of the Service Station Dealers of America; and Brooks Yeager, vice president of the Audubon Society and author of a report on the energy policies of the 1980's.

PRICE EFFECTS OF THE OILSPILL

Of great public interest has been the impact of the spill on gasoline prices at the pump. Mr. Stanton testified that subsequent to the March 24 Alaska spill, the Nation experienced the most rapid increase in gasoline prices in his 21 years as a retail gasoline dealer, which spanned both oil shocks of the 1970's.

Confirmation came from a United Press International dispatch published in the Las Vegas Sun of April 10, 1989, quoting Trilby Lundberg—publisher of the Lundberg Retail Price Survey that regularly surveys 12,000 U.S. gasoline stations—as stating that, between March 17 and April 7, "retail gasoline prices nationwide showed the largest and fastest price rise in the history of the U.S. gasoline market."

Research later established that crude oil prices had been rising since the end of 1988, but these increases were not reflected in the price of gasoline until March 1989. When these recent raw material cost increases took hold, they combined with the supply interruptions from the Alaska and North Sea, temporary shortages of refinery capacity because of extended maintenance, low gasoline inventories, the on-set of warmer weather for driving and new regulatory requirements on vaporization to place strong upward pressure on U.S. gasoline prices.

ENVIRONMENTAL IMPACT

Of equal public interest is the environmental impact of the tanker spill. Published reports established the March 24 Alaska oilspill was the largest instance of oil pollution in U.S. history, affecting 1,600 square miles of water and 800 miles of shoreline in Alaska. "The Biggest Spill in U.S. History, a Tanker Hits an Alaska Reef Leaving an 8-Mile Oil Slick," Time magazine, April 3, 1989, page 63; "The Two Alaskas," Time magazine, April 17, page 56.

ENERGY SECURITY IMPLICATIONS

Consequences of the oilspill that were not prominent in press reports, but are of direct interest to this House and several of its committees, are the concerns about the country's economic and energy security.

Evidence reaching the subcommittee indicates that the dependence of the U.S. economy on imported and off-shore domestic oil is already imperiling American defense and economic security. We have official recognition of this in a formal finding by President Reagan on January 3, 1989.

Further, the potential dangers to the Nation's energy security have been aggravated by the failure of the Reagan administration to develop and submit to the Congress a comprehensive, balanced national energy plan, as required by law.

SUMMARY OF HEARINGS

Detailed points established so far by the testimony and related research include:

In the price area, crude oil prices reached a low of approximately $10 per barrel in mid-1986—roughly 24 cents a gallon—and fluctuated between $10 and $20 per barrel—roughly 48 cents a gallon—since then.

From November 1988 to January 1989, the U.S. refiner acquisition cost [RAC] rose from $12.58 per barrel to $15.70 per barrel—"The Alaska Oil Spill and Gasoline Prices," Congressional Research Service, April 17, 1989. Crude prices then rose further to about $20 per barrel this spring, before falling back to about $18.50—Economist magazine, May 6, 1989, page 59.

Despite these increases in raw material costs, from the beginning of December 1988 to the middle, 17th of March 1989, retail gasoline prices rose hardly at all, fluctuating between 99.6 cents per gallon and $1.00.4—Congressional Research Service, loc. cit., page 2.

Subsequent to the spill, gasoline prices rose rapidly. Mr. Stanton stated that the wholesale price he was required to pay climbed 24 cents per gallon between March 1 and May 9. Stanton observed that independent retail gasoline dealers were not always successful in passing along these price increases to customers. In many cases, he said, independents were required to reduce their own profit margins, which Stanton testified are normally about 3.2 cents per gallon. This is in contrast to company-owned stations that Stanton said may receive gasoline at up to 20 cents per gallon less than independent owners.—Statement, page 5.

While world oil production capacity has been expanding, U.S. domestic production has been declining. According to the Congressional Research Service, U.S. dependency on imported oil has increased in recent years to about 40 percent, as follows:

U.S. dependence on imported oil

Year:	*Percent of imported oil*
1985	27.3
1986	33.4
1987	34.5
1988	37.0

Some respected industry sources place the degree of import dependency even higher—at or even above 40 percent—for 1988—"Fact Sheet on Oil and Conservation Resources," National Resources Defense Council, September 1988, table 1B, page 2, 39.7 percent; "Energy Security," American Petroleum Institute, November 1988, page 2, 43 percent.

Some analysts predict that, by the year 2000, 66 to 70 percent of the oil consumed in the United States will be imported—"Energy Security," Congressional Research Service, April 12, 1989, page 3.

Additionally, approximately 25 percent of U.S. domestic oil production, that now originates on the North Slope of Alaska, must travel long distances over water from the terminal of the Trans-Alaska Pipeline at the Port of Valdez to other parts of this country.

The American Petroleum Institute has theorized that at the 60 percent level of import dependence: "a supply disruption * * * could cause a price shock even more damaging than those of the 1970's."—Energy Security, Nov. 1988, loc. cit., page 4.

One destabilizing factor for the U.S. economy and for defense preparedness is that oil is vital for the U.S. transportation sector, and the country already consumes more petroleum than it produces—"Policy Positions 1988-89," National Governors Association, page 59.

According to the authoritative American Petroleum Institute, since 1986, domestic oil consumption has increased 1 million barrels a day and domestic oil production has declined 1 million barrels a day, the imports making up the 2-million-barrel-per-day difference—"Energy Security," A.P.I., Nov. 1988, loc. cit., page 2. This raises questions about whether the target level and the fill rate of the strategic petroleum reserve remain adequate to sustain the credibility of U.S. foreign policy initiatives now and in the future.

Another potentially destabilizing factor of the first magnitude is the impact of oil imports on the trade deficit. At low, post-1986 prices, the U.S. still paid $33 billion for oil imports in 1988. If the level of imports and the prices both rise substantially, the country could face an import bill for oil that is two or even three times that amount.

On January 3, 1989, President Reagan made a public finding, based upon a confidential report of the Secretary of Commerce, that at the current level, petroleum imports, as of the end of 1988, "threaten to impair the national security." (Memorandum for the Secre-

tary of Commerce on Effects of the Imports of Petroleum on National Security, January 3, 1989). I ask unanimous consent that this Presidential finding be included in the RECORD following my statement.

These circumstances raise serious concerns about the conduct of energy security policy for the past 5 or 10 years and urgent concerns about the energy economic, military, and foreign policy security of the Nation over the next 5 to 10 years.

A NATIONAL ENERGY PLAN

The Federal Government bears a constitutional responsibility to provide for the common defense.

Beyond this general requirement for defense readiness, there is a specific congressional mandate that the President develop and send to the Senate and House a national energy plan every 2 years—Public Law 95-91, 1977. The most recent executive branch energy plan submitted to Congress, of which we are aware, consists of two pages—annual report to the Congress, U.S. Department of Energy, 1986.

In my opinion, this document does not constitute a credible national energy plan for dealing with or avoiding oil supply interruptions. Such a plan is clearly incapable of integrating such critical matters as long-term energy sufficiency, conservation, alternative fuels, research on promising technology, or compatibility of energy production and use with protection of the environment.

I believe the Members of this House would agree that such a document could not possibly provide an adequate framework for the reconciliation of the interests of energy producers, consumers industry, business, motorists, and the environment, as well as the long-term energy security of the country.

FUTURE PROCEEDINGS

Our subcommittee's hearings will resume on June 7. We have a long way to go. But, at least we have begun the task of assessing the Nation's present and future energy security, and I wanted to share our initial research with the House as soon as possible in view of the gravity of these issues. We will be keeping this body informed as the hearings proceed and, hopefully, shed additional light on these matters.

[For Immediate Release—Jan. 3, 1989]

THE WHITE HOUSE,
Office of the Press Secretary.

Memorandum for the Secretary of Commerce.

Subject: Effects of the Imports of Petroleum on the National Security.

I have considered your December 1, 1988, report under Section 232 of the Trade Expansion Act, as amended (19 U.S.C. 1862), concerning the effects of the imports of petroleum on the national security.

I approve your finding that petroleum imports threaten to impair the national security. However, based on your recommendation that takes into account my detailed program to improve energy security, transmitted to the Congress on May 6, 1987, I determine that no action to adjust oil imports under Section 232 need be taken.

RONALD REAGAN.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Any changes in committee scheduling will be indicated by placement of an asterisk to the left of the name of the unit conducting such meetings.

Meetings scheduled for Thursday, May 25, 1989, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

MAY 31

9:30 a.m.
Armed Services
Defense Industry and Technology Subcommittee
To resume hearings on recommendations for an acquisition policy agenda.
SR-253

10:00 a.m.
Armed Services
Manpower and Personnel Subcommittee
To hold hearings on proposed legislation authorizing funds for fiscal years 1990 and 1991 for the Department of Defense, focusing on manpower programs for the Reserve Forces.
SR-232A

Banking, Housing, and Urban Affairs
To hold joint hearings with the Committee on Commerce, Science, and Transportation on the nomination of Susan Carol Schwab, of Maryland, to be an Assistant Secretary of Commerce and Director General of the United States and Foreign Commercial Service; to be followed by hearings on the nomination of Alfred A. Dellibovi, of New York, to be Under Secretary of Housing and Urban Development.
SD-538

Commerce, Science, and Transportation
To hold joint hearings with the Committee on Banking, Housing, and Urban Affairs on the nomination of Susan Carol Schwab, of Maryland, to be an Assistant Secretary of Commerce and Director General of the United States and Foreign Commercial Service.
SD-538

2:00 p.m.
Appropriations
Defense Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1990 for the Department of Defense, focusing on seapower.
SD-192

2:30 p.m.
Labor and Human Resources
To hold hearings on security care issues and the need for long term care legislation.
SD-430

JUNE 1

9:30 a.m.
Commerce, Science, and Transportation
Merchant Marine Subcommittee
To hold hearings on proposed legislation authorizing funds for fiscal year 1990 for maritime programs of the Department of Transportation and the Federal Maritime Commission.
SR-253

Energy and Natural Resources
To hold hearings on S. 710, S. 711, S. 712, bills to provide for a referendum on the political status of Puerto Rico.
SH-216

Finance
To hold hearings to review the treatment of excess revenues that are expected under the Catastrophic Coverage Act of 1988.
SD-215

Governmental Affairs
Oversight of Government Management Subcommittee
To resume oversight hearings on the use of off-the-shelf items by the Department of Defense.
SD-342

10:00 a.m.
Agriculture, Nutrition, and Forestry
Nutrition and Investigations Subcommittee
To hold hearings on proposed legislation authorizing funds for the Women, Infants, and Children [WIC] Program, and child nutrition programs.
SR-332

Appropriations
Defense Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1990 for the Department of Defense, focusing on Navy posture.
SD-192

Banking, Housing, and Urban Affairs
Housing and Urban Affairs Subcommittee
To hold hearings on homelessness in America, focusing on the Stewart H. McKinney Act provisions of S. 566, National Affordable Housing Act HOME Corporation Act of 1989.
SD-538

Environment and Public Works
Environmental Protection Subcommittee
To hold hearings on S. 804, to conserve North American wetland ecosystems and waterfowl and other migratory birds and fish and wildlife that depend on such habitat.
SD-406

Foreign Relations
To resume hearings on the future of United States-Soviet relations.
SD-419

1:30 p.m.
Governmental Affairs
To hold hearings on alcohol abuse prevention.
SD-342

2:00 p.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1990 for foreign assistance programs, focusing on Central America.
SD-138

Appropriations
Treasury, Postal Service, General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1990 for the National Drug Control Policy.
SD-192

Energy and Natural Resources
To continue hearings on S. 710, S. 711, S. 712, bills to provide for a referendum on the political status of Puerto Rico.
SH-216

Environment and Public Works
Superfund, Ocean and Water Protection Subcommittee
To hold hearings on proposed legislation authorizing funds for the Office of Environmental Quality, and the proposed National Environmental Policy on International Financing Act of 1989.
SD-406

Foreign Relations
Business meeting, to mark up proposed legislation authorizing funds for fiscal year 1990 for foreign assistance programs.
SD-419

Labor and Human Resources
Employment and Productivity Subcommittee
To hold hearings on the proposed Displaced Homemakers Training and Economic Self-Sufficiency Act of 1989.
SD-430

JUNE 2

9:30 a.m.
Energy and Natural Resources
To continue hearings on S. 710, S. 711, S. 712, bills to provide for a referendum on the political status of Puerto Rico.
SH-216

Finance
Social Security and Family Policy Subcommittee
To hold hearings on proposed legislation to establish the Social Security Administration as an independent executive branch agency headed by a bipartisan board, and proposed legislation to require the Secretary of Health and Human Services to provide periodic account statements to workers to inform them how much they have paid into the Social Security System.
SD-215

10:00 a.m.
Banking, Housing, and Urban Affairs
Housing and Urban Affairs Subcommittee
To hold hearings on supportive housing needs of elderly and handicapped persons, focusing on related provisions of S. 566, National Affordable Housing Act HOME Corporation Act of 1989.
SD-538

Foreign Relations
To continue mark up of proposed legislation authorizing funds for fiscal year 1990 for foreign assistance programs.
SD-419

10:30 a.m.
Judiciary
To hold hearings to review the nomination rating process used by the American Bar Association.
SD-226

1:30 p.m.
Energy and Natural Resources
To continue hearings on S. 710, S. 711, S. 712, bills to provide for a referendum on the political status of Puerto Rico.
SH-216

JUNE 5

2:00 p.m.
Armed Services
Manpower and Personnel Subcommittee
To resume hearings on proposed legislation authorizing funds for fiscal years 1990 and 1991 for the Department of Defense, focusing on the military medical system.
SR-232A

Foreign Relations
To hold hearings on the nomination of John Hubert Kelly, of Georgia, to be Assistant Secretary of State for Near Eastern and South Asian Affairs.
SD-419

JUNE 6

9:30 a.m.
Commerce, Science, and Transportation
To hold hearings on proposed legislation authorizing funds for technology programs of the Department of Commerce.
SR-253

10:00 a.m.
Appropriations
Defense Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1990 for the Department of Defense, focusing on tactical airpower.
SD-192

Foreign Relations
To resume mark up of proposed legislation authorizing funds for fiscal year 1990 for foreign assistance programs.
SD-419

2:00 p.m.
Energy and Natural Resources
Energy Research and Development Subcommittee
To hold oversight hearings on the status of current and future use of alternative motor vehicle fuels in the United States.
SD-366

Foreign Relations
To continue mark up of proposed legislation authorizing funds for fiscal year 1990 for foreign assistance programs.
SD-419

2:30 p.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1990 for foreign assistance programs, focusing on the Middle East, Pakistan, and Afghanistan.
SD-138

JUNE 7

9:00 a.m.
Commerce, Science, and Transportation
Aviation Subcommittee
To hold hearings on airline concentration.
SR-301

9:30 a.m.
Energy and Natural Resources
Business meeting, to consider pending calendar business.
SD-366

Governmental Affairs
To resume hearings on alcohol abuse prevention.
SD-342

10:00 a.m.
Appropriations
Defense Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1990 for the Department of Defense, focusing on Air Force posture.
SD-192

Commerce, Science, and Transportation
Consumer Subcommittee
To hold hearings on proposed legislation authorizing funds for the Federal Trade Commission.
SR-253

Foreign Relations
To continue mark up of proposed legislation authorizing funds for fiscal year 1990 for foreign assistance programs.
SD-419

2:00 p.m.
Foreign Relations
To continue mark up of proposed legislation authorizing funds for fiscal year 1990 for foreign assistance programs.
SD-419

2:30 p.m.
Energy and Natural Resources
Mineral Resources Development and Production Subcommittee
To hold oversight hearings on the implementation of the Mining Law of 1872.
SD-366

JUNE 8

8:35 a.m.
Veterans' Affairs
To hold hearings on certain provisions of S. 13, and S. 564, bills to provide for Veterans' health care benefits and other related measures.
SR-418

9:00 a.m.
Appropriations
Defense Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1990 for the Department of Defense, focusing on manpower and personnel programs.
SD-192

9:30 a.m.
Commerce, Science, and Transportation
Consumer Subcommittee
To continue hearings on proposed legislation authorizing funds for the Federal Trade Commission.
SR-253

Energy and Natural Resources
Public Lands, National Parks and Forests Subcommittee
To hold hearings on S. 555, to establish in the Department of the Interior the De Soto Expedition Trail Commission, S. 624, to provide for the sale of certain Federal lands to Clark County, Nevada, for national defense, and S. 830, authorizing funds for the Blackstone River Valley National Heritage Corridor Commission.
SD-366

Rules and Administration
Business meeting, to resume consideration of S. 874, to establish national

voter registration procedures for Presidential and Congressional elections, S. Res. 99, to require the Architect of the Capitol to establish and implement a voluntary program for recycling paper disposed of in the operation of the Senate, and other pending legislative business.
SR-301

10:00 a.m.
Foreign Relations
To continue mark up of proposed legislation authorizing funds for fiscal year 1990 for foreign assistance programs.
SD-419

JUNE 9

9:00 a.m.
Commerce, Science, and Transportation
To hold hearings on the nomination of James B. Busey IV, of Illinois, to be Administrator of the Federal Aviation Administration, Department of Transportation.
SR-253

9:30 a.m.
Environment and Public Works
Water Resources, Transportation, and Infrastructure Subcommittee
To hold hearings on scenic byways.
SD-406

JUNE 12

9:30 a.m.
Governmental Affairs
Government Information and Regulation Subcommittee
To hold hearings on proposed legislation authorizing funds for programs of the Paperwork Reduction Act.
SD-342

JUNE 13

9:00 a.m.
Appropriations
Defense Subcommittee
To resume open and closed hearings on proposed budget estimates for fiscal year 1990 for the Department of Defense, focusing on strategic programs.
SD-192

9:30 a.m.
Commerce, Science, and Transportation
To hold hearings on S. 561, to provide for testing for the use, without lawful authorization, of alcohol or controlled substances by the operators of aircraft, railroads, and commercial motor vehicles.
SR-253

10:00 a.m.
Finance
To hold hearings on S. 800, to provide for a moratorium on and study of certain State income tax provisions which affect nonresidents.
SD-215

2:00 p.m.
Energy and Natural Resources
Energy Research and Development Subcommittee
To hold hearings on the Department of Energy's role in the area of magnetic fusion and inertial confinement fusion research and development and demonstration, and S. 964, authorizing funds for fiscal years 1990 and 1991 for civilian energy programs of the Department of Energy.
SD-366

2:30 p.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1990 for foreign assistance programs.
SD-138

JUNE 14

9:00 a.m.
Veterans' Affairs
To hold hearings on certain provisions of S. 13, S. 86, S. 192, S. 405, and S. 846, bills to strengthen and improve VA health care programs, and related measures.
SR-418

2:00 p.m.
Agriculture, Nutrition, and Forestry
Nutrition and Investigations Subcommittee
To resume hearings on proposed legislation authorizing funds for the Women, Infants, and Children [WIC] Program, and child nutrition programs.
SR-332

JUNE 15

9:00 a.m.
Appropriations
Defense Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1990 for the Department of Defense.
SD-192

9:30 a.m.
Energy and Natural Resources
Energy Research and Development Subcommittee
To resume hearings on S. 964, authorizing funds for fiscal years 1990 and 1991 for civilian energy programs of the Department of Energy, and to hold hearings on S. 488, to provide Federal assistance to a program of research, development, and demonstration of renewable energy and energy efficiency technologies, and proposed legislation authorizing funds for fiscal year 1990 for conservation and renewable energy programs of the Department of Energy.
SD-366

2:00 p.m.
Appropriations
Foreign Operations Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1990 for foreign assistance programs, focusing on the World Bank, International Development Association, International Finance Corporation, International Monetary Fund, and Multilateral Investment Guaranty Agency.
SD-138

JUNE 16

9:30 a.m.
Governmental Affairs
Government Information and Regulation Subcommittee
To resume hearings on proposed legislation authorizing funds for programs of the Paperwork Reduction Act.
SD-342

JUNE 21

9:30 a.m.
Commerce, Science, and Transportation
Aviation Subcommittee
To hold hearings of S. 640, to establish guidelines for Federal standards of liability for general aviation accidents.
SR-301

2:00 p.m.
Commerce, Science, and Transportation
Science, Technology, and Space Subcommittee
To hold hearings on super computers.
SD-253

JUNE 22

8:00 a.m.
Veterans' Affairs
To hold hearings on S. 404, H.R. 1415, and S. 898, to extend certain Department of Veterans' Affairs home loan guaranty provisions, and related measures.
SR-418

JUNE 23

9:30 a.m.
Select on Indian Affairs
To hold oversight hearings on administration of Indian programs by the Environmental Protection Agency.
SR-485

JULY 11

9:30 a.m.
Energy and Natural Resources
To resume hearings on S. 710, S. 711, and S. 712, bills to provide for a referendum on the political status of Puerto Rico.
SD-366

2:30 p.m.
Energy and Natural Resources
Energy Research and Development Subcommittee
To resume hearings on S. 964, authorizing funds for fiscal years 1990 and 1991 for civilian energy programs of the Department of Energy, and on fossil energy research and development and the clean coal technology program.
SD-366

JULY 13

10:00 a.m.
Energy and Natural Resources
To resume hearings on S. 710, S. 711, and S. 712, bills to provide for a referendum on the political status of Puerto Rico.
SD-366

JULY 14

10:00 a.m.
Energy and Natural Resources
To continue hearings on S. 710, S. 711, and S. 712, bills to provide for a referendum on the political status of Puerto Rico.
SD-366

JULY 18

9:30 a.m.
Energy and Natural Resources
Energy Research and Development Subcommittee
To resume hearings on S. 964, authorizing funds for fiscal years 1990 and 1991 for civilian energy programs of

the Department of Energy, focusing on reactor research and development, and on commercial efforts to develop advanced nuclear reactor technologies.
SD-366

JULY 20

9:30 a.m.
Energy and Natural Resources
Energy Research and Development Subcommittee
To resume hearings on S. 964, authorizing funds for fiscal years 1990 and 1991 for civilian energy programs of the Department of Energy, focusing on reactor research and development, and on commercial efforts to develop advanced nuclear reactor technologies.
SD-366

Veterans' Affairs
Business meeting, to mark up proposed legislation to revise certain provisions of VA health care programs, including S. 13, S. 86, S. 165, S. 192, S. 263, S. 405, S. 564, S. 574, S. 748, and S. 846.
SR-418

JULY 21

9:30 a.m.
Select on Indian Affairs
To hold hearings to establish a Tribal Judicial Resource Center.
SR-485

HOUSE OF REPRESENTATIVES—*Thursday, May 25, 1989*

The House met at 10 a.m. and was called to order by the Speaker pro tempore [Mr. COELHO].

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
May 25, 1989.

I hereby designate the Honorable TONY COELHO to act as Speaker pro tempore today.

JIM WRIGHT,
Speaker of the House of Representatives.

PRAYER

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

Gracious God, as we respond to Your blessings, may we ever seek to be faithful to Your word. Help us to be earnest in our desire to heed Your message of love by lifting the lives of the needy among us, by sharing our gifts with those who have less, and by understanding that in all things it is more blessed to give than to receive. In Your name, we pray. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Maine [Mr. BRENNAN] please come forward and lead us in the Pledge of Allegiance?

Mr. BRENNAN led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

INTRODUCTION OF LEGISLATION TO BAN HONORARIA

(Mr. BRENNAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BRENNAN. Mr. Speaker, today I urge my colleagues to join with me to put an end to a practice that leaves our fellow citizens disillusioned with this institution—that is the acceptance of honoraria, or gifts of up to $2,000, more often than not, from special interest groups.

In January of this year I introduced a bill to ban honoraria outright. With this legislation I do not question the integrity of my colleagues who accept honoraria, but rather seek to restore public esteem for the Congress.

These fees and gifts to Members of Congress have become an accepted and widely practiced means to curry favor and attempt to gain influence. By outlawing this practice we can move away from the shadow which is cast upon the Congress.

We are all disturbed by the growing public disenchantment with this institution. Fair or unfair, the perception is that Congress is not working for the people. By supporting H.R. 675 we can begin to restore the trust of our fellow citizens that is so essential for our democracy. I urge my colleagues to join me in banning honoraria and let's have Congress have only one paymaster—the people of this Nation.

PLACING LIMITS ON THE RESOLUTION TRUST CORPORATION

(Mr. PRICE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PRICE. Mr. Speaker, during the Banking Committee's consideration of H.R. 1278, President Bush's proposal to restore the solvency of the savings and loan insurance fund, I offered an amendment with our colleague from Nebraska, PETER HOAGLAND, to strictly limit the amount of notes and other obligations that the FDIC could issue in resolving failing thrifts and banks.

Under our amendment, no notes could be issued which would put the agency into a net deficit position. This would allow the FDIC to continue to use notes or other forms of obligations if they were needed in the liquidation of insolvent depository institutions. However, it would stop the FDIC from implicitly obligating taxpayer funds and would not allow a reoccurrence of the December firesale by the Bank Board that the Congress and the general public has been so concerned about. The GAO, which recommended a limit last year for FSLIC obligations, supported our idea.

It is now apparent that we need to place a similar limit on the Resolution Trust Corporation [RTC], which will be heavily involved in the disposition of failing thrifts once H.R. 1278 becomes law. Currently, under both the current House and Senate bill, the RTC has the authority to issue notes with no apparent limit. This provision must be changed to place such a limit on the RTC, and I will be working to ensure that this is done.

No Government entity should have the ability to obligate Treasury funds without explicit authority from Congress and the President. It was an outrage when the Bank Board did it, and it would be even more outrageous if we let the RTC do it. I hope my colleagues will join me in protecting the taxpayers of this country.

URGING THE UNITED STATES TO STOP NUCLEAR BOMB TESTING IN THE SOUTH PACIFIC

(Mr. FALEOMAVAEGA asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. FALEOMAVAEGA. Mr. Speaker, a major development of importance has recently occurred with reference to the Pacific region that I wish to bring to the attention of my colleagues.

As many of you are no doubt aware, the nation of France has for many years been criticized heavily for its extensive nuclear testings being conducted in the South Pacific. The damage to the marine environment is quite obvious.

Just recently, French President Francois Mitterrand has declared that France will stop its nuclear bomb testing program in the South Pacific, but only if the United States, the Soviet Union, and Great Britain will also stop such testing. The same offer was made recently by President Gorbachev of the Soviet Union.

This is a great opportunity to take France up on its offer. I strongly urge that the United States follow France's lead in stopping nuclear testings throughout the world.

On this subject I have two articles that I will submit for the RECORD, written by Mr. Andrew Revkin.

[From Discover, May 1989]

PLUTONIUM IN PARADISE

(By Andrew C. Revkin)

Now that France has riddled one South Pacific island with underground nuclear explosions, it is moving on to a new one.

"La bombe atomique," says Uraora Tetuanui, smiling as he points to the gaily framed photographs of mushroom clouds that adorn the flimsy walls of his house. Te-

tuanui lives with his son and daughter-in-law along a stretch of black-sand beach on Tahiti, the main island of French Polynesia. The photos are souvenirs from his days at Mururoa, a tiny ringlet of coral 744 miles to the southeast, where France tests its nuclear weapons.

Tetuanui worked on Mururoa from 1965 to 1967, and he relishes his memories of the enormous open-air blasts. "I saw De Gaulle," he recalls with pride; the French president flew to Mururoa in September 1966 to witness one of the first in what would be a series of 44 atmospheric nuclear tests. Now Tetuanui spends much of his time sitting on his beach, carving dugout canoes with a chain saw. Today it is his son, Henri, who works on Mururoa.

Nearly every Tahitian family has at least one member who has spent time at the test site, doing construction work, roadwork, or drilling. Many, like Tetuanui and his son, are happy with *la bombe:* it has provided them with such luxuries as color TVs, outboard motors, and washing machines. But many others blame the nuclear testing for health problems ranging from gout to leukemia. Some say they were exposed to radioactive waste while working; others fear that radioactive material washed out of the sky during rainstorms. And now that the tests no longer take place in the air but in holes drilled thousands of feet beneath the lagoon, they worry that radiation is leaking from the island itself.

Increasingly, researchers are finding that the 108 underground tests have indeed been environmentally disastrous, turning Mururoa into a Swiss cheese of fractured rock. "The entire atoll is damaged, perforated, and broken," says Bengt Danielsson, a Swedish anthropologist who settled on Tahiti in 1947 and who is one of the most severe critics of the French nuclear weapons program. The simple truth, he says, is that "Mururoa is all used up."

As if to confirm the allegations, France set off its last nuclear test of 1988, a 100-kiloton blast on November 30, not at Mururoa but at Fangataufa, 25 miles away; Fangataufa hadn't been used for tests since 1975. The blast site was detected by seismographs maintained by New Zealand on Raratonga, an island some 1,400 miles away. Danielsson also cites reports from Tahitians working for the French project that the pass through the reef at Fangataufa was recently widened and that floating drilling rigs have been towed into the lagoon.

The French government has refused comment, but the change in sites does jibe with what were apparently unauthorized remarks made in March of last year by Vice Admiral Pierre Thireaut, commander of military forces in French Polynesia. Thireaut told the *International Herald Tribune* that large-scale tests were being shifted to Fangataufa to prevent cracks from growing in the submarine structure of Mururoa. "Our first target is safety," he said; he acknowledged that previous explosions set off beneath the barrier reef that surrounds Mururoa's lagoon had caused portions of the reef to collapse.

Although the Territorial Assembly—the semiautonomous government of French Polynesia—has called for France to submit to an independent review of conditions at Mururoa, French officials have regularly rejected any such oversight. The standard line, as given by a French Embassy official, is, "The underground experiments are not dangerous for the public of Polynesia." Indeed, at a 1986 press conference French President François Mitterrand went so far as to say that "the rate of radioactivity on Mururoa is lower than in Paris."

Opinions about Mururoa vary so widely because there are very few facts to go by. Mururoa is a wispy coral garland, roughly 18 miles long by 6 miles wide, that sits atop an extinct volcano rising more than 13,300 feet from the seafloor. The land barely breaks the surface. It lies in the Tuamotu Archipelago, a chain of 76 sparsely inhabited, low-lying atolls running north and east of Tahiti and its mountainous neighbors. In the local dialect *mururoa* means "great secret," and the name has become sadly appropriate. France has maintained a veil of secrecy around activities there ever since the atoll was turned into the blandy named Center for Pacific Experimentation in 1962.

France was the last Western country to accede to world opinion and move its testing underground—fully 11 years after the United States, the Soviet Union, and Great Britain signed the Limited Test Ban Treaty in 1963—and it has consistently fought efforts of others to learn the details of its testing project. In 1985 the government went so far as to have French agents in New Zealand bomb the *Rainbow Warrior*—a ship owned by the environmental group Greenpeace—that was preparing to embark for Mururoa. A photographer was killed in that bombing, and the incident created an international uproar. *Rainbow Warrior II* is slated to be launched soon, with a visit to Mururoa high on its list of missions.

Only three scientific teams have been allowed to study Mururoa. The first, in 1982, was led by Haroun Tazieff, a French volcanologist; he was allowed to stay for only three days. Tazieff noted that portions of the atoll appeared to be sinking but could find no evidence of a radiation hazard. A year later a three-nation team—from Australia, New Zealand, and Papua New Guinea—was allowed to spend a grand total of five days on Mururoa; it came away with similar conclusions.

The most recent visit was by renowned underwater explorer Jacques-Yves Cousteau, who came to Mururoa for six days in June 1987. Like his predecessors, Cousteau had limited time and resources with which to conduct research and was restricted to certain regions of the atoll. He was not permitted to visit parts of Mururoa that are alleged to be severely contaminated with radioactive material.

One such area first came to light in November 1981, when the union representing French civilian technicians on Mururoa issued a report claiming that workers faced serious health risks. In 1966 and 1971, the union said, two "safety tests" of bombs, in which the devices were intentionally damaged to see if they could explode accidentally, resulted in the scattering of some 20 to 40 pounds of plutonium across the uninhabited northern rim of the atoll. The area was covered with a layer of asphalt to stabilize the contaminated sand and coral, but that was ripped away by a series of cyclones in 1981.

The union also reported that dangerous radioactive material had been scattered across the atoll in 1979 when a concrete bunker used for a test accidentally exploded. And in 1981, it maintained, a heap of radioactive waste—contaminated scrap metal, metal drums, and the like—had been washed out to sea in a storm.

On their second day at Mururoa, Cousteau and his crew witnessed an underground explosion. Until 1981 all nuclear tests took place in holes drilled through the barrier reef fringing the lagoon and into the volcanic basalt foundation of the atoll. Since then the bombs have been exploded in holes sunk by drilling rigs moored in the lagoon. There were two reasons for the change: first, there was little room left on the uninhabited portion of the atoll; second, chunks of the reef sometimes broke loose after tests.

As Cousteau's team filmed from an observation tower across the lagoon, every one of the 3,000 French military personnel and Tahitian laborers who live on the atoll climbed atop a series of 20-foot-high platforms to sit out the test well above sea level, just in case a wave was generated by the explosion or some subsequent geologic disturbance. Loudspeakers blared a countdown. Suddenly, three miles away, an expanse of blue water was transformed into what looked like boiling milk. The surface of the lagoon then levitated in a plume of spray nearly 200 feet high, and a spreading shock wave shivered the sea surface and shook the tower.

Within a day Cousteau's divers fanned out over the test site to collect water and sediment samples and take readings of radiation levels. All they found was an unusually high level in plankton of iodine 131, a substance that in humans can cause cancer of the thyroid. The official explanation—that the radiation accidentally leaked during a check of a borehole—was hardly encouraging. Still, there was no other elevation in radioactivity over the test site.

When the divers explored the coral wall of the outer reef, however, the bad news became evident. They saw enormous, recently formed fissures running down as far as they could dive. Great chunks of fossilized coral had broken free from the submarine cliff and lodged in the cracks. Albert Falco, the pilot of Cousteau's mini-sub, said that one fissure plunged to a depth of at least 591 feet. These observations are consistent with French government reports of large horizontal fissures that run for hundreds of yards in some places around the perimeter of the atoll.

A French official, who requests anonymity, says that fractures in the coral reef don't necessarily mean there is a problem. "The coral is very external," he says. "[Cracks] may be created just by the waves. The tests are deep down in the basalt." But, he adds, fissures in the underlying basalt would be cause for concern. "If there were damage to the basalt, there would obviously be the potential for radioactivity to affect the atoll itself."

Despite the limits imposed on his team, the conclusions Cousteau issued last fall were remarkably definitive—and positive. "We found no trace of any of the dangerous radioactive elements produced by nuclear explosions," he said. "We can ensure that, at least for the near future, the tests pose no danger to Polynesian populations. However, when looking at the ruins of coral accumulated here, no one can guarantee for hundreds of years the future of Mururoa."

Many feel that this ambiguous tone lent an air of respectability to the French program. Indeed, to the consternation of environmentalists, La Dépêche, the main Tahitian daily newspaper, immediately proclaimed that Cousteau had given Mururoa a clean bill of health. "The world's most famous protector of the environment . . ." the paper said, "has concluded that the tests made there are totally harmless. . . . This categoric nyet will no doubt carry enormous weight among those who for

years have maintained an opposition to the tests and wish to boot France out of this region of the world. . . . Cousteau has taken all the samples he wanted, he has dived wherever he wished and has made all the measurements he deemed necessary. His 'green light' should therefore silence the voices of the often partial and dishonest individuals who criticize the . . . tests."

Cousteau was subsequently blasted by Danielsson in an open letter to the press. "For once you are out of your depth," Danielsson wrote. His main complaint was that Cousteau, knowing that the test explosions were almost always carried out at depths between 2,000 and 3,900 feet, limited his exploration of the atoll structure to the top 500 feet. Even at the relatively shallow depths reached by Cousteau's divers, Danielsson said, there was clear evidence that the underpinnings of Mururoa had suffered damage—to the point where leakage may occur from the underground test sites.

"This was an exploratory mission," responds Bertrand Charrier, research director for the Cousteau Society. "It was not total or complete. It is difficult to get authorization to stay a long time at this place. Our conclusion is to push the government to give more information to the scientific population."

The potential for radioactive leaks at Mururoa is supported by the computer models of Manfred Hochstein and Michael O'Sullivan, researchers at the University of Auckland in New Zealand, who recently reanalyzed data collected by the three-nation team that visited Mururoa in 1983. Their work shows that the fracturing caused by dozens of explosions has made the rock much more permeable than the French contend. According to the computer models, radioactive substances may leach to the surface in tens of years rather than the 1,000 years that the French government estimates.

The data came from temperature readings taken by the French over a period of 500 days in a 2,000-foot-deep hole, near the site of a nuclear explosion. In that time the temperature at the bottom of the hole dropped 18 degrees. Normally the temperature at the depth is maintained by a natural geothermal heat radiating up through the rock. The heat also produces a sort of conveyor belt for water that leaches into the atoll foundation. The warmed seawater rises through the basalt, seeps through the limestone laid down by coral in millennia past, and enters the lagoon.

Hoshstein and O'Sullivan theorized that such a temperature drop could be caused only by cold seawater leaching through the rock at an increased rate. Their model closely matched the observed temperature change, they found, when they had seawater leaching through the rock at a rate that could be possible only if a vertical "chimney" of fractured rock had been formed above the spot where the bomb had exploded. "Our model," says O'Sullivan, "suggests that there can be movement from a bomb site up to the lagoon in ten to fifty years."

French reports indicate that rock can be fractured up to 1,300 feet from the bomb site; they also confirm that water quickly fills the fractured zone. "During the first tenth of a second," one government report explains, "the explosion creates a spherical cavity containing several thousand tons of vitrified lava. . . . Within a few minutes this system cools down, causing the lava to solidify and lowering the gas pressure in the cavity. The roof of the cavity, having been fractured by the explosion, is no longer held up by the gas pressure and collapses. . . . [It] forms a sort of 'chimney' filled with rubble. . . . The voids in the rubble rapidly fill up with water, and within a few days to a few weeks the terrain can be said to be permanently stabilized." Despite the apparent contradiction in the last sentence—with water rapidly filling the voids, it's hard to see how the terrain can be "permanently stabilized"—officials insist that the fracturing never extends up into the coral.

Ironically, the medical consequences of any radioactive release, past or present, may never be known. Throughout French Polynesia one hears numerous claims about cancers that have been caused by radiation from Mururoa, but such anecdotal reports are useless to epidemiologists seeking a link between an environmental factor and a rise in the incidence of disease. Danielsson claims there is evidence of a rise in rates of thyroid cancers, brain tumors, and leukemia—all of which can be radiation induced—but he admits that the statistics are flimsy. "The French authorities," he says, "haven't published any health statistics since the first bomb was exploded. 'It's a military secret,' they say. Then, when you confront them with a rise in cancers, they ask, 'Where are your figures?'" Danielsson believes the government's attitude is summed up in its refusal to allow France's National Radiation Laboratory, whose purpose is to measure and assess the effects of radioactive levels in the environment, to conduct studies in French Polynesia.

The three-nation team that visited Mururoa in 1983 concluded that health statistics for Tahiti are so limited as to be useless for any investigation of heightened rates of cancers that might be due to the nuclear testing. A registry for tracking cancer cases was not established until 1980. And only since 1983 has French Polynesia had a death certification system that requires the cause of death and contributing factors to be recorderd. Finally, the population of 188,000 is so small that it would take an enormous dose of radiation to cause a statistically significant jump in cancer rates. Much about Mururoa, and now Fangatuafa, it seems, will remain a great secret for a long time to come.

[From the Christian Science Monitor, May 17, 1989]

WORLD POWER CENTER SHIFTS TOWARD PACIFIC RIM, STUDY SAYS

(By Peter Grier)

WASHINGTON.—By the year 2010 Japan will have emerging military might. China will have risen near the top of the superpower ranks. The Soviet Union's share of the global economy will diminish, while the United States' share will stay about the same.

These are among the key trends in world power for the early 21st century, according to a new RAND Corporation study.

Prepared for presentation to the Department of Defense, the study says that gradual change in the next 20 years will have dramatic geopolitical effect.

Economic and military power will continue to shift to Pacific Rim countries.

"The orientation of Japan and China toward the United States and each other—whether they are allied, friendly, neutral, or belligerent—will be no less important for US interests than is the continued adversarial posture of the Soviet Union," the RAND report concludes.

Japan's economic rise has already been accomplished. Today this small island nation has a gross national product about the same as that of the gigantic Soviet Union. With continuing strong economic growth and a relatively low birthrate, Japan will surpass the US in one key indicator of economic strength, per capita GNP, by 2010, according to RAND predictions.

Perhaps more surprising is Japan's predicted rise to a middle-rank military power.

Although Japan devotes a relatively small slice of its GNP to defense, it is growing so rich that by 2010 its military budget will approach that of West Germany and other principal NATO allies.

If in response to some perceived threat Japan boosted defense spending only slightly, to some 3 percent of its GNP, by early next century its military budget would be more than 70 percent of that of West Germany, the United Kingdom, and France combined.

China's military spending will also rise significantly. By early next century the Chinese defense budget will be about half that of the US or the Soviet Union, predicts RAND, particularly if economic modernizations continue to be successful.

Increased tensions, and a possible arms race, between Japan and China are one danger the US must watch for in 2010, RAND warns.

It is also likely that the Chinese domestic economy will soon overtake that of the Soviet Union. China is so large and its economic growth rate so strong that by 2010, RAND predicts, it could even pass Japan and become the second largest economy in the world, after that of the United States. With its large population China would still have a low per capita GNP, perhaps only 10 percent that of the US.

The Soviet Union will likely continue to struggle economically.

The political change now sweeping that vast nation makes any economic forecast uncertain; but under almost any scenario RAND envisions, the Soviet economy falls to fourth largest in the world.

The US, by contrast, will be running in place. Today the US GNP accounts for roughly 22 percent of all the goods and services produced in the world; RAND foresees the same US slice in the year 2010.

MEMORIAL DAY—A DAY TO HONOR OUR VETERANS

(Mr. PAYNE of Virginia asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PAYNE of Virginia. Mr. Speaker, when we leave here today, most of us will return to our districts to take part in one of the most significant observances on our national calendar, Memorial Day.

We had all hoped to be able to report to the veterans of our districts, and to their families, that we had completed the necessary work to insure that those who needed medical care would continue to receive it, uninterrupted. And I sincerely hope we can return next week and quickly resolve this impasse which has developed.

These veterans we honor this weekend should be a mute reminder of the

obligation we have to the present day survivors of our wars. For the veterans we honor on Memorial Day have made the ultimate sacrifice in defense of liberty.

Who can know what words have not been written, what songs not sung, what contributions of mankind have gone unmade, because of the sacrifices made by those we honor.

Was the sacrifice worth it? All we need to do is observe the international scene today. In the Soviet Union and in Eastern Europe, voices are raised to demand democratic participation. In China, where it was once feared that communism had invented a sort of mass human, 1 billion people strong and bending to the will of its leaders, the yearning for democracy will not be denied.

Those who rest today beneath the flags and flowers we place in their honor are thankfully memorialized. And those of us who live today, as free men and women in a land where freedom is our right, owe not just our gratitude but our pledge to never forget.

INTERNATIONAL ASSOCIATION OF FIREFIGHTERS ENDORSES H.R. 293, THE FIRE SAFE CIGARETTE ACT OF 1989

(Mr. MOAKLEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MOAKLEY. Mr. Speaker, I would like to take this opportunity to thank the International Association of Fire Fighters for their recent endorsement of H.R. 293, the Fire Safe Cigarette Act of 1989.

The International Association of Fire Fighters represents 177,000 firefighters throughout the country, who risk their lives to save individuals from perilous fires. The IAFF has been very concerned and active in the effort to reduce the number of fires caused by carelessly discarded cigarettes.

I commend the IAFF for their dedication and untiring support for the legislation I, along with Senator CRANSTON and Senator HEINZ introduced which would direct the Consumer Product Safety Commission to promulgate cigarette fire safety standards.

According to the National Fire Protection Association, cigarettes are the leading cause of fire deaths in the United States, which has a fire death rate double that of any other industrialized nation. For example, according to 1986 statistics, 231,200 cigarette initiated fires resulted in 1,506 civilian deaths, 3,559 injuries, and $402 million in property damage. All too often innocent victims of this needless destruction include the child asleep in the upstairs bedroom, the elderly neighbor in the apartment next door, or the stranger in a nearby hotel room.

I am delighted that the International Association of Fire Fighters joined with the National Fire Protection Association and the International Association of Fire Chiefs and fully endorsed H.R. 293. I would like to thank the President, Alfred Whitehead, and all the members of the IAFF for their undying commitment to the Fire Safe Cigarette Act of 1989.

□ 1010

TRIBUTE TO PROF. ATTICUS EDWARDS, OLDEST LIVING ACTIVE DEMOCRAT IN TEXAS

(Mr. SARPALIUS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SARPALIUS. Mr. Speaker, there is in my district a man who has devoted his life to making our political process work. On the occasion of his 99th birthday, I would like to reflect for a moment on his accomplishments.

Prof. or Prof Edwards, as he is affectionately known—first got involved in politics at the age of 6, passing out brochures in William Jennings Bryan's 1896 Presidential campaign. That relatively simple task sparked an interest in politics that literally has spanned the 20th century.

He was a Democratic Party precinct chairman for more than 30 years, a member of the Wichita County Democratic Executive Committee and county party chairman for more than 20 years. He was a delegate to both the 1968 and 1972 Democratic National Conventions. Today, he is the oldest living active Democrat in Texas.

But, he did more than just work in campaigns for a party. He taught history and government at Midwestern State University to countless generations of students. He helped the spiritual growth of the young as well, serving for 41 years as a Sunday school teacher at First United Methodist Church in Wichita Falls.

Mr. Speaker, most of us can only dream of having the career Prof Edwards has had. I would ask the House to join with me in wishing him a happy 99th birthday.

INTRODUCTION OF LEGISLATION TO AUTHORIZE FEDERAL AGENCIES TO USE SETTLEMENT NEGOTIATIONS IN ADMINISTRATIVE DISPUTES

The SPEAKER pro tempore (Mr. KANJORSKI). Under a previous order of the House, the gentleman from Kansas [Mr. GLICKMAN] is recognized for 5 minutes.

Mr. GLICKMAN. Mr. Speaker, today I am introducing legislation to bring some commonsense back to Government by authorizing Federal agencies to use settlement negotiations, conciliation, facilitation, mediation, fact-finding, minitrials, and arbitration to resolve administrative disputes. When Congress enacted the Administrative Procedure Act, it intended to offer prompt, expert, and inexpensive means of resolving agency disputes as an alternative to litigation in Federal courts. However, administrative proceedings have become increasingly formal, time-consuming, costly, and less likely to result in a consensual resolution of the issue.

Alternative dispute resolution procedures have been used in the private sector for years and have, in many cases, led to faster, cheaper, and more creative, and less contentious results. The Government would benefit similarly by adopting them in appropriate cases that the Government decides, or to which it is a party. Such commonsense procedures also will benefit the private parties involved in drawn-out, expensive, administrative proceedings.

This bill enjoys tremendous support. The American Bar Association lists alternative dispute legislation as one of its top 10 legislative priorities for the 101st Congress. The Administrative Conference of the United States has been at the forefront of improving the administrative process through alternative dispute resolution techniques. Further, with respect to arbitration, the Supreme Court's recent decision in Quijas versus Shearson/American Express contains its "strong endorsement of the Federal statutes favoring this method of resolving disputes."

I hope that my colleagues will join me in support of this positive and noncontroversial measure.

A DISTURBING PATTERN DEVELOPING ON SCIENCE AND TECHNOLOGY BUDGETS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania [Mr. WALKER] is recognized for 60 minutes.

Mr. WALKER. Mr. Speaker, I would like to spend a little bit of time today talking about a disturbing pattern that I see developing in the House of Representatives, and which worries me with regard to the future direction of the country. That pattern is the consistent attack that is taking place against science and technology in this body. A few weeks ago, just a couple weeks ago, we had a budget process that went through this body and within that budget process we found that this Congress was unwilling to commit as much to the research and development programs of this country as the administration thinks we need.

The administration had suggested that in science, space, and technology programs, our civilian side needed about $15 billion a year. Congress cut that by about $1 billion when all was said and done. That means that programs that are vital to developing high technology for our future will be undermined by congressional action.

That, I think, is a disturbing kind of determination of priorities.

What we have essentially decided as a part of that budget process is that there are things which we are willing to subsidize today out of the past that are more important than the jobs of the future. I do not think there is any Member of Congress who doubts that the high technology of today, the research and development of today, the science and technology of today, are what will be required to produce the jobs of tomorrow, that the future of our young people depends upon the investments we make in the future through science and technology at the present time.

What we are doing with our money is that we are subsidizing things of the past, things for instance like subsidizing passenger rail travel in this country with $600 million a year, while cutting back on science and technology.

Now, you know, everybody thinks we ought to have passenger rail travel in this country. The question is whether or not we ought to have it in the way that we now do it where we subsidize runs across the country that no one wants to travel on. We subsidize empty trains. Would it not be better to have a passenger rail travel that was actually profitable and actually carried people to where they want to go? It seems to me that would be a different kind of rail system than what we subsidize. It would also, though, cost the Government $600 million less than what we now pay for.

I think that $600 million would probably be better spent toward advancing our space program, toward producing high technology, toward doing all those things which are necessary to have the jobs of the future.

That is not the only subsidy program. There are numerous others. We have the Economic Development Administration, where 50 percent of the loans they give go down the tube because the companies go bankrupt.

I would suggest we would be better off investing in the future, rather than investing or subsidizing the past; but if it was just the budget process, maybe I would be just a cry in the wilderness. Maybe that is something we cannot escape; but yesterday I think we proved once again that this body is moving away from the idea of technology being the driving force for our future. Yesterday we had a measure on the House floor, the so-called star wars for drug wars amendment. Well, that was an interesting amendment, because what the people who brought it to the floor claimed was they were going to take money out of the military and put it into drug interdiction.

Well, you know, there is a lot of appeal to that. Maybe some of us would have been a little more receptive to the idea if what they were doing was talking about taking military waste and putting it over to fighting drugs.

But were they talking about closing obsolete bases and doing that kind of thing? No. The proposal before us yesterday was to take the money out of the high-technology programs of the Defense Department and put it into domestic programs.

First of all, it was a violation of the budget agreement that had been arrived at by both the Congress and the administration; but second, I think the attack on high technology is particularly disturbing.

Now, some people will say, you know, well, it is high technology, military devoted, military derived. Why in the world do we have to go ahead and do those kinds of things?

Well, let me suggest that there is a lot of research and development that goes on in the military area which is extremely important in civilian applications.

□ 1120

We developed jet airliners as a result of the work we did to develop military airplanes. Much of the technology we depend upon in the civilian areas was developed as part of our military investment of the past. The same is true of some of the work being done under SDI.

Mr. Speaker, I will give Members an example of where we on the Committee on Science and Technology, on which I serve, have some joint jurisdiction, and I happen to know a little bit about. There is a program being done under the strategic defense initiative, or star wars, the SP-100 program; the SP-100 program is to develop a small nuclear reactor that can be used in outer space. What it allows to be done is to produce significant amounts of power in outer space.

Why is that important? For SDI it is important to run some of the weapons systems that they think would be necessary for our star wars program, but just as important, it seems to this gentleman, is the fact that that kind of energy is exactly what is needed to produce products commercially in space. One of the main problems that we have for our space stations of the future, for any kind of space facility that we build in the future, is to have adequate power.

Mr. Speaker, the way we power space programs and space vehicles today is with solar arrays. They can produce some energy but not large volumes of energy. If we had a reactor that was capable of producing large amounts of energy, we could take that energy from a point in space, microwave it to facilities that are on-line, and produce a whole range of new products.

Why do we want facilities out in space producing new products? Because we believe that there are things that can be made there that will benefit all of humankind. We believe, for example, that we can make drugs in lower orbit that cannot be made on Earth that offer possible cures for hemophilia, for diabetes, for cancer, and a number of other diseases. That seems to me that it is something in the interest of humankind, but we have to have energy in order to do it.

The energy could be provided by work that is now being done under the SDI program. But where did the liberals who brought the program to the floor yesterday decide that they were going to take their military money from? They decided they were going to take it out of high technology and that they were not going to take it out of obsolete military bases. They were going to take it out of high technology, and that in itself might be just a singular issue, but there is a pattern. There is a pattern that we do not fund properly our civilian research and technology under the budget, and then we turn around, and under the military budget, we attack high technology there. That is a concern to this gentleman, because as I look at it, I think what we are doing in this Congress is being terribly foolish about the future.

Mr. Speaker, we are finding that this Congress is unwilling to face the real issues of the future. We have become a little like the Luddites of the 19th century where what we do is we are suspicious of technology, and we begin to tear it down. In fact, I find that in much of the liberal agenda kind of a suspicion of technology, that so many are against nuclear energy of all kinds, so many are against going ahead with the technology programs that develop things for our future. We even find them opposed to things like a space station and some of the major programs of our space program, that it seems to me it is a shame, and I think we will pay a tremendous cost in the future of this country if we allow them to continue to tear down the high-technology programs, the research and development programs that this country needs.

I would hope that we begin to see a reversal of that pattern, that we begin to see science and technology emphasized, that we begin to see priorities put on science and technology so that we produce the economy of the future, so we are competitive as a nation in the world economy of the 21st century.

If we continue along the pattern that Congress has been moving in the last few weeks, this Nation will pay a terrible price. I am confident that maybe we can turn it around, maybe we can get people to see the light, maybe science and technology will come back into vogue.

TRIBUTE TO SENATOR WARREN MAGNUSON

(Mr. MORRISON of Washington asked and was given permission to address the House for 1 minute.)

Mr. MORRISON of Washington. Mr. Speaker, I wanted to take just this moment to indicate to my colleagues in the House that citizens in the State of Washington from all walks of life are gathering in a few hours in Seattle to pay final tribute to Senator Warren Magnuson.

At age 84, we have lost Maggie, after some four decades of public service. And since some of us were unable to leave in time last night to attend those services, I just wanted to indicate, even though we disagreed on a number of subject areas, a tremendous base of respect for a man who perhaps had the greatest social conscience of anyone I have known in modern times. He served us very well, provided leadership in a variety of areas, and the State of Washington and, I believe, the United States of America will miss and remember Warren Magnuson.

GORBACHEV'S INITIATIVES DEMAND LEADERSHIP AND A COMPREHENSIVE STRATEGY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois [Mr. LIPINSKI] is recognized for 60 minutes.

Mr. LIPINSKI. Mr. Speaker, the monolithic glacier of international communism is melting away and breaking up all over Central Europe, Eastern Europe, and the Soviet Union.

Liberty, democracy, and independence are budding, blooming, and blossoming through the miniature, median, and enormous cracks in that glacier. Yet, President Bush has made only a precious first step in addressing the revolutionary changes underway in Central Europe, Eastern Europe, and the Soviet Union. The President has turned his grounds for hesitation into conditions for moving forward in relations with the Soviet Union. But at a time when public opinion in the United States and abroad demands a bold, assertive, and emphatic American vision for the future, the President's general outlines of support are only a minute minimum.

The administration must understand that caution is not incompatible with a comprehensive strategy for the future. This fortress of freedom has led the free world through 40 years of bipolar tension. Due to Gorbachev's call for a new Soviet and global order, the leader of the West has been faced with the unprecedented opportunity to present and promote the American vision of the world. American leaders must welcome the challenge and opportunity. In fact, it is increasingly clear that we must seize this initiative, or risk our longstanding, qualified leadership of the Western democracies.

Caution and conditionality are understandable in light of the potential changes which could result from reengagement with the Soviet Union. The United States is faced with more than just the possibility of a less threatening opponent in the bipolar world; We are faced with the possibility of a new global design where both current superpowers are simply two competitors in a world of many key players, most notably Japan and the nations of post-1992 Europe.

This prospect may be disconcerting. In the interest of comfort, a new American President has balked at monumental restructuring. However, American foreign policy has long revolved around the threat of Soviet attack on the West. Given Gorbachev's December 7 call for unilateral reductions of 500,000 troops and 10,000 tanks by 1990, it is becoming clear that the threat of Soviet aggression is no longer a legitimate basis for foreign policy. Seeking guidance for a new foreign policy, we need only look at the oratory which accompanied the American policy of containment. For 40 years, the United States proclaimed it would not be satisfied with anything short of a free, independent, and democratic Central and Eastern Europe. Due largely to the continued unity of the NATO alliance under American leadership, highlighted by increased American military strength, democracy, independence and liberty for Central and Eastern Europe, and perhaps the Soviet Union is within reach. Since the United States played the principal role in creating the current opportunities for liberty, independence, and democracy, and assuming we were serious in our calls for all of these, shouldn't we lead the movement toward a new order in Europe and the world?

West Germany is helping answer that question. Chancellor Helmut Kohl and Prime Minister Hans-Dietrich Genscher have made it clear that West Germany would gladly fill any leadership gap. In West Germany's recent maneuvers and the consequent rift in NATO, America is presented with a worst-case scenario: Liberalization and reform progress in the Soviet Union; a tentative United States fails to present a strategy and vision in response; the frustrated and anxious nations of NATO respond to Gorbachev's initiatives independently or with a country other than the United States at the helm. Secretary of State James Baker fears that "West German politics will undermine the security of the alliance." In reality, the threat may not be to the security of the alliance, but rather to the security of American leadership of the alliance.

Therefore, an American vision in response to Gorbachev is not only appropriate to continue the fight for democracy, liberty, and independence which we have led for 40 years, visionary leadership is crucial in maintaining America's role as leader of the free world. Dissent among our European allies and the unraveling of NATO are too high a price to pay for a tentative response to Gorbachev. Furthermore, Chinese signs reading "Mikhail Gorbachev: Champion of Political Liberty" should not be taken lightly. Even if the White House is satisfied writing off Gorbachev as a drugstore cowboy, most American leaders and citizens do not enjoy the daily documentation of the country's flailing leadership.

Failure to present a comprehensive strategy toward changes in the Soviet Union and to promote our vision of a new global order is to grant Gorbachev continued preeminence as today's lone world leader. Why should there be merely one strategy for creating a new structure in Europe and the world? This land of liberty can do better, and must do better.

President Bush must enter the May 29–30 NATO conference not with a series of reactions, but with a positive comprehensive plan. In the context of a carefully deliberated strategy, the harder lines of U.S. policy will be easier to sell to our allies. Likewise, much-feared concessions to European sentiment, such as negotiations on short-range nuclear weapons, can be practical and palatable as part of a U.S.-sponsored NATO package. The positive comprehensive plan must feature dramatic long-term potential for East-West relations, within a stepwise progression. A strategy of vision will unify NATO, adequately encourage the Soviet Union to continue reforms, and regain some of the public relations momentum monopolized by Gorbymania. Strong conditions for integrating the U.S.S.R. into the global economic order provide for adequate caution. Conditionality ensures that the Soviet liberalization process is gradual and long-term, yet allows Glasnost' momentum to grow toward 1991, when the West can push for more significant changes in the next Soviet 5-year plan.

On May 12, President Bush made a first step by turning grounds for hesitation into conditions for increased American cooperation. Rather than refuse to negotiate because of Soviet support of the Sandinistas, sale of arms to Libya, or excessive military production, the United States should outline the policies to be enacted once our conditions are met. In effect, this land of the Pilgrim's pride would be continuously defining and pushing Gorbachev's agenda. We have a new world order to gain and American leadership to maintain.

Militarily, the strategy must be bold, assertive, and comprehensive in

nature, with the ultimate goal of adequate deterrence at a lower, less costly level of military power. Nuclear arms reductions must be tied closely to conventional force realities. NATO force reductions must be tied closely to verifiable Soviet good faith in the areas of regional conflict and military production. Working toward this stabilizing package deal, nothing should be considered nonnegotiable.

President Bush has placed undue emphasis on the modernization of short-range weapons in West Germany, endangering Kohl and dividing NATO. A far greater priority should be the modernization (mobility) of U.S.-based ICBM's, which along with our submarine-launched missiles, are the real key to nuclear deterrence. Can we reasonably expect the West Germans to accept modernization of the Lance missiles when American politicians have failed to update our ICBM's, although this has been a recognized necessity for a dozen years? German short-range missiles would destroy Germany in a war. The missiles' strategic role is to legitimize the flexible response theory, an idea rendered obsolete by the elimination of intermediate-range nuclear missiles. This land of the free should open short-range missiles to negotiation, provided such negotiations are contingent on parity of NATO-Warsaw Pact conventional forces. Participating in negotiations would ease West German discontent, while linkage of missile elimination to conventional reductions would expedite Soviet conventional force cuts. The home of the brave has no interest in displacing a friendly West German Government, and could at least afford to put aside the issue until after the West German elections.

In addition to linking negotiations of conventional and nuclear forces, a high degree of linkage between various areas of regional conflict would also serve to push the agenda toward stability, independence and democracy. On May 15, after $2.7 billion of direct military assistance over 8 years, the Soviets agreed to stop supplying the Sandinistas. If our aim is to stabilize regional conflicts, America should be prepared to rethink its role in Afghanistan upon verification of the cessation of Soviet arms shipments. A perfect test case for a unified effort toward international stability is Cambodia. By calling for a settlement based in democratic elections, and working with China and the United States to ease tensions in Cambodia, Gorbachev can make a meaningful display of good faith. Surely the United States would change its view on supplying arms to Prince Sihanouk and Son Sann if the U.S.S.R. reconsidered its massive support of the pro-Vietnamese administration of Hun Sen. Less problematic opportunities for the display of good faith include halting arms sales to terrorist nations like Libya and Syria, not to mention continued progress on human rights and personal freedoms within the Soviet Union.

Linkage of various aspects of United States-Soviet relations, and the long-term, progressive relationship that results, provides sufficient lead time to ensure Soviet military production and capability recede to levels matching Soviet promises. Eventual parity in conventional forces, below current NATO levels, will serve stability in Europe. Reduced tension can eventually lead to the breaking down of Europes unnatural barriers, a longtime goal of the United States. With a bold, creative, and unified strategy, the United States can push the agenda toward that end. We must proclaim the next step, not impose the next roadblock.

Can we really expect to push the Soviet reform agenda when it involves so many Soviet concessions to the American will? First, President Bush must realize that an active, attention-commanding hard line is favorable to a hesitant, disengaging hardline. Second, the United States has an enormous amount to offer the Soviet Union economically. The importance of American economic cooperation should not be underestimated, considering that the failure of the Marxist-Leninist economy is the taproot of the multifaceted reforms underway in the Soviet Union. Yet of all the potential responses to Soviet initiatives, a new American economic policy may be most troublesome. Ronald Reagan's military buildup drove the Soviet economy into the ground, and Gorbachev to the bargaining table. Perhaps we should be satisfied with this triumph of sorts. But upon careful consideration, the true goal of American foreign policy has been to promote independence, democracy and liberty in the world, not simply to destroy communism. If the Soviet Union is prepared to move toward greater freedom for the peoples in the Soviet sphere, it is those long-struggling people which should be at the root of American policy. America's greatest leverage comes from its economic power, and we should use that leverage to help create the freer, more democratic world we have championed for so long.

Economic cooperation need not include subsidizing the Soviet Government. The United States is not in the economic position to initiate new credits or provide economic aid. We can, however, foster open economies in the Soviet bloc by breaking down existing trade barriers and encouraging private sector ventures. The first step is to match Gorbachev's military and political Glasnost with American economic Glasnost, breaking down barriers toward integration with Soviet bloc economies. Trade arrangements can help the Soviet Union, and Central and Eastern Europe address the crucial problem of large hard currency debts. Granting Most Favored Nation status to these countries, contingent on continued progress in human rights and personal freedoms, is a necessary first step. The boldest trade initiatives should first be concentrated on Central and Eastern European nations, foremost Poland and Hungary. The President has already offered GSP status and the extension of OPIC jurisdiction to Poland, which are just the beginning of potential United States cultivation of open economies. By creating a new trade program as Soviet bloc markets open up, the United States can ensure ethical trade. Countries like Japan often see foreign countries only as markets for their products, without commitment to the social and political ends achievable by economic means. To allow trade arrangements based solely in profit motives is to allow the separation of the military and the economic response to Gorbachev's initiatives. To ensure other countries assume ethical trade arrangements, America must take the lead. Breaking down impediments to trade with the Soviet bloc is not subsidization, it is cooperation. Given the monumental liberalization underway, cooperation is deserved.

The Government should direct a unified effort by American industry to encourage the private sector of Soviet bloc economies. The more successful the private sector and the market element of the economy, the more readily the Soviet Union and its satellites will turn toward those sectors. If Central and Eastern European countries are to integrate into the free market system, increased productivity will be the driving force. Therefore, America must try to influence these countries to use their limited resources on imports that will add to labor productivity. United States exports to the Soviet bloc should focus on energy-saving equipment and technology, precision measuring and testing instruments, and pollution control technology. In the euphoria of newly opened markets, it is important that the Soviet bloc not concentrate on unnecessary consumer products which do not facilitate economic recovery. Joint ventures in economically important industries will provide blueprints to build and maintain vital industries. Joint ventures will increase the standard of living for participants, which should translate into the growth of the private sector. Finally, management training programs for hopeful capitalists in the Soviet bloc will enhance the success of private sector, and promote American leadership of the capitalist system.

To little surprise, the United States has already fallen behind in leader-

ship in this economic sphere. West Germany, the world's biggest exporter, has long been the Communist world's chief trading partner. In 1988, West Germany was responsible for $9.3 billion in trade with the Soviet Union. Forty-four percent of European Economic Community exports to the Soviet Union came from West Germany, as did 48 percent of exports to Eastern European countries. West Germany is involved in 40 joint ventures with the Russians, and more are likely now that foreigners can hold a majority stake in such ventures. West Germany concentrates in the correct industries—engineering, technology, and environmental protection. In June, Kohl and Gorbachev will sign an agreement for West Germany to train 1,000 senior Soviet workers and executives. A "House of the German Economy," featuring a hotel, office, and conference facilities, will be built in Moscow. West Germany correctly believes the success of perestroika will only enhance its economic power. The Germans assume that personal contacts from these ventures will pay off in future business as Soviet bloc economies continue to open up. In short, West Germany is prepared to lead the integration of Central Europe, Eastern Europe, and the Soviet Union into the economic order, and reap the economic benefits of that leadership. We need not subsidize the Soviet Union, but to remain uninvolved economically with Central and Eastern Europe is to sacrifice United States competitiveness in a new market of great potential.

Ultimately, with Americn encouragement, the unnatural barriers of Europe can be destroyed, with each independent nation determining its own economic and political system. As the United States responds in favor of Soviet reforms and independence for Central and Eastern Europe, we must keep in mind what a new global order may hold. In a world where military power is stabilizing rather than threatening and where expansionism is no longer at the heart of superpower interests, economic competitiveness will be a greater aspect of national security.

If addressed with a comprehensive strategy, military and economic preparation for a new global order can go hand in hand. While American diplomats begin a process of cooperation and integration with the Soviet Union, American policymakers can turn to preparing for the new international battlefield—the field of economic competition. Whether directed by the United States or not, Soviet reforms and eventual European independence will be, in the long term, providing time for America to restructure its priorities toward economic competitiveness. If the United States, with its current priorities, was faced today with post-1992 Europe, new competition for Central and Eastern European markets with Japan and West Germany, along with growing Asian and Pacific markets, we would be ill-equipped to maintain a global position of superiority. But we have a chance to shift our focus to economic competitiveness, a focus which is perfectly compatible with the decrease in the Soviet military threat.

For instance, while Japan has had the luxury of investing in research and development of new products to dominate American and world markets, the United States has garnered the duty to invest in defense R&D for the protection of our Nation and allies. While the United States, which spent $100.8 billion dollars on R&D in 1987, outspends both Japan, $39.1 billion; and West Germany, $19.4 billion; American R&D is dominated by defense objectives. While 69 percent or $69 billion of United States R&D funds went to defense in 1987, the Japanese spent 4.5 percent—$1.7 billion—and the West Germans 12.5 percent—$2.4 billion—of their R&D funds on defense. Japan, West Germany, France, Great Britain, and all industrialized nations gear R&D expenditures toward economic competitiveness more than the United States; 15.3 percent of West German R&D funds, $2.9 billion, go to industrial development, as does $1.9 billion, or 4.8 percent of Japanese R&D expenditures. The U.S. Government feeds only $200 million into industrial development R&D. Obviously, Japan and West Germany are busy preparing for a world of free markets, where economic competitiveness is key to national security.

Gorbachev's reforms in the Soviet Union offer a chance for more than just decreased international tension and increased military stability. Gorbachev's initiatives offer the United States the opportunity to put more money back into our industry, our technology, our products, and most importantly, the American people. It is a chance for us, spelled capital United States, to regain our crown as the economic powerhouse on this planet. The United States faces an uphill battle in education, another aspect of international competition which has been largely ignored compared to other industrialized nations. Both Japan and West Germany spend roughly 50 percent of R&D funds on "Advancement of Knowledge," compared to 3.6 percent in America. Finally, in a world of new markets, free trade, and increased economic competition, the glaring problems of our national debt, trade deficit, and fiscal irresponsibility will be even more severe. This hints at another unsatisfactory reason for Presidential hesitation. Global political changes do not wait for America to get its economic house in order. In the interests of promoting democracy, liberty, and independence, we must cooperate with the Soviet Union. Simultaneously, the United States must prepare for the potential world of the future.

The implications of the U.S. response to Mikhail Gorbachev's initiatives are obviously far reaching. Thus, a positive, comprehensive strategy and vision, rather than a collection of reactions, is the requisite response of the leader of the free world. If the United States wishes to remain that leader, it is important that President Bush have such a program as he heads to Brussels at the end of the month. The United States has fought for a free, democratic, and independent world order since World War II. Without our leadership, the current opportunities for peace, democracy, and independence would not exist. Just as President Bush says, "Don't stop now" to Mikhail Gorbachev, the United States must not stop leading the fight for freedom.

We must continue leading the struggle for liberty, independence, stability, democracy, peace, progress, and prosperity, in an arena less hostile but much more promising, less comfortable but potentially more secure. Simultaneously, the United States must prepare to be the leader in the world of the future, a world more peaceful, but also more competitive, and no less challenging.

□ 1050

BIPARTISANSHIP AND FAIR SCHEDULING

The SPEAKER pro tempore (Mr. KANJORSKI). Under a previous order of the House, the gentleman from Georgia [Mr. GINGRICH] is recognized for 60 minutes.

Mr. GINGRICH. Mr. Speaker, I am just going to speak for a few moments about the week's schedule and honest, fair bipartisanship.

When I was first elected Republican whip, I was asked what I thought about working with the Democratic leadership, and I said that I believe in honest, fair bipartisanship. What I meant by that is that both parties in the House, the Democrats and Republicans, should be able to work together. We should be able to work out fair opportunities under reasonable rules for both sides to present their ideas and then decide which more accurately represents the American people and which has the better ideas and which ought to win votes on the House floor.

I think that this week's schedule was an example of exactly the opposite. It was unfair. It was in fact not giving the Republicans an opportunity that was fair to present their ideas, and it was at the same time, I think, giving the leftwing of the Democratic Party an exaggerated level of recognition on

the floor in terms of what they were determined to bring to the floor.

I want to focus on four things in explaining this week's schedule and how it evolved in yesterday's votes. I want to talk briefly about the process of a supplemental appropriation bill and why we have been fighting about it for the last several months. I want to talk, second, about the Democratic propensity to want to have a credit card mentality in offering money for whatever the most recent fad is without paying for it or accounting for the money they are willing to give away, thereby making it harder to get to a balanced budget.

I want to talk, third, about the extraordinary process by which the leftwing Democrats were allowed to bring up a bill which had been written hastily, had never been before a subcommittee or committee, had never had hearings, and which broke the bipartisan agreement with the President on the budget.

Finally, I want to talk about Congressman GEORGE GEKAS, of Pennsylvania, and his superb effort to repeal section 89, a provision of the Tax Code which is killing health insurance for working Americans and small business, and the way we had to fight that fight because of the Democratic leadership. I have to say that I am very sad about the way yesterday went. I think it is unnecessary for us to leave those kinds of fights, and I think if we had honest, fair bipartisanship, we would not have those kinds of fights.

Let me start, first of all, with the struggle that has been going on with the Appropriations Committee. The Appropriations Committee, since the beginning of Congress 200 years ago, likes to spend money. That is the nature of the Appropriations Committee. They write the real checks that buy real goods and services.

President Bush is leading a struggle to bring spending under control. He is continuing the process that began under President Ronald Reagan. In the end, the center of that struggle, the core areas, if you will, of the difficulty is the appropriations process. Normally Appropriations Committees are supposed to report out the regular appropriation bills that are in effect at the beginning of the year. Toward the end of the year they discover in some areas they have not produced enough money, where there is a drought in the Midwest, when there are fires in the mountains or there are difficulties with problems such as the Veterans' Administration, or they discover they need more money for health, and at that point they report what is called a supplemental appropriation bill.

Historically, supplement appropriation bills are the place where we begin to discover the real pork. At that point the appropriators have an opportunity to take care of themselves and their districts and their friends, and all of a sudden we begin to find bigger and bigger amounts of money, so that the President will ask for $1 or $2 billion for very specific things. In this case the driving force was the veterans and helping the veterans' hospitals.

□ 1100

Then the Committee on Appropriations, seeing, if my colleagues will, a legitimate opportunity come by, will start putting pork barrel on top of it, and presently what started as a veterans program will have far more money for nonveterans things and to take care of other programs. We have been struggling in the House with the Committee on Appropriations for over a month now trying to force them gradually into shrinking the size of their bill, putting it on a diet, if my colleagues will, and, in fact, by yesterday morning we had cut over a billion dollars out of the original supplemental. We had gotten it much further down and closer to something President Bush could sign. In the process the veterans find themselves waiting for adequate medical service, waiting for enough drugs and enough other things to be done.

Games are played by the Appropriations Committees in both the House and the Senate in the whole process of dealing with the bill, and the result is that the country and the American people in the interest of veterans are held up while the politicians play games to see if they can find a way to pass the money for their friends and their allies in their interests.

We worked very hard on this. The bill that was passed yesterday in not quite as good as it needs to be. It is a billion dollars better than it would have been without the Republicans being so active, and in that sense I think the Republicans can take credit of getting us a billion dollars closer to a balanced budget.

However we have a very long way to go, and frankly the liberal Democrats, many of whom are credit card liberals, they remind me of teenagers who think, if they charge with a piece of plastic, somehow the store will never find them and send them a bill. So, they are always shocked to discover there is a deficit, and they are always eager to raise taxes, but there are very few spending programs they object to. That was the general situation.

Now in this particular supplemental appropriations bill we had a fascinating $820 million that was supposed to be for the war on drugs. Now we call supplemental appropriations—the term we use here is dire emergency. The reason they added those two words was that supplementals had become basically just one more way to spend money, and so in theory a dire emergency supplemental bill is supposed to be something needed right this minute.

In fact, the liberal Democrats put $820 million in for drugs, not to be spent this year; this is for the war on drugs, not to be spent this year, not to go directly to the police, not to go directly anything. It was next year's money.

"Ah," my colleagues might ask themselves, "why are they putting $820 million of next year's money into this year's bill?"

For a very practical reason: If they can get the money spent right now, then, when it comes time to write next year's appropriations bill, they will be able to claim that they have another $820 million available because they will already have sent it forward.

This is a little bit like a teenager who comes in and says, "Can I borrow $20 of my allowance next month?"

Loan them the $20, and they show up next month, and they say, "Where is my allowance?"

Then say to them, "Now wait a second. I just loaned you the $20 last month," and they say, "but that was last month. This is this month."

If it were not real money, if it was not draining resources from the American people, if it was not one more liberal Democratic assault on the idea of the balanced budget, it would be funny because, if we ask these very same people, as we will this summer, where is the $820 million that was already passed by them back there in May, we are going to hear them get up and say, "That doesn't count anymore," and one of the reasons America has such a huge deficit and one of the reasons we are paying so much money on interest on the debt is that liberal Democrats just cannot control the urge to spend money, and so they insisted on trying to pass $820 million for the war on drugs.

They say, "Well, that's a good cause." It is a good cause, but it is also true that almost every government agency involved in the war on drugs already has all the money they can spend this year. In effect what they are doing, the same Democrats who lost the war on poverty by throwing money at it, the same Democrats who lost the war in the effort to educate the inner city by throwing money at it, the same Democrats who have created a bureaucratic, liberal welfare state by throwing money at it, those Democrats are now rushing in and trying to, in effect, turn the war on drugs into another welfare state, find another way to build another bureaucracy to spend more of our money without knowing what is going to happen to it and without any accounting for it.

Then we got to an amendment offered by the gentleman from Massachusetts [Mr. CONTE]. I cannot speak too highly of the role that the gentle-

man from Massachusetts [Mr. CONTE] has played in fighting for a balanced budget and fighting to try to bring spending under control on this supplemental. He offered an amendment to return the supplemental to helping only the veterans. We came very close to winning it. That would have sent it through in a way that was correct, and every Republican voted to try to help the veterans and to try to make sure that the veterans got the money immediately rather than keeping money for veterans, and veterans hospitals and veterans medical services tied up in the political system. We barely lost because frankly the liberal Democrats were not happy just helping the veterans. They wanted to also be in a position to go out and spend money on other things.

After that we got to what I think is one of the most amazing things I have seen in the time I have been in the Congress and something which sets a precedent which frankly we intend to insist upon. The leftwing Democrats have been increasingly unhappy. They felt that George Bush is being too successful, that his whole approach of being bipartisan is getting too much done, that, as leftwing ideologues, they are not getting the votes they want on their issues, and so they put tremendous pressure on the Democratic leadership to bring up a leftwing bill that frankly had never been thought through, no one truly knew what it meant, and it was designed to do two things. It was designed, first of all, by leftwing Democrats to weaken the strategic defense initiative, to weaken our ability to defend America against nuclear missiles and to cut down the amount of money that America is spending to research our ability to protect this country from nuclear war. Second, it was designed to transfer money over once again to the war on drugs.

My colleagues are going to see this year, I predict, example, after example, after example of big spending, credit card liberals who label whatever they want to spend money on next, the war on drugs, rush it into this room, make an impassioned plea and say, "Please let's spend money."

Now I want to see a very tough war on drugs, but I think that a very tough war on drugs starts frankly with locking up criminals. It starts frankly with being willing to have the death penalty for certain very serious offenses. It starts by insuring that we have adequate prisons. It starts, as President Bush has requested, by having more prosecutors. It starts by eliminating the exclusionary rule so that, when policemen find evidence, they can use the evidence. It starts by getting money back from the drug dealers by confiscating their property. I think there are many steps to fight the war on drugs.

The one thing I know will lose the war on drugs is letting leftwing liberal Democrats who do not believe in the death penalty, do not believe in strong police forces, do not believe in tough prison sentences, do not believe in tough judges, letting leftwing Democrats decide that they are going to turn the war on drugs into a welfare program, that we are somehow going to hire enough counselors, and enough psychologists and enough people to sit around in enough Government offices that, if only every drug addict had their own friend paid for by the Government to go and talk to, that somehow we would magically cure everybody. I do not think that is going to solve the drug problem, and I do not think frankly for the toughest and most violent drug dealers that hiring a Government psychologist to sit and talk to them is going to change them at all.

I think that there are people who are making a lot of money by addicting our children, and I think those people who are killing folks here in Washington, DC, are frankly mean people who ought to be locked up and off the street, not people who ought to be casually out on furlough visiting their neighborhood leftwing psychologist. In that setting we are going to see offer after offer of big spending by liberals which is going to use the code words "war on drugs," but in fact be the same old liberal welfare state, but this particular bill was, if anything, an even more destructive bill than usual. Imagine the U.S. House of Representatives, supposedly a serious legislative body, supposedly trying to do something that was real, bringing a bill to the floor that fundamentally changes America's most significant long-term research investment in defense, changes it in a very basic way with not a single hearing, not a single expert having looked at the bill, no understanding of what the bill would do. The Defense Department finally got a letter over here that said it would clearly kill the Arrow missile, which is built in Israel and which is being designed to be a tactical defense or a defense against tactical missiles. The leftwing has had no idea of what it was doing. They did not care. It was a symbolic issue. What they wanted was a good solid vote that proved that they were committed to the war on drugs, and I had Members tell me on the floor, "Look, you know this bill is not going to go anywhere. You know the President would veto this bill. You know it's not even going to get through the Senate. Let's just go ahead and vote for a collapse."

But let me suggest to my colleagues there is something inherently sick about a process where Congressmen think they have the right to be totally irresponsible, almost like teenagers, because the President will play the role of father, and the President will veto the stupid things they do. I think Congressmen have an obligation to actually do their homework. I think Members should have been enraged that a major bill had been written capriciously this week, brought to the floor without any hearings, offered up without a single committee or subcommittee doing any work, and, if we are going to do business that way, let us just abolish all the committees. Let us let any Member who has a good idea show up in the morning, write their idea out in longhand, throw it in the hopper, and we can debate it for a couple hours, and we can vote on it. It is an absolute denial of the legislative process, and it is a sign of how frightened the House Democratic leadership is of their left wing that they would allow their leftwing to talk them into, threaten them into, whatever they did, convince them, that they had to bring up a bill which they knew in their hearts was not only wrong, but it was a step deeper.

□ 1110

That bill was a violation of the agreement, the bipartisan agreement, which had been made with the President on the budget. It took money out of the Defense Department and transferred it to domestic spending.

One of the things that I think the House Democratic leadership had better face up to is that if they intend to have a bipartisan relationship either with House Republicans or with the President of the United States, they have to be able to keep their word. If they promise that they will fight to maintain the budget numbers that are agreed to in a bipartisan agreement, they cannot just make that pledge in the Rose Garden on television. They have to come back here to the House and they have to have the courage to say to their own leftwing, "No, we are not going to vote for a bill like this. It breaks our word to the President and we are going to keep our word."

I will say flatly, having been in the meetings in the White House, having been in the meetings up here and having talked to people, having looked at this situation, there is no question in my mind that the bill which came up yesterday fundamentally violated the bipartisan agreement. If we cannot keep agreements, we are not going to have very much bipartisanship.

Let me turn last then to the effort of the gentleman from Pennsylvania [Mr. GEKAS] to repeal section 89. The gentleman from Pennsylvania [Mr. GEKAS] offered to the Rules Committee on Tuesday a repeal of section 89.

Now, section 89 is a very important issue because the way the Tax Code had been written, the rules are so complicated, the process is so difficult,

that certified public accountants all over America are telling small businesses to cancel their group health insurance. What is happening is in company after company, places where workers and their families have been covered in health insurance by an agreement with the owner, they are now discovering that the cost of the redtape, the cost to the accounting system, the cost of filling out all the forms is so great and the penalties are potentially so great that it is safer for the owner to cancel the group insurance, pay everyone slightly more and buy his own personal health insurance.

Now, in the long run this is, frankly, not in any way hurting the owners because they can afford the insurance.

They are the wealthiest people in the company. The people it is hurting are the poor people who themselves, the average worker who cannot go out and replace group insurance with individual insurance is being hurt.

In this setting, let me suggest, we are faced with a very direct and very straightforward situation. We know that every day that section 89 stays in place that we are in greater danger of having more and more companies cancel their group insurance so that more and more families are without health insurance. We know that is happening every day.

We know there is a bill, and let me draw a contrast back to the leftwing bill, the strategic defense initiative. The leftwing bill has only existed for a couple of days. To the best of my knowledge, it has only a handful of cosponsors.

The repeal of section 89 has over 300 sponsors in a bill by the gentleman from New York [Mr. LAFALCE] of the Small Business Committee. There have been hearings held on the topic. We know what it is doing that is wrong, but the leftwing Democrats do not want to repeal section 89. They have it locked up in the Ways and Means Committee where they want to replace the current terribly written section 89 with a brand new slightly less terrible, but still very, very complicated reform, which nobody fully understands and which will just continue the mess.

Yesterday the gentleman from Pennsylvania [Mr. GEKAS] fought to bring to the floor the repeal of section 89. The Democratic leadership of the House would not make it in order. We fought the previous question, which is technically the way to do that. We came within 14 votes. If seven votes had switched, we would in fact have won the fight to raise the issue and we would have repealed section 89 in the House yesterday.

What I think is wrong and what is basically unfair and not bipartisan about the way the place is being run is that an idea supported by most Americans, an idea with over 300 cosponsors to repeal section 89 and save the group health insurance of working Americans, that idea could not come to the floor, an idea which has never had hearings, which has never been examined by experts, which has been written up by a couple leftwing Democrats, that idea can get to the floor the same week without going through the subcommittee, without going to the full committee, and that can get a vote. That is not fair and it is not bipartisan.

Mr. FROST. Mr. Speaker, will the gentleman yield?

Mr. GINGRICH. I am happy to yield to the gentleman from Texas.

Mr. FROST. Mr. Speaker, I have not had the opportunity to have a dialog with my friend, the gentleman from Georgia, for quite awhile. I looked forward to this opportunity. The gentleman has been absent from the floor. I assume he has been very busy in his duties as whip, but the gentleman is now back in special orders so it gives us an opportunity to have a discussion.

It is interesting, the gentleman and I voted the same way yesterday on the amendment transferring the money from star wars to the fight on drugs.

Having said that, though, I feel that the amendment was appropriate for consideration of this House, even though I personally did not vote for the amendment, and let me tell the gentleman why.

The past two administrations, the Reagan administration and now the Bush administration, have consistently underfunded the war on drugs, the single most important problem facing this Nation. Neither the Reagan administration nor the Bush administration has sought the full amount of funding authorized by this Congress when we passed the antidrug legislation in 1988.

There is a great deal of frustration in this country that we do not devote the amount of resources, that Congress and the administration do not devote the amount of resources to this problem that it needs.

Now, my personal preference would have been to vote on this at another time in another context, but I am telling the gentleman that the frustration is there in the country. The Republicans' refusal to fund the war on drugs adequately is a problem that must be addressed.

The other party fought this in the appropriations process. We are not willing to devote the full amount of money to the war on drugs that Congress has authorized. The administration did not seek that funding, so that it is understandable there would be a vote on the floor of the House yesterday on that issue.

Now, as far as other matters on section 89, that is a very complicated technical matter, as the gentleman realizes.

Mr. GINGRICH. Let me take back my time. Let me stay on the war on drugs issue. The gentleman raised a point. We need to explore it at two levels.

First of all, let me talk briefly about underfunding the war on drugs. During the 1988 Presidential campaign, both Mr. Dukakis and Mr. Jackson made a great deal out of the fact that there had been a $100-million cut in the Coast Guard, that that $100-million cut in the Coast Guard in fact was weakening the war on drugs. It turned out, as the Secretary of Transportation proved convincingly, Jane Burnley, who sent a telegram to both Mr. Dukakis and to Mr. Jackson, and we discussed it here on the floor of the House, it turned out that the $100 million that was cut in the Coast Guard was cut by liberal Democrats on the House Appropriations Committee to finance domestic programs that their union allies wanted financed.

Mr. FROST. Mr. Speaker, if the gentleman will yield further, this gentleman realizes and knows that the request by the Bush administration at the beginning of this year was significantly less than the amount authorized, not even remotely close to the amount authorized by Congress last year.

Mr. GINGRICH. Let me ask the gentleman a question. I gave the gentleman a specific example. We had two Presidential candidates who were claiming that the Coast Guard had been cut by President Reagan and Vice President Bush, when in fact is it not true that cut occurred in the Appropriations Committee, controlled by House Democrats, and that cut was specifically done by the Democrats in order to transfer money to mass transit?

Mr. FROST. We are talking about $1½ billion, more than $1½ billion in underfunding for the war on drugs because this administration would not seek the full amount authorized by Congress last year, $1.7 billion that they did not seek from this Congress.

Mr. GINGRICH. Just a second. The question does not dispute, though, the fact that when the President did ask for money for the Coast Guard, it was the House Democrats, the liberal Democrats, who cut the $100 million; the gentleman does not dispute that as a fact?

Mr. FROST. I do not know the facts of that. I do not know the facts that the gentleman has presented. I am not going to dispute them because I do not have the facts in front of me.

I do know the fact that this administration has refused to seek the money that we authorized.

Mr. GINGRICH. Let me make the second point. Most politicians will tell

you they want to get to a balanced budget. They are worried about deficit spending. We said again and again that we were willing to accept the $820 million if the liberal Democrats would tell us what they were going to offset.

Mr. FROST. Then why did the gentleman vote for the Conte amendment?

Mr. GINGRICH. I just said, if the Democrats would tell us how we are going to pay for it. We are also willing to accept more money, but the Democratic leadership made a commitment to the President that they would accept a bipartisan budget agreement. The agreement would have a certain amount in a box called defense and a certain amount in a box called domestic spending.

What yesterday's bill offered to do was to break that agreement by taking money out of defense and putting the money into domestic spending. Now, it was a clear violation of the agreement made by the Democratic leadership with the President of the United States.

Mr. FROST. Even though everyone agrees that we need to spend more money on the war on drugs, no one disputes that, and yet you all are not willing to vote for it.

Mr. GINGRICH. No. I am saying there is $140 billion in a box called domestic spending, $140 billion. We can find the money to fight the war on drugs inside the box called domestic spending.

Mr. DORGAN of North Dakota. Mr. Speaker, will the gentleman yield to me?

Mr. GINGRICH. I am glad to yield to the gentleman from North Dakota.

Mr. DORGAN of North Dakota. Mr. Speaker, I cannot help but tell the gentleman I was watching him and the gentleman piqued my interest again. I felt I had to come over and ask the gentleman a couple questions.

Let me just say parenthetically that I did notice yesterday that the gentleman voted in essence to increase or countenance an increase of 25 percent in SDI, which seems to me like throwing money at something and against a proposal to take that money and use it to fight drugs.

□ 1120

I think that is something we can talk about, but most specifically I noticed that the gentleman started again today, as my friend usually does, by talking about the big-spending deficit liberal Democrats. That is not an exact quote, but it is close enough.

Mr. GINGRICH. We will stipulate to that fact.

Mr. DORGAN of North Dakota. Let me ask the gentleman a question. He was here the same year as I was here when Ronald Reagan was President, and he sent to us a budget. Does my friend from Georgia know, if we added those eight budgets up, does he know how much in deficits President Reagan requested? Does my friend from Georgia know how many deficits or how many deficit dollars were requested by this President in eight budgets that he sent to Congress?

Mr. GINGRICH. I am not sure of the number.

Mr. DORGAN of North Dakota. May I help the gentleman out?

Mr. GINGRICH. Sure; I will be glad to have you to.

Mr. DORGAN of North Dakota. President Reagan, one of the most conservative Presidents in this century, submitted eight budgets to Congress, and if we add up his eight budgets, the bottom line, lay them here on the table, add them up, the bottom line is he asked Congress for deficits of $1.1 trillion. Question: If a President asks for $1.1 trillion in deficits in 8 years, is that a liberal?

Mr. GINGRICH. I think in the context of having had the Democrats control the House for 35 years, it was probably the best he thought he could get.

Mr. DORGAN of North Dakota. So the answer is he is not a liberal?

Mr. GINGRICH. I think Reagan consistently compromised with the Democrats in the House because he was faced with the reality of what their committee chairmen and their committees do.

Mr. DORGAN of North Dakota. Well, the reason I asked the question is I believe you have developed a standard by which you say over time the Democrats want to spend money they do not have on programs we do not need.

Mr. GINGRICH. The gentleman just proved that yesterday. He just proved that yesterday.

Mr. DORGAN of North Dakota. No; no.

Mr. GINGRICH. They were willing to spend $821 million, and they would not tell anyone how they were willing to pay for it.

Mr. DORGAN of North Dakota. No; no. The $821 million was an increase, a proposed increase, in star wars proposed by the President.

Mr. GINGRICH. I am talking about the original supplemental.

Mr. DORGAN of North Dakota. Let me just finish my thought if the gentleman does not mind about the deficits, because I think it is fascinating, and I think it takes a certain amount of persistence for the gentleman to come to the well of the House and look our direction and talk about deficits with any credibility, especially coming from a party whose President proposed more deficits in his eight budgets than all the deficits racked up and proposed by all of the Presidents from George Washington to Jimmy Carter. And the gentleman thinks that the fellow who proposed that is a conservative and looks at us and says that we are liberals. I do not understand the standard any more. It seems to me that if we Democrats had had a President who proposed $1.1 trillion in deficits, the gentleman would be in the well trying to impeach him, but because President Reagan proposed $1.1 trillion in deficits, the gentleman suggests that everything is just fine.

Mr. GINGRICH. The gentleman realizes that the Democrats have held the House since 1954, and that every committee has a Democratic chairman, that every subcommittee has a Democratic chairman, and that the Democrats are committed to a big-spending, credit-card mentality, and I think it is amazing that Reagan got away with as little deficit as he did.

Mr. GEKAS. Mr. Speaker, will the gentleman yield?

Mr. GINGRICH. I am happy to yield to the gentleman from Pennsylvania.

Mr. GEKAS. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, that is exactly what I was going to say.

Before I get to the meat of my colloquy with the gentleman from Georgia, that is that that same President who unfortunately had to propose budgets that carried with them deficits was the one faced with the most enormously devastating economic downturn that we have seen in a long time from which he, with his leadership, was able to extricate the entire country and put us on a road of economic recovery albeit having to face these monstrous deficits. How they got to that point, where the economic downturn occurred, is another reason that the blame can be placed on the then leadership before Reagan even came onto the scene, but beyond that, I want to get to section 89 for just a moment.

Mr. DORGAN of North Dakota. If the gentleman will yield, section 89 is important.

Mr. GINGRICH. The gentleman came over specifically for this.

Mr. GEKAS. And I do not want to run out of time. I will even take a special order Wednesday, and the gentleman and I can debate this.

Mr. DORGAN of North Dakota. I would be glad to extend the gentleman's time if we can continue discussing deficits and President Reagan.

Mr. GINGRICH. Let us talk first about section 89. I think section 89 is an example of how the liberal Democratic leadership refuses to bring things to the floor.

The gentleman can go ahead.

Mr. GEKAS. The gentleman from Georgia from time to time has been criticized for bringing matters of hot debate to the floor during special orders, because it is said that nobody is here to listen, but the result that

the gentleman has gotten here today and sparking this minidebate shows the efficacy and the necessity of bringing matters to special orders even if no one attends, because the people at home are attending, and they are listening to these things. It is very important. I commend the gentleman from Georgia for continuing to do so.

On section 89 now, it was a mammoth effort that we propounded yesterday. The Committee on Rules, the majority playing favorites, allowed an amendment that never was before a committee, never before a subcommittee, never heard by or never even conceived of by any Member of the House except those authors who finally brought it to the floor, never had any kind of basis in fiscal balancing, never had any check with the Pentagon, never had any kind of authorization other than the whim of the individuals who brought it to the floor, and contrary to that, we go before the Committee on Rules on section 89, which is a poison to our economic recovery, which costs jobs, which costs our industrialists the ability to do business, which costs investment, which causes tremendous burdens to our businessmen, which had 304 sponsors on a bill which had been before the Committee on Ways and Means in different ways, and they chose, the majority of the Committee on Rules, to smack us down as if we were vermin in bringing up such a proposition to the Committee on Rules.

I want to make an additional point, and we are not going to quit here on section 89. I am going to, with the help of others, now file a discharge petition on the LaFalce bill and ask the 304 people to step forward who were cosponsors of the bill to repeal, so that we can use another mechanism by which this most needed proposition can come to the floor for debate. I will inform the gentleman from Georgia that the battle is not over.

Mr. GINGRICH. Let me just for one moment commend the gentleman from Pennsylvania for his leadership. I would remind people that we are talking about a situation where in one day the Democrats in the Committee on Rules approved a bill for the left-wing Democrats to bring to the floor which had never been heard by anyone, which had never been to a committee or subcommittee, and rejected a bill to repeal section 89 to save the health insurance and the group insurance of working Americans even though it had 304 cosponsors.

Mr. MOODY. Mr. Speaker, will the gentleman yield?

Mr. GINGRICH. I am happy to yield to the gentleman from Wisconsin.

Mr. MOODY. Mr. Speaker, I think the gentleman knows that the gentleman from North Dakota [Mr. DORGAN] and I are both on the committee that has section 89 repeal before it, the Committee on Ways and Means, and I personally favor repeal of section 89, because I think it is too complex current law, and I think we all know that it came out of Treasury which was produced by the Treasury, not by this House. We should have probably written it differently, but we let it go through the way it was.

Mr. Speaker, I think that the gentleman is incorrect, though, the gentleman in the well, when he states that we have had hearings on section 89. We have not. We have not had hearings. If the gentleman would have asked us to bring to the floor something that has not yet had hearings, in that sense, the two are equivalent.

Mr. GEKAS. Let me respond to that. I did not imply that there were hearings on section 89.

Mr. MOODY. The gentleman in the well did. He was on the monitor, and he said, before I came over here, that there were hearings.

Mr. GINGRICH. My understanding is that there have been no hearings in which people talked about the loss that it caused.

Mr. MOODY. There have been no hearings on section 89.

Mr. GEKAS. There have been in the Senate. There have been in the Senate of the United States.

Mr. MOODY. This is the House of Representatives.

Mr. GEKAS. I know that.

Mr. GINGRICH. There have been no hearings anywhere in the world on the left-wing bill, and there have been hearings in the Senate on section 89.

Mr. WALKER. Mr. Speaker, will the gentleman yield?

Mr. GINGRICH. I am happy to yield to the gentleman from Pennsylvania.

Mr. WALKER. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, that is the interesting point, that the gentleman from Wisconsin is telling us that he voted yesterday against the previous question even though he is a cosponsor of the bill, and he thinks we ought to do something about this, because there were no hearings held on section 89.

Mr. MOODY. I am not a cosponsor.

Mr. GINGRICH. He is not a cosponsor.

Mr. MOODY. I am not a cosponsor.

Mr. WALKER. He is not a cosponsor. I am sorry; I am sorry.

Mr. GINGRICH. So that is 304 plus 1.

Mr. WALKER. So it is 305 really if we look at the repeal question, so he favors the repeal, but yesterday he voted against it because there have been no hearings. I understand that.

Mr. MOODY. No, that is not why I voted against it. I voted against it because we will have action on section 89. The committee is committed to doing it, and we will do it.

Mr. WALKER. If the gentleman will yield further to me, that is very interesting, because he says action on section 89; our understanding on our side is that the action may well be to try to revise and reform section 89, not to repeal section 89. That is a totally different thing than what we wanted to do out here, which is repeal section 89. The point that I want to make is that yesterday we had a bill before us, brought to us by rule, that had never had any hearings, had not even been referred to a committee and did not have anything. It was just though up. It was a bumper sticker that was made into a law, that was made a bill, and brought to the House floor.

□ 1130

And yet we cannot consider some things because they have not had hearings. On the other hand we consider other things that are being written almost as they are taken to the Rules Committee. I would suggest that that is exactly the pattern that causes many of us a problem and what the gentleman from Georgia is discussing.

I thank the gentleman for yielding.

Mr. GINGRICH. I yield to the gentleman from North Dakota.

Mr. DORGAN of North Dakota. I am still trying to understand all this. I may be a little slower. But President Reagan came to town, offered us eight budgets, asked for $1.1 trillion in deficit, and then the gentleman who represents his party stands in the well and says the deficit comes from the Democrats; that is, this side of the aisle.

I do not understand that rationale. But let me just go to yesterday's vote because the gentleman from Georgia is talking about yesterday's vote, along with the gentleman from Philadelphia—Pennsylvania, rather.

Mr. WALKER. There is a big difference.

Mr. DORGAN of North Dakota. Well, it is a difference I do not understand either.

But let me observe this about yesterday's vote. Yesterday some of us on this floor decided to do something that we thought was good budgeting, good fiscal policy and good public policy for this country.

The President says no amount of money is too much for star wars. You know the attitude, "As long as it explodes, let's buy it, as long as it is defense, let's build it."

Mr. GINGRICH. Does the gentleman honestly believe that line?

Mr. DORGAN of North Dakota. I can point to a proposed 25-percent increase, a 25-percent increase in star wars.

Mr. GINGRICH. Let me reclaim my time. Does the gentleman honestly believe that George Bush buys anything

as long as it explodes? That is the gentleman's term.

Mr. DORGAN of North Dakota. Well, let me ask the gentleman this question: In the 1980's which weapons programs have we decided not to build? Can the gentleman give me a couple of examples?

Mr. GINGRICH. Does the gentleman honestly believe——

Mr. DORGAN of North Dakota. Can the gentleman give me a couple of examples?

Mr. GINGRICH. In fact, I will be interested to see how the gentleman votes this year. In fact, Secretary Cheney has just suggested ending the purchase of the F-14, he has suggested canceling the V-22.

Mr. DORGAN of North Dakota. That is because of us, I say to my friend, the budget restraints imposed by us.

Mr. GINGRICH. No. Because the President made an agreement which he thought the Democrats would keep to set ceilings on both defense and domestic.

But let me answer the question of the gentleman because they happened to find this piece of data for me that the gentleman may want to comment on.

Since President Reagan sent over his too-big deficit, by the gentleman's standards, it might interest the gentleman to know that the Congress appropriated $89 billion more than Reagan requested during the Reagan years even though it spent 5.3 percent less than he asked for defense, 2 percent less than he asked for Medicare, and 1.3 percent less than he asked for social security.

Mr. DORGAN of North Dakota. Would the gentleman give us the source of that information?

Mr. MOODY. That is not true.

Mr. GINGRICH. Which part is not true?

Mr. MOODY. We have consistently voted smaller deficits than the White House asked for.

Mr. WALKER. That is not true.

Mr. GINGRICH. This is taken directly from a Congressional Budget Office document.

I yield to the gentleman from Pennsylvania, and then I will come back on the other side.

Mr. GEKAS. Mr. Speaker, I remember very well when in the Reagan years I began talking with Alice Rivlin, who was then wrestling in her capacity as fiscal adviser, actuary with the Congressional Budget Office, I believe, as to which was better, a new tax cut to spur the economy or new taxes to try to balance the budget. And it was a toss-up. But this Congress and the American people chose to weather it out without a tax imposition, with tax cuts to spur the economy and the economic recovery that occurred, unfortunately with the advent of these deficits, was a policy decision that the American people made through the Congress to bring about economic recovery. And it worked. Unfortunately, we have now to deal and continue to deal with these deficits. But it was a proper decision made by that President and by the American people through the Congress.

Mr. GINGRICH. Let me report one thing first: Just for the record, on section 89 the Committee on Ways and Means held 2 days of hearings on section 89 on May 2 and 3, the Small Business Committee held hearings on section 89 on January 24 and 25. There have been 4 days of hearings in the House. The bill has 304 cosponsors plus one gentleman from Wisconsin who leans toward it, and yet we were not given permission to bring to the floor the repeal of section 89 which in fact had had 4 days of hearings and has 304 cosponsors. But we were allowed to bring to the floor a leftwing bill which had never had hearings and which I do not know how many cosponsors it had but it would be interesting to see.

Mr. DORGAN of North Dakota. If the gentleman would continue to yield to me just to let me finish my thought, I find it interesting that the gentleman called the proposal yesterday "leftwing." I want to try to understand again where the gentleman gets these kinds of terms.

Mr. GINGRICH. Looking at the sponsors, first of all.

Mr. DORGAN of North Dakota. Yesterday's proposal was very clear. The proposal was: Let us take the proposed increase, not the base money for star wars but the proposed increase for star wars, over $800 million, and use it instead for the drug wars.

Mr. MOODY. And that is leftwing?

Mr. DORGAN of North Dakota. All of us understand there are people held prisoners in their houses blocks from here because they are living in a "combat zone." We do not have enough money to fight the drug wars, to fight addiction, interdiction, fight the addiction that people have, to provide the massive education that is necessary, we do not have the money. So the proposal yesterday was kind of——

Mr. GINGRICH. What is it that I just heard the gentleman start talking about, the great new welfare program using drugs as the excuse? Is that what I am hearing the gentleman talk about?

Mr. DORGAN of North Dakota. Does the gentleman think that fighting drugs is a welfare program?

Mr. GINGRICH. No, no. I think the way the leftwing Democrats try to deal with drugs there is going to be a massive new bureaucracy and massive new welfare system, a massive new effort to try to talk and make sure we have enough counselors so that any drug dealer who feels bad has somebody to talk to.

I yield to the gentleman from Pennsylvania.

Mr. WALKER. I thank the gentleman for yielding.

Mr. Speaker, what I am reminded of is an editorial cartoon a while back that shows this guy standing along the side of the road with a flat tire and he is trying to solve the problem by throwing money at it.

So that reminds me how leftwing Democrats want to solve the drug problem.

Mr. MOODY. Mr. Speaker, will the gentleman yield on that point?

Mr. GINGRICH. Let me reclaim my time and then I will come back.

I yield to the gentleman from Pennsylvania.

Mr. WALKER. Let me say to the gentleman the reason why some of us regard the bill that was before us yesterday as a left wing is because it did not suggest we ought to take the money out of obsolete military bases and some things like that. It suggested we ought to take the money in a Luddite fashion out of the high-technology program of the Department of Defense, the same kind of Luddite attitude that caused us to cut the research and development money to the budget just a couple of weeks ago, manifested itself on the floor again with the same Luddites coming out here and telling us we ought not to invest in high technology and defense either and that what we ought to do is to rip the money out of that program, destroy the programs of the future in order to do, I guess, subsidies, continued subsidies of waste, fraud, and abuse in the Defense Department.

I thought that was a very, very interesting point to be made in their decision.

Mr. GINGRICH. I yield to the gentleman from Wisconsin.

Mr. MOODY. The gentleman from Wisconsin just used the words "waste, fraud, and abuse" to refer to the drug program.

Mr. WALKER. No, no, no, I did not. I referred to the defense program. The gentlemen did not take the money out of the waste, fraud, and abuse in the defense program, but they took it out of high technology in order to put it in the drug wars.

Mr. MOODY. I stand corrected. We would have taken it out of star wars.

In my opinion, and the gentleman talked earlier about throwing money—a cartoon about throwing money at a flat tire, in my community there is over a year wait for people who are addicted, addicts who want to get off drugs, who are trying desperately to get off drugs, a year wait. That is a very bad thing in this society. It is not waste to reduce that to 6 months or 1 month which we should do in this soci-

ety. People are ready to get off drugs, plan to get off drugs, and to have them wait 12 or 14 months as is now the case is not good public policy.

Mr. GINGRICH. Let me just say that this is going to be a major debate.

Mr. MOODY. We are not throwing money, we are not creating, as the gentleman in the well said, a whole new bureaucracy. We are doing things that we are already tuned up to do except that we are not adequately funded.

Mr. GINGRICH. Let me say something on that: This is going to be a major debate in the next 3 or 4 years. I have watched liberal Democrats throw money at the war on poverty and lose; I have watched liberal Democrats throw enormous amounts of money at big-city education and lose; I have watched liberal Democrats throw money at public housing and lose.

I think if we were to approach this from another liberal welfare state bias and build another huge bureaucratic Washington-focused machine, we would lose. I favor much tougher penalties, I favor an approach that emphasizes using, frankly, the police, using prosecutors, using prisons. The conservative approach is much different.

I will be glad to yield to the gentlewoman from Colorado.

Mrs. SCHROEDER. I want to say that I think this whole debate proves why this body desperately needs a break. And I would hope that the Members would go home and rest.

I think anybody trying to make any sense out of this would just see that we are acting like children.

I could stand here and say I have seen the conservative wing throw money at the military so that even the gentleman from Pennsylvania is talking about the waste, fraud, and abuse that is over there. So I do not think that anybody is gaining anything by this debate.

I am also troubled by it because as I listened to it, I hear the gentleman's side saying you do not like the idea that the supplemental had all sorts of things added to it but then he wants to defeat the rule and add something else to it. None of this really adds up. I think maybe people are just tired and it is time to turn off the bickering and try to figure out how we really do solve the drug wars.

□ 1140

How we get waste and fraud out of the defense bill, how we close down bases that are wasteful, but overseas the administration will not let Members look at overseas bases. That is a third of them. They refuse to even release the records of those bases.

I would hope the other side would help Members get them to disclose those because there are all sorts of things we should be working together on.

Mr. GINGRICH. Let me say to the gentlewoman who was not here when I began, but when I was elected whip I said, "I am in favor of honest, clear bipartisanship." A reason I took this special order was to say to your side if Members insist on bringing a rule to the floor that only makes in order, a bill written by the leftwing of the Democratic Party, and not willing to let something like the repeal of section 89. In other words, if there is not a sense of fairness, that in addition to the main business of the House, if we are going to allow your leftwing to get something, we ought to allow the Republicans to make something in order.

Mrs. SCHROEDER. If the gentleman will yield further, this week your party has been giving many 1 minutes, talking about the Senate. I would agree with them about the Senate, who has the propensity to add everything to everything when they see a train moving. So that is why I see a lot of inconsistency in your argument. If the gentleman is going to say, "Well, the Democrats are doing something else," we have to stop having tantrums.

Mr. GINGRICH. Let me reclaim my time and say to the gentlewoman, when your leadership decided to make in order the AuCoin-Miller amendment, it seemed to me only fair that we be allowed to make in order one thing on our side of the aisle.

If we are going to have true bipartisanship, I am not saying we have to participate, we are the minority, but we ought to get a clean vote and we picked a topic with which we had three or four cosponsors of repealed section 89, a topic we have been told today had 4 days of hearings. We said, basically, we will make a deal, want to run this place without tantrums, want to run this place in a bipartisan way, give the Republicans a vote on what they want to bring the Members.

Mrs. SCHROEDER. If the gentleman will yield, the gentleman knows that there is no Member that is going to stop that bill. The hearings have been held. No Member is trying to keep them from coming to the floor.

Mr. GINGRICH. Of course they are.

Mrs. SCHROEDER. What in the world is the big fight about?

Mr. GINGRICH. I say to the gentlewoman from Colorado that she knows if the bill was repealed yesterday the key members of the Committee on Ways and Means would have been apoplectic, for them to have a repeal brought to the floor in a clean way without any member in Committee on Ways and Means getting anything done, that would shock them.

Mrs. SCHROEDER. If the gentleman would yield again, if the Miller amendment had passed, the Defense Department would be apoplectic because the sacred cow has been SDI where we could not spend it fast enough. Even George Bush has been realistic enough to know he ought to trim it back, and there are some who think he could trim it back to last year's level and not hurt the program.

That is what the debate is about and it is hard to run the Committee on Armed Services on that issue.

Mr. GINGRICH. The only point I was making, and then I will yield to the gentleman from North Dakota, the only point I was making is if your leadership wants honest, fair bipartisanship, we would like to work out a system when making something in order for your leftwing, we get something in order for the Republican Party, for the conservative wing, and we would be willing to find things like repeal of section 89.

Mrs. SCHROEDER. If the gentleman will yield further, I would like to see both wings represented, is how we get to the center.

Mr. DORGAN of North Dakota. If the gentleman will yield, let me say that I do not agree with the gentlewoman from Colorado that this is not productive. This is politics, unfortunately, the good, bad, and ugly in politics.

But let me say to the gentleman from Georgia that I think this serves the search for good public policy is when you start everything by suggesting it comes from the left or the liberals or the welfare state folks. Let me say that the gentleman said a little while ago, that the reason the proposal on the floor yesterday, the star wars for drug wars was left, is because it was offered by some folks from the left of our party. That is what the gentleman said.

Now, if the gentleman is going to take a look at proposals on this floor and taking them based on who makes them instead of the merits of the proposals, I do not think we get anyplace. I happen to think that if this Congress can work its will and get the best of what both have to offer, rather than the worst of what each has to offer, which is often what we end up with, then we can offer and come up with public policy that makes sense. But it does not serve good policy to start every conversation with the notion that every problem confronting America started with Jimmy Carter and has been perpetuated by the left ever since.

Mr. GINGRICH. Let me say I think I withdraw my earlier comment which I mean half in jest. Only half.

Mr. DORGAN of North Dakota. If the gentleman will yield, does the gentleman from Georgia withdraw a quarter?

Mr. GINGRICH. I withdraw half.

I want to go back and say look, we have on our side of the aisle, 175 Mem-

bers. We are the minority. We have 175 minority Members. We are very willing to work in a bipartisan fashion if it is fair.

The major point I wanted to make today was that we had a rule brought up yesterday which was clearly unfair to the 100 million people in the Republican congressional districts, and which made in order something, I will not use what seems to be pejorative phrases, clearly favored by activist Democrats, but the leadership, the leadership of the Democratic Party, could not find it in its heart to make in order an amendment or a bill which has 304 cosponsors.

All I am saying to the other side is if Members want to talk about bipartisanship, I am ready to be bipartisan, but there has to be a fair procedure by which we are allowed to pick things, and frankly, we will pick things which represent the blood value of our party, asking for a balanced budget constitutional amendment. We will probably ask to make in order, as I said earlier, I think something on the catastrophic health insurance which we have citizens all over the country asking, and ask to repeal section 89, probably ask to make in order test provisions; we would like to have omnibus drug opportunity where Members can bring up various specified spending programs; and we will talk about death penalty, we will talk about mandatory sentencing; exclusionary rules; we will offer our part of that package.

Between the two sides, with a fair procedure, we might, in fact, get to some very interesting results. What I object to is being told we really ought to be bipartisan, but we will get run over by the steamroller and a procedural steamroller.

Mr. Speaker, I yield to the gentleman from Wisconsin.

Mr. MOODY. Mr. Speaker, I did not come over here to fight about section 89. I came over here because I was clearly deeply offended by the gentleman's use of the term "leftwing Democrat."

Mr. GINGRICH. Why?

Mr. MOODY. Because people who supported that appropriation ranged across the spectrum of the Democratic Party. The gentleman from Texas [Mr. STENHOLM] took to the floor to speak for it, the gentleman from Florida [Mr. BENNETT] took to the floor to speak of it. The gentleman cannot lump people like that and expect comity and expect cooperation.

Mr. GINGRICH. People on your side talk about rightwing Republicans and conservative Republicans, and in this country, historically, both terms are used far more often.

Mr. MOODY. If the gentleman will yield further, if I can finish my statement. I never stand on the floor and call proposals that have come from the reactionary Republicans, which is sort of the comparable term on the other side. I hope none of the three Members here use that term. Yet the gentleman uses the leftwing Democrats practically every other word, like "Damn Yankee," almost a total word for the gentleman now. That does not exactly promote cooperation on this House.

I think most Members like to work with the gentleman from Georgia on real substance. I certainly would.

Mr. GINGRICH. I am willing to be far more bipartisan in my language if the other side of the aisle is willing to be bipartisan in their procedure.

Mr. DORGAN of North Dakota. When?

Mr. GINGRICH. Next week.

Mr. MOODY. The gentleman makes a cardinal error, judging a proposal on who submits it. Do not engage in the homonyms.

Let me say finally on section 89, make the record clear, and I am now addressing the gentleman from Pennsylvania, we never had a hearing on the repeal of 89. We had a hearing on the Rostenkowski bill to totally rewrite 89, but it was not on the docket. Maybe it should have been. But let Members get the record straight.

Mr. GINGRICH. If the gentleman will yield, and the gentleman from Illinois [Mr. ROSTENKOWSKI] does not want to repeal, and Members have had hearings on why section 89 is not working.

Mr. MOODY. The gentleman from New York [Mr. LAFALCE] has not been heard. Maybe he should be.

I came here because I was offended by the nomenclature.

Mr. GINGRICH. If the gentleman will yield further, first on left wing. First, intellectually, a proposals which significantly cuts defense and transfer the money.

Mr. DORGAN of North Dakota. That proposal did not cut defense. Would the gentleman admit, if implemented, it would have frozen star wars at last year's level?

Mr. GINGRICH. If the gentleman will yield further, only one of two consequences. Either we did not pass any money above the limit, in which case there was no money transferred to drugs, where we passed money above the limit, in which case money was taken out of the defense account and transferred to a domestic account.

□ 1150

Now, it can only have had one of those two effects. So you are either arguing that it was a very clever and sly technique for capping star wars that would have had no effect on the drug fight or you are arguing that you really thought they would go ahead and appropriate more for defense, in which case we would take it out of the defense account. Those are the only two ways you can argue that. There is no other way to argue it.

Mr. DORGAN of North Dakota. Mr. Speaker, if the gentleman will yield just momentarily, the gentleman would agree with me, would he not, that the proposal was to cap star wars at this year's spending level?

Mr. GINGRICH. Sure.

Mr. DORGAN of North Dakota. Which would have effectively frozen it?

Mr. GINGRICH. Right.

Mr. DORGAN of North Dakota. The proposal in the budget was to increase it by over $800 million. Instead of increasing it by over $800 million, our amendment would have frozen it?

Mr. GINGRICH. Right.

Mr. DORGAN of North Dakota. The gentleman says it is a cut. I am saying that a freeze is not a cut.

Mr. GINGRICH. All I am saying is, I would ask, how are you going to get more money for drugs out of that amendment as the gentleman just described?

Mr. DORGAN of North Dakota. But it was not a cut. The gentleman says it was a cut.

Mr. GINGRICH. I just want to know this: You said it would have cut next year's defense spending to get the money transferred to the drugs.

Mr. DORGAN of North Dakota. No. We would not have allowed an increase in the proposed star wars funding.

Mr. GINGRICH. So could Cheney have taken that increase and spent it, say, on the B22?

Mr. DORGAN of North Dakota. No.

Mr. GINGRICH. Where would it have gone?

Mr. DORGAN of North Dakota. The gentleman does not apparently understand what I am saying. We are responding to the notion that the gentleman argues that we came in yesterday proposing to cut, and I am saying——

Mr. GINGRICH. Mr. Speaker, let me erase this and back up. Let me ask, how are you going to get more into the war on drugs?

Mr. DORGAN of North Dakota. We would have the $800-some million that was proposed as an increase for star wars and instead move it into an account to provide for the war on drugs.

Mr. GINGRICH. As you envision this bill, which never had a hearing, when you did that, was it your vision that that would have been counted against the domestic allocation in the budget, so Cheney would have had an additional $800 million to spend on something else in defense?

Mr. DORGAN of North Dakota. No.

Mr. GINGRICH. So it would have in effect transferred the $800 million from the defense account to the domestic account?

Mr. DORGAN of North Dakota. What that would have in fact done is prevented an increase of $800 million in star wars and freeze star wars where it was.

Mr. GINGRICH. And would the money, in the gentleman's judgment, have ended up in drugs or just not have been spent on star wars?

Mr. DORGAN of North Dakota. It would have ended up in drugs.

Mr. GINGRICH. That is what I just said.

Mr. DORGAN of North Dakota. You are dancing on the head of a pin. The gentleman understands what I am saying. I do not want him to say that what we tried to do yesterday was to cut defense, because what I am suggesting is that we not increase star wars.

Mr. GINGRICH. Let me use a different term, and the gentleman can tell me if this is not technically right. Under the bipartisan budget agreement, for the total number of dollars to be spent on defense next year, the bill yesterday would have transferred $800 million, assuming that had passed, out of that account into the account on drugs?

Mr. DORGAN of North Dakota. Right.

Mr. GINGRICH. So that is right?

Mr. DORGAN of North Dakota. Except that I am the wrong Member to ask. I did not support the bipartisan agreement. I would not have voted for it. I thought it was wrong.

Mr. GINGRICH. I understand. All I said earlier was that Members on the gentleman's side stood at the White House and supported that agreement and voted for that bill.

Mr. DORGAN of North Dakota. They stood with you. I saw you there. It is something I would not have voted for.

Mr. GINGRICH. That is right. They voted for it, and now that is the agreement.

This is the second point I want to make: I want to repeat what I said earlier. I am very willing to talk about a linguistic disarmament pact if you will cooperate. I am very willing to back down on my language, but I am not willing to say that we cannot be clear or we cannot be tough on our side while your side runs over to the bulldozer. If the gentleman's side wants to offer a procedure where we get one-third of the rules opportunities or we get some kind of a reasonable chance to have a procedural input, I would be willing to back off on partisanship, but there is no advantage to Republicans to be muscled every day and then to be put into a position where we also should not be allowed to talk about it.

Mr. STEARNS. Mr. Speaker, will the gentleman yield?

Mr. GINGRICH. I am happy to yield to the gentleman from Florida, who has been very patient.

Mr. STEARNS. Mr. Speaker, I thank the distinguished gentleman from Georgia for yielding.

I was in my office, and I heard this debate and thought I would just come down and listen to it. As a freshman, I just wanted to ask a question that became apparent to me. When I became a Member, I became a member of the Veterans' Affairs Committee and the Banking Committee. The Banking Committee, of course, is involved in the major legislation with the S&L package. When I went to the Veterans' Affairs Committee, I noticed there was no proxy voting; that is, everyone had to be there for both parties for the votes to show up.

Then when I went to the Banking Committee, I noticed that was not true. I am a little concerned why, since you control the House, we have a different procedure for the Veterans' Affairs Committee than we do for the Banking Committee. We went to great lengths in fact, to draft an amendment that we present to the chairman of the Banking Committee that went forward on party lines, that we would continue to allow proxy voting, so that if your Members did not show up, you could still count all votes there, even those given by the chairman.

So when I heard this discussion about the powers in the House that you have, that is the question I have for you, why the Veterans' Affairs Committee is different from the Banking Committee.

Mr. DORGAN of North Dakota. Mr. Speaker, if the gentleman will yield, I cannot answer that. Those are rules established by the committees, as the gentleman knows. If you have difficulties with the committee, I assume since you are working with the committee, you can deal with them.

Mr. Speaker, let me go on to observe one thing more, if I might. The gentleman from Pennsylvania [Mr. GEKAS] is on the floor. I remember when we dealt with the drug bill maybe 2 years ago that we went through all the amendments, I mean on everything, the death penalty, the exclusionary rule, you name it. We have been through all the issues we talked about, I say to the gentleman from Georgia [Mr. GINGRICH], and I think we have a very full discussion. I do not remember whether it was last year or the year before when we had the drug bill, but we had a wide open rule and a lot of good amendments by both sides of the aisle. We fully discussed virtually everything we could discuss in that area, and I do not think it is a proper suggestion to believe that you can be locked out of the process.

Mr. GEKAS. Mr. Speaker, if the gentleman will yield to me, I would say that the gentleman from North Dakota is correct. We debated everyone of those issues after sweating blood to get it to the floor. We debated these matters, but the majority in the relevant committees smacked us down. Then we looked for parliamentary devices by which we could get the matters heard on the floor. If it were not for JIM WRIGHT and Tip O'Neill and others making an arrangement with our minority leader, BOB MICHEL, who insisted that the death penalty be a part of the overall drug package, we would never have gotten it to the floor. It was an accommodation not borne out of the rightness of the issue but rather of the political accommodation that had to be made for a major comprehensive drug bill. We have never gotten a real full hearing on the death penalty, the exclusionary rule, and habeas corpus, and all of those, let alone a full vote.

Mr. GINGRICH. Mr. Speaker, let me give two simple examples where we could easily have bipartisanship. If the Democratic side were to say that in the next few weeks they would allow a Democrat—we do not need the credit—to bring the repeal of section 89 to the floor for a clean up-or-down vote, when we got back to fighting over the old-fashioned, obsolete minimum wage idea, and they were also willing to put Mr. PETRI's living wage, the earned income tax credit in order so we could have a clean choice, I think the Republicans could find opportunities to match up our ideas with Democratic ideas and get to a posture that was far more bipartisan, and the House would be much less acrimonious and there would be much less partisanship.

Mr. DORGAN of North Dakota. Mr. Speaker, let me also say, if I might, that the House will be less partisan when all of us stop behaving that way. The only reason I came over here today is that almost every day, when the gentleman takes the floor, the first thing out of his mouth is that all of America's problems are caused by the left, the Socialist, welfare-state Democrats. I just want to tell the gentleman that I reject that kind of language.

Mr. GINGRICH. Mr. Speaker, let me just say to the gentleman that if he would get us a couple of fair rules and give us some fair procedures, then our language may tone down some, but as long as the Democrats operate like a machine, our language is likely to remain fairly strong.

The SPEAKER pro tempore (Mr. KANJORSKI). The time of the gentleman from Georgia [Mr. GINGRICH] has expired.

A PLEA FOR BIPARTISANSHIP IN DEBATE

(Mr. MOODY asked and was given permission to address the House for 1 minute.)

Mr. MOODY. Mr. speaker, let me say that all of us, I think, of good will

want to see us work together. The public is ill-served by this kind of fighting. The Members know I have not engaged in it. I am not that kind of a Representative.

The only reason I came over here today is because the distinguished gentleman from Georgia was using language to demean one of the two great parties in this country. I would certainly object if my colleagues on this side used the words, "reactionary Republicans" this and "reactionary Republicans" that. It would be demeaning to the great party of the GOP, and I would not appreciate it and I would object to the Member on my side. I would hope that the gentleman would do the same thing.

When the gentleman feels that his procedural rights are not considered, he can take the floor and say so, and some of us will probably support him, because, as the gentleman knows, neither I nor the gentleman from North Dakota [Mr. DORGAN] is the leadership. The gentleman would get some support in many cases, but I would suggest that he argue it on the merits, please, and not on labels. I do not think that serves the public or serves the dialog or serves the level of debate in this Chamber by labeling either party with pejorative terms that can be easily associated but that are not helpful.

Mr. Speaker, that is the point I wanted to make to the gentleman from Georgia.

Mr. DORGAN of North Dakota. Mr. Speaker, will the gentleman yield?

Mr. MOODY. I yield to the gentleman from North Dakota.

Mr. DORGAN of North Dakota. Mr. Speaker, my point was essentially the same, that to make this place work we have got to work together and we have to do it in a bipartisan way.

□ 1200

COMMITTEE ON ARMED SERVICES' PANEL ON MILITARY EDUCATION

The SPEAKER pro tempore (Mr. KANJORSKI). Under a previous order of the House, the gentleman from Missouri [Mr. SKELTON] is recognized for 30 minutes.

Mr. SKELTON. Mr. Speaker, this is a continuation of a series. Actually it is the second of a series of discussions that I hope to have on the floor of the House dealing with the report of the Committee on Armed Services' panel on military education, a panel that I shared over this last year. I would like to continue my discussion of the panel's views, what we learned and our recommendations.

I became interested in military education as a result of what I deemed to be a lack of strategic thinking within our country, particularly on the military strategic thinking level, and, after a series of some 5 speeches in 1987, I was appointed the chairman of a panel on military education studying the 5 senior war colleges and the 5 intermediate staff colleges of our military by the chairman of the Committee on Armed Services, the gentleman from Wisconsin [Mr. ASPIN], and we did an extensive review, 28 hearings, 48 witnesses, interviewing over 100 people, and this is a continuation of that.

Mr. Speaker, we looked at three principal areas: strategy, jointness and quality of military education, and first I would like to mention the professional military education that in our view was vital to our national security, and the fundamental view was reconfirmed during all of our visits to the various intermediate and senior war colleges.

George Washington, our first Commander in Chief, said that to be prepared for war is one of the most effectual means of preserving peace, and that means more than weaponry. It means to be prepared intellectually.

Second, the panel believes that professional military education is becoming increasingly important. The former Army Chief of Staff observed that technological changes alone, not to mention political, or social or economical turmoil, requires that our officer corps that leads our national military receive more education.

A case can be made that in the future resources constraints; that is, budgetary constraints, that, as they become tighter, better military education can help offset those constraints, and, after World War II the Secretary of War, Robert Patterson, observed that in the 1920's and 1930's, and this was borne out by other testimony and other witnesses, that during those years the Army was too poor to hold maneuvers, so schools cost very little, so the Army denied the training opportunities afforded by maneuvers, went the limit in sending soldiers to school. Frankly, it never made any better investment. We were far more intellectually prepared as a result of our military education for World War II than we were in manpower and in systems, weapons systems.

Third, the panel view is based on occasional arguments that requirements to serve operational tours preclude the best officers from attending military education schools, that, if the best officers are to be sent to schools, they say that readiness will suffer. Well, I disagree with this, and the panel disagrees with this. The panel believes that the best officers can and should have both operational duty and education. While today's readiness may suffer slightly when a fine commander goes to school, war college or an intermediate school, when he returns from school his increased knowledge should mean higher future payoffs.

A view on this was stated by a noted British soldier many years ago stating the need for both field experience and education when he said, Sir William Francis Butler, said that the nation that will insist on drawing a broad line of demarcation between the fighting man and the thinking man is liable to find its fighting done by fools and its thinking done by cowards. A modern perspective expressed by the chairman of the Joint Chiefs of Staff, Adm. William J. Crowe, who wrote in the spring of 1987 in the periodical Parameters, said that our instincts work all too often in favor of improving capabilities for action while capacities for reflection languish and atrophy. He further said:

> I can testify that the military half of the great American civil-military partnership is especially vulnerable to capture by these dynamics. In today's world it would be a tragedy to neglect the intellectual dimensions of leadership, and we must continue to fight to keep the war colleges not only healthy, but constantly improving and intellectually expanding.

Mr. Speaker, I thoroughly agree with what Chairman Crowe said.

Fourth, our view is that a basic judgment is that the Department of Defense military educational system is sound, that it is good. I personally would give a good strong B to the system we have, not an A, not a C, not a D. The fact it is sound was brought home to the panel very clearly during its visit to three European countries and the military schools there, Great Britain, East Germany, West Germany, and France. The American military schools are fully comparable with those prestigious foreign schools, and America and the Members here should know that.

Our panel was impressed with the presidents and commandants of our military colleges. Some are exceptionally able, and their efforts to improve their schools are quite apparent. Many faculty members were outstanding and obviously dedicated to teaching. The student bodies were universally first rate. Even within this high overall quality certain aspects stood out as examples worth emulating, and I think there are two standouts. One was the outstanding civilian faculty and strategy curriculum at the Navy War College at Newport, RI. They get a good strong A in my opinion, and another was the Army's School for Advanced Military Studies which the Army calls the SAMS at Fort Leavenworth, KS, with its knowledgeable and enthusiastic seminars which we witnessed and have the highest praise for. They focus sharply on operational art; that is, the theater level of war fighting.

Another basic view, a fifth basic view of our panel, is that, despite the soundness of our system, improvements can and improvements should be made in what we have.

Mr. Speaker, individuals are either getting better, or they are getting

worse. There is nothing constant in an individual life. Same is true with the military. Same is true with the Nation. So, it is our task and our duty to urge that our military educational system, particularly on the senior level and intermediate level continue to improve and get better, and in so doing we will have a far better national defense than if it remains in a situation where it deteriorates.

I would like to next talk about the conceptual framework for professional military schools. That is a fancy phrase, but conceptual framework is important, and it is a framework that identifies the levels and is a schooling level of professional education such as primary, intermediate, senior level and a fourth level of flag officer. Also this conceptual framework clearly distinguishes the primary focus of each level in terms of its primary teaching objective. The military calls it a mission, and third, the framework links the educational level together into an overall structure. This really needs to be done, relating the principal teaching objectives, so that each level of school prepares the officers for the next and higher level as they progress through the military educational system, and fourth, a framework identifies the unique contributions of each school within its level. The resulting framework could clearly distinguish and relate the primary focus of each of the 10 intermediate and senior war colleges.

There is a need, there is a need, Mr. Speaker, for professional military education framework with distinct teaching objectives. The panel believes that for a number of reasons distinct primary teaching objectives are needed to clarify the purposes and to have clearer, and sharper, and more distinct primary missions, to insure the coherence so that each succeeding level of school builds on the earlier level and avoids unnecessary overlap.

□ 1210

We saw some of that. We should avoid that. The panel recognizes there is a need for overlap in the professional military educational system, but it should be done consciously and chosen by the leaders of the war college and the intermediate colleges when necessary, but unnecessary overlap should not be there.

On distinct teaching objectives, the objective avoids gaps in meeting education. For example, in the past, failure to teach theater level warfare, which the military calls operational art, may have been partly related to the absence of a clear focus of each level of school.

Last, the schools need a cross-section officer education. This is even more important now than in the past. Today over half the officers in senior schools attend either a joint or other service school.

There are some shortcomings in our current professional military education framework. In short, the panel found that the joint professional military education policy document is not useful as a framework for coordinating the educational system because it contains indistinct teaching objectives.

We have several recommendations. The first set of recommendations is concerning chapter 2. I would like to reiterate them at this time to the Members.

The first is that the Department of Defense should develop and implement a clear and coherent conceptual framework for the professional educational school system. The framework should have distinct primary teaching objectives. It should clearly distinguish and relate the role of each of the 10 military schools, that is, the 5 senior war colleges and 5 intermediate schools, plus the general flag officer courses. Each level of schooling and each school should have a primary focus that provides students with a foundation for future growth through experience and operational and staff assignments and through additional education at high-level professional military education schools.

The second recommendation is that the Chairman of the Joint Chiefs of Staff should revise the "Joint Professional Military Education Policy Document" to establish and codify the professional military education framework with more specific objectives for the entire professional military education system.

The joint duty assignment list also, which is far larger than was originally expected, can and should be both improved and reduced significantly.

Mr. Speaker, I would like to turn to another subject, that of educating strategists. The major reason I got involved in this whole issue was the lack of strategic thinking within our Nation and the lack of strategic thinking within our military and how do we educate ourselves into better strategic thinking.

A major part of our panel's effort was directed at assessing how well the current professional military education system encourages strategic thinking, encourages the development of strategists. The panel's focus on strategy was prompted by a perception of shortcomings in the formulation and articulation of American strategy and a concern whether the professional military education system is nurturing officers, and a concern about whether the military education system as it did in the past can contribute to both the development and execution of American military and national security strategy.

Although the panel does not necessarily agree with those who criticize American strategy, it does believe that U.S. strategy is too important to leave to chance. Recognizing that the formulation of a national strategy is essentially a political process, the panel believes that well-educated military officers who can think strategically have an important contribution to make to the development of strategy in our Nation.

Also the panel believes that there is an overwhelming need for the military educational system to improve its contribution to the strategic thinking of our Nation.

In the past, geography and technology enabled the United States to wait until wartime to draw upon the strategic vision of its military leaders. We did it in World War I and we did it again in World War II. That era is gone. The era of violent peace that emerged after World War II has created a need for military officers who can contribute their strategic vision during peacetime. The panel, by its emphasis on strategy, intends to underscore the fact that the development of officers who can think strategically is as vitally important to American security as effective weapons systems and adequate supplies of munitions. In many respects, it is more important.

In making its assessment, our panel first focused on the definition of the term "strategy" and the attributes of a "strategist." This effort helped the panel to understand better the contribution of education, and particularly professional military education, to the development of strategic thinkers.

Critics of U.S. strategic thinking often point to specific instances involving the use of military force or to issues concerning the linkage between military force and national goals. Examples that are cited by such critics include the American experience in Vietnam, the concern that American military capabilities are inappropriately skewed toward unlikely contingencies and as a result are inadequate for more probable low-intensity conflict; also the belief that inadequate attention is paid to the arms control implications of defense policy, and also the lack of attention paid to the affordability of weapons systems or force structure.

Further, the tendency for the annual defense debate to focus on the number of weapons systems, the number of fighters, tanks, frigates, and bullets, with too little consideration of how individual weapons systems contribute either to our military capability or to our overall national security objectives; in other words, how they fit into the strategic scheme of things in the defense of our Nation.

Some experts have even questioned whether the United States has a clearly articulated national security strate-

gy. For example, House Armed Services Committee Chairman LES ASPIN is among those who see the need to shift the emphasis of the debate over defense policy from the weapons we buy to the strategy we employ to secure our national objectives.

Historically, according to some scholars, the formation and execution of U.S. military policy has been hindered by a difficulty in clearly linking military policy with a strategic perspective. This group sees the American tradition of pragmatism, in the words of de Tocqueville, who said the tendency to "take a straight and short road to practical results" as impeding strategic thinking.

In our panel's view, a related problem has impeded a more noteworthy contribution to strategic thinking by U.S. military officers. Service interests, unleavened by a larger perspective, have tended to dominate the development of U.S. military policy. A major objective of the Goldwater-Nichols Act, as discussed in chapter 1 of our report, is to encourage a larger perspective on the part of the military officer corps. The question is does professional military education still nurture strategic thinking.

Another question, does our military spend so much time studying tactics and weapons systems that there is no time for strategic thinking, that is, broad thinking as to where we fit in our national security interests in relation to the whole world.

A fundamental concern that contributes to the panel's focus on strategy is the perception that Hiroshima and Nagasaki marked not only the dawn of the nuclear era, but also the beginning of a decline in the contribution of military officers to the development of United States strategy.

□ 1220

With few exceptions, military officers have been absent from the ranks of prominent post-World War II strategic thinkers, and what a shame that is.

The most notable exception is fellow Missourian Gen. Maxwell Taylor, who did make a great contribution in his flexible response thinking and work in the area of strategy.

In this respect, the last 40 years differ from the more distant past. The United States has been blessed during its history with military leaders who were also outstanding strategic thinkers. The father of modern naval strategy, Adm. Alfred Mayer, the architect of victory of World War II, Gen. George C. Marshall, and the man responsible, as I mentioned a moment ago, for flexible response, Gen. Maxwell D. Taylor, each of these officers made a profound and lasting contribution to national security by stimulating debate over U.S. strategy or by sound and imaginative thinking and strategic advice to our American political leaders.

Mr. Speaker, as they matured professionally, these officers were given the opportunity and encouraged to think strategically, and that they did. In the 1930's, it appears to have been a very relatively high mark for education and development of military thought in our country. Many retired officers interviewed by our panel, some by me personally, pointed out that prior to World War II, attendance at an intermediate or senior military school was considered a necessary tour of duty and even, Mr. Speaker, it was considered a reward for doing a good job. Many renowned World War II military leaders, such as Eisenhower, Nimitz, Arnold, and Missourian Omar Bradley attended a senior professional military school or taught there.

Admiral Halsey, the famous Bull Halsey of World War II, who commanded the Central Pacific amphibious campaign against the Japanese, attended in between the wars in the 1930's both the Army War College and the Navy War College.

Subsequent assignment as a faculty member to these military schools was highly prized, and it was duty that was reserved for only the very best officers. That is not so today in many cases, some yes, but mostly no.

For example, Gen. George Marshall, the architect of World War II victory, taught at the Army War College. He was the assistant commandant of the Army Infantry School, and Admiral King was the head of the postgraduate department of the Naval Academy, and our panel appreciates that the basic formulation of a national strategy, of which military strategy is only one component, is essential to the political process.

Our panel firmly believes that civilian leadership needs and should be able to draw upon military advice that is soundly grounded in an appreciation of overall U.S. national security goals.

Mr. Speaker, in my discussion today, I will continue to go over the thoughts and the findings and the recommendations of our panel in the days ahead and hope that the Members and, of course, the people who read the CONGRESSIONAL RECORD can understand better what our military education panel did and our contribution toward a stronger and more secure national strategy.

REPORT ON THE COMMITTEE ON BANKING, FINANCE AND URBAN AFFAIRS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas [Mr. GONZALEZ] is recognized for 60 minutes.

Mr. GONZALEZ. Mr. Speaker, I rise in continuation of my commitment to my colleagues in the House to report on the present status of the affairs and the conduct of affairs of the U.S. House of Representatives Committee on Banking, Finance and Urban Affairs. I began this at the very outset of the convening of the Congress in January and have since intermittently made some interim reports, but we have reached the point now where I think my colleagues are deserving of an up-to-date, where-we-stand-now status report plus some reports with respect to the critical surrounding issues that, if they were only to be understood in their proper dimensions, would reach the level or the status of importance of what is considered the critical issue of the reestablishment or the preservation of the savings and loan industry but which, in effect, is really not that.

The basic issue before us and nexus of issues are the most critical facing this committee over 50 years. It is a result of the Congress generally, these committees in the House and the Senate, specifically, not facing the tremendous changes that our country and our world have registered since the 1950's; the consequent indifference to the domestic burgeoning issues rising from the midst of a very young, still, and dynamic society in our country, but now impacted by external forces, external to our shores, over which we no longer have any control, but which, again, have little of no discussion whatsoever in these halls of these deliberative bodies, the House and the Senate of the most deliberative and serious and democratic bodies in the whole world, and that I think I have deplored time after time since I came to the Congress and since the 1960's.

As a matter of fact, much of what I am going to say today is somewhat saddening to me, because it is reporting what I had feared, had anticipated, had forewarned and had even had recommendations to try to forestall years ago, as far back as 1966, and the then so-called credit crunch, the first so-called credit crunch of June 1966. As a matter of fact, the legislation that has been absorbing totally the attention of the Committee on Banking, Finance and Urban Affairs, it is, as a full Banking Committee membership, is known as the H.R. 1278. Yes, in a way, it does preserve or provide for the continuation of an activity that we have associated and called the savings and loan industry, but the single issue, and the only real issue and the one that I tried to no successful avail a year ago exactly this month of May, to bring some action to call the attention of my colleagues on the committee, the colleagues in the House, and the colleagues in the Congress generally and to the constituents and those outside of the Halls of Congress, and that is whether what we call the depository

insurance fund system is to be saved or not.

□ 1230

I warned exactly a year ago this month, in fact exactly a week ago it was an exact year, that the insurance fund was broke, the insurance fund for the savings and loan industry was broke, that fund which is known as FSLIC; that in my State of Texas where so much has been said and not said and in fact so much misreported or misinterpreted that we first saw the beginning of what has turned out to be this national debacle. It would be a mistake for anybody to think that this problem now is anything but national or that it ever had anything less than the potential for being national rather than segregated and reduced to a single geographic or sectional portion of our country.

The other thing is that the reason that the manifestations of the real crisis were first apparent in those areas was that in Texas and in other areas of the Southwest, mostly the ones producing oil and gas, and particularly Texas, this area has been undergoing not a recession but a depression. And let there be no mistake about it, it has been a disservice to our country for the Texas leadership or the absence of leadership in Texas not to have recognized the fact confronting them and risen in true historic Texas fashion to overcome these gigantic problems.

I might say by way of parenthesis that I was a member of the Texas State Senate 30 years ago and first came aboard there 32 years ago, and that one of the first speeches I made was to warn my colleagues in the Senate and the leaders of the State and industry that Texas was in a delusion if it thought that the prosperity that seemed to be considered as eternal and bound to be Texas' birthright was based on the same economic presumption as those countries that with great disdain we have looked down upon and called single-crop countries or banana republics.

I pointed out that Texas was very boastful, that it was saying, "We pay cash on the barrelhead for our Government as we go along, we don't have deficit spending," but that the laws and the tax laws were being written in the lobbies of the lawyers for the oil and gas companies. Well, of course, I was not liked for that, but I pointed out that that did not bother me as much as the absence or the desire of the leaders of Texas in the private and public sectors to start programs of intense diversification so that Texas would not someday face a reckoning in some untoward and at that point unforeseen moment when that single predicate of economic well-being, oil and gas production, would no longer be viable.

I am sorry to say that it was considered so outlandish that I was immediately labeled a Socialist, radical, Communist, perhaps, and of course the essence of what I was trying to say was lost sight of.

Today, pathetically the thing that Texas needs the most is vision and leadership and above all faith in itself. I want to point out to my colleagues as I said to the colleagues on my Committee on Banking, Finance and Urban Affairs—and let me point out here for the record that presiding during this session as Speaker pro tempore is one of the most hard-working and distinguished members of this Committee on Banking, Finance and Urban Affairs from the great State of Pennsylvania, the Honorable PAUL KANJORSKI. He has been a most valued member of this committee and has contributed mightily and he knows that I have pointed out that in Texas more commercial banks in point of number have failed than S&L's.

This seems to surprise people. But I think it is demonstrative of the fact that there is a situation there that is pervasive.

Also the other thing that I think has not been reckoned with is what I consider to be the cause and effect tie-in of the tax law changes.

In 1981, the famous or infamous Reagan tax bill which gave away $755 billion over a 5-year period of revenues to the Treasury in the guise of benefits to the richest and most powerful corporations and individuals in our country. And as I said then and have said ever since, should we be amazed that we have a monstrous domestic deficit? Either that or we would have to shift that burden of taxation on other shoulders and raise taxes.

So that it was that tax bill more than anything else that gave the incentive for this frenetic investment in real estate development, commercial and industrial buildings, apartment buildings, office buildings that today gluts the State of Texas where there are more vacancies in that building space than there are occupied residential units. It is unbelievable, but the tax bill of 1981 gave the largesses that made it possible to go into this frenetic and uncontrolled activity.

Then in 1986, the rug was taken away and that Tax Reform Act of 1986 took that and it was in 1986 there in my area alone we had in 1 year's time in 1986 a precipitous drop of over 42 percent in real estate values.

Should we not then have seen what had been foreseen and forewarned? After all, I rose on this same floor and protested the two so-called regulatory actions, the Depository Institutions Deregulatory Act of 1980 and the 1982 so-called Garn-St Germain bill. So that is the background. But where are we now?

Well, all last year I do not think there was any Member agonizing more than I. I could see for myself that it would not be long before the whole system of insurance and deposit fund insurance was in jeopardy. The insurance fund was broke. In order to do that for which the insurance fund was set up but could not because it did not have the resources, the Home Loan Bank Board then entered into probably one of the most unprecedented historical actions to circumvent and find some way of getting around the impossibility of doing that for which they were set up to do. And also, in addition, I want the record to show that since 1966 and that credit crunch, I was advocating the separation and independizing of the insurance fund functions from the chartering functions. So I am happy to say that in the administration's bill—and I have since after the election given credit to the President and the Secretary of the Treasury who soon after the election within 1 week admitted to the seriousness of the problem and announced their intention to try to do something about it. This is something that was totally absent from the still-in-power President Reagan.

It is incredible to look back over the record and find that Mr. Reagan until the time he left office January 20 never once mentioned S&L's. So why is it, so many citizens asked me in December, why is it that this is a crisis? I said the crisis has been here. The thing is nobody wanted to listen and nobody cared. As long as there was a killing to be made in these high-interest yields that some of these institutions had to do in order to be able to pay the additional cost for funds.

□ 1240

In Texas in 1984 in interpreting the Federal Reserve Regional Bank Report, I noticed that the Texas S&L's were having to pay 4½ percent more for funds than the S&L's outside of Texas, Now anyone will tell Members in the financing business, that you cannot do that. You cannot borrow that way and lend along on different terms and be in business.

However, everybody was riding that merry-go-around, having a great time. Why? Because they had such things as land flips, all based on a pyramiding of land values. I reported that on this floor in 1984. Who gave a hoot or a holler? No one. I could not get any Members to say, "Hey, look, let us at least look into it." So a year ago in May, 1 week ago, I asked the chairman of the committee to appoint a task force and said that I did not have to be on it, but the people are going to have a right to say later, when that little depositor or shareholder says, "Well, wait a minute, you are committed to protecting my deposit up to 100,000,

how can you tell me you do not have the funds to insure my $20,000?" Sooner or later they are going to say, "Well, you in Congress, how come Members did not say anything? Why did you not do anything?" What was the administration saying, do not rock the boat? What was the Chairman of the Home Loan Bank Board, then and now, saying? Oh, no problem, sure, we would like to have more money authorized from Members to infuse the Insurance Fund with more money, but we can handle it. We have the resources and we can call on the resources. That was a total lie. I was in desperation pointing out that they could not. That the size of the hole they were reporting to the Congress was a fraud. That it was at least twice as big, at least, and in Texas alone would amount to the same amount that the chairman was saying was a national figure. Who cared? That was a year ago.

I then said, fine, I am raising my voice. I have always in my public role, when I have risen to criticize and knock anything, I have tried to be constructive by either offering an alternative or a plan or a suggestion, and I did a year ago. In fact, I offered two, because it was obvious that what is at stake and is not being mentioned now are the still remaining stretch out fixed mortgages over which are still extant, many of have been converted, low yielding, low interest, which many families have as there are still quite a number in the portfolios of some of the smaller S&L's, and which those families are paying faithfully and maybe the average have reached beyond the midpoint, over 15 years or 16, they are in jeopardy. I do not care what anyone tells me, they are in jeopardy. If we do not do that which we should have been doing all along, and that is first reforming to prevent anything from recurring like this, if we are going to spend money, then we want to make sure it is not repeated. But most of all, to make sure, and I want to do so today and stress and underline and reunderline that when the newspapers or anyone else calls this a bailout, it is a misnomer. It is not true. There is nothing being bailed out here. This is a bailout of the depositors, if anything, who are saying, "I am safe because I have been assured all through the years that my $15, $20, $10,000 is insured, and as long as I do not have over $100,000, I am safe." this is what I have been saying for a year. Why? Because in Texas, in February of last year, FSLIC was paying out in the case of supervisorships, that is when they were taking over an institution that was beginning to go under, but actually coming in under the control of the Government through FSLIC, or management consignment deals which were far more substantial, but which did two noxious things. First, in February 1988, in those transactions, FSLIC in Texas was paying 72 cents on the dollar, but by May of a year ago at this time, it was paying out 42 cents on the dollar. I am alarmed. Why? Because all during the Depression, here is a significant difference, my colleagues. Between then and now, all during the Depression and through the most bitter and the highest point of the Depression, values never went below 75 percent.

In our case today it is in flux. I do not know of anyone that is going out there to bet a dollar on market value at this point on real estate. But what would be the average, 50 percent? I do not know. The FDIC and some of the institutions and properties that it has taken over have made some decisions that preoccupy my mind very much, my colleagues.

For one, in the case of some condominiums on the coast that have been going at $85,000 or $90,000, were put on the block and went for less than $20,000. Now that is the big problem in this bill, and that is what I wanted to report on, because the facts are unless we come out with a bill and unless we perfect the President's bill, now the administraton is wrong when it tries to give the impression that they have given Members a bill that is equal to holy script. No sooner had the Secretary of the Treasury presented that bill to Members, I think it was the first week in March, within 24 hours, I had stayed up most of the night looking it over and it was obvious that it was imperfectly and shoddily drafted. The draft language was poor. So we went to the legislative counsel, who when he looked it over said, "This is the worst written bill I have seen." Within 2 weeks we had a message from the Treasury saying, "Hey, we will have to have 400 technical amendments." Well, all right. I realize the Treasury and the President were trying to work and were working under the gun, and they were working very fast, and when you work fast, legislation is not susceptible to a push-button type of perfection. It takes time and skill and pondering and sustained and dispassionate consideration and phraseology, because Members might have the best intention in mind, but they have to find the language that will convey that intention in statutory form.

So I said, send them over. They sent a total of 411 technical amendments. Of that number, our staff, to their glory, and I want to pay tribute to the staff of the full Committee on Banking, Finance and Urban Affairs, which incidentally I found out after I became chairman, I did not even have a counsel. My predecessor had never filled the position of counsel. I suffered a $300,000 loss as of October 1 in the budget for our committee, and again, I might say by contrast, because some Members who were here and listening to the previous discussions and the unfortunate abuse of this privilege of mixing it with what I consider to be purely political partisan purposes, and we are talking about how one side was spendthrift and all, the investigation of Mr. Wright, up to now, is costing the taxpayers over $3 million. At this point, practically the same amount of budget that we have for the total operations of the Committee on Banking, Finance and Urban Affairs, which is facing the biggest crisis it has in 55 years.

How can we make any sanity out of that? But these are the ones creating this expenditure who are yelling about spendthrifts. So I just give this as an example, because I could not believe it when I was informed as of October 1, 300,000 had been diminished from the Committee on Banking, Finance and Urban Affairs budget. So we struggled. We went to the House Administration, we were able to get some restoration, but I am not the kind that goes around trying to magnify and create empires.

□ 1250

But I was astonished when I discovered that the principal chief staff positions had not been filled, including the position of counsel. But we were very lucky. We found a young lady with a tremendous background of experience as counsel, one who was interested and who is now the chief counsel for the committee. Between them all, they have done tremendous heroic work, working sometimes over the weekends until 3 and 4 in the morning.

I do not think my colleagues have any idea of the amount of work it takes, even when we have markup. When we were having markup, that is, the amendatory process of the bill, we were using up 30,000 pieces of paper every day. This is a tremendous operation. To begin with, the committee is twice the size it was when I came on the committee 28 years ago. It is now a 51-member committee. But every one of the members, I am sure, strives to do the best in keeping with his responsibility and his conscience. And I have appreciated that, because everybody was talking pessimistically about how we would be bogged down, and we did not. We expedited the most complex banking bill that I have seen since I have been on this committee for 28 years. We did it in record time and with a vote of 49 to 2. I do not see how anybody could ask for anything more.

So I caution the President, when he sends a message like he did yesterday, addressed to the Speaker, saying, "Don't you all bog down, don't you all be dilatory, we've got to expedite," that we have expedited it. His problem is with his own Republican Members, because the Republican leadership has

not been able to keep them in line in such things as hardcore capital standards. That is the key issue to this reform. If this House or this Congress comes out with anything short of a hardcore, solid, basic capital standards for these institutions, we will be betraying the national interest. But even as I am speaking now, there are powerful interests that are militating against it day and night, trying to do that, water it down.

I say, "Mr. President, don't target your guns on my amendment on housing, which is the only thing that will make your bill acceptable. You have a bill, Mr. President, that you wanted us to pass and, if possible, rubberstamp. I pledge to you bipartisanship, and that is what I continue to give you even under difficult situations where you don't observe it that way, because we put in the only redeeming amendment that would justify any kind of an infusion of the size we are thinking of into an industry known as S&L that anybody in America will tell you they assume is for housing finance, and your bill doesn't have a penny for that, and it didn't until we put the amendment on."

And that does what? It provides a modicum, only a modicum, not even 5 percent of a total billion dollars. And for what? So that the home loan banks will have a little window, so that the 12 regional banks will be able to loan for the purposes of affordable housing to the little famlies that want a mortgage that they can pay for, that they will have the downpayment and the monthly payment for on a sustained basis, a long-term, stretchout mortgage.

And I say, "For this, Mr. President, your administration and its spokesmen and your Members here in the House want to target that instead of focusing on the prime issue, which is the capital standards which you haven't won with your own partisan supporters? It has been the Democratic Members of the committee that have won that vote."

Even in the ancillary proceedings, in the sequential referrals we made to the Judiciary Committee and to the Ways and Means Committee, it was the Republican Members who were trying improperly to act, because the sequential referral in the case of the Judiciary Committee did not give jurisdiction to the Judiciary over capital standards or good will, which is an integral part of this issue on capital standards.

Fortunately, the committee split. But I say, "That shows you, Mr. President, that your real problem is with your own, and it ill behooves you to write a letter to the Speaker insinuating as you did."

The Speaker has pledged to me since the beginning that he will schedule this as soon as the rules and the procedures enable him to schedule it for immediate consideration. I want to report to my colleagues that as of this moment it looks as though the Rules Committee will be able to entertain us for a consideration of a rule on Tuesday, June 6. I had wanted to have action on this bill this week. I had even spoken to the Speaker about holding us here before we went on the Memorial Day break so we could get it out. But we had sequential referral, and then the Ways and Means Committee decided that their approach was to be up front and onboard, on budget, with the Treasury as it is, as well as they could. Frankly, even though I have not seen the language of the Ways and Means Committee amendment, because it takes time to process all of that paper, I do not know the full extent of the implications of the language as to the financing mechanism involved there. But it is different and contrary to the President's wishes, and that means that we go to the Rules Committee and the Ways and Means Committee goes with us and the Judiciary Committee goes with us. But in the meanwhile, since there is an impact on the so-called Gramm-Rudman processes, the Government Operations Committee has some say, and they will not be able to get on that until next week.

So, therefore, it means that the following week, that is, this Tuesday, in 2 weeks will have an opportunity to go to the Rules Committee.

My faith has always been the basic respect I have for each and every one of my colleagues. I have exercised chairmanship positions in varying capacities in the past. In 1970 we had different procedures, and I was named chairman of the Subcommittee on International Finances. I held that chairmanship for 10 years. At that time, I was allowed no more than one assistant for that whole committee. Yet we produced legislation. Today there is not a subcommittee that does not have at least 10 or 12 staff. That is fine. But what I am saying is that we had those experiences.

Then in the meanwhile I was appointed by Chairman Evins of Tennessee as chairman of the ad hoc committee on the Robinson-Patman Act in 1975 and 1976, the moment the Small Business Committee was made a legislative committee in 1975. So I was a member of that until this year, and I chaired that committee. We had 3,000 witnesses. It took 1 year and 3 months. The report we issued was gobbled up immediately. It was well done because I had the benefit of an experienced elderly gentleman who was in semiretirement. He had been an attorney for the FTC in the tough times when the Robinson-Patman Act was being enacted. He was a member of the staff of the Banking Committee when those measures were going through the Congress in the 1930's, and he wrote a magnificant report. Unfortunately, the so-called Robinson-Patman Act is dead because of the vitiation of it through nonenforcement and nonadministration by the Reagan administration.

But I had that experience, and there was a total of 11 members on that ad hoc committee.

Then I was named at the same time and in the same year as the ranking member or vice chairman, as they called it then, of the Missing-in-Action or Prisoners-of-War Committee. Then almost simultaneously, since I had been the first one to introduce a resolution with respect to the violence over a 10-year period, which was misinterpreted as an assassination investigation—which it never was, because I am very well aware of the constitutional limitations of the Congress or the House to investigate—I had this further experience.

□ 1300

Unfortunately, Mr. Speaker, that turned out with deviation and was another history, but all during the time I held that gavel I thought I had proved once and for all that I considered every Member my peer, that, as chairman, all I could do was set the agenda, that I considered every Member, the newest Member, the minority, the majority, my peer, and he would be respected that way.

Then in 1981 I was elected over opposition to the chairmanship of the largest subcommittee then in the whole Congress, a Subcommittee on Housing and Community Development which, thanks to the generosity of my colleagues on the majority side, have continued me as chairman of such subcommittee while I am chairman of the full committee.

All during those times, Mr. Speaker, I thought I had proven that I was not one to take advantage of the prerogative or whatever power emanated from holding the gavel in order to try to impose my will or my views. I am a fervent, devout believer of the democratic process. I am a servant of the process. I am a beneficiary of this great, wonderful American system of democracy. Nowhere else in the country would the opportunities have been presented, and I will fight to the death to maintain it, preserve it, leave it undiminished and leave it undiminished by one iota to those who would follow and fill our shoes. That, I think, is the supreme responsibility in a democracy such as ours.

Mr. Speaker, the acid test is that when it is all said and done, what did we do with the power we held, and the privileges we had and the endowments given to us by the Almighty? Were we for the people, or were we against the

people? That is the guiding light, and this is what we have done.

So, we had a 51-member committee that all were predicting would be bumbling and fighting, and we did not. Everybody had a chance. Nobody was kept from offering an amendment, from speaking out. I was accused of delaying and that I was just prolonging, that it was not a tight management of the committee, and I said, "So be it," and I proved that, if someone wanted time, that he is to be given a chance, these admirably prepared and great intellects that are members of this committee and this body.

Mr. Speaker, I have respect. I am not one who belittles our elective Representatives because in some cases, yes, politically peers, I know, in many cases, intellectually they are superior, and I will respect them, and I would consider it a sin if I did anything to deprive or shortchange any Member from having full expression no matter how vehemently opposed he was in his views to mine. Mr. Speaker, I think that was proven, and I do not think I deserve any special accommodation. I think that is our duty. Why should we be commended for doing our duty? Why should we be praised for being honest?

Mr. Speaker, we take much for granted in America, and I know how I thought before I ever thought I would be in politics. I just assumed that fellow asking for office was honest, and I assumed that that is the fundamental predicate of our whole being, and I said when I got to the State senate on the eve of a big crisis in Texas; they were going to have an ethics bill and all, so I said, "Well, if we have to wait until we're grown-up adults to have somebody draw an ethics code, that's too late. If we don't know the difference between right and wrong, between what's mine and what isn't mine, I don't know how a code is going to do it, how it's going to give it to us anyway."

Now straightaway the point is that the Committee on Ways and Means to its credit acted expeditiously, very responsibly, and worked on that part of the title of the bill that has to do with the Resolution Trust Corporation's bonds and the tax consideration to be given to those bonds. They did their duty. The majority carried out its will. They stayed away from going into nongermane subject matter such as my housing amendment which some Republican Members wanted to knock out indirectly. Judiciary acted with as much dispatch as it could under the circumstances.

I want to express my own, and I think I speak for the majority of my committee, if not all, my profound appreciation to the gentleman from Illinois [Mr. ROSTENKOWSKI] of the Committee on Ways and Means and to the gentleman from Texas [Mr. BROOKS], my fellow Texan, because they have conducted a very responsible course for their respective committees, and I know there are others. We had one committee, for instance, that yielded, said, "We don't want to call sequential reference even though we call. You go ahead and handle it within your jurisdiction. This is a banking matter, so go ahead."

So, all of these things we must mention in the RECORD to show that, given the opportunity, there is not a Member I know but what would not act most responsibly and most intellectually. I just get so upset, so saddened, so disappointed when I see some of the generalizations made by politicians in general, Members of Congress in particular, because I say to my colleagues, "I've come up. I've worked since I was 10 years old. I worked for almost everything you can mention and throw a stick at. I've worked at it, and I've been in private business, and I haven't seen as high standards of personal conduct in this public sector—I haven't seen anything higher than what I've seen in the public sector, and, compared to what I witnessed in the private sector, I think we ought to be eligible for sainthood, and yet we have a tradition to look down on what we call professional politicians."

While we are here in this disintegrative process of trying to repair what we should have foreseen we have the world still spinning, forces tremendous that are acting, and interacting and impacting us. We have true financial institutions that are considered American based but whose activities sometimes will carry them transnationally, and perhaps our thinking in terms of the corporate profit, and well-being, and not necessarily the national conduct or the greatest interests of the greatest number of this particular Nation, so I want to point out that we in the committee have not had hearings on such things, for instance, as the significance of the development of the European Monetary System [EMS], the European Currency Unit [ECU] which are all in place now, but I have been speaking out since they were announced in 1979, the last sentence in the communique issued at the Bonn, Germany, economic summit meeting at which our President, Jimmy Carter, was the spokesman, and it was there that ECU and EMS were unveiled.

Mr. Speaker, I have been speaking on that, but unfortunately I have heard no discussions either on this side of the Capitol or on the Senate side, and that is unfortunate because, while Europe is integrating, we are actually disintegrating. Also we are in competition. We have had now because of the financial activities behind them very much vitiated whatever it is we might have won somewhere in the field of battle years ago, but we are in a newly structured world in which, because of the explosive revolutionary technological improvements and the instantaneous dissemination of information—for instance, as I am speaking now this day, there will be over $500 billion chasing from London, to New York, to Paris, to Bonn, to Tokyo, and what is it? It is money chasing money. It is not pursuing progress or goods. It is speculation on currencies, making bets with this huge, huge, tremendous amount of money.

□ 1310

This huge, huge, tremendous amount of money, the potential there for some quick event is there; so we hear the news stories lately that have been on the financial pages and in some cases the front pages that despite intervention by some of the central banks, including the Federal Reserve Board, the dollar keeps rising.

Now, everybody knows that the dollar had dropped 45 percent just between 1985 and 1989. So what is this rise? How do you describe it?

Well, in my book, it is like the stockmarket. The big ado about how the stockmarket activity has gone back to the levels of October 19, 1987, but what was that activity and what is this activity? Is it honest stock transactions based on industrial activity out in the heartland of our country? No. It is frenetic hot speculative transactions chasing speculative transactions. It is all a giant castle of cards or paper. It is not based on the true value, say of the dollar.

The United States became a debtor nation for the first time since 1914 just 4 years ago. You might say, what does that mean? Well, the fact that the Reagan administration could say we have prosperity, as illusory as that was, is only because of the infusion of credit and borrowed money from investors abroad, but this money is very fickle. It is very volatile. For example, we have the great debacle of the Continental Illinois Bank a few years ago that cost $6 billion. If it had been in any other country, like Mexico, we would have said we would have nationalized it, but oh, no, we do not say that.

Why did it do that overnight? Because in quick fashion the foreign investors who had money in that bank pulled it out very quickly. It was beginning to have trouble. We in the committee knew it was going to be in trouble because one of its big ancillary banks, the Penn Square of Oklahoma, had gone down in scandal. We had brought up the auditors from the Comptroller of the Currency and they showed that system had not been operative. They were coming in postmortem. Postmortems do no good.

The reason you have the examiner, the reason you have the auditor, is to

look out for and prevent, anticipate and prevent any kind of gimmickry and phony business.

But the fact that this money is so volatile was proven in the case of the Continental Illinois Bank.

It is estimated that a little better than one-third of Government bonds, paper and whatnot, bills, are owned by foreign investors.

Now, is that good, bad or indifferent? Well, it can be good or bad, depending on what we do in our management of the system. What I have been decrying for years is that we have not had a functional management system that is up to date.

I pointed out in the case of interest rates, I have been yelling even before Wright Patman that the whole history of empires, going back to the time of Hammurabi 7,000 years before Christ, was this thing called interest and how the destiny and the rise and fall of empires ebbed and flowed with such things as usury.

Why was it that in the time of Christ there was the death penalty to someone accused of usury? Why is it that we in the United States have absolutely since 1865 and the National Currency Act on cap, no control?

In fact, the Federal Government has impacted the State antiusury laws where there are only one or two States left, Arkansas and one other, that even preserve a semblance of antiusury.

Well, let us look at other countries. What about Japan? Japan has interest controls. They have relaxed them here and there in some transactions. They recently had some reform to allow competition in foreign exchange markets, like England had its big bang back in 1986. Canada had a smaller bang in 1987; that is, they enlarged their deregulatory controls in order to allow some investors to come in under certain transactions, but they still have control and Japan still has control. You cannot legally go over a certain percentage rate.

We in the United States in 1980 and 1981 had the prime interest rate go up as high as 21 percent. I took this floor and spoke for at least 23 times decrying what that was going to do to our country. I am sorry to say that I was far more right than I turned out to be wrong.

It is still at the bottom of the problem, but at this point that is an ancillary thing that I doubt anything can do done about, because we have these crises how, and as I say and repeat, the issue is not bailing out anybody. The issue is whether or not we are going to preserve the insurance fund.

Incidentally, I am just as concerned about the commercial bank insurance fund, known as the FDIC as I am and have been with the S&L FSLIC; so that the bill that we have and that hopefully if the Rules Committee acts on that same day, on Tuesday the 6th, and given the pledge by the Speaker, I would think it would be entirely within the realm of possibility that we could bring it for full floor debate on June 7 or 8 and go on to the Senate.

We are in a rat race betting nothing will happen to create an unmanageable crisis. I have been saying this for a year that is the alternative, chaos.

I was the first one to suggest a $50 billion infusion of credit on the basis of a loan from the Treasury to be amortized, I suggested 20 years, but to be worked out by the Treasury and on budget, because at that time, a year ago, I am convinced that had we even given that pledge to show that we were a thousand percent behind the insurance fund, they would never have had to use more than one-fifth of that amount, because it would have stopped the bloodletting. That is, it would have stopped deepening the size of the hole. As we are going now, it still keeps getting larger, every day that we delay with infusing the resources necessary for the insurance fund to do that which it was intended to do to begin with, plus the fact that we now have the burden with a brand new regulatory environment, because without reform it would be unthinkable to pour in that kind of money.

As the President well put it, we do not want this ever to happen again, but to me we missed the point. If in the meanwhile there is not the action necessary in time to prevent the extension of the problem over into the other financial institutional turfs, such as the commercial banks and the other.

On top of that, we have a very complicated financial institutional framework. The Congress has enacted such things as nonbank banks, so now you have Sears & Roebuck that does banking, J.C. Penny does banking. The securities firms on cable TV, you can see the ads, they offer all the traditional banking services that used to be for the banks.

In the meanwhile, the big, big banks, because we do not have a monolithic commercial banking structure. You have the big, big, big. Then you have the big. Then you have the medium, then the smaller-medium, then the small, then the real small. They are all commercial banks; but the big ones in the meanwhile, what used to be the world's largest banking institution, an American bank, is today No. 23.

□ 1320

The biggest one is over in Japan, but fine and dandy, in order to stay alive and their balance sheets show a profit, those banks have had to go from the traditional interest from deposits and everything else and loans, interest from their loans out, to fees, performing services. The Citicorp, for instance, has expended $10 billion in modernizing computer services where they can perform all kinds of services, even market transactions, and they have what they call a 30-minute market transaction.

How does that impact the other areas, real estate agents, processors in mortgage making, what about the penetration across State lines? The big, big banks would like to get additional powers to go full swing, to get such things as out-and-out securities, and, now, there is the danger.

On January 20, the Federal Reserve permitted five banks, five of the biggest banks, to engage, they said, in limited fashion with what they called sufficient firewalls under their interpretation of the Bank Holding Act, to let those five venture into the thing that has gotten everybody into mischief, that is, exchanging equity for debt by going into these high-risk areas, especially in the international markets. It is like the Hunt brothers of Texas, the billionaires then, broke now, thinking that they could corner the silver market, trying to meet head-on the silversmiths in London that have been in that for 450 years and in the most controlled market of all, the silver and gold. It was foolish. But they tied up $30 billion worth of bank credit.

Mr. Speaker, I raised the issue then years ago right here on this House floor, and this is what I think the committee has a responsibility, as soon as we transact this first business, to get it out of the way.

For that, I offer for the RECORD an article reflecting an interview held with the Washington Financial Service Report, volume I, No. 1. The headline of it is, "Chairman Gonzalez Envisions Comprehensive Reform of Financial Services Regulatory Structure," and another one entitled "Not So Fast" in the Institutional Investor of April of this year, in which I point out there the tendency, unbelievably, of the Federal Reserve Board going into areas that it seems we would have learned by the experience with the S&L's. I am inserting those in the RECORD at this point:

[From the Washington Financial Services Report, May 1989]

CHAIRMAN GONZALEZ ENVISIONS COMPREHENSIVE REFORM OF FINANCIAL SERVICES REGULATORY STRUCTURE

House Banking Committee Chairman Henry Gonzalez strongly endorsed the concept of comprehensive reform of the nation's antiquated financial services laws. "[I]t's overdue. Not only is it ripe, it's past ripe," Gonzalez stated in a recent wide-ranging interview with FSC representatives. He noted that broader restructuring legislation is a priority item for the Committee, and that, after additional hearings this year, he would "like to expedite" such legislation and is "very optimistic" that broader reforms can be passed next year "at the latest."

As the Committee's new Chairman, Mr. Gonzalez clearly brings a new, promising leadership style that will have a major influence in reshaping the political outlook for broader financial services reforms. He voiced his concerns over the past "piecemeal" legislative approaches. The Chairman explained he considered such proposals unfair to Committee Members because "they were placed in a position of being for or against deregulation. That wasn't the issue at all . . . it wasn't deregulation—it was how you deregulate. . . ." This question appears to be a central issue for the new Chairman.

Several times during the interview, Mr. Gonzalez expressed his belief that the other Committee Members are now ready for comprehensive reforms, and that if they are adequately informed, they will "do the right thing." However, he noted that "we just don't know enough right now. We know that we've got to do something, that we've got to accept the changes that are upon us—they've enveloped us. And we've got to have something other than this jungle out here with the ultimate decision going to a judicial basis of settlement instead of . . ." being set by clear Congressional policy.

Gonzalez explained that he strongly favors taking an anticipatory approach to legislative issues and acting before serious problems develop. Moreover, he made it clear that under his leadership, the Committee will reassert its policy making responsibilities and not leave a vacuum to be filled by others, such as the regulatory agencies.

He reemphasized his objective of ending the days where the House Banking Committee could be classified as "a passive or reactive" body. The Chairman commented that "[M]y most anguishing moments on this committee [have been] to see these burgeoning issues arising from the midst of our society and outside our country and we're acting as if we were impervious or absolutely unaware. So, I want to revisit [comprehensive restructuring] as a matter of priority as soon as [FSLIC is] off the front burner.

Gonzalez also observed: "I consider the question of bank powers the fundamental issue. . . . [T]he Banking Act [of 1933] . . . set the . . . line between clear banking activities and commercial activities. But, the world [has changed]! You've had 6 or 7 new worlds since [then] and in the banking field in particular, and in [related financial services areas]. . . ." Gonzalez said that a difficult, but not insurmountable issue that must be dealt with is how to accommodate the states and the dual banking system.

He emphasized that he intends to work closely with his colleagues on the Committee and to operate in a very democratic manner: "I've always believed that every man should have his idea and then let the majority decide." By working together, and ensuring Members have adequate background information for making legislative judgments, he expects to be able to help forge a consensus on difficult structural issues such as "firewalls," powers and substantive deposit insurance reforms (which must be "revisited").

With regard to subsequent structural reform hearings and obtaining adequate information for legislative action, Mr. Gonzalez noted: "[W]e have to go back and pick up the fundamentals as they present themselves to us now in lieu of the fragmentary deregulation or re-regulation that we've had. What I'm seeking is to have some cognizance of the different structural components in our financial institutions. . . . [T]he big task is to be able to get a consensus as to how we can define the proper [scope] without intruding or denying or unjustly depriving any one sector of any freedom to engage in market activities they [should] have access to. . . ."

Although many have assumed the legislative problems would occur due to philosophical or jurisdictional differences with Chairman John Dingell and the House Energy and Commerce Committee, Mr. Gonzalez indicated he does not expect Dingell to present a roadblock to enacting legislation. Commenting that he and Chairman Dingell had already discussed these issues, Gonzalez expressed confidence that any differences could be worked out "amicably" or simply decided by majority vote on the floor.

SUMMARY AND EXCERPTS OF SELECTED COMMENTS BY HOUSE BANKING COMMITTEE CHAIRMAN GONZALEZ DURING INTERVIEW WITH FINANCIAL SERVICES COUNCIL REPRESENTATIVES ON MAY 18, 1989

Chairman Gonzalez commented on a wide range of issues relating to domestic and international banking issues during his recent interview with FSC representatives. As summarized above, comprehensive structural reforms are high on his agenda. Moreover, the Chairman is very committed to ensuring the overall safety and soundness of the financial system. He believes in an anticipatory approach to legislative issues and favors carefully analyzing public policy considerations and then acting to resolve problems before a crisis develops. Chairman Gonzalez's comments also made it clear that he will seek to work closely with all Committee Members, and that under his leadership the House Banking Committee will actively reassert its legislative responsibilities. Thus, interested parties are likely to find that a new era of Banking Committee activity has begun.

Although many of the Chairman's comments on structural reform and related issues are highlighted at the outset of this article, we think that readers will benefit from the insights gained from the following summary and selected excerpts of his remarks during this interview:

On whether this is the time for more comprehensive legislation:

"Yes" . . . [notes he suggested this in his goals for the Committee from the very first.] "I stated that my aims and objectives would try to be that the days of the Banking Committee of the United States House of Representatives being a passive or a reactive committee are gone; that I would want to bring it . . . to the threshold of the 21st century.

My most anguishing moments on this committee [have been] to see these burgeoning issues arising from the midst of our society and outside of our country and we're acting as if we were impervious or absolutely unaware. So, I've said that I would want to revisit [comprehensive restructuring] as a matter of priority as soon as we have [FSLIC] off the front burner. In fact, I said that what I want to have is not a two- or a three- but a four-front burner cooker—and one of the things would be bank powers, or depending on the point of view, it's bank powers of deregulation . . ."

On bank powers generally:

"I consider the question of bank powers the fundamental issue. . . . the Banking Act [of 1933] . . . set the . . . line between clear banking activities and commercial activities. But the world [has changed]; you've had 6 or 7 new worlds since [then] and in the banking field in particular and in [related financial services areas] . . ."

On some people still saying "the time is not right" for legislative action even though the need for broader structural reform is widely recognized:

"Oh, of course, it's overdue. Not only is it ripe, it's past ripe. It's been needing Congressional attention because the Congress is the national policy-making body. What's happened though, in my opinion, is that the failure to act on the part of the fundamental committee—the Banking Committee—has been to create a vacuum, which has been partially filled by the regulators. This was seen in the non-bank banking area [which] the Congress has still yet to define . . . that's part of your bank powers issue. And so what happened, the Comptroller came in [and] advised [Congress about] four years ago, 'if you don't act, we will [do] something,' so . . . you ended up with Sears and JC Penney's [having] non-bank banks [and] they were grandfathered. We got bogged down three years ago [on] when do you grandfather [and] when you don't, and we ended up in nothing . . . nothing was produced by the House."

On such piecemeal attempts to legislate:

"But the thing that I agonized over was that in all fairness to the Members, they were placed in a position of being for or against deregulation. That wasn't the issue at all . . . it wasn't deregulation—it was how do you deregulate?" He continued commenting on the need to know what are proper structural changes and safeguards and pointed out how the "lines have become blurred" using the securities industry's offering banking services as example . . . and noted that "I think you have to have a definition here where you have policies, broad policies. To me it isn't a question of Glass-Steagall or no Glass-Steagall—it's a question of [what should be retained from] Glass-Steagall—half of it has been vitiated with time and opinions and practices."

On the House Banking Committee's responsibility to legislate:

He said that if the Committee does not act, "either the regulators and the courts or another Committee will move in [to fill the void]." Also, during the interview he indicated that the Committee should be actively legislating as . . . "this is what we're supposed to be doing. That is—legislating."

On how Congress will deal with "Europe 92," Japan and broader structural reform:

He noted that Congress in effect has not spoken out on this, but hat he has been concerned for 10 years . . . and expressed frustration at the lack of prior hearings. He also stated his belief that if Committee Members are adequately informed, they will take the correct action . . . "I think essentially if they can see something that is beyond dispute as far as evidentiary facts are concerned—they'll do the right thing. But they don't know—we've never had hearings on these [broader] issues. And so what I've wanted to do . . . was at least set the groundwork this year and possibly look into some kind of structure legislation for the next session at the latest. If possible, I'd like to expedite it, and I have some plans . . ."

The Chairman also noted that his initial hearings when Congress convened had the theme of the state of the economy and the safety and soundness of the banking system . . . and that this issue is "one that we're going to have intensive consideration of and try to forge some policy that would evoke some consensus and that means that we

[must] have a lot more presentation from the regulators [and] from the industry than we have had so far. But, that is on the program—on the agenda."

On subsequent structural reform hearings:

"Well, we have to go back and pick up the fundamentals as they present themselves to us now in lieu of the fragmentary deregulation or re-regulation that we've had. What I'm seeking is to have some cognizance of the different structural components in our financial institutions. There are many who are interested in the higher reaches of international transactions. The majority are not, and we wtill have to contend with a dual banking system. You have the states out there. And so, the big task is to be able to get a consensus as to how we can define the proper [scope] without intruding or denying or unjustly depriving any one sector of any freedom to engage in the market activities they [should] have access to."

On whether he is clearly in favor of a comprehensive approach to reform:

"I am."

On whether he will offer a comprehensive bill:

He noted, "The reason I haven't is that I don't feel that I'm prepared because [of] what we've had by way of testimony in the past, or what we've been able to gather . . . [is] so fragmentary . . ." and that it is his "hope that by the time we get into the late summer we will have had some vision as to what would be the general outline of possible, potential legislation."

On whether comprehensive reform legislation can be enacted this Congress:

"I think that [depends on] how it's done, how it's presented and how well informed we can keep Members and make available to them some background for making a judgement. [Then,] we could work with pretty good dispatch. Yes—I'm very optimistic—[but] . . . we just don't know enough right now. We know that we've got to do something, that we've got to accept the changes that are upon us—they've enveloped us. And we've got to have something other than this jungle out here with the ultimate decision going on a judicial basis of settlement instead of some [Congressional] policy . . ."

"I've always believed that every man should have his idea and then let the majority decide. You sell it or you don't . . ."

On whether Chairman Dingell of the House Energy and Commerce Committee will present a legislative roadblock:

He noted they talked even before he was formally selected as Chairman; that they do not intend to interfere with each other's Committee jurisdiction; that whatever philosophical differences they might have can be worked out on the House floor (i.e. by voting) . . . and that he expects they can work matters out "amicably," especially given sequential referral to other committees.

On additional deposit insurance reform:

He noted that given the FSLIC crisis that had developed, there really was no alternative but to act. The key question was whether they could act in time and prevent chaos. He said, "Unlike most every other country, we have allowed this system of deposit insurance to grow. And you can see how it can get so diverted and how it can get so intertwined with what . . . never was visualized as Congressional intent. [For example,] you see the efforts of so many people that think they have a God-given right to the insurance fund and to do what they will with it. And so, deposit insurance is another area that we'll have to revisit . . ." and how brokered deposits should be dealt with. The Chairman also noted the need for further information before knowing the precise elements of reform in the deposit insurance area, but again stated, "It does have to be revisited from a substantive point of view; a statutory point of view."

On the need to act before crisis:

"Well, it seems to me that [it's] quite disappointing that we've reached a point in our country that you can't get anything unless there is a crisis . . . [M]y fundamental rule . . . of what I call legislative advocacy [is to be] anticipatory. Anticipatory legislation, anticipatory action; not wait until you are enveloped in a crisis.'

On money market funds and possible jurisdictional issues:

". . . for, instance, I think we're going to have to visit the money market [issue] . . . that's 23% of your total deposit money . . . in this country and that's a lot of money. It's mutual, uninsured money market funds." With regard to whether the money market question will present jurisdictional issues for the Banking Committee, he noted, "Why? That impacts the safety and soundness of banks . . ." He also observed that he asked FRB Chairman Greenspan earlier if he intended to do anything about it and Greenspan said "no," and considered that issue "to be a loose cannon."

On putting depository institutions' activities with more risk in separately capitalized subsidiaries:

"That's the issue pending right now . . ." He noted how some banks are involved with securities, and that FRB Chairman Greenspan had discussed with him how firewalls and conditions could be imposed . . . and that the question is, "how can you ensure that they are still not playing with insured funds? That's my worry. Because I'm thinking of the safety and soundness and the maintenance, as far as we can, of the insurance funds system which is not only under threat in the case of FSLIC, but I think FDIC."

On whether there can be adequate "firewalls" and insulation of the insured depository:

"It depends on how they build in those firewalls . . . So, these are areas . . . that . . . are part and parcel of your overall bank powers and [structural issues] . . . Well, somewhere, somehow you [must] define an American bank's ability to compete. There is no question about it, the traditional banking services field is now littered with securities companies, [for example], . . . So the banks do have a legitimate complaint. . . ."

On cross-marketing of products and services:

"I think it's inevitable [given] the forces . . . in the market. But, remember the one little thing there that we overlook in structuring is the dual banking system and the state lines. Now [many] banks would like to obliterate state lines, but how do we draft the legislation in order to respect the continuing existence of the dual banking system in the United States? . . . This is another factor the Europeans don't have to face. They have a unified, centralized type of system and we don't. . . ." [He also noted regional difference in many areas and that is has been hard to reach consensus on many types of issues.] "Congress is a multiple body. The only impediment I see to defining some enlarged bank scope of activity is that, and frankly, I don't think it's insurmountable. But, I think it does require some presentation of evidence and hearings so we can evaluate it . . . [and] be . . . more knowledgeable than we are now.

On state and federal depository charters and separate bank and thrift charters vs. a single federal or state charter for all depositories:

He expressed concerns, especially with FDIC's role in setting standards for state chartered institutions and noted the relationship to federal deposit insurance, and indicated he would like to have the Committee "visit that" area.

On whether other Members of the Committee are ready for comprehensive reform:

"I think so." The Chairman also noted how he always seeks to get Members' views on a bipartisan basis and does not act unilaterally. He said, "Every one of the Members, the newest to the more veteran in his own way or her way, wants to be proud to belong to the committee. Nothing makes any Member feel prouder than to know that they are perceived as accepting [their legislative] responsibility and proceeding to [do] the best they can." He also pointed out the need to begin working on these issues noting that: ". . . while in the midst of this [FSLIC crisis] we [should] still be dispassionate enough to conceive the need to get into these other areas so that we won't be involved in another crisis and then react in such a way that no matter what we do it's too late."

On the Committee's priority agenda items:

He cited third world debt as the next immediate issue, which he called characterized as "the other loose gun." He also observed, "Incidentally, we live in a world today where those external forces over which we no longer have any control can impact no matter what we do here, like interest rates. I don't care what anybody says, I don't think the Fed has complete power over that any longer. . . ." and said that "I think we have to address fundamental things that have long been unaddressed. . . . how we manage debt is just as important as what you have by way of that structure. And, we've have substantial changes in [debt] management since 1952. . . . And, the world keeps spinning. It's not waiting for us to hold an election. It's going to keep on going like Europe itself."

ON TIMING OF FSLIC BILL:

He explained how he is working hard to move it as quickly as possible. but that other Committees are also considering this legislation.

THE NEW CONGRESSIONAL CLIMATE

The FSLIC bill may prove to be the opening round of the Congressional battle to restructure the nation's financial services industry and its regulatory system. This legislation, which is expected to be completed shortly, contains significant structural changes. However, structural reform is now high on the legislative agenda, and serious Congressional examination of these issues is planned for later this year.

Thus, a new era has apparently begun in the banking financial services legislative area. Fundamental changes are occurring in Washington's political climate because of the FSLIC crisis and other factors—such as heightened media interest, concerns over competitiveness and leadership changes in the Banking Committees. Furthermore, The press is beginning to link Congressional ethics with undue lobbying influences that produce "special amendments." Legislators' fear of adverse media coverage has limited many firms' abilities to obtain amendments

to the FSLIC bill, and has undercut the viability of the old "piecemeal" or incremental gain approach.

Thus, the FSLIC bill has broken the longstanding "gridlock" that has prevented modernization of banking-related laws. Congress finally seems willing to reassume its responsibilities for setting basic financial services policies. The degree to which "times have changed" is illustrated by the fact that the House Banking Committee Chairman, Congressman Gonzalez, recognizes the need for comprehensive reforms and hopes to pass significant legislation next year after carefully examining policy concerns. (See accompanying feature story on Chairman Gonzalez.) Other new Congressional leaders, such as Senate Banking Chairman Riegle and Congressman Annunzio, who now heads the powerful House Banking Financial Institutions Subcommittee, also appear likely to take more active positions.

The key questions now appear to be how structural reforms will be shaped, how fast Congress can act and whether companies favoring comprehensive pro-competitive reforms can readjust their strategies in time to take advantage of the opportunities that will exist.

When action does occur, many critical issues, which were consciously deferred during the current FSLIC debate will be ripe for consideration, including:

Bank "powers."
Affiliations and ownership.
Banking and commerce.
Concentration.
Deposit insurance reform.
Regulation of depository institution holding companies.

Given the changing political climate, significant and prompt shifts in corporate strategies should be expected. Old strategies, whereby companies have premised their political programs on the view that Congress was unwilling or unable to act, may have become obsolete. Corporations can no longer assume that it is safe to gear their Washington legislative efforts as "holding actions," where they pursue narrow amendments, "grandfathering" or marginal gains through judicial or regulatory interpretations.

LOOKING AHEAD: RISKS AND OPPORTUNITIES

"Danger Zone" Scenario—Completing the FSLIC bill, other items on the Congressional agenda, and the recognized need for futher study should delay passage of broader reforms until next year at the earliest. Unfortunately, the political climate is such that when additional legislation is considered, it could be shaped so as to contain many onerous and/or regressive provisions. This might occur due to opponents' efforts and/or the apparent widespread lack of understanding of how reforms should be crafted.

The FSLIC bill has demonstrated that Congress is willing to limit depository institutions' powers (including those obtained via state-charters) and is now emphasizing greater regulation and tougher enforcement. Such Congressional restrictions appear to be intended to promote greater safety, soundness and stability in the financial services sector and to limit the risk of another taxpayer bailout. In part, these restrictions can be attributed to the "crisis" atmosphere and the accelerated manner in which the FSLIC legislation has been considered. Thus, they may reflect more of a decision to err on the side of caution than a lasting commitment to "re-regulation" and further compartmentalization.

In any case, it is clear that many of the FSLIC bill's most regressive and restrictive provisions were conscious policy choices. Its legislative debate showed that inappropriate judgments can be made when legislators (and influential members of the press) are misinformed and have fundamental misperceptions. Many simply do not understand the policy issues involved and, therefore, lack a basic framework for public policy analysis.

In addition, opponents of pro-competitive legislation are continuing their efforts to retain arbitrary statutory advantages. Many reportedly sense the vopportunity presented by the present climate in which numerous legislators are misinformed. These forces may well consider the forthcoming legislative action as a "now or never" situation. Their fortunes may be increased because of the growing likelihood of a post-FSLIC "technical corrections bill." The need for such legislation, as well as the desire for a vehicle to satisfy consumer groups' agendas, means that it could serve as a mechanism for a "preemptive strike," setting back opportunities for broader, pro-competitive reform. This "danger zone" scenario assumes aggressive lobbying by opponents and continued Congressional misunderstanding. This could easily lead to legislation that provides for only very narrow "bank powers," closes Section 20, restricts "nonbank bank" activities, limits bank holding company insurance activities, further restricts unitary thrift holding companies and increases compartmentalization in the financial services industry.

"Window of Opportunity" For Comprehensive, Pro-Competitive Reforms—Although there is a risk of regressive legislation in the near term, the Congressional schedule is such that interested companies should have time to prevent setbacks. The question will be whether enough firms recognize the new political climate, including the potential risks they face, and whether they promptly deploy adequate resources to their Washington legislative operations to prepare for the necessary defense and offensive actions.

Significantly greater educational efforts, as well as enhanced political activities will be required. Above all, it is critical that Senate and House Members, the press and other important parties in this debate become better informed on the facts, policy issues and options involved. The primary challenge for the FSC and its members in the months ahead is to seize the opportunity to help these policy-makers understand that broad reform (with a "level playing field" and "two-way street") is essential for the continued safety and soundness of our financial system. Those who favor modernizing financial services laws must show Congress that reforms can be consistent with greater safety and soundness and less risk to federal deposit insurance, which also allowing institutions greater flexibility, efficiency, affiliation rights and other authorities without unduly restricting depository institution holding companies.

Serious educational programs will require considerable lead time, but the opportunity still appears to exist for implementing such efforts. Most issues in the restructuring debate are simply not that difficult if they are presented in an organized, straightforward manner. A much more solid foundation for intelligent legislative action could come from a series of prepared briefings which focus on policy issues and options instead of specific legislative provisions, conducted well in advance of the actual Committee drafting sessions.

Stated bluntly, such efforts are essential and, represent the only way of ensuring reasonable and progressive policy decisions based on informed judgments. We finally seem to have reached the point when it's "put up or risk being put down." There simply will not be time to help educate enough policy makers effectively unless an enhanced educational program is begun promptly. Even now, the FSC is ready to pursue a special educational and political program.

FSC'S "PROJECT 92"

The FSC's will be proposing a special program to conduct the necessary targeted educational and related political efforts at its May 23rd Board meeting. This program is designed as a constructive approach for helping shape future financial services legislation.

"Project 92" is intended to build upon the core group of Congressional leaders who understand the key policy issues and options in financial services reform, who can provide the proper direction and who will make informed judgments when drafting legislation. We believe that laying an educational foundation based on greater understanding of the policy questions is essential for progressive Congressional action. Informed and knowledgeable decision making leads to legislation that is far more acceptable and workable from a practical business perspective.

OTHER CONSIDERATIONS

Timing and various other factors are still unclear. For example, action on the FSLIC bill had been expected to be completed by Memorial Day. However, consideration by other committees, especially the recent changes by the Ways & Means Committee to shift the funding "on budget," is expected to delay the process somewhat. Moreover, the Administration's plans and priorities for additional reforms have yet to be announced; the Banking Committees must deal with other important issues such as housing and third world debt; and the marketplace's response to the new FSLIC bill's changes (including its tremendous rapid thrift industry consolidation) are yet to be fully understood or appreciated.

[From the Institutional Investor, April 1989]

NOT SO FAST

(By Representative Henry B. Gonzalez)

Expanding the powers of commercial banks is a leftover project from the plate of the 100th Congress. The Banking, Finance and Urban Affairs Committee must return to the issue and come up with a long-range solution during the current Congress.

Unless the 101st Congress addresses the question, it is certain that the regulators and the courts will continue to extend their reach, leaving a crazy-quilt of ill-thought-out powers and loose regulation—with virtually no thought as to how powers can be shaped so the public interest is served.

The editors for this publication suggested "The Outlook for Banking Reform" as a title for this article. A broad enough title, but is it "reform" we are talking about, or another version of that old game of cutting up the economic pie?

THE PUSH FOR PROFITS

Webster's dictionary tells us that "reform" means "removing faults and de-

fects" or "putting a stop to abuses or malpractices." In reality, what we are talking about is not reform, but giving commercial banks new powers to reach into other sectors of the economy—new profit centers beyond the traditional banking activities. Like all proposals for deregulation, the ideas are cloaked in layers of rhetoric about "competition" and claims of cost savings to the public—something that has yet to be proven despite years of testimony and studies in all shapes and forms.

The push is driven by a simple desire for power and profits. That is neither improper nor un-American. But the motive should be clearly understood by legislators and the public. It should not be obscured by flagwaving statements about competition and reform. The name of the game is power.

As chairman of the banking committee, I do not intend to be King Canute, trying to hold back the tide of new powers and new profits for banks. I do hope to be in a position to raise the necessary questions, to seek hard economic proof that deregulation would be a positive benefit and to make certain that all safeguards are firmly in place.

Six months ago it appeared that a comprehensive banking bill would emerge, as our former chairman predicted, "before the snows melt."

Two events have obscured this optimistic timetable:

The critical need to deal first and speedily with the crisis of the savings and loan industry so that the American taxpayer is not burdened with even greater costs;

The precipitous action of the Federal Reserve Board on January 18, 1989, that streathed its interpretation of the Bank Holding Company Act to grant banks—by administrative fiat—broad powers to underwrite and sell securities.

The Federal Reserve Board—filled with Reagan appointees from top to bottom—undoubtedly felt it was striking a blow for the "Free Banks Now" movement. In the end, the action may have awakened a lot of people to the dangers of banking deregulation. This high-handed action—taken before the new Congress had organized—reminds us just how fragile laws and congressional intent can be when decisions are made by regulators who appear more as advocates than objective administrators. It reminds us that Congress must write laws and regulatory strictures tightly or face runaway agencies willing to gamble with the public interest on behalf of their industry constituency. The agencies are always on Capitol Hill urging "flexibility" and "administrative discretion." Too often, Congress caves in to this philosophy, forgetting that the agencies—when the right administrtation is in sway—are all too willing to abuse the discretion.

THE FED WENT TOO FAR

In my opinion, the Federal Reserve abused its discretion in interpreting the Bank Holding Company Act when it allowed bank holding companies to go into the securities business. Not only did it go beyond the law, but it used up buckets of good will in the Congress.

Many who are essentially neutral on the question of new powers question the Federal Reserve's heavy hand in usurping a role that clearly belongs to the legislative branch. We will want a clearer understanding of the Federal Reserve's ability to read the law and congressional intent before we grant them any new authority to pass out powers to banks.

Some have excused the Federal Reserve's action on the grounds that Congress has been slow in enacting new banking legislation. The impatience of the banking community is well documented. The issues, however, are complex, and they affect a wide segment of the economy. The delays in congressional action reflect the complexity and divisiveness of the issues. In a democracy, delays are not uncommon on volatile issues; this is not always bad.

Even if it takes time, we must construct an airtight regulatory structure around any new powers granted to banks and bank holding companies. The Federal Reserve Board, in making its January announcement, attempted to assure the public that its regulations would establish fire walls between the banks and the securities subsidiaries.

Just how strong these administratively constructed fire walls may be remains an open question. But it is an immutable fact that a regulatory body that can issue regulations can also modify and eliminate these same regulations. The fire walls and the regulatory structure need to be constructed by statute, not by administrative orders that can be rescinded as quickly as they are printed.

There can be no confusion in the minds of the public or the regulators that the insured entities—the banks—are separate and distinct from the uninsured securities subsidiaries that might be set up under any expanded powers legislation. We don't want the unsuspecting and unsophisticated investor being duped into thinking that his or her purchase of stock is somehow insured by the federal government. We want to make certain that the fire wall is thick enough to prevent federal insurance funds from being used, in any manner, by the securities subsidiary. This has to be ironclad.

In the early 1980s, Congress loosened restrictions on savings and loans and allowed these federally insured institutions to move into new and riskier areas of lending and investment. Some states, such as Texas and California, adopted even more liberal statutes, opening the door wider to speculative lending. All the while, federal insurance funds were backing these institutions.

Today the nation faces the enormous task of cleaning up the mess that has been left in the wake of this high-flying deregulation mania. Even the most conservative estimates indicate that the bill for the cleanup will be no less than $100 billion.

It is true that commercial banks have more experience in handling diverse portfolios than was true of savings and loans in the early 1980s. Undoubtedly, the commercial banks have a deeper reservoir of management expertise. So it is perilous to draw hard and fast parallels between the two segments of the industry.

Nonetheless, we cannot ignore the tough lessons of the savings and loan crisis as we consider new powers for bank holding companies. The American public expects us to learn from mistakes, not blindly repeat them.

In 1982, when the Garn-St Germain legislation was before the rules committee in the House of Representatives, I testified in opposition to granting new powers for savings and loans. I had questions about the new activities, but my concern was centered on the fact that the legislation provided no new regulatory structure to accompany the new powers: I knew that S&L regulation was in sad shape. It seemed inconceivable that we would be adding new problems for the regulators at a time when they were unable or unwilling to track even traditional activities of the institutions. History, I believe, bears out the folly of new powers without new regulation.

Clearly, the decision on what kind of safeguards and regulations are needed is the prerogative of Congress—not something to be left to the Federal Reserve Board. As we have learned in the savings and loan crisis, the insurance funds represent a tremendous contingent liability for the American public. It is Congress's responsibility to protect these funds and the public. We cannot properly delegate this to the unelected board of governors of the Federal Reserve.

It is my hope that the committee will examine each of the proposed powers carefully, making certain that the fire walls are solid and that we have a regulatory structure that can keep pace with change.

Expanded powers is an item properly on the agenda for the 101st Congress. The issue will be addressed.

Mr. Speaker, I then want to point out that in today's New York Times there is a very interesting article which appears, and I offer it for the RECORD at this point, page D2. It says, "First Soviet Bank Office In U.S. Is To Open Soon," byline by Michael Quint. This headline would say that the Soviets are going to have a bank. Actually it will be what they call a representative office, and it will be the first one scheduled to open in August, and that is under permission of the State of New York. They are not going to offer loans or borrow money or anything, but they are what they call representative offices, and their main purpose is to try to guide American investors and financial services in their dealings with business in Soviet Russia. I thought that would be interesting, because I think we want to look into it.

[From the New York Times, May 25, 1989]

FIRST SOVIET BANK OFFICE IN U.S. IS TO OPEN SOON

(By Michael Quint)

In the spirit of perestroika, executives for the Bank for Foreign Economic Affairs are preparing to open the first American office of a Soviet bank.

A Soviet banking presence in the United States can aid recent Soviet efforts to encourage foreign trade and foreign investment in Soviet enterprises. The absence of such a bank was so glaring that it was the first question raised in December at a roundtable discussion at a Soviet trade show in New York.

Banks from 50 other countries already operate more than 1,000 offices in the United States.

A LIMITED ROLE

The new Soviet office, authorized in April by the New York State Banking Department, will start by providing advice to American and Soviet financiers and smoothing the way for consultations between business executives from the two countries. It will be what is known as a representative office and will not be licensed to make loans, handle financial transactions or earn a profit.

"This is the way other foreign banks have started in New York," said Eugene V. Ulianov, who will head the office. He has been

involved in gold trading and international money markets for 36 years.

Before the bank advances to branch status, which would give it authority to make loans and offer credit guarantees, "we want to understand if it is commercially useful," Mr. Uljanov said.

Without painting too ambitious a picture of what the five-member office can accomplish, Mr. Uljanov said its activities could include helping American banks participate in financings for business ventures in the Soviet Union and offering advice on foreign currency transactions in the Soviet Union.

The office is not scheduled to open until early August, but Mr. Uljanov said he was already far more busy than he expected. "I did not understand that office furnishing and insurance could be so complicated," he said.

One New York banker said of the Soviet plans: "They have been talking about opening an office here since the previous period of détente in the early 1970's. Those plans were derailed when relations between the two countries deteriorated. But they are probably better equipped now to deal in this market because of perestroika and the moves to decentralization in the Soviet Union."

A WELL-KNOWN BANK

Until late last year, the Bank for Foreign Economic Affairs was known as the Bank for Foreign Trade, and was the only Soviet bank allowed to handle foreign currency financings. To American bankers active in the Soviet Union and to traders in currency markets, the Venesheconombank, as it is called in Russian, was the best-known bank in the country. Other well-known Soviet-owned banks, like the Banque Commerciale pour l'Europe du Nord in Paris and the Moscow Norodny Bank in London, are chartered outside the Soviet Union.

With economic decision-making with the Soviet Union being decentralized and other banks being allowed to handle foreign currencies people involved in New York banking estimated that the Bank for Foreign Economic Affairs was now more willing to invest in New York to maintain its premier position in foreign transactions.

Three Americans will be among the five people working in the office on Madison Avenue at 54th Street. The office also represents the Donau Bank, an Austrian-chartered bank owned by the Soviet State Bank and the Bank for Foreign Economic Affairs.

THE PICTURE IS BECOMING CLEAR

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Maryland [Mrs. BENTLEY] is recognized for 60 minutes.

Mrs. BENTLEY. Mr. Speaker, before making my remarks I would like to make an observation.

I have been reading the news accounts about the Senate vote on the FSX and I offered up a little prayer, that those who voted for the FSX giveaway would not have to regret their vote as some have on voting to give away the Panama Canal.

I fervently hope we will not see the Japanese in the commercial aerospace industry—although I know the Japanese Government has a stated goal of getting in the aerospace business.

Despite the claims of friendship and help—their goal becomes more obvious in what some businessmen are calling an economic war. They are getting in so many things, but how they operate is becoming clear to more and more Americans.

A Wall Street Journal article by Stephen Yoder on August 28, 1988, explained that "around April each year the Japan Ministry of International Trade and Industry [MITI] grinds their policymaking machine into action." They consult with business, academic, and industry, and by the next April put their plan into action.

MITI has targeted American industry in a well-organized plan and we can now see the results of some of the plan from past years.

Yoder's article explained "The Erosion of U.S. Market Shares."

The percentage of the U.S. share of the domestic American market from 1970 to 1987—just 17 years—went from 100 percent to zero in phonographs pioneered by the United States. The estimated value of the sales is $630 million.

In color television sets pioneered by the United States the market went from 100 percent to 10 percent in sales of $14.05 billion.

In audio tape recorders pioneered by the United States the market went from 40 percent to zero percent in sales of $500 million.

In video cassete recorders pioneered by the United States it went from 10 percent to zero percent in sales of $2,895 billion.

And, telephone set pioneered by the United States it went from 100 percent to 25 percent in sales of $1,657 billion.

I wonder how much we lost in taxes from that loss of that manufacturing capability?

Now we have some idea of the MITI plan for the next few years. We must also take into account other actions of the Japanese which also affect our future.

The article follows:

[From the Wall Street Journal, Aug. 24, 1988]

ALL EYES ARE ON MITI RESEARCH WISH LIST

(By Stephen Kreider Yoder)

TOKYO.—This is prime season for MITI-watching.

Every August, Japan's Ministry of International Trade and Industry sends budget proposals to the Finance Ministry. Many items on this year's wish list, ranging from computers that mimic the brain to newfangled aircraft, will reappear in April as increased funding for existing projects or as national research programs.

"It's a critical time at MITI." says a MITI official.

NEW STRATEGIES

It is also a critical time for the West to keep its eyes on MITI. New MITI policies often reflect new strategies in Japanese industry. Past budget proposals translated into programs that bolstered Japanese competitiveness in semiconductors, fiber optics and supercomputers. This month's policies could help Japan challenge the U.S. in important future technologies.

"It's something people ought to be paying a lot more attention to," says Charles Cook, vice president in Tokyo for Monsanto Electronic Materials Co. Like many U.S. Businessmen here, Mr. Cook believes foreign companies should be "putting in place what's necessary to capitalize on" MITI projects.

MITI won't release full details of its budget proposals until tomorrow. But officials eagerly discuss their pet plans in hopes of garnering the kind of public support that persuades Finance Ministry bureaucrats to dish out funds.

A sampling of this year's technology proposals:

Artificial Intelligence: Some Japanese computer experts feel Japan lags the U.S. in creating machines that mimic patterns of human thought rather than merely repeating simple calculations like today's computers do. MITI wants Japan's computer experts to convene next year to study promising new approaches, such as computers using optics or biological matter, and "neural-network" computers, which attempt to duplicate nerve patterns in the brain. Such study groups often lead to government-industry consortiums to develop technology.

Superconductivity: MITI Wants to boost research on superconductors, materials that conduct electricity with no resistance. A recent MITI report calls for "aggressive" research to refine superconductors, devise ways of mass producing them, and to strengthen development already under way on superconducting power plants, transistors and computer chips. Much of the new funds will go to the brand-new laboratories at Tokyo's International Superconductivity Technology Center. "We want to make this the Mecca of superconductivity research," says Kensuke Yamamoto, a MITI official overseeing superconductivity policy.

Hypersonic Planes: Ever since President Reagan in February 1986 called for U.S. development of an "Orient Express," a futuristic aircraft that would fly from New York to Tokyo in two hours, MITI's aerospace mavens have been itching to get Japan into the action. MITI is expected to request initial funds for a 40-billion-yen ($30 million) eight-year project to help Japanese companies develop engines and airframe materials. Companies such as Mitsubishi Heavy Industries Ltd. and Ishikawajima-Harima Heavy Industries Co. are likely recipients. Though MITI officials vow that Japan doesn't plan to go it alone in hypersonic planes, some Western observers warn that Japan could challenge U.S. leadership in aerospace. But Japanese skeptics say the Finance Ministry may reject the project as too risky.

Deep Underground Construction: With land prices sky high, MITI wants Japan to move to what it calls the "new frontier," deep underground. MITI wants to develop efficient methods to cut and maintain 150-foot-high domes more than 150 feet under cities. (Tokyo's subways are 30 to 60 feet deep.) Inside the caves would go electric-power generators, water-treatment plants and factories. The ministry wants to fund a feasibility study next year and start a seven-year national project in 1990. The project could give an edge to Japanese construction companies, which already have some of the world's best conventional tunneling technology.

Biotechnology: MITI will request about two billion yen ($15 million) for the Human Frontiers Science project, which will give grants and fellowships to scientists around the world for biological research. The objective is to establish Japan as a nation that doesn't just take the research of others but does its bit to support the world's scientific work.

Textiles: Japan's textile mills are battered by foreign competition. MITI wants to build "resource centers" to help textile concerns develop the technologies and marketing techniques to fight back.

The ministry's proposals are a product of the policy-making machine that grinds into action around April, when each MITI department submits project ideas that bureaucrats have hashed out with their contacts in industry and universities. Early this year, for example, officials in the industrial-electronics division began sounding out industry experts for ideas on future computers that approximate human traits such as learning and reasoning. While Tokyo University, Fujitsu Ltd. and others are developing neural-network machines on their own, the industry and MITI want Japan to pool its efforts to identify the best technology.

By June, "neuro-computers," as the Japanese call them, were on MITI's master list of projects to hone into budget proposals. Into August, bureaucrats responsible for electronics cajoled other MITI officials into backing their pet projects, and ironed out financing. By mid-August, the proposal was finished.

On Aug. 31, MITI will submit the neural-network proposal to the Finance Ministry along with dozens of other proposals. Japanese companies and academics have been deeply involved in the process. Thus when the Finance Ministry approves the plan by late December—as it is expected to—companies and influential professors will be fully on board. When the project starts in April, the organization probably will include such computer heavyweights as Fujitsu, NEC Corp. and Hitachi Ltd.

EARLY INVOLVEMENT URGED

"By the time the proposal meets the light of day all the companies have had their say," says an American businessman in Tokyo. Foreign businessmen should develop rapport with MITI and get involved early on in the project-creation process, he says. "You have to get in at the beginning before the local industy gets lined up."

But foreign companies largely outside the budget process, often by choice. MITI is increasingly willing to let Japanese subsidiaries of foreign companies participate in its research.

Many American businessmen here complain that although their U.S. home offices fear Japanese competition, they tend to ignore MITI's technology policy and decline chances to join the government-industry process that has helped hone Japan's competitiveness. MITI has invited foreign companies to join Japan's superconductivity research lab, for instance. But only W.R. Grace & Co. has shown interest, and no foreign company has joined.

In an April 16 issue of Parade magazine, Jack Anderson has an excellent article, "Who Owns America?" Although the Japanese do not own everything listed, they certainly have a hefty share.

He pointed out that—

Today, foreign investors own more than $1 trillion worth of U.S. Government securities, corporate stocks and bank deposits—an increase of 192 percent from 1980.

Since 1977, foreign ownership of U.S. factories, banks, businesses and buildings has more than quadrupled.

They own 9 billion dollars worth of real estate in Hawaii, and have sent up the market price of housing in Honolulu by 50 percent in the last 2 years.

The article follows:

[From Parade magazine, Apr. 16, 1989]

WHO OWNS AMERICA?

(By Jack Anderson)

In the westering hunger for land, America's pioneers conquered the wilderness, traversing mountains and rivers to settle the frontier. Now their descendants are selling off that hard-won heritage to foreigners with fat purses. Americans whose forebears cleared the wilderness are trading their birthright for unprecedented profits. And with each sale, they lose a little control of their destiny.

Eleven years ago, I sounded a national alarm that foreign millionaires were secretly buying up American farmland with devalued dollars. I dug out the disturbing details from land offices across the country. I found that foreign investors, using dummy corporations, were acquiring title to land that American families had been tilling for generations.

An alarmed Congress investigated and called for action to keep ownership of U.S. property in U.S. hands. A law was duly passed requiring disclosure of foreign ownership of farmland—a law that incredibly didn't include urban property.

But while the new law increased the *documentation* of farm purchases, it didn't stop the sales. In recent years, the selling of America has continued remorsely, except that it is no longer limited to farms in the heartland. Today, too, foreign investors no longer bother to conceal their identities; they have found Americans eager to sell their land and resources for a fistful of dollars.

These days, the Japanese own $9 billion worth of real estate in Hawaii. Japanese millionaires have sent up the market price of the housing in Honolulu by 50 percent in the last two years. "They're buying up our homes and our farmland," laments Honolulu's Mayor Frank Fasi. "Many Hawaiians can no longer afford to live here." He notes that the Japanese now own 10 of Oahu's 14 private golf courses and 40 percent of the hotel rooms in Waikiki.

And the towering buildings that form the skylines of many U.S. cities are owned, in increasing percentages, by people in London, Tokyo and Toronto. About 64 percent of the real estate in downtown Los Angeles and 39 percent of that in downtown Houston is foreign-owned. One-third of the office space in Minneapolis belongs to Canadians. Toronto's Reichman brothers own 8 percent of Manhattan's office space. Britons own at least a dozen of the office buildings in the high-rent triangle formed by Pennsylvania, Connecticut and New Hampshire Avenues in the nation's capital. Control of major U.S. corporations, from Purina Mills to Standard Oil of Ohio, also is falling into foreign hands.

The purchases are accelerating. In the last five years, foreign ownership of American farms, factories, banks, businesses, buildings and other assets has doubled. Last year alone, direct investments leaped by 16 percent. U.S. Commerce Department statisticians, who keep a loose account of the purchases, estimate that foreign investments now exceed a staggering $1.5 trillion.

While the Canadians and British still own more American assets than other foreigners, of late the most visible financial invasion has come from Japan. Japanese direct investments last year increased by 45 percent, and they continue to buy at the same rate. Shuwa Investment Co. paid $620 million for Arco Plaza in Los Angeles. "U.S. real estate is a bargain compared to Japan," said Yoshio Yamashita, vice chairman of Shuwa. Osamu Imai, information officer at the Japanese embassy, concurred. The slumping value of the dollar, he explained, has doubled the value of the yen in the United States since 1985 (as well as increasing the value of British, German and other currencies). Japanese investors are purchasing U.S. property, Imai said, "for purely economic reasons."

Yet these purchases also reflect a subtle change in Japanese-American relations. The Japanese, whose devastated homeland was rebuilt with American aid, now surpass the U.S. as the world's economic leader, while threatening to overtake us as the world's No. 1 technological power as well (see "Why Japan Can Buy Us Out").

Thus, as the U.S. runs up a massive public debt, the Japanese are piling up cash reserves—much of it spent on acquiring healthy businesses and real estate abroad. They, as well as other foreigners, are taking advantage of the economic climate and shocking lack of political vigilance to buy some of our most valuable resources. Consider these facts:

Foreign owners already control some U.S. industries, such as cement and consumer electronics. They own huge shares of other industries, including automobiles, chemicals and machine tools.

It is almost impossible for the public or Congress to evaluate information on who is purchasing what or to realize the magnitude of the buyout, because documentation is spread through at least 16 agencies. Even the Commerce Department has conceded that its latest estimates of aggregate foreign investments over the last 10 years contain a $200 billion discrepancy.

Here in our own backyard, Japanese-owned plants are producing better goods at lower prices than American-owned plants can manage. Plain and simply, Japanese management is more efficient. The Japanese also have their own way of doing business. They call it *keiretsu*. A fraternal network of companies with strong historical links forms around a major bank. The affiliated firms deal closely and quietly with one another, purchasing each other's supplies and services. Soon, American firms won't be able to compete; they will have to revamp their methods or go out of business.

The U.S. market is wide open to foreign investment. Yet some of the same countries that are investing heavily in America have raised barriers to U.S. investment in their own economies.

States actually bid against one another, offering incentives and subsidies, to attract foreign investors. More than 40 states maintain overseas offices to solicit investments.

Over the last decade Americans have consumed more than they have earned. They are now selling off their assets to pay for their overindulgence. Foreign investors are lining up to pick up these properties at devalued prices. And, with few exceptions, they are buying established businesses, not building new ones. Eighty percent of their outlays in 1987, for example, were for exist-

ing companies. Already, foreign buyers have acquired such all-American companies as CBS Records, Purina Mills, Brooks Brothers, Celanese, Doubleday, Smith-Corona, Hardee's, Firestone, Pillsbury and Smith & Wesson. As Rep. John Bryant (D., Tex.) expressed it: "We are selling the family jewels to pay for a night out on the town."

Nearly one-fifth of all U.S. bank assets are now foreign-owned. The figure is higher in such banking centers as Los Angeles.

Nearly 3 million Americans already are employed by foreign-controlled companies, and the number is increasing. Thus more and more Americans are becoming economically dependent on foreign interests. For example: Foreign owners tend to use their U.S. plants as low-wage assembly lines and distribution facilities. Economic decisions affecting workers in Cincinnati and Milwaukee may now be made in London and Tokyo by owners far removed from the health, safety and welfare of their employees. Often, these faraway tycoons are able to negotiate concessions in return for situating in depressed areas—concessions that affect hiring practices, pay scales and promotions.

What are the implications of these facts? The CIA has warned that foreign investment can be a way to gain access to American high-tech secrets in the guise of commercial enterprise. Others argue that foreign ownership is leading to an alliance of American beneficiaries (businessmen and employees), politicians and foreign governments that could transform its own economic interests into U.S. policy—even when such policy goes against the best interests of this country. If foreign ownership of U.S. properties continues to expand at the present rate, foreigners will hold a mortgage on America by the late 1990s. This will give them virtual control over the U.S. economy. Already, for example, 155 Japanese firms, spending more than $50 million a year, employ lobbyists to promote Japan's interests in Washington.

Recommendations to appease foreign interests have been welcomed at the top. When legislation was introduced by Representative Bryant to tighten controls over foreign investments, Congress suddenly was overrun by lobbyists, Americans all, who pleaded that the investments were good for America. They credited foreign investments with creating 3 million jobs, rebuilding cities, reshaping rural areas and bolstering real-estate prices. No less than James Baker, then Treasury Secretary, personally knocked on Senate doors to warn that the President would veto the measure.

Why are our political leaders abetting the buyout of America? I believe foreign investment has become a narcotic, and the politicians have become addicted. They have come to rely on foreign money to stimulate the economy, create new jobs and expand the tax base. Japanese investors finance 30 percent of the federal deficit. If they should stop their U.S. purchases, our economy would be plunged into a severe recession. The politicians have got this country so deeply in hock to foreign interests that they can't face the withdrawal pains—which might include risks to their own political futures.

It would be a grievous mistake to blame the Japanese, say, for our plight. We are responsible for our own destiny. But we need to understand why Japan is succeeding and why the United States is slipping. Most of all, however, we must tighten our belts, we must stop consuming more than we produce, and we must call a halt to the spending spree.

Here are some specific steps we can take: We must balance the federal budget and stabilize the government's finances. It won't do much good if our politicians engage in their usual sleight-of-hand—juggling figures and altering statistics until the budget merely appears to be balanced. Nor will it help much for them to raise taxes if they are going to continue squandering the revenue. They should stop the misspending and cut out the waste before they call for more taxes.

Foreign investments should be reported and policed. Every purchase of significant size should be screened to determine what effect it will have on America's security and commerce. And certainly Congress should adopt a policy of strict reciprocity: Foreign access to the U.S. market must be tied to American access to foreign markets. Finally, incentives and concessions to foreign investors should be restricted by law.

Eleven years ago, I blew the whistle when the gold rush began. Now I must blow the whistle again before it's too late. America, with its vast resources and endless expanses, is still the land of opportunity—opportunity for those strong enough to seize it. We still can avoid an irreversible erosion of our natural heritage. We must overcome our self-paralysis, revive the spirit of our forefathers, roll up our sleeves and reclaim our country.

WHO OWNS LOS ANGELES?

About 64 percent of the real estate in downtown Los Angeles is owned by foreigners, much of it by people in Tokyo, London, Bonn and Toronto. So is 39 percent of Houston, as well as a third of the office space in Minneapolis. Increasingly, the towering buildings that form the familiar skyscapes of our cities are being purchased by foreign investors who have benefited from the slumping U.S. dollar.

States actually bid against one another—offering incentives and subsidies—to attract foreign investors. Below is a breakdown, in billions of dollars, of foreign-owned plants, property and equipment in all 50 states and the District of Columbia, as of 1986.

Texas	$40,324,000,000
California	37,017,000,000
New York	18,016,000,000
Alaska	15,134,000,000
Louisiana	13,562,000,000
Illinois	11,057,000,000
New Jersey	10,608,000,000
Ohio	9,530,000,000
Florida	9,487,000,000
Pennsylvania	9,293,000,000
Georgia	8,611,000,000
North Carolina	8,270,000,000
Michigan	7,272,000,000
South Carolina	5,744,000,000
Virginia	5,529,000,000
West Virginia	5,261,000,000
Tennessee	5,192,000,000
Oklahoma	5,172,000,000
Colorado	4,881,000,000
Minnesota	4,442,000,000
Massachusetts	4,038,000,000
Arizona	4,006,000,000
Kentucky	3,959,000,000
Alabama	3,586,000,000
Missouri	3,487,000,000
Washington	3,398,000,000
Wisconsin	3,187,000,000
Indiana	3,153,000,000
Maryland	2,931,000,000
Delaware	2,901,000,000
Wyoming	2,849,000,000
Utah	2,620,000,000
Mississippi	2,416,000,000
Connecticut	2,381,000,000
Kansas	2,158,000,000
New Mexico	2,132,000,000
Hawaii	2,013,000,000
Oregon	1,671,000,000
Montana	1,597,000,000
Iowa	1,555,000,000
Maine	1,373,000,000
District of Columbia	1,362,000,000
North Dakota	1,362,000,000
Nevada	1,301,000,000
Arkansas	1,148,000,000
New Hampshire	764,000,000
Rhode Island	474,000,000
Vermont	454,000,000
Nebraska	400,000,000
South Dakota	393,000,000
Idaho	382,000,000

According to the February 13 issue of Forbes magazine an article, "What Foreigners Will Buy Next," states that U.S. "auto parts makers, semiconductor producers, and biotech outfits with lots of strong patents will be the hottest tickets."

The article states, "Japanese exporters are eager to shift production to the United States to counter protectionist sentiments and because the strong Yen makes America a lower-cost place to manufacture."

The Japanese buying mania of America is continuing and it includes the purchase of real estate, industrial plants, record companies, meat processing plants, citrus groves, ranches—and the list goes on and on.

What is becoming clear is they are not only driving up prices but are alarming Americans who can no longer continue to own homes in some places like Hawaii—and they are buying up the leisure properties.

I was in southern California on Monday, and some of the residents there pointed out to me that literally all of the land, all of the properties west of Highway 5 between Los Angeles and San Diego are now owned by Japanese interests, and they expressed concern. Oh, yes, they are becoming our landlords and Americans are asking why.

How can this be in the United States? How can we let them price us out of our own market on real estate and lose such industries as our movie industry to foreigners?

Now we have one more area where the Americans are helping the Japanese to excel, and that is in business takeovers.

It was with absolute amazement that I read yesterday about American businessmen helping Japanese learn the art of business takeovers.

In the article in the New York Times by James Sterngold, "Tutoring Japanese on Takeovers" explained the Japanese have "clearly chosen it as a global growth business. The Japanese the companies are training are "their advance parties."

The article follows:

[From the New York Times, May 23, 1989]

TUTORING JAPANESE ON TAKEOVERS

(By James Sterngold)

It was a classic American business story when a dissatisfied group of takeover experts at the First Boston Corporation suddenly quit last year and formed Wasserstein, Perella & Company to do things their own way. And the story could not have been more Japanese when Nomura Securities, which later acquired 20 percent of Wasserstein, Perella, shipped five members of its staff to the new firm to learn the takeover game: the five were neither consulted nor told why they had been chosen.

"It was totally a voice from heaven, you could say," said Hiromi Yamaji, one of the five and a vice president. "It's not the Japanese style to ask why."

The constrast is just one of dozens in an unusual cross-cultural experiment: teaching Japanese securities professionals the rough-and-tumble acquisitions game, a uniquely American business and an activity that until recently barely existed in Japan.

THE START OF A TREND

Already, the experiment has turned into something of a trend. The Blackstone Group, a highly successful mergers and acquisitions firm set up by two former Lehman Brothers Kuhn Loeb investment bankers, Peter G. Peterson and Stephen A. Schwarzman, sold a 20 percent interest to Japan's Nikko Securities and has three trainees. And the Lodestar Group, led by Ken Miller, a former vice chairman of Merrill Lynch & Company, and Robert Baldwin, a former chairman of Morgan Stanely & Company, will soon take on two Japanese trainees from its 20 percent shareholder, Yamaichi Securites.

Other American securities firms have taken on Japanese professionals for training, but it is in the mergers business that the cultural contrasts are most evident. From the power breakfast to screaming negotiating sessions and million-dollar bonuses, the American style of mergers and acquisitions is a world away from traditionally indirect and slower-paced Japanese business methods.

Consider income. The Blackstone Group's three Japanese professionals are still paid a typical Japanese wage by Nikko and thus earn less than $100,000 a year—a fraction of what the American professionals working elbow-to-elbow with them receive. And the list goes on.

A SERVICE BUSINESS TEST

The experiment may provide some insight into a significant issue: Will the Japanese prove as adept at learning, and then dominating, service business as they have at a range of manufacturing industries, like automobiles and computer chips? Even though the Japanese securities firms have made virtually no headway into mergers and acquisitions so far, they have clearly chosen it as a global growth business. The Japanese trainees are their advance parties.

The flood of Japanese investment in this country has added urgency to the Japanese desire to learn the mergers advisory business. Increasingly, Japanese investors are buying whole companies, not just their stocks and bonds. But Wall Street firms, as veterans of the takeover wars of the 1980's, are far ahead of their Japanese competitors in brokering these deals and garnering the huge fees.

Not coincidentally, this is the first financial business in which the Japanese securities firms have acknowledged that they cannot go it alone and have sought help in the form of joint ventures.

"The question for them was, do you have 100 percent of nothing or 20 percent of a good thing?" asked Joseph R. Perella, his firm's chairman.

MANAGEMENT STYLE QUESTIONED

Shin Kijima, a managing director at Wasserstein, Perella, said: "I think that in the M.&.A. or investment banking area the Japanese management style does not work. But we'll change if we need to.

"They are students and businessmen," said Toshio Mori, chairman of Nikko Securities' United States division, referring to the Nikko professionals at Blackstone. "We don't have expertise in this business because there has not been much M.&.A. in Japan. But things are changing and as we look five or ten years ahead we do believe M.&.A. will become important to Japan.

The flow of information is not one way, of course. Although the Americans may be training their future competitors, they are getting access to Japanese corporations and financial institutions that no American firm has been able to tap independently, an important new source of business.

"What we've gotten," Mr. Schwarzman said, "is use of the whole Nikko network in Japan."

LANGUAGE DIFFICULTIES

The Japanese cultural barriers to American-style deal making start with language; the Japanese word for a corporate takeover, "baishuu," can also mean bribery. So Japan's big securities firms have given their merger departments euphemistic titles. Nomura calls its takeover group in Tokyo the Business Development Department, while Nikko's is the Company Information Section.

The linguistic problem underscores the fact that in a country that regards corporations as surrogate families for their employees, the idea of selling or buying a company is fraught with negative implications.

"You don't have so many deals traditionally because to put a company up for sale generally means there has been some kind of failure," said Masanori Ishikawa, the head of Nikko's mergers and acquisitions department, now working at Blackstone. "It is very shameful."

THE POWER BREAKFAST

To the cosmopolitan Japanese involved in these studies—most have lived overseas and have American M.B.A.'s—some contrasts have clearly proved refreshing. Some are as small as the typical Wall Street meeting—the 7:30 A.M. power breakfast. In Japan, the norm is to meet for long dinners and rounds of drinking, which insure that Japanese executives do not enjoy much of a home life.

"It was a little unusual the first time, but I'm more comfortable now with a breakfast meeting," Mr. Yamaji of Wasserstein, Perella said. "I'd rather get up early and get home early."

Most Japanese here also enjoy the informality of the American firms that is considered essential to allow a free flow of ideas. By contrast, the rigid hierarchy of a Japanese securities company limits who can deal with whom and even the form of speech used.

"I was very surprised to find Mr. Peterson and Mr. Schwarzman talking to the junior people or an associate talking with Mr. Peterson about a company," said Hiroyuki Kondo, a Blackstone associate from Nikko who is the veteran of the group, with a year and a half of experience at the American firm. "I came to realize that it's part of their concept of the business."

SUDDEN CHANGES

The lack of a rigid structure is also evident in the speed with which negotiations can change direction or tone in this country, and the direct participation of chief executives in the process.

"One day they say we're not interested, the next day they say let's talk," said Mr. Ishikawa of Blackstone. "American people change their minds so quickly."

Another distinct element is the financial engineering that goes into an American-style takeover, especially a leveraged buyout. Investment bankers often spend vast amounts of time lining up financing and devising the financial structure, which can include everything from bank loans and "junk bonds" to preferred stock and warrants.

"Financial structure is not so important in Japan because there is so much money available," Mr. Ishikawa said, referring to the enormous cash hoard that Japanese financial institutions have amassed because of the country's huge trade surpluses and high personal savings rate. "Companies usually just go to their banks."

A SHORTAGE OF SPECIALISTS

One of the greatest barriers, though, could prove to be the lack of merger specialists in Japan. The Japanese firms rotate executives from one department to another every few years throughout their careers. This builds a strong coterie of generalists, but it means that businesses that require highly specialized knowledge or long-term personal relationships—like takeovers—are not done as well.

"Mr Kijima and I have been telling Nomura that they should consider changing the career process to keep people in M.&.A. to really learn the business," said Mr. Yamaji, who added that they had not met with much success so far.

Mr. Mori of Nikko said that in Tokyo, his firm had instituted a new policy: young executives can choose to specialize rather than enter the rotation. But it means they give up any chance of becoming president. "We have not had many people choose to do that," Mr. Mori said.

The Americans tend to reject worries that this might yet be another business that the Japanese slowly move into and then dominate.

'ALIEN TO THEIR CULTURE'

"That's always a risk in any business where you have arrangements like this," said Mr. Schwarzman of Blackstone. "But keep in mind that the deal technology business is quite alien to their culture. They aren't going to adjust that fast."

Mr. Perella said he did not expect the Japanese to become serious competitors. "This is a high-margin, brain power business," he said. "This is a service with an arcane set of rules. You don't mass-produce it. M.&A. is going to be done on what I call the Anglo-Saxon standard around the world. It isn't like a VCR, where they can learn the technique and then capture the market."

Perhaps the biggest guarantee that the Japanese will never play the takeover game quite the way Wall Street does is the individualism found among merger specialists, many of whom have developed into media stars with large egos to match their skills. In a Japanese company, an outsize ego is generally not an asset.

"Bruce and Joe are excellent people and I admire them greatly," Mr. Kijima said of Mr. Wasserstein and Mr. Perella. "But, of course, you cannot transfer all of their style."

The question raised is "Will the Japanese prove as adept at learning and then dominating, service businesses as they have at a range of manufacturing industries, like automobilies and computer chips?"

This is a curious thing—we have been told that we are turning into a service-based economy from a manufacturing economy—and that we are the world leaders.

Now they want to teach someone how to take away that lead. They are getting access to Japanese networks for their efforts—but then we are playing with fire on this because we are not dealing with a political system that separates the government and business as we do.

Their rationale is takeovers are "alien to their culture."

One of the American managers stated in a smug manner that takeovers are "a high-margin brainpower business. This is a service with an arcane set of rules. You don't mass-produce mergers and acquisitions. It is going to be done on what I call the Anglo-Saxon standard around the world. It isn't like a VCR where they can learn the technique and then capture the market."

If I were Japanese, I would be determined to show just what I could do in takeovers after a statement like that. That is noting but a fatuous statement.

Look what the Japanese have done to American business in a few short years.

The Japanese started out coming to our meetings and companies with notebooks and tape recorders asking how we did things. And wearing funny glasses in order to measure equipment without anyone knowing what they were doing.

In fact they recently did exactly the same thing with a film studio, until they had learned enough to try to branch out into their own commercial film labs. Fortunately—we called attention to it—and with some other actions, they have backed off from the lab.

The takeovers of companies will give them access to what we are developing in products—and like all business endeavors will give them the support and supply networks. It is complementary to their next assault on business.

Now Japan is getting ready to launch an assault on what we have been known for throughout the world—our innovation and creativity.

I might add at this point, Mr. Speaker, that we have been hearing and have been working to prevent Sony of America to get all of the rights to record on its optical disks all of the patents of the United States. This just really bothers me a great deal. All of this certainly appears to be a challenge to us and one we cannot and must not ignore.

A news cable of May 15 from Japan tells the story of what will happen in the attack on United States patents.

The news cable follows:

KEIZAI, LEBENSDRANG, TEIKOKU, MAY 15, 1989.—Japan's economic strength will be felt in the near future as Japanese industrial giants and trading companies broaden their funding of U.S. subsidiaries.

54 financial units were formed last year, with 36 units based overseas.

The total number of these units as of March, 1989 according to Japanese news reports, was 388 in Japan with 99 in the Netherlands, 44 in the U.S., 13 in Britain, nine in Hong Kong, four in Australia, four in Luxembourg, three in the Cayman Islands, three in Panama and seven in other regions.

Mitsui & Co., ranked top with eight financial subsidiaries, Mitsubishi Corp., and Nissho Iwai Corp., were second with seven units. Other Japanese Companies included: Matsushita Electric Industrial Corp., Sumitomo Corp. and Nippon Telegraph and Telephone Corp., each with six units.

Recent news reports in the Wall Street Journal and the New York Times noted that Nissan Motor's finance department expanded its financial units in the U.S., with the Nissan Motor Acceptance Corp., for financing cars and also a newly formed insurance company.

But the real battle that is brewing is the recently formed "intellectual property rights departments," by six Japanese electronics firms.

Mitsubishi Electric, in February, formed a new department with a staff of 120 patent, legal, and engineering personnel, 70 of these staff members will be based at Mitisubishi's R&D center.

I might note that the FSX technology is going to be turned over to Mitsubishi, which has some questionable ties to Libya in regard to building a bomb plant next to a chemical gas plant in the middle of the Libyan desert.

Sharp has set up a 30 man staff and the Toshiba Corp., reorganized its patent department into a 70 member team on April 1. Matsushita has set up an international and legal affairs department in their Osaka and Tokyo office and a "researcher" has been sent to their Washington, D.C. office.

But the largest restructuring was the Hitachi Ltd., which merged its engineering and patent division last August into a 330 staffed section.

What has gone unnoticed by the U.S. media, particularly by financial reporters, is when the Super 301 provisions of the Omnibus trade act are implemented at the end of May, that the Japanese electronics companies will be going on the offense.

Japanese companies, for the past several years, have been acquiring a large number of patents in the U.S. They claim that American companies use lawsuits as a stopgap measure until they can get new products onto the market.

In 1987, Canon, Hitachi, and Toshiba were the top three companies to acquire patents in the U.S. Mitsubishi, which ranked seventh, obtained 518 patents.

Toshiba, of course, is the company that sold the silent submarine milling equipment to the Russians, thereby setting back the U.S. naval power by years and billions of dollars.

These newly formed departments show a markedly different approach as to how American companies will be economically attacked on their own turf.

This certainly appears to be a challenge to us—and one we cannot and must not ignore.

Keep in mind the statement from the cable explaining the Japanese hiring more patent attorneys—as I read the first sentence of a story on March 30 from the Journal of Commerce.

The article by A.E. Cullison states, "Japanese officials presented a plan Wednesday designed to ease differences in the way Japan and other countries protect intellectual property rights."

"Under a proposal from the Japanese Patent Office, Japan will introduce an electronic patent application system to reduce the time involved examining patent applications."

Now I know we have been complaining about the backlog in examining patents—but I find the statement from the cable to be directly contrary to the Cullison article on how they are trying to cooperate.

His story is accurate and correct—but the cable is putting on the real face of how the Japanese intend to operate in the patent area.

And—there is nothing wrong with wanting to do well with patents, but we must look at it on the broader perspective.

They have a method of operation that is—forgive me—foreign to us. When a Japanese company wants a product they file patents all around the product.

Their filing is similar to the camera fiend on a vacation that takes 100 pictures of their trip and then treats you to an enforced viewing of boring pictures taken every 2 seconds which in reality are nothing more than shots in slow motion of your friends.

As with the numerous pictures of your friends on vacations—the Japanese are willing to spend $5,000 to $6,000 on each patent to file all around an original patent.

The net effect is to keep the original patent holder from progressing with his patent and investment. That process becomes a substantial investment just to file on an original patent.

So, it is becoming clear what their intentions are. On one hand they cooperate, while they buy property—learn about business takeovers—or they plan to take over patents. Maybe fights will ensue over the patent process.

Our overseas allies or competitors are in for a surprise. The American

people are resilient—they are optimistic and have an entrepreneurial spirit. Once a picture is clear to them and they are challenged—they will roll up their shirt sleeves and win the competition—and this is a challenge. I place my faith in America.

□ 1340

NATIONAL TAP DANCE DAY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan [Mr. CONYERS] is recognized for 60 minutes.

Mr. CONYERS. Mr. Speaker, today we are in the process of examining—thanks to some extraordinary cooperation from the leadership on both sides of the aisle—one of the most significant resolutions that I have been able to bring forward to this body in the 101st session of the Congress. I am very pleased to have shortly coming up for consideration, a joint resolution that would designate May 25, 1989, as "National Tap Dance Day."

This multifaceted art form is a manifestation of the cultural heritage of our Nation, it reflects the fusion of both African and European cultures into an exemplification of the American spirit that should be through documentation, archival and actual performance support, transmitted to succeeding generations of Americans who may not be as particularly aware of this art form as they might. Tap dancing has had a historic and continuing influence on other American art including music, vaudeville, Broadway musical theater, and film and other forms of dance. It is perceived around the world as a uniquely American art form, and tap dancing itself is a joyful and powerful aesthetic force providing a source of enjoyment and an outlet for creativity and self-expression for Americans, from the novice hoffers, right up to the ranks of the highest professionals in that field.

□ 1350

I might also say that it is in the best interest of the people of our Nation to preserve and promote and, yes, celebrate this uniquely American art form, and because one American tap dancer, Bill "Bojangles" Robinson, has been the person that has brought this art form into more prominence and popularity than any other, we in Congress have taken this day, May 25, his birthday, to make this resolution a part of the legislative process of the House of Representatives.

Bill Robinson made his contribution to tap dancing on both stage and film and through the unification of diverse stylistic and racial elements, and so this day, May 25, the 111th anniversary of the birth of Bill "Bojangles" Robinson, is the most appropriate day in which to refocus the attention of the Nation on this great American art form, tap dancing.

So we resolve here in the House of Representatives, and subsequently in the other body, that May 25, 1989, be designated as "National Tap Dancing Day," and that the President be authorized and requested to issue a proclamation calling upon the people of the United States to observe such a day with appropriate ceremonies and activities.

All the way from Detroit, MI has come one of the great tap dance experts in America, Mr. Lloyd Storey, who sits in the gallery at this moment. He has been a member of the Sultans Dance Team since 1941. It was he who joined "Bojangles" Robinson in the Hot Mikado, a play that was produced by Mike Todd for the New York World's Fair, and he and his group performed for 6 months with "Bojangles." Subsequently, the Sultans danced around the world, performing before kings and Presidents, before paupers and princes, and before people of every ethnic origin. I am so very pleased that Lloyd Storey would travel to the Nation's Capital for this very historic day in the House of Representatives. Currently, Mr. Storey is teaching at the Center for Creative Studies in the Institute for Music and Dance. So on September 15, 1989, when the Detroit Symphony Orchestra begins its new season, the opening performance will be with Gregory Hines and Mr. Lloyd Storey and the Sultans, all coming together for a wonderful combination of American music and tap.

So I have been moved as the Members can tell, Mr. Speaker, by my modest participation in this project, and I have made a pledge, a sober and somber pledge, that I, too, would join the legion of people who are going to take tap dancing lessons. Tonight I am joining master tap dancer and instuctor Brenda Buffalino and the members of the Tap America Project for my first tap dance lesson. I am taking my constituent, Lloyd Storey, with me, and we are going to have quite a time indeed.

I would now like to just review a little bit about this amazing man, Bill "Bojangles" Robinson. He was born back in 1878 in Richmond, VA, the grandson of a slave. His father was a machine shop worker. His mother sang in the local church. Early in his youth he was orphaned, and he was reared by his grandmother.

His formal education ended in the 8th grade. He quit school and ran away from home and came, of all places, to Washington, DC, where he began working as a stable boy at the Benning Race Track. There he was exposed to the traveling minstrel groups that were then in great vogue coming in and out of the city, and he became fascinated with the entertainers, with their exuberant and often outlandish performances. He studied their routines, their dances, their shuffling styles, their buck and wing, and the clog, which is the American version of the Irish jig. He was captivated and fascinated by the dancing. So he began to use the basics of a ministrel tradition, and he began to develop his own syncopated, rhythmic style, and he was soon out performing on the streets.

His early professional appearances were made in Eddie Leonard's Minstrel Show, The South, Before the War, which opened in New York in 1892. After a successful run, Robinson returned to Richmond where he worked for 10 more years as a waiter. Then he met his lifelong manager, Mr. Marty Forkins, and began working again on developing his elaborate routines. Pretty soon the critics began to recognize him. In 1926, just as he reached the peak of his talents, Robinson appeared in London, England, captivating that country with the exuberance and the originality and the verve that he brought to his style. So all throughout his life, this very complex, decent, entrepreneurial, energetic person reinvigorated this new art form, winning recognition for it around the world.

There was one highlight of his career that brought Robinson to complete renown, and that was the series of movies that he made with Shirley Temple in which he demonstrated a method of dancing up and down a stairway, which soon became imitated by all the people in tap dancing. One of the finest moments in American musical film history remains the one in which Bill Robinson taught Shirley Temple how to dance up the magic staircase in "The Little Colonel."

Bill "Bojangles" Robinson had a hectic, fabulous, and legendary existence. When he died on November 25, 1949, his body lay in state at the Lightguard Armory in Harlem, where he was eulogized for 2 days. Irving Berlin and many other great notables were his pallbearers. He left a great legacy that has now been recaptured in the resurgence of tap and by a new biography that has just come out called "Mr. Bojangles."

So, Mr. Speaker, I thank the Members of the House, from both sides of the aisle, for their enthusiastic cooperation which has allowed this joint resolution to be considered under the extraordinary procedures granted by both sides today.

Mr. Speaker, I yield back the balance of my time.

NATIONAL TAP DANCE DAY

Mr. SAWYER. Mr. Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be

discharged from further consideration of the joint resolution (H.J. Res. 131) to designate May 25, 1989 as "National Tap Dance Day," and ask for its immediate consideration.

The Clerk read the title of the joint resolution.

The SPEAKER pro tempore (Mr. KANJORSKI). Is there objection to the request of the gentleman from Ohio?

Mr. RIDGE. Mr. Speaker, reserving the right to object, I do so only for the purpose of inquiring of my friend, the gentleman from Michigan [Mr. CONYERS], if he has anything to add, since he has worked so diligently on this particular joint resolution. I do know that the gentleman noted the reason for the introduction of this joint resolution in his special order, but I would be happy to yield to the gentleman if he wishes to take additional time.

□ 1400

Mr. CONYERS. Mr. Speaker, will the gentleman yield?

Mr. RIDGE. I yield to the gentleman from Michigan.

Mr. CONYERS. Mr. Speaker, I first of all want to thank the gentleman from Pennsylvania [Mr. RIDGE] and the chairman of this subcommittee for the wonderful cooperation in which they have allowed me to make the timely obligation that is involved in this particular resolution.

I would like to add also that this is the same subcommittee that was so cooperative in allowing me to bring another similar resolution to the floor known as the resolution on jazz.

What I found in this cultural enterprise that I have been engaged in is that the artists of America are very, very supportive and enthusiastic. I would not have been surprised, Mr. Speaker, if none of them knew what the House of Representatives and the U.S. Senate were doing in this regard. Quite differently they were very pleased, certainly in the jazz world, that the Congress, our Federal legislature, for the first time in our 200 years, spoke to the important world contributions that jazz enjoys by all the countries in the world. Likewise, tap dance is considered an allied form, and I just have the feeling that with the resurgence of jazz under Gregory Hines and the tap dance organizations that these growing numbers of people, professional and amateur, are going to be just as enthusiastic about the work that your committee and those of us in the Congress that support this has done.

Mr. Speaker, I am very appreciative, and I hope that we will move this forward expeditiously.

Mr. SAWYER. Mr. Speaker, will the gentleman yield?

Mr. RIDGE. I yield to the gentleman from Ohio, my friend and colleague.

Mr. SAWYER. Mr. Speaker, I take this opportunity to offer special thanks to the distinguished gentleman from Michigan [Mr. CONYERS] for the extraordinary effort that he has put forth not only on behalf of this resolution in which he has made special effort to contact a remarkable number of our colleagues throughout the Congress and taken that opportunity to share the importance of the contribution that has been made in the name of this uniquely American art form, but to share that sense of importance with Members who might not otherwise have understood the depth of that appreciation. It is the same commitment to shared understanding that led to the extraordinary work that he brought through the committee which we share on behalf of the Martin Luther King Commission and the extension of that authorization. It is an effort, two efforts that are of a single kind, and in which all of us can take great pride and in which I take this particular opportunity to thank both Members, the gentleman from Michigan [Mr. CONYERS] and the gentleman from Pennsylvania [Mr. RIDGE], my distinguished colleagues, for making this extraordinary effort today.

Mr. RIDGE. Mr. Speaker, I do want to commend, as well, our colleague and friend, the gentleman from Michigan [Mr. CONYERS] who did quite admirable work the past couple of days in order to get cosponsors for House Joint Resolution 131.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

The Clerk read the joint resolution, as follows:

H.J. RES. 131

Whereas the multifaceted art form of tap dancing is a manifestation of the cultural heritage of our Nation, reflecting the fusion of African and European cultures into an exemplification of the American spirit, that should be, through documentation, and archival and performance support, transmitted to succeeding generations;

Whereas tap dancing has had a historic and continuing influence on other genres of American art, including music, vaudeville, Broadway musical theater, and film, as well as other dance forms;

Whereas tap dancing is perceived by the world as a uniquely American art form:

Whereas tap dancing is a joyful and powerful aesthetic force providing a source of enjoyment and an outlet for creativity and self-expression for Americans on both the professional and amateur level;

Whereas it is in the best interest of the people of our Nation to preserve, promote, and celebrate this uniquely American art form;

Whereas Bill "Bojangles" Robinson made an outstanding contribution to the art of tap dancing on both stage and film through the unification of diverse stylistic and racial elements; and

Whereas May 25, as the anniversary of the birth of Bill "Bojangles" Robinson, is an appropriate day on which to refocus the attention of the Nation on American tap dancing: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That May 25, 1989, is designated "National Tap Dance Day". The President is authorized and requested to issue a proclamation calling upon the people of the United States to observe such a day with appropriate ceremonies and activities.

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. SAWYER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the joint resolution just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Member (at the request of Mr. WALSH) to revise and extend his remarks and include extraneous material:)

Mr. WALKER, for 60 minutes, today.

(The following Members (at the request of Mr. PAYNE of Virginia) to revise and extend their remarks and include extraneous material:)

Mr. GLICKMAN, for 5 minutes, today.

Mr. ANNUNZIO, for 5 minutes, today.

Mr. HOCHBRUECKNER, for 60 minutes, on June 6.

Mr. HOCHBRUECKNER, for 60 minutes, on June 20.

(The following Member (at the request of Mr. GINGRICH) to revise and extend her remarks and include extraneous material:)

Mrs. BENTLEY, for 60 minutes, today.

(The following Member (at the request of Mr. GONZALEZ) to revise and extend his remarks and include extraneous material:)

Mr. CONYERS, for 60 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. WALSH) and to include extraneous matter:)

Mr. MARLENEE.

Mr. SCHULZE.

Mrs. ROUKEMA.

Mr. LAGOMARSINO in two instances.

(The following Members (at the request of Mr. PAYNE of Virginia) and to include extraneous matter:)

Mr. MATSUI.

Mr. PAYNE of Virginia.

Mr. PANETTA.

ADJOURNMENT

Mr. SAWYER. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to.

The SPEAKER pro tempore (Mr. KANJORSKI). Pursuant to the provisions of Senate Concurrent Resolution 38 of the 101st Congress, the House stands adjourned until 12 o'clock meridian, Wednesday, May 31, 1989.

Thereupon (at 2 o'clock and 4 minutes p.m.), pursuant to Senate Concurrent Resolution 38, the House adjourned until Wednesday, May 31, 1989, at 12 noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1256. A letter from the Deputy Commander for Contracts, Naval Facilities Engineering Command, Department of the Navy, transmitting notification of the determination and findings to restrict competition to joint venture companies of the United States and the Republic of the Philippines for the construction of a power plant expansion at PWC Subic Bay, Philippines, pursuant to 10 U.S.C. 2304(c)(7); to the Committee on Armed Services.

1257. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting the views of the administration in support of H.R. 2214, a bill to ratify certain agreements relating to the Vienna Convention on Diplomatic Relations; to the Committee on Foreign Affairs.

1258. A letter from the Deputy Associate Director for Collection and Disbursements, Department of the Interior, transmitting notification of proposed refunds of excess royalty payments in OCS areas, pursuant to 43 U.S.C. 1339(b); to the Committee on Interior and Insular Affairs.

1259. A letter from the Deputy Associate Director for Collection and Disbursements, Department of the Interior, transmitting notification of proposed refunds of excess royalty payments in OCS areas, pursuant to 43 U.S.C. 1339(b); to the Committee on Interior and Insular Affairs.

1260. A letter from the Acting Assistant Secretary of the Army (Manpower and Reserve Affairs), transmitting a draft of proposed legislation to amend title 5, United States Code, to provide a remote maintenance allowance to certain officers and employees of the United States assigned to Johnston Island; to the Committee on Post Office and Civil Service.

1261. A letter from the Secretary, Department of Veterans Affairs, transmitting a draft of proposed legislation to amend title 38, United States Code, to authorize the Department of Veterans Affairs to require mandatory disclosure of Social Security numbers in claims for disability and death benefits; to the Committee on Veterans' Affairs.

1262. A letter from the Chairman, United States International Trade Commission, transmitting the 57th quarterly report on trade between the United States and the nonmarket economy countries, pursuant to 19 U.S.C. 2441(c); to the Committee on Ways and Means.

1263. A letter from the Acting Assistant Secretary of the Army (Manpower and Reserve Affairs), transmitting a draft of proposed legislation to authorize the transportation of motor vehicles owned by Federal employees on Johnston Island to their families in Hawaii; jointly, to the Committees on Armed Services and Government Operations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. UDALL: Committee on Interior and Insular Affairs. H.R. 402. A bill to amend the Mineral Leasing Act of 1920 with respect to the movement of coal over public lands, and for other purposes, with an amendment (Rept. 101-67, Pt. 1). Ordered to be printed.

Mr. MONTGOMERY: Committee on Veterans' Affairs H.R. 1358. A bill to amend title 38, United States Code, with respect to the Montgomeray G.I. Bill, and for other purposes, with an amendment (Rept. 101-68, Pt. 1). Ordered to be printed.

Mr. MONTGOMERY: Committee on Veterans' Affairs H.R. 1734. A bill to exempt retired members of the Armed Forces called to active duty and assigned to full-time duty with the American Battle Monuments Commission from grade limitations on officers of the Armed Forces; with an amendment (Rept. 101-69, Pt. 1). Ordered to be printed.

Mr. ROSTENKOWSKI: Committee on Ways and Means. H.R. 2443. A bill to authorize appropriations for fiscal year 1990 for the customs and trade agencies, and for other purposes (Rept. 101-70). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. MATSUI (for himself, Mr. DORGAN of North Dakota, Mr. DONNELLY, Mr. MOODY, Mr. PEASE, Mr. STARK, Mr. COELHO, Mr. SWIFT, Mr. EDWARDS of California, Mr. WAXMAN, Mr. LEVINE of California, Mr. FRANK, Mr. MILLER of California, Mr. CLAY, Mr. HAYES of Illinois, Mr. LANTOS, Mr. BATES, Mr. DELLUMS, Mr. GEJDENSON, and Mr. OWENS of New York):

H.R. 2493. A bill to permit the flow-through to certain public utility customers of the benefits of the corporate rate reductions of the Tax Reform Act of 1986; to the Committee on Ways and Means.

By Mr. FAUNTROY (for himself and Mr. LEACH of Iowa) (both by request):

H.R. 2494. A bill to amend the Export-Import Bank Act of 1945 to authorize the appropriation of not to exceed $100,000,000 to the tied aid credit fund for fiscal year 1990, and to provide for expenditures from such fund during such fiscal year; to the Committee on Banking, Finance and Urban Affairs.

H.R. 2495. A bill to provide for a U.S. contribution to the interest subsidy account of the enhanced structural adjustment facility of the International Monetary Fund; to the Committee on Banking, Finance and Urban Affairs.

H.R. 2496. A bill to provide for participation by the United States in a capital increase of the Inter-American Development Bank, and for other purposes; to the Committee on Banking, Finance and Urban Affairs.

By Mr. GLICKMAN (for himself and Mr. PEASE):

H.R. 2497. A bill to authorize and encourage Federal agencies to use mediation, conciliation, arbitration, and other techniques for the prompt and informal resolution of disputes, and for other purposes; to the Committee on the Judiciary.

By Mr. JONES of North Carolina (for himself, Mr. DAVIS, and Mr. LENT):

H.R. 2498. A bill to regulate shipping in the domestic trades of the United States; to the Committee on Merchant Marine and Fisheries.

By Mrs. KENNELLY (for herself, Mr. GEJDENSON, Mr. SHAYS, Mr. PALLONE, Mr. ROWLAND of Connecticut, Mr. NOWAK, Mr. HAMILTON, Mr. SHARP, Mr. LAGOMARSINO, Mr. SMITH of New Jersey, Mr. JACOBS, Mrs. BOXER, Mr. MORRISON of Connecticut, Mr. MATSUI, Mrs. JOHNSON of Connecticut, Mr. OWENS of New York, Ms. SLAUGHTER of New York, Mr. COURTER, Mrs. LOWEY of New York, Mr. ROTH, Mr. JONTZ, and Mr. ROE):

H.R. 2499. A bill to amend title XIX of the Social Security Act to permit States to include, at their option, certain long-term care services under their Medicaid plans; to the Committee on Energy and Commerce.

By Mr. DELLUMS:

H.R. 2500. A bill to establish a United States Health Service to provide high quality comprehensive health care for all Americans and to overcome the deficiencies in the present system of health care delivery; jointly, to the Committees on Energy and Commerce, Armed Services, Banking, Finance and Urban Affairs, the District of Columbia, Education and Labor, the Judiciary, Post Office and Civil Service, Veterans' Affairs and Ways and Means.

By Mr. McEWEN:

H.R. 2501. A bill to amend the Mineral Leasing Act to provide for the continuation of certain future interest oil and gas leases; to the Committee on Interior and Insular Affairs.

By Mr. MARKEY:

H.R. 2502. A bill to amend sections 57(e) and 108 of the Atomic Energy Act of 1954 to prohibit commercial nuclear facilities from producing tritium for use in nuclear explosives except in time of war or national emergency; to the Committee on Interior and Insular Affairs.

By Mr. MATSUI (for himself, Mr. THOMAS of California, and Mr. JENKINS):

H.R. 2503. A bill to amend the Internal Revenue Code of 1986 to provide that certain corporations whose passive income is currently taxable to their U.S. shareholders

under section 951 of the Internal Revenue Code of 1986 will not be subject to the passive foreign investment company provisions of the Internal Revenue Code of 1986, and to eliminate the asset test for purposes of classifying a foreign corporation as a passive foreign investment company; to the Committee on Ways and Means.

By Mr. OBEY (for himself, Mr. OBERSTAR, Mr. PURSELL, Mr. PENNY, Mr. SABO, Mrs. MARTIN of Illinois, Mr. KASTENMEIER, Mr. HAYES of Illinois, Ms. OAKAR, Mr. STOKES, Mr. PETRI, Ms. KAPTUR, Mr. DORGAN of North Dakota, Mr. ROBERTS, Mrs. COLLINS, Mr. FEIGHAN, Mr. WHITTAKER, Mr. VISCLOSKY, Mr. KLECZKA, Mr. ROTH, Mr. SENSENBRENNER, Mr. VENTO, and Mr. GUNDERSON):

H.R. 2504. A bill to promote the maritime trade interests of the United States in the Great Lakes; jointly, to the Committee on Merchant Marine and Fisheries and Public Works and Transportation.

By Mr. PANETTA:

H.R. 2505. A bill to amend the Public Health Service Act, the Social Security Act, and the Internal Revenue Code of 1986 with respect to preventive health programs; jointly, to the Committees on Ways and Means and Energy and Commerce.

By Mr. RAVENEL:

H.R. 2506. A bill to provide for the Secretary of Veterans Affairs to construct a joint medical research center for the Department of Veterans Affairs and the Medical University of South Carolina in Charleston, SC, under a cost-sharing agreement; the to the Committee on Veterans' Affairs.

By Mrs. ROUKEMA (for herself, Mr. ROE, Mr. CONTE, and Mr. GILMAN):

H.R. 2507. A bill to establish a commission on aviation security and terrorism to investigate the adequacy of and compliance with aviation security procedures and Federal Aviation Administration security requirements; to the Committee on Public Works and Transportation.

By Mrs. SCHROEDER (for herself, Mr. FAUNTROY, Mr. DE LUGO, Mr. DE LA GARZA, Mr. FALEOMAVAEGA, Mr. SPRATT, Mr. PANETTA, Mr. DYMALLY, Mr. SKELTON, Mr. HERTEL, Mr. BUSTAMANTE, Mr. LANCASTER, and Mr. FAZIO):

H.R. 2508. A bill to direct the Secretary of Defense to provide comprehensive assistance to military families who are required to relocate; to the Committee on Armed Services.

By Mr. SCHUETTE:

H.R. 2509. A bill entitled the "Crop Quality Reduction Disaster Payments Act;" to the Committee on Agriculture.

By Mr. SCHULZE (for himself and Mrs. KENNELLY):

H.R. 2510. A bill to amend the Internal Revenue Code of 1986 to allow insurance companies to be consolidated with noninsurance companies; to the Committee on Ways and Means.

By Mr. STUDDS (for himself and Mr. YOUNG of Alaska):

H.R. 2511. A bill to direct the President to develop a comprehensive safety program to ensure the quality and wholesomeness of all fish products intended for human consumption in the United States; to the Committee on Merchant Marine and Fisheries.

By Mr. WILLIAMS:

H.R. 2512. A bill to amend section 109 of title 38 of the United States Code to provide certain medical services to certain Canadian members of the former First Special Service Force, a joint military unity of the United States and Canada which participated in World War II; to the Committee on Veterans' Affairs.

By Mr. ORTIZ:

H.J. Res. 285. Joint resolution designating the Ghost Squadron of the Confederate Air Force as the "United States Ambassador for the Commemoration of the 50th Anniversary of World War II;" to the Committee on Post Office and Civil Service.

By Mr. LEWIS of Georgia (for himself, Mr. JONES of Georgia, and Mr. GINGRICH):

H. Res. 162. Resolution relating to resolution of the Eastern Airlines labor dispute; to the Committee on Public Works and Transportation.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

117. By the SPEAKER: Memorial of the House of Representatives of the State of Hawaii, relative to implementation of the Hawaiian Homes Program; to the Committee on Banking, Finance and Urban Affairs.

118. Also, memorial of the House of Representatives of the Commonwealth of Pennsylvania, relative to funds for the low-income home energy assistance block grant for fiscal year 1990; to the Committee on Energy and Commerce.

119. Also, memorial of the House of Representatives of the State of Hawaii, relative to a nuclear weapons test ban; to the Committee on Foreign Affairs.

120. Also, memorial of the House of Representatives of the State of Hawaii, relative to reduction of the Federal deficit; to the Committee on Government Operations.

121. Also, memorial of the House of Representatives of the State of Hawaii, relative to the administration and the Congress working together to reduce the Federal deficit; to the Committee on Government Operations.

122. Also, memorial of the Senate of the State of Hawaii, relative to an extension of the territorial sea to 12 miles; the formation of a National Oceans Policy Committee; to the Committee on Merchant Marine and Fisheries.

123. Also, memorial of the House of Representatives of the State of Hawaii, relative to ceasing implementation of the Medicare Catastrophic Expansion Act of 1988; jointly, to the Committees on Ways and Means and Energy and Commerce.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 10: Mr. CLEMENT.

H.R. 14: Mr. LEHMAN of Florida and Mr. COSTELLO.

H.R. 40: Mr. GORDON.

H.R. 81: Mr. HERTEL, Mr. MACHTLEY, Mr. MANTON, and Mr. MCNULTY.

H.R. 109: Mr. JENKINS.

H.R. 286: Mr. ECKART and Mr. ROBINSON.

H.R. 332: Mr. GOODLING.

H.R. 543: Mr. PEPPER, Mr. HOCHBRUECKNER, Mr. MARKEY, and Mr. FAZIO.

H.R. 545: Mr. WAXMAN, Mr. OBERSTAR, Mr. CROCKETT, and Mr. EVANS.

H.R. 546: Mr. BUECHNER.

H.R. 598: Mr. EDWARDS of Oklahoma and Mr. SHAW.

H.R. 673: Mr. MATSUI, Mr. DYMALLY, and Mr. OWENS of New York.

H.R. 746: Mr. TAUKE, Ms. LONG, Mr. JOHNSTON of Florida, Mrs. LOWEY of New York, Mr. HOCHBRUECKNER, Mr. ROBERT F. SMITH, Mr. GALLO, Mr. SMITH of Texas, Mr. CARDIN, Mr. PEASE, Mr. VANDER JAGT, Mr. WELDON, Mr. KYL, Mr. BRENNAN, and Mr. GOSS.

H.R. 794: Mr. FROST and Mr. PANETTA.

H.R. 812: Mr. ALEXANDER and Mr. TORRES.

H.R. 844: Mr. PACKARD.

H.R. 963: Mrs. LOWEY of New York.

H.R. 1024: Mr. LIPINSKI and Mr. THOMAS A. LUKEN.

H.R. 1046: Mr. VOLKMER.

H.R. 1068: Mr. RHODES.

H.R. 1087: Mr. RINALDO, Mr. STUDDS, Mr. HAMILTON, Mr. PURSELL, Mr. EVANS, Mr. PALLONE, Mr. SYNAR, Mr. JONES of North Carolina, Mrs. MORELLA, Mr. JAMES, Mr. DEWINE, Mr. MAVROULES, and Mr. TRAXLER.

H.R. 1111: Mr. GEPHARDT.

H.R. 1142: Mr. MCCRERY.

H.R. 1175: Mrs. UNSOELD, Mr. FAUNTROY, Mr. DORGAN of North Dakota, Mr. ATKINS, Mr. JOHNSON of South Dakota, Ms. KAPTUR, Mr. HARRIS, Mr. MARTIN of New York, Mr. LEWIS of Georgia, Mr. GLICKMAN, Mr. LIGHTFOOT, and Mr. FROST.

H.R. 1176: Mr. RICHARDSON, Mr. TRAXLER, Mr. LANCASTER, Mr. JOHNSON of South Dakota, Mr. STANGELAND, and Mr. MCDERMOTT.

H.R. 1187: Mr. SOLARZ, Mr. AUCOIN, Mrs. BOGGS, Mrs. COLLINS, Ms. KAPTUR, Mr. ACKERMAN, Mrs. SAIKI, Mr. THOMAS A. LUKEN, Mr. LEWIS of Georgia, Mr. ROBINSON, Mr. KOLTER, Mr. EVANS, and Mr. GARCIA.

H.R. 1188: Mr. FAZIO.

H.R. 1307: Mr. PASHAYAN, Mr. PACKARD, and Mr. VALENTINE.

H.R. 1317: Mr. SHUMWAY, Mr. WALSH, Mr. RHODES, Mr. PACKARD, Mr. BOSCO, Mr. DANNEMEYER, Mr. MARTIN of New York, and Mr. SLAUGHTER of Virginia.

H.R. 1358: Mr. EDWARDS of California, Mr. HAMMERSCHMIDT, Mr. APPLEGATE, Mr. WYLIE, Mr. ROWLAND of Georgia, Mr. MCEWEN, Mr. FLORIO, Mr. BURTON of Indiana, Mr. STENHOLM, Mr. BILIRAKIS, Mr. HARRIS, Mr. RIDGE, Mr. KENNEDY, Mr. ROWLAND of Connecticut, Mrs. PATTERSON, Mr. SMITH of New Hampshire, Mr. JONTZ, Mr. JAMES, Mr. PAYNE of Virginia, Mr. STEARNS, Mr. MORRISON of Connecticut, Mr. PAXON, Mr. PARKER, Mr. JONES of Georgia, Ms. LONG, Mr. LEATH of Texas, Mr. HEFNER, Mr. JENKINS, and Mr. RICHARDSON.

H.R. 1375: Mr. HARRIS, Mr. NEAL of Massachusetts, Mr. STARK, Mr. MRAZEK, Mr. FRANK, Mr. DONNELLY, Mr. RANGEL, Mr. AKAKA, Mr. MCGRATH, Mr. FOGLIETTA, Mr. OWENS of New York, Mr. BOEHLERT, Mr. VOLKMER, Mr. GUARINI, Mr. EVANS, Mr. KOSTMAYER, Mr. DWYER of New Jersey, Mr. SMITH of Florida, Mr. LEWIS of Georgia, Mr. HAYES of Illinois, and Mr. SKEEN.

H.R. 1441: Mr. HOYER, Mr. GARCIA, Mr. BOUCHER, Mr. MCDERMOTT, Mr. CLARKE, Mr. VOLKMER, Mr. DYMALLY, Mr. SCHUETTE, Mr. STAGGERS, Mr. WOLPE, Mr. EVANS, Mr. DE LUGO, Mr. JOHNSON of South Dakota, Mr. LEWIS of Georgia, Mrs. MORELLA, Mr. TORRICELLI, and Ms. PELOSI.

H.R. 1468: Mr. SLAUGHTER of Virginia.

H.R. 1507: Mr. OWENS of New York, Mr. COURTER, Mr. RINALDO, and Mr. GUARINI.

H.R. 1515: Mr. FISH.

H.R. 1516: Mr. KILDEE, Mr. ATKINS, Mr. ENGLISH, Mr. LIPINSKI, Mr. BERMAN, Mr. ROBINSON, Mr. GUNDERSON, Mr. FORD of Michigan, Mr. CLEMENT, and Mr. DE LUGO.

H.R. 1605: Mr. FLORIO, Mr. WEISS, Mr. DURBIN, Mr. CLEMENT, Mrs. MEYERS of Kansas, Mr. SLATTERY, and Mr. SOLOMON.

H.R. 1725: Mr. BATES.

H.R. 1730: Mr. KENNEDY.

H.R. 1734: Mr. EDWARDS of California, Mr. HAMMERSCHMIDT, Mr. APPLEGATE, Mr. WYLIE, Mr. EVANS, Mr. MCEWEN, Mr. PENNY, Mr. SMITH of New Jersey, Mr. STAGGERS, Mr. BURTON of Indiana, Mr. ROWLAND of Georgia, Mr. BILIRAKIS, Mr. FLORIO, Mr. RIDGE, Mr. ROBINSON, Mr. ROWLAND of Connecticut, Mr. STENHOLM, Mr. SMITH of New Hampshire, Mr. HARRIS, Mr. JAMES, Mr. KENNEDY, Mr. STEARNS, Mrs. PATTERSON, Mr. PAXON, Mr. JOHNSON of South Dakota, Mr. JONTZ, Mr. PAYNE of Virginia, Mr. MORRISON of Connecticut, Mr. SANGMEISTER, Mr. PARKER, Mr. JONES of Georgia, Ms. LONG, Mr. LEATH of Texas, Mr. HEFNER, Mr. JENKINS, and Mr. RICHARDSON.

H.R. 1845: Mr. DIXON, Mr. PAYNE of New Jersey, Mr. ACKERMAN, and Ms. PELOSI.

H.R. 1860: Mr. HAWKINS, Mr. DYMALLY, Mr. KOLTER, Mrs. MARTIN of Illinois, Mr. BURTON of Indiana, Mrs. COLLINS, Mr. SOLOMON, Mr. THOMAS A. LUKEN, Mr. LELAND, and Mr. GARCIA.

H.R. 1867: Mr. WISE.

H.R. 1957: Mr. SLAUGHTER of Virginia.

H.R. 2049: Mr. LANCASTER and Mr. GILLMOR.

H.R. 2131: Mr. COOPER, Mr. FUSTER, and Mr. BOEHLERT.

H.R. 2148: Mr. PARKER, Mr. TOWNS, Mr. ACKERMAN, Mr. LEWIS of Georgia, and Mr. DYMALLY.

H.R. 2154: Mr. STUMP.

H.R. 2156: Mr. COURTER, Mr. BONIOR, Mrs. SAIKI, and Mr. OWENS of New York.

H.R. 2172: Mr. CLAY, Mr. JACOBS, Mr. OWENS of New York, Mr. RANGEL, Mr. HERTEL, Mr. VALENTINE, Mrs. UNSOELD, Mr. BERMAN, Mr. MCDERMOTT, Mr. ENGLISH, Mr. NEAL of North Carolina, Mr. MCGRATH, Mr. SCHEUER, Mr. EDWARDS of California, Mr. YATES, Mr. HORTON, Mr. ACKERMAN, Mr. LEWIS of Georgia, Mr. TOWNS, Mr. SIKORSKI, Mr. COYNE, Mr. DIXON, Mr. BILBRAY, Mr. BUECHNER, Mr. RINALDO, Mr. BENNETT, Mr. LIPINSKI, Mr. BOSCO, Mr. HENRY, and Mr. WEISS.

H.R. 2217: Mr. ROBINSON, Mr. WISE, Mr. TORRES, Mrs. COLLINS, Mr. BONIOR, and Mr. GARCIA.

H.R. 2237: Mr. BUSTAMANTE, Mr. BEVILL, and Mr. NIELSON of Utah.

H.R. 2273: Mr. KENNEDY, Mr. LEHMAN of California, and Mr. DURBIN.

H.R. 2323: Mr. COURTER, Mr. WALSH, Mr. AKAKA, Mr. YATES, Mr. BLAZ, Mr. GONZALEZ, Mr. MACHTLEY, Mr. NEAL of Massachusetts, Mr. KOSTMAYER, and Mr. FAUNTROY.

H.R. 2336: Mr. SMITH of Vermont, Mr. KOLTER, Mrs. BENTLEY, Mr. LIPINSKI, Mr. DYMALLY, and Mr. DENNY SMITH.

H.R. 2359: Mr. ROBINSON, Mr. GALLEGLY, and Mrs. COLLINS.

H.R. 2360: Mr. WOLF, Mr. DORNAN of California, and Mr. SMITH of New Hampshire.

H.R. 2395: Mr. DYMALLY, Mr. CARPER, Mr. JONTZ, Mr. BROWN of California, Mr. ATKINS, Mrs. BOXER, and Mrs. VUCANOVICH.

H.R. 2406: Mr. BONIOR and Ms. KAPTUR.

H.R. 2426: Mr. BERMAN, Mr. ACKERMAN, Mr. FALEOMAVAEGA, Mrs. COLLINS, Mr. HOYER, Mr. SIKORSKI, Mr. FAZIO, and Mr. PEPPER.

H.R. 2437: Mr. TOWNS.

H.J. Res. 54: Mr. KENNEDY, Mr. YATES, and Mr. PANETTA.

H.J. Res. 127: Mr. CONYERS.

H.J. Res. 131: Mr. SAWYER, Mr. HUGHES, Mr. SYNAR, Mr. SANGMEISTER, Mr. HYDE, Mr. YOUNG of Alaska, Mr. SOLARZ, Mr. BOSCO, Mr. DEFAZIO, Mr. MARTIN of New York, Mr. DAVIS, Mr. QUILLEN, Mr. APPLEGATE, Mr. MCCOLLUM, Mr. LEVINE of California, Mr. SOLOMON, Mr. ROE, Mr. SHAYS, Mr. BONIOR, Mrs. BENTLEY, Mr. KANJORSKI, Mr. LAFALCE, Mr. WILSON, Mr. BARNARD, Mr. JENKINS, Mr. WYLIE, Mr. AKAKA, Mr. PEPPER, Mr. BRUCE, Mr. COSTELLO, Mr. MCDERMOTT, Mr. ORTIZ, Mrs. MARTIN of Illinois, Mr. FROST, Mr. OWENS of Utah, Mr. HAMILTON, Mr. STAGGERS, Mr. DEWINE, and Mr. UDALL.

H.J. Res. 141: Mr. HILER, Mr. VALENTINE, Mr. LANTOS, Mr. AKAKA, Mr. MAZZOLI, Mr. HAMMERSCHMIDT, Mr. PRICE, Mr. GRANT, Mr. HOAGLAND, and Mrs. MARTIN of Illinois.

H.J. Res. 147: Mr. WALSH, Mr. APPLEGATE, Mr. NEAL of Massachusetts, Mr. MANTON, Mr. DE LA GARZA, Mr. BATES, Mr. BENNETT, Mr. HERTEL, Mr. KOSTMAYER, Mr. JONTZ, Mr. TOWNS, and Mr. OWENS of New York.

H.J. Res. 164: Mr. MAZZOLI, Mr. CALLAHAN, Mr. LAFALCE, Mr. HARRIS, Mr. YOUNG of Florida, Mr. FRANK, Mr. SAXTON, Mr. LIVINGSTON, and Mrs. MEYERS of Kansas.

H.J. Res. 177: Mr. SHAYS, Mr. FOGLIETTA, Mr. CONTE, Mr. GOODLING, Mr. WEBER, Mr. EVANS, Mr. FALEOMAVAEGA, Mr. MRAZEK, and Mr. SPENCE.

H.J. Res. 178: Mr. PAXON, Mr. MARTINEZ, Mr. HATCHER, Mr. MACHTLEY, Mr. EVANS, Mr. HUTTO, Mr. VOLKMER, and Mr. OWENS of New York.

H.J. Res. 197: Mr. SMITH of Mississippi, Mr. CLEMENT, Mr. CARPER, and Mr. HOAGLAND.

H.J. Res. 212: Mr. GONZALEZ, Mr. DYMALLY, Mr. DE LA GARZA, Mr. POSHARD, Mr. SKEEN, Mr. FRENZEL, Mr. INHOFE, Mr. JONES of Georgia, Mr. HANCOCK, Mr. PARRIS, Mr. COURTER, Mr. BEVILL, Mr. HAMMERSCHMIDT, Mr. CLINGER, Mr. SARPALIUS, Mr. PEPPER, Ms. OAKAR, Mrs. BENTLEY, Mr. FAZIO, Mr. MCNULTY, Mr. BENNETT, Mr. SHAYS, Mr. BATES, Mr. BURTON of Indiana, Mr. EVANS, Mr. LANCASTER, and Mr. SAVAGE.

H.J. Res. 216: Mr. BRENNAN, Mr. GINGRICH, Mr. HAMMERSCHMIDT, Mr. HUNTER, Mr. LIGHTFOOT, Mrs. MARTIN of Illinois, Mr. PAYNE of New Jersey, Mr. SABO, Mr. SISISKY, Mr. SMITH of Texas, and Mr. TORRICELLI.

H.J. Res. 217: Mr. ANDERSON, Mr. AKAKA, Mr. FOGLIETTA, Mr. BLILEY, Mr. HANCOCK, Mr. NEAL of North Carolina, Mr. SARPALIUS, Mr. WOLF, Mr. JONES of Georgia, Mr. FLORIO, Mr. SAWYER, Mr. TOWNS, Mr. SAVAGE, Mr. HATCHER, Mr. HAYES of Illinois, Mr. EVANS, Mr. MARTINEZ, Mr. BERMAN, Mr. DORGAN of North Dakota, Mr. OWENS of New York, Mrs. BOXER, Mr. WEISS, Mr. FROST, Mr. LANCASTER, Ms. PELOSI, Mr. PARKER, Mr. ACKERMAN, Mr. DEWINE, Mr. GILMAN, Mr. COUGHLIN, and Mr. MRAZEK.

H. J. Res. 272: Mr. SLAUGHTER of Virginia, Mr. DENNY SMITH, Mr. RINALDO, Mr. SAXTON, Mr. DAVIS, Ms. SNOWE, and Mr. CRAIG.

H. Con. Res. 79: Mr. TRAFICANT, Mr. MACHTLEY, Mrs. COLLINS, and Mr. HORTON.

H. Con. Res. 105: Mr. LAGOMARSINO.

H. Con. Res. 131: Mr. COURTER, Mr. FRANK, Mr. MACHTLEY, Mr. WEISS, Mr. DELLUMS, Mr. ROGERS, Mr. DENNY SMITH, Mrs. SAIKI, and Mr. FAUNTROY.

H. Con. Res. 132: Mr. AKAKA, Mr. DELLUMS, Mr. TRAFICANT, Mr. STARK, Mrs. COLLINS, Mr. FAUNTROY, Mr. NEAL of Massachusetts, Mr. MARKEY, Mr. FRANK, Mr. FLIPPO, Mrs. LLOYD, Mr. TOWNS, Mr. ACKERMAN, and Mrs. JOHNSON of Connecticut.

H. Con. Res. 134: Mr. SMITH of New Hampshire.

H. Res. 128: Mr. MCHUGH, Mr. BUSTAMANTE, Mr. COYNE, Mr. HYDE, Mr. SHAYS, Mr. CAMPBELL of California, and Mr. HENRY.

H. Res. 144: Mr. EDWARDS of Oklahoma and Mr. SMITH of New Hampshire.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

45. By the SPEAKER: Petition of the city council, Minneapolis, MN, relative to the funding of research on major illnesses, to the Committee on Appropriations.

46. Also, petition of the city council, Saraland, AL; relative to the extension of the Small Issue Bond Program; to the Committee on Ways and Means.

EXTENSIONS OF REMARKS

THE PREVENTIVE HEALTH MEASURES ACT OF 1989

HON. LEON E. PANETTA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 25, 1989

Mr. PANETTA. Mr. Speaker, I rise today to introduce legislation intended to expand the access of Americans to preventive health care and to increase the emphasis on preventive health in this country. Attention to prevention and to wellness programs is already on the rise, as more Americans realize that such programs can avoid considerable illness and death, improve overall health, and save money. The purpose of this bill is to further boost attention to disease prevention and health promotion.

Preventive health includes a wide range of measures and actions, such as: Decreasing the intake of fat and cholesterol, and therefore lowering one's risk of heart attack and stroke; stopping or cutting down on smoking, to decrease the risk for a wide range of life-threatening diseases; ensuring that expectant mothers receive adequate prenatal care, to prevent premature births and serious health problems; using mammograms to detect breast cancer at early stages; and testing for glaucoma and cataracts in the elderly to prevent loss of sight.

We are all aware of the rapid increase in health care expenditures that this Nation is experiencing. In 1987, Americans spent over $500 billion on medical care, which represented over 11 percent of our gross national product and was a major increase from just a few years ago. In spite of this high figure, many persons continue to receive inadequate health treatment. As of 1985, an average of 17 percent of the U.S. population was not covered by any health insurance, and the number of Americans not covered is now approximately 37 million.

Several measures have already been introduced dealing with this very serious issue of providing health coverage for the millions of uninsured Americans, so I am not focusing on that specific matter in this bill. Preventive health measures can help significantly, however, by decreasing the overall need for health care, the costs to consumers and governments, and the overall demands on our already-overburdened health care system. In general, preventive measures cost less, and sometimes much less, than measures later needed to correct health problems. Therefore, the dollar value of preventive health is enough in itself to recommend it, along with the immense value inherent in improving health and avoiding unnecessary illness and death.

There are already a number of specific examples illustrating the costs that can be saved through preventive measures. Vaccinations, a very basic public health tool, can save large amounts in health care costs in comparison to the relative small amount for vaccines. For example, vaccines for measles, mumps, and rubella save approximately 14 times as much as the cost of the vaccine, while those for polio save 10 times the cost. Every dollar spent on prenatal care saves nearly $3.40 that would otherwise be spent to solve infant health problems. As for overall efficacy, the significantly greater attention paid to controlling hypertension, or high blood pressure, is thought to be a major reason for the 40-percent decline in deaths from coronary heart disease and 55-percent decline in stroke deaths between 1964 and 1984.

Health promotion and disease prevention is catching on in many ways in different parts of the country. In a recent survey of hospitals in my home State, California, 80 percent of the 292 hospitals that responded said they offer health promotion programs, and of those, 84 percent felt that such programs will be a permanent part of health care. The town of Pawtucket, RI, a largely blue-collar, mainstream city of 72,000, is carrying on an experiment over several years to encourage healthy living throughout its populace. The measures include striving to promote healthy eating, increased exercise, and decreased smoking, and the program thus far seems both popular and successful. In New Mexico, Senator JEFF BINGAMAN launched the "HealthNet" Program to encourage people throughout the State to change their diet and fitness habits, and lead overall healthier lives. By the end of its second year, over 44,000 New Mexicans in more than 640 workplaces and schools had participated, and Senator BINGAMAN has introduced a bill, the National Health Promotion Act, to encourage the creation of such programs in all States.

Mr. Speaker, the legislation being introduced today would promote preventive health and wellness programs in a number of ways. Under the Public Health Service, it would increase authorizations of two programs: "Project Grants for Preventive Health Services, and Preventive Health Block Grants." Funding for project grants, which fund public information and education grants for disease prevention and control, would be increased to $10 million to enable more grants in general, and specifically for programs to deter smoking and substance abuse among children and adolescents. They are the groups most likely to begin smoking, and also among those most susceptible to peer pressure and advertising campaigns. A 1985 Office of Technology Assessment study estimated that cigarette smoking costs our economy $65 billion annually in health care and lost productivity, which indicates a strong need for more programs to prevent and stop smoking.

The block grants would be increased to allow more programs at the State level, and a separate section would be added on demonstration projects for including preventive health courses in schools training health professionals. The purpose of the latter provision is to increase attention to prevention among doctors and health professionals in general, in the hope that they will emphasize preventive measures more in their practice.

A third provision, increased authorization for the Maternal and Child Health Block Grant Program, would help attack the severe problem of infant mortality and severe infant and maternal health problems still facing this country. The National Commission on Infant Mortality, which is chaired by former Senator CHILES, just held a press conference at which it released its latest findings. Among these, the United States is now 19th among industrialized nations in infant mortality with 10.4 deaths for every thousand live births, a statistic of which we should truly be ashamed and at which we should be alarmed. In addition, figures in the United States range from 8.4 deaths per thousand births in North Dakota to over 21 deaths per thousand births here in the District of Columbia. That figure, which is far above that of some developing nations, is also shocking because it is probably indicative of the infant mortality rates in many of our cities with heavy poverty.

Congress recognized the severity of this problem by recently creating a separate infant mortality initiative, and this is a valuable step. The Maternal and Child Health Block Grant Program funds efforts throughout the country designed to improved maternal, prenatal, infant, and child health, so expanding it would further help decrease infant mortality and disease.

My bill also includes three provisions dealing with the Tax Code: Tax credits for certain health maintenance expenses and for caring for an elderly person in one's house, and an increase in the cigarette excise tax. The health maintenance provision would allow a 10-percent credit for up to $500 in expenses for items such as weight reduction, stop-smoking, and exercise programs that are considered medically necessary. This provision would help those who could most benefit from such preventive measures, and hopefully increase the overall emphasis on preventive health in medical treatment in this country. The other credit, which is actually included in the section on home care, would offer a $250 tax credit to taxpayers who care for a parent or other elderly dependent person in their home. This would provide some relief to the millions of persons who act as the primary caregivers for their parents, spouses, siblings, or others.

The last provision, a doubling of the current national excise tax on cigarettes to $0.32 per pack, is a measure that has been proposed in this and in previous Congresses. It would be used here to fund the programs to be created by this act. As chairman of the House Budget Committee, I feel that it is important that any

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

new legislative proposals also provide for the revenue needed to pay for them. I should also point out that this increase in the cigarette tax represents just one possible revenue source for paying for this bill's programs, and that I would certainly consider other possible sources as well.

In addition, I would like to observe that the doubling of this tax could in itself be an important preventive health measure. A University of Michigan economist estimated that such an increase would encourage nearly 3.5 million Americans to stop or decrease smoking, including over 800,000 teens and nearly 2 million young adults from 20 to 35 years old. Therefore, the increase could have the greatest effect on those we most need to reach.

Any funds remaining after paying for the programs created by the Preventive Health Measures Act would go into a trust fund earmarked for more tobacco education and preventive health programs. This fund is similar to one established by a successful 1988 California ballot initiative that more than doubled the State cigarette excise tax, sending it from one of the lowest in the country to the second highest.

The final section of this bill is a set of provisions intended to prevent disease, and hold down severity of illness, among the elderly and other Medicare beneficiaries. As you know, since its inception, the primary purpose of Medicare has been to cover the cost of treatment of acute-care conditions, and coverage is generally limited to care that is reasonably necessary for treatment of an illness or injury. Guidelines state that preventive health services should generally be provided only if furnished as a part of services rendered while treating a disease or injury.

Medicare catastrophic coverage enacted last year included a small but important departure from this: The establishment of a new benefit allowing mammography screenings every 2 years for women over 65. This is important because susceptibility to breast cancer generally increases with age, and mammography screening has been shown to be a highly effective detector of problems, and therefore a major preventive health tool. My bill would add a basic type of preventive examination that is not now covered: Routine vision and hearing screening, including testing for glaucoma, every 2 years. Recent data shows that large numbers of the elderly have either cataracts or glaucoma, so routine testing in this area could help prevent or minimize severe vision problems, including blindness, in many elderly persons. In addition, the bill would provide for annual podiatric exams for persons diagnosed as having diabetes. This is intended to avert some of the severe foot problems experienced by many with diabetes.

Finally, the Preventive Health Measures Act would expand Medicare home care services and establish a Medicare adult day care benefit along the lines of two bills I introduced earlier in the session: The Older Americans Alternative Care Act, and the Medicare adult day care amendments. While these may not seem like preventive health measures in the traditional sense, both home care and adult day care are often alternatives to hospitalization or institutionalization, and therefore to much greater health expenditures. This is partly because routine health monitoring carried out for persons in home or adult day care often detects, and enables early treatment of, conditions that might otherwise land beneficiaries in hospitals. In addition, evidence for the health-promoting aspects of adult day care was found in a 1982 evaluation of adult day care centers in California. This study found that 87 percent of the seniors participating in the programs maintained or improved their level of functioning, a fact that is especially significant given that 63 percent of the participants were eligible for institutionalization according to Medicare field office criteria.

Mr. Speaker, it is high time that our Nation devote more attention to preventive health. Such measures make sense in many ways: In the pain and suffering that will be avoided; the generally better physical condition, and higher quality of life, that can be achieved for millions of Americans; in the millions and perhaps billions of dollars that can be saved by citizens and by Government at all levels. At a time when health expenditures are spiraling out of control and a large budget deficit strains our Government and economy, but also when Americans seem to be paying greater attention to health promotion, I urge my colleagues as well to give greater focus, as well as resources, to disease prevention and health promotion efforts. Such an investment could yield some returns in the short run, and great dividends and benefits in the long run.

INTRODUCING LEGISLATION TO AMEND THE PFIC RULES

HON. ROBERT T. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 25, 1989

Mr. MATSUI. Mr. Speaker, today, together with my colleagues, Congressmen THOMAS and JENKINS, I have introduced a bill which would amend the Internal Revenue Code of 1986 so that U.S. companies conducting active business operations through foreign corporations are not treated as if those active operations were earning passive tax haven-type income. This amendment is necessary because the passive foreign investment company [PFIC] provisions of sections 1291–1297 of the Internal Revenue Code of 1986 operate in many cases to penalize such active business operations.

As originally conceived, the PFIC provisions were targeted at individuals who were investing in offshore mutual funds located in tax haven jurisdictions, and achieving unwarranted tax advantages. Specifically, unlike an investor in a domestic mutual fund, the investor in the offshore fund could effectively earn passive income from investments without paying current U.S. tax, and, upon redeeming his investment, this tax haven income was only taxed at favorable long-term capital gains tax rates.

As enacted, however, the PFIC provisions were much broader than this, in some cases treating stockholdings of U.S. businesses in foreign subsidiaries earning substantial active business income as investments in tax haven mutual funds. One reason for this was that the PFIC provisions can apply to U.S. corporations with controlled foreign subsidiaries. For instance, if an American company has a selling subsidiary in one of its overseas markets, that subsidiary could become a PFIC merely because the balance in its local bank account containing income from sales equaled more than 50 percent of its assets. When the PFIC rules apply, however, all of the selling subsidiary's income is treated as if it were passive tax haven-type income, including its income from sales. In addition to being unwarranted, applying the PFIC rules to such active sales operations does not promote our competitiveness abroad.

Where an American company uses a controlled foreign subsidiary to earn passive tax haven-type income, the subpart F provisions of the Code have for over 25 years provided complete protection against any abuse. Those provisions require that passive income earned through a foreign subsidiary be currently taxed to the U.S. owners of that subsidiary. Thus, the subpart F provisions prevent the chief abuse against which the PFIC provisions were targeted. Moreover, when the U.S. shareholder sells its stock in the controlled foreign corporation, the gain on the stock is treated as ordinary income to the extent of previously undistributed profits of the corporation. Thus, there is no need for the PFIC provisions to apply where subpart F already prevents the problem.

The PFIC provisions clearly reach far beyond the abuse that was Congress' concern in enacting those provisions, and place unnecessary burdens on U.S. competitiveness abroad. Accordingly, the bill we have introduced today would exempt from the PFIC rules the foreign business operations of U.S. persons that already are subject to the anti-abuse rules of subpart F.

The bill we have introduced would also remove the "asset test" from the rules for determining whether the PFIC provisions shall apply. Under the asset test, a foreign company conducting substantial business operations is a PFIC if its assets are 50 percent "passive" in character, regardless of the type or amount of income actually earned. This test can result in the PFIC provisions reaching substantial nonpassive income.

The PFIC provisions could have simply provided that U.S. investors in a foreign corporation would be taxed currently on their pro rata share of the passive income of that corporation. The PFIC provisions, instead, operate by imposing current taxation only if a substantial part of the foreign corporation's income or its assets is passive in character. Where this is the case, U.S. investors are taxed currently on their share of all of the corporation's income. This rule only makes sense if substantially all of the corporation's income is passive. It makes no sense if substantially all of the corporation's income is active operating income.

The fact that at least 50 percent of the foreign corporation's assets is passive does not justify taxing U.S. investors as if all of the corporation's income were passive, since the mix of active and passive assets of a foreign corporation may bear no relationship to its mix of active of what constitutes a "passive" asset. For instance, the Internal Revenue Service has classified working capital as a "passive"

asset, even though it is obvious that every active business requires working capital.

As an example of how the asset test can operate unfairly, consider a foreign corporation whose primary business is providing architectural and engineering services and that it leases the office space that it uses. Although 95 percent of the corporation's gross income may be derived from rendering services, it is very likely that less than 50 percent of its assets are employed in generating services income since the architectural and engineering business has minimal capital needs, and working capital is treated as passive. In that situation, all of the corporation's income would be treated as passive income even though only 5 percent of its income is, in fact, passive. Clearly, this is grossly inappropriate. The only relevant criterion for determining whether or not all of a corporation's income should be treated as passive income is the ratio that actual passive income bears to total income. Thus, the asset test should be deleted.

It might be argued that excluding U.S. shareholders of controlled foreign corporations from the scope of the PFIC provisions solves the major problem of those provisions, and thus it is not necessary to also eliminate the asset test. However, there are numerous instances where U.S. companies become involved in foreign joint ventures—in corporate form—where local law prohibits majority ownership by nonnationals, or where the business arrangements make majority U.S. ownership impossible or impractical. Where U.S. persons invest in such arrangements, they should not be penalized by the application of the PFIC rules where the foreign corporation is not earning substantial passive income. Accordingly, the asset test must also be deleted to insure fairness to these minority U.S. investors in active businesses.

We would urge our colleagues to support this bill, which restricts the reach of the PFIC provisions to the abuse originally targeted by Congress, so that those provisions do not unnecessarily hobble our international competitiveness or unfairly treat investors in active businesses as holding interests in tax haven type operations.

TRIBUTE TO JOHN B. (JACK) GILBERT

HON. ROBERT J. LAGOMARSINO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 25, 1989

Mr. LAGOMARSINO. Mr. Speaker, I rise today to ask my fellow Congressmen to join me in recognizing John B. (Jack) Gilbert as the first recipient of the "Hall of Fame Award" given by the Ventura County Economic Development Association [VCEDA], Ventura, CA.

As the recipient of this award, Mr. Gilbert, founder and chairman of TOLD Corp., in Oxnard, CA, was honored for his significant contributions to economic and commercial development in Ventura County, CA.

Mr. Gilbert's business success began more than 40 years ago. In 1952, he founded the Zero Corp., a multimillion dollar NYSE company. Over the next two decades, this small, sheet-metal manufacturing corporation grew to become one of the Nation's leading electronic packaging houses.

In 1973, after 21 years as its director, Mr. Gilbert turned over the day-to-day operations of Zero to his management team, but continued to play an active role in the corporation as chairman of the board. In the same year, Mr. Gilbert moved to Ventura County, CA, where he founded the Thousand Oaks Land and Development Co.

In 1983, Gilbert shortened the name of his company to TOLD Corp., and extended its range of services to include every aspect of commercial and industrial real estate. Today, TOLD has operations in five States and includes eight corporate divisions specializing in industrial and commercial development, residential development, financial services, construction, real estate sales and leasing and property management.

In Ventura County, TOLD has been responsible for the development of more than 4 million square feet of commercial properties and the construction of several facilities including Channel Islands Business Center.

In addition to his outstanding contribution to business, Gilbert is also an associate member of the University of Southern California Century Club and the Editorial Advisory Board of the Southern California Real Estate Journal.

In 1987, Gilbert was recognized as one on the top real estate executives of the year by Executive magazine while TOLD has been ranked among the top 100 industrial and commercial developers nationwide.

It is obvious that John B. (Jack) Gilbert has contributed a great deal to both his profession and his community. He is a fine example of a businessman and a distinguished citizen. I ask, then, that my colleagues join me in congratulating Mr. Gilbert and wishing him continued success in the future.

OIL BILL

HON. BOB McEWEN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 25, 1989

Mr. McEWEN. Mr. Speaker, I rise today to introduce a bill which will alleviate a problem which faces many small oil and gas producers in Ohio. This is a problem which has not been properly addressed by Mineral Leasing Act, and one which would be in the best interests of both the United States and these producers to change.

As you know, Mr. Speaker, under the changes made in 1987 to the Mineral Leasing Act, all oil and gas leases must be leased competitively. This change was made to prevent abuses of the noncompetitive lottery leasing system. However, this change discriminates against producers who leased private lands which, though later sold to the U.S. Forest Service, reserved the mineral rights for a number of years. These producers were given leases to develop these minerals, and many did so believing that when the mineral rights reverted to the United States, the leases would revert as well. However, the change in the law causes their leases to become null and void, forcing the leases to be put up for competitive bidding.

The changes made in 1987 clearly did not take this situation into account. These producers are small producers, with small wells. The Bureau of Land Management has performed a study of the area, and estimates that the average well owner makes roughly $4,000 per year. From this a standard royalty rate of 12.5 percent is removed, plus the labor, maintenance, supplies, and capital expenditures. All in all, BLM estimates the profit margins are equivalent to that of a money market account in a bank. The majority of these wells produce maybe 150 barrels of oil yearly. Clearly, this is a situation involving small producers who are earning low profits while at the same time contributing to the United States by utilizing the minerals which would otherwise go untapped.

These small producers are penalized by this law, which would take from them not only the land they leased in good faith, but the time and capital they put into the equipment and labor to drill and produce. They created the wells, and are now told that when the mineral rights revert, they must walk away from them. It is possible for speculators with larger financial resources to outbid these small producers, thus taking from them in one fell swoop the well they developed. To add insult to injury, BLM has informed these producers that they must reach a private agreement concerning the equipment on the land with any new owner. It is obvious that such a situation would be a buyers market, with the original owner unable to use the equipment placed on the well, nor able to move it to another well.

The legislation I am introducing will not infringe on the basic purpose of leasing lands competitively, which is to ensure the United States a fair return on its resources. Instead, it will clarify an ambiguity in the law while upholding a principle maintained in the Mineral Leasing Act. This principle is the paying quantities principle. The Mineral Leasing Act provides that all Federal leases may continue so long as the well in question is producing oil and gas in paying quantities. Producers who leased private lands which later revert to the United States, however, are barred from this continuing lease because the leases are not technically Federal. This legislation would permit those producers holding mineral leases which revert the United States and which are producing oil or gas in paying quantities to continue the lease, paying all U.S. law provides for Federal leases to be continued as long as they are producing in paying quantities. The United States would benefit from the uninterrupted production at these wells, and would obtain a stable source of revenue. Although these wells are small, some of them have been producing since the late 1800's to early 1900's. One well drilled in 1923 is still producing today, although its owner sells one barrel of oil a year. While that may not seem like much, it is still one barrel less that the United States must buy from OPEC.

Finally, Mr. Speaker, you may be interested to know the opinion of the Forest Service concerning this idea, since many people are concerned with the environmental impact of mining actions. In 1987, the Forest Service

conducted a review of the actions in Wayne National Forest, where much of this action happens in Ohio. The Forest Service found that the staff in the forest does an outstanding job and has an excellent relationship with the people who are involved in different aspects of the forest. More importantly, however, the Forest Service analyzed the BML position on leasing, as mandated by the law, and recommended that the law be changed to remove the obstacles to the multiple use of this forest reserve.

Mr. Speaker, I am sure that you and my colleagues can see the merit of this legislation and its promotion of both the energy and environmental interests of the United States. These people are small producers who know their wells, they work with the Forest Service and the Bureau of Land Management to keep their operations within the law, and want only to continue what they have done in the past, turning over to the United States the royalties and rents which were paid to private owners. Mr. Speaker, I urge your support for this legislation.

TRIBUTE TO ANTHONY J. GIRARD

HON. RONALD K. MACHTLEY

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 25, 1989

Mr. MACHTLEY. Mr. Speaker, it is my distinct pleasure to congratulate Anthony J. Girard, of Providence, RI, this year's recipient of the first annual Ronald K. Machtley Award for Mount Saint Charles Academy in Woonsocket, RI.

This award is presented to the student, chosen by Mount Saint Charles Academy, who demonstrates a mature blend of academic achievement, community service, and leadership qualities.

Anthony has clearly met this criteria by being an excelsior honor roll student for 6 years and a recipient of the Presidential Academic Fitness Award. His extracurricular activities include being on the executive committee of the student council for the past 4 years.

I commend Anthony for his achievements and wish him all the best in his future endeavors.

IN RECOGNITION OF RONALD W. THOMSON'S 39 YEARS OF SERVICE TO WOLVERINE FEDERAL SAVINGS ASSOCIATION

HON. BILL SCHUETTE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 25, 1989

Mr. SCHUETTE. Mr. Speaker, I rise today to honor Ronald W. Thomson who is retiring from Wolverine Federal Savings Banks after 39 years of service. Mr. Thomson, a life long resident of Midland, has had a long and distinguished tenure with Wolverine Federal. He began in 1950 after graduation from Central Michigan University. In 1954 Ron was named the treasurer of the association, and in 1973 he was promoted to secretary treasurer. In 1976 he was appointed to the board of directors, and named vice president and secretary. Finally in 1983 Ron was appointed executive vice-president of the association.

Ronald's contributions go far beyond his impressive work experience. He has long been an active and important contributor to the community. He was a member of the Financial Managers Society, as well as founding member of the Saginaw Valley Chapter of the Institution for Financial Education. Ron and his wife Donna, are also members of St. Brigids Church.

Mr. Speaker, I ask that you join me in saluting Ronald W. Thomson. He has provided 39 years of outstanding service to Wolverine Federal, and has been active in the community in his efforts to assist others. Please join me in wishing Ronald, Donna, and their three children the best in the future.

SUNEETA KRISH WINS NATIONAL MAP CONTEST

HON. GUS YATRON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 25, 1989

Mr. YATRON. Mr. Speaker, earlier this month, I told you about a bright and talented high school student named Suneeta Krish. Suneeta is currently a senior at Governor Mifflin High School in Shillington, PA.

I am again focussing attention on Suneeta because she was recently awarded first place in the nationwide "Discover Early America Map Contest." This contest was sponsored by the Commission on the Bicentennial of the U.S. Constitution and thousands of students from all over the country competed in the contest. Each student participating in the competition was required to decorate a map of the United States depicting significant events in early American history. The contestants' entries were judged for historical accuracy, artistic creativity, and imagination.

Suneeta's outstanding showing in this contest has earned her a trip to Washington, DC, where she will meet former Chief Justice of the Supreme Court, Warren Burger, who is the Chairman of the Commission on the Bicentennial of the U.S. Constitution. In addition, Governor Mifflin High School will receive a check for $5,000 due to Suneeta's excellent work.

Mr. Speaker, Suneeta Krish is truly an extraordinary young woman and her talents and ability are manifest in her distinguished finish in the "Discover Early America Map Contest." I congratulate Suneeta on her fine achievement and wish her continued success and good fortune in all her future endeavors.

COMPACT OF FREE ASSOCIATION WITH PALAU LEGISLATION

HON. RON de LUGO

OF THE VIRGIN ISLANDS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 25, 1989

Mr. DE LUGO. Mr. Speaker, in March, 65 Members joined me in cosponsoring legislation to authorize a Compact of Free Association with Palau to be put into effect when it is approved by Palau. House Joint Resolution 175 would also provide Palau with help it needs to tackle serious problems which have prevented approval of the compact to date.

House Joint Resolution 175 is identical to legislation agreed upon in a compromise just minutes too late to be enacted in the 100th Congress. Under the compromise, the executive branch would fulfill all of the requirements of the House version of the legislation in the last Congress, House Joint Resolution 597, without being required to do so by statute. The Congress, in turn, would pass a Senate substitute with one mutually agreed-upon amendment.

Unfortunately, the Reagan administration did not take the actions it could to implement the compromise.

When House Joint Resolution 175 was introduced, I said that, as chairman of the Subcommittee on Insular and International Affairs, I would seek approval as soon as the new administration took the actions it could to implement the compromise. The administration was told that one thing it could do was enter into an additional agreement with Palau committing to implement the requirements of the compromise.

The Bush administration then said that it would honor the compromise. Since then, the State Department official who agreed to the compromise last year has been negotiating a subsidiary agreement.

The first two drafts of the agreement he proposed fell short of the requirements of the compromise. But he is meeting in Guam with Palau's representatives this week and I am hopeful that they will reach the necessary agreement.

The chairman of the committee of the other body with jurisdiction over insular matters said last month that the Senate would not act on the legislation this year because time had run out for the compromise. I do not think that time has run out already; but I would agree that it will soon run out.

The mutually agreed-upon amendment to the Senate bill would, for example, make it possible to settle Palau's crippling $48 million power facilities debt for $32 million; but the settlement requires payment this fiscal year.

Earlier this year, Palau's leaders said—as they did last year—that the requirements of the last Congress' House Joint Resolution 597 offer the only chance of the compact being approved by their people. The consensus necessary to enable the compact to be approved by the required 75 percent majority vote is increasingly threatened as the administration has dragged its feet and tried to chip away at the compromise.

If the necessary agreement is reached, I will propose expeditious action. Inaction on the other side of the Capitol could prevent approval; but I would hope that the Senate will stand by the compromise.

A TRIBUTE TO LUANNE PRYOR

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 25, 1989

Mr. ANDERSON. Mr. Speaker, I rise today to pay tribute to Ms. Luanne Pryor, "Woman Democrat of the Year for the 58th Assembly District." Ms. Pryor's extensive civic and professional experience distinguishes her as a dedicated citizen and deserving of this honor by the Los Angeles County Democratic Party. I feel proud to have constituents such as Luanne in Long Beach, and I am happy to take this opportunity to express my appreciation for Luanne's time, effort, and commitment to her community.

Ms. Pryor is a native Californian who received a bachelor of arts degree from California State University, Long Beach. In addition, she received a degree of master of administration, planning and social policy from the Harvard Graduate School of Education with cross registration at Harvard Business School and the John F. Kennedy School of Government.

Dedication, improvement, and community service are words which follow Luanne throughout her career. Time and again she has shown initiative and proven herself a leader who is willing to accept new challenges and responsibilities. For instance, in December 1985, Ms. Pryor was honored with a Distinguished Service Award by the Cabrillo Chapter of the American Institute of Architects for "dedication to the improvement of the community."

Presently, Ms. Pryor is with Williamson Pryor, a firm which she founded in 1984, which specializes in community and public relations, serving corporations, statewide councils, commissions and foundations. In addition, she is vice chair of the 58th Assembly District and reporting chair to the mayor and city council's Task Force on the Homeless.

In 1984, Luanne was appointed to the mayor's task force, "Infrastructure, Year 2000," and in 1985, she was appointed to the Beach Bike Path Committee. These are committees which are especially familiar to me and my Committee on Public Works and Transportation.

Other appointments Ms. Pryor has accepted include the Coalition for Historic Long Beach Steering Committee, the Cable Communications Advisory Commission, and the mayor's task force on Restructuring City Government.

My wife, Lee, joins me in extending our congratulations to Luanne Pryor today as Woman Democrat of the Year." Luanne is a truly remarkable citizen who had dedicated her life to serving her community and fellow citizens. We give Ms. Pryor our best wishes today and in the years ahead.

WELCOME GENERAL SECRETARY JAVIER PEREZ DE CUELLAR

HON. KWEISI MFUME

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 25, 1989

Mr. MFUME. Mr. Speaker, today I rise to extend greetings from the city of Baltimore to U.N. General Secretary Javier Perez de Cuellar and U.N. Under Secretary Dr. Nafis Sadik. Both of these distinguished gentlemen are in Baltimore to receive honorary doctorates of humane letters from the Johns Hopkins University. Secretary de Cuellar will be giving the commencement speech before more than 3,000 graduating students from Hopkins' eight academic divisions.

Mr. Speaker, we in Baltimore are very honored that Secretary de Cuellar accepted the invitation to address the 113th commencement ceremonies of Johns Hopkins University. During Secretary de Cuellars distinguished 43-year association with the United Nations, he has earned the respect and admiration of millions of people from all over the world. Secretary de Cuellar's tireless efforts helping feed and clothe destitute populations, end devastating regional conflicts and promotiing international peace are examples of his dedication to the founding principles of the United Nations.

In closing, the citizens of Baltimore and the State of Maryland have a deep concern for peaceful and just resolutions in international affairs and know full well of the dedicated work of Secretary de Cuellar. We are very aware and content that an honest, thoughtful individual was selected 7 years ago to guide such a prominent international institution.

FAREWELL TRIBUTE TO MARTIN BURKE OF THE IRISH EMBASSY

HON. BRIAN J. DONNELLY

OF MASSACHUSETTS

HON. THOMAS S. FOLEY

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 25, 1989

Mr. DONNELLY. Mr. Speaker, as the chairman and honorary chairman of the Congressional Friends of Ireland, we take this opportunity to say goodbye to Mr. Martin Burke, the Irish Political Counsellor to Washington, who will leave the Irish Embassy here this summer to become the Irish Ambassador to Australia. On a personal note, Mr. Speaker, Martin's departure will be a sad one for us; not only do we respect Martin's abilities and expertise, but we also consider him a close personal friend. He will be missed when he leaves to take his new assignment.

Mr. Speaker, it is with a mixture of sadness and pride that we take this opportunity to make a farewell tribute to Martin, who has been in Washington since 1985. Martin will be leaving soon and it is with pride that we wish him well on his new endeavors. But it is with sadness that we say goodbye, for Martin has become a close and trusted friend to all members of the Friends of Ireland in the U.S. Congress.

Martin began his career toward Ambassador status in 1971, when he entered the Department of Foreign Affairs as Third Secretary. His career took him to London, the Hague, and as liaison between the Irish Government in Dublin and the political parties in Belfast. He then came to the United States in 1985, which is how we know him best.

Since 1985, much has changed in the relationship between the United States and Ireland. Our Nation has always had a unique and special relationship with Ireland, for fully one in seven Americans is of Irish descent. But in 1985, America's two most well-known Irish politicians: President Ronald Reagan and House Speaker Tip O'Neill were of Irish descent and both had a special place in their heart for the land of their forefathers. Martin arrived here at that time, a moment rich with promise for development of a closer relationship between our two countries.

That commitment for stronger ties was first expressed by the Anglo-Irish Agreement Support Act, passed unanimously by the U.S. Congress and signed into law by President Reagan. That Act was an expression of U.S. support for the historic Anglo-Irish Agreement which, then and now, provides the best hope for an end to the violence in Northern Ireland. As a concrete expression of America's support for the agreement, Congress has consistently provided financial assistance to the International Fund for Ireland, an entity which makes grants to businesses seeking to locate in Northern Ireland.

During the debate about American contributions to the Fund, it was to Martin that we turned for guidance and assistance. He was able to articulate his Government's views on the Anglo-Irish Agreement and the International Fund. Martin's assistance in this regard was especially valuable this year, as Congress considered new restrictions on U.S. contributions to it. By obtaining accurate statistics, Martin helped the Friends of Ireland prevent a cutoff of U.S. assistance to the IFI.

As the Congress considers substantive reforms in U.S. immigration law, Martin has also been of great assistance to the Friends of Ireland. The current U.S. immigration structure indirectly discriminates against countries in Western Europe—such as Ireland—whose emigrants do not have strong family ties in the United States. Yet many Irish citizens who wish to work here are unable to do so because of U.S. immigration policy.

Congress has attempted to address this problem in many ways. The NP–5 program, created in 1986 and extended in 1988, is one major example. Introduction of legislation in the House making wholesale revisions in U.S. immigration law and passage of that legislation in the Senate is another.

Through these legislative initiatives, Martin's assistance has proven invaluable. Not only by sharing the progress of our legislation with his Government, but also by sharing his Government's views with us, sound, responsible legislation has been crafted.

Mr. Speaker, whether the issue has been U.S. investment in Ireland, immigration reform, trade or tax policy, or any one of the dozens

of issues which Martin followed for his Government, the Friends of Ireland knew that we could count on him as an adviser and consultant, but also as a friend. The Australian Government and its Parliament will enjoy knowing Martin and working with him as much as we have, and we will miss him when he is gone.

So, Mr. Speaker, we take this opportunity to say goodbye and good luck to Martin. Although one of Ireland's expressions is perhaps overused in the United States, it is appropriate as Martin leaves: "Until we meet again, may God hold you in the palm of His hand."

RETURNING EXCESS TAX RESERVES TO UTILITY CUSTOMERS

HON. ROBERT T. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 25, 1989

Mr. MATSUI. Mr. Speaker, today I and 19 cosponsors have introduced legislation to permit $19 billion of excess tax reserves held by utility companies to be returned to utility ratepayers in the form of rate reductions over a 3-year period beginning on January 1, 1991.

Before enactment of the Tax Reform Act of 1986, regulated utility companies accumulated book reserves for future tax liabilities, which reflected the use of accelerated depreciation for tax purposes and straight-line depreciation for regulatory purposes. By using accelerated depreciation for tax purposes, utility companies postponed their tax liabilities until future years, when depreciation deductions would be exhausted. Before 1986 these firms accumulated reserves with the expectation that they would pay taxes at a 46-percent rate. Since the Tax Reform Act of 1986 reduced the corporate tax rate to 34 percent, part of the accumulated reserves—the 12-percent difference between the rates—have been excess reserves. The excess deferred taxes will never be paid as taxes: They must be returned to the ratepayers.

Section 203(e) of the 1986 act interfered with the ability of public utility commissions to adjust utility rates to account for return of excess deferred taxes to ratepayers. That provision requires excess tax reserves to be returned in the form of rate reductions no more rapidly than over the remaining number of years used to depreciate, for regulatory purposes, property the accelerated depreciation of which gave rise to the reserves. The provision was motivated by a concern that public utility commissions might act to return excess tax reserves in rate reductions in a single year. Such an immediate flowthrough of the excess tax reserves could seriously disrupt the cash-flows of utility companies and their investment programs. In some cases, companies might need to borrow to augment the reduced cash coming from ratepayers.

After considered review of this issue, my colleagues who have joined me as cosponors of this bill and I have concluded that section 203(e) of the Tax Reform Act of 1986 overly restricts the legitimate role of State public utility commissions in setting utility rates. This is not really an issue of Federal tax policy. The legislation we introduce today gives utilities commissions the authority to return excess deferred taxes to ratepayers, but no more rapidly than pro rata over a 3-year period. That period would begin no sooner than January 1, 1991. Before any adjustment in rates, public utility commissions are expected to hold public hearings on proposed rate changes, giving affected companies a full opportunity to present their case for a longer flowthrough period. Under the bill, present law rules would continue to apply until the public utility commission acts. It the present law rules permit faster flowthrough, present law treatment would continue. Should a public utility commission determine that a slower flow-through period is appropriate, it will be free to set a period longer than 3 years.

The bill introduced today restores the legitimate prerogatives of State public utility commissions, yet protects against actions that could seriously disrupt the financial status and plans of utility companies. The bill has no significant effect on Federal tax receipts. I urge my colleagues to support this bill.

THE 25TH ANNIVERSARY OF THE PERFORMING CENTER OF THE PERFORMING ARTS

HON. ROBERT J. LAGOMARSINO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 25, 1989

Mr. LAGOMARSINO. Mr. Speaker, it is my honor to rise in celebration of the anniversary of the Pacific Conservatory of the Performing Arts [PCPA], which has been providing quality theater to the Santa Maria area for 25 years.

PCPA's theaterfest had humble beginnings, originally housed in an unused two-story section of building left over from a World War II flying school. It had no theater and no drama department, but the president of Allan Hancock College Walter E. Conrad realized the importance of arts in education and to the Santa Maria Community. In 1964, 21 students and a professor built a platform stage before 120 plastic seats and called it the interim theater. In January 1965, it opened with "A Man For All Seasons" and all 10 performances played to a full house. Interest within the community for the theater grew and in 1967, ground was broken on the new Marian Performing Arts Center. The Pacific Conservatory for the Performing Arts was on its way.

PCPA boasts more than 2,000 talented alumni in its 24 year history. These professionals have joined the world of Broadway, regional repertory theater, television and motion pictures as actors, designers, directors, writers, and craftsmen in all aspects of technical theater.

I am proud to be a part of the celebration honoring this farsighted organization that has evolved from a tiny theater into a progressive center for the arts that gives so much to its audience, its staff and its students.

OLDER AMERICANS FREEDOM TO WORK ACT

HON. BOB McEWEN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 25, 1989

Mr. McEWEN. Mr. Speaker, it is certainly my pleasure to rise today as an original cosponsor of the Older Americans Freedom to Work Act. This measure repeals the Social Security earnings test for recipients aged 65–69. This relief has been necessary for many years, and continues to be crucial to the well-being of our Nation's elderly.

Recently the National Center for Policy Analysis [NCPA] released a study detailing how middle-income, elderly taxpayers face the highest tax rates imposed on any group in the history of our Nation. Much of this is due to the fact that any elderly earner who earns over $8,880 loses $1 for every $2 of wages over that mark. Recently a constituent from the Sixth District of Ohio which I represent sent to the office a copy of a letter he wrote to the distinguished chairman of the Subcommittee on Social Security. In the letter, he detailed his difficulty in making ends meet, his desire to work honestly every day to take care of himself, and his frustration with the earnings test imposed on the work he did and the contributions he had made to social security over 30 years.

I am sure that my colleagues in the House of Representatives have received similar letters, and I am equally sure that these letters are the reason that cosponsorship number of the Older Americans Freedom To Work Act has broken the 100 mark.

As the NCPA report points out, the average age of our population is increasing, and will reach one retired adult for every two nonretired adults by the year 2030. These adults will be receiving benefits they knew about all their lives, yet will have fewer workers supporting them. This will cause a drain on our economy, as a smaller proportion of the population will be working. The Social Security earnings cap is a great disincentive to work. The repeal of this cap, however, will encourage more retirement age people to work.

This idea would mean that the years of expertise gained by these seniors would continue to contribute to our economy, the economy they helped to build over their lifetimes, and which is today one of the best and most stable in the world, as has been seen in the last few days by the rallying of the dollar on international markets. One criticism of this plan claims that removing the cap would be detrimental since the elderly would receive their benefits while earning additional income. But this criticism fails to realize that any loss by paying out social security benefits would be offset by income taxes and payroll taxes that everyone who works pays. In fact, the NACP report mentions that this offset would be between one-third to two-thirds the social security outlay.

In the 1930's, when this cap was placed, it was done to encourage older workers to make room for younger workers. As we can see with the aging of the population, there are

going to be fewer younger workers. Let's encourage one of our most valuable resources during this month of May when we are all taking time to recognize and honor the contributions that the elderly amongst us have done to make the country we are all so proud to live in today. I urge all my colleagues to cosponsor and work for the passage of this legislation.

HONORING LINCOLN HIGH SCHOOL

HON. RONALD K. MACHTLEY

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 25, 1989

Mr. MACHTLEY. Mr. Speaker, I rise today to honor Lincoln Junior-Senior High School in Rhode Island, which has received national recognition for its excellence for the second time.

Everyone affiliated with this school, including officials, teachers, parents, and students have much of which they may be proud. This school was the only high school in Rhode Island, and 1 of only 176 in the Nation, which was selected as a blue ribbon school by the U.S. Department of Education.

At a time when we, as a country, are having to closely examine our system of education, it is refreshing to know that there are schools like Lincoln which are committed to innovative programs, challenging their students, and effectively meeting their goals. These aims are indeed vital if this country is to remain competitive in the 21st century and beyond.

As jobs become increasingly more technically oriented, our schools must be prepared to meet this challenge. Lincoln High is just such a school. Under the skillful guidance of Headmaster Howard Boyaj and a team of wonderful educators, this school has managed to make learning enjoyable, while also stressing discipline. In addition, its graduation requirements are strong, there is a core curriculum in place, and special emphasis is placed on geography—a weak spot for most students. Put all of this together, and you have a perfect blueprint for success.

I offer my warmest congratulations to Lincoln. Let us hope that other schools may follow its shining example.

A CONGRESSIONAL SALUTE TO RENEE SIMON

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 25, 1989

Mr. ANDERSON. Mr. Speaker, I rise today to pay tribute to an outstanding individual who has devoted years of her life to the Long Beach area. Renee Simon will be presented with the 1989 Humanitarian Award at the 26th Annual Humanitarian Award Dinner of the National Conference of Christians and Jews, to be held this evening, Thursday, May 25, 1989. This occasion gives me the opportunity to express my sincere appreciation for her many years of hard work and unending commitment.

A former member of the Long Beach City Council, and professor of public administration for the Graduate Center for Public Policy and Administration, Renee Simon is viewed as an outstanding leader. She is the founder and president of the Institute of Management Communications, an organization devoted to teaching more effective methods of communicating. In addition to her many professional affiliations, she is also heavily involved in community service organizations. Currently, she serves as chair of the Blanche Collins Forum, and endowment fund of Friends of the Long Beach Public Library, and as a member of the Redevelopment Agency of Long Beach, and a participant on the Community Review Panel of the Long Beach AIDS Prevention Program.

Renee's years of involvement have provided her with numerous honors, among them: Pi Alpha Alpha Distinguished Achievement Award, Who's Who in American Politics, and receipt of the first Susan B. Anthony Award of the Greater Long Beach National Organization of Women. Although she has been so generous to the Long Beach Community, her greatest allotment of time and energy belongs to her three children, Joel, Matthew, and Amy Simon Weiner, and her grandchild.

My wife, Lee, joins me in extending our congratulations to this caring and giving individual. Renee Simon is truly a remarkable individual who has devoted her talents and energies to enriching the lives of so many other people. We wish this fine Long Beach citizen all the best in the years to come.

RESULTS OF THE HISTORIC OAS MEETING ON THE SERIOUS CRISIS IN PANAMA

HON. BILL RICHARDSON

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 25, 1989

Mr. RICHARDSON. Mr. Speaker, on Wednesday, May 17, the Ministers of Foreign Affairs of the member nations of the Organization of American States convened in Washington, DC, to consider the serious crisis in Panama in its international context.

This meeting was only the 21st meeting of Consultation of Ministers of Foreign Affairs in the long history of the OAS. The last such meeting occured in May 1982 and dealt with the Falkland Island dispute.

The meeting resulted in passage of a resolution to send an urgent OAS mission to Panama to promote conciliation formulas for arriving at a nationwide accord that can bring about a transfer of power democratically.

The final resolution as passed at the meeting is identical to the draft resolution inserted below with one exception. The date on which the mission is to present its report was changed to June 6, 1989.

Following is the text of the resolution, one which I believe constitutes an important step toward mitigating the crisis in Panama. I submit this important document for my colleagues' review and consideration.

DRAFT RESOLUTION

[Presented by the delegations of Argentina, Bolivia, Brazil, Colombia, Costa Rica, the Dominican Republic, Ecuador, Jamaica, Peru, Uruguary, and Venezuela]

The XXI meeting of Consultation of Ministers of Foreign Affairs, reaffirming:

That the true significance of American solidarity and good neighborliness can only mean the consolidation on this continent, within the framework of democratic institutions, of a system of individual liberty and social justice based on respect for the essential rights of man; and

That no State or group of States has the right to intervene, directly or indirectly, for any reason whatever, in the internal or external affairs of any other State; and

Considering:

That the grave events and the abuses by General Manuel Antonio Noriega in the crisis and the electoral process in Panama could unleash an escalation of violence with its attendant risks to the life and safety of persons;

That these events have abridged the right of the Panamanian people to freely elect their legitimate authorities;

That the outrageous abuses perpetrated against the opposition candidates and citizenry violate human, civil and political rights;

That the crisis, which involves internal and external factors, is escalating rapidly, and could seriously endanger international peace and security;

That the solidarity of the American States and the high aims which are sought through it require the political organization of those States on the basis of the effective exercise of representative democracy;

That every State has the right to choose, without external interference, its own political, economic and social system and to organize itself in the way best suited to it;

That the Organization of American States must offer its collaboration in promoting the measures required for an effective and urgent solution to the Panamanian crisis that will preserve the standards of inter-American comity;

That an essential purpose of the Organization of American States is to promote and consolidate representative democracy with due respect for the principle of nonintervention—a purpose that is being seriously jeopardized by the current political situation in Panama; and

That the continuation in force of the 1977 Panama Canal Treaties and compliance with them constitute a fundamental commitment of all of the the Governments of the Americas that has received universal approval,

Resolves:

1. To entrust to the Ministers of Foreign Affairs of Ecuador, Guatemala and Trinidad and Tobago the urgent mission of promoting, with the assistance of the Secretary General of the Organization of American States, conciliation formulas for arriving at a national accord that can bring about, through democratic mechanisms, a transfer of power in the shortest possible time, and with full respect for the sovereign will of the Panamanian people.

2. To exhort the Government of Panama to cooperate fully in the implementation of this resolution.

3. To urge the authorities and all political forces in Panama to refrain from any measure or act that could aggravate the crisis.

4. To urge all States to cooperate in the implementation of this resolution.

5. To instruct the Mission to present to this Meeting of Consultation a report on the fulfillment of its mandate, to be considered at its session of June 5, 1989, the date on which the Meeting is convened so that further appropriate measures may be determined.

6. To exhort all States to refrain from any action that may infringe the principle of nonintervention in the internal affairs of States.

7. To keep the Meeting of Consultation of Ministers of Foreign Affairs in session as long as the current situation persists.

TRIBUTE TO BERNARD H. KRAKOWER, LOS ANGELES BUSINESS COUNCIL CHAIRMAN OF THE BOARD

HON. HENRY A. WAXMAN

OF CALIFORNIA

HON. HOWARD L. BERMAN

OF CALIFORNIA

HON. MEL LEVINE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 25, 1989

Mr. WAXMAN. Mr. Speaker, I, along with the gentlemen from California [Mr. BERMAN] and [Mr. LEVINE] would like to take this opportunity to pay tribute to the outstanding accomplishments of Mr. Bernard H. Krakower.

The Los Angeles Business Council is celebrating its 59th year of service to the community. The council's intent is to represent the interests of the business community while granting due consideration to environmental and social concerns. Council members generously volunteer their time in an effort to enhance the quality of life in Los Angeles.

As chairman of the council's board, Mr. Krakower has provided expert leadership for the council. Under his direction, the council completed several projects that have improved its ability to communicate with the community and expanded its involvement in legislative issues. The council also sponsored many events, including a series of breakfasts to discuss planned growth and development and a forum to consider the Los Angeles 2000 Report.

Mr. Krakower played a major role in planning for and dedicating the new Westwood Park Recreation Building. He also presided over a series of monthly membership meetings that dealt with a wide range of issues.

Outside of his work for the council, Mr. Krakower is a senior partner in the executive search firm of Krakower, Finnegan Associates. He earned a B.A. degree from the University of California at Los Angeles, and an MBA from Pepperdine University. Mr. Krakower and his wife, Sondra, a psychotherapist, have three daughters and one grandson.

Mr. Speaker, we extend our highest praise for the hard work and many achievements of Mr. Bernard H. Krakower and the Los Angeles Business Council.

ANIMAL RIGHTS

HON. RON MARLENEE

OF MONTANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 25, 1989

Mr. MARLENEE. Mr. Speaker, all of us in this House receive a great deal of correspondence calling for an end of animal lab research. As one who has owned and loved animals for all of my life, I would be only to happy to see an end of the use of animals in lab research. However, it has been proven time and again that computers cannot duplicate all the needed research to find the cures for diseases that still plague mankind.

For some families in America, the day for computers to take the place of animals in lab research is too far away. Their loved ones are dying before their eyes.

This week, a letter came across my desk from Danette Day of Sheridan, MT. Danette's two younger brothers, Scott and Greg are dying of mucopolysaccharide disease. This illness is rare, and the dedicated scientists who are trying desperately to find a cure for this disease need animals to assist them in finding a way to save Scott and Greg Day.

For those who call for a ban on the use of animals in lab research, let's save kids before we save the animals. Mr. Speaker, I insert this touching and poignant letter for the RECORD.

SHERIDAN, MT, *April 14, 1989.*

DEAR SIR: Many people with rare disorders rely on scientific research with animals to provide them with hope for the future. My two brothers and my family are among them. My brothers, Scott and Greg, have a terminal disorder affecting children which animal research has already benefited and stands to benefit more.

I am sixteen years old and a junior in high school from Sheridan, Montana. I write to you of this disease because it is so close to my heart. Pet owners have had cats and dogs diagnosed with this illness and have in turn offered them for research. They have provided us with much information regarding bone marrow transplantation (which my family is considering) and in the future with gene therapy.

I wrote the attached paper to help you understand that you hold in your hand the key to help my brothers and others with disorders that research helps, as well as their families.

Thank you for your time and consideration.

Appreciatively,

DANETTE DAY.

THE AGONY OF DEFEAT

"Some people come quickly into our lives and quickly go. Some stay for a while and leave footprints on our hearts and we are never, ever the same."

Many times in my thoughts a well known phrase runs through my head. "The Agony of Defeat." It comes to those trying but losing a race. There are many kinds of races. There are olympic races, sports, and politics, all have either medals to be won or positions of importance to be held. But this race, a never winning race, an always loosing race, is a child's race. It is a race against time; to hang onto life, to watch dreams slip through your fingers. Desperately trying to keep hanging on as each day you watch the child lose another part of their life.

And then finally a day comes and your realize that all you have left is a dream that once was. Remember the joy you experienced? The joy that you received from their joy when you turned on the Christmas tree and saw the laughter and excitement in his eyes.

Now, you have to stay strong for them. It almost kills you to work a smile from their face by blowing them a kiss knowing that tomorrow may never come. For them there might not be another Easter or Halloween. Or worst of all, for them there might not be another Christmas. But still as you feel the agony of defeat; you have to stay strong and healthy for them. And all of this for what? To end in death? Nothing to be won?

No, there is something to be won. It may not be a medal to hang on your chest or a title to put on your desk. It cannot be replaced, lost, or taken away. It is something lasting that can be cherished in your hearts forever. It is the true meaning of life and love. Some say they are lucky, some people can live a lifetime without any experience of a love so deep and true.

To put it as gently as I can, MPS, Mucopolysaccharide diseases, eat away at their victims. They go on living while their systems are slowly dying.

An angel baby is brought home from the hospital for the first time. This little bundle of joy experiences love and devotion from mon, dad, and all his relatives; A sense of his family environment that will last throughout his childhood. Angel baby, Angel baby, how ironic! Especially when a rare genetic desease can make that name as literal as the blue skies above. It's not their fault, it's not our fault, but what can we do to help them?

Mucopolysaccharide storage disorders are a rare group of genetic degenerative disorders. They are caused by a lack of a specific enzyme which, in normal individuals, breaks down complex carbohydrate chains called mucopolysaccharides. These chemical reactions take place within the lysomes, which are structures found in most cells. In affected children, the undergraded mucopolysaccharides are stored in the lysomes. The abnormally stored material accumulates throughout the body causing complications that eventually lead to premature death.

What does all this mean to you? All the medical jitter-jabber means nothing to me. All I really care about is that innocent children are dying. Yeah, we know what the disease is. The queston is what are we gonna do about it. Innocent kids are victims. We have to do something for them. But what?

As of this point in history no major genetic or medical breakthroughts have been discovered. All we can do is pray for the beautiful families that have been touched. To the parents we need to grant them serenity to accept the things they cannot change, the courage to change the things they can, and the wisdom to know the difference. The victims? We know you are the bundles of joy too exquisite to last and yet so very much more exquisite when passed.

HONORING MEMORIAL DAY

HON. RONALD K. MACHTLEY

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 25, 1989

Mr. MACHTLEY. Mr. Speaker, I rise on this most auspicious day to pay tribute to our Na-

tion's veterans. As a graduate of the Naval Academy, I feel a special kinship with the men and women who served in our Armed Forces and died in defense of our country. On such a day as this, the words of John Adams ring true and also have special meaning for me: "I study war, so my children can study politics, so their children can study poetry." These are, indeed, noble words to live by.

Memorial Day had its beginnings as a time of remembrance for those soldiers who died during the American Civil War. Nineteeth century newspapers tell stories of families of dead soldiers going to cemeteries where their loved ones lay and planting flags on their graves. But, they placed flags not only on the graves of their own, but also on the graves of boys who had fought on the opposite side. At the end of the day, the sight must have been truly spectacular—Union and Confederate flags waving, side by side, testament to the unity of this country.

This type of compassion may be viewed as a role model for us all, for in the Civil War, a bullet did not differentiate between regional affiliation, and brothers fell alongside brothers. Similarly so, in later wars, a bullet knew not race, creed, gender, or religion. It rendered all people equal.

On this day we are charged with the responsibility of remembering and honoring those brave men and women who gave so unselfishly of themselves for their country. And they gave of themselves all in the name of one simple, but beautifully poignant ideal—that of freedom.

This freedom is best embodied in our Nation's flag which has come to represent the multitudes of Americans who sacrificed their lives in defense of our freedom. But more than sacrifice and death, our noble "Stars and Stripes" stands for the courage and tenacity of these brave men and women. We must give voice then, today, to those Americans who can no longer speak. As DAV National Commander Kirby has said,

We who can speak out and defend our flag, must. We who can speak out and praise our fallen comrades, must. We who can teach the lessons of democracy, must.

IN RECOGNITION OF THE 50TH ANNIVERSARY OF THE MOUNT PLEASANT LIONS CLUB

HON. BILL SCHUETTE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 25, 1989

Mr. SCHUETTE. Mr. Speaker, I rise today to honor the Mount Pleasant Lions Club on their 50th anniversary, June 3, 1989. The Mount Pleasant Lions Club has recently distinguished itself by devoting much time, energy, and money to those with sight and hearing disabilities. This generous organization has raised $250,000 for these worthy causes in its 50 years of existence.

The Lions Club in Mount Pleasant is comprised of select members of the community that includes business and professional persons, industrialists, farmers, clergymen, educators, merchants, and many others. The stated purpose of the Mount Pleasant Lions Club is to first determine the most urgent needs of the community and then develop appropriate means of meeting these needs.

Mr. Speaker, I ask that you join me in saluting the Mount Pleasant Lions Club for their 50 years of distinguished service, and the continued contributions that I am confident they will provide.

DEDICATION OF RAILROAD STATION IN COUNTY MAYO, IRELAND

HON. BRIAN J. DONNELLY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 25, 1989

Mr. DONNELLY. Mr. Speaker, on June 18, 1989, in the west of Ireland, a railroad station in Kiltmagh, County Mayo, will be dedicated as a memorial to the tens of thousands of Irish individuals who left that country to seek a new and prosperous life in the United States. The dedication of this train station and an accompanying museum will be at the place where these Irish men, women, and children boarded trains to leave for America, as far back as 150 years ago.

Of course, much has changed over those one and one-half centuries. Then, the Irish people fled famine and abject poverty. Today, Irish individuals seek a new life in America for the many job opportunities available here. Today's and yesterday's immigrants sought a better life; many embarked from the railroad station in Kiltmagh.

Unfortunately, and sadly, America's doors are not as open to today's immigrants from Ireland. Our current immigration system, structured principally toward family reunification, tends to discriminate against those countries whose potential immigrants do not have immediate family members in the United States. Indeed, the current system all but ignores such important criteria as needed job skills. In my view, major reforms of the current system are needed.

Officiating at the dedication of the railroad station will be one man from my congressional district who has been of enormous assistance in seeking reforms to America's current immigration policy. Mr. Thomas Flatley left Ireland in 1950 to seek a better life in America; he departed from the same train station to be dedicated in June. Today, Mr. Flatley's successes in America are well-documented; Mr. Flatley has also demonstrated concern for those he left behind by testifying before both House and Senate committee on needed amendments to our immigration laws. I believe that it is Mr. Flatley's hope that through these efforts, future Irish immigrants passing through Kiltmagh can become as successful here as he.

The Irish immigrants who came here over those 150 years have helped make America the great land she is today. Fighting to help preserve our Union during the Civil War, building our industrial base at the turn of this century, and helping insure America's place as the most powerful Nation on Earth after World War II: That has been the contribution of those who passed through that railroad station in County Mayo.

Mr. Speaker, today there are 40 million Americans of Irish descent; through their veins flows the blood of an Irish immigrant. We in the United States are proud of that heritage—and we are proud to take part in the dedication of that railroad station where so many great journeys were begun.

IN PRAISE OF SCHOOL VOLUNTEERS

HON. RON de LUGO

OF THE VIRGIN ISLANDS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 25, 1989

Mr. DE LUGO. Mr. Speaker, I rise to express my gratitude and admiration for six outstanding volunteers in the U.S. Virgin Islands, who have been honored for going into our public school classrooms to share their knowledge and talents with our students.

These 6 were recently chosen from among 1,355 people in the Virgin Islands, ranging from secondary students to senior citizens, who serve as volunteers in our schools. These volunteers gave more than 20,000 hours of their time last year, and they made an enormous contribution to the quality of education in our public schools. Our entire community benefits when merchants, hotel managers, journalists, retirees, students and teachers work together in a unified pursuit of excellence in education.

The Virgin Islands Department of Education recently recognized the following six individuals for their superlative effort:

Amantha Francis, a retiree who helped teach special education classes.

David Pike, a newspaper editor who introduced junior high students to the basic of journalism.

Leslie Milliner, a department store owner who promoted reading in an elementary school, which his firm has adopted.

Steve Parris, a high school student who helped run the Junior Reserve Officers Training Corps Program and supervise recess activities at an elementary school.

Marilyn Mackey, a travel agency owner who tutored at an elementary school and served on the board of the volunteer program.

James St. John, a hotel manager whose hotel offered training and tutoring for local students.

These 6 individuals and more than 1,300 others who perform similar volunteer services also were honored in an editorial in the Virgin Islands Daily News of May 19, 1989, which I want to enter into the RECORD here:

ADMIRABLE PEOPLE

Six residents who took time from their busy schedules to make life a little more meaningful for Virgin Islands student were honored recently.

These unsung heroes were among the more than 1,300 St. Thomas and St. John residents who volunteered regularly in the public schools this past year. Not only did all these volunteers share their time unselfishly with the students, they also saved the Education Department $250,000 by contributing 20,172 hours.

Those commended for their service were retiree Amantha Francis, businesswoman

Marilyn Mackey, businessman Leslie Milliner, Charlotte Amalie High School student Steve Parris, hotelier James St. John and journalist David Pike.

During these times, when the pressures of day-to-day life leave little free time and energy, it is admirable that these volunteers were willing to share their talents and experience so our students can have a broader, richer view of the world around them

I concur with this editorial and am proud to add my praise for these volunteers who are enriching our public schools.

A CONGRESSIONAL SALUTE TO ROGER REYBURN

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 25, 1989

Mr. ANDERSON. Mr. Speaker, I rise today to pay tribute to an outstanding individual who has devoted years of his life to the Long Beach area. Roger Reyburn will be presented with the "1989 Humanitarian Award at the 26th Annual Humanitarian Award Dinner of the National Conference of Christians and Jews," to be held this evening, Thursday, May 25, 1989. This occasion gives me the opportunity to express my sincere appreciation for his many years of hard work and unending commitment.

Roger Reyburn is an extremely active and highly visible member of the Long Beach community. Currently, he serves as a board member of the American Red Cross, Long Beach Community Hospital, Long Beach Public Transportation Co., the Chamber of Commerce, and Rotary Club of Long Beach. In addition to his involvement in the previously mentioned organizations, he also devotes his time and energy to the Long Beach Community Foundation, the Private Industry Council and the 49er Athletic Foundation, of which he was past president. Despite his heavy volunteer involvement, Mr. Reyburn is employed full time by General Telephone as the south coast division manager. He also devotes his time to his wife, Elizabeth, and their four children, Stephanie, Suzanne, Sam, and Matthew.

My wife, Lee, joins me in extending our congratulations to this caring and giving individual. Roger Reyburn is truly a remarkable individual who has devoted his talents and energies to enriching the lives of so many other people. We wish this fine Long Beach citizen all the best in the years to come.

FAREWELL TO REV. RICHARD LIPKA AND FAMILY

HON. KWEISI MFUME

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 25, 1989

Mr. MFUME. Mr. Speaker, probably one of the most difficult tasks for any human being, is to bid farewell to longtime friends and loved ones whose career or employment opportunities call them to relocate to different parts of the globe. Although one knows that the individual or persons who are leaving will always be successful in any endeavor they undertake, an element of sadness and bittersweet emotions always accompany the final sendoff.

Mr. Speaker, the congregation of St. Mary's Episcopal Church in my home district of Baltimore City is now experiencing this phenomenon. After 17 years of dedication and commitment to the St. Mary's church family, Rev. Richard W. Lipka, his wife, Susan, daughters Pam, Sara, and sons, Adam and Jon will be leaving Baltimore for a new assignment in Hawaii. During his tenure with St. Mary's, Reverend Lipka was well known as a fine pastor, good adviser, gentle friend and family man.

Reverend Lipka and his wife, Susan, dedicated many long hours to the church since their arrival in 1972. Reverend Lipka, the son of Roman Catholic Polish immigrants, grew up in Delaware in a closely knit community before traveling to Europe, where he experienced a call to the ministry and later stayed in Europe to complete his theological studies. Susan Lipka, a native of Princess Anne on the Eastern Shore of Maryland, worked as a social worker in her hometown prior to marrying Richard. The Lipka's moved to west Baltimore where they both worked for awhile in the field of social services.

Mr. Speaker, St. Mary's church has truly grown, as have Richard's and Susan's spiritual commitment over the past 17 years. Susan has been actively involved in training for lay evangelism, while serving as editor of the parish newsletter, and traveling with her husband for Episcopal Renewal Ministries. Probably Susan's most significant contribution is her ministry of prayer, inner healing, and personal counseling.

Richard and Susan's eldest daughter, Pam, founded St. Mary's Christian School upon completing her undergraduate studies at Towson State University. Pam is also involved in the Episcopal Renewal Ministries youth program that has taken her all over the east coast.

Mr. Speaker, quoting from Genesis, when Laban said goodbye to his son-in-law Jacob, "May the Lord keep watch between you and me when we are away from each other * * *." And so, as the St. Mary's congregation prepares to send the Lipka family off to their new church home and family, I am sure that Richard, Susan, and the entire Lipka family will adjust very well to their new surroundings and begin to make new friends and inspire many others through the Word of God.

NEW SOVIET LAWS

HON. DON RITTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 25, 1989

Mr. RITTER. Mr. Speaker, a dark cloud has appeared on the horizon of glasnost, although Soviet officialdom characterizes it as blue sky. To many at the forefront of change in the Soviet Union, it has brought uncertainty and fear. To most in the West it has gone unnoticed. On April 11, 1989, the front page of Pravda printed the test of a decree signed by Mikhail Gorbachev. In this law, the criminal code of the U.S.S.R. dealing with "state crimes" has been amended. Despite Gorbachev's attempts to gloss over the implications of these new laws, they are clearly designed as a warning to intimidate would-be critics, dissidents, or nationalists into accepting glasnost on the state's terms—or else.

Mr. Speaker, these new laws mean that the legal foundation of glasnost and perestroika are made of sand. I will insert into the RECORD the recent comments given by Sergei Grigoryants, editor of Glasnost magazine on the "new" Soviet legal reforms. Furthermore, I am including the article "Soviet Legal Reforms" Ukrainian Weekly, May 7, 1989, into the RECORD. Additionally, so that all of America and my colleagues may see the new Soviet law themselves and judge, I will insert the translated law into the RECORD. I hope particular attention is paid to the deliberately vague wording in article 11(1) of this new law.

GRIGORYANTS ON SOVIET LEGAL REFORMS

(Following is a reaction by rights activist Sergei Grigoryants of Moscow, editor of Glasnot magazine, to the decree of the Presidium of the U.S.S.R. Supreme Soviet on news laws covering crimes against the state. The comments, made in a telephone conversation on April 13, were released in English translation by the Human Rights Commission of the World Congress of Free Ukrainians.)

We still don't know how this law will be applied . . . but it is in the same spirit of anti-democratic laws which were published in October. The law on demonstations and on the use of internal military forces which are allowed to conduct searches without formal permission of the procurator; the law which allows shooting of women and children.

I believe the law will be applied selectively, at the whim of the government. This new decree parallels some of Stalin's most Draconian laws. No one after Stalin has ever enacted such monstrous laws.

I believe it is an obvious violation of the Vienna Final Document, violation of the right of freedom of speech, freedom of the press, freedom to express personal views about officials and institutions. There is a very sharp and obvious worsening of the situation in the Soviet Union. Unfortunately, people in the West don't see it yet.

One does not have to be very astute to see that the law which replaces Article 190(1) is far worse, although Article 190(1) was reprehensible not so much because of its legal formulation but in its practice and application . . . Under the new article, punishment is prescribed for criticism of any Soviet official, any person elected to any position, not to mention any Soviet institution. The meaning of this law is that even if one has good reason to call a secretary of the city council a villain, one has committed a crime against the state, one has offended an employee of the state, one has discredited a state organization . . . This is such a fantastic law and so unbelievable, the entire population of the Soviet Union can be arrested, starting with Gorbachev and ending with a caretaker. Everyone in the Soviet Union has something against a government organization or an employee of it, and now that is a crime against the state.

As a matter of fact this law was applied immediately upon publication. I had a call yesterday [April 12] from a Jewish group. They were going to have a meeting for which permission was given and later withdrawn, upon publication of the law, because

one of the four agenda items was to condemn the activities of the anti-Zionist committee. The meeting was forbidden because people have no right to discredit a government organization. Now you cannot say anything even against a kindergarten if the teachers are bad. This also is a government organization.

[From the Ukrainian Weekly, May 7, 1989]

SOVIET LEGAL REFORMS

On April 11, the Soviet press published the decree of the Presidium of the Supreme Soviet on amendments to the law "on criminal liability for state crimes." This was the much-awaited legal reform that Soviet officials have promised for nearly two years, the new laws that were supposed to conform with democratic principles.

Bohdan Horyn of the Ukrainian Helsinki Union described the new laws as "a total reversal to anti-democratic methods in our political and social life." This decree, he said, is not the first "reactionary law" instituted during the Gorbachev regime; it was preceded by a decree on meetings and demonstrations, and an anti-democratic law on elections. The West, he said, has swallowed the Soviet's so-called democratization and thus gives its "tacit approval to such anti-democratic measures."

Let's take a look at the laws themselves.

Article 7, states that "Public calls for the overthrow of the Soviet state and social system," or for its change by methods contrary to the USSR Constitution, or for obstructing the execution of Soviet laws for the purpose of undermining the USSR political and economic system, and equally the preparation for purposes of dissemination or the actual dissemination of material containing such calls "are punishable by deprivation of freedom for up to three years or a fine of 2,000 rubles; when commented repeatedly by an organized group or via technical means designed for large print runs, the penalty is up to seven years' deprivation of freedom or a fine of up to 5,000 rubles; when such acts are committed on instructions from abroad, or involve the use of assets or technical means received from abroad, the punishment is even more severe: deprivation of freedom for between three and 10 years.

Previously, Soviet law, as provided in Article 70 of the Russian SFSR Criminal Code, stated: "Agitation or propaganda carried on for the purpose of subverting or weakening the Soviet regime or of committing particular, especially dangerous crimes against the state, or the circulation for the same purpose of slanderous fabrications which defame the Soviet state and social system, or the circulation or preparation or keeping, for the same purpose, of literature of such content shall be punished by deprivation of freedom for a term of six months to seven years, with or without additional exile for a term of two to five years, or by exile for a term of two to five years." For repeat offenders, or for crimes committed during wartime, the punishment was deprivation of freedom for three to 10 years, with or without additional exile for two to five years.

The law that replaces the previous anti-Soviet slander provisions covers "The public insulting or defamation of the USSR supreme organs of state power and government, other state organs constituted or elected by the USSR Supreme Soviet, or officials appointed, elected or approved in office by the USSR Congress of People's Deputies or the USSR Supreme Soviet, of public organizations and their all-union organs constituted according to law and acting in conformity with the USSR Constitution" and provides that this be punishable by deprivation of freedom for up to three years or a fine of up to 2,000 rubles.

The earlier law on slander covered "The systematic circulation in an oral form of fabrications known to be false which defame the Soviet state and social system and, likewise, the preparation or circulation in written, printed or any other form of works of such content" and stipulated that the punishment was deprivation of freedom for a term not exceeding three years, or by corrective tasks for a term not exceeding one year, or by a fine not exceeding 100 rubles.

A new law covering "deliberate actions aimed at inciting national or racial enmity or dissension, degrading national honor and dignity, and any direct or indirect restriction on the rights or establishment of direct or indirect privileges for citizens depending on their race or nationality" provides punishment of three years' deprivation of freedom or a fine of up to 2,000 rubles; when these acts are combined with violence, fraud or threats, or when committed by officials—up to five years, or up to a 5,000 ruble fine; when committed by a group, or when involving loss of human life, or other grave consequences—up to 10 years' deprivation of freedom.

A careful reading of the old and new laws reveals that, yes, the law on "overthrow of the Soviet state and social system" tightens up the previous broadly worded and widely applied law on "anti-Soviet agitation and propaganda." However, the law's stipulation that this crime, when committed by an organized group or via high-tech means that make wide dissemination possible deserves a more severe penalty, surely is meant to curtail activities of certain groups and their appeal to a broad audience. Equally troublesome is the provision that when such acts are committed on "instructions from abroad" or use "technical means received from abroad," which seems designed to limit contacts with foreigners and is so vaguely worded that it may be broadly applied.

In regard to the law on "insulting and defaming" organs and officials of the state and public organizations, it must be pointed out that whereas the prior law on slander covered "fabrications known to be false," the new law is actually less precise, makes no distinction as to the truth or untruth of the insulting or defamatory statements, and upgrades this offense to a state crime, as opposed to a regular criminal offense.

And, the new law on "infringement of national or racial equality"—even as acknowledged by the official Soviet press (commentaries in Pravda and Izvestia noted that they are especially targeted at activists in the Baltic and Caucasian republics, and Ukraine)—is aimed directly at nationalist troublemakers throughout the USSR.

What then, do we make of this "democratization" of the Soviet law? Frankly, not much. If this is all there is to Soviet legal reform, then the West should make its disatisfaction known in no uncertain terms by refusing to attend the special conference on humanitarian affairs that has been slated by Helsinki Accords signatories for 1991 in Moscow. Soviet legal reform is, simply put; out of synch with the promises made, formally and informally, by the Soviets.

[Decree Amending Law on Criminal Liability Published *PM 1004154189 Moscow Izvestiya in Russian 11 Apr 89 Morning Edition p 3]*

["USSR Supreme Soviet Presidium Decree On the Introduction of Amendments and Addenda to the USSR Law 'On Criminal Liability for State Crimes' and Certain Other USSR Legislative Acts"—Izvestiya headline]

[Text] The USSR Supreme Soviet Presidium resolves:

I. To introduce the following amendments and addenda to the USSR Law "On Criminal Liability for State Crimes" dated 25 December 1958 (VEDOMOSTI VERKHOVNOGO SOVETA SSSR, 1959, Issue No 1, p 8; 1961, Issue No 21, p 222; 1984, Issue No 3, p 58):

1. Articles 7 and 11 are to read as follows:

"Article 7. Calls for the Overthrow or Change of the Soviet State and Social System.

"Public calls for the overthrow of the Soviet state and social system or for its change by methods contrary to the USSR Constitution, or for obstructing the execution of Soviet laws for the purpose of undermining the USSR political and economic system, and equally the preparation for purposes of dissemination or the actual dissemination of material containing such calls—

"are punishable by deprivation of freedom for a period of up to 3 years or a fine of up to R2,000. "The same actions, committed repeatedly either by an organized group of persons or involving the use of technical means designed or adapted for large print runs

"are punishable by deprivation of freedom for a period of up to 7 years or a fine of up to R5,000. "Actions falling within parts 1 or 2 of this article, committed on instructions from organizations abroad or their representatives or involving the use of material assets or technical means received from the aforementioned organizations

"are punishable by deprivation of freedom for a period between 3 and 10 years."

"Article 11. Infringement of National or Racial Equality.

"Deleberate actions aimed at inciting national or racial enmity or dissension, degrading national honor and dignity, and any direct or indirect restriction on the rights or establishment of direct or indirect privileges for citizens depending on their race or nationality—

"are punishable by deprivation of freedom for a period of up to 3 years or a fine of up to R2,000. "The same actions, when combine with violence, fraud, or threats or when committed by officials.

"are punishable by deprivation of freedom for a period of up to 5 years or a fine of up to R5,000. "Actions falling within parts 1 and 2 of this article, when committed by a group of persons or when involving loss of human life or other grave consequences

"are punishable by deprivation of freedom for a period of up to 10 years."

2. To supplement the Law with Articles 7(1) and 11(1), reading as follows:

"Article 7(1). Calls for Commission of Crimes Against the State.

"Public calls for betrayal of the motherland or the commission of a terrorist act or sabotage—

"are punishable by deprivation of freedom for a period of up to 3 years or a fine of up to R2,000."

"Article 11(1). Insulting or Defaming State Organs and Public Organizations.

"The public insulting or defamation of the USSR supreme organs of state power and government, other state organs constituted or elected by the USSR Congress of People's Deputies or the USSR Supreme Soviet, or officials appointed, elected, or approved in office by the USSR Congress of People's deputies or the USSR Supreme Soviet, or public organizations and their all-Union organs constituted according to law and acting in conformity with the USSR Constitution—

"is punishable by deprivation of freedom for a period of up to 3 years or a fine of up to R2,000."

II. To introduce the following amendments to USSR legislative acts:

1. In part 2 of Article 7(1) of the Fundamentals of Criminal Legislation of the USSR and Union Republics, ratified by the USSR Law of 25 December 1958 (VEDOMOSTI VERKHOVNOGO SOVETA SSSR 1959, Issue No 1, p 6; 1972, Issue No 22, p 176; 1973, Issue No 11, p 157; 1974, Issue No 18, p 275; 1983, Issue No 51, p 784; 1987, Issue No 28, p 437; 1988, Issue No 10, p 152), the words "infringement of national and racial equality under aggravating circumstances" should be added following the words "especially dangerous state crimes."

2. In part 1 of Article 28 of the Fundamentals of the Administration of Criminal Justice of the USSR and Union Republics, ratified by the USSR Law of 25 December 1958 (VEDOMOSTI VERKHOVNOGO SOVETA SSSR 1959, Issue No 1, p 6; 1961, Issue No 26, p 270; 1963, Issue No 16, p 181; 1981, Issue No 33, p 966; 1984, Issue No 3, p 58), the words "7 (anti-Soviet agitation and propaganda)" should be replaced by the words "7 (calls for the overthrow or change of the Soviet state and social system), 7(1) (calls for the commission of crimes against the state)."

III. The Supreme Soviet Presidiums of union republics are instructed to bring the legislation of union republics in line with the present decree.

IV. The present decree comes into force on the day of its publication.

[Signed] M. Gorbachev, chairman of the USSR Supreme Soviet Presidium.

T. Menteshashvili, secretary of the USSR Supreme Soviet Presidium.

Moscow, Kremlin, 8 April 1989.

IKE'S 100TH ANNIVERSARY

HON. WILLIAM F. GOODLING

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 25, 1989

Mr. GOODLING. Mr. Speaker, the year 1990 brings about the celebration of the 100th anniversary of the birth of one of America's greatest wartime leaders and Presidents, Dwight D. Eisenhower. Located within my congressional district in Gettysburg, PA, the Dwight D. Eisenhower Society has for years undertaken efforts to keep memories of Ike alive. In anticipation of the 100th anniversary, the Society is asking for personal stories, recollections, or anecdotes from those who knew him. If Members or their constituents can be of assistance in this effort, please contact the president of the Society at the following address:

Mr. John E. Bex, The Dwight D. Eisenhower Society, Box 1990, Gettysburg, PA 17325.

RESTORATION OF EASTERN AIRLINES TO FULL OPERATIONS

HON. JOHN LEWIS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 25, 1989

Mr. LEWIS of Georgia. Mr. Speaker, today, I am introducing a House resolution calling for the restoration of Eastern Airlines to full operations under new ownership and management.

The restoration of the airline would foster the goal of industry competition as established by the Airline Deregulation Act of 1978. The sale of Eastern Airlines would serve the interests of its employees, creditors, customers, and the communities, States, and regions of the country that Eastern serves. As you may know, thousands of Eastern employees who reside in my Atlanta congressional district have been devastated by the shutdown of the airline. Not only have Eastern employees been adversely affected by the shutdown, but terminal vendors, foods service providers, as well as other subcontractors have also been adversely impacted by the shutdown.

Frank Lorenzo and many potential buyers of Eastern Airlines have come very close to reaching accords on the purchase of the airline, only to have the deals fall apart as a result of minor differences. We call on Frank Lorenzo to negotiate in good faith so that an Eastern that is intact and competitive may get back in the air.

I urge my colleagues support this simple sense of Congress resolution calling on the parties involved in the Eastern sale, to come to a prompt settlement in order that Eastern employees may get back to work.

TRIBUTE TO OTTO GRAHAM OF CLEVELAND BROWNS FOOTBALL TEAM

HON. MICHAEL DeWINE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 25, 1989

Mr. DEWINE. Mr. Speaker, I would like to take a few moments today to pay tribute to a man who is among the true giants in sports history, the legendary quarterback of the Cleveland Browns and member of the Pro Football Hall of Fame, Otto Graham.

By anyone's yardstick, Otto Graham's accomplishments on the field were extraordinary. During his career, which spanned 10 seasons from 1946 to 1955, Graham amassed 23,584 passing yards, 1,464 completions, and 174 touchdowns—a remarkable record of accomplishment. He was an all-league selection 9 times in those 10 years.

Individual statistics alone cannot represent the full measure of Otto Graham's contribution to professional football. We also need to consider the overwhelming success of the teams Graham led during his brilliant career. Only then can we fully appreciate Graham's impact on the game. Graham was the heart of a Cleveland offense that during his career averaged nearly 28 points per game. During Graham's 10-year career, the Cleveland Browns reached the league championship game every year. Every year. In those 10 years they won 7 league championships—4 in the old All-American Football League and 3 in the NFL. That remarkably consistent record of excellence was due in no small part to the talents and leadership of Otto Graham.

But, just as his individual numbers don't paint a complete picture of Otto Graham the football player, his contributions on the football field are not a full accounting of Otto Graham the man. The same courage and fierce determination he displayed on the field have served him well in his personal battle against cancer. Throughout the years, Otto Graham has worked countless hours for charitable causes, making personal appearances, doing public service announcements, and in general setting a fine example of public service and personal fortitude of which all Ohioans can be proud. I want to commend Otto Graham for his many accomplishments on the field and off, and wish him all the best in the future.

A CONGRESSIONAL SALUTE TO JAMES P. ZARIFES

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 25, 1989

Mr. ANDERSON. Mr. Speaker, I rise today to pay tribute to an outstanding individual who has devoted years of his life to the Long Beach area. James P. Zarifes will be presented with the "1989 Humanitarian Award" at the 26th Annual Humanitarian Award Dinner of the National Conference of Christians and Jews, to be held this evening, Thursday, May 25, 1989. This occasion gives me the opportunity to express my sincere appreciation for his many years of hard work and unending commitment.

James P. Zarifes is a native of Long Beach, who left this area only long enough to attend Stanford University. This year he celebrates 30 years of private practice as an attorney in Long Beach. Mr. Zarifes' contributions to the community are many and varied. He has been a past member and president of the Board of Education for both the Long Beach Community College District and the Long Beach Unified School District. His commitment to the community is also reflected by his involvement in the Junior Chamber of Commerce, the board of directors of the Boys Club of Long Beach, president of the Downtown Lions Club, and a board member for the Greek Orthodox Church.

James Zarifes has also received numerous awards; among them, he received the State of California's PTA "Public Service Award," was honored as 1 of only 47 outstanding alumni of Poly High School over a 75-year period, and was named one of the "Emerging Leaders" of the city of Long Beach. Joining him in full support of his unselfish commitment to the community, is his lovely wife of 29 years, Angie, and their three children, Peter, Michael, and Marina.

My wife, Lee, joins me in extending our congratulations to this caring and giving individual. James Zarifes is truly a remarkable individual who has devoted his talents and energies to enriching the lives of so many other people. We wish this fine Long Beach citizen all the best in the years to come.

TRIBUTE TO REVEREND WALTER HALL

HON. GUS YATRON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 25, 1989

Mr. YATRON. Mr. Speaker, today I would like to pay tribute to one of the most recognized and inspiring figures of Heckscherville, PA. The person I am speaking of is the Reverend Walter Hall, pastor of St. Kieran's Church for the past 18 years. On June 4, 1989, Father Hall will celebrate his 40th anniversary Mass of Thanksgiving.

During his 40 years in the priesthood, Father Hall has played an important role in spreading God's word and administering his faith. Father Hall is a remarkable man and has touched the lives of many. His life has been devoted to spreading God's love and enriching the lives of others. We are indeed fortunate to have been blessed with his talents, commitment, and caring disposition for these many years and it is only fitting that Father Hall be recognized for the contributions he has made to Heckscherville and its residents. It is an honor and privilege to recognize Father Hall and to say congratulations and thank you for his many years of service.

TRIBUTE TO THE PATIENT ADVOCACY PROGRAM AT SAINT ELIZABETHS HOSPITAL

HON. WALTER E. FAUNTROY

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 25, 1989

Mr. FAUNTROY. The Patient Advocacy Program was established at Saint Elizabeths Hospital in the summer of 1978 with a mandate to protect patients' rights to quality treatment and care.

From its inception, the Saint Elizabeths program has been viewed as an effective measuring tool to ensure that hospital policies and procedures are consistent with patients' rights as individuals. The program was designed not only to undertake the investigation and mediation of complaints and grievances concerning individual rights, but also to include activities associated with the development of systems advocacy, citizen advocacy, inter and intrainstitutional referral as well as mechanisms for addressing legal concerns.

Patient advocacy as an organized and systematic program of consumer protection in health care, had its genesis in the Civil Rights movement which provided the impetus for a wide range of efforts to expand individual rights and protections. Advocacy on behalf of the institutionalized mentally ill has become a recognized, necessary and accepted mechanism for assuring that the rights of the mentally ill are protected and the standards of mental health care are maintained and improved.

The Patient Advocacy Program was designed to be non-adversarial in nature, and to focus on developing policies and procedures to aid in foreseeing and preventing practices which might result in the violation of individual rights. It is a major premise of the program that promotion and protection of patients' rights result in substantial reduction of the probability of nontherapeutic outcomes.

This nonadversarial approach utilizes a statistical analysis of reported violations, abuses, complaints and grievances in order to identify those patterns which might indicate problems with the observance of patients' rights within specific units of the Commission on Mental Health Services. The program's aim is to provide policymakers with an early warning signal for the identification of systematic problems or issues which may require change in policy and institutional practice.

I rise today to pay tribute to this outstanding program that has been described as "the conscience" of our mental health system, and to commend Audrey N. Hazal, R.N., D.P.A., her staff and the Patients' Rights Council for accepting and meeting the challenge of the "rocky advocacy road".

In a time when compromise, indifference and medicority have rendered too many ears and hearts delinquent to the summons of compassion, justice and community, I am proud to salute the distinguished service of individuals who dare to challenge injustice and remind those who had forgotten, that God in the act of creation had not created a world of us and them but of community.

Delores R. King.
Barbara Phelps-Goodwin.
Diane L. Williams.
Robert B. Kirkland, Jr.
Thelma R. McIntire.

I invite my colleagues to join me in honoring these who have proven a force for securing justice, progress and hope for the last, the lost and the least of our city.

THE RETIREMENT FROM PUBLIC SERVICE OF FRANK MILLS

HON. SILVIO O. CONTE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 25, 1989

Mr. CONTE. Mr. Speaker, I rise today to pay tribute to Frank Mills, of Danvers, MA, who recently stepped down from his long-held position of town moderator of Danvers. On February 27, 1989, Frank concluded 23 years of service to his community.

Frank was esteemed so highly by his fellow townspeople that he ran unopposed for 22 of those 23 years. Quite often, the mantle of responsibility falls upon certain individuals who care enough about their town to serve as facilitators, spokesmen, and leaders on efforts that improve the quality of life for all. Frank Mills is one of those individuals.

Mr. Speaker, Frank Mills has never faltered in serving his community and upholding the highest standards of democracy. An expert parliamentarian, Frank led town meetings with a quick and sure authority. He took pride in Danvers and Danvers took pride in him.

An employee of my alma mater, Boston College, and a close personal friend, Frank Mills has been an inspirational leader in his hometown. Through the years, Frank has remained a tireless example of civic responsibility and has been the embodiment of the Boston College motto Semper Praestare, "ever to excel." Mr. Speaker, I salute Frank and appreciate this opportunity to inform my colleagues of his success.

OUTSTANDING SECONDARY SCHOOLS

HON. GEORGE J. HOCHBRUECKNER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 25, 1989

Mr. HOCHBRUECKNER. Mr. Speaker, I rise today to pay tribute to two high schools in my Congressional District, Ward Melville High School of Setauket, NY, and Mercy High School of Riverhead, NY. Both have been named by the U.S. Department of Education as 2 of 218 outstanding secondary schools across the Nation.

The Department's School Recognition Program identifies those institutions that have been especially effective in educating their students. Components such as teaching environment, learning environment, community involvement, parent involvement, leadership, and student achievement were assessed to determine the most outstanding schools. Such criteria demonstrate the importance of community and parental involvement. Education is not a process for students and teachers alone. Each member of the community must participate to make it successful. I am pleased to see that this approach is being recognized by our Nation.

The education of our youth is essential for the growth of our country and the success of future generations. In recognizing these fine learning institutions we set forth examples for all to follow in the educational process. I am extremely proud to be the Representative of a District which boasts such outstanding models of education. Please join me in saluting these schools.

TAPS

HON. HENRY J. HYDE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 25, 1989

Mr. HYDE. Mr. Speaker, on this Memorial Day 1989, millions of Americans will gather in towns and cities across this Nation to honor the brave men and women who have died so that we may live free.

I want to commend to my colleagues a poem entitled "Taps," written by Mr. Edwin J. Bray of Arlington Heights, IL, which I think expressses our collective emotion on this most important national holiday:

As the sound of taps float gently across the Nation on this Memorial Day, out of the mist of my mind they march.
From the beaches of Normandy, Bastogne, Guadalcanal, Bougainville, Tarawa and Trier, their faces forever young, for they have never aged.
No longer the horror of battle on their faces but eternal peace, for they have hallowed the very ground where they fell, so that a grateful nation might breath the precious air of freedom.
Fear not my fallen comrades, for we shall never forget you.
Our children and their grandchildren shall know of your valor, for I too, in the not too distant future, hear the faint sounds of taps and hope I shall have the honor to march among you.

THE 100TH ANNIVERSARY OF THE INTERNATIONAL BOUNDARY COMMISSION OF THE UNITED STATES AND MEXICO

HON. E de la GARZA

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 25, 1989

Mr. DE LA GARZA. Mr. Speaker, the International Boundary and Water Commission [IBWC] of the United States and Mexico will celebrate its 100th anniversary during events scheduled for May 31 through June 2, 1989.

The IBWC was created by treaty between the United States and Mexico in 1889. Its initial purpose was to address boundary issues along the expansive frontier between our two great nations.

Since that time, the IBWC has grown into a permanent fixture in our relations with Mexico. The IBWC is a diplomatic giant in its own right. It fosters peaceful solutions to boundary and all-important questions of water usage along our border.

When I came to Congress in 1965, the U.S. section of the IBWC was led by the Honorable Joseph Friedkin. Commissioner Friedkin remained at the helm through every change of administration up until his retirement in 1986. During his lengthy tenure, the IBWC reached a level of diplomatic stature equal to the finest of our embassies and missions.

This tradition of diplomatic prowess has been ably carried forward by the current Commissioner, the Honorable Narendra N. Gunaji. Commissioner Gunaji continues the record of excellence which has always characterized the purpose and achievements of the IBWC. The Mexican section is superbly led by Commissioner Carlos Santibanez Mata and we proudly call him our friend.

To celebrate its 100th birthday, the United States and Mexican sections are jointly sponsoring an international symposium in El Paso, TX, and Ciudad Juarez, Chihuahua from May 31 to June 2. Distinguished speakers from the United States and Mexico will lecture on the history and mission of the IBWC.

The IBWC is a constant reminder of the friendship between the United States and Mexico. For 100 years it has quietly achieved a level of acocmplishment in important border questions which could not have been possible without its uniques forum and exceptional leaders—both in the United States section and the Mexican section.

We are proud to acknowledge for our colleagues the great part in United States and Mexico relations played by the IBWC. As we move into the next century, we are certain the IBWC will play a prominent role in major environmental questions which affect the United States and Mexico.

TRIBUTE TO CHARLES W. JOHNSON III

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 25, 1989

Mr. TRAFICANT. Mr. Speaker, I rise today to ask that the House join me today to honor First Assistant Parliamentarian Charles W. Johnson III, who celebrated his 25th year in the House of Representatives on May 20, 1989.

Charlie was appointed to his office in 1964 during the administration of Lyndon B. Johnson by House Speaker John W. McCormack. Charlie graduated from Virginia Law School in 1963, and was soon admitted to practice by the D.C. Bar in 1965. He was then later admitted to practice in the Supreme Court in 1968.

Charlie is also one of the genuinely nicest people I have had the pleasure of meeting on the Hill. He always carries a warm, distinguished smile and is simply a fine individual. He and his lovely wife Martha have two wonderful sons, Drew and Charles. He constantly makes tough decisions on heated issues that affect major legislation.

Mr. Speaker, it is truly a great honor to pay tribute to this fine gentleman. I would, at this time, like to congratulate him on his many years of outstanding service to this great Nation. I would also like to wish him the best of luck in the future and for the next 25 years.

THE MISSION OF THE "MAGELLAN"

HON. TONY COELHO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 25, 1989

Mr. COELHO. Mr. Speaker, I would like to take this opportunity to recognize the naming of NASA's most recent spacecraft, the *Magellan.*

Like the great explorer after which it was named, the *Magellan* was launched to explore new horizons and provide vital information in our quest to learn about uncharted territories. The *Magellan* mission will map up to 90 percent of the surface of Venus for the first time using a synthetic aperture radar instrument which will gather high-resolution mapping data.

Ferdinand Magellan (1480–1521) was a Portuguese explorer and soldier. Sailing westward in the service of Spain, he led the first circumnavigation of the globe, during which he made the first known crossing of the Pacific, and revealed the ocean's immense width. Magellan also provided an empirical, if as yet incomplete, answer to the problem of the geographical relationship between the New World and Asia.

As a Portuguese-American, I am especially proud of the many contributions that Portuguese navigators made during the 15th and 16th centuries in exploring the New World. In honor of Ferdinand Magellan, and his many discoveries, I wish NASA equal success in its deployment of the *Magellan* mission to Venus.

TRIBUTE TO MS. FRANKYE SCHNEIDER

HON. HOWARD L. BERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 25, 1989

Mr. BERMAN. Mr. Speaker, it is with great pleasure that I bring to the attention of my colleagues one of California's distinguished public servants, Ms. Frankye Schneider, the recipient of the 1989 Helen Greenberg Memorial Achievement Award in recognition of her long career in public service to the San Fernando Valley.

For more than 14 years, Frankye Schneider has had a dynamic career in politics. Her sharp wit and unyielding commitment to local and statewide Democratic Party activities have earned her the respect and support of the San Fernando Valley community and the State of California. She is recognized as one of the most involved, dedicated, and effective workers for the many associations and programs designed to improve the quality of life in the San Fernando Valley.

Frankye's longstanding commitment to serving the San Fernando Valley includes a full spectrum of triumphs in several community organizations. She is a founding member of the Juvenile Justice Connection Project, the Democratic Party of the San Fernando Valley, and the former Valley Independent Democrats. Frankye has worked tirelessly with the United Way, the HELP Group, Amnesty International, San Fernando Valley Mental Health, Inc., several environmental groups, and various Democratic Party clubs in the San Fernando Valley to strengthen their involvement and service to the community. She is a woman of tremendous talent, dedication and energy who has built a record of excellence that is an inspiration to us all.

Frankye cares a great deal about what happens in our community and has worked virgously on political campaigns that have had a lasting impact on Democratic Party activities.

Frankye has earned many well-deserved awards and on many occasions has been recognized for excellent performance and high professional standards. Frankye attended UCLA and is the proud mother of three children, Eric, Laurie, and John and is blessed with two beautiful grandchildren, Sara and Drew.

It is my distinct pleasure to ask my colleagues to join me in saluting Ms. Frankye Schneider, a truly dedicated citizen.

MEMORIAL DAY 1989

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 25, 1989

Mr. HOYER. Mr. Speaker, today I rise to pay homage to the over 1 million Americans who lost their lives protecting the sanctity of our democratic Nation and fighting for the freedom of the oppressed and subjugated in other lands.

Memorial Day is the day that we have designated to recognize and honor those proud and courageous individuals who fought in defense of our country and the foundation of democracy.

Memorial Day has an extensive history. It has been documented that the first Memorial Day was observed in Waterloo, NY, on May 5, 1866. Flags were flown at half-mast, stores were closed, and flowers and crosses were placed on the graves of the war dead. Exactly 2 years later, Gen. John A. Logan, commander-in-chief of the Grand Army of the Republic, the organization of union veterans of the civil war, ordered the graves of the Civil War dead to be decorated with flowers and appropriate ceremony on May 30. In subsequent years individual States began observing Memorial Day on the same date.

Memorial Day as we know it now, honors all Americans who fought in defense of our Nation and includes those men and women who did not die in battle, but who died protecting the American flag. We must not forget the 241 proud, young servicemen who lost their lives in a bomb attack against the U.S. Marine Corps contingent to the multinational force in Beirut.

Furthermore, the 47 men who tragically lost their lives aboard the U.S.S. *Iowa* are still fresh in our minds. These brave young sailors are remembered as much today as their fellow sailors who lost their lives in the great navy battles of World War II.

On Memorial Day, we must not forget the war casualties that continue to scar the lives of the survivors, families, and friends of our war dead and protectors. The Vietnam war and its soldiers must not be forgotten. There are still over 2,000 prisoners of war or missing in action personnel who have not been brought home. Memorial Day is a day to reflect and remember these and all of the men and women who held the American flag in such high regard that they gave their lives for our country, and the American way of life.

Mr. Speaker, I would like to ask all my colleagues to join with me in remembering the proud and brave men and women who contributed so greatly and significantly to the history, strength, and prosperity of our country. Therefore, I hope all of us will take the time away from the picnics and beaches to pay homage to the defenders and protectors of our great democratic Nation.

THE DEVIL'S BRIGADE

HON. PAT WILLIAMS

OF MONTANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 25, 1989

Mr. WILLIAMS. Mr. Speaker, do people still remember the World War II fighting unit called the Devil's Brigade? We should.

The Devil's Brigade was the military's first special service force. It came into being in 1942, growing out of the allies desperate need for a specialized troop of parachutists.

These men were to be trained to drop over scattered areas of Europe. Their initial mission was to sabotage enemy installations. It soon became apparent that this elite group must be prepared to be so versatile that they could undertake whatever tasks they would likely be assigned.

They became expert in sabotage, demolition, capture, mountain climbing, river fording. They moved behind enemy lines, did their work and fought their way out.

This Canadian-United States elite force first went into action in the Pacific theater and then in the Mediterranean, following the Sicily landing. They captured strategic Monte la Difensa, an extremely difficult piece of ground. Their determined fighting aided in the liberation of Rome and was the culmination of their valiant exploits on the battlefield.

The members of the Devil's Brigade were not only Americans but also Canadians.

Men from the two countries, were chosen from a select group of volunteers, fighting under extraordinary circumstances for a common cause.

We owe much to our Canadian allies who helped win World War II, particularly to those excellent soldiers who helped make up the first special forces. Because of their experience, some of these fighting men later settled in the United States and became U.S. citizens.

However, unbelievably they are ineligible for veterans health care in the United States. They fought with us and for us; they are now our neighbors, they are American citizens, but our Government turns away from helping them.

Mr. Speaker, today I am introducing a bill to provide hospital, nursing home, and domiciliary care and medical services, to individuals who participated in armed conflict with an enemy of the United States while serving during World War II in the former first special service force, a joint military unit of the United States and Canada.

There is precedent for this legislative action.

In 1976, Congress enacted legislation providing medical care and benefits to the members of the armed services of Poland and Czechoslovakia who participated in armed conflict against the enemies of the United States and who had been a United States citizen for at least 10 years. My bill will extend the same rights to medical care through the Veterans' Administration to those Canadians who served with the first special service force organized in Helena, MT.

Mr. Speaker, the survivors of the Devil's Brigade deserve our help. They are heroes—our heroes. Let's work like the devil to give fairness to the Devil's Brigade.

CONGRESSIONAL CALL-TO-CONSCIENCE VIGIL ON BEHALF OF SLAVA USPENSKY

HON. CHESTER G. ATKINS

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 25, 1989

Mr. ATKINS. Mr. Speaker, I rise today to take part in the Congressional Call-to-Conscience Vigil. Over the past several weeks, we have heard proposals from the President, community leaders, and Members of the Congress all calling for some tangible recognition of the increased emigration of Soviet Jews that has been permitted over the past 2 years. Some have even called for a relaxation of the Jackson/Vanik restrictions that have denied favored trading status to any nation that restricts emigration.

Mr. Speaker, I would like to add my voice in recognizing the almost unprecedented numbers of emigres that have left the Soviet Union this year. I hope that this trend continues.

Nevertheless, Mr. Speaker, we must not lose sight of the throusands of Soviet Jews who remain behind. We must not forget that there are still hundreds of families that have been denied permission to emigrate. While it is true that we should be joyful about those who have left the Soviet Union, we must remember those who have not.

One of those families is the Uspensky family of Moscow. They have been trying to emigrate since 1981, and have been refused every time. The basis for this refusal is a security clearance which Mr. Uspensky's mother, Irina Voronkovich, held while she worked at the Ministry of Agriculture over 11 years ago. It is unclear to me, Mr. Speaker, what secrets she could still possess after a decade. Secretary Gorbachev himself has stated that State secrecy denial should last no longer than 10 years, yet the Uspenskys still languish in the Soviet Union.

Last winter, the Uspenskys decided to stop trying to emigrate as a family, and began concentrating all their energies on obtaining a visa for their son, Slava. Igor and his son staged a hunger strike during the Hanukah holiday in order to highlight their plight. They were willing to fast until Slava was permitted to emigrate. The Soviet authorities ignored their compelling demonstration, and still refused to allow Slava to leave. Only when the earthquake struck Soviet Armenia and many of their friends needed assistance did the Uspenskys halt their hunger strike.

That a hunger strike was necessary at all is testimony to the arbitrary and capricious nature of the Soviet emigration process. Slava has initially been invited to join his cousin, Dimma Ioffe, in Israel, but was told that his cousin was not a close enough relative. When the "close relative" provisions were waived for a year, Slava was told he would have to get another invitation. The old one was apparently no longer valid.

There is more, Mr. Speaker. We have recently learned that Slava married Alla Mendeleva in a Jewish ceremony. The marriage was not recognized by the Soviet authorities be-

cause it was a religious ceremony. Alla has since emigrated to Israel with a visa she received before the marriage. She gave birth to Slava's first child a few months ago.

Glasnost has not reached Slava Uspensky. He remains in the Soviet Union, unable to leave. He is separated from his wife and has never seen his son. Why? Because of secrets his grandmother alledgedly possessed from work she did almost a dozen years ago.

So, Mr. Speaker, it is well and good to recognize the increases in Soviet emigration, and to applaud the easing of restrictions. But there is still a long way to go before our vigil can end, and the denial of Slava Uspensky remains an obstable we cannot ignore.

LEGISLATION TO REMOVE INEQUITIES IN TAX CONSOLIDATION BY LIFE INSURANCE COMPANIES

HON. RICHARD T. SCHULZE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 25, 1989

Mr. SCHULZE. Mr. Speaker, today I am introducing legislation to rectify an inequity in current law which prevents life insurance companies from making use of consolidated tax returns in the same manner as other corporations. I am pleased to have my distinguished colleague from Connecticut, Congresswoman KENNELLY, join me as cosponsor.

While the different tax treatment was justified some time ago because of other special income tax rules for life insurance companies, those reasons are no longer valid since passage of DEFRA in 1984, the Tax Reform Act of 1986 and the Omnibus Budget Reconciliation Act of 1987. Moreover, the present law limitation on tax consolidation has the effect of diminishing overall capacity in the insurance industry, to the disadvantage of consumers. The legislation I am introducing would repeal certain provisions of the Internal Revenue Code to remove limitations on the use of tax consolidation by life insurance companies.

Let me describe the background and purpose of the legislation in more detail.

BACKGROUND AND PURPOSE OF THE LEGISLATION

Prior to the Tax Reform Act of 1976, life insurance companies, unlike other corporations, could not join in the filing of a consolidated return that included other types of corporations. The 1976 legislation partially lifted the ban against life-nonlife consolidated for taxable years beginning after 1980.

While the 1976 legislation accorded life insurance companies a greater measure of the consolidation treatment permitted for other corporations, it stopped short of parity, limiting the extent to which losses of companies not taxed as life insurance companies may be used against the income of a life insurance company in arriving at consolidated taxable income. Thus, under current law, the amount of loss which may be so used is limited to the lesser of 35 percent of such loss or 35 percent of the income of the life insurance company members. In addition, no life insurance company may join in the consolidated return until it has been a member of the affiliated group for 5 years, and no loss of a company not taxed as a life insurance company may be used against the income of a life insurance company until the sixth year in which such companies have been members of the affiliated group.

These restrictions were based primarily on the fact that life insurance companies were taxed under special rules that differed from those applicable to other types of companies. However, changes under the Deficit Reduction Act of 1984 have made the tax provisions applicable to life companies comparable to those applicable to other corporations. Since other substantial changes were made under the Tax Reform Act and the 1987 Reconciliation Act to assure that all insurance companies are taxed on their full economic income, there is no longer any reason to deny to life-nonlife affiliated groups the full tax consolidation treatment that is generally available.

EXPLANATION OF THE LEGISLATION

The current life-nonlife consolidation rules under section 1503(c)(1) of the Code provide that the amount of nonlife company loss that may be taken into account in any one taxable year is limited to the lesser of; First, 35 percent of the taxable income of the life companies included in the affiliated group or, second, 35 percent of the losses of nonlife company—including any loss carryovers to that year. Additional restrictions are provided in two "5 year rules": One found in section 1504(c)(2), excluding a life insurance company from joining in a life-nonlife consolidated return unless the life company has been part of the affiliated group for 5 years; and the other found in section 1503(c)(2), precluding the use of losses of an nonlife company to offset income of life company affiliates unless the 5-year rule has been met by the nonlife company. These restrictions are made effective by section 1504(b)(2), that otherwise prohibits life insurance companies from joining in consolidated returns—except with other life insurance companies, as permitted under section 1504(c)(1). The bill would remove these restrictions by repealing the cited code provisions, with transitional rules mirroring those provided under the 1976 legislation.

PAN AM 103

HON. MARGE ROUKEMA

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 25, 1989

Mrs. ROUKEMA. Mr. Speaker, I rise to inform my colleagues that today I am introducing legislation in response to the bombing of Pan Am 103 over Scotland. You may remember last month I sponsored a concurrent resolution providing for a full congressional investigation into this terrorist incident, and it has received wide support in the House.

However, the other body has moved to establish an independent investigatory panel. While my original preference was for a congressional investigation, I am confident after discussions with the sponsors of this legislation, Senators FORD, LAUTENBERG, and MITCHELL, that this bill represents a fair compromise that the House should accept.

This legislation would create a nine-member commission, four of whom would be Members of Congress. The other members would be the Transportation Secretary, an official from the National Transportation Safety Board, one individual from the intelligence community, one from the aviation community, and, finally, a representative of the families of the victims of Pan Am 103. The Commission would report to the President and Congress on the adequacy of current aviation security regulations and terrorist threat dissemination procedures and make recommendations for needed changes.

It must be stressed that this compromise legislation is markedly different from an original Senate proposal which ignored the need for congressional imput. Congress must have a significant role in this investigation since only Congress can enact legislation to correct the policy failures which led to the Pan Am bombing.

For those concerned that this panel would interfere with the FBI's criminal investigation, the strict intent of this legislation is to focus on the bureaucratic breakdown which occurred at the FAA, the State Department, and Pan Am prior to the bombing. This panel would concentrate on the policy issues and leave the criminal matters to the FBI.

In conclusion, this legislation offers the best chance for passage, and I hope all my colleagues will join me as cosponsors. It is time to stop talking about procedure. It is time to learn the full truth about the bombing of Pan Am 103 and to prevent future, avoidable tragedies.

A CONGRESSIONAL SALUTE TO GUS WALKER

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 25, 1989

Mr. ANDERSON. Mr. Speaker, I rise today to pay tribute to an outstanding individual who has devoted years of his life to the Long Beach area. Gus Walker will be presented with the 1989 Humanitarian Award at the 26th Annual Humanitarian Award Dinner of the National Conference of Christians and Jews, to be held this evening, Thursday, May 25, 1989. This occasion gives me the opportunity to express my sincere appreciation for his many years of hard work and unending commitment.

It would be rather difficult to find a man more representative of Long Beach than Gus Walker. He was born in Long Beach, attended Poly High School in Long Beach, went to USC, and has been involved in Long Beach civic affairs for many years. Currently he is chairman of the board for Farmers & Merchants Bank. He has served as president of the California Bankers Association, Rotary Club of Long Beach, and the Council of Churches. He has also served as a board member of General Telephone, Metropolitan Water District, and the Chamber of Commerce.

Mr. Walker has been involved with the Downtown YMCA, which has been a long standing tradition in the Walker family. C.J. Walker, Gus Walker's father, was a member

of the original YMCA board of directors and served as president for 13 years. Gus has served as board president, and in 1984, he accepted a tribute to the Walker family for five generations of volunteer service to the YMCA. With 5 children, Richard, Kenneth, Donald, David, and Beverly Walker McLaughlin, 18 grandchildren, 18 great-grandchildren and more on the way, it is obvious that the Downtown YMCA should have no shortage of future Walker volunteers, or lack of better example of commitment to community service.

My wife, Lee, joins me in extending our congratulations to this caring and giving individual. Gus Walker is truly a remarkable individual who has devoted his talents and energies to enriching the lives of so many other people. We wish this fine Long Beach citizen all the best in the years to come.

UNITED CONCERN CITIZENS ORGANIZATION, INC.

HON. MIKE ESPY

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 25, 1989

Mr. ESPY. Mr. Speaker, today I would like to turn our attention to a small, but important, organization in my district, the Second Congressional District of Mississippi.

The United Concern Citizens Organization, Inc., in Mound Bayou in Bolivar County is an excellent example of a community organization which is supporting and contributing to efforts by the Federal Government to help the less fortunate in our State.

This organization has sponsored projects to help the elderly. For example, UCCO organizes an appreciation dinner every year for senior citizens in Bolivar County. They were proud to sponsor their sixth annual appreciation dinner in December 1988.

The UCCO distributed food baskets for the needy during the Christmas Holidays. This organization was the first to set up workshops and seminars in the Mound Bayou area for the betterment of the community on economic development, stress management, political awareness, and cultural appreciation.

The UCCO members have consistently over the years been involved in voter registration. These efforts are continuing now.

These are just a few of the organization's many accomplishments. We should be supportive of groups such as these because they fill in the many gaps in social services which the Federal Government provides.

We need to do more to help these social service organizations, such as UCCO. Some might say that this is no time to propose new Federal and State programs to help the elderly, for example, or to help low-to-middle-income families be able to purchase a home. However, to those I say we can not afford not to address these problems for both fiscal and moral reasons. Until all Americans have a decent education, decent housing, and a decent job, all of America will suffer and will be held back from realizing her full economic potential.

The issue before us today is not whether to throw more Federal money at a problem; rather, it is how to use our money more effectively and how to combine the private and public sector communities into a solid partnership that is both targeted and catalytic in purpose.

I congratulate UCCO on a job well done.

TRIBUTE TO VICE ADM. ROBERT F. DUNN

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 25, 1989

Mr. SKELTON. Mr. Speaker, Vice Adm. Robert Francis Dunn, a friend and great American, is retiring from the Navy on May 31, 1989, after 38 years of distinguished service.

A native of Chicago, IL, Vice Admiral Dunn is a 1951 graduate of the U.S. Naval Academy. He has qualified in a variety of aircraft including single and multiengine, jet, prop and helicopter. Since October 1, 1988, he has been the Navy's Gray Eagle. A designation given to the naval aviator who has longest served on active duty.

Vice Admiral Dunn has commanded the aircraft carrier U.S.S. *Saratoga* (CV 60) for 2 years and the Command Ship U.S.S. *Mount Whitney* (LCC 20) for 18 months. His first sea duty was in the destroyer U.S.S. *Nicholas* (DD 449) during the Korean war. After flight training Vice Admiral Dunn flew A-1 Skyraiders and A-4 Skyhawks from attack carriers operating in both the Atlantic and Pacific. In 1967, he commanded Attack Squadron 146, flying combat missions from aircraft carriers Air Wing Seven in the Mediterranean and Carrier Group Eight in the Atlantic.

His shore tours included the naval postgraduate school where he earned a master of science degree, and the United Kingdom Joint Services Staff College in England. He was a flight instructor in Pensacola, FL and the Polaris Missile Special Project Office Representative in Sacramento, CA. He has also been Commander, Naval Safety Center; Commander, Naval Military Personnel Command; Chief of Naval Reserve; and Commander, Naval Air Force, U.S. Atlantic Fleet.

Vice Admiral Dunn has distinguished himself by exceptionally meritorious service to the United States in his most recent position of great responsibility, that of Assistant Chief of Naval Operations (Air Warfare) (OP-05) from January 1987 to June 1989.

As the principal advisor and assistant to the Chief of Naval Operations in matters relating to naval aviation, he has demonstrated dynamic personal leadership in formulating effective policies in areas of operational requirements, safety manpower and training, maintenance and support, force levels, and major naval aviation programs. He has served with distinction on numerous boards, committees, and counsels which established high-level naval policy and set the course of naval aviation for decades to come. He has personally been the driving force within the Navy Department for the coordination of naval aviation programs throughout the Department of Defense.

Vice Admiral Dunn served as OP-05 during a period marked by constrained budgets and expanding worldwide commitments. Known and trusted by those in Congress, as well as those in leadership positions within DOD, his efforts were instrumental in the growth in resources devoted to naval aviation. He has been one of the Navy's most effective spokesman. Representing the Chief of Naval Operations before the Congress, various civic groups and the aerospace industry, his inspirational stewardship has dramatically improved the understanding of naval aviation's contributions to the Nation's defense.

Under his supervision, the SH-60F, S-3B and E-6A aircraft have been introduced to the fleet, the V-22, A-12, ES-3, and T-45 programs have progressed to the advanced developmental stages, and the P-7 [LRAACA] contractor has been selected for development of the next generation Maritime Patrol Aircraft. In addition, Congress has authorized construction of two more nuclear powered aircraft carriers. His strong advocacy of increased readiness has improved mission capability of maintenance availability rates. He has been responsible for major weapons systems programs and improved aviation munitions. He guided the continued modernization and preservation of fleet CV's through ship alterations, an improved Service Life Extension Program [SLEP], and the first ever systematic refueling program for nuclear CV's.

Vice Admiral Dunn has kept his finger on the pulse of readiness, aviation safety and the operational effectiveness of all naval aviation units. From this perspective, he has been able to ensure naval aviation is a combat ready force capable of performing across the full spectrum of potential conflicts. Due in great part to Vice Admiral Dunn's personal emphasis and strong support, aviation's safety record has improved in each of the last 3 years. His dedication to the goal of greater safety through required material support and operating experience, even though faced with competing programs and requirements for available funds, has resulted in the lowest aircraft mishap rate in the history of naval aviation.

Vice Admiral Dunn's many contributions to the Navy, and naval aviation in particular, have been most noteworthy. He has exhibited rare vision, insight, and inspirational leadership. He represents the highest caliber of naval officer and naval aviator whose 38 years of service to our Nation has left an indelible mark on the course of history.

THE MILITARY FAMILY RELOCATION ACT

HON. PATRICIA SCHROEDER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 25, 1989

Mrs. SCHROEDER. Mr. Speaker, today I am introducing the Military Family Relocation Act of 1989.

Permanent change of station [PCS] moves are commonplace for military service members and their families. Unfortunately, the mobile military lifestyle imposes emotional and financial hardships on military families and af-

fects the morale, performance, and retention of military service members.

Adding to the hardships of moving are the move-related costs military families end up paying out-of-pocket. In the July 1988 Army survey of Army military families, half of the spouses in the survey reported unreimbursed moving expenses of $500 dollars or more on their last move. This is a burden that is unacceptable to put on our enlisted service members and their families.

Tight Defense dollars make relief for moving expenses doubtful, yet we can help military family members manage their moves, reduce expenses and help eliminate the stress accompanying moving.

The Military Family Relocation Act will do this. The bill will set up a series of relocation assistance programs on U.S. military bases here and overseas. The programs will be staffed by counselors, trained in relocation and armed with a computer system that will allow the programs to communicate with each other. The system will give military families, at their fingertips, up-to-date information on the base they are moving to and a rough estimate on how much it will cost to move.

In the Armed Services Committee, we have painfully learned that if we are to keep high quality personnel in the military, we must recruit families as well as soldiers. The Military Family Relocation Act will help military families help themselves to manage and successfully endure the rigors of moving and, in turn, make an already difficult situation less stressful and more attractive. I urge my colleagues to consponsor the bill.

THE 70TH ANNIVERSARY OF THE CALL NEWSPAPER

HON. ALAN WHEAT

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 25, 1989

Mr. WHEAT. Mr. Speaker, it is with great pride that I bring to the attention of my House colleagues the 70th anniversary celebration of a nationally respected and renowned institution, The Call newspaper in Kansas City.

The Call has been a beacon of leadership to the black community in Kansas City since the first copy was issued in May 1919. Originally known as the Southwest's Leading Weekly, The Call has conformed to the highest standards of journalism throughout its existence while providing invaluable leadership and direction to the civil rights movement.

Few could have foreseen in 1919 that the humble dream of Mr. Chester Arthur Franklin would take hold and grow into one of the largest black weeklies in America with a readership of 52,000. Through Franklin's leadership and the commitment of countless other employees, The Call has become a trendsetting minority business enterprise and a citadel for all people who believe that the power to improve race relations lies with those who have the courage to stand, speak, and be counted against the forces of injustice.

Those forces placed many obstacles in the way of Chester Franklin as he pursued his dream of building a newspaper that would provide leadership to the black community in Kansas City. In the early years, when Franklin set up his first typesetting machine, neither he nor his only assistant knew how to run the machine. When he appealed for aid from the local printers' union for an experienced worker to help him, his appeals fell on deaf ears. Undeterred, Franklin and his assistant taught themselves how to operate it.

His dream would not be a dream deferred. The Call was born.

As The Call grew larger, it also became noted for accomplishing a number of firsts among black newspapers.

The Call was the first black newspaper to be admitted to the Audit Bureau of Circulation, or ABC as it is known in journalistic circles. The ABC audits the circulation records of newspapers to ensure that members are truthful when reporting circulation numbers to potential advertisers. Since The Call joined the ABC, many other black newspapers have followed.

The Call was the first to subscribe to a major wire service as a member of the International News Service in 1948.

The Call accomplished a first in a long string of civil rights and local civic victories when it led the drive to break down the barrier against blacks serving on juries.

So it was that Mr. Franklin provided the energy and the vision to The Call in those early years until his death in 1955. But after his passing, other talented and dedicated journalists assumed the mantle of leadership at The Call and carried on the tradition of excellence that had been so firmly established by Mr. Franklin.

Those journalists who have honed their reporting skills at The Call over the years have gone on to distinguish themselves as outstanding journalists and activists in all walks of life.

Roy Wilkins, editor of The Call from 1923 to 1931, eventually became the Executive Secretary of the National Association for the Advancement of Colored People. Dowdal Davis, an early advertising manager for The Call, went on to become the first black member of the Kansas City Board of Police Commissioners. An early city editor of The Call, Lena Rivers Smith, will long be remembered as the first black television reporter in Kansas City when she was employed at WDAF-TV.

Bob Green, former sports editor for The Call, is now tennis editor for the Associated Press. And Miss Marie Ross, the first black to receive a journalism degree from the University of Kansas and a true pioneer in journalism, is manager of The Call's Kansas branch as she approaches 80 years of age. Many others too numerous to mention have made great contributions to their profession and to society in general after serving at The Call.

Perhaps the truest testament to The Call's journalistic prominence is the quality of the staff today. Al Ansare, Stacy Overman, Carmen Jones, Nancy Dawson, and the renowned political reporter Louis Blue have enhanced The Call's reputation while showing that they are each excellent reporters in their own right. My friend Dr. Reuben Benton, the Director of Circulation, has devoted countless hours over many years to building a strong foundation for the paper and strengthening its outreach into the community.

And another friend of mine, managing editor Donna Stewart, has demonstrated the great impact that just one person can have on a weekly paper with the prestige of The Call. Through a combination of talent, intelligence, and sheer determination, Donna has kept the ship sailing smooth and on course to a promising future, shouldering the heaviest of responsibilities with class and distinction. With Donna at the helm, The Call is surely destined for even greater accomplishments down the road.

Today—amidst these outstanding professionals and their accomplishments over the course of 70 years—there is one person who stands tallest of all, who embodies the principles and tradition that have become The Call. That person is Lucile H. Bluford.

Miss Bluford joined The Call as a cub reporter and police reporter in 1932, became editor after Mr. Franklin's death in 1955, and is currently editor, publisher, and principal owner of the paper. She has provided the sure and steady hand of guidance to The Call as it matured into one of the leading weekly newspapers in America. She is loved and deeply-respected throughout the Kansas City area and the Nation as a journalist, a civil rights activist, and public service leader. Her reputation is well deserved.

Among her honors and awards: Pulitzer Prize Journalism juror in 1973; the Distinguished Service Award from the NAACP in 1975; the Roy Wilkins Award from the NAACP Branch in Gary, IA, 1976; SCLC Martin Luther King Award, 1979; Honorary Doctorate from Lincoln University at Commencement, 1980; Community Service Award, Black Economic Union, 1980; and Citizen of the Year Award, Fellowship House of Kansas City, 1981.

Recently, Miss Bluford was awarded an Honorary Doctorate from the University of Missouri, the institution where 50 years ago she was denied admission to the university's prestigious journalism school simply because of her race. Her historic legal fight against the school eventually resulted in the establishment of a journalism school at Lincoln University, the state of Missouri's historic black university. The awarding of the doctorate to Miss Bluford at the university's commencement proceedings was followed by a standing ovation from the crowd of 20,000 at Faurot Field in recognition of her courageous fight and her contributions to the field of journalism.

Those are just a few of the many honors and titles that have been bestowed upon Miss Bluford during a long and distinguished career. As a citizen of Kansas City, she is unsurpassed in her devotion to her community and her energy in serving the public good. Her name is synonymous with the term community activist, and neither the newspaper to which she has devoted her life, nor the city to which she has given so much of her time and energy, would be the same without her.

Today, Miss Bluford remains a driving force at The Call, writing editorials and reporting the news. But surrounded by an outstanding staff, she has ample help in carrying on the traditions of the past while forging a new path for the future of The Call. Under the tutelage of

Miss Bluford, these talented people will most certainly keep The Call a pioneering force in the world of journalism for years to come.

Mr. Speaker, I think it is important that we recognize and pay tribute to the institutions throughout this country which are the threads of our social fabric, which bind us together with a commonality of purpose so that we continue moving forward instead of falling backward in an aimless drift. When we pay such tribute, we are reminded of what it takes to build a fair and just society, and we refresh our commitment to that all-important cause. Today, we pay tribute to The Call, and we remember that history is ours for the making.

TRIBUTE TO THE HONORABLE MAE STREET KIDD

HON. ROMANO L. MAZZOLI

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 25, 1989

Mr. MAZZOLI. Mr. Speaker, it is a distinct pleasure for me to pay tribute today to an outstanding Kentuckian for her career in public service.

This week, my friend and former colleague in the Kentucky General Assembly, the Hon. Mae Street Kidd, was honored by the Kentucky Housing Corp. [KHC] for her years of dedication to helping provide affordable housing for low- and moderate-income families across the Commonwealth.

As a State representative from Louisville, Mae introduced and successfully engineered through the general assembly in 1972 legislation which created the Kentucky Housing Corp. Many dreams of home ownership have since been fulfilled as a result of Mae's efforts, with more than 27,000 Kentuckians having been assisted through KHC housing programs.

Mae's remarkable skills as a legislator were evident early on when in 1968, as a freshman representative, she helped secure passage of the landmark Open Housing bill. This was but a prelude to her later legislative triumph with the Kentucky Housing Corp. and subsequent housing initiatives which will continue to offer hope and opportunity to many, many Kentuckians.

I have often felt that a community is only as good as its people and their aspirations. In Mae Street Kidd, the city of Louisville and the Commonwealth of Kentucky have been the beneficiaries of the highest order of civic leadership. Mae has been active, she's been involved, and she's made a difference. Mae has worked selflessly toward improving the quality of life in her community and for her fellow citizens.

I salute Mae Street Kidd on being recognized for this well-deserved honor. And, even more, I congratulate her for the distinguished and exemplary record of service she has provided for us all. We, in Louisville and Jefferson County, KY—and across the Commonwealth—are grateful for her commitment and hope the years ahead will bring much health, happiness and continued success to one who has given so much to others.

A BILL TO TAP THE UNUSED TALENT OF OUR SENIORS

HON. AMO HOUGHTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 25, 1989

Mr. HOUGHTON. Mr. Speaker, today I testified before the House Ways and Means Committee's Subcommittee on Social Security about an issue of great importance to me, to you, to our Nation. The issue is whether we are willing to help financially senior citizens, whether we will consider adjusting out-of-date infringements on their earning power and dignity.

On the first day of the 101st Congress I introduced H.R. 190. In a nutshell, this bill seeks to repeal the Social Security earnings limitation at age 65.

Social Security was started before World War II—in the thirties. At that time, it seemed appropriate to install incentives for older workers to leave the work force—the point being—to open up jobs for others. Unemployment was reaching 25 percent.

Today, of course, we face a far different economic scenario. For example, by 1999 the Department of Labor estimates there will be 15 million fewer people between the ages of 18 and 25. Our capacity limitations in the next year or two will be reached not because of lack of plant and equipment. The limitation will be people. We need new sources of labor. This is where H.R. 190 enters the picture.

Now with all the humility I can muster, I personally believe that seniors can be a valuable new resource to business. In general with life expectancy rising yearly, these individuals, over the normal retirement age are experienced and wise. They bring more to an organization than just a willingness to work. Yet we seem not to encourage them to work. As a matter of fact, it is quite the opposite. We tell them, "If you want to continue to be productive—to work, to earn money, to pay taxes—we're going to reduce the Social Security payment you're entitled to." So I ask—why punish these loyal, necessary people at a time when industry clamors for just the sort of skills they provide? Senior citizens who want to work should be encouraged. I'd like to believe my bill is a step in the right direction.

If I could hold my argument for just a moment, I remember sitting in the stands during President Bush's Inaugural Address. In it he said, "We must bring in the generations, harnessing the unused talent of the elderly * * *." Now, being a senior citizen myself, I have to believe that a good way for him and us to suit action to the word would be to repeal the Social Security earnings limit and harness a useful, but unused pool of talent.

The argument goes that by repealing the earnings limitation, we would further increase our already out-of-control deficit. I've heard estimates of up to $5 billion. I don't believe them. I have no sense of how they were calculated. I frankly think that the actual cost is far less and the benefits would far outweigh any risk associated with this policy change. Seniors earn money. It is taxed. Seniors spend money, they help create new jobs. This new money will flow directly into the economy. The effects are real.

In addition, of course, repealing the earnings limitation at age 65 enables us to reduce, forever, a substantial cost associated with the Social Security Program. The earnings limitation is an administrative nightmare. The Social Security Administration spends more than $200 million a year and uses 8 percent of its employees to police the income levels of beneficiaries. We can save these costs and more.

The bottom line, as I see it, is that the earnings test damages the economy. It is unfair to seniors. I think it's high time we repeal it.

INNOVATIVE APPROACHES TO LONG-TERM HEALTH CARE

HON. BARBARA B. KENNELLY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 25, 1989

Mrs. KENNELLY. Mr. Speaker, today I introduced legislation which would provide a general Medicaid waiver for those eight States with Robert Wood Johnson Foundation grants to demonstrate innovative approaches to long-term health care. These States include: California, Connecticut, New York, New Jersey, Wisconsin, Oregon, Massachusetts, and Indiana.

The purpose of these grants is to provide those States which have demonstrated a commitment to reforming long-term care financing with the resources to investigate the potential role of public/private partnerships in spreading the cost for long-term care. These States require Medicaid waivers to conduct their demonstrations. I anticipate that this legislation will result in no additional cost to the Federal Government. In fact, Connecticut projects significant Medicaid savings over time.

This public/private partnership demonstration is not at odds with any social insurance program we adopt at some point in the future. Rather, this demonstration will gather valuable utilization and cost data which will be necessary in designing any social insurance approach to long-term health care. An 8-State demonstration is also much more controlled than a national social insurance demonstration.

I don't believe we can afford a new social insurance program at this time. Further, to the extent that we move toward a new social insurance program, sheer cost mandates participation on some level for private insurance. The demonstration can help define what the appropriate role would be.

Each of the eight States is pursuing a somewhat different approach. In Connecticut, individuals would be encouraged to plan for their long-term care needs by purchasing private long-term care insurance commensurate with their assets, or more precisely, in line with those assets they wish to protect. If and when an individual exhausts his or her insurance and applied for Medicaid, each dollar that the insurance policy has paid out will be subtracted from the assets Medicaid considers in determining eligibility. In other words,

coverage of long-term care expenses by private insurance would count as asset spend down for the purpose of establishing Medicaid eligibility. Individuals would retain control of assets equal to the amount of insurance paid while income would still be applied toward the cost of care.

Connecticut projects that such an approach will primarily benefit middle-income elderly and allow seniors to plan for their long-term care needs without impoverishing themselves. These demonstrations deserve a chance. I would urge my colleagues support.

KILDEE HONORS FATHER HENRY W. BERKEMEIER

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 25, 1989

Mr. KILDEE. Mr. Speaker, I rise today to pay tribute to the long and distinguished career of Father Henry W. Berkemeier. It is not only Father Berkemeier's 50 years of community service as a priest to which I draw our Nation's attention, but to the great successes that he attained, and that he led others to attain, within that time.

This unassuming man of God has served my hometown district for 26 years as pastor at St. Mary's Church in Flint, touching the hearts and lives of our community with his deep, personal concern. Visiting the home of every member of his parish at least once a year, Father Berkemeier finds in his devotion to our Lord a devotion to his community. Students at St. Mary's School know him for the encouragement he has given them in all areas of study, from academic to athletic, while their parents know him for the leadership he has provided in supporting the school through financially trying times that forced other area parishes to close their schools. Father Berkemeier's unparalleled dedication found its most public, and most tragically necessary, outlet in his courageous Operation Tornado.

On June 8, 1953, a tornado struck the Beecher District of Flint, the area of Father Berkemeier's parish—116 people were killed—350 homes were damaged or destroyed. Father Berkemeier organized a help effort to take on the task which most thought impossible. Yet through his faith in God and his fellow man, Father Berkemeier's determination and strength did not falter, and he achieved his goal. Bringing together 7,823 volunteers, the good Father's efforts contributed $211,600 in labor and 99,800 man-hours to what has been described as the world's largest humanitarian building bee.

Mr. Speaker, I bring to your attention today a devoted humanitarian, community leader, and spiritual guide whose accomplishments must not go unnoticed. June 3, 1989 marks Father Henry W. Berkemeier's 50th year as a priest. We see in his words uttered at Operation Tornado, the kind of dedication and forward thinking which will surely lead him to more years of accomplishment in the priesthood:

Let us not rest content with what we achieved, however, but may we go forever together, working as a community to solve our common problems, social, economic and moral.

Mr. Speaker, it is indeed an honor and a privilege to pay tribute to this highly regarded man on the 50th anniversary of his ordination.

GOLDEN JUBILLE OF FATHER HENRY W. BERKEMEIER

JUNE 3, 1939–JUNE 3, 1989

Ad multos annos!

"To live in the midst of the world without wishing its pleasures; to be a member of each family, yet belonging to none; to share in all sufferings; to penetrate all secrets; to heal all wounds; to go from men to God and offer Him their prayers; to return from God to man to bring pardon and hope; to have a heart of fire for charity and a heart of bronze for chastity; to teach and to pardon, console and bless always, my God, what a life; and it is yours, O priest of Jesus Christ."—LACORDAIRE.

BISHOP HONORS FATHER BERKEMEIER

St. Mary's Parish in Flint held a tridium in honor of Our Blessed Mother on August 14th, 15th, and 16th. Bishop McCaffrey, who had given a mission in October, returned to St. Mary's to speak on the message of Fatima. He told how Mary calls us to Jesus and leads us to Jesus, Mary exhorts each of us to pray and do pennace and we will have peace in our hearts, our homes, and in the world. If we offer our sufferings and difficulties of everyday and say the rosary, we will bring ourselves, our families and others to heaven.

Abbot McCaffrey told the people that he had a second reason for coming back to the parish. "I come to you, not at Father's request, but in the name of the Church, to give honor to your Pastor, Father Berkemeier, Your Pastor will never retire; no, his priestly ministry will continue. Father is truly a Marian Priest, his peoples' priest, a loyal priest. Like Mary, he is humble; like Mary, he is obedient; like Mary, he is prayerful; like Mary, he loves her Son and the Church of her Son. He has loved you as your pastor. And so, my dear people, you have been blessed indeed to have him as your Pastor, to have him in your midst. You have had the 'bargain of the century'. He is a wonderful priest and a wonderful pastor. One sees so plainly the spirituality of the parish, the love of Mary, the love in the community, the solidarity of your parish, which is not found in other parishes."

"And so, as your pastor leaves, give thanks to God for his wonderful goodness and pray that God will continue the wonderful work that has been done. Offer your prayers and sacrifices that God will continue to bless him in his future work as He has blessed his work at St. Mary's. Pray that because of the deep foundation of the parish under Father Berkemeier, that St. Mary's will continue to grow and be an honor to the Church and to the Immaculate Heart of Mary, May your devotion to Mary as a parish shine ever more brightly as a beacon of love for everyone to see. I am not saying that Father has done anything extraordinary. God will do that. Thank God for Father as your parish has been very blessed with Father. Father has done only what he was supposed to do and God has done the rest. Rejoice with Father as he continues his pastoral activity. You are so blessed with so wonderful a pastor and so in the name of the Church, I give him this classic toast: 'Viva festa gloria!' (May he live long, love long, and may he grow 'Ad multos annos' for many years to come In Mary, Through Mary, By Mary, and With Mary). May God bless you, Father, and may your example of loving Mary make this parish the holiest parish of Mary."

SPEECH BY JOHN WOODBURY AT THE EIGHTH GRADE GRADUATION, JUNE 5, 1987

Father, I think I speak for everyone when I say that you are the greatest. You have spent time with our class, you are always interested in our activities, whether athletic or academic, you have always cheered us on, leading us to do our very best, to go "first class."

Your good example has shown us how to lead our lives. You have been such an inspiration to us—You are a good friend of our Lord, you show us that this is possible for each of us also. Thank you for all the masses, prayers, confessions, and love you have given to us. Please pray for each of us that we may one day arrive in heaven through what you have taught us. We love you, we are your wildcats.

FR. BERKEMEIER HONORED AS HE LEAVES FLINT ST. MARY

(By Suzi LaPorte)

FLINT.—A shy Father Henry W. Berkemeier was surprised last Monday. In his office were media representatives along with Flint Mayor James A. Sharp Jr. and 4th Ward City Councilman Paul Vasquez.

Sharp and Vasquez came with a Proclamation setting aside the day (Aug. 31) as Berkemeier Day and with a City Council resolution giving him unanimous accolades as a "good shepherd to all."

"He stands as a symbol of charity, love, hope and compassion for all his fellow men," the proclamation said.

Fr. Berkemeier, 75, has served as pastor of Flint St. Mary's for 26 years. He was the third pastor of the parish. He also served at St. Francis of Assisi in Mt. Morris township from 1949-61.

As Fr. Berkemeier prepared to leave St. Mary's for his new post as chaplain at Marian Hall, he gave his parishioners a dinner as a farewell gift. To the parish school children, he gave cake and ice cream.

All attending a Monday morning Mass last week wore the priest's picture on a red paper heart hung on a purple ribbon. The school children students wrote comments of gratitude to him, for collection in a book.

Parishioners wanted Father to stay, so they collected 600 signatures on a petition to Lansing Bishop Kenneth J. Povish and sent a delegation to talk to the bishop.

Volunteer gardeners dedicated a new sundial in the courtyard behind the rectory to Fr. Berkemeier.

Following a tridium held at St. Mary's in mid-August, Bishop McCaffrey of Belmont Abbey, returned to St. Mary's to conduct this tridium.

Bishop McCaffrey told the people that he had a second reason for coming back to the parish. "I come to give honor to your pastor, Fr. Berkemeier." He also told the parishioners, "He will never retire, no, his priestly ministry will continue.

Father is truly a Marian priest, his peoples' priest, a loyal priest. Like Mary, he is humble; like Mary, he is obedient; like Mary, he is prayerful; like Mary, he loves her Son and the Church of her Son. He has loved you as your pastor."

"As your pastor leaves you, give thanks to God for his wonderful goodness and pray that God will continue the wonderful work

that has been done. You are so blessed with so wonderful a pastor and so in the name of the Church, I give him this toast, 'Viva Festa Gloria.' (May he live long, love long, and may he grow for many years to come in Mary, through Mary, by Mary and with Mary."

PARISH SCHOOL STILL SERVES INNER CITY AFTER 60 YEARS

FLINT.—Despite changing times and population shifts, St. Mary School has continued to serve students in Flint's neighborhood community for six decades.

For many years, St. Mary was one of a half-dozen Catholic parish schools in what now is referred to as the inner-city. The others have closed or merged into area schools serving a number of parishes.

Father Henry Berkemeier, pastor of the East Side parish, drew attention to St. Mary's continuing operation as he spoke last Thursday (Sept. 19), at a Mass of Thanksgiving in celebration of St. Mary school's 60th anniversary.

Parents, parishioners and friends joined with students and staff in the celebration which was followed by a reception in the school.

In his homily, Fr. Berkemeier noted that at one time St. Mary had over 700 students in its building, which included a grade and high school.

"The number has dwindled," he said, "but we still have our school.

St. Mary now operates a K-8 program for 238 students. A number of its 8th grade graduates continue their high school education at Powers High School, the consolidated regional school opened in 1970 comprised mainly of students from parish high schools, including St. Mary.

Because of sacrifices by parishioners over the year, St. Mary still operates an elementary school, Fr. Berkemeier said. He also praised sisters, lay teachers, staff and maintenance personnel for the school's longevity.

Not only is this is time for thanksgiving, but it is to ask Almighty God to continue to bless St. Mary's for many years to come," he observed.

He said it is also up to the children now in St. Mary school to continue the "good name of the school".

Students and other worshippers were given "I Love St. Mary's" buttons as they entered the church for the regular 8 a.m. weekday Mass. The altar was decorated with flowers and special symbols of the anniversary.

The Mass was celebrated on the day formerly designated on the church calendar as the Feast of the Holy Name of Mary. The day was selected for the 60th anniversary Mass, culminating a series of events planned for the mile-stone year.

The feast was established in 1683 by Pope Innocent XI to honor the name of Mary and as thanksgiving for a victory of the Church's army over an invasion by the Turks and Hungarians. Sept. 12 marked the end of a siege of Vienna.

Fr. Berkemeier said the liturgy was in thanksgiving to the Blessed Mother for taking care of St. Mary's School over the years and to ask her, "to protect it for many long years to come."

RESOLUTION

Whereas, Father Henry W. Berkemeier, Pastor of St. Mary's Parish, Flint, has served the Diocese of Lansing with legendary distinction for the past forty-eight years, and

Whereas, Father Berkemeier has been a good shepherd to all—loving, guiding and teaching others to love the Lord in their daily lives and what they need to know to go to heaven, and

Whereas, Father Berkemeier has enthusiastically devoted his energy, time and talents for the cause of Catholic education and sports programs for school children throughout the entire period of his priesthood, and

Whereas, Father Berkemeier organized "Operation Tornado" to rebuild the Beecher District after a devastating tornado, which killed 116 people and destroyed hundreds of homes, and

Whereas, Father Berkemeier's legend includes his visits to the homes of every family in his parish at least once a year, his frequent visits to the hospitals and convalescent homes, and his beautification projects which included restoring the Grotto and improving the gardens and grounds of St. Mary's Church.

Now, therefore, be it resolved that a unanimous accolade is hereby offered by the Flint City Council to Father Henry W. Berkemeier in recognition of his outstanding service and wishing him the very best in his new appointment as Chaplin of Marion Hall in Flint.

REV. HENRY W. BERKEMEIER

Assistant Pastor: Holy Trinity Fowler 1939-42, St. Mary's Flint 1942-44, and St. Augustine's Kalamazoo 1944-49.

Pastor: St. Francis Assisi, 1949-61, St. Mary's, Flint, 1961-87, Marion Hall, Flint, Sept. 1987- .

Birthplace: Massillon, Ohio, November 28, 1911.

Date of Ordination: June 3, 1939.

Place of Ordination: Cinncinati, Ohio.

Educational Background: St. John's Jackson, Sacred Heart Seminary, Detroit, Mt. and St. Mary Seminary, Norwood, Ohio.

Father has always been interested in child as he has shown in the operation of schools at St. Francis of Assisi and at St. Mary's. Sports have been important, Father started a sports program at Fowler and has actively supported a sports program for his students.

Father is well known for his charity and concern for the well being of his people. He visits each of his parishioner's home each year talking over anything of concern to them. Frequent visits to hospitals, convalescence homes, confessions, counseling, instruction classes, celebrating Mass, giving families and administers the sacraments are all part of Father's day as he responds to the needs of his people as they are presented to him.

This attitude of service to his people's needs led him to conceive the ideas of "Operation Tornado." A tornado hit the Beech District of Flint June 8, 1953. It occurred in Father's parish, St. Francis of Assisi. The tornado killed 116 persons, 350 homes were destroyed or damaged.

Operation Tornado took place on August 29th and 30th, 1953. It was a cooperated effort by 7,823 volunteers contributing $211,600 worth of labor and 99,800 man hours in the rebuilding of 193 homes over one weekend. The origin of this centered around Father Berkemeier. Many of the victims were his parishioners. Father was instrumental in arranging for small groups of volunteers to work on reconstruction in the disaster area. Their progress and the need for more men led to the conception of the ideas of a giant building built with thousands of workmen at sites. Operation Tornado was renowned nationally since it was unique in being the world's largest humanitarian building built.

With faith in mankind and trust in God and a reluctance to think that such a prospective project might be labeled impossible by others. Father advised against pondering possible setbacks and urged confidence that all difficulties which arose would be settled.

Part of Father's blessing at opening of Operation Tornado.

"Let us not rest content with what we have achieved, however, but may we go forever together, working as a community to solve our common problems; social, economic and moral.

An unassuming priest who has worked unceasingly on behalf of tornado victims since the twister hit near his parish. Father is credited not only with setting the project in motion but with a great deal of its sucess.

Father thanked God "forgiving us mind and heart, hand so that we too might build for Your honor and glory and our own well being."

AWARDS

Flint Civitan Club honored Father as Flints Top Citizen (International Citizenship Award).

Freedom Foundaton of Valley Forge, PA, awarded Father the Freedom Award.

City Commission—Flint's Choice for the Year's Outstanding U.S. Citizen.

Father received the All America City Award for the City of Flint.

The following is taken from Mayor Donald W. Reigle's address to Father Benkemeier in the presentation of the All America City Award.

"Who so unselfishly has given his talents, his heart, his faith and his energy to lift up his stricken brothers in their great hour of need."

We have all grown to love this courageous man who so unselfishly has given his all to those unfortunate neighbors on the tornado devasted area of the Beecher District. Words cannot express my thoughts cncerning Fr. Berkemeier, who has literally taken possession of our hearts by his kind, gentle and outstanding deeds.

His firm belief in God and the miracles that God can perform had fired him with a profound faith that this building has been called Operation Tornado would be successful.

He let nothing discourage him and instilled in all of us the same determination that this giant task could and would be accomplished. He stands as a symbol of charity, love, hope and compassion for his fellow man.

Brother and sisters: Francis Berkemeier, Kate Berkemeier, Mary Leinhart and many nieces and nephews.

CONGRESSIONAL STAFF DELEGATION REPORT ON CURRENT STATUS OF TIBETAN POLITICAL, REFUGEE, AND HUMAN RIGHTS PROBLEMS

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 25, 1989

Mr. GILMAN. Mr. Speaker, during November of 1988, an eight-member bipartisan congres-

sional staff delegation visited India and Nepal to investigate the current status of the Tibetan refugee population. They also looked into the present attempts at negotiation between the Dali Lama's government-in-exile and authorities of the People's Republic of China. The picture they brought back for us is one of hope and despair. Their report informs us that the Tibetan culture and religion, both highly evolved and sophisticated, are threatened with extinction by policies of the People's Republic of China. The latter have dragged their feet at attempts to negotiate a peaceful settlement.

The report outlines a historical perspective that is important to our current considerations, providing well thoughtout proposals with regard to the role and direction which U.S. policy should take.

I invite my colleagues to read this report and include it at this point in the RECORD:

TRIP REPORT: TIBETAN REFUGEE SETTLEMENTS, INDIA, NEPAL, NOVEMBER 15-30, 1988

(Submitted by Congressional Staff Members: Paul Berkowitz, Kathleen Bertelsen, Mary Beth Caviness, Bob King, Kay King, Alan MacDougall, Karen Muchin, and Keith Pitts, March 3, 1989)

SUMMARY OF KEY FINDINGS

The Tibetan question enters into U.S. foreign policy, not on its own considerable merit, but as a secondary consideration in America's relations with China. Tibet was long ago sacrificed to the greater geo-political and economic importance of its giant neighbor.[1]

With what many are calling a warming in the Cold War and the apparent liberalization of Soviet human rights policies, there is some confidence in the use of American political and economic pressure to influence the human rights practices of other nations, including China.

The Sino-Tibetan dispute over the political status of Tibet and the human rights of its people is not the sole concern of a few Members of Congress, and it is not likely to be resolved without international pressure.

FINDINGS

1. There is an urgent and ongoing need for development assistance in Tibetan refugee settlements in India and Nepal.

2. Serious human rights abuses continue in Tibet.

3. The unique and ancient Tibetan culture is at risk on two fronts: in Tibet and in the refugee communities.

4. The Central Tibetan Administration (the Tibetan government-in-exile) has put into place a representative, democratic political and administrative apparatus to govern refugees in exile.

5. The forceful repatriation of Tibetan refugees seeking political asylum and basic human freedoms is ongoing and possibly escalating. The safe transit of the many refugees still fleeing Tibet (5,000 since 1980, 672 during 1988, and perhaps as many as two dozen during our short 3-day visit) is of immediate and unparalled importance—not just for their own salvation, but to give testimony to the conditions effectively shielded from our view.

6. Negotiations among representatives of the Chinese government and the Central Tibetan Administration should continue to be supported, in the near term, as an attempt to assuage escalating dissent among Tibetans in exile and in Tibet, and with the ultimate goal of finding a peaceful solution to the status of Tibet and the welfare of the Tibetans.

I. INTRODUCTION

A. Overview

During the period November 15-30, 1988, Congressional staff traveled to India and Nepal at the invitation of the International Campaign for Tibet and under the sponsorship of the Tibet Fund, a U.S. 501(C)(3) non-profit organization. The group consisted of the following staff: Kathleen Bertelsen, Office of Congressman Sam Gejdenson (D-CT) and House Committee on Foreign Affairs; Paul Berkowitz, Office of Congressman Benjamin Gilman (R-NY); Mary Beth Caviness, Senate Foreign Relations Committee; Bob King and Kay King, Office of Congressman Tom Lantos (D-CA) and Congressional Human Rights Caucus, Alan MacDougall, Office of Senator Murkowski (R-AK); Karen Muchin, Office of Congressman John Porter (R-IL) and Congressional Human Rights Caucus; and Keith Pitts, Office of Congressman Charlie Rose (D-NC).

The itinerary, arranged by the International Campaign for Tibet in cooperation with the Central Tibetan Administration (CTA) in Dharamsala, India, included visits to: two Tibetan refugee settlements in Karnataka State, south India; several residential and commercial centers in the Kathmandu Valley of Nepal; and the seat of the CTA, presently established in Dharamsala, (Himachel Pradesh), north India.

In addition, we met in New Delhi with the Director of the American Division, Government of India, and American Embassy staff; in Kathmandu with the Nepalese Foreign Secretary and American Embassy staff including the Ambassador; and throughout the trip with Tibetan religious and civic leaders and representatives of the CTA, culminating in an audience with the Dalai Lama, head of Tibetan secular and religious institutions.

The purpose of the trip was to become familiar with the conditions and needs of the Tibetan refugee communities in India and Nepal, and from the information gathered, offer suggestions for possible Congressional initiatives. Although our intention was to examine the resource needs of the exiled Tibetan community, it was immediately apparent that the question of human needs, and more specifically the deprivation of fundamental human rights in Tibet, need be concurrently examined.

Given the restrictions on access to Tibet, the trip provided an excellent opportunity to interview recent refugees and to learn of the circumstances within Tibet that have caused a continuous stream of Tibetans to flee from their traditional climatic and cultural habitat to settlements in India and Nepal.

The quest for a "Tibet for Tibetans" (autonomous or independent) was conveyed to us through impassioned speech and eloquent letter, at every meeting official or otherwise. We have appended some of these petitions to the report.

B. Background

In 1949, soon after the communist victory, Chinese troops marched into Tibet quickly defeating the small and ill-equipped Tibetan army. Soon after, the Dalai Lama's government was forced to negotiate with the Chinese central government and to accede to the Agreement on Measures for the Peaceful Liberation of Tibet, which was signed on May 23, 1951. (See Appendix A.)

Thereafter, the Chinese began to colonize Tibet, setting up machinery and institutions to control the country. Popular rebellion began in the eastern regions and culminated in March 1959 in an uprising in the capital city of Lhasa. The Dalai Lama escaped only hours before the Chinese troops began shelling his residence.

The Tibetan revolt was crushed by the well-armed Chinese People's Liberation Army, sending Tibet into a state of terror. Approximately 85,000 Tibetans fled in the next few years, establishing make-shift camps in the hot Indian lowlands. Thousands died during these years of resettlement, either in attempting to escape Tibet or from sickness or disease associated with the radical climate changes encountered in exile. Of the approximate six million Tibetans who remained in Tibet, it is documented by exiles that over one million died as a direct result of the military occupation and Chinese collectivization policies.

During the 1960's, the Indian government generously assisted the Tibetan refugees by granting tracts of land and helping to set up housing, schools and basic medical services. The United Nations and several Non-Governmental Organizations (NGOs) were heavily involved with initial relief efforts; however, most of these groups no longer provide assistance. There are currently over 110,000 Tibetan refugees in exile, including approximately 100,000 in India, 6,000 in Nepal, 1,500 in both Bhutan and Switzerland, and smaller populations in other countries, including the United States. Most Tibetans in exile have maintained refugee status and refuse to accept citizenship in the country where they reside because of their desire to remain a cohesive community in alien environments and their hopes to return to a free Tibet.

II. THE POLITICAL SITUATION

A. Sino-Tibetan dialogue

In September, 1987 the Dalai Lama, invited by members of the U.S. Congress, presented a five-point peace proposal as a basis for a dialogue with the Chinese on human rights questions and Tibet's political status. In formulating this proposal the Dalai Lama has approached the issue from the viewpoint of regional stability and international peace with strong interest in ending the suffering under which Tibetans presently live. The "peace plan" contains five basic components: 1) Transformation of the whole of Tibet into a zone of peace; 2) Abandonment of China's population transfer policy which threatens the very existence of the Tibetans as a people; 3) Respect for the Tibetan people's fundamental human rights and democratic freedoms; 4) Restoration and protection of Tibet's natural environment and the abandonment of China's use of Tibet for the production of nuclear weapons and dumping of nuclear waste; 5) Commencement of earnest negotiations on the future status of Tibet and of relations between the Tibetan and Chinese peoples. The Peace Plan was supported by the Chairmen and Ranking Minority Members of the Senate Committee on Foreign Relations and the House Committee on Foreign Affairs.

In December, 1987 Congress passed, and President Reagan signed into law, legislation that condemned Chinese human rights violations in Tibet. The legislation instructed the Executive Branch to pay greater attention to the concerns of the Tibetan

[1] For a full discussion of Tibetan-international cooperation and support, see "The Status of Tibet" by Michael van Walt, 1987.

people, and called upon the U.S. Government to urge the People's Republic of China to actively reciprocate the Dalai Lama's efforts to establish constructive dialogue on the future of Tibet. This legislative action received strong support in Western media and drew harsh criticism from the PRC.

In June, 1988 the Dalai Lama addressed the European Parliament in Strasbourg, France where he elaborated on the fifth point of his peace plan as a practical step towards negotiations with the Chinese. The Dalai Lama proposed that the Tibetan people and the Chinese government establish an association in which the foreign affairs of Tibet would be managed by the PRC and the administration of Tibet's domestic affairs would be placed solely in the hands of the Tibetan people. Chinese military installations would be restricted to those used for defense purposes. The Dalai Lama also stated that any agreement that was proposed through negotiations with the Chinese should be submitted to the Tibetan people in Tibet and in exile for a popular referendum.

It should be noted that there is opposition to the Strasbourg proposal within the Tibetan exile community.[1] Those in opposition fear a duplicit approach by the Chinese to any co-government arrangement and base this fear, primarily, on the flagrant disregard of the agreement signed with the Chinese in 1951. They also suspect that once the Tibetans have reestablished themselves within the physical control of the Chinese, they will be dealt with, as they are now, as an "internal matter." Further, at this point, the Tibetans will have given up their ability to freely solicit international support from a free base of operation in India. In this light, and supported by historical claim (see Appendix B), those who oppose the Strasbourg Proposal look for total independence for Tibet.

Two months after the Strasbourg proposal, the U.S. Senate passed, by a vote of 98-0, a concurrent resolution (S. Con. Res. 129) that expressed support for this initiative and again called upon the Chinese to enter into discussions with the Dalai Lama and his representatives.

Although there is some contact between the Chinese through their Embassy in New Delhi, and representatives of the Dalai Lama, little progress has been made in setting up actual negotiations. Even with its accommodation in large measure to Chinese governance of Tibet, the Strasbourg proposal is still publicly decried by the Chinese as "an attempt to split the motherland," and as such not open to discussion. To circumvent discussion on the political status of Tibet, the Chinese have attempted to direct the discussions to the Dalai Lama's return to Tibet, what his official post should be and where he should live. This strategy of singling-out the Dalai Lama attempts to limit the Tibetan issue to a "cult of the individual." In addition, it serves to present the CTA as illigitimize.

Nonetheless, the CTA has announced a negotiating team and proposed a target date. It may be that China intends to filibuster on the agenda until the process of Chinese colonization of Tibet is complete[2] and, then, any negotiations on the status of Tibet would be meaningless.

B. The Nepalese government position

In Kathmandu, the U.S. Embassy arranged for the group to meet with Mr. N.V. Shah, the Nepalese Foreign Secretary. U.S. Ambassador Milton Frank and his staff briefed the group beforehand, and Mr. Al Thibeault, DCM, accompanied us to the meeting. We found this assistance very helpful and believe our collaboration with the Embassy staff made it clear that the points raised in the meeting were in keeping with the policy of the U.S. Congress and the Administration.

In our discussion with Secretary Shah, we expressed concern over what appears to be a dangerous change in Nepalese border policy in regard to Tibetan refugees. We brought up the case of the 26 Tibetan refugees who had been forcibly repatriated to Chinese authorities in Tibet by the Nepalese government.[3] Secretary Shah stated that Nepal had always maintained a policy of turning back Tibetans entering Napal without valid papers and denied that this represented any change of policy. As for the 26, he explained that the Tibetans had been apprehended at the border and brought to Kathmandu so they could be kept under better living conditions. He insisted that they had had free contact with the local Tibetan community, the opportunity to consult with lawyers, and the option "to request United Nations' refugee status."

We pressed for a clarification of Nepalese process for determining refugee status and the conditions for political asylees. The influence of Napal's powerful neighbor, China, was pervasive. (Nepal receives substantial development assistance from China and, indeed, coinciding with our stay in Nepal, a visiting Chinese delegation was meeting to re-evaluate China-Nepal border agreements.) The Secretary concluded that the "refugee question is not a legal question and not a humanitarian question; it is a political question."

Generally, the political climate in Nepal is tenuous and sometimes oppressive. Leaders in the Tibetan community—including the Dalai Lama's representative, Paljor Tsering and the head of the Tibetan Women's League (a charitable organization serving the Tibetan and Nepalese destitute)—have been imprisoned, on occasion, during international conferences or visits of foreign dignitaries (i.e. the SAARC conference last June). The Nepalese government has expressed concern that such events would be used by the Tibetans to demonstrate opposition to Chinese policies in Tibet. The Tibetans, mindful that they are guests of the Nepalese government and beholden to the Nepalese for their heretofore hospitality, walk this political tightrope with much trepidation.

C. The Government of India Position

In New Delhi, the group was briefed by U.S. Embassy personnel and accompanied to the Indian Foreign Ministry by Susan Keough-Fisher. At the Foreign Ministry, we had informal discussions with Indian officials, including Ms. Mitra Vasisht, the new Director, Americas Division, who had just left her post in the division dealing directly with Tibetan refugee assistance. In this "two hat" capacity, she was familiar with the concerns of the Tibetan exile community and those of the U.S. Government.

India's assistance to the Tibetan refugees operates within the economic constraints of a larger refugee assistance program that must provide for refugees from Sri Lanka, Bangladesh, Burma, and other surrounding countries and also within the political constraints of the collective South Asian community. The Indian Government's commitment to assisting the Tibetan refugees, including new arrivals, is well established. A substantial amount of money is allocated to assist the Tibetans, but even current expenditures cannot meet the needs of the entire community. (It was our impression that other governments' support for assisting Tibetan refugees in India would be welcome.)

We received no confirmation of the Nepalese request made to the Indian Government to accept the 26 Tibetans that were, eventually, forcibly repatriated by Nepal (as indicated to us in our meeting at the Nepalese Foreign Ministry). However, based on precedence and their strong humanitarian commitment to the Tibetan refugees, it is doubtful that the Indian Government would refuse these 26 (condemning them to certain hardships and probable imprisonment) when they have been accepting thousands.

In closing, the group expressed its concern that India has not raised the issue of human rights in Tibet with the Chinese—in our view, an opportunity for international pressure which can be viewed quite separately from the independence question.

III. TIBETAN REFUGEE COMMUNITIES

A. Itinerary

In India.—Of the 34 Tibetan settlements in India, we were able to visit three. Most settlements are largely inaccessible, requiring 5 to 15 hour drives from the nearest commercial airports. Many are located in restricted areas and require special permission to visit. Our guide to the large settlements in southern India was Mr. Tempa Tsering, the South Zone Development Coordinator of the Central Tibetan Relief Committee, a branch of the CTA.

The Bylakuppe settlement, with over 10,000 refugees, is one of the largest and oldest in India. It is located on 3,000 acres of land which is cultivated for grain crops and used for animal husbandry, the principal sources of income for the community.

We had substantive discussions with the settlement director, as well as managers and workers at the Bylakuppe dairy farm, agricultural research station, feed grain processing center, tractor repair and metalwork shops.

[1] Some opposition is voiced by members of the Tibetan Youth Congress (TYC). The TYC while ultimately yielding to the authority of the Dalai Lama and the CTA, actively works to influence government policy through popular support. The TYC is not a youth movement but rather a grouping of politically like-minded Tibetans. In fact, many more-radical (some militant), elder Tibetans who actually battled the Chinese in Tibet can be found in the ranks of the TYC.

[2] The current Chinese policy of rapid sinocization of Tibet began in January 1983. Reversing its 1980 promise of an 85% withdrawal of all Chinese personnel in Tibet, the Chinese, by the following year, had dispatched 230,000 new settlers. Today, by some estimates and excluding the PLA, there are 7.5 million Chinese to 6 million Tibetans in Tibet (including the regions of Amdo, Kham, and the Tibetan Autonomous Region).

[3] In June 1988, 26 Tibetans were apprehended and imprisoned by Napalese authorities in Kathmandu. The 26 Tibetans, aged 13 to 29, were from Kham, Tibet and apparently in route to India to have an audience with the Dalai Lama and join monasteries in south India. From July to September, Chinese officials periodically questioned the imprisoned Tibetans. On September 15, 1988, the Tibetans were driven to the Tibetan border and handed over to Chinese authorities. The Chinese handcuffed the Tibetans and took them away by truck. Reports indicate that a few were able to escape while in transit and make way to India, but the rest were imprisoned. (Ultimately, we do not know what happened to those imprisoned, but reports indicate they may have been released.)

The group visited the settlement's schools, including a small Montessori school and a large compound operated by the Tibetan Children's Village foundation. (Primarily for orphaned children, the TCVs were established, as the first priority of the Dalai Lama, in the months following the exodus of 1959. They have been "home" for more than 8,000 displaced and needy children.)

In addition, we visited a handicraft cooperative (where Indians and Tibetans work side-by-side in the crafting of woolen carpets), and a modest hospital (scaled down for lack of funds and serving as a medical dispensary). Moreover, we had many informal and unscheduled opportunities to interact with Tibetans (men, women and children) making up the various segments of the refugee communities.

Aside from these civic and social meetings, the group was welcomed into the three major monasteries at Bylakuppe, representing the different sects within the Buddhist faith and replicating, in name, significant monasteries destroyed by the Chinese in Tibet. These monasteries, with others in India and Nepal, serve as the stronghold of the Tibetan Buddhist tradition—its dogma and dialectics—and as a treasuretrove for some of the few remaining religious artifacts smuggled out from Tibet, piece-by-piece, over the last 30 years. These monasteries are the intended destination of new refugees (they are chronically overburdened), and as such, serve as a testimony to the continued repression of true religious freedom in Tibet.[4]

Also in south India, the group visited the settlement at Hunsur. Smaller and not as old as Bylakuppe, Hunsur is similarly organized. During our stay we met with the settlement leaders and observed the agricultural operations, the Hunsur Dairy Cooperative (first among cooperatives in south India in milk production), machine shop, elementary school and a wool-spinning handicraft center.

Economically, the settlements in India focus heavily on agriculture, thus their financial security is linked to the variants of the weather. Politically, Tibetans living in India are recognized as refugees and assisted by the Indian Government. However, as in Nepal (and to a greater degree), refugees are limited regarding the acquisition of property as well as mobility.

At the end of our trip, the delegation returned to India and spent four days in Dharamsala, Himachel Pradesh, India. This is the headquarters of the Central Tibetan Administration and the home of the Dalai Lama.

We had many formal and informal exchanges with the CTA, including: The Kashag (the 7-member cabinet); the general secretaries of the executive agencies in charge of economic development, education, health, home affairs, and international affairs; and members of the Assembly of People's Deputies (the legislative body).

The group was immediately and continually impressed with the caliber and organization of leadership within the exile community. From the outset in 1959, the Dalai Lama has implemented representative, democratic political and administrative systems: including elected local and district representatives, a parliamentary system of government, and a democratic constitution.

In Nepal.—Our itinerary in the Kathmandu Valley included visits to the Office of the Dalai Lama in Kathmandu, a clandestine refugee processing center, primary and secondary schools, carpet-making centers, health care clinics, Tibetan monasteries and religious shrines, and a specialized work center for the elderly and handicapped.[5]

Despite the greater political difficulties faced by the Tibetan refugees living in Nepal, they have been very successful in the carpet-making industry. Today, carpet exports are the second largest source of foreign currency in Nepal. In Kathmandu Tibetans have also played an important and visible role in providing tourist infrastructure—hotels and guest houses, shops, and restaurants.

B. Problems Facing the Tibetan Refugees

Funding.—The Central Tibetan Administration is a government in exile and thus has no legal basis to levy taxes or raise funds. Most Tibetans pay a voluntary tax to the CTA (one Indian rupee per month), but this does not adequately cover the costs of administering to the refugee settlements. The CTA raises additional funds from handicraft centers and from the carpet business. There is some short-term funding from foreign donors and PVO's.

Cultural Survival.—The Tibetan people are waging a two-front struggle to maintain their identity and culture. The 6 million Tibetans in Tibet face a concerted Chinese Government effort to dilute Tibetan culture and to impose Chinese language, values and culture in its stead. The 110,000 Tibetans in India and Nepal are facing different, but also threatening pressures that could weaken their culture, as well. Limited opportunities for higher education and economic possibilities force Tibetans out of the refugee communities and could soon lead to an irreversible assimilation into the dominant surrounding cultures.

Financial and Technical Assistance.—Irrigation, crop rotation and crop diversification are essential to the future survivability of the agricultural settlements. These settlements in south India have a limited amount of arable land available to support the growing number of refugees. Currently, most of the settlements are attempting to provide for more than twice as many people as initially planned. Crop production is entirely at the mercy of the elements—none of the settlements have irrigation, and all have suffered terribly from droughts in the past three years. Bylakuppe and Hunsur suffered 100% crop failure for two years in a row and reports from U.S. AID contractors and NGO's indicate that many of the other agricultural settlements are in as dire circumstances.

Job Opportunities.—With the growth of the population on a finite amount of land, ways need to be found to increase individual productivity and to find additional jobs in areas other than basic agricultural production. The Tibetan refugees have made diligent efforts and shown foresight in establishing handicraft centers, dairy cooperatives, feed grain mills, and equipment shops to expand and diversify the economic base for the settlements. Presently the CTA is working with foreign supporters to set up a revolving loan fund that would help in establishing programs and businesses of this kind.

Economic diversification and development are also major problems facing the Nepalese settlements. Without expanding beyond labor intensive work, the settlements may be unable to offer employment that appeals to the younger, better educated refugees and potentially risk an outflow of young Tibetans from the settlements.

Monasteries.—In exile, the monasteries are facing the opposite pressures to the monasteries in Tibet—overcrowding is causing shortages of space for study, prayer and housing. Monetary resources are severely strained. There is a shortage of learned monks, "geshes," to teach novices. This shortage of teachers is primarily associated with the massive imprisonments of the Cultural Revolution in Tibet and the follow-on restrictions placed on all aspects of Buddhism—from simple practice including the recitation of prayers and meeting for religious observances to the approval of new novices by the community Communist Party hierarchy, the limiting of monks per monastery, and the overseeing of monasteries by Party functionaries.[6] This is a further loss of religious scholars, and cultural tradition, because many "geshes" are aggressively, and successfully, recruited by Western practitioners of the Buddhist faith.

Education Needs.—Library resources, instructional materials and educational supplies are badly needed and the school systems have very limited resources available to provide these necessities. Instructional materials printed in Tibetan are in extremely short-supply and, understandably, are not provided by the host countries. However, Tibetan children receive instruction and are required to be knowledgeable in three languages: Tibetan, English and Hindi or Nepali. Many Tibetan books are reproduced by hand or with ancient block presses but there are small- and large-scale plans to construct modern presses (pending funding).

Opportunities for higher education, even for the most promising students, are rare because of the high cost of college and the small number of scholarships available. Technical training is linked to existing facilities (metalworks shop, tractor repair, etc.).

Health Care.—Many of the Tibetan communities have primary health care clinics, but because of their expense, there is a chronic undersupply of medicine and pharmaceuticals. The high costs of physician services place professional care beyond the reach of most Tibetans. Efforts have been made to use nurses and community health

[4] "Some of the more important monasteries and temples [in Tibet] are being restored at Chinese expense, often with just enough realism to convey the impression that they had remained untouched by the "mistakes" of the Cultural Revolution. This restoration often presents nothing more than a pastiche of distorted Tibetan "traditionalism." The underlying strategy of "impression management" presently practiced by the Chinese tourist system, other than occluding the scars of occupation, is to demonstrate that Tibet has always been an integral part of China." From "Tourism, Politics and Relocation in Tibet," by P. Christiaan Klieger and Keith A. Liker, Cultural Survival Quarterly, Vol. 12, 1988.

[5] This center is overseen by Aten, an aged Tibetan hero whose leadership of the Khampa freedom fighters is legend among Tibetans. Beginning in 1956, Aten and his band, travelling with their families, staged hit-and-run raids against the Chinese until an ambush left his daughter disemboweled, his wife and 200 others killed and another 300 taken prisoner. Aten was shot but managed to escape. (For a full account of the Khampa guerillas and the Tibetan armed struggle, see "In Exile from the Land of Snows," by John F. Avedon, 1979.)

[6] For expanded information on religious restrictions in Tibet, see report submitted by Mr. Angelo Vidal d'Almenda Ribeiro, Special Rapporteur Appointed in Accordance with Resolution 1986/20 of the United Nations Commission on Human Rights, December 30, 1988 (E/CN.4/1989/44).

care workers, but low salaries, limited training and high turnover rates limit their effectiveness.

Tuberculosis.—The incidence of tuberculosis is high and it spreads quickly in the overcrowded and unsanitary conditions in which many Tibetan refugees live. Successful treatment requires a long, sustained system of attack made difficult because of problems cited above. Successful eradication requires proper sanitation, including, but not limited to, adequate drinking water, toilets, waste disposal practices and bathing facilities.

The Elderly.—Over the past 30 years, the refugee population has aged significantly. The elderly are an especially needy and growing concern for the settlements. We were often inspired by the resiliency and determination of the older Tibetans. Realizing that the economic success of the settlements depends on individual productivity, elderly Tibetans, even those visibly ill, share in the work load.

C. The unsettled refugee population

The group had many meetings with CTA and Indian Government representatives and Private Voluntary Organizations (PVO's) to discuss our observations of the settlements and to direct more detailed questions about the administration of these settlements to the individuals that are the ultimate decision-makers for certain projects and programs. In most of these meetings, references were made to the substantial problem of the more than 14,000 unsettled Tibetan refugees living in India.

Although some of these refugees have come to India because of the recent strife in Tibet (see Appendix C), the majority of these unsettled Tibetans have been living in India since the exodus of 1959. These unsettled Tibetans are scattered throughout India, but the majority live in the Indian states that border Nepal and Tibet (Kashmir, Arunchel, Himachel, Sikkim, and West Bengal).

According to the Home Affairs Secretary for the Tibetan government-in-exile, Mr. Tenzin, none of these people have "permanent homes or livelihoods." Many have only seasonal work, dividing their time between road crew work in the spring/summer months and petty business (e.g. sweater selling) in the fall/winter months. The lifestyle is nomadic with most families living out of tents or small Tibetan shanties wherever temporary work can be found. Most of the unsettled refugees have an income that is substantially lower than that of the settled refugees, and of the general Indian population living in the same regions. The poor living conditions are further complicated by the lack of fundamental education and health care. Malnutrition and tuberculosis are prevalent.

The difficulties in settling these refugees are tied to acquiring land and funding for new settlements.

The scarcity of large tracts of suitable land under government ownership and a shortage of funds for all refugee programs have drastically changed refugee resettlement policies and have prevented the Indian Government from assisting the CTA in meeting many of the needs of the displaced Tibetans. However, in 1986, in an effort to accelerate the stagnating efforts at resettlement, the Indian Government solicited property donations from 10 Indian states. To date, two states have offered sites for the settlement of approximately 400 Tibetan refugees. (Subsequent studies have found these properties incapable of supporting self-sufficient settlements.) A deforestation law, ratified in 1980, strictly prohibiting the deforestation of public property further impedes development on government donated property.

IV. HUMAN RIGHTS

During the course of the trip, several Congressional staff members had the opportunity to meet and interview refugees who had recently fled Tibet. Many had recently escaped or been released from prison—all of these had been detained for actual or suspected participation in demonstrations. Although the refugees represented diverse segments of the population and came from various regions of the Tibetan plateau, their personal experiences offer vivid, concurring testimony to the oppressive, and often brutal, conditions in Tibet. The statements of these refugees confirm that the Chinese Government has put into effect their policy of "merciless repression." [7]

Population Control.—In one particularly poignant interview, three newly arrived young men from Amdo (eastern Tibet) were expressive and adamant in affirming that forced abortion and sterilization had happened in their region. They told us of abortion-vans that passed through villages in the early morning picking up all the women (including the Chinese) in the fields. Pregnant women were forced to have abortions. Other women, including unwed girls and the elderly, were sterilized. The second phase of this campaign included economic pressures and incentives for submitting to treatment in hospitals.[8]

A. Political prisoners

Following the September and October 1987 demonstrations in Lhasa, world attention was, for the first time since 1959, drawn to the harsh political, economic, religious and cultural restrictions under which Tibetans suffer. Since these demonstrations, human rights organizations, foreign government observers and individuals from around the world, have collected reliable evidence of the lack of "constitutionally guaranteed" autonomy and fundamental human rights for the Tibetan people, the lack of due process for Tibetan prisoners and detainees, the torture of prisoners and detainees and the summary execution of detainees and political prisoners.[9]

Our interviews with refugees fleeing between July 1988 and December 1988, indicate that Chinese authorities continue to arrest and imprison Tibetans for their nonviolent expression of dissatisfaction with current Chinese Government policies in Tibet. In many instances, the arrests were during the late hours of the night and, particularly in the case of young men, without more than suspicion of counter-revolutionary activity or speech. All of the detainees were interrogated on numerous occasions. The questioning was done in a manner to force confessions or to implicate others involved in anti-Chinese activities. Many of those imprisoned were held for more than four months, even if no evidence of the suspected activity was found or held by Chinese authorities.

All the interviewed refugees held in Chinese prisons were tortured; usually during interrogation. The degree and methods of torture varied. The more common methods were: (1) beatings, often with metal bars or boards with exposed nails; (2) electric shock; (3) rope torture which entails suspending a prisoner by his/her arms or legs; (4) stripping a prisoner and exposing him/her to harsh weather conditions for extended periods of time; and (5) dragging a prisoner behind a horse. Many prisoners were interrogated and/or tortured on a daily basis for several months. Most of the ex-prisoners indicated in their statements that the treatment of Buddhist monks and nuns was more severe than that meted out to lay people.

B. One account

Tenzin Samphel, age 24, left Lhasa on June 12, 1988, first by truck and then by foot across the Himalayan mountains. After walking for ten days he reached a Nepalese village named Gola where he was arrested by Nepalese authorities. Tenzin was held in a local jail for four days, then brought back to the border where he was met by eight Chinese police officers and about 20 people's militia. As he was handed over to the Chinese authorities, the police gave the Nepalese guards a carton of cigarettes.

Tenzin's hands and feet were shackled, and he was taken to a police station. Later he was tied to two horses and dragged for one and a half hours to a Tibetan town called Riwocha where the townspeople and some Nepalese traders gathered to watch the spectacle. That night Tenzin was put in a cell and beaten severely with a pair of handcuffs, a belt and electric cattle prods. The torturers used two types of cattle prods, the shorter of which delivered a more powerful shock. After that night, he was unable to stand without assistance for eight days.

The next day Tenzin was driven to Dingye, and from there to Shigatse where he was imprisoned in Titchu Prison. He was kept in Titchu for two months and 16 days. Tenzin estimated that the prison held 60 prisoners, all of whom had been caught trying to cross the Nepalese border, either by Chinese authorities or Nepalese border guards. There were 5 Chinese among the prisoners, the rest were Tibetans. All were relatively young men, and many were monks. According to Tenzin, some of the monks in Titchu Prison, who came from areas east of Shigatse, were apprehended in and around Shigatse and were imprisoned on the assumption that they were headed for the border.

Beating and torture were a daily routine for the prisoners. Tenzin watched some prisoners who were made to kneel for two hours while being beaten with long wooden sticks. Tibetan prisoners were asked their views on the Dalai Lama and Tibetan independence, along with other political topics.

Many of the prisoners had been held in Titchu Prison for five or six months and could expect to remain in prison for up to two years, which the Tibetans were told was the statutory maximum length for the

---

[7] The South China Morning Post, July 20, 1988, quotes Mr. Qiao Shi (standing committee member of the Politburo and head of China's security apparatus) as saying the Chinese government of the Tibetan region must "adopt a policy of merciless repression toward all rebels."

[8] An op-ed by Blake Kerr entitled "Witness to China's Shame—How Human Rights and Families Suffer in Tibet" appeared in the Washington Post, February 26, 1989 and was inserted into the Congressional Record, February 28 (pp H447-448). Mr. Kerr's article is based on recent interviews with Tibetan refugees and focuses primarily on the issue of population control.

[9] Reports of Chinese human rights violations in Tibet published in the past year include those by Asia Watch (February 1988 and March 1988) and International Alert (August 1988), and a trip report of the U.S. Senate delegation led by Senator Patrick Leahy to Lhasa in August 1988. These reports and others are available from the International Campaign for Tibet, Suite 739, 1511 K Street, N.W., Washington, DC; 628-4123.

crime of leaving the country without authorization. Upon his release, Tenzin made his way to a remote area of the Tibetan-Nepalese border and paid a Nepalese guide 1,200 yuan (approx. $325) to lead him past the Napalese border guards. Eventually, Tenzin reached India where he now lives in a refugee settlement.

C. Refoulement of refugees

Reports indicate that Nepal is forcibly repatriating Tibetans who enter Nepal from Tibet on their way to India.[10] In the past, the Nepalese authorities have done little more than extort money from Tibetan refugees entering Nepal without travel papers and, then, allow the Tibetans to travel on to settlements in India. It is apparent through our discussions in India and Nepal, that forced repatriation by Nepalese authorities now occurs regularly and as a matter of policy. China, in turn, often withholds travel papers and passports from Tibetans wishing to travel to India and Nepal. (Documents must be procured from the Police Security Bureau and the procedure is lengthy and intimidating.) The most disturbing aspect of this recent change is that repatriated Tibetan refugees are subject to imprisonment and torture by Chinese authorities.

A well documented case of forced repatriation, as reported by Amnesty International, Refugees International, and the Western press, occurred last June when 26 Tibetans were apprehended in Kathmandu and handed back to the Chinese at the border (see section II.B.). It is unknown how many Tibetans are picked up along the common border, although it was indicated to us that among the refugees, it was commonly expected that several attempts at crossing would be required before success and that since the new policy, many refugees are too fearful to attempt a crossing at all. Reliable accounts indicate that refugees caught by Chinese authorities or returned from Nepal are routinely imprisoned and tortured.

V. AN AUDIENCE WITH THE DALAI LAMA

At the end of the trip, our meeting with His Holiness the Dalai Lama was an invaluable opportunity to put forward our summations for comment and so take advantage of his insight and experience. On behalf of his countrymen, inside and outside of Tibet, he expressed gratitude to the U.S. Congress for their support. He thanked the delegation for demonstrating this support by visiting the Tibetan settlements and for lending encouragement to his people's efforts for international recognition.

The Dalai Lama placed heavy emphasis on the need to sensitize the world community to the plight of the Tibetans under Chinese rule. He believes that as a result of international examination, the Chinese policies of human rights violations, cultural oppression, environmental abuse and population transfer will be exposed. Further, he believes that in this international forum, through discussion and follow-on pressure, more humane policies will be put into place. In this connection, the proposed negotiations between the Dalai Lama's representatives and the Chinese are crucial.

VI. PROPOSALS FOR CONGRESSIONAL ACTION

In the course of the 2-week Congressional staff visit to Tibetan refugee settlements in India and Nepal, a number of proposals for future Congressional action took shape. Some of our suggestions are for further legislative action while others represent avenues that can be pursued non-legislatively for greater recognition of the Tibet issue and for Tibetan concerns and needs in the settlements.

1. Funding for development projects in the Tibetan refugee settlements.—The group agreed to explore the possibility of Agency for International Development (AID) involvement in Tibetan development goals, either by technical assistance from AID in-country staff or through the funding of specific projects. The avenue of AID funding can be pursued either legislatively in foreign aid appropriations to Nepal and India or by encouraging AID to make grants to the Snow Lion Foundation, the Overseas Education Fund, the Tibet Fund, directly to the CTA, or to other non-governmental organizations.

As mentioned elsewhere in the report, the development needs to be funded include irrigation, education, marketing, agricultural feasibility studies, vocational training, capital equipment and housing.

2. United Nations Observer Status for the CTA.—A need was seen by the group for a more official voice for the Tibetan people in the United Nations and in U.N. affiliated agencies. While some correspondence has been between Members of Congress and the Executive Branch on this issue, we agreed that further exploration of the possibilities of Observer Status would be worthwhile. This interest may be pursued through the good offices of the Congressional Observers to the United Nations.

3. The inclusion of Tibet in the Declaration of the United Nations Decade of Anti-Colonialism.—The 1990's has been designated as the decade of anti-colonialism. Many specific countries and territories still suffering colonial domination are cited in the official declaration, but no mention is made of Tibet. The addition of Tibet can be approached via Congressional letters of support to U.N. member states and, again, through the designated Congressional Observers to the United Nations.

4. Refugee status for Tibetans in Nepal.—The United Nations High Commission for Refugees (UNHCR) has the authority to declare the Tibetans in Nepal to be refugees under international law. Such a declaration would clarify the status of the Tibetans in Nepal and afford them protections that they do not now enjoy, including a prohibition on involuntary refoulement by the government of Nepal. The Tibetans in Nepal have no official documentation or travel documents, causing them great uncertainty and a constant fear of detention or refoulement. Additionally, it is hoped that official UNHCR designation of the Tibetans as refugees would bring more worldwide attention to their situation as well as practical and financial assistance from that agency.

5. VOA broadcasts into Tibet.—Voice of America programming, currently limited to the Han Chinese in scope and language, should be expanded to include programming in the Tibetan language. Tibetans need information on world affairs in addition to that given them by the party's highly censored media; they especially need to know about the activities of their compatriots outside China. This reporting would help the Tibetans understand the larger context of their relationship with China.

In addition, VOA Tibetan language broadcasts would address the concern of the Tibetan community in exile and within Tibet in the disappearance of the Tibetan language, particularly among the younger generation which is forced to speak and learn in the Chinese language in the PRC educational system. The Tibetan language is, of course, a critical component of this unique culture and the inability of younger Tibetans to speak it is considered by all to be a grave development and a powerful example of how threatened the Tibetan culture is.

6. Scholarships to Tibetan refugees.—More and more young Tibetan refugees are now completing high school level courses and looking forward to attending universities. The settlement communities are also eager for the new students to attain advance degrees for the benefit of the communities which have an increasing need for technical knowledge and expertise. The Tibetans would prefer to have their children trained and educated at the college level rather that continue to depend on the Indian of Nepali population for high level assistance. In this way the Tibetan settlements could expand their present enterprises, particularly in areas such as dairy cooperatives, hotel and restaurant management, and carpet manufacturing, to include small factories and overseas marketing of their products. Expansion of this nature would create more employment and, in time, provide more challenging job opportunities for those Tibetans who aspire to achieve degrees and serve their home settlements.

By increasing the possibilities of advanced education, the Tibetans hope to encourage young people to stay on the settlements, thereby perpetuating Tibetan community and culture while in exile.

In the FY 87 State Department Authorization Act (PL 100-204), 15 scholarships at U.S. universities have been set aside, on an annual basis, for Tibetans living in exile. The program has been administered under the guidance of USIA and is considered a success. We recommend the continuation and increase of this program and encourage its reauthorization.

7. Protesting arms sales to the Peoples Republic of China.—The Arms Export Control Act requires the President to notify the Congress when the U.S. Government intends to issue a letter of offer to sell of a foreign country defense articles or services over $50 million or any major defense equipment valued over $14 million. As the PRC is not an ANZUS or NATO country, the requirement is that the notification must be made 30 calendar days before the letter of offer can be issued. The Congress has the authority to disapprove of such a sale if it is able to pass a joint resolution of disapproval. While these resolutions are very difficult to pass, they do offer the opponents of a sale the opportunity to raise important issues in the House Foreign Affairs Committee and the Senate Committee on Foreign Relations. Hearings can be held and if the author of the joint resolution of disapproval is successful, debate on the proposed arm sale can be taken to the House and Senate floors.

[10] Although Nepal is not a signatory to the 1951 Refugee Convention nor the 1967 Refugee Protocol, non-refoulement is a moral obligation and has, over time, developed into a legal obligation derived from related rules of conventional and customary international law. "It must be emphasized that non-refoulement is not about returning refugees to intermediate countries or so-called countries of first asylum. Nor is non-refoulement about the failure to provide durable solutions. The central, if not the only valid question in the non-refoulement debate is that of risk to refugees." (Quote by Guy S. Goodwin-Gill, Office of the U.N. High Commissioner for Refugees (UNHCR) in Geneva.) Mr. Goodwin-Gill has written a thorough examination of this issue, "Non-Refoulement and the New Asylum Seekers," Virginia Journal of International Law, Vol. 26, 1986.

In the case of the PRC, those concerned which China's policies in Tibet can raise that issue by offering a resolution of disapproval for arms sales to that country.

8. Human rights conditionality on aid and sales to the PRC.—Section 502B of the International Development and Security Cooperation Act (the foreign aid authorization vehicle) conditions security assistance to any country "which engages in a consistent pattern of gross violations of internationally recognized human rights." In recent years the United States has begun to sell small amounts of weaponry to the PRC. These sales are an opportunity to raise the PRC's record on human rights in Tibet in committee and on the floor. Of course, the Tibet issue can be raised whenever a military sale is proposed, even when the threshold of $14 million or $50 million is not reached.

Section 502B has a number of more specific human rights requirements related to the provision of security assistance including ones that may have more immediate impact on programs to the PRC. These include prohibitions on coerced abortion, involuntary sterilization and an unwillingness to allow on-site visits by appropriate international organizations to investigate alleged violations of internationally recognized human rights standards.

Additionally, the International Security and Development Cooperation Act requires the Department of State to report annually to Congress on the human rights practices of all nations. The Foreign Affairs Subcommittee on Human Rights and International Operations holds hearings each Spring on the "Country Reports for Human Rights Practices." [11] It has been suggested that knowledgeable Members of Congress and human rights organizations should take the opportunity the Subcommittee affords to testify on the PRC's treatment of Tibetans.

VII. UPDATE

In the few months since the Congressional staff group returned from India, several important events have occurred:

The Chinese Communist Party General Secretary of the Tibetan Autonomous Region Wu Jinghua was replaced by Hu Jintao for failing to deal successfully with the Tibetan problem.

On December 10, 1988, the 40th Anniversary of the United Nations Declaration of Human Rights, Chinese police in Lhasa opened fire, without warning on a group of peaceful Tibetan demonstrators. At least two demonstrators were killed on the spot, and many were wounded. Twenty-two members of Congress wrote to Chinese Premier Li Peng condemning this action. A member of Congress subsequently visited Beijing to raise this incident with high-level Chinese officials.

In their December summit meeting, Prime Minister Gandhi, in response to Chinese Premier Li, clarified Indian policy towards Tibet by saying Tibet is a part of China and India would not interfere in Chinese internal affairs. This came as a setback to many Tibetans who had hoped for a "moral" rather than "political" approach from Gandhi. A demonstration by Tibetans protesting Gandhi's statement, in front of the Chinese Embassy in Delhi, prompted the Chinese threat that any such demonstrations jeopardize future discussions. (Apparently further conditioning negotiations to good behavior inside and outside of Tibet.)

In January, the Chinese sentenced 27 Tibetans, some for their involvement in demonstrations, and other, such as Yulo Dawa Tsering, for advocating independence to foreigners ("collaborating with foreign reactionary elements" as stated by the Chinese press). Yulo Dawa Tsering, age 53, was adopted by Amnesty International as a "prisoner of conscience" and is one of Tibet's most prominent political prisoners. He was sentenced to up to 14 years imprisonment.

During the February 25-26 visit to China by the Administration, Secretary Bush extensively discussed the Tibetan issue. President Bush did not bring up the topic of human rights in his meetings with China's top leaders, although human rights advocates in Congress and elsewhere urged him to do so.

APPENDIX A: CHINESE-TIBETAN AGREEMENT ON MEASURES FOR THE PEACEFUL LIBERATION OF TIBET

THE AGREEMENT OF THE CENTRAL PEOPLE'S GOVERNMENT AND THE LOCAL GOVERNMENT OF TIBET ON MEASURES FOR THE PEACEFUL LIBERATION OF TIBET, 23 MAY 1951

The Tibetan nationality is one of the nationalities with a long history within the boundaries of China and, like many other nationalities, it has done its glorious duty in the course of the creation and development of the great motherland. But over the last hundred years and more, imperialist forces penetrated into China, and in consequence, also penetrated into the Tibetan region and carried out all kinds of deceptions and provocations. Like previous reactionary Governments, the KMT [Guomindang] reactionary government continued to carry out a policy of oppression and sowing dissension among the nationalities, causing division and disunity among the Tibetan people. The Local Government of Tibet did not oppose imperialist deception and provocations, but adopted an unpatriotic attitude towards the great motherland. Under such conditions, the Tibetan nationality and people were plunged into the depths of enslavement and suffering. In 1949, basic victory was achieved on a nation-wide scale in the Chinese people's war of liberation; the common domestic enemy of all nationalities—the KMT reactionary government—was overthrown; and the common foreign enemy of all nationalities—the aggressive imperialist forces—was driven out. On this basis, the founding of the People's Republic of China and of the Central People's Government was announced. In accordance with the Common Programme passed by Chinese People's Political Consultative Conference, the Central People's Government declared that all nationalities within the boundaries of the People's Republic of China are equal, and that they shall establish unity and mutual aid and oppose imperialism and their own public enemies, so that the People's Republic of China may become one big family of fraternity and cooperation, composed of all its nationalities. Within this big family of nationalities of the People's Republic of China, national regional autonomy is to be exercised in areas where national minorities are concentrated, and all national minorities are to have freedom to develop their spoken and written languages and to preserve or reform their customs, habits, and religious beliefs, and the Central People's Government will assist all national minorities to develop their political, economic, cultural, and educational construction work. Since then, all nationalities within the country, with the exception of those in the areas of Tibet and Taiwan, have gained liberation. Under the unified leadership of the Central People's Government and the direct leadership of the higher levels of People's Governments, all national minorities have fully enjoyed the right of national equality and have exercised, or are exercising national regional autonomy. In order that the influences of aggressive imperialist forces in Tibet may be successfully eliminated, the unification of the territory and sovereignty of the People Republic of China accomplished, and national defense safeguarded; in order that the Tibetan nationality and people may be freed and return to the big family of the People's Republic of China to enjoy the same rights of national equality as all other nationalities in the country and develop their political, economic, cultural, and educational work, the Central People's Government when it ordered the People's Liberation Army to march into Tibet, notified the local government of Tibet to send delegates to the Central Authorities to hold talks for conclusion of an agreement on measures for the peaceful liberation of Tibet. At the latter part of April, 1951, the delegates with full powers from the Local Government of Tibet arrived in Peking. The Central People's Government appointed representatives with full powers to conduct talks on a friendly basis with the delegates of the Local Government of Tibet. The result of the talks is that both parties have agreed to establish this agreement and ensure that it be carried into effect.

1. The Tibetan people shall be united and drive out the imperialist agressive forces from Tibet; that the Tibetan people shall return to the big family of the motherland—the People's Republic of China.

2. The Local Government of Tibet shall actively assist the People's Liberation Army to enter Tibet and consolidate the national defences.

3. In accordance with the policy towards nationalities laid down in the Common Programme of the Chinese People's Political Consultative Conference, the Tibetan people have the right of exercising national regional autonomy under the unified leadership of the Central People's Government.

4. The Central Authorities will not alter the existing political system in Tibet. The Central Authorities also will not alter the established status, functions and powers of the Dalai Lama. Officials of various ranks shall hold office as usual.

5. The established status, functions, and powers of the Panchen Ngoerhtehni shall be maintained.

6. By the established status, functions and powers of the Dalai Lama and of the Panchen Ngoerhtehni is meant the status, functions and powers of the 13th Dalai Lama and the 9th Panchen Ngoerhtehni when they were in friendly and amicable relations with each other.

7. The policy of freedom of religious belief laid down in the Common Programme of the Chinese People's Political Consultative Conference will be protected. The Central Authorities will not effect any change in the income of the monasteries.

---

[11] The "Country Reports on Human Rights Practices for 1988" submitted by the Department of State, February 1989, points to China's violations in Tibet in the areas of: human rights (political killing, torture, and arbitrary arrest); civil liberties (freedom of speech and press, freedom of peaceful assembly and association, freedom of religion, freedom of movement); political rights; government attitude regarding international human rights investigations; and, discrimination based on race.

8. The Tibetan troops will be reorganized step by step into the People's Liberation Army, and become a part of the national defence forces of the Central People's Government.

9. The spoken and written language and school education of the Tibetan nationality will be developed step by step in accordance with the actual conditions in Tibet.

10. Tibetan agriculture, livestock raising, industry and commerce will be developed step by step, and the people's livelihood shall be improved step by step in accordance with the actual conditions in Tibet.

11. In matters related to various reforms in Tibet, there will be no compulsion on the part of the Central Authorities. The Local Government of Tibet should carry out reforms of its own accord, and when the people raise demands for reform, they must be settled through consultation with the leading personnel of Tibet.

12. In so far as former pro-imperialist and pro-KMT officials resolutely sever relations with imperialism and the KMT and do not engage in sabotage or resistance, they may continue to hold office irrespective of their past.

13. The People's Liberation Army entering Tibet will abide by the above mentioned policies and will also be fair in all buying and selling and will not arbitrarily take even a needle or a thread from the people.

14. The Central People's Government will handle all external affairs of the area of Tibet; and there will be peaceful co-existence with neighbouring countries and the establishment and development of fair commercial and trading relations with them on the basis of equality, mutual benefit and mutual respect for territory and sovereignty.

15. In order to ensure the implementation of this agreement, the Central People's Government will set up a military and administrative committee and a military area headquarters in Tibet, and apart from the personnel sent there by the Central People's Government it will absorb as many local Tibetan personnel as possible to take part in the work. Local Tibetan personnel taking part in the military and administrative committee may include patriotic elements from the Local Government of Tibet, various district and various principal monasteries; the namelist is to be prepared after consultation between the representatives designated by the Central People's Government and various quarters concerned, and is to be submitted to the Central People's Government for approval.

16. Funds needed by the military and administrative committee, the military area headquarters and the People's Liberation Army entering Tibet will be provided by the Central People's Government. The Local Government of Tibet should assist the People's Liberation Army in the purchases and transportation of food, fodder, and other daily necessities.

17. This agreement shall come into force immediately after signatures and seals are affixed to it.

Signed and sealed by delegates of the Central People's Government with full powers:

Chief Delegate: Li Wei-han (Chairman of the Commission on Nationalities Affairs); Delegates: Chang Ching-wu, Chang Kuo-hua, Sun Chih-yuan; Delegates with full powers of the Local Government of Tibet Chief Delegate: Kaloon Ngabou Ngawang Jigme (Ngabo Shape); Delegates: Dzasak Khemey Sonam Wangdi, Khentrung Thuptan, Tenthar. Khenchung Thupten Lekmuun Rimshi, Samposey Tenzin Thundup.

Appendix B: An Historical Claim To Independence

(Excerpted from "Human Rights in Tibet," An Asia Watch Report, February 1988).

Although documented contact between China and Tibet goes back at least to the sixth century, the modern-day debate about the historical status of Tibet takes the thirteenth century as its starting point, for it was at that time, so the present Chinese argument goes, that Tibet was drawn into the map of China. The basis for the Chinese argument is the conquest of both realms by the Mongols, even though Mongol domination of Tibet and China began and ended at different times. The extent to which Tibet was made specifically subordinate to the Yuan dynasty (1270-1368), the dynastic apparatus through which the Mongols ruled China, seems vague at best. The Mongol empire was a world empire, and though there is no doubt that Mongol domination extended into Tibet, there seems little basis for maintaining that the Mongols appended Tibet to China.

The succeeding dynasty, the ethnically Chinese Ming dynasty (1368-1644), clearly recognized that Tibet was quite distinct and separate from China. In an early document the first Ming emperor referred to Tibet as a foreign state, in language that was unequivocal. There were no serious attempts during the Ming dynasty to make Tibet a part of China. When the succeeding Qing dynasty had the official history of the previous dynasty compiled, the monograph on Tibet was placed in the section set aside for "Western Regions," and included the imperial domains of Tamerlane, hardly integral parts of China.

The question of Tibet's relationship to the Qing dynasty (1644-1911) is more problematic. The Qing, like the Yuan, was a conquest dynasty. Its Manchu rulers established an empire that had clear lines separating the administration of Tibetans, Mongols and Chinese; and governing their relations to the throne. What complicated the situation was the intense Sinicization of the Manchus in China during the eighteenth and nineteenth centuries, ultimately resulting in a people who considered themselves distinct from their Chinese subjects but who nevertheless had largely lost the most telling of distinctions; their own language. This metamorphosis was visible enough in China, but ironically did not really effect the administrative structure binding Tibet to the throne in a Manchu empire.

Tibet was incorporated into the Manchu dominions by various stages in the eighteenth century, at century's end Tibet was clearly under the control of the Manchu throne. The administrative arrangements under which this control existed were, howerever, quite separate from those pertaining to China. Chinese officials and Chinese provinces had no part in the governing of Tibet, save when in the eighteenth century large portions of eastern Tibet were detached from the jurisdiction of the Dalai Lama's government and placed under that of provincial and court officials. Today those portions of eastern Tibet still remain outside the modern Tibet Autonomous Region (TAR) although the cultural, religious and ethnic links between the Tibetan populations remain.

Under the Qing, Manchu officials supervised the Dalai Lama's government. The administrative apparatus for the management of Tibetan affairs was, during most of the dynasty, a bureau known as the "Court of Colonial Affairs." Its mandate clearly seems to have been the management of the court's dealings with areas that were not integral parts of the empire's Chinese realms. Thus it dealt with areas in the west, those places whence envoys came to court via overland routes; not simply areas such as Mongolia and Tibet, but (until the second half of the nineteenth century) Czarist Russia as well. There is a rather tragic irony inherent in the fact that as the Manchus became more Sinicized in China, far away in their realm's outer dominions these structures which held the Manchu empire together as a Manchu Empire, though already a creaking anachronism, were still in place. In the latter decades of the Qing there did appear plans (some realized, some not) to render some of the realm's Inner Asian areas into parts of China by simply making them Chinese provinces. Implicit in such actions was the notion that such an administrative change was the key to the integration of the outer dominions into China. Neither Tibet nor Mongolia were made into Chinese provinces, though preliminary military moves that were certainly aimed in that direction had been undertaken with regard to Tibet.

When Manchu rule collapsed in 1911, both Tibet and Mongolia acted on the assumption that the structure linking them in one realm was defunct, and established themselves as independent states. We may take note of the fully parallel status of both lands under Manchu rule. Further complications about Tibet's position arose from the question of the extent to which China was seen to be the heir to all the Manchu realms. Mongolia escaped the implications of this problem. Tibet did not.

The U.S. did not recognize Mongolia until this past year. Certainly the geo-political factor of Mongolia's alignment with the Soviet bloc had much baring upon this. To a great extent, however, recognition for Mongolia was withheld for the same reason it was never accorded to Tibet in the years after 1911: American desires not to offend China's Guomindang rulers, both during the Republican period and later on after the Guomindang had fled to Taiwan.

In the years following the Qing collapse, the Chinese republic was able to lay claim to all of the Qing dominions without the issue ever coming to a head. To some extent this was surely because the Republic of China could do little more than claim these areas. The territory of the present TAR was wholly under the rule of the Dalai Lama's government, with no regard shown for Republican claims. The Mongolian People's Republic, under Soviet protection, was likewise beyond China's reach, as was much of Xinjiang for a good part of the pre-1949 period.

The establishment of the People's Republic of China (PRC) in 1949, and the flight of the Guomindang Republican government to Taiwan, marked the eventual end of Tibet's independence. It should be understood that when Tibetans raise this issue they are conscious of a time in the recent past—i.e. prior to 1951—when the territory of the present Tibet Autonomous Region was in fact independent of any Chinese rule. Moreover, whatever one may think about the justice or viability of Tibetans claims to independence, it ought to be acknowledged that the Chinese historical view of the situation is

not necessarily accepted by Tibetans; it is surely not the point of view that Tibetan activists bring with them to the political dialogue.

APPENDIX C: THE DEMONSTRATIONS

1987

Sept. 27: About 150 Tibetans, led by 30 monks from Drepung monastery, demonstrate in Lhasa: 36 arrests.

Oct. 1: Over 3000 Tibetans, led by about 30 monks from Sera monastery demonstrate in Lhasa. 19 dead, 1000 arrests.

Oct. 6: 100 people march from Sera to TAR headquarters. All were arrested.

Nov. 20: Tibetan students demonstrate in Rekong, Amdo.

Nov. 25 and Dec. 1: Tibetan students of Ngapa, Amdo, boycott classes to demand better conditions.

Dec. 19: Some 20 nuns demonstrate in Lhasa.

1988

March 5: 10,000 Tibetans demonstrate in Lhasa. 36 dead, many injured, over 1000 arrests.

March 16: 5,000 Tibetans demonstrate in Xining, Amdo. 18 killed, 57 seriously injured.

March: Monks of Rekong monastery demonstrate in Amdo.

April 17: 12 nuns from Shongseb demonstrate in Lhasa.

April 24: 6 nuns demonstrate in Lhasa. Arrested.

Apr./May: At Labrang in Amdo, Tibetans evict Chinese who had built houses on monastery land.

May 17: 30-40 nuns demonstrate in Lhasa. Many arrests.

May 30: 6 monks in lay clothing demonstrate in Lhasa.

June: Tibetans in Ngapa, Amdo, demand the repatriation of Chinese settlers.

June 24: 11 monks of Chöde Gön demonstrate in Ba, Kham.

Sept. 7: 3 nuns from Sargkhung nunnery demonstrate in Lhasa.

Sept. 27: 9 monks demonstrate in Lhasa, to commemorate the 27 Sept. 1987 demonstration. 6 arrested.

Sept. 29: Monks from Ratö (near Lhasa) protest 20 arrests.

Dec. 10: 40th Anniversary of the Universal Declaration of Human Rights. 18 killed, over 130 wounded, many arrests.

Dec. 18: 80 Tibetan university students in Beijing march for Tibetan Human Rights and a peaceful resolution to the issue of Tibet; against China's military invasion of Tibet and brutal repression in Lhasa.

Dec. 30: 300 Tibetan students and teachers march in Lhasa..

SENATE—*Wednesday, May 31, 1989*

(Legislative day of Tuesday, January 3, 1989)

The Senate met at 2:15 p.m., on the expiration of the recess, and was called to order by the Honorable HERB KOHL, a Senator from the State of Wisconsin.

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray:

*Owe no man any thing, but to love one another: for he that loveth another hath fulfilled the law. * * * Love worketh no ill to his neighbour: therefore love is the fulfilling of the law.*—Romans 13:8, 10.

Eternal God, gracious Father in Heaven, forgive our inclination to treat love as sentimental and weak. Help us remember that "God is love"—that love is the most powerful force in history and, that if love ruled in our lives, law would be superfluous. Behind the news, good or bad, some people are desperately hurting, desperately lonely. Loving Father, in an environment in which friendships are to be used, help us replace such exploitation with love—for friend and enemy. May Thy peace and comfort fill the hearts of those who hurt and may some of us have the grace to love those who are lonely and in pain.

Mighty God, the Nation has lost a great public servant with the death of CLAUDE PEPPER. And the poor and senior citizens have lost a strong and wise advocate. Be with all who sorrow and fill the awesome vacuum he leaves and may others carry his torch.

We pray for Senator SYMMS, his mother and family in the loss of his father.

Thank Thee, Father, for the holiday recess, family time, constituent contacts, safe travel, and return to our common tasks. Grant to all grace to continue our labors wisely, selflessly and productively. In the name of Jesus, incarnate love, we pray. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore [Mr. BYRD].

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, May 31, 1989.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable HERB KOHL, a Senator from the State of Wisconsin, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. KOHL thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The Chair recognizes the majority leader.

THE JOURNAL

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Journal of the proceedings be approved to date.

The ACTING PRESIDENT pro tempore. Without objection it is so ordered.

ORDER FOR MORNING BUSINESS

Mr. MITCHELL. Mr. President, I ask unanimous consent that after the time designated for the two leaders, there be a period for the transaction of morning business not to extend beyond 3:30 p.m, with Senators permitted to speak for not to exceed 5 minutes each.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

EXTENSION OF THE LEADERS' TIME

Mr. MITCHELL. Mr. President, I ask unanimous consent that my leader time be extended to such time as I may require and that the time of the Republican leader be extended to an equivalent period of time.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER OF PROCEDURE

Mr. MITCHELL. Mr. President, following the conclusion of morning business, I intend to seek unanimous consent to proceed to the consideration of S. 605, the Consumer Product Safety Commission authorization bill. If there is an objection, and I hope that there will not be an objection, I will defer any further action on that bill until the Senate has completed action on the supplemental appropriations bill. However, at that time, I will seek to move S. 605 if objection is expressed today.

I will then today ask consent to consider S. 593, a bill to permit an antitrust exemption for limiting TV violence.

I hope to get a short time agreement of 40 minutes equally divided on this bill and on a Helms-Thurmond amendment with no other amendments in order. A rollcall vote is possible on the Helms amendment and is also expected on final passage of this bill.

Following the completion of debate on this bill, I expect that the Senate will consider a concurrent resolution expressing the sense of the Congress on the movement for democracy in China. A rollcall vote has been requested on this resolution.

I will then ask unanimous consent that these votes be stacked to occur back to back beginning sometime between 4:30 p.m. and 5 p.m.

In addition, I expect that the Senate will today pass by unanimous consent S. 255, the local rail service assistance authorization bill, with only one amendment, in order to limit the bill's provisions to the current fiscal year, to be offered by Senator HARKIN, and S. 694, the strategic petroleum reserve authorization bill.

UNITED STATES POLICY TOWARD THE SOVIET UNION

Mr. MITCHELL. Mr. President, the 40th anniversary of NATO gives us reason to celebrate. The Western Alliance has succeeded in meeting the challenges that it faced at its birth.

The strength and resolve of each NATO partner has kept the peace in Europe and contained Soviet expansionism for 40 years. The generosity and foresight of the United States helped rebuild the economies of European States devastated by war. Together we created international economic institutions that facilitate free trade and economic prosperity. Our dynamic democratic systems increasingly serve as the model for political change across the globe.

We can rightfully take pride in these military, economic and political achievements. Yet we also must recognize that today's world poses very different challenges than those we faced in the darkest days of the cold war. The rapid and far-reaching changes within the Communist bloc present new challenges and, more importantly,

new opportunities for NATO and the United States.

Standing at the threshold of a new era, NATO must begin anew the process of defining and pursuing its security goals for the next four decades. The strong and resourceful leadership of the United States is crucial in this regard. I am pleased that President Bush has successfully begun what I hope is a comprehensive process of seizing upon change within the Soviet Union in order to enhance Western security.

We have watched the fundamental transformation occurring within the Soviet Union and heard proposal after proposal from Soviet President Mikhail Gorbachev.

We have looked to President Bush for leadership in redefining our relationship with the Soviet Union.

The President's conventional arms control proposal at the NATO summit indicates he is willing to work to transform Soviet willingness to negotiate into comprehensive arms control agreements.

I commend the President for his proposal. It builds on positive Soviet movement toward NATO's proposed limits on tanks, armored personnel carriers and artillery, and it broadens the scope of reductions to demonstrate Western seriousness. While showing flexibility in meeting the Soviet desire for troop and aircraft reductions, the proposal is in NATO's interest since the Soviet Union would be required to make far deeper cuts in these categories. By calling for speedy conclusion of the talks, aiming for agreement within a year, the President has challenged the Soviets to make good on their stated desire for real progress toward reductions.

With this proposal, that President Bush has demonstrated an ability to galvanize the alliance and to test Soviet willingness to redress the imbalance of conventional forces in Europe comprehensively.

This forceful and constructive approach is a welcome change from the administration's silence during the months of its strategic review process and the negative tone and name calling of recent weeks.

The strategic review apparently provided little in the way of new initiatives. Indeed, it is reported that administration officials ignored the review in fashioning the conventional forces initiative now on the table. I hope the President will be similarly resourceful in addressing other aspects of our relationship with the Soviet Union, for there is far more to this relationship than the balance of conventional forces.

The debate regarding short range nuclear forces demonstrates that crucial questions about the future of security arrangements in Europe have yet to be answered by the West.

The United States must help lead the alliance toward a clear and unified vision of not just the military, but also the economic and political, future of East-West relations. The President has begun to expand the focus beyond military hardware by proposing to eliminate the blanket prohibition on technology sales imposed after the Soviet invasion of Afghanistan. In a bilateral context, he has stated his willingness to consider a waiver of the Jackson-Vanik restrictions on trade.

But NATO, and the United States itself, needs a comprehensive policy blueprint. Changing circumstances require clear direction, not just a reactive or improvised course of action.

To define a policy of "beyond containment," the President must go further than he has to date in spelling out the details of that policy.

Containment was a strategy designed to ensure Western security, and it worked. Moving beyond that strategy implies the existence of fundamental change in the threat to our Nation's security or the definition of that security. President Bush should explain to the American people how our national security requirements are changed in this time of Communist transformation. He should outline the new opportunities that this transformation provides to enhance our military security and other aspects of national strength such as a sound economy and healthy environment.

With a clear definition of the goals and the route that he sees beyond containment, the President is most likely to gain the strong support of the American people and the Congress.

The President can undertake this task with confidence, for any overview of global events testifies to the strength of America's position. As we move toward the close of the 20th century, the world is witnessing the triumph of democratic capitalism and the failure of communism. People the world over want freedom and economic opportunity. Communism has failed to provide either. Democracy has provided both.

The challenge is not to prove ourselves right. The challenge is to encourage others to join us. This requires accepting the possibility of a fundamental transformation in our relations with the Soviet Union. The Bush administration must define what it seeks from that relationship and how it will help create it.

A symbolic but important first step would be a waiver of the Jackson-Vanik amendment limiting trade between our two countries. The President has expressed his willingness to consider this step. I urge him to use his authority to waive Jackson-Vanik for a year, thereby helping to normalize economic relations and expand the possibilities for trade.

Since 1974, the United States has linked the granting of Most Favored Nation status to Soviet willingness to allow its citizens to emigrate. Soviet emigration figures continue rising to new levels while the Government outlines legal reforms to institutionalize free emigration.

Now is an appropriate time for the United States to respond to change we have sought for over a decade. Without taking an irreversible step, we can demonstrate our willingness to affirm and encourage further openness within the Soviet Union.

President Bush should place this symbolic act in a larger framework. He should plainly state that if the Soviet Union is able to succeed in decentralizing its economy and instituting market mechanisms, including a convertible currency and price reform, then the United States would look positively upon Soviet entry into western economic organizations such as GATT, the World Bank, and the IMF.

We should clearly indicate that if the Soviet Union will play by the rules, we will welcome it into the game. We should not and will not change the rules to suit a newcomer, but we will not exclude those who demonstrate their commitment to the existing framework. This would clarify the meaning of a Western policy that goes "beyond containment."

Similarly we should not and will not change the rules we apply to considerations of our own security interests. National security will remain the primary American concern in our relations with the Soviet Union. But we must take advantage of new possibilities to enhance our security through negotiations with the Soviet Union and challenge them to work with us to mutual advantage.

The President has taken a meaningful first step in his conventional arms control proposals. It is appropriate to move quickly in the negotiations to address the most destabilizing imbalance of forces. Yet I hope that the focus on a speedy conclusion of the conventional arms talks will not preclude progress toward cuts in strategic nuclear weapons.

Having had several months to develop a position to present at the resumption of the START talks, the administration now should be able to move forward on the difficult outstanding issues in those negotiations. We cannot be content with an INF Treaty which will eliminate only 4 percent of superpower nuclear weapons. It would be a great loss if we failed to capitalize on the opportunity to reduce the far larger strategic arsenals and to stabilize the nuclear balance. There should be no hesitation in building upon the legacy of progress left by the Reagan administration.

I support the President's call for renewed efforts to achieve a worldwide ban on chemical weapons. This is an issue of great importance to all nations.

President Bush also should move quickly on the issue of nuclear testing. The Threshold Test Ban Treaty of 1974 and the 1976 Peaceful Nuclear Explosions Treaty have languished for over a decade, pending ratification. The Reagan administration in 1987 began negotiations with the Soviet Union regarding improved verification measures. Last year the United States and the Soviet Union conducted joint experiments designed to solve remaining outstanding technical questions. Now is the time to resolve these issues and submit the treaties to the Senate for ratification this year.

The President also should declare his intention to pursue additional limits on the size and frequency of nuclear tests with the ultimate goal of a comprehensive nuclear test ban. This had been a longstanding goal of the United States. For the past 30 years, every American President with the exception of Ronald Reagan has been committed to the pursuit of a comprehensive test ban. Such a renewed commitment would demonstrate President Bush's willingness to work toward halting the arms race and reducing the risk of nuclear war.

The security challenges we face today are not identical to those of past decades. On NATO's 40th anniversary, we are reminded that the military threat to Europe remains real. But we must also realize that the Communist systems which long posed the gravest threat are undergoing failure and transformation that now offers us new opportunities to advance our national interests.

All nations increasingly share common enemies: Environmental degradation, weapons proliferation, terrorism, and drugs. I commend the administration for including such issues in its bilateral discussions with the Soviet Union and I support the President's call for a collective approach to solving environmental problems and controlling ballistic missile proliferation.

I look forward to concrete U.S. proposals for cooperative efforts to combat these common threats. If we are able to capitalize on the changes occurring in the Communist world, we will be able to more effectively protect all aspects of our Nation's security.

As the world changes, so must our policies. President Bush has demonstrated his willingness to reexamine those policies in light of the rapid and far-reaching changes within the Communist bloc.

He should now define what he means by "beyond containment." He should spell out the change he seeks and the strategy to achieve it. This will be an ongoing process, a process of critical importance to the United States and our allies. As the President works to capitalize on the historic change now underway in the Soviet Union, he will have my strong and enthusiastic support.

Mr. President, I yield to the distinguished Republican leader.

RECOGNITION OF THE REPUBLICAN LEADER

The ACTING PRESIDENT pro tempore. The Chair recognizes the Republican leader.

THE NATO SUMMIT

Mr. DOLE. Mr. President, the summit marking NATO's 40th anniversary gave us a clear indication that NATO is alive and well and headed toward 50.

After weeks of doom and gloom over the United States-German squabble over short-range nuclear forces, President Bush and Chancellor Kohl reached a compromise that makes sense. NATO came through as it has for 40 years.

Cynics may say that the allies once again papered-over their differences and avoided a decision. I suppose there is a grain of truth to that observation in any political situation. But I prefer to see the SNF compromise as the result of the process by which 16 democracies have learned to live together.

The NATO SNF decision makes concrete sense, and will continue to make sense—if we stick to all of it.

First we have to get a verifiable conventional armed forces in Europe, or CAFE treaty. That means a verifiable agreement to equalize tanks, infantry fighting vehicles, and artillery.

Once CAFE implementation starts, we can turn to negotiations for a partial reduction of SNF forces. Let's underscore that word partial. Even with CAFE, the Soviet Union is too big a military power, too close to Western Europe, for NATO to give up all its SNF nuclear deterrent.

But when the time is right, we can talk about equalizing those SNF systems at a level far lower than the Warsaw Pact's current inventory. Right now they outnumber NATO 14-to-1.

This logic means that we need to proceed with NATO nuclear modernization programs like a follow-on to our 88 aging Lance missiles and the tactical air-to-surface missile.

Finally, let me say a word about timing. President Bush's initiative should have cleared the way for serious negotiation in Vienna. He issued a challenge to Soviet President Gorbachev to get down to work and get this done in 6 months to a year.

It is a realistic challenge to the Soviets. It is not a self-imposed deadline. So President Bush's words are not taken out of context, I would like to read them now:

> Given Warsaw Pact movement toward the western approach, there is no reason why a 5-to-6-year timetable as suggested by General Secretary Gorbachev is necessary. I believe that it should be possible to reach such an agreement in 6 months to a year, and to accomplish the reductions by 1992 or 1993.

President Bush—and all of us—would like a good CAFE treaty sooner rather than later. But the Soviets and their allies must understand that NATO stands united, and we will hold out for a good CAFE agreement whether it takes 6 months or 6 years.

So now it is time to get down to work. NATO will fill-in the details of the Bush proposal, but the Soviets have some homework to do too. We have seen the headlines about President Gorbachev's proposals; we will soon need the details. And one more thing Moscow could do, now that we have agreed to talk about aircraft reductions, is to table accurate numbers on their inventory which include bombers.

NATO is united and ready to talk about a verifiable, stabilizing CAFE agreement. We hope the Soviets and their allies are too.

DEATH OF REPRESENTATIVE CLAUDE PEPPER

Mr. DOLE. Mr. President, Congress is united today. Republicans and Democrats of both side of Capitol Hill are mourning the loss of a one-of-a-kind colleague, CLAUDE PEPPER. He was a unique man, a warm, humble, and compassionate individual and a resolute, determined Congressman who always stood up and fought for what he believed. A man who had not one, but two careers in Congress and grappled with issues from the New Deal and World War II to Social Security and catastrophic care.

Tomorrow Congressman CLAUDE PEPPER of Florida will lie in state in the rotunda of the U.S. Capitol—an honor accorded Presidents and few other great Americans. CLAUDE PEPPER is one of those great Americans.

Born poor in rural Alabama, he's been described as the preeminent witness to American history in the 20th century. He saw the passing of Haley's comet not once, but twice, in 1910 and again in 1986. He met Orville Wright and greeted the Apollo 11 crew upon their return to Earth. His two careers in Congress spanned the Great Depression, three wars, and 10 Presidents.

CLAUDE PEPPER was always a man with a cause—always looking out for the little guy and seeking ways that we as a nation could make life better—

if not just bearable—for the elderly and less fortunate.

Many times he followed the politically costly but right course. In the late 1930's, convinced war with Hitler was imminent, he supported lend-lease and the draft. He was hanged in effigy by outraged mothers on the Capitol lawn.

But CLAUDE PEPPER was best known for his unending work on behalf of our senior citizens. He properly reminded us that it was our senior citizens who built the bridges, raised the children, fought the wars, paid the taxes, and performed the work that made this country great.

Mr. President, I was privileged to have known CLAUDE PEPPER for a long time and to have worked closely with him on many issues, none more important than as a member of the National Commission on Social Security Reform in 1982 and 1983. Thanks to his input and leadership we were able to put the troubled system back on its feet.

His deep commitment to preserving the integrity of Social Security was evident in a letter I received from him in May 1983, shortly after the President signed our rescue package into law. In it, he talked of how we "never lost hope and faith in our accomplishing the immeasurable task of saving Social Security as a sound and solvent institution for the next 75 years."

I suspect all of us in the Chamber could talk about CLAUDE PEPPER for a long time. But as we take measure of this good man's accomplishments, we might listen to the residents of "Mildred and Claude Pepper Towers," senior citizens complex in Miami. The residents there, like those of us here at the Capitol, have lowered the flag to half-staff.

One resident, Polly Sermon, has known CLAUDE PEPPER since 1932. And I find myself agreeing with Polly, as I listened to her last night on television, when she says of CLAUDE PEPPER: "Someone may fill his shoes, but no one will ever replace him."

Mr. President, I yield back the remainder of my time.

Mr. CONRAD addressed the Chair.

The ACTING PRESIDENT pro tempore. The Chair recognizes the Senator from North Dakota, Mr. CONRAD.

Mr. CONRAD. I thank the Chair.

Mr. President, I ask unanimous consent to allow my staff person and Mr. Jay Siegel to have floor privileges until 3 o'clock.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

THE CHAPLAIN'S PRAYER

Mr. CONRAD. Mr. President, before I begin the introduction of a bill, I would wish to publicly commend Chaplain Halverson. Once again today he lifted all of our spirits. His unfailing good humor and moral compass make this a better place. I want to thank him for the contribution that he makes to the Senate.

The ACTING PRESIDENT pro tempore. The Senator from North Dakota is recognized.

Mr. CONRAD. I thank the Chair.

(The remarks of Mr. CONRAD pertaining to the submission of Senate Resolution 136 are located in today's RECORD under "Submission of Concurrent and Senate Resolutions.")

The ACTING PRESIDENT pro tempore. The Senator from Alabama.

DEATH OF CLAUDE PEPPER

Mr. SHELBY. Mr. President, I rise today to recognize and pay tribute to one of this country's outstanding leaders. This Nation, and particularly the elderly, have lost a great friend and advocate with the death of Senator CLAUDE PEPPER.

I have had the unique privilege of serving with this outstanding individual who has so tirelessly dedicated himself to the betterment of not only today's elderly, but of future generations. We will all miss him.

CLAUDE PEPPER, in my opinion, represents the true public servant, embodying a selfless commitment to his constituents and the entire country. Through his work, he created a standard of excellence which we should all strive to emulate. He has left a legacy of service and dedication which will be long remembered. Senator PEPPER's name will always be synonymous with leadership, service, and trust.

CLAUDE PEPPER's, achievements are far too many to list. His many accomplishments and good deeds have touched the lives of millions of Americans across this country. He will be especially remembered for his work on behalf of the elderly and the leadership role he played as chairman of the House Select Committee on Aging.

CLAUDE PEPPER was a man of utmost integrity, which is refreshing today in these times of growing distrust among the American public toward the Congress of the United States. His name will always be spoken with the greatest respect and admiration.

I am proud to say that Alabama, my State, gave birth to such a fine man. CLAUDE PEPPER was a native of Dudleyville, AL, Tallapoosa County, and a graduate of the University of Alabama in Tuscaloosa. We are proud to call him our own.

I extend to his family my sincerest condolences and wish them strength in this time of sorrow. His legacy will live forever in our hearts and in the many programs, policies, and achievements he has left behind for us. His work is an inspiration to all of us and his memory should challenge each and every one of us to forge ahead in the direction he had laid out for us.

This is a sad day for America and for those of us who knew Senator PEPPER, who worked with him and loved him as a dear friend and colleague.

The ACTING PRESIDENT pro tempore. The Chair recognizes Senator PRESSLER for a period not to exceed 9 minutes.

NATO PARLIAMENTARIANS MEETING

Mr. PRESSLER. Mr. President, this past week I had the privilege of representing this body at the NATO parliamentarians meeting in Antalya, Turkey. Our delegation was led by Senator ROTH, and included Senator SPECTER and myself. Our distinguished colleagues from Delaware and Pennsylvania ably represented the Senate at the North Atlantic Assembly gathering.

May I say that I was very proud of President Bush's performance this past weekend on the NATO conventional forces reduction proposal. I think the President did an excellent job. In fact, I would say that among the NATO parliamentarians this past weekend, President Bush clearly stole the show.

At the beginning of the meeting, the parliamentarians from the various NATO countries were in some disarray as they talked about the German-English-American short-range missile dispute, and complained that Gorbachev had seized the initiative.

But once President Bush made public his proposal, he clearly stole the show. From then on his conventional weapons reduction initiative dominated the discussions of the North Atlantic Assembly parliamentarians.

So I congratulate the President for his outstanding work in this area.

I am one who offered amendments on this floor in 1984 to reduce our troop levels in Europe. I have long felt that the American taxpayer is being asked to do too much in Europe. The European countries can contribute more to their own defense, and certainly Japan can and should contribute more to the defense of the democracies.

American taxpayers want to bring our troops home from Europe. They want to do it within the framework of the watershed agreement President Bush has proposed.

I believe that President Bush has demonstrated excellent leadership in the arms control area.

Mr. President, I ask unanimous consent that a speech I delivered at the just concluded North Atlantic Assembly conference in Antalya, Turkey, be printed in the RECORD after these remarks.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

STATEMENT OF SENATOR LARRY PRESSLER BEFORE THE NORTH ATLANTIC ASSEMBLY

Mr. President, and members of the North Atlantic Assembly, I am very pleased to be able to join you at this meeting in Antalya, Turkey. I have learned much from the various committee meetings I have attended, including the Civilian Affairs Committee, the Economics Committee, the Political Committee, and the Military Committee.

First of all, NATO has been the most successful military alliance in history. As we celebrate the 40th anniversay of NATO, let us remember all the sacrifices that have been made in the past and the need for us to be vigilant today and in the future. I am very pleased that President Bush has proposed a substantial reduction in troop levels in Europe. This will have to be done within the framework of a negotiated agreement with the Warsaw Pact. There is a watershed popular demand that U.S. troops come home from Europe. This watershed demand is from American taxpayers who are concerned about burden sharing and about the fact that we still have troops in Europe 40 years after the end of World War II. Thus, what our President has proposed this weekend is very timely.

Earlier in this meeting there were discussions of some of the U.S. Senate amendments on troop reductions that led up to the Nunn amendment. My amendment was one of those. Our objective was to stimulate a discussion on conventional arms reductions. We feel that we have at least achieved progress in that area.

During the INF Treaty debate in the Senate, I frequently raised the issue of conventional arms reductions. Indeed, I feel that President Bush's decision on this subject is a fruition of these and many other similar efforts.

Dr. Richard Wirthlin, of Decision Making, Inc., a leading American pollster, has done a poll that reveals that American citizens over 60 do not feel strongly about bringing troops home from Europe. Of those citizens in the World War II baby boom generation, who are now approaching 40 and 45 years of age and are fully subject to the tax paying burden, there is a growing feeling that we should reduce our troops abroad and get more help sharing the defense burden from our allies in Europe and Japan. Mr. President, I am very pleased with President Bush's stand, and I believe that most other Americans also will support him on this.

Mr. President, on a second matter, I spoke at a Civilian Affairs Committee session yesterday during a discussion among the Turkish Interior Minister, an opposition parliamentarian and a university professor. I want to congratulate our Turkish hosts on that meeting. I did not agree with everything that was said, but the three Turkish leaders took questions relating to policies of their nation on the death sentence, torture, the Kurdish and Armenian minorities, Cyprus, and other human rights issues. My colleague, Congressman Garcia, gave a fine speech in which he pointed out that this was the first time this has ever happened in Turkey. I would like to join in complimenting the new openness and hope that was demonstrated by that discussion. I did not agree with some of the specific comments regarding Cyprus and some of the other matters, but the discussion did show a new openness on the part of Turkey. Mr. President, I would like to conclude by saying that I have made new friendships here, and have picked up useful new ideas on many topics, including international trade issues. Let us all work together to make the 50th anniversary of NATO even better than the 40th anniversary we are now observing.

DEATH OF CLAUDE PEPPER

Mr. PRESSLER. Mr. President, I would like to pay tribute to Congressman and former Senator CLAUDE PEPPER of Florida.

I knew CLAUDE PEPPER and worked with him in the House of Representatives. As a Member of the Senate Committee on Aging, I also have worked closely with him on many issues affecting Social Security and other matters regarding the elderly.

I served in the U.S. House of Representatives with CLAUDE PEPPER and knew him well. I have worked with him on amendments in his office.

His office was filled with pictures that go back to the 1930's. It was a fascinating lesson in history for me to be in CLAUDE PEPPER's office and an honor to work with him on so many issues of concern to older Americans.

He will lie in state here in the Capitol. I have joined in supporting a resolution to permit his lying in state here in the Capitol, one of the highest honors that can be bestowed upon an American citizen.

I join my distinguished colleagues in both Houses in paying tribute to the champion of the elderly, Congressman CLAUDE PEPPER.

The ACTING PRESIDENT pro tempore. The Senator from Arkansas [Mr. PRYOR].

DEATH OF CLAUDE PEPPER

Mr. PRYOR. Mr. President, it is with great sadness and deep disappointment that I learned yesterday about Senator CLAUDE PEPPER's death. I had the privilege of knowing Senator CLAUDE PEPPER for over two decades, and I do not think there is any question that he is without peer. We have lost not only a great champion for the elderly, but a great champion for people of all ages in this country. I would like to pay homage to CLAUDE PEPPER today, a truly remarkable man, and the 60 years of public service that he gave to his country and his fellow Americans.

Senator PEPPER began his career, Mr. President, and few people know this, in 1924 in my home State of Arkansas, where he taught at the University of Arkansas Law School for a year after graduating from Harvard Law School.

Another interesting tidbit of American history is that one of the distinguished students in Senator PEPPER's class in the law school in Fayetteville was none other than a former Senator of this body, Senator J. William Fulbright.

From there, CLAUDE PEPPER moved to Florida, and was elected at the ripe old age of 28 to the Florida House of Representatives. He was elected to the U.S. Senate in 1936, where he served for 15 years. In 1937, he sponsored a bill that created the National Cancer Institute. He has been a strong advocate ever since of biomedical research in this Nation. In fact, Dr. James Wyngaarden, the current Director of the National Institutes of Health, recently called Senator PEPPER the "father of the modern NIH." In 1938, he was instrumental in the enactment of the first minimum wage bill of 25 cents per hour—an accomplishment for which he said "business never forgave me." He also introduced one of our Nation's first equal rights amendments in 1944.

His tenure in the Senate was not known only for his advocacy of domestic concerns—he also served on the Foreign Relations Committee. In 1944, in the midst of rabid isolationism, he authored the then controversial Lend-Lease Act to provide aid to Great Britain. Unfortunately, this great champion of then labeled liberal causes was defeated by the Red scare that swept Washington and America in the early 1950's. He was called in that particular campaign for reelection Red Pepper by his opponent in the 1950 race and he was defeated in one of the nastiest political campaigns America has ever known. Senator PEPPER said that "they wanted to destroy me, and just about did." I think one of the most telling stories about CLAUDE PEPPER, this wonderful man's character is that he forgave his opponent some years later.

Although he returned to his law practice, he eventually could not resist the call of the Hill. He returned to Washington in 1962 as a Congressman from the State of Florida. Although, if he had managed to stay in the Senate, he would probably have risen to great prominence on the Foreign Relations Committee, he said, "That committee doesn't save many souls. I know I'm doing more good now."

We can only guess as to the countless number of souls the honorable CLAUDE PEPPER actually did save. His dedication to the plight of the vulnerable and the dispossessed was unfailing. It was just March 9 of this year that Senator PEPPER and I had the honor of chairing a joint Senate/House Aging Committee hearing that zeroed in on the horrifying conditions found in many of America's board and care homes. At that time, he graciously accepted from our Committee on Aging in the Senate the title of honorary chairman of the Senate Aging Committee as we discussed a host of high priority issues on which we wanted to work together.

To list all of this man's amazing accomplishments would take the rest of this week, but I would like to list a few: He was a principal cosponsor of the first "Older Americans Act" in 1965, establishing the administration on aging, and a network of area agencies on aging to serve the needs of the elderly nationwide; he was instrumental in ending mandatory retirement; he established Federal standards for MediGap insurance policies; and was among the first to recognize the problem of elder abuse.

More recently, CLAUDE PEPPER played a key role in the establishment of the U.S. Bipartisan Commission on Comprehensive Health, where he served as chairman. As a member of the Commission, I will greatly miss his leadership. While he did not live to see his hope realized that all Americans, young and old alike, have access to comprehensive health insurance, we do have Senator CLAUDE PEPPER to thank for the fact that we are much closer to achieving that goal than we would have been without his unwavering commitment.

I recently read that as his epitaph, he wanted to be known for leaving the world a better place than when he found it—and for helping those who need it. I know all my colleagues here in the Congress wholeheartedly agree that there is no better description of that esteemed and beloved man, Senator CLAUDE DENSON PEPPER. He will be greatly missed.

Mr. President, I yield back the remainder of my time.

Mr. LIEBERMAN. Mr. President, may I join with my colleagues in expressing our sadness of the passing of Senator CLAUDE PEPPER. I happened last night to have been back home in Connecticut at two town hall meetings that I held. I was struck, may I say to you, Mr. President, and to my colleague the Senator from Arkansas, by the personal sense of loss that the senior citizens who were in the room last night in Stamford and Bridgeport, CT, felt with the passing of CLAUDE PEPPER. He really became an advocate for senior citizens personally. If we have any legacy that we can carry on, any monument that we can build to his memory, it is truly to carry on the work that he did on behalf of senior citizens.

I am privileged to say this while the Senator from Arkansas is on the floor because he has been such a genuine leader for senior citizens. I know that they feel that they have in him someone who can pick up the torch and carry it forward on their behalf. I am privileged to have the opportunity to say these few words while Senator PRYOR is here with us.

The ACTING PRESIDENT pro tempore. The Senator from Connecticut is recognized.

Mr. LIEBERMAN. I thank the Chair.

(The remarks of Mr. LIEBERMAN pertaining to the introduction of Solution Joint Resolution 142 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

THE PRESIDENT DESERVES OUR SUPPORT

Mr. GORTON. Mr. President, it is a vital and important function of the Members of this body to be critics of the President and of the national administration. Certainly this body has carried out that function to a farethee-well during the course of the last years and even during the first 4 or 5 months of the Bush administration. There was a great deal of restlessness here with a lack of defense and foreign policy initiatives on the part of the President and a demand for more decisive leadership.

Mr. President, the course of the last week, it seems to me, has vindicated the slowly developing policies of the Bush administration. The President felt, I believe quite properly, that he had 4 to 6 months during which to conduct a careful review of the foreign and defense policies of the United States and then to begin to make his mark with carefully thought out and studied proposals. His performance in the course of the last week, I believe, deserves our commendation and our support.

After listening carefully to experts on every side of every issue during the course of that period of time, the new President has shown decisive leadership within his administration and has advanced a bold and progressive U.S. position on conventional arms reduction in Europe. That position has been accepted by NATO. The divisions predicted in that body have not simply just been papered over but it is operating with a new strength and a new firmness in a new and very different world.

We should point out that as early as March NATO made dramatic conventional arms reduction proposals to the Soviet Union in Vienna and that in fact what we have heard during the course of the last 2 or 3 weeks have essentially been the Soviet Union's response to those NATO proposals. That Soviet response is appropriately both positive and constructive. The President's evaluation of what Secretary of State Baker had heard in Moscow is that it accords with historic Western positions which look toward greater Warsaw Pact-NATO reductions that would even the forces in Europe and lessen the chances of either surprise aggression or of the success of either side in a long-term offensive war.

The Soviet proposals were for just such dramatic reductions in offensive weapons. President Bush, however, has gone beyond earlier NATO proposals both by acceding to the Soviet position that combat aircraft should be a part of those negotiations, and in coming up with an extremely ambitious timetable which will be welcomed both in the West and in the East.

That new and dramatic position on the part of the President has also permitted an agreement within NATO on the future of negotiations with respect to short-range nuclear weapons, mostly on terms advanced by the United Sates. Beyond these specific proposals, Mr. President, is the vision of a termination of an unnaturally divided Europe which the President has carried with him and on which he is now speaking with great eloquence. He looks toward a strengthening of the forces for both peace and freedom in Western Europe and around the world.

The President has taken the mantle of leadership of the Western democracies. He is reaching out toward progressive forces within the Soviet Union and in Eastern Europe. I believe, Mr. President, that the President of the United States at this point deserves both our congratulations, our respect, and our support.

DEATH OF CLAUDE PEPPER

Mr. REID. Mr. President, I would like to take this time to join my colleagues in remembering our brave and dedicated colleague, CLAUDE PEPPER.

At this time of sadness and loss, it is perhaps best to remember the optimism and sense of progress he shared with us in life.

Americans know him as "Mr. Social Security," one of the most effective and relentless advocates of senior citizen rights and health care our country has ever known. He was always there, even when it was not fashionable, when it was not politically popular, when the only question was, "Is this the right thing to do? Will this help people?"

This advocacy of senior rights was not some discovery of his own later years; it was the product of a lifetime commitment to human dignity and equal opportunity. Indeed, he stood up for senior rights 60 years ago as a member of the Florida House of Representatives.

His courageous sense of right and wrong is today like a road map across the great issues of the 20th century: Legislation he sponsored to abolish the pool tax, early support for American efforts to stop Hitler and Mussolini, at a time when many respectable Americans were publicly advocating isolation and neutrality, a victim in 1950 of McCarthyism who eventually came back from defeat to prove his en-

emies wrong. Sometimes, in the long run, the good guys do win.

Words cannot capture what CLAUDE PEPPER gave us nor can they ease the pain and sorrow of his friends, family and millions of Americans who will miss him.

I had the honor of serving in the House of Representatives for 4 years with CLAUDE PEPPER.

I will never forget the campaign swing Senator PEPPER took through Florida for me in 1986. In Las Vegas Reno he drew the largest crowds of my campaign. He started early in the morning in Las Vegas and ended late at night in Reno. It was nonstop all day, but that was CLAUDE PEPPER.

Chairman PEPPER set the standard. His energy and razor sharp mind outpaced and amazed Members of both parties, all ages and every region. He had an ageless constituency without borders. He touched all of us. Like all Americans who believe in fair play and citizen rights for people of all ages, we will cherish his memory and forever count him as one of the most outstanding and effective public servants we have ever known.

DEATH OF CLAUDE PEPPER

Mr. DURENBERGER. Mr. President, it was a wise person who once said, "You have not done enough, you have never done enough so long as it is still possible that you have something to contribute."

That is the best description I can give for the life and service of CLAUDE DENSON PEPPER, who passed away yesterday at the age of 88. I hope all my colleagues in this body and the American people will take a moment to reflect, as we are today, on the greatness of a man who committed his life to serving.

Power was never CLAUDE PEPPER'S objective. It was only a necessary tool for his real goal, which was making America a better place to live for the not yet fortunate among us. CLAUDE PEPPER was a servant-leader in the very best sense of that term.

The State of Minnesota holds a special admiration for CLAUDE PEPPER because of the causes that he championed. His abiding partnership with Hubert H. Humphrey, whose seat I occupy in this Chamber, made a critical difference in the quality of life of our citizens. Together those two men fought for what Hubert called "those in the dawn of life, those in the twilight of life, and those in the shadow of life." Together they helped make the invisible problems of powerless people the preeminent item on the national agenda.

I smiled when my colleague from Pennsylvania referred to seeing our former colleague, Senator PEPPER, in his home State of Pennsylvania because I can recall, Mr. President, at least four times that I have seen Senator PEPPER in my home State of Minnesota. They all happened to be even-numbered years, they happened to be even-numbered years when either I or my junior colleague, the Senator from Minnesota, Mr. BOSCHWITZ, happened to be up for election or relection. CLAUDE PEPPER'S sensitivity obviously carried into his politics as well. I have had many occasions to wonder how he found the time in his life to do as much for as many people as he did because, like all great leaders, CLAUDE PEPPER was misunderstood. I have to say there was a time in one of those even-numbered year's: trips, I misunderstood him as well.

As our chairman, CLAUDE PEPPER has laid a solid foundation for the crucial and important work of the U.S. Bipartisan Commission on Comprehensive Health Care. If he were here to advise us right now, he would probably tell us to dispense with all this sentiment and get back to work, and would do just that at 8:30 tomorrow morning, Mr. President.

I would conclude by asking unanimous consent to include in the RECORD a statement that Senator BAUCUS, Congressman GRADISON, and I as the vice chairs of the Bipartisan Commission released on behalf of the Commission today.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

U.S. BIPARTISAN COMMISSION
ON COMPREHENSIVE HEALTH CARE,
Washington, DC, May 31, 1989.

STATEMENT ON DEATH OF CHAIRMAN PEPPER

The death of our esteemed chairman and colleague, Rep. Claude Pepper, impoverishes all of us. But the example of his life inspires us to carry on his great work.

The creation of this commission, an unprecedented summit-level body for developing consensus solutions to the nation's major outstanding health-policy problems, was the last manifestation of Claude Pepper's commitment to the poor, the elderly—indeed, to the well-being of all Americans.

There could be no greater monument to him than the successful completion of the commission's work—the development of recommendations to relieve the anguish of the 37 million Americans who lack health insurance and the millions more at risk of the burden of long-term care.

We commit ourselves to carry on and complete the work Claude Pepper envisioned for the commission, by building on the foundation of campassion and service he established during a lifetime of serving.

Senator MAX BAUCUS.
Senator DAVE DURENBERGER.
Representative BILL GRADISON.

Mr. DURENBERGER. CLAUDE PEPPER knew that nothing he could do was ever enough while there was still more to be done. We can say, Mr. President, that CLAUDE PEPPER did more than enough. The burden shifts to those of us who remain to shoulder it with his spirit and courage, and move on.

Mr. President, I yield the floor.

THE DEATH OF CLAUDE PEPPER

Mr. MOYNIHAN. Mr. President, the Senate and the Nation has learned with sorrow, and yet with a recognition of greatness, the passing of our beloved former fellow Member of this body, a long-time Member of the Congress, the Honorable CLAUDE PEPPER, of Florida.

I wish to rise and spend a moment of the Senate's time in tribute to this extraordinary American. At this very moment, the House is adopting a resolution which will surely be unanimous and will observe his passing by providing that his body lie in state in the Capitol rotunda for a day—a form of recognition and honor only sparingly conferred, particularly only to Presidents or persons whose death comes with a special suddenness and inappropriateness. Whereas, at the end of a long and rich and enriching life, death came in proper season to CLAUDE PEPPER.

There are Members of the Senate who can surely claim to know him as well or indeed better than I have. I would not know but that I may be the person in this body who can say that he or she knew him longest in that I first came upon this remarkable man at a meeting at Town Hall in New York City. This forum, located on 44th Street between 6th and 7th Avenues, was established for the very purpose that its name suggested, and is still there—a meeting place where New Yorkers could discuss issues of the time, where persons would present cases, and the audience would participate in response.

This was a time when the poll tax, levied by many States in the South and marked a general tax in the 19th century, had now been confined to that region. This tax had become an issue of effective denial of voting rights to black Americans, and an effort was being made in that part of the Nation, and elsewhere, to outlaw the poll tax. You would not be surprised that CLAUDE PEPPER was an advocate of doing this, a son of the South, a Representative, a Senator then from the State of Florida, and an advocate of such measures. Of course, there were other persons everywhere about the country, but most vociferously from the South, who were opposed. One of these was a Senator, as I recall, who was from South Carolina, and was very much in opposition.

The two of them had come to New York to debate this issue, and they made their presentations; they had some exchanges, and then the audience asked questions of the debaters. I remember sitting rapt in attention and complete support for CLAUDE PEPPER. Who could not believe he was right

and true in all matters? Whereupon, from the audience, a question was addressed to him by a New York citizen, who said, "Senator PEPPER, do you think that a dollar is too much to pay for someone who really wants to vote?" And, well, our friend from—as I would say, my distinguished friend from South Carolina, the Senator in opposition—just broke out in a great cackle of satisfaction that CLAUDE PEPPER had been given a question no one could answer, certainly not in this audience.

CLAUDE PEPPER got to his feet, shuffled over—he shuffled even in those days—and said, "Well, we have got a saying in my part of the country that says 'A dollar ain't much, if you got one.'" Suddenly, we all knew the moment had been saved, and an absolutely essential point had been made, which he never lost through a half-century of public life that followed, which is that there are elemental economic realities that determine so much of the role any individual can play in deciding what his family needs are to be.

He devoted his life to those economic realities, of seeing not that people would end up rich, but that a dollar was there if you needed it. And indeed, it was an extraordinary tribute to him that when his life was ended, we had reached the point where poverty among the aged had all but disapeared. We are not in this sense without any troubles; we have some. But they tend to be residual, they tend to be marginal, and they tend to be the problems of what we call the "old old."

In the main, Americans reaching age 62 and 65 are eligible for Social Security, eligible for Medicare, eligible for certain kinds of benefits that we associate with the senior citizen status. Members of a massive organization, the American Association for Retired Persons, which has some 30 million members today, are eligible for the various benefits that go with that membership. This had all come about in the half century of his participation in the affairs of the Congress, and, with this specifically in mind, it was an enormous achievement.

It is our great success, whereas you might find that other—Mr. President, are we under a 5-minute rule?

The PRESIDING OFFICER. Yes, we are.

Mr. MOYNIHAN. I ask unanimous consent that I may speak for 3 additional minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MOYNIHAN. Just to say that as much as it is an achievement of CLAUDE PEPPER to have seen the end of poverty as a generalized, normal, expected condition of the aged, and to have left the resources of the Social Security trust funds in ample condition, he was a member of the Commission on Social Security Reform, which in 1983 brought to this floor the proposals for establishing the trust fund on a partially funded basis, so that we could truly look forward to 50, 75 years of adequacy.

Those trust funds now rise at $1 billion a week, and if we were to make any commitment to the memory of CLAUDE PEPPER, I suggest that it would be appropriate that we begin to discuss seriously how to properly use those trust funds, which is not currently the case.

As a matter of great seriousness, but also of great, good humor, he would challenge you in a sly way. I once found him on the floor here and, as we all did, I asked if I could walk him back to the House side. If I may say, a great compliment was paid to him, and paid to us, that in the other body he continued to be referred to as Senator, which I think needs to be noted.

I remember his going by room 223 just off the Senate floor here, and he said, "See that door." I said, "Yes, sir." He said, "I remember one morning in 1942, about 10 o'clock, just about this time, Harry Truman had just stepped out there. He had been in there for his eye-opener, as they used to say, and he said, 'Claude, I think we ought to set up a committee. Don't you think we ought to set up a committee to investigate these war manufacturing industries? If we do not, the others will.'" Claude said, "I think that is right, Harry." The rest is history. That is how Harry S. Truman became head of the Truman Committee at that time.

He had a story he loved to tell about a horse race in which a fellow kept showing up at the booth where you buy tickets, and kept buying tickets on this one horse. Then he would go back and have a little sip of that fine bourbon delectation, and he would buy more tickets. And finally, the owner said, "Sir, you spend much too much money on this horse. This horse cannot possibly win the race. There are four other fine horses. I have to tell you that my horse is not going to win." The gentleman who was buying the ticket said, "Let me tell you something. I own those other four horses, and your horse may not win, but it is going to be an awful slow race."

It was never a slow race for CLAUDE PEPPER. He was there to the end, and the Senate joins me, I am sure, in saluting him.

Mr. COHEN. Mr. President, I ask that I be allowed to proceed as if in morning business for 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

REMEMBERING CLAUDE PEPPER

Mr. COHEN. Mr. President, yesterday, the Congress lost a legend, the Nation lost a distinguished and tireless public servant and our senior citizens lost a crusading champion. These Halls will echo with acclaim for the man and his long public service. I rise today to add my praise and to speak briefly of my personal admiration and gratitude for the important part CLAUDE PEPPER played in my own public service.

I am sure that CLAUDE PEPPER nurtured the growth and influenced the work of many Members now serving in the House of Representatives and indeed in the Senate. He was already serving as a U.S. Senator before I was born and his years of service saw many Members of Congress come and go.

When I joined the newly formed House Select Committee on Aging in 1975, CLAUDE PEPPER was its chairman. I recall a meeting with him upon becoming the ranking Republican member of one of the panel's subcommittees. Expecting mostly small talk and discussion of administrative matters, the chairman instead treated me not only as an equal, but also to a detailed lecture on his goals and how he intended to work to help the Nation's senior citizens. CLAUDE PEPPER had a vision of a better world for the elderly and a mission to pursue what he saw.

The rough and tumble of politics did not always treat CLAUDE PEPPER kindly. Yet he was able to overcome the ad hominem attacks of his opponents to become one of the most popular and beloved public figures of our time. Those who believe that nasty campaigns are a modern invention would do well to study the infamous tactics that cost CLAUDE PEPPER his Senate seat in 1950. His love of politics and public service was such, however, that he took the unusual step of running for the House of Representatives in 1962. Since then, his service in the House and his work on behalf of elderly Americans have made him a hero to millions.

CLAUDE PEPPER was always very good to me—a junior member of the other party from a State remote and very different from his own. His example and his gracious guidance have had a great influence on my career. For him I always felt great respect, admiration, and gratitude.

One of the first hearings we had in the Committee on Aging was one to determine whether or not we should lift the mandatory retirement rule that was in force at that time. CLAUDE PEPPER called the famous actor Will Geer as one of principal witnesses. Will Geer got up and said, "A person has to have a podium or a pulpit to pound on; otherwise, you take that pulpit away, you take away that person's reason for living and zest for life."

CLAUDE PEPPER never gave up the pulpit, and he never lost his zest for life or his passion.

Mr. President, I mourn the loss of CLAUDE PEPPER. I salute his public service and achievements, and I am proud to have known and worked with him.

The PRESIDING OFFICER (Mr. ROBB). The Chair recognizes the Senator from Illinois.

TRIBUTE TO CLAUDE PEPPER

Mr. SIMON. Mr. President, I want to take a couple minutes to join in paying tribute to our late colleague, CLAUDE PEPPER. I had a chance to work with him on a great variety of things.

We had the opportunity just in this current session—he is chief sponsor in the House and I am the chief sponsor in the Senate of the at-home care bill.

We use the term "public servant" rather freely sometimes. CLAUDE PEPPER really was a public servant, someone who spoke out consistently, effectively, courageously for those less fortunate and the first among those less fortunate he spoke out as a young legislator for senior citizens.

The have become less of a deprived group and depressed group in our society thanks in no small part to CLAUDE PEPPER.

We still have a lot of battles to win for senior citizens, including long-term care, but CLAUDE PEPPER was a giant in our midst.

Walter Mondale has a great line about Hubert Humphrey. He spoke at Hubert Humphrey's memorial service: "He taught us how to live; he taught us how to die."

CLAUDE PEPPER has done the same. He has done the same. He taught us how to live and live life to the fullest.

His death is a real loss for all of us.

Mr. BURNS. Mr. President, I would also like to extend my respects to the family of CLAUDE PEPPER of Florida, a man totally dedicated to public service. It is a sad day for all of us in this body and in the House of Representatives. It is a sad day for all Americans.

Mr. President, I yield the floor.

Mr. PELL. Mr. President, CLAUDE PEPPER was a friend to the American people. His death yesterday at the age of 88, after a lifetime of service to this Nation, was a personal loss not only to his family and friends, but also to the Nation's senior citizens, who have rightly viewed CLAUDE PEPPER as their champion and friend.

It was easy to admire CLAUDE PEPPER, and to respect the passion, conviction, and energy with which he pursued his beliefs. Since I was first introduced by my father to CLAUDE PEPPER when he was a U.S. Senator, and later during his many years as a Member of the House of Representatives, I was privileged to know the true spirit of public service which moved this man and the millions of Americans who depended on him to be their voice in Washington.

CLAUDE PEPPER has left behind a legacy and a challenge: the legacy of a lifetime of dedicated public service, and the challenge to fight for causes, however unpopular, in which we believe. May CLAUDE PEPPER's life be a reminder of public service at its best, and an inspiration to those who may follow in his footsteps.

Mr. NUNN. Mr. President, the Halls of this Congress are filled with symbols of men and women who dedicated their lives to public service. Each statue, painting, and inscription remind us that individuals preserve and protect our freedom. Yesterday, America lost a citizen who committed his life to making our democratic institutions better serve the people for which they were created.

The loss of CLAUDE PEPPER saddens us all, but his passing also brings to a close one of the great chapters in American political history, for he was the last of the original New Dealers to sit in this Congress, and he remained true to the end to the New Deal commitment that the purpose of government was to help people.

Few Americans have witnessed so much of America's history, have worked beside so many of its leaders, and have touched so many of its people as did CLAUDE PEPPER. From his first days in the U.S. Senate back in 1937, CLAUDE PEPPER established a reputation as a defender of the downtrodden and a fighter for the helpless that would quickly become the hallmark of his public career.

You did not have to agree with CLAUDE PEPPER to be an admirer of his political and personal achievements. His return to public life in 1962, after the bitter primary defeat in 1950, stands as one of the great political comebacks of all time. Through his tenacious efforts, CLAUDE PEPPER helped redefine the meaning of "senior citizen," and his tireless efforts and boundless enthusiasm for life inspired millions of America's elderly to feel better about themselves.

One should not think of CLAUDE PEPPER only as a champion for the elderly, for throughout his career he brought about changes which serve Americans both young and old. He concentrated on the good he felt could be done. He was known for his support of older Americans, but his first bill in Congress was to help handicapped children, his last project to fight drugs and dropouts and keep American families together. In 1945 he sponsored legislation that led to the creation of the World Health Organization, and to the creation of the National Institutes of Health.

After a visit to Nuremberg in 1938, Senator PEPPER became one of the first in the United States to warn of the rise of Nazism in Germany. CLAUDE PEPPER was hung in effigy and called a warmonger for his early support of lend-lease for Great Britain at a time when many Americans opposed military assistance to Europe.

In recent times, CLAUDE PEPPER was again looking to the future, pushing hard to create a long-term health care program for the elderly and a center on biotechnology to study the secrets of genes, which holds out the promise of curing long-term illnesses such as Alzheimer's disease.

And many do not realize that CLAUDE PEPPER has been a leading voice in the call for greater freedom and democracy in Latin America.

Perhaps there is a lesson for us in the passing of CLAUDE PEPPER.

CLAUDE PEPPER's political career reminds us that the past was not always a gentler time, nor were elections or parliamentary debates always contests between courtly gentlemen. Democracy was always a rough and tumble affair, and careers were risked and ruined over both good and bad. He knew disappointment and villification, grief and defeat, but never lost his enthusiasm or his lifelong concern for those who needed help.

On a personal note, CLAUDE PEPPER and I shared a common birthday—September 8—and we had an opportunity to cut a cake together last year—a memory I will cherish.

We will not hear again the old-fashioned turn of phrase that CLAUDE PEPPER brought to these Chambers, but along with the legacy of major legislation that he left behind, I hope we will also retain something of the indomitable, caring spirit that characterized the third Senator from Florida.

ORDER OF PROCEDURE

Mr. GRAHAM. Mr. President, I ask unanimous consent to speak for 10 minutes for the purposes of submitting a resolution and making a statement in respect to Senator CLAUDE PEPPER.

The PRESIDING OFFICER (Mr. LIEBERMAN). Is there objection? Without objection, it is so ordered.

RELATIVE TO THE DEATH OF REPRESENTATIVE CLAUDE PEPPER, OF FLORIDA

Mr. GRAHAM. Mr. President, I send a resolution to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A resolution (S. Res. 137) relative to the death of Representative CLAUDE PEPPER, of Florida.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

Mr. GRAHAM. Mr. President, I rise in humility to honor the memory of

one of the greatest orators who ever spoke in this Chamber or the Chamber of the House of Representatives, or before any parliamentary body—one of the political giants of this republic, a selfless man, who for most of this century personified public service: Senator CLAUDE PEPPER.

CLAUDE PEPPER, was a small man in stature, but he was a legend in his time. He was a poor man—a man who did not see a paved road until he went to college, but he left us richer in spirit.

He was a gentle man, with a passion for justice.

He was a serious man, who could laugh about himself and the rest of us on this planet. But most of all, CLAUDE PEPPER was a servant. A servant to the public.

Senator PEPPER was an exceptional public servant because he combined two rare traits over much of this century: Courage and vision.

When courage and vision come together in one person over a lifetime, we call that special person a champion.

And CLAUDE PEPPER was a champion of champions.

He was a champion for civil rights, for a strong America to defeat Nazi tyranny, and for dignity for older Americans.

Born in Alabama in September of 1900, CLAUDE PEPPER took a stand for civil rights in his adopted State of Florida in the late 1920's, a quarter century before Brown versus Board of Education and more than 30 years before the Great Society and before the public schools were integrated in Florida.

At the age of 27, a promising young lawyer named CLAUDE PEPPER was elected to the Florida Legislature.

He represented Taylor County, a rural timber area in north Florida, one county away from the Georgia line.

In 1929, CLAUDE PEPPER's first full year in the Florida Legislature, something happened in far-away Washington that would reveal CLAUDE PEPPER's courage at an early age.

President Herbert Hoover's wife invited a group of congressional wives to the White House for tea. Among that group in 1929 was the wife of Congressman Oscar De Priest, a black Representative from Chicago.

The Florida Legislature attacked the First Lady in an angry resolution that said her actions endangered segregation and white supremacy.

CLAUDE PEPPER—before he was 30 years old—stood before the Florida Legislature and uttered these words:

> I am a Southerner, and a Democrat, like my ancestors before me.
>
> But I consider this resolution out of place as an act of this body.

CLAUDE PEPPER was one of the handful of members of the Florida Legislature to vote against the resolution to censure Mrs. Herbert Hoover.

The next year, CLAUDE PEPPER was defeated at the polls, in large part because he took a stand for civil rights.

Yes, CLAUDE PEPPER was a man of courage and vision.

Later, in the U.S. Senate, CLAUDE PEPPER introduced an antipoll tax bill. He did so in 1941. It would be 23 years before this Nation abolished the poll tax by adding the 24th amendment to the Constitution.

Senator PEPPER was also ahead of his time in recognizing the threat of Adolf Hitler and the Nazis.

Mr. President, I was born in 1936. I was born 5 days after CLAUDE PEPPER was elected to the U.S. Senate. I am 52 years old.

One of the most poignant tributes to Senator PEPPER that I heard this week came from a college friend who is almost my exact age.

He said:

> I can remember as a child—as a child growing up in Jacksonville, FL—my parents talking about a brave man who opposed the Nazis. His name was Senator PEPPER.

On June 6, 1940—4 full years before the Allies' D-day landing in France—Senator PEPPER introducted a resolution calling on America to lease its old warplanes to Great Britain.

Congress enacted the Lend-Lease Program in the spring of 1941, providing a major boost to the Allies in Europe.

He was a man of courage and vision. Many people did not share PEPPER's view of the Nazi threat.

One group went so far as to make an effigy of Senator PEPPER, which was hung in front of this Capitol. Then, the likeness of PEPPER was tied to a car and dragged around the Supreme Court building.

Senator PEPPER saved that effigy. It is now with his papers at Florida State University in Tallahassee, as he described it, as a "cherished souvenir," and he defended the right of his critics to speak out against him. He was a man of courage and vision.

CLAUDE PEPPER fought child labor abuse, he helped set the first minimum wage at 25 cents an hour, he battled insurance and pension fraud, and he was among the first in Congress to focus attention on the flow of drugs into our country.

He was effective in many areas, but the last 20 years of his long legislative service were dominated by his never-ending commitment to the dignity of older Americans.

In 1978, CLAUDE PEPPER sponsored legislation that eliminated a mandatory retirement age for Federal workers and raised it from 65 to 70 in private industry.

He protected Social Security and Medicare, he helped create the National Institute for Arthritis, increased funding for cancer research, advocated home health care as an alternative to institutionalization and fought crime against the elderly.

CLAUDE PEPPER was a devoted husband, married 42 years to his loving wife, Mildred, from St. Petersburg, FL. When cancer claimed Mildred a decade ago, CLAUDE PEPPER intensified his lifelong efforts on behalf of research.

He promoted the creation of the National Cancer Institute. During his long service in Congress, CLAUDE PEPPER sponsored legislation for 7 of the 11 National Institutes of Health.

CLAUDE PEPPER—gifted in the use of language—said, my "concern for the elderly long preceded my joining their ranks." Before he was 30, CLAUDE PEPPER was helping older people.

His first bill in the Florida Legislature allowed elderly people to fish with a rod and reel, or hook and line, without paying a license fee. "It sounds like a small matter today; it was not small then," PEPPER said in his autobiography.

Florida and all of America will miss this champion—a man who had met Orville Wright and the Apollo spaceship crew.

He was a man who combined courage and vision who made this Nation better.

CLAUDE PEPPER—servant of the public—lived up to the high standards suggested by the Apostle Paul in his letter to the Philippians:

> * * * With humility of mind, let each of you regard one another as more important than himself.
>
> Do not merely look out for your own personal interests, but also for the interests of others.

In life, CLAUDE PEPPER gave of himself, and in passing, he gives us a gift more precious than gold or gems or precious stones. His legacy is that service to many transcends service to self.

America and his friends will miss this champion, but we will honor his memory by renewing our dedication to his ideals of justice and human dignity.

I thank the Chair.

Mr. President, this resolution, which I submit on my behalf as well as Senator MACK, has been cleared by both sides of the aisle. I ask that the resolution be adopted.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

The resolution (S. Res. 137) was agreed to, as follows:

S. RES. 137

Resolved, That the Senate has heard with profound sorrow the announcement of the death of the Honorable Claude Pepper, late a Representative from the State of Florida and formerly a Senator from that State.

Resolved, That the Secretary communicate these resolutions to the House of Representatives and transmit an enrolled copy thereof to the family of the deceased.

Resolved, That when the Senate recesses today, it recess as a further mark of respect to the memory of the deceased Representative.

WARREN MAGNUSON: IN MEMORIAM

Mr. HOLLINGS. Mr. President, Senators past and present were deeply saddened during the recess by the death on May 20 of our beloved former colleague Warren Magnuson. For 47 years, Maggie represented the people of the State of Washington so magnificently in Congress—36 of those years in the Senate. He was a superb legislator, but he was more. To this Senator, he was a mentor and a dear friend.

Perhaps the most important lesson I learned from Maggie is that things can be done in the Congress if we will that they be done. And with that can-do attitude, he tackled some of the biggest issues of his day, pushing through landmark legislation to protect consumers, defend the environment, and fulfill the promise of civil rights for all Americans.

It was Maggie who divided Senator's into two categories: show horses and work horses, and Maggie epitomized the latter. He did not make many national headlines. Instead, he made headway, paving a path of progress not just for the people of Washington but for the Nation as a whole.

Long before Ralph Nader became the consumer guru, Warren Magnuson's Commerce Subcommittee on Consumer Affairs was hammering out the Truth in Packaging Act, the Door-to-Door Sales Act, and the Flammable Fabrics Act. After relinquishing the subcommittee chair in 1969, he continued to champion the consumer by pushing for consumer warranty legislation, the School Bus Safety Act, the Safe Drinking Water Act, and more.

Just as he was Congress' "Mr. Consumer," he was also Congress' "Mr. Health." In 1937, he introduced in the House a bill to create a National Cancer Institute. As Senator in 1948, he sponsored legislation that established the National Health Institute. These institutes were the beginnings of the National Institutes of Health, a magnificent research establishment that is truly Warren Magnuson's living memorial.

The people of my own State are perhaps most indebted to Maggie for his sponsorship of the National Health Service Corps. The corps serves hundreds of thousands of rural Americans who would otherwise go without adequate health care.

Another of Maggie's great contributions was in the field of civil rights. He authored the public accommodations provisions of the 1964 Civil Rights Act and was constantly in the vanguard of legislative battles for fair and equal justice.

Perhaps Maggie's most profound impact, however, was in the field of environmental protection. His Marine Mammal Protection Act saved the killer whales off of Puget Sound and, indeed, saved endangered mammals off of all America's coasts. I owe him a great personal debt for his unflagging support and wise counsel as we worked in the Commerce Committee to piece together one of the most significant environmental protection bills ever to pass this body, the Coastal Zone Management Act of 1972.

It is no overstatement, Mr. President, to say that Warren Magnuson shaped and set the agenda for the modern Senate Commerce Committee. He was a pioneer in the Senate, and a dear mentor of this particular Senator. I will always be proud of having served intimately with Maggie on the two committees he chaired. We will miss him greatly, but the fruits of his labor will be with our Nation forever.

TRIBUTE TO WARREN G. MAGNUSON

Mr. HATFIELD. Mr. President, last Thursday, a number of my colleagues and I gathered in Seattle to pay our final tribute to one of this century's most powerful men: Senator Warren G. Magnuson. Washington State was the first true love of the man we knew as Maggie, and it was fitting that we should travel there to pay our respects to him and to his wonderful family. But Capitol Hill was his home away from home for 44 years, and it is on this floor and in the committee rooms down the hall where those of us who had the privilege of serving with Maggie will remember him.

By the time I arrived on Capitol Hill during the winter of 1967, Maggie had been here for almost four decades already. We were a strange pair, Maggie and I: A New Deal Democrat and a Lincoln Republican, a powerful committee chairman who played poker with Presidents and a freshman Senator still learning his way around the building. But Maggie took me under his wing, tutoring me about politics and about power.

He shared with me the lesson Congressman Joe Cannon once shared with him: "There are two kinds of people in Congress," he would say, "show horses and work horses. The workhorses usually stay longer." And he shared with me the secret of success: "If you want to get something done, give someone else the credit." And then he shared a great insight: "If you've got the votes, you don't need a speech," he would say. "If you need a speech, you don't have the votes."

If you combined the history and political science departments of the best universities in this country, they still would not rival Maggie. But it was not just the lessons and the secrets and the insights that made Maggie a great tutor.

Above everything else, Maggie knew that his power came fom the people. Whether he was debating child safety legislation or marking up an appropriations bill, he always wanted to know what effect it would have on ordinary people. The first bill he ever managed to get passed—in 1937—led to the creation of the National Cancer Institute. It was one in a long, long line of what he called his people programs and stands today as a monument to his commitment to the citizens of this country.

That commitment was not so much a lesson as it was a reminder: That each of us is only a custodian of Government. In an age of press releases and sound bites, that reminder—Maggie's reminder—is to be cherished and preserved.

Anyone who knew him could spend hours extolling Maggie's accomplishments and the hundred and one ways in which he touched our lives. The greatest memorial to him, however, is that simple reminder: We are here for the people.

The Nation will miss Senator Warren G. Magnuson. As we try to carry on where he left off, those of us who knew him will miss Maggie.

COMMENDING THE PRESIDENT AND THE SECRETARY OF TRANSPORTATION

Mr. LIEBERMAN. Mr. President, I rise to commend President Bush and Secretary of Transportation Samuel Skinner for their recent decision ordering automakers to increase the gas mileage of their passenger cars and imposing strict fines on those who fall below the standard. This is an important step forward in integrating the Nation's energy and evironmental policies.

As a member of the Environment and Public Works Committee, I have become acutely aware that the integration of our energy and environmental policies is critical to many of the major issues we face—including reauthorizing the Clean Air Act, fighting global warming, and preserving the Arctic Refuge in Alaska.

If energy use is the yardstick, the United States currently has one of the world's least efficient economies. Japan and West Germany both now produce about twice as much GNP per unit of energy as we do. The United States has no comprehensive energy policy that addresses the sources of energy supply, the patterns of energy consumption, national security, and environmental protection. That is why Secretary Skinner's action represents such a positive step forward in demonstrating real leadership in this area.

Some 123 million Americans now live in areas which violate the national health-based ozone standard. Motor vehicles are the largest single contributor to ozone, accounting for about 45 to 50 percent. Increasing the gas mileage of passenger cars will decrease the emissions of hydrocarbons—a principal contributor to ozone—from the fuel distribution systems of automobiles, thereby helping to reduce the ozone levels in the air.

We also have heard disconcerting evidence in the last several months about the potential effects of global warming. It is undisputed that the amount of carbon dioxide, the principal greenhouse gas, has been steadily building since the industrial revolution and, unless there is something to counteract the growing volumes of CO_2, the Earth's atmosphere will heat up within our lifetime and certainly within the lifetimes of our children.

Automobiles and light trucks account for 20 to 25 percent of all U.S. carbon dioxide emissions. A car that gets only 18 miles per gallon—the current average for cars—will produce more than 57 tons of CO_2 during its lifetime. A car that gets 26.5 miles per gallon, the standard for the 1989 fleet, will emit 20 tons less. And the 1990 model, based on the Secretary's decision, will emit even fewer tons of CO_2.

Finally, there are those who still argue—even after the *Exxon Valdez* spill—that the pristine Arctic National Refuge should be used for oil production. But if we continue along the path initiated by Secretary Skinner and tighten the fuel efficiency standards, we will save billions of barrels of oil. According to one estimate, Secretary Skinner's decision will result in the saving of 4.6 billion barrels of oil during a period of 30 years. On the other hand, even under the best assumptions, the oil we might find in the Arctic Refuge would amount to 3.2 billion barrels over 30 years.

I thank Secretary Skinner for his leadership and urge him to work with EPA Administrator Reilly in forging a comprehensive national approach to combining energy efficiency and environmental protection.

MITCHELL HONORED BY AMERICAN TASK FORCE FOR LEBANON

Mr. DOLE. Mr. President, just before the recess, the distinguished majority leader, Senator MITCHELL, was honored with the Philip C. Habib Award by the American Task Force for Lebanon.

The task force was created several years ago, to focus attention on the tragic situation in Lebanon. It established the Philip C. Habib award to honor public figures who have provided exceptional leadership in shaping effective American policies toward Lebanon.

Certainly, the task force could have found no more worthy recipient than Senator MITCHELL. The Nation and people of Lebanon, and the cause of freedom in Lebanon, have no more effective champion than GEORGE MITCHELL.

Mr. President, on receiving this award, the majority leader gave an important and eloquent address on American policy in Lebanon. I want to share his words with the Senate. I ask that the text of his remarks be printed in the RECORD, and urge all Senators to give them careful attention.

At the same time, I want to take this occasion to reaffirm my own commitment to work with him, and with the many other Senators deeply concerned about the situation of Lebanon—to insure that America remains engaged in this vital issue, and that American policy remains effective in achieving our important goals in Lebanon.

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

AMERICAN TASK FORCE FOR LEBANON SPEECH, MAY 19, 1989

It is a great honor to accept the Philip C. Habib Award. No person has more diligently worked to advance the cause of peace throughout the world. Since his entry into the Foreign Service forty years ago, Phil has worked to resolve conflicts and promote freedom in virtually every part of the world.

His efforts have been recognized by numerous awards of distinction. It is fitting that the American Task Force for Lebanon has established an award in his name. In so doing, the Task Force acknowledges Phil's special commitment to the cause of peace in Lebanon. We are fortunate to have his talent and energy devoted to a cause so special to all of us here tonight.

It is special to me because it was the place of my mother's birth. It was also the source of her values. They can be summed up in three words: God, family, country.

Whoever I am, wherever I go, whatever I accomplish, it will be because of my father and mother.

My mother's faith was total and unquestioning, an integral part of her life. After she stopped working she attended church every day. That was so important to her that she once described a local Republican candidate as a good man because she saw him often at daily mass. That upset my father who insisted that it would take more than a few masses to get him to vote for a Republican.

Her faith involved more than rituals. For her, religion didn't mean just listening to the gospel or reciting it; it meant living its message in daily life. And she did. For thirty years, she worked in textile mills, usually from eleven in the evening until seven in the morning. I still can't figure out how she did it. But she'd put us to bed before going to work all night. She'd get home in the morning in time to get us off to school, then when we got home from school in the afternoon she'd be there with the kitchen full of freshly baked bread.

She taught us early not to take ourselves too seriously. She couldn't read or write English and mispronounced many words. When we kidded her about it, she laughed with us and usually mispronounced them even more.

My mother knew nothing of history or political science. But she understood America because she understood freedom and opportunity.

She died penniless but a very wealthy woman. Because she left behind important values, born in the soil of Lebanon, nurtured in the freedom of America, universal in their reach, and enduring in their strength.

Many of you share that heritage. Many have family and loved ones still living in Lebanon. We are all deeply saddened by the tragedy of the Lebanon today.

Since March, residential areas in and around Beirut have been devastated. Hundreds have been killed and many more wounded. The people have been trapped in their homes, often without electricity, food or water, praying simply to survive. Tragically, it is the innocent who suffer most.

Even as we meet tonight, the violence intensifies, the tragedy deepens. On April 29, the United States declared that additional emergency funds would be provided. I support this effort and will work to ensure that the United States does all it can to meet the humanitarian needs in Lebanon.

I've written to the President, written to and talked with the Secretary of State, our Ambassador to the U.N., our Ambassador to Lebanon, and many French and Lebanese officials. On April 19th the Senate unanimously approved a resolution I introduced, calling on the President to support all efforts including those of the United Nations, to achieve a cease-fire, gain the withdrawal of all foreign forces, and encourage a process of internal reconciliation among the Lebanese parties.

Unless and until the fighting stops, there can be no hope for resolving the underlying issues: withdrawal of all foreign forces and meaningful political reform.

The United States has called for a cease-fire and has supported the Arab League's efforts to mediate a peace.

But as we all know, this has not been enough.

I recently wrote Secretary Baker again.

Because it expresses directly my feelings on the subject, I'd like to read to you a part of that letter:

"A lasting cease-fire must be the immediate goal of the United States in Lebanon. I commend the Administration's repeated calls for an end to the fighting and its strong support for the Arab League's mediation efforts. Yet I believe the United States can, and must, do more.

With its 40,000 troops on Lebanese soil and its repeated shelling of civilian areas, Syria remains a major obstacle to the Arab League effort to secure a permanent truce. I am concerned that Syrian President Assad fails to understand the seriousness with which the United States regards his actions in Lebanon. The use of force cannot resolve the conflict within the country. Continuation of the destruction and the slaughter of innocents is simply unacceptable. I urge you to convey this message personally to President Assad so that there can be no misunderstanding of the policy of the United States.

I also wish to focus your attention upon the issue of American aid to Lebanon. Through the emergency food assistance program and our support for reconstruction, housing, and vocational training, the United

States has long helped alleviate suffering and assisted in the rebuilding of Lebanon.

I welcome the decision to immediately provide some aid to international and voluntary relief organizations and to consider additional emergency relief organizations and to consider additional emergency relief measures. Yet this disaster relief cannot be expected to fully address the needs of the coming year.

I therefore urge you to reexamine U.S. assistance to Lebanon to ensure that the expanded humanitarian needs will be met effectively. In particular I hope that the United States will provide the additional medical supplies and equipment that are so desperately needed by hospitals throughout the country. Further, we must be certain that our emergency food assistance program, in conjunction with other food relief efforts, will be sufficient to prevent widespread hunger and suffering in Lebanon."

That's the end of the letter. It's a simple and straightforward message. We're grateful for what's been done. But we must do more, the American Government must take an active, leadership role in bringing the fighting in Lebanon to an end.

The presence of Syrian and Israeli forces in Lebanon casts a long shadow across the country, mocking the concept of independent statehood. Other governments send men and material to advance their own aims upon Lebanese soil. Foreign interference has fueled the bitter division and violence within the country for fifteen years. It must end.

At the same time, we must candidly acknowledge that the Lebanese share some responsibility for the fate of their nation. Their failure to agree upon the election of a President last September furthered the political chaos. There are now two governments which claim legal authority. Sadly, they are defined by religious affiliation. The split has threatened the very existence of the state.

The division along religious lines is the antithesis of Lebanon's historic character. Lebanon was once a shining example of diversity and tolerance. It was a land in which Christians, Moslems and Jews lived peacefully and together created a center of industry and culture known throughout the world.

We all hope that this Lebanon one day will reemerge—that a democracy of tolerance and thriving trade can be restored.

To achieve this goal, all parties must set aside their factionalism, abandon their individual aims, and forgive their enemies.

The Lebanese factions must recognize the importance of preserving the State. They must be willing to move their struggle from the military to the political arena. If they do not, Lebanon will remain easy prey for outside powers.

I believe that, despite the years of war, the Lebanese can find their way toward accommodation. I believe they share a common faith in Lebanon.

The reaction to the death of the Grand Mufti, Sheik Hassan Khaled demonstrates this faith. All of Lebanon was saddened when his eloquent voice of moderation was silenced. The entire nation paused out of respect for a leader who believed in a place and a future of coexistence. And in an unprecedented gesture, the Patriarch has received mourners at his official residence.

This is the true spirit of the Lebanese people. This is the spirit that will save the nation.

As trying as these times are, as large as the obstacles appear, we cannot despair. We cannot lose hope. We must, each of us, do everything we can to see to it that our suffering brothers and sisters will some day soon enjoy the peace, justice and freedom for which they so desperately yearn and so richly deserve.

SENATOR DOLE'S REMARKS TO THE AMERICAN TASK FORCE FOR LEBANON

Mr. MITCHELL. Mr. President, because the situation in Lebanon is of such concern to us all, I ask unanimous consent that the recent remarks of the distinguished Senate minority leader, Senator DOLE, to the American Task Force for Lebanon be printed in the RECORD.

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

REMARKS OF SENATOR BOB DOLE TO THE AMERICAN TASK FORCE FOR LEBANON, MAY 19, 1989

I welcome you all back to Washington, and back to Capitol Hill. There has never been a greater need than there is today—for Americans to demonstrate their commitment to a unified, stable and peaceful Lebanon.

For the country and the people of Lebanon, each day seems to begin with new tragedy, and end with diminished hope.

Daily, artillery shells fall on Beirut by the hundreds, and deaths and injuries mount by the score. This week, we have witnessed the brutal assassination of one of Lebanon's leading voices of moderation, Shaikh Hassan Khaled—the spiritual leader of Lebanon's Sunni Muslims. Shaikh Khaled's murder was clearly intended to intimidate all moderate, nationalist Lebanese.

Washington is polluted with hyperbole, but this is no exaggeration: Lebanon as a sovereign nation is on the brink of extinction.

Unless people of courage, common sense and goodwill—people of Lebanon, of the Middle East, and of capitals from Moscow to Washington—unless such people everywhere with a stake in Lebanon's future start acting now, it will be too late.

The first order of business is to end the violence in Lebanon. No one party is responsible, and no one party can act unilaterally to end the violence.

But it will never be stopped unless Syria and its Lebanese allies end their relentless assaults on anyone who dares to oppose Syrian hegemony over Lebanon.

The Arab League initiative offers the only hope in the short term to restore some semblance of peace and stability to Lebanon. All nations and people of goodwill should embrace this initiative, support it, and urge its immediate implementation.

I should note that it is no coincidence that Shaikh Khaled was one of the most outspoken advocates of the Arab League's efforts—that surely was one reason he was targeted.

But ending the violence is only the first step. American policy must aim at three principal goals.

First, we must seek the restoration of Lebanon's territorial integrity, through the withdrawal of all foreign forces. That includes the withdrawal of the Syrians—who bring not stability but an appetite for control over all of Lebanon.

Second, we should seek to nurture a strong, unified Lebanese Government, with the determination and resources to extend its authority over the entire country. Lebanon cannot much longer survive the prevailing situation—where foreign forces, and both foreign-backed and indigenous militias, are carving up the country into warring feifdoms.

The fact is, we will never see an end to Lebanon's use as a base for international terrorism, hostage-taking and drug-running until a strong, responsible central government is established in Beirut—a government which can exercise control throughout the territory of Lebanon.

Finally, as these fundamental tasks are being accomplished, we should do everything possible to encourage and facilitate reform of the Lebanese constitutional system, so that there can be a government which truly represents all the people of Lebanon.

There is a great mountain to climb, and we are starting at the bottom. In fact, the task is so intimidating, and the risks and dangers so real, that many—especially many outside Lebanon, who are not in the immediate line of fire—many may be tempted to turn away and say: This is not our problem.

Regrettably, that has been the attitude of far too many in this city. The memories of hundreds of marines lost to the actions of insane terrorists; of tens of Americans taken hostage; of a half dozen Americans still held after many, many months—these memories understandably raise the question: Why should America be involved?

Well, in my view, we should; even more, we must. And for two very good, and very compelling, reasons. We should be involved because it is right. We are the leaders of the free world, and ultimately it is freedom which is at stake in Lebanon—the restoration of freedom to a people who have had one of the proudest traditions of democracy not only in that region, but in the world. The Lebanese people, no less than any other, deserve freedom—political freedom, and freedom from aggression, terror and intimidation.

Even more concretely, real American interests are at stake. Peace in Lebanon is one key to peace in the Middle East. And, as I said, America and Americans will never be safe from terrorism—unless lebanese peace and sovereignty are restored. We will never be able to reduce the flow of deadly narcotics through the Middle East—unless a strong, central government in Lebanon can regain control of its own territory and coastline.

And I should add one final point, manifest in your presence here today. America is involved because so many Americans have family and personal ties to Lebanon. For these Americans, it is not members of this faction or that—who are dying; it is not practitioners of this religion or that—who are dodging the artillery shells. It is for them father and mother, brother and sister—who are living, who are part of, the terrible tragedy of Lebanon.

America, alone, cannot solve the problem of Lebanon; we cannot bring peace to that troubled land; we cannot restore the sovereignty of that beleaguered nation.

But neither can we stand by and watch, while others destroy a free country and free people, and threaten important American interests.

Lebanon, clearly, is a vital concern of everyone in this room; and it must remain an important concern of our Government and of all Americans.

I thank you for working so hard and effectively to get that message across. And I pledge my continuing help in our common cause.

JOHN McCLOY

Mr. MOYNIHAN. Mr. President, few men exert lasting and profound influence on a nation and a world for half a century. Fewer still effect this influence fueled by what John McCloy's friend, Jean Monnet, termed burning patriotism. Content to work for this Nation without fanfare, John McCloy served this country in public, but mostly in private, with service marked by integrity, vision, and enormous ability. His recent death meant the loss of a remarkable man who, as an individual, did much to shape the post-World War II world.

Mr. McCloy entered public service in 1940 as then-Secretary of War Henry L. Stimson's assistant and was subsequently appointed World Bank President in 1947. As United States Commissioner in Germany in 1949, Mr. McCloy exhibited uncommon wisdom and was principally responsible for reintegrating Germany into the European community. His effect on United States-German relations is still felt today.

Mr. McCloy went on to leadership in private life: chairman of the board of Chase Manhattan Bank, head of the Ford Foundation, and honorary chairman of the board of the Council on Foreign Relations. His work for nuclear disarmament was ground-breaking, his influence tremendous. As coordinator of U.S. disarmament activities from 1961-63 and chairman of the President's General Advisory Committee on Arms Control and Disarmament from 1961-74, he served Democratic and Republican Presidents alike. The 1963 Nuclear Test Ban Treaty and the establishment of the Arms Control and Disarmament Agency were products of his labor.

He was not only decorated with the Presidential Medal of Freedom, but as a grand officer of the Legion of Honor of France and a member of the Grand Official Order of Merit of Italy and of the Grand Cross Order of Merit of Germany.

Mr. President, former Secretary of State Henry A. Kissinger—another American leader of lasting and continuing impact—spoke so eloquently in eulogizing John McCloy. I ask unanimous consent that this eulogy be printed in the RECORD.

There being on objection, the eulogy was ordered to be printed in the RECORD, as follows:

EULOGY BY HENRY A. KISSINGER, MARCH 21, 1989

John McCloy never served in the Cabinet of any President; yet he served every President from Franklin D. Roosevelt to the present. After 1952 he never occupied a full-time government position, yet few Americans have had a greater impact on their times.

John McCloy lived by a maxim he frequently quoted by his friend, Jean Monnet, another man who changed his time without holding public office: "Every good man is ambitious. The test is whether he is ambitious to do or ambitious to be."

John McCloy was ambitious to do. And he had a marvelous time at it. His life spanned almost half the history of the Republic. He knew people who had fought in the Civil War and on the plains against the Indians. In one way or another, he witnessed every war of this century. And he lived through extraordinary change, steering much of it himself. To John McCloy the seeming contradictions of life were the raw material with which to fashion a better world. He loved his country and he loved peace but he knew that some values had to be defended. He believed both in defense and in arms control; he had a passionate faith in democracy but he was also devoted to making every honorable effort to coexist with Communist adversaries. He was perhaps proudest of having helped, in personally massive ways, to bring a defeated enemy back into the community of democracies.

John McCloy was an extraordinary pilot through waters made treacherous by conflicting currents. He supplied vision and direction in an age that too often demands answers before it formulates the questions. Amidst the uproar of clashing technical considerations, he never lost sight of ultimate goals.

John McCloy was quintessentially American. Ours is the only country which seeks its Golden Age in the future, not the past. John McCloy could not abide statements of problems unaccompanied by their possible solution. Of his associates he asked not cleverness but character. He insisted that their obligation, in whatever role, be to give the best that was within them. He was ever in ebullient warfare against the slipshod and the second-rate.

In my memoirs I referred to his anecdotal way of teaching his younger friends. He did not quite know what to make of it and every once in a while he would nudge me and raise an eyebrow. "Anecdotal? * * * Is that good or bad?" So, perhaps I should answer the question by concluding with a few anecdotes of my own.

When I was appointed Security Advisor, a friend suggested that I seek out McCloy's advice on how to operate in Washington, though I barely knew him. McCloy would hear nothing of bureaucratic problems. "Kissinger," he said, "You may know a bit about foreign policy, but to be effective you have to learn about America. I will help you get a Midwesterner as your deputy. And you should take vacations in Colorado."

A few days later he sent me for consideration the name of a young lawyer a friend of his had suggested; it was one of the few times I did not take his advice—perhaps because I wrongly questioned the premise. The man he recommended has since held several Cabinet level positions and is now the CEO of a major corporation.

In 1979 I felt obliged publicly to deplore America's refusal to give asylum to the exiled Shah. McCloy saw the New York Times report and called me. He thought I must have exaggerated. But once he understood the reality, he threw himself—at the age of 83—passionately into finding a home for the Shah. To maintain the honor of his country was ever John McCloy's personal mandate.

When I was Secretary of State, I frequently sought McCloy's advice. On one occasion I invited him to have a drink with me at 6 in the evening. He came promptly and without a question. Months later, I learned—and not from him—that it was his 80th birthday and that he missed the better part of his birthday celebration. For John McCloy, public service always took precedence over his private life.

My generation lacks McCloy's certitudes and wonderfully buoyant optimism. All his collaborators benefitted from his gifts in the crucial foreign policy endeavors of our nation. Our future will be more blurry without him and much lonelier, but none of us would trade places with those not granted the gift of having known him.

At a celebration in honor of John McCloy a few years ago, I tried to sum up his life in a statement by Bismarck, the minister of a country with whose history and new beginnings John McCloy became entwined: "Those statesmen who like to fish in troubled water will wind up being paralyzed by their own cleverness. The utmost that a statesman can strive for is to listen prayerfully amidst the cacophony of history for the footsteps of God, clutch the hem of His cloak, and walk with Him a few steps of the way."

John McCloy walked humbly in God's footsteps, and for those of us he touched he gave guidance by letting us accompany him too short a part of the way.

SWEDISH FOREIGN MINISTER COMMENTS ON EAST-WEST RELATIONS, FOREIGN POLICY, AND SWEDISH NEUTRALITY

Mr. PELL. Mr. President, on May 17 the Foreign Relations Committee had the pleasure of meeting informally with the Foreign Minister of Sweden, Mr. Sten Andersson. There was a useful and interesting discussion of Sweden's view of East-West relations, the problems of environmental protection in relation to third world development, and the singular role of Sweden's neutrality in its international relations.

I am glad to report, on the basis of this meeting, that relations between our country and Sweden are friendly and constructive. We have mutual concerns about environment issues and about East-West relations. There is a good dialog between our countries and a refreshing absence of difficult bilateral issues.

I ask unanimous consent to have printed in the CONGRESSIONAL RECORD following these remarks the introductory remarks prepared by Minister Andersson for his meeting with the Foreign Relations Committee on May 17, 1989.

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

SPEECH OF INTRODUCTION BY MR. STEN ANDERSSON, MINISTER OF FOREIGN AFFAIRS OF SWEDEN, AT A LUNCHEON GIVEN BY THE COMMITTEE ON FOREIGN RELATIONS, UNITED STATES SENATE, MAY 17, 1989

Mr. Chairman, ladies and gentlemen, I am very honoured by your invitation and I am

grateful to have the opportunity to exchange views with all of you upon different subjects.

I would like to dedicate the first minutes to Sweden's security policy. It has three main components: our policy of neutrality, often described as non-participation in alliances in peace-time, aiming at neutrality in the event of war; It goes back to the early 19th century; a strong defence, supporting the policy of neutrality; and a foreign policy, striving to gain respect for international law and to achieve a peaceful solution of conflicts and international solidarity. We strongly believe that deep and broad economic and social gaps between nations constitute a threat to world peace and stability.

The policy of neutrality is a means by which Sweden tries to avoid being dragged into war. It is not an end in itself, but a means which we use in our endeavour to safeguard our independence and national security.

The policy of neutrality is not an attempt at climbing onto moral high ground. I would like to stress that. And our neutrality is not an ideological neutrality. Sweden is—as you are very well aware—a Western democracy, and, like the United States, a member of the cultural community that traces its roots to the Judeo-Christian value system and ancient Greek philosophy.

Through our policy of neutrality and our substantial defence efforts we have made an important contribution to preserving the Nordic region as a stable area of low tension in Europe.

Sweden lies at the crossroads between NATO and the Warsaw Pact in Europe. In fact, Sweden covers about half of this border area. I venture to believe that our policy of neutrality has been—and is—of benefit to the peace and security of the whole of Europe.

Perhaps, this aspect of Sweden's contribution to stability and security in Europe was particularly important during the Cold War, in periods of tension between East and West.

But—and this is my firm conviction—Sweden's policy of neutrality and Sweden's role in Europe is no less important today, when we are witnessing a growing understanding and an increasing cooperation between East and West.

We are living through a thrilling period in Europe these days. Comparing the importance of historical events is difficult and often meaningless. But I would argue that what is happening in the Soviet Union and in some other East European countries today is the most important event in Europe since the end of World War II.

Let us call it democratization. Let us even call it an "agonizing reappraisal" of the past. But in doing so, we must be realistic at the same time. We can't foresee the end of the process. We must not draw too far-reaching conclusions from what we witness. There is, of course, reason to appraise current events in the Soviet Union with vigilance and without illusions.

Nevertheless, it is a Swedish national interest, a European interest and—I believe that you share my opinion—a world-wide interest that this process continues. Therefore we should do out best to encourage it.

For historical and geographical reasons and thanks to its policy of neutrality, Sweden has special opportunities for establishing contacts with the Baltic republics. Responding to their demands for cooperation in economic, cultural and scientific and other fields is an essential contribution to the dismantling of artificial barriers in Europe. And, at the same time, it is one way we can give substantial support to the Soviet policy of renewal. There is undoubtedly some justification for calling the Baltic republics "the vanguard of the perestroyka".

As I said initially, respect for international law, a peaceful solution of conflicts and—I add—respect for human rights and strong support of the United Nations are cornerstones in Swedish foreign policy. It is always the smaller nations like Sweden which suffer most from violations of international law.

We cannot accept the law of the jungle in relations between nations. We must have a set of rules for behaviour among nations—just as we have between citizens of a country.

Swedes have often been used to mediate in international conflicts, sometimes sacrificing their lives.

Count Folke Bernadotte, who shipped people out of the concentration camps in Germany at the very last minute in 1945, fell by an assassin's bullet in Jerusalem in 1948 when serving the United Nations.

My old friend Olof Palme mediated on behalf of the Secretary General of the UN in the conflict between Iran and Iraq as did Gunnar Jarring in the Middle East, and my friend and collaborator for many years Bernt Carlsson in Namibia.

Dag Hammarskjöld was the second Secretary General of the United Nations.

Raoul Wallenberg was not a mediator but a great hero of human rights, whom I can't avoid mentioning in this context. As you very well know, Raoul Wallenberg, who is now an honorary citizen of the United States, saved tens of thousands of lives in Budapest during the last months of World War II.

In recent times, the Swedish government has done some work to facilitate the opening of a dialogue between the United States government and the PLO—a crucial step in the process leading to peace in the Middle East.

Of course, Sweden prefers peaceful settlements of all conflicts as does the United States and the rest of the world. But we also make these efforts to contribute to peaceful solutions of conflicts because it is our own security that is at stake, when there are wars and armed conflicts going on in the world.

Armed conflicts can always escalate and spread. Even a remote war can be the spark that brings the world close to doomsday. I don't need to give you any worst-case scenarios for the Middle East.

We believe that our policy of neutrality as a spin off effect creates possibilities for us to act as mediators and work for peaceful settlements of conflicts. We have no alliance commitments that could make the parties involved in a conflict suspect that we are not acting independently.

And—finally—there are some moral considerations in our foreign policy, considerations based upon solidarity. We earnestly think that Sweden, a fairly rich country which has been spared the terrible experience of war for 175 years, has a duty towards less fortunate countries.

Thank you!

AMBASSADOR WACHTMEISTER ENDS HIS SERVICE AS SWEDISH AMBASSADOR AND DEAN OF THE DIPLOMATIC CORPS

Mr. PELL. Mr. President, I would like to express my sadness—and pleasure—at the circumstances under which Ambassador Wilhelm Wachtmeister is ending his service in Washington as Ambassador of Sweden and dean of the diplomatic corps.

Sadness because Willy Wachtmeister's retirement from the Swedish Foreign Service marks the end of an era in which he has played an exceptional role in furthering the interests of his country and the cause of good relations between Sweden and the United States.

Pleasure at the knowledge that Count Wachtmeister and his lovely wife Ulla will continue to live in Washington and, indeed, make this city their home.

Washington has had a love affair with the Wachtmeisters for many years, and it is good to know that the feeling is mutual.

I ask unanimous consent that the text of an article in the Washington Post, May 17 about Ambassador and Mrs. Wachtmeister be printed at this point.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE WACHTMEISTERS, STAYING IN TOUCH—SWEDEN'S DIPLOMATIC DUO, TAKING LEAVE OF THE EMBASSY BUT NOT THEIR CAPITAL HOME

(By Martha Sherrill)

They live in a world where good Swedish meatballs and a great game of tennis still count for something. They haven't been dying for their country, exactly. They've been pouring drinks for it. Planning menus for it. Shaking hands. Playing tennis.

When asked how they managed to become the most beloved couple on Washington's Diplomatic Circuit, Wilhelm and Ulla Wachtmeister of Sweden fumble for answers.

He says it's her parties.

She says it's him.

Their dearest, closest friends here—blue-bloods, old money politicians, cave dwellers—generously unlock their jaws:

"They are very attractive," says Sen. Claiborne Pell (D-R.I.). "They are professional diplomats to the core. They know languages. They also have very strong personal interests. The Countess Wachtmeister—I'm sure you know—is a very good painter. And Count Wachtmeister is very good in lawn tennis."

'They entertain so beautifully," says Archie Roosevelt.

"The flowers," says Evangeline Bruce, "were like nobody else's."

"Her hand is amazing," says Ina Ginsburg, "She will put a ribbon somewhere and it will have a tremendous effect."

"I'll give you an example of how sweet she is," says Lucky Roosevelt. "Once my mother was visiting and I was away, and she took my mother to lunch . . . How kind! What kindness! She's incapable of a malicious thought."

"They've really become part of our lives here," says Susan Mary Alsop. "When I found out they were staying, I was sooooo relieved. Their leaving would have felt like the Washington Monument being removed."

"They are close family friends," says Barbara Bush, "All our children know and love them. I promise they will be a Washington couple which belies that old rule, 'When you're out, you're out.'"

"With George and I, the Wachtmeisters will always be in."

Count Wilhelm Wachtmeister, the ambassador of Sweden and the dean of the diplomatic corps, will be retiring from both posts at the end of this month. He and Ulla, the Countess Wachtmeister, will not be returning to Sweden. They like it too much here.

The ambassador's highest-ranking tennis partner, President Bush, stopped by the residence Monday night. Last night 1,000 family and friends—members of the Cabinet, of Congress, of the diplomatic corps—gathered for an 'au revoir" party in their honor. For the first time the Wachtmeisters openly discussed their plans for the future. She's going to paint full time. He's stepping into the private sector, as an adviser to Volve Chairman Pehr Gyllenhammar and a member of the American board of P-K Banken, a Swedish bank.

"This is something," he says, "that you do very much here in America—where you go between the two sectors. But we don't do that at all in Sweden, but now is my chance."

Last week at the residence, the couple sat down to talk about 42 years of diplomatic life, the last 15 spend in Washington, and their decision to stay.

Wachtmeister leads the way through the place—a white Spanish stucco house that belongs in Bel Air. He walks past the heavy furniture, tapestries, icons. He's a tall, fit-looking 66-year-old. His charcoal suit matches his hair. He keeps looking at his watch. He seems stern until he smiles once. Friends call him "Willie."

He arrives at an airy room filled with his wife's huge, colorful paintings. Out beyond the many windows overlooking the garden lies the tennis court—sort of Wachtmeister's outdoor business office.

Ulla Wachtmeister nods for tea and coffee to be served. She's delicate, a cloud of yellow-blond curls and soft skin. She's wearing a short navy blue jacket with opulent gold trim. It appears to be something terribly expensive, but turns out to be an old uniform coat of Willie's from his days as a young diplomat in Madrid. The countess cut it up herself.

"I want to scale down my activities," he says. "I want to control my own schedule, which I haven't done for 15 years."

"For 42 years," corrects Ulla.

"Right," he says, "42 years."

They've lived and raised their three children in Vienna, Madrid, Lisbon, Moscow and Algeria. Wachtmeister spent three years in New York as personal secretary to then United Nations secretary general Dag Hammarskjöld. During their years in diplomacy, they've spent a total of 15 years in Sweden. And during his post here, Wachtmeister has lasted through five U.S. presidents, six secretaries of state and eight chiefs of protocol.

"While receptions and visits and ceremonies are very nice," says the ambassador, "you can be saturated from it. I feel less hungry about these things. I think somebody hungry should go to the table. And those who have already eaten should step back."

Ulla Wachtmeister has watched 65,000 people parade through her house in the past 15 years, somebody on her staff estimates. Although she herself would never use a word like "parade." It's too common, too undiplomatic. Her voice floats and isn't always audible. She talks about her "inner life," and about how they met.

It was on a hunting party in Sweden. Perhaps 1945. "It was very cold and my husband caught a virus," says the countess, who was an 18-year-old baroness at the time. "He didn't feel so well, and I made some lemon-and-honey water for him. I took care of him, you see, and it went to his heart."

Just two weeks before his first posting in Vienna, in 1947, the Wachtmeisters were married. "I didn't know what I was getting into," she says. "You learn during your life, what it's all about."

People seem to agree she's not the ordinary Washington hostess. "She's a woman of great depth. Very profound. So unusual for Washington," says Lucky Roosevelt. "And she does the diplomatic things, which is often all talk—well, you know how that is—and she does it beautifully. But if you want to delve further she can do that, too."

She once threw a candlelight dinner in her kitchen for Norwegian actress Liv Ullman and invited Henry Kissinger, who was then secretary of state. When the king of Sweden was still a bachelor, she organized a luau and sat everyone on the floor of a tent. They wore leis. The king danced. A couple times—when tennis champion Bjorn Borg has come to town—she's grown a little grass tennis court in the middle of the dinner table.

Sen. Alan Simpson (R-Wyo.) says he met Ulla in 1979—she was his dinner companion at some party or other. He was totally enchanted. "The conversation was not about politics," he says, "it was about kids and life and fun and spirit."

"Everybody agrees," says Evangeline Bruce, once an ambassador's wife, "that Countess Wachtmeister in her diplomatic entertaining and friendships is able to show a serenity and awareness that are quite rare."

Rare too, she's never used a caterer. Even last night, her Swedish chef prepared the cuisine. She also grows all her own flowers, and often designs and sews her own clothes. When Wachtmeister became dean, their monthly entertaining budget grew to $4,000 and included another staff member to do the grocery shopping, but for the first 12 years of entertaining here, the countess shopped herself. The food she served to Americans was typically Swedish, usually a smorgasbord.

"I used to wonder how many pounds of potatoes I carried home over the 12 years," she says. "You know, in Sweden we eat so many."

Their guest lists weren't remarkable, says Roosevelt. "No, not unusual. they knew everybody," she says, "and sooner or later you'd see all the top people."

Wachtmeister's good. He plays tennis to win. When asked who can beat his game in town, he hedges diplomatically. "John Heinz—whom I play singles with regularly," he says, "can beat me."

"He's 10 years younger, isn't he?" asks Ulla.

"Eighteen," says the ambassador.

"The president," he continues, "is a good player."

"Fantastic game," says the countess.

The president and the ambassador had met at social functions, says Wachtmeister, but they became close friends on the court when Bush was vice president.

Sen. Heinz (R-Pa.) says he beats Wachtmeister when he's lucky—"He's relentless, aggressive and wily." Ginsburg used to be Wachtmeister's doubles partner. "This is a tennis town," she says. "I've known people who've come here and decided they had to learn tennis because it was such a good entrée,"

"There is another word for diplomacy—and that's *contact*," Wachtmeister explains. "There are special things, hobbies—like tennis in my case. It happens to fit in very well, because Sweden's great power in tennis. And because tennis is so much *en vogue* here in America. It's in. Which is reflected in the government officials playing. You know that out of the 100 senators, 25 are active tennis players? Every fourth senator is an active—and many of them, good—tennis player."

And Wachtmeister's sporty pals might be more likely to come to Ulla's parties. "I'm sure that senators get 10 invitations a day from embassies," he says. "And I have heard that senators tell their secretaries that they decline all embassy invitations except this, this, this. The secret is to get on the exception list. And after two years I think that we were on that list."

"Their friendship with me is based on much more," says Simpson, who does play tennis. "I wouldn't wander onto a court with Willie Wachtmeister for anything . . . He can really punch that ball."

Kay Evans, wife of columnist Rowland Evans, is happy to discuss her husband's tennis relationship with Wachtmeister. "Rowly plays early morning tennis every Friday with Wilie," she says. "And that improves Rowly's disposition tremendously. I'm very happy about that, *very*."

"Tennis is like a party," says Wachtmeister. "It's a vehicle—one means—to get together."

"Sweden," somebody once said, "was nothing before the Wachtmeisters." This is, of course, a gross exaggeration. What he really meant to say was that the Swedish embassy was nothing before the Wachtmeisters. Or maybe that it was *empty* before the Wachtmeisters.

At the time they arrived, in 1974, U.S. relations with Sweden were not so spectacular. Prime Minister Olof Palme publicly compared the U.S. bombing of Hanoi with German World War II atrocities, and President Nixon sent the ambassador home. For 14 months the Swedish residence—and the tennis court—were vacant.

"When Nixon apparently made up his mind that the punishment was over," says Wachtmeister, "that's when I was appointed."

(There haven't been any flaps since. Well, except one. In 1981, rather than attending a big party at the Soviet Embassy to celebrate the 64th anniversary of the Russian Revolution, Ambassador Wachtmeister chose to play tennis instead. A Soviet submarine had recently gone aground in a restricted military zone off the coast of Sweden.)

The Wachtmeisters had just a few acquaintances here when they arrived. They knew Pell, who had met the ambassador in 1957. And they knew Ginsburg, because Pell introduced them. Ulla says Ginsburg was enormously helpful during the adjustment period.

"It can be very difficult for couples when they first move here," says Ginsburg. "For instance, you might want a picture of people before you meet them . . . and it takes a

long time to sort out who is who, and who one should enjoy."

"It does take awhile," says Ulla. "I think this is a mysterious part of the world."

Things on the diplomatic party circuit have since changed. "In the '70s it was rather much influenced by the Iranian ambassador at that time," says Wachtmeister. "It was a splashy kind of thing. And the diplomatic social life in Washington has become much less flashy in the '80s."

"And less visible," says the countess.

"I think the change started with the Carter administration—which was sort of low-key," says the ambassador. "It's much more businesslike now . . . I always resent when the Swedish journalists gripe about the parties taking place here. These are social events for the purpose of getting together, and talking business—politics, if you like. It's not to dance and drink. And not always so fun. It's a hard working capital, as you know. Dinner's over at 11:00. People are in bed at 11:30 if they are lucky."

It was no huge surprise when Wachtmeister announced his retirement. Last month when he turned 66, he reached the mandatory retirement age for the Swedish civil service. He had already stayed a couple years longer than he originally planned after becoming dean of the diplomatic corps in 1986, a high-profile position that any country would consider a coup.

Andrew J. Jacovides, the ambassador of Cyprus, was chosen to succeed Wachtmeister as dean—after a certain amount of confusion. The senior ranking ambassador (based on longevity) automatically becomes dean, and Maiava Iulai Toma, the ambassador of Western Samoa, has seniority over Jacovides. But Toma doesn't reside in Washington, which everyone agreed was a problem.

"He's been a model ambassador and an excellent dean, and anyone who comes in will have huge shoes to fill," Jacovides says of Wachtmeister. "I will certainly do my best to equal him, and do as conscientious a job as I could—for that limited period that I have."

He says "limited" because he plans soon to return to Cyprus, he says, to be the director general of the Ministry of Foreign Affairs—"an important job that needs to be filled."

"I feel sort of sorry for the next dean," says longtime diplomat Archie Roosevelt of Jacovides. "They are a marvelous couple, but I don't think they can afford to entertain like the Wachtmeisters, and their place is *soooo* tiny.

"Who's next in line after Cyprus?" Roosevelt asks.

Probably Sukru Elekdag, the ambassador of Turkey, he's told.

"Well, the Turks have a terrific embassy," he says. "And they'd love having the new dean."

Countess Wachtmeister bought their Spring Valley town house seven years ago. It doesn't have a tennis court—she doesn't play, after all. She uses her muscles to paint, she says. "It's been a studio. I found it for painting and also for weekends when I wanted to get out of the house. It's wonderful, it's just down the road here . . . It's just perfect for another life, for our third life."

Once she gets there, she'll paint again. "You have to immerse yourself to be creative," she says. "You have to go deep into yourself, to express yourself." In the last two years, there's been little time for this. She's not been paid to be an ambassador's wife—and believes that diplomatic wives should have a choice of playing hostess or not.

"It depends how you feel about your country, your husband and your own life," she says. "You can hire caterers and a housekeeper to look after the house. There are many bachelor ambassadors who do very well."

Their summer schedule seems loose, but it's tightly drawn. They'll be in Sweden until July, when the ambassador goes for a board meeting of the "International Tennis Hall of Fame" in Newport, R.I. After that, he goes for a week at the Bohemian Grove—the Bohemian Club's campground outside San Francisco—then back to Sweden for the rest of the summer.

Once back in town, Wachtmeister plans to stay off "the official circuit" and away from the toes of Anders Thunborg, the new ambassador—formerly Sweden's ambassador in Moscow. "I don't want to run over him," says Wachtmeister. "So we'll be very low-key in that regard. We will see our friends—our nonpolitical friends—and, of course, members of cabinet and others who are personal friends, but we will stay out of the public limelight."

For other retired diplomats, there hasn't been much limelight to stay out of. The invitations usually don't come the way they used to. "They won't be sitting at home, I'm sure," says Ginsburg. "They have contributed too much, they've been giving too much."

And will Washington remember that?

"I think this," she says, "will be a case where they will."

All of which doesn't seem to concern Ulla Wachtmeister much. Maybe fewer invitations would be fine. "What is this life all about if you have no time for affection?" she asks. "Everything in our lives is so quick, and my husband and I have had a wonderful life together. It's lovely to have a little house where we can be like newlyweds again."

NORWEGIAN PRIME MINISTER SPEAKS ON "GLOBAL CHANGE AND OUR COMMON FUTURE"

Mr. PELL. Mr. President, the Foreign Relations Committee has had the pleasure of meeting recently with the Prime Minister of Norway, Mrs. Gro Harlem Brundtland. On the basis of our discussion, I am glad to report that the relationship between our country and Norway is friendly and constructive.

In addition to her service as Prime Minister of her country, Mrs. Brundtland serves as Chairman of the World Commission on Environment and Development, and is widely recognized for her leadership in the area of environmental protection. Foreign Relations Committee members were able to see it first hand her qualities of intelligence and commitment that have brought her to world prominence on this vital subject.

While in Washington, Mrs. Brundtland delivered the Benjamin Franklin lecture, on May 2, 1989, entitled "Global Change and Our Common Future." I ask that the text of this lecture be printed in the RECORD at this point.

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

SPEECH BY MRS. GRO HARLEM BRUNDTLAND, PRIME MINISTER OF NORWAY, CHAIRMAN OF THE WORLD COMMISSION ON ENVIRONMENT AND DEVELOPMENT

GLOBAL CHANGE AND OUR COMMON FUTURE—THE BENJAMIN FRANKLIN LECTURE, WASHINGTON, D.C., MAY 2, 1989

We are living in an historic transitional period in which awareness of the conflict between human activities and environmental constraints is literally exploding. This finite world will have to provide food and energy, and meet the needs of a doubled world population sometime in the next century. It may have to sustain a world economy which is five to ten times larger than the present one. It is quite clear that this cannot be done by perpetuating present patterns.

In the never-ending human search for an improved habitat, for new materials, new energy forms and new processes, the constraints imposed by depletion of natural resources and the pollution caused by the conversion of resources have brought mankind to a crossroads.

In spite of all the technological and scientific triumphs of the present century, there have never been so many poor, illiterate or unemployed people in the world, and their numbers are growing. Close to one billion people are living in poverty and squalor, a situation that leaves little choice, in a struggle for life which often undermines the conditions for life itself, the environment and the natural resource base.

We continue to live in a world where abundance exists side by side with extreme need, where waste overshadows want, and where our very existence is in danger due to mismanagement and overexploitation of the environment.

The undermining of respect for international obligations was one of the many negative trends in international politics during the 1970s and the early 1980s.

I believe that the threats to the global environment have the potential to open our eyes, and to make us accept that North and South will have to forge an equal partnership. The threats to the global climate prove beyond doubt that, if everyone does as they please in the short run, we will all be losers in the long run. We need to develop a more global mentality in charting the course towards the future, and we need sound scientific advice and firm political and institutional leadership.

We face a grim catalogue of environmental deterioration. We know that forests are vanishing. Every year 150,000 km2 disappear. We are becoming increasingly aware of the spread of desert land. The yearly rate is 60,000 km2. Good soil is being washed away or eroding at alarming rates. It is estimated that about 150 plant and animal species are becoming extinct every day, most of them unknown to laymen and specialists alike. The stratospheric ozone shield is in danger. And above and beyond all these signs of environmental crisis, the climate itself is threatened.

As the challenging dynamics of global change gradually become clearer, the role of the men and women of science in shaping our common future becomes more central. The interplay between the scientific process and the making of public policy is not a new phenomenon. Indeed, it has been a charac-

teristic of most of the great turning points in human history. One need look back no further than the dawning of the nuclear age to conclude that names such as Fermi, Bohr, Oppenheimer and Sakharov have influenced today's world just as much as Roosevelt, Stalin, Churchill, Gandhi and Hammarskjoeld.

It may be more important now than ever before in history for scientists to keep the doors of their laboratories open to political, economic, social and ideological currents. The role of the scientist as an isolated explorer of the uncharted world of tomorrow must be reconciled with his role as a committed, responsible citizen of the unsettled world of the present.

The interaction between politics and science has been decisive in the pursuance of international consensus on the problem of stratospheric ozone depletion. The protocol which was hammered out in Montreal in September 1987, which provides for reducing CFC emissions by 50 per cent over the next decade, could never have been achieved without a delicate balance between the most up-to-date scientific information, reliable industrial expertise and committed political leadership against a background of strong, and informed public interest.

The fact that new scientific data on the threat to the ozone layer has already prompted us to move beyond the 1987 accords only underlines my point: The scientist's chair is now firmly drawn up to the negotiating table, right next to that of the politican, the corporate manager, the lawyer, the economist and the civic leader. Indeed, moving beyond compartmentalization and outmoded patterns to draw upon the very best of our intellectual and moral resources from every field of endeavor lies at the very heart of the concept of sustainable development.

It is a rare privilege to be here in Washington today and to speak about the challenges before us as we approach the end of a century that has brought more changes than the entire previous history of mankind. I do so emphasizing that U.S. leadership will be decisive if we are to succeed, on a global scale, in making the necessary changes. I do so with the greatest respect and admiration for the human and material resources of this country, resources which can and must be mobilized for sustainable development if we are to overcome the interlocked environment and development crisis.

This nation has perpetually fostered human genius. Benjamin Franklin himself was a paragon of intellectual curiosity and versatility. His inquisitive, insatiable mind was constantly on the look-out for knowledge and would have found it in a desert. His own words about learning are illustrative, and I quote: "In persons of a contemplative disposition, and the most different things provoke the exercise of the imagination, and the satisfaction which often arise to them thereby are a certain relief to the labor of the mind as well as to that of the body".

Had Franklin been alive today, he might have found a solution to the energy problem. He was actually very involved with the problem of energy efficiency. Franklin was the first scientist to study the Gulf Stream. He found that a vessel sailing from Europe to America could shorten the voyage by avoiding the Stream, and that a thermometer could be used to determine the edge of it.

Today, the international agenda has grown more varied and complex, but also more promising. Advances are being made in a number of fields, including the easing of tensions between East and West with the ensuing gains for peace and security and the settlement of regional conflicts.

Should we not take advantage of this favorable climate and direct our efforts towards the critical environment and development issues facing us? Many of these problems cannot be solved within the confines of the nation state, nor by maintaining the dichotomy between friend and foe. We must increase communication and exchange, and cultivate greater pluralism and openness.

In 1987, the World Commission on Environment and Development presented its report "Our Common Future". The Commission sounded an urgent warning: The present trends cannot continue. They must be reversed.

The World Commission did not, however, add its voice to that of those who are predicting continuous negative trends and decline. The Commission's message is a positive vision of the future. Never before in our history have we had so much knowledge, technology and resources. Never before have we had such great capacities. The time and the opportunity has come to break out of the negative trends of the past.

What we need are new concepts and new values based on a new global ethic. We must mobilize political will and human ingenuity. We need closer multilateral cooperation based on the recognition of the growing interdependence of nations.

The World Commission offered the concept of sustainable development. It is a concept that can mobilize broader political consensus, one on which the international community can and should build. It is a broad concept of social and economic progress. The Commission defined sustainable development as meeting the needs and aspirations of present and future generations without compromising the ability of future generations to meet their needs. It requires political reform, access to knowledge and resources, and a more just and equitable distribution of wealth within and between nations.

Over the past couple of years some progress has been made in the environmental field, both in terms of raising consciousness and in terms of taking on particular challenges, such as in the Montreal Protocol on the ozone layer and the Basel Convention on hazardous wastes. However, the picture is very uneven, and the achievements far from justifying complacency.

As far as development is concerned, however, the 1980s have been a lost decade. Though some countries have done well, there has been wide-spread economic retrogression in the Third World. Living standards have declined by one fifth in Sub-Saharan Africa since 1970.

Unsustainable, crushing burdens of debt and reverse financial flows, depressed commodity prices, protectionism and abnormally high interest rates have all created an extremely unfavorable international climate for development in the Third World.

Politically, economically and morally, it is unacceptable that there should be a net transfer of resources from the poor countries to the rich. Paradoxically, the fact of the matter is that while close to a billion people are already living in poverty and squalor, the per capita income of some 50 developing countries has continued to decline over the past few years.

These trends will have to be reversed. As pointed out by the World Commission on Environment and Development, only growth can eliminate poverty. Only growth can create the capacity to solve environmental problems. But growth cannot be based on overexploitation of the resources of developing countries. Growth must be managed to enhance the resource base on which these countries all depend. We must create external conditions that will help rather than hinder developing countries in realizing their full potential.

What we now need is Global Consensus for Economic Growth in the 1990s. It must comprise:

Economic policy coordination that will promote vigorous noninflationary economic growth; Major challenges include reducing payments imbalances between the USA, Japan and the Federal Republic of Germany, and making the surpluses of Japan, the Federal Republic of Germany and other countries increasingly available to developing countries.

From a world development point of view, the financial surpluses of the OECD countries should increasingly be used for investments in developing countries rather than for financing private consumption in the major industrialized countries.

We need policies that will secure more stable exchange rates and increased access to markets on a global basis; Protectionism is a confrontational issue and a no benefit game. Every year, protectionism costs the developing countries twice the total amount of development assistance they receive. The benefits of free trade both for the North and for the South are obvious.

We need policies that will sustain and improve commodity prices;

Policies must encourage and support diversification of the economies of the developing countries; we need adjustment programs that are realistic. Their pace and sequence must be carefully tailored to the characteristics and development priorities of the individual countries through a policy of dialogue. More must be done to incorporate poverty concerns and environmental considerations into adjustment programs.

We need major new efforts that will reduce debt based on the recent Brady initiative. For debt owed to multilateral institutions, the scheme based on a Nordic proposal to soften interest payments on such loans has been taken up by the World Bank. We believe this and similar schemes should be extended in the future.

A very civilized, ancient legal provision on debt reads as follows: "If a man owes a debt, and the storm inundates his field and carries away the produce, or if the grain has not grown in the field, in that year he shall not make any return to the creditor, he shall alter his contract and he shall not pay interest for that year".

This quote is taken from the Code of Hammurabi, King of Babylon, which dates from the year 2250 BC.

4,000 years later the debt burdens, the environmental crisis and the decline in the flows of resource transfers are trends that call for equally civilized considerations.

In addition to our debt efforts, what is called for is increased development assistance, nothing short of a "Marshall Plan" for the poorer nations of the developing world, notably for Africa. I see no reason to conceal, that while Norway has given around 1.1 per cent of its GNP in official development assistance to developing countries in recent years, we are disappointed that the OECD average has declined to a meager 0.34 percent. Those donor countries

which have been lagging behind in their ODA transfers should now make renewed efforts in line with their abilities.

The Soviet Union and Eastern Europe must also contribute to a far greater extent than they have done so far. The developing countries have been declaring their readiness to do their part in terms of policy reforms and constructive negotiations.

A Global Consensus for Economic Growth in the 1990s must be consistent with sustainable development. It must observe ecological constraints. There are no sanctuaries on this planet. If the next decade is to be truly a decade of response to the serious problems which confront the world, the issue of sustainable global development must receive special, and urgent, attention.

It is time for a global economic summit to launch a new era of international cooperation. Issues like the debt crisis, trade matters, resources for the international financial institutions, harnessing technology for global benefit, strengthening the United Nations system, and specific major threats to the environment such as global warming, are becoming increasingly interrelated. Would it not be appropriate to consider both our economic and our environmental concerns together at such a summit, given the critical links between the two?

The Third World seems convinced that international poverty is not a mere aberration of international economic relations which can be corrected by minor adjustments, but rather the unspoken premise of the present economic order. Developing countries have had to produce more and sell more in order to earn more to service debt and finance imports. And the amount of coffee, cotton or copper they have had to produce to buy a water pump, antibiotics or a lorry has kept increasing.

This has led to over-taxation of the environment. It has fueled soil erosion and accelerated the cancerous process of desertification and deforestation. This in turn has begun to threaten the genetic diversity which is the basis for tomorrow's biotechnology, agriculture and food supply.

Biotechnology is a case in point. The effects of modern biotechnology on agriculture and food security in the Third World must be given special care and attention. Clearly, the production of enough food to feed a doubled world population is inconceivable without biotechnology. But there are inherent dangers that could, unless they are avoided, further widen the gap between poor and rich.

The benefits of plant breeding and plant varieties with greater resistance and more rapid growth potential have been, and will continue to be immense. But these benefits may become available only to the rich, while the genes employed in the process often originate in developing countries which derive very little benefit from their use.

Strong international corporations may dominate this field. Legal protection and very firm rules regarding rights of ownership may reduce the availability of products which are important for nutrition and the prevention of famine.

Small-scale farmers in the Third World risk being victims in this process. Biotechnology may produce substitutes for their crops. They may lose income and the ability to provide for their families.

The industrialized countries have a responsibility for controlling market forces in this field and for promoting a more equitable sharing between developed and developing countries. The protection of intellectual property rights and royalties must be in a form which promotes research, which provides for an equitable sharing of financial benefits between inventors and the country of genetic origin and, not least, which makes the products of biotechnology available to those who need them.

We need to foster a stronger sense of collective responsibility and to make the international bodies we have created more effective. The time has come to seek more innovative structures for cooperation than those we have available at present. Stronger mandates for making binding decisions should be worked out.

The threats of global heating and climatic change may be the most severe threat to future development. Life on earth depends on the climate. Human settlement, food production and industrial pattens are at stake.

The effects of climate change may be enormous. The impact may be greater and more drastic than any other challenge previously facing mankind, with the possible exception of the threat of nuclear war.

There is one big, decisive difference here. Whereas nuclear war can be avoided—and at present it seems more remote than at any time since World War II—we will be caught in the heat trap of global warming unless we reduce our consumption of fossil fuels.

We may be about to alter the entire ecological balance of the Earth. The time span needed for plants and animals to adjust to a new climate is normally hundreds of years. However, unless drastic changes are made, the ecosystems will not be able to adjust. Deserts will spread. Crops will be lost. Last year's drought may not have been the result of climatic change, but what will happen if we experience two such dry summers, or ten such dry summers in succession? What will happen to food production? Can we conceive of a doubling of food prices, or even a scarcity of food in the industrialized countries? The developed countries may be able to cope in the short run as long as they can pay for necessary imports. But that option will soon be lost to the developing countries.

Can we conceive of the effects on low-lying countries if the sea-level should rise according to predictions. Can we see any solutions to the political instability that will accompany increased migration as the number of environmental refugees continue to multiply.

All this may not happen, or it may not be that drastic. But the potential risks are so high that we cannot sit back hoping that the problems will solve themselves.

The present generation has a great responsibility. It is this generation that will have to set limitations on our own use of limited resources, in particular on the burning of fossil fuel. We must recognize that the earth's atmosphere is a closed system. We are not getting rid of our emissions. In fact it is like a car which pours out its gases into the driver's compartment.

We must tackle the myth that energy consumption must be allowed to grow unchecked. The industrialized countries have the greater resources, both financially and technologically, to change production and consumption patterns. The developing countries will need much more energy in the future. Many of them have contributed only marginally to the greenhouse effect, and many of them will be most severely victimized by global heating. They must be allowed more time for adapation and a chance to increase their consumption.

We need concerted international action. There are certain imperatives which must be pursued with vigor as matters of the utmost urgency:

We need to agree on regional strategies for stablizing and reducing emissions of greenhouse gases. Reforestation efforts must be included as a vital part of the carbon equation.

We must strongly intensify our efforts to develop renewable forms of energy. Renewable energy should become the foundation of the global energy structure during the 21st century.

It is quite clear that developing countries will need assistance to avoid making the same mistakes we have made over again. It is essential that energy-efficient technology be made available to developing countries when they cannot always pay market prices without assistance.

We should speed up our efforts on international agreements to protect the atmosphere. There are different views on how to proceed on this issue. I urge that negotiations to limit emissions be started immediately.

On 11 March, 22 Heads of State and Government signed a Declaration which set a standard for future achievements to protect the atmosphere. In the Declaration of The Hague we called for more effective decision-making and enforcement mechanisms in international cooperation as well as greater solidarity among nations and between generations. The principles we endorsed were radical, but any approach which is less ambitious would not serve us.

The Declaration calls for new international authority with real powers. On occasion the power must be exercised even if unanimity cannot be reached.

We must have defined standards and ensure compliance. We must have effective regulatory and supportive measures and uphold the rule of law.

Sharing the burden is essential. That is why we called for fair and equitable assistance to compensate those developing countries which will be most severely affected by a changing climate, but which have contributed only marginally to global heating.

The Norwegian Government last Friday adopted a White Paper on the follow-up of the World Commission's report. It has involved all ministries, and not only that of environment; it has implied change in attitudes and policies, and tough challenges for the heavy sectoral ministries such as energy, industry, transportation, finance, foreign affairs and trade, and the Prime Minister's Office has been directly engaged charting a cross sectoral course for the future.

The issue of atmospheric pollution and climate change proved to be a very difficult one. It is difficult because Norway has been fortunate to have vast hydroelectric resources. We do not burn coal or oil to produce electricity. Any reductions of CO_2 emmissions in Norway would involve transportation.

Many also ask why Norway could make a difference when we cause only 0.2 percent of global CO_2 emissions. Should we impose limitations upon ourselves even if other countries have not yet done so?

The Norwegian Government has chosen to set out clear goals. I believe we are the first country to make a political commitment for reductions of CO_2 emissions.

Norway sets a policy for stabilizing its emissions of CO_2 in the course of the 1990s and at the latest by the year 2000.

The Government presupposes that thereafter, a reduction will be possible.

Together with our reductions of CFCs and NO_x, Norway will be able to reduce its total emissions of greenhouse gases by the turn of the century.

Clearly, the larger ecological issues, the ozone layer, global warming and the sustainable utilization of the tropical forests—are tasks facing mankind as a whole. To finance these tasks we will need additional resources.

In the White Paper, our major policy document on sustainable development, the Norwegian Government is proposing, as a starting point, that industrialized countries allocate 0.1 percent of GDP to an International Fund for the Atmosphere. Such a Fund should be created to help finance transitory measures in developing countries, and reforestation projects. Ideally, all countries should take part in this. Everyone would then make their contribution.

Much work is needed to make this proposal operational, and it will be met with considerable reluctance. But unless we establish set of international support mechanisms, chances are less that we will be able to make the transition in time.

I have presented to you the essence of "Our Common Future". To transform it into reality will require broad participation. Every single individual can make a difference. Changes are the sum of individual action based on common goals.

A particular challenge goes to youth. More than ever before, we need a new generation—today's young people who—with new energy and dedication—can turn ideas into reality.

Many of today's decision-makers have yet to realize the peril in which this earth has been placed. I believe that "Our Common Future" can be an effective lever in the hands of youth, and that it can transcend nationality, culture, ideology and race. Youth will hold their governments responsible and accountable and youth will be stalwarts for the foundation of their own future.

Many of you will continue the dialogue on global change and our common future. I want to draw your attention to another major forum to take place in November here in the United States. Organized by the Global Tomorrow Coalition with a wide spectrum of cosponsors, the Globescope Pacific Assembly in Los Angeles will feature, on the 1st and 2nd of November, the first comprehensive public hearing in the United States on the action and policy implications of the report of the World Commission on Environment and Development. The Assembly is designed to encourage discussions on the policy implications of the concept of sustainable development both in the public and in the private sector.

Leaders from government, science and technology, business, education, citizens' organizations, trade unions, churches, foundations, youth groups and media are invited to take part. I hope that many of you will choose to share in this unique initiative to which I give my full support.

In closing, let me stress the need for all of us to view environmental problems in interdisciplinary terms, not in narrow terms of specialization. The world is replete with projects that made excellent engineering sense, but were economically disastrous, or which were economically sound, but environmentally catastrophic. The global environment cannot be separated from political, economic and moral issues. Environmental concerns must permeate all decisions, from consumer choices through national budgets to international agreements. We must learn to accept the fact that environmental considerations are part of a unified management of our planet. This is our ethical challenge. This is our practical challenge. A challenge we all must take.

PETE STATHAKIS: A VERY SPECIAL SOUTH CAROLINIAN

Mr. HOLLINGS. Mr. President, I had the pleasure and honor last evening of attending a dinner in honor of a dear friend, Pete Stathakis, a man who epitomizes the tireless citizen activist, who has devoted his life to expanding opportunity and diversifying the economy of Anderson County, SC.

Pete Stathakis likes to describe himself as "just a fellow who sells liquor"—which reminds me of President Kennedy during a state visit to France introducing himself around Paris as "Jaqueline Bouvier Kennedy's husband." It is a mask of modesty that does not fool anybody in Anderson. They know this man Pete Stathakis too well—as do I. We recalled, last night, the countless ways Pete has touched each of our lives.

The fact is, Pete Stathakis is a classic case of a Greek bearing gifts: the gifts of his talent, his time, his incredible energy, and—most of all—himself. In my own political career, I will never forget that Pete was a friend back when I did not have many friends—when I got my clock cleaned by Olin Johnston in 1962. Certainly, I did not have many friends here in Anderson, where Olin's brother ruled the roost. But, back then, Pete was—no pun intended—something of a Young Turk, and he put "Hollings for Senate" signs up faster than the Johnston crowd could pull them down.

Pete is Greek by ancestry, a North Carolinian by birth, and a South Carolinian by choice and by the grace of God. He specializes in lifting spirits in the Upstate—both by artificial means, and more often by his own contagious enthusiasm and energy. He came to Anderson as a 4-year-old kid in 1934, and for more than half a century has been one of those standout people who contribute a special quality and character to a place. Indeed, people like Pete define a place—at least, what is best in it. And that is especially true in Anderson, where Pete has made people believers in themselves, believers in their community and economy. That is no small achievement, and I know how proud Cleo, Alexandria, John Pete, and his whole family are of this exceptional man.

Mr. President, my State is no stranger to super-achieving Greeks. Greek-Americans are part and parcel of the South Carolina success story, whether serving as lieutenant governor, as department chairman at the Medical University in Charleston, as successful lawyers, or—as in the case of Pete Stathakis—as champion industrial recruiters.

The key to this success is no secret. For the last 8 years, we had a President in Washington who thinks "Grecian formula" is something you slick on along with the Brylcream. The Pete Stathakises of the world are hooked on a different "Grecian formula," the formula of family, hard work, achievement, and—most of all—public service.

Mr. President, I remember when Dwight Eisenhower was president of Columbia University. He bought a tract of land at Gettysburg and the neighboring farmer asked him, "Why'd you buy a farm down here in Gettysburg?" And Ike answered, "All my life, I've been wanting to take a piece of ground and return it to God better than when I found it." That—it strikes me—has been Pete Stathakis mission in South Carolina: to leave it better than he found it.

So, yes, Pete has his awards and plaques—1980 South Carolina Development Volunteer of the Year, and so on. But, in a larger sense, Anderson County is planted thick with monuments to Pete. You can see them on Clemson Highway, in Starr, and on Shockley Ferry Road. They do not bear his name. They bear world-famous names like Michelin and Westinghouse. And—of course—that is just the way Pete wants it.

Mr. President, I appreciate this opportunity on the floor of the U.S. Senate to salute this exceptional South Carolinian.

COMMENDING DR. CLINTON F. LARSON

Mr. HATCH. Mr. President, I rise to speak in commendation of the remarkable Clinton F. Larson, who has served for many years as poet-in-residence of Brigham Young University in Provo, UT. Dr. Larson has been widely praised as a poet of particular talent, as profound as he is prolific. While his subject matter is as broad as the whole range of human experience, he is especially appreciated as a uniquely Western poet, gifted with the power to evoke through the texture and text of his writing the grandeur of the land and the vision of the settlers of the American West.

He is also especially appreciated as the leading poetic voice in the Church of Jesus Christ of Latter-Day Saints. Recently, the Association for Mormon Letters honored Dr. Larson for 40 years of outstanding contributions to the literature of the Latter-Day Saints. He is truly a pioneer, accurately regarded as the father of modern Mormon poetry. Thanks in no small measure to him, Mormon literature now includes a growing body of significant works in which probing combina-

tions of candor and faith, artisitc skill and commitment to the truth, challenge and deeply satisfy the searching reader.

Last year, Brigham Young University published Selected Poems of Clinton F. Larson. I highly recommend it to each of my colleagues. Clint personally gave me a copy of this slim volume, which I treasure. The table of contents itself reads like a poem. Consider these titles: "Sleeping in Church," "Mother Love," "Everybody's Getting Old," "Homestead in Idaho," "Earl's C Street Grocery," "The Magdalene," "Reading Spenser," "Pac Man: An Enormity?," "Racism," "Terrorist," "Quirky Quarks," "The Unified Field," "Alpha and Omega at the End," "To the Pharaoh-Hunter K Orion," "The Conversions of God."

Mr. President, we have just celebrated Memorial Day. At this time, it is right to recall our progenitors and defenders, those who have sacrificed their infinitely precious lives to preserve our freedom. In these times of peace and ease, let us not forget either what or why they gave. In their honor, and for the glory of the cause for which they lived and yet live, I wish to present four poems by Dr. Clinton F. Larson: "Lincoln," "General Meade of Gettysburg," "The Leaf: A Benediction," and "The Morning of the First Resurrection."

Some people are still fighting the Civil War, some the Vietnam. May these help them rest, reconciled.

There being no objection, the poems were ordered to be printed in the RECORD, as follow:

LINCOLN

The dense gray twilight surrounding me is a web
Of elements hanging loose or tattering, the war's
Last windfall. Streets of Washington are empty
Of the ranks of soldiery, and stolid generals
Recede into the impertinence of sleep. The war
Was desolation of finality, the multithousand
Corsairs of darkness vanishing into the gulf
Of their final deployment. I, who gave commands,
Cannot forget my inclination to remain silent.
Now, the carriage waits, and a play's illusion
Is minutes away. The play may entertain,
But the shape will have a smooth, inevitable
Effect in which the mind espouses its own repose.
Once, whistling revenants drew my mind into war,
And the tummult rose like heat to twist and thwart
The vision of regiments that mulled the cause.
Soft and winding heather and vines, rows of roses,
And acresting wheat. If I slump, soon taken
From orders of fiery expedience and slipping will,
I shall rest in the piety of final peace, for war
Subborned the touch and measure of the full devotion
Of my spirit before the prizing primordial will.
I have taken litres of the draught of fire
And have taken litres of the draught of fire
And have quaffed them, or I have handled a chain
By which I keep a lion down and in, though
He stalks the perimeters of strategic war.
The forlorn milieu of battle rehearses me
For a play at Ford's, but the lists of fallen
Are nailed in me like the play's advertisements
That I may wear my continence like conviction
Or the wearing will to survive. Am I still
The attack at Gettysburg and Chancellorsville
Or the still helpcare of a nursing home?
What comes suddenly upon me in the wilderness?
The rainmist shifts and settles, and silence
Is the closure of the desperate, wheeling attack
That hushed me intermittently as I waited
For cannon and the lines to waver slowly forward
From my command and disappear. I wait alone.
The soldiery do not return. I stand guard,
But hear only the crisp leaves cracking
And the flow of the air I breathe. I feel
The darkness. Someone's behind me, at my shoulder,
Now.

—CLINTON F. LARSON.

GENERAL MEADE OF GETTYSBURG

Why am I the army's command? And here? The field
Trespasses into the sky, and trees, in the railing
Light, move as if shaken from below. The tides
Of armament rise along a perimeter. Lincoln,
Of official Washington, sets my will to stay
And field the revulsion of calm. A bugle cries
The solemnity of charge, and tight stars of rank
Revive my bearing into a rod of the mind's alignment.
Look! Brevet Custer wheels left against a hill.
Stannard levels his cannon. Hancock braces
In a chamber of trees. Fires of light intercede,
Driving through smoke. In the cleft of a devil's den
A rift appears. Rows and rows of Carolingians
Pitch and fall graciously to smolder in halls
Of lesser vision. Soldiery march sunlit and drawn
As in a sketch for a daguerreotype in the seethe
Of a thundercloud gathering heat and rolling.
The mounted slip askew, failing from sabres
That rise and sparkle where underlings thresh
And wind in unison. The grille of white smoke
Keeps apertures of fire that reverberate
The sounds of powdering. Why am I here in turn,
A way of being in command in avenues of holiness,
Fevering into decisions to hold here and there
Along the line? Christianly, I yield myself
Near the rock of an angle, caisson in the rustling field,
And the cannister that puffs away, emblazoning
The shadows of my humility before the prince
Of generals on his white mount, pointing here.
I stay. I pitch and hold against his command.
I stay because the field is Gettysburg in the ring
And cavalry of Lincoln's wish, gripped as reins
Are gripped and steadied. I am the horseman with a scythe
That holds the dead that become the dead I touch
In my marrow, in the dials of silence, and in flares
That steal into the dark of my eyes. I worship
The leaping crown fire as it draws my soldiery
To mass and hold in Lincoln's vivid resolution.

THE LEAF, A BENEDICTION

A leaf may fall,
Alight, and burn through eternal Fall.
Soldier, rise into eternal Spring,
The blue and deathless calm.

—CLINTON LARSON.

THE MORNING OF THE FIRST RESURRECTION

The suns of topaz pearl tourmaline strontium
Agate crystal quartz, of light cerise gemming
Sunrise grain indigo and carmine stars
East north east lining in, dispersing
To circumference and horizons round
And stars at the elevation of sunrise
At degrees near twenty-five for the shadowless
Day and the circumference of vision and angels
Helming the spectra in. Morning is awash,
Flowing in the icy caverns of supernal dark,
The lancets of sapphire therefrom calling
Suns that vanquish the meridian as Polaris
Rings the vision. The final light has come
As day. When in the tales of the millennium
Was this told candidly? Though words
Express the edifice now that Isaiah and John
Of Revelation mount the clouds as if they were hills,
The fantasies of realities confirm theme
And veriest hint in the surge of the dawn of glory.
Messier 81 stands away, and Andromeda wears
The Spiral Galaxy. Constellations of the Cross
Invade the spatial dark, and light is the ring
Of gravity that drew us, always curious, in.
This majesty is the kindness of beatitude
And the versions of the grain. Vibrations
Still awareness, fall away, tremble imperception,
And ultraviolet is newest color, timbre in sound
Of an echoing flute, far away. Mists of belief
Flow into testament. Then the circumferences
Of the suns become corona, crown, and the Lord,
As intimate as prayer, becomes the image
Of the cruciform of stars. And He will speak
The power of the resurrection when all may follow Him.
All hallows always were of Him, now fully seen,

Wending from Gethsemane and the prayer of sacrifice
Into the time of space and space of time unending.

DR. BRUCE E. WHITAKER: A GREAT COLLEGE PRESIDENT IS CONCLUDING HIS CAREER

Mr. HELMS. Mr. President, it is difficult to imagine that Bruce Whitaker is retiring, but after 32 years at Chowan College I suppose it is understandable that he would want to relax a bit. Yet, I doubt that he will. Bruce has always been a mover and shaker—a doer—and my hunch is that he will continue to make an enormous contribution in one way or another.

The fact is, Dr. Bruce E. Whitaker has been an inspiration as he has led that relatively small but excellent Baptist College to amazing growth and development. Chowan College is at Murfreesboro, NC, in the northeastern part of North Carolina. About half of the students attending Chowan College have been from Virginia and other States.

During Bruce's 32 years at Chowan, the college's enrollment climbed from about 300 to 950. It says more than a little about President Whitaker's ability that Chowan College has operated in the black for the past 30 years, during which period 13 major buildings, costing more than $20 million, were built on the Chowan campus.

Mr. President, while doing all that, Dr. Whitaker has contributed his time and effort to countless other education organizations. From 1976 until 1982 he served on the board of directors of the American Association of Community and Junior Colleges. He is currently the only director on the board of the American Council on Education who represents an independent 2-year college.

Bruce is a past chairman and a current member of the North Carolina Commission for Mental Health, Mental Retardation, and Substance Abuse Services. The Whitaker School for Emotionally Disturbed Youth in Butner, NC, is named in his honor and North Carolina's Governor has lauded his dedication to the better mental health and total well-being of the youth in our State.

Mr. President, I am very proud of my friend, Bruce Whitaker, for his constant and selfless devotion to the advancement of education. But it doesn't end there: Dr. Whitaker's wife, Esther, has contributed greatly to his endeavors. Esther is currently a professor in the Department of Religion and Philosophy at Chowan College, and very much deserves our gratitude as well.

Mr. President, North Carolina and the Nation owe Dr. Whitaker and his wife immeasurable gratitude—as we do to all the other individuals around the Nation who have dedicated themselves to providing the young people of America an opportunity for a sound education.

SOVIET JEWISH REFUGEES—EMERGENCY CONSULTATIONS

Mr. KENNEDY. Mr President, over the past 2 months a refugee emergency has developed in the flow of refugees from the Soviet Union, particularly among Soviet Jews suddenly being allowed to leave. The number this year will nearly double last year's movement, and far exceed what we budgeted or planned for this fiscal year.

As a result, the President has exercised his authority under section 207(e) of the Refugee Act of 1980 and consulted with the Judiciary Committees on the need to admit an additional 22,500 refugees this fiscal year, as outlined in the April 5 memorandum to the committees from the U.S. Coordinator for Refugee Affairs, Mr. Jonathan Moore. I will include these materials in the RECORD at the end of my statement.

Mr. President, the United States has both a humanitarian as well as a foreign policy interest in responding to this emergency. To fail to act would not only turn our backs to our longstanding commitment to assist Soviet refugees, but to our support of the basic principle of the freedom of movement embodied in the Helsinki accords.

Therefore, the Judiciary Committees of both Houses have now consulted with the President's representatives, and concurred in his recommendations.

We have acted to authorize the admission of additional numbers and we have urged the President to resolve the many problems that have emerged in recent weeks in the processing of Soviet refugees to the United States.

We have also reaffirmed the principle, well established by the Refugee Act, that the decision to admit refugees is a Federal one and the Federal Government must bear the primary responsibility to fund the initial resettlement costs. In the pending emergency supplemental appropriations bill we will soon act to provide up to $100 million for the overseas processing and transportation costs and initial resettlement grants. However, the issue of full funding for State and local costs remains unresolved, although all parties agree we must find new funds to support these programs—and not simply shift funds from other equally deserving and needed programs.

Finally, Mr. President, we expressed our deep concern over the problems that have suddenly emerged this past year in the processing of Soviet refugees, particularly in Rome. As we noted in our consultation with the Attorney General, and in the letter we have addressed to the President, unnecessary obstacles have been raised in the processing and acceptance of Soviet Jewish refugees. They have created needless delays, confusion, and escalating costs in care and maintenance.

If the administration cannot adequately implement our refugee admissions program in a generous and humane fashion toward a refugee group we have long admitted, then Congress will be forced to act until and unless the Department of State and the Immigration Service can adequately implement the new case-by-case screening process.

Mr. President, as required by the Refugee Act, I am submitting for the record the substance of our consultations with the President on the further emergency admission of refugees, and ask that the text of the President's proposal, and the majority letters from the Judiciary Committees concurring in the President's recommendations, be printed in the RECORD. I would also like to include the following table prepared by our Subcommittee on Immigration and Refugee Affairs outlining the numerical distribution of refugee admissions this fiscal year, including the new emergency numbers.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

REFUGEE ADMISSIONS TO THE UNITED STATES (FISCAL YEAR 1989)

	Current levels			Emergency request	
	Fully funded	Semi-funded [1]	Total	Additional amount	New total
Africa	2,000	.....	2,000	.....	2,000
East Asia (1st asylum)	27,000	.....	27,000	1,000	28,000
East Asia (orderly departure program)	19,500	.....	19,500	2,500	22,000
East Europe	6,500	.....	6,500	.....	6,500
Soviet	19,000	6,000	25,000	18,500	43,500
Latin America	3,500	.....	3,500	.....	3,500
Near East	6,500	.....	6,500	500	7,000
Subtotal	84,000	6,000	90,000	22,500	112,500
Private sector initiative [2]	.....	.....	4,000	.....	4,000
Grand total	.....	.....	94,000	.....	116,500

[1] Only partial Government grants available to voluntary agencies.
[2] Voluntary agencies fund 100 percent. Numbers can go to any region.

U.S. SENATE,
COMMITTEE ON THE JUDICIARY,
Washington, DC, May 26, 1989.

The PRESIDENT,
The White House,
Washington, DC.

DEAR MR. PRESIDENT: In accordance with Section 207(e) of P.L. 96-212, The Refugee Act of 1980, we have consulted with Attorney General Thornburgh on your request to admit this fiscal year an additional 22,500 refugees—as outlined in the April 5th memorandum to the Committee from the U.S. Coordinator for Refugee Affairs, Jonathan Moore. We hereby concur in your proposal, with the following recommendations and observations.

First, we support the increase and general allocation of the additional refugee admissions, particularly to deal with the unanticipated flow of refugees from the Soviet Union. However, in providing these additional numbers for Soviet refugees, we would expect that any numbers previously reprogrammed from the Southeast Asian Orderly Departure Program (ODP) would now be restored to the originally approved ceiling, if additional numbers for that category are necessary for ODP applicants who qualify under our refugee laws.

Second, we are concerned that these additional numbers are being proposed without the funds necessary to provide for the domestic costs involved in their resettlement. As the legislative history of The Refugee Act makes abundantly clear, the decision to admit refugees is a Federal one, and the Federal government must bear the primary responsibility to fund the initial resettlement costs.

In this case, the Department of Health and Human Services has indicated that admission of an additional 22,500 refugees this fiscal year will result in a need for an additional $21.9 million this year and another $16.4 million in fiscal year 1990. We strongly share the view that the current plan for obtaining these funds by reprogramming money from the cash and medical assistance account, and transferring it to the matching grant program, places an unreasonable burden upon the States and local communities. It in effect evades the Federal government's responsibility to fully fund existing resettlement programs while admitting even more refugees. We urge you to either support additional domestic funding, or to adjust refugee admissions levels in accordance with the amount of funding available.

Third, the Committee remains deeply troubled over the problems that have suddenly developed this year in the processing of Soviet refugee applicants, particularly in Rome. As reviewed during the meeting with Attorney General Thornburgh, unnecessary problems in the processing and the acceptance of persons qualifying as refugees from the Soviet Union have caused needless delays, confusion and escalating costs in care and maintenance. We would urge you to use the discretionary authorities you and the Attorney General have under existing law to improve the refugee processing system and resolve the delays, backlogs and inconsistent treatment of applicants that allegedly plague our program in Rome.

Unfortunately, in attempting to conform our processing of Soviet refugees to the same guidelines applied elsewhere, the Department of Justice and the Immigration and Naturalization Service moved forward before they were capable of doing so, and apparently before adequate plans, staff or procedures were established in Moscow or Rome. The result has been a near breakdown in what was once a generous and flexible admissions procedure for refugee applicants who have had a long history of being admitted to the United States. While we support the use of the Attorney General's parole authority for applicants that do not meet the refugee definition, we also encourage the Administration to re-examine its system of determining refugee eligibility, to ensure that those who do qualify as refugees are properly granted that status.

If the Administration cannot adequately implement a case-by-case program, or deal with the backlog of applicants in Rome, efforts will surely be made in Congress to temporarily resolve these problems through legislation. To avoid such a legislative response, we urge you to resolve the processing problems that have developed in Rome over this past year.

Finally, while we support this emergency request for additional refugee admissions, we remain concerned during this time of budget constraints over the continuing trend to squeeze overseas refugee assistance programs—which help millions of refugees around the world—in order to sustain refugee resettlement in the United States for a few thousand. As the Committee noted in its September 23, 1988 letter approving this year's refugee program, we must be certain our resettlement program does not prevent our overseas assistance program from responding adequately to the life-threatening needs of refugees abroad.

With these observations and recommendations, the Committee concurs in the emergency refugee request you have proposed. Many thanks for your consideration and best wishes.

Sincerely,

JOSEPH R. BIDEN, Jr.,
Chairman.
EDWARD M. KENNEDY,
Chairman, Subcommittee on Immigration and Refugee Affairs.

CONGRESS OF THE UNITED STATES,
COMMITTEE ON THE JUDICIARY,
Washington, DC, May 23, 1989.

Hon. GEORGE BUSH,
The President, The White House, Washington, DC.

DEAR MR. PRESIDENT: The House Committee on the Judiciary has completed the consultative process mandated by the Refugee Act of 1980 with regard to your proposed revised refugee admissions ceilings and allocations for FY 1989.

The Administration has proposed a revised FY 1989 ceiling of 116,500, of which 112,500 will be fully funded. We interpose no objection to the numbers and allocations as proposed, but believe that at least an additional 3,000 numbers should be made available for the Orderly Departure Program, thereby raising the FY 1989 worldwide ceiling to no less than 119,500.

We welcome the Administration's proposal to reallocate 4,000 of the 7,000 numbers transferred to the Soviet Union in December 1988. We remain convinced, however, that the full 7,000 needs to be restored and therefore urge the allocation of an additional 3,000 numbers to bring the Orderly Departure Program back to its original FY 1989 ceiling of 25,000.

Although much attention has been devoted to the Soviet refugee situation, we believe it is important to recognize also that several thousand Eastern European refugees, particularly Poles, are stranded in Western Europe and are in desperate need of resettlement. We therefore urge you to consider increasing the Eastern European allocation to accommodate additional Polish refugees. In the future, we urge that Eastern Europe be separated from the Soviet Union in the allocation of visa numbers.

Regarding Soviet refugees, we believe that the Administration's projections of anticipated flows justify raising the Soviet ceiling to the proposed 43,500. We note that the Administration proposes that 6,500 will be provided to Armenians, 7,000 to Evangelical Christians, and 30,000 to Jews. It has been our intention all along that, within the Soviet ceiling, priority would be given to persecuted religious minorities. Therefore, we seriously question the need for 6,500 Armenian numbers, believing instead that these numbers can be better used for Jews and Evangelical Christians.

Both the House and Senate have initiated legislative efforts to ease the administrative burdens and costs of processing Soviet refugees. These measures would establish presumptions that Jews and Evangelical Christians in the Soviet Union are subject to persecution. The presumptions would not alter the case-by-case approach. Rather, they would shift the burden of fact presentation consistent with the State Department's September 1988 "World Refugee Report" which stated—

"Notwithstanding 'glasnost' and heightened promises of 'democratization,' persecution on the basis of political opinion remains a fact of life in the Soviet Union, as does persecution of certain religious and national groups. Religious activity and education remain under strict state control. Jews in particular suffer from both religious and ethnic discrimination and have only limited access to higher education and senior Government employment."

Since such presumptions can be established through administrative guidelines, and since they have in fact been used in the past, we urge you to give serious consideration to reinstituting the use of such presumptions, especially in the case of Soviet Jews and Evangelical Christians.

We believe that informal discussions with Congress regarding the FY 1990 refugee ceilings should begin immediately. It is important to better synchronize the appropriation and consultation processes. We stand ready to work with the Administration to attain this goal.

It is our expectation that future consultations will commence with a formal presentation by Executive Branch officials, accompanied by a simple, inexpensively produced document that succinctly outlines the Administration's proposal. This was not the case in this instance, when no formal presentation of the Administration's position was made.

We thank Attorney General Thornburgh, Ambassador Moore and the other representatives of the Executive Branch for their cooperation and assistance during the refugee consultation process.

Sincerely,

HAMILTON FISH, Jr.,
Ranking Minority Member, Committee on the Judiciary.
JACK BROOKS,
Chairman, Committee on the Judiciary.
BRUCE A. MORRISON,
Chairman, Subcommittee on Immigration, Refugees and International Law.

U.S. COORDINATOR,
FOR REFUGEE AFFAIRS,
Washington, DC.

Hon. EDWARD M. KENNEDY,
Chairman, Subcommittee on Immigration, and Refugee Affairs, Committee on the Judiciary, U.S. Senate.

DEAR MR. CHAIRMAN: The President has authorized the Secretary of State, the Attorney General and me to consult with Congress about raising the FY89 refugee admis-

sions ceiling, pursuant to the emergency procedures of Section 207(b) of the Immigration and Nationality Act. I am pleased to transmit a report to Congress concerning the President's proposal to raise the FY89 admissions ceiling by 22,500 in order to accommodate increased refugee flows from the Soviet Union.

I am looking forward to communicating with you further about next steps we might take in the consultations.

Sincerely,

JONATHAN MOORE.

REPORT TO CONGRESS CONCERNING THE PRESIDENT'S PROPOSAL TO RAISE THE FISCAL YEAR 1989 REFUGEE ADMISSIONS CEILING

The President has authorized the Secretary of State, the Attorney General and the U.S. Coordinator for Refugee Affairs to consult with Congress to raise the FY 89 refugee admissions ceiling under the emergency procedures provided for in Section 207(b) of the Immigration and Nationality Act ("INA"). The following information concerning the President's proposal is provided in fulfillment of the requirements of Section 207(e) of the INA.

THE REFUGEE SITUATION; UNITED STATES FOREIGN POLICY INTERESTS

On October 5, 1988, President Reagan determined that up to 94,000 refugees could be admitted to the United States in fiscal year 1989, including up to 24,500 refugees from Eastern Europe and the Soviet Union (Presidential Determination 89-2). President Bush now proposes to determine that an unforeseen refugee emergency exists and that raising the refugee admissions ceiling for fiscal year 1989 to 116,500 to accommodate the admission of a total of 50,000 refugees from Eastern Europe and the Soviet Union.

Additional refugee admissions numbers are required because the number of Soviets being permitted to leave the Soviet Union and apply for refugee admission to the United States (primarily Jews, Pentecostals and Armenians) has increased dramatically since the FY 89 admissions ceiling was established. Today, we are receiving between 6,000 and 8,000 applications per month.

Presidential Determination 89-2 allocated 24,500 refugee numbers to Eastern Europe and the Soviet Union. Of these numbers, full federal funding was available only for 22,500; the remaining 2,000 "semi-funded" numbers were to be used when private funding was offered to cover costs ordinarily borne by the Department of State.

As an interim response to the increase in Soviet applications in the beginning of FY 89, the Reagan Administration decided in December 1988 to increase the regional ceiling for Eastern European and Soviet refugees to 31,500 by reallocating 6,500 numbers from Southeast Asia and 500 numbers from the Near East and South Asia. While 25,000 of these numbers were allocated to the Soviet Union, full federal funding was available for only 19,000. Private funding of up to 6,000 "semi-funded" numbers would help the United States continue to admit refugees to the United States without interruption.

The increased emigration from the Soviet Union is due in large part to diplomatic efforts of the Executive Branch, supported by the Congress, which have consistently called upon the Soviet Union to improve its human rights record and to liberalize its emigration policies. At present, however, there are not sufficient refugee admissions numbers authorized for FY 89 to admit all eligible Soviets who wish to come to the United States and who are being permitted to emigrate. The Department of State has begun a policy review on Soviet emigration, to be coordinated with other federal agencies, which will address the longer-term issues, including the resource requirements for FY 90 and beyond if current rates of Soviet emigration continue or increase. Pending the outcome of this review, and subsequent discussions with Congress and other concerned parties, an upward adjustment of the refugee ceiling for FY 89 is urgently needed as an interim measure to avoid an abrupt cut-off Soviet refugee admissions and to prevent untenable backlogs from developing.

The surge in monthly Soviet refugee applications since the Presidential Determination was made is the type of "unforeseen refugee emergency" contemplated by section 207(b) of the INA. The admission of Soviet refugees in this fiscal year is both "justified by grave humanitarian concerns" and "in the national interest." It would be inconsistent with our long-standing commitment to assisting refugees from the Soviet Union and our call for improvements in the Soviet Union's human rights record not to take steps to continue admitting Soviet refugees from Rome and to alleviate the backlog in Moscow.

We cannot accommodate the increased flows within the ceilings established by Presidential Determination 89-2, as modified by the December reallocation. The numbers now authorized for Eastern Europe and the Soviet Union are being fully utilized and are almost exhausted. Further reallocation from other areas of the world is not a viable option. The situation in Southeast Asia, from which 6,500 numbers were reallocated in December, and where efforts are underway to negotiate an international refugee agreement to deter Vietnamese fleeing by boat, is such that we propose to restore 3,500 of the 6,500 reallocated numbers, returning 2,500 to the Vietnam Orderly Departure Program and 1,000 to Southeast Asia First Asylum. A large backlog of INS-approved refugees from Near East and South Asia also moves us to restore the 500 admission numbers taken from that region in the December reallocation.

NUMBER AND ALLOCATION OF REFUGEES TO BE ADMITTED

The refugee admissions ceiling for fiscal year 1989 would be raised from 94,000 to 116,500, including the 4,000 privately funded admissions authorized in Presidential Determination No. 89-2. With 112,500 numbers for which federal funding could be used, and the 4,000 restored numbers in their original regions, the regional refugee admissions ceilings would be as follows:

Africa	2,000
East Asia, First Asylum	28,000
East Asia, ODP	22,000
Eastern Europe/Soviet Union	50,000
Near East/South Asia	7,000
Latin America	3,500
Total	112,500

It is the Administration's intent to use 43,500 of the 50,000 numbers for Eastern Europe and the Soviet Union for Soviet refugees. Under current projections, about 30,000 would be used by Soviet Jews, about 7,000 by Soviet Pentecostals, and about 6,500 by Soviet Armenians.

CONDITIONS WITHIN THE COUNTRIES FROM WHICH THE REFUGEES COME

While recent months have seen many positive developments in Soviet human rights and emigration practices, these continue to fall well short of the standards the Soviet Union agreed to in signing the Helsinki Final Act and, more recently, the Vienna concluding document.

Political prisoners

As far as we are aware, there are no persons imprisoned in the Soviet Union under the four political or religous articles of the Soviet criminal code. There are about 100 persons imprisoned under other articles who we have at least some reason to believe were sentenced on trumped-up charges. A US psychiatric delegation recently visited a number of psychiatric facilities in the Soviet Union. While they have not yet issued their final report, most known psychiatric prisoners appear to have been released.

Although no one has been sentenced under the four political/religious articles in several years, about 15 Armenians have been arrested under one of these articles in connection with their political activities on behalf of removing Nagorno-Karabakh region from Azerbaijan to Armenia.

While Soviet practice in recent years has been not to enforce the political/religious articles of the criminal code, they remain on the books, and, as in the Armenian example, the authorities continue to resort to trumped-up charges under the criminal code to prosecute selective political cases. Cessation of the use of the criminal code for political purposes is one of the most important steps the Soviets must take before they are in full compliance with the Helsinki Final Act.

Freedom of religion

Freedom of worship and freedom to pursue ethnic or cultural traditions is one of the areas in which some progress has been made in Soviet practice. Believers are facing fewer impediments to attending worship services. The celebration of 1000 years of Christianity in Russia and the Ukraine a year ago drew thousands of worshipers and was actively promoted by the authorities. Services have been held in several major cathedrals for the first time in decades. Worshipers are no longer routinely harassed and the restrictions on religious literature have been liberalized, although not eliminated.

Soviet Jews also have experienced improved conditions for religious and cultural expression. The law against teaching Hebrew is no longer enforced and Hebrew classes are being held openly. In Leningrad, the Karl Marx Institute is sponsoring a Hebrew class. A Jewish cultural center was recently opened in Moscow, and the possibility of opening other such centers is being discussed. A Judaic Studies Center opened this year in Moscow and is functioning as a de facto yeshiva.

For Christians and Jews alike, however, many difficulties remain. There are shortages of priests, rabbis, teaching facilities, kosher butchers, ritual baths, vernacular religious literature and many other elements needed for full spiritual or cultural expression.

Old hatreds still remain. The most recent example is the violence between Azerbaijani Muslims and Armenian Christians. These animosities are generally kept under control by the government but still flare up from time to time.

Anti-semitism is deeply rooted in Russian history, and one of the side-effects of glasnost has been the emergence of groups such as Pamyat, which express traditional Great Russian nationalism and anti-semitism.

Membership in these groups is small, but their rhetoric undoubtedly strikes a responsive chord in the hearts of some Russians, and increases Jewish feelings of insecurity. While the positions these groups take are frequently at odds with government policies and officially the government does not endorse or encourage their virulent anti-semitism, their activities have been tolerated as an unavoidable consequence of glasnost.

Most importantly, none of the reforms has been codified in law. Jews still face many forms of discrimination including exclusion from schools, jobs and housing. Believers also face discrimination in the workplace and elsewhere. There is no independent judiciary to hear and resolve these issues for individuals seeking redress through the system.

Pentecostalists and other Evangelical Christians

The improvements noted above, limited as they are, do not apply to Pentecostalists and other evangelical Christians. Their churches are still banned; they still face possible jail sentences for exercising their beliefs, most notably that of conscientious objection, but also evangelical witnessing and holding religious meetings.

Changes not universal. The positive reforms noted above have been adopted inconsistently and vary from place to place. Old practices and discriminations still exist in many areas, whereas the greatest strides have been made in the occupied Baltic republics, and to a lesser extent in Moscow, Leningrad, and major metropolitan areas.

PLANS FOR MOVEMENT AND RESETTLEMENT, AND ESTIMATED COSTS

Soviet refugee applications currently are processed either in Rome or in Moscow.

Vienna—Rome

The majority of Soviet Jews and Pentecostals leave the Soviet Union via Vienna with Israeli immigrant visas. Upon arriving in Vienna, approximately 97 percent apply for refugee admission to third countries, primarily the United States. The refugee applicants are sent to Rome to be interviewed by Immigration and Naturalization Services ("INS") officers, and, if qualified, are approved for admission to the United States as refugees. The Department of State funds the transportation of Soviet refugees from Vienna to Rome and onward to the United States, and also currently covers the care and maintenance costs for the first thirty days through contributions to voluntary agencies assisting refugees in Europe. However, if supplemental funding is approved, the Department of State would provide full care and maintenance costs to Soviet refugees in Western Europe since the unexpected flows and processing constraints have imposed unsustainable financial burdens on the voluntary agencies arranging their support. The Department of State further provides an initial reception and placement grant (currently $525) per refugee to voluntary agencies in the United States. Department of State total costs for Soviet refugees in Western Europe, including increasing reimbursement for care and maintenance expenses, would average $2675 per refugee this fiscal year.

Moscow

Other Soviets apply for refugee admission at the U.S. Embassy in Moscow. Currently, those approved for refugee admission in Moscow themselves bear the costs of their transportation from the Soviet Union to a United States port of entry. The Department of State funds onward transportation to their final destination, where necessary, which averages about $300 per refugee, and makes the initial reception and placement grant for refugees approved in Moscow. Department of State costs total approximately $825 per refugee.

Raising the admissions level from 94,000 to 116,500 (of which 4,000 will not have federal funding) has budgetary implications for the Departments of State, HHS and INS. The supplemental request which the Administration has just sent to Congress includes $85 million to cover the State Department costs of the additional admissions. This funding is estimated to cover 28,500 additional admissions numbers, including the 6,000 previously authorized numbers which were not funded in the FY 89 State Department appropriations. Actual budgetary needs for HHS' Office of Refugee Resettlement will depend on a variety of factors, including the number of refugees in fact admitted in FY 89, the timing of those admissions, and the number of cases in need of assistance. HHS estimates that the additional FY 89 federal costs to the refugee program budget at $21.9 million, primarily for the voluntary agency matching grant program, and $16.4 million in FY 90. If it were necessary for HHS to absorb some or all of this amount within its current appropriations, some reductions in existing programs would occur, e.g. in the reimbursement to the states for cash and medical assistance, absent any capacity within HHS to supplement the ORR appropriations from other programs. INS has indicated a need for $3.2 million in supplemental funds to be able to do the additional processing required under this plan.

On March 30 the U.S. Coordinator held a consultation to obtain the views of the voluntary agencies, which have responsibility for overseas processing of refugees and for the early stages of their resettlement in the U.S. The agencies were generally supportive of both the need for using the emergency provision to raise the admissions ceiling and the range of numbers presented to them (an increase of 20,000-25,000). They did, however, raise several particular issues: the need for additional numbers of Eastern Europeans, for Pentecostal Christian applicants from the Soviet Union, and for Armenians from the Near East region; the higher rate of rejection in the latest round of processing of Vietnamese Orderly Departure Program applicants; and the fear that supplemental funding for Soviet admissions might result in diminished funds for other parts of the refugee program. The Coordinator and the Department of State expressed their concerns about the agencies' capacity to maintain quality and timeliness of processing higher numbers, especially in Europe, and again encouraged them to organize privately-funded projects to support the 6,000 semi-funded numbers and the use of humanitarian parole.

ANTICIPATED SOCIAL, ECONOMIC AND DEMOGRAPHIC IMPACT

The Soviet Jewish and Pentecostal refugees, who are expected to utilize the great majority of the additional Soviet refugee admissions numbers, will resettle in many locations across the country and will not create any significant impact on most communities. An exception may occur in New York City, where the majority of Jewish refugees who do not have relatives elsewhere in the U.S. are resettled by the New York Association of New Americans (NYANA). New York state has recently reported that the social service system is strained at this point and that an increasing number of refugees in New York City are showing up on public assistance rolls. NYANA has acknowledged that it is struggling to keep up the resource demands of the new arrivals, and attributes its difficulties in part to current funding limitations under the HHS matching grant program.

The vast majority (95%) of Soviet Armenians are resettled in a few communities of Los Angeles County, California. Most of them have little English language capability and therefore request publicly funded language training, often while being supported by the state-funded, federally reimbursed welfare system. Children usually receive language instruction in school, thereby requiring additional English-as-a-Second-Language instructors in the public schools they attend. While this group does not access public assistance or other social services at a rate higher than other refugees in California, their concentration in Los Angeles along with other large numbers of refugees will create additional pressures there.

The Coordinator also consulted with twenty-five representatives of state and local governments at a March 31 meeting. While generally recognizing the need for some increase in admissions, they pressed for a commensurate increase in domestic funding for the Department of Health and Human Services, and asked for detailed answers on what shape it might take, time frames, the proportion of offsets to new funding that might be involved, and the consequences for the FY 90 budget. They also asserted that it seemed the Federal Government was relying too much on the success of the Matching Grant program in its calculations of domestic need for both welfare and social services funding, pointing to recent surveys which showed that almost half of the refugees who had been in Matching Grant programs in New York state were found to be using welfare. The state and local representatives also voiced concerns about the effect of increased parole and regular immigration admissions, for which no domestic benefits are provided, on their financial ability to provide adequate resettlement support.

EXTENT TO WHICH OTHER COUNTRIES WILL ASSIST IN RESETTLEMENT

A basic tenet of the U.S. refuge policy is burden sharing, both in regard to refugee admissions and assistance in first asylum countries. Both on the multilateral level through the UNHCR and at the bilateral level with key resettlement countries, the U.S. promotes the importance of expanding opportunities for third country resettlement.

Israel currently resettles approximately 5% of the Soviet Jews granted exit permission by the Soviet Union. The United States resettles most of the rest. Australia and Canada resettle small numbers of Soviet Jews and Pentacostals. The United States is the only country resettling Soviet Armenians in any significant numbers. West Germany resettles virtually all Soviet refugees of German ethnic origin; 47,000 Soviet ethnic Germans emigrated there in calendar year 1988.

APRIL 5, 1989.

JOHN C. DUGAN

Mr. RIEGLE. Mr. President, earlier this month, John C. Dugan left the

staff of the Senate Banking, Housing, and Urban Affairs Committee to join the Treasury Department as Deputy Assistant Secretary for Financial Institutions Policy.

Senator GARN has already paid tribute to John's work as the Republican general counsel of the committee from June 16, 1987, to May 3, 1989, and before that as counsel to the committee since December 12, 1985, but I, too, want to express my appreciation to John for the job he has done and the contribution he has made involving the work of the committee.

From my recent experience as chairman of the Senate Banking Committee, I can personally testify to the contribution John made to ensuring passage of the Financial Institutions Reform, Recovery and Enforcement Act of 1989 in the Senate. Without his insight, intelligence, and ability to work collaboratively with others, the Senate could not have moved as rapidly or proceeded in as bipartisan a fashion as we have. If John's track record as a staff member in the Senate is any indication of his future at the Treasury, it is clear that the administration and the Secretary of the Treasury have chosen well and will be ably served by his counsel.

We will miss John and I wish him great happiness and much success.

The PRESIDING OFFICER. The Chair wishes to inform the Members that under the previous order, the time for morning business will extend until 3:30 p.m.

The Chair recognizes the Senator from Pennsylvania.

A LEGISLATIVE GIANT—SENATOR CLAUDE PEPPER

Mr. SPECTER. I thank the Chair. Mr. President, it may be possible to extend the time for morning business if that need arises. I shall be relatively brief, but I would like to make a few comments.

I would first like to associate myself with the comments made by the distinguished Senator from Florida, Senator GRAHAM, about his predecessor, Senator PEPPER. Senator PEPPER was a legislative giant, and for the reasons which Senator GRAHAM has articulated, perhaps especially for his standing up in 1930 in support of the wife of President Hoover in refusing to support a resolution where he took such an unpopular position in the State of Florida.

What I found so remarkable about Senator PEPPER's record was his resiliency, his tenacity, and his fighting spirit, coming back again and again. He was in the State legislature in Florida; he was defeated in principle, returned and ran again. He then is elected to the U.S. Senate after being appointed to fill an unexpired term and defeated after serving two terms. He again comes back and runs for the Senate and is defeated. He comes back yet again and runs for the House and becomes a towering figure in American history.

His contribution on the 1983 legislation on Social Security was herculean. I think he was indispensable to put that compromise together because when CLAUDE PEPPER said aye, the senior citizens of America were confident, and that compromise was put together.

I had occasion to work with him just about 2 years ago when he came to Philadelphia, on July 17 for the anniversary of 200 years where the Constitutional Convention formed two branches of the U.S. Congress. He was peppy, he was full of fun, he was full of vigor, he was enjoying himself, and he was particularly to the hilt. It is a great life.

I join my colleagues in commemorating his passing. He was really a great American, a great Senator, and a great Member of the House.

THE NORTH ATLANTIC ASSEMBLY

Mr. SPECTER. Mr. President, I would like to comment briefly this afternoon on the meeting of the North Atlantic Assembly, which was just concluded during the course of the past recess, attended by Senator ROTH, Senator PRESSLER, and myself from the U.S. Senate. Also in attendance were delegations from the House of Representatives, one headed by Congressman FASCELL, and another headed by Congresswoman SCHROEDER.

This North Atlantic Assembly meeting held in Antalya, Turkey, was a very significant meeting, especially since it was contemporaneous with the meeting of the North Atlantic Assembly executives in Brussels.

I compliment our President for his accomplishments in Brussels, where he has, over the objections of the West Germans and others, reached a compromise position, established a principle that short-range nuclear would not be eliminated, and also worked out a compromise to reestablish the resiliency in the alliance of the North Atlantic Assembly, which is very important for the freedom of the Western World and the defense of the Western World.

Mr. President, there is a corresponding organization of parliamentarians from the 16 NATO nations, and I have attended those meetings with some frequency since coming to the Senate. I attended this one because of my interest in a number of subjects which were on the agenda there. A few of the events, I think, are worthy of brief reporting to the Senate, to the House, and to those who may read the CONGRESSIONAL RECORD.

The first is the position taken by the United States delegation that the West German position to eliminate short-range nuclear arms should be rejected because it was a change in position. Reliance is the most important ingredient of the alliance. It we cannot rely upon the NATO nations, then the alliance is really meaningless.

There were many at the NATO assembly meeting where the thought was to eliminate short range entirely and go to the so-called third zero. Our delegation, the United States delegation, made the point that if we took that principle and went to a fourth zero, that is to eliminate strategic nuclear weapons, then the free world would certainly be imperiled because while NATO takes pride in having been a deterrent force in Europe, certainly it is the fact of United States nuclear forces which has been the real deterrent to stop Soviet aggression.

When this point was made, our NATO colleagues rethought the issue, I believe, and understood that if you eliminated nuclear totally, and if the United States went to the elimination of nuclear, that their own freedom would be in jeopardy.

When one delegate from Denmark made the comment that his country wanted to zero out short range because Denmark was within range of the short-range nuclear missiles, our delegation pointed out that everyone in the world, including the United States, is within range of nuclear, be it short range or strategic long range. If you are hit by a nuclear bomb, it does not really matter if it is short range or long range and that the nuclear deterrent is a very, very important factor.

Mr. President, one other issue which I raised involved the concept of the international court to deal with terrorism and drug addiction.

Mr. President, I pointed out that the Senate enacted a resolution in 1986 calling on the President to negotiate for an international court to deal with terrorism, and in 1988 on the drug bill, called for an international court to deal with drug problems.

I will not go into any length now to amplify the reasons, but I stated reasons which this Senator has articulated on the floor when those two resolutions which I introduced were adopted and how it would be effective to establish this international court. I am pleased to report without going into any detail that the concept was warmly greeted by quite a number of our friends, especially on the so-called Devon Island concept, where we would have an international custodian on an island where countries like West Germany, while prosecuting someone like Hamadei, could not be held hostage or West Germans taken hostage in Lebanon.

Mr. President, I ask unanimous consent that the text of my presentation on the final day of the North Atlantic Assembly be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

REMARKS OF SENATOR ARLEN SPECTER AT THE CONCLUDING SESSION OF THE NORTH ATLANTIC ASSEMBLY, MAY 29, 1989

I congratulate our Turkish hosts for their superb hospitality at this spectacular location at Antalya, Turkey.

I commend the President of the North Atlantic Assembly, Mr. Patrick Duffy, for his excellent job of presiding at this conference. When this concluding session began this morning and there were 27 speakers listed, I wondered how President Duffy could finish at the appointed hour, but he has arranged to do just that.

President Patrick Duffy has done such an outstanding job here at Antalya that we should dispatch him to preside at the NATO Executive session in Brussels where there appears to be sharp controversy on the subject of short range nuclear weapons and the prospective timetable for negotiations with the Soviet Union. With the efficiency that Patrick Duffy has demonstrated at these meetings, he would probably be able to solve all the controversy and bring rapid agreement among President Bush, Prime Minister Thatcher, Chancellor Kohl, President Mitterrand and others.

Although I have spoken with some frequency at conference and political meetings, I must say this is the first time that I have ever been 27th on the list of speakers.

This program reminds me of a time in Pennsylvania when I spoke last and the event went on and on and on and I spoke shortly after midnight and only one person remained in the hall. I began my speech by thanking him profusely for staying to hear me out and he said, "Don't think a thing about it, I'm the next speaker." So when I see my colleagues here today at the end of this long session, I know that you do not all expect to speak before the session ends.

I would like to sound two notes if I may—a note of caution and a note of optimism. First the note of caution. In the United States Senate in the Defense Subcommittee of the Appropriations Committee where we decide how to spend our budget of $305 billion we began this year with a review of the Soviet position—where Mr. Gorbachev stands, where his predecessors have stood and where Soviet policy may stand in the future.

We are very hopeful that Mr. Gorbachev will succeed, but we noted that he has been on the scene for only four years. We are optimistic about his motives; but not sure even there. We are less sure as to his tenure. When we have reviewed in the Defense Subcommittee the levels of Soviet strength, their current expenditures and their current positioning, we are still very, very worried and do not propose to cut back on our defense expenditures.

I was very interested in the remark by Mr. Haekkerup of Denmark who commented that his country is within range of Soviet short range missiles. I would point out that we are all within the range of Soviet missiles, long strategic range or short range. If you are struck by a nuclear missile I do not think it makes a whole lot of difference whether it is a long range or a short range missile. There is talk here about zero for SNR. What would NATO say to zero for all strategic nuclear missiles? What would the response be of the Western Alliances to freedom-loving people of the world if we were to eliminate all strategic missiles? Again and again in the course of the debates, we compliment NATO for success in terms of having deterred war. But I wonder if the larger deterrence is not the large stockpile of nuclear weapons in the United States or the mutual assured doctrine generally. If we go to a third zero as some have urged is a fourth zero far behind?

That brings me to a comment about President or General Secretary Gorbachev. He has so many titles now we have to wonder in an era of democratization in the Soviet Union with Glasnost and Perestroika, why there is so much more of a concentration of power in the hands of a single man. From this podium there has been the recurrent theme that the West has won the war of the economic systems and the West has won the war of the political systems; but Mr. Gorbachev has won the propaganda war where he is beating us very, very decisively.

And that, my colleagues, brings up the concern that perhaps we should spend more time in emphatic tones telling our constituencies and the people of the world that it is not Mr. Gorbachev who has the standing to tout openness and democracy, but it is the Western countries who have that standing.

I had occasion last year to visit Hungary. When I talked to the Hungarian leaders, I heard them talk proudly about productivity and incentives and a free market. I made the obvious comment that "This country sounds like it is operating more on Adam Smith than on Karl Marx." And the remarkable thing was not that it was operating more on Adam Smith than on Karl Marx, but that my Hungarian Communist hosts were complimented by that comment. So, as my brief remarks draw to a close, and I wish our President, Patrick Duffy, to remain on schedule, I would urge my colleagues to note our accomplishments, but to be more resolute in speaking out on the success of our system. When the Chinese students rise up in Beijing and they look for a symbol to put in front of the leaders of the Communist regime there, they choose the Statue of Liberty from the United States and not some symbol from Soviet Russia.

Mr. SPECTER. I thank the Chair and yield back the remainder of my time.

The PRESIDING OFFICER. The Chair recognizes the Senator from Minnesota.

EXTENSION OF MORNING BUSINESS

Mr. DURENBERGER. Mr. President, on behalf of the majority leader, I ask unanimous consent that the time for morning business be extended to not beyond 3:50 p.m., under the same conditions as previously stated.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Montana is recognized.

Mr. BURNS. I thank the Chair.

(The remarks of Mr. BURNS pertaining to the introduction of S. 1087 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

ENHANCED RESCISSION AUTHORITY

Mr. BOSCHWITZ. Mr. President, although the President of the United States often gets blamed for deficits, those who understand the budget process know that Congress holds the real power over Federal spending. Congress controls the level of funding for every program. Congress enacts a budget. The budget is not something that the President signs, and therefore it is not something that the President can veto. The President simply does not approve the budget that the Congress passes. Congress shields the budget from special interest spending in huge appropriations bills—appropriations bills that often come here and are a thousand pages long which the President must either sign in its entirety or veto in its entirety.

Many items in these appropriations bills are legitimate. This year's supplemental appropriation bill, for instance, includes some very vital funding for veterans' medical care. But the President can separate these items from things like weed research or sonar catfish counters. He either has to veto the entire bill, as I said, or accept all the unwanted provisions. From Thomas Jefferson to Richard Nixon, Presidents had impoundment authority which gave them authority to impound funds and prevent spending that they deemed wasteful. When Presidents lost that power, they lost one of their most effective tools to control congressional spending and bring the budget into balance. If we want to control spending, we have to restore some form of that balance of power to the President. The balance process is too much in control of the Congress. We need to strengthen the President's hand in the business of balancing the budget. The best way to restore that balance is to give the President what we call enhanced rescission authority, a form of the line-item veto but somewhat different. This simple but far-reaching change would enable the President to reduce wasteful spending and it would lead to streamlined legislation in addition. And it would reduce the growth in Federal spending.

It is clear that the President cannot effectively challenge special interest spending by Congress. In 1988, Congress earmarked $2 billion in special projects that the President did not request. Over the life of the projects, that amount will grow to almost $7 billion.

Scattered across the Federal Government are such important priorities as $3 million for leafy spurge and spotted knapweed control, $5 million for Ted Turner's Goodwill Games, $5 million for portable sonar the Coast Guard does not need, and $376,000 to

build a private underwater laboratory in Key Largo, FL.

The list of those kinds of items goes on and on, and, of course, were memorialized here by Senator Proxmire when he was on the floor with his monthly award, which he called the "Golden Fleece."

Enhanced rescission authority would allow the President to get at this kind of spending. Under legislation I am cosponsoring, the President would notify Congress, after approving a bill, of the funds within that bill he intends to rescind or cancel.

To stop the rescission, Congress would have to adopt a bill within 10 days of being informed by the President, requiring the President to spend the money despite the Presient's reservations. Otherwise, the spending would not take place.

The key to enhanced rescission is that it requires Congress to vote in order to spend money. Currently, Congress can ignore a President's rescission request and require him to spend the money by doing nothing. In President Reagan's second term, not one of his rescission requests even received a recorded vote. From 1983 to 1987, Congress approved less than 2 percent of the funds that President Reagan requested be rescinded.

Some have criticized the line-item veto or enhanced rescission by saying it could only save 1 or 2 percent in spending.

I would start by saying that $10 or $20 billion is not small change, even for the Federal Government. But this assessment misses one of the most important effects of this tool, a side which I think would be more than 1 or 2 percent.

But there is another aspect to enhanced rescission that is important. If you have enhanced rescission as a check on Senators and Congressmen who want to fund some local projects, much of the work of Congress would never have to get done. That is we simply would not have all of those requests, and that would be a very good thing indeed.

The PRESIDING OFFICER. Under the previous order, the time allocated to the Senator has expired.

Mr. BOSCHWITZ. May I ask unanimous consent for another 90 seconds?

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BOSCHWITZ. What we would see happen in the Congress is a dramatic drop in the special interest spending, and special interest type of legislation. Now a large bill goes through, and every one of us tries to lay on a rider, or an amendment to benefit our State, and we must do that. With the enhanced rescission provisions the opportunity for that or the incentive for that would be removed and the work of the Congress very materially simplified.

Furthermore, if every lobbying group realized that they could no longer get a piece of the action, we might reduce the horde of lobbyists that overrun Capitol Hill as well. The threat of a rescission would force Congress to pass bills that were shorter and more substantive.

The work of committees would be far, far simpler. The demand for more and more staff would be stemmed. A lot of the logrolling in Congress, where votes are often bought through some extra spending for a particular Member, would not take place under the threat of rescission. In addition, this important change would leave Congress would more time for its important oversight responsibilities.

Enhanced rescission could streamline the whole legislative process and substantially improve the bills Congress passes.

Finally, enhanced rescission will slow the growth in Federal spending. A study by Jim Miller and Mark Crain looked at the 10 States that gave their Governors a line-item veto authority similar to enhanced rescission. They found this tool packed quite a wallop.

Between 1987 and 1986, State spending increased 3.3 percent in real, per capita spending for each 2-year cycle. States whose Governors did not have authority like enhanced rescission watched spending grow by 4 percent. Those whose Governors had that authority held the increase to 1.3 percent, a full 2.7-percent reduction.

If we gave the President the authority these Governors already have, we'd see similar savings in the Federal budget.

Enhanced rescission is one of the most important steps we can take to reestablish fiscal responsibility and restore America's confidence in the Federal budget process. I look forward to an early vote on this important provision.

I yield the floor.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MOYNIHAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. EXON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Nebraska is recognized.

Mr. EXON. I thank the Chair.

(The remarks of Mr. EXON pertaining to the introduction of S. 1088 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. EXON. Mr. President, I yield the floor.

The PRESIDING OFFICER. Is there any other Senator desiring recognition at this point?

Mr. EXON. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS-CONSENT AGREEMENT—S. 593

Mr. MITCHELL. Mr. President, I ask unanimous consent that the majority leader, after consultation with the minority leader, may turn to the consideration of S. 593, the TV violence antitrust exemption bill. I further ask unanimous consent that when the Senate considers this bill it be under the following time limitation: 40 minutes on the bill and the committee amendments, to be equally divided between Senators SIMON and HELMS; that the only other amendment to be in order be an amendment by Senator HELMS relating to the limiting of explicit sex on television, the time for which would come out of the bill's time; that no motion to recommit be in order; that the agreement be in the usual form; and that immediately upon the expiration or yielding back of time and the disposition of the amendments, the Senate proceed, without any intervening action, to vote on final passage of the bill, as amended, if amended.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXEMPTION OF CERTAIN ACTIVITIES FROM ANTITRUST LAWS

Mr. MITCHELL. Mr. President, having previously consulted with the distinguished minority leader, I now ask unanimous consent that the Senate turn to the consideration of S. 593.

If I may add, Mr. President, before that consent request is acted upon, if it is approved, as I expect that it will be, that means we will be voting on this bill just prior to 5 p.m. and that there will be at least two votes that occur at approximately that time, either in connection with this bill alone or in connection with this bill and another resolution. So Senators should be aware that beginning around 5 p.m. this evening there will be two rollcall votes.

Now, Mr. President, I renew my unanimous consent request that the

Senate now turn to the consideration of S. 593.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 593) to exempt certain activities from provisions of the antitrust laws.

The PRESIDING OFFICER. Is there objection to the request of the majority leader?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on the Judiciary, with amendments as follows:

(The parts of the bill intended to be stricken are shown in boldface brackets, and the parts of the bill intended to be inserted are shown in italics.)

S. 593

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) actions specified in section 2 shall be exempt from the antitrust laws of the United States.

(b) For purposes of this Act—

(1) "antitrust laws" has the meaning given such term in the first section of the Clayton Act (15 U.S.C. 12), and shall also include section 5 of the Federal Trade Commission Act (15 U.S.C. 45);

(2) "person in the television industry" means a television network, any entity which produces programming for television distribution, including theatrical motion pictures, the National Cable Television Association, the Association of Independent Television Stations, Inc., the National Association of Broadcasters, the Motion Picture Association of America, and each of the networks' affiliate organizations, and shall include any individual acting on behalf of such person; and

(3) "telecast" means any program broadcast by a television station or transmitted by a cable television system.

SEC. 2. The antitrust laws shall not apply to any joint discussion, consideration, review, action, or agreement by or among persons in the television industry for the purpose of, and limited to developing and disseminating voluntary guidelines designed to: **[***(1)***]** alleviate the negative impact of violence in telecast material, **[***or (2) alleviate the negative impact of illegal drug use in telecast.***]**

SEC. 3. (a) The exemption provided in section 2 shall not apply to any joint discussion, consideration, review, action, or agreement which results in a boycott of any person.

(b) The exemption provided in section 2 shall apply only to activities conducted within 36 months after the date of enactment of this Act.

SEC. 4. This Act may be cited as the "Television Violence Act".

Mr. SIMON. Mr. President, I yield myself such time as I may consume.

I would like to tell my colleagues how I became involved in this issue. I happened to check into a motel room, as you and I and other Members of this body do frequently, and I turned on the television. All of a sudden in front of me, in living color, someone was being sawed in half by a chain saw. I am old enough to know it was not real, but it bothered me that night.

I came back to Washington and I asked my staff to find any studies that might have been done on how violence on television affects 10- to 12-year-olds. It turned out there are nearly a thousand studies on televised violence, including about 85 very substantial studies. And the results are virtually unanimous, that we are really doing harm to our society.

Because I do not believe in Government censorship, I called the leaders of the television industry to my office and I said, "I don't want censorship, but I think we have to recognize we have a problem, and I would like you to do something about it voluntarily."

One of the network people in that meeting said:

We have a study that shows that television violence does not do any harm in our society.

I told them that they reminded me of the Tobacco Institute people who come into my office and say, we have research that shows that cigarettes do not do any harm.

We can no longer question the fact that televised violence causes harm in our society. The National Institute of Mental Health has said we have a problem. The Surgeon General of the United States has twice warned us that we have a problem. The American Academy of Pediatrics has warned us that we have a problem. The American Psychiatric Association, the American Psychological Association, the American Medical Association, the PTA—the list goes on.

The industry representative also told me that they couldn't get together to establish standards because it would violate antitrust laws. My answer was simply, let's get you an exemption from the antitrust laws so you can establish standards.

As a former journalist, I'm particularly concerned about protecting the rights guaranteed by the First Amendment. I contacted some of my friends in the civil liberties field to assure myself that the bill wouldn't create constitutional problems.

They included Elmer Gertz, the leading civil libertarian in the State of Illinois, Professor Paul Gewirtz of Yale University Law School, and Professor Cass Sunstein of the Law School at the University of Chicago. They all told me they saw no civil liberties problems with this legislation.

So what my bill does, very simply, is grant an exemption from the antitrust laws so the various sectors of the television industry can get together and establish voluntary standards on the subject of televised violence.

This bill does not mandate any action by the industry. It does permit the industry to act together on this serious problem without having to worry about antitrust suits. I hope the industry will take advantage of the opportunity we are giving it. I urge them to take advantage of it.

This bill has passed the Senate twice. The House did not act on either occasion. I think this was due, at least in part, to the efforts of the industry.

I am pleased to say that this year there is a gradual shifting on the part of the industry. For example, the Association of Independent Television Stations endorsed the bill for the first time.

Some may say, why would the television industry be opposed to this? The answer, I regret to say, is a very simple one: violence on television pays. It is cheaper to attract viewers by having violence than by being more creative and being more responsible. But if we permit them to get together and they establish standards, then no one is going to have a edge over someone else on the amount of violence that appears on our television screens.

So my hope, Mr. President, is that we can pass this, and pass this quickly, and do a real service to the Nation.

Mr. KOHL. Mr. President, I want to commend the distinguished gentleman from Illinois [Mr. SIMON] for authoring this important legislation. I also want to say it was a pleasure to work with Senator HEFLIN and Senator DECONCINI on an amendment—added in committee—that I believe will help the television industry raise its powerful voice against illegal drugs.

For better or for worse, television is a major influence in our lives and our children's lives. More than 96 percent of American homes have at least one television set. The average youngster spends more time watching TV than in the classroom. Given the vast exposure of children to television, it's appropriate that we examine the consequences.

Unfortunately, the evidence strongly suggests that television violence has a harmful effect on viewers' attitudes and behavior. Studies of TV violence have been conducted by the National Institute of Mental Health, the American Psychological Association, and the Surgeon General of the United States, among others. All have documented a causal link between TV violence, on the one hand, and aggressive and destructive behavior, on the other. The sad truth is that this linkage affects our children more than anyone else.

I applaud the television industry for its efforts in fighting the drug scourge. But I believe that television's occasional glamorization of drug use, like its depictions of violence, may have harmful consequences for our youth.

Broadcasters are justifiably reluctant to take joint action to curb these problems because of possible antitrust liability. Moreover, any attempt by the Federal Government to restrict the content of television programming

would raise serious first amendment concerns.

But while there is no easy answer, I believe that the television violence act, as amended, would help broadcasters move toward their own solution. The bill would provide a narrowly drawn antitrust exemption to the television industry which would permit it to discuss and develop guidelines on television violence and illegal drug use. The measure, which does not prescribe what the voluntary guidelines should contain, also includes a 3-year sunset provision.

Our bill would simply place the responsibility for regulation where it ought to rest—on the shoulders of public-spirited broadcasters, cable operators, and producers. It would untie the broadcasting industry's hands so that it could help eliminate the harmful effects of violence and drug use on television.

Mr. HELMS. Mr. President, I fully agree with everything the distinguished Senator from Illinois said, and I commend him for taking the leadership on this bill, of which I am happy to be a cosponsor. As the Senator knows, I am going to offer an amendment to which he has no objection, on behalf of myself and Senator THURMOND.

First, let us address the issue of violence on television. It has steadily increased over the years, despite numerous studies which show that TV violence has a remarkably negative impact on children. The bill now pending will allow the television industry to get together and promulgate voluntary guidelines regarding violence on television without fear of violating antitrust laws. I might say to my friend from Illinois, that prior to running for the Senate in 1972, I made my living in the television business. Time and time again, I would refuse to accept scheduled network programming. We had a policy at our station to preview any suspect program, and on a number of occasions, we would not allow the use of our facilities to transmit that trash to the people in our viewing audience, which numbered about 2 million.

We received some protests, maybe four or five. But the majority of the people, in the hundreds upon hundreds, let us know that they appreciated what we were doing.

This is what the Senator and those of us who are cosponsoring this bill have in mind for the television industry to do voluntarily—to take a look at violence and other aspects of television. I commend the Senator, and I am delighted to be a cosponsor with my neighbor on the fourth floor of the Dirksen building.

Mr. President, it is obvious that if the television industry is going to promulgate guidelines for violence—and I think they should—then the television industry should certainly consider guidelines for sexually explicit material which is flooding the television airwaves today. The amendment that I am going to offer momentarily adds sexually explicit material as another issue for which guidelines should be promulgated. I would advise our friends in the television industry to take this seriously. Because if they do not, we will be back. Either they are going to act responsibly on their own, or we will attempt to persuade them to act responsibly by whatever means may be necessary.

The amendment that I am about to offer is necessary in light of the recent deluge of explicitly sexual material on television. Let me say Mr. President, that I have been around the track a few times. I served 4 years in the Navy. I have seen a lot and I have heard a lot. But there have been many occasions in recent months when I have been watching television with Mrs. Helms, and I was embarrassed to be in the same room with her when the offerings of modern television came on the screen.

Other Americans, by the millions, feel the same way. Somewhere we have to draw the line. Even Planned Parenthood—and I emphasize even Planned Parenthood—conducted a study recently which revealed that the television networks broadcast 65,000 references to sexual conduct in one season—65,000 Mr. President. According to my calculation, this is 27 references per hour. I am sure that many of those references were done in what the networks may consider good taste. But the networks should take a look at it and see which are and which are not in good taste.

Do we want some examples, Mr. President? Let me give one. There was a scene in a movie called Favorite Son shown during prime time this past November on one of the networks. The scene depicted a young woman in bikini underclothes seducing a young man. She then asked him to tie her to the bed.

This is great family entertainment, Mr. President, bondage on prime time. That is how far they are going.

Another example is the prime time sitcom which showed a young woman in her underclothes from the back removing her bra. She then asked a stranger if he thought her boyfriend would like her better without her bra. This program prompted a fine young woman named Terry Rakolta to complain to the sponsors of the show.

I do not know whether the Senator from Illinois has heard of Mrs. Rakolta or not, but she has been a one-woman crusade against this kind of trash on television. She has a lot of sponsors worried, and praise the Lord for her.

Mrs. Rakolta said:

I don't want my 8-year-old girl to think that the only way for her to impress men is for her to take off her clothes.

Mrs. Rakolta has done a tremendous job raising the American people's awareness of the problem sexually explicit material on television.

Obviously the networks have gone too far. Prime time has degenerated into sleaze time and the American people are fed up.

Mr. President, that is not just my opinion. A recent Gallup poll showed that 58 percent of adults, either frequently or occasionally, feel uncomfortable about the contents of the television programs they watch with their children. They most often object to sexually-explicit material. More so than violent programs—46 to 37 percent.

In any case, there is clear evidence that the American people feel that something must be done to reduce the level of this kind of material on television along with violence.

I ask unanimous consent, Mr. President, that the text of the Gallup poll be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. HELMS. Mr. President, the airwaves belong to the public, and television networks are supposed to act in the public interest. Too often networks and the stations go for the bottom line—the dollar—often in conscious disregard to their responsibility to the public.

There are 42 million children in America, most of whom watch television daily. In fact, the average child watches approximately 30 hours of television a week. This flood of sex and violence is influencing our children and molding their behavior. How can they not have the impression that such activity is the norm?

Mr. President, studies show that television influences our children and it can have a harmful effect. Back in 1972, the Surgeon General's report concluded, "We know children imitate and learn from everything they see * * * it would be extraordinary, indeed, if they did not imitate and learn from what they see on television."

Another researcher stated that "television entertainment is saturated with sexual lessons which are likely to have an impact on young viewers' sexual development."

I could cite many other studies which come to the same conclusion, but I think I made the point: We are raising a generation of children that are desensitized to violence and killing and who assume that sexual promiscuity and profanity are acceptable forms of behavior. The escalation of this kind of material on television is un-

questionably contributing to the decline of traditional family values.

I will close by saying this—I do not claim to be any better than anybody else, certainly no more moral, but all of us have an obligation to stand up and fight for the preservation of family values. We become a part of what we condone, and if we remain silent, we become accomplices to the pollution of the minds of our children and the degeneration of our society.

Mr. President, we desperately need guidelines to reduce the level of sex and violence on televsion. If the networks do not voluntarily adopt guidelines, it will be difficult to keep the Government from coming in and doing the job for them—especially since the minds and morals of our children are at stake.

EXHIBIT 1

PARENTS DISTURBED BY TV CONTENT; MOST SEE GROWTH IN PROBLEMS

(By George Gallup, Jr.)

PRINCETON, N.J.—Six in 10 parents who watch television with their children at least occassionally feel uncomfortable about the content of the programs they see. Sex and violence are the principal causes of distress, which parents react to by switching channels or turning off their sets.

A recent Gallup study of TV viewing also found a majority of parents feeling objectionable programming is more prevalent now than it was a year ago.

The sensitive issue of program content was given new prominence last month when a front-page article in the New York Times described a Michigan housewife's campaign to curb sex and violence on TV. Her letters of compliant reportedly convinced some major advertisers to remove their commercials from a popular TV show because of its sexually-oriented content.

Parents watch an average of 7.5 TV shows each week with their children under 18, the survey reveals. The incidence of parent-child viewing is higher among women (7.9 programs) than men (6.9). Heavier viewing also is reported by parents whose formal education ended at the high school level (9.1), those with annual family incomes of less than $25,000 (9.5), and parents of school-age children (8.0).

About six parents in 10 (58%) either frequently (25%) or occasionally (33%) feel uncomfortable about the contents of the TV programs they watch with their children. Only one in six (17%) is never troubled while 25% seldom are.

Discomfort over program content tends to be slightly higher among heavier viewers; women, the less-educated and less-affluent, and parents of 6-to-17-year-old children.

Parents who sometimes feel uncomfortable about the shows they watch with their children most often object to sexually explicit suggestive episodes (46%), violence (37%), and obscene language or swearing (17%).

Their most common reactions to subject matter they consider objectionable are turning to a different program or channel (46%), turning the set off (24%), or telling their children what should have been said or done (11%). Other responses cited are refusing to allow their children to watch the program in the future (5%) and expressing their disapproval (4%).

PROBLEM SEEN GROWING

More than half of parents who are uneasy about the TV programs they watch with their children think these occurrences are either much more frequent (17%) or somewhat more frequent (38%) than a year ago; 14% feel they are about the same. Only three in 10 believe there now is somewhat less (21%) or much less (9%) objectionable programming.

Following are the questions and key findings:

On the average about how many television programs do you watch with your children each week?

TV VIEWING WITH CHILDREN

	Average
Nationwide	7.5
Men	6.9
Women	7.9
18-29 years	7.6
30 and older	7.3
Attended college	5.5
No college	9.1
$25,000 and over	6.8
Under $25,000	9.5
Children's age:	
Under 6	7.1
6-12	7.9
13-17	8.0

Parents who watch with their children (83% of parents with children under 18 living at home) were asked:

About how often would you say you feel uncomfortable about something in a television program that you are watching with your children? Would you say you frequently, occasionally, seldom or never feel uncomfortable?

FREQUENCY OF DISCOMFORT CAUSED BY TV

	Percent
Frequently	25
Occasionally	33
Seldom	25
Never	17
Total	100

What would you say is most likely to make you feel uncomfortable?

CAUSES OF DISCOMFORT

	Percent
Sex	46
Violence	37
Bad language	17
Other	6
Not sure	2
Total	[1] 108

[1] Adds to more than 100% due to multiple responses.

If you feel uncomfortable about something on a television program you are watching with your children, what, if anything, do you usually do about it?

ACTIONS TAKEN

	Percent
Switch channel, program	46
Turn TV off	24
Explain to children	11
Ban future viewing	5
Express disapproval	4
Other	6
Nothing, not sure	8
Total	[1] 104

[1] Adds to more than 100% due to multiple responses.

Compared to one year ago, how frequently would you say you feel uncomfortable with the television programs you watch with your children?

TREND IN DISCOMFORT CAUSED BY TV CONTENT

	Percent
Much more frequently	17
Somewhat more frequently	38
About the same	14
Somewhat less frequently	21
Much less frequently	9
Not sure	1
Total	100

The findings are based on telephone interviews with 424 parents of children under 18, out of a total sample of 1,008 adults, 18 and older. The survey was conducted nationwide between Nov. 14 and Dec. 4, 1988 for The CBN Family Channel by The Gallup Organization. For results based on the subsample of parents, one can say with 95% confidence that the error attributable to sampling error and other random effects could be 5 percentage points in either direction.

In addition to sampling error, question wording and practical difficulties in conducting surveys can introduce error or bias into the findings of opinion polls. *This report conforms to the standards of disclosure of the National Council on Public Polls.*

Mr. HELMS. Mr. President, I suggest that we proceed with the first committee amendment.

The PRESIDING OFFICER. The question is on agreeing to the first committee amendment.

The first committee amendment was agreed to.

Mr. HELMS. Now the second committee amendment is pending?

The PRESIDING OFFICER. The Senator is correct. The Senator's amendment will apply to that amendment so it would be appropriate to take it up at this time.

AMENDMENT NO. 106

(Purpose: To encourage the promulgation of guidelines by persons in the television industry regarding sexually explicit material)

Mr. HELMS. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from North Carolina [Mr. HELMS], for himself and Mr. THURMOND, proposes an amendment numbered 106.

(1) on page 2, line 23, strike "or (2) alleviate the negative impact of illegal drug use in telecast material" and insert "(2) alleviate the negative impact of illegal drug use in telecast material and (3) alleviate the negative impact of sexually explicit material in telecast material"

(2) on page 3, line 8, strike "Television Violence Act" and insert "Television Violence and Indecent Material Act".

Mr. HELMS. Mr. President, I ask for the yeas and nays on the amendment.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. SIMON. Mr. President, just a comment or two. One is we are not forcing anything on the television in-

dustry, but we are asking them to get their own house in order.

My colleague from North Carolina mentioned that children are watching a lot of violence and sexually explicit material. A University of Pennsylvania study shows the most violent hour on television is when the most children are watching in the evening. That is just not in the national interest. Somehow we have to be able to do something about it.

The Senator's amendment goes to an area where we have not had the large body of research showing harm done to society. There is no question in my mind that too often this material is in bad taste and, tends to demean women. So I am personally going to be voting for the amendment. My guess is it will pass unanimously or nearly unanimously.

I might add, after this amendment is adopted, I think the agreement was we were only going to have two amendments: One is on CLAUDE PEPPER and then I assume, unless there is objection, we can pass the bill by voice vote.

The PRESIDING OFFICER. Does any other Senator desire to speak to the amendment? The Chair recognizes the Senator from Illinois [Mr. SIMON].

Mr. SIMON. Just in closing on the bill itself, one of the people who testified before the Judiciary Committee on the bill was Captain Kangaroo, Robert Keeshan. He said,

> We should be ever vigilant in protecting the rights of broadcasters, as the FCC has been, but we should be as vigorous in promoting responsibility on the part of broadcasters in meeting the needs of children.
>
> If we fail our youth, we fail the future. In looking at commercial interests we sow the seeds of a bitter harvest and we shall all eat from that table. No bottom line, however healthy, is worth that price.

As a former participant in the television industry, my colleague from North Carolina knows the industry is always telling us if you buy 30 seconds worth of television, it is going to have a huge influence on the public. But how can they then say that and then come along and say, "Oh, if they show 28 minutes worth of violence every hour, it won't have any impact on the public." Well, there seems to be a slight inconsistency in that.

I think the reality, as all of us know, including the Presiding Officer—is that television shapes our society in powerful ways and there is no question that violence on television influences how young children view the world and themselves.

Television can appeal to the best in us or the worst in us. I want it to appeal to the best in us.

Mr. BINGAMAN. Mr. President, I rise today in support of S. 593. This bill, which would enable television broadcasters to collectively discuss reducing violence and illegal drug use on television without fear of breaking antitrust laws, is long overdue, and I commend Senator SIMON for taking this initiative. I also think that Senator HELMS' amendment passed earlier, which would allow broadcasters to discuss reduction of sexually explicit material, significantly strengthens the bill.

The facts concerning violence on television strongly support such legislation. According to the Nielson Co., children spend approximately 25 hours per week watching television. Although Saturday morning is most often identified as children's programming time, only a small amount of all children's viewing actually occurs during this period. The majority of children's viewing takes place during weekday early morning, late afternoon, and early evening hours. So, it is not only cartoons that broadcasters need to be concerned about, but a much wider array of programs. For example, many children watch music videos. They are very popular. Yet, content analyses of music videos indicate that 75 percent of concept music videos—those involving themes as opposed to a concert performance—contain sexually suggestive material. Fifty-six percent contain violent scenes, which often include acts committed against women.

The connection between televised violence and aggressive and destructive behavior in our children and in our society at large has by now been overwhelmingly demonstrated. This problem needs to be urgently addressed.

In closing, I hope that Senator SIMON's fine legislation will garner overwhelming support in the Congress. I hope that the Senate's action today will be followed by prompt House action as well. After this legislation becomes law, I can only hope that television broadcasters will promptly meet to discuss methods of reducing violence and illegal drug use and sexually explicit material on television.

Mr. BYRD. Mr. President, I am pleased that the Senate is considering today, legislation that would allow an antitrust exemption for television violence regulations. S. 593 enables the major television networks, including theatrical motion pictures, the National Cable Television Association, the Association of Independent Television Stations, Inc., the National Association of Broadcasters, and the Motion Picture Association of America, to participate in discussions that address the problem of TV violence.

Mr. President, American families are facing many crises. The problem of violence on television is reaching more and more of our children. The legislation before us today will allow the television community to develop voluntary guidelines to weaken the negative impact of violence on TV.

As a grandfather and a Senator I am concerned about the values of our young people. I am concerned for the young people whom I often see in West Virginia. I believe that we must work to reinforce the values that have given our Nation strength. I am appalled at the scenes of violence in today's media. Constant exposure to needless and senseless violence undermines the sanctity of life, and disables us from distinguishing right from wrong. And, violence begets violence.

Allowing the TV industry to establish voluntary standards on TV violence will not end violence, but it will enable us to begin the step of reversing the illusion that violence is the way to solve problems.

Mr. President, the adoption of the amendment offered by the Senator from North Carolina [Mr. HELMS] strengthens this legislation. The Helms amendment will help the cause of protecting American families from sexual explicit viewing and curbing the negative impact of illegal drug use.

I commend the Senator from Illinois [Mr. SIMON] for his diligence on this issue. I strongly support his efforts and I urge the adoption of the legislation.

Mr. CHAFEE. Mr. President, I am one of the original sponsors of the Television Violence Act, which grants a 3-year exemption from antitrust laws to the television industry. The sole purpose of this exemption is to allow the industry to develop standards to mitigate needless depictions of violence and illegal drug use on television. The Senate has unanimously approved similar legislation in the last two Congresses.

Many Americans, including myself, are concerned that televised displays of gratuitous violence contribute to destructive and aggressive behavior. Our concern focuses particularly on the effects of such portrayals on children. Numerous studies have concluded there is good reason to be concerned. For example, the American Psychiatric Association and the American Medical Association have stated that televised violence is a risk factor that threatens the health and welfare of young Americans. The American Academy of Pediatrics' Policy Statement on Children, Adolescents, and Television declares that repeated exposure to televised violence promotes an acceptance of aggressive behavior as the norm.

The problem of television violence does not easily lend itself to legislative remedies. Whenever Congress attempts to deal with issues involving artistic creativity, concerns about possible restrictions on free speech are understandably raised. In addition, those who represent the television industry believe they cannot act together on this issue due to the potential for antitrust liability.

This legislation addresses these obstacles by allowing television broad-

casters, networks, programmers, and cable operators to engage in discussions aimed at developing voluntary standards to mitigate the negative effects of TV violence. They will be able to do so without the fear of running afoul of antitrust laws. It is important to note that this bill does not impose any regulations, restricting artistic expression or otherwise, on the television industry. Neither does it dictate any requirements with regard to the content of voluntary standards, nor create any criteria for those standards.

In conclusion, I would like to say that the need for this legislation is readily apparent. One need only turn on the TV to the evening news to hear about the increasing number of violent acts that are being committed by children of a seemingly younger and younger age. The proliferation of television programming containing meaningless violence or illegal drug use can only add to the mounting pressures that our young people must confront.

If I had my way, children would watch a lot less television in the first place and spend more time reading or participating in outdoor activities. Nonetheless, I believe this bill represents a realistic and reasonable approach to a growing problem. I urge my colleagues to join us again in approving this important legislation, with the hope that this Congress will go on to pave the way for a solution.

A BILL TO EXEMPT CERTAIN ACTIVITIES FROM PROVISIONS OF THE ANTITRUST LAWS

Mr. THURMOND. Mr. President, it is again my privilege to be a cosponsor of this bill with Senator SIMON and others of my distinguished colleagues. S. 593 grants a carefully limited antitrust exemption to the television industry so that it can engage in joint discussions to develop and disseminate voluntary guidelines with the intention of alleviating the negative impact of televised violence, illegal drug use and sexually explicit material on children and adults.

Mr. President, there is no question that television programming which contains violence, illegal drug use, or sexually explicit material is a very serious concern, especially because of its impact on children. Our children are our most precious resource and we cannot afford to be oblivious to the influence which television has over them. There has been much testimony from a broad spectrum of researchers that there is a link between televised violence and individual behavior. Individuals may differ on the extent of the link, but very few, if any, disagree that there is some kind of causal connection. I also believe that such a link can be established as to illegal drug use and sexually explicit material.

Since television is such a pervasive part of our everyday life, and since it is so difficult to control the amount of television, or the kind of programs that are watched by our young people, I believe that there is a real need for this legislation. This is particularly true with respect to the televised depiction of illegal drug use as we witness the everyday occurrence of violence related to drugs. It is also true as to the gratuitous depiction of sexually offensive material on television.

Mr. President, let me remind my colleagues that this legislation does not mandate any kind of programming, guidelines, or censorship. It merely provides an antitrust exemption so that the television industry, including the cable television industry, if it chooses, can discuss ways, and develop guidelines, to alleviate the negative impact of violence, illegal drug use, and sexually explicit material on television. It is my hope that the industry will seriously consider this proposal and will take advantage of this opportunity.

I want to commend Senator SIMON for his perseverence in this regard, and also commend Senator HELMS for his amendment with regard to the sexually explicit material. And I urge all of my colleagues to support this legislation.

ANSWER BY JUDGE WALTER L. NIXON, JR.

The PRESIDING OFFICER. The Chair submits to the Senate for printing, in the Senate Journal, and in the CONGRESSIONAL RECORD, the answer by Judge Walter L. Nixon, Jr., to the articles of impeachment against Judge Nixon, pursuant to Senate Resolution 127, 101st Congress, 1st session, which answer was received, by the Secretary of the Senate, on May 31, 1989.

The material is as follows:

ROPES & GRAY,
Washington, DC, May 31, 1989.

Re Judge Nixon.

WALTER J. STEWART,
Secretary of the Senate, U.S. Senate, Washington, DC.

DEAR MR. STEWART: I enclose Judge Nixon's Answer to the Articles of Impeachment.

Very truly yours,
DAVID OVERLOCK STEWART.

[In the Senate of the United States, Sitting As a Court of Impeachment]

IN RE IMPEACHMENT OF JUDGE WALTER L. NIXON, JR.

ANSWER TO ARTICLES OF IMPEACHMENT

Judge Walter L. Nixon, Jr. of the Southern District of Mississippi, through his undersigned counsel, answers the Articles of Impeachment exhibited by the House of Representatives:

ARTICLE I

Article I alleges that Judge Nixon knowingly made a material false or misleading statement to a federal grand jury in Hattiesburg, Mississippi, on July 18, 1984, to wit, that Forrest County District Attorney Paul Holmes never discussed the Drew Fairchild case with Judge Nixon.

Judge Nixon stated that his statement to the grand jury was, in fact, true and correct, and was not made with any intent to mislead, deceive, or give false testimony. Judge Nixon's only relevant conversation with Mr. Holmes concerned allegations by Wiley Fairchild that Mr. Holmes was blackmailing him, and there never was a discussion of the Drew Fairchild case between him and Mr. Holmes.

Judge Nixon states further that his responses to the prosecutor's questions on that and other occasions were framed by his understanding, based on the prosecutors' statements, that their investigation concerned how Drew Fairchild's case was transferred from federal to state authorities; Judge Nixon had no knowledge of that transfer or how it occurred, never had any discussion or exchange with any individual on that subject until the investigation began, and understood questioning about the Drew Fairchild case to refer to that matter. Because this understanding also framed Judge Nixon's statements that are the subject of Impeachment Articles II and III, this paragraph of his Answer to Article I is hereby incorporated as part of the Answers to Articles II and III.

Judge Nixon states further that his conviction in court on this allegation was secured through the use of false and perjured testimony and by the suppression of exculpatory evidence, all in violation of basic fairness and the constitutional guarantee of Due Process of Law.

ARTICLE II

Article II alleges that Judge Nixon made material false or misleading statements to the grand jury on July 18, 1984, to wit, that he had nothing whatsoever officially or unofficially to do with the Drew Fairchild case in Federal court or state court, that he "never handled any part of it, never had a thing to do with it at all, and never talked to anyone, State or Federal, prosecutor or judge, in any way influence anybody" with respect to the Drew Fairchild case.

Judge Nixon states that the allegation in Article II unfairly excerpts and takes his testimony out of context, and that the statements he actually made to the grand jury were true and correct and were not made with any intent to mislead, deceive or give false testimony. Judge Nixon was never involved in the Drew Fairchild case in any court and never handled any part of it as a judge, which is the meaning of his unexcerpted grand jury testimony. The allegation that he falsely denied speaking to any official to "influence" them on the Drew Fairchild case evidently refers to his exchange with Forrest County District Attorney Paul Holmes about Wiley Fairchild's blackmail allegation. The evidence shows that Judge Nixon made no effort to so influence Mr. Holmes.

Judge Nixon states further that his conviction in court on an allegation similar to Article II was secured through the use of false and perjured testimony and by the suppression of exculpatory evidence, all in violation of basic fairness and the constitutional guarantee of Due Process of Law.

ARTICLE III

Article III alleges that Judge Nixon has, through fourteen enumerated statements, raised substantial doubt as to his judicial integrity, undermined confidence in the integrity and impartiality of the judiciary, be-

trayed the trust of the people of the United States, disobeyed the laws of the United States and brought disrepute on the Federal courts and the administration of justice by the Federal courts.

As a threshold matter, Judge Nixon denies that this allegation—except for the allegation that he disobeyed the laws of the United States—states an impeachable offense under the Constitution, and he will present a Motion to Dismiss those other aspects of Article III.

A. Article III(1)

This section alleges that Judge Nixon made seven material false or misleading statements when he voluntarily submitted to an interview by the United States Department of Justice on April 19, 1984. These statements include:

(A) That Judge Nixon never discussed with Wiley Fairchild anything about Wiley's son's case. This statement was true and correct and was not made with any intent to mislead, deceive or provide false information. Moreover, the substance of this statement is virtually identifcal to grand jury testimony by Judge Nixon that was alleged to be false in Count II of his indictment, on which charge Judge Nixon was acquitted by the jury.

(B) That Wiley Fairchild never brought up his son's case. This statement was true and correct and was not made with any intention to mislead, deceive, or provide false information. Moreover, the substance of this statement is virtually identical to grand jury testimony by Judge Nixon that was alleged to be perjury in Count II of his indictment, on which charge Judge Nixon was acquitted by the jury. In addition, the identified statement is virtually identical to the statement charged in Impeachment Article III(1)(A), and therefore this allegation is duplicitious and redundant and should be stricken.

(C) That at the time of the interview Judge Nixon had no knowledge of the Drew Fairchild case and did not even know Drew Fairchild existed, except for what the judge previously read in the newspaper and what he learned from the questions in the interview. This specification does not accurately describe or refer to the actual statements by Judge Nixon, which statements were true and correct and were not made with any intent to mislead, deceive or provide false information.

(D) That nothing was done or nothing was ever mentioned about Wiley Fairchild's son. This allegation refers to a statement that is so vague that it is not possible to determine when, where, or by whom Judge Nixon stated that nothing was done or mentioned about Wiley Fairchild's son. Such a vague and imprecise statement cannot be deemed a material false or misleading statement. To the extent that the substance of the statement can be determined at all, it was true and correct, and was not made with any intent to mislead, deceive or provide false information. The points raised in answer to "Impeachment Article I, which concerns a very similar statement by Judge Nixon to the grand jury, are hereby incorporated in this Answer as well.

(E) That Judge Nixon had never heard about the Drew Fairchild case, except what he told the questioners in the interview, and certainly had nothing to do with the case. This allegation distorts Judge Nixon's actual statement and omits material portions of it in a misleading manner. Judge Nixon's actual statement was true and correct and was not made with any intent to mislead, deceive or provide false information.

(F) That Judge Nixon had done nothing to influence the Drew Fairchild case. This statement was true and correct and was not made with any intent to mislead, deceive or provide false information. Moreover, the allegation of falsity is virtually identical to that alleged in Article III(1)(E), making this allegation duplicitous and redundant.

(G) State prosecutor Paul Holmes never talked to Judge Nixon about the Drew Fairchild case. This allegation does not accurately describe Judge Nixon's statement, which was that Mr. Holmes did not discuss Drew Fairchild's case with Judge Nixon. Judge Nixon's actual statement was true and correct and was not made with intent to mislead, deceive or provide false information. The points raised in answer to Impeachment Article I, which concerns a very similar statement by Judge Nixon to the grand jury, are hereby incorporated in this Answer as well.

B. Article III(2)

This section alleges that Judge Nixon made seven material false and misleading statements during his grand jury testimony on July 18, 1984. Five of those statements provide the basis for Impeachment Articles I and II: The statement identified in Impeachment Article III(2)(A) is also the basis for Article I; and the statements identified in Impeachment Articles III(2) (D), (E), (F), and (G) are also the basis for Article II. Consequently, it is multiplicitous, redundant and fundamentally unfair to include identical allegations in separate Impeachment Articles and Judge Nixon will submit a Motion to Dismiss these elements of Impeachment Article III on those grounds. With respect to those allegations in Impeachment Articles III(2) (A), (D), (E), (F) and (G), Judge Nixon hereby incorporates herein the same asnwers that are made in the Answers to Impeachment Articles I and II above.

Article III(2)(B) alleges that Judge Nixon falsely told the grand jury that to the best of his recollection he did not know of any reason he would have met with Wiley Fairchild after the Nixon-Fairchild oil and gas investment was finalized in February 1981. This allegation distorts and misstates Judge Nixon's actual grand jury testimony. Judge Nixon's actual testimony was true and correct and was not made with any intent to mislead, deceive, or provide false information.

Article III(2)(C) alleges that Judge Nixon falsely told the grand jury that he had given it all the information he had and that he could, and that he had withheld nothing during his grand jury testimony. This testimony also was true and correct and was not made with any intention to mislead, deceive or provide false testimony.

FIRST AFFIRMATIVE DEFENSE

As an affirmative defense, Judge Nixon alleges that he was targeted for investigation and prosecution by executive officials who vindicatively resented his ruling against the government in the Petit Bois Island condemnation case, *United States* v. *717.42 Acres of Land*, (S.D. Miss., 1981). Such targeting and vindicative prosecution of judicial officers who rule against the government is repugnant to the constitutional separation of powers between the executive and judicial branches, subjects all judicial officers to improper pressure to rule in favor of the government and against private citizens, and works a fundamental distortion of our system of justice.

SECOND AFFIRMATIVE DEFENSE

As an affirmative defense, Judge Nixon alleges that the allegations against him were developed by executive officials who improperly coerced and induced witnesses to give false testimony, which false testimony has been knowingly introduced against him, in violation of Due Process of Law.

Wherefore Judge Nixon denies that any of the Articles of Impeachment states a valid basis for removing him from office under the Constitution and demands a trial before the full United States Senate as provided in the Constitution, Article I, Section 3.

Respectfully submitted,

Boyce Holleman, Michael B. Holleman, Boyce Holleman, P.A., P.O. Drawer 1030, Gulfport, Mississippi 39502, (601) 863-3142.

David Overlock Stewart, Ropes & Gray, 1001 Pennsylvania Ave., NW, Suite 1200 South, Washington, DC 20004, (202) 626-3900.

Date: May 31, 1989.

APPOINTMENT BY THE VICE PRESIDENT

The PRESIDING OFFICER. The Chair, on behalf of the Vice President, pursuant to 10 U.S.C. 6968(a), appoints the Senator from Arizona [Mr. McCAIN], from the Committee on Armed Services, to the Board of Visitors of the U.S. Naval Academy, effective May 18, 1989.

Mr. HELMS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. Without objection, the time for the quorum call will not be charged to either side.

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS-CONSENT AGREEMENT—HOUSE CONCURRENT RESOLUTION 136

Mr. MITCHELL. Mr. President, I am about to propound a unanimous consent request which has been cleared by the distinguished Republican leader. Mr. President, I ask unanimous consent that the pending bill be laid aside and that the Senate proceed to the immediate consideration of House Concurrent Resolution 136, a concurrent resolution commending the democratic movement in China.

I further ask unanimous consent that there be a 10-minute time limitation on House Concurrent Resolution 136, equally divided between Senators PELL and HELMS, and that the only amendments in order be a Pell-Helms amendment to the concurrent resolution and the Pell-Helms amendment to the preamble, times for which are to come out of the time for the concurrent resolution itself.

I further ask unanimous consent that upon disposition of House Concurrent Resolution 136 the Senate return to S. 593, the TV violence bill, and vote immediately, without any intervening action, on the Helms amendment, to be followed immediately thereafter by final passage of S. 593.

The PRESIDING OFFICER. Is there objection? The Chair hears none; it is so ordered.

Mr. MITCHELL. Mr. President, if I can make clear for the benefit of my colleagues then what the schedule will be, we will go now to the resolution regarding the democratic movement in China. That will be for 10 minutes. After that there will be a rollcall vote on that resolution.

Immediately following that vote there will be a rollcall vote on the Helms amendment to S. 593, the TV violence bill.

Thereafter, there will be final passage on the TV violence bill itself. At this time I do not propose to have a rollcall vote on that measure. No such vote has been requested, and unless a request is made there will not be a rollcall vote.

That means that Senators should understand that shortly prior to 5:30 p.m. there should be two rollcall votes, one on the resolution regarding the democratic movement in China, to be followed by a rollcall vote on the Helms amendment to the TV violence bill, and then final passage by voice vote of the TV violence bill. Unless a rollcall vote is requested on that bill, the two rollcall votes I have mentioned will be the only rollcall votes today.

Senators should be on notice, however, that we hope to proceed to the supplemental appropriations bill at 9 o'clock tomorrow morning, and there may be several votes on that measure throughout the day tomorrow.

Mr. FOWLER. Are these 30-minute votes?

Mr. MITCHELL. It is my intention that these rollcall votes will be 15-minute votes. We have received no request from either side for a vote longer than that. And I have made clear throughout the day as to what will occur so Senators should be well apprised of that.

Mr. THURMOND. Mr. President, the matter has been cleared on our side. We have no objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE MOVEMENT OF DEMOCRACY IN CHINA

The PRESIDING OFFICER. The concurrent resolution will be stated by title.

The legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 136) expressing the sense of the Congress on the movement for democracy in China.

The Senate proceeded to consider the concurrent resolution.

The PRESIDING OFFICER. The Senator from Rhode Island.

AMENDMENT NO. 107

Mr. PELL. Mr. President, I send to the desk an amendment and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Rhode Island [Mr. PELL] for himself, Mr. HELMS, and Mr. BOSCHWITZ proposes an amendment numbered 107.

Mr. PELL. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

Strike out all after the resolving clause and insert:

It is the sense of the Congress that—

(a) The Congress looks with admiration on the courage which Chinese citizens have demonstrated in striving for democratic political reform, including freedom of expression, freedom of assembly, freedom of association, and freedom of the press, and on the peaceful and disciplined manner with which they have pursued their cause;

(b) the leadership of the People's Republic of China should take all necessary steps to establish a just and democratic society, with a free and open political system that will protect the essential human rights of all people living within that country, and

(c) the Secretary of State should communicate to the leadership of the People's Republic of China that official violence or repression directed at those who would peacefully demonstrate for democracy, liberty, justice and workers rights will seriously damage relations with the United States.

The PRESIDING OFFICER. The Senator from Rhode Island is recognized.

Mr. PELL. Mr. President, this amendment will purify language in House Concurrent Resolution 136 concerning current developments in China and express the concerns of the Congress about the possible threats to basic human freedoms which may now exist.

I have been deeply concerned about the turn of events in China over the past few weeks as the Chinese students and workers have demonstrated so massively and so peacefully in Beijing. The whole world has been amazed by the dramatic demonstration of the Chinese people in support of basic human freedoms which we in America sometimes take for granted.

Now we must also be concerned about the potential for violence and repression that exists as the student and worker demonstrations come to a close.

I hope that the Chinese leaders will not see these events as a threat to China's stability but instead welcome them as a sign of China's vitality and the hope for a future of continued economic and political growth. Over the years the United States and the People's Republic of China have built a strong and welcome relationship which I hope can be preserved. I hope that the government in China will exercise the restraint they have so far shown as any other behaviour could well jeopardize our relationship.

I urge my colleagues to support this amendment.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. HELMS. I thank the Chair.

Mr. President, this resolution says a lot about the lack of freedom in China but more importantly, it says a lot about us. The resolution reads "The American people desire to extend their moral support to the struggle for democracy, liberty, and justice in the People's Republic of China." It puts the United States, in case anyone has any doubt about it, directly on the side of freedom in China. A.M. Rosenthal of the New York Times put it this way on May 19: "The United States itself was once nothing but a freedom movement," and we must assume that Congress has not forgotten that.

Our cause is the cause of freedom. The Communist Party in China is supported by an unequalled system of repression and violence. According to recent news reports, the top leadership of new Beijing Independent Workers Union has disappeared into the Chinese Communist gulag. Supporters of liberty and freedom in China now fear for their very lives. Once before, the Chinese people dared to call for the basic human rights that we in America enjoy. The Communists labeled them poisonous weeds and shipped hundreds of thousands of ordinary people to forced labor under the most inhumane of circumstances.

This resolution puts those who would rule China by force on notice: There are negative consequences to the use of violence and repression against those who would exercise their human rights including the right of free association in the market place. Those negative consequences could include the loss of military cooperation with the United States and the loss of access to the technology of the free world.

I am honored to cosponsor with the distinguished chairman of the Senate Foreign Relations Committee, Mr. PELL, this concurrent resolution, along with Senator BOSCHWITZ.

I urge its approval.

Mr. PELL. Mr. President, I suggest the absence of a quorum and ask unanimous consent for it to come out of both sides equally divided.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. PELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, is is so ordered.

Mr. PELL. Mr. President, I ask has the amendment that is being offered been put to a vote yet?

The PRESIDING OFFICER. It has not. There is an amendment pending.

The question is on agreeing to the amendment of the Senator from Rhode Island.

The amendment (No. 107) was agreed to.

Mr. PELL. Mr. President, I thank the Chair.

I ask unanimous consent to substitute the whereas clauses at this time.

The PRESIDING OFFICER. Without objection, is is so ordered.

AMENDMENT NO. 108

Mr. PELL. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Rhode Island [Mr. PELL], for himself, Mr. HELMS, and Mr. BOSCHWITZ, proposes an amendment numbered 108.

Mr. PELL. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, is is so ordered.

The amendment is as follows:

Strike the preamble and insert:

Whereas since mid-April millions of Chinese citizens have engaged in peaceful demonstrations in Beijing and other Chinese cities, calling for greater democracy, freedom of expression, freedom of assembly, freedom of association, and for a government which is responsive to the people and free of corruption;

Whereas the demonstrators, in carrying out their peaceful protest, have displayed extraordinary courage, discipline, and restraint;

Whereas such demonstrations reflect a board-based feeling on the part of many Chinese that the political reforms which have occurred in China have not kept pace with the progress of economic reform, and the current difficulties in economic reform will only heighten the popular desire for political reform;

Whereas the extraordinary demonstrations in China constitute one of the most significant movements for democracy in modern history;

Whereas on May 20, 1989, the Chinese Government declared martial law in eight districts of Beijing, and imposed edicts forbidding marches, strikes, class boycotts, distribution of pamphlets, spreading rumors, attacks on leaders, and any other "destructive actions;"

Whereas on May 20, 1989, the Chinese Government ordered units of the People's Liberation Army into Beijing in order to restore order;

Whereas military units attempting to enter the center of Beijing have been met by crowds of pro-democracy demonstrators and have chosen to withdraw or remain in place rather than use force to move forward;

Whereas in April 1989, the authorities of the Shanghai municipality dismissed the editor-in-chief of the World Economic Herald, one of China's more independent newspaper;

Whereas the Chinese authorities have ordered foreign journalists not to go to Tiananmen Square, have stopped international satellite news transmissions, and have jammed three of five Voice of America frequencies (the first time that VOA broadcasts to China have been jammed since the normalization of United States-China relations in 1979);

Whereas, in the wake of democracy movements in 1978-79 and 1986-87, the authorities subjected participants in those movements to a variety of sanctions, and some individuals incarcerated for their peaceful political activity during those movements remain in prison;

Whereas an acceleration of political reform, including greater pluralism and respect for internationally recognized human rights, will have positive consequences for the development of relations between the United States and China, and repression of the movement for democracy in China will seriously impair those relations;

Whereas the freedom of movement and the freedom to form independent trade unions, student organizations and other voluntary associations are curtailed;

Whereas led by the Independent Student Union of Beijing Universities, the Chinese people have demonstrated their desire for democracy, human rights and an end to corruption in the People's Republic of China.

Whereas the American people desire to extend their moral support to the struggle for democracy, liberty and justice within the People's Republic of China.

Mr. PELL. Mr. President, I urge my colleagues to support this amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 108) was agreed to.

The PRESIDING OFFICER. Do both Senators yield back their time on the resolution?

Mr. HELMS. I yield back my time.

Mr. PELL. I yield back by time.

Mr. HELMS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HELMS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BUMPERS. Mr. President, has a rollcall been requested on this concurrent resolution?

The PRESIDING OFFICER. It has not been requested.

Mr. BUMPERS. Mr. President, I ask for the yeas and nays on the pending matter.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

RESOLUTION ON DEMOCRACY IN CHINA

Mr. DODD. Mr. President, I rise in support of House Concurrent Resolution 136, a concurrent resolution expressing the sense of the Congress relative to the movement for democracy in China.

Mr. President, for weeks now, the world has witnessed the unfolding of an extraordinary and unprecedented human drama in the streets of Beijing and all over the vast expanse of China. It's a drama that has shaken the halls of Chinese power. It's a drama that has captured the attention of the world. It's drama written and played out by every man. It's a drama that speaks to the most fundamental desire of humankind—the desire to be free.

Valiant Chinese students, laborers, professionals, mothers, fathers, and farmers have taken to the myriad streets of China demanding freedom—of speech, of expression, of press, of political and social choice. They have camped out, occupied, and transformed the sacred expanse of Tiananmen Square. Under the glaring eye of Mao, they have made it their home and their battleground. They have made it a living symbol of hope for a future of democracy and freedom in China.

Ours is a country steeped in the luxury of freedom. We take it for granted. Sometimes, we even abuse our freedom by thinking that it is the privilege of only some men and women and not the right of all men and women.

Mr. President, today, as our eyes look toward China, let us reaffirm our commitment to preserving the freedoms that have made our Nation one of the people, not one of the privileged few. As our eyes look toward China, let us see what 200 years of freedom have bestowed upon our lives as individuals and Americans. And then, as we flick on our TV's and see the citizens of China sacrificing their lives for a mere taste of the freedoms that nourish us everyday, let us tell those Chinese that we are with them, that ours is a history that speaks to the grand possibilities of freedom and so it is that we understand.

There is no blueprint for democracy. It is up to China and the Chinese to determine how it is they come to it. So while the Statue of Liberty has been paraded across Tiananmen Square and through the streets of Shanghai, we cannot and should not expect the tenets of Chinese democracy to be borne of the kind of drama that brought our ancestors to New York Harbor and allowed them to stay. China and the Chinese will determine the shape of their democracy.

But as my colleague from the other body, Mr. SOLARZ, put it, our future relationship with the Chinese will, in no

small measure, be determined by how it is they resolve this crisis. As the numbers in Tiananmen Square wax and wane and the present Chinese leadership jockeys for position and influence, let us send a clear signal to the Chinese Government that we support a peaceful resolution to the crisis in their country, one that recognizes the aspiration of a billion Chinese to be free.

Mr. President, it is my hope that we unanimously pass this resolution calling for a peaceful settlement to the crisis in China. With this resolution, let us also send a clear signal to our struggling brothers and sisters in China that they have our profoundest admiration and support.

Mr. MITCHELL. Mr. President, for 2 weeks the world has witnessed a dramatic demonstration of the human desire for freedom. It is a universal desire, not limited by time, place or people.

The courage of the Chinese students has inspired the world and galvanized their nation behind their call for democracy and reform.

For 2 weeks I and other Americans have waited in vain for President Bush to give voice to the admiration and support the American people feel for the Chinese students. Instead, the President's statements have been so balanced and neutral that they appear to be primarily concerned about not offending the Chinese leadership.

From reading the President's statements one would not know that on one side in China is a totalitarian Communist government while on the other are a people willing to die to be free. Someone in the American Government must give expression to the feelings of Americans about these critical events.

I know that the United States cannot and should not attempt to dictate the course of the internal events in China. And our words should not contribute to violence and bloodshed.

But we can and should state clearly and unequivocally our strong support for those who seek democracy and peaceful change. We can and should encourage the authorities in China to be responsive to the legitimate democratic demands of the Chinese people. We can and should make clear to the Chinese people that the United States stands for and in support of freedom—here, there and everywhere.

I urge my colleagues to support this resolution extending moral support to the struggle for democracy, liberty, and justice within the People's Republic of China.

The PRESIDING OFFICER. The question is on agreeing to the concurrent resolution. The yeas and nays have been ordered and the clerk will call the roll.

The legislative clerk called the roll.

Mr. MITCHELL. I announce that the Senator from New Jersey [Mr. BRADLEY] and the Senator from California [Mr. CRANSTON] are necessarily absent.

Mr. DOLE. I announce that the Senator from Utah [Mr. GARN], the Senator from Pennsylvania [Mr. HEINZ], the Senator from Wisconsin [Mr. KASTEN], the Senator from Indiana [Mr. LUGAR], the Senator from Alaska [Mr. MURKOWSKI], the Senator from Wyoming [Mr. SIMPSON], the Senator from Virginia [Mr. WARNER], and the Senator from California [Mr. WILSON] are necessarily absent.

I further announce that the Senator from Indiana [Mr. SYMMS] is absent due to a death in the family.

I further announce that, if present and voting, the Senator from Wisconsin [Mr. KASTEN] would vote "yea."

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 89, nays 0, as follows:

[Rollcall Vote No. 70 Leg.]

YEAS—89

Adams	Ford	McCain
Armstrong	Fowler	McClure
Baucus	Glenn	McConnell
Bentsen	Gore	Metzenbaum
Biden	Gorton	Mikulski
Bingaman	Graham	Mitchell
Bond	Gramm	Moynihan
Boren	Grassley	Nickles
Boschwitz	Harkin	Nunn
Breaux	Hatch	Packwood
Bryan	Hatfield	Pell
Bumpers	Heflin	Pressler
Burdick	Helms	Pryor
Burns	Hollings	Reid
Byrd	Humphrey	Riegle
Chafee	Inouye	Robb
Coats	Jeffords	Rockefeller
Cochran	Johnston	Roth
Cohen	Kassebaum	Rudman
Conrad	Kennedy	Sanford
D'Amato	Kerrey	Sarbanes
Danforth	Kerry	Sasser
Daschle	Kohl	Shelby
DeConcini	Lautenberg	Simon
Dixon	Leahy	Specter
Dodd	Levin	Stevens
Dole	Lieberman	Thurmond
Domenici	Lott	Wallop
Durenberger	Mack	Wirth
Exon	Matsunaga	

NAYS—0

NOT VOTING—11

Bradley	Kasten	Symms
Cranston	Lugar	Warner
Garn	Murkowski	Wilson
Heinz	Simpson	

So the concurrent resolution (H. Con. Res. 136), as amended, was agreed to.

The preamble, as amended, was agreed to.

EXEMPTION OF CERTAIN ACTIVITIES FROM ANTITRUST LAWS

The Senate continued with the consideration of the bill.

Mr. HELMS. Mr. President, I move to reconsider the vote by which the resolution was agreed to.

Mr. THURMOND. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. Under the previous order, the question now occurs on the Helms amendment to the committee amendment. The yeas and nays have been ordered. The clerk will call the roll.

The bill clerk called the roll.

Mr. MITCHELL. I announce that the Senator from New Jersey [Mr. BRADLEY] and the Senator from California [Mr. CRANSTON], are necessarily absent.

Mr. DOLE. I announce that the Senator from Utah [Mr. GARN], the Senator from Indiana [Mr. LUGAR], the Senator from Alaska [Mr. MURKOWSKI], the Senator from Wyoming [Mr. SIMPSON], the Senator from Virginia [Mr. WARNER], and the Senator from California [Mr. WILSON], are necessarily absent.

I further announce that the Senator from Idaho [Mr. SYMMS], is absent due to a death in the family.

The PRESIDING OFFICER (Mr. BRYAN). Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 91, nays 0, as follows:

[Rollcall Vote No. 71 Leg.]

YEAS—91

Adams	Fowler	McCain
Armstrong	Glenn	McClure
Baucus	Gore	McConnell
Bentsen	Gorton	Metzenbaum
Biden	Graham	Mikulski
Bingaman	Gramm	Mitchell
Bond	Grassley	Moynihan
Boren	Harkin	Nickles
Boschwitz	Hatch	Nunn
Breaux	Hatfield	Packwood
Bryan	Heflin	Pell
Bumpers	Heinz	Pressler
Burdick	Helms	Pryor
Burns	Hollings	Reid
Byrd	Humphrey	Riegle
Chafee	Inouye	Robb
Coats	Jeffords	Rockefeller
Cochran	Johnston	Roth
Cohen	Kassebaum	Rudman
Conrad	Kasten	Sanford
D'Amato	Kennedy	Sarbanes
Danforth	Kerrey	Sasser
Daschle	Kerry	Shelby
DeConcini	Kohl	Simon
Dixon	Lautenberg	Specter
Dodd	Leahy	Stevens
Dole	Levin	Thurmond
Domenici	Lieberman	Wallop
Durenberger	Lott	Wirth
Exon	Mack	
Ford	Matsunaga	

NAYS—0

NOT VOTING—9

Bradley	Lugar	Symms
Cranston	Murkowski	Warner
Garn	Simpson	Wilson

So the amendment (No. 106) was agreed to.

Mr. HELMS. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. GORE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

ABSENCE OF SENATOR SYMMS

Mr. McCLURE addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Idaho.

Mr. McCLURE. Mr. President, I thank the Chair.

I wanted to announce to the Members of the Senate for their information, and also as a word of explanation, the reason for the absence of the distinguished junior Senator from Idaho [Mr. SYMMS].

Mr. SYMMS' father passed away early this morning, late last night. He is necessarily absent, and missed the rollcall votes. Otherwise, he would have been here.

I thank the Chair.

Mr. GORE addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Tennessee.

Mr. GORE. Mr. President, I ask unanimous consent to speak as if in morning business for 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

ONCE IN A LIFETIME

Mr. GORE. On Memorial Day a friend and neighbor of mine who works for Close Up shared with me a communication from one of the students who came to Washington, DC, as part of the Close Up Program. Because it was Memorial Day, because the subject matter of this communication dealt so directly with the meaning of Memorial day, and because I was so affected by it I wanted to share it with my colleagues.

This was written by a young student named Tony Strong, a high school student in Riverside CA, at the California School for the Deaf.

It is entitled "Once In A Lifetime," a true story by Tony Strong, a senior in high school.

Tony writes as follows:

ONCE IN A LIFETIME

An extraordinary thing happened to me while I was in Washington, D.C. this past March with *Close Up* and I'm not sure I was ready for it to be quite the experience that it was.

Close Up is a week in Washington where we have an opportunity to visit Congress, meet politicians, study issues, and see the impressive monuments and museums. Along with the political and historical aspects of the week we spend a lot of time getting to know students from across the country. It is also a terrific opportunity for us to meet with many other deaf students from other schools, something we don't get to do very often. It is also an opportunity to meet and share ideas, stories, and experiences with hearing students.

We try not to make differences between the deaf and hearing a big deal but we know it always is, especially for hearing kids. When we first arrived at our hotel it was a little awkward because we knew we would be room mates with two hearing kids who probably wouldn't know sign language. We wondered if they would accept us and treat us as normal high school students. I use my speech a lot and can talk fairly well but still, it is awkward because I can't always tell what hearing people are saying and they don't always understand me. Most of the hearing kids were fascinated with sign language and tried to learn as many signs as they could, but there are always some kids who just don't care. I guess its true for the deaf, too. Not all deaf students want to bother with hearing people. During our week of *Close Up* most of the kids really did try to get along. Lots of new friends were made and some will be permanent friends.

After a while, though, we do get tired of answering questions about being deaf and about sign language. Maybe not tired of it but more that we wish everyone would just go along normally and not worry about it.

Late in the week with *Close Up* our program instructor, Moira, took us to the Viet Nam Memorial where the names of 58,000 Americans are inscribed. I was a little anxious about seeing it because I knew my fathers name was supposed to be there. Together with Moira, our interpreter, Raelynn, and a group of my deaf and hearing friends, we searched the directory for the name Henry H. Strong, Jr. Capt. USN, my Dad. I wanted to find his name on the Wall. Searching for his name was everything I had *not* expected. I thought it would be easy. It wasn't easy. It was a bit scary. It was exciting, it was sad, it was an honor, and in many ways it made me very proud of him. And I know my Dad would have been proud of me for finding his name on this memorial. When I did find it high up on the wall I saw that the name had a star by it. Dad has been listed as Missing In Action in 1972. I could only imagine all the possibilities of what may have happened to him as an M.I.A. I wanted to do something special to remember this so I laid three red roses there at the base of the wall. I also wanted to get a rubbing of his name on a piece of paper so I could take it home and keep it forever.

It would have been difficult for me to reach Dad's name from the pathway below the wall but my room mate, Brian, a hearing boy from Colorado, volunteered to lift me. He didn't have to do that because I could have found a chair or a ladder to stand on, or try to lean over the top from the other side but he said he didn't mind. I think he felt it was important for him to be part of this experience, too. I couldn't hear him but others told me that he said I could take all the time I needed. Everyone stayed with me as I got my rubbing and I could tell that I was not the only one becoming emotional. As we walked away from the wall we passed by the statue of the three American Soldiers staring at the names on the wall as if to see their fallen comrades . . . and seeing my Dad. It was an overwhelming experience and I could not help but cry. I could see that Moira, Ralynn, and my hearing and my deaf friends all had tears coming down their faces. I felt lots of support and understanding from each of them and it was something I will never forget. Several of the kids talked about their own experiences and relationships with their parents and wondered how they would feel if their father's names were on that wall.

At that moment we realized something very special—something important. It was that the issues of deafness, of hearing, of communication and sign language, and all the other differences became non-issues. What was important was *us*. Just kids talking about their Dads.

I don't think anyone expected me to show up at our workshop later that evening. They seemed a little surprised when I arrived ready to participate and to get on with the program. I admit that it was a little hard but we had to get on with the program and with other important things. . . So we did.

Jim Kohlmoos with the Close Up Program is the neighbor who shared this with me. I wanted to share it with my colleagues because for me it meant more on Memorial Day than anything that I heard, saw, or read.

EXEMPTION OF CERTAIN ACTIVITIES FROM ANTITRUST LAWS

The Senate continued with the consideration of the bill.

Mr. SIMON addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Illinois.

Mr. SIMON. Mr. President, I wonder if we could dispose of the pending business before we hear from any of our colleagues further. I rise to ask my colleagues to pass the Television Violence Act for a third time. I introduced television violence antitrust exemption bills in the 99th and 100th Congresses. The Senate passed both of them unanimously. The Senate Judiciary Committee unanimously voted to report the bill favorably on April 18, 1989.

This bill will allow us to address a serious problem that does not easily lend itself to legislative remedies—the harmful effects of televised violence, particularly on young Americans. The need for action on this problem is more urgent than ever. I hope you and your colleagues will act on the bill during this session.

Why is there so much violence on television? I see three reasons.

First, ours is one of the most violent societies among all the industrialized nations. Our rate of violent crimes per capita is consistently among the highest on Earth. I was amazed to discover that the murder of Swedish Prime Minister Olaf Palme was the first time in the modern era that anyone was killed by a firearm on the streets of Sweden. While there are many reasons why Americans turn to violence so readily, the saturation of our mass media with images of violence clearly is a part of this troubling picture.

The other factors relate to the competitive pressures felt by all members of the television industry. One is the plain fact that violence sells. Programmers, producers and advertisers have discovered the axiom that violence is a nearly sure-fire ratings booster. It moves the numbers. It is difficult for one member of the television industry to impose internal standards on violence when the others can gain a commercial advantage by going in the opposite direction.

The other competitive factor that tends to increase the amount of violence on television is the structural change the industry has undergone in the last 15 years. The networks must now compete with cable systems, pay TV and home video. These alternatives permit viewers to choose programs that are even more violent than the networks have traditionally allowed.

These new pressures within the industry recently led the networks to dramatically shrink their standards and practices staffs. These departments, as old as broadcasting itself, have been the networks' gatekeepers, charged with considering viewers' sensitivities and community standards. According to an October 1988, article in "Channels", an industry trade publication:

The era of self-censorship at the networks is all but dead. Judgments about what is fit and ready for prime time—or any other daypart—will be made by producers themselves, and by programming executives whose main function is to deliver better ratings.

I ask that the entire text of this article be included in the RECORD.

While showing more violence may help individual broadcasters become winners in the ratings wars, our society—and particularly our children—will be among the losers.

We need the active participation of every sector of the industry to address this problem. The Television Violence Act will give individual members of the industry the freedom to improve the situation through private, voluntary action. It will allow the television industry to use its considerable joint administrative and creative resources to act on this problem without fear either of antitrust liability or government censorship.

The industry believes it cannot take these steps today because of the potential for antitrust liability. This concern arises from a complaint filed by the Justice Department against the National Association of Broadcasters in 1979. See *United States* v. *National Association of Broadcasters,* 536 F. Supp. 149 (D.D.C. 1982).

The Television Violence Act eliminates this obstacle by granting a limited antitrust exemption to certain parties in the industry. The bill simply allows each member of the industry to act jointly with others during a 36-month period for a very specific purpose—to develop voluntary guidelines designed to alleviate the negative impact of televised violence.

The bill does not permit the implementation of any joint sanction or of a boycott by any of the parties granted an antitrust exemption. It imposes no governmental guidelines or regulations on those parties.

The legislation does not permit or contemplate the establishment of a private national censorship board or enforcement authority. It neither requires the members of the industry to meet, nor does it dictate what should be contained in any voluntary guidelines the industry might develop.

As an old civil libertarian, a former journalist and as chairman of the Judiciary Committee's Constitution Subcommittee, I am mindful of the serious first amendment concerns that could be raised by any attempt on the part of the Federal Government to prescribe the content of television programming. I believe, however, that the Television Violence Act presents no such threat to freedom of speech or artistic expression. It leaves responsibility for the regulation of televised violence where it rests today—in the individual good judgment and public-mindedness of broadcasters, cable operators and producers.

I should note here that the Senate Judiciary Committee amended the Senate version of the bill to allow the industry to develop guidelines on depictions of illegal drug use. The amendment simply allows the industry to discuss ways to better use the power of televison to combat a national crisis—the drug scourge.

I strongly believe a democratic, pluralistic society like ours can find ways to protect itself against undue emphasis on violence on television. We need not be frozen in inaction in the face of a serious national problem.

The violence we see every night in our living rooms is increasingly reflected by violence in the streets of the Nation's cities. While clearly there is no one-to-one correlation between the two, study after study has shown a connection between television violence and negative and aggressive behavior.

The evidence that televised violence contributes to aggressive and destructive behavior is now nothing short of overwhelming. I think the conclusions presented by this body of research are about as close as social scientists can come to a true consensus.

A 1972 report by the National Institute of Mental Health ("NIMH"), conducted for the Surgeon General's Scientific Advisory Committee, concluded that a link appeared to exist between violence on television and aggressive behavior. The report also stated that additional studies were required. In 1982, NIMH published an analysis of studies of televison violence conducted after its 1972 report. In testimony before the Juvenile Justice Subcommittee on the 1982 NIMH study, a spokesman for NIMH confirmed that:

A sizable number of studies did support the inference that there was a causal connection between the viewing of televised violence and later aggressive behavior.

The American Psychological Association passed a resolution in February 1986, which stated:

The conclusion drawn on the basis of 25 years of research and the sizable number of experimental and field investigations is that viewing televised violence may lead to increases in aggressive attitudes, values, and behavior, particularly in children.

The American Psychiatric Association and the American Medical Association both passed resolutions which declared that television violence is a risk factor that threatens the health and welfare of young Americans.

The American Academy of Pediatrics' Policy Statement on Children, Adolescents and Television found that:

Repeated exposure to televised violence promotes a proclivity to violence and a passive response to its practice.

I am proud of the support this legislation has received. Among those supporting a bill I introduced in the 100th Congress which is identical to this one were: the National Parent Teacher Association, the American Psychological Association, the Department of Justice, the American Academy of Pediatrics, former Federal Communications Commissioner Newton N. Minow, the United Church of Christ and the Lutheran Church-Missouri Synod.

At a hearing held in 1986 on a predecessor bill I introduced, the Senate Judiciary Committee heard testimony from Robert Keeshan, television's famous Captain Kangaroo. I think Mr. Keeshan's statement contained an excellent summary of the reasons we need to do better in this area:

We should be ever vigilant in protecting the rights of broadcasters, as the FCC has been, but we should be as vigorous in promoting responsibility on the part of broadcasters in meeting the needs of children.

If we fail our youth, we fail the future. In looking at commercial interests, we sow the seeds of a bitter harvest and we shall all eat from that table. No bottom line, however healthy, is worth that price.

The violence and the fear of violence that are gripping millions of Americans in countless American communities are not happening in a vacuum. Our inability to draw the line at excessive television violence is part of that picture. It is time for the televison industry to form an alliance with America's families in changing that picture. That is why this legislation could be one of the most significant family issues before Congress.

Television can appeal to the best in us or the worst in us. I am convinced that we are not using this marvelous medium to draw out the best in ourselves or our society. I believe this bill will help us do that.

The PRESIDING OFFICER. The bill is open to further amendment. If there be no further amendment to be proposed, the question is on agreeing to the committee amendment, as amended.

The committee amendment, as amended, was agreed to.

The PRESIDING OFFICER. The question is on the engrossment and third reading of the bill.

The bill (S. 593) was ordered to be engrossed for the third reading and was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall the bill pass?

So the bill (S. 593), as amended, was passed, as follows:

S. 593

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) actions specified in section 2 shall be exempt from the antitrust laws of the United States.

(b) For purposes of this Act—

(1) "antitrust laws" has the meaning given such term in the first section of the Clayton Act (15 U.S.C. 12), and shall also include section 5 of the Federal Trade Commission Act (15 U.S.C. 45);

(2) "person in the television industry" means a television network, any entity which produces programming for television distribution, including theatrical motion pictures, the National Cable Television Association, the Association of Independent Television Stations, Inc., the National Association of Broadcasters, the Motion Picture Association of America, and each of the networks' affiliate organizations, and shall include any individual acting on behalf of such person; and

(3) "telecast" means any program broadcast by a television broadcast station or transmitted by a cable television system.

SEC. 2. The antitrust laws shall not apply to any joint discussion, consideration, review, action, or agreement by or among persons in the television industry for the purpose of, and limited to, developing and disseminating voluntary guidelines designed to: (1) alleviate the negative impact of violence in telecast material, (2) alleviate the negative impact of illegal drug use in telecast material, and (3) alleviate the negative impact of sexually implicit material in telecast material.

SEC. 3. (a) The exemption provided in section 2 shall not apply to any joint discussion, consideration, review, action, or agreement which results in a boycott of any person.

(b) The exemption provided in section 2 shall apply only to activities conducted within 36 months after the date of enactment of this Act.

SEC. 4. This Act may be cited as the "Television Violence and Indecent Material Act".

Mr. SIMON. Mr. President, I move to reconsider the vote by which the bill, as amended, was passed.

Mr. INOUYE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Chair recognizes the Senator from Hawaii.

PUYALLUP TRIBE OF INDIANS SETTLEMENT ACT OF 1989

Mr. INOUYE. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 932.

The PRESIDING OFFICER. The bill will be stated by title.

The assistant legislative clerk read as follows:

A bill (H.R. 932) to provide for the settlement of land claims, and the resolution of certain issues of governmental jurisdiction, of the Puyallup Tribe of Indians in the State of Washington, and for other purposes.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. ADAMS. Mr. President, I am very pleased today to express support for the prompt passage of H.R. 932, the Puyallup Tribe of Indians Settlement Act of 1989. This legislation provides for the implementation of the Federal role in settling certain land claims of the Puyallup Tribe of Indians in the State of Washington. I have sponsored similar legislation with my colleague Senator GORTON here in the Senate.

This settlement resolves longstanding disputes over tribal land claims in the Tacoma-Pierce County area. In 1854, the Puyallup Tribe, along with several other tribes of the Puget Sound area, entered into the Treaty of Medicine Creek with the United States. From that day on, the precise nature and location of the lands conveyed to the tribe have been in dispute. At the same time, the city of Tacoma grew to become Washington State's second largest city. As the area grew, most of the original Indian land passed out of tribal hands. Eventually, disputes about these land claims ended up in Federal court, and several things became clear:

First, the Puyallup Tribe still existed as a legal entity.

Second, tribal claims to land that was now part of various municipalities, or owned by private landowners, were at least good enough to keep everybody tied up in court for a long time.

Third, resolution of these disputes through the legal process would be enormously expensive to all concerned, and would greatly hinder the overall economic growth of the Tacoma/Pierce County region.

The existing situation hurt everyone. The Puyallup Tribe, deprived for many years of much of their land base, wanted to improve the economic status of its people. Private land owners, corporations, and municipalities, facing clouds on the title to their land, needed an end to a climate of severe uncertainty regarding their control over their land.

Resolution through negotiation was the only viable solution. After much hard work by everyone involved, a settlement was reached last summer. Particular mention must be made of the leadership provided during these negotiations by Senator INOUYE, chairman of the Senate Select Committee on Indian Affairs, and by my colleague from Washington State, Congressman NORM DICKS. Without their efforts this settlement may well have not become a reality.

This legislation authorizes performance of the Federal role outlined in the settlement agreement developed last summer. This settlement, which amounts to approximately $161 million, has been accepted by the tribe, the local governments in Pierce County, and the private property owners. It will become effective once it has been implemented at the State and Federal level.

The Federal role in this settlement involves several functions. One major function involves taking into trust for the tribe lands acquired through this settlement agreement. Another major function involves appropriating the $77.5 million that makes up the Federal share of this settlement.

A Federal role in this settlement is just and proper. Under the doctrine of the trust responsibility, the U.S. Government has an obligation to assist tribes in maintaining or reclaiming lands or rights secured by treaties or other agreements with United States. The United States bears some of the burden of responsibility for the unhappy history of this issue, and the divisions that have been caused in the community. It is only proper that the United States help make things whole.

By doing so, we can contribute to the economic growth of the entire community. This settlement promises economic opportunity for everyone. The Port of Tacoma will be able to continue its amazingly successful development free of concerns caused by legal claims against its property. Municipalities like the city of Tacoma can plan for the economic well-being of all citizens in an atmosphere free of legal uncertainty and animosity. The Puyallup Tribe, this settlement gives the tribe resources and economic incentives to help develop a strong and viable economic base for the future.

This settlement also benefits the community as a whole by developing mechanisms for cooperation between the tribe and its neighbors on a government-to-government basis. As the tribe and surrounding communities grow together, cooperation will be essential on issues such as land use matters, environmental concerns, navigation conflicts, fisheries management, and flood control. Through mechanisms established by this agreement, the cooperative spirit embodied in this settlement will become an enduring legacy for the future.

Finally, Mr. President, I must again commend Senator INOUYE and Congressman DICKS for their leadership role on this issue. Along with my colleague Senator GORTON, they have helped to move this legislation swiftly through Congress.

This bill is a practical solution to a difficult problem. I urge my colleagues to grant it swift passage.

Mr. INOUYE. Mr. President, this measure represents 2 years of intensive negotiation and work by the citizens of the State of Washington, the Governor, and members of the legislature, the Federal Government of the United States, Department of the Interior, Justice Department, Bureau of Indian Affairs, and the congressional delegation.

I believe the Senate should be aware that Members such as Senators BROCK ADAMS and SLADE GORTON spent many hours with the Puyallup Tribe to bring this resolution about, because without this bill this matter would still be in the courts, placing a horrible cloud of uncertainty over the city of Tacoma, the Port of Tacoma, and for that matter, the State of Washington. I would hope that we can consider this immediately and pass upon it. I am pleased to advise the Senate that this measure has been approved by both leaders, Republican and Democrat.

At this time, if I may, I wish to yield to my distinguished colleague from Washington, [Mr. GORTON].

The PRESIDING OFFICER. The Chair recognizes the Senator from Washington.

Mr. GORTON. Mr. President, I thank the distinguished Senator from Hawaii, both for his explanation of this bill and for what I can only refer to as dedication far above and beyond the call of any duty on his part, in shepherding this proposal from an amorphous idea, which had divided the community and had been rejected by the Indian tribe concerned in an earlier version, through eight visits to my State, to the point at which we have the bill before us here today.

The distinguished Senator from Hawaii, who is the chairman of the Committee on Indian Affairs, has shown a dedication and a thoughtfulness to the cause of justice, to the cause of settling the complex questions like this, without protracted and lengthy litigation, which is highly commendable.

The Senator from Hawaii speaks quite correctly, this does unite the congressional delegation from the State of Washington. My distinguished colleague, Senator ADAMS, one of the original sponsors of the bill, is here on the floor. We believe that it is not only a fine settlement of this controversy, but that it is an indicator of the way in which many such controversies across the Nation can appropriately be settled in the future.

Once again, I want to express my deep gratitude to the Senator from Hawaii for his absolutely sterling leadership in this connection.

Mr. President, it is with great pleasure that I rise in support of H.R. 932, the Puyallup Tribe of Indians Settlement Act of 1989. The Puyallup Settlement is a landmark agreement that will resolve once and for all, the longstanding land claims and jurisdictional disputes which have hindered development and clouded residential and commercial properties in the Tacoma area.

I believe the settlement, a product of 4 years of negotiations, is comprehensive and fair to all parties. It will implement an agreement approved by the Puyallup Indian Nation on August 27, 1988.

The settlement is valued at $161.5 million, with a Federal share of $77.25 million, a figure which is below 50 percent of the total package. While the total prive of this settlement is great, the high cost is caused by the site of the disputed lands—the very heart of the Port of Tacoma, the sixth largest container port in North America, downtown Tacoma, the third largest city in Washington State, as well as in surrounding areas in Pierce County. It should be noted, however, that the local and State governments, as well as the private parties, are so committed to this settlement that they have agreed to contribute over 50 percent of the total cost of the package.

The agreement was carefully crafted to plan for the Tribe's future. Several direct benefits will be provided to the tribal membership, including: the acquisition of land, economic development and job training activities, fisheries enhancement, housing rehabilitation, and support for social needs such as health care, day care, and education.

The agreement will serve as a catalyst for future cooperation between the Indian and non-Indian community. Under the terms of the settlement, a cooperative approach will be stablished for governmental authority and responsibility including a system of consultation and dispute resolution for land use matters and environmental concerns, a procedure for determining how future lands go into trust, an agreement for resolving navigational conflicts, an agreement on how future governmental services are to be provided, and the establishment of future programs related to fisheries and flood control.

Absent the approval of this settlement, the only means to resolve the conflicts between the Puyallup Tribe and the non-Indian community rests with the courts. The claims of the Puyallup Tribe are currently in the district court and are on hold pending congressional consideration of the negotiated settlement. In the meantime, the Port of Tacoma is hindered in obtaining needed permits to fill waterways or extend piers to meet its growing demands, private companies on the tidelands have a great deal of trouble, landowners can't obtain title insurance needed to sell their homes.

H.R. 932 is identical to S. 402, a bill I sponsored with Senator ADAMS. A hearing was held by the Select Committee on Indian Affairs on February 24, 1989. The legislation was approved by voice vote by the Senate Select Committee on Indian Affairs on May 16, 1989. I would like to thank both the chairman, DANIEL INOUYE and the ranking Republican, JOHN MCCAIN, for their assistance in expeditiously considering this legislation. I would particularly like to thank Chairman INOUYE who traveled to Washington State on eight separate occasions to work with the parties to resolve their differences. I am convinced that without Chairman INOUYE's personal involvement and his reputation as a man all sides trusts, we would not be here today. I would also like to commend my colleague in the House, NORM DICKS, whose district is affected by these claims. NORM has been a tireless advocate for a negotiated settlement. He worked diligently with the team of negotiators to hammer out a final compromise.

Before the Senate Select Committee on Indian Affairs considered S. 402, a letter was received by the Justice Department outlining their concerns with the legislation. One matter which they raised was particularly troubling and worthy of a response. The Justice Department concerns primarily stem from a misunderstanding of the settlement agreement and its relationship to State and Federal environment cleanup requirements under CERCLA and State Superfund law. Justice expressed concerns that the process for cleaning up contaminated lands might not include involvement by EPA. I want to assure my colleagues that the parties to this agreement by law cannot enter into separate agreements that supersede Federal law, nor did they attempt to do this. Because of the Justice Department's letter, I asked the Port of Tacoma to respond to these charges. A letter I received, dated May 16, 1989, from John Terpstra, the executive director of the Port of Tacoma, speaks clearly to this issue. It states, "the Puyallup Tribal Settlement Agreement does not release the Port of Tacoma from CERCLA liability relative to properties transferred to the tribe. The Tribal Agreement requires compliance with State Department of Ecology and U.S. Environmental Protection Agency Superfund cleanup laws and other applicable laws."

During the markup of the bill, my colleague, Senator MCCAIN, expressed concern that the settlement not be funded at the expense of other Indian programs administered by the Bureau of Indian Affairs or the Indian Health Service. I want to again assure him, as I did at the markup, that it is not this Senator's intent to seek funding for

this settlement from any existing Indian programs.

Mr. President, in conclusion let me state that I believe a negotiated settlement is a far better alternative than the disruption and uncertainty caused by protracted litigation. Passage of this agreement will put behind us a history of confrontation, and put before us one of cooperation. We will forge a partnership which brings together people who share common goals and interests, who will work together for a mutual objective. I am looking forward to the realization of that worthy goal.

Mr. INOUYE. Mr. President, I thank my colleague for his very generous words.

I am pleased to yield to my distinguished friend from Washington [Mr. ADAMS].

Mr. ADAMS. Mr. President, I, too, want to express my deep gratitude to the Senator from Hawaii, the chairman of the committee, for not only an outstanding job done with this particular piece of legislation, but the caring and the time that he has spent both dealing with the tribal people involved, the city people involved, the State government, and many others, it is a fine tribute to him, that he could do this thing for this tribe at this time.

As my colleague, Senator GORTON, said, it forms a basis for settlement of many, many pieces of litigation throughout the United States, and I am hopeful that this starts a new trend. For that, I personally want to state my gratitude to the Senator from Hawaii.

I think the entire Nation should be grateful to the chairman for showing a new way for settlement of difficulties for native Americans, and we are grateful to him and the Nation is grateful to him.

Mr. INOUYE. I thank my friend from Washington.

The PRESIDING OFFICER. The bill is before the Senate and open to amendment. If there be no amendment to be offered, the question is on the third reading and passage of the bill. The bill (H.R. 932) was ordered to a third reading, was read the third time, and passed.

Mr. INOUYE. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. GORTON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

APPOINTMENT BY THE VICE PRESIDENT

The PRESIDING OFFICER. The Chair, on behalf of the Vice President, pursuant to 22 U.S.C. 276(d)-276(g), as amended, appoints the Senator from Nevada [Mr. BRYAN] as a member of the Senate delegation to the Canada-United States Interparliamentary Group during the 101st Congress, 1st Session, to be held in Montebello, Canada, June 1-5, 1989.

The PRESIDING OFFICER. The Chair recognizes the Senator from Georgia.

APPOINTMENT OF DEPUTY LEGAL COUNSEL

Mr. FOWLER. Mr. President, on behalf of the distinguished majority leader, Mr. MITCHELL, and the distinguished Republican leader, Mr. DOLE, I send to the desk a resolution and ask for its immediate consideration.

The PRESIDING OFFICER. The resolution will be stated by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 138) reappointing Kenneth U. Benjamin, Jr., as Deputy Senate Legal Counsel.

The PRESIDING OFFICER. Is there objection to the present consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

The resolution was agreed to as follows:

S. RES. 138

Resolved, That the reappointment of Kenneth U. Benjamin, Jr., to be Deputy Senate Legal Counsel, made by the President pro tempore of the Senate this day, shall become effective on June 1, 1989, and the term of service of the appointee shall expire at the end of the 102d Congress.

Mr. FOWLER. Mr. President, I move to reconsider the vote by which the resolution was agreed to.

Mr. GORTON. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

COMMITTEE DISCHARGED FROM CONSIDERATION OF S. 757

Mr. FOWLER. Mr. President, on behalf of the senior Senator from Louisiana [Mr. JOHNSTON] I ask unanimous consent that the Committee on Energy and Natural Resources be discharged from consideration of S. 757, legislation to redesignate the Federal hydropower generating facilities located at Dam B on the Neches River at Town Bluff, TX, as the "Robert Douglas Willis Hydropower Project". The bill was erroneously referred to the Committee on Energy and Natural Resources and should be re-referred to the appropriate Committee.

The PRESIDING OFFICER. Without objection, it is so ordered.

STRATEGIC PETROLEUM RESERVE AMENDMENTS

Mr. FOWLER. Mr. President, I ask unanimous consent that the Senate now proceed to the immediate consideration of Calendar Number 71, S. 694, the strategic petroleum reserve authorization bill.

The PRESIDING OFFICER. The bill will be stated by title.

The legislative clerk read as follows:

A bill (S. 694) to amend the Energy Policy and Conservation Act to extend the authority for the strategic petroleum reserve, and for other purposes.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill which had been reported from the Committee on Energy and Natural Resources, with amendments as follows:

(The parts of the bill intended to be stricken are shown in boldface brackets, and the parts of the bill intended to be inserted are shown in italic.)

S. 694

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be referred to as the "Strategic Petroleum Reserve Amendments of 1989".

EXTENSION OF AUTHORITY

SEC. 2. Section 171 of the Energy Policy and Conservation Act, as amended (42 U.S.C. 6251), is amended by striking the term "June 30, 1989" everywhere it appears and substituting the term "June 30, 1994".

ENLARGEMENT TO ONE BILLION BARRELS

SEC. 3. (a) Section 159 of the Energy Policy and Conservation Act (Public Law 94-163), as amended (42 U.S.C. 6239), is amended by adding the following new subsection:

"(i) The Secretary shall on January 30, 1990, amend the Strategic Petroleum Reserve Plan to prescribe plans for completion of storage of one billion barrels of petroleum products in the Reserve. Such amendment shall comply with the provisions of this section and shall detail the Secretary's plans for the design, construction, leasing or other acquisition, and fill of storage and related facilities of the Reserve to achieve such **[**one billion barrel**]** *one billion barrels of* storage. Such amendment shall not be subject to the congressional review procedures contained in section 551 of Public Law 94-163 (42 U.S.C. 6421). In assessing alternatives in the development of such plans, the Secretary shall consider leasing privately owned storage facilities.".

(b) Section 160 of the Energy Policy and Conservation Act, as amended (42 U.S.C. 6240), is amended—

(1) by substituting in paragraph (c)(3)—

(A) the term "fiscal year 1995" for the term "fiscal years 1988 and 1989", and

(B) the term "1,000,000,000" for the term "at least 750,000,000", and (2) in paragraph (d)(1)—

(A) by substituting in subparagraph (A) the term **[**"750,000,000**]** *"1,000,000,000"* for the term **[**"1,000,000,000"**]** *"750,000,000"*, and

(B) by striking the period at the end of subparagraph (B) substituting a semicolon,

and adding a new subparagraph (C) as follows:

"(C) after January 30, 1990, the Secretary has amended the Strategic Petroleum Reserve Plan as required by section 159(i).".

PREDRAWDOWN DIVERSION OF SPR OIL

SEC. 4. Section 161 of the Energy Policy and Conservation Act, as amended (42 U.S.C. 6241), is amended by adding the following new subsection:

"(h)*(1)* If the President finds that a severe energy supply interruption may be imminent and that the world price of crude oil has, as a result, increased substantially, then the execution of new contracts for petroleum products for injection into the Strategic Petroleum Reserve may be curtailed or suspended for not to exceed thirty days, and the provisions of sections 160(c) and (d) shall not apply: *Provided, however,* That *the President may extend* such [funding may be extended] *finding* for additional thirty-day periods [upon a finding] *if he finds* that the conditions that justified the initial finding still exist. *(2)* The period during which such Presidential [declaration] *finding* is in effect, and the quantity of any petroleum products involved, shall be disregarded in applying the provisions of such subsections for periods following the effective period of such [declaration] *finding. (3)* When such a [declaration] *finding* is in effect, the Secretary is authorized to sell, in accordance with rules or regulations which he shall promulgate, any petroleum products acquired for storage in, but not injected into, the Strategic Petroleum Reserve. *(4)* The receipts from such sales shall be deposited in the "SPR Petroleum Account" under section 167 and shall be subject to section 167(d).".

OIL LEASING STUDY AND REPORT

Sec. 5. The Secretary of Energy shall provide no later than ninety days after enactment of this Act to the Senate Committee on Energy and Natural Resources and to the House Committee on Energy and Commerce a written, detailed report on potential financial arrangements (including long-term leasing of crude oil and storage facilities) as additional, alternative means of financing the Strategic Petroleum Reserve. The Secretary of Energy shall direct that in the course of conducting this study the appropriate officials shall:

(a) survey a broad array of potential financial arrangements;

(b) communicate with persons in the private sector who might be interested in leasing crude oil or storage facilities;

(c) initiate, in cooperation with the State Department, discussions with representatives of foreign governments and other entities as to the types of financial arrangements (including crude oil leasing arrangements) that would interest them, consistent with United States interests, and

(d) draft preliminary solicitations for proposed Stratgic Petroleum Reserve financial arrangements (including long-term leasing of crude oil and storage facilities.)

Such report shall include legislative recommendations and proposals to facilitate such financial arrangement (including long-term leasing of crude oil and storage facilities).

Mr. McCLURE. Mr. President, I rise today in support of S. 694, the Strategic Petroleum Reserve Amendments of 1989.

Thirteen years have passed since the Congress initially authorized the strategic petoleum reserve. Successful completion of the reserve was considered a monumental task by all the affected parties. Nevertheless, by the end of this year, due to the support and dedication of many individuals, the SPR will contain about 578 million barrels of oil, or over three-quarters of the currently authorized 750 million barrel reserve.

However, on June 30, the general authorities to construct, maintain and drawdown the SPR expire. After that date the Department can maintain the SPR with appropriated funds, but it will not have the necessary authorities to implement an actual drawdown in the event of an international energy crisis.

S. 694 extends these critical authorities for an additional 5 years until June 30, 1994. The bill also authorizes the fourth 250 million barrels of SPR storage, as originally envisioned by the Congress. This authorization would increase the reserve up to the 1 billion barrel statutory goal approved by the Congress in 1976.

Not too long ago, the strategic stocks held by IEA member countries were the equivalent to more than 160 days of 1986 net imports, compared to the minimum obligation under the International Energy Agreement of 90 days of net oil imports. At the time, the United States was encouraging further improvements in strategic stocks, particularly by those few IEA member states who continued to fall short of their IEA obligations in this regard.

But now, due to very troubling trends in our oil imports, the United States could in the near future fail to meet its own IEA obligations. If this were to occur it would significantly undermine the U.S. credibility and leadership on this vital issue. Therefore, it is particularly appropriate at this time that the Congress authorize a larger reserve.

The bill also authorizes the diversion of oil in transit for storage in the SPR when the President anticipates an energy crisis. Under such circumstances the President would be authorized to divert oil in transit to the SPR into international energy markets, thus relieving the anticipated shortage. It must be noted, however, that we are talking about situations that are expected to deteriorate into a "severe energy supply disruption." We are not talking about situations such as the recent *Exxon Valdez* incident. In my opinion, it is not appropriate to consider drawdown of the SPR in such instances, as has been suggested from time to time by different administrations. What is clear is that existing statutory authority permits SPR drawdown only in the event of an actual "severe energy supply disruption" or when required by obligations of the United States under the International Energy Program Agreement.

Mr. President, during the committee's deliberations on this measure there was discussion of the budget consequences of the SPR and the need to examine alternative mechanisms other than direct appropriations, to finance oil purchases for the reserve. There was extensive discussion of possible alternatives but, from an energy policy perspective, none of the proposals had any major advantages over the current use of direct appropriations. Particular attention was devoted to the alternative of leasing both oil and private storage facilities. S. 694 thus authorizes a study by DOE of alternative mechanisms for financing the SPR, with particular emphasis on leasing, with a report to the Congress within 90 days of enactment.

In light of the present budgetary climate, it is particularly appropriate at this time that the committee consider alternative financing measures for such an expanded reserve. Each financing method possesses its strengths and weaknesses. But each method must be evaluated from the perspective of maintaining the Government's control of drawdown of the SPR. Under current law, drawdown is controlled by the President based on national energy security and economic concerns. I believe that such Presidential control must be retained.

Currently before Congress is a Bush administration proposal to sell the naval petroleum reserve to finance fill of the SPR in lieu of appropriations. In recent years, similar proposals have been specifically rejected by the Congress. The time has arrived to consider this and other financing proposals that would serve as alternatives to direct appropriations and I would anticipate the committee's continued work in this regard in the coming weeks.

Mr. President, I would urge my colleagues at this time to approve S. 694 as reported by the Energy and Natural Resources Committee.

The PRESIDING OFFICER. The bill is open to further amendment. If there be no further amendment to be proposed, the question is on agreeing to the committee amendments en bloc.

The committee amendments were agreed to en bloc.

The bill was ordered to be engrossed for a third reading and was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass?

So the bill (S. 694), as amended, was passed, as follows:

S. 694

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be referred to as the "Strategic Petroleum Reserve Amendments of 1989".

EXTENSION OF AUTHORITY

SEC. 2. Section 171 of the Energy Policy and Conservation Act, as amended (42 U.S.C. 6251), is amended by striking the term "June 30, 1989" everywhere it appears and substituting the term "June 30, 1984".

ENLARGEMENT TO ONE BILLION BARRELS

SEC. 3. (a) Section 159 of the Energy Policy and Conservation Act (Public Law 94-163), as amended (42 U.S.C 6239), is amended by adding the following new subsection:

"(i) The Secretary shall by January 30, 1990, amend the Strategic Petroleum Reserve Plan to prescribe plans for completion of storage of one billion barrels of petroleum products in the Reserve. Such amendment shall comply with the provisions of this section and shall detail the Secretary's plans for the design, construction, leasing or other acquisition, and fill of storage and related facilities of the Reserve to achieve such one billion barrels of storage. Such amendment shall not be subject to the congressional review procedures contained in section 551 of Public Law 94-163 (42 U.S.C. 6421). In assessing alternatives in the development of such plans, the Secretary shall consider leasing privately owned storage facilities.".

(b) Section 160 of the Energy Policy and Conservation Act, as amended (42 U.S.C. 6240), is amended—

(1) by substituting in paragraph (c)(3)—

(A) the term "fiscal year 1995" for the term "fiscal years 1988 and 1989", and

(B) the term "1,000,000,000" for the term "at least 750,000,000", and (2) in paragraph (d)(1)—

(A) by substituting in subparagraph (A) the term "1,000,000,000" for the term "75,000,000,000", and

(B) by striking the period at the end of subparagraph (B), substituting a semicolon, and adding a new subparagraph (C) as follows:

"(C) after January 30, 1990, the Secretary has amended the Strategic Petroleum Reserve Plan as required by section 159(i).".

PREDRAWDOWN DIVERSION OF SPR OIL

SEC. 4. Section 161 of the Energy Policy and Conservation Act, as amended (42 U.S.C. 6241), is amended by adding the following new subsection:

"(h)(1) If the President finds that a severe energy supply interruption may be imminent and that the world price of crude oil has, as a result, increased substantially, then the execution of new contracts for petroleum products for injection into the Strategic Petroleum Reserve may be curtailed or suspedened for not to exceed thirty days, and the provisions of sections 160(c) and (d) shall not apply: *Provided, however,* That the President may extend such finding for additional thirty-day periods if he finds that the conditions that justified the initial finding still exist. (2) The period during which such Presidential finding is in effect, and the quantity of any petroleum products involved, shall be disregarded in applying the provisions of such subsections for periods following the effective period of such finding. (3) When such a finding is in effect, the Secretary is authorized to sell, in accordance with rules or regulations which he shall promulgate, any petroleum products acquired for storage in, but not injected into, the Strategic Petroleum Reserve. (4) The receipts from such sales shall be deposited in the "SPR Petroleum Account" under section 167 and shall be subject to section 167(d).".

OIL LEASING STUDY AND REPORT

SEC. 5. The Secretary of Energy shall provide no later than ninety days after enactment of this Act to the Senate Committee on Energy and Natural Resources and to the House Committee on Energy and Commerce a written, detailed report on potential financial arrangements (including long-term leasing of crude oil and storage facilities) as additional, alternative means of financing the Strategic Petroleum Reserve. The Secretary of Energy shall direct that in the course of conducting this study the appropriate officials shall:

(a) survey a broad array of potential financial arrangements;

(b) communicate with persons in the private sector who might be interested in leasing crude oil or storage facilities;

(c) initiate, in cooperation with the State Department, discussions with representatives of foreign governments and other entities as to the types of financial arrangements (including crude oil leasing arrangements) that would interest them, consistent with United States interests, and

(d) draft preliminary solicitations for proposed Strategic Petroleum Reserve financial arrangements (including long-term leasing of crude oil and storage facilities).

Such report shall include legislative recommendations and proposals to facilitate such financial arrangements (including long-term leasing of crude oil and storage facilities).

Mr. FOWLER. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. GORTON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

NATIONAL D-DAY REMEMBRANCE

Mr. FOWLER. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of a resolution (S. Res. 139), submitted earlier today by Senator LAUTENBERG and others which designates June 6, 1989, the 45th anniversary of D-day, as National D-Day Remembrance Day.

The PRESIDING OFFICER. Without objection, the resolution will be stated by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 139) to designate June 6, 1989, as National D-Day Remembrance Day, and to recognize the sacrifices made by the American and other Allied soldiers who gave their lives to liberate Europe and save the world from Adolf Hitler.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Georgia?

There being no objection, the Senate proceeded to consider the resolution.

Mr. LAUTENBERG. Mr. President, I rise in support of the resolution to designate June 6, 1989, the 45th anniversary of D-day, as National D-Day Remembrance Day. The resolution also recognizes the sacrifices made by American and Allied soldiers who gave their lives to liberate Europe and save the world from Hitler.

This legislation has been endorsed by the American Legion, the Disabled American Veterans, the AMVETS, and the Paralyzed Veterans of America.

On June 6, 1944, Allied troops invaded Normandy, France, marking the beginning of the end of the Nazi empire. On that day, hundreds of thousands of American, British, and Canadian troops sprang from the sea and air onto the coast and fields of Normandy, France, in Operation Overlord to punch a gaping hole in Hitler's Fortress Europe. On the morning of D-day, more than 5,000 Allied ships carrying nearly 100,000 men with 1,083 heavy bombers and more than 2,000 fighter planes overhead hit the beaches of Normandy, France.

The invasion was the largest combined air, sea, and land operation in history. After a day of bitter fighting the Allies established a beachhead in Normandy. During the next week the Allied Expeditionary Force solidified its position. The Germans, because of the disruption of their transportation system and Allied air superiority, could not bring sufficient reserves to the battlefield to launch an effective counterattack. Within a few days, the Allies broke through the Normandy defenses and were racing toward Paris. Another Allied invasion of Southern France took place in the middle of August and on August 25, 1944, Paris was liberated, opening the way to an invasion of Germany itself.

The people of the United States owe a tremendous debt of gratitude to all members of our Armed Forces who participated in Operation Overlord on D-day, and in all other theaters during World War II.

I urge the Senate to adopt this resolution swiftly.

Mr. GORTON. Mr. President, I note that my name does not appear as a cosponsor of this resolution. I ask unanimous consent that it be so included.

The PRESIDING OFFICER. Without objection, it is so ordered.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

The resolution was agreed to.

The preamble was agreed to.

The resolution, with its preamble, read as follows:

S. RES. 139

Whereas June 6, 1989, marks the 45th anniversary of D-Day, the day on which thousands of American, British and Canadian troops sprang from the sea and air onto the coast and fields of Normandy in "Operation Overlord" to punch a gaping hole in Adolf Hitler's "Fortress Europe";

Whereas after the German victory over France in 1940, one of the main objectives of the Allied powers was to invade France as the first major step toward the defeat of Nazi Germany;

Whereas Allied planning for an invasion of France, named Operation Overlord, began in earnest in 1942;

Whereas General Dwight D. Eisenhower, Commander of United States forces in Europe, was selected as Supreme Commander of the Allied Expeditionary Force, and Great Britain's General Bernard Law Montgomery, the hero of El Alamein, was appointed to command the Twenty-First Army Group, the main Allied land force;

Whereas the beaches of Normandy were selected for the primary invasion;

Whereas General Eisenhower knew that the Allies had to succeed in establishing a beachhead on the first day because, with the scarcity of landing craft, it would be 6 weeks before the Allies could land enough men to achieve numerical superiority over the German defenders;

Whereas the Germans, anticipating the inevitable invasion, began constructing coastal defenses in northern France in 1940;

Whereas on the morning of June 6, 1944, known as "D-Day", more than 5,000 Allied ships carrying nearly 100,000 men hit the beaches of Normandy, with 1,083 heavy bombers and more than 2,000 fighter planes providing support overhead;

Whereas the invasion was the largest combined air, sea, and land operation in history;

Whereas after a day of bitter fighting the Allies succeeded in establishing a beachhead;

Whereas during the next week the Allied Expeditionary Force solidified its position, and the Germans, because of the disruption of their transportation system and because of Allied air superiority could not bring sufficient reserves to the battlefield to launch an effective counterattack;

Whereas both Field Marshal Rommel and Adolf Hitler believed the Normandy invasion was a feint for a larger invasion at Calais and kept troops away from Normandy;

Whereas Field Marshal von Rundstedt was unable to move his armor in time to stem the Allied advance;

Whereas a massive battle against German armor at Caen held up General Montgomery for a few days, but the Allies broke through the Normandy defenses and raced toward Paris;

Whereas the Allies mounted a second invasion in southern France in August 1944, and on August 25, 1944, Paris was liberated, opening the way to the invasion of Germany itself; and

Whereas the people of the United States owe a tremendous debt of gratitude to all members of our Armed Forces who participated in "Operation Overlord" and in all other theaters during World War II: Now, therefore be it

Resolved, That June 6, 1989, is designated as "National D-Day Remembrance Day", and the President is requested to issue a proclamation calling upon the people of the United States to observe this solemn occasion with appropriate ceremonies and activities, and to express gratitude to those who gave their lives and to all others who served to defend our freedom in World War II.

Mr. FOWLER. Mr. President, I move to reconsider the vote by which the resolution was agreed to.

Mr. GORTON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AUTHORIZATION FOR THE USE OF THE ROTUNDA FOR THE LYING IN STATE OF THE REMAINS OF THE LATE HONORABLE CLAUDE PEPPER

Mr. FOWLER. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of House Concurrent Resolution 139, which recognizes the long and distinguished service of our colleague, the late Congressman CLAUDE PEPPER, and to permit his remains to lie in state in the rotunda of the U.S. Capitol on June 1 and June 2.

The PRESIDING OFFICER. The Clerk will state the concurrent resolution by title.

The assistant legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 139) authorizing the use of the rotunda of the Capitol for the lying in state of the remains of the late Honorable Claude Pepper.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the concurrent resolution?

There being no objection, the Senate proceeded to consider the concurrent resolution.

The PRESIDING OFFICER. The question is on agreeing to the concurrent resolution.

The concurrent resolution (H. Con. Res. 139) was agreed to.

Mr. FOWLER. Mr. President, I move to reconsider the vote by which the concurrent resolution was agreed to.

Mr. GORTON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

LOCAL RAIL SERVICE ASSISTANCE REAUTHORIZATION ACT

Mr. FOWLER. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of Calendar Order No. 57, S. 255, the Local Rail Service Assistance Reauthorization Act.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 255) to authorize appropriations for the local rail service assistance program.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Georgia?

There being no objection, the Senate proceeded to consider the bill.

(Purpose: To make an amendment in the nature of a substitute)

Mr. HARKIN. Mr. President, I have an amendment in the nature of a substitute for S. 255 which I send to the desk.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Iowa [Mr. HARKIN] proposes an amendment numbered 109.

Mr. HARKIN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

Strike all after the enacting clause and insert the following:

That this Act my be cited as the "Local Rail Service Assistance Reauthorizaton Act of 1990".

SEC. 2. (a) The second sentence of subsection (q) of section 5 of the Department of Transportation Act (49 App. U.S.C. 1654(q)) is amended—

(1) by striking "and" and "immediately after 1987,";

(2) by striking the period at the end and inserting in lieu thereof a comma; and

(3) by adding at the end the following: "and not to exceed $10,000,000 for the fiscal year ending September 30, 1990.".

(b) The last sentence of such subsection (q) is amended by striking "1988" and inserting in lieu therof "1990".

SEC. 3. Section 5(g) of the Department of Transportation Act (49 App. U.S.C. 1654(g)) is amended by striking "70 per centum" and inserting in lieu thereof "60 per centum".

Mr. HARKIN. Mr. President, this amendment has been cleared on both sides. Basically this amendment tracks and is the same as S. 255 except that it changes the title to the "Local Rail Service Assistance Reauthorization Act of 1990" rather than 1989 and reauthorizes the program for fiscal year 1990 at a level of $10 million.

Mr. President, at the outset I wish to first of all thank my colleague, Senator PRESSLER, from South Dakota, for all of his hard work. This effort has been going on now for at least a year, and Senator PRESSLER has been a moving force behind getting it through this year. I just want to commend him and thank him for all of his hard work and effort to get this bill through.

I would also like to commend Senator EXON, the chairman of the authorizing subcommittee and Senator HOLLINGS, the chairman of the Commerce Committee for their substantial efforts and support of local rail service assistance. I very much appreciate their support.

Senator D'AMATO from New York has also been a very strong supporter of the local rail service assistance bill and I know that he has done a lot of work also to make sure that this bill gets through.

Senators COCHRAN and SIMON have been very helpful. Many other Senators have been helpful.

LRSA has a lot of bipartisan support, Mr. President.

The bill provides for a reauthorization of this program for 1 year at a level of $10 million for fiscal year 1990. The Local Rail Service Assistance Program provides a low level of financial assistance to all States for

use in manners they consider appropriate for rail freight support. Most of the States use those funds for planning.

Most of the funds are allocated to specific rail rehabilitation projects. In a relatively small number of cases funds were used to help pay for the acquisition of track by a new shortline railroad to avoid abandonment.

LRSA has been responsible for rehabilitating thousands of miles of freight track; allowing for the handling of larger cars at higher speeds; reopened scores of critical branchlines as newly created shortline companies; and provided for the movement of many thousands of carloads of freight that would have otherwise been carried in smaller, less efficient, and more costly truck loads.

Without railroad branchlines, farmers would have to move their grain by truck, which is more costly. Small coal companies and many small manufacturers would have to do the same. For many of them, the loss of rail service can mean the loss of their ability to operate economically.

In addition to the higher costs to business, Government also pays higher costs due to greater truck use of the highway system. For every 100 railroad cars filled with corn that we take out of commission, our deteriorating roads will have to endure 387 more trucks.

Some say that railroads are not a Federal responsibility. They say that if a rail line is not profitable, it will be abandoned and if it is profitable, it will be maintained. That simply is not true. A railroad may make money on a line. But, it may not be making as much of a profit as it could make elsewhere. or, a railroad may be in such poor financial shape that it cannot maintain its lines, thus allowing them to fall into disrepair and become more costly to use. Or, poor railroad management can leave shippers without cars, forcing them to use trucks which means there is less revenue earned on the branchline.

Economic systems are not perfect. The value of a branchline to local shippers may be so great that the shippers themselves may want to purchase the line if a railroad chooses to abandon it. But the shippers may not have the resources to put the deal together. The value of a line to grain elevators and farmers may be far more than the salvage value of the track and the land.

The National Conference of State Railway Officials Task Force of the American Association of State Highway and Transportation Officials met several years ago. The report documents classic LRSA cases where light density rail branchlines, abandoned by major railroad companies, have been reorganized as shortlines. These shortlines, equipped with new rolling stock and their tracks rehabilitated, successfully maintained the economic viability of major regions of their respective States.

On February 28, 1989, the Federal Railroad Administration issued a report called "Deferred Maintenance and Delayed Capital Improvements on Class II and Class III Railroads." It estimates that to meet the rehabilitation needs of such railroads $408 million beyond what the railroads can afford is necessary. And, I would point out that when a regulatory agency asks how much trackage is in poor repair, they may get low, rather than high, numbers. According to the study, these railroads can meet only 24 percent of their rehabilitation costs with internal funds. And, as the report noted, most of these railroads are operating very efficiently with little ability to further reduce costs.

The more it costs industry to move goods, the less competitive we are as a nation. In my own State of Iowa, the Grain and Feed Association figures that farmers can increase their profit margin 3 to 12 cents per bushel when they ship by rail instead of truck. Now, handling high-volume bulk agricultural products on branchlines is not easy. When the jumbo 100-ton hoppers were introduced, most light duty branchlines were inadequate to handle the loads. To compound the problem, unit train shipments of 25 to 50 cars have become popular and these heavy trainloads place much greater stress on tracks than general train operations.

But, lower product cost and greater competitiveness of rail shippers are directly related to the condition of track maintenance. LRSA rail maintenance has allowed increased operating speeds, reduced derailments, and permitted heavier carloads. These are attributes that shippers can directly translate into fewer cars, shipments that arrive more quickly, and of course, lower costs.

The funds being authorized by this legislation will find many worthy projects. With proper administration, these funds can be used to make the difference on a number of significant lines where the loss of service would be most damaging.

In my home State of Iowa, our State rail division has developed a program which provides for a considerable leveraging of the Federal funds with the State matching the Federal LRSA contribution and often acquiring a 60-percent match of the Government funds from the railroad or the shippers. In some cases, that is not feasible. When loans are issued, the repaid funds go back to the States to be used for new railroad assistance.

Recently, $900,000 was provided for the rehabilitation of track for the Chicago, Central and Pacific Railroad in Iowa. Those funds were matched by an equal amount from the State of Iowa and the railroad matched that with $2.7 million for a total of $4.5 million.

This is a program that really works. Lines are saved and our entire economy benefits. It deserves to be continued.

I urge that the Local Rail Service Assistance Program be reauthorized.

Mr. PRESSLER. Mr. President, my distinguished colleague from Iowa and I have worked long and hard to breathe new life into the Local Rail Service Assistance [LRSA] Program. Many times during this process, it has seemed like LRSA was at death's door.

But we are here this afternoon to hopefully begin a new life for the program that has done so much to rehabilitate the rail infrastructure of this country in cooperation with State and local governments.

The LRSA Program came about in 1973 as a result of the creation of the Conrail system. A major change in the program occured in 1978 when the emphasis was placed on preserving lines before abandonment, rather than after.

Under the guidance of the Federal Railroad Administration [FRA], the program provides entitlement funding for planning or project purposes in each of the 50 States. The discretionary portion of the program can be used for project purposes only.

The beauty of LRSA is the cooperation it encourages between Federal and non-Federal sources. As previously administered, the Federal Government contributes 70 percent of the award and another entity must provide the remaining 30 percent. Today's legislation reduces the Federal portion to 60 percent and the remaining contribution to 40 percent.

We are at a time in our Nation's history when attention must be given to the State of infrastructure. Rehabilitation of needy rail lines is especially important to the continued economic viability of rural America. In South Dakota and other States, that means transportation alternatives for agricultural shippers. In other areas, it may mean continued service to a small manufacturing enterprise that finds other modes of transportation cost-prohibitive.

The critical shortage of capital in the railroad industry makes LRSA even more important. Though railroad economic deregulation has led to a healthier industry, it also resulted in the abandonment or reduction of service to many areas. The phenomenon of short-line or regional railroading has developed as an alternative to abandonments or neglected and worn track.

Whenever the subject of LRSA comes up, I am quick to point to a success story in South Dakota that exemplifies the need for this program. In

1986, the Chicago and North Western Railroad attempted to abandon a large amount of track running through the center of South Dakota. The Dakota, Minnesota, and Eastern [DM&E], a regional railroad, was born out of necessity, because maintenance costs on the line were prohibitive for the Chicago and Northwestern. As I mentioned earlier, the regional railroad movement has spread throughout the Nation for these very reasons.

Today, the DM&E operates on track in South Dakota and Minnesota and also reaches into Iowa and North Dakota. Over 100 communities along this system are thankful this line has been preserved. Over 200 customers still have a rail option for transporting their products. And over 100 employees still have jobs.

The key to the DM&E's and other regional railroads' future is rehabilitation, required by years of deferred maintenance. LRSA is an important resource that should continue to be available.

The investment necessary to maintain miles of once-neglected rail lines is staggering and often out of the realm of possibility for these small enterprises. A vice president with the DM&E testified during Commerce Committee hearings on LRSA and gave an excellent example of why LRSA funding is crucial. He said:

If we are to continue to service our debt and to rehabilitate our line, we have to have additional business and revenue. We have to be more profitable in the way we operate. We have to get our costs down and become more efficient. We have to be able to provide cost-effective service to our customers to attract additional traffic.

As the DM&E official said, the railroad had to borrow money to purchase and rehabilitate major portions of the line. The DM&E is out of collateral for further funds. Additional help is absolutely necessary to continue the rehabilitation effort. That help is the LRSA program.

The Federal Railroad Administration has issued a report entitled "Deferred Maintenance and Delayed Capital Improvements on Class II and Class III Railroads." The report estimates that there is a need for at least $600 million in deferred maintenance to improve the physical plants of the railroads across the country.

Another recent FRA report showed that of the 157 railroads that began operation after 1981, 113 report a need for rehabilitation. That involves nearly 15,000 miles of track that handles almost 1.5 million carloads annually. These rehabilitation needs are estimated to cost $361 million. Of that amount, only $95 million can be generated internally. The remaining $266 million must come from other sources.

The $10 million for LRSA funding in fiscal year 1989 is a very modest level. This expenditure means a Federal contribution to the continued viability of our Nation's rail infrastructure.

Mr. President, it is ironic to me that, in this Space Age in which we live, where there is talk of high-speed rail transportation in Japan and Europe, and dreams about magnetic levitation trains brought about because of superconductor technology, we still have a freight rail system in deplorable condition. On some track in my State, railroads move at less than 10 miles per hour because of poor track condition. As soon as the snow flies or the ground freezes, which happens every winter in South Dakota, trains cannot even run for fear of derailment.

We must continue our commitment to the rehabilitation of our infrastructure. The LRSA program is one tool available to do just that. I urge my colleagues to lend their support to this important piece of legislation.

I am pleased with the agreement reached today. The $10 million for fiscal year 1990 will help provide continued rehabilitation assistance to railroads in need.

Mr. HOLLINGS. Mr. President, I appreciate this opportunity to express my support for the Local Rail Service Assistance Program. We must realize that the task Congress set out to accomplish in 1978 when this program began to provide capital assistance for rehabilitation and improvements on light density rail lines before, rather than after abandonment, has not yet been completed.

The need to assist States in continuing rail freight service through the preservation of feeder lines is essential to shippers and communities across this country.

From May 1, 1984, through May 1, 1987, abandonments totaling 8,417 miles occurred. In May 1987 an additional 7,049 miles of railroad were in jeopardy of abandonment. Mr. President, the Nation still needs this program to preserve our rail infrastructure.

In South Carolina, since 1980, LRSA funds have provided the margin of difference between abandonment and the acquisition of a 6-mile line between Marion and Mullins and a 25-mile line between McCormick and Calhoun Falls as well as the rehabilitation of four additional lines. Across this country, over 10,000 miles of railroad have either been purchased or rehabilitated as a direct result of the LRSA program.

Mr. President, these forestalled abandonments are only some of the numerous success stories that can be attributed to the LRSA Program.

I continue to believe that LRSA investments in our rail system serve as a catalyst by providing seed money, by stimulating the economy and by attracting investments by States, railroads and shippers.

While I support S. 255, a 3-year LRSA reauthorization bill approved without objection by the Commerce Committee, I fully endorse the move by Senator HARKIN, the sponsor of this bill, to pass a 1-year reauthorization bill. It is my understanding, that the Reagan administration made a commitment to Senator HARKIN to support $10 million in funding for LRSA in fiscal year 1989, a commitment supported by the Bush administration. However, I am also aware that the Secretary of Transportation has threatened to recommend a veto of any authroization bill containing appropriations in excess of this amount. Given that we are well into the current fiscal year, I am hopeful that the administration will honor this commitment for funding in fiscal year 1990.

Without congressional action, we would have seen the end of this program. I congratulate Senators EXON, HARKIN, and PRESSLER for their efforts to move this bill and urge my colleagues to support the reauthorization of LRSA to allow this limited Federal expenditure to continue leveraging so few dollars to the benefit of so many States and communities.

Mrs. KASSEBAUM. Mr. President, I am proud to add my name as a cosponsor of S. 255 because of its importance to my home State of Kansas as well as to many other States across the country. The Local Rail Service Assistance Program is a critical program which affects regional rail lines nationwide, and which has a very real impact on the communities that rely on local rail service for continued economic development.

Local rail service is a virtual lifeline in the State of Kansas, and this program is vital for keeping this lifeline operating. Kansas, as well as Nebraska and other midwestern States, faces certain hardships from the decline in regional rail service. This decline is due, in part, to a lack of resources for rail line rehabilitation and maintenance. While other factors figure into this equation of shortline deterioration, such as the question of competitiveness of large railroads that provide local service, I am concerned that local rail capital needs for rehabilitation and acquisition have not been met by a program originally designed for this purpose.

The example of the State of Kansas provides a good illustration of the problem this presents. Despite its 12-year participation in the LRSA program. Kansas is currently facing the loss of some 600 miles of rail track due to local rail abandonments. Kansas transportation officials estimate that, based on the volume of freight being carried by rail lines in the State and the operating costs of the railroads, future rail losses in Kansas come close to 3,000 miles of service by main lines

and branch lines. This equates to more than 40 percent of total rail miles in the State.

This situation has a direct impact on the farming community in Kansas, particularly on the wheat and corn growers, who ship 75 percent and 50 percent, respectively, of their crops by rail. Given the dependency of wheat movement and pricing on rail service, which generally provides cheaper service than truck transportation, the question of whether or not to reauthorize the LRSA is an important one to me and to many Kansans.

While I continue to have some concerns about the way in which funds are apportioned under this program, leaving some States such as Kansas with a shortfall relative to receipts by other States, I do believe that this program is a critical one, and one we should certainly keep alive. In the future, I believe it would be very worthwhile to seriously consider changing the allocation process of funds under this program from a discretionary to a formula basis. This, I believe, would provide a fairer, more equitable approach to assisting the rehabilitation of regional rail lines across the country.

Mr. President, I am encouraged by what appears to be a strong interest in the transportation community to preserve this important program. I share this interest, and look forward to working with my colleagues to help maintain and improve the program.

Mr. SARBANES. Mr. President, I strongly support S. 255, to reauthorize funding for the Local Rail Service Assistance [LRSA] Program. I commend the chairman, Senator HOLLINGS, and members of the committee for bringing the bill to the floor so expeditiously and for the diligent work over the years in assuring that railroads continue to offer their important service to our Nation's industry and commerce.

The Local Rail Service Assistance Program is vital to the continued growth of the Nation's regional railroad network and to the economy of many small communities throughout the United States. Since 1976, it has provided financial support to preserve and revitalize essential rail service. The modest amount of funding made available under the LRSA Program has served as a magnet for State and private moneys and has helped rehabilitate over 13,000 miles of rail line. Without this support, the light density branch lines might be lost to rail line abandonment, severely impacting upon the communities' continued employment and economic health.

For the State of Maryland, the program has been vitally important to the communities of Maryland's Eastern Shore and central and western Maryland, where the freight rail system is a life-line for farming and industry. On the Eastern Shore, the rail system is essential in the shipment of agricultural goods and other bulk commodities and farmers rely heavily on efficient, low cost rail transport. The system also contributes to the giant Delmarva poultry industry as a major means for transporting feed products. In central and western Maryland, the rail system handles a wide variety of commodities including concrete, stone, wood, and agricultural products and allows a more direct route from the western part of the State into the Baltimore metropolitan market. The LRSA Program has provided funding for the rehabilitation of the Eastern Shore Railroad, helping to ensure the continued operation of the line serving the Delmarva Peninsula, It has also been used effectively by the State to rehabilitate rail grade crossings on the Walkersville to Taneytown lines in the western part of Maryland. Matched with State and local funds, LRSA funds have been extremely helpful in continuing freight rail service to these communities which might otherwise have been lost.

Mr. President, the LRSA Program has proved to be an important investment in our Nation's infrastructure which is still needed and should be continued. Critical improvements must continue to be made to ensure the long-term viability of many of the light density rail lines. I urge approval of S. 255 reauthorizing this program and hope that the legislation can be swiftly enacted.

Mr. SASSER. Mr. President, I am pleased to join with my colleagues today in supporting the reauthorization of the Local Rail Service Assistance Program.

The Local Rail Assistance Program has enabled many communities across the Nation—including many in my own State of Tennessee—to maintain rail service that otherwise would have been lost. This program is vital to the economic well-being of the communities involved.

When a railroad abandons a branch line it does so for what it considers sound economic reasons. Either the line is not making a profit or enough of a profit to make it worth while for the railroad to maintain that line.

These branch lines may not seem important when we look at the major rail systems in the United States. They are usually very short—often under 100 miles long. The lines are, however, vital to the communities they serve.

Often, these branch lines serve one county, or even one community. In many rural areas of Tennessee, one company is the major employer—and major tax base—in the community. The business is often totally dependent on that branch line to move its goods to market. All too often, the abandonment of a branch line is quickly followed by the closing of local industries and their relocation to an area with rail service.

The Local Rail Assistance Program has enabled communities to retain these businesses and attract new ones. It is often difficult for local communities and industries to raise the funds to take over an abandoned line. However, with just a little assistance these branch lines can remain viable and keep industries and jobs in our local communities. For this, the Local Rail Assistance Program is critical.

Sometimes this assistance takes the form of a grant. Other times, a low-interest loan enables the community to leverage local funds and create a viable short-line railroad. This not only preserves current jobs in our communities, it maintains the infrastructure that enables a community to attract new industries.

I must say, there are other railroad issues which we need to address. One is the rates paid by the short-line railroads to the larger carriers. The Interstate Commerce Commission definitions of revenue adequacy and captive shipper need serious review by Congress. It is still virtually impossible for a short-line railroad to obtain rate relief under the FCC's current interpretation.

It is a mockery to promise rate relief to small railroads and then by the definitions in regulations to make it impossible to obtain. I believe this is an area where the FCC needs further direction from Congress.

Another railroad issue that Congress needs to address is the difficulties experienced by communities that are dependent on one very short rail line. Many such communities are attempting to maintain very short rail lines that are vital to their businesses.

We are currently facing this exact problem in my State of Tennessee. Officials and businesses in Cumberland County are presently trying to structure a short-line railroad from a proposed abandonment. The track involved is only 12½ miles long. It is really too small a track for a profitable short-line operation, but it is vitally important to the town of Crossville.

This branch line is critical for current businesses in moving their goods to market. It is equally important to Cumberland County in its effort to attract new industry and new jobs. As one official of a prospective business said bluntly: "No industry will consider locating in an area where rail service is not available."

My concern is that the accumulation of these small abandonments will, over time, constitute a serious destruction of our national rail network. I intend to pursue this particular problem with the appropriate committees.

So, today's reauthorization is a first critical step in maintaining a truly national rail network. I commend the

Senator from Iowa for his hard work on this measure and I look forward to working with him on these other rail issues in the months to come.

Mr. DASCHLE. Mr. President, I am please to rise in strong support of reauthorizing the Local Rail Service Assistance Program. I am proud to be a cosponsor of this important legislation.

I want to take this opportunity to commend my distinguished colleague from Iowa [Mr. HARKIN] for his leadership in bringing this crucial issue to the Senate floor. Those of us who work with him on a daily basis have come to count on his unyielding efforts on behalf of rural America, and this bill is one more example of how his diligence and hard work produce results.

LRSA has made the rehabilitation of vital rail lines across America a reality. This effective and efficient program for encouraging local investments in rail service through the use of Federal funds as seed money has clearly demonstrated its worth over and over again.

LRSA is a valuable tool for South Dakota and the Nation as a whole for meeting the serious challenges facing railroads—especially in rural areas. With enhancement of rail shipping capability playing such an indispensable role in an agricultural economy, failure to reauthorize this program would be a damaging blow to the vitality of many rural areas.

In my State, LRSA has been essential to saving existing rail lines. Rail service, in a State whose economy is based on agriculture yet is hundreds of miles from domestic grain markets, could not be more important. When you factor in the distances to export markets, such as the Pacific Northwest ports used by many grain shippers in my State, the necessity of LRSA becomes even clearer—access to rail service is an actual component of the agricultural economy in South Dakota, and in many other States nationwide.

That is why the reauthorization of this program is critical. I can go across South Dakota and point out individual rail lines that, without LRSA, would not be safe to use, would not be efficient, or would not be in operation at all. To a State that had already suffered the loss over half of its rail network, the benefits of LRSA have been nothing short of monumental.

When the impact of this program has on economic vitality of entire regions of the Nation, not to mention the lives of individual farmers, is understood, the need for immediate support of this bill becomes clear. I strongly urge my colleagues to join me in this effort to retain this crucial program for providing badly needed rail service across this Nation.

Mr. EXON. Mr. President, I am pleased that the Senate has scheduled time for consideration of S. 255, a bill to reauthorize appropriations for the Local Rail Service Assistance Program [LRSA] for fiscal years 1989, 1990, and 1991. As chairman of the Surface Transportation Subcommittee, I would like to commend the members of the Senate Commerce Committee for their concerted efforts to move this bill expeditiously through the committee. I would like to congratulate my distinguished colleague from Iowa [Mr. HARKIN] for his tireless leadership on this issue as well as Senators PRESSLER, BURDICK, ROCKEFELLER, and SIMON, among others.

This legislation, which was introduced by Senator HARKIN and on which I joined eight of my colleagues as an original cosponsor, reauthorizes LRSA for 3 years at levels which take into consideration current budget constraints as well as the need that still exists for funding to assist States in preserving efficient rail transportation.

As many of you from States with large rural areas know, the railroads have been abandoning marginal light density rail lines, some of which have survived as shortlines. However, as the railroads, spinoff lines which are marginal but potentially profitable, these lines are being purchased by entrepreneurs who are forming shortline railroads.

Mr. President, the structure of our railroad system continues to be in transition now as it was 13 years ago when Congress acted to expand the LRSA Program to include all States. However, a 3-year reauthorization bill approved by the Commerce Committee as well as a House-passed measure that would have reauthorized the program at a $10 million level for fiscal year 1989 where both are prevented from being considered on the Senate floor at the end of the 100th Congress. This year, the administration has agreed to honor a commitment made by the Reagan administration to support $10 million to fund the program in fiscal year 1989, if LRSA is reauthorized. However, the administration opposes funding the LRSA Program beyond this amount, in part, because States and private interests are now more significantly supporting rail needs than is the Federal program. I would submit that this is a direct result of the LRSA Program. Nationally, over 10,000 miles of railroad have either been purchased or rehabilitated as a direct result of LRSA.

The LRSA Program as it is structured currently requires that 30 percent of the funding come from non-Federal sources for rehabilitation projects. In practice, the States, railroads, and shippers have often provided many times the amount required for this match. However, in a considerable number of cases these funds would not have been made available without Federal funds. In my own home State of Nebraska, some of the projects assisted by LRSA funds include rehabilitation of the 30-mile Chicago and Northwestern line between Long Pine and Stuart, rehabilitation of the Sidney and Lowe Railroad between Huntsman and Brownson, and emergency repair of the flood-damaged Burlington Northern line between Burress and Milligan.

Not only does S. 255 reauthorize funding, it seeks to achieve the most mileage with limited Federal funds, by reducing the Federal share of the matching formula from 70 to 60 percent. The Senate have no objection to the formula change.

Though I support passage of a 3-year reauthorization bill for the Local Rail Service Assistance Program [LRSA], I, along with Senator HARKIN and other supporters of the LRSA Program recognize the importance of ensuring funding for one additional fiscal year. The administration has agreed to support $10 million in funding for fiscal year 1989. We are hopeful that this commitment will extend instead, to $10 million in funding in fiscal year 1990.

It is my belief that the Federal Government has a responsibility to continue its partnership with State and local governments, to preserve rail freight service in areas of the country where continued service is in jeopardy. Therefore, I will pursue multiple options to achieve this end. Today our highest priority is to ensure that LRSA funds are available to the States in fiscal year 1990 to meet the needs we know they currently have. This amendment will accomplish this objective and therefore I lend my support.

It is also my intention to continue to work to reauthorize funding for this program for additional years.

I urge the Members of this distinguished body to support the continuation of the LRSA Program in order to minimize the adverse effects of rail abandonments and to address the critical rehabilitation needs of our rail freight facilities. LRSA has, and should be allowed to continue to improve the competitive posture of our national, State, and local economies.

Mr. BYRD. Mr. President, I am pleased to support the reauthorization of the Local Rail Service Assistance Act [LRSA]. This legislation would reauthorize this important program for 1 year.

The LRSA Program provides for the acquisition of rail lines that have received Interstate Commerce Commission [ICC] abandonment authority; rehabilitation of light density rail freight lines; and rail facility construction with respect to light density lines.

My own State of West Virginia has greatly benefited from this program. In February 1989, the rehabilitation of the 3½-mile Wheeling terminal industrial line, which includes the Chapline Tunnel, was completed. This $937,400 rehabilitation project has allowed continued rail service to the Blaw-Knox Foundry, the largest manufacturing employer in the city of Wheeling.

The South Branch Valley Railroad, a 52-mile short line that runs between Green Spring in Hampshire County through Moorefield in Hardy County to Petersburg in Grant County, was originally rehabilitated through the Local Rail Service Assistance [LRSA] Program. During the 1985 flood that struck most of West Virginia, the South Branch Valley Railroad received extensive damage. The LRSA Program aided the West Virginia Railroad Maintenance Authority's rehabilitation of this line, which is vital to the poultry industry in West Virginia's eastern panhandle, and its return to an operable condition.

The LRSA Program has been a good program for West Virginia, and for the Nation. It is a small railroad infrastructure program that is needed. Senator HARKIN has been a leader on this issue, and I commend him for his continued efforts to reauthorize the LRSA Program. I support this program, and I urge my colleagues to support this legislation.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 109) was agreed to.

Mr. FOWLER. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. GORTON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 255

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Local Rail Service Assistance Reauthorization Act of 1989".

SEC. 2. (a) The second sentence of subsection (q) of section 5 of the Department of Transportation Act (49 App. U.S.C. 1654(q)) is amended—

(1) by striking "and" immediately after "1987.";

(2) by striking the period at the end and inserting in lieu thereof a comma; and

(3) by adding at the end the following: "and not to exceed $10,000,000 for the fiscal year ending September 30, 1990.".

(b) The last sentence of such subsection (q) is amended by striking "1988" and inserting in lieu thereof "1990".

SEC. 3. Section 5(g) of the Department of Transportation Act (49 App. U.S.C. 1654(g)) is amended by striking "70 per centum" and inserting in lieu thereof "60 per centum".

Mr. FOWLER. Mr. President, I move to reconsider the vote by which the bill as amended, was passed.

Mr. GORTON. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

ORDER OF PROCEDURE

Mr. FOWLER. Mr. President, I ask unanimous consent that at the conclusion of the session this evening, that the distinguished Senator from Hawaii [Mr. MATSUNAGA] be granted 10 minutes in which to speak followed immediately by the Senator from Washington [Mr. GORTON] for 15 minutes.

At the conclusion of the remarks of the two Senators, I ask unanimous consent that the Senate stand in recess under the provisions of Senate Resolution 137 until 8:30 a.m., June 1st.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Hawaii is recognized.

CLAUDE PEPPER: FOLK HERO FOR THE AGES

Mr. MATSUNAGA. Mr. President, it is with a heavy heart that I rise to pay tribute to the memory of a folk hero for the ages, a dear friend and colleague, the Congressman from Florida's 18th Congressional District, CLAUDE PEPPER, who died yesterday at the age of 88 years.

At the ceremonies earlier this year marking the Congressional Bicentennial a speaker made the observation that the career of one of our members, present that day, spanned more than a quarter of the 200 years Congress has existed. He was speaking, of course, of CLAUDE PEPPER, who was elected to this body, the Senate, in November of 1936, the last of the New Deal Democrats and one who inspired those of my generation to public service here in Washington.

Mr. President, as the oldest Member of either House, he was not only the last of the era of President Franklin Delano Roosevelt, he was one of the great figures of that era—as well as of our own.

He championed the great social legislation of this century: Social Security, especially, but also health care insurance from the beginning, a minimum wage, and abolition of the poll tax. Remarkably, during the 56 years after he was first elected to Congress, his power and influence as a preeminent liberal lawmaker of the 20th century never eroded. His position was only strengthened, as the print and electronic media have affirmed in recent years.

When I first sought a seat in the United States Congress in 1962, my five-point platform included aid for the aged. It was my firm belief then that the greatness of any nation can be accurately measured by the degree to which it cares for its elderly citizens. My belief has only gained greater conviction over the years. But it was CLAUDE PEPPER who called this great country of ours to a renaissance of greatness in his role as the first chairman of the House Select Committee on Aging from 1977 to 1983. It was he who sensitized a nation to aging stereotypes and cut the bonds of compulsory retirement whereby the experience and energies of senior citizens have been reclaimed for the commonwealth of American society. He was as vigorous in rooting out prejudice in our society as an octogenarian as he was fighting racial bigotry without regard to his political career in his twenties and thirties. Is it any wonder, then, that he was my hero, as he was a folk hero to millions of older Americans and, indeed, of people throughout the world?

While he is most highly recognized for the great achievements in domestic statecraft of the last half century, he was an inveterate world traveler, whose mark on foreign policy dates back to the Lend Lease Program whereby the United States came to the rescue of democracy in World War II. Incredibly, Mr. President, this man, who knew Hitler and Stalin in person, warned FDR in 1938 that the rise of nazism in Germany would lead to that war.

One of my earliest joys as a Member of Congress was growing to know CLAUDE PEPPER, who was already a historic figure from the New Deal and McCarthy eras before I arrived here 27 years ago. I relished his droll humor and southern comradery and learned we had much in common: We were both born to rural poverty but thanks to hard work and our country's open society, we were able to gain an education, purchased through manual labor and stints as public school teachers. Moreover, we were able to gain entry to, and win credentials from, Harvard Law School. Then, from the practice of law and service in our respective State legislatures, we were able to work our way here to our Nation's Capital. For me, one of the greatest rewards of that long journey was to fulfill my aim of working for aid to the aged alongside this hero of my youth, who after serving in the Senate, returned as a member of the House in my own Class of 88.

Today, Mr. President, we are told that morale on Capitol Hill is at an all-time low, that fractious partisanship is tearing apart the other Chamber, where our former Senate colleague returned to serve with such distinction.

If life on this Hill has, indeed, lost much of its savor, it would be well for all of us, regardless of party, to reflect on the record of CLAUDE PEPPER, whose legacy has been to add the spice of mature life to the national work force. Surely, he was no stranger to partisan strife and experienced, as few of us here have, the slings and arrows of political fortune. And yet, having served his country in its most prestigious deliberative body, he chose to return to its supposedly lower one and to serve all the people of this great land all over again. There is only one other American statesman whose dedication to public service rivals CLAUDE PEPPER'S example. And John Quincy Adams bore a family name synonymous with service to country.

Mr. President, I mourn with the Nation the passing of my dear friend and mentor, CLAUDE PEPPER. But I rejoice for having had this living legend as a colleague and coworker.

When asked in a recent public interview how he would wish to be remembered, he responded:

As an honest, hardworking man, striving for the benefit of those in need.

CLAUDE PEPPER will surely be remembered as such and even more.

The PRESIDING OFFICER. The Chair recognizes the Senator from the State of Washington.

ON THE OFFICIAL FUNDING OF RELIGIOUS BIGOTRY

Mr. GORTON. Mr. President, seldom in public life does one encounter problems more vexing or consequential than those in which the interests of the state conjoin or run against the practice and principles of art or religion. It is not possible simply to render unto Caesar what is Caesar's and unto Christ what is His, for the sacred and the profane are as thickly intertwined as twisting vines. They have been always and they always will be.

The difficulty arises partly because the language of politics is not deep enough to address profound questions of art and religion, and often when it intrudes upon them it extinguishes their lights. Though politics require definition, art by its very nature eludes it and religion is often beyond it. Should a controversy also incorporate, as does the one I am about to address, questions relating to free speech, the limits of government, and sacrilege, the problem may appear intractable. This one, however, is not intractable, if the will to make distinctions overcomes the will to be outraged.

I shall tell you what happened. First, Americans were taxed, which is no more surprising nor less certain than the rising of the Sun. Revenue came freely from a vast number of households, individuals, and corporate entities. Like water flowing into the Mississippi after spring rains, it swelled into the muddy, omnipotent, self-perpetuating torrent that we call the budget. If the Mississippi grew like the budget, Denver would soon be under water. Instead of running randomly into the Gulf of Mexico, this river of money poured into the District of Columbia, where you and I divided it up and sent it back again. Not only was much energy wasted in the round trip, but by your actions many places that had been wet became unjustly dry, and many places that had been rightfully dry were soaked.

Of this wealth collected from nearly every human being in the land, a certain portion went to the National Endowment for the Arts. Fair enough, I suppose. It was in turn divided up, of necessity, I admit, by people who are appointed rather than elected. Fair enough, I guess. Some went to the Awards in the Visual Arts, Program 7, or AVA-7, and was then entrusted to the Southeastern Center for Contemporary Art, or SECCA. Again fair enough, although, you may note, the acronyms have begun. SECCA then entrusted it to a five-member jury of artists and curators. This jury then chose 10 artists, each of whom received a $15,000 fellowship and the exhibition of his work in the AVA-7 show in Los Angeles and several other cities. One of the ten artists, Andres Serrano, chose to exhibit a picture that he had submitted to the jury and that it had used as part of the basis for awarding him the fellowship. The picture is entitled "Piss Christ," so called that because it depicts Jesus on the cross, submerged in urine. Mr. Serrano is reported to have declared that his next step would be to submerge the suffering Christ in semen. Not fair.

Mr. President, I do not claim to fathom the rationalizations for much contemporary visual art. Given that one of the most generously reviewed exhibitions of recent times was the artist Judy Chicago's mixed media depictions of female genitalia arranged on dinner plates, and that one of the masterpieces of conceptual art was minted as the artist himself was thrown out of a window into a tremendous pile of horse manure, am I supposed to? I believe I speak for the common man and the uncommon intellectual when I confess my indifference, at best, to these heroics.

They originate not only in nihilism but in the more innocent misconception that the great philosopher of aesthetics Benedetto Croce called the intellectualist error. A lesser philosopher put it this way, "If you've got a message, send a telegram." Croce, however was more thorough. "Confusions between the methods of art and those of the philosophic sciences," he stated, "have been frequent. Thus it has often been held to the task of art to expand concepts, to unite the intelligible with the sensible, to represent ideas of universals; putting art in the place of science." But this, what he called "the theory of art as supporting theses," he rejected, for he believed that "Aesthetic consideration * * * pays attention always and only to the adequateness of expression, that is to say, to beauty."

The intellectualist error leads almost without fail to abuse. If artists are to be pedagogues, they will want to wake up their sleepy and foolish students; that is, everyone in the world, and, on occasion, to shock and to offend them. Croce writes of an artist who "may try to conceal his internal emptiness in a flood of words * * * in painting that dazzles the eye, or by heaping together great architectural masses which arrest and astonish us."

This practice is no longer aberrant, it is a way of life, and sometimes one can hardly determine if a contemporary artist is contributing to the development of art or to the history of publicity. George Bernard Shaw wore a shiny green suit to the theater, to attract attention to the fact that he wrote plays. The strategem was so potent that it has worked its way through our century down to this day, and the suit's the thing now; you don't have to bother about the plays.

Mr. Serrano, no doubt, wants publicity, and he is getting it. Indeed, I am giving it to him. His trick is to make his opponents, in their attempt to drown him, pour so much water into the lock that they raise up his boat. And then he tells them what he's doing, mainly for the thrill of it, but also because it is certain to open the sluice for more. To quote Mr. Serrano,

I feel when people attack a work of art to such a great extent, they imbue it with a far greater power than when they ignore it and, in that, I'm flattered that they think it deserves such attention.

This declaration is obviously calculated to do to his critics what banderillas do to a bull—irritate them, weaken them, drive them wild.

I cannot think of a better response to this calculated provocation than to quote the consummate artist, William Shakespeare, whose Hamlet expresses indignation at something very similar.

Why, look you now, how unworthy a thing you make of me! Hamlet says.

You would play upon me, you would seem to know my stops, you would pluck out the heart of my mystery, you would sound me from the lowest note to the top of my compass * * * do you think I am easier to be played on than a pipe? Call me what instrument you will, though you can fret me, you cannot play upon me.

Now, you know my opinion of the tradition Mr. Serrano exploits, and you know I believe that absent didacticism, gimmickry, shock, and mockery, works such as his have a tendency to

disappear. But this is not a bullfight and he is not a matador. I know that the heart of his strategy depends on the overreaction of those who would by instinct and passion suppress his sacrilege as readily as they would defend their own children, for, indeed, he has assaulted that which they hold most holy, sacred, and dear.

But, no. I refuse to enter that trap, and will not allow him or his partisans to cloud his abuse by diverting the issue to that of freedom of expression. He has the right to display his picture. There is no question that he has that right. It is almost absolute. I would sell my grandmother, shoot my dog, what have you, before I would fail to defend that right. On February 22 of this year, in my remarks concerning the Rushdie affair, I made clear that I hold to his position and that I do so in service of what I believe is a vital and fundamental principle. And in the case of Mr. Serrano, as is in the case of Mr. Rushdie, neither the transparency of his intentions nor the quality of his work can prejudice it.

Let us even assume, for the sake of argument, hypothetically, as a fiction, a conjecture, a speculation, a purely academic exercise, that his picture is a great work of art. Great works of art can be sacrilegious: not only in theory, but in fact. For example, Michelangelo's statue of Moses is fitted with a pair of horns. Generations and generations of Jews have been stung by that, but the statue, without a doubt, is great art. So let us assume, for the sake of argument, that Mr. Serrano's picture which is deeply offensive to Christians, is of the same caliber as Michelangelo's Moses, which is deeply offensive to Jews. What is the role of the state in these matters? Does it dare subsidize sacrilege? Does it dare not subsidize Michelangelo?

The answer touches upon the question of the limits of government, which is right and proper both for the Chamber and for our time, and the answer is clear. The state must confine itself to its own interests, and art must be free. Neither subsidy nor censure are appropriate, for the state, with its unrivaled power, must not take sides in purely symbolic disputes. This judgment has honorable origins, a long history, a basis in reason, and several illustrative parallels.

It would be relatively easy to preclude SECCA from receiving Government funds on other, more practical grounds. In this matter the layers of unaccountability are much like those of shell corporations established on islands that vanish at high tide. Passing from the constituent to the Treasury, to the NEA, to SECCA, through the panel of judges, to laureate, the money flows freely, with neither obstruction nor delay, from citizen to Serrano. But what of traffic in the other direction? Does any kind of accountability run the other way? No. At every step, as in the famous Thomas Nast cartoon of the Tweed ring, someone is pointing a finger at someone else and saying, "We can't possibly interfere with the artistic choices made by our grantees." To cite part of a letter I received from the NEA, "This limitation reflects concern that Federal funding for the arts would result in government intervention in the substance of artistic projects."

I ask you, is a $15,000 fellowship, a traveling exhibition, and the imprimatur of and association with the National Endowment for the Arts something that is neutral? Is it of no effect? If it is, what is its purpose? And if it is, as anyone can see, the promotion and advancement of one artist as opposed to another, of his work and of his philosophy, of his style and approach, how can providing support be less as "intervention in the substance of artistic projects" than would be withdrawing support?

The Government and its compensated agents choose. They must choose; they have no other means of accomplishing the distribution. And to make the choice, they must have criteria and they must exercise their judgment. How can it be that if the people who provide funds for this program—the taxpayers—are spurred to exercise their judgment and proffer their criteria, it is to be criticized as intervention, whereas if the judges and the panels do the same, it is not? We are told that if the citizenry has predilections, leanings, principles, convictions, an aesthetic, they must be held in abeyance for fear of intervention. But if the judges have predilections, leanings, principles, convictions, an aesthetic, they may be exercised, for that is freedom of expression.

The scheme I have outlined, or, rather, uncovered, is one manifestation of the principle that the bureaucracy wields more power than those who have empowered it. It depends upon an inequality in the flow of funding and accountability, an inequality sustained by bureaucratic faith in contradictions and inconsistencies that are so obvious as to be surreal.

Where is the consensus for "Piss Christ"? Is there anyone in this body who will stand to declare that Americans should subsidize religious bigotry? Is there anyone who will declare that this is not religious bigotry? What will the NEA pay for next? A mockery of the Holocaust? A parody of slave ships? A comedy on the decimation of the American Indian? A satire of the massacre in the Katyn Forest?

To those who might say that for the Government to remain disengaged from things like "Piss Christ" is to limit freedom of expression, I say that to assert this is merely to transform high principles into stepping stones that lead to the public trough. The ill-considered reasoning behind such an argument is that if the Government does not nurture people like Mr. Serrano it is therefore oppressing them. This view, I submit, is a self-serving belief in a political principle that does not exist; namely, that the state owes all things to all people and has neither the discretion nor the moral right to abstain from any facet of activity or to reject any petitioning for funds.

To the contrary, government requires, above all, and almost always, discretion. The least of the examples I can think of is that Mr. Serrano was competing with 500 other artists. The Government chose 10 and rejected 490. So much for the myth that it cannot bring its discretion to bear.

My view is founded on the conviction that good government is a matter as much of restraint as of action. By the kind of encouragement the NEA offered to the creator of "Piss Christ," the state usurps its citizens' independence and self-sufficiency and therefore the power and effectiveness of the Government itself, which derives in turn from these very qualities.

And in offering this species of encouragement, the Government takes sides—in esthetics, in philosophy, in politics, and, in this case, in a theological dispute, for no matter how poor and distasteful Mr. Serrano's argument, it is nonetheless, at least symbolically, a religious argument, and the Government of the United States should not take sides in religious arguments. Here, by subsidizing one of the parties, it has done so, and that is wrong.

We have in the Constitution a direct prohibition of established religion. By immediate inference, this means that we cannot diminish one religion, lest another, the one unburdened, rise out of proportion.

If art and religion are to be free of state influence, then they must indeed be free of state influence. If they are to be free of censure, they cannot depend on subsidy. As for the religious bigotry here in question, sacrilege exists; it will always exist; and it is not the business of the Government of the United States to root it out. But neither is it the business of the United States to support it. Though Mr. Serrano and SECCA may enjoy near perfect liberty from constraint, they cannot expect the privilege of requiring the support of those from whom they desire noninterference, for that is tyranny. I propose that the Government of the United States withdraw from the question entirely, that it separate itself, its influence, its resources, its finances, from SECCA and Mr. Serrano, allowing them the near perfect liberty to reflect upon what they have done, liberty unimpeded by further U.S. Government support.

Mr. President, I propose that the NEA deprive SECCA of Federal funding for a period of say 5 years, and until such times as it is obvious that SECCA is administered responsibly. Moverover, if the NEA finds itself unable to take such a momentous step, this Congress should expressly prohibit NEA from providing such support.

REPORT ON NATIONAL EMERGENCY WITH RESPECT TO IRAN—MESSAGE FROM THE PRESIDENT RECEIVED DURING RECESS—PM 46

Under the authority of the order of the Senate of January 3, 1989, the Secretary of the Senate, on May 23, 1989, during the recess of the Senate, received the following message from the President of the United States; which was referred to the Committee on Banking, Housing, and Urban Affairs:

To the Congress of the United States:

I hereby report to the Congress on developments since the last report of November 15, 1988, concerning the national emergency with respect to Iran that was declared in Executive Order No. 12170 of November 14, 1979, and matters relating to Executive Order No. 12613 of October 29, 1987. This report is submitted pursuant to section 204(c) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(c), and section 505(c) of the International Security and Development Cooperation Act of 1985, 22 U.S.C. 2349aa-9. This report covers events through March 28, 1989, including those that occurred since the last report under Executive Order No. 12170 dated November 15, 1988. That report covered events through October 1, 1988.

1. Since the last report, there have been no amendments to the Iranian Assets Control Regulations, 31 C.F.R. Part 535 (the "IACRs"), or the Iranian Transactions Regulations, 31 C.F.R. Part 560 (the "ITRs"), administered by the Office of Foreign Assets Control ("FAC"). The major focus of licensing activity under the ITRs remains the importation of certain nonfungible Iranian-origin goods, principally carpets, which were located outside Iran before the embargo was imposed, and where no payment or benefit accrued to Iran after the effective date of the embargo. Since October 1, 1988, FAC has made 583 licensing determinations under the ITRs.

Numerous Customs Service detentions and seizures of Iranian-origin goods (including carpets, caviar, dates, pistachios, and gold) have taken place, and a number of FAC and Customs investigations into potential violations of the ITRs are pending. Several of the seizures have led to forfeiture actions and imposition of civil monetary penalties. An indictment has been issued in the case of *United States* v. *Benham Tahriri*, which is now pending in the United States District Court for the District of Vermont.

2. The Iran-United States Claims Tribunal (the "Tribunal"), established at The Hague pursuant to the Claims Settlement Agreement of January 19, 1981 (the "Algiers Accords"), continues to make progress in arbitrating the claims before it. Since the last report, the Tribunal has rendered 22 awards, for a total of 418 awards. Of that total, 308 have been awards in favor of American claimants: 193 of these were awards on agreed terms, authorizing and approving payment of settlements negotiated by the parties, and 115 were decisions adjudicated on the merits. The Tribunal has dismissed a total of 25 other claims on the merits and 56 for jurisdictional reasons. Of the 29 remaining awards, two represent withdrawals and 27 were in favor of Iranian claimants. As of March 28, 1989, awards to successful American claimants from the Security Account held by the NV Settlement Bank stood at $1,136,444,726.00.

As of March 28, 1989, the Security Account has fallen below the required balance of $500 million 25 times. Each time, Iran has replenished the account, as required by the Algiers Accords, by transferring funds from the separate account held by the NV Settlement Bank in which interest on the Security Account is deposited. Iran has also replenished the account once when it was not required by the Accords, for a total of 26 replenishments. The most recent replenishment as of March 28, 1989, occurred on March 22, 1989, in the amount of $100,000, bringing the total in the Security Account to $500,011,034.15. The aggregate amount that has been transferred from the interest account to the Security Account is $624,698,999.39. The amount in the interest account as of March 28, 1989, was $128,220,636.82.

Iranian and U.S. arbitrators agreed on two neutral arbitrators to replace Professor Karl-Heinz Bockstiegal and Professor Michael Andre Virally, who had submitted letters of resignation. On December 16, 1988, Professor Bengt Broms of Finland replaced Professor Bockstiegal as Chairman of Chamber One, and on January 1, 1989, Professor Gaetano Arangio-Ruiz of Italy replaced Professor Virally as Chairman of Chamber Three. Professor Bockstiegal had also served as President of the Tribunal. After Iran and the United States were unable to agree on a new President of the Tribunal, former Netherlands Supreme Court Chief Judge Charles M.J.A. Moons, the appointing authority for the Tribunal, appointed Professor Robert Briner to the position on February 2, 1989. Professor Briner, who has been a member of the Tribunal since 1985, will continue to serve as Chairman of Chamber Two.

3. The Tribunal continues to make progress in the arbitration of claims of U.S. nationals for $250,000 or more. Over 68 percent of the nonbank claims have now been disposed of through adjudication, settlement, or voluntary withdrawal, leaving 169 such claims on the docket. The largest of the large claims, the progress of which has been slowed by their complexity, are finally being decided, sometimes with sizable damage awards to the U.S. claimant. Since the last report, nine large claims have been decided. One U.S. company received an award on agreed terms of $10,800,000.

4. The Tribunal continues to process claims of U.S. nationals against Iran of less than $250,000 each. As of March 28, 1989, a total of 362 small claims have been resolved, 82 of them since the last report, as a result of decisions on the merits, awards on agreed terms, or Tribunal orders. One contested claim has been decided since the last report, raising the total number of contested claims decided to 24, 15 of which favored the American claimant. These decisions will help in establishing guidelines for the adjudication or settlement of similar claims. To date, American claimants have also received 56 awards on agreed terms reflecting settlements of claims under $250,000.

The Tribunal's current small claims docket includes approximately 185 active cases. It is anticipated that the Tribunal will issue new scheduling orders later this spring to bring its active docket to approximately 225 active cases.

5. In coordination with concerned government agencies, the Department of State continues to present United States Government claims against Iran, as well as responses by the United States Government to claims brought against it by Iran. Since the last report, the Department has filed pleadings in eight government-to-government claims, and presented one claim at a hearing before the Tribunal. In addition, two claims have been settled.

6. Since the last report, nine bank syndicates have completed negotiations with Bank Markazi Jomhouri Islami Iran ("Bank Markazi," Iran's central bank) and have been paid a total of $11,235,741.87 for interest accruing for the period January 1-18, 1981 ("January Interest"). These payments were made from Dollar Account No. 1 at the Federal Reserve Bank of New York ("FRBNY"). Moreover, under the April 13, 1988, agreement between the FRBNY and Bank Markazi, the FRBNY returned $7,295,823.58 of Iranian funds to Bank Markazi. That transfer represents the excess of amounts reserved in Dollar Account No. 1 to pay off each bank

syndicate with a claim for January Interest against Bank Markazi.

7. The situation reviewed above continues to implicate important diplomatic, financial, and legal interests of the United States and its nationals and presents an unusual challenge to the national security and foreign policy of the United States. The Iranian Assets Control Regulations issued pursuant to Executive Order No. 12170 continue to play an important role in structuring our relationship with Iran and in enabling the United States properly to implement the Algiers Accords. Similarly, the Iranian Transactions Regulations issued pursuant to Executive Order No. 12613 continue to advance important objectives in combatting international terrorism. I shall continue to exercise the powers at my disposal to deal with these problems and will continue to report periodically to the Congress on significant developments.

GEORGE BUSH.

THE WHITE HOUSE, *May 23, 1989.*

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Kalbaugh, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees and withdrawals.

(The nominations and withdrawals received today are printed at the end of the Senate proceedings.)

EXTENSION OF CERTAIN SECTIONS OF THE TRADE ACT—MESSAGE FROM THE PRESIDENT—PM 47

The Presiding Officer laid before the Senate the following message from the President of the United States, together with accompanying papers; which was referred to the Committee on Finance:

To the Congress of the United States:

I hereby transmit the documents referred to in Subsection 402(d)(5) of the Trade Act of 1974 with respect to a further 12-month extension of the authority to waive Subsections (a) and (b) of Section 402 of the Act. These documents constitute my decision to continue in effect this waiver authority for a further 12-month period.

I include as part of these documents my determination that further extension of the waiver authority will substantially promote the objectives of Section 402. I also include my determination that continuation of the waivers applicable to the Hungarian People's Republic and the People's Republic of China will substantially promote the objectives of Section 402. The attached documents also include my reasons for extension of the waiver authority, and for my determination that continuation of the waivers currently in effect for the Hungarian People's Republic and the People's Republic of China will substantially promote the objectives of Section 402.

GEORGE BUSH.

THE WHITE HOUSE, *May 31, 1989.*

MESSAGES FROM THE HOUSE RECEIVED DURING RECESS

Under the authority of the order of the Senate of January 3, 1989, the Secretary of the Senate, on May 23, 1989, received a message from the House of Representatives announcing that the House has passed the following joint resolution, without amendment:

S.J. Res. 128. Joint resolution authorizing a first strike ceremony at the United States Capitol for the Bicentennial of the Congress Commemorative Coin.

The message also announced that pursuant to the provisions of 22 U.S.C. 276d, the Speaker appoints Mr. WALSH to the United States delegation to attend the meeting of the Canada-United States Interparliamentary Group, vice Mr. MARTIN of New York, resigned.

MESSAGE FROM THE HOUSE

At 2:24 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the House disagrees to the amendment of the Senate to the bill (H.R. 2402) making supplemental appropriations for the Department of Veterans' Affairs for the fiscal year ending September 30, 1989.

The message also announced that the House has passed the following bills and joint resolutions, in which it requests the concurrence of the Senate:

H.R. 498. An act to clarify and strengthen the authority for certain Department of the Interior law enforcement services, activities, and officers in Indian country, and for other purposes;

H.R. 932. An act to provide for the settlement of land claims and the resolution of certain issues of governmental jurisdiction, of the Puyallup Tribe of Indians in the State of Washington, and for other purposes;

H.R. 1414. An act to provide for the appointment of enlisted members of the Armed Forces to the American Battle Monuments Commission;

H.R. 2072. An act making dire emergency supplemental appropriations and transfers, urgent supplementals, and correcting enrollment errors for the fiscal year ending September 30, 1989, and for other purposes.

H.R. 2344. An act to authorize the transfer to the Republic of the Philippines of two excess naval vessels;

H.J. Res. 131. Joint resolution to designate May 25, 1989, as "National Tap Dance Day"; and

H.J. Res. 280. Joint resolution increasing the statutory limit on the public debt.

The message also announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 136. Concurrent resolution expressing the sense of the Congress on the movement for democracy in China.

A message from the House of Representatives announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 139. Concurrent resolution authorizing the use of the rotunda of the Capitol for the lying in state of the remains of the late Honorable Claude Pepper.

The message also announced that the House has agreed to the following resolution:

H. Res. 163. Resolution relative to the death of the Honorable Claude Pepper, a Representative from the State of Florida.

ENROLLED JOINT RESOLUTION SIGNED

The message further announced that the Speaker has signed the following enrolled joint resolution:

S.J. Res. 128. Joint resolution authorizing a first strike ceremony at the United States Capitol for the Bicentennial of the Congress Commemorative Coin.

The enrolled joint resolution was subsequently signed by the President pro tempore (Mr. BYRD).

MEASURES REFERRED

The following bills and joint resolutions were read the first and second times by unanimous consent, and referred as indicated:

H.R. 498. An act to clarify and strengthen the authority for certain Department of the Interior law enforcement services, activities, and officers in Indian country, and for other purposes; to the Select Committee on Indian Affairs.

H.R. 1414. An act to provide for the appointment of enlisted members of the Armed Forces to the American Battle Monuments Commission; to the Committee on Veterans' Affairs.

H.R. 2072. An act making dire emergency supplemental appropriations and transfers, urgent supplementals, and correcting enrollment errors for the fiscal year ending September 30, 1989, and for other purposes; to the Committee on Appropriations.

H.R. 2344. An act to authorize the transfer to the Republic of the Philippines of two excess naval vessels; to the Committee on Armed Services.

H.J. Res. 131. Joint resolution to designate May 25, 1989, as "National Tap Dance Day"; to the Committee on the Judiciary.

H.J. Res. 280. Joint resolution increasing the statutory limit on the public debt; to the Committee on Finance.

REPORTS OF COMMITTEES RECEIVED DURING RECESS

Under the authority of the order of the Senate of May 18, 1989, the following reports of committees were submitted on May 25, 1989:

By Mr. JOHNSTON, from the Committee on Energy and Natural Resources with an amendment in the nature of a substitute:

S. 85. A bill to authorize the acceptance of certain lands for addition to Harpers Ferry National Historical Park West Virginia (Rept. No. 101-32).

By Mr. JOHNSTON, from the Committee on Energy and Natural Resources with amendments:

S. 694. A bill to amend the Energy Policy and Conservation Act to Extend the Authority for the Strategic Petroleum Reserve and for other purposes (Rept. No. 101-33).

By Mr. JOHNSTON, from the Committee on Energy and Natural Resources without amendment:

S. 750. A bill extending time limitations on certain projects (Rept. No. 101-34).

H.R. 964. A bill to correct error in Private Law 100-29 (relating to certain lands in Lamar County, Alabama) Rept. No. 101-35).

By Mr. JOHNSTON, from the Committee on Energy and Natural Resources with amendments:

H.R. 999. A bill to amend the Act of October 15, 1966 (80 Stat. 915), as amended, establishing a program for the preservation of additional historic property throughout the Nation, and for other purposes (Rept. No. 101-36).

By Mr. HOLLINGS, from the Committee on Commerce, Science, and Transportation, with an amendment in the nature of a substitute:

S. 605. A bill to authorize appropriations for the Consumer Product Safety Commission, and for other purposes (Rept. No. 101-37).

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. JOHNSTON, from the Committee on Energy and Natural Resources, without amendment:

S. 783. A bill to amend the Natural Gas Policy Act of 1978 to eliminate wellhead price and non-price controls on the first sale of natural gas and to make technical and conforming amendments to such Act (Rept. No. 101-38).

By Mr. JOHNSTON, from the Committee on Energy and Natural Resources, with amendments:

H.R. 1722. A bill to amend the Natural Gas Policy Act of 1978 to eliminate wellhead price controls on the first sale of natural gas, and to make technical and conforming amendments to such Act (Rept. No. 101-39).

By Mr. HOLLINGS, from the Committee on Commerce, Science, and Transportation, with an amendment in the nature of a substitute:

S. 169. A bill to amend the National Science and Technology Policy, Organization, and Priorities Act of 1976 in order to provide for improved coordination of national scientific research efforts and to provide for a national plan to improve scientific understanding of the Earth system and the effect of changes in that system on climate and human well-being (Rept. No. 101-40).

By Mr. KERREY (for Mr. BYRD), from the Committee on Appropriations, with amendments:

H.R. 2072. A bill making dire emergency supplemental appropriations and transfers, urgent supplementals and correcting enrollment errors for the fiscal year ending September 10, 1989, and for other purposes (Rept. No. 101-41).

By Mr. FORD, from the Committee on Rules and Administration, without amendment:

S. 136. A bill to amend title 3, United States Code, to establish a single poll closing time in the continental United States for Presidential general elections (Rept. No. 101-42).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. NUNN (for himself and Mr. WARNER) (by request):

S. 1083. A bill to authorize certain construction at military installations for fiscal years 1990 and 1991, and for other purposes; to the Committee on Armed Services.

S. 1084. A bill to authorize appropriations for civil programs for fiscal years 1990 and 1991; to the Committee on Armed Services.

S. 1085. A bill to authorize appropriations for fiscal years 1990 and 1991 for military functions of the Department of Defense and to prescribe military personnel levels for such Department for fiscal years 1990 and 1991, and for other purposes; to the Committee on Armed Services.

By Mr. D'AMATO:

S. 1086. A bill for the relief of Maurice G. Hardy; to the Committee on the Judiciary.

By Mr. BURNS:

S. 1087. A bill to amend the Disaster Assistance Act of 1988 to provide disaster assistance to orchard owners who have suffered losses as a result of freeze damage in 1989, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. EXON (for himself, Mr. FORD, Mr. STEVENS, and Mr. DODD):

S. 1088. A bill to amend title XIX of the Social Security Act to improve the provision and quality of services to individuals with mental retardation or related condition; to the Committee on Finance.

By Mr. LIEBERMAN (for himself, Mr. DODD, Mr. MOYNIHAN, Mr. D'AMATO, Mr. LAUTENBERG, Mr. GLENN, Mr. PELL, Mr. LEVIN, Mr. INOUYE, Mr. BURDICK, Mr. HOLLINGS, Mr. KOHL, Mr. BRADLEY, Mr. MATSUNAGA, Mr. PRYOR, Mr. METZENBAUM, Mr. GORE, Mr. WIRTH, Mr. CRANSTON, Mr. ADAMS, Mr. RIEGLE, Mr. KERRY, Mr. FOWLER, Mr. HEFLIN, Mr. DIXON, Mr. SIMON, Mr. SHELBY, Mr. GRAHAM, Ms. MIKULSKI, Mr. BUMPERS, Mr. BRYAN, Mr. NUNN, Mr. FORD, Mr. ROCKEFELLER, Mr. SIMPSON, Mr. THURMOND, Mr. WILSON, Mrs. KASSEBAUM, Mr. JEFFORDS, Mr. WALLOP, Mr. WARNER, Mr. LUGAR, Mr. DURENBERGER, Mr. CONRAD, Mr. DOMENICI, Mr. BOSCHWITZ, Mr. GARN, Mr. CHAFEE, Mr. BURNS, Mr. DOLE, Mr. MCCLURE, Mr. HUMPHREY, Mr. KASTEN, Mr. COHEN, Mr. HEINZ, and Mr. GRASSLEY):

S.J. Res. 142. Joint resolution designating the week beginning July 23, 1989, as "Lyme Disease Awareness Week"; to the Committee on the Judiciary.

By Mr. HUMPHREY (for himself, Mr. GRASSLEY, Mr. DOMENICI, Mr. GARN, Mr. PRESSLER, Mr. THURMOND, Mr. ARMSTRONG, Mr. HELMS, Mr. CHAFEE, Mr. DOLE, Mr. BOSCHWITZ, Mr. D'AMATO, Mr. COATS, Mr. GORTON, Mr. SYMMS, Mr. COHEN, Mr. DANFORTH, Mr. HEINZ, Mr. MURKOWSKI, Mr. MCCLURE, Mr. BOND, Mr. WILSON, Mr. HATCH, Mr. WARNER, Mr. COCHRAN, Mr. GRAMM, Mr. SIMPSON, Mr. BENTSEN, Mr. DECONCINI, Mr. RIEGLE, Mr. GORE, Mr. REID, Mr. BURDICK, Mr. SHELBY, Mr. SIMON, Mr. FOWLER, Mr. ROBB, Mr. MATSUNAGA, Mr. HOLLINGS, Mr. PRYOR, Mr. LIEBERMAN, Mr. PELL, Mr. MITCHELL, Mr. LEVIN, Mr. ROCKEFELLER, Mr. ADAMS, Mr. BOREN, Mr. DODD, Mr. HEFLIN, Mr. BRADLEY, and Mr. METZENBAUM):

S.J. Res. 143. Joint resolution to designate the week of December 10, 1989, through December 16, 1989, as "National Drunk and Drugged Driving Awareness Week"; to the Committee on the Judiciary.

By Mr. HATCH (for himself, Mr. DECONCINI, Mr. THURMOND, Mr. GRASSLEY, Mr. HEFLIN, Mr. DIXON, Mr. MURKOWSKI, Mr. SYMMS, Mrs. KASSEBAUM, Mr. LOTT, and Mr. COATS):

S.J. Res. 144. Joint resolution proposing an amendment to the Constitution of the United States relating to voluntary silent prayer or reflection; to the Committee on the Judiciary.

By Mr. REID:

S.J. Res. 145. Joint resolution designating June 12, to June 19, 1989, as "Old Cars Week"; to the Committee on the Judiciary.

By Mr. PELL (for himself, Mr. CHAFEE, Mr. ADAMS, Mr. ARMSTRONG, Mr. BENTSEN, Mr. BOREN, Mr. BOSCHWITZ, Mr. BUMPERS, Mr. BURNS, Mr. CONRAD, Mr. D'AMATO, Mr. DECONCINI, Mr. DODD, Mr. DOLE, Mr. DOMENICI, Mr. GARN, Mr. GORE, Mr. GORTON, Mr. GRASSLEY, Mr. HATFIELD, Mr. HEFLIN, Mr. HOLLINGS, Mr. KENNEDY, Mr. KERRY, Mr. KOHL, Mr. LAUTENBERG, Mr. LEVIN, Mr. LIEBERMAN, Mr. LUGAR, Mr. MATSUNAGA, Mr. METZENBAUM, Ms. MIKULSKI, Mr. MOYNIHAN, Mr. MURKOWSKI, Mr. NUNN, Mr. PACKWOOD, Mr. PRESSLER, Mr. PRYOR, Mr. REID, Mr. RIEGLE, Mr. ROBB, Mr. MACK, Mr. CRANSTON, Mr. WIRTH, Mr. KASTEN, Mr. WARNER, Mr. COATS, Mr. SARBANES, Mr. DIXON, Mr. BURDICK, Mr. SPECTER, Mr. JEFFORDS, Mr. STEVENS, Mr. COCHRAN, Mr. SIMON, and Mr. BRYAN):

S.J. Res. 146. Joint resolution designating the week of September 24, 1989, as "Religious Freedom Week"; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. CONRAD:

S. Res. 136. Resolution to express the sense of the Senate that the Committee on Appropriations should make the full appro-

priations authorized for carrying out programs for assessment and mitigation of radon under the Toxic Substances Control Act; to the Committee on Appropriations.

By Mr. GRAHAM (for himself, Mr. MACK, Mr. MATSUNAGA, and Mr. REID):

S. Res. 137. Resolution relative to the death of Representative Claude Pepper, of Florida; considered and agreed to.

By Mr. FOWLER (for Mr. MITCHELL (for himself and Mr. DOLE)):

S. Res. 138. Resolution reappointing Kenneth U. Benjamin, Jr., as Deputy Senate Legal Counsel; considered and agreed to.

By Mr. FOWLER (for Mr. LAUTENBERG (for himself, Mr. SHELBY, Mr. GRAMM, Mr. BRADLEY, Mr. DOLE, Mr. LIEBERMAN, Mr. COATS, Mr. ROBB, Mr. HATCH, Mr. MITCHELL, Mr. STEVENS, Mr. SANFORD, Mr. WARNER, Mr. BOREN, Mr. PELL, Mr. METZENBAUM, Mr. MURKOWSKI, Mr. MATSUNAGA, Mr. SARBANES, Mr. BURNS, Mr. CONRAD, Mr. INOUYE, Mr. GARN, Mr. DECONCINI, Mr. SIMON, Mr. WILSON, Mr. DIXON, Mr. SASSER, Mr. BIDEN, Mr. LEVIN, Mr. GORE, Mr. HOLLINGS, Mr. HEFLIN, Mr. DASCHLE, Mr. RIEGLE, Mr. MOYNIHAN, Mr. BUMPERS, Mr. GLENN, Mr. ROCKEFELLER, Mr. CRANSTON, Mr. DOMENICI, Mr. THURMOND, Mr. SPECTER, Mr. ROTH, Mr. SIMPSON, Mr. HEINZ, Mr. MACK, Mr. ARMSTRONG, Mr. GRASSLEY, Mr. JEFFORDS, Mr. D'AMATO, Ms. MIKULSKI, Mr. COHEN, Mr. GORTON, and Mr. CHAFEE)):

S. Res. 139. Resolution to designate June 6, 1989, as "National D-Day Remembrance Day, and to recognize the sacrifices made by the American and other Allied soldiers who gave their lives to liberate Europe and save the world from Adolf Hitler; considered and agreed to.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. NUNN (for himself and Mr. WARNER) (by request):

S. 1083. A bill to authorize certain construction at military installations for fiscal years 1990 and 1991, and for other purposes; to the Committee on Armed Services.

MILITARY CONSTRUCTION AUTHORIZATION ACT, FISCAL YEARS 1990 AND 1991

Mr. NUNN. Mr. President, by request, for myself and the senior Senator from Virginia [Mr. WARNER], I introduce, for appropriate reference, a bill to authorize certain construction at military installations for fiscal years 1990 and 1991, and for other purposes.

I ask unanimous consent that a letter of transmittal requesting consideration of the legislation and explaining its purpose be printed in the RECORD immediately following the listing of the bill.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1083

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This title may be cited as the "Military Construction Authorization Act, 1990 and 1991".

Subdivision 1—Fiscal Year 1990

TITLE I—ARMY

SEC. 1101. AUTHORIZED ARMY CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—The Secretary of the Army may acquire real property and may carry out military construction projects in the amounts shown for each of the following installations and locations inside the United States:

Alabama

Anniston Army Depot, $2,300,000.
Fort McClellan, $2,750,000.
Redstone Arsenal, $18,390,000.
Fort Rucker, $3,600,000.

Alaska

Fort Richardson, $3,350,000.
Fort Wainwright, $14,800,000.

Arizona

Fort Huachuca, $9,900,000.
Yuma Proving Ground, $11,400,000.

California

Fort Irwin, $4,950,000.
Fort Ord, $2,450,000.
Sacramento Army Depot, $3,900,000.

Colorado

Fort Carson, $4,700,000.

Florida

Key West Naval Air Station, $6,100,000.

Georgia

Fort Benning, $7,500,000.
Fort Gordon, $4,000,000.
Fort Stewart, $5,200,000.

Hawaii

Fort Shafter, $9,300,000.
Schofield Barracks, $10,000,000.

Kansas

Fort Leavenworth, $5,500,000.
Fort Riley, $12,680,000.

Kentucky

Fort Campbell, $30,450,000.
Fort Knox, $2,200,000.

Louisiana

Fort Polk, $23,350,000.

Maryland

Fort Detrick, $2,300,000.
Fort Meade, $6,200,000.
Fort Ritchie, $630,000.

Massachusetts

Fort Devens, $3,550,000.

Missouri

Fort Leonard Wood, $10,450,000.

New Jersey

Fort Monmouth, $8,600,000.
Picatinny Arsenal, $11,800,000.

New York

Fort Drum, $70,600,000.

North Carolina

Fort Bragg, $32,000,000.

Oklahoma

Fort Still, $17,320,000.
McAlester Army Ammunition Plant, $2,200,000.

Pennsylvania

New Cumberland Army Depot, $14,000,000.

Texas

Corpus Christi Army Depot, $5,200,000.
Fort Bliss, $3,400,000.
Fort Hood, $2,800,000.

Utah

Dugway Proving Ground, $2,400,000.

Virginia

Fort Belvoir, $23,000,000.
Fort Lee, $1,750,000.
Fort Monroe, $1,100,000.
Fort Story, $3,350,000.

Washington

Fort Lewis, $770,000.

Various Locations

Classified Location, $3,900,000.

(b) OUTSIDE THE UNITED STATES.—The Secretary of the Army may acquire real property and may carry out military construction projects in the amounts shown for each of the following installations and locations outside the United States:

Germany

Augsburg, $600,000.
Baumholder, $6,400,000.
Grafenwoehr, $6,500,000.
Hanau, $16,550,000.
Heilbronn, $5,400,000.
Hohenfels, $9,200,000.
Mainz, $26,400,000.
Mannheim, $8,000,000.
Stuttgart, $9,400,000.
Vilseck, $8,800,000.
Wuerzburg, $12,000,000.
Various Locations, $4,150,000.

Korea

Camp Casey, $24,200,000.
Camp Garry Owen, $4,200,000.
Camp Hovey, $15,300,000.
H-220 Heliport, $4,050,000.

Kwajalein Atoll

Kwajalein, $9,500,000.

Panama

Fort Kobbe, $7,200,000.

Puerto Rico

Fort Buchanan, $690,000.

Various Locations

Location 276, $1,950,000.
Classified Locations, $6,100,000.

SEC. 1102. FAMILY HOUSING.

(a) CONSTRUCTION AND ACQUISITION.—The Secretary of the Army may construct or acquire family housing units (including land acquistion), using amounts appropriated pursuant to section 1104(a)(6)(A), at the following installations in the number of units shown and in the amounts shown, for each installation: Helemano, Hawaii, ninety units, $10,322,000. Hickam Air Force Base, twenty units, $2,500,000. Kaneohe, Hawaii, forth units, $4,700,000.

(b) PLANNING AND DESIGN.—The Secretary of the Army may, using amounts appropriated pursuant to section 1104(a)(6)(A), carry out architectural and engineering services and construction design activities with respect to the construction or improvement of family housing units in an amount not to exceed $1,349,000.

SEC., 1103. IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS.

(a) IN GENERAL.—Subject to Section 2825 of title 10, United States Code, the Secretary of the Army may, using amounts appropriated pursuant to section 1104(a)(6)(A), improve existing military family housing in an amount not to exceed $36,329,000.

(b) WAIVER OF MAXIMUM PER UNIT COST FOR CERTAIN IMPROVEMENT PROJECTS.—Notwithstanding the maximum amount per unit for an improvement project under section 2825(b) of title 10, United States Code,

the Secretary of the Army may—(1) carry out projects to improve existing military family housing units at the following installations in the number of units shown and in the amount shown, for each installation:

Fort Leavenworth, Kansas, one unit, $95,900, of which $86,900 is for concurrent repairs.

Pusan, Korea, twenty units, $1,250,000.

(2) improve four units at Forth Sill, Oklahoma, authorized in Public Law 100-456, in an amount of $178,088.

SEC. 1104. AUTHORIZATION OF APPROPRIATIONS, ARMY.

(a) IN GENERAL.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 1989, for military construction, land acquisition, and military family housing functions of the Department of the Army in the total amount of $2,180,400,000 follows:

(1) For military construction projects inside the United States authorized by section 1101(a), $426,090,000.

(2) For military construction projects outside the United States authorized by section 1101(b), $186,590,000.

(3) For the construction of the Central Distribution Center, Phase III, Red River Army Depot, Texas, as authorized by section 2101 lof the National Defense Authorization Act, 1989, $39,000,000.

(4) For unspecified minor construction projects authorized under section 2905 of title 10, United States Code, $11,000,000.

(5) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $74,420,000.

(6) For military family housing functions—

(A) for construction and acquistion of military family housing and facilities, $55,200,000.

(B) for support of military family housing (including the functions described in section 2833 of title 10, United States Code), $1,383,000,000, of which not more than $319,142,000 may be obligated or expended for the leasing of military family housing worldwide.

(7) For the Homeowners Assistance Program as authorized by section 2832 of title 10, United States Code, $5,100,000 to remain in effect until expended.

(b) LIMITATION ON TOTAL COST OF CONSTRUCTION PROJECTS.—Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variation authorized by law, the total cost of all projects carried out under section 1101 of this Act may not exceed the total amount authorized to be appropriated under paragraphs (1) and (2) of subsection (a).

SEC. 1105. EXTENSION OF CERTAIN PRIOR YEAR AUTHORIZATIONS.

(a) EXTENSION OF AUTHORIZATION OF CERTAIN FISCAL YEAR 1986 PROJECTS.—Notwithstanding the provisions of section 603(a) of the Military Construction Act, 1986 (Public Law 99-167), authorizations for the following projects authorized in sections 101 and 102 of that Act, as extended by section 2105(b) of the Military Construction Authorization Act 1988 and 1989 (division B of Public Law 99-180) and section 2106(b) of the Military Construction Act, 1989 (Public Law 100-456), shall remain in effect until October 1, 1991 or the date of enactment of an Act authorizing funds for military construction for fiscal year 1992, whichever is later:

(1) Modified record fire range in the amount of $2,850,000 at Nuernberg, Germany.

(2) Family housing, new construction, 6 units, in the amount of $596,000 at Fort Myer, Virginia.

(3) Flight simulator building in the amount of $2,900,000 at Wiesbaden, Germany.

(b) EXTENSION OF AUTHORIZATION OF CERTAIN FISCAL YEAR 1987 PROJECTS.—Notwithstanding the provisions of section 2701(a) of the Military Construction Authorization Act, 1987, (division B of Public Law 99-661), authorizations of the following projects authorized in sections 2101, 2102, and 2103 of that Act as extended by section 2106(c) of the Military Construction Authorization Act, 1989 (Public Law 100-456), shall remain in effect until October 1, 1991, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 1992, whichever is later:

(1) Aircraft maintenance hangar in the amount of $7,100,000 at Hanau, Germany.

(2) Family housing, new construction, 40 units in the amount of $4,100,000 at Crailsheim, Germany.

(c) EXTENSION OF AUTHORIZATION OF CERTAIN FISCAL YEAR 1988 PROJECTS.—Notwithstanding the provisions of 2171 of the Military Construction Authorization Act of 1988 (Division B of Public Law 100-180), authorizations for the following projects authorized in sections 2101 and 2102 of that Act shall remain in effect until October 1, 1991, or the date of enactment of a Military Construction Authorization Act for fiscal year 1992, whichever is later:

(1) Child Development Center in the amount of $1,050,000 at Rheinberg, Germany.

(2) Training Exercise Facility in the amount of $5,900,000 at Einsiedlerhof, Germany.

(3) Operations Building Modifications in the amount of $5,400,000 at Stuttgart, Germany.

(4) Hardstand/Tactical Equipment Shop in the amount of $2,250,000 at Wiesbaden, Germany.

(5) Servicemember Support Complex in the amount of $5,700,000 at Fort Rucker, Alabama.

(6) Wall/Ceiling Insulation in the amount of $930,000 at Aberdeen Proving Ground, Maryland.

(7) Family Housing, new construction, 25 units, in the amount of $2,200,000 at Fort A. P. Hill, Virginia.

(8) Family Housing, new construction, 106 units, in the amount of $11,200,000 at Bamberg, Germany.

(9) Family Housing, new construction, 152 units, in the amount of 12,600,000 at Baumholder, Germany.

TITLE II—NAVY

SEC. 1201 AUTHORIZED NAVY CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—The Secretary of the Navy may acquire real property and may carry out military construction projects in the amounts shown for each of the following installations and locations inside the United States:

Alabama

Mobile, Naval Station, $3,965,000.

Alaska

Adak, Naval Air Station, $18,870,000.

Arizona

Yuma, Marine Corps Air Station, $900,000.

California

Camp Pendleton, Marine Corps Air Station, $2,100,000.

Camp Pendleton, Marine Corps Base, $57,600,000.

China Lake, Naval Weapons Center, $17,500,000.

Concord, Naval Weapons Station, $5,640,000.

Coronado, Naval Amphibious Base, $7,770,000.

Coronado, Surface Warfare Officers School Command Detachment, $4,360,000.

El Centro, Naval Air Facility, $7,200,000.

Lemoore, Naval Air Station, $2,100,000.

Moffett Field, Naval Air Station, $1,000,000.

Monterey, Fleet Numerical Oceanography Center, $750,000.

Monterey, Naval Postgraduate School, $16,690,000.

North Island, Naval Air Station, $6,160,000.

San Diego, Fleet Anti-Submarine Warfare Training Center, Pacific, $820,000.

San Diego, Fleet Combat Training Center, Pacific, $3,670,000.

San Diego, Fleet Intelligence Training Center, Pacific, $2,500,000.

San Diego, Fleet Training Center, $12,800,000.

San Diego, Integrated Combat Systems Test Facility, $4,100,000.

San Diego, Marine Corps Recruit Depot, $3,070,000.

San Diego, Naval Hospital, $5,000,000.

San Diego, Naval Ocean Systems Center, $1,300,000.

San Diego, Naval Station, $1,000,000.

San Diego, Naval Submarine Base, $10,800,000.

San Diego, Naval Training Center, $4,800,000.

San Diego, Navy Public Works Center, $4,400,000.

San Francisco, Navy Public Works Center, $3,910,000.

Seal Beach, Naval Weapons Station, $9,000,000.

Tustin, Marine Corps Air Station, $2,990,000.

Twentynine Palms, Marine Corps Air-Ground Combat Center, $3,140,000.

Vallejo, Mare Island Naval Shipyard, $6,300,000.

Connecticut

New London, Naval Submarine Base, $24,250,000.

New London, Naval Submarine School, $8,200,000.

New London, Underwater Systems Center, $12,600,000.

District of Columbia

Washington, Commandant, Naval District, $420,000.

Washington, Naval Observatory, $2,500,000.

Florida

Cecil Field, Naval Air Station, $1,970,000.

Jacksonville, Naval Hospital, $2,080,000.

Orlando, Naval Training Center, $18,400,000.

Panama City, Naval Diving and Salvage Training Center, $4,300,000.

Panama City, Naval Experimental Diving Unit, $2,900,000.

Pensacola, Navy Public Works Center, $2,100,000.

Georgia

Albany, Marine Corps Logistics Base, $1,300,000.

Athens, Navy Supply Corps School, $1,000,000.
Kings Bay, Naval Submarine Base, $58,910,000.

Hawaii

Kaneohe Bay, Marine Corps Air Station, $13,150,000.
Lualualei, Naval Magazine, $4,600,000.
Pearl Harbor, Naval Submarine Base, $18,600,000.
Pearl Harbor, Naval Submarine Training Center, Pacific, $5,550,000.
Pearl Harbor, Navy Public Works Center, $750,000.
Wahiawa, Naval Communication Area Master Station Eastern Pacific, $8,000,000.

Illinois

Great Lakes, Naval Hospital, $12,270,000.
Great Lakes, Naval Training Center, $15,900,000.

Indiana

Indianapolis, Naval Avionics Center, $8,000,000.

Maine

Brunswick, Naval Air Station, $1,000,000.
Brunswick, Naval Branch Medical Clinic, $2,650,000.

Maryland

Annapolis, Naval Academy, $48,000,000.
Indian Head, Naval Explosive Ordnance Disposal Technology Center, $7,700,000.
Indian Head, Naval Ordnance Station, $10,670,000.
Patuxent River, Naval Air Test Center, $17,000,000.
St. Inigoes, Naval Electronic Systems Engineering Activity, $2,950,000.

Mississippi

Meridian, Naval Air Station, $11,800,000.
Pascagoula, Naval Station, $2,220,000.

Nevada

Fallon, Naval Air Station, $1,000,000.

New Jersey

Bayonne, Navy Publications and Printing Service Detachment Office, $1,000,000.
Earle, Naval Weapons Station, $14,270,000.

New Mexico

Elephant Butte, Naval Space Surveillance Field Station, $4,700,000.

New York

New York, Naval Station, $25,640,000.

North Carolina

Camp Lejeune, Marine Corps Base, $21,210,000.
Cherry Point, Marine Corps Air Station, $23,820,000.
New River, Marine Corps Air Station, $21,100,000.

Oklahoma

Tinker Air Force Base, Naval Air Detachment, $21,500,000.

Rhode Island

Newport, Naval Education and Training Center, $8,000,000.

South Carolina

Beaufort, Marine Corps Air Station, $4,920,000.
Charleston, Naval Supply Center, $700,000.

Tennessee

Memphis, Naval Air Station, $10,000,000.

Texas

Ingleside, Naval Station, $19,720,000.
Lackland Air Force Base, Naval Technical Training Center Detachment, $4,500,000.

Virginia

Chesapeake, Naval Security Group Activity, Northwest, $1,300,000.
Dahlgren, Naval Surface Warfare Center, $1,000,000.
Dam Neck, Marine Environmental Systems Facility, $8,000,000.
Little Creek, Naval Amphibious Base, $5,200,000.
Norfolk, Naval Air Station, $4,400,000.
Norfolk, Naval Eastern Oceanography Center, $680,000.
Norfolk, Naval Supply Center, $6,500,000.
Oceana, Naval Air Station, $12,555,000.
Portsmouth, Norfolk Naval Shipyard, $9,700,000.
Quantico, Marine Corps Combat Development Command, $3,450,000.
Williamsburg, Cheatham Annex, Naval Supply Center, $18,500,000.
Yorktown, Naval Weapons Station, $21,420,000.

Washington

Bremerton, Naval Hospital, $1,000,000.
Bremerton, Puget Sound Naval Shipyard, $19,900,000.
Bremerton, Puget Sound Naval Supply Center, $690,000.
Everett, Naval Station, $11,200,000.
Keyport, Naval Undersea Warfare Engineering Station, $1,850,000.
Oso, Jim Creek Naval Radio Station, $1,200,000.

Various Locations

Land Acquisition, $21,000,000.

(b) OUTSIDE THE UNITED STATES.—The Secretary of the Navy may acquire real property and may carry out military construction projects in the amounts shown for each of the following installations and locations outside the United States:

Ascension Island

Naval Communication Detachment, $3,500,000.

Australia

Exmouth, Harold E. Holt Naval Communication Station, $610,000.

Bahamas

Andros Island, Naval Underwater Systems Center, $4,140,000.

Guam

Camp Covington, Mobile Construction Battalion, $4,300,000.
Fleet Surveillance Support Command, $27,000,000.
Navy Public Works Center, $4,150,000.

Iceland

Keflavik, Naval Air Station, $7,500,000.
Keflavik, Naval Communication Station, $8,450,000.

Italy

Naples, Naval Support Activity, $46,600,000.

Japan

Atsugi, Naval Air Facility, $14,900,000.
Okinawa, Camp Smedley D. Butler Marine Corps Base, $3,200,000.
Okinawa, Futenma Marine Corps Air Station, $7,450,000.

Puerto Rico

Roosevelt Roads, Naval Communication Station, $1,300,000.

United Kingdom

Edzell, Scotland, Naval Security Group Activity, $5,820,000.
London, Naval Activities, $10,130,000.

Various Locations

Classified Location, $5,800,000.
Host Nation Infrastructure Support, $1,000,000.

SEC. 1202. FAMILY HOUSING.

(a) CONSTRUCTION AND ACQUISITION.—The Secretary of the Navy may, using amounts appropriated pursuant to section 1204(a)(6)(A), construct or acquire family housing units (including land acquisition), at the following installations in the number of units shown, and in the amount shown for each installation:

Camp Pendleton, Marine Corps Base, California, one hundred twelve units, $10,150,000.
Long Beach, Naval Station, California, Family Housing Office, $592,000.
San Diego, Navy Public Works Center, California, Family Housing Warehouse, $1,855,000.
San Francisco, Navy Public Works Center, California, three hundred forty-four units, $28,350,000.
Thurmont, Naval Support Facility, Maryland, eleven units, $1,160,000.
Norfolk, Navy Public Works Center, Virginia, Community Center, $332,000.
Keflavik, Naval Air Station, Iceland, one hundred twelve units, $23,213,000.
Subic Bay, Navy Public Works Center, Philippines, two hundred sixteen units, $19,000,000.

(b) PLANNING AND DESIGN.—The Secretary of the Navy may carry out architectural and engineering services and construction design activities, using amounts appropriated pursuant to section 1204(a)(6)(A), with respect to the construction or improvement of military family housing units in an amount not to exceed $1,000,000.

SEC. 1203. IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS.

(a) IN GENERAL.—Subject to section 2825 of title 10, United States Code, the Secretary of the Navy may, using amounts appropriated pursuant to section 1204(a)(6)(A), improve existing military family housing units in the amount of $41,748,000.

(b) WAIVER OF MAXIMUM PER UNIT COST FOR CERTAIN IMPROVEMENT PROJECTS.—Notwithstanding the maximum amount per unit for an improvement project under section 2825(b) of title 10, United States Code, the Secretary of the Navy may carry out projects to improve existing military family housing units at the following installations in the number of units shown and in the amount shown, for each installation:

Long Beach, Naval Station, California, forty-four units, $2,208,200.
San Diego, Navy Public Works Center, California, one unit, $79,900.
Great Lakes, Navy Public Works Center, Illinois, two hundred sixty-two units, $17,198,100.
Lakehurst, Naval Air Engineering Center, New Jersey, thirty-two units, $1,946,400.
Lakehurst, Naval Air Engineering Center, New Jersey, one unit, $80,100.
New York, Naval Station, New York, ten units, $842,000.
New York, Naval Station, New York, ten units, $719,100.
Cherry Point, Marine Corps Air Station, North Carolina, two hundred fourteen units, $13,398,000.
Bangor, Naval Submarine Base, Washington, one hundred units, $5,844,200.
Guantanamo Bay, Naval Station, Cuba, one unit, $104,700.

SEC. 1204. AUTHORIZATION OF APPROPRIATIONS, NAVY.

(a) IN GENERAL.—Funds are hereby authorized to be appropriated for fiscal years

beginning after September 30, 1989, for military construction, land acquisition, and military family housing functions of the Department of the Navy in the total amount of $1,885,400,000 as follows:

(1) For military construction projects inside the United States authorized by section 1201(a), $872,570.000.

(2) For military construction projects outside the United States authorized by section 1201(b), $155,850,000.

(3) For unspecified minor construction projects under section 2805 of title 10, United States Code, $14,000,000.

(4) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $84,970,000.

(5) For advances to the Secretary of Transportation for construction of defense access roads under section 210 of title 23, United States Code, $5,810,000.

(6) For military family housing functions—

(A) for construction and acquisition of military family housing and facilities, $127,400,000; and

(B) for support of military housing (including functions described in section 2833 of title 10, United States Code), $624,800,000 of which not more than $41,488,000 may be obligated or expended for the leasing of military family housing units worldwide.

(b) LIMITATION ON TOTAL COST OF CONSTRUCTION PROJECTS.—Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variation authorized by law, the total cost of all projects carried out under section 1201 of this Act may not exceed—

(1) The total amount authorized to be appropriated under paragraphs (1) and (2) of subsection (a); and

(2) $24,000,000 (the balance of the amount authorized for the construction of the Bancroft Hall Expansion, Naval Academy, Annapolis, Maryland).

TITLE III—AIR FORCE

SEC. 1301. AUTHORIZED AIR FORCE CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—The Secretary of the Air Force may acquire real property and may carry out military construction projects in the amounts shown for each of the installations and locations inside the United States:

Alabama

Gunter Air Force Base, $12,100,000.

Alaska

Clear Air Force Station, $5,000,000.
Eielson Air Force Base, $11,000,000.
Elmendorf Air Force Base, $2,400,000.
King Salmon Airport, $8,000,000.
Shemya Air Force Base, $22,700,000.

Arizona

Davis-Monthan Air Force Base, $4,200,000.
Luke Air Force Base, $3,970,000.
Williams Air Force Base, $1,850,000.

California

Beale Air Force Base, $13,472,000.
Castle Air Force Base, $3,900,000.
Edwards Air Force Base, $12,400,000.
McClellan Air Force Base, $17,030,000.
Onizuka Air Force Station, $14,800,000.
Travis Air Force Base, $9,000,000.
Vandenberg Air Force Base, $11,500,000.

Colorado

Lowry Air Force Base, $3,550,000.

Delaware

Dover Air Force Base, $8,300,000.

District of Columbia

Bolling Air Force Base, $5,900,000.

Florida

Cape Canaveral Air Force Station, $89,000,000.
Eglin Air Force Base, $12,100,000.
Eglin Air Force Base, Auxiliary Field 9, $21,900,000.
Homestead Air Force Base, $7,350,000.
MacDill Air Force Base, $4,490,000.
Patrick Air Force Base, $3,800,000.
Tyndall Air Force Base, $7,300,000.

Georgia

Robins Air Force Base, $18,550,000.

Hawaii

Hickam Air Force Base, $530,000.

Idaho

Mountain Home Air Force Base, $3,920,000.

Louisiana

Barksdale Air Force Base, $7,700,000.
England Air Force Base, $2,700,000.

Maine

Loring Air Force Base, $8,500,000.

Maryland

Andrews Air Force Base, $5,550,000.

Massachusetts

Hanscom Air Force Base, $5,600,000.

Mississippi

Columbus Air Force Base, $1,200,000.

Missouri

Whiteman Air Force Base, $97,500,000.

Montana

Malmstrom Air Force Base, $32,100,000.

Nebraska

Offutt Air Force Base, $1,150,000.

Nevada

Nellis Air Force Base, $4,800,000.

New Jersey

McGuire Air Force Base, $4,900,000.

New Mexico

Holloman Air Force Base, $17,350,000.
Kirtland Air Force Base, $18,350,000.

New York

Griffiss Air Force Base, $11,950,000.
Plattsburgh Air Force Base, $9,900,000.

North Carolina

Seymour Johnson Air Force Base, $4,500,000.

Ohio

Newark Air Force Base, $2,300,000.
Wright Patterson Air Force Base, $610,000.

Oklahoma

Altus Air Force Base, $5,200,000.
Tinker Air Force Base, $55,250,000.

South Carolina

Charleston Air Force Base, $4,650,000.
Myrtle Beach Air Force Base, $2,350,000.
Shaw Air Force Base, $5,700,000.

South Dakota

Ellsworth Air Force Base, $4,100,000.

Texas

Carswell Air Force Base, $650,000.
Goodfellow Air Force Base, $3,300,000.
Kelly Air Force Base, $21,300,000.
Lackland Air Force Base, $34,250,000.
Lackland Training Annex, $1,994,000.
Laughlin Air Force Base, $5,350,000.
Randolph Air Force Base, $630,000.
Reese Air Force Base, $4,630,000.

Utah

Hill Air Force Base, $11,950,000.

Virginia

Langley Air Force Base, $3,300,000.

Washington

Fairchild Air Force Base, $1,500,000.

Wyoming

F.E. Warren Air Force Base, $104,850,000.

Various Locations

Central United States, $5,000,000.

(b) OUTSIDE THE UNITED STATES.—The Secretary of the Air Force may acquire real property and may carry out military construction projects in the amounts shown for each of the following installations and locations outside the United States:

Canada

Various Locations, $24,000,000.

Germany

Hahn Air Base, $11,120,000.
Mehlingen Communications Annex, $1,100,000.
Ramstein Air Base, $16,900,000.
Rhein-Main Air Base, $4,160,000.
Sembach Air Base, $3,050,000.
Spangdahlem Air Base, $11,150,000.
Zweibrucken Air Base, $6,100,000.

Guam

Andersen Air Force Base, $6,500,000.

Honduras

La Mesa Air Base, $10,200,000.
San Lorenzo Air Base, $4,900,000.

Iceland

Naval Air Station, Keflavik, $16,300,000.

Italy

Aviano Air Base, $6,050,000.
Crotone Air Base, $15,400,000.
San Vito Air Station, $2,750,000.

Japan

Kadena Air Base, $4,300,000.
Misawa Air Base, $3,700,000.
Yokota Air Force Base, $4,700,000.

Korea

Kunsan Air Base, $13,140,000.
Osan Air Base, $13,250,000.

Oman

Seeb, $2,200,000.
Thumrait, $23,600,000.

Panama

Howard Air Force Base, $7,210,000.

Philippines

Clark Air Base, $35,760,000.
Wallace Air Station, $4,150,000.

Portugal

Lajes Field, $7,700,000.

Spain

Zaragoza Air Base, $1,950,000.

Turkey

Ankara Air Station, $4,200,000.
Balikesir Radio Relay Site, $3,600,000.
Erhac Air Base, $2,750,000.
Incirlik Air Base, $5,910,000.

United Kingdom

Bovingdon Radio Relay Site $400,000.
High Wycombe Air Station, $4,100,000.
RAF Alconbury, $4,200,000.
RAF Barford St. John, $490,000.
RAF Bentwaters, $6,800,000.
RAF Christmas Common Radio Relay Site, $210,000.
RAF Fairford, $10,950,000.
RAF Lakenheath, $860,000.
RAF Mildenhall, $5,050,000.
RAF Upper Heyford $24,170,000.

Various Locations

Classified Location, $740,000.

Classified Location, $15,000,000.

SEC. 1302. FAMILY HOUSING.

(a) CONSTRUCTION AND ACQUISITION.—The Secretary of the Air Force may, using amounts appropriated pursuant to section 1304(a)(6)(A), construct or acquire family housing units (including land acquisition) at the following installations in the number of units shown and in the amount shown, for each installation:

Kelly Air Force Base, Texas, eleven units, $1,619,000.

Ramstein Air Base, Germany, two hundred units, $20,660,000.

Crotone Air Base, Italy, two thousand seven hundred twenty-four units, $0.

Osan Air Base, Korea, one unit, $117,000.

Clark Air Base, Philippines, four hundred fifty units, $35,427,000.

Beale Air Force Base, California, housing office, $295,000.

Edwards Air Force Base, California, housing office, $327,000.

Scott Air Force Base, Illinois, housing office, $407,000.

England Air Force Base, Louisiana, housing maintenance facility, $226,000.

Tinker Air Force Base, Oklahoma, housing office, $291,000.

Myrtle Beach Air Force Base, South Carolina, housing maintenance facility, $382,000.

(b) PLANNING AND DESIGN.—The Secretary of the Air Force may, using amounts appropriated pursuant to section 1304(a)(6)(A), carry out architectural and engineering services and construction design activities with respect to the construction or improvement of military family housing units in an amount not to exceed $8,000,000.

SEC. 1303. IMPROVEMENT TO MILITARY FAMILY HOUSING UNITS.

(a) IN GENERAL.—Subject to section 2825 of Title 10, United States Code, the Secretary of the Air Force may, using amounts appropriated pursuant to section 1304(a)(6)(A), improve existing military family housing units in an amount not to exceed $173,349,000.

(b) WAIVER OF MAXIMUM PER UNIT COST FOR CERTAIN IMPROVEMENT PROJECTS.—Notwithstanding the maximum amount per unit for an improvement project under Section 2825(b) of title 10, United States Code, the Secretary of the Air Force may carry out projects to improve existing military family housing units at the following installations in the number of units shown, and in the amount shown, for each installation:

Maxwell Air Force Base, Alabama, eight units, $357,000; eight units, $800,000; one unit, $108,000; thirty-two units, $1,548,000.

Elmendorf Air Force Base, Alaska, eighty-eight units $9,578,000.

Davis-Monthan Air Force Base, Arizona, five units, $200,000.

Travis Air Force Base, California, one hundred forty-two units, $7,691,000.

Peterson Air Force Base, Colorado, thirty-two units, $1,438,000.

Bolling Air Force Base, District of Columbia, forty units, $1,683,000.

Tyndall Air Force Base, Florida, forty units, $2,441,000.

Scott Air Force Base, Illinois, four units, $250,000; eighty units, $4,076,000.

England Air Force Base, Louisiana, one hundred one units, $4,208,000.

Whiteman Air Force Base, Missouri, fifteen units, $970,000.

Nellis Air Force Base, Nevada, thirty-two units, $1,727,000.

Holloman Air Force Base, New Mexico, one hundred twenty-three units, $5,710,000; one unit, $47,000.

Bergstrom Air Force Base, Texas, two units, $149,000.

Carswell Air Force Base, Texas, one hundred nineteen units, $5,432,000.

Randolph Air Force Base, Texas, one hundred twenty-four units, $4,135,000; one unit, $78,000.

Langley Air Force Base, Virginia, eighty-six units, $5,398,000.

Fairchild Air Force Base, Washington, two hundred thirty units, $12,162,000.

Ramstein Air Base, Germany, one unit, $137,000; twenty-four units, $2,180,000; thirty-eight units, $2,681,000.

Spangdahlem Air Base, Germany, four units, $302,000.

Andersen Air Base, Guam, two hundred units, $17,817,000.

Kadena Air Base, Japan, one unit, $127,000; seventy-five units, $5,851,000.

Misawa Air Base, Japan, one hundred eleven units, $9,028,000.

Clark Air Force Base, Philippines, seventy-seven units, $3,234,000.

RAF Alconbury, United Kingdom, one unit, $55,000.

RAF Bentwaters, United Kingdom, eighty-three units, $4,610,000.

RAF Chicksands, United Kingdom, thirty-four units, $3,027,000.

RAF Lakenheath, United Kingdom, fourteen units, $1,153,000, sixty units, $3,408,000.

RAF Mildenhall, United Kingdom, two units, $89,000.

(c) WAIVER OF SPACE LIMITATIONS FOR FAMILY HOUSING UNITS—

(1) To support the United States Air Forces in Europe, and Military Airlift Command, the Secretary of the Air Force may carry out improvement projects to add to and alter existing family housing units and (notwithstanding section 2826(a) of title 10, United States Code) increase the net floor area of one family housing unit at Ramstein Air Base, Germany, to not more than 3,045 square feet; and increase the net floor area of four family housing units at Scott Air Force Base, Illinois, to not more than 2,470 square feet.

(2) To support the Air Force Logistics Command and Pacific Air Forces the Secretary of the Air Force may carry out new construction projects to build five family housing units (notwithstanding section 2826(a) of title 10, United States Code) at Kelly Air Force Base, Texas, to not more than 3,000 square feet and to convert one building to a family housing unit at Osan Air Base, Korea, to contain not more than 3,000 square feet.

(3) For purposes of this subsection, the term "net floor area" has the same meaning given that term by section 2826(f) of title 10, United States Code.

SEC. 1304 AUTHORIZATION OF APPROPRIATIONS, AIR FORCE.

(a) IN GENERAL.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 1989, for military construction, land acquisition, and military family housing functions of the Department of the Air Force in the total amount of $2,401,390,000:

(1) For military construction projects inside the United States authorized by section 1301(a), $852,626,000.

(2) For military construction projects outside the United States authorized by section 1301(b), $350,770,000.

(3) For the construction of the Large Rocket Test Facility Arnold Engineering Development Center, Tennessee, as authorized by section 2301(a) of the Military Construction Authorization Act of 1989, $66,000,000.

(4) For unspecified minor construction projects under section 2805 of title 10 United States Code, $7,000,000.

(5) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $106,094,000.

(6) For advances to the Secretary of Transportation for Construction of defense access under section 210 of title 23, United States Code, $3,000,000.

(7) For military family housing functions—

(A) for construction and acquisition of military family housing and facilities, $241,100,000; and

(B) for support of military housing (including functions described in section 2833 of title 10, United States Code), $774,800,000 of which not more than $101,592,000 may be obligated or expended, for leasing of military housing units worldwide.

(b) LIMITATION ON TOTAL COST OF CONSTRUCTION PROJECTS.—Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variation authorized by law, the total cost of all projects carried out under section 1301 of this Act may not exceed the total amount authorized to be appropriated under paragraphs (1) and (2) of subsection (a).

SEC. 1305. EXTENSION OF CERTAIN PRIOR YEAR AUTHORIZATIONS.

Notwithstanding the provisions of section 2171(a) of the Military Construction Authorization Act, 1988, (Public Law 100-180), authorizations for the following projects authorized in section 2301 and 2302 of that Act, as extended by section 2305 of the Military Construction Authorization Act, 1989 (Public Law 100-460), shall remain in effect until October 1, 1991, or the date of the enactment of a Military Construction Authority Act for fiscal year 1992, whichever is later:

(2) KC-135 CPT Simulator facility, in the amount of $760,000 at Plattsburgh Air Force Base, New York.

(3) KC-135 CPT Simulator facility, in the amount of $710,000 at Carswell Air Force Base, Texas.

(4) KC-135 CPT Simulator facility, in the amount of $840,000 at K. I. Sawyer Air Force Base, Michigan.

(5) KC-135 CPT Simulator facility, in the amount of $1,150,000 at Loring Air Force Base, Maine.

(6) Jet fuel Storage in the amount of $2,900,000 at Griffiss Air Force Base, New York.

(7) LANTIRN support building in the amount of $600,000 at Seymour Johnson Air Force Base, North Carolina.

(8) Add to and alter Electrical Distribution System in the amount of $8,480,000 at Griffiss Air Force Base, New York.

(9) Thirty-four family housing units in the amount of $2,530,000 Holbrook, Arizona.

TITLE IV—DEFENSE AGENCIES

SEC. 1401. AUTHORIZED DEFENSE AGENCIES CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—The Secretary of Defense may acquire real property and carry out military construction projects in the amounts shown for each of the following installations and locations inside the United States:

Defense Logistics Agency

Defense Depot, Tracy, California, $24,000,000.

Defense Reutilization and Marketing Office, Eglin Air Force Base, Florida, $2,750,000.

Defense Fuel Support Point, Searsport, Maine, $2,700,000.

Defense Construction Supply Center, Columbus, Ohio, $26,600,000.

Defense Personnel Support Center, Philadelphia, Pennsylvania, $3,800,000.

Defense General Supply Center, Richmond, Virginia, $6,066,000.

Defense Fuel Support Point, Manchester, Washington, $22,600,000.

Defense Medical Facilities Office

Maxwell Air Force Base, Alabama, $1,600,000.

Naval Air Station, Mobile, Alabama, $3,000,000.

Naval Air Station, Adak, Alaska, $18,000,000.

Marine Corps Air Station, Twenty-Nine Palms, California, $38,000,000.

Hurlburt Field, Florida, $6,000,000.

Naval Air Station, Jacksonville, Florida, $2,400,000.

Patrick Air Force Base, Florida, $2,700,000.

Andrews Air Force Base, Maryland, $2,900,000.

Naval Station, Pascagoula, Mississippi, $2,548,000.

Lackland Air Force Base, Texas, $6,000,000.

Naval Station, Ingleside, Texas, $2,300,000.

Portsmouth Naval Hospital, Virginia, $330,000,000.

Defense Nuclear Agency

Armed Forces Radiobiology Research Institute, Bethesda, Maryland, $900,000.

National Security Agency

Fort George C. Meade, Maryland, $21,444,000.

Office of the Secretary of Defense

Defense Language Institute, Monterey, California, $16,700,000.

The Pentagon, Arlington, Virginia, $3,500,000.

Classified Location, $4,500,000.

Uniformed Services University of the Health Sciences

Bethesda, Maryland, $600,000.

Strategic Defense Initiative Organization

Nellis Air Force Base, Nevada, $6,5432,000.

(b) OUTSIDE THE UNITED STATES.—The Secretary of Defense may acquire real property and may carry out military construction projects in the amounts shown for each of the following installations and locations outside the United States:

Defense Medical Facilities Office

Camp Carroll, Korea, $7,900,000.

Camp Garry Owen, Korea, $800,000.

Echternach Air Base, Luxembourg, $19,000,000.

Zaragoza Air Base, Spain, $680,000.

Royal Air Force, Chessington, United Kingdom, $12,200,000.

Royal Air Force, Lanark, United Kingdom, $15,000,000.

Defense Nuclear Agency

Johnston Atoll, $6,168,000.

Department of Defense Schools

Naval Air Station, Bermuda, $4,810,000.

Augsburg, Germany, $6,300,000.

Frankfurt, Germany, $7,101,000.

Grafenwoehr, Germany, $4,186,000.

Hohenfels, Germany, $17,079,000.

Royal Air Force, Bicester, United Kingdom, $6,275,000.

Royal Air Force, Upwood, United Kingdom, $4,175,000.

Various Locations, $6,600,000.

Department of Defense Section VI Schools

Fort Buchanan, Puerto Rico, $1,155,000.

Roosevelt Roads, Puerto Rico, $6,541,000.

National Security Agency

Classified Location, $23,000,000.

SEC. 1402. FAMILY HOUSING.

The Secretary of Defense may, using amounts appropriated pursuant to section 1405(a)(10)(A), construct or acquire three family housing units including land acquisition) at classified locations in the total amount not to exceed $400,000.

SEC. 1403. IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS.

Subject to Section 2825 of title 10, United States Code, the Secretary of Defense may, using amounts appropriated pursuant to section 1405(a)(10)(A), improve existing military family housing units in an amount not to exceed $200,000.

SEC. 1404. CONFORMING STORAGE FACILITIES.

Section 2404(a) of the Military Construction Authorization Act, 1987 (PL 99-661), as amended by Section 2149 of the Military Construction Authorization Act, 1988 and 1989 (PL 100-180), and by Section 2405 of the Military Construction Authorization Act, 1989 (PL 100-456), is further amended to read as follows:

"(a) AUTHORITY TO CONSTRUCT.—The Secretary of Defense may, using not more than $10,000,000 appropriated for fiscal year 1987, using not more than $5,000,000 appropriated for fiscal year 1988, using not more than $9,300,000 appropriated for fiscal year 1989, using not more than $11,000,000 appropriated for fiscal year 1990, carry out military construction projects not otherwise authorized by law for conforming storage facilities."

SEC. 1405. AUTHORIZATION OF APPROPRIATIONS, DEFENSE AGENCIES.

(a) IN GENERAL.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 1989, for military construction, land acquisition, and military family housing functions of the Department of Defense (other than the military departments), in the total amount of $617,500,000 as follows:

(1) For military construction projects inside the United States authorized by section 1401(a), $236,650,000.

(2) For military construction projects outside the United States authorized by section 1401(b), $148,970,000.

(3) For military construction projects at Fort Sill, Oklahoma, $27,000,000 as authorized by section 2401(a) of the Military Construction Authorization Act, 1989.

(4) For military construction projects at Fort Sam Houston, Texas, authorized by section 2401(a) of the Military Construction Authorization Act, 1987, as amended, $53,000,000.

(5) For military construction projects at Fort Lewis, Washington, authorized by section 101(a) of the Military Construction Authorization Act, 1985, $16,000,000.

(6) For unspecified minor construction projects under section 2805 of title 10, United States Code, $13,100,000.

(7) For contingency construction projects of the Secretary of Defense under section 2804 of title 10, United States Code, $10,000,000.

(8) For architectural and engineering services and for construction design under section 2807 of title 10, United States Code, $80,480,000.

(9) For conforming storage facilities constructed under the authority of section 2404 of the Military Construction Authorization Act, 1987, as amended, $11,000,000.

(10) For military family housing functions—

(A) for construction and acquisition of military family housing facilities, $600,000; and

(B) for support of military housing (including functions described in section 2833 of title 10, United States Code), $20,700,000, of which not more than $17,825,000 may be obligated or expended for the leasing of military family housing units worldwide.

(b) LIMITATION OF TOTAL COST OF CONSTRUCTION PROJECTS.—Notwithstanding the cost variations authorized by section 2853 of Title 10, United States Code, and any other cost variations authorized by law, the total cost of all projects carried out under section 1401 may not exceed—

(1) the total amount authorized to be appropriated under paragraphs (1) and (2) of subsection (a);

(2) $321,500,000 (the balance of the amount authorized under section 1401(a) for the construction of a medical facility at Portsmouth Naval Hospital, Virginia).

SEC. 1406. PORTSMOUTH NAVAL HOSPITAL, VIRGINIA.

The Secretary of Defense may, in advance of appropriations therefor, enter into one or more contracts for the design and construction of the military construction project authorized by section 1401 to be accomplished at Portsmouth Naval Hospital, Virginia, if each such contract limits the payments that the Federal Government is obligated to make under such contract to the amount of appropriations available for obligation under such contract, at the time the contract is executed.

SEC. 1407. EXTENSION OF CERTAIN PREVIOUS AUTHORIZATIONS.

Notwithstanding the provisions of section 2171(a) of the Military Construction Authorization Act, 1988 and 1989 (Division B of Public Law 100-180), authorizations for the following projects authorized in section 2141 of that Act shall remain in effect until October 1, 1991, or until the date of enactment of a Military Construction Authorization Act for fiscal years 1992, whichever is later:

(1) Fuel Tankage, in the amount of $9,400,000 at Defense Fuel Supply Point, Key West, Florida.

(2) Connector Warehouse, in the amount of $18,500,000 at Defense General Supply Center, Richmond, Virginia.

TITLE V—NORTH ATLANTIC TREATY ORGANIZATION INFRASTRUCTURE

SEC. 1501. AUTHORIZED NATO CONSTRUCTION AND LAND ACQUISITION PROJECTS.

The Secretary of Defense may make contributions for the North Atlantic Treaty Organization Infrastructure Program as provided in section 2806 of title 10, United States Code, in an amount not to exceed the sum of the amount authorized to be appropriated for this purpose in section 1502 and the amount collected from the North Atlantic Treaty Organization as a result of construction previously financed by the United States.

SEC. 1502. AUTHORIZATION OF APPROPRIATIONS, NATO.

Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 1989, for contributions by the Secretary of Defense under section 2806 of title 10, United States Code, for the share of the United States of the cost of projects for the North Atlantic Treaty Organization Infrastructure Program as authorized by section 1501, in the amount of $501,900,000.

TITLE VI—GUARD AND RESERVE FORCES FACILITIES

SEC. 1601. AUTHORIZED GUARD AND RESERVE CONSTRUCTION AND LAND ACQUISITION PROJECTS.

There are authorized to be appropriated for fiscal years beginning after September 30, 1989, for the costs of acquisition, architectural and engineering services, and construction of facilities for the Guard and Reserve Forces, and for contributions therefor, under chapter 133 of title 10, United States Code (including the cost of acquisition of land for those facilities), the following amounts:

(1) for the Department of the Army—

(A) for the Army National Guard of the United States, $114,000,000, and

(B) for the Army Reserve, $76,900,000.

(2) for the Department of the Navy, for the Naval and Marine Corps Reserve, $50,900,000.

(3) for the Department of the Air Force—

(A) for the Air National Guard of the United States, $164,600,000, and

(B) for the Air Force Reserve, $46,200,000.

TITLE VII—EXPIRATION OF AUTHORIZATIONS

SEC. 1701. EXPIRATION OF AUTHORIZATIONS AND AMOUNTS REQUIRED TO BE SPECIFIED BY LAW.

(a) EXPIRATION OF AUTHORIZATIONS AFTER TWO YEARS.—Except as provided in subsection (b), all authorizations contained in titles I, II, III, IV, and V for military construction projects, land acquisition, family housing projects and facilities, and contributions to the NATO Infrastructure Program (and authorizations of appropriations therefor) shall expire on October 1, 1991, or the date of the enactment of the Military Construction Authorization Act for fiscal year 1992, whichever is later.

(b) EXCEPTION.—The provisions of subsection (a) do not apply to authorizations for military construction projects, land acquisition, family housing projects and facilities, and contributions to the NATO Infrastructure Program (and authorizations of appropriations therefor), for which appropriated funds have been obligated before October 1, 1991, or the date of the enactment of the Military Construction Authorization Act for fiscal year 1992, whichever is later, for construction contracts, land acquisition, family housing projects and facilities, or contributions to the NATO Infrastructure Program.

SEC. 1702. EFFECTIVE DATES.

Titles I, II, III, IV, V, and VI shall be in effect as of October 1, 1989 or the date of enactment of a Military Construction Authorization Act for FY 1990, whichever is later.

SUBDIVISION—FISCAL YEAR 1991

TITLE I—ARMY

SEC. 2101. AUTHORIZED ARMY CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—The Secretary of the Army may acquire real property and may carry out military construction projects in the amounts shown for each of the following installations and locations inside the United States.

Alabama

Anniston Army Depot, $34,300,000.
Fort McClellan, $3,100,000.
Fort Rucker, $3,150,000.

Alaska

Fort Wainwright, $6,050,000.

Arizona

Fort Huachuca, $860,000.

Arkansas

Pine Bluff Arsenal, $18,550,000.

California

Fort Irwin, $3,700,000.
Fort Ord, $15,300,000.

Colorado

Fort Carson, $24,600,000.

Georgia

Fort Stewart, $4,800,000.

Hawaii

Schofield Barracks, $9,600,000.

Illinois

Savanna Army Depot, $890,000.

Kansas

Fort Leavenworth, $35,000,000.
Fort Riley, $2,550,000.

Kentucky

Fort Campbell, $2,130,000.
Fort Knox, $17,450,000.

Louisiana

Fort Polk, $880,000.

Maryland

Aberdeen Proving Ground, $12,250,000.
Fort Detrick, $550,000.

Missouri

Fort Leonard Wood, $8,600,000.

New Jersey

Fort Dix, $26,000,000.
Fort Monmouth, $6,400,000.

New York

Fort Drum, $11,000,000.
United States Military Academy, $5,400,000.

North Carolina

Fort Bragg, $76,450,000.

Oklahoma

Fort Sill, $22,300,000.

Oregon

Umatilla Depot Activity, $45,500,000.

Pennsylvania

Carlisle Barracks, $27,850,000.
Fort Indiantown Gap, $4,600,000.
Tobyhanna Army Depot, $6,450,000.

Texas

Fort Hood, $43,400,000.
Fort Sam Houston, $22,250,000.

Utah

Dugway Proving Ground, $14,040,000.

Virginia

Fort A.P. Hill, $2,500,000.
Fort Belvoir, $2,200,000.
Fort Eustis, $520,000.
Fort Meyer, $1,500,000.

Washington

Fort Lewis, $36,050,000.

Wisconsin

Fort McCoy, $12,150,000.

Various Locations

Classified Location, $4,000,000.

(b) OUTSIDE THE UNITED STATES.—The Secretary of the Army may acquire real property and may carry out military construction projects in the amounts shown for each of the following installations and locations outside the United States:

Germany

Ansbach, $4,900,000.
Bad Kreuznach, $4,400,000.
Bamberg, $11,000,000.
Baumholder, $10,200,000.
Bitburg, $9,700,000.
Darmstadt, $2,950,000.
Fulda, $2,900,000.
Giessen, $42,600,000.
Grafenwoehr, $3,900,000.
Hanau, $5,000,000.
Hohenfels, $4,210,000.
Kaiserslautern, $9,650,000.
Karlsruhe, $9,000,000.
Pirmasens, $1,000,000.
Rheinberg, $9,450,000.
Schweinfurt, $1,300,000.
Vilseck, $7,150,000.
Wildflecken, $12,400,000.
Worms, $1,350,000.
Wuerzburg, $11,800,000.
Various, $2,500,000.

Honduras

Various Locations, $2,400,000.

Japan

Various Locations, $14,800,000.

Korea

Camp Carroll, $890,000.
Camp Casey, $8,400,000.
Camp Castle, $3,950,000.
Camp Garry Owen, $1,500,000.
Camp Henry, $11,600,000.
Camp Humphreys, $8,800,000.
Camp Indian, $2,800,000.
Camp Laguardia, $2,000,000.
Camp Long, $1,600,000.
Camp Mercer, $3,100,000.
Camp Nimble, $1,600,000.
Camp Pelham, $9,300,000.
Camp Sears, $5,500,000.
K-16 Airfield, $1,600,000.
Location 177, $800,000.
Various, $8,900,000.

Various Locations

Classified Locations, $10,500,000.

SEC. 2102. FAMILY HOUSING

(a) CONSTRUCTION AND ACQUISITION.—The Secretary of the Army may, using amounts appropriated pursuant to section 2104(a)(7)(A), construct or acquire family housing units (including land acquisition), at the following installations in the number of units shown, and in the amount shown, for each installation: Hawaii, Oahu Various, one hundred twenty-six units, $15,000,000. Verona, Italy, one unit, $300,000.

(b) PLANNING AND DESIGN.—The Secretary of the Army may, using amounts appropriated pursuant to section 2104(a)(7)(A), carry out architectural and engineering services and construction design activities with respect to the construction or improvement of family housing units in an amount not to exceed $3,190,000.

(c) WAIVER OF SPACE LIMITATIONS FOR GENERAL OFFICER'S QUARTERS AT VERONA, ITALY.—(1) Notwithstanding the maximum space limitations under section 2826(a) of title 10, United States Code, the Secretary of the Army may carry out a new construction project at Verona, Italy, for General Officer Quarters to contain not more than 3000 square feet.

(2) For purposes of this subsection, the term, "net floor area" has the meaning given that term by section 2826(f) of title 10, United States Code.

SEC. 2103. IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS

(a) IN GENERAL.—Subject to section 2825 of title 10, United States Code, the Secretary of the Army may, using amounts appropriated pursuant to section 2104(a)(7)(A), improve existing military family housing in an amount not to exceed $40,010,000.

(b) WAIVER OF MAXIMUM PER UNIT COST FOR CERTAIN IMPROVEMENT PROJECTS.—Notwithstanding the maximum amount per unit for an improvement project under section 2825(b) of title 10, United States Code, the Secretary of the Army may carry out projects to improve existing military family housing units at the following installations in the number of units shown, and in the amount shown for each installation: Walter Reed Army Medical Center, eight units, $370,000.

SEC. 2104. AUTHORIZATION OF APPROPRIATIONS, ARMY

(a) IN GENERAL.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 1990, for military construction, land acquisition, and military family housing functions of the Department of the Army in the total amount of $2,617,650,000 as follows:

(1) For military construction projects inside the United States authorized by section 2101(a), $574,870,000.

(2) For military construction projects outside the United States authorized by section 2101(b), $267,400,000.

(3) For the construction of the Central Distribution Center, Phase III, Red River Army Depot, Texas, as authorized by section 2101 of the National Defense Authorization Act, 1989, $39,000,000.

(4) For unspecified minor construction projects authorized under section 2805 of title 10, United States Code, $12,000,000.

(5) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $96,530,000.

(6) For advances to the Secretary of Transportation for construction of defense access roads under section 210 of title 23, United States Code, $5,500,000.

(7) For military family housing functions—

(A) for construction and acquisition of military family housing and facilities, $58,500,000.

(B) for support of military family housing (including the functions described in section 2833 of title 10, United States Code), $1,558,750,000, of which not more than $453,884,000 may be obligated or expended for the leasing of military family housing worldwide.

(8) For the Homeowners Assistance Program as authorized by section 2832 of title 10, United States Code, $5,100,000, to remain in effect until expended.

(b) LIMITATION ON TOTAL COST OF CONSTRUCTION PROJECTS.—Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variation authorized by law, the total cost of all projects carried out under section 2101 of this Act may not exceed the total amount authorized to be appropriated under paragraphs (1) and (2) of subsection (a).

TITLE II—NAVY

SEC. 2201. AUTHORIZED NAVY CONSTRUCTON AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—The Secretary of the Navy may acquire real property and may carry out military construction projects in the amounts shown for each of the following installations and locations inside the United States:

Alaska

Adak, Naval Air Station, $3,200,000.
Adak, Naval Security Group Activity, $2,500,000.

Arizona

Yuma, Marine Corps Air Station, $3,000,000.

California

Camp Pendleton, Marine Corps Base, $25,000,000.
Camp Pendleton, Naval Hospital, $1,050,000.
China Lake, Naval Weapons Center, $17,500,000.
Concord, Naval Weapons Station, $16,500,000.
Coronado, Naval Amphibious Base, $19,800,000.
El Centro, Naval Air Facility, $7,700,000.
El Toro, Marine Corps Air Station, $13,000,000.
Lemoore, Naval Air Station, $1,320,000.
Long Beach, Naval Shipyard, $500,000.
Long Beach, Naval Station, $3,500,000.
Miramar, Naval Air Station, $6,220,000.
Monterey, Naval Postgraduate School, $12,080,000.
North Island, Naval Air Station, $1,500,000.
Point Mugu, Pacific Missile Test Center, $2,060,000.
Port Hueneme, Naval Construction Battalion Center, $2,000,000.
Port Hueneme, Naval Ship Weapon Systems Engineering Station, $10,100,000.
San Diego, Fleet Anti-Submarine Warfare Training Center, Pacific, $2,100,000.
San Diego, Fleet Combat Training Center, Pacific, $15,260,000.
San Diego, Naval Hospital, $1,500,000.
San Diego, Naval Ocean Systems Center, $11,700,000.
San Diego, Naval Station, $8,430,000.
San Diego, Naval Submarine Base, $440,000.
San Diego, Naval Supply Center, $6,340,000.
San Diego, Naval Training Center, $11,950,000.
San Diego, Navy Public Works Center, $21,200,000.
San Francisco, Navy Public Works Center, $11,200,000.
Seal Beach, Naval Weapons Station, $8,830,000.
Skaggs Island, Naval Security Group Activity, $1,472,000.
Twentynine Palms, Marine Corps Air-Ground Combat Center, $10,100,000.

Connecticut

New London, Naval Submarine Base, $26,270,000.
New London, Naval Submarine School, $15,000,000.

District of Columbia

Washington, Naval Research Laboratory, $9,800,000.

Florida

Cecil Field, Naval Air Station, $4,010,000.
Jacksonville, Naval Air Station, $9,100,000.
Key West, Naval Air Station, $7,000,000.
Mayport, Fleet Training Center, $5,300,000.
Mayport, Naval Station, $3,600,000.
Orlando, Naval Training Center, $17,950,000.
Panama City, Naval Coastal Systems Center, $5,300,000.
Pensacola, Navy Public Works Center, $3,440,000.

Georgia

Albany, Marine Corps Logistics Base, $2,600,000.
Kings Bay, Naval Submarine Base, $69,120,000.

Hawaii

Lualualei, Naval Magazine, $1,400,000.
Pearl Harbor, Commander Oceanographic System Pacific, $10,200,000.
Pearl Harbor, Naval Submarine Base, $2,000,000.
Pearl Harbor, Navy Public Works Center, $6,900,000.

Ilinois

Great Lakes, Naval Training Center, $2,800,000.
Great Lakes, Navy Public Works Center, $1,800,000.

Indiana

Crane, Naval Weapons Support Center, $8,900,000.

Maine

Kittery, Portsmouth Naval Shipyard, $30,500,000.

Maryland

Bethesda, Naval Hospital, $9,000,000.
Indian Head, Naval Ordnance Station, $6,400,000.
Patuxent River, Naval Air Test Center, $3,000,000.
Patuxent River, Naval Hospital, $2,250,000.

Mississippi

Bay St. Louis, Naval Oceanography Command Facility, $1,700,000.
Gulfport, Naval Construction Training Center, $8,600,000.

Nevada

Fallon, Naval Air Station, $3,340,000.

New Jersey

Earle, Naval Weapons Station, $20,000,000.

New Mexico

White Sands, Naval Ordnance Missile Test Station, $600,000.

New York

Garden City, Director 1st Marine Corps District, $440,000.

North Carolina

Camp Lejeune, Marine Corps Base, $41,580,000.
Cherry Point, Marine Corps Air Station, $9,350,000.

Pennsylvania

Philadelphia, Naval Station, $5,100,000.
Warminster, Naval Air Development Center, $13,700,000.

Rhode Island

Newport, Naval Education and Training Center, $6,350,000.
Newport, Naval Underwater Systems Center, $4,000,000.

South Carolina

Beaufort, Marine Corps Air Station, $6,500,000.
Charleston, Naval Hospital, $550,000.
Charleston, Naval Shipyard, $500,000.
Charleston, Naval Station, $500,000.
Charleston, Naval Weapons Station, $36,300,000.
Parris Island, Marine Corps Recruit Depot, $3,400,000.

Texas

Corpus Christi, Naval Air Station, $4,700,000.

Lackland Air Force Base, Naval Technical Training Center Detachment, $11,800,000.

Virginia

Arlington, Headquarters Marine Corps, $2,800,000.

Camp Elmore, Marine Corps Detachment, $2,850,000.

Dahlgren, Naval Space Surveillance System, $9,800,000.

Dam Neck, Fleet Combat Direction Systems Support Activity, $6,330,000.

Dam Neck, Marine Environmental Systems Facility, $8,000,000.

Little Creek, Naval Amphibious Base, $21,850,000.

Little Creek, Naval Amphibious School, $2,240,000.

Norfolk, Fleet Training Center, $18,000,000.

Norfolk, Naval Station, $9,000,000.

Norfolk, Navy Public Works Center, $3,130,000.

Oceana, Naval Air Station, $3,150,000.

Portsmouth, Shore Intermediate Maintenance Activity, $12,094,000.

Quantico, Marine Corps Combat Development Command, $19,850,000.

Quantico, Naval Research Laboratory Washington Annex, $2,600,000.

Wallops Island, Naval Surface Warfare Center, $5,460,000.

Washington

Bangor, Trident Refit Facility, $3,010,000.

Bangor, Trident Training Facility, $3,600,000.

Bremerton, Puget Sound Naval Shipyard, $1,700,000.

Everett, Naval Station, $22,150,000.

Keyport, Naval Undersea Warfare Engineering Station, $18,500,000.

Oak Harbor, Naval Hospital, $2,170,000.

Silverdale, Strategic Weapons Facility Pacific, $53,700,000.

Whidbey Island, Naval Air Station, $17,900,000.

Whidbey Island, Naval Facility, $1,550,000.

Various Locations

Land Acquisition, $7,800,000.

(b) OUTSIDE THE UNITED STATES.—The Secretary of the Navy may acquire real property and may carry out military construction projects in the amounts shown for each of the following installations and locations outside the United States:

Canada

Argentia, Newfoundland, Naval Facility, $1,350,000.

Guam

Fleet Surveillance Support Command, $30,000,000.

Naval Magazine, $9,000,000.

Naval Supply Depot, $2,900,000.

Iceland

Keflavik, Naval Air Station, $1,030,000.

Keflavik, Naval Communication Station, $4,370,000.

Italy

Sicily, Naval Communication Station, $1,750,000.

Sigonella, Naval Air Station, $7,360,000.

Japan

Hanza, Okinawa, Naval Security Group Activity, $1,000,000.

Iwakuni, Marine Corps Air Station, $3,090,000.

Puerto Rico

Sabana Seca, Naval Security Group Activity, $810,000.

Spain

Rota, Naval Communication Station, $1,740,000.

United Kingdom

Brawdy Wales, Fleet Surveillance Support Command, $3,600,000.

London, Personnel Support Activity, $500,000.

Various Locations

Host Nation Infrastructure Support, $1,000,000.

SEC. 2202. FAMILY HOUSING.

(a) CONSTRUCTION AND ACQUISITION.—The Secretary of the Navy may, using amounts appropriated pursuant to section 2204(a)(8)(A), construct or acquire family housing units (including land acquisition), at the following installations in the number of units shown, and in the amount shown, for each installation:

Camp Pendleton, Marine Corps Base, California, one hundred and twelve units, $11,750,000.

Long Beach, Naval Station, California, three hundred units, $24,900,000.

Point Mugu, Pacific Missile Test Center, California, Family Housing Office, $480,000.

San Diego, Navy Public Works Center, California, three hundred units, $31,850,000.

New York, Naval Station, New York, one hundred and fifty units, $19,600,000.

Little Creek, Naval Amphibious Base, Virginia, Family Housing Office $370,000.

Norfolk, Navy Public Works Center, Virginia, Community Centers, $830,000.

Naval Air Station, Family Housing Office, Bermuda, $374,000.

Guantanamo Bay, Naval Station, Cuba, two hundred and fifty-four units, $31,669,000.

Keflavik, Naval Air Station, Iceland, one hundred and twelve units, $27,200,000.

(b) PLANNING AND DESIGN.—The Secretary of the Navy may, using amounts appropriated pursuant to section 2204(a)(8)(A), carry out architectural and engineering services and construction design activities with respect to the construction or improvement of military family housing units in an amount not to exceed $1,500,000.

SEC. 2203. IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS.

(a) IN GENERAL.—Subject to section 2825 of title 10, United States Code, the Secretary of the Navy may, using amounts appropriated pursuant to section 2204(a)(8)(A), improve existing military family housing units in the amount of $45,677,000.

(b) WAIVER OF MAXIMUM PER UNIT COST FOR CERTAIN IMPROVEMENT PROJECTS.—Notwithstanding the maximum amount per unit for an improvement project under section 2825(b) of title 10, United States Code, the Secretary of the Navy may carry out projects to improve existing military family housing units at the following installations in the number of units shown and in the amount shown, for each installation:

Camp Pendleton, Marine Corps Base, California, one hundred seventy units, $7,642,000.

Great Lakes, Navy Public Works Center, Illinois, one hundred seventy-eight units, $9,244,600.

Thurmont, Naval Support Facility, Maryland, twenty-one units, $902,900.

Fallon, Naval Air Station, Nevada, one unit, $130,400.

Portsmouth, Hospital, Virginia, one unit, $82,100.

Bangor, Naval Submarine Base, Washington, one hundred units, $6,058,600.

Subic Bay, Navy Public Works Center, Philippines, thirty-four units, $1,813,100.

Roosevelt Roads, Naval Station, Puerto Rico, thirty-two units, $1,804,200.

SEC. 2204. AUTHORIZATION OF APPROPRIATIONS, NAVY

(a) IN GENERAL.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 1990, for military construction, land acquisition, and military family housing functions of the Department of the Navy in the total amount of $2,082,100,000 as follows:

(1) For military construction projects inside the United States authorized by section 2201(a), $960,936,000.

(2) For military construction projects outside the United States authorized by section 2201(b), $69,500,000.

(3) For the construction of Bancroft Hall, United States Naval Acadamy, Annapolis, Maryland, as authorized by section 1201(a), $24,000,000.

(4) For the construction of the Headquarters Building, Suitland Naval Intelligence Command Headquarters, Suitland, Maryland, as authorized by section 2201(a) of the Military Construction Authorization Act, 1989, $55,048,000.

(5) For unspecified minor construction projects under section 2805 of title 10, United States Code, $15,500,000.

(6) For architectual and engineering services and construction design under section 2807 of title 10, United States Code, $81,999,000.

(7) For advances to the Secretary of Transportation for construction of defense access roads under section 210 of title 23, United States Code, $4,017,000.

(8) For military family housing functions—

(A) for construction and acquisition of military family housing and facilities, $196,200,000; and

(B) for support of military housing (including functions described in section 2833 of title 10, United States Code), $674,900,000, of which not more than $66,421,000 may be obligated or expended for the leasing of military family housing units worldwide.

(b) LIMITATION OF TOTAL COST OF CONSTRUCTION PROJECTS.—Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variation authorized by law, the total cost of all projects carried out under section 2201 of this Act may not exceed the total amount authorized to be appropriated under paragraphs (1) and (2) of subsection (a).

TITLE III—AIR FORCE

SEC. 2301. AUTHORIZED AIR FORCE CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—The Secretary of the Air Force may acquire real property and may carry out military construction projects in the amount shown for each of the installations and locations inside the United States:

Alabama

Gunter Air Force Base, $21,000,000.

Maxwell Air Force Base, $21,600,000.

Alaska

Clear Air Force Station, $5,000,000.

Eielson Air Force Base, $15,450,000.

Elmendorf Air Force Base, $10,500,000.

King Salmon Airport, $2,400,000.

Shemya Air Force Base, $48,200,000.

Various Locations, $12,000,000.

Arizona

Davis-Monthan Air Force Base, $2,600,000.
Luke Air Force Base, $5,900,000.
Williams Air Force Base, $9,180,000.

California

Beale Air Force Base, $6,100,000.
Castle Air Force Base, $2,950,000.
Edwards Air Force Base, $17,100,000.
Fort MacArthur, $2,300,000.
March Air Force Base, $1,050,000.
McClellan Air Force Base, $11,600,000.
Sierra Army Depot, $3,150,000.

Colorado

Falcon Air Force Station, $2,000,000.
Lowry Air Force Base, $2,200,000.
Peterson Air Force Base, $11,150,000.
United States Air Force Academy, $36,600,000.

Florida

Avon Park Range, $700,000.
Cape Canaveral Air Force Station, $2,000,000.
Eglin Air Force Base, $4,700,000.
Eglin Auxiliary Field Number 9, $11,250,000.
Homestead Air Force Base, $7,800,000.
MacDill Air Force Base, $12,250,000.
Patrick Air Force Base, $6,600,000.
Tyndall Air Force Base, $6,370,000.

Georgia

Moody Air Force Base, $6,600,000.
Robins Air Force Base, $36,200,000.

Hawaii

Hickam Air Force Base, $3,300,000.
Wheeler Air Force Base, $2,000,000.

Idaho

Mountain Home Air Force Base, $4,399,000.

Illinois

Scott Air Force Base, $1,200,000.

Louisiana

Barksdale Air Force Base, $2,370,000.
England Air Force Base, $4,410,000.

Maine

Bangor Air National Guard Base, $970,000.
Loring Air Force Base, $4,530,000.

Maryland

Andrews Air Force Base, $17,850,000.
Fort George G. Meade, $1,750,000.

Massachusetts

Hanscom Air Force Base, $3,700,000.

Michigan

K.I. Sawyer Air Force Base, $2,700,000.
Wurtsmith Air Force Base, $900,000.

Mississippi

Columbus Air Force Base, $400,000.

Missouri

Whiteman Air Force Base, $112,090,000.

Montana

Malmstrom Air Force Base, $1,650,000.

Nebraska

Offutt Air Force Base, $2,500,000.

Nevada

Indian Springs Auxiliary Field, $2,550,000.
Nellis Air Force Base, $9,910,000.

New Jersey

McGuire Air Force Base, $25,400,000.

New Mexico

Holloman Air Force Base, $6,230,000.
Kirtland Air Force Base, $1,500,000.

New York

Griffiss Air Force Base, $6,000,000.
Plattsburgh Air Force Base, $1,760,000.

North Carolina

Pope Air Force Base, $4,800,000.
Seymour Johnson Air Force Base, $1,450,000.

North Dakota

Grand Forks Air Force Base, $23,400,000.
Minot Air Force Base, $3,800,000.

Ohio

Wright-Patterson Air Force Base, $10,150,000.

Oklahoma

Altus Air Force Base, $8,700,000.
Tinker Air Force Base, $44,000,000.
Vance Air Force Base, $1,330,000.

South Carolina

Charleston Air Force Base, $14,390,000.
Myrtle Beach Air Force Base, $700,000.

South Dakota

Ellsworth Air Force Base, $14,200,000.

Texas

Bergstrom Air Force Base, $2,400,000.
Brooks Air Force Base, $4,100,000.
Carswell Air Force Base, $14,860,000.
Dyess Air Force Base, $7,010,000.
Goodfellow Air Force Base, $2,670,000.
Kelly Air Force Base, $5,600,000.
Lackland Air Force Base, $22,550,000.
Laughlin Air Force Base, $1,870,000.
Randolph Air Force Base, $4,650,000.
Reese Air Force Base, $4,590,000.
Sheppard Air Force Base, $8,800,000.

Utah

Hill Air Force Base, $18,800,000.

Virginia

Langley Air Force Base, $6,720,000.

Washington

Fairchild Air Force Base, $11,500,000.
McChord Air Force Base, $4,700,000.

Wyoming

F.E. Warren Air Force Base, $10,850,000.

Various Locations

Classified Location, $3,150,000.
Classified Location, $89,030,000.
Classified Location, $74,850,000.
Classified Location, $69,780,000.
Classified Location, $11,200,000.
Various Location, $13,800,000.

(b) OUTSIDE THE UNITED STATES.—The Secretary of the Air Force may acquire real property and may carry out military construction projects in the amounts shown for each of the following installations and locations outside the United States:

Antigua

Antigua Air Station, $8,200,000.

Canada

Various Locations, $6,291,000.

Germany

Bitburg Air Base, $2,100,000.
Hahn Air Base, $1,400,000.
Lahr Air Base, $2,200,000.
Marienfelde Communication Station, $1,621,000.
Ramstein Air Base, $6,550,000.
Rhein-Main Air Base, $9,450,000.
Spangdahlem Air Base, $12,400,000.
Zweibrucken Air Base, $1,300,000.

Greenland

Thule Air Base, $12,500,000.

Guam

Andersen Air Force Base, $5,600,000.

Honduras

La Mesa Air Base, $13,400,000.
Palmerola Air Base, $3,800,000.

Italy

Aviano Air Base, $1,950,000.
Comiso Air Base, $1,300,000.
Crotone Air Base, $5,850,000.
Ghedi Air Base, $550,000.
Rimini Air Base, $510,000.
San Vito Air Station, $2,750,000.

Japan

Kadena Air Base, $1,950,000.
Misawa Air Base, $3,000,000.

Korea

Kunsan Air Base, $13,940,000.
Osan Air Base, $24,200,000.
Suwon Air Base, $1,300,000.
Taegu Air Base, $2,450,000.

Netherlands

Soesterberg Air Base, $5,900,000.

Philippines

Clark Air Base, $31,030,000.

Seychelle Islands

Mahe Air Station, $4,000,000.

Turkey

Ankara Air Station, $2,000,000.
Eskisehir Air Base, $2,500,000.
Incirlik Air Base, $4,480,000.
Pirinclik Air Station, $1,650,000.

United Kingdom

High Wycombe Air Station, $1,400,000.
RAF Alconbury, $10,600,000.
RAF Bentwaters, $3,300,000.
RAF Chicksands $12,600,000.
RAF Fairford, $10,750,000.
RAF Greenham Common, $2,450,000.
RAF Lakenheath, $16,500,000.
RAF Mildenhall, $1,100,000.
RAF Upper Heyford, $13,650,000.
RAF Woodbridge, $1,350,000.

Various Locations

Classified Location, $7,200,000.
Classified Location, $5,300,000.
Classified Location, $4,980,000.
Classified Location, $930,000.
Classified Location, $14,243,000.

Worldwide Classified

Classified Location, $2,700,000.
Classified Location, $4,300,000.
Classified Location, $3,900,000.
Classified Location, $4,700,000.

SEC. 2302. FAMILY HOUSING.

(a) CONSTRUCTION AND ACQUISITION.—The Secretary of the Air Force may, using amounts appropriated pursuant to section 2304(a)(8)(A), construct or acquire family housing units (including land acquisition) at the following installations in the number of units shown, and in the amount shown, for each installation:

Eglin Auxiliary Airfield number 9, Florida, three hundred units, $21,753,000

Clark Air Base, Philippines, four hundred and fifty units, $34,655,000.

Classified Location, ninety-nine units, $7,023,000.

Nellis Air Force Base, Nevada, housing office, $235,000.

Holloman Air Force Base, New Mexico, housing maintenance facility, $219,000.

Charleston Air Force Base, South Carolina, housing office and maintenance facility $592,000.

Myrtle Beach Air Force Base, South Carolina, housing office, $258,000.

Ellsworth Air Force Base, South Dakota, housing office, $313,000.

Andersen Air Force Base, Guam, housing supply and storage facility, $1,371,000.

Osan Air Base, Korea, housing supply and storage supply facility, $867,000.

(b) PLANNING AND DESIGN.—The Secretary of the Air Force may, using amounts appropriated pursuant to section 2304(a)(8)(A), carry out architectural and engineering services and construction design activities with respect to the construction or improvement of military family housing units in an amount not to exceed $8,000,000.

SEC. 2303. IMPROVEMENT TO MILITARY FAMILY HOUSING UNITS.

(a) IN GENERAL.—Subject to section 2825 of Title 10, United States Code, the Secretary of the Air Force may, using amounts appropriated pursuant to section 2304(a)(8)(A), improve existing military family housing units in an amount not to exceed $192,714,000.

(b) WAIVER OF MAXIMUM PER UNIT COST FOR CERTAIN IMPROVEMENT PROJECTS.—Notwithstanding the maximum amount per unit for an improvement project under Section 2825(b) of title 10, United States Code, the Secretary of the Air Force may carry out projects to improve existing military family housing units at the following installations, in the number of units shown, and in the amount shown, for each installation:

Maxwell Air Force Base, Alabama, Thirty-five units, $1,879,000; one unit, $110,000; seven units, $728,000.

Eielson Air Force Base, Alaska, fifty-one units, $5,669,000.

Elmendorf Air Force Base, Alaska, forty units $4,451,000.

Eaker Air Force Base, Arkansas, one hundred eighty-eight units, $9,469,000.

McClellan Air Force Base, California, fifteen units, $1,004,000.

Travis Air Force Base, California one hundred forty-four units, $7,560,000.

Peterson Air Force Base, Colorado, Thirty-five units, $1,622,000.

Bolling Air Force Base, District of Columbia, fifty-eight units, $2,414,000.

Eglin Air Force Base, Florida, fifty-four units, $1,857,000.

MacDill Air Force Base, Florida, forty-four units, $2,456,000.

Robins Air Force Base, Georgia, forty units, $1,710,000.

Plattsburg Air Force Base, New York, two hundred twenty-four units, $14,760,000.

Charleston Air Force Base, South Carolina, one hundred eighty units, $7,203,000.

Myrtle Beach Air Force Base, South Carolina, one hundred thirty units, $5,759,000.

Shaw Air Force Base, South Carolina, one hundred twenty-four units, $5,843,000.

Bergstrom Air Force Base, Texas, eighty-eight units, $3,312,000.

Kelly Air Force Base, Texas, thirty-three units, $1,750,000.

Laughlin Air Force Base, Texas, one hundred forty units, $5,012,000.

Sheppard Air Force Base, Texas, one hundred ninety-seven units, $7,633,000.

Fairchild Air Force Base, Washington, two hundred two units, $10,759,000.

Ramstein Air Force Base, Germany, one unit, $124,000; fifty-four units, $3,761,000; ninety units $6,630,000.

Spangdahlem Air Base, Germany, two units, $217,000.

Kadena Air Base, Japan, seventy-five units, $6,338,000; ninety-two units, $6,018,000.

Clark Air Base, Philippines, one hundred fifty units, $6,009,000.

Moron Air Base, Spain, thirty-six units, $2,192,000.

RAF Bentwaters, United Kingdom, forty-two units, $2,082,000; twenty-four units, $2,078,000.

RAF Chicksands, United Kingdom, thirty-four units, $2,989,000.

RAF Lakenheath, United Kingdom, sixty units, $3,512,000; ten units, $834,000; fourteen units $940,000.

RAF Mildenhall, United Kingdom, fourteen units, $699,000.

(c) WAIVER OF SPACE LIMITATIONS FOR FAMILY HOUSING UNITS—

(1) To support the United States Air Forces in Europe, and Military Airlift Command, the Secretary of the Air Force may carry out an improvement project to add to and alter existing family housing units and (notwithstanding section 2826(a) of title 10, United States Code) increase the net floor area of one family housing unit at Ramstein Air Base, Germany, to not more than 3,636 square feet.

(2) For purpose of the subsection the term "net floor area" has the same meaning given that term by section 2826(f) of title 10, United States Code.

SEC. 2304. AUTHORIZATION OF APPROPRIATIONS, AIR FORCE.

(a) IN GENERAL.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 1990, for military construction, land acquisition, and military family housing functions of the Department of the Air Force in the total amount of $2,709,300,000.

(1) For military construction projects inside the United States authorized by section 2301(a), $1,087,019,000.

(2) For military construction projects outside the United States authorized by section 2301(b), $321,225,000.

(3) For the construction of the Large Rocket Test Facility, Arnold Engineering Development Center, Tennessee, as authorized by section 2301(a) of the Military Construction Authorization Act of 1989, $66,300,000.

(4) For unspecified minor construction projects under section 2805 of title 10, United States Code, $12,000,000.

(5) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $114,756,000.

(6) For advances to the Secretary of Transportation for construction of defense access roads under section 210 of title 23, United States Code, $5,000,000.

(7) For military family housing functions—

(A) For construction and acquisition of military family housing and facilities, $268,000,000; and

(B) for support of military housing (including functions described in Section 2833 of title 10, United States Code), $835,000,000 of which not more than $138,632,000 may be obligated or expended for leasing of military family housing units worldwide.

(b) LIMITATION ON TOTAL COST OF CONSTRUCTION PROJECTS.—Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variation authorized by law, the total cost of all projects carried out under section 2301 of this act may not exceed the total amount authorized to be appropriated under paragraphs (1) and (2) of subsection (a).

TITLE IV—DEFENSE AGENCIES

SEC. 2401. AUTHORIZED DEFENSE AGENCIES CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—The Secretary of Defense may acquire real property and may carry out military construction projects in the amounts shown for each of the following installations and locations inside the United States:

Defense Communications Agency

Wheeler Air Force Base, Hawaii, $800,000.

Arlington Service Center, Virginia, $2,600,000.

Defense Logistics Agency

Defense Reutilization and Marketing Office, Anniston Army Depot, Alabama, $2,100,000.

Defense Depot, Tracy, California, $16,250,000.

Defense Reutilization and Marketing Office, Stockton, California, $800,000.

Defense Fuel Support Point, Jacksonville, Florida, $2,200,000.

Defense Contract Administrative Services Region, Chicago, Illinois, $4,346,000.

Defense Depot, Mechanicsburg, Pennsylvania, $17,720,000.

Defense Reutilization and Marketing Office, Fort Jackson, South Carolina, $500,000.

Defense Depot, Memphis, Tennessee, $14,160,000.

Defense Fuel Support Point, Norfolk, Virginia, $19,500,000.

Defense General Supply Center, Richmond, Virginia, $4,924,000.

Defense Reutilization and Marketing Office, F.E. Warren Air Force Base, Wyoming, $1,700,000.

Defense Medical Facilities Office

Marine Corps Base, Camp Pendleton, California, $3,900,000.

Walter Reed Army Medical Center, District of Columbia, $3,400,000.

MacDill Air Force Base, Florida, $3,000,000.

Fort Benning, Georgia, $1,950,000.

Fort Riley, Kansas, $880,000.

Whiteman Air Force Base, Missouri, $9,900,000.

Fallon Naval Air Station, Nevada, $5,800,000.

Nellis Air Force Base, Nevada, $62,000,000.

Marine Corps Base, Camp Lejeune, North Carolina, $2,700,000.

Altus Air Force Base, Oklahoma, $500,000.

Philadelphia Naval Shipyard, Pennsylvania, $11,000,000.

Fort Hood, Texas, $3,150,000.

Lackland Air Force Base, Texas, $2,700,000.

Dam Neck Flight Center, Virginia, $5,000,000.

Fort Lee, Virginia, $2,450,000.

Marine Corps Base, Quantico, Virginia, $1,800,000.

National Security Agency

Fort George C. Meade, Maryland, $20,396,000.

Office of the Secretary of Defense

Defense Language Institute, Monterey, California, $6,150,000.

The Pentagon, Arlington, Virginia, $76,300,000.

Uniformed Services University of the Health Sciences, Bethesda, Maryland, $800,000.

Classified Location, $35,100,000.

Strategic Defense Initiative Organization

Barking Sands Pacific Missile Range, Hawaii, $3,650,000.

Nevada Test Site, Nevada, $5,350,000.

(b) OUTSIDE THE UNITED STATES.—The Secretary of Defense may acquire real property and may carry out military construction projects in the amounts shown for each of the following installations and locations outside the United States:

Defense Medical Facilities Office

Ferris Barracks, Nuernberg, Germany, $4,750,000.
Hardt Kaserne, Goeppingen, Germany, $4,450,000.
Hohenfels Training Area, Germany, $4,800,000.
Lucius Clay Kaserne, Norddeutschland, Germany, $3,550,000.
Ramstein Air Base, Germany, $18,500,000.
Ray Barracks, Giesen, $4,400,000.
Rhein-Main Air Base, Germany, $940,000.
Aviano Air Base, Italy, $1,300,000.
Vicenza, Italy, $20,000,000.
Camp Casey, Korea, $970,000.
Camp Humphreys, Korea, $1,092,000.
Kunsan Air Base, Korea, $14,000,000.
Sinop, Turkey, $1,700,000.
Arbroath, United Kingdom, $11,188,000.
Locking, United Kingdom, $14,000,000.

Defense Nuclear Agency

Johnston Atoll, $8,295,000.

Department of Defense Schools

Augsburg, Germany, $6,491,000.
Darmstadt, Germany, $7,867,000.
Karlsruhe, Germany, $4,704,000.
Mannheim, Germany, $6,267,000.
Ramstein Air Base, Germany, $11,863,000.
Wiesbaden, Germany, $5,925,000.
Zweibruecken, Germany, $4,365,000.
Clark Air Base, Philippines, $7,200,000.
Harrogate, United Kingdom, $1,782,000.
Royal Air Force, Feltwell, United Kingdom, $8,825,000.
Various Locations, $16,800,000.

Department of Defense Section VI Schools

Fort Buchanan, Puerto Rico, $4,200,000.

National Security Agency

Classified Location, $2,000,000.

SEC. 2402. FAMILY HOUSING.

The Secretary of Defense may, using amounts appropriated pursuant to section 2405(a)(9)(A), construct or acquire three family housing units (including land acquisition) at classified locations in the total amount not to exceed $400,000.

SEC. 2403. IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS.

Subject to Section 2825 of title 10, United States Code, the Secretary of Defense may, using amounts appropriated pursuant to section 2405(a)(9)(A), improve existing military family housing units in an amount not to exceed $100,000.

SEC. 2404. CONFORMING STORAGE FACILITIES.

Section 2404(a) of the Military Construction Authorization Act, 1987 (PL 99-661), as amended by Section 2149 of the Military Construction Authorization Act, 1988 and 1989 (PL 100-180), by Section 2405 of the Military Construction Authorization Act, 1989 (PL 100-456), and by Section 1404, is further amended to read as follows:

"(a) AUTHORITY TO CONSTRUCT.—The Secretary of Defense may, using not more than $10,000,000 appropriated for fiscal year 1987, using not more than $5,000,000 appropriated for fiscal year 1988, using not more than $9,300,000 appropriated for fiscal year 1989, using not more than $11,000,000 appropriated for fiscal year 1990, and using not more than $15,000,000 appropriated for fiscal year 1991, carry out military construction projects not otherwise authorized by law for conforming storage facilities."

SEC. 2405. AUTHORIZATION OF APPROPRIATIONS, DEFENSE AGENCIES.

(a) IN GENERAL.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 1990, for military construction, land acquisition, and military family housing functions of the Department of Defense (other than the military departments), in the total amount of $973,100,000 as follows:

(1) For military construction projects inside the United States authorized by section 2401(a), $355,476,000.

(2) For military construction projects outside the United States authorized by section 2401(b), $202,224,000.

(3) For military construction projects at Fort Sam Houston, Texas, authorized by section 2401(a) of the Military Construction Authorization Act, 1987, as amended, $84,000,000.

(4) For military construction projects at Portsmouth Naval Hospital, Virginia, authorized by section 1401(a), $176,000,000.

(5) For unspecified minor construction projects under section 2805 of title 10, United States Code, $14,200,000.

(6) For contingency construction projects of the Secretary of Defense under section 2804 of title 10, United States Code, $10,000,000.

(7) For architectural and engineering services and for construction design under section 2807 of title 10, United States Code, $94,400,000.

(8) For conforming storage facilities constructed under the authority of section 2404 of the Military Construction Authorization Act, 1987, as amended, $15,000,000.

(9) For military family housing functions—

(A) for construction and acquisition of military family housing facilities, $500,000; and

(B) for support of military housing (including functions described in section 2833 of title 10, United States Code), $21,300,000, of which not more than $18,135,000 may be obligated or expended for the leasing of military family housing units worldwide.

(b) LIMITATION OF TOTAL COST OF CONSTRUCTION PROJECTS.—Notwithstanding the cost variations authorized by section 2853 of Title 10, United States Code, and any other cost variations authorized by law, the total cost of all projects carried out under section 2401 may not exceed the total amount authorized to be appropriated under paragraphs (1) and (2) of subsection (a).

TITLE V—NORTH ATLANTIC TREATY ORGANIZATION INFRASTRUCTURE

SEC. 2501. AUTHORIZED NATO CONSTRUCTION AND LAND ACQUISITION PROJECTS.

The Secretary of Defense may make contributions for the North Atlantic Treaty Organization Infrastructure Program as provided in section 2806 of title 10, United States Code, in an amount not to exceed the sum of the amount authorized to be appropriated for this purpose in section 2502 and the amount collected from the North Atlantic Treaty Organization as a result of construction previously financed by the United States.

SEC. 2502. AUTHORIZATION OF APPROPRIATIONS, NATO.

Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 1990 for contributions by the Secretary of Defense under section 2806 of title 10, United States Code, for the share of the United States of the cost of projects for the North Atlantic Treaty Organization Infrastructure Program as authorized by section 2501, in the amount of $503,600,000.

TITLE VI—GUARD AND RESERVE FORCES FACILITIES

SEC. 2601. AUTHORIZED GUARD AND RESERVE CONSTRUCTION AND LAND ACQUISITION PROJECTS.

There are authorized to be appropriated for fiscal years beginning after September 30, 1990, for the costs of acquisition, architectural and engineering services, and construction of facilities for the Guard and Reserve Forces, and for contributions therefor, under chapter 133 of title 10, United States Code (including the cost of acquisition of land for those facilities), the following amounts:

(1) for the Department of the Army—

(A) for the Army National Guard of the United States, $119,500,000, and

(B) for the Army Reserve, $61,900,000.

(2) for the Department of the Navy, for the Naval and Marine Corps Reserve, $53,300,000.

(3) for the Department of the Air Force—

(A) for the Air National Guard of the United States, $107,200,000, and

(B) for the Air Force Reserve, $38,500,000.

TITLE VII—EXPIRATION OF AUTHORIZATIONS

SEC. 2701. EXPIRATION OF AUTHORIZATIONS AND AMOUNTS REQUIRED TO BE SPECIFIED BY LAW.

(a) EXPIRATION OF AUTHORIZATION AFTER TWO YEARS. Except as provided in subsection (b), all authorizations contained in titles I, II, III, and V for military construction projects, land acquisition, family housing projects and facilities, and contributions to the NATO Infrastructure Program (and authorizations of appropriations therefor) shall expire on October 1, 1992, or the date of the enactment of the Military Construction Authorization Act for fiscal year 1993, whichever is later.

(b) EXCEPTION. —The provisions of subsection (a) do not apply to authorizations for military construction projects, land acquisition, family housing projects and facilities, and contributions to the NATO Infrastructure Program (and authorizations of appropriations therefor), for which appropriated funds have been obligated before October 1, 1992, or the date of the enactment of the Military Construction Authorization Act for fiscal year 1993, whichever is later, for construction contracts, land acquisition, family housing projects and facilities, or contributions to the NATO Infrastructure Program.

SEC. 2702. EFFECTIVE DATES.

Titles I, II, III, IV, V, and VI shall be in effect as of October 1, 1990 or the date of enactment of a Military Construction Authorization for FY 1991, whichever is later.

Subdivision 3

TITLE VIII—GENERAL PROVISIONS

MINOR CONSTRUCTION

SEC. 801. Section 2805 of title 10, United States Code, is amended:

(a) in subsection (a) by striking "$1,000,000" and inserting in lieu thereof "$1,500,000", and

(b) in subsection (c) by striking "$200,000" and inserting in lieu thereof "$300,000".

FAMILY HOUSING RENTAL GUARANTEE PROGRAM

SEC. 802. Section 802 of the Military Construction Act, 1984 (10 U.S.C. subsection 2821 note) is amended:

(a) in subsection (b)(11) by striking ". . . rendering the agreement null and void . . ." and inserting in lieu thereof ". . . either rendering the agreement null and

void or such other remedy as is deemed appropriate . . .", and

(b) by adding the following after subsection (b)(12):

"(b)(13) may provide that utilities, trash collection, snow removal, and entomological services will be furnished by the government, at no cost to the occupant to the same extent that these items are provided to occupants of government-owned housing, and

"(b)(14) may require that rent collection and the operation and maintenance of the housing be accomplished through the use of separate agreements or the use of government personnel."

FAMILY HOUSING LEASING

SEC. 803. Section 2828 of title 10, United States Code is amended as follows:

(a) in subsection (b)(2) strike "10,000" and insert in lieu thereof "12,000".

(b) strike subsection (b)(3)(B) and re-letter subsection (b)(3)(A) as subsection (b)(3),

(c) in re-lettered subsection (b)(3)—

(i) strike the phrase "Except as provided in subparagrpah (B), not" and insert in lieu thereof "Not", and

(ii) strike "$10,000" and "$12,000" and insert in lieu thereof "$12,000" and "$14,000" respectively,

(d) in subsection (e)(1) strike the first sentence and insert in lieu thereof the following:

"Expenditures for the rental of family housing in foreign countries (including the costs of utilities, maintenance, and operation) may not exceed $20,000 per unit per annum as adjusted to account for inflation and foreign currency fluctuation from October 1, 1987.", and

(e) in subsection (e)(2) strike "38,000" and insert in lieu thereof "53,419".

VOLUNTEER SERVICES

SEC. 804. Subsection 1588(a) of title 10, United States Code is amended by striking "museum" and inserting in lieu thereof "museum, natural resources program,".

LONG TERM FACILITIES CONTRACTS

SEC. 805. Subsection 2809(c) of title 10, United States Code, is amended by striking "September 30, 1989" and inserting in lieu thereof "September 30, 1991".

IMPROVEMENTS TO FAMILY HOUSING UNITS

SEC. 806. Subsection 2825(b)(1) of title 10, United States Code, is amended by adding at the end thereof the following sentence:

"This limitation shall not apply to improvements for three military family housing units for each military department per year when the improvements are necessary to accommodate the needs of the handicapped provided, that the cost for such improvements may not exceed $100,000 per unit.".

OPERATION AND CONTROL OF THE PENTAGON RESERVATION

SEC. 807. (a) Chapter 159 of title 10, United States Code, is amended by adding at the end thereof the following new section:

"Subsection 2694. Operation and Control of the Pentagon Reservation

"(a) Notwithstanding any other provision of law, including the First Supplemental National Defense Appropriation Act, 1942, Reorganization Plan No. 18, 1950, the Federal Property and Administrative Services Act of 1949, as amended, and section 2682 of title 10, United States Code, jurisdiction, custody, and control over, and the responsibility to operate and maintain the Pentagon office building and the remainder of the Pentagon Reservation (hereinafter referred to as the Pentagon Reservation), is hereby transferred, without cost, to the Secretary of Defense.

"(b) The Secretary of Defense may appoint military or civilian personnel or contract employees to perform law enforcement and security functions for property occupied, or under the jurisdiction, custody, and control of the Department of Defense located in the National Capital Region. Such individuals:

"(i) may be armed with appropriate firearms required for personal safety and for the proper execution of their duties, whether on Department of Defense property or in travel status, and

"(ii) shall have the same powers as sheriffs and constables to enforce the laws, rules, or regulations enacted for the protection of persons and property.

"(c) The Secretary of Defense may promulgate such rules and regulations that he deems appropriate to insure the safe, efficient, and secure operation of the Pentagon Reservation, including parking and traffic rules. Whoever shall violate any rule or regulation promulgated pursuant to this section shall be fined not more than $50 or imprisoned not more than thirty days, or both.

"(d) for purposes of this section, the term "Pentagon Reservation" shall include the Pentagon Office Building, Federal Building Number 2, The Pentagon Heating and Sewage Treatment Plants, various parking lots (including North, South, Mall, River, Eads and Hay Street, and "Old Barracks K"), and all land and improvements thereon consisting of approximately 420 acres, plus or minus, excluding the Lagoon."

(b) The table of sections at the beginning of such chapter is amended by adding at the end thereof, the following new item:

"2694. Operation and Control of the Pentagon Reservation."

(c) The transfer of jurisdiction, custody, and control over, and the responsibility to operate and maintain the Pentagon Reservation effected by this section shall take affect on October 1, 1989.

DESIGN OF PENTAGON ANNEX

SEC. 808. Section 2725 of the National Defense Authorization Act, 1987 (Pub. L. No. 99-661) is hereby repealed.

CONSTRUCTION THROUGH NATO GOVERNMENTS

SEC. 809. Section 2343 of title 10, United States Code, is amended by adding at the end thereof, a new subsection (c) as follows:

"(c) Sections 2207 and 2306(b) of this title and section 3741 of the Revised Statutes (41 U.S.C. subsection 22) shall not apply to the acquisition of military construction projects or family housing projects obtained through governments of North Atlantic Treaty Organization subsidiary bodies for elements of the armed forces deployed in Europe and adjacent waters."

DOMESTIC BUILD-TO-LEASE PROGRAM

SEC. 810. Subsection 2828(g) of title 10, United States Code, is amended:

(a) by adding at the end of paragraph (8), the following new subparagraph (D):

"(D) In addition to the contracts authorized by paragraph (7) and subparagraphs (A), (B), and (C) of this paragraph—(i) the Secretary of the Navy may enter into one or more contracts under this subsection for not more than a total of 2,000 family housing units, and (ii) the Secretary of the Air Force may enter into one or more contracts under this subsection for not more than a total of 1,500 family housing units.", and

(b) in paragraph (9), by striking "September 30, 1989" and inserting in lieu thereof "September 30, 1991".

HOMEOWNERS ASSISTANCE PROGRAM

SEC. 811. Section 2932 of title 10, United States Code, is amended:

(a) by adding at the beginning thereof "(a)", and

(b) by adding at the end thereof a new subsection (b) as follows:

"(b) Following a determination that such action is necessary, and notwithstanding the limitations of subsection 1013(i) of the Demonstration Cities and Metropolitan Development Act of 1966 (42 U.S.C. subsection 3374(i)), the Secretary of Defense may, from appropriations otherwise available for obligation by the Department of Defense, transfer to the Homeowners Assistance Fund, Defense, as established by subsection 1013(d) of such Act, such sums as the Secretary determines are necessary to extend Homeowners Assistance benefits to eligible homeowners.".

COOPERATIVE PARTNERSHIPS FOR LAND MANAGEMENT

SEC. 812. Section 101 of the Act of September 15, 1960, as amended (commonly referred to as the "Sikes Act", 16 U.S.C. subsection 670a) is further amended by adding at the end thereof a new subsection (f) as follows:

"(f) The Secretary of Defense is authorized to enter into cooperative agreements with States, local governments, organizations, and individuals willing to match Federal funds or efforts to maintain and improve natural resources or to benefit natural and historic research on Department of Defense installations.".

TURN-KEY SELECTION PROCEDURES

SEC. 813. Section 2862 of title 10, United States Code, is amended:

(a) by striking subsection (a)(1) and inserting in lieu thereof:

"(a)(1) The Secretaries of the Military Departments or the Heads of Defense Agencies may use one-step turn-key selection procedures for the purpose of entering into contracts for the construction of authorized military construction projects.",

(b) in subsection (b) by striking "The Secretary of Defense, with respect to any Defense Agency, or the Secretary of a military department" and inserting in lieu thereof "The Secretary of a Military Department or the Head of a Defense Agency", and

(c) in subsection (c) by striking "1990" and inserting in lieu thereof "1991".

AUTHORIZED COST VARIATIONS

SEC. 814. Section 2853 of title 10, United States Code, is amended to read as follows:

"§ 2853. Authorized cost variations

"(a) Except as provided in subsections (c) or (d), the cost authorized for a military construction project or for the construction, improvement, and acquisition of a military family housing project may be increased by not more than 25 percent of the amount appropriated for such project by the Congress or 200 percent of the minor construction project ceiling established pursuant to section 2805(a)(1) of this title, whichever is less, if the Secretary concerned determines that such an increase in cost is required for the sole purpose of meeting unusual variations in cost, and that such variations in cost could not have reasonably been antici-

pated at the time the project was approved originally by the Congress.

"(b) Except as provided in subsection (c), the scope of work for a military construction project or for the construction, improvement, and acquisition of a military family housing project may be reduced by not more than 25 percent from the amount approved by the Congress.

"(c) The limitations on cost increases in subsection (a), and the limitations on scope reductions in subsection (b), do not apply if the increase in cost or reduction in scope is approved by the Secretary concerned and 21 days have elapsed from the date of submission by the Secretary concerned to the appropriate committees of the Congress of a written notification of the rationale for the proposed increase in cost or reduction in scope.

"(d) The limitations on cost increases in subsection (a) do not apply to within scope modifications to existing contracts or to the settlement of contractor claims under existing contracts if the increase in cost is approved by the Secretary concerned and a written notification of the facts relating to the proposed increase in cost is submitted by the Secretary concerned to the appropriate committees of the Congress."

DEVELOPMENT AND LEASE OF LAND AT HENDERSON HALL, ARLINGTON, VIRGINIA

SEC. 815. (a) IN GENERAL.—The Secretary of the Navy (hereinafter in this section referred to as "the Secretary") may:

(1) design and construct a multi-purpose facility of approximately 62,000 square feet to be located at Henderson Hall, Arlington, Virginia.

(2) accept from the Navy Mutual Aid Association reimbursement for all costs for the design, construction, supervision, inspection, and overhead of such facility and credit such funds to the Navy Military Construction Appropriation Account, and

(3) lease, at no cost, to the Navy Mutual Aid Association approximately one-third of the square footage of the facility to be constructed.

(b) TERMS OF LEASE.—The lease entered into under subsection (a) shall—

(1) be for a term of 50 years,

(2) be in full consideration for the monies paid to the Secretary pursuant to subsection (a),

(3) provide that in the event the lease is canceled by the Secretary prior to expiration, the Secretary of the Navy shall, at option, either provide comparable alternative space, or subject to the availability of funds, reimburse the Navy Mutual Aid Association for the unamortized cost of the building, and

(4) allow, at the discretion of the Secretary, for the Navy Mutual Aid Association to continue to use the space after the initial 50 year term, in compliance with laws and regulations applicable at that time.

(c) CONDITIONS.—

(1) Title to the facility shall be and remain in the United States,

(2) All construction authorized under this section shall be awarded through competitive procedures,

(3) Any lease or other agreement entered into under the authority of this section shall be subject to such terms and conditions as the Secretary determines appropriate to protect the interests of the United States.

DEPARTMENT OF DEFENSE,
OFFICE OF GENERAL COUNSEL,
Washington, DC, May 2, 1989.

Hon. J. DANFORTH QUAYLE,
President of the Senate,
Washington, DC.

DEAR MR. PRESIDENT: Enclosed is a draft of legislation "To authorize certain construction at military installations for Fiscal Years 1990/1991, and for other purposes." This legislative proposal is needed to carry out the President's Fiscal Year 1990 budget plan. The Office of Management and Budget advises that there is no objection to the presentation of this proposal to Congress, and that its enactment would be in accord with the program of the President.

This Proposal would authorize appropriations for new construction and family housing support for the Active Forces as follows: $2,180,400,000 for the Department of the Army in Fiscal Year 1990 and $2,617,650,000 in Fiscal Year 1991; $1,885,400,000 for the Department of the Navy in Fiscal Year 1990 and $2,082,100,000 in Fiscal Year 1991; $2,401,390,000 for the Department of the Air Force in Fiscal Year 1990 and $2,709,300,000 in Fiscal Year 1991; and $617,500,000 for the Defense Agencies in Fiscal Year 1990 and $973,100,000 in Fiscal Year 1991. Title V would authorize $501,900,000 for the United States's share of the NATO Infrastructure Program in Fiscal Year 1990 and $503,600,000 in Fiscal Year 1991. Title VI, totaling $452,600,000 in Fiscal Year 1990 and $380,400,000 in Fiscal Year 1991, would authorize appropriations for the Guard and Reserve Forces. Title VII establishes the effective dates for the program. Title VIII contains the general provisions.

An identical letter has been sent to the Speaker of the House of Representatives.

Sincerely,

L. NIEDERLEHNER,
Deputy General Counsel.

By Mr. NUNN (for himself and Mr. WARNER) (by request):

S. 1084. A bill to authorize appropriations for civil defense programs for fiscal years 1990 and 1991; to the Committee on Armed Services.

CIVIL DEFENSE PROGRAMS AUTHORIZATION ACT

● Mr. NUNN. Mr. President, by request, for myself and the senior Senator from Virginia [Mr. WARNER], I introduce, for appropriate reference, a bill to authorize appropriations for civil defense programs for fiscal years 1990 and 1991.

I ask unanimous consent that a letter of transmittal requesting consideration of the legislation and explaining its purpose be printed in the RECORD immediately following the listing of the bill.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1084

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there is hereby authorized to be appropriated for the fiscal year ending September 30, 1990, to carry out the provisions of the Federal Civil Defense Act of 1950, as amended, the sum of $151,535,000 and the sum of $154,098,000 for the fiscal year ending September 30 1991.

FEDERAL EMERGENCY
MANAGEMENT AGENCY,
Washington, DC, March 8, 1989.

Hon. J. DANFORTH QUAYLE,
President of the Senate, Washington, DC.

DEAR MR. PRESIDENT: Enclosed is draft legislation "To authorize appropriations for civil defense programs for fiscal years 1990 and 1991."

In accordance with section 408 of the Federal Civil Defense Act of 1950, as amended (50 U.S.C. App. 2260), the bill authorizes appropriations for $151,535,000 for fiscal year 1990 and the sum of $154,098,000 for the fiscal year ending September 30, 1991.

The programs covered by this legislative proposal are included in the residual freeze category of the President's FY 1990 budget plan. Final decisions concerning programs in this category are to be determined through negotiations between the Administration and Congress. Accordingly, this proposal, which as drafted reflects President Reagan's FY 1990 budget request, may need to be revised to reflect the results of such negotiations.

The Office of Management and Budget advises that there is no objection to the presentation of this proposal to Congress.

Sincerely,

GEORGE W. WATSON,
Acting General Counsel.●

By Mr. NUNN (for himself and Mr. WARNER) (by request):

S. 1085. A bill to authorize appropriations for fiscal years 1990 and 1991 for military functions of the Department of Defense and to prescribe military personnel levels for such Department for fiscal years 1990 and 1991, and for other purposes; to the Committee on Armed Services.

DEPARTMENT OF DEFENSE AUTHORIZATION ACT 1990-1991

● Mr. NUNN. Mr. President, by request, for myself and the senior Senator from Virginia [Mr. WARNER], I introduce, for appropriate reference, a bill to authorize appropriations for fiscal years 1990 and 1991 for military functions of the Department of Defense and to prescribe military personnel strengths for such Department for fiscal years 1990 and 1991, and for other purposes.

I ask unanimous consent that a letter of transmittal requesting consideration of the legislation and explaining its purpose be printed in the RECORD immediately following the listing of the bill.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1085

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Department of Defense Authorization Act, 1990/1991".

TITLE I—PROCUREMENT

AUTHORIZATION OF APPROPRIATIONS

SEC. 101. ARMY.

(a) FISCAL YEAR 1990.—Funds are hereby authorized to be appropriated for fiscal year 1990 for procurement for the Army as follows:

(1) For aircraft, $2,906,100,000.
(2) For missiles, $2,566,700,000.
(3) For weapons and tracked combat vehicles, $2,724,000,000.
(4) For ammunition, $1,704,800,000.
(5) For other procurement, $3,192,900,000.

(b) FISCAL YEAR 1991.—Funds are hereby authorized to be appropriated for fiscal year 1991 for procurement for the Army as follows:
(1) For aircraft, $3,038,200,000.
(2) For missiles, $2,803,900,000.
(3) For weapons and tracked combat vehicles, $2,781,600,000.
(4) For ammunition, $1,574,000,000.
(5) For other procurement, $3,857,200,000.

(c) FISCAL YEAR 1992.—Funds are hereby authorized to be appropriated for fiscal year 1992 only for multiyear procurement for the Army as follows:
(1) For aircraft, $270,500,000.
(2) For missiles, $950,100,000.
(3) For weapons and tracked combat vehicles, $2,478,200,000.
(4) For other procurement, $739,500,000.

(d) FISCAL YEAR 1993.—Funds are hereby authorized to be appropriated for fiscal year 1993 only for multiyear procurement for the Army as follows:
(1) For aircraft, $399,300,000.
(2) For missiles, $317,800,000.
(3) For weapons and tracked combat vehicles, $2,423,100,000.
(4) For other procurement, $876,700,000.

(e) FISCAL YEAR 1994.—Funds are hereby authorized to be appropriated for fiscal year 1994 only for multiyear procurement for the Army as follows:
(1) For aircraft, $421,400,000.
(2) For missiles, $74,400,000.
(3) For weapons and tracked combat vehicles, $2,084,100,000.
(4) For other procurement, $999,200,000.

SEC. 102. NAVY AND MARINE CORPS.

(a) FISCAL YEAR 1990, NAVY.—Funds are hereby authorized to be appropriated for fiscal year 1990 for the Navy as follows:
(1) For aircraft, $8,673,000,000.
(2) For weapons (including missiles and torpedoes), $3,910,400,000.
(3) For shipbuilding and conversion, $9,550,600,000.
(4) For other procurement, $4,915,000,000.

(b) FISCAL YEAR 1990, MARINE CORPS.—Funds are hereby authorized to be appropriated for fiscal year 1990 for procurement for the Marine Corps in the amount of $1,196,800,000.

(c) FISCAL YEAR 1991, NAVY.—Funds are hereby authorized to be appropriated for fiscal year 1990 for the Navy as follows:
(1) For aircraft, $9,086,300,000.
(2) For weapons (including missiles and torpedoes), $4,465,200,000.
(3) For shipbuilding and conversion, $11,021,500,000.
(4) For other procurement, $5,697,200,000.

(d) FISCAL YEAR 1991, MARINE CORPS.—Funds are hereby authorized to be appropriated for fiscal year 1990 for procurement for the Marine Corps in the amount of $1,398,000,000.

(e) FISCAL YEAR 1992, NAVY.—Funds are hereby authorized to be appropriated for fiscal year 1992 only for multiyear procurement for the Navy as follows:
(1) For aircraft, $2,852,500,000.
(2) For weapons (including missiles and torpedoes), $345,900,000.
(3) For shipbuilding and conversion, $3,723,300,000.

(f) FISCAL YEAR 1992, MARINE CORPS.—Funds are hereby authorized to be appropriated for fiscal year 1992 only for multiyear procurement for the Marine Corps in the amount of $29,200,000.

(g) FISCAL YEAR 1993, NAVY.—Funds are hereby authorized to be appropriated for fiscal year 1993 only for multiyear procurement for the Navy as follows:
(1) For aircraft, $2,947,500,000.
(2) For weapons (including missiles and torpedoes), $558,500,000.
(3) For shipbuilding and conversion, $3,743,000,000.

(h) FISCAL YEAR 1994, NAVY.—Funds are hereby authorized to be appropriated for fiscal year 1994 only for multiyear procurement for the Navy as follows:
(1) For aircraft, $2,544,100,000.
(2) For weapons (including missiles and torpedoes), $980,300,000.
(3) For shipbuilding and conversion, $3,019,200,000.

SEC. 103. AIR FORCE.

(a) FISCAL YEAR 1990.—Funds are hereby authorized to be appropriated for fiscal year 1990 for the Air Force as follows:
(1) For aircraft, $16,787,200,000.
(2) For missiles, $7,382,200,000.
(3) For other procurement, $8,561,800,000.

(b) FISCAL YEAR 1991.—Funds are hereby authorized to be appropriated for fiscal year 1991 for the Air Force as follows:
(1) For aircraft, $18,243,800,000.
(2) For missiles, $10,087,600,000.
(3) For other procurement, $9,096,200,000.

(c) FISCAL YEAR 1992.—Funds are hereby authorized to be appropriated for fiscal year 1992 only for multiyear procurement for the Air Force as follows:
(1) For aircraft, $7,508,500,000.
(2) For missiles, $1,092,500,000.
(3) For other procurement, $234,000,000.

(d) FISCAL YEAR 1993.—Funds are hereby authorized to be appropriated for fiscal year 1993 only for multiyear procurement for the Air Force as follows:
(1) For aircraft, $11,738,700,000.
(2) For missiles, $559,300,000.
(3) For other procurement, $229,700,000.

(b) FISCAL YEAR 1994.—Funds are hereby authorized to be appropriated for fiscal year 1994 only for multiyear procurement for the Air Force as follows:
(1) For aircraft, $10,097,300,000.
(2) For missiles, $814,700,000.

SEC. 104. DEFENSE AGENCIES.

(a) FISCAL YEAR 1990.—Funds are hereby authorized to be appropriated for procurement for fiscal year 1990 for the Defense Agencies in the amount of $1,321,800,000.

(b) FISCAL YEAR 1991.—Funds are hereby authorized to be appropriated for procurement for fiscal year 1991 for the Defense Agencies in the amount of $1,429,700,000.

SEC. 105. DEFENSE INSPECTOR GENERAL.

(a) FISCAL YEAR 1990.—Funds are hereby authorized to be appropriated for procurement for fiscal year 1990 for the Defense Inspector General in the amount of $1,051,000.

(b) FISCAL YEAR 1991.—Funds are hereby authorized to be appropriated for procurement for fiscal year 1991 for the Defense Inspector General in the amount of $1,041,000.

SEC. 106. CHEMICAL DEMILITARIZATION PROGRAM.

(a) FISCAL YEAR 1990.—Funds are hereby authorized to be appropriated for fiscal year 1990 for the destruction of lethal chemical weapons in accordance with section 1412 of the Department of Defense Authorization Act, 1986 (Public Law 99-145; 99 Stat. 747) in the amount of $311,400,000.

(b) FISCAL YEAR 1991.—Funds are hereby authorized to be appropriated for fiscal year 1991 for the destruction of lethal chemical weapons in accordance with section 1412 of the Department of Defense Authorization Act, 1986 (Public Law 99-145; 99 Stat. 747) in the amount of $317,700,000.

SEC. 107. EXTENSION OF AUTHORITY PROVIDED THE SECRETARY OF DEFENSE IN CONNECTION WITH THE NATO AIRBORNE WARNING AND CONTROL SYSTEM (AWACS) PROGRAM.

(a) Effective on October 1, 1989, section 103(a) of the Department of Defense Authorization Act, 1982 (Public Law 97-86; 95 Stat. 1100) is amended—

(1) by striking out "fiscal years 1988 and 1989" both places it appears and inserting in lieu thereof "fiscal years 1990 and 1991"; and

(2) by inserting "and the Memorandum of Understanding for Operations and Support of the NATO Airborne Early Warning and Control Force, signed by the United States Ambassador to NATO and other follow-on support agreements for the NATO E-3A between the United States Government and the commander of the NATO E-3A Force" after "December 6, 1978" in subsection (a).

TITLE II—RESEARCH, DEVELOPMENT, TEST AND EVALUATION

SEC. 201. AUTHORIZATION OF APPROPRIATIONS.

(a) FISCAL YEAR 1990.—Funds are hereby authorized to be appropriated for fiscal year 1990 for the use of the Armed Forces for research, development, test and evaluation, as follows:
(1) For the Army, $5,648,839,000.
(2) For the Navy, $9,590,546,000.
(3) For the Air Force, $14,551,900,000.
(4) For the Defense Agencies, $9,469,600,000, of which—
(i) $309,300,000 is authorized for the activities of the Deputy Director, Defense Research and Engineering (Test and Evaluation); and
(ii) $194,500,000 is authorized for the Director of Operational Test and Evaluation.

(b) FISCAL YEAR 1991.—Funds are hereby authorized to be appropriated for fiscal year 1991 for the use of the Armed Forces for research, development, test and evaluation, as follows:
(1) For the Army, $6,027,700,000.
(2) For the Navy, $9,251,127,000.
(3) For the Air Force, $13,505,300,000.
(4) For the Defense Agencies, $10,625,600,000, of which—
(i) $434,700,000 is authorized for the activities of the Deputy Director, Defense Research and Engineering (Test and Evaluation); and
(ii) $160,400,000 is authorized for the Director of Operational Test and Evaluation.

TITLE III—OPERATION AND MAINTENANCE

AUTHORIZATION OF APPROPRIATIONS

SEC. 301. OPERATION AND MAINTENANCE FUNDING.

(a) FISCAL YEAR 1990.—Funds are hereby authorized to be appropriated for fiscal year 1990 for the use of the Armed Forces of the United States and other activities and agencies of the Department of Defense for expenses, not otherwise provided for, for operation and maintenance, in amounts as follows:
For the Army, $23,708,600,000.
For the Navy, $25,954,600,000.
For the Marine Corps, $1,716,300,000.
For the Air Force, $22,812,200,000.
For the Defense Agencies, $9,021,600,000.
For the Army Reserve, $861,900,000.
For the Naval Reserve, $980,000,000.

For the Marine Corps Reserve, $77,400,000.
For the Air Force Reserve, $1,004,600,000.
For the Army National Guard, $1,870,200,000.
For the Air National Guard, $2,041,200,000.
For the National Board for the Promotion of Rifle Practice, $4,700,000.
For the Defense Inspector General, $94,749,000.
For the Court of Military Appeals, $4,000,000.
For the Environmental Restoration, Defense, $517,800,000.
For the Goodwill Games, as provided in section 305 of the National Defense Authorization Act, Fiscal Year 1989, $14,600,000.
For Humanitarian Assistance, $13,000,000.

(b) FISCAL YEAR 1991.—Funds are hereby authorized to be appropriated for fiscal year 1991 for the use of the Armed Forces of the United States and other activities and agencies of the Department of Defense for expenses, not otherwise provided for, for operation and maintenance, in amounts as follows:
For the Army, $24,876,900,000.
For the Navy, $27,287,800,000.
For the Marine Corps, $1,775,500,000.
For the Air Force, $23,545,100,000.
For the Defense Agencies, $8,318,900,000.
For the Army Reserve, $902,600,000.
For the Naval Reserve, $1,017,000,000.
For the Marine Corps Reserve, $79,400,000.
For the Air Force Reserve, $1,041,300,000.
For the Army National Guard, $1,896,300,000.
For the Air National Guard, $2,160,700,000.
For the National Board for the Promotion of Rifle Practice, $5,600,000.
For the Defense Inspector General, $96,559,000.
For the Court of Military Appeals, $4,200,000.
For the Environmental Restoration, Defense, $519,900,000.
For Humanitarian Assistance, $13,000,000.

SEC. 302. WORKING CAPITAL FUNDS.

(a) FISCAL YEAR 1990.—Funds are hereby authorized to be appropriated for fiscal year 1990 for the use of the Armed Forces of the United States and other activities and agencies of the Department of Defense for providing capital for working-capital funds, in amounts as follows:
For the Army Stock Fund, $107,600,000.
For the Navy Stock Fund, $223,400,000.
For the Air Force Stock Fund, $339,300,000.
For the Defense Stock Fund, $104,100,000.

(b) FISCAL YEAR 1991.—Funds are hereby authorized to be appropriated for fiscal year 1991 for the use of the Armed Forces of the United States and other activities and agencies of the Department of Defense for providing capital for working-capital funds, in amounts as follows:
For the Army Stock Fund, $141,500,000.
For the Navy Stock Fund, $232,100,000.
For the Air Force Stock Fund, $319,600,000.
For the Defense Stock Fund, $156,300,000.

SEC. 303. DEPARTMENT OF DEFENSE BASE CLOSURE ACCOUNT.

(a) FISCAL YEAR 1990.—Funds are hereby authorized to be appropriated for fiscal year 1990 to the Department of Defense Base Closure Account established by section 207(a)(1) of the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100-256) in the amount of $500,000,000.

(b) FISCAL YEAR 1991.—Funds are hereby authorized to be appropriated for fiscal year 1991 to the Department of Defense Base Closure Account established by section 207(a)(1) of the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100-256) in the amount of $500,000,000.

TITLE IV—PERSONNEL AUTHORIZATIONS FOR FISCAL YEARS 1990 AND 1991

PART A—ACTIVE FORCES

SEC. 401. END STRENGTHS FOR ACTIVE FORCES.

(a) FISCAL YEAR 1990.—The Armed Forces are authorized strengths for active duty personnel as of September 30, 1990, as follows:
(1) The Army, 764,400.
(2) The Navy, 592,000.
(3) The Marine Corps, 197,200.
(4) The Air Force, 567,900.

(b) FISCAL YEAR 1991.—The Armed Forces are authorized strengths for active duty personnel as of September 30, 1991, as follows:
(1) The Army, 764,100.
(2) The Navy, 592,000.
(3) The Marine Corps, 197,200.
(4) The Air Force, 566,800.

PART B—RESERVE FORCES

SEC. 402. END STRENGTHS FOR SELECTED RESERVE.

(a) FISCAL YEAR 1990.—The Armed Forces are authorized strengths for Selected Reserve personnel of the reserve components as of September 30, 1990, as follows:
(1) The Army National Guard of the United States, 458,000.
(2) The Army Reserve, 321,700.
(3) The Naval Reserve, 153,400.
(4) The Marine Corps Reserve, 44,000.
(5) The Air National Guard of the United States, 116,200.
(6) The Air Force Reserve, 84,900.
(7) The Coast Guard Reserve, 12,950.

(b) FISCAL YEAR 1991.—The Armed Forces are authorized strengths for Selected Reserve personnel of the reserve components as of September 30, 1991, as follows:
(1) The Army National Guard of the United States, 458,500.
(2) The Army Reserve, 323,100.
(3) The Naval Reserve, 155,000.
(4) The Marine Corps Reserve, 44,100.
(5) The Air National Guard of the United States, 116,300.
(6) The Air Force Reserve, 85,200.
(7) The Coast Guard Reserve, 13,500.

(c) ADJUSTMENTS.—The end strengths prescribed by subsection (a) or (b) for the Selected Reserve of any reserve component shall be proportionately reduced by—
(1) the total authorized strength of units organized to serve as units of the Selected Reserve of such component which on active duty (other than for training) at the end of the fiscal year, and
(2) the total number of individual members not in units organized to serve as units of the Selected Reserve of such component who are on active duty (other than for training or for unsatisfactory participation in training) without their consent at the end of the fiscal year.

Whenever such units or such individual members are released from active duty during any fiscal year, the end strength prescribed for such fiscal year for the Selected Reserve of such reserve component shall be proportionately increased by the total authorized strength of such units and by the total number of such individual members.

SEC. 403. END STRENGTHS FOR RESERVES ON ACTIVE DUTY IN SUPPORT OF THE RESERVES.

(a) FISCAL YEAR 1990.—Within the end strengths prescribed in section 402(a), the reserve components of the Armed Forces are authorized, as of September 30, 1990, the following number of Reserves to be serving on full-time active duty or, in the case of members of the National Guard, full time National Guard duty, for the purpose of organizing, administering, recruiting, instructing, or training the reserve components:
(1) The Army National Guard of the United States, 26,164.
(2) The Army Reserve, 13,680.
(3) The Naval Reserve, 22,708.
(4) The Marine Corps Reserve, 2,301.
(5) The Air National Guard of the United States, 8,517.
(6) The Air Force Reserve, 686.

(b) FISCAL YEAR 1991.—Within the end strengths prescribed in section 402(b), the reserve components of the Armed Forces are authorized, as of September 30, 1991, the following number of Reserves to be serving on full-time active duty or full-time duty, in the case of members of the National Guard, for the purpose of organizing, administering, recruiting, instructing, or training the reserve components:
(1) The Army National Guard of the United States, 26,514.
(2) The Army Reserve, 14,027.
(3) The Naval Reserve, 23,565.
(4) The Marine Corps Reserve, 2,401.
(5) The Air National Guard of the United States, 8,468.
(6) The Air Force Reserve, 700.

SEC. 404. INCREASE IN NUMBER OF MEMBERS IN CERTAIN GRADES AUTHORIZED TO BE ON ACTIVE DUTY IN SUPPORT OF THE RESERVES.

(a) SENIOR ENLISTED MEMBERS.

(1) FISCAL YEAR 1990.—Effective on October 1, 1989, the table in section 517(b) of title 10, United States Code, is amended to appear as follows:

"Grade	Army	Navy	Air Force	Marine Corps
E-9	542	200	224	13
E-8	2,504	425	637	74".

(2) FISCAL YEAR 1991.—Effective on October 1, 1990, that table is amended to read as follows:

"Grade	Army	Navy	Air Force	Marine Corps
E-9	557	202	231	13
E-8	2,585	429	670	74".

(b) OFFICERS.

(1) FISCAL YEAR 1990.—Effective on October 1, 1989, the table in section 524(a) of such title is amended to read as follows:

"Grade	Army	Navy	Air Force	Marine Corps
Major or lieutenant commander	3,030	1,065	575	110
Lieutenant colonel or commander	1,448	520	476	75
Colonel or Navy captain	351	188	190	25".

(2) FISCAL YEAR 1991.—Effective on October 1, 1990, that table is amended to read as follows:

"Grade	Army	Navy	Air Force	Marine Corps
Major or lieutenant commander	3,219	1,071	575	110
Lieutenant colonel or commander	1,524	520	532	75
Colonel or Navy captain	364	188	194	25".

PART C—MILITARY TRAINING STUDENT LOADS

SEC. 405. AUTHORIZATION OF TRAINING STUDENT LOADS.

(a) FISCAL YEAR 1990.—For fiscal year 1990, the components of the Armed Forces are authorized average military training student loads as follows:

(1) The Army, 79,667.
(2) The Navy, 67,224.
(3) The Marine Corps, 21,656.
(4) The Air Force, 39,575.
(5) The Army National Guard of the United States, 19,168.
(6) The Army Reserve, 15,377.
(7) The Naval Reserve, 3,237.
(8) The Marine Corps Reserve, 4,179.
(9) The Air National Guard of the United States, 2,941.
(10) The Air Force Reserve, 1,752.

(b) FISCAL YEAR 1991.—For fiscal year 1991, the components of the Armed Forces are authorized average military training student loads as follows:

(1) The Army, 74,760.
(2) The Navy, 66,517.
(3) The Marine Corps, 22,235.
(4) The Air Force, 37,757.
(5) The Army National Guard of the United States, 18,667.
(6) The Army reserve, 15,963.
(7) The Naval Reserve, 3,259.
(8) The Marine Corps Reserve, 4,178.
(9) The Air National Guard of the United States, 2,939.
(10) The Air Force Reserve, 1,774.

(c) ADJUSTMENTS.—The average military student loads authorized in subsections (a) and (b) shall be adjusted consistent with the end strengths authorized in parts A and B. The Secretary of Defense shall prescribe the manner in which such adjustment shall be apportioned.

TITLE V—GENERAL PROVISIONS

SEC. 501. REPEAL OF REQUIREMENT FOR SEPARATE BUDGET REQUEST FOR PROCUREMENT OF RESERVE EQUIPMENT.

Section 114(f) of title 10, United States Code, is repealed.

SEC. 502. REPEAL OF REQUIREMENT FOR AUTHORIZATION OF CIVILIAN PERSONNEL BY END STRENGTH.

Section 115(b)(2) of title 10, United States Code, is repealed.

SEC. 503. REPEAL OF PROHIBITION ON USE OF CERTAIN PERSONNEL MANAGEMENT CONSTRAINTS.

Section 129 of title 10, United States Code, is repealed.

SEC. 504. REPEAL OF PROCUREMENT REQUIREMENT AND LIMITATION OF FUNDS FOR THE HEAVY EXPANDED MOBILITY TACTICAL TRUCK.

Section 129 of the National Defense Authorization Act for Fiscal Years 1988 and 1989 (Public Law 100-180; 101 Stat. 1045) is repealed.

SEC. 505. REPEAL OF LIMITATION OF FUNDS FOR RANKINE ENGINE.

Section 205(a)(3) of the National Defense Authorization Act for fiscal Years 1988 and 1989 (Public Law 100-180; 101 Stat. 1047) is repealed.

SEC. 504. REPEAL OF LIMITATION ON THE USE OF OPERATION AND MAINTENANCE FUNDS TO PURCHASE INVESTMENTS.

Section 303 of the National Defense Authorization Act for Fiscal Years 1988 and 1989 (Public Law 100-180; 101 Stat. 1073) is repealed.

TITLE VI—NATIONAL DEFENSE STOCKPILE

SEC. 601. The Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98 *et seq.*) is amended—

(a) In section 6(a)(4), insert "or technological obsolescence" after "deterioration" and "or more suitable" after "same".

(b) Strike paragraph (3) of section 6(b), insert "and" after the semicolon at the end of section 6(b)(1), and strike the semicolon and the immediately following "and" at the end of section 6(b)(2) and insert in lieu thereof a period.

(c) In section 5(b), strike "(1)" and the comma after "law" and all that follows thereafter and insert in lieu thereof a period.

SEC. 602. Effective with the date of enactment of this Act, and pursuant to Section 3(c)(4) of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98b(c)(4)), the National Defense Stockpile Manager is authorized to effect the following changes in quantities of materials to be acquired for the National Defense Stockpile:

aluminum oxide, abrasive grain group, from 638,000 short tons (contained) to 374,000 short tons (contained);

antimony, from 36,000 short tons to 88,500 short tons;

asbestos, amosite, from 17,000 short tons to zero short tons;

bauxite, refractory, from 1,400,000 long calcined tons to 1,240,000 long calcined tons;

bismuth, from 2,200,000 pounds to 1,060,000 pounds;

chromite, refractory grade ore, from 850,000 short dry tons to 695,000 short dry tons;

columbium group, from 4,850,000 pounds (contained) to 12,520,000 pounds (contained);

diamond, industrial, group, from 29,730,000 carats to 7,730,000 carats;

fluorspar, acid grade, from 1,400,000 short dry tons to 900,000 short dry tons;

fluorspar, metallurgical grade, from 1,700,000 short dry tons to 310,000 short dry tons;

germanium, from 146,000 kilograms to 78,000 kilograms;

graphite, natural, Malagasy, crystalline, from 20,000 short tons to 14,200 short tons;

graphite, natural, other than Ceylon & Malagasy, from 2,800 short tons to 1,930 short tons;

manganese, battery grade group, from 87,000 short dry tons to 50,000 short dry tons;

mica, muscovite block, stained and better, from 6,200,000 pounds to 2,500,000 pounds;

natural insulation fibers, from 1,500,000 pounds to zero pound;

platinum group metals, iridium, from 98,000 troy ounces to 86,000 troy ounces;

platinum group metals, palladium, from 3,000,000 troy ounces to 2,150,000 troy ounces;

quartz crystals, from 600,000 pounds to 240,000 pounds;

talc, steatite block and lump, from 28 short tons to zero short tons;

tungsten group, from 50,666,000 pounds (contained) to 70,900,000 pounds (contained).

SEC. 603. Effective on October 1, 1989, the President is authorized to dispose of the following quantities of materials currently held in the National Defense Stockpile established by section 3 of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98b), to the extent such quantities have been determined to be excess to requirements for national defense:

34,000 short tons of asbestos, amosite;
255,400 pounds of bismuth;
8,000,000 carats of diamond, industrial, crushing bort;
15,000 short dry tons of fluorspar, metallurgical grade;
3,635 short tons of graphite, natural, Malagasy, crystalline;
873 short tons of graphite, natural, other than Ceylon and Malagasy;
15,000 flasks of mercury;
10,000 pounds of mica, muscovite block, stained and better;
690 short tons of silicon carbide;
15,000,000 troy ounces of silver;
28 short tons of talc, block and lump;
5,000 metric tons of tin.

This disposal authority is in addition to any other disposal authority previously provided in law.

SEC. 604. Effective with the date of enactment of this Act, and notwithstanding Section 5(a)(1) of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98d(a)(1)), upon a Presidential determination that such action is required for purposes of national defense, the National Defense Stockpile Manager is authorized to obligate not to exceed $500,000,000 from the National Defense Stockpile Transaction Fund to acquire, refine, or process strategic and critical materials needed to meet established requirements for the National Defense Stockpile on an accelerated basis in response to early warning of threats to the national defense, provided such obligations meet the requirement of prior notice to the Congress and provided in sections 11(b) and 5(a)(2) of the Strategic and Critical Materials Stock Piling Act.

GENERAL COUNSEL OF THE DEPARTMENT OF DEFENSE,
Washington, DC, May 11, 1989.

Hon. DAN QUAYLE,
President of the Senate, Washington, DC.

DEAR MR. PRESIDENT: There is forwarded herewith legislation, "To authorize appropriations for fiscal years 1990 and 1991 for military functions of the Department of Defense and to prescribe military personnel strengths for such Department for fiscal years 1990 and 1991, and for other purposes."

This legislative proposal is part of the Department of Defense legislative program for the 101st Congress and is needed to carry out the President's amended fiscal year 1990 budget plan. The Office of Management and Budget advises that there is no objection to the presentation of this proposal to the Congress and that its enactment would be in accord with the program of the President.

Title I provides procurement authorization for the Military Departments and for the Defense Agencies in amounts equal to the budget authority included in the President's amended budget for fiscal years 1990 and 1991 and for multiyear procurement for fiscal years 1992 through 1994. It contains a provision that extends for those fiscal years

the authority to waive certain costs in connection with the NATO AWACS program and which amends the basic waiver authority statute, section 103 of the 1982 Authorization Act, by inserting a reference to the Memorandum of Understanding for Operations and Support of the NATO Airborne Early Warning and Control Force and other follow-on agreements for the NATO E-3A.

Title II provides for the authorization of each of the research, development, test, and evaluation appropriations for the Military Departments and the Defense Agencies in amounts equal to the budget authority included in the President's amendment budget for fiscal years 1990 and 1991.

Title III provides for authorization of the operation and maintenance appropriations of the Military Departments and the Defense Agencies in amounts equal to the budget authority included in the President's amended budget for fiscal years 1990 and 1991. Title III also includes the authorization of appropriations for the purpose of providing capital for working-capital funds of the Military Departments and the Defense Agencies in amounts equal to the budget authority included in the President's amended budget for fiscal years 1990 and 1991. Title III also includes the authorization of appropriations for the Department of Defense Base Closure Account for fiscal years 1990 and 1991.

Title IV prescribes the personnel strengths for the active forces and the selected Reserve of each reserve component of the Armed Forces in the numbers provided for by the budget authority and appropriations requested for the Department of Defense in the President's amended budget for fiscal years 1990 and 1991. This title also prescribes the end strengths for reserve component members on full-time active duty or full-time National Guard duty for the purpose of administering the reserve forces and provides for an increase in the number of certain enlisted and commissioned personnel who may be serving on active duty in support of the reserve components. Finally, title IV provides for the average military training student loads in the numbers provided for this purpose in the President's amended budget for fiscal years 1990 and 1991.

Title V consists of seven general provisions. Section 501 repeals the provisions of section 114(f) of title 10, United States Code, requiring a separate budget request for the procurement of Reserve equipment. Section 502 repeals the provisions of section 115(b)(2) of title 10, United States Code, requiring the authorization of an end strength for civilian personnel of the Department of Defense. Section 503 repeals the prohibition contained in section 129 of title 10, United States Code, on the administrative management of the Defense civilian workforce through certain personnel management constraints. Section 504 repeals the requirement contained in section 129 of the National Defense Authorization Act for Fiscal Years 1988 and 1989 for the procurement of not less than 4,737 Heavy Expanded Mobility Tactical Trucks and the requirement that $239,300,000 of the funds appropriated for other procurement for the Army for fiscal years 1988 and 1989 shall be available only for such trucks. Section 505 repeals the limitation contained in section 205(a)(3) of the 1988 and 1989 Authorization Act requiring that $5,000,000 of the amounts appropriated for research and development shall be available only for the Rankine Engine.

Section 506 repeals section 303 of the 1988 and 1989 Authorization Act which provides that operation and maintenance funds may not be used to purchase items costing more than $5,000 in fiscal year 1989 if purchases of the items prior to fiscal year 1988 were chargeable to procurement appropriations. Section 507 repeals the requirement contained in section 601(b)(1)(B) of the Goldwater-Nichols Department of Defense Reorganization Act of 1986 for a 10 percent reduction not later than September 30, 1989, in the number of management headquarters and support activities and the requirement in section 601(b)(2)(B) of that Act for a 5 percent reduction in the number of nonheadquarters management and support activities of the Department. Section 507 also repeals the permanent provisions of section 194 of title 10, United States Code, on the number of personnel who may be assigned to management and non-management headquarters support activities.

Title VI consists of four sections amending the Strategic and Critical Materials Stock Piling Act. Section 601 removes restrictions impeding the orderly disposal of excess materials in the stockpile. Section 602 authorizes changes in quantities of materials to be acquired for the stockpile and is needed to implement the recommendations of the Secretary of Defense in the Report to the Congress on Stockpile Requirements which was submitted to the Congress on April 12, 1989 pursuant to section 14 of the Stock Piling Act. Section 603 provides new authority to dispose of excess materials in the stockpile and is based on the recommendations of the Secretary of Defense on stockpile requirements and takes into account residual authority previously provided in law. Section 604 authorizes obligations to acquire, refine, or process needed stockpile materials on an accelerated basis and will allow the National Defense Stockpile Manager to respond in an timely manner to early warning of threats to the national defense.

Enactment of this legislation is of great importance to the Department of Defense and the Department urges its speedy and favorable consideration.

Sincerely,

ROBERT L. GILLIT,
(For L. Niederlehner, Deputy).●

By Mr. D'AMATO:

S. 1086. A bill for the relief of Maurice G. Hardy; to the Committee on the Judiciary.

RELIEF OF MAURICE G. HARDY

● Mr. D'AMATO. Mr. President, I rise today to introduce a private bill for the relief of Maurice G. Hardy. Mr. Hardy is president and chief operating officer of the Pall Corp. which is the world leader in providing specialized hydraulic, lubricating, fuel, and air transmission filters for the most critical military/aerospace applications.

Maurice Hardy is a British citizen who was granted permanent residency in 1979 and has fulfilled all the requirements for naturalization except for the residency requirement. The development of the Pall Corp.'s substantial export business has required Mr. Hardy to spend the majority of his time outside the United States during the last several years. As a result, Mr. Hardy was physically present in the United States for a total of only 290 days in the years 1986 through 1988. Therefore, he will require an additional 624 days of physical presence in the United States before he meets the requirement of section 316 of the Immigration and Nationality Act that a petitioner for naturalization have been physically present in the United States at least half of the time during the 5 years immediately preceding the filing of the petition.

Presently, Mr. Hardy's base of operations is in the United States. Mr. Hardy expects to spend a majority of his time in this country in the future, but the company's business will require that he travel abroad. Therefore, Mr. Hardy will not be eligible to file a petition for naturalization until some time in 1991.

Mr. Hardy and the Pall Corp. ran into trouble in September of 1987 when the company's secret security clearance was temporarily lifted and downgraded to secret-limited due to the fact that Mr. Hardy is not a U.S. citizen. At that time, however, Mr. Hardy held, and continues to hold, the highest security clearance status for which a noncitizen is eligible. In addition to this, the Defense Investigative Service notified the Pall Corp.'s customers of the new access limitations being placed on the company. As a result of these restrictions, the company's employees could not be freely consulted by members of the defense establishment. This restriction extended to attendance at briefings and symposia as well as transmittal of documents. But most damaging of all was the limitation of future contracts which would require the secret security access.

Last spring, I contacted the Defense Investigative Service on behalf of Mr. Hardy and the Pall Corp. to explain the situation and to seek any administrative remedies that might exist. After company representatives met with Defense officials, the company's secret clearance was restored. However, this decision was made contingent on Mr. Hardy's not becoming chief executive officer of the company until he became a U.S. citizen.

The problem at this point is that the current CEO, Mr. Abraham Krasnoff, is well past retirement age and that Mr. Hardy has been groomed by the board of directors to become the new CEO sometime in 1989.

The Pall Corp. has explained to me that Mr. Hardy is ideally suited to direct the company by a combination of educational background, proven business and financial ability, and a thorough knowledge of the company's business and technology. These qualifications are essential to becoming chief executive officer.

The chief executive officer of the Pall Corp. must have sufficient technical knowledge to understand the company's products and markets and to

participate in the making of important decisions regarding the development of new products. The company has experienced dramatic growth over the last 15 years due to a combination of an outstanding research and development program and sound business and financial decisions relating to product development, marketing, location and construction of manufacturing facilities, and long-range planning. In these areas, Mr. Hardy is uniquely qualified.

It is also important that I stress Mr. Hardy's longstanding intention to become a U.S. citizen. Since he was granted his green card in 1979, Mr. Hardy has sought to meet the requirements for naturalization and has met each one except the one requiring physical presence in the United States. His inability to remain in the United States for the required length of time is due to the nature of his position with the Pall Corp. and his expertise in developing the company's substantial export program.

The Pall Corp.'s success has resulted in its role as the major supplier of advanced technology filtration products to Europe and to the British military services. Pall has accomplished this by surpassing strong competitors in Japan, France, and West Germany. In addition, customers for Pall filters include most manufacturers of advanced aircraft and space vehicles such as Northrop, Grumman, Lockheed, Boeing, General Dynamics, and General Electric.

In conclusion, these major defense contractors, the agencies related to the Department of Defense, Pall Corp. employees and shareholders which number in the thousands, and the technological progress of the United States military all will benefit from Mr. Hardy's assuming the position of chief executive officer of the Pall Corp. The only way this can happen without the company losing its secret security clearance, is for Congress to pass this bill.

Passage of this legislation in no way jeopardizes our national security. In fact, our military capabilities can only be enhanced by allowing Pall to continue supplying our military with their first rate technology.●

By Mr. BURNS:

S. 1087. A bill to amend the Disaster Assistance Act of 1988 to provide disaster assistance to orchard owners who have suffered losses as a result of freeze damage in 1989, and for other purposes: to the Committee on Agriculture, Nutrition, and Forestry.

ORCHARD DISASTER ASSISTANCE ACT OF 1989

Mr. BURNS. Mr. President, I rise today to introduce legislation along with the senior Senator from Montana. It is a measure to provide disaster relief to the orchard growers who lost their crop because of the bitter cold this last year in Montana. We set all kinds of records this year for cold temperatures and bad weather—not only how cold it got but the longevity of it. The cherry crop in the Flathead Valley has been virtually wiped out, not just this year's crop, mind you, but the trees themselves have been killed. The loss to my State may exceed that of the 1935-36 season when only 260,000 pounds of cherries were produced and harvested in our State. In Montana, they figure they have lost about 160,000 trees this year. In addition to the cherry damage, we also had damage in apricots, peaches, apples, and nectarines.

I am today introducing this assistance bill to compensate for the crop loss this year, assistance in planting replacement trees, and eligibility for Small Business Administration disaster loans.

Mr. President, this loss will continue. Right now we have estimates that we can only replace about 55,000 trees a year. That means we are going to be 3 years getting other young trees into production. It takes anywhere from 5 to 8 years for those trees to reach maximum production. It is a very bad thing, and it will be with us for another 5 years. Therefore, we have to help those people try to get back some semblance of business.

Funding for this assistance will come from more than expected budget outlays for programmed crops within the Department of Agriculture budget.

I will also be working with the Governor of Montana. I have a communication from him, and I ask unanimous consent that the letter from Governor Stephens of Montana be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. BURNS. We will be working on this legislation with the orchard operators in the Flathead Valley, and I hope that my colleagues will also support this legislation.

EXHIBIT 1

STATE OF MONTANA,
OFFICE OF THE GOVERNOR,
Helena, MT, May 25, 1989.

Hon. CONRAD BURNS,
U.S. Senate, Washington, DC.

DEAR SENATOR BURNS: As you are aware Montana's cherry industry is facing a disaster in wake of the severe orchard winter kill this past winter. The purpose of this letter is twofold. First, to update you on our activities to address cherry industry needs; second, to ask for your assistance in both addressing the disaster facing the cherry producers and resolving the crisis management situation they are now forced to face.

I have taken the following actions to meet the disaster needs of the cherry producers:

Mr. Everett Snortland, Director of my Department of Agriculture, will coordinate assistance actions for the State of Montana. Everett's expertise and past experience as Director of Montana's U.S.D.A., A.S.C.S. office will enable him to coordinate a comprehensive response through Disaster and Emergency Services, A.S.C.S., and the Small Business Administration.

The Department's field staff are currently working with producers to assess damage and provide up-to-date accurate analysis of winter freeze damage and producer needs.

Local disaster and emergency services personnel are working to provide staff support to the disaster committees in Ravalli, Lake, and Flathead Counties. I have asked them to work closely with the disaster committees and the County Commissioners of those counties to ensure a coordinated reponse to the problems we are facing and to advance the county disaster requests to my office as soon as possible.

One I receive the individual county disaster requests I will be asking Secretary of Agriculture Clayton Yeutter for a disaster declaration implementation of U.S.D.A. assistance programs. This, in turn, should trigger the SBA programs for nonagricultural interests that have been impacted by the crop loss.

I am requesting your direct assistance in obtaining help for the cherry producers. Your assistance in working with Secretary Yeutter for a positive and expedited response to our disaster declaration requests would be appreciated. I would also urge you to incorporate disaster assistance language for the cherry industry in the 1989 disaster legislation.

In the long run, I concur with the cherry producers that part of the solution may be working with the Federal Crop Insurance Program to include cherries. The cherry producer could then participate in the federal crop insurance program providing the same protection presently offered to the grain industry.

I appreciate your assistance and hope we can work together to provide assistance to our cherry industry. Please feel free to work with Everett as we coordinate our efforts in response to the cherry industry needs.

Sincerely,

STAN STEPHENS,
Governor.

By Mr. EXON (for himself, Mr. FORD, Mr. STEVENS, and Mr. DODD):

S. 1088. A bill to amend title XIX of the Social Security Act to improve the provision and quality of services to individuals with mental retardation or related condition; to the Committee on Finance.

MEDICAID COMMUNITY AND FACILITY HABILITATION SERVICES AMENDMENTS

Mr. EXON. Mr. President, I am joined today by my colleagues, Mr. FORD, Mr. STEVENS, and Mr. DODD, in introducing legislation that will reform the Medicaid system with respect to payment for services for our developmentally disabled and mentally retarded citizens.

We are introducing a Senate companion measure to H.R. 854, the Medicaid Community and Facility Habilitation Services Amendments of 1989, as introduced in the House by Representatives FLORIO, WAXMAN, and DINGELL. I have had a great deal of involvement in this subject dating back to my terms as Governor and have

spoken with many, many individuals about it.

The battle of Medicaid reform has been raging for several years. It is a very emotional and divisive issue. I believe this legislation is a positive step toward compromise among the many differing points of view regarding Medicaid reform for the developmentally disabled and those with mental retardation. I strongly believe that we need to have services for these individuals all along the spectrum. For that reason, I have not and cannot support legislation already introduced that would freeze funding to institutions over 15 beds.

My home State of Nebraska has been somewhat of a leader in the development of community-based services. I am very proud of that achievement and would do nothing to hurt that development. I understand the need for such services. But Mr. President, I also understand and support the need for services provided in our larger institutions. I will not stand idly by and let those persons residing in institutions be denied services either.

By introducing a companion measure to H.R. 854, we are attempting to be a positive force in this area, not a negative one. I do not oppose Medicaid funding for community-based services. I do oppose channeling the bulk of funding to community-based services at the expense of large facilities. The legislation we are introducing will allow money to go to both types of services. I do not see this as trying to thwart the goals of any particular group or organization, nor do I feel it will be overly protective of any specific point of view.

Under current law, the Medicaid funding for mentally retarded and developmentally disabled individuals goes primarily to large institutions. States cannot use their Medicaid funds for community-based services unless they have secured the requisite waiver from the Department of Health and Human Services. The bill we are introducing will allow States, at their option, to cover under the auspices of the Medicaid program services provided through community facilities as well as continued coverage of services provided in institutions.

Our bill also retains the important provisions of H.R. 854 relating to quality assurance for services provided in institutions and community-based facilities, appropriate placement for individuals with mental retardation and related conditions, as well as protection for employees of facilities that may close or downsize.

Under this bill, Federal Medicaid matching funds would be available for community services at the State's regular matching rate. Unlike the waiver, which is retained under this bill, States would not have to demonstrate budget neutrality or limit the number of individuals participating. Individuals would not have to demonstrate that they are at risk of institutionalization in order to qualify for coverage. Also, benefits provided under this provision would have to be made available on a statewide basis.

This bill does not change the current Medicaid eligibility requirements. It would not broaden the category of "individuals with mental retardation or related conditions," and it would not alter the current income and resource standards and methodologies that apply in determining eligibility for care either inside or outside an institution. This bill also in no way abrogates the right of Medicaid clients to freedom of choice with respect to the providers from whom they can receive services.

This bill provides States with the flexibility to design a community-based system of care that meets the needs of the mentally retarded population of that State, that takes into account the State's funding capabilities, and allows the State to implement a program based on its philosophy regarding the provision of services to the mentally retarded.

Mr. President, I ask unanimous consent that following my remarks a copy of the bill be printed in the RECORD as well as several editorials from the Omaha World-Herald.

As I have stated before, I strongly support this measure as a workable compromise to a difficult problem. I urge my colleagues to support this legislation.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1088

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Medicaid Community and Facility Habilitation Services Amendments of 1989".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—COMMUNITY HABILITATION AND SUPPORTIVE SERVICES

Sec. 101. Community habilitation and supportive services as optional, statewide, service.

Sec. 102. Quality assurance for community habilitation and supportive services.

Sec. 103. Eliminating prior institutionalization requirement under waiver authority.

Sec. 104. Annual report.

TITLE II—QUALITY ASSURANCE FOR HABILITATION FACILITY SERVICES

Sec. 201. Requirements for habilitation facilities.

Sec. 202. Survey and certification process.

Sec. 203. Enforcement process.

Sec. 204. Effective dates.

Sec. 205. Annual report.

TITLE III—APPROPRIATE PLACEMENT FOR INDIVIDUALS WITH MENTAL RETARDATION OR RELATED CONDITION

Sec. 301. State preadmission screening and annual client review requirements.

Sec. 302. Revision of utilization review provisions.

TITLE IV—PAYMENT FOR COMMUNITY HABILITATION SERVICES AND HABILITATION FACILITY SERVICES

Sec. 401. Payment for community habilitation services.

TITLE V—EMPLOYEE PROTECTIONS AND MISCELLANEOUS

Sec. 501. Employee protections for closure and reductions in capacity.

Sec. 502. Use of State developmental disabilities agency in certain medicaid administrative functions.

TITLE I—COMMUNITY HABILITATION AND SUPPORTIVE SERVICES

SEC. 101. COMMUNITY HABILITATION AND SUPPORTIVE SERVICES AS OPTIONAL, STATEWIDE, SERVICE.

(a) PROVISION AS OPTIONAL, STATEWIDE SERVICE.—Section 1905(a) of the Social Security Act (42 U.S.C. 1396d(a)) is amended—

(1) by striking "and" at the end of paragraph (20),

(2) by redesignating paragraph (21) as paragraph (22), and

(3) by inserting after paragraph (20) the following new paragraph:

"(21) community habilitation and supportive services (as defined in section 1926(a)) for individuals with mental retardation or related conditions (as defined in subsection (m)) without regard to whether or not individuals who receive such services have been discharged from a nursing facility or habilitation facility; and".

(b) DEFINITION OF COMMUNITY HABILITATION AND SUPPORTIVE SERVICES.—Title XIX of such Act, as amended by section 303(a) of the Family Support Act of 1988 (Public Law 100-485), is amended—

(1) by redesignating section 1926 as section 1928, and

(2) by inserting after section 1925 the following new section:

"COMMUNITY HABILITATION AND SUPPORTIVE SERVICES

"SEC. 1926. (a) COMMUNITY HABILITATION AND SUPPORTIVE SERVICES DEFINED.—In this title, the term 'community habilitation and supportive services'—

"(1) means services designed—

"(A) to assist individuals in acquiring, retaining, and improving self-help, socialization, and adaptive skills necessary to function successfully in a home or community-based setting,

"(B) to assist individuals in participating in community or other activities; and

"(2) includes (except as provided in paragraph (3)) such prevocational, education, supported employment, and other supportive services, including transportation, functional assistive technologies and devices, and respite care services, as the State determines to be necessary and effective in promoting the individual's capability to engage in major life activities with other individuals, including employment and participation in community activities; but

"(3) does not include—

"(A) special education and related services (as defined in section 602 (16) and (17) of the Education of the Handicapped Act (20

U.S.C. 1401 (16), (17)) which otherwise are available to the individual through a local educational agency, and

"(B) vocational rehabilitation services which otherwise are available to the individual through a program funded under section 110 of the Rehabilitation Act of 1973 (29 U.S.C. 730);

"(4) does not include room and board, consisting of nonpersonnel costs directly attributable to—

"(A) the purchase of food on behalf of clients,

"(B) the cost of property,

"(C) the purchase of household supplies not otherwise employed in the provision of covered services,

"(D) utility expenses, and

"(E) costs of facility maintenance, upkeep, and improvement, other than such costs for modifications or adaptations to a facility required to assure the health and safety of residents or to meet the requirements of the applicable life safety code, and

"(5) does not include payments made, directly or indirectly, to members of the family of the individual receiving such services.".

(c) INDIVIDUAL WITH MENTAL RETARDATION OR RELATED CONDITION DEFINED.—Section 1905 of such Act (42 U.S.C. 1396d) is amended by inserting after subsection (l) the following new subsection:

"(m) The term 'individual with mental retardation or related condition' means an individual with mental retardation or an individual who has a severe, chronic disability that—

"(1) is attributable—

"(A) to cerebral palsy or epilepsy,

"(B) to any other condition, other than mental illness, found to be closely related to mental retardation because this condition results in impairment of general intellectual functioning or adaptive behavior similar to that of mentally retarded persons, and requires treatment or services similar to those required for these persons;

"(2) is manifested before the person reaches age 22;

"(3) is likely to continue indefinitely; and

"(4) results in substantial functional limitations in 3 or more of the following areas of major life activity: self-care, understanding and use of language, learning, mobility, self-direction, and capacity for independent living.".

(d) CONFORMING AMENDMENTS.—

(1) Section 1905(d) of such Act (42 U.S.C. 1396d(d)) is amended—

(A) by striking "the mentally retarded or persons with related conditions" and inserting "individuals with mental retardation or related condition",

(B) by striking "mentally retarded individuals" in paragraph (1) and inserting "individuals with mental retardation", and

(C) by striking "the mentally retarded individual" in paragraph (2) and inserting "the individual with mental retardation or related condition".

(2) Section 1915(c) of such Act (42 U.S.C. 1395n) is amended—

(A) in paragraph (4)(B), by striking "habilitation" and inserting "community habilitation and supportive", and

(B) by striking paragraph (5).

(3) Section 1919(e)(7)(G)(ii) of such Act (42 U.S.C. 1396r(e)(7)(G)(i)) is amended by striking "mentally retarded or a person with a related condition (as described in section 1905(d))" and inserting "an individual with mental retardation or related condition".

(4) Section 1902(j) of such Act (42 U.S.C. 1396a(j)) is amended by striking "(21)" and inserting "(22)".

(5) Section 1902(a)(10)(C)(iv) of such Act (42 U.S.C. 1396a(a)(10)(C)(iv)) is amended by striking "through (20)" and inserting "through (21)".

(f) EFFECTIVE DATE.—The amendments made by this section apply to services furnished on or after January 1, 1990, without regard to whether or not final regulations to carry out such amendments have been promulgated by such date.

(g) NO ABROGATION OF FREEDOM OF CHOICE.—Nothing in this section shall be construed as abrogating the right of medicaid clients to freedom of choice, under section 1902(a)(23) of the Social Security Act, with respect to the providers from whom they can receive covered services.

SEC. 102. QUALITY ASSURANCE FOR COMMUNITY HABILITATION AND SUPPORTIVE SERVICES.

Section 1926 of the Social Security Act, as inserted by section 101(a) of this Act, is amended by adding at the end the following new subsections:

"(b) INDEPENDENCE, PRODUCTIVITY, AND INTEGRATION.—The objectives of community habilitation and supportive services are to expand opportunities for independence, productivity, and integration into the community for individuals with mental retardation and related conditions.

"(c) INDIVIDUAL SERVICE PLANS.—

"(1) REQUIREMENT.—Community habilitation and supportive services must be provided in accordance with an individual service plan (in this section referred to as an 'ISP') which states specific objectives necessary to meet some or all of the client's needs, as identified in the comprehensive functional assessment conducted under subsection (d). In addition, the ISP shall include a description of the medical care service needs of the client, as identified by the client's physician. Nothing in this paragraph shall be construed as requiring a State to make available medical assistance under this title for all types or elements of community habilitation and supportive services. If a State provides such medical assistance for some or all such types or elements and an ISP identifies such types or elements with respect to a client, the medical assistance shall be made available under this title for those types and elements for that client under the ISP.

"(2) PREPARATION.—Each ISP for a client shall be prepared, before the date community habilitation and supportive services are first provided to the client under this title, by an appropriate interdisciplinary team and shall be periodically reviewed and revised by such a team after each assessment under subsection (d).

"(3) REQUIRED PARTICIPATION IN DEVELOPMENT OF ISP.—In developing an ISP for a client, the team shall notify, and provide for and encourage the participation of, the client, the client's parents (if the client is a minor), and the client's legal guardian (if any).

"(4) PERMISSIVE PARTICIPATION OF PARENTS OF ADULT CLIENTS.—A parent (if the client is not a minor) who is not a legal guardian of the client may participate in developing the ISP unless the client has objected to the parent's participation.

"(5) AVAILABILITY.—A copy of each ISP must, consistent with the client's right to confidentiality described in section 1927(c)(1)(A)(iv), be made accessible to all relevant providers, including other providers who work with the client, and to the client's parents and legal guardian (if any).

"(d) COMPREHENSIVE FUNCTIONAL ASSESSMENT.—

"(1) REQUIREMENT.—The State must provide that each individual who receives community habilitation and supportive services under the State plan under this title must have had a comprehensive functional assessment and must have such an assessment periodically reviewed. Such an assessment and review must be conducted by an interdisciplinary team. Such an assessment and review must identify each client's developmental and behavioral management needs.

"(2) FREQUENCY.—

"(A) ASSESSMENTS.—Such an assessment must be conducted before the receipt of community habilitation and supportive services under this title.

"(B) REVIEWS.—A review of each such assessment shall be performed in no case less often than once every 12 months.

"(3) USE.—The results of such an assessment or review shall be used in developing, reviewing, and revising the client's ISP under subsection (c).

"(e) MINIMUM REQUIREMENTS FOR SERVICES.—Community habilitation and supportive services provided under this title must meet such requirements for clients' rights and quality, consistent with the objectives described in subsection (b), as are published or developed by the Secretary under subsection (i). Such requirements shall include—

"(1) minimum qualifications for personnel providing such services,

"(2) guidelines for such minimum compensation for personnel as will assure the availability and continuity of qualified personnel to provide such services for clients of various levels of impairment, and

"(3) a specification of clients' rights, including the rights described in clauses (i) through (iv), (vi), (vii), and (xi) of section 1927(c)(1)(A).

"(f) MINIMUM REQUIREMENTS FOR RESIDENTIAL SETTINGS.—

"(1) CLIENTS' RIGHTS AND ADMINISTRATION.—A residential setting in which one or more community habilitation or supportive services are provided must meet the requirements of—

"(A) section 1927(c)(1) (relating to clients' rights), and

"(B) section 1927(d) (relating to administration and other matters),

in the same manner as such requirements apply to habilitation facilities under such section; except that, in applying the requirement of section 1927(d)(2) (relating to life safety code), the Secretary shall provide for the application of such life safety requirements (if any) that are appropriate to the residential setting.

"(2) DISCLOSURE OF OWNERSHIP AND CONTROL INTERESTS AND EXCLUSION OF REPEATED VIOLATORS.—A residential setting—

"(A) must disclose persons with an ownership or control interest (including such persons as defined in section 1124(a)(3)) in the setting, and

"(B) may not have, as a person with an ownership or control interest in the setting, any individual or person who has been excluded from participation in the program under this title or who has had such an ownership or control interest in one or more residential settings which have been found repeatedly to have provided care of substandard quality in the setting.

"(3) CONTINUATION OF ACTIVE TREATMENT FOR CERTAIN CLIENTS UPON CONVERSION FROM A HABILITATION FACILITY.—If part or all of a facility converts from an habilitation facility to a residential setting, each client who

was a resident of the portion of the facility so converted at the time of the conversion and who, under the client's individual program plan at such time, required continuous active treatment (as defined in section 1927(b)(2)(A)), the residential setting must continue to provide for (or arrange for the provision of) continuous active treatment (as so defined) so long as such client resides in the setting and continues to require such active treatment. Nothing in section 1902(a)(10)(B) shall be construed as requiring medical assistance made available under the previous sentence to be made available to individuals not described in such sentence.

"(4) DOCUMENTATION OF RECEIPT OF MEDICAL CARE SERVICES.—A residential setting must include, in the clinical records of each client, documentation of the provision of medical care services to the client. Nothing in this paragraph shall be construed as requiring a State to make available medical assistance under this title for all types or elements of medicare care services for such clients.

"(g) SURVEY AND CERTIFICATION PROCESS.—

"(1) RESPONSIBILITIES OF THE STATE.—

"(A) IN GENERAL.—Subject to paragraph (2), under each State plan under this title, the State shall be responsible for certifying the compliance of providers of community habilitation and supportive services, and of residential settings in which such services are provided, with the requirements of subsections (e) and (f).

"(B) EDUCATIONAL PROGRAM.—Each State shall conduct periodic educational programs for the staff and clients in residential settings in which community habilitation and supportive services are provided, and the parents (if the client is a minor) and legal guardians (if any) of such clients, in order to present current regulations, procedures, and policies under this section.

"(C) INVESTIGATION OF ALLEGATIONS OF CLIENT NEGLECT AND ABUSE AND MISAPPROPRIATION OF CLIENT PROPERTY.—The State shall provide, through the agency responsible for surveys and certification of providers of community habilitation and supportive services and residential settings under this subsection, for a process for the receipt, review, and investigation of allegations of client neglect and abuse (including injuries of unknown source) by personnel providing such services and of misappropriation of client property by such personnel. Such process shall provide for documentation of findings relating to such allegations with respect to an individual, for inclusion of any brief statement of the individual disputing such findings, and for inclusion, in any disclosure of such findings, of such brief statement (or of a clear and accurate summary thereof). The findings relating to such allegations shall be made available, on request, to the State protection and advocacy system established under part C of the Developmental Disabilities Assistance and Bill of Rights Act and to other appropriate agency or agencies with whom a client, parent, or guardian may file a complaint respecting client abuse and neglect and misappropriation of client property.

"(D) CONSTRUCTION.—The failure of the Secretary to issue regulations to carry out this subsection shall not relieve a State of its responsibility under this subsection.

"(2) RESPONSIBILITIES OF THE SECRETARY.—The Secretary shall be responsible for certifying the compliance of State providers of community habilitation and supportive services, and of State residential settings in which such services are provided, with the requirements of subsections (e) and (f).

"(3) FREQUENCY OF CERTIFICATIONS.—Certification of providers and settings under this subsection shall occur no less frequently than once every 12 months.

"(4) SURVEYS AND REVIEWS.—

"(A) SURVEYS OF RESIDENTIAL SETTINGS.—The certification under this subsection with respect to a setting must be based on a survey. Such survey for a residential setting must be conducted without prior notice to the setting. Any individual who notifies (or causes to be notified) a residential setting of the time or date on which such a survey is scheduled to be conducted is subject to a civil money penalty of not to exceed $2,000. The provisions of section 1128A (other than subsections (a) and (b)) shall apply to a civil money penalty under the previous sentence in the same manner as such provisions apply to a penalty or proceeding under section 1128A(a). The Secretary shall review each State's procedures for scheduling and conduct such surveys to assure that the State has taken all reasonable steps to avoid giving notice of such a survey through the scheduling procedures and the conduct of the surveys themselves.

"(B) SURVEY PROTOCOL.—Surveys under this paragraph shall be conducted upon a protocol which the Secretary has provided for under subsection (i).

"(C) PROHIBITION OF CONFLICT OF INTEREST IN SURVEY TEAM MEMBERSHIP.—A State and the Secretary may not use as a member of a survey team under this paragraph an individual who is serving (or has served within the previous 2 years) as a member of the staff of, or as a consultant to, the provider or residential setting being surveyed (or the person responsible for such setting) respecting compliance with the requirements of subsections (e) and (f) or who has a personal or familial financial interest in the provider or setting being surveyed.

"(D) TRAINING REQUIRED.—No individual shall serve on or after January 1, 1992, as a member of a survey team under this paragraph or paragraph (5) unless the individual has successfully completed a training and testing program in survey and certification techniques that has been approved by the Secretary under subsection (i)(3).

"(E) REVIEWS OF PROVIDERS.—The certification under this subsection with respect to a provider (other than with respect to a residential setting) must be based on a periodic review of the provider's performance.

"(5) VALIDATION SURVEYS AND REVIEWS.—

"(A) IN GENERAL.—The Secretary shall conduct onsite surveys of a representative sample of residential settings in each State, within 2 months of the date of surveys conducted under paragraph (4) by the State, in a sufficient number to allow inferences about the adequacies of each State's surveys conducted under paragraph (4). In conducting such surveys, the Secretary shall use the same survey protocols as the State is required to use under paragraph (4). If the State has determined that an individual setting meets the requirements of subsection (e) and (f), but the Secretary determines that the setting does not meet such requirements, the Secretary's determination as to the setting's noncompliance with such requirements is binding and supersedes that of the State survey.

"(B) SPECIAL SURVEYS AND REVIEWS OF COMPLIANCE.—Where the Secretary has reason to question the compliance of a provider or setting with any of the requirements of subsections (e) and (f), the Secretary may conduct a survey of the setting or a review of the provider and, on the basis of that survey or review, make independent and binding determinations concerning the extent to which the setting or provider meets such requirements.

"(6) INVESTIGATION OF COMPLAINTS AND MONITORING HABILITATION FACILITY COMPLIANCE.—Each State and the Secretary shall maintain procedures and adequate staff to investigate complaints of violations of requirements by providers of community habilitation and supportive services or by residential settings in which such services are provided.

"(7) DISCLOSURE OF RESULTS OF INSPECTIONS AND ACTIVITIES.—

"(A) PUBLIC INFORMATION.—Each State, and the Secretary, shall make available to the public—

"(i) information respecting all surveys, reviews, and certifications made under this subsection respecting providers and settings, including statements of deficiencies and plans of correction,

"(ii) copies of cost reports (if any) of such providers and settings filed under this title,

"(iii) copies of statements of ownership under section 1124, and

"(iv) information disclosed under section 1126.

"(B) NOTICE TO PROTECTION AND ADVOCACY SYSTEM.—Each State shall notify the agency responsible for the protection and advocacy system for developmentally disabled individuals established under part C of the Developmental Disabilities Assistance and Bill of Rights Act of the State's findings of noncompliance with any of the requirements of subsections (e) and (f) with respect to a provider or setting in the State.

"(C) NOTICE TO FAMILY.—If a State finds that a provider or setting has provided services of substandard quality, the State shall notify the parent (if the client is a minor), or legal guardian (if any) of each client with respect to which such finding is made.

"(D) ACCESS TO FRAUD CONTROL UNITS.—Each State shall provide its State medicaid fraud and abuse control unit (established under section 1903(q)) with access to all information of the State agency responsible for surveys, reviews, and certifications under this subsection.

"(h) ENFORCEMENT PROCESS.—

"(1) IN GENERAL.—If a State finds, on the basis of a survey or review under subsection (f)(2) or otherwise, that a provider of community habilitation and supportive services or a residential setting in which such services are provided no longer meets the requirements of this section, and further finds that the provider's or setting's deficiencies—

"(A) immediately jeopardize the health or safety of its clients, the State shall take immediate action to remove the jeopardy and correct the deficiencies through the remedy specified in paragraph (2)(A)(iii), or terminate the provider's or setting's participation under the State plan and may provide, in addition, for one or more of the other remedies described in paragraph (2); or

"(B) do not immediately jeopardize the health or safety of its clients, the State may—

"(i) terminate the provider's or setting's participation under the State plan,

"(ii) provide for one or more of the remedies described in paragraph (2), or

"(iii) do both;

but in any case in which the Secretary has not provided for a civil money penalty under paragraph (3)(C)(i), the State shall

provide for a civil money penalty under paragraph (2)(A)(i) for each day in which the State finds that the provider or setting was not in compliance with such requirements. Nothing in this paragraph shall be construed as restricting the remedies available to a State to remedy a provider's or setting's deficiencies. If the State finds that a provider or setting meets such requirements but, as of a previous period, did not meet such requirements, the State shall provide for a civil money penalty under subparagraph (C)(ii) for the days on which it finds that the provider or setting was not in compliance with such requirements.

"(2) SPECIFIED REMEDIES.—

"(A) LISTING.—Except as provided in subparagraph (B)(ii), each State shall establish by law (whether statute or regulation) at least the following remedies:

"(i) Denial of payment under the State plan with respect to any individual admitted to a residential setting involved after such notice to the public and to the setting as may be provided for by the State.

"(ii) A civil money penalty assessed and collected, with interest, for each day in which the provider or setting is or was out of compliance with a requirement of this section. Funds collected by a State as a result of imposition of such a penalty (or as a result of the imposition by the State of a civil money penalty for activities described in subsection (g)(4)(A)) shall be applied to the protection of the health or property of clients of providers of community habilitation and supportive services that the State or the Secretary finds deficient, including payment for the costs of relocation of clients, maintenance of operation of a provider pending correction of deficiencies or closure, and reimbursement of clients for personal funds lost.

"(iii) The appointment of temporary management to oversee the operation of a residential setting and to assure the health and safety of the setting's clients, where there is a need for temporary management while—

"(I) there is an orderly closure of the setting, or

"(II) improvements are made in order to bring the setting into compliance with all the requirements of this section.

The temporary management under this clause shall not be terminated under subclause (II) until the State has determined that the setting has the management capability to ensure continued compliance with all the requirements of this section.

"(iv) The authority, in the case of an emergency, to close a residential setting, to transfer clients in that setting to other settings, or both.

The State also shall specify criteria, as to when and how each of such remedies is to be applied, the amounts of any fines, and the severity of each of these remedies, to be used in the imposition of such remedies. Such criteria shall be designed so as to minimize the time between the identification of violations and final imposition of the remedies and shall provide for the imposition of incrementally more severe fines for repeated or uncorrected deficiencies. In addition, the State may provide for other specified remedies. No facility (public or private) providing Medicaid services for mentally retarded clients shall be subject to reduction or closure plans, other than for confirmed violations of approved standards, without prior review of such plans in a public hearing, conducted at least 6 months in advance of the submission of such plans, wherein full opportunity has been provided for staff, clients, parents, guardians, duly authorized representatives, and members of the public to express their views.

"(B) CLOSURE.—In the event that closure of a facility is determined, the State should provide advance notice of the proposed closure (90 days) to the staff, residents, their guardians, families, and duly authorized representatives. The State should assure that all residents being transferred are, in fact, being transferred or moved to a facility that is able to provide the required services and care. The facility should not be closed until all residents have been properly and satisfactorily located.

"(C) TRANSFER.—A facility may not transfer or discharge a client following prescribed procedures including advance notice to parents, guardians, or duly authorized representatives, until satisfactory arrangements have been made with the receiving facility and assurances have been obtained to the effect that the receiving facility is fully capable of providing the required care and services. In the event that the facility to which the client is transferred is unable to provide the required care and services, the client is to be returned to the transferring facility and retained at such facility until a satisfactory transfer is arranged.

"(D) DEADLINE AND GUIDANCE.—As a condition for approval of a State plan for calendar quarters beginning on or after January 1, 1990, each State shall establish the remedies described in clauses (i) through (iv) of subparagraph (A) by not later than January 1, 1990. The Secretary shall provide, through regulations or otherwise by not later than July 1, 1989, guidance to States in establishing such remedies; but the failure of the Secretary to provide such guidance shall not relieve a State of the responsibility for establishing such remedies.

"(E) ASSURING PROMPT COMPLIANCE.—If a residential setting has not complied with any of the requirements of this section within 3 months after the date the setting is found to be out of compliance with such requirements, the State shall impose the remedy described in subparagraph (A)(i) for all individuals who are admitted to the setting after such date.

"(F) FUNDING.—The reasonable expenditures of a State to provide for temporary management and other expenses associated with implementing the remedies described in clauses (iii) and (iv) of subparagraph (A) shall be considered, for purposes of section 1903(a)(7), to be necessary for the proper and efficient administration of the State plan.

"(3) SECRETARIAL AUTHORITY.—

"(A) FOR STATE PROVIDERS AND SETTINGS.—With respect to a State provider of community habilitation and supportive services and a State residential setting in which such services are provided, the Secretary shall have the authority and duties of a State under this subsection, including the authority to impose remedy described in clauses (i) and (ii) of paragraph (2)(A), except that the remedy described in subparagraph (C)(i) shall be substituted for the remedy described in paragraph (2)(A)(ii).

"(B) OTHER PROVIDERS AND SETTINGS.—With respect to any other provider of community habilitation and supportive services and any other residential setting in which such services are provided in a State, if the Secretary finds that a provider or setting no longer meets a requirement of this section and further finds that the provider's or setting's deficiencies—

"(i) immediately jeopardize the health or safety of its clients, the Secretary shall take immediate action to remove the jeopardy and correct the deficiencies through the remedy specified in subparagraph (C)(ii), or terminate the provider's or setting's participation under the State plan and may provide, in addition, for one or more of the other remedies described in subparagraph (C); or

"(ii) do not immediately jeopardize the health or safety of its clients, the Secretary may impose any of the remedies described in subparagraph (C);

but in any case the Secretary shall provide for a civil money penalty under paragraph (2)(A)(i) for each day in which the Secretary finds that the provider or setting was not in compliance with such requirements. Nothing in this subparagraph shall be construed as restricting the remedies available to the Secretary to remedy a provider's or setting's deficiencies. If the Secretary finds that a provider or setting meets such requirements but, as of a previous period, did not meet such requirements, the Secretary shall provide for a civil money penalty under subparagraph (C)(i) for the days on which he finds that the provider or setting was not in compliance with such requirements.

"(C) SPECIFIED REMEDIES.—If the Secretary finds that a provider or setting has not met an applicable requirement:

"(i) AUTHORITY WITH RESPECT TO CIVIL MONEY PENALTIES.—The Secretary shall impose a civil money penalty in an amount not to exceed $10,000 for each day of noncompliance. The provisions of section 1128A (other than subsections (a) and (b)) shall apply to a civil money penalty under the previous sentence in the same manner as such provisions apply to a penalty or proceeding under section 1128A(a).

"(ii) APPOINTMENT OF TEMPORARY MANAGEMENT.—In consultation with the State, the Secretary may appoint temporary management to oversee the operation of a residential setting and to assure the health and safety of the setting's clients, where there is a need for temporary management while—

"(I) there is an orderly closure of the setting, or

"(II) improvements are made in order to bring the setting into compliance with all the requirements of this section.

The temporary management under this clause shall not be terminated under subclause (II) until the Secretary has determined that the setting has the management capability to ensure continued compliance with all the requirements of this section. The Secretary shall specify criteria, as to when and how each of such remedies is to be applied, the amounts of any fines, and the severity of each of these remedies, to be used in the imposition of such remedies. Such criteria shall be designed so as to minimize the time between the identification of violations and final imposition of the remedies and shall provide for the imposition of incrementally more severe fines for repeated or uncorrected deficiencies.

"(4) EFFECTIVE PERIOD OF DENIAL OF PAYMENT.—A finding to deny payment under this subsection shall terminate when the State or Secretary (or both, as the case may be) finds that the provider or setting is in compliance with all the requirements of this section.

"(i) SECRETARIAL RESPONSIBILITIES.—

"(1) PUBLICATION OF INTERIM REQUIREMENTS.—

"(A) IN GENERAL.—The Secretary shall publish, by January 1, 1990, an interim reg-

ulation that sets forth interim requirements, consistent with subparagraph (B), for the provision of community habilitation and supportive services, including—

"(i) the requirements of subsection (b) (relating to objectives), of subsection (c) (relating to ISP's), of subsection (d) (relating to comprehensive functional assessments), and of subsection (f) (relating to residential settings), and

"(ii) survey protocols (for use under subsection (g)) which relate to such requirements.

"(B) MINIMUM PROTECTIONS.—Interim requirements under subparagraph (A) and final requirements under paragraph (2) shall assure, through methods other than reliance on State licensure processes, that—

"(i) individuals receiving community habilitation and supportive services are protected from neglect, physical and sexual abuse, and financial exploitation;

"(ii) individuals or entities delivering such services are not unjustly enriched as a result of abusive financial arrangements (such as owner lease-backs); and

"(iii) individuals or entities delivering such services to clients, or relatives of such individuals, are prohibited from being named beneficiaries of life insurance policies purchased by (or on behalf of) such clients.

"(2) DEVELOPMENT OF FINAL REQUIREMENTS.—The Secretary shall develop, by not later than October 1, 1991—

"(A) final requirements, consistent with paragraph (1)(B), respecting the provision of appropriate, quality community habilitation and supportive services under this title, and including at least the requirements referred to in paragraph (1)(A)(i), and

"(B) survey protocols and methods for evaluating and assuring the quality of such services.

The Secretary may, from time to time, revise such requirements, protocols, and methods.

"(3) APPROVAL OF TRAINING PROGRAMS.—The Secretary shall provide, by not later than October 1, 1990, for the approval of comprehensive training programs of State and Federal surveyors in the conduct of surveys under paragraphs (4) and (5) of subsection (g).

"(4) NO DELEGATION TO STATES.—The Secretary's authority under this subsection shall not be delegated to States.

"(5) NO PREVENTION OF MORE STRINGENT REQUIREMENTS BY STATES.—Nothing in this section shall be construed as preventing States from imposing requirements that are more stringent than the requirements published or developed by the Secretary under this subsection.

"(j) DENIAL OF PAYMENT FOR SUBSTANDARD SERVICES.—In order for payments to be made to a State under section 1903(a) for community habilitation and supportive services furnished on and after January 1, 1992, including such services furnished under section 1915(c) or 1905(a)(21)—

"(1) the State must apply the protocols and methods developed under subsection (i)(2) to such services, and

"(2) the State must provide that payment will not be made for such services if such protocols and methods indicate that such services are substandard.

"(k) NONDUPLICATION OF PAYMENTS.—Payments made to a habilitation facility for providing community habilitation or supportive services shall not include payment for any services for which payment is otherwise made under this title to such facility.".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply to community habilitation and supportive services furnished on or after January 1, 1990.

(c) WAIVER OF PAPERWORK REDUCTION, ETC.—Chapter 35 of title 44, United States Code, and Executive Order 12291 shall not apply to information and regulations required for purposes of carrying out this title and implementing the amendments made by this title.

SEC. 103. ELIMINATING PRIOR INSTITUTIONALIZATION REQUIREMENT UNDER WAIVER AUTHORITY.

(a) IN GENERAL.—Section 1915(c)(5) of the Social Security Act (42 U.S.C. 1396n(c)(5)) is amended by striking ", with respect to" and all that follows through "retarded".

(b) STATEMENT OF PURPOSE.—The purpose of this section is to provide that all mentally retarded persons, as defined in this Act, shall receive all rights, benefits, standards, protections, and enforcements, relative to community habilitative and supportive services on a nondiscriminatory basis, without regard to present or past association by the client with any public or private institution, skilled nursing facility, intermediate care facility, or intermediate care facility for the mentally retarded; or with any present or past receipt of "waiver" services provided under the terms of section 1915(c) of the Social Security Act.

(c) EFFECTIVE DATE.—The amendment made by this section with respect to waivers approved or renewed on or after the date of the enactment of this Act, without regard to whether or not final regulations to carry out such amendments have been promulgated by such date.

SEC. 104. ANNUAL REPORT.

The Secretary of Health and Human Services shall report to the Congress annually on the extent to which providers of community habilitation and supportive services and residential settings in which such services are provided are complying with the requirements of subsections (e) and (f) of section 1926 of the Social Security Act (as inserted by the amendments made by this title) and the number and type of enforcement actions taken by States and the Secretary under section 1926(h) of such Act (as inserted by this title).

TITLE II—QUALITY ASSURANCE FOR HABILITATION FACILITY SERVICES

SEC. 201. REQUIREMENTS FOR HABILITATION FACILITIES.

(a) SPECIFICATION OF FACILITY REQUIREMENTS.—Title XIX of the Social Security Act, as amended by section 303(a) of the Family Support Act of 1988 (Public Law 100-485) and as amended by section 101(b) of this Act, is amended by inserting after section 1926 the following new section:

"REQUIREMENTS FOR HABILITATION FACILITIES

"SEC. 1927. (a) HABILITATION FACILITY DEFINED.—In this title, the term 'habilitation facility' means an institution (or a distinct part of an institution) which—

"(1) is primarily engaged in providing to clients health or habilitation services to individuals with mental retardation or related condition, and is not primarily for the care and treatment of mental diseases; and

"(2) meets the requirements for an habilitation facility described in subsections (b), (c), and (d) of this section.

In this section, the term 'client' means an individual with mental retardation or a related condition.

"(b) REQUIREMENTS RELATING TO PROVISION OF SERVICES.—

"(1) QUALITY OF LIFE.—An habilitation facility must care for its clients in such a manner and in such an environment as will promote maintenance or enhancement of the quality of life, independence, productivity, and integration into the community of each client.

"(2) SCOPE OF SERVICES AND ACTIVITIES UNDER INDIVIDUAL PROGRAM PLAN.—

"(A) IN GENERAL.—An habilitation facility must provide each client, in accordance with an individual program plan, with continuous active treatment (as defined in subparagraph (B)) which is coordinated and monitored by a qualified mental retardation professional.

"(B) ACTIVE TREATMENT DEFINED.—In this section, the term 'active treatment' means services directed towards—

"(i) the acquisition of behaviors and skills necessary for the client to function with as much self determination, independence, productivity, and integration as possible, and

"(ii) the prevention or deceleration of regression or loss of current optimal functional status.

Such term does not include services to maintain generally independent clients who are able to function with little supervision or in the absence of a continuous active treatment program.

"(3) INDIVIDUAL PROGRAM PLAN.—

"(A) DEVELOPMENT OF IPPS.—

"(i) IN GENERAL.—An habilitation facility must develop (or provide for the development of), not later than 30 days after the date of admission of each client, an individual program plan (in this section referred to as an 'IPP') which states specific objectives necessary to meet the client's needs, as identified in the comprehensive functional assessment conducted under paragraph (4).

"(ii) PREPARATION BY AN INTERDISCIPLINARY TEAM.—Each IPP shall be prepared by an appropriate interdisciplinary team and shall be periodically reviewed and revised by such a team after each assessment under paragraph (4). Such team shall include, in the case of a client who has a seizure disorder, a professional with expertise in the diagnosis and treatment of seizure disorders. Such team shall include, in the case of an IPP which provides for physical or chemical restraints, a person who has expertise in positive behavioral interventions.

"(iii) REQUIRED PARTICIPATION IN DEVELOPMENT OF IPP.—In developing an IPP for a client, the facility shall notify, and provide for and encourage the participation of, the client, the client's parents (if the client is a minor), and the client's legal guardian (if any).

"(iv) PERMISSIVE PARTICIPATION OF PARENTS OF ADULT CLIENTS.—A parent (if the client is not a minor) who is not a legal guardian of the client may participate in developing the IPP unless the client has objected to the parent's participation.

"(B) AVAILABILITY.—A copy of each IPP must, consistent with subsection (c)(1)(A)(iv), be made accessible to all relevant staff, including staffs of other agencies who work with the client, and to the client's parents and legal guardian (if any).

"(C) MEDICAL CARE PLAN.—The IPP shall include a formalized plan for the provision of physician, licensed nursing care, and related medical care services if the client's physician determines that the client requires such a plan.

"(4) COMPREHENSIVE FUNCTIONAL ASSESSMENT.—

"(A) REQUIREMENT.—An habilitation facility must provide for comprehensive functional assessments, and review of such assessments, of each client by an interdisciplinary team. Such an assessment and review must identify each client's developmental and behavioral management needs.

"(B) FREQUENCY.—

"(i) ASSESSMENTS.—Such an assessment must be conducted promptly upon (but no later than 30 days after the date of) admission for each individual admitted on or after January 1, 1991, and by not later than January 1, 1992, for each client of the facility on that date.

"(ii) REVIEWS.—A review of each such assessment shall be performed in no case less often than once every 12 months.

"(C) USE.—The results of such an assessment or review shall be used in developing, reviewing, and revising the client's IPP under paragraph (3).

"(D) REQUIREMENTS RELATING TO PREADMISSION SCREENING FOR INDIVIDUALS WITH MENTAL RETARDATION OR RELATED CONDITION.—An habilitation facility must not admit, on or after January 1, 1991, any new client who is an individual with mental retardation or related condition (as defined in section 1905(m)) unless the State mental retardation or developmental disability authority has determined prior to admission, based on an independent evaluation performed by a person or entity other than the facility, that the individual requires the level of services provided by an habilitation facility.

"(5) PROVISION OF SERVICES AND ACTIVITIES.—

"(A) IN GENERAL.—To the extent needed to fulfill all IPPs described in paragraph (3), an habilitation facility must provide (or arrange for the provision of)—

"(i) physician services 24 hours a day;

"(ii) annual physical examinations (including vision and hearing examination, routine immunizations and tuberculosis control, and routine laboratory examinations);

"(iii) licensed nursing services sufficient to meet health needs of clients;

"(iv) comprehensive dental diagnostic services, including—

"(I) a complete extraoral and intraoral examination, not later than one month after the date of admission to the facility (unless such an examination was completed within 12 months before admission), and

"(II) periodic examination and diagnosis performed at least annually;

"(v) comprehensive dental treatment services, including—

"(I) provision of emergency dental treatment on a 24-hour-a-day basis by a licensed dentist, and

"(II) dental care needed for relief of pain and infections, restoration of teeth, and maintenance of dental health;

"(vi) routine and emergency drugs and biologicals for clients and procedures that assure the accurate acquiring, receiving, dispensing, and administering of all drugs and biologicals;

"(vii) professional program services needed to implement the active treatment plan defined in each client's IPP; and

"(viii) meal services, including at least 3 meals daily, and food and nutrition services that assure that the meals meet the daily nutritional and special dietary needs of each client.

The services provided or arranged by the facility must meet professional standards of quality. The facility may, to the extent permitted by State law, utilize physician assistants and nurse practitioners to provide services described in clauses (i) and (ii).

"(B) QUALIFIED PERSONS PROVIDING SERVICES.—Services described in subparagraph (A) must be provided by qualified persons in accordance with each client's IPP.

"(C) FACILITY STAFFING.—

"(i) IN GENERAL.—An habilitation facility must have, or arrange for the provision of, sufficient direct care staff to meet the needs of clients at the facility.

"(ii) NO DEPENDENCE ON VOLUNTEERS.—An habilitation facility may not use a client or volunteer to meet the requirements of this subparagraph.

"(iii) NO USE OF CERTAIN INDIVIDUALS.—An habilitation facility may not use individuals in the facility who have been convicted of child or client abuse, neglect, or mistreatment. The facility must take all reasonable steps to determine whether applicants for employment at the facility have histories indicating involvement in child or client abuse, neglect, or mistreatment and, if an applicant has such a history, not to use the applicant in the facility.

"(6) PHYSICIAN SUPERVISION.—An habilitation facility must—

"(A) require that the health care of every client be provided under the supervision of a physician; and

"(B) provide for having a physician available to furnish necessary medical care in case of emergency.

"(7) RECORDS.—An habilitation facility must maintain records on all clients, which records include clinical records, IPPs (described in paragraph (3)), and the clients' comprehensive functional assessments (described in paragraph (4)), as well as the findings of any preadmission screen.

"(c) REQUIREMENTS RELATING TO CLIENTS' RIGHTS.—

"(1) GENERAL RIGHTS.—

"(A) SPECIFIED RIGHTS.—An habilitation facility must protect and promote the rights of each client, including each of the following rights:

"(i) FREE FROM ABUSE.—The right to be free from physical, verbal, sexual, or psychological abuse, corporal or psychological punishment, aversive stimuli, and involuntary seclusion.

"(ii) FREE FROM RESTRAINTS.—The right to be free from any physical or chemical restraints imposed for purposes of discipline or convenience of the staff or as a substitute for active treatment and not required to treat the client's medical symptoms. Restraints may only be imposed, in accordance with written policies and procedures as an integral part of the IPP to manage inappropriate client behavior, but only upon a recent showing, in the client's record, that less intrusive or more positive techniques have been tried, used appropriately, and proved unsuccessful.

"(iii) PRIVACY.—The right to privacy with regard to accommodations, medical treatment, written and telephonic communications, visits, and meetings of family and friends and of client groups.

"(iv) CONFIDENTIALITY.—The right to confidentiality of personal and clinical records.

"(v) ACCOMMODATION OF NEEDS.—The right—

"(I) to reside and receive services with reasonable accommodations of individual needs and preferences (including the right to retain and use personal possessions and clothing), except where the health or safety of the individual or other clients would be endangered, and

"(II) to receive adequate notice and explanation of the reasons therefor before the room or roommate of the client in the facility is changed and, other than in extraordinary circumstances, to disapprove such a change.

"(vi) DIGNITY.—The right to be treated with dignity in a manner consistent with the client's chronological age.

"(vii) GRIEVANCES.—The right to voice grievances with respect to treatment or care that is (or fails to be) furnished, without discrimination or reprisal (or threat of discrimination or reprisal) for voicing the grievances and the right to prompt efforts by the facility to resolve grievances the client may have, including those with respect to the behavior of other clients.

"(viii) PARTICIPATION IN CLIENT AND FAMILY GROUPS.—The right of the client to organize and participate in client groups in the facility and the right of the client's family to meet in the facility with the families of other clients in the facility. Nothing in this clause shall be construed as requiring a facility to provide for a room specifically designed to accommodate meetings under this clause.

"(ix) PARTICIPATION IN OTHER ACTIVITIES.—The right of the client to participate in social, religious, and community activities that do not interfere with the rights of other clients in the facility.

"(x) EXAMINATION OF SURVEY RESULTS.—The right to examine, upon reasonable request, the results of the most recent survey of the facility conducted by the Secretary or a State with respect to the facility and any plan of correction in effect with respect to the facility.

"(xi) FREE CHOICE WITH RESPECT TO MEDICAL CARE AND TREATMENT.—The right to choose a personal attending physician and to choose a qualified mental retardation professional or case manager, to be fully informed in advance about care and treatment, to be fully informed in advance of any changes in care or treatment that may affect the client's well-being, and to participate in planning care and treatment or changes in such care and treatment.

"(xii) VOLUNTARY SERVICES.—The right not to be compelled to perform services for the facility and, if the client chooses to perform such services, to be compensated for such services at prevailing wages commensurate with the client's productivity.

"(xiii) OTHER RIGHTS.—Any other right established by the Secretary.

Clause (v) shall not be construed as requiring the provision of a private room.

"(B) NOTICE OF RIGHTS.—A habilitation facility must—

"(i) inform each client, parent (if the client is a minor), or legal guardian (if any), orally and in writing at the time of admission to the facility, of the client's legal rights during the stay at the facility; and

"(ii) make available to each client, parent (if the client is a minor), or legal guardian (if any), upon reasonable request, a written statement of such rights (which statement is updated upon changes in such rights).

The written description of legal rights under this subparagraph shall include a description of the protection of personal funds under paragraph (6) and the mailing address, contact person, and telephone number of the State protection and advocacy system (established under part C of the Developmental Disabilities Assistance and Bill of Rights Act) or other appropriate agency with whom the client, parent, or guardian may file a complaint respecting

client abuse and neglect and misappropriation of client property in the facility.

"(C) RIGHTS OF INCOMPETENT CLIENTS.—In the case of a client adjudged incompetent under the laws of a State, the rights of the client under this title shall devolve upon, and, to the extent judged necessary by a court of competent jurisdiction, be exercised by, a person appointed under State law to act on the client's behalf. For purposes of the previous sentence, the term 'person' includes an organization which is independent of a facility.

"(D) USE OF PSYCHOPHARMACOLOGIC DRUGS.—Psychopharmacologic drugs may be administered only on the orders of a physician and only as an integral part of a plan (included in the IPP) designed to eliminate or modify the symptoms or behaviors for which the drugs are prescribed and only if, at least annually, an independent, external consultant trained in the administration and interaction of psychopharmacologic drugs reviews the appropriateness of the drug plan of each client receiving such drugs.

"(2) TRANSFER AND DISCHARGE RIGHTS.—

"(A) IN GENERAL.—A habilitation facility must permit each client to remain in the facility and must not transfer or discharge the client from the facility unless—

"(i) the transfer or discharge is necessary to meet the client's welfare and the client's welfare cannot be met in the facility in the opinion of a qualified case manager, operating independently of the interests of any service provider;

"(ii) the transfer or discharge is appropriate because the client no longer requires continuous active treatment;

"(iii) the safety of individuals in the facility is endangered;

"(iv) the health of individuals in the facility would otherwise be endangered; or

"(v) the facility ceases to operate or the transfer or discharge is pursuant to a court order or under a reduction plan approved by the Secretary under subsection (i).

In each of the cases described in clauses (i) through (iv), the basis for the transfer or discharge must be documented in the client's clinical record. In the cases described in clauses (i) and (ii), the documentation must be made by a qualified mental retardation professional, with the concurrence of the Interdisciplinary Team and in the cases described in clause (iv) the documentation must be made by a physician. A facility may not transfer or discharge a client under clause (i) or (ii) unless the service needs of the client recommended under subparagraph (C)(ii) will be met in the client's new living environment. A facility may not transfer or discharge a client under clause (iii) or (iv) unless adequate arrangements have been made for an alternative placement.

"(B) PRETRANSFER AND PREDISCHARGE NOTICE.—

"(i) IN GENERAL.—Before effecting a transfer or discharge of a client (including such a transfer or discharge under a reduction plan under subsection (i)), a habilitation facility must—

"(I) notify the client, parent (if the client is a minor), or legal guardian (if any) of the transfer or discharge and the reasons therefor.

"(II) record the reasons in the client's clinical record (including any documentation required under subparagraph (A)), and

"(III) include in the notice the items described in clause (iii).

"(ii) TIMING OF NOTICE.—The notice under clause (i)(I) must be made at least 60 days in advance of the client's transfer or discharge except—

"(I) in a case described in clause (iii) or (iv) of subparagraph (A);

"(II) in a case described in clause (i) of subparagraph (A), where a more immediate transfer or discharge is necessitated by the client's urgent medical needs; or

"(III) in a case where a client has not resided in the facility for 60 days.

In the case of such exceptions, notice must be given as many days before the date of the transfer or discharge as is practicable.

"(iii) ITEMS INCLUDED IN NOTICE.—Each notice under clause (i) must include—

"(I) for transfers or discharges effected on or after January 1, 1991, notice of the client's right to appeal the transfer or discharge under the State process established under subsection (e)(5)(B); and

"(II) in the case of clients with developmental disabilities, the mailing address, contact person, and telephone number of the agency responsible for the protection and advocacy system for developmentally disabled individuals established under part C of the Developmental Disabilities Assistance and Bill of Rights Act.

"(C) SUMMARY, POST-DISCHARGE PLAN, AND ORIENTATION.—If a client is to be either transferred or discharged (including such a transfer or discharge under a reduction plan under subsection (i)), the facility must—

"(i) provide a final summary of the client's developmental, behavioral, social, health, and nutritional status and skills at the time for the discharge that is available for release to authorized persons and agencies, with the consent of the client, parent (if the client is a minor), or legal guardian (if any),

"(ii) provide recommendations relating to the service needs of the client in the client's new living environment; and

"(iii) provide the client with sufficient preparation and orientation (taking into account the client's length of stay at the facility) to ensure safe and orderly transfer or discharge from the facility.

"(3) ACCESS AND VISITATION RIGHTS.—A habilitation facility must—

"(A) permit immediate access to any client by any representative of the Secretary, by any representative of the State, by the protection and advocacy system described in paragraph (2)(B)(iii)(II), or by the client's physician or qualified mental retardation professional;

"(B) permit immediate access to a client, subject to the client's right to deny or withdraw consent at any time, by immediate family or other relatives of the client;

"(C) permit immediate access to a client, subject to reasonable restrictions and the client's right to deny or withdraw consent at any time, by others who are visiting with the consent of the client;

"(D) permit reasonable access to a client by any other entity or individual that provides health, social, legal, or other services to the client or that is a friend of the client, subject to the right of the client, parent (if the client is a minor), or legal guardian (if any) to deny or withdraw consent at any time;

"(E) permit representatives of the State protection and advocacy system (described in paragraph (2)(B)(iii)(II)), with the permission of the client, parent (if the client is a minor), or legal guardian (if any) and consistent with State law, to examine a client's records; and

"(F) permit representatives of such State protection and advocacy system to have access to any client and to examine the client's records, in the case of any client—

"(i) who, by reason of the client's mental or physical condition, is unable to authorize such examination,

"(ii) who does not have a legal guardian, conservator, or other legal representative, or for whom the legal guardian is the State, and

"(iii) with respect to whom a complaint has been received by such system or with respect to whom there is probable cause to believe that such client has been subject to abuse and neglect.

"(4) EQUAL ACCESS TO QUALITY CARE.—An habilitation facility must establish and maintain identical policies and practices regarding the admission, transfer, and discharge of, and the provision of services required under the State plan for, all individuals regardless of source of payment.

"(5) ADMISSIONS POLICY.—With respect to admissions practices, an habilitation facility must—

"(A)(i) not require individuals applying to reside or residing in the facility to waive their rights to benefits under this title, (ii) not require oral or written assurance that such individuals are not eligible for, or will not apply for, benefits under this title, and (iii) provide to such individuals (and their representatives) oral and written information about how to apply for and use such benefits and how to receive refunds for previous payments covered by such benefits;

"(B) not require a third party guarantee of payment to the facility as a condition of admission (or expedited admission) to, or continued stay in, the facility; and

"(C) in the case of an individual who is entitled to medical assistance for habilitation facility services, not charge, solicit, accept, or receive, in addition to any amount otherwise required to be paid under the State plan under this title, any gift, money, donation, or other consideration as a precondition of admitting (or expediting the admission of) the individual to the facility or as a requirement for the individual's continued stay in the facility.

"(6) MANAGEMENT OF CLIENT FUNDS.—

"(A) IN GENERAL.—The habilitation facility—

"(i) whether or not a client deposits personal funds with the facility, must allow individual clients to manage their financial affairs and teach them to do so to the extent of their capabilities, and

"(ii) upon the written authorization of the client, parent (if the client is a minor), or legal guardian (if any), must hold, safeguard, and account for such personal funds under a system established and maintained by the facility in accordance with this paragraph.

"(B) FACILITY MANAGEMENT OF PERSONAL FUNDS.—Upon a facility's acceptance of written authorization under subparagraph (A)(ii), the facility must manage and account for the personal funds of the client deposited with the facility as follows:

"(i) DEPOSIT.—The facility must deposit any amount of personal funds in excess of $50 with respect to a client in an interest bearing account (or accounts) that is separate from any of the facility's operating accounts and credit all interest earned on such separate account to such account. With respect to any other personal funds, the facility must maintain such funds in a noninterest bearing account or petty cash fund.

"(ii) ACCOUNTING AND RECORDS.—The facility must assure a full and complete separate accounting of each such client's personal

funds, maintain a written record of all financial transactions involving the personal funds of a client deposited with the facility, and afford the client, parent (if the client is a minor), or legal guardian (if any) reasonable access to such record.

"(iii) NOTICE OF CERTAIN BALANCES.—The facility must notify each client receiving medical assistance under this title or the parent (if the client is a minor) or legal guardian (if any), when the amount in the client's account reaches $200 less than the dollar amount determined under section 1611(a)(3)(B) and the fact that if the amount in the account (in addition to the value of the client's other nonexempt resources) reaches the amount determined under such section the client may lose eligibility for such medical assistance or for benefits under title XVI.

"(iv) CONVEYANCE UPON DEATH.—Upon the death of a client with such an account, the facility must convey promptly the client's personal funds (and a final accounting of such funds) to the individual administering the client's estate.

"(C) ASSURANCE OF FINANCIAL SECURITY.—The facility must purchase a surety bond, or otherwise provide assurance satisfactory to the Secretary, to assure the security of all personal funds of clients deposited with the facility. In addition, the chairperson of the governing body of the facility, and the chairperson of any committee or organization representing the clients, and their parents and guardians, shall promptly be notified as to the content of any allegations and associated reports.

"(D) LIMITATION ON CHARGES TO PERSONAL FUNDS.—The facility may not impose a charge against the personal funds of a client for any item or service for which payment is made under this title.

"(E) NO FACILITY BORROWING OF PERSONAL FUNDS.—The facility may not borrow, or use as security for any indebtedness, personal funds deposited with the facility.

"(d) REQUIREMENTS RELATING TO ADMINISTRATION AND OTHER MATTERS.—

"(1) ADMINISTRATION.—An habilitation facility must be administered in a manner that enables it to use its resources effectively and efficiently to promote maintenance or enhancement of the quality of life, independence, productivity, and integration into the community of each client.

"(2) LICENSING AND LIFE SAFETY CODE.—

"(A) LICENSING.—An habilitation facility must be licensed under applicable State and local law.

"(B) LIFE SAFETY CODE.—An habilitation facility must meet such provisions of such edition (as specified by the Secretary in regulation) of the Life Safety Code of the National Fire Protection Association as are applicable to health care occupancies or residential board and care occupancies; except that—

"(i) the Secretary may waive, for such periods as he deems appropriate, specific provisions of such Code which if rigidly applied would result in unreasonable hardship upon a facility, but only if such waiver would not adversely affect the health and safety of clients or personnel, and

"(ii) the provisions of such Code shall not apply in any State if the Secretary finds that in such State there is in effect a fire and safety code, imposed by State law, which adequately protects clients of and personnel in habilitation facilities.

"(3) SANITATION AND INFECTION CONTROL AND PHYSICAL ENVIRONMENT.—An habilitation facility must—

"(A) establish and maintain an infection control program designed to provide a safe, sanitary, and comfortable environment in which clients reside and to help prevent the development and transmission of disease and infection, and

"(B) be designed, constructed, equipped, and maintained in a manner to protect the health and safety of clients, personnel, and the general public.

"(4) MISCELLANEOUS.—

"(A) COMPLIANCE WITH FEDERAL, STATE, AND LOCAL LAWS AND PROFESSIONAL STANDARDS.—An habilitation facility must operate and provide services in compliance with all applicable Federal, State, and local laws and regulations (including the requirements of section 1124) and with accepted professional standards and principles which apply to professionals providing services in such a facility.

"(B) OTHER.—An habilitation facility must meet such other requirements relating to the health and safety of clients or relating to the physical facilities thereof as the Secretary may find necessary.".

(c) STATE REQUIREMENT FOR PREADMISSION SCREENING AND CLIENT REVIEW.—For State requirement for preadmission screening and client review, see the amendment made by section 301 of this Act.

(d) FEDERAL RESPONSIBILITIES.—Section 1927 of such Act is amended by adding at the end the following new subsection:

"(f) RESPONSIBILITIES OF SECRETARY RELATING TO HABILITATION FACILITY REQUIREMENTS.—

"(1) GENERAL RESPONSIBILITY.—It is the duty and responsibility of the Secretary to assure that requirements which govern the provision of care in habilitation facilities under State plans approved under this title, and the enforcement of such requirements, are adequate to protect the health, safety, welfare, and rights of clients and to promote the effective and efficient use of public moneys.

"(2) OPERATIONAL DEFINITION OF CONTINUOUS ACTIVE TREATMENT.—The Secretary shall establish, by not later than January 1, 1991, an operational definition of continuous active treatment that promotes a consistent assessment of whether an habilitation facility is in compliance with the requirements of subsection (b)(2)(A).

"(3) FEDERAL GUIDELINES FOR STATE APPEALS PROCESS FOR TRANSFERS AND DISCHARGES.—For purposes of subsections (c)(2)(B)(iii) and (e)(5)(B), by not later than July 1, 1990, the Secretary shall establish guidelines for minimum standards which State appeals processes under subsection (e)(5)(B) must meet to provide a fair mechanism for hearing appeals on transfers and discharges of clients from habilitation facilities. The guidelines shall provide, upon the request of a client, parent (if the client is a minor), or legal guardian (if any), for the participation of a representative of the State protection and advocacy system (described in subsection (c)(2)(B)(iii)(II)) in the appeals process with respect to that client.

"(4) CRITERIA FOR ADMINISTRATION.—The Secretary shall establish criteria for assessing an habilitation facility's compliance with the requirement of subsection (d)(1) with respect to—

"(A) its governing body and management,

"(B) disaster preparedness,

"(C) laboratory and radiological services (if provided),

"(D) clinical records, and

"(E) client and advocate participation.".

(b) INCORPORATING REQUIREMENTS INTO STATE PLAN.—Section 1902(a) of such Act (42 U.S.C. 1396a(a)) is amended—

(1) in paragraph (13)(A), by inserting "which, in the case of habilitation facilities, take into account the costs of complying with subsections (b) (other than paragraph (4)(D)), (c), and (d) of section 1927," after "State" the second place it appears; and

(2) in paragraph (28), by striking "and" at the end of subparagraph (C) and by adding at the end the following new subparagraphs:

"(E) that any habilitation facility receiving payments under such plan must satisfy all the requirements of subsections (b) through (d) of section 1927 as they apply to such facilities; and

"(F) for compliance (by the date specified in the respective sections) with the requirements of—

"(i) section 1927(e) (relating to preadmission screening and client review);

"(ii) section 1927(g) (relating to responsibility for survey and certification of habilitation facilities); and

"(iii) sections 1927(h)(2)(B) and 1927(h)(2)(D) (relating to establishment and application of remedies);".

(c) REVISION OF PREVIOUS DEFINITION.—Subsection (d) of section 1905 of such Act (42 U.S.C. 1396d) is amended to read as follows:

"(d) For definition of the term 'habilitation facility', see section 1927(a).".

(d) CONFORMING AMENDMENTS.—(1) Section 1902 of such Act (42 U.S.C. 1396a) is amended—

(A) in subsections (a)(10)(A)(ii)(VI), (a)(10)(C)(iv), (a)(13), (a)(30)(B), and (e)(3)(B)(i), by striking "intermediate care facility for the mentally retarded" each place it appears and inserting "habilitation facility";

(B) in subsections (a)(13)(C), by striking "intermediate care facilities for the mentally retarded" and inserting "habilitation facilities";

(C) in subsection (e)(9)(A)(iii), by striking ", nursing facility, or intermediate care facility for the mentally retarded" and inserting "or nursing facility"; and

(D) in subsection (e)(9)(B), by striking ", nursing facilities, or intermediate care facilities for the mentally retarded" and inserting "or nursing facilities".

(2) Section 1905 of such Act (42 U.S.C. 1396d) is amended—

(A) in subsection (a)(15), by striking "intermediate care facility for the mentally retarded" and inserting "habilitation facility", and

(B) in subsection (a)(15), by striking "section 1902(a)(31)(A)" and inserting "section 1927(e)".

(3) Section 1915(c) of such Act (42 U.S.C. 1396n(c))—

(A) in paragraphs (1), (2)(C), (5), and (7)(B), by striking "intermediate care facility for the mentally retarded" each place it appears and inserting "habilitation facility",

(B) in paragraph (2)(B), by striking "intermediate care facility services for the mentally retarded" and "habilitation facility services", and

(C) in paragraph (7)(A), by striking "intermediate care facilities for the mentally retarded" and inserting "habilitation facilities".

(4) Section 1916 of such Act (42 U.S.C. 1396o) is amended, in subsections (a)(2)(C) and (b)(2)(C), by striking "intermediate care facility for the mentally retarded" and inserting "habilitation facility".

(5) Section 1917(a)(1)(B)(i) of such Act (42 U.S.C. 1396p(a)(1)(B)(i)) is amended by striking "intermediate care facility for the mentally retarded" and inserting "habilitation facility".

(6) Section 1128B of such Act (42 U.S.C. 1320a-7b) is amended, in subsections (c) and (d)(2)(A), by striking "intermediate care facility for the mentally retarded" and inserting "habilitation facility".

SEC. 202. SURVEY AND CERTIFICATION PROCESS.

Section 1927 of the Social Security Act, as inserted by section 201, is amended by adding at the end the following new subsection:

"(g) SURVEY AND CERTIFICATION PROCESS.—

"(1) STATE AND FEDERAL RESPONSIBILITY.—

"(A) IN GENERAL.—Under each State plan under this title, the State shall be responsible for certifying, in accordance with surveys conducted under paragraph (2), the compliance of habilitation facilities (other than facilities of the State) with the requirements of subsections (b), (c), and (d). The Secretary shall be responsible for certifying, in accordance with surveys conducted under paragraph (2), the compliance of State habilitation facilities with the requirements of such subsections.

"(B) EDUCATIONAL PROGRAM.—Each State shall conduct periodic educational programs for the staff and clients in habilitation facilities, and for the parents (if the client is a minor) and legal guardians (if any) of such clients, in order to present current regulations, procedures, and policies under this section.

"(C) INVESTIGATION OF ALLEGATIONS OF CLIENT NEGLECT AND ABUSE AND MISAPPROPRIATION OF CLIENT PROPERTY.—The State shall provide, through the agency responsible for surveys and certification of habilitation facilities under this subsection, for a process for the receipt, review, and investigation of allegations of client neglect and abuse (including injuries of unknown source) by staff and of misappropriation of client property by staff in an habilitation facility. Such process shall provide for documentation of findings relating to such allegations with respect to a staff member, for inclusion of any brief statement of the staff member disputing such findings, and for inclusion, in any disclosure of such findings, of such brief statement (or of a clear and accurate summary thereof). The findings relating to such allegations shall be made available, on request, to the State protection and advocacy system (described in subsection (c)(2)(B)(iii)(II)) and to other appropriate agency or agencies with whom a client, parent, or guardian may file a complaint respecting client abuse and neglect and misappropriation of client property in the facility. In addition, the chairperson of the governing body of the facility, and the chairperson of any committee or organization representing the clients, and their parents and guardians, shall promptly be notified as to the content of any allegations and associated reports.

"(D) CONSTRUCTION.—The failure of the Secretary to issue regulations to carry out this subsection shall not relieve a State of its responsibility under this subsection.

"(2) ANNUAL SURVEYS.—

"(A) IN GENERAL.—Each habilitation facility shall be subject to an annual survey, to be conducted without any prior notice to the facility. Any individual who notifies (or causes to be notified) an habilitation facility of the time or date on which such a survey is scheduled to be conducted is subject to a civil money penalty of not to exceed $2,000. The provisions of section 1128A (other than subsections (a) and (b)) shall apply to a civil money penalty under the previous sentence in the same manner as such provisions apply to a penalty or proceeding under section 1128A(a). The Secretary shall review each State's procedures for scheduling and conduct of annual surveys to assure that the State has taken all reasonable steps to avoid giving notice of such a survey through the scheduling procedures and the conduct of the surveys themselves.

"(B) CONTENTS.—Each annual survey shall include—

"(i) a review, based on a representative sample of clients and IPPs, of the quality, appropriateness, and effectiveness of active treatment provided, and

"(ii) a review of compliance with all requirements under this section.

"(C) FREQUENCY.—Each habilitation facility shall be subject to an annual survey not later than 15 months after the date of the previous annual survey conducted under this subparagraph. The Statewide average interval between annual surveys of habilitation facilities shall not exceed 12 months.

"(D) SURVEY PROTOCOL.—Annual surveys shall be conducted—

"(i) based upon a protocol which the Secretary has developed, tested, and validated by not later than October 1, 1990, and

"(ii) by individuals, of a survey team, who meet such minimum qualifications as the Secretary establishes by not later than such date.

The failure of the Secretary to develop, test, or validate such protocols or to establish such minimum qualifications shall not relieve any State of its responsibility (or the Secretary of the Secretary's responsibility) to conduct surveys under this subsection.

"(E) CONSISTENCY OF SURVEYS.—Each State shall implement programs to measure and reduce inconsistency in the application of survey results among surveyors.

"(F) SURVEY TEAMS.—

"(i) IN GENERAL.—Surveys under this subsection shall be conducted by a multidisciplinary team of professionals.

"(ii) PROHIBITION OF CONFLICTS OF INTEREST.—A State may not use as a member of a survey team under this subsection an individual who is serving (or has served within the previous 2 years) as a member of the staff of, or as a consultant to, the facility surveyed respecting compliance with the requirements of subsections (b), (c), and (d), or who has a personal or familial financial interest in the facility being surveyed.

"(iii) TRAINING.—The Secretary shall provide for the comprehensive training of State and Federal surveyors in the conduct of annual surveys under this subsection, including the auditing of client assessments and IPPs. No individual shall serve as a member of a survey team unless the individual has successfully completed a training and testing program in survey and certification techniques that has been approved by the Secretary.

"(3) VALIDATION SURVEYS.—

"(A) IN GENERAL.—The Secretary shall conduct onsite surveys of a representative sample of habilitation facilities in each State, within 2 months of the date of surveys conducted under paragraph (2) by the State, in a sufficient number to allow inferences about the adequacies of each State's surveys conducted under paragraph (2). In conducting such surveys, the Secretary shall use the same survey protocols as the State is required to use under paragraph (2). If the State has determined that an individual habilitation facility meets the requirements of subsections (b), (c), and (d), but the Secretary determines that the facility does not meet such requirements, the Secretary's determination as to the facility's noncompliance with such requirements is binding and supersedes that of the State survey.

"(B) REDUCTION IN ADMINISTRATIVE COSTS FOR SUBSTANDARD PERFORMANCE.—If the Secretary finds, on the basis of such surveys, that a State has failed to perform surveys as required under paragraph (2) or that a State's survey and certification performance otherwise is not adequate, the Secretary may provide for the training of survey teams in the State and shall provide for a reduction of the payment otherwise made to the State under section 1903(a)(2)(D) with respect to a quarter equal to 33 percent multiplied by a fraction, the denominator of which is equal to the total number of clients in habilitation facilities surveyed by the Secretary that quarter and the numerator of which is equal to the total number of clients in habilitation facilities which were found pursuant to such surveys to be not in compliance with any of the requirements of subsections (b), (c), and (d). A State that is dissatisfied with the Secretary's findings under this subparagraph may obtain reconsideration and review of the findings under section 1116 in the same manner as a State may seek reconsideration and review under that section of the Secretary's determination under section 1116(a)(1).

"(C) SPECIAL SURVEYS OF COMPLIANCE.—Where the Secretary has reason to question the compliance of an habilitation facility with any of the requirements of subsections (b), (c), and (d), the Secretary may conduct a survey of the facility and, on the basis of that survey, make independent and binding determinations concerning the extent to which the habilitation facility meets such requirements.

"(4) INVESTIGATION OF COMPLAINTS AND MONITORING HABILITATION FACILITY COMPLIANCE.—Each State and the Secretary shall maintain procedures and adequate staff to—

"(A) investigate complaints of violations of requirements by habilitation facilities, and

"(B) monitor, on-site, on a regular, as needed basis, an habilitation facility's compliance with the requirements of subsections (b), (c), and (d), if—

"(i) the facility has been found not to be in compliance with such requirements and is in the process of correcting deficiencies to achieve such compliance;

"(ii) the facility was previously found not to be in compliance with such requirements, has corrected deficiencies to achieve such compliance, and verification of continued compliance is indicated; or

"(iii) the State or the Secretary, respectively, has reason to question the compliance of the facility with such requirements.

"(5) DISCLOSURE OF RESULTS OF INSPECTIONS AND ACTIVITIES.—

"(A) PUBLIC INFORMATION.—Each State, and the Secretary, shall make available to the public—

"(i) information respecting all surveys and certifications made respecting habilitation facilities, including statements of deficiencies and plans of correction,

"(ii) copies of cost reports of such facilities filed under this title,

"(iii) copies of statements of ownership under section 1124, and

"(iv) information disclosed under section 1126.

"(B) NOTICE TO PROTECTION AND ADVOCACY SYSTEM.—Each State shall notify the agency responsible for the protection and advocacy system for developmentally disabled individuals established under part C of the Developmental Disabilities Assistance and Bill of Rights Act of the State's findings of noncompliance with any of the requirements of subsections (b), (c), and (d), with respect to an habilitation facility in the State.

"(C) NOTICE TO FAMILY.—If a State finds that an habilitation facility has provided services of substandard quality, the State shall notify the parent (if the client is a minor), or legal guardian (if any) of each client with respect to which such finding is made.

"(D) ACCESS TO FRAUD CONTROL UNITS.—Each State shall provide its State medicaid fraud and abuse control unit (established under section 1903(q)) with access to all information of the State agency responsible for surveys and certifications under this subsection.".

(b) REQUIRED POSTING OF SURVEY RESULTS.—Section 1927(d)(4) of such Act, as inserted by section 201 of this Act, is amended by adding at the end the following new subparagraph:

"(C) POSTING OF SURVEY RESULTS.—An habilitation facility must post in a place readily accessible to clients the results of the most recent survey of the facility conducted under subsection (g).".

SEC. 203. ENFORCEMENT PROCESS.

(a) IN GENERAL.—Section 1927 of the Social Security Act, as inserted by section 201 and amended by section 202, is further amended by adding at the end the following new subsection:

"(h) ENFORCEMENT PROCESS.—

"(1) IN GENERAL.—If a State finds, on the basis of an annual survey under subsection (g)(2) or otherwise, that an habilitation facility no longer meets a requirement of subsection (b), (c), or (d), and further finds that the facility's deficiencies—

"(A) immediately jeopardize the health or safety of its clients, the State shall take immediate action to remove the jeopardy and correct the deficiencies through the remedy specified in paragraph (2)(A)(iii), or terminate the facility's participation under the State plan and may provide, in addition, for one or more of the other remedies described in paragraph (2); or

"(B) do not immediately jeopardize the health or safety of its clients, the State may—

"(i) terminate the facility's participation under the State plan,

"(ii) provide for one or more of the remedies described in paragraph (2), or

"(iii) do both.

Nothing in this paragraph shall be construed as restricting the remedies available to a State to remedy an habilitation facility's deficiencies. If a State finds that an habilitation facility meets the requirements of subsections (b), (c), and (d), but, as of a previous period, did not meet such requirements, the State may provide for a civil money penalty under paragraph (2)(A)(ii) for the days in which it finds that the facility was not in compliance with such requirements.

"(2) SPECIFIED REMEDIES.—

"(A) LISTING.—Except as provided in subparagraph (B)(ii), each State shall establish by law (whether statute or regulation) at least the following remedies:

"(i) Denial of payment under the State plan with respect to any individual admitted to the habilitation facility involved after such notice to the public and to the facility as may be provided for by the State.

"(ii) A civil money penalty assessed and collected, with interest, for each day in which the facility is or was out of compliance with a requirement of subsection (b), (c), or (d). Funds collected by a State as a result of imposition of such a penalty (or as a result of the imposition by the State of a civil money penalty for activities described in subsection (g)(2)(A)) shall be applied to the protection of the health or property of clients of habilitation facilities that the State or the Secretary finds deficient, including payment for the costs of relocation of clients, maintenance of operation of a facility pending correction of deficiencies or closure, and reimbursement of clients for personal funds lost.

"(iii) In cases where a correction or reduction plan has not been approved under subsection (i), the appointment of temporary management to oversee the operation of the facility and to assure the health and safety of the facility's clients, where there is a need for temporary management while—

"(I) there is an orderly closure of the facility, or

"(II) improvements are made in order to bring the facility into compliance with all the requirements of subsections (b), (c), and (d).

The temporary management under this clause shall not be terminated under subclause (II) until the State has determined that the facility has the management capability to ensure continued compliance with all the requirements of subsections (b), (c), and (d).

"(iv) The authority, in the case of an emergency, to close the facility, to transfer clients in that facility to other facilities, or both.

The State also shall specify criteria, as to when and how each of such remedies is to be applied, the amounts of any fines, and the severity of each of these remedies, to be used in the imposition of such remedies. Such criteria shall be designed so as to minimize the time between the identification of violations and final imposition of the remedies and shall provide for the imposition of incrementally more severe fines for repeated or uncorrected deficiencies. In addition, the State may provide for other specified remedies, such as plans of correction and reduction plans under subsection (i).

"(B) DEADLINE AND GUIDANCE.—As a condition for approval of a State plan for calendar quarters beginning on or after January 1, 1991, each State shall establish the remedies described in clauses (i) through (iv) of subparagraph (A) by not later than January 1, 1991. The Secretary shall provide, through regulations or otherwise by not later than July 1, 1990, guidance to States in establishing such remedies; but the failure of the Secretary to provide such guidance shall not relieve a State of the responsibility for establishing such remedies.

"(C) ASSURING PROMPT COMPLIANCE.—If an habilitation facility has not complied with any of the requirements of subsections (b), (c), and (d), within 3 months after the date the facility is found to be out of compliance with such requirements, and a reduction plan has not been approved with respect to the facility under subsection (i), the State shall impose the remedy described in subparagraph (A)(ii) and the remedy described in subparagraph (A)(i) for all individuals who are admitted to the facility after such date.

"(D) REPEATED NONCOMPLIANCE.—In the case of an habilitation facility which, on 3 consecutive annual surveys conducted under subsection (g)(2), has been found not to provide continuous active treatment of adequate quality and effectiveness, the State shall (regardless of what other remedies are provided)—

"(i) impose the remedies described in clauses (i) and (ii) of subparagraph (A), and

"(ii) monitor the facility under subsection (g)(4)(B),

until the facility has demonstrated, to the satisfaction of the State, that it is in compliance with the requirements of subsections (b), (c), and (d), and that it will remain in compliance with such requirements. Under clause (i), the remedy described in subparagraph (A)(ii) shall be applied with respect to each day of noncompliance covered under any of such 3 annual surveys.

"(E) FUNDING.—The reasonable expenditures of a State to provide for temporary management and other expenses associated with implementing the remedies described in clauses (iii) and (iv) of subparagraph (A) shall be considered, for purposes of section 1903(a)(7), to be necessary for the proper and efficient administration of the State plan.

"(3) SECRETARIAL AUTHORITY.—

"(A) FOR STATE HABILITATION FACILITIES.—With respect to a State habilitation facility, the Secretary shall have the authority and duties of a State under this subsection, including the authority to impose remedies described in clauses (i), (ii), and (iii) of paragraph (2)(A), except that the remedy described in subparagraph (C)(ii) shall be substituted for the remedy described in paragraph (2)(A)(ii).

"(B) OTHER HABILITATION FACILITIES.—With respect to any other habilitation facility in a State, if the Secretary finds that an habilitation facility no longer meets a requirement of subsection (b), (c), or (d), and further finds that the facility's deficiencies—

"(i) immediately jeopardize the health or safety of its clients, the Secretary shall take immediate action to remove the jeopardy and correct the deficiencies through the remedy specified in subparagraph (C)(iii), or terminate the facility's participation under the State plan and may provide, in addition, for one or more of the other remedies described in subparagraph (C); or

"(ii) do not immediately jeopardize the health or safety of its clients, the Secretary may impose any of the remedies described in subparagraph (C).

Nothing in this subparagraph shall be construed as restricting the remedies available to the Secretary to remedy an habilitation facility's deficiencies. If the Secretary finds that an habilitation facility meets such requirements but, as of a previous period, did not meet such requirements, the Secretary may provide for a civil money penalty under subparagraph (C)(ii) for the days on which he finds that the facility was not in compliance with such requirements.

"(C) SPECIFIED REMEDIES.—The Secretary may take the following actions with respect to a finding that a facility has not met an applicable requirement:

"(i) DENIAL OF PAYMENT.—The Secretary may deny any further payments to the State for medical assistance furnished by the facility to all individuals in the facility or to individuals admitted to the facility after the effective date of the finding.

"(ii) AUTHORITY WITH RESPECT TO CIVIL MONEY PENALTIES.—The Secretary may impose a civil money penalty in an amount

not to exceed $10,000 for each day of noncompliance. The provisions of section 1128A (other than subsections (a) and (b)) shall apply to a civil money penalty under the previous sentence in the same manner as such provisions apply to a penalty or proceeding under section 1128A(a).

"(iii) APPOINTMENT OF TEMPORARY MANAGEMENT.—In consultation with the State, the Secretary may appoint temporary management to oversee the operation of the facility and to assure the health and safety of the facility's clients, where there is a need for temporary management while—

"(I) there is an orderly closure of the facility, or

"(II) improvements are made in order to bring the facility into compliance with all the requirements of subsections (b), (c), and (d).

The temporary management under this clause shall not be terminated under subclause (II) until the Secretary has determined that the facility has the management capability to ensure continued compliance with all the requirements of subsections (b), (c), and (d).

The Secretary shall specify criteria, as to when and how each of such remedies is to be applied, the amounts of any fines, and the severity of each of these remedies, to be used in the imposition of such remedies. Such criteria shall be designed so as to minimize the time between the identification of violations and final imposition of the remedies and shall provide for the imposition of incrementally more severe fines for repeated or uncorrected deficiencies.

"(D) CONTINUATION OF PAYMENTS PENDING REMEDIATION.—The Secretary may continue payments, over a period of not longer than 6 months, under this title with respect to an habilitation facility not in compliance with a requirement of subsection (b), (c), or (d), if—

"(i) the State survey agency finds that it is more appropriate to take alternative action to assure prompt compliance of the facility with the requirements than to terminate the certification of the facility,

"(ii) the State has submitted a plan and timetable for corrective action to the Secretary for approval and the Secretary approves the plan of corrective action, and

"(iii) the State agrees to repay to the Federal Government payments received under this subparagraph if the corrective action is not taken in accordance with the approved plan and timetable.

The Secretary shall establish guidelines for the approval of corrective actions requested by States under this subparagraph.

"(E) CONTINUATION OF PAYMENTS UNDER REDUCTION PLANS.—The Secretary may continue payments in the case of habilitation facilities under the terms and conditions of a reduction plan approved under subsection (i), but only with respect to services provided on or after the date of such approval.

"(4) EFFECTIVE PERIOD OF DENIAL OF PAYMENT.—A finding to deny payment under this subsection shall terminate when the State or Secretary (or both, as the case may be) finds that the facility is in compliance with all the requirements of subsections (b), (c), and (d).

"(5) IMMEDIATE TERMINATION OF PARTICIPATION FOR FACILITY WHERE STATE OR SECRETARY FINDS NONCOMPLIANCE AND IMMEDIATE JEOPARDY.—If either the State or the Secretary finds that an habilitation facility has not met a requirement of subsection (b), (c), or (d), and finds that the failure immediately jeopardizes the health or safety of its clients, the State or the Secretary—

"(A) shall notify the other of such finding, and

"(B) shall take immediate action to remove the jeopardy and correct the deficiencies through the remedy specified in paragraph (2)(A)(iii) or (3)(C)(iii), or terminate the facility's participation under the State plan.

If the facility's participation in the State plan is terminated by either the State or the Secretary, the State shall provide for the safe and orderly transfer of the clients eligible under the State plan consistent with the requirements of subsection (c)(2).

"(6) SHARING OF INFORMATION.—Notwithstanding any other provision of law, all information concerning habilitation facilities required by this section to be filed with the Secretary or a State agency shall be made available to Federal or State employees for purposes consistent with the effective administration of programs established under this title, including investigations by State medicaid fraud control units.

"(i) REDUCTION PLANS.—

"(1) IN GENERAL.—If there is a finding under subsection (h)(1)(B) (including a similar finding under subsection (h)(3)(A)) or (h)(3)(B)(ii) that an habilitation facility has any deficiency that does not immediately jeopardize the health or safety of its clients, the State may elect in accordance with this subsection to submit to the Secretary a written plan—

"(A) for permanently reducing the number of certified beds, within 36 months of the date of the findings, so that, by the end of such period, the facility no longer has such deficiency, and

"(B) for providing services to clients of the facility who will not continue to receive habilitation facility services at the affected facility after such reduction, including (for clients not in an habilitation facility) community habilitation and supportive services.

"(2) APPROVAL OF PLANS.—The Secretary may not approve a plan submitted under paragraph (1) unless—

"(A) the State has provided for a hearing on the plan at the facility involved at least 6 months before the date of submission of the plan, after reasonable notice thereof to the staff and clients of the facility, members of the clients' families, and the public,

"(B) the State demonstrates that, with respect to clients described in paragraph (1)(B), the State has successfully provided services similar to the services to be provided to such clients under the plan,

"(C) the plan meets the requirements of paragraph (3), and

"(D) the State has provided the assurances required under subsection (j).

"(3) REQUIREMENTS OF REDUCTION PLANS.—The requirements of this paragraph for a reduction plan with respect to a facility are as follows:

"(A) The plan must—

"(i) identify the clients described in paragraph (1)(B),

"(ii) describe each such client's needs for services described in that paragraph and a timetable for providing such services,

"(iii) provide for continuous active treatment for such clients under the clients' IPPs, and

"(iv) identify necessary safeguards (including adequate standards for provider participation) to be taken to protect the health and welfare of such clients;

however, individually identifiable information identified under this subparagraph and respecting a client shall be treated as confidential and not made available to the public.

"(B) The plan must permit each client of the facility who would continue to be eligible for medical assistance while a client of such a facility the option of remaining a client of such a facility or a similar facility.

"(C) The plan must specify the actions to be taken, including maintenance of adequate ratios of qualified staff to clients, (i) to protect the health and safety of clients who remain at the facility while the reduction plan is in effect and (ii) to provide for continuous active treatment for such clients under the clients' IPPs.

"(D) No facility (public or private) providing Medicaid services for mentally retarded clients shall be subject to reduction or closure plans, other than for confirmed violations of approved standards, without prior review of such plans in a public hearing, conducted at least 6 months in advance of the submission of such plans, wherein full opportunity has been provided for staff, clients, parents, guardians, duly authorized representatives, and members of the public to express their views.

"(E) In the event that closure of an habilitation facility is contemplated, the State should provide advance notice of the proposed closure (90 days) to the staff, residents, their guardians, families, and duly authorized representatives. The State should assure that all residents being transferred are, in fact, being transferred or moved to a facility that is able to provide the required services and care. The facility, or any part thereof, should not be closed until all residents have been properly and satisfactorily located.

"(F) An habilitation facility may not transfer or discharge a client following prescribed procedures including advance notice to parents, guardians, or duly authorized representatives, until satisfactory arrangements have been made with the receiving facility and assurances have been obtained to the effect that the receiving facility is fully capable of providing the required care and services. In the event that the facility to which the client is transferred is unable to provide the required care and services, the client is to be returned to the transferring facility and retained at such facility until a satisfactory transfer is arranged.

"(4) SEMIANNUAL REVIEW OF COMPLIANCE.—The Secretary shall, at 6-month intervals, review compliance of States with reduction plans approved under this subsection. If the Secretary determines in such a review that the State has failed to comply with the requirements of paragraph (3) or the assurances described in subsection (j), the Secretary shall—

"(A) terminate the facility's participation under the State plan, or

"(B) disallow, for purposes of Federal financial participation, an amount equal to 5 percent of the cost of care for all eligible individuals in the facility for each month for which the failure continues.

If the Secretary determines in such a review that the State has failed to comply with the requirement of paragraph (3)(C), the Secretary shall disallow, for purposes of Federal financial participation, the cost of care for all eligible individuals in the facility for each month for which the failure continues.".

(b) REPEAL OF PREVIOUS CORRECTION AND REDUCTION PLAN PROVISION.—Section 1922 of such Act (42 U.S.C. 1396r) is repealed.

(c) CONFORMING AMENDMENTS.—(1) Section 1902 of such Act (42 U.S.C. 1396a) is amended by striking subsection (i).

(2) Section 1903(i) of such Act (42 U.S.C. 1396b(i)) is amended by striking the period at the end of paragraph (7) and inserting "; or" and by adding at the end the following new paragraph:

"(8) with respect to any amount expended for medical assistance for habilitation facility services to reimburse (or otherwise compensate) an habilitation facility for payment of a civil money penalty imposed under section 1927(h).".

(3) Section 1910 (42 U.S.C. 1396i) is amended—

(1) by striking subsection (b), and

(2) in subsection (a), by striking "(a)(1)" and "(2)" and inserting "(a)" and "(b)", respectively.

SEC. 204. EFFECTIVE DATES.

(a) NEW REQUIREMENTS AND SURVEY AND CERTIFICATION PROCESS.—Except as otherwise specifically provided in section 1927 of the Social Security Act, the amendments made by sections 201 and 202 (relating to habilitation facility requirements and survey and certification requirements) shall apply to habilitation facility services furnished on or after January 1, 1991, without regard to whether regulations to implement such amendments are promulgated by such date.

(b) ENFORCEMENT.—Except as otherwise specifically provided in section 1927 of the Social Security Act, the amendments made by section 203 of this Act shall take effect on the date of the enactment of this Act and shall apply to payments under title XIX of the Social Security Act for calendar quarters beginning on or after the date of the enactment of this Act, without regard to whether regulations to implement such amendments are promulgated by such date.

(c) TRANSITIONAL RULE.—In applying the amendments made by this title for services furnished before January 1, 1991—

(A) any reference to a habilitation facility is deemed a reference to an intermediate care facility for the mentally retarded, and

(B) with respect to such a habilitation facility, any reference to a requirement of subsection (b), (c), or (d), is deemed a reference to the provisions of section 1861(j) or section 1905(c), respectively, of the Social Security Act.

(d) WAIVER OF PAPERWORK REDUCTION, ETC.—Chapter 35 of title 44, United States Code, and Executive Order 12291 shall not apply to information and regulations required for purposes of carrying out this title and implementing the amendments made by this title.

(e) RELATION TO CURRENT REGULATIONS.—For any period before the effective date of the requirements established under this title, nothing in this title shall be construed as superseding the final regulations (published on June 3, 1988, 53 Federal Register 20448) setting forth conditions for intermediate care facilities for the mentally retarded under the Medicaid program.

SEC. 205. ANNUAL REPORT.

The Secretary of Health and Human Services shall report to the Congress annually on the extent to which habilitation facilities are complying with the requirements of subsections (b), (c), and (d) of section 1927 of the Social Security Act (as added by the amendments made by this title) and the number and type of enforcement actions taken by States and the Secretary under section 1927(h) of such Act (as added by section 203 of this Act).

TITLE III—APPROPRIATE PLACEMENT FOR INDIVIDUALS WITH MENTAL RETARDATION OR RELATED CONDITION

SEC. 301. STATE PREADMISSION SCREENING AND ANNUAL CLIENT REVIEW REQUIREMENTS.

Section 1927 of the Social Security Act, as inserted by section 201 of this Act, is further amended by inserting after subsection (d) the following new subsection:

"(e) STATE REQUIREMENT FOR PREADMISSION SCREENING AND CLIENT REVIEW.—

"(1) IN GENERAL.—

"(A) STATE CONDITION OF PLAN APPROVAL.—As a condition of approval of its plan under this title, effective January 1, 1991, the State must have in effect a preadmission screening program, for making determinations (using any criteria developed under subsection (f)(8)) described in subsection (b)(3)(F) for individuals with mental retardation or related condition (as defined in section 1905(m)) who are admitted to habilitation facilities on or after January 1, 1991. The failure of the Secretary to develop minimum criteria under subsection (f)(8) shall not relieve any State of its responsibility to have a preadmission screening program under this paragraph or to perform client reviews under paragraph (2).

"(B) FEDERAL MINIMUM CRITERIA AND MONITORING FOR PREADMISSION SCREENING AND CLIENT REVIEW.—

"(i) MINIMUM CRITERIA.—The Secretary shall develop, by not later than July 1, 1990, minimum criteria for States to use in making determinations under subsection (b)(3)(F) and paragraph (2) of this subsection and in permitting individuals adversely affected to appeal such determinations, and shall notify the States of such criteria.

"(ii) MONITORING COMPLIANCE.—The Secretary shall review a sufficient number of cases to allow reasonable inferences about the adequacy of each State's compliance with the requirements of paragraph (3)(A) (relating to discharge and placement for active treatment of certain clients).

"(2) STATE REQUIREMENT FOR ANNUAL CLIENT REVIEW.—

"(A) IN GENERAL.—As of January 1, 1991, in the case of each client, of a habilitation facility, with mental retardation or related condition, the State mental retardation or developmental disability authority must review and determine (using any criteria developed under subsection (f)(8) and based on an independent evaluation performed on site by a person or entity other than the facility)—

"(i) whether or not the client requires the level of services provided by a habilitation facility; and

"(ii) whether or not the client requires community habilitation and supportive services.

Such independent evaluation shall take into account the comprehensive functional assessment under subsection (b)(4).

"(B) FREQUENCY OF REVIEWS.—

"(i) ANNUAL.—Except as provided in clauses (ii) and (iii), the reviews and determinations under subparagraph (A) must be conducted with respect to each client with mental retardation or related condition not less often than annually.

"(ii) PREADMISSION REVIEW CASES.—In the case of a client subject to a preadmission review under subsection (b)(3)(F), the review and determination under subparagraph (A) need not be done until the client has resided in the habilitation facility for 1 year.

"(iii) INITIAL REVIEW.—The reviews and determinations under subparagraph (A) must first be conducted (for each client not subject to preadmission review under subsection (b)(3)(F)) by not later than January 1, 1992.

"(3) RESPONSE TO PREADMISSION SCREENING AND CLIENT REVIEW.—As of January 1, 1991, the State must meet the following requirements:

"(A) CLIENTS NOT REQUIRING HABILITATION FACILITY SERVICES, BUT REQUIRING COMMUNITY HABILITATION AND SUPPORTIVE SERVICES.—In the case of a client who is determined, under paragraph (2), not to require the level of services provided by a habilitation facility, but to require community habilitation and supportive services, the State must, in consultation with the client's family or legal representative and care-givers—

"(i) arrange for the safe and orderly discharge of the client from the facility, consistent with the requirements of subsection (c)(2),

"(ii) prepare and orient the client for such discharge, and

"(iii) provide for (or arrange for the provision of) such community habilitation and supportive services for the mental retardation or related condition.

"(B) CLIENTS NOT REQUIRING HABILITATION FACILITY SERVICES AND NOT REQUIRING COMMUNITY HABILITATION AND SUPPORTIVE SERVICES.—In the case of a client who is determined, under paragraph (2), not to require the level of services provided by a habilitation facility and not to require community habilitation and supportive services, the State must—

"(i) arrange for the safe and orderly discharge of the client from the facility, consistent with the requirements of subsection (c)(2), and

"(ii) prepare and orient the client for such discharge.

"(4) DENIAL OF PAYMENT WHERE FAILURE TO CONDUCT PREADMISSION SCREENING.—No payment may be made under section 1903(a) with respect to habilitation facility services furnished to an individual for whom a determination is required under subsection (b)(3)(F) or paragraph (2) but for whom the determination is not made.

"(5) APPEALS PROCEDURES BOTH FOR PREADMISSION DETERMINATIONS AND CLIENT REVIEW AND FOR TRANSFERS AND DISCHARGES.—

"(A) PREADMISSION AND CLIENT REVIEW DETERMINATIONS.—Each State, as a condition of approval of its plan under this title, effective January 1, 1991, must have in effect an appeals process for individuals adversely affected by determinations under paragraph (1) or (2).

"(B) TRANSFERS AND DISCHARGES.—Each State, as a condition of approval of its plan under this title, effective January 1, 1991, must provide for a fair mechanism for hearing appeals on transfers or discharges of clients of habilitation facilities. Such mechanism must meet the guidelines established by the Secretary under subsection (f)(3); but the failure of the Secretary to establish such guidelines shall not relieve any State of its responsibility to provide for such a fair mechanism.".

SEC. 302. REVISION OF UTILIZATION REVIEW PROVISIONS.

(a) REVISION OF STATE PLAN REQUIREMENT.—Section 1902(a) of the Social Security Act (42 U.S.C. 1396a(a)) is amended—

(1) in paragraph (30)(B), by striking ", intermediate care facility for the mentally retarded," in clauses (i) and (ii)(II), and

(2) by striking paragraph (31), and

(3) in paragraph (44)—

(A) in the matter before subparagraph (A), by striking ", services in an intermediate care facility for the mentally retarded,",

(B) in subparagraph (A), by striking "(or, in the case of skilled" the first place it appears and all that follows through "a physician)",

(C) in subparagraph (A) by striking "or, in the case of" the second place it appears and all that follows through "in collaboration with a physician,",

(D) in subparagraph (A), by striking "(or, in the case of services" and all that follows through "every year)", and

(E) in subparagraph (B), by striking "or, in the case" and all that follows through "physician".

(b) REVISION OF PENALTY PROVISIONS.—Section 1903(g) of such Act (42 U.S.C. 1396b(g)) is amended—

(1) in paragraph (1)—

(A) by striking "or services in an intermediate care facility for the mentally retarded" each place it appears,

(B) by striking "and intermediate care facilities for the mentally retarded", and

(C) by striking "paragraphs (26) and (31)" and inserting "paragraph (26)";

(2) in paragraph (4)(B)—

(A) by striking "and intermediate care facilities for the mentally retarded",

(B) by striking "paragraphs (26) and (31)" and inserting "paragraph (26)",

(C) by striking "and facilities" and "or facility" each place it appears;

(3) in paragraph (5)—

(A) by striking "facility or institutional" and inserting "inpatient hospital", and

(B) by striking "facilities or institutions" each place it appears and inserting "hospitals"; and

(4) in paragraph (6)—

(A) by striking subparagraph (B), and

(B) by redesignating subparagraph (C) as subparagraph (B).

(c) CONFORMING AMENDMENTS.—(1) Section 1128(b)(12)(B) of such Act (42 U.S.C.1320a-7(b)(12)(B)) is amended by striking "(26), (31), and (33)" and inserting "(26) and (33)".

(2) Section 1902(a) of such Act (42 U.S.C. 1396a(a)) is amended—

(A) in paragraph (33)(B), by striking "section 1919(d)" and inserting "section 1919 and section 1927", and

(B) in the third sentence, by striking "(9)(A), (31), and (33)" and inserting "(9)(A) and (31)".

(3) Section 1905(a)(15) of such Act (42 U.S.C. 1396d(a)(15)) is amended by striking ", in accordance with section 1902(a)(31)(A),".

(d) EFFECTIVE DATE.—The amendments made by this section shall not apply to a State until such date as of which the Secretary of Health and Human Services determines that the State has begun conducting annual surveys under section 1927(g) of such Act.

TITLE IV—PAYMENT FOR COMMUNITY HABILITATION AND SUPPORTIVE SERVICES AND HABILITATION FACILITY SERVICES

SEC. 401. PAYMENT FOR COMMUNITY HABILITATION AND SUPPORTIVE SERVICES AND HABILITATION FACILITY SERVICES.

(a) REASONABLE AND ADEQUATE PAYMENTS.—Section 1902 of the Social Security Act (42 U.S.C. 1396a) is amended—

(1) in subsection (a)(13)—

(A) by striking "and" at the end of subparagraph (D),

(B) by inserting "and" at the end of subparagraph (E), and

(C) by adding at the end the following new subparagraph:

"(F) for payment—

"(i) for community habilitation and supportive services (as defined in section 1926(a)) through rates which are reasonable and adequate (and which may not be established on a capitation basis or any other risk basis) to meet the costs of providing services, efficiently and economically, in conformity with applicable State and Federal laws, regulations, and quality and safety standards, and

"(ii) for habilitation facility services through rates which are reasonable and adequate (and which may not be established on a capitation basis or any other risk basis) to meet the costs which must be incurred by efficiently and economically operated facilities in order to provide care and services in conformity with applicable State and Federal laws, regulations, and quality and safety standards;"; and

(2) in subsection (h), by adding before the period at the end the following: "or to limit the amount of payment that may be made under a plan under this title for community habilitation and supportive services or for habilitation facility services".

(b) DENIAL OF FEDERAL PAYMENTS TO COMPENSATE FOR CIVIL MONEY PENALTIES.—Section 1903(i)(8) of such Act (42 U.S.C. 1396b(i)(8)) is amended by inserting "(A)" after "medical assistance" and by inserting before the semicolon at the end the following: "for community habilitation and supportive services or habilitation facility services to reimburse (or otherwise compensate) a provider of such services or habilitation facility for payment of a civil money penalty imposed under this title or title XI".

(c) EFFECTIVE DATE.—(1) The amendments made by subsection (a)(1) shall apply—

(A) to community habilitation and supportive services furnished on or after January 1, 1990, or, if later, 30 days after the date of publication of interim regulations under section 1926(i)(1), and

(B) to habilitation facility services furnished on or after January 1, 1991.

(2) The amendment made by subsection (a)(2) shall apply as though it was included in the enactment of the Omnibus Budget Reconciliation Act of 1981 (Public Law 97-35).

(3) The amendment made by subsection (b) shall apply to civil money penalties imposed after the date of the enactment of this Act.

TITLE V—EMPLOYEE PROTECTIONS AND MISCELLANEOUS

SEC. 501. EMPLOYEE PROTECTIONS FOR CLOSURES AND REDUCTIONS IN CAPACITY.

(a) IN GENERAL.—Section 1927 of the Social Security Act, as inserted by section 201 and amended by sections 202 and 203 of this Act, is further amended by adding at the end the following new subsection:

"(j) EMPLOYEE PROTECTIONS FOR CAPACITY REDUCTIONS.—

"(1) IN GENERAL.—As a requirement of its State plan under section 1902(a), the State must provide that, in the case of any closure or reduction in capacity (whether through a reduction plan under subsection (i) or otherwise) of an habilitation facility in the State made on or after the date of the enactment of this subsection, the following fair and equitable arrangements have been made to protect the interests of employees of the facility affected by such closure or reduction:

"(A) The preservation of rights, privileges, and benefits (including continuation of pension rights and benefits), under applicable collective bargaining agreements.

"(B) The continuation of collective bargaining rights through any certified representative.

"(C) The protection of individual employees against a worsening of their positions with respect to their employment at the facility during the period of the closure or reduction.

"(D) Except as provided in the last sentence of this paragraph, assurance of employment of affected employees, with at least the same pay and same level of responsibilities.

"(E) The establishment of paid training or retraining programs for employment of affected employees in the provision of community habilitation and supportive services.

"(F) Provision of—

"(i) a grievance procedure (meeting the requirements of paragraph (2)) for affected employees to assure the preceding requirements have been met with respect to such employees, or

"(ii) another grievance procedure with respect to affected employees who have a certified bargaining representative, if such other grievance procedure has been agreed to by the State and by the certified bargaining representative.

Nothing in this paragraph shall be construed as entitling an affected employee to lifetime employment or as protecting an employee against a discharge for good cause.

"(2) REQUIREMENTS FOR GRIEVANCE PROCEDURE.—The grievance procedure under paragraph (1)(F)(i) shall include the following:

"(A) Informal resolution of the grievance, during the 60-day period beginning on the date of the filing of the grievance.

"(B) After such period, the affected employee shall be permitted, at the employee's election, the option of (i) submitting the grievance to binding arbitration before a qualified arbitrator who is independent of the interested parties, or (ii) a hearing on the grievance before a State agency.

"(C) An arbitration proceeding or hearing on the grievance, under subparagraph (B), shall be held within 45 days after the date of the request for such arbitration or hearing under such subparagraph.

"(D) A decision on the grievance shall be made within 30 days after the date of such proceeding or hearing.

"(E) Costs of the arbitrator shall be divided evenly between the affected employee and the State and costs of the hearing shall be borne by the State.

Costs of the State under subparagraph (E), and comparable costs of the State under another grievance procedure under paragraph (1)(F)(ii), shall not be considered, for purposes of section 1903(a), costs of administration of the State plan under this title.".

(b) PAYMENT FOR TRAINING AND RETRAINING COSTS.—Section 1903(b) of such Act (42 U.S.C. 1396b(b)) is amended by adding at the end the following new paragraph:

"(4) Federal reimbursement is available under subsection (a)(7) for reasonable expenses associated with training and retraining programs for habilitation facility employees pursuant to section 1927(j)(1)(E).".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act.

SEC. 502. USE OF STATE DEVELOPMENTAL DISABILITIES AGENCY IN CERTAIN MEDICAID ADMINISTRATIVE FUNCTIONS.

(a) IN GENERAL.—Section 1902(a)(5) of the Social Security Act (42 U.S.C. 1396a(a)(5)) is amended—

(1) by inserting "(A)" after "except that", and

(2) by inserting before the semicolon at the end the following ", and (B) nothing in this paragraph shall be construed as preventing a State plan from assigning, to a State agency responsible for developmentally disabled individuals, specific management functions under the plan relating to provision of services under the plan to individuals with mental retardation or related condition".

(b) AVAILABILITY OF MATCHING FUNDS.—Section 1903(a) of such Act (42 U.S.C. 1396b(a)) is amended by adding at the end the following:

"Payment shall be made available under paragraph (7) for amounts expended for reasonable administrative expenses of a State agency described in section 1902(a)(5)(B) in carrying out activities described in that section in the same manner as they are available for similar reasonable administrative expenses of the single State agency described in section 1902(a)(5).".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act.

[From the Omaha World-Herald, May 2, 1989]

NOT ALL RETARDED PEOPLE THRIVE OUT OF INSTITUTIONS

The death of David Bradley last month has helped bring to light a shocking story of how some profoundly retarded people have been cared for in this era of deinstitutionalization. His story demonstrates how the philosophy of getting mentally disabled people out of institutions and into community-based programs has been carried to extremes.

Bradley died at the home of an Omaha woman whom the Eastern Nebaraska Community Office on Retardation had hired as a "home teacher" to take care of him and another profoundly retarded young man. The woman faces manslaughter charges in connection with his death.

Bradley, who was 23 when he died, had an IQ of 20 and never weighed more than 75 pounds. He could not speak, feed himself or roll over in bed. He wore diapers. He had cerebral palsy and suffered seizures that couldn't be controlled with medication. His doctor said that sudden death was always a possibility.

For the first seven years of his life, Bradley was cared for at the State Developmental Center, a home for the retarded at Beatrice, Neb. ENCOR officials said he would always need total care.

But he had the misfortune to live at the time of the great crusade to eliminate "warehousing" at institutions for the retarded and mentally ill. In state after state, including Nebraska, judges and legislatures bought into the idea, which was promoted by some lawyers and social workers, that institutional care is suspect while community-based programs are almost inherently good. Instead of spending the rest of his life at Beatrice, Bradley became part of the wave of retarded people who were absorbed in community-based programs.

This is not to suggest that community based programs haven't done a lot to help some retarded people learn to live on their own, either independently or as part of a sheltered workshop or group home arrangement. The emphasis on self-sufficiency for the trainable is commendable. ENCOR and its employees deserve to be proud of their accomplishments in this area.

But it's hard to see what is gained by deinstitutionalizing people as profoundly retarded and physically disabled as Bradley was. How does it substantially improve their lives to have their beds moved from the protective environment of Beatrice and placed in the home of a "home teacher" who can qualify for the job by being 19 years old, having a diploma and a driver's license and being able to read and communicate?

Surely the round-the-clock staff care that is available in an institution is more suited to the needs of a patient like Bradley than an arrangement with a "home teacher" being on call, in effect, 24 hours a day and receiving only two weekends per month of free time. An ENCOR supervisor said "home teachers" often suffer "burnout." It's not difficult to understand why.

ENCOR officials are considering procedural changes to improve the screening of caregivers and tighten the monitoring of care arrangements. A review of procedures would be a place to start. But it would also be well if, at some appropriately high level of authority, someone would reconsider the deinstitutionalization of people for whom self-sufficiency, or anything resembling it, is out of the question.

[From the Omaha World-Herald, May 8, 1989]

BEATRICE CENTER SERVES NEED

(By Pat Crawford)

Thanks and amen for your perceptive editorial, "Not All Retarded People Thrive Out of Institutions." Parents and members of the Mental Retardation Association of Nebraska have been fighting the deinstitutionalization battle for 17 years.

Certainly David Bradley didn't get the care and treatment that he required and deserved. Medicaid waiver money is available for community based care of the mentally retarded, but with a single overburdened caretaker and few specialized resources at hand, Bradley was shortchanged and so were the taxpayers.

Do you think that any one human being can give adequate care to two profoundly handicapped men plus eight little babies and toddlers as a licensed day-care operator? How could ENCOR consider that an appropriate placement for those two disabled fellows?

In dramatic contrast is the care and training that my profoundly retarded son receives at the Beatrice State Developmental Center because there is a wide variety of very specialized services on that beautiful campus. In addition to a hospital that is approved by the Joint Commission on Accreditation of Hospitals, there are full-time physician assistants, 24-hour nursing services and a dental clinic.

Each resident has routine visits by a nurse who follows up on physician orders and monitors administration of treatments or medication. Religious services are provided at the Chapel of All Faiths. Special education, vocational training, speech and language evaluations and training, develmental training of basic skills, recreation and leisure services, Scouting, dances and games are available.

Transportation service is available for medical services in Lincoln or Omaha when necessary. Specialized tractor-trailers transport the non-ambulatory residents around the campus daily. Vans are utilized for off-campus trips for shopping, eating out, attending fairs, sporting events, picnics and other activities.

It is necessary to understand that a person with mental retardation has an IQ ranging between 0 and 70. That indicates that we need a wide variety of services from supervised apartments and group homes through the gamut to congregate living facilities like the developmental center, Martin Luther Home at Beatrice and Bethpage Mission at Axtell for those folks who need the security of a residential center and comprehensive and intensive services.

It is a bad policy to place severely disabled, non-verbal mentally retarded individuals in somebody's back room with no oversight and no checks and balances. For a single individual to care 24 hours a day for a severely disabled person is extremely taxing and demanding, and that is a compelling reason why my husband and I prefer a large facility for our son where there is a change of shifts every eight hours.

My son, Matt, is 28. He lived at home until he was 14, when we placed him at Beatrice. The cheerful young woman, a direct-care staff person who received him that first day, is still his surrogate mom, still on the first shift, quietly teaching and guiding him.

On a weekday a while back, when visiting Matt, I went to his classroom to observe the activities, hung my coat on a hook and pulled up a chair to sit with the busy residents. After a few minutes, Matt leaned over and gave me a kiss. I thought, "Isn't that sweet, he's so glad to see me." A couple of minutes elapsed and he gave me another kiss. Again I thought, "He must have missed me so."

Next he gave me another kiss, but this time he stood up, got my coat and handed it to me. He has no speech but it was plenty obvious that this was Matt's way of saying, "Bye-bye, Mom, I'm happy here, doing my thing. Come again soon."

What do all the do gooders, deinstitutionalizers and social engineers, who think they know better than I what's good for my disabled son, have to say about that?

[From the Omaha World-Herald, May 2, 1989]

ENCOR LASHED OUT, THEN PROPOSED CHANGES

We would say that ENCOR's actions this week speak much louder than the angry and irresponsible charges that two ENCOR spokesmen have directed at The World-Herald in recent days.

Officials of the agency, whose full name is the Eastern Nebraska Community Office on Retardation, said Monday that they have prepared 16 proposed changes in policy for discussion by the ENCOR governing board. ENCOR Director Don Moray said that all but one of the recommendations came about because of the death of David Bradley April 7.

Bradley's death was the subject of a May 2 World-Herald editorial in which we questioned the wisdom of removing people as severely disabled as Bradley from institutions and placing them in community-based care.

To zealous promoters of deinstitutionalization, it appears, such questions border on heresy.

Moray and Daniel Costello, an ENCOR committee chairman who also heads the Greater Omaha Association for Retarded Citizens, suggested in letters published on

our pages that the May 2 editorial maligned families that have opted to care for retarded relatives at home.

Costello also accused us of overlooking "the fact that David Bradley had been successfully served by ENCOR since 1972." Costello's letter put down institutionalization as "removing a person . . . from the warmth and love of family and friends." (It was just six days after the editorial appeared that Moray announced that 16 policy recommendations would be considered.)

Neither Bradley's death nor our editorial had anything to do with family-based care, or with situations in which people are torn away from loving families and friends.

Bradley, a severely retarded and physically disabled 23-year-old, had no family. His mother gave him up shortly after he was born. He had no known relatives. He spent his life totally dependent on strangers to feed him, change his diapers and turn him in his bed. He died of malnutrition and pneumonia at the home of a paid care-giver who has been charged with manslaughter in connection with his death.

Bradley spent the first seven years of his life at the State Developmental Center at Beatrice, Neb., then lived in a succession of ENCOR residences. At one point, ENCOR tried to give him vocational training—an odd extension of the meaning of "service" for a person who could not give himself basic care, who never uttered a discernible word in his life and who was, in the words of an acquaintance, "on the verge of death at all times."

Bradley spent his final months in the custody of a woman who was paid to watch over him and another profoundly retarded young man—and who, on the side, was providing day care in the same residence for other people's kids.

To express concern about the system under which such an arrangement was possible is the furthest thing from criticizing families that take a major role in the care and training of retarded family members.

Consider the comments of Pat Crawford of Lincoln in her Another Point of View, which we printed Monday. Mrs. Crawford, who has a son at Beatrice, wrote about her son's access to round-the-clock care, to health-care professionals and hospital treatment and to a variety of training programs and religious and social activities. She said:

"For a single individual to care 24 hours a day for a severely disabled person is extremely taxing and demanding, and that is a compelling reason why my husband and I prefer a large facility for our son where there is a change of shifts every eight hours."

And consider the comments of Dr. James W. Wengert of the Nebraska Psychiatric Society. Dr. Wengert, in a letter to the Public Pulse, praised the editorial and called on the Legislature "to carefully and skeptically observe" the policies of the State Department of Public Institutions, where, he said, "trendy middle-management . . . continues to push the reckless concept" that institutional care is suspect and community-based programs are almost inherently good.

Dr. Wengert said his concerns applied to the mentally ill as well as to the mentally retarded.

Community-based programs make excellent sense in cases where a degree of self-sufficiency is possible or where a support network of family members and friends is available. For profoundly retarded, bedridden patients who lack a network of family and friends, however, a well-staff institution offers a level of service that is unlikely ever to be achieved by stockpiling them in the homes of paid care-givers.

[From the Omaha World-Herald, May 13, 1989]

INSTITUTIONS ARE NEEDED

Dr. James W. Wengert of the Nebraska Psychiatric Society made a suggestion in a recent Public Pulse letter that we hope state senators take to heart. He called on the Legislature to monitor state policies affecting the use of community-based programs as an alternative to institutional care for people who are profoundly disabled by mental illness or retardation.

Dr. Wengert wrote in response to a World-Herald editorial about the death of David Bradley in a community-based program. The editorial questioned whether someone as profoundly retarded as Bradley, who had an IQ of 20 and who couldn't speak, feed himself, turn over in bed or go to the bathroom by himself, wouldn't receive better care in an institution such as the State Developmental Center at Beatrice.

The editorial drew angry rebuttals from spokesmen for the Eastern Nebraska Community Office on Retardation, which operated the program in which Bradley was enrolled at the time of his death.

But a number of other readers, including Dr. Wengert, brought forth strong arguments for maintaining well-run institutions as part of the safety net for people who can't care for themselves.

Dr. Wengert wrote that "disasters" such as Bradley's death are "only a matter of time now that the chronically mentally ill are being forced out of nursing homes" under a new federal law. He rapped "trendy middle management" in state government that continues to "push the reckless concept" that community-based programs are good and that institutional care is suspect.

Equally strong testimony to the value of a well-run institution came from parents who have opted to have retarded sons or daughters cared for at Beatrice.

Robert Hepburn of Omaha, the father of a 27-year-old daughter at Beatrice, said his daughter appears normal but must be watched constantly during home visits to keep her from wandering into traffic or harming herself in other ways. The campus-like setting at Beatrice is essential for her, he said.

"I have no quarrel with placement of higher-functioning retardees in community-based programs," Hepburn wrote. "For them, the community is the best place to be. But let's not overlook the fact that there are many people for whom an institution is the 'least restrictive' and most humane environment."

Bernice McCord of Lincoln, who has a daughter at Beatrice, wrote: "If every professional who advocates total deinstitutionalization would spend a day . . . in the (Beatrice) unit for people such as David Bradley, they would see the need for both institutions and community programs."

Doris Brown of Lincoln, whose daughter is a resident of the Beatrice facility, wrote about the campaign to empty the institutions and place all disabled people in community programs. "What looked like a good idea to some people 25 years ago," she wrote, "has turned into a nightmare for some of the retarded."

Pat Crawford of Lincoln wrote lovingly of progress she observed in her retarded son at Beatrice and praised the center for its facilities, staffing and programs.

She said her organization, the Mental Retardation Association of Nebraska, has been "fighting the deinstitutionalization battle for 17 years," believing that the network of programs and facilities for the retarded ought to provide a variety of options, including the option of institutional care at Beatrice.

Institutional care, as the comments of these parents demonstrate, can be a compassionate choice. In the case of David Bradley, it would have been more compassionate than placing him in the home of a woman who was paid to provide round-the-clock care for two profoundly retarded young men—and who also provided day care for other people's children.

Yet the rejection of institutional care is a fact of life in community-based programs. An ENCOR spokesman, commenting after Bradley's death, said there had been no reason to send Bradley to Beatrice, even though he had always needed total care and always would.

Dr. Wengert and the parents who wrote have told a side of the story that the public too seldom hears. Their comments strongly suggest that a legislative review of the consequences of deinstitutionalization is overdue.

LETTERS TO THE EDITOR APPEARING IN THE OMAHA WORLD-HERALD

SOME NEEDED INSTITUTIONAL CARE

OMAHA.—I am the father of a profoundly retarded 27-year-old girl who lives at the Justice State Developmental Center. Shawn looks pretty normal but has numerous medical problems for which up-and-awake, professional, understanding staff is necessary. We are very satisfied with the care she receives at that (Dare I say it?) institution.

Her mother and I have her home about every other Saturday. It's good for all of us to keep contact with her. But one of us must guard against her leaving the house unescorted. She has no judgment to protect her against wandering into traffic. That's why it's essential that she be in a campus setting at a professional place structured to her complex needs.

Your May 2 editorial ("Not All Retarded People Thrive Out of Institutions") surprised me—pleasantly, I must say. What you said about David Bradley's death spoke from the heart in its straightforward sympathy; it also spoke directly to the question of why he was removed from the institution in the first place. You have my grateful appreciation for publicly raising the question.

I have no quarrel with the placement of higher-functioning retardees in community-based programs. For them, the community is the best place to be. But let's not overlook the fact that there are people for whom an institution is the "least restrictive" and most humane environment.

ROBERT M. HEPBURN.

May 8, 1989.

"INSTITUTION" NOT DIRTY WORD

LINCOLN.—I applaud The World Herald for its editorial May, 2 that called attention to the deinstitutionlization movement ("Not All Retarded People Thrive Out of Institutions"). What looked like a good idea to some people 25 year ago has turned into a nightmare for some of the retarded. The tragic death of David Bradley points this up.

How many care homes might there be where conditions echo this tragic one? Caring for a severely retarded person is many times best done in an institution where well-trained staff share care giving.

Let's cut this nonsense about "institutions are bad, community is good." Decisions about placement of the handicapped should be based on the needs of the client, not on an outdated slogan, Institution is not a dirty word.

DORIS BROWN.

May 12, 1986.

SAME GOES FOR MENTALLY ILL

OMAHA.—The World-Herald is to be absolutely commended for its May 2 editorial, "Not All Retarded People Thrive Out of Institutions." The same editorial can and should be written about the mentally ill. The same disasters are only a matter of time now that the chronically mentally ill are being forced out of nursing homes under the Federal Nursing Home Reform Act.

The regional centers (state hospitals) do not have enough beds at present to serve either the intermediate or long-time needs of metropolitan Omaha and Lincoln or the acute emergency needs of rural Nebraska. In spite of this, trendy middle management within the Department of Public Institutions continues to push the reckless concept that all "institutional care is suspect while community based programs are almost inherently good," as The World-Herald ably pointed out.

We call upon the Legislature to carefully and skeptically observe the policies of the DPI now and by special committee when the Legislature adjourns. We pledge to continue to provide all technical assistance required by the senators.

JAMES W. WENGERT, M.D.

May 9, 1989.

SPEND A DAY AT BEATRICE

LINCOLN.—How refreshing to read the May 2 World-Herald editorial in support of institutions ("Not All Retarded People Thrive Out of Institutions"). As the parent of a severely multihandicapped daughter who is a resident of the Beatrice State Developmental Center (BSDC), where she gets 24-hour-a-day, awake care, I am well aware of the faulty conception that community programs are best for all retarded people.

If every professional who advocates total deinstitutionalization would spend a day at BSDC in the unit for people such as David Bradley, they would see the need for both institutions and community programs.

BERNICE MCCORD.

May 10, 1989.

● Mr. DODD. Mr. President, today I am joining Senators EXON, FORD, and STEVENS in introducing the Medicaid Community and Facility Habilitation Amendments of 1989, legislation designed to increase the living and service options for the mentally retarded.

For the past 6 years, Senator CHAFEE has helped focus national attention on the unmet needs of the retarded and I commend him for his efforts. In fact, for two Congresses I have cosponsored his legislation. At the same time, it is no secret that the retarded community has been deeply divided on my colleague's approach. In general, people with retarded children livng at home or in the community have supported it, while those with retarded relatives living in institutions have opposed it. These divisions, as well as questions relating to the cost of the legislation, have combined to prevent the enactment of any significant legislation to address the unmet needs of the retarded.

While Senator CHAFEE has made significant revisions in his bills that I believe make the present legislation far better than the original, I remain concerned about the three issues I first raised in 1987—the lack of quality assurance provisions for institutions, the cap on Medicaid funds for institutions, and the limits on family participation in decisions affecting their retarded children.

Today, I am cosponsoring Senator EXON's legislation because it addresses those issues and because I hope its introduction can be the catalyst in producing a compromise that will benefit all retarded persons. Initially, let me outline how I think the Exon bill addresses my concerns. First, it contains detailed provisions for improving the quality of institutions, as well as for assuring the quality of group homes. These provisions are critical, for the retarded must be assured quality care wherever they live.

Second, the Exon bill removes the bias in Medicaid in favor of institutional funding without capping funds for the institutions. Such an approach will leave it up to the States to determine how best to use the Medicaid funds to meet the needs of the retarded. Such an approach will maximize the opportunities for the retarded by creating a continuum of living options—so that each person or, where appropriate, his or her parents, will be able to choose the best living setting for the individual.

Third, the Exon bill assures that family members will be fully involved in the decisionmaking process concerning the living arrangements for their children. Families that have devoted so much time and love to their children should always have an input in these important decisions.

I would just like to mention one other aspect of this legislation—the requirement that if a State chooses to deinstitutionalize individuals, it must also make sure they have a place to go that will meet their needs. Such a provision is absolutely essential to prevent a reoccurrence of the homeless problems experienced by many of the deinstitutionalized mentally ill.

Mr. President, with the introduction of the Exon legislation—which is similar to the Florio-Waxman-Dingell bill in the House—I believe we now have enough good ideas on the table to craft legislation to take a significant step forward in improving the lives of retarded Americans, as well as their families.

Mr. President, I look forward to being a part of the process that hopefully will take the best of both the Chafee and Exon bills and produce legislation that is beneficial to all retarded persons.●

By Mr. LIEBERMAN (for himself, Mr. DODD, Mr. MOYNIHAN, Mr. D'AMATO, Mr. LAUTENBERG, Mr. GLENN, Mr. PELL, Mr. LEVIN, Mr. INOUYE, Mr. BURDICK, Mr. HOLLINGS, Mr. KOHL, Mr. BRADLEY, Mr. MATSUNAGA, Mr. PRYOR, Mr. METZENBAUM, Mr. GORE, Mr. WIRTH, Mr. CRANSTON, Mr. ADAMS, Mr. RIEGLE, Mr. KERRY, Mr. FOWLER, Mr. HEFLIN, Mr. DIXON, Mr. SIMON, Mr. SHELBY, Mr. GRAHAM, Ms. MIKULSKI, Mr. BUMPERS, Mr. BRYAN, Mr. NUNN, Mr. FORD, Mr. ROCKEFELLER, Mr. SIMPSON, Mr. THURMOND, Mr. WILSON, Mrs. KASSEBAUM, Mr. JEFFORDS, Mr. WALLOP, Mr. WARNER, Mr. LUGAR, Mr. DURENBERGER, Mr. CONRAD, Mr. DOMENICI, Mr. BOSCHWITZ, Mr. GARN, Mr. CHAFEE, Mr. BURNS, Mr. DOLE, Mr. MCCLURE, Mr. HUMPHREY, Mr. KASTEN, Mr. COHEN, Mr. HEINZ, and Mr. GRASSLEY):

S.J. Res. 142. Joint resolution designating the week beginning July 23, 1989, as "Lyme Disease Awareness Week"; to the Committee on the Judiciary.

LYME DISEASE AWARENESS WEEK

Mr. LIEBERMAN. Mr. President, today I am introducing legislation to designate the week of July 23, 1989 as Lyme Disease Awareness Week. Lyme disease takes its name from the town—a lovely town—of Lyme, CT, where it was first discovered in 1976. Since that time, this tick-borne disease has actually been found in 43 States. Although more than 14,000 cases have been reported to the Center for Disease Control since 1982, the fact is that few doctors and even fewer members of the general public recognize the symptoms of Lyme disease.

Left untreated, Lyme disease can cause severe arthritis, heart disease, or neurologic complications. Sometimes the joint and neurological damage are irreversible. Lyme disease can be particularly dangerous for pregnant women since it can cause fetal damage, miscarriages, and stillbirths. Existing diagnostic tools are totally insufficient, and, at this time, there is no vaccine against Lyme disease. People who contract the disease often go through years of tests and a variety of treatments before a proper diagnosis is made.

Two former members of the House of Representatives, Ken Gray of Illinois and Berkley Bedell of Iowa, were forced to retire from Congress because

they contracted Lyme disease. Four years since he first contracted the disease, Berkley Bedell currently requires injections of antibiotics for a 4-week period every several months.

Prevention, early detection and early treatment are the keys to warding off the worst effects of Lyme disease. It is critical that people with Lyme disease receive immediate treatment with antibiotics to prevent permanent damage. Prevention and early diagnosis depend upon public awareness. We need to ensure that Americans learn what precautions they can take and how to recognize the early symptoms of Lyme disease, and that is why I am introducing this legislation. I believe Lyme Disease Awareness Week will play an important role in bringing this devastating disease to the attention of the American people.

Mr. President, I ask unanimous consent that the full text of the joint resolution be printed in the RECORD.

There being no objection, the joint resolution was ordered to be printed in the RECORD, as follows:

S.J. RES. 142

Whereas Lyme disease is spread by the tick species Ixodes Dammini by means of the bacterium Burrelia Burgdorferi;

Whereas these ticks are no larger than the head of a pin;

Whereas these ticks can be carried by domestic animals such as cats, dogs, and horses;

Whereas these ticks can be transferred from domestic animals to humans;

Whereas Lyme disease was first diagnosed in southeastern Connecticut and has spread to 43 States;

Whereas the Center for Disease Control has reported 14,000 cases of Lyme disease since 1982;

Whereas Lyme disease is easily treated in its early stages by an oral vaccine administered by a physician (penicillin and erythromycin for young children and tetracycline for persons allergic to penicillin);

Whereas the early symptioms of Lyme disease are a rash, mild headaches, a slight fever, and swollen glands;

Whereas Lyme disease often mocks rheumatoid arthritis and heart disease;

Whereas if left untreated, Lyme disease can cause severe depression, brain disorders, and even death;

Whereas the best cure for Lyme disease is prevention;

Whereas prevention of Lyme disease depends upon public awareness; and

Whereas education is essential to making the general public and health care professionals more knowledgeable of Lyme disease and its debilitating side effects; Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the week beginning July 23, 1989, is designated as "Lyme Disease Awareness Week", and the President is authorized and requested to issue a proclamation calling upon the people of the United States to observe such week with appropriate programs, ceremonies, and activities.

By Mr. HUMPHREY (for himself, Mr. GRASSLEY, Mr. DOMENICI, Mr. GARN, Mr. PRESSLER, Mr. THURMOND, Mr. ARMSTRONG, Mr. HELMS, Mr. CHAFEE, Mr. DOLE, Mr. BOSCHWITZ, Mr. D'AMATO, Mr. COATS, Mr. GORTON, Mr. SYMMS, Mr. COHEN, Mr. DANFORTH, Mr. HEINZ, Mr. MURKOWSKI, Mr. MCCLURE, Mr. BOND, Mr. WILSON, Mr. HATCH, Mr. WARNER, Mr. COCHRAN, Mr. GRAMM, Mr. SIMPSON, Mr. BENTSEN, Mr. DECONCINI, Mr. RIEGLE, Mr. GORE, Mr. REID, Mr. BURDICK, Mr. SHELBY, Mr. SIMON, Mr. FOWLER, Mr. ROBB, Mr. MATSUNAGA, Mr. HOLLINGS, Mr. PRYOR, Mr. LIEBERMAN, Mr. PELL, Mr. MITCHELL, Mr. LEVIN, Mr. ROCKEFELLER, Mr. ADAMS, Mr. BOREN, Mr. DODD, Mr. HEFLIN, Mr. BRADLEY, and Mr. METZENBAUM):

S.J. Res. 143. Joint resolution to designate the week of December 10, through December 16, 1989, as "National Drunk and Drugged Driving Awareness Week"; to the Committee on the Judiciary.

NATIONAL DRUNK AND DRUGGED DRIVING AWARENESS WEEK

Mr. HUMPHREY. Mr. President, for the seventh consecutive year I am pleased to introduce legislation designating the week between Christmas and New Year's as "National Drunk and Drugged Driving Awareness Week". Fifty Senators are original cosponsors of this year's joint resolution.

In the past, this commemorative week has proven enormously successful in increasing public awareness of the dangers of driving while impaired by drugs and alcohol.

Hundreds of volunteers throughout the Nation have participated in the programs and activities of National Drunk and Drugged Driving Awareness Week. Activities during the week have included the issuance of parallel proclamations by many Governors, mayors, and local officials; introduction of new drunk driving legislation in various States; the appointment of task forces, and issuance of task force reports; roadblocks and other increased enforcement efforts; candlelight vigils; a "speak out for safety" campaign; and voluntary efforts to provide rides from holiday parties. All of the groups involved in this effort have asked that once again we designate such a week right before the holidays this year.

In large part due to the volunteer efforts of citizens organizations such as Mothers Against Drunk Drivers [MADD], Students Against Driving Drunk [SADD], and Remove Intoxicated Drivers [RID], there has been a great change in the Nation's attitude toward drunk driving. It is important that we press forward with efforts to develop new and creative approaches, by combining the expertise of government, community groups, and voluntary organizations, and bringing the unique talents of each to bear on this devastating national problem.

By again designating a National Drunk and Drugged Driving Awareness Week, we will help ensure that we do not forget the enormous costs in human suffering and dollars caused by the deadly combination of alcohol, drugs, and driving.

Mr. President, I ask unanimous consent that the text of the joint resolution be printed in the RECORD.

There being no objection, the joint resolution was ordered to be printed in the RECORD, as follows:

S.J. RES. 143

Whereas, traffic accidents cause more violent deaths in the United States than any other cause, approximately 46,000 in 1986;

Whereas traffic accidents cause thousands of serious injuries in the United States each year;

Whereas close to 50 per centum of all drivers killed in single vehicle collisions and over 38.7 per centum of all drivers fatally injured in 1986 had blood alcohol concentrations above the legal limit of .10;

Whereas the United States Surgeon General has reported that life expectancy has risen for every age group over the past 75 years except for Americans 15 to 24 years old, whose death rate, the leading cause of which is drunk driving, is higher now than it was 20 years ago;

Whereas the total societal cost of drinking has been estimated at more than $26,000,000,000 per year, which does not include human suffering that can never be measured;

Whereas there are increasing reports of driving after drug use and accidents involving drivers who have used marijuana or other illegal drugs;

Whereas driving after the use of therapeutic drugs, either alone or in combination with alcohol, contrary to the advice of physician, pharmacist, or manufacturer, may create a safety hazard on the roads;

Whereas more research is needed on the effect of drugs either alone or in combination with alcohol, on driving ability and the incidence of traffic accidents;

Whereas an increased public awareness of the gravity of the problem of drugged driving may warn drug users to refrain from driving and may stimulate interest in increasing necessary research on the effect of drugs on driving ability and the incidence of traffic accidents;

Whereas the public, particularly through the work of citizens groups, is demanding a solution to the problem of drunk and drugged driving;

Whereas the Presidential Commission on Drunk Driving, appointed to heighten public awareness and stimulate the pursuit of solutions, provided vital recommendations for remedies for the problem of drunk driving;

Whereas the National Commission Against Drunk Driving was established to assist State and local governments and the private sector to implement these recommendations;

Whereas most States have appointed task forces to examine existing drunk driving programs and make recommendations for a renewed, comprehensive approach, and in many cases, their recommendations are

leading to enactment of new laws, along with strict enforcement;

Whereas the best defense against the drunk or drugged driver is the use of safety belts and consistent safety belt usage by all drivers and passengers would save as many as 10,000 lives each year;

Whereas an increase in the public awareness of the problem of drunk and drugged driving may contribute to a change in society's attitude toward the drunk or drugged driver and help sustain current efforts to develop comprehensive solutions at the State and local levels;

Whereas the Christmas and New Year holiday period, with more drivers on the roads and an increased number of social functions, is a particularly appropriate time to focus national attention on this critical problem;

Whereas designation of National Drunk and Drugged Driving Awareness Week in each of the last 7 years stimulated many activities and programs by groups in both the private and public sectors aimed at curbing drunk and drugged driving in the high-risk Christmas and New Year holiday period and thereafter;

Whereas the activities and programs during National Drunk and Drugged Driving Awareness Week have heightened the awareness of the American public to the danger of drunk and drugged driving: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the week of December 10, 1989, through December 16, 1989, is designated as "National Drunk and Drugged Driving Awareness Week" and the President is authorized and requested to issue a proclamation calling upon the people of the United States to observe the week with appropriate activities.

By Mr. HATCH (for himself, Mr. DECONCINI, Mr. THURMOND, Mr. GRASSLEY, Mr. HEFLIN, Mr. DIXON, Mr. MURKOWSKI, Mr. SYMMS, Mrs. KASSEBAUM, Mr. LOTT, and Mr. COATS):

S.J. Res. 144. Joint resolution proposing an amendment to the Constitution of the United States relating to voluntary silent prayer or reflection; to the Committee on the Judiciary.

RELATING TO VOLUNTARY SILENT PRAYER

● Mr. HATCH. Mr. President, today I am introducing a proposed constitutional amendment to permit individual or group silent prayer or reflection in public schools. The proposed amendment reads, in its entirety:

Nothing in this Constitution shall be construed to prohibit individual or group silent prayer or reflection in public schools. Neither the United States nor any State shall require any person to participate in such prayer reflection, nor shall they encourage any particular form of silent prayer or reflection.

The first amendment protects religious liberty and for most of our history, the right of our youngsters to have time for a voluntary vocal prayer in public schools was well-established. I believe such a right is protected by our Constitution, as amended, as its framers wrote it. The Supreme Court, however, has ruled otherwise. E.g., *Engel* v. *Vitale,* 370 U.S. 421 (1962); *Abington School District* v. *Schempp,* 374 U.S. 203 (1963). Mr. President, I do not intend today to engage in an analysis of the Constitution's original meaning in this area, or of Supreme Court decisions regarding school prayer. I will take that up on another occasion.

I do note that in the past, when the Senate has considered constitutional amendments permitting voluntary vocal school prayer, some Senators have expressed concern that those children who do not feel they can share in the prayer will feel ostracized. Putting aside the merits of that concern, I believe the amendment I am proposing today completely removes any basis for that objection.

Under the amendment, a State may permit its public schools to allow children to have time to pray or reflect in silence. The children are free to engage in silent prayer or reflection or to refrain from doing so. No child can be forced to do so under the amendment. Moreover, neither the Federal Government nor any State may "encourage any particular form of silent prayer or reflection."

Unfortunately, any State moment-of-silence statute which expressly permits voluntary silent prayer or is even regarded as motivated by a desire to permit such silent prayer is likely, and regrettably, to run afoul of the Supreme Court's decision in *Wallace* v. *Jaffree,* 472 U.S. 38 (1985). Hence, this amendment is vitally necessary to assure that courts will not strike down moment-of-silence statutes.

Mr. President, we are a religious people. I believe permitting States to allow their public school children a voluntary opportunity to pray or reflect in silence is both reasonable and desirable. I hope we can send this amendment to the States in this Congress. Mr. President, I ask unanimous consent that the text of the resolution be printed in the RECORD immediately following my remarks.

There being no objection, the joint resolution was ordered to be printed in the RECORD, as follows:

S.J. RES. 144

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following article is hereby proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution if ratified by the legislatures of three-fourths of the several States within seven years from the date of its submission to the States by the Congress:

"ARTICLE —

"Nothing in this Constitution shall be construed to prohibit individual or group silent prayer or reflection in public schools. Neither the United States nor any State shall require any person to participate in such prayer or reflection, nor shall they encourage any particular form of silent prayer or reflection."●

● Mr. THURMOND. Mr. President, I rise today as an original cosponsor of this constitutional amendment which would permit the exercise of voluntary silent prayer in our public schools.

On the first legislative day of the 101st Congress, I once again introduced a proposed constitutional amendment to allow vocal prayer in our public schools. This is the same proposal which was earlier voted out of the Judiciary Committee and fell 11 votes short of the necessary two-thirds for final passage.

While I personally favor a constitutional amendment to allow voluntary vocal prayer, this amendment offered by the distinguished Senator from Utah, Senator HATCH, is also a desirable approach to accomplish positive action in this area.

We have witnessed over the past 30 years in a series of Supreme Court decisions the erosion of the right to practice voluntary classroom prayer. The Supreme Court has said that such prayer is in violation of the first amendment. I believe that these decisions clearly depart from the intent of the drafters of the first amendment, as well as the understanding given it for the first 175 years of our Nation's history.

As Members of the Senate are aware, on June 4, 1985, in Wallace versus Jaffree, the Supreme Court extended its interpretation of the first amendment to rule unconstitutional an Alabama statute which merely provided for a period of silence of no more than 1 minute for meditation or voluntary prayer.

This decision dealt a significant blow to our freedom of religion and opportunities to convey the importance of spiritual development to our Nation's young people.

The negative impact of the Jaffree decision makes proposed constitutional amendments to allow voluntary prayer in our public schools timely and necessary to reaffirm our Nation's commitment to divine guidance. The Federal Government should accommodate the religious needs of our citizens—passage of this proposed amendment will go a long way to ensure that the freedom of religion is a liberty we can fully enjoy throughout America.●

By Mr. REID:

S.J. Res. 145. Joint resolution designating June 12 to June 19, 1989, as "Old Cars Week"; to the Committee on the Judiciary.

"OLD CARS WEEK"

Mr. REID. Mr. President, today it is my privilege to introduce a resolution to designate June 12 to June 19, 1989, as "Old Cars Week." Let us honor those who preserve our history and culture by engaging in the hobby of collecting, restoring, and maintaining

motor vehicles of historic and special interest.

The story of the automobile is one of the most important and fascinating chapters in the history of transportation. It has become a symbol of the American way of life. We mark our passages by the car we owned at the time of marriage or the birth of a child or a promotion in a job. We have vacationed in our cars, commuted to work or to school in them, raced them, displayed them, restored them, and collected them. We have our own particular memories of a specific car or perhaps of several.

The automobile is a reflection of the American dream. It embodies independence, mobility, hard work, and achievement. It has transformed us from an agrarian to an industrial age. It has moved our population into concentrated centers of production; it has encouraged our consumerist behavior; and it has contributed to the prosperity of all Americans.

Mr. President, what we are as a nation, we are in large measure because of the car. It is time that we celebrate the automobile and in so doing, celebrate and important aspect of American culture and history.

I urge my colleagues to support swift passage of the resolution.

ADDITIONAL COSPONSORS

S. 34

At the request of Mr. HUMPHREY, the name of the Senator from Mississippi [Mr. LOTT] was added as a cosponsor of S. 34, a bill to amend title 28 of the United States Code to clarify the remedial jurisdiction of inferior Federal courts.

S. 54

At the request of Mr. METZENBAUM, the name of the Senator from South Carolina [Mr. HOLLINGS] was added as a cosponsor of S. 54, a bill to amend the Age Discrimination in Employment Act of 1967 with respect to the waiver of rights under such act without supervision, and for other purposes.

S. 116

At the request of Ms. MIKULSKI, the names of the Senator from New Jersey [Mr. BRADLEY], the Senator from Rhode Island [Mr. CHAFEE], the Senator from Connecticut [Mr. DODD], the Senator from Minnesota [Mr. DURENBERGER], the Senator from Tennessee [Mr. GORE], the Senator from Rhode Island [Mr. PELL], the Senator from Alabama [Mr. SHELBY], and the Senator from Alaska [Mr. STEVENS] were added as cosponsors of S. 116, a bill to amend title XVIII of the Social Security Act to increase the independence of psychologists with respect to services furnished at a comprehensive outpatient rehabilitation facility.

S. 135

At the request of Mr. STEVENS, the name of the Senator from Vermont [Mr. JEFFORDS] was added a cosponsor of S. 135, a bill to amend title 5, United States Code, to restore to Federal civilian employees their right to participate voluntarily, as private citizens, in the political processes of the Nation, to protect such employees from improper political solicitations, and for other purposes.

S. 172

At the request of Mr. PRESSLER, the names of the Senator from South Dakota [Mr. DASCHLE] and the Senator from Oklahoma [Mr. NICKLES] were added as cosponsors of S. 172, a bill to amend the Soil Conservation and Domestic Allotment Act to extend the date for entering into contracts under the Great Plains Conservation Program.

S. 190

At the request of Mr. MATSUNAGA, the name of the Senator from Mississippi [Mr. COCHRAN] was added as a cosponsor of S. 190, a bill to amend section 3104 of title 38, United States Code, to permit certain service-connected disabled veterans who are retired members of the Armed Forces to receive compensation concurrently with retired pay without reduction in the amount of the compensation and retired pay.

S. 223

At the request of Mr. MOYNIHAN, the names of the Senator from Vermont [Mr. JEFFORDS], and the Senator from Rhode Island [Mr. CHAFEE] were added as cosponsors of S. 223, a bill to establish a grant program for research, treatment and public education with respect to Lyme disease.

S. 231

At the request of Mr. MOYNIHAN, the names of the Senator from Florida [Mr. GRAHAM], the Senator from Connecticut [Mr. LIEBERMAN], and the Senator from Ohio [Mr. METZENBAUM] were added as cosponsors of S. 231, a bill to amend part A of title IV of the Social Security Act to improve quality control standards and procedures under the Aid to Families With Dependent Children Program, and for other purposes.

S. 232

At the request of Mr. MOYNIHAN, the name of the Senator from Arkansas [Mr. PRYOR] was added as a cosponsor of S. 232, a bill to establish the American Conservation Corps, and for other purposes.

S. 243

At the request of Mr. MCCLURE, the names of the Senator from Oregon [Mr. HATFIELD], and the Senator from Colorado [Mr. WIRTH] were added as cosponsors of S. 243, a bill to provide for the extension of regional referral center classification of certain hospitals under the medicare program and to continue the payment rates for such hospitals.

S. 269

At the request of Mr. RIEGLE, the name of the Senator from New Mexico [Mr. DOMENICI] was added as a cosponsor of S. 269, a bill to prohibit the disposal of solid waste in any State other than the State in which the waste was generated.

S. 335

At the request of Mr. MCCAIN, the name of the Senator from New Mexico [Mr. DOMENICI] was added as a cosponsor of S. 335, a bill to amend title XVIII of the Social Security Act and other provisions of law to delay for 1 year the effective dates of the supplemental Medicare premium and additional benefits under part B of the Medicare Program, with the exception of the spousal impoverishment benefit.

S. 342

At the request of Mr. DANFORTH, the name of the Senator from Hawaii [Mr. INOUYE] was added as a cosponsor of S. 342, a bill to amend the Internal Revenue Code of 1986 to provide that certain credits will not be subject to the passive activity rules, and for other purposes.

S. 355

At the request of Mr. RIEGLE, the names of the Senator from Oklahoma [Mr. NICKLES], the Senator from Idaho [Mr. SYMMS], and the Senator from Louisiana [Mr. BREAUX] were added as cosponsors of S. 355, a bill to amend the Internal Revenue Code of 1986 to extend through 1992 the period during which qualified mortgage bonds and mortgage credit certificates may be issued.

S. 419

At the request of Mr. SIMON, the name of the Senator from Kansas [Mrs. KASSEBAUM] was added as a cosponsor of S. 419, a bill to provide for the collection of data about crimes motivated by race, religion, ethnicity, or sexual orientation.

S. 432

At the request of Mr. ROCKEFELLER, the name of the Senator from Vermont [Mr. JEFFORDS] was added as a cosponsor of S. 432, a bill to direct the Secretary of Transportation to identify scenic and historic roads and to develop methods of designating, promoting, protecting, and enhancing roads as scenic and historic roads.

S. 435

At the request of Mr. REID, the name of the Senator from Indiana [Mr. LUGAR] was added as a cosponsor of S. 435, a bill to amend section 118 of the Internal Revenue Code to provide for certain exceptions from certain rules determining contributions in aid of construction.

S. 448

At the request of Mr. SIMON, the name of the Senator from Maryland [Ms. MIKULSKI] was added as a cosponsor of S. 448, a bill to amend the Immigration and Nationality Act to change the level, and preference system for admission, of immigrants to the United States.

S. 454

At the request of Mr. ROCKEFELLER, the names of the Senator from Kentucky [Mr. MCCONNELL], the Senator from Tennessee [Mr. SASSER], the Senator from Mississippi [Mr. COCHRAN], and the Senator from North Carolina [Mr. SANFORD] were added as cosponsors of S. 454, a bill to provide additional funding for the Appalachian development highway system.

S. 461

At the request of Mr. GRASSLEY, the name of the Senator from North Dakota [Mr. CONRAD] was added as a cosponsor of S. 461, a bill to amend title XVIII of the Social Security Act to permit payment for services of physician assistants outside institutional settings.

S. 503

At the request of Mr. BAUCUS, the name of the Senator from Maine [Mr. MITCHELL] was added as a cosponsor of S. 503, a bill to protect the ozone layer by reducing chlorofluorocarbons and halons, and for other purposes.

S. 537

At the request of Mr. RIEGLE, the name of the Senator from South Dakota [Mr. PRESSLER] was added as a cosponsor of S. 537, a bill to require that any calculation of the Federal deficit made as a part of the Federal budget process include a calculation of the Federal deficit minus the Social Security reserves.

S. 570

At the request of Mr. DANFORTH, the names of the Senator from Arizona [Mr. DECONCINI], the Senator from Connecticut [Mr. LIEBERMAN], the Senator from South Carolina [Mr. HOLLINGS], the Senator from Massachusetts [Mr. KENNEDY], and the Senator from Connecticut [Mr. DODD] were added as cosponsors of S. 570, a bill to amend the Internal Revenue Code of 1986 to enhance the incentive for increasing research activities.

S. 593

At the request of Mr. HELMS, his name was added as a cosponsor of S. 593, a bill to exempt certain activities from provisions of the antitrust laws.

At the request of Mr. SIMON, the name of the Senator from New Mexico [Mr. BINGAMAN] was added as a cosponsor of S. 593, supra.

S. 618

At the request of Mr. SARBANES, the names of the Senator from Rhode Island [Mr. CHAFEE] and the Senator from Nevada [Mr. REID] were added as cosponsors of S. 618, a bill to authorize the Indian American Forum for Political Education to establish a memorial to Mahatma Gandhi in the District of Columbia.

S. 625

At the request of Mr. NICKLES, the name of the Senator from Mississippi [Mr. COCHRAN] was added as a cosponsor of S. 625, a bill to eliminate artificial distortions in the natural gas marketplace, to promote competition in the natural gas industry, and for other purposes.

S. 635

At the request of Mr. MCCLURE, the name of the Senator from Kentucky [Mr. FORD] was added as a cosponsor of S. 635, a bill to prevent the unintended licensing of federally non-jurisdictional pre-1935 unlicensed hydroelectric projects.

S. 640

At the request of Mrs. KASSEBAUM, the name of the Senator from Minnesota [Mr. BOSCHWITZ] was added as a cosponsor of S. 640, a bill to regulate interstate commerce by providing for uniform standards of liability for harm arising out of general aviation accidents.

S. 643

At the request of Mr. CONRAD, the name of the Senator from Maine [Mr. COHEN] was added as a cosponsor of S. 643, a bill to amend the Internal Revenue Code of 1986 to allow an individual a credit against income tax for certain expenditures for the purpose of reducing radon levels in the principal residence of the individual, and for other purposes.

S. 771

At the request of Mr. REID, the name of the Senator from Alaska [Mr. STEVENS] was added as a cosponsor of S. 771, a bill to amend the Internal Revenue Code of 1986 to disallow deductions for costs in connection with oil and hazardous substances cleanup unless the requirements of all applicable Federal laws concerning such cleanup are met, and for other purposes.

S. 814

At the request of Mr. DOMENICI, the names of the Senator from North Carolina [Mr. SANFORD], and the Senator from Missouri [Mr. DANFORTH] were added as cosponsors of S. 814, a bill to provide for the minting and circulation of one dollar coins, and for other purposes.

S. 828

At the request of Mr. DOMENICI, the names of the Senator from Mississippi [Mr. COCHRAN], and the Senator from North Dakota [Mr. BURDICK] were added as cosponsors of S. 828, a bill to amend the Internal Revenue Code of 1986 to provide incentives for the removal of crude oil and natural gas through enhanced oil recovery techniques so as to add as much as 10 billion barrels to the United States reserve base, to extend the production of certain stripper oil and gas wells, and for other purposes.

S. 843

At the request of Mr. ROCKEFELLER, the names of the Senator from Hawaii [Mr. INOUYE], the Senator from Mississippi [Mr. LOTT], and the Senator from Alabama [Mr. HEFLIN] were added as cosponsors of S. 843, a bill to establish a program of awards by the National Science Foundation for undergraduate students who are willing to commit themselves to teach elementary or secondary mathematics or science for a specified period of time.

S. 849

At the request of Mr. DASCHLE, the name of the Senator from Delaware [Mr. ROTH] was added as a cosponsor of S. 849, a bill to repeal section 2036(c) of the Internal Revenue Code of 1986, relating to valuation freezes.

S. 851

At the request of Mr. BOSCHWITZ, the name of the Senator from Mississippi [Mr. COCHRAN] was added as a cosponsor of S. 851, a bill to promote the development of small business in rural areas.

S. 859

At the request of Mr. WILSON, the names of the Senator from Pennsylvania [Mr. HEINZ], the Senator from Arkansas [Mr. PRYOR], the Senator from Alaska [Mr. STEVENS], and the Senator from Florida [Mr. GRAHAM] were added as cosponsors of S. 859, a bill to amend title XVIII of the Social Security Act to establish a drug utilization review system to prevent adverse drug reactions, and for other purposes.

S. 875

At the request of Mr. LEAHY, the names of the Senator from Kentucky [Mr. FORD], the Senator from New Jersey [Mr. LAUTENBERG], the Senator from Arizona [Mr. DECONCINI], the Senator from Nebraska [Mr. EXON], the Senator from Maryland [Mr. SARBANES], the Senator from Illinois [Mr. SIMON], the Senator from West Virginia [Mr. ROCKEFELLER], the Senator from Iowa [Mr. GRASSLEY], the Senator from Kentucky [Mr. MCCONNELL], the Senator from Massachusetts [Mr. KERRY], the Senator from New York [Mr. D'AMATO], the Senator from Minnesota [Mr. BOSCHWITZ], the Senator from Kansas [Mrs. KASSEBAUM], the Senator from Pennsylvania [Mr. SPECTER], the Senator from Nevada [Mr. BRYAN], the Senator from Indiana [Mr. COATS], the Senator from South Dakota [Mr. PRESSLER], the Senator from Delaware [Mr. ROTH], the Senator from Washington [Mr. GORTON], the Senator from Florida [Mr. GRAHAM], and the Senator from Utah [Mr. HATCH] were added as cosponsors of S. 875, a bill to prohibit United States contributions to the United Nations or any of its affiliated organiza-

tions if full membership as a State is granted to any organization or group that does not have the internationally recognized attributes of statehood.

S. 892

At the request of Mr. MOYNIHAN, the names of the Senator from Illinois [Mr. SIMON], the Senator from Alaska [Mr. STEVENS], the Senator from Nevada [Mr. REID], the Senator from New Mexico [Mr. BINGAMAN], the Senator from Hawaii [Mr. MATSUNAGA], the Senator from Nebraska [Mr. KERREY], and the Senator from West Virginia [Mr. ROCKEFELLER] were added as cosponsors of S. 892, a bill to exclude agent orange settlement payments from countable income and resources under Federal means-tested programs.

S. 933

At the request of Mr. HARKIN, the name of the Senator from South Dakota [Mr. PRESSLER] was added as a cosponsor of S. 933, a bill to establish a clear and comprehensive prohibition of discrimination on the basis of disability.

S. 948

At the request of Mr. GORTON, the name of the Senator from Idaho [Mr. SYMMS] was added as a cosponsor of S. 948, a bill to amend title 28, United States Code, to divide the ninth judicial circuit of the United States into two circuits, and for other purposes.

S. 963

At the request of Mr. DOMENICI, the name of the Senator from Oklahoma [Mr. NICKLES] was added as a cosponsor of S. 963, a bill to authorize a study on methods to commemorate the nationally significant highway known as Route 66, and for other purposes.

S. 969

At the request of Mr. MOYNIHAN, the name of the Senator from Connecticut [Mr. DODD] was added as a cosponsor of S. 969, a bill to establish the President's Award for Addiction Research.

S. 980

At the request of Mr. MITCHELL, the names of the Senator from New Mexico [Mr. DOMENICI], the Senator from Ohio [Mr. GLENN], the Senator from Virginia [Mr. ROBB], the Senator from Virginia [Mr. WARNER], the Senator from South Carolina [Mr. HOLLINGS], and the Senator from Vermont [Mr. JEFFORDS] were added as cosponsors of S. 980, a bill to amend the Internal Revenue Code of 1986 to improve the effectiveness of the low-income housing credit.

S. 997

At the request of Mr. MITCHELL, the name of the Senator from New Jersey [Mr. BRADLEY] was added as a cosponsor of S. 997, a bill to amend title XVIII of the Social Security Act to provide for eligibility for home health services on the basis of a need for occupational therapy.

S. 999

At the request of Mr. HOLLINGS, the name of the Senator from Arizona [Mr. DECONCINI] was added as a cosponsor of S. 999, a bill to amend the Communications Act of 1934 regarding the broadcasting of certain material regarding candidates for Federal elective office, and for other purposes.

S. 1001

At the request of Mr. GORE, the name of the Senator from Rhode Island [Mr. PELL] was added as a cosponsor of S. 1001, a bill to establish policies and procedures necessary to develop, as a domestically based industry in the United States, a high definition television enterprise in the United States, together with ancillary products and services.

S. 1008

At the request of Mr. CONRAD, the names of the Senator from Kentucky [Mr. FORD] and the Senator from Mississippi [Mr. LOTT] were added as cosponsors of S. 1008, a bill to promote the growth and economic diversification of, and to increase business and employment opportunities in rural America, and for other purposes.

S. 1036

At the request of Mr. LEAHY, the name of the Senator from Missouri [Mr. DANFORTH] was added as a cosponsor of S. 1036, a bill to improve the economic, community, and educational well-being of rural America, and for other purposes.

S. 1040

At the request of Mr. WILSON, the names of the Senator from Florida [Mr. MACK], the Senator from Alaska [Mr. MURKOWSKI], and the Senator from Indiana [Mr. COATS] were added as cosponsors of S. 1040, a bill to require the Secretary of Defense to establish an Anti-Drug Task Force.

S. 1052

At the request of Mr. KERRY, the name of the Senator from Hawaii [Mr. INOUYE] was added as a cosponsor of S. 1052, a bill to regulate equipment for servicing motor vehicle air conditioners, to restrict the sale of chlorofluorocarbons and motor vehicles with air conditioners that use chlorofluorocarbons, to require reports on the use of chemicals which deplete the ozone layer in the stratosphere, and for other purposes.

S. 1067

At the request of Mr. GORE, the name of the Senator from Rhode Island [Mr. PELL] was added as a cosponsor of S. 1067, a bill to provide for a coordinated Federal research program to ensure continued United States leadership in high-performance computing.

S. 1073

At the request of Mr. STEVENS, the name of the Senator from Georgia [Mr. NUNN] was added as a cosponsor of S.1073, a bill to amend chapter 83 of title 5, United States Code, to provide civil service retirement credit for service performed under the Railroad Retirement Act, and for other purposes.

SENATE JOINT RESOLUTION 15

At the request of Mr. PRESSLER, the names of the Senator from New Jersey [Mr. BRADLEY], the Senator from Wisconsin [Mr. KOHL], the Senator from North Dakota [Mr. BURDICK], the Senator from Mississippi [Mr. COCHRAN], the Senator from Virginia [Mr. ROBB], the Senator from Utah [Mr. GARN], the Senator from Alabama [Mr. SHELBY], the Senator from South Dakota [Mr. DASCHLE], the Senator from Hawaii [Mr. INOUYE], the Senator from Indiana [Mr. LUGAR], the Senator from Wisconsin [Mr. KASTEN], the Senator from Delaware [Mr. BIDEN], the Senator from Nevada [Mr. REID], and the Senator from Tennessee [Mr. GORE] were added as cosponsors of Senate Joint Resolution 15, a joint resolution to designate the second Sunday in October of 1989 as "National Children's Day."

SENATE JOINT RESOLUTION 16

At the request of Mr. PRESSLER, the names of the Senator from Texas [Mr. BENTSEN], the Senator from Minnesota [Mr. BOSCHWITZ], the Senator from New York [Mr. D'AMATO], the Senator from Minnesota [Mr. DURENBERGER], the Senator from Ohio [Mr. GLENN], the Senator from Florida [Mr. MACK], the Senator from Idaho [Mr. MCCLURE], the Senator from Maine [Mr. MITCHELL], the Senator from New York [Mr. MOYNIHAN], the Senator from Oregon [Mr. PACKWOOD], the Senator from Rhode Island [Mr. PELL], the Senator from Virginia [Mr. ROBB], the Senator from Wyoming [Mr. SIMPSON], and the Senator from South Carolina [Mr. THURMOND] were added as cosponsors of Senate Joint Resolution 16, a joint resolution designating the month of November 1989 as "National Alzheimer's Disease Month."

SENATE JOINT RESOLUTION 47

At the request of Mr. PRESSLER, the name of the Senator from Oklahoma [Mr. NICKLES] was added as a cosponsor of Senate Joint Resolution 47, a joint resolution to recognize the 75th anniversary of the Smith-Lever Act of May 8, 1914, and its role in establishing our Nation's system of State Cooperative Extension Services.

SENATE JOINT RESOLUTION 55

At the request of Mr. SIMON, the names of the Senator from Alabama [Mr. HEFLIN] and the Senator from Maryland [Ms. MIKULSKI] were added as cosponsors of Senate Joint Resolution 55, a joint resolution to designate the week of October 1, 1989, through October 7, 1989, as "Mental Illness Awareness Week."

SENATE JOINT RESOLUTION 71

At the request of Mr. HELMS, the name of the Senator from Virginia [Mr. ROBB] was added as a cosponsor of Senate Joint Resolution 71, a joint resolution designating April 16 through 22, 1989, as "National Ceramic Tile Industry Recognition Week."

SENATE JOINT RESOLUTION 73

At the request of Mr. BOSCHWITZ, the names of the Senator from Arizona [Mr. DECONCINI], the Senator from Tennessee [Mr. GORE], the Senator from Texas [Mr. BENTSEN], the Senator from Ohio [Mr. GLENN], the Senator from Colorado [Mr. ARMSTRONG], the Senator from South Dakota [Mr. PRESSLER], the Senator from Kansas [Mrs. KASSEBAUM], the Senator from New Jersey [Mr. BRADLEY], the Senator from Illinois [Mr. SIMON], the Senator from Utah [Mr. GARN], and the Senator from Arkansas [Mr. PRYOR] were added as cosponsors of Senate Joint Resolution 73, a joint resolution to designate the week beginning October 29, 1989, as "Gaucher's Disease Awareness Week."

SENATE JOINT RESOLUTION 76

At the request of Mr. HELMS, the names of the Senator from New York [Mr. D'AMATO], the Senator from Washington [Mr. GORTON], the Senator from Louisiana [Mr. BREAUX], the Senator from Maine [Mr. COHEN], the Senator from Kentucky [Mr. FORD], and the Senator from Vermont [Mr. JEFFORDS] were added as cosponsors of Senate Joint Resolution 76, a joint resolution to designate the period commencing on June 21, 1989, and ending on June 28, 1989, as "Food Science and Technology Week."

SENATE JOINT RESOLUTION 85

At the request of Mr. ARMSTRONG, the names of the Senator from Alaska [Mr. STEVENS], the Senator from South Carolina [Mr. THURMOND], the Senator from Kentucky [Mr. MCCONNELL], the Senator from California [Mr. CRANSTON], the Senator from Connecticut [Mr. DODD], the Senator from Virginia [Mr. ROBB], the Senator from New Mexico [Mr. BINGAMAN], the Senator from Maine [Mr. MITCHELL], the Senator from Texas [Mr. BENTSEN], and the Senator from Georgia [Mr. FOWLER] were added as cosponsors of Senate Joint Resolution 85, a joint resolution to designate the week of July 24-30, 1989, as the "National Week of Recognition and Remembrance of Those Who Served in the Korean War."

SENATE JOINT RESOLUTION 86

At the request of Mr. RIEGLE, the names of the Senator from Arizona [Mr. DECONCINI], the Senator from New York [Mr. D'AMATO], the Senator from Connecticut [Mr. LIEBERMAN], and the Senator from Michigan [Mr. LEVIN] were added as cosponsors of Senate Joint Resolution 86, a joint resolution designating November 17, 1989, as "National Philanthropy Day."

SENATE JOINT RESOLUTION 94

At the request of Mr. BOREN, the name of the Senator from Indiana [Mr. LUGAR] was added as a cosponsor of Senate Joint Resolution 94, a joint resolution to designate the week of June 4, 1989 through June 10, 1989, as "National Intelligence Community Week."

SENATE JOINT RESOLUTION 95

At the request of Mr. MCCLURE, the names of the Senator from Kansas [Mrs. KASSEBAUM], the Senator from South Dakota [Mr. PRESSLER], the Senator from Washington [Mr. GORTON], the Senator from Wisconsin [Mr. KASTEN], the Senator from Georgia [Mr. NUNN], the Senator from Louisiana [Mr. BREAUX], the Senator from Virginia [Mr. ROBB], the Senator from South Carolina [Mr. HOLLINGS], the Senator from Indiana [Mr. LUGAR], and the Senator from New Jersey [Mr. LAUTENBERG] were added as cosponsors of Senate Joint Resolution 95, a joint resolution to designate the week of September 10, 1989, through September 16, 1989, as "National Check-Up Week."

SENATE JOINT RESOLUTION 96

At the request of Mr. LAUTENBERG, the names of the Senator from Nevada [Mr. BRYAN], the Senator from Minnesota [Mr. DURENBERGER], the Senator from Tennessee [Mr. GORE], the Senator from Wisconsin [Mr. KOHL], the Senator from Connecticut [Mr. LIEBERMAN], the Senator from Oregon [Mr. PACKWOOD], the Senator from West Virginia [Mr. ROCKEFELLER], the Senator from California [Mr. WILSON], the Senator from Michigan [Mr, LEVIN], the Senator from South Dakota [Mr. PRESSLER], the Senator from Arkansas [Mr. PRYOR], the Senator from Georgia [Mr. NUNN], the Senator from Utah [Mr. GARN], the Senator from Hawaii [Mr. MATSUNAGA], the Senator from Illinois [Mr. SIMON], the Senator from Massachusetts [Mr. KERRY], the Senator from Colorado, [Mr. WIRTH], the Senator from Kansas [Mr. DOLE], the Senator from Idaho [Mr. MCCLURE], the Senator from North Dakota [Mr. BURDICK], the Senator from North Dakota [Mr. CONRAD], the Senator from Louisiana [Mr. JOHNSTON], the Senator from New York [Mr. MOYNIHAN], the Senator from Rhode Island [Mr. PELL], the Senator from Nevada [Mr. REID], the Senator from Indiana [Mr. COATS], the Senator from Delaware [Mr. ROTH], the Senator from Alabama [Mr. SHELBY], the Senator from Idaho [Mr. SYMMS], the Senator from Maryland [Mr. SARBANES], the Senator from Ohio [Mr. METZENBAUM], the Senator from Wisconsin [Mr. KASTEN], the Senator from Virginia [Mr. ROBB], the Senator from New York [Mr. D'AMATO], the Senator from Pennsylvania [Mr. SPECTER], the Senator from Alaska [Mr. STEVENS], the Senator from South Carolina [Mr. HOLLINGS], the Senator from Rhode Island [Mr. CHAFEE], the Senator from Florida [Mr. MACK], the Senator from Virginia [Mr. WARNER], the Senator from Oregon [Mr. HATFIELD], the Senator from Massachusetts [Mr. KENNEDY], the Senator from Michigan [Mr. RIEGLE], the Senator from Indiana [Mr. LUGAR], the Senator from Texas [Mr. BENTSEN], the Senator from Colorado [Mr. ARMSTRONG], the Senator from Georgia [Mr. FOWLER], the Senator from Alabama [Mr. HEFLIN], the Senator from Illinois [Mr. DIXON], the Senator from Oklahoma [Mr. BOREN], the Senator from Connecticut [Mr. DODD], the Senator from California [Mr. CRANSTON], and the Senator from Kansas [Mrs. KASSEBAUM] were added as cosponsors of Senate Joint Resolution 96, a joint resolution designating July 2, 1989, as "National Literacy Day."

SENATE JOINT RESOLUTION 104

At the request of Mr. DOLE, the name of the Senator from Colorado [Mr. ARMSTRONG] was added as a cosponsor of Senate Joint Resolution 104, a joint resolution to express the sense of the Congress with respect to the health of the Nation's children.

SENATE JOINT RESOLUTION 108

At the request of Mr. HEFLIN, the names of the Senator from South Carolina [Mr. HOLLINGS], the Senator from Massachusetts [Mr. KENNEDY], the Senator from Rhode Island [Mr. PELL] the Senator from Alabama [Mr. SHELBY], the Senator from Maryland [Mr. SARBANES], the Senator from Connecticut [Mr. DODD], the Senator from Delaware [Mr. BIDEN], the Senator from Maine [Mr. MITCHELL], the Senator from Hawaii [Mr. INOUYE], the Senator from Virginia [Mr. ROBB], the Senator from Oklahoma [Mr. BOREN], the Senator from Texas [Mr. BENTSEN], the Senator from Louisiana [Mr. JOHNSTON], the Senator from Michigan [Mr. LEVIN], the Senator from North Dakota [Mr. BURDICK] the Senator from North Dakota [Mr. CONRAD], the Senator from Ohio [Mr. METZENBAUM], the Senator from Tennessee [Mr. GORE], the Senator from Hawaii [Mr. MATSUNAGA], the Senator from Arkansas [Mr. PRYOR], the Senator from Nevada [Mr. REID], the Senator from Ohio [Mr. GLENN], the Senator from Arizona [Mr. DECONCINI], the Senator from Illinois [Mr. DIXON], the Senator from Michigan [Mr. RIEGLE], the Senator from Arkansas [Mr. BUMPERS], the Senator from Washington [Mr. ADAMS], the Senator from Georgia [Mr. FOWLER], the Senator from Connecticut [Mr. LIEBERMAN], the Senator from California [Mr. WILSON], the Senator from Minnesota [Mr. DURENBERGER], the Senator from Rhode Island [Mr. CHAFEE],

the Senator from Indiana [Mr. LUGAR], the Senator from Kansas [Mr. DOLE], the Senator from Mississippi [Mr. COCHRAN], the Senator from Alaska [Mr. STEVENS], the Senator from Utah [Mr. GARN], the Senator from Wisconsin [Mr. KASTEN], the Senator from Minnesota [Mr. BOSCHWITZ], the Senator from New York [Mr. D'AMATO], the Senator from Florida [Mr. MACK], the Senator from North Carolina [Mr. HELMS], the Senator from Missouri [Mr. BOND], the Senator from Idaho [Mr. MCCLURE], the Senator from South Carolina [Mr. THURMOND], the Senator from Indiana [Mr. COATS], the Senator from Montana [Mr. BURNS], the Senator from Wyoming [Mr. SIMPSON], the Senator from Colorado [Mr. ARMSTRONG], the Senator from Iowa [Mr. GRASSLEY], and the Senator from Utah [Mr. HATCH] were added as cosponsors of Senate Joint Resolution 108, a joint resolution designating October 3, 1989, as "National Teacher Appreciation Day."

SENATE JOINT RESOLUTION 109

At the request of Mr. THURMOND, the names of the Senator from Colorado [Mr. ARMSTRONG], the Senator from Texas [Mr. BENTSEN], the Senator from Delaware [Mr. BIDEN], the Senator from Indiana [Mr. COATS], the Senator from California [Mr. CRANSTON], the Senator from Missouri [Mr. DANFORTH], the Senator from Illinois [Mr. DIXON], the Senator from Tennessee [Mr. GORE], the Senator from Texas [Mr. GRAMM], the Senator from Utah [Mr. HATCH], the Senator from Pennsylvania [Mr. HEINZ], the Senator from North Carolina [Mr. HELMS], the Senator from Kansas [Mrs. KASSEBAUM], the Senator from Massachusetts [Mr. KENNEDY], the Senator from Massachusetts [Mr. KERRY], the Senator from Mississippi [Mr. LOTT], the Senator from Maine [Mr. MITCHELL], the Senator from Delaware [Mr. ROTH], the Senator from Wyoming [Mr. SIMPSON], and the Senator from Virginia [Mr. WARNER] were added as cosponsors of Senate Joint Resolution 109, a joint resolution to designate the period commencing September 11, 1989, and ending on September 15, 1989, as "National Historically Black Colleges Week."

SENATE JOINT RESOLUTION 110

At the request of Mr. SIMON, the names of the Senator from Hawaii [Mr. INOUYE], the Senator from Nebraska [Mr. EXON], the Senator from Tennessee [Mr. GORE], the Senator from Louisiana [Mr. BREAUX], the Senator from Massachusetts [Mr. KERRY], the Senator from North Carolina [Mr. HELMS], the Senator from Texas [Mr. GRAMM], the Senator from Utah [Mr. GARN], the Senator from Louisiana [Mr. JOHNSTON], the Senator from North Carolina [Mr. SANFORD], the Senator from North Dakota [Mr. BURDICK], the Senator from South Carolina [Mr. HOLLINGS], the Senator from Nevada [Mr. REID], the Senator from New Mexico [Mr. DOMENICI], the Senator from Colorado [Mr. ARMSTRONG], the Senator from West Virginia [Mr. ROCKEFELLER], the Senator from Georgia [Mr. FOWLER], the Senator from Florida [Mr. GRAHAM], and the Senator from New Jersey [Mr. BRADLEY] were added as cosponsors of Senate Joint Resolution 110, a joint resolution designating October 5, 1989, as "Raoul Wallenberg Day."

SENATE JOINT RESOLUTION 112

At the request of Mr. GRASSLEY, the names of the Senator from Michigan [Mr. RIEGLE], the Senator from Ohio [Mr. METZENBAUM], and the Senator from Maine [Mr. MITCHELL] were added as cosponsors of Senate Joint Resolution 112, a joint resolution designating May 29, 1989, as the "National Day of Remembrance for the Victims of the U.S.S. *Iowa*."

SENATE JOINT RESOLUTION 124

At the request of Mr. GORTON, the names of the Senator from Delaware [Mr. ROTH], the Senator from South Carolina [Mr. THURMOND], the Senator from Idaho [Mr. MCCLURE], the Senator from Tennessee [Mr. GORE], the Senator from Ohio [Mr. METZENBAUM], the Senator from North Dakota [Mr. BURDICK], the Senator from New York [Mr. D'AMATO], the Senator from Minnesota [Mr. BOSCHWITZ], the Senator from Indiana [Mr. COATS], the Senator from Mississippi [Mr. COCHRAN], the Senator from Illinois [Mr. DIXON], the Senator from Kansas [Mr. DOLE], the Senator from Michigan [Mr. LEVIN], the Senator from Georgia [Mr. NUNN], the Senator from Michigan [Mr. RIEGLE], the Senator from Virginia [Mr. ROBB], the Senator from Alaska [Mr. MURKOWSKI], the Senator from Illinois [Mr. SIMON], the Senator from Colorado [Mr. WIRTH], the Senator from Nebraska [Mr. EXON], the Senator from Iowa [Mr. GRASSLEY], the Senator from Rhode Island [Mr. PELL], the Senator from Rhode Island [Mr. CHAFEE], the Senator from Arkansas [Mr. PRYOR], the Senator from Vermont [Mr. JEFFORDS], the Senator from Washington [Mr. ADAMS], the Senator from Maine [Mr. COHEN], the Senator from Idaho [Mr. SYMMS], the Senator from Utah [Mr. GARN], the Senator from Hawaii [Mr. INOUYE], the Senator from Ohio [Mr. GLENN], the Senator from Alabama [Mr. HEFLIN], the Senator from Connecticut [Mr. LIEBERMAN], the Senator from Connecticut [Mr. DODD], the Senator from Colorado [Mr. ARMSTRONG], the Senator from Alaska [Mr. STEVENS], the Senator from Kansas [Mrs. KASSEBAUM], the Senator from Utah [Mr. HATCH], and the Senator from South Dakota [Mr. PRESSLER] were added as cosponsors of Senate Joint Resolution 124, a joint resolution to designate October as "National Quality Month."

SENATE JOINT RESOLUTION 126

At the request of Mr. PELL, the names of the Senator from North Carolina [Mr. HELMS] and the Senator from Ohio [Mr. METZENBAUM] were added as cosponsors of Senate Joint Resolution 126, a joint resolution commemorating the bicentennial of the U.S. Coast Guard.

SENATE JOINT RESOLUTION 127

At the request of Mr. SIMON, the names of the Senator from Illinois [Mr. DIXON], the Senator from Alabama [Mr. SHELBY], the Senator from Minnesota [Mr. DURENBERGER], the Senator from Rhode Island [Mr. CHAFEE], the Senator from Missouri [Mr. DANFORTH], the Senator from New York [Mr. D'AMATO], the Senator from Arizona [Mr. DECONCINI], the Senator from North Dakota [Mr. CONRAD], the Senator from Kansas [Mr. DOLE], the Senator from South Carolina [Mr. HOLLINGS], the Senator from Ohio [Mr. METZENBAUM], the Senator from Virginia [Mr. ROBB], the Senator from Hawaii [Mr. MATSUNAGA], the Senator from New Jersey [Mr. BRADLEY], and the Senator from Mississippi [Mr. COCHRAN] were added as cosponsors of Senate Joint Resolution 127, a joint resolution designating Labor Day Weekend, September 2-4, 1989, as "National Drive for Life Weekend."

SENATE JOINT RESOLUTION 129

At the request of Mr. DOLE, the names of the Senator from Kansas [Mrs. KASSEBAUM], the Senator from Tennessee [Mr. GORE], the Senator from New Hampshire [Mr. HUMPHREY], the Senator from Missouri [Mr. BOND], and the Senator from Nebraska [Mr. KERREY] were added as cosponsors of Senate Joint Resolution 129, a joint resolution to provide for the designation of September 15, 1989, as "National POW/MIA Recognition Day."

SENATE JOINT RESOLUTION 130

At the request of Mr. SARBANES, the names of the Senator from Maryland [Ms. MIKULSKI], the Senator from Virginia [Mr. WARNER], the Senator from Missouri [Mr. BOND], the Senator from Hawaii [Mr. MATSUNAGA], the Senator from New York [Mr. MOYNIHAN], the Senator from Mississippi [Mr. COCHRAN], the Senator from New Jersey [Mr. BRADLEY], the Senator from South Carolina [Mr. HOLLINGS], the Senator from Kansas [Mrs. KASSEBAUM], the Senator from Michigan [Mr. LEVIN], the Senator from Alabama [Mr. HEFLIN], the Senator from Ohio [Mr. METZENBAUM], the Senator from Arkansas [Mr. BUMPERS], the Senator from South Carolina [Mr. THURMOND], the Senator from Arkansas [Mr. PRYOR], the Senator from Massachusetts [Mr. KENNEDY], the Senator from Minnesota [Mr. DURENBERGER], and the Senator from New Mexico [Mr. DOMENICI] were added as

cosponsors of Senate Joint Resolution 130, a joint resolution designating February 11 through February 17, 1990, as "Vocational-Technical Education Week."

SENATE JOINT RESOLUTION 131

At the request of Mr. DURENBERGER, the names of the Senator from Washington [Mr. ADAMS], the Senator from Colorado [Mr. ARMSTRONG], the Senator from Oklahoma [Mr. BOREN], the Senator from Minnesota [Mr. BOSCHWITZ], the Senator from Nevada [Mr. BRYAN], the Senator from Arkansas [Mr. BUMPERS], the Senator from Montana [Mr. BURNS], the Senator from West Virginia [Mr. BYRD], the Senator from Rhode Island [Mr. CHAFEE], the Senator from Indiana [Mr. COATS], the Senator from Mississippi [Mr. COCHRAN], the Senator from Maine [Mr. COHEN], the Senator from California [Mr. CRANSTON], the Senator from New York [Mr. D'AMATO], the Senator from South Dakota [Mr. DASCHLE], the Senator from Arizona [Mr. DECONCINI], the Senator from Kansas [Mr. DOLE], the Senator from Nebraska [Mr. EXON], the Senator from Utah [Mr. GARN], the Senator from Ohio [Mr. GLENN], the Senator from Washington [Mr. GORTON], the Senator from Florida [Mr. GRAHAM], the Senator from Iowa [Mr. GRASSLEY], the Senator from South Carolina [Mr. HOLLINGS], the Senator from Hawaii [Mr. INOUYE], the Senator from Vermont [Mr. JEFFORDS], the Senator from Louisiana [Mr. JOHNSTON], the Senator from Massachusetts [Mr. KERRY], the Senator from New Jersey [Mr. LAUTENBERG], the Senator from Michigan [Mr. LEVIN], the Senator from Mississippi [Mr. LOTT], the Senator from Indiana [Mr. LUGAR], the Senator from Florida [Mr. MACK], the Senator from Hawaii [Mr. MATSUNAGA], the Senator from Maine [Mr. MITCHELL], the Senator from Idaho [Mr. MCCLURE], the Senator from Ohio [Mr. METZENBAUM], the Senator from New York [Mr. MOYNIHAN], the Senator from Georgia [Mr. NUNN], the Senator from Rhode Island [Mr. PELL], the Senator from Arkansas [Mr. PRYOR], the Senator from Nevada [Mr. REID], the Senator from Michigan [Mr. RIEGLE], the Senator from Virginia [Mr. ROBB], the Senator from Maryland [Mr. SARBANES], the Senator from Alabama [Mr. SHELBY], the Senator from Illinois [Mr. SIMON], the Senator from Wyoming [Mr. SIMPSON], the Senator from Alaska [Mr. STEVENS], the Senator from Idaho [Mr. SYMMS], the Senator from South Carolina [Mr. THURMOND], the Senator from Virginia [Mr. WARNER], the Senator from California [Mr. WILSON], and the Senator from Colorado [Mr. WIRTH] were added as cosponsors of Senate Joint Resolution 131, a joint resolution to designate November 1989 as "National Diabetes Month."

SENATE JOINT RESOLUTION 137

At the request of Mr. KASTEN, the names of the Senator from Wisconsin [Mr. KOHL], the Senator from Idaho [Mr. SYMMS], the Senator from Georgia [Mr. NUNN], the Senator from Indiana [Mr. COATS], the Senator from New Jersey [Mr. LAUTENBERG], the Senator from Arkansas [Mr. BUMPERS], the Senator from New Jersey [Mr. BRADLEY], the Senator from Vermont [Mr. JEFFORDS], the Senator from Illinois [Mr. SIMON], the Senator from Florida [Mr. GRAHAM], the Senator from Minnesota [Mr. DURENBERGER], the Senator from Ohio [Mr. METZENBAUM], the Senator from Louisiana [Mr. BREAUX], the Senator from California [Mr. WILSON], the Senator from South Dakota [Mr. DASCHLE], the Senator from New York [Mr. D'AMATO], the Senator from Michigan [Mr. RIEGLE], the Senator from Minnesota [Mr. BOSCHWITZ], the Senator from Iowa [Mr. GRASSLEY], the Senator from Louisiana [Mr. JOHNSTON], the Senator from Indiana [Mr. LUGAR], the Senator from Nevada [Mr. REID], the Senator from Mississippi [Mr. COCHRAN], the Senator from Illinois [Mr. DIXON], the Senator from Kansas [Mr. DOLE], the Senator from Michigan [Mr. LEVIN], the Senator from Idaho [Mr. MCCLURE], the Senator from Delaware [Mr. BIDEN], the Senator from South Carolina [Mr. THURMOND], the Senator from South Carolina [Mr. HOLLINGS], the Senator from Pennsylvania [Mr. SPECTER], the Senator from Arizona [Mr. DECONCINI], the Senator from Florida [Mr. MACK], the Senator from North Dakota [Mr. BURDICK], the Senator from Rhode Island [Mr. CHAFEE], the Senator from Tennessee [Mr. SASSER], the Senator from Montana [Mr. BURNS], the Senator from Connecticut [Mr. DODD], the Senator from Missouri [Mr. DANFORTH], the Senator from Washington [Mr. ADAMS], the Senator from Kansas [Mrs. KASSEBAUM], the Senator from Tennessee [Mr. GORE], the Senator from Utah [Mr. GARN], the Senator from Virginia [Mr. ROBB], the Senator from Pennsylvania [Mr. HEINZ], the Senator from Colorado [Mr. WIRTH], the Senator from Missouri [Mr. BOND], the Senator from Oklahoma [Mr. BOREN], the Senator from Rhode Island [Mr. PELL], the Senator from Alabama [Mr. SHELBY], the Senator from Ohio [Mr. GLENN], the Senator from Alabama [Mr. HEFLIN], the Senator from Oregon [Mr. PACKWOOD], the Senator from Nebraska [Mr. KERREY], the Senator from Georgia [Mr. FOWLER], and the Senator from Connecticut [Mr. LIEBERMAN], were added as cosponsors of Senate Joint Resolution 137, a joint resolution designating January 7, 1990, through January 13, 1990, as "National Law Enforcement Training Week."

SENATE CONCURRENT RESOLUTION 16

At the request of Mr. BOSCHWITZ, the names of the Senator from Wyoming [Mr. WALLOP], and the Senator from Wyoming [Mr. SIMPSON] were added as cosponsors of Senate Concurrent Resolution 16, a concurrent resolution calling for the Government of Vietnam to expedite the release and emigration of all political prisoners.

SENATE CONCURRENT RESOLUTION 39

At the request of Mr. WILSON, the names of the Senator from Colorado [Mr. ARMSTRONG], the Senator from Minnesota [Mr. BOSCHWITZ], the Senator from Montana [Mr. BURNS], the Senator from Rhode Island [Mr. CHAFEE], the Senator from Indiana [Mr. COATS], the Senator from Mississippi [Mr. COCHRAN], the Senator from Maine [Mr. COHEN], the Senator from New York [Mr. D'AMATO], the Senator from Kansas [Mr. DOLE], the Senator from New Mexico [Mr. DOMENICI], the Senator from Minnesota [Mr. DURENBERGER], the Senator from Utah [Mr. GARN], the Senator from Utah [Mr. HATCH], the Senator from Pennsylvania [Mr. HEINZ], the Senator from Kansas [Mrs. KASSEBAUM], the Senator from Wisconsin [Mr. KASTEN], the Senator from Mississippi [Mr. LOTT], the Senator from Indiana [Mr. LUGAR], the Senator from Florida [Mr. MACK], the Senator from Arizona [Mr. MCCAIN], the Senator from Idaho [Mr. MCCLURE], the Senator from Alaska [Mr. MURKOWSKI], the Senator from South Dakota [Mr. PRESSLER], the Senator from Alaska [Mr. STEVENS], the Senator from Idaho [Mr. SYMMS], the Senator from South Carolina [Mr. THURMOND], the Senator from Virginia [Mr. WARNER], the Senator from Washington [Mr. ADAMS], the Senator from Montana [Mr. BAUCUS], the Senator from Nevada [Mr. BRYAN], the Senator from Arkansas [Mr. BUMPERS], the Senator from North Dakota [Mr. BURDICK], the Senator from North Dakota [Mr. CONRAD], the Senator from South Dakota [Mr. DASCHLE], the Senator from Arizona [Mr. DECONCINI], the Senator from Illinois [Mr. DIXON], the Senator from Connecticut [Mr. DODD], the Senator from Nebraska [Mr. EXON], the Senator from Kentucky [Mr. FORD], the Senator from Georgia [Mr. FOWLER], the Senator from Alabama [Mr. HEFLIN], the Senator from South Carolina [Mr. HOLLINGS], the Senator from Hawaii [Mr. INOUYE], the Senator from Massachusetts [Mr. KENNEDY], the Senator from Nebraska [Mr. KERREY], the Senator from Massachusetts [Mr. KERRY], the Senator from Wisconsin [Mr. KOHL], the Senator from New Jersey [Mr. LAUTENBERG], the Senator from Michigan [Mr. LEVIN], the Senator from Connecticut [Mr. LIEBERMAN], the Senator from Hawaii [Mr. MATSUNAGA], the Senator from Georgia [Mr. NUNN], the Senator from

Rhode Island [Mr. PELL], the Senator from Arkansas [Mr. PRYOR], the Senator from Nevada [Mr. REID], the Senator from Michigan [Mr. RIEGLE], the Senator from Virginia [Mr. ROBB], and the Senator from Tennessee [Mr. SASSER] were added as cosponsors of Senate Concurrent Resolution 39, a concurrent resolution to commend the group of aviators known as the "Flying Tigers" for nearly 50 years of service to the United States.

SENATE RESOLUTION 13

At the request of Mr. DOLE, the names of the Senator from Hawaii [Mr. MATSUNAGA] and the Senator from Idaho [Mr. SYMMS] were added as cosponsors of Senate Resolution 13, a resolution to amend Senate Resolution 28 to implement closed caption broadcasting for hearing-impaired individuals of floor proceedings of the Senate.

SENATE RESOLUTION 119

At the request of Mr. WILSON, the names of the Senator from South Carolina [Mr. THURMOND], the Senator from New Hampshire [Mr. RUDMAN], the Senator from Maine [Mr. COHEN], the Senator from Louisiana [Mr. BREAUX], the Senator from Florida [Mr. GRAHAM], the Senator from New Jersey [Mr. LAUTENBERG], and the Senator from Rhode Island [Mr. CHAFEE] were added as cosponsors of Senate Resolution 119, a resolution concerning the 1986 agreement between the United States and Japan regarding the Japanese semiconductor market.

SENATE RESOLUTION 136—RELATIVE TO FUNDING FOR RADON ASSESSMENT AND MITIGATION

Mr. CONRAD submitted the following resolution; which was referred to the Committee on Appropriations:

S. RES. 136

Resolved, That it is the sense of the Senate that the Committee on Appropriations—

(1) should make the full appropriation of the $10,000,000 authorized for fiscal year 1990 for carrying out the program of grants to States under section 306 of the Toxic Substances Control Act for assessment and mitigation of radon; and

(2) should appropriate $1,500,000 for the Enviromental Protection Agency to carry out a study under section 307 of the Toxic Substances Control Act to determine the extent of radon contamination in the school buildings of the United States.

Mr. CONRAD. Mr. President on April 20, 1989, the Environmental Protection Agency announced results of a study which determined that radon is a problem in our Nation's public schools. They tested over 3,000 classrooms in 130 schools in 16 States. They found at least one classroom in every State which had radon levels that exceeded EPA's lowest recommended action level. Several schools had levels that were 20 or more times this level. This indicates that our Nation's children and teachers are at risk from radon's toxic effects not only in their homes but in their schools. EPA stated that this was not a comprehensive or even random study. It was designed to determine if radon levels were such that a more comprehensive study would be needed.

At the same time that EPA announced the results of the school study, they also made an even more disturbing announcement. Research indicates that children are more susceptible to radon's effects than are adults. The same dose of radon may have twice the effect upon children as it does on adults. Mr. President, if what the EPA says is true, our children, the future of our country, are in danger. We must act to get the radon out of our public schools.

In 1987, the Congress passed, and the President signed into law, a measure that authorized funds to EPA to study radon in homes, offices, and schools, and for grants to States to help mitigate radon in those places where there are serious problems. Some of those funds were not appropriated and much of the needed work went undone. We must not let that happen again.

My own State of North Dakota has the most serious radon contamination problem in the country. EPA tested schools in North Dakota as part of its initial study and found high levels in several classrooms. Moreover, the Fargo school system tested its schools for radon and found elevated levels in all of the schools in the district.

The sense-of-the-Senate resolution which I am introducing today requests the Appropriations Committee to appropriate the full $10 million authorized by that law for radon study and mitigation for fiscal year 1990. In addition, I am requesting that an additional $1.5 million for the EPA be appropriated to carry out a much more thorough study of radon in our schools so we can get a firm grasp on the extent of the problem. Mr. President, we need to get this money into the hands of the people who can tell us how bad the radon problem is and how to solve it. EPA says that once radon problems in schools are diagnosed, they are easily remedied. We must stop putting our children needlessly at risk of lung cancer.

Mr. President, I ask unanimous consent that these articles from the Los Angeles Times and the Fargo Forum on the results of radon testing in North Dakota schools be included in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Los Angeles Times]

EPA SAYS RADON THREATENS SCHOOLS

WASHINGTON.—Sounding a new alarm about indoor air pollution, the Environmental Protection Agency warned Thursday that unhealthy levels of radon have been detected in the nation's schools and urged officials nationwide to test schoolrooms for possible contamination by the cancer-causing gas.

The extraordinary health alert, issued by EPA Administrator William K. Reilly, was based on a preliminary results of an agency survey that found hazardous levels of radioactive radon in more than half of the 130 schools tested in 16 states. Bismarck, N.D., was one of the areas tested.

The stern EPA warning reaffirmed a statement released by the agency last autumn, when it joined Surgeon General C. Everett Koop in issuing a health advisory exhorting homeowners nationwide to test their residences for radon.

Far too few individuals have yet heeded that advice, Reilly declared. He said that the survey of schools raised new concerns about the dangers radon poses to children, who are believed to be particularly susceptible to the ill effects of the radioactive gas.

In making the health advisory public, Reilly acknowledged that it was based on preliminary and incomplete research. But he emphasized that the data collected was so troublesome, and the risks posed so severe, that remedial efforts should not be delayed until a more comprehensive survey is completed.

"The risks posed by radon gas are very real," Reilly told the National Press Club. "But with a little thoughtful effort, we can solve this problem with relative ease."

Experts call radon the second-leading cause of lung cancer in the United states and blame it for 15,000 deaths a year.

An odorless, colorless gas, radon is produced by the radioactive decay of uranium and seeps naturally from the soil. While it usually escapes harmlessly into the environment, the gas can reach dangerously high concentrations when contained by man-made structures.

In the EPA survey, 54 percent of schools tested—and at least one every state—was found to contain one or more rooms in which radon levels exceeded the EPA limit of four picocuries per liter.

[From the Forum]

RADON FOUND IN ALL FARGO SCHOOLS—SCHOOL OFFICIAL SAYS LEVELS NOT SERIOUS PROBLEM, BUT WILL BE MONITORED

(By Ellen Crawford)

Radon has been found in all of Fargo's public schools.

However, the radon levels do not exceed 4 picocuries per liter of air in the buildings' occupied areas, according to tests completed last month.

The federal Environmental Protection Agency says indoor concentrations should not exceed the 4 picocuries per-liter-level.

Radon is a colorless, odorless gas released by the decay of uranium in the soil. It seeps into buildings. Scientists say high concentrations of the gas could be a major cause of lung cancer.

The EPA warned last week that preliminary tests suggest schools across the country have unhealthy levels of radon. The EPA also urged every school to test for the gas.

Radon Control Systems, a division of Western Products Inc., Fargo, conducted more than 100 tests throughout Fargo's public schools, the school district office and district warehouse between January and March.

The tests found the biggest concentrations of radon in utility tunnels under schools. The highest reading—47.8 picocuries per liter was in the tunnel at Roosevelt Elementary in north Fargo.

Areas of Roosevelt occupied by students and teachers registered a radon level of 4.

Duane Carlson, assistant superintendent for business, said the radon levels are not a serious problem, but district officials plan to monitor them on a regular basis.

The EPA says that if a building's radon level is less than 4 picocuries per liter of air, further tests aren't required. The EPA recommends the air be tested once a year if radon levels are between 4 picocuries to 20 picocuries per liter and every three months if the levels are 20 picocuries to 200 picocuries per liter.

If tests show more than 200 picocuries per liter, action should be taken immediately to reduce the radon level, the EPA says.

Fargo School District tests indicate that radon levels are highest in the areas with the least amount of air circulation, Carlson said. "What we're going to have to do with our building tunnels, basement areas, is make sure we get air exchanges happening there."

Radon is like asbestos in that studies indicate it can cause health problems and concentrations should be reduced, he said. But unlike asbestos, dealing with radon can be as simple and inexpensive as increasing an area's air circulation, he said.

In comparison, the School Board this week awarded contracts totaling $122,730 for asbestos removal at Madison and McKinley elementary schools.

The radon tests cost the district $2,070, Carlson said.

SENATE RESOLUTION 137—RELATIVE TO THE DEATH OF REPRESENTATIVE CLAUDE PEPPER OF FLORIDA

Mr. GRAHAM (for himself, Mr. MATSUNAGA, and Mr. REID) submitted the following resolution; which was considered and agreed to:

S. RES. 137

Resolved, That the Senate has heard with profound sorrow the announcement of the death of the Honorable Claude Pepper, late a Representative from the State of Florida and formerly a Senator from that State.

Resolved, That the Secretary communicate these resolutions to the House of Representatives and transmit an enrolled copy thereof to the family of the deceased.

Resolved, That when the Senate recesses today, it recess as a further mark of respect to the memory of the deceased Representative.

SENATE RESOLUTION 138—REAPPOINTING THE DEPUTY SENATE LEGAL COUNSEL

Mr. FOWLER (for Mr. MITCHELL, for himself, and Mr. DOLE) submitted the following resolution; which was considered and agreed to:

S. RES. 138

Resolved, That the reappointment of Kenneth U. Benjamin, Jr. to be Deputy Senate Legal Counsel, made by the President pro tempore of the Senate this day, shall become effective on June 1, 1989, and the term of service of the appointee shall expire at the end of the 102nd Congress.

SENATE RESOLUTION 139—DESIGNATING NATIONAL D-DAY REMEMBRANCE

Mr. FOWLER (for Mr. LAUTENBERG, for himself, Mr. SHELBY, Mr. GRAMM, Mr. BRADLEY, Mr. DOLE, Mr. LIEBERMAN, Mr. COATS, Mr. ROBB, Mr. HATCH, Mr. MITCHELL, Mr. STEVENS, Mr. SANFORD, Mr. WARNER, Mr. BOREN, Mr. PELL, Mr. METZENBAUM, Mr. MURKOWSKI, Mr. MATSUNAGA, Mr. SARBANES, Mr. BURNS, Mr. CONRAD, Mr. INOUYE, Mr. GARN, Mr. DECONCINI, Mr. SIMON, Mr. WILSON, Mr. DIXON, Mr. SASSER, Mr. BIDEN, Mr. LEVIN, Mr. GORE, Mr. HOLLINGS, Mr. HEFLIN, Mr. DASCHLE, Mr. RIEGLE, Mr. MOYNIHAN, Mr. BUMPERS, Mr. GLENN, Mr. ROCKEFELLER, Mr. CRANSTON, Mr. DOMENICI, Mr. THURMOND, Mr. SPECTER, Mr. ROTH, Mr. SIMPSON, Mr. HEINZ, Mr. MACK, Mr. ARMSTRONG, Mr. GRASSLEY, Mr. JEFFORDS, Mr. D'AMATO, Ms. MIKULSKI, Mr. COHEN, Mr. GORTON, and Mr. CHAFEE) submitted the following resolution; which was considered and agreed to:

S. RES. 139

Whereas June 6, 1989, marks the 45th anniversary of D-Day, the day on which thousands of American, British and Canadian troops sprang from the sea and air onto the coast and fields of Normandy in "Operation Overlord" to punch a gaping hole in Adolf Hitler's "Fortress Europe";

Whereas after the German victory over France in 1940, one of the main objectives of the Allied powers was to invade France as the first major step toward the defeat of Nazi Germany;

Whereas Allied planning for an invasion of France, named Operation Overlord, began in earnest in 1942;

Whereas General Dwight D. Eisenhower, Commander of the United States forces in Europe, was selected as Supreme Commander of the Allied Expeditionary Force, and Great Britain's General Bernard Law Montgomery, the hero of El Alamein, was appointed to command the Twenty-First Army Group, the main Allied land force;

Whereas the beaches of Normandy were selected for the primary invasion;

Whereas General Eisenhower knew that the Allies had to succeed in establishing a beachhead on the first day because, with the scarcity of landing craft, it would be 6 weeks before the Allies could land enough men to achieve numerical superiority over the German defenders;

Whereas the Germans, anticipating the inevitable invasion, began constructing coastal defenses in northern France in 1940;

Whereas on the morning of June 6, 1944, known as "D-Day", more than 5,000 Allied ships carrying nearly 100,000 men hit the beaches of Normandy, with 1,083 heavy bombers and more than 2,000 fighter planes providing support overhead;

Whereas the invasion was the largest combined air, sea, and land operation in history;

Whereas after a day of bitter fighting the Allies succeeded in establishing a beachhead;

Whereas during the next week the Allied Expeditionary Force solidified its position, and the Germans, because of the disruption of their transportation system and because of Allied air superiority, could not bring sufficient reserves to the battlefield to launch an effective counterattack;

Whereas both Field Marshal Rommel and Adolf Hitler believed the Normandy invasion was a feint for a larger invasion at Calais and kept troops away from Normandy;

Whereas Field Marshal von Rundstedt was unable to move his armor in time to stem the Allied advance;

Whereas a massive battle against German armor at Caen held up General Montgomery for a few days, but the Allies broke through the Normandy defenses and raced toward Paris;

Whereas the Allies mounted a Second invasion in southern France in August 1944, and on August 25, 1944, Paris was liberated, opening the way to the invasion of Germany itself; and

Whereas the people of the United States owe a tremendous debt of gratitude to all members of our Armed Forces who participated in "Operation Overlord" and in all other theaters during World War II: Now, therefore be it

Resolved, That June 6, 1989, is designated as "National D-Day Remembrance Day", and the President is requested to issue a proclamation calling upon the people of the United States to observe this solemn occasion with appropriate ceremonies and activities, and to express gratitude to those who gave their lives and to all others who served to defend our freedom in World War II.

AMENDMENTS SUBMITTED

EXEMPTION OF CERTAIN ACTIVITIES FROM ANTITRUST LAWS

HELMS (AND THURMOND) AMENDMENT NO. 106

Mr. HELMS (for himself and Mr. THURMOND) proposed an amendment to the bill (S. 593) to exempt certain activities from provisions of the antitrust laws, as follows:

(1) on page 2, line 23, strike "or (2) alleviate the negative impact of illegal drug in telecast material." and insert "(2) alleviate the negative impact of illegal drug use in telecast material, and (3) alleviate the negative impact of sexually explicit material in telecast material."

(2) on page 3, line 8, strike "Television Violence Act" and insert "Television Violence Indecent Material Act".

SENSE OF THE CONGRESS WITH RESPECT TO DEMOCRACY IN CHINA

PELL (AND OTHERS) AMENDMENT NOS. 107 AND 108

Mr. PELL (for himself and Mr. HELMS, Mr. BOSCHWITZ, and Mr. THURMOND) proposed two amendments to the concurrent resolution (H. Con. Res. 136) expressing the sense of the Congress on the movement for democracy in China, as follows:

AMENDMENT No. 107

Strike out all after the resolving clause and insert:

It is the sense of the Congress that—

(a) The Congress looks with admiration on the courage which Chinese citizens have demonstrated in striving for democratic political reform, including freedom of expression, freedom of assembly, freedom of association, and freedom of the press, and on the peaceful and disciplined manner with which they have pursued their cause;

(b) the leadership of the People's Republic of China should take all necessary steps to establish a just and democratic society, with a free and open political system that will protect the essential human rights of all people living within that country, and

(c) the Secretary of State should communicate to the leadership of the People's Republic of China that official violence or repression directed at those who would peacefully demonstrate for democracy, liberty, and justice and workers rights will seriously damage relations with the United States.

AMENDMENT No. 108

Strike the preamble and insert:

Whereas since mid-April millions of Chinese citizens have engaged in peaceful demonstrations in Beijing and other Chinese cities, calling for greater democracy, freedom of expression, freedom of assembly, freedom of association, and for a government which is responsive to the people and free of corruption;

Whereas the demonstrators, in carrying out their peaceful protest, have displayed extraordinary courage, discipline, and restraint;

Whereas such demonstrations reflect a broad-based feeling on the part of many Chinese that the political reforms which have occurred in China have not kept pace with the progress of economic reform, and the current difficulties in economic reform will only heighten the popular desire for political reform;

Whereas the extraordinary demonstrations in China constitute one of the most significant movements for democracy in modern history;

Whereas on May 20, 1989, the Chinese Government declared martial law in eight districts of Beijing, and imposed edicts forbidding marches, strikes, class boycotts, distribution of pamphlets, spreading rumors, attacks on leaders, and any other "destructive actions;"

Whereas on May 20, 1989, the Chinese Government ordered units of the People's Liberation Army into Beijing in order to restore order;

Whereas military units attempting to enter the center of Beijing have been met by crowds of prodemocracy demonstrators and have chosen to withdraw or remain in place rather than use force to move forward;

Whereas in April 1989, the authorities of the Shanghai municipality dismissed the editor-in-chief of the World Economic Herald, one of China's more independent newspapers;

Whereas the Chinese authorities have ordered foreign journalists not to go to Tiananmen Square, have stopped international satellite news transmissions, and have jammed three of five Voice of America frequencies (the first time that VOA broadcasts to China have been jammed since the normalization of United States-China relations in 1979);

Whereas, in the wake of democracy movements in 1978-79 and 1986-87, the authorities subjected participants in those movements to a variety of sanctions, and some individuals incarcerated for their peaceful political activity during those movements remain in prison;

Whereas an acceleration of political reform, including greater pluralism and respect for internationally recognized human rights, will have positive consequences for the development of relations between the United States and China, and represssion of the movement for democracy in China will seriously impair those relations;

Whereas the freedom of movement and the freedom to form independent trade unions, student organizations and other voluntary associations are curtailed;

Whereas led by the Independent Student Union of Beijing Universities, the Chinese people have demonstrated their desire for democracy, human rights and an end to corruption in the People's Republic of China;

Whereas the American people desire to extend their moral support to the struggle for democracy, liberty and justice within the People's Republic of China.

LOCAL RAIL SERVICE ASSISTANCE PROGRAM AUTHORIZATION ACT

HARKIN AMENDMENT NO. 109

Mr. HARKIN proposed an amendment to the bill (S. 255) to authorize appropriations for the Local Rail Service Assistance Program, as follows:

Strike all after the enacting clause and insert the following:

That this Act may be cited as the "Local Rail Service Assistance Reauthorization Act of 1990".

SEC. 2. (a) The second sentence of subsection (q) of section 5 of the Department of Transportation Act (49 App. U.S.C. 1654(q)) is amended—

(1) by striking "and" immediately after "1987,";

(2) by striking the period at the end and inserting in lieu thereof a comma; and

(3) by adding at the end the following: "and not to exceed $10,000,000 for the fiscal year ending September 30, 1990.".

(b) The last sentence of such subsection (q) is amended by striking "1988" and inserting in lieu thereof "1990".

SEC. 3. Section 5(g) of the Department of Transportation Act (49 App. U.S.C. 1654(g)) is amended by striking "70 per centum" and inserting in lieu thereof "60 per centum".

COMPENSATION OF CERTAIN SERVICE-CONNECTED DISABLED VETERANS

MATSUNAGA AMENDMENT NO. 110

(Ordered referred to the Committee on Veterans' Affairs.)

Mr. MATSUNAGA submitted an amendment intended to be proposed by him to the bill (S. 190) to amend section 3104 of title 38, United States Code, to permit certain service-connected disabled veterans who are retired members of the Armed Forces to receive compensation concurrently with retired pay without reduction in the amount of compensation and retired pay; as follows:

On page 1, strike out line 3 and all that follows through page 3, line 12, and insert in lieu thereof the following:

SECTION 1. CONCURRENT PAYMENT OF RETIRED PAY AND COMPENSATION.

(a) LIMITATION ON DUPLICATION OF BENEFITS.—Section 3104(a) of title 38, United States Code, is amended—

(1) in paragraph (1), by inserting "as provided in paragraph (3) of this subsection and" after "Except"; and

(2) by adding at the end the following new paragraph:

"(3)(A) Subject to subparagraph (B) of this paragraph, a person may be paid emergency officers', regular, or reserve retirement pay concurrently with payment of compensation for any service-connected disability if the person's entitlement to such retirement pay is based solely on—

"(i) the person's age;

"(ii) the length of the person's service in the Armed Forces, the Regular or Reserve Corps of the Public Health Service, or the National Oceanic and Atmospheric Administration; or

"(iii) both the person's age and the length of such service.

"(B) In the case of a person who is receiving both retirement pay and compensation, the amount of retirement pay paid such person shall be reduced (but not below zero)—

"(i) if and while the disability is rated 10 percent, by the amount equal to 90 percent of the amount of the disability compensation paid such person;

"(ii) if and while the disability is rated 20 percent, by the amount equal to 80 percent of the amount of the disability compensation paid such person;

"(iii) if and while the disability is rated 30 percent, by the amount equal to 70 percent of the amount of the disability compensation paid such person;

"(iv) if and while the disability is rated 40 percent, by the amount equal to 60 percent of the amount of the disability compensation paid such person;

"(v) if and while the disability is rated 50 percent, by the amount equal to 50 percent of the amount of the disability compensation paid such person;

"(vi) if and while the disability is rated 60 percent, by the amount equal to 40 percent of the amount of the disability compensation paid such person;

"(vii) if and while the disability is rated 70 percent, by the amount equal to 30 percent of the amount of the disability compensation paid such person;

"(viii) if and while the disability is rated 80 percent, by the amount equal to 20 percent of the amount of the disability compensation paid such person; and

"(ix) if and while the disability is rated 90 percent, by the amount equal to 10 percent of the amount of the disability compensation paid such person.

The amount of the retirement pay of a disabled person may not be reduced under this subparagraph if and while the disability is rated as total."

(b) TECHNICAL AMENDMENTS.—(1) Section 3104 of such title is further amended by striking out the section heading and inserting in lieu thereof the following:

"§ 3104. Limitation on duplication of payments".

(2) The table of sections at the beginning of chapter 53 of such title is amended by striking out the item relating to section 3104 and inserting in lieu thereof the following:

"3104. Limitation on duplication of payments.".

SEC. 2 EFFECTIVE DATE AND PROHIBITION ON RETROACTIVE BENEFITS.

(a) IN GENERAL.—The amendments made by this Act shall take effect on the first day of the second calendar month following the date of the enactment of this Act.

(b) RETROACTIVE BENEFITS.—No benefits shall be paid to any person by virtue of this Act for any period before the effective date of this Act.

Mr. MATSUNAGA. Mr. President, on another matter, Mr. President, I have submitted amendment No. 110, to S. 190, a bill which was previously introduced and referred to the Veterans' Affairs Committee.

NOTICES OF HEARINGS

SUBCOMMITTEE ON OVERSIGHT OF GOVERNMENT MANAGEMENT

Mr. LEVIN. Mr. President, I wish to announce that the Subcommittee on Oversight of Government Management, Committee on Governmental Affairs, will continue hearings on oversight of DOD's inadequate use of off-the-shelf items on Thursday, June 1, 1989, at 9:30 a.m., in room 342 of the Dirksen Senate Office Building.

SPECIAL COMMITTEE ON AGING

Mr. PRYOR. Mr. President, I would like to announce for the public that the Special Committee on Aging has scheduled a hearing entitled "SSA's Representative Payee Program: Safeguarding Beneficiaries Against Abuse."

The hearing will take place on Tuesday, June 6, 1989, beginning at 10 a.m. in room 628 of the Dirksen Senate Office Building in Washington, DC.

For further information, please contact Portia Mittelman, staff director at (202) 224-5364.

SUBCOMMITTEE ON PUBLIC LANDS, NATIONAL PARKS AND FORESTS

Mr. BUMPERS. Mr. President, I would like to announce for the public that a hearing has been scheduled before the Subcommittee on Public Lands, National Parks and Forests of the Committee on Energy and Natural Resources.

The hearing will take place on June 20, 1989, beginning at 9:30 a.m. in room SD-366 of the Senate Dirksen Office Building in Washington, DC.

The purpose of the hearing is to receive testimony on a bill currently pending before the subcommittee. The measure is:

S. 724, a bill to modify the boundaries of the Everglades National Park and to provide for the protection of lands, waters, and natural resources within the park, and for other purposes.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, anyone wishing to submit written testimony to be included in the hearing record is welcome to do so. Those wishing to submit written testimony should send two copies to the Subcommittee on Public Lands, National Parks and Forests, SD-364, Washington, DC 20510.

For further information regarding the hearing, please contact David Brooks of the subcommittee staff at (202) 224-9863.

COMMITTEE ON RULES AND ADMINISTRATION

Mr. FORD. Mr. President, I wish to announce that the Committee on Rules and Administration will meet in SR-301, Russell Senate Office Building, on Thursday, June 8, 1989, at 9:30 a.m., to mark up the following: S. 874, the National Voter Registration Act of 1989; Senate Resolution 99, requiring the Architect of the Capitol to establish and implement a voluntary program for recycling paper disposed of in the operation of the Senate; and an original bill authorizing the Architect of the Capitol to accept furniture as a gift for Senators' office suites. The Committee will also mark up other pending legislative business ready for consideration.

For further information concerning this markup, please contact Carole Blessington of the Rules Committee staff on x40278.

AUTHORITY FOR COMMITTEES TO MEET

SUBCOMMITTEE ON STRATEGIC FORCES AND NUCLEAR DETERRENCE

Mr. PRYOR. Mr. President, I ask unanimous consent that the Subcommittee on Strategic Forces and Nuclear Deterrence of the Committee on Armed Services be authorized to meet on Wednesday, May 31, 1989, at 2 p.m. in closed session to receive testimony on Space Launch and C3 Programs in review of the fiscal years 1990-1991 defense authorization request.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON READINESS, SUSTAINABILITY, AND SUPPORT

Mr. PRYOR. Mr. President, I ask unanimous consent that the Subcommittee on Readiness, Sustainability and Support of the Committee on Armed Services be authorized to meet Wednesday, May 31, 1989, at 2 p.m. in open session to receive testimony on strategies for DOD facility modernization and DOD facility requirements in the National Capitol region.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

COMMAND SGT. MAJ. HENRY HAMPTON

● Mr. DECONCINI. Mr. President, on May 26, 1989, Command Sgt. Maj. Henry Hampton ended his tenure as the senior noncommissioned officer on the Yuma Proving Ground in Arizona. He will be retired from active duty in the Army on August 31, 1989, and deserves commendation for the fine service he has given for 28 years. While Command Sergeant Major Hamption's retirement is well deserved, his experience, expertise, and professional excellence will be greatly missed by the Army, the State of Arizona, and the Yuma Proving Ground.

Command Sergeant Major Hampton's years of service have taken him to Germany, Korea, Vietnam, Great Britain, and throughout the United States. Wherever he has served he has proudly defended freedom and democracy and he has fulfilled the demands of the Army's highest enlisted grade with distinction and excellence.

Command Sergeant Major Hampton's bravery, fidelity, and meritorious service have resulted in numerous awards and decorations, including the Bronze Star Medal, the Meritorious Service Medal with two Oak Leaf Clusters, the Army Commendation Medal with Oak Leaf Cluster, the Army Achievement Medal, Army Service Ribbon, NCO Professional Ribbon, Overseas Service Ribbon, the National Defense Service Medal, the Vietnamese Cross of Gallantry Ribbon, nine awards of the Good Conduct Medal and numerous other foreign awards and decorations.

Command Sergeant Major Hampton leaves a legacy in the soldiers and civilians who have served with and learned from this great American soldier. He will be missed as a leader and a teacher, but his example of military conduct and efficiency will be carried on amongst everyone who worked with him.

Mr. President, I am pleased to commend Command Sgt. Maj. Henry Hampton on his fine military career.●

DEEPENING LABOR SHORTAGE

● Mr. LAUTENBERG. Mr. President, recently a restaurateur from my State wrote to complain of the "extreme labor shortage" confronting his business. He explained that New Jersey's hospitality industry today lacks the employees needed for proper service, and that if the shortage continues, many businesses may have to close.

The best available data indicate that the labor shortage is a national phenomenon that involves many different occupations. And the shortage is likely to deepen over the next decade.

We must begin to identify occupations with insufficient supplies of workers, and to plan to provide workers with the required skills, if we're to avoid the debilitating effects of growing labor shortages. S. 741, the Labor Shortage Reduction Act of 1989, is intended to do just that, to make sure today's shortages do not become the bottlenecks of tomorrow.

I ask that recent articles about the growing labor shortage in my State be included in the RECORD.

The articles follow:

[From the Asbury Park (NJ) Press, Mar. 28, 1989]

HEFCO FILTER MOVING TO PENNSYLVANIA

(By Mark Dillion)

EATONTOWN.—Hefco Efficiency Filter Corp. plans to shut down its South Street plant here on June 1 and relocate to Lancaster, Pa., idling more than 50 workers.

An air filter maker for the drug and electronic industries, Hefco management cited a need to expand the 45,000-square-foot factory, the labor shortage, and excess capacity at its parent company's 168,000-square-foot Pennsylvania plant, as reasons for the move.

"We had a dire need for additional space and a real problem getting people," said Gary D. Messina, Hefco vice president. "We had some property to expand, but we wouldn't have been able to attract enough people in the area to fill the space."

The West Long Branch resident sold the 12-year-old company, founded by his father, Anthony, in December for an undisclosed price to Clarcor, a publicly-held Rockford, Ill. company with 22 subsidiaries and $202 million in 1988 sales.

"The complexion of the area has changed a lot since we opened," he noted. "We were facing a chronic labor shortage."

The expansion will enable Hefco to double its current sales of about $5 million over the next few years, said Robert Brubacker, general manager of Clark Filter, a Clarcor subsidiary that will share the Lancaster factory with Hefco.

Eleven of Hefco's 70 employees have so far accepted a relocation offer to the Clarcor plant while the company has brought in the state Department of Labor's plant closing response team to help workers who want to stay find area jobs, Messina said.

Hefco sponsored a bus trip for employees to Lancaster earlier this month to encourage relocation, but despite lower housing costs and taxes, many have turned down the offer to move because of family attachments in New Jersey, Messina said.

Brubacker noted that the unemployment rate in the Lancaster area also is low but not as low as in Monmouth County (about 3.9 percent in January).

Employees here also are being offered a retention bonus equal to 10 percent of their weekly salary for each week they stay on until the plant is closed, Messina noted.

No new tenants have been found for the factory, owned by Messina's family. The building, assessed at $668,000, may be sold after the plant closing.

Clarcor's acquisition is part of a five-year strategy to expand market share in the filter business through acquisition, Brubacker said.

Hefco makes air filters that create a sterile environment in pharmaceutical and electronic manufacturing areas. Its products are also used at hospitals and food processing companies.

In Pennsylvania, the company will be sharing a plant in which filters for lubricants in diesel locomotives are made.

[From the Asbury Park (NJ) Press, Mar. 3, 1989]

LABOR DEPARTMENT HIT BY WORKER SHORTAGE

(By Rick Linsk)

TRENTON.—The State's labor commissioner yesterday presented legislators with a budget he said does "more with less," even as his department strains to respond to a continuing labor shortage that threatens to choke New Jersey's economic boom.

Appearing before the Senate Revenue, Finance and Appropriations Committee, Labor Commissioner Charles Serraino said state government must do more to provide business with an adequately educated and trained workforce.

Business expansion and worker retirements will create 243,000 job openings through the year 2000, but only if there are competent workers to fill the jobs, according to department economists.

A lack of such employees is already forcing some companies to leave New Jersey, Serraino said.

Despite the need to respond to the worker shortage, the Labor Department's staff has shrunk from 5,000 to 3,900 since October 1984, Serraino said. Cutbacks have been forced, ironically, by the state's healthy economy, which reduced the department's federal aid.

The state's revenue slowdown, and Gov. Kean's resulting tight budget, have put further pressure on the department.

The department has proposed a budget of $324 million for the fiscal year that starts July 1, a nearly 2 percent increase over fiscal 1989. Of the total, Labor is asking the state for $69.2 million, down 11 percent.

Much of the $8 million decrease would come from shifting to insurance carriers and self-insured companies the $6.2 million cost of administering the workers' compensation program.

Thirty-two other states use such a method to run their workers' compensation programs, Serraino said.

Discussing workplace safety, the commissioner said the department has only "scratched the surface" in inspections conducted under the Public Employee Occupational Safety and Health Act.

More than 1,800 inspections were made last year, Serraino said, but under questioning from Sen. Gerald R. Stockman, D-Mercer, he said it would require a "monumental amount of money" to cover all the buildings subject to inspection in New Jersey.

There are more than 50,000 municipal complexes, 1,400 fire department buildings, 600 police facilities, 1,500 maintenance and garage facilities, plus hospitals, prisons, schools and other buildings that should be inspected, the commissioner said.

The department has an allocation of 23 inspectors, though it has been able to hire only 15 because of the state hiring freeze and limited availability of such workers, Serraino said.

On job training the commissioner said the state is running model programs under the federal Job Training Partnership Act, but added that funds for the programs have been steadily decreasing since 1984.

Serraino said the department is improving its vocational rehabilitation services, but asked for an additional $4.8 million this year.

Serraino also endorsed legislation that would create an Office of Dislocated Workers within the department.

[From the Nation's Restaurant News, Mar. 27, 1989]

LABOR-SAVING EQUIPMENT TOPS SHOPPING LIST AT CAROLINA EXPO

(By Jack Hayes)

CHARLOTTE, NC.—In the battle to keep kitchens cooking despite a worsening labor crunch and the threat of a higher minimum wage, a record crowd of restaurateurs showed up for the Carolina Food Service Expo, admitting that this may be the year they get serious about replacing people with machines.

Calling staff scarcity the real mother of invention, operators attending one of the key regional shows before the National Restaurant Association show in Chicago in May said labor saving equipment ranks high on the list of possible solutions.

At the same time restaurateurs indicated that customer demand for nutrition has inspired them to continue searching out more cholesterol-free substitutes across the menu.

"It's ironic being in an industry that is so people-oriented and at the same time having to search for ways to replace people that aren't available," said Wilbur F. King, president of Kings Restaurant, a 42-year-old high-volume fast-turn barbecue tradition in Kinston, N.C.

King was one of about 19,000 people who stormed the 540 exhibitor booths at the Charlotte Merchandise Mart with labor concerns foremost in mind.

Ted Garner, who runs Sanitary Fish Market and Restaurant in Morehead City, N.C., a 600-seat operation with between 150 and 165 employees on the summer payroll, was concerned.

"Facing the inevitable cost of minimum wage, we're looking for labor-saving devices," he explained. "This is going to be the foremost challenge to restaurant owners and managers." Similar sentiments were expressed by other large and small operators from Virginia and the Carolinas.

"I'm looking for ideas and equipment to fill the labor gap," said Donald C. McMillan, chef-owner at The Stocked Pot & Co., a catering and cookware operation in Winston-Salem, N.C. "With fewer people on the line, we have to find ways to work faster."

Biscuitville Inc., a 32-unit regional fast-food sandwich operator with 550 employees, is already taking action according to the chain's executive vice president, Wayne Bunting.

"We've gone to self-serve beverage," said Bunting, adding that the operation's "biscuit-maker" concept has preserved the labor-intensive element at Biscuitville nonetheless.

"But we're looking for ways to reduce labor in the back part of the kitchen," Bunting explained. "We're interested in contact grills and fryers with timers because there's nobody back there to turn them off."

Bunting admitted a hike in the minimum wage would affect 50 to 60 percent of Biscuitville stores—the ones outside of larger markets like Raleigh-Durham and Greensboro-Winston-Salem.

"Yet, with all the moves together, we'll maybe be able to cut labor by 10 percent," he said.

Not all operators were jumping at the mention of labor, however.

"Fortunately, the company pays a quality wage and good benefits, so labor isn't critical," said Julie Jackson, children's menu supervisor at SAS Institute, a Cary, N.C., software developer that serves 600 to 700 lunches daily with a kitchen staff of 25.

"Nutrition is our No. 1 issue," Jackson added. "We went from ice cream to frozen yogurt, also to butter substitutes, more poultry, and seafood—and lots of vegetables and salads."

Mary Kay Pierce and Claude Clark, Western Sizzlin store managers in North Carolina, were also hunting nutritional menu substitutes.

"We're looking for a low-cholesterol soft serve and expect to make a change in the next two months," Clark said.

"We're getting more requests for skinless chicken without the sauces," Pierce added.

Michael H. Piedallu, executive chef at the Charlotte Country Club, echoed the other's thoughts on nutrition.

"No more deep-fried for us," Piedallu said. "Everything is poached, baked, and broiled."●

COL. DARRELL L. LUCAS

● Mr. DIXON. Mr. President, I would like to take this opportunity to honor Col. Darrell L. Lucas, who after 26 years of distinguished and honorable service is retiring from the U.S. Air Force on June 1. Colonel Lucas served his country with pride as the deputy chief of staff for operations at the Headquarters Air Weather Service at Scott Air Force Base, IL. Colonel Lucas was responsible for planning and implementing policy and procedures for operational environmental support by Air Weather Service, to Air Force, Army, and designated Department of Defense agencies.

Colonel Lucas is a great asset to the armed services and his presence at the Headquarters Air Weather Service will be sorely missed. I understand that Colonel Lucas will be retiring in my hometown of Belleville, IL, and I wish him the very best there. Furthermore, I would like to join my voice with those of his family and many friends in wishing Colonel Lucas a most happy retirement.●

NOTICE OF DETERMINATION BY THE SELECT COMMITTEE ON ETHICS UNDER RULE 35, PARAGRAPH 4, PERMITTING ACCEPTANCE OF A GIFT OF EDUCATIONAL TRAVEL FROM A FOREIGN ORGANIZATION

● Mr. HEFLIN. Mr. President, it is required by paragraph 4 of rule 35 that I place in the CONGRESSIONAL RECORD notices of Senate employees who participate in programs, the principal objective of which is educational, sponsored by a foreign government or a foreign educational or charitable organization involving travel to a foreign country paid for by that foreign government or organization.

The select committee has received a request for a determination under rule 35, for Victoria Lee, a member of the staff of Senator SHELBY, to participate in a program in Taiwan, sponsored by Tamkang University, from May 17 to 27, 1989.

The committee has determined that participation by Ms. Lee in the program in Taiwan, at the expense of Tamkang University, is in the interest of the Senate and the United States.

The select committee has received a request for a determination under rule 35, for Leslie Woolley, a member of the staff of Senator GRAHAM, to participate in a program in Taiwan, sponsored by Tamkang University, from May 19 to 27, 1989.

The committee has determined that participation by Ms. Woolley in the program in Taiwan, at the expense of Tamkang University, is in the interest of the Senate and the United States.

The select committee has received a request for a determination under rule 35, for John Dowd, a member of the staff of Senator LEAHY, to participate in a program in Taiwan, sponsored by Tamkang University, from May 18 to 27, 1989.

The committee has determined that participation by Mr. Dowd in the program in Taiwan, at the expense of Tamkang University, is in the interest of the Senate and the United States.

The select committee has received a request for a determination under rule 35, for Chris Koch, a member of the staff of Senator MCCAIN, to participate in a program in Taiwan, sponsored by Tamkang University, from May 19 to 27, 1989.

The committee has determined that participation by Mr. Koch in the program in Taiwan, at the expense of Tamkang University, is in the interest of the Senate and the United States.

The select committee has received a request for a determination under rule 35, for Lynn A. Boyer, a member of the staff of Senator HELMS, to participate in a program in Taiwan, sponsored by Soochow University, from May 22 to 30, 1989.

The committee has determined that participation by Ms. Boyer in the program in Taiwan, at the expense of Soochow University, is in the interest of the Senate and the United States.

The select committee has received a request for a determination under rule 35, for Jim Fitzhenry, a member of the staff of Senator HATFIELD, to participate in a program in Taiwan, sponsored by the Chinese Culture University, from May 21 to 29, 1989.

The committee has determined that participation by Mr. Fitzhenry in the program in Taiwan, at the expense of Chinese Culture University, is in the interest of the Senate and the United States.

The select committee has received a request for a determination under rule 35, for Jerry Slominski, a member of the staff of Senator EXON, to participate in a program in Taiwan, sponsored by the Chinese Culture University, from May 21 to 29, 1989.

The committee has determined that participation by Mr. Slominski in the program in Taiwan, at the expense of Chinese Culture University, is in the interest of the Senate and the United States.

The select committee has received a request for a determination under rule 35, for James Schufreider, a member of the staff of Senator DIXON, to participate in a program in Taiwan, sponsored by the Tamkang University, from May 19 to 27, 1989.

The committee has determined that participation by Mr. Schufreider in the program in Taiwan, at the expense of Tamkang University, is in the interest of the Senate and the United States.

The select committee has received a request for a determination under rule 35, for Linda Daniel, a member of the staff of Senator NICKLES, to participate in a program in Taiwan, sponsored by Soochow University, from May 22 to 30, 1989.

The committee has determined that participation by Ms. Daniel in the program in Taiwan, at the expense of Soochow University, is in the interest of the Senate and the United States.

The select committee has received a request for a determination under rule 35, for Dan Rich, a member of the staff of Senator CRANSTON, to participate in a program in Taiwan, sponsored by the Chinese Culture University, from May 21 to 29, 1989.

The committee has determined that participation by Mr. Rich in the program in Taiwan, at the expense of the Chinese Culture University, is in the interest of the Senate and the United States.

The select committee has received a request for a determination under rule 35, for James O. King, Staff Director of the Committee on Rules and Administration, chaired by Senator FORD, to participate in a program in Taiwan, sponsored by Soochow University, from May 22 to 30, 1989.

The committee has determined that participation by Mr. King in the program in Taiwan, at the expense of Soochow University, is in the interest of the Senate and the United States.

The select committee has received a request for a determination under rule 35, for Laurie Rubiner, a member of the staff of Senator MACK to participate in a program in Taiwan, sponsored by Tamkang University, from May 19 to 27, 1989.

The committee has determined that participation by Ms. Rubiner in the program in Taiwan, at the expense of Tamkang University, is in the interest of the Senate and the United States.

The select committee has received a request for a determination under rule

35, for Stacy Hoffhaus, a member of the staff of Senator DOLE, to participate in a program in Taiwan, sponsored by Soochow University, from May 22 to 30, 1989.

The committee has determined that participation by Ms. Hoffhaus in the program in Taiwan, at the expense of Soochow University, is in the interest of the Senate and the United States.

The select committee has received a request for a determination under rule 35, for Kyle Michel, a member of the staff of Senator GORE, to participate in a program in Taiwan, sponsored by Tamkang University, from May 18 to 27, 1989.

The committee has determined that participation by Mr. Michel in the program in Taiwan, at the expense of Tamkang University, is in the interest of the Senate and the United States.

The select committee has received a request for a determination under rule 35, for Christopher Frenze, a member of the staff of the Joint Economic Committee, chaired by Representative HAMILTON, to participate in a program in Taiwan, sponsored by Tamkang University, from May 18 to 27, 1989.

The committee has determined that participation by Mr. Frenze in the program in Taiwan, at the expense of Tamkang University, is in the interest of the Senate and the United States.

The select committee has received a request for a determination under rule 35, for Jerry Slominski, a member of the staff of Senator EXON, to participate in a program in Taiwan, sponsored by Chinese Culture University, from May 21 to 29, 1989.

The committee has determined that participation by Mr. Slominski in the program in Taiwan, at the expense of Chinese Culture University, is in the interest of the Senate and the United States.

The select committee has received a request for a determination under rule 35, for Ken Apfel, a member of the staff of Senator BRADLEY, to participate in a program in Taiwan, sponsored by Chinese Culture University, from May 21 to 29, 1989.

The committee has determined that participation by Mr. Apfel in the program in Taiwan, at the expense of Chinese Culture University, is in the interest of the Senate and the United States.

The select committee has received a request for a determination under rule 35, for Warren Erdman, a member of the staff of Senator BOND, to participate in a program in Taiwan, sponsored by the Chinese Culture University, from May 21 to 29, 1989.

The committee has determined that participation by Mr. Erdman in the program in Taiwan, at the expense of the Chinese Culture University, is in the interest of the Senate and the United States.

The select committee has received a request for a determination under rule 35, for Cheryl Mansfield, a member of the staff of Senator GRASSLEY, to participate in a program in Taiwan, sponsored by the Chinese Culture University, from May 21 to 29, 1989.

The committee has determined that participation by Ms. Mansfield in the program in Taiwan, at the expense of the Chinese Culture University, is in the interest of the Senate and the United States.

The select committee has received a request for a determination under rule 35, for Ken Cunningham, a member of the staff of Senator GRASSLEY, to participate in a program in Austria, sponsored by the Austrian Federal Economic Chamber, from May 20 to June 1, 1989.

The committee has determined that participation by Mr. Cunningham in the program in Austria, at the expense of the Austrian Federal Economic Chamber, is in the interest of the Senate and the United States.

The select committee has received a request for a determination under rule 35, for Mike McGavick, a member of the staff of Senator GORTON, to participate in a program in Taiwan, sponsored by Tamkang University, from May 19 to 27, 1989.

The committee has determined that participation by Mr. McGavick in the program in Taiwan, at the expense of Tamkang University, is in the interest of the Senate and the United States.

The select committee has received a request for a determination under rule 35, for Mary Booth, a member of the staff of Senator REID, to participate in a program in Taiwan, sponsored by Tamkang University, from May 19 to 27, 1989.

The committee has determined that participation by Ms. Booth in the program in Taiwan, at the expense of Tamkang University, is in the interest of the Senate and the United States.

The select committee has received a request for a determination under rule 35, for Dr. Leonard Weiss, Staff Director of the Committee on Governmental Affairs, which is chaired by Senator GLENN, to participate in a program in Taiwan, sponsored by Soochow University, from May 22 to 30, 1989.

The committee has determined that participation by Dr. Weiss in the program in Taiwan, at the expense of Soochow University, is in the interest of the Senate and the United States.

The select committee has received a request for a determination under rule 35, for Emilio Pardo, a staff member of the Committee on Commerce, Science, and Transportation, which is chaired by Senator HOLLINGS, to participate in a program in Taiwan, sponsored by Soochow University, from May 22 to 30, 1989.

The committee has determined that participation by Mr. Pardo in the program in Taiwan, at the expense of Soochow University, is in the interest of the Senate and the United States.

The select committee has received a request for a determination under rule 35, for Richard J. Tarplin, a member of the staff of Senator DODD, to participate in a program in Taiwan, sponsored by the Chinese Culture University, from May 20 to 30, 1989.

The committee has determined that participation by Mr. Tarplin in the program in Taiwan, at the expense of the Chinese Culture University, is in the interest of the Senate and the United States.

The select committee has received a request for a determination under rule 35, for Christine Ferguson, a member of the staff of Senator CHAFEE, to participate in a program in Taiwan, sponsored by the Tamkang University, from May 19 to 27, 1989.

The committee has determined that participation by Ms. Ferguson in the program in Taiwan, at the expense of the Chinese Culture University, is in the interest of the Senate and the United States.

The select committee has received a request for a determination under rule 35, for Paul Vick, a member of the staff of Senator SANFORD, to participate in a program in Taiwan, sponsored by the Soochow University, from May 22 to 30, 1989.

The committee has determined that participation by Mr. Vick in the program in Taiwan, at the expense of the Chinese Culture University, is in the interest of the Senate and the United States.

The select committee has received a request for a determination under rule 35, for D. Gray Maxwell, a member of the staff of Senator HEINZ, to participate in a program in Taiwan, sponsored by the Chinese Culture University, from May 21 to 29, 1989.

The committee has determined that participation by Mr. Maxwell in the program in Taiwan, at the expense of the Chinese Culture University, is in the interest of the Senate and the United States.●

THE 20TH ANNIVERSARY OF THE EAST MANHATTAN SCHOOL FOR BRIGHT AND GIFTED CHILDREN

● Mr. D'AMATO. Mr. President, it gives me great pleasure today to honor a significant educational achievement taking place in the city of New York; 1989 marks the 20th anniversary of the East Manhattan School for Bright and Gifted Children, an institution nurturing the bright promise of the future—the youth of today.

In an era where the quality of education in the United States is stagnating or declining with each new report, it's encouraging to hear of educational

programs successfully nurturing the potential of excellence found in our children. To challenge and develop young minds, the school employs the philosophies of Montessori, Piaget, and John Dewey. Though it occupies only two small brownstones, it contains classrooms, a science room, a computer room, a gym, a separate floor for ballet and athletics, an art room, a library, a greenhouse, and a vegetable garden. East Manhattan students do more than memorize their ABC's. They learn to express their creative talents through the arts, develop independent judgment, and cultivate sensitivity to the needs and feelings of others. Their talents woven together with moral fiber, the students leave East Manhattan with an enhanced sense of themselves in addition to a strengthened commitment to citizenship. Mr. President, I am honored to represent such people in the Senate and I wish them the best of future success.●

THE 1889 JOHNSTOWN FLOOD

● Mr. HEINZ. Mr. President, I rise today to call the attention of the Senate to an important milestone. Today marks the centennial of the 1889 Johnstown flood, a calamity of immense proportion and, to this day, perhaps the worst peacetime disaster to strike an American community.

The magnitude of the flood that swamped this Conemaugh Valley community on May 31, 1889, staggers the imagination. Following the collapse of the earthen South Fork dam 14 miles away, 20 million tons of water in an immense, deadly wave roared down the valley, toppling bridges, smashing brick buildings and tossing locomotives and houses around like so much kindling. In its terrible path, the raging river claimed 2,209 lives, nearly three times the toll of the great San Francisco earthquake in 1906.

News of the destruction, loss of life, and suffering prompted one of the greatest private charity campaigns ever mounted in the United States. Clara Barton organized a massive onsite relief effort by the American Red Cross, and she was one of the scores of volunteers who spent months at Johnstown, feeding and ministering to the homeless and stricken, and completing the grim task of unearthing the disaster's victims.

It took many years for the residents to recover from the effects of the great flood, but the fact that the community did survive and grew into a regional center for commerce and industry is a testimonial to the pride and spirit of the Johnstown people.

The Johnstown Flood Centennial officially begins Memorial Day weekend and concludes Labor Day weekend. During that time, the celebration will feature a calendar of over 100 commemorative and special events which stress American's industrial heritage and the tenacity of the people whose strength and resilience made the city strong.

Kicking off the celebration will be the opening of the Johnstown Flood Museum, which has undergone a $4.2 million restoration and renovation, and the rededication of the National Park Service's Visitor's Center at the Johnstown Flood National Memorial at the site of the South Fork Dam. Throughout the year, there will be pageants, banquets, picnics, tours, and lectures, all designed to spotlight the region's industrial heritage and its significance to the country.

As a centerpiece of the National Park Service's American's Industrial Heritage project, a program that focuses national attention on the development and growth of heavy industry in America, Johnstown will be a catalyst for further economic redevelopment efforts long after the centennial season is over.

Mr. President, on the occasion of the 100th anniversary of the Johnstown Flood, I would like to take this opportunity to commend the officers and members of the Johnstown Flood Centennial Committee and all others working on the project, and to extend my warmest best wishes as they continue their mission.●

DRUG-FREE PUBLIC HOUSING ACT OF 1989

● Mr. REID. Mr. President, I introduced the Drug-Free Public Housing Act of 1989 almost 3 weeks ago, on Friday, May 12, 1989. Since then I have been encouraged by the overwhelming support for drug-free public housing in the Senate and House, in the national news media and especially among the public at large.

Drug abuse and drug-related crime are twin scourges that we in Congress have a responsibility to help rid from public housing and all other places where they occur.

An editorial appearing in the Las Vegas Review-Journal 1 week ago, on Wednesday, May 24, summarized extremely well the pestilence of drugs:

> The law-abiding citizens who inhabit public housing—the working poor, the single parent struggling to raise three kids, the elderly pensioner subsisting on a small, fixed income—deserve a decent environment, one that's not haunted by crack dealers and junkies.

This observation echoes my rationale for introducing the Drug-Free Public Housing Act of 1989. Everyone has a right to a drug-free neighborhood and safe living conditions. It's not fair to anyone, but especially the residents of public housing, when drug dealers try to take over our neighborhoods and poison our children. I don't want our publicly funded housing developments to become the small business training ground for drug dealers. I intend to do everything I can to hasten the eviction of drug dealers from public housing.

At this time, I would like to insert the following excerpt from the Review-Journal's editorial. I commend their awareness of this critical issue and their forthright position against drugs in public housing—not just in Nevada, but throughout the United States.

The excerpt follows:

[From the Las Vegas Review-Journal, May 24, 1989]

NO ROOM FOR DRUGS IN PUBLIC HOUSING

Apparently taking a cue from national drug czar William Bennett, Assemblyman Jim McGaughey, R-Las Vegas, has proposed legislation designed to shove drug users and drug dealers out of public housing projects in Nevada.

McGaughey's measure, like the one Bennett plans to use in the drug-plagued capital city, would allow public housing authorities to boot druggies out of public housing projects. The bill, AB836, also would allow the eviction of tenants living with a juvenile who committed two drug offenses. Those evicted under McGaughey's plan would be permitted to appeal to a justice of the peace, who would rule on whether the eviction was merited.

This bill deserves the Legislature's approval. The law-abiding citizens who inhabit public housing—the working poor, the single parent struggling to raise three kids, the elderly pensioner subsisting on a small, fixed income—deserve a decent environment, one that's not haunted by crack dealers and junkies.

The generous working people of this country pitch in their hard-earned tax dollars to pay for public housing, and these taxpayers deserve assurance that their money is being used to accommodate the deserving poor, not subsidize illicit drug enterprises.●

TRIBUTE TO THE EMERGENCY MEDICAL TECHNICIANS ACROSS THE UNITED STATES

● Mr. LAUTENBERG. Mr. President, I rise to pay tribute and appreciation to the emergency medical technicians and paramedics who risk their lives day after day to help those who are in need of emergency treatment. There are over 400,000 of these special men and women working throughout the United States to rescue and save the lives of others.

Next week, from June 6 to 10, 1989, the National Association of Emergency Medical Technicians will hold its 12th annual conference and meeting in Kansas, MO. At the conference, paramedics and EMT's from all over the Nation will gather to participate in educational seminars and to discuss and examine issues of special concern to them.

It is important to recognize these individuals, who endanger their own lives while attempting to save others, as well as the many EMT's and para-

medics who have lost their lives in the line of duty. I commend these men and women for their courage. They should gain much satisfaction from their service to others and be proud of their accomplishments.●

CHARLES "CAPTAIN" YOUNG

● Mr. McCONNELL. Mr. President, as you know, from time to time I bring to the attention of my colleagues a story that illustrates the contributions made by dedicated individuals in Kentucky. Today, I would like to insert into the RECORD an article from the May 8, 1989, edition of the Louisville Courier Journal which honors one of these individuals: Charles "Captain" Young.

Charles Young, better known as Cap has been working with troubled youths at the Jefferson County Youth Center for over 25 years. Cap spends his days supervising an everchanging group of accused delinquents, troubled teenagers and runaways who have been sent to the center by either the police or a juvenile judge. From 7 a.m. to 3 p.m. each day Cap brings meals to the youths, watches for possible trouble during morning and afternoon classes, teaches them to play cards and basically maintains the quiet in his unit. For the last 2 years, the youth center has faced the problem of overcrowding. Cap faces the problem of keeping control and avoiding rebellion in an area filled with troubled and in some cases emotionally disturbed youths. Experience is important and Cap faces the daily challenges with a mixture of warmth and firmness.

Cap's eight-bed unit is the first stop for youths who get into trouble and part of his job is to give them a sense of direction. It seems that playing cards is one way youngsters at the youth center spend their free time. Cap uses the card games to teach the teenagers that life resembles a card game known as Spades. He tells the youths, "You have to follow the rules, hone your skills, think ahead and never overplay your hand. When I help you play cards, I help you learn how to live."

Cap is an institution at the Jefferson County Youth Center and luckily for the youths who are sent to the center he has no plans to retire. According to Cap, his greatest joy is running into young men and women, who were once sent to the center, and are now living responsible lives in the Louisville area. He is a man who truly loves and appreciates his job every single minute of the day. In the article, Cap stated, "This has been a great contribution to my life. It keeps me young and happy." Cap soothes the kids anxieties and creates a special family type atmosphere in his eight unit block. Recently, he told the kids how much they had brightened his day, one of the youths replied, "We make your day every day." It is obvious that Cap does the same thing for the youths at the Jefferson County Youth Center.

I commend Charles "Captain" Young for his dedicated service to the troubled youth of Jefferson County. I encourage my colleagues to read this article and to join me in praising this outstanding individual.

The article follows:

[From the Louisville Courier Journal, May 8, 1989]

TOUGH LOVE—'CAP' YOUNG KEEPS WARM EYE, FIRM GRIP ON TROUBLED TEENS

(By Susan Craighead)

For more than 25 years, Charles "Captain" Young has been teaching troubled teens that life is like a game of Spades: You have to follow the rules, hone your skills, think ahead and never overplay your hand.

"When I help you play cards, I help you learn how to live," Young told a few of the 12 accused delinquents and runaways he was supervising one afternoon last month at the Jefferson County Youth Center, Eighth and Jefferson streets. "You got to learn some basic rules. If you don't know 'em, it's you own fault."

Cap, as the kids call him, ingeniously mixes firmness, warmth and a smattering of pontificating to keep order among some of the county's wildest youths. He knows the tempo of their interactions as if it were his pulse.

"Any time a boy or girl gets into trouble, I see them the next morning," he said. His eight-bed unit is the first stop at the center for youngsters brought in by the police or sent by a juvenile court judge. "It's the emergency room. You got to give them a sense of direction, tell them which way to go."

One Tuesday morning his unit housed eight youths: five runaway girls and three boys, one charged with burglary, another with assault and robbery, and the third with receiving stolen property, disorderly conduct and resisting arrest. One of the runaways, a buoyant, pretty girl, had a history of attempted suicide. Throughout the day, additional youths passed in and out of his care.

From 7 a.m. to 3 p.m., Young watches over them. He takes them to meals, doling out utensils and permission for seconds. He stands by in case of trouble during morning and afternoon classes held in the building. In between meals, classes and sessions in the gym, he keeps the peace in his own unit.

At breakfast time, just after 7 a.m., he marshaled his sleepy charges into "a nice single line! Young men in the front! Young ladies in the back! No talking please!" The practiced cadence of his voice and the jangle of the large keys on his belt made everything seem under control.

Horseplay can't be tolerated in the halls of the cafeteria, particularly now that the center is too full; on that Tuesday, it housed 60 teenagers even though it is staffed to handle 40 and equipped to hold 56. Part-time and overtime workers supervise the additional youngsters, who sleep on mattresses on the floor, center director Earl Dunlap said.

The crowding magnifies the challenge of staving off anarchy in a building full of rebellious teen-agers and emotionally disturbed, sometimes suicidal, youngsters. In such an environment, experience like Young's is vital, Dunlap said, but turnover of workers who supervise these youths hit 33 percent last year. Their starting salary is $11,232 a year.

"Cap can depend on his senses," Dunlap said. "With the experience he has, he knows what is going on in his unit every single minute."

And Cap savors every single minute. "This has been a great contribution to my life," he said, smiling at a boisterous bunch of youths. "It keeps me young and happy."

For him, the joy of the job is seeing young men and women, responsible and happy, on the street or at the grocery store after once knowing them only in the center's green scrub suits and gray sweat shirts. But, he said with a sigh, that doesn't happen very often.

Back in his unit—eight locked single cells and a bathroom opening off a yellow concrete-block day room—the teens had been fortified by scrambled eggs and corn flakes.

They were familiar with the routine. Seven of the eight had spent time in the center before, and the eighth had been detained in another state. They knew without being told, for example, to bring their tooth brushes to Cap after breakfast so he could dole out dabs of toothpaste. Otherwise it might wind up smeared on the walls.

And then, as they dealt the day's first deck of cards, they began the game of testing Cap to see just how much they could get away with.

Young appeared oblivious as he sat down to the daily task of keeping track of every piece of bed linen and clothing in his unit. A youth intent on suicide could hide a towel and use it as a noose; on Tuesday afternoon someone locked in solitary confinement caused a flood by trying to flush a sheet down a toilet.

Within minutes the volume of the card game began to rise as two of the teens vied for leadership. A spirited 16-year-old runaway with a worn-out look in her eyes and a tall, cool young man sniped at each other playfully.

"Y'all just a little too loud, people," Young said firmly, looking up briefly. He repeated himself once and the exuberance subsided.

Later, when the two youngsters again started to get out of hand, he ordered them to stand by the doors to their cells, just to show them he could lock them up if he wanted to. But he doesn't have to follow through on the threat very often, he said, and he very rarely doles out solitary confinement.

"If I lock 'em up for a card game, I wouldn't be being fair," he said.

All but one of the teens remained engrossed in the game until it was time to go either to court or to classes.

A polite 14-year-old girl sat quietly beside Cap, an occasional tear trickling down her cheek. She was scheduled to go to court soon to face a judge who was holding her in contempt of court for running away from home for the third time.

She and Cap didn't talk, but she said later that he comforted her anyway. Without hugs and without tissues, he soothes anxieties. It doesn't matter what the judge says or why you're locked up: "This is our family," said Cap.

His leathery face, tuft of white hair, jolliness of Santa Claus and a figure to match make Cap an institution at the center. At 65, he has no plans to retire. He started his career almost 26 years ago when youths were housed at the ramshackle Diagnostic and Detention Center, at Floyd and Chest-

nut Streets, where a 17-year-old boy died in 1977.

He is proud of the new center which, until crowding became a problem almost two years ago, was considered a national model. He shows off the center's nurses, classrooms and gym, noting that years ago playing cards was all kids had to do.

"It feels good to be part of a movement, just to say I had a part in it," he said. But with too many kids on their hands, he said, the staff has to take an increasingly hard line on youthful high spirits.

The kids' spunk is what Cap seems to love most about his job. "Y'all made my day so far," he told the kids just before lunch.

"We make your day every day," one of the runaways replied with a grin.●

NATIONAL BICENTENNIAL COMPETITION ON THE CONSTITUTION AND BILL OF RIGHTS

● Mr. LAUTENBERG. Mr. President, I rise to pay tribute to the students of East Brunswick High School in East Brunswick, NJ, who participated in the National Bicentennial Competition on the Constitution and Bill of Rights during the first week of May. These young scholars worked hard to reach the national finals by winning the district and the State competitions.

The members of the New Jersey team are: Amy Bachenheimer, Andrew Baharlias, Pete Brown, Stacey Carton, Nicole Christie, Rashid Dahaoudwala, Michael DeBlasi, Barat Dickman, Kathy Eng, Mitchell Getz, Scott Gillette, Steven Goldman, David Greenberg, Yi-Na Hsing, Robert Kaplan, Ari Karpel, Ester Kim, Eric Mercer, Brian Murray, Kim Phillipp, Michael Schoen, Scoot Schwartz, Brian Sinclair, Gayle Soloman, Julie Steinberg, Marcie Wilkofsky, and Elysa Wolfe.

Along with the students, their teacher, John Calimano, deserves much credit for the success of the team. As well, Robert J. Flood, the district coordinator, and Alan Markowitz, the State coordinator have worked hard to help their team reach the finals.

The National Bicentennial Competition on the Constitution and Bill of Rights educates young people of all ages about the principles and values embodied in the Constitution and Bill of Rights. It helps increase understanding of the Constitution, the Congress, and the continuing responsibilities of citizenship.

The preservation of our freedom and our Nation depends upon our young people, the decisionmakers of tomorrow. I am proud that students from my State reached the national finals and I commend each of them for their hard work.●

FOSTER GRANDPARENT PROGRAM

● Mr. D'AMATO. Mr. President, I rise today to pay tribute to the Foster Grandparent Program of Rockland County, NY.

For 21 years, the Rockland County Council for Senior Citizens, Inc., has sponsored this program which matches senior citizens with children with special needs. Foster grandparents provide warmth, compassion, love and understanding to children with developmental, emotional, physical, and cultural disabilities. This program, like other volunteer organizations, helps everyone involved. The children obviously benefit from the special care and attention they receive, and the foster grandparents have the opportunity to keep active and show their humanity to another person. As members of the first New York State Foster Grandparent Program, the 76 volunteers provide about 80,000 hours of service to 380 children of Rockland County.

This year, the Foster Grandparents of Rockland County began a special program to help teenage mothers and child care for infants and toddlers. This is just one example of the many fine programs provided by the agency to help youth develop their self-confidence, self-esteem, and self-image.

Mr. President, there is no greater treasure than our youth. I am sure my colleagues join me in saluting these special volunteers who dedicate themselves to helping those children in trouble.●

AMERICAN YOUTH SOCCER ASSOCIATION

● Mr. WILSON. Mr. President, today I wish to stand and recognize the American Youth Soccer Organization on the occasion of its 25th anniversary.

AYSO has encouraged the betterment of over 1 million boys and girls through the character building and good-natured competition found in soccer. Competitive sports are vitally important, building confidence in our young people, and helping them feel good about themselves. Our children are our future, and the good experiences that AYSO provides in their childhood reflect positively in their adulthood.

This nonprofit soccer organization, founded in Torrance, CA, by five dedicated men, has been in operation since 1964, and has since spread to 38 States and Puerto Rico, currently involving 310,000 players, ages 5 to 18 years old, and 150,000 volunteers. From its humble beginnings of 9 teams, there are now over 22,000 teams. Its philosophies of balanced teams, open registration, and positive coaching make the sport rewarding for everyone.

Soccer has become a tradition of modern childhood, as the American Youth Soccer Organization teaches American children in California and elsewhere the meaning of good sportsmanship through their motto, "Everyone Plays." Soccer has become a staple of the American weekend, as thousands of families gather during soccer season at their local playing fields to cheer on their sons and daughters.

Today, I am proud to salute the organizers and the thousands of volunteers that make AYSO a great American organization and a benefactor of America's future in this Chamber of the U.S. Senate.●

THE 294TH ENGINEER COMBAT BATTALION

● Mr. BRADLEY. Mr. President, June 6, 1989, marks the 45th anniversary of D-day—the day which the Allied forces invaded France and began the march that led to victory in Europe during the Second World War. It is appropriate that on this day the people of Sherborne, England, will honor the 294th Engineer Combat Battalion of the United States Army for their bravery during World War II. I ask my colleagues to join me in recognizing this occasion and thanking the battalion for all they have done to secure our freedom.

The 294th Engineer Combat Battalion was activated on March 18, 1943, at Camp Gordon and assigned to the 2d U.S. Army. Following training in Tennessee maneuver area and at the desert training center in California, the battalion departed from Boston for England on January 20, 1944. The battalion was highly trained to help multiply the combat power of infantrymen and they were involved in some of the most crucial phases of the war. The 294th Engineer Combat Battalion was on the front lines, building defensive positions and ensuring the transport of armor infantry troops.

This brave group of soldiers played an integral part in the Allied invasion of Europe. They arrived in France on Utah Beach on June 7, 1944, and supported the 4th Infantry Division engineers as they advanced across the Cotentin Peninsula. They continued to serve through the northern France, Rhineland, Ardennes-Alsace, and Central Europe campaigns.

Members of the 294th Engineer Combat Battalion gave their lives so that we could all live in dignity and freedom. We are thankful for their sacrifice, and join the people of Sherborne in honoring the 294th Engineer Combat Battalion for their heroism.●

CONGRESSIONAL BUDGET OFFICE REPORTS ON S. 85 AND H.R. 999

● Mr. JOHNSTON. Mr. President, on May 25, 1989, the Committee on Energy and Natural Resources filed reports to accompany S. 85, a bill to authorize the acceptance of certain lands for addition to Harpers Ferry

National Historical Park, WV; and H.R. 999, an act to reauthorize the Advisory Council on Historic Preservation.

At the time these reports were filed, the Congressional Budget Office had not submitted its budget estimate regarding these measures. The committee has since received these communications from the Congressional Budget Office, and I ask that they be printed in the RECORD in full at this point.

The reports follow:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, May 25, 1989.

Hon. J. BENNETT JOHNSTON, Jr.,
Chairman, Committee on Energy and Natural Resources, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has reviewed S. 85, a bill to authorize the acceptance of certain lands for addition to Harpers Ferry National Historical Park, West Virginia, as ordered reported by the Senate Committee on Energy and Natural Resources on May 17, 1989. CBO estimates that enactment of this bill would result in no significant cost to the federal government and no cost to state or local governments.

S. 85 would authorize the Secretary of the Interior to accept the donation of about 21 acres of land outside the current boundaries of the Harpers Ferry National Historical Park.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Deborah Reis, who can be reached at 226-2860.

Sincerely,

ROBERT D. REISCHAUER.

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, May 25, 1989.

Hon. J. BENNETT JOHNSTON, Jr.,
Chairman, Committee on Energy and Natural Resources, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the attached cost estimate for H.R. 999, an act to reauthorize the Advisory Council on Historic Preservation.

If you wish further details on this estimate, we will be pleased to provide them.

Sincerely,

ROBERT D. REISCHAUER.

CONGRESSIONAL BUDGET OFFICE—COST ESTIMATE

1. Bill number: H.R. 999.

2. Bill title: An act to reauthorize the Advisory Council on Historic Preservation.

3. Bill status: As ordered reported by the Senate Committee on Energy and Natural Resources, May 17, 1989.

4. Bill purpose: H.R. 999 would extend the authority of the Advisory Council on Historic Preservation to carry out its functions under the Act of October 15, 1966. For this purpose, the act would authorize the appropriation of up to $2.5 million for each of fiscal years 1990 through 1994.

For 1989, the council was appropriated $1.8 million. The Reagan Administration's request for fiscal year 1990 was $1.8 million.

5. Estimated cost to the Federal Government:

[By fiscal year, in millions of dollars]

	1990	1991	1992	1993	1994
Authorization level	2.5	2.5	2.5	2.5	2.5
Estimated outlays	2.3	2.5	2.5	2.5	2.5

The costs of this act fall within budget function 300.

Basis of estimate: For purposes of this estimate, CBO has assumed that H.R. 999 will be enacted before the beginning of fiscal year 1990 and that the full amounts authorized will be appropriated for each fiscal year. Outlays have been estimated on the basis of historical spending patterns for the salaries and expenses account of the advisory council.

6. Estimated cost to State and local government: None.

7. Estimate comparison: None.

8. Previous CBO estimate: On April 6, 1989, the Congressional Budget Office prepared a cost estimate for H.R. 999, as ordered reported by the House Committee on Interior and Insular Affairs on April 5, 1989. The estimated costs of the two versions of the bill are the same.

9. Estimate prepared by: Deborah Reis.

10. Estimate approved by: C.G. Nuckols for James L. Blum, Assistant Director for Budget Analysis.●

● Mr. D'AMATO. Mr. President, I rise today to pay tribute to a respected Orange County Legislator who was recently named "Man of the Year" by the town of Newburgh Republican Committee. As Orange County legislator, Albert A. Favoino serves his community with great dedication. I am proud to offer him my personal congratulations to him on this occasion.

Mr. Favoino has had a remarkable and extensive career. His political experiences and interests are broad—he has chaired or belonged to groups and boards dealing with airports, fish and wildlife management, aging issues, and justice and public safety. As a community member, Mr. Favoino has been equally involved. Since 1978, he has been a member of St. Luke's Hospital's board of directors, and is presently treasurer of the hospital. As a former member of the YWCA board of directors, he was the YWCA campaign chairman for their new building. Over the years Al Favoino has belonged to the Newburgh Lodge of Elks, Knights of Columbus, the American Legion, and the Eastern Orange County Chamber of Commerce.

I salute Al Favoino for his many years of service to his community. I am sure my colleagues join me in sending our best wishes to Al and his family on this special occasion.●

HONORING CHINESE FOR AFFIRMATIVE ACTION

● Mr. SIMON. Mr. President, I rise today to pay tribute to Chinese for Affirmative Action [CAA], an organization that has ably served Asian-Americans throughout the nation for the past two decades.

Chinese for Affirmative Action, headquartered in San Francisco's Chinatown on the site of that city's first bookstore, was founded 20 years ago to protect the civil rights of all Americans of Asian ancestry. While the name of the organization might suggest it is strictly concerned about affirmative action in the hiring and employment areas, CAA has taken the term in its broadest context.

From its beginnings 20 years ago, CAA has advocated for equal opportunity for Asian-Americans in all aspects of public affairs. In the late 1960's, CAA went all the way to the U.S. Supreme Court in the Hampton versus Mow Sun Wong litigation, which greatly opened up the Federal civil service to Chinese-Americans.

For many years, CAA has made voting rights for Asian-Americans a top priority. Chinese for Affirmative Action has assisted in nonpartisan voter registration drives and conducted classes to familiarize Chinese American citizens with the actual voting process. CAA testified before Congress in 1981 for the retention of the bilingual ballot provisions of the Voting Rights Act. More recently, I worked closely with Chinese for Affirmative Action and other groups to retain the Asian-American identifier in the 1990 Census questionnaire.

I recently met Henry Der, who for 15 years has been the tireless executive director of Chinese for Affirmative Action. In November, he testified before a Senate seminar I held with Senator THOMAS DASCHLE on university admissions policies that unfairly treat Asian-American students. In March, Henry Der hosted with Congresswoman NANCY PELOSI a community meeting to discuss my legal immigration reform bill. I took from that meeting some new insights into the immigration concerns of the Asian-American community and great appreciation of the spirit and drive of CAA.

Mr. President, two articles from the Washington Post and San Francisco Examiner more fully describe the fine work of Chinese for Affirmative Action. I ask that they be entered following my remarks in the RECORD.

The articles follow:

[From the Washington Post, Apr. 16, 1989]

PREJUDICE AGAINST EXCELLENCE

(By George F. Will)

SAN FRANCISCO.—The University of California at Berkeley says it is sorry. About time, you may say, remembering the 1960s. But the chancellor's grudging apology pertains to something recent, something that looks like racism practiced by a bastion of liberalism.

In a statement in which circumspection competed with contrition, the chancellor said that "decisions made in the admissions process indisputably had a disproportionate impact on" Asian Americans. He blamed "insensitivity." But the real reason may be

resentment of people who are "different" and have the temerity to be excellent.

One group sensitive to that is the unfortunately named Chinese for Affirmative Action, located in Chinatown in, appropriately, a building on the site of San Francisco's first bookstore. CAA knows that Asian Americans are facing what Jews once faced: the resentment reserved for "outsiders" pressing for a fair share of the status conferred by elite institutions. Like American Jews before them, Asian Americans have an intense desire to achieve social mobility by means of education, respect for which is inculcated by cohesive families.

Generally, "race-conscious" policies are advertised as "remedial." They supposedly place floors beneath particular groups, guaranteeing a certain level of social participation to disadvantaged people. But race-conscious policies toward Asian Americans may place ceilings through which they are not allowed to rise.

Recently, Berkeley revised the formula by which applicants are evaluated. The new weighting—less weight for high-school grades, more for verbal tests—disadvantaged Asian Americans, many of whom have English as a second language but are academic "overachievers."

An interesting term, "overachievers." "Over" what? Over their quota of excellence? Of America's rewards? Who sets these quotas?

About 9 percent of California's high school graduates are Asian Americans. Today, 26 percent of Berkeley's undergraduates are Asian Americans. There probably would be more were it not for race-conscious social engineering in the name of the latest theory of distributive justice.

Evaluating the aptitudes of young people for higher education is difficult. Academic freedom requires granting universities discretion in devising admissions policies. However, universities must be monitored because they have proven themselves susceptible to intellectual fads and politicization. California, particularly, is a polyglot state sunk deep in the dangerous business of racial discrimination on behalf of government-approved minorities deemed "underrepresented" in this or that.

The name Chinese for Affirmative Action reflects a felt need to participate in an ethnic spoils system. However, affirmative action discriminated against Asian Americans by restricting the social rewards open to competition on the basis of merit. We may want a modified meritocracy, but it should not be modified by racism and the resentment of excellence. An egalitarian democracy is prone to such resentment.

Coinciding with rising academic attainments by Asian Americans has been a suspiciously sudden tendency by colleges across the country to deemphasize high school academic performance of applicants. Admissions offices place more emphasis on, for example, extracurricular activities. Henry Der, executive director of CAA, says Asian Americans are "developing a paranoia that they are not well-rounded." They are, he says, sometimes too academically driven, too focused on math and science. Now in self-defense, they are "attacking extracurricular activities the way they attack calculus."

Der cites a white student who said, "If I walk into a classroom and see five or more Asian Americans, I'm not going to enroll because they will drive up the grade curve." Lowell High School here is 60 percent Asian American, and some parents say, "I don't want my child to go there because he will not have leadership opportunities." That, says, Der, is just flinching from competition. There even is talk of making whites an affirmative action group to protect them against Asian-American competition.

Yes, the "Yellow Peril" is back, this time dressed in the language of liberalism. We have been here before, with "the Jewish question."

Earlier in this century, quotas restricting Jews in universities were defended as liberal measures to prevent anti-Semitism. Thus Harvard's president in 1922: "If every college in the country would take a limited proportion of Jews, we would go a long way toward eliminating race feeling. . . ."

Universities are incubators of future elites, and some Americans resent Asian Americans storming the citadels of status. However, Asian Americans lead all other ethnic groups, including WASPs, in educational attainments. America needs more university students like Asian Americans.

At a time of high anxiety about declining educational standards and rising competition from abroad, and especially from the Pacific Rim, it is lunacy to punish Asian Americans, the nation's model minority, for their passion to excel.

[From the San Francisco Examiner, Apr. 30, 1989]

HENRY DER MARCHES ON—CHINESE-AMERICAN ADVOCATE STRIVES TO UPHOLD RIGHTS

(By Dexter Waugh)

Henry Der is a gadfly of a particular order, a Chinese-American wasp whose constant stings have set the American social cow to lumbering a little farther down the road of equal rights.

Yet, after 15 years as executive director of Chinese for Affirmative Action, Der knows very well that the beast will come to a halt, maybe even back-step, if the stings ever stop.

"It's the same ol' same ol', always going back to the basics," Der said. "If you don't stay on top of it, things won't get done."

Since 1974, Der has steered CAA, the Chinatown-based civil rights organization that is 20 years old this year, through a wide sea of sometimes controversial causes. The guiding principle always has been the same—to protect the rights of Chinese Americans and by extension everyone else.

"Securing equality for any one group secures equality for all Americans. It has that kind of ripple effect," said Dr. Allan Seid, a Palo Alto psychiatrist long active in Asian-American causes.

Der, the son of immigrants, was born in Chinatown and raised in Stockton. He served in the Peace Corps in Kenya after graduation from Stanford in 1968. He credits the influence of his minority school teachers, as well as the "ethnically diverse, poor neighborhood" where he lived, for shaping his values. A fifth-grade teacher, for instance, went off to Ecuador to work—"that impressed me, that he wanted to work in a Third World country," Der said.

CAA'S MANY BATTLES

Der's unflinching outspokenness has taken him from City Hall to Sacramento to the rarefied air of the State Bar of California board of governors.

"He's fearless," state Court of Appeal Justice Harry Low said. "And he's able to articulate his positions very well . . . part of his success is he can deal with people because they know he is totally committed, he's honest in his positions.

"It's refreshing to have people like that around," Low said.

Some of the battles CAA and Der have fought include:

Ensuring that as many different Asian-American groups as possible are counted in the 1990 Census, rather than being lumped into one category as the Census Bureau was planning to do.

Ridding, UC-Berkeley of bias against Asian Americans in its admissions processes.

Criticizing Attorney General John Van de Kamp's 1987 organized crime report for stereotyping Asian-American groups as posing a significantly greater law enforcement problem than other groups.

Der was among the first public members—non-attorneys—appointed (by then-Gov. Jerry Brown) to serve on the Bar's governing body.

"Henry stands in my mind as the most dedicated civil rights activist I've ever met," said Diane Yu, the Bar's general counsel.

Although Der said he wasn't readily accepted by many of the attorney members, Yu said Der was "well regarded. He did his homework, he was well versed on the issues. He was effective in raising the non-lawyer perspective, as to how the profession is perceived."

NO ROOM AT THE INN

Tom Low, former Bar prosecutor, recalled that the Bar's practice was to provide hotel rooms at the Clift for out-of-town board members whenever there was a meeting in San Francisco. Once a staff member called Der. "The funny thing was, here we were in the middle of a financial crisis," Low said. "They asked if he wanted a room at the Clift. Henry said he lived in San Francisco. They said, 'We know. Do you still want a room?' "

Der, whose work on the board's finance committee helped get the Bar's books back in order, was properly offended and turned down the offer.

Friends and admirers think Der, 42, the father of three children, should have moved on by now, into politics or a more financially rewarding corporate or government sinecure.

Der said his wife, a school teacher, would be more than happy if he cut back his work hours.

CAA's budget is relatively small—around $400,000—and its staff salaries are not large. "He's sometimes hard to figure out," Low said. "He could do something else, yet he chooses to work at CAA. He's not a guy who always asks for money—just a dedicated person. I guess that's why I admire him."

Der and CAA have angered some people, but others like Harold Yee of the minority business development firm, Asian Inc., think they've stepped on "not as many toes as we'd like to see."

"But in my impatience in wanting them to do more," Yee said, "I also recognize they don't have the resources to do it."

Der rolls his eyes when asked why he hasn't moved on. "I haven't been offered any jobs," he said.

As for politics, Der ruled it out long ago.

"When I was in junior high school, I was student body treasurer. The faculty adviser was telling us what to do—that one year, I decided, 'This is a bunch of nonsense.'

"We all have our different roles to play," he said.

FEDERAL ASSET DISPOSITION ASSOCIATION

● Mr. WILSON. Mr. President, I rise today, while the Congress continues to grapple with legislation to reform the savings and loan industry, in an attempt to complete some unfinished business. On April 20, 1988, the former chairman of the House Committee on Banking, Finance and Urban Affairs, Mr. St German, placed in the CONGRESSIONAL RECORD a staff report on the Federal Asset Disposition Association [FADA], which served as a biting attack on Roslyn Payne, the former president and CEO of FADA.

I bring this matter to the Senate's attention because this staff report was printed in the RECORD at the cost of $18,000 and bypassed normal House Banking Committee procedures, as noted in that day's RECORD by Mr. WYLIE. Indeed, normal procedure would have been for the staff to submit the report to the committee for its review and official approval, which would have cost the taxpayers only $1,400. The report was controversial to say the least, and Mr. WYLIE, at the time, stated on the House floor that he hoped that "there is nothing libelous in it and having said that, I do not want to leave the implication that I am approving the report by not objecting to the unanimous-consent request" by Mr. St Germain. The report took up 44 pages in the RECORD.

The staff report made numerous allegations—a thorough airing of the allegations would take far too long of the Senate's time than we have available, and would duplicate the cost incurred by the taxpayers due to the publication of the House Banking Committee's report in the RECORD. They range from conflict of interest charges to the misuse of FADA credit cards, hiring favoritism, irresponsible fee charges, and others. I believe that each person who has an interest in this issue should read the report of the Office of the Inspector General of the Federal Home Loan Bank Board. Doing so will give the reader a fair examination of the charges, and will demonstrate that many of these charges were without basis and only served to cause considerable damage to Roslyn Payne's reputation.

The House staff report charges Ms. Payne with conflict of interest, by inaccurately stating that Ms. Payne held stock in a corporation dealing with real estate investments; with the misuse of FADA credit cards, which were never used by her husband as alleged by the staff report; with duplicating business expenses which occurred through a quickly-rectified FADA staff error; and with hiring favoritism, despite the Banking Committee staff's knowledge that the FADA used the prestigious executive search firm Korn/Ferry International to assist in the selection process.

FADA functioned in an extraordinarily difficult and political environment. Fulfilling FADA's charter—to manage and sell assets of failed thrifts—would be difficult at best even in a nonpolitical atmosphere. Reading the inspector general's report gives an observer just a bit of the flavor surrounding FADA's difficult mission. Even Ms. Payne's salary and the salaries of her staff were under scrutiny, despite the fact that the salaries of the heads of both Fannie Mae and Freddie Mac were higher than Ms. Payne's. Indeed, Touche Ross' report, according to Federal Home Loan Bank Board Chairman Danny Wall, "confirms that the FSLIC is getting a much better value for its dollars spent with FADA than with other private contractors. * * *"

Overall, Mr. President, I believe that it should be stated for the record that Ms. Payne throughout her tenure set high levels for professional conduct. At the least, she deserves to have the record set straight on her behalf. I hope that all interested parties will examine the inspector general's report with as much fervor as they did the House Banking Committee's staff report.●

THIRD GRADERS WORK TO PRESERVE THE WORLD'S RAIN FORESTS

● Mr. SIMON. Mr. President, I want to recognize and call to the attention of my colleagues the efforts of the third grade class from Sager Solomon Schechter Day School, of Northbrook, IL. Because of their concern for the world we live in, and their particular focus on some of our major environmental problems, they have been raising money to help save the world's rain forests. These children are spending their afternoon and weekends going door to door in their neighborhoods, collecting money to be used in protecting the rain forests.

I share their interest and concern. The destruction of the world's rain forests will likely have a domino effect on many other environmental problems. We must act to stop this deterioration quickly and effectively. The costs of deforestation are tremendous. As the rain forests are destroyed, we lose irreplacable varieties of plants and animals found only in those parts of the world. Deforestation contributes to global warming—the greenhouse effect—a concern for all nations.

As concerned neighbors to all of the world's population, we must work closely with other nations to help them find ways to develop their economies without causing environmental damage. And as world leaders in industry, we must take a leading role in ecological conservation efforts.

The Sager Solomon Schechter Day School is working to support the Chicago Rainforest Action Group, a Chicago-based rain forest advocacy organization. I want to thank the students for their efforts, and I hope the concern of these children helps inspire more of us to work together to prevent further destruction of these vital natural resources.●

THE 75TH ANNIVERSARY OF KEW GARDENS CIVIC ASSOCIATION

● Mr. MOYNIHAN. Mr. President, very often, the value and work of civic organizations are overlooked. Civic associations are intrinsically tied to the most fundamental aspects of community life. Members of the community serve in these associations for the benefit of the young, of the elderly, of families—for the well-being of the entire community.

The Kew Gardens Civic Association is certainly no exception. Founded in 1914, the association this year celebrates 75 years of service. In fact, the establishment of the association is intimately tied to the very development of the Kew Gardens Community.

In the early years of the community, the civic association saw to it that utility poles were routed underground or through backyards, instead of obstructing the beauty of tree-lined streets. In 1924, when it became apparent that the small frame house that was being used as a school was inadequate, the civic association supported the building of a modern schoolhouse. And, in 1968, the association urged that this school be expanded and remodeled. Today, the school serves as a public center, utilized by both young and old.

This is not all. Whether successfully converting a deteriorating old lot into a lovely park or negotiating with developers to preserve the beauty of a neighborhood while allowing for progress, civic associations serve as the guardians of the community.

Mr. President, the Kew Gardens Civic Association has accomplished all of these things. For its 75 years of service to the entire community, for its continuing contribution to the preservation of the area's unique character, and for its efforts at improving the lives of each of its residents, I salute the Kew Gardens Civic Association and similar associations throughout New York State and the Nation.●

NAVY'S OAKLAND FACILITY A COST-SAVINGS MODEL FOR DOD

● Mr. WILSON. Mr. President, I wish to bring to your attention this morning a letter appearing in the Military Forum: The Magazine for Defense Acquisition, Logistics and Training, writ-

ten by the distinguished Senator from Utah, ORRIN G. HATCH.

Senator HATCH makes a point that I have argued for years: that military officials and community leaders can work together in reducing defense costs.

Senator HATCH takes issue with a minority comment to the report of the Base Closure and Realignment Commission, charging that the Navy failed to cooperate fully. Rather, as Senator HATCH points out, there are alternatives to simply shutting a base. He cites the cooperation of the Oakland Port Authority and the Navy in working out a program that will no doubt enhance the economic well-being of the region, as well as our national security. I therefore request that the letter be printed in the CONGRESSIONAL RECORD.

The letter follows:

NAVY DID NOT "STONEWALL" COMMISSION

The Base Realignment and Closure Commission's December 1988 report contained a curious remark by former Sen. Tom Eagleton. "[They] stonewalled and got away with it," he said of the Navy. If there were other members of the commission who shared this view, they did not express it. Aside from former Navy Secretary Graham Clayton and retired Vice Adm. William Rowden, I noted very few ardent Navy supporters on the commission.

Nor was there any absence of Navy installations on the commission "hit list." In fact, the closure of the three naval stations at Hunter's Point, California, Lake Charles, Louisiana, and Brooklyn, New York—along with the recommended removal of the Navy hospital in Philadelphia from the active installation inventory—affected the Navy's logistics and personnel support capabilities rather markedly. Collectively, these four sites will surrender 5,188 military and 787 civilian positions. Only Air Force losses at Pease Air Force Base in New Hampshire, the Norton, Mather and George bases, all in California, and the Army's loss of Fort Dix, New Jersey, and Fort Sheridan, Illinois, exceeded this Navy loss.

I focus on the Navy issue because of my long-standing concerns for military readiness, and especially the support base from which logistics and maintenance capabilities combine to protect against the consequences of unpreparedness against surprise attacks.

In thinking through the base commission's report, Eagleton's remarks, the closure impact on existing Navy logistical facilities and the readiness issue, I concluded that the Navy is doing many things well, and therefore may have left an illusion of non-participation or lack of cooperation. Allow me to explain.

First, it is illusory, and quite dangerous, to attempt to compare Army, Navy and Air Force supply networks and the nodes that form their nerve centers. The missions and functions of the three services defy a common logistics organization.

Although I support common logistics programs, and have long been a proponent of the Defense Logistics Agency, one cannot neatly overlay a common supply organization on all three services, least of all the Navy. Navy supply networks support "moving targets." Its fleet support activities, to include naval aviation, are not efficiently serviced by a set of fixed logistics centers or commodity commands like those of the Air Force and Army, most of which, of course, are in our continental interior.

Nor can the Navy afford to totally dispense with duplication. The "area-oriented depot" systems of the Army and Air Force support fixed basing and posting networks worldwide. The Navy has no such luxury. Its area support activities must be functionally as well as geographically sliced into still smaller shares to service a mobile and increasingly engaged combat force.

The Naval Supply Center at Oakland, California, typifies this type of support function, although on a grand scale since it annually processes 1.6 million requisitions for the 700,000 separate line items in its warehouses. From this port the Naval Supply Center supports the entire Pacific region, including the fleets.

Another compelling advantage of Oakland is its unique warehousing system. The Navy has installed over a five-year period one of the world's largest, state-of-art customized warehouse system. NISTARS—naval integrated supply tracking and retrieval system—is a complex, computer-based, item management process. Every conceivable type of handling task is either mechanized or, where left in the manual mode, monitored by software. Unisys installed the system, which has counterparts installed by Eaton-Kenway in most Army depots.

The Navy also has a record of innovativeness, if not ingenuity, in reducing maintenance costs, securing off-budget industrial and construction funds and engaging in partnerships with host civilian communities.

An example is the joint venture between the Naval Supply Center and the Oakland Port Authority. The venture clearly serves the needs of both parties. The port needed to expand. Indeed, urging the closure of the Navy Supply Center was a very viable option because the port could absorb the site in great part. But the Oakland city fathers were to have it both ways: They would keep the base and expand the port.

What does each part gain? The Navy would lease for 25 years a little used, outdated section of the base to the port. The port badly needs a rail container transfer facility to sustain and increase its access to midwestern and eastern shipment and reception points. This will allow shippers to avoid using the Panama Canal by going to Oakland, then shipping overland by rail to trucking facilities in cities like Columbus, Cincinnati, Atlanta, New Orleans and even New York.

The port and city of Oakland will raise money for facilities improvements from their own resources, as well as from the port's rail, sea and trucking customers.

The Navy gains in several ways. A substantial facilities improvement program enhances its mobilization potential. Forty percent of all West Coast supply movements will go through Oakland, 85 percent of which will be containerized cargoes. Under the memorandum of understanding between Navy and port officials, as sanctioned by the fiscal 1987 Defense Authorization Act, the Navy retains title and easement rights during the leasing period. Importantly, the federal statute allows the Navy to prescribe uses of the lease-generated revenues, subject to approval by Congress.

In short, imagine the consequences for this innovative and valuable venture if the Naval Supply Center had been put on the base commission's hit list. Our mobilization potential would have been crimped. Also, community relations would have soured, not only because of the loss of the Navy payroll, but also because of the message that such initiatives are unwelcome.

I hope my friend Tom Eagleton will reconsider his threat that the next base closing study "should most certainly start with the Navy." Like the former senator, I have no parochial interest in Navy spending in the state of Utah, which by comparison makes Missouri assume the character of a coastal state; but also like Senator Eagleton. I seek savings and economies in the DOD budget. The Navy has found one such way, and I challenge the other services to match it.

Senator ORRIN HATCH,
U.S. Senate.

WASHINGTON, DC.●

SHAMIR PEACE PLAN

● Mr. SIMON. Mr. President, I rise today to speak of the Israeli Cabinet's endorsement of the Shamir Peace Plan. Prime Minister Shamir has worked hard to present a fair plan, and I believe we ought to support the Government of Israel's decision to pursue the Prime Minister's ideas.

The plan offers a way out of the current political impasse. Free and secret elections in the territories are proposed, after which a transition period will be set up. During this 5-year transition, elected Palestinians will rule themselves. The elected Palestinian representatives will sit down with Israeli negotiators to discuss a permanent solution to their conflict no later than the third year following self-rule. Jordon and Egypt may join the negotiations if they desire to do so.

Looking ahead to the negotiations for a permanent solution, all subjects will be on the table. The goals are clear: An acceptable solution to the Palestinian-Israeli conflict, and the establishment of permanent borders and peace with Jordon.

Mr. President, I sense that all parties to this conflict are prepared to move forward. The Israeli Government is clearly willing to negotiate in good faith, and they have presented a good offer which should be met by a positive response from the Arab world. The Bush administration can play an important role, but it must first be willing to get involved with the peace process at the highest levels. We can be an honest broker by encouraging progress and taking a risk for peace as we did in the Camp David accords of a decade ago.

I commend Prime Minister Shamir for his important contribution to peace, and I applaud the support he received from all parties in Israel.●

WHY KIDS GET INTO DRUGS

● Mr. HOLLINGS. Mr. President, I was struck by a op-ed piece in the May 18 Washington Post by William J. Byron, S.J., president of the Catholic University of America. Father Byron

makes a compelling case that, in our effort to steer kids away from drugs, it is not enough just to invoke the slogan "Just Say No." The roots of drug use by young people are just too complex for such a simplistic approach.

Father Byron writes that our consumer culture confuses the easy life with the happy life; we deny the value and purpose of adversity and challenge. Kids turn too easily to drugs as a convenient escape, rather than dealing affirmatively and creatively with life's problems and difficulties. Obviously, parents and teachers and loved ones must do a better job of guiding our children to cope rather than cop out.

Mr. President, I commend this excellent article to my colleagues, and I ask that it be printed in the RECORD.

The article follows:

[From the Washington Post, May 18, 1989]

(By William J. Byron, S.J.)

WHY KIDS GET INTO DRUGS—A LOOK AT THE DEMAND SIDE

Ask the 16-year-old drug abuser from any class, race or ethnic division why he or she abuses drugs or alcohol and you'll get a mumbled explanation about having "nothing to do" and living in a situation where "everybody else is doing it."

Deep down on the demand side of the problem of drug abuse in America lie three causal considerations. First is the desire—known to every normal, healthy person—to experience the exhilaration of a "high." Drug-induced highs, however, bring with them a dependency on drugs. Highs resulting from athletic, academic, artistic or other achievements are, of course, unaccompanied by damaging and eventually destructive dependencies. But such highs do not come easily.

The second causal consideration on the demand side for drugs is the desire to avoid pain—physical or psychological pain. In a culture that cannot tolerate the thought of pain—physical or psychological—it isn't surprising that avoidance of all pain, at all times, by all means, should become something of a supreme value. Our cultural denigration of pain, disappointment, discouragement and monotony encourages escape at any price.

Our collective passivity resulting from a growing preference to have everything ready-made, available on demand and without delay, has left us holding the bag of boredom. "There's nothing to do!" We wait impatiently to be "turned on" and thus render ourselves vulnerable to drug-induced flights not just from humdrum reality, but from the human challenge of transforming reality by the exercise of human creativity. And creativity, even when inborn, does not develop easily.

The third causal consideration in examining the "why" of the human demand for drugs is biological. Babies born of addicted mothers are themselves addicts, right from the start. Other biological predispositions to addiction are possible, but they will not become additions if addictive substances are never used. The determination to refuse does not come easily, especially when "everyone's doing it." It is not easy to resist peer pressure, to swim against the everyone-is-doing-it tide.

There are reasons, of course, why apparently normal people—young people for the most part—will turn to drugs for the experience of a high. Some like to take risks. Risks-takers often fail to measure carefully the consequences. And where addictive substances are involved, risk-takers rarely recognize that one experience can lead to the captivity of addiction—not cause it immediately but lead to it inevitably. Risk-taking is as easy as ignorance, and no less damaging. It is not easy to avoid destructive dependencies.

There are also reasons why normal young people want to avoid pain. Most are obvious. Less obvious is the fact that commercial advertisements have instructed them to take pills for the elimination of headache and heartburn long before they knew what these maladies were.

Pain has no redemptive value in the value system of a secular society. And the "no pain, no gain" equation applies only to weightlifters and athletic overachievers, not to normal folks. Pain, in any case, is never easy to bear.

Psychological pain is more often felt than understood by the young. Typically, it is just left unattended and unanalyzed. To the adolescent eye, everyone else is happy, except me. All others feel good about life and about themselves; I'm the only one with the problem.

Adolescents appear to take strange delight, we know, in making classmates and other peers feel uncomfortable. They project upon others, more often than not, their own unease, insecurity, and self-depreciation. If only they would open up and talk about the dark view they have of themselves. But it is not easy to open up and drop the mask. It is not easy to admit to one's self-doubt or deficit of self-esteem. Besides, who would want to listen? Who's around to listen or to care? So adolescents are vulnerable to the easy exit, to the seduction of drug-related escapes from psychological pain.

What might be done about all this? How can parents, helping professionals, or just friends, put themselves between potentially troubled adolescents and their problems?

Just about everyone has a healthy appetite for the highs this life has to offer through legitimate pleasure and honest achievement in balanced and what Edward Bennett Williams used to call "contest living." The contest confronts us every day. The balance is between matter and spirit, soul and body, faith and reason. The contest is never an easy victory, nor is the balance ever easy to achieve.

Those of us who have gone before today's young people in the practice of life are not necessarily ahead of them in wisdom. We have, for the most part, confused the easy life with the happy life. We are quite wrong about that, and we now hope they will not be condemned to learning that lesson for themselves.

To the young we should be saying simply this: Do not be taken in by the big lie our culture of consumerism perpetuates. Do not believe that to have is to be, that to have more is to be more fully human, and, worst lie of all, that to live easily is to live happily.

If they can say yes—and really mean it—to that simple lesson, the young will be able to say no to drugs. If enough of them do, the bottom will fall out on the demand side of the market for drugs. In the face of no demand, the supply we seem to be unable to control will no longer be the problem we seem to be unable to solve.●

ROY STRENGHOLT, HOLLAND, MI

● Mr. LEVIN. Mr. President, I want to take this opportunity to recognize Mr. Roy Strengholt of the Donnelly Corp. in Holland, MI. Mr. Strengholt was honored this month as the Michigan Exporter of the Year.

For the past 10 years, Mr. Strengholt has devoted his talents and time to developing, promoting, and distributing a glass that is undercoated with silicon dioxide, which extends the life of Liquid Crystal Displays (LCD's) used in calculators, watches, and other products.

Roy Strengholt helped develop this conductive coated glass, which is now considered one of the most technically advanced products of its kind. He then took on the challenge of building a reputation for Donnelly glass in overseas markets. Today, this conductive coating is considered the best in the world by customers in the Far East.

He deserves special recognition, not only for realizing the need for such a coated glass, but also for his perseverance in developing and improving this new product, as well as securing the information and know-how necessary for doing business in foreign markets. It is business people such as Roy who enhance Michigan's reputation as one of the foremost States in industry and technology.

It is my pleasure to salute Roy Strengholt on his selection as Michigan Exporter of the Year.●

OLDER AMERICANS MONTH

● Mr. RIEGLE. Mr. President, I rise on the last day of Older Americans' Month to salute the enormous contributions made by older Americans throughout the country.

Our great Nation was built by today's seniors. Just 50 years ago, when most of our seniors were teenagers and young adults, our country experienced some of the most difficult challenges ever faced. Today's older Americans are the children of the Great Depression; they fought in World Wars I and II on the battlefield and on the home front to preserve liberty and freedom for Europe and the Pacific. After the wars and the Great Depression, they helped to create the greatest period of economic growth and social progress in our history. Through their hard work and dedication, they have given us a magnificent legacy, a country in which we have greater opportunities to succeed than our parents had. Our seniors have strived to give us a country that is committed to a better tomorrow; a better environment, better living and working conditions; better health care, better housing, as well as hope for today's poor and homeless. Our older

Americans have brought our country forward.

Yet, we cannot speak only of the contributions senior citizens have made in the past. Never before have more senior citizens remained active members of their communities than are active today. Every day I hear from senior citizens who express their concerns for the future and who want to continue building a better America. I am proud to note that on May 16 of this year, thousands of Michigan seniors met in Lansing for Senior Power Day. I am pleased at the enormous success of this event, and I think it says something very important about our seniors; they are involved. Working in hospitals, schools, businesses and in other areas, more seniors are active in their communities.

Our seniors have given us so much; they have given us a strong America and a vision for a better future. Older Americans are our greatest source of knowledge and wisdom, and I believe we should do all we can to help seniors live in dignity and with respect. I am strongly committed to protecting the Social Security system and other Federal programs to enable our citizens to receive the well-deserved benefits to which they contributed. We must also address pressing problems which continue to concern seniors such as the high cost of health care and nursing home care. We must do all we can to ensure that seniors live full and productive lives.

I am pleased that we have recognized May as Older Americans Month, and I join in saluting our seniors.●

NATIONAL PLUMBING PRODUCTS EFFICIENCY ACT

● Mr. FOWLER. Mr. President, 10 weeks ago I introduced the National Plumbing Products Efficiency Act (S. 583) along with 11 cosponsors in the Senate. Since then, Senators SANFORD and PRYOR have also cosponsored the bill. Congressman CHET ATKINS introduced the House companion (H.R. 1185) with 27 cosponsors, and it has since garnered an additional 22 Congressmen as cosponsors.

I rise to provide my colleagues and other interested parties with an update on the status of this legislation.

The National Plumbing Products Efficiency Act clearly has strong support in the Congress. It also has widespread support among conservation organizations and water officials, and I ask that following my remarks be inserted a few examples of supportive letters I have received on this bill since its introduction. Several other letters of support were included in the RECORD following my remarks on March 15, 1989.

S. 583 is currently pending in the Senate Commerce Committee's Subcommittee on Consumer, and the sponsors of this bill have requested a hearing on it at the earliest convenience of the chairman. Likewise, H.R. 1185 is expected to be reviewed by the House Energy and Commerce Committee's Subcommittee on Energy and Power in the near future.

I am continuing to discuss this legislation with all interested parties in an effort to improve it, and I want to thank the many people who have provided me and my staff with the benefit of their expertise in this area. Furthermore, I want to reiterate that I remain open to suggestions and constructive criticism of S. 583 from interested companies, organizations, or individuals.

I am also in the process of developing broader legislation dealing with Federal promotion of municipal and industrial water conservation, and I would encourage my colleagues and other interested parties to contact me for further information on this, the second major part of my water conservation initiative.

The material follows:

ENVIRONMENTAL DEFENSE FUND,
Washington, DC, March 29, 1989.

Hon. WYCHE FOWLER,
U.S. Senate, Russell Senate Office Building, Washington, DC.

DEAR SENATOR FOWLER: I am writing to convey the support of the Environmental Defense Fund for S. 583, the National Plumbing Products Efficiency Act of 1989. This important legislation will provide a wide range of environmental and economic benefits to citizens throughout our nation.

The droughts of last summer and the continuing problems with development of new water supplies clearly indicates that this is a bill whose time has come. Further, the use of minimum efficiency standards is a win-win approach that has been proven effective through the National Appliance Energy Conservation Act of 1987 (NAECA). Finally, the effective dates of the standards provide more than enough time for manufacturers' compliance. The rapid increase in compliance by a number of manufacturers with the recently adopted toilet standard in Massachusetts demonstrates the ability of manufacturers to quickly comply with these standards.

We recommend one small revision to the bill—the incorporation of a more orderly and explicit procedure for reevaluation of the water use standards (Sec. 103(e)). The procedure included in NAECA provides a model for this revision. The incorporation of a similar procedure in the National Plumbing Products Act would provide the basis for an orderly review and ensure that the standards remain timely.

Overall, S. 583, is a fine and important piece of legislation. The Environmental Defense Fund applauds your leadership on this issue. It demonstrates your concern for the environment as well as your interest in concensus solutions that draw together diverse interests toward a common goal. We at EDF look forward to supporting your efforts in the future.

Sincerely,

PETER MILLER,
Energy Analyst.

GEORGIA DEPARTMENT OF NATURAL RESOURCES,
Atlanta, GA, May 10, 1989.

Re National Plumbing Products Efficiency Act of 1989.

Hon. WYCHE FOWLER, Jr.,
U.S. Senate, Russell Building, Washington, DC.

DEAR SENATOR FOWLER: Subsequent to our letter of April 25, 1989, Mr. Trent Norris of your office contacted us concerning the implications of the National Plumbing Products Efficiency Act, specifically as it would relate to wastewater treatment construction. Although your Bill would show only limited benefits initially, over the next twenty years we anticipate that stringent conservation measures could provide as much as a 10% cost savings at municipal wastewater treatment facilities. If your Bill were in full force and effect today, Georgia's needs over the next three to five years could be reduced by as much as $62 Million, based on requests made to date for State Revolving Fund loan consideration. Future plant expansions for growth could become further removed, delayed the capital expenditure and keeping user cost down.

Even with overall cost reduction measures like those proposed by your legislation, wastewater treatment needs still far outweigh funds available. Your continued support of the levels of funding for Construction Grants and the State Revolving Loan Fund authorized by the Clean Water Act would help toward meeting those needs. These two Federal programs are the main source of wastewater treatment construction aid available to communities. Reduction of the authorized funds will only further delay construction of much needed facilities.

As always, we appreciate your interest in Georgia's environmental management programs. Please contact me if I can be of further assistance to you.

Sincerely,

J. LEONARD LEDBETTER,
Commissioner.

Attachment

GEORGIA DEPARTMENT OF NATURAL RESOURCES,
Atlanta, GA, April 25, 1989.

Re National Plumbing Products Efficiency Act.

Hon. WYCHE FOWLER, Jr.,
U.S. Senator, Russell Senate Office Building, Washington, DC.

DEAR SENATOR FOWLER: We appreciate the opportunity to review the revised version of the National Plumbing Products Efficiency Act.

This is an improved bill over last October's first version. This bill specifically and clearly focuses on the manufacturing and labeling of plumbing products in order to conserve water resources. This is to be implemented by the Federal government as part of its responsibility to regulate interstate commerce. Please inform us of ways we may assist with the bill. For example, we could encourage the strong support of local government officials in Georgia and nationally.

In response to your request for suggestions for other Congressional actions to promote wiser water use, it would be appropriate for Congress to reexamine the emphasis placed on hydropower production and navi-

gation enhancement by Federal reservoir projects. Since the construction of these reservoirs in the 1940's and 1950's, the importance of drinking water and recreation uses has increased tremendously. Congress should recognize this and pass legislation authorizing the Corps of Engineers to modify operations of Federal reservoirs to optimize drinking water and recreation purposes. Of course, such legislation should include payments by the users for the reauthorized uses.

Sincerely,

J. LEONARD LEDBETTER,
Commissioner.

THE MONO LAKE COMMITTEE,
Los Angeles, CA, May 17, 1989.

Hon. WYCHE FOWLER,
Member of the U.S. Senate, Russell Senate Office Building, Washington, DC.

DEAR SENATOR FOWLER: the Mono Lake Committee, composed of 15,000 members in California, is pleased to lend its support to your bill, the National Plumbing Products Efficiency Act.

Due to unrestricted water diversions by the City of Los Angeles, Mono Lake, North America's most ancient lake, is threatened with collapse. Mono Lake is also a critical-wetlands habitat for millions of migratory birds on the Pacific Flyway. Los Angeles diverts 100,000 acre feet of water each year from the Mono Basin, less than 17% of the City's municipal use. To maintain a healthy ecosystem at Mono Lake, Los Angeles should reduce its diversions by 70,000 acre feet annually. Water conservation is the most cost-effective method to achieve this goal.

The National Plumbing Products Efficiency Act would make water conservation automatic. In the past, local and state government have had to rely on influencing individuals' habits to bring about reductions in water use. Success in modifying water customers' behavior was typically short-term, responsive to specific emergencies like drought. The National Plumbing Products Efficiency Act does not rely on a voluntary response to short-term emergencies. Rather, it insures that water conservation will be permanent—and painless.

In the semi-arid environment of Southern California, water is a limited resource. 85% of Southern California's water supply must be imported from Northern California and outside the state. Water conservation is the most prudent way of managing this limited resource. Not only is it more economical than building massive new water delivery systems, it is the most environmentally acceptable way of satisfying legitimate water needs.

A 10% reduction in water use by the City of Los Angeles is all it will take to protect Mono Lake. The National Plumbing Products Efficiency Act is an important tool in realizing this goal.

Sincerely,

BETSY REIFSNIDER,
Associate Director,
Mono Lake Committee.

COOPERATIVE EXTENSION SERVICE,
Athens, GA, April 12, 1989.

Hon. WYCHE FOWLER, Jr.,
U.S. Senate, Washington, DC.

DEAR SENATOR FOWLER: The University of Georgia Cooperative Extension Service strongly supports the National Plumbing Products Efficiency Act of 1989 because we realize how important it is for the nation to conserve and wisely manage its water supplies.

For the past several years, citizens in north and middle Georgia have faced water shortages due to a combination of lack of rain, land use patterns and intensive use/population growth. In an effort to help the public cope with this water crisis, the Cooperative Extension Service has joined forces with other concerned agencies in providing water conservation educational programming. From this vantage point, we realize that if public education is to be truly effective it must be a part of a broader comprehensive conservation effort. The establishment of federal standards for plumbing products is a big step in the right direction to want the development of a water conservation ethic for the nation.

We appreciate your foresight in offering this much needed legislation.

Sincerely yours,

C. WAYNE JORDAN,
Director.●

SUPPORT FOR WRITERS AND JOURNALISTS

● Mr. HATFIELD. Mr. President, among the many freedoms we all too often take for granted is the freedom of writers and journalists to report, comment, and oftentimes even criticize. In a great many countries around the world, writers and journalists are detained without charge, jailed without trial, and sometimes even put to death for doing no more than writers and journalists in our country do every day.

During the last session of Congress, Representative BILL GREEN, Representative JOHN LEWIS, Senator BOB GRAHAM, and I formed the Congressional Committee to support Writers and Journalists in an effort to focus attention on the persecution of writers and journalists and to protect the closings of newspapers, magazines, and television and radio stations. The Congressional Committee now includes 15 Senators and 74 Representatives.

I recently came across an article in the International Herald Tribune which illustrates the urgent need for the Congressional Committee and the spotlight of attention it focuses on individual cases. The article, by Lois Whitman and Thomas Froncek, describes the plight of the editor of a Turkish magazine who now sits in prison facing a variety of charges involving articles her magazine has printed. I ask that the article be printed in the RECORD following my remarks.

The article follows:

IN TURKEY, BEING A 'RESPONSIBLE EDITOR' OFTEN MEANS PRISON

(By Lois Whitman and Thomas Froncek)

New York—Fatma Yazici, a slight woman of 33, is the "responsible editor" of a Turkish magazine, 2000, Dogru (Toward 2000). She is to go to prison today.

Her crimes? "Insulting the president" by printing an article about two apartments bought by President Kenan Evren for his daughters at unusually low prices. And being "disrespectful about religion and the prophet Mohammed" in a second article. Her sentence is 28 months.

Last fall, on a mission to look into free expression in Turkey, we interviewed Miss Yazici and the magazine's editor in chief, Dogu Perincek. They told us that although Toward 2000 had been appearing only since January 1987, the government had already brought 28 charges against it. Nine of these cases have been brought to trial. In three, a verdict of not guilty was returned. In the other six, the magazine, its responsible editor and sometimes the writer of an article have been found guilty of charges such as "weakening national feelings," "insulting religion" or "being disrespectful to the republic."

Turkish press law requires every publication to have an editor who takes responsibility for the contents—a designated fall guy. That editor and the writer of any article considered offensive risk prison terms or fines if a court agrees with the government.

In the cases involving Toward 2000, Miss Yazici has been sentenced for four other items besides the two that resulted in the prison term she is about to begin: an article on Prime Minister Turgut Ozal's career in the private sector (three to five months, later converted to a fine); a story on the philosophy behind the military coup of 1980 (being disrespectful to the president—16 months); a paid obituary notice for the second anniversary of the death of a suspected Kurdish leader killed in a clash with security forces (making anti-Turkish propaganda—three years); and on Oct. 26, 1988, a summary of a Helsinki Watch report on the destruction of the ethnic identity of Turkish Kurds (six years and three months).

Miss Yazici now faces sentences totaling eleven years and seven months. In each of the additional cases the court's decision has been appealed. The cases for which Miss Yazici is to go to prison are the first in which an appeals court upheld guilty verdicts against her. Under Turkish law, there is no further appeal.

Thirteen of the 28 cases brought against Toward 2000 concern the Kurdish issue. The government, seeking to deny the ethnic identity of the eight to ten million Kurds in southeast Turkey, has for years forbidden even the word "Kurd" in the press. Only recently have journalists begun to challenge the taboo.

An August 1987 issue of the magazine was confiscated by the police before it could be distributed to newsstands. It had reprinted words spoken publicly 65 years ago by Kemal Ataturk, the father of the Turkish Republic, on the subject of autonomy for Turkish Kurds.

At least 42 Turkish journalists and editors are currently in prison for what they have written. Many have been given absurdly long sentences—661 years in one case and 748 years in another—because a judge can sentence them for seven and a half years for each offensive article. (None will serve more than 36 years, the maximum under Turkish law.)

Recently, six editors of leftist publications went on a hunger strike to protest confiscation of their publications, police raids on their offices, detention, torture and prison sentences.

In the last five years since the end of military rule, 2,127 journalists have been tried in 1,426 cases. These are alarming statistics for any regime, but doubly so for a government that seeks to be recognized as a

modern democracy and that aspires to full membership in the European Community.

Dogu Perincek told us that magazines like his are now freer to break taboos than at any time since the restoration of civilian government in late 1983. "But," he said, "they have to be willing to pay the price."

We asked another Turkish journalist why Fatma Yazici or anyone else would take on the job of responsible editor. Appearing surprised, as if the answer should have been obvious, the journalist replied, "She's an idealist."

She says that she is not brave; that she is just doing what a journalist would do in any other country.●

TRIBUTE TO LEADERSHIP MEMPHIS

● Mr. SASSER. Mr. President, I rise before you today to pay tribute to an outstanding program in west Tennessee and to honor three superlative individuals who have made significant contributions toward the program's goals.

Leadership Memphis, a member of the National Association of Community Leadership Organizations, is a nonpartisan, multi-racial and multi-cultural program designed to produce well-informed, motivated leaders who are willing and capable of working together for a better Memphis. In it's 10 year history, the organization has made enormous progress as it strives to enhance the quality of leadership and the quality of life in Tennessee's largest metropolitan area.

The graduates of the Leadership Memphis Program have studied vital issues, such as race relations, the economy, education, government, health care, housing, religion, social services, the criminal justice system, communications and much more. They have been given the opportunity to meet with authorities in a variety of fields and discuss the city's most pressing problems with the people who deal with them everyday. They understand the rich diversity which makes Memphis special, and they strive to protect that diversity while working together toward common goals.

Each year Leadership Memphis pays tribute to its graduating class at the Annual Celebration of Leadership dinner. On May 25th, in addition to honoring it's 55 graduates, the group will bestow a special award to three standout citizens of Memphis.

It is with great pride that I recognize the 1989 recipients of the Kate Gooch Awards, named in honor of the organization's founder and executive director for 7 years. They are Mr. William B. Dunavant, Mr. Mason Granger, and Ms. Deborah Northcross.

Mr. Dunavant, chairman and chief executive officer of Dunavant Enterprizes, is honored for his service to the community as a citizen-at-large. Among his many contributions are: his directorship and active support for United Way of Greater Memphis, his service as sustaining membership chairman and capital funds drive chairman of the Chicksaw Council of the Boy Scouts of America, and his co-chairmanship of the 1989 NAACP Freedom Fund Gala.

Mr. Granger, news director at WMC-TV, is honored for his service to the community as a Leadership Memphis alumus. He serves as president-elect of Memphis in May and as a board member for the Salvation Army, the Church Health Center, Opera Memphis, the Liberty Bowl Classic, United Way of Memphis, the Goodwill Boys Club and Commitment Memphis. He is a past president and a board member of the Memphis Chapter of the American Cancer Society and past chairman of the Memphis Development Foundation.

Ms. Northcross, director of development at Shelby State College, is honored for her service to the Leadership Memphis Alumni Association. As vice president and now president of the Alumni Association, she played an instrumental role in establishing the Alumni Phone-a-Thon and she was the stimulus for reinstating the Alumni Educational Forums. She also serves as a member of the board of directors of the YMCA.

Mr. President, I would like to extend my heartfelt congratulations both to Leadership Memphis and to these three outstanding citizens for jobs well done.●

LABOR FORCE 2000

● Mr. SIMON. Mr. President, last month I had the chance to participate in an exciting forum. On April 20, here in Washington, I addressed a group of business leaders and educators. They had been brought together by the Allstate Insurance Co., to take a hard look at the weaknesses, and strengths, of our education system and begin to forge a partnership between business and education to address some of the problems.

The Allstate Forum on Public Issues: Labor Force 2000, was a two-part meeting. The first 2-day session had been held in Chicago in early February. Over 300 representatives from business, education and the public sector came together to take a look at the changing nature of our workplace and what this might herald for labor force needs in the coming century.

This productive session was followed with the meeting here in Washington to bring into play the policy implications of the conclusions and recommendations of the earlier session. Throughout this forum the focus has been on the cooperation that will be necessary among government, education and business if we are to educate and equip our labor force to meet the challenges of the year 2000 and beyond.

R.J. Haayen, the thoughtful and creative chairman and CEO of Allstate, opened the session in Washington. In his address, Mr. Haayen shows a sensitivity to the need for business to become more involved in public causes. This trend—of companies and businesses getting involved in community, State and national affairs—is exciting. We in Government need the expertise and experience of the private sector; and I believe we can work in a highly productive partnership with them.

Mr. Haayen cites a Fortune magazine survey of some of the country's top companies, done at the request of Allstate. Among the results: 62 percent of those responding believed they had lost productivity because of poor education skills of their workers;

60 percent believe it is harder to hire individuals with good basic education skills today than it was 10 years ago; and 51 percent believe it is only going to get more difficult to hire employees with good education skills in the coming decade.

We all bear responsibility for the failures of our education system. Mr. Haayen is right on target, however, in his assertion that we need to move ahead and bring together the resources and talents of the private sector and the education community and Government to restore excellence and pride to our education system.

I know others will join me in applauding Mr. Haayen's response to the state of our education system as well as his leadership, as CEO of Allstate, for bringing together key people to address how we can best restructure that system, in a cooperative way, to meet the changing work force demands. I urge my colleagues to read Mr. Haayen's excellent speech and I ask that it be printed in full in the RECORD.

The speech follows:

ALLSTATE FORUM ON PUBLIC ISSUES: "LABOR FORCE 2000," CORPORATE AMERICA RESPONDS

(By R.J. Haayen)

Thank you, Larry. And let me thank all of you for rejoining us here in Washington.

Back in February, we launched this effort with a two-day session in Chicago. That was an exciting meeting.

But I think today's conference will be equally interesting. Not only because we have some very distinguished speakers who have come to offer their insights and their support.

I think you will also be excited because we are going to share the results of some remarkable work done by you and your colleagues.

As you remember, in Chicago we created task forces dealing with government and legislative affairs, human resources, communications, training, and corporate philanthropy.

In less than two months, these working groups have developed detailed recommendations on how corporate leaders can reach out to the education establishment in communities across the country.

And because education is a community issue, we have added something else. Our sixth task force—on strategic planning—has developed a step-by-step model that companies can use to involve all relevant groups in a community-wide effort at education reform.

In many ways, this kind of comprehensive approach is what's been missing from the business/education partnership.

For instance, Professor Dale Mann of Columbia University has been studying corporate involvement with schools in 23 large cities and 85 other locations around the country. And he says, quote, "there is not much evidence, at the local level, that any coordinated agenda exists."

Now, that can be seen as evidence that organizing such a broad-based effort isn't easy. But for those companies willing to serve as catalysts in their communities, our report offers a methodology for getting started.

And for those whose resources and opportunities are more limited, our task forces suggest dozens of other ways we can have a positive impact on education in our area.

In either case, it's important to remember that today marks the beginning, not the end, of our efforts. The next step—and the most important one—is to put these plans into practice.

So as we prepare to take these ideas back to our companies and our communities, I'd like to leave you with a few thoughts based on something said by one of education's greatest benefactors.

Andrew Carnegie, as you know, is an archetype of the American success story—the Scottish immigrant boy who went on to amass one of history's great fortunes.

Carnegie was also America's first great philanthropist—all told, he gave away more than $350 million to various charities. And most of that money went to support education in one form or another.

Interestingly enough, Carnegie was also the man who originally said, "the rich get richer, and the poor get poorer."

He didn't make the comment in an approving way—it was just an observation. But it is one that has too often proven true.

Last month, for example, Congress released a report that showed, during this decade, family income for the top one-fifth of our population rose more than 11 percent, while income for the bottom fifth actually declined more than 6 percent.

Clearly, the lines on the graph are moving in opposite directions for different segments of our society. And the same kind of divergent trend can be seen in areas other than economics—education, for example.

On the one hand, there are more than 12 million students attending America's colleges and universities. That's roughly half the college-age people in the country—a far higher percentage, for instance, than anywhere in western Europe.

Meanwhile, on the other end of the educational spectrum, the national high school dropout rate has reached nearly 30 percent. In some cities like Washington, D.C., it's past 50 percent.

And those students who do stay aren't being rewarded with a first class education. One study, for example, showed that more than 60 percent of 17-year-olds don't read well enough to understand their high school textbooks.

No wonder the earning gap between high school and college graduates has also been getting wider. In 1980, the average annual income of a college graduate was 25 percent higher than that of a high school graduate. By 1986, that differential had nearly doubled—to 49 percent.

Now, I don't cite such statistics to prove the truth of Andrew Carnegie's observation. In fact, I believe we will turn these trends around, in part because of corporate America's expanded commitment to public causes.

The record of business is by no means perfect. And we still have a long way to go. But during this decade, corporations have become a much more vital member of the social support system in communities across the country.

And that's what I want to discuss today. The role of private enterprise in dealing with the two topics I've mentioned—education and economic issues.

In both cases, I'd like to consider—

Why business became involved in such a major way;

What companies have done in the 80s to help mend the gaps in America's social fabric;

Where corporations might go from here as we prepare for the next decade and the next century.

So let's start, appropriately enough, with the subject of this forum—education.

Why has business become so involved? Well, during our last meeting we cited many of the reasons. There's the shrinking labor pool and the need for more skilled employees.

There are compelling economic arguments—one year's crop of dropouts, for example, costs America $240 billion in lost earnings and taxes over their lifetimes . . . while other studies show that earning a high school diploma will keep 99 percent of adult men and 98 percent of adult women out of poverty.

But beyond all these important reasons, a lot of companies originally became concerned about their local schools based on first-hand experience.

When more than 80 percent of job applicants fail an exam for basic, entry-level jobs. When a bank has to interview 40 high school graduates to find one capable of becoming a teller-in-training, it's time to move beyond concern to action.

As Larry Williford has mentioned, Allstate asked Fortune Magazine to conduct an education survey of top executives from the nation's largest companies. Merle Sprinzen of Fortune will provide most of the details of the survey, but I wanted to note that 62 percent of the senior executives responding believe their companies' productivity has been reduced as a result of poor basic education skills in their workplace.

And 60 percent of the respondents believe that hiring employees with good education skills is tougher now than it was 10 years ago. And 51 percent of the executives believe it will be tougher still 10 years from now.

Virtually all of those surveyed believe that the educational system, as it exists now, poses a major dilemma for the United States.

Still, 96 percent of the companies report they are making efforts to help. Business's commitment is up on many levels. In another survey, more than two-thirds of the responding school districts reported a "substantial" increase in their cooperative efforts with business during the 1980s.

All told, the Department of Education estimates there are more than 70,000 business-sponsored projects currently underway in American elementary and secondary schools. And when you consider that there are only 90,000 school buildings in the entire U.S., that's evidence of a broad corporate commitment.

But where do we go from here?

Beyond implementing the ideas suggested in our forum report—one thing all of us can do is preach the education gospel to our unconverted corporate brethren.

There are more of them than you think. The fact is, 80 percent of the companies in America have no involvement with education. And the biggest growth potential is among small, service-oriented businesses—the very kind of firms most in need of well-educated employees.

What else can business do? Well, when it comes to the specifics of curriculum, I'm like most business people—I don't presume to have suggestions about subject matter or teaching methods.

But I do think all of us—executives and educators; politicians and parents, could agree on some principles that might guide us in our efforts. Basic beliefs that apply to the education process at every level from kindergarten through college and beyond.

I have four such principles to suggest.

First, education should be based on the belief that our urge to learn is intrinsic.

The truth is, human beings are born with a nose for knowledge. If there is one attribute that characterizes our little branch of the evolutionary tree, it's a sense of curiosity that goes way beyond what's necessary for mere survival.

And while we may be, as some say, the only species that kills in anger, we may also be the only animal that learns for fun. For the sheer, uninhibited joy of discovery.

That natural inclination to understanding should be strengthened, not stifled, by the classroom experience.

Second, I believe we should agree that the ability to achieve is universal.

I don't suggest that everyone can be an Einstein. But everyone can learn, and expand his or her horizons under the right circumstances.

After all, study after study has shown that most successful people are not geniuses. Accomplishment is more often dependent on effort and self-discipline, than on innate ability.

So our educational system should be dedicated not just to raising test scores . . . but to bringing out the best in everyone—regardless of what that best may be.

Third, we should agree that the need for knowledge is unending.

Formal education during our formative years is important. It lays the foundation. But our real goal should be a society in which lifelong learning is the rule, rather than the exception.

We must promote the ongoing nature of education for two reasons. First, because change will dominate our socioeconomic system for decades to come. And the vast majority of those who will make up our "workforce 2000" have already finished their schooling. So, if they cannot continue learning and adapting throughout their working life, their chances for success are slim—and so are ours.

But we must also promote the concept of lifelong learning because it adds immeasurably to the vision and the vigor of our society. We simply cannot afford to be a nation of adults that never open a book or listen to a lecture or entertain a new idea after graduation.

Finally, as we go about building a system for the post-industrial age, we should agree

on a fourth principle—that education is everyone's business.

On one level, that means every community is ultimately responsible for the schools it gets. If we want improvement, we have to fight for it . . . and pay for it, too.

On another level, this principle means that business cannot expect the schools to go it alone when it comes to preparing students for the demands of tomorrow's workplace.

Many companies already recognize this. In fact, corporate America today spends more than $200 billion a year on formal and informal training programs.

At Allstate, for example, we've established what we call a training university at one of our operations centers in Chicago.

The center offers new and existing workers not only technical and job skills education. It also offers the chance to improve skills in basic English and other subjects.

Such corporate programs should be encouraged—not only because they help ease the pressure on our overtaxed public resources . . . but because they emphasize the interdependence of business and education . . . and stress the connection between learning and earning.

Which brings me to the second subject I said I would cover—corporate involvement in programs to improve the economic welfare of American families.

Actually, I'm talking about the broad range of issues that affect families—housing, health care, hunger, and more.

And—as I did with education—I want to focus on three questions. First, why have companies become more involved?

Some reasons are clearly selfish, and fairly simple. Ever since the days of Andrew Carnegie, employers have understood that better educated, better housed, and better fed people make better workers.

More recently, some suggest our involvement has also been influenced by the social activism of two decades ago. First, because young people raised during those years are beginning to reach leadership positions within many companies.

And second, because through protest ERA made it clear that a corporation—or any institution, for that matter—must be responsive to public issues if it wants to succeed beyond its business interests.

During this decade, business has also become more involved in social issues because of Government cutbacks in public programs affecting community welfare.

Finally, there is an often overlooked reason for corporate America's growing commitment to the community. Our employees themselves are giving more to those less fortunate, and they expect their companies to do the same.

You know, it's funny. The 1980's were supposed to be the "age of greed," when everyone's hero was the guy with the gold card, the German car, and lots of good old American cash.

Yet, at the same time, charitable contributions actually outpaced inflation and reached all-time highs. So did the number of people volunteering for civic work.

As of 1987, 90 percent of all Americans were making charitable contributions. And half of them were actively involved in volunteer programs—up from 31 percent in 1984.

So what have corporations done in response to these and other social stimuli?

Well, for one thing, we have increased our giving. Corporate philanthropy rose dramatically during the first half of the decade. It has leveled off a little since then, but giving programs are still vastly more extensive than they were ten years ago.

And it's not just money—companies have developed contribution strategies to maximize the impact of their efforts.

I've seen these changes at work in my own company. In recent years, the Allstate Foundation significantly increased its contributions. We've also become more specific about our philanthropic goals.

Beyond giving money, however, companies during this decade have given of their time and talent in cooperative programs of all kinds.

From neighborhood revitalization to the Special Olympics—from disaster relief to drug awareness campaigns—wherever there's been a community-based effort, companies have usually been right in the thick of things.

So where does business go from here in addressing the broad range of social issues? Again, I have no prescription.

But I do have some principles we might consider. In this case, two of them.

First, I think we might capitalize on the spirit of voluntarism.

If people are willing to give of themselves, then we must make maximum use of these precious human resources. Actually, corporations are already moving in this direction.

At the beginning of this decade, only about 300 companies had active programs to encourage employee involvement in community service. Since then, the number has doubled.

Again, I've seen this idea at work within my own company, where three out of four employees are actively involved in some kind of community program. Our helping hands volunteers now number more than 40,000 people in over 200 locations.

Besides, many companies are finding that volunteer programs are not only good for their reputation in the community, they have a positive effect in the eyes of employees, too.

You know, behavioral scientists are studying an interesting phenomenon called the "helper's high." It seems that a large percentage of people who volunteer to help others report the experience actually makes them feel better physically.

Many compare it to the sense of fitness and well-being they get from working out. The experts think endorphins, the same natural body chemicals released during exercise, may be involed in "helper's high," too.

Whatever the cause, it's another powerful argument on behalf of altruism. And because corporations are human, too, the same sense of good will can pervade an entire organization.

Time and again, for example, our people at Allstate say they're proud to work for a company that supports and encourages their community involvement. And who can put a price tag on that kind of loyalty and respect within the workforce?

My second principle for future corporate involvement suggests that we become even more active in programs that bring together many different institutions within the community.

This again is a trend that has accelerated during the 1980's. While business was becoming more involved in social issues, other institutions in our society were also undergoing significant change.

After years of trying to resolve problems by funding larger and larger programs, government finally concluded there wasn't enough in the public treasury to sustain such efforts indefinitely.

That in turn, increased the pressure on nonprofit groups. Charities that once survived mainly on faith and hope found themselves developing strategic plans and approaching corporate foundations.

All these changes seemed to occur at the same time. The three types of institutions—business, government, and nonprofit groups—recognized that each of us has a significant social role to play—and none of us can do it alone.

And from that recognition, we've begun to build a new, more collaborative approach to dealing with issues of social significance.

We realize that institutions in America are all cut from the same cloth. In a pluralist and populist society, the ultimate aim of every organization must include serving the public interest.

So the captain of industry—and the foundation fundraiser—and the civil servant have much more in common than we at one time realized.

All of us, it turns out, are heir to the ideals that build the system of democratic capitalism in the first place. The son of one of America's other great capitalists—John D. Rockefeller, Jr.—perhaps put it best when he said, in America, "every right implies a responsibility; every opportunity, an obligation; every possession, a duty."

What that means to me is that each of us as individuals, and as institutions, has a higher calling.

Above the purely practical. And beyond the bare minimum.

At its most basic level, for instance, the purpose of education is to make students literate. But it also has the potential to inspire and elevate.

Likewise, the basic purpose of government is to build roads and deliver mail? But it also has the potential to help shape and strengthen a nation's will.

The basic purpose of charity is to feed the hungry and defend the disadvantaged. But it also has the potential to touch our collective conscience as a people.

In the same way the basic purpose of business is to produce a profit. But we also have the potential to help set and share America's social agenda.

And isn't that what America is all about? Achieving your potential, believing that a better way is not only attainable, but inevitable?

For more than 200 years, that unshakeable faith in the future has been our country's most enduring and most endearing, trait.

All of you here today are keeping that faith alive. By your actions and by your example—you are helping America live up to its own best instincts.

For that above all, I thank you and wish you great success in your future efforts. ●

VIVID PERSONAL MEMORIES

● Mr. HOLLINGS. Mr. President, I ask that a column by Cal Thomas that appeared in the May 18 issue of the Washington Times be printed in the RECORD. He points out that films like "War and Remembrance" are not merely entertainment, but also important reminders of historical events that must not be forgotten, and vividly supports his claim by tracing the impact of the Holocaust on one indi-

vidual and triumphantly ending the column with the revelation that the individual is the Israeli Ambassador to the United States, Moshe Arad.

VIVID PERSONAL MEMORIES

(By Cal Thomas)

I suspect that more than one Holocaust survivor in America watched ABC's monumental "War and Remembrance," which concluded this past Sunday night, and recalled that horrible time.

Moshe remembers quite well.

He was born in 1934 in Botosani, Romania. His parents, Simon and Haya (the Hebrew word for "life"), were happy to have a son, but concerned about the gathering storm over Europe.

Moshe's father was a merchant who sold petroleum products at a service station.

When the war came, Romania, as an ally of Germany, began persecuting its Jewish population, estimated at the time to number between 800,000 and a million.

Petroleum was declared a stategic commodity for the war effort and because Jews were suspect, no Jew was allowed to come near it. So Simon lost his job and was forced to perform menial "public service work," paving roads, digging trenches and cleaning military installations, in order to provide for himself, for Haya and for Moshe and his sister.

The television scenes of Jews, including children, wearing the star of David looked like home movies to Moshe. When he began school in 1941 (Jews were segregated in their own schools), he was required to wear one. His parents did not allow him to go for a walk or visit a playground because the star made him a target for verbal and physical abuse, which he received anyway during his occasional outdoor forays.

His mother told him not to respond to abuse but, of course, he did. Twice he refused to put on his coat with the star, but his mother admonished him: "You can land us all in a camp if you are caught." He knew that "a camp" meant a concentration camp, where it was said that Jews were being gassed.

Moshe identifies with the Jews of the Exodus; "My parents always kept our belongings in suitcases just in case we might have to leave in a hurry."

He saw the television scenes of children being shot and gassed and remembered that his aunt left for work one day, only to return home and find her children, his cousins, gone.

They had been taken by the local police and German soldiers, and shot. The pretext? "One didn't need a pretext," says Moshe. "We were Jews and, therefore, suspect."

From late 1942 until the end of 1943, "we moved from one place to another, afraid to remain anywhere for more than a single night. We lived with friends, relatives, in synagogues and abandoned houses."

The Nazis and their Romanian friends exterminated half the Jewish population of Romania before the war ended.

Moshe and his family were among the fortunate ones. In April 1944, the Russian army liberated Romania as it advanced on Germany.

Moshe remembers Passover, 1944, especially well. He was 10 years old and he recalls that as his father read from the Book of Exodus concerning the flight of the ancient Jews from Egypt, "the words acquired a poignant meaning I will never forget."

When a communist regime was established in Romania, Simon and Haya asked to go to Palestine. Their request was refused. It was not until 1950, when the new Israeli government offered to pay Romania several hundred dollars for each Jew let go, that the family sailed for Haifa and a new home.

Moshe remembers a final indignity before leaving. He played the violin, but the Romania customs officer refused to let him take the instrument with him.

"It belongs to this country," growled the officer.

"I haven't touched a violin since," says Moshe.

Moshe remembers not sleeping the night before the family arrived in Israel. "I envisioned the vista of Mount Carmel," he said. "I kissed the ground after disembarking from the ship."

Something his father told him when the family was hunkered down in trenches during a bombing attack by Soviet planes suddenly came back to him: "If we ever survive this night, don't ever forget that there is a land that is waiting for us and we should go and help build it."

Help build it Moshe did. He first worked as a messenger boy. Then he picked grapes and oranges and began studying Hebrew. He finished high school, joined the army and fought in the 1956 war (he would serve again in the Six-Day War).

He was discharged as a captain, entered Hebrew University and became a lawyer. Other appointments in the Department of Justice and later the foreign service testified to his brilliance and competence.

Moshe was once a refugee within his native country, required to wear a yellow star. He still "wears" a Star of David, but its color is now blue. Instead of a symbol that brought fear and shame, this star represents hope.

Now it is Moshe's turn to represent something.

Moshe represents, not his native land, but the land that redeemed his entire family, the nation of Israel.

For, you see, Moshe Arad, a child who escaped the Holocaust, is the Ambassador of Israel to the United States of America. And now, as Paul Harvey might say, you know the rest of the story.●

TERRY ANDERSON

● Mr. MOYNIHAN. Mr. President, today marks the 1,537th day of captivity for Terry Anderson in Beirut.

I ask that an article from the Buffalo News, describing a bust of Terry Anderson which is being placed in display in Batavia, be printed in the RECORD.

[From the Buffalo News, May 24, 1989]

BUST OF TERRY ANDERSON WILL SERVE AS A REMINDER

(By Tom Ernst)

A life-size bust of Terry Anderson—intended as a "welcome home" gift someday and in the meantime to serve as a reminder of his plight—will go on display in his hometown of Batavia.

The terra cotta sculpture is the work of Lackawanna native Louis Dlugosz and will be presented to Batavia officials by Lackawanna officials at 10:30 a.m. Thursday in Batavia City Hall.

"It will be on display in the Genesee Country Mall until he is released." Batavia City Council President Lee F. Allyn said Tuesday.

The work depicts the journalist being held hostage in Beirut, Lebanon. The chains are meant to depict his captivity and the globe the fact the world seems to be powerless to do anything about it, according to the artist's sister, Betty Watt.

Dlugosz, who has returned to Poland where he has spent much of the past several years was unaware of Anderson's plight until he returned home for a visit, Mrs. Watt related. Anderson has been held hostage in Lebanon since March 1985.

"He doesn't get a lot of news in Poland so I save things for him and he was very hurt and angry when he learned about Terry Anderson," Mrs. Watt said.

"He wanted to know why no one could help him and the sculpture is his way of trying to help."

She said her brother returned to Poland two weeks ago and had worked on the sculpture in the basement of her home during his six-month visit.

"It was his idea to give it to the people of Batavia and leave it with them until Terry comes home," she said.

Lackawanna Mayor Thomas E. Radich will make the presentation along with Dlugosz's son, Nicholas, a Lackawanna police officer.

Anderson's sister, Peggy Say, also is expected to attend, Allyn said.●

THE ITALIAN TRIBUNE

● Mr. LEVIN. Mr. President, on June 2, 1989, a historic occasion will be marked by Italian Americans and their friends across the State of Michigan. The Italian Tribune will mark its 80th anniversary.

Founded by Vincent Giuliano in 1909, the Tribune has continued to be a voice of communication, persuasion, and constructive thought within the Italian community under the stewardship of Mr. Giuliano's grandson, Edward M. Baker. Focused primarily on news of interest in Michigan, Ohio, and Indiana, the publication also reaches readers as far away as California and Rome.

The fourth generation of the Giuliano family, Mr. Baker's daughter, Marilyn Kammer, is now a part of the continuing tradition of service and education to the sons and daughters of Italy. La Tribuna del Popolo continues to serve the changing needs of its readers while continuing to preserve its heritage.

Combined with LaVoce del Popolo (a church sponsored publication), the Italian Tribune provides fraternal cohesiveness, a fresh perspective on international events, and a positive image of the Italian-American people.

I am pleased to mark the significant achievements of the Italian Tribune and look forward to its continued voice in the Italian-American community.●

APPOINTMENT BY THE PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The Chair, on behalf of the President pro tempore, pursuant to Public Law 100-204, appoints Peter Leslie, of Maine, to the U.S. Commission on Improving the Effectiveness of the United Nations.

(Note: The following orders were entered earlier and appear at this point the RECORD by unanimous consent:)

ORDERS FOR TOMORROW

RECESS UNTIL 8:30 A.M.

MORNING BUSINESS

Mr. FOWLER. Mr. President, I now ask unanimous consent that when the Senate completes its business today it stand in recess until 8:30 a.m. tomorrow, Thursday, June 1, and that following the time for the two leaders there be a period for morning business not to extend beyond 9 a.m. with Senators permitted to speak therein for up to 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER TO PROCEED TO THE CONSIDERATION OF H.R. 2072

Mr. FOWLER. Mr. President, I further ask unanimous consent that at 9 a.m. tomorrow the Senate proceed to the consideration of H.R. 2072, the supplemental appropriations bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS UNTIL 8:30 A.M. TOMORROW

The PRESIDING OFFICER. Pursuant to the unanimous-consent agreement heretofore propounded and Senate Resolution 137, as a further mark of respect to the memory of the deceased Hon. CLAUDE D. PEPPER, late Representative from the State of Florida, the Senate will stand in recess until 8:30 a.m. tomorrow.

Thereupon, at 6:57 p.m., the Senate recessed until Thursday, June 1, 1989, at 8:30 a.m.

NOMINATIONS

Executive nominations received by the Senate May 31, 1989:

DEPARTMENT OF STATE

KEITH LAPHAM BROWN, OF COLORADO, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO DENMARK, TO WHICH POSITION HE WAS APPOINTED DURING THE RECESS OF THE SENATE FROM OCTOBER 22, 1988, TO JANUARY 3, 1989.

WILLIAM ANDREAS BROWN, OF NEW HAMPSHIRE, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF CAREER MINISTER, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO ISRAEL, TO WHICH POSITION HE WAS APPOINTED DURING THE RECESS OF THE SENATE FROM OCTOBER 22, 1988, TO JANUARY 3, 1989.

DEPARTMENT OF JUSTICE

DEE V. BENSON, OF UTAH, TO BE U.S. ATTORNEY FOR THE DISTRICT OF UTAH FOR THE TERM OF 4 YEARS VICE BRENT D. WARD, RESIGNED.

EXECUTIVE OFFICE OF THE PRESIDENT

REGGIE B. WALTON, OF THE DISTRICT OF COLUMBIA, TO BE ASSOCIATE DIRECTOR FOR NATIONAL DRUG CONTROL POLICY (NEW POSITION—PUBLIC LAW 100-690).

DEPARTMENT OF COMMERCE

THOMAS JOSEPH MURRIN, OF PENNSYLVANIA, TO BE DEPUTY SECRETARY OF COMMERCE, VICE DONNA F. TUTTLE, RESIGNED.

DEPARTMENT OF TRANSPORTATION

JEFFREY NEIL SHANE, OF THE DISTRICT OF COLUMBIA, TO BE AN ASSISTANT SECRETARY OF TRANSPORTATION, VICE GREGORY S. DOLE.

DEPARTMENT OF COMMERCE

QUINCY MELLON KROSBY, OF NEW YORK, TO BE AN ASSISTANT SECRETARY OF COMMERCE, VICE G. PHILIP HUGHES, RESIGNED.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

C. AUSTIN FITTS, OF NEW YORK, TO BE AN ASSISTANT SECRETARY OF HOUSING AND URBAN DEVELOPMENT, VICE THOMAS T. DEMERY, RESIGNED.

DEPARTMENT OF EDUCATION

CHARLES E.M. KOLB, OF VIRGINIA, TO BE DEPUTY UNDER SECRETARY FOR PLANNING, BUDGET AND EVALUATION, DEPARTMENT OF EDUCATION, VICE BRUCE M. CARNES, RESIGNED, TO WHICH POSITION HE WAS APPOINTED DURING THE RECESS OF THE SENATE FROM OCTOBER 22, 1988, TO JANUARY 3, 1989.

DEPARTMENT OF THE TREASURY

FRED T. GOLBERG, JR., OF MARYLAND, TO BE COMMISSIONER OF INTERNAL REVENUE, VICE LAWRENCE B. GIBBS, RESIGNED.

DEPARTMENT OF THE INTERIOR

DELOS CY JAMISON, OF MONTANA, TO BE DIRECTOR OF THE BUREAU OF LAND MANAGEMENT, VICE ROBERT F. BURFORD, RESIGNED.

IN THE AIR FORCE

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL ON THE RETIRED LIST PURSUANT TO THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 1370:

To be lieutenant general

LT. GEN. BUFORD D. LARY, xxx-xx-xxxx, USAFR, U.S. AIR FORCE.

IN THE ARMY

THE FOLLOWING-NAMED OFFICER TO BE PLACED ON THE RETIRED LIST IN GRADE INDICATED UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 1370:

To be lieutenant general

LT. GEN. KENNETH E. LEWI, xxx-xx-xxxx, U.S. ARMY.

IN THE AIR FORCE

THE FOLLOWING-NAMED OFFICERS FOR PERMANENT PROMOTION IN THE U.S. AIR FORCE, UNDER THE PROVISIONS OF SECTION 628, TITLE 10, UNITED STATES CODE, AS AMENDED, WITH DATES OF RANK TO BE DETERMINED BY THE SECRETARY OF THE AIR FORCE.

MEDICAL CORPS

To be colonel

EDWARD T. SCHWAB, xxx-xx-xxxx
FELIPE E. VIZCARRONDO, xxx-xx-xxxx

To be lieutenant colonel

ANTONIO A.B. MATABAN, xxx-xx-xxxx
CAMILLE PEROCIER-AGUIRRE, xxx-xx-xxxx

To be major

RANDY K. BOTTNER, xxx-xx-xxxx
JOHN C. PENNOCK, xxx-xx-xxxx
KIRK H. SHELLEY, xxx-xx-xxxx

DENTAL CORPS

To be major

MURRAY KELLAR, xxx-xx-xxxx
JOHN W. MORRISON, xxx-xx-xxxx

THE FOLLOWING OFFICERS FOR APPOINTMENT IN THE REGULAR AIR FORCE UNDER THE PROVISIONS OF SECTION 531, TITLE 10, UNITED STATES CODE, WITH A VIEW TO DESIGNATION UNDER THE PROVISIONS OF SECTION 8067, TITLE 10, UNITED STATES CODE, TO PERFORM DUTIES INDICATED WITH GRADE AND DATE OF RANK TO BE DETERMINED BY THE SECRETARY OF THE AIR FORCE PROVIDED THAT IN NO CASE SHALL THE FOLLOWING OFFICERS BE APPOINTED IN A GRADE HIGHER THAN THAT INDICATED.

MEDICAL CORPS

To be lieutenant colonel

RAYMOND T. BARBERA, xxx-xx-xxxx
CHRISTOPHER N. HEINRICHS, xxx-xx-xxxx
GREGORY J. TOUSSAINT, xxx-xx-xxxx

DENTAL CORPS

To be lieutenant colonel

JEFFREY H. CAMM, xxx-xx-xxxx

IN THE ARMY

THE FOLLOWING-NAMED OFFICER ON THE ACTIVE DUTY LIST, FOR APPOINTMENT TO THE GRADE INDICATED IN THE U.S. ARMY IN ACCORDANCE WITH SECTION 744, TITLE 10, UNITED STATES CODE.

MEDICAL CORPS

To be colonel

LAWRENCE C. MOHR, JR., xxx-xx-xxxx

THE FOLLOWING-NAMED OFFICERS, ON THE ACTIVE DUTY LIST, FOR PROMOTION TO THE GRADE INDICATED IN THE U.S. ARMY IN ACCORDANCE WITH SECTIONS 624 AND 628, TITLE 10, UNITED STATES CODE. THE OFFICER IDENTIFIED WITH AN ASTERISK IS ALSO NOMINATED FOR APPOINTMENT IN THE REGULAR ARMY IN ACCORDANCE WITH SECTION 531, TITLE 10, UNITED STATES CODE:

ARMY

To be colonel

RONALD E. HALL, xxx-xx-xxxx
AUBREY WHITE, xxx-xx-xxxx

To be lieutenant colonel

DONNIE L. HENLEY, xxx-xx-xxxx
STEPEHN J. NALLY, xxx-xx-xxxx
JAMES L. WALKER, xxx-xx-xxxx

MEDICAL SERVICE CORPS

To be major

CHARLES M. HARRIS, xxx-xx-xxxx
* MICHAEL A. STANTON, xxx-xx-xxxx

IN THE NAVY

THE FOLLOWING AIR FORCE CADETS TO BE PERMANENT ENSIGN IN THE LINE OR STAFF CORPS OF THE U.S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 531:

ALAN E. BELL	STEVEN N. SPANOVICH
THOMAS T. COOK	BRIAN D. STANFORD

IN THE NAVY

THE FOLLOWING-NAMED ENLISTED COMMISSIONING PROGRAM CANDIDATES TO BE APPOINTED PERMANENT ENSIGN IN THE LINE OF THE U.S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 531:

JOHN CRAIG	MICHAEL MARTIN
WALLACE LOVELY	

THE FOLLOWING-NAMED U.S. NAVAL RESERVE OFFICER TO BE APPOINTED PERMANENT LIEUTENANT IN THE MEDICAL CORPS OF THE U.S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 531.

ANDREW W. LEWIS

THE FOLLOWING-NAMED NAVY ENLISTED CANDIDATES TO BE APPOINTED PERMANENT ENSIGN IN THE MEDICAL SERVICE CORPS OF THE U.S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 531:

JOSEPH BARNES III	NANCY L. FRANZE
PAUL E. BEDSOLE	TYRONE E. GILMORE
TIMOTHY D. BOLLINGER	WILLIAM C. HANCOCK
NORMA C. BROWDER	DAVID D. MULLARKEY
RAMON J. BUYSON	SHAWN P. MURPHY
JAMES E. CARTER, JR.	MANUEL E. NAGUIT
PATRICIA G. CHAPPLE	RENARD PEEPLES
MARK J. CONRAD	DIANE PULKOWNIK
CONNIE J. A. DAY	LANE S. TAYLOR
CHERYL A. DEWEY	JOSEPH TRIPLETT, JR.
DAVID P. DULA	THOMAS A. VAN PELT
DEBRA L. DUNCAN	MARGARET A. WEBB

THE FOLLOWING-NAMED NAVAL RESERVE OFFICERS TO BE APPOINTED PERMANENT ENSIGN IN THE LINE OR STAFF CORPS OF THE U.S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 531:

JOSEPH F. BRANAN
REEVES A. DAVES
MICHAEL W. DENIS
SCOTT A. FAULKNER
TIMOTHY R. HALLADY
WILLARD S. JAMES
FREDERICK B. LAWRENCE
JEFFREY K. MCGOWAN
BENNETT W. PAFFORD
MICHAEL W. SIRACUSE
JOSEPH R. WESSLING

THE FOLLOWING-NAMED U.S. NAVY OFFICERS TO BE APPOINTED PERMANENT COMMANDER IN THE MEDICAL CORPS OF THE U.S. NAVAL RESERVE, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 593:

JANET H. BUCK	CLINTON A. MEDBERY III

IN THE AIR FORCE

THE FOLLOWING-NAMED OFFICERS FOR PERMANENT PROMOTION IN THE UNITED STATES AIR FORCE, UNDER THE APPROPRIATE PROVISIONS OF SECTION 624, TITLE 10, UNITED STATES CODE, AS AMENDED, WITH DATES OF RANK TO BE DETERMINED BY THE SECRETARY OF THE AIR FORCE.

DENTAL CORPS

To be colonel

LOUIS W. ADAMS, III, xxx-xx-xxxx
FREDERIC H. BROWN, xxx-xx-xxxx
RICHARD L. CALHOUN, xxx-xx-xxxx
BENEDICT CONNAUGHTON, xxx-xx-xxxx
LAURENCE P. CRIGGER, xxx-xx-xxxx
DAVID R. DASHER, xxx-xx-xxxx
JOHN M. DENNY, xxx-xx-xxxx
DONALD D. FATE, xxx-xx-xxxx
STEPHEN E. FRYLING, xxx-xx-xxxx
ROBERT K. GOODE, xxx-xx-xxxx
JOHN R. HEBERT, xxx-xx-xxxx
DAVID S. HESS, xxx-xx-xxxx
GLEN D. HOUSTON, xxx-xx-xxxx
DANIEL L. KAAT, xxx-xx-xxxx
FRANK A. KYLE, JR., xxx-xx-xxxx
W. R. LANGENDERFER, xxx-xx-xxxx
LEWIS V. LIEB, JR., xxx-xx-xxxx
SHELDON R. MANN, xxx-xx-xxxx
GEORGE J. MCALPINE, xxx-xx-xxxx
JOHN J. MCDONALD, xxx-xx-xxxx
STEPHEN P. MOORE, xxx-xx-xxxx
TIMOTHY C. MOORE, xxx-xx-xxxx
STEVEN J. OLSON, xxx-xx-xxxx
PAUL W. RECORD, xxx-xx-xxxx
ROBERT W. RUDD, xxx-xx-xxxx
PETER M. SPRADLING, xxx-xx-xxxx
DENNIS E. STELTON, xxx-xx-xxxx
DENNIS D. STUCKEY, xxx-xx-xxxx
WILLIAM G. TAYLOR, xxx-xx-xxxx
RAYMOND L. TIFFANY, xxx-xx-xxxx
BLAKE E. WAYMAN, xxx-xx-xxxx
DAVID E. WILLIAMS, xxx-xx-xxxx
DAVID J. ZANER, xxx-xx-xxxx

MEDICAL CORPS

To be colonel

WILLIAM G. BARTLETT, xxx-xx-xxxx
WILLIAM K. BUTLER, xxx-xx-xxxx
TEE S. CAMPION, xxx-xx-xxxx
FRANK E. CARPENTER, xxx-xx-xxxx
NORMA J. C. CORREA, xxx-xx-xxxx
GEORGE R. CREECH, xxx-xx-xxxx
BRIAN M. DAVIS, xxx-xx-xxxx
VINCENT F. X. DEENEY, xxx-xx-xxxx
MICHAEL J. DICKERSON, xxx-xx-xxxx
DOUGLAS R. DOUVILLE, xxx-xx-xxxx
KENNETH D. DYKSTRA, xxx-xx-xxxx
ALVARO J. ESPINOSA, xxx-xx-xxxx
WILLIAM JAMES FOODY, xxx-xx-xxxx
MALCOLM N. GOODWIN, JR., xxx-xx-xxxx
RONALD E. GRIMWOOD, JR., xxx-xx-xxxx
WILLY I. M. M. HUYGHE, xxx-xx-xxxx
JOSEPH E. KELLEY, xxx-xx-xxxx
JOHN C. LEOPOLD, xxx-xx-xxxx
PHILIP R. MARTIN, JR., xxx-xx-xxxx
RAYMOND E. MATSON, xxx-xx-xxxx
FREDRICK A. MCCURDY, xxx-xx-xxxx
PATRICIA M. MCGANNON, xxx-xx-xxxx
LLOYD P. MCGINNIS, xxx-xx-xxxx
WILLIAM Y. MCKEE, xxx-xx-xx...
DANNY W. MYERS, xxx-xx-xxxx
WINGSHEUNG NGDILLON, xxx-xx-xxxx
MALIWAN K. NUANGCHAMNONG, xxx-xx-xxxx
LYONIO B. NUNES, xxx-xx-xxxx
RAMON L. ORTALIZ, xxx-xx-xxxx
PATRICK G. PAGLEN, xxx-xx-xxxx
SUSHILA M. PATEL, xxx-xx-xxxx
RONALD W. PLEMONS, xxx-xx-xxxx
DAVID E. PORTERFIELD, xxx-xx-xxxx
KAMAL K. RAISANI, xxx-xx-xxxx
THOMAS K. RESAN, xxx-xx-xxxx
HOWARD L. RITTER, JR., xxx-xx-xxxx
LEE P. RODGERS, xxx-xx-xxxx
WALTER A. ROLL, JR., xxx-xx-xxxx
JAMES G. ROUDEBUSH, xxx-xx-xxxx
GUALBERT M. SANCHEZ, xxx-xx-xxxx
KLAUS O. SCHAFER, xxx-xx-xxxx
DAVID C. SCHUTT, xxx-xx-xxxx
JOHN S. SILVA, xxx-xx-xxxx
DONALD Z. SOKOL, xxx-xx-xxxx
JAY D. SPRENGER, xxx-xx-xxxx
JAMES D. STEVENSON, xxx-xx-xxxx
ROBERT L. TRAMALONI, xxx-xx-xxxx
GARRETT R. TUCKER, III, xxx-xx-xxxx

IN THE AIR FORCE

THE FOLLOWING-NAMED OFFICERS FOR PERMANENT PROMOTION IN THE UNITED STATES AIR FORCE, UNDER THE APPROPRIATE PROVISIONS OF SECTION 624, TITLE 10, UNITED STATES CODE, AS AMENDED, WITH DATES OF RANK TO BE DETERMINED BY THE SECRETARY OF THE AIR FORCE.

DENTAL CORPS

To be lieutenant colonel

STEPHEN W. ANDREWS, xxx-xx-xxxx
PETER J. BALOGH, xxx-xx-xxxx
VERMON C. BARNEY, xxx-xx-xxxx
DONALD M. BELLES, xxx-xx-xxxx
WALTON L. BOLGER, xxx-xx-xxxx
TOMMY E. BOWMAN, xxx-xx-xxxx
DENNIS M. BRICH, xxx-xx-xxxx
JOHN B. BRILEY, xxx-xx-xxxx
DAVID B. BROOM, xxx-xx-xxxx
JAMES C. BROOME, JR., xxx-xx-xxxx
MICHAEL R. BROWN, xxx-xx-xxxx
STEPHEN G. BURKE, xxx-xx-xxxx
RICHARD BUSSONE, xxx-xx-xxxx
JOSEPH D. CAMACHO, xxx-xx-xxxx
JEFFREY H. CAMM, xxx-xx-xxxx
MARK T. CARLSON, xxx-xx-xxxx
BRADFORD W. CHRISTENSON, xxx-xx-xxxx
DOUGLAS A. CLARKE, xxx-xx-xxxx
HOWARD F. CONE, JR., xxx-xx-xxxx
MONTE L. COOPER, xxx-xx-xxxx
MULLEN O. COOVER, JR., xxx-xx-xxxx
CLIFFORD W. CORNELIUS, xxx-xx-xxxx
WALTER C. DANIELS, xxx-xx-xxxx
RICHARD D. DAVIS, xxx-xx-xxxx
ALEX A. DEPERALTA, JR., xxx-xx-xxxx
HERMAN S. DICKERSON, xxx-xx-xxxx
DAVID A. DZIACHAN, xxx-xx-xxxx
ROBERT L. ECKLES, xxx-xx-xxxx
RICHARD C. EDWARDS, xxx-xx-xxxx
ALAN L. FAHNDRICH, xxx-xx-xxxx
JOHN E. FARHOOD, xxx-xx-xxxx
JAMES J. FLAGGERT III, xxx-xx-xxxx
FRANK J. FOREMAN, xxx-xx-xxxx
MARK A. GEISEL, xxx-xx-xxxx
GEORGE J. GERDTS, xxx-xx-xxxx
FLOYD W. GREEN, xxx-xx-xxxx
PAUL D. GREENE, JR., xxx-xx-xxxx
BARRY P. GREENLEY, xxx-xx-xxxx
THURSTON P. GREENWOOD, xxx-xx-xxxx
THEODORE J. GRELLNER, xxx-xx-xxxx
JEFFREY C. HAMBLETON, xxx-xx-xxxx
JEANNE HANSENBAYLESS, xxx-xx-xxxx
ROBERT L. HEIST, xxx-xx-xxxx
THOMAS J. HILTON, xxx-xx-xxxx
RICHARD M. HIRAKI, xxx-xx-xxxx
JOHN W. HOFMAN, xxx-xx-xxxx
JOHN S. HORNBURG, xxx-xx-xxxx
STEPHEN P. IPPOLITO, SR., xxx-xx-xxxx
JAMES T. KANDL, xxx-xx-xxxx
BRUCE A. KENNEDY, xxx-xx-xxxx
WALTER C. KIRK, JR., xxx-xx-xxxx
PAMELA J. KLOOTE, xxx-xx-xxxx
JOHN C. KNIGHT, xxx-xx-xxxx
KENNETH E. KOENKE, xxx-xx-xxxx
MARK H. KREUTNER, xxx-xx-xxxx
KENNETH A. LEVIN, xxx-xx-xxxx
JOHN A. LEVON, xxx-xx-xxxx
ROBERT M. LOMAZZO, xxx-xx-xx...
MICHAEL W. MARTIN, xxx-xx-xx...
DAVID G. MATHERS, xxx-xx-xxxx
DAVID W. MCMICHAEL, xxx-xx-xx...
GARY G. MOLLER, xxx-xx-xxxx
WILLIAM S. MOORE, xxx-xx-xx...
STEPHEN R. MORRISON, xxx-xx-xxxx
WILLIAM P. NAYLOR, xxx-xx-xx...
CRAIG L. NELSON, xxx-xx-xxxx
MICHAEL F. NEUBAUER, xxx-xx-xxxx
STEPHEN M. NEUSER, xxx-xx-xxxx
STEVEN J. NEVINS, xxx-xx-xxxx
ALAN D. NEWTON, xxx-xx-xxxx
GLENDA E.S. NUCKOLS, xxx-xx-xxxx
ROBERT A. OLSON, xxx-xx-xxxx
PAUL B. OSBORNE, xxx-xx-xxxx
JOHNNIE D. OVERTON, xxx-xx-xxxx
STEPHEN W. OWEN, xxx-xx-xxxx
CHARLES W. PEMBLE III, xxx-xx-xxxx
THOMAS J. PLAMONDON, xxx-xx-xxxx
RONALD L. PLEIS, xxx-xx-xxxx
FORREST R. POINDEXTER, xxx-xx-xxxx
STEPHEN W. PORTER, xxx-xx-xxxx
MARIA A. RABBIO, xxx-xx-xxxx
WILLIAM H. RAINES, xxx-xx-xxxx
REX T. RAPER, xxx-xx-xxxx
THOMAS C. REINHART, xxx-xx-xxxx
JOHN J. RICHTER III, xxx-xx-xxxx
DAVID A. SATHER, xxx-xx-xxxx
KIRK D. SATROM, xxx-xx-xxxx
STEPHEN A. SCHMIDT, xxx-xx-xxxx
ERIC S. SCHUERMER, xxx-xx-xxxx
JEFFRY R. SHAEFER, xxx-xx-xxxx
MICHAEL D. SHANNON, xxx-xx-xxxx
RAYANNE F. SHANNON, xxx-xx-xxxx
MICHAEL F. SHEDLOSKY, xxx-xx-xxxx
JAMES L. SHEETS, xxx-xx-xxxx
CARL C. SHOFF, xxx-xx-xxxx
JOHNNY L. SILER, xxx-xx-xxxx
RONNY M. SIMMONS, xxx-xx-xxxx
MICHAEL W. SMITH, xxx-xx-xxxx
SHEILA W.W. SONGROZICH, xxx-xx-xxxx
JUDY P. STRICKLAND, xxx-xx-xxxx
ROBERT E. SUNDQUIST, xxx-xx-xxxx
FAITH A. THOMAS, xxx-xx-xxxx
HAROLD S. WESTERHOLM II, xxx-xx-xxxx
SCOTT W. WIGGINS, xxx-xx-xxxx
DERRICK K. WILCHER, xxx-xx-xxxx
BARRY M. WYMAN, xxx-xx-xxxx

MEDICAL CORPS

To be lieutenant colonel

SUSAN P. ABERNATHY, xxx-xx-xxxx
THERESE J. ADDISON, xxx-xx-xxxx
CHARLES E. ALLEN, xxx-xx-xx...
HANS E. ARVIDSON, xxx-xx-xxxx
RAYMOND T. BARBERA, xxx-xx-xxxx
RICHARD J. BARRY, xxx-xx-xxxx
RICHARD J. BARTH, xxx-xx-xxxx
THOMAS N. BEACH, xxx-xx-xxxx
CARLA A. BEECHIE, xxx-xx-xxxx
WILLIAM F. BINKLEY, xxx-xx-xxxx
JERROLD G. BLACK, xxx-xx-xxxx
WILLIAM R. BLACK, xxx-xx-xx...
CRAIG E. CHAMBERLAIN, xxx-xx-xxxx
DAVID O. CHASTAIN, xxx-xx-xxxx
MURPHY A. CHESNEY III, xxx-xx-xxxx
ALAN W. CHRISTENSEN, xxx-xx-xxxx
WILLIAM R. CLARK, xxx-xx-xx...
DONALD J. CLEMENT, xxx-xx-xxxx
RONALD R. COFFEY, xxx-xx-xxxx
JACK L. DAVIS, xxx-xx-xxxx
KENNETH R. DAVIS, xxx-xx-xxxx
WILLIAM E. DICKERSON, xxx-xx-xxxx
JAMES W. DICKEY III, xxx-xx-xxxx
JOHN G. DORAN, JR., xxx-xx-xxxx
JEAN B. DORVAL, xxx-xx-xxxx
DENNIS M. DREHNER, xxx-xx-xxxx
JAMES P. DURNING, xxx-xx-xxxx
GLENN W. EHRLICH, xxx-xx-xxxx
TERRY D. EXSTRUM, xxx-xx-xxxx
SHARON A. FALKENHEIMER, xxx-xx-xxxx
JOHN A. FLING, xxx-xx-xxxx
TIMOTHY GEORGELAS, xxx-xx-xxxx
ROBERT H. GIBBS, xxx-xx-xxxx
PAUL E. GILLIAM, JR., xxx-xx-xxxx
KENNETH F. GLIFORT, xxx-xx-xxxx
CHARLES B. GREEN, xxx-xx-xxxx
JOAN R. GRIFFITH, xxx-xx-xxxx
LARRY LYNN HAGAN, xxx-xx-xxxx
KENNETH C. HANCOCK, xxx-xx-xxxx
ROBERT O. HARDY, xxx-xx-xxxx
CHRISTOPHER N. HEINRICHS, xxx-xx-xxxx
JOHN R. HYATT, JR., xxx-xx-xxxx
IAN J. JOHNSON, xxx-xx-xxxx
FREDERICK W. JONES, xxx-xx-xxxx
MICHAEL D. JONES, xxx-xx-xxxx
WILLIAM M. KELLY, xxx-xx-xx...
JASON Y. KIM, xxx-xx-xxxx
THOMAS H. KING, xxx-xx-xxxx
KELLY J. KRIZAN, xxx-xx-xxxx
SHELLEY D. LARSON, xxx-xx-xxxx
CHI H. LE, xxx-xx-xxxx
KENNETH D. LECKIE, xxx-xx-xxxx
JOHN E. LEWIS, xxx-xx-xxxx
MICHAEL J. LUCCA, xxx-xx-xx...
GREGORY K. LUX, xxx-xx-xxxx
GREGORIA MARRERO, xxx-xx-xxxx
JOHN A. MARSHALL II, xxx-xx-xxxx
LINDSEY S. MARTINSON, xxx-xx-xxxx
JOHN A. MAYER, xxx-xx-xxxx
DAVID A. MCCARTHY, xxx-xx-xxxx
KATHLEEN M. MCCAULEY, xxx-xx-xx...
JAMES W. MCCRISKIN, xxx-xx-xxxx
DANIEL P. MCMAHON, xxx-xx-xx...
MILTON A. MEINHARDT, xxx-xx-xxxx
JOHN M. MILBOURN, xxx-xx-xxxx
ALEX A. MORALESCABAN, xxx-xx-xxxx
PAUL E. MORTON, xxx-xx-xxxx
KEVIN J. NEHRING, xxx-xx-xxxx
CAROLYN G. NEWTON, xxx-xx-xxxx
JOHN J. O'DONNELL, xxx-xx-xxxx
HENRY J. O'NEAL, xxx-xx-xxxx
DONALD OSBORNE, xxx-xx-xxxx
RELFORD E. PATTERSON, xxx-xx-xxxx
DONALD E. PAYNTER, xxx-xx-xxxx
JACK A. PEARSON, xxx-xx-xxxx
STEVEN J. PEREZ, xxx-xx-xxxx
JEB S. PICKARD, xxx-xx-xxxx
GALEN V. POOLE, xxx-xx-xxxx
CHARLES D. PROCTER, xxx-xx-xxxx
PRATHIBA RAM, xxx-xx-xxxx
JAMES D. REEVES, xxx-xx-xxxx
LONDE A. RICHARDSON, xxx-xx-xxxx
RUTH A. ROBINSON, xxx-xx-xxxx
ROBERT L. RUXER, JR., xxx-xx-xxxx
GERALD W. SABOE, xxx-xx-xxxx
RAFAEL M. SANTIAGO, xxx-xx-xxxx
ROBERT E. SAYERS, xxx-xx-xxxx
THOMAS E. SCOTT, xxx-xx-xxxx
FRANK J. SHEPPARD, xxx-xx-xxxx
RASA S. SILENAS, xxx-xx-xxxx
CRAIG M. SLATER, xxx-xx-xxxx
DAVID C. SMITH, xxx-xx-xxxx
RUSSELL R. SNYDER, xxx-xx-xxxx
LEO J. SPACCAVENTO, xxx-xx-xxxx
PETER J. STEPHENS, xxx-xx-xxxx
CHARLES B. STEVENS, xxx-xx-xxxx
JAMES B. STEWART, JR., xxx-xx-xxxx
NELSON H. STURGIS III, xxx-xx-xxxx
MARK G. SWEDENBURG, xxx-xx-xxxx
EDWARD TAXIN, xxx-xx-xxxx
THOMAS M. TAYLOR, xxx-xx-xxxx
DOROTHY J. THOMPSON, xxx-xx-xxxx
JAMES M. THOMPSON, xxx-xx-xxxx
GREGORY J. TOUSSAINT, xxx-xx-xxxx
HUBERT N. TRUSS, xxx-xx-xxxx
PAT L. UNTERSEHER, xxx-xx-xxxx
PETER A. VALEN, xxx-xx-xxxx
RODGER D. VANDERBEEK, xxx-xx-xxxx
RONALD C. WALKER, xxx-xx-xxxx
STEPHEN G. WALLER, xxx-xx-xxxx
JERRY D. WEATHERS, xxx-xx-xxxx
JAY A. WEISS, xxx-xx-xxxx
ROBERT G. WELLMAN, xxx-xx-xxxx
JOHNNY B. WHEELOCK, xxx-xx-xxxx
KATHLEEN W. WILSON, xxx-xx-xxxx
MICHAEL R. WILSON, xxx-xx-xx...
ROBERT A. WILSON, xxx-xx-xxxx
THOMAS F. WOLD, xxx-xx-xxxx
EARL G. WOLF, JR., xxx-xx-xxxx
RICHARD B. ZELLMER, xxx-xx-xxxx
ROBERT G. ZERULL, xxx-xx-xxxx

IN THE AIR FORCE

THE FOLLOWING-NAMED OFFICERS FOR PERMANENT PROMOTION IN THE UNITED STATES AIR FORCE, UNDER THE APPROPRIATE PROVISIONS OF SECTION 624, TITLE 10, UNITED STATES CODE, AS AMENDED, WITH DATES OF RANK TO BE DETERMINED BY THE SECRETARY OF THE AIR FORCE.

DENTAL CORPS

To be major

DENNIS M. ANDERSON, xxx-xx-xxxx
MICHAEL J. ATWOOD, xxx-xx-xx...
BARBARA BARNETT, xxx-xx-xxxx
JAMES C. BRAUN, xxx-xx-xxxx
PHILLIP B. BRINTLE, xxx-xx-xxxx
GRAIG D. BROWN, xxx-xx-xxxx
ROBERT R. BURNETT, xxx-xx-xxxx
MONTE L. CARLSON, xxx-xx-xxxx
GARY A. CARTER, xxx-xx-xxxx
ALLEN J. CHRISTENSON, xxx-xx-xxxx
TIMOTHY S. CLASEMAN, xxx-xx-xxxx
ELIZABETH J. DEBELIUS, xxx-xx-xxxx
DANIEL L. DEFAZIO, xxx-xx-xxxx
RANDALL C. DUNCAN, xxx-xx-xxxx
HUONG L. DUONG, xxx-xx-xxxx
DONALD C. EASTIN, xxx-xx-xxxx
DOUGLAS M. ERICKSON, xxx-xx-xxxx
ROBERT F. FEREK, xxx-xx-xxxx
SALVADOR FLORES, JR., xxx-xx-xxxx
JAMES M. GAMBILL, xxx-xx-xx...
WILLIAM B. GARDNER, xxx-xx-xxxx
DAVID A. GONZALES, xxx-xx-xxxx
THOMAS W. GRACE, JR., xxx-xx-xxxx
MICHAEL C. HALL, xxx-xx-xx...
BRIAN LEE HASSE, xxx-xx-xxxx
JAMES M. HEIT, xxx-xx-xxxx
LEE A. HOLSTEIN, xxx-xx-xxxx
CHARLES A. HOLTORF, xxx-xx-xxxx
WILLIAM F. JENNINGS, xxx-xx-xxxx
ROBERT G. KARKER, xxx-xx-xxxx
LESLIE KARNS, xxx-xx-xxxx
MICHAEL A. KOCH, xxx-xx-xx...
JOHN C. LEIST, III, xxx-xx-xxxx
JAMES S. LINDEMUTH, xxx-xx-xxxx
GARY C. MARTIN, xxx-xx-xxxx
CHRISTOPHER C. MEDLEY, xxx-xx-xxxx
STEPHEN W. MERRILL, xxx-xx-xxxx
JOHN J. MIKOTOWICZ, xxx-xx-xxxx
RICHARD R. MILLER, xxx-xx-xxxx
KEVIN W. MORRILL, xxx-xx-xxxx
JOHN H. MUMFORD, xxx-xx-xxxx
GARY M. NASSIF, xxx-xx-xxxx
BRADLEY J. NELSON, xxx-xx-xxxx
KEVIN M. NOALL, xxx-xx-xx...
JAMES L. PAUKERT, xxx-xx-xxxx
ALAN L. PEET, xxx-xx-xxxx
ROBERT H. POINDEXTER, xxx-xx-xxxx
THOMAS G. RICE, xxx-xx-xxxx
HOWARD W. ROBERTS, xxx-xx-xxxx
STACY E. ROBINSON, xxx-xx-xxxx
PAUL M. ROGERS, xxx-xx-xxxx
TODD F. SHOCKLEY, xxx-xx-xxxx
JEREMY J. SMITH, xxx-xx-xxxx
JAMES R. SPALDING, JR., xxx-xx-xxxx
DAVID A. STANCZYK, xxx-xx-xxxx
DENNIS L. STARKEY, xxx-xx-xxxx
LARRY TABATCHNICK, xxx-xx-xxxx
WALTER L. THOMAS, xxx-xx-xx...
KRAIG S. VANDEWALLE, xxx-xx-xxxx
DOUGLAS C. WILSON, xxx-xx-xxxx

MEDICAL CORPS

To be major

STEVEN M. ABBADESSA, xxx-xx-xxxx
MICHAEL J. AINSCOUGH, xxx-xx-xxxx
MICHAEL P. ALBERT, xxx-xx-xxxx
STEFANIE M. ALPERT, xxx-xx-xxxx
DENNIS THOMAS ALTER, xxx-xx-xxxx
DANIEL P. ALYEA, xxx-xx-xxxx
BRITT ANDERSON, xxx-xx-xxxx
CHESTER ANDRZEJEWSKI, JR., xxx-xx-xxxx
JACK ANSTANDIG, xxx-xx-xxxx
GARY DAWAYNE BABBITT, xxx-xx-xxxx
PAUL LINCOLN BALDRIDGE, xxx-xx-xxxx
JOHN E. BARBER, xxx-xx-xxxx
PHILLIP D. BARNELL, xxx-xx-xxxx
RICHARD D. BAUER, xxx-xx-xxxx
EVERETT E. BAYNE, xxx-xx-xxxx
MICHAEL V. BEHESHTI, xxx-xx-xxxx
MARK C. BIDWELL, xxx-xx-xxxx
WILLIAM D. BIEDIGER, xxx-xx-xxxx
STEPHEN J. BLAIR, xxx-xx-xxxx
STEVEN J. BLATCHFORD, xxx-xx-xxxx
DANIEL RICHARD BLIZZARD, xxx-xx-xxxx
GARY M. BLUM, xxx-xx-xxxx
MARGARET ELLEN BOJANOWSKI, xxx-xx-xxxx
FRANK O. BONNARENS, JR., xxx-xx-xxxx
SCOTT LEE BOOTH, xxx-xx-xxxx
KRAIG S. BOWER, xxx-xx-xxxx
CHARLES A. BROWN, JR., xxx-xx-xxxx
TIMOTHY G. BRYANT, xxx-xx-xxxx
CLARE W. BUDD, xxx-xx-xxxx
JAMES T. BUFFUM, xxx-xx-xxxx
MICHAEL J. BUTLER, xxx-xx-xxxx
JAY M. BUTTERMAN, xxx-xx-xxxx
LUIS A. CALDERANIEVES, xxx-xx-xxxx
LETA T. CALLAHAN, xxx-xx-xx...
EDWARD C. CALLAWAY, xxx-xx-xx...
TERESA ALLEN CAMPBELL, xxx-xx-xx...
JOSEPH CAPRE, xxx-xx-xxxx
CHRISTOPHER CASEY, xxx-xx-xxxx
SUZANNE M. CECCONI, xxx-xx-xxxx
DOUGLAS J. CHADBOURNE, xxx-xx-xxxx
DONALD H. CHAMBERLAIN, xxx-xx-xxxx
BRIAN D. CHESHIRE, xxx-xx-xxxx
CHRISTOPHER L. CHONG, xxx-xx-xxxx
TIMOTHY Y. CHOU, xxx-xx-xxxx
BRUCE K. CHUNG, xxx-xx-xxxx
JOHN T. CINCO, xxx-xx-xxxx
JOHN R. CLARK, xxx-xx-xxxx
LINDA S. COLE, xxx-xx-xxxx
MARI L. J. COLE, xxx-xx-xx...
SCOTT C. COLE, xxx-xx-xxxx
WILLIAM E. COLLIER, xxx-xx-xx...
DOUGLAS A. CONIGLIARO, xxx-xx-xxxx
DAVID A. CONNETT, xxx-xx-xxxx
THOMAS C. CONNOLLY, xxx-xx-xx...
CARL J. CONNORS, xxx-xx-xxxx
ROBERT D. COOPER, xxx-xx-xxxx
TIMOTHY S. CORCORAN, xxx-xx-xxxx
KENNETH L. COX, xxx-xx-xxxx
CHRISTOPHER M. CRISCUOLO, xxx-xx-xxxx
CRAIG WAYNE CURTIS, xxx-xx-xxxx
RONETTE E. CYKA, xxx-xx-xxxx
PATRICK J. DAIGLE, xxx-xx-xxxx
JONATHAN S. DAITCH, xxx-xx-xxxx
SEANA K. DALY, xxx-xx-xxxx
BRAD L. DANSKY, xxx-xx-xxxx
JOHN R. J. DARBY, xxx-xx-xxxx
HARIKRISHNA R. DAVE, xxx-xx-xxxx
LOS REYES OCTAVIO DE, xxx-xx-xxxx
MARTIN A. DEFRANCESCO, xxx-xx-xxxx
DOMINIC A. DEFRANCIS, xxx-xx-xxxx
GERARDO O. DELVALLECASELLAS, xxx-xx-xxxx
DEBORAH A. DEMARAIS, xxx-xx-xxxx
PETER F. DEMITRY, xxx-xx-xxxx
MICHAEL JOSEPH DEROSA, xxx-xx-xxxx
SANDRA D. DICKERSON, xxx-xx-xxxx
BERNHARD E. DIETZ, xxx-xx-xxxx
SHARON L. DIXON, xxx-xx-xxxx
WILLIAM W. DODSON, xxx-xx-xxxx
ARAM M. DONIGIAN, xxx-xx-xxxx
RAYMOND S. DOUGHERTY, xxx-xx-xxxx
JOHN R. DOWNS, xxx-xx-xxxx
TIMOTHY J. DOWNS, xxx-xx-xxxx
DAVID S. DROZEK, xxx-xx-xxxx
CORY D. DUNN, xxx-xx-xxxx
XAVIER A. DURALDE, xxx-xx-xxxx
THOMAS M. DYKES, xxx-xx-xxxx
MARY J. DYLLA, xxx-xx-xxxx
RUSSELL W. EGGERT, xxx-xx-xxxx
HOWARD EHRENFELD, xxx-xx-xxxx
MARC A. ELLER, xxx-xx-xx...
JOHN A. ENGELMANN, JR., xxx-xx-xxxx
MICHAEL T. EUSTIS, xxx-xx-xxxx
CHRISTIAN T. EVANS, xxx-xx-xxxx
JEFFREY C. EVANS, xxx-xx-xxxx
THOMAS MICHAEL FAME, xxx-xx-xxxx
JOHN A. FANT, xxx-xx-xxxx
SHAWNEE L. FARNHAM, xxx-xx-xxxx
RANDALL R. FILLMORE, xxx-xx-xx...
NEIL W. FISHER, xxx-xx-xxxx
THOMAS A. FISK, xxx-xx-xxxx
MARK G. FLAMMER, xxx-xx-xxxx
WAYNE MING ART FONG, xxx-xx-xxxx
KAREN A. FOX, xxx-xx-xxxx
MELANIE ANN FREDERICK, xxx-xx-xxxx
HARLEE A. FRIED, xxx-xx-xxxx
MARC J. FRIEDMAN, xxx-xx-xxxx
MELISSA H. FRIES, xxx-xx-xxxx
DANIEL C. GARNER, xxx-xx-xxxx
RUSSELL G. GELORMINI, xxx-xx-xxxx
SHARON R. GENUNG, xxx-xx-xxxx
JAMES L. GIEM, xxx-xx-xxxx
JOHN F. GILLIS, xxx-xx-xxxx
JOHN S. GOLDEN, xxx-xx-xxxx
DAVID A. GOODWIN, xxx-xx-xxxx
TRACY A. GORDON, xxx-xx-xxxx
VINCENT M. GORE, xxx-xx-xxxx
MICHAEL J. GORMLEY, xxx-xx-xx...
BRIAN T. GOULD, xxx-xx-xxxx
BRENDA A. GOWESKY, xxx-xx-xxxx
THOMAS E. GRAY, xxx-xx-xxxx
CAROL JOY GREEN, xxx-xx-xxxx
DAVID ANDREW GREEN, xxx-xx-xxxx
GLEN A. GREEN, xxx-xx-xxxx
GORDON J. GRIESHABER, xxx-xx-xxxx
DAVID O. GRIFFITH, xxx-xx-xxxx
WILLIAM C. GRIGGS, xxx-xx-xxxx
RENE A. GUERRERO, xxx-xx-xxxx
JAMES W. GUYER, xxx-xx-xxxx
KEITH J. HAAR, xxx-xx-xxxx
PATRICIA RUBY RICHARDS HALL, xxx-xx-xxxx
ROBERT B. HANLIN, xxx-xx-xxxx
DAN ROLLAND HANSEN, xxx-xx-xxxx
MARK S. HARBER, xxx-xx-xxxx
ROBERT J. HARDEE, xxx-xx-xxxx
KEVIN R. HARDY, xxx-xx-xxxx
SUSAN MARIE HARRELL, xxx-xx-xxxx
PAUL C. HARRIS, xxx-xx-xxxx
FLOYD W. HARTSELL, xxx-xx-xxxx
TOM A. HARTSUCH, xxx-xx-xxxx
MARK S. HEBERLEIN, xxx-xx-xxxx
LAURA K. HEID, xxx-xx-xxxx
RICHARD EUGENE HENRY, xxx-xx-xxxx
BYRON C. HEPBURN, xxx-xx-xxxx
NORMAN L. HERMAN, xxx-xx-xxxx
GUILLERMO HERNANDEZ, xxx-xx-xxxx
DOUGLAS C. HINGSBERGEN, xxx-xx-xxxx
MARK DUANE HINGST, xxx-xx-xxxx
WILLIAM B. HOCOTT, xxx-xx-xx...
SCOTTY D. HODGES, xxx-xx-xxxx
BRUCE ROLLAND HOLMBLAD, xxx-xx-xx...
STEPHEN R. HOLT, xxx-xx-xxxx
NATHAN S. HONDA, xxx-xx-xxxx
TOMMY D. HOWEY, xxx-xx-xxxx
JOHN W. HUFFMAN, xxx-xx-xxxx
BRIAN C. HULL, xxx-xx-xxxx
MICHAEL M. HUNTER, xxx-xx-xxxx
LEO D. HURLEY, xxx-xx-xxxx
PATRICK EDWARD HURLEY, xxx-xx-xxxx
ROBERT S. ISRAEL, xxx-xx-xxxx
LEON S. JACKSON, xxx-xx-xxxx
SHARON G. JACKSON, xxx-xx-xxxx
LEONARD H. JAMES, xxx-xx-xxxx
DOUGLAS A. JOHNSON, xxx-xx-xxxx
ROBERT JOHNSON, xxx-xx-xxxx
BERNARD LEE JONES, xxx-xx-xxxx
PHILLIP W. JONES, xxx-xx-xxxx
VICKIE D. JONES, xxx-xx-xxxx
DAVID BRAY KAERICHER, xxx-xx-xxxx
PHILIP J. KAPSOS, xxx-xx-xxxx
MARY E. KATOPODIS, xxx-xx-xxxx
JAMES K. KAVANAGH, xxx-xx-xxxx
JOSEPH J. KENNY, xxx-xx-xxxx
SUSAN B. KIES, xxx-xx-xxxx
JAMES A. KING, xxx-xx-xxxx
RICHARD GREGG KISHABA, xxx-xx-xxxx
PRICE M. KLOESS, xxx-xx-xxxx
JAMES R. KNOWLES, xxx-xx-xxxx
GWENDOLYN KNUCKLES, xxx-xx-xxxx
PHILIP W. KOCOLOSKI, xxx-xx-xxxx
KATHERINE L. KOMENDOWSKI, xxx-xx-xxxx
JOHN D. KOPP, xxx-xx-xxxx
TIMOTHY N. KORITZ, xxx-xx-xxxx
RANDY M. KREIDER, xxx-xx-xxxx
KATHLEEN A. KRUK, xxx-xx-xxxx
ANDREW KRUPITSKY, xxx-xx-xxxx
DAVID O. KUTSCHE, xxx-xx-xxxx
KAREN M. KYLE, xxx-xx-xxxx
JAMES R. LANDGRAF, xxx-xx-xxxx
PHYLLIS J. LASHLEY, xxx-xx-xxxx
JAMES H. LAUER, xxx-xx-xxxx
THOMAS M. LEHMAN, xxx-xx-xx...
JAMES W. LESTER, JR., xxx-xx-xxxx
ADAM V. LEVY, xxx-xx-xx...
DONALD R. LEWIS, JR., xxx-xx-xxxx
KEVIN D. LIGHT, xxx-xx-xxxx
LINNEA P. LINDERMAN, xxx-xx-xxxx
STEVE R. LINDHEIM, xxx-xx-xxxx
HENRY H. LINDNER, xxx-xx-xxxx
RICHARD J. LIOTTA, xxx-xx-xxxx
ROBERT REBER LIU, xxx-xx-xxxx
JAMES M. LONG, xxx-xx-xxxx
ARNALDO LOPEZROMAN, xxx-xx-xx...
JOHN F. LORENTZ, xxx-xx-xxxx
FRANK J. LORUSSO, xxx-xx-xxxx
STEPHEN F. LOVICH, xxx-xx-xxxx
VANESSA J. LUCARELLA, xxx-xx-xx...
MAURI G. LUNDERMAN, xxx-xx-xxxx
DEAN A. LUSARDI, xxx-xx-xxxx
CLIFFORD D. LUSK, xxx-xx-xxxx
DEBORAH S. LYON, xxx-xx-xxxx
KATHLEEN A. MACISAAC, xxx-xx-xx...
CATHERINE A. MADISON, xxx-xx-xxxx
LANCE A. MAKI, xxx-xx-xx...
MARSHALL P. MALLORY, xxx-xx-xx...
JOHN L. MANNING, xxx-xx-xxxx
ERON G. MANUSOV, xxx-xx-xxxx
ALBERT F. MAPP, xxx-xx-xxxx
THOMAS J. MARTIN, xxx-xx-xxxx
TIMOTHY W. MARTIN, xxx-xx-xxxx
JAMES S. MASON, xxx-xx-xxxx
MARK WILLIAM MAUER, xxx-xx-xx...
THOMAS K. MCBRIDE, xxx-xx-xxxx
KEVIN JOSEPH MCCABE, xxx-xx-xxxx
JONI L. MCCLAIN, xxx-xx-xx...
JEFFREY S. MCCOLLUM, xxx-xx-xxxx
HARLAN A. MCCULLOCH, xxx-xx-xx...
WILLIAM J. MCCUNE, xxx-xx-xx...
ELIZABETH A. MCDANIEL, xxx-xx-xx...
DOUGLAS MCDOWELL, xxx-xx-xx...
MICHAEL P. MCGUIRE, xxx-xx-xx...
THOMAS J. MCLAUGHLIN, xxx-xx-xxxx
KEVIN J. MCQUAID, xxx-xx-xxxx
DAVID L. MERKLEY, xxx-xx-xxxx
MARC F. METCALFE, xxx-xx-xx...
MICHAEL S. MEYERS, xxx-xx-xxxx
RICHARD LEE MIFFLIN, xxx-xx-xxxx
ROBERT R. MILES, xxx-xx-xxxx
STEPHEN K. MILLER, xxx-xx-xxxx
JOSEPH V. MIRENDA, xxx-xx-xxxx
MICHAEL CHRISTOPHER MISKO, xxx-xx-xxxx
ALBERT MORTON MITCHELL, JR., xxx-xx-xxxx
DOUGLAS K. MITCHELL, xxx-xx-xx...
JAIME E. MONTALVO, xxx-xx-xx...
JOSUE MONTANEZ, xxx-xx-xxxx
PAUL F. MONTANY, xxx-xx-xxxx
GARRY SCOTT MOORE, xxx-xx-xxxx
JOSEPH C. MOORE, xxx-xx-xxxx
DEBRA L. MOORMAN, xxx-xx-xxxx
CARLOS F. MORALES, xxx-xx-xxxx
ALAN JAMES MORGAN, xxx-xx-xxxx
DARRELL I. MORGAN, xxx-xx-xxxx
FRANK W. MORGAN, xxx-xx-xxxx
JOSEPH STANLEY MOSS, JR., xxx-xx-xxxx
KATHRYN MARIE MURPHY, xxx-xx-xxxx
KENT R. MURPHY, xxx-xx-xxxx
PETER C. MUSKAT, xxx-xx-xxxx
WILLIAM E. MUTH, xxx-xx-xx...
DAVID H. NAKANO, xxx-xx-xxxx
ANTONIO NELSON, xxx-xx-xxxx
GARY W. NELSON, xxx-xx-xxxx

JAY C. NEUBAUER, xxx-xx-xxxx
CAROL JEAN NEUMAN, xxx-xx-xxxx
JAMES S. NEVILLE, xxx-xx-xxxx
KENDALL COREY NEWSOME, xxx-xx-xxxx
WILLIAM NGUYEN, xxx-xx-xxxx
KAREN D. NICHOLSON, xxx-xx-xxxx
ALFREDO NIEVESGONZALEZ, xxx-xx-xxxx
JOSEF NISENBAUM, xxx-xx-xxxx
JOHN M. NOLTE, xxx-xx-xxxx
KEITH J. ODEGARD, xxx-xx-xxxx
CATHERINE C. OHSIEK, xxx-xx-xxxx
JOHN R. OLENYN, xxx-xx-xxxx
DEALDREY EDUARDO J. OLMEDO, xxx-xx-xxxx
JON T. ONEAL, xxx-xx-xxxx
MICHAEL R. ORLANDO, xxx-xx-xxxx
MARTIN G. OTTOLINI, xxx-xx-xxxx
SCOTT E. OWENS, xxx-xx-xxxx
REED G. PANOS, xxx-xx-xxxx
JEFFREY O. PANOSIAN, xxx-xx-xxxx
JOHN M. PARKINSON, xxx-xx-xxxx
JEANETTE S. PARRIS, xxx-xx-xxxx
MARY DEFFNER PATTERSON, xxx-xx-xxxx
DAVID L. PAUL, xxx-xx-xxxx
RONALD L. PEARSON, xxx-xx-xxxx
LAWRENCE R. PECK, xxx-xx-xxxx
DAVID N. PEDERSON, xxx-xx-xxxx
LANGDON PEGRAM, xxx-xx-xxxx
JEFFREY J. PELTON, xxx-xx-xxxx
JOSE L. PEREZBECERRA, xxx-xx-xxxx
MANUEL PEREZMORALES, xxx-xx-xxxx
BRADLEY E. PERSONIUS, xxx-xx-xxxx
KURT R. PETERS, JR, xxx-xx-xxxx
JEFFREY LYNN PETT, xxx-xx-xxxx
JAMES PETTEY, xxx-xx-xxxx
DANG T. PHAM, xxx-xx-xxxx
PAUL A. PHILLIPS, xxx-xx-xxxx
THOMAS H. PHILLIPS, xxx-xx-xxxx
BRADLEY R. PLAGA, xxx-xx-xxxx
DAVID W. POPP, xxx-xx-xxxx
MANUEL B. PORTALATIN, xxx-xx-xxxx
DAVID EDMUND POTTER, xxx-xx-xxxx
MARK ALBERT POVICH, xxx-xx-xxxx
DAVID N. PROCKNOW, xxx-xx-xxxx
THERON DALE RAGLE, xxx-xx-xxxx
RICARDO RAMIREZ, xxx-xx-xxxx
CYNTHIA N. RANDALL, xxx-xx-xxxx
HERSCHEL D. RANEY, JR, xxx-xx-xxxx
ROBERT R. RAUCH, xxx-xx-xxxx
JOSEPH HARRY RAY, xxx-xx-xxxx
PAUL E. RECKARD, xxx-xx-xxxx
ERIC D. REITZ, xxx-xx-xxxx
MICHAEL S. RENICKS, xxx-xx-xxxx
STEPHANIE M. REVELS, xxx-xx-xxxx
RAYMOND M. REYES, xxx-xx-xxxx
TONY C. RICH, xxx-xx-xxxx
DAVID CURTIS RICHARD, xxx-xx-xxxx
ROBERT R. RIEDLE, xxx-xx-xxxx
DOUGLAS J. ROBB, xxx-xx-xxxx
MARK P. ROBBINS, xxx-xx-xxxx
LAWRENCE A. ROBILLARD, xxx-xx-xxxx
TERRY ALAN ROBISON, xxx-xx-xxxx
MARK J. ROLLO, xxx-xx-xxxx
DAVID B. ROSENBERG, xxx-xx-xxxx
TIMOTHY JOEL ROST, xxx-xx-xxxx
JEROME E. RUBBELKE, xxx-xx-xxxx
DONALD W. RUMBAUGH, xxx-xx-xxxx
MICHAEL T. RUMBLE, xxx-xx-xxxx
CAROL A. B. RUPE, xxx-xx-xxxx
WILLIAM E. RUSSELL, xxx-xx-xxxx
THOMAS PAUL RUSSO, xxx-xx-xxxx
ORION ALBERT RUST, xxx-xx-xxxx
MICHAEL T. RYAN, xxx-xx-xxxx
WILLIAM P. SALISKI, JR, xxx-xx-xxxx
DAVID L. SAMANI, xxx-xx-xxxx
VINCENTE E. SANCHEZCASTRO, xxx-xx-xxxx
TIMOTHY G. SANDERS, xxx-xx-xxxx
ELLEN L. SAVAGE, xxx-xx-xxxx
NEIL EDWARD SCHAFFNER, xxx-xx-xxxx
LAWRENCE JAY SCHARF, xxx-xx-xxxx
STEVEN K. SCHIRK, xxx-xx-xxxx
JOANN M. SCHNEIDER, xxx-xx-xxxx
KENNETH O. SCHOWENGERDT, JR, xxx-xx-xxxx
ERIC R. SCHWARZ, xxx-xx-xxxx
MICHAEL P. SEAMAN, xxx-xx-xxxx
MARK SEIBEL, xxx-xx-xxxx
PATRICK BRIAN SHAHAN, xxx-xx-xxxx
KEVIN S. SHEA, xxx-xx-xxxx
RONALD M. SHELTON, xxx-xx-xxxx
CHARLES D. SHERRARD, JR, xxx-xx-xxxx
DAVID W. SIHAU, xxx-xx-xxxx
MICHAEL K. SILBERMAN, xxx-xx-xxxx
JOHN HOWARD SIMMONS, xxx-xx-xxxx
HERIANTO SJAHLI, xxx-xx-xxxx
KIMBERLY A. SLAWINSKI, xxx-xx-xxxx
DANE E. SMITH, xxx-xx-xxxx
GARY E. SMITH, xxx-xx-xxxx
JAMES R. SMITH, xxx-xx-xxxx
MICHAEL B. SMITH, xxx-xx-xxxx
ANN K. SMITHRUDNICK, xxx-xx-xxxx
GERALD RAY SNYDER, xxx-xx-xxxx
ENDEL A. SORRA, xxx-xx-xxxx
ROBERT LESTER SPANGLER, xxx-xx-xxxx
MICHAEL L. SPARACINO, xxx-xx-xxxx
JOHN F. SPERLING, xxx-xx-xxxx
CLAIR STEPHEN R. ST, xxx-xx-xxxx
BRADLEY B. STANCOMBE, xxx-xx-xxxx
BRAM S. STARR, xxx-xx-xxxx
KATHY LYNN STEWART, xxx-xx-xxxx
ROBERT P. STICCA, xxx-xx-xxxx
KEVIN E. STIGALL, xxx-xx-xxxx
MARY F. STONER, xxx-xx-xxxx
RICHARD S. STONER, xxx-xx-xxxx
MICHAEL A. STRIGENZ, xxx-xx-xxxx
AUDREY E. STRYKER, xxx-xx-xxxx
RICHARD A. STUNTZ, xxx-xx-xxxx
STEPHEN J. SUSS, xxx-xx-xxxx
GEORGE M. SYLVESTRI, xxx-xx-xxxx
RONALD E. TALBERT, xxx-xx-xxxx
JOHN J. TAPPEL, xxx-xx-xxxx
KEN M. TASHIRO, xxx-xx-xxxx
NORMAN L. TAYLOR, xxx-xx-xxxx
STEPHEN M. THOMAS, xxx-xx-xxxx
JAMES L. THOMASON, xxx-xx-xxxx
GEROME THOMPSON, xxx-xx-xxxx
DAVID J. TIPTON, xxx-xx-xxxx
KENNETH E. TOBIN, xxx-xx-xxxx
TERRY L. TOMLINSON, xxx-xx-xxxx
ANDREW TONG, xxx-xx-xxxx
CRESCENCIO TORRES, xxx-xx-xxxx
GEORGE G. TRACY, xxx-xx-xxxx
JAMES M. TRACY, xxx-xx-xxxx
CHARLES F. TRAPP, xxx-xx-xxxx
DARYL M. TURNER, xxx-xx-xxxx
RUSSELL A. TURNER, xxx-xx-xxxx
CLAUDIA J. TYBURSKI, xxx-xx-xxxx
TERRY M. UNRUH, xxx-xx-xxxx
MARC ALAN VALLEY, xxx-xx-xxxx
DONALD B. VANBENSCHOTEN, xxx-xx-xxxx
SCOTT W. VANVALKENBURG, xxx-xx-xxxx
CARMEN R. VARIN, xxx-xx-xxxx
MICHAEL P. VAUGHN, xxx-xx-xxxx
ROBERT P. VOGT, xxx-xx-xxxx
MARIANA K. VOSIKA, xxx-xx-xxxx
JAMES THOMAS WALKER, III, xxx-xx-xxxx
DAVID F. WALLACE, xxx-xx-xxxx
JON H. WALZ, JR, xxx-xx-xxxx
VICTOR T. WARNER, xxx-xx-xxxx
DOUGLAS C. WARREN, xxx-xx-xxxx
JOHN W. WATSON, xxx-xx-xxxx
MICHAEL R. WATSON, xxx-xx-xxxx
JOSEPH MATTHEW WEMPE, xxx-xx-xxxx
CHARLES B. WEST, JR, xxx-xx-xxxx
RAYMOND W. WHITTED, xxx-xx-xxxx
GREGORY M. WICKERN, xxx-xx-xxxx
WILLIAM A. WIEN, xxx-xx-xxxx
BENJAMIN A. WILLIAMS, II, xxx-xx-xxxx
CHRISTOPHER S. WILLIAMS, xxx-xx-xxxx
VERNON F. WILLIAMS, xxx-xx-xxxx
CARL T. WILSON, xxx-xx-xxxx
ROBERT A. WILSON, xxx-xx-xxxx
SCOTT D. WINSTON, xxx-xx-xxxx
ROLAND H. WINTER, xxx-xx-xxxx
JAMES T. WOLFE, xxx-xx-xxxx
DAVID G. WOODWARD, xxx-xx-xxxx
KELLY H. WOODWARD, xxx-xx-xxxx
PAULA J. WOODWARD, xxx-xx-xxxx
BRIAN D. WOOLFORD, xxx-xx-xxxx
JOHN D. WOOTEN, III, xxx-xx-xxxx
FRANCIS M. WRIGHT, JR, xxx-xx-xxxx
GARTH B. WRIGHT, xxx-xx-xxxx
LAWRENCE D. WURTZ, xxx-xx-xxxx
CAREY M. ZIEMER, xxx-xx-xxxx
MARK DOUGLAS ZIMMERMAN, xxx-xx-xxxx
JOHN P. ZUBIALDE, xxx-xx-xxxx

IN THE NAVY

THE FOLLOWING-NAMED LIEUTENANT COMMANDERS IN THE STAFF CORPS OF THE UNITED STATES NAVY FOR PROMOTION TO THE PERMANENT GRADE OF COMMANDER, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 624, SUBJECT TO QUALIFICATIONS THEREFOR AS PROVIDED BY LAW:

MEDICAL CORPS OFFICERS

To be commander

VICTOR A. ALETICH
MICHAEL R. AMBROSE
PETER HARTWELL BAGLEY
SCOTT M. BALDERSTON
ROBERT L. BARRACK
JON D. BAYER
WILLIAM J. BIGHAM
MARCOS BORRERO
HERBERT H. BOWDEN, JR
BARBARA MILLER BRADLEY
JOHN G. BRADY
DENNIS PATRICK BREENE
DELAND D. BURKS
CAROL ANN MIEGE CAPLAN
JUDY LYNN CHAMPAIGN
THOMAS GEORGE CHULSKI
BARRY DAVID COHEN
CHARLES M. COLLINS
CURTIS ELLIOT CUMMINGS
CHARLENE DENISE DARROW
DAVID JAMES DAVIS
MICHAEL JOSEPH DAWSON
RICHARD LEE DEMING
BERNARD T. DESPRES
WAYNE ROGER DEVANTIER
GREGORY Q. DICK
THOMAS JOSEPH DUNTEMANN
RUSSELL PHILIP EDWARDS
KENT C. ELLIOTT
DEBORAH JEANNE EVANS
PAUL EDWARD FARRELL, JR
ROBERT A. FISHER
RION JAMES FORCONI
SCOTT BARNHART FRAME
STEPHEN BRENT FREEMAN
DWIGHT CATOR FULTON
THOMAS JOHN GELLER
STEPHEN DANIEL GIEBNER
RICHARD MICHAEL GILBERT
JOSEPH EDWARD J. GLASER
MICHAEL J. GOODWIN
RUFUS WADE GORE, IV
JIMMY WADE GREEN
JOHNNY B. GREEN
KENDELL G. HANSEN
ROGER WILLIAM HANSON
LEE CLESSON HARKER
LEE DAEKINS HIEB
THOMAS RICHARD HIMES
CHRISTINE SPITA HUNTER
KATHRYN LEE JOHNSON
DONGKYOO RICHARD KANG
ARTHUR JOSEPH KELLEHER
KEVIN STEWART KENNEDY
AMY DORAN KEPPEL
ROBERT LAWRENCE KINCAID
GREGORY PAUL KNISS
MICHAEL NORMAN KNOWLAN
RANDY BRUCE KOZEL
RICHARD F. KUEHNE
WILLIAM M. LANDE
BRUCE SCOTT LAVIN
DAVID PAUL LAWRENCE
JOHN M. LAWSON
DENNIS JAMES LEE
KENNETH E. LEONARD
DAVID LEE LOUWSMA
LAVERNE RAY LOVELL
LARRY JOSEPH LUTER
CHARLES J. MACRI
JOSEPH LAWRENCE MALONE
ALAN LEE MANSON
THOMAS EDWARD MARFING
GREGORY GERRIT MARINO
WILLIAM HENRY MARTLAND
LUTHER M. MAYS
WILLIAM WINDS MCDANIEL
JAMES C. METCALF
STEPHEN ALLEN MEYERS
FREDERICK EDWA MILLARD
MICHAEL ENRIGHT MOORE
DANA JAMES MORRIS
ANTHONY LEWIS MORTON
CASIMIR NAPORA
BERNARD P. NEWMAN
BRIAN FRANCIS NEWMAN
THOMAS ALBERT NICCOLAI
NARAYAN VITHAL NIMBKAR
MICHAEL JOSEPH OLEARY
MARK DOUGLAS PEACOCK
BRIAN LEE PETERSON
JOSEPH KEVIN PIDKOWICZ
BALARAM PULIGANDLA
MANUEL IZNAO RODRIGUEZ
ALBERT STEPHEN RUDOCK
JOHN JULIUS SAPP, JR
MICHAEL JOSEPH SAYLOR
WILLIAM R. SCHINDLER
ROGER E. SCHULTZ
JOSEPH M. SCHWARZ
BRETT ANDREW SCOTT
STEPHEN JAMES SELBY
MARTIN CHESTER SEREMET
KIRITKUMAR NATWAR SHAH
FREDERICK BRET SHANNON
ROBERT WAYNE SHARPE
THOMAS FRANCIS J. SHUEY
KATHLEEN A. SLOCUM
JOHN W. STAEHELI
MARK DANTON STANLEY
MARK K. STEVENS
DENIZ SERVER TEK
STEPHEN ALTON J. TORREY
JOHN EDWARD TUELLER
RAWSON J. VALENTINE
GERARD VANHOUDT
ROBERT ALAN WALES
RICK STEVEN WEISSER
STANTON KING WESSON
BOYD KENDRICK WEST
DAVID LEE WILKEY
JAMES CURTIS WILSON
MARION E. WILSON
ROBERT L. YARWOOD
JOSEF KLEIN YEAGER
SANDRA ARLEEN YERKES
CHRISTOPHER W. ZUKOWSKI
JAMES MICHAEL ZURBACH

SUPPLY CORPS OFFICERS

To be commander

CHRIS LEON APPLE
ANDREW PAUL BAIVIER
RANDLE DOUGLAS BALES
SUSAN WAKELAND BALLARD
JOSEPH LELAND BANDLOW, JR
WILLIAM ALBERT BARNES
NANETTE ELIZAB BENSONSCHLAX
WILLIAM EDWARD BICKERT, JR
JAMES DOUGLAS BREITLING, JR
GREGORY ANTHONY BROWN
WILLIE ALTON BROWN
GIGETTE PATRICIA CALDWELL
JEFFREY LYNN CIZEK
RONALD ANTHONY COOPER
JOHN CHARLES CORBETT
HOWARD W. COUCH, JR
ROBERT EMMETT COWLEY, III
FRED SEBERRY CULVYHOUSE
DAVID MICHAEL DEALY
BARRY JOHN DENBROCK
ANTHONY MICHAEL DOVIE
JOHN ROBERT DOYLE
CHRISTOPHER JOHN EASTON
PATRICK ALAN ELLIOTT
KEITH BOULTON FARGO
JOHN CLINTON FIENUP
JAMES TIMOTHY FREIHOFER
STEVEN SHUEY FUNCK
JOHN MARK GRAHAM
RICHARD DAVID GRAY
JOHN RICHARD HOOPS
DIANA ELIZABETH HUNTRESS
MICHAEL DEWAYNE JOHNSON
CEDRIC LEROY KNIGHT
EDWARD WILLIAM LANDGROVER
MATTHEW LOUIS LECHLEITNER
ROBERT STEPHEN LEESON
WILLIAM JUDE MAGUIRE
MILO SHAWN MANLEY
RICHARD PAUL MANNING, III
RONALD CONRAD MATHIEU
RUSSELL PAUL MCPADDEN
STEPHEN HYLAND MORRIS
ERNEST ALLEN PRESCOTT, JR
LEONARD HARRY PRESTON, JR
DAVID LEONARD RAUSCH
THOMAS AQUINAS RIZZO
PAUL SCHNITTGER
DONALD FREDERICK SMITH, JR
BOBBY LEON SUTTON, JR
JAMES MAURICE TORPEY
LAWRENCE EUGENE VADALA
ROGER LEE VANDEVEN
WILLIAM MICHAEL WATERMAN
BRUCE NORMAN WATT
VINCENT STANLEY WHITEHEAD
ROBERT GRANT ZIMMERMAN

CHAPLAIN CORPS OFFICERS

To be commander

JAMES W. ANDERSON
CHARLES T. BROWN
GEORGE DENNIS COOPER
LARRY KEITH CREIGHTON
JAMES C. DUNCAN
MICHAEL TERRY HALL
STEPHEN J. LINEHAN
JIMMY HAROLD MARTIN
TIMOTHY TADAYOSHI MORITA
JAMES VERNON PRINCE
DENNIS ANTHONY RUSNAK
DOUGLAS M. A. SHAMBURGER
JERRY KERMIT SHIELDS
PAUL NORMAND EDWARD TESKE
GENE PAUL THERIOT

CIVIL ENGINEER CORPS OFFICERS

To be commander

OLIVER EAKLE BARFIELD, JR
ARNOLD EMERY BERTSCHE
DON CHRISTENSEN BLACK
JAMES LEE BULLOCK
BRUCE RALPH CARTER
PETER LOEWNER CHECK
DAVID JAMES CLARK
RONALD WALTER DEWEY
KEVIN TALMADGE GROSS
CHARLES ANTHONY HEINRICHS
DAVID GEORGE HICKMAN
ERNEST RAY HUNTER
JOHN MICHAEL KUCINSKI
THOMAS RICHARD LIEDKE, JR
MICHAEL KEITH LOOSE
RICHARD JOHN MCAFEE
BRIAN JAMES MCCARRON
JOSEPH ALLEN MEHULA, II
LEE ALAN MICHLIN
BENJAMIN DANIEL NEAL
DAVID DEE PRUETT
KENNETH RACHKO
HERBERT LEE SCHWIND, JR
ALAN RICHARD SOUDERS
JAMES WARD STEPHENSON
GEORGE HENRY TITUS
STEVEN EARL TOWER
DALE MEE WAH WALKER

JUDGE ADVOCATE GENERAL'S CORPS OFFICERS

To be commander

RONALD JOSEPH BORRO
KENNETH R. BRYANT
RAYMOND HOWARD CARLSON
RONALD IVOR CLOVE
EDWARD FRANCIS COTTER
BRUCE BENTON DAVIDSON
DEAN M. HINKLEY
STEVEN WILLIAM HORTON
WALTER LINDGR JACOBSEN
RAYMOND JOHN KREICHELT
RONALD BRUCE LEO
JEANNE MCGANN
RONALD D. NEUBAUER
JOHN TAYLOR OLIVER
RICHARD R. OZMUN
RAND REDD PIXA
JOSE ALFREDO RAFFUCCI
EMORY A. ROUNDS, III
STEVEN L. SEATON
WILLIAM F. SHIELDS
ROBERT H. TROIDL
KEVIN RICHARD VIENNA
DEAN EDWARD WANDERER

DENTAL CORPS OFFICERS

To be commander

GREGORY B. BERNARD
ROBERT G. BURCAL
KENNETH P. BYRNE
THOMAS CORTEMEGLIA
JOE MARVIN DUGGER
RICHARD J. HAGUE
RONALD DALE HOLDERMAN
CHARLES L. KIMBERLY
JAN MARIE LACOMBE
ROBERT D. MAYNARD
MARK W. MIEDEMA
WM WALKER KENDA MILLER
MARK RICHARD PEREZ
JEFFERY DAVID RENDER
JAMES E. ROYER
KIMON A. RUMANES
BRADEN CURTIS SEAMONS
LOREN JAMES STEENSON
KEVIN A. STURDY
STEVE WILLIAM WALLACE

MEDICAL SERVICE CORPS OFFICERS

To be commander

DENNIS LEALAND ADAMS
JAMES LEE AYERS
DOMENIC ALBERT BALDINI
J. THOMAS BENSON
THEA BARTUS BRATTON
GARY CLINTON BREEDEN
DENNIS RALPH BROZOWSKI
RONALD EUGENE BUBB
WILLIAM WALLA CAMPBELL
THOMAS CANDELARIA
ROBERT DURKIN CARY
HARRY CHARLES COFFEY
BRUCE LAUREN CUSTIS
DOUGLAS SCOTT DERRER
MARY JOAN DOOLING
DAVID THOMAS DUNDON
HERALD C. EDMOND, JR
ROBERT LAWRENCE EDMONS
ROBY DARGAVEL ENGE
THOMAS EDWA FLEISCHMAN
JAMES DANIEL FORD
LAWRENCE HENRY FRANK
STANLEY NIXON GARN
STERLING ELLIS GARNTO
NANCY PALMER GODBOUT
GARY DAVID GREGORY
CHARLES WALTER HAGEN
RUSSELL DAVID HARBAUGH
ROBERT N. HAWKINS
JAMES CRUM HELMKAMP
DAVID NEIL HILAND
CARL JAMES HOOTON
RICHARD CHARLES KALLAL
JAMES TIMOTHY KIRCH
DAVID HILARY LARDY
EDDIE ALARCON LEE
HENRY B. LEWANDOWSKI, JR
EARLE STANWOOD LIBBY
CHRISTOPHER RO LISSNER
WILLIAM FREDE LORENZEN
JOHN ALFRED LUNDY
DAVID HAMILTO MCGARVEY
THOMAS MURPHY MITCHELL
RICHARD BURT OBERST
RICHARD OTLOWSKI
EDWARD BERN PIECZYNSKI
MICHAEL EDWARD PLANTE
WILLIAM RAYMON SATTLEY
ROBERT MICHAE SCHNABLE
PATRICK ALLEN SHANNON
TIMOTHY J. SINGER
DONALD RAY THOMPSON
LEE WADE TOMPKINS
JOSEPH P. VANLANDINGHAM
LAWRENCE JAMES WALTERS
VICTOR MICHAEL WILSON
DAVID RAY WOKER
JAMES ARTHUR WRIGHT, JR

NURSE CORPS OFFICERS

To be commander

VIRGINIA REED BEESON
CAREY THOMAS BOYLE
ALICE GALLINO CARR
JIMMIE GLENN COTHERN
LINDA MARIE DAEHN
MARY HELEN DONAHUE
JO CAROL ELLIS
LINDA SUE GABET
SANDRA MAR GHARABAGHLI
VICKI KRISTINE GOFF
ELAINE MARIE HANKEL
CAROL ANN HINGER
LINDA LOUISE HOFMAN
JANET LYNN HOOPER
LINDA JO ANN IRVINE
ROYAL HUDSON JACKSON
JANICE STARLING JACOBS
CHARLENE RYCH JOHNSTON
RONALD GREGOR KANURICK
PATRICIA ANNE KENNEY
MAUREEN DOOHAN KOWBA
CAROL RIDDELL LANDRY
NANCY LESCAVAGE
JUDITH ANN LOHMAN
MARGARET JANE MARKLEY
KATHLEEN LOUSCH MARTIN
BETH ANN MCKINZIE
MARDEAN ELAINE MEIER
JANICE WEAVER MORAN
CATHLEEN SUSA MORELAND
NANCY JO OWEN
ROBERT LEROY POWELL, JR
FE ESPERANZA RODRIGUEZ
KATHLEEN BARB STOESSEL
CHERIE HILLI TRENHAILE
LORI ANN TURPIN
BARBARA KLOS VERNOSKI
JACQUELINE KA VERVILLE
JULIA CAMPB WASHINGTON
NANCY DARLENE WILSON
ELAINE MAUREEN WOLF

LIMITED DUTY OFFICERS (STAFF)

To be commander

JOHN W. HAYS
ALOYSIUS FRANCIS KEMPA
FREDERICK LEONARD MALLARD

WITHDRAWALS

Executive nominations withdrawn by the President from further Senate consideration, May 31, 1989:

DEPARTMENT OF STATE

KEITH LAPHAM BROWN, OF COLORADO, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO DENMARK, WHICH WAS SENT TO THE SENATE ON JANUARY 3, 1989.

WILLIAM ANDREAS BROWN, OF NEW HAMPSHIRE, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF CAREER MINISTER, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO ISRAEL, WHICH WAS SENT TO THE SENATE ON JANUARY 3, 1989.

DEPARTMENT OF TRANSPORTATION

GREGORY S. DOLE, OF MASSACHUSETTS, TO BE AN ASSISTANT SECRETARY OF TRANSPORTATION, VICE MATTHEW V. SCOCOZZA, RESIGNED, WHICH WAS SENT TO THE SENATE ON JANUARY 3, 1989.

DEPARTMENT OF EDUCATION

CHARLES E.M. KOLB, OF THE DISTRICT OF COLUMBIA, TO BE DEPUTY UNDER SECRETARY FOR PLANNING, BUDGET AND EVALUATION, DEPARTMENT OF EDUCATION, VICE BRUCE M. CARNES, RESIGNED, WHICH WAS SENT TO THE SENATE ON JANUARY 3, 1989.

HOUSE OF REPRESENTATIVES—*Wednesday, May 31, 1989*

The House met at 12 noon.

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

O gracious God, whose love abounds forever and whose mercy is without end, we remember with gratitude the life and work of CLAUDE PEPPER. We lift our words in thanksgiving for the magnitude of his service to this institution and to the people of our Nation, for his gifts of grace and friendship, his eloquence of speech and language, his energy for the work of government, for his commitment to the welfare of others.

We are thankful, O God, for all those people whose lives are symbols of the meaning of service to the needy among us, who see in their tasks the opportunities to follow the Biblical admonition of doing justice and being merciful, who insist that we feed the hungry and care for the homeless, who remember the refugees and hostages, who speak for a society that treats fairly all its citizens.

May Your spirit lead us and guide us to be the people You have us be and do those good things that honor You and serve our neighbor. In Your name, we pray. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Louisiana [Mr. HOLLOWAY] come forward and lead us in the Pledge of Allegiance.

Mr. HOLLOWAY led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

EXPRESSING SORROW OF THE HOUSE AT THE DEATH OF THE HONORABLE CLAUDE PEPPER

Mr. BENNETT. Mr. Speaker, I offer a privileged resolution (H. Res. 163) expressing sorrow of the House at the death of the Honorable CLAUDE PEPPER, and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 163

Resolved, That the House has heard with profound sorrow of the death of the Honorable Claude Pepper, a Representative from the State of Florida.

Resolved, That a committee of such Members of the House as the Speaker may designate, together with such Members of the Senate as may be joined, be appointed to attend the funeral.

Resolved, That the Sergeant at Arms of the House be authorized and directed to take such steps as may be necessary for carrying out the provisions of these resolutions and that the necessary expenses in connection therewith be paid out of the contingent fund of the House.

Resolved, That the Clerk communicate these resolutions to the Senate and transmit a copy thereof to the family of the deceased.

Resolved, That when the House adjourns today, it adjourn as a further mark of respect to the memory of the deceased.

The SPEAKER pro tempore (Ms. OAKAR). The gentleman from Florida [Mr. BENNETT] is recognized for 1 hour.

Mr. BENNETT. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, on behalf of the entire Florida delegation in Congress, I offer this resolution. All Floridians, yes all Americans, honor the memory of that great American, CLAUDE PEPPER, who has now joined the host of great immortals who in history have strengthened and assisted our country and mankind everywhere.

This honor which we can effect for his memory speaks of our high regard for his achievements and moreover of our love for the man. Other honors will be established for his memory and that is right that this should be so. He was truly a magnificent statesman, a part of our national heritage—a national treasure.

Two things I would say now of this man. First, I would assert that, as dramatic and valuable as his services were to the elderly, this was but the most visible of the pages of his last chapter. The greatness of PEPPER lay not just in that, however, but in his courage as demonstrated in his battles for many very difficult causes, true leadership against heavy and even mean opposition.

The other point I would like to mention is his personal one-on-one loving support for people; not just institutional or legislative charity but human concern, affection and support for those in trouble or in joy. I can remember warmly how happy he was when I married and when each of my children was born. I know he really shared my joy in these events. Also, when I lost one of my sons, he understood my grief and tried to help me. Also when I suffered a political defeat here in the House, he realized and shared the pain of that because he had experienced similar events himself.

These are personal references but they indicate the measure of his greatness; in that, though noble in his statesmanship he never lost the loving concern for the joys and sorrows that come to us mortals. We have been richly blessed by the life of CLAUDE PEPPER. His deeds are now a part of the great heritage we have in America.

Mr. WRIGHT. Madam Speaker, will the gentleman yield?

Mr. BENNETT. I am delighted to yield to our honored Speaker.

Mr. WRIGHT. CLAUDE PEPPER epitomized the very best of this Chamber, the very finest of the institution of Congress and was in the truest sense of that oft-used term, a gentleman and a scholar.

Born in the first year of this century, he lived a life that saw many changes sweep across his native land. As a youth in small towns in Alabama and Texas, he learned the traditions of the southland. He became attuned to the needs of plain people who lived in small towns and on farms. He developed that innate human sympathy that identified with problems of people who were suffering.

Throughout his long career, CLAUDE PEPPER dealt with kings and kept the common touch. He also talked with crowds and kept his virtue.

Attacked in one political campaign by a bombardment of vilification and even defeated in his bid for re-election to the Senate in that particular year, CLAUDE PEPPER never once lost interest in this Nation, recovered and rebounded to return to serve in this House.

Throughout his life, CLAUDE PEPPER was a voice for the voiceless. He offered a helping hand to the helpless. He was a source of power for those who otherwise would be powerless.

All of us recall the ringing affirmations that he enunciated on this floor for the people, for the country, for those who most needed our consideration.

He spoke eloquently and he lived eloquently. He demonstrated to us in these last few years the courage of a man who felt the pain of the loss of his life's companion, and there are those of us who have heard CLAUDE speak of the joy he would feel when

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

again he might be reunited with his beloved Mildred.

He was a man. Perhaps the elements were mixed in him, but he never lacked human sympathy. Those of us who had the privilege to talk with him in his last days came away buoyed and reassured by him. We would go to console CLAUDE PEPPER. We would come away from a conversation with CLAUDE PEPPER ourselves consoled.

□ 1210

He will go to claim that sure reward promised for those who have said, "Lord, for I was hungered, and ye gave me meat: I was thirsty, and ye gave me drink." And as the Scriptures tell us, "The King shall answer and say unto them, 'Inasmuch as ye have done it unto the least of these my brethren, ye have done it unto me.'"

There will never be another just like CLAUDE PEPPER. Those of us who served with him and love him and had the great abiding pleasure of his presence will forever remember him, and his spirit will dwell here forever and be a part of our lives.

Mr. BENNETT. Madam Speaker, I yield 1½ minutes to the gentleman from Nevada [Mr. BILBRAY].

Mr. BILBRAY. Madam Speaker, I rise today in great sadness to pay tribute to one of the most distinguished men to ever serve in this body, the late CLAUDE PEPPER. CLAUDE, with his nonstop energy and good humor, was one of the most remarkable persons that I have ever met, and I feel truly privileged to have served with him. During his half century of public service, CLAUDE championed the causes of those Americans—the poor and the elderly—who were least able to protect themselves. As the leading champion of America's senior citizens, we have much to thank CLAUDE for. For example, there is his never ending work on behalf of Social Security. From his role in its creation during the New Deal, to protecting its solvency during the Social Security summit 6 years ago. On a broader level, CLAUDE was instrumental in getting government to care about its seniors, and perhaps the best measure of his success is that the poverty rate among America's seniors is lower than it has ever been.

Madam Speaker, we have lost a dearly beloved friend in CLAUDE PEPPER, and I pray that God will have mercy on the soul of this most kind and compassionate man.

Mr. BENNETT. Mr. Speaker, I yield such time as he may consume to the gentleman from Massachusetts [Mr. CONTE].

Mr. CONTE. Madam Speaker, this body—really, the entire Nation—lost a great man yesterday afternoon. I went to see CLAUDE last week with the President and Mrs. Bush, and several of our colleagues. Despite what was obviously a great deal of pain, and, in fact, he apologized to the President and the First Lady that he could not stand up. He did not have to stand up. He was a giant.

CLAUDE, Thursday afternoon shared with us some of the insights of his life; the highs, the lows, the good times and the bad times.

Being in that room to see him receive the Presidential Medal of Freedom, to hear his words, it was an experience that will be a part of me for the rest of my life.

He was a great man, Madam Speaker; a friend to millions who never came closer to him than a picture on a television set. But he represented an idea, an idea that the government can help nurture the poor, the elderly, help care for the sick. Perhaps as much as anyone in this century, CLAUDE DENSON PEPPER, the farm boy from Dudleyville, AL, helped make America the shining example to the world that she is today.

We are all going to miss him dearly. He was a great friend. He was a great American.

Mr. BENNETT. Madam Speaker, I yield such time as he may consume to the gentleman from Florida [Mr. FASCELL].

Mr. FASCELL. Madam Speaker, I thank the dean of our delegation, the gentleman from Florida, for yielding.

Madam Speaker, I am anxious to join in this motion to adjourn in honor of our distinguished colleague, CLAUDE PEPPER, and I will make my remarks brief at this time, reserving the things that are on my heart and mind for a more appropriate time.

I think that I need to say here that all of us feel that we will miss CLAUDE. We have lost a real leader here in the House, and out of respect for his public commitment of over 50 years to the people of this country, his district, and to this institution, which he loved, having served on both sides, both in the other body and in this body, with a dedication that is absolutely remarkable, but also with a great deal of talent and ability.

CLAUDE PEPPER was not a man of the past. He was a man of the future. He had constant vision of a better America in working for the people, and I shared the experience that the gentleman from Massachusetts just talked about, when I went out to visit him last week for some time. He was still keen, fighting desperately, of course obviously ill. He was out of bed though, SILVIO, and he was in a chair. He said, "You know, I am a little tired of this. Let us walk around a little bit." We did and we chatted, not too long in the walking, and then back to the chair, but he was still thinking about stuff that was going on here that had to be done that was not finished yet.

Madam Speaker, that is the kind of commitment that he has made in all of his public life.

For all of those reasons, but his dedication primarily to this institution, that is the mark of respect I think we can all join in and certainly on this one in the motion to adjourn.

Madam Speaker, I wanted to make these comments for that reason, and I will also be pleased, as many of us will, to join in whatever other opportunity there exists in this House either by way of resolution or by way of special orders to pay our respects to a fine, distinguished public servant.

Mr. BENNETT. Madam Speaker, I yield such time as he may consume to the gentleman from Massachusetts [Mr. MOAKLEY].

Mr. MOAKLEY. Madam Speaker, today we both mourn the death, and celebrate the life, of CLAUDE DENSON PEPPER. Born in the closing days of the 19th century, he was—as his autobiography is titled—"Eyewitness to a Century."

As CLAUDE PEPPER awoke on recent mornings and looked out at the blossoms and green of his 88th summer—he certainly could not have been unaware of mortality. But his life had been a life of passion, of large fights against difficult odds. His own mortality was never viewed as more than an inconvenience along the road to those fights.

In his last hour, however, at the moment Emily Dickenson describes as "the letting go," CLAUDE must have looked back on his life with very few regrets.

His public career began with his election to the Florida House of Representatives in 1929. On November 4, 1936, he was elected U.S. Senator from Florida. A month later, he married his beloved Mildred and came to Washington to begin his congressional career.

Today we reflect on how much better our Nation, and this world are, for having had CLAUDE PEPPER as one of our leading citizens, but we are reminded too of the words of the New England poet, James Russell Lowell, "Before man made us citizens, great Nature made us men."

Certainly CLAUDE PEPPER was a man who took the responsibilities of citizenship seriously. But the driving force of his public service was his humanity. He became a powerful man, and a relatively prosperous one, but never forgot the poverty of his youth. CLAUDE PEPPER never saw an injustice without stepping forward to right it, seldom weighing the risk.

If fate and hard work had carried him far from his humble beginnings, to become one of his Nation's leading citizens, the decency and compassion he had learned as a boy never left him. In the bosom of that small gentle man beat the heart of a giant—a heart

that felt all the pain of a world where children go to sleep hungry and where the old die alone.

All of us know of Senator PEPPER's contributions to civil rights for minorities and women, to the cause of world peace, to meeting the needs of those who suffer in poverty and in illness, and particularly to leading the fight for independence for our senior citizens. All of us know the dignity and strength, with which he weathered the cruel loss of his Senate seat, and the far crueler loss of his beloved Mildred.

Ultimately CLAUDE PEPPER's career must be weighed as a legislator. That, after all, was his profession, and one that spanned more than half a century.

I was already in awe of CLAUDE PEPPER when I first arrived in Congress. I had first seen him, after World War II, as a recently discharged veteran attending the University of Miami in Florida, on the GI Bill. CLAUDE PEPPER, at that time, was a U.S. Senator and had helped write the GI Bill.

When I saw CLAUDE PEPPER on the floor, or in the Rules Committee, I thought back often to that visit, so many years before, to the young students at the Miami campus. He was so active, and so very much with us, that we judged him as a contemporary. But, of course, he wasn't a contemporary, and it must be remembered that CLAUDE PEPPER's reputation, would already have been largely secured, if he had died in the same years as his personal hero, Franklin Delano Roosevelt.

But his age and his traditions never prevented him from moving forward with the world. For those of us in the House today, the Senator's greatest contribution is from his service as chairman of the Committee on Rules—a panel which, under his leadership, became significantly more democratic, and functioned as a tool by which concepts of majority rule and fairness flourished.

In my earliest days on the Rules Committee, CLAUDE chatted about his service under the kind of chairmen he would never become. During the paralyzing dock strike in the 1960's, CLAUDE PEPPER pushed legislation to break the labor impasse. After months of work, he called on the chairman, Howard Smith of Virginia, to tell him that he had the votes lined up and was going to propose a rule at the next meeting.

"Well, if that's how you are going to be," Judge Smith replied, "we won't meet."

It is characteristic of the kind of man CLAUDE PEPPER was, however, that, 20 years later, when a flattering biography of Judge Smith was published, he bought a box of books and presented a gift copy to each member of our committee.

On a sunny autumn day in 1985, many of us assembled for a ceremony in which a group of distinguished Americans presented, as a gift to Congress, a portrait of Senator CLAUDE PEPPER, which now hangs in the Rules Committee's Capitol hearing room. At the unveiling, the Senator said,

> I hope those who have to do with the locations of portraits will look upon it with kindness, and will be as gentle to it as they possibly can be, and that it will somehow be a reminder to somebody that there were those here before that time who tried to make things better.

Now the struggles "to make things better" are behind him, and he and Mildred are joined once again. We will miss the Senator's wisdom and his kindness. But, as age never conquered him, neither can death. Not only his portrait remains with us, in a very real sense, his spirit, too, remains with us, as we face the tasks to which he devoted his life.

□ 1220

Mr. BENNETT. Madam Speaker, I yield such time as he may consume to the gentleman from Alabama [Mr. ERDREICH].

Mr. ERDREICH. Madam Speaker, I thank the gentleman for yielding and rise to pay tribute to CLAUDE PEPPER. As an Alabamian, I guess we try to claim him, but no question, this Nation is the better for his having gone in the career that he had both in this House and in the Senate for his adopted State of Florida after he left Alabama.

He was a person of unbounded love. He touched everyone with an energy that was unique. As a relatively new Member of this body, when I first met CLAUDE PEPPER, whom I knew a great deal before I came here, I knew that he was one who touched not just me, but I could see he touched thousands and millions across this country.

What he brought to our institution and to this Nation really cannot be put into a few words. We all miss him. He was providing a great leadership for the future of this country, and we want to thank him, those of us who had the privilege and opportunity to serve with him. He blessed this House and he blessed this Nation.

Mr. BENNETT. Madam Speaker, I yield such time as he may consume to the gentleman from Minnesota [Mr. VENTO].

Mr. VENTO. Madam Speaker, I thank the gentleman for yielding and for making this motion to honor Congressman CLAUDE PEPPER. It is a time of great consternation in the House of Representatives. It is obviously with some sadness but with a great deal of joy that we recognize the contributions of CLAUDE PEPPER who really spanned half a century in terms of this institution, the Congress in the length of his service.

I think the great strength of CLAUDE PEPPER was the contemporary nature with which he approached problems. He had values that were deep-seated, that were always reflected in the policies that he pursued, whether they were policies for working men and women, whether they were for youth, whether it was the minimum wage or civil rights, or finally, I think, his greatest notoriety in terms of fighting for those older Americans in our society who had worked a lifetime with him, and who he found had not been treated with the type of care and dignity that they deserve.

He will be missed. But I think the spirit and ideas that he professed and the proposals that he pursued will be the responsibility of those of us who continue to work in the Congress. I think no better goal could await our task as we work as Representatives.

He was a remarkable person, someone who always took the time with people and his fellow Members, with the greatest care and dignity. He is a good reflection and a good example for those of us who serve in Congress today and tomorrow.

Mr. BENNETT. Madam Speaker, I yield such time as he may consume to the gentleman from Tennessee [Mr. QUILLEN].

Mr. QUILLEN. Madam Speaker, I thank the gentleman for yielding.

Today we are all very saddened indeed at the loss of a great American, CLAUDE PEPPER. I was sworn in in this House with him in 1963, and we worked together continuously since then, not only on the Rules Committee but on other matters as well.

CLAUDE PEPPER had a great heart, without bounds, and every effort in his whole body was for his fellow man.

As the ranking member of the Rules Committee myself, I sat beside CLAUDE PEPPER for many years while he was also a ranking member and the Chair of that committee. We worked together for the common cause of this body and for the American people.

CLAUDE PEPPER had a dream early in his life that he thought he would like to pursue a political career. As a teenager he wrote on the wall his name followed by "United States Senator." He achieved that dream and went into the Senate where he served admirably and for a long period of time. After leaving the Senate, he went into private practice of law and teaching, and then was elected to the U.S. House of Representatives in 1962.

He is a legend, and he will be missed. The common people of this land of ours, the elderly and the young alike, mourn today as we do his loss, because truly he was a champion for the aged. He thought that it was a shame and disgrace to let our elderly people suffer as much as they do today, not just in nursing homes, but also those

who could not provide for that service and who were left to languish in their own homes without proper medical care.

His compassion was tremendous. He fought for these people and he became their spokesman throughout the land. They listened to CLAUDE PEPPER, as we all do, and as we all did.

The legend will live forever, and his life and the path he made. Those pathways in his life, as he lived it, will always be an example of greatness because he tried in every way he could to make this land a better land and a better place for all Americans. He achieved that goal, but in achieving that goal, he set an example that will go on for years and years to come.

□ 1230

I thank the gentleman from Florida [Mr. BENNETT] for this opportunity to pay tribute to a friend, a colleague, and a great American.

Mr. BENNETT. Madam Speaker, I yield such time as he may consume to the gentleman from New York [Mr. SOLOMON].

Mr. SOLOMON. I thank the gentleman for yielding.

Mr. Speaker, for a number of reasons, I rise to pay tribute to one of the greatest Americans I have ever known, not the least of which was an inspiration I received when I was a young boy growing up in a place called Okeechobee, FL, a little town of less than 1,000 people.

I can recall my grandfather introducing me to Senator CLAUDE PEPPER when I was about knee high to a grasshopper.

The Senator put his hand on my shoulder and said, "young man, you are probably going to grow up to be a Representative in the U.S. Congress in Washington." Now Mr. Speaker, I know he probably said that to a lot of young boys like me. But he was an inspiration to me then and he remained an inspiration to me for the rest of my life.

I can recall another time when I was appointed to the Committee on Rules when CLAUDE PEPPER came over to me and he said, "Jerry, we may not always agree and we will disagree often, but I want you to know that I will treat you as fairly as humanly possible." Mr. Speaker, he went on to do that.

He was a man of his word.

I guess the third reason why I just deeply admire and respect him so much was the speeches he used to make on this floor. I can recall the last major Contra debate that we had. CLAUDE PEPPER was not feeling well that day. All of us were getting up and many of us were speaking with a lot of rhetoric.

CLAUDE PEPPER took the floor at the dais there and he gave one of the most magnificent speeches ever given on the floor of this House and he gave it from the very bottom of his heart.

That is why people from both sides of the aisle and why Americans throughout this land love CLAUDE PEPPER.

CLAUDE, we will never forget you.

Mr. BENNETT. Mr. Speaker, I yield such time as he may consume to the gentleman from Florida [Mr. SMITH].

Mr. SMITH of Florida. I thank the gentleman for yielding.

Mr. Speaker, I rise today in support of this resolution with a great sense of personal loss for myself and my family.

I have known CLAUDE PEPPER for 20 years. He was to me an inspiration, he was the epitome of everything that people who believe in public service aspire to. He was everything that you could want to see in an elected official.

He was warm, he was kind, he was gentle, he was decent, he was loving, he was fair, he was honest, he was upright, he was forthright, he was smart.

He loved people, he loved to shake hands. He loved to meet people. He loved to talk to them.

Over his many years, if there was a single thing which was the hallmark, the stamp on his career, a career which spanned 60 years, starting with his election to the Florida Legislature in 1929, that hallmark was that he was a voice for people who otherwise would have had no other voice at all. He cared so much about average folks, so much about people that had needs and wants that were somehow less capable of transmitting their desires to the Government, to their elected officials, and lots of others.

He stood for them and he loved them, and they loved him.

In the last few days that outpouring of sentiment and sympathy and love for Senator/Congressman CLAUDE PEPPER has been enormous. It is as if the Lord had taken from us a President. In many ways CLAUDE was just that, an American institution.

His passing from our scene is a great loss historically and a great loss today.

His warmth, kindness, and friendship will be missed by many colleagues in this House. I remember downstairs in the Members' dining room, for many years watching when CLAUDE was eating there, and the Speaker might be there, whichever Speaker it might be, and yet when people were eating there with their own Members and saw the various "important" people, the stars, they always came up and wanted to shake CLAUDE's hands first, not anyone else, because he represented to them a person that they knew and could trust and a person they loved and respected.

We felt the same way.

My family and I will miss him; his family will miss him. He has nieces, nephews, a brother, sister-in-law, but he has more; he has a world full of people.

He knew kings and princes and Presidents, but he always remained CLAUDE PEPPER from Camp Hill, AL, and Miami Beach, FL, just a plain, good, decent man that everyone loved.

And when they write the end for many of us in this chamber, Lord knows how we would want to be remembered like that and that is how we will remember CLAUDE PEPPER, a national treasure, a national institution, one of the greatest Americans who has ever lived, a Member of the Senate, one of the most revered Members of this House and a good wonderful man who cared about people. And that says it all.

Mr. BENNETT. Mr. Speaker, I yield such time as he may consume to the gentleman from Oregon [Mr. DEFAZIO].

Mr. DEFAZIO. I thank the gentleman for yielding.

CLAUDE DENSON PEPPER, America's seniors have lost a champion. No one, no one single person has done more to assure America's seniors of the security and dignity that they have earned in their later years, security and dignity that have been in the past so often denied to them before the programs that were championed by CLAUDE PEPPER were put into effect over the last 20 years.

In the House we have lost a friend, an inspiration. I think the best we can do at this time of loss is to take CLAUDE's advice: Keep on doing what you are doing; if necessary, at a slower pace, but keep on.

That was one of the Senator's sage words, one of his sage words of wisdom that he imparted to his senior friends.

We will be slower without his leadership, but let us elevate CLAUDE's agenda to be our agenda, the top of our agenda, and that is home care so that seniors do not have to be institutionalized when they can be maintained with a better quality of life in their homes; long-term care so they do not worry about the threat of their finances and how it is they are going to pay if they have to go into long-term care; and finally, insist on national health insurance so that no American in need is denied access to the doctor's office or to a hospital when they need medical care.

That is the best tribute that we could pay to our friend and colleague, to pass those bills and to begin to complete the ambitious agenda that he set 60 years ago when he came to this House.

Mr. BENNETT. Mr. Speaker, I yield such time as she may consume to the gentlewoman from Ohio [Ms. OAKAR].

Ms. OAKAR. Mr. Speaker, we have lost one of the greatest, most dedicated public servants this country or any country has ever known, Senator

CLAUDE PEPPER. He was truly an American hero. He was the oldest man in Congress, but his ideals were progressive and young.

CLAUDE PEPPER served this country for more than 53 years, spanning 10 Presidents. He fought tirelessly for every American, from the cradle of life to the twilight of life.

□ 1240

He was a true proponent of civil rights. He fought against racism.

As a young Florida State House member, the gentleman from Florida, Mr. PEPPER, voted against a resolution of censure of America's first lady, Mrs. Herbert Hoover, whose only problem was that she had invited the wife of a black Congressman to the White House. He voted against censuring and he lost his reelection.

He fought against sexism and introduced an equal rights amendment as a young Senator. He supported and championed every issue that related to fairness toward women. He fought for our Nation's children. He was the first author of a child care bill. He fought for workers of this country. He authored the first minimum wage bill during the 1930s, the New Deal era, guaranteeing workers, get this, 25 cents an hour.

Finally, he was the deserved hero of senior citizens and their families. He fought age discrimination. As chairman of the Select Committee on Aging, CLAUDE PEPPER championed an end to forced retirement. He called national attention to the plight of our elderly and their families. Under his leadership he held national hearings on issues such as insurance fraud, cancer research, elder abuse, cancer prevention, the bilking of our elderly, fairness in pension and health insurance, protection of Social Security, and so many other issues.

But there is one issue that Senator CLAUDE PEPPER wanted to live for, a health insurance act that would guarantee the 40 million Americans who have no insurance, access to health insurance. A health insurance plan that would guarantee long-term care for every American. Recently he was elected chairman of the newly formed Commission on Comprehensive Health Insurance. The Commissioners voted for him, unanimously, to chair that Commission. This Commission is charged, in 6 months, to recommend the solution to this national disgrace, the failure of our country to provide health care for every American.

Not long ago, I visited Senator PEPPER at Walter Reed Hospital. His focus was not on his own ill health but the health of others. "You tell the Congress that the work of our Commission," he told me, "must be fulfilled, that we must provide access to health insurance for each and every American."

My friends, our memorial to CLAUDE PEPPER need not be in stone or granite. Our lasting tribute to him must be in the completion of his unfulfilled dream, the passage of a plan that ensures that every American has the proper health care. The living legacy of CLAUDE PEPPER is the care he had for all Americans. He has improved the human condition for all Americans. To his dear family, his brother and nieces and others, and his truly devoted staff, Frances and Kathie and so many others, past and present, I extend my deepest sympathy.

On a personal note, it was an honor and privilege to serve with him in this institution as a member of the Select Committee on Aging. He was my mentor and friend. I deeply loved and admired him. He is now with his beloved Mildred. Long live his values and his ideals.

Mr. BENNETT. Mr. Speaker, I yield such time as he may consume to the gentleman from New Mexico [Mr. RICHARDSON].

Mr. RICHARDSON. Mr. Speaker, a man did not die yesterday. An institution died. A legend. A little bit out of every senior citizen in this country also died.

At a time when this institution is under attack. No one can deny that CLAUDE PEPPER brought enormous prestiage to the Congress. He was perfect. He was also a perfect Democrat joinning the Trumans, the Kennedys, the Roosevelts, and now CLAUDE PEPPER as one of the giants in the Democratic Party.

He fought for social justice, for civil rights, for health care. He was always on the right side of every issue. He would always cry for those he represented. It was as if he himself was dying on a sick bed, suffering, when he spoke about those he wanted to bring justice to.

Mr. Speaker, CLAUDE PEPPER's loss is something that this institution will never recover.

Mr. BENNETT. Mr. Speaker, I yield such time as he may consume to the gentleman from Florida [Mr. JAMES].

Mr. JAMES. Mr. Speaker, the passing of CLAUDE PEPPER has left a great void in our Nation's Capital. Senator PEPPER epitomized public service. He always put the needs of the people he served before his own. There was no more compassionate or noble individual to ever have graced the Halls of Congress.

He was the champion of the elderly, the disadvantaged, the downtrodden, and the neglected. CLAUDE PEPPER stood strong in Congress as the Statue of Liberty stands strong in New York harbor: As a beacon of hope and comfort for the voiceless and the abandoned.

CLAUDE PEPPER did not come to be our Nation's advocate for the aged and forgotten late in life.

Sixty-one years ago, at the tender age of 28, while serving in the Florida Legislature, Representative PEPPER introduced legislation exempting senior citizens from the cost of a fishing license. During his tenure in the U.S. Senate, he was a close ally and confidant of President Franklin Roosevelt, and he was a zealous defender of Social Security all of his life. In 1938, he led the fight for the first minimum wage—25 cents an hour. In that same year, he won Federal assistance for handicapped children and he was among the first to support equal rights and equal pay for women.

In 1945, he sponsored legislation that led to the creation of the World Health Organization, and in the late 1940's he backed bills establishing five of the National Institutes of Health.

Through the 1970's and 1980's CLAUDE PEPPER was the lightning rod that focused national attention on the critical needs of elderly Americans. It was his leadership that led to the elimination of age as a factor for compulsory retirement for most Federal employees and increased from 65 to 70 the age at which most employees in the private sector may be forced to retire. And he played a key role in crafting legislation that realigned the Social Security System and kept that life-sustaining fund solvent.

In trying to capture the essence and the impact of CLAUDE PEPPER I must turn to the words of others, for my own will not suffice. Robert Kennedy once said that it is from a number of diverse acts of courage and belief that human history is shaped. Each time a man stands up for an ideal, or acts to improve the lot of others, or strikes out against injustice, he sends forth a tiny ripple of hope, and crossing each other for a million different centers of energy and daring those ripples build a current which can sweep down the mightiest walls of oppression and resistance.

CLAUDE PEPPER was such a creator of hope.

Philosophically, I did not often agree with Senator PEPPER on how best to solve the ills that plague our Nation. But, I always respected him as an individual and cherished his tireless efforts on behalf of others.

Shakespeare wrote that a good leg will fall. A straight back will stoop. A black beard will turn white. A curled pate will grow bald. A fair face will wither. A full eye will wax hollow. But a good heart is the Sun and the Moon. Or rather the Sun and not the Moon, for it shines bright and never changes, but keeps its course truly.

CLAUDE PEPPER had such a heart. In his life and in his death, he taught us that "there is no cause half so sacred as the cause of the people—no idea so uplifting as the idea of service of humanity."

Many years ago a wise man said, "What we have done for ourselves alone dies with us; what we have done for others and the world remains and is immortal."

He must have had CLAUDE PEPPER in mind when he uttered those words. CLAUDE has left our Earth, to be reunited in heaven with his beloved Mildred. He will never be forgotten. His time on Earth, his impact, will be forever felt through the ages.

I pray for our State and for our Nation that we find a servant as noble and honorable to serve in his stead and to represent the people of the 18th District and our Nation.

□ 1250

Mr. BENNETT. Madam Speaker, I yield 2 minutes to the gentleman from Ohio [Mr. TRAFICANT].

Mr. TRAFICANT. Madam Speaker, I, too, rise today in support of the resolution and to pay tribute to a great American. We will sorely miss CLAUDE PEPPER.

He was a champion of all people, but he was most noted for his tenacity in supporting senior citizens.

I rise today also because I recall one incident when the Rules Committee voted to deny one of my amendments. The Senator knew that I was very upset, and he took the time to find me on the floor, and he told me his reason as to why that had occurred. I will never forget, as he closed that meeting in that short encounter on the floor, what he said. He said, "Sheriff, I will try to take care of it in the future," and so help me God, he did. What was most notable about CLAUDE PEPPER was the fact that CLAUDE PEPPER'S word was as good as gold, and his service was even more valuable to his country.

I close this out today by offering a prayer from all of us for his replacement, who no doubt will be the gentleman from Massachusetts [Mr. MOAKLEY]. He will certainly need our help, and I am sure he will meet the challenge. He was trained by a great chairman.

I would also like to echo the words of the chairwoman, the gentlewoman from Ohio [Ms. OAKAR] and say that I think the legacy of CLAUDE PEPPER should now be remembered in Congress by going forward with a couple of his legislative initiatives: No. 1, to pass a bill that would extend nursing home care to all senior citizens of this country, and, second of all, to make sure that every American citizen has a health insurance plan for they and their families.

So, Madam Speaker, today we salute a great American. He will never be replaced, and America is a great place in which to live today because of CLAUDE PEPPER.

Mr. BENNETT. Madam Speaker, I yield 2 minutes to the gentleman from Illinois [Mr. DURBIN].

Mr. DURBIN. Madam Speaker, I thank the gentleman for yielding this time to me.

Madam Speaker, in the history of our Nation some 12,000 Americans have had the honor of serving in the U.S. House of Representatives. When scholars reflect on those who left the most enduring contribution to this body and to those people in our Nation whom we serve, they will focus on our distinguished colleague, the gentleman from Florida, CLAUDE PEPPER.

He taught us that devotion to Americans in the twilight of their lives can bring dignity and independence, and literally generations of senior citizens will benefit from his vision.

He also taught us a personal reason, that age should be no barrier to a person's ability. CLAUDE PEPPER worked hard, at the age of 88 he left many of his younger colleagues in his dust.

He taught us that one can endure the shattering criticism which public officials must often face and rise again to fight another day.

And most importantly, CLAUDE PEPPER personified the enduring friendships which bring joy to a career in public service. He was always there with a kind word and a helping hand for so many of us. He was an inspiration, and those of us who were blessed to know him and to have shared his life will carry the memory of CLAUDE PEPPER in our hearts.

Mr. WYDEN. Madam Speaker, will the gentleman yield?

Mr. DURBIN. I yield to the gentleman from Oregon.

Mr. WYDEN. Madam Speaker, I thank my colleague for yielding, and I want to associate myself with his very thoughtful remarks.

In the early 1970's, I was codirector of the Oregon Gray Panthers, and I had a chance to testify before Senator PEPPER on the House Select Committee on Aging on these insurance policies that rip off older people that are sold to supplement Medicare.

I share the view of the gentleman from Illinois. I think CLAUDE PEPPER was an inspiration to literally thousands of young people across this country who want to go into government, and I think he really was the senior citizens movement, because back in that period if a town had a meals program or a senior citizens program or something of that nature, that was considered a real major program for the elderly. Then along came CLAUDE PEPPER who made the case for abolishing mandatory retirement.

He was the first to speak out against elderly abuse. He talked about the shortcomings of Medicare.

Madam Speaker, I think the gentleman from Illinois [Mr. DURBIN] said it very well. He was someone to whom I looked almost on a daily basis for counsel on problems of the senior citizens and aging, and we are going to miss him.

Mr. BENNETT. Madam Speaker, I yield 2 minutes to the gentleman From Mississippi [Mr. WHITTEN].

Mr. WHITTEN. Madam Speaker, few, if any, in the history of our Nation have contributed more to the Nation and to the people than our late friend, CLAUDE PEPPER. He was serving as chairman of the Rules Committee at the time of his death. He was truly a national figure, working for young, the middle-aged, and the elderly.

It was my privilege to visit with Congressman PEPPER on last Thursday when President Bush awarded him the Medal of Freedom for "a career dedicated to preserving the values that make America great." The medal was presented at Walter Reed Hospital, where Congressman PEPPER had been a patient.

It was marvelous to hear CLAUDE respond in the most beautiful language to the President's remarks, tracing his career from a farm boy in South Alabama, then to the U.S. Senate, and then later to the U.S. House of Representatives.

"Always," he said, "it has been my purpose to help people, to support those measures which make our country great for all our people, the young, the middle-aged, and the elderly.

"The Lord has been good to me as have the people of my State and of the Nation." With that, he asked for the picture of his beloved wife, Mildred, now deceased. When the beautiful picture was brought, he said: "I want my wife, Mildred, to share in this honor for she deserves much for what I have done."

Madam Speaker, that reflects the character and the life of CLAUDE PEPPER. It was sad to see him go. Yet we all know the benefits of his life will continue on for generations.

Mr. BENNETT. Madam Speaker, I yield 2 minutes to the gentleman from Michigan [Mr. LEVIN].

Mr. LEVIN of Michigan. Madam Speaker, it was over a year ago that Senator CLAUDE PEPPER came to Michigan to campaign for DICK GEPHARDT. He and I had a chance to go from place to place. We asked the staff if they might go in one car and the two of us go by ourselves in another. I wanted to have a chance to talk with him one on one without phones or anything else, and he told me part of the story of his life.

What a warm, wonderful day that was for me. He combined contrasting qualities better than any person I have known. He had a feeling for the underdog, combined with a search for excellence. He had a gentle soul and a very tough mind. He had a joy of life, with a unique seriousness of purpose.

He was almost always looking ahead, but he was also almost always remem-

bering where he came from. It was fascinating to hear him talk about his parents and the values they inculcated in him.

In talking about contrasts, here is a person whose patriotism was once infamously attacked. I say, "infamously," but in truth he was as American as apple pie—or is it key lime pie?

Madam Speaker, we will deeply, deeply miss you, CLAUDE, but in a meaningful, real sense you indeed will also be with us.

Mr. BENNETT. Madam Speaker, I yield 2 minutes to the gentleman from Pennsylvania [Mr. MURPHY].

Mr. MURPHY. Madam Speaker, it is with the deepest sadness we learn of the death of one of most distinguished and revered Members—CLAUDE PEPPER.

Born at the beginning of this century, he served in the Senate from 1936 through 1951 and in the House from 1961 until today. All told he had served for more than one-fifth of Congress's existence.

He was the last of the new deal members to serve in the Congress and, if his health had not kept him from the Chamber, he would have been the only person to vote for the recent minimum wage bill who was present at the passage of the original bill.

His spirited advocacy for the elderly and his unwavering support for new ways to ease the burdens of old age made him a hero in the eyes of many older Americans. His wisdon, his guidance and his unselfish efforts to advance legislation on their behalf will be missed by all of us here in Congress and by the many millions of people who looked up to him for assistance and leadership.

As chairman of the House Rules Committee, he used his position to reaffirm the promises this Government made to its senior citizens—that Social Security would not be tampered with or reduced as long as he had the ability to prevent it.

He was a man without peer in Congress. He was a man who never forgot why he was sent here and who never failed to give his all for every cause he believed to be just.

Mr. Speaker, this body is a little poorer today without CLAUDE PEPPER in its ranks. We will miss his presence and his influence. It is sad to think that there might never be another like him.

I join with all my colleagues today as we pause to honor the passing of a truly great man. A man who has left an indelible mark on the fabric of this Nation's history.

□ 1300

Mr. BENNETT. Madam Speaker, I yield 1 minute to the gentleman from Maryland [Mr. MFUME].

Mr. MFUME. Madam Speaker, I sat for the last few moments in the chair there where CLAUDE PEPPER sat for so many, many years, and I remembered fondly, as most of us are doing, my own experiences with him. It was CLAUDE PEPPER who came to me shortly after arriving in this body and made it possible, quite frankly, to pass my first amendment, and he said to me that day, he said:

> Young man, I won't be here long after you've gotten a chance to get as old as I have, but I did this so that you would recall that you have the same obligations to help someone else in this body. That is how we survive, and that's what makes this institution so great.

Madam Speaker, in thinking about CLAUDE I really remembered then the inadequacy of words, the fragile nature of time, the value of friendship. CLAUDE PEPPER was a stalwart in the storm, one who stood steady and steadfast through it all, and, no matter how long the journey, cold the chill, fierce the enemy or few the friends, he was the one who captured our will to dare to be different in this body and our willingness to dare to make a difference.

CLAUDE, a part of this House died with you yesterday, but we are stronger and wiser as a Nation because of the special service that you rendered to all of us.

Mr. BENNETT. Madam Speaker, I yield 2 minutes to the gentleman from Alabama [Mr. BEVILL].

Mr. BEVILL. Madam Speaker, I rise today to pay tribute to my very good friend and a most outstanding leader, CLAUDE PEPPER. Our Nation has lost a great American and a very outstanding public servant.

I worked very close with CLAUDE for 23 years and we had a very good working relationship. I respected and admired him as much as anyone I have ever known.

He was highly regarded by the people of my district, by the people of Alabama and the people of this Nation.

We have always taken great pride in claiming CLAUDE PEPPER as a native son of Alabama. And, he always made it clear that he was proud of being from Alabama. In fact, at his 88th birthday party, he was showing everyone slides of his birthplace.

He had wanted to come to Alabama earlier this year. He told me many times that he wanted to visit the area where he was born near Dudleyville, I deeply regret that he missed that opportunity.

CLAUDE PEPPER will always be remembered as a champion for senior citizens. We thought of him as "Mr. Social Security," because he played such a major role in making sure that program remained sound.

His accomplishments on behalf of the poor and elderly are legendary. He sought to remove the stigma of aging by passing legislation to increase the retirement age from 65 to 70.

He was a great role model, himself, for senior citizens everywhere. At age 88, he was still very active and alert. He worked right up to the last. And, when I visited him last week in the hospital, he was very alert.

CLAUDE PEPPER was such a unique and unusual individual.

His career spanned a remarkable 50 years from the time he first came to Congress in the 1930's. I think of him as helping to write one-fourth of our history.

I have a favorite story about CLAUDE PEPPER. One day, I was in his office and noticed that he had an autographed picture of Orville Wright. I asked him where he got it. He looked at me and said, somewhat indignantly, "He gave it to me."

Here was a man who had a personally autographed picture from the pioneer of aviation along with a group picture of himself with the astronauts who walked on the Moon.

That was CLAUDE PEPPER. He moved right along with the times. He could remember the beginning of everything we use today—the radio, television, telephone, automobile, airplane, electric lights. Yet, he was a very modern man, with a keen sense of current events and important issues.

I enjoyed working with CLAUDE and I will miss him very much. The Congress has lost one of its most valuable leaders and our Nation has lost a great public servant and statesman.

But, the contributions made by CLAUDE PEPPER during his long tenure in Congress will never be forgotten.

Mr. BENNETT. Madam Speaker, I yield 2 minutes to the gentleman from Ohio [Mr. REGULA].

Mr. REGULA. Madam Speaker, I thank the gentleman from Florida [Mr. BENNETT] for yielding, and I simply want to say that, as the Vice Chairman to Chairman CLAUDE PEPPER on the Subcommittee on Aging for long-term health care, that he was extremely fair. I think that is a wonderful quality in a member of this body.

It was always a joy to work with CLAUDE PEPPER because, regardless of how much there might be by way of difference of opinion on issues, he was always sure to give the minority an opportunity to be heard, an opportunity to state their ideas. He always kept us advised of what was happening in the committee, and, if we did disagree, he would be there with a smile the next day. He never held a grudge no matter how much we might disagree on issues. Certainly, as someone who worked closely with him on that subcommittee, I think we will miss him greatly because of his tremendous dedication to developing long-term health care programs for this Nation's senior citizens.

Mr. BENNETT. Madam Speaker, I yield 2 minutes to the gentlewoman from California [Ms. PELOSI].

Ms. PELOSI. Madam Speaker, I thank the gentleman from Florida [Mr. BENNETT] for yielding and, "Mr. BENNETT from Florida, I thank you for yielding to all of the Congress."

All of the country joins the Florida delegation in mourning this great loss to our country. Energetic to the end, Senator CLAUDE PEPPER—Senator we call him sometimes; chairman other times—contributed 60 years of his life to public service. He believed that Government must work to improve the lives of all the people, and he took political risks throughout his career to advance that notion. Congress has lost a champion.

As the gentleman from Maryland [Mr. MFUME] has indicated, CLAUDE had a favorite place to sit in the House even though we can sit anyplace. We all respected the place where CLAUDE PEPPER sat and could always go there for advice and counsel. I thought CLAUDE might enjoy having some fresh flowers at his place today, flowers we had hoped to bring him, the women in Congress had hoped to bring him, at the hospital. But God had other ideas. I wanted to bring them to him for his endless courtesy to each of us, for his courtliness to the end and a twinkle in his eye. He gave hope to the poor, he gave encouragement to the new, to the new Members of Congress, even from time to time a rule.

CLAUDE PEPPER was truly the gentleman from Florida. Each and every one of us is greatly enhanced by the privilege we have had to have called him colleague.

When I think of one word to describe CLAUDE, I think of the word "viva," "life." That was CLAUDE PEPPER.

Viva, CLAUDE.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Kalbaugh, one of his secretaries.

EXPRESSING SORROW OF THE HOUSE AT THE DEATH OF THE HONORABLE CLAUDE PEPPER

The SPEAKER pro tempore (Ms. OAKAR). The time of the gentleman from Florida [Mr. BENNETT] has expired.

The Chair now recognizes the gentleman from Massachusetts [Mr. MOAKLEY] for 1 hour.

Mr. MOAKLEY. Madam Speaker, I yield 2 minutes to the gentleman from California [Mr. WAXMAN].

Mr. WAXMAN. Madam Speaker, our colleagues are mourning the loss of a great historical figure in this institution. To many of us he was a close personal friend, but he loomed so large as a man who shaped this Nation for many decades.

Madame Speaker, he came here during the time of the Great Depression, and he saw that Government had to play the role to help the unemployed, the poor, the disadvantaged. He looked at the elderly at that time who were left with no funds to live on, no Security, no unemployment benefits, no Medicare, no help at all.

He is best known as someone who was committed to the cause of the elderly, but his commitment was to social justice and a humane society, and he saw that that can only be accomplished through a contract between the generations. We were not just to help the poor, and certainly we had an obligation to help the poor, but we had to be there for everyone because everyone faces the possibility of becoming poor or sick. So, Social Security was not for just the elderly poor, but for everyone in our society today. They paid into the fund, they were entitled to be a recipient from the benefits of it, and the same with Medicare.

However, Madam Speaker, it was not enough for those two programs. Inadequate as they are, he recognized that this is the only Nation in the Western World outside of South Africa that does not have a national health insurance program for all of our people.

He did so much, and he reminded us of so much yet to be done, a man of enormous talent, compassion, humanity. He is an inspiration to all of us. He leaves a great legacy, and he charts a course for us.

Mr. MOAKLEY. Madam Speaker, I yield 3 minutes to the lovely gentlewoman from Louisiana [Mrs. BOGGS].

Mrs. BOGGS. Madam Speaker, I have had the privilege of being a friend of CLAUDE PEPPER's since January of 1941 when my husband, Hale Boggs, first came to the Congress. Mildred and CLAUDE PEPPER were one of the couples who took us under their wing and led us into the great and wonderous world of Washington, and from that day forward he expanded my dreams, and my interests and my knowledge of everything that was good about this country and about the place of our country in this world.

□ 1310

There are so many things that all of us could reminisce on about CLAUDE PEPPER and all of us, of course, would salute his magnificent service to the senior citizens of this country.

We all, of course, applaud his courtliness, his gentlemanliness, the manner in which he treated all his colleagues, whether he was in concert with their feelings and their legislation or not; but I would like to concentrate on an insight into CLAUDE PEPPER as an international treasure to the United States.

I have had the privilege of being with him on several trips to Interparliamentary Union meetings throughout the world and the respect in which he was held and the remarkable influence that he had on some of the young people from nations that were not in tune with the United States was a wonder to behold.

I remember especially another trip that I was privileged to accompany him on where we went in this progression: to Israel, to Egypt, to Greece, to Spain. In each place I wished I could take him and encapsule him and have him project what the United States of America is all about to the rest of the world; but it was in Greece that we had the greatest pleasure because during World War II it was CLAUDE PEPPER who had passed a resolution in the Senate that said that the Aegean Islands should indeed go back to the motherland of Greece. In several of the islands, there were all sorts of monuments to him of which he was really unaware; but we were privileged to go to the Isle of Rhodes where they wished to have a ceremony to confer upon him an honorary citizenship of Rhodes. It was there that I realized what a continuing influence for good he had been and for democracy that he had been for so many years of his service to this country and to the rest of the world.

He was, of course, his clever and dear and funny self when he got up to accept his honorary citizenship. He then referred to the audience as "my fellow Rhodeans" and welcomed the United States delegation who was there with him, thereby endearing himself even more to the people of Rhodes and the people of Greece.

The very last opportunity I had of seeing CLAUDE was last Thursday evening when President Bush and Barbara came to his hospital room to confer upon him the Medal of Freedom, the highest honor that this country can bestow upon one of its citizens, and in his 15-minute response he said, "Mr. President, you don't know how many hours I have spent on my knees asking the good Lord to give me the strength and the courage and the knowledge of how best to serve the people of the United States."

I would say amen, CLAUDE. He gave you the courage and you accepted it full measure.

Mr. MOAKLEY. Madam Speaker, I yield 2 minutes to the gentlewoman from Maryland [Mrs. BYRON].

Mrs. BYRON. Madam Speaker, let me join with my colleague from Louisiana and go back a little bit, because the Byron family and the Pepper family go back to 1939 when my father-in-law was elected to this body. My mother-in-law followed him in this

same seat that I today hold upon his tragic death in 1942, and yet Mildred and CLAUDE were close friends. When my father-in-law, Bill Byron, died, Mildred Pepper was there, just as the gentlewoman from Louisiana [Mrs. BOGGS] talked about that they were there when she and her husband moved here in 1941.

In the 100th birthday year of FDR, I had the pleasure of having CLAUDE PEPPER come to my district and spellbind an audience with his tales of FDR. What words he had and what a way with words. I think many of us in this body well remember the days of the FDR birthday 100 years before.

Such a mind. On IPU trips when Members were reading Time and Newsweek, CLAUDE would be on the aircraft reading Homer and Balzak in French.

Two years ago, this body went by train to Philadelphia for the celebration of the Bicentennial. How many of us remember the remarks that he gave in such a stirring speech in that first hall in Philadelphia.

Our senior citizens have lost their best friend, but this Nation has lost a national treasure. I think CLAUDE is by his beloved Mildred, which is where he had so longed to go for the last 10 years.

Mr. MOAKLEY. Madam Speaker, I yield 2 minutes to the gentleman from Michigan [Mr. BONIOR], the chief deputy whip.

Mr. BONIOR. Madam Speaker, I thank my colleague for yielding me this time.

Madam Speaker, the country has lost truly one of its most cherished treasures in the death of Senator PEPPER.

Nothing has personally given me more satisfaction in my short time in public service than to have served with him in this institution and with him on the Rules Committee.

Many have alluded to the visit that we paid him last week at the Walter Reed Hospital when President Bush and Mrs. Bush presented him with the Medal of Freedom. There were about 30 or 40 of us in the room. It was obviously an emotional time for all of us. They wheeled Senator PEPPER in. He was in obvious pain, but after having received the medal, he was able to pull himself together with what strength was left in his wracked body and deliver, as my friend, the gentleman from Massachusetts has indicated, an eloquent speech that I think we all would be wise to draw upon in this difficult time.

He said to us that public service was the passion of his life, and he defined it. He said,

> Public service is the cooperative enterprise of people working together for the common good.

I think those are wise words for us, especially in these difficult times.

All of us know and understand of his great contribution to the senior community, but I think CLAUDE would want us to dwell also upon what he gave this country in the severe economic times that we suffered in the 1930's. He was a pillar of strength for those who were hopeless. He advocated education and health care and housing and all the things that meant so much to the people of this great country when we indeed were low in spirit.

Madam Speaker, it was CLAUDE PEPPER in the 1940's and, of course, in the late 1930's who warned this country of what nazism was all about and about what Adolf Hitler was all about when he came back and spoke to our President.

In 1987 he published his autobiography, "Pepper: Eyewitness to a Century," and I have always thought that the title showed the Senator's characteristic humility.

□ 1320

CLAUDE PEPPER was just not an eyewitness to the last century, this century. He shaped it. He shaped it in so many wonderful ways.

Madam Speaker, let me just conclude by suggesting that his legacy will remain forever with us. No one, no one could ever remind us better of the high calling to enter public service.

Madam Speaker, I feel a great personal loss at the passing of Senator PEPPER, and I think all of us will forever cherish his friendship and his guidance.

Mr. MOAKLEY. Madam Speaker, I yield such time as he may consume to the gentleman from Arkansas [Mr. ALEXANDER].

Mr. ALEXANDER. Madam Speaker, in the passing of CLAUDE PEPPER, the American people have lost a dear friend.

CLAUDE PEPPER was a student of the history of this great Nation, and once was a professor of constitutional law at the University of Arkansas, where he was a colleague there of the former Senator Bill Fulbright of my State.

CLAUDE understood the liberal ideals that are incorporated into the Constitution and that have become a part of this Government, and during this service in this Congress, that spanned more than 50 years, he defended traditional values upon which our great Nation was built.

CLAUDE was a trustee of this good Earth and an avid conservationist. He represented the public interest and gave a helping hand, especially to the poor and the elderly and to the young, and as he represented those interests, he became a giant among those in the Congress with whom he served.

I join my colleagues today in being saddened by his departure, because he is one we admired and loved and were honored to serve with.

Mr. MOAKLEY. Madam Speaker, I yield such time as he may consume to the gentleman from Ohio [Mr. APPLEGATE].

Mr. APPLEGATE. Madam Speaker, to stand here and to talk about a man like CLAUDE PEPPER is a very difficult thing to do. He was a hero, and he was a champion. I never knew a man nor served with a man or a woman or anybody else who was held in as high esteem and respect by not only his peers in the House of Representatives but throughout the United States.

He was a hero. The word "hero" is thrown around very loosely these days, but when we come right down to what a hero really is, it is a man who stands up for his principles, a man who stands up for the principles of other people. CLAUDE PEPPER was a hero. He was my hero. He was a champion. He was a champion of people. He was a champion of the poor. He was a champion of the downtrodden. He was a champion certainly of the senior citizens, and there was not anything that ever went out of the House of Representatives without his stamp of approval on it that did not help a senior citizen and their plight. He was a champion of the rights of mankind. That is the kind of person he was.

Madam Speaker, I loved CLAUDE PEPPER. Whenever he sat in his chair over here, one could go over and ask him for anything that they wanted to ask him, and he would give some advice if that is what was wanted. He talked to everybody. He was a great individual.

I remember one instance in 1987 when we were in Philadelphia, and we were celebrating the first article of the Constitution of the United States and the 200th anniversary of the creation of the House of Representatives, and CLAUDE PEPPER, in Constitutional Hall, where we were all sitting in there and presided over by LINDY BOGGS, CLAUDE PEPPER rose before all of those people, and he gave this dynamic speech. During that short speech when he talked about the Constitution and the history of the House of Representatives, four times they rose to give him applause.

This is the kind of man that he was. He was a giant among people.

Mr. MOAKLEY. Madam Speaker, I yield such time as he may consume to the gentleman from Ohio [Mr. MILLER].

Mr. MILLER of Ohio. Madam Speaker, I want to join both my congressional colleagues and Americans everywhere today to pay tribute to CLAUDE PEPPER.

Finding the appropriate words on an occasion such as this is extremely difficult. CLAUDE PEPPER was a legend. He epitomized public service and gave a voice in Congress to the elderly and the needy that spanned the decades.

He was an ardent advocate for those with an agenda of greatest need. If he had a special interest, it was in seeing that those needing a helping hand got it from the Government.

CLAUDE PEPPER began his congressional career as a relentless New Dealer. His relentlessness never ceased. Born in September 1900 in Rural Alabama, he was a product of the resolute philosophy of hard work and diligence. He worked his way through the University of Alabama and graduated Phi Beta Kappa. He went to Harvard Law School and finished sixth in his class. He thrived on the competition and the opportunity to learn.

He translated his knowledge and gift of teaching into public service. He came to Washington in the 1930's and the city has not been the same since. In the long history of service to others, few can match the PEPPER record. He never shirked his responsibilities. He took the initiative that ultimately led to the passage of some of the most meaningful legislation ever approved by Congress.

He will be missed. His passing leaves us with a responsibility to remember him, his good work, his example. He will be missed.

Mr. MOAKLEY. Madam Speaker, I yield such time as he may consume to the gentleman from Michigan [Mr. KILDEE].

Mr. KILDEE. Madam Speaker, CLAUDE PEPPER was one of the heroes of my youth when I was in grade school back in the 1940's and one of the joys of serving in this body for me has been to serve with one of the heroes of my youth, because I had the privilege of his counsel and his inspiration. He was a hero when I was back in grade school, because I knew then that he had great reverence for human dignity, the human dignity of every person.

Madam Speaker, I personally am a better person because of CLAUDE PEPPER. This Nation is a better Nation because of CLAUDE PEPPER and, indeed, this world is a better world because of CLAUDE PEPPER.

Thank you, dear friend.

Mr. MOAKLEY. Madam Speaker, I yield such time as she may consume to the gentlewoman from Connecticut [Mrs. KENNELLY].

Mrs. KENNELLY. Madam Speaker, Senator CLAUDE PEPPER was a longtime family friend and I was always impressed by his gentle nature and warm heart as well as his sharp political acumen.

As a Senator, Congressman, and chairman of both the Select Committee on Aging and the Rules Committee in a career that began in 1936, Senator PEPPER fought with a rare passion for law-and-order, civil rights and was the Nation's premier advocate for the elderly. He fought hard against those who might prey on the vulnerable and the helpless aged and devoted much of his House career to ensuring older Americans were treated fairly.

He was a true American hero and he will be sorely missed.

CLAUDE was the model par excellence of all of us in this House. Oh, to be able to give one speech as he could in his special and brilliant style.

CLAUDE loved this House; he knew how wonderful we could be. His death gives us the opportunity to rededicate ourselves to the principles and the pride he felt in this House.

Thank you, CLAUDE.

□ 1330

Mr. MOAKLEY. Madam Speaker, I yield such time as he may consume to the gentleman from West Virginia [Mr. RAHALL].

Mr. RAHALL. Madam Speaker, I thank the gentleman for yielding.

Senator CLAUDE PEPPER, a man we all loved in this body, a man all Americans loved. He is known, he has been known as a champion for our elderly, for our handicapped, for civil rights groups, for all groups in this country of ours.

I think it is appropriate to note that Senator PEPPER's work on behalf of the elderly did not begin at a late stage in life. As a matter of fact, one of the first bills he introduced in the Florida State Legislature at the age of 27 was a bill to exempt senior citizens from paying a tax on fishing licenses. So began his long and distinguished career, and in the waning days of his career in this body, Senator CLAUDE PEPPER was working on behalf of the youth of this Nation, leading the charge for dropout prevention bills, leading the charge for education to ensure that those who had come and the generations in the future of this country are able and knowledgeable to lead this great country of ours.

Senator CLAUDE PEPPER is a man we shall miss. He was a man that embodied every characteristic of what leadership, of what greatness, of what statesmanship means in this country of ours.

I have had the high honor of being in his home, both in Florida and here in Washington, DC, and to see the recognitions, the awards, the trophies, the certificates that line his walls in his homes and in his congressional offices. They could lead one to easily say those recognitions could cover every square inch in this Chamber, such were the awards that he received during his long and worthy career.

I join with my colleagues in saluting every milestone that he has brought this great country of ours and to say that yes, I myself have been touched personally by the life and the career of Senator CLAUDE PEPPER. I was glad to have called him my friend, and he was a true statesman in every sense of the word.

Mr. MOAKLEY. Madam Speaker, I yield 2 minutes to the gentleman from Illinois [Mr. HAYES].

Mr. HAYES of Illinois. Madam Speaker, I too am glad to join with those who are paying tribute to a great American citizen, Senator CLAUDE PEPPER.

I first began to observe his performance when he was a Member of the U.S. Senate. Having been one who was born and reared in poverty, I looked upon him as a voice, which he was, for those in need. Having lived 88 years, one must acknowledge that the Lord has blessed not only him and now has called him home, but blessed those who had the opportunity to benefit from some of his performance, because he certainly left his footprints on the sands of time.

When I came into this august body, I had an opportunity to chat and talk with him on many different occasions, and I was always amazed at his determination to help senior citizens. And yes, I accompanied him into his district in March of this year where he was dealing with the issue which I am concerned about too, the catastrophic dropout rate of our high school students. He showed he is not only interested in senior citizens, but he is also interested in our youth, and I know he will be missed. It is even redundant to say that.

What we have to do is to try to continue the kind of work that CLAUDE PEPPER started for us.

Mr. MOAKLEY. Madam Speaker, I yield 2 minutes to the gentleman from Hawaii [Mr. AKAKA].

Mr. AKAKA. Madam Speaker, I rise today in support of the resolution honoring CLAUDE PEPPER. We've lost a beloved man. CLAUDE was my champion; the champion of our Nation, a champion of the world. He was the champion for those in our society who were least able to protect themselves: the poor, the sick, and the older Americans.

He rose from the humble beginnings of an Alabama farm to the U.S. Senate and was always unashamed to be a liberal. When sentiment changed against his liberalism, Senator CLAUDE PEPPER could not change his compassion for the needy. He was fiercely loyal. Loyal to our country; loyal to the leadership of this House; loyal to his constituents.

He was a blessing for the House of Representatives, which was graced by his warmth and humaneness for almost three decades. He was a kindhearted man.

By fighting passionately for our country's needy, Senator CLAUDE PEPPER has uplifted the dignity of this institution and the dignity of our entire Nation.

Mr. MOAKLEY. Madam Speaker, I yield 2 minutes to the gentleman from Pennsylvania [Mr. GEKAS].

Mr. GEKAS. Madam Speaker, I thank the gentleman for yielding time to me.

My first recollection of CLAUDE PEPPER was, as for many who first come to Congress, in my confrontation with him, as it were, when he chaired the Rules Committee. I went up to that Rules Committee well prepared, I thought, with 8 or 10 pages of notes on the waivers and all of the other intricacies of getting a measure heard by the Rules Committee. And I started my dissertation, and I went on for about 20 minutes, I believe, to ask for some kind of an amendment to be made in order. All the time I thought that Senator PEPPER was not listening because he had his aides bringing papers to him, and he was talking to fellow members of the Rules Committee and others. Finally at the end I wanted to say, "I want to make the amendment—" and he looked over and he said, "You mean you want to make it in order?" And I said "Yes, Mr. Chairman." He said "Thank you. Do you have anything else?" I said "No"; and he banged the gavel.

That was Senator PEPPER at his ultimate finest. He ruled the Rules Committee with a fine hand and with an iron hand when requested, when required. But most of the time he had the courtesy that was characteristic of his whole service in the Congress, and he made new Members feel at least that we had a role in the preparation of the legislation before the Rules Committee.

I will always remember him specifically for that and generally, as all others, as a statesman Congressman.

Mr. MOAKLEY. Madam Speaker, I yield 3 minutes to the gentleman from Florida [Mr. SHAW].

Mr. SHAW. Madam Speaker, I thank the gentleman for yielding time to me.

I have had, I believe, since coming to the U.S. Congress, a very special relationship with CLAUDE PEPPER. My father was a teacher at the Dothan High School, Dothan, AL, years ago. When he left Dothan High School to go to medical school, he was replaced by a young man by the name of CLAUDE PEPPER, who took over his classes.

□ 1340

I did not really know CLAUDE PEPPER even though I had met him when I was in law school and from time to time growing up in the State of Florida.

I had not met him until I came to the U.S. Congress. My first recollection of CLAUDE PEPPER goes back when I was 11 years old when I recall the battle that was fought, the now legendary battle for the U.S. Senate seat at one time held by CLAUDE PEPPER but won by George Smathers in that particular election. But to know the man and to be able to work with the man and to know his strong intellect and his driving morality has certainly been a privilege, a rare privilege which I have been fortunate to share with my colleagues and the people of south Florida.

He has had an absolute compassion for his fellow man: In taking over the causes of the downtrodden, the poor, the helpless, and then in his later years to become the champion not just of the American elderly but of the elderly of the world.

What he has done for our senior citizens makes him absolutely irreplaceable. He is indeed a unique man. He does not belong to the Democratic Party, he belongs to the American people.

When it came to issues on which he had very strong feelings that actually would split him with the leadership of his own party, he would not hesitate to come over to our side and actually close debate.

He was a tremendous man, he was a giant among us, and we here in the Congress, we the American people, are so much richer that we had him with us for so many years.

When you think about it, his span in Congress spans about a quarter of the history of the United States.

I well remember the time he took the well and without a note before him spoke for an hour on Franklin Delano Roosevelt, on the anniversary of Roosevelt's 100th birthday. That same clarity I saw just last Thursday at the hospital when President Bush bestowed upon him the Freedom Medal.

Oh, he looked frail, but his mind was not frail; it was still as agile and as keen and alert as ever.

I remember while the President was bestowing this great honor upon him, he looked over to one of his aides, and he said, "Go back to the bedroom and bring back the picture of Mildred," his wife. He set the picture next to him while the President was awarding him this great honor. He told the President, "Part of this belongs to Mildred. I always liked to have her next to me when I received an award that was appropriately part hers."

So we can mourn the passing of CLAUDE, but let us not forget to celebrate the wonderful opportunity that we have had in this Chamber, to have had him with us for so many years.

We need CLAUDE back here, but unfortunately he has gone on to perhaps even greater and better things and giving advice and giving speeches elsewhere.

He will certainly be missed by all of us, but we certainly are much richer and much more fortunate for having been able to serve next to this great American.

Mr. MOAKLEY. Madam Speaker, I yield such time as he may consume to the gentleman from New York [Mr. GILMAN].

Mr. GILMAN. Madam Speaker, I rise today on this solemn occasion to pay respect and tribute to our beloved colleague, CLAUDE PEPPER. His constituents, our senior citizens, throughout our Nation and all Americans have lost a true champion.

CLAUDE PEPPER first came to Congress over a half century ago. And, throughout all those years, he was known as a spokesman for those who hadn't had a spokesman before: For the handicapped, for women, families, and children, for our senior citizens, and for those who needed our help.

Congressman CLAUDE PEPPER is best known as a crusader for our older Americans. However, few people realize this has been a lifelong battle for the Senator. His first piece of legislation, at 28 years of age, waived a license fee for any fisherman over 65, and he helped steer the original Social Security legislation through the Congress. I would have hoped that CLAUDE PEPPER could have realized one last dream of his before his death, providing long-term health care for all Americans. Our ultimate tribute to our colleague will be to enact legislation during this 101st Congress and calling it the Pepper Long-Term and Home Health Care Act.

One of his devoted admirers is one of my constituents, the First Lady of Stage and Screen, Helen Hayes, who resides in Rockland County, NY. They were dear friends over the years and I know that Helen Hayes joins us in expressing our condolences.

The passing of CLAUDE PEPPER is the loss of one of the legislative giants of the 20th century. We have lost a dear friend and colleague. CLAUDE's shoes will not soon be filled.

Mr. MOAKLEY. Madam Speaker, I yield such time as he may consume to the gentleman from New Jersey [Mr. HUGHES].

Mr. HUGHES. Madam Speaker, I rise in support of House Resolution 163 and want to join with my colleagues and all Americans in paying respect to a great American.

CLAUDE PEPPER, of course, is known as a champion of senior citizens. They have never had a champion like CLAUDE. But that is not how I remember CLAUDE.

I remember CLAUDE as the chairman of a Select Committee on Crime when I was just a young prosecutor in Cape May County, NJ. He was my hero.

Over the years CLAUDE has articulated many issues. He was a champion for the poor and the underprivileged.

Housing was important to CLAUDE PEPPER, drug abuse was important to

CLAUDE PEPPER; indeed you could not find an issue that affected people that CLAUDE was not interested in. CLAUDE had more energy than any five Members half his age.

It was not unusual to see CLAUDE PEPPER on the floor in the early hours of a session of Congress fighting for the things he believed in.

He felt strongly about America; he felt strongly about Americans and he fought for those causes that others could not fight for.

CLAUDE will be dearly missed. CLAUDE will never be replaced. There will never be another CLAUDE PEPPER.

What we can do, his colleagues here, is attempt to follow his bible, his compass. He had a moral, ethical, and political compass second to none. He was a great American and I am very proud to have served with CLAUDE.

He was always one of my heroes. That started long ago. CLAUDE is one of those who will enjoy a special spot in my heart and I know the hearts of all Americans.

Mr. MOAKLEY. Madam Speaker, I yield such time as she may consume to the gentlewoman from Illinois [Mrs. COLLINS].

Mrs. COLLINS. Madam Speaker, I rise to pay tribute to a wonderful American, Senator CLAUDE PEPPER.

Senator CLAUDE PEPPER is a name we shall always remember in the history of this Congress and indeed of the United States of America; as a man who believed in human rights, the rights of all people, regardless of where they happen to have come from or where they happen to have lived.

Many years ago I remember having read about Senator PEPPER and it was about the time when he was a member of the New Deal, so-called New Deal, an administration in fact that was about the business of helping people who were all in need as a result of reversals in our economy.

I can remember reading at that time what a wonderful American this man was and to have the privilege to have served in this body with this wonderful American is something that I shall remember to my dying day.

I also had the privilege of traveling with him once to Greece. I was amazed at how revered he was by people not only in the United States but abroad as well. I remember going to a certain little town called Rhodes, where they have a street named after Senator CLAUDE PEPPER, and they had done it because of some wonderful thing he had done for the Greek people at that point in time.

I remember too a speech that he gave when he talked about the freedom of all Americans, the good of all people, I will remember that as a day long to be treasured by all of us who live in this country, who served with this wonderful man and who are indeed blessed to have done so.

Mr. MOAKLEY. Madam Speaker, I yield such time as he may consume to the gentleman from New York [Mr. WEISS].

Mr. WEISS. I thank the gentleman for yielding to me.

Madam Speaker, I had occasion first to see CLAUDE PEPPER in person when I visited Washington with my high school graduating class. He was at that time a Member of the U.S. Senate.

So of course it was a tremendous honor and privilege for me when I came here to serve in the same body with him. The thing I most remember about him is his absolute selflessness. He was more in demand, I think, than any other Member of this body across the country and he inevitably participated in events within other Members' districts. And if he could not be there personally, he made sure that there was a telephone hookup of some kind so that he in fact could have a presence because he knew how important it was not just to the Members, but especially to the elderly citizens of this country for whom he remembered so well.

□ 1350

I simply want to take this moment to express my pleasure of having the great privilege to have worked with him.

Mr. JENKINS. Madam Speaker, today I rise to pay tribute to one of the most outstanding Members of Congress with whom this legislative body will ever have the pleasure of working. CLAUDE was a great legislator and a great American. He was the vivid example of public service and a daily reminder of the sacrifices involved in successfully serving our fellow countrymen. CLAUDE was a champion in the eyes of many when it came to social programs such as health care and social security. CLAUDE PEPPER was a leader, a man who could get things done in the most effective manner. People often commented on the mutual respect he received from both liberals and conservatives. We will greatly miss this great American, however, he will not be forgotten due to his many accomplishments while serving in both the House and Senate.

Mr. BRENNAN. Madam Speaker, I rise to pay tribute to the late Congressman CLAUDE PEPPER of Florida. Congressman PEPPER was truly an inspiration for those dedicated to public service, exhibited through his 14 years in the Senate and over 25 years service in this House.

Congressman PEPPER left his mark in many areas of national affairs, but his advocacy for senior citizens made him a nationally recognized figure. From his chairmanship of the Select Committee on Aging, he drew attention to the special needs of the elderly and worked tirelessly to improve their lives. During his tenure as chairman of the House Rules Committee, he continued to craft legislation with a special emphasis on helping the needy and those without a strong voice.

As I reflect upon an individual who was such an integral part of formulating national policy, I will always respect and admire the work Congressman PEPPER did on behalf of his special constituency—the senior citizens of our Nation. During my 2½ years of service in this body, I had the privilege of working with Congressman PEPPER on a number of important bills relating to the elderly. His efforts will continue far into the future because he has raised the consciousness of a Nation as to the needs of senior citizens. We will all remember Congressman PEPPER for his unique personal commitment to public service and be thankful for having the opportunity to work as his friend and colleague.

Mr. ANNUNZIO. Madam Speaker, I rise to join my colleagues in paying tribute to Representative CLAUDE D. PEPPER who passed away yesterday at the age of 88 after a long and distinguished career in public service.

I first met CLAUDE PEPPER during the 1948 Presidential election. The Democratic Party of Cook County had a precinct captains rally in the Terrace Garden of the old Morrison Hotel. There were over 1,000 precinct captains in the room and CLAUDE PEPPER was the principal speaker. He electrified that audience and received a standing ovation that lasted over 25 minutes at the conclusion of his remarks.

He emphasized the need to care for our citizens, regardless of race, color or creed. He was truly the champion of the principle that all men are created equal. He was a staunch supporter of all of the great social changes which took place in our Nation from the 1930's through the 1950's. He served in the U.S. Senate from 1937 to 1951 where he had a profound effect on implementing these changes.

When he lost a 1950 primary contest, he returned to the private practice of law. Then, in 1962, with the creation of a new congressional district in Miami, he won election to the House of Representatives and returned to public service which was always closest to his heart. Subsequently, he was reelected 13 times, and during his entire service in the Senate and the House of Representatives, he never wavered in his defense of all of our social programs.

He was instrumental in securing passage of the Nation's first minimum wage law; he was an early defender of Social Security; he was in the forefront of the fight for health care insurance; he was instrumental in removing the discriminatory poll tax; he helped to create the World Health Organization; and he sponsored bills which established the National Institutes of Health where recently a building was named in his honor.

His accomplishments are legendary, and to the very end of his life, he continued to work productively for all of the people of our country. Especially in the eyes of millions of older Americans, he was a folk hero, for he advocated all of the major programs beneficial to senior citizens. As chairman of the House Rules Committee, he was one of the outstanding parliamentarians of the House of Representatives, and in that role, he played a major part in shaping the 1983 compromise bill which restored the solvency of the Social Security system.

CLAUDE PEPPER was an American for all Americans. He represented all the goodness in our country. He made monumental contribu-

tions to benefit all of our people in the various posts which he held during a lifetime of public service matched by few—as the first chairman of the House Select Committee on Aging, as the chairman of the Select Committee on Crime, and as chairman of the Rules Committee, he had a hand in every major reform initiative that actually became law. Only last week he was presented with our Nation's highest civilian award—the Medal of Freedom.

I am proud to have served with CLAUDE PEPPER—a distinguished public servant and a great American. His loss is truly a tremendous loss for all Americans.

Mrs. Annunzio joins me in extending our sympathy to those in his family who survive him, including his brother, Frank Pepper.

Mr. HAWKINS. Madam Speaker, I want to join with my colleagues in expressing our deep feeling of loss and sadness as we heard of the passing of one of our most respected colleagues and friends, Senator CLAUDE D. PEPPER, the former U.S. Senator and Representative of the 18th District of Florida.

During his 26 years as a Member of the House of Representatives, and during his tenure in the U.S. Senate, he demonstrated integrity, dedication, compassion, and a genuine commitment to making life better for all Americans.

In his own, unique way, he worked so hard to improve the lives of senior citizens, the disadvantaged, and others in our society. I remember his forceful statements, his ability to sway his colleague's positions, as well as his uncanny ability to mobilize public opinion on issues he held dear. I worked closely with him several years ago on the bill to prevent age discrimination in employment on extending mandatory retirement, and just recently was privileged to support his valiant effort on catastrophic health care. His determination was endless, as was his intellect and energy.

We in the House, and especially those of us who had the opportunity to work closely with him were fortunate to have a man of his caliber associated with us. A debt of gratitude goes out of this great humanitarian and friend of working people and senior citizens. He will be missed as both a colleague and a friend. I look forward to being able to share more of our thoughts and memories of the great Senator PEPPER when time is designated in the future.

Mr. FLORIO. Madam Speaker, I rise today in support of the resolution to honor Senator CLAUDE PEPPER. It is with deep personal sadness that I bid farewell to my dear friend and colleague. CLAUDE PEPPER was a true American hero, a man who devoted his life to making the lives of others better. He embodied all that is good and great about our Nation.

Senator PEPPER's career of public service spanned a half century. During those 50 years, he fought tirelessly on behalf of the elderly, the poor, and the weak. He always believed that Government could be the most powerful force for good in our Nation, and that belief never wavered.

I feel truly privileged to have worked with CLAUDE PEPPER, particularly as a fellow member of the Select Committee on Aging. It was as a member of that committee that CLAUDE PEPPER truly shined. He understood better than anyone the needs of the elderly, and he fought tirelessly on their behalf. No one else has done as much to benefit the lives of the elderly as Senator PEPPER. Because of him, Social Security has rescued millions of elderly from the disgrace of poverty.

The Senator was always willing to help out his colleagues by visiting our districts and bringing his message of devotion and compassion directly to our constituents. I will always remember the day Senator PEPPER joined me, at my request, for a hearing in Newark, NJ, to explore the tragic circumstances that families of seniors with long-term illnesses often find themselves in. Senator PEPPER's constituency stretched beyond the boundaries of his congressional district, or even his State. He was the champion of senior citizens everywhere. For him, the suffering of even one elderly person was a tragedy whether that person was from Florida or from New Jersey.

In the last few years, CLAUDE PEPPER had one overriding goal: to establish a system of long term care for the elderly of this Nation. CLAUDE PEPPER did not live to see that goal achieved. But his dream must not be allowed to die. Those of us who worked with CLAUDE to create a long term care system must continue his fight, because it is a fight for fairness, for justice, for dignity for the elderly of this Nation. This is the only tribute that CLAUDE would have wanted.

I will always remember CLAUDE as a kind man, a gentle man, a caring and compassionate man. He did not think of himself as a great man, and yet I can think of none greater. He will be deeply missed.

Mr. FAZIO. Madam Speaker, with the passing of CLAUDE PEPPER, this body and the American people have lost a truly inspirational and dedicated leader.

Since first coming to Congress in 1936, Senator PEPPER was a moving force in shaping the policies of this Nation. Throughout his distinguished career in public service, CLAUDE PEPPER was a long-standing champion of the rights of the Nation's poor, the disadvantaged, and most notably, senior citizens.

Senator PEPPER deserves our greatest respect and admiration for his efforts in ensuring that our Nation's older Americans maintain a high quality of life. Although CLAUDE PEPPER may have represented citizens of Florida's 18th Congressional District, he really represented senior citizens from every congressional district who looked to him for direction and support. And although he was the oldest Member of Congress, he was a tireless advocate who maintained tremendous vigor for his work.

CLAUDE PEPPER played a vital role in Congress for which he will be sorely missed. As a man of great principles and vision, his shoes will be extremely difficult, if not impossible, to fill. Senator PEPPER leaves a great legacy and his special contribution to American society will be missed by this institution and the American people.

Mr. ROTH. Madam Speaker, one measure of a great man is that when he is gone, the world seems a different and somehow smaller place. Today, in the wake of CLAUDE PEPPER's death, all of us in this House feel that way, as do millions of Americans across the country. CLAUDE PEPPER had the rare gift of leadership to discern the fundamental issues of the day and to rally people to his cause.

In a career of public service that spanned six decades, CLAUDE PEPPER was both eyewitness to and a participant in the great events that have shaped our modern history: the upheavals of the twenties, the Depression, World War II, the Korean and Vietnam wars, America's ascendency to world power, and the wholesale social and political changes of the past 30 years.

His early experiences forged in him a deep commitment to social change that characterized his career in Congress. His unflagging devotion to the causes he believed in earned him the highest respect from all Members of this House. His deeply held beliefs, his steadfastness of purpose and his consistent pursuit of his goals are the mark of a great statesman.

More than anything, CLAUDE PEPPER's sense of humanity set him apart. He not only espoused his philosophy, he lived it and exemplified it. His kind, gentle way with everyone was not only the mark of old world manners, but also of a genuinely decent man.

We all remember CLAUDE PEPPER as a shining example of what a legislator should be: committed to public service, motivated by a purpose beyond his own gain, blessed with a vision of the future, and grounded in basic human values. His career is a mark that many strive for, but few can ever achieve. I will miss him, as will we all.

Mr. GRADISON. Madam Speaker, yesterday the House and the Nation lost a unique public servant. The death of CLAUDE PEPPER will be mourned by his colleagues in Congress, his Florida constituents whom he served so ably through the years, and those across the country concerned with the well-being of the elderly whose cause he championed.

In 1936, CLAUDE PEPPER fulfilled a childhood dream with his election to the U.S. Senate. From his Senate seat, he was one of the most ardent supporters of President Franklin Roosevelt's New Deal and was present at the creation of the Social Security system.

After a 12-year hiatus from the Congress, he returned as a member of this body, the "people's house," in 1963 and worked tirelessly as an advocate for the Nation's elderly. Where there was a debate on age discrimination, reform of the Nation's health care system, or on Social Security, CLAUDE PEPPER was there and, without fail, always made an important contribution.

Mr. Speaker, most recently, I had the honor and the privilege to work closely with CLAUDE PEPPER on the Bipartisan Commission on Comprehensive Health Care. Chairman PEPPER's keen mind brought a unique perspective to our deliberations. The Commission's work will go on, but it will be more difficult without him.

Born as the 19th century faded into the mists of history, CLAUDE PEPPER was a man of this century whose achievements shall endure well into the next. We will be poorer for his passing; but the Nation has reaped great reward from his devotion to this institution and his dedication to the cause of the

poor, the disadvantaged, and the elderly. He will long be remembered and he cannot be replaced.

Mr. HOLLOWAY. Madam Speaker, I pay tribute today to a great American whose passing is mourned by millions across our land, Senator CLAUDE PEPPER of Florida. While his legendary life has ended, there is no question that CLAUDE PEPPER's influence will live on for decades to come.

Although known first and foremost as an able and enthusiastic advocate for America's elderly, CLAUDE PEPPER spoke, worked, and acted on behalf of young and old alike. His record of legislative achievement in both Houses of Congress, during a span of 6 decades, speaks for itself. Although I stood on the opposite side of the political aisle from this dedicated American, I admired CLAUDE PEPPER's commitment to those causes in which he so deeply believed. It is an honor to have served in this great institution with such an historical figure.

Madam Speaker, so many things about CLAUDE PEPPER were admirable: His feelings for people; his countless actions on behalf of the voiceless; his love of Congress and country; his determination to make life better for our senior citizens; his tirelessness; these qualities and another—his belief that government should act to help themselves—will be remembered not only by his colleagues in this 101st Congress, but also by people everywhere for years to come.

Mr. HALL of Ohio. Madam Speaker, I join with millions of Americans of all ages to mourn the death of Representative CLAUDE PEPPER, my friend and colleague.

It was my deep privilege to serve with CLAUDE PEPPER on the House Rules Committee. He was a distinguished chairman of the Rules Committee who used his power to help the powerless. He was a true champion of the needy, the disadvantaged, and the aged. He never abandoned his commitment to be their voice in the Capitol.

CLAUDE PEPPER was an inspiration to our Nation's senior citizens. As the oldest Member of the House, he had a great empathy for their needs and fears. They never doubted that he understood their concerns and would fight for them in Congress. He was their special advocate.

Yet CLAUDE PEPPER was more than just a spokesman and activist—he was a role model for all Americans. He demonstrated that mere age alone was no obstacle to effective job performance. He proved that a person could be alert, productive, and important—even at 88 years of age.

Senior citizens knew that if CLAUDE PEPPER could make a difference, so could they. Other Americans knew that if CLAUDE PEPPER could overcome the barrier of age, then they could overcome whatever barrier in life confronted them.

CLAUDE PEPPER leaves us an inspirational legacy. He enjoyed many successes over his decades of public service. As a participant in some of the greatest historical moments of this century, he was a national treasure and resource.

There are few individuals who deserve the title "living legend." CLAUDE PEPPER was one of them. While we are saddened by his passing, it is consoling that CLAUDE PEPPER received so many of his deserved honors while he was still alive. He lived long enough both to see his place in history and to experience the love and appreciation of the Nation.

CLAUDE PEPPER was also revered around the world. He spearheaded congressional missions to foreign countries, and served as chairman of several U.S. delegations to Interparliamentary Union meetings overseas. He was a firm believer in interparliamentary exchanges and the forging of strong bonds among the world's democracies.

Truly, he was a citizen of the world. I am especially grateful for the support he lent to numerous initiatives to promote international respect for human rights and to encourage the fulfillment of basic human needs in developing nations. The world will miss his great heart.

CLAUDE PEPPER has left a tremendous void with his death. As we contemplate this loss, we should celebrate his life and draw encouragement from it. He accomplished many of his objectives, but left many others for us to pursue. May his life challenge us to continue his commitment to serve others and to contribute further to the high goals he set.

Mr. DELLUMS. Madam Speaker, yesterday I lost a dear colleague and a treasured friend. And America lost a true champion of the people—a man who devoted more than 50 years of public life to making this country a better place for all its citizens.

When I first came to Congress in 1971 CLAUDE PEPPER was already a living legend. I had previously known of him by reputation—as an early champion of equal rights for all Americans, regardless of race or ethnic heritage, and as a principled critic of the militarization of American foreign policy during the early years of the Cold War.

During the 18 years we served together in the House I came to know him as a deeply caring man, on a personal as well as a political level. His solicitous concern for others mirrored the devotion with which he honored his beloved wife, Mildred, in both life and death. That alone is a memory I will cherish forever.

In his second reincarnation as a Member of the House, CLAUDE PEPPER became the foremost advocate in this country for the needs of the senior citizens in our society. To many of the elderly in my congressional district he was literally a secular saint because of his unstinting efforts on their behalf, in and out of the Congress.

CLAUDE PEPPER has left us a legacy of commitment and compassion that few in this Congress can match. It is for us, the living, to pick up that torch of commitment to ensure passage of legislation that will protect our senior citizens in every respect against the ravages of time and the indifference of an administration committed to the preservation of the status quo on these issues.

Mr. ROYBAL. Madam Speaker, I rise in support of the resolution paying tribute to the memory of Representative CLAUDE PEPPER of Florida, and providing for the lying-in-state in the Rotunda of the Capitol in honor of this great public servant.

The Nation has lost one of our most outstanding citizens and leaders, in the passing of my good friend and colleague, CLAUDE PEPPER of Florida.

Chairman PEPPER will always be remembered as Mr. Senior Citizen: One of the country's most beloved and renowned defenders and champions of millions of elderly Americans.

As Chairman of the House Select Committee on Aging, it has been my privilege to work closely with Congressman PEPPER toward our mutual goals of strengthening Social Security, expanding Medicare health insurance, developing comprehensive long-term care protection for our citizens, and extending health care to the 37 million Americans who are currently uninsured.

One of the last major bills CLAUDE PEPPER sponsored was the 1989 Pepper/Roybal long-term home care bill, H.R. 2263, which CLAUDE and I cosponsored together just 4 weeks ago on May 4, 1989.

I pledge myself to do everything in my power to assure that Chairman PEPPER's wish will be fulfilled: To establish a program to provide urgently needed long-term home care for all Americans.

CLAUDE PEPPER's 60 years of public service to our Nation will remain an inspiration to us all—as we continue the work of making America a country where every citizen, young and old alike, can live a life of personal fulfillment and human dignity.

In those 60 years, CLAUDE PEPPER remained the warm, gentle, and compassionate individual he has alway been. His love for his lifelong wife, companion and sweetheart, Mildred, was one of the most touching aspects of CLAUDE's nearly nine decades on this earth.

In addition to his wonderful personal qualities, CLAUDE PEPPER was an outstanding legislative leader and true American statesman since he was first elected to the U.S. Senate in 1936.

We need but to list a few of the major legislative achievements in which he provided leadership to understand the comprehensive scope of CLAUDE PEPPER's accomplishments for his country: the Social Security Act; the Minimum Wage Act; elimination of the poll tax; lend-lease aid to the Allies to defend against Hitler's World War II Nazi attack in Europe; the Medicare and Medicaid Programs; elimination of mandatory retirement for America's senior citizens.

At this time, I would like to mention some personal remembrances of CLAUDE PEPPER.

On January 3, 1963, CLAUDE PEPPER and I were sworn in for the first time as elected freshmen Members of the U.S. House of Representatives.

Our legislative partnership in the Congress has continued for more than 26 years. We have worked closely together in legislative harness as a team for the cause of a better America, and specifically for an enhanced quality of life, with a useful and productive value, and a human dignity, worthy of the term golden years, for our millions of senior citizens across the Nation.

It is interesting to note that each of us also had a similar background of many years of prior legislative service as a foundation for our work here in the House. CLAUDE PEPPER

served as a majority member of the U.S. Senate and in the Florida State Legislature. And I served as president pro tempore and chairman of the Health and Welfare Committee of the Los Angeles City Council.

As colleagues in the House, CLAUDE and I joined in 1974 as original, organizing members of the House Select Committee on Aging. Over the years, we have served together both as subcommittee chairmen, and as full committee chairmen on the Aging Committee.

In recent years, our partnership was particularly close and valuable, with CLAUDE as chairman of the Committee on Rules, and I as chairman of the Committee on Aging.

In the last Congress, CLAUDE and I joined together again on the floor of the House to propose and secure adoption of six key reform amendments to the Older Americans Act to focus on the needs of specific groups of seniors currently underserved by the act: persons who are mentally impaired, home care consumers, minorities, victims of abuse, and Indian Americans.

Recently, I was delighted to learn that CLAUDE PEPPER has established an eminent scholarship in gerontology at Florida State University in Tallahassee, to provide an element of continuity to his years of work for America's senior citizens. Our parallels continue, as I have also established a chair in gerontology and public service at California State University at Los Angeles to continue my work for the elderly in future years.

Since 1983, Chairman PEPPER has taken the reins of the House Rules Committee, and has used that committee as an effective engine of change for the country. With his outstanding national leadership over the years as a base, I predict we will continue to see momentous advances in the quality of life of America's fast-growing senior population: a continuing tribute to this great and good man.

Mr. SCHUETTE. Madam Speaker, I am saddened to learn that my friend and colleague, CLAUDE PEPPER passed away yesterday. Senator PEPPER has had a remarkable career as a public servant—a career that few will ever equal. He was a man genuinely interested in helping people, particularly those who had no one else to stand up for them. His relentless efforts on behalf of senior citizens and the poor and disadvantaged are legendary, and he will be dearly missed.

Senator PEPPER worked tirelessly for the causes he believed in, and no one doubted his ability to win the tough battles that others would not even attempt. His influence and following stretched far beyond his State or congressional district. More times that I can count, I remember traveling around my district meeting with senior citizens to listen to their concerns. It happened more often than not, that senior citizens would come up to me and let me know that they wanted me behind the efforts of CLAUDE PEPPER. They knew CLAUDE was an able champion of their causes, and they expected my support for his efforts. This national following says much about Senator PEPPER's talents, and anyone who knew him could not help but have the utmost respect for him.

I am very proud to have known and served in Congress with Senator PEPPER. His dedication and service to our great country and its people is a true inspiration, and he will, indeed, be deeply missed.

Madam Speaker, I want to join my colleagues in the House in expressing my sincerest appreciation and gratitude for having known and served with one of the finest Americans that ever lived, Senator CLAUDE PEPPER.

Mr. ANDERSON. Madam Speaker, I rise today to pay final tribute to my friend and colleague, CLAUDE DENSON PEPPER. Yesterday, he succumbed to cancer. Today, the Nation grieves the loss of a champion of causes, and I the loss of a close colleague.

Mr. PEPPER, born 88 years ago in Dudleyville, AL, started his political career in the Senate, serving there for 14 years. He later joined the House of Representatives where he has spent the last 26 years. Among his many achievements, we will remember his work in the creation of the National Cancer Institute, and his unflagging support of Social Security and Medicare throughout his long career.

I will not forget the humbleness which he displayed, and the support he has given myself, the Democratic Party, and the elderly and afflicted of this Nation.

Words truly cannot express the loss we feel today, but I am reminded of Mr. PEPPER in the words of Woodrow Wilson, "There is no cause half so sacred as the cause of a people. There is no idea so uplifting as the idea of the service of humanity." CLAUDE PEPPER devoted his life to service, and for this we will miss him.

Mr. GEPHARDT. Madam Speaker, I rise today to pay tribute to my friend, CLAUDE PEPPER.

CLAUDE PEPPER was an extraordinary public servant. During his career, which spanned more than half a century, he fought tirelessly for people in need. The ailing, the handicapped, the young, the elderly—CLAUDE PEPPER was their champion and their friend.

He never lost sight of the important reason we are here: To help people live full and productive lives.

His first bill, introduced in 1938, extended Federal assistance to handicapped children. He fought for the first minimum wage, for equal rights for women, for health research.

He was one of our Nation's most vigilant defenders of Social Security, to give America's retired workers some measure of freedom from economic worry. He fought valiantly for long-term home health services, to give people of all ages the greatest possible independence and well being.

CLAUDE PEPPER's career began in the Senate in 1936, and in 1962 he came to the House. He considered it a high honor to serve in the U.S. Congress, and was proud to serve in what he called "the people's House."

And there are people all over this country—millions of them—who feel a sense of personal loss today at the death of their friend CLAUDE PEPPER.

I am honored to join those millions of Americans and my colleagues here today in calling CLAUDE my friend. He was an inspiration to me, as a public servant and as a human being. I will always cherish the memory of his energy, his commitment, and his friendship.

CLAUDE PEPPER was one of those fortunate individuals whose life really made a difference. The American people are better off, and America is a better country, for his having lived and worked among us. He will be missed. But CLAUDE PEPPER's career will stand as a lasting tribute to what we in the U.S. Congress can do to make a difference for the people who send us here.

Mr. WELDON. Madam Speaker, it is with great sadness that I rise today to pay tribute to a man who truly symbolized Congress. As a legislator and a friend, Senator CLAUDE PEPPER was fair and compassionate. He never lost sight of his legislative agenda and accomplished it through cooperation with his colleagues.

CLAUDE PEPPER saw many changes in Washington since he was elected to the Senate in 1936. He took his seat in the Senate during the administration of Franklin Delano Roosevelt, and served in that body until January 1951. After 10 years of private life, CLAUDE PEPPER returned to his true calling, public service. In 1962, he was elected to the House as a Representative from Miami. CLAUDE PEPPER's return was a tremendous gain for Congress as an institution and the American people which it serves.

As a forceful spokesman for senior citizens, CLAUDE PEPPER made us realize that helping the elderly meant more than helping an old lady to cross a street. It means access to affordable health care. It means congregate dining programs to ensure proper nutrition. And it means providing the elderly with a livable retirement wage.

I was fortunate to serve 2 years in Congress with CLAUDE PEPPER. I did not serve on any committees with him, our offices were not in the same building, and we did not belong to the same political party. I learned a great deal from Senator PEPPER, however. By watching him I came to understand what it means to be a dedicated public servant. It means hard work. It means long hours. And it means having the compassion to understand the needs of those who often do not have a voice of their own.

CLAUDE PEPPER will be sorely missed by this body, by our colleagues in the Senate, by his constituents in Florida, and by the millions of senior citizens who understood that CLAUDE PEPPER was their spokesman in Washington.

If Congress had more men and women with the vision, warmth, and energy of CLAUDE PEPPER, I believe that we would be able to spend our time heralding legislative accomplishments, not ethical quagmires.

Mr. STENHOLM. Madam Speaker, I join every one of my colleagues today in paying tribute upon the passing of a friend and statesman, Senator and Congressman CLAUDE PEPPER.

At the beginning of this century, at a time when CLAUDE PEPPER was a young boy, Theodore Roosevelt wrote some words that, today, are a fitting memorial:

It is not the critic who counts; not the man who points out how the strong man stumbled or where the doer of deeds could have done them better.

The credit belongs to the man who is actually in the arena, whose face is marred by dust and sweat and blood; who strives valiantly; who errs and comes short again and

again; who knows the great enthusiasms, the great devotions; who spends himself in a worthy cause; who, at the best, knows in the end the triumph of high achievement, and who at the worst, at least fails while daring greatly, so that his place shall never be with those timid souls who know neither victory nor defeat.

CLAUDE PEPPER was a doer of deeds, who knew the great enthusiasms and devotions, and who knew, in the end, the triumph of high achievement. His autobiography was titled "Eyewitness to the Century." He was more: He helped shape a century. And all the while, he was a warm human being, one whom we all will miss.

Mr. GREEN. Madam Speaker, I join my colleagues in expressing our deep sorrow at the loss of Senator CLAUDE PEPPER. He will be missed for the enormous impact that he had on this legislative body and for the personal effect he had on each of us as legislators and as Members devoted to public service.

I had the honor of serving with Mr. PEPPER on the FDR Memorial Commission. He took on the job as chairman of the Commission just last year, when he was very busy with his many other congressional duties. He was the perfect Member to chair the Commission because of his place as a friend and colleague of the late President. His commitment to the building of the memorial gave the project new life. At Mr. PEPPER's urging, President Reagan included a request for $19 million for the memorial in his final budget submission. It is my hope that the Congress will recognize the importance of this project to CLAUDE by moving ahead with the memorial. I might note that this last week also brought the passing of the previous chairman of the FDR Memorial Commission, former Congressman Eugene Keogh.

All of us who have served in the Congress will long remember our outstanding and kind colleague, CLAUDE PEPPER.

Mr. MANTON. Madam Speaker, I rise today to pay tribute to one of the most remarkable men to ever serve in the U.S. Congress, CLAUDE PEPPER. CLAUDE PEPPER will be remembered as the champion of the rights of senior citizens. Throughout his career in Congress, Mr. PEPPER tirelessly worked to improve the quality of life for our Nation's senior citizens. I feel very fortunate to have served with Senator PEPPER as a fellow member of the House Select Committee on Aging. As the first chairman of the Aging Committee, Senator PEPPER was the driving force behind congressional interest in the concerns of the elderly.

For over 50 years, Senator PEPPER dedicated his life to public service in the Congress. Although he was elected to represent the 18th District of Florida, CLAUDE PEPPER represented a much greater constituency. He served Americans who had often been without a voice: The poor, aged, young, and infirm.

I was privileged to work with Senator PEPPER last year as a supporter of his long-term care bill for our Nation's senior citizens. Unfortunately Mr. PEPPER did not see his dream become a reality. Long-term care is a challenge he has left us to fulfill.

Throughout his long tenure in the Congress, CLAUDE PEPPER'S dedication was legendary. Senator PEPPER worked tirelessly because he believed in this body and its ability to ameliorate the lives of our citizens. CLAUDE PEPPER was a true patriot, an individual who loved this Nation and wanted to make it a better place, who saw pain and suffering and worked to end it. At this difficult time, when we mourn this great man, I hope his dedication, concern, and personal grace serve as an example for all of his colleagues. Senator CLAUDE PEPPER exemplified what is right and good about public service.

Mr. GRANT. Madam Speaker, I rise today with great sadness and sense of loss to observe the passing of one of the giants of this Chamber and an inspirational leader of our Nation, CLAUDE DENSON PEPPER.

Senator PEPPER embodied the highest standards of public service and personal integrity. He was a visionary who fought long and hard for the goals and programs in which he so fervently believed. Yet, he fought fair and showed no ill will toward those who failed to share his beliefs. We in the Congress would do well to emulate the rare qualities of Senator PEPPER. The House of Representatives will be less of a House and more of an empty hall without Senator PEPPER's thoughtful, guiding hand.

Before CLAUDE PEPPER began his political career as a member of the Florida House of Representatives, he practiced law in Perry, FL. As a boy growing up in that small southern town, I had the privilege of watching CLAUDE PEPPER fight for people. He was a hero of the common working man who needed a voice to find his way in our legal system.

CLAUDE PEPPER went on to become a household name in America, but he never left his roots. He remained dedicated to those Americans who lacked a voice: The young, the sick, the disabled, and the elderly. And years later, as a freshman Member of Congress, I again had the privilege to observe this true American hero and learn from the example he set.

Listing Senator PEPPER's accomplishments is like charting the course of compassion in America. As a U.S. Senator, he ushered in the Social Security System, and for 50 years after, he was Social Security's most fervent defender.

Senator PEPPER was an early supporter of health care insurance and minimum wage legislation. In 1945 he sponsored legislation which led to the creation of the World Health Organization and the establishment of the National Institutes of Health.

Between 1977 and 1983, as the chairman of the House Select Committee on Aging, Senator PEPPER focused America's attention on the plight of the elderly. His committee investigated a wide variety of issues, including elderly abuse and fraud. Senator PEPPER's initiatives led to the debunking of elderly stereotypes and the elimination of age as a factor for compulsory retirement for most Federal employees.

And until his death, Senator PEPPER championed the cause of affordable health care for all Americans. His impassioned speech on behalf of his long-term care legislation last year brought his House colleagues to their feet in a show of supreme respect and love.

Beyond his many achievements and triumphs over adversity, CLAUDE PEPPER'S zest for life, his genuine affection for his fellow lawmakers, and his respect and devotion to the House of Representatives will remain a strong part of our institution's heritage.

Those of us who have served with CLAUDE PEPPER have been enriched by the experience. But the true beneficiaries of Senator PEPPER'S genius are the millions of Americans he fought for and whose pain he felt every day in his heart. America is a fairer and more compassionate nation because of CLAUDE PEPPER and we owe his memory our devotion to furthering the goals for which he lived to fight.

Mr. BILIRAKIS. Madam Speaker, today I join a multitude of people across our country in grieving for my friend and colleague, CLAUDE PEPPER.

Madam Speaker, thousands of lives have been touched and millions of people have benefited from the efforts of Senator PEPPER. The House of Representatives as well as the Nation as a whole has truly lost one of our finest.

For decades, Senator PEPPER tirelessly worked to make life better and easier for those who are less fortunate. He is fittingly known, and will continue to be known as, "The champion of the elderly," but his career has touched many others besides the elderly. His great efforts for our senior citizens are widely known, Madam Speaker, but CLAUDE PEPPER'S vision saw not only the elderly, but everyone who was fighting injustice. When he was a Senator in the 1940's, for example, his concern extended far beyond his constituency when he introduced a sense of the Senate resolution which played a key role in helping secure the return of the Dodecanese Islands, where my family comes from, to their rightful owner—Greece.

The Senator's dream, Madam Speaker, was to legislate a better, fairer, more compassionate society for everyone. His heart compelled him to labor so that others might reap the benefits and rewards.

Madam Speaker, CLAUDE PEPPER was truly one of a kind. While he has touched thousands of people throughout his long and illustrious career, I feel a particularly close bond to him. As a fellow Floridian, I looked up to Senator PEPPER and came to respect and learn much from him. As a freshman Congressman, I was privileged to serve on the Aging Committee where I came to know this remarkable gentleman. Our relationship developed into a friendship, and he continued to remember me—even after I no longer served on the Aging Committee—by inviting me to field hearings which he knew were of interest and concern to both our constituencies.

My respect and admiration for the selflessness and stamina of the gentleman has continued throughout my tenure in Congress and just last week, Madam Speaker, I was particularly honored to be invited to be present when President Bush presented Senator PEPPER with the most well deserved Presidential Medal of Freedom. It was a solemn moment, Madam Speaker, for if anyone ever deserved our Nation's highest civilian honor, it was this remarkable man—CLAUDE PEPPER.

Madam Speaker, my sincere and deep condolences, as well as those of my family, are

extended to the family, friends, and staff of the late CLAUDE PEPPER. My hope is that his memory will be eternal and will challenge us all to strive to help those who are less fortunate than ourselves.

Thank you, Madam Speaker.

Mr. DYSON. Mr. Speaker, with the passing of CLAUDE DENSON PEPPER this country has lost one of its most valuable and beloved leaders. The Elderly have lost one of their most dedicated and skillful advocates. This Congress has lost one of its oldest and most strident Members. And I have lost a mentor, an ally, and a cherished friend.

We, all of us, have lost so very much with the passing of this great man. But so very much more remains. CLAUDE PEPPER has left us the gift of his unique vision—a vision that he spent his lifetime fulfilling—a vision born of the needs of the most needy.

There was no one who suffered who lacked a friend in CLAUDE PEPPER. Beginning his career with tireless work to rebuild a country rocked by depression, he and Roosevelt implemented the New Deal. It was in those critical days that he helped form the Social Security system, a system that he would perfect and defend until his death.

He will probably best be remembered for his untiring advocacy for America's aging. He not only helped to formulate the Social Security Program, he steered it through the changes and turmoil it has undergone since its inception. Time and time again, he stood up to those who sought to decrease the benefits given to the elderly.

I had the extreme honor to work with CLAUDE PEPPER when we worked together to ensure full funding for the Older Americans Act programs. It was such a benefit for me to be able to witness firsthand the zeal and energy with which he worked to promote his most cherished cause. I was truly touched by this man's sense of humanity; he felt with all his heart the plight of the aging.

CLAUDE PEPPER dedicated his life to bettering the lives of others. Happily, his career was as long as it was brilliant. Our country is a better place as a result of his lifetime of dedication to the needy. We will all greatly miss him, but the embodiment of his vision will remain and flourish in this Congress and in the Nation for years to come.

Mr. BUECHNER. Mr. Speaker, America is grieving. The passing of CLAUDE PEPPER is the passing of an era. Our sense of grief runs deep. But as deep as our sense of loss is, we must take time to recognize how much we gained during the lifetime of this American hero, this now-departed friend.

For the past 27 years, the 18th District in Florida had the benefit of a Representative in Washington who served with special honor and extraordinary dignity. He was his own person and not afraid of taking criticisms for what seemed to be unfashionable stances. Everyone in his district was important to him: the poor, the homeless, the disadvantaged, the young, and of course, senior citizens.

While CLAUDE PEPPER had many causes, he was best known for his work on behalf of our senior citizens. He was their champion—a champion who had a clear vision of an independent life style for America's seniors. He fought relentlessly to ban the compulsory retirement age, to protect and preserve the Social Security System, to promote long-term health insurance, and to repeal the Social Security earnings test.

Mr. Speaker, the name "CLAUDE PEPPER" is synonymous with public service. And, during Senator PEPPER's 50 years of service, America had a champion. He was a noble, caring, determined, and kind human being who put his country first in his public career. He will be truly missed—but not forgotten.

Senator PEPPER left us a legacy. He left behind his dreams, ideas, and convictions for a better America. It's up to us to carry on.

Mr. HUGHES. Mr. Speaker, as our most distinguished colleague and beloved friend Senator CLAUDE PEPPER is returned to our Nation's Capitol to lie in state, I rise to pay tribute to his remarkable life and enormous contributions to our country. He was one of a kind!

CLAUDE PEPPER was not only a giant of this institution, to millions of Americans he personified the House of Representatives. People who couldn't tell you the name of their own Congressman or Senator knew who CLAUDE PEPPER was. He was the fellow looking after their interests and keeping the big boys honest down in Washington.

For 50 years CLAUDE PEPPER was a major player in the affairs of our Nation. While some of us were still at our mothers' knees, CLAUDE was helping F.D.R. shepherd the New Deal through the Senate. While many of us were callow youths, CLAUDE PEPPER at the age of 62 was beginning a new career in this great deliberative body. When most of us first came to the Congress, he was already a living legend, but still in the most productive years of his pubic service.

CLAUDE PEPPER first became a personal hero of mine back when I was an assistant prosecutor and he was in New Jersey chairing field hearings of the Select Committee on Crime. I was greatly impressed with his leadership and with his ideas and insights on law enforcement issues. Under his chairmanship the fledgling committee made significant recommendations on prison reform and drug abuse.

CLAUDE brought the same energy and determination to that assignment that he did to every other task he set himself. To millions of people in this country the name of CLAUDE PEPPER will always be synonymous with the causes of the aged. It was not for nothing that he became known as Mr. Social Security, for he was the champion and guardian of that program for over half a decade.

CLAUDE's achievements in advancing the rights of senior citizens are so well-recognized that there is some danger that his other legislative accomplishments may go unnoticed. We should not forget that it was CLAUDE PEPPER who led the fight for a minimum wage for working Americans. It was CLAUDE PEPPER who campaigned for medical care for handicapped youngsters. It was CLAUDE PEPPER who was instrumental in establishing five of the National Institutes of Health. It was CLAUDE PEPPER who sponsored legislation that led to the creation of the World Health Organization.

Mr. Speaker, CLAUDE PEPPER has truly touched the lives of every American, perhaps in more ways than they will ever know. Statues will undoubtedly be commissioned, and endowments dedicated to his name, but CLAUDE PEPPER's accomplishments will be his living memorial and legacy to a grateful Nation.

This House has lost a respected leader and each one of us a close personal friend; the elderly, the sick, the handicapped, and the downtrodden have lost their best friend in Congress; and America has lost one of the greatest public servants in its history.

CLAUDE PEPPER not only embodied public service, he enobled it.

Mr. BROOMFIELD. Mr. Speaker, in early March I participated in the commemoration of the 200th anniversary of the U.S. Congress. Many people spoke at that event, but the only standing ovation went to someone who didn't speak: CLAUDE PEPPER.

I am sure that this wasn't the first time that CLAUDE participated in such a commemoration. In fact, he was a U.S. Senator when Congress celebrated its 150th anniversary in 1939.

All of us who serve in Congress, whether newly elected young Congressmen or experienced "old hands," have a sense that our jobs are made considerably easier because we are sitting on the shoulders of giants.

For years, CLAUDE has been best known for his advocacy of causes important to elderly Americans. But I suspect that he was so popular with the elderly because he was living proof that age is no barrier to an active, productive, and fulfilling life. And he also showed many people, young and old, that it is never too late or too difficult to make a new start.

CLAUDE appeared twice on the cover of Time magazine—once in the 1930's and once in the 1980's, the only person that I am aware of that ever appeared after an interval of five decades. It shows that he never lost the fire and passion for doing what he believed.

While many will remember CLAUDE's service to the elderly, I remember his active interest in foreign affairs, as well. It was CLAUDE PEPPER who led the fight to overturn the Clark amendment, a piece of legislation that made it almost impossible for the United States to exert any influence in Angola and limited our range of options for fighting communism in much of southern Africa.

CLAUDE also supported the Reagan administration in its effort to supply the democratic resistance in Nicaragua with the aid necessary to present an effective opposition to the Sandinista regime.

Most of all, I will remember CLAUDE for his human decency. Over half-a-century, he participated in some of the most hotly contested debates in both Houses of Congress. Yet, he always displayed the utmost courtesy to his colleagues on both sides of the aisle. He was a gentleman, patriot, a warm human being, and a model for all of us who have made a career in public service. We will miss him.

Mr. RANGEL. Mr. Speaker, it is with much sadness that I come before you today to honor and pay tribute to one of the most respected, dedicated, and caring Members of Congress. A man who was a crusader for the elderly, a man who will always be remembered for his strong influence upon social programs, and a man who genuinely cared about

those most in need. The Member of whom I speak is Congressman CLAUDE PEPPER who was taken away from us yesterday at the age of 88.

Though we will miss him dearly here on the Hill, it is not a time to mourn the death of our dear friend, but a time to celebrate his long life, a time to remember all the wonderful things about this great man that made him the person that he was. CLAUDE PEPPER had many friends and admirers and we will all remember him for touching our lives in so many ways.

At this time, I would like to briefly highlight some of the more memorable things about the life of Congressman CLAUDE PEPPER.

CLAUDE PEPPER served in the Senate from 1937 to 1951. He was an ardent defender of Social Security and an early supporter of health care insurance and minimum wage legislation. In 1945, he sponsored legislation that eventually led to the creation of the World Health Organization.

PEPPER won election to the House in 1962. He was the first chairman of the House Select Committee on Aging. He served in this post from 1977 to 1983. He became the primary force behind the 1978 legislation that eliminated age as a factor for compulsory retirement for most Federal employees and increased from 65 to 70 the age at which most employees in the private sector may be forced to retire. In 1983, PEPPER became chairman of the House Rules Committee. He was a major influence in shaping the 1983 compromise legislation aimed at restoring the Social Security system's solvency.

However, with all of the legislation that PEPPER introduced, influenced or supported on behalf of the elderly, PEPPER would tell you that his first legislative effort on this issue came in 1929 when he introduced a bill in the Florida legislature that permitted people older than 65 to fish without a license. That was just the kind of man he was. He cared for everyone, especially the elderly and anything he could do to help make life easier, more livable for them, PEPPER was more than happier to do. He was to them, and to us, a "hero."

CLAUDE PEPPER will truly be missed here in Congress as well as by the many friends, supporters and admirers he made over the years. It is at this time Mr. Speaker that I would like the House to recognize my strong support to have CLAUDE PEPPER'S body lie in state in the Capitol rotunda on Thursday, June 1. I believe this is only fitting for one of our most enduring Members of Congress.

Mr. BATES. Mr. Speaker, on behalf of the constituents of the 44th Congressional District, I rise today to honor Senator CLAUDE PEPPER for his distinguished public service to the people of the United States. CLAUDE PEPPER will be sorely missed in Congress.

CLAUDE PEPPER'S tireless public service spanned over five decades. During that time CLAUDE PEPPER worked relentlessly for the poor, the downtrodden, and senior citizens.

Often overlooked however, is CLAUDE PEPPER'S work in international affairs. I had the pleasure of working with Senator CLAUDE PEPPER during the 79th Inter-Parliamentary Union Conference conducted in Guatemala last year. With CLAUDE PEPPER'S leadership, the U.S. delegation was able to add strong language to the IPU resolution regarding the protection of the stratospheric ozone layer.

CLAUDE PEPPER'S boundless energy and political savvy has been an inspiration to me and everyone else who has had the privilege to serve with him.

Mr. TRAXLER. Mr. Speaker, this week the House of Representatives mourns the loss of one of the finest individuals to ever serve in the Congress. I share the sorrow of my colleagues over the death of the truly Honorable CLAUDE PEPPER.

As most individuals now serving in the Congress, I fondly remember first being introduced to the gentleman from Florida. By the time I arrived in Washington, CLAUDE PEPPER had already served 12 years in the Senate and was on his 12th year in the House. During the next 15 years I grew to admire and respect Mr. PEPPER. He embodied everything I love about the House of Representatives and public service. He demonstrated a selfless commitment to the betterment of our Nation, and for that he will never be forgotten.

It has been a distinct honor to serve in the House of Representatives with Mr. PEPPER. Over the years I often turned to him for guidance in handling some of the more difficult issues before the Congress. He had always proven himself to be an outstanding leader and spokesman for our Nation's elderly as well as a masterful legislator.

Just last week President Bush presented CLAUDE PEPPER with the Presidential Freedom Award, the highest honor a President can bestow upon a civilian. Today CLAUDE PEPPER shall receive the highest honor which the Congress can bestow upon an individual. As we meet here today in the House of Representatives, CLAUDE PEPPER'S body lies in state in the rotunda of the U.S. Capitol. In the history of our Nation only a very few people have ever been honored in such a manner. Mr. PEPPER joins the distinguished company of other great Americans such as Abraham Lincoln, John F. Kennedy, Douglas MacArthur, Lyndon B. Johnson, and Hubert Humphrey.

Mr. Speaker, as Senator Hubert Humphrey often reminded us, "* * * the moral test of government is how that government treats those who are in the dawn of life, the children; those who are in the twilight of life, the elderly; and those who are in the shadows of life—the sick, the needy, and the handicapped." CLAUDE PEPPER was the shining example for all of us to emulate in meeting this test. We will all miss the leadership of this great man.

Mr. GAYDOS. Mr. Speaker, millions of Americans of all ages from every region of the country are mourning the loss of a dear and old friend, CLAUDE PEPPER, U.S. Senator and Congressman.

CLAUDE PEPPER was a rare find. He was one of those individuals that comes along once in a century, once in a lifetime. And he worked relentlessly for social reform for his entire lifetime.

In 1936, CLAUDE came to Washington a Roosevelt New Dealer. As a freshman Senator, he avidly supported a bill that created the first minimum wage at 25 cents an hour in 1938. He worked for the repeal of a mandatory retirement age and Social Security reforms that brought 3 million Americans out of poverty.

To his death, he remained a New Dealer. He remained committed to the idea of people living not just longer but better. He said,

I would rather live with $200 billion deficits and have more people living, than the reverse. And if we don't spend the money fighting cancer and arthritis and poverty and poor housing and all the rest, they'll just spend it on the military or something else.

We are lucky that CLAUDE was around during our lives. Because, today, as we near a new century, our Nation is a far better place to live—a civilization rather than just a country with borders—because CLAUDE PEPPER cared about people.

While we all feel as though we lost someone who cared about us, the elderly of this country have lost a man who has championed their rights and causes for more than 50 years. A man who felt they were entitled to a little respect and a decent lifestyle. As a 28-year-old Florida State legislator, CLAUDE helped those over 65 get free fishing licenses.

CLAUDE often said that life was good to him. And because of him, life is good for the American senior citizen of today and will be good for the senior citizen of tomorrow. Some 38 million Americans receiving Social Security, and the millions more who are nearing retirement, knew they could count on CLAUDE to protect their rights and well-being.

However, to only think of CLAUDE as a champion of the elderly would do him a great injustice. His life is an inspiration for those wishing to make something out of their lives. As a boy, CLAUDE wanted to be a U.S. Senator, and he was determined to work hard to realize his dream.

Born poor, he paid for college by working from 4 a.m. to 7 a.m. hauling coal and ashes at a powerplant. He waited tables to help pay his way through Harvard Law School and still managed to graduate among the top six in his class.

Of course, many people rise to greatness out of humble beginnings. It's the classic American success story. But CLAUDE was different as he never forgot what it was like to be poor. He remembered that as a youngster, he plowed fields for 65 cents a day and splurged on a 10 cent soda after work. His only regret was that he couldn't afford another.

Years later, he would remark that many Americans, young and old, must choose between a cup of coffee and a morning paper—a choice he felt no one should have to make.

When he would talk about poor people being hurt by budget cuts, he would get misty-eyed. So did his listeners.

CLAUDE never forgot that Uncle Sam helped him pay for law school, and he was dedicated to education concerns. He received financial aid from the Veterans' Administration for tuition and books as he was injured during his brief army service.

During the Reagan administration's cuts for higher education, he said, "I get so burned up when anybody tries to cut back on the money available to help needy students."

As the ultimate public servant, CLAUDE never lost sight of what he was here to do in Congress. He enjoyed his work and never lost his passionate concern for people and issues.

This gentleman cared about people and made it his job to help as many as he could. He made himself accessible and met with anyone who asked to see him, and he never slowed down.

CLAUDE seemed indestructible and watching him advance in years made the rest of us less afraid of old age. A tireless, gallant fighter to the end, CLAUDE never lost his vision of the future. He was a statesman who really believed that his job was to save souls—which he did.

I can only hope remembering CLAUDE's many, many accomplishments will perhaps lighten the sadness of his family, staff, colleagues, constituents, and friends.

Mr. MATSUI. Mr. Speaker, I rise today, filled with sadness, to pay a final farewell to a dear friend and a great leader. I speak, of course, of our distinguished colleague, Congressman CLAUDE PEPPER, whose death has left thousands of Americans grieving.

CLAUDE PEPPER is a household name across America, especially in the homes of the elderly and the underprivileged. A tireless advocate for five decades, Congressman PEPPER dedicated his life to fighting for the rights of these groups. As a New Deal Democrat, he strove to preserve the social benefits that were enacted under Franklin Delano Roosevelt. He was elected to the Senate only a few months after Social Security was created and immediately CLAUDE PEPPER became one of Social Security's staunchest supporters.

CLAUDE PEPPER was indeed a unique individual and no person in Congress was better loved or respected. He was noble, compassionate, and, most importantly, true to himself. CLAUDE PEPPER was not afraid to fight for what he believed, even if it meant taking an unpopular stand on an issue.

Mr. Speaker, I have been an ardent admirer of CLAUDE PEPPER for many years. At the age of 88, his verve and energy was an inspiration to us all. Our expression of grief at his passing is not the way to best honor this beloved individual; our biggest tribute to CLAUDE PEPPER will be to emulate his character and integrity while carrying on his dreams and convictions. I, for one, will do my part to help fill the void left by his passing.

Mr. CARDIN. Mr. Speaker, I rise today to express my great sense of loss at the death of our colleague, CLAUDE PEPPER.

CLAUDE PEPPER's career in public service spanned generations of political leaders and ideologies. CLAUDE PEPPER did not bend to these changing winds. His was a voice of constancy and compassion.

CLAUDE PEPPER's service is as remarkable for its fruitfulness as for its longevity. In the 1930's CLAUDE PEPPER was one of the original sponsors of legislation creating the Social Security System. In the 1960's he worked to expand the Social Security Act, creating Medicare to provide health insurance for all senior citizens. By the 1980's this system of social insurance—once decried as socialism—was our Nation's most effective tool for reducing poverty among our elderly and enjoyed enthusiastic support from all parts of the political spectrum.

CLAUDE PEPPER was an avowed liberal. He always believed that government should be an instrument for equality and justice in our country. But as the history of Social Security has shown, a good idea knows no ideology. Providing for the less fortunate isn't a conservative or a liberal policy, but is everyone's duty. And ensuring justice for every citizen isn't an idea of the 1940's or 1960's or 1980's, but is a timeless responsibility. For 42 years of public service CLAUDE PEPPER was always up to the task.

And as CLAUDE PEPPER knew, a good idea, given time and a lot of work, will come to fruition. Whether it was Social Security or the elimination or mandated retirement ages or free fishing licenses for senior citizens, CLAUDE PEPPER knew what was right, stuck with it, and produced results. Today many of his "radical" proposals are now warmly accepted facts of life for all Americans.

We will all miss our colleague. Most of all we will miss his doggedness and his commitment to ideals whose time would come.

Mr. WEISS. Mr. Speaker, With the passing of Senator CLAUDE PEPPER, we have lost a great American leader.

I first had occasion to meet CLAUDE PEPPER when I visited Washington with my high school graduating class, at which time he was a Member of the U.S. Senate. So, of course, it was a tremendous honor for me to serve in the same body with him as a colleague.

Senator PEPPER is a legendary figure not only among his colleagues, but for the millions of Americans to whom he committed over 60 years of public service. Many will remember Senator PEPPER for his overwhelming contributions on behalf of older Americans. From the time he served in the Florida Legislature in his late twenties to his most recent term in the U.S. Congress, he was a champion of seniors. But his tenacious and courageous work had impact on the lives of many different groups of people. CLAUDE PEPPER was never afraid to stand up for the cause of human dignity, especially when it meant fighting for those who had no one else to speak for them.

He entered the U.S. Congress as a Senator and a ally of President Franklin Roosevelt, and soon made clear his dedication to improving the quality of life for the people of this country. An ardent supporter of the New Deal agenda, from early on in his tenure he was an advocate of Social Security, health care insurance, and the minimum wage.

Throughout his long career as a legislator, Senator PEPPER worked to lighten the burden of health care costs for those who are the most vulnerable, and provide better health care services for all Americans. In 1945, he sponsored legislation that led to the creation of the World Health Organization, and he authored bills in the late 1940's which established five of the National Institutes of Health. As a Member of the House during the Kennedy administration, he supported the creation of the Medicare Program to provide medical care for older Americans and the disabled.

Through his last years in Congress, Senator PEPPER continued to fight relentlessly for the causes in which he believed. In the last Congress, CLAUDE PEPPER almost realized a longtime dream of creating a meaningful catastrophic home care program in the Medicare Program. It would have been a major step toward protecting our Nation's families from the devastating costs of long-term catastrophic illness without adding to the Federal deficit. By providing for health care in the home, his bill would have helped families stay together and ease the suffering of both young and old.

During floor debate over this bill, Senator PEPPER spoke some words to his colleagues that aptly represent the humane and thoughtful approach he took to his work throughout his career. "Think about the human values in this matter," he said, "and vote to help those people who need help without hurting anybody while you do it."

I feel very privileged to have been able to join forces with CLAUDE PEPPER in securing the adoption of some very important legislation. During the 95th Congress, in 1977 and 1978, I had the opportunity to work with Senator PEPPER on legislation to protect older workers from age discrimination and to prohibit mandatory retirement below age 70 in most instances. At the time, Senator PEPPER was chairman of the House Committee on Aging and I was a freshmen member of the Employment Opportunities Subcommittee of the Education and Labor Committee.

There was significant opposition to the proposal by people who thought that those over the age of 65 were not capable of contributing fully to the work force. The best argument to counter this erroneous and limited view was CLAUDE PEPPER, himself. When the legislation, Public Law 95-256, was signed into law by President Jimmy Carter on April 6, 1978, CLAUDE PEPPER was a young 77. His example—he kept a schedule which people half his age would describe only as hectic—made it very difficult for opponents to argue their case successfully. His life also inspired older workers to see that working life need not end at age 65; that, in fact, great contributions to the work force could be made in one later's years.

What I think I will most remember about him was his absolute selflessness. He was more in demand across the country, I believe, than any other Member of this body, and he readily participated in events in other Members' districts. If he could not be there personally, he made sure that there was a telephone hookup of some kind so that he could have a presence, because he knew how important it was not just to the Members, but especially to the elderly citizens of this country whom he served so well.

I will miss this extraordinary man, and deeply mourn his passing. I wish to express my condolences to his brother, Frank, and his niece, Joane, to his bereaved constituents and to his many friends across the country and around the globe.

Mr. YATRON. Mr. Speaker, this past week, the Congress and the Nation lost one of our greatest and most compassionate leaders with the passing of CLAUDE PEPPER. Mr. PEPPER's career as a public servant spanned a period of over 50 years and his tireless and selfless efforts to help those in need serve as an inspiration to us all.

It is said that altruism is a gift that exists in each and every one of us. However, this gift is fully developed in only a few among us. I believe that CLAUDE PEPPER personified the ideal of altruism and his lifetime of public service has established a standard by which all others

will be measured. I will always remember CLAUDE PEPPER's impassioned pleas on behalf of the elderly and the disadvantaged. Mr. PEPPER's unrelenting efforts on behalf of those in need have made the lives of many better and brighter.

It is with a heavy heart that I bid farewell to my distinguished colleague from Florida, but with admiration and respect that I reflect on CLAUDE PEPPER and his many accomplishments. CLAUDE PEPPER's presence will be greatly missed, but his memory will long be remembered.

Mr. BROWDER. Mr. Speaker, no Member of Congress was more beloved than the late CLAUDE PEPPER and on behalf of the Tallapoosa County Commission which I represent here in the Congress, I would like to insert a statement in the RECORD mourning the passing of this great American and Tallapoosa County native.

RESOLUTION OF THE TALLAPOOSA COUNTY COMMISSION MOURNING THE DEATH OF THE HONORABLE CLAUDE DENSON PEPPER

Whereas, the Tallapoosa County Commission has learned of the death of Claude Denson Pepper; and

Whereas, Claude Denson Pepper was brought up in Tallapoosa County and educated in its schools; and

Whereas, Claude Denson Pepper has tirelessly served with honor and distinction the people of this nation, and in particular her senior citizens as an attorney and member of United States Congress; and

Whereas, although Claude Denson Pepper traveled many miles from his boyhood home in Dudleyville and Camp Hill, Alabama, he never forgot the people of this county; and

Whereas, Claude Denson Pepper will be remembered not only for his great service and contribution to the health and welfare of all citizens of this nation but for his kindness and generosity to his many friends and loved ones; now, therefore,

Be it resolved by the Tallapoosa County Commission that we mourn the passing of Claude Denson Pepper and express our sorrow to his family and friends in his passing.

Mr. MOAKLEY. Madam Speaker, I have no further requests for time, and I yield back the balance of my time.

GENERAL LEAVE

Mr. MOAKLEY. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include therein extraneous material on the resolution, House Resolution 163.

The SPEAKER pro tempore (Ms. OAKAR). Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. BENNETT. Madam Speaker, I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. BENNETT. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 5, rule I, further proceedings on this question will be postponed until approximately 3 o'clock or the end of legislative business today.

PERMITTING REMAINS OF THE HONORABLE CLAUDE PEPPER TO LIE IN STATE IN ROTUNDA OF THE CAPITOL

Mr. FOLEY. Madam Speaker, I offer a concurrent resolution (H. Con. Res. 139) permitting the remains of the Honorable CLAUDE PEPPER, to lie in state in the Rotunda of the Capitol in recognition of his distinguished service, and I ask unanimous consent for its immediate consideration.

The SPEAKER pro tempore. The Clerk will report the resolution.

The Clerk read the resolution, as follows:

H. CON. RES. 139

Resolved by the House of Representatives (the Senate concurring), That in recognition of the long and distinguished service rendered to the Nation by Claude Pepper, a Representative from the State of Florida and formerly a Senator from that State, his remains be permitted to lie in state in the rotunda of the Capitol from June 1 until June 2, 1989, and the Architect of the Capitol under the direction of the Speaker of the House of Representatives and the President pro tempore of the Senate, shall take all necessary steps for the accomplishment of that purpose.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Washington?

There was no objection.

The SPEAKER pro tempore. The gentleman from Washington [Mr. FOLEY] is recognized for 1 hour.

Mr. FOLEY. Mr. Speaker, I yield such time as I may consume.

We are today mourning the passing of one of the truly great legislators in the history of this House and of this country, CLAUDE PEPPER. It is always sad when any of our colleagues leaves their colleagues. This is a sadness that goes beyond this House, beyond his family, beyond his district and State, to the Nation and beyond.

I think it is appropriate that we signal that great importance of CLAUDE PEPPER, that great contribution that he has made to our history and to the history of this House of Representatives and Congress, that we single him out for the rare honor of being laid in state in the rotunda of the Capitol.

I think by this means we may make partial testament to the fact that this is a name, a life, and a history that will live far beyond those days and times.

Madam Speaker, I yield such time as he consume to the distinguished dean of the delegation of Florida [Mr. BENNETT].

Mr. BENNETT. Madam Speaker, it is true when a great life has left, one that we love, there is sorrow and there is sadness, but is there not also, today, a great acclaim, a great excitement, a great celebration in the tremendous life that Senator PEPPER, Congressman PEPPER lived? It is an inspiration to every Member.

So really, though we mourn and are sorrowful for his passing, there is a certain glory about this hour, a certain mystique of love and kindness and understanding and inspiration which I think will make people in this country stronger and better for the things that are ahead. That is what CLAUDE has done.

He has lived a wonderful life. Despite the fact that we, personally, mourn his passing, I think this is a day of celebration, and I am glad to put my words in support of our fine majority leader in behalf of designating the rotunda as a proper place for him to lay in state.

Mr. FOLEY. Madam Speaker, I yield such time as she may consume to the distinguished gentlewoman from Ohio [Ms. KAPTUR].

Ms. KAPTUR. Madam Speaker, I thank the gentleman and rise in strong support of the resolution to lay in state the body of our dear and beloved colleague, CLAUDE PEPPER, of the great State of Florida.

It is a high honor to stand on this floor today to pay my own personal respects and tribute to him. Such an esteemed and visionary leader of our country and of our world.

It is rare for any Member to serve with someone like CLAUDE, whose devotion to public life was so absolutely complete. It is also difficult, as one of the younger Members, to witness the passing of a legend, but at the same time, to be most grateful to have been able to know him and to learn from him, someone who witnessed so much history, having served with 10 Presidents and thousands of Members of this body and the other.

He treated each new Member with the same kindness, as those that he has known for many decades. To me he was a model of congressional courtesy, always gentlemanly comportment at all times, such a keen intelligence, clarity of purpose, his fine oratory brought this Chamber to a hush on so very many occasions.

In 1983 as a new Member of this House, sitting in the front row, as we considered the Social Security Rescue Act of that year, I remember his speech and I remember the tears in my own eyes as I really felt a melding of generations, and the importance of this act to millions of people across this country. I was honored to listen to him that evening.

At the same time he had such a sense of humor, and I asked him once

what was the secret of such a long life. He looked at me with a twinkle in his eye and he said, "Well, you know, every day at lunch you have to have a hot bowl of soup and a glass of white wine." So from that day, I always try to bring him a bowl of my mother's chicken soup when she would make some, and I hope he enjoyed it.

We pray God will bless him in his passing to a new life and bring him peace, but he would not expect us to be peaceful, but fight for the rights of people and the legacy he helped build in this varied and beautiful land, in the lives of millions of our people.

Mr. FOLEY. Madam Speaker, I yield such time as he may consume to the distinguished gentleman from Florida [Mr. YOUNG].

Mr. YOUNG of Florida. Madam Speaker, I rise in support of this resolution and I thank the distinguished majority leader for yielding to me.

CLAUDE PEPPER was a friend. When we think of CLAUDE PEPPER, we think of words like great, like statesman, distinguished, dedicated, honorable, and a list of beautiful words about CLAUDE PEPPER goes on and on and on.

A personal note, though, all of those words aside, the more you knew CLAUDE PEPPER, the more you loved him. I first met Congressman PEPPER nearly 30 years ago, sitting in the Florida State Senate, when CLAUDE PEPPER came to visit with the members of the senate and spoke about events in Washington and issues that he was concerned about.

There was one thing that always bothered our friend, CLAUDE PEPPER. Many Members will recall the bruising primary campaign in which he was defeated for reelection to the U.S. Senate. CLAUDE was concerned that some of the accusations against him might have stuck with him, and one he was particularly concerned about was an accusation that he was, in effect, soft on communism, or that he was not for a strong national defense for the United States. Over the years that I have had the privilege of knowing CLAUDE, and since I came to Congress, we have visited many, many times and discussed issues of national security and national defense, and I would like for the world to know that CLAUDE PEPPER was not soft on communism.

CLAUDE PEPPER was as opposed to the expansion of the Soviet Union, just as most of us in this House are. CLAUDE PEPPER wanted to vote for the strongest national defense for America that he could possibly vote for, and a review of the RECORD will prove that he did just that.

CLAUDE got a bad rap many years ago during the primary in Florida, and I am happy to have an opportunity to point out a specific occasion where the bad rap just did not apply.

One could not know CLAUDE PEPPER without realizing his great love for his wife, Mildred. No matter where they were, CLAUDE and Mildred were together, they were inseparable, when they were not together, CLAUDE was talking about Mildred, and there was something very, very special about CLAUDE PEPPER and Mildred.

Mr. Speaker, knowing of this great love between CLAUDE and Mildred, those of us who believe in life after death, are convinced that right now there is the greatest reunion taking place in Heaven between CLAUDE and Mildred that we could ever imagine.

As all of my colleagues, I will miss CLAUDE PEPPER. He was a dear friend, a gracious, gracious gentleman, a proud American, and an outstanding representative of the people that he represented and the people of all America.

Mr. Speaker, as I said in my opening comments, the more you knew CLAUDE PEPPER, the more you loved him.

Mr. FOLEY. Mr. Speaker, I yield such time as he may consume to the gentleman from Wisconsin [Mr. MOODY].

Mr. MOODY. Mr. Speaker, it is difficult to fully express my feeling on this occasion about Senator PEPPER. I had the pleasure of working with Senator PEPPER and traveling with him recently to Africa, and he really was a gentleman for all seasons.

His vision on domestic affairs, his commitment to social justice and to civil rights, and his commitment to harness Government to help those who need it the most are really an inspiration to all of us who believe that Congress and the Government should be harnessed for those kinds of purposes.

He was a true gentleman, always gracious, always fair. He always had time for every Member, no matter how junior, and I was very junior when I got to know him. He was always willing to share his thoughts and his wisdom with us.

Mr. Speaker, he will be greatly missed, and all of us would do well to contemplate his life and his commitment as we work toward similar goals in this Chamber.

Mr. FOLEY. Mr. Speaker, I yield such time as he may consume to the gentleman from Florida [Mr. GOSS].

Mr. GOSS. Mr. Speaker, I thank the majority leader for yielding this time to me.

Mr. Speaker, I am a relatively new Member of this body, but I had the great privilege of serving with CLAUDE PEPPER, a fellow member of the delegation from Florida, and I was very pleased and proud to know him and to get to know him a lot better in the short time I have been here.

I think my introduction to CLAUDE PEPPER was probably the same as that of many of the newcomers, many of the freshman class. At the time we had our historical celebration a few months ago in this very room, this very Chamber, the whole body rose spontaneously and gave him a resounding ovation, not once but twice, for the extraordinary record he has achieved and for his extraordinary longevity, but, more importantly, for the hardest thing of all to win, the respect and admiration of his colleagues, which is the highest honor I think one can receive.

The people who knew him and who worked with him truly loved him and were very happy to stand up and be counted and to give him a very strong measure of their love and respect, as evidenced by that wonderful standing ovation on that day.

Obviously, with his passing, he has left behind some unfinished business for those of us who are left behind. I know that the long-term health program that he was working on was close to his heart, and many of us have pledged to try to finish the good works he started in that area.

One other thing is very clear: CLAUDE PEPPER was the champion of all senior citizens. We need a new champion right now. Will a new champion measure up and fill his shoes? I do not know. I am sure this body will find one in time, but one thing is certainly clear, and that is that CLAUDE PEPPER will be the standard for all time to come.

Mr. FOLEY. Mr. Speaker, I yield such time as she many consume to the gentlewoman from Ohio [Ms. OAKAR].

Ms. OAKAR. Mr. Speaker, I thank the majority leader for yielding time to me.

Mr. Speaker, let me say to the Members and to the people in this great country that this resolution is very important, because what it does is to allow the body of our departed late great, wonderful Senator PEPPER to lie in state in the rotunda beginning Thursday at 12 noon, as I understand it.

But, Mr. Speaker, many Americans from throughout our country, and in particular, our seniors and their families and members of their communities, have asked how they can honor Senator PEPPER. They may not have the resources to come to Washington, and they may not be able to go to Miami or Tallahassee for the services that will be held in his wonderful memory.

Mr. Speaker, last night I had the pleasure of being on one of the radio programs, and a senior called in on this national program from my district, and she said, "I can't afford to come to the rotunda on Capitol Hill, I can't afford to go to Miami, but I would like to make a suggestion."

I would like to share that suggestion with the Members. I was going to do this as a resolution, but in the interest

of time I have decided not to do it as a resolution. The senior groups around the country have seemed to be attracted by this suggestion, and, therefore, at the suggestion of a senior citizen, what we would like to ask is that senior citizens and their families and the members of their communities, each community in this country, conduct a memorial service commemorating the life and memory of the Honorable CLAUDE PEPPER from 12 o'clock to 1 o'clock on Monday, June 5, 1989.

To repeat, that is 12 o'clock to 1 o'clock on Monday, June 5, 1989. In that way the entire country will be able to rededicate itself to something that CLAUDE PEPPER left unfinished, the unfulfilled dream of having health insurance for every single American and long-term care for every single American.

As we know, 40 million Americans do not have access to health insurance, and many of our people have no access to long-term care. So all the community groups, the senior groups, are asking that we hold these memorial services from 12 o'clock to 1 o'clock on Monday, June 5, 1989, in their communities. That will be the living legacy that all of us will be able to observe.

Mr. Speaker, I thank the distinguished majority leader for granting me this time.

Mr. FOLEY. Mr. Speaker, I thank the gentlewoman from Ohio [Ms. OAKAR].

Mr. Speaker, I yield such time as he may consume to the distinguished gentleman from New York [Mr. SCHEUER].

Mr. SCHEUER. Mr. Speaker, it is with great sadness that I pay my final tribute to Senator CLAUDE PEPPER. He was a dear friend. I have worked with him for many years on the Interparliamentary Union.

He came up to my district on many occasions, and he made a solemn pledge to the people in the Eighth Congressional District. There was a picture of him in the New York Times today addressing the people in Far Rockaway, Queens, in my district recently. In the course of those pledges he would mention that I have had problems on reapportionment on many occasions, and then he would proceed to tell great, wonderful lies about what a great Congressman I was. And he would indeed keep saying, "I will be up here in 1992 or no matter when SCHEUER is running, to tell you people what a great Congressman SCHEUER has been and how you have got a re-elect him."

Mr. Speaker, it is a matter of great sadness to me that he will not be around this year, next year, or the year after, or 1992, to counsel us, to steer us, to guide us, to challenge us, and to tell the people of the Eighth District what a wonderful guy SCHEUER is.

Mr. Speaker, we are all the losers for that, and he will be mourned.

Mr. FOLEY. Madam Speaker, I yield such time as he may consume to the gentleman from Tennessee [Mr. FORD].

Mr. FORD of Tennessee. Madam Speaker, I thank the majority leader very much for yielding this time to me.

Madam Speaker, I, too, would like to join with my colleagues and pay final tribute to a giant among giants.

I had the opportunity to start off on the Select Committee on Aging with the chairman of the committee at the time, Mr. PEPPER, and I served under his leadership for many, many years. I have also had him join me in my congressional district. But more than that, I have had the opportunity to join with him in legislation and in recommendations to other committees in this Congress on how and why we should pass legislation that would impact on the elderly population of this Nation.

He had been in the forefront of it. He had been the key spokesman here in this Congress. He had been the great voice throughout this Nation for the elderly, and I am happy to join with my colleagues to pay the final tribute to say, "We had a great warrior here."

Madam Speaker, he is going to be missed, and CLAUDE PEPPER will always be remembered here in this Congress and in the minds of many, many Americans throughout this great Nation of ours.

□ 1410

Mr. FOLEY. Madam Speaker, I move the previous question on the concurrent resolution.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the concurrent resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. FOLEY. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. (Ms. OAKAR). Pursuant to clause 5, rule I, further proceedings of this question will be postponed until approximately 3 p.m. or at the end of legislative business today.

PROVIDING FOR CONSIDERATION OF H.R. 2392, MINERAL LEASING ACT AMENDMENTS RELATING TO OIL SHALE CLAIMS

Mr. GORDON. Madam Speaker, by direction of the Committee on Rules, I call up House Resolution 161 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 161

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 2392) to amend section 37 of the Mineral Leasing Act relating to oil shale claims, and for other purposes and the first reading of the bill shall be dispensed with. All points of order against consideration of the bill for failure to comply with the provisions of clause 2(l)(6) of rule XI are hereby waived. After general debate, which shall be confined to the bill and which shall not exceed two hours, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Interior and Insular Affairs, the bill shall be considered for amendment under the five-minute rule, each section shall be considered as having been read, and all points of order against the bill for failure to comply with the provisions of clause 5(a) of rule XXI are hereby waived. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

The SPEAKER pro tempore. The gentleman from Tennessee [Mr. GORDON] is recognized for 1 hour.

Mr. GORDON. Madam Speaker, for purposes of debate only, I yield the customary 30 minutes to the gentleman from California [Mr. PASHAYAN], pending which I yield myself such time as I might consume.

Mr. GORDON. Madam Speaker, House Resolution 161 is an open rule providing for consideration of the bill H.R. 2392 to amend section 37 of the Mineral Leasing Act relating to oil shale claims.

The rule provides for 2 hours of general debate to be equally divided and controlled by the chairman and ranking minority member of the Committee on Interior and Insular Affairs. The bill shall be considered under the 5-minute rule.

The rule contains two waivers. Clause (2)(l)(6) of rule 11 requiring a 3-day layover is waived. The rule also waives clause (5a) of rule 21 prohibiting appropriations in a legislative bill.

Finally, Madam Speaker, the rule provides that at the conclusion of consideration of the bill for amendment, the committee shall rise and report the bill to the House with such amendments as may have been adopted. The previous question shall be considered as ordered on the bill without any intervening motions except one motion to recommit.

Madam Speaker, this is a very fair rule. It is an open rule and allows for 2 full hours of debate. I urge my colleagues to support this rule so that we may proceed with consideration of the merits of this legislation.

Mr. PASHAYAN. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, House Resolution 161 is a rule under which the House will consider legislation to curtail the issuance of oil shale patents and to require the Secretary of the Interior to validate nearly 1,600 longstanding claims within 2 years.

Madam Speaker, this rule was originally designed so that the sponsors of H.R. 2392 could bring up their bill on a fast track. The bill was originally scheduled for last Thursday, and one of the two waivers contained in this rule was necessary if the bill were considered then.

The rule waives clause 2(l)(6) of rule 11, which is the rule that requires a report to be available for 3 days before the House takes a bill up for consideration.

Madam Speaker, the report on H.R. 2392 was filed on Wednesday, May 23. Now that the report has been available for the requisite 3 days, this waiver is no longer necessary to permit floor consideration of the bill.

Madam Speaker, in addition to the waiver of the 3-day layover requirement, this rule waives clause 5(a) of rule 21, which is the rule that prohibits appropriations language in a legislative bill.

A provision of the bill allows a valid claim holder to pay $5,000 per year to the Federal Government in lieu of making expenditures on the claim itself. These payments would be distributed pursuant to section 35 of the Mineral Leasing Act, which requires a 50-50 split between the Federal Government and the States.

This language regarding disbursement of payments constitutes an appropriation, and thus violates clause 5(a) of rule 21.

Madam Speaker, the bill made in order by this rule requires the Secretary of the Interior to determine which of some 1,600 longstanding claims to oil shale land are valid, and then sort valid claims into three categories.

Madam Speaker, the minority members of the Committee on Interior and Insular Affairs point out that the bill is unfair and inequitable to those who hold oil shale claims. When general debate is held on the bill, I expect that several Members will want to discuss the provisions of the bill at length.

Madam Speaker, since the committee report on H.R. 2392 has been available since last week, I shall not oppose this rule. I have no requests for time, and I yield back the balance of my time.

Madam Speaker, I have no requests for time, and I yield back the balance of my time.

Mr. GORDON. Madam Speaker, for purposes of debate only, I yield 2 minutes to the gentleman from West Virginia [Mr. RAHALL].

Mr. RAHALL. Madam Speaker, I would like to commend the gentleman from Tennessee and the Rules Committee for bringing this rule to the floor today. I think it fitting that the pending matter is an open rule. It provides for 2 hours of debate so that all interested Members would have an opportunity to consider the legislation.

This openness is, after all, what the House of Representatives is really all about. We are the peoples' House, and if we at times meet with controversy, I would simply suggest that is a natural and healthy consequence of this Democratic society.

The legislation which this rule would govern is a public interest bill.

It seeks to prevent the further giveaway of thousands of acres of public oil shale lands for a mere $2.50 an acre under a law enacted in 1872. This law provided for title, in the form of a patent, to be issued to valid mining claims for that $2.50 an acre figure.

The bill also has the potential to raise up to $99 million in fiscal year 1990.

And, while doing so, the legislation fully protects the rights of the holders of these oil shale claims.

These are claims that were located in Colorado, Wyoming, and Utah prior to 1920. The law certainly envisioned that they would have been developed for the claimed minerals by now. However, aside from some speculative activities, little serious developmental activity has been undertaken and the public's land remains encumbered by these old mining claims.

Yet, this bill says to the claim holders that if you have done everything the law requires to obtain a mining patent for your claim, we respect that right, and you can proceed to gain title to the land under the terms of the law under which the claims were located all those years back.

This bill also says to the claim holders that if you have made a good faith attempt to obtain patent, albeit somewhat late in the game, you can complete the law's requirements for obtaining a patent and it would be issued to the oil shale only, for $2,000 an acre. The surface estate, however, would be maintained by the public for multiple use purposes in conformance with present day Federal land use policy.

Finally, to those claim holders who have made no attempt to obtain a patent—and this is the vast majority—the bill still seeks to protect their rights by allowing them to either convert the claims to an oil shale lease, or, continue to maintain the claim under new diligent development criteria requiring the expenditure of at least $5,000 per year on the claim. No patent, however, would be issued to this class of claims which cover 79 percent of the acreage under claim for oil shale.

Madam Speaker, this is a good rule, and a good bill. I urge my colleagues to support adoption of the rule and the subsequent legislation.

□ 1440

Mr. GORDON. Mr. Speaker, for purposes of debate only, I yield 4 minutes to the gentleman from Ohio [Mr. TRAFICANT].

Mr. TRAFICANT. Mr. Speaker, I want to thank the gentleman from Tennessee and also the ranking member on the minority side, the gentleman from California [Mr. PASHAYAN] for bringing us an open rule.

I will not take all 4 minutes, but I would just like to say that we have overlooked the potential of oil trapped in shale rock. One of the first things I did as a member of the Committee on Science, Space, and Technology, was to offer amendments to bring forward the research and development of eastern oil shale reserves.

Now I think this bill deals with the fact that we have many claim holders who have not addressed the issue, and we have a tremendous reservior of oil trapped in shale rock that is not being maximized for use by America, keeping America dependent on monarchs and dictators for energy sources which threaten our freedom as much as anything in the House. While everybody is talking about communism, we continue to let our freedoms erode by the threat of a foreign influence much greater than the Soviet threat, and that is our energy resources.

So I am glad to see that this bill is coming forward. I plan to monitor the debate very closely.

I want to commend the gentleman from West Virginia who has taken such pains in the energy needs of this country. He is to be commended, very much so, and I would hope that before it is all over we would not just have lease holders and claim holders, we would have people who would be actively going into the surface and crust of the earth to reclaim that oil. We have some new and interesting technologies whereby we can coprocess high sulfur and high nitrogen coal with asphalt and other oil byproducts of which I believe oil trapped in shale rock would be amendable and we can produce fuel for our power plants that would save our environment.

I think this is very important. In fact, I was able to pass an amendment in the Subcommittee on Energy Research and Development of the Committee on Science, Space, and Technology that would study the synergistic effects of oil trapped in shale rock, with new technologies for high sulfur and high nitrogen coal.

So I am very glad to see that the gentleman from West Virginia was

able to bring this initiative to the floor. I commend him and I thank the Rules Committee for having an open rule.

Mr. PASHAYAN. Mr. Speaker, I had previously yielded back my time, but with the presence of our colleague, the gentleman from Idaho [Mr. CRAIG], I ask unanimous consent for a return of the time.

The SPEAKER pro tempore. (Mr. BRENNAN). Is there objection to the request of the gentleman from California?

There was no objection.

Mr. PASHAYAN. Mr. Speaker, I yield 1 minute to the gentleman from Idaho [Mr. CRAIG].

Mr. CRAIG. Mr. Speaker, I thank my colleague for yielding me this time.

Mr. Speaker. I stand in support of the rule. It is an open rule, 2 hours of debate, fair and well-structured.

I will speak aggressively against H.R. 2392. There are a substantial number of points that I think must be clarified for the record. Just because we can address this as legislation does not mean it is good legislation. We will address that at another time. It is a good rule and deserves to be supported by this body.

Mr. PASHAYAN. Mr. Speaker, I yield back the balance of my time.

Mr. GORDON. Mr. Speaker, I have no further requests for time, and I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. GORDON. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to the provisions of clause 5 of rule I, further proceedings on this motion will be postponed until approximately 3 p.m.

The point of no quorum is considered withdrawn.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. (Mr. BRENNAN). The Chair will recognize Members for 1 minute speeches at this time.

FAIR PLAY AND A RESPONSIBLE JUSTICE DEPARTMENT AND THE PRESS IN MATTERS OF ETHICS

(Mr. MOODY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MOODY. Mr. Speaker, under democracy, fair play and honorable process are essential, even in the midst of political combat. They are the glue that holds the whole procedure together, and enable us all to accept the legitimacy of winning or losing. Political fair play and clean procedure are now being abused, either consciously or by use, by one of the key institutions meant to safeguard it: the press and TV.

Last evening CBS charged that our colleague, BILL GRAY, is under investigation by the FBI, despite earlier assurances by the FBI to Congressman GRAY he himself was not—but only someone in his office CBS also told the Nation that Congressman GRAY had "refused to cooperate" with the FBI, when the opposite is true. He has offered to cooperate, and asks only to be informed of the specifics of the inquiry.

Is CBS being used by the Justice Department which it says supplied the story, or is it consciously undermining our system of fair play? For to broadcast as yet totally unsubstantiated charges, with no chance for Congressman GRAY to know the specifics, much less respond, on the eve of a House leadership race was either irresponsible journalism or willing participation in character assassination. Either is reprehensible, deeply reprehensible.

The McCarthy era ripped the fabric of democracy for years, with a pattern of unsubstantiated charges on the nightly news which ruined the careers of many innocent and loyal Americans—aided and abetted by some segments of the press with its unquenchable daily thirst for the newly accused.

Let's give our fellow citizens—including legislators—some measure of fair play and clean procedures on the question of ethics.

Let's expose unethical behavior anywhere it exists. But in our haste let's not wreck the reputations and careers of those who are eventually exonerated.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 505

Mr. GONZALEZ. Mr Speaker, I ask unanimous consent that the name of the gentleman from Virginia [Mr. PARRIS] be removed from cosponsorship of H.R. 505.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

CALLING FOR REPEAL OF THE SOCIAL SECURITY EARNINGS TEST

(Mr. RAVENEL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RAVENEL. Mr. Speaker, middle-income senior citizens face the highest tax rates ever imposed on any group in our country's history. Not only do they pay taxes on their social security, but now a surtax on Medicare benefits many have no need of because of preexisting health programs. Additionally, those folks between ages 65 and 69 suffer a 50-percent tax for active earnings above $8,880.

Who wants to retire at age 62? Not me. I just passed that mark and I am 25 years younger than Senator THURMOND, who is in better physical shape now than most of the membership of this House. When are we going to stop penalizing people for living long lives? The time is now with the repeal of the cruel and insulting Social Security earnings test.

H.R. 2460, introduced last week, will do the job. Fellow members, if you are not a cosponsor, please join up.

WITCH HUNTS BY THE PRESS

(Mr. RICHARDSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RICHARDSON. Mr. Speaker, there was a time when I would come to work in the morning with a smile on my face. Not today, though. I feel like I work in a war zone, never knowing when the next bomb will drop.

Mr. Speaker, returning to Washington, I find in the press another witch hunt. What is this? Nail a Congressman a day? When is this going to end? Enough is enough.

Mr. Speaker, the time has come to stop all this self-flagellation.

□ 1430

We were sent here to legislate, not to destroy reputations.

But to my colleagues, beware. We are on the front lines. We can and we will be attacked at any time by anyone for any reason. It is not fun fighting this war, but it is a war that must be fought and defended, as there is no more noble cause than protecting this great institution.

TAKE CARE OF AMERICA FIRST

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, because of our deficit problems over the last 8 years, Congress has cut many programs designed to help the American people. I would like to list a few of them: housing, education, Coast Guard, revenue sharing, UDAG's, Medicare, school lunches, Head Start, legal services, research and development, and it goes on and on and on.

What else have we done? Over the last several years we have protected

Japanese oil in the Persian Gulf so they could ship us more Toyotas and toasters. We also provide Europe with the biggest economic assistance program in world history, called the NATO subsidy.

Mr. Speaker, I stand here today to say, "Right on, President Bush"; in addition to tearing down that Berlin Wall, let us stop that American pipeline full of cash that is going over to these European countries, and let us take care of America first.

THE MINIMUM WAGE INCREASE

(Mr. VENTO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. VENTO. Mr. Speaker, I hope that President Bush will pause before he acts on the minimum wage bill now before him and think about who will be hurt if he vetoes this legislation.

I hope he will remember the fact that the last increase in the minimum wage was passed by Congress 12 years ago and the last increase is dated by some 8 years.

President Bush should remember that prices have risen 32 percent since 1981 and that the minimum wage is at its lowest real value since 1955. A full-time worker would earn $6,700 a year at the current minimum wage; more than $1,900 below the poverty threshold for a family of three.

I hope that before he stubbornly insists that there can be no minimum wage increase above the $4.25 an hour that he will observe that if the minimum wage had kept pace with inflation, it would stand right now today at $4.57 an hour. This legislation would not make the $4.55 an hour minimum wage effective until 1991.

Mr. President, do not stand tough by standing on the backs of America's working poor. Rather, Mr. President, stand tall for the little worker in our great Nation by extending new wage protection and standards to those who most need a kinder and gentler America today; the minimum wage earner.

A MEMORABLE MEMORIAL DAY WEEKEND IN SYRACUSE

(Mr. WALSH asked and was given permission to address the House for 1 minute.)

Mr. WALSH. Mr. Speaker, this was a memorable Memorial Day weekend in Syracuse. The weather was near perfect, which allowed for many parades and memorial services. People thanked the veterans for their service and remembered those who had fallen.

It was memorable, too, because the Syracuse University Lacrosse Team repeated as National Champions—something we are all very proud of.

I am proud to say that sports are big time up home. In fact, the world of baseball sat up and took notice of another Syracuse team. Lemoyne College is a small Jesuit College with an excellent academic and sports tradition. Playing in Division I competition for only the second year, Lemoyne came within one out of going to the College World Series. Down 14-0 to Penn in the sixth inning, Lemoyne came back to win 18-16 in 12 innings. They then defeated the fifth ranked Arizona State team the same day. Remarkable, astounding—not bad for a team few people had ever heard of. See you in Omaha next year.

EXTENSION OF WAIVER AUTHORITY WITH RESPECT TO TRADE ACT OF 1974—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 101-69)

The SPEAKER pro tempore (Mr. BRENNAN) laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Ways and Means and ordered to be printed:

(For message, see proceedings of the Senate of today, Wednesday, May 31, 1989.)

SECTION 89 DISCHARGE PETITION

(Mr. GEKAS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GEKAS. Mr. Speaker, last week we had a monumental battle which we almost won in pursuit of the repeal of section 89.

Politics being what it is and the Committee on Rules being how it is, we were not successful in the ultimate attempt, but we made a great headlong attempt which is gaining recognition throughout the Nation to repeal this unfavorable and odious measure that is bogging down our businessmen and our industrial capacity throughout the Nation.

Mr. Speaker, I have today filed a discharge petition and have affixed my signature as the No. 1 signature for discharge petition No. 1. If there are 300-and-some Members of the House who subscribed and who signed a bill to repeal section 89, I would hope that those same individuals would now step forward and come to the well of the House and begin to fill out the discharge petition so that we can remove section 89 from the Internal Revenue Code of the United States.

SECRETARY OF VETERANS' AFFAIRS URGED TO CONTINUE REVITALIZATION

(Mr. LANCASTER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LANCASTER. Mr. Speaker, Veterans' Affairs Secretary Edward Derwinski continues to show his willingness to revitalize the Veterans' Administration as it becomes a Cabinet-level Department. I am hopeful that this revitalization will allow the new Department to make good on its commitment to provide for the health and well-being of our Nation's veterans.

Thursday a week ago, the Secretary announced that he has invited the General Accounting Office to conduct "an intense study of major management issues" in the Department. The GAO has previously conducted audits within the Department, but most have been on isolated issues. The broader study will include both field and headquarters management policy and procedures and will concentrate on strategic planning, information resources management and financial management. The decision coincides with an earlier decision by the Secretary not to appeal the recent agent orange ruling. This ruling requires the VA to end its 10-year-long denial and accept compensation claims from veterans. Vietnam-era veterans applaud the new breeze blowing through the Department of Veterans' Affairs. At long last the men who are suffering from agent orange related disabilities are going to be given a fair chance to make a claim for benefits.

Mr. Speaker, since taking over the Department, Secretary Derwinski has demonstrated a desire to uphold his commitment to our veterans. We commend these efforts and urge the Secretary to continue to expand the opportunities and benefits available for those of us who served in Vietnam.

CAMPAIGN FINANCE REFORM PACKAGE

(Mr. THOMAS of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. THOMAS of California. Mr. Speaker, I take this 1 minute today to talk about an unusual "Dear Colleague" that I have delivered to every Member of the House. I say it is unusual because it contains nine pages. Usually we try to write a "Dear Colleague" on one page in hopes that Members would read it.

Mr. Speaker, the reason it contains nine pages is because I have outlined each of the bills that I am offering for campaign finance reform. There are 38 of them in all. They deal with a

number of specific areas in which Members are involved.

If Members will take one of the choices on the franking privilege of the House and pick one of those alternatives, one of the alternatives, on the termination of the grandfather clause, that is, the provision which allows Members prior to 1980 to take with them all of their campaign funds once they retire from office, and if Members pick one of the alternatives on the size of the political action committee contributions, all the other bills fit together on a mix-and-match basis.

Mr. Speaker, I think it is time that the rank and file of the House begin to let everyone know where they stand on campaign reform. I invite my colleagues to take a look at the 38 bills that I have offered and indicate which ones they think might be appropriate campaign reforms so that we can put together our own mix-and-match campaign package.

Mr. Speaker, I am including for the RECORD the "Dear Colleague" letter:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, May 30, 1989.

DEAR COLLEAGUE: In the current political climate, reform of campaign finance and election laws has become an important priority. As members of the House of Representatives, I believe we must focus first on the reform of our own election process. The choices we must make from among numerous competing proposals are complex.

This "Dear Colleague" is longer than usual, but I believe worthwhile in that it allows you to design your own reform position by selecting from among specific individual bills, each containing a single campaign reform concept.

I invite you to review the enclosed package and to co-sponsor one or more of the following pieces of Congressional campaign reform legislation.

The themes of this Congressional campaign reform package are as follows:

1. Increase competition in House races.

a. Limit incumbent advantages.

b. Provide incentives to challengers.

2. Limit the influence of "special interests."

a. Restrict PACs, bundling, and soft money.

b. Strengthen political parties.

c. Provide incentives to candidates to raise funds from small donors and from their own districts.

3. Require full and prompt disclosure of all funds spent to influence Federal elections.

4. Provide national standards for fair redistricting.

There are opportunities to select one from a number of competing alternatives in three areas: (1) Limits on franking, (2) The date of termination of the "grandfather clause" which allows the conversion of campaign funds to personal funds and (3) Limits on the size of PAC contributions. Any combination of these options and any or all of the remaining bills may be selected individually or to create a comprehensive campaign reform package.

Check the box beside the appropriate bill to indicate that you would like to co-sponsor, or call Roman Buhler or Jim Ross at the House Subcommittee on Elections, 225-8281.

Best regards,

WILLIAM M. THOMAS,
Vice-Chairman, Committee on House Administration, Vice-Chairman, Subcommittee on Elections.

CAMPAIGN REFORM PROPOSALS

1A. The following bills limit the election advantages now held by incumbents.

Choices among seven bills to limit franking.

☐ H.R. — (No. 1) A total ban on unsolicited franked mail.

This bill would allow Members of Congress to respond to communications from their constituents, but not to send out unsolicited mail at taxpayer expense. It would save the vast proportion of the $113 million that Congress spent in 1988 on official postage, plus additional amounts for printing and handling.

Or ☐ H.R. — (No. 2) A ban on franked mass mailings of over 500 pieces.

This bill would ban postal patron mailings to every person in the district and also close a loophole through which Members might make up for such a ban using computer generated letters addressed to nearly every voter based on geographical or interest subgroupings.

Or ☐ H.R. — (No. 3) A ban on postal patron mailings.

This bill prohibits the district-wide postal patron mailing including newsletters, now limited to 6 per Member, and district-wide meeting notices, not limited under current law.

Or ☐ H.R. — (No. 4) A limit of one postal patron mailing per year, mailed in December, January, or February only.

This would allow for a regular survey or newsletter, but would substantially limit campaigning at taxpayer expense.

Or ☐ H.R. — (No. 5) A cut of 50 percent in funds appropriated for franking with funds divided evenly between House and Senate and evenly within the Houses among Members.

This would save over $88 million per election cycle or 50 percent of the $177 million spent on postage by Congress in 1987 and 1988.

Or ☐ H.R. — (No. 6) A limit of 1 million pieces of franked mail per Member for the two year election cycle.

A postal patron mailing averages about 250,000 pieces. This allows for two such mailings plus well over 500 pieces of mail per day over a two year period. The House currently mails over 2 million pieces of mail per member per election cycle.

Or ☐ H.R. — (No. 7) Quarterly disclosure of the cost of franked mail for each House Member's office.

Four bills limiting the use of excess campaign funds.

Or ☐ H.R. — (No. 8) To return excess campaign funds to the Treasury.

This bill would require all Members of Congress to return unused campaign funds after each general election to the U.S. Treasury for the purpose of reducing the national debt. Members would be allowed to retain $.10 per district voter. Incumbents and challengers would therefore start each new election cycle on a more even footing.

Or ☐ H.R. — (No. 9) To prohibit Members, effective immediately, from converting their excess campaign funds to personal use upon retirement.

This bill would repeal the legislative provision popularly known as the "grandfather clause" which allows Members elected prior to 1980 to convert excess campaign funds to personal use upon retirement. The bill would take effect immediately.

Or ☐ H.R. — (No. 10) To prohibit Members, effective January 1, 1991, from converting their excess campaign funds to personal use upon retirement.

Ends the "grandfather clause" as in H.R. — (No. 9), but does not take effect until January 1, 1991.

Or ☐ H.R. — (No. 11) To prohibit Members, effective January 1, 1993, from converting their excess campaign funds to personal use upon retirement.

Ends the "grandfather clause" as in H.R. — (No. 9), but does not take effect until Jan. 1, 1993. (Allows 1992 retirement in conjunction with reapportionment)

Three bills to limit incumbent fundraising advantages.

☐ H.R. — (No. 12) Prohibits transfers among candidate committees or PACs and limits candidates and incumbents to a single committee.

This legislation would ban so-called leadership committees which allow well financed incumbents to donate funds often raised from special interests to other incumbents or candidates. It also prohibits PACs from laundering funds through other PACs.

☐ H.R. — (No. 13) Prohibits unopposed incumbent fundraising in non-election years.

This legislation prohibits incumbent fundraising from November 15 after an election until the November 15 one year prior to his or her next election. Should a challenger begin fundraising before November 15, the incumbent would be free to fundraise as well. This bill would limit the substantial time advantage most incumbents have over challengers and encourage Members to spend their time legislating and not fundraising.

☐ H.R. — (No. 14) Prohibits fundraising within the Washington, D.C. Beltway.

This legislation makes a symbolic point but could have a significant impact on fundraising. The "Washington fundraiser" would be banned under this legislation. Members could risk embarrassment and ridicule by holding fundraisers just outside the I-495 line, or spend more time in their districts raising money from voters instead of Washington special interests.

1B. The following bills improve the competitiveness of challenger candidates.

Three bills to strengthen a party's ability to help challengers.

☐ H.R. — (No. 15) Allows a party to offset election benefit received by incumbents from taxpayer funds.

Allows a party to donate to challengers above current limits an additional amount set by the Clerk of the House that is determined to be a sum equal to the re-election value received by incumbents from their office, official salary, and franking expenditures.

This bill makes the point that we already have public financing, but only for incumbents. It underscores the need for a "level playing field" which allows challengers to have a real chance and voters a real choice.

☐ H.R. — (No. 16) Allows a party to provide consulting services to candidates in addition to existing limits on party assistance.

This is a relatively simple way to provide high-quality professional assistance to candidates so the dollars they raise can be effectively spent. Many challengers fail as

much for lack of expertise as for lack of funds.

☐ H.R. — (No. 17) Allows a party to match donations to candidates of $200 or less.

This bill encourages candidates to raise funds from small donors while providing another way for the party to assist deserving challengers who have demonstrated grassroots support.

Four bills to reduce campaign costs for all candidates.

☐ H.R. — (No. 18) Allows candidates to use nonprofit postage rate now reserved only for political parties.

The nonprofit postage rate is significantly lower than the normal bulk mail rate. Postage rates are a major element of campaign costs. Allowing challengers to achieve a minimum level of campaign visibility helps challengers with their limited resources more than it does incumbents.

☐ H.R. — (No. 19) Requires broadcast media to make free time available to general election Congressional candidates.

This bill would require each radio and television station to provide 30 minutes of free air time to each Congressional candidate within their area. Such time would be divided equally among 5 minute, 60 second and 30 second blocks in prime time the month prior to the election. Broadcast media are licensed to use the public airwaves and currently required to provide free time under the so-called fairness doctrine. The metropolitan stations with multiple Congressional districts in their area are also those who receive the greatest benefit from their government licenses.

☐ H.R. — (No. 20) Requires broadcast media to make free time available for debates between candidates for Congress.

This bill would require each radio and television station to provide 30 minutes of free air time for the purpose of broadcasting a debate among candidates for Congress in each Congressional District within their area. Only candidates whose party had received 10 percent or more of the vote for Congress in the prior election or had obtained the signatures of 5 percent of the voters in the District would be eligible to participate.

☐ H.R. — (No. 21) Requires that broadcast media sell non-preemptable time to political candidates at 50 percent of the commercial rate for that time period.

2. The following bills limit the influence of special interests on congressional elections.

Three bills to limit PACs.

☐ H.R. — (No. 22) Prohibits contributions to candidates by PACs that use corporate or union resources for operating expenses.

Federal election law prohibits the donation of corporate or union funds to Federal candidates. But corporate and union special interests still spend millions of dollars fundraising for and administering PACs, automatic payroll deduction way in which funds which cannot be legally given to a candidate exert a disproportionate influence on our elections process.

President Bush has called for a ban on PAC contributions to candidates. His rationale applies most especially to PACs which pay for expenses from funds which do not meet Federal campaign contribution standards.

☐ H.R. — (No. 23) Limits all PAC contributions to $1,000, the limit for contributions from individuals. The current PAC limit is $5,000.

Large special interest contributions from any source are not healthy for our political process.

Or ☐ H.R. — (No. 24) Limits all PAC contributions to $2,500.

A bill to ban so-called "Bundling."

☐ H.R. — (No. 25) Prohibits a single individual or employees of the same entity from both soliciting and having custody of more than one campaign contribution to a candidate during the entire course of the campaign.

Bundling of multiple campaign contributions to candidates is a frequent practice used by special interests to circumvent Federal contribution limits.

A bill to ban so-called "Soft Money."

☐ H.R. — (No. 26) Prohibits national parties from raising or spending funds not subject to Federal contribution limits.

National parties currently can accept corporate, union, and personal funds in unlimited amounts for so-called "building funds" and "state and local accounts" which in reality cover party overhead expenses and indirectly assist Federal candidates. These are exactly the funds that the original Federal election laws were designed to control. The original intent of these laws should not be circumvented through the use of the "soft money" loophole.

Two bills to increase the influence of small donors from a candidate's local district.

☐ H.R. — (No. 27) Requires that a majority of a candidate's funds come from individuals residing in the candidate's district.

This bill would promote local control of campaign finance. It would strengthen the connection between the voters in a candidate's district and the outcome of the election. Too often the election is decided by money from outside the district, rather than by voters and resources from inside the district.

☐ H.R. — (No. 28) Allows political parties to match individual contributions up to $250 from individuals residing in the candidate's district.

This bill would provide an incentive for candidates to raise money from individuals in the district rather than from special interests in Washington D.C. It would also strengthen parties' ability to help challengers with demonstrated local support.

Three bills to strengthen political parties' ability to raise funds independently from special interests.

☐ H.R. — (No. 29) Allows local parties to raise and spend funds independent of state and national party limits.

This bill strengthens the ability of local parties to raise and spend funds in support of Federal candidates. Local parties should be encouraged to develop contribution and volunteer resources at the grassroots level.

☐ H.R. — (No. 30) Allows voluntary party donation add-on on Federal tax returns.

This bill would allow every Federal taxpayer the opportunity, by checking a box on his or her income tax return, to make a voluntary contribution to the party of his or her choice. Without using taxpayer funds it would encourage taxpayers to participate in the elections process at a time when their interest in cost-effective government is at its peak.

☐ H.R. — (No. 31) Replace the Federal subsidy of National party conventions with a $1 voluntary party tax credit check-off.

This bill would replace a Federal subsidy for party extravaganzas with an incentive for ordinary taxpayers to support the party of their choice. Funds thus raised would be available to support challenger candidates and replace party funds lost by limits on PAC and soft money contributions.

3. The following bills ensure that all funds spent for the purpose of influencing a Federal election are fully and promptly disclosed.

Six bills to close campaign reporting loopholes.

☐ H.R. — (No. 32) To set a 24 hour deadline for reporting "late" contributions.

This bill would require contributions received within 10 days of an election to be reported within 24 hours of receipt by telegram, express mail. FAX or similar means.

☐ H.R. — (No. 33) To require disclosure of all Federal, State, and local party funds used to influence a Federal election.

This bill would require all party committees to report to the FEC funds spent for party building, voter registration and get-out-the-vote activities.

☐ H.R. — (No. 34) To require disclosure of all union and corporate member communication, voter registration, and get-out-the-vote activities.

This bill would require unions and corporations to disclose the sums they now spend to influence political campaigns that escape scrutiny under current law.

☐ H.R. — (No. 35) To require disclosure of all candidate related voter education expenditures and all voter registration expenditures by nonprofit entities.

Nonprofit organizations spend large sums of non-disclosed funds on technically neutral candidate education programs and voter registration activities that can have a significant impact on Federal elections. Although there are Constitutional barriers to complete disclosure of all aspects of a nonprofit organization's activity, some disclosure is certainly warranted.

☐ H.R. — (No. 36) To require disclosure of PAC overhead and director conflict of interest.

This bill would require PACs to report to their donors on funds spent for fundraising and overhead as well as on any conflict of interest of directors who also receive payments from, have contracts with, or benefit financially in any other way from the expenditures of the PAC.

☐ H.R. — (No. 37) To allow the FEC to reinstate random audits of political campaigns.

Under pressure from Members of Congress, the FEC stopped conducting random audits of campaigns several years ago. Those audits, while burdensome to those involved, were an important deterrent to improper campaign practices, and should be reinstated.

4. The following bill ensures that elections for Congress are held in districts that are not distorted by partisan gerrymandering

A bill to set national standards for fair redistricting.

☐ H.R. — (No. 38) To require that Congressional districts maintain community integrity, compactness, and contiguity, and that public access is protected during the redistricting process.

This bill would require that local counties and cities not be unnecessarily divided by a state redistricting plan and that districts be reasonably compact and contiguous. It also requires that information used to prepare the plan be available to the pubic and that the plan be available in advance for public inspection.

To indicate which bills you would like to cosponsor, you may return this summary

sheet to House Subcommittee on Elections, H330, The Capitol.

LIMIT INCUMBENT FRANKED MAIL

— 1. Ban unsolicited franked mail.
Or — 2. Ban franked mass mailings.
Or — 3. Ban on postal patron mail.
Or — 4. Limit of 1 postal patron mailing per year.
Or — 5. 50 percent cut in franking funds.
Or — 6. 1 million piece franking limit per election cycle.
— 7. Disclose Member franking cost.

LIMIT EXCESS CAMPAIGN FUNDS

— 8. Return excess campaign funds after each election.
— 9. End grandfather clause now.
Or — 10. End grandfather clause '91.
Or — 11. End grandfather clause '93.

LIMIT INCUMBENT FUNDRAISING

— 12. Ban transfers among PACs and candidate committees.
— 13. Ban unopposed incumbent fundraising in non-election years.
— 14. Ban fundraising inside the Beltway.

EXPAND PARTY CONTRIBUTIONS

— 15. Challenger can get party funds to offset incumbent taxpayer benefit.
— 16. Party consulting exempt from limits on contributions to candidates.
— 17. Party can match donations up to $200 to candidates.

REDUCE CAMPAIGN COSTS

— 18. Candidates can use nonprofit postage rates.
— 19. One-half hr. of free media time per station per candidate.
— 20. Free media time for candidate debates.
— 21. 50 percent media rate cut for candidates.

LIMIT PACS

— 22. No contributions to candidates by PACs that use union/corporate resources.
— 23. $1.000 PAC contribution limit.
Or — 24. $2,500 PAC contribution limit.

BAN BUNDLING/SOFT MONEY

— 25. Ban bundling.
— 26. Ban soft money to national parties.

ENCOURAGE SMALL/LOCAL DONORS

— 27. Majority of funds must be raised in district.
— 28. Parties can match individual donations of up to $250 from within the district.

STRENGTHEN PARTY FUNDRAISING

— 29. Local party independent from state/national party limits.
— 30. Voluntary party donation add-on for tax returns.
— 31. Voluntary $1 party checkoff tax-credit.

FULL DISCLOSURE

— 32. 24 hr. reporting deadline for late contributions.
— 33. Disclose all national, state and local party funds.
— 34. Disclose all union/corporate political activity.
— 35. Disclose all non-profit candidate and voter registration related spending.
— 36. Disclose PAC overhead and director conflict of interest.
— 37. Allow FEC random audits.

FAIR REDISTRICTING

— 38. National redistricting standards.

If you have any additional campaign reform ideas, please note here or on back of page.

I would like to cosponsor the legislation indicated above.

Signature

Name of Member

□ 1440

THE HATCH ACT

(Mr. APPLEGATE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. APPLEGATE. Mr. Speaker, I would like to applaud President Bush in his statement recently about tearing down the Berlin Wall. This will really mean and spell out what glasnost is supposed to be all about.

Having said that, I got this piece of trash in the mail the other day in the from of a letter from an organization called the National Right to Work Comittee who wants to build a bigger and better wall to separate the Federal employees from becoming first-class citizens. They want them to be relegated down to being second-class citizens because they do not want them to become a part of the American political system.

We in the House-passed repeal of the Hatch Act, and we did it by a vote of 297 to 90, and so what they are doing is condemning 297 Members of the House of Representatives. Three hundred nine people sponsored this.

I think what we ought to do is repeal the National Right to Work Committee.

TRIBUTE TO THE HONORABLE CLAUDE PEPPER

(Mr. LAGOMARSINO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LAGOMARSINO. Mr. Speaker, I rise, as many of my colleagues did today, to honor the passing of CLAUDE PEPPER. Many Members took the floor today to extol him, to remind all of us of his virtues, of his hard work and of his special place in the hearts of the senior citizens of this country.

I heard my colleague, the gentleman from Florida, Mr. BILL YOUNG, describe the very special relationship between CLAUDE and his wife. Mildred, and I was touched when I heard BILL describe the reunion that was taking place in Heaven between CLAUDE and Mildred.

So Mr. Speaker, I want to join all my colleagues in honoring this great American, this great legislator, someone we can look up to and aspire to his aims and goals.

IRRESPONSIBLE PREPRINTED CONSTITUENT MAIL

(Mr. KLECZKA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KLECZKA. Mr. Speaker, today I rise to share with our colleagues one of the preprinted postcards or letters that our offices receive. Over the last period of 2 or 3 years these types of postcards, preprinted with the constituent only signing it, and in some instances not even signing it, have just deluged the office.

But I have before me one which I think is one of the most irresponsible that I have yet to see since coming to Congress. The preaddressed mailing comes from the beer drinkers of America, Bobby Unser, Jr., as the honorary chairman. Basically the letter has the name at the head of Dean Malek from my district, and it says.

DEAR CONGRESSMAN KLECZKA:

I reside in your district and am 1 of 80 million hard-working Americans who enjoy drinking beer.

Beer drinkers have been unfairly singled out for higher taxes by a small group of corporate executives and misguided social activists who support a 300-percent increase in the Federal excise tax on beer.

I bring this to the attention of Members today because this letter, addressed by the beer drinkers of America, purportedly is sent by a constituent, Dean Malek. It was returned to me by Dean's mother, and this is what Dean's mother put on the letter, "Dean is unable to sign this letter as he was killed in an alcohol-related accident in 1986."

To those responsible for this ill-advised campaign, I say clean up your act, and definitely I think you owe the Malek family in south Milwaukee, WI, a sincere apology for this type of nonsense.

The letter follows:

I was very upset by receiving this letter. It brought back many heart breaking memories.

As a grieving mother whose son was killed in an alcohol related accident I find it intolerable that such a letter should reach me.

Surely in this age of advanced technology records can be more accurately kept.

I certainly would hope that our Congressman's time and efforts could be spent on more useful things.

What a waste of Mr. Unser's considerable influence with the youth of this country!

Mrs. R.J. MALEK

SUPPORT FOR AMENDMENTS TO THE MINERAL LEASING ACT

(Mr. OWENS of Utah asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. OWENS of Utah. Mr. Speaker, I rise in support of H.R. 2392, amendments to the Mineral Leasing Act, because it would bring to an end a long-

outdated and unwise Federal policy. It would close a loophole that is allowing valuable public lands, managed by the BLM, to slip into private ownership for as little as $2.50 an acre—less than the Government's cost of preparing the title document.

Presently, the law allows speculators to obtain title to lands under which oil shales are thought to exist by filing a claim and driving out once a year to observe it through their car window. The law is a surviving vestige of the days when the BLM's mission was to sell or give away, if necessary, the public lands to promote development of the West. We have long since abandoned such attitudes in this country.

America is unique in that it has retained a significant public domain which is now available for multiple and public use. It forms the core of our wildlife habitat and lands available for outdoor recreation. These lands have become a critical component of a cherished quality of life for many Americans.

To its credit, the BLM has recognized that this outdated policy is inconsistent with our present national interest and values. It has been slow to apply the current mineral leasing law and has actively encouraged Congress to change it.

H.R. 2392 does not unfairly treat past or future claimholders. Rather, it provides a framework for separating legitimate mineral claims which are being diligently developed from filings which were purely speculative or an attempt to use this overlooked loophole to acquire cheap public lands. A claimholder's valid and equitably justifiable rights would be protected simultaneously with the rights of the public.

I cannot understand the opposition to this law voiced by my colleagues. In 1986, a transaction was allowed to proceed pursuant to which 82,000 acres of public land were sold for $2.50 an acre. It was a scandal. Many Utahans, who are known for their fiscal conservatism and who love the public lands, were justifiably outraged. In Utah, there are 88,843 more federally owned acres available for multiple use which would be sold in a similar way if this law is not changed.

The public lands in the United States are a great part of the heritage and legacy our generation has to pass on to the next. There is a public will to protect this natural gift. This law would bring the operating rules of the BLM into conformity with our present sense of worth as Americans.

EXPLOSION ON THE U.S.S. "IOWA"

(Mr. WELDON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WELDON. Mr. Speaker, this past weekend many in this body and the other body spent the time back home in our districts honoring those individuals who have made the supreme sacrifice on behalf of our Nation. I especially praised those 47 young sailors who gave their lives in the fire and explosion that occurred on board the U.S.S. *Iowa.*

I spent this morning down at Norfolk where I was on board the *Iowa.* I went over the entire turret operation and investigated the area where the explosion occurred. I wanted to share with my colleagues the feeling that I got in being a part of that ship and meeting with the crew members and the officers who responded to that incident. It was a terrible tragedy, and while there are many lessons that are being learned and will be learned from that incident, and I as a member of the Seapower and Strategic and Critical Mineral Subcommittee, and chairman of the Congressional Fire Services Caucus will be working to implement those improvements, let me say beyond a question of a doubt that the attitude of the officers and men in handling that situation were obsolutely commendable. The way they responded to an unbelievable situation provides a signal for all of us that our sailors are in fact well trained and are very able to handle incidents of this type on the open seas.

I am pleased with what I saw, what I heard, and I am pleased with the attitude of our sailors as they prepare to go back out on to another mission on board that ship. Let me reassure my colleagues in this institution that our sailors are prepared and that our officers under Captain Moosally once again will do a tremendous job in protecting America's interest, and our job is to make sure that the lessons we learn and are learning from the *Iowa* tragedy are, in fact, turned into legislative change and support mechanisms necessary to protect young sailors from future similar incidents.

□ 1450

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. BRENNAN). The Chair will begin to recognize Members for special orders, subject to resumption of business at 3 p.m.

COL. HAROLD (PETE) DENMAN RETIRING AS AIR FORCE LEGISLATIVE LIAISON FOR THE SECRETARY OF THE AIR FORCE MAY 31, 1989

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Mississippi [Mr. MONTGOMERY] is recognized for 5 minutes.

Mr. MONTGOMERY. Mr. Speaker, I rise to commend one of our country's truly outstanding and dedicated military officers, Col. Harold R. (Pete) Denman, U.S. Air Force. He was born on November 6, 1932 in Buffalo, NY. He graduated from Riverside High School in Buffalo and later enlisted in the Air Force in January 1952. After attending the Air Force Supply School at F.E. Warren AFB, WY, Colonel Denman served at Naha Air Base, Okinawa and Hamilton AFB, CA.

Colonel Denman was discharged from the Air Force in 1956 and joined the 107th Fighter Group, New York Air National Guard, serving in various military and technical positions. He received a direct commission to first lieutenant and assumed responsibility of base equipment management officer. Colonel Denman was twice recalled to active duty with the 107th in support of the Berlin crisis in 1961, and again in 1968 during the Pueblo crisis. During activation he was ordered to Kwang-Ju Air Base, Korea. His last job with the 107th was as the logistics plans officer, assigned to group headquarters.

In 1975, Colonel Denman joined the National Guard bureau staff in Washington, DC, and worked in the Logistics Division of the Air Directorate. He later served as the Director of Logistics at the Air National Guard Support Center at Andrews AFB, MD. After graduating from the Industrial College of the Armed Forces in 1982, Colonel Denman was chosen to serve as the executive officer to the commander of the National Guard Bureau at the Pentagon until July 1986.

From August 1986 to the present, Colonel Denman has been assigned to Air Force Legislative Liaison, Office of the Secretary of the Air Force. As the Special Assistant for Reserve Forces he facilitates a communication network between the Secretariat, Air Staff, Air National Guard, Air Force Reserve, and the Congress.

Colonel Denman and his lovely wife Carole have five children: Linda, Charles—a lieutenant in the Air National Guard—Vicky, Susan, and Patty. I know Pete Denman as a friend and a man of many achievements, but nothing in this world makes him prouder than his four grandchildren, Jessica, Amye, Joey, and Kristin.

Mr. Speaker, on the occasion of his retirement, I salute Col. Pete Denman as one of our country's best.

REPRESENTATIVE NATCHER: A STUDY IN STANDARDS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois [Mr. YATES] is recognized for 5 minutes.

Mr. YATES. Mr. Speaker, in this day and age when too many articles critical of the behavior of Members of the House are found in the press, it is unique and refreshing to find an accurate and favorable report of a Member of the House appearing in a newspaper. We Members of the House know WILLIAM NATCHER of Kentucky. We know him to be worthy of our highest respect for the manner in which he conducts himself as a person and as a Member of the House. He is at his best when

he is selected to act as Chairman of the Committee of the Whole during consideration of a most complex and difficult legislative measure. Dignified, competent, courteous; above all, fair, BILL NATCHER exemplifies the finest traditions of the House. He rightly deserves the standing ovations he receives from his fellow Members when the bill is completed and he reports its conclusion to the Speaker.

Mr. Speaker, I know other Members will share my pride in the article reporting on BILL NATCHER which appeared in the Washington Post for May 25, 1989, which I now include in my remarks.

REPRESENTATIVE NATCHER: A STUDY IN STANDARDS

(By Dale Russakoff)

As Washington sinks into the swamp it once was, a spectacle of money and power gone haywire, Rep. William H. Natcher (D-Ky.) stays his fastidious course.

Erect and immaculate in his starched white shirt and dark suit, the snow-haired gentleman from Bowling Green has been in the House almost 36 years. At 79, he has never accepted a political contribution, never taken an honorarium for a speech and never missed a vote. Through 5 p.m. yesterday, he had cast 15,967 of them.

Everyone knows that he is one of a kind, and so, before each new Congress, House leaders ask Natcher to speak to incoming freshmen. "I tell them there are lots of things in life that are right sacred and good," Natcher said, "and one is to serve in the Congress and to say to those who want to spend this money on you, 'I'd appreciate it if you'd just keep your hands off me.'"

Most political action committees know to leave Natcher alone, but every now and then, somebody tries anyway, and he simply sends the checks back. Last year, the grand total of his campaign expenses, all paid by Natcher, came to $8,404.97—mostly for gasoline to drive his sprawling, rural district. By contrast, the average House winner in 1988 spent $358,992.

Another of Natcher's distinctions is that he runs the lowest-budget office in the House. A study in self-reliance, he has no administrative assistant, no legislative director, no press secretary. He just has "five ladies," as he puts it, who help him handle office business. He sends out one press release each year, which he writes himself, saying that once again he has not missed a vote.

"Representative William H. Natcher . . . has never missed a day or a vote since he has been a member of Congress," reads the 1988 release. "He has cast 11,748 roll call votes and 4,154 quorum calls, making a total of 15,902 . . . Natcher admits that he has had a great many close calls, but so far has been fortunate enough to never miss a vote and after passing the 15,000 mark, has indicated he intends to try for another 15,000."

The Guinness Book of World Records lists Natcher's feat, and he acknowledges that he is now something of a hostage to this self-imposed standard. He once went onto the floor with double pneumonia despite a doctor's order to go to the hospital. "Can't do it," he recalled thinking, "I'd miss 10 or 12 votes."

Then there was the time his wife was seriously ill in Bowling Green. Every night for two weeks, he caught a 7:20 flight to Nashville after adjournment, and drove 64 miles to see her. Every morning, he caught the 10:00 flight back, arriving in Washington in time for the opening vote.

"Deaths in the family, weather problems, transportation difficulties, sheer weariness did not stop him as he marched to his remarkable feat," Rep. Sidney R. Yates (D.-Ill.) wrote of Natcher in a newsletter to his district.

There are those who chuckle at Natcher's slavish devotion to standards that, after all, don't amount to much in the larger scheme of Washington. They fault him for not using his seniority as a platform to speak out on the issues of the day. With a larger staff, with a press secretary, he could have been a voice, they say. Maybe even a speaker.

But Natcher is content to be the No. 2 member of the Appropriations Committee, responsible for 43 percent of the federal budget—health, human services, education and labor—and many of the programs that Americans associate with the most basic functions of government.

Besides, there is something to be said, particularly in these times, for one who sets standards higher than those required of him, and sticks to them.

This is why, when contentious bills are debated and the speaker comes to the floor, Natcher is often called upon to preside. A picture of fairness and parliamentary prowess, he generally gets a standing ovation from both sides of the aisle when he returns the gavel.

"He's a forceful presence—almost in a military way," said Rep. David R. Obey (D-Wis.). "He taps the handle of the gavel, not the head. He does it very softly, and he'll just stand there and keep tapping until the House is silent."

So reverential is Natcher toward the House that he has faithfully kept a journal, which numbers 50 leather-bound volumes, of his years there. He also has written weekly to his children and grandchildren—more than 1,700 letters altogether—about the important workings of Washington as he sees them.

And so yesterday, as Washington was transfixed by the spectacle of House Speaker Jim Wright (D-Tex.) facing possible ruin before the ethics committee, Natcher was on the House floor fighting for $1.1 billion in supplemental appropriations for student loans, worker training and foster care.

"It's the most important matter before the House today," he said.

TRIBUTE TO THE LATE HONORABLE CLAUDE D. PEPPER

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from West Virginia [Mr. WISE] is recognized for 30 minutes.

Mr. WISE. Mr. Speaker, I, like many of my colleagues today, would like to rise in memory of CLAUDE PEPPER.

Whether you addressed CLAUDE PEPPER as Mr. Chairman, Representative, Senator, advocate of senior citizens, he was someone who wore many hats and earned distinction throughout his life.

CLAUDE PEPPER was, of course, someone recognized by almost every senior citizen. He was tireless.

I remember a trip he made to West Virginia 2 years ago. It was one of those whirlwind tours. Everyone wanted to see CLAUDE PEPPER.

So naturally he was put on the most rigorous schedule possible. West Virginia has four congressional districts spread out across a lot of terrain. Yet CLAUDE PEPPER in that 1 day visited every one of those congressional districts by helicopter and by plane, Districts 1, 2, 3 and 4.

I met up with him in District 3 in Charleston. He had already been to the first two districts and was go to on to the fourth. CLAUDE PEPPER was as fresh in that afternoon as he was in the morning when he started.

He brought a message to all West Virginians.

You could see the excitement in people as they gathered around. What struck me most was his energy, his willingness to come to our State and not only our State but the States that he went to before and after. He was energetic and active and vibrant and always carrying a message.

He spoke to senior citizens that day, as he did to many others, of the issues that are so important: Medicare, social security, health programs, nutritional programs, those that he had been a pioneer of.

You know in West Virginia we have one of the largest populations, per capita, of senior citizens in the Nation. CLAUDE PEPPER was an important figure to so many of us.

CLAUDE PEPPER, I think, brought home to this body probably better than anyone else the importance of health care. And while so much was attached to senior citizens, he spoke for senior citizens, and he spoke for all citizens, the 37 million that are not insured, the millions more whom I consider to be underinsured who do not have adequate coverage because he kept asking the question: Why is it that our country, the richest in the world, does not have long-term health care for everyone?

CLAUDE PEPPER carried that well, that mission, that fight, all his life.

I remember well sitting in a whips meeting when CLAUDE PEPPER made his impassioned appeal to have a vote on the long-term health care bill. There were many who said, "How do we pay for it?" But he made that dramatic and eloquent argument that said, "I have been in this Congress since the 1930's and every year someone has said, 'How do we pay for it,' or, 'We can't put it up this year, but wait until next year.'"

He said, "Mr. Speaker, when do we get our vote on that?"

Well, the Speaker and the Rules Committee gave him that vote last year.

You know we watched last night on television as they replayed clips from that famous speech that he made on the House floor in which he spoke of making things just a little bit better, "You can vote for this today and know

that you have made it a little bit better and lifted somebody's burden a little bit."

Unfortunately, that bill did not pass, but the memories of his fight and speech I think will last many, many years.

That is a fight that has to go on.

So as we remember CLAUDE PEPPER and talk about him and remember him, each of us has a personal experience in which we shared a moment with an incredible human being. I think he would also be saying to us, though, "Please, if you want to give me a memorial," after the ceremonies, after the streets and buildings and so much else that will be named in honor of CLAUDE PEPPER, "if you want to give me a memorial, then enact long-term health care, guarantee to the millions of senior citizens, guarantee to the countless millions of other Americans that they will not be left naked in the face of catastrophic illness or disabling illness or any other kind of medical care that they need and yet fear that they cannot afford."

I know someone in my district, who is close to me, who faces that travail right now. He just had a heart attack and possibly other even more serious complications. He has little money.

And the worry that is going through their minds right now as they agonize over how they can afford the necessary medical care, CLAUDE PEPPER reached out to that person and to the countless millions of other Americans and said, "I understand and I want to do something about it."

Well, this Congress can do something about it.

So the question I would have to ask today is: How long, Mr. Speaker, how long until this Congress addresses the question of long-term health care at home as CLAUDE PEPPER wanted to address it, as CLAUDE PEPPER forced us to address it last year, as CLAUDE PEPPER would have driven us to address it again this year?

We, the richest Nation on the face of the Earth, we, one of only two major industrial powers that do not have some kind of guaranteed access to long-term health care, how long can we go without addressing this problem?

CLAUDE PEPPER would say, "Let me have that memorial. If you want to give me a memorial, give me long-term health care, long-term nursing care at home; that is the best memorial you can carve out for me."

We all have our memories of CLAUDE PEPPER, those individual moments when we were touched by him. So, I think this is a time to reflect and to remember. I know that those of us in West Virginia, the thousands of senior citizens all over our State, he brought that hope to them.

I remember too not just in West Virginia, but it happened to be in Detroit when we went into a meeting of retirees. CLAUDE PEPPER walked into that room, and you could see the light go on in literally a thousand faces.

No one knew who the other Members were who were visiting, but everyone knew CLAUDE PEPPER.

They flocked around him. They were excited just to touch him, to feel him, that person that they had seen and heard about, and perhaps in some cases met before. He generated such excitement.

He went on from there to another function and then another function after that.

CLAUDE PEPPER carried that message to the hills and hollows and towns of West Virginia and to Michigan and to all over this world. He would go wherever you asked him to go.

That is something that we cannot replace, that kind of energy. He was also someone with an incredible faith in the system because he suffered setbacks. I have heard him speak and many others have recounted the election difficulties that he had, the setback that he had many years ago. But he did not give up on the system, he did not despair. He ran again later, and he won.

Here in the House is where he found his niche, where he carved out that reputation so well deserved of being the tireless fighter and advocate for senior citizens.

CLAUDE PEPPER is Representative, CLAUDE PEPPER is Senator, CLAUDE PEPPER is chairman, CLAUDE PEPPER is spokesman for the American people. That is what we need to remember.

I would hope that we can all reflect on exactly what it is that CLAUDE PEPPER would have had on his agenda this year. I would hope that we would remember that there are still many great unmet needs in addition to long-term health care. Social Security is a system that still needs to be protected; Medicare, a system that requires significant revision and revisiting, and of course long-term health care.

□ 1500

Following that, guaranteed or adequate medical access for all. These are the things that would be on CLAUDE PEPPER'S agenda and need to be on the Congress' agenda. It will be a far different place without CLAUDE PEPPER. It will be a far different Committee on Rules without CLAUDE PEPPER. It will be a far different institution, but I think that he would have said, "I have left you the basis, I have left you the foundation, and that you can go on from here."

So I think at this time it is worthwhile and important to remember that. Because I would like to return for just a second to that issue of health care, and indeed, if any of my colleagues wish to join me in remembering CLAUDE PEPPER or in talking about health care, I urge them to come to the well and participate, but I would like to talk for a minute about health care because for the life of me I still do not understand why it is that we have people that have to enter the hospital with half a hand, we have people who have to live in fear that they will not be able to get adequate medical treatment, we have people that avoid the preventive medicine they need today because they cannot afford the visit to the doctor and yet what that results in both to them and to our society is untold costs later in the illness that results.

It results in untold costs physically because the illness that they could have prevented now is severe and requires much greater treatment, so the physical toll that it takes upon them, the physical burden, the physical price they have to pay, but society pays a price also. Society pays that price when indeed instead of $1 worth of prevention, it has to pay thousands of dollars a day for hospitalization. It pays that price when instead of paying $30 to $60 a month for hypertension medications, it has to then pay $2,500 a month for nursing home care for someone with high blood pressure which could have been controlled at an earlier stage. Society pays that price instead of paying $1 for adequate prenatal. It must pay $4 and $5 for the low birth weight babies. Society pays that price when that child that could have been a healthy baby born and delivered in a proper manner, instead the mother does not get to a doctor, and if she does get to the doctor at all, not until the delivery is there, and then society must raise a child who is underweight or malnourished, and all the costs that come attendant to that.

So there is no escaping the costs. What we do by not enacting adequate long-term health care by guaranteeing health care to all citizens, what we do is guarantee that society and individuals are going to pay a stiff and deep price. It is a price that simply is not acceptable. Why is it that in this great society of ours we cannot have that kind of coverage? The kind of coverage that says to somebody, "You do not need to fear, you do not need to fear hospitalization, you do not need to fear the ravages of grave illness, you do not need to fear that, you can go to the doctor."

I have been doing a survey in my own State, and I think that the efforts or the results will be much the same in many other States, and I find that in some areas, for instance, there will be no physican taking the Medicaid card to do OB/GYN work. There will be no physician or perhaps one or two taking the Medicaid card, and I find that then, even though to take the Medicaid card, the Medicaid coverage is not adequate for many of the prob-

lems we face and many of the health problems. Where are we in society when we cannot say to those people, "You will have health care." Where are we when we cannot say to the poor, when we can actually, to the lower income, the person who is out of work, when we cannot say to them, there are a lot of things you may have to worry about, but health care is not one of them.

I have been in an eye-opening experience in the last year and a half, because I have been blessed with a son who is now 20 months old. A young child causes a person to focus things in a little different way. What that child has caused me to do is to realize that of all the things that I might be concerned about, the things that I might fear the most, the one that I am most concerned about is not having adequate health care for my child. That should something happen to me or should I become unemployed, as many become unemployed, how would I be able to take care of that son? Think of the parent who has to take, who wonders whether they can take their child to a clinic, who faces the possibility of being turned away at a doctor's office. Why? Because they do not have adequate financial resources. It is one thing to be turned away yourself, but to have your own child turned away, what kind of society are we that says that can happen?

So, some way, Members cannot have that kind of health insurance, whether it be provided by the Government or whether it be provided by voucher or by the private sector. Members cannot have that sort of total health care coverage. It is too expensive. It costs billions of dollars, that is what they told CLAUDE PEPPER just a year ago in the well. It could cost $30 or $40 billion.

Well, ladies and gentlemen, what does it cost not to have it? What does it cost in the lost productivity when someone is not able to recover from an illness or an injury? What does it cost in the number of children, low birth weight babies in ICU's at thousands of dollars a day? What does it cost to the person who is not able to be a productive citizen, a productive worker in society, because they are not able to because of health concerns? What does it cost Members not to provide that coverage? What is it costing Members in health coverage today? Health coverage that in many cases is not adequate. What is it costing?

So to those who would say we cannot afford it, I say to those Members we cannot afford not to do it because we are already paying that price. Mr. Speaker, at some point, I have to come to grips with the problem of health care. I happen to think that that is coming sooner than later. It is no longer just an isolated group, no longer senior citizens who perhaps do not have adequate Medicare, no longer just a few young people. It is today larger and larger groups are concerned about the rising costs of health care and how do they deal with them. If a person is working, they have seen a higher deductible payment in insurance. They have seen higher copayments. They have seen their insurance costs rise, and they know they cannot afford this. But yet at the same time, people know that the Congress and the President cannot afford not to do something about it. If you are a senior citizen, you are concerned about the increased costs for the catastrophic illness bill, and seniors also know the high cost of nursing home care, seniors know the high cost of hospital care. If you are a hospital administrator, you have to be concerned about the lack of insurance in our overall medical policies in this country, our overall health care policies, rural hospitals and the problems they face. Urban hospitals have somewhat different problems, nonetheless, whether Medicare reimbursement, Medicaid reimbursement, whatever it is, as a health professional, a person has to be concerned that we do not in this country have any guaranteed or have any direction in health policy.

So how much does it cost? It is costing Members a lot just not to have some sort of guaranteed excess for health care in our society, Mr. Speaker. We cannot continue to go longer. To the new pressure building, we have heard so much of the statistics about the 37 million uninsured, about how many millions more go without any adequate coverage. Oh, yes, they have a policy that may kick in once they have incurred $1,000 worth of medical costs, but what does that do for basic preventive medicine? What about the senior citizens who, while catastrophic illness can cover some costs now, look to the bankrupting effects of having to be hospitalized in a nursing home for a period of time? What about them? So, what about the young person who works at minimum wage, who does not have a medical card, who does not have a medical policy, receives no benefits? Minimum wage, Members want to raise minimum wage, go to $5 an hour, $6 an hour. The fact is, that still many of the jobs now do not have adequate health care coverage.

I ran into a couple, one working in a restaurant, the other day, and he had worked at a job with one of the major automobile manufacturers. The plant shut down, moved to Mexico, and where is he now? Working at $3.50 an hour. No medical coverage. His wife is also working at $3.50 an hour. So this couple, which before enjoyed, with his job at roughly $10 an hour plus health benefits, today earned between them $7 an hour and no health care benefits. Of course, as he told me, he is sick. He said to me, and said this without any sort of irony or sarcasm or anger, he said, "Well, Congressman, how do you expect us to make it, how do we make it?" Ladies and gentlemen, there is no way to answer that question.

□ 1510

How do you make it without health benefits on that kind of an income? That is the group that I think is going to be pressing this Congress more and more, and when that group gathers, it is going to be a volatile force. It has been unorganized to this point. It has not really come forward, but I think we are going to see a massive movement in the next few years, saying that there is one thing the greatest democracy in the world, the most powerful nation in the world, the richest nation in the world ought to provide, and that is guaranteed health coverage.

As I say, it can be one where we pick the system. Do we want it to be distinctly private sector-driven? Do we want it administered by the Government, or do we want a voucher system? Do we want some kind of private-public mix? Whatever it is, we can pick a model from all over the world, because much of the industrialized world has already led us and beaten us in this regard. They have a system, and we can pick the model. The point is that this is something that has to come.

There are 37 million uninsured, millions are underinsured, and there is a crying, critical need out there. Of course, that also means that we have to deal with health care costs. We have to deal with the fact that our hospital costs rise above inflation, not simply because hospitals are greedy but because their costs are rising, because of the sophisticated equipment that is so important, equipment that we all request when we enter the hospital. That sophisticated equipment is expensive, and it must be paid for. We want good medical education, and the costs of medical education are soaring. So there must be an attempt to have the ability to guarantee that we have the best medical education possible.

So also do we need to guarantee that our rural hospitals particularly remain open, because those are the ones that are shutting down at the most rapid rate. Five hospitals in my State alone last year closed their doors. They were major employers, but even more significantly, they were major health care providers. So we must guarantee that the rural hospitals are able to keep their doors open.

Indeed in many areas of the country 70 percent of the medical care that is provided in a hosptial is either charity care, Medicaid, or Medicare. Only 30 percent is being paid for by the private

sector and by private insurance. So at this point if we have 70 percent of our health care being paid for either by Medicaid or Medicare or uncompensated care, we have the Government involved in health care whether we like it or not.

So what I would urge is that we have a policy, that we have a direction, that we have a sense of where we are going, as opposed to the yearly paying out without any sense of where the money is going. Just as in the treatment of regular illness or injury, we cannot simply continue to put Band-Aids on, so we can not continue that with health care. Indeed we have Band-Aids now on top of Band-Aids, and now is the time for true treatment. That is necessary both at the governmental level and the private level, as I say, and also at the policy level.

This is the question we started asking before. How long do we go without health care? How long can this country take to generate a policy? How long can this country go without a policy?

Madam Speaker, I would encourage any Member who has any thoughts on this to feel free to participate in this discussion. We started this discussion remembering CLAUDE PEPPER and also remembering that which CLAUDE PEPPER stood for, and that was making sure the Americans in this country had the health care to which they were entitled. We do not have that now, and I think CLAUDE PEPPER was determined that at some point we would.

At this point, Madam Speaker, if there is no one else who wishes to participate in this discussion, I yield back the balance of my time.

The SPEAKER pro tempore (Ms. OAKAR). The Chair now recognizes the distinguished gentleman from Florida [Mr. LEWIS].

TRIBUTE TO THE LATE HONORABLE CLAUDE PEPPER

(Mr. LEWIS of Florida asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LEWIS of Florida. Madam Speaker, I rise in support of the resolution paying tribute to our cherished friend and colleague, CLAUDE PEPPER.

I hope and pray that Senator PEPPER's death serves to unite us in the interest of the people of this Nation.

Senator PEPPER said, "I love the Senate, but I dearly love the House."

The U.S. House of Representatives is the greatest government institution in the history of mankind. CLAUDE PEPPER's incredible life and magnificent career in service to people should be the inspiration upon which we begin a new day in this House and in American Government.

If we can serve with just a small amount of CLAUDE PEPPER's dedication, passion, and wisdom, our great Nation and our respective States will reap the benefits. He was a good friend and a great source of inspiration to me. His love for our State and Nation is unsurpassed. His passing creates a vacuum near impossible to fill on Capitol Hill and in the hearts and minds of millions of Americans.

We will miss CLAUDE PEPPER. CLAUDE PEPPER was an individual who was a living history book of this Nation's political history. He was someone who was looked to for his wisdom when it came to speaking for the elderly.

CLAUDE PEPPER could speak for the elderly because he identified with them. This is a tremendous void that will be left forever and ever in this great Nation.

I was a friend of CLAUDE PEPPER's, although I was a Member of the opposite party. But I respected him and admired him because he stood up and spoke for what he believed in. The people of this Nation, particularly the elderly, will miss him dearly.

It is so unfortunate, though, that all of us in this great country and in this House and in the Senate and other political bodies will stand and say nice things about individuals only after they pass away. What we should be doing is standing before the Members today and yesterday and years ago and saying things about people who are alive and about the good things that they do. It is so unfortunate that too often today we see the negativism that is portrayed about government. But the inspiration of CLAUDE PEPPER will serve for all of us as a reminder that there are high moral standards to reach for, and that he taught us to reach for them.

Madam Speaker, I will miss CLAUDE PEPPER. He was a dear friend and a great friend to the United States.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Ms. OAKAR). Pursuant to clause 5, rule I, and the Chair's prior announcement, the Chair will now put the question on agreeing to the resolutions on which further proceedings were postponed earlier today in the order in which those resolutions were considered.

Votes will be taken in the following order:

House Resolution 163, by the yeas and nays;

House Concurrent Resolution 139, by the yeas and nays; and

House Resolution 161, de novo.

EXPRESSING SORROW OF THE HOUSE AT THE DEATH OF THE HONORABLE CLAUDE PEPPER

The SPEAKER pro tempore. The pending business is the question of agreeing to House Resolution 163.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the resolution, House Resolution 163, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 397, nays 0, not voting 36, as follows:

[Roll No. 69]

YEAS—397

Ackerman	Derrick	Hayes (LA)
Akaka	DeWine	Hefley
Alexander	Dickinson	Hefner
Anderson	Dicks	Herger
Andrews	Dingell	Hertel
Annunzio	Dixon	Hiler
Anthony	Donnelly	Hoagland
Applegate	Dorgan (ND)	Hochbrueckner
Archer	Douglas	Holloway
Armey	Downey	Hopkins
Aspin	Duncan	Horton
Atkins	Durbin	Houghton
AuCoin	Dwyer	Hoyer
Baker	Dymally	Hubbard
Ballenger	Dyson	Huckaby
Barnard	Early	Hughes
Bartlett	Eckart	Hunter
Barton	Edwards (CA)	Hutto
Bateman	Edwards (OK)	Hyde
Bates	Emerson	Ireland
Beilenson	Engel	Jacobs
Bennett	English	James
Bereuter	Erdreich	Jenkins
Berman	Evans	Johnson (CT)
Bevill	Fascell	Johnson (SD)
Bilbray	Fawell	Johnston
Billey	Fazio	Jones (GA)
Boehlert	Feighan	Jones (NC)
Boggs	Fields	Jontz
Bonior	Fish	Kanjorski
Bosco	Flake	Kaptur
Boucher	Flippo	Kasich
Brennan	Foglietta	Kastenmeier
Brooks	Foley	Kennedy
Broomfield	Ford (MI)	Kennelly
Brown (CA)	Ford (TN)	Kildee
Brown (CO)	Frank	Kleczka
Bruce	Frenzel	Kolbe
Buechner	Frost	Kostmayer
Bunning	Gallegly	Kyl
Burton	Gallo	LaFalce
Byron	Garcia	Lagomarsino
Callahan	Gaydos	Lancaster
Campbell (CA)	Gejdenson	Laughlin
Campbell (CO)	Gekas	Leach (IA)
Cardin	Gephardt	Leath (TX)
Carper	Gillmor	Lehman (CA)
Carr	Gilman	Lehman (FL)
Chandler	Gingrich	Leland
Chapman	Glickman	Lent
Clarke	Gonzalez	Levin (MI)
Clay	Goodling	Levine (CA)
Clement	Gordon	Lewis (CA)
Clinger	Goss	Lewis (FL)
Coble	Gradison	Lewis (GA)
Coleman (MO)	Grandy	Lightfoot
Coleman (TX)	Grant	Lipinski
Collins	Gray	Livingston
Combest	Green	Lloyd
Conte	Guarini	Long
Cooper	Gunderson	Lowery (CA)
Coughlin	Hall (OH)	Luken, Thomas
Cox	Hall (TX)	Lukens, Donald
Coyne	Hamilton	Machtley
Craig	Hammerschmidt	Madigan
Crane	Hancock	Manton
Crockett	Hansen	Markey
Darden	Harris	Marlenee
de la Garza	Hastert	Martin (IL)
DeFazio	Hatcher	Martin (NY)
DeLay	Hawkins	Martinez
Dellums	Hayes (IL)	Matsui

Mavroules
Mazzoli
McCandless
McCloskey
McCollum
McCrery
McCurdy
McDermott
McHugh
McMillan (NC)
McMillen (MD)
McNulty
Meyers
Mfume
Michel
Miller (CA)
Miller (OH)
Miller (WA)
Mineta
Moakley
Molinari
Mollohan
Montgomery
Moody
Moorhead
Morella
Morrison (CT)
Morrison (WA)
Mrazek
Murphy
Myers
Natcher
Neal (MA)
Neal (NC)
Nelson
Nielson
Nowak
Oakar
Obey
Olin
Ortiz
Owens (NY)
Owens (UT)
Oxley
Packard
Pallone
Panetta
Parker
Parris
Pashayan
Patterson
Paxon
Payne (VA)
Pease
Pelosi
Penny
Perkins
Petri
Pickett
Pickle
Porter
Price
Pursell
Quillen
Rahall
Rangel
Ravenel
Ray
Regula
Rhodes
Richardson
Ridge
Rinaldo
Ritter
Roberts
Robinson
Roe
Rogers
Rohrabacher
Rose
Rostenkowski
Roukema
Rowland (CT)
Rowland (GA)
Roybal
Russo
Sabo
Saiki
Sangmeister
Sarpalius
Savage
Sawyer
Saxton
Schaefer
Scheuer
Schiff
Schneider
Schroeder
Schulze
Schumer
Sensenbrenner
Sharp
Shaw
Shays
Shumway
Shuster
Sikorski
Sisisky
Skaggs
Skeen
Skelton
Slattery
Slaughter (NY)
Slaughter (VA)
Smith (FL)
Smith (IA)
Smith (MS)
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (VT)
Smith, Robert (NH)
Smith, Robert (OR)
Snowe
Solarz
Solomon
Spence
Spratt
Staggers
Stallings
Stangeland
Stark
Stearns
Stenholm
Stokes
Studds
Stump
Sundquist
Swift
Synar
Tallon
Tanner
Tauke
Tauzin
Thomas (CA)
Thomas (GA)
Thomas (WY)
Torres
Torricelli
Towns
Traficant
Traxler
Udall
Unsoeld
Upton
Valentine
Vander Jagt
Vento
Visclosky
Volkmer
Walgren
Walsh
Watkins
Waxman
Weber
Weiss
Weldon
Wheat
Whittaker
Whitten
Williams
Wilson
Wise
Wolf
Wolpe
Wyden
Wylie
Yates
Yatron
Young (AK)
Young (FL)

NAYS—0

NOT VOTING—36

Bentley
Bilirakis
Borski
Boxer
Browder
Bryant
Bustamante
Coelho
Conyers
Costello
Courter
Dannemeyer
Davis
Dornan (CA)
Dreier
Espy
Florio
Gibbons
Henry
Inhofe
Kolter
Lantos
Lowey (NY)
McDade
McEwen
McGrath
Murtha
Nagle
Oberstar
Payne (NJ)
Poshard
Roth
Schuette
Smith, Denny (OR)
Vucanovich
Walker

□ 1530

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

□ 1540

PERMITTING REMAINS OF THE HONORABLE CLAUDE PEPPER TO LIE IN STATE IN ROTUNDA OF THE CAPITOL

The SPEAKER pro tempore (Ms. OAKAR). The pending business is the question of agreeing to House Concurrent Resolution 139.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. The question is on the concurrent resolution, House Concurrent Resolution 139, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 397, nays 0, not voting 36, as follows:

[Roll No. 70]

YEAS—397

Ackerman
Akaka
Alexander
Anderson
Andrews
Annunzio
Anthony
Applegate
Archer
Armey
Aspin
Atkins
AuCoin
Baker
Ballenger
Barnard
Bartlett
Barton
Bateman
Bates
Beilenson
Bennett
Bereuter
Berman
Bevill
Bilbray
Bliley
Boehlert
Boggs
Bonior
Bosco
Boucher
Brennan
Brooks
Broomfield
Brown (CA)
Brown (CO)
Bruce
Buechner
Bunning
Burton
Byron
Callahan
Campbell (CA)
Campbell (CO)
Cardin
Carper
Carr
Chandler
Chapman
Clarke
Clay
Clement
Clinger
Coble
Coleman (MO)
Coleman (TX)
Collins
Combest
Conte
Cooper
Coughlin
Cox
Coyne
Craig
Crane
Crockett
Darden
de la Garza
DeFazio
DeLay
Dellums
Derrick
DeWine
Dickinson
Dicks
Dingell
Dixon
Donnelly
Dorgan (ND)
Douglas
Downey
Duncan
Durbin
Dwyer
Dymally
Dyson
Early
Eckart
Edwards (CA)
Edwards (OK)
Emerson
Engel
English
Erdreich
Evans
Fascell
Fawell
Fazio
Feighan
Fields
Fish
Flake
Flippo
Foglietta
Foley
Ford (MI)
Ford (TN)
Frank
Frenzel
Frost
Gallegly
Gallo
Garcia
Gaydos
Gejdenson
Gekas
Gephardt
Gillmor
Gilman
Gingrich
Glickman
Gonzalez
Goodling
Gordon
Goss
Gradison
Grandy
Grant
Gray
Green
Guarini
Gunderson
Hall (OH)
Hall (TX)
Hamilton
Hammerschmidt
Hancock
Hansen
Harris
Hastert
Hatcher
Hawkins
Hayes (IL)
Hayes (LA)
Hefley
Hefner
Herger
Hertel
Hiler
Hoagland
Hochbrueckner
Holloway
Hopkins
Horton
Houghton
Hoyer
Hubbard
Huckaby
Hughes
Hunter
Hutto
Hyde
Ireland
Jacobs
James
Jenkins
Johnson (CT)
Johnson (SD)
Johnston
Jones (GA)
Jones (NC)
Jontz
Kanjorski
Kaptur
Kasich
Kastenmeier
Kennedy
Kennelly
Kildee
Kleczka
Kolbe
Kostmayer
Kyl
LaFalce
Lagomarsino
Lancaster
Laughlin
Leach (IA)
Leath (TX)
Lehman (CA)
Lehman (FL)
Leland
Lent
Levin (MI)
Levine (CA)
Lewis (CA)
Lewis (FL)
Lewis (GA)
Lightfoot
Lipinski
Livingston
Lloyd
Long
Lowery (CA)
Luken, Thomas
Lukens, Donald
Machtley
Madigan
Manton
Markey
Marlenee
Martin (IL)
Martin (NY)
Martinez
Matsui
Mavroules
Mazzoli
McCandless
McCloskey
McCollum
McCrery
McCurdy
McDermott
McHugh
McMillan (NC)
McMillen (MD)
McNulty
Meyers
Mfume
Michel
Miller (CA)
Miller (OH)
Miller (WA)
Mineta
Moakley
Molinari
Mollohan
Montgomery
Moody
Moorhead
Morella
Morrison (CT)
Morrison (WA)
Mrazek
Murphy
Myers
Natcher
Neal (MA)
Neal (NC)
Nelson
Nielson
Nowak
Oakar
Obey
Olin
Ortiz
Owens (NY)
Owens (UT)
Oxley
Packard
Pallone
Panetta
Parker
Parris
Pashayan
Patterson
Paxon
Payne (VA)
Pease
Pelosi
Penny
Perkins
Petri
Pickett
Pickle
Porter
Price
Pursell
Quillen
Rahall
Rangel
Ravenel
Ray
Regula
Rhodes
Richardson
Ridge
Rinaldo
Ritter
Roberts
Robinson
Roe
Rogers
Rohrabacher
Rose
Rostenkowski
Roukema
Rowland (CT)
Rowland (GA)
Roybal
Russo
Sabo
Saiki
Sangmeister
Sarpalius
Savage
Sawyer
Saxton
Schaefer
Scheuer
Schiff
Schneider
Schroeder
Schulze
Schumer
Sensenbrenner
Sharp
Shaw
Shays
Shumway
Shuster
Sikorski
Sisisky
Skaggs
Skeen
Skelton
Slattery
Slaughter (NY)
Slaughter (VA)
Smith (FL)
Smith (IA)
Smith (MS)
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (VT)
Smith, Robert (NH)
Smith, Robert (OR)
Snowe
Solarz
Solomon
Spence
Spratt
Staggers
Stallings
Stangeland
Stark
Stearns
Stenholm
Stokes
Studds
Stump
Sundquist
Swift
Synar
Tallon
Tanner
Tauke
Tauzin
Thomas (CA)
Thomas (GA)
Thomas (WY)
Torres
Torricelli
Towns
Traficant
Traxler
Udall
Unsoeld
Upton
Valentine
Vander Jagt
Vento
Visclosky
Volkmer
Walgren
Walsh
Watkins
Waxman
Weber
Weiss
Weldon
Wheat
Whittaker
Whitten
Williams
Wilson
Wise
Wolf
Wolpe
Wyden
Wylie
Yates
Yatron
Young (AK)
Young (FL)

NAYS—0

NOT VOTING—36

Bentley
Bilirakis
Borski
Boxer
Browder
Bryant
Bustamante
Coelho
Conyers
Costello
Courter
Dannemeyer
Davis
Dornan (CA)
Dreier
Espy
Florio
Gibbons
Henry
Inhofe
Kolter
Lantos
Lowey (NY)
McDade
McEwen
McGrath
Murtha
Nagle
Oberstar
Payne (NJ)
Poshard
Roth
Schuette
Smith, Denny (OR)
Vucanovich
Walker

□ 1559

So the concurrent resolution was agreed to.

The result of the vote was announced as above recorded.

QUESTION OF PERSONAL PRIVILEGE—JIM WRIGHT, SPEAKER OF THE HOUSE

The SPEAKER pro tempore. (Mr. FOLEY). The Chair recognizes the distinguished Speaker of the House.

Mr. WRIGHT. Mr. Speaker, I ask that I may be heard on a question of personal privilege.

The SPEAKER pro tempore. The distinguished Speaker is recognized for 1 hour.

(Mr. WRIGHT asked and was given permission to revise and extend his remarks and include extraneous matter.)

Mr. WRIGHT. Mr. Speaker, for 34 years I have had the great privilege to be a Member of this institution, the people's House, and I shall forever be grateful for that wondrous privilege. I never cease to be thankful to the people of the 12th District of Texas for their friendship and their understanding and their partiality toward me.

Eighteen times they have voted to permit me the grand privilege of representing them here in this repository of the democratic principles.

Only a few days ago, even in the face of harsh news accounts and bitter criticisms, they indicated in a poll taken by the leading newspaper in the district that 78 percent of them approved of my services, and that includes 73 percent of the Republicans in my district. I am very proud of that.

And you, my colleagues—Democrats and Republicans—I owe a great deal to you. You have given me the greatest gift within your power to give. To be the Speaker of the U.S. House of Representatives is the grandest opportunity that can come to any lawmaker anywhere in the Western World, so I would be deeply remiss if I did not express my sincere appreciation to you for that opportunity.

I would hope that I have reflected credit upon the people of my district who know me best, perhaps, and upon the people of this House who, next to them, know me best.

I am proud of a number of things that we have done together while you have let me be your Speaker. I am proud of the record of the 100th Congress.

Many people feel that it was the most responsive and productive Congress in perhaps 25 years, and all of you who were here in that Congress had a part in that.

Many of the things we did were truly bipartisan in character. Together we made it possible for great leaps forward to be made in such things as U.S. competitiveness in the world. Together we fashioned the beginnings of a truly effective war on drugs—to stamp out that menace to the streets and schools and homes of our Nation.

We began the effort to help the homeless, and we still have work to do to make housing affordable to low-income Americans so that there will not be any homeless in this country.

We did things to help abate the financial disaster of catastrophic illness, to provide for welfare reform, clean water, and a great many other things that I shall not detail.

For your help, your great work, and for permitting me to be a part of this institution while that was happening, I thank you and I shall forever be grateful for your cooperation.

I love this institution. I want to assure each of you that under no circumstances, having spent more than half my life here, this House being my home, would I ever knowingly or intentionally do or say anything to violate its rules or detract from its standards. All of us are prone to human error.

The Speaker of the House is, in fact, the chief enforcer of the rules of the House. It is really a wonderful thing that any Member of the House may, at his or her will, bring questions against any other Member and under our rules the case must be investigated. I have no quarrel with that, nor do I have any criticism of the people who serve on the Committee on Standards of Official Conduct. That is a thankless job, and we have to have such a committee.

For nearly a year I have ached to tell my side of the story. True, the questions which I have to respond to keep changing. But today silence is no longer tolerable, nor, for the good of the House, is it even desirable.

So without any rancor and without any bitterness, without any hard feelings toward anybody, I thank you for indulging me as I answer to you, and to the American people, for my honor, my reputation, and all the things I have tried to stand for all these years.

For the past year, while the Committee on Standards of Official Conduct has had these matters under advisement, I have ached for the opportunity to speak. Almost daily I besought the committee to let me come and answer whatever questions the Members had on their minds.

Finally, on the 14th of September, 1988, they gave me 1 day in which to respond. I gratefully went and spent the whole morning and the whole afternoon, answering as candidly and as freely as I possibly could, any question that anyone asked. I believe when I left everyone was reasonably well satisfied.

Suffice it to say that the five original charges were dropped, dismissed. In their place, however, came three additional charges. Well, some said 69. But the 69 are actually just a matter of multiple counting of the 3.

In April the committee said, well, the members thought there was some reason to believe that rules may have been violated in these three basic areas.

I owe it to you, and to the American people, to give a straightforward answer on those three areas.

While I am convinced that I am right, maybe I am wrong. I know that each of us, as Benjamin Franklin suggested, should be careful to doubt a little his own infallibility.

Before those charges were issued, press leaks filtered out almost daily, tarnishing my reputation and, by inference, spilling over to the reputation of this institution.

I pleaded for the privilege to come and answer those questions. Under the rules, that was not permitted to me. And the charges were formally made.

So let us look at them—one by one—dispassionately.

The committee has raised three basic questions. It does not say there is clear and convincing proof that I violated the rules; it does not say that the committee knows I violated the rules. The committee said it had some reason to believe I may have violated the rules. For these last few weeks I have been trying to understand that and get an opportunity to address it.

Now is the day; I am going to do it now.

The three questions are these: One relates to my wife Betty's employment at $18,000 a year for some 4 years by a small investment corporation which she and I formed with friends of ours, George and Marlene Mallick. Did the salary and the attendant benefits of that employment—the use of an apartment when she was in Fort Worth on company business and the use of a company-owned car—constitute merely a sham and subterfuge and a gift from our friend Mr. Mallick? Betty's employment and those things related to it—were they gifts?

□ 1610

Members have read in the papers the suggestion made by committee counsel that I may have received up to $145,000 in gifts from my friend, Mr. Mallick. Half of it, $72,000, was Betty's income, Betty's salary. The other half involved the use of a car and use of an apartment. The question is whether this is right or wrong. Let us look at it.

Betty's employment—was this a gift? The first question, I suppose Members might be asking, is why was Betty working for the corporation. Why did we put her to work at $18,000 a year? The answer is very simple. She was the only one of the four of us who had the time and the inclination to handle the job—to look into the investment opportunities that our investment corporation was created to explore. George Mallick was too busy looking after his own interests. He has business interests of his own. Marlene Mallick was raising a family. I was busy being a Member of Congress and majority leader. I did not have any

time to spend on it. Betty alone, among all of us, had the time, the opportunity, the experience, and the desire to give effort and energy to exploring and promoting investment opportunities.

She did, indeed, perform work. It paid off for the little corporation. She did it well. She studied and followed the stock market on regional stocks. I had brought into the corporation some that I had owned personally, in my personal estate. Betty advised us as to the best time to sell, the best time to buy, and the corporation made some money on those regional stocks. Not a lot of money by some people's standards, but we made some money. Betty's work paid for her salary, several times over.

She made very frequent contacts with a drilling company that was working on a series of exploratory west Texas gas wells, in which each of the partners had an interest, having all borrowed money from the corporation in order to invest. She visited the site of drilling and maintained contact with the company for us.

She went to New York and studied the gemstone business and the corporation made an investment in gemstones. We made some money on that. Betty also looked into the possibility of the corporation, Mallightco, building an apartment complex for young people but she concluded that the interest rates were unfavorable. Betty also spent a considerable amount of time studying the wine culture industry which was then just getting started in Texas. She made an economic study that concluded it was too speculative for a little corporation of our type.

She looked into other prospective investments such as a small and limited partnership in the movie, "Annie," and a prospective venture in sulfur extraction, but advised against both of those investments. It was lucky for us that she did because people investing in them lost money.

Now I want to include for printing in the RECORD affidavits from several business people who know from their personal experience and attest to the work that Betty did in this regard. There will appear in the RECORD, at this point, an affidavit by Pamela L. Smith, one by Kay F. Snyder, one by John Freeman, one by Louis A. Farris, Jr., and one by J.B. Williams, all attesting to their personal knowledge of the things Betty did in working for the corporation at $18,000 a year.

The affidavits follow:

AFFIDAVIT

STATE OF TEXAS,
County of Tarrant, ss:

Personally before me, the undersigned authority, a Notary Public in and for the County of Tarrant, State of Texas, duly commissioned and qualified, there came and appeared Pamela L. Smith, who being first duly sworn, did depose and say:

"My name is *Pamela L. Smith*, my address is 921 Holly, Crowley, Texas 76036. I am the Managing Director of The Mallick Company and its affiliates.

I have read in newspapers, magazines and hear on T.V. that Mr. Phelan has made the charge that Mallightco was a sham corporation and Mrs. Betty Wright did not do work or earn her pay. These charges are completely false and I have given testimony of this information to the Ethics Committee when I appeared before them.

I was first introduced to Mrs. Wright in 1973 by my employer Mr. Mallick. I was 23 years old. Through the years Mrs. Wright became a role model to me. Mrs. Wright encouraged me to join a professional business women's club. On her advice, I joined Zonta International in 1978. I became the youngest President of the Fort Worth Chapter in 1982.

I became associated with Mrs. Wright professionally when she began working for Mallick Properties, Inc. in 1979. Mrs. Wright worked on the Mallick Concept from 1979-1981. The Mallick Concept was a small apartment unit designed for the young adult to be built throughout the Sunbelt area. Mrs. Wright, along with other staff including myself, studied approximately 10 different cities throughout the Sunbelt states. Mrs. Wright was excited about being a part of a team to develop and construct an apartment designed especially for young people. Mrs. Wright liked the idea of an apartment that was affordable for young people—first-time apartment dwellers and young married couples out on their own.

Mrs. Wright traveled often to many cities to discuss the concept with attorneys, city planners and engineers. Mrs. Wright along with others would survey the cities and locate building sites. She would return, complete her notes, and help prepare lengthly written reports.

In the latter part of 1979, I helped assemble and form the corporation Mallightco Inc. to be owned by the Mallicks and the Wrights. The Wright's contribution was $58,127 in stocks and securities. The stock was delivered to me. As assistant secretary of Mallightco, the stock was under my safekeeping. Thereafter, I was in charge of day-to-day operations of Mallightco, Inc., under Mr. Mallick's direction.

In 1981, Mrs. Wright left Mallick Properties' payroll and went on the Mallightco Inc. payroll at $18,000 a year.

Mrs. Wright pursued many business opportunities presented to Mallightco, including, but not limited to the following:

1. Barite and chemical.
2. Lou Farris—Chain Bank.
3. Everman Property.
4. Nigerian Oil Trading.
5. Matrix Oil.
6. Brazos River Vineyard and Winery.
7. "Annie"—the movie.
8. Oil and gas investments.

Additionally, Mrs. Wright met with Mr. Mallick and business associates on so many occasions that it is impossible to recall each, but I attended dozens of meetings with Mrs. Wright and Mr. Mallick from 1981 through 1984 on Mallightco business both in and outside of our offices.

For newspapers or Mr. Phelan to suggest that Mrs. Wright did not work is unreasonable and untrue. In addition to the above projects, I know that Mrs. Wright regularly tracked stock market/interest rate trends and discussed on the telephone by long distance Mallightco business affairs."

Sworn to upon my oath, this 15th day of April, 1989.

PAMELA L. SMITH.

Given under my hand and seal of office this 15th day of April, 1989.

DOROTHY C. WING.

Notary Public in and for the State of Texas.

AFFIDAVIT

STATE OF TEXAS,
County of Tarrant, ss:

Personally before me, the undersigned authority, a Notary Public in and for the County of Tarrant, State of Texas, duly commissioned and qualified, there came and appeared Kay F. Snyder, who being first duly sworn, did depose and say:

"My name is *Kay F. Snyder*, my address is 3813 Mattison, Fort Worth, Texas 76107. I am Director of Dining Enterprises, Inc. the corporate owner and operator of restaurants located in Fort Worth.

Beginning in 1978, I and my husband at that time, Armand Jones, began a vineyard in Parker County, Texas. Our vineyard was successful and in the early 1980's we then began exploring the idea of developing a winery project to produce wine at our vineyard and to market it in the restaurants we owned, as well as to conduct tours of the vineyard and winery.

Beginning in 1981, I had discussions with the Mallick group, initiated by Betty Wright. Although we never entered into a joint venture for the development of this project, I personally met with Betty Wright, Congressman Jim Wright and Mr. George Mallick and other representatives of their group over a period of several years to investigate the feasibility of this project.

The first substantive meeting was in July of 1984 and included Betty Wright, Jim Wright and I; however, all of the business that was discussed was between Betty and myself. Over the next year, Betty and I had numerous meetings at the vineyard, and telephone conferences regarding the project. Our meetings were lengthy, lasting from five to eight hours each. On one occasion, Betty Wright, Jim Wright and I spent a full day touring the vineyard and reviewing projections and proposals regarding the winery. Subsequent to my multiple meetings with Betty Wright, I had at least 8 meetings with George Mallick. After extended research, projections and negotiations, we were unable to reach an agreement and the joint venture was never consummated.

From the inception, this proposed joint venture was a project in which Betty Wright took an active part, contributing many hours of her time and her management and business skills to the analysis and development of the project. She initiated our negotiations and was active throughout the process. In all our meetings, she was well informed on the subject, asked intelligent questions and was thorough in pursuing the details of the project knowledgeably and in a business-like manner. In fact, when I was in meetings with both George Mallick and Betty Wright, Betty led the discussion.

In summary, as regards the Mallick group's consideration of our winery proposal, Betty Wright was in charge and in control of the project. She initiated the contact, invested many hours of her time and had an active, meaningful and integral role in the Mallick group's analysis and evaluation of our proposal."

Sworn to upon my oath, this 15th day of April, 1989.

KAY F. SNYDER.

Given under my hand and seal of office this 15th day of April, 1989.

DOROTHY C. WING.

Notary Public in and for the State of Texas.

AFFIDAVIT

STATE OF TEXAS,
County of Tarrant, ss:

Personally before me, the undersigned authority, a Notary Public in and for the County of Tarrant, State of Texas, duly commissioned and qualified, there came and appeared John A. Freeman, who being first duly sworn, did depose and say:

"My name is *John A. Freeman*, and my address is 5100 Crestline, Fort Worth, Texas 76107. I am an investor with interests in many different industries. I came to Fort Worth in 1967 and was introduced to Congressman Wright by Mr. Amon Carter, Jr. in 1968.

Shortly after Mr. Wright married Betty Wright I met them at a reception and continued to see them at irregular intervals. In 1978 and 1979 I mentioned to Congressman Wright that I had enjoyed moderate success in investing in some shallow wells with Southeastern Resources. He said that he only had modest funds to invest but would like to invest in oil and gas exploration. I told him of a well that I had an interest in and he invested in a small percentage.

In 1979, at Congressman and Betty Wright's anniversary party, Betty introduced me to Mr. George Mallick and asked if I could meet with them at some convenient time to discuss business opportunities.

Shortly after that anniversary party, I met with Betty at Mr. Mallick's office and she explained that he was an investor as I was, and she was to assist him in looking for opportunities in the real estate, oil, or possibly other areas and that she would appreciate the chance to look at opportunities I might be interested in and that they in turn would do the same for me. I then met with Mr. Mallick and he discussed his various business experiences.

In early 1979 or 1980, I was having dinner with Mr. Jim Ling in Fort Worth and discussing the formation of a company to acquire interests in the energy field. Mr. Mallick and Betty Wright were dining at the same club and come by the table and were introduced to Mr. Ling. The following day I called Betty and told her that I was discussing an investment in Matrix Energy with Mr. Ling and it might be something that Mr. Mallick would be interested in. She told me that her position was no longer that of an employee but that she and Mr. Mallick had formed a company that they jointly owned. I furnished her all the information I had on Matrix Energy. Approximately six months later, I received a call from Betty and she told me that they had no interest in Matrix.

In 1982, I met with Congressman Wright in Fort Worth and he informed me that George Mallick and Betty were in New York working and that he was going to join them when he left Fort Worth. At that time, I was working with an institutional investor and was planning to meet with them in New York. As I was going to be in New York, I arranged to meet with George, Jim and Betty there. We met and I told them what I was presently working on in the real estate field and they asked to meet with me in Fort Worth to see if they had any projects that we might do together.

Betty, George and I met in Fort Worth approximately two weeks later and I was furnished a description of property that they either knew of or controlled to see if we had any interest. I submitted properties that I had and the other properties to my investor. It was decided that we should pursue one project that Betty and Mr. Mallick had submitted.

I called Betty and she referred me to Mr. Mallick. We then worked for a period of approximately 2 months on our feasibility study during which time I met with Betty and George on several occasions. As a result of our failure to pre-lease the project, we decided not to build the building. Betty was active throughout the development and consideration of this project.

Beyond the consideration of these two projects, I had numerous contacts with Betty and George in New York City where I ran into them while they were pursuing various business investments.

In summary, to my personal knowledge, Betty Wright was an active and hard working member of the Mallick investment group. She was the person who introduced me to George Mallick and she worked with George and me throughout our consideration of the Ling investment and the office building project in Fort Worth.

Based on my personal experience with Betty Wright and George Mallick, Betty was a full and equal partner in everything we tried to do together. She was the primary reason I was involved with Mallightco and she was involved every step of the way.

Sworn to upon my oath, this 15th day of April, 1989.

JOHN A. FREEMAN.

Given under my hand and seal of office this 15th day of April 1989.

DOROTHY C. WING.

Notary Public in and for the State of Texas.

STATE OF TEXAS,
County of Tarrant, ss:

AFFIDAVIT

Personally before me, the undersigned authority, a Notary Public in and for the County of Tarrant, State of Texas, duly commissioned and qualified, there came and appeared Louis A. Farris, Jr., who being first duly sworn, did depose and say:

"My name is *Louis A. Farris, Jr.*, and my address is 8214 Westchester, Suite 91J, Dallas, Texas 75225. I am President of Empire Financial Corporation.

Over a period of several months beginning in the summer of 1983, I had three meetings in my Dallas office with George Mallick and Betty Wright to discuss various investments proposals for which I was seeking partners.

At our first meeting, Congressman Wright was also in attendance. George, Betty, the Congressman and I discussed my group's interest in acquiring common stock of the First National Bank of Weatherford then held by Mallightco. As a result of our discussions, the First National Bank of Weatherford, bought the stock from Mallightco for approximately $25,000.

Over the next several months George, Betty and I met two more times in my office. At the time I was attempting to assemble a chain of banks in several states and I was looking for partners and investors. George and Betty reviewed my proposal, but decided not to participate in that venture with me.

From the outset of our meetings, I was told that George and Betty were co-owners of an investment company and all of my dealings with them confirmed such an arrangement. George and Betty both participated in all of our discussions and negotiations. In every way, Betty was a full and responsible partner in all of their dealings with me.

Sworn to upon my oath, this 15th day of April, 1989.

LOUIS A. FARRIS, JR.

Given under my hand and seal of office this 15th day of April, 1989.

DOROTHY C. WING.

Notary Public in and for the State of Texas.

AFFIDAVIT

STATE OF TEXAS,
County of Tarrant, ss:

Personally before me, the undersigned authority, a Notary Public in and for the County of Tarrant, State of Texas, duly commissioned and qualified, there came and appeared J. B. Williams, who being first duly sworn, did depose and say:

"My name is *J.B. Williams*, my address is 6150 Indigo Court, Fort Worth, Texas 76112. I am Chief Executive Officer of Southeastern Resources Corporation, an independent oil and gas producer. Beginning in 1979, Congressman Jim Wright, his wife, Betty Wright, George Mallick and his wife, Marlene Mallick began a business relationship with our company which led to the drilling of approximately 25 oil and gas wells over a period of 2-3 years, with the production from these wells continuing for approximately 10 years. The business relationship began with a meeting in 1979 in which Mr. and Mrs. Wright and Mr. and Mrs. Mallick met with our company and various personnel, George Jett, Vice President of Field Operations, Jean Williams, Executive Vice President, Dan Flournoy, Comptroller, Bill McCormick, Field Engineer and later on field people and other administrative personnel.

I had the perception that George Mallick and Betty Wright made the ultimate decisions to participate in the drilling of the wells with our company. That perception was simply because Betty and George asked more questions, and Betty in particular asked for and received the various contract forms and geological data of the intended area of drilling interest. Later on and for several years Betty made many visits to our office to gather information on the joint interest. She also made many telephone calls with regard to same.

To the best of my memory Betty made more than one trip to Brown County for on-site inspection of the joint oil and gas interest and on one occasion Congressman Wright, Betty, George and Marlene visited several wells with me and I was impressed by Betty's technical questions. My memory is not specific but the impression lingered that she, more than anyone else in the Mallick group, including George Mallick, attempted to learn the why and wherefores of the business in which the group was investing its money.

On many occasions I made visits to the Mallick offices on Hulen Street to discuss some aspects of the group's oil and gas interest and in my memory George always called Betty into these meetings and appeared to rely on her for dates, recall, opinions and decisions. These are lingering and lasting impressions as opposed to specifics, but I can testify under oath that though I was not aware of any details of any employ-

er-employee relationship between Mallick and Betty Wright, she was in my strong opinion an integral person in the on-going business affairs of the Wrights and Mallicks, and in regard to their investments with my company, she took a leadership role.

I have known George many years and greatly admire his entrepreneurial enterprise but like most of us business types his successes have been attendant with some failures. It is not more than a personal opinion but during Betty's years with George, I judged she helped him achieve a balance that he didn't have in the years before or after their association.

This affidavit is given on a voluntary basis. I have neither seen nor talked with Congressman Wright (except to see him on television) since May of 1988. I have not seen the Mallicks for several years, although I have spoken to George on the telephone as recently as last month and we did discuss the investigation. Congressman Wright, Betty Wright, the Mallicks nor anyone else has asked me to volunteer this information.

The purposes of this affidavit is to personally refute the Ethics Committee allegation and accusations that Betty Wright was a sham employee of George Mallick. I will be glad to testify before any authorized investigative body to the truth of these statements.

Sworn to upon my oath, this 15th day of April, 1989.

J.B. WILLIAMS.

Given under my hand and seal of office this 15th day of April, 1989.

DOROTHY C. WING.

Notary Public in and for the State of Texas.

The outside counsel employed by the committee has suggested that Mrs. Wright's employment somehow amounted to a gift. I do not know why, but he assumed that the services she rendered could not have been worth $18,000 a year. How he concludes that she did not perform duties is to me a mystery.

On page 20 of the statement of alleged violation, there is a very strange suggestion that, "there was no evidence either supporting or establishing that the money paid to Mrs. Wright was in return for identifiable services or work products." Frankly, I do not know exactly what Mr. Phelan means by "work products."

Does he want so many pages of old shorthand notes? So many pages of typed manuscript? Betty was not a carpenter.

Is a woman's mental study, her time and her advice, not to be counted as a work product? How the committee could conclude that there was "no evidence" that Betty performed duties is very puzzling to me. There certainly is no evidence that she did not.

When I was before the committee, that was not one of the things that was being considered. The committee did not ask me to go into any elaborate details as I have just done—to tell them the things that she did.

The committee assumed—assumed—that there was no evidence. Oh, but there was evidence. Both the people of whom questions were asked, aside from myself, Mr. Mallick and Pamela Smith, testified that she did indeed work.

Mr. Phelan's report says that Pamela Smith could not identify any more than maybe 12 days in the whole 4-year period in which Betty worked. That is an inaccurate representation of what Mrs. Smith said. Pamela Smith, both in this affidavit and in her testimony before the committee, clearly said she saw Betty there from 5 to 7 days every month including weekends. Mrs. Smith spoke of her knowledge of Betty doing work in Washington and New York and elsewhere. So there was surely evidence.

Well, is one to conclude that my wife's services to a little corporation were worth less than $18,000? For most of her adult life Mrs. Wright has been a business person. She has been an officer in a large hotel, an officer in a successful real estate and construction firm, and a professional staff person on a congressional committee. She was making more than $18,000 when she worked for the congressional committee.

And here is the irony, the supreme irony: In 1976, when I was elected majority leader, Betty voluntarily left her job as a professional staff person on the committee so as to avoid any criticism of this institution or of her husband on the grounds that we both were on the public payroll. How many colleagues in the House and the Senate do Members know whose wives are on the public payroll, doing good work? Yet Betty did not want to be the cause for even unfounded criticism. She was legally entitled to continue. She had occupied that job before our marriage. But she chose to leave, to save the institution and her husband from unwarranted criticism. That is the kind of person she is.

Now it just seems to me that there is not any justification at all for any person even raising a question about whether she earned her $18,000 a year. Should a Member of Congress have to prove that his wife earned that much money? Bear in mind, this money was not paid by Mr. Mallick. The money was paid by the corporation of which Betty and I were half owners.

In addition to charging that Betty's salary was a gift, the outside counsel contends, in summing up $145,000 in gifts, that Betty had the use of the company car. That is true, she did. For the first 3 years it was used largely by Mr. and Mrs. Mallick. The next 4 years, Betty had most use of it.

It was not Mr. Mallick's car, it was the company car. The company bought and paid for it. We owned half of it. The next 4 years Betty had most of the use of it.

I have done what I can to resolve any doubt. I wanted to do the right thing—the honorable thing. I bought and paid for that car out of my personal funds.

The trustee of my blind trust, at my instruction, paid the corporation full book value for the car on the day Betty first started driving it on company business, plus interest. The interest amounted to about $3,000.

What more can I do? Does that make it right? That has already been done.

Concerning the apartment, Betty and I have been more than anxious to do what is right and honorable about that. We did not think there was anything wrong with paying a per diem rate. The apartment was not held out for rent to anybody else. It was not owned for rental purposes. The Mallick family did not want anybody also in the apartment. The family owned about six apartments in this unit or complex. They held those apartments out for their employees and their families. There would not have been anybody in the apartment paying any amount of money at all if they had not permitted us, when we were in town, to occupy the apartment. We paid on a daily basis for our use of that apartment.

But in an effort to resolve any doubt, last year I told Mr. Mallick that I did not like the situation being criticized. He said "Ralph Lotkin, the counsel for the Committee on Standards, said it was all right." Mr. Mallick pointed out that 4 years ago, there was in the Fort Worth Star-Telegram newspaper a statement quoting the chief counsel of the Committee on Standards, Mr. Lotkin, as saying that be did not see anything improper with the per diem arrangement on the apartment. I relied on that.

Nevertheless, last year I said to George Mallick, "I want to buy the apartment, George. I want to pay you for it." I did. I paid the amount suggested as appraised by two real estate persons in Fort Worth, $58,000. Now, if anybody thinks that is too low a price, I will sell it to you today for $58,000.

Well, I just wanted to clear the air and remove doubts and say that if we made a mistake, we have done what we can to set things right. I do not think we violated any rules. I think you are entitled to know that, and my respect for you leads me to want to tell you that.

The second alleged violation is based on the assumption that Betty's employment and the job benefits that she had were gifts, and the further assumption that George Mallick, our friend and business partner, had a direct interest in influencing legislation, which would make it a violation

of the rules for us to accept gifts from him.

Now how does the committee arrive at that suggestion? I have known Mr. Mallick for more than 25 years. He has been my friend. He has been a good, decent, hard-working man, a man of Lebanese extraction. His father had a wholesale grocery store in Fort Worth. His grandfather came there with a wagon, a cart. George has been a moderately successful businessman.

Never once in all the years I have known this man has he ever asked me to vote for or against any piece of legislation—not once. That is not the basis of our friendship. That is not the way our relationship goes. You have friends like that; they do not ask you for anything. All they want is to be a friend. Not one time has he asked me to intercede with any administrative agency of government in his behalf or in behalf of any institution in which he has an interest—not once.

How do they say that he had a direct interest in influencing legislation? Well, on page 58 of the committee report, it is suggested that simply because he was in the real estate business and because he had some oil and gas investments, the committee might "infer"—that is the word—the committee might infer that he could be deemed a person with an interest of a direct nature in legislation.

The committee suggested he might have an interest in the Tax Code. Well, who does not? Every taxpayer has an interest in the Tax Code. Anybody who ever expects to receive Social Security has an interest in the Social Security laws. All people have an interest of some kind in the results of legislation; do they not?

That is not what we are talking about. We are talking about whether or not they have an interest in trying to influence the course of legislation.

Now where would you go to find out what that means? If somebody wants to associate with you in some way and be in business with you back home in a perfectly legal way, where would you go to find out whether they have an interest in legislation or not? Whom would you consult if you were in doubt about it? I was not in doubt, but suppose you were. Would you think you could consult the publications of the committee or consult the people who wrote the rules?

Well, the people who wrote the rules do not think George Mallick had an interest in legislation. DAVID OBEY was the chairman of the committee that drafted those rules. He asserts clearly, unequivocally, emphatically, and unambiguously, both in an affidavit and an op ed he wrote for the Washington Post, the definition that does not fit George Mallick's case. Mr. Mallick does not have an interest in legislation, as defined under the rules, the rules that DAVID and his committee wrote.

Harold Sawyer, a former Republican Member from Michigan, who served on that committee along with DAVID OBEY, says the same thing. I have an affidavit from Mr. Sawyer in which he states exactly that same conclusion.

And there is an affidavit of Donald F. Terry, who is currently employed by the Committee on Small Business, but who was a staff member of the Commission on Administrative Review which was charged in 1976 with responsibility for drafting new rules of official conduct for the House. Most of what he refers to has to do with the question of book royalties, and I shall come to that next.

But in these matters, these three people who had a great deal to do with writing the rule say that is not what they intended when they wrote the rule. I offer these for printing in the RECORD, as follows:

[From the Washington Post, Apr. 25, 1989]

THE WRIGHT REPORT—THEY'RE MISAPPLYING THE RULES

(By David Obey)

I would like to offer some thoughts about the manner by which Congress and the nation reach judgments on the ethics of public men and women.

My only particular credential is that in 1977 I chaired the commission that rewrote, reformed and strengthened the House Code of Conduct under which Speaker Jim Wright is now being judged.

Of course, the ethics of public figures should be judged in a broad context. It is ironic, as George Will has thoughtfully noted [op-ed, April 18], that in the '80s the ethics of public figures are being discussed solely in terms of personal or financial acts.

When I first unpacked my bag of Wisconsin progressive values 20 years ago, as an idealistic 30-year-old newcomer to Congress, I had the idea—and still have the idea—that public decisions which deny decent shelter to today's poor and steal from the living standards of tomorrow's families in order to continue the fiction that wealthy people are undertaxed are at least as unethical as, say, Judge Ginsburg's smoking a marijuana cigarette or a Cabinet nominee's feeling a female knee in public. So is lying to Congress about financing an illegal war.

Of course, there must be a higher standard than that of the marketplace for those of us who serve in public life. That is why members of Congress disclose the amounts and sources of their outside income even though those who report our actions and shape public opinion in the process do not (disregarding Adlai Stevenson's warning that those who shape the public mind may do evil just as great as those who steal the public purse).

I will reach no final conclusion about the speaker's case until I have all the facts. My purpose in writing is to help ensure that House rules for which I have prime responsibility are correctly understood and applied by the House, which must live by them, and the public, which must be served by them.

I do so with reluctance because rewriting those rules in 1977 was painful. Those rules changes cost some of my colleagues a lot of money—more than $100,000—and while the vast majority have recognized that I was simply doing my job for the good of the institution, a few have never forgiven me.

The issue before the standards committee at the moment is not, as some have written, whether Jim Wright should remain as speaker. The issue is whether he has broken House rules. In my view, two rules cited by the standards committee in its initial report a week ago are being misapplied.

Book Royalties: In examining the meaning of the rule of book royalties, the committee report makes two mistakes:

(1) It asserts that the intention of my commission in drafting the House rule can be determined by reading Senate debate. But the House rule was adopted before that Senate debate took place on the basis of testimony before us that occurred 77 days before Senate consideration.

(2) Committee Counsel Richard Phelan was "guided by the language of Advisory Opinion 13" in determining the royalty provision. That is wrong because the advisory opinion had nothing to do with the copyright exemption. It was drafted to distinguish between earned and unearned income from businesses. It was never even considered in the context of royalty income.

If today's committee feels that the speaker violated House rules in his actions on book royalties, it must cite different rules and a different line of reasoning than the one contained in its erroneous report.

Interest in Legislation: The second misapplied rule is the committee's new definition of who has a distinct interest in legislation. This is crucial because it would determine if or when the speaker received illegal gifts from George Mallick, a business associate and a 30-year close, personal friend. The committee report determined that Mallick had a direct interest in legislation "by virtue of the fact that he had large holdings and investments." That interpretation is an absolutely arbitrary ex post facto rewriting of the rule.

In writing the gift limitation, we made no distinction whatsoever on the basis of a citizen's economic status. Advisory Opinion 10, produced to guide members through this tricky thicket, spelled out four specific covered categories: a lobbyist, one who hires a lobbyist, one who maintains a separate political action committee, or one who the member knows has a distinct and special interest that sets him apart from others in his class. We specifically warned that members must be wary of gifts over $100 "unless such gift is from a close, personal friend."

That language (and constant assurances I gave numerous members in 1977—that it would not be construed to require members to become accountants in their dealings with lifelong personal friends) makes it reasonable to assume that for 1981-1985 Wright could have concluded the rule did not cover Mallick. I do not know whether he was covered after 1985 because I do not have all the facts. The standards committee will, I am sure, review those events carefully.

I am confident that the House and the committee will be mindful of their public obligation and will do whatever is right. But T.S. Eliot also warned us that the greatest treason is to "do the right deed for the wrong reason."

One other point: I am amused when some members of the press blithely dismiss as weak the rules under which Wright is being judged. Any reading of the congressional debate that took place at the time would leave no doubt that they were regarded as far too strong by many thoughtful mem-

bers. And they were also regarded as being too tough by some members of the press, including a highly respected reporter for The Post who wrote an op-ed piece the day we adopted these rules, urging their defeat because they were too meddlesome. I do not mind the change of opinion expressed by some in the press today, but I do mind the sanctimony that occasionally accompanies that change of opinion.

No branch of government in our 200-year history has so thoroughly and excruciatingly examined the conduct of anyone within it as has the House in this instance. That should bring credit, not condemnation, on the House in which I proudly serve.

[U.S. House of Representatives before the Committee on Standards of Official Conduct]

AFFIDAVIT OF HAROLD S. SAWYER

IN THE MATTER OF SPEAKER JAMES C. WRIGHT, JR.

STATE OF MICHIGAN,
County of Kent, ss:

I, Harold S. Sawyer, am competent to give affidavits at law, and testify as follows:

1. I am a partner in the Grand Rapids law firm of Warner, Norcross & Judd. I served as a Republican Member of Congress from 1977 to 1985.

2. In 1978, I served as a Republican Member of the House Select Committee on Ethics ("the Preyer Committee"), which drafted and later issued a number of Advisory Opinions implementing and interpreting the House's Rules of Official Conduct.

3. During my service as a member of the Preyer Committee, our Committee had occasion to consider Rule XLIII, Clause 4, which prohibits members from accepting gifts from persons with a "direct interest in legislation." We were very concerned with who would be considered to have a direct interest *for purposes of the Rule*, since virtually anyone who holds property, belongs to a profession, receives Social Security or any other form of government assistance, or works as a farmer has a "direct interest" in legislation before Congress. In the broad sense, any citizen does, but that certainly was not what the Rule intended.

4. In my opinion, Rule XLIII Is specifically limited to the three classes of individuals described in the Rule: lobbyists, officers or directors of lobbyists, and any person retained by a lobbyist. Under the legal principal of *exressio unus exclusio alterius*, persons not falling within one of these specific three categories is not covered by Rule XLIII and does not have a "direct interest" in legislation for purposes of the Rule. To avoid the application of this rule, a draftsman normally states "including but not limited to" or words to this effect. This was deliberately not done.

5. My understanding from public reports is that Mr. Mallick—the person from whom Speaker Wright is charged with having accepted a gift—is not a person who falls within any of the three categories delineated in Rule XLIII. If he is not, then in my opinion Speaker Wright cannot have violated the Rule.

6. While I was serving on the Select Committee, we adopted Advisory Opinion No. 10, which interprets Rule 43. The Advisory Opinion indicates that an individual who "has a distinct or special interest in influencing or affecting the federal legislative process which sets such individual . . . apart from the general public" is, for purposes of Rule XLIII, an individual with a "direct interest" in legislation. In my opinion, the Advisory Opinion was intended to describe, not expand, the scope of Rule XLIII. Indeed, an Advisory Opinion cannot lawfully expand the scope of a House Rule.

7. Even to the extent some members of the Select Committee might have believed that Advisory Opinion No. 10 expanded the scope of Rule XLIII, Mr. Mallick still would not constitute an individual with a "direct interest" in legislation, assuming that the media description of his activities is accurate. No one serving with me on the Select Committee ever even suggested that, under Advisory Opinion No. 10, an individual would be deemed to have a "direct Interest" in legislation simply because he had real estate investments, oil and gas investments, or loans from federally insured lending institutions. Indeed, if such a person has a "direct interest," then Advisory Opinion No. 10 has rendered Rule XLIII essentially meaningless, since virtually anyone would have a "direct Interest." This was *not* the purpose or intention of the Committee on which I served.

8. As I previously have advised this Committee, I do not believe that Speaker Wright's conduct relating to the sale of books and the receipt of royalties can possibly have violated House Rule XLVII, the limit on Outside Earned Income. The Rule expressly excludes copyright royalties from the earned income limit. This was a blanket exemption. In my opinion, any qualified lawyer with whom the Speaker had consulted as to whether he could sell books on which he was paid a royalty without having the annual 30 percent limit apply, in lieu of accepting honorariums, certainly would have advised him that he could do so under the plain terms of Rule XLVII. While this Committee may conclude that the blanket exemption of copyright royalties is unwise, it cannot fairly or lawfully reinterpret that Rule and apply a new definition retroactively in the current proceedings against the Speaker.

9. Since Speaker Wright plainly has not violated the letter of the Rule, it would be grossly unfair, in my opinion, to conclude that he has violated the "spirit" of the Rule. It is difficult to perceive what the "spirit" of the Rule is. It cannot be the restriction of outside income per se, since unearned income is unlimited, as is earned income from farming, ranching, or any other family-controlled business. Nor can the "spirit" be to limit the time spent by members on outside activities, since a member is permitted to give four times as many $500 speeches as he is $2,000 speeches, and since there is no limit at all on unpaid speeches. Indeed, my understanding is that the Speaker gave hundreds of speeches for which he received no honorarium and in connection with which he sold no books. I point this out only to illustrate the danger and unfairness of attempting to enforce the "spirit," rather than the letter, of a House Rule. Lawyers, after all, spend much of their time advising clients as to how to comply with the letter of the law while neither attempting nor even being able to make any sense of the law or determine its "spirit."

10. I do not know the Speaker well, and have no partisan interest in this matter, as should be obvious from my political affiliation. However, as a lawyer and as one who served on the Select Committee during the relevant period, I feel obliged to note the extremely serious legal shortcomings in the Committee's preliminary interpretation of the House Rules the Speaker has been charged with violating.

Further affiant sayeth not.

HAROLD S. SAWYER.

Subscribed and sworn to before me this 22nd day of May, 1989.

BARBARA J. CALLAN.
Notary Public, Kent County, Michigan.

[U.S. House of Representatives before the Committee on Standards of Official Conduct]

AFFIDAVIT OF DONALD F. TERRY

IN THE MATTER OF SPEAKER JAMES C. WRIGHT, JR.

DISTRICT OF COLUMBIA.

I, Donald F. Terry, am competent to give affidavits at law, and testify as follows:

1. I am currently employed by the House Committee on Small Business. I was a staff member on the Commission on Administrative Review, which was charged in 1976 with the responsibility for drafting new Rules of Official Conduct for the House. I also am the former Staff Director of the House Select Committee on Ethics, which interpreted and implemented the House Rules of Official Conduct, once they were adopted by the House on March 2, 1977.

2. In my capacity as Staff Director of the Select Committee, I drafted Advisory Opinion No. 13, which was adopted by the Select Committee to clarify the application of House Rule XLVII (the Rule dealing with limitations on Members' outside earned income).

3. My understanding, and—to my knowledge—the understanding of all members of my staff and of the Select Committee at the time, was that the express copyright royalty exclusion contained in Rule XLVII was a blanket exclusion.

4. During the course of drafting Advisory Opinion No. 13, I had several meetings and conversations with Douglas D. Drysdale, a member of the law firm of Caplin & Drysdale, who had been retained by the Select Committee to provide expert counsel and technical assistance concerning issues relating to the application of House Rule XLVII. One provision proposed by Mr. Drysdale for inclusion in Advisory Opinion No. 13 was a subparagraph entitled "Real Facts Controlling." The subparagraph, which I accepted for inclusion in my draft of the Advisory Opinion, provides that "The limitations proposed by Rule XLVII may not be avoided by devices designed to circumvent them. In all cases, the real facts will control" My understanding of this provision and the basis on which I included it in the draft was that it principally related to the concern that a Member might try to mischaracterize earned income (which is limited under Rule XLVII) as unearned income (which is not limited). To my recollection, there was no discussion either between me and Mr. Drysdale or in my conversations with members regarding the specific application of this subsection to Rule XLVII's exclusion of copyright royalties from the earned income limitation.

5. Mr. Drysdale and his law firm did submit proposed language specifically relating to copyright royalties, which language arguably would have restricted the otherwise blanket copyright royalty exclusion in Rule XLVII. I rejected this proposed language, however, just as I rejected a number of other provisions proposed by Mr. Drysdale in his 29-page memorandum. Because I rejected at a staff level the copyright royalty language proposed by Mr. Drysdale, to the best of my knowledge, it was never reviewed by the members of the Select Com-

mittee, and, therefore, cannot be now used as a basis to interpret application of Rule XLVII.

6. In the course of the investigation of Speaker Wright, neither the Outside Special Counsel nor any member of the Committee's staff has interviewed me or otherwise sought my view as to the proper interpretation of Rule XLVII or Advisory Opinion No. 13.

Further affiant sayeth not.

DONALD F. TERRY.

Sworn to and subscribed by the undersigned Notary Public on this 22 day of May, 1989, to certify which witness my hand and seal of office at 1:35 PM.

THOMAS J. LANKFORD.

Notary Public in and for the District of Columbia.

Where else might you turn if you were in doubt? Might you not possibly go to the committee itself and see what advisory opinions it has given? Here is the publication the committee sends to all of us to tell us what is and what is not legal. Each year we receive this as instructions for filling out our financial disclosure statements. Appendix E is an advisory opinion No. 10 which defines who has a direct interest in legislation under the rules. It says:

If the Member does not believe that the donor of the gift has a distinct or special interest in the congressional legislative process which set him clearly apart from the general public, then the Member should feel free to accept such gifts.

That is the official advice from the committee given to every Member. Then it defines, in summary, who has an interest in legislation as prohibited under the rule. It given four classes. That is all.

Listed first are registered lobbyist. George Mallick is not a registered lobbyist.

Next comes any person who employs a registered lobbyist. George Mallick never did that.

Third, it refers to somebody who directs or operates a political action committee. George Mallick has never done that.

And finally, any other individual which the Member "knows"—not "should know" or "ought to suspect or "ought to infer," but which the Member knows has distinct or special interest in influencing or affecting the legislative process. The definition is not just somebody who has got an interest financially in the outcome of legislation. Not at all. It is rather somebody you know who has a direct or special interest in influencing the outcome of the legislative process which sets that individual apart from the general public.

□ 1630

My colleagues, that was just simply not the case with George Mallick. He had no direct interest in legislation of any type.

Now we have motions before the committee to set aside that presumption of Mr. Mallick's having a direct interest in legislation. Personally, I do not have reason to believe he has.

The only thing the committee has suggested is that in 1986 his son borrowed money from a savings and loan to build a shopping center, wholly apart and separate from any investments Betty and I had. Then in 1987, the lending institution had to foreclose on the son's loans.

But note the years involved here. Betty was employed, purportedly as a gift, from 1981 to 1984. Mr. Mallick could not have known in 1981 and 1984 that his son was going to borrow money in 1986, and that the thing would go bad in 1987, and that an economic decline would make it possible for him to pay off his note on time. He could not have known that in any way.

I ask my colleagues: "Would you stretch this rule to the point of saying it covers that just anybody who has a member of his family who owes money to a bank or a savings and loan?

Of course my colleagues would not. That would cover more than half the citizens of the country.

The people who wrote the rules do not believe that Mr. Mallick is covered. So I think under all reasonable circumstances that our dismissal motion ought to be agreed to. Our motion ought to be agreed to, if rules mean anything—if we are not just going to turn the whole thing on its head and change the rules by whim every time we turn around.

Now the third count that remains in the statement of alleged violations which concerns the sales of a book called "Reflections of a Public Man," which I wrote and which was sold sometimes in bulk quantities to people who took it and gave it away to other people—students, newspapers, public officials, and members of their organizations. Did I want these books circulated widely? Of course I did. My colleagues know that I wanted to get the widest possible distribution of the book. A book that you write, you know, is a part of you. You think of it as a child almost.

Now this book probably is not great literature, but I like it. Marty Tolchin of the New York Times, John Silber, president of Boston University; Jim Lehrer of the MacNeil/Lehrer Report; and Dr. Bill Tucker, chancellor of TCU, all said nice things about it. And I appreciate that.

Now, the contention of the committee, as I understand it, is that the publication of this book, from which I got $3.25 for every one that sold, was a kind of a sham and a subterfuge in itself and an overall scheme for me to exceed and violate the outside earnings limitation on a Member of Congress. Do my colleagues think that I would so something like that?

The purpose of the book was to publish something that could be sold at a small price and get wide distribution. If monetary gain had been my primary interest, do my colleagues not think I would have gone to one of the big Madison Avenue publishers—the houses that give writers big advances?

I know people who have received advances before a single book sells from those big companies—advances twice or three times as much as I got in the total sale of all those books. If it had been a scheme to get around outside earning limits, that is what I might have done.

I hear that a woman author of a book called "Mayflower Madam," got $750,000 in advance royalties. Our former Speaker, Mr. O'Neill, is said to have received $1 million for his excellent and readable book in advance before any of them were sold. I have read that a woman named Kitty Kelly received as much as $2 million in advance royalties for a book she has written on Nancy Reagan and which, as I understand it, is not even an authorized biography. Well, so much for that.

It is true, I think, that people on my staff were eager to sell these books. They knew I wanted them sold. I have got to accept full responsibility for that if it was wrong. But the rule does not say it was wrong.

It could not have been an overall scheme to avoid outside earning limits because the rules are clear. They are not equivocal. The rules expressly exempt royalty income, and that, too, is attested to by the gentleman from Wisconsin (Mr. OBEY), and it is attested to by Donald Terry who gives the rationale. There were not any exceptions; book royalties were exempted.

Now maybe book royalties should not have been exempt. But the rules clearly say that they are.

Maybe somebody got the impression that buying a book was a price of getting me to make a speech. I never intended that impression. I never suggested that. I hope that friends of mine did not.

Of all the books that were sold, the committee suggests that seven cases involved instances where individuals associated with organizations to which I made speeches bought multiple copies of the book and distributed them among members of the organization or others.

Now I have not been permitted to see a copy of their testimony, so I do not know exactly what the witness said. I have asked people on my staff, "Did you tell these folks that they had to buy these books or I wouldn't make a speech?" and they said, "no, they did not."

The total amount, as I figure, from all of those sales involved only about $7,700. That is what I received.

My colleagues know I would do whatever was necessary, whatever was

right. If any of those people were under the impression that I was not going to make a speech to them unless they bought a bunch of books, and if they wanted their money back, I would give them that money. I do not want the money. That is not important. What is important is a person's honor and his integrity.

During that 3-year period, the committee says there were seven instances where I made speeches to groups that bought copies of these books. In that period, I made at least 700 speeches for which I did not get any honorarium at all, and no one offered to sell anybody a book. Do my colleagues suppose that, if this had been an overall scheme, that there would not have been a wider kind of an experience than that? I do not know. I am just saying to my colleagues that I did not intend to violate the outside earning limitation, and I do not believe legally that I did.

Some of the rest of my colleagues make a lot of speeches. I ask, "How many speeches do you suppose you make that you don't get anything for?" Most of us make many.

One other thing about the book that I suppose needs elaboration involves the allegation in the statement of alleged violations that a man named S. Gene Payte, a reputable businessman in Fort Worth, paid for more books than he got from the publisher. That is what was said in the report of the outside counsel.

S. Gene Payte, upon reading that report, issued an affidavit that is not ambiguous at all. Here is what Mr. Payte says, I will read in part this affidavit and put the whole thing in the RECORD.

He says:

I have read the Report of Special Outside Counsel Richard J. Phelan on the Preliminary Inquiry conducted pursuant to the Committee's June 9, 1988 resolution, as it relates to my testimony. I also have reviewed the transcript of my deposition testimony. The Report, and also the conclusions reached by the Special Counsel, ignores much of the most pertinent testimony in the transcript, takes certain statements out of context, distorts clear statements of fact and in general, fails fairly and accurately to summarize the matters as to which I testified.

And the conclusion reached by the Special Counsel that Wright violated the rule was, quoting the affidavit, "based on his [Mr. PHELAN'S] categorical assertion that, 'Gene Payte did not receive the books?' "

□ 1640

The Special Counsel asserts,

Payte

And I am quoting—

Testified that he only received between 300 and 500 copies of the old book for his $6,000 and makes the flat statement, "Gene Payte did not receive the books." Citing as authority Payte's transcript, on page 77.

Now here is what Payte says:

On the contrary, I did not so testify. I stated not once, but three times, that I believed 1,000 books were delivered to me.

And he cites the transcript of this testimony, pages 27, 40, and 41.

Mr. Payte goes on:

The Special Counsel ignores this testimony. Instead, he cites Transcript 77. That citation does not support the Special Counsel's assertion. Transcript 77 shows that Congressman Myers—not I—made the comment, "I believe you said you received 3 to 500 books."

I did not confirm his recollection, my reply being, "I would like to have the new books." (Tr. 77). In fact, I never so testified.

So this is a copy of that affidavit which I should like to submit for the RECORD, together with a copy of a letter that was sent by the committee to Mr. Payte after he issued this affidavit telling him he ought not to comment.

AFFIDAVIT OF S. GENE PAYTE

THE STATE OF TEXAS,
County of Tarrant, ss:

Before me the undersigned authority on this date personally appeared S. Gene Payte, known to me to be the person whose name is subscribed hereto, and he being duly sworn did depose and say the following:

My name is S. Gene Payte. I reside at 6450 Sumac, Fort Worth, Tarrant County, Texas 76116. I have personal knowledge of the matters contained herein.

On or about October 17, 1988, I was called to testify in the proceeding before the Committee on Standards of Official Conduct of the U.S. House of Representatives, in the matter of Speaker James C. Wright, Jr.

I have read the Report of Special Outside Counsel Richard J. Phelan ("R.") on the Preliminary Inquiry conducted pursuant to the Committee's June 9, 1988 resolution, as it relates to my testimony. (R. 85-86). I also have reviewed the transcript ("Tr.") of my deposition testimony. The Report, and also the conclusions reached by the Special Counsel, ignores much of the most pertinent testimony in the transcript, takes certain statements out of context, distorts clear statements of fact and in general, fails fairly and accurately to summarize the matters as to which I testified.

The conclusion reached by the Special Counsel that "Wright violated Rule XLIII, Clause 4 (R. 86) was based on his categorical assertion that, "Gene Payte did not receive the books." (Id.). The Special Counsel asserts, "Payte testified that he only received between 300 and 500 copies of the old book for his $6,000 (R. 86), and makes the flat statement, "Gene Payte did not receive the books" (Id.), citing as authority, "Payte Tr. 77".

On the contrary, I did not so testify. I stated, not once, but three times, that I believe 1,000 books were delivered to me. (Tr. 27, Tr. 40, Tr. 41). The Special Counsel ignores this testimony. Instead, he cites Tr. 77. That citation does not support the Special Counsel's assertion. Transcript 77 shows that Congressman Myers—not I—made the comment, "I believe you said you received three to five hundred books." I did not confirm his recollection, my reply being, "I would like to have the new books." (Tr. 77). In fact, I never so testified. Apparently, Congressman Myers had in mind a telephone conversation (a transcript of which I had furnished to the Committee) which I had had with a reporter several months earlier when the question had first arisen and before I had the opportunity to check any records or refresh my memory. In that conservation I had stated that over a period of time I bought and gave away about a thousand books, but I also had stated in the telephone converservation that I took delivery of, "just four or five hundred books, or three or four hundred books." There had been some confusion in that early telephone interview both as to the question of whether I was to receive additional books from an anticipated new printing and as to whether the books from the original printing which I acutally had received constituted what I termed "delivery" of all of the books which I had purchased and which I was to receive. At no time in my deposition before the Committee did I testify that I had received only between 300 and 500 books. When Mr. Kunkle put the question to me directly, my response was, "No, I think he delivered more than that." (Tr. 52). I did not intend to say, and did not say to the Committee in my testimony, that I had received only that number of books. However, I was still desirous of receiving additional books which would identify Mr. Wright as Speaker rather than Majority Leader. As I testified before the Committee (which testimony was ignored by the Special Counsel in his Report), I believed that Mr. Moore had delivered 1,000 books to me, but I was "not for sure" (Tr. 27) and I repeated twice thereafter that I believed I had received approximately 1,000 books. (Tr. 40, Tr. 41). Later in my testimony, when Mr. Kunkle asked if it was my best recollection that in fact Mr. Moore delivered somewhere between 300 and 500 books to me, I responded that I thought that he delivered more than that. (Tr. 52).

Since testifying, I have discovered positively that in fact approximately 1,000 books were delivered to me. While I had believed this to be the case, I had not been absolutely certain of the fact. I now am certain. I had taken two large cases of books to the home which I have in Rockport, Texas and had forgotten this fact. These books, together with the books which I had in Fort Worth, totaled 1,000. To reiterate, I received all of the 1,000 books which I purchased.

I also am disturbed by the false statements, implications and innuendoes contained in the Report relative to my motivation in purchasing the books. As I testified, it is true that I had desired to make a cash gift to Jim Wright as an expression of appreciation for all that he has done for the community, the state and the nation. (Payte Ex. 4, Tr. 21). I have made a practice for several years of giving money to various charities, individuals, family members and things in which I believe, (Tr. 18, Tr. 35-36, Tr. 55, Payte Ex. 15). It is my belief that the members of the Congress are underpaid, particularly with the necessity to support two households, and I wished to make a contribution to a Congressman whom I admired and whom I felt had been of service to his community, state and nation. (Tr. 32). Since I had not had any direct interest in legislation, had none at the time and did not expect to have any such interest in the foreseeable future, I had believed that it would be permissible to make a gift with no strings attached to Jim Wright. However, he refused to accept it. I then learned that he was interested in distributing his book, "Reflections of a Public Man," as widely as possible and I felt that it would be worthwhile

to do so. I believed that distribution of the book, particularly among young people, might encourage them to go into public service. (Tr. 28, Tr. 32, Tr. 36, Tr. 53, Tr. 77). This was not a subterfuge to attempt to put money into Jim Wright's pocket that I could not otherwise give him, although of course I realized that he would get some benefit from whatever the royalties might be. (Tr. 36).

The Special Counsel states in his Report, "Payte contacted his attorney, Tom Law. Law and Payte continued to search for a way to help Wright. Law suggested that instead of giving Wright cash, Payte make a contribution to support bringing one of Jim's book up to date with a new addition." (R. 85). That statement is absolutely untrue. Mr. Law never made any such suggestion. I made the decision on my own and later told him about it. The statement that my attorney, Tom Law, "advised Payte how to make a cash contribution to Wright by paying to have Wright's book 'updated'." (R. 168). Also is wholly untrue. Mr. Law and I did not even discuss "how to make a cash contribution to Wright by paying to have Wright's book updated." Our only discussion, before I decided to buy the book, was my having asked him whether I could make a cash contribution to Jim Wright. He asked me whether I had any direct interest in legislation, whether I had had such an interest in the past, and whether I anticipated that I would have in the future. When I responded in the negative to each of these questions, he told me that he believed that such a gift would be permissible, but that he was concerned that there conceivably could be some Congressional rule regarding such a gift which he would want to check out before he gave me a final conclusion. He also told me that such a gift conceivably could be misinterpreted and perhaps be embarrassing, even though it was perfectly legitimate. He went out of the city shortly after this conversation, and I proceeded to attempt to make the gift to Mr. Wright. However, he would not accept it and returned the check. At this point, knowing of Mr. Wright's desire to distribute his book widely, I made the decision to purchase a large quantity of Jim Wright's books and support bringing the book up to date with a new edition. I made this decision on my own without consultation with Mr. Law. He later wrote a letter to Mr. Dee Kelly, President of the Wright Congressional Club in Fort Worth, and reported the facts to him as a matter of interest. (Payte Ex. 4).

Signed this 21st day of April 1989.

S. GENE PAYTE.

Sworn to and subscribed before me by S. Gene Payte, this 21st day of April 1989.

CHRISTY MOAK COX,
Notary Public.

COMMITTEE ON STANDARDS OF OFFICIAL CONDUCT,
Washington, DC, May 5, 1989.

Mr. S. GENE PAYTE,
6450 Sumac,
Fort Worth, TX.

DEAR MR. PAYTE: It has come to our attention that on April 21, 1989, you executed an affidavit addressing matters raised during your testimony before the Committee on October 17, 1988. In particular, your affidavit states that you were called to testify before the Committee in connection with the Preliminary Inquiry in the matter of Representative James C. Wright, Jr.; and that as a result of having reviewed the transcript of your deposition and the report of the Special Outside Counsel, you have taken exception to a number of statements attributed to you at the time of your testimony.

Regardless of the position you have taken in your April 21, 1989, affidavit, which has been publicly circulated, the fact remains that at the time of your deposition you were expressly admonished by the Ranking Minority Member who presided at the deposition "that these proceedings have been taken in executive session, which means you are not to discuss anything that took place here with anyone other than your counsel." The transcript of the deposition reflects your agreement with the instruction given to you by the Ranking Minority Member. See, October 17, 1988, transcript at pp. 77-78.

In view of the foregoing, your affidavit represents a course of conduct in direct violation of the admonition given to you at your October 17, 1988, deposition. Accordingly, we wish to notify you that the matter of your violation may be taken up by the Committee and, once again, to direct you to refrain from any further discussion of your testimony with anyone not serving as your legal counsel.

Sincerely,

JULIAN C. DIXON,
Chairman.
JOHN T. MYERS,
Ranking Minority Member.

What do you think of that? A private citizen, a reputable citizen of my community, is misquoted in a document published at public expense, and sent widely to newspapers throughout the country. It is widely cited as authority, uncritically, and assumed to be accurate. The citizen being misquoted issues an affidivat to straighten it out so that he is not misquoted in the public record, and then he is warned by the committee that he might be held in violation and in contempt of Congress if he does not shut up.

First amendment rights supersede any rules of any committee, and any citizen of the United States ought to have the right to have his own testimony correctly characterized and not be threatened, or silenced by a House committee. Any House committee owes to a citizen of the United States that right and that privilege.

Well, those are basically the matters pending before the committee in our motion to dismiss. Those motions could clear the air.

Rules are important, just as the constancy of what a law means is important. The committee can resolve these particular legal issues as to what constitutes direct interest in legislation and whether or not book royalties are exempt, as the rules say they are.

I think it is important for the motions to be ruled upon, and I earnestly hope the committee will look at it from that standpoint and grant our motions.

Members are entitled to know what the rules mean and if they still mean what they meant when they were written and promulgated.

Now, maybe the rules need to be changed. If so, let us change them in a legal, orderly way. Let us vote on them. Let us vote to change them. Maybe the whole process needs some change and clarification.

You know, the House may want to consider establishing a House to whom Members can look for official advice and then rely on that advice.

The rules of the committee itself might need some reconsideration.

I have gone through this agonizing experience for about a year now. Almost every day there is a new story and a newspaper leak without any chance for me to know what is coming next, no chance for me to go to the committee and answer it and say, "Hey, wait a minute. That is not correct. That is not right."

Maybe the committee which is currently required to sit both as a kind of grand jury and a petit jury ought to have a different composition, rather than having those who issue the statement of alleged violations being the same people who have to judge them. I think it clearly is difficult to expect Members who publicly announce reason to believe there is a violation to reverse their position at the hearing stage and dismiss charges against a Member. And maybe once a report of alleged violations is issued, the committee rules ought to allow the Member to respond expeditiously.

To deny a Member the opportunity to reply quickly can cause serious political injury. It is unfair. Once alleged violations are announced, the committee ought to release immediately to the Member all the evidence that it has to backup what it has alleged.

In my case, for example, the committee has yet to release any witness testimony or documents that it obtained during the investigation.

Why hide the evidence? What is there to hide? This ought not to be the kind of proceeding in which strategic maneuvering is allowed to override fundamental principles of fair play.

I urge the abolition of the gag order, too, which the committee says forbids any witness who comes and makes a deposition from discussing publicly or telling his side of the thing.

In addition charges which the committee concludes are unfounded should not be published and widely disseminated as though they were true and bear the imprimatur of the committee's approval.

Now, there are other things you ought to consider. I am not trying to give you an exhaustive list of what might happen. I know there are others who have views that are equally relevant.

Perhaps we want to consider an outright abolition of all honoraria and

speaking fees. Maybe we want to do that in exchange for a straightforward honest increase in the salary for members of all three branches of Government. I do not know. It is up to the House.

It is intolerably hurtful to our Government that qualified members of the executive and legislative branches are resigning because of ambiguities and confusion surrounding the ethics laws and because of their own consequent vulnerability to personal attack. That is a shame, but it is happening and it is grievously hurtful to our society.

When vilification becomes an accepted form of political debate, when negative campaigning becomes a full-time occupation, when members of each party become self-appointed vigilanties carrying out personal vendettas against members of the other party. In God's name that is not what this institution is supposed to be all about. When vengeance become more desirable than vindication and harsh personal attacks upon one another's motives and one another's character drown out the quiet logic of serious debate on important issues—things that we ought to be involving ourselves in—surely that is unworthy of our institution, unworthy of our American political process.

All of us in both political parties must resolve to bring this period of mindless cannibalism to an end. There has been enough of it.

□ 1650

I pray to God that we will do that and restore the spirit that always existed in this House. When I first came here, all those years ago in 1955, this was a place where a man's word was his bond, and his honor and the truth of what he said to you were assumed. He did not have to prove it.

I remember one time Cleve Bailey of West Virginia in a moment of impassioned concern over a tariff bill jumped up and made an objection to the fact that Chet Holifield had voted. In those days we shouted our answers to the votes, and Mr. Holifield was there in the back, and Bailey said, "I object to the vote of the gentleman from California being counted." He said, "He was not in the Chamber when his name was called and, therefore, he is not entitled to vote."

It was a close vote. Speaker Rayburn grew as red as a tomato, and I thought he was going to break the gavel when he hammered and said, "The Chair always takes the word of a Member," and then because I was sitting over here behind Cleve Bailey, I heard other Members come and say, "Cleve, you are wrong. Chet was back there behind the rail. I was standing there by him when he answered. His answer just was not heard." Others said he should not have said that. Cleve Bailey, the crusty old West Virginian, came down and abjectly, literally with tears in his eyes, apologized for having questioned the word of a fellow Member. We need that.

Have I made mistakes? Oh, boy, how many? I have made a lot of mistakes—mistakes in judgment. Oh yes, a lot of them. I will make some more.

Let me just comment on this briefly, because it is such a sensational thing, and injury has been done to me in this particular moment because of it. John Mack—and many of you remember him, know him, and I think a lot of you like him and respect him. I helped John one time in his life when he was about 20 years old. I did not know him and had never met him. I did not know the nature of the crime of which he had been convicted. I knew only that John Mack was a young man whom my daughter had known in high school. My daughter was married to his brother, incidentally, and that is how she knew about John. She mentioned it to me. All I knew was that he had been convicted of assault and that he had served 27 months in the Fairfax County jail.

Contrary to what has been published, I did not intervene with the court. I did not suggest anything to the court. I did not have anything to do with his sentencing. I really did not know and did not inquire, and maybe that is bad judgment. I did not inquire as to the exact nature of the crime.

The sheriff's office in Fairfax County called me and asked me if I would know of any job that I could help this young man get. They wanted to parole him. They said he had been a model rehabilitative prisoner. I gave him a job as a file clerk at $9,000 a year, and he really blossomed and grew and developed.

Those of the Members who know him found the story hard to conceive, as I did, when finally just 2 years ago I read in the newspaper the precise nature of that crime. It just did not fit his character. John was married and had two beautiful children. He was wonderfully responsible. I think he had become a very fine person.

Was that bad judgment to hire John? Maybe so. It does not have any thing to do with the rules, but it got all mixed up with it, I do not think though that it is bad judgment to try to give a young man a second chance. Maybe I should have known more about him. But in this case I think he has turned out well.

I do not believe that America really stands for the idea that a person once convicted should forever be condemned, but I think maybe he ought to have a second chance, and that is what I thought in the case of John Mack. Good judgment or bad, I believe in giving somebody a second chance.

Have I contributed unwittingly to this manic idea of a frenzy of feeding on other people's reputations? Have I caused a lot of this? Maybe I have. God, I hope I have not, but maybe I have. Have I been too partisan? Too insistent? Too abrasive? Too determined to have my way? Perhaps. Maybe so.

If I have offended anybody in the other party, I am sorry. I never meant to. I would not have done so intentionally. I have always tried to treat all of our colleagues, Democrats and Republicans with respect.

Are there things I would do differently if I had them to do over again? Oh, boy, how many may I name for you?

Well, I tell you what, I am going to make you a proposition: Let me give you back this job you gave to me as a propitiation for all of this season of bad will that has grown up among us. Let me give it back to you. I will resign as Speaker of the House effective upon the election of my successor, and I will ask that we call a caucus on the Democratic side for next Tuesday to choose a successor.

I do not want to be a party to tearing up this institution. I love it.

To tell you the truth, this year it has been very difficult for me to offer the kind of moral leadership that our institution needs. Because every time I try to talk about the needs of the country, about the needs for affordable homes—both Jack Kemp's idea and the ideas we are developing here—every time I try to talk about the need for a minimum wage, about the need for day care centers, embracing ideas on both sides of the aisle, the media have not been interested in that. They wanted to ask me about petty personal finances.

You do not need that for a Speaker. You need somebody else, so I want to give you that back, and will have a caucus on Tuesday.

Then I will offer to resign from the House sometime before the end of June. Let that be a total payment for the anger and hostility we feel toward each other.

Let us not try to get even with each other. Republicans, please, do not get it in your heads you need to get somebody else because of John Tower. Democrats, please, do not feel that you need to get somebody on the other side because of me. We ought to be more mature than that.

Let us restore to this institution the rightful priorities of what is good for this country. Let us all work together to try to achieve them.

The Nation has important business, and it cannot afford these distractions, and that is why I offer to resign.

I have enjoyed these years in Congress. I am grateful, for all of you have taught me things and been patient with me.

□ 1700

Horace Greeley had a quote that Harry Truman used to like:

Fame is a vapor, popularity an accident. Riches take wings. Those who cheer today may curse tomorrow. Only one thing endures: character.

I am not a bitter man. I am not going to be. I am a lucky man. God has given me the privilege of serving in this, the greatest law making institution on Earth, for a great many years, and I am grateful to the people of my district in Texas and grateful to you, my colleagues, all of you.

God bless this institution. God bless the United States.

[Applause.]

A TRIBUTE TO THE HONORABLE JIM WRIGHT

(Mr. BROOKS asked and was given permission to address the House for 1 minute.)

Mr. BROOKS. Mr. Speaker, I have known JIM WRIGHT for about 50 years. I know his wife and his children. He has been a good father, a good husband, a good Congressman, a great Speaker, and a superb friend.

I remember at 19 years of age, he left the University of Texas for the Army Air Corps. Commissioned at 20, when the Japanese controlled Guadalcanal and threatened Australia, JIM WRIGHT was on the north coast of Australia flying long B-24 bomber runs, flying down the Crocodile River trying to locate a base 100 miles out in the bush. Often returning with his tanks almost empty, he was among the many heroes of World War II who literally risked their lives to preserve the freedom we enjoy today.

I remember his election to the State legislature at 23 years of age, and his election to Congress in 1954. He never sought fame and fortune, but was always dedicated to reading and studying the issues vital to his district and to our country. He has spent his life representing the people of his district, his State, and his country.

There is an evil wind blowing in the Halls of Congress today that is reminiscent of the Spanish Inquisition. It is replacing comity and compassion with hatred and malice. JIM has not been convicted in court or in Congress, but his political opponents have pronounced him guilty and the media has engaged in a feeding frenzy. Fleet Street never had so much competition for the most sensational headline, no matter how unfounded.

Conviction without a trial is a new and dangerous rule for this Congress and for this country. This scenario can destroy Congress and with that the strongest defense of our American people against an insidious dictatorship.

JIM WRIGHT's decision to relinquish the Office of Speaker of the House is the clearest possible demonstration of his love for this institution and our country. It is testament to his character that, despite his deep belief in his innocence—a belief that I share completely—JIM is unwilling to let his personal situation impede the work of the House.

I believe I speak for the Texas delegation and for a majority of our Members when I say history will commend JIM WRIGHT as a good man and a great Speaker with a magnificent unparalleled record of accomplishments in this Congress for our people and for peace. We thank you, JIM WRIGHT, for your leadership, for your friendship, and we wish for you and Betty, all of your family, the very best for many years to come.

PROVIDING FOR CONSIDERATION OF H.R. 2392 MINERAL LEASING ACT AMENDMENTS RELATING TO OIL SHALE CLAIMS

The SPEAKER pro tempore. (Mr. FOLEY). The pending business is the question of agreeing to the resolution (H. Res. 161), providing for the consideration of the bill (H.R. 2392) to amend section 37 of the Mineral Leasing Act relating to oil shale claims, and for other purposes.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the resolution.

The resolution was agreed to.

A motion to reconsider was laid on the table.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. PAYNE of New Jersey (at the request of Mr. FOLEY) for today on account of official business.

Mr. JACOBS (at his own request) for June 1, 1989, on account of a family matter.

Mr. DENNY SMITH (at the request of Mr. MICHEL) for today and the balance of the week on account of a death in the family.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Member (at the request of Mr. RAVENEL) to revise and extend his remarks and include extraneous material:)

Mr. GILMAN, for 60 minutes, on June 6.

(The following Members (at the request of Mr. WISE) to revise and extend their remarks and include extraneous material:)

Mr. MONTGOMERY, for 5 minutes, today.

Mr. ANNUNZIO, for 5 minutes, today.

Mr. YATES, for 5 minutes, today.

Mr. WISE, for 30 minutes, today.

Mr. GONZALEZ, for 60 minutes, today.

Mr. OWENS of New York, for 60 minutes, today.

Mr. OWENS of New York, for 60 minutes, on June 1.

Mr. ENGLISH, for 60 minutes, on June 7.

Mr. ESPY, for 60 minutes, on June 7.

Mr. WISE, for 30 minutes, each day, on June 6 and 8.

Mr. OWENS of New York, for 5 minutes, each day, on June 5, 6, 7, 8, and 9.

Mr. MCMILLEN of Maryland, for 30 minutes, on June 6.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. RAVENEL) and to include extraneous matter:)

Mr. GREEN.
Mr. BUECHNER.
Mr. GILMAN.
Mr. COURTER.
Mr. SAXTON.
Mr. SCHUETTE in two instances.
Mr. KOLBE.
Mr. BILIRAKIS.
Mr. LIVINGSTON.
Mr. FISH.
Mr. MACHTLEY in seven instances.
Mr. PORTER.
Mr. LAGOMARSINO.
Mr. LENT.
Mr. DORNAN of California.

(The following Members (at the request of Mr. WISE) and to include extraneous matter:)

Mr. ANDERSON in ten instances.
Mr. GONZALEZ in ten instances.
Mr. BROWN of California in 10 instances.
Mr. ANNUNZIO in six instances.
Mr. FAZIO.
Mr. MAZZOLI.
Mr. SOLARZ.
Mr. SAWYER.
Mr. LANTOS.
Mr. ACKERMAN in two instances.
Mr. TRAFICANT in two instances.
Mr. ROE.
Mr. STARK.
Mr. MILLER of California.
Mrs. SCHROEDER.
Mr. KILDEE.
Mr. MATSUI in two instances.
Mr. FLORIO.
Mr. GEPHARDT.
Mr. WYDEN.
Mr. BENNETT.
Mr. HUBBARD.
Mr. BERMAN in three instances.
Mr. NEAL of Massachusetts.
Mr. TRAXLER.
Mr. KANJORSKI in two instances.

Mr. HERTEL.
Mr. DIXON.

SENATE ENROLLED JOINT RESOLUTION SIGNED

The SPEAKER announced his signature to an enrolled joint resolution of the Senate of the following title:

S.J. Res. 128. Joint resolution authorizing a first strike ceremony at the U.S. Capitol for the Bicentennial of the Congress Commemorative Coin.

ADJOURNMENT

Mr. MOAKLEY. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 8 minutes p.m.), pursuant to House Resolution 163, the House adjourned until tomorrow, Thursday, June 1, 1989, at 10 a.m. in memory of the late Honorable CLAUDE PEPPER.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1264. A letter from the Comptroller, Department of Defense, transmitting the supplemental contract award report for the period May 1, 1989 to June 30, 1989, pursuant to 10 U.S.C. 2431(b); to the Committee on Armed Services.

1265. A letter from the Director, Defense Security Assistance Agency, transmitting notice of the Department of the Air Force's proposed letter(s) of offer and acceptance [LOA] to the Coordination Council for North American Affairs for Defense Articles estimated to cost $50 million or more, pursuant to 10 U.S.C. 188; to the Committee on Armed Services.

1266. A letter from the Director, Defense Security Assistance Agency, transmitting notice of the Department of the Air Force's proposed letter(s) of offer and acceptance [LOA] to the Coordination Council for North American Affairs for defense articles and services (Transmittal No. 89-20), pursuant to 22 U.S.C. 2776(b); to the Committee on Foreign Affairs.

1267. A letter from the Assistant Secretary of State for Legislative Affairs, transmitting the fifteenth 90-day report on the investigation into the death of Enrique Camarena, the investigations of the disappearance of United States citizens in the State of Jalisco, Mexico, and the general safety of United States tourists in Mexico, pursuant to Public Law 99-93, section 134(c) (99 Stat. 421); to the Committee on Foreign Affairs.

1268. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State; transmitting copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b(a); to the Committee on Foreign Affairs.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. FASCELL: Committee on Foreign Affairs. H.R. 1659. A bill to improve aviation security by requiring the installation and use of certain explosive detection equipment at certain airports located outside the United States and by providing assistance for the acquisition of such equipment, and for other purposes; with an amendment (Rept. 101-59, Pt. 2). Referred to the Committee of the Whole House on the State of the Union.

Mr. FASCELL: Committee on Foreign Affairs. Senate Joint Resolution 113. Resolution prohibiting the export of technology, defense articles, and defense services to co-develop or coproduce the FSX aircraft with Japan; with amendments (Rept. 101-71). Referred to the Committee of the Whole House on the State of the Union.

REPORTED BILLS SEQUENTIALLY REFERRED

Under clause 5 of rule X, bills and reports were delivered to the Clerk for printing, and bills referred as follows:

Mr. FASCELL: Committee on Foreign Affairs. H.R. 1495. A bill to amend the Arms Control and Disarmament Act to authorize appropriations for the Arms Control and Disarmament Agency, and for other purposes; referred to the Committee on Armed Services for a period ending not later than June 30, 1989, for consideration of such provisions of the bill as fall within the jurisdiction of that committee pursuant to clause 1(c), rule X (Rept. 101-72, Pt. 1). Ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolution were introduced and severally referred as follows:

By Mr. DINGELL (for himself, Mr. LENT, Mr. THOMAS A. LUKEN, Mr. WHITTAKER, Mr. ECKART, and Mr. TAUKE):

H.R. 2513. A bill to extend the jurisdiction of the Interstate Commerce Commission to include approval of the acquisition of control of major rail carriers by persons that are not carriers and do not control and are not controlled by carriers; to the Committee on Energy and Commerce.

By Mr. ACKERMAN (for himself and Mr. GILMAN) (both by request):

H.R. 2514. A bill amending subchapter III of chapter 84 of title 5, United States Code; to the Committee on Post Office and Civil Service.

By Mr. BENNETT:

H.R. 2515. A bill to protect the defense technology base by providing for stable funding for the Innovative Science and Technology Program of the Strategic Defense Initiative for fiscal years 1990 and 1991; to the Committee on Armed Services.

By Mr. COURTER:

H.R. 2516. A bill to amend the Internal Revenue Code of 1986 to allow individuals to make tax-free withdrawals from eligible retirement plans for the purpose of acquiring their first homes; to the Committee on Ways and Means.

By Mr. HUNTER:

H.R. 2517. A bill to require the Secretary of Defense to establish an anti-drug task force; to the Committee on Armed Services.

H.R. 2518. A bill to amend title 46, United States Code, to require certain tankers documented in the United States to be double bottomed; to the Committee on Merchant Marine and Fisheries.

By Mr. KASICH (for himself, Mr. OXLEY, Mr. DEWINE, Mr. BROOMFIELD, and Mr. HORTON):

H.R. 2519. A bill to ban the importation of all ivory products into the United States, to revoke most-favored-nation treatment of the products of elephant-producing countries that do not have, or enforce, appropriate protection for the animals, and for other purposes; jointly, to the Committees on Foreign Affairs and Ways and Means.

By Mr. KASICH (for himself and Mr. MCGRATH):

H.R. 2520. A bill to establish the National Commission on Medicare Reform; jointly, to the Committees on Ways and Means and Energy and Commerce.

By Mr. MILLER of California (for himself, Mrs. BOXER, Mr. BEILENSON, Mrs. COLLINS, Mr. BATES, Mr. TORRES, Mr. WOLPE, Mr. OWENS of Utah, Mr. DE LUGO, Ms. PELOSI, Mr. ECKART, Mr. GREEN, Mr. MORRISON of Connecticut, Mr. KLECZKA, Mr. FRANK, Mr. KILDEE, and Mr. KOSTMAYER):

H.R. 2521. A bill to direct the Secretary of the Interior to improve management of ground water in the reclamation States; to the Committee on Interior and Insular Affairs.

By Mr. ROBERT F. SMITH (for himself and Mr. WYDEN):

H.R. 2522. A bill to amend the Internal Revenue Code of 1986 to encourage health professionals to serve in medically underserved areas, and for other purposes; jointly, to the Committees on Energy and Commerce and Ways and Means.

By Mr. SOLOMON:

H.R. 2523. A bill to amend the Anti-Drug Abuse Act of 1988 to eliminate the discretion of the court in connection with the denial of certain Federal benefits upon conviction of certain drug offenses; to the Committee on the Judiciary.

H.R. 2524. A bill to amend title 23, United States Code, to require the random testing of applicants for drivers' licenses for the illegal use of controlled substances; to the Committee on Public Works and Transportation.

By Mr. SYNAR (for himself, Mr. CONYERS, Mr. PORTER, and Mr. WOLPE):

H.R. 2525. A bill to amend the Solid Waste Disposal Act to ensure that any solid waste exported from the United States to foreign countries is managed to protect human health and the environment; jointly, to the Committees on Energy and Commerce and Foreign Affairs.

By Mr. TALLON:

H.R. 2526. A bill to amend the Internal Revenue Code of 1986 to permit installment payments of the tax attributable to certain sales of farms and other businesses by individuals; to the Committee on Ways and Means.

By Mr. TRAFICANT (by request):

H.R. 2527. A bill to direct the Secretary of Veterans Affairs to provide a marker for each grave in which the remains of a veter-

an are buried; to the Committee on Veterans' Affairs.

By Mr. MAZZOLI:

H.J. Res. 286. Joint resolution to designate the month of October 1989 as "National Spina Bifida Month"; to the Committee on Post Office and Civil Service.

By Mr. FOLEY:

H. Con. Res. 139. Concurrent resolution authorizing the use of the Rotunda of the Capitol for the lying in state of the remains of the late Hon. CLAUDE PEPPER; considered and agreed to.

By Mr. BENNETT:

H. Res. 163. Resolution expressing the sorrow of the House upon the death of the late Hon. CLAUDE PEPPER; considered and agreed to.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 22: Mr. ESPY.

H.R. 24: Mr. GONZALEZ, Mr. WILSON, and Ms. PELOSI.

H.R. 44: Mr. HUGHES.

H.R. 70: Mr. CRANE.

H.R. 84: Mr. STOKES and Mr. RAHALL.

H.R. 90: Mr. EMERSON.

H.R. 108: Mr. TOWNS and Mr. BATES.

H.R. 118: Mr. MARTINEZ, Mrs. SMITH of Nebraska, Mr. ALEXANDER, Mr. DENNY SMITH, Mr. BLILEY, Mr. BROWN of Colorado, Mr. WHITTAKER, and Mr. LEVINE of California.

H.R. 239: Mr. TALLON and Mr. RAVENEL.

H.R. 273: Mr. MCEWEN.

H.R. 291: Mr. ROE, Mr. DWYER of New Jersey, Mr. WHEAT, Mr. ATKINS, and Mr. PANETTA.

H.R. 293: Mr. DURBIN and Mr. MATSUI.

H.R. 303: Mr. MCEWEN, Mr. COBLE, Mr. HERGER, Mr. WYLIE, Mr. GOSS, Mr. RANGEL, Mr. DIXON, Mrs. LOWEY of New York, Mr. LANCASTER, Mr. LEWIS of California, Mr. BONIOR, Mr. TRAXLER, Mr. LAUGHLIN, Mr. HAYES of Louisiana, Mr. NEAL of Massachusetts, Mr. SMITH of Texas, and Mr. EDWARDS of Oklahoma.

H.R. 361: Mr. STOKES.

H.R. 458: Mr. SHUMWAY.

H.R. 500: Mr. MILLER of California, Mr. FALEOMAVAEGA, and Mr. MATSUI.

H.R. 505: Mr. COOPER and Mr. PICKLE.

H.R. 537: Mr. EDWARDS of Oklahoma.

H.R. 586: Mr. WALGREN.

H.R. 594: Mr. NIELSON of Utah and Mr. POSHARD.

H.R. 614: Mr. MOLINARI.

H.R. 718: Mr. SAVAGE, Mr. DURBIN, and Mr. CARPER.

H.R. 725: Mr. BRENNAN, Mr. MCGRATH, and Mr. STAGGERS.

H.R. 733: Mr. FALEOMAVAEGA.

H.R. 736: Mr. VALENTINE, Mr. HENRY, and Mr. ESPY.

H.R. 780: Mrs. LOWEY of New York and Mr. STUDDS.

H.R. 825: Mr. FALEOMAVAEGA.

H.R. 844: Mr. TAUZIN and Mr. SLAUGHTER of Virginia.

H.R. 879: Ms. PELOSI.

H.R. 885: Mr. BORSKI.

H.R. 889: Mr. CLEMENT.

H.R. 908: Mr. BRUCE and Mr. CLINGER.

H.R. 917: Mr. MCEWEN.

H.R. 927: Mr. FORD of Michigan.

H.R. 930: Ms. SNOWE, Mr. WALGREN, Mr. KENNEDY, Mr. TORRES, Mr. FALEOMAVAEGA, Mr. DICKS, Mr. COLEMAN of Texas, Mr. MCNULTY, Mr. MARKEY, Mr. SAWYER, and Mr. BOSCO.

H.R. 979: Mr. VOLKMER, Mr. FAZIO, Mr. DORGAN of North Dakota, Mrs. COLLINS, Mr. SAVAGE, Mr. SPENCE, and Mr. SABO.

H.R. 993: Mr. CLAY, Mr. DOWNEY, Mr. LEVINE of California, and Mr. SCHEUER.

H.R. 1009: Mr. GUNDERSON.

H.R. 1058: Mr. LELAND and Mr. FROST.

H.R. 1083: Mr. MURTHA, Mr. DIXON Mrs. LOWEY of New York, Mr. SMITH of Mississippi, Mr. SKEEN, Mr. AKAKA, Mr. RICHARDSON, Mr. YATRON, Mr. SCHEUER, Mr. TAUZIN, Mr. RAHALL, Mr. HUTTO, Mr. VALENTINE, Mr. DOWNEY, and Mr. MOLINARI.

H.R. 1112: Mr. SMITH of Vermont.

H.R. 1134: Mrs. COLLINS.

H.R. 1166: Mr. DERRICK and Mr. MCEWEN.

H.R. 1167: Mr. FLIPPO, Mr. DERRICK, and Mr. MCEWEN.

H.R. 1235: Mr. DYMALLY.

H.R. 1243: Mrs. PATTERSON, Mr. THOMAS of Georgia, Mrs. SAIKI, Mr. JOHNSON of South Dakota, Mr. MYERS of Indiana, Mr. WHITTAKER, Mr. BONIOR, and Mr. HOLLOWAY.

H.R. 1267: Mr. RHODES and Mr. MACHTLEY.

H.R. 1280: Mrs. UNSOELD.

H.R. 1337: Mr. AKAKA, Mr. ECKART, Mr. DORGAN of North Dakota, and Mr. RAHALL.

H.R. 1356: Mr. HOCHBRUECKNER, Mr. WEISS, Mr. TRAFICANT, Mr. BOSCO, Mr. PALLONE, and Mr. MOODY.

H.R. 1425: Mr. MATSUI.

H.R. 1439: Mr. SLATTERY, Mr. OWENS of Utah, and Mr. HAWKINS.

H.R. 1461: Mrs. COLLINS, Mr. NEAL of Massachusetts, Mr. MRAZEK, and Mr. VISCLOSKY.

H.R. 1491: Mr. BONIOR, and Mr. GILLMOR.

H.R. 1515: Mr. STAGGERS.

H.R. 1532: Mr. ESPY and Mrs. UNSOELD.

H.R. 1544: Mr. CARPER.

H.R. 1574: Mr. HOCHBRUECKNER and Mr. FOGLIETTA.

H.R. 1586: Mr. BROWDER.

H.R. 1587: Mr. BROWDER and Mr. CLINGER.

H.R. 1602: Mrs. SCHROEDER, Mr. MCNULTY, Mr. ROBINSON, and Mr. ERDREICH.

H.R. 1613: Mr. ROBINSON, Mr. CRAIG, Mr. OLIN, Mr. DANNEMEYER, Mr. GREEN, Mr. RHODES, Mr. SMITH of Mississippi, Mrs. SAIKI, Mr. WHITTAKER, Mr. MOORHEAD, Mr. SKEEN, Mr. ROBERT F. SMITH, Mr. PACKARD, Mr. SHUMWAY, Mr. OXLEY, and Mr. GALLEGLY.

H.R. 1710: Mr. PEASE, Mr. FASCELL, Mr. SAVAGE, Mr. MCDERMOTT, Mr. KILDEE, Mr. NELSON of Florida, and Mr. BILBRAY.

H.R. 1729: Mrs. MORELLA and Mr. WELDON.

H.R. 1746: Mr. BRYANT, Mr. DE LUGO, Mr. BILIRAKIS, and Mr. OWENS of Utah.

H.R. 1808: Mr. GOODLING.

H.R. 1821: Mr. GUARINI.

H.R. 1870: Mr. HERGER, Mr. CLINGER, and Mr. MCEWEN.

H.R. 1875: Mr. FAZIO and Mr. FROST.

H.R. 2006: Mr. WYDEN.

H.R. 2015: Mr. OLIN.

H.R. 2022: Mr. FAUNTROY, Mr. OLIN, Mr. HOCHBRUECKNER, Mr. RINALDO, Mr. OWENS of New York, Mr. COSTELLO, Mr. DWYER of New Jersey, Mr. DYMALLY, Mr. LEVINE of California, Mr. ROE, Mr. SKAGGS, Mrs. COLLINS, Mr. BROWN of Colorado, Mr. KILDEE, Mr. SAXTON, Mr. MILLER of Washington, Mr. UPTON, Mr. CARDIN, and Mr. MCDERMOTT.

H.R. 2051: Mr. NEAL of Massachusetts, Mr. ECKART, and Mr. CARDIN.

H.R. 2112: Mrs. UNSOELD, Mrs. COLLINS, Mr. EVANS, and Mr. LEWIS of Georgia.

H.R. 2126: Mr. ESPY.

H.R. 2131: Mr. EDWARDS of Oklahoma.

H.R. 2156: Mr. ECKART and Mr. TORRES.

H.R. 2168: Mr. MILLER of California, Mr. DAVIS, Mr. STOKES, Mr. WHEAT, Mrs. COLLINS, Mr. FAUNTROY, Mr. MOODY, Mr. BERMAN, Mr. TOWNS, Mr. MATSUI, Mr. BUSTAMANTE, Mr. FOGLIETTA, and Mr. DEFAZIO.

H.R. 2184: Mr. PERKINS, Mr. TORRES, Mr. BATES, Mr. COOPER, Mr. MILLER of Washington, Mrs. UNSOELD, Mr. LEHMAN of Florida, and Mr. STUDDS.

H.R. 2186: Mr. DONALD E. LUKENS, Mr. DYMALLY, and Mr. RIDGE.

H.R. 2202: Mr. MCCOLLUM, Mr. FUSTER, Mr. ROE, Mr. EMERSON, Mr. DARDEN, and Mr. BEILENSON.

H.R. 2218: Mr. MCDERMOTT and Mr. SAVAGE.

H.R. 2222: Mrs. BENTLEY, Mrs. SAIKI, and Mr. BOSCO.

H.R. 2234: Mr. MCEWEN.

H.R. 2238: Mr. LEWIS of Florida.

H.R. 2241: Mr. BUECHNER.

H.R. 2254: Mr. FAZIO, Mr. DYMALLY, Mr. BONIOR, and Mrs. COLLINS.

H.R. 2265: Mr. ATKINS, Mrs. COLLINS, Mr. MINETA, Mrs. BOXER, Mr. FAZIO, Mr. RANGEL, and Mr. WALGREN.

H.R. 2273: Mr. COYNE, Mr. WALGREN, and Mr. HORTON.

H.R. 2287: Mr. FEIGHAN, Mrs. BOXER, Mrs. COLLINS, Mr. RICHARDSON, Mr. MILLER of Washington, and Mr. JONTZ.

H.R. 2291: Mr. NEAL of North Carolina and Mr. FAWELL.

H.R. 2330: Mr. ATKINS and Mrs. COLLINS.

H.R. 2341: Mr. DICKS.

H.R. 2373: Mr. RANGEL, Mr. TORRES, Mr. SABO, and Mrs. SAIKI.

H.R. 2380: Mr. BROOMFIELD, Mr. BEVILL, and Mr. FAUNTROY.

H.R. 2426: Mr. LAFALCE, Mr. WALGREN, Mr. PANETTA, Mr. NEAL of North Carolina, and Mr. MATSUI.

H.R. 2462: Mr. OWENS of New York, Mr. FAUNTROY, Mr. SARPALIUS, Mr. BEILENSON, Mr. FRANK, Mr. POSHARD, Mr. JACOBS, Ms. PELOSI, Mr. KENNEDY, and Mr. FOGLIETTA.

H.R. 2463: Mr. HUGHES, Mr. RAVENEL, and Mr. MARKEY.

H.R. 2466: Mr. SHAYS and Mr. KENNEDY.

H.R. 2479: Mr. THOMAS of Georgia, Mr. ROE, Mr. GRANT, and Mr. HAYES of Louisiana.

H.R. 2493: Mr. EVANS and Ms. PELOSI.

H.J. Res. 26: Mr. TAUKE.

H.J. Res. 35: Mr. WAXMAN, Mr. DEWINE, Mr. LANTOS, Mr. SMITH of New Hampshire, Mr. HENRY, Mr. YOUNG of Florida, Mr. PAXON, Mr. MATSUI, Mr. GEKAS, Mr. WATKINS, Mr. SYNAR, Mr. PRICE, Mr. LEWIS of Florida, Mr. FIELDS, Mr. ERDREICH, Mr. MAZZOLI, Mrs. PATTERSON, Mr. BUSTAMANTE, Ms. LONG, Mr. EMERSON, Mr. DYMALLY, Mr. JONTZ, Mr. MCNULTY, Ms. KAPTUR, and Mr. GARCIA.

H.J. Res. 104: Mr. PORTER, Mr. SAWYER, Mr. ARCHER, Mr. SCHUMER, Mr. GONZALEZ, Mr. BROWN of Colorado, Mr. BILIRAKIS, and Mr. FLIPPO.

H.J. Res. 138: Mr. LIVINGSTON, Mr. COURTER, Mr. DORGAN of North Dakota, Mr. SAVAGE, Mr. RHODES, Mr. PAYNE of New Jersey, Mr. SPENCE, Mr. CHANDLER, and Mr. SABO.

H.J. Res. 175: Mr. LIGHTFOOT and Mr. NIELSON of Utah.

H.J. Res. 191: Mr. LANTOS.

H.J. Res. 221: Mr. BERMAN, Mr. BOEHLERT, Mr. BROWN of Colorado, Mr. BUNNING, Mr. DEFAZIO, Mr. DYSON, Mr. HEFNER, Mr. JONTZ, Mr. KLECZKA, Mr. KOLTER, Mr. LENT, Mr. MACHTLEY, Mr. MATSUI, Mr. NEAL of Massachusetts, Ms. OAKAR, Mr. PAXON, Mr. PANETTA, Ms. PELOSI, Mr. PORTER, Mr. RITTER, Mr. ROYBAL, Mr. SMITH of New Hampshire, Mr. SOLARZ, Mr. STOKES, and Mr. TRAFICANT.

H.J. Res. 254: Mr. OWENS of New York, and Mr. DORGAN of North Dakota.

H. Con. Res. 37: Mr. BAKER, Mr. HAMMERSCHMIDT, Mr. SPENCE, Mr. AKAKA, Mr. HOLLOWAY, Mr. BUNNING, Mr. JONES of North Carolina, Mr. PARRIS, Mr. MAVROULES, Mr. DARDEN, Mr. EDWARDS of Oklahoma, Mr. FLORIO, Mr. SPRATT, Mr. STEARNS, and Mr. FALEOMAVAEGA.

H. Con. Res. 66: Mr. DE LA GARZA and Mr. GILMAN.

H. Con. Res. 79: Mr. AUCOIN, Mr. SIKORSKI, and Mr. NEAL of North Carolina.

H. Con. Res. 89: Mr. FISH.

H. Con. Res. 92: Mrs. MEYERS of Kansas and Mr. ROE.

H. Con. Res. 109: Mr. COURTER, Mr. EDWARDS of Oklahoma, and Mr. LAGOMARSINO.

H. Con. Res. 129: Mr. ANNUNZIO, Mr. DORNAN of California, Mr. NEAL of Massachusetts, Mr. LIPINSKI, Mr. JACOBS, Mr. GUARINI, Mr. DOWNEY, Mr. BEREUTER, Mr. LAGOMARSINO, Mr. STARK, Mr. MACHTLEY, Mr. GREEN, Mr. RAVENEL, Mr. TORRES, Mr. HUGHES, Mr. CARDIN, Mr. UPTON, and Mr. KASICH.

H. Con. Res. 131: Mr. GINGRICH and Mr. DYMALLY.

H. Con. Res. 133: Mr. HANCOCK.

H. Con. Res. 134: Mr. FRANK, Mr. BATES, Mr. CHAPMAN, Mr. TOWNS, Mr. HAYES of Louisiana, Mr. SCHUETTE, and Mr. SIKORSKI.

H. Res. 144: Mr. BEREUTER, Mr. GILMAN, and Mr. JONTZ.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, sponsors were deleted from public bills and resolutions as follows:

H.R. 505: Mr. PARRIS.

EXTENSIONS OF REMARKS

ABORTION—RIGHTS AND RESPONSIBILITIES

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 31, 1989

Mr. STARK. Mr. Speaker, today I would like to bring to the attention of my colleagues an article written by a constituent of mine, Ms. Carol B. Layton. Ms. Layton is the issues management chair for the Bay Valley District Chapter of Business and Professional Women in Alameda, CA. Ms. Layton's article is titled "Abortion—Rights and Responsibilities" and is a thoughtful and well-written piece. I am submitting a copy of the article and I encourage my colleagues to read it.

ABORTION—RIGHTS AND RESPONSIBILITIES

(By Carol B. Layton)

The morally offended anti-abortion demonstrations we are seeing all over the nation and in our local papers represent a strange paradox. When the community is trying to make life better for the children and parents who are already here, where are the people who want to mandate that every conception result in the birth of a child? Where are they when work is needed on legislation to help pregnant women have healthy pregnancies and safe deliveries? (Are they just as offended at the high rate of infant mortality in Oakland. . . . and how are they helping those women who have chosen to carry their pregnancies to full term? Where are they when we work to promote safe adoption legislation? Where are they when we try to help victims of incest and rape who may be or are pregnant? Where are they when we work to have child support laws enforced so that children can eat and be clothed? For the children who are being neglected by parents incapable of caring for them for as many reasons as there are neglected children, where are they?

One of the first lessons taught to most of us is. . . . "with every right there is a responsibility". It is the right of the anti-abortion activists to stand up for their beliefs. If their actions, however, bring about changes that affect human lives, are they ready to deal with their responsibility to help society handle the human lives involved? Judging from the critical needs in many social service volunteer programs, we think not. We can't help but wonder what their next morally offensive target will be. Do they want us to go back to the environment when it was (only a short time ago) illegal for nonmarried people to cohabitate? In fact, not long ago there were laws forbidding not only the purchase of contraceptives on the part of unmarried people. . . there were incredibly strong pressures on married people against practicing any birth control at all. It's "immoral", you see. Under the same reasoning that "if God had meant for us to fly, He would have given us wings" comes the reasoning that the only purpose of marriage is to produce children. . . . as often as the woman can conceive. Caring for those children, however, does not seem to be the concern of the anti-abortionists.

To the people who say, "I object to paying for all these women to have abortions", we can point to how much more it costs society to deal with unwanted children who wind up "in the system" as people burned out on drugs or in prison. . . . or as emotionally handicapped people, unloved and unwanted as children, who spend their whole lives trying to figure out why they can't ever "make it" with jobs, relationships, parenting, etc. Another economic factor is that a young woman who becomes a parent and has no education, training or personal support system (family) almost always becomes a person who has no alternative but to turn to the "system" for food, clothing, shelter, and medical care. So, for those people who coldly look at the abortion issue simply as an economic one, look again. If you think abortions cost you money, no abortion funding for this Nation's poor women will cost you many more dollars.

To the people who say that there is absolutely no reason for an abortion, rape and incest included. . . . we challenge you to work with victims of rape and child abuse and then tell us that you can sentence an innocent victim to not only incur the social stigma involved in an unmarried women being pregnant, but experience on a daily basis the rapist's child growing within them. When a victim of rape or incest finds out she is pregnant it is tragic enough without finding out that a politically persuasive group of people have ruled that she must carry that pregnancy. Anti-abortionists have been quoted as saying that victims of rape and incest should either be "medically responsible or bear the consequences (the child) whether or not the father (rapist) will participate in the raising of the child." Do current child support laws have clauses which would cover rapists paying to support their illegitimate offspring . . . and are the victims (mother and child) protected against being subjected to the "father" for the eighteen years that child support should be expected? That line of thinking is not compatible with human decency and, surely, not what we want to pass on to our daughters and sisters.

There are people who say things such as "I don't want to listen to the compassionate, bleeding-heart liberals. It is murder to have an abortion." It is meaningful to note that those are rarely the people who are volunteers working on programs which assist women in delivering healthy babies, victims of rape and incest, drug addiction, child and spousal abuse. You see, they usually feel that's not their problem . . . they aren't a bleeding heart liberal, and they "take care of their own."

And lastly, for those who do not remember what life was like when it was illegal for a woman to have a safe abortion, you should know that thousands and thousands of women died at the hands of unprofessional, unclean, incompetent "quacks" who took advantage of the women who didn't have the money or family who could send them away for a "vacation" to either have the baby or a safe abortion by an "understanding" family doctor where the secret would be hidden forever. For as long as history has been written, we know that women who do not want their pregnancies have aborted . . . too often having to face the problem alone and paying the price with their own lives. That is an environment we cannot recreate for American women.

We would need to see the social stigma taken out of the act of giving a child for adoption; we need to educate "children who are having children" before they get pregnant; we need to have programs that help provide nurturing care for children born to mothers who didn't find motherhood the emotionally rewarding fantasy they had envisioned and have abandoned or are seriously neglecting those children. We must see the children of this nation become a priority . . . not just "our own children" . . . but all children. And we must see the people of our nation put their time and resources on the line to make it happen. If this is to be a "kinder and gentler" nation, let's start with helping the people who are here to deal with the realities of 1989. In 1989 we do not seem to be able to effectively deal with the massive number of children who are tragic and frightened victims of society. Those child victims too often turn into victimizers at worst and dysfunctional adults at best. A "kinder and gentler" society must happen for the children who are today's reality. How can we talk about greatly increasing the number of needy children and adults when we cannot help the needy in our Nation today? One gets the feeling that we are shoveling sand against the tide of the self-serving instead of working with the gifts of knowledge, faith and enlightenment gained in the evolution of the human race. Abortion . . . moral or immoral? I believe it is a choice that a person and their God must answer together. As a People, we have no right to legally mandate that married couples have as many children as can be conceived by them; and we have no right to legally force a woman to have a child she realizes that she cannot care for at this point in her life. For those who strongly believe that they are called to increase an awareness of the sanctity of life, please look for ways to help create a world where not going through an abortion is an easier and more acceptable choice.

As Americans, we have the freedom to choose how we follow and practice our own religious beliefs. We have the right to choose what we do with our bodies. We understand that some vocal people feel they know the "true way". That is their own personal business and they have the right to personally exercise their beliefs. As Americans, we have the right to choose what we believe and what we want to do with our lives and our bodies. We have the right to decide when and how many children we can afford to have and properly care for. And we have the responsibility to make sure that every other American has that right equally.

You cannot, and should not try to, legislate morality. If history is any indicator, whether Roe vs. Wade is overturned or not, no matter the results of the Webster case

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

currently scheduled to be reviewed by the Supreme Court, many women will continue to have abortions. The result of banning abortions would be that we will not only lose fertilized eggs and/or fetuses, we will also lose many, many women who will have been forced to have unsafe abortions. We cannot go back to those days.

It is not true that only women who do not value the growing life within them choose abortion. To the vast majority of women who feel they must choose abortion, it is a painful solution that often lives with them for the rest of their lives. For every abortion, there is a story that is almost always filled with pain. The decision that a pregnancy must be aborted is more often made from love of the living than from a lack of caring about a fetus growing within. There are very few women who do not think of the fetus as a part of them, and it is not an unemotional decision. Women do not deceive themselves that the life within their bodies will not grow to be an independent human being. In fact, it is often in trying to figure out how to deal with that new life that leads to the decision to abort. A child deserves to be wanted and receive a commitment from the parent(s) that they will be properly nurtured and loved. A child should not be the "punishment" meted out by a society that harshly says that if you "dance the tune, you pay the piper" . . . the children certainly deserve more than that. Talking to women who have been through an abortion personally would erase the "baby killer" image which anti-abortionists paint. When our backs are to the wall, we do what we feel we must to survive. If a woman/family decides that she/they cannot take care of a child that may result from the pregnancy, who really has the right to say she/they must follow laws reflecting a moral interpretation that is not necessarily held by her/them?

A woman's reproductive rights are intensely personal. Decisions on whether or not to bear children are made by individual women . . . not legislative bodies, Whether or not some people want to make it more difficult for poor women in America to do what they feel they must do, that is now being tested by our Supreme Court. History has proven, however, that when the reality of an unwanted pregnancy hits a woman who feels she cannot deal with it, that woman will do whatever she must to terminate the pregnancy. It is her right to do so and be able to exercise her personal reproductive choice in a way that will not kill or maim her.

Reproductive freedom for all people, rich or poor, in this nation should not be denied or abridged.

JOHNNY FRANCO: THE HERO OF BENSONHURST

HON. STEPHEN J. SOLARZ

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 31, 1989

Mr. SOLARZ. Mr. Speaker, I would like to pay tribute to a gifted athlete who has stirred great pride and admiration in his hometown. Johnny Franco is a relief pitcher for the Cinninnati Reds, but he still makes his home in the Bensonhurst section of Brooklyn, which is located in my district. Here he was raised, and here he developed his phenomenal baseball talent.

Like many of the ethnic neighborhoods in Brooklyn, Bensonhurst is filled with the sights and sounds of the "old country." The Italian community of Bensonhurst has always maintained its strong ties to its heritage. Above all else, this heritage includes a powerful commitment to the importance of family and friends. Johnny Franco is a living embodiment of this ethic.

In his youth, Franco was an ace pitcher for the Lafayette High School Redman. From the schoolyard diamonds of Brooklyn, his career blossomed until it reached its pinnacle last year. After converting 39 saves out of 42 opportunities and compiling an astounding 1.57 ERA, he was awarded the National League's top honor for relief pitchers, the "Fireman of the Year." Yet despite his dramatic rise to stardom and its attending fame and fortune, Johnny Franco has the same down-to-earth attitude he did when he was the left-handed fireballer his Bensonhurst friends and neighbors watched throw for Lafayette High.

With the explosive financial success and irresistable public exposure that usually accompanies high achievement in professional sports, it is not uncommon for athletes to slam the door on their past and their roots. Not Johnny Franco. Rather than distance himself from the people and the place that nurtured his success, Johnny Franco has made it clear that those who made him what he is today—his family, friends, and neighbors in Bensonhurst—are still his strength.

In a wonderful article in a recent issue of Sports Illustrated, Franco told Hank Hersch, "that's why I'm a success * * * because these guys back home, my family and everybody know what kind of person I am. No matter how much money I make, I'm not going to change."

While he keeps an apartment in Cincinnati during the season, after the final pitch is thrown in September, Franco immediately returns to Bensonhurst. In his words, "I could live anywhere * * * But when I walk out the door and walk around the block, everything reminds me of the good times and the bad times."

Perhaps no other moment captures the true spirit of Johnny Franco than the afternoon before a recent Reds game with the New York Mets. Instead of filming an endorsement, or shopping the expensive stores on Fifth Avenue, Johnny organized a pickup softball game with the neighborhood kids of Bensonhurst. He also stopped by his old high school, offered pointers to today's Redman pitchers, and signed autographs along the way. Later, Johnny got together with his oldest and dearest Bensonhurst paisans to grab a chicken parmigiana sandwich and talk about old times.

Johnny Franco is truly a hero—to baseball fans in Cincinnati and all over the country. But more than anything else, Johnny Franco is a hometown hero. And that hometown, I am proud to say, is Bensonhurst.

A TRIBUTE TO MARGARITA H. "MAGGIE" ZELADA

HON. HOWARD L. BERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 31, 1989

Mr. BERMAN. Mr. Speaker, I rise today to pay tribute to a highly respected member of the community, Margarita H. "Maggie" Zelada, in recognition of her outstanding service and dedication to the San Fernando Valley. She will be honored by the San Fernando Chamber of Commerce for her remarkable work and accomplishments in the community.

Maggie Zelada's exceptional work with numerous organizations has had a lasting impact on the lives of its members. The immeasurable amounts of time and energy which she continuously invests into each group and organization contributes to her impressive list of achievements. Her effective leadership in her various roles can be attributed to her unique style and individuality which makes Maggie an important asset to the community.

Maggie has served the valley through many elected and appointed positions. As president of the San Fernando Chamber of Commerce, she has guided the chamber toward progress and better communication. In October 1987 she became the first woman member of the San Fernando Kiwanis Club, and was elected to the board of directors in 1988. As local manager of the Southern California Gas Co., Maggie effectively balanced the concerns of the company and the community. In addition, she has served on State Assemblyman Richard Katz' Hispanic Roundtable and chaired the 1988 San Fernando Civic Association Fiesta, attended by more than 10,000 area residents.

In 1988, Maggie was named one of five "Outstanding Women of the Community" by the San Fernando Sun. This award is only one of the many tokens of the sincere and overwhelming appreciation that the valley has for her. Maggie's unlimited and selfless contributions have greatly benefited countless organizations and their members.

It is a distinct honor and pleasure to ask my colleagues to join me in saluting Margarita Zelada, a dedicated member of our community and a remarkable woman.

RECLAMATION STATES GROUND WATER PROTECTION AND MANAGEMENT ACT

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 31, 1989

Mr. MILLER of California. Mr. Speaker, today, I am introducing—along with 16 of my colleagues—the Reclamation States Ground Water Protection and Management Act.

There are several purposes to the Reclamation States Ground Water Protection Act.

One is to encourage the Western States to better protect and manage their ground water resources. The second is to ensure that the

Federal Government does not spend funds on building water resources projects to correct problems caused by the unwise use of ground water.

I introduced this legislation last Congress and held two hearings on it. Those hearings illustrated just how serious our problems with ground water have become. We depend heavily upon ground water, yet it is a threatened natural resource. In many Western States, ground water is depleted at rates faster than it is being replenished. We are, in effect, using up some supplies.

In other instances, we are polluting or contaminating ground water supplies. Use of these supplies may be limited or even eliminated.

The depletion or contamination of ground water supplies is a problem of enormous magnitude. Ground water is the source of water for half of the population in this country. Around 97 percent of the rural population depends on ground water. The loss or degradation of ground water affects each and every one of us.

The Reclamation State Ground Water Act is a step toward addressing this tremendous problem.

It encourages each of the 17 Western States to develop and implement a statewide ground water protection plan. The States would have flexibility to design the plan to meet their needs and problems. The Federal role—working through the Department of the Interior—would identify which States have ground water problems requiring attention. The Federal Government—through a public process—would develop minimal criteria which State ground water plans it must meet. States, which have ground water problems and which fail to develop minimally acceptable plans, would not receive funds for reclamation water projects.

A similar approach was used in Arizona, when the Federal Government threatened to halt funds for the central Arizona project unless that State took action to protect its ground water. Arizona responded positively and put into place a comprehensive ground water plan.

My Subcommittee on Water, Power, and Offshore Energy Resources heard testimony during the last Congress from several of the individuals instrumental in developing the Arizona ground water plan. We learned that while this effort was difficult and required all of the various parties to cooperatively work out the program, it was successful. In my view, this type of cooperative problem solving, involving the States, the public, the water users, and the Federal Government, can be repeated in other States.

I have described this bill before as having a "carrot and stick" approach to making sure that ground water plans are put into place in an expeditious manner where they are needed. States are given the option to design and develop plans to remedy their ground water problems. If States choose not to do so—or fail to do so—the Federal Government will not be able to step in to build water projects in that State. This protects the Federal taxpayer from being forced to pay for—often very expensive—structural solutions to problems which should not have developed if ground water plans had been in place.

This bill is fair and workable. States have the primary responsibility to take action to protect their water resources. Federal role is essentially one of standard-setting and of protecting the taxpayer's interest.

This is a critically important bill. It will help us achieve significant protection for our ground water resources in the Western United States. I urge you to join with me in ensuring that this legislation is enacted soon.

TRIBUTE TO THE HONORABLE WILLIAM H. NATCHER

HON. ROMANO L. MAZZOLI

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 31, 1989

Mr. MAZZOLI. Mr. Speaker, we of the Kentucky delegation in the House know what an absolute treasure we have in our dean, BILL NATCHER.

The rest of Congress and the country is fast learning about this rare man and leading legislator from articles such as this one from the Washington Post of May 25:

REP. NATCHER: A STUDY IN STANDARDS

(By Dale Russakoff)

As Washington sinks into the swamp it once was, a spectacle of money and power gone haywire, Rep. William H. Natcher (D-Ky.) stays his fastidious course.

Erect and immaculate in his starched white shirt and dark suit, the snow-haired gentleman from Bowling Green has been in the House almost 36 years. At 79, he has never accepted a political contribution, never taken an honorarium for a speech and never missed a vote. Through 5 p.m. yesterday, he had cast 15,967 of them.

Everyone knows that he is one of a kind, and so, before each new Congress, House leaders ask Natcher to speak to incoming freshmen. "I tell them there are lots of things in life that are right sacred and good," Natcher said, "and one is to serve in the Congress and to say to those who want to spend this money on you, 'I'd appreciate it if you'd just keep your hands off me.'"

Most political action committees know to leave Natcher alone, but every now and then, somebody tries anyway, and he simply sends the checks back. Last year, the grand total of his campaign expenses, all paid by Natcher, came to $8,404.97—mostly for gasoline to drive his sprawling, rural district. By contrast, the average House winner in 1988 spent $358,992.

Another of Natcher's distinctions is that he runs the lowest-budget office in the House. A study in self-reliance, he has no administrative assistant, no legislative director, no press secretary. He just has "five ladies," as he puts it, who help him handle office business. He sends out one press release each year, which he writes himself, saying that once again he has not missed a vote.

"Representative William H. Natcher . . . has never missed a day or a vote since he has been a member of Congress," reads the 1988 release. "He has cast 11,748 roll call votes and 4,154 quorum calls, making a total of 15,902 . . . Natcher admits that he has had a great many close calls, but so far has been fortunate enough to never miss a vote and after passing the 15,000 mark, has indicated he intends to try for another 15,000."

The Guinness Book of Work Records lists Natcher's feat, and he acknowledges that he is now something of a hostage to this self-imposed standard. He once went onto the floor with double pneumonia despite a doctor's order to go to the hospital. "Can't do it," he recalled thinking. "I'd miss 10 or 12 votes."

Then there was the time his wife was seriously ill in Bowling Green. Every night for two weeks, he caught a 7:20 flight to Nashville after adjournment, and drove 64 miles to see her. Every morning, he caught the 10:00 flight back, arriving in Washington in time for the opening vote.

"Deaths in the family, weather problems, transportation difficulties, sheer weariness did not stop him as he marched to his remarkable feat," Rep. Sidney R. Yates (D-Ill.) wrote of Natcher in a newsletter to his district.

There are those who chuckle at Natcher's slavish devotion to standards that, after all, don't amount to much in the larger scheme of Washington. They fault him for not using his seniority as a platform to speak out on the issues of the day. With a larger staff, with a press secretary, he could have been a voice, they say. Maybe even a speaker.

But Natcher is content to be the No. 2 member of the Appropriations Committee, responsible for 43 percent of the federal budget—health, human services, education and labor—and many of the programs that Americans associate with the most basic functions of government.

Besides, there is something to be said, particularly in these times, for one who sets standards higher than those required of him, and sticks to them.

This is why, when contentious bills are debated and the speaker comes to the floor, Natcher is often called upon to preside. A picture of fairness and parliamentary prowess, he generally gets a standing ovation from both sides of the aisle when he returns the gavel.

"He's a forceful presence—almost in a military way," said Rep. David R. Obey (D-Wis.). "He taps the handle of the gavel, not the head. He does it very softly, and he'll just stand there and keep tapping until the House is silent."

So reverential is Natcher toward the House that he has faithfully kept a journal, which numbers 50 leather-bound volumes, of his years there. He also has written weekly to his children and grandchildren—more than 1,700 letters altogether—about the important workings of Washington as he sees them.

And so yesterday, as Washington was transfixed by the spectacle of House Speaker Jim Wright (D-Tex.) facing possible ruin before the ethics committee, Natcher was on the House floor fighting for $1.1 billion in supplemental appropriations for student loans, worker training and foster care.

"It's the most important matter before the House today," he said.

A TRIBUTE TO JEREMY KAMRAS

HON. ROBERT T. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 31, 1989

Mr. MATSUI. Mr. Speaker, I rise today to recognize and pay tribute to Jeremy Todd Kamras on the occasion of his bar mitzvah. This is a very joyous occasion and, indeed, one of the most important events in the life of a young Jewish man.

It is on this occasion that a male Jew is recognized as fully responsible for his own religious and moral actions. A bar mitzvah is called upon to read a prophetic passage from Scripture to the synagogue congregation and, thereupon, he is recognized as a full member of the congregation, able to count as a member of the required quorum of 10. On that occasion the parents say a blessing: "Blessed is God who has now freed me from bearing full responsibility for this person."

Mr. Speaker, I am proud to play a role in this special moment in Jeremy's life—the moment when he will become an adult and accept full responsibility for his own actions. I extend my sincere congratulations to both Jeremy and his parents on the occasion of this religious turning point in Jeremy's life.

NEW JERSEY'S POLISH FESTIVAL

HON. JAMES J. FLORIO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 31, 1989

Mr. FLORIO. Mr. Speaker, I would like to take this opportunity to focus the attention of my colleagues on a very uplifting event that will take place in New Jersey on June 4, 1989. On this day, the Polish community of New Jersey will hold its 18th annual Polish Heritage Festival at the Garden State Arts Center.

Every year, the Garden State Arts Center hosts a number of festivals that are sponsored by the diverse ethnic communities that are represented in the State of New Jersey. The money that is raised by these festivals goes directly to the cultural fund which, in turn, sponsors free cultural activities at the Garden State Arts Center. Groups that benefit from these activities include senior citizens and school children, the handicapped and the disabled, the veterans, and the disadvantaged. These activities represent a commendable effort to shine a bright light in the lives of these people.

The 18th annual Polish Heritage Festival will commemorate a special anniversary in the lives of the Polish people. This coming September will mark the 50th anniversary of the invasion of Poland by the Nazis and the Soviet forces at the beginning of World War II. The tragic anniversary of this invasion and the courage of the Polish people in dealing with the ravages of war will be remembered at this festival. The festival's theme is titled "Poland, its People, History, and Culture of 20th Century" and will focus on Poland's struggle during World War II.

Chairing the festival this year will be Mr. Andrew Stolarz of Clifton, New Jersey. Mr. Stolarz has been active in the Polish community of the Passaic-Clifton area.

I commend the efforts of Mr. Stolarz and the Polish community of New Jersey to the attention of my colleagues and wish them all a successful festival.

KILDEE HONORS DR. WILLIE COSDENA THOMAS GUNN

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 31, 1989

Mr. KILDEE. Mr. Speaker, I would like to bring to the attention of my colleagues in the House of Representatives and the Nation a retirement ceremony that will be held Friday, June 2, in Flint, MI. Dr. Willie Cosdena Thomas Gunn will be honored for her 33 years of dedicated and extraordinary service to the Flint Board of Education.

In her 33 years of service, Dr. Gunn has served as a community activist, an educator, a counselor consultant, an author, and a lecturer. She earned a bachelor of science degree from Benedict College, a masters degree in education, and a masters degree in guidance and counseling from the University of Michigan. She also received a business certificate from Reeds Business College and a doctorate degree from Urban Bible College School of Religious Studies. Dr. Gunn taught in the Flint public schools, Mott Adult High School, and was an adjunct professor at the Charles Stewart Mott Community College, the University of Michigan, and Jordan College. Presently, she will be retiring from the position of guidance counselor at Southwestern High School.

A recipent of many awards, Dr. Gunn has been honored nationwide for her contributions to humanity. Most recently, she was named "Counselor of the Year" by the Genesee Area Association for Counseling and Development. She has served on many prestigious boards of directors, including the National Association for the Advancement of Colored People, the Urban League, and the March of Dimes. Currently, she serves on the National Association of Media Women Board of Directors, the board of directors of the Panhellenic Education Foundation, and the University of Michigan Counselors Advisory Board. She is president of the National Association of Media Women—Flint Chapter, and the national sorority of Phi Delta Kappa Midwestern Region.

Dr. Gunn has succeeded in helping shape the lives of many children of this community. As a former teacher, I can appreciate the awesome responsibility and acute sensitivity to each student's needs that must be maintained on a daily basis. The enormous effort Dr. Gunn has put forth in order to meet those needs is greatly appreciated by the people of the Seventh Congressional District of Michigan.

Mr. Speaker, this distinguished woman who will be honored on June 2 has demonstrated by her actions the personification of true community service. As a result of her presence and commitment to excellence in education, Dr. Gunn has succeeded in making this community a better place in which to live. It gives me great pride to stand before you today and honor such a fine individual and give her the credit she so richly deserves.

HONORING ARLENE KELLNER FOR 25 YEARS OF DISTINGUISHED SERVICE

HON. GARY L. ACKERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 31, 1989

Mr. ACKERMAN. Mr. Speaker, I rise today to pay tribute to a truly outstanding woman, Arlene Kellner, who is being honored by her colleagues with a special dinner on June 7. She will be recognized for her illustrious teaching career, which is culminating after 25 years of dedicated service to the New York City public school system, nearly all of them at Public School 89 in Elmhurst, Queens.

Arlene Kellner is that rare breed of teacher who can combine discipline with inspiration: Her students, many of whom are learning English as a second language and do not have English-speaking parents, find an additional reinforcement of their English training in her music classes, where they learn to sing a variety of pieces. Among those who have witnessed her style are New York City Mayor Edward Koch, who made a special point of visiting her class on a tour of P.S. 89.

Born May 28, 1934, in New York City, Arlene Kellner spent the greater part of her childhood in the Bronx, living on Longfellow Road until her marriage to Jacques Kellner, a Belgian-born U.S. citizen who served in the U.S. Army in Japan during the occupation.

She was educated at James Monroe High School in the Bronx, and then earned a bachelor of arts degree in language arts from Hunter College, She was employed as a public school teacher before the birth of her son, Mark, in 1957.

Returning to the workplace in 1965, Arlene Kellner spent the next 24 years as a teacher of music, French and a general classroom teacher at P.S. 89. It is estimated that literally thousands of students passed under her instruction during these years. During her time at P.S. 89, Arlene Kellner earned a master of arts degree in education from Hunter College and was active in the United Federation of Teachers, rising to the position of chapter chairman for the union at the school.

After a quarter-century of unfailing service, Mrs. Kellner is looking forward to an active retirement. Her husband is owner of Kelper International Corp., an exporting business based in New York City. Her son is an editor with MIS WEEK, a Fairchild Publications business newspaper also headquartered in the city.

Mr. Speaker, it is a pleasure to pay tribute to such a hardworking and inspirational individual. I call on my colleagues in the U.S. House of Representatives to join me in saluting Arlene Kellner for her selfless dedication to P.S. 89 and the entire teaching profession. I wish her continued success and best wishes in her future endeavors.

TRIBUTE TO FEED OUR OWN DISTRICT, INC.

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 31, 1989

Mr. TRAFICANT. Mr. Speaker, I rise today to honor and support Feed Our Own District, Inc., for their outstanding efforts to desist hunger in my own 17th Congressional District of Ohio.

Formed in January 1988, FOOD, Inc., has been making tremendous headway in assisting impoverished individuals in Mahoning and Trumbull Counties. The congregation of Ohev Tzedek Temple along with Rabbi Mitchell B. Kornspan and his wife, have been intrinsically involved with Feed Our Own District, Inc., in bolstering efforts to aid the hungry in the Mahoning Valley. This congregation is one of the many organizations involved in this continued activity.

On May 21, 1989, Feed Our Own District, Inc., sponsored a fund raising event called Hands Around the Valley. This event raised thousands of dollars for the Trumbull and Mahoning County Food Coalition.

Mr. Speaker, I take great pride in saluting the efforts of Feed Our Own District, Inc. Organizations such as this show the genuine concern for the poor and hungry in my district. This organization is a real asset to my district as well as the Nation, and I wish all my constituents involved in this organization the best of luck in the future.

PRACTICING CITIZENSHIP

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 31, 1989

Mr. MILLER of California. Mr. Speaker, I would like to commend teachers across our country who realize that the *Exxon Valdez* oil-spill tragedy is also an opportunity to educate our youth in the responsibilities and privileges of citizenship. Teachers like Ms. Linda McCluskey and Mr. Philip Kottower of the George P. Miller School in Alameda, CA, are teaching the democratic process by having their students participate in that process. This may be the most important exercise these children will ever do during their schooling.

Mr. Speaker, the following are letters from Ms. McCluskey and Mr. Kottower's fifth graders. I would like to share with my colleagues the concerns, suggestions, and observations of these young citizens.

DEAR CONGRESSMAN MILLER: What do you think about the oil spill in Valdez, Alaska? I think Hazelwood should help clean up. Can you clean up the oil in 4 years? I feel sorry for the sea otters, don't you? Almost half of the population of the sea creatures is going down about 10 percent.

From,

ALAINE GOZUN.

DEAR CONGRESSMAN GEORGE MILLER: I hear that you know some stuff about the oil spill that the newspapers can't explain! When I grow up I want to be a marine biologist, so this affects me a lot! Can you please do something about this, then if you can't then maybe someone you know can. What is it that us kids can't do? This letter may not mean anything to you, but it means a lot to me! I'm a fifth grader that is concerned about this incident!

Your friend,

TIFFANY KIEHN.

DEAR CONGRESSMAN MILLER: My class at George P. Miller wrote essays about the oil spill. I think it was Hazelwood's fault because he was drinking. What would the people of Ca. do if it happened in one of the Ca. beaches? There are a lot of beaches, and in the summer people go there.

Concerned person,

DEON WHITTEMORE.

DEAR MR. CONGRESSMAN: How are you doing. I hope you're doing fine. Hi. My name is Tiffany Sims. I am 10 years old in the fifth grade. We are talking a lot about the oil spill. I think you should make something to get the oil spill out of the water. And I hope everyone who was in trouble about the oil spill finds out what they are going to do.

Your friend,

TIFFANY SIMS.

CONGRESSMAN GEORGE MILLER: I think this accident shouldn't of happened because of the width of the reef coming in you shouldn't come close enough to crash.

SEVEN JAMES ENG HUNG.

DEAR CONGRESSMAN MILLER: I am very sure you want the oil spill cleaned up. So do all the people around the world. I wonder what the world would look like if the oil slick had spread all over the United States.

Imagine if no one would help out. All I'm saying is that I hope the oil slick will be cleaned up around the 1990s. If I lived in Alaska, I would try to get my friends to help out. Alaska has a serious problem. One of the serious problems is the animals. The animals life is in big danger. I wish I could help out.

Yours truly,

MICHELLE KAHELE.

A TRIBUTE TO JOHN F. BOEFF

HON. BILL SCHUETTE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 31, 1989

Mr. SCHUETTE. Mr. Speaker, it is with admiration and respect that I rise today to pay tribute to John F. Boeff, who is retiring from the Soil Conservation Service of the U.S. Department of Agriculture after a distinguished 34-year career. John advanced from a young engineering aide to a civil engineer technician, serving in positions in the counties of Shiawassee, Clinton, and Genesee, which covers most of the southeastern Michigan area.

John joined the U.S. Department of Agriculture in 1955 in Corunna, MI, initially working on surface and subsurface drainage, erosion control, and conservation planning. After working on approximately 430 projects John was transferred in 1967 to the Ovid construction unit where he worked on Public Law 566 flood control projects in southeastern Michigan. In 1969 he was transferred to the area V office in Flint as part of the engineering staff responsible for 23 counties in southeastern Michigan. As a civil engineer technician, John is now responsible for drainage, erosion control, agriculture waste handling, and storage projects.

During John's long and distinguished career, he has received five cash awards, six promotions, and had three of his work improvement suggestions adopted by the U.S. Department of Agriculture. Also, in 1979 John was awarded the Certificate of Appreciation by the Department.

I am proud of the work that John has done for the Soil Conservation Service of the U.S. Department of Agriculture and for the people of Michigan. On behalf of the citizens in my 10th Congressional District who have benefited from his 34 years of service, I wanted to extend my best wishes for a happy and rewarding retirement.

A TRIBUTE TO CYNTHIANA BROWN

HON. HOWARD L. BERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 31, 1989

Mr. BERMAN. Mr. Speaker, I rise today to express my admiration, respect and gratitude to Cynthiana Brown, assistant principal of Seeds University Elementary School. After 42 years as a teacher and administrator, Cynthiana is retiring. She will be greatly missed.

Throughout her distinguished career as an educator, Cynthiana's commitment to the learning process has never faltered. Since 1947, when she joined Seeds University Elementary School as a first grade teacher, she has worked tirelessly to uphold the school's excellent tradition of administering the finest education to thousands of children. Her humanitarian commitment to cherish, recognize and nurture every child's uniqueness while providing a strong academic foundation has earned her a well-deserved reputation as an outstanding leader in elementary level education.

Her service with Seeds University Elementary School has helped countless children become devoted, eager learners with a zest to grow intellectually, socially, emotionally, and physically. All of those fortunate enough to know Cynthiana have been enriched by her ability to communicate the great lessons she has learned in this selfless service. Her tireless gifts of time and energy demonstrate the importance of our community and the responsibility to give to others as well as to receive from them.

Cynthiana received her B.A. in education from UCLA in 1945 and shortly thereafter received her masters in administration from the University of Southern California. She was born and grew up in Los Angeles. She had a happy childhood and has devoted her life to creating the same for all children. Her lively curiosity about the world around her leads her to correspond with more than 25 pen pals, some of whom she has written to for over 25 years.

Cynthiana Brown has an impressive record of dedication to self-understanding and creative expression through the joy of learning. It is an honor to ask my colleagues to join me in saluting this remarkable woman.

NEW JERSEY'S ITALIAN FESTIVAL

HON. JAMES J. FLORIO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 31, 1989

Mr. FLORIO. Mr. Speaker, on June 10, 1989, New Jersey's Italian community will showcase their culture and traditions as part of the 19th annual Festa Italiana to be held at the Garden State Arts Center. The Festa Italiana is the culmination of year-long activities by a group of unselfish and dedicated volunteers who will be demonstrating the rich cultural heritage of New Jersey's Italian community.

As an Italian-American, I am proud to be able to share with my colleagues some details about this very interesting and commendable event.

Every year, the Garden State Arts Center hosts a number of festivals that are sponsored by the diverse ethnic communities that are represented in the State of New Jersey. The money that is raised by these festivals goes directly to the cultural fund which, in turn, sponsors free cultural activities at the Garden State Arts Center. Groups that benefits from these activities include senior citizens and schoolchildren, the handicapped and the disabled, the veterans, and the disadvantaged. These activities represent a commendable effort to shine a bright light in the lives of these people.

The 19th annual Festa Italiana will feature the good Italian food, the music and dance, the artifacts and traditions that have long been associated with Americans of Italian origin. One of the highlights of this year's festival will be the featuring of several talented individuals including Mary Mancini who will join Pat Coopert, Bobby Rydall, and Lou Monti.

Chairing this year's festival is Mr. Anthony Lordi, Jr., of Linden, NJ. Mr. Lordi has been active in putting together the Festa Italiana since the festival's inception 19 years ago. He is the past president of many Italian organizations in the Linden-Rahway area of New Jersey.

I extend to Mr. Lordi and the many Italian Americans who are involved in putting together this festival my best wishes for a successful event.

HONORING MR. ROBERT F. GROGAN

HON. ROBERT J. LAGOMARSINO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 31, 1989

Mr. LAGOMARSINO. Mr. Speaker, I rise today to ask my colleagues to join me in honoring Robert F. Grogan for his 29 years of service to the city of Santa Maria, CA. Mr. Grogan plans to retire on June 1, 1989.

Mr. Grogan was born in Fowler, CA, graduated from high school in Fresno, CA, and graduated from the University of Redlands, CA, with a bachelors degree in economics. After college, he served 4 years in the U.S. Navy during the Korean conflict as a pilot of carrier-based aircraft. Following the conflict, Grogan attended graduate school at the University of California, Berkeley, where he received a masters degree in public administration.

Mr. Grogan began his career with the city of Santa Maria as an administrative assistant immediately after his graduation from Berkeley, in February 1960. Three years later, the city council appointed him as city administrator, a position he has held since that time.

In his nearly three decades of service to Santa Maria, the city has established a sound economic base through several downtown developments. His term as administrator has brought about extensive renovations and improvements including complete reevaluation and repair of the city's sewer and water systems, the construction of both a senior center and a community center as well as the upgrade and refurbishing of local parks.

While working as city administrator, Grogan also served as an official member of several organizations. In the past, he has acted as the chairman of the Central Coast Regional Criminal Justice Planning Board, as a member, then as chairman of the Commission on Peace Officers Standards and Training, as the original president of the California City Manager Foundation, and president of the League of California Cities City Manager's Department and International City Management State Association.

Mr. Grogan is also a retired member of the U.S. Naval Reserve and was a commanding officer of the Naval Reserve Intelligence Unit at Naval Postgate School in Monterey, CA, where he held the rank of captain.

Mr. Grogan has proven to be a valuable citizen as well as a vital element in the growth and development of the city of Santa Maria, CA. I ask my colleagues to join me in honoring my good friend Mr. Grogan for his many years of service to the city and in wishing him and his wife Aggie the very best for the future.

NATIONAL SPINA BIFIDA MONTH

HON. ROMANO L. MAZZOLI

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 31, 1989

Mr. MAZZOLI. Mr. Speaker, spina bifida, a condition which results from the failure of the spine to close properly during prenatal development, is a most common birth defect, occurring in approximately 1 of every 1,000 births. Unfortunately, this condition remains little known and little understood.

In years past I have introduced legislation, designating October as "National Spina Bifida Month," and I have been pleased with the strong display of support I received from my House colleagues. Once again I am introducing a resolution to designate October 1989, as "National Spina Bifida Month," and once again I would urge my colleagues to support this measure.

Proper facilities to treat spina bifida and professionals specializing in the latest and most effective treatment for children with spina bifida are limited nationwide.

It is, therefore, fitting that there be a Federal proclamation designating October 1989, as "National Spina Bifida Month." Such a proclamation will increase public awareness of the problem and, we hope, stimulate the interest and concern needed to increase research leading to the discovery of a cure for this condition.

ST. ANTHONY'S HIGH SCHOOL BASKETBALL TEAM NO. 1 IN THE NATION

HON. FRANK J. GUARINI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 31, 1989

Mr. GUARINI. Mr. Speaker, I would like my colleagues to join in this salute to a Jersey City high school, small in size, but giant in ability. The school I speak of is St. Anthony's High School which a few weeks ago won the USA Today's No. 1 rank for high school boys' basketball teams in the entire Nation.

Housed in a 70-year-old three-story walk-up building which was taken over by the Catholic education system after the building was abandoned as Public School No. 4 in 1952. This fine institution of learning is setting an outstanding example of how grit and determination can cause young Americans to excel despite difficult circumstances.

The school, whose faculty is staffed by Felician Sisters, Marist Brothers, laymen, laywomen and diocesan priests has 320 students in a 10 classroom structure which has absolutely no recreation facilities.

Despite this fact, St. Anthony's High School team, under the direction of Robert Hurley, Sr., a Hudson County probation officer, who is their part-time coach, and Sister Mary Felicia, as principal, and Sister Mary Alan, director of development and athletics, stands out truly as a diamond on rough edges of our society.

At a time when our Nation is being besieged with terrible statistics concerning antisocial behavior, drug and alcohol addiction, St. Anthony's team has traveled to 10 States winning 50 straight games including a perfect 32 this year, setting a State record for victories in one season, all with no home court to practice or play games.

It has been necessary for this determined group to use an 80-year-old building, known as White Eagle Hall, which is about 10 blocks from the school. Each day when they go in to practice they must first move the bingo tables in a very cramped facility which does not meet the official measurements for basketball competition.

I believe the magnitude of their accomplishments is best related in the following newspaper accounts.

[From the USA Today, Mar. 20, 1989]

Perfect Season: Jersey City (NJ) St. Anthony, USA Today's No. 1-ranked high school boys basketball team, finishes its season with a 32-0 record.

ST. ANTHONY ADDS TITLE TO PERFECT YEAR

(By Peter Brewington)

EAST RUTHERFORD, N.J.—Jersey City St. Anthony High capped a 32-0 season Sunday with one of its most difficult victories, 62-55 against Elizabeth in the championship game of the first state Tournament of Champions.

The Friars defended the top spot in the USA Today Super 25 they have held all season. Their 56th consecutive victory secured that spot.

[From the New York Times, March 20]

ST. ANTHONY TAKES TITLE TO END AT 32-0

EAST RUTHERFORD, NJ, March 19.—St. Anthony High School of Jersey City, with one of the smallest enrollments in New Jersey, ended a superb season and made state basketball history today with a 62-55 victory over Elizabeth in the first Tournament of Champions. The triumph came before a crowd of 8,514 at Byrne Meadowlands Arena.

This year was the first time New Jersey held a tournament to crown overall champions in boys' and girls' basketball. In previous seasons, the state recognized titleholders in four size classifications for public schools and two for parochial schools.

[From the Hudson Disptach]

PERFECT FRIARS WIN TITLE

(By Brian Heyman)

EAST RUTHERFORD.—Coach Bob Hurley of St. Anthony High School and the Friars' co-captains his son Bobby, and Jerry Walker, stood near midcourt posing for the cameras.

Together, they were holding a huge championship trophy, crowned with a golden basketball. It looked rather heavy, but it probably didn't feel that way. After all, these three were walking on air at the time.

Or so it seemed.

"We did it," an ecstatic Bob Hurley said a short while later. "Coast-to-coast, we're the best there was this year in the United States."

Hurley and his fabulous Friars had just beaten Elizabeth 62-55, yesterday in front of 8,514 fans at Meadowlands Arena in the title game of New Jersey's inaugural Tournament of Champions.

It was the conclusion to the greatest high school basketball season this state has every known. St. Anthony, the tiny Jersey City school with an enrollment of 310 students and with no home court, finished 32-0 setting a state record for victories in one season.

But most impressively, the Friars clinched the national championship—the final No. 1 ranking in USA Today's high school hoop poll.

"This is going to be Our Championship Season," said Coach Hurley, whose team earlier had captured its New Jersey record seventh straight Parochial B state title and has now won 50 consecutive games over two seasons. "This is the Broadway play for St. Anthony High School. Nothing before this—or nothing after this—will ever be the same as the first of everything that we did.

[From the Jersey Journal]

HURLEY, WALKER EARN ALL-STATE HONORS

(By Tom Canavan)

Bob Hurley and Jerry Walker, the centerpieces who carried St. Anthony to an undefeated season and the first undisputed state title, headline the Associated Press' 1988-1989 New Jersey All State High school basketball team.

In addition to the leadership we must give credit and our thanks to the following teenage members of the team:

Bob Hurley, Jr., premier guard in New Jersey. He has won a scholarship to Duke University;

Jerry Walker, one of the top power forwards in the country. We will be attending Seton Hall;

Terry Dehere—Developed into a top-notch guard in his senior season, his first as a starter. He also is bound for Seton Hall;

Jose Ortiz—Moved to Jersey City from native Puerto Rico in off season.

Rodrick Rhodes—Called the best ninth grader in the country;

Sean Rooney—Missed most of the season since suffering a severe ligament injury (ankle) against All Hallows—worked hard to get back in condition for the Tournament of Champions;

Danny Hurley—Bobby's younger brother, a sophmore, has great long range shooting ability;

Woodrow Williams—Sophomore forward with great potential;

Mark Harris—Defensive sparkplug . . . outstanding on the ball defender;

Darren Savino—Outstanding open court shooter . . . a smart defensive player;

Lamont Street—A junior . . . promoted to varsity in early January;

George Dunbar—Senior—hard working player in the limited time he received . . . has potential to be a good small college player;

James Wright—Led junior varsity in scoring;

Michael Goines—Only a freshman, was called up from junior varsity when Friars suffered a number of injuries . . . has good potential.

In my long period of community service, I have never witnessed the enthusiasm not only in our Hudson County community but the entire State of New Jersey regarding this school without a gymnasium. In addition to outstanding athletic ability, the good nuns and other members of the faculty have adopted as their challenge: "Be the Best That You Can Be."

They teach:

It is not a matter of reaching the top, but of going a little higher . . . sharing oneself . . . unending energy means unending enthusiasm.

The faculty aims to offer intellectually stimulating classes. These classes allow each student to understand the workings of the world around them, to become aware of their own potential, and to realize that with education comes a moral responsibility to use knowledge as a tool to benefit the community.

The students are urged to accept the lessions offered in the classroom and to put them into practice, not only within the school, but also in the larger community.

The administration aims to provide the necessary atmosphere in the school which allows for the growth of each individual student in the context of a caring, Christian environment.

What impresses me the most is the feeling of the students and faculty members who reflect their feelings in the following:

"There is a family spirit here which motivates everyone—it's a driving force in the school."—Brother Ralph Dinielli.

"Teachers understand you, believe in you and care for you. The upperclassmen look out for you,"—Morris Cuadra '90.

"It's exciting! I've learned to program a computer to do everything but dance."—John Randall '88.

"Here at St. Anthony's we are given the freedom to become responsible and independent young people . . . "—Yesenia Rodriguez '90.

"St. Anthony's is a special place to me. Knowing that students appreciate what you do for them makes me feel very good about teaching."—Francis Kochanski.

St. Anthony High School is open to all qualified students regardless of race, religion, handicap, or ethnic origin.

Students are described by Sr. Mary Angelica;

Friar effort is untiring, spirit is unmatched, SAHS students are super.

The team has been receiving many accolades with visits being arranged by the New York Stock Exchange and the New York Mercantile Exchange.

Those in the community while expressing a tremendous sense of pride have now been given a challenge of responsibility in assisting this determined school and the students to finally have a presentable gymnasium in which to practice. I am pleased that a nucleus of civic-minded community leaders, including Superior Court Judge Kevin Callahan, are taking a deep interest in the just cause to assist this young group which has done so much with so little, proving that some young people can do more and more with less and less and are deserving of our support.

It is with this view in mind that I have contacted Maj. Gen. Francis Gerard, director of the New Jersey Department of Defense, to allow them to use the armory for practice sessions.

In addition, a salute by Gov. Thomas Kean has been scheduled, and I have asked President George Bush to greet the team at the White House. It will be an everlasting honor for these youngsters, who are No. 1 in the entire Nation, to be received and congratulated by our Nation's No. 1 citizen.

I am certain that my colleagues here in the House of Representatives wish to join me in this salute and success story for this high school team whose time of need has indeed arrived.

CHRISTINA MARIE BERWICK

HON. RONALD K. MACHTLEY

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 31, 1989

Mr. MACHTLEY. Mr. Speaker, it is my distinct pleasure to congratulate Christina Marie Berwick, of Smithfield, RI, this year's recipient of the First Annual Ronald K. Machtley Award for LaSalle Academy in Providence, RI.

This award is presented to the student, chosen by LaSalle Academy, who demonstrates a mature blend of academic achievement, community involvement, and leadership qualities.

Christina has clearly met this criteria by being a member of the Rhode Island Honor Society and the National Honor Society. Her extracurricular activities include cocaptain of the womens' cross-country team and a member of the social concerns committee. She was also a participant in the Stargazer Mime musical act at LaSalle Academy.

I commend Christina for her achievements and wish her all the best in her future endeavors.

A TRIBUTE TO GERALDINE HAMILL

HON. BILL SCHUETTE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 31, 1989

Mr. SCHUETTE. Mr. Speaker, it is with great admiration and respect that I rise today to pay tribute to Geraldine "Gerry" Hamill, who is retiring on June 9, 1989, from the Shiawassee County Tax Description Office after 35 years of dedicated service.

Gerry has been a resident of Shiawassee County most of her life, graduating from Corunna High School. She began her career on January 3, 1955, in the Shiawassee County Abstract Office as a deputy abstractor. In 1963, she transferred to the Shiawassee County Tax Description Office and in 1969 she was promoted to director. It was due to Gerry's efforts and supervision that the tax description office became the first county office in Shiawassee County to be computerized, thereby better serving the citizens of Shiawassee County.

Gerry presently serves on the Shiawassee County Allocation Board and is actively participating in the Shiawassee County court house restoration project. She is also a member and past officer of the American Business Women's Association.

I am proud of the work that Gerry has done for the Shiawassee County Tax Description Office and for the people of Shiawassee County. Mr. Speaker, I ask that the House join me in saluting the hard work and dedication of Gerry Hamill and in wishing Gerry and her husband of 45 years, Bob, the best for the future.

CONGRESSIONAL SALUTE TO THE SACRAMENTO COMMUNITY CABLE FOUNDATION "WE SENIORS" PRODUCTION

HON. ROBERT T. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 31, 1989

Mr. MATSUI. Mr. Speaker, in recognition of Older Americans Month, I rise today to pay tribute the Sacramento Community Cable Foundation and the "We Seniors" video production team.

The Sacramento Community Cable Foundation is to be commended for their leadership and foresight in establishing the weekly "We Seniors" public information program. Although there are over 1,700 public access centers across the country, Sacramento is one of only a handful of communities to have organized an active senior video production group to address the issues affecting our senior citizens. The 50 talented seniors who compose the "We Seniors" team have succeeded in creating and producing inspiring programs that have covered a broad range of interests from ragtime music and original poems by seniors to catastrophic health care and senior housing alternatives.

Every Monday evening on channel 47 of the Sacramento Community Cable Foundation, the senior citizens of my community are treated to insightful programs produced solely to inform them of issues that so readily affect them. Thanks to the creativity and leadership of the "We Seniors" team, seniors have been provided with informative programs on legislative action, health and wellness, senior citizen organizations and activities in which they can participate. Such programming encourages the senior citizens of Sacramento to be active, involved, and contributing members of our community.

Mr. Speaker, I commend the Sacramento Cable Community Foundation and the talented "We Seniors" team for contributing their time, skills, and dedicated service to make this program such a great success. On behalf of the people of Sacramento, I offer sincere thanks to the "We Seniors" team and extend my best wishes for continued success in all of their future endeavors.

KILDEE PAYS TRIBUTE TO JOHN F. BOEFF

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 31, 1989

Mr. KILDEE. Mr. Speaker, I rise today to pay tribute to John F. Boeff who will retire on June 2, 1989, from a career which has seen 34 years of public service. Throughout his long career in the Soil Conservation Service, Mr. Boeff has modeled the characteristics that we so highly cherish in any individual: The desire to work toward excellence, and the capacity to see that goal come to fruition.

A valued engineer, Mr. Boeff's skills have contributed to the success of projects throughout the State of Michigan. Unafraid of a challenge, Mr. Boeff took part in 430 separate projects during his assignment to the Corunna work unit from 1955 to 1967, working on surface and subsurface drainage, erosion control, and conservation planning. His 2-year assignment to the Flint construction unit saw his skills applied to 10 Public Law 566 flood control projects throughout southeastern Michigan. Since that time, Mr. Boeff has worked in the area 5 Flint office, which deals with erosion control, drainage, and agricultural waste handling and storage for 23 Michigan counties. The widescale flooding which struck my district in 1987 gave rise to Mr. Boeff's involvement in the Emergency Watershed Program. We all owe a debt of gratitude for his efforts in that project.

Mr. Boeff's contributions have not gone unnoticed. He has received five cash awards during his 34 years of service, as well as a certificate of appreciation. His drive toward excellence led him to make a number of work improvement suggestions that were readily adopted by his agency. Furthermore, he has received six promotions during his career. And, as evidence of his encompassing commitment to public service, he has spent 5 years as a Boy Scout leader.

Mr. Speaker, I draw your attention, and the attention of my fellow Representatives, to Mr. John F. Boeff, whose commitment to public service we all share, and from whose pursuit of excellence we can all learn. His skill and experience will be missed throughout the State of Michigan when he retires June 2. It is indeed a great honor and pleasure for me to pay tribute to him on this day.

A TRIBUTE TO LUCY GAMBERG HUSACK

HON. STEPHEN J. SOLARZ

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 31, 1989

Mr. SOLARZ. Mr. Speaker, I would like to take this opportunity to praise Lucy Gamberg Husack, a personal friend of mine for over 20 years, for her tireless efforts to improve the Brighton Beach, Coney Island, and Manhattan Beach communities.

Lucy Gamberg Husack is a woman who has always devoted herself to others. Recently, Lucy, a founder and former president of the Shorefront Inter-Agency Council, was honored for "a lifetime of civil service". The diverse audience ranging in age from early childhood to later adulthood paid special tribute to Lucy's efforts to bridge the generation gap between the young and old.

Lucy also serves on the Community Advisory Board at Coney Island Hospital where she helps make people aware of medical problems. Lucy also serves as vice president of the Brighton Beach branch of the Lincoln Savings Bank, where she has created a banking program to assist many of Brighton Beach's new Russian immigrants.

Lucy also served for the past 10 years on Community Board 13 where she plays a direct role in planning the distribution of city funds for four communities, including Brighton Beach, Coney Island, Manhattan Beach, and Seagate. You can rest assured that Lucy enables Shorefront senior citizens to get their share of the city's budget through her persistent lobbying.

It's safe to say her accomplishments exceed her years. Let me just highlight one of Lucy's many victories in over 30 years of Shorefront activism. Lucy helped convince the New York City bureaucracy that a new community college was needed—and beautiful Manhattan Beach was the ideal location. Kingsborough Community College—an outstanding educational institution serving thousands of daytime and evening students—

exists today. Lucy deserves a great deal of the credit for making that dream come true.

Lucy Gamberg Husack is the rare person who becomes a local institution. After many years of devotion to the Brooklyn community, her name has become synonomous with the Shorefront's vibrant senior community.

Naturally, I look forward to working with Lucy for many more years to come on the various challenges still confronting our growing community. I am proud, in short, to call Lucy a friend and a close adviser.

JAMES T. BROADMEADOW

HON. RONALD K. MACHTLEY

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 31, 1989

Mr. MACHTLEY. Mr. Speaker, it is my distinct pleasure to congratulate James T. Broadmeadow, of Pawtucket, RI, this year's recipient of the First Annual Ronald K. Machtley Award for St. Raphael Academy in Pawtucket, RI.

This award is presented to the student, chosen by St. Raphael Academy, who demonstrates a mature blend of academic achievement, community involvement, and leadership qualities.

James has clearly met this criteria by being a member of the Rhode Island Honor Society and the National Honor Society. His extracurricular activities include being a 4-year member of the tennis team and captain of the team his senior year. James is also active in St. Maria Goretti parish in Pawtucket, RI.

I commend James for his achievements and wish him all the best in his future endeavors.

JEWISH HERITAGE SHOWCASED IN NEW JERSEY

HON. JAMES J. FLORIO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 31, 1989

Mr. FLORIO. Mr. Speaker, it is with pride that I bring to the attention of my colleagues a special event that will be taking place in New Jersey on June 11, 1989. On this day, the Jewish community of New Jersey will host the 17th Annual Jewish Festival of the Arts at the Garden State Center.

This year's festival will showcase a meaningful event in the lives of all Jewish people—the 41st anniversary of the creation of the State of Israel. In an effort to share with the rest of New Jersey the rich cultural traditions and heritage of the Jewish people, the Jewish Festival of the Arts will feature arts and crafts, religious articles, and the treasures of the Jewish community. One of the highlights of this festival will be the performances of a number of talented individuals including Shelle Ackerman, Yoel Sharabi, Mal Z. Lawrence and the Klezmer Conservatory Orchestra.

Every year, the Garden State Arts Center hosts a number of festivals that are sponsored by the diverse ethnic communities that are represented in the State of New Jersey. The money that is raised by these festivals goes directly to the Cultural Fund which, in turn, sponsors free cultural activities at the Garden States Arts Center. Groups that benefit from these activities include senior citizens and schoolchildren, the handicapped and the disabled, the veterans, and the disadvantaged. These activities represent a commendable effort to shine a bright light in the lives of these people.

The festival is being put together with the help of many volunteers who give their time and their labor in an effort to share with their fellow New Jerseyans the richness and diversity of the Jewish traditions. Chairing this year's festival will be Mr. Ralph Michel of Lakewood, NJ.

As a cosponsor of legislation to designate a week as Jewish Heritage Week, I hope my colleagues will join me in commending the Jewish community of New Jersey on their efforts and wishing them a successful festival.

TRIBUTE TO MIDLAND VOLUNTEER FIRE DEPARTMENT

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 31, 1989

Mr. TRAFICANT. Mr. Speaker, I rise today to honor four outstanding individuals: William Monac Jr., Joel N. Bahn, Jack Donald Balser, and Milan Borato for their many years of distinguished service.

William Monac, Jr., from Midland, PA, was the past fire chief and the retired police chief of Midland. He is currently a fire protection consultant and the fire marshal of Midland. Joel N. Bahn from Midland, PA, is the present fire chief. Jack Donald Balser from Midland, PA, is the present fire department president and a Midland volunteer. Milan Borato from Shippingport, PA, is the retired chief of police. Each man has served a vital role in their communities and remains a role model for others to follow.

I had the distinct privilege of being the guest speaker at the 40th annual banquet for Midland Volunteer Fire Department. William, Joel, Jack, and Milan are true assets to their cities and this Nation. These men lay it on the line and take insurmountable risks each time they are called into service.

Mr. Speaker, I would like at this time to salute these men who give so much to their community. Also, I wish them the best of luck in future service and endeavors and may their courage and inspiration be an example for us all to follow.

THE THEATERFEST

HON. ROBERT J. LAGOMARSINO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 31, 1989

Mr. LAGOMARSINO. Mr. Speaker, I rise to inform the House about a very important anniversary coming up this summer, the 25th season of Theaterfest presentations at Allan Hancock College in Santa Maria.

The Theaterfest, under the auspices of the Pacific Conservatory of the Performing Arts at Allan Hancock College, has been bringing live drama to the residents of northern Santa Barbara County for over a generation now. It's 2,000-plus alumni are active in the professional world of theatre on Broadway, in regional repertory, television, and motion pictures as actors, designers, writers, directors, and as craftspeople in all aspects of technical theatre production.

From its first performances in January 1965, of "A Man for All Seasons," under the guidance of Donovan Marley and with the blessing of Allan Hancock College president Walter Conrad, at which it played all 10 performances to a full house, the Theaterfest has evolved from a makeshift stage and 120 plastic seats in an unused hall to a state-of-the-art performing arts center, the Marian Performing Arts Center at Hancock College, and expanded its scope to serve another community with the Solvang Theaterfest, with its own Festival Theater.

PCPA Theaterfest artistic director Jack Shouse credits the support of the community and the college board of directors for this evolution, which now supports a company of over 200 students, professionals, and artists-in-residence. The excitement in the community over the company allowed the passage of a bond issue to build the Marian Center at Hancock, just as the enthusiastic support of the community in Solvang led to the Festival Theater there. As Shouse said, "I'll never forget how enjoyable it was * * * you could sense the community's appetite for live theatre, and the warm welcome they extended to us."

As the company enters its 25th season, Mr. Speaker, I'd like to join with the city and residents of Santa Maria and Solvang, and the county of Santa Barbara, in proclaiming the month of July as Theaterfest Month.

As Jack Shouse says, the company is "dedicated to balance, variety, and to exploration of the full spectrum of theatre and the human condition. Every production provides our audience, staff and students with the opportunity to make exciting discoveries about the art and craft of the theatre and our world."

I agree with that assessment and on behalf of the U.S. House of Representatives, join in extending our congratulations and best wishes to everyone who helped make Theaterfest the vibrant and dynamic company that it is.

TRAMPLING ON CONSTITUTIONAL RIGHTS: CRIMINALS 3, VICTIMS 0

HON. WILLIAM E. DANNEMEYER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 31, 1989

Mr. DANNEMEYER. Mr. Speaker, the Stockton School massacre has precipitated a public outcry over the availability of semiautomatic weapons and has worked the gun control lobby into a frenzy. This is an extremely serious issue and it is lamentable and frustrating that emotions have overtaken common sense.

H.R. 669, introduced in the House, would ban mere possession of semiautomatic firearms accomodating a detachable 20-round magazine, which affects millions of firearms. More ominously, it confiscates legally acquired firearms from owners without compensation! This is deprivation of private property and ought to be unconstitutional. The Senate version, S. 386, is similar in some respects but adds a singularly offensive penalty: 20 years imprisonment for the transportation of a firearm with three or more magazines. There is no mention of penalties for the criminal use of firearms, which under different statutes carries a 5-year sentence. This is grossly absurd. Owning or transporting a firearm will earn you a more severe jail sentence than using it in a criminal act.

H.R. 1190 would ban future importation and manufacture of semiautomatic weapons, restrict purchase to the same criteria as fully automatic machine guns, require background checks and approval from local police, impose a $200 transfer tax, and mandate Federal registration. It also enhances penalties for the use of these weapons in violent crime or drug trafficking: 30 years for a first offense with no parole, mandatory life sentence for a second offense with no parole. At least this measure addresses the problem of criminals using semiautomatic weapons in the commission of a crime.

The California Legislature, voted for two measures in March which ban the manufacture, importation, sale, transportation, and possession of semiautomatic firearms. The Senate version also creates a commission to determine future inclusion on the "banned" list. Cynically, relatively minor penalties are added to sentences for criminal use of such firearms—1 year in the House bill, 5 in the Senate. Again, criminals are dealt with more leniently—1 to 5 years for murder—than law-abiding citizens—confiscation of property for attempted self-defense.

Zeroing in on semiautomatic rifles is disingenuous and merely attempts to mask the true intent of pro-ban zealots: unabashed gun control, which would render millions of Americans without the ability to protect their homes and families. Those who believe that a gun ban will remove weapons from the hands of criminals are either dangerously naive or enemies of freedom. Washington, DC, has one of the most stringent gun control laws in the Nation; it is also the current crime capital of the United States. The problem is not firearms so much as it is the drug-related actions of criminals who are allowed to roam about freely on the streets.

The misuse of the term "assault rifle" is particularly blatant. The private purchase of actual assault rifles—selective fire military rifles, fully automatic—has been banned since May of 1986. Semiautomatic firearms are not assault weapons and have been used since 1905 by law-abiding sportsmen and collectors. Between 20 and 30 million have been made during this time. They are legal to hunt with in 48 States and .22 caliber semiautomatic rifles—20 shots—have been the most popular small bore rifle for the past 30 years. Moreover, all recognized pistol target matches have been dominated by semiautomatic pistols since before the Second World War.

The incident in Stockton should, if anything, incite the wrath of the populace upon the criminal justice system. Patrick Purdy had an arrest record for, among other things, drug possession, prostitution, attempted robbery, receipt of stolen property, and criminal conspiracy. Plea bargaining reduced the charges to misdemeanors; had they been felonies, he would never have been able to purchase any kind of rifle under existing California law. Our habit of unconscionably releasing criminals is at fault here, not firearms. It is not surprising that some of the most fervent advocates of gun control are among the foremost proponents of the rights of criminals at the expense of those of victims. This is backward, preposterous, and unacceptable.

According to the FBI Uniform Crime Reports, murder weapons prevalent during 1987 include the following:

Handguns	7,807
Sharp objects (including knives)	3,619
Personal weapons (fists and feet)	1,162
Shotguns	1,095
Blunt objects (pipes and hammers)	1,039
Miscellaneous firearms	866
Rifles (including semiautomatic)	772
Miscellaneous other weapons	691
Strangulation	357
Fire	199

Carving knives, karate chops, and pipe wrenches are all more likely to kill someone then a semiautomatic rifle. Yet there is no legislation waiting in the wings directed at cleaver-wielding housewives, berserk tae kwan do instructors, or psychopathic plumbers.

This type of legislation is hopelessly flawed. The current murder rate in the Nation's capital is astronomical, but fully 85 percent is drug related. All the gun control laws that can be dreamed up by domestic disarmament fanatics will not deactivate one drug peddler, capture one terrorist, or prevent one deranged maniac from mowing down innocent children in a schoolyard. To assert otherwise is analogous to banning all automobiles because drunk drivers kill thousands of people in a given year, or prohibiting all aircraft flights because a terrorist may blow up a plane. We don't need to target law-abiding citizens; we need to apprehend the looneytunes that are loose on the streets, and keep them off.

Although there is widespread public support for drug czar William Bennett's decision to ban the importation of these weapons prevalent among drug smugglers and pushers, an action with which I have considerable sympathy, there is a distinct danger in "opening the door." Once you start banning guns, there is no letup by the disarmament fanatics. Again, the criminals are not being apprehended and punished; they can smuggle weapons in as easily as cocaine. The second amendment to the Constitution was designed to enable the citizenry to defend themselves against potential tyranny by the Government. Abrogation of this right is such tyranny.

THE WAY TO HELP TEENAGERS

HON. JOHN EDWARD PORTER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 31, 1989

Mr. PORTER. Mr. Speaker, 3 years ago this month the New York Times published an article by Mr. John A. Calhoun, executive director of the National Crime Prevention council and former U.S. Commissioner of the Administration for Children, Youth and Families.

The article, which follows, outlines an innovative and visionary approach to society's youth problem. Mr. Calhoun describes methods of mobilizing America's youth, of claiming them as resources and promoting youth-driven community service projects. In 1986, the original publication year of the article, these methods were unproven and not fully accepted. Today they are widely used to help tackle problems like drug and alcohol abuse and teen pregnancy.

In this article, Mr. Calhoun describes a number of America's "Thousand Points of Light." He also captures the spirit which is driving renewed national interest in youth service programs. As we in Congress wrestle to draft appropriate and effective youth service legislation, we should recognize Mr. Calhoun's message. On the third anniversary of the article's publication, I print that message in the RECORD for my colleague's attention:

[From the New York Times, May 31, 1986]

THE WAY TO HELP TEEN-AGERS

(By John A. Calhoun)

WASHINGTON.—Society does not pay much attention to adolescents until they cross a pathological line into violent crime, teen-age pregnancy, psychiatric distress, running away or suicide attempts. Then we focus on attempts to fix the problem.

It's time we stopped putting so much energy into waiting for problems to occur. We should challenge teen-agers, make them feel part of their communities and channel their energies to positive ends. Given the opportunity for responsible, useful involvement and the chance to contribute, they will acquire a stake in their communities that will help them mature into successful adults. What is needed is an approach that gives them the message that they are responsible and are needed.

It works with the straightest kids and kids on society's edge. Programs that give young people a stake in their communities and use the enthusiasm of youth as a resource can turn the "youth problem" on its head. The results are marvelous: in Huntingburg, Ind., high school sports stars counsel fourth through eighth graders about the danger of drug and alcohol abuse; in Cleveland, "big buddies"—high school juniors and seniors—tutor troubled second and third graders; in Oakland, Calif., gangs clean up communities; in San Antonio, Tex., kids turn graffiti-ridden walls into murals and alleys into gardens; in Park Forest, Il., teen-agers write and perform their own plays about physical and sexual abuse for young audiences.

I saw this approach work as Commissioner of Youth Services in Massachusetts from 1976 to 1979. I was struck by how many teen-agers would say, "Yes, I committed a crime, but the system doesn't understand me." I realized we needed to make clear the

link between criminal acts and their consequences.

We designed programs for delinquent youth to give something back either to the victim or the community. Delinquent kids guarded senior citizens while they cashed Social Security checks, they coached basketball for youngsters and tutored. School vandals cleaned up schools. The recidivism rate was low.

The message to the kids? "You are responsible." But the implict message was: "We need you. There's a place for you." It proved successful—even with the toughest.

Teen-agers reach adolescence earlier and earlier, and yet society does not give them meaningful roles until later and later. Raised by single parents or parents who both work, teen-agers have less contact with adults today than at any time in our history. Teen-agers also have less meaningful work to do.

Why are we surprised when they behave as if they are not part of these communities? Why are we surprised when they often foul their own nests—graffiti, vandalism, violence?

We have not given our youth the opportunity to explore and integate themselves into the social fabric they will share as adults. Refused partnership in the social contract, teen-agers display a variety of symptoms that reflect dislocation and isolation. But adolescent years do not automatically usher in a decade of trouble.

We need to alter radically the way in which the adult world integrates its young people. Community service could be woven into high school social studies or civics courses so that before graduation a teenager would be involved in some sort of responsible service. The Atlanta public school system, for instance, requires 7 hours of public service before graduation. New York State is planning similar program, called "participation in government."

Mood swings, erratic attention spands, high energy—are all hallmarks of adolescents. But another hallmark, usually overlooked, is that teen-agers are idealistic and thirst for commitment and recognition.

Society is faced with a choice. We can continue to deal with pathologics and delinquencies, treating symptoms instead of addressing the core issues. Or we can rethink and rework the attitudes and myths about adolescence. Communities, to their delight and surprise, will be rewarded for defining meaningful roles for their young citizens.

JENNIFER JONES

HON. RONALD K. MACHTLEY

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 31, 1989

Mr. MACHTLEY. Mr. Speaker, it is my distinct pleasure to congratulate Jennifer Jones, of Cranston, RI, this year's recipient of the First Annual Ronald K. Machtley Award for St. Dunstan's School in Providence, RI.

This award is presented to the student, chosen by St. Dunstan's School, who demonstrates a mature blend of academic achievement, community involvement, and leadership qualities.

Jennifer is an honor roll student. Her extracurricular activities include being a member of Students Against Drunk Driving and a founding member of Amnesty International.

I commend Allison for her achievements and wish her all the best in her future endeavors.

THE 50TH ANNIVERSARY OF THE KEW GARDENS SYNAGOGUE ADATH YESHURUN

HON. GARY L. ACKERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 31, 1989

Mr. ACKERMAN. Mr. Speaker, I rise today to congratulate the Kew Gardens Synagogue Adath Yeshurun as it celebrates its 50th anniversary, commemorating one-half century service to its congregants and the community. On Sunday, June 11, the synagogue will be having a special dinner to honor this magnificent event.

The Kew Gardens Synagogue came into existence in 1939 when an ambitious group of second and third generation American Jews moved into the Kew Gardens area and recognized the need for a neighborhood house of worship. They were soon joined by those fortunate to escape from Europe before the Nazi Holocaust. Following World War II, survivors from the concentration death camps joined the community, and in recent years, refugees from Iran and refuseniks from the Soviet Union joined the congregation.

From the day it first opened it doors, the Kew Gardens Synagogue became the focal point of numerous community activities. The Kew Gardens Synagogue, in the half century of its existence, has been a mainstay of the community through its service to senior citizens, support of the poor and homeless, preschool day care programs for the very young, and recreational, sport, and cultural activities for adolescents and teenagers.

Mr. Speaker, as you know, a synagogue is not merely an edifice, but it is also made up of countless committed and dedicated individuals. I want to thank the many people whose hard work and selflessness make the Kew Gardens Synagogue Adath Yeshurun a great success. Tribute should be paid to the many outstanding leaders whose guidance and commitment have left a permanent mark on this fine synagogue. These dedicated individuals include the past rabbis: Leonard Rosenfeld, Morris Besdin, and Gersion Appel. Praise should also go to the past presidents: David Levine (founding president), David Weil, Arnon Hiller, Richard Koppel, Fred Friedman, and honorary president, Jacques Schwalde. The synagogue thrives today because of the steady leadership of Rabbi Bernard Rosenweig and the current president of the congregation, Gregory Binkiewicz. I also would like to single out Sylvia Preiss and Esther Bock for presiding over the sisterhood.

Through the outstanding work of the dedicated people, the Kew Gardens Synagogue has become a model community organization. I call on my colleagues in the House of Representatives to join me in offering congratulations to the Kew Gardens Synagogue Adath Yeshurun for 50 years of outstanding service, and our hopes for its continued success.

TRIBUTE TO MANUEL AND CARMEN LANDIN

HON. HOWARD L. BERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 31, 1989

Mr. BERMAN. Mr. Speaker, I rise today to pay tribute to two respected and popular leaders of the San Fernando Valley, Manuel and Carmen Landin who are to be honored by the San Fernando Valley Girl Scout Council. They are the 1989 recipients of the Juliette Low Friend of Youth Award, a special award presented each year to a person or persons who best exemplify the principles inherent in the Girl Scout Promise and Law.

Manuel and Carmen are a loving couple that have provided a shining example of family love and stability in a world of changing values. They are well known for their generous and compassionate nature, wonderful sense of humor and steadfast devotion and loyalty. Their years of service to the community and their outstanding leadership in humanitarian endeavors have improved the quality of life for all those fortunate enough to know them.

Throughout their lives, Manuel and Carmen have shown a willingness and desire to give freely of their valuable time to aid organizations and causes important to their community. Manuel is currently director and membership chairman for the San Fernando Chamber of Commerce, board member of the San Fernando Community Hospital, chairman of the Finance Council of St. Ferdinand's Church, member of the Century Club of Holy Cross Hospital, Knights of Columbus and board member of Mission College Foundation and San Fernando Kiwanis Club. He is also past board member of the Boys and Girls Club and Canyon Country Chamber of Commerce and a former member of Sierra International.

Throughout the years, Carmen has been an active community volunteer. Currently she serves as chair of the Martha Guild at St. Ferdinand's Catholic Church and has been very involved in MEND [meeting each need with dignity], an organization designed to provide food and clothing to those in need.

The numerous awards and honors earned by Manuel and Carmen are a testimony to the untold number of people whose lives were touched and improved by their generosity and dedication.

Manuel and Carmen have been happily married for 35 years and have a beautiful family of six children and five grandchildren of whom they are very proud.

The warmest congratulations are in order for Manuel and Carmen Landin and it is my distinct honor to ask my colleagues to join me in saluting these two remarkable individuals.

TRIBUTE TO JIM SYERS, LOUISVILLE POSTMASTER

HON. ROMANO L. MAZZOLI

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 31, 1989

Mr. MAZZOLI. Mr. Speaker, on May 17, the U.S. Postal Service held an awards luncheon to honor its nominees for the 1989 Outstanding Disabled Postal Employee Award, and we in Louisville are proud that one of our own employees, Mr. Gene Autry Jones, was the recipient of that award.

During that luncheon, another honor was bestowed upon the Louisville Postal Service. The Dole Foundation, which recognizes achievements by disabled individuals, presented its Leadership Award to Jim Syers, Field Manager and Postmaster for Louisville, on behalf of the entire Louisville Division of the Postal Service for being a front runner in the employment and innovative use of disabled workers.

Jim Syers is a Federal executive whose work and accomplishments reflect credit on Federal service and on the Nation.

I ask my colleagues to join me in congratulating Postmaster Syers, Mr. Jones, and all their coworkers in the Louisville Division of the U.S. Postal Service on a job very well done.

THE 100TH ANNIVERSARY OF THE WILLIAM CULLEN BRYANT SCHOOL

HON. SILVIO O. CONTE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 31, 1989

Mr. CONTE. Mr. Speaker, I rise today to honor the William Cullen Bryant School in Great Barrington, MA, which is celebrating its 100th anniversary this year. The Bryant School is the oldest multi-room public school in Berkshire County, and is named after one of Great Barrington's most distinguished citizens. William Cullen Bryant was America's foremost poet of the 19th century. He lived in Great Barrington from 1816 to 1825. It was there that he met, courted, and then married Frances Fairchild. The first of their two daughters was born in Great Barrington.

William Cullen Bryant spent some of the most important years of his life in Great Barrington and is an important part of its legacy. Now, 100 years after being named after such an important historical figure, the school has also become part of the city's tradition. For 100 years, it has played an important role in educating the children of Great Barrington.

Education is very important to me. In fact, of all the things I've done in my 31 years in Congress, I am most proud of my work to help the young people of this country obtain a quality education. There is no substitute for a good education, and there is nothing more essential to the future of this country.

Mr. Speaker, I'm proud of the William Cullen Bryant School, because it gives children a good education and, at the same time, it gives them a historical perspective.

I hope that the celebration this year of the school's 100th anniversary has been an educational and exciting experience to the students there. As part of the centennial celebration, the students studied about Bryant. They also compared life in Great Barrington in the 1880's to life now, and they compared life in the United States now to 100 years ago.

It's quite an accomplishment to be around for 100 years. I would like to congratulate those who have been a part of this school and those who have attended classes there. I hope there will be 100 more learning-filled years at the school. The William Cullen Bryant School is a tradition. It's a place where the children of Great Barrington can go, eyes wide with interest and anticipation, to learn. I cannot think of anything more beneficial, or more important than the ability to teach our children.

CARRIE REGINA KLEIN

HON. RONALD K. MACHTLEY

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 31, 1989

Mr. MACHTLEY. Mr. Speaker, it is my distinct pleasure to congratulate Carrie Regina Klein, of Providence, RI, this year's recipient of the First Annual Ronald K. Machtley Award for Lincoln School in Providence, RI.

This award is presented to the student, chosen by Lincoln School, who demonstrates a mature blend of academic achievement, community involvement, and leadership qualities.

Carrie has clearly met this criterion by being one of the top students in her class. Her extracurricular activities include being editor of the Lincoln Green and active in community service.

I commend Carrie for her achievements and wish her all the best in her future endeavors.

HUNGARIANS CELEBRATE THEIR HERITAGE

HON. JAMES J. FLORIO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 31, 1989

Mr. FLORIO. Mr. Speaker, I would like to take the opportunity to share with my colleagues information about an event that is taking place in New Brunswick, NJ, this coming weekend that is important to all New Jerseyans of Hungarian origin. On Saturday, June 3, the Hungarian community of New Jersey will host a Hungarian Festival in New Brunswick to celebrate their heritage and share with us the richness and diversity of their culture and traditions.

I will be proud to be a part of this festival and join my fellow New Jerseyans as they remember their heritage. The festival will begin with a parade on Saturday morning and Somerset Street in New Brunswick will be blocked off for the festivities. Symbolically, the beginning of the festival will be located at the new Hungarian Heritage Center that was inaugurated several days ago. I am hopeful that this day will add to our knowledge of the traditions that Hungarian-Americans hold dear and to our understanding of their background and their culture.

I would like to commend the President of the American Hungarian Foundation, Mr. August J. Molnar, who is working to coordinate the festival for his efforts. I hope my colleagues will join me in wishing the Hungarian community of New Jersey a successful event and I look forward in being able to carry this message to them, in person.

RUSSELL MAWBY—A DISTINGUISHED CITIZEN

HON. HOWARD WOLPE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 31, 1989

Mr. WOLPE. Mr. Speaker, I rise to pay tribute to a very special individual, Dr. Russell G. Mawby. On Thursday, June 1, 1989, the Southwest Michigan Council of the Boy Scouts of America will present him with its Distinguished Citizen Award. The award is being given to Russell Mawby in recognition of his service to the Boy Scouts and his countless other selfless contributions to his community.

As an administrator and officer—currently chairman and chief executive officer—of the Kellogg Foundation, one of the world's largest and most prestigious private philanthropic organizations, Russell Mawby's contributions have been immeasurable. Following his military service and his tenure on the faculties of Michigan State University and Purdue University, he came to work for the Kellogg Foundation in 1965 as director of its agriculture division. His rise within the foundation was rapid: vice president in 1967, president in 1970, and chairman in 1982.

In testimony to his distinguished academic and philanthropic career, Russ Mawby has been awarded 16 honorary doctorates from colleges and universities throughout the United States, England, and Ireland. Among the numerous awards he has received are the Distinguished Service Award, U.S. Department of Agriculture (1963); the Walter Patenge Medal of Public Service, MSU (1977); the Battle Creek Enquirer's George Award for community sevice (1986); the Sociological Society (1986); and the Centennial Alumnus Award for Michigan State University, National Association of State Universities and Land-Grant Colleges (1986).

An Eagle Scout as a youth, Russell Mawby was given in 1973 the Distinguished Eagle Scout Award by the National Council. He began his community service career very early in life, spending summers with his troop in Grand Rapids working with the Michigan Department of Conservation. He has been an energetic and effective advocate for the Boy Scouts and his commitment and dedication have paid dividends, time and again, for the betterment of many young people.

Mr. Speaker, I am certain that my colleagues will want to join with me in saluting Russell G. Mawby for his outstanding contributions to the greater Battle Creek communi-

ty, the Nation, and the world. For his sensitivity to the needs and concerns of people, and for his dedication to creating a more just and humane society, we are all in his debt.

FLORIO RECOGNIZES PRINCE HALL MASON'S BLACK HERITAGE CELEBRATION

HON. JAMES J. FLORIO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 31, 1989

Mr. FLORIO. Mr. Speaker, I am pleased to bring to the attention of my colleagues the black heritage celebration of the Prince Hall Masons Grand Lodge honoring the black mayors throughout the State of New Jersey. The dedication and service provided at the municipal level by these public officials is certainly deserved of this recognition of the grand lodge and its membership.

Chartered in 1775, the Prince Hall Masons have a long and respected history throughout the entire State and this tribute has become an important part of that history. The membership, with their commitment to community service and the ideals of brotherhood, is uniquely qualified to praise the mayors—largely representative of our State's urban communities—and the contributions they have made to their respective constituencies.

Throughout my tenure in the U.S. House of Representatives, I have been keenly aware of the important role that organizations like the Prince Hall Masons play in our society. Mr. Speaker, it is their devotion to the ideal and practical application of goodwill and compassion that garners our attention and praise. I respectfully ask that my colleagues join with me in recognizing this black heritage celebration.

TRIBUTE TO NEWARK SCIENCE HIGH SCHOOL DEBATE TEAM

HON. DONALD M. PAYNE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 31, 1989

Mr. PAYNE of New Jersey. Mr. Speaker, I would like to ask my colleagues here in the U.S. House of Representatives to join me in congratulating the Newark Science High School Debate Team on its unbroken string of six varsity State championships.

On June 2, hundreds of alumni, teachers, administrators, business, and civic leaders will gather in Newark to celebrate the 10th anniversary of the debate team's founding.

Our community is extremely proud of the accomplishments of these talented young people. By perfecting their debate skills, they are becoming better, more informed citizens. They are learning to examine all sides of complex issues and to articulate their views. Under the guidance of their coach, Brent Farrand, they are discovering the power of language and the joy of verbal sparring in the exchange of ideas.

Mr. Speaker, I extend my very best wishes for continued success to the Newark Science High School Debate Team on the occasion of its 10th anniversary.

ALLISON COHEN

HON. RONALD K. MACHTLEY

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 31, 1989

Mr. MACHTLEY. Mr. Speaker, it is my distinct pleasure to congratulate Allison Cohen, of Kingston, RI, this year's recipient of the First Annual Ronald K. Machtley Award for the Wheeler School in Providence, RI.

This award is presented to the student, chosen by the Wheeler School, who demonstrates a mature blend of academic achievement, community involvement, and leadership qualities.

Allison has clearly met this criteria by being a high academic achiever. Her extracurricular activities include being a volunteer and fundraiser for Save the Bay. As president of Community Service, she organized several fundraisers benefiting Meeting Street School and Save the Bay. She has also been on the varsity lacrosse and field hockey teams.

I commend Allison for her achievements and wish her all the best in her future endeavors.

TRIBUTE TO GEORGE WARREN "BUDDY" FRY

HON. ROBERT LINDSAY THOMAS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 31, 1989

Mr. THOMAS of Georgia. Mr. Speaker, last year I had the privilege to offer a eulogy for one of the finest men I have known—George Warren Fry, a man who was known and loved as "Buddy" Fry. Buddy was a great father, a great American, and decorated war hero. He was also more than that—he was my friend and my father-in-law, and a man who was always a strong pillar of support for my wife Melinda and me.

I think that it is appropriate as we observed Memorial Day earlier this week that my eulogy to Buddy is included in the RECORD at this point as a tribute to a man whose life was a testament to the values that make ours the best country on this Earth:

These comments are from the heart and they are made on behalf of Buddy's family and friends. Hopefully, after knowing him for nearly a quarter of a century as I have, they will embody the feelings in the hearts and minds of all of us who have shared the journey with Buddy.

This is a tribute and an expression of our love and admiration for Buddy Fry—the man, the athlete, the husband, the father, the soldier, our fellow traveler, and friend.

I do not profess that I have the eloquence to articulate, in the context of these brief comments, the life of Buddy Fry, but there were certain and sometimes obvious things about him that distinguished his character and made him the very unique and special individual that he was.

He was born in Princeton, WV, in 1915, one of nine sisters and brothers. In recalling his own accounts of trudging off to school through the snow, we all enjoyed a bit of humor with Buddy when we visted the old home place at Princeton and saw the very school he attended just down the street there at the end of a gently sloping hill. It was not until all of his children had finished high school and college that they found one of Buddy's old report cards, and it did not exactly qualify him for the honor roll though he had demanded scholastic excellence of those he and Nell sent off to school from 1120 Lockwood. But what we do know is that coming from a large family in far less prosperous times and from a far less prosperous part of the country, he went on to finish at North Carolina State University. And in that first leg, shall we call it, of the journey, we see that trait that in my own mind seemed so characteristic of the man—and that was his unswerving, dead level consistency.

He was an outstanding athlete, as were the other members of his family. He was captain of his team, an all-conference lineman from the famed Wolf Pack, and he played in the very first Blue-Grey game ever held.

But I found most telling the comments made by Mr. Julian White of Savannah who played with Buddy at N.C. State and who became my friend when Melinda and I moved to Savannah. Julian said that Buddy was one of the nicest guys, but one of the fiercest competitors that he had ever met. He told of how two big, rough coal miners on the team played pretty crude jokes on many of the teammates, but they kept a wide berth from Buddy Fry. Julian said that Buddy would literally knock your helmet off on the football field, and then stop and pick you and the helmet up.

Fierce competitor though he was, Julian said that Buddy Fry played the game fairly and squarely. That love of competing carried over through Buddy's life and broadened his circle of friends through golf. He and his group, known as the dew sweepers because of their early tee time, played together for over 30 years, and they are here with Buddy today.

Buddy became a husband, a father, and a soldier almost all at one time. Nell Albrecht felt that Buddy whipped a good portion of the German Army by himself. She told me so on many occasions, and quite frankly, I envied that fierce pride she had in Buddy. And the fact was that she should have felt that way about him—Buddy Fry did his part.

Ed Downs tells of how General Reeves, Buddy's commanding officer, nominated Buddy for the Distiniguished Service Cross, the Nation's second highest honor, for his actions during the Bulge. And Buddy was awarded two Silver Stars with clusters, the third highest commendation.

His good friend, Gen. Sam Wetzel, also points out the very unusual Military Cross of the United Kingdom presented under King George to Buddy and in a soldier's tribute to another soldier he said to me last evening, I would never have known what a highly distinguished soldier Buddy was until I saw his

medals and commendation and read them for myself.

But you and I all know that once you knew Buddy Fry and once you saw him there in that picture in his den with his troops on the road to Bastogne that Buddy Fry had done his part.

Melinda was born while Buddy was in Europe, and Ed Downs says he still recalls the sound of Melinda's voice—Nell pinching her to make her say something for her father who was listening to her on a captured German record player while the incoming artillery rounds rattled the chandeliers in the commandered German residence in which they had set up headquarters.

Buddy spent his entire peace time career with one firm, Swift Textiles. In a world where job and career changes are commonplace—what a testimony to his consistency. I often found it very difficult as Melinda and I informed him of another move, another change of careers, and really wondered what was going through his mind.

Though I paled at the thought of his individual commitment as we moved about, Buddy was never anything but supportive. But as I struggled with the restless, probably blatant, idealistic urgings of my own deep inner feelings, I literaly marveled at his incredibly realistic practicality. Probably Buddy Fry was the most practical person that I have ever known.

Butch Page came by this morning, and he shared with us another account of Buddy's practicality: He said that the two of them would go down to the Lions Club golf course at 7:30 a.m. and play nine holes before going on to work. It wasn't that they objected to paying the 50 cent greens fee Butch said, there just wasn't anyone down there that early in the morning to collect it.

Buddy was married to Nell Albrecht until her death in 1979 and then, in as fine a compliment as could be paid to him, he met and fell in love with another beautiful and gracious southerner, Mellie Schwob. She and her family became a part of Buddy's life and his family, and the circle of those who knew him and shared the journey with him was broadened once again.

Of Buddy's children, Melinda is the only one to have children of her own up to this point. But she and I have come to understand what all children should come to know: that it is the fate of all mankind that we never truly understand the nature of a parent's love for a child—not its depth, or breadth, or its complexity—until we have had children of our own.

As children, we sometimes mistake our parents' intent as being motivated so that the parent can be proud of the child and point to them and say "this is my child." But when we are no longer children, when we are finally parents ourselves, we know that what we do, we do to inspire our children so that they can feel good about and take pride in themselves. Mothers and fathers love children because they are their children and they are proud of them simply because of who they are. What they are and who they become is important only for the pride that the children should take and need to take in themselves. And it is for that reason alone that the good and pure love of the parent urges and encourages and sometimes demands that children strive for excellence.

Buddy was a good father and grandfather, and a good husband to two wonderful wives and their families—what an abundance of love he encountered and shared on his journey.

Buddy was a good friend. Throughout the nearly 25 years I knew him, I came to know many of his friends and from talking with him, I came to know about many others. Perhaps on some rare occasion, I heard him make a critical assessment of someone else, though I would have to think hard to remember it. But I can easily recount the many times I heard him speak warmly of a family member, or a teammate, or a fellow soldier, or a golfing buddy, or a friend.

He was a loyal friend, and there was nothing trivial or petty or dishonorable about Buddy Fry. I came to love him because I became a part of his family, but I treasured him equally as a friend.

The suddenness and finality of the loss of Buddy is very painful to all of us. But in the days and months ahead as this passes and we can reflect more clearly, we will think not so much of the loss as we will the part of the journey that we shared with our good friend.

And so to the good man, the athlete, the husband, the father, the soldier, the friend—from all of us whose lives are richer because of you and whose world is better because of you—without adequate words, but with feelings that speak for themselves, we say thank you, Buddy. We pray God's love upon you. You are but a few steps ahead on the journey. We send our love on with you and we bid you farewell.

At this point in the RECORD, I would like to have included the wording on the four citations that accompanied the medals that were presented to Buddy Fry during his service in the U.S. Army, including two Silver Star Medals, the Military Cross, and the Bronze Star Medal.

AWARD OF THE SILVER STAR MEDAL

Captain George W. Fry, (Army Serial Number 0366043), Infantry, 44th Armored Infantry Battalion, United States Army. For gallantry in action in the vicinity of Gouesnou, France on 8 August 1944. When vehicles of his organization were subjected to enemy fire, he aided in evacuating them to a safe location. He personally drove the battalion command vehicle to a safe position although portions of it were afire, and thereby maintained radio contact with higher Headquarters. Entered the military service from West Virginia.

AWARD OF THE SILVER STAR MEDAL—OAK LEAF CLUSTER

Captain George W. Fry, (Army Serial Number 0366043), Infantry (Armored), Headquarters, 44th Armored Infantry Battalion, (then assigned to Company "C", 44th Armored Infantry Battalion, United States Army. For gallantry in action in the vicinity of Bastogne, Belgium on 4 January 1945. While the combat command was withdrawing to a prepared position, it was counter-attacked by a regiment of enemy infantry supported by ten tanks and ten assault guns. By his outstanding display of leadership and personal courage, he succeeded in maintaining his position against overwhelming enemy forces. His determination and gallantry under severe fire prevented the enemy from gaining a foothold. Entered the military service from West Virginia.

CAPTAIN GEORGE W. FRY, UNITED STATES ARMY—THE MILITARY CROSS

On 4th January, 1945, near Bastogne, Belgium. As Company Commander, he displayed outstanding gallantry and personal heroism in defeating a strong enemy counterattack.

AWARD OF THE BRONZE STAR MEDAL

Captain George W. Fry, (Army Serial Number 0366043), Infantry, Headquarters, Combat Command "B", 6th Armored Division, United States Army. For meritorious service rendered during the period 29 July 1944 to 21 April 1945 in France, Luxembourg, Belgium and Germany, as S-2 and Executive Officer of an infantry battalion and later as S-2 of a Combat Command, and was highly instrumental in the success of this battalion throughout its operations. On numerous occasions Captain Fry has worked well forward under heavy enemy fire to secure enemy information that would be of value to his unit and further the success of the advancing elements. His outstanding leadership, loyalty, bravery and devotion to duty have been an inspiration to the men and officers of his unit and reflects great credit upon himself and the United States Army. Entered the military service from North Carolina.

SMITHSONIAN MAGAZINE OBSERVES BICENTENNIAL OF U.S. MARSHALS

HON. ROBERT W. KASTENMEIER

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 31, 1989

Mr. KASTENMEIER. Mr. Speaker, I would like to commend to my colleagues a magazine article appearing in last month's Smithsonian entitled "Take the Oath, Put on the Badge and Do the Job" by Donald Dale Jackson. The article provides an excellent sketch of the 200-year history of the U.S. marshals—from the appointment of the first 13 marshals by President George Washington to the emergence of today's U.S. Marshals Service as an extremely effective and indispensable arm of the Federal justice system.

As chairman of the Judiciary Subcommittee on Courts, Intellectual Property, and the Administration of Justice, I have overseen the activities of the Marshals Service for many years. I have been very impressed by the wide variety of duties performed by this relatively small agency: protecting the Federal judiciary and enforcing court orders; tracking down fugitives from justice; operating the Federal witness protection program; taking custody of and transporting Federal prisoners; and seizing and managing criminal assets.

Yet, as Donald Dale Jackson observes, the task of performing widely disparate functions with modest resources has historically fallen to the U.S. marshals. Because the marshals and their deputies were the only civilian police power available to the National Government during its first century, they became the veritable "handyman" of Federal law enforcement. In addition to their significant duties to the

Federal courts, the early marshals took the national census, arrested counterfeiters and moonshiners, and sealed the borders to prevent armed excursions abroad. They also played central roles in every major test of the young Government's power and the primacy of the Constitution as the supreme law of the land: from the Whiskey Rebellion of 1794, to the Reconstruction Era following the Civil War, and the lawlessness of the "Wild West."

During the past two centuries, enforcing Federal law at the local level has placed the marshals squarely at odds with local passions. This was as true in 1850, when the marshals were charged with enforcing the infamous Fugitive Slave Law in the North, as it was during the desegregation confrontations of the 1950's and 1960's in the South, when the marshals enforced Federal law and court decisions protecting the civil rights of Afro-Americans. In such circumstances, marshals and their deputies have exhibited a strong determination to perform their sworn duty despite the tug of popular resistance or their own personal sentiments.

The marshals' history is ultimately a tribute to the rule of law in America, and it deserves appropriate recognition by all Americans. It was for that reason that I introduced a joint resolution last year, which was passed by Congress and signed by the President, designating September 24, 1989, as "United States Marshals Bicentennial Day," to commemorate the 200th anniversary of the establishment of the Office of U.S. Marshal.

Last year also marked a legislative milestone for the Marshals Service. The U.S. Marshals Service Act, which I introduced, became law as part of the omnibus drug bill. This legislation formally established the Service as a separate bureau of the U.S. Department of Justice, thus recognizing the transition of the Service from a collection of relatively autonomous district offices in the 1960's to the centralized and professional law enforcement agency it is today.

The spirit of the marshals' history as well as the current dynamism of the Marshals Service are captured in the Smithsonian article. I therefore ask that the full text of the article be printed in the RECORD, and I invite my colleagues to enjoy this recognition of the U.S. Marshals Bicentennial.

[From the Smithsonian, April 1989]

TAKE THE OATH, PUT ON THE BADGE AND DO THE JOB; THAT'S HOW THE NATION'S ALL-PURPOSE FEDERAL LAWMEN HAVE OPERATED EVER SINCE WE STARTED CALLING IN THE MARSHALS TWO CENTURIES AGO

(By Donald Dale Jackson)

Ask anyone what United States Marshals do and chances are you'll get a perplexed look, followed by a bolt of recognition identifying them with John Wayne or James Arness. The guys with the stars, right? Gunning down badmen, making the world safe for schoolmarms. I'll be moving on now, Mary, this town don't need men like me anymore.

But hold on. Although it's true that marshals pursued villains on the Western frontier, those also were marshals getting pelted with bullets and bricks when James Meredith enrolled at the University of Mississippi in 1962. Deputy marshals tracked down Christopher Boyce, the "Falcon," after the young man who sold highly sensitive secrets to the Soviets escaped from a federal prison in 1980. Nowadays marshals protect federal judges and provide new identities for frightened witnesses in organized-crime cases.

So who are these guys? "People know we're some kind of police force," says Stanley Morris, director of the U.S. Marshals Service. "They know that you 'call in the marshals.' But they don't really have a fix on us. We're still a bit of a mystery." The mystery extends to the spelling of their name; the service dispatches a standard letter to errant journalists pointing out that the word "marshall" has one l like "angel," thanks, not two like "hell."

The perplexity has persisted because marshals have always operated as the general practitioners of American law enforcement. Empowered to represent federal authority and enforce federal court orders, they became all-purpose local lawmen available for any nasty job that came up. For more than a century, they were the only civilian force, albeit a decentralized one, that Presidents could summon. They chased mail robbers, counterfeiters and moonshiners; they bird-dogges the Dalton Gang and Billy the Kid, and helped derail the Pullman Strike. They seemed to be in on just about everything.

But in this century marshals began to suffer. Lacking a specialty, they fell out of step in an age of specialization, and their star faded as the FBI flourished. By the 1950s they were little more than politically connnected bailiffs tending federal courts. Then they found new vigor as enforcers of court-ordered racial desegregation in the 1960s, and they've taken on several other important jobs in the years since. If their image still remains a bit blurred in the year of their 200th anniversary—it was George Washington who appointed the first marshals in 1789—their hard-won confidence now seems equal to their rich and varied history. "America's Star," a traveling bicentennial exhibit commemorating marshals, opened at the Supreme Court building in the nation's capital last December and stops off this month in Oklahoma City before moving on to 11 other cities.

Even in Washington's day, marshals were the shock troops who enforced unpopular federal laws. The first organized defiance of the national government's authority flared after a tax was imposed on whiskey distillers in 1791. Farmers in western Pennsylvania, where booze was a major cash crop, tarred and feathered several tax men who showed up to collect. When a federal court issued orders in 1794 demanding to know why 75 distillers had ignored the tax, an intrepid marshal named David Lenox delivered the papers.

Lenox had the misfortune to blunder into a mob that had surrounded the home of a local tax official. He was taken captive, then escaped into the woods. President Washington, viewing the Whiskey Rebellion as a direct challenge to federal authority, called out 13,000 state militiamen to put it down; it would be the first but not the last time that troops would finish what marshals began.

From train robberies in the late 19th century to airplane hijackings in the 20th, the crimes that captured the attention of marshals reflected the evolving state of the nation. In the years just before the Civil War, when hundreds of banks printed their own currency and as much as one-third of the cash in circulation was funny money, the modish crime was counterfeiting. Its artful operatives were known as "coneymen." Marshals, throughout the 19th century the only federal officers with arrest power, were assigned to pursue coneymen.

Counterfeiters were notably shrewd and elusive as outlaws go, and it took both imagination and perseverance to bag one. A particularly wily coneyman named James Burns became the obsession of Ohio marshal Daniel Robertson in the 1840s. As described by Marshals Service historian Frederick S. Calhoun in his forthcoming book about marshals in U.S. history, Burns was both a lecturer—on "phrenology, education and morals"—and a manufacturer of bogus coins. Robertson and his deputies found plaster coin molds in Burns' house and gathered other evidence, but still they couldn't track him down.

A Robertson deputy finally zeroed in on Burns by persuading his wife that he was a business associate of her husband's. Thus disarmed, she let drop the fact that Burns was visiting a friend in Virginia. The deputies secured a warrant, assembled a posse and went to Virginia. They surrounded the house and shouted to Burns to surrender, nailing him as he tried to flee out the back door, and carried him triumphantly back to Ohio. Congress belatedly acknowledged the need for a special agency to combat coneymen by creating the Secret Service for that purpose in 1865.

Though nominated by the President and confirmed by the Senate, marshals were local men, usually with good political connections. They picked their own deputies and eked out a living on fees and expenses parsimoniously doled out from Washington. (Regular salaries weren't authorized until 1896). When the laws they enforced clashed with local sentiment, as often happened, they were caught between their sympathies and their duty. With few exceptions—many Southern marshals resigned when the Civil War broke out—they hewed doggedly to duty.

The struggle over slavery put marshals under great pressure. After a law defining the banned African slave trade as piracy was passed in 1819, marshals were assigned the responsibility of enforcing it. That meant working with the Navy to intercept slave ships off the Southern coast. Though vessels were seized occasionally, Africans taken into custody met with an uncertain fate. Some were auctioned after a judge declared them confiscated property. And marshals who tried to bring the slavers to justice often met with local opposition.

The Fugitive Slave Law, passed in 1850 as a concession to the South, propelled Northern marshals into the middle of a series of violent imbroglios. Massachusetts marshal Watson Freeman, serving in a state where abolitionist sentiment ran high, tried to maneuver quietly when pursuing escaped slaves, but it didn't always work. In 1854 his deputies seized a fugitive slave named Anthony Burns who was working at a secondhand clothing store in Boston. The marshal placed Burns under guard at the courthouse while abolitionists launched a legal delaying action to keep him in Massachusetts. When the court moves failed they decided to kidnap him.

The abolitionists stormed out of a mass meeting at Faneuil Hall and laid siege to the courthouse, finally breaking through a wooden door with a battering ram. Shots were exchanged and deputy James Batchelder fell dead, but Freeman and several others managed to repel the mob. Boston police and militiamen arrived and arrested 18 of the rioters. Freeman then deputized a

detachment of troops to guard Burns, who was ordered back to Virginia.

The poor fugitive was marched to the docks and onto a Norfolk-bound ship the next day, in the midst of an escort party including 60 volunteers, militiamen, two companies of marines and a cannon. Eventually the arrested rioters were released, prompting a howl from the U.S. Attorney that "fanaticism is so rampant here that murder of a U.S. Officer is held justifiable."

THE GOOD GUYS DIDN'T ALWAYS WIN

But it was the West that was the real killing ground for marshals—the films have that much right. "The movies all follow the same pattern," says historian Calhoun. "First the marshal pins on his badge and explains the law. Then he straps on his guns, raises a posse, has a shoot-out, wins it, quits, and rides off." The reality was that the good guys sometimes lost the shoot-out, and that they often spent ragged, underpaid weeks and months in chases that produced nothing but saddle sores. At one time or another marshals hightailed it after Jesse James in the Midwest, Billy the Kid (who killed three deputies) in New Mexico, and Butch Cassidy's Hole-in-the-Wall Gang in Wyoming, but all escaped federal justice en route to the violent ends we've seen on film.

Fact and fiction came closest to coinciding in the Indian Territory, which later became Oklahoma. A total of 103 deputies were killed there between 1872 and 1896, roughly a quarter of the number slain throughout the marshals' history. Deputies operated like local sheriffs in the Indian Territory. Other territories, such as Arizona and Wyoming, acquired local lawmen when they organized themselves as a step toward statehood; until then the marshals were the law. One source of confusion, especially for today's audiences, is the fact that Western hamlets often had town marshals, local policemen who lacked federal authority.

Indian Territory justice was dispensed in Fort Smith, Arkansas, by U.S. District Judge Isaac Parker, the celebrated "hanging judge" who sent 88 men to the gallows. The deputies who "rode for Parker" and who later policed the new Oklahoma Territory became frontier legends, as did the outlaws they pursued—the Daltons, Belle Starr, Bill Doolin, Ned Christie. With its surprise canyons and unpeopled prairies, the country patrolled by single-minded lawmen like Heck Thomas, Chris Madsen and Uncle Billy Tilghman was described by a Fort Smith newspaper as the "rendezvous of the vile and wicked from everywhere."

Heck Thomas was the prototypical Western marshal. He was a no-nonsense, nose-to-the-ground sort who wore a droopy mustache and two ivory-handled pistols. Since deputies were paid a fee for each suspect they caught, Thomas often brought them in wholesale. He once rode into Fort Smith with 32 prisoners in tow, 9 of whom were later convicted of capital crimes. The penny-pinching Justice Department nickel-and-dimed him to distraction. It ignored his request to transport fugitives by train instead of wagon even after he showed that the faster rail trip would save money overall; the clerks saw only the higher fares. If a deputy delivered a corpse instead of a live captive, he forfeited both his $2 fee and his mileage allowance.

Thomas went after the marshal-killer Ned Christie, wounding him in a shoot-out, and pursued the train-robbing Dalton brothers, two of whom had served as deputies before turning to crime. Deputies caught up with Christie in his hideout where they blasted him with a barrage including cannonballs and dynamite, which drove him outside into a blizzard of bullets. The lawmen then propped the defunct Ned on a board, his rifle still resting in his arms, for a postfight group photograph (p. 120).

Bob and Grat Dalton were killed after robbing a bank in Coffeyville, Kansas, but their ex-partner Bill Doolin stayed ahead of Thomas for four years. Thomas finally got him in his sights after diligent legwork led him to the outlaw's prairie hideout. Doolin came out of the house in bright moonlight and walked warily toward the spot where Thomas and a posse of deputies hid. Heck shouted out, demanding his surrender, but the desperado spun and opened fire with his Winchester. Thomas matter-of-factly reported that he then "got the shotgun to work and the fight was over."

Calhoun awards the prize for the most overblown reputation among frontier lawmen to Wyatt Earp. "He was a bum," the historian says, "not a crook but a gambler. The Earps were greedy, and they saw law as a way to make money." Wyatt's brother Virgil was a deputy marshal in Tombstone, Arizona Territory. Wyatt became bitter when he lost out in a bid for sheriff of Cochise County. He apparently secured a commission as a deputy marshal after Virgil was wounded in an ambush, and wheedled $3,000 out his boss on the pretext that he was pursuing bandits. He spent the money avenging Virgil and their murdered brother, Morgan, and settling personal scores, killing two men in the process, then fled to Colorado. He managed to avoid accounting for the money despite years of bureaucratic hounding.

Marshals played a conspicuously unheroic role in the tumult that marked the emergence of the American labor movement. With the government usually allied with management, marshals were frequently transformed into strikebreakers. Confronting what they viewed as anarchy, members of the executive branch also ignored the separation of powers principle by joining forces with federal courts to suppress strikes. Marshals were their weapons.

The ragtag "army" of unemployed men that Jacob Coxey led to Washington in 1894 wanted a public works program, not a revolution. Coxey's followers numbered only about 500 in the capital and around 10,000 nationwide, but the government response was raw force, albeit with an occasional comic overtone. When 500 Montana Coxeyites hijacked a train, the local marshal hastily deputized about 75 men and gave chase in another train. When the federals' express finally overtook the renegades, the Coxeyites refused to surrender, and the chase resumed. After the two trains chugged into Billings, a melee broke out and shots were fired, but the protest train steamed off once again. At that point President Grover Cleveland dispatched six infantry companies who found the train stopped, its passengers exhausted, in the little town of Forsyth, Montana. The troops arrested 331 men, 43 of whom served short jail terms.

The Pullman Strike a few weeks later was an uglier demonstration of federal muscle. Led by Eugene Debs, the newly formed American Railway Union struck the Pullman rail car company in Pullman, Illinois, to protest wage cuts and other grievances. The government, citing interference with the movement of mail (though the strikers were boycotting only Pullman cars), obtained an injunction against the union. Five thousand men, many of them thugs in the employ of the railroads, were deputized as temporary marshals to break the strike. When they proved ineffectual, federal troops were ordered into action over the protest of Illinois Governor John Peter Altgeld. The sporadic rioting was quelled and the union was eventually forced to capitulate.

By the turn of the century, marshals had proved their versatility but they were still a force without a center; each marshal dealt individually with the Justice Department and ran his own office. The post remained a patronage job in an age with professionalism and specialization were on the rise. After the Bureau of Investigation (later the FBI) was created in 1908, its agents became the glamour boys of law enforcement. Shorn of frontline duties, the 20th-century heirs of David Lenox and Heck Thomas became bailiffs and process servers. Howard Safir, associate director for operations at the Marshals Service headquarters in Arlington, Virginia, grew up thinking of marshals as "guys in size 48 Short coats from Sears."

It was the civil rights movement that ultimately restored the luster to the marshal's star. When the courts and Congress decreed an end to segregation in schools, polling places and public facilities, the marshals returned to the front lines, this time to enforce those orders. Between the late 1950s and late '60s, marshals were present at many of the landmarks of the civil rights drive; they escorted black first-graders to school in New Orleans, rode with "freedom riders" and marched from Selma to Montgomery, Alabama, to protect Martin Luther King Jr. And it was marshals who stood off a mob of segregationists at the most explosive confrontation of that era, the riot at the University of Mississippi in Oxford, on the night of September 30, 1962.

TORN BETWEEN CONFLICTING LOYALTIES

Attorney General Robert Kennedy had ordered a detachment of 122 marshals, supplemented by specially deputized Border Patrol officers and federal prison guards, to the Ole Miss campus to guarantee the enrollment of James Meredith as the school's first black student. Several previous attempts to register Meredith had been blocked by state officials, led by Governor Ross Barnett. Marshals were assigned to keep the peace, with soldiers and National Guardsmen to be held in reserve. Many of the marshals, Southerners themselves, had their doubts about forcing desegregation on Mississippi, but as deputy Al Butler put it, "We all thought that when you took the oath and put on the badge you did the job."

Clad in prison-made orange vests and white helmets, and equipped with side arms, tear gas and clubs, the marshals stationed themselves around the university administration building, called the Lyceum. Meredith, unbeknownst to the crowd that began to gather in early evening, was already in a dormitory room in the company of several marshals. The crowd began taunting the marshals, calling Butler "Smiley"—"and a lot of other things"—for his good-humored expression. "I figured smiling would worry them more than anything else," he recalls.

By 8 p.m. the mob's mood had turned menacing. More than 1,000 whites—the number eventually reached 3,000—surged toward the line of helmeted men and lobbed rocks and bricks at them. One marshal and then another went down. Those who were equipped with side arms had been ordered to hold their fire. A cameraman in the

crowd was chased and badly beaten. Finally, when the mob pressed forward, the defenders fired tear gas. "It went back and forth," the now-retired Butler recalls. "They'd charge, we'd fire tear gas and go after them with clubs and grab a few, then they'd regroup."

Suddenly gunfire erupted. The marshals took cover behind cars and the trucks of National Guardsmen, who had arrived as reinforcements. The Army troops still had not appeared. "We took shotgun fire first and then rifle fire," Butler remembers. "That was the worst time. One of my men was critically wounded in the neck. We couldn't see where the shots were coming from. Three or four of us went into a grove to look for the rifleman but we couldn't find him. If we had, I'm not too damned sure I would have obeyed the Attorney General's orders." Two men, a French journalist and a young Mississippian who was there as a spectator, died of gunshot wounds. The reporter had been marched to an isolated corner of the campus and murdered.

The marshals fired volley after volley of tear gas against the mob's charges. One man tried to ram the Lyceum with a bulldozer; another group tried to turn a fire hose on the federal men. Even so, the marshals continued to keep their powder dry. "If we'd fired, there would have been a lot of killing on both sides," Butler believes. At 2 a.m. Army troops finally arrived and cleared the campus. Six hours later Meredith registered as an Ole Miss student and headed for his first class—Colonial American History. The toll among the 552 federal officers who took part was 180 wounded (27 by gunfire) but no fatalities.

The men in the "48 Short" Sears jackets had shown courage and restraint under fire. Five were cited for bravery. Teams of marshals guarded Meredith 24 hours a day for the year and a half he remained at Ole Miss. "He was never out of our sight," recalls Frank Vandergrift, who commanded the detail. "We all took a lot of heat—they threw cherry bombs and bottles at us and abused us regularly) but Meredith took twice as much verbal harassment as we did."

Their performance at Oxford gave the marshals an infusion of pride that helped them find their 20th-century identity. They finally established a central headquarters and in 1969 reorganized as the U.S. Marshals Service, a bureau of the Department of Justice. Headquarters took over managing the budget and hiring and training deputies, jobs that generations of district marshals had handled autonomously. A year later the Justice Department entrusted marshals with the protection of witnesses in organized-crime cases, a delicate operation that involves the creation of new identities in another locale for witnesses who fear reprisals. Five thousand witnesses and their families have in effect reinvented their lives under the marshals' protection, and they continue to enter the program at a rate of about one a day.

Marshals plucked an even juicier plum in 1979 when they were given responsibility for pursuing federal fugitives, an assignment that had belonged to the FBI for half a century. The marshals were still touchy about that upstart bureau. "The joke around the office," Stanley Morris says, "was that when the FBI made an arrest they got credit, of course, but when we did, the story credited 'federal agents.'" The dramatic escape of Christopher Boyce—in the celebrated "Falcon and the Snowman" espionage case—gave marshals a chance to prove themselves once and for all. It was a chance they almost blew.

AFTER MANY DEAD ENDS, A BREAKTHROUGH

"Boyce was crucial for us," says Howard Safir. "He was the first high-profile escapee after we got the fugitive job from the FBI. My nightmare was Boyce turning up in Moscow and holding a news conference. It would have been a disaster for us if we didn't catch him." Safir ramrodded a 19-month manhunt that hit dead ends in places as distant as South Africa and Costa Rica before it homed in on Boyce, with the aid of an informant's tip, in the Pacific Northwest. "We'd have a meeting every day and every day I'd ask the same question," Safir recalls. "Where is Christopher Boyce?" FBI agents joined the search amid muttering in Washington that they should never have yielded the fugitive-chasing charter.

The personable, articulate Boyce eventually turned to bank robbery in Washington State and Idaho to keep himself going. He was living in Port Angeles, Washington, and taking flying lessons, apparently in anticipation of a flight to Siberia, when the net finally closed in August 1981. He was nabbed at a drive-in restaurant in Port Angeles while eating a hamburger. Safir was at home when he got the call: "The Falcon is in the cage," he was told. Boyce was initially confused about the identity of his captors. "Who are you guys, CIA?" he asked.

Safir regards the capture of Boyce as validation of the marshal's growing professionalism. "We still have a way to go, but we're light-years ahead of where we were," he says: "our guys won't tolerate the hangdog manner marshals used to have." "Our job is nothing more or less than insuring the integrity and security of the judicial system," Morris adds. "You need a sense of tradition and pride because of what you're asked to do, which sometimes means risking your life."

Today's marshals have five main duties: insuring federal court security, protecting witnesses, transporting prisoners (with the aid of two 727s and nine other planes, a squadron deputies call "Con-Air"), executing court orders and capturing fugitives. Budget and manpower levels are at an all-time high. Marshals supervised the recent exchange of U.S. and Soviet prisoners at Glienicke Bridge in Berlin. They have a SWAT team for emergencies. They even get their share of ink these days, especially when they pull off a clever caper like the 1985 sting in Washington, D.C., that lured 101 fugitives to a carefully staged bash promising free tickets to a Redskins football game. When the unsuspecting outlaws found out that the female cheerleaders, the tuxedoed master of ceremonies and even the reveler in the chicken suit were all armed marshals, one of them threatened to sue for false advertising.

But the fuzzy-image dilemma persists. When Director Morris toured the marshals' bicentennial exhibit on the eve of its opening, he noticed that a statue of former Chief Justice John Marshall stood between two corridors of displays. Without hesitation he stepped up to the plaque and placed his hand over the second *l*.

TRIBUTE TO POLICE CHIEF DAN LINZA

HON. JACK BUECHNER

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 31, 1989

Mr. BUECHNER. Mr. Speaker, I rise today to recognize an outstanding individual, one who has served the city of Kirkwood, MO, as chief of police for almost 20 years now. To illustrate his value in the community, Dan was recently named Police Chief of the Year by the Missouri Police Chiefs' Association.

This prestigious award is only one of many that has marked Dan Linza the great leader that he is today. Through dedication and service, he has established a first-rate organization within his community. His love for his work and his involvement in the Kirkwood area truly makes him a credit to the law enforcement profession. While striving for quality in his department, he stresses the welfare of the individual officer while promoting open communication with the community. Perhaps most importantly, Dan still provides the sympathy and compassion needed toward his colleagues—he has not forgotten how rough it can get on the streets. Much like coaching great, Vince Lombardi, Chief Linza inspires excellence to achieve success.

To forego the lucrative attractions of the private sector in the name of public service is a noble calling to be sure; to do so with this degree of dedication is rarer still. Protection of our lives and preservation of our freedom is the foremost duty of the brave men behind the badges. Men like Dan dedicate their lives for this cause and maintain the law and order which is crucial for a prosperous community. We are too often remiss in our recognition of these men.

It gives me great pleasure to honor such a distinguished man. I salute Dan's commitment to the city of Kirkwood, for it is comforting to know that crime prevention is in the hands of great leaders such as he.

SAVE INNOVATIVE RESEARCH IN SDI

HON. CHARLES E. BENNETT

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 31, 1989

Mr. BENNETT. Mr. Speaker, I am today introducing legislation to protect funding for an important defense technology base program within the strategic defense initiative [SDI]. I hope that the Research and Development Subcommittee of the Armed Services Committee will see fit to make this bill part of the fiscal 1990 defense authorization bill next month.

The bill would simply require that $106 million of the funds appropriated for SDI be spent on the Innovative Science and Technology [IST] Program of SDI. This is exactly the funding level that the IST Program had during fiscal year 1988, before drastic and disproportionate cuts in fiscal year 1990. The intention

of the bill is simply to protect this important program from cuts, not to micromanage SDI or dictate any change of SDI policy.

Since I have not been a champion of the overall SDI program, some may ask what this bill is about. The answer is simple. I strongly support SDI research. Last year, I cochaired the task force on SDI of the House Democratic Caucus, and we all supported research. The 25 members of the task force, who included staunch conservatives such as the late Bill Chappell, concluded:

We believe that strategic defense research must continue at a reasonable and stable pace. We must make sure that we understand the technology at least as well as the Soviets do, lest we be caught by a Soviet technological breakthrough. * * * Research should concentrate on new technologies that might have long-term potential of defending our country against Soviet nuclear weapons. * * *

Mr. Speaker, exploration of new breakthrough technologies is what the IST Program of SDI is all about. The most recent report to Congress in March 1989, by former SDI Director James A. Abrahamson (Lt. Gen., USAF), said:

The IST Program is that part of the technology base effort that encourages prompt exploration of new initiatives. As such its goal is to exploit innovative technologies seeking "breakthroughs or quantum leaps" that would improve the capability of an SDI to perform its specific assigned functions. * * * Basic research results gathered under this program are structured to expand the forefront of science and technology, with ultimate transfer of such results to tasks in other SDI Program elements.

In other words, the IST Program is the kind of basic science that is supposed to keep the United States on the cutting edge of technology, ahead of potential enemies. This kind of revolutionary technology may be the only way that SDI can ever work. The IST Program draws on the talents of our best universities, government laboratories, entrepreneurial small businesses, and large industries. General Abrahamson's report includes an impressive list of accomplishments under the IST Program, as well as a long list of ambitious goals for the future.

Unfortunately, the IST Program last year apparently did not receive its fair share within the SDI program. From fiscal 1986–88, the IST Program received a steady 3 percent of the SDI budget for DOD RDT&E. The IST Program received $76 million, $101 million and $106 million in fiscal years 1986, 1987, and 1988 respectively.

But in fiscal year 1989, during a year when the overall SDI budget went up by 2 percent, the IST Program was cut by the SDI organization by about one-third to only $76 million, This left the IST budget at 2.1 percent of the SDI program. Apparently, there was no problem with the IST Program, the SDIO just didn't consider IST as important as development of particular weapons.

For fiscal 1990, I understand that the IST Program is slated to receive only $80 million—which represents 1.73 percent of the $4.6 billion requested by President Bush for SDI RDT&E. I fear that, if the $4.6 figure is reduced by Congress, the IST budget might take a disproportionate cut as happened last year.

Sadly, this shortsighted neglect of basic scientific research is a problem that extends throughout our defense research establishment. Just last week, the Office of Technology Assessment gave us a report that said SDI was part of this problem. The OTA report said:

Many researchers, both inside and outside the Pentagon, contend that DOD needs to maintain greater funding stability for its technology base programs. This is especially true for the early stages of research activities. DOD's research and exploratory development programs have suffered since the establishment of SDI. Over the last six fiscal years (1984-89), DOD has been the only major Federal R&D sponsor to experience a funding decline, in constant dollars, for basic research. A continuation of these trends could jeopardize a pillar of U.S. defense strategy.

Our Research and Development Subcommittee received similar testimony this year. I understand that a 1987 report by DOD's Defense Science Board also came to similar conclusions.

The modest bill I am introducing today will not solve this big problem. All the bill does is protect the IST Program at the same level as fiscal 1988—$106 million. This funding level represents about 4 percent of the total DOD research budget that I am proposing for SDI this year—$2,844.5 million for DOD RDT&E out of a total $3.1 billion SDI budget. This is a reasonable level for basic research.

The bill also specifies that the IST office shall use these funds only for basic research in fundamental science and technology, and not for any demonstration/validation project. This merely confirms current SDI organization policy and is consistent with the goals of the IST Program. Finally, the bill specifies that the funds shall be in addition to those under the Small Business Innovation Research [SBIR] Program, which exists under a separate law but is administered by the IST Program. This also is consistent with current SDIO policy.

I hope this bill will receive bipartisan support as one small step toward protecting our vital defense technology base, and regaining our economy's competitive edge. I attach the text of the bill:

H.R.—2515

A bill to protect the defense technology base by providing for stable funding for the Innovative Science and Technology Program of the strategic defense initiative for fiscal years 1990 and 1991.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "SDI Research and Innovative Technology Act of 1989".

SEC. 2. STRATEGIC DEFENSE INITIATIVE INNOVATIVE SCIENCE AND TECHNOLOGY PROGRAMS.

(a) MINIMUM FUNDING FOR IST PROJECTS.—Of the funds made available to the Department of Defense for research, development, test, and evaluation for the Defense Agencies for fiscal years 1990 and 1991, not less than $110,000,000 of those funds for each such year shall be obligated for projects carried out by the Innovative Science and Technology office of the Strategic Defense Initiative Organization, in addition to funds for projects carried out by that office under the Small Business Innovation Research program.

(b) LIMITATIONS ON IST PROJECTS.—Funds appropriated for fiscal years 1990 and 1991 that are made available to the Innovative Science and Technology office of the Strategic Defense Initiative Organization—

(1) may be used only for innovative research projects in fundamental science and technology; and

(2) may not be obligated for any demonstration/validation project.

A TRIBUTE TO THE DRAMA DESK

HON. BILL GREEN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 31, 1989

Mr. GREEN. Mr. Speaker, I rise to pay tribute to the Drama Desk, which is celebrating its 40th anniversary this year. An impartial group of critics, reporters, and editors, they have been an integral part of the theater scene in New York for these past four decades. As the Representative of the congressional district in which most of the Broadway and many of the off-Broadway theaters are located, it is my privilege to cite this group for its shining contribution to the luster of the Great White Way.

The Drama Desk is unique in that it is the lone major theater organization that presents awards in multiple categories, regardless of whether the productions originate on or off Broadway. This enlightened attitude no doubt contributed to the surge in the quality and popularity of off-Broadway activity during the seminal decade of the 1950's. The establishment in 1955 of the Vernon Rice Awards, by the New York Post critic who was then president of the Drama Desk, was a major step in educating the public about the burgeoning off-Broadway scene. The Rice Awards were eventually absorbed into the Drama Desk Awards.

Now, under the able leadership of President Leida Snow, also a critic for WINS, one of New York's foremost radio stations, the Drama Desk holds its annual awards ceremony this week. I know my colleagues join me in saluting the Drama Desk, and congratulating the actors, producers, directors, and designers they will honor tonight with some of the theater community's most coveted awards. The Drama Desk can take a duly deserved bow.

LYME DISEASE: ON THE RISE

HON. HAMILTON FISH, JR.

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 31, 1989

Mr. FISH. Mr. Speaker, the return of warm weather brings growing concern over Lyme disease, a bacterial disease transmitted primarily by the bite of the deer tick. Lyme disease has become a real health threat to the residents of the Hudson Valley of New York, with the number of reported cases in Westchester County alone growing eightfold last

year, and a significant rise in the incidence of the disease in Putnam, Dutchess, and Orange Counties.

The tick's preferred habitats are wooded areas and adjacent grasslands. It is spread in the wild by animals—deer, birds, mice, and racoons—but domestic animals such as cats, dogs, and horses can also carry the ticks closer to home.

In April, I testified before the House Appropriations Committee regarding the spread of Lyme disease and the need for immediate funding for research and public awareness. The Congress needs to provide funds for researchers and public health officials who are on the frontlines against this disease.

One such researcher, Dr. Durland Fish, a research associate professor at New York Medical College, Valhalla, NY, heads the center for the study and treatment of Lyme disease. The center has a Lyme disease treatment help line: (914) 285-8866. Additional information can be obtained through county health departments—Dutchess County (914) 431-2024, Orange County (914) 294-7961, Putnam County (914) 225-2294, and Westchester County (914) 285-5050.

Dr. Fish has prepared an excellent pamphlet on Lyme disease which follows:

LYME DISEASE

Lyme disease is a new health threat to residents of the lower Hudson River valley. It is transmitted by the bite of a small, little-known tick species which has only recently become abundant in this area. It is important to be aware of the symptoms of Lyme disease and to know how to prevent it.

THE DEER TICK

The tick that causes Lyme disease is called the deer tick. The adult is about the size of an appleseed and has a black head and orange abdomen. The nymph is the size of a pinhead and is all black. It is the nymph that causes most cases of Lyme disease because it is difficult to see and, therefore, remove. A nymph can attach and feed on blood for several days without being noticed and can transmit the Lyme disease bacteria in the process. The nymphal stage is most abundant during June and July, a time when human outdoor activities are at their peak.

Adult ticks can also cause Lyme disease, but they are active in the late fall and early spring when fewer people are outside. They are larger and easier to detect and remove before they can transmit Lyme disease.

SYMPTOMS

The initial symptoms of Lyme disease can be mild and easily overlooked. The first symptom is usually a large red spot at the site of a tick bite. This spot can enlarge from the size of a half-dollar to several inches or even a foot across. The spot may occur anywhere on the body, even in inconspicuous places such as the armpit, groin or scalp. Often, flu-like symptoms are experienced, but they may not seem serious enough to seek medical attention.

Lyme disease is readily treatable at this stage with antibiotics. Treatment at later stages may not be totally effective. Among the more severe symptoms which may occur months or years later are severe headache, facial paralysis, heart problems, chronic fatigue and arthritis. It is, obviously, better for Lyme disease to be diagnosed and treated early. However, blood tests may not be reliable in the early stages of the disease, which makes diagnosis difficult in the absence of a known tick bite or an obvious large red spot. Later stages of the disease are usually identified through a blood test.

WHAT TO DO IF YOU ARE BITTEN

If you are bitten by a tick, remove it immediately with tweezers. Do not apply mineral oil, heat or anything else to the tick to facilitate removal as it will not help. Send the tick to your local health department for identification. If the tick is identified as a deer tick, you should consult with your doctor. Under some circumstances, such as during pregnancy, antibiotics may be recommended even in the absence of symptoms. Otherwise, you should be alert for the early symptoms and seek prompt medical attention if you suspect you might have Lyme disease. Also, remember that you can be bitten without your knowledge. If you live in a tick-infested area or have neighbors who have had Lyme disease, you may be at risk. If you experience any of the symptoms of Lyme disease described above, you should consult your doctor.

LYME DISEASE PREVENTION

Research is being conducted to improve methods for diagnosis and treatment. Scientists are also trying to find ways to control the ticks and prevent the spread of Lyme disease. But progress is expected to be slow because of the newness of both the disease and the tick problem. In the meantime, it is important for everyone who lives within the range of the deer tick to be acquainted with this disease and to take precautions against tick bites. These include wearing light-colored clothing, pulling socks over pant cuffs, spraying an insect repellent containing "deet" on the outside of clothing, and making frequent body searches for the small nymphal tick.

JAMIE MORAN

HON. RONALD K. MACHTLEY

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 31, 1989

Mr. MACHTLEY. Mr. Speaker, it is my distinct pleasure to congratulate Jamie Moran, of Cumberland, RI, this year's recipient of the First Annual Ronald K. Machtley Award for Cumberland High School in Cumberland, RI.

This award is presented to the student, chosen by Cumberland High School, who demonstrates a mature blend of academic achievement, community involvement, and leadership qualities.

Jamie has clearly met this criteria. His extracurricular activities include being president of the student government, a class officer for the last 2 years, and a member of the football team. He has also been active in the community as a member of Students Against Drunk Driving.

I commend Jamie for his achievements and wish him all the best in his future endeavors.

TRIBUTE TO MICHAEL DRESSLER

HON. JAMES J. FLORIO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 31, 1989

Mr. FLORIO. Mr. Speaker, I am pleased to take this opportunity to salute Mr. Michael Dressler as New Jersey Rehabilitant of the Year. Many times I have had the pleasure of working with Mike, seeing his spirit and determination to overcome his physical handicap. Now, I would like to take a few minutes to recognize his many accomplishments and contributions to his community.

Michael Dressler was permanently crippled in a swimming accident when he was 17 years old and was hospitalized with a broken neck for 1½ years after the accident. He was told he would never walk again and was facing major obstacles, but he was determined not to give up on life. He was released from the hospital on a Friday and started college on the following Monday.

Michael had always wanted to be a lawyer and saw no reason why his handicap should force him to change his mind. After graduating from Fairleigh Dickinson University, he went on to earn a degree from Seton Hall Law School. While in law school, he was elected to the Cresskill Town Council. He was also fire and police commissioner, as well as council president. He was elected mayor of Cresskill in 1983 and reelected in 1987. He also served as counsel to the Bergen County Board of Freeholders before joining the law firm of Waters, McPherson & McNeil in Secauscus, where he remains today.

Hardworking and dedicated, Michael Dressler is an exemplary role model for all New Jersey citizens. He is living proof that determination and an optimistic attitude can lead to a successful and fulfilling life despite any disability.

LEGISLATION NEEDED TO CLOSE LOOPHOLE IN ICC JURISDICTION OVER RAILROAD ACQUISITIONS

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday May 31, 1989

Mr. DINGELL. Mr. Speaker, I am introducing legislation today that will close a loophole in the Interstate Commerce Act by extending the jurisdiction of the Interstate Commerce Commission [ICC] to include approval of the acquisition of major rail carriers by noncarriers that are unaffiliated with any carrier.

Joining me as cosponsors in this bipartisan effort are several of my colleagues on the Energy and Commerce Committee—the distinguished chairman of the Subcommittee on Transportation and Hazardous Materials, Mr. THOMAS A. LUKEN, the ranking Republican members of the committee and subcommittee, Mr. LENT and Mr. WHITAKER, the gentleman

from Ohio, Mr. ECKART, and the gentleman from Iowa, Mr. TAUKE.

This legislation stems from an examination by our committee of the recent efforts by a New York-based investment group to acquire control of CNW Corp. and its railroad subsidiaries. Under that group's proposal, for which a tender offer is now outstanding, the railroads would be highly leveraged to finance the acquisition. Our resulting concern for the future of rail transportation in the regions served by those carriers prompted our inquiry. We found that the ICC has no jurisdiction to review the acquisition of rail carriers by noncarriers and that, accordingly, no public interest review of this or any other such transaction would occur.

Thus, while our legislation would be effective as of tomorrow and would therefore cover the CNW case, it is not aimed solely or specifically at CNW or this investor group. Indeed, my colleagues and I have written to the investor group today to thank them for their cooperation with the committee's inquiry and to disclaim any expression of opinion as to the merits of their proposal. We do have serious public policy concerns, however, about the absence of any clear-cut jurisdiction in the ICC to review and approve acquisitions of major rail carriers by noncarriers with an eye toward the public interest.

Ironically, if a noncarrier seeks to purchase a mere 5 miles of track from a railroad, that transaction under current law is subject to ICC jurisdiction. By contrast, efforts of the same noncarrier to acquire control of the holding company are today subject to no regulatory review at all. As a result, shippers, commuters, employees, States, communities, and the Congress itself are left wholly without the guidance of an expert agency as they attempt to assess what such transactions could mean for the future of rail service in an affected region.

While some might suggest that railroads should not be treated differently in a case such as this from any other industry, this argument ignores a fundamental fact about the Federal Government's relationship to the rail system in the past two decades. The ICC summarized this point well in a May 15, 1989, letter to Senator EXON:

> In the past, loss of service on necessary properties (usually preceded by periods of deterioration) has led to the expenditures of public monies for rehabilitation and return to rail usage. * * * Consequently, the public has an interest in the success or failure of rail carrier acquisition that may exceed that found in the typical industry setting.

The ICC's point takes on added emphasis when one considers that at this very moment, railroads in this country owe the Federal Government nearly $400 million in outstanding section 505 loans, most of which is unsecured. The Government has guaranteed an additional $40 million in loans under the section 511 program. Over the past decade, we have invested many millions of dollars in the rail system through grants under the Local Rail Service Assistance Program. And, of course, we spent some $7 billion to resuscitate rail service in the Northeast and Midwest in the wake of the Penn Central bankruptcy.

Unfortunately, as matters now stand, neither the ICC nor any other Federal agency has the power effectively to protect the Federal Government's financial interest in a legally enforceable manner or perhaps even to address the question of whether an acquisition would adversely affect the Government's stake. Nor is the ICC empowered to determine whether the financial and operating plans of an acquiring noncarrier—to the extent such plans may exist—reflect the appropriate degree of thought and good business judgment from the standpoint of the public interest in continued viable rail service.

The bill we introduce today will fill this gap by providing the ICC with explicit jurisdiction to review and approve acquisitions of class I rail carriers by noncarriers that do not control and are not controlled by other carriers. We have focused on such unconnected noncarriers because we do not intend to affect corporate restructurings by existing railroads that may be accomplished through the creation of a new entity that prior to a transfer may not yet technically be a carrier.

Because the transactions covered by this bill do not involve the complex antitrust and competitive questions that typically arise in rail mergers, we have proposed a substantially shortened time frame for ICC action. Proceedings would be completed within 90 days after notice is published in the Federal Register. Our legislation also gives the ICC power to impose conditions on the transaction, including the subordination of new debt created as part of the proposed acquisition to any preexisting debt owed to the Federal Government sufficient to provide protection to the Government's financial interests.

It is our belief that by placing all parties on notice today that we intend to close this jurisdictional loophole in the law by providing a relatively short time for ICC action, we will not affect any party's pending plans or proposals in a manner that would be fatal. We know of transactions in the past where a buyer's financing has been available for considerably longer periods than that envisioned by this bill. Thus, if a proposal can meet the public interest test set forth in the legislation, the requirement for ICC review should pose no insuperable obstacle to consummation.

I want to thank my colleagues for their diligent attention to this issue and to the spirit of bipartisan cooperation with which they have approached our inquiry. I look forward to the speedy consideration of this legislation in the committee and to its ultimate enactment into law.

MR. PRESIDENT: SIGN THE MINIMUM WAGE BILL

HON. AUGUSTUS F. HAWKINS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 31, 1989

Mr. HAWKINS. Mr. Speaker, the President's intention to veto the moderate congressional minimum wage bill represents cynicism at its worst.

Millions of minimum wage workers, many of whom are their family's sole or primary wage earner, have been working at $3.35 for over 8 years. The purchasing power of this wage floor has dropped dramatically, and today only buys $2.46 worth of goods and services.

The President should, without hesitation, sign the bill which large majorities in each House of Congress has sent to him. Over 80 percent of the American public favors this measure. It is a matter of simple economic justice. Yet, Mr. Bush has decided to veto this broadly supported measure, supposedly based upon three assumptions: He should not take our bill, because he has already compromised enough; our bill will result in job losses; and only his version of the subminimum wage will help workers with minimal skills.

A quick analysis of each point reveals the speciousness of these arguments, and discloses the real reasons the President is killing the minimum wage increase.

The President has not compromised. We have already come more than half way, from our original increase of $5.05 last year, to the $4.55 in 3 years in our proposal. The President has not budged from his offer of $4.25.

In addition, Congress has extended compromise with the inclusion of a genuine training wage, which requires real on the job training, with a 60-day limit, for people with little or no prior work experience. The President's 6 month, open-ended subminimum, would create a revolving door for over half of those working at minimum wage today, trapping them, from one job to another, at $3.35 for the next 2 years, and only $3.40 in 1992!

The President claims he is saving jobs by not signing our bill. This stems from the erroneous belief that increasing the minimum wage results in job losses. Historical evidence proves this absolutely wrong. Each time the minimum wage has increased, employment has grown, except in two recession years when unemployment resulted from other market causes.

Also, the disemployment effect has not materialized in those States where the minimum wage has already been increased above the federally mandated level.

The reason Mr. Bush will likely veto this legislation has nothing to do with the inaccurate arguments he uses. He wants to veto the minimum wage bill to show certain of his supporters that he is in sympathy with their views and can stand tough against the Congress. His position is indefensible on the merits, so he instead hides behind political bravado to solidify his conservative support.

As the attached Christian Science Monitor op-ed piece, by Marian Wright Edelman, clearly states, "* * * where is the President's sympathy for minimum wage workers who work full time and still cannot support their children or who find less and less economic incentive to work?" Ms. Edelman, president of the Children's Defense Fund, writes a convincing argument for signing the minimum wage bill.

Let's hope Mr. Bush reads it and will act on the merits of this issue, and provide a measure of economic justice for the lowest paid workers in our society. Ms. Edelman's article from Tuesday, May 30, 1989, follows:

[From the Christian Science Monitor, May 30, 1989]

DON'T VETO THE HOPES OF WOMEN, MINORITIES

(By Marian Wright Edelman)

President Bush started out on the side of women, minorities, and the working poor earlier this year when he put forward a proposal to raise the minimum wage.

Now, he is about to use his first veto to send a symbolic and practical message to all Americans that his administration stands with the powerful and privileged while turning a deaf ear to the weak and neglected.

A veto of the minimum-wage bill will hit women and minorities particularly hard. Two-thirds of all minimum-wage workers are women. Black and Hispanic women are twice as likely as white men to be paid the minimum-wage. For many, the President's decision will dictate whether they are able to provide food, shelter, and the other basic necessities of life for their families.

A minimum-wage veto also will exacerbate the plight of America's young families with children. The median income of such families plummeted by nearly 20 percent between 1979 and 1987, in part because the minimum-wage lost ground to inflation each year during this period. Falling earnings among young men continue to undermine their ability to marry and support their children, contributing to a decline in the marriage rate and a rise in the out-of-wedlock birth rate. For both these reasons, child poverty rates have increased dramatically, leaving more than one-third of all children in young families poor.

So why is the President preparing to veto the bill? He cites three principal objections—size of the increase, restrictions on a new "training wage," and the alleged refusal of Congress to compromise. But none of them withstand scrutiny or justify making minimum-wage workers wait any longer for a long overdue raise.

The President claims the wage increase is too high because the bill goes 30 cents per hour above his recommended level. But at $4.55 an hour in 1992, as Congress has proposed, the minimum wage still would be nearly 70 cents below the 1981 level adjusted for inflation and would leave a family of three with a parent who worked full-time, year-round at least $1,600 below the poverty level.

One would think we face a national calamity if the working poor were to receive the equivalent of a dime an hour more each year than the President has suggested. The amount at issue will make a difference only to those who now barely scrape by—and even $200 more each year ($600 extra by 1992) can put a lot of food on the table of low-income families.

The President claims his "training wage" proposal has been ignored. But the bill includes a "training wage" for the first two months that new employees are on the job if they have had little or no work experience. Firms that hire disadvantaged workers also can receive a large break through the Federal Targeted Jobs Tax Credit to offset training costs.

The administration proposal does go beyond the "training wage" permitted in the minimum-wage bill, but in the process it would open huge new loopholes in minimum-wage laws. Even workers with 10 or 20 years of experience could be paid a sub-minimum wage for up to six months. Most minimum-wage workers would remain trapped permanently in high-turnover positions at below-minimum pay.

The President claims Congress has refused to compromise. But the increase has been pared back 50 cents per hour—from the $5.05 level originally proposed in the House. By including a "training wage," Congress also has met the President halfway, conceding on an issue that drew vigorous opposition from most advocates of a minimum-wage increase.

With so little merit to administration objections, the impending veto fight raises troubling questions about the Bush's sensitivity to the day-to-day struggles of low-wage workers—including women, minorities, and working poor families. Certainly the President's response to the plight of the predominantly white, male, and affluent Americans who reap capital gains has been quite different. President Bush seems to feel the burden of their financial struggles deeply, to the point that he has made tax reduction for capital gains a top priority.

But where is the President's sympathy for minimum-wage workers who work full time and still cannot support their children or who find less and less economic incentive to work?

Perhaps Bush plans to work his way down the economic ladder, first by increasing the incomes of those taxpayers who enjoy capital gains. Perhaps eventually he will reach women, minorities, and the working poor, tackling the minimum wage and other issues of basic economic survival. But I wouldn't count on it, and minimum-wage workers can't wait.

INTRODUCTION OF THE WASTE EXPORT CONTROL ACT

HON. MIKE SYNAR

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 31, 1989

Mr. SYNAR. Mr. Speaker, today, my colleagues and I are introducing a bill to place strict controls on an activity which is quickly becoming a serious international problem: the export of waste. We generate over 250 million tons of hazardous waste each year, and a much larger quantity of nonhazardous waste.

As regulatory standards for waste storage and disposal have become more stringent, disposal sites have become more scarce and costly. This situation has opened the door for a new business—the export of U.S. waste to foreign countries, and it is a rapidly growing business. The number of hazardous waste export notifications submitted to the EPA increased from 12 in 1980 to over 600 in 1988. In 1988, approximately 160,000 tons of hazardous waste were exported from the United States. An increasing number of these proposals target developing and underdeveloped nations that may not have the technical or financial resources to adequately handle or dispose of such material.

Additionally, the tendency to export solid waste, classified as "nonhazardous" under the Resource Conservation and Recovery Act [RCRA], is increasing and beginning to pose environmental, health and diplomatic problems. Such waste can pose a threat to health, and the environment if not properly handled—a point some waste exporters neglect to tell receiving countries. Although our waste exports currently represent only a small portion of all the wastes generated in this country, this fact provides little comfort to a country which may find itself forced to cope with substances it has little technical or financial capability to handle. This is especially true if the receiving nation feels it has been misled or underinformed about the true nature of the exported waste and the controls necessary for proper handling.

Last year, the Subcommittee on Environment, Energy, and Natural Resources, which I chair, held a hearing on our Nation's waste export control program. The message delivered by all the witnesses at that hearing was very clear: Our Nation's waste export control program is not adequate to deal with the evolving nature of the waste export business.

First of all, the current program addresses only those wastes classified as "hazardous" under RCRA. Solid wastes classified as "nonhazardous" escape regulation, despite the problems they can, and do, cause.

Additionally, our Government plays a very passive role in the current export program. The EPA notifies the receiving country of an export proposal, seeks its consent, and, if requested, supplies information on storage and handling requirements in the United States. However, EPA does not provide the host country with conclusions regarding the adequacy of an exporter's proposal, nor a recommendation on whether a proposal should be accepted.

Moreover, the United States will not prohibit exports when the receiving country gives its consent, even if U.S. officials are concerned about the adequacy of the proposal. Nor will EPA or State Department officials adopt a proactive stance and warn an importing country if an export proposals appears unsatisfactory.

These gaps in our waste export program leave the door open for some waste brokers to promote proposals which can pose threats to public health and the environment, and ultimately come back to tarnish our Nation's image as a responsible trading partner and respected member of the international community. Many nations draw no distinction between ordinary garbage, incinerator ash, and hazardous waste, nor do they distingush the exporter from the exporting country. It is all viewed as waste from the United States. Even export proposals which ultimately are abandoned can still result in ill-will toward our Nation.

At stake is human health and the environment, particularly in countries ill-equipped to make complex technical judgments about proper waste management practices; the reputation of the United States; and our ability to fulfill our international environmental responsibilities. With respect to this latter point, the United States was an active participant in the development of the recently completed United Nations Environmental Program convention calling for nations to ensure that the generation of waste is reduced to a minimum, and to require that exported wastes are managed in an environmentally sound manner. That is not a responsibility to be transferred to the importing country.

This proposal does not prohibit the export of U.S. wastes. Rather, the objective of the

Waste Export Control Act is to correct the shortcomings of our current export control program and to provide a framework for fulfilling our international agreements and global environmental responsibilities. For the export of either hazardous or nonhazardous waste the bill requires:

International agreements between the United States and importing countries which provide for prior consent by the importing country, exchange of detailed information on how the wastes will be managed at the receiving facility, and access to foreign disposal facilities for U.S. inspectors to ensure that the facilities properly manage the waste shipped from the United States.

An EPA-administered permit program designed to ensure that generators of exported waste have first taken steps to reduce or eliminate waste generation, and that any exported wastes are treated, stored, or disposed of in a manner that is protective of human health and the environment and which is no less strict than that required in the United States.

User fees to be paid by exporters to defray the full cost of administering the waste export program.

That exporters be held liable for damages caused by the waste they export, and the cost of any required cleanup.

Our Nation has an obligation to take responsibility for the waste it generates. We cannot relieve ourselves of that responsibility by simply shipping waste outside our borders, nor should we try. We must ensure that any facility that accepts our waste, regardless of its location, will conform to the standards that we have determined to be minimally necessary to guarantee safe disposal and protect the health and safety of our own citizens. We cannot justify a dual set of standards which afford less protection to citizens of other nations than we demand for ourselves. We believe the Waste Export Control Act will establish a fair and consistent program for the disposal of hazardous and nonhazardous waste.

CLOUD OVER GLASNOST

HON. DON RITTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 31, 1989

Mr. RITTER. Mr. Speaker, in a followup to my May 25, 1989 extension of remarks in the RECORD, I would like to continue to emphasize to my colleagues the potential seriousness of the recent Soviet legal reforms—the April 8 Presidium decree signed by Mikhail Gorbachev.

Mr. Speaker, the Soviets have assured the West that these laws are an improvement over the previous laws. But, these assurances appear to be smoke and mirrors aimed at disguising the true implications of these new laws.

Mr. Speaker, I want to bring to your attention the comments of someone that speaks with authority on Soviet law—First Deputy Chairman of the U.S.S.R. Supreme Court Sergey Gusev.

Supreme Court First Deputy Chairman Sergey Gusev, in an April 13, 1989 article titled "Democracy Must Be Defended," Sotsialisticheskaya Industriya, was asked: "* * * the programs of certain social organizations of our country which have set as their task to change the state structure in the U.S.S.R. must either undergo revision or * * * the people who created them will fall under the effect of the law? * * *" Gusev responded: "Quite true * * * the leaders will be responsible according to the laws.

Mr. Speaker, it was comments such as those made by Sergey Gusev—as well as the wording of the Soviet law itself—that have raised my concerns about these new Soviet legal reforms. In this line, I would like to bring to my colleagues' attention my recent editorial which appeared in the Washington Post, May 26, 1989.

[From the Washington Post, May 26, 1989]

(By Don Ritter)

CLOUD OVER GLASNOST

A dark cloud has appeared on the horizon of glasnost, although Soviet officialdom characterizes it as blue sky. On April 11, the front page of Pravda printed the text of a decree signed by Mikhail Gorbachev. In this law, the criminal code of the U.S.S.R. dealing with "state crimes" was amended. Unfortunately, in propaganda style, the new law is being presented in the Soviet press as being a beneficial legal reform designed to prevent nationalist and ethnic "anarchy" and to "defend democracy." But it is clearly designed to intimidate would-be critics, dissidents or nationalists into accepting glasnost on the state's terms—or else.

Although Soviet authorities point out that the new law is less harsh in some of its penalties than its predecessor, key portions are new and clearly reactionary, Stalinist and antiglasnost; they give the state a virtual free hand to enforce a selective glasnost, which can be used, if authorities so choose, to stifle and silence with force—freedom of thought, speech and press.

Article 11(1) Insulating or Defaming State Organs and Public Organizations—a veritable sword of Damocles—states:

"The public insulting or defamation of the U.S.S.R. supreme organs of state power and government * * * or officials appointed, elected, or approved in offices by the U.S.S.R. Congress of People's Deputies or the U.S.S.R. Supreme Soviet, or public organizations * * * is punishable by deprivation of freedom for a period of up to 3 years. * * *"

On April 13 the newspaper Soviet Culture published a letter asking: "What does 'defamation' mean? On what basis will the courts determine where criticism of ministries, departments, their leaders, and social organizations ends and where defaming them begins?" Aleksandr Sakharov, doctor of juridical sciences, said in an interview in Literary Gazette April 12: "In my opinion this new legal norm requires immediate clarification so that the authors of critical articles will not be included with extremists and anti-Soviets and be punished. * * *"

Another feature, Article 7, could bring a prison term of up to 10 years for "public calls for the overthrow of the Soviet state and social system or for its change * * * involving the use of material assets or technical means from * * * organizations" abroad.

An article in Pravda April 14, helped clarify one possible Soviet interpretation of Article 7. Pravda called for "the direct prohibition of activities by extremist formations such as the 'Democratic Union,'" which are liable to do restructuring immense harm." Pravda further stated that "the real aim of the Democratic Union * * * is to remove the Communist Party from the political arena and totally change the social system." Pravda also makes the patently fabricated charge that "there was a connection, both direct and indirect, between Western special services' activities * * * and the work of the Democratic Union."

Will the Soviets use the decree to arrest those who belong to these unofficial (so-called extremist) organizations and who, because of glasnost and perestroika, are trying to change the Soviet system so it is more equitable and democratic? Will freedom-seeking national activists in the Soviet Union who have spoken to Western journalists during glasnost, worked with Western human rights organizations or sought the support of kindred Western organizations be silenced with the threat of up to 10 years in a prison camp?

Why has the West not recognized the potential implications of this decree for glasnost? Bohdan Horyn, a leading member of the Ukrainian Helsinki Union, had this comment to make: "The publication of this decree on April 11, 1989 signifies a total reversal to antidemocratic methods in our political and social life. * * * The West closed its eyes to this unlawful highhandedness.* * *"

If this is the legal foundation of perestroika and glasnost—if we are dealing with inherently unstable structures built on foundations of sand—the West must speak out on all levels. In economic matters, the Soviet Union should not be granted most favored nation tariff status or access to Western credit and technology until it extends to its own people the legal underpinning of the freedoms they deserve. All our major agreements with the Soviets—political, military and economic—are ultimately successful if they are based on legal assurances that glasnost and perestroika are not reversible. A clear message should be sent by Congress and the administration to the Soviet Union: this new Presidium decree poses a threat to U.S.-Soviet relations.

OPPOSITION TO ADDITIONAL GUN CONTROL MEASURES

HON. CARROLL HUBBARD, JR.

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 31, 1989

Mr. HUBBARD. Mr. Speaker, I would like to share with my colleagues an excellent letter I have received from Dr. R. Andrew Batts, of Murray, KY. Dr. Batts has earned a Ph.D. in economics from the University of Kentucky and is an associate professor at Murray State University. Dr. Batts has presented an intelligent argument against the gun control bills, H.R. 1190 and S. 386. I encourage my colleagues to read and consider his letter:

902 OLIVE STREET,
Murray, KY, May 2, 1989.

Congressman CARROLL HUBBARD, Jr.,
Rayburn House Office Building, Washington, DC.

DEAR CONGRESSMAN HUBBARD: I am writing to express my concern over two gun control bills currently being considered by the House of Representatives and by the Senate. Those bills are H.R. 1190 and S. 386.

My feelings are that these bills have received support from three general areas. The media, especially televised media, purveys the impression that the country as a whole would be better served with a more restrictive broad-based gun control law directed toward the ban of certain long guns and handguns. Secondly, our major cities have been under siege for some period of time with widespread crime, especially drug related crimes. In an attempt to control crime, some argue that we must control the spread and ownership of firearms. The third area of support is a reaction to the tragedies that have occurred in recent months when an individual killed or wounded several children.

To dismiss each of these points as trivial would be to blatantly ignore some valid positions. On the other hand, I do want to offer some rebuttal to each of the previously mentioned points.

I personally believe that the national media has a tendency to present and support primarily an urban/liberal point of view. If this is in fact the case, the implication is that we as a Nation ascribe to the same point of view. I do not think that this is the situation in rural areas, the South, West, or Midwest. I consider myself to be a relatively conservative, essentially rural oriented individual, although not a "flaming right-winger." I hold a Ph.D. in Economics from the University of Kentucky and am an Associate Professor at Murray State University.

I certainly wish I could offer some solution to the problems facing our cities. Today, the heavy reliance on drugs as a means of escape has opened an incredibly profitable, albeit illegal market. The Metzenbaum/Stark bills will have little effect on curtailing the violence associated with this activity. If law enforcement agencies currently are unable to heavily impact the traffic in illegal drugs and other contraband, it would seem reasonable to me that these agencies would likewise have little impact on the use and importation of illegal weapons. If one seriously believes that additional national gun control measures would reduce the crime rate, I would have to ask the question why Washington, D.C., a city with one of the toughest gun control statutes in the country, has been labeled the murder capital of the Nation. The underlying causes of crime and violence will have to be addressed before we will see any measurable reduction.

I simply cannot believe that an individual who would use a gun in some illegal activity would consider himself bound to own or acquire that gun in a legal fashion. While statistics many times serve only the purpose of the statistician, one needs only to look our rural South and Midwest, both regions with high firearms per capita counts, and look at the crime rate in these same regions.

I have no response to situations where violence occurs for no seemingly apparent reason. If an individual becomes deranged enough to commit these horrendous acts, my inclination is that this same individual will probably find some means, legal or otherwise, to complete his crime.

As is obvious, I am opposed to additional gun control measures, for two reasons. As a sportsman and hunter, I do not have sufficient faith in our law enforcement agencies to believe that guidelines can be written to adequately define which firearms would be considered sporting arms and which would not. Secondly, if a comprehensive law were written, I am certain that it would be largely ignored (drug traffic is a classic example) by the criminal element—in short, it would not work because it fails to target the central cause of the problem.

I have enclosed a copy from the front page of the April 12 edition of the Courier-Journal with a paragraph circled. While I don't expect this to be the case in this country for some years, I do find it interesting in light of the recent Metzenbaum/Stark bills.

Thank you for this opportunity to state my opinion.

Yours truly,

R. ANDREW BATTS.

DEFEAT OF THE PLO BID FOR MEMBERSHIP IN THE WORLD HEALTH ORGANIZATION

HON. RON WYDEN

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 31, 1989

Mr. WYDEN. Mr. Speaker, both the administration and this Congress can take credit for denying the Palestinian Liberation Organization membership in the World Health Organization. Had the PLO obtained backdoor admission to the United Nations by joining the WHO, this would have immensely complicated efforts to achieve a negotiated peace in the Middle East.

I commend Secretary of State Baker for realizing the seriousness of the PLO's membership request, and threatening to cut off all U.S. aid to the WHO. And I commend those in this Congress who worked behind the scenes to send the message that no further contributions to WHO would be forthcoming if the PLO joined that organization.

Ironically, international politics should be far from the concern of the WHO, which has done so much good over the years in safeguarding the health of so many people. The legitimate agenda for the WHO should be AIDS, malaria, chemical warfare and other threats to world health. But the WHO, a technical support organization of the United Nations, cannot become involved in the complex politics of the Middle East without completely undermining its efficacy.

By accepting the application of the PLO for membership, this U.N. agency would have effectively recognized Palestine as a state. Although the United States currently conducts negotiations with the PLO, we reject the PLO's claim that it constitutes a state. Admission to the WHO would have advanced the PLO's claims to statehood in a reprehensible manner.

By using the WHO to push for illegitimate political gains, the PLO bears responsibility for politicizing a truly essential U.N. agency devoted to improving the health of the world's peoples. Such politicization can only divide and discredit and international organization that has so much important nonpolitical work to do.

IN MEMORIAM—DR. GEORGE BOURAS

HON. ROBERT K. DORNAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 31, 1989

Mr. DORNAN of California. Mr. Speaker, this past weekend we honored those men and women who died so that all of us could enjoy the freedoms we have in this great Nation of ours. There are many tributes and accolades that a grateful people give to their fallen heroes. I would like to share one that was sent to me with the request that I share with my colleagues:

MEMORIAL DAY

IN MEMORIAM

Dr. George Bouras—1925-1989

(1st. Lt., 15th Air Force, D.F.C., Purple Heart)

We meet today to honor those
Who served our nation well,
Who marched and fought beneath the flag
Of freedom's citadel.

They faced the foe at Bunker Hill
As musket balls whined past;
Aboard "Old Ironsides," at sea,
They felt the cannons' blast.

At Monterrey, in Mexico,
They fought from door to door,
And those who stood at Gettysburg
Are famed forevermore.

The sailors at Manila Bay,
And men at San Juan Hill,
Brought independence to both lands
By courage and good will.

At San Mihiel and Meuse-Argonne
Our soldiers lived and died
Beneath the bursting shot and shell,
Until they turned the tide.

They joined again in World War Two
to fight on land and sea—
While airmen soared across the sky—
Confronting tyranny.

Though weary from the wounds of war,
Korea called once more,
And there—at Seoul and Pork Chop Hill—
They battled as before.

Those heroes yet were called again
To serve in Vietnam,
And there they fought for liberty,
For God, and Uncle Sam.

Here, on this special holiday
In memory of them,
We, too, vow freedom shall not die—
And that's their requiem.

DAVID COLE,
Bryn Mawr, PA.

ARMS CONTROL FUROR OBSCURES GERMAN ISSUES

HON. BOB TRAXLER

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 31, 1989

Mr. TRAXLER. Mr. Speaker, I am taking this opportunity to call the attention of my colleagues to Mr. David Gress's recent newspaper column on the real issues surrounding current United States-West German relations. Mr. Gress, who is a senior research fellow at the

Hoover Institution, stresses the growing importance of West Germany's position in the European Community and the global economy. I feel that the following article will benefit all those attempting to go beyond the current debates over West Germany's proper role in NATO, and wishing to begin examining an equally important question of what West Germany's proper role is as a worldwide economic player. The future of relations between Bonn, Washington, and Moscow may in many ways depend upon the political atmosphere we help create in West Germany. Because of the importance of these matters, I urge all of my colleagues to take the time to review Mr. Gress' article:

ARMS CONTROL FUROR OBSCURES GERMAN ISSUES

(By David Gress)

The Atlantic Alliance is embroiled in the latest of many disputes about nuclear weapons and arms control. This dispute unfortunately has obscured what, from the U.S. perspective, is the real argument with West Germany.

This argument is not about technical questions of defense and arms control. The persistent disagreements in this area are merely symptoms of far more profound divergences of perceived interest. The real argument with West Germany is about the implications of its re-emergence as a great European power, about Bonn's long-term policies in Eastern (more properly, Central) Europe, about German reunification and about the role and aims of the Soviet Union in the Gorbachev era.

If we do not bring these questions into the open, but rather force the Germans into agreeing to positions they no longer believe in, we are not merely storing up resentment for the future; we are jeopardizing the future of Western security itself.

The debate is urgent because a revolution is occurring in German and European elite opinion about East-West relations, the dimensions of which are hardly realized on this side of the Atlantic. Virtually without exception, Europeans believe that the Cold War—and with it, the Soviet military threat—is over. Furthermore, they believe that Western Europe can and should take a leading role in overcoming the division of Europe, and that it is far better qualified politically and morally to do so than the United States. So far, the Bush administration has done nothing to disprove that belief.

What is happening on the threshold of the 1990s is that West Germany, for long Europe's economic superpower, is becoming its political superpower as well. This development has three epoch-making implications. First, even almost two full generations after World War II, Germans remain remarkably unwilling to acknowledge their status openly. This means that they still feel obliged to describe their international political goal of expanding West German power and influence in Central Europe in moralistic terms as an altruistic peace policy that in no way reflects crude national and material interests. These pretenses cause far more harm than good. They oblige the West Germans to pretend to be everybody's friend at all times, thereby leading Washington, as we have seen into entirely unrealistic assumptions about what security policies Bonn will accept.

The second effect of West Germany's new status is that the left-right split on security and foreign policy that divided the country in the 1980s has disappeared. In its place we have a near-total consensus that West Germany can, should and will use its economic and political power to promote liberalization and pluralism in Central Europe.

The final, and most remarkable, implication of Bonn's growing power is that it is welcomed, not feared, by West Germany's European neighbors, both East and West. This fact alone should encourage West German leaders and elites to be more honest about their interests. It also should encourage the United States to stop playing catch-up with European opinion about West Germany's role or about East-West relations. Washington has every reason to take the lead in encouraging West Germany to take full responsibility fot its actions as a great power. That way, the Germans will face the risks, rather than merely enjoying the gains, of their detente policies.

The same goes for the U.S. position on German reunification. The West German government decided in the mid-1960s that the West had no chance of forcing a withdrawal of communist power from East Germany. For the past 25 years, the question of reunification has vanished completely from the U.S. policy agenda, though not from West Germany's. Forward-looking Germans speak now in terms of association or federation of the two Germanys, not reunification, but the goal is the same: national self-determination. Washington has much to gain, and nothing to lose, by publicly stating its full moral and political support for Bonn's endeavors to achieve this goal.

Bonn's national self-assertion is not free of illusions, though those illusions would carry much less danger for the West as a whole if both we and the Germans were more honest about where our national interests coincide and where they diverge. On modernizing Central Europe and on German self-determination, they clearly coincide. On wholesale aid to the Gorbachev regime, perhaps they do not. I say perhaps because I think that honest West German appraisal of its great-power interests leads to the conclusion that lowering one's guard while helping to revitalize a still-powerful Soviet empire is a dangerous policy. As long as we allow the Germans to conceal their power policies in a moralistic cocoon, however, no German will be forced to make such an honest appraisal.

Russia entered the arena of European power policies in the 18th century as Prussia's enemy. Ever since then, the German eagle and the Russian bear have contested the political and cultural hegemony in Central Europe. After almost half a century of abnormal conditions, the old struggle is a re-emerging in what one hopes is a peaceful form. It cannot fail to have intimate implications for American foreign policy and America's own shaky status as a great power. It is high time we started talking about it.

MAE McHUGH HONORED

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 31, 1989

Mr. KANJORSKI. Mr. Speaker, I rise today to pay tribute to Mae McHugh, retired member of the International Ladies' Garment Workers' Union.

Mrs. McHugh has been selected as a recipient of one of the first ILGWU Silver Needle Awards, presented at the union's 40th convention in Hollywood, FL, on the 5th of June.

The Silver Needle Awards were established to recognize the outstanding contributions and lifelong dedication of retirees to the union and to the community. Mrs. McHugh was selected as one of seven recipients by the General Executive Board on Retiree Services. Over 70 nominations were received from individual retirees and retiree clubs nationwide and in Canada.

A resident of Pittston Township, PA, Mrs. McHugh has been actively involved in ILGWU affairs for most of her life. She is president of Local 295 of Pittston, known locally as "Mae's Raiders". She is also president statewide of the ILGWU's Pennsylvania State council of retirees, representing 13 towns and several other small clubs.

Retirees of the International Ladies' Garment Workers' Union have always maintained a special relationship with their union. I know my colleagues will join me in honoring Mae McHugh and her fellow retirees, who have given so much to their union and to their communities.

RECORD COCAINE SEIZURE

HON. BOB LIVINGSTON

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 31, 1989

Mr. LIVINGSTON. Mr. Speaker, the U.S. Customs Service announced last week the seizure of a record 5,175 pounds of cocaine entering the Port of New Orleans earlier this year. The street value of this cocaine is estimated at half a billion dollars, and is the largest ever in the five-State south central region.

I would like to commend J. Robert Grimes, regional commissioner of the Customs Service, for a job well done. The Customs Service, FBI, and New Orleans Police Department deserve our gratitude for their excellent work.

This is the third major drug bust in the New Orleans area within the past 9 months, and it sends a message to drug traffickers everywhere: The war against drugs is on, and we intend to win.

Congratulations to all those involved with this successful effort:

RECORD COCAINE SEIZURE AT PORT OF NEW ORLEANS ANNOUNCED AS NATIONAL GUARD JOINS THE ANTIDRUG EFFORT

The U.S. Customs Service announced today the seizure of a record 5,175 pounds of cocaine following several months of investigation of containerized cargo entering the Port of New Orleans. Federal officials estimate the street value at half a billion dollars. The seizure is the largest in the five-state South Central Region and one of record proportion across the country. While the newly created National Guard Program had not been initiated when this shipment was discovered, officials are optimistic regarding future interdiction efforts resulting from this program.

The announcement was made today by officials of the U.S. Customs Service and the Drug Enforcement Administration as they

outlined events leading up to and following the seizure.

Regional Commissioner J. Robert Grimes in commenting on the seizure states that it is the third major drug interdiction in the New Orleans area within the past nine months. Grimes emphasized that seizures of this nature represent increased effectiveness in the area of cargo examination, and lauded the extra effort put forth by Customs Enforcement Teams. Grimes further stated that each seizure has been record breaking in volume, strengthening Customs determination for continued vigilance over this aspect of the drug smuggling problem.

The investigation began in mid-January when Customs Inspectors targeted a shipment of barbed wire for intensive inspection based on review of cargo entry documents. The barbed wire was entering the country in two forty-foot containers. Following the arrival of the carrying vessel in January, and with completion of the necessary broker's entry, Customs requested presentation of the first container for inspection in early February. The second container was held without release pending clearance of the first.

Examination of the wire shipment began with searching through the wire and drilling of the supporting pallets; neither revealed any irregularities. Moving to the structure of the container, a cursory examination of the walls, floor and roof produced no contraband. Inspectors did observe fresh caulking and "unstable support blocks" at the nose of the container. Drilling in this area indicated the existence of a hidden compartment. A white powder, which tested positive as cocaine, appeared on the drill bit. When this examination process was made on the second container, it produced the same results, with only the size, shape and markings of the cocaine bricks as a difference in the two shipments.

The cocaine was removed from both containers, replaced with a counterfeit shipment using sand for equal weight, and the hidden compartment resealed. A constant surveillance was established on the containers. They were then transported from New Orleans, Louisiana, to Florida by a trucking firm hired by the consignee and placed in a storage yard.

The suspects subsequently took possession of one of the two containers and moved it to a warehouse storage location in South Florida. Additional surveillance was initiated at that site. From March 31, 1989, through April 26, 1989, surveillance continued without any overt sign of activity by the suspects. On April 26, 1989, it was discovered that unknown persons, had surreptitiously entered the warehouse location and penetrated the top of the container. It was apparent these individuals removed and examined a part of the counterfeit load of cocaine.

Attempts to continue the controlled delivery were ceased and the containers were returned to New Orleans, Louisiana, and placed in seizure on April 29, 1989. The investigation is continuing by the U.S. Customs Service and the Drug Enforcement Administration.

The New Orleans Police Department and Federal Bureau of Investigation also assisted the Customs Service in the investigation.

At the same time, Grimes also announced that the National Guard is assisting the Customs Service in conducting cargo examinations throughout the South Central Region. He said, "The Customs Service will be able to increase the number of inspections of high risk containers or those arriving from narcotics source countries or transit countries. The National Guard's assistance will enable us to maintain a sustained interdictory effort." Under the program guardsmen will be working under the supervision of Customs Inspectors.

EC-92—NEW FRONTIER OF GLOBAL TRADE

HON. AMO HOUGHTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 31, 1989

Mr. HOUGHTON. Mr. Speaker, a new buzzword—EC-92—has sprung up in our vocabulary. EC-92, refers to the plans of the European Community to eliminate barriers for the completion of the EC-wide internal market by 1992. This new frontier of global trade promises to have major effects on U.S. industry. United States exports to the EC amount to $80 billion and intra-EC sales of United States firms in Europe total $550 million annually. The policies and agreements that develop within the EC market therefore, has an important bearing on the interests of the rest of the world.

While a strong and dynamic deregulated market is good for trade, neither the U.S. Government nor U.S. business can afford to be sloppy and let their guard down. As they do to us we have a responsibility to keep the Europeans honest by insisting that the EC not increase protection or enact discriminatory policies under the guise of 1992.

The Subcommittee on International Economic Policy and Trade has conducted a series of meetings and hearings on the European Community's plan to integrate its economy by 1992. These hearings were timely, thorough, right on target. We looked at potential barriers to trade, discussed these concerns with the administration and business community and examined the potential impact on U.S. trade interests. The end product is the report before us today.

I support the findings of the report. Without question EC-92 is a top trading issue facing the United States. We stand to gain a great deal if we are careful. Fewer barriers mean more effective trade. But as the report points out, the administration will need a more aggressive strategy and additional personnel to ensure that sensitive, important sectors of U.S. industry are not harmed. In fact, some of the EC-92 directives are already hurting us, and will continue to hurt U.S. trade interests unless modified. I suggest a proactive stance in our approach toward EC-92.

Public and private sector cooperation is also at the core to strategic planning for EC-92. It's a big test of future codevelopment. EC-92 is a high-stakes game for business—it could mean boom or bust if we don't keep a watchful eye on the European directives such as national treatment, standardization, local content, and rule of origin. This could mean billions of dollars in lost U.S. export opportunities and diminished U.S. employment levels.

Let's stay on top of this new frontier. I am very optimistic, but let's ensure that American interests and jobs are protected and the playing field remains level.

CHANGES IN THE WARSAW PACT NATIONS: IMPLICATIONS FOR NATO IN ITS 40TH ANNIVERSARY YEAR

HON. DOUG BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 31, 1989

Mr. BEREUTER. Mr. Speaker, as the United States and our NATO allies focus our attention on political and military changes in the Warsaw Pact and the implications these changes have for the direction of alliance policy, I think it is altogether understandable and even helpful if we do so in the context of a retrospective examination and celebration of NATO's 40th anniversary, we have every cause to take justifiable pride in the achievements of the North Atlantic Alliance that stretches from Turkey to North America.

The victors and the vanquished among our 16 nations from a war that brought unparalleled destruction to the population of this globe have built strong ties of friendship, economic cooperation and growth, and mutual defense. It is no small achievement that Europe has now achieved its longest continuous period of peace since the beginning of time.

This defense alliance we have built has made possible the further and general flowering among our nations and peoples the benefits of democracy, intellectual liberalism, personal freedoms, human rights, and economic achievement that are the envy and hope of the whole world.

Our now increasingly cohesive base of common values binds Canada, the United States and our 14 European allies far closer together and is far more important than Gorbachev's concept of a "common European house," a concept which is so obviously meant not just to build trust about the Soviets in Western Europe, but to decouple European NATO from its allies in North America.

By the rapidly accelerating events of the last several years, and especially in recent months, it is clear that the West has won the ideological war. As an economic and governance system, communism in the eastern reaches of Europe and elsewhere is recognized, even by its leaders, as the failure it is. In different ways, and certainly at a different pace, the nations of Eastern Europe reach out for the economic, business, and technological elements in our Western societies that also, fortunately, require the openness, freedom of information, individual choice, and human rights that underpin our free economies. We should help them reach such goals when it is clearly in the interest of our alliance of democracies—but only when it is. We need a common strategy upon which to make such judgments.

In the area of security and arms control, we also find our potenital foes coming to our positions through Mr. Gorbachev's widely hailed initiatives. As Arthur Hartman, former U.S. Ambassador to the U.S.S.R. commented recently:

We are permitting, nearly unchallenged, Mr. Gorbachev to control the pace and timing of events not by offering real initiatives, but by concessions to, and acceptance of, Western arms control initiatives.

The stark economic reality facing the U.S.S.R. and its allies requires sharp cutbacks in military expenditures and a reorientation of their productive capacities. If we fail to recognize that, we permit them to be applauded unduly by the news media and our constituents only for making a virtue of necessity.

Mr. President, with respect to the current arms control controversy that faces our alliance, the problem of short range nuclear weapons, these basic questions occur: What do we do? Where do we go? When? And while to our constituents these questions do at times appear esoteric and arcane—the terms of the dismal science of arms control—they must appear like a foreign language to the common man—deterrence, flexible response, modernization, and singularity. All these are part of the language which we have learned to speak. But despite this appearance of complexity, in many ways the basic questions surrounding these issues are quite simple. We have an important decision before us and in making it we must carefully weigh the security of nations; the freedom of our peoples; and the hope, health and well being of our citizens, our friends, our families, and our children. This is no small task and no slight burden of responsibility.

The classic European stereotype of an American is a person of impetuosity, lacking predictability. Because of this, it comes as a surprise to many of us in America that we are now being criticized for being overly cautious, and too deliberate. There is a certain irony in that it is America—the same America that Europe has viewed as impetious, unpredictable, and at times irresponsible, it is this America's leadership which is preaching caution, patience, and appropriate deliberateness in our dealings with the Soviet Union. It hardly seems fair for Europe to now criticize us for practicing the virtues it has so long applauded.

Nevertheless, permit this American to suggest that we must watch for, and insist that, rhetoric becomes reality—that promised arms and troop reductions are indeed implemented. We must not be inflexible, unresponsive, or unimaginative, but neither should we be premature or naive in our judgments and actions.

In short, on our 40th anniversary, we can take great satisfaction in the fact that we, the nations and people of the NATO alliance, are winning the battle for the hearts and minds of the people of the Warsaw Pact nations, and we can see real and promised opportunities to win a more peaceful continent and world. It is not a time for timidity or cold war rigidities in the West. As President George Bush has recently reminded us, "new East-West relationships must be earned—they cannot just be declared or bestowed." If the NATO nations fail to recognize the strength of our economic, ideological, and arms control and security advantages that are unfolding, we will be snatching defeat out of the jaws of victory. That must not happen.

SILVER CREEK BAPTIST CHURCH CELEBRATES 120TH ANNIVERSARY

HON. LEWIS F. PAYNE, JR.

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 31, 1989

Mr. PAYNE of Virginia. Mr. Speaker, on Sunday, May 21, Silver Creek Baptist Church, the second oldest black church in Pittsylvania County, VA, observed it 120th anniversary.

This is a church rich in heritage and reflective of much that has happened in all those years since its beginning in 1869.

Worshipers who joined in the celebration were reminded that they are a part of a history that mirrors what America has become and how vital religious emphasis has been in the lives of those who have been a part of this congregation.

The pastor of this fine congregation is the Reverend Elijah Niblett, who continues to carry on in the tradition of those who preceded him—proclaiming the Gospel and serving the community in which the church is situated.

One is reminded of the truth that a church, a hospital or any other institutional building is only bricks and mortar, but it is the spirit of those who serve there which makes it a force in the lives of others. Silver Creek Baptist Church has met their test and we extend our congratulations on this milestone in their history.

ELLEN O'CONNELL

HON. RONALD K. MACHTLEY

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 31, 1989

Mr. MACHTLEY. Mr. Speaker, it is my distinct pleasure to congratulate Ellen O'Connell, of Smithfield, RI, this year's recipient of the First Annual Ronald K. Machtley Award for Smithfield Senior High School in Esmond, RI.

This award is presented to the student, chosen by Smithfield Senior High School, who demonstrates a mature blend of academic achievement, community involvement, and leadership qualities.

Ellen has clearly met this criteria by being a member of the Rhode Island Honor Society and the National Honor Society. She has already received the Secretary of State Leadership Award and the Daughters of the American Revolution Good Citizenship Award. A vice president of the student council, she has also received the Student Council Award for here dedication.

I commend Ellen for her achievements and wish her all the best in her future endeavors.

PERU'S COCA ERADICATION CAMPAIGN MUST CONTINUE IN SPITE OF TRAGIC PLANE CRASH

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 31, 1989

Mr. GILMAN. Mr. Speaker, I rise to offer my sympathy to the families of those who were aboard the State Department's Cesna aircraft which went down in the jungles of Peru on May 20. Six Americans and three Peruvians died in that crash. The American victims were a Drug Enforcement Administration agent and five State Department contract employees. Among the three Peruvians lost was the head of Peru's coca eradication program. American investigation teams visited the site to determine if there is any evidence of sabotage.

Regardless of the cause of the crash, Peru's effort to eradicate its huge coca crop must continue. I am a strong supporter of U.S. demand reduction programs and believe that education, prevention, and treatment are essential elements of the war against drugs. Nonetheless, we must continue to work to reduce the supply of illicit drugs pouring across our borders. The most cost efficient and practical means of supply reduction is drug crop eradication with a safe, effective aerial herbicide. Peru is currently testing such a product. It is my hope that these tests will soon be successfully completed and Peru can move forward with large scale aerial eradication.

Mr. Speaker, sometimes we forget the courage of the thousands of brave Americans, men and women, who serve this Nation abroad. They face numerous hazards and hardships in their foreign posts. These days, because of threats of terrorism, even those who serve in diplomatic capacities are faced with constant danger. Nonetheless, they pursue their missions with enthusiasm and perserverance.

American officials from the DEA and the State Department stationed in drug producing and transiting nations spend every day on the front lines of our struggle with narcotics. They are fighting for the very heart and soul of our Nation. The men lost in Peru are casualties in our war against drugs. The best tribute we can pay to them is to win this war and end the epidemic of death and despair which drugs have unleashed upon our Nation.

INTRODUCTION OF THE WASTE EXPORT CONTROL ACT

HON. HOWARD WOLPE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 31, 1989

Mr. WOLPE. Mr. Speaker, today I am, indeed, proud to join with Congressmen SYNAR, CONYERS, and PORTER—three Members who have been outspoken about America's vital leadership role in protecting the global environment—to introduce a bill to

place more stringent controls on our hazardous and solid waste exports.

We were all alarmed by press accounts last year of a barge, loaded with 15,000 tons of potentially toxic Philadelphia incinerator ash, roaming the world looking for a place to dump its cargo. Finally, a deal was struck with a corrupt military dictatorship and Haiti, a developing country without the technical capacity to handle the ash, became the unwilling recipient.

This is just one American example and several other industrialized countries are exporting their waste as well. It is clear that the waste exports of industrialized nations are increasing. The reasons are simple. In general, importing nations have less rigorous environmental regulations and disposal costs are lower.

In response to the growing incidents of international shipments of waste, the United Nations recently adopted a global convention establishing international safeguards for the handling, movement, and disposal of waste. This treaty is a good first step and I hope that the United States will become a signatory to this treaty in the near future. But the United States should now seize this opportunity to play a leadership role on this important environmental issue by enacting stronger legislation.

The basic principle behind the Waste Export Control Act is that waste generators in the United States should be prepared to treat, store, and dispose of their waste outside of the United States under standards no less strict than those used in the United States.

This bill would require the following before waste could be exported:

An international agreement between the United States and importing countries which would provide for prior consent from the importing country, exchange of information on how the wastes will be managed by the receiving facility, and inspection rights by the United States to the receiving facility;

An EPA administered permit program requiring proof from waste exporters that they have taken steps to reduce or eliminate waste generation, and that any exported wastes are treated, stored, or disposed of in a manner that is protective of human health and the environment, and;

User fees to be paid by exporters to defray the full cost of administering the Waste Export Program.

Finally, there are at least two good reasons why it is in our best interest to take full responsibility for the waste we generate from the cradle to the grave. First, there is no better way to undermine the credibility of American foreign policy than by the cavalier exportation of our waste. Second, the majority of our waste trade is with our closest international neighbor, Canada. If waste we send to Canada is not disposed of properly, then we risk the contamination of the Great Lakes and, thus, the health of American citizens in the entire Great Lakes region. The Waste Export Control Act will ensure that our responsibility for our waste will not end simply by the transportation of our waste products beyond our national borders.

HERBERT L. CARTER TO HEAD THE UNITED WAY OF GREATER LOS ANGELES

HON. JULIAN C. DIXON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 31, 1989

Mr. DIXON. Mr. Speaker, "It is more blessed to give than to receive." A man surrounded by material goods is never the equal of someone rich in good works.

Few men better illustrate the truth of these statements than a good friend and constituent of mine, Dr. Herbert L. Carter. Few men have given more and worked harder for their community. Tomorrow Herb will become the first black chairman of the board of the United Way of Greater Los Angeles. I send him my heartiest congratulations. He is a man rich in good works.

Herb's appointment as chairman culminates many years of dedication and long hours of service to the community. He first met with United Way officials in 1968 to discuss concerns about the charity's service to the minority community. Since then he has worked as a volunteer for the organization, serving in numerous positions and promoting minority volunteerism to affect change. His accomplishments include the creation of United Way's Black Partnership Development Council, which has served as a model for similar councils for Asians and Latinos.

When Herb first joined the United Way, few minorities were involved in leadership roles. Being named chairman shows that at least part of his mission has been fulfilled.

The Los Angeles United Way is the second largest in the Nation, an $88 million-a-year charity that raises funds for approximately 350 health and social organizations in Los Angeles and parts of San Bernardino and Kern Counties. As head of the 109-member governing board, Herb will oversee some 50,000 fellow volunteers.

From the enormity of his commitment one would think that Herb has made a career of the United Way. But as a man of great energy, he has fit nearly two lives into one, distinguishing himself for the last 15 years in educational administration for the California State University.

Currently the executive vice chancellor, he is responsible for guiding, coordinating, and integrating policy formulation and program planning for the entire university system. He has his doctorate in public administration, and lectures at universities throughout California.

Herb understands the critical link between education and community service, and combines the two by sitting on various boards and committees of educational institutions, including the board of regents at Loyola Marymount University in Los Angeles, the Los Angeles Unified School District's Goals Committee, and the Citizens Advisory Committee on School Integration for the Los Angeles Unified School District.

I am not alone in recognizing Herb's value to our city and State. The city of Los Angeles has given him its Distinguished Service Award. He received a special citation from the California State Assembly, and the entire California State Legislature honored him with its Community Service Award. People like Herb don't come along often.

To his wife Virginia, and to Herb, I offer my congratulations. May God bless you as you have blessed others, my friends.

TRIBUTE TO THE CHILDREN'S HOME

HON. JIM SAXTON

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 31, 1989

Mr. SAXTON. Mr. Speaker, it is my pleasure to proudly acknowledge the 125 years of service performed by the Children's Home of Mount Holly, NJ. Founded in 1864 when a group of women banded together to aid orphaned children, the Children's Home has proven a constant relief for numerous children in the Burlington County area.

The Children's Home began primarily as an effort to aid the children who were orphaned as a result of the Civil War and to help them in locating their charges, they made an appeal in 1871 making their facilities known to all who needed their care:

Help us till our work be done,
That no more may houseless roam;
Bid each little wandering one,
Welcome to the Children's Home.

The Children's Home received its present day location in 1906 as a gift from Edward T. Dobbins in memory of his mother, Mary. Since that time the campus has grown to include a school, office space, a dining area, three dormitories, a gymnasium, and laundry facilities. As a result, the Children's Home is able to provide exceptional care for the children it serves. The facilities today focus on helping families with troubled children and currently houses 45 adolescents receiving such help on its campus.

Mr. Speaker, this nonprofit organization is a true benefit to the country and invaluable to the individuals who have passed through its doors. The dedication and service of the Children's Home for the past 125 years has proven of considerable worth to the many children and families it has helped counsel. It is always a pleasure to praise the works of any individual so willing to serve their community, but to acknowledge an institution that has given service to their community for 125 years is a task that requires wider acknowledgement. Therefore, I ask my colleagues to join me in giving the Children's Home of Mount Holly the recognition they deserve as they celebrate their anniversary.

TRIBUTE TO REV. CORNELIUS F. KELLY, O.F.M., ON THE 50TH ANNIVERSARY OF HIS ORDINATION

HON. ROBERT A. ROE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 31, 1989

Mr. ROE. Mr. Speaker, on Sunday, June 4, 1989, residents of my Eighth Congressional District and the State of New Jersey will join the parish communities of Church of the Assumption of Wood-Ridge, NJ, and the guild of St. Anthony's Church of Paterson, NJ, and Rev. Cornelius F. Kelly, O.F.M., in celebration of the 50th anniversary of his consecration into the sacrament of holy orders.

Mr. Speaker, the faith and devotion of our people in a full communion of understanding—ever caring and respecting the individual religious beliefs of our fellowman has been the lifeline of our democracy—ever inspiring our people with hope and urging the individual onto great achievements and purposes in pursuing the fulfillment of his or her dreams and ambitions. The exemplary leadership and outstanding efforts of our citizens so important to our quality of life are in the vanguard of the American dream and today we express our appreciation to Rev. Cornelius F. Kelly, O.F.M., whose esteemed dedication and unselfish devotion in promulgating spiritual guidance, goodwill, fellowship and brotherhood in service to God have truly enriched our community, State, and Nation.

Reverend Kelly has maintained the highest standards of excellence throughout his lifetime and we are pleased to share the pride of his family, many, many friends and parishioners in the distinguished achievements, so unselfishly dedicated to the betterment of mankind. There is so much that can be said of the love, affection, and reverence with which Reverend Kelly is held by all who have had the good fortune to know him. I know this anniversary celebration will bring a special sense of pride to Reverend Kelly's brother, James, and to his sisters, Mrs. Mary Griffin and Mrs. Margaret Wall.

Mr. Speaker, we are so proud to have Reverend Kelly with us in New Jersey. He was born to the late Hugh and Mary Kelly in Boston, MA, and eventually received his B.A. degree from St. Bonaventure College in 1936. He was ordained on May 30, 1939, at the National Shrine in Washington, DC.

Mr. Speaker, Reverend Kelly began his career as an assistant at the St. Francis Friary in New York City in 1940, going to St. Patrick's in Buffalo, NY, in 1943. Reverend Kelly began a 14-year tenure in New Jersey in 1953 when he became the pastor of St. Joseph's Church in Echo Lake. It was under his guiding hand and visionary leadership that St. Joseph's Parochial School was built in 1956, and St. Joseph's Convent and St. Joseph's Rectory were constructed in 1959.

In 1967, Reverend Kelly returned to his native Massachusetts for 11 years, before coming back to New Jersey in 1978 where he has worked tirelessly and with unceasing devotion for the guild of St. Anthony's Church of Paterson, NJ ever since. His personal commitment to the Almighty and to our people has earned him all the respect and reverence of all his parishioners, and all those who have been fortunate enough to come in touch with him.

Mr. Speaker, I appreciate the opportunity to present this brief profile of a distinguished man of God who has dedicated his life's purpose and fulfillment to helping others and guiding them in their pathway of life. The quality of his leadership is mirrored in the security and dignity that his parishioners have found in the comfort and aid he unselfishly and willingly has given to those in need and those who seek his helping hand and spiritual guidance.

Mr. Speaker, as Reverend Kelly celebrates the 50th anniversary of his ordination to the priesthood, I know that you and all of our colleagues here in the Congress will want to join me in extending our warmest greetings and felicitations for the excellence of his service to his church, our Nation, and all mankind. We do, indeed, salute an esteemed clergyman and great American, Rev. Cornelius F. Kelly, O.F.M., of Wood-Ridge, NJ, and the guild of St. Anthony's Church of Paterson, NJ.

SPECIAL RECOGNITION TO THE WESTERN MUNICIPAL WATER DISTRICT OF RIVERSIDE COUNTY

HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 31, 1989

Mr. BROWN of California. Mr. Speaker, my home State of California celebrates Water Awareness Week on May 1–7, 1989. This is part of a statewide campaign to inform the public about water—its supply, quality, and management. The theme for this year's campaign is "Water is Life." The Western Municipal Water District of Riverside County, CA, is an active participant in water education programs, and I rise today to recognize their contributions to water awareness.

Water is a precious resource throughout the world, but this is especially true in southern California. Explosive growth in the region has made growing demands on the available water supply. Serving 506 square miles of land, the Western Municipal Water District of Riverside County must import 20 percent of the water it provides to the public. Riverside County is now one of the fastest growing counties in California. Since all local resources are fully developed, additional growth will depend on water imported from outside sources.

The need to increase the public's understanding of water issues through education is of utmost importance. The Western Municipal Water District of Riverside County has been a leader in the field of water education since 1982. Its water education program is designed to encourage and assist educators as they teach their students about the importance of water. Western's program is offered to private schools in the Corona-Norco, Alvord, and Jurupa Unified School Districts, and it assists its subagencies in conducting water education programs for the remaining schools within Western's service area. The water education program is available to 53 public and 16 private schools. More than 26,000 students have participated in the program.

The program is designed to help students develop an early appreciation for water and water conservation issues. Materials, such as student workbooks, teachers' guides, posters, classroom speakers, and field trips are provided to classes at no charge. A wide range of topics are discussed, including the need for water, water conservation, and the supply and distribution of water in southern California. The program meets many of the requirements of the California Science Framework Addendum, which lists basic science concepts that all high school graduates should learn.

For the Western Municipal Water District, Water Awareness Week is not just 1 week of activity, but a celebration of a year-round commitment to educating the public about water and how it affects our lives. I ask my colleagues to join me in recognizing the Western Municipal Water District of Riverside County for its outstanding work in California.

A TRIBUTE TO DOMINIC LAGUDI

HON. NORMAN F. LENT

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 31, 1989

Mr. LENT. Mr. Speaker, every day, ordinary citizens perform acts of heroism, brave deeds which are deserving of the highest commendation. For example, law enforcement officers and firemen risk great personal danger, even their lives, in the line of duty to protect our families and our property. They may look upon their actions as routine, and humbly dismiss their feats of courage as "just part of a day's work." I know I speak for all Americans in saying how much these outstanding men and women are appreciated for their significant contributions to the betterment of our communities and general welfare.

At this time, however, I'd like to pay special tribute to one exceptional individual, a constituent of mine, Mr. Dominic Lagudi, who served with dignity and honor as a volunteer firefighter with the Oceanside, NY Fire Department.

Mr. Lagudi grew up in Oceanside, and joined the Oceanside Fire Department in 1975, when he was 19 years old. In addition to owning and managing Roxie's restaurant in Forest Hills, he was an active member of the Knights of Columbus and the Oceanside Voluteer and Exempt Fireman's Benevolent Association. Dominic Lagudi was respected and admired by his peers. In fact, he was elected third in charge of the fire department as second assistant chief.

Last April, a serious blaze broke out at a local restaurant. Mr. Lagudi helped fight the fire and also rescued a woman from the burning building. Tragically, 2 days later, he died from smoke inhalation and possible other injuries suffered from the fire. There wasn't much publicity—a few paragraphs in the local newspaper. In fact, many people in the community may not even know of his sacrifice.

Dominic Lagudi, at 33, was in the prime of his life. The loss of such a fine young man is

terrible tragedy, and on behalf of the residents of the Oceanside community, I'd like to offer my deepest sympathies to his wife, Kathleen, and their two children, Dominic III and daughter Courtney.

Mere words seem inadequate in expressing our heartfelt gratitude and appreciation of his selfless sacrifice. Dominic Lagudi is a true American hero who will never be forgotten. His good works during his short time with us have ensured his memory will live on forever.

THE AKRON CIVIC THEATRE CELEBRATES 60TH ANNIVERSARY OF ITS OPENING

HON. TOM SAWYER

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 31, 1989

Mr. SAWYER. Mr. Speaker, I rise in honor of the Akron Civic Theatre on the occasion of the 60th anniversary of its opening, and in honor of all the people who have spent countless hours ensuring its success over the years.

Originally called the Loew's Theatre, the Civic opened on April 20, 1929, having been constructed at a cost of $1 million. Hundreds of curious patrons attended the opening performance of five vaudeville acts and a film entitled "Voice of the City." At that time the cost to sit in a loge seat was 50 cents and a quarter in the upper balcony or downstairs. For some, it was a high price to pay, but it was certainly worth it to experience quality entertainment in the atomospheric theater modeled after a Moorish castle under a starlit sky.

The theatre prospered under the Loew's Corp. ownership for 35 years, but in 1964 it was sold to parking lot owner Karam Joseph, who in turn rented it to the Kelly Operating Co. As activities once centered in downtown began to move throughout the community, the theater foundered and faced imminent destruction. In the meantime, the city was searching for a site to build a new civic center, and the Loew's theatre became a prime target for revitalization. Finally, in early 1965, the Akron Jaycees formed the Community Hall Foundation and purchased the grand old theatre from Mr. Joseph for $60,000.

With strong support from the people of the greater Akron area, the theater has enjoyed tremendous success since its rejuvenation in 1965. It has not, however, been without its troubles. A $1.2 million renovation project was begun by the Community Hall Foundation in 1979 to remodel the inside of the theatre and to make major capital improvements, and by the mid-1980's the theatre had accumulated a substantial debt. Thanks to the efforts of numerous dedicated people, led by the new president of the board of trustees, Clarence A. Randall, the foundation made a remarkable comeback, not only repaying the debt, but also raising an additional $900,000 for further restoration with support from area businesses and banks. As mayor at the time, I was proud that the city of Akron helped lead the way to financial stability through substantial debt forgiveness, by enactment of council, of $126,000. This, coupled with interest subsidies and direct funding for various improvements in recent years, represented a municipal contribution to the Civic's renewed health of some $380,000. In this sense, the entire community can take real pride in the magnificent condition of this great landmark.

Today the Akron Civic Theatre remains a cornerstone of activity in downtown Akron. Films are presented during the weekends, and numerous area organizations use the theatre for live shows, concerts, dance recitals, and other events. The Civic is also enjoyed by high school students attending their proms each spring and by many for private activities such as weddings and receptions. Listed on the National Register of Historic Places, the Civic has been the site of performances by great entertainers over the years, from Helen Hayes, Louis Armstrong, Milton Berle, and Frank Sinatra, all the way to Bruce Springsteen, and many others.

Today I rise to salute the extraordinary work of a great many individuals and groups who have made the Civic so successful over the years. I would like to mention in particular the special efforts of Bea and Blake McDowell, the Goodyear Tire & Rubber Co., A. Schulman, Ruth Oenslager, Estelle Ruth, and the Brenlin Group, who have worked so hard to keep the Civic as vital and beautiful a center of entertainment and social activity today as it was in 1929.

In 1982, the Akron Beacon Journal editorialized, "Few cities are so fortunate [as Akron]. Few have had the foresight to save venerable old buildings such as the Civic. Here in Akron the job was done well—the glories of the marvelous theatre sparkle and shine once again." Seven years later, that sentiment is echoed and amplified by the people of Akron who have witnessed the further growth and evolution of the Civic.

I am one of countless thousands who have enjoyed sitting under the starlit sky amidst the grandeur of the Moorish castle to enjoy a performance at the Akron Civic Theatre. With the continued efforts of the Community Hall Foundation, I am confident that our grandchildren will enjoy enjoying performances in that same spectacular setting 60 years from now.

I extend my congratulations to all who have made possible the 60th birthday of the Akron Civic Theatre and wish Akron the very best in keeping this hallowed building alive with activity well into the future.

TRIBUTE TO THE MARCONI CLUB

HON. RICHARD E. NEAL

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 31, 1989

Mr. NEAL of Massachusetts. Mr. Speaker, I would like to pay tribute today to what has become a legendary institution in my home city of Springfield, MA, the Marconi Club.

The Marconi Club was organized in the mid-1930's as an effort to provide a social facility at which the Italian-American community of Springfield could gather informally. For over 50 years, the Marconi Club has exemplified the unity and pride of the Italian-American heritage. The activities at the building at 89 Parallel Street are, and always have been, an oasis of leisure and culture to its membership. And, in turn, the membership of the Marconi Club, which has produced some of Springfield's finest citizens, has always managed to give to the club as much as they have benefited from it.

The best example of the communal spirit which typifies the Marconi Club is the building which houses the organization. As the membership expanded in the early years, and with the advent of a women's auxiliary, the confines of the original building were rapidly exceeded. In 1940, a new building, constructed entirely by the membership of the club without outside financial assistance of any kind, was dedicated. Members worked night after night and on weekends completing what is today regarded as a monument to the solidarity and fellowship of the Italian-American legacy in Springfield.

The Marconi Club that I know today reflects in almost all ways the ideals upon which it was founded by Anthony Travaglia. It is an institution dedicated to molding the character of its members through social, educational, and sporting activities, while stressing the importance and the sanctity of the family and family values, whether it be through a game of Bocce, a Saturday night supper dance, or a simple chat with friends.

In this day and age, Mr. Speaker, it is a pleasure to have an opportunity to recognize traits such as decency and virtue. Those characteristics are the foundation upon which the Marconi Club was built, and which have sustained it for over 50 years. It is my sincere hope that this esteemed institution will carry on in this tradition for many decades to come.

SUPPORT FOR H.R. 2042

HON. NICK JOE RAHALL II

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 31, 1989

Mr. RAHALL. Mr. Speaker, in my district in West Virginia there are two Veterans' Administration Centers that serve approximately 200,000 veterans. There is no excuse for these veterans not to receive the proper care.

For that reason, I supported H.R. 2042, the Supplemental Appropriations for Veterans' Programs for fiscal year 1989, which overwhelmingly passed the House of Representatives on Wednesday, May 24, 1989. This bill provides supplemental appropriations of $1.2 billion for the Veterans Affairs Department which includes $370 million for veterans' medical care. Of that amount, $340 million will permit the VA to increase its medical care staff.

I have heard from a multitude of veterans from my home State of West Virginia. The major concern expressed by each of them is the lack of funding for veterans health care. Mr. Speaker, I too share their concerns. We have taken a step in the right direction, but we must continue to fight for adequate funding to meet the immediate shortfall facing the Veterans Administration Medical Centers [VAMC's]

We all know the shocking facts; VA medical programs are suffering a shortage in program funding this fiscal year of more than $625 million, almost all of this country's 172 VAMC's are combatting staff shortages, terminated services and curtailment of needed construction and renovation. Most alarming though, is the fact that veterans are being turned away from Veterans' Administration [VA] centers for treatment. This is outrageous! We must stop this injustice. If this shortfall of funding is not corrected, it will have a devastating affect not only on the two VA centers in my district, but on centers across our great Nation. We cannot let this go uncorrected. We owe our veterans their fair share. They have risked their lives and made immense sacrifices for this great country of our's, and it is our obligation to see that their commitment is honored. I trust that the House and Senate conferees will work out the differences and will provide the adequate funding to stop this shortfall.

While we honored the fallen soldiers this past Memorial Day weekend, I hope we did not forget the crisis that our veterans are facing now. I commend my colleagues, on behalf of not only West Virginia veterans, but veterans all over the Nation, on the passage of H.R. 2042. Our veterans are counting on us, let's not let them down.

TRIBUTE TO GERALD DiMAIO

HON. JIM COURTER

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 31, 1989

Mr. COURTER. Mr. Speaker, I am proud to take this opportunity to recognize and honor Mr. Gerald DiMaio, member and president of the board of education, Hackettstown, NJ.

Mr. DiMaio first joined the Hackettstown Board of Education in September 1967. As the district grew and matured, he helped to guide it through both happy and difficult changes. Gerald served triumphantly on the board when Hatchery Hills School and Willow Groves School were built in the late 1960's.

As president of the Hackettstown Board of Education from 1978 through the present, Gerald served his public with selfless dedication. As an elected official, members of his constituency knew that they could always rely on his sincere and tactful style of leadership.

Hackettstown will be sure to miss Gerald DiMaio's presence as a trusted and valued public official when he retires this spring. I take great pride in recognizing Mr. Gerald DiMaio before my colleagues.

URGE THE PRESIDENT TO ACCEPT THE MINIMUM WAGE CONFERENCE REPORT

HON. NANCY PELOSI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 31, 1989

Ms. PELOSI. Mr. Speaker, I rise today to urge President Bush to accept the bipartisan compromise to H.R. 2, the minimum wage bill.

The minimum wage has not been increased since 1981. Since that time, the actual purchasing power of the minimum wage has fallen 27 percent, bringing it to $2.46 in 1981 dollars. If the wage had kept pace with inflation, currently it would be $4.57.

Congress has made an offer to the President to raise the wage to a livable standard, while accepting the administration's request for a training wage. I have very serious concerns about the inclusion of a training wage in this package. Without adequate safeguards, it may only serve to permit employers to cycle workers in and out of jobs and further worsen the problem of unstable employment for hourly wage workers.

Despite the Department of Labor's assertion that minimum wage jobs require, at most, 30 days of training, this package includes a 60-day training wage. The President has informed us of the urgent need of a 6-month training wage. I question the motives behind these unrealistic and unfair demands.

Is this administration attempting to destroy the effectiveness of the minimum wage by allowing businesses to hire and fire unskilled workers as a routine business practice?

The urgent need to raise the minimum wage is important enough for me to accept this dangerous precedent setting training wage. I urge the President to sign this measure in the same spirit of compromise.

INTRODUCTION OF THE WASTE EXPORT CONTROL ACT

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 31, 1989

Mr. CONYERS. Mr. Speaker, one of the most serious problems in the 20th century is the generation of wastes that can spoil our waterways, taint our crops with deadly substances, and cause cancers, birth defects occupational diseases and environmental contamination. One hundred billion pounds of toxic waste are generated each year, 90 percent of which are disposed of unsafely according to the Environmental Protection Agency.

The tragedies of Love Canal and Times Beach brought home how devastating toxic contamination can be. The absence of implemented methods to deal safely with wastes and to reduce the amount generated has created great controversy about how and where these wastes will be disposed. Too often, poor and minority communities have been the designated areas.

Recently, the international spotlight has focused on another aspect of this problem which carries particularly dire environmental, health, and foreign policy implications: The dumping of our toxic waste in other countries.

Exporting waste abroad is the export of irresponsibility, the thorough implementation of the credo "anywhere but in my backyard". Other countries faced with lucrative export contracts may lack a complete understanding of toxic waste, let alone the resources or regulatory structure needed to deal with these problems. In recent years United States waste has been sent to Haiti, Guinea, and Zimbabwe, while major dumpsites have been planned for Guinea-Bissau, Guyana, Panama, the Congo, Guatemala, Sierra Leone, and the Bahamas among others.

Acceptance of waste by debt-ridden countries is tempting where waste deals can attract much needed currency. Toxic substances have been misrepresented as brick making material, road fill or fertilizer. And corrupt officials are payoff targets for exporters seeking cheap and easy outlets for their toxic wares.

Even in the United States, where we have established strong standards to ensure safe handling of wastes, we have too often been faced with disaster where wastes have caused illnesses and communities have become ghost towns. Without tight controls, it is only a matter of time before our exports become overseas Love Canals.

The Waste Export Control Act of 1989 would ban exports of solid waste, incinerator ash, and toxic waste, except where bilateral treaties and export permits are in place ensuring that the waste will be handled in a safe manner. Also, no waste could be exported unless the generators of waste had undertaken efforts to minimize the generation of waste.

Mr. Speaker, the answer to our waste problems is not threatening the health of others by dumping our wastes in other countries. Rather, it is the implementation of careful controls for disposal here, the creation of waste reduction technologies, and the enforcement of criminal laws banning irresponsible waste disposal.

IN MEMORY OF DIXON C. TERRY, FARMER

HON. RICHARD A. GEPHARDT

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 31, 1989

Mr. GEPHARDT. Mr. Speaker, I am saddened to report that Dixon Terry—a dairy farmer in the prime of his life, a great leader for economic justice and for family farm agriculture, a friend of mine—died Sunday.

He was struck by lightning after baling hay on his farm near Greenfield, IA. He was 39 years old.

In the course of public life, I had come to know Dixon as a man who worked tirelessly for the cause of family farming. He put countless hours, days, and years into the cause of economic fairness while simultaneously holding down his dairy farm. He proved himself a man of resolute integrity and unbending commitment.

To his wife, Linda, his two children, Dusky and Willow, and his parents, Jane and I extend our deepest sympathies. We did not know him as you did. But know that your loss is shared by all of us. We all will miss him.

Most of us knew Dixon as a farmer and a great farm leader.

Dixon was a top student at Iowa State. I am sure that if he had wanted to do anything else besides farming he could have. But he loved farming and chose to return to it. He got started under the FmHA beginning farmer program

and built an award-winning 40-cow dairy operation, a model of good land stewardship.

At the time of his death, Dixon was president of the National Save the Family Farm Coalition, vice president of the Iowa Farmers Union, and cochairman of the National League of Rural Voters. He was a board member and cofounder of the Iowa Farm Unity Coalition and a board member with Prairiefire Rural Action.

But the real example of his leadership was in how he lived his own life. He didn't just talk about a better agriculture: he practiced it. He used low-chemical methods that respected and preserved the soil.

He didn't just talk about the need for family farm agriculture; he worked to build the coalitions needed to achieve change.

In brief, Dixon Terry showed us that we can do better.

We will not forget Dixon Terry. He was a wonderful human being, and his dream is our dream. We best honor him by continuing to fight for what he lived for. We are resolved to do that.

WASTE EXPORT CONTROL ACT

HON. JOHN EDWARD PORTER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 31, 1989

Mr. PORTER. Mr. Speaker, last year, a band of waste merchants from industrialized countries dumped shipments of toxic and hazardous waste in developing countries such as Nigeria, Guinea, the Congo, and Venezuela. They tempted these debt-ridden countries with hard currency, or bribed corrupt officials to accept the toxics despite their lack of technical capability or infrastructure to properly dispose of the waste.

These toxic dumps endangered the health of unsuspecting victims and outraged the rest of the world. It spurred Nigeria and other countries targeted for imports to punish those found guilty of dumping waste in their countries with a firing squad.

This year, waste merchants revised their pitch and offered developing countries the "opportunity" to recycle imported waste into salable byproducts or into energy for development. These sham recycling schemes demonstrate the lengths that waste merchants will go for the huge profits of dumping waste outside the strict regulations we in the developed world impose.

The average person in the United States generates 3 to 4 pounds of waste each day; nationally, this added up to about 160 million tons of waste last year. The much publicized 2-year odyssey of the Philadelphia incinerator ash barge illustrated the inability of a local jurisdiction to manage its waste. As we tighten public health and environmental regulations regarding waste, disposal costs soar, so loopholes to export industrial and municipal waste are exploited.

In the U.S. Solid Waste Disposal Act, the export of nonhazardous waste is not regulated, even though any waste that is not properly treated pollutes the air, water, soil, and the health of unprotected people who import our waste.

Therefore, today we are introducing the Waste Export Control Act to strictly regulate export loopholes and offer people in developing countries the same protection that the United States provides for our citizens and our environment. The bill requires an international agreement to ensure waste exported from the United States will be managed with environmental standards "no less strict" than those of the United States, an EPA administered permit given after steps have been taken to reduce waste generation, and user fees to be paid by the exporter.

The bill makes waste reduction and recycling more economically attractive, and encourage development of new technologies to reduce waste at the source. Most importantly, it recognizes that the United States cannot afford, economically, morally, or politically to poison another country's environment for generations to come, and that exporting waste is as hazardous to our foreign policy as it is to the public health and environment of countries that receive it.

A TRIBUTE TO FATHER IGNATIUS J. ARANOWSKI

HON. JOE KOLTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 31, 1989

Mr. KOLTER. Mr. Speaker, I rise today to pay tribute to Father Ignatius J. Aranowski on the occasion of the celebration of his 40th anniversary on Sunday, June 4, 1989.

The son of the late Ignatius and Magdalena (Libak) Father Aranowski was ordained to the priesthood on June 4, 1949 at the Pontifical College in Josephinum, Worthington, OH, by the then, apostolic delegate to the United States, Amelto Cardinal Cicogani. He is the third eldest of seven children.

He received his elementary education at the St. Hyacinth's School, Oakland, being taught by the Bernadine and Nazareth Sisters. A graduate of Central Catholic School, his college and theology were received at the papal seminary. He celebrated his first solemn mass on June 19, 1949, the Feast of Corpus Christi, at St. Hyacinth's Church, being the first young man of the parish to be ordained to the priesthood.

His first assignment was St. Jerome's Church, Charleroi. From there he was then assigned to St. Cyprian's on the north side of Pittsburgh which was followed by appointments to St. Adalbert's and St. Josaphat's both located on the south side. From there he journeyed to Holy Angels, Hays, and then to St. Bonaventure in Glenshaw. Father received his first pastorate to St. Louis, West Sunbury, with its mission, St. Paschal's in Argentine. On November 18, 1969, Bishop Leonard assigned this dedicated man to St. John the Baptist Church, Baden.

During his pastorate, Father Aranowski instituted many innovations and improvements to the church including expansion and remodeling. Under his guidance new carpeting, air-conditioning, new lights and wiring were introduced including a steeple with a carrillon, a new sanctuary, stained glass windows, a new Cassavant organ along with a new church entrance with a priest's sacristy. He is also responsible for building a much needed parish house with offices and meeting areas for parish groups. A new modern kitchen was also installed in the church hall to service the numerous functions of the parish community.

Father Aranowski is celebrating a very distinguished 40th anniversary on Sunday, June 4, 1989, with a concelebrated Mass at 4 p.m. at his parish of St. John the Baptist with an open reception to follow the Mass. A dinner is to be held for those reservations.

Throughout his life of service to his fellow man Father Aranowski demonstrated repeatedly his humble dedication and joy in the service of his Lord and his community and I am proud to take this opportunity before the U.S. House of Representatives to congratulate him on his life of achievement and service.

WOMENS ARMY AUXILIARY CORPS

HON. VIC FAZIO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 31, 1989

Mr. FAZIO. Mr. Speaker, I rise today to pay tribute to the Womens Army Auxiliary Corps detachment unit to the Office of Strategic Services. I hope my colleagues will join me in recognizing the many fine U.S. citizens who served with this elite group during World War II.

The Womens Army Auxiliary Corps was a volunteer group that was later to incorporate with the Womans Army Corps. This specific group was attached to the Office for Strategic Services and was sent for overseas duty to serve with the Detachment Headquarters, and the European, African, and Middle Eastern Theater of Operations. Although this group only served for a perod of 2 years (1943–1945) they received collectively a great many awards of distinction. As a unit they received: the WAAC Service Ribbon, the European African Middle Eastern Campaign Medal with a battle star, the World War II Victory Medal, a Meritorious Service Unit Plaque with one star in lieu of an additional plaque, and an insignia which is a lapel emblem with the letters "OSS" stamped in gold on a red enameled background. This was the first time in the history of the European Theater of Operations that a WAC unit was awarded both the Plaque and the Star.

The women who comprised the Office of Strategic Services WAC unit were of the highest caliber. These young, intelligent, high spirited and courageous women made many sacrifices for their country during this time of war. They left their homes to join a unit whose existence was not acknowledged until after the war. The women were thoroughly investigated before they could be assigned to the OSS detachment as their mission was declared top secret. Most of the women were college graduates who could speak more than one language fluently. While the women did not carry weapons they were given basic training and became accomplished with a rifle. Although their mission was always a secret during the

war, their contribution to the Office of Strategic Services will often be noted in history.

I am proud to recognize this fine group of individuals before Congress today. Although this unit was separated after the war ended they are gathering together this fall for a reunion. I am sure this will be a wonderful experience for all the women who served in the WAC detachment to the Office of Strategic Services.

I know my colleagues join me today in thanking these women for their service to our country during World War II. This reunion gives us all an opportunity to reflect on the many sacrifices made for the liberty of our great country by citizens of unquestionable integrity and honor.

A REAL FRIEND TO SENIOR CITIZENS

HON. DEAN A. GALLO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 31, 1989

Mr. GALLO. Mr. Speaker, today we suspend our regular business to honor the memory of an individual who dedicated his entire life to the protection of America's senior citizens.

Our colleague, CLAUDE PEPPER, participated in the shaping of the Social Security law as a Senator from Florida in the 1930's.

His tireless work on behalf of older Americans since that time has been the driving force behind Medicare and countless other programs that have provided peace of mind for millions of Americans over the age of 65.

CLAUDE PEPPER always understood that the dignity of the individual is the most important element in our common goal as humans—a long, healthy and productive life.

In spite of personal and political setbacks, CLAUDE PEPPER never stopped pushing his dreams for America. He never lost hope. He carried with him to the end a sense of personal dignity that allowed him to rise above tribulations that would have humbled most people.

His legacy of public service on behalf of senior citizens is unequaled in this body now or at any time in this century.

His personal legacy of leadership by example has touched millions of Americans on a very personal level.

He was a reassuring presence who always had a kind word. He took a personal interest in individuals.

Today, in recognition of the speical place CLAUDE PEPPER occupies in our national consciousness, we are taking the extraordinary action of enacting a resolution allowing for the use of the rotunda as a focus for services in his memory.

His good works on behalf of senior citizens are as unshakable as the marble of this capitol. His legacy is printed for all times in our laws and etched in our national consciousness.

Mr. Speaker, I join my colleagues in remembering CLAUDE PEPPER—public servant and man of dignity.

THE JASON PROJECT

HON. DENNIS M. HERTEL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 31, 1989

Mr. HERTEL. Mr. Speaker, I rise today to acknowledge the accomplishments of a most remarkable marine exploration project. The Jason project, named for the character in Greek mythology and an advanced underwater robot, allowed 250,000 school children in the United States and Canada to experience live exploration of the Mediterranean Sea through its use of advanced telepresence technology and live satellite transmissions to 12 museum sites. The students have seen the activity around a live, underwater volcano and the remains of ships lost beneath the ancient trade routes of the Mediterranean.

The Jason project is headed by Dr. Robert Ballard, a marine geologist at the Woods Hole Oceanographic Institute whose research team discovered the wreck of the R.M.S. *Titanic* in 1985. On April 13, the Subcommittee on Oceanography and Great Lakes of the Committee on Merchant Marine and Fisheries received testimony from Dr. Ballard on this project. Dr. Ballard told the subcommittee that the goal of the Jason project was to introduce students to the excitement of the scientific process and encourage them to pursue careers in science and technology. He expressed concern that the lack of scientific literacy in our students will hurt our competitive position in the world.

The Jason project is a unique partnership among private industry, a scientific research facility, the Government, and education organizations which is able to combine excitement with education. This group integrated live television pictures from the ocean floor with a rigorous classroom course of study. Students were able to ask questions of Dr. Ballard and his team about what they were actually seeing as the robot moved along the sea bottom.

Mr. Speaker, this has been a truly remarkable project. Jason has brought the experience and thrill of scientific exploration to thousands of students. Jason has also shown many advances in technology that will be affecting our lives in the future.

Dr. Ballard and the Jason team are to be congratulated. This is an excellent example of diverse organizations working together to solve one of the serious problems facing our country—how to get our children actively involved and genuinely interested in science and technology. Dr. Ballard has certainly show us through Jason that science is a contact sport and can be fun. We look forward to hearing from Dr. Ballard about his expedition and anticipate the Jason's team next telepresence voyage of discovery.

ROTARY INTERNATIONAL

HON. RICHARD J. DURBIN

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 31, 1989

Mr. DURBIN. Mr. Speaker, I rise today to praise the efforts of Rotary International, the first and one of the most successful worldwide service clubs in the world.

Rotary is an organization of business and professional leaders united to further international understanding and promote peace through charitable and education programs. It was founded in 1905 in Chicago, IL, and now includes more than 1 million members in 165 lands.

Rotary activities meet a broad range of civic, social and cultural needs, under the motto "Service Above Self." In their local communities, Rotarians operate strong anti-drug campaigns, environmental cleanup projects, and work to safeguard drinking water and sanitation systems. Internationally, the club's most recent campaign is called "PolioPlus," an immunization effort to eradicate poliomyelitis by the 21st century. Rotary International has allocated more than $120 million for polio immunization projects in 67 nations to protect more than 417 million children.

This worldwide polio initiative is especially important when you consider that every 2 minutes another child falls victim to polio, and that an estimated 2 million people will be crippled by the disease in the next 10 years. Rotary International seeks to distribute polio vaccines in developing nations as well as to expand current immunization programs. Rotarians work each day to provide grants, vaccines and other needed equipment to help developing countries immunize their children. Rotary International has been awarded the UNICEF International Child Survival Award for its PolioPlus program.

Mr. Speaker, in every nation of the world our children are our most vital resource. I applaud Rotary International for its commitment to the children of the world as they strive to ensure a healty future for everyone.

U.S. ARMY LOSES AN OFFICER AND A GENTLEMAN

HON. PATRICIA SCHROEDER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 31, 1989

Mrs. SCHROEDER. Mr. Speaker, the Rocky Mountain Arsenal, an inactive chemical munitions plant located in the Denver area, suffers from major toxic material contamination. The responsibility for its cleanup rests with Federal, State, and private players. Unfortunately for us all, one key player is retiring his uniform.

Col. Wallace N. Quintrell, the Army's program manager for the cleanup was called upon in the mid-1980's to lead the Army where it had not gone before. The Army's experience in environmental restoration, like the colonel's, was nonexistent. Nonetheless, he

took his command seriously and with dedication.

Since then, Colonel Quintrell won the respect and admiration of his charges, his adversaries, and the local community. He listened, learned, and acknowledged decades of Army errors in waste disposal at the arsenal. The decisions he made were based on his respect for others and his sincere belief on what is best for the community and the country.

In short, he was a leader the Army and his country can be proud of.

FORMER SECRETARY OF STATE GEORGE P. SHULTZ RECEIVES THE 1989 SCOPUS AWARD FOR PUBLIC SERVICE

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 31, 1989

Mr. LANTOS. Mr. Speaker, this week in San Francisco our distinguished former Secretary of State, George P. Shultz, will receive the 1989 Scopus Award of the American Friends of Hebrew University. He is being recognized with this high honor for his untiring efforts in promoting the principles upon which the Hebrew University of Jerusalem was founded—the pursuit of knowledge and the attainment of peace.

Mr. Speaker, as a member of the Foreign Affairs Committee, I had frequent opportunities during the 6 years George Shultz served as our Secretary of State to observe, question, consult, and discuss with him many different complex issues involving the foreign policy of our Nation. He brought to that position a high degree of professional competence, understanding, intelligence, integrity, and unusual diplomatic ability to bring about conciliation and compromise.

Although we did have occasional differences, one issue on which we both are in the strongest and most profound agreement is that U.S. foreign policy is most successful when it has strong bipartisan support—when both Democrats and Republicans, both Congress and the administration are in agreement. As Secretary of State, George Shultz made great efforts to win broad bipartisan support for his actions, and he had enthusiastic admirers on both sides of the political aisle.

In no area were George Shultz' intellectual and diplomatic ability as sorely tested as in his efforts to deal with the intractable problems of the Middle East. He worked with Arab and Israeli leaders in several direct personal efforts to reduce tensions in the region and bring both sides of the conflict to a better understanding of conditions that would lead to peace. He was a consistent and forceful opponent of terrorism by extremists, and a strong advocate of negotiation and conciliation. Under his stewardship, the special relationship between the United States and Israel flourished and reached new heights.

Mr. Speaker, I invite my colleagues in the Congress to join with me in paying tribute to George P. Shultz in recognition of his receiving the 1989 Scopus Award for distinguished service in the pursuit of knowledge and the search for peace.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Any changes in committee scheduling will be indicated by placement of an asterisk to the left of the name of the unit conducting such meetings.

Meetings scheduled for Thursday, June 1, 1989, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

JUNE 2

8:30 a.m.
Armed Services
Defense Industry and Technology Subcommittee
To continue hearings on acquisition policy and the defense industrial and technological base.
SR-232A

9:30 a.m.
Energy and Natural Resources
To continue hearings on S. 710, S. 711, S. 712, bills to provide for a referendum on the political status of Puerto Rico.
SH-216

Finance
Social Security and Family Policy Subcommittee
To hold hearings on proposed legislation to establish the Social Security Administration as an independent executive branch agency headed by a bipartisan board, and proposed legislation to require the Secretary of Health and Human Services to provide periodic account statements to workers to inform them how much they have paid into the Social Security system.
SD-215

Joint Economic
To hold hearings on the employment-unemployment statistics for May.
SD-628

10:00 a.m.
Banking, Housing, and Urban Affairs
Housing and Urban Affairs Subcommittee
To hold hearings on supportive housing needs of elderly and handicapped persons, focusing on related provisions of S. 566, National Affordable Housing Act, HOME Corporation Act of 1989.
SD-538

Foreign Relations
To continue markup of proposed legislation authorizing funds for fiscal year 1990 for foreign assistance programs.
SD-419

10:30 a.m.
Judiciary
To hold hearings to review the nomination rating process used by the American Bar Association.
SD-226

1:30 p.m.
Energy and Natural Resources
To continue hearings on S. 710, S. 711, S. 712, bills to provide for a referendum on the political status of Puerto Rico.
SH-216

3:00 p.m.
Judiciary
Constitution Subcommittee
Business meeting, to mark up S.J. Res. 14, proposing an amendment to the Constitution of the United States to allow the President to veto items of appropriation and S.J. Res. 23, proposing an amendment to the Constitution authorizing the President to disapprove or reduce an item of appropriations.
SD-226

JUNE 5

2:00 p.m.
Armed Services
Projection Forces and Regional Defense Subcommittee
To hold hearings on proposed legislation authorizing funds for fiscal years 1990 and 1991 for the Department of Defense, focusing on fast sealift requirements.
SR-222

Armed Services
Manpower and Personnel Subcommittee
To resume hearings on proposed legislation authorizing funds for fiscal years 1990 and 1991 for the Department of Defense, focusing on the military medical system.
SR-232A

Foreign Relations
To hold hearings on the nomination of John Hubert Kelly, of Georgia, to be Assistant Secretary of State for Near Eastern and South Asian Affairs.
SD-419

JUNE 6

9:00 a.m.
Banking, Housing, and Urban Affairs
Consumer and Regulatory Affairs Subcommittee
To hold hearings on S. 906, the Government Check Cashing Act of 1989, S. 907, the Basic Banking Services Access Act of 1989, and S. 909, to require public disclosure of written evaluations.
SD-538

9:30 a.m.
Commerce, Science, and Transportation
To hold hearings on proposed legislation authorizing funds for technology programs of the Department of Commerce.
SR-253

Governmental Affairs
To hold hearings on the nomination of Constance Newman, of Maryland, to be Director of the Office of Personnel Management.
SD-342

10:00 a.m.
Appropriations
Defense Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1990 for the Department of Defense, focusing on tactical airpower.
SD-192
Banking, Housing, and Urban Affairs
Housing and Urban Affairs Subcommittee
To resume hearings on S. 566, the National Affordable Housing Act, focusing on the role of State and local governments developing housing strategies.
SD-562
Foreign Relations
To resume markup of proposed legislation authorizing funds for fiscal year 1990 for foreign assistance programs.
SD-419
Labor and Human Resources
To hold hearings on food safety.
SD-430
Special on Aging
To hold hearings on the Social Security Administration's Representative Payee Program: Safeguarding Beneficiaries Against Abuse.
SD-628

10:30 a.m.
Judiciary
To hold hearings on the nomination of Reggie B. Walton, of the District of Columbia, to be Associate Director for National Drug Control Policy.
SD-226

2:00 p.m.
Energy and Natural Resources
Energy Research and Development Subcommittee
To hold oversight hearings on the status of current and future use of alternative motor vehicle fuels in the United States.
SD-366
Foreign Relations
To continue markup of proposed legislation authorizing funds for fiscal year 1990 for foreign assistance programs.
SD-419

2:30 p.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1990 for foreign assistance programs, focusing on the Peace Corps, Export-Import Bank, Overseas Private Investment Corporation, African Development Foundation, and Inter-American Foundation.
SD-138

JUNE 7

9:00 a.m.
Banking, Housing, and Urban Affairs
Consumer and Regulatory Affairs Subcommittee
To continue hearings on S. 906, the Government Check Cashing Act of 1989, S. 907, the Basic Banking Services Access Act of 1989, and S. 909, to require public disclosure of written evaluations.
SD-538

9:30 a.m.
Banking, Housing, and Urban Affairs
Housing and Urban Affairs Subcommittee
To continue hearings on S. 566, the National Affordable Housing Act, focusing on Housing Opportunity Partnerships (HOP) and HOME Corporation.
SD-562
Energy and Natural Resources
Business meeting, to consider pending calendar business.
SD-366
Governmental Affairs
To resume hearings on alcohol abuse prevention.
SD-342

10:00 a.m.
Appropriations
Defense Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1990 for the Department of Defense, focusing on Air Force posture.
SD-192
Commerce, Science, and Transportation
Consumer Subcommittee
To hold hearings on proposed legislation authorizing funds for the Federal Trade Commission.
SR-253
Foreign Relations
To continue markup of proposed legislation authorizing funds for fiscal year 1990 for foreign assistance programs.
SD-419

2:00 p.m.
Foreign Relations
To continue markup of proposed legislation authorizing funds for fiscal year 1990 for foreign assistance programs.
SD-419

2:30 p.m.
Commerce, Science, and Transportation
Aviation Subcommittee
To hold hearings on airline concentration.
SR-253
Energy and Natural Resources
Mineral Resources Development and Production Subcommittee
To hold oversight hearings on the implementation of the Mining Law of 1872.
SD-366

JUNE 8

9:00 a.m.
Appropriations
Defense Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1990 for the Department of Defense, focusing on manpower and personnel programs.
SD-192

9:30 a.m.
Commerce, Science, and Transportation
Consumer Subcommittee
To continue hearings on proposed legislation authorizing funds for the Federal Trade Commission.
SR-253
Energy and Natural Resources
Public Lands, National Parks and Forests Subcommittee
To hold hearings on S. 555, to establish in the Department of the Interior the De Soto Expedition Trail Commission, S. 624, to provide for the sale of certain Federal lands to Clark County, Nevada, for national defense, and S. 830, authorizing funds for the Blackstone River Valley National Heritage Corridor Commission.
SD-366
Governmental Affairs
To hold oversight hearings on the drug problem in the District of Columbia.
SD-342
Rules and Administration
Business meeting, to resume consideration of S. 874, to establish national voter registration procedures for Presidential and Congressional elections, S. Res. 99, to require the Architect of the Capitol to establish and implement a voluntary program for recycling paper disposed of in the operation of the Senate, and other pending legislative business.
SR-301

10:00 a.m.
Foreign Relations
To continue markup of proposed legislation authorizing funds for fiscal year 1990 for foreign assistance programs.
SD-419

2:00 p.m.
Commerce, Science, and Transportation
To hold hearings on the nomination of James B. Busey IV, of Illinois, to be Administrator of the Federal Aviation Administration, Department of Transportation.
SR-253
Foreign Relations
To hold hearings on the nominations of Morton I. Abramowitz, of the District of Columbia, to be Ambassador to Turkey, Thomas Michael Tolliver Niles, of the District of Columbia, to be the U.S. Representative to the European Communities, and Joseph Zappala, of Florida, to be Ambassador to Spain.
SD-419

JUNE 9

9:30 a.m.
Armed Services
Manpower and Personnel Subcommittee
To resume hearings on proposed legislation authorizing funds for fiscal years 1990 and 1991 for the Department of Defense, focusing on manpower programs.
SR-232A
Environment and Public Works
Water Resources, Transportation, and Infrastructure Subcommittee
To hold hearings on scenic byways.
SD-406

10:00 a.m.
Banking, Housing, and Urban Affairs
Housing and Urban Affairs Subcommittee
To resume hearings on S. 566, the National Affordable Housing Act, focusing on homeownership affordability.
SD-538

2:00 p.m.
Veterans Affairs
To hold hearings on certain provisions of S. 13, and S. 564, bills to provide for Veterans' health care benefits and other related measures.
SR-418

JUNE 12

9:30 a.m.
Governmental Affairs
Government Information and Regulation Subcommittee
To hold hearings on proposed legislation authorizing funds for programs of the Paperwork Reduction Act.
SD-342

JUNE 13

9:00 a.m.
Appropriations
Defense Subcommittee
To resume open and closed hearings on proposed budget estimates for fiscal year 1990 for the Department of Defense, focusing on strategic programs.
SD-192

9:30 a.m.
Armed Services
Strategic Forces and Nuclear Deterrence Subcommittee
To resume closed hearings on proposed legislation authorizing funds for fiscal years 1990 and 1991 for the Department of Defense, focusing on the Strategic Defense Initiative.
SR-222

Commerce, Science, and Transportation
To hold hearings on S. 561, to provide for testing for the use, without lawful authorization, of alcohol or controlled substances by the operators of aircraft, railroads, and commercial motor vehicles.
SR-253

10:00 a.m.
Finance
To hold hearings on S. 800, to provide for a moratorium on and study of certain State income tax provisions which affect nonresidents.
SD-215

2:00 p.m.
Energy and Natural Resources
Energy Research and Development Subcommittee
To hold hearings on the Department of Energy's role in the area of magnetic fusion and inertial confinement fusion research and development and demonstration, and S. 964, authorizing funds for fiscal years 1990 and 1991 for civilian energy programs of the Department of Energy.
SD-366

Foreign Relations
To hold hearings on the nominations of Melvyn Levitsky, of Maryland, to be Assistant Secretary of State for International Narcotics Matters and Jewel S. Lafontant, of Illinois, to be U.S. Coordinator for Refugee Affairs and Ambassador-at-Large.
SD-419

2:30 p.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1990 for foreign assistance programs, focusing on the Middle East, Pakistan, and Afghanistan.
SD-138

JUNE 14

9:00 a.m.
Commerce, Science, and Transportation
Communications Subcommittee
To hold hearings on the diversity and concentration of media ownership.
SR-253

Veterans' Affairs
To hold hearings on certain provisions of S. 13, S. 86, S. 192, S. 405, and S. 846, bills to strengthen and improve VA health care programs, and related measures.
SR-418

2:00 p.m.
Agriculture, Nutrition, and Forestry
Nutrition and Investigations Subcommittee
To hold hearings on proposed legislation authorizing funds for the Women, Infants, and Children [WIC] Program, and child nutrition programs.
SR-332

Foreign Relations
To hold hearings on the nominations of E. Patrick Coady, of Virginia, to be United States Executive Director of the International Bank for Reconstruction and Development, and Fred M. Zeder II, of New York, to be president of the Overseas Private Investment Corporation.
SD-419

JUNE 15

9:00 a.m.
Appropriations
Defense Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1990 for the Department of Defense.
SD-192

9:30 a.m.
Energy and Natural Resources
Energy Research and Development Subcommittee
To resume hearings on S. 964, authorizing funds for fiscal years 1990 and 1991 for civilian energy programs of the Department of Energy, and to hold hearings on S. 488, to provide Federal assistance to a program of research, development, and demonstration of renewable energy and energy efficiency technologies, and proposed legislation authorizing funds for fiscal year 1990 for conservation and renewable energy programs of the Department of Energy.
SD-366

Governmental Affairs
To hold hearings on alcohol abuse prevention.
SD-342

2:00 p.m.
Appropriations
Foreign Operations Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1990 for foreign assistance programs, focusing on the World Bank, International Development Association, International Finance Corporation, International Monetary Fund, and Multilateral Investment Guaranty Agency.
SD-138

JUNE 16

9:30 a.m.
Governmental Affairs
Government Information and Regulation Subcommittee
To resume hearings on proposed legislation authorizing funds for programs of the Paperwork Reduction Act.
SD-342

JUNE 20

9:30 a.m.
Energy and Natural Resources
Public Lands, National Parks and Forests Subcommittee
To hold hearings on S. 724, to modify the boundaries of the Everglades National Park and to provide for the protection of lands, waters, and natural resources within the park.
SD-366

2:30 p.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1990 for foreign assistance programs, focusing on Central America.
SD-138

JUNE 21

9:00 a.m.
Commerce, Science, and Transportation
Communications Subcommittee
To resume hearings on the diversity and concentration of media ownership.
SR-253

9:30 a.m.
Commerce, Science, and Transportation
Aviation Subcommittee
To hold hearings on S. 640, to establish guidelines for Federal standards of liability for general aviation accidents.
SR-301

Governmental Affairs
To resume hearings on alcohol abuse prevention.
SD-342

2:00 p.m.
Commerce, Science, and Transportation
Science, Technology, and Space Subcommittee
To hold hearings on super computers.
SR-253

JUNE 22

8:00 a.m.
Veterans Affairs
To hold hearings on S. 404, H.R. 1415, and S. 898, to extend certain Department of Veterans Affairs home loan guaranty provisions, and related measures.
SR-418

9:00 a.m.
Commerce, Science, and Transportation
Communications Subcommittee
To continue hearings on the diversity and concentration of media ownership.
SR-253

2:00 p.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1990 for foreign assistance programs.
SD-138

Commerce, Science, and Transportation
Surface Transportation Subcommittee
To hold hearings on S. 1005, relating to the sale, purchase, or other acquisition of certain railroads.
SR-253

JUNE 23

9:30 a.m.
Governmental Affairs
To hold hearings on S. 253, to establish a coordinated National Nutrition Monitoring and Related Research Program.
SD-342

Select on Indian Affairs
To hold oversight hearings on administration of Indian programs by the Environmental Protection Agency.
SR-485

JULY 11

9:30 a.m.
Energy and Natural Resources
To resume hearings on S. 710, S. 711, and S. 712, bills to provide for a referendum on the political status of Puerto Rico.
SD-366

2:30 p.m.
Energy and Natural Resources
Energy Research and Development Subcommittee
To resume hearings on S. 964, authorizing funds for fiscal years 1990 and 1991 for civilian energy programs of

the Department of Energy, and on fossil energy research and development and the clean coal technology program.

SD-366

JULY 12

9:00 a.m.
Commerce, Science, and Transportation
Communications Subcommittee
To hold hearings on S. 707, to require the Federal Communications Commission to reinstate restrictions on advertising during children's television, to enforce the obligation of broadcasters to meet the educational and informational needs of the child audience.

SR-253

JULY 13

10:00 a.m.
Energy and Natural Resources
To resume hearings on S. 710, S. 711, and S. 712, bills to provide for a referendum on the political status of Puerto Rico.

SD-366

JULY 14

10:00 a.m.
Energy and Natural Resources
To continue hearings on S. 710, S. 711, and S. 712, bills to provide for a referendum on the political status of Puerto Rico.

SD-366

JULY 18

9:30 a.m.
Energy and Natural Resources
Energy Research and Development Subcommittee
To resume hearings on S. 964, authorizing funds for fiscal years 1990 and 1991 for civilian energy programs of the Department of Energy, focusing on reactor research and development, and on commercial efforts to develop advanced nuclear reactor technologies.

SD-366

JULY 19

9:00 a.m.
Commerce, Science, and Transportation
Communications Subcommittee
To hold hearings on S. 999, relating to the broadcasting of certain material regarding candidates for Federal elective office.

SR-253

JULY 20

9:30 a.m.
Energy and Natural Resources
Energy Research and Development Subcommittee
To resume hearings on S. 964, authorizing funds for fiscal years 1990 and 1991 for civilian energy programs of the Department of Energy, focusing on reactor research and development, and on commercial efforts to develop advanced nuclear reactor technologies.

SD-366

Veterans' Affairs
Business meeting, to mark up proposed legislation to revise certain provisions of VA health care programs, including S. 13, S. 86, S. 165, S. 192, S. 263, S. 405, S. 564, S. 574, S. 748, and S. 846.

SR-418

JULY 21

9:30 a.m.
Select on Indian Affairs
To hold hearings to establish a Tribal Judicial Resource Center.

SR-485

JULY 26

9:00 a.m.
Commerce, Science, and Transportation
Communications Subcommittee
To hold hearings on S. 1009, relating to the purchase of broadcasting time by candidates for public office.

SR-253

CANCELLATIONS

10:00 a.m.
Agriculture, Nutrition, and Forestry
Nutrition and Investigations Subcommittee
To hold hearings on proposed legislation authorizing funds for the Women, Infants, and Children (WIC) Program, and child nutrition programs.

SENATOR, STATE, AND CAPITOL OFFICE

(NOTE—Suite numbers preceded by SD are in the Dirksen Senate Office Building; by SH, in the Hart Senate Office Building; and by SR, in the Russell Senate Office Building, Washington, D.C. 20510.)

[Democrats in roman (55); Republicans in italic (45)]

	Suite No.
Vice President Quayle, Dan (IN)	SD-202
Adams, Brock (WA)	SH-513
Armstrong, William L. (CO)	SH-528
Baucus, Max (MT)	SH-706
Bentsen, Lloyd (TX)	SH-703
Biden, Joseph R., Jr. (DE)	SR-221
Bingaman, Jeff (NM)	SH-524
Bond, Christopher S. (MO)	SR-293
Boren, David L. (OK)	SR-453
Boschwitz, Rudy (MN)	SH-506
Bradley, Bill (NJ)	SH-731
Breaux, John B. (LA)	SH-516
Bryan, Richard H. (NV)	SR-364
Bumpers, Dale (AR)	SD-229
Burdick, Quentin N. (ND)	SH-511
Burns, Conrad (MT)	SD-183
Byrd, Robert C. (WV)	SH-311
Chafee, John H. (RI)	SD-567
Coats, Dan (IN)	SR-411
Cochran, Thad (MS)	SR-326
Cohen, William S. (ME)	SH-322
Conrad, Kent (ND)	SD-361
Cranston, Alan (CA)	SH-112
D'Amato, Alfonse M. (NY)	SH-520
Danforth, John C. (MO)	SR-249
Daschle, Thomas A. (SD)	SH-317
DeConcini, Dennis (AZ)	SH-328
Dixon, Alan J. (IL)	SH-331
Dodd, Christopher J. (CT)	SR-444
Dole, Robert (KS)	SH-141
Domenici, Pete V. (NM)	SD-434
Durenberger, David (MN)	SR-154
Exon, J. James (NE)	SH-330
Ford, Wendell H. (KY)	SR-173A
Fowler, Wyche, Jr. (GA)	SR-204
Garn, Jake (UT)	SD-505
Glenn, John (OH)	SH-503
Gore, Albert, Jr. (TN)	SR-393
Gorton, Slade (WA)	SH-730
Graham, Bob (FL)	SD-241
Gramm, Phil (TX)	SR-370
Grassley, Charles E. (IA)	SH-135
Harkin, Tom (IA)	SH-316
Hatch, Orrin G. (UT)	SR-135
Hatfield, Mark O. (OR)	SH-711
Heflin, Howell (AL)	SH-728
Heinz, John (PA)	SR-277
Helms, Jesse (NC)	SD-403
Hollings, Ernest F. (SC)	SR-125
Humphrey, Gordon J. (NH)	SH-531
Inouye, Daniel K. (HI)	SH-722
Jeffords, James M. (VT)	SD-530
Johnston, J. Bennett (LA)	SH-136
Kassebaum, Nancy Landon (KS)	SR-302
Kasten, Robert W., Jr. (WI)	SH-110
Kennedy, Edward M. (MA)	SR-315
Kerrey, Bob (NE)	SH-302
Kerry, John F. (MA)	SR-421
Kohl, Herbert H. (WI)	SH-702
Lautenberg, Frank R. (NJ)	SH-717
Leahy, Patrick J. (VT)	SR-433
Levin, Carl (MI)	SR-459
Lieberman, Joe (CT)	SH-502
Lott, Trent (MS)	SR-487
Lugar, Richard G. (IN)	SH-306
Mack, Connie (FL)	SH-517
Matsunaga, Spark M. (HI)	SH-109
McCain, John (AZ)	SR-111
McClure, James A. (ID)	SH-309
McConnell, Mitch (KY)	SR-120
Metzenbaum, Howard M. (OH)	SR-140
Mikulski, Barbara A. (MD)	SH-320
Mitchell, George J. (ME)	SR-176
Moynihan, Daniel Patrick (NY)	SR-464
Murkowski, Frank H. (AK)	SH-709
Nickles, Don (OK)	SH-713
Nunn, Sam (GA)	SD-303
Packwood, Bob (OR)	SR-259
Pell, Claiborne (RI)	SR-335
Pressler, Larry (SD)	SH-133
Pryor, David (AR)	SR-264
Reid, Harry (NV)	SH-324
Riegle, Donald W., Jr. (MI)	SD-105
Robb, Charles, S. (VA)	SR-493
Rockefeller, John D., IV (WV)	SH-724
Roth, William V., Jr. (DE)	SH-104
Rudman, Warren (NH)	SH-530
Sanford, Terry (NC)	SH-716
Sarbanes, Paul S. (MD)	SD-332
Sasser, Jim (TN)	SR-363
Shelby, Richard C. (AL)	SH-313
Simon, Paul (IL)	SD-462
Simpson, Alan K. (WY)	SD-261
Specter, Arlen (PA)	SH-303
Stevens, Ted (AK)	SH-522
Symms, Steven D. (ID)	SH-509
Thurmond, Strom (SC)	SR-217
Wallop, Malcolm (WY)	SR-237
Warner, John W. (VA)	SR-225
Wilson, Pete (CA)	SH-720
Wirth, Timothy E. (CO)	SR-380

STANDING COMMITTEES OF THE SENATE

Committee on Agriculture, Nutrition, and Forestry

Mr. Leahy (chairman), Mr. Pryor, Mr. Boren, Mr. Heflin, Mr. Harkin, Mr. Conrad, Mr. Fowler, Mr. Daschle, Mr. Baucus, Mr. Kerrey, Mr. Lugar, Mr. Dole, Mr. Helms, Mr. Cochran, Mr. Boschwitz, Mr. McConnell, Mr. Bond, Mr. Wilson, and Mr. Gorton.

Committee on Appropriations

Mr. Byrd (chairman), Mr. Inouye, Mr. Hollings, Mr. Johnston, Mr. Burdick, Mr. Leahy, Mr. Sasser, Mr. DeConcini, Mr. Bumpers, Mr. Lautenberg, Mr. Harkin, Ms. Mikulski, Mr. Reid, Mr. Adams, Mr. Fowler, Mr. Kerrey, Mr. Hatfield, Mr. Stevens, Mr. McClure, Mr. Garn, Mr. Cochran, Mr. Kasten, Mr. D'Amato, Mr. Rudman, Mr. Specter, Mr. Domenici, Mr. Grassley, Mr. Nickles, and Mr. Gramm.

Committee on Armed Services

Mr. Nunn (chairman), Mr. Exon, Mr. Levin, Mr. Kennedy, Mr. Bingaman, Mr. Dixon, Mr. Glenn, Mr. Gore, Mr. Wirth, Mr. Shelby, Mr. Byrd, Mr. Warner, Mr. Thurmond, Mr. Cohen, Mr. Wilson, Mr. McCain, Mr. Wallop, Mr. Gorton, Mr. Lott, and Mr. Coats.

Committee on Banking, Housing, and Urban Affairs

Mr. Riegle (chairman), Mr. Cranston, Mr. Sarbanes, Mr. Dodd, Mr. Dixon, Mr. Sasser, Mr. Sanford, Mr. Shelby, Mr. Graham, Mr. Wirth, Mr. Kerry, Mr. Bryan, Mr. Garn, Mr. Heinz, Mr. D'Amato, Mr. Gramm, Mr. Bond, Mr. Mack, Mr. Roth, Mrs. Kassebaum, and Mr. Pressler.

Committee on the Budget

Mr. Sasser (chairman), Mr. Hollings, Mr. Johnston, Mr. Riegle, Mr. Exon, Mr. Lautenberg, Mr. Simon, Mr. Sanford, Mr. Wirth, Mr. Fowler, Mr. Conrad, Mr. Dodd, Mr. Robb, Mr. Domenici, Mr. Armstrong, Mr. Boschwitz, Mr. Symms, Mr. Grassley, Mr. Kasten, Mr. Nickles, Mr. Rudman, Mr. Gramm, and Mr. Bond.

Committee on Commerce, Science, and Transportation

Mr. Hollings (chairman), Mr. Inouye, Mr. Ford, Mr. Exon, Mr. Gore, Mr. Rockefeller, Mr. Bentsen, Mr. Kerry, Mr. Breaux, Mr. Bryan, Mr. Robb, Mr. Danforth, Mr. Packwood, Mr. Pressler, Mr. Stevens, Mr. Kasten, Mr. McCain, Mr. Burns, Mr. Gorton, and Mr. Lott.

Committee on Energy and Natural Resources

Mr. Johnston (chairman), Mr. Bumpers, Mr. Ford, Mr. Metzenbaum, Mr. Bradley, Mr. Bingaman, Mr. Wirth, Mr. Conrad, Mr. Heflin, Mr. Rockefeller, Mr. McClure, Mr. Hatfield, Mr. Domenici, Mr. Wallop, Mr. Murkowski, Mr. Nickles, Mr. Burns, Mr. Garn, and Mr. McConnell.

Committee on Environment and Public Works

Mr. Burdick (chairman), Mr. Moynihan, Mr. Mitchell, Mr. Baucus, Mr. Lautenberg, Mr. Breaux, Mr. Reid, Mr. Graham, Mr. Lieberman, Mr. Chafee, Mr. Simpson, Mr. Symms, Mr. Durenberger, Mr. Warner, Mr. Jeffords, and Mr. Humphrey.

Committee on Finance

Mr. Bentsen (chairman), Mr. Matsunaga, Mr. Moynihan, Mr. Baucus, Mr. Boren, Mr. Bradley, Mr. Mitchell, Mr. Pryor, Mr. Riegle, Mr. Rockefeller, Mr. Daschle, Mr. Packwood, Mr. Dole, Mr. Roth, Mr. Danforth, Mr. Chafee, Mr. Heinz, Mr. Durenberger, Mr. Armstrong, and Mr. Symms.

Committee on Foreign Relations

Mr. Pell (chairman), Mr. Biden, Mr. Sarbanes, Mr. Cranston, Mr. Dodd, Mr. Kerry, Mr. Simon, Mr. Sanford, Mr. Moynihan, Mr. Robb, Mr. Helms, Mr. Lugar, Mrs. Kassebaum, Mr. Boschwitz, Mr. Pressler, Mr. Murkowski, Mr. McConnell, Mr. Humphrey, and Mr. Mack.

Committee on Governmental Affairs

Mr. Glenn (chairman), Mr. Nunn, Mr. Levin, Mr. Sasser, Mr. Pryor, Mr. Bingaman, Mr. Kohl, Mr. Lieberman, Mr. Roth, Mr. Stevens, Mr. Cohen, Mr. Rudman, Mr. Heinz, and Mr. Wilson.

Committee on the Judiciary

Mr. Biden (chairman), Mr. Kennedy, Mr. Metzenbaum, Mr. DeConcini, Mr. Leahy, Mr. Heflin, Mr. Simon, Mr. Kohl, Mr. Thurmond, Mr. Hatch, Mr. Simpson, Mr. Grassley, Mr. Specter, and Mr. Humphrey.

Committee on Labor and Human Resources

Mr. Kennedy (chairman), Mr. Pell, Mr. Metzenbaum, Mr. Matsunaga, Mr. Dodd, Mr. Simon, Mr. Harkin, Mr. Adams, Ms. Mikulski, Mr. Hatch, Mrs. Kassebaum, Mr. Jeffords, Mr. Coats, Mr. Thurmond, Mr. Durenberger, and Mr. Cochran.

Committee on Rules and Administration

Mr. Ford (chairman), Mr. Pell, Mr. Byrd, Mr. Inouye, Mr. DeConcini, Mr. Gore, Mr. Moynihan, Mr. Dodd, Mr. Adams, Mr. Stevens, Mr. Hatfield, Mr. McClure, Mr. Helms, Mr. Dole, Mr. Garn, and Mr. McConnell.

Committee on Small Business

Mr. Bumpers (chairman), Mr. Nunn, Mr. Baucus, Mr. Levin, Mr. Dixon, Mr. Boren, Mr. Harkin, Mr. Kerry, Ms. Mikulski, Mr. Lieberman, Mr. Boschwitz, Mr. Kasten, Mr. Pressler, Mr. Wallop, Mr. Bond, Mr. Grassley, Mr. Lott, Mr. Burns, and Mr. Stevens.

Committee on Veterans' Affairs

Mr. Cranston (chairman), Mr. Matsunaga, Mr. DeConcini, Mr. Mitchell, Mr. Rockefeller, Mr. Graham, Mr. Murkowski, Mr. Simpson, Mr. Thurmond, Mr. Specter, and Mr. Jeffords.

OFFICERS OF THE SENATE

President Pro Tempore—Robert C. Byrd.
Secretary of the Senate—Walter J. Stewart.
Sergeant at Arms of the Senate—Henry Kuualoha Giugni.
Secretary for the Majority—C. Abbott Saffold.
Secretary for the Minority—Howard O. Greene, Jr.
Chaplain of the Senate—Reverend Richard C. Halverson, L.L.D., D.D.

UNITED STATES SUPREME COURT

Chief Justice Rehnquist, of Arizona.
Justice Brennan, of New Jersey.
Justice White, of Colorado.
Justice Marshall, of New York.
Justice Blackmun, of Minnesota.
Justice Stevens, of Illinois.
Justice O'Connor, of Arizona.
Justice Scalia, of Virginia.
Justice Kennedy, of California.

OFFICERS OF THE SUPREME COURT

Clerk—Joseph F. Spaniol, Jr.
Librarian—Shelly Dowling.
Marshal—Alfred Wong.
Reporter of Decisions—Frank Wagner.
Administrative Assistant to the Chief Justice—Noel J. Augustyn.

Public Information Officer—Toni House.

UNITED STATES JUDICIAL CIRCUITS

JUSTICES ASSIGNED

TERRITORY EMBRACED

District of Columbia judicial circuit: Chief Justice Rehnquist.

First judicial circuit: Justice Brennan. Maine, Massachusetts, New Hampshire, Puerto Rico, Rhode Island.

Second judicial circuit: Justice Marshall. Connecticut, New York, Vermont.

Third judicial circuit: Justice Brennan. Delaware, New Jersey, Pennsylvania, Virgin Islands.

Fourth judicial circuit: Chief Justice Rehnquist. Maryland, North Carolina, South Carolina, Virginia, West Virginia.

Fifth judicial circuit: Justice White. Louisiana, Mississippi, Texas.

Sixth judicial circuit: Justice Scalia. Kentucky, Michigan, Ohio, Tennessee.

Seventh judicial circuit: Justice Stevens. Illinois, Indiana, Wisconsin.

Eighth judicial circuit: Justice Blackmun. Arkansas, Iowa, Minnesota, Missouri, Nebraska, North Dakota, South Dakota.

Ninth judicial circuit: Justice O'Connor. Alaska, Arizona, California, Idaho, Montana, Nevada, Oregon, Washington, Guam, Hawaii, Northern Mariana Islands.

Tenth judicial circuit: Justice White. Colorado, Kansas, New Mexico, Oklahoma, Utah, Wyoming.

Eleventh judicial circuit: Justice Kennedy. Alabama, Florida, Georgia.

Federal judicial circuit: Chief Justice Rehnquist

HOUSE OF REPRESENTATIVES—*Thursday, June 1, 1989*

The House met at 10 a.m.

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

Teach us, O loving God, to use our words with grace and dignity and to be aware of their power to help or hinder, to heal or hurt. As Your word to us gives us grace for today and hope for tomorrow, may we realize how our expressions are vehicles of our innermost feelings and senses, that they are symbols of that which is meaningful to us. Help us, gracious God, to focus on our unity as one Nation, our responsibility as one people, and our common purpose, so that words will be given to express the hopes and expectations of a grateful people. In Your name we pray. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. May the Chair ask the gentleman from Ohio [Mr. TRAFICANT] to lead us in the Pledge of Allegiance.

Mr. TRAFICANT led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Hallen, one of its clerks, announced that the Senate had passed without amendment a bill and concurrent resolution of the House of the following titles:

H.R. 932. An act to provide for the settlement of land claims, and the resolution of certain issues of governmental jurisdiction, of the Puyallup Tribe of Indians in the State of Washington, and for other purposes; and

H. Con. Res. 139. Concurrent resolution authorizing the use of the rotunda of the Capitol for the lying in state of the remains of the late Honorable Claude Pepper.

The message also announced that pursuant to section 6968(a), title 10, of the United States Code, the Chair on behalf of the Vice President, appoints Mr. MCCAIN from the Committee on Armed Services, to the Board of Visitors of the U.S. Naval Academy, effective May 18, 1989.

The message also announced that pursuant to Public Law 100-204, the Chair on behalf of the President pro tempore, appoints Peter Leslie of Maine, from private life, to the U.S. Commission on Improving the Effectiveness of the United Nations.

The message also announced that pursuant to sections 276d-276g, of title 22, United States Code, as amended, the Chair on behalf of the Vice President appoints Mr. BRYAN, as a member of the Senate delegation to the Canada-United States Interparliamentary Group during the 101st Congress, 1st session, to be held in Montebello, Canada, June 1-5, 1989.

DEATH PENALTY FOR MASS MURDERERS

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, convicted mass murderer, John Gacy, said his procedural rights in court had been violated. Gacy wants to be set free on a technicality now. The Supreme Court said no. Thank God they said no, because if you will recall, Gacy is the man who was convicted in 1980 of killing 33 boys. Twenty-nine of them were buried in the crawl space under his kitchen and four were found in the nearby river.

He was sentenced to death by an Illinois court for this most heinous act.

Who now deals with the rights of those 33 families? Did those 33 victims have any procedural rights?

Mr. Speaker, I have introduced a bill, H.R. 2102, that would impose the death penalty for mass murderers like John Gacy.

We have 20,000 murders a year in the country. Congress tolerates murder and we have an awful lot of it. Let us send a message from the Congress that we will have no more of it.

Mr. Gacy should not just be in jail. Mr. Gacy should be subject to a bill, such as my bill, H.R. 2102. I would appreciate the support of the Congress on that bill.

WHERE IS DIRE SUPPLEMENTAL FOR VETERANS?

(Mr. SOLOMON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SOLOMON. Mr. Speaker, we thank the other body for sending back the resolution authorizing the lying of the body of Claude Pepper in the rotunda.

But I ask a question of something that Representative Claude Pepper was so much interested in, the elderly veterans of this Nation. Where is the dire supplemental dealing only with veterans' benefits that we sent to the other body 2 weeks ago, that we originally sent there 6 weeks ago?

We have elderly veterans throughout this Nation being deprived of medical care in the 172 veterans hospitals across this Nation because of the irresponsibility of the other body.

On behalf of the older veterans of this Nation, I call on the other body to send that bill to the President.

STOP VILIFYING THE HOUSE OF REPRESENTATIVES

(Mr. DORGAN of North Dakota asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DORGAN of North Dakota. Mr. Speaker, the reputation of the U.S. Congress is being burned at the stake of public opinion these days. Unfortunately, we have got a couple dozen Members of this body who are carrying the wood.

I want the American people to understand that over a couple hundred years this institution has always been vulnerable to people who want to vilify the institution, but those with whom I serve on the Republican and Democratic sides, in my judgment, having worked in the private sector, having worked in a major corporation, having now served in public life for some years, are the most dedicated, hard-working, honest people I have ever worked with.

I think it disserves the interests of this institution to have folks who serve here continually kicking this institution and continually trying to vilify it. These are good men and women who are interested in honest public service, who come to the floor of this House on both sides of the political aisle.

Mr. Speaker, once again I think it is time for the Members of this House who do not want to serve here to leave, and it is time for them to stop vilifying an institution that I think is the best institution in this country.

AUTHORIZING THE SPEAKER TO DECLARE A RECESS TODAY

Mr. HOYER. Mr. Speaker, I ask unanimous consent that the Speaker be authorized to declare a recess today at approximately 11:45 a.m. for the purpose of allowing Members to attend the lying in state ceremony for the late honorable Claude Pepper, in the rotunda of the Capitol.

The SPEAKER. Is there objection to the request of the gentleman from Maryland?

Mr. SOLOMON. Reserving the right to object, Mr. Speaker, and I most certainly will not object, but I just wonder if we could have some clarification as to the schedule for the rest of the day for the Members who are not here.

The SPEAKER. If the gentleman will permit the Chair to respond, unless the gentleman from Maryland desires to respond?

Mr. HOYER. I am more than happy to yield to the Speaker.

The SPEAKER. The purpose of the House today would be to take up the Mineral Leasing Act for which a rule was granted yesterday and then to debate that bill under the rule in the Committee of the Whole House and then to proceed to a vote on the bill.

Mr. SOLOMON. Mr. Speaker, if I can continue under my reservation, do we assume that would be completed by 11:45, or if it is not, we would then recess and come back and finish it and go to a vote?

The SPEAKER. The gentleman is correct.

Mr. SOLOMON. And that is the end of the business for the day and the week?

Mr. HOYER. It is my understanding that we will not have completed the bill. The contemplation is that we will not have completed it, and if we do not complete it, we will return here to complete full consideration of the bill.

Mr. SOLOMON. Today?

Mr. HOYER. Today.

Mr. SOLOMON. And that would be the last business for this week?

Mr. HOYER. Yes.

Mr. SOLOMON. Mr. Speaker, I thank the gentleman, and I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Maryland?

There was no objection.

MINERAL LEASING ACT AMENDMENTS RELATING TO OIL SHALE CLAIMS

The SPEAKER. Pursuant to House Resolution 161 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 2392.

□ 1008

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 2392) to amend section 37 of the Mineral Leasing Act relating to oil shale claims, and for other purposes, with Mr. HOYER in the Chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from West Virginia [Mr. RAHALL] will be recognized for 1 hour, and the gentleman from Idaho [Mr. CRAIG] will be recognized for 1 hour.

The Chair recognizes the gentleman from West Virginia [Mr. RAHALL].

Mr. RAHALL. Mr. Chairman, I yield myself such time as I may consume.

(Mr. RAHALL asked and was given permission to revise and extend his remarks.)

Mr. RAHALL. Mr. Chairman, this legislation seeks to halt the giveaway of valuable public oil shale lands for a mere $2.50 an acre.

Incredible as it may seem in this day and age, under a law enacted when Ulysses S. Grant was President in 1872, the Interior Department still transfers fee title to Federal lands under claim for minerals for $2.50 an acre.

The particular class of mining claims H.R. 2392 seeks to address were all located on public lands under the mining law of 1872. Claims made under this law could be held, and the mineral produced, without any financial return to the Government.

In addition, the holder of a claim proved to be valid could obtain title to the land embraced by the claim from the Federal Government. For oil shale claims, the price was set in the law at $2.50 an acre.

In 1920, Congress enacted a law which required energy minerals on Federal lands such as oil, gas, coal and oil shale to be leased in return for rental and royalty payments. However, in the 1920 Mineral Leasing Act, valid oil shale claims in existence at that time were exempted from the leasing provisions with the expectation the claims would be diligently developed.

Today, there are 1,600 of those claims still encumbering over 250,000 acres of public lands in Colorado, Utah and Wyoming with little to no oil shale developmental activity having taken place on them over the course of the last 69 years.

In fact, perhaps the only activity the claim holders have undertaken involves rank speculation and profiteering. In 1986, within weeks after a number of claim holders paid the Interior Department $2.50 an acre for 17,000 acres of these oil shale lands, they turned around and sold the land for as much as $2,000 an acre.

In other words, the Federal Government received $42,500 for this public land. Weeks later the very same land was sold for $37 million.

Over the past 69 years there have been numerous and conflicting administrative policies and judicial decisions relating to these oil shale claims.

As such, at times the Interior Department has sought to cancel the claims on the basis that they were no longer deemed to be valid. During other periods, the Department has instead issued patents for oil shale claims.

The net effect of this history has been to establish a confusing and uncertain framework on which to base administrative decisions on various issues raised by the remaining 1,600 unpatented oil shale placer claims.

It is time we put this matter to rest, and that is what H.R. 2392 seeks to accomplish.

To the extent possible, the bill would prevent the further give-away of public oil shale lands. It would also preserve the rights of the claim holders, and seek to promote the diligent development of the oil shale as originally intended by the applicable mining laws.

By way of explanation, this legislation recognizes three separate and distinct categories of unpatented oil shale claims. Each would be treated differently by the bill.

At the outset, let me stress that H.R. 2392 has no affect on previously patented claims. This bill only concerns unpatented oil shale claims.

The first category of unpatented oil shale claims are those for which patent applications were filed prior to the date of introduction of H.R. 2392, and all procedural and administrative requirements for filing a patent application were fully completed by that date. This would include payment of the patent fee, and the claim holders having been issued the first half of final patent certificate.

As such, for these claims, the right to a patent vested prior to the introduction of the bill, and full patent could be issued provided that BLM finds these claims to be valid.

A valid claim was properly located, represents a discovery of a valuable mineral, and the annual assessment work requirement was complied with.

Of the total acreage presently encumbered by unpatented oil shale claims, 3 percent could fall into this category.

The second class of claims also had patent applications filed on them prior to the date of introduction of H.R. 2392. However, all procedural and administrative requirements for filing a patent application for these claims were not completed by that date.

As such, no right to a patent vested with these claims prior to January 24, 1989.

Be that as it may, we are recognizing that the holders of these claims have at least, albeit belatedly, sought to keep faith with the original intention of the savings clause incorporated into the Mineral Leasing Act of 1920.

For this reason, H.R. 2392 would allow a patent limited to the oil shale and associated minerals to these claims if the requirements for a patent are subsequently met, the claims are determined to be valid, and upon the payment of a $2,000 per acre patent fee as opposed to $2.50 an acre under the mining law of 1872.

While the bill reserves to the United States, to manage for its multiple use values, the surface area of these claims, the holders of the limited patent would be allowed such use of the surface as necessary for mining purposes. Further, all leaseable minerals in the claimed land would be specifically reserved to the Government.

Of the total acreage covered by unpatented oil shale claims, 18 percent could fall into this category.

The third class of claims are those for which no patent application was made prior to January 24. Around 79 percent of the total acreage covered by unpatented oil shale claims fall into this category.

The legislation would prohibit the issuance of a patent to these claims. However, in recognition of the possessory right represented by an unpatented claim—which should not be confused with a right to obtain a patent—the legislation provides these claim holders with two options if the claims are found to be valid.

At the election of the claim holder, the claim could either be converted to an oil shale lease, or could continue to be held under a new diligent development requirement. H.R. 2392 relies upon the leasing authority that is already found in the 1920 Mineral Leasing Act, although the bill would impose a 20-year primary lease term.

Under the claim retention option, the holder of the claim would have to make an annual diligent development expenditure of at least $5,000 per claim as opposed to the $100 per year required by the mining law of 1872. At the claim holder's election, this expenditure could either be made as improvements to the claim itself, or in the form of a payment to the Federal Government.

The claims would also be required to be in commercial quantities production within 100 years from the date of their location, or else they would be canceled. Since the majority of these claims were located between 1915 to 1918, the diligent development deadline would be around 2015 to 2018.

The legislation further provides specific authority to the Government to manage the surface resources of these claims as well as any leaseable minerals. In addition, a reclamation requirement would be imposed on this universe of claims, as well as those with limited patents.

The one thing this bill does not do is set forth the requirements to determine the validity of these claims. The bill simply requires the Interior Secretary to undertake a rulemaking and promulgate a regulation setting forth validity criteria.

All unpatented claims would have to be judged under this criterion within 2 years after publication of the final rule. As currently is the case, any claim found not to be valid would be canceled.

Mr. Chairman, this legislation represents a fair and equitable approach to settling a decades-old controversy. We have made some compromises, and yet, we have maintained the public interest in this issue. There should also be no doubt that we have fully preserved the rights of the claim holders to develop the oil shale for which they have claimed.

□ 1010

Mr. Chairman, I reserve the balance of my time.

Mr. CRAIG. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise to urge the defeat of H.R. 2392, a bill to amend the Mineral Leasing Act with respect to oil shale mining claims. With the exception of a small group of patent applicants, which the majority agrees has already vested equitable title to their claims under the current mining law, this bill would create two classes of oil shale claimants for which the rules would be dramatically changed. The first class, those claimants having filed patent applications prior to introduction of this bill, would be required to continue to seek patent. If successful at establishing the elements of a valid claim, this class of claimants must pay a patenting fee 800 times the current statutory amount.

The second class of oil shale claimants affected by H.R. 2392 would not ever be allowed to apply for patent. This bill would effectively work an uncompensated taking of their private property rights by forcing the choice of yielding the possessory rights to their mining claims, in return for a 20-year lease, or having to maintain their mining claims each year at a level of diligence 50 times the current amount. And, if oil shale is not being produced in commercial quantities approximately 25 years from now, the claims would revert to the Federal Government.

Perhaps because of this cavalier treatment of mining claimants' property rights, this bill was a very partisan issue in committee.

The majority, in its committee report, has cited two cases to support its assertion that this bill would not constitute a legislative taking of private property. But these cases do not stand up to scrutiny. The first case, Freese versus U.S., involved the Sawtooth National Recreation Area in my home State of Idaho. In 1972, Congress did indeed deny the right to proceed to patent to mining claimants in the Sawtooth NRA. However, Mr. Freese had no patent application filed for his mining claims. Therefore the decision cited offers no holding as to the requirements of a completed patent application necessary to be exempt from the patenting ban. But the majority uses the Freese case to support the requirement in H.R. 2392 that only those oil shale claimants that had filed patent applications prior to January 24, 1989, and for which the Bureau of Land Management had adjudicated their applications to the point of issuance of a final mineral entry certificate, may receive patent under the current mining law. The other pending patent applicants are being penalized for bureaucratic delays not of their own making. They are powerless to force the processing steps that the Department of the Interior makes prior to issuing such certificate, and cannot meet the cutoff deadline, despite having filed for patent before the date.

Furthermore, Congress did not establish a retroactive filing deadline for patent applications in the Sawtooth NRA Act, as this bill does. Thus there is no parallel to be drawn between the oil shale lands and the claims addressed in the Freese decision.

The Sawtooth NRA Act also did not mandate any increase in the amount of assessment work required of mining claimants in order to maintain their possessory rights as unpatented mining claims, but H.R. 2392 would impose a level of diligent development 50 times the current standard.

For these reasons, the Freese case is of very limited value in discerning the likelihood of success of claimants that would challenge this bill on takings grounds if it were enacted into law. I believe that this legislation would simply lead to further litigation on oil shale issues.

Likewise, Alaska Miners versus Andrus, which the majority uses to support their case, does not apply here. The claims at issue in Alaska were on lands selected by native corporations under the Alaska Native Claims Settlement Act. That act established a 5-year window of opportunity in which to apply for a mineral patent. The purchase price and diligence requirements were left at the 1872 mining law levels—although 99 years had elapsed since its passage. Furthermore, in that legislation, successful patent applicants receive fee simple title to their mining claims, including

surface estate. H.R. 2392, on the other hand, would limit patent to the oil shale only, and even then only grant such patents to the class of claimants that happened to beat the retroactive deadline. The lack of a window of opportunity to seek patent to one's claim clearly distinguishes the provisions of the Native Claims Settlement Act from the bill before us, and raises serious questions of equity.

Mr. Chairman, the requirement in H.R. 2392 that $5,000 of diligent development work be expended annually, or paid to the Secretary in-lieu of actual performance, is also not supportable. This is really an increase in the assessment work obligation of the mining law, though it is not labeled as such. The argument that $100 of assessment work in 1872 is now worth $5,000 is incorrect by any rational measure of inflation. Also, because the bill would severely diminish the estate granted in an oil shale patent, or eliminate it altogether, the amount of assessment work required should not be compared with claims for which fee simple title is granted. Again, H.R. 2392 fails the test of equitable treatment.

Basically, H.R. 2392 would require oil shale claimants to expend at least 150,000 dollars' worth of diligent development work per claim—$5,000 per year over about 30 years—yet they would lack a window of opportunity to seek a patent. As a final insult, their possessory right to the oil shale deposits would revert to the Federal Government between the years 2015 and 2020 if such work does not result in commercial production of oil shale.

The 800-fold increase in the patent price demanded of the intermediate group of claimants under this bill is clearly derived from the reported sale of oil shale lands to the Shell Oil Co. for $2,000 per acre. I would point out that these claims were on the Cathedral Bluffs of the Piceance Basin and contained large reserves of strippable oil shale deposits. The remaining claims generally contain much less valuable deposits because the beds of oil shale are thinner and the shale oil content is lower. Also, Shell Oil bought the fee simple title to this land, including the surface estate—minus coal, oil, and gas held by the Government—for that price. H.R. 2392 offers no such estate, therefore, the use of the Shell Oil purchase as a comparative value indicator is unjustified.

Under H.R. 2392, the Secretary of the Interior would be charged with policing performance of assessment work to ensure that payments in-lieu of assessment work were made if actual expenditures were not. I believe that no claimants would freely choose payments in-lieu knowing that such payments do nothing toward meeting the requirement for production of commercial quantities of oil shale from the claims necessary to sustain unpatented claims by the year 2015. Rulemaking required by the bill would have to define this critical term, yet no time for public comment upon a proposed rule is allowed by the 90-day time period within which to promulgate a final rule. As many as five BLM employees would be necessary to meet the task of policing assessment work required by this bill, costing as much as $100,000 annually.

The increase in patenting fees under this bill is so onerous that I expect none of the qualifying claimants would be likely to patent their claims and would choose, rather, to litigate the takings question. Thus, far from being a revenue-enhancement bill, H.R. 2392 would likely cost the Government significant sums in the form of defense against litigation sure to be forthcoming, additional monitoring of diligence required of the Secretary, and the requirement for determining validity of all claims within 2 years. As was noted in the committee report to H.R. 1039—the oil shale bill in the 100th Congress—the requirement to determine validity of all claims would cost the Government $5 million over at least 5 years. In its report the majority correctly noted that a casefile exists for each claim, but such files do not contain the information necessary to determine validity. Usually this data is gathered in the context of a patent application and the burden of proof is upon the applicant to show that the elements of a valid claim exist. By requiring the Secretary to determine the validity of all the claims that cannot proceed to patent in any event, an adversarial process would be created that would simply make it more difficult to receive cooperation from the claimants and, thus, more difficult and expensive to determine the claims' validity.

The supporters of H.R. 2392 ignore the fact that due process requirements demand that when questions of fact are in dispute, an opportunity for a hearing must be given before a mining claim may be canceled. One need only look at the recent history of oil shale contests within the Department of the Interior to realize that a 2-year period in which to determine the validity of 1,600 mining claims, as called for in H.R. 2392, is completely unrealistic. A similar requirement that was contained in the mining in the Parks Act of 1976 remains unfulfilled today, 13 years after that law's enactment.

Moreover, this bill would fail to bring finality—except via the economic taking route—to the issue of unpatented oil shale mining claims that encumber the public lands in three Western States. What is needed for equity to prevail is a 1-year window of opportunity for all oil shale claimants to apply for a patent limited to the oil shale and associated minerals only. Failure to have made application within a year of enactment of the bill would then be considered to make the claims abandoned and void. Once and for all, an element of finality would be introduced into this issue after nearly 70 years of controversy.

In conclusion, Mr. Chairman, I note that the administration has no official position on this bill. H.R. 2392 should not be passed by this House. It is punitive, confiscatory of citizens' rights, and would surely lead to more protracted litigation rather than a solution to the oil shale controversy. I urge my colleagues to defeat H.R. 2392.

□ 1030

Mr. Chairman, I reserve the balance of my time.

Mr. RAHALL. Mr. Chairman, I yield myself such time as I may consume only to say that I appreciate the gentleman from Idaho, the ranking minority member of the Subcommittee on Mining and Natural Resources' genuine interest in this legislation. It has been indeed my privilege to work with him on this issue and many other issues which come before our subcommittee. We have disagreement on this particular issue. The main points of contention that he raised I will address in a few moments especially concerning the preservation of the possessory rights in this bill, the window of opportunity and the revenue effects of the pending legislation.

Mr. Chairman, I yield 5 minutes to the gentleman from Colorado, Mr. BEN NIGHTHORSE CAMPBELL, who has been very instrumental in trying to reach and successfully reached the compromises at both the subcommittee and the full committee level.

His leadership on this issue has been vital to us in forming the pending legislation.

Mr. CAMPBELL of Colorado. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, as a new Congressman from western Colorado, I made it a priority to prevent public lands from being transferred into private ownership under the guise of oil shale patents.

In early 1986, 82,000 acres of oil shale claims in the Piceance Basin of Colorado were patented as a result of Tosco versus Hodel and the Department of the Interior's negotiated settlement with the claimholders. This extraordinary settlement was the result of the Department's failure to appeal the decision, and in a broader sense, the Department's belief that the application of an ancient law is more important than protecting the public's interest in these Federal lands.

The Mining Law of 1872 and the 1920's Mineral Lands Leasing Act were intended to promote the mining of oil

shale lands, but instead have created opportunities for speculators to abuse the mining laws to receive title to public lands for $2.50 per acre.

If legislation is not passed, an additional 1,677 claims covering 273,000 acres will be available for patenting for speculative purposes with no production criteria. The so-called claim owners who will receive the land are not obligated to produce oil shale or make any developments or improvements in any specified time period. In fact, the Bureau of Land Management (BLM) began to process patent applications for an additional 11,000 acres of public land in 1988, immediately following the end of a moratorium on oil shale patenting.

By rushing to give away additional land based on the standards set out in the Tosco decision, it is apparent that the BLM intended to vest property rights to the remaining claimholders even though many in Congress feel the BLM's actions were a betrayal of the public trust.

Legislation passed the House during the 100th Congress by a 3-1 margin that I believe solved the oil shale controversy by implementing a leasing system, rather than granting patents to oil shale claimholders.

That legislation provided the holder of a valid oil shale claim with two options: the claimholder could elect to convert the valid claim to an oil shale lease or maintain the claim pursuant to the requirements of current law provided that an amount be expended annually which represents a diligent effort toward the production of oil shale. If the claimholder does not choose to comply with one of these options, or the claim is found to be invalid, the claim would be canceled.

Since then, the State of Colorado, county officials, oil shale claimants, and environmentalists have been meeting in an attempt to draft a bill to settle this issue legislatively. I agreed to participate in this effort and this bill, as amended by the Interior Committee, is the result.

H.R. 2392 prohibits the patenting of any oil shale claim after January 24, 1989. Claimants, however, can apply for a contingent rights patent.

The contingent rights patent would be available to claimants that applied for a patent prior to January 24, 1989, but have not met all the requirements. The patent would be limited to the oil shale with express reservation to the surface being made to the United States.

The Secretary of the Interior will be required to determine the validity of all the remaining unpatented oil shale claims following the promulgation of a rule which Interior will use for making future validity determinations. This review must be completed within 2 years of the final rulemaking. Invalid claims will be canceled.

H.R. 2392 maintains the election options of the original bill for holders of valid unpatented oil shale claims. Claimants can either maintain their claims, or elect to lease the land from the Government.

If a claimant elects to retain the claim, the bill specifies that a diligent effort must be made toward the development of oil shale and specifies the amount that needs to be spent. If the expenditure is not made, the claim will be canceled.

I want claimholders to produce oil shale rather than perpetuating a land management nightmare. Since 1920, no oil from shale on existing claims has been produced for the commercial market. The record is still incomplete as to whether the $100 annual assessment work per claim and the $500 total work prerequisite for patents has been completed.

Oil shale may someday be a valuable resource. Based on U.S. Geological Survey maps, officials have estimated that approximately 70 billion barrels of shale oil resource is contained in the disputed lands. Based on a recovery factor of 55 percent, 42 billion barrels of shale oil are estimated to be recoverable. This is an amazing statistic, given that as of December 1985, the total proven reserves of crude oil in the U.S. only amount to 28 billion barrels.

Today, patenting the claims yields to the U.S. Treasury only a filing fee of $2.50 an acre, or about $200,000 for the 82,000 acres covered by the original settlement. The most recent oil shale leases issued in Colorado and Utah by the Department of the Interior were in 1974 and brought bonus bids ranging from $8,000 to $41,000 per acre. Officials in Colorado have advised me that a $2,000 bonus bid per acre is not unreasonable, and using this conservative bid, bonus moneys that the Government could potentially receive for the 82,000 acres would amount to $164 million.

Ironically, oil shale claimants are frustrated by this legislation because they'll never be allowed to own the surface, they'll have to pay $5,000 per year to maintain their claims and will have to pay $2,000 an acre for the contingent rights patent. They are upset because the $2,000 an acre price tag represents the amount the claimants reportedly received from the oil companies after the last set of claims was patented.

This bill, however, is a compromise. It protects what conservation groups have continually said is important—surface values. If no bill is passed this Congress, more claims will be eligible for a patent regardless of whether legislation is passed. In addition, the Department of the Interior is under no legal obligation to prevent additional claims from being patented in the absence of legislation.

Claimants must realize that they've been playing a waiting game for nearly 70 years. The public believes they are speculators and the House proved it by overwhelmingly passing even stronger legislation last year.

This bill gives oil shale claimants who have filed a patent application what they say they want—oil shale. Claimants must realize that I do not intend to drop this issue. I will be back, and next time I may not be willing to compromise. I intend to continue to make this an issue, year, after year, after year.

Congress has a responsibility to ensure that multiple-use public lands, valuable for their wildlife, grazing, mineral, and recreational benefits, are not disposed of.

The claimants have had nearly 70 years to patent the claims and to begin active oil shale mining and development. If no such action has been taken, the lands should remain in the public domain. After more than half a century, it is not unreasonable to require that the conditions for developing a public resource emphasize diligent development rather than land speculation.

This bill needs to be reported so the House can endorse it and it can be transferred to the Senate as soon as possible. I believe it may take the next 1½ years to get Members of that august body to focus on which is more important to them—principle or practicality.

I urge my colleagues to support the legislation.

Mr. CRAIG. Mr. Chairman, I yield such time as he may consume to the gentleman from Alaska [Mr. YOUNG].

(Mr. YOUNG of Alaska asked and was given permission to revise and extend his remarks.)

Mr. YOUNG of Alaska. Mr. Chairman, I appreciate the gentleman from Colorado and the gentleman from West Virginia bringing a bill to the floor that should never become law. This is bad legislation. It is taking without compensation.

We have heard that it is supposed to be a bill that keeps the Federal Treasury from being robbed. That is untrue. It is not factual.

We have heard that there would be condos built if it did not pass the bill, that it would be land used illegally or used for other purposes than the mining law, and that is not true.

□ 1040

In fact, right now those that have legitimate or pending claims on oil shale land have given up the right of the surface use, which retains it in wildlife use and recreational use, and the beauty and the scenery, so let us just put that aside. It cannot be used for those purposes of condos and private

exploration for surface rights, ski resorts, et cetera.

What we are going here today, Mr. Chairman, is through this legislation on behalf of the chairman of the subcommittee is taking away from an American citizen what is his right. A right, possibly given to him through inheritance from his grandfather, maybe his father, but a right under existing law. I think even yesterday we saw some of that that we are prosecuting, harassing and stretching the imagination of existing law to fit today's mode, today's special interest. That is exactly what this is. It is interest from the environmental community to take and put that land into Federal ownership totally without compensation to the private sector.

Mr. Chairman, may I suggest that is terribly wrong, and let us keep repeating something here. Under present law, yes, $2.50 per acre on oil shale that is beneath the surface, and under this law we raise that to $2,000 a year, per acre. I do not know how many Members have ever seen this land. A person could not raise a rabbit on an acre of this land. This is why it is worth $2.50 an acre. That is the price of rabbit in today's market, but Members certainly cannot raise $2,000 per acre, per year, to try per claim, to try to take and to meet a requirement in a bill that is being passed today, or $5,000 an acre. That is what we are saying that the proponents of this bill, that what we are doing here is fair.

I can suggest to Members of the legal profession we have enough of those around here. Frankly, too many, and those that are listening to this program, please get out your notebooks, you will have a job from now until eternity because you cannot, even under today's lax laws for American citizens, take without compensation, and we try every day in this Congress. There will be other bills on this floor later on that, in fact, will try to take jobs. They will try to take contracts, they will try to take away again without compensation, and that is not the American way, Mr. Chairman. Some Members in this body may think this is the right thing and in the national interest, and some Members may be conveying this concept of direct legislation for supposedly the interest groups, saying this is a right thing to do today, but it is not done without pay.

Mr. Chairman, Members tried this once. Mr. Andrus, the famous Secretary of the Interior, that individual that did, frankly, did great damage to my State under that President what's-his-name that took land away from my miners and took land away from my hunters and trappers and Alaskan citizens for the national interest, the only nation in the world supposed to be free and we are going in the opposite direction of those that are not free. Mr. Chairman, he tried that and we took him to court and we won it.

I agree with the gentleman from Idaho that once again a solution to this problem, he has suggested it in the committee, offered an amendment, was rejected. Let Members stop this once and for all. Either put up or shut up, and that was defeated in committee because they are locked into a piece of legislation that will never become law, and if so, will be taken to court, and if so will probably lose in court, and we are back to square one.

So I am asking my colleagues on this side of the aisle, in the kinder and gentler era of time, after yesterday, to start listening to some reality, start listening, do Members want to solve a problem or do Members want to perpetuate a problem? Do Members want to protect the lands? Do Members want to nationalize them? Do Members want our industries and our resources to be owned by the Federal Government so they can do damage to it environmentally without any reckoning, without any understanding, or do Members want responsible parties to be in charge, yes, and with that 70 barrels of oil is needed, possibly will use it.

I am not very excited about it. Frankly, I question shale because it takes a tremendous amount of water to produce, but when a man, under the 1872 mining law went out and found this commodity. It was declared as a mineral, and filed under that law a claim and net, that expenditure was deeded was $2.50 per claim, and he deeded that to his son, and he kept it up in the hopes that someday it would be worth something. He did not build any condos, and then he deeded that to his son and he kept up the claim to be told, today that, "You are going to have to pay $5,000 per claim versus $100 per claim," is wrong. Dead wrong, if Members believe in our system.

Again, for the proponents of this law, if members do not believe it, let us take off the wraps and expose ourselves to what we are. We are a Congress that wants to nationalize everything. Let us not kid ourselves. That is what we are doing here today. We are nationalizing a resource. The gentleman from Colorado said that. He said, in fact, when we need that oil we will go get it. Who is "we"? It ought to belong to the Federal Government, not the private sector. Well, that is the kind of conversation I do not like, under democracy. We sit as a House of the people, and I have not heard any person out there in the public other than a small special interest group that usually starts with an F, S, or W. They say they speak for the people. They want to nationalize our resources so the Government can control it, and I would respect them a great deal more, those special interest groups, if they were to say that, but no, they will go to the people in Philadelphia and L.A. and Atlanta and all those big cities where most of those people, unfortunately, have never seen a jackrabbit running across the prairie, do not understand the wild of the West. They will say:

> We are protecting citizens from those terrible land barons that want to rape and scrape and run. We want to save that land which is yours for you.

They forget to tell them they are taking without compensation. They forget to tell them they are taking away a right that was under existing law.

I have a strange, strange philosophy of being in Congress for 17 years that we have to possibly think about the law. We have to possibly think that maybe those that acted under law that was written during the time of this act ought to be listened to. They ought to, in fact, be heard. They ought to, in fact, be not only listened to and heard but they ought, in fact, be protected and provided for under a law passed by this Congress. Now, any future people, that is a different story, Mr. Chairman. I will not argue that. Any future claims, I really would not argue that on oil shale. But there is a sense of deep-seededness that should prevail in this House, and I do not see it here today. I do not see it in many pieces of legislation that come on this floor because they change the rules of the ball game. NBA playoffs, and they decide because Mr. Jordan was such a great player they are going to take and tie one leg behind his back so he can play equally and change the rules of the ball game, and then when the other teams wins, that Detroit Piston group wins, they can say, look, we are a better team. That is not how we should be doing business. If that was to happen today there would be the greatest outcry in the world, but that is what Members are doing here today. Members are taking a legitimate claim applicant and putting him out of business because he cannot meet that price that is being set forth in this bill.

I can suggest to my good chairman of the subcommittee that I understand he has good coal deposits and energy deposits in his State, and I support him in those efforts, but this goes beyond coal and goes beyond oil shale. This goes to the heart of our democracy, and that is giving the individual, that person that acted under existing law, the protection that we guaranteed him under the Constitution.

Mr. Chairman, I am going to urge my colleagues to vote against this legislation, to listen to the gentleman from Idaho [Mr. CRAIG], try to solve this problem wherever we can legitimately and remind my colleagues this is not the same bill that passed the House, I believe 2 years ago, exactly the same time.

□ 1050

Compared to that bill, today's bill is like a wart; it just kept growing and growing, and I am talking about a seed wart. It got worse and it got worse and it got worse.

So I am asking my colleagues, when they come down and look on that little podium in front of us and say, "My, I voted for that bill the last time. I had better vote for it this time," to listen when I say, "it ain't the same bill. This is a big wart, and it is a bad one."

I am going to suggest, Mr. Chairman, that we ought to start really again thinking of that one person that acted in legitimate good faith under the law, not in the national interest. I heard a man say that way back during the "kitchen" debates, and that was not on our side.

Mr. Chairman, let us start thinking of the one American that needs a voice in this Congress, the one that has a legitimate right to what his forefathers conveyed to him.

Mr. RAHALL. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, before I yield time to the next speaker, I just want to remind my colleague, the gentleman from Alaska, who just tried to bring everything into this debate under the sun, including sports and basketball, to try to confuse this issue, that the lands in issue in this particular legislation are all public lands. They are lands owned by the American taxpayer. That is what they are trying to address, not any private lands that have been handed down from generation to generation.

Mr. YOUNG of Alaska. Mr. Chairman, will the gentleman yield?

Mr. RAHALL. I am happy to yield to the gentleman from Alaska.

Mr. YOUNG of Alaska. Mr. Chairman, they are private in the sense that the person applied and made an application for a claim under law. That is law. The gentleman may not know this, being from West Virginia, but he should know. In the West, that to me is a law unto itself, because the Congress passed it. The gentleman should not tell me they are public lands, because they are not public lands until you take them from them. That is when they become public lands.

Mr. RAHALL. Mr. Chairman, if the gentleman had listened to my opening statement and tried to understand it rather than trying to confuse it, he would know there are three separate classes that we establish in this bill, and those have complied with every regulation. They have complied with the regulations in the whole process. We are not touching them at all. Those that have applied for patents can go ahead with that process, and once they are found to be valid, they can obtain those patents.

Mr. Chairman, I yield 5 minutes to the gentleman from Ohio [Mr. TRAFICANT].

Mr. TRAFICANT. Mr. Chairman, I thank the gentleman for yielding this time to me.

Mr. Chairman, I am saddened to see that we have two energy leaders in the House, the gentleman from Idaho [Mr. CRAIG] and the gentleman from West Virginia [Mr. RAHALL], who are on opposite sides of the issue. Sometimes that happens around here. Maybe history will let us know which one is right.

I come here to speak from a different perspective, and that basically is that I believe we have too much land sitting by idly, not being put into production in this country, and as a result we are being held hostage for foreign interests. I think our trade imbalance is about $30 billion in the red for OPEC oil this year. In the last few months we had a $5 increase per barrel of oil, which means that there will be another $1.5 billion or $1.6 billion tacked on to the trade deficit for foreign oil this coming year.

When I came to Congress as a member of the Science and Space Technology Committee and the Subcommittee on Energy, Research and Development, I took a look at the oil shale situation, and let me just tell it like it is. At that time there was $10 million in the budget as a line item for western oil shale. I have never professed to be an expert on anything. I have a rough time doing my taxes. But there was no money for the vast Devonian Eastern oil shale reserves. All the money is going out west.

The oil trapped in shale rock out west is deep below the crust of the Earth. It has to be mined off, it has to be recovered, there are not transmission lines, there are no energy consumers, and $10 million is going out there.

I know that all of this is not pertinent to the bill, but I will get to it. I asked for $1 million for an Eastern Devonian R&D program for oil shale reserves. Let me tell you what that amounts to. In the State of Ohio alone there is a 30-year supply of oil for America without needing another drop from any foreign country or any other State in the Union. That is just in shale rock in Ohio, 30 years of oil for America, but no one is going after it. Congress did not even see fit to do that, even though it had all the industry and all the pipelines around hit and it is up closer to the Earth's surface. But there was no money because the western politicians had taken the money. That is it, and I mean no offense.

Now we have $1 million. The gentlewoman from Tennessee [Mrs. LLOYD], one of the best chairpersons in this House, helped in that initiative. Now we have an aggressive eastern oil shale R&D.

Here is the purpose of my talk here today. I listened very carefully to the gentleman from Idaho because I think he is a leader on this issue. My concern is that at $250 an acre people are speculating on holding and controlling land, not in taking the oil out of the ground.

I do not like these high fees. The gentleman from Alaska may be right, I do not know. All I know is that America is sitting by, not developing our own energy program, and as a result we are importing energy. That is foolish. We have coal, we have oil, and it is time that we start using those resources. It is time we started putting some money into that. We are getting competitive. We are taking oil out of shale rock. We are starting to get sulfur and nitrogen out of coal. We are beginning to coprocess and find the positive synergistic results of shale, oil and coal.

That is what we should be doing here. We should not be debating shale oil. We should be promulgating an energy policy for America because we need one desperately.

So hopefully today when we are finished we will not be dealing with speculators. Maybe in the future we will be dealing with earthmovers and bulldozers. That is what this country needs more than speculation. It needs somebody getting at those reserves.

Being from the east, I would be probably the last person to be knowledgeable about the dynamics that concern western oil shale claim holders, and I am to a degree concerned about the fact that some of the western people are in fact opposed to this initiative. But in the end result—and I do not like the higher fees—I have to support this bill.

Mr. Chairman, I think it is time that we develop an energy policy, and I think we have to look toward the domestic production of energy through oil trapped in shale rock and coal. We need that desperately in my area. We need it desperately for the country, and I hope that history will find the decision we make in the House today is favorable, and that it will stand up in the courts.

Mr. CRAIG. Mr. Chairman, I have no further requests for time, and I yield back the balance of my time.

Mr. RAHALL. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, in conclusion, let me say that I do not know what the position of the Sierra Club is on the pending legislation.

The gentleman from Alaska has alluded to what he defines as "special interests" that have had a say in this bill. I will say to the gentleman that we have consulted with the National Wildlife Federation composed of hunters and trappers, and we have consulted with small oil companies in the

drafting of this legislation. They are perhaps not as big as Exxon, but we have consulted with those small companies. We have consulted with representatives of claimants that have been before our committee. We have had a very open process.

The House did pass very similar legislation, not exactly 2 years ago, but on June 2, 1987. At that time the House passed the bill by a rollcall vote of 295 to 93, and that was similar legislation. So the issue has been before the House for some time. It has received a very fair and open hearing in the subcommittee, and I believe that we have heard from all sides.

Mr. Chairman, the gentleman from Alaska and the gentleman from Idaho have addressed the issue of taking in the pending legislation. The gentleman from Idaho has referred to various court cases, and the question is raised: Is it constitutional to prohibit the issuance of a patent for mining claims?

I would respond to these charges against this legislation by saying that if no patent application has been filed and the procedures for filing a patent application have not been fully complied with, there is no violation of any constitutional right in legislatively denying the issuance of a patent.

As one court put it, mining claims are a "unique form of property" which are valid against other claimants and the United States only if there has been a discovery of a valuable mineral and if other statutory requirements have been met. In effect, an unpatented mining claim represents a possessory right.

However, there have been a number of court decisions which clearly indicate that Congress can extinguish a claimant's ability to obtain a patent under the Mining Law of 1872 as long as the possessory right represented by the claim is preserved.

The law is well settled in that a vested right to a patent does not arise until there has been full compliance with the procedures set forth in the mining law for obtaining a patent.

As such, a claimholder who does not carry his claims to patent, as the Supreme Court noted in Best versus Humboldt Plasser Mining Co., takes the risk that his claims will no longer support the issuance of a patent.

□ 1100

For example, in Alaska Miners versus Andrus, the court ruled that holders of unpatented claims have no right to require the Government to hold open indefinitely the option to apply for a patent and that the land embraced in an unpatented claim remains subject to the disposing power of Congress.

This matter was also tested in Freese versus United States, a case which involved the law that established the Sawtooth National Recreation Area. This statute contained a provision which prohibited the issuance of patents for mining claims. In other words, it expressly terminated the ability of existing claimholders to proceed to patent.

According to the court in this case, a vested right to a patent "does not arise until there has been full compliance with the extensive procedures set forth in the Federal mining laws for the obtaining of a patent."

The plaintiff in this case had not even taken the first step toward obtaining a patent and the court found that the statute in question, which denied the option to apply for a patent, could not be deemed the divestment of a property interest.

H.R. 2392, while prohibiting the issuance of patents for those oil-shale claims for which no patent application was made prior to the introduction date of H.R. 643, that is its predecessor to this bill; however, no further patent applications were filed between the time of the introduction of H.R. 643 and the current legislation. This bill does preserve the possessory right of the claimholders by giving them the option of having their claims converted to oil-shale leases, or continuing to hold the claims under a new diligent development requirement.

In response to the question about "window of opportunity," the gentleman from Idaho addressed this in the subcommittee in trying to say that we have not given a window of opportunity during which these unpatented claimholders can file patent applications, I would respond that we have been more than fair and more than reasonably patient with these claimholders. These claims were located between 1915 and 1918. As such, they have had a 74-to-75-year window of opportunity already.

I would note that even after the Deputy Assistant Secretary of the Interior came out and told these claimholders to file a patent application and take action, as Jim Cason did in March 1988, and they still did not do so, then I would suggest they have no intention of doing so.

And, this legislation should not come as any surprise to these claimholders. We first considered an oil-shale bill during the second session of the 99th Congress, then again during the 100th Congress. So frankly, I would say that these claimholders do not think they have valid claims, and that is why they never have filed for patent.

This legislation seeks to preserve public ownership of public lands. It does so by prohibiting the issuance of patents except in two instances: where the right to patent has already been vested and where we have, in the spirit of compromise, provided for a patent limited only to the oil shale to claimholders who have already filed an application.

But for the most part, these lands would be maintained in public ownership. In fact, if all of these claims are found valid—and that is a very big if—I want to stress that even then 79 percent of all the acreage embraced by claims today would not receive a patent of any type. An additional 18 percent of the acreage could receive a limited patent to the subsurface oil shale estate.

This means that H.R. 2392 provides for public ownership and multiple use values for a total of 97 percent of the affected acreage. Any future "window of opportunity," however, seeks to privatize as much public land as possible by allowing the claimholders to file patent applications with the land to be sold off for only $2.50 an acre.

So this is the fundamental difference between our approaches. Privatization of public lands at fire sale prices, or managing public lands for their multiple-use values for the benefit of the public and future generations to come.

Naturally, I believe the bill as concurrently formulated better preserves the public interest in this matter. I also believe that the people of this country have been more than patient and more than fair to these claimholders.

In conclusion, Mr. Chairman, I would say as to the revenue effects of this particular legislation that the Congressional Budget Office in response to a position on this legislation has stated that receipts could be as high as $99 million in 1990 under the current legislation and $6 million a year thereafter. They are likely to be much less than that, probably less than $50 million over the 1994 period, that is in later years. Some of these receipts would be shared with the State. Potential costs of up to $4 million would partially offset the receipts, but the net effect of the bill is likely to be a net reduction in outlays.

So I conclude by saying this bill is a revenue producer. It is a bill that is fair. It is a process that has been open and the bill seeks to protect the public interest and protect the uses of our land for our future generations to come.

I want to say in conclusion that our full committee chairman, the gentleman from Arizona [Mr. UDALL], has been most helpful and his leadership has guided us through every deliberation on this legislation. I will ask under general leave, of course, that his statement be made a part of the RECORD.

I also wish to commend the gentleman from California [Mr. MILLER], who has been very instrumental in drafting this legislation and likewise is

submitting testimony in support of the bill.

Mr. Chairman, I ask that the House once again pass this legislation.

Mr. BROWN of Colorado. Mr. Chairman, I remain concerned about the effective date of this legislation. In fairness, it should be effective as of the date of passage. In voting for the measure, it is my hope that this matter may be corrected in the Senate deliberations.

Mr. MILLER of California. Mr. Chairman, I rise in support of H.R. 2392, a bill relating to oil-shale claims.

This bill is a much needed—and overdue—reform in the way we deal with unpatented oil-shale claims.

The bill should stop speculation in oil-shale claims. We have a situation now where oil-shale lands have been acquired for $2.50 an acre and then sold to developers, ski resorts, and others, for enormous profits. We all know that the Interior Department transferred title to oil-shale lands in Colorado—some 82,000 acres for $2.50 an acre. A large portion of this land was resold to oil companies for some $37 million. This is nothing but a bargain-basement giveaway of public lands.

The bill is fair. It protects the rights of claimholders to develop valid claims. The conditions of this development are changed—but in a reasonable way which reflects present day prices.

The bill also should end the longstanding controversy over the status of 1,600 unpatented oil-shale claims. These claims cover over 250,000 acres in three Western States. My major concern is that the title to this land could be transferred out of Federal ownership—and that the land could be sold for a substantial private profit.

I understand that some opponents of this bill claim it is unfair because we are "changing the rules in midstream." This bill affects some 1,600 claims—all staked prior to 1920. Little oil-shale development has occurred on these lands. Seventy or more years have passed since these claims were first made. It is unlikely that the claimholders would expect that the old rules and conditions would apply forever. This has not happened in any other facet of our lives or business, so why should they be exempt from the relatively modest changes this bill makes?

It is clear to me that the time has come to put a little present day reality in our mining laws and practices. The oil-shale bill is a good first step in that direction.

I urge all of you to join with me in passing this bill.

Mr. UDALL. Mr. Chairman, I rise in support of H.R. 2392 and I want to make a very brief statement regarding the bill we are now considering.

In my congressional career few, if any, issues have been more controversial, more involved and the subject of more litigation, court suits, Supreme Court decisions and administrative actions and reaction than oil shale.

I do not intend to give a history of this problem. It is well known. The popular belief is that we are selling land at $2.50 per acre. I will only suggest that after some 70 years, since oil shale became a leasable rather than a locatable mineral, it is high time the Congress put this issue to bed once and for all.

Most of these claims were located between 1915 and 1920. Yet in the 70 years since 1920 not one single barrel of shale oil has been produced on a commercial basis. Yes, shale oil has been extracted experimentally. Yes, the method of extraction is well known. But, as yet, there has been no commercial production of shale oil. Let me indulge in a slight exaggeration, but one that will make a point. The extraction of shale oil from oil shale is not entirely unlike the extraction of gold from sea water. There are millions of tons of gold in sea water; the method of extraction is known; it just costs too much. Gold from sea water is not now, and probably never will be, commercial. It appears to me that this is also the situation with oil shale. It is not now commercial and it appears unlikely that it ever will be, unless we have a crisis of a magnitude no one can anticipate. Even then it appears coal has the advantage to become commercial before oil shale.

I also would like to point out that if the oil-shale claimants are so eager they can begin shale-oil production tomorrow—with my blessing. A patent to the land or the minerals is not necessary to mine and produce shale oil. They have every right to begin production immediately if they have a valid claim. Even after holding this land for 70 years they have not produced one barrel of shale oil that is competitive with other energy sources. This alone should tell us something about this so-called valuable resource. Should we wait another 70 or 100 years? I think it is high time Congress resolved this issue. Neither the administrative or judicial branches of Government can solve this problem. It is our job. Lets do it now.

Let me point out that if the same discovery standards that are applied to oil-shale mining claims were applied to other minerals, such as gold, silver, and copper, there would not be a mountain top or a valley in the Western States that would not be covered by so-called valid mining claims. This ridiculous standard has been blindly followed for many years. The mining law of 1872 was not meant to be distorted in this fashion. Unfortunately, it has been approved by several Supreme Court decisions, as well as several administrations. The mining laws were not enacted to permit land to be indefinitely without mineral production.

It will take major concessions by both the Government and the oil-shale claimants to resolve this issue. But unless these concessions are made we will probably be litigating this issue for the next 70 years.

It is my understanding such a compromise may be in the works. I hope this opportunity will not be lost. Without going into detail, it is my feeling that if a scenario can be worked out whereby valid oil-shale claimants get the right to the oil shale and associated minerals and the Government retains the rights to the surface a great deal will be accomplished. This would involve a major concession on the part of both oil-shale claimants and the Government. But, in my opinion, it may well be the only way to avoid a continuation of unfortunate past history. Again, only Congress can take the necessary legislative action to bring about this result. Such a compromise would avoid the situation that has long plagued this situation; that is selling land at $2.50 per acre, including the surface and the minerals.

I think H.R. 2392 is headed in the right direction. I hope we can pass this bill and put this issue to rest once and for all.

Mr. RAHALL. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN pro tempore (Mr. MONTGOMERY). Pursuant to the rule, the bill is considered under the 5-minute rule by sections and each section shall be considered as having been read.

The Clerk will designate section 1.

The text of section 1 is as follows:

H.R. 2392

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. FINDINGS.

The Congress finds that:

(1) Certain oil shale mining claims were located pursuant to the General Mining Act of May 10, 1872, before enactment of the Mineral Leasing Act of February 25, 1920, which provides for the leasing of that mineral.

(2) Section 37 of the Mineral Leasing Act permitted oil shale claims that were "maintained in compliance with the laws under which initiated" to be perfected under such laws.

(3) The holders of those oil shale claims that have not been patented have been afforded ample opportunity to apply for patents over the last 69 years but have failed to take such action.

(4) Both the Mining Act of 1872 and the Mineral Leasing Act were intended to accomplish the development of the mineral resources of the Nation, including oil shale.

(5) Almost none of the oil shale claims have been developed for their oil shale in the intervening 69 years.

(6) The continued existence of these oil shale claims restricts the lands from the development of other minerals which may exist on the claimed lands.

(7) The continued existence of these oil shale claims interferes with the effective management of Federal lands.

(8) Issuing patents at this time for claims for which a right to patent has not vested would likely result in non-mineral development contrary to the intent of the Mining Act of 1872 and the Mineral Leasing Act.

(9) The lands embraced in an unpatented claim remain subject to the disposing power of the Congress until all conditions imposed by law for issuance of a patent are fully satisfied.

(10) Either the conversion of valid oil shale claims to leases or requiring diligent work toward production on such claims, together with the cancellation of invalid claims, would promote mineral development including for oil shale.

(11) It is in the public interest for these claims to be brought to some final resolution so that Federal lands affected may be properly managed for their mineral and other values in accordance with the laws and policies of the United States.

The CHAIRMAN pro tempore. Are there any amendments to section 1?

If not, the Clerk will designate section 2.

The text of section 2 is as follows:

SEC. 2. AMENDMENT TO THE MINERAL LEASING ACT.

Section 37 of the Mineral Leasing Act (30 U.S.C. 193) is amended by inserting "(a)" before the first sentence and by adding the following new subsections at the end thereof:

"(b)(1) The Secretary of the Interior shall undertake an expedited program to determine the validity of all unpatented oil shale claims referred to in subsection (a). The expedited program shall include an examination of all unpatented oil shale claims, including those for which a patent application has not been filed. If a claim is determined to be invalid, the Secretary shall promptly declare the claim to be null and void and cancel it.

"(2) Not later than 30 days after the enactment of this subsection the Secretary shall publish proposed regulations in the Federal Register containing standards and criteria for determining the validity of all unpatented oil shale claims referred to in subsection (a). Final regulations shall be promulgated within 180 days after the date such proposed regulations are published. The Secretary shall make a determination with respect to the validity of each such claim within 2 years after the promulgation of such final regulations. In making such determinations the Secretary shall give priority to those claims which meet the requirements of paragraphs (1) and (2) of subsection (c) and subsection (f).

"(c) Except as provided in subsection (f), after January 24, 1989, no patent shall be issued by the United States for any oil shale claim referred to in subsection (a) unless the Secretary of the Interior determines that, for the claim concerned—

"(1) a patent application was filed with the Secretary on or before January 24, 1989, and

"(2) all requirements established under sections 2329, 2330, 2331, 2333 of the Revised Statutes (30 U.S.C. 35, 36, and 37) were fully complied with by that date.

"(d)(1) The holder of each oil shale claim for which no patent may be issued by reason of subsection (c) shall make an election under paragraph (2) or paragraph (3) of this subsection. Not later than 30 days after the enactment of this subsection, the Secretary shall notify the holder of each such claim of the requirement to make such election. The holder shall make the election by certified mail within 60 days after receiving such notification. Failure to make an election within such period, shall be deemed conclusively to constitute a forfeiture of the claim and the claim shall be null and void.

"(2) The holder of a claim required to make an election under this subsection may elect to apply to the Secretary for a lease under section 21. The Secretary shall promptly provide a lease application to any claimholder who makes such election and the claimholder shall file an application for lease within 90 days after receiving such application. Upon receiving such an application the Secretary shall issue a lease to the holder of such claim for the area covered by the claim if the claim is determined to be valid. A lease under this paragraph shall be issued in accordance with the provisions of section 21 except as follows:

"(A) The term of the lease shall be 20 years and for so long thereafter as oil shale or associated minerals are produced annually in commercial quantities from the lease.

"(B) The acreage limitations contained in section 21(a) shall not apply.

"(C) The first and second provisos of section 21(a) shall not apply.

"(D) The limitation on the number of leases to be granted to any one person, association, or corporation contained in section 21(a) shall not apply.

"(E) The phrase 'oil shale and gilsonite' in the first sentence of section 21(a) shall be construed to include oil shale and all other associated minerals.

"(3)(A) The holder of a claim making an election under this subsection may elect to maintain the claim by complying with such requirements as the Secretary shall prescribe, by rule, to assure that, during each year that oil shale or associated minerals are not being produced from the claim in commercial quantities, the holder of such claim either makes payments in lieu of diligent development under subparagaph (B) or expends an amount annually which—

"(i) represents diligent efforts toward the production of oil shale or associated minerals (or both),

"(ii) includes substantial work on the claim, and

"(iii) represents not less than $5,000 worth of expenditure on the claim.

"(B) In lieu of making the expenditure described in clauses (i), (ii), and (iii) in any year, the holder of such claim may pay the Secretary an amount equal to $5,000 for the claim for that year. Moneys received by the Secretary under this subparagraph shall be disposed of in the same manner as moneys received pursuant to section 35, except that 50 percent of such moneys shall be transferred to the States and 50 percent shall be deposited in the General Fund of the Treasury.

"(C) The Secretary shall promulgate a final rule under this paragraph within 90 days after the enactment of this subsection. The annual expenditure requirement under such rule shall take effect on the first day of the first month of September which occurs more than 90 days after the enactment of this subsection.

"(D) The Secretary shall review the expenditures made for each such claim not less frequently than annually.

"(E) In applying the provisions of section 314 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1744), the holder of a claim for which an election under this paragraph has been made shall comply with the provisions of subsection (a)(1) thereof only by filing (as provided in such provisions) an affidavit that the annual expenditure (or annual payments in lieu of diligent development) requirements of this paragraph have been met with respect to such claim or that oil shale or associated minerals are being produced from the claim in commercial quantities.

"(F) Failure to comply with the requirements of this paragraph and the requirements of such section 314(a)(1) shall be deemed conclusively to constitute a forfeiture of the claim and the claim shall be null and void. In addition, the Secretary shall declare a claim to be null and void and cancel it on the earlier of the following:

"(i) The date on which the Secretary determines that oil shale and associated minerals are exhausted.

"(ii) The date 100 years after the date of location of the claim.

On the date referred to in clause (ii), the Secretary shall make a determination under this subparagraph and if the Secretary determines that oil shale or associated minerals are being produced in commercial quantities there shall be substituted for such date the date on which the Secretary determines that oil shale or associated minerals cease to be produced from the claim in commercial quantities.

"(G) The provisions of sections 4 and 6 of the Act of August 13, 1954 (30 U.S.C. 524 and 526), popularly known as the Multiple Minerals Development Act, and the provisions of section 4 of the Act of July 23, 1955 (30 U.S.C. 612), popularly known as the Surface Resources Act, shall apply to claims for which an election under this paragraph has been made in the same manner and to the same extent as such provisions apply to the mining claims referred to therein.

"(e) In addition to other applicable requirements, any person who holds a lease pursuant to paragraph (2) of subsection (d) or who maintains a claim pursuant to paragraph (3) of subsection (d) or pursuant to subsection (f) shall be required, by regulation, to reclaim the site subject to such lease or claim and to post a surety bond or provide other types of financial guarantee satisfactory to the Secretary before disturbance of the site to insure such reclamation. The Secretary shall promulgate such regulations as may be necessary to implement this subsection.

"(f)(1) If a patent application was filed with the Secretary before January 24, 1989, for an oil shale claim referred to in subsection (a) but all requirements established under sections 2329, 2330, 2331, 2333 of the Revised Statutes (30 U.S.C. 35, 36, and 37) were not fully complied with by that date, the Secretary may issue a patent under this subsection notwithstanding the failure to meet those requirements by that date if such requirements are subsequently met and the Secretary determines the claim to be valid (after review as provided in subsection (c)). The patent shall be limited to the oil shale and associated minerals on such claim. Upon compliance with such requirements, such patent may be issued upon payment to the Secretary of $2,000 per acre.

"(2) Any patent under this subsection shall be subject to an express reservation of the surface of the affected lands, and the provisions of sections 4 and 6 of the Act of August 13, 1954 (30 U.S.C. 524 and 526), popularly known as the Multiple Minerals Development Act, and of section 4 of the Act of July 23, 1955 (30 U.S.C. 612), popularly known as the Surface Resources Act, shall apply to such claim in the same manner and to the same extent as such provisions apply to the unpatented mining claims referred to in such provisions.

"(3) No claimholder having a claim described in this subsection shall be required to make an election under subsection (d).".

The SPEAKER pro tempore. Are there any amendments to section 2? If not, under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. MURTHA) having assumed the chair, Mr. MONTGOMERY, Chairman pro tempore of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 2392) to amend section 37 of the Mineral Leasing Act relating to oil shale claims, and for other purposes, pursuant to House Resolution 161, he reported the bill back to the House.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. YOUNG of Alaska. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 301, nays 80, not voting 52, as follows:

[Roll No. 71]

YEAS—301

Ackerman	Durbin	Jones (GA)
Akaka	Dwyer	Jones (NC)
Alexander	Dymally	Jontz
Anderson	Dyson	Kanjorski
Andrews	Eckart	Kaptur
Annunzio	Edwards (CA)	Kasich
Anthony	Edwards (OK)	Kastenmeier
Applegate	Engel	Kennedy
Aspin	English	Kennelly
Atkins	Erdreich	Kildee
AuCoin	Evans	Kolbe
Barnard	Fascell	Kostmayer
Bartlett	Fazio	LaFalce
Bateman	Feighan	Lagomarsino
Bates	Fish	Lancaster
Beilenson	Flake	Laughlin
Bennett	Flippo	Leach (IA)
Bereuter	Foglietta	Leath (TX)
Berman	Foley	Lehman (FL)
Bilbray	Ford (TN)	Leland
Bliley	Frank	Lent
Boggs	Frost	Levin (MI)
Bonior	Gallo	Levine (CA)
Bosco	Garcia	Lewis (GA)
Boucher	Gaydos	Long
Brennan	Gejdenson	Luken, Thomas
Brooks	Gekas	Machtley
Brown (CA)	Gephardt	Manton
Brown (CO)	Gillmor	Markey
Bruce	Gilman	Martin (IL)
Buechner	Glickman	Martinez
Byron	Gonzalez	Matsui
Campbell (CA)	Gordon	Mavroules
Campbell (CO)	Gradison	Mazzoli
Cardin	Grandy	McCloskey
Carper	Grant	McCrery
Carr	Gray	McCurdy
Clarke	Green	McDade
Clay	Guarini	McDermott
Clement	Hall (OH)	McGrath
Clinger	Hamilton	McHugh
Coble	Harris	McMillan (NC)
Coelho	Hastert	McMillen (MD)
Coleman (MO)	Hatcher	McNulty
Coleman (TX)	Hawkins	Meyers
Collins	Hayes (IL)	Mfume
Conte	Hayes (LA)	Miller (CA)
Conyers	Hefner	Miller (OH)
Cooper	Hertel	Mineta
Coughlin	Hiler	Moakley
Coyne	Hoagland	Molinari
Darden	Hochbrueckner	Mollohan
de la Garza	Holloway	Montgomery
Dellums	Houghton	Moody
Derrick	Hoyer	Morella
DeWine	Hubbard	Morrison (CT)
Dickinson	Huckaby	Mrazek
Dicks	Hughes	Murtha
Dingell	Hutto	Nagle
Donnelly	James	Natcher
Dorgan (ND)	Jenkins	Neal (MA)
Douglas	Johnson (CT)	Neal (NC)
Downey	Johnson (SD)	Nelson
Duncan	Johnston	Nowak
Oakar	Russo	Stokes
Obey	Sabo	Studds
Olin	Saiki	Sundquist
Ortiz	Sangmeister	Swift
Owens (NY)	Sarpalius	Synar
Owens (UT)	Savage	Tallon
Pallone	Sawyer	Tauke
Panetta	Saxton	Tauzin
Parker	Scheuer	Thomas (GA)
Parris	Schroeder	Torres
Payne (NJ)	Schuette	Torricelli
Payne (VA)	Schulze	Towns
Pease	Schumer	Traficant
Pelosi	Sensenbrenner	Traxler
Penny	Sharp	Unsoeld
Perkins	Shays	Upton
Petri	Sikorski	Vander Jagt
Pickett	Sisisky	Vento
Pickle	Skaggs	Visclosky
Porter	Skelton	Volkmer
Price	Slattery	Walgren
Pursell	Slaughter (NY)	Watkins
Rahall	Slaughter (VA)	Waxman
Rangel	Smith (FL)	Weber
Ravenel	Smith (IA)	Weiss
Ray	Smith (NJ)	Weldon
Regula	Smith (VT)	Wheat
Richardson	Smith, Robert (NH)	Whitten
Ridge	Snowe	Williams
Rinaldo	Solarz	Wilson
Robinson	Solomon	Wolf
Roe	Spratt	Wolpe
Rose	Staggers	Wyden
Rostenkowski	Stallings	Wylie
Roukema	Stark	Yates
Rowland (CT)	Stenholm	Yatron
Rowland (GA)		

NAYS—80

Archer	Hopkins	Rhodes
Armey	Horton	Ritter
Baker	Hunter	Roberts
Ballenger	Hyde	Rogers
Barton	Ireland	Rohrabacher
Bentley	Kyl	Schaefer
Broomfield	Lewis (CA)	Schiff
Bunning	Lewis (FL)	Shaw
Chandler	Lightfoot	Shumway
Combest	Livingston	Shuster
Cox	Lowery (CA)	Skeen
Craig	Lukens, Donald	Smith (MS)
Crane	Madigan	Smith (NE)
DeLay	Marlenee	Smith (TX)
Dornan (CA)	McCandless	Smith, Robert (OR)
Emerson	McCollum	Spence
Fawell	Michel	Stangeland
Frenzel	Miller (WA)	Stearns
Gingrich	Moorhead	Stump
Goodling	Morrison (WA)	Thomas (CA)
Goss	Myers	Thomas (WY)
Gunderson	Nielson	Walker
Hammerschmidt	Oxley	Walsh
Hancock	Packard	Whittaker
Hansen	Pashayan	Young (AK)
Hefley	Paxon	Young (FL)
Herger	Quillen	

NOT VOTING—52

Bevill	Dreier	Lowey (NY)
Bilirakis	Early	Martin (NY)
Boehlert	Espy	McEwen
Borski	Fields	Murphy
Boxer	Florio	Oberstar
Browder	Ford (MI)	Patterson
Bryant	Gallegly	Poshard
Burton	Gibbons	Roth
Bustamante	Hall (TX)	Roybal
Callahan	Henry	Schneider
Chapman	Inhofe	Smith, Denny (OR)
Costello	Jacobs	Tanner
Courter	Kleczka	Udall
Crockett	Kolter	Valentine
Dannemeyer	Lantos	Vucanovich
Davis	Lehman (CA)	Wise
DeFazio	Lipinski	
Dixon	Lloyd	

□ 1132

The Clerk announced the following pairs:

On this vote:

Mr. Henry for, with Mr. Dreier of California against.

Mr. Bilirakis for, with Mrs. Vucanovich against.

Mr. Roth for, with Mr. Inhofe against.

Messrs. SMITH of Texas, CHANDLER, ROBERTS, SHAW, and HAMMERSCHMIDT changed their votes from "yea" to "nay."

Messrs. JAMES, COBLE, GALLO, and SLAUGHTER of Virginia changed their votes from "nay" to "yea."

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. RAHALL. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to receive and extend their remarks on H.R. 2392, the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

WITHDRAWAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 586

Mr. DYMALLY. Mr. Speaker, I ask unanimous consent to withdraw my name as a cosponsor of H.R. 586.

The SPEAKER pro tempore (Mr. MURTHA). Is there objection to the request of the gentleman from California?

There was no objection.

LEGISLATIVE PROGRAM

(Mr. MICHEL asked and was given permission to address the House for 1 minute.)

Mr. MICHEL. Mr. Speaker, I take this time to inquire of the distinguished majority leader the program for next week.

Mr. FOLEY. Mr. Speaker, will the gentleman yield?

Mr. MICHEL. I yield to the distinguished majority leader, the gentleman from Washington [Mr. FOLEY].

Mr. FOLEY. I thank the gentleman for yielding.

Mr. Speaker, we have requested and obtained recess authority so that the House may be able to be present, those Members who wish to do so, and I know many, many do, in the rotunda at approximately 10 minutes of 12 as the laying in state of our late departed colleague, Claude Pepper, begins at noon.

Following that we will resume the session of the House. There will be the usual 15-minute notice by bells, and there are some unanimous consent requests which remain for today's schedule but no recorded votes are expected this afternoon.

The House will not be in session tomorrow, and we will be in session on Monday, but no legislative business.

On Tuesday, June 6, the House will meet at noon to consider the Private Calendar and four bills under suspension of the rules:

H.R. 1415, VA Home Mortgage Indemnity Act;

H. Res. 146, calling on the President to take action to enforce the semiconductor agreement;

S. 767, to make technical corrections to the Business Opportunity Development Reform Act of 1988;

H.R. 1101, Water Resources Research Act; and

S.J. Res. 113, relating to the cooperative arrangement with Japan regarding the FSX weapon system. Subject to a rule.

On Wednesday, June 7, the House will meet at 10 a.m.

The House will recess immediately and reconvene at 11 a.m. to receive Prime Minister Mohtrama Benezir Bhutto of Pakistan in a joint meeting. Following the joint meeting, the House will reconvene for legislative business

The legislative business will be H.R. 1278, Financial Institutions Reform, Recovery and Enforcement Act of 1989, subject to a rule.

On Thursday, June 8, the House meets at 10 a.m., to consider the same bill, H.R. 1278. On Friday, June 9, the House is not expected to be in session.

Mr. MICHEL. Mr. Speaker, might I further inquire of the distinguished majority leader if it is the intention of the majority party to hold your caucus next week for the selection of a candidate for Speaker, and when that might come, so that we on the minority side might make appropriate preparation for that particular time?

Mr. FOLEY. If the gentleman will yield further, the chairman of the Democratic Caucus has not yet indicated finally the time for the Democratic Caucus, but that is expected at some time around 9 or 10 a.m. on Tuesday morning next week. And I think it is the plan of the leadership, subject to the concurrence of the Republican side, to schedule an election of the Speaker on Tuesday afternoon.

Mr. MICHEL. So we would be coming in at noon on Tuesday and the first order of business then, I assume, would be the election of the Speaker, would it not?

Mr. FOLEY. I believe that is correct, yes.

Mr. MICHEL. And then we would proceed with the legislative program that the gentleman outlined?

Mr. FOLEY. Yes, indeed, that is correct.

Now as usual, we reserve the right to bring up any conference reports—none is expected—and any business that otherwise might come to the House.

One of the matters that could arise, as the gentleman knows, is the possibility, subject to an executive action with respect to the minimum wage bill.

Mr. MICHEL. That is right.

I thank the distinguished gentleman.

I wanted to underscore the point of our meeting at noon for that particular time because normally Members have been given indication they can get back later on Tuesday for rollcalls. But I think it would be very appropriate, certainly demanding that all Members be cognizant of the fact that that is a very important occasion when we ought to have a full House present for the election of a new Speaker.

Mr. FOLEY. I thank the gentleman.

ADJOURNMENT TO MONDAY, JUNE 5, 1989

Mr. FOLEY. Mr. Speaker, I ask unanimous consent that when the House adjourns today it adjourn to meet at noon on Monday next.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Washington?

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. FOLEY. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Washington?

There was no objection.

□ 1140

AUTHORIZING THE SPEAKER TO DECLARE RECESSES AT ANY TIME ON WEDNESDAY, JUNE 7, 1989

Mr. FOLEY. Mr. Speaker, I ask unanimous consent that it may be in order at any time on Wednesday, June 7, 1989, for the Speaker to declare recesses, subject to the call of the Chair, for the purpose of receiving in joint meeting the Prime Minister of the Islamic Republic of Pakistan.

The SPEAKER pro tempore (Mr. ENGEL). Is there objection to the request of the gentleman from Washington?

There was no objection.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. MURTHA). The Chair will continue 1 minute speeches until 11:45, when the House will then recess for the memorial service of Congressman Pepper.

EL SALVADOR

(Mr. AUCOIN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. AUCOIN. Mr. Speaker, in El Salvador the Arena Party has been controlling both the legislative and judicial branches of government. Today they take it all—when Alfredo Christiani becomes President.

Two weeks ago, President Bush said, and I quote: "We expect Arena to exercise its political power responsibly."

Mr. Speaker, we already know how Arena exercises its political power.

Arena was founded by a ruling class determined to keep a stranglehold on the wealth and resources of El Salvador—and to treat the poor majority not as citizens with rights but as a subversive enemy whom they could kill at will.

When they took over the Constituent Assembly 7 years ago, Arena organized death squads out of the Assembly building.

While Arena has run the judicial system, not one death squad member or military officer has been brought to justice for a single one of tens of thousands of murders.

So when Arena controls the legislature—there is no law. And when Arena controls the judiciary—there is no justice.

Now they control the executive. And we are sending over $400 million in aid to these people.

El Salvador has tremendous problems. A civil war born from years of oppression. A police state with no protection for dissenters. A government powerless to help the poor. An environment so abused and polluted it is facing ecological collapse.

Mr. Speaker, let the Government of El Salvador demonstrate that they are prepared to make peace—and tackle these problems. If they do, let's help them. If not, we're wasting our money—and prolonging the agony of a long-suffering people.

KAHA KI'I—AN ARTISTIC DISCOVERY

(Mr. AKAKA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. AKAKA. Mr. Speaker, I rise today to honor a special individual whose artistic talent will represent Hawaii's second district in the Eighth Annual Congressional Arts Competition.

Dominic Salis, the winner of the 1989 Kaha Ki'i: An Artistic Discovery arts contest sponsored by Pacific Resources, Inc., was chosen from more than 68 entries. From Kohala High School, Dominic used the beautiful surroundings of the island of Hawaii

as the basis for his artwork—Plant Abstractions. It gives me great pleasure in seeing his exceptional artistic ability displayed here in our Nation's Capitol.

I would also like to pay tribute to the second district semifinalists, who have contributed to this outstanding event. Alfred Gray from Kauai High and Intermediate School, Harlan Henna from Castle High School on Oahu, Daniel Riel from Lanai High School; from the Island of Hawaii, Yusuke Nagao of Hawaii Preparatory Academy; Shyla Paaoao of Waiakea High School; and Edward Kawasaki from Kohala High School.

In addition, I would like to express my deep gratitude to Pacific Resources, Inc. [PRI], for their sponsorship and contributions in making this coordinated effort a truly enormous success. I am pleased that PRI has taken the leadership in this important program, and am proud of their strong commitment to the arts. Through their participation, Hawaii's young artists will receive the recognition they so truly deserve.

Mr. Speaker, on behalf of the people of Hawaii, I would like to commend all those who participated in Kaha Ki'i: An Artistic Discovery, and once again congratulate our 1989 congressional arts winner, Dominic Salis.

RECESS

The SPEAKER pro tempore. Pursuant to the order of the House earlier today, the House will recess subject to the call of the Chair.

There was no objection.

Accordingly, (at 11 o'clock and 43 minutes a.m.,) the House stood in recess, subject to the call of the Chair.

□ 1249

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. ENGEL) at 12 o'clock and 49 minutes p.m.

EVERY SINGLE MEMBER HAS A STAKE IN PRESERVING THE INTEGRITY OF THIS BODY

(Mr. SCHUMER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SCHUMER. Mr. Speaker, yesterday's speech was a great speech, the kind of oratory we have not seen around here in many years, reminiscent of Clay and Webster and Adams, but it will only be a speech if we do not take note of its real significance.

The Speaker's resignation for the sake of the country must be an alarm bell to Congress to get back to substantive work. Ethics issues cannot become the ammunition of partisan political warfare. Ethics issues belong in the Ethics Committee where they can be deliberately and thoughtfully dwelt upon.

We can no longer have trial by sound bite and execution whipped up by public fury. Every single Member of this body has a stake in preserving the integrity of this body.

But let us do so in a decent way so that innuendo and slur do not become the McCarthyesque weapons of the 1990's.

YELLOWSTONE, AMERICA'S OLDEST AND GRANDEST NATIONAL PARK

(Mr. OWENS of Utah asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. OWENS of Utah. Mr. Speaker, All who love Yellowstone, America's oldest and grandest National Park, are aware that there are many threats to its proper management and natural integrity. The most recent problem may be the decision made May 18 by President Bush to change the park's let burn fire management policy. I am astonished that such an announcement would come at the very time that we are beginning to witness a validation of the naturalists' predictions. Ushered in by spring and melting snow, a new vitality of biological diversity has exploded in the areas of the park touched by fire. I intend to address the consequences of the administration's new fire management policy more extensively at a later date.

Another very serious problem was brought to my attention on a visit 18 months ago, when I first learned of private development initiatives which now seriously threaten the wildlife and possibly even the geothermal resources of Yellowstone. There is now building, on the park's northern border, a community comprised of housing complexes, agricultural and small industry developments, wildlife-proof fences, and many new bulldozed roads. These developments are on land which nature decreed shall be used by all the major species of Yellowstone wildlife. Yellowstone's northern range is a single and unitary ecosystem and this development effectively blocks a wildlife superhighway used by Yellowstone's largest herds of elk and bison as they migrate to their winter feeding outside the park.

The nature of the developments currently underway on these private lands promises serious management problems for Yellowstone's grizzlies. Domestic sheep operations on these lands, in the opinion of wildlife experts, are likely to transmit diseases to the park's northern bighorn herd. Yellowstone's antelope, which already struggle through the natural severity of the park's harsh winters, are dependent upon access to these very lands for winter survival.

Yellowstone is our Nation's finest wilderness wildlife theater. It is a place where every American can visit and, on most days, see many of the large mammals of North America. We cannot permit the isolated development proposals of a single interest group to compromise the basic integrity of the park's wildlife ecosystem and further.

The complex matrixes of Yellowstone's geothermal resources might also be damaged by proposed private geothermal development plans on these lands. The National Park Service is currently conducting an environmental study to confirm these potential effects. There is well-founded concern that proposed geothermal development could threaten the park's geyser basins, extraordinary natural treasures which include old faithful, the single best known feature of the best known national park in the world.

We are now faced with an unfortunate situation, where private land owner rights and our national interests in protecting Yellowstone Park, are in clear and direct conflict.

A similar problem was resolved last year when Congress passed legislation to acquire 600 acres of private holdings on the edge of the Manassas Battlefield National Park which were slated for inconsistent commercial development. As was the case with the Manassas Battlefield Park, the owner of these lands on Yellowstone's northern border would be guaranteed just compensation.

This bill would direct the forest service to make every effort to acquire these lands, on a willing seller basis if possible, but by eminent domain if necessary.

History will note that under the Reagan administration less land was added to National Park Service areas than under any of the three preceeding administrations. Further, more mineral leases and development permits in the Yellowstone area were issued by the Reagan administration that by the three previous administrations combined. In fact, a Federal purchase of these very lands, with Land and Water Conservation Act funding, was in its final stages when the political interference of then-Secretary of the Interior, James Watt, killed the transaction.

Upon acquisition, these lands would be added to the Gallatin National Forest, and managed under multiple-use principles. Although these lands would not be added to Yellowstone National Park, I am confident Forest Service management will adequately protect the park's wildlife and geothermal resources.

The urgency of this problem requires our prompt action. I hope you

will join me in protecting Yellowstone, America's first and most beloved national park.

□ 1250

INSPECTOR GENERAL CONCEPT NEEDS EXPANSION IN THE DEPARTMENT OF DEFENSE

(Mr. LANCASTER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.

Mr. LANCASTER. Mr. Speaker, the three military departments, individually, have more personnel and larger budgets than all but one of the agencies in the Federal Government. Yet, while all the other agencies have civilian inspectors general, appointed by the President and confirmed by the Senate, the military departments do not have a similar position.

DOD has a very limited inspector general operation that encompasses only 1,500 of the 22,000 personnel involved with audits, investigations, and inspections in the department. The vast majority of the resources needed to prevent fraud, waste, and mismanagement are currently within the hands of each service secretary. These resources are spread throughout each service and this dispersal has led to duplicate responsibilities and overlapping functions. These, in turn, has contributed to the overauditing that the Packard Commission pointed out so effectively. H.R. 2362, the DOD Audit Improvement Act, attempts to remedy this unusual situation in DOD. It would establish a focal point within each military department for combating fraud, waste, and mismanagement. This focal point would be an auditor general, a position that is modeled after the inspector general legislation. Persons appointed to this 6 year renewable term would be appointed by the President and confirmed by the Senate. These new positions would go a long way to correct the problems that we have witnessed over the past 8 years. I urge my colleagues to cosponsor this bill and support its passage.

GEORGETOWN BICENTENNIAL SALUTE

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Louisiana [Mrs. BOGGS] is recognized for 5 minutes.

Mrs. BOGGS. Mr. Speaker, I rise to salute Georgetown University on its bicentennial celebration. Georgetown was founded by Archbishop Carroll, the very same year that the Government of the United States under the Constitution, including, of course, this body, was established in 1789. Many Members of this House and of the other body have been students at Georgetown or have had children, grandchildren, daughters-in-law and sons-in-law, or ancestors who have been privileged to receive the magnificent education and training on "the Hilltop."

This Member has several family members who are graduates of Georgetown University or Georgetown Preparatory School. My grandfather, Louis Bingaman Claiborne, came to Georgetown from Louisiana as a 16-year-old young man and was beautifully educated by the priests, the brothers, and lay teachers there.

My son, Tom, is a graduate of the Prep, of Georgetown University, and of the Georgetown Law School. My granddaughter, Elizabeth Boggs, is an alumna of the Georgetown Foreign Service School. My grandsons, David Sigmund and Lee Roberts, are graduates of the Prep. So it is with a very special pride that I come before the House today in celebration of the 200 years of excellence in education, science, medicine, foreign service, and the humanities, to salute Georgetown University.

As part of its bicentennial celebration on tomorrow morning Georgetown will be conferring two bicentennial medals on its most outstanding alumni. It was with a great deal of pride and confidence that I announce that my son-in-law, Paul Sigmund, the husband of my daughter Barbara, who is professor of political science at Princeton University, and Mary Jo Bane, who is currently on the faculty of John F. Kennedy School of Government at Harvard University, are receiving these two bicentennial medals. Paul Sigmund was nominated and selected for his distinguished contributions to the academic and intellectual life of this country as well as his many contributions to Georgetown. Mary Jo Bane, a graduate of the Foreign Service School, who has served as a volunteer in the Peace Corps and in many areas of the social services in our country and who has taught at Wellesley and at Iowa before joining the Harvard faculty. She is being especially honored because of her work with families and women and children. There are many in this body, who have a particular interest in children and family issues and in the problems facing women, who are very grateful to her for several of her articles which are very instructional to us in our work.

□ 1300

Some of these important articles are "Alone Together," "The World of the Single Parent," "Families and Children in Divorce and Welfare," "Economic Justice and Policies Affecting Women," and "Who Cares About Day Care?"

We in the legislative branch should take special satisfaction in the selection of both medalists from the disciplines of government and politics.

Mr. Speaker, it is with great pride and great joy that I offer my congratulations and say, "God bless you," to Georgetown University, to its faculty members, to its alumni members, and to its board of governors. I would like to offer a special salute to its president, Father Timothy Healy, who will be leaving the University soon to assume new responsibilities at the New York City Library as its President. There he will continue his positive influence upon the intellectual, the cultural, and the social life of our country.

Mr. Speaker, I appreciate this opportunity to pay my special tribute to Georgetown University on its 200th anniversary and to its two very special alumni members who are receiving the bicentennial medals.

HUMAN RIGHTS IN EL SALVADOR

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. PANETTA] is recognized for 5 minutes.

Mr. PANETTA. Mr. Speaker, I rise today with a concern I know many of my colleagues and many American citizens share: the deteriorating human rights situation in El Salvador. As the new Government takes power in El Salvador today, I rise not only as one with an interest in the welfare of the people of El Salvador, but also as a United States Congressman responsible for approving the $375 million in annual American aid to the Government of El Salvador.

With the election on March 19 of Alfredo Cristiani as President of El Salvador, many observers here in the United States adopted a wait-and-see attitude. Mr. Cristiani, a member of the Nationalist Republican Alliance (Arena) Party, is known to be closely associated with Roberto d'Aubuisson, Arena's founder and leader of the party's majority in the National Assembly. Mr. d'Aubuisson has been linked to all too many instances of human rights violations, including the assassination of Archbishop Romero in 1980 and the deaths of other left-leaning Salvadorans in the early 1980's.

Understandably, therefore, many here and elsewhere have been cautious in their reaction to the election results. Mr. Cristiani will begin his 5-year term today, June 1, and it has seemed only fair to give him the benefit of the doubt before he takes office.

We have withheld our questions about the nature of Mr. Cristiani's ties to Mr. d'Aubuisson. We have refrained from asking the extent of his affiliation with Mr. d'Aubuisson. We have bated our collective remarks and watched and listened to El Salvador as June 1 approached.

Yet, Mr. Speaker, some of us find that we can no longer stand silently by. We can no longer stand silently by even 1 month after Mr. Cristiani won the Presidency. For in the last 2 months we have witnessed a rash of terrible violations of the trust in which the people of El Salvador have placed themselves.

As many of us feared, the line between official security forces and associated right-wing vigilante groups in El Salvador is once again being blurred. In an announcement of astonishingly blatant disregard for the rights of El Salvador's citizens, Vice President-elect Francisco Merino in April described his plan for an Arena party network of right-wing watchdogs charged with reporting suspected guerrilla collaborators to security forces. I am reminded, Mr. Speaker, of the German Nazi party of the early and mid-1930's, when party members zeolously sought out, harassed, and even beat left-leaning neighbors. Then, as now in El Salvador, official security forces obtained information from unofficial private party members, persons with their own political agendas, some of whom were convicted criminals and common thugs.

What is to prevent similar private-official collaboration in El Salvador? Where are the lines drawn? Who can be trusted? And who is really going to control the Government? I am very troubled by this proposal; it is clearly designed to sanction the reporting of hearsay, rumors, and vendettas carried on the tongue of any party activist. I would urge the administration in the strongest terms to convey our Government's outrage to the new Vice President and to the President. It is our duty to to protest such scurrilous tactics.

Some say that we should not prejudge Mr. Cristiani and his party's ability to govern. I would respond that we have not. We waited, but we did not wait long before civilians began to be attached for their political views. Such victims are not members of the Farabundo Marti National Liberation Front, Mr. Speaker, they are simply concerned citizens trying to move their country forward to a day when Salvadorans can participate in nonviolent political participation without fear of being tortured, raped, or murdered.

Mr. Speaker, I recount just a few of the most egregious recent violations: Claiming that Cristiani's victory ensured the destruction of the village of Las Vueltas, members of the Salvadoran Armed Forces pillaged homes and beat and otherwise intimidated inhabitants on March 27.

Walking with her class, teacher Maria Cristina Gomez was kidnapped by members of a death squad on April 5; her tortured body was found shortly thereafter.

April 19, Gloria Alicia Galan, a member of the women's group Comadres, was abducted along with her sister in San Salvador. Ms. Galan has been abducted twice before.

Late in the night of April 19, forces of the First Brigade cut phone lines, defaced walls, vandalized furniture, dumped files, and arrested 74 people gathered at the headquarters of the Christian Committee of the Displaced and National Committee on Repopulation. Among the detained were refugees in the process of being resettled, pregnant women and children. Upon the release of some of the detainees, they reported having been beaten and dunked in cold water.

The same night saw security forces surround the offices of five groups affiliated with the Democratic Convergence and attempt to intimidate and harass their members.

Members of the Association of Salvadoran Women detained that night later reported that they, too, were stripped and tortured.

On May 11, trade unionist Pablo Obdulio Vargas was reportedly assassinated by plainclothed gunmen in a death squad-style attack and Manual de Jesus Perez, another trade unionist, was severely beaten in a separate incident.

Mr. Speaker, I do not need today to recite the complete list of unexplained detentions by the security forces and private right-wing acts of violence in El Salvador. No one can dispute the continued activities of the infamous death squads and their horrific acts of torture and murder. Neither can we dispute the stepped up activities of the security forces and vigilantes against civilians.

Do not misunderstand me: no one has a greater empathy for the suffering of the Salvadoran people at the hands of the FMLN guerrillas and desires an end to the civil war than I. I am a steadfast advocate of all efforts to support the Central American Presidents' work to build a lasting peace in El Salvador. Yet the United States Government did not give $375 million in grants and loans last year to the FMLN guerrillas; we gave it to the Government of El Salvador. It is therefore our duty to see that our hard-earned funds are spent properly and wisely for the good of the entire Nation—not for the advancement of the Arena Party and its right-wing alliance.

Many in Congress have made it known from the beginning that we advocate a diplomatic solution to the problems that divide the country. I am proud to be a cosponsor of the resolutions of my fellow Californians, Representative NANCY PELOSI and Representative BARBARA BOXER, House Concurrent Resolution 48 and House Concurrent Resolution 1, respectively, that the administration assist El Salvador in pursuing a negotiated settlement of the Country's civil war and that the primary emphasis of United States assistance to El Salvador should be shifted from military assistance to developmental and humanitarian aid. After much reflection, recently I also cosponsored House Joint Resolution 54, Representative KASTENMEIER's bill to prohibit military aid to El Salvador. American arms must not be used against defenseless citizens of another nation. I also commend Representatives STARK and BRYANT for their letter, of which I am a cosigner, to President Cristiani, urging him to stop the persecution of the churches of El Salvador and their communities.

I noted with pleasure the Subcommittee on the Western Hemisphere's action on aid to El Salvador on April 13. As you know, the subcommittee authorized restrictions on military and economic aid to El Salvador, sending an important and necessary signal to incoming President Cristiani. Their action again would require the President to submit to Congress, each half-year, a report on prospects for a political settlement of the war, political violence and human rights, and democracy and pluralism, in order to release military aid to the country. In addition, I am pleased that the subcommittee required that nonmilitary aid be released only when the Salvadoran Government allows humanitarian organizations into war zones and prohibits the use of such aid for forced relocations, civil defense, or political activities.

A decade of civil war has exhausted this small nation, yet it nears a propitious juncture. Mr. Cristiani, is, in my view, uniquely qualified to reach an accord with the FMLN. Further civil, political, and military factionalism will only tip the nation's tenuous balance toward dictatorship and civil anarchy.

Our Nation gives the country of El Salvador more aid dollars than that country's own budget provides. With a new President and Congress now actively engaged in the review of foreign policy in the region, I believe that we have reason to push for an improvement in both the human rights situation and in the conditions for a permanent settlement. American Policy toward El Salvador must cease to ignore El Salvador's human rights violations. In accord with the actions of the House Foreign Affairs Committee, I would hope that the administration will pay heed to the cries of civilians tired of civil war and political harassment. I would urge the administration to work with the Congress and with the Central American Presidents to enable President Cristiani and the Arena Party to rise to the occasion of their Government of the people of El Salvador. Further abuses of their right to govern must not go unnoticed by those here who contribute greatly to their ability to do so.

"CHAPPIE" POSILLIPO: AN INSPIRATION TO US ALL

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from New York [Mrs. LOWEY] is recognized for 5 minutes.

Mrs. LOWEY of New York. Mr. Speaker, I rise today to pay tribute to Anthony J. "Chappie" Posillipo, a devoted public servant in my district for over 48 years. Mr. Posillipo, a lifelong resident of Port Chester and Rye, NY, died on May 6, 1989 at the age of 81.

Chappie had a long and very distinguished career in Westchester public service, but his political career was preceded by his work with local 48 of the Bricklayers, Plasterers and Masons Union. By the age of 18 he was the union's corresponding secretary, and 12 years later he became the business manager and financial secretary. He was left with an understanding of industrial relations which served him well throughout his life.

It was in 1941 that Mr. Posillipo entered an election that would change the path of his career, as well as the future of Port Chester and Rye, forever. In that year, he was elected to the Port Chester Board of Trustees, where he served for 7 years. His subsequent civic career is a list of one distinguished position of public responsibility after another.

He was elected mayor of Port Chester in 1952, and he served for one term. He relinguished the mayoral position to run for town supervisor of Rye, a position he held until 1983.

In addition to his elected positions, Chappie served as trustee of United Hospital, director of the Day Care Council of Rye, and commissioner of the Rye Town Police Department. In every instance, his highest priority was re-

sponding to the needs and concerns of the people in his community.

What I admired most about Chappie was his unceasing devotion to our local community. He was committed to Rye and Port Chester, and was not attracted to climbing the political ladder. In 1962, he was nominated for the position of New York State Lieutenant Governor. He withdrew his name from the race, saying, "It looked too good for me and I was afraid I would win. I am perfectly content to be the supervisor of the town of Rye." He was content with himself and saw a task he wanted to do. He took on that challenge with vigor and did an exemplary job.

In 1983, distinguished former Congressman Dick Ottinger came to this same floor to sing the praises of Chappie and the occasion of his retirement as Rye town supervisor. Dick said, "Any tribute to Chappie suffers from the fault of leaving out so many of his accomplishments." I could not agree more. There are a multitude of accomplishments that are directly attributable to Chappie Posillipo. He made a difference in people's lives and in doing so left this imprint on Westchester.

To the Posillipo family, including his wife, children, grandchildren, and great-grandchildren, I extend my deepest sympathy. To the people of the towns of Rye and Port Chester, may they continue to govern in the best tradition of Chappie's vision. That will be the best tribute that can be paid to this proud public servant. Thank you, Chappie. You will be missed. You will be remembered.

IMPROVED PENALTY ADMINISTRATION AND COMPLIANCE TAX ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas [Mr. PICKLE] is recognized for 30 minutes.

Mr. PICKLE. Mr. Speaker, today I take great pleasure in introducing the Improved Penalty Administration and Compliance Tax Act [IMPACT], which will provide a fairer, more effective, and rational civil tax penalty system for all taxpayers. Ranking minority member DICK SCHULZE, and subcommittee members Congressman BERYL ANTHONY, RONNIE FLIPPO, BYRON DORGAN, HAROLD FORD, and CLAY SHAW join me as sponsors of this civil tax penalty reform legislation. This legislation is the culmination of the work by members of the Subcommittee on Oversight of the Committee on Ways and Means. It is a natural extension of tax reform and is in keeping with the committee chairman's efforts toward tax simplification.

The Oversight Subcommittee, which I chair, has been conducting a comprehensive review of the civil tax penalty provisions contained in the Internal Revenue Code for more than a year. Three days of hearings were held to review the structure, application, fairness, and effectiveness of the current civil penalty provisions and to receive recommendations for improvements. The subcommittee received testimony from numerous witnesses including tax practitioners, the business community, professional organizations, academicians, the Department of the Treasury, the Internal Revenue Service [IRS], and former IRS commissioners and chief counsels. The subcommittee heard a rising chorus of compliants and concerns about the current penalty system from those appearing before the subcommittee. We heard repeatedly that the current penalty structure is a confusing morass of complex, overlapping penalties that are often unduly harsh or just plain irrational. Concern was also expressed about the complexity, severity, and sheer number of penalties in the Code.

To see how important penalty reforms is, just look at these facts. Today the Internal Revenue Code contains nearly 150 provisions designed to penalize those who do not comply with the Federal tax laws. Yet, only 3½ decades ago, the penalties were simple and few. The Internal Revenue Code of 1954 initially included 13 penalties. This grew to 25 in 1967 and to 150 in 1987. The growth in penalty assessments has kept in step with the expansion in the number of penalty provisions. For fiscal year 1978, the IRS reports that it assessed 15.4 million penalties for a total of $1.3 billion. After abatements, assessments totaled approximately $1 billion. Ten years later, for fiscal year 1988, date indicates that the IRS assessed 26.6 million penalties for a total of $10.9 billion. Approximately 14 million penalties were assessed against individuals for $2.4 billion; about 844,000 penalties were assessed against corporations for $1.3 billion. After abatements, assessments totaled approximately $6 billion. I think these figures are staggering and deserving the Congress' attention.

With nearly 150 penalties currently in the Code, the IRS, taxpayers, and tax practitioners are faced with substantial compliance and administrative burdens resulting from the complexities involved with these provisions. There are just too many penalties. Many penalty provisions are too complex for the IRS to effectively administer and, for many taxpayers, too complex to comprehend. And, under our current structure, there are a number of instances where the same taxpayer behavior can be subject to more than one tax penalty. In other words, a number of the penalties overlap and stack, increasing the possibility that enormous penalties may be imposed on relatively small tax deficiencies. Reform of our penalty structure is necessary and long overdue.

In July of last year, the subcommittee took that important first step toward penalty reform when we began to receive concrete recommendations for change from such groups as the American Bar Association. On February 28, 1989, the IRS Commissioner presented to the subcommittee his study group's report entitled, "Report on Civil Tax Penalties, by Executive Task Force, Commissioner's Penalty Study, Internal Revenue Service". We also heard from the chief judge of the U.S. Tax Court and the American Institute of Certified Public Accountants. At that point, it became apparent to all that a consensus on the specifics of penalty reform was an attainable goal.

I believe that this bill embodies that consensus. I am proud to say that this consensus developed as a result of the myriad of written comments the subcommittee received from individual and business taxpayers, followed by a series of roundtable discussions the subcommittee recently held with tax practitioners, various interested organizations, and government representatives. We all rolled up our sleeves and identified areas of agreement and ironed out many of our differences. It was a highly productive way of going about a very massive, complex task. I thank everyone who has contributed to this process. This legislation is the product of this process, and one of which we all can be proud.

This bill—IMPACT—will provide a fairer, less complex, more effective, and more rational civil tax penalty system. In summary, the bill would improve the penalties applicable to information reporting by treating those who attempt to comply with the law less harshly than those who do not. With respect to the current law negligence, overvaluation, and understatement of income penalties, we have eliminated the stacking of the penalties and consolidated them into a single, uniform accuracy penalty. We retain the present law fraud penalty. We have improved the penalties for failure to pay and failure to make timely deposits of tax by eliminating overlapping and encouraging remedial action. Finally, the bill would address the penalties applicable to tax preparers, tax shelter promoters, and tax protesters.

Our voluntary tax system in this country is remarkable. For the system to continue to work, however, it needs the respect, confidence and support of all of us. Penalties do play an important role in our tax system. Penalties should exist for the purpose of encouraging voluntary compliance with the tax laws. Penalties should not be used simply to raise revenues. Penalties and the standard of conduct required of taxpayers should be readily known and easily understood. Penalties should be targeted only to culpable conduct. Multiple penalties should not apply to the same misconduct. Penalties should be proportionate. Penalties should encourage compliance. Penalties should not treat taxpayers who make a good faith effort to comply

with the tax laws as harshly as those taxpayers who deliberately violate the laws. Finally, administrative procedures for imposing penalties should ensure that all taxpayers are treated in a fair and equitable manner by the Internal Revenue Service. IMPACT will go far in making these worthy goals a reality.

Penalty reform requires more than legislative action. Penalty reform can only be truly meaningful if it is accompanied by administrative improvements by the IRS. The IRS has recognized this and, in the Commissioner's civil tax penalties study report, listed the following objectives that IRS should follow as it handles each penalty case:

(1) Similar cases and similarly situated taxpayers should be treated similarly; (2) The taxpayer should have the opportunity to have his interests heard and considered. This includes providing a forum, listening to his views, and modifying decisions when appropriate; (3) IRS should strive to make a good substantive decision in the first instance. A wrong decision, even though corrected eventually, negatively impacts voluntary compliance; (4) An adequate opportunity should exist for incorrect decisions to be corrected. This encompasses appeals to the office that asserts the penalty, a separate appeals apparatus, and access to the court system; (5) The agency should act in an impartial and honest way. While each IRS respresentative appropriately approaches his or her job from a government perspective and with the objective of protecting the government's interest, the true interest of the government is the impartial enforcement of the tax laws, and this requires that treatment of taxpayers not be biased in the government's favor; (6) IRS should help taxpayers understand their legal rights and assist them in understanding their appeal rights. IRS should scrupulously observe the taxpayer's procedural rights; and, (7) IRS should seek to promptly process and resolve each taxpayer's case. Promptness requires a certain amount of initial informality in the dispute resolution process.

I commend the IRS for its commitment to such worthy goals and intend to hold the IRS to these standards. To assist the IRS in achieving these goals and to ensure effective implementation of the subcommittee's legislative package, the Oversight Subcommittee has developed additional administrative recommendations to accompany the statutory penalty reform package.

I submit for the record the legislation, a summary of the provisions of the bill, and additional administrative recommendations, and urge my colleagues to join with me in enacting this reform legislation. IMPACT is sure to be the pro-taxpayer legislation of 1989.

SUMMARY EXPLANATION OF THE IMPROVED PENALTY ADMINISTRATION AND COMPLIANCE TAX ACT

A. INFORMATION REPORTING PENALTIES

Present law

Any person that fails to file an information return with the Internal Revenue Service on or before the prescribed filing date is subject to a $50 penalty for each failure, with a maximum penalty of $100,000 per calendar year. In addition, any person that fails to provide a copy of an information return (a "payee statement") to a taxpayer on or before the prescribed due date is subject to a penalty of $50 for each failure, with a maximum penalty of $100,000 per calendar year. If a person fails to include all of the information required to be shown on an information return or a payee statement or includes incorrect information, then a penalty of $5 may be imposed with respect to each such failure, with a maximum penalty of $20,000 per calendar year. Stricter penalty provisions apply in the case of interest and dividend returns and in the case of intentional failures to comply with the information return requirements.

A penalty may also be imposed for each failure to include a correct taxpayer identification number on a return or statement and for each failure to furnish a correct taxpayer identification number to another person. The amount of the penalty that may be imposed is either $5 or $50 for each failure, depending on the nature of the failure.

Explanation of provisions

Failure to file correct information returns.—The bill modifies the information return penalties provided under present law in order to encourage persons to file correct information returns even though such returns are filed after the prescribed filing date.

Under the bill, any person that fails to file a correct information return with the Internal Revenue Service on or before the prescribed filing date is subject to a penalty that varies based on when, if at all, a correct information return is filed. If a person files a correct return after the prescribed filing date but on or before the date that is 30 days after the prescribed filing date, the amount of the penalty is $15 per return, with a maximum penalty of $75,000 per calendar year. If a person files a correct information return after the date that is 30 days after the prescribed filing date but on or before August 1, the amount of the penalty is $30 per return, with a maximum penalty of $150,000 per calendar year. If a correct return is not filed on or before August 1 of any year, the amount of the penalty is $50 per return, with a maximum penalty of $250,000 per calendar year.

The bill also provides a de minimis exception that applies to incorrect information returns that are corrected on or before August 1. Under the exception, if an information return is originally filed without all of the required information or with incorrect information and the return is corrected on or before August 1, then the original return is treated as having been filed with all of the correct required information. The number of information returns that may qualify for this exception for any calendar year is limited to the greater of (1) 10 returns or (2) one-half of one percent of the total number of information returns that are required to be filed by the person during the calendar year.

The bill maintains the present-law rules for failures that are due to intentional disregard of the filing requirement.

Failure to furnish correct payee statements.—Under the bill, any person that fails to furnish a correct payee statement to a taxpayer on or before the prescribed due date is subject to a penalty of $50 per statement, with a maximum penalty of $100,000 per calendar year. If the failure to furnish a correct payee statement to a taxpayer is due to intentional disregard of the requirement, the bill generally provides a penalty of $100 per statement or, if greater, 10 percent of the amount required to be shown on the statement, with no limitation on the maximum penalty per calendar year.

Failure to comply with other information reporting requirements.—Under the bill, any person that fails to comply with other specified information reporting requirements on or before the prescribed date is subject to a penalty of $50 for each failure, with a maximum penalty of $100,000 per calendar year. The information reporting requirements specified for this purpose include any requirement to include a correct taxpayer identification number on a return or statement and any requirement to furnish a correct taxpayer identification number to another person.

Waiver, definitions and special rules.—The bill provides that any of the information reporting penalties may be waived if it is shown that the failure to comply is due to reasonable cause and not to willful neglect. The subcommittee intends that for this purpose, reasonable cause exists if significant mitigating factors are present, such as the fact that a person has a history of complying with the information reporting requirements.

The bill also repeals the special information reporting requirements that apply to payments of interest and dividends; the bill makes those payments subject to the same general rules applicable to other types of information returns.

Uniform requirements for returns on magnetic media.—The bill provides that uniform magnetic media requirements apply to all information returns filed during any calendar year. The bill accomplishes this by making statutory the requirement currently contained in IRS regulations that persons filing more than 250 information returns file those returns on magnetic media. The bill makes this requirement applicable to all types of information reports. Thus, the bill repeals the provision of present law that requires persons filing more than 50 information returns related to payments of interest, dividends, and patronage dividends to file all such returns on magnetic media.

Study of procedures to prevent mismatching.—The bill requires the General Accounting Office, in consultation with the Treasury Department, to conduct a study on whether the Internal Revenue Service should be permitted to disclose taxpayer identity information to a person that has filed an information return. The study should consider whether, if the name and taxpayer identification number of such person contained on the records of the Internal Revenue Service, the Internal Revenue Service should be permitted to disclose to the person that has filed such information return such information as may be necessary to determine the correct name and taxpayer identification number. The study should also consider alternative means of correcting the mismatch between names and taxpayer identification numbers that involve the least amount of disclosure of confidential taxpayer identity information. A report on the study, together with any recommendations, is to be submitted to the Congress by June 1, 1990.

Study of service bureaus.—The bill requires the General Accounting Office, in consultation with the Treasury Department, to conduct a study of whether persons engaged in the business of transmitting

information returns or other documents to the Internal Revenue Service on behalf of other persons should be subject to registration or other regulation. A report on the study, together with any recommendations, is to be submitted to the Congress not later than July 1, 1990.

Effective dates

The information reporting provisions of the bill generally apply to information returns and payee statements the due date for which (determined without regard to extensions) is after December 31, 1989.

B. ACCURACY PENALTIES

Present law

Negligence penalty.—If any part of an underpayment of tax required to be shown on a return is due to negligence or disregard of rules or regulations, a penalty may be imposed equal to 5 percent of the total amount of the underpayment. An underpayment of tax that is attributable to a failure to include on an income tax return an amount shown on an information return is treated as subject to the negligence penalty absent clear and convincing evidence to the contrary.

Fraud penalty.—If any part of an underpayment of tax required to be shown on a return is due to fraud, a penalty may be imposed equal to 75 percent of the portion of the underpayment that is attributable to fraud.

Substantial understatement penalty.—If the correct income tax liability of a taxpayer for a taxable year exceeds that reported by the taxpayer by the greater of 10 percent of the correct tax or $5,000 ($10,000 in the case of most corporations), then a substantial understatement exists and a penalty may be imposed equal to 25 percent of the underpayment of tax attributable to the understatement. In determining whether a substantial understatement exists, the amount of the understatement is reduced by any portion attributable to an item if (1) the treatment of the item on the return is or was supported by substantial authority, or (2) facts relevant to the tax treatment of the item were adequately disclosed on the return or on a statement attached to the return. Special rules apply to tax shelters.

Valuation penalties.—If an individual, personal service corporation, or closely held corporation underpays income tax for any taxable year by $1,000 or more as a result of a valuation overstatement, then a penalty may be imposed with respect to the amount of the underpayment that is attributable to the valuation overstatement. a valuation overstatement exists if the valuation or adjusted basis of any property claimed on a return is 150 percent or more of the correct value or adjusted basis. The amount of the penalty that may be imposed varies between 10, 20 and 30 percent of the underpayment attributable to the valuation overstatement depending on the percentage by which the valuation claimed exceeds the correct valuation. Similar penalties may be imposed with respect to (1) an underpayment of income tax that is attributable to an overstatement of pension liabilities and (2) and underpayment of estate or gift tax that is attributable to a valuation understatement.

Explanation of provisions

Eliminate overlap.—The bill reorganizes the accuracy penalities into a new structure that operates to eliminate any overlap of the penalties.

Accuracy-related penalty.—The accuracy-related penalty, which is imposed at a rate of 20 percent, applies to the portion of any underpayment that is attributable to (1) negligence; (2) any substantial understatment of income tax; (3) any substantial valuation overstatement; (4) any substantial overstatement of pension liabilities; and (5) any substantial estate or gift tax valuation understatement.

1. Negligence.—If an underpayement of tax is attributable to negligence, the negligence penalty applies only to the portion of the underpayment that is attributable to negligence rather than, as under present law, to the entire underpayment of tax. Negligence includes any careless, reckless, or intentional disregard of rules or regulations. In addition, the bill repeals the present-law presumption under which an underpayment is treated as attributable to negligence if the underpayment is due to a failure to include on an income tax return an amount shown on an information return.

2. Substantial understatement of income tax.—The accuracy-related penalty that applies to the portion of an underpayment that is attributable to a substantial understatement of income tax is the same as the substantial understatement penalty provided under present law with three principal modifications. First, the rate is lowered to 20 percent. Second, the subcommittee intends that the list of authorities upon which taxpayers may rely is to be expanded to include proposed regulations, private letter ratings, technical advice memoranda, actions on decisions, general counsel memoranda, information or press releases, notices, and any other similar documents published by the Internal Revenue Service in the Internal Revenue Bulletin. In addition, the list of authorities is to include General Explanations of tax legislation prepared by the Joint Committee on Taxation (the "Blue Book"). Third, the bill requires the Internal Revenue Service to publish not less frequently than annually a list of positions for which the Internal Revenue Service believes there is no substantial authority. The purpose of this list is to assist taxpayers in determining whether a position should be disclosed in order to avoid the substantial understatement penalty.

3. Substantial valuation overstatement, substantial overstatement of pension liabilities, and substantial estate or gift tax valuation understatement.—The penalty that applies to the portion of an underpayment that is attributable to a substantial valuation overstatement penalty provided under present law with five principal modifications. First, the bill extends the penalty to all taxpayers. Second, a substantial valuation overstatement exists if the value or adjusted basis of any property claimed on a return is 200 percent or more of the correct value or adjusted basis. Third, the penalty is to apply only if the amount of the underpayment attributable to a valuation overstatement exceeds $5,000 ($10,000 in the case of most corporations). Fourth, the amount of the penalty for a substantial valuation overstatement is 20 percent of the amount of the underpayment if the value or adjusted basis claimed is 200 percent or more but less than 400 percent of the correct value or adjusted basis. Fifth, the bill provides that this penalty is doubled if the value or adjusted basis claimed is 400 percent or more of the correct value or adjusted basis. The bill also provides similar modifications to the penalty for overstatements of pension liabilities and the penalty for estate or gift tax valuation understatements.

Fraud penalty.—The fraud penalty, which is imposed at a rate of 75 percent, applies to the portion of any underpayment that is attributable to fraud.

Definitions and special rules.—The bill provides special rules that apply to each of the penalties imposed under the new structure. First, the bill provides that no penalty is to be imposed if it is shown that there was reasonable cause for an underpayment and the taxpayer acted in good faith. The enactment of this standardized waiver criteria is designed to permit the courts to review the assertion of penalties under the same standards that apply in reviewing additional tax that the Internal Revenue Service asserts is due.

The bill also provides that an accuracy-related or fraud penalty is to be imposed only if a return has been filed. This is intended to improve the coordination between these penalties. Under present law, a negligence or fraud penalty may be imposed in the case of a failure to file a return.

Finally, the bill repeals the higher interest rate that applies to substantial underpayments that are attributable to tax-motivated transactions.

Effective date

The accuracy provisions of the bill generally apply to returns the due date for which (determined without regard to extensions) is after December 31, 1989.

C. PREPARER, PROMOTER, AND PROTESTER PENALTIES

Present law

Return preparer penalties.—An income tax return preparer is subject to a penalty of $100 if any part of an understatement of tax on a return or claim for refund is due to the return preparer's negligent or intentional disregard of rules and regulations. In addition an income tax return preparer is subject to a penalty of $500 if any part of an understatement of tax on a return or claim for refund is due to the return preparer's willful attempt in any manner to understate tax. An income tax return preparer is also subject to a penalty of $25 for each failure to (1) furnish a copy of a return or claim for refund to the taxpayer; (2) sign the return or claim for refund; or (3) furnish his or her identifying number.

Penalty for promoting abusive tax shelters.—Any person who organizes, assists in the organization of, or participates in the sale of any interest in, a partnership or other entity, any investment plan or arrangement, or any other plan or arrangement, is subject to a penalty if in connection with such activity the person makes or furnishes a false or fraudulent statement or a gross valuation overstatement. The amount of the penalty equals the greater of $1,000 or 20 percent of the gross income derived or to be derived by the person from the activity. It is unclear under present law whether the term "activity" refers to each sale of an interest in a tax shelter or whether the term activity refers to the overall activity of promoting an abusive tax shelter.

Penalty for aiding and abetting the understatement of tax liability.—Any person who aids, assists in, procures, or advises with respect to the preparation or presentation of any portion of a return or other document under the tax laws which (1) the person knows will be used in connection with any material matter arising under the tax laws, and (2) the person knows will (if so used) result in an understatement of the tax liability of another person is subject to a penalty equal to $1,000 for each return or other document ($10,000 in the case of returns

and documents relating to the tax of a corporation).

Frivolous income tax return penalty.—Any individual who files a frivolous income tax return is subject to a penalty of $500.

Sanctions and costs awarded by courts.—If it appears to the Tax Court that (1) proceedings before it have been instituted or maintained primarily for delay, (2) the taxpayer's position is frivolous, or (3) the taxpayer has unreasonably failed to pursue administrative remedies, the Court may award damages not to exceed $5,000 to the United States.

Explanation of provisions

Return preparer penalties.—The bill revises the present-law penalties that apply in the case of an understatement of tax that is caused by an income tax return preparer. First, the bill provides that if any part of an understatement of tax on a return or claim for refund is attributable to a position for which there was not a realistic possibility of being sustained on its merits and if any person who is an income tax return preparer with respect to such return or claim for refund knew (or reasonably should have known) of such position, then that return preparer is subject to a penalty of $250. The subcommittee intends that imposition of this penalty not lead to an automatic referral to the Internal Revenue Service Director of Practice. The subcommittee believes that the Internal Revenue Service should exercise discretion in selecting the specific cases that are referred to the Director of Practice. In addition, the bill provides that if any part of an understatement of tax on a return or claim for refund is attributable to a willful attempt by an income tax return preparer to understate the tax liability of another person or to any reckless or intentional disregard of the income tax law by an income tax return preparer, then the income tax return preparer is subject to a penalty of $1,000.

The return preparer penalties that apply to each failure to (1) furnish a copy of a return or claim for refund to the taxpayer, (2) sign the return or claim for refund, and (3) furnish his or her identifying number are increased to $50 and the total penalties imposed for any type of failure for any calendar year is limited to $25,000.

Penalty for promoting abusive tax shelters.—Under the bill, the amount of the penalty imposed for promoting abusive tax shelters equals the lesser of $1,000 or 100 percent of the gross receipts derived or to be derived by the person from such activity. In calculating the amount of the penalty, the organization of an entity, plan or arrangement and the sale of each interest in an entity, plan, or arrangement constitutes a separate activity.

Penalty for aiding and abetting the understatement of tax liability.—The bill amends the penalty for aiding and abetting the understatement of tax liability by imposing the penalty in cases where the person aids, assists in, procures, or advises with respect to the preparation or presentation of any portion of a return or other document if (1) the person knows or has reason to believe that the return or other document will be used in connection with any material matter arising under the tax laws, and (2) the person knows that if the portion of the return or other document is so used, an understatement of the tax liability of another person would result. In addition, the bill provides that a penalty for promoting abusive tax shelters is not to be imposed on any person with respect to any such document if an aiding and abetting penalty is imposed on such person with respect to such document.

Frivolous income tax return penalty.—The bill increases the penalty for filing frivolous income tax returns from $500 per return to $1,000 per return.

Sanctions and costs awarded by courts.—The bill authorizes the Tax Court to impose a penalty not to exceed $25,000 if a taxpayer (1) institutes or maintains a proceeding primarily for delay, (2) takes a position that is frivolous, or (3) unreasonably fails to pursue available administrative remedies. The subcommittee intends that the increased penalty (above $5,000) apply primarily (but not exclusively) to tax shelter cases, where the $5,000 maximum provided under present law appears to be ineffective in deterring taxpayers from taking frivolous positions.

The bill also authorizes the Tax Court to require any attorney or other person permitted to practice before the Court to pay excess costs, expenses, and attorney's fees that are incurred because the attorney or other person unreasonably and vexatiously multiplied any proceeding before the Court.

Effective dates

The modifications to the return preparer penalties apply to documents prepared after December 31, 1989. The modifications to the penalty for promoting abusive tax shelters and the aiding and abetting penalty apply to activities after December 31, 1989. The modifications to the frivolous income tax return penalty applies to returns filed after December 31, 1989. The modifications to the court-awarded sanctions apply to proceedings pending on, or commenced after, December 31, 1989.

D. DELINQUENCY PENALTIES

Present law

Failure to file.—A taxpayer who fails to file a tax return on a timely basis is subject to a penalty equal to 5 percent of the net amount of tax due for each month that the return is not filed, up to a maximum of 5 months or 25 percent. The net amount of tax due is the excess of the amount of the tax required to be shown on the return over the amount of any tax paid on or before the due date prescribed for the payment of tax.

Failure to make timely deposits of tax.—If any person who is required to deposit taxes imposed by the Internal Revenue Code with a government depositary fails to deposit such taxes on or before the prescribed date, a penalty may be imposed equal to 10 percent of the amount of the underpayment, unless it is shown that such failure is due to reasonable cause and not willful neglect. The amount of the underpayment for this purpose is the excess of the amount of the tax required to be deposited over the amount of the tax, if any, deposited on or before the prescribed date.

Explanation of provisions

Failure to file.—The bill modifies present law by providing that the fraud and negligence penalties are not to apply in the case of a negligent or fraudulent failure to file a return. Instead, the bill provides that in the case of a fraudulent or intentional failure to file a return, the failure to file penalty is to be increased to 15 percent of the net amount of tax due for each month that the return is not filed, up to a maximum of 5 months or 75 percent.

Failure to make timely deposits of tax.—The bill also modifies the penalty for the failure to make timely deposits of tax in order to encourage depositors to correct their failures. Under the bill, a depositor is subject to a penalty equal to 2 percent of the amount of the underpayment if the failure is corrected on or before the date that is 5 days after the prescribed due date. A depositor is subject to a penalty equal to 5 percent of the amount of the underpayment if the failure is corrected after the date that is 5 days after the prescribed due date but on or before the date that is 15 days after the prescribed due date. Finally, a depositor is subject to a penalty equal to 10 percent of the amount of the underpayment if the failure is not corrected on or before the date that is 15 days after the due date. As under present law, no penalty is to be imposed if the failure to make a timely deposit is due to reasonable cause and not willful neglect. The bill also repeals the present-law 25 percent penalty on overstated deposit claims.

Effective dates

The modification to the failure to file penalty applies to returns the due date for which (determined without regard to extensions) is after December 31, 1989. The modification to the penalty for the failure to make timely deposits of tax applies to deposits that are required to be made after December 31, 1989.

ADMINISTRATIVE RECOMMENDATIONS

A. GENERAL ADMINISTRATIVE RECOMMENDATIONS

1. The IRS should develop a policy statement emphasizing that civil tax penalties exist for the purpose of encouraging voluntary compliance.

2. The IRS should develop a handbook on penalties for all employees. This handbook should be sufficiently detailed to serve as a practical guide for most issues of penalty administration.

3. The IRS should provide clear guidance to its employees on how to compute penalties. This guidance should be incorporated into the penalty handbook.

4. The IRS should revise existing training programs to reflect the purpose for penalties and their administration.

5. The IRS should examine its communications with taxpayers to determine whether these communications do the best possible job of explaining to taxpayers why they received the penalty and how they can avoid the penalty in the future. These communications include penalty notices and publications.

6. The IRS should finalize its review and analysis of the quality and clarity of machine-generated letters and notices used in the Adjustments and Correspondence Branches of the IRS service centers and report to Congress by July 1, 1990.

7. The IRS should consider ways to develop better information concerning the administration and effects of penalties. The IRS should develop a master file database to provide statistical information regarding the administration of penalties. The IRS should continuously review information for the purpose of suggesting changes in compliance programs, educational programs, penalty design, and penalty administration.

8. In the application of penalties, the IRS should make a correct substantive decision in the first instance rather than mechanically assert penalties with the idea that they will be corrected later.

B. INFORMATION REPORTING PENALTIES

1. The IRS should adopt a clear policy of working with the third party payor community to assure accurate and timely filing of

information, in a format that is usable by the IRS and the taxpayer without unduly burdening the third-party that is required to provide this information.

2. The IRS should maintain an ongoing effort to develop, monitor, and revise programs designed to assist taxpayers in complying with legal requirements and avoiding penalties. The IRS should develop publications for various businesses, exempt organizations, and governmental units enumerating all information reporting requirements, sanctions for noncompliance, whom to call with questions, and where to file. The IRS should also provide speakers on information reporting to industry meetings and programs.

3. The IRS should consider the creation of an advisory group comprised of representatives from the payor community and practitioners interested in the information reporting program that meets on a regular basis to discuss improvements to the system. This advisory group would be useful to discuss problems and the feasibility of complying with, or the economic impact of, rules and regulations affecting the reporting industry.

4. The Information Returns Master File (IRMF) should be managed under the jurisdiction of a single function within the IRS. This function should have responsibility not only for the magnetic media filing program and the processing of data to the IRMF, but also for penalty assertion and abatement programs in this area, processing paper documents, payor education programs, and examination and other compliance programs. This function should also have operational responsibility for the issuance of regulations and ruling.

5. Penalty case work in the information reporting area, including administrative appeals, should be centralized and the procedures for handling the abatement of information reporting penalties should be streamlined.

6. The IRS should better use its limited enforcement resources to ensure that taxpayers who continually fail to comply with the reporting requirements are identified and penalized, rather than focusing only on taxpayers who are working with the IRS in an attempt to comply with the law.

7. The IRS should provide to a taxpayer upon request, or to a financial institution with the taxpayer's authorization, within 30 days, a list of the names the IRS has (in its computer matching program file) under the taxpayer's identification number. This information could be used by the taxpayer to reconcile or determine the reason for any mismatches between the information the taxpayer has supplied a financial institution, the information the financial institution has supplied to the IRS, and the information the IRS has in its master file.

C. PREPARER, PROMOTER, AND PROTESTER PENALTIES

1. Disciplinary sanctions by the Director of Practice should not be viewed as a adjunct to the civil tax penalty system as it applies to tax return preparers. In matters involving non-willful conduct, the IRS should only refer cases to the Director of Practice in instances where the IRS can establish a pattern of failing to meet the required standards. An isolated instance in which a penalty may apply should not, in and of itself, require a referral unless willful conduct is involved.

2. The Department of the Treasury should issue regulations related to the section 6700 penalty for promoting abusive tax shelters and the section 6701 penalty for aiding and abetting understatement of tax liability to the extent these provisions may apply to activities which could be subject to the section 6694 and 6695 tax return preparer penalties. Guidance on these matters should be issued in a timely fashion.

3. The IRS should instruct its employees that they cannot threaten the use of preparer penalties during an examination, appeals conference, or other proceedings involving a tax advisor.

4. The Director of Practice should publish more information about the basis for being disciplined and warnings in appropriate cases. Questions and answers prepared in conjunction with input from practitioners would be helpful to the tax practitioner community.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mrs. LLOYD (at the request of Mr. FOLEY) for today on account of illness.

Mr. FIELDS (at the request of Mr. MICHEL) for today on account of personal reasons.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Member (at the request of Mr. BUECHNER) to revise and extend his remarks and include extraneous material:)

Mr. CRAIG, for 5 minutes, today.

(The following Members (at the request of Mr. PICKLE) to revise and extend their remarks and include extraneous material:)

Mrs. BOGGS, for 5 minutes, today.

Mr. PANETTA, for 5 minutes, today.

Mrs. LOWEY, of New York, for 5 minutes, today.

Mr. ANNUNZIO, for 5 minutes, today.

Mr. COYNE, for 5 minutes, today.

Mr. PICKLE, for 30 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. BUECHNER) and to include extraneous matter:)

Mr. BROOMFIELD.

Mr. VANDER JAGT.

Mr. MCDADE.

Mr. BUECHNER.

Mr. GALLO.

Mrs. ROUKEMA.

Mr. BARTON of Texas in two instances.

Mr. MILLER of Washington.

Mr. LAGOMARSINO.

Mr. CLINGER.

Mr. PARRIS.

Mr. KOLBE.

(The following Members (at the request of Mr. PICKLE) and to include extraneous matter:)

Mrs. LLOYD in five instances.

Mr. HAMILTON in two instances.

Mr. DE LA GARZA in 10 instances.

Mr. VENTO.

Mr. PANETTA.

Mr. ECKART.

Mr. MATSUI in two instances.

Mr. MRAZEK in two instances.

Mr. MCNULTY.

Mr. COYNE.

Mr. MCMILLEN of Maryland.

Mr. KLECZKA

Mr. TRAXLER.

ENROLLED BILLS SIGNED

Mr. ANNUNZIO, from the Committee on House Administration, reported that that committee had examined and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 2. An Act to amend the Fair Labor Standards Act of 1938 to restore the minimum wage to a fair and equitable rate, and for other purposes.

ADJOURNMENT

Mr. PICKLE. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 1 o'clock and 10 minutes p.m.), under its previous order, the House adjourned until Monday, June 5, 1989, at 12 noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1269. A letter from the Acting President and Chairman, Export-Import Bank of the United States, transmitting the fourth report on the tied-aid and partially untied-aid credits offers by the Bank, pursuant to July 31, 1945, chapter 341, section 15(g) (100 Stat. 1205, 102 Stat. 1383); to the Committee on Banking, Finance and Urban Affairs.

1270. A letter from the Inspector General, Department of Energy, transmitting the semiannual report for the Department's Office of Inspector General for the period October 1, 1988, to March 31, 1989, pursuant to Public Law 95-452, section 5(b) (102 Stat. 2515, 2526); to the Committee on Government Operations.

1271. A letter from the Secretary, Department of Labor, transmitting the semiannual report on the activities of the Department's Inspector General for the period October 1, 1988, to March 31, 1989, pursuant to Public Law 95-452, section 5(b) (102 Stat. 2526); to the Committee on Government Operations.

1272. A letter from the Acting Assistant Secretary for Indian Affairs, Department of the Interior, transmitting reports on the application of the Indian Priority System, pursuant to Law 100-472, section 205 (102 Stat. 2294); to the Committee on Interior and Insular Affairs.

1273. A letter from the Director, National Legislative Commission, The American Legion, transmitting a copy of the Legion's financial statements as of December 31,

1988, pursuant to 36 U.S.C. 1101(4), 1103; to the Committee on the Judiciary.

1274. A letter from the Secretary of Transportation, transmitting a draft or proposed legislation to amend section 9308 of title 46, United States Code, by increasing the maximum civil penalty from $500 to $10,000; to the Committee on Merchant Marine and Fisheries.

1275. A letter from the Chairman, Merit Systems Protection Board, transmitting the Board's report entitled: "U.S. Office of Personnel Management and the Merit System: A Retrospective Assessment," pursuant to 5 U.S.C. 1205(a)(3); to the Committee on Post Office and Civil Service.

1276. A letter from the Director, Office of Management and Budget, transmitting a supplement to Special Analysis D, pursuant to 31 U.S.C. 1105(a); to the Committee on Public Works and Transportation.

1277. A letter from the Comptroller General, General Accounting Office, transmitting a report entitled, "Bank Failures: Independent Audits Needed to Strengthen Internal Control and Bank Management" (May 1989 GAO/AFMD-89-25); jointly, to the Committees on Government Operations and Banking, Finance and Urban Affairs.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. GONZALEZ: Committee on Banking, Finance and Urban Affairs. Supplemental report on H.R. 1278 (Rept. 101-54, Pt. 3). Ordered to be printed.

Mr. MOAKLEY: Committee on Rules. H.R. 1278. A bill to reform, recapitalize, and consolidate the Federal deposit insurance system, to enhance the regulatory and enforcement powers of Federal financial institutions regulatory agencies, and for other purposes (Rept. 101-54, Pt. 4). Ordered to be printed.

Mr. MONTGOMERY: Committee on Veterans' Affairs. H.R. 1415. A bill to amend chapter 37 of title 38, United States Code, with respect to the veterans' home loan program carried out under such chapter; with an amendment (Rept. 101-73). Referred to the Committee of the Whole House on the State of the Union.

Mr. BROOKS: Committee on the Judiciary. H.R. 1278. A bill to reform, recapitalize, and consolidate the Federal deposit insurance system, to enhance the regulatory and enforcement powers of Federal financial institutions regulatory agencies, and for other purposes, with amendments (Rept. 101-54, Pt. 5). Ordered to be printed.

SUBSEQUENT ACTION ON A REPORTED BILL SEQUENTIALLY REFERRED

Under clause 5 of rule X the following action was taken by the Speaker:

H.R. 1278. Referred to the Committee on Government Operations for one additional day until June 2, 1989.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. PICKLE (for himself, Mr. SCHULZE, Mr. ANTHONY, Mr. FLIPPO, Mr. DORGAN of North Dakota, Mr. FORD of Tennessee, and Mr. SHAW):

H.R. 2528. A bill to revise the civil penalty provisions of the Internal Revenue Code of 1986; to the Committee on Ways and Means.

By Mr. CAMPBELL of Colorado:

H.R. 2529. A bill to amend title 18, United States Code, to provide a mandatory minimum sentence for the unlawful possession of a firearm by a convicted felon, a fugitive from justice, a person who is addicted to, or an unlawful user of, a controlled substance, or a transferor or receiver of a stolen firearm, to increase the general penalty for violation of Federal firearms laws, and to increase the enhanced penalties provided for the possession of a firearm in connection with a crime of violence or drug trafficking crime; to the Committee on the Judiciary.

By Mr. COYNE:

H.R. 2530. A bill to direct the Secretary of Labor to establish a demonstration program to improve access to public employment and job training programs; to the Committee on Education and Labor.

By Mr. DORGAN of North Dakota:

H.R. 2531. A bill to provide for the establishment of rural development investment zones, and for other purposes; jointly, to the Committees on Ways and Means and the Judiciary.

By Mr. LIPINSKI (for himself, Mr. RAVENEL, Mr. DORGAN of North Dakota, Mr. JAMES, Mr. MINETA, Mr. OWENS of New York, Mr. MOODY, Mr. KILDEE Mr. FAWELL, Mr. HAWKINS, Mr. JOHNSON of South Dakota, Mr. BATES, Mr. SLATTERY, Mr. OBEY, Mr. LANCASTER, Mr. CAMPBELL of Colorado, Mrs. BOXER, Mr. MRAZEK, Mr. COURTER, Mr. ECKART, Mr. AUCOIN, Mr. BENNETT, Mr. FORD of Michigan, Mr. DOWNEY, Mr. FRANK, Mr. LEWIS of Georgia, Mrs. COLLINS, Mr. TRAFICANT, Mr. CONTE, Ms. KAPTUR, Mr. VENTO, Mr. LANTOS, Mr. NEAL of Massachusetts, Mr. DWYER of New Jersey, Mr. HORTON, Mr. BROOMFIELD, Mr. KLECZKA, Mrs. ROUKEMA, Mr. BILBRAY, Mr. SMITH of Florida, Mr. PALLONE, Mr. STARK, Mr. SMITH, of Vermont, Mr. PANETTA, Mr. LEHMAN of California, Mr. BRYANT, Mr. JONTZ, Mr. BEUCHNER, and Mr. SAVAGE):

H.R. 2532. A bill to amend the Internal Revenue Code of 1986 to limit the ability of taxpayers to deduct the cost of cleaning up oil and hazardous substances spills; to the Committee on Ways and Means.

By Mr. MATSUI:

H.R. 2533. A bill to amend the Internal Revenue Code of 1986 to prevent the international double taxation of income subject to the alternative minimum tax; to the Committee on Ways and Means.

By Mr. MATSUI (for himself and Mrs. KENNELLY):

H.R. 2534. A bill to amend the Internal Revenue Code of 1986 with respect to the allocation of interest expense in the case of affiliated groups which include certain financial institutions; to the Committee on Ways and Means.

By Mr. OWENS of Utah:

H.R. 2535. A bill to provide for the addition of lands to the Gallatin National Forest in order to protect wildlife and geothermal features of Yellowstone National Park; to the Committee on Interior and Insular Affairs.

H.R. 2536. A bill to amend section 2680(a) of title 28, United States Code, to narrow the discretionary function exception to the Federal Tort Claims Act; to the Committee on the Judiciary.

By Mr. PANETTA:

H.R. 2537. A bill to permit teachers to change employment across State lines without substantial loss of retirement benefits; to the Committee on Education and Labor.

By Mr. PARRIS (for himself, Mr. BLILEY, Mr. HOCHBRUECKNER, Mr. BOSCO, Mr. HANSEN, Mr. FAZIO, Mr. DEFAZIO, Mr. SOLOMON, Mr. BROWN of California, Mr. DWYER of New Jersey, Mrs. COLLINS, and Mr. WOLF):

H.R. 2538. A bill to provide another opportunity for Federal employees to elect coverage under the Federal employees' retirement system; to provide that the recently enacted Government pension offset provisions of the Social Security Act shall not apply to Federal employees who take advantage of the new election period, and for other purposes; jointly, to the Committees on Post Office and Civil Service and Ways and Means.

By Mr. SHARP (for himself and Mr. MOORHEAD):

H.R. 2539. A bill to extend title I of the Energy Policy and Conservation Act; to the Committee on Energy and Commerce.

By Mr. WHITTEN (for himself and Mr. MURTHA):

H.R. 2540. A bill making appropriations to resume payment to the local government fiscal assistance trust fund for the fiscal year ending September 30, 1990; to the Committee on Appropriations.

By Mr. DAVIS:

H.J. Res. 287. Joint resolution to establish a Presidential Commission to review the exercise of Indian treaty rights on off-reservation lands; to the Committee on Interior and Insular Affairs.

H.J. Res. 288. Joint resolution to provide for interpretation and implementation of certain provisions of treaties with the Chippewa Indians of Michigan, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. UPTON (for himself and Mr. HAMILTON):

H. Con. Res. 140. Concurrent resolution directing the appropriate committees of the Congress to give due consideration to the formulation and advancement of a comprehensive package of legislation dealing with the economic development needs of rural communities at the earliest possible date; to the Committee on Agriculture.

By Mr. BROWN of Colorado:

H. Res. 164. Resolution to authorize and direct certain standing committees of the House to report legislation by October 1, 1990, to carry out the specific ethics reforms set forth in this resolution with respect to Members, officers, and employees of the House; to the Committee on Rules.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

124. By the SPEAKER: Memorial of the House of Representatives of the State of Hawaii, relative to discouraging the Government of Japan from the disposing of radio-

active waste in the Marianas Trench; to the Committee on Foreign Affairs.

125. Also, memorial of the Legislature of the State of Nevada, relative to public lands within the Lake Tahoe basin; to the Committee on Interior and Insular Affairs.

126. Also, memorial of the Legislature of the State of Nevada, relative to the allocation of Federal lands for affordable mobile home parks; to the Committee on Interior and Insular Affairs.

127. Also, memorial of the House of Representatives of the State of Hawaii, relative to providing compensation to the Hawaiian people for losses related to the overthrow of the Hawaiian monarchy; to the Committee on the Judiciary.

128. Also, memorial of the House of Representatives of the State of Hawaii, relative to the Presidential 12 mile territorial sea proclamation's effects on domestic law and Federal State rights and responsibilities; to the Committee on Merchant Marine and Fisheries.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 22: Mr. MCHUGH.

H.R. 39: Mr. ROSE, Mr. LEHMAN of California, Mr. DERRICK, Mr. RUSSO, Mr. ASPIN, and Mr. SLATTERY.

H.R. 118: Mr. DELAY.

H.R. 145: Mr. AKAKA.

H.R. 158: Mr. PENNY.

H.R. 182: Mr. DWYER of New Jersey, Mr. DOWNEY, and Mr. GARCIA.

H.R. 373: Mr. EDWARDS of Oklahoma.

H.R. 445: Mr. GOODLING.

H.R. 446: Mrs. MEYERS of Kansas and Mr. CLINGER.

H.R. 449: Mr. PAXON, Mr. PACKARD, and Mr. EDWARDS of Oklahoma.

H.R. 551: Mr. EDWARDS of Oklahoma.

H.R. 623: Mr. EDWARDS of Oklahoma.

H.R. 624: Mr. MCEWEN, Mr. GILMAN, and Mr. GINGRICH.

H.R. 638: Mr. KOSTMAYER, Mr. SOLARZ, and Mr. WALGREN.

H.R. 876: Mr. CROCKETT, Mr. GAYDOS, Mr. LAFALCE, Mr. GILMAN, Mr. NEAL of Massachusetts, and Mr. BOUCHER.

H.R. 901: Mr. MARTIN of New York.

H.R. 1025: Mr. MINETA.

H.R. 1028: Mr. SLATTERY, Mr. KOSTMAYER, and Mr. GRANDY.

H.R. 1048: Mr. HYDE and Mr. JOHNSTON of Florida.

H.R. 1100: Mr. HAYES of Louisiana and Mr. DUNCAN.

H.R. 1318: Mr. ROBERT F. SMITH, Mr. VANDER JAGT, Mr. COBLE, and Mrs. PATTERSON.

H.R. 1333: Mr. ECKART and Mr. DEFAZIO.

H.R. 1415: Mr. EDWARDS of California, Mr. HAMMERSCHMIDT, Mr. APPLEGATE, Mr. WYLIE, Mr. EVANS, Mr. MCEWEN, Mr. PENNY, Mr. SMITH of New Jersey, Mr. ROWLAND of Georgia, Mr. BURTON of Indiana, Mr. FLORIO, Mr. BILIRAKIS, Mr. ROBINSON, Mr. RIDGE, Mr. STENHOLM, Mr. ROWLAND of Connecticut, Mr. HARRIS, Mr. SMITH of New Hampshire, Mr. KENNEDY, Mr. JAMES, Mrs. PATTERSON, Mr. STEARNS, Mr. JOHNSON of South Dakota, Mr. PAXON, Mr. JONTZ, Mr. PAYNE of Virginia, Mr. MORRISON of Connecticut, Mr. SANGMEISTER, Mr. PARKER, Mr. JONES of Georgia, Ms. LONG, Mr. LEATH of Texas, Mr. HEFNER, Mr. JENKINS, Mr. RICHARDSON, and Mr. MILLER of Washington.

H.R. 1468: Mr. SMITH of New Hampshire.

H.R. 1475: Mr. MCCOLLUM, Mr. COBLE, Mrs. SAIKI, Mr. HERGER, and Mr. GALLEGLY.

H.R. 1665: Mr. STAGGERS.

H.R. 1693: Mr. BROWN of California, Mr. SCHEUER, and Mr. BORSKI.

H.R. 1730: Mr. OXLEY.

H.R. 1780: Mr. EVANS, Mr. MCCLOSKEY, Mr. JOHNSON of South Dakota, Mr. HATCHER, Ms. KAPTUR, Mr. LAGOMARSINO, Mr. KOLTER, Mr. ROBINSON, Mrs. COLLINS, Mr. HOCHBRUECKNER, Mr. DORNAN of California, Mr. HOLLOWAY, Mr. HUGHES, Mr. CHAPMAN, Mr. MRAZEK, Mr. PANETTA, Mr. TRAFICANT, Mr. SMITH of Mississippi, and Mr. NIELSON of Utah.

H.R. 1919: Mr. FRENZEL.

H.R. 2043: Mr. DAVIS, Mr. GEJDENSON, Mr. PAYNE of New Jersey, and Mr. STAGGERS.

H.R. 2111: Mr. DIXON and Mr. FISH.

H.R. 2121: Mr. DEWINE, Mr. HORTON, Mrs. MEYERS of Kansas, Mr. BALLENGER, Mr. PORTER, Mr. SMITH of New Hampshire, Mr. EMERSON, Mr. GINGRICH, Mr. LANCASTER, Mr. VANDER JAGT, Mr. HEFNER, Mr. MURTHA, Mr. KASTENMEIER, Mr. STALLINGS, Mr. BLILEY, and Mrs. MARTIN of Illinois.

H.R. 2144: Mr. KOSTMAYER, Ms. SCHNEIDER, Mr. LAFALCE, Mr. ACKERMAN, Mr. FUSTER, Mr. ERDREICH, Ms. PELOSI, Mr. SHARP, Mr. LIPINSKI, Mr. BEILENSON, Mr. BONIOR, and Mr. SCHEUER.

H.R. 2195: Mr. HATCHER, Ms. KAPTUR, Mr. KOSTMAYER, and Mr. HYDE.

H.R. 2217: Mr. PENNY, Mr. FAUNTROY, and Mr. STAGGERS.

H.R. 2223: Mr. CLINGER and Mr. OWENS of New York.

H.R. 2265: Mr. NEAL of North Carolina.

H.R. 2274: Mr. MCDADE, Mr. NEAL of Massachusetts, Mr. HATCHER, Mr. BROOMFIELD, Mrs. COLLINS, Mr. MACHTLEY, Mr. MCGRATH, Mr. EMERSON, Mr. DEFAZIO, and Mr. BOEHLERT.

H.R. 2283: Mr. GALLO, Mr. GUARINI, Mr. HORTON, Mr. TOWNS, Mr. GORDON, Mr. MADIGAN, Mr. SHAYS, Mr. NEAL of Massachusetts, Mr. APPLEGATE, Mr. HILER, Mrs. COLLINS, Mr. BOEHLERT, Mr. RAY, Mr. DEFAZIO, Ms. PELOSI, Mr. LAGOMARSINO, Mrs. MARTIN of Illinois, and Mr. TRAXLER.

H.R. 2290: Mr. CHAPMAN, Mr. FROST, Mr. FAZIO, and Mr. ECKART.

H.R. 2343: Mr. BEREUTER and Mr. LIGHTFOOT.

H.R. 2351: Mr. HORTON, Mr. MACHTLEY, Mr. GORDON, Mr. HENRY, Mr. SOLOMON, Mr. GARCIA, Mr. GUARINI, Mr. HUGHES, Mr. MRAZEK, Mrs. MARTIN of Illinois, Mr. WYDEN, and Mr. EVANS.

H.R. 2353: Mr. ROBINSON, Mr. BUNNING, and Mr. SARPALIUS.

H.R. 2359: Mr. SOLOMON, Mr. PORTER, and Mr. SMITH of Vermont.

H.R. 2408: Mr. WALSH and Mr. GUNDERSON.

H.R. 2409: Mr. WALSH and Mr. GUNDERSON.

H.R. 2411: Mr. WALSH and Mr. GUNDERSON.

H.R. 2412: Mr. WALSH and Mr. GUNDERSON.

H.R. 2413: Mr. WALSH and Mr. GUNDERSON.

H.R. 2480: Mr. MADIGAN, Mr. REGULA, Mr. LEWIS of California, Mr. RICHARDSON, Mr. YOUNG of Alaska, Mr. BOEHLERT, Mr. PASHAYAN, Mr. HANSEN, Mr. PACKARD, Mr. IRELAND, Mr. BLILEY, Mr. STUMP, Mr. LAGOMARSINO, Mr. CRAIG, Mrs. VUCANOVICH, Mr. MCCRERY, Mr. MORRISON of Washington, Mr. SKEEN, Mr. FAWELL, Mr. ROE, Mr. CLEMENT, and Mr. NIELSON of Utah.

H.J. Res. 130: Mr. STANGELAND, Mr. ESPY, Mr. COX, and Mr. EDWARDS of Oklahoma.

H.J. Res. 188: Mrs. BENTLEY and Mr. PACKARD.

H.J. Res. 204: Mr. GALLO, Mr. WILSON, and Mr. MORRISON of Washington.

H.J. Res. 248: Mr. ASPIN, Mr. BATES, Mr. BOSCO, Mr. BOUCHER, Mr. CARR, Mrs. COLLINS, Mr. DIXON, Mr. ESPY, Mr. HATCHER, Mr. HOYER, Mr. JONTZ, Mr. KILDEE, Mr. LANTOS, Mr. LEVINE of California, Ms. LONG, Mrs. LOWEY of New York, Mr. OWENS of Utah, Mr. PAYNE of New Jersey, Ms. PELOSI, Ms. SNOWE, Mr. STUDDS, and Mr. TALLON.

H.J. Res. 257: Mr. FAZIO and Mr. GEKAS.

H.J. Res. 270: Mr. COSTELLO, Mr. TOWNS, Mr. RHODES, Ms. PELOSI, Mr. GALLEGLY, Mr. HORTON, Mrs. UNSOELD, Mr. FAUNTROY, Mr. FAZIO, Mr. JONTZ, Mrs. BOXER, and Mr. LAGOMARSINO.

H.J. Res. 123: Mr. BLAZ, Mr. GOODLING, Mr. STUDDS, Mr. NEAL of Massachusetts, Mr. JONTZ, Mr. LAGOMARSINO, Mr. WALSH, Mr. COUGHLIN, Mr. TOWNS, Mr. DENNY SMITH, Ms. SLAUGHTER of New York, Mr. FROST, Mrs. COLLINS, Mr. RAVENEL, Mr. BUNNING, Mr. CLARKE, Mr. FOGLIETTA, Mr. ESPY, Mr. FIELDS, and Mr. WILSON.

H. Con. Res. 126: Mr. WALSH and Mr. GUNDERSON.

H. Res. 101: Mr. DENNY SMITH, Ms. PELOSI, and Mr. ECKART.

H. Res. 159: Mr. HORTON, Mr. MCCLOSKEY, Mr. SAWYER, Mrs. COLLINS, Mr. FAUNTROY, Mr. TOWNS, Mr. DINGELL, Mr. DARDEN, Mr. GARCIA, and Mr. FAZIO.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, sponsors were deleted from public bills and resolutions as follows:

H.R. 586: Mr. DYMALLY.

SENATE—*Thursday, June 1, 1989*

(Legislative day of Tuesday, January 3, 1989)

The Senate met at 8:30 a.m., and was called to order by the Honorable TERRY SANFORD, a Senator from the State of North Carolina.

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray:

Father in Heaven, times like these remind us of the ancient prayer of St. Francis of Assisi:

"Lord, make me an instrument of Your peace; where there is hatred, let me sow love; where there is injury, pardon; where there is doubt, faith; where there is despair, hope; where there is darkness, light; and where there is sadness, joy.

"O Divine Master, grant that I may not so much seek to be consoled as to console; to be understood as to understand; to be loved as to love; for it is in giving that we receive; it is in pardoning that we are pardoned; and it is in dying that we are born to eternal life."

Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore [Mr. BYRD].

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, June 1, 1989.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable TERRY SANFORD, a Senator from the State of North Carolina, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. SANFORD thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

THE JOURNAL

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Journal of the proceedings be approved to date.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

SCHEDULE

Mr. MITCHELL. Mr. President, following the time for the two leaders and a period for morning business, the Senate at 9 o'clock this morning will begin consideration of H.R. 2072, the supplemental appropriations bill. Rollcall votes are expected throughout the day, and Senators who intend to offer amendments should be ready to do so promptly this morning since it is my hope that we will complete action on this bill by 5 o'clock this afternoon.

From noon until 12:30 p.m., in the rotunda of the Capitol, there will be a memorial ceremony for former Congressman Claude Pepper.

I encourage all Senators to attend this tribute to a great public official, and a great American.

While the Senate will continue in session during that time, there will be no rollcall votes during the time in which the ceremony occurs. Therefore, I encourage all Senators to attend that ceremony in honor of Congressman Pepper.

PUERTO RICAN STATUS

Mr. MITCHELL. Mr. President, today the Senate Committee on Energy and Natural Resources begins consideration of legislation to authorize a referendum of the people of Puerto Rico on that island's political status.

Puerto Rico has been part of the United States since Spain ceded the island to this country following the Spanish-American War.

The Foraker Act of 1900 made the island an unincorporated territory and Puerto Ricans have had American citizenship since 1917.

Puerto Rico remained a territory until 1952, when it assumed its present commonwealth status. The island has self-government but recognizes the preeminence of the U.S. Government in matters of national defense, foreign affairs, and currency, among others.

Puerto Rican voters elect a bicameral house, a Governor and a nonvoting delegate to Congress. They do not vote in Presidential elections, however.

The most important issue for Puerto Rico has always been the question of status. The status options of statehood, commonwealth, and independence are each supported by a major political party in Puerto Rico. In fact, the status question is central to each party's platform and philosophy.

The last time the question of Puerto Rico's status was before voters, in a 1967 referendum, 60 percent of Puerto Ricans favored retaining commonwealth status, 39 percent favored statehood and less than 1 percent favored independence.

Activities regarding Puerto Rico's determination of its political status have intensified this year. In January, the leaders of Puerto Rico's three major political parties agreed to ask Congress to authorize a plebiscite on Puerto Rico's status.

In February, during his State of the Union Address, President Bush affirmed self-determination for Puerto Rico and indicated he preferred statehood.

In March, Senator JOHNSTON said the Energy Committee would consider Puerto Rican plebiscite legislation this year so the plebiscite could occur prior to the 1992 elections. And Senator JOHNSTON and Senator MCCLURE have introduced three bills—S. 710, S. 711, and S. 712—that will facilitate congressional consideration of this issue.

Senator JOHNSTON in previous floor statements has discussed the particulars of each of the three bills; there is no need for me to repeat that discussion.

But, I do wish to repeat and endorse the ambitious schedule that has been proposed by Senator JOHNSTON, chairman of the Energy Committee.

The process will start with 3 days of committee hearings on the different options in Washington on June 1, June 2, and June 5. The committee will then hold field hearings in Puerto Rico on June 16, June 17, and June 19. Following that, the committee will hold additional hearings to receive the views of the administration on July 11 and 13. Other outside witnesses will be able to testify later in July.

Under Senator JOHNSTON's scenario, the House would consider this subject in 1990.

The issue of Puerto Rican status is wide-ranging, complex and very difficult. This issue is of paramount importance to the people of Puerto Rico. Each of the status options carries profound implications for this country. I urge my colleagues to carefully study each of the three status options.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

I commend the chairman and ranking minority member of the committee, Senator BENNETT JOHNSTON of Louisiana, and Senator JAMES MCCLURE of Idaho, for the way in which the Energy Committee is beginning its consideration of this important subject, to highlight its importance to my colleagues, and to pledge my cooperation in moving this legislation through the Senate.

RESERVATION OF LEADER TIME

Mr. MITCHELL. Mr. President, I reserve the remainder of my leader time.

I reserve also the leader time of the distinguished Republican leader.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business not to extend beyond the hour of 9 a.m. with Senators permitted to speak therein for not to exceed 5 minutes each.

Mr. MITCHELL. Mr. President, I suggested the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. KOHL). Without objection, it is so ordered.

ELYA VARSHAVSKAYA

Mr. HATCH. Mr. President, in this new era of glasnost and perestroika, it seems particularly tragic that the Soviet Union continues denying their citizens the fundamental right of family reunification and free movement. Yet such is the plight of Elya Varshavskaya, a 74-year-old Jewish citizen of the Soviet Union who for 12 years has been denied permission to join her only son, residing in Denmark, on the basis that she possesses state secrets.

Mrs. Varshavskaya has not been employed since 1948 when she fell ill and was retired as a lifetime second category invalid. The secret work she did 40 years ago has long lost any significant value, but the authorities persist in victimizing her. She has even tried to seek justice through the courts, yet the authorities refuse even to allow her to discuss her own case. As a woman who is suffering from all the illnesses of her age, including deteriorating eyesight, Mrs. Varshavskaya is in desperate need of her son's care and support.

The recent visit by Secretary of State James A. Baker III to the Soviet Union resulted in commitment between our two countries to expand cooperation in the area of human rights. Moreover, the Soviets have agreed to codify new laws regarding the emigration of Soviet Jews.

While we welcome these proposed changes, the continued denial of the right of free emigration for many Soviet Jewish citizens such as Mrs. Varshavskaya remains a critical stumbling block to improved relations between our two countries. We call upon the Soviet Union to show us their commitment to glasnost and perestroika by improving their record on human rights and by guaranteeing to all citizens the freedom to choose how and where they will live their lives.

ANATOLY GENIS

Mr. HATCH. Mr. President, for over 12 years Anatoly Genis has been denied permission to emigrate from the Soviet Union with his wife, Galya, and their three children. The plight of the Genis family illustrates the desperate situation facing all Soviet refuseniks.

Anatoly and his wife are both mathematicians. Anatoly's specialty is in the theory of probability, and although he holds a doctorate degree from Moscow University, he has not been able to work in his field since he applied for an exit visa in 1977. Perhaps most tragic is the fact that the grounds given for denial to emigrate are those of possessing state secrets—something Anatoly has not been privy to for over 12 years.

Whenever possible, Anatoly attends scientific seminars for refuseniks in Moscow in an attempt to retain his academic ability while working 14 hours a day as a menial laborer. But trying to maintain any semblance of normal life is taking its toll. The entire family is suffering from stress-related diseases as a result of the hardships and religious persecution they have endured while waiting for exit visas. Mrs. Genis is so ill she can no longer care for the children.

The plight of the Genis family is not unique, but it does illustrate the serious problems that persist in the Soviet Union. The Soviet leadership must strive to abide by its international responsibilities in the area of human rights and allow families such as those of Anatoly Genis their fundamental right to choose where and how they will live.

NATIONAL BICENTENNIAL COMPETITION ON THE CONSTITUTION AND BILL OF RIGHTS

Mr. BIDEN. Mr. President, nearly 2 years ago Americans celebrated the 200th anniversary of the Constitutional Convention. In another 2 years we will mark the 200th anniversary of the Bill of Rights. These celebrations have been more than mere hoopla, more than parades and fireworks. We have witnessed instead a concerted effort—led by the Bicentennial Commission—to educate America's youth and all the American people about the U.S. Constitution.

One very important program is the National Bicentennial Competition on the Constitution and Bill of Rights. I am proud to recognize a group of students from Middletown High School in Middletown, DE, under the guidance of teacher Thomas Neubauer, who recently participated in the national finals of this competition. I want to congratulate the outstanding efforts of Beverly Dant, Brian Ford, Brent Kane, Donna Lavigne, Rebecca McAlpin, Teresa Payne, Amy Pennington, Albert Rhodes, Betsy Shulenberger, Dawn Smith, Karen Sommers, Melissa Wilmoth, Demar Beck, Ike Henry, and David Bright. I also want to recognize the contributions of district coordinator Donald Knouse and State coordinator Lewis Huffman.

It has been said that every country has some form of a constitution. But, the U.S. Constitution is unique. With its intricate system of checks and balances and its soaring phrases like "due process" and "liberty," our Constitution has endured for more than 200 years. But, that 200-year history has not always been a smooth one. Preserving the principles of that document have required vigilant protection—protection against civil war and protection of civil rights; protection against the establishment of religion and protection of the freedom of religion; protection against individual tyranny and protection of individual privacy.

This vigilance must continue if the Constitution is going to continue to protect us in the future. Through developments in technology and society, the Constitution will come under new challenges—challenges undreamed of in the Framers' day and challenges unheard of even in our day. Through these advancements, as Big Brother's eyes get bigger and bigger, individual liberties will face ever-growing threats. We must be prepared to defend our values against those threats. With a proper understanding of the Constitution, the future American leaders at Middletown High School and other high schools across the country will be prepared to protect our values and our liberties. They will be able to meet the future challenges under the Constitution.

DIXON TERRY

Mr. LEAHY. Mr. President, today at 2 p.m. central time the country will pay its final respects to a truly remarkable spokesman for family farm-

ers in America and worldwide, Dixon Terry. Dixon was tragically killed by lightning on Sunday, May 28, while working with his father and son baling hay on their Iowa farm. I would like to take this opportunity to reflect for a moment—for the record—on what Mr. Terry's life stood for.

Anyone who says farmers cannot work together to help themselves should have known Dixon Terry. He was tirelessly devoted to building coalitions among farmers—here and abroad. At his death, he was a leader in the Iowa Farmers Union and national head of the National Save the Family Farm Coalition, with over 40 member groups.

Anyone who says that Farmers Home Administration programs are a waste of money should have known Dixon Terry. He was a classic success story of a limited resource borrower who, through hard work and determination, built up a dairy operation with a very respectable 19,000-pound herd average.

Anyone who says that farmers are not concerned about the environment should have known Dixon Terry. Dixon's last trip to Washington, DC, included participation in an Environmental and Energy Study Institute panel in which he described his own farming operation. Dixon's farm operation included rented land on which he used traditional chemical practices, but on his own land he used low input techniques. His farm was a living laboratory, and when drought hit Iowa last year, Dixon was able to compare crop yields and quality. He came to Washington more convinced than ever that low input sustainable agriculture, or LISA, is critical to maintaining the productive future of American agriculture.

Dixon Terry stood for sustainability—of family farms and of precious soil and water resources. He stood for stability—of agricultural markets, of rural communities, and of family values.

Dixon Terry was a good farmer, a good husand to his wife, Linda, a good father to his daughter, Willow, and his son, Dusky. He was a strong member of his community of Greenfield, IA, an articulate and forceful spokesman for family farms, and a friend. We will all miss him—as we move into deliberations on the next farm bill, I ask my colleagues to remember the goals that were characterized by Dixon Terry's life.

AIKEN, SC, HIGH SCHOOL GRADUATION SPEECH

Mr. THURMOND. Mr. President, I rise today to bring to the attention of my colleagues the graduation speech made by Tommy Young, president of the student body at Aiken High School in Aiken, SC.

I believe this speech holds valuable meaning for all Americans, and I ask unanimous consent that the speech be printed in the RECORD.

There being no objection, the graduation speech was ordered to be printed in the RECORD, as follows:

GRADUATION SPEECH BY TOMMY YOUNG, STUDENT BODY PRESIDENT, AIKEN HIGH SCHOOL, AIKEN, SC, MAY 19, 1989

Good morning! First of all, I'd like to begin this morning by thanking you all for giving me temporary custody of an institution called the presidency which belongs to the people. Having temporary custody of this office has been for me a sacred trust and an honor beyond words or measure. That trust began with many of you in this room last year. Several times I've said a prayer of thanks to all of you who placed this trust in my hands, and today, please accept again my heartfelt gratitude for this special time you have given in my life. To put it simply, it has been a sincere honor and a privilege to serve you this year.

When we began our term of office, we made no promises, we simply made a commitment, a commitment to do our best in every given situation. Reflecting back upon this year, we honestly believe that we met this commitment in serving you. We may not have accomplished everything that we wanted, but friends, we finished what we started and we attempted to lead by example. If nothing else positive comes out of this presidency this year, for us to be remembered simply in the eyes of our peers as people who gave their best in getting the job done, then no greater satisfaction can come our way because that is all that we started out to do.

However, from a personal perspective, I for one, have gained something more. Someone once said that "a man can measure his wealth by the number of friends that he has." If this is true, then I am one of the richest men in the community because I consider all of you my friend in one way or another. I thank ya'll from the bottom of my heart for being there when I needed you through the course of this school year.

To the graduating seniors, I wish all the best in your future endeavors. We have almost made it through the first stage in the cycle of life. And to this year's underclassmen, there is much to be done here at Aiken High School. The class of 1990 will mark the beginning of a new century; a new era in which the sky is the limit to what can be accomplished by those who are willing to pay the price to succeed. So, before I conclude, allow me to adopt a famous quote from one of our late presidents to Aiken High School. In the immortal words of John Kennedy adopted to Aiken High School, I say to you today, "ask not what Aiken High School can do for you; ask what you can do for Aiken High School." I challenge each and every one of you to take notice of these words and become involved in building a better school and community for the children of tomorrow.

Finally, I would like to convey a special thanks to the people to whom I am grateful for all they have done. To all the members of the student body, faculty, and administration, thank you for the undying support. To Mrs. Boylston, Frau Moore, Mr. Lader, Mr. Turner, Ms. Laramore, and Mr. Gassman, thank you for all your advice and encouragement. And, most of all, I thank my Mom and Dad for all their support, encouragement, understanding, guidance, and love throughout the course of this year and the rest of my childhood as well. So, as we, by tradition, bring this presidency to a close, I wish Rebecca and her officers all the best next year and close by saying thanks again for everything.

Thank you and God bless you.

DEATH OF CLAUDE PEPPER

Mr. CONRAD. Mr. President, seldom has our Nation ever known someone so dedicated to public service as was Claude Pepper. He was an institution—an eloquent, passionate, principled public servant dedicated to making life better for each and everyone of us. He was a man who never lost sight of who he was or of what is important in life.

Claude Pepper's work has touched the lives of all Americans. His efforts on Social Security, mandatory retirement, health care, and civil rights have left an indelible mark on our society. He sponsored the bill that created the National Cancer Institute. He sponsored the Older Americans Act. And he sponsored and advocated countless intiatives that will have lasting influence over our lives.

Claude Pepper fought for his beliefs up until the very end. Just last year he fought vigorously to ensure that long-term care is made available to all those who need it. But he died before that dream of his could be realized.

As he debated his long-term care bill before the House of Representatives, his passion for improving the lives of America's elderly shone through as clearly as ever. During that debate, he spoke these words:

I ask you, my colleagues, when you go home tonight and you close your eyes and you sleep and you ask, "What have I done today to lighten the burden upon those who suffer," at least you could say, "I helped a little bit today; I voted to help those who needed help."

He went on the say, "* * * do not be fooled by technicalities or little things that are not important. Think about the human values involved in this matter and vote to help those people who need help without hurting anybody while you are doing it."

Claude Pepper's calling was to ease the burdens of those who suffer—to improve the quality of life for every American. Whether or not you agreed with him on a particular issue, you always were made to respect the intensity with which it was felt and the eloquence with which it was expressed.

Claude Pepper will be sorely missed, both here on Capitol Hill, and by people throughout the United States. But he will be fondly remembered for many years to come.

And we in Congress would do well to find a way to realize his dream of long-term health care for every American, and to work every day to make life

just a little bit better for the people we have been sent here to serve.

TRIBUTE TO CONGRESSMAN CLAUDE PEPPER

Mr. HEFLIN. Mr. President, I rise, today, filled with sadness, to pay tribute to my good friend and an American statesman in the grand tradition of the term—Congressman Claude Pepper. His death on Tuesday saddened all who knew him and signaled the end of one of the greatest legislative careers in the history of this Nation. I have said before, the name Claude Denson Pepper belongs among the legends of the U.S. Congress. Today this rings true as thousands of people mourn his death. Today, many of these people will travel to Washington to stream past his body which will lie in state in the Capitol rotunda. To each of these people, Claude Pepper stands for all that is good in our Government.

Claude Pepper was born to poor farming parents in Chambers County, AL, but worked himself through school and now takes his place in history following a distinguished career in government that spanned over half a century. Few men I know have the dedication and commitment to public service that Claude Pepper showed during his years in Congress.

Even as a young man, Claude Pepper championed the rights of this country's elderly. Pepper began his drive to help older people in the Florida Legislature at the age of 28 when he introduced a bill allowing people over 65 to fish without a license. Almost 60 years later, Claude Pepper was still fighting for senior citizens and for medical research. I am hopeful his accomplishments and memory will spur Congress and the executive branch toward the achievement of his aspirations and goals for older Americans as well as finding cures for many dreaded diseases.

For 88 years Claude Pepper watched this country change and grow. He served the Government and his constituents for 53 years—over one-fourth of the U.S. history. From his boyhood farm near Dudleyville, AL, Claude Pepper rose to the U.S. Senate and to the peak of leadership in the House of Representatives. He served as the chairman of the House Select Committee on Aging but perhaps more importantly as the chairman of the House Rules Committee. It was from the Rules Committee that he controlled which bills were sent to the House. He used his influence here to push important legislation to aid the elderly and the poor.

After working his way through the University of Alabama and graduating with honors, Claude Pepper went to Harvard Law School. He graduated among the top 6 in his class while earning his lifelong nickname of "Senator." He began his career before college as a teacher in Dothan, AL, and continued it as a law professor at the University of Arkansas in 1925.

Claude Pepper has played a large role in shaping this country in the 20th century. His legacy will reach into the 21st century and beyond. All of us should learn from his example and gain inspiration from his devotion. His character and his integrity are beyond compare and his presence in the House of Representatives will be missed. It is my hope that there will always be someone of equal ability and energy to champion the cause of our senior citizens. Claude Pepper is indeed a credit to Alabama—the State of his birth—Florida, the U.S. Congress and to our Nation.

INAUGURATION DAY IN EL SALVADOR

Mr. HELMS. Mr. President, today is an important day in the history of El Salvador. Today, June 1, 1989, Alfredo Cristiani of the Arena Party has taken the Presidential oath of office, having been swept into that post by a landslide vote of the Salvadoran people this past March 19. I congratulate President Cristiani and the Salvadoran people for this important step forward toward strengthing democratic principles and toward restoring Salvadoran society. For the first time in many years, the Salvadoran people can hope for peace and justice.

Mr. President, this is truly a victory for the people of El Salvador. For the past 8 years, these courageous people have been subject to the United States-imposed socialist reforms, a brutal civil war waged by the Soviet- and Cuban-supported Communist FMLN, and more lately the blatant corruption of the Duarte regime. But by giving an overwhelming majority to Cristiani and his Arena Party, the Salvadorans have made it clear that they are demanding a change.

Mr. President, I have been very perturbed by the media coverage given to El Salvador and President Cristiani since his victory. There are some in the major media that are misinformed enough to think that the socialist land reforms imposed by the Duarte regime have helped bring justice and equality to El Salvador, and indeed many in this very Congress appear to believe the same thing. However, that scenario is far from the truth, and for that reason I would like to take some time today to describe to my colleagues just what has been happening in El Salvador since the United States-sponsored coup of 1979.

U.S. WAR AGAINST DEMOCRACY

Mr. President, for 10 years, the United States has spent billions of dollars—indeed, over $3 billion—in an attempt to create a movement for a political "center" in this Vermont-sized Latin American country. Instead, the United States ended up supporting a war against democracy and constitutionalism and against the principles of free enterprise, private property, and the market economy.

In October 1979, with the support of the United States and then-President Carter, hard leftwing elements of the Salvadoran military staged a coup and overthrew the constitutional ruler of El Salvador, Gen. Humberto Romero Mena. President Carter, who had celebrated a "victory" in Nicaragua with the overthrow of President Anastasio Somoza, had turned his sights on El Salvador as an object lesson for his policy of eliminating dictators in Central America.

After the coup in El Salvador, a series of juntas were installed during the latter part of 1979 and the early part of 1980. Each junta was leftist in nature, mostly representing the soft left-of-center Marxists and hardcore leftist Marxist-Leninists. Conspicuously absent from representation in the junta, Mr. President, were elements of the country that were anti-Communist and profree enterprise.

THE DUARTE JUNTA

In December 1980, Jose Napoleon Duarte was appointed as head of the final junta. Mr. President, the policymakers at State were overjoyed, for Mr. Duarte was a socialist through and through. In the late 1970's Mr. Duarte published his book, "Communitarianism for a More Human World," in which he stated "capitalism is not acceptable." In concert with the U.S. Department of State, which found his philosophy palatable, Mr. Duarte and his government began a major economic restructuring plan that included nationalization of the central banks, a system of agrarian reform and land redistribution, and a nationalization of the major export industries.

Mr. President, within a short period of time, as a result of these reforms, the Armed Forces of El Salvador were evicting rightful owners from their property as part of an effort to dismantle what the State Department termed as "the oligarchic exploiters of the 14 families." For years, there were many critics of El Salvador who charged that the power of the country laid in the hands of a small number of powerful families. Thus, the policymakers reasoned—illogically, in my view—that if these families were made politically impotent and their wealth distributed to the poor, then the Communist guerrillas, the FMLN, who had formed in Havana in 1980, would have no reason to continue their insurrection. According to this radical view, the claims of economic subjugation would have been eliminated.

DISTRIBUTION OF WEALTH

Unfortunately, Mr. President, the bureaucrats at the Department of State were misinformed about the distribution of wealth in Salvador. The propaganda statistics provided to the general populace by the policymakers stated that, in El Salvador, 10 percent of the people owned over 78 percent of the land. Mr. President, I suppose that if there were no reference point then this figure, taken at face value, would indicate a vast disparity on the distribution of wealth. However, if the same test is applied to the United States, the results are remarkably similar to that in El Salvador.

A study done by the U.S. Department of Agriculture Bureau of Natural Resources Economic Division concluded that in the United States, 5 percent of the people own over 75 percent of the land. Yet there are no cries that the United States has unfair land distribution policies. As it happened in El Salvador, there were not 14, but thousands of small landowners, and they became outraged at the land redistribution polices of the Duarte government.

Mr. President, the effect of these United States-sponsored reforms were chilling. At first, there was a general state of "lawlessness" that evolved from the outright indignation of the Salvadoran people over United States economic intervention. Ordinary landowners and businessmen took to the streets and protested, demanding a return to fundamental concepts of private property that was once the guiding force behind the Salvadoran economy.

THE ECONOMY TODAY

Tragically, Mr. President, the second effect is still being felt. These reforms had exactly the opposite economic effect of what was originally intended. El Salvador, which until 1979 had a thriving economy, was plunged into the throes of a socialist depression. In the past 10 years, productivity has been cut by 30 percent, and is now at the level of a quarter century ago. Exports have fallen by 50 percent, and the combination of unemployment and underemployment exceeds 50 percent, despite the fact that 10 percent of the population has emigrated in the past decade. President-elect Cristiani, during a recent trip to Washington, stated that El Salvador has been transformed from a "self-sufficient economy to a dependent economy—dependent on millions of dollars of American economic and military aid."

At the time of the coup in 1979, there was a strong Communist element in El Salvador, supported mostly by a tiny minority of intellectuals, Cubans, and the Soviet Union. The Communists constituted a force that was powerful in the early juntas, but when Jose Napoleon Duarte took control in December of 1980, the Communist elements charged that Mr. Duarte was a mere "pawn" of the State Department. Therefore, they withdrew and formed a guerrilla insurgency called the Farabundo Marti Liberation Front [FMLN]. The founding meeting, as I pointed out, took place in Havana under Castro's direction.

THE FMLN'S COWARDLY WAR

Mr. President, throughout the 1980's, the FMLN has engaged in a brutal, cowardly war against the people of El Salvador, and against the political and economic infrastructure of that tiny country. These thugs are responsible for the deaths of many innocent civilians, and many governmental leaders as well. In early 1981, they announced the commencement of their "final offensive" against the government, designed to replace the pathetic, corrupt social democracy that existed in El Salvador at the time with a Soviet model Marxist-Leninist dictatorship.

Mr. President, there are many in the major media—and indeed in this Congress—that would have the American people believe that these lawless bands are popular among the people of El Salvador. However, the number of guerrillas has never exceeded 10,000, a statistic which translates into less than 1 percent of the population.

Some believe that the U.S. policy has been driven by a desire to stop Communist expansion in Central America. This has led many in this body to support and fund the socialist policies imposed by Duarte and his allies in the name of anticommunism. In fact, the State Department and the CIA have been among Duarte's strongest supporters.

THE CENTRAL ISSUE

Unfortunately, Mr. President, the central issue has been missed. The real struggle in El Salvador is the struggle between the forces of capitalism and the forces of socialism, between true democracy and cosmetic democracy, and between progress and stagnation.

Popular opposition to the Socialist reforms instituted by Duarte gave rise to a new political party, the Republican Nationalist Alliance, which is known by its Spanish acronym, ARENA. Originally, ARENA was to be formed as a political party at the end of February 1982. However, 2 days prior to this event, a calculated attack was made against the party leaders. As the members were leaving party headquarters in San Salvador on the night of February 26, a car sped by and opened fire upon them. There were no deaths, but, there were several injuries. Many observers in El Salvador believe that this attack was the work of the so-called green squads, a group of pro-Duarte paramilitary troops who were opposed to the new ARENA Party—green is the party color of the Christian Democrats. Due to this incident, the official registration of the ARENA Party had to be postponed until later in 1982.

ARENA WINS IN 1982

Mr. President, despite opposition from the United States, the Salvadoran people gave a majority of seats to the ARENA Party in the Constituent Assembly elections in late 1982. This allowed ARENA to play a major role in the formation of the new Salvadoran Constitution, which was specifically designed to prevent a repeat of the United States-sponsored illegality of 1979.

Unfortunately, Mr. President, the U.S. bureaucrats who formulate U.S. policy in Latin America immediately saw Arena and its charismatic and flamboyant leader, Roberto D'Aubuisson, as a threat to their plans to socialize the country, and devised a plan to discredit them.

MAJOR D'AUBUISSON

Mr. President, Major D'Aubuisson is the object of scorn to many of the Latin American policymakers at the State Department. I hold no particular brief for any politicians in El Salvador. My belief is that the United States should stay out of elections in countries where there is a viable multiparty system. But it is clear that an overwhelming number of Salvadorans look on Roberto D'Aubuisson as the champion of democracy in El Salvador. An ex-army intelligence major, he was the driving force behind the 1982 Salvadoran Constitution when he was the elected President of the Constituent Assembly.

He has stated many times that there are three keys to a successful El Salvador: First, a constitution that is respected and adhered to and revered, much like it is in the United States; second, a strong multiparty system in which a true representation of the Salvadoran people can be expressed; and third, a complete and total elimination of the Communist and other antidemocratic forces of the FMLN, either militarily or politically. In addition, he has championed the principles of capitalism and free enterprise as the only way for El Salvador to liberate itself from the economic domination of the United States.

Major D'Aubuisson is, in the view of Salvadorans, the individual most reponsible for bringing democracy to El Salvador. By founding the ARENA Party, of which he is the honorary president-for-life, he brought to the Salvadoran people a true choice between the socialism of Duarte and the United States and the nationalistic ideals espoused by his ARENA Party.

Mr. President, immediately after the founding of ARENA, the State Department and the CIA devised a plan by which the ARENA Party and Major D'Aubuisson would be discredited. The policymaking bureaucrats at

the State Department put out charges that ARENA was a party of the "oligarchic 14 families" and that Major D'Aubuisson was a leader of the "death squads" that had been in operation during the first years of the Duarte junta.

The information regarding Major D'Aubuisson came from two highly suspect sources: First, the charges made by former United States Ambassador to El Salvador Robert White during a Senate hearing, which, at a later date, he was forced to recant, and second, the fact that during the early years of the Duarte junta D'Aubuisson was often seen on television, making known to the public the names of suspected Communists and Communist sympathizers.

THE "DEATH SQUADS"

Mr. President, the issue of "death squads" in El Salvador is a much publicized and sensationalized issue. During the early 1980's, starting with the death of Salvadoran Archbishop Oscar Romero on March 24, 1980, there were many people who were killed for apparently no reason, and their bodies dumped by the side of the road. The United States Government and the leftist elements in El Salvador blamed these deaths on so-called rightwing death-squads. They attempted to portray these unexplained deaths on an organized effort by the rightwing to eliminate opposition elements. At the center of the charges was Major D'Aubuisson, who some asserted was the mastermind of the murders of these people, and more specifically with the death of Archbishop Romero.

However, there has never been any confirmed evidence that links Major D'Aubuisson to this terror, nor has he ever been charged. Indeed, I have requested many times that the State Department and the CIA provide me with any information linking Major D'Aubuisson to these co-called death squad activities. Unfortunately, Mr. President, I have never received a response. This only confirms my suspicions that the charges against Major D'Aubuisson are political in nature, and that they have no basis in fact.

U.S. "DEATH SQUADS"

Mr. President, it is unfortunate that in the past years El Salvador has lived in a culture of violence. Our own country's political system has escaped that curse in our century, but smaller nations, plagued by social, political and economic instability, have not always maintained the stable framework necessary for social peace.

More recently, we, too, have seen "death squads" operating in U.S. cities, particularly as our society has been eroded by drug trafficking. We have seen such killers operating freely even in our Nation's Capital, with civil authorities unable or unwilling to act. We have our own death squads, just as deadly, operating in the drug wars of this city, targeting one or two persons every day. Before we leap to criticize the problems of another society, we need to clean up our own.

The guerrillas in El Salvador have been a deadly solvent, undermining the economic and social structure. The "death squad killings" have occurred all across the political spectrum in a random manner. It is difficult even to characterize many of these killings as political; nevertheless, ARENA itself has suffered more from the hands of killers than all the other political parties. More assassinated members of the Constituent Assembly, party officials, and mayors of the cities have belonged to ARENA than any other political party.

Mr. President, I ask unanimous consent that a list of ARENA party members assassinated by death squads or attacked violently be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. HELMS. Mr. President, the new President of El Salvador, Alfredo Cristiani, has pledged to restore order to Salvadoran society. I am convinced that he will not tolerate the operation of "death squads" from the left, center, or right.

Mr. President, it is also important to note that President Duarte was in office for 5 years, and during that time he had at his disposal all the relevant law enforcement agencies, yet he never had enough information against D'Aubuisson to warrant charges.

THE 1984 ELECTION

In 1983, the Constituent Assembly announced that a Presidential election would take place in 1984. At the time, El Salvador was ruled by provisional President Dr. Alvaro Magana, who was, in 1982, appointed by the National Assembly to be head of the transitional government.

Mr. President during the election period, the United States stepped up its propaganda campaign. In December of 1983, Major D'Aubuisson, who was the Presidential candidate of the ARENA Party, was twice denied a visa to the United States under the excuse of "not wanting to bring the Salvadoran election to the United States," although during this same period candidate Duarte traveled to the United States several times. Americans were told that D'Aubuisson was a "murderer" and a "death-squad leader of the rightwing." Some of D'Aubuisson's supporters in the United States came under fire for their support, and the Salvadoran people were told, in no uncertain terms, that if D'Aubuisson were elected, economic and military aid would cease. But no proof was ever presented.

U.S. FINANCING OF DUARTE'S ELECTION

Mr. President, in addition to this campaign of disinformation, the CIA, through various Salvadoran and international organizations, diverted some $2 million into the campaign of Jose Napoleon Duarte, the candidate of the Christian Democrat Party. The bulk of this illegal aid went mostly to San Salvador, where support for the ARENA Party was strong, in order to influence the population of El Salvador's largest city.

In El Salvador, if no candidate receives a clear majority in the first round, a second round is held. Independent opinion polls showed that D'Aubuisson was the front runner. However, in the first round of the March 1984 Salvadoran elections, neither Duarte nor D'Aubuisson received a clear majority, so a runoff was scheduled for May 6, 1984.

Mr. President, during the period of time between the first round and the runoff, the administration realized that the future of their Salvadoran policy was hanging in the balance. Therefore, they instituted some new policies aimed at strengthening the Duarte platform. Then-Ambassador to El Salvador Thomas Pickering had private meetings with officials of the Duarte campaign to map strategy and plan rallies, and officials of the ARENA Party were told not to expect the support of the United States should they be victorious on May 6.

Despite the massive effort of the United States, D'Aubuisson remained the most popular leader in El Salvador, and the election was much closer than expected. He received a large plurality in 13 of 14 political "departments"—states. However, because of United States electioneering and Duarte's control of the vote-counting machinery in San Salvador, where Duarte's son was mayor, the Christian Democrats had enough support to certify Duarte as the victor.

Mr. President, this information is important because it shows that the United States had taken the unprecedented step of openly and financially supporting a candidate in a foreign election, a candidate who supported political concepts U.S. citizens would never support. While giving active lipservice to democracy, the United States was indeed making certain that El Salvador remained a one-party state.

THE FAILURE OF THE CHRISTIAN DEMOCRATS

Unfortunately, Mr. President, the predictions made by Major D'Aubuisson about United States-imposed socialism came true during the tenure of Mr. Duarte. This socialism led to the increasing abandonment by the Salvadoran people of the Christian Democrat Party.

The land distribution program, hailed by the United States and Salva-

doran leftists alike as necessary to promote justice and equality, was exposed as a fiasco. The nationalization of exports also proved to be a disaster, causing many Salvadorans to lose their jobs and sustenance due to state-controlled prices below production costs. The result was declining foreign purchases.

Perhaps the most interesting part of the equation, however, was that the civil war, then at the height of its intensity, did not disappear as bureaucrats claimed it would. The war continued unabated, and it became obvious that the Salvadoran people were increasingly skeptical of the promise of peace that the Salvadoran Government still made.

This discontent led to increasing support for the ARENA Party and its flamboyant leadership. In the 1988 Constituent Assembly elections, despite United States warnings about aid similar to those made in 1984, the Salvadoran people gave a majority to the ARENA Party, increasing their representation in the Assembly from 13 to 60 to a majority of 31 of 60, and made ARENA the favorite to win the Presidency in 1989.

THE 1989 ELECTION

As you might expect, Mr. President, when the period of campaigning began in late 1988, the United States once again reaffirmed its support for the Christian Democrat Party. This time, however, the situation was different. Major D'Aubuisson, aware that there were many in the international community who had been misinformed about his past, decided that it was in the best interest of the country not to seek the Presidency a second time, and the ARENA Party nominated a member of the Constituent Assembly, Alfredo Cristiani, to be the Presidential nominee. Unfortunately for the Christian Democrats, President Duarte fell seriously ill, creating a void of leadership that was apparent in the hierarchy of that party.

As the elections drew near, the Communist FMLN announced conditions under which its members would participate in the political process. In addition to demanding a postponement of the elections, the FMLN called for an immediate military cease-fire in order to give the party allied with the rebels, the Democratic Convergence, a chance to organize themselves. In return, the guerrillas pledged to respect the outcome of the postponed elections.

At first, this plan was rejected out of hand by both the Christian Democrats and the ARENA Party, but under reported pressure from the United States, President Duarte proposed an alternative by which the elections would be postponed for 6 weeks. At the time, the Christian Democrats were trailing heavily in the opinion polls, and the United States realized that it was a perfect time to delay the Salvadoran vote in order that the Christian Democrats might have more time to gain popular support.

Ultimately, however, the ARENA-controlled Constituent Assembly rejected the rebel offer and demanded that the electoral process be conducted within a constitutional framework, which dictates that the Presidential electoral process begin no more than 2 months before the constitutionally set inaugural date of June 1.

As the election drew near, Mr. President, it became clear that ARENA candidate Cristiani was the heavy favorite. I have good information from reliable sources that the U.S. Government, despite repeated denials, was working in concert with the Christian Democrats to preempt an ARENA victory.

FREE AND FAIR ELECTIONS

However, on election day, the voting took place with no significant evidence of fraud, despite a general transportation strike imposed by the Communist FMLN. When the votes were finally tallied, Cristiani had won a clear majority of 53 percent. The candidate of the Christian Democrats, Fidel Chavez Mena, received 36 percent and the FDR, a party allied with the Communist rebels, came in fourth with only 3.8 percent.

Just prior to the election, some of my distinguished colleagues introduced a bill that would make military aid to El Salvador conditional on a negotiated settlement of the civil war. I remind my colleagues that the policy of the Soviet Union and their Cubans has always been to destabilize the region through armed insurrection. A negotiated settlement holds out the process of allowing the FMLN to win at the table what they could not win on the battlefield.

COMMUNISTS ESCALATE TERRORISM

Since the election, Mr. President, the escalation of terrorism in El Salvador has become worse. The FMLN, which during the Presidential campaign had been assassinating elected mayors of the ARENA Party, has brought the war to the streets of the capital. In April of 1989, the house of the Vice-President Elect, Francisco Merino, was bombed, and the Constituent Assembly-elected Attorney General Roberto Garcia Alvardo was murdered on his way to work. The FMLN believes that if they can provoke a violent reaction by the Cristiani government to their acts of terror, the United States will cut off the much-needed military aid. So far, however, the Cristiani government has not succumbed to that temptation.

In order for the country of El Salvador to survive in the future, it is imperative that the United States give full support to the Cristiani government. Many believe that if given the chance to enact the promised ARENA economic reforms, El Salvador will again be a strong, prosperous country.

The victory by ARENA signals that when people, wherever they may be, are given a chance to choose between freedom and socialism, between anti-Communism and dictatorship, that a free market and anti-Communism will always win. The Salvadoran people have chosen a nationalist alternative to a government that has been controlled and dominated by the U.S. State Department and the CIA. The Salvadorans do not want to be controlled by the United States Government or anybody else.

At the outset, I stated that the United States policy in El Salvador has been one of supporting the currupt, socialist regime of the Christian Democrats. I believe that this war on democracy and capitalism has harmed the United States in its foreign policy dealings elsewhere in the world. It has become evident that it is a handicap to be profree enterprise or prodemocracy when dealing with the United States.

The bureaucrats at the policymaking level have been blind to the fact that majority elements in El Salvador, currently under the ARENA Party, are natural allies of the United States, and they are espousing the same values and principles as held by mainstream Americans. Had our policymakers come to this realization earlier, the entire Central American region would not be on the verge of collapse today, for our allies there would understand that our commitment to democracy and freedom is an absolute thing, not relative to the socialist goals of officials in our policymaking agencies.

EXHIBIT 1

MURDERED MEMBERS OF THE ARENA PARTY

Ricardo and Wilfredo Ranbush. Two brothers, forerunners of the nationalist movement. Murdered in their offices in 1980.

David Quinteros. Deputy of the Department of Housing. Elected to the Constituent Assembly. Murdered before he took the oath of office.

Rene Barrios Amaya. Deputy Director of the Constituent Assembly. Leader of the "Sindicalista," the labor sector of the ARENA Party.

Salvador Jimenez. Leader of the working sector of the ARENA Party, also a member of the "Sindicalista."

Ricardo Arnoldo Pohl. Deputy of the State of Usulutan.

Dr. Rafael Hasbun. Consultant, coreligionist, and Member of the General Council of Elections.

Dr. Fernando Berrios Escobar. Doctor. Former Minister of Health for ARENA during the provisional government of Dr. Alvaro Magana.

Carlos Carbajal. Worker for the ARENA Party.

Patricia Martino. Coreligionist from the State of Santa Ana. Disappeared.

Ricardo Rodriquez Esheverria. Murdered in February of 1989.

Dr. Francisco Peccorini. Political Analyst. Ex-Professor of Philosophy at the Universi-

ty of California at Long Beach. Murdered in March of 1989.

MURDERED ARENA MAYORS

Santos Antonio Martinez. Mayor of Coatopequo, Santa Ana Province.

Ricardo Antonio Pineda. Mayor of Sensori, San Miguel Province.

Jose Ulises Henriquez. Mayor of New Granada, Usulutan Province.

Jose Santos Rivas Sanchez. Mayor of Azacualpa, Chaltenango Province.

DEATH OF CLAUDE PEPPER

Mr. DODD. Mr. President, on Tuesday America lost one of its great senior statesmen, a tireless fighter for the elderly, the underprivileged, and indeed for all Americans. I speak, of course, of Senator Claude Pepper, who at age 88 had served more years in Congress than any other Member.

Claude Pepper was the people's champion, and it was an honor to serve with him and work with him. No man in politics was more loved or more effective. His congressional career, which spanned half a century in both Houses of Congress, was a triumphant one.

While Senator Pepper's legislative achievements are too numerous to recount, certainly there is no program with which he was more closely associated than Social Security. He was elected to the Senate only a few months after Social Security was created, during the administration of Franklin Delano Roosevelt, and immediately Claude Pepper became one of Social Security's staunchest supporters. That support continued for half a century. He was the sentinel, the watchman ever alert, sounding the warning whenever anyone suggested reneging on our commitment to older Americans.

Claude Pepper wrote and fought for any number of measures to improve the quality of life for senior citizens. Once, serious illness inevitably cost older people their savings, and advanced age once was synonymous with bankruptcy. Senator Pepper's work to create and improve Medicare, to assure catastrophic care coverage and in the past few years, to extend coverage for long-term home health care, was a continual and successful effort to change this. Once, workers were routinely forced to retire at age 65. This, too, changed because of the work of Claude Pepper.

As the last remaining Member of Congress who served in the heyday of the New Deal, Claude Pepper worked in recent years to ensure that those social benefits were not weakened. As a tireless campaigner in political races from coast to coast, he met with adoring crowds wherever he went, lending his popularity to many successful causes.

I wish I could recount years-old tales, anecdotes from earlier years of Claude Pepper's career. But that career reaches back decades. When Senator Pepper first came to Washington, I was not yet born. When he first held elective office, in the Florida Legislature, the President was Herbert Hoover, and Ford was still selling the Model T. Indeed, most of us in Congress can only hope to have the opportunity to contribute as much—and with as much passion and perseverance—as Claude Pepper.

As Senator Pepper himself entered the ranks of the Nation's senior citizens his status broadened, from advocate in Congress to spokesman for the elderly across America. At the age of 88, he remained active and vibrant, providing inspiration to us all. Claude Pepper's efforts were unceasing. Although his district was one city, his constituency was a generation.

DEPARTMENT OF EDUCATION GSL DEFAULT REGULATIONS

Mrs. KASSEBAUM. Mr. President, Education Secretary Lauro Cavazos today released final regulations designed to bring down the default rate in the Guaranteed Student Loan Program. I applaud the Secretary for taking this initiative.

The regulations reflect a thoughtful, fair, and tough approach to a problem which will cost taxpayers about $1.8 billion in this year alone. Well over one-third of guaranteed student loan expenditures go toward default costs. It is essential that this serious problem be addressed in order to maintain the integrity of the loan program and the widespread support it has enjoyed.

Over 3,600 public comments were submitted during the rulemaking process. These comments were taken seriously, with an obvious effort made to tailor appropriate responses for institutions, students, lenders, guarantee agencies and the Department.

The final regulations emphasize constructive steps to be taken by institutions, based on their individual default rates. The institutions are given a reasonable amount of lead time in which to initiate reforms—with limitation, suspension, or termination [LST] of program eligibility not taking effect until January 1991.

In addition, the Secretary announced several actions to be taken by the Department to tighten administration of the program and to assure that students receive better information about their responsibilities under the loan program and about the records of the schools they choose to attend.

Later this month, the Secretary will be sending to Congress a package of proposed legislative changes. I am pleased to note that the Senate has already approved default legislation. I know that Senator PELL and I, along with other members of the Education Subcommittee, look forward to reviewing additional suggestions in this area.

On the whole, I believe the initiatives put forward by Secretary Cavazos will be a positive force for greater accountability in the Guaranteed Student Loan Program. It deserves broad support.

Mr. President, I ask unanimous consent that factsheets prepared by the Department of Education describing these initiatives appear in the RECORD.

There being no objection, the fact sheets were ordered to be printed in the RECORD, as follows:

FACTSHEET.—GRADUATED REGULATORY APPROACH TO DEFAULT REDUCTION AT POSTSECONDARY INSTITUTIONS

Tier	Default rate trigger (percent) [1]	Schools affected	Action
IV Limit/Suspend/Terminate (LST) proceedings	[2]60%	188	Authorize Secretary to initiate LST proceedings immediately if a school's default rate is above 60 percent.
	[2]40–60%	450	Authorize Secretary to initiate LST proceedings if school does not reduce its rate by 5 percentage points per year.
III Automatic default reduction measures	30	1,082	Require school to: (1) delay loan certification and disbursement for first-time borrowers, and (2) use pro-rata tuition refund policy.
II Individual default management plans	20	1,695	Authorize Secretary to impose specific measures (individual default management plans) that address causes of default at a particular school.
I Requirement for all schools	NA	7,843	Require school to provide entrance counseling to first-time borrowers.
Requirement for all vocational schools	NA	5,065	Require school to compile and disclose consumer information, including program completion and job placement data, to all prospective students.
Requirement for all private vocational schools (new NPRM)	NA	3,690	Require school to have "teach-out" arrangement with another school.

[1] Actions are triggered when the default rate exceeds the specified percentage.
[2] The 60 percent default rate trigger will be reduced by 5 percentage points per year, to 40 percent by the fifth year.

FACTSHEET

DEFAULT REDUCTION INITIATIVE: FINAL REGULATION

The final regulation, which is about to be published in the *Federal Register*, based on last September's Notice of Proposed Rulemaking, includes the following major features:

1. Authorize Limitation, Suspension, or Termination of High Default Schools (40-60+ Percent)

Authorize initiation of limitation/suspension/termination (LST) of student aid programs eligibility of schools with default rates over 60 percent in the first year, with a phased (5 percent per year) decrease in this trigger over 5 years to 40 percent. Authorize LST action for schools with rates over 40 percent that fail to reduce these rates by 5 percentage points each year, until the rate decreases to below 40 percent. A school could avoid LST action by showing that it has implemented all default reduction measures in Appendix D. This proposal incorporates the same due process procedures included in the NPRM.

The effective date for potential LST actions will be January 1991, and will be based on the default experience in FY 1989 and FY 1990 of student borrowers entering repayment in FY 1989.

Note.—The default rate used for this purpose, known as the "cohort" or "fiscal year" default rate, is defined as the percentage of an institution's current and former students whose loans enter repayment in a fiscal year who default before the end of the following fiscal year.

2. Require Schools With Default Rates Above 30 Percent to Delay Certification and Disbursement of Loan Funds for First-Time Borrowers

Require schools with default rates over 30 percent to delay certification of loan applications for first-time borrowers so as to ensure the loan proceeds are not received by the borrower prior to 30 days after the first day of classes for the academic year for which the loan was made. (This policy would be superseded by the current FY 1990 budget proposal requiring all schools to delay loan disbursement for 30 days, when the legislative proposal is enacted.)

3. Require Pro-Rata Tuition Refund Policy for GSL Borrowers at Schools With Default Rates Above 30 Percent

Require each school with a default rate over 30 percent to use a pro-rata tuition refund policy for recipients of student loans. This provision would not apply for any student who withdraws after the midpoint of the program or at the end of the first 6 months, whichever is earlier. (This requirement would be superseded by the new legislative proposal requiring pro-rata tuition refund policies for recipients of all Department student aid funds for schools with default rates over 30 percent, when the legislative proposal is enacted.)

FACTSHEET

DEFAULT REDUCTION INITIATIVE: NEW NOTICE OF PROPOSED RULEMAKING

In addition to the new provisions contained in final regulations, the Secretary's default reduction initiative includes two provisions that require a new opportunity for public comment. These provisions will be published in the *Federal Register* as a new Notice of Proposed Rulemaking.

1. Require Teach-out Arrangements for Private Vocational Schools

Require each private school that offers an undergraduate nonbaccalaureate vocational training program to enter into a teach-out arrangement with another school, under which the latter school agrees to teach-out any students enrolled in the former school free of charge if and when the former school closes.

2. Require Lenders to Notify Borrowers of Loan Transfer

Require a secondary holder to notify the borrower when it purchases a loan made to that borrower if the borrower is required to send payments to a new address.

FACTSHEET

DEFAULT REDUCTION INITIATIVE: LEGISLATIVE PROPOSALS

The Department proposes the following statutory changes as part of the Secretary's initiative to reduce defaults:

1. Modify Ability-to-Benefit Provision

Require students who are admitted under the "ability-to-benefit" criterion to pass a test, prior to enrollment, formulated and administered by an independent third party.

2. Require Pro-Rata Tuition Refunds at Schools with Default Rates Above 30 Percent (All Department Student Aid Program Recipients)

Require each school with a default rate over 30 percent to use a pro-rata tuition refund policy for all recipients of Department student aid funds. This provision would not apply for any student who withdraws after the midpoint of the program or at the end of the first 6 months, whichever is earlier. This proposal would apply our regulatory refund requirement for Guaranteed Student Loan recipients to all Department student aid recipients.

3. Authorize Guarantee Agencies To Garnish Defaulters' Wages

Authorize guarantee agencies to garnish a defaulters' wages, up to 10 percent of disposable pay.

4. Prohibit Schools From Employing Commissioned Sales Representatives For Recruiting and Admitting Activities

Prohibit schools from employing anyone other than salaried employees or volunteers to conduct recruiting or admitting activities; prohibit the paying of commissions, bonuses, or other incentives based on enrollment or student aid volume to persons engaged in recruiting or admitting activities.

5. Require Lenders to Provide Graduated Repayment Options to Borrowers

Require lenders to offer graduated repayment schedules approved by the Secretary to all borrowers of Stafford Loans and Supplemental Loans for Students prior to the commencement of repayment. For example, the monthly payment on a $10,000 loan under a level payment scheudle (current practice) is $121. Under a 1-year interest-only replayment schedule, the first year's payments would be $66.71 per month, and for the remaining years, $130 per month.

6. Prohibit Certification of Schools for Program Eligibility After Loss of Accreditation

Prohibit school eligibility certification or recertification if during the preceding 24 months, its accreditation has been withdrawn, revoked, or otherwise terminated for cause or if it has withdrawn from institutional accreditation voluntarily under a show cause or suspension order. This will prevent problem schools from "shopping around" for accreditation.

FACTSHEET

DEFAULT REDUCTION ADMINISTRATIVE ACTIONS

I. Improving Default Prevention

Publish an annual list of default rates for each lender, school and guarantee agency.

The publicity generated by such a public document, listing the default rates of over 12,000 lenders, 8,000 schools and 54 guarantee agencies, will produce both positive and deterrent effects. Lenders, guarantee agencies, and schools with low default rates can use this to their advantage when marketing their services. High rates will hurt marketing efforts, and thus will encourage default reduction activities.

Compile and disseminate job placement and other consumer information on vocational programs.

All schools offering undergraduate nonbaccalaurate vocational training programs will be required to disclose graduation rates, job placement rates, and State licensing exam pass rates to prospective students. The Department also will compile these statistics in a guide that will be widely available to consumers. We believe this information will help students better evaluate their chances of success in different programs and institutions. Programs savings will result from better consumer decisions regarding vocational training programs, increased pressure on schools to improve their performance in these critical areas, and lower dropouts and defaults.

Expand efforts to inform students of ED toll-free consumer services hotline.

Publicize the Department's toll-free telephone number that is available to the 6 million students who receive Federal assistance. Enhanced use of the Federal Student Financial Aid Information Center, which provides general and consumer information to students, will produce program savings by reducing errors on student aid application forms and by producing better informed student consumers.

Provide colleges and high schools with debt management and financial planning information for students.

Information dissemination will be accomplished in traditional formats, such as printed materials and brochures, and via videos and interactive computer software programs. This information will be used to introduce debt management concepts to high school students. With this information, students will be in a position to make better decisions regarding loan obligations. The Department also will make such information available to postsecondary schools for use in entrance counseling.

Improve the administration of the Guaranteed Student Loan programs by schools, lenders and guarantee agencies by providing additional employee training.

Additional Department resources will be used to train up to 2,000 postsecondary institution staff, and up to 5,000 lender and guarantee agency staff. Training will focus on new legislative and regulatory requirements as well as basic training concerning proper program administration. Training facilitates default reduction by ensuring that program participants are knowledgeable and up-to-date about program requirements, thus preventing and eliminating many administrative errors that occur through lack of knowledge.

Support research to determine the underlying causes of default.

The Department will analyze and compile statistics on current defaults, analyze why they are occurring, project default rates based upon the impact of new initiatives, and conduct other studies as necessary. Initial research projects in this area will focus on the findings of the National Postsecondary Student Aid Survey and further analyses of tape dump data received from guarantee agencies.

Disseminate model default prevention approaches.

Dissemination of information on effective default prevention techniques will include a "What Works in Default Prevention" booklet.

II. Improving Enforcement of Program Requirements

Increase ED program compliance reviews of lenders, schools and guarantee agencies.

Our original FY 1990 plans heavily emphasized institutional reviews—an increase of 350 reviews over the 1989 level of 850 reviews, and 828 reviews over the 372 reviews conducted in FY 1987. Our plans also include a FY 1990 increase to 530 lender reviews over the FY 1989 level of 400. These program compliance reviews will be the key to ensuring that these default reduction measures are implemented.

Increase OIG audits and investigations, using enhanced fraud detection techniques.

In response to the escalating default problem, the Office of the Inspector General (OIG) will devote 75 percent direct investigational time and 75 percent direct audit time (after mandated audit work), to the default problem. Further, in order to identify the causes of and possible solutions to the default problem, the OIG is focusing on the following key areas for review: Accreditation, eligibility and certification of schools, school recruitment practices, admission of students under the ability-to-benefit provision, course length, results of training, and due diligence in loan collection.

Continue enforcement of tougher due diligence collection requirements for lenders and guarantee agencies.

The Department monitors and enforces "due diligence" procedures, which establish specific lender and guarantee agency collection effort requirements. The requirements represent the minimum level of effort that lenders and guarantee agencies must undertake in collecting loans in order to qualify for insurance and reinsurance payments. Continued vigorous enforcement of these standards will help the Department control the rising costs of defaults and improve the collection of loans nationwide.

Expand fraud detection by publicizing the Inspector General's fraud and abuse toll-free hotline.

To increase the use of the IG toll-free hotline as a fraud detection tool, the Department will publicize the number through public service announcements (PSAs) and publications. The Department is also adding additional employees to the IG staff to handle the expected increased volume of calls.

III. Improving Collection Efforts

Increase collections through the IRS offset of defaulters' Federal tax refunds.

Since 1986, the IRS offset of defaulters' Federal tax refunds has resulted in over $561 million in collections through April 1989 on approximately 878,000 accounts. The Department expects to collect an additional $197.9 million in FY 1989.

Expand efforts to offset the salaries of Federal employees who have defaulted on student loans.

Since the Federal employee salary offset program was authorized in 1982, over 30,000 defaulted accounts belonging to Federal employees have been referred to their employing agencies for salary offset. An additional 6,952 Federal employees are currently paying ED voluntarily. Cumulative collections resulting from the Federal salary offset program total $44.7 million. We estimate that approximately $12 million will be collected in FY 1989.

Report defaulters to consumer credit bureaus.

The Department reports ED-held defaults to consumer credit bureaus in order to affect adversely a defaulter's ability to obtain credit financing until satisfactory repayment arrangements are made. To date, $736 million in defaulted loans for approximately 685,400 accounts have been reported to credit bureaus.

Expand contracts with private collection services to collect defaults.

ED has expanded contracts with private sector collection services to collect on ED-held defaults. More than $47 million was collected in FY 1988, a $12 million increase over FY 1987. New collection contracts will be awarded in June 1989.

ESSENTIAL AIR SERVICE

Mr. PRESSLER. Mr. President, I extend my sincere appreciation to the distinguished chairman of the Appropriations Committee, Senator BYRD, for his attention to the needs of the Essential Air Service [EAS] Program. Because of Senator BYRD's interest in preserving air service to small communities, EAS remains alive.

I've spoken on the floor a number of times about the importance of preserving the EAS. I've given specific examples of how any reduction in the EAS Program would affect South Dakota cities. For example, the mayor of Pierre, SD, my State's capital, wrote this to me to say:

We believe any reduction in existing air service to our community, or any other EAS cities in South Dakota, will cause an adverse affect on economic development efforts and personal mobility.

Similar voices of concern have been registered by many people in from Yankton, Brookings, Huron, and Mitchell.

Congress has heard this message loud and clear and has committed itself to continuing support for EAS. Secretary of Transportation Samuel Skinner has been very cooperative in our efforts to provide an additional $6.6 million to make up for the shortfall in program funding.

Again, I commend the chairman and ranking member of the Appropriations Committee for their work on EAS. This effort will be remembered by those who still will have access to air transportation in some of our Nation's smaller cities. Since DOT soon will be notifying carriers of the pending cutoff of EAS payments, I urge swift action by the conference committee on this urgent, high priority supplemental funding.

GLOBAL MAINE CONFERENCE

Mr. MITCHELL. Mr. President, last week in Portland, ME, there was a remarkable conference attracting a wide range of people from Maine and New England. The conference was organized by the University of Southern Maine, with the help of many other organizations and individuals.

Industry representatives, academicians, students, and environmentalists struggled during this conference to come to grips with the impact of global issues on Maine, including the critical issue of global warming. The all-day session did not deal with these issues in the abstract, It considered the impact on our daily lives, of global security issues, our changing values, environmental concerns, education and technology. The conference also asked participants to consider what they could individually do to have an impact on the issues of concern.

What is particularly encouraging about this conference is the level of commitment of the participants. Each of us has the ability—and the obligation—to do all we can to improve this world in the brief time we are here.

The spirit and enthusiasm generated by this conference, and by future conferences that I hope will be held, gives me optimism for the future. It is too easy to sit back and assume someone else will tackle the difficult issues. This conference demonstrates clearly that each of us must stand up for an issue.

Maine has been a leader in environmental issues. The citizens of Maine and neighboring States who gathered last week take seriously our need to slow down the rate of global warming, our need to redefine what our security interests are, our need to review our educational system and our values and the uses of technology in combatting environmental problems. This was a precedent-setting conference and I commend the conference organizers for their hard work. It was a job well done.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Time for morning business has now expired.

DIRE EMERGENCY SUPPLEMENTAL APPROPRIATIONS FISCAL YEAR 1989

The PRESIDING OFFICER. Under the previous order, the Senate will now proceed to the consideration of the bill, H.R. 2072, which the clerk will report.

The legislative clerk read as follows:

A bill (H.R. 2072) making dire emergency supplemental appropriations and transfers, urgent supplementals, and correcting enroll-

ment errors for the fiscal year ending September 30, 1989, and for other purposes.

The Senate proceeded to consider the bill, which had been reported from the Committee on Appropriations, with amendments as follows:

(The parts of the bill intended to be stricken are shown in boldface brackets, and the parts of the bill intended to be inserted are shown in italic.)

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, to provide dire emergency supplemental appropriations for the fiscal year ending September 30, 1989, and for other purposes, namely:

[Title I—Dire Emergency Supplementals and Transfers:

[Chapter I—Emergency Drug Funding:
[Subchapter A—Commerce-Justice-State.
[Subchapter B—Treasury-Postal Service.
[Chapter II—Judicial Retirement Fund.
[Chapter III—Corps of Engineers, Civil.
[Energy Programs.
[Chapter IV—Migration and Refugee Assistance.
[International Peacekeeping Activities.
[Chapter V—Forest Firefighting.
[Naval Petroleum Reserve Limitation.
[Chapter VI—Trade Adjustment Assistance.
[Foster Care and Adoption Assistance.
[Rehabilitation Services and Handicapped Research.
[Guaranteed Student Loans.
[Prescription Drug Payment Review Commission.
[Chapter VII—Payments to Widows and Heirs of Deceased Members of Congress.
[Chapter VIII—Agricultural Marketing Service.
[Agricultural Stabilization and Conservation Service.
[Agricultural Credit Insurance Fund.
[Chapter IX—Federal Aviation Administration.
[Installation and Use of Explosive Detection Equipment.
[Chapter X—Department of the Treasury.
[IRS—Processing Tax Returns.
[IRS—Investigation, Collection, and Taxpayer Service.
[Chapter XI—VA Compensation and Pensions.
[VA Readjustment Benefits.
[VA Loan Guaranty Revolving Fund.
[VA Medical Care.
[Court of Veterans Appeals.
[Homeless Programs.
[EPA, Salaries and Expenses.
[EPA, Abatement, Control, and Compliance.
[EPA, Hazardous Substance Superfund.
[NASA, Research and Program Management.

[Title II—Urgent Supplemental Appropriations:

[Chapter I—NOAA, Operations, Research, and Facilities.
[Department of Justice, Legal Activities.
[United States Attorneys Salaries and Expenses.
[Japanese Internment Fund.
[FBI, Salaries and Expenses.
[Courts of Appeals, District Courts, and Other Judicial Services, Salaries and Expenses.
[Defender Services.
[Administrative Office of United States Courts.
[Federal Judicial Center, Salaries and Expenses.
[Maritime Administration, Federal Ship Financing Fund.
[FCC, Salaries and Expenses.
[SEC, Salaries and Expenses.
[Chapter II—Department of Defense, Administrative Provisions.
[Chapter III—Department of the Interior and Related Agencies—General Provisions.
[Chapter IV—FAA, Aircraft Purchase Loan Guarantee.
[Chapter V—OPM, Salaries and Expenses.
[Chapter VI—Housing Programs, Rental Assistance.
[Community Development Grants.
[NSF, Research and Related Activities.

[Title III—Technical Enrollment Corrections.

[Title IV—General Provisions.]

TITLE I—DIRE EMERGENCY SUPPLEMENTALS AND TRANSFERS

[CHAPTER I—EMERGENCY DRUG FUNDING

[SUBCHAPTER A

[DEPARTMENT OF JUSTICE

[For an additional amount for the Department of Justice, $588,139,000, to remain available until expended, notwithstanding any designations contained in titles I through IX of Public Law 100-690: *Provided,* That of the amount appropriated, $125,000,000 shall be made available only for the drug-related projects of the Drug Control and System Improvement Grant Program authorized in section 6091 of Public Law 100-690.

[DEPARTMENT OF STATE

[ADMINISTRATION OF FOREIGN AFFAIRS

[SALARIES AND EXPENSES

[For an additional amount for "Salaries and expenses", $4,000,000, to remain available until expended, for expenses authorized by the Anti-Drug Abuse Act of 1988 for development, procurement, and implementation of a machine-readable travel and identity document border security program.

[THE JUDICIARY

[For an additional amount for the Judiciary, $129,420,000, to remain available until expended, notwithstanding any designations contained in titles I through IX of Public Law 100-690.

[RELATED AGENCY

[STATE JUSTICE INSTITUTE

[SALARIES AND EXPENSES

[For an additional amount for the State Justice Institute, $4,020,000, to remain available until expended.

[SUBCHAPTER B

[DEPARTMENT OF THE TREASURY

[BUREAU OF ALCOHOL, TOBACCO AND FIREARMS

[SALARIES AND EXPENSES

[For an additional amount for "Salaries and expenses", $4,000,000.

[UNITED STATES CUSTOMS SERVICE

[SALARIES AND EXPENSES

[For an additional amount for "Salaries and expenses", $35,000,000, of which $7,000,000 shall be available for development, procurement, and implementation of a machine-readable travel and identity document border security program.

[OPERATIONS AND MAINTENANCE, AIR INTERDICTION PROGRAM

[For an additional amount for "Operation and Maintenance, Air Interdiction Program", $51,000,000, to remain available until expended.

[FEDERAL LAW ENFORCEMENT TRAINING CENTER

[SALARIES AND EXPENSES

[For an additional amount for the Federal Law Enforcement Training Center, $6,000,000, of which $4,000,000 shall be available only to accommodate the advanced in-service training requirements of the Drug Enforcement Administration that cannot otherwise be met at the Department of Justice training facilities, and $2,000,000 shall be available to increase the level of drug enforcement training for Federal, State, and local law enforcement officers.]

CHAPTER [II] *I*

DEPARTMENT OF JUSTICE

OFFICE OF JUSTICE PROGRAMS

JUSTICE ASSISTANCE

For an additional amount for "Justice assistance" for the Public Safety Officers' Benefits Program, $4,000,000 to remain available until expended.

THE JUDICIARY

JUDICIAL RETIREMENT FUNDS

PAYMENT TO JUDICIAL OFFICERS' RETIREMENT FUND

For payment to the Judicial Officers' Retirement Fund, as authorized by Public Law 100-659, $2,300,000.

CHAPTER [III] *II*

DEPARTMENT OF DEFENSE—CIVIL

DEPARTMENT OF THE ARMY

CORPS OF ENGINEERS—CIVIL

(TRANSFER OF FUNDS)

For additional amounts for appropriations for the fiscal year 1989, for increased pay costs authorized by or pursuant to law as follows:

"General regulatory functions", $1,100,000, to be derived by transfer from "Operation and maintenance, general".

"General expenses", $2,600,000, to be derived by transfer from "Construction, general".

GENERAL REGULATORY FUNCTIONS

(TRANSFER OF FUNDS)

For an additional amount for "General regulatory functions", $2,225,000, to remain available until expended, to be derived by transfer from "Construction, general".

DEPARTMENT OF ENERGY
ENERGY PROGRAMS
URANIUM SUPPLY AND ENRICHMENT ACTIVITIES

For an additional amount for uranium supply and enrichment activities in carrying out the purposes of the Department of Energy Organization Act (Public Law 95-91), $55,000,000, to remain available until expended: *Provided*, That revenues received by the Department for the enrichment of uranium and estimated to total $1,429,000,000 in fiscal year 1989, shall be retained and used for the specific purpose of offsetting costs incurred by the Department in providing uranium enrichment service activities as authorized by section 201 of Public Law 95-238, notwithstanding the provisions of section 3302(b) of section 484 of title 31, United States Code: *Provided further*, That the sum herein appropriated shall be reduced as uranium enrichment revenues are received during fiscal year 1989 so as to result in a final fiscal year 1989 appropriation estimated at not more than $0.

GENERAL PROVISIONS

[SEC. 301. Sunset Harbor, California: Section 1119(a) of the Water Resources Development Act of 1986 is amended by adding at the end thereof the following: "The total cost referred to in the preceding sentence may be increased by the Secretary by any amount contributed by non-Federal interests which is in excess of amounts contributed by non-Federal interests under the preceding sentence."

[SEC. 302. Exchange of Federal Land: Subsection 1. Exchange of Federal Public Land.

[(a) EXCHANGE OF LAND.—Subject to subsection 2, at such time as the Blue Tee Corporation transfers all right, title, and interest in and to the land described in subsection 1(b)(1) to the Secretary of the Army, the Secretary shall transfer all right, title, and interest in and to the land described in subsection 1(b)(2) to the Blue Tee Corporation.

[(b) DESCRIPTION OF LANDS.—The lands referred to in subsection (a) are the following:

[(1) NON-FEDERAL LAND.—35.03 acres of land located in Madison County, Illinois, known as Government Tract Number 121 and owned by the Blue Tee Corporation.

[(2) FEDERAL LAND.—58.64 acres situated in Madison County, Illinois, known as Government Tract Number 122 and administered by the United States Army Corp of Engineers, which is constructing the Melvin Price Lock and Dam Project on this land.

[Subsection 2. Conditions of exchange.

[The exchange of land authorized by subsection 1 shall be subject to the following conditions:

[(1) DEEDS.—

[(A) FEDERAL LAND.—The instrument of conveyance used to convey the land described in subsection 1(b)(2) to the Blue Tee Corporation shall contain such reservations, terms, and conditions as the Secretary of the Army considers necessary to allow the United States to construct, operate, and maintain the Melvin Price Lock on that land.

[(B) NON-FEDERAL LAND.—The conveyance of the land described in subsection 1(b)(1) to the Secretary of the Army shall be by a warranty deed acceptable to the Secretary.

[(2) REMOVAL OF IMPROVEMENTS.—The Blue Tee Corporation may reserve the right to remove any improvements on the land described in subsection 1(b)(1) belonging to them. The terms of such reservation shall be subject to approval by the Secretary of the Army. The Blue Tee Corporation shall hold the United States harmless from liability, and the United States shall not incur any cost, associated with the removal or relocation of such improvements.

[(3) TIME LIMIT FOR EXCHANGE.—The land exchange authorized by subsection 1(a) must be completed within 2 years after the date of enactment of this Act.

[(4) LEGAL DESCRIPTION.—The Secretary shall provide the legal description of the lands described in subsection 1(b). That legal description shall be used in the instruments of conveyance of such lands.

[SEC. 303. Saylorville Lake, Iowa: From Construction, General funds heretofore or hereafter appropriated, the Secretary of the Army is directed to construct Highway 415, Segment "C" at the Saylorville Lake, Iowa, Project in accordance with terms of the Relocations Contract executed on June 21, 1984, between the Rock Island District Engineer and the State of Iowa.

[SEC. 304. Sims Park, Ohio: The Secretary of the Army, acting through the Chief of Engineers, shall undertake a beach erosion control project at Sims Park, Euclid, Ohio, using funds appropriated under the heading "CONSTRUCTION GENERAL" in title I of the Energy and Water Development Appropriation, 1988 (Public Law 100-202; 101 Stat. 107).]

SEC. 301. The undesignated paragraph under the heading "Bonneville Lock and Dam, Oregon and Washington—Columbia River and Tributaries Washington" in section 301(a) of Public Law 99-662 (100 Stat. 4110) is amended by striking out "$191,000,000" in two places and inserting in lieu thereof "$328,000,000".

CHAPTER [IV] *III*

FUNDS APPROPRIATED TO THE PRESIDENT

AGENCY FOR INTERNATIONAL DEVELOPMENT

ECONOMIC SUPPORT FUND

Of the funds appropriated in the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1989, up to $200,000 of the unearmarked funds appropriated under the heading "Economic Support Fund" may be made available for the support of the [electoral] process *of democratic transition* in Poland, which may include, among other things, [support for international observer missions and] civic education programs, *including independent media and publishing activities*: *Provided*, That funds made available under this paragraph may be used without regard to any provision of law which would otherwise prohibit the use of foreign assistance funds with respect to Poland.

DEPARTMENT OF STATE

MIGRATION AND REFUGEE ASSISTANCE

For an additional amount for "Migration and refugee assistance", $100,000,000, to support emergency refugee admissions and assistance: *Provided*, That this amount may be derived through new budget authority, or the President may transfer to such account for purposes of this paragraph any unobligated and unearmarked funds made available under Public Law 100-461, notwithstanding section 514 as amended by section 589 of Public Law 100-461: *Provided further*, That if the President transfers funds for this paragraph not more than 3.3 per centum of the unobligated and unearmarked funds available under any account in Public Law 100-461 may be transferred: *Provided further*, That any transfer of funds pursuant to this paragraph shall be subject to the regular reprogramming procedures of the Committees on Appropriations: *Provided further*, That not less than $85,000,000 of such amount shall be made available for Soviet and other Eastern European Refugee admissions and for admissions restored to other regions: *Provided further*, That funds provided under this paragraph are available until expended.

[INTERNATIONAL PEACEKEEPING ACTIVITIES AND OPERATIONS

[(TRANSFER OF FUNDS)

[SEC. 1. In order to meet urgent requests that may arise during fiscal year 1989 for contributions and other assistance for new international peacekeeping activities, and to reimburse funds originally appropriated for prior international peacekeeping activities, which have been reprogrammed for new international peacekeeping activities, the President may transfer during fiscal year 1989 such of the funds described in section 2(a) as the President deems necessary, but not to exceed $125,000,000 to the "CONTRIBUTIONS FOR INTERNATIONAL PEACEKEEPING ACTIVITIES" account or the "PEACEKEEPING OPERATIONS" account administered by the Department of State, notwithstanding section 15(a) of the Department of State Basic Authorities Act of 1956, section 10 of Public Law 91-672, or any other provision of law.

[SEC. 2. (a) IN GENERAL.—The funds that may be transferred under the authority of this heading for use in accordance with section 1 are—

[(1) any funds available to the Department of Defense during fiscal year 1989, other than funds appropriated by the Department of Defense Appropriations Act, 1989 (Public Law 100-463); and

[(2) any funds appropriated by the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1989 (Public Law 100-461) for the "MILITARY ASSISTANCE" account, for the "INTERNATIONAL MILITARY EDUCATION AND TRAINING" account, or for grants under the "FOREIGN MILITARY FINANCING PROGRAM" account.

[(b) RELATIONSHIP TO CERTAIN OTHER PROVISIONS.—Funds described in subsection (a)(2) may be transferred and used for contributions or other assistance for new international peacekeeping activities in accordance with section 1 of this provision notwithstanding section 514 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1989 (as amended by section 589 of that Act), relating to transfers between accounts.

[SEC. 3. (a) REVIEW OF PROPOSED TRANSFERS.—Any transfer of funds pursuant to section 1 shall be subject to the regular reprogramming procedures of the following committees:

[(1) The Committee on Appropriations of each House of Congress.

[(2) The Committee on Armed Services of each House of Congress if funds described in paragraph (1) of section 2(a) are to be transferred.

[(3) The Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate if funds described in paragraph (2) of section 2(a) are to be transferred.

[(b) REVIEW OF PROPOSED OBLIGATIONS.—The regular reprogramming procedures of the following committees shall apply with respect to the obligation of any funds transferred pursuant to section 1:

[(1) The Committee on Appropriations of each House of Congress.

[(2) The Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate.]

CHAPTER [V] *IV*

DEPARTMENT OF THE INTERIOR AND DEPARTMENT OF AGRICULTURE

For an additional amount for emergency rehabilitation, forest firefighting, fire severity presuppression, and other emergency costs on National Forest System lands and Department of Interior lands, $341,669,000 of which (1) $30,180,000 is for "Bureau of Land Management, Management of lands and resources"; (2) $2,895,000 is for "United States Fish and Wildlife Service, Resource management"; (3) $25,000,000 is for "National Park Service, Operation of the National Park System"; (4) $33,594,000 is for "Bureau of Indian Affairs, Operation of Indian Programs"; and (5) $250,000,000 is for "Forest Service, National Forest System": *Provided*, That such funds are to be available for repayment of advances to other appropriation accounts from which funds were transferred in fiscal year 1987 and fiscal year 1988 for such purposes.

DEPARTMENT OF THE INTERIOR

OIL SPILL EMERGENCY FUND

For an additional amount for the Department of the Interior for contingency planning, response and natural resource damage assessment activities related to the discharge of oil from the tanker Exxon Valdez into Prince William Sound, Alaska, $7,300,000, to be available until September 30, 1990: Provided, That for purposes of obligation and expenditure, these funds shall be transferred, upon approval of the Secretary, to existing appropriations of the Department of the Interior: Provided further, That any reimbursements from the Pollution Fund of the Coast Guard or other sources for activities for which funds were transferred from this account are to be credited back to this account: Provided further, That notwithstanding any other provision of law, in fiscal year 1989 and thereafter, sums provided by any party, including sums provided in advance as (1) reimbursement for contingency planning, response or damage assessment activities conducted or to be conducted by any agency funded in the Department of the Interior and Related Agencies Appropriations Act as a result of any discharge of oil into the environment or (2) damages for injuries resulting from such a discharge to resources for which an agency funded in the Department of the Interior and Related Agencies Appropriations Act is a trustee, may be credited to the relevant appropriation for that agency then current and shall be available until expended: Provided further, That section 102 of the Department of the Interior and Related Agencies Appropriations Act, 1989, is amended as follows: after the term "volcanoes" insert "; for contingency planning subsequent to actual oilspills, response and natural resource damage assessment activities related to actual oilspills."

DEPARTMENT OF ENERGY

ALTERNATIVE FUELS PRODUCTION

(TRANSFER OF FUNDS)

Monies received from government operations and sale of the Great Plains Gasification Plant, including accrued interest, which currently are deposited in the liquidating trust at the First Trust of North Dakota shall be deposited in this account, and $12,000,000 determined by the Secretary of Energy to be excess to the needs of ongoing alternative fuels programs shall be transferred to the General Fund of the Treasury prior to October 1, 1989.

CLEAN COAL TECHNOLOGY

Notwithstanding any other provision of law, funds originally appropriated under this head in the Department of the Interior and Related Agencies Appropriations Act, 1989, shall be available for a third solicitation of clean coal technology demonstration projects, which projects are to be selected by the Department not later than January 1, 1990.

GENERAL PROVISIONS

SEC. 501. [No funds appropriated or made available, heretofore or hereafter, under this or any other Act may be used by the executive branch for soliciting proposals, or performing studies designed to aid in or achieve the transfer out of Federal ownership, management or control by sale, lease, or other disposition, in whole or in part, the facilities and functions of Naval Petroleum Reserve Numbered 1 (Elk Hills), located in Kern County, California, established by Executive order of the President, dated September 2, 1912, and Naval Petroleum Reserve Numbered 3 (Teapot Dome), located in Wyoming, established by Executive order of the President, dated April 30, 1915, unless and until legislation specifically authorizing such activities or such transfer out of Federal ownership of the aforesaid Naval Petroleum Reserves is enacted and specific provision for such activities is made in an appropriations Act.] *No funds appropriated or made available in fiscal year 1989 may be used by the executive branch to contract with organizations outside the Department of Energy to perform studies of the potential transfer of Federal ownership, management or control by sale, lease, or other disposition, in whole or in part, the facilities and functions of Naval Petroleum Reserve Numbered 1 (Elk Hills), located in Kern County, California, established by Executive order of the President, dated September 2, 1912, and Naval Petroleum Reserve Numbered 3 (Teapot Dome), located in Wyoming, established by Executive order of the President, dated April 30, 1915.*

[SEC. 502. Notwithstanding any other provision of law, in fiscal year 1989 and thereafter, sums provided by any party, including sums provided in advance as (1) reimbursement for contingency planning, response or damage assessment or response activities conducted or to be conducted by any agency funded in the Department of the Interior and Related Agencies Appropriations Act as a result of any discharge of oil into the environment or (2) damages for injuries resulting from such a discharge to resources for which an agency funded in the Department of the Interior and Related Agencies Appropriations Act is a trustee, may be credited to the relevant appropriation for that agency then current and shall be available until expended: *Provided*, That section 102 of the Department of the Interior and Related Agencies Appropriations Act, 1989, is amended as follows: after the term "volcanoes" insert "; for contingency planning subsequent to actual oilspills, response and natural resource damage assessment activities related to oilspills".]

SEC. 502. Notwithstanding any other provision of law, the Secretary of the Treasury is directed to provide the Secretary of Agriculture, to remain available until expended, total timber receipts in fiscal year 1988 in excess of $791,000,000 as required in Public Law 100-446 without reductions for payments made in accordance with the provision of the Act of May 23, 1908, as amended (16 U.S.C. 500) or the Act of July 10, 1930 (16 U.S.C. 577g): Provided further, That additional receipts made available by this section shall be distributed by the Secretary of Agriculture in the same manner as provided in Public Law 100-446.

SEC. 503. The Department of the Interior and Related Agencies Appropriations Act, fiscal year 1989 (Public Law 100-446), is amended under the heading "Miscellaneous Payments to Indians" by inserting "100-383," after "98-500,".

CHAPTER [VI] *V*

DEPARTMENT OF LABOR

EMPLOYMENT AND TRAINING ADMINISTRATION

FEDERAL UNEMPLOYMENT BENEFITS AND ALLOWANCES

TRADE ADJUSTMENT ASSISTANCE

For an additional amount for "Federal Unemployment Benefits and Allowances", [$126,648,000] *$90,648,000*, of which [$92,000,000] *$56,000,000* shall be for activities as provided by part 1, subchapter B, chapter 2, title II of the Trade Act of 1974, as amended, and $34,648,000 shall be for activities, including necessary related administrative expenses, as authorized by sections 236, 237, and 238 of the Trade Act of 1974, as amended.

OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION

SALARIES AND EXPENSES

For an additional amount for the Occupational Safety and Health Administration, $3,200,000, which shall be available for a grant to the State of California under section 23(g) of the Occupational Safety and Health Act.

DEPARTMENTAL MANAGEMENT

SALARIES AND EXPENSES

(TRANSFER OF FUNDS)

For an additional amount for "Salaries and Expenses", $1,445,000, to be derived by a transfer of such sum from the amounts available for Departmental Management administrative expenses in the fiscal year 1989 Black Lung Disability Trust Fund appropriation.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

HEALTH RESOURCES AND SERVICES ADMINISTRATION

HEALTH RESOURCES AND SERVICES

PROGRAM OPERATIONS

For activities authorized under section 799A(e) of Public Law 100-607, $800,000.

HEALTH CARE FINANCING ADMINISTRATION

PROGRAM MANAGEMENT

Funds appropriated by the Department of Health and Human Services Appropriations Act, 1989, to implement section 4005(e) of the Omnibus Budget Reconciliation Act of 1987, Public Law 100-203, may not be used to provide forward or multiyear funding.

SOCIAL SECURITY ADMINISTRATION

LIMITATION ON ADMINISTRATIVE EXPENSES

The last proviso under this heading in Public Law 100-436, related to automatic data processing and telecommunications expenditures, is deleted.

FAMILY SUPPORT ADMINISTRATION

REFUGEE AND ENTRANT ASSISTANCE

Under this heading in the Department of Health and Human Services Appropriations Act, 1989 (Public Law 100-436), add the following immediately before the period: Provided, That for the sole purpose of section

412(c)(2) of the Immigration and Nationality Act, the term "refugee" shall include Nicaraguan entrants, as defined by the Secretary of the Department of Health and Human Services, in consultation with the Attorney General.

ASSISTANT SECRETARY FOR HUMAN DEVELOPMENT SERVICES

PAYMENTS TO STATES FOR FOSTER CARE AND ADOPTION ASSISTANCE

For an additional amount for "Payments to States for Foster Care and Adoption Assistance", $423,345,000 for title IV-E of the Social Security Act, which shall be available for prior years' claims: *Provided That, notwithstanding section 474(a) of the Social Security Act or any other provision of law, no State shall be entitled to payment, from amounts made available under this or any other Act, for expenditures for administration of the State plan under such part E of title IV for fiscal year 1990, in excess of an amount equal to the total payment to which such State is entitled for such expenditures for fiscal year 1989 (as determined on the basis of claims submitted by the State and received by the Secretary on or before May 15, 1990), increased by a percentage equal to three times the ratio of (i) the annual average index of the Consumer Price Index published by the Bureau of Labor Statistics for fiscal year 1989 to (ii) such index, as so measured, for fiscal year 1988.*

DEPARTMENT OF EDUCATION

IMPACT AID

Section 5(e)(1)(D) of the Act of September 30, 1950, as amended (20 U.S.C. ch. 13), shall not apply to any local educational agency that was an agency described in section 5(c)(2)(A)(ii) of the Act in fiscal year 1987 but is an agency described in section 5(c)(2)(A)(iii) of the Act in fiscal year 1989 as a result of families being moved off-base in order to renovate base housing.

REHABILITATION SERVICES AND HANDICAPPED RESEARCH

[Allotments under sections 100(b)(1) and 110(b)(3) of the Rehabilitation Act of 1973 in the amount of $1,450,000,000 shall be considered as funds mandated by law for purposes of applying section 517 of the Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 1989.]

Appropriations under the heading "Rehabilitation Services and Handicaped Research" shall be considered as funds mandated by law for purposes of applying section 517 of the Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 1989.

GUARANTEED STUDENT LOANS

For payment of obligations under this heading incurred during fiscal year 1989, $892,428,000.

HIGHER EDUCATION

For an additional amount for section 6(a) of Public Law 98-312, $1,600,000, to remain available until expended.

DEPARTMENTAL MANAGEMENT

PROGRAM ADMINISTRATION

(RESCISSION)

Of funds provided under this head for necessary expenses of the National Student Loan Data System, $5,533,000 are rescinded.

OFFICE FOR CIVIL RIGHTS

For an additional amount for the Office for Civil Rights, as authorized by section 203 of the Department of Education Organization Act, $790,000.

OFFICE OF THE INSPECTOR GENERAL

For an additional amount for the Office of the Inspector General, as authorized by section 212 of the Department of Education Organization Act, $440,000.

RELATED [AGENCY] *AGENCIES*

RAILROAD RETIREMENT BOARD

LIMITATION ON REVIEW ACTIVITY

For an additional amount for "Limitation on Review Activity", $150,000.

PRESCRIPTION DRUG PAYMENT REVIEW COMMISSION

SALARIES AND EXPENSES

(TRANSFER OF FUNDS)

For the Prescription Drug Payment Review Commission, as authorized by section 1847 of title XVIII of the Social Security Act, $250,000, to be derived by transfer of $125,000 from the Physician Payment Review Commission and $125,000 from the Prospective Payment Assessment Commission, to remain available until expended.

WHITE HOUSE CONFERENCE ON LIBRARY AND INFORMATION SERVICES

For carrying out activities under Public Law 100-382, $1,750,000.

CHAPTER [VII] *VI*

LEGISLATIVE BRANCH

HOUSE OF REPRESENTATIVES

PAYMENTS TO WIDOWS AND HEIRS OF DECEASED MEMBERS OF CONGRESS

For payment to Carolyn F. Nichols, widow of Bill Nichols, late a Representative from the State of Alabama, $89,500.

CHAPTER [VIII] *VII*

DEPARTMENT OF AGRICULTURE

COOPERATIVE STATE RESEARCH SERVICE

Funds available to Kansas State University for the support of the Mid-America World Trade Center shall be used for the promotion of nonagricultural products, as well as agricultural products, and for the development of the rural economy through international trade.

AGRICULTURAL MARKETING SERVICE

LIMITATION ON ADMINISTRATIVE EXPENSES

Not to exceed an additional $2,500,000 (from fees collected) shall be obligated during the current fiscal year for administrative expenses.

AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for necessary administrative expenses of the Agricultural Stabilization and Conservation Service incurred in carrying out fiscal year 1989 workload in connection with 1988 disaster assistance activities only, not to exceed $40,000,000, to be derived by transfer from the Commodity Credit Corporation.

[CONSERVATION RESERVE PROGRAM

[In Public Law 100-460, "An Act making appropriations for Rural Development, Agriculture, and Related Agencies for the fiscal year ending September 30, 1989, and for other purposes", in the account titled "Conservation Reserve Program", delete the sum "$1,864,000,000" and insert in lieu there of "$1,789,000,000", and delete the sum "$385,000,000" and insert in lieu thereof "$310,000,000".]

CONSERVATION RESERVE PROGRAM

In Public Law 100-460, "An Act making appropriations for Rural Development, Agriculture, and Related Agencies for the fiscal year ending September 30, 1989, and for other purposes", in the account titled "Conservation Reserve Program", delete the sum "$385,000,000" and insert in lieu thereof "$370,000,000".

EMERGENCY CONSERVATION PROGRAM

The Secretary shall issue regulations under section 402 of the Agricultural Credit Act of 1978 (16 U.S.C. 2202), or take such other action as is necessary, to provide payments for emergency water conservation or water enhancing measures that benefit confined animals within thirty days of enactment of this Act.

ADVANCED DEFICIENCY PAYMENTS

Section 201(b)(4) of the Disaster Assistance Act of 1988 (7 U.S.C. 1421 note) is amended by striking out "July 31, 1989" and inserting in lieu thereof "December 31, 1989": Provided, That for the purposes of section 202 of the Balanced Budget and Emergency Deficit Control Reaffirmation Act of 1987 (Public Law 100-119), this provision is a necessary (but secondary) result of a significant policy change.

FARMERS HOME ADMINISTRATION

AGRICULTURAL CREDIT INSURANCE FUND

[OPERATING LOANS

[(INCLUDING TRANSFER OF FUNDS)

[For an additional amount for insured operating loans, $75,000,000.]

The Secretary shall allocate immediately insured farm operating loans to the States from the national reserve and from pooling of unobligated funds previously allocated to States, in a manner that will provide each State with an opportunity to fund at least the same level of obligations as in fiscal year 1988.

In Public Law 100-460, "An Act making appropriations for Rural Development, Agriculture, and Related Agencies for the fiscal year ending September 30, 1989, and for other purposes", in the account titled "Agricultural Credit Insurance Fund", delete the sums "$14,000,000" and "$2,000,000" and insert in lieu thereof "$7,000,000" and "$1,000,000" respectively.

RURAL HOUSING INSURANCE FUND

In Public Law 100-460, "An Act making appropriations for Rural Development, Agriculture, and Related Agencies programs for the fiscal year ending September 30, 1989, and for other purposes", in the account titled "Rural Housing Insurance Fund" the first proviso of the second paragraph is hereby amended to read as follows: "Provided, That of this amount not less than $109,918,000 is available for newly constructed units financed by section 515 of the Housing Act of 1949, as amended, and not more than $5,082,000 is for newly constructed units financed under sections 514 and 516 of the Housing Act of 1949:".

RURAL DEVELOPMENT INSURANCE FUND

For an additional amount for insured water and sewer facility loans, $2,500,000.

RURAL WATER AND WASTE DISPOSAL GRANTS

For an additional amount for water and waste disposal grants, $7,500,000, to remain available until expended.

SOIL CONSERVATION SERVICE

CONSERVATION OPERATIONS

For an additional amount for necessary expenses for conservation operations, $5,000,000.

REIMBURSEMENT TO THE SOIL CONSERVATION SERVICE FOR CONSERVATION RESERVE PROGRAM ASSISTANCE

The Agricultural Stabilization and Conservation Service shall reimburse the Soil Conservation Service for services provided to carry out the Conservation Reserve Program pursuant to the Food Security Act of 1985 (16 U.S.C. 3831-3845), at a rate of $2.50 per acre enrolled in the program: Provided, That reimbursement for this service is made retroactive to October 1, 1988.

WATERSHED AND FLOOD PREVENTION OPERATIONS

In Public Law 100-460, "An Act making appropriations for Rural Development, Agriculture, and Related Agencies for the fiscal year ending September 30, 1989, and for other purposes", in the account titled "Watershed and Flood Prevention Operations", delete the sum "$7,949,000" and insert in lieu thereof "$200,000".

RESOURCE CONSERVATION AND DEVELOPMENT

In Public Law 100-460, "An Act making appropriations for Rural Development, Agriculture, and Related Agencies for the fiscal year ending September 30, 1989, and for other purposes", in the account titled "Resource Conservation and Development", delete the sum "$1,207,000" and insert in lieu thereof "$56,000".

FOOD AND NUTRITION SERVICE

FOOD STAMP PROGRAM

For an additional amount for necessary expenses to carry out the Food Stamp Act, $224,624,000.

FOOD AND DRUG ADMINISTRATION

For the purposes of establishing and implementing a biotechnology demonstration project at the National Center for Toxicological Research, the Secretary shall conduct feasibility, planning and design, of which the feasibility study must be completed by September 30, 1989, and no more than $3,000,000 of previously appropriated funds shall be made available for this initial work.

CHAPTER [IX] *VIII*

DEPARTMENT OF TRANSPORTATION

OFFICE OF THE SECRETARY

PAYMENTS TO AIR CARRIERS

For an additional amount for "Payments to air carriers", $6,600,000.

STATE AND LOCAL ANTI-APARTHEID POLICIES

Notwithstanding any other provision of this or any other law, none of the funds provided by this or any previous *or subsequent* Act to the Department of Transportation shall be withheld from State or local grantees for any reason related to the adoption by any such grantee of a policy prohibiting the procurement of products manufactured or fabricated in the Republic of South Africa.

COAST GUARD

OPERATING EXPENSES

Notwithstanding any other provision of law, in fiscal year 1989 and thereafter, sums provided by any party, including sums provided in advance, as reimbursements for operating expenses incurred by the United States Coast Guard in response to the oilspill from the "Exxon Valdez" grounding, shall be credited to the "Operating expenses" appropriation for the United States Coast Guard, and shall remain available until expended.

From funds made available under this head in Public Law 100-457, up to $5,600,000 shall be made available until expended for development, acquisition, installation, operation, and support, including personnel, of equipment to provide vessel traffic management information in the New York Harbor area: Provided, That the United States Coast Guard shall have a system in place within 60 days of the date of enactment of this Act.

POLLUTION FUND

In order to provide for an emergency response to any oil or hazardous substance discharge whenever incurred, the appropriation language under this heading in the Supplemental Appropriations and Rescission Act, 1981 (Public Law 97-12) is amended by inserting the following before the period: ": Provided, That for purposes of financing Federal removal costs, whenever incurred, as set forth in subsections (c), (d), and (l) of section 311 of the Federal Water Pollution Control Act (33 U.S.C. 1321 (c), (d), and (l)), the Secretary of Transportation is authorized to issue prior to October 1, 1990, and the Secretary of the Treasury is authorized to purchase, without fiscal year limitation, notes or other obligations in such amounts and at such times as necessary to the extent that balances in the Pollution Fund established under subsection (k) of section 311 of said Act are not adequate for such purposes. Such notes or other obligations shall be in the forms and denominations, bearing the interest rates and maturities, and subject to such terms and conditions as may be prescribed by the Secretary of the Treasury. Such notes or other obligations shall bear interest at a rate determined by the Secretary of the Treasury, taking into consideration the average market yield on outstanding marketable obligations of comparable maturity. The Secretary of the Treasury shall purchase any notes or other obligations issued under this subsection and, for that purpose, he is authorized to use as a public debt transaction the proceeds from the sale of any securities issued under chapter 31 of title 31. The purpose for which securities may be issued under that chapter are extended to include any purchase of such notes or other obligations. The Secretary of the Treasury may at any time sell any of the notes or other obligations acquired by him under this subsection. All redemptions, purchases, and sales by the Secretary of the Treasury of such notes or other obligations shall be treated as public debt transactions of the United States: Provided further, That reimbursement of Federal removal costs to the Pollution Fund by any owner, operator, or person providing financial responsibility shall, upon notification to the Secretary of Transportation, be applied immediately by the Secretary of the Treasury to retiring notes or other obligations of the Secretary of Transportation under this paragraph: Provided further, That none of the funds made available pursuant to this Act shall be available for the implementation or execution of programs the obligations for which are in excess of $500,000,000 for the period ending September 30, 1990".

FEDERAL AVIATION ADMINISTRATION

INSTALLATION AND USE OF EXPLOSIVE DETECTION EQUIPMENT

Not later than thirty days after the date of the enactment of this Act, the Federal Aviation Administrator shall initiate action, including such rulemaking or other actions as necessary, to require the use of explosive detection equipment that meets minimum performance standards requiring application of technology equivalent to or better than thermal neutron analysis technology at such airports (whether located within or outside the United States) as the Administrator determines that the installation and use of such equipment is necessary to ensure the safety of air commerce. The Administrator shall complete these actions within sixty days of enactment of this Act.

FEDERAL HIGHWAY ADMINISTRATION

The paragraph designated "Discretionary Bridge Program" under the heading "General Provisions" of chapter XI of title I of Public Law 100-71 (101 Stat. 436) is amended by adding at the end thereof the following: "Phase II of such project shall include, for purposes of funding under the discretionary bridge program, construction of the bridge from the end of phase one on City Island to the touchdown point of the bridge near Fourteenth Street. Application and determination of eligibility for additional funding on the project beyond present commitments shall occur without regard to the current schedule of bidding and construction, prior determinations of agreements by the United States Department of Transportation concerning the boundaries of phase II of the project.".

CHAPTER [X] *IX*

DEPARTMENT OF THE TREASURY

OFFICE OF THE SECRETARY

[SALARIES AND EXPENSES

[(INCLUDING TRANSFER OF FUNDS)

[For an additional amount for "International affairs", not to exceed $2,063,000, to be derived by transfer from "Salaries and expenses".]

INTERNATIONAL AFFAIRS

(TRANSFER OF FUNDS)

For an additional amount for "International affairs", not to exceed $1,623,000, to be derived by transfer from "Salaries and expenses".

[FINANCIAL MANAGEMENT SERVICE

[SALARIES AND EXPENSES

[(INCLUDING TRANSFER OF FUNDS)

[Under this heading in the Treasury Department Appropriations Act, 1989 (Public Law 100-440), and notwithstanding section 103 of such Act, an additional $5,500,000 may be transferred to the Financial Management Service, "Salaries and expenses" for the sole purpose of funding fiscal year 1989 postage costs that exceed the savings generated by administrative actions of the Financial Management Service.

[INTERNAL REVENUE SERVICE

[PROCESSING TAX RETURNS

[(INCLUDING TRANSFER OF FUNDS)

[For an additional amount for "Processing tax returns", $32,229,000, to be derived by transfer from "Examinations and appeals".

[INVESTIGATION, COLLECTION, AND TAXPAYER SERVICE

[(INCLUDING TRANSFER OF FUNDS)

[For an additional amount for "Investigation, collection, and taxpayer service", $41,754,000, to be derived by transfer from "Examinations and appeals".]

CHAPTER [XI] *X*

DEPARTMENT OF VETERANS AFFAIRS

VETERANS BENEFITS ADMINISTRATION

COMPENSATION AND PENSIONS

For an additional amount for "Compensation and pensions", $701,481,000, to remain available until expended.

READJUSTMENT BENEFITS

For an additional amount for "Readjustment benefits", $22,212,000, to remain available until expended.

LOAN GUARANTY REVOLVING FUND

For an additional amount for "Loan Guaranty Revolving Fund", $120,100,000, to remain available until expended.

VETERANS HEALTH SERVICE AND RESEARCH ADMINISTRATION

MEDICAL CARE

For an additional amount for "Medical care", $340,125,000[: *Provided,* That of the sums appropriated under this heading in fiscal year 1989, not less than $6,800,000,000 shall be available only for expenses in the personnel compensation and benefits object classifications].

(TRANSFER OF FUNDS)

For an additional amount for the purchase of prosthetic appliances for "Medical care", $1,160,000, to be derived by transfer from "Construction, major projects", which shall be reduced by a total of $10,000,000.

DEPARTMENTAL ADMINISTRATION

GENERAL OPERATING EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for "General operating expenses", $24,900,000, of which $15,000,000 shall be derived by transfer from "Construction, minor projects": *Provided,* That in the appropriation language under this heading in the Department of Housing and Urban Development-Independent Agencies Appropriations Act, 1989, insert a period after "$774,316,000" and delete the language that follows.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

HOUSING PROGRAMS

ANNUAL CONTRIBUTIONS FOR ASSISTED HOUSING

Of the amounts heretofore provided for the section 8 moderate rehabilitation program, any amounts in excess of $47,000,000 that are recaptured during fiscal year 1989 shall not be subject to the requirements of the sixth proviso under this head in the Department of Housing and Urban Development-Independent Agencies Appropriations Act, 1989 (Public Law 100-404, 102 Stat. 1014).

PAYMENTS FOR OPERATION OF LOW-INCOME HOUSING PROJECTS

(TRANSFER OF FUNDS)

[For an additional amount for "Payments for operation of low-income housing projects", $88,000,000, to remain available until September 30, 1990: *Provided,* That such amount shall be derived by transfer from "Annual contributions for assisted housing", and the amount specified for the section 8 moderate rehabilitation program in the first proviso under that head in the Department of Housing and Urban Development-Independent Agencies Appropriations Act, 1989 (Public Law 100-404, 102 Stat. 1014) shall be reduced by such amount: *Provided further,* That from the foregoing amount, $8,000,000 shall be made available, notwithstanding section 9(d) of the United States Housing Act of 1937, for increased security assistance.]

For an additional amount for "Payments for operation of low-income housing projects", $8,200,000, to remain available until September 30, 1990, notwithstanding section 9(d) of the United States Housing Act of 1937, for grants for use in eliminating drug-related crime in public housing projects, consistent with the criteria set forth in section 5125(b), and reflected in other requirements of the Public Housing Drug Elimination Act of 1988 (Public Law 100-690, 102 Stat. 4301): Provided, That such amount shall be derived by transfer from "Annual contributions for assisted housing", and the amount specified for the section 8 moderate rehabilitation program in the first proviso under that head in the Department of Housing and Urban DevelopmentIndependent Agencies Appropriations Act, 1989 (Public Law 100-404, 102 Stat. 1014) shall be reduced by such amount.

MANAGEMENT AND ADMINISTRATION

SALARIES AND EXPENSES

(TRANSFER OF FUNDS)

For an additional amount for "Salaries and expenses", $3,490,000, to be derived by transfer from "Urban development action grants".

ADMINISTRATIVE PROVISION

Section 17(f) of the United States Housing Act of 1937 (42 U.S.C. 1437o(f)) is amended—

(1) by inserting after "State of New York" the following: "or City of New York"; and

(2) in clause (1), by inserting "or municipal" after "State".

INDEPENDENT AGENCIES

COURT OF VETERANS APPEALS

SALARIES AND EXPENSES

For necessary expenses for the initial startup costs and operation of the Court of Veterans Appeals as authorized by sections 4051-4091 of title 38, United States Code, $3,100,000, to remain available until September 30, 1990*: Provided, That, notwithstanding section 4081 of title 38, United States Code, during calendar year 1989(1) the Chief Judge of the United States Court of Veterans Appeals (subject to ratification not later than 90 days after the date of the enactment of this Act by the Court when there are at least two associate Judges on the Court) may appoint as employees of the Court without regard to the provisions of subchapter I of chapter 33, United States Code, a clerk, deputy clerk, administrative officer, and certifying officer of the Court (including persons to fill vacancies in such positions); (2) the Court may appoint not to exceed 30 other employees (including persons to replace any such employees without regard to such provisions; and (3) the principles of preference for the hiring of veterans and other persons established in such subchapter shall be applied in the making of any such appointments under clauses (1) and (2).*

ENVIRONMENTAL PROTECTION AGENCY

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses", $6,000,000.

ABATEMENT, CONTROL, AND COMPLIANCE

For an additional amount for "Abatement, control, and compliance", $9,000,000, to remain available until September 30, 1990.

HAZARDOUS SUBSTANCE SUPERFUND

(RESCISSION)

Of available funds under this head, $15,000,000 are rescinded.

ADMINISTRATIVE PROVISION

Not to exceed 2 per centum of any appropriations made available to the Environmental Protection Agency for the fiscal year ending September 30, 1989 (except appropriations for "Construction Grants", "Superfund" or "Leaking Underground Storage Tanks") may be transferred to any other such appropriation: Provided, That the receiving appropriation will not be increased by more than 2 per centum.

[FEDERAL EMERGENCY MANAGEMENT AGENCY

[EMERGENCY FOOD AND SHELTER PROGRAM

[(TRANSFER OF FUNDS)

[For an additional amount for the "Emergency food and shelter program", $15,000,000 to be derived by transfer from "Urban development action grants".]

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[RESEARCH AND PROGRAM MANAGEMENT

[(TRANSFER OF FUNDS)

[For an additional amount for "Research and program management", up to $15,000,000, of which up to $10,000,000 shall be derived by transfer from "Research and development" and up to $5,000,000 shall be derived by transfer from "Space flight, control and data communications".]

ADMINISTRATIVE PROVISION

Not to exceed 2 per centum of any appropriations made available to the National Aeronautics and Space Administration for the fiscal year ending September 30, 1989, may be transferred to any other such appropriation: Provided, That the receiving appropriation will not be increased by more than 2 per centum.

NATIONAL SCIENCE FOUNDATION

RESEARCH AND RELATED ACTIVITIES

For an additional amount for "Research and related activities", $75,000,000, to remain available until September 30, 1991.

CHAPTER XI

DISTRICT OF COLUMBIA

INAUGURAL EXPENSES PAYMENT

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for "Inaugural expenses payment", $1,000,000, to be derived from Expenses, Presidential Transition, General Services Administration.

DIVISION OF EXPENSES

The following amounts are appropriated for the District of Columbia for the current fiscal year out of the general fund of the District of Columbia, except as otherwise specifically provided.

GOVERNMENTAL DIRECTION AND SUPPORT

(INCLUDING RESCISSION)

Of the funds appropriated under this heading for fiscal year ending September 30, 1989, in the District of Columbia Appropriations Act, 1989, approved October 1, 1988 (Public Law 100-462; 102 Stat. 2269-1 to 2269-2), $7,190,000 are rescinded.

ECONOMIC DEVELOPMENT AND REGULATION

(INCLUDING RESCISSION)

Of the funds appropriated under this heading for fiscal year ending September 30, 1989, in the District of Columbia Appropriations Act, 1989, approved October 1, 1988 (Public Law 100-462; 102 Stat. 2269-2), $17,026,000 are rescinded.

PUBLIC SAFETY AND JUSTICE

(INCLUDING RESCISSION)

For an additional amount for "Public safety and justice", $28,150,000, of which $5,000,000 shall be solely for overtime expense of the Metropolitan Police Department, and $800,000 shall be solely for overtime expenses of the Superior Court, and shall remain available until expended.

PUBLIC EDUCATION SYSTEM

(INCLUDING RESCISSION)

For an additional amount for "Public education system", of $4,529,000, $3,758,000 of

which shall be allocated for the public schools of the District of Columbia and $771,000 to the District of Columbia School of Law: Provided, That of the funds appropriated under this heading for fiscal year ending September 30, 1989, in the District of Columbia Appropriations Act, 1989, approved October 1, 1988 (Public Law 100-462; 102 Stat. 2269-4), $2,000,000 for the University of the District of Columbia, $6,000 for the Educational Institution Licensure Commission, $389,000 for the Public Library, and $185,000 for the Commission on the Arts and Humanities are rescinded for a net increase of $1,949,000.

HUMAN SUPPORT SERVICES

(INCLUDING RESCISSION)

For an additional amount for "Human support services", $35,913,000: Provided, That $3,611,000 of this appropriation, to remain available until expended, shall be available solely for the District of Columbia employees' disability compensation: Provided further, That of the funds provided for the Office of Emergency Shelter and Support Services, $750,000 shall be used to provide food for the homeless and may not be used for any other purpose.

PUBLIC WORKS

(INCLUDING RESCISSION)

Of the funds appropriated under this heading for fiscal year ending September 30, 1989, in the District of Columbia Appropriations Act, 1989, approved October 1, 1988 (Public Law 100-462; 102 Stat. 2269-4), $5,219,000 are rescinded.

WASHINGTON CONVENTION CENTER FUND

For an additional amount for "Washington Convention Center fund", $543,000.

REPAYMENT OF LOANS AND INTEREST

Of the funds appropriated under this heading for fiscal year ending September 30, 1989, in the District of Columbia Appropriations Act, 1989, approved October 1, 1988 (Public Law 100-462; 102 Stat. 2269-5), $5,834,000 are rescinded.

REPAYMENT OF GENERAL FUND DEFICIT

For an additional amount for "Repayment of general fund deficit", $13,950,000: Provided, That in addition, all net revenue that the District of Columbia government may collect as a result of the District of Columbia government's pending appeal in the consolidated case of U.S. Sprint communications et al. v. District of Columbia, et al., CA 10080-87 (court order filed on November 14, 1988), shall be applied solely to the repayment of the general fund accumulated deficit.

SHORT-TERM BORROWINGS

For an additional amount for "Short-term borrowings", $4,592,000.

PERSONAL SERVICES ADJUSTMENTS

Of the funds appropriated under this heading for fiscal year ending September 30, 1989, in the District of Columbia Appropriations Act, 1989, approved October 1, 1988 (Public Law 100-462; 102 Stat. 2269-1 through 2269-6), $18,553,000 are rescinded. During the fiscal year ending September 30, 1989, the Mayor shall reduce the number of authorized, continuing, full-time, funded positions above DS-10 by 318.

ENERGY ADJUSTMENT

The Mayor shall reduce authorized energy appropriations and expenditures within object class 30a (energy) in the amount of an additional $349,000, within one or several of the various appropriation headings in this Act.

EQUIPMENT ADJUSTMENT

The Mayor shall reduce authorized equipment appropriations and expenditures within object class 70 (equipment) in the amount of $3,500,000, within 1 or several of the various appropriation headings in this Act.

CAPITAL OUTLAY

For an additional amount for "Capital outlay", $131,942,000, to remain available until expended: Provided, That $15,970,000 of prior year authority is rescinded for a net increase of $115,972,000: Provided further, That $4,185,000 shall be available for project management and $9,425,000 for design for the Director of the Department of Public Works or by contract for architectural engineering services, as may be determined by the Mayor: Provided further, That $25,000,000 shall be available to the Department of Corrections for a feasibility study, site acquisition, and design and construction of a jail that is generally bounded by G Street, N.W. on the north, 6th Street, N.W. on the west, Pennsylvania Ave., N.W. on the south and 1st Street, N.W. on the east. The feasibility study shall include a companion analysis of a revised mission for the present jail to prevent duplication: Provided further, That the executive branch is prohibited from disposing of any property in the Judiciary Square area that is under the jurisdiction of the Mayor until a site has been chosen.

REPROGRAMMING AND REDUCTIONS

No funds appropriated in this act for the operation of programs, projects, or activities of the government of the District of Columbia for which the Council of the District of Columbia has approved a specific budget increase shall be reprogrammed or reduced prior to 30 days written notice to the Council of the District of Columbia.

WATER AND SEWER ENTERPRISE FUND

An amount, not to exceed $100,000, is appropriated to compensate individuals as provided in the Water Main Break Fund Emergency Act of 1988, effective December 21, 1988 (D.C. Act 7-269; to be codified at D.C. Code, sec. 47-375, note).

ADMINISTRATIVE PROVISION

The United States hereby forgives $5,064,000 of the fourth quarter indebtedness incurred by the District of Columbia government to the United States pursuant to the Act of March 3, 1915, D.C. Code § 24-424, as amended, this amount being equal to the increased cost of housing District of Columbia convicts in Federal penitentiaries during the fiscal year ending September 30, 1989.

Notwithstanding any other provision of law, including, but not limited to the District of Columbia Historic Landmark and Historic District Protection Act of 1978, D.C. Law 2-144, as amended, 25 DCR 6939 (1979), the District of Columbia Government is directed to begin construction of a correctional facility to be located in the District of Columbia, as described in Public Law 99-591, within thirty days of enactment of this Act.

TITLE II—URGENT SUPPLEMENTAL APPROPRIATIONS

CHAPTER I

DEPARTMENT OF COMMERCE

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

OPERATIONS, RESEARCH, AND FACILITIES

For an additional amount for "Operations, research, and facilities", $19,200,000, to remain available until expended, to be derived by transfer from the unobligated balances of the Economic Development Revolving Fund, notwithstanding any other provision of law, including section 257(c) of the Trade Act of 1974, as amended, and section 203 of the Public Works and Economic Development Act of 1965, as amended.

DEPARTMENT OF JUSTICE

LEGAL ACTIVITIES

SALARIES AND EXPENSES, GENERAL LEGAL ACTIVITIES

(TRANSFER OF FUNDS)

Not to exceed an additional $1,000,000 may be transferred to "Salaries and expenses, general legal activities" from Federal Prisons System, "Salaries and expenses" upon notification by the Attorney General to the Committees on Appropriation of the House of Representatives and the Senate in compliance with the provisions set forth in section 606 of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1989.

OFFICE OF JUSTICE PROGRAMS

JUSTICE ASSISTANCE

From the amounts made available to the National Institute of Justice in Public Law 100-459, there shall be available $200,000 for a grant to the University of South Carolina for the purpose of studying the causes and effects of the increasingly disproportionate use of illegal drugs in the black community.

GENERAL PROVISIONS—DEPARTMENT OF JUSTICE

Title II of Public Law 100-459, "Department of Justice Appropriations Act, 1989" is amended by inserting the following new section:

"SEC. 212. The Director of the Federal Bureau of Investigation shall make periodic payments to employees of the Newark Division of the Federal Bureau of Investigation as a per centum of basic pay paid or payable to such employees for services performed during such period. Periodic payments to Newark Division employees shall be at a uniform percentile within a work location, but may vary among the field headquarters, resident agencies and other permanent offsite work areas as determined necessary by the Director to reflect cost of living differences within the division, however, periodic payment under this section may not exceed 15 per centum nor be less than 10 per centum of base pay.

Amounts paid under this section shall be in addition to basic pay. Authority to make payments under this section shall be effective only to the extent of available appropriations, and so long as the demonstration project authorized under section 601 of Public Law 100-453 remains in effect.

DEPARTMENT OF STATE

GENERAL PROVISION

For the purpose of meeting urgent requests that may arise during fiscal year 1989, for contributions and other assistance for new international peacekeeping activities and to reimburse funds originally appropriated for prior international peacekeeping activities, which have been reprogrammed for new international peacekeeping activities, the President may transfer to the Department of State "Contributions for International Peacekeeping Activities" account or other appropriate accounts administered by the Department of State, notwithstanding section 15(a) of the Department of State Basic Authorities Act of 1956, section 10 of Public Law 91-672, section 514 (as amended by section 589) of the Foreign Operations, Export Financing, and Related Programs Appro-

priations Act, 1989 (Public Law 100-461), or any other provision of law, such sums as he deems necessary, not to exceed $125,000,000, from funds available to the Department of Defense during fiscal year 1989, but not provided in the Department of Defense Appropriation Act, 1989 (Public Law 100-463), and from any account for which provision is made in the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1989: Provided, That any funds so transferred shall remain available only for the term of availability specified in the appropriation Act originally making such funds available: Provided further, That prior to exercising the authority granted in this section, the President shall advise the Speaker of the House of Representatives and the President of the Senate and the Committee on Foreign Affairs of the House of Representatives, the Committee on Foreign Relations of the Senate, and the Committees on Appropriations and Armed Services of the Senate and the House of Representatives of his intention to do so: Provided further, That the transfer and obligation of such funds shall be subject to the reprogramming procedures of the Committees on Appropriations of the Senate and the House of Representatives.

RELATED AGENCIES

DEPARTMENT OF TRANSPORTATION

MARITIME ADMINISTRATION

FEDERAL SHIP FINANCING FUND

For payment to the Secretary of Treasury for debt reduction, $515,000,000, to remain available until expended.

FEDERAL COMMUNICATIONS COMMISSION

SALARIES AND EXPENSES

That the authority under the Supplemental Appropriations Act, 1985 (Public Law 99-88) with respect to the relocation of the Fort Lauderdale Monitoring Station be amended to authorize the Federal Communications Commission to expend the funds remaining from the sale of the Fort Lauderdale, Florida Monitoring Station, for salaries and expenses in fiscal year 1989 in lieu of returning the unused funds to the general fund of the United States Treasury.

LEGAL SERVICES CORPORATION

ADMINISTRATIVE PROVISION

None of the funds appropriated under this Act or under any prior Acts for the Legal Services Corporation, or any other funds available to the Corporation, shall be used by the Corporation Board, members, staff or consultants, to consider, develop or implement any system for the competitive award of grants unless and until such action is authorized or undertaken pursuant to a majority vote of a Board of Directors of the Legal Services Corporation composed of eleven individuals nominated by the President after January 20, 1989, and subsequently confirmed by the United States Senate: Provided, That the Corporation shall insure that all grants or contracts made during calendar year 1989 to all grantees funded under sections 1006(a) (1) and (3) of the Legal Services Corporation Act with funds appropriated in Public Law 100-459, or prior appropriations Acts, (1) shall be made for a period of at least twelve months beginning on January 1, 1989, so as to insure that the total annual funding for each current grantee or contractor is no less than the amount provided pursuant to Public Law 100-459, and (2) shall be subject only to the terms and conditions, including those regulations, policies, rules, guidelines, instructions, data collection systems and accounting and audit procedures that were in operational effect on October 1, 1988: Provided further, That the revisions to the regulations on alien representation adopted by the Legal Services Corporation on January 27, 1989, may remain in effect unless the Attorney General determines, pursuant to Public Law 99-603, that newly legalized aliens are not ineligible for legal services as provided through grants from the Legal Services Corporation: Provided further, That it is the sense of the Senate that any changes in Legal Services Corporation regulations, policies, rules and guidelines should be considered by a Board of Directors composed of eleven individuals nominated by the President after January 20, 1989, and subsequently confirmed by the United States Senate.

ADMINISTRATIVE PROVISIONS

SEC. 101. Funds appropriated to the Commission for the Study of International Migration and Cooperative Economic Development and the Commission on Agricultural Workers in Public Law 100-459 shall remain available until expended.

SEC. 102. The Director of the Administrative Office of the United States Courts, under the supervision of the Judicial Conference of the United States, and upon notification to the Committees on Appropriations of the House of Representatives and the Senate in compliance with provisions set forth in Section 606 of Public Law 100-459, may transfer unobligated balances available under Courts of Appeals, District Courts, and Other Judicial Services, "Defender Services", to any appropriation account of the Judiciary: *Provided,* That compensation and reimbursement of attorneys and others as authorized under 18 U.S.C. 3006A and 28 U.S.C. 1875(d) may hereinafter be paid from funds appropriated for "Defender Services" in the year in which payment is required.

SEC. 103. Funds heretofore or hereafter appropriated or otherwise made available to the United States Information Agency for television broadcasting to Cuba may be used by the Agency to lease, maintain and operate such aircraft (including aerostats) as may be required to house and operate necessary television broadcasting equipment.

CHAPTER II

DEPARTMENT OF DEFENSE—MILITARY

ADMINISTRATIVE PROVISIONS

SEC. 201. *(a)* Section 8111 of the Department of Defense Appropriations Act, 1989 (Public Law 100-463; 102 Stat. 2270-38) is amended by striking out "$1,163,200,000" and inserting in lieu thereof "$1,258,600,000".

(b) The additional funds made available pursuant to subsection (a) may be used only to cover costs related to underestimates of the cost of transporting exchange merchandise to overseas locations and to compensate for adverse changes in foreign currency exchange rates.

SEC. 202. Section 8119 of the Department of Defense Appropriations Act, 1989 (Public Law 100-463; 102 Stat. 2270-39/40) is repealed.

SEC. 203. Section 8080 of the Department of Defense Appropriations Act, 1989 (Public Law 100-463) is amended by inserting the following provision at the end of the paragraph, after "skills": ": *Provided further,* That these limitations shall not apply to members who enlist in the armed services on or after July 1, 1989, under a fifteen-month program established by the Secretary of Defense to test the cost-effective use of special recruiting incentives involving not more than nineteen noncombat arms skills approved in advance by the Secretary of Defense".

[SEC. 204. (a) None of the funds available to the Department of Defense during the current fiscal year may be obligated or expended for research, development, test, evaluation, production, deployment, or operation of the Mid-Infrared Advanced Chemical Laser/SEALITE Beam Director.

[(b) The limitation in subsection (a) shall not apply to the extent that (1) the Secretary of Defense submits to the Committees on Appropriations and on Armed Services of the Senate and House of Representatives a description of proposed funding during the current fiscal year for the Mid-Infrared Advanced Chemical Laser-SEALITE Beam Director (including the amount and the source of such funding), and (2) such funding is treated in accordance with procedures applicable to programs which have been designated as items of congressional interest.

[(c) The limitation in subsection (a) does not apply with respect to the obligation or expenditure of funds for expenses required for the termination of a contract.]

SEC. 204. Section 8031 of the Department of Defense Appropriations Act, 1989 (Public Law 100-463; 102 Stat. 2270-22/23) is amended by inserting "High mobility multipurpose wheeled vehicle;" after "M-1 tank Chassis;".

SEC. 205. The appropriation "Operation and Maintenance, Army" contained in the Department of Defense Appropriations Act, 1989 (Public Law 100-463; 102 Stat. 2270-2/3) is amended by adding the following after "Championships": ": Provided further, That, of the funds appropriated in this paragraph, $50,000,000 shall be available only for procurement for the Extended Cold Weather Clothing System (ECWCS) unless $50,000,000 of ECWCS is procured by the Army Stock Fund during fiscal year 1989".

SEC. 206. The Secretary of Defense may conduct a test program to adjust pay rates to reflect local prevailing rates of pay for civilian employees in the following health care occupations: nurse, physician assistant, medical records librarian, medical laboratory technician, and radiology technician.

SEC. 207. Section 8037 of the Department of Defense Appropriations Act, 1989 (Public Law 100-463; 102 Stat. 2270-23), is amended by striking out "39 individuals" and inserting in lieu thereof "45 individuals".

CHAPTER III

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES

GENERAL PROVISIONS

SEC. 301. None of the funds available to the Department of the Interior may be used to place on the National Register of Historic Places the Al Capone House at 7244 South Prairie Avenue, Chicago, Illinois.

SEC. 302. The King Center and the National Park Service are authorized to locate an additional parking site for the Martin Luther King National Historic Site within the National Historic Site and Preservation District Boundary in accordance with Federal and State preservation regulations, in lieu of the vacant lot on the north side of Irwin between Jackson and Boulevard as specified in Public Law 100-202.

CHAPTER IV

DEPARTMENT OF TRANSPORTATION

FEDERAL AVIATION ADMINISTRATION

AIRCRAFT PURCHASE LOAN GUARANTEE PROGRAM

For the settlement of promissory notes issued to the Secretary of the Treasury, $10,770,941, to remain available until expended[, together with such sums as may be necessary for the payment of interest due under the terms and conditions of such notes].

GENERAL PROVISIONS

SEC. 301. Section 312 of Public Law 100-457 is amended by deleting "$276,000" and inserting in lieu thereof "$300,000".

SEC. 302. [Notwithstanding any other provision of law, the New York State Bridge Authority shall have the authority to collect tolls on the Newburgh-Beacon Bridge and to utilize the revenue therefrom for the construction and reconstruction of and for the costs necessary for the proper maintenance and operation of any bridges and facilities under the jurisdiction of such Authority and for the payment of debt service on any of the Authority's obligations issued in connection therewith.] *Section 341 of Public Law 100-457 is amended by deleting "2" and inserting in lieu thereof "5".*

CHAPTER V

DEPARTMENT OF THE TREASURY

UNITED STATES CUSTOMS SERVICE

OPERATION AND MAINTENANCE, AIR INTERDICTION PROGRAM

Under this heading in the Treasury Department Appropriations Act, 1989, Public Law 100-440, after the words, "Provided, That", insert "with the exception of the transfer of two E2C aircraft to the U.S. Coast Guard,".

UNITED STATES SECRET SERVICE

SALARIES AND EXPENSES

Funds appropriated under this heading in the Treasury, Postal Service, and General Government Appropriations Act, fiscal year 1989, Public Law 100-440, for construction of barriers at the south end of the White House shall remain available until expended.

DEPARTMENT OF TREASURY—GENERAL PROVISIONS

Section 103 under this heading in the Treasury Department Appropriations Act, 1989 (Public Law 100-440) is amended by striking "1 per centum" and inserting in lieu thereof "2 per centum".

EXECUTIVE OFFICE OF THE PRESIDENT

OFFICE OF ADMINISTRATION

SALARIES AND EXPENSES

Notwithstanding any other provision of law, for an additional amount for "Salaries and expenses", for grants to the Popular Democratic Party, the New Progressive Party, and the Puerto Rican Independence Party of the Commonwealth of Puerto Rico, $1,500,000, to remain available until the sine die adjournment of the One Hundred First Congress: Provided, That grants shall be made to each such party in equal amounts, not to exceed $500,000 each: Provided further, That such funds shall be made available for necessary expenses incurred after March 1, 1989, to each such party to participate in the legislative process involving the future political status of Puerto Rico, including the travel and transportation of persons, services as authorized by section 3109 of title 5, United States Code, communications, utilities, printing and reproduction, and supplies and materials and other related services, and for administrative costs: Provided further, That under such regulations as the Comptroller General may prescribe, the Comptroller General shall perform a financial audit of the financial transactions made by each such party with such funds: Provided further, That such funds may not be used directly or indirectly to finance the campaigns of candidates for public office.

OTHER INDEPENDENT [AGENCY] *AGENCIES*

OFFICE OF PERSONNEL MANAGEMENT

SALARIES AND EXPENSES

Amounts made available under this heading in the Independent Agencies Appropriations Act, 1989 (Public Law 100-440), which are to be transferred from the Trust Funds for implementing the recordkeeping system of the Federal Employees' Retirement System, shall remain available until expended.

GENERAL SERVICES ADMINISTRATION

ADMINISTRATIVE PROVISION

Notwithstanding any other provision of law, the Administrator of General Services (Administrator) shall transfer to the administrative jurisdiction of the Holocaust Memorial Council (Council), without consideration, the Auditors West Building (Annex 3) located at Raoul Wallenberg Place and Independence Avenue Southwest, Washington, District of Columbia.

Prior to such transfer of jurisdiction to the Council, the Council shall agree to perform all necessary repairs and alterations to the Auditors West Building so as to renovate the exterior of the Auditors West Building in a manner consistent with preservation of the historic architecture of the building, and to preserve the structural integrity of the building. The Council, prior to such transfer, shall furnish to the Administrator, for his approval, a plan detailing the repairs and alterations proposed, dates for completion of the work, and funding availability.

In the event the Council ceases to exist, administrative jurisdiction of the Auditors West Building (Annex 3) shall revert to the General Services Administration.

FEDERAL ELECTION COMMISSION

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses", $250,000.

GENERAL SERVICES ADMINISTRATION

FEDERAL BUILDINGS FUND

SEC. 201. (a) Notwithstanding any other provision of law, the General Services Administration is hereby authorized to purchase, from annual funds available in the Federal Buildings Fund in fiscal year 1989, such additional furniture and equipment as may be necessary, not to exceed $1,500,000, for the National Oceanic and Atmospheric Administration to relocate to the Silver Spring, Maryland Metro Center.

(b) The National Oceanic and Atmospheric Administration will reimburse the General Services Administration for such expenditures in equal amounts over a period of five years, beginning in fiscal year 1991.

EXPENSES, PRESIDENTIAL TRANSITION

(RESCISSION)

Of the $3,000,000 appropriated in the Treasury Department Appropriations Act, 1989, for "Expenses, Presidential Transition", $250,000 is hereby rescinded.

CHAPTER VI

DEPARTMENT OF VETERANS AFFAIRS

GENERAL OPERATING EXPENSES

The costs of external contract audits shall be charged to "Construction, major projects", "Construction, minor projects", and the "Supply fund", as appropriate, and be made retroactive to October 1, 1988.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

HOUSING PROGRAMS

ANNUAL CONTRIBUTIONS FOR ASSISTED HOUSING

The Secretary of Housing and Urban Development may make amounts reserved or obligated under section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f) for particular projects under section 202 of the Housing Act of 1959 (12 U.S.C. 1701q), available as subsidy amounts for such projects under section 202(h)(4) of such Act.

RENTAL HOUSING ASSISTANCE

Such sums as may be necessary are hereby approved to implement the authority conferred on the Secretary of Housing and Urban Development by section 236(r) of the National Housing Act to provide interest reductions and rental assistance payments: *Provided,* That notwithstanding the second sentence of such section 236(r), an application shall be eligible for assistance under such section if the mortgagee submits an application within five hundred and forty-eight days after the effective date of this Act.

COMMUNITY PLANNING AND DEVELOPMENT

COMMUNITY DEVELOPMENT GRANTS

Funds under this head in the Department of Housing and Urban Development-Independent Agencies Appropriations Act, 1989 shall be made available for a special project under section 107 of the Housing and Community Development Act of 1974 (42 U.S.C. 5307) to the Hawaii State Department of Hawaiian Home Lands, for infrastructure development on Hawaiian Home Lands, notwithstanding the restrictions on alienation applicable to such lands.

INDEPENDENT AGENCIES

NATIONAL SCIENCE FOUNDATION

RESEARCH AND RELATED ACTIVITIES

The limitation carried under this heading in the Department of Housing and Urban Development-Independent Agencies Appropriations Act, 1989 on program development and management in fiscal year 1989 is increased by $750,000.

GENERAL PROVISION

Section 406 under this heading in the Department of Housing and Urban Development-Independent Agencies Appropriations Act, 1989 (Public Law 100-404) is amended by striking out "the Secretary of the Department of Housing and Urban Development, who, under title 5, United States Code, section 101, is exempted from such limitation" and inserting in lieu thereof "any officer or employee authorized such transportation under title 31, United States Code, section 1344".

TITLE III—TECHNICAL ENROLLMENT CORRECTIONS

SEC. 301. The appropriation Operation and Maintenance, Navy as contained in the Department of Defense Appropriations Act, 1989 (Public Law 100-463; 102 Stat. 2270-3) is amended by striking out ", of which $60,000,000 shall be transferred to the Coast Guard".

SEC. 302. In Public Law 100-461, "An Act making appropriations for Foreign Operations, Export Financing, and Related Programs for the fiscal year ending September 30, 1989, and for other purposes", in TITLE V—GENERAL PROVISIONS, following the last "." in section 572, insert the following:

"RESOLUTION OF JAPANESE BEETLE PROBLEM"

"SEC. 573. None of the funds appropriated by this Act may be used to fund any programs to assist in solving the Japanese beetle problem in the Azores. It is the sense of the Congress that this problem was created by the Department of Defense which should fund any program to resolve it.".

SEC. 303. In Public Law 100-446, "An Act making appropriations for the Department of the Interior and Related Agencies for the fiscal year ending September 30, 1989, and for other purposes", in the account titled "Navajo and Hopi Indian Relocation Commission" delete the sum "$27,323,000" and insert in lieu thereof "$27,373,000".

SEC. 304. In Public Law 100-460, "An Act making appropriations for Rural Development, Agriculture, and Related Agencies for the fiscal year ending September 30, 1989, and for other purposes", in the account titled "National Agricultural Library", delete the sum "$13,268,000" and insert in lieu thereof "$14,268,000".

SEC. 305. In Public Law 100-457, "An Act making appropriations for the Department of Transportation and Related Agencies for the fiscal year ending September 30, 1989, and for other purposes", in the account titled "Urban Mass Transportation Administration, Interstate Transfer Grants-Transit" delete the sum "$2,000,000,000" and insert in lieu thereof "$200,000,000".

TITLE IV—GENERAL PROVISIONS

SEC. 401. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 402. Notwithstanding section 1346 of title 31, United States Code, or section 608 of Public Law 100-440, funds made available for fiscal year 1989 by this or any other Act shall be available for the interagency funding of national security and emergency preparedness telecommunications initiatives which benefit multiple Federal departments, agencies, or entities, as provided by Executive Order Numbered 12472 (April 3, 1984).

[SEC. 403. No funds appropriated under this Act or any other Act shall be available to the Bureau of Alcohol, Tobacco and Firearms for the enforcement of section 204 of the Alcoholic Beverage Labeling Act of 1988, title VIII of the Anti-Drug Abuse Act of 1988, Public Law 100-690, (102 Stat. 481) and regulations issued thereunder, as it relates to malt beverage glass returnable bottles of 12 ounces or less to which labels have been permanently affixed by means of painting and heat treatment, which were ordered on or before April 21, 1989, provided the closure for such bottles contain the warning statement, and provided further, that any new returnable glass bottles ordered after April 21, 1989, will be in full compliance with section 204 and the regulations issued thereunder.]

SEC. 403. (a) Within 6 months of the enactment of this Act, the Secretary shall review the eviction procedures of all jurisdictions having a Public Housing Authority for the purpose of determining whether such procedures must meet Federal due process standards.

(b) Upon conclusion of the review mandated by subparagraph (a), if the Secretary determines that due process standards are met for a jurisdiction, the Secretary shall issue that jurisdiction a waiver of the procedures required in section 6(k) of the United States Housing Act of 1937, 42 U.S.C. 1437d(k).

(c) Within 60 days of completion of the review mandated by subparagraph (a), the Secretary shall report to Congress the findings of the review including all waivers granted in accordance with subparagraph (b).

This Act may be cited as the "Dire Emergency Supplemental Appropriations and Transfers, Urgent Supplementals, and Correcting Enrollment Errors Act of 1989".

Mr. BYRD. Mr. President, my distinguished colleague, the ranking member of the Appropriations Committee, Mr. HATFIELD, is on his way and will be here shortly.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, I will begin my opening statement. Senator HATFIELD is on his way. Hopefully, we can finish this bill before 5 o'clock today. I see no reason why we should not. So I shall begin.

Mr. President, the budget summit agreement of November 1987 allows for supplemental appropriations for dire emergencies. The bill before the Senate, H.R. 2072, is the dire emergency supplemental appropriations bill. It includes appropriations totaling $2,823,896,500 for mandatory programs. These are programs for which funding is statutorily set and therefore beyond the control of the Appropriations Committee.

Among the amounts recommended by the committee for these mandatory programs are guaranteed student loans, $892,428,000; VA compensation and pensions, $701,481,000; payments to States for foster care and assistance, $423,345,000; reimbursement of firefighting costs, $341,669,000; food stamps, $224,624,000; VA loan guarantee revolving fund, $120,100,000; Federal unemployment benefits and allowances, $56,000,000; trade adjustment assistance, $34,648,000; VA readjustment benefits, $22,212,000.

For discretionary programs, title I of the bill contains appropriations totaling $563,832,000 in new budget authority. Of this amount, $340,125,000 is recommended for VA medical care.

Mr. President, this appropriation is needed immediately; now.

The cost-of-living increase this past January, plus an increase in premiums for Federal employee health benefits, has caused enormous problems for the Veterans' Administration. The amount recommended by the committee will enable the Veterans' Administration to reduce outpatient delays and restore the beds, facilities, and payments that have been curtailed due to a shortage of funds. It will provide for an additional 600,000 outpatient visits. It will also enable the Veterans' Administration to reach the congressionally mandated staffing level of 194,720 positions. Without these additional funds, the staffing level would fall to 186,000 by the end of the fiscal year.

We have been informed by the Secretary of Veterans' Affairs, the Honorable Edward Derwinski, that these funds are needed by mid-June if he is to avoid personnel reductions and cutbacks on the services being provided to our Nation's 27 million veterans who use VA hospitals.

Another program in dire need of immediate additional funding is the Essential Air Services Program. As Senators are aware, this is a program that provides essential air service to 155 small communities throughout the Nation that would otherwise have no air service at all.

Five of those are in West Virginia; 150 of them are not in West Virginia, but are in the various States that are represented by other Members of this body.

Despite the fact that President Reagan signed into law in 1987 a 10-year reauthorization of this program, he refused to request funding for the essential air service. Congress had to provide the funds for fiscal year 1989. The $6.6 million recommended in the bill for essential air service is needed to prevent this immediate elimination of this program.

Secretary of Transportation Skinner has been most cooperative in working with the committee on this matter. In response to my concern, as well as that of other Senators, Secretary Skinner delayed implementation of a partial shutdown of the program which would have occurred on March 1 of this year.

He has repeatedly shown a willingness to assist the Appropriations Committee in its efforts to provide the additional $6.6 million needed to continue this program through the remainder of this fiscal year. However, in a letter to me dated May 1, 1989, Secretary Skinner states that without additional funding he will need to notify air carriers in early June that payments to them under the Essential Air Services Program will be terminated the following month, which means July 1.

Mr. President, I ask unanimous consent that a more detailed background paper on the Essential Air Service Program, including attachments, be printed in the RECORD at this point.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

BACKGROUND

The Essential Air Services [EAS] Program provides funding to allow small communi-

ties to receive scheduled air service. Five West Virginia communities receive service under this program—Beckley, Clarksburg-Fairmont, Elkins, Morgantown, and Princeton-Bluefield. Nationwide, approximately 155 communities are provided air service through this program.

In 1978, when the Airline Deregulation Act took effect, 746 communities in the United States were listed on air carrier certificates as receiving air carrier service. And prior to deregulation, most of these communities were assured a minimum level of service. In light of the provisions in the Airline Deregulation Act that allowed air carriers to terminate service without Government approval, there was a concern that the smaller, more rural communities would lose out to the larger, more lucrative markets. To address this concern, Congress created the Essential Air Services Program.

The program proved successful, and congressional interest in ensuring continued service to these communities remained strong, so the program was reauthorized for another 10 years in the Airport and Airway Safety and Capacity Expansion Act of 1987, Public Law 100-223.

The fiscal year 1989 transportation bill provided $25 million for the Essential Air Services program. The Department of Transportation has now estimated that the funding needed for the program will total between $31 and $32 million in 1989.

Because of the estimated shortfall, DOT issued a proposed rulemaking on December 9, 1988, that set forth four alternatives for reducing the subsidies needed. Each of these proposed alternatives would cause one or more of the West Virginia airports involved in the program to lose their subsidy, and would have eliminated nationwide service to about 43 communities. The final rule was to have been published on or about January 30, 1989, and was to have been implemented on March 1, 1989.

The fiscal year 1990 budget forwarded to Congress by President Reagan, including the amendments suggested by President Bush, do not contain any request for fiscal year 1989 supplemental funding for the Essential Air Services program. In fact, the budget proposes to terminate the program by October 1, 1989. This is totally contrary to action taken by the Congress in 1987, when Congress extended the EAS program for an additional 10 years.

On January 10, 1989, I asked Deputy Secretary Mimi Dawson and then-Secretary Designate Samuel Skinner to not issue the final rule until the Congress had had an adequate opportunity to review the issue. On January 17, 1989, and on January 20, respectively, Deputy Secretary Dawson and Secretary Designate Skinner, by letter to me, agreed to delay further action on the rulemaking. Mr. President, I ask unanimous consent that those letters be included in the record at this point.

REASON FOR URGENCY

On April 3, Secretary Skinner provided me with an update on the EAS funding dilemma. Briefly, the Secretary advised me that, if additional funds are not provided by June 1, with an EAS termination date of July 1, 114 communities would lose air service. This would be all eligible points in the United States except for Alaska and the Pacific area.

If additional funds are not provided by June 28, with an EAS termination date of July 28, all eligible points would lose service, reflecting a complete shutdown of the program.

Secretary Skinner goes on to say, and I quote:

"As you know, the Department cannot solve this problem internally. Appropriating additional funds or transferring funds from other accounts requires legislative approval by Congress. I continue to pledge my full cooperation in seeking a resolution to this important issue."

I ask unanimous consent that Secretary Skinner's letter be included in the RECORD at this point.

Mr. President, I urge my colleagues to support this provision in the supplemental bill. In fact, 39 Members have indicated their support for this program either directly to me or to the distinguished Subcommittee Chairman, Senator LAUTENBERG.

I know that he joins me in urging passage of this supplemental, including this provision.

But the amount included in the fiscal year 1989 Appropriations Bill, $25 million, is insufficient to subsidize the existing 155 communities at the allowable current level rate. So, to prevent disruption of service to those communities, or to prevent total elimination of service to a selected number of communities, this supplemental is necessary.

SUBSIDIZED ESSENTIAL AIR SERVICE COMMUNITIES

ALASKA—Atka-Akhiok, Alitak, Amook Bay, Karluk, Kitoi Bay, Moser Bay, Old Harbor, Olga Bay, Ouzinkie, Parks, Port Bailey, Port Lions, Port Williams, Uganik, Seal Bay, Terror Bay, West Point, Zachar Bay; Boswell Bay, Cape Yakataga, Central, Chisana, Circle, Cordova, Gustavus, Icy Bay, Ivanoff Bay, May Creek, McCarthy, Nikolski, Nyac, Perryville, Petersburg, Port Heiden, Sand Point, Seward, St. George, Wrangell, Yakutat, 19 Kodiak Island Points.

ALABAMA—Anniston, Gadsden.

ARIZONA—Kingman, Page, Winslow.

ARKANSAS—Camden, El Dorado, Harrison, Hot Springs, Jonesboro.

CALIFORNIA—Blythe, Crescent City, Merced.

COLORADO—Alsmosa, Cortez, Lamar.

GEORGIA—Athens, Moultrie-Thomasville.

ILLINOIS—Mt. Vernon, Sterling-Rock Falls.

INDIANA—Elkhart, Kokomo-Logansport-Peru, Terre Haute.

IOWA—Clinton, Ottumwa.

KANSAS—Dodge City, Garden City, Goodland, Great Bend, Hays, Hutchinson, Independence-Parsons-Coffeyville, Liberal-Guymon.

KENTUCKY—Owensboro.

MAINE—Lewiston-Auburn.

MASSACHUSETTS—New Bedford.

MICHIGAN—Alpena, Battle Creek, Benton Harbor-St. Joseph, Iron Mountain, Ironwood, Jackson, Manistee, Menominee-Marinette, Sault Ste. Marie.

MINNESOTA—Fairmont, Mankato, Worthington.

MISSOURI—Ft. Leonard Wood, Kirksville.

MONTANA—Glasgow, Glendive, Havre, Lewistown, Miles City, Sidney, Wolf Point.

NEBRASKA—Alliance, Chadron, Columbus, Grand Island, Hastings, Kearney, McCook, Norfolk, North Platte, Scottsbluff, Sidney.

NEVADA—Ely.

NEW HAMPSHIRE—Laconia.

NEW JERSEY—Cape May.

NEW MEXICO—Alamogordo, Clovis, Hobbs, Santa Fe, Silver City-Hurley-Deming.

NEW YORK—Massena, Ogdensburg, Plattsburgh, Saranac Lake, Watertown.

NORTH CAROLINA—Rocky Mount-Wilson, Winston-Salem.

NORTH DAKOTA—Devils Lake, Jamestown, Williston.

NORTHERN MARIANAS—Rota.

OHIO—Mansfield.

OKLAHOMA—Enid, McAlester, Ponca City.

OREGON—Salem.

PENNSYLVANIA—Franklin-Oil City.

PUERTO RICO—Ponce.

SOUTH DAKOTA—Brookings, Huron, Mitchell, Pierre, Yankton.

TENNESSEE—Clarksville-Ft. Campbell, Hopkinsville.

TEXAS—Brownwood, Paris, Temple.

UTAH—Cedar City, Moab, Vernal.

VERMONT—Montpelier.

VIRGINIA—Danville, Hot Springs.

WASHINGTON—Moses Lake-Ephrata.

WEST VIRGINIA—Beckley, Princeton-Bluefield, Clarksburg-Fairmont, Elkins, Morgantown.

WISCONSIN—Beloit-Janesville, Manitowoc.

WYOMING—Worland.

Mr. BYRD. The bill also includes $100 million requested by the administration for immigration and refugee assistance in order to respond to an unanticipated increase in the number of Soviet refugees being permitted to leave that country.

Title II of the bill contains urgent supplemental appropriations for various programs. The budget authority for these appropriations is offset in full by transfers among appropriation accounts.

The largest appropriation in title II provides for the transfer of $120 million requested by the administration for peacekeeping operations. These funds are to be used for new international peacekeeping activities in Afghanistan, the Persian Gulf, South Africa, and other areas of conflict.

In keeping with the 1987 budget summit agreement, the committee has been careful to limit the funding in this bill to programs which are in dire need of additional funds in fiscal year 1989. The urgent items have been funded through transfers and 83 percent of the funding of the bill, $2.82 billion, is for mandatory programs which are beyond the committee's ability to control.

As Members of the Senate are aware, the House bill would provide an additional $822 million for various agencies involved in the war on drugs. Whether to include additional drug funding in this measure was a very contentious issue in the House. The administration has taken the position that the appropriations in this measure should be limited to programs that are in dire need of additional funds now.

Mr. Darman, the Director of the Office of Management and Budget, has provided information to the committee which shows that, of the $5,232,400,000 in drug funding already

appropriated in fiscal year 1989, approximately 56 percent, more than half, was unobligated as of March 31, 1989. Since it is clear that the agencies involved in the war on drugs will not run out of funding between now and September 30, and since the fiscal year 1990 budget contains $6 billion more for drug funding, Mr. Darman has indicated that he will recommend a veto of this supplemental if the drug funding in the House bill is not removed.

The committee recommends deletion of the drug funding from H.R. 2072. I am just as strong a supporter of the war on drugs as any Senator. Nobody in this Senate takes a back seat to any other Senator in this matter. There is no back seat. Every Senator is on the front line. Every Senator is on the front seat, and we are all just as interested as anyone could possibly be in dealing with this serious problem. But this is not the place to provide more drug funding.

We passed a $1 billion drug act supplemental in November of last year. Those funds, plus the $4.3 billion in drug funding provided in the regular fiscal year 1989 appropriation bills, are sufficient to carry these programs through September 30. In a matter of weeks, we will have fiscal year 1990 appropriations bills before the Senate.

In a matter of weeks we will have completed our hearings with the departments and agencies involved in the war on drugs. We will then be able to recommend to the Senate where to put the $8 billion that has been requested for fiscal year 1990 for the war on drugs so that it will do the most good.

We need to get the supplemental bill through the Senate, we need to get it through today, and through conference with the House so that it can be signed into law as quickly as possible. Many of the programs for which funding is provided in this bill are out of funds.

The VA essential services—I have already addressed that problem. Food stamps, payments to States for foster care and adoption, guaranteed student loans, firefighting cost reimbursements—these programs cannot wait any longer for Congress to complete action on this bill.

I urge Senators to support the committee bill, to limit their amendments to those that require immediate attention in the context of the bipartisan budget agreement of November 1987.

Mr. President, that completes my statement at this point. I want to thank my very distinguished colleague and esteemed friend, Senator MARK HATFIELD, the ranking member of the Appropriations Committee, for his unswerving support throughout the deliberations on this bill, and without which support the bill could not have been marked up on yesterday. The markup could not have been completed and the bill could not have been kept clean in a way that will avoid Presidential veto.

I now yield the floor, for Senator HATFIELD's statement.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. HATFIELD. Mr. President, first I would like to express my deep appreciation for the privilege of working with Senator BYRD, our chairman of the Appropriations Committee. He dealt with this bill in total fairness, recognizing the role of the minority, and being fair and equitable in all of his handling of this committee. I might say to Senator BYRD it is a great pleasure always to work with a true professional.

Mr. President, the chairman of our committee, Senator BYRD, has summarized the appropriations bill very well, and I will not take the time of the Senate by adding to those remarks at any length. I would like to emphasize a couple of points.

First, most of the funds recommended in this bill are for mandatory programs such as food stamps, unemployment benefits, guaranteed student loans and veterans compensation and pensions. The amounts recommended for these programs total $2.8 billion. This additional spending in fiscal year 1989 has already been calculated into the 1989 deficit estimate.

For the discretionary programs, the committee is recommending a total of $563 million in budget authority, and the largest component of that total is $340 million for veterans medical care and $100 million for immigration and refugee assistance.

We believe we have brought a responsible bill to the Senate. We have the administration's support, and I hope that we can move this bill through the Senate quickly so that we can provide the necessary funding for these several very important programs.

Mr. President, I would like to quote from the statement made by the administration to Senator BYRD, the chairman of the Senate Appropriations Committee, and Representative WHITTEN, the chairman of the House Appropriations Committee. I would like to cite two of the sentences indicating their support:

"The Senate committee bill is clearly a major improvement compared to the House-passed bill."

That indicates one statement. The other statement is, "We can support moving the committee bill forward to conference."

Mr. President, that also indicates that we are going to have to have the administration's support for this bill initially and through the process of a budget waiver and to the conference. We have that support. They have indicated they would not object to the budget waiver in order to be able to lay this bill before the Senate, and they have indicated, of course, their preference for this bill over the House-passed bill.

With that kind of momentum, Mr. President, I urge my colleagues on the Republican side of the aisle to exercise great restraint and discipline in matters relating to any amendments they would add to this bill.

As I indicated, the chairman and the full Appropriations Committee in a very bipartisan way had overwhelming support for a very important change in this bill to reject that upon a motion made by the chairman to table the amendment to reject the amendment on the basis that we ought to keep this bill as closely to this form as we can because of the necessity of funding these programs of the great concerns those recipients and those administrators have in giving these moneys out to those who have by law, who have earned, or who have eligibility for these programs. So again I urge the Republican Members to recognize the importance of moving this bill rapidly and to exercise that self-restraint.

Mr. President, let me urge also the consideration on the important amendments the Members of my party might have that we will be reporting the fiscal year 1990 bills probably about the first of July or the latter part of June so that we have these vehicles coming down the track to consider these important amendments that I know many of my colleagues have on both sides of the aisle. I think that again it recognizes the expeditious manner in which the chairman has been handling the appropriations process to be able to report this to the floor that these fiscal year 1990 bills will be coming to the floor in the next few weeks so that any amendments Members might have that are worthy I am sure of consideration, you will have these vehicles coming down the track on which you can offer and have those amendments considered. Please let us restrain the offering of the amendments at this time on this particular bill.

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. The Senator from West Virginia.

UNANIMOUS-CONSENT AGREEMENT

Mr. BYRD. Mr. President, I ask unanimous consent that Budget Act points of order be waived on H.R. 2072 as reported by the Committee on Appropriations.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, I ask unanimous consent that any motion, the effect of which, if adopted, would be to prevent the striking of the House language or any part thereof in

chapter 1 of title I of the House bill, be subject to any points of order authorized in titles III and IV of the Budget Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, I ask unanimous consent that the committee amendments be agreed to en bloc, with the exception of the following: the amendment on page 12, line 14, through page 14, line 24; and on page 52, line 18, through page 54, line 4; and on page 28, line 19, through page 31, line 16; and that the bill as thus amended be considered as original text for the purposes of further amendment; and provided further that no points of order would have been waived.

The PRESIDING OFFICER. Is there objection to the request?

Mr. HATFIELD. Reserving the right to object——

Mr. BYRD. Mr. President, the three requests have been granted, have they not?

The PRESIDING OFFICER. Is there objection to the three requests?

Mr. HATFIELD. I withdraw the objection.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The committee amendments were agreed to, with the exception of the committee amendment on page 12, line 14, through page 14, line 24; the committee amendment on page 52, line 18, through page 54, line 4, and the committee amendment on page 28, line 19, through page 31, line 16.

Mr. BYRD. Mr. President, the bill is open to amendment, and I am not going to press right at the moment. But I want to say to all Senators that it is in the interest of the various agencies and programs that this bill be processed today. There will be a time during the day when there can be no votes for reasons already stated by the distinguished majority leader.

So I urge Senators to come to the floor if they are going to offer amendments, and to call them up.

WAIVER OF PASTORE RULE

Mr. BYRD. At this point, I understand Mr. GRASSLEY has some nongermane matter that he wishes to address. I ask unanimous consent that the Pastore rule be waived for that purpose for Mr. GRASSLEY.

The PRESIDING OFFICER. Without objection, it is so ordered.

CLAUDE PEPPER

Mr. GRASSLEY. Mr. President, first of all, I want to thank the Senator from West Virginia, the chairman of the Appropriations Committee, for allowing me to take the floor at this moment to make some comments about Claude Pepper, to recognize this great American, and to say that with the death of Claude Pepper the country and the Congress lost a great champion of retired people and a splendid exemplar of a career in public service and devotion to the public good.

Senator Pepper—of course, for the last 30 years, Congressman Pepper—was a charter member of the House Select Committee on Aging. That committee was started in 1975, my first year in the Congress, and Senator Pepper became its second chairman.

Under his leadership, the Select Committee on Aging was a pathfinder, identifying, investigating, bringing to congressional and public attention, and, finally, legislating solutions to many of the most important problems encountered by older people. I think it is fair to say that the committee came into its own as a force for many improvements in national policy concerning older citizens under Congressman Pepper's leadership.

Claude Pepper was in the forefront of nursing home reform, the development of Medicare and Medicaid, the inception and subsequent development of Older American Act programs, and the efforts in 1983 to save the Social Security Program from bankruptcy.

In recent years Congressman Pepper fought hard to initiate a program to protect older Americans from the devastating consequences of chronic illness. I had the great and good fortune to serve with Congressman Pepper on the Select Committee on Aging in the House of Representatives from its inception in 1975. I was on that committee until I left the House in 1980.

I was doubly fortunate to serve as the ranking minority member of that committee during Congressman Pepper's tenure as chairman. I can say from direct experience that it was always a tremendous pleasure to work with Senator Pepper. We had a wonderful working relationship during the years that he was chairman and I was ranking member. Although we differed in political philosphy, partisanship was never a factor between us.

He was always solicitous of the needs of older people in Iowa, and was instrumental in assuring that the special committee held hearings in my State. Over the years, I came to be charmed by his personal grace, his thoughtfulness, his intelligence and by his marvelous ability to move people with the spoken word. Over the years of our colleagueship on this committee, I developed the highest respect and personal regard for him.

He continued to lead the way on major issues until almost the very end. In recent months he has been chairman of what has come to be called the "Pepper commission," a body established by Congress to find a legislative solution to the difficult problems of care for those who are with chronic illness and those who are without medical insurance. It is to this Pepper commission that we in the Congress have been looking to outline solutions to these very difficult political problems.

The last time I saw him was at a recent hearing of the Senate Special Committee on Aging where he came to testify. This was just a few weeks ago at which time he testified on the abuses on board and care homes for older people. His testimony was vintage Pepper, well researched, eloquent, forceful, passionate, and infused with moral concern.

His death draws to a close not just a career in advocacy on behalf of older citizens, but a marvelous career in public service, a career that can stand as an example of everything that public service can be. I say that whether you are a conservative or liberal. His work through public institutions to accomplish what he believed in is a very good example for others to follow.

So we have lost a marvelous man and public servant. And I will be one of the many who will miss him.

Thank you, Mr. President.

Mr. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

DIRE EMERGENCY SUPPLEMENTAL APPROPRIATIONS—FISCAL YEAR 1989

The Senate continued with the consideration of the bill.

Mr. BYRD. Mr. President, I hope that Senators will come to the floor and call up their amendments, if they have amendments. If they have amendments, I suggest that they alert us, the two managers of the bill, quickly. If they do not, we will go to third reading. So I urge Senators to come over and offer their amendments.

I hope that our Cloakrooms will notify Senators to the effect that the two managers are here at their posts of duty and we are ready to take up amendments. We hope we will not have any, but Senators have a right to call up amendments. But they do not have the right to keep the Senate waiting all day. Both managers will be patient, but I think it is well to utter a clear warning that has substance behind it. So I await the appearance of Senators and so does my distinguished colleague.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SPECTER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 111

(Purpose: To provide for additional funding for federal prison space)

Mr. SPECTER. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The Senator will be advised that the committee amendment is now pending.

Mr. SPECTER. Mr. President, I ask unanimous consent that the pending amendment be temporarily laid aside so that we may consider the amendment which the Senator has submitted.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Pennsylvania [Mr. SPECTER] proposes an amendment numbered 111.

At the appropriate place in the bill insert:

DEPARTMENT OF DEFENSE

DRUG INTERDICTION, DEFENSE

SEC. . Of the funds made available under this heading in the Department of Defense Appropriations Act of 1989, Public Law 100-463, $70,000,000 is hereby rescinded.

DEPARTMENT OF JUSTICE

FEDERAL PRISON SYSTEM

BUILDINGS AND FACILITIES

SEC. . For an additional amount for "Buildings and Facilities", $70,000,000, to remain available until expended.

Mr. SPECTER. Mr. President, this amendment constitutes a modest reallocation of some $70 million from the Department of Defense, which had been appropriated to the Department of Defense for counterdrug efforts.

The purpose of this amendment, as stated, would be to make this $70 million available at this time for use in making additional prison beds available. According to information provided by Michael Quinlan, the Director of Prisons, it is possible to take existing military bases which are being closed under action already taken by the Congress and by the Department of Defense and to use these military bases, in a reconstructed way, for prison facilities, for as little as $2,000 a bed for minimum security, with that amount varying upward, depending on the level of security which is added on the reconditioning of the military bases.

Under this approach, Mr. President, $70 million could provide for as many as 35,000 additional prison beds, which could be of substantial assistance in our current war on drugs and crime in this country.

Mr. President, last October this floor was a beehive of activity, as Senator after Senator took the floor to denounce the problem of drugs in America, to rearticulate a declaration of war on drugs, and to authorize the expenditure of some $2.7 billion. Since that blast of rhetoric in advance of last November's election, I submit, Mr. President, relatively little has been done to move forward into the trenches, to carry out this war on drugs. At the present time, we are awaiting a report by the new Director of Drug Control, commonly known as the czar and he has a period of some 6 months to submit his report, and I do not challenge in any way the need for that length of time for him to submit his report.

Mr. President, the Congress should not be idle while those plans are being formulated on matters where we know that action could be taken of great significance.

In moving some $70 million from the $300 million already allocated to the Department of Defense for counterdrug efforts, this amendment would not in any way affect the Department of Defense on its primary function to defend the United States.

So let it be clear at the outset that this is no way takes any money in any way, shape, or form for any existing Department of Defense effort. Instead, we would be looking to a small portion, less than 25 percent of the $300 million already appropriated and in the hands of the Department of Defense, to be transferred for use for the prisons.

The $300 million which is now in the hands of the Department of Defense for counterdrug efforts simply stated is not being used.

There were mandates for specific plans to be submitted by the Department of Defense which in fact have not been submitted under the timetable declared.

Under a memorandum prepared by the office of the Assistant Secretary of Defense, Force Management and Personel, dated May 19, 1989, there is a response as to what has been done with the $300 million so appropriated.

Mr. President, I ask unanimous consent that this document be made a part of the RECORD in full at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. SPECTER. Mr. President, this document says that presently obligated to date the Office of Secretary of Defense Comptroller has transferred $30.239 million to the military departments to support State-level-enhanced National Guard operations.

Then there is a continuation as to plans for expenditures which have not yet been undertaken. It is plain on the face of this document that the $300 million will not be used during the course of fiscal year 1989 to carry out the direction of the Congress in ordering the Department of Defense to have a significant participation in this war on drugs. So, in effect, in reallocating or reprogramming $70 million we would not only not be affecting any function of the Department of Defense in its defense-related duties; we would not be affecting anything the Department of Defense is doing realistically viewed to carry forward its counterdrug effort. The $70 million—really more than the $70 million, but at least $70 million is sitting fallow, not being used for any purpose whatsoever.

What is the situation on the prisons in this country? The prisons are in a deplorable condition.

This amendment goes toward the additional space for Federal prisons, and the amendment is so crafted so that we do not run into the problem of allocating this prison space for State courts but only for the Federal courts. After it is constructed and put into operation, which will take obviously some time, we may at that juncture take another look to see precisely how the additional prison beds will be allocated, but there is ample need within the Federal prison system itself.

As of January 1, 1989, the Federal prison population was 49,928 with a capacity of 29,112. So the excess was almost 21,000.

Projecting ahead on the Federal prisons to 1992, there will be a population estimated by the Department of Justice of some 79,000. So with present capacity there will be an excess population in the range of 50,000, which will be reduced to some extent by additional prison construction which is currently contemplated. However, there is no question about the urgent need in the Federal prisons today for additional space.

It may be that the Federal prisons will be able to make use of some of this space for State-related needs. There is a considerable overlap between the Federal Government and the State and local governments on prison space. For example, in the Allegheny County jail there are quite a number of spaces which are currently being taken up with Federal prisoners. The same situation is prevalent in Philadelphia County. That situation prevails in many places in this country. So if we make available Federal prison spaces and Federal prisoners occupy them, that in turn would relieve spaces for utilization by State systems or county systems.

Mr. President, the situation on prisons in this country today is generally deplorable; 45 of the 50 States are either under a court order at the

present time for overpopulation or litigation is pending. Those cases are entrusted to Federal judges, and while we characteristically are critical of the role of the Federal courts in taking over so many operations which had heretofore been entrusted to State or local governments, the operations of prison systems, the operation of school systems, it is a legislative responsibility to act to correct the situation. I submit, Mr. President, that this body, the U.S. Senate, the House of Representatives, the Congress, ought to be acting in a constructive way to eliminate prison overcrowding so that it will not be necessary for the Federal courts to intervene in this line.

Mr. President, the result of prison overcrowding in this country today results in the release of some 20,000 prisoners each year who are released from jail before their terms are completed. Those inmates who are released prematurely then go back onto the streets, and the records are plain about recidivism, the commission of repeated offenses.

In 1985, in 19 States alone some 18,617 inmates were released in advance of the time that they should have spent in jail; in 1984 from 14 States in excess of 17,000 prisoners; and in 1983 from some 15 States in excess of 21,000 prisoners.

So it would be a safe estimate, although statistics are not available beyond the year 1985, that at the present time conservatively more than 50,00 inmates are being released each year in advance of the time schedule back on the street and recidivism is a very, very common trait.

Mr. ADAMS assumed the chair.

Mr. SPECTER. Mr. President, a celebrated case was noted in the media a few weeks ago when a man in Little Rock, AR, was convicted of murder in the first degree, sentenced to 25 years in jail for a robbery-murder in a parking lot of a grocery store and was released from jail because of the absence of jail space.

There is the situation right here in the District of Columbia. I noted in the intervening moment, the distinguished Senator from Washington, Senator BROCK ADAMS, has taken the Chair to preside. There have been the recent efforts by the District of Columbia Subcommittee, which the distinguished Senator from Washington now chairs and which this Senator had chaired, which the Appropriations Committee acted on just yesterday because of the shortage of prison space. Notwithstanding the congressional appropriation back in 1985, many things have happened, litigation is pending, and not a spade full of earth has been turned in an effort to build that prison. Finally the Appropriations Committee took action to put in this supplemental appropriation bill a direction that construction commence within 30 days notwithstanding the pending challenge on historical landmarks and that sort of consideration.

Mr. President, it is possible to pick up virtually any newspaper any day and find another story of criminals set loose because of insufficient jail space.

I turn at this time to the Pittsburgh Post Gazette for May 23, 1989, and I would like to take a moment of the Senate's time to read four paragraphs from a story which is typical in America today.

The title is, "Burglary Suspect's Release From Crowded County Jail Upsets Police."

It took Pittsburgh police months and a Crime Stoppers report to track down accused burglar Frank Washington, but it took only two days for him to return to the street because of overcrowding at the Allegheny County jail.

Police had been searching for Washington since January, but he did not surrender even after television and newspaper Crime Stoppers reports featured him March 30 and offered a reward for his arrest, police said.

Detectives tracked him to a Homewood bar May 15 and arrested him for a series of burglaries of East Hills apartments and homes since January. Detectives said the suspect told them he was "tired of running."

Two days later, Washington, 32, of Broad Street, East Liberty, was among a group of inmates released from the county jail to comply with a federal court order limiting the population in the Ross Street lockup.

The story goes on, Mr. President, but that is the flavor.

Had the Allegheny County detention system not had inmates from the Federal Government, that defendant Washington would not have been released.

Mr. President, we look at the statistics frequently in trying to assess the impact of crime, and they really become sort of like telephone numbers or sort of like the Federal budget—$1.1 trillion. But the evidence is plain that career criminals in this country commit, on the average, more than one crime a day. The statistics show as many as 700 crimes a day committed by career criminals.

As of October 1, Mr. President, if the President's proposal for prison constuction goes forward—and we have every reason to believe that it will—there will be an additional $1 billion available for prison construction. The $70 million which this amendment would take from the Department of Defense drug-fighting effort could then be returned. But the difficulty is that there is not a sufficient sense of urgency in this body or in the Congress or in the country to take immediate, effective action against violent crime and against the drug problem.

Mr. President, if we were to advance by 120 days—this is June 1, 1989. The next year's fiscal budget will not go into effect until October 1, 1989. That is 3 months, or 120 days. During the course of 120 days, if we had 35,000 additional beds to confine criminals, and calculating that at least one crime would be committed a day—which is conservative—the availability of 35,000 prison beds 120 days in advance would eliminate 4,200,000 crimes in this country. That is 4,200,000 incidences of anguish, of suffering, of victims who are being injured by criminal activity. It would not be any problem for this Congress to reallocate at this moment $70 million which is now not being used and to strengthen this program against drugs and crimes to show the American people that the Congress does more than pontificate and talk about the problem. And that is why, Mr. President, I am offering this modest reallocation.

The House of Representatives have placed in their version of the supplemental appropriations some $822 million additionally to fight the war on drugs. It may be that in the course of a conference there will be some give and take between the House and Senate. Maybe the figure will be cut in half to $400 million. Perhaps if the Senate had a reallocation of some $70 million, as this amendment proposes, it would provide some basis for a compromise. So there could be some utility even from the negotiating session in conference to have this kind of an amendment in the Senate bill.

I thank the Chair and yield the floor.

EXHIBIT 1

THE OFFICE OF THE ASSISTANT SECRETARY OF DEFENSE,
Washington, DC, May 19, 1989.

Memorandum: For Defense, Senate Appropriations Committee.

Subject: $300 Million for DOD Counterdrug Efforts.

Betsy Phillips from the HAC staff called me on 17 May 1989 to request information of DOD's use of the FY 1989 $300 million authorized and appropriated for DOD's new counterdrug efforts. The following brief analysis focuses on each point she addressed and is provided for your information.

1. *Presently obligated.* To date, the OSD Comptroller has transferred $30.239 million to the Military Department to support state-level enhanced National Guard operations. Few funds have actually been obligated.

2. *Plans for spending the remainder.*

a. $10 million to the states for additional enhanced National Guard support.

b. $60 million for acquisition of communications equipments to support the integration of command, control, communications and technical, assets dedicated to drug interdiction into an effective communications network. This effort builds on implementation of the approved National Telecommunications Master Plan and Drug Enforcement and supports civilian law enforcement agencies.

c. $100 million will be used for sensor support. This includes the acquisition of sea and land based aerostats, deployable radar support, aerostat relocation, and a small sea-based depolyable aerostat.

d. $39.0 million will be used to enhance and ensure fundamental military communi-

cations connectivity to initiate networks between sensors, intelligence sources, fusion centers (target and tailored intelligence support), and law enforcement command nodes in order to perform DOD's detection and monitoring role.

e. $17.0 million to cover costs associated with startup costs for the fusion centers. This includes administrative costs, temporary duty and travel costs for personnel, facility security and other basic costs.

f. $19.0 million to upgrade baseline ADP capability at fusion centers to process data and support analysts.

g. $18.0 million to increase operational flying hours and steaming days in support of detection and monitoring mission.

h. $7.0 million for various miscellaneous costs associated with DoD activities providing nonprogrammed or budgeted support to the detection and monitoring mission. These include mapping and directing special intelligence support, etc.

3. *Schedule for obligating the balance.* On 17 May we completed a full program review of requirements submitted for DoD's counterdrug effort. Tabulation of approved projects will be completed May 18, 1989, but are summarized in paragraph two above. We plan to accomplish transfer of the operations and maintenance monies in June. Documents to support the required reprogramming of necessary funds to procurement should reach the Congressional Defense Committees in June.

I hope the foregoing information is helpful. See also the related attached paper developed by the Defense Comptroller's staff for Senator D'Amato. If I can be of any further assistance, please call me at 695-7805.

DALE H. CLARK,
Director, Requirements, Plans, and Programs, ODASD (DP&E).

Mr. INOUYE. Mr. President, it is with much reluctance that I rise to speak in opposition to the amendment proposed by my friend from Pennsylvania.

Mr. President, I think most of us recall the debates we have conducted in the past year calling upon the military, the Defense Department, to participate in this very important national crusade against drugs. And it is no secret that many of the leaders of the Military Establishment were not too keen about involving themselves because this was not "a military mission."

However, the will of the Congress prevailed and we did establish a national policy that this battle against drugs was not limited to one agency, or two agencies, but it was a battle that involved all agencies and all peoples.

Accordingly, the Congress adopted an amendment initiated by one of our colleagues, Senator STEVENS, of Alaska, and we appropriated the sum of $300 million to that end. When we appropriated this sum, we also put restrictions on it. For example, $40 million was earmarked for the National Guard.

Together with the fact that we just greeted a new administration, a new President, and a new Secretary of Defense, who just came on board a few weeks ago, I do not think that this Congress can expect this new administration to come forth immediately with a comprehensive plan to engage the military in the war on drugs.

But, as all of us know, the Secretary of Defense has, despite all of the workload he has, come forth with a plan. He has submitted that plan in writing to us. He has shared with us the way he intends to spend the money in specific sums.

What I am trying to say is that this amendment will negate the progress Congress has made in, yes, forcing DOD to take on an active role in this war against drugs. It will, in effect, take Defense off the hook. And the question is, is that what we want to do?

I think it is important to note that this is in clear violation of a budget summit agreement that was entered into by all Members of the Congress, House and Senate, together with the President of the United States. And I am pleased to learn that our leader, the chairman of this committee, is looking into the possibility of posing a point of order to that effect.

The agreement that was reached was not easily reached. It involved weeks and weeks of negotiating to come up with this. And a clear item in this negotiation was that none of the funds that were set aside for defense will be taken away to be used for nondefense purposes unless, naturally, the Congress of the United States and the President of the United States should concur.

I would prefer that we give the Department of Defense an opportunity to show itself; to give our new Secretary of Defense an opportunity to participate in this crusade against drugs as he wishes to do.

If I may at this juncture, I ask unanimous consent to have printed in the RECORD a letter dated May 30, 1989, from the Secretary of Defense, the Honorable Dick Cheney, in which he sets forth his position on this amendment, together with the manner in which he proposes to spend the amounts that were appropriated. I just hope that this Senate will, at the appropriate time, vote down this amendment.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

THE SECRETARY OF DEFENSE,
Washington, DC, May 30, 1989.

Hon. ROBERT C. BYRD,
Chairman, Committee on Appropriations, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: I understand that an amendment may be offered in committee to the FY '89 supplemental appropriations bill (H.R. 2072) to cut funds previously appropriated to the Department of Defense in the FY'89 Defense Appropriations Act to fight the battle against illegal drugs. The amendment would transfer the funds to domestic anti-drug accounts. The Administration strongly opposes the amendment.

The FY'89 Defense Appropriations Act provided $300 million for Department of Defense operating costs for the detection and monitoring of aerial and maritime transit of illegal drugs into the United States. The Department plans to allocate these funds as follows: (1) $40 million for National Guard support to law enforcement agencies, (2) $60 million for secure communications equipment to defeat drug smugglers' monitoring of law enforcement operations, and (3) $200 million to procure and operate surveillance and monitoring equipment, such as aerostat radars.

The Congress has long urged the Department of Defense to take a more active role in the fight against drugs. In the two months since I became Secretary of Defense, we have created a DOD Coordinator for Drug Enforcement Policy and Support and have prepared and begun to execute plans to make effective use of the $300 million. It will be difficult for me to make substantial progress in strengthening DOD's role in the battle against drugs if the amendment is adopted to strip DOD of the resources programmed in FY'89 for the Department's increased anti-drug effort.

I would note also that the proposed amendment violates the November 1987 bipartisan budget agreement by shifting funds from defense discretionary accounts to domestic discretionary accounts. Since success in Federal budgeting has come to depend upon the ability of the Administration and the joint congressional leadership to reach and enforce budget agreements, I would urge that your committee adhere to the agreement and reject the amendment.

The Office of Management and Budget advises that adoption of the amendment would not be in accord with the President's program.

Sincerely,

DICK CHENEY.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. HOLLINGS. Mr. President, I rise on behalf of our subcommittee, the Subcommittee of Commerce, Justice, State, the Judiciary, and Related Agencies of our Appropriations Committee, and I will be supporting our distinguished chairman who will bring us right to the issue with respect to the budget rules and requirement, 302(f), that this amendment violates the Budget Act.

I think, however, that in voting my colleagues should understand, really, what is at issue here. That is, we are trying our dead-level best to alleviate overcrowding in the Federal prison system. The Congress itself has not been in any way derelict; on the contrary, with restricted funding availability we have been doing our best to provide, increase and expand Federal prison capacity. And it should be noted this is not a new idea—in our subcommittee we have been taking numerous Federal facilities, Army, Air Force facilities and otherwise, and turning them into Federal minimum security prison camps.

As a matter of fact, the distinguished Senator from Hawaii will remember here some few years ago when we had the Olympics at Lake

Placid. As soon as the Olympics left the field of contest, we put bars in the windows and made it a Federal correctional facility. We have been grabbing, and grabbing anywhere we can to find space to house Federal prisoners. And yet, we are still behind and more particularly we are behind the State of Pennsylvania, the home State of the distinguished Senator who proposes this amendment for State prisoners.

I think it is important to clarify the situation with regard to State and Federal prison overcrowding and the intent of the amendment now before the Senate. Because, earlier this year, during consideration of the fiscal year 1990 budget resolution on the floor of the Senate, we voted 97 to 1 on a similar amendment offered by the distinguished Senator from Pennsylvania. I was the one dissenting vote. Coming to the floor, I was prepared to join the 97 because I had been watching on the television, intermittently with different disturbances, as we do, trying to do our work and keep up with floor action. I remember specifically our distinguished former chairman of the Budget Committee and at one time my ranking colleague when I was chairman, Senator DOMENICI, of New Mexico, saying that States should take care of State prison facilities and the Federal Government should take care of Federal prison facilities.

I said: Here is our leader for prison facilities, Senator SPECTER, of Pennsylvania, and he is trying to get us more Federal facilities. And I am for that.

But when I came to the floor, I asked for the distinguished sponsor, the distinguished Senator from Pennsylvania. He said, no, these are to house State prisoners. I am confident the colleagues in their vote thought they were voting for Federal prisoners and not State prisoners. And, in fact, if you look at the amendment, of the face of it, you cannot tell that the intent was to provide for State prison beds. Yet, with my legal analysis; it has got to be for Federal prisoners because there is no authority for the Federal Bureau of Prisons to provide for State prisoners. We have no authorization for that.

But yesterday, when we discussed this point at the full meeting of our Senate Appropriations Committee, our distinguished colleague from Pennsylvania acknowledged that the funds were for State prisoners. And I am back to my original point. Like Kansas City, or as the Budget Act permits, we have gone as far as we can go.

The record will show that we have projections for 83,500 inmates at a minimum. Yet, the U.S. Sentencing Commission estimates that could be as much as 125,000 inmates by 1995. At the present moment, I have just gotten the figure from the Bureau of Prisons this morning. On June 1, 1989, we have a Federal prison population of 48,451 inmates. But the capacity, Senator, for these prisoners, is for 38,360. So, between budget constraints on the one hand and Federal judges on the other hand—talk about cruel and inhumane punishment—we are 157 percent overcrowded at the Federal level.

Heaven's above, I was watching our distinguished Speaker yesterday, who said "Have I made mistakes?" He said, "Oh, Lord." Well, I have the same kind of feeling. Have we provided for prisoners? Oh, Lord. We have provided for them. Not enough for any Senator, certainly not for the Senator from Pennsylvania and the Senator from South Carolina. But we are on the right road—we are headed in the right direction. Mr. Quinlan, the Bureau's Director, is doing an outstanding job. We have added 6,800 new beds since 1981 and we have under construction right now, another 13,700 beds. And President Bush announced on May 15, just 2 weeks ago, $1 billion in new construction. The President's new initiative would add 24,000 beds.

So, we have been moving forward as fast as we can. And yet, do you know what? The States are way better off than we are because we are 157 percent of capacity and only 3 of the 50 States—California, Montana, and Massachusetts—are in as bad shape as the Federal Government. So, straight to the point, we are going to look at the States and their predicament, they are in much better shape—47 of the 50 States are in way better shape than the Federal prison system.

I will ask unanimous consent that this listing of the prison population, the capacity in 1988 and design capacity, be printed in the RECORD at this time, together with a letter to me from the U.S. Department of Justice dated June 1, 1989.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

STATE PRISON POPULATION, NATIONAL INSTITUTE OF CORRECTIONS, APRIL 25, 1989

State	Prison population 1988	Capacity 1988	Percent capacity
Alabama	12,610	11,162	113
Alaska	2,588	2,793	93
Arizona	12,158	12,240	99
Arkansas	5,519	5,330	103
California	76,171	44,229	165
Colorado	5,997	4,985	120
Connecticut	8,005	7,153	112
Delaware	3,166	2,090	151
District of Columbia	8,705	7,417	117
Florida	24,732	35,618	69
Georgia	18,787	17,296	109
Hawaii	2,367	1,691	140
Idaho	1,548	1,163	133
Illinois	21,081	20,100	105
Indiana	11,406	10,412	109
Iowa	3,034	2,858	106
Kansas	5,936	4,293	138
Kentucky	7,119	6,469	110
Louisiana	16,149	12,330	130
Maine	1,297	034	138
Maryland	14,276	11,352	125
Massachusetts	6,733	3,891	173
Michigan	27,713	21,454	129
Minnesota	2,799	2,964	94
Mississippi	7,438	6,318	118
Missouri	12,354	12,800	96
Montana	1,272	784	162
Nebraska	2,205	1,651	133
Nevada	4,881	4,637	105
New Hampshire	1,019	774	131
New Jersey	16,936	12,172	139
New Mexico	2,825	2,671	106
New York	44,560	40,095	111
North Carolina	17,069	14,767	115
North Dakota	466	516	90
Ohio	26,113	18,482	141
Oklahoma	10,488	7,378	142
Oregon	5,991	4,077	146
Pennsylvania	17,879	12,972	137
Rhode Island	1,906	1,546	123
South Carolina	13,745	11,793	116
South Dakota	1,020	1,170	87
Tennessee	7,491	7,754	97
Texas	40,437	39,244	103
Utah	2,004	2,464	81
Vermont	811	587	138
Virginia	14,184	11,460	124
Washington	5,816	5,914	98
West Virginia	1,458	1,547	94
Wisconsin	6,287	4,683	134
Wyoming	962	950	101

U.S. DEPARTMENT OF JUSTICE,
OFFICE OF LEGISLATIVE AFFAIRS,
Washington, DC, June 1, 1989.

Hon. ERNEST F. HOLLINGS,
Chairman, Subcommittee on the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies, Committee on Appropriations, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The administration strongly objects to an amendment that we understand will be offered on Thursday, June 1, to the 1989 Supplemental Bill, which proposes to transfer $70 million from the Department of Defense's appropriations to the Department of Justice's Federal Prison System's Building and Facilities appropriation. These funds would be targeted for renovation of surplus military facilities and their conversion to the use as prison facilities. Further, it is the administration's understanding that the bedspace thus acquired would be made available for the housing of sentenced State prisoners.

The Administration urges you to consider the following points during floor debate:

1. Movement of $70 million from the defense to the domestic discretionary area violates the Bipartisan Budget Agreement of November 20, 1987 which covers fiscal year 1989.

2. Defense funds are properly programmed at this stage of fiscal year 1989 in accord with priorities generally agreed upon between the two branches.

3. The Administration announces, on May 15, a major crime initiative which includes over $1 billion in new spending for federal prison facilities. The inititative is targeted at violent criminals and armed career criminals. Existing statutes allow for the prosecution, trial, and service of sentence—by State armed career criminals—in federal prison facilities. The Administration will be transmitting 1990 budget amendments soon to begin the process of implementing this major crime initiative. Attention by the Appropriations Committee, as it meets on the 302(b) allocation process, will be critical to providing the necessary 1990 appropriations to implement the Adminsitration's crime initiative.

In summary, the 1990 appropriations process will offer both the Senate and the full Congress the opportunity to make the necessary funds available to handle our fed-

eral prison overcrowding problem and allow us to continue incarcerating violent, armed career criminals—including State offenders—who prey on the people of this country. The Administration urges the Senate to defeat the amendment we understand Senator Arlen Specter will offer on Thursday, June 1.

Sincerely,

CAROL T. CRAWFORD,
Assistant Attorney General.

Mr. HOLLINGS. Mr. President, we all understand for the last 8 years the Reagan administration has drastically reduced Federal assistance to the States. We have eliminated general revenue sharing, cut funding for community development block grants, urban development action grants—I can go right on down the list. And, yet we have not eliminated the responsibility of the States.

So the States, they do not say read my lips, they are raising taxes to meet their responsibilities as best they can. They do not have this shenanigan of printing money, so they really are where the rubber meets the road, as they say—fulfilling their responsibilities. Because they all are maintaining their triple A credit rating which we in the Federal Government could not even approximate. We ought to be embarrassed but we act like Santa Claus up here, not even doing our own job. But we want to help out the States. Whoopee for State prisons. Well, what about our own responsibilities? That is my objection.

I feel a sense of inadequacy, that maybe we have not told the story, time and again, enough to the colleagues so they understand. Because when they did vote to support the initiative of the Senator from Pennsylvania a few weeks ago, it was 97 to 1. I am afraid, with the parliamentary approach to sit down in the well and say: Wait a minute, here is what you voted for. This is only an amendment. This is what you voted for. You just voted a few weeks ago. I did not have an opportunity, at that time, to take the floor because I did not understand the misunderstanding. I clear that record now.

I would be prepared to amend or clarify the amendment of the Senator, but I think our distinguished chairman is on the right track. We are trying to adhere to the Budget Act and put forth an appropriations bill that all of us in the committee and in the United States Senate can support.

So, right to the particular point we have now the dilemma of an overload of 57 percent, 157 percent of capacity. We have various judicial initiatives moving against us. As a result the Justice Department is opposing this amendment and trying to move forward, as President Bush has done adroitly here just 2 weeks ago, announcing another billion dollars in prison construction.

Let us try to play catch-up ball at least and meet here on the floor of the Congress our responsibilities at the Federal level. Let us live up at least to what the States are doing now, and 47 of those 50 States are doing way better than the Federal Government is doing.

We have not been languishing or inconsiderate. We have been straining at every particular point, but in this particular bill, as my colleagues, some here on the floor and this subcommittee know, you have the FBI, the DEA, Border Patrol, Immigration Service, Bureau of Prisons and right on down the line, all competing for a small pot of money. And, it is like tying two cats by the tails and throwing them over the clothesline. They are clawing each other each year, and have been doing so for 8 years running.

To get any job right in any particular portion of our responsibility, we have to take from another responsibility. It has not been a pleasant task. Heaven's above, do not come here at the last minute now and say forget about our responsibility at the Federal level which is way behind the States and give even more money to the States.

I thank the distinguished Presiding Officer and my colleagues. I yield the floor.

Mr. SPECTER addressed the Chair.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, I have listened very closely to the arguments made in opposition to this amendment and I say this respectfully, but there is absolutely no merit in the contentions. The distinguished Senator from Hawaii, who has the responsibility as chairman of the Defense Appropriations Subcommittee, has said that the amendment would take the Defense Department off the hook. The reality, Mr. President, is that the Defense Department is not on the hook. The Defense Department has not undertaken any realistic effort to utilize the $300 million which was appropriated to the Department of Defense for drug interdiction.

It is true that Secretary Cheney has been in office only a short period of time. Last October 1, 1988, the first day of fiscal year 1989, there was a Secretary of Defense, there was a Secretary of the Navy, Secretary of the Air Force, and Secretaries of various branches. Personnel could have carried out the congressional direction, but the Department of Defense did not do so. So as of May 19, Mr. President, only $30 million of the $300 million was obligated. So when there is an articulation that there was a plan, to spend the funds that can hardly be stated when the specification by the Department of Defense is vague and inconclusive—$10 million for enhanced National Guard support; $60 million in planning for acquisitions of communications equipment to support the integration of command control communication and technical assets dedicated to drug interdiction into an effective communications network. That is 100 percent gobbledygook. It does not say one thing about what is going to be done with $60 million; $100 million to be used for sensor support. This includes the acquisition of sea- and land-based aerostats, deployable radar support, aerostat relocation and small sea-based aerostats.

Mr. President, how does that compare with 35,000 prison beds to take 35,000 criminals off the street, criminals who statistically, demonstrably commit more than one major crime a day, and in the course of 120 days, which this amendment seeks to advance, will commit 4,200,000 offenses?

Thirty-nine million dollars will be used to enhance and ensure fundamental military communications activity to initiate networks between sensors and intelligence sources fusion centers. That is a replay of an earlier allocation for $60 million and again is A-plus goggledygook.

The Department of Defense on May 19 does make a list of items which does take up $270 million, but that could hardly be said to be a realistic plan. It is a Department of Defense paper response to a congressional inquiry which says why have you not done a job and they are trying to paper over their determination, candidly stated, not to get involved in the war on drugs.

Whatever the reasons may be for not carrying out the direction, that is not the point today, Mr. President. The point today is that there are presently available $230 million not being used for drug interdiction by the Department of Defense. So when the argument is made that this amendment takes the Department of Defense off the hook, DOD is hardly on the hook. It really exposes the failure of DOD to undertake its responsibilities but, that aside, seeks to use only a portion of those funds.

The next argument made by the distinguished chairman of the Defense Appropriations Subcommittee is that this amendment violates the summit agreement. It is true that the summit agreement provides for an allocation between defense programs and social programs. But here we have $300 million under the category of defense which is used on the war on drugs. It is not a matter that we are taking military hardware or military personnel and allocating them to a health center or to an education purpose. It is a matter that we are taking an allocation to DOD for the war on drugs and reallocating it to a prison bed which is another aspect of the war on drugs and, obviously, a much more impor-

tant one. So there is hardly a violation of the summit agreement which tries to strike a balance between defense functions and social programs.

My distinguished colleague from South Carolina has spoken at length about the situation with the State court prisons and the Federal prisons and it is true that Senator HOLLINGS was the only dissenting vote, 97 to 1, on an amendment which this Senator offered, very much like the one on the floor today, to transfer $70 million for the construction of prison beds. It had an addendum of $30 million for additional agents from Alcohol, Tobacco and Firearms, and the amendment, which this Senator offered and was agreed to 97 to 1, did allocate those funds for State prisons.

However, the amendment which is presently offered does not do that. It offers the allocation for Federal prisons. I have done so specifically to take into account the consideration which Senator HOLLINGS called to the attention of this Senator, and we had in the Appropriations Committee yesterday afternoon a brief discussion on the point.

I do not agree with what the distinguished Senator from South Carolina has asserted on the State courts being better off then the Federal courts. I am going to come to that in a moment because I think it is an important point. But I want to accept his contention, for purposes of this amendment, so that we can get on with the process. I think that there is merit to getting the Federal house in order first. We do have an overcrowding in the Federal system of some 20,000, the earlier statistics I cited. We may be some 50,000 overcrowded by 1992. That will depend, as I said earlier, on how much additional construction there is in the interim. I have taken into account what the distinguished Senator from South Carolina raised in the interim, and this amendment would allocate these funds for Federal prison construction.

Mr. President, when the distinguished Senator from South Carolina raises the issue about the Federal Government being worse off than the State governments, simply stated, that is not so. And it is not so demonstrably for two reasons: First, the statistics on overcrowding. As of January 1, 1989, the capacity of State prisons was 462,484 and a population of 577,474 for overcrowding of some 114,990. In the Federal Government, these statistics are from the Bureau of Justice statistics, the Federal population in the prison was 49,928 with a capacity of 29,112 for overcrowding and 20,816.

Notwithstanding the Federal overcrowding, the Federal Government has not been subject to litigation for violating constitutional rights of those who are in jail.

Under the State system there are 45 of the States which are either operating under a court order or are in litigation at the present time. There are only five States in this country, Minnesota, Montana, New Jersey, Nebraska, and North Dakota, where prisons are either not under a court order or in litigation. In nine of the States the entire prison system is run by the courts. In other States some institutions are run by the courts and in about 8 of those 45 States litigation is presently pending.

Mr. President, there is a decisive overlapping of Federal, State, and local responsibilities. I visited the Allegheny County jail within the past month and there were in confinement there Federal prisoners. They were taking up beds which could not be occupied by individuals charged with State crimes. One of those individuals was a burglary suspect who had to be tracked down, as I recently cited, according to a recent news report from the Pittsburgh Post Gazette.

In the District of Columbia, Mr. President, there is a severe shortage of prison space. The District of Columbia Code specifies that it is the responsibility of the Attorney General of the United States to take care of people convicted in the courts of the District of Columbia. That has been subject to interpretation and it has not been held to require that D.C. convicts be sentenced to Federal prisons, but that litigation has not been carried to the ultimate court and it may yet be the responsibility of the Federal Government to handle the overload of those convicted in the criminal justice system of the District of Columbia. So that there is an overlap.

Mr. President, I would ask—and there are voluminous records. I have a notebook of about 100 pages which I shall not submit for the CONGRESSIONAL RECORD—to have printed in the RECORD at this point by unanimous consent three sheets which summarize the essence of the problems of prison overcrowding in this country.

There being no objection, the data was ordered to be printed in the RECORD, as follows:

Fact Sheet on Prison and Jail Overcrowding

I. Prison overcrowding (sentenced):

State Jan. 1, 1989	114,990
Federal Jan. 1, 1989	20,816

II. Jail overcrowding (detention before trial): June 30, 1987 21,454

III. Criminals prematurely released because of overcrowding

19 States in 1985	18,617
14 States in 1984	17,365
15 States in 1983	21,420

IV. Criminals convicted and not incarcerated because of insufficient prison space—thousands.

(Testimony of Chief Judge Ugast, D.C. Superior Court, and Chief Judge Pryor, D.C. Ct. of Appeals)

V. Defendants released because of insufficient detention space—thousands.

VI. Prison systems under court order Dec. 1, 1988. 9 entire State systems and Puerto Rico—under court order; 28 States, DC, VI—at least one institution under court order; 8 States—prison overcrowding litigation pending.

VII. Jail systems under court order June 30, 1987. 102 large local jail systems under court order re: population. 118 large local jail systems under court order re: conditions.

VIII. Federal inmate population growth:

1987	43,800
Projected by 1992	79,000
Projected by 1997	118,000
Projected by 2002	156,000

IX. Total inmate population growth:

1980	329,821
1981	369,930
1982	413,806
1983	437,248
1984	464,567
1985	502,507
1986	545,133
1987	581,609
Projected by 1994	868,500

SUPPORTING AUTHORITY FOR FACT SHEET ON OVERCROWDING

I. Prison overcrowding. In its bulletin entitled "Prisoners in 1988" (Attachment A), the Bureau of Justice Statistics reported the following figures on prison overcrowding as of January 1, 1989, using the lowest measure of capacity:

	Population	Capacity	Overcrowding
Total	627,402	491,596	135,806
Fed	49,928	29,112	20,816
State	577,474	562,484	114,990

II. Jail Overcrowding. In Table 8 of its bulletin entitled "Jail Inmates 1987" (Attachment B), the Bureau of Justice Statistics reported that as of June 30, 1987, there were 224,811 inmates in the largest local jail systems (100 or more inmates), and that those jails had a rated capacity of 203,457. Thus, jails were overcrowded by 21,454 inmates.

III. Criminals prematurely released because of overcrowding. In its 1984 and 1985 bulletins on prisoners (Attachments C and D), the Bureau of Justice Statistics reported that in 1983, 1984 and 1985, states used emergency procedures to release 18,617, 17,365 and 21,420 prisoners, respectively. The Bureau has not compiled this statistic since 1985.

IV, V. Criminals convicted and not incarcerated because of insufficient prison space. Defendants released because of insufficient detention space. In a hearing before the District of Columbia Appropriations Subcommittee chaired by Senator Specter on June 11, 1986 (Attachment E), Chief Judge Ugast of the D.C. Superior Court reported that prison overcrowding had become a sentencing factor that caused judges to refrain from imposing prison sentences in some cases. Chief Judge Pryor of the D.C. Court of Appeals concurred in this assessment. It is reasonable to assume that this phenomenon, although difficult to quantify, exists nationwide and extends to a court's decision to detain or release the defendant pending trial.

VI. Prison systems under court order. In its December 1, 1988 status report on the courts and the prisons (Attachment F), the National Prison Project reported that there are nine entire state prison systems and the Puerto Rico prison system under court order. Twenty-eight states, the District of Columbia and the Virgin Islands have at least one major institution under court order, and litigation is pending in eight states, although a court order has not yet been issued. The only states not affected are Minnesota, Montana, Nebraska, New Jersey, and North Dakota. The Report details the legal status of every jurisdiction's prison system.

VII. Jail systems under court order. A Bureau of Justice Statistics list of 102 local jurisdictions under court order to reduce jail population is attached (Attachment G). See also Attachment B, in which the Bureau reports that in 1987, 118 local jurisdictions were under court order to improve jail conditions.

VIII. Federal Inmate Population Growth. As part of its June 18, 1987 supplementary report on the new federal sentencing guidelines (Attachment H), the U.S. Sentencing Commission projected the federal prison population into the next century. The study, prepared with the Bureau of Prisons, forecasts that the 1987 population of 48,300 (Attachment A) will almost double in five years.

IX. Total Inmate Population Growth. Table 1 of the bulletin entitled "Prisoners in 1987" (Attachment A) demonstrates the growth in total inmate population (state and federal) from 1980 to 1987. Assuming the same growth in the next seven years, the prison population in 1994 would be 833,397. In fact, the rate of growth is likely to increase during the coming years because of improved enforcement, new drug laws and mandatory minimum penalties. The Bureau of Prisons projects the 1994 total inmate population to be approximately 868,500.

Mr. SPECTER. Mr. President, I return to the basic point that this amendment would allocate this $70 million to the Federal system because there is a need there. And on that point I do agree with the distinguished Senator from South Carolina.

This Congress, this Government, ought to be doing a great deal more than we are doing on the problem of violent crime and the problem of drugs in this country. We have in this country some 200,000 to 400,000 criminals who are committing on an average two major crimes today. According to a comprehensive blueprint outlined in 1972 by the National Commission on Criminal Justice Standards and Goals, a Commission on which I served, there are many aspects of the criminal justice system which ought to be attacked. This Senator has introduced legislation in the 97th, 98th, 99th, 100th and 101st Congress to allocate 1 percent of our Federal budget for crime control, for domestic defense. We have 20,000 people a year in this country victims of homicides. Violent crime is much more a threat to America and to Americans than any foreign threat. We have an overwhelming problem of drugs in this country, and this body has gone on record as declaring war but the facilities are not being made available for carrying forward that war.

This amendment is a very, very modest approach. It takes $70 million which the Department of Defense now has for drugs, not being used, and it will advance by 120 days the availability fo 35,000 prison spaces. Conservatively, in 120 days, 35,000 criminals will commit at least one crime a day for 4.2 million offenses. It is simply incomprehensible why we are not doing 10 times this much, 20 times this much, 100 times this much on the war against crime and the war against drugs. But this is a very small step forward. It may be symptomatic, Mr. President. It may be a signal to the American people as to what degree of seriousness this body currently is willing to demonstrate on the war against crime and the war against drugs.

Mr. President, I do not know procedurally if it is appropriate at this time to make a motion to waive the Budget Act. I appreciate the fact that it will require some 60 votes to waive the Budget Act. I say to my colleagues who may be watching on television in their offices and surveying this scene that 97 Senators voted in favor of $70 million additional for prison space. The other Senator said he came to the floor intending to vote for it had it been for the Federal prison system. This amendment does reach the Federal prison system, and I urge my colleagues to support this amendment.

Mr. HOLLINGS. Will the distinguished Senator yield?

Mr. SPECTER. I certainly will.

Mr. HOLLINGS. The Senator just said for the Federal prison system. I came on the floor a minute ago and the Senator said the intent is after the Federal Bureau of Prisons construct it, it is to be used for State prisoners. Is that not correct?

Mr. SPECTER. No, that is not correct.

Mr. HOLLINGS. These are to be used for Federal prisoners.

Mr. SPECTER. For Federal prisoners.

There will be some assistance, if I might respond further, to alleviate some of the State overcrowding, where, for example, in Allegheny County there are Federal prisoners who are being detained in county facilities and they are the responsibility of the Federal Government. They are present also in Philadelphia.

But there is no mistake about the direction of this amendment. It is to make this $70 million available to the Federal Government, to the Bureau of Prisons of the Federal Government for use on the closed military bases to construct up to 35,000 additional beds. I said I cannot warrant that they will all be used for minimum security, but it will take $2,000 a bed using closed military bases for minimum security, according to Michael Quinlan, Director of the Bureau of Prisons, so we can have up to 35,000 beds. It definitely goes to the Federal system.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Mr. President, does the Senator from Nebraska wish to address this subject?

Mr. EXON. I do.

Mr. BYRD. Mr. President, I ask unanimous consent that I may yield to the distinguished Senator from Nebraska for the purpose of his addressing some remarks to this amendment, but I would like to retain my right to the floor.

The PRESIDING OFFICER. Is there objection? Hearing no objection, it is so ordered. The Senator from Nebraska is recognized subject to the rights of the Senator from West Virginia.

Mr. EXON. I thank the chair and I thank my friend from West Virginia.

Mr. President, let me salute the Appropriations Committee for its diligent and thoughtful effort on this urgent supplemental. It deserves our support. We should thank once again the talented, steady leadership of Chairman ROBERT BYRD of West Virginia. When obvious wrongs need tending to in the Senate, he has long been there. He has never let us down. We expect a great deal of him and he has always come through.

Likewise, I recognize his counterpart and dedicated coworker, the ranking member, Senator MARK HATFIELD from Oregon. They indeed are wise and they are a great twosome. We have so many dedicated Members on both sides of the aisle laboring on the Appropriations Committee, including, I am proud to say, my talented colleague from Nebraska, Senator BOB KERREY, one of its newest Members.

Unfortunately, the House of Representatives, bogged down with other matters, has delayed coming to grips in a timely fashion with the urgent supplemental. To use a football phrase, what we saw from the other body frequently was three running plays, three clouds of dust and a feeble punt to the Senate. Senator BYRD and his teammates took the ball and did something with it. The passage of this measure without amendments will set the stage for a Senate-House conference that will put this matter behind us.

As Senator BYRD has pointed out, this budget supplemental is an urgent supplemental.

It is urgent. it is necessary. And it is required. Furthermore, as has been pointed out, it is in keeping with the understanding that was reached between the executive and legislative branches during the 1987 negotiations.

It is hard to believe that we would delay, that we would risk denying the full one-third of these funds that are specifically ordained and dedicated to veterans, and the balance for student loans, for human peacekeeping initiatives requested by the President, immigration assistance for persecuted Soviet dissidents, foster care assistance, oilspill funds, commodity credit shortfall, essential air service, and others.

Mr. President, we should pass this urgent supplemental promptly without amendments.

I thank my friend from West Virginia. I thank the Chair.

The PRESIDING OFFICER. Under the previous order, the distinguished Senator form West Virginia is recognized.

Mr. BYRD. Mr. President, in a letter addressed to me under date of May 30, 1989, Mr. Cheney, the Secretary of Defense, said in part the following:

The Congress has long urged the Department of Defense to take a more active role in the fight against drugs. In the 2 months since I became Secretary of Defense, we have created a DOD coordinator for drug enforcement policy and support, and have prepared and begun to execute plans to make effective use of the $300 million. It will be difficult for me to make substantial progress in strengthening DOD's role in the battle against drugs if the amendment is adopted to strip DOD of the resources programmed in fiscal year 1989 for the Department's increased antidrug effort.

The administration is strongly opposed to the amendment. The amendment also violates the November 1987 bipartisan budget agreement, and on yesterday an amendment to take $230 million from the DOD drug interdiction program was offered in the committee during the markup. That amendment was defeated by a vote of 24 to 5. So it faced a strong bipartisan opposition vote.

The pending amendment would take $70 million from the same account. This amendment is subject to a point of order under section 302(f) of the Budget Act because it adds funding to the Justice Department. The Commerce, Justice, State Subcommittee has already exhausted its 302(b) allocation for fiscal year 1989. Therefore, I make the point of order under section 302(f) of the Budget Act against the pending amendment.

Mr. SPECTER addressed the Chair.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, I move to waive the Budget Act.

The PRESIDING OFFICER. The Senator from Pennsylvania has moved to waive the Budget Act.

Mr. BYRD. Mr. President, I move to table the Senator's motion to waive, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from West Virginia to lay on the table the motion of the Senator from Pennsylvania to waive the Budget Act.

The yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Iowa [Mr. HARKIN], is absent because of attending a funeral.

Mr. DOLE. I announce that the Senator from Indiana [Mr. LUGAR], the Senator from Alaska [Mr. MURKOWSKI], and the Senator from Wyoming [Mr. SIMPSON] are necessarily absent.

I further announce that the Senator from Idaho [Mr. SYMMS] is absent due to a death in the family.

The PRESIDING OFFICER (Mr. FOWLER). Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 77, nays 18, as follows:

[Rollcall Vote No. 72 Leg.]

YEAS—77

Adams	Fowler	McCain
Armstrong	Garn	McClure
Baucus	Glenn	Metzenbaum
Bentsen	Gore	Mikulski
Bingaman	Gorton	Mitchell
Bond	Graham	Moynihan
Boren	Gramm	Nickles
Breaux	Grassley	Nunn
Bryan	Hatfield	Packwood
Bumpers	Heflin	Pell
Burdick	Helms	Pressler
Burns	Hollings	Pryor
Byrd	Inouye	Reid
Chafee	Jeffords	Rockefeller
Cochran	Johnston	Roth
Conrad	Kassebaum	Rudman
Cranston	Kasten	Sanford
Danforth	Kennedy	Sarbanes
Daschle	Kerrey	Sasser
Dixon	Kohl	Shelby
Dodd	Lautenberg	Simon
Dole	Leahy	Stevens
Domenici	Levin	Thurmond
Durenberger	Lott	Warner
Exon	Mack	Wirth
Ford	Matsunaga	

NAYS—18

Biden	DeConcini	McConnell
Boschwitz	Hatch	Riegle
Bradley	Heinz	Robb
Coats	Humphrey	Specter
Cohen	Kerry	Wallop
D'Amato	Lieberman	Wilson

NOT VOTING—5

Harkin	Murkowski	Symms
Lugar	Simpson	

So the motion to lay on the table was agreed to.

Mr. BYRD. Mr. President, I move to reconsider the vote by which the motion to table was agreed to.

Mr. INOUYE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Chair will anounce that the point of order against the amendment under section 302(f) of the Congressional Budget Act is well taken. The amendment provides new budget authority and outlays which would exceed the subcommittee's allocation reported pursuant to 302(b) of the act, and the amendment falls.

The majority leader.

Mr. MITCHELL. Mr. President, may we have order?

Mr. BYRD. Mr. President, may we have order?

The PRESIDING OFFICER. The Senate will be in order. Senators please take their seats. All Senators please take their seats.

The majority leader.

ORDER OF PROCEDURE

Mr. MITCHELL. Mr. President, as I indicated this morning and publicly on several previous occasions, it is my hope that we will be able to complete action on this important bill today.

I will soon seek to obtain a unanimous consent agreement identifying the remaining amendments with agreed times.

I encourage restraint on all of my colleagues. I have been working with the distinguished Republican leader in this regard to seek to identify those amendments.

Those Senators who intend to offer amendments should be available to participate in the discussions leading up to what I hope will soon be an agreement that will enable us to complete action on this bill during the day today.

I encourage Senators to participate and to exercise restraint. This is a very important bill. It is important that we complete action promptly.

I thank my colleagues in advance for their cooperation in this regard.

I am now pleased to yield to the distinguished Republican leader.

The PRESIDING OFFICER. The Republican leader is recognized.

Mr. DOLE. Mr. President, I know the Senator from Indiana is ready to offer an amendment which he is willing to accept 20 minutes equally divided, 10 minutes on a side—it is a sense-of-the-Senate amendment on the Panama Canal—if we could agree to that.

Senator HELMS has four amendments. He would be willing to accept 20 minutes equally divided on each amendment. I have asked him to furnish me the amendments so I could advise Members what the amendments are because they may not agree on time agreements.

So we have gone through the list. I think we are in a position if not right at this moment, very quickly, to give the majority leader a list of the amendments.

I think one problem is we did not have the bill as it was not reported until yesterday. Nobody has had any chance to look at it, and it has caused some concern on our side about not

having adequate opportunity to look at it.

We can do most of the amendments now if the majority leader would like or we can just put together a list. Why do we not just put together a list?

Mr. MITCHELL. Yes.

What I would suggest is that we now proceed without any agreement to Senator COATS' amendment, unless the manager has some other preference with respect to amendments that he may already have agreed to, that we use the time during consideration of the next amendment, whatever it be, to try to pin down the list as to the specifics of the amendments to be offered and the times involved and then seek to get an agreement.

I announced earlier, and I will repeat now for the benefit of those Senators who may not have heard it, there will be a memorial service for former Congressman Pepper from noon until 12:30 p.m. in the rotunda of the Capitol.

I encourage all Senators to attend. There will be no rollcall votes during that time. The Senate will remain in session to permit us to go forward on this bill. But it is important that we pay a proper tribute to Congressman Pepper.

Either immediately prior to that or immediately after that, it is my hope that we could get an agreement nailed down with a specific time for final passage this afternoon.

Mr. BYRD. Mr. President, will the distinguished majority leader yield?

Mr. MITCHELL. I yield to the distinguished manager.

Mr. BYRD. Mr. President, the distinguished senior Senator from Hawaii has an amendment which the managers plan to accept and would look to dispose of that amendment before going to the amendment by Mr. COATS.

Let me inquire of the distinguished majority leader as to how long the Senate will be voting today.

Mr. MITCHELL. It is my hope that we will complete action on this by 4:30 today.

Mr. BYRD. A further inquiry: If the bill is not completed today, what about tomorrow?

Mr. MITCHELL. Then we will have to have votes tomorrow. I know that creates problems for many Senators who have spoken to me individually, but we have to complete action on this bill.

Mr. BYRD. Mr. President, I think that is important that the record show that because Senators, I hope, will be further constrained in offering amendments with the knowledge that if we do not complete this bill today by 4:30 p.m. that the Senate will be in tomorrow and there will be rollcall votes, as I understand the majority leader.

Mr. MITCHELL. That is correct.

Mr. BYRD. That is important. This is an exceedingly important bill. It is a dire emergency bill and it cannot wait until next week. If Senators will simply restrain their appetite to offer amendments, we can complete this bill by 4:30 today. A good many of the amendments, may I say to the distinguished majority leader and the Republican leader, will take only a short time and, hopefully, some of them will be accepted.

I thank the majority leader.

Mr. DOLE. Will the majority leader yield?

Mr. MITCHELL. Yes.

Mr. DOLE. I encourage my friends on this side—I discussed this with the Senator from Oregon [Mr. HATFIELD]—to reduce the time. We do not need a rollcall on every amendment.

I think I see a sign of success on the part of the managers' having tabled a very important amendment, one that I normally would have supported. This is an emergency bill. It is going to be up to me, as one of the leaders, to support my ranking member, Senator HATFIELD, to make certain we can complete it. I hope that some of our amendments will disappear. They will be around probably for the next appropriation bill.

Mr. SIMON. Will the majority leader yield?

Mr. MITCHELL. I yield to the Senator from Illinois.

Mr. SIMON. I would just inquire of the manager, Senator BYRD. Senator LAUTENBERG and I have a 2-minute colloquy we would like to enter into after Senator INOUYE's amendment.

Mr. BYRD. If the majority leader would like to get consent that Senator INOUYE could be recognized for 3 or 4 minutes, to be followed by the Senator from Illinois for the colloquy, and then the distinguished Senator for his amendment.

Mr. BIDEN. Mr. President, may I have 30 seconds?

Mr. MITCHELL. Yes.

Mr. BIDEN. Mr. President, this is a very important bill and it is urgent, but I would respectfully suggest it is no more urgent than the drug problem that we are ignoring, that we are being phony about, that we have told the people we passed a bill last year that provided for it. We have not done anything about it. We all implied we were going to come up with supplemental money for it.

The Senator from Delaware has at least one, possibly three amendments, and at this moment I am not prepared to enter into a time agreement on any of them.

Mr. MITCHELL. I thank the Senator for his comments.

Mr. President, I ask unanimous consent that Senator INOUYE be next recognized for consideration of an amendment, which I understand will be accepted; that upon disposition of that amendment, Senator SIMON be recognized for a colloquy for not more than 2 minutes; and that following that, Senator COATS be recognized to offer his amendment, with no time limit at this time but we understand he expects to take approximately 20 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Hawaii.

Mr. INOUYE. Mr. President, I ask unanimous consent that the committee amendment be temporarily set aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 112

(Purpose: To authorize certificates of documentation for certain vessels)

Mr. INOUYE. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Hawaii [Mr. INOUYE] proposes an amendment numbered 112.

Mr. INOUYE. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place, insert the following:

SEC. . Notwithstanding sections 12106, 12107, and 12108 of title 46, United States Code, and section 27 of the Merchant Marine Act, 1920 (46 App. U.S.C. 883), as applicable on the date of enactment of this Act, the Secretary of Transportation may issue a certificate of documentation for each of the following:

(1) the vessel Liberty, hull identification number BHA 5512 B and State of Hawaii registration number HA 5512 B;

(2) the vessel Navatek I;

(3) the vessel Nancy Ann, United States official number 901962; and

(4) the vessel Nor'Wester, United States official number 913451.

Mr. INOUYE. Mr. President, this amendment has been cleared by both managers.

Mr. President, my amendment is noncontroversial, in fact the substance of its provisions was reported unanimously by the Senate Commerce Committee.

Subject to certain limited exceptions, the provisions of law known as the Jones Act provide that only those vessels built in the United States, continuously documented under the laws of the United States, and continuously owned by U.S. citizens may transport merchandise or passengers in the coastwise trade of the United States.

Where the facts applicable to a particular vessel suggest that the U.S.-built or U.S.-owned requirements have not been satisfied, the Coast Guard my not issue a document permitting coastwise trading privileges for that vessel unless the requirements of the act are statutorily waived.

Mr. President, my amendment provides the necessary statutory waiver for the following four vessels: *Navatek I, Liberty, Nancy Ann,* and *Nor'Wester.*

The *Nor'Wester* is a 38-foot sailing schooner. It was built in 1926 in Wisconsin, and is currently licensed for recreational use. The current owners intend to begin a charter sailing business on the Great Lakes, and have applied for U.S. Goast Guard documentation for coastwise trade. They are unable to establish fully the chain of title for this vessel, however, and consequently cannot prove continuous ownership by U.S. citizens. Absent that proof, documentation cannot be granted.

The *Nancy Ann* is a 31-foot motor vessel built in 1975 and currently licensed for recreational use. The owners intend to utilize the vessel for charter sport fishing on the Great Lakes. This vessel has the same problem as the *Nor'Wester.*

The *Liberty* is a 20-ton sailing vessel built in the United States in 1969 and registered in the State of Hawaii. The current owner of the *Liberty,* a U.S. citizen, intends to utilize the vessel for charter by up to 6 persons. As in the cases of the *Nor'Wester* and the *Nancy Ann,* the owner is seeking a statutory waiver of the Jones Act because he is unable to establish fully the chain of title from the original owner to the present.

The *Navatek I* is a prototype ship of an innovative design that will be used to carry passengers among the Hawaiian Islands. The ship is 140 feet in length. The prototype may be used to provide demonstration rides to visiting business people, scientists, government officials, and potential customers and licenses. It may also be outfitted as a charter yacht/hospitality boat, offering unique day cruises around Oahu; inter-island cruises, and luxury charters. It can be configured to carry up to 500 passengers for day cruises. It was constructed in the United States, but in order to meet delivery schedules, some components of the pilothouse were procured in a foreign country. The value of the foreign components comprises approximately 3 percent of the total cost of the vessel.

In talks with the U.S.-builder, the Coast Guard agreed that for all intents and purposes the *Navatek I* is U.S.-built, because 97 percent of its construction has been done in the United States. Nevertheless, because the law requires new vessels to be built 100 percent in the United States, technically the *Navatek I* must be considered foreign built, and therefore ineligible to operate in our domestic trades, absent a statutory waiver.

Mr. President, as I noted earlier in my remarks, the Senate Commerce Committee unanimously approved legislation granting the necessary statutory waivers for these four vessels.

Mr. BYRD. Mr. President, the manager on this side is prepared to accept the amendment.

Mr. HATFIELD. Mr. President, we are prepared to accept the amendment, but I would like to make a comment.

I would like to have the Senator from Hawaii perhaps undertake at some point in time in the near future a review of the Jones Act.

I have been a supporter of the Jones Act, as has the Senator from Hawaii. But we are increasingly finding reasons, and just reasons, for exempting ships under the Jones Act.

I have increasing numbers of my constituents calling for a repeal of the Jones Act. I am not ready to accept that proposal yet but, at the same time, it seems to me one of our committees ought to be about the business of reviewing the Jones Act in 1989 as against the time when it was adopted and the purpose for which it was created.

I just really would like to raise that with the Senator from Hawaii.

Mr. INOUYE. Although I am not the chairman of the Merchant Marine Subcommittee at this time, I have been assured by the chairman, the Senator from Louisiana [Mr. BREAUX] that he will undertake such an investigation and hearing.

Mr. HATFIELD. I thank the Senator.

We are ready to accept the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Hawaii [Mr. INOUYE].

The amendment (No. 112) was agreed to.

Mr. INOUYE. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. Under the unanimous consent agreement, the Senator from Illinois [Mr. SIMON] is recognized for 2 minutes to engage in a colloquy.

FAA PAY DEMONSTRATION PROJECT

Mr. SIMON. Mr. President, I wish to engage my colleague from New Jersey, the chairman of the Transportation Subcommittee, Senator LAUTENBERG, who has led in this whole area of airport safety, in a colloquy on the FAA pay demonstration project.

Mr. LAUTENBERG. Mr. President, I am pleased to enter into a colloquy with the distinguished Senator from Illinois.

Mr. SIMON. As the Senator from New Jersey knows, three of our Nation's busiest airports—Los Angeles, New York Kennedy, and Chicago O'Hare—face serious safety and traffic problems. One of the biggest causes of these problems has been the inability of the FAA to attract qualified air traffic controllers and, over time, to retain them at any of these three airport facilities. While this is only one of many problems facing these airports, it is a critical problem. Last year, in response to this problem, the Office of Personnel Management approved a pay demonstration project at these three of the country's largest airports. This project will allow 2,000 FAA employees to be eligible to receive an additional pay allowance of up to 20 percent of their basic pay if they agree to serve at one of these three air facilities. The demonstration project will last for 5 years.

This project is crucial to beginning to address the safety and traffic problems facing our largest airports. The need for this project is immediate—it must go into effect as soon as possible. That is why my colleague from Illinois [Mr. DIXON] and I introduced legislation in February to speed up this process as much as possible.

We are all aware of the constraints on the supplemental appropriations package. In the President's original supplemental request, $7.1 million was requested to allow the pay demonstration project to begin in mid-June, as scheduled. The House Appropriations Committee reduced the funding so that the program could only operate in one airport and only for 2 years. Then, the full House deleted all funding for this project.

I am very pleased that the bill before us today has report language taking sharp issue with the language in the House report. The Senate approach to this program is due in large part to the leadership of the Senator from New Jersey. It is my understanding that the Senate Appropriations Committee intends for the FAA to proceed to implement the pay demonstration project on schedule, and that the project is to involve all three installations, to include the 20-percent bonus and to be in effect for 5 years. I have received the same assurances from the Department of Transportation as well.

I would just like to make sure that this is the understanding of my colleague, the chairman of the Appropriations Subcommittee on Transportation, as well.

Mr. LAUTENBERG. I want to thank my colleague from Illinois for his leadership on this vital issue of airport safety. Thanks in large part to his efforts, the FAA has developed a plan to address these longstanding problems of safety and traffic. It is also largely a result of Senator SIMON's leadership that this program has proceeded as quickly as it has.

It is absolutely the intention of the committee through report language that the FAA proceed for the remainder of this fiscal year to implement the pay demonstration project out of their existing budget. It is further my understanding that the Department of Transportation and the FAA will implement the program, starting in mid-June. Furthermore, we are determined to work with Senator SIMON and other supporters of airline and airport safety to insure that the fiscal year 1990 appropriation for the FAA includes appropriations necessary to fully implement this program at the three installations for the full 5 years as originally specified by the FAA.

Mr. SIMON. I thank the Senator. I look forward to continuing to work with you on issues of airline safety, and particularly to insure that the pay demonstration project receives full funding for the 1990 fiscal year.

I yield back my time.

The PRESIDING OFFICER. Under the previous order, the Senator from Indiana is now recognized.

Mr. DIXON addressed the Chair.

The PRESIDING OFFICER. For what reason does the Senator from Illinois rise?

Mr. DIXON. Mr. President, I ask unanimous consent to make a 1-minute comment upon the good work of my colleague from Illinois in connection with this agreement.

The PRESIDING OFFICER. Is there objection? Without objection, the Senator from Illinois is recognized.

Mr. DIXON. Mr. President, I do want to congratulate my distinguished colleague from Illinois for his outstanding work in this regard. It once again demonstrates his concern for local problems in Illinois. Last year he took the lead in solving a problem when there was to be a strike of commuter trains in the Chicago region. He has now done outstanding work in connection with safety features at O'Hare Airport.

I think it demonstrates the concern my colleague has for the people of Illinois and I congratulate him on a job well done and I thank the distinguished Senator from New Jersey for his kindness and his cooperation.

Ms. MIKULSKI addressed the Chair.

The PRESIDING OFFICER. For what reason does the Senator from Maryland rise?

Ms. MIKULSKI. Mr. President, I make a unanimous-consent request to speak for 30 seconds as chair of the Committee on VA, HUD, and Independent agencies.

The PRESIDING OFFICER. Is there objection to the unanimous-consent request? Hearing none, the Senator from Maryland is recognized for 30 seconds.

Ms. MIKULSKI. Mr. President, I rise in strong support of H.R. 2072, legislation making supplemental appropriations for fiscal year 1989.

As chair of the appropriations subcommittee on VA, HUD, and Independent Agencies, I commend our distinguished committee chairman, Senator ROBERT C. BYRD, for keeping this legislation on track.

Senator BYRD has assumed his new role as chair of our committee with great energy and vigor, and I want him and my colleagues to know what an honor I consider it to be working with him.

The portions of Title I of H.R. 2072 related to agencies within the jurisdiction of the VA/HUD and Independent Agencies Subcommittee provide $1,263,000,000 in new budget authority and $627.6 million in outlays.

While these levels put us slightly above the House in budget authority, the Senate bill is $21 million below the House in new outlays.

Almost $1.2 billion of this new budget authority and $622 million of these outlays are for programs for the Department of Veterans' Affairs. Of the amounts for VA, $844 million in budget authority and $311 million in outlays is for mandatory entitlement veterans programs. Most of these programs are of a dire emergency nature and they deserve swift action by this body today.

The bill before the Senate includes $341,285,000 for VA medical care, $1,160,000 higher than the House. It includes a direct appropriation of $340 million for medical care, and a transfer of about $1.2 million from studies on as yet unauthorized VA construction projects. This $1.2 million transfer will be targeted to reduce the current $10 million prosthetics backlog for veterans who are amputees. These medical care funds will guarantee an additional 600,000 outpatient visits will take place in fiscal year 1989.

In addition, it should allow the VA to reach by year's end their congressionally-mandated medical care employment level of 194,720 FTE's.

In bringing this bill before the Senate today, I cannot help but emphasize the dire need for these funds for VA medical care. From 1980 to 1990, the number of veterans over 65 will more than double to more than 7.2 million, over 25 percent of all veterans. This demographic shift, along with sharp funding constraints in recent years, have stretched the VA's medical service delivery systems to the limit.

There are no honorary members among America's veterans. They are the heroes of our time—whether it was in the forests of Europe, the beachheads of the Pacific, the mountains of Korea, the jungles of Vietnam, or the streets of Beirut. America's veterans have answered the call to save our democracy. In acting on this bill promptly, we can in some small way say thanks back to them. We can guarantee that the red blood of our vets will not be used to balance the red ink of the Federal deficit.

In addition to funds for the VA, this bill also includes a number of other high priority programs. First, it includes $8.2 million to help eliminate drugs from public housing projects, one of Secretary Kemp's top priorities. Second, it provides $3.1 million so the newly-created Court of Veterans Appeals can begin its work in fiscal year 1989.

Third, it includes $15 million for the Environmental Protection Agency to hire a small amount of staff to implement several new environmental laws passed by Congress last year. Those laws include medical waste tracking, radon abatement, the ban on ocean dumping, lead contamination control, and plastics pollution control.

There are two provisions not included in the committee bill that were included by the House, on which I would like to comment.

The Senate bill does not include additional funds for public housing operating subsidies, nor additional funds for FEMA's Homeless Assistance Program. Both programs are very worthwhile, but constraints imposed by the deficit prevented us from adding them without offsets. And the offsets proposed by the House for both initiatives were unacceptable.

The House offset its additional $79.8 million for public housing operating subsidies by reducing the Moderate Rehabilitation Program by a similar amount. This would mean 728 fewer units of low-income housing would be created in fiscal year 1989 than was provided for in our 1989 appropriations bill. While the Mod Rehab Program was seriously abused by the last administration, Secretary Kemp has taken some bold steps to restore the program's integrity.

Rather than penalize "good guy" communities who did not employ consultants and who did not abuse this program, I believe we should give Secretary Kemp a chance to clean up this program.

Kemp has pledged to do so by issuing new, competitive guidelines by the end of this week—to guarantee the funds we have appropriated for Mod Rehab will go to those most needy.

The House also included $15 million for FEMA's Emergency Food and Shelter Program, funding it by cutting almost a third of what's left of the Urban Development Action Grant Program in fiscal year 1989. This cut in UDAG funding would mean up to 20 less project awards for the upcoming small cities UDAG round and as many as 10 less projects for the similar large cities round. No one disputes the merits of funding homeless programs, but I will not do it at expense of other

housing and community development programs.

In addition, the administration has proposed a major restructuring of FEMA's Food and Shelter Grant Program by transferring it to HUD in fiscal year 1990. The UDAG Program has had its share of criticisms, but I do not intend to take it off its respirator in a supplemental appropriations bill.

In conclusion, I believe this is a terribly important piece of legislation. We need to move on it quickly and cleanly, I urge my colleagues to support it.

Mr. COATS. Mr. President, I ask unanimous consent that the committee amendment be laid aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 113

Mr. COATS. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The bill clerk read as follows:

The Senator from Indiana [Mr. COATS] proposes an amendment numbered 113.

At the end of the bill, add the following new section:

"SEC. . SENSE OF THE SENATE REGARDING THE PANAMANIAN GOVERNMENT.

"It is the Sense of the Senate that the current ruling government of Panama is not democratically elected."

Mr. COATS. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second on the yeas and nays?

Mr. BYRD. Mr. President, would the Senator withhold the request at the present time? It may be that we could accept the amendment. I do not know that we can. The Senator can always ask for the yeas and nays if he wishes.

Mr. COATS. I am happy to withdraw the request at this time.

The PRESIDING OFFICER. The Senator from Indiana is recognized.

Mr. COATS. Mr. President, I submit an amendment to the amendment.

The PRESIDING OFFICER. Is there an objection to the request for a second-degree amendment?

Mr. BYRD. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

The Senator from Indiana is recognized in support of his amendment.

Mr. COATS. Mr. President, may I at this time request the yeas and nays on the original amendment?

The PRESIDING OFFICER. The Senator from Indiana made that request and there was not a sufficient second.

Mr. COATS. Mr. President, the purpose for offering the perfecting amendment is simply to preserve my rights to order a rollcall vote should that be necessary. I am not aware that it will be necessary. I do not intend to ask for a rollcall vote.

My understanding is that the members on the pertinent committees have looked at the perfecting amendment and it does not present any objection. I would like to offer that perfecting second-degree amendment which is the heart of the amendment that I intend to offer.

Mr. President, I ask unanimous consent to withdraw my amendment.

The PRESIDING OFFICER. The Senator has that right. The amendment is withdrawn.

Mr. COATS. Mr. President, I now ask unanimous consent to offer another amendment which I send to the desk.

The PRESIDING OFFICER. Is there objection? Hearing none, the clerk will report the amendment.

Mr. HATFIELD. Will the Senator yield for a question?

Mr. COATS. I will be happy to.

Mr. HATFIELD. If I understand my colleague, he has presented to the Chair an amendment dealing with the basic proposal that the Senator had indicated to us earlier, as managers of the bill, that he was proposing to offer relating to the Panama Canal? There is no second degree? It is now a clean presentation?

Mr. COATS. Mr. President, that is correct.

Mr. HATFIELD. I thank the Senator.

AMENDMENT NO. 114

(Purpose: To express the Sense of the Senate that a democratically elected government be in place in Panama before the Senate gives its advice and consent for the nominee for the position of Administrator of the Panama Canal Commission.)

Mr. COATS. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The bill clerk read as follows:

The Senator from Indiana [Mr. COATS], for himself and Mr. DOLE, Mr. LOTT, Mr. BOSCHWITZ, Mr. HELMS, Mr. ARMSTRONG, Mr. MCCAIN, Mr. WALLOP, Mr. GORTON, Mr. WILSON, Mr. SYMMS, Mr. MCCLURE, Mr. BOND, Mr. D'AMATO, Mr. KASTEN, and Mr. MACK proposes an amendment No. 114.

"SEC. . SENSE OF THE SENATE REGARDING THE APPOINTMENT OF A NEW ADMINISTRATOR OF THE PANAMA CANAL COMMISSION.

"It is the Sense of the Senate that the President should not appoint a new Administrator of the Panama Canal Commission unless and until he certifies to Congress that the ruling government of Panama is democratically elected according to procedures specified in the Constitution of Panama providing for a civilian government in control of all Panamanian military and paramilitary forces.".

Mr. COATS. Mr. President, there is a great tendency these days to focus intense interest on the current event of the day. It dominates our headlines, dominates the evening news broadcasts, but quickly recedes from the public view when the next crisis appears. That has been the case with Panama. The situation that seemed intolerable—and is intolerable, in my opinion—has quickly faded from the headlines and from the lead stories on the evening news to a point where we have to search the morning paper to find the latest report.

None of this, of course, diminishes the impact of what has taken place in Panama. The fact that Panama's political institutions have been violently wrung of their ligitimacy by General Noriega's avarice and ambition, the fact that the victors in the recent election remain deprived of their rightful power by General Noriega's despotic whim, and the fact that Panama remains under General Noriega's military protection a virtual free-trade zone for drug shipments with drug traffickers given the run of Panama's banks and airports—none of this has changed. The only thing that has changed is the fact that the public is not provided the intense scrutiny of a few weeks ago.

Panama may be in the background now. I have little doubt that this will be the case for a long duration of time. In fact, I would suspect that within the next few weeks or months, it will again be back on the front page; we will again be discussing and debating it in this Chamber. I state that with some assurance because, while some Members of the body may not be aware, the administration of the Panama Canal Treaty and by statute will transfer power from a United States-appointed administrator to a Panamanian-appointed administrator. That event must take place no later than January 1, 1990.

It seems to me that it will be intolerable to the Members of this body, as well as to the American people, that General Noriega, should he still be in power, will be appointing the next administrator of the Panama Canal; that the actual day-to-day operation of the canal will be in the hands of a Noriega-appointed administrator. It is with that concern that I introduced a couple of weeks ago a bill which would prevent the appointment of a Panamanian canal administrator until the President of the United States certified to this body that the Government of Panama is elected fairly, according to its own constitution, and that it is in effective control of the Panama defense forces.

This legislation has been referred to the Armed Services Committee, and I requested that hearings be scheduled. Today, however, I am proposing to the body a sense-of-the-Senate resolution based on the language in that bill. Its purpose is simple and it is direct. As long as General Noriega's drug dictatorship remains in power in Panama, as long as he stands against Panama's democratic will, the ordinary transfer

of power and transfer of control outlined by the Canal treaties will not receive the consent of the Senate.

Manuel Noriega and his military supporters should not count on our inattention and inactivity. There should be no time limit to our resolve, no expiration date to our outrage over the events that have taken place in Panama; that the canal administrator should be selected by a legitimate government, and until that condition is met, the Congress would pledge to withhold its consent.

These actions that I propose do not affect the treaties one way or the other. They simply outline the criteria for our consent as outlined by the treaties and by U.S. statute. Our message ought to be a strong one. We ought to be reminding Manuel Noriega that his longevity does not certify legitimacy, and it ought to send a signal to the democratic opposition that it promises our recognition and our support. It is one more instrument, one more attempt to bring pressure on Noriega proposed at a time when he might be starting to feel secure behind a comforting shield of obscurity. It takes the measure of our continued commitment, and I strongly urge my colleagues to support it.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Mr. President, there are Senators who I understand will oppose this amendment. I hope that they will come to the floor quickly so that we can dispose of the amendment one way or the other soon.

EXCEPTED COMMITTEE AMENDMENT ON PAGE 28, LINE 19 THROUGH PAGE 31, LINE 16

Mr. BYRD. Mr. President, I ask unanimous consent that the committee amendment on page 28, line 19 through page 31, line 16 be agreed to and considered as original text for purposes of further amendment with the understanding that points of order will not be waived.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Excepted committee amendment on page 28, line 19 through page 31, line 16 was agreed to.

AMENDMENT NO. 114

Mr. BYRD. Mr. President, I thank Mr. COATS for making his presentation, and I commend him on being on the floor and being diligent about his business. I hesitate to have to suggest the absence of a quorum. Perhaps there is another colloquy that could be disposed of now. I yield the floor.

The PRESIDING OFFICER. The Republican leader is recognized.

Mr. DOLE. Mr. President, I would like to indicate my support of the amendment of the Senator from Indiana. I think it is a very timely amendment.

We often describe the legislation we author or support as "sending a message." Candidly, I think we would have to admit some—maybe most—of those messages do not amount to much. Sometimes, though, the messages are real, clear and important. This is one such case.

This amendment is a message for Manuel Noriega, the drug-dealing dictator of Panama, and for the Panamanian people. The message does not mince words: The United States Senate does not intend to turn over the Panama Canal to Panamanian control until Noriega is given the "boot" he deserves.

Specifically, this legislation calls on the U.S. Government to "freeze" the next steps in the process of turning over the canal until Noriega goes. It says that the Senate does not intend to move on giving advice and consent to any canal administrator nominated by Noriega.

As the President has made clear, we are going forward—with the Panamanian people and the other nations of the hemisphere—in trying to restore democracy to Panama. In the meantime, we are not going to agree to putting vital American interests like the Panama Canal more firmly in the clutches of a dictator and drug-pusher like Noriega.

Eleven years ago, during the canal treaties debate, I stood on the floor of the Senate and said: "The credibility and personal integrity of Panama's leaders will bear upon their reliability as Panama's guarantors of the new treaties." I was right then, and all of us who are supporting the Coats legislation are right today.

This is a "yellow light" on the road to a full turnover of the canal. But there is a "red light"—the binding version of this same legislation—just a bit further down the road. And if the Panamanian people miss this signal and Noriega ignores this caution light, Senator COATS and I and many others are going to be here again—to send another, even stronger and clearer "red light" message, that no one will be able to mistake or ignore.

I thank my colleague for permitting me to cosponsor the amendment.

Mr. BYRD. Mr. President, if there were other Senators who have amendments at this time that we could call up perhaps while Senators who are opposed to this amendment are getting to the floor, we could be making some headway.

Mr. President, while the Senate is not observed to be making any movement at the moment, I ask unanimous consent that I may offer an amendment.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

AMENDMENT NO. 115

Mr. BYRD. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from West Virginia [Mr. BYRD] proposes an amendment numbered 115.

Mr. BYRD. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 35, line 2, before the period insert the following:

"Provided further, Notwithstanding any other provision of law, the Federal Aviation Administration shall renegotiate the Logan County Airport grant agreements "5-54-0013-01-77" and "5-54-0013-02-78" to include funds sufficient to cover the additional project costs associated with project delay and inflation, so that the project can be completed as originally intended.

Mr. BYRD. Mr. President, the amendment I have offered does not increase the spending totals. It is a technical amendment that allows the Federal Aviation Administration to renegotiate the allowable costs for grant agreements already provided for site preparation work at Logan County, WV airports. Because of private companies' bankruptcies, work on this vital project has faced inordinate delays with consequent increases in costs due to inflation.

This amendment does not expand the original scope of the project. It is expected that the additional funds needed will be derived from the Federal Aviation Administration Airport Improvement Program discretionary fund balance. The chairman of the subcommittee, Mr. LAUTENBERG, has no objections to this amendment and I understand is willing to accept it.

Mr. HATFIELD. Mr. President, we have no objection to the amendment on this side of the aisle.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from West Virginia.

The amendment (No. 115) was agreed to.

Mr. BYRD. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. HATFIELD. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 114

Mr. LEAHY. Mr. President, are we now back on the amendment by the distinguished Senator from Indiana?

The PRESIDING OFFICER. That is correct.

Mr. LEAHY. Mr. President, I have just seen the amendment. I wonder if the distinguished Senator from Indiana would be willing to answer a couple of questions regarding his amendment?

Mr. COATS. I will be more than happy to, Mr. President.

The PRESIDING OFFICER. The Senator will be happy to respond.

Mr. LEAHY. Mr. President, I ask the distinguished Senator from Indiana whether the treaty that we now have with Panama, so-called Panama Treaties, is that presently the law of the United States?

Mr. COATS. Mr. President, in response to the question, I would indicate to the Senator that that treaty is indeed codified into law. The 22 United States Code section 36.13 is the operative part of that statute that I am dealing with here.

Mr. LEAHY. I ask the distinguished Senator from Indiana whether under that law the United States is required jointly with Panama to appoint a Panamanian administrator this year?

Mr. COATS. Mr. President, the treaty now codified in the Panama Canal Act does provide that the administrator be appointed as a U.S. administrator until December 31, 1989. As of January 1, 1990, the name that is submitted for approval by the President of the United States and with the advice and consent of the Senate would be under the current circumstances General Noriega, which I submit here in the sense-of-the-Senate resolution would be a situation which the American people would not look upon favorably, nor would this body.

I am not attempting in any way to abrogate the treaty or any part of the statute. I am simply saying that we ought to send a signal at this point that such a situation would result in perhaps attempts to change the statute or amend the treaty.

For those who are concerned about it, I say this perhaps would, as Senator DOLE said, send a caution light that we should not continue down the same path.

Mr. LEAHY. I am not suggesting, Mr. President, the distinguished Senator would want to abrogate the treaty. I am just concerned that we not do anything which really plays into the hands of General Noriega and allows him to raise nationalistic fervor. I have many classmates, friends from my teenage days who live in Panama, who are strongly opposed to General Noriega, as am I.

I do not know of any Member of the Senate, Republican or Democrat, who wants to see General Noriega stay in control of the country of Panama. I think every one of us, Republican and Democrat alike, are totally convinced that the anti-Noriega forces won overwhelmingly at the ballot box a couple weeks ago and the Noriega-backed candidates lost heavily. There is not any one of us in this Chamber who does not believe that General Noriega has tried to steal that election, and there is not any one of us in this Chamber who was not appalled at the television scenes of brutality against the man who was elected President and the two men who were elected Vice Presidents of Panama. I know the distinguished Senator from Indiana and I are in absolute agreement on how opposed we are to that situation and how opposed we are to it continuing.

I would note to the Senate that any administrator whose name comes up is going to have to be approved by this body. We have to advise and consent as to that appointment.

General Noriega has tried consistently, and in some areas of Panama with some success, to say the opposition to him is not because of his drug dealings, not because of his autocratic takeover of the government, not because of the cruelty that he has inflicted upon his opponents, not because of the fact that he has obviously garnered huge wealth illicitly out of Panama, the opposition to him is not because of any of those things but, rather, the United States having some kind of plot against him and to overturn the Panama Canal treaties.

Next week, for example, the OAS is going to meet to try to get some support in an effort to force General Noriega out, not just the United States going it alone.

I share the concern of the Senator from Indiana and opposition to General Noriega.

I do not think Members of this body have spoken out more strongly or more publicly or more often than I have in opposition to General Noriega. I was one of the first in this body to speak in opposition to General Noriega back when he was receiving letters of congratulation from the DEA, letters of congratulation from high ranking officials of the administration saying what a wonderful friend of the United States he was. I was one of the lone voices to speak out against him. Nobody should misunderstand that longstanding opposition.

Very few Members of the Congress have been speaking out against General Noriega as long as I have.

But what I would hate to see happen is that in opposition to him we actually give him the ability to say that somehow we are out there attacking him not because of his misdeeds, which are legion, but rather because we are trying to overturn the treaty that we have entered into with Panama.

I hope that the Senator from Indiana and other Senators would ask themselves whether this sense-of-the-Senate resolution, which strikes at the totally improper activity of General Noriega, might in effect actually play into his hands especially coming just 2 or 3 days before the OAS is going to meet on the same subject.

That is the only issue I raise. I think once the same people from our Government who had supported General Noriega, the same people who had praised him finally found what I and others had been saying about him was so, they kind of went the other way in trying to get him out and still have not gotten him out. We have to be very careful what steps we take.

I am told that the administration opposes this amendment and I suspect the reason they oppose it is that they want to make sure they speak with one voice and go very carefully step by step in trying to rid our hemisphere of General Noriega, something on which we all agree.

I only raise this point, Mr. President, because I am concerned that should this be passed, even though it speaks the same feelings that all 100 Members of the Senate have in opposition to General Noriega, it may very well give him one more arrow in his quiver saying it is a plot against him.

That is the point I make, Mr. President. I would be glad to hear anybody's response on that.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Connecticut [Mr. DODD].

Mr. DODD. Mr. President, I wonder if I might engage my colleague from Indiana in a couple of questions because I am unclear as to what the present fact situation is.

As I read the resolution, it would appear to me that what we are talking about is the anticipated appointment for Janaury 1, 1990, under the treaties. But one might also read this in suggesting that there is a vacancy presently in which case this would be an immediate appointment rather than in anticipation of the change from United States leadership of the Commission, Panamanian leadership, and I wonder if my colleague might clarify for me to which of those two fact situations this reoslution is pointed.

Mr. COATS. Mr. President, in response to the Senator, I stated that what we are doing here is anticipating the change that is required by the treaty that must take place by January 1, 1990. This sense-of-the-Senate resolution simply says that in anticipation of that change, and the name could be submitted to the President tomorrow, if General Noriega so is inclined, for transfer of the administration of the canal to begin on January 1, 1990. It is anticipation of that submittal that we are attempting to send a signal saying that the person submitted which will be Panamanian ought to be submitted by a democratically elected government in accordance with the Panamanian constitution.

Mr. DODD. I would be glad to give my colleague the merit. I was unclear. I was under the impression there might be something else required and not require filling of the position.

Mr. COATS. No.

Mr. DODD. Let me further ask. As I understand it under the treaties the name of the Panamanian would be submitted by the Panamanian Government to the President of our country. The President in turn would then place that name at his discretion. They can reject that name at the executive branch level. But if he decided to accept it, then he would forward that name along to this body, and we in turn would then have to confirm in effect that nomination. Is not that the fact situation as it would play out assuming everything else was normal?

Mr. COATS. That is correct. We are not now dealing with a name before the President to be submitted to the Senate.

Mr. DODD. So the assumption would be then that President Bush would have to agree with the choice made by the Panamanian Governor before he would even send that name to us?

Mr. COATS. In response to the Senator, let me state that while that is correct, and while we can make some assumptions as to the President's agreement or disagreement with the name submitted, what I think this body would find palatable is that the name submitted to the President or subsequent name, should the President not accept the first, be not submitted by General Noriega, someone who does not have the support of the Panamanian people, clearly not the elected leader of the Panamanian people, and perhaps would raise very serious questions about other aspects of the treaty.

Mr. DODD. I thank my colleague for that response. That clarifies it in terms of what this is. So we are dealing with an anticipatory situation that would arise on January 1, 1990, wherein under the treaties, as ratified, the Panamanians would assume control of the Commission, now under General Paula, I believe, as the director, if you will, of the Panama Canal Commission with a Panamanian in the No. 2 position, Mr. Manfredo, who, by the way, is highly regarded by all who had anything to do with the Panama Canal over the last number of years. He is very highly thought of. In fact, an awkward situation might occur where his name was forwarded even without any change. We would have to agree that he would be a first-rate Commissioner. In fact, many would hope that might be the case. At any rate, the President would then have to take that nomination, our President, accept or reject it, and then send it to us.

My colleague, having raised this, brings up some very good points on which all of us agree. Clearly none of us want to see General Noriega making the decision as to who will be next Commissioner of the Panama Canal Commission. There is no disagreement, debate, or dissent on that point at all. But I have far more confidence in President Bush's ability to make the sound judgment when and if that situation emerges that General Noriega is sending us a nomination. I think it is probably unwise for us at this particular juncture during a delicate period to complicate that decision.

I wonder if at some point here my colleague might consider, having raised the legitimate points about the problems that this particular fact situation could create in this body, or for the President or the people in the hemisphere, withdrawing the amendment, having made the points and raised the concerns which I know he feels very strongly about as my colleague from Florida does, Senator MACK, who addressed this issue on a number of occasions. I think most of us here talked about this particular problem we face. But I think we all agree as well at this juncture, at least most of us do, that President Bush has handled this situation pretty well. The fact that he convinced the Organization of American States to endorse a resolution, support a resolution, which names General Noriega specifically and calls for change I think is a profound and significant foreign policy achievement in this hemisphere. The reason he was able to achieve that is because he avoided raising the Panama Canal Treaties prematurely.

Had President Bush insisted that element be included at the Organization of American States meeting, then we would not have achieved maybe one or two votes in our efforts to isolate General Noriega. That had been the case up until recently. We were isolated. General Noriega had the support in the region. President Bush, to his credit, has entirely reversed that situation. Now General Noriega, the Cubans, and the Nicaraguans, and the rest of the Americans are on the other side.

It seems to me we do not want to lose that dynamic. That is a very important dynamic for our country in this hemisphere, and my concern would be that we are giving General Noriega a tool here that he has desperately sought over the last several months, has been unable to achieve, and that is the high ground—that all the United States is really interested in is to abrogate the treaties. None of us here agree with that. It has been stated over and over and over again. The President could not have been more clear on that particular point.

My concern would be that the adoption of this sense-of-the-Senate resolution would give General Noriega exactly what he has been looking for, exactly the message that he has been trying to make throughout this hemisphere without any success whatsoever. We have won the day.

This is going to be a protracted contest, I suspect. It is one that is not going to be resolved over the next day or week necessarily. Hopefully I am wrong on that. My feeling is it is going to take a little time. So rather than confront a situation which I believe we may have to face in a matter of 8, 10, or 12 months, it seems to me we ought to give the President, we ought to give the Secretary of State, and we ought to give the State Department and others the opportunity to continue to press on the course that they are following.

One of the reasons they have been successful is because we have avoided statements or resolutions which was suggesting some way that we are going to abrogate part of those treaties. I urge, if the Senator can see his way through, because they have raised some very good points here, to withdraw this amendment, having made the points, and give the President an opportunity to work on this issue with the Congress. I think we have done this pretty successfully. Then if things do not work out, we will come back to this, or something stronger than this, in the next 8 or 10 or 12 months.

I happen to believe there is no way in the world, under the present situation, that President George Bush is going to send to this Congress the name of a Panamanian sent to him by General Noriega. That is just not going to happen. I trust George Bush not to do that. I do not think this resolution in that sense is necessary, if you have confidence that the President would not in a sense do what the resolution is asking him to do anyway. I urge withdrawal of the amendment, and hopefully we can continue the path we have been on.

Mr. President, I——

Mr. COATS. If the Senator will yield for a response.,

Mr. DODD. Yes.

Mr. COATS. I understand the Senator's concern, as well as the concern of the Senator from Vermont about strengthening Noriega's hand, but I think this does just the opposite. I am concerned that our silence condones the present situation, that our silence sends a signal to the Panamanian people, who have overwhelmingly elected a democratically elected government; and it in effect strengthens Noriega's hands, not to send a clear message, clear and definite message to General Noriega, to the Panamanian people that the United States Senate simply does not condone, nor will it in the future, an appointment of an administrator by General Noriega.

Now, whether or not President Bush accepts that first appointment, it seems to me that we can find ourselves at an impasse, as General Noriega submits name after name after name of his hand chosen administrator, which

the President finds unacceptable and perhaps does not send down to this body for consent. That would bring us to an impasse, at which point the American people would demand changes in the treaty for the United States to again reassert what many people think are its legitimate rights with the Panama Canal Treaty.

This amendment, you could argue, seeks to avoid that confrontation by giving the President a strengthened hand now and sending a message to General Noriega that if you do not take our silence as a consent that you may submit any name you want anytime you want.

Second, it sends a message to the Panamanian people that the United States Senate stands four square behind the democratic process because the sense-of-the-Senate resolution states that we want this new administrator appointed by a democratically elected government. It does not say that it cannot be appointed by Noriega. It says that we want it appointed by a democratically elected government.

I have had no indication that the administration opposes this, as has been suggested; to the contrary. I have spoken with members of the administration and have not received any information back that there is opposition to this. So I submit that we share the same concerns, that we not strengthen Noriega's hand, but that we do just the opposite of what has been suggested, and that we do send a signal that supports the Panamanian people, and their expressed resolve a few weeks ago to elect a democratically elected government, and that this in fact accomplishes——

Mr. DODD. I ask my colleague whether or not he has had the opportunity to talk to any of the leadership of the opposition to General Noriega in Panama about this amendment.

Mr. COATS. I have not discussed it with the opposition, although we have been in contact with a number of people who have been in contact with the opposition.

Mr. DODD. It is not true that the opposition has taken—I have not spoken with them either, I would say, but at least in the past their message to us has been, "Please, please, do not complicate the present situation by suggesting that you are about to abrogate the Panama Canal Treaties." That would mean the worst possible blow to those of us who oppose General Noriega, who would like to see him go; that is the worst possible thing you could do for us.

If you want to strengthen General Noriega, if you want to keep him in Panama, if you want to destroy the opposition, then you make it apparent that the United States' support for the opposition here is rooted in one issue only; that is, the abrogation of the treaties. This could be a lethal blow to democratic opposition in Panama. That is their conclusion, not mine. That is their conclusion. It seems to be on this day, as they are struggling for freedom in their country, we ought to listen to them. We ought to at least decide whether or not they have a right to determine what makes best sense for them.

They have said this hurts. They have said that this is a blow to us. Cannot we defer to them? Can we give them the opportunity to decide what is best?

If the administration—and I would be surprised if they endorsed this amendment. I think we ought to know the answer to that.

Mr. LEAHY. Will the Senator yield?

Mr. DODD. Yes.

Mr. LEAHY. I hope there is no confusion on where the administration stands on this. Apparently, the distinguished Senator from Indiana has been told that the administration supports his—if I understand correctly—resolution. I have been told by congressional relations at the State Department that I am authorized to say that the administration opposes the resolution.

So I hope somewhere they will get their act together. I do not question for one moment the Senator from Indiana, who says he has been told they support it. I should note, Mr. President, that within the last 20 minutes, we were told by congressional relations in the State Department that I am authorized to say that they oppose the resolution. So it is frustrating for me, and I am chairman of the Foreign Operations Subcommittee. But let me make a point here. The distinguished Senator from Indiana speaks about what things might or might not strengthen General Noriega.

Frankly, what has strengthened General Noriega the most was during the past 6 or 7 years when key figures of the administration coddled him, toadied up to him, held his hand, turned a blind eye to his drug dealings, his robbery of his own country, his stifling of democracy, and they did it because he would help them in the same way they hoped the ayatollahs in Iran would help them, in some shoddy dealing with the Congress.

Now, the fact is, time and time again, and I believe the distinguished Senator from Connecticut and others went to the administration saying, "You are wrong, you are wrong in protecting and mollycoddling this dictator," and time and time again I was told by everybody from our State Department to our intelligence agencies, "The man is fine. Look at the letters he has gotten from the drug enforcement agency praising him. Look at all these other commendations he has gotten from us publicly and privately, because he has been such a wonderful help to us. You know, Senator LEAHY, you are off base in suggesting General Noriega is anything but a valued friend and ally of the United States." That is what strengthened him.

I commend the new administration for finally facing up to what a lot of us have known for years, that he is a two-bit dictator who has been willing, for his own personal greed, to ignore the wishes of his own people, to bring economic hardship and devastation on his own country. Instead of being a patriot, he is somebody who is so self-centered for his own gain that he is willing to let the other citizens of his country suffer so he can gain by it.

Having said that, let us not, when we have an administration that is facing up to the real face of General Noriega, sidetrack their ability to do something with him. Let us at least give them some time to have the administration speak with one voice, have this country speak with one voice in its dealings with General Noriega. We have done a very careful step. I commend the President for stating very clearly that the election was stolen.

I would say to my friend from Indiana if there is something that would send a message to General Noriega, send a message to the hemisphere, send a message to the country, to the whole world, it was the United States' very strong statement that the elections were stolen, that the opposition won wholehandedly, and then in a steady course, as my friend from Connecticut will remember, the Catholic church in Panama concurred with our judgment on that, and then country after country after country joined in. It was a pretty amazing thing to finally find the United States having other countries agreeing with us in Central America, joining in and saying yes, the election was stolen; yes, the opposition to General Noriega had won, and then to go to the OAS—talk about sending a message—the Secretary of State and other key officials of the U.S. Government went to the OAS, spoke about what has happened, and then again with country after country after country supporting us in our opposition to General Noriega, that sent a clear and resounding message because we have gone step by provable step, by careful step, by worked-out-ahead-of-time step, and we have had the unity that we have not had in the past in dealing with Central American policy.

Mr. DODD. Mr. President, if my colleagues will yield, I appreciate his point, and then I will be glad to yield the floor because I know my colleague from Indiana has comments he wants to make.

Let me make one last point to my colleagues here as well as on this issue.

As we all know, the OAS in addition to supporting the resolution that the United States put forward in over-

whelming numbers, the Secretary-General of the Organization of American States sent a delegation, a three-member commission down to Panama to talk with the various elements in that country to determine what steps ought to be taken next. That commission is due to report back to the OAS in a matter of days.

It is highly likely that our Secretary of State and our President are going to ask the Organization of American States to take additional steps in light of that commission report.

If this body supports a resolution which complicates the administration's position and makes it difficult for them to seek additional measures against the Noriega regime by the OAS, then what we do today will be self-defeating.

So I urge my colleague and again make a plea to my good friend from Indiana to withdraw this amendment. The vote on this amendment, if he prevails, could cause the Bush administration to suffer a significant foreign policy defeat at the next meeting of the Organization of American States.

Having won a great victory only a few weeks ago, this kind of move could cause a reversal of that decision, and that is not engaging in hyperbole or exaggeration. That is exactly what the effect of this resolution as harmless as it appears could be, and then that would be the case.

So, Mr. President, I make that personal plea to our colleague from Indiana. If that is not the case, then I would hope that at a proper moment a motion will be made to table this amendment.

Again I urge my colleagues to consider the position of the opposition in Panama and how they feel about this kind of language. In fact the administration, as my colleague from Vermont has indicated, does not support this. I presume if you talk to the southern command people, the military people in Panama, our military people, and ask them what they would think about this, you would receive a similar response. This is an unwise foreign policy move at this particular juncture.

So, Mr. President, I urge the rejection of this amendment or preferably the withdrawal of the amendment.

Mr. COATS. Mr. President, will the Senator yield for just a clarification on a couple of points?

Mr. DODD. I am glad to yield.

Mr. COATS. I wish to make clear what I said earlier and perhaps I was not as clear as I should have been.

I did not indicate that the administration either supported or opposed this. I simply indicated that I had submitted the language to the administration several weeks ago and not heard any objection. I am not sure that they have a position on this particular issue before us now. There has been no indication to me of opposition, and I have submitted it to them for their review.

Second, I wish to make a point. The point was made earlier that we want to be careful not to abrogate the treaty. This is not designed to obrogate the treaty. It does nothing to indicate that whatsoever. It does not affect the treaty.

It simply sends a strong, clear message of support for the democratic process in Panama. I think it strengthens the President's hand. I do not think it gives Noriega an excuse to consolidate his power. I think it does just the opposite.

Obviously, we disagree on that, but I wanted to make clear those two points because we had discussed those earlier in the discussion.

Mr. President, I am ready to move this to a vote.

The PRESIDING OFFICER. The Senator from Connecticut still has the floor.

Mr. DODD. Mr. President, the point has been made. It is my understanding our colleague from Indiana has reached the decision not to withdraw the amendment and would like to move forward with it and have a vote.

Mr. COATS. I do not intend to withdraw the amendment. I think it makes an important point and one on which hopefully we can agree.

Mr. DODD. Mr. President, I do not know if others would care to be heard on this amendment at all or not.

I am looking at our floor manager here, the distinguished President pro tempore.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, while there is some discussion going on, I would just wish to reiterate one more time——

The PRESIDING OFFICER. Does the Senator from Connecticut wish to continue speaking on this?

Mr. LEAHY. Mr. President, will the Senator from Connecticut yield to me?

The PRESIDING OFFICER. Does the Senator from Connecticut yield the floor?

Mr. DODD. I am glad to yield to my colleague from Vermont.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, again just to reiterate the point for those who have been over at the rotunda out of respect for our distinguished former colleague, Senator Pepper, I would note that nobody, I might say, nobody in this body has spoken out against General Noriega earlier, longer, more vocally than I have.

Again, when many, many people who now suddenly oppose him were strongly supporting General Noriega, both in the Congress and in our Government, I was speaking against General Noriega and what he was doing in Panama.

I was also speaking out against the fact that our Government was helping to create General Noriega by turning a blind eye to his activity in return for what some in the Government thought was help from him and which many of us thought was simply steps taken to seriously damage our own foreign policy.

Be that as it may, the pendulum comes around and now I find that both Republicans and Democrats agree with the position I have had for years that General Noriega should go. I think we all agree on that now. Unlike the fact when there was a divided attitude in this city, I think everybody in the administration, everybody in the Congress, wants him out, and I applaud that.

But in doing it we have found that some of the steps taken during the past year have not worked and not done a single thing. We also found that when we had missteps he has been able to use that to ratchet up nationalistic feelings on his side: The United States is going to take over the canal. The United States is coming in with gunboat diplomacy, et cetera, et cetera, et cetera. And he has been able to use that.

I think concerning the fact that the Bush administration has taken some very, very careful calculated steps, step by step in trying to get unified support to get rid of General Noriega, this is one of those instances where we should not step into that.

We are going to have plenty of bills coming up. We have a foreign aid bill and a number of other things where if we disagree we will have to take it by the administration. Any Senator, Republican or Democrat, could propose resolutions, amendments or anything else, suggesting a different policy.

In the meantime I think, especially with the meeting on Tuesday of the OAS—I believe it is Tuesday—we ought to stand behind the steps taken by the administration and not try to second guess them.

I think my distinguished friend from Connecticut, the senior Senator from Connecticut, who knows many of the people in the opposition as I do, knows how difficult and delicate a situation it has been for the opposition to General Noriega in Panama and that they have wanted to see careful, step-by-step measures taken here and things that do not, no matter how well intentioned, inadvertently undercut them.

So I make that point, Mr. President. Nobody here wants General Noriega to stay but, unfortunately, a lot of his foundation was put in by those who were unwilling to speak out against him in the last 2 or 3 years and now, in an attempt probably to get right with our conscience, everybody now wants to speak out against him and we may do it in such a way that just inadvert-

ently emboldens him and increases his level of support in Panama. At a time when that level of support is fast diminishing, we should do nothing that might reverse that trend and increase it.

Mr. DODD. Mr. President, we are in the process of trying to determine—we have just finished speaking to the State Department and told of the opposition to the amendment now. Our colleague from New Hampshire is also inquiring, because, apparently, there is some confusion.

I think before we vote on the amendment we ought to know where the administration stands. If they are saying to those of us on this side of the aisle, "We oppose this amendment," and they are saying to our colleagues on that side of the aisle, "We are in support of your amendment," then, obviously, there is a little confusion here and I think we ought to know the answer.

So I am prepared to move that we lay this aside until we get an answer. But I want to know where George Bush and the administration stand on this amendment. If they are for this amendment, then everything they have done for the past 1½ months was nothing more than just local domestic politics. And we ought to know that.

My view is the adoption of this amendment guarantees, you will just guarantee, mark my words, you will guarantee in perpetuity Gen. Manuel Noriega in Panama. That is what this amendment does.

But we ought to know where the administration stands. So my hope would be that we would get a clear signal, either they are for or against. If they are for it, then they have to bear the responsibility for what this foreign policy initiative will create.

Mr. LEAHY. Will the Senator yield on that point?

Mr. DODD. I am happy to yield.

Mr. LEAHY. Mr. President, as I mentioned earlier, I am chairman of the Foreign Operations Subcommittee.

At the request of our distinguished chairman, Senator BYRD, earlier this year, I expedited a hearing on the Contra aid package. The distinguished chairman knows I have always, consistently, in committee and on the floor, sometimes with great reluctance because of my respect for the chairman, I have always voted against anything for Contra aid.

On this one, because of the clear statements made by both the Democratic and Republican leadership of this body and of the other body and of the administration, and because of my strong respect for our chairman, I not only expedited that but voted for it. The distinguished chairman arranged to get that on the floor, I believe, the next day, I say to my friend from West Virginia, and we passed it.

I voted for it. The first time I ever cast a vote for that. I did it for a couple of reasons. First, I took the assurances at face value of everybody involved with that, from the administration straight through, of course, to my colleagues here in the Senate. I would anyway because I know and respect them so well. I cast my first vote of that nature.

I also did it for a second reason. As chairman of this committee, I know it was going to be important to try to form any kind of bipartisan consensus to work carefully with the administration in those areas in which we agree and try to get bipartisan support.

But, Mr. President, I hope that those who monitor these things for the administration are listening. If we run into a situation where the administration tells some Senators that they are for an issue and tells other Senators they are opposed to it, it will be a cold day in hell before they will find me being willing to give them the benefit of the doubt on matters that come before the Foreign Operations Subcommittee. And it will be a very, very cold day—and, believe me, I come from a State where we know what cold days are like—it will be a very, very cold day when they find me going that extra mile to help them.

So I hope the administration is listening carefully, because if we are getting different signals, if they are giving different signals where they tell me and the distinguished senior Senator from Connecticut one thing and the distinguished Senator from Indiana and the distinguished Senator from New Hampshire a different thing, then we have a real problem.

And I believe that the Senator from Indiana would probably feel the same way. He does not want to be in a position where he gets told there is support for his amendment to him, and then we are told there is opposition to the amendment on this side. But I just would hope——

Mr. COATS addressed the Chair.

Mr. LEAHY. If I could just finish this one thing, I will gladly yield to the Senator.

I should emphasize, Mr. President, I do not in any way suggest the distinguished Senator from Indiana is telling us anything different than what he heard. I know if he says that, I accept absolutely, unequivocally that this is what he was told.

What I am concerned with, though, is that he gets told one thing and I get told another. But I want the administration to understand this. If this is the case, they have broken their pick. They have indeed broken their pick, not so much on this issue, because there are going to be a whole lot of issues where they are going to have to go before this subcommittee.

They should know one thing about Vermonters. We put a great deal of value on the word of people. We always take people's word unless we are given a reason otherwise. If we are given a reason otherwise, Vermonters tend to be very, very stubborn people.

I yield the floor.

Mr. COATS addressed the Chair.

The PRESIDING OFFICER. The Senator from Connecticut still has the floor. I remind Senators that it is proper to yield time for a question. We have been yielding for lengthy speeches.

Mr. DODD. Mr. President, I am glad to yield to my colleague from Indiana.

Mr. COATS. I thank my colleague. I want to repeat now for the third time that I never indicated that the administration has supported this sense-of-the-Senate resolution. What I said was I have had no indication of lack of support for the resolution.

I have submitted the language through staff to various administration people and have not received back any indication that they were opposed. I do not allege on the floor of the Senate that I have word that the administration supports this.

I do not want the record to indicate, as has been suggested, that the administration has given conflicting messages. I do not know if they are in support or opposed. I assume that they were in support of the basis of the fact that I did not hear any reaction back from any official as to opposition to this.

But the situation before us is one in which, I believe, the administration ought to support. I have no indication they do not support it. I think it strengthens their hand. It strengthens the hand of the OAS. It strengthens the democratic forces that are at work in Panama. And it weakens General Noriega's position because it is one more signal that the United States stands in solidarity with the democratic process in Panama and the people of Panama in indicating that it simply is not acceptable to us to have Noriega continue his leadership of those people, which is illegitimate, and to continue that by appointing a new administrator of the Panama Canal would surely be unacceptable to the President and to the Senate.

This is a sense-of-the-Senate resolution to provide a strengthening hand to the President, to the OAS, and anyone else who wants to send a message to Noriega that his continued reign of terror and illegitimacy in Panama is not acceptable to the American people.

I thank my colleague for yielding.

Mr. DODD. If I might just inquire. We talked to a fellow by the name of David Sciacchiatano at the Department of State. His response, speaking, he said, on behalf of the Section on Inter-American Affairs, was: "We are flatly opposed to the amendment."

I do not know who David Sciacchiatano is. I never met the man. But it seems to me, on a matter of this seriousness and this importance, we ought to have word whether or not the administration is supportive. That is the word I have.

I hope that my colleague from Indiana and others, before pursuing this, might make a call. It would take 2 minutes to make a call down to the White House to say, do we support this or oppose this? I think a matter of this kind ought to, where foreign policy matters are involved, we ought to know exactly where the White House stands on these issues because, obviously, we are either going to assist them in their view or harm their efforts.

I think, in fairness, we ought to have some sense of how they feel about this amendment. So I would request that before we come to a vote on this that the author of the amendment, our colleague from Indiana, make that call, if he could, and report to his colleagues as to whether or not the administration takes one of three views—I guess they could—we support, we oppose, or we have no opinion.

If that is the case, at least we know that as we consider the matter. But I would feel a lot better, knowing the amount of work that has gone into this issue, and knowing there are some that oppose in the administration—but before we adopt this amendment or deal with it here on the floor, I think in fairness we ought to at least have their view.

I would urge that, Mr. President, and ask my colleague from Indiana whether or not he would be willing to withdraw or set aside the amendment for 5 or 10 or 15 minutes, whatever time it takes? I certainly have nothing more to add to this. If he would just come back and report the outcome of that conversation, the administration supports, opposes, or takes no position, and then we would vote. I would feel better if I could find out where the administration stood on this. I make that suggestion to my colleague. It is a motion he ought to make.

Mr. COATS. Well, let me ask the Senator this question. If the administration comes back with an indication that they either take no position or support, can we count on the support of the Senator from Connecticut?

Mr. DODD. No. I think it is a bad idea, the Senator's amendment. I will state the reasons why.

This will be General Noriega's best day in 3 months if this amendment is adopted. That is my view. I have stated my views on these amendments in the past. But I would like to know whether or not the administration is saying different things here. Maybe they have changed their tune? I would just like to know that as we debate and vote on it.

Mr. COATS. Mr. President, if the Senator will yield again, if it does not make any difference to the Senator in terms of his position I do not see why it is necessary to wait.

Mr. DODD. Let me ask my colleague this. If this administration opposed the amendment, would my friend from Indiana then vote against his own amendment?

Mr. COATS. I plan to support the resolution that is offered because I think it is the piece of information that the President of the United States needs, that strengthens and shows where the sense of the Senate is on this question.

Mr. DODD. I respect that. If he has the same view I do—but we ought to know, in our view. We ought to know. Even though he would still support his amendment, even if the administration opposed it—I would certainly oppose the resolution even if the administration supported it—I think we both owe an obligation to our colleagues to let this body know what the administration's view is on an important foreign policy matter. That, it seems to me, is a simple request on something this important. Does Jim Baker support this amendment? Does George Bush? Yes or no.

If that is not, on a foreign policy matter this important, a simple request for 5 minutes to make a phone call to find out?

Mr. RUDMAN. Would the Senator yield?

Mr. DODD. I will be glad to yield.

Mr. RUDMAN. May I take a moment here acting in behalf of Senator HATFIELD, who is, of course, the manager? I just want to set the record straight because I think everyone has stated the facts very accurately as they understand them.

We have checked with the gentleman just named by my friend from Connecticut, and that is the view he expressed. I can further represent to you that we have checked with the top ranking people in the Department at this time who are in this country and that does not necessarily represent the official opinion of the Department. That is very plain.

The Secretary of State is obviously in Europe. The President is in Europe. This gentleman gave his view. It may be eventually the opinion of the Department, but I can say without any fear of rebuttal from the Department that as of this moment they are not willing to have that represented as their view.

Now, as far as making a phone call, it is not going to work. We have tried that. The people who are in a position to give the judgment that the Senator from Connecticut would like to get are not available to give that judgment in the next 5 or 10 minutes. The President obviously has other things on his mind this morning other than this amendment. He is either in London or en route home. That goes for the Secretary of State and all the national security people.

Let us just keep the record straight that what the Senator from Connecticut just represented on the floor as an opinion from someone in the State Department was exactly that and the Senator represented it very accurately. That is precisely what he said.

Mr. DODD. He said: I am speaking for the State Department.

Mr. RUDMAN. Well, that gentleman probably is going to find himself having a little lecture in the next day or two. I am sure he said that. I can represent to you that people who are superior to him in the Department have just advised us that that is not the official opinion of the State Department as of this time. I am not involved in this fight. I am just trying to get information for you.

Mr. DODD. May I ask my colleague who they are?

Mr. RUDMAN. Certainly, I will get the name of the gentleman who, at the Department, staff has just been talking to, and I will give that to the Senator momentarily.

Mr. BYRD. Will the Senator yield to me?

Mr. DODD. I will be glad to yield.

Mr. BYRD. I wonder if the Senators would be willing to set this amendment aside temporarily, until this thorny question can be resolved as to where the administration stands on the matter. That will undoubtedly affect some votes in this Chamber. So, if we can do that, the Senate could at least be moving forward. I understand Mr. HELMS has an amendment. If we could set this amendment aside, call up Mr. HELMS' amendment? I thank the Senator from Connecticut.

The PRESIDING OFFICER. The Senator from Connecticut still has the floor.

Mr. LEAHY. Would the Senator from Connecticut yield to me for just 1 minute to add—will the Senator from New Hampshire yield for a question?

Mr. HELMS. Will the Senator yield for a question? I have been waiting for a long time to have a word on this.

Mr. LEAHY. I would ask the distinguished Senator from Connecticut this question. Is it also his understanding in his conversations with me that I was told specifically this morning that, coming from the Assistant Secretary, Mr. Kozak—Acting Assistant Secretary—that it was the administration's position that they opposed this amendment or sense-of-the-Senate resolution?

Mr. DODD. In response to my colleague from Vermont, I would say his characterization is correct. The acting Assistant Secretary of State for Inter-American Affairs, Mr. Kozak, and the

designee, Mr. Aronson—and those are the highest ranking people within that section of the State Department—have declared that they are in opposition to this.

I realize the Secretary of State is not available and the President is not available. But in the absence of those two individuals, the natural place one goes to inquire as to the position on an amendment is the Assistant Secretary. They are the Acting Assistant Secretary and the Assistant Secretary designee who have said: We are flatly opposed to this resolution.

As I say, we are getting and sending different signals. I think the suggestion of the chairman of the Appropriations Committee, the President pro tempore of the Senate, is a worthwhile one and I certainly would prefer we do it that way. It seems to me it makes more sense for us to move along those lines to get a clarification if there is some confusion, which there certainly is.

Mr. COATS. Will the Senator yield?

Mr. DODD. I will be glad to yield.

Mr. COATS. It appears as if my colleague has a pretty good indication of what the administration position is, at least in accordance with those you have talked to.

The PRESIDING OFFICER. The Chair reminds the Senator permission here is to yield for a question, not for continued debate.

Mr. COATS. My question is this: Is this not a sense-of-the-Senate resolution which perhaps expresses simply the Senate's position on this issue, not necessarily the administration's? Is it necessary to ring up the President of the United States in London, or Secretary Baker in Europe, on something that is as inconsequential as a sense-of-the-Senate resolution in terms of its effect on the treaty or U.S. statute?

I do not know that it is a matter of such importance that we need their assurance of support or opposition to go ahead with the vote. If the Senator feels he has some indication back from the State Department and we have had different indication here, I think we have enough information on which to base a judgment to go ahead with the vote.

Mr. DODD. Let me go a step further. We are getting bulletins here as we speak. Peter Madigan, who is the Deputy to Janet Mullins who is the Assistant Secretary for Congressional Affairs at the Department of State, informs us that they are speaking for the Secretary of State. I have been in touch. This resolution would be a disaster. That is the administration's view. That is the word we are getting here in the last couple of minutes.

Mr. SIMON. Will the Senator yield?

Mr. DODD. I will be glad to yield.

Mr. RUDMAN. Will the Senator yield. Just for an answer to his question? I inform the Senator from Connecticut that I am just handling information here; just handling information.

Mr. DODD. That is all I am doing.

Mr. RUDMAN. I am just a courier. So we understand, we have finally got this straightened out.

The Senator from Connecticut made a statement a few moments ago quoting Michael Kozak, of the State Department. Is that correct?

Mr. LEAHY. I did.

Mr. RUDMAN. The Senator from Vermont. The State Department informed us that Mr. Kozak's statement is correct and evidently represents the position of the Department.

Mr. DODD. I yield to my colleague from Illinois.

Mr. SIMON. There are two questions. One is: Does the administration oppose or support this amendment? There is an even more fundamental question—and I ask my colleague from Connecticut this—and that is: Does this amendment help or hurt Noriega?

I ask my colleague, which I think we may think this is a trifling amendment that we are going to make a few votes on in Indiana, Illinois or Connecticut, but this has an impact in Panama, I ask my colleague who chairs the subcommittee what would be the impact of this in Panama?

Mr. DODD. Let me put it in terms people might understand. If General Noriega were Br'er Rabbit and this amendment is a briar patch, he is going to love to be thrown into it. This is the moment he has been waiting for. If you want to help General Noriega, if you want to fracture the opposition inside Panama, then this is the amendment to support.

Those who support this amendment will do more to help General Noriega than any other single thing that has occurred in the last several months in Panama. That is the effect of this amendment. Casting a vote for this helps General Noriega immeasurably.

That is not the conclusion of this Senator alone. It is the conclusion of the opposition, the Catholic Church, our military people, the State Department, the President of the United States, anyone who has focused attention on this. This amendment helps him. If you want to help General Noriega, vote for this amendment and then remember what we have done.

Mr. SIMON. I would just say my own impression is precisely that. I commend my colleague from Connecticut for standing out.

Mr. LEAHY. Will the Senator from Connecticut yield?

Mr. DODD. I will be glad to yield.

Mr. LEAHY. I want to say as the person who started this whole issue of opposition here, one, I want to thank the Senator from Connecticut in joining in on this but I also——

The PRESIDING OFFICER. The Chair must remind again permission to be granted to yield is for questions, not for continued debate.

Mr. LEAHY. The Senator from Connecticut yielded the floor to me.

Mr. DODD. I cannot yield the floor. I do not have that power. I yield for a question and then I am going to yield to my colleague from North Carolina who has been patiently sitting over there.

Mr. LEAHY. Then, Mr. President, I would state as a question: Does the Senator from New Hampshire understand how much I appreciate the fact he has come here and stated on behalf of the administration that the earlier statement I made about an hour ago that they had told me they opposed it and wanted me to come out here and oppose this thing in my capacity as chairman was correct and I only ask, Mr. President, do they understand how much I appreciate my two good friends?

Mr. RUDMAN. Will the Sentor allow me to answer the question of the Senator from Vermont? I simply answer by saying yes, I do, and this is probably the last time I will manage this bill temporarily.

Mr. DODD. I thank my colleague from Vermont for his kind remarks. I do appreciate his comments. I know the Senator from Indiana asked me to yield for 1 minute. Then I yield the floor.

Mr. COATS. Mr. President, I had indicated to the Senator from Connecticut that I believe I will have in my hands very shortly the official State Department position on this issue so that we can announce it to the Senators and put to rest the matter of the opposition and get on with the vote on the issue, but we are verifying the latest message that we have from the State Department so we make absolutely sure we do not portray it in a way they do not want it portrayed. I want to indicate that. I do not have it exactly in my hand.

Mr. DODD. I am confident our colleague from North Carolina will yield to the Senator from Indiana for that purpose before we get to the vote. Let me yield the floor to my colleague.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. HELMS. I thank the Chair. Mr. President, I do not intend to speak more than 5 minutes, and I would appreciate the Chair's indicating when 5 minutes have elapsed.

I do not understand the rhetoric I've heard for the past hour—yet I do understand it because I harken back to a decade ago when all sorts of flat guarantees and assurances were made in connection with the horrendous mistake in giving away our Panama Canal.

Over and over we heard the same sort of reasoning—if we will just give away the canal there will be peace and

harmony in abundance in Central America, and everybody will love us. Well, what is the situation? Who loves us?

There were some of us a decade ago who were warning about a man named Torrejos a decade ago—and a man named Noriega who was at his side. But we were pushed aside by the major liberal newspaper media of this country and by politicians who were determined to give away the Panama Canal.

I remember the morning that I went down to the White House to meet with President Carter. I was representing three other Senators: The late Senator McClellan of Arkansas, the late Jim Allen of Alabama, Senator Harry F. Byrd, Jr., of Virginia, and myself.

The four of us had prepared and signed a letter to the President. It was, in fact, a cover letter to a statement by four former distinguished chairmen of the Joint Chiefs of Staff who pleaded with President Carter not to proceed with the giveaway of the Panama Canal.

I delivered that personally to the President and informed him that I was authorized by the other three Senators to assure the President, Mr. Carter, that if he would get off this kick of giving away the Panama Canal that the four of us would lead an effort in the Senate to provide for an enormous expansion and improvement project in Panama to enlarge the canal's locks so that larger ships could be accommodated. At that time, we had indications from many people in Panama that that is what they really wanted because that would provide jobs.

But, no, then came the debate on the treaties in this Chamber. There were pious pretenses, time and time again, that everything was going to be splendid; that we would buy friends in Central America. Well, I want to know where those friends are. What did we get? We got Noriega.

So I am fascinated with the discussion here this morning. There has been a great pretense of concern about how the administration feels about Senator COATS' amendment. I must confess that I was not aware that certain Senators cared how the administration feels, because I have watched over the months and years as all sorts of inhibiting measures have been passed by this body, as well as the House of Representatives, to cripple the Central American policy of the then-President of the United States, which I presume is still the foreign policy of this President of the United States regarding the Communist government in Nicaragua.

I am amazed that anybody pretends to know what Mr. Noriega is going to do, particularly when there are so many thousands of people in Panama ready to go in the streets and fight for freedom from Noriega.

No, Mr. President, the real mistake was made when we did not give more help to those brave people who took the risk and protested in the streets to object to Noriega. With a little bit more influence and encouragement and support from the United States, they will come out again and they will get rid of Mr. Noriega. But we must demonstrate that they will have our support, and the Coats amendment will give the Panamanian people that assurance.

I find myself wondering what Teddy Roosevelt would think were he to come back today and see how pusillanimous we are in the Congress of the United States about dealing with thugs like Noriega. There are some in this country who are afraid to confront Noriega, but I feel we ought to do whatever is necessary to get that thug out of office and off the backs of the people of Panama.

Mr. President, we should vote on this issue. As far as what somebody in the State Department—I am not sure Senator DODD did not call Joe's Pizza Parlor by mistake. There has been a great deal of confusion at the State Department in years past when various bureacrats have made unauthorized statements. I have had Secretaries of State tell me, "Jesse, I did not know they were taking that position." If I hear it from Jim Baker, I will believe it.

Regardless of that, the Senator from Indiana is correct, this is simply an expression of the Senate as to what we feel should be done.

Mr. President, I ask for the yeas and nays on the amendment.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. HELMS. I thank the Chair. I yield the floor.

The PRESIDING OFFICER (Mr. BRYAN). The Chair recognizes the Senator from Virginia.

Mr. WARNER. Mr. President, I wonder if I might interject in this debate to inquire of the managers of the bill, is it an appropriate time that would accommodate the managers when myself and the distinguished Senators REID and LIEBERMAN might bring to the attention of the managers and the Senate as a whole our intention to offer at some point today an amendment relating to a chemical or substance known as Alar?

This particular substance has been used on apples and other food products for some time and now there is a growing but not conclusive body of evidence that it would be harmful to the health of the consumer, particularly young children.

Now, as I speak, the Environmental Protection Agency and representatives of the manufacturer of this substance are negotiating. The industry, which has taken a tremendous financial loss as a consequence of recent publicity, publicity which in my judgment has not fairly portrayed the problem, is anxious for the manufacturer to take the initiative to withdraw this product from the market and thereby obviate the necessity for the Congress, hopefully pursuant to this bill, to step in and circumvent the regulatory process.

This Senator does not like, nor have I in the 11 years I have been privileged to serve in this body tried, to circumvent the regulatory process. But in hearings held by the distinguished Senator from Connecticut and the distinguished Senator from Nevada, on which I am privileged to serve, the Environment and Public Works Committee has received testimony to the effect that somebody has to act and act promptly.

The problem is there are deficiencies in the judgment of the EPA and Members of this body in the act which governs, namely FIFRA. At some point in time I anticipate the Committee on Environment and Public Works will recommend to the Senate certain corrective action. Senator REID will address that point at some time. We are anxious to discuss this amendment today. Hopefully there will be concluded an agreement by EPA and the manufacturer which will obviate the necessity to bring up this amendment.

Mr. COCHRAN. Mr. President, we hoped that we could go on and get a vote or dispose of the amendment of the Senator from Indiana and then later on, although there is no order for amendments, the Senator would have an opportunity to bring that to the attention of the Senate. But I would hope at this point we could proceed to dispose of the amendment of the distinguished Senator from Indiana.

Mr. WARNER. Mr. President, if I might say, I have observed this debate for some period and I heard the distinguished leader from West Virginia indicate that perhaps he wished to set it aside until there was some conclusive, more conclusive representation about the administration's position. So I just merely asked the Chair to allow me to address the managers. My colleagues associated with me on this piece of legislation, namely Messrs. REID and LIEBERMAN, CHAFEE and RIEGLE, are quite anxious to cooperate. So if we could receive some direction, we are prepared to follow it.

Mr. BYRD. Mr. President, I thank the distinguished Senator for his consideration. It is characteristic of him. It is my understanding now that Mr. COATS may have a response from the administration. And if he does, perhaps we could dispose of this amend-

ment one way or the other without further debate.

Mr. COATS addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Indiana.

Mr. COATS. Mr. President, we now do have the response from the administration. It is being typed at this very moment. I expect to have it in my hands within a minute or two.

In the meantime, let me just simply recap for Senators where we are. I want to repeat that this is a sense-of-the-Senate resolution before us, which expresses how we as Senators, this body, feel about this particular issue, not necessarily the administration. It is our position on the issue, and in our role of advise and consent I think it is important that we let the administration know what the consent of the Senate would be on such an issue which certainly will be coming before us in the next few months.

Second, I wish to point out that we in no way by this action abrogate the Panama Canal Treaty, nor do we change the statute. I have introduced legislation which would do that. That has been referred to committee. It may or may not be heard in committee, it may or may not come before this body.

This is simply, as the distinguished minority leader said, a yellow caution light to the present regime, unelected regime in Panama, that the U.S. Senate expresses its sense that it will not advise and consent to the appointment by the current unelected government of a new Panama Canal administrator.

Obviously, we have disagreement on this floor as to what the impact on General Noriega would be. The Senator from Vermont and the Senator from Connecticut seem to think that this would strengthen General Noriega's hand. That is their view and they have expressed it eloquently and articulately. On the other hand, I feel just the opposite, and a number of others in this body agree with me, that it is important we send a strengthening signal from the American people, expressed through their representatives in this body to the President of the United States, to the members of the Organization of American States, to the Panamanian people, and most importantly to General Noriega that the Senate will not grant consent to the appointment, by General Noriega or any other undemocratically elected government, of someone who will operate and administer the Panama Canal. I think it is clear that when the Senate ratified the treaty in the late seventies, it was with the full understanding that there would be a cooperative effort engaged in between constitutionally elected governments in the United States and Panama. That situation has clearly changed. That situation now is one that I believe is intolerable to the American people. It is important for the Senate to express its sense that we will not accept a Noriega-appointed administrator of the Panama Canal. That is the purpose for this sense-of-the-Senate resolution, and I think it is important that we send that message.

We still understand that the official position, the latest message from the State Department as to the position of the State Department on this particular issue is being prepared. My understanding is that the language is agreed on. It is in the hands of staff and only because they were convinced that I could not read their handwriting are we waiting for it to be put into more legible form.

Mr. President, while the administration's position is important on this issue, it appears to be one that is evolving.

We made attempts to submit the language. Perhaps we should have made more direct attempts to put it in their hands. On the other hand, this Senator did not believe that a mere sense-of-the-Senate resolution would require the attention of the Secretary of State and the President of the United States.

If it in fact does that, then of course we want that to take place. But Senators need to know, and be aware that we are today not changing the treaty. We are not abrogating the treaty in any way. We are not changing the United States law. We are simply expressing what our consent and advice to the President would be if a new Panama Canal administrator is appointed by General Noriega, someone who is not acceptable to this administration, someone who is not acceptable to the American people and most important, someone who is not acceptable to the Panamanian people as expressed in their most vivid demonstration of a quest for a democratically elected government that took place just a few weeks ago, and was observed by Members of this body and other representatives of the President of the United States.

I would like to reread the exact language of this resolution so that there is no misunderstanding as to the import of what we are doing.

It is the sense of the Senate regarding the appointment of the new administrator of the Panama Canal Commission that the President should not appoint a new administrator of the Panama Canal Commission unless and until he, the President, certifies to Congress that the ruling Government of Panama is democratically elected according to the procedures specified in the constitution of Panama, providing for a civilian government in control of all Panamanian military and paramilitary forces.

We are attempting here to express that this body wishes to abide by the constitution of Panama which does in fact provide for a civilian government in control of military forces.

We are expressing that the ruling Government of Panama ought to be a duly elected, democratically elected government.

I now have just been handed the appropriate language. With this I trust that we can clarify the position of the administration and move to a vote on the matter. I will read this language provided by Mr. Kozak, acting assistant Secretary for Latin America.

The administration believes it unwise to send any signal now that would raise questions concerning U.S. compliance with its treaty obligations, but recognizes the right of the Senate—in a non-binding resolution such as the Coats resolution—to express its own views on U.S. policy in Panama.

That is a statement which I suggest we probably could have expected from the State Department that is expert in diplomatically negotiating proper language.

So I am not sure how other Senators read this language, but I think it is clear that the administration recognizes our right to express our views on what the policy should be in Panama. That is the constitutionally guaranteed right of this body.

Mr. DURENBERGER. Mr. President, will my colleague yield?

Mr. COATS. I am happy to yield for a question.

Mr. DURENBERGER. I have not been privy to all of the discussion that has taken place here on this amendment, but I rise simply because my distinguished colleague from Indiana was not able to be on the floor of the Senate here almost 2 years ago to this date in which a similar message found its way up here from the then Department of State with a similar vagueness to it, and while some of the people who have spoken today on both sides of this issue were trying to get a first ever resolution through this body in favor of democracy, not against Noriega, not against or for Panama Canal treaties, but in favor of democracy in Panama through the floor of this body, questions were being raised about was this the time, was this the place, was that the appropriateness coming from the Department of State.

I want my colleague from Indiana to know, No. 1, that as the lead sponsor of that 2-year-old resolution I will do whatever I can to persuade my colleagues that the resolution he puts before us may have value as a sense-of-the-Senate resolution at some time, but that I feel very, very strongly this is the inappropriate time to do it.

My question of my colleague from Indiana is if we all have the same concerns, which is democracy thwarted in Panama, does my colleague have some special reason to believe that this reso-

lution at this particular point in time is going to move the cause of democracy in Panama beyond where it is in its sort of frustrated state today?

Mr. COATS. Of course, I have no way of knowing exactly what the impact would be. But certainly the resolution if adopted would show solidarity to the Panamanian people in terms of their expression for democracy which was so vividly portrayed to us by television just a few weeks ago. They overwhelmingly took to the streets under the threat of coercion, intimidation, and perhaps even death to express that they had no tolerance for their current leadership and wanted a different ruling body governing their transactions. I think that this, while not perhaps intended to or even drafted to necessarily state the extent to which it stands behind the democratic forces of Panama, perhaps could send that message. I think it would be a very good message to send.

Mr. DURENBERGER. Will my colleague yield further?

I have learned from a relatively brief experience with this issue which probably goes back a few years—but it also includes a visit that I made to Panama in the beginning of February of this year when I met with Guillermo Endera, who has now been elected President, with Mr. Calderon and Mr. Ford, who were the other candidates—something that I thought I knew before I went, and that is Panamanians believe in Panama first. And, yes, they have a special affection for democracy because they have had some experience with it in the past. But they are Panamanians first. The issue that traditionally confuses a Panamanian democrat, with a small "d," about the United States' interest in Panamanian version of democracy is the Panama Canal.

So, without wanting to raise the whole issue of where you may or may not stand on the Panama Canal, if you want the people that voted for Endera and Calderon and Ford to believe that you are on their side regardless of how I may feel about the canal, then I would suggest that the U.S. Senate express itself differently on that issue from the way in which the Senator has suggested we express it.

Mr. COATS. If the Senator will yield, I will argue with the Senator that, or at least make the point with the Senator, obviously we can take two different points of view on this very issue. But I suggest this would strengthen the belief on the part of the Panamanian people that the United States wants to support a Panamanian-appointed, United States-confirmed administrator of the canal.

The United States confirmed the canal. We should go forward with that. This is part of the treaty. That issue has been decided. But to avoid an almost certain confrontation on this floor, that would reject a Panamanian-appointed administrator, I think it is important that we express our belief that we want that administrator, someone appointed by their elected leader who we can embrace as support of that.

I cannot imagine the American people accepting a situation where Noriega, who has been rejected by the world community, and particularly by the Panamanian people, is putting forward a new administrator and then asking the U.S. Senate to embrace that or the President of the United States to embrace that.

I see us reaching an impasse. I think the Senator from Connecticut is correct when he said the President would not send that name down here. Of course, he would not, because he knows we would not accept it. It would not be good judgment to do so.

We would be at an impasse, because no one Noriega suggested to administer the canal would be acceptable to the President or the U.S. Senate and, therefore, the message we would be sending to the Panamanian people is the opposite to what the Senator wants to send.

The United States will not accept it and may abrogate the treaty. There may be legislation on this floor, not just my own, but others, to tear that treaty apart. That, I agree, could damage our relations with our Latin neighbors. This is, as the distinguished minority leader said, a blinking caution, yellow light, saying we stand with the Panamanian people. We want to move forward with the treaty, and we want to support and give our advice and consent to the name nominated by your democratically elected leader, and absent that, you need to know that we stand with you against the current regime, which oppresses you by violence and by terror and by intimidation, and that we are standing shoulder to shoulder with you.

I cannot imagine that we would not want to send that message. I understand that different people come to different conclusions.

Mr. BYRD. Will the Senator yield for a question?

Mr. COATS. Yes.

Mr. BYRD. We have been on this amendment, including the amendment which the distinguished Senator first offered, 1 hour and 45 minutes. He offered his first amendment at 25 minutes until 12. We have had a great deal of debate on it. I hesitated to move to table, and I found the debate very interesting, but I think that the construction of time is fast running against us. The majority leader hopes to finish this bill today by 4:30.

In the first place this amendment has no business on this supplemental appropriation. In the second place, this is a dire emergency appropriation bill, and it has money in it for VA medical services. It has money in it for various other VA programs. I hope that we can vote on this amendment up or down now, so that we can get on with some of the other amendments. Is the Senator willing to end the debate now and vote?

Mr. COATS. Mr. President, I most certainly am. I want the Senators to know that I had earlier agreed to a proposed unanimous-consent request to limit debate on this amendment to 20 minutes, 10 minutes on each side, and it was the interest of other Senators in the Chamber to debate this at greater length. This Senator has been prepared to go to a vote on the issue 20 minutes previous to when he first proposed his amendment. I am certainly willing to do that now.

Mr. BYRD. Will the Senator yield?

Mr. COATS. I will be happy to.

Mr. BYRD. The distinguished Senator is correct. He was willing to enter into that amendment. I think he has been very considerate, and he is willing to vote now. I hope that the Senate will vote down the amendment, in all due respect to the distinguished Senator, who has been very fair and very considerate and very understanding. The administration has indicated that it thinks that the amendment would be unwise.

I hope that Members from both sides of the aisle will vote the amendment down. I am most interested in getting this bill to conference with as few amendments and as little excess baggage as possible, because we are going to have a difficult time in conference without these additional amendments there.

Mr. COATS addressed the Chair.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. COATS. Mr. President, I understand the yeas and nays have been ordered.

The PRESIDING OFFICER. That is correct.

Mr. COATS. This Senator is prepared to proceed to a vote.

Mr. LEVIN. Mr. President, Noriega must go. He is a corrupt gun-running, drug-dealing, money-laundering, unelected military strong man. His despicable regime has abused human rights of Panamanian citizens, and his heavy-handed corruption was laid bare to the whole world when, during the recent elections, he brutally suppressed the clear will of the Panamanian people.

Noriega must go. His continued presence is an affront to the sovereignty of Panama and government by free people. His continued military dictatorship is a threat to the security interests of the entire region.

Mr. President, Noriega must go. The question confronting us is how best to achieve this. It would be a mistake to do anything that could strengthen Noriega's hand. I have supported the

steps taken by our President, and now this administration has said this amendment would not be helpful. The President is right; this could play into Noriega's hands. We should do nothing in this situation that could strengthen Noriega or weaken the President.

Mr. President, Noriega must go. I have supported Senate resolutions denouncing Noriega's illegitimate regime, and I have supported the President in his efforts to forge a united policy to confront Noriega and his gang of thugs. This amendment is not the way to do that. I want Noriega out of Panama, not a stronger Noriega still in Panama.

The PRESIDING OFFICER. Is there further debate?

Mr. DODD. Mr. President, if not, I move to table the amendment and request the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Connecticut to lay on the table the amendment of the Senator from Indiana.

On this question the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Rhode Island [Mr. PELL], the Senator from Maryland [Mr. SARBANES], and the Senator from Iowa [Mr. HARKIN] are absent because of attending a funeral.

Mr. SIMPSON. I announce that the Senator from Indiana [Mr. LUGAR] and the Senator from Alaska [Mr. MURKOWSKI] are necessarily absent.

I further announce that the Senator from Idaho [Mr. SYMMS] is absent due to a death in the family.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 31, nays 63, as follows:

[Rollcall Vote No. 73 Leg.]

YEAS—31

Adams	Fowler	Matsunaga
Bingaman	Glenn	Metzenbaum
Bumpers	Hollings	Mikulski
Burdick	Inouye	Mitchell
Byrd	Jeffords	Moynihan
Chafee	Johnston	Riegle
Cranston	Kennedy	Sanford
Danforth	Kerrey	Simon
DeConcini	Leahy	Wirth
Dodd	Levin	
Durenberger	Lieberman	

NAYS—63

Armstrong	Breaux	Daschle
Baucus	Bryan	Dixon
Bentsen	Burns	Dole
Biden	Coats	Domenici
Bond	Cochran	Exon
Boren	Cohen	Ford
Boschwitz	Conrad	Garn
Bradley	D'Amato	Gore
Gorton	Kohl	Robb
Graham	Lautenberg	Rockefeller
Gramm	Lott	Roth
Grassley	Mack	Rudman
Hatch	McCain	Sasser
Hatfield	McClure	Shelby
Heflin	McConnell	Simpson
Heinz	Nickles	Specter
Helms	Nunn	Stevens
Humphrey	Packwood	Thurmond
Kassebaum	Pressler	Wallop
Kasten	Pryor	Warner
Kerry	Reid	Wilson

NOT VOTING—6

Harkin	Murkowski	Sarbanes
Lugar	Pell	Symms

So, the motion to lay on the table the amendment No. 114 was rejected.

Mr. COATS. Mr. President, I ask unanimous consent to withdraw the yeas and nays.

The PRESIDING OFFICER. Is there objection?

Mr. BRADLEY. Mr. President, what was the request?

The PRESIDING OFFICER. The Senator from Indiana has requested unanimous consent to withdraw the request for a rollcall vote on the Coats amendment.

Is there objection? Without objection, it is so ordered.

The question is on agreeing to the amendment of the Senator from Indiana [Mr. COATS].

The amendment (No. 114) was agreed to.

Mr. REID addressed the Chair.

The PRESIDING OFFICER. The senior Senator from Nevada is recognized.

AMENDMENT NO. 116

(Purpose: To amend the Internal Revenue Code of 1986 to limit the ability of taxpayers to deduct the cost of cleaning up oil and hazardous substances spills)

Mr. REID. Mr. President, nearly 2 months ago, the *Exxon Valdez* spilled 10 million gallons of oil into Alaska's Prince William Sound. Today, we have not recovered from this environmental tragedy.

The prognosis for full restoration of the area and its inhabitants is poor. We will never fully recover.

Exxon's chief executive officer, Lawrence Rawl, recently downplayed the enormity of this oilspill disaster. He said there was 16 times more oil lost off the eastern coast of the United States—

Mr. BYRD. Mr. President, may we have order?

The PRESIDING OFFICER. The Senate will be in order.

Mr. COATS. Mr. President, will the Senator yield for just a moment?

Mr. REID. I am happy to yield to the Senator from Indiana.

Mr. COATS. Mr. President, I ask unanimous consent to reconsider the vote on the previous amendment.

Mr. BYRD. Mr. President, what the Senator is asking for is he is asking unanimous consent that he may make the motion to reconsider at this time, although something else has intervened. I have no objection.

The PRESIDING OFFICER. If there is no objection, it is so ordered.

Mr. COATS. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. HATFIELD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Thank you, Mr. President.

Mr. President, Lawrence Rawl downplayed the enormity of the oilspill disaster. He said there was 16 times more oil lost off the eastern coast of the United States during World War II when our oil tankers were torpedoed.

Excuse me for being caustic, Mr. President, but I was unaware we were engaged in a war.

To my knowledge, the United States is not at war, and any comparison made about events in periods of war and those of peace are entirely inappropriate.

The events of March 24, 1989, did not involve torpedoes, but the outcome was disastrous, nonetheless. Just as peace is the opposite of war, environmental destruction is the opposite of ordinary business operations. At least, it should be.

But current tax law tells us otherwise. Section 162 of the Internal Revenue Code allows business to claim a tax deduction for cleanup expenses associated with oil spills and hazardous waste discharges. Cleanup costs are treated as, ordinary and necessary business expenses.

Exxon and other companies that regularly handle oil and hazardous waste can write off a portion of their cleanup expenses.

It seems only fair that they should earn this deduction.

I am, therefore, sending to the desk at this time an amendment to the legislation being considered. This amendment is the Oil Spill Bill.

The PRESIDING OFFICER. The clerk will report the amendment.

The bill clerk read as follows:

The Senator from Nevada [Mr. REID] proposes an amendment numbered 116.

Mr. REID. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place insert the following:

"SEC. 100. SHORT TITLE.

"This title may be cited as the "Oil Spill Bill".

"SEC. 101. DISALLOWANCE OF COSTS FOR CLEANUP OF OIL OR HAZARDOUS SUBSTANCE DISCHARGES.

"(a) IN GENERAL.—Section 162 of the Internal Revenue Code of 1986 (relating to de-

duction for trade or business expenses) is amended by redesignating subsection (m) as subsection (n) and by inserting after subsection (l) the following new subsection:

"(m) OIL AND HAZARDOUS SUBSTANCES CLEANUP COSTS.—

"(1) GENERAL RULE.—No deduction shall be allowed under subsection (a) for any applicable oil or hazardous substances cleanup costs if—

"(A) the Secretary receives notification from the Commandant of the Coast Guard or his delegate that the taxpayer has failed to comply with section 311(c) or 311(e) of the Federal Water Pollution Control Act, or any administrative or judicial order or consent decree issued under section 311 of the Federal Water Pollution Control Act or the provisions of the National Contingency Plan for oil discharges; or

"(B) the Secretary receives notification from the Administrator of the Environmental Protection Agency or his delegate that the taxpayer has failed to comply with any administrative or judicial order or consent decree issued under section 104, 106 or 122 of the Comprehensive Environmental Response, Compensation and Liability Act, sections 3008(h) or 7003 of the Resource Conservation and Recovery Act or under applicable State statutes for hazardous substances discharges.

"(2) NEGLIGENCE.—Notwithstanding any other provision of this subsection, no deduction shall be allowed under subsection (a) for any applicable oil or hazardous substances cleanup costs where it can be shown that the oil or hazardous substance discharge was the result of willful negligence or willful misconduct.

"(3) REDUCTION OF TAX ATTRIBUTES.—The tax attributes of the taxpayer shall be reduced in the manner prescribed in section 108(b)(2) (without reference to section 108(b)(4) and 108(b)(5)) by an amount equal to the amount disallowed under paragraph (1) or (2).

"(4) ITEMIZATION OF COSTS.—The costs described in this subsection shall be separately stated in such manner as the Secretary may prescribe on a form accompanying the return of tax for the taxable year in which such costs were paid or incurred.

"(5) DEFINITIONS.—For purposes of this subsection the term—

"(A) 'applicable oil or hazardous substances cleanup costs' means any costs paid or incurred (whether or not in the taxable year in which the discharge occurs) in connection with the cleanup of any oil or hazardous substances discharged by the taxpayer.

"(B) The term 'applicable oil or hazardous substances cleanup costs' includes, but is not limited to—

"(i) any legal expenses arising directly or indirectly from a discharge of oil or hazardous substances;

"(ii) any payments or restitution to any person arising out of such discharge;

"(iii) any costs incurred to restore and replace natural resources damaged by such discharges; and

"(iv) any costs required by any applicable Federal law or regulation.

"(C) 'discharge' means—

"(i) 'discharge' as defined in section 311(a)(2) of the Federal Water Pollution Control Act; and

"(ii) 'release' as defined in 42 USCS section 9601(22).

"(D) 'oil' shall have the meaning provided in section 311(a)(1) of the Federal Water Pollution Control Act (33 USCS, Section 1321(a)(1));

"(E) 'hazardous substance' shall have the meaning provided in 42 USCS, section 9601(14).

"SEC. 102. DENIAL OF DEDUCTION FOR LOSSES RESULTING FROM CERTAIN OIL OR HAZARDOUS SUBSTANCE DISCHARGES.

"Section 165 of the Internal Revenue Code of 1986 (relating to deductions for losses) is amended by adding the following new subsection (m):

"(m) DENIAL OF DEDUCTION FOR LOSSES RESULTING FROM CERTAIN OIL OR HAZARDOUS SUBSTANCE DISCHARGES.—Nothing in subsection (a) or in any other provision of law shall be construed to provide a deduction for any loss sustained by a taxpayer if the loss is attributable to, results from, or arises in connection with, any oil or hazardous substance discharge the cleanup costs of which are disallowed as a deduction under section 162(m).

"SEC. 103. LIMITATIONS ON DEFICIENCIES AND CREDITS ARISING FROM CLEANUP CERTIFICATION.

"(a) IN GENERAL.—Section 6501 of the Internal Revenue Code of 1986, is amended by redesignating subsection (o) as subsection (n) and inserting after subsection (n) the following new subsection—

"(o) SPECIAL RULE FOR CLEANUP CERTIFICATION.—In the case of any deduction disallowed under Section 162(m), if the Secretary receives the notification described in Section 162(m)(1)(A) or 162(m)(1)(B), the period for assessing any deficiency attributable to the receipt of such notification shall not expire before the date which is 1 year after the date on which such certificate is issued.

"(b) IN GENERAL.—Section 6511 of the Internal Revenue Code of 1986 is amended by redesignating subsection (h) as (i) and inserting after subsection (g) the following new subsection—

"(h) SPECIAL RULE FOR CLEANUP CERTIFICATION.—In the case of any deduction disallowed under section 162(m), if the Secretary receives the notification described in section 162(m)(1)(A) or 162(m)(1)(B), the period for filing a claim for credit or refund attributable to receipt of such notification shall not expire before the date which is 1 year after the date on which such certificate is issued.

"SEC. 104. DISTRIBUTION OF LOST DEDUCTION TO EXISTING TRUST FUNDS.

"(a) IN GENERAL.—There is established in the Treasury of the United States an account, consisting of such amounts as may be appropriated to the account as provided in subsection (b).

"(b) TRANSFER TO ACCOUNT.—There is hereby appropriated to the account for each fiscal year an amount equal to the amount which the Secretary or his delegate determines to be the increase in revenues for such fiscal year by reason of the amendments made by section 101. The amounts appropriated by the preceding sentence shall be transferred to the account from the general fund of the Treasury in the manner provided under section 9601 of the Internal Revenue Code of 1986.

"(c) EXPENDITURES FROM ACCOUNT.—Amounts in the account established under subsection (a) shall be available, as provided in appropriation Acts, only—

"(1) in the case of amounts attributable to any oil discharge, for making expenditures for the purposes described in section 311(k) of the Federal Water Pollution Control Act (33 USC, section 1321(k)), or

"(2) in the case of any other amounts, for transfer to the Hazardous Substance Superfund established under section 9507 of the Internal Revenue Act of 1986.

"SEC. 105. EFFECTIVE DATE.

"The provisions of this Act are effective for all discharges occurring after March 23, 1989, in taxable years ending after such date.

"SEC. 106. STUDY AND REPORT.

"(a) STUDY OF REVENUE LOSS.—Not later than six months after the date of enactment of this Act, the Secretary or his delegate shall submit to the House Committee on Ways and Means and the Senate Committee on Finance an estimate of the decrease of Federal revenues during the period beginning January 1, 1970, and ending December 31, 1983, by reason of the allowance of applicable cleanup costs (within the meaning of section 162(m) of the Internal Revenue Code of 1986).

"(b) ANNUAL REPORT TO CONGRESS.—The Secretary or his delegate shall make an annual report to the House Committee on Ways and Means and the Senate Committee on Finance detailing the amount expended on environmental clean-up costs and the amount accruing to the Treasury under section 162(m) of the Internal Revenue Code of 1986.

"(c) EFFECTIVE DATE.—The first report required by subsection (b) shall be submitted 12 months after the study in subsection (a) is submitted to Congress."

Mr. REID. Mr. President, this amendment will alter the Tax Code to provide companies with an incentive to perform responsible, effective cleanup operations. Specifically, the amendment tells the Internal Revenue Service to keep companies from getting the tax deduction for cleanup expenses if their cleanup operation does not meet federally established standards.

In the event of a disaster involving oil or hazardous substances, a company's cleanup effort would require certification by the Federal Government, before the cost of that cleanup could be accepted as a tax-deductible cost of doing business.

This is a reasonable enough request. I am frankly surprised that such a provision does not already exist. This amendment will make companies accountable for risk and crisis management plans. When Exxon CEO Rawls was asked if the company had plans to deal with the Valdez disaster, he skirted the question, responding that the consortium of oil companies operating the Alaskan pipeline was not equipped to handle such an incident.

Maybe the consortium was not equipped or prepared to cope with the enormity of the situation—but what about Exxon? Why did they not have their own plan? If they were going to depend on a consortium to handle disasters, why did they not work with the other member companies to develop a plan for crisis response? My bill will give companies the bottom line incentive that will elicit the responsiveness we so desperately need to clean up oil and hazardous waste spills. If the companies do not comply with federally certified cleanup standards, they will

lose their tax deduction for cleanup expenses. The resulting revenues accruing to the Treasury will be dedicated to the Clean Water Act fund in the case of oilspills and to the Superfund in the case of hazardous substance spills.

These funds can at least begin to undo some of the damage that is wrought upon our environment.

And the damage, Mr. President, is substantial. The Valdez oilspill has resulted in the destruction of both wildlife and the local economy. The death toll, to date, numbers close to 25,000 birds and over 400 sea otters. The economic toll includes the closing of commercial fisheries and irreparable damage to the rich salmon and seafood resources which provide the sustenance and livelihood for the area's population.

The inevitable dropoff in tourism will also impact the area's well-being. And these are only the short-term consequences of the oilspill. The long-term damage is difficult to predict, although it will be immense. We can only wait and see just how bad it will be. In the meantime, we must take the initiative to ensure that, if such a disaster occurs agian, the cleanup will be immediate and comprehensive.

We should never again witness the movement of oil over 1,000 miles from a spill site, within 1 week of such an accident.

One thousand miles—that's the equivalent of the distance from Cape Cod to the Chesapeake Bay on the east coast. On the west coast, 1,000 miles would span the entire California coastline. Can you imagine if this entire coast were covered with oil within a 1-week period?

The fiasco surrounding the Alaska oilspill cleanup only accentuates the abysmal record that the United States is building—a record of inaction and neglect toward the environment.

The most recent example is our unwillingness to confront the severity of the global warming threat, and our insistent opposition to an international convention on global warming that is supported by 22 nations, including the major Western economic powers.

That opposition may be lessening, after the administration was recently the target of outrage. But the principle of ignoring our greatest environmental threats remains constant.

While we shirk our responsibilities toward the environment, the problems worsen. We are setting the stage for disaster.

The quality and quantity of our water is rapidly diminishing. We are told that it is dangerous to drink water from fountains or from the tap. We are told not to eat a variety of food products lest they be saturated with pesticides. Our lakes and rivers are drying up or turning putrid. Even the quality of air inside our buildings is making us sick.

The oilspill bill will prevent further destruction of the environment by making companies accountable.

No one punished by this provision unless they do not properly clean up or it can be shown that the spill was caused by negligence.

The bill prompts companies to act, ensuring that there will be no more delays and excuses in cleanup operations.

We must do something to drive home the point that companies are responsible for their actions.

While Exxon plans to write off cleanup costs, which now hover in the hundreds of millions, they are raising the price at the gas pumps.

For every increase in price on a gallon of gas of just one penny, the oil industry makes $2.94 million a day.

Since the oilspill, the national average increase in gas prices has been 15 cents. And this is just the average.

On the west coast, gasoline prices have increased as much as 40 cents a gallon.

A little math shows the additional money accruing to the industry from the gas price increase since the spill is nearly $2 billion.

The lion's share of this increase will be reaped by Exxon, the world's largest oil company—the company responsible for the spill.

With this kind of of profit, it is inexcusable that Exxon should be able to pass on the costs of their cleanup to the American taxpayer. We should not just give companies tax deductions for cleanup operations. They should earn them.

We cannot accept the status quo, which gives companies a break, regardless of how efficiently and effectively they clean up accidents involving oil or hazardous substances.

The other morning, I heard on the radio that Coast Guard members stationed in Alaska were frustrated. They said that Exxon is sending more public relations people than workers into Alaska.

If Exxon sent people to scrub the shores instead of the company's image, maybe the cleanup would be more successful.

A change in the requirement for a tax deduction, as provided in my bill, makes it clear that a fine-tuned, well-executed cleanup operation is more important than any image-building.

Given all the problems that beset Exxon, and the company's admitted lack of a plan to deal with such a disastrous oilspill, Exxon CEO Rawls was recently asked what advice he would give other CEO's facing a crisis of similar magnitude. His response: "Have a public affairs plan." My amendment would perhaps cause Mr. Rawls to change his response, telling other corporate executives that a crisis management plan—not a public relations plan—should be the top priority.

Exxon recently conducted its annual shareholder meeting in New Jersey. Scores of people protested Exxon's performance and responsiveness regarding the Alaska oilspill.

The need for corporate accountability is great. Approaching that need through an earned tax deduction is the responsible approach.

Unlike some bills offered in the House, this bill does not take away the deduction. It merely requires that cleaning up be done to meet specified standards. If those standards are met, the deduction is earned. That is a fair tradeoff.

It puts the burden on companies to be responsible, while recognizing that accidents can happen and we are willing to give companies a tax break in the face of such disasters.

My amendment acts as a two-edged incentive to companies. On the one hand, companies will want to retain their deduction and perform a credible cleanup that meets the Federal standards established by the Clean Water Act and Superfund.

On the other hand, since there exists the possibility that the deduction for cleanup expenses will be lost, companies will take enhanced precautions to ensure spills will not occur.

Any costs associated with preventive measures are now, and will remain, deductible. This amendment, if enacted into law, will promote effective cleanup operations and enhance efforts to prevent spills from ever occurring.

Although the Valdez catastrophe was a catalyst for this amendment, the measure is not directed specifically at Exxon.

This amendment is long overdue, as hazardous substance and oilspills have become more and more common. How many times have we heard, in recent years, of area highways being closed down and residents evacuated due to spills of hazardous and toxic substances?

These highway incidents are less serious than the large-scale disastrous spills, but carelessness has no bounds.

What happens on our highways can just as easily happen in our factories and on our ocean tankers. This amendment addresses all companies involved in the production and transport of oil and hazardous substances.

Mine is a bill that is fair to business, fair to the American taxpayer, and fair to future generations who would like to benefit from the riches of the environment as we do now.

I encourage my colleagues to join me in supporting this common sense approach.

According to the Constitution, all revenue bills must start in the House of Representatives.

But if we accept this amendment here today, we will send a strong signal to the other body that the Senate wants this amendment included in tax legislation and approved this year.

The amendment has a companion in the House, so the prospects of passage are greater. The companion bill, H.R. 1635, sponsored by Congressman WILLIAM LIPINSKI, currently has over 50 cosponsors—a number that grows larger every day.

I doubt that there are many of us who have not heard from our constituents about the oilspill.

Piles of letters and cut-up Exxon credit cards have reached our offices. Our constituents are distressed at the incident, and frustrated at Exxon's inadequate cleanup efforts.

We need to send a message to our constituents that we will change the law to make companies accountable for their actions—or lack thereof.

We need to let companies know that tax deductions for cleanup operations go beyond the ordinary and necessary costs of doing business.

Disaster such as oilspills are extraordinary and unnecessary, and the tax law should be changed to reflect this reality.

I urge my colleagues to support this amendment.

Mr. BYRD. I thank the distinguished Senator for his statement. I know of his strong interest in this matter. He has spoken to me a number of times about it.

Would he be agreeable to a time limitation on this colloquy?

Mr. REID. Yes. Mr. President, I have, at the request of the majority leader, talked to those who wish to speak on the bill. Senator KOHL has asked for 3 minutes, Senator METZENBAUM 10 minutes, Senator LIEBERMAN 5 minutes, Senator STEVENS as much time as he desires.

Does Senator STEVENS, have an indication of how long he wishes to speak?

Mr. STEVENS. Mr. President, I will be happy to limit my time to whatever the Senator from West Virginia wishes; 5 minutes at the most.

Mr. REID. That is 3, 5, 10, 5. I will need a little bit of time to wrap it up. I yield the floor.

The PRESIDING OFFICER. If there is no objection, that will be the time agreement, then.

Mr. BYRD. I thank the Senator.

The PRESIDING OFFICER. The Senator from Alaska is recognized.

Mr. STEVENS. Mr. President, this is a bill that Senator REID introduced. I was pleased to cosponsor it. My only regret is I did not think of it myself.

I agree with him. I wonder why we allow deductions in instances such as this where performance ought to be the standard rather than just a concept of ordinary expenses. These are necessary expenses and the necessary expenses ought to be judged by the outcome of the expenditures.

We do have a President's representative in Alaska, the Coast Guard acting under the direction of the Secretary of Transportation. I believe the Federal officials are being evenhanded. We sometimes wish they had more money of their own to deal with so that they did not have to wait for the decisions from Exxon as to how to proceed. We are still trying to remedy that. I think future law ought to provide access of the Federal coordinator or the President's representative to Federal funds which would have to be paid back by the party at fault.

But, in any event, Mr. President, the statement made by the Senator from Nevada concerning the standards that ought to be applied to a cleanup of this type prior to the taxpayers assuming any portion of the cost of the cleanup I think is correct. My only regret is that this probably is not the proper bill to offer it to. I leave that to the Senator from Nevada's discretion, but I assume he will take appropriate action so that the matter will come up at a proper time so we can get action on it.

The Senate will hear a lot of the aftermath of the Valdez oil spill this year. I want the Senator to know that those of us who represent Alaska welcome that attention. We do believe that there is a great deal that can be learned from that aftermath. To us, they have been painful lessons, Mr. President. We would like to be able to participate in any action that might prevent others from having to go through the same turmoil.

I do not mean to take much time of the Senate but I have said before, seeing oil of this magnitude enter areas in which I personally have enjoyed my recreation over a period of well over three decades was a traumatic experience. It has been a traumatic experience for many of my friends who were in great fear of their future livelihood; their ability to conduct their fishing business or to conduct their tourist business. Or just to be able to go, as I have done, to Prince William Sound and enjoy the beautiful scenery and the opportunity to be in the water.

This area, Mr. President, is a very interesting area. I will just take 2 seconds, really to educate the Senate a little bit. It delivers to the north Pacific 20 percent more fresh water anually than the Mississippi takes to the gulf. It is an area that has fresh water on top of a saline current that comes north, up from California.

Since it has this overabundance, really, of fresh water in a sound that, if you look at it on a geographical basis is about the size of two Great Lakes, it offers to the people of Alaska an overwhelming recreation experience. You can literally go to a different place every year and still be within driving distance of your home—most of us. And even those who cannot drive there find a way to fly there.

I hope that the Senate will consider this amendment at a later time and it will be generic. It will apply to all such instances of contamination of the oceans under the Clean Water Act.

Mr. President, it seems to me that anyone in the industry who might object to this ought to realize if this standard is not applied, I think there will be a much harsher standard later should a similar incident ever occur.

Again, I want to thank my friend from Nevada. He took the occasion, Mr. President, to discuss this matter with me and offer me a chance to join with him. As I say, I think that is the kind of initiative and courtesy that the Senate should welcome, and I do welcome his interest in our State and in establishing this standard for the cleanup of the oil from the *Valdez Exxon*.

Mr. LIEBERMAN addressed the Chair.

The PRESIDING OFFICER. The Senator from Connecticut is recognized.

Mr. LIEBERMAN. I thank the Chair. I rise to support my friend and distinguished colleague, the Senator from Nevada [Mr. REID], and say how pleased I am to join him as a cosponsor of this amendment. It is, as we used to say back in the Connecticut general assembly, it is a good idea; it ought to pass.

Mr. President, the events surrounding the oilspill in Prince William Sound are outrageous. The initial act of negligence which led to the devastation in this magnificent piece of previously unspoiled Earth is outrageous. We continue to read today the toll on wildlife in that area is growing daily and the consequences of the negligence of the people associated with Exxon continues to be clearer and clearer.

But that is not the only outrage associated with this sorry event. Another outrage is the absolute state of unpreparedness of this particular company and the oil industry generally to face and contain the consequences of their own negligence in spite of all the promises that his would never happen, in spite of all the suggestions that if it ever did happen, the oil companies would be ready to deal with it. It is clear that they were not.

The Secretary of Transportation Skinner and Admiral Yost, Commandant of the Coast Guard, who testified before a hearing of our Environment and Public Works Committee that I was privileged to be at, made it very clear to us that Exxon not only did not have an adequate contingency plan and not only was Exxon and truly the rest of the oil industry un-

prepared to deal with a spill of this dimension, but Exxon itself did not even follow the terms of its own inadequate contingency plan in the early days of this spill.

Mr. President, the American people are angry about these outrages. This amendment of Senator REID, which I am privileged to cosponsor, expresses that outrage and does something about it.

We cannot do much more than we are doing to protect the natural resources in Alaska and Prince William Sound, but we can do something through the law to make sure that in the future oil companies who are guilty of negligence pay a higher price.

Mr. President, I have been startled looked at the state of the law to find how little we ask of oil companies that may be guilty of causing an oilspill as compared, for instance, to what we ask of companies that are responsible for a hazardous waste spill on land. The fact is that the Clean Water Act places a cap on the potential liability of oil companies. It gives the Government no power to order a cleanup of oil from a vessel, no power to issue administrative orders for the cleanup of the oil, no power to assess treble cleanup costs and no power to impose a $25,000 a day penalty for violation of an order. All of those powers exist when it comes to a hazardous waste spill on land.

Mr. President, many provisions of the Clean Water Act provide for penalties for violations of the act, but the penalty provisions of section 311 of the Clean Water Act governing discharges of oil are extremely ambiguous. Under one very plausible interpretation, Exxon could be let off the hook in this case by paying no more than $5,000, and that is another outrage.

Senator REID, by this amendment, intends to close perhaps the ultimate outrage, which is that Exxon and other oil companies that by their negligence destroy our environment can then turn around and deduct the costs that they expend to clean up the consequences of their negligence. It is the least we can do to make some sense, to draw some substances, to make something good come out of this horrible event.

I congratulate my friend from Nevada for showing the leadership and insight to put this amendment forward. I am privileged to stand with him as a cosponsor of it today. Thank you, Mr. President.

Mr. KOHL addressed the Chair.

The PRESIDING OFFICER. The Senator from Wisconsin is recognized.

Mr. KOHL. Mr. President, I am pleased to speak in support of this amendment.

I am a cosponsor of the legislation which the Senator from Nevada has introduced, S. 771, to prohibit Federal tax deductions for oilspill and hazardous substance spill cleanup costs unless the polluter has complied with the cleanup standards prescribed in the Superfund law and the Clean Water Act, as well as any relevant administrative or court orders.

In addition, the amendment prohibits a tax deduction for cleanup costs where it can be shown that the spill was caused by willful negligence or willful misconduct.

Mr. President, this matter is so clear cut in my mind that it hardly merits debate. I cannot think of a single reason why the American taxpayers should pick up the tab for cleaning up a spill caused by deliberate misdeeds.

Nor can I think of any reason why the taxpayers should foot the bill for shoddy cleanup work. If companies think that they can get away with cosmetic reparations and pass on the bill to the public, where is the incentive for a thorough cleanup?

The Exxon oilspill has shocked the Nation. The ineffective and much delayed cleanup actions by Exxon were shameful, and may have led to irreparable damage to the environment of Alaska.

If we do not ultimately enact this amendment, the U.S. Senate might as well go on record telling corporate America not to worry about the environment, do not worry about bothersome contingency and cleanup plans; do not worry about being careful to avoid accidents in the first place. Uncle Sam will bail you out.

I, for one, would be ashamed if the U.S. Senate made such a statement. At a time when controlling our deficits has become nearly impossible, and when environmental problems threaten to alter the very nature of this planet, it makes no sense to vote against this amendment.

It protects the U.S. Treasury and it protects the environment.

I commend the Senator from Nevada for his diligent work on the amendment and I urge my colleagues to support it.

Mr. President, I yield the floor.

Mr. METZENBAUM addressed the Chair.

The PRESIDING OFFICER (Mr. LIEBERMAN). The Chair recognizes the Senator from Ohio [Mr. METZENBAUM].

Mr. METZENBAUM. Mr. President, I have been around a long number of years. During those years, there have been a lot of things that have disturbed me, a lot of things have bothered me. I have won some votes, and I have lost some votes, but almost with no exception, I never get angry. But with respect to this matter, I am angry. I am angry because the American people are being called upon to subsidize the cleanup costs of Exxon Corp.

The American people have a very short memory, but Exxon's irresponsibility and negligence that led to this monumental disaster still numbs every rational observer. A captain whose blood level of alcohol was 50 percent over Coast Guard regulations when it was checked 9 hours later was not even on the deck and the third mate handling the gigantic *Exxon Valdez* was not licensed for the Prince William Sound. The ship was left on automatic pilot, slamming so hard into Bligh Reef that oil hemorrhaged out of its single-skinned hull at 1,000 gallons a second.

More than the collective error of individuals, this disaster was sitting lying in wait. It was one of those things that could have been anticipated. It was the consequence of decisions made and unmade in the board room of Exxon Corp. and the consortium it partially owns, the Alyeska Pipeline Co.

Exxon and Alyeska's spill contingency plan was weak enough on paper, but in reality it was a phony; it was a nonplan; it was a tissue paper tiger.

Having grown fat from the profits of North Slope oil, Exxon had bled dry the contingency operations—even the few dollars they put in the contingency operation they cut back; they had to have that for themselves—failing to keep their solitary containment barge operational when the *Exxon Valdez* hit the reef.

They promised that they would be coming to the ship. They said the ship was on the way. They lied. It was not on the way. It had not even left. They were not prepared. They were irresponsible, and as so many other actions of oil companies in this country they are totally uncaring about the American people.

And then in a perverse and ironic followup to the largest oilspill in U.S. history, Exxon and its cohorts quickly presented the American public with a great gift.

They were wonderful. They indicated they were sorry. They were so apologetic that they and the oligopoly that the oil companies have where when one raises their price they all raise their price, the American people received the largest gasoline price increase in U.S. history.

For that we are to be grateful to the oil companies.

Within days of the disaster, prices were on the rise and would soon reach over 25 and 30 cents per gallon on the west coast and nearly as much throughout most of the rest of the country—even in areas, such as my State of Ohio, that receive not a drop of Alaskan oil.

I held hearings on this abnormal and excessive price spike—a price spike, Mr. President, that was larger than when the Shah of Iran was deposed, larger than during the Arab oil embargo—and witness after witness

failed to explain to my satisfaction or members of the Energy Committee why the price increase was so large, so rapid, and so universal.

The price spike drove up gasoline prices for consumers to the tune of $30 million a day. Exxon and the oil industry took advantage of this disruption and brought about a historic transfer of consumer cash into oil company coffers.

Today's Washington Post reports on the growing death toll in Alaska. Over 23,000 carcasses have been collected—including 733 sea otters and 51 bald eagles—representing over 70 species of animals.

Oh, thank you, Exxon. You have done a wonderful thing for America. Those collected carcasses are but a small fraction of those animals that were killed by Exxon's responsibility. So now what is the bottom line? What is the ultimate result? Exxon will be receiving a third payment from the American public unless the Reid amendment is adopted, and I am proud to be a cosponsor of that amendment.

Environmental destruction, inflated prices at the pump, and now the American public will be required to pay 34 percent of the costs of Exxon, the amount that they will be deducting from their taxes unless the Reid amendment is adopted. Actually, we ought to be levying a tax on them. We ought to have a surtax on those who pollute the environment and the atmosphere as Exxon has done.

Exxon's cleanup costs are likely to total $500 million—much of which will get picked up by their insurance policy, I assume. If there are allowed this tax break, the taxpayers will pick up as much as $175 million in costs. And that means that those who pay higher prices for gasoline will also be subsidizing Exxon Oil Corp. Unless the Reid amendment is adopted.

It is not like Exxon needs the money. Their net profits last year were $5,260,000, up an additional 9 percent over 1987's profits and one of their most profitable years ever.

This tax writeoff they want represents less than 2 weeks' profits for Exxon. A miniscule payment for a disaster of this magnitude.

Exxon chairman, Lawrence Rawl, has admitted that the cost of the cleanup will be expensive "but not burdensome" to the company burdensome to the American people, burdensome because they were made to pay 25 to 30 cents a gallon more, burdensome because they are now called upon to be paying extra.

There is only one conclusion that is possible, Mr. President. This not a question of need. This is a question of greed. Why should hard working citizens in my State and throughout the Nation be forced to pick up the tab for Exxon's blunders?

Enough is enough! Exxon should be responsible for its own actions and not be allowed to pass its business expenses on to the taxpaying public.

This amendment would disallow a deduction for oil spills and other hazardous substance discharges, in cases of negligence or willful misconduct.

I commend Senator REID for his thoughtful and necessary amendment. An aye vote will stop this shameful and unconscionable rip-off of the American taxpayer.

In addition, I am requesting that the Treasury Department reconsider its policy of allowing the deduction. Such a position is counterproductive and works against the strong public policy statements of this administration concerning a clean environment.

I urge my colleagues to support this amendment and take Exxon's hand out of the wallet of the American taxpayers.

But I cannot do that under the circumstances. I am aware my colleague, the distinguished Senator from Nevada, my friend, has agreed to withdraw this amendment with the understanding that the Finance Committee will be conducting hearings in connection with this particular amendment. Let me say here and now I think that is advisable, I think that is where the jurisdiction belongs but let me say—and I think I speak for the Senator from Nevada as well—that if the Finance Committee sees fit not to act in connection with this amendment then every Member of the Senate should have an opportunity to vote on this issue. Exxon should not be permitted to deduct their expenses in connection with all of the harm and damage that they have done up in Alaska. I feel certain that if the Finance Committee does not send the bill back to the floor, does not send the amendment back as part of another bill, I believe it is imperative that Senator REID and I and others offer it as an amendment to another piece of legislation at a later date.

I yield the floor.

The PRESIDING OFFICER. The Chair recognizes the Senator from Texas.

Mr. BENTSEN. I have sat here on the Senate floor and listened with great interest as my colleagues have discussed the need for quick action on the senior Senator from Nevada's oilspill tax amendment. This amendment raises some important issues of tax policy properly within the purview of the Finance Committee. I cannot support the amendment, or any tax amendment for that matter, that has not come before my committee for consideration. That is not to say I oppose the substance of this amendment. Its provisions deserve airing before the Finance Committee.

As my friend from Nevada may know, the administration has recently introduced the Comprehensive Oil Pollution Liability and Compensation Act, S. 1066. I plan to request sequential referral so the Finance Committee may consider the tax provisions of this legislation. I plan to hold these hearings before the full committee, with a view toward moving a legislative proposal. Senator REID, your bill covers some of the same areas as does the oil spill liability legislation. Are you amenable to seeing your legislation considered as part of these hearings?

Mr. REID. Yes; I very much would like to see the oilspill bill as the subject of a hearing by the Senate Finance Committee in the near future. It is my belief this hearing will further illuminate the need for my legislation and lead to its enactment as either a free-standing bill or as part of a larger package. I appreciate the commitment by the Senator from Texas to hold hearings on my oilspill bill.

Mr. REID. I ask unanimous consent that there be added to this amendment as sponsors Senators METZENBAUM, STEVENS, KOHL, LIEBERMAN, DOLE, GARN, WILSON, and DECONCINI.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, in a brief minute or two to wrap this up, I would first draw to the attention of the Finance Committee the fact that we have received hundreds and hundreds of letters, some of which include Exxon credit cards, like this one from some people in Florida, one from an azirline captain that says "I am writing in protest of the Exxon company. As an airline captain and 21 years of flying, I certainly hope my company is not using Exxon in their planes." And he goes on to say a lot of other things. In addition to that, we have had a lot of things like this, Mr. President—a homemade bumper sticker: "One lousy company did that to Alaska?"

On and on with indications from the public that they are outraged, that this can no longer happen.

Mr. President, I conclude by referring to the chairman of the Appropriations Committee to enter the final words of this colloquy between myself and the chairman of the Appropriations Committee.

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from West Virginia.

Mr. BYRD. The distinguished Senator from Nevada [Mr. REID] by offering this amendment has squarely focused the attention of this body on the need of legislation to raise the issues raised by the *Exxon Valdez* spill. I commend him for it and I totally support the amendment.

But as the Senator is aware, and has already indicated that awareness, this is the dire emergency supplemental appropriations bill, a bill that needs to

be acted upon quickly by Congress. Extraneous amendments, regardless of their merit, will only slow the consideration of the bill here and in conference. Therefore, since the able Senator from Nevada has entered into an agreement with the distinguished Senator from Texas, Mr. BENTSEN, to hold hearings on the oilspill bill, I ask the Senator from Nevada to withdraw his amendment from this bill.

Mr. REID. Mr. President, I am pleased to accommodate the wishes of the chairman of the Appropriations Committee. Having reached an agreement with the chairman of the Finance Committee to hold hearings on the legislation in the future, I will withdraw the amendment to the supplemental appropriations bill, which I do at this time.

Mr. BYRD. Mr. President, I thank the distinguished Senator for his consideration, courtesy, his understanding, patience, and his cooperation, which are all characteristic of him.

Mr. President, we could have another amendment brought up at this time.

The PRESIDING OFFICER. The Chair indicates for the record that the Senator certainly has the right, and the amendment of the Senator from Nevada is withdrawn.

The amendment was withdrawn.

The PRESIDING OFFICER. Who wishes to be recognized?

AMENDMENT NO. 117

(Purpose: To provide funds for anti-drug programs as authorized in the Omnibus Anti-Drug Abuse Act of 1988)

Mr. D'AMATO. Mr. President, if the distinguished manager of the bill at this time will yield, I have an amendment which I believe meets with the approval of the managers of the bill. I will offer the amendment. I send the amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from New York Mr. D'AMATO (for himself, Mr. DECONCINI, Mr. SPECTER, and Mr. WILSON) proposes an amendment numbered 117.

Mr. D'AMATO. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection it is so ordered.

The amendment is as follows:

SUBCHAPTER I

DEPARTMENT OF THE TREASURY

BUREAU OF ALCOHOL, TOBACCO AND FIREARMS

SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses", $2,000,000.

UNITED STATES CUSTOMS SERVICE

SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses", $8,500,000.

OPERATIONS AND MAINTENANCE, AIR INTERDICTION PROGRAM

For an additional amount for "Operations and Maintenance, Air Interdiction Program", $44,500,000, to remain available until expended.

SUBCHAPTER II

DEPARTMENT OF JUSTICE

FEDERAL PRISON SYSTEMS

BUILDINGS AND FACILITIES

For an additional amount for "Buildings and Facilities", $10,000,000, to remain available until expended.

FEDERAL BUREAU OF INVESTIGATION

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses", $7,000,000.

DRUG ENFORCEMENT ADMINISTRATION

SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses", $6,000,000.

IMMIGRATION AND NATURALIZATION SERVICE

SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses", $19,000,000, of which $4,000,000 shall be available to implement Section 6151 of Public Law 100-690.

OFFICE OF JUSTICE PROGRAMS

BUREAU OF JUSTICE ASSISTANCE

For an additional amount for "Salaries and Expenses", $15,000,000 which shall only be available for discretionary grants to public, private and non-profit agencies for the purposes of education and treatment to reduce drug abuse in the inmate population, as authorized under Section 6091 of Public Law 100-690.

SUBCHAPTER III

DEPARTMENT OF TRANSPORTATION

COAST GUARD

ACQUISITION, CONSTRUCTION AND IMPROVEMENTS

For an additional amount for "Acquisition, construction, and improvements", $23,000,000, for the installation of an APS-125 or APS-138 radar system on an existing Coast Guard long-range surveillance aircraft, to remain available until expended.

SUBCHAPTER IV

DEPARTMENT OF HEALTH AND HUMAN SERVICES

ALCOHOL, DRUG ABUSE, AND MENTAL HEALTH ADMINISTRATION

ALCOHOL, DRUG ABUSE AND MENTAL HEALTH

For an additional amount for substance abuse prevention and treatment activities, $58,000,000, as authorized in Section 2025 of Public Law 100-690, of which $15,000,000 shall be available for the service grant demonstration program to reduce substance abuse by high risk youth and pregnant women.

INDIAN HEALTH SERVICE

For an additional amount for "Indian Health Services", $10,000,000, Provided that these funds shall only be available for the purposes of Indian Alcohol and Substance Abuse Prevention and Treatment programs, as authorized in Title II, subtitle C of Public Law 100-690.

HEALTH RESOURCES AND SERVICES ADMINISTRATION

HEALTH RESOURCES AND SERVICES

PROGRAM OPERATIONS

For an additional amount for "Program Operations", $5,000,000, to carry out the purposes authorized in Title II, Subtitle D of Public Law 100-690.

DEPARTMENT OF EDUCATION

SCHOOL IMPROVEMENT PROGRAMS

For an additional amount to carry out Part C of the Drug-Free Schools and Communities Act of 1986, as amended, $5,000,000.

SUBCHAPTER V

DEPARTMENT OF AGRICULTURE

FOOD AND NUTRITION SERVICE

SPECIAL SUPPLEMENTAL FOOD PROGRAM FOR WOMEN, INFANTS AND CHILDREN (WIC)

For an additional amount to carry-out the provisions of Section 3201 of Public Law 100-690, $3,500,000.

SUBCHAPTER VI

DEPARTMENT OF VETERANS' AFFAIRS

VETERANS HEALTH SERVICE AND RESEARCH ADMINISTRATION

MEDICAL CARE

For an additional amount to supplement Section 2501 of Public Law 100-690, $10,000,000.

Mr. D'AMATO. Mr. President, there always seems to be some reasons, and some of them are good, but I suggest to you even good reasons after a while fail to explain how it is that the Congress of the United States, although it waxes eloquent as it relates to its commitment to fight a meaningful war on drugs, fails to back up its eloquence; I am speaking of the rhetoric, and some would describe it as the political promises that precede every November's election without meaningful action. There are budget considerations, summit limitations that have been agreed to, spending constraints that would create a difficult problem, and/or the pledge never to raise taxes.

Mr. President, it is about time that our action had some semblance of relevance to what I believe the people of America need, and that is a commitment against the scourge of drug and alcohol addiction. That means giving to the various agencies both in terms of law enforcement and those who are charged with the area of education and rehabilitation, the opportunity to undertake that battle.

Last October the Senate by a vote of 60 to 33 rejected an amendment to increase excise taxes on alcohol and cigarettes to fund the 1988 drug bill. We went home to face the constituents in 1988, and indicated what a glorious job we achieved because we now had a meaningful drug bill. We have a drug czar, but we have little funding for this office. We have the military again with very little funding, and whatever funding that is there has not been allocated. We have meaningful laws but very little in the way of real resources to back up those drug enforcement agencies, the FBI, and the border patrols. We have an education program now, and we have even talked about funding it, but we have no resources to speak of.

While we talk about $2 billion plus in additional commitment, we give less than $500 million. To date, Mr. President, ours has been a sorry record of performance.

Yesterday, the full Senate Appropriations Committee voted down Senator DECONCINI's amendment to fund many of the key antidrug programs that we authorized last year but did not fund, or did not adequately fund. I do not believe in good conscience that we should complete a supplemental appropriation that does not address these needs.

We should not pass the supplemental without a drug title, but with more than just a drug title—with the resources by which to back up our rhetoric.

The amendment I offer on behalf of myself and three other colleagues provides the exact same funding level as Senator DECONCINI's amendment with one difference: this amendment has no offset. Some will object and will raise the point that this busts the budget or violates the Budget Act.

Mr. President, we have already waived that Supplemental Budget Act to consider the supplemental. As a matter of fact, the Budget Committee staff tells me we have exceeded it by some $900 million. Some of these programs are good and necessary.

This Senator has no objection. But I want to ask this question: How is it that we can say that this Nation's No. 1 enemy, the drug and alcohol menace, does not receive the same priority as many of the measures contained in the supplemental budget? What are we doing?

We impose this artificial limitation, this cap, when we want to, and disregard it when it is for other purposes.

Let me suggest to you that there are some items here that may be good—$1,750,000 to begin implementation of the second White House Conference on Library and Information Services. I am not against library services, and a conference at the White House.

Better to use some of that money for the problems of the prisons which are overloaded, and has us discharging violent criminals only because there is nowhere to put them. Better see to it that money is used by the FBI, DEA, or the Border Patrol, or the Coast Guard, or the Bureau of Alcohol and Tobacco, or the Customs people. Better see to it that money is used for the teacher training in the Department of Education. We can go on and on—$7,500,000 for water and sewer loans, an additional $2.5 million for water and sewer grants—$10 million; $6 million for the payment to air carriers programs—I think that is important. But it pales in comparison to what we are talking about here; $1,500,000 to send to Puerto Rico for the three political parties as it relates to their debate for statehood. I think they should have the right to vote on statehood. I have supported that.

But I want to ask in good conscience, where are our priorities? I know that the managers of this bill will be constrained to make a motion to table this, to say it is out of order. I want to ask my colleagues, when in good conscience are we going to come together and say we are going to make this war a priority? I understand and have no doubt of the outcome. But I do not think you can have it two ways. I do not think you can say you really want to fight this war on drugs and then not put the money there. It should have been in the supplemental. It was rejected. It should be here now.

As a matter of fact, this supplemental should be recommitted unless it has the funds for this drug war. The funds we talk about, by the way, are funds that will merely spend out in the last 3 months. We have met at the various agencies and spoken of the programs responsible for drug law enforcement, prevention, and treatment. They are overwhelmed. Our amendment provides $10 million to the Bureau of Prisons because they are overwhelmed, and they say they could use and spend that money in the last 3 months if they have additional resources.

FBI, $7 million, and what is taking place in the FBI? We have engaged them in this war. They have had a hiring freeze since January 31. What kind of war is that? The same is true for the DEA. We asked for $6 million for them. And in terms of the Border Patrol, we have some 8,000 illegal aliens crossing on a weekly basis that we know of. We asked for $15 million. In terms of the Coast Guard, $23 million; the Bureau of Alcohol, Tobacco and every one of these programs are on the supply side. With the Department of Education, we speak of teacher training. We say if you are going to win the war, we have to educate people and educate our youngsters and reach down. We hear the States and local communities saying, "You are talking about it, but where are the resources?" There are none. We put a modest $5 million for the Department of Education. The Office of Substance Abuse and Prevention, $15 million, and I am sure they can get Bill Bennett to call up and say he does not need the money. He is a good soldier. He will say that, but he does.

Department of Agriculture. Women and infants and children, the WIC program, $3.5 million. ADAMHA, the drug abuse program for IV users, $43 million. Indian Health Services, $10 million. Native Hawaiian health care $5 million. Veterans' drug abuse treatment and education, $10 million. So many of our veterans are addicted, so many are part of the homeless population.

There are a lot of good things in this supplemental budget, but I have to tell you something. If you want to really look at the priorities, the priorities have been for all too long neglected. The Bureau of Justice Assistance, drug treatment for prison inmates; they are putting out prison inmates who still have not licked the problem, and in many of the prisons today we do not have the kind of services we should have. So there is recidivism over and over again.

Mr. President, the Drug Enforcement Agency is taking money out of aircraft purchases and equipment to pay for mandated salary increases. They have already obligated 75 percent of the discretionary fund for the fiscal year. This is about 15 percent over where they should be. The FBI has a general support hiring freeze since January 31; even if more agents are hired, the FBI will need support personnel to complement them. We did not just plug in numbers here. We did it because there is a need and there is a crisis. Mr. President, I think we have an opportunity to match the rhetoric of saying that we are really fighting a war by voting for this amendment.

Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

The Chair recognizes the Senator from California [Mr. WILSON].

Mr. WILSON. Mr. President, I rise in support of the amendment offered by the Senator from New York. There is not anyone on this floor who is eagerly seeking ways to expand the deficit, nor do I believe for 1 moment that the effect of adopting the Senator's amendment would be to do that. What it will do is require that in the conference between the House and Senate there will be an agreement reached as to a means to fund adequately the various programs that he has described as justifying this increase in funding in a way that will take from certain other appropriations.

That is precisely what must happen. The Senator made the statement a moment ago that if, in fact, this amendment is not successful, that in the alternative, the Appropriations Committee should take this supplemental back under a motion to recommit, and I quite agree with that. Indeed, if he is not successful, it is my intention subsequently to offer such a motion, with instructions, because I think that it is unconscionable for us to continue as we have. I think that it does not require new taxes. We tried that last year and it failed. I have no reason to suspect that it would do better this year.

In fact, I do not think that those that voted against that need apologize for doing so, but we need to apologize

to the American public, if we seem incapable of any action that will adequately fund the authorization that we passed last year.

We spoke of an omnibus drug bill. It was a very good bill, Mr. President, in that it authorized funding for a number of programs which would be distinctly useful to those who are seeking to interdict the supply of drugs to those seeking to reduce the demand, to end our reputation as an international market for these perilous and poisonous drugs. But I think that the Senator from New York is to be commended. I am pleased to join him in his effort, and pleased to be a cosponsor of the amendment, and I will say that I think that others can either cosponsor or vote for his amendment, without any concern that they will in fact be increasing the deficit. Rather, what we will be doing is instructing the appropriators in conference to find a means of fulfilling the obligation that we created when we undertook last year to pass that omnibus drug bill.

It would be rank hypocrisy for Congress to leave it unfunded, to speak of good intentions, and then not put the resources that are necessary to implement them behind them is, in fact, hypocrisy.

So he is quite correct. We have to do it either the way he is proposing now, or if we are unsuccessful in that, then we really should send this back, have the Senate appropriators instruct their colleagues on the other side by bringing back to us a supplemental that does make good on our obligation, and does the painful thing, and I know it to be painful of subordinating other claims on those same dollars. It is not an easy job. It is the most difficult thing we do. They do it well. And I look at the distinguished chairman and the distinguished Republican manager, and I know that they do not relish the added difficulty, the added labor that is involved, and it is a substantial labor. It is an important labor, one that they can do well, one that I do not think, as a Congress, we have done nearly well enough.

So I will not say more. I think the Senator from New York has made very clear and very convincing the case for the expenditures that he is seeking. They are relatively small, and I remind my colleagues of that fact. The bill that we passed last year contained an authorization for $2.8 billion, and we funded it. We actually appropriated $1 billion. There is a substantial gap there. We have in effect written a bum check. It is time we made good on that, at least in part, and that is what he is seeking to do.

The Senator has been quite judicious and very selective, indicating those things most in need of funding, those things most immediate. I hope he is successful and that we will see the kind of judicious adjustment made in conference that can bring about the changes that he is seeking, the changes that will in fact allow us to go home and say we did not just state good intentions or enact them, we actually put some money and resources behind them.

The PRESIDING OFFICER. Who wishes to be recognized?

Mr. HATFIELD addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Oregon [Mr. HATFIELD].

Mr. HATFIELD. Mr. President, recently, I had the honor of joining and paying tribute to a former Member of this body, Senator Magnuson of Washington State. I remember and recall the time when Senator Magnuson was chairman of the Appropriations Committee and Mount St. Helens had erupted, causing great devastation; and at the time the Appropriations Committee was called to order by Senator Magnuson to deal with this emergency, someone asked how much it would be, and Senator Magnuson said, "Well, I think we ought to keep it sort of a round figure; I think a billion dollars would be helpful." And, of course, we got the billion dollars authorized and appropriated.

Now, I wish to make an analogy that last year—if I could have Senator D'AMATO's attention for just a moment on this matter—after we had appropriated $5.3 billion on our war on drugs in the regular fiscal year 1989 bills, we went ahead to a drug supplemental for fiscal year 1989, and we took a round figure of about a billion, and out of that billion dollars that was appropriated for the war on drugs, it was understood that there would be utilized out of that billion, moneys for the agencies that then had in place a program that could be effectively used to counter the drug problem.

But second, there was authorized a czar, a role for a person to coordinate all drug activity, to really make this a united effort of all agencies to conduct warfare on drugs.

We stated in the law that we passed that that czar, who was quickly appointed, and who has been about the business of putting together the grand strategy, would have until September 1, 1989, to produce the blueprint, the action, the strategy for the war on drugs.

That has not been done and completed. It is being done and it will meet the deadline, I am told at this point.

Mr. President, there is a great deal of popular opinion and popular support that we ought to capture to mobilize public opinion for this war on drugs.

There is not a Member I know of in this body who can outdo any other Member in his commitment or her commitment against drugs. I think that is one thing in which 100 Members of the U.S. Senate on both sides of the aisle would join shoulder to shoulder to do something effective against this terrible scourge of our country.

But, Mr. President, offering amendments and appropriating money at a problem does not in itself solve the problem.

Most of all, people who subscribe to my party, the Republican Party, used to see the money wasted in this country by the New Deal that we criticized time after time for throwing money at a social problem, thinking that corrected it, which it did not. More money was squandered in that period of time with good intention, with good objectives, with great expectations and hope, but believe me, it was squandered. Just throwing money at a problem does not solve it.

Until we get a blueprint, until we get a strategy, until we get this in place, Mr. President, the administration is absolutely right when they say they will veto this appropriations supplemental. They will veto it if it includes this kind of appropriation for drugs when all of the billion dollars that have already been appropriated for fiscal year 1989 has not been obligated to this date and here we have an amendment for $228 million more.

That just does not make sense. Merely because we can say, "Well, here is an amendment to add more money to fight the war on drugs," does not solve the drug problem. It raises expectations and hopes from people thinking we are doing something constructive when actually it may be setting the whole effort behind.

We have not obligated the money already appropriated in this fiscal year. Why add more money when we do not even have the blueprint? The Senator from New York has his plan. This is what we see in the amendment. I will not go through all of it. He thinks $2 million for the Department of Treasury, Bureau of Alcohol, Tobacco, Firearms in salaries and expenses. Why not $3 million? Why not $1.7 million?

Mr. D'AMATO. Is the Senator asking me a question as it relates to that because I would be delighted to respond?

Mr. HATFIELD. I am happy to.

Mr. D'AMATO. Because these are the numbers. These are the figures that we have gotten from the particular agencies as it relates to that.

For example, the Bureau of Prisons indicates they are in need and could spend that $10 million and need it, and in the FBI we did not come to a salary of just $7 million and why not $17 or $27 million, but because they have had a general hiring freeze since January 31 as it relates to nonagencies and even if agents were hired, they would

still need support staff, and they are desperately in need of this money.

Mr. HATFIELD. Did any of these agencies ask for this money?

Mr. D'AMATO. Let me suggest to the Senator that the agencies understand the rules of the game, but when we canvassed these agencies, they have responded when we spoke to them, these are the dire circumstances that they find themselves in.

Mr. HATFIELD. Would the Senator also answer the question, would these additional amounts of money represent the agencies particular role in the war on drugs strategy that will be announced by September 1?

Mr. D'AMATO. I have heard about this grand announcement on September 1. But without giving it the resources, the fact of the matter is we are losing ground at this time. This in no way will put us ahead of the battle, but it may give us the ability and give us the tools and resources so the FBI, the DEA, the border patrol, the INS task force can at least meet minimal responsibilities which their agents are having a difficult time undertaking.

Mr. HATFIELD. I would say, Mr. President, the Senator from New York is not the drug czar, not any of us is the drug czar, not any of us has the responsibility for administering the programs in place or those that will be put into new configurations under the grand strategy that will be announced and be developed by September 1. By law we set that into the law. That was not the administration. That was the Congress of the United States that stated that date, stated that procedure.

So, Mr. President, I think we have to recognize that when we are charged at times of getting into micromanagement in the executive branch of Government, this is a star example. The moneys that are in place and appropriated have not been obligated and we want to add more money.

Last, we are putting into jeopardy all of the mandated programs that are in the supplemental because if it is then vetoed, as we have been told it will be, we will be delaying again the veterans benefits and all these others that have to be funded because they are established by law.

Mr. President, this is a preemptive action that is unwarranted and I do not believe is justified and therefore cannot be effective in conducting the war on drugs. You have to have a plan of action.

The PRESIDING OFFICER. The Chair recognizes the Senator from New York.

Mr. D'AMATO. Mr. President, I am not going to suggest to you that by allocating these $228 million we are going to win the war on drugs. But what I am going to say and suggest, if we want to be honest with ourselves, is that the agencies that we picked out here for the most part are not able to do the kind of job they should be able to do because they are underfunded.

When you have a hiring freeze in the FBI, which has now been assigned this responsibility, when you have drug enforcement agents that cannot be put out, when you have a border patrol which is cutting back, when you have a Coast Guard, which is not making the kind of acquisitions they are supposed to, the fact of the matter is the 1988 drug bill was underfunded.

Regardless of what plan the drug czar comes forth with in September, we are not implementing new plans or programs. We are saying that this is the barebone minimum we are trying to flesh out. We are trying to help because our prisons are strained, because our police services cannot make it, whether we call it the FBI or the DEA, because the Department of Education needs those dollars because there are school districts throughout America craving for it.

What are we talking about? We are talking about $5 million, because that is what they said they could utilize during this 3-month period of time. ADAMHA—that program as it relates to substance abuse of drugs and alcohol. My gosh, $43 million for this Nation—we have a nation of teenage alcoholics. Take a look and see what is happening to children 13, 14, 15 years old.

We are going to suggest that $43 million is going to be wasteful in that program? No. I would suggest what is taking place is we have not taken the time out. We have copped out on this business of waiting for a comprehensive plan of the drug czar and this amendment is not inconsistent with the awaiting his comprehensive plan.

As a matter of fact, this gives to those agencies who are now struggling under an incredible weight additional resources to wage that battle.

The PRESIDING OFFICER. The Chair recognizes the Senator from West Virginia [Mr. BYRD].

Mr. BYRD. Mr. President, this amendment, if adopted, will put this bill in jeopardy. It has been made perfectly clear by the administration in letters from Mr. Darman, from the Secretary of the Treasury, Mr. Brady, from the Attorney General and the Secretary of Defense, all expressing opposition, and the Director of OMB has indicated that if this bill carries more baggage than it is carrying right now, he will recommend that the President veto it.

Mr. President, I have listened to this rhetoric. There is plenty of it here, and I could deliever myself of a great deal of rhetoric, in fact, but I will restrain myself at least at this point.

These programs are not underfunded; $4.3 billion was appropriated for fiscal year 1989 in the regular bills; $1 billion was appropriated in the supplemental. That is $5.3 billion.

And as of March 31 of this year, 56 percent of that money had not been obligated.

And at the spend-out rate we have seen over the months ensuing since March 31, there will be money more than enough needed by the time the beginning of the next fiscal year rolls around. In addition, the President, has in his budget $6 billion—$6 billion—for the next fiscal year for the drug program.

Mr. President, the able ranking member of the Appropriations Committee, Mr. Hatfield, has made a very substantial case against this amendment. I will not add to it except to thank the ranking member, Mr. HATFIELD, for his statement and for his support of the bill.

Now, if we want a bill, Mr. President, we better listen to the committe. We carry our responsibility to pass this appropriation bill and to pass it as soon as we can pass it, because it is a dire emergency bill. And nobody takes a backseat to anybody else in this Chamber, as Mr. HATFIELD has said. Everybody is on the front seat on drugs. There is no backseat.

But having said already that there is ample money and that this bill will be placed in jeopardy—if this amendment is adopted, a point of order against this bill would send it to the calendar, not to the committee, not to the committee, but to the calendar. The committee would have no remedy. How would Senators like to do that? And if it makes it out of here, it will attract a veto if it has this money in it because it is going to be all the more difficult in conference to come out with a bill that will not be vetoed.

Mr. President, this amendment is subject to Budget Act points of order under sections 311(a) and 302(f). It is subject to these points of order because the committee and its subcommittees have exhausted their allocations for fiscal year 1989 under the budget resolution.

I, therefore, make the points of order under sections 311(a) and 302(f) of the Budget Act that the amendment is not in order.

The PRESIDING OFFICER. A point of order has been made.

The point of order is well taken. The amendment violates section 302(f) of the Congressional Budget Act since it provides new budget authority in outlays which would exceed several subcommittees' allocations reported pursuant to section 302(b). It also violates section 311(a) of the Budget Act. Therefore, the amendment falls.

Mr. D'AMATO. Mr. President, I appeal the ruling of the Chair.

Mr. BYRD. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

UNANIMOUS CONSENT AGREEMENT

Mr. MITCHELL. Mr. President, I ask the indulgence of Senators that I might now propound a unanimous consent agreement request limiting the amendments to H.R. 2072. I will not do that. The staffs of both the majority and minority leader have consulted on this matter. All Senators have been advised. I understand that the agreement I am about to propound has been cleared and approved by the distinguished Republican leader who is, in any event, present.

Accordingly, Mr. President, I ask unanimous consent that the following amendments be the only amendments in order to H.R. 2072, other than the expected committee amendments, and that they be considered under the following time limitations where stated:

Senator BIDEN, one to three amendments regarding drug funding, no time limit, Senator ROCKEFELLER, an amendment relating to the National Commission on Children, 10 minutes, equally divided; Senator LEVIN, an amendment regarding the Secretary of Transportation study of leveraged buyouts in the airline industry and the delay of LBO's until the study is completed, 20 minutes equally divided; Senator GRAHAM, a sense-of-the-Senate resolution on Eastern Airlines' strike, no time limit; Senator GRAHAM, an amendment regarding the National Endowment for Democracy money for civic organizations in Nicaragua, 40 minutes, equally divided; Senator BRADLEY, an amendment regarding money for water treatment less than $1 million, 10 minutes, equally divided; Senator DECONCINI, an amendment regarding Angola, 60 minutes, equally divided; Senator DECONCINI, an amendment regarding the Stinger sale to Bahrain, 30 minutes, equally divided; Senator METZENBAUM, an amendment regarding orphan drugs, 10 minutes equally divided; Senator ADAMS, an amendment to stabilize the apple market, 10 minutes, equally divided; Senator KENNEDY, an amendment regarding Justice Department funding, 30 minutes, equally divided; Senator BUMPERS, a technical amendment to the Magistrate Act, 5 minutes, equally divided; Senator METZENBAUM, an amendment regarding Winton Woods Lake in Cincinnati, OH, 5 minutes, equally divided; Senator MOYNIHAN, an amendment regarding drug funding supply and demand, no time limit; Senator HELMS, one or two amendments conditioning U.S. contributions to U.N. peacekeeping, no time limit; Senator HELMS, an amendment to require the United States to impose IMF World Bank entry for Angola, no time limit; Senator HELMS, an amendment repealing sanctions on Namibia, no time limit; Senator HELMS, an amendment to strike South Africa provisions, no time limit; Senator DOLE, an amendment regarding drought assistance, no time limit; Senator HATCH, two amendments regarding the Public Health Service, no time limit; Senator WALLOP, two amendments regarding fire rehabilitation and fire research, 20 minutes, equally divided, for each amendment; Senator MCCAIN, an amendment regarding funding for the National Endowment for Democracy, no time limit; Senator WARNER, an amendment to ban Alar, no time limit; Senator KASTEN, an amendment to repeal section 89, 30 minutes, equally divided; Senator WILSON, an amendment regarding air traffic control, no time limit; Senator WILSON, an amendment regarding drug funding, no time limit; Senator D'AMATO, an amendment regarding funding for the anti-drug program—is that the amendment that is presently being considered?

Mr. D'AMATO. Yes.

Mr. MITCHELL. Then I withdraw that reference to a D'Amato amendment.

Senator KASTEN regarding national accounting systems for international agencies; Senator GRAMM, an amendment regarding Central and South American refugees, 20 minutes equally divided.

I further ask unanimous consent that these amendments all be first-degree amendments; that relevant second-degree amendments be in order with the same amount of time as the first-degree amendment, if the first-degree amendment is under a time limitation, and with no time limit on the second-degree amendment if there is no time limit on the first-degree amendment; that the agreement be in the usual form; that no motions to recommit be in order; and that no points of order be waived by this agreement.

The PRESIDING OFFICER. Is there objection?

Mr. DOLE. Mr. President, I will not object, but I would just further identify the two Hatch amendments. One is on animal welfare and one is to delay the implementation of catastrophic health insurance premium increases and programs.

Mr. MITCHELL. I apologize. I did not hear the Senator.

Mr. DOLE. I just further identified the two Hatch amendments. One would be animal welfare and one would be delay of catastrophic insurance programs.

Then I am advised that Senator HEINZ has an amendment on targeted jobs tax credit and funds for implementation of the program.

Mr. MITCHELL. I have been advised that Senators SIMON and DIXON also wish to offer an amendment regarding the ozone grid model with no time limit.

On the Heinz amendment——

Mr. DOLE. It is targeted jobs tax credit and funds for implementation of the program. I would suggest 30 minutes equally divided.

Mr. MITCHELL. Until the relevant committee chairman can determine the substance, I prefer to leave that without a time limit if that is agreeable?

If I may inquire of the distinguished Republican leader, the Agricultural Committee chairman has asked, with respect to his proposed amendment on drug assistance, does that involve the $750,000?

Mr. DOLE. $275,000.

Mr. MITCHELL. The $275,000 study.

Does the distinguished Republican leader wish to add any further?

Mr. DOLE. Just the Heinz amendment and then I did clarify the two Hatch amendments. I have no objection to the request.

Mr. MITCHELL. Then with those additions, both by the distinguished Republican leader and myself, Mr. President, I ask unanimous consent that the agreement be approved as stated.

Mr. BYRD. Reserving the right to object——

Mr. MITCHELL. Mr. President, I ask that the 30-minute equally divided time limitation that I requested with respect to the amendment to be proposed by Senator KENNEDY regarding Justice Department funding be stricken so that that amendment now would be with no time limit. At a later time we can determine the substantive question, and can be able to reinstate the time as with others but as of now I ask my request be amended to delete the time limitation on that amendment.

The PRESIDING OFFICER. Is there objection?

Mr. BYRD. Mr. President, reserving the right to object, would it be possible to get an agreement that would rule out all second-degree amendments? All amendments to amendments?

Mr. MITCHELL. Not at this time, Mr. Chairman.

Mr. BYRD. This agreement is wide open with respect to amendments to amendments. That is my problem.

Mr. MITCHELL. If I might just say that the agreement does require that the second-degree amendments be relevant. I would prefer a more limiting agreement than this, but this is the best we can do for now. We hope as we proceed with this to be able to reduce it further, to reduce the list, to impose time limits where none now exist and perhaps take further steps as suggested by the distinguished chairman.

Mr. BYRD. Mr. President, reserving the right to object, I will not object. But I must say that this is really a shopping list of amendments. A sup-

plemental appropriations bill is, in one respect at least, most difficult of all the appropriations bills because it cuts across the board. It can be for any number of departments and agencies, and it looks like it is going to be. But I also recognize the problems that the leaders have in trying to develop a time agreement.

When we leave open first-degree amendments for amendments thereto, then we can beat down one after another of the amendments that are offered thereto and still see more and more coming, so that in one sense, this agreement does not really limit the number of amendments—in one sense.

But I am not going to interpose an objection. I hope that in the future when we have a supplemental appropriations bill up here, we will try to get agreements that will, perhaps, rule out amendments to amendments. But, in this instance, I will not object. And it may be in the future that I would be interested in amendments to amendments. I can play that game, too. But I am not interested in playing a game today.

Mr. MITCHELL. I thank the distinguished chairman. I am now advised that we have an additional amendment that has been requested so I would amend the request to include an amendment by Senator GRAHAM of Florida, regarding Haiti, with no time limitation.

The PRESIDING OFFICER (Mr. GRAHAM). Is there objection to the unanimous consent?

Without objection, it is so ordered.

Mr. MITCHELL. I thank the distinguished chairman and ranking Republican leader of the committee and hope with this first step we have begun the whittling down process. Much whittling remains.

Mr. BYRD. Some whittling remains, but I do thank both leaders for their efforts in this regard.

What is the pending question before the Senate?

The PRESIDING OFFICER. The Chair has ruled that the pending amendment violates sections 311 and 305 of the Budget Act. The Senator from New York has appealed that ruling of the Chair.

The question before the Senate is: Shall the ruling of the Chair be sustained?

VOTE ON MOTION TO TABLE APPEAL OF RULING

Mr. BYRD. Mr. President, I move to table the appeal. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. Is there further debate?

There being no further debate, the question is on agreeing to the motion to table the motion to appeal the ruling of the Chair. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Iowa [Mr. HARKIN] is absent because of attending a funeral.

Mr. SIMPSON. I announce that the Senator from Indiana [Mr. LUGAR] and the Senator from Alaska [Mr. MURKOWSKI] are necessarily absent.

I further announce that the Senator from Idaho [Mr. SYMMS] is absent due to a death in the family.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 81, nays 15, as follows:

[Rollcall Vote No. 74 Leg.]

YEAS—81

Adams	Fowler	Matsunaga
Armstrong	Garn	McCain
Baucus	Glenn	McClure
Bentsen	Gore	Metzenbaum
Bingaman	Gorton	Mikulski
Bond	Graham	Mitchell
Boren	Gramm	Nickles
Breaux	Grassley	Nunn
Bryan	Hatch	Packwood
Bumpers	Hatfield	Pell
Burdick	Heinz	Pryor
Burns	Hollings	Reid
Byrd	Humphrey	Riegle
Chafee	Inouye	Robb
Cochran	Jeffords	Rockefeller
Cohen	Johnston	Roth
Conrad	Kassebaum	Rudman
Cranston	Kasten	Sanford
Danforth	Kennedy	Sarbanes
Daschle	Kerrey	Sasser
Dixon	Kohl	Shelby
Dodd	Lautenberg	Simon
Dole	Leahy	Simpson
Domenici	Levin	Stevens
Durenberger	Lieberman	Thurmond
Exon	Lott	Wallop
Ford	Mack	Wirth

NAYS—15

Biden	DeConcini	Moynihan
Boschwitz	Heflin	Pressler
Bradley	Helms	Specter
Coats	Kerry	Warner
D'Amato	McConnell	Wilson

NOT VOTING—4

Harkin	Murkowski
Lugar	Symms

So the motion to lay on the table the motion to appeal the ruling of the Chair was agreed to.

Mr. BYRD. Mr. President, I move to reconsider the vote by which the motion to lay on the table was agreed to.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from West Virginia has the floor.

Mr. BYRD. I am hoping that Senator BIDEN would withdraw his amendment now. The two leaders have indicated that there will be no more rollcall votes after 4:30 today. The Biden amendment is another one of the drug amendments. I would like as manager of the bill to dispose of those amendments today if we possibly can. I saw Senator BIDEN on the floor just a moment ago and he indicated he would try to have the amendment ready. I beg the indulgence of my colleagues.

Mr. NICKLES. Will the Senator yield?

Mr. BYRD. Yes.

Mr. NICKLES. Is the Senator stating there will be no rollcall votes after 4:30?

Mr. BYRD. That is not according to my wishes but that is according to the statements of the two leaders. There will be no more rollcall votes after 4:30 today.

Mr. NICKLES. Has any statement been made concerning tomorrow?

Mr. BYRD. The distinguished majority leader indicated earlier that if the Senate did not finish this bill today, the Senate will be in tomorrow with rollcall votes.

Mr. NICKLES. I thank the Senator.

Mr. WARNER addressed the Chair.

The PRESIDING OFFICER. The Senator from West Virginia has the floor.

Mr. BYRD. I do not intend to hold the floor unduly here because other Senators have a right to call up their amendments, but I would like very much to get these amendments dealing with drugs out of the way today since we are not going, as I understand it, beyond 4:30 today.

The PRESIDING OFFICER. Does the Senator from West Virginia yield to the Senator from Ohio?

Mr. BYRD. Without losing my right to the floor.

Mr. METZENBAUM. I want to inquire of the manager of the bill——

The PRESIDING OFFICER. If the Senator from Ohio will suspend, the Senate is not in order.

Mr. WARNER. Will the Senator yield for an unanimous-consent request?

The PRESIDING OFFICER. The Senator from West Virginia has the floor. He has yielded to the Senator from Ohio.

Mr. BYRD. May I yield to the Senator from Ohio first for the moment and then I will be happy to yield. Did the Senator have a question?

Mr. METZENBAUM. Mr. President, I want to inquire of the manager of the bill. Here is a very minor amendment that involves $1 million with an offset that has been worked out with Senator BURDICK and his staff. It is my understanding it has been cleared with the Senator's staff as well. I wonder if the Senator objects to my moving ahead? It has to do with orphan drugs.

Mr. BYRD. Is it within the same subcommittee?

Mr. METZENBAUM. The answer is yes, I am advised by staff.

Mr. BYRD. It does not increase the allocation of a different subcommittee?

Mr. METZENBAUM. Senator BURDICK's staff advises me it is the same subcommittee.

Mr. BYRD. If the distinguished Senator will withhold for just a moment, perhaps I can help. Did the Senator from Virginia have an amendment?

Mr. WARNER. Mr. President, I thank the distinguished manager of the bill.

Mr. WARNER. Mr. President, the Senator from Virginia on behalf of other Senators who are working with him on an amendment on Alar requests unanimous consent that our amendment be printed in the event this matter is not taken up until next week.

Mr. BYRD. I yield for that purpose.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The text of the amendment, No. 122, is printed in today's RECORD under "Amendments Submitted".)

Mr. METZENBAUM addressed the Chair.

The PRESIDING OFFICER. The Senator from West Virginia has the floor.

Mr. BYRD. Mr. President, I yield to the distinguished Senator from Ohio. We have discussed this amendment. He will call it up. The two managers are here and are prepared to accept it, and we can move on.

Mr. President, I ask unanimous consent to temporarily set aside the pending amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Ohio.

AMENDMENT NO. 118

(Purpose: To provide funds for research on rare diseases)

Mr. METZENBAUM. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The clerk will report.

The legislative clerk read as follows:

The Senator from Ohio [Mr. METZENBAUM] proposes an amendment numbered 118.

Mr. METZENBAUM. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 31, after line 16, insert the following new language: "For an additional amount for orphan drug grants and contracts, $1,000,000".

On page 29, line 9, delete the sum "$1,000,000" and insert in lieu thereof, "$120,000".

On page 30, line 23, delete the sum "$200,000" and insert in lieu thereof, "$80,000".

Mr. METZENBAUM. Mr. President, that amendment has to do with orphan drugs. It has been worked out. It is for a very small amount of money.

Mr. President, this amendment would provide an additional $1 million for research and development of orphan drugs.

Orphan drugs are used to treat rare diseases that afflict a relatively small number of people.

An estimated 8 million Americans suffer from over 5,000 rare diseases. Over half of these are childhood diseases.

Drugs for rare diseases are not profitable for pharmaceutical companies to develop, and we can understand that.

But the bottom line is, many drugs which could be used to treat these afflictions never get developed.

Last year, Congress enacted an authorization providing $12 million for orphan drug research grants and contracts.

Unfortunately, only $4.9 million was appropriated. As a result, many worthy research proposals have been approved by the Food and Drug Administration, but have gone unfunded.

Last year, 70 grants were approved. Only 20 were funded.

This amendment would move some additional research projects forward.

To those who are concerned about costs, let me point out we are talking about a very small amount of money. When you talk about finding a cure for a rare childhood disease, $1 million is a drop in the bucket compared to the billions that are spent for medical research in this country.

This is a most worthy amendment, and I urge my colleagues to accept it.

I send to the desk a list of organizations represented by the National Organization for Rare Disorders. All of these organizations support this amendment, and I ask unanimous consent it be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

MEMBER ORGANIZATIONS

Acoustic Neuroma Association
American Narcolepsy Association
American Porphyria Foundation
Amyotrophic Lateral Sclerosis Association
Ankylosing Spondylitis Association
Association for Brain Tumor Research
Association for Glycogen Storage Disease
Benign Essential Blepharospasm Research Foundation, Inc.
Cornelia de Lange Syndrome Foundation, Inc.
Cystinosis Foundation, Inc.
Dizziness & Balance Disorders Association of America, Inc.
Dysautonomia Foundation, Inc.
Dystonia Medical Research Foundation
Dystrophic Epidermolysis Bullosa Research Assoc. (D.E.B.R.A.)
Ehlers-Danlos National Foundation
Epilepsy Foundation of America
Families of Spinal Muscular Atrophy
Foundation for Ichthyosis & Related Skin Types (F.I.R.S.T.)
Friedreich's Ataxia Group in America, Inc.
Guillain-Barré Syndrome Support Group International
Hemochromatosis Research Foundation, Inc.
Histiocytosis-X Association of America, Inc.
Huntington's Disease Society of America, Inc.
Immune Deficiency Foundation
International Joseph Diseases Foundation
International Rett Syndrome Association, Inc.
Interstitial Cystitis Association of America, Inc.
Jaw Joints & Allied Musculo-Skeletal Disorders Foundation, Inc.
Lowe's Syndrome Association
Lupus Foundation of America, Inc.
Malignant Hyperthermia Association of the United States
Meniere's Network (E.A.R. Fndtn.)
Mucopolysaccharidoses Research Funding Center, Inc.
Narcolepsy Network
National Addison's Disease Foundation
National Association for Sickle Cell Disease, Inc.
National Ataxia Foundation
National Cogenital Port Wine Stain Foundation
National Craniofacial Foundation
National Foundation for Ectodermal Dysplasias
National Foundation for Peroneal Muscular Atrophy
National Gaucher Foundation, Inc.
National Head Injury Foundation
National Marfan Foundation
National M.P.S. Society, Inc.
National Multiple Sclerosis Society
National Neurofibromatosis Foundation, Inc.
National Spasmodic Torticollis Assoc.
National Tay-Sachs & Allied Diseases Association
National Tuberous Sclerosis Association, Inc.
National Vitiligo Foundation, Inc.
Osteogenesis Imperfecta-NAC, Inc.
Paget's Disease Foundation, Inc.
Parkinson's Disease Foundation, Inc.
Polycystic Kidney Research Foundation
Prader-Willi Syndrome Association
Reflex Sympathetic Dystrophy Syndrome Association
Retinitis Pigmentosa Foundation Fighting Blindness
Scleroderma Info Exchange, Inc.
Scleroderma Federation, Inc.
Sjogren's Syndrome Foundation, Inc.
Tourette Syndrome Association, Inc.
United Leukodystrophy Foundation, Inc.
United Parkinson Foundation
Williams Syndrome Association
Wilson's Disease Association
Sickle Cell Disease Research Foundation of Texas, Inc.
Sturge-Weber Foundation
Texas Dept. MHMR
The Devereux Foundation
Thrombocytopenia Absent Radius Syndrome Association (TARSA)
Tourette Syndrome Association of Ohio
Tuberous Sclerosis Assoc. of IL
Turner's Syndrome Society
Turner's Syndrome Support Group of New England
(Associations are joining continuously. For newest listing contact the NORD office.)

ASSOCIATE MEMBERS

Alabama Society for Sleep Disorders
California Neurofibromatosis Network, Inc.
Canadian Marfan Association

Charcot-Marie-Tooth International
Chesapeake Infant Intervention Program
Children's Leukemia Foundation of MI
Chronic Fatigue Syndrome Society, Inc.
Chronic Granulomatous Disease Assoc.
Community Information & Referral Services of Phoenix, AZ
Del Oro Regional Resource Center
Family Survival Project for Brain Damaged Adults
5-P Society
Genetics Unlimited
Good Samaritan Medical Center, Neurological Coalition, Portland, OR
Infants & Toddlers Program, MD
Klippel-Trenaunay Support Group
Lyme Borreliosis Foundation
National Association for Pseudoxanthoma Elasticum
National Coalition for Research in Neurological & Communicative Disorders
National Neurofibromatosis Fndtn. Metro Washington, DC Chapter
Neurofibromatosis Association, Inc.
North American Pediatric Pseudo-Obstruction Society
North Shore University Hospital Infant Development Program
Parents Project/Association for Retarded Citizens, Inc.
Parent to Parent of GA
Parent to Parent of Miami
Parent to Parent of Richmond, VA
PHP Self-Help Clearinghouse
Research Trust for Metabolic Diseases in Children
Sarcoidosis Family Aid & Research Foundation
Self-Help Clearinghouse of N.J.

Mr. METZENBAUM. Mr. President, it is my understanding that this amendment is acceptable to the managers of the bill and the chairman of the subcommittee. If that be the case, I do not think it is necessary to speak upon it at length.

Mr. BURDICK. Mr. President, not a single Senator could argue against continuing and improving national research on orphan drugs to provide necessary new therapies to thousands afflicted with rare disorders and diseases.

As chairman of the Appropriations Subcommittee with jurisdication over the Food and Drug Administration, I am proud of the National Organization of Rare Disorders, an organization that has spearheaded efforts to relieve the plight of those suffering from low-incidence diseases. As a result, the Federal Government, through the National Institutes of Health and the Food and Drug Administration, has joined hands with the medical community, private industry, and academia in seeking cooperative approaches to unique and severe problems in the treatment and cure of orphan diseases.

Much progress has been achieved in recent years in many developmental diseases, extending the lives of young children, once throught impossible. National attention has been focused on little-known disorders throughout the National Commission on Orphan Diseases, and valuable contributions of time, funds, and research expertise have been volunteered.

Despite dwindling Federal dollars provided to the Food and Drug Administration, funds for orphan drug grants and contracts have been increased by about $1,240,000 in the past 2 years.

We would like to provide more funding to this cause. With the cooperation of Senator METZENBAUM, I am willing to accept an amendment to increase orphan drug product research in the supplemental by $1,000,000. This amendment will enable many high quality applications to be approved this year.

I believe that the Food and Drug Administration is sorely in need of additional funds, if it is to attempt to meet the standards of health and safety mandated by law. But, the administration continues to underfund the FDA and proposes user fees as a panacea for a beleaguered agency.

The fact that the Senator from Ohio seeks more funds for orphan drugs is a laudable goal. I fear that FDA has been shortchanged in recent years, and I find it difficult to continually juggle funds for one worthy project by taking away from another.

In the future, I would propose that more funds for FDA are necessary to allow the fruits of basic research we have supported for so long to reach the hands of the American public. The Food and Drug Administration merits our attention overall, not merely through piecemeal endeavors. I urge the Senate's commitment to the long-term revitalization of FDA, so necessary resources might be available for the development of treatments and cure for all diseases.

The PRESIDING OFFICER. Does any other Senator wish to be heard on this matter?

Mr. BYRD. Mr. President, the amendment does not increase the overall appropriation level—it has been offset—nor does it increase the allocation of another subcommittee. I have no objection.

Mr. HATFIELD. It is clear on this side.

The PRESIDING OFFICER. Is there further debate on the amendment? Each side has 5 minutes.

Mr. METZENBAUM. Mr. President, I ask unanimous consent that the remainder of the time be waived.

The PRESIDING OFFICER. Without objection, it is so ordered.

The time has been yielded back on both sides of the aisle.

The question is on agreeing to the amendment of the Senator from Ohio.

The amendment (No. 118) was agreed to.

Mr. METZENBAUM. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BYRD. Mr. President, I yield to the distinguished Senator from Nebraska, while I am still awaiting word on whether or not we can reach Senator BIDEN.

Mr. KERREY. I thank the Senator from West Virginia, the President pro tempore of the Senate.

Mr. President, as a member of the Senate Appropriations Committee, I am pleased to support H.R. 2072, the dire emergency supplemental appropriations bill of 1989.

The committee under the able leadership of its chairman, Senator BYRD, and its ranking member, Mr. HATFIELD, has, I believe, fashioned a bill which meets a number of needs, not all of which were recognized and/or supported by the administration. And, it did so within parameters which, I understand, are acceptable to the Office of Management and Budget.

There are many good provisions in the bill, but I want to mention a few which are of particular importance to my State of Nebraska.

In appropriating $6.6 million for the Essential Air Service Program, this bill safeguards a vital service to 11 Nebraska communities that participte in EAS Program. Originally enacted in 1978, the Essential Air Service Program was a response to the anticipated negative effects of airline deregulation on rural communities lacking a large volume of airline traffic.

Mr. President, I particularly want to commend Senator EXON, the senior Senator from Nebraska, for his continued dedication to this program. In fact, my colleague from Nebraska was the original sponsor of the 1988 essential air service reauthorization legislation. His foresight protected many Nebraska cities and towns from the economic hardship that they most certainly would have faced without the benefits of the Essential Air Service Program.

I also want to thank Chairman BYRD and Senator LAUTENBERG, chairman of the Appropriations Subcommittee on Transportation for their support of this program that not only assists Nebraska, but over 130 communities in 35 States.

Today's inclusion of funding for essential air service is particularly important following recent attempts to curtail the services provided under this program. For the individuals and businesses of Alliance, Chadron, Columbus, Grand Island, Hastings, Kearney, McCook, Norfolk, North Platte, Scottsbluff, and Sidney, NE, the continuation of this program is essential. In these Nebraska communities, continued air service is a vital component of these communities' economic infrastructure.

At a time that these rural communities—in the heart of rich farming and ranching lands—are making an economic comeback after the agricultural crisis of the 1980's, it would be an injustice to cut a program that has brought so many benefits, not only to 11 Nebraska communities, but over 100 other rural communities across the country.

The bill also contains $1.2 billion for veterans programs, including $340 million for medical care. With these funds the committee expects the VA to try to reach a personnel level of 194,720 which should help insure that medical personnel are available to provide the services to which all veterans are entitled. To the extent that these funds cannot be used for personnel, they are to be applied to the backlog of orders for prosthetic devices. We have three VA hospitals in my State and I know that these funds are necessary to keep services available.

Provisions in the bill also seek to cover the $13 million shortfall in the National Weather Service budget. I am concerned about the plans of the NWS for automation and I believe that existing stations and operations must be maintained until we can assure users of weather information that services and information will not be curtailed or diminished.

H.R. 2072 includes $100 million for migration and refugee assistance, primarily to help Soviet refugees leaving the Soviet Union. Many of these people are realizing long-held dreams of leaving a repressive society only to find themselves awaiting processing and other delays. We should take advantage of the relaxes emigration policy in the Soviet Union and help these people fulfill their dreams.

H.R. 2072 contains language designed to insure that additional timber receipts are made available to the Forest Service for trail maintenance and construction, wildlife and fish habitat management, wilderness management and reforestation. These are important conservation activities and are essential to guaranteeing that our national forests are maintained and protected for enjoyment in the years to come.

The bill would also provide initial funding for the second White House Conference on Library and Information Services. I believe we can expand educational opportunities through innovative and imaginative use of libraries and information systems and I will be interested to see what the conference can develop.

In addition the bill includes funds for both the Agricultural Stabilization and Conservation Services [ASCS] and the Soil Conservation Service [SCS] so that these agencies can stay abreast of the heavy workload they face in implementing farm price support programs and ensuring that farmers have a conservation compliance plan in place by the end of this year as required by law. The measure also requires the Farmers Home Administration to release to the States approximately $100 million in insured operating funds so that eligible farmers may have full access to the operating capital they need during the critical planting season already underway.

In response to the pressing needs created by the ongoing drought, the bill directs the Secretary of Agriculture to evaluate: First, how idle acreage devoted to conserving crops can be used to benefit nonforage consuming livestock such as hogs; second, whether, and under what conditions, Conservation Reserve Program [CRP] land should be made available for limited haying and grazing; third, the merits of increasing the daily feed allowances per animal under the emergency livestock assistance programs; and fourth, the benefits and costs of extended loans for grain currently held in reserve by farmers.

The bill also provides an additional $10 million for water and sewer loans and grants to assist rural communities suffering from the lack of water due to the drought. Finally, in report language accompanying the bill, the Secretary of Agriculture is encouraged to extend, from July 31 to December 31, the date by which farmers have to repay advanced deficiency payments that may be due on the 1988 crop.

As a witness to the drought's continued devastation in my own State of Nebraska, I can attest that these modest provisions are both timely and necessary.

In the area of rural health care, the bill includes two provisions that will advance the essential goal of promoting long-term planning for the health care needs of rural communities throughout Nebraska and the Nation. It makes this progress at a minimal cost.

First, the bill will require the Health Care Financing Administration to award 160 transition grants, with funds that have already been appropriated for fiscal year 1989. This provision is necessary, as the Bush administration has proposed a reduction in the number of awards to 80. Such a cutback would be shortsighted; transition grants provide a rare opportunity for rural hospitals to use Federal funds to create their own solutions to local health care access problems.

H.R. 2072 will also provide a modest appropriation to fund a much-needed study by the Secretary of Health and Human Services to develop a long-term rural health care strategy. To date, we have been able to pass only Band-aid solutions to a fundamental problem of obstructed access to necessary health care in rural areas. This provision represents an important first step toward a comprehensive rural health care policy. Because of an offsetting rescission, the provision is budget-neutral.

I am hopeful that the Senate Appropriations Committee can work closely with the House of Representatives in conference to maintain support for these important programs.

As a member of the delegation from Nebraska led by the senior Senator, Senator EXON, it is very difficult, as we are trying for relatively small appropriations, for our State to get full consideration.

I want to thank the chairman of the Appropriations Committee, Senator BYRD, and I also want to thank the ranking member, Senator HATFIELD, for working very hard to get back into this supplemental appropriations bill $6.6 million for central air service that will serve 11 communities in Nebraska and will enable those communities, all rural communities, to continue local efforts to increase the number of jobs in their communities, and to increase in general the economic activity of those towns.

Without the efforts of the President pro tempore, the chairman of the Appropriations Committee, and the ranking member, and most particularly, Senator EXON, this conclusion would not be there.

I want to assure Members of this Senate that that $6.6 million is money well spent. It will come to the aid of those communities, will enable them to help themselves, and go an awful long ways toward restoring economic health in rural America.

I thank the chairman of the Appropriations Committee, Senator BYRD, for permitting me to put this into the RECORD.

I yield the floor.

Mr. BYRD. Mr. President, I thank the able Senator for his fine statement, and also for his strong support for the central air service.

Mr. President, I understand that Mr. BIDEN will be on the floor at 4 o'clock.

I ask unanimous consent that Senator BIDEN may be recognized at 4 p.m. to call up an amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. I yield the floor. Other Senators who have amendments may do so.

Mr. GRAHAM addressed the Chair.

The PRESIDING OFFICER (Mr. CONRAD). The Senator from Florida.

AMENDMENT NO. 119

(Purpose: To express the sense of the Senate concerning the restoration of Eastern Airlines)

Mr. GRAHAM. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The Chair will advise the Senator from Florida——

Mr. GRAHAM. I ask unanimous consent to set aside the pending business.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRAHAM. I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Florida [Mr. GRAHAM] proposes an amendment numbered 119.

Mr. GRAHAM. Mr. President, I ask unanimous consent that the reading be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place, insert the following new section:

SEC. . RESTORATION OF EASTERN AIRLINES.

(a) FINDINGS.—The Senate finds that—

(1) the operations of Eastern Airlines have been substantially shut down since March 4, 1989, by a strike by the International Association of Machinists with the support of pilots and flight attendant unions;

(2) Eastern Airlines filed a petition under chapter 11 of title 11, United States Code, on March 9, 1989;

(3) Texas Air Corporation, which controls Eastern Airlines, had negotiated for the sale of Eastern;

(4) the organized employees of Eastern had agreed to provide a potential new owner with substantial wage;

(5) the deregulation of the airline industry by Congress was predicated on the anticipated continued existence of strong, independent airlines, such as Eastern Airlines;

(6) the Bankruptcy Court has the power to appoint an independent trustee to manage Eastern's return to operation during the interim period, leading up to the consummation of the sale agreement and transfer of control to a potential owner; and

(7) the return of Eastern Airlines to full operation is in the public interest and in the best interest of the creditors, employees, and customers of Eastern as well as the economies of the communities, States and regions of the United States that Eastern serves.

(b) SENSE OF SENATE.—It is the sense of the Senate that the Bankruptcy Court and all involved parties should facilitate the prompt and safe restoration of Eastern Airlines to full operations through all appropriate action, which may include appointment of an independent trustee, pending sale of the company.

Mr. GRAHAM. Mr. President, the strike at Eastern Airlines has lasted nearly 3 months now. Unfortunately, we are not much closer to an acceptable resolution of this situation than we were back on March 4 when the strike began.

This body has made a deliberate effort to allow the marketplace and the involved parties time to resolve the situation. But with every day that has passed and is passing and will pass in the future, passengers are being inconvenienced, employees livelihoods are being jeopardized, and a once-thriving company is being weakened.

Clearly it is the public sentiment that Eastern Airlines should return to the air as quickly as possible. I am proposing that the Senate voice public sentiment by expressing its sense that the bankruptcy court and all involved parties should facilitate the prompt and safe restoration of Eastern Airlines to full operations through all appropriate action, which may include appointment of an independent trustee pending sale of the company.

My home State of Florida, of which Eastern is a major corporate citizen, suffers from the effects of the dispute on a daily basis. The public is affected not only from the lack of service, but also the economic devastation caused by thousands of employees out of work and millions of dollars of lost revenues to tourism and other industries which depend on Eastern's continued survival.

For example, one small travel agent reported a loss of $18,000 in ticket refunds to passengers for which Eastern has not yet reimbursed.

Travelers report, and other airlines confirm, that the number of discount fares available has dropped significantly. In fact, the average price per ticket for corporate travel has increased from $290 to $433 since December 1988.

Why do we suggest that the bankruptcy judge appoint a trustee? The answer is simple. The current management has been unable to successfully negotiate a contract extension with the workers. Prospects for the two parties returning to the table are dim at best. As a result, the company is now in bankruptcy court.

Appointment of an unbiased, independent trustee could facilitate the end of the strike, making Eastern more attractive to both potential buyers and to customers.

Mr. President, the slow and painful deterioration of labor and management relations at Eastern Airlines has dragged on too long. To quote Judge Burton Lifland, Eastern "has remained too long in the emergency room and is hemorrhaging $1 million a day."

Any further delay in the restoration of the airlines could render full return to operations impossible. I encourage my colleagues to join me in representing public sentiment by the simple act of encouraging expeditious action on the behalf of all the involved parties.

Mr. President, this sense-of-the-Senate resolution contains the same request as was contained in a resolution which has been cosponsored by Senators BURDICK, DODD, ADAMS, METZENBAUM, KENNEDY, HEFLIN, KERRY, ROBB, SIMON, INOUYE, LIEBERMAN, NUNN, FOWLER, BRYAN, LEVIN, and MOYNIHAN.

I ask the Senate's positive consideration of this sense-of-the-Senate resolution as an amendment to the Supplemental Appropriation Act.

The PRESIDING OFFICER. Is there further debate on the amendment?

Mr. BYRD. Mr. President, I understand that the chairman of the Transportation Appropriations Subcommittee is on his way, so if we could delay just a brief period.

If the Senator has no objection, I will suggest the absence of a quorum.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. McCAIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McCAIN. Mr. President, I rise in opposition to the sense-of-the-Senate resolution before the Senate in that it states:

It is the sense of the Senate that the Bankruptcy Court and all involved parties should facilitate the prompt and safe restoration of Eastern Airlines to full operations through all appropriate action, which may include appointment of an independent trustee, pending sale of the company.

I guess I would like permission to engage in a colloquy with my friend and colleague from Florida, who has proposed this amendment or this resolution.

Does this resolution indicate that we are directing the Bankruptcy Court to appoint an independent trustee or does it just remind the Bankruptcy Court that they may include appointment of an independent trustee, pending sale of the company?

Mr. GRAHAM. I say to my friend from Arizona it is not intended to be directory. It reminds, alerts, brings to the attention of the bankruptcy judge that that is one option that would be available, but it does not mandate that option be elected.

Mr. McCAIN. I thank my friend for clarifying that.

It is my understanding then that this resolution basically does not dictate or does not intend to dictate to the Bankruptcy Court what they should do but as my friend from Florida just stated reminds them that the appointment of an independent trustee is one of the options that they can exercise. Is that an accurate description?

Mr. GRAHAM. That is my interpretation. That is the intention of the sponsor of the sense-of-the-Senate amendment; yes.

Mr. McCAIN. Then, Mr. President, I do not intend to oppose this resolution. I am glad to receive this clarification from my friend from Florida.

I appreciate his deep concern about the fate of the employees of Eastern Airlines. As the ranking minority member of the Aviation Subcommittee, I have been involved in this issue. I share his concern. We want to put those people back to work. We want Eastern Airlines back in operation and

most of all, of course, we want to maintain the competitive atmosphere amongst the airlines so that we can offer the passenger the lowest cost flight under the safest conditions.

I think this can be achieved by getting Eastern Airlines back into operation as quickly and as completely as possible.

I thank my friend from Florida, and I yield the floor.

The PRESIDING OFFICER. The Senator from Utah.

Mr. GARN. Mr. President, I have looked at this resolution, and frankly I could support most all of it except this part about the recommendation by the sense of the Senate that may include the appointment of an independent trustee, pending sale of the company.

I have to say I have listened to the colloquy between the distinguished Senator from Florida and the distinguished Senator from Arizona, and that does not satisfy me, because I do not think we in the Senate should get in the midst of litigation like this or get in the midst of court processes like this.

If the distinguished Senator were willing to take out "which may include appointment of an independent trustee," I would be willing to go with this resolution, but frankly I just do not see any reason why at this particular point the U.S. Senate should get involved in any way in a bankruptcy proceeding.

And while the Senator's sense-of-the-Senate resolution obviously does not require the appointment of an independent trustee, I do not see what purpose it is going to serve to urge such appointment other than to put pressure on the bankruptcy judge or whoever will make such appointment to do that.

The Bankruptcy Court is considering whether appointment of a trustee is warranted. I think that should be a decision made by the Bankruptcy Court. I have faith in the Bankruptcy Court system of this country that they will do what is right.

I think it is extremely unnecessary and for the Senate to involve itself at all in any way in this particular issue and even make a recommendation to the bankruptcy judge who may feel, "Well, if the U.S. Senate wants me to appoint a trustee, maybe I should do that." The fact is what the Bankruptcy Court should do is do what is best under the circumstances for all parties concerned in that particular proceeding. The court should not be influenced one iota by whatever we think here in the U.S. Senate, although it is not immoral for us to say that we would like to see this matter resolved, we would like to see Eastern continue, and we would like to see some way of all parties being benefited thereby.

But that is my problem with the sense-of-the-Senate resolution as it is presently drafted. I would have to object to it unless the Senator would be willing to take that line out. If he does, I would support it. I would vote for it and would support the distinguished Senator from Florida, and I think rightly so, and feel good about it.

Mr. GRAHAM. Mr. President, if I could respond, first I think the U.S. Senate has a very significant role in this issue. It was this body with our colleagues in the House which a decade ago deregulated the airline industry on the assumption that there would be a competitive marketplace which would assure that the public was served with quality, affordable air service. That assurance is one under serious threat as the number of major carriers rapidly diminishes.

Mr. GARN. Mr. President, will the Senator yield on that point?

Mr. GRAHAM. If I could finish.

Mr. GARN. Sure.

Mr. GRAHAM. To me that is the basis upon which we have a legitimate role in this issue.

Mr. GARN. If the Senator will yield, if we made a mistake in doing that, then we ought to correct it with legislation. If we did not make a mistake, then we ought to let the system run. That does not mean we cannot say that we hope you will do the very best job you can which is what this resolution otherwise says.

But when we start saying that you have to do this or that as a bankruptcy court because the U.S. Senate thinks it is the right thing to do, I think that is a little different.

Mr. GRAHAM. I answered the first question that the Senator asked, what was the legitimacy of our involvement in this issue.

Second, as I indicated in response to the questions from the Senator from Arizona, this language in no way can be interpreted as mandating a directory to the bankruptcy court, other than the language in the first phrase which talks about the urgency of getting all parties to reach a resolution. Instead of taking action leading to the restoration of service, we may be taking action to preside over the burial of a once great, important competitive part of our Nation's commercial aviation system and a significant international carrier.

I believe that the language as contained in the resolve section is an appropriate directive of the sense of urgency to the bankruptcy court. It indicates a course of action, without mandating that or any other course of action which the bankruptcy judge may feel to be appropriate.

Mr. GARN. If I could respond, the role of the Senate, of course, has been to enact along with the House the Bankruptcy Act, which leaves the decision whether a trustee is appointed or to be appointed by the court to the court itself and, of course, sets the criteria or standards regarding any particular appointment of a trustee.

What I am concerned about is our continual interference in what really now is litigation, what really now is the court process, what really now is the process that is out of our hands. If there is some way to correct it legislatively, that may be the way to do it.

But when you file a sense-of-the-Senate resolution indicating that this is what you would like to have done, then it seems to me that is a little bit more. That is an interference that really is not justified under the circumstances.

So I have real difficulty with it from that standpoint.

I think the rest of it is acceptable, even though I am not sure that it is necessary under the circumstances.

My experience with bankruptcy courts is they will do what they think is right as they should and they do not need influence from us or anybody else to do what they believe to be right.

Mr. GRAHAM. Mr. President, this is reminiscent of the discussion that the Senator from Utah and I had, I believe, in the second week of March in the first few days after this strike commenced.

The arguments that the Senator from Utah made then are the ones that he makes today almost 3 months after the strike started.

I believe that there is at stake here more than a management-labor conflict. There is more than a commercial relationship between borrowers and lenders, between debtors and creditors. There are important public issues at stake in terms of the preservation of a competitive commercial airline industry.

The essential point that this sense-of-the-Senate resolution makes is to convey to all parties, including those who are in dispute and those who are attempting to resolve the dispute, that there is a public interest involved and that there is a sense of urgency to get on with this matter or we will not have the opportunity to restore what had been an important, vibrant part of our Nation's commercial aviation system, Eastern Airlines.

Mr. HATCH. Let me ask the Senator a question. If I understand the Senator's comments correctly, the Senator is saying that the sense-of-the-Senate resolution basically may include appointment of an independent trustee. The Senator would give equal weight that it may not include the appointment of an independent trustee, is that correct? In other words, it is going to be up to the bankruptcy trustee?

Mr. GRAHAM. There is no intention by that language to direct what the bankruptcy trustee should do.

Mr. HATCH. Then I have a suggestion to satisfy the Senator from Utah in his attempt to help the Senator from Florida. Why do we not just say then, in the last few lines, beginning with line 9, "which may or may not include appointment of an independent trustee"? Because that is basically what the Senator said. That would satisfy me and I think then I could support the resolution.

Would the Senator modify the resolution in that regard? That basically makes it clear.

Mr. GRAHAM. The Senator from Florida would be willing to take that under advisement. I take note of the fact that we have arrived at the hour of 4 o'clock which, by previous order, was the time at which we were to turn to another matter.

Mr. HATCH. I will be happy to go with that if the distinguished Senator would do that, because that is basically what he said. It would make it clear in the RECORD itself in the actual resolution and you could then voice vote this resolution.

Mr. GRAHAM. I would like to take that suggestion, which I accept as a very legitimate effort to move this matter forward, under advisement. I will at the appropriate time, after we complete the business, which I gather is now before the Senate, attempt to do so.

Mr. HATCH. Will the Senator allow the Senator from Utah enough time to get back to the floor?

Mr. GRAHAM. Yes.

Mr. BYRD. Will the Senator yield?

Mr. GRAHAM. Yes.

Mr. BYRD. Mr. President, I understand Mr. BIDEN may be another 5 minutes in reaching the floor, so I would suggest the two Senators proceed if they can work this matter out.

Mr. GRAHAM. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative proceeded to call the roll.

Mr. CONRAD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. (Mr. GORE). Without objection, it is so ordered.

ESSENTIAL AIR SERVICE AND ADVANCE DEFICIENCY PAYBACKS

Mr. CONRAD. Mr. President, I just want to take a few moments, while we are waiting for Senator BIDEN, to commend the Appropriations Committee for two elements of this legislation that are critically important to my State. First, Mr. President, the essential air service supplemental, which is just over $6 million, will continue essential air service which provides the critical link to the outside world for rural communities, several of which are in my State.

I want to especially thank the chairman of the Appropriations Committee, Senator BYRD, and my colleague, Senator BURDICK, for their leadership on this issue. I know that Senator BYRD has been a staunch ally on this matter throughout the process and, of course, my colleague Senator BURDICK has always had a special interest in this matter. I want to thank them both because this is terribly important to our State.

Second, Mr. President, on the advance deficiency paybacks on those bushels that also received disaster relief, as the Chair knows, the original legislation last year would have had that advance deficiency deducted from disaster payments. I authored an amendment which deferred the payback until July 31. And now, in this legislation, the payback is further deferred until December 31.

Mr. President, that is critically important. Our State is still suffering from a drought. As I was touring the State of North Dakota last week, in town after town I had farmers come to me and say:

Senator Conrad, I would have to borrow the money to pay back the advance deficiency and we still don't know if we are going to have a crop this year. Please, please do whatever you can to put off the payback of the advance deficiency until we see whether we have drought again this year. If we do, some of us will move to get the advanced deficiency payback forgiven completely.

Again, I would especially like to commend my colleague Senator BURDICK, who has led the fight on this issue, which again is critically important not only to my State, but many other States that were devastated by drought, and I also want to especially thank the chairman of the Appropriations Committee for a sympathetic ear. His State is not one that benefits. His State is one that has had other hardships, and we have tried to be sensitive to those hardships. We very much appreciate his attention when our States are badly hurt.

With that, Mr. President, I want to again thank my colleague, the senior Senator from North Dakota [Mr. BURDICK] for taking the leadership on this issue and also thank, again, the chairman of the Appropriations Committee.

I yield the floor.

Mr. BYRD. Mr. President, I thank the distinguished Senator from North Dakota for his kind remarks and I want to express my appreciation to him for the support that he has given to the chairman of the committee in my effort to get this bill passed and to conference. It does have very important appropriations items in it. Most of them are dire emergency items, the others are urgent emergency items, and the essential air service item is one about which he has spoken to me on a number of occasions. He has addressed his interest on this time and time again to me and I am happy to join with him and with his senior colleague, Mr. BURDICK, in pressing for $6.6 million so as to enable these airline services to continue until the first of the coming new fiscal year. Otherwise, these 155 communities all over the country are going to suffer a loss of this essential airline service come July 1. And that is not far away. So I thank him for his support, I appreciate very much his kind remarks.

AMENDMENT NO. 119, AS MODIFIED

Mr. GRAHAM. Mr. President, I ask we return to the consideration of the sense-of-the-Senate amendment, which I had offered.

The PRESIDING OFFICER. That is the pending question.

Mr. GRAHAM. Mr. President, I ask that the sense-of-the-Senate amendment be modified in two regards. First, on page 2, at line 7, after the word "wage" to add the word "concessions"; and on page 3, line 9, after the word "may" to add the phrase "or may not".

The PRESIDING OFFICER. Is there objection?

Mr. BYRD. Mr. President, I believe the managers on this side are in a position to accept this amendment.

Mr. HATCH. If the Senator would yield?

Mr. BYRD. Yes.

Mr. HATCH. I think the modifications are satisfactory to this side.

Mr. BYRD. Mr. President, if I may continue, I believe also the chairman of the Appropriations Subcommittee on Transportation has indicated he has no objection. So, we are willing to accept the amendment as modified.

The PRESIDING OFFICER. Is there objection?

Mr. GRAHAM. Yes. Mr. President, I would like to ask for the yeas and nays.

The PRESIDING OFFICER. The request is still pending. Is there objection to the request? Hearing none——

Mr. HATCH. Mr. President, reserving the right to object, I do not see any reason for the yeas and nays. It will save time of this body if we did not go to the yeas and nays and we pass it by unanimous consent. And I think that would be effective. I would like to ask the Senator to consider withdrawing the request for the yeas and nays at this late hour on this day when people are trying to leave.

Mr. GRAHAM. Mr. President, I would like to repeat my request for the yeas and nays.

The PRESIDING OFFICER. Pending is the request for the unanimous consent to modify the pending amendment.

Is there objection to the request to modify the pending amendment as described?

Hearing no objection, the request is granted.

The amendment (No. 119), as modified, is as follows:

At the appropriate place, insert the following new section:

SEC. . RESTORATION OF EASTERN AIRLINES.

(a) FINDINGS.—The Senate finds that—

(1) the operations of Eastern Airlines have been substantially shut down since March 4, 1989, by a strike by the International Association of Machinists with the support of pilots and flight attendant unions;

(2) Eastern Airlines filed a petition under chapter 11 of title 11, United States Code, on March 9, 1989;

(3) Texas Air Corporation, which controls Eastern Airlines; had negotiated for the sale of Eastern;

(4) the organized employees of Eastern had agreed to provide a potential new owner with substantial wage concessions;

(5) the deregulation of the airline industry by Congress was predicated on the anticipated continued existence of strong, independent airlines, such as Eastern Airlines;

(6) the Bankruptcy Court has the power to appoint an independent trustee to manage Eastern's return to operation during the interim period, leading up to the consummation of the sale agreement and transfer of control to a potential owner, and

(7) the return of Eastern Airlines to full operation is in the public interest and in the best interest of the creditors, employees, and customers of Eastern as well as the economies of the communities, States and regions of the United States that Eastern serves.

(b) SENSE OF SENATE.—It is the sense of the Senate that the Bankruptcy Court and all involved parties should facilitate the prompt and safe restoration of Eastern Airlines to full operations through all appropriate action, which may or may not include appointment of an independent trustee, pending sale of the company.

Mr. BYRD. Mr. President, the distinguished Senator is certainly within his rights to ask for the yeas and nays and if he insists, why I will certainly join him in asking for the yeas and nays. I would simply express the hope that he would not press the request. I hope that Senator BIDEN is ready to avail himself of the opportunity, now, to take advantage of the order which was entered recognizing him at 4 o'clock for the purpose of calling up his amendment. If we have a rollcall vote here that is going to take until 4:30.

I would like to dispose of the Biden amendment before the day is over.

I see the distinguished majority leader on the floor. I would like to have his indication as to how much longer we can go.

Mr. President, I do not believe that Mr. BIDEN is quite ready to offer his amendment. So, if the distinguished Senator insists on the yeas and nays I suggest he go ahead.

The PRESIDING OFFICER. The yeas and nays have been requested.

Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. Is there further debate?

If not, the question is on agreeing to the amendment, as modified, of the Senator from Florida.

The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Hawaii [Mr. INOUYE], and the Senator from Maryland [Mr. SARBANES] are necessarily absent.

I also announced that the Senator from Iowa [Mr. HARKIN] is absent because of attending a funeral.

Mr. SIMPSON. I announce that the Senator from Indiana [Mr. LUGAR] and the Senator from Alaska [Mr. MURKOWSKI] are necessarily absent.

I further announce that the Senator from Idaho [Mr. SYMMS] is absent due to a death in the family.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 94, nays 0, as follows:

[Rollcall Vote No. 75 Leg.]

YEAS—94

Adams	Ford	McClure
Armstrong	Fowler	McConnell
Baucus	Garn	Metzenbaum
Bentsen	Glenn	Mikulski
Biden	Gore	Mitchell
Bingaman	Gorton	Moynihan
Bond	Graham	Nickles
Boren	Gramm	Nunn
Boschwitz	Grassley	Packwood
Bradley	Hatch	Pell
Breaux	Hatfield	Pressler
Bryan	Heflin	Pryor
Bumpers	Heinz	Reid
Burdick	Helms	Riegle
Burns	Hollings	Robb
Byrd	Humphrey	Rockefeller
Chafee	Jeffords	Roth
Coats	Johnston	Rudman
Cochran	Kassebaum	Sanford
Cohen	Kasten	Sasser
Conrad	Kennedy	Shelby
Cranston	Kerrey	Simon
D'Amato	Kerry	Simpson
Danforth	Kohl	Specter
Daschle	Lautenberg	Stevens
DeConcini	Leahy	Thurmond
Dixon	Levin	Wallop
Dodd	Lieberman	Warner
Dole	Lott	Wilson
Domenici	Mack	Wirth
Durenberger	Matsunaga	
Exon	McCain	

NAYS—0

NOT VOTING—6

Harkin	Lugar	Sarbanes
Inouye	Murkowski	Symms

So the amendment (No. 119), as modified, was agreed to.

Mr. MITCHELL. Mr. President, for the benefit of my colleagues, many of whom have asked in the last few hours the plans for the further consideration of this measure, I would like to now state that following consultation with the distinguished Republican leader, the chairman of the Appropriations Committee, and the ranking member of the Appropriations Committee, attempting to accommodate the interests of as many Senators as possible, I believe the best course, considering our need to dispose of this legislation, will be to continue on this matter this evening, to dispose of as many amendments as possible, which means that there will be two or three more rollcall votes this evening for which Senators should be prepared, then while continuing in session tomorrow and to consider amendments, and on Monday, if necessary; that there not be any rollcall votes either tomorrow or Monday but that any votes to occur as a result of amendments considered on tomorrow and on Monday, if necessary, be stacked on Tuesday, at which time it is our earnest hope we will be able to complete action on this matter.

So to summarize for the benefit of Senators, we will have further consideration and rollcall votes this evening, two or three more. There will be a session tomorrow and Senators with amendments will be requested to be here to present their amendments. At the conclusion of business tomorrow, we will determine whether a similar session will be necessary on Monday. But in any event, there will not be any rollcall votes tomorrow or Monday. There will be under this schedule the possibility of several rollcall votes on Tuesday afternoon. I will determine the appropriate time for that, most likely beginning late Tuesday afternoon to accommodate the interest of Senators.

I thank Senators for their cooperation. I am especially grateful to the distinguished manager of the bill, the chairman of the Appropriations Committee, and to the distinguished Republican leader, who have been most helpful and accommodating to me and other Senators in this regard.

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. The President pro tempore.

Mr. BYRD. Mr. President, I do not like this arrangement. Let me preface what I shall say further with this statement. The distinguished majority leader discussed this matter with me, and under the circumstances which confront him I think this is the best we can do.

I have been in his position, and I know the pressures that are on him. There comes a time when he needs somebody to stand up for him. Very few times did anyone ever stand up for me. This is all right; that went with the turf. But is is about time somebody helped the majority leader and the Republican leader to encourage our colleagues to act in the best interests of the Senate rather than what is in the best interest of the convenience of Senators.

Here we have a dire emergency appropriations bill—veterans' medical services, essential air services, 155 communities over this country that need essential air service and come July 1, 155 communities over this country are going to be devoid of any airline serv-

ice whatsoever. We have several other items in this bill of importance to the Veterans' Administration. We also have food stamps. We have money for foster child care.

This is a dire emergency appropriations bill. This bill has to go to conference. I happen to know what we are going to be up against in conference. It is going to be tough, and come mid-June—and next Tuesday will be the 6th—we are going to see some of these veterans' services curtailed if this bill is not signed into law by then.

I want to bend over backwards to accommodate Senators. I do not envy the situation in which any leader here finds himself. I do not like this way of operating on a supplemental appropriations bill. It is my responsibility to try to get this bill through this Senate. It is not my responsibility to try to work in such a way as to make it convenient for every other Senator here. The leader is the prisoner of Senators, and always has been. Any Senator can object to time agreements, they can make it tough on the leader, and any one Senator can make it difficult for every other Senator. I have seen some Senators from time to time who are willing to be selfish enough to look out for their own convenience, and to hell with everybody else's and the Senate's, too. I am tired of doing business as usual with this supplemental. We have had run after run already on the drug subject with respect to this bill. We had it in the committee yesterday. And we are going to have more drug amendments. Senators have a right to call up those amendments, of course.

But when are we going to end this effort to pile more money on this bill for drugs? I will address that problem when the next amendment is called up.

But I simply want to say this: I am urging Senators for Heaven's sakes to restrain their desire to call up amendments that have no business on this bill. We went through 1 hour and 45 minutes earlier today dealing with a sense-of-the-Senate resolution. We just had another sense-of-the-Senate resolution a few minutes ago, and had a rollcall vote. These are important to Senators who offered the amendments. But this bill, the supplemental, is not a catch-all for everything coming and going. These amendments have no business on this bill.

And there are sections of the Budget Act under which, if a point of order is made, upheld and then overruled, or if a motion to waive the Budget Act carries, the bill is in jeopardy. And another point of order against the bill can then put it on the calendar, not back in the committee. When it is put back on the calendar, under 302(f) or 311(a), the Appropriations Committee has no remedy. It cannot get to the bill. The bill is on the calendar.

If more money were needed for drugs, I would be in the forefront of the effort to appropriate money for drugs. Every Senator has a right to call up amendments. Senators have a right to be heard.

But can we not stop it at some point? We can finish this bill by tomorrow under the program that has been laid out by the majority leader. We could have those rollcall votes tonight on these more serious amendments. Senator BIDEN has an amendment that will require a rollcall vote, and there are one or two others. Some of these amendments that are on this list have already disappeared. Some of them can be worked out and possibly adopted. Others hopefully will disappear as time goes on.

So if we will confine ourselves now to the drug amendments, and if those who have other amendments, will stay here, I will stay here until midnight, if need be to work with Senators on amendments.

I will be here tomorrow.

Time for fun and games is about over. There has been a lot of talk about all the bullets we are going to have to bite next year. We had better start now. I want to take this opportunity to thank those Senators who have supported my points of order. Other votes have not been easy for the Senators who have supported me on these points of order. It is easy to go home and say I voted for the money for drugs. It is a good political vote. So it takes a little bit of gut, backbone, and steel in that backbone to vote against these amendments. They are politically potent.

But I commend Senators who have had the courage to go the hard way and oppose the amendments. They have been willing to stand up and vote to uphold the rules of this Senate, of this Budget Act, which we enacted, and with which we have to live.

All this talk about biting the bullet next year, to bring this budget under control is just so much more wind if we do not start now. We are trying to keep this bill within reasonable bounds to avoid a veto, and to avoid adding more to the budget deficit.

I thank the distinguished majority leader for his cooperation. He has been very considerate. I thank the Republican leader who has been likewise, and Mr. HATFIELD. I thank Senators on both sides and especially thank the members of my committee, who have supported the points of order.

So having said that, let me urge Senators to let us know what amendments you have. If we can work it out, to accept your amendments, we will. Let us try to finish this bill tomorrow, so we can get on to conference by Monday or Tuesday of next week.

Mr. President, I yield the floor.

Mr. BIDEN addressed the Chair.

The PRESIDING OFFICER. The senior Senator from Delaware.

Mr. BIDEN. Mr. President, do I have the floor?

The PRESIDING OFFICER. The Senator from Delaware is recognized. Is there objection?

Mr. BIDEN. I yield to the Senator from New Jersey [Mr. BRADLEY].

Mr. BRADLEY. I thank my distinguished colleague from Delaware, and I wonder if the distinguished Senator from Maryland, the subcommittee chairwoman for VA, HUD, and Independent Agencies and EPA will yield for colloquy.

Ms. MIKULSKI. I will be happy to yield to the Senator from New Jersey for such purposes.

Mr. BRADLEY. I want to bring to the attention of the subcommittee chairperson a dire circumstance affecting the city of Camden, NJ. Camden is one of the poorest, neediest cities in the country, in terms of schools, housing, roads, drug problems, and now its water supply is in danger.

Nearly 12 years ago, chromium was detected in one of the major wells supplying water to the city of Camden. It is highly toxic, and it is a mobile contaminant, and it is really from an unknown source. Seven years ago a second well was contaminated. Five years ago a third well was contaminated, and now a fourth well is endangered.

There is a procedure called Ferris Ion electro-chemical precipitation, which can remedy the situation for a very small amount of money, several hundred thousand dollars—$600,000 to be exact—and according to the New Jersey Department of Environmental Protection, the situation is really desperate. If there is a drought or if the wells cannot be recovered or contamination spreads, the entire water supply for the city of Camden could be endangered.

I recognize that this is a supplemental proposition, and there are other things in this which are enormously important, veterans' benefits and others, but I wonder if the distinguished subcommittee chairperson would be willing to include the necessary $600,000 in the subcommittee's 1990 appropriation bill.

Ms. MIKULSKI. I want to commend the Senator for bringing this matter to my attention. As I understand it, this would be a prototype. It would have significant national interest, and there is no doubt that Camden has been under siege on this issue. I want the Senator to know that I am going to make every effort to accommodate his request in our ordinary appropriations request as we go through it for fiscal 1990. We will put the green eyeshade on and see how we can help Camden and do everything we can.

Mr. BRADLEY. I thank the subcommittee chairwoman very much. The essential aspect of the health of society is a clean, safe, abundant drinking water supply that is endangered in Camden today, and I appreciate your sensitivity to that issue.

The PRESIDING OFFICER. The Senator from Delaware has the floor.

Mr. BIDEN. Mr. President, I understand that the Senator from Arizona is going to make a unanimous-consent request.

Mr. DECONCINI. Mr. President, I ask unanimous consent that the Senator from Delaware yield the floor to me for 5 minutes to offer an amendment that I understand the chairman of the committee and ranking member is prepared to accept, dealing with the Stinger missile in Bahrain.

The PRESIDING OFFICER. Is there objection? Hearing none, the Senator is recognized for 5 minutes.

AMENDMENT NO. 120

(Purpose: To establish responsibility for missile nonproliferation policy in the Department of State)

Mr. DECONCINI. I thank the Senator from Delaware, and I want to ask also that the Senator from Hawaii be able to speak, who is on his way over hear, I believe, because he wants to participate in this.

Mr. President, I send an amendment to the desk on behalf of myself, Mr. KASTEN, Mr. LEAHY, Mr. SPECTER, Mr. HOLLINGS, and Mr. INOUYE.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Arizona [Mr. DECONCINI] for himself, Mr. KASTEN, Mr. LEAHY, Mr. SPECTER, Mr. HOLLINGS, and Mr. INOUYE proposes an amendment numbered 120.

Mr. DECONCINI. I ask unanimous consent that reading be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end of the bill, add the following:

SEC. . RESPONSIBILITY FOR NUCLEAR, CHEMICAL, BIOLOGICAL, AND MISSILE NONPROLIFERATION.

(a) RESPONSIBILITIES.—The responsibilities of the Undersecretary of State for Coordinating Security Assistance Policy shall include—

(1) coordinating United States diplomatic efforts to obtain the agreement of all appropriate countries to a missile technology control regine encompassing chemical, biological, and nuclear capable missiles; and

(2) coordinating policies within the United States Government on strategies for restricting the export to foreign countries of components of missiles which are capable of carrying nuclear, chemical, or biological weapons.

(b) REPORT REQUIRED.—The Secretary of State shall submit within 90 days of the date of enactment of this Act to the Speaker of the House of Representatives and the President pro tempore of the Senate a report setting forth the Administration strategy for dealing with the missile proliferation issue, and specifying the steps taken to ensure that adequate resources will be allocated for the purpose.

(c) CONTENTS OF REPORT.—The report required in subsection (b) shall contain, but is not limited to—

(1) a discussion of efforts that can be made to strengthen the Missile Technology Control Regime to rstrict the flow of Western missile hardware and knowhow;

(2) a discussion of ways to strengthen international arrangements, including the formation of a new international organization, to monitor missile-related exports and compliance with missile nonproliferation efforts; and

(3) a discussion of how incentives and threats of sanctions can be used to win the cooperation of more nations in controlling missile proliferation.

SEC. . TEMPORARY SUSPENSION OF RIGHT TO REPURCHASE STINGER MISSILES.

Notwithstanding section 573(b)(4) of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1988, and section 566(b)(4) of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1989, the United States hereby suspends its obligation to repurchase Stinger antiaircraft missiles from Bahrain until October 31, 1989.

Mr. DECONCINI. I have a statement explaining this amendment in great detail. I thank Senators KASTEN and LEAHY and others who participated in reaching this compromise. I particularly want to thank the chairman of the committee, Senator BYRD, whose staff has worked with our staff for many, many hours.

Mr. President, this amendment accomplishes three major things: Under present law, the Stinger missiles that were permitted to go to Bahrain in the fiscal year 1988 foreign operations appropriations bill are slated to come back as of June 22, 1989, under a buy-back agreement.

Things have changed, Mr. President. Bahrain has been very responsive to our needs in the Persian Gulf. Yet, there is a strong feeling here with Senators SPECTER and KASTEN and others, that the proliferation of these technologically advanced weapons is something with which we should concern ourselves. And the amendment does a couple of things: It requires the Secretary of State and the Under Secretary's office to report to the President pro tempore and the Speaker of the House with a plan and a strategy setting forth how they are going to deal with the nonproliferation of missiles, whether they are biological, chemical, or nuclear or this type of a Stinger missile, with the goal of slowing down the proliferation of these weapons systems.

This document must come to the Senate and the House within 90 days. After that is done, then we have an opportunity to respond. In light of that, as part of the compromise and after speaking with Under Secretary Eagleburger last night, we need to extend the buy-back provision until October 31, 1989. Thus, the permission to have the Stinger missiles in Bahrain will be extended until that time.

Obviously, if the State Department does come back with a comprehensive plan, as they have indicated they will, to address the problem of the tremendous amount of high-technology missiles being sent all over the world, not to mention the Middle East, then we will address the problem of permitting Bahrain to keep the Stinger. Let me say quickly, Mr. President, that in the Middle East alone, almost $500 billion of highly explosive delivery system weapons have been sold to this area of the world in the last 10 years. Last year, or the year before last, in 1987, it was about $140 billion. Seventeen percent of that comes from the United States; most of it goes to Israel and Egypt, but also to other countries.

It seems to some of us, Mr. President, that it is time that we, as a nation, take a strong stand on nonproliferation. We have done it with nuclear weapons. We ought to do it with chemical weapons and with the sophisticated armaments being sold in the Middle East and around the world. The Senator from Oregon has been a leader in the nonproliferation area for a long time and supported this amendment last year. The amendment to bar Stinger missiles in the whole Persian Gulf area passed the full Appropriations Committee 16 to 11 last year. We worked out this arrangement for Bahrain because of certain strong feelings that the administration, particularly General Powell, the National Security Adviser had at the time.

So I think this is a good compromise, and one that I hope the Senator from West Virginia and the ranking member will accept.

I realize the difficult position that the Senator from West Virginia is in with regard to completing action on this bill.

But, Mr. President, the clock is ticking as increasingly deadly missiles continue to proliferate throughout the developing world. We have seen thousands of people killed by the use of chemical weapons in the Iran-Iraq War. India has just successfully tested its AGNI missile in the Indian Ocean. Within the last 2 weeks, a ballistic missile, from some unknown country, landed in Pakistan. The fragile tinderbox known as the Middle East continues its precarious balance between life and senseless death.

Last year in the World Military Expenditures and Arms Transfers, 1987, the Arms Control and Disarmament Agency estimated that the countries in the Middle East, excluding Egypt and Israel, spent $450 billion on military expenditures. This included $140 billion in total arms imports, with another $20 billion in arms imports if Egypt and Israel were included. If you can imagine $160 billion worth of arms

imported in 1 year into the small, confined area of the Persian Gulf, you can easily see how destabilizing and threatening this is to world peace.

Unfortunately, the executive branch has yet to develop or even focus upon a credible missile nonproliferation policy. As many of my colleagues know, I have been focused on this issue for quite some time. At first, my interest grew out of the sales of Stinger missiles to Saudi Arabia. The Stinger, as my colleagues know, is the ultimate terrorist weapon. In the hands of a terrorist, it can easily destroy a civilian aircraft. Ultimately, the Stinger was sold to the Saudis with stringent recordkeeping and safety provisions attached.

The Stinger went to the Afghan freedom fighters. I supported our policy toward the Afghan fighters but tried to ensure that strong safeguards were placed on the Stinger at the time. Without the proper safeguards, some Stinger missiles found their way into Iran and Qatar. Iran used a Stinger to shoot down a U.S. helicopter in the gulf. We must stop these and other weapons from being passed out like cigars.

The proliferation of this one weapons system have had a profound impact on the region. Other systems continue to be introduced in the region by the United States, Germany, France, Great Britain, and many other international salesmen. The amendment I am proposing today would assist the administration and the State Department in developing a credible, U.S. nonproliferation policy. The amendment has been worked out after many lengthy discussions with the State Department and many of my Senate colleagues.

With the amendment I am offering today, this country will begin development of a policy on proliferation of all chemical, biological, and nuclear weapons. The amendment would redesignate the Office of Under Secretary of State for Security Assistance, Science and Technology as the Under Secretary for Security Assistance, Science, Technology, Non-Proliferation, Arms Control, Strategic Trade, and Security Affairs. The amendment requires the State Department to provide a report to Congress within 90 days setting forth the administration's strategy for dealing with missile proliferation and specifying the steps taken to ensure that adequate resources are allocated for development of this policy.

My amendment would also delay until October 30, 1989, the mandatory buy-back of the Stinger missile which the United States sold to the Government of Bahrain for a period of 18 months. That buy-back is due to occur in 3 weeks on June 22. The delay of the buy-back gives the State Department adequate time to develop its nonproliferation policy. When the administration develops a credible nonproliferation policy and provides Congress with a solid report on implementation of its policy, then we can reexamine in October the status of the Stingers will remain in Bahrain. Without my amendment, the Stinger will have to be removed from Bahrain on June 22 of this year.

I strongly urge support for my amendment to send a signal that the Senate is concerned about the proliferation of these and other missiles throughout the developing world.

Mr. President, I realize the chairman and the Senator from Oregon have to process this bill with a minimum amount of amendments. This is a compromise with the administration. I know the Senator from Hawaii [Mr. INOUYE] may be here shortly. I will ask that perhaps he could have some time, at that time, and Mr. Chairman, I hope you are prepared to accept this amendment.

POLICY ON PROLIFERATION OF MISSILES AND WEAPONS

Mr. BYRD. Mr. President, I commend the efforts of the distinguished Senator from Arizona to develop some coherent and credible approach to the frightening proliferation of chemical, biological, and nuclear weapons in the Third World, along with the ballistic technologies to deliver them.

There is not any effective international organization, treaty, or regime which is acting to restrain the proliferation of these weapons and delivery systems, nor is there any effective U.S. effort to exert the needed leadership in this area. The purpose of the DeConcini amendment is to begin a process whereby the new administration develops a policy toward this end. The amendment provides for a report in 90 days on such a policy and the intent of the report is to galvanize a high level policy review and formulation on the matter.

Mr. President, events in the Middle East, particularly the activities of Iraq both in using chemical weapons and in developing a ballistic missile delivery capability to deliver them, illustrate the tinderbox we confront. As the distinguished Senator from Arizona has pointed out, many countries are vying to keep up with each other in acquiring these lethal technologies, not only in the Middle East, but in South Asia and in South America. It is going to be exceedingly difficult to restrain this development, but we ought to make a major attempt to take the lead and use both incentives and disincentives to encourage other countries to join us in this effort.

Mr. President, I wonder if we could dispose of this amendment and get on with the amendment by Mr. BIDEN and have Senators put their statements in the RECORD. I will simply say this: It is proposed to add amendments to this bill, and there is a delaying effect. In this case the amendment extends to Bahrain a Stinger buy-back provision, due to terminate on June 22, and this could be one opportunity to address the issue in a timely manner. I think there is an urgent crisis to address the buy-back on this bill. I support it, and I am willing to accept it, and get on with the next amendment.

Mr. DECONCINI. I thank the chairman.

Mr. INOUYE. Mr. President, I am supporting this amendment, because it allows Bahrain to retain United States-supplied Stinger missiles for its defense and, I would add, for the defense of United States interests in the Persian Gulf.

For more than 40 years, Bahrain has steadfastly and loyally maintained friendly relations with the United States. In time of crisis, when others hid from responsibility, Bahrain stepped forward and provided the United States with much needed assistance. It is not an excess of rhetoric to say that the United States could not have been so successful in its defense of freedom of the seas and United States interests in the Persian Gulf had it not been for the friendship and support of Bahrain.

Mr. President, I recently traveled to the Persian Gulf. On Easter Sunday, along with Senator HOLLINGS and Senator GARN, I attended sunrise services on board the U.S.S. *La Salle*, the headquarters afloat of the U.S. Mideast Forces Command. The men of the *La Salle* were not in doubt about the friendship and support provided by Bahrain. Our military leaders in the Persian Gulf are not in doubt about the friendship and support of Bahrain.

The *La Salle* is in Bahrain—we are able to defend our interests in the Persian Gulf—because of the support and facilities provided by Bahrain.

Later in the day, after having spent the morning aboard the *La Salle*, speaking with the officers and men of our Middle East task force, I met with the Amir of Bahrain and other members of the Bahraini royal family. I promised the Amir that I would do all that I could to see that the Senate and the Congress recognized the friendship Bahrain has shared with the United States.

Today, in supporting this amendment, I am—at least in part—fulfilling that promise. Bahrain will be able to defend itself, if necessary, with Stinger missiles provided by the United States in recognition of our friendship with Bahrain.

Mr. President, the Senate will have to act again on this issue at some time prior to October 31 of this year and I wish to assure our friends in Bahrain that I will seek to repeal the so-called

buy-back provision at that time. I believe that a growing number of Senators are becoming increasingly aware of the contributions Bahrain has made to our mutual defense. I am confident that we will be able to favorably resolve this issue—once and for all—prior to October 31.

Mr. President, I ask unanimous consent that a letter from Adm. William J. Crowe, Jr., the Chairman of the Joint Chiefs of Staff, be appended to my remarks and printed in full in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

OFFICE OF THE CHAIRMAN,
THE JOINT CHIEFS OF STAFF,
Washington, DC, June 1, 1989.

Hon. DANIEL K. INOUYE,
Chairman, Subcommittee on Defense, Committee on Appropriations, U.S. Senate, Washington, DC.

DEAR SENATOR INOUYE: As you know, the United States will soon be required by law to buy back the Stinger missiles sold to Bahrain in December 1987. Should this occur, the buy-back will do great harm to what has been one of this Nation's greatest foreign policy achievements in many years.

Bahrain has been a loyal and steadfast friend for 40 years, in a region not known for amicable relations with the West. Time and time again, Bahrain has supported our Persian Gulf policies. This support manifested itself in many ways, from the use of Mina Sulman piers, to the establishment of a naval enclave in Manama, to the use of Bahrain International Airport as a personnel and cargo transshipment node. Bahrain has also provided support for our Earnest Will operations, as well as immediate assistance to the U.S.S. *Stark* casualties. All of this was done by Bahrain at considerable risk. They have never failed or faltered in all the years we needed them.

The Stinger issue is critically important in Bahrain. Should the buy-back occur, the Bahraini royal family will lose a great deal of prestige, both domestically and abroad. Additionally, we would be sending a strong signal to our moderate Arab friends that the United States cannot be depended upon to reciprocate friendship.

Senator, I need your assistance in setting this matter right. You and several members of your committee have visited Bahrain, and voiced a desire to resolve this issue favorably. We now have barely three weeks to bring this to a successful conclusion. Now is the time for a concerted effort to achieve a legislative solution which will permit Bahrain to keep the Stinger. It is critical to our foreign policy in the Persian Gulf that we succeed in this effort to support a nation that has been so steadfastly loyal for so many years.

Warmest regards,
WILLIAM J. CROWE, Jr.,
Chairman, Joint Chiefs of Staff.

P.S. Senator I have received a number of personal letters from friends in Bahrain on this subject. It is difficult to overestimate how strongly they feel and how much a buy-back will hurt us there.

The PRESIDING OFFICER. Is all time yielded back?

Mr. LEAHY addressed the Chair.

The PRESIDING OFFICER. Time is controlled by the Senator from Arizona on the previous unanimous-consent agreement.

Mr. DECONCINI. I yield to the Senator from Vermont.

Mr. LEAHY. As chairman of the Foreign Operations Subcommittee, the section out of which the bill would be amended, I also concur with the distinguished chairman of the full committee. I have no objection to it.

The PRESIDING OFFICER. Is there further debate on the amendment?

If not, the question is on agreeing to the amendment.

The amendment (No. 120) was agreed to.

Mr. DECONCINI. I move to reconsider the vote by which the amendment was agreed to.

Mr. BIDEN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. BIDEN addressed the Chair.

The PRESIDING OFFICER. The Senator from Delaware has the floor.

Mr. GRAHAM. Mr. President, I ask unanimous consent to be recognized for purposes of offering an amendment which I think can be disposed of in 2 minutes or less.

The PRESIDING OFFICER. Is there objection?

Mr. BYRD. What is the request?

Mr. GRAHAM. I ask unanimous consent to proceed for purposes of offering an amendment which has been agreed to by all parties relative to support of the process of democratic transition in Nicaragua.

Mr. BYRD. Mr. President, has the Senator cleared this with the distinguished ranking member?

Mr. HATFIELD. It has been cleared.

Mr. BYRD. If the Senator wishes to take that amendment up at this point and dispose of it——

Mr. GRAHAM. I ask unanimous consent.

Mr. BYRD. Posthaste.

Mr. GRAHAM. Posthaste.

The PRESIDING OFFICER. Without objection, the distinguished Senator from Florida is recognized.

AMENDMENT NO. 121

(Purpose: To provide up to $3,000,000 to support the process of democratic transition in Nicaragua)

Mr. GRAHAM. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from Florida [Mr. GRAHAM], for himself, Mr. MCCAIN, and Mr. KASTEN proposes an amendment numbered 121.

Mr. GRAHAM. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 11, line 16, before the period, insert the following: ": *Provided further*, That there shall be available an additional amount for the "Economic Support Fund", $3,000,000, which shall be made available notwithstanding any other provision of law for the promotion of democracy in Nicaragua: *Provided further*, That this amount shall be derived from funds appropriated under such heading in the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1987, or from funds earmarked under such heading in Public Law 100-202 for reconstruction and rehabilitation of the National University of El Salvador and other institutions of higher education in El Salvador: *Provided further*, That such funds shall be in addition to funds made available for the promotion of democracy in Nicaragua by Public Law 100-461".

Mr. GRAHAM. Mr. President, the amendment I am offering on behalf of myself, the Senator from Arizona, and the Senator from Wisconsin is revenue neutral and allocates previously appropriated money to be used to promote and support a democratic process in Nicaragua.

The money is similar to appropriations which have previously been made for that Nation and are currently contained in this supplemental appropriations bill for Poland.

Mr. President, I yield to the Senator from Arizona.

Mr. MCCAIN. Mr. President, Nicaragua's elections offer a great opportunity to bring peace and freedom to that nation. Unfortunately, the Sandinistas have thus far failed to provide a level playing field for the elections, instead insisting on formulating electoral rules that heavily favor their cause.

That situation has stimulated the attention it merits here in the United States. We must continue to focus attention on the situation in Nicaragua; the problem won't go away if we ignore it. If the elections are not fair, we will be standing here 8 months from now, going through yet another dreary, divisive Contra aid debate.

My colleagues, we can help ensure a free election. We can bring international pressure on the Sandinistas, we can show displeasure in our bilateral relations, and we can keep the Contras alive through the elections. We should endeavor to do all this, and more, over the next 8 months.

We can also help the democratic process inside Nicaragua. Senator GRAHAM and I have proposed a measure that would allow up to $3 million to be spent to fund democratic activities in Nicaragua.

The democratic opposition in Nicaragua faces an awesome challenge. The Sandinistas control the electoral process, the resources necessary for democracy, and the means of coercion. The opposition parties are united in the face of the dictatorship, but lack the

resources and the expertise to compete against the Sandinistas.

Mr. President, there is an urgent need for the funding Senator GRAHAM and I have proposed. Nicaragua's electoral activities have already begun; campaigning begins in August, and the election themselves are to take place February 25. This money will help the people of Nicaragua decide what kind of government they want.

This is not a Contra vote. This measure has nothing to do with the Contras. However, signatories to the bipartisan accord—those who had voted for and against Contra aid—have a special obligation to vote for this amendment. Only by contributing to the electoral process can we hope to ensure a free election in Nicaragua—and an end to the conflict in that country.

The Nicaraguan opposition is composed of some of the bravest people I have ever met. They renew one's faith in the belief that people everywhere want the right to freedom. These are brave men and women—people who suffered years of repression and imprisonment under Somoza, only to see their hopes dashed as another repressive regime led them into the same dank cells. The leaders of the opposition, and the people of Nicaragua, deserve our support in their effort to bring a democratically elected government to their nation.

I want to take this opportunity to thank the sponsor of this measure, Senator GRAHAM, for his foresight and dedication to democracy in Central America. I also want to commend his staff for the able and tireless effort that went into crafting this amendment.

I urge Democrats and Republicans, those who supported and those who opposed Contra aid, to unite in backing the democratic process in Nicaragua, and to show their determination by voting the small sum of $3 million to help bring pluralism back to Nicaragua.

Mr. President, this is an important amendment and one which is supported by both sides.

I thank my colleague from Florida for bringing this amendment at this time, which is a very appropriate time in the course of democratization in Central America.

I strongly support the amendment.

The PRESIDING OFFICER. Is there further debate on the amendment? The Senator from Wisconsin.

Mr. KASTEN. Mr. President, this amendment by the Senator from Florida represents a compromise. It has the support of the administration, and I am hopeful that the Senate will adopt the amendment.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, I also am known as one involved in the drafting of this compromise, and I compliment the other Senators involved in that. It is acceptable to the Senator from Vermont. I have no objection.

The PRESIDING OFFICER. Is there further debate on the amendment? If not, the question is on agreeing to the amendment of the Senator from Florida.

The amendment (No. 121) was agreed to.

Mr. KASTEN. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. GRAHAM. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. BIDEN. Thank you, Mr. President.

Mr. President, I would like to direct my opening comments here to my distinguished colleague from West Virginia, Senator BYRD. I know of no more competent, no more dedicated, no more skillful Senator that I have served with in the 16½ years I have been a U.S. Senator, but I have never known him to be so absolutely dead wrong on an issue, I say with all due respect, as he is on this.

The distinguished Senator from West Virginia said—I think I am quoting, but I am very careful about quotes, so I will say I am paraphrasing—something to the effect, "If I thought drug money was needed, it would be in here."

Well, if the Senator from West Virginia and apparently others on this floor think there is not a need for drug money, I think they have not had an opportunity to look at what is happening in America.

Mr. President, this bill is about urgent necessities in America. This bill is about urgency.

I stand here before my colleagues and say respectfully that there is no more urgent domestic need than dealing with the drug problem.

It was stated that there are certain things that have no business on this bill, and I agree with the chairman of the Appropriations Committee. But there are certain things that must be on this bill if we are to deal with urgent needs.

It was mentioned that we should bite the bullet. Well, at the risk of engaging somewhat in hyperbole, we are going to bite the bullet. You are more likely to bite a bullet in the back, bite a bullet in your head, bite a bullet in your shoulder, physically bite a bullet, if we continue to ignore this problem than from any other single possible cause I can think of. You are more likely to bite the bullet literally as well as figuratively from a drug addict, from a gang member peddling drugs, from the incidental spray of semiautomatic weapons fire while you are walking your wife home from a movie theater because you are caught in the crossfire that occurs in American cities every day of every year and it need not occur at night.

(Mr. LAUTENBERG assumed the chair.)

Mr. BIDEN. Mr. President, it was mentioned that this is a politically potent issue. It is not only a politically potent issue, it is a substantively potent issue.

It has been stated that some have drawn encouragement from the character of our colleagues' supporting the Chair. Well, I am not encouraged, but discouraged, by the hypocrisy of our body, the U.S. Senate, in dealing with this issue.

Why am I speaking about drugs during the debate on the supplemental spending bill while we are debating the dire emergency supplemental appropriations bill for fiscal 1989? That is the title. Dire and emergency supplemental appropriations bill for fiscal 1989.

And I ask what is more dire and emergency than the drug crisis?

In a recent series of Gallup polls, the American public has consistently told us that the problem they think is the most important, the most urgent, the most important confronting this country.

I see that the Presiding Officer of the Senate at the moment is a distinguished Senator from New Jersey. I need not tell him or the Senator from California, who is on the floor, or the Senators from West Virginia of Florida or Kentucky, all of whom are here, that the problem does not only reside in the ghetto sections of Washington, DC, alone or in great metropolitan areas like Miami or large urban centers like Newark, NJ.

It resides in Seaford, DE. It resides in small towns in all our States, towns where they are losing their confidence, their self-confidence, in their ability to control their schools, their neighborhoods, their streets, their parking lots, their 7-Eleven stores.

This drug epidemic is not merely killing people, it is killing the sense that we can control our own destiny in this country.

The American people understand it. They rated drug abuse as the most important problem in America, higher than the budget deficit, international tensions, AIDS, and the trade deficit. Crime and drugs top the public's list as problems on which we are losing ground. Sixty-five percent of all Americans think the problem is getting worse. And, guess what? They are right.

Additional polls have documented that the majority of Americans would support raising taxes if revenues were earmarked to fight crime and drugs. And Americans believe that drugs are a greater threat to our national securi-

ty—please listen to this—drugs are a greater threat to our national security, than terrorism, communism, or any other international problem.

And, guess what, folks? The American people once again are ahead of their leaders. They understand. There is nary a one of them who do not know the child of a friend, the husband or wife of an associate, the grandson or granddaughter of an old acquaintance that has not been touched by the drug problem either as a consumer, a victim of crime perpetrated to get the money to be able to be a consumer, or as a peddler.

Unfortunately, the public concern is well founded. Drug trade in the United States is estimated to exceed the net profits of all the Fortune 500 corporations in America combined—$115 billion. And this is not an urgent problem? This is not urgent?

More than 20 million Americans regularly use drugs. One in every six in the workplace—one in every six Americans regularly use drugs in the workplace. From 1985 to 1988, cocaine-related emergency room visits jumped 400 percent, while the price of cocaine dropped to one-third the level it was in 1985.

There are many programs that are important, many of them in this emergency supplemental, and these are tough times. I am not saying that drugs are the only problem confronting this Nation or that drug funding should be our only priority.

Defense. One of the most basic responsibilities of every government is to provide for the common defense. But I would ask my colleagues: What good is increasing our security abroad when this country is rotting from within because of drugs and because the security of every man and woman in this Chamber tonight is more in jeopardy when they walk from here to their automobile, from their automobile to the grocery store on the way home, from the grocery store to their driveway, and from their driveway to their front door, than it is from anything else that they are going to encounter, from exposure to disease to nuclear war.

I wish it were appropriate—it is not—but I wish it were appropriate that I could ask for a show of hands on the floor among staff members and Senators, for a show of hands in the people in the gallery, and ask you all: how many of you, when you get out of your car in a parking lot at night wonder, take extra precautions to where you park? How many of you worry about your mother who is home alone? This is not hyperbole, folks. Think about it. How many of you worry about those things? And this is not an emergency?

Health. It is clear that we need to finance health care for our children, prenatal health care, nutrition programs and so on. But what good are they if we keep increasing the number of children that are born addicted to cocaine, born addicted to heroin, born with deformities as a consequence of their parents alcoholism or drug habit? What good is prenatal care to those children?

Education. I supported basically every education increase, and make no apologies for it. But what good is it to give our kids the opportunity to have a low-income student loan when they are dropping out of schools like flies because of addiction to drugs?

An emergency? Are you telling me there is greater urgency to get the loan program out, which I support 1,000 percent, but there is not an urgency to put 500 more FBI agents on the street? Is that what you are telling me?

Well, you may—and everyone is entitled to their opinion—but, my goodness, I think we have our priorities backwards.

And let us look at our President. God bless him. Our President and the Congress have said drugs is the No. 1 priority.

Again, I ask a rhetorical question to all my colleagues who are listening on their televisions in their offices and all those who are here, and I ask all the staff members who are here and are listening to answer the following question to yourselves: How many times have you gone home to your district and said, "The drug problem in America is of crisis proportions and we must act"? How many of you have done that? How many of you, I ask rhetorically, have said that?

Or how many of you have even been as foolish as me and said what I deeply believe but maybe based on your votes you said only in a moment of rhetorical bliss, how many of you said, "There is no more urgent problem in America than fighting drugs"?

Well, if you said it, do me a favor. Stop saying it, because I like you all. I enjoy you all. And I will understand—I, of all people, will understand—if you have been excessive rhetorically. Mr. President, stop, because you are being phony in the extreme if you do not vote for this or some similar amendment.

Mr. President, the President, he came along and in his beautiful inaugural said, "The drug scourge will end." He promised us that. That is what he said. I do not remember him mentioning any other specific issue in his inaugural other than drugs. That was the only specific issue I recall. Maybe there were one or two others. I do not think so.

He promised he was going to end it. And 2 weeks later, sent up a budget that had $6 billion in it for drugs, an increase of a billion dollars over the level last year, but I might add, still a half billion dollars short of what is needed to fund the bill that we all voted for last year.

Last year, when I came back to the Senate, one of my first responsibilities as chairman of the Judiciary Committee was to comanage that bill. I was proud to manage it. I could not claim credit for the work on it because I had been absent for 7 months, but I came back and was given the honor and privilege of comanaging the bill. All of you, editorially speaking, stood and praised our collective efforts. We all went home and ran on it. The President, running for President—I believe this is a quote, but I will again be careful and say I am paraphrasing, said: "It is a landmark piece of legislation." And lined up every police agency he could to stand behind him, have their photos taken, and say: "I am your President. I am the law-and-order President. I am the President of the police agencies of America."

And guess what? We went home and we said we were not going to fund it. We did not come up with the money to pay for it. But then, what did we say, folks, on the floor? We all said, "Well, look. We have enough money to make it run and work from now to the time we get back in January. And shortly after we get back in January we will have a supplemental appropriations bill." I think that is what we are debating now; right? I think we have it before us. I will not be too facetious and ask the Parliamentarian to tell me what the business before the Senate is. I think it is a supplemental appropriations bill. But we all stood here—I should not say we all—a majority of the Members stood on the floor and said: "The reason why I am not voting for the funding scheme that Biden has, or others, is that we have enough money to get us to next year. But when we get to the supplemental, that is when we will put the rest of the money in."

Good idea. Well, guess what, folks? We are here. And then the President comes along, God bless him, and he announces comprehensive new anticrime offensive. Just days before, however, the President sent up a letter through OMB on the House side. That said: we don't want to include money for drugs in the supplemental, the Director of OMB says no. Do not do it. Do not do it. Do not include money for drugs.

I guess implicitly he is saying, the President really did not mean what he was saying for the previous 8 months. He is only kidding.

I have been talking sort of generically about a drug bill. Let us talk about what the drug bill has in it that we did not fund, folks, that is going to languish out there, that is not going to be put into effect. OK?

There is $15 million for FBI agents, new ones. The President comes along,

by the way, in this new drug crime package. I say to my friend from Florida, and Arizona here—no two people have fought harder on the crime and drug issues and I am not just being solicitous. It is true of these two Senators. He stood up, I say to my friend from Arizona, not but 2 weeks ago, and he said, with all the police agencies again arrayed behind him, and said I have a new crime package, a bold new crime package, and I am asking for the following things: I want more FBI agents. I want more money for U.S. marshals. I want more money for Alcohol, Tobacco, and Firearms. I want more money for new prosecutors and new judges. And I want more money for prisons.

Guess what, folks? The bill we passed last year had $15 million for new FBI agents, $5 million for U.S. Marshalls, $4 million for new drug agents, $44 million for new prosecutors and court resources. The very thing the President has announced to the American public he wants. We gave it to him. But he refused to fund it. He refused to ask for it. He refused. When the House said they wanted to do it, he refused to support it. And the very next week he walks out and says before all of America: Give me more money to fight crime. Give me more agents, prosecutors. What does he think happened? Are we not all a little curious?

Why is he against those FBI agents in the drug bill and for the FBI agents in his new bill? Why is he against $44 million for courts and prosecutors to arrest and prosecute drug offenders in the drug bill that he praised; why is he against them in the drug bill that he praised and for them in his new crime package?

Mr. President, I smell politics; raw, partisan politics.

Look, an FBI agent is an FBI agent is an FBI agent.

I say I am sure the President is not listening but hopefully, maybe someone in the White House is. I respectfully ask the President to do what I am going to ask my colleagues to do.

If you do not like the drug bill we passed last year, be man enough, Mr. President, to say so. Stand up and tell the American people that it is a bad new bill. You do not support it. You do not want the money for it because it is a bad bill and you now want to spend money in the bill. And explain to us why a new prosecutor under the drug bill is different than a new prosecutor under your bill; a new FBI agent is different than a new FBI agent under your bill; a new BATF agent is different than a new BATF agent under your bill. I do not understand.

Let us talk about what is not in the President's new crime package that is in the drug bill, beyond what I have said. We call for 200 new DEA agents; 250 new agents to stop drugs at the borders, for the Immigration and Naturalization Service, $125 million for State and local police agencies, to fund task forces and undercover operations—the people in your cities, the people in your towns. We passed it already. Why are we not funding it?

Well, colleagues, I think it is time that our action catch up with our rhetoric. While the President is promising new spending, he opposes funding for previously promised programs. Last month, as I said, his Budget Director wrote to the Congress threatening to veto this very supplemental bill that included antidrug funding for some of the 1988 drug bill. Less than a week later, the President promised to spend $1.2 billion in new money for anticrime and drug programs. I call that hypocrisy. Unless I missed something in the translation, unless the President is saying what is at stake here is that the drug bill was a bad bill, I made a mistake endorsing it, I want to jettison that and do this new bill.

Without the President, Congress has to take the responsibility. As I said, I bet every one of my colleagues—and I say this with great respect—I bet every one of my colleagues has called the drug problem our No. 1 national problem, our No. 1 priority.

I have before me, and I will shortly send to the desk, one of three amendments, all of which are designed to pay precisely for the drug bill we already passed, we already praised, and would already give the President almost everything he asked for.

By the way, I might add I wish someone in the Justice Department would read to the President what the law is now. My goodness, the President comes to my State and was very generous. He included me—unlike other Presidents. Most Presidents are very partisan. They come to your State, if you are a Democrat and he is a Republican President—they pretend there is only one Senator in the State. If you are both not Democrats and he is a Democratic President, he pretends there are no Senators in the State.

President Bush is an incredibly gracious man. He came and talked about drugs in my State, lauded me as one of the leading—I think he said leading—but one of the leading crime fighters, the author of the new drug czar legislation, leader in the area, et cetera. And in Delaware and in other statements he has said: Now, I have a proposal. I want the Congress to give me authority to do some of the following. He said: I want to have authority to send drug people to jail longer.

Mr. President, we passed a bill in 1984 that called for flat-time sentencing. We took away the judges' ability to use their discretion. They have to go to jail, Mr. President. You do not need additional legislation. You have it already. Mr. President, you said you wanted the death penalty for drug kingpins. Through the efforts of the Senator from Florida there is in the bill a death penalty for drug kingpins, Mr. President. You do not need it. You have it already.

You said, Mr. President, that you wanted tougher penalties for firearms violations. Mr. President, we have put tougher penalties into the Federal code. Automatic 5 years imprisonment, Mr. President. Do you want to up it to 10? Ask us; we will up it to 10 for you. But, Mr. President, you already have that authority.

Mr. President, you say you want to have tougher penalties and no parole and probation different than it is now and so on and so forth. Mr. President, we have already given you that authority. Mr. President, we have passed some 208 brandnew laws and procedures, Mr. President: 208 of them. You have all the laws you could possibly need.

Now, Mr. President, and my colleagues in the Senate, we do not need any more rhetoric. We do not need any more laws. What we need is some money to put where our mouth is. We have very little money in there for drug rehabilitation. You say, "So what, Biden? I do not care about those folks." Well, I say to my colleagues, when you do not rehabilitate them and there is about an 8-month waiting list in Newark, NJ, if somebody walks in off the street and says "I have a drug problem, I need help." There is about a 12-month waiting list in Miami, if I am not mistaken. In my little city of Wilmington, DE, there is close to a 4-month waiting list, a city of almost 89,000 people. These are volunteers who walk off the street and say, "I'm hooked. Help me," and they get no help. You say, "Well, so what, it's their problem." Well, I might feel that way, too, but guess what they do when they leave the drug rehabilitation unit they cannot get into? They walk out and they take your wallet. Literally, not figuratively. Over 50 percent of all the violent crime in America, all the violent crime in America is directly, inextricably, positively linked to drugs.

So you have somewhere on the order of 20 million regular users of drugs walking the streets. You either do one of three things. They either die of an overdose, which gets them out of the system: they either get put in jail, which keeps them out of the system for a while; or they get put in rehabilitation. If they do not, they either then have to be married to a banker, inherit a great deal of wealth, or they steal it from you.

Why do we not acknowledge that? Can anyone deny that? Can anyone in this body come forward and give me any refutation to the statement I just made? I challenge anyone, anyone.

And guess what? We are not funding the program. We are not making an attempt like we promised the American people we would.

Mr. President, there is much more to say, but I have been saying this for so long, going on 10 years now. For 10 years I have been calling this the most urgent problem in America. I remember making a speech in my capacity in the Foreign Relations Committee to a group of NATO parliamentarians saying what NATO should focus on is drugs and everybody looked at me like, to quote a friend of mine named Neil Kinnock, that I was draft.

Now, not that I have, but circumstances have everyone saying all the things we have been saying, the Senator from Florida and I and others when he was Governor and now a Senator for the past 8 to 10 years, we only have one more little step to go, folks. Now we are all saying it. We are all singing from the same hymnbook. We are all in the same church. We are all in the same pew. Now the collection is being taken up to pay for the lights, to pay for the minister, to pay for the hymnbooks, and to pay for the pews. We are almost there.

Mr. President, I respectfully suggest that there is, in fact, no issue as urgent. There may be as many issues, there may be other issues arguably that are as important, but none as urgent; none as urgent. Every minute, every hour, every day, more people die from drugs. They die forever; they die. That is my definition of urgency. We should either conclude that we do not have the time or ability or the money or the knowledge to deal with the issue or we should fund the attempt to deal with the issue.

I see my friend from Kentucky. What I am about to propose, he is not going to like, and with good reason. There are three different proposals I have to fund this drug bill. Quite frankly, I think it is time for abject honesty and candor. So I am going to try the most direct route. I want to tell you all precisely where the money is going to come from and how we are going to get the money if you support this amendment. And if you do not, I will not only be back on this bill, I will be back on every single bill that comes through this body until we either decide we do not support the drug bill or we are going to pay for it.

The proposal I have is a dedicated tax. It is a tax. No euphemisms. It is a tax. BIDEN is proposing a tax. You can write it down, "Biden is proposing a tax." One cent per can of beer. A little less than 1 cent, 5 cents a 6-pack. About 5 cents on wine; about 40 cents per quart of hard liquor and 2 cents per pack of cigarettes. I think there is a logic to that. And what we propose precisely matches what we need to pay for the outlays to fully fund the drug bill. So I think there is a logic to it.

Alcoholism is one of the major problems that America faces, and there are almost in every case multiple dependencies—alcohol and drugs. If you are a drug addict, you are almost always an alcoholic as well. You turn to alcohol when drugs are not available and vice versa. It seems to me it is not too small a price to pay. The same with tobacco.

AMENDMENT NO. 123

(Purpose: To amend the Internal Revenue Code of 1986 to increase the tax on cigarettes, distilled spirits, wines, and beer, and to appropriate the resulting revenues to fund the Omnibus Anti-Substance Abuse Act of 1988)

Mr. BIDEN. Mr. President, I send an amendment to the desk and ask for its immediate consideration and after that, I will yield time to my colleague from Florida.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Delaware [Mr. BIDEN], for himself, Mr. BRADLEY, Mr. D'AMATO, Mr. GRAHAM, Mr. DECONCINI, and Mr. MOYNIHAN proposes an amendment numbered 123.

Mr. BIDEN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(The text of the amendment, number 123, is printed in today's RECORD under "Amendments Submitted.")

Mr. BIDEN. Pursuant to section 904(b) of the Congressional Budget Act, I will move to waive the provisions of that act for purposes of consideration of the amendment, and I will ask for the yeas and nays at the appropriate time, but I yield now to my colleague from the State of Florida.

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. The manager of the bill.

Mr. BYRD. This amendment has no time agreement, does it?

The PRESIDING OFFICER. There is no time agreement.

Mr. BYRD. So the distinguished Senator from Delaware cannot yield to another Senator?

The PRESIDING OFFICER. The Senator may yield only for a question.

Mr. BYRD. Yes. He is not in control of time?

The PRESIDING OFFICER. The Senator from West Virginia is correct.

Mr. BIDEN. Mr. President, in the interest of comity, rather than speak as I am inclined to do for the first time in 17 years for a long time, I will, assuming we can reach comity here on the floor, yield the floor and not seek getting it back again if I am assured that my friend from Florida will be able to be recognized at some point for 5 or 10 minutes, and my friend from Arizona. Before I even consider that, I ask unanimous consent that original cosponsors of the bill be added—BRADLEY, D'AMATO, GRAHAM, and DECONCINI.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BIDEN, I guess what I am trying to say is that I have no intention to drag this out. I do not intend to speak any more except in response, if that is required. But I would like the opportunity, otherwise I guess I will have to speak for them for a while.

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. I have been in the Senate now going on 31 years, and in the two Houses on this Hill going on 37 years, and in politics going on 43 years. I have never been one to shut off somebody else from speaking for a few minutes at least.

Mr. BIDEN. Mr. President, that is good enough for me. I yield the floor.

Mr. BYRD. I have no intention of depriving the distinguished Senator from Florida [Mr. GRAHAM] from speaking. If I could, I merely wanted to call attention to the fact that the distinguished chairman of the Finance Committee, who is very much involved with this amendment, is here. I will yield the floor and let either of the Senators who can get recognition have the floor. It does not make any difference to me who gets the floor. But no Senator can take the floor and field out the time unless there is a time agreement and he has control of the time. I yield the floor.

Mr. BENTSEN addressed the Chair.

The PRESIDING OFFICER. The Senator from Texas.

Mr. BENTSEN. If the Senator from Delaware and the distinguished Senator from Florida will not mind, I will only speak for a moment. And I am not here to debate the substance of what the Senator is discussing. I voted for an increase in the tobacco tax, to double it as I recall. I would vote that way again. But the problem we have in this one is that it is a tax and that is the problem we have from a procedural standpoint. The Constitution says a tax has to originate in the House and you cannot put a tax on a Senate bill and expect it to pass. The House feels very strongly about their constitutional position.

I was just corrected. I find we have a House bill here. It is not a revenue bill as I understand it, so I think you would run into some serious problems concerning that. I think you would find it is blue slipped. That is the last thing I want to have happen to the supplemental appropriations bill with veterans' benefits and other matters of great concern to us.

Then you run into the other problem. The President of the United States says he is going to oppose an increase in the tax. This is obviously a

tax, no question about it. If it did get by the House, if you could pass it, it still goes to the President and he vetoes it, you have a problem of trying to override it.

So apart from the substance of what my friend from Delaware is trying to accomplish—and I am sure the others who are about to speak on it—I want to see something accomplished here so far as this supplemental bill, that we get it through, that we accomplish its objectives. Unfortunately, this becomes an exercise in futility and you will not accomplish your objectives in the process. I would strongly urge that when the time comes we have a motion to table the amendment.

Mr. GRAHAM. Mr. President, I would like to speak briefly on three topics: cynicism, our collective future, and war.

In 1986, this Congress passed a major drug bill. In 1988, this Congress passed a major drug bill. It did not go unnoticed. Those two enactments occurred within weeks of the fall elections in each of those 2 years. It also did not go unnoticed that neither of those two enactments were funded. Those patterns of history, passing legislation within days of an election, and then not funding them, have created a deep sense of cynicism, and that cynicism is not limited to the White House. It is not limited to this Congress. It is a cynicism which is beginning to pervade the Nation as to our real commitment relative to drug abuse in America, as to the question of what priority do we give to this evil.

Mr. President, I am going to share a few anecdotes. This first goes back to January of this year when I was working as a 1-day drug education teacher in a small rural community in north Florida, Marianna, FL. That community has come together to be part of the Nation's war on drugs.

I met with, in addition to educators, religious leaders, law enforcement officials, civic leaders, black, white, young, old, a cross-section of the community, which has organized itself in a communitywide effort to deal with the full range of dimensions that will be necessary to protect the small community of Marianna, FL, from drugs.

They are getting ready to do some pretty exciting things. They are going to be adding some teachers to their schools so they can do a better job. They are going to be hiring some professionals who can help with their treatment programs. They are going to be adding some new law enforcement personnel and equipment to support those personnel.

They are depending on having an ally, the people of Marianna, in this war on drugs. Do you know who that ally is? Us.

They have read those drug bills of 1986 and 1988. They saw that we have a national policy—treatment on request in the next 5 or 6 years.

Well, what does that mean to Marianna? "We better get ready so we can provide treatment on request. We are going to provide the personnel and the facilities to do it."

What do you think the people of Marianna are going to think when they realize that those representations which we made are hollow, because the resources that they are expecting—they are not expecting 100 percent. They are just expecting a partnership—when they find that their partner is incredible, incredible in the literal sense of the word, not worthy of credibility. That, Mr. President, is going to be symptomatic of a pervasive cynicism about this institution's commitment to a national war on drugs.

Mr. President, the Tampa Tribune recently ran a column from the New York Times columnist A.M. Rosenthal entitled "Congress' Billion-Dollar Drug Scam."

Mr. President, I ask unanimous consent to have the column printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Tampa Tribune-Times, May 14, 1989]

CONGRESS' BILLION-DOLLAR DRUG SCAM

(By A.M. Rosenthal)

Question: When does $1.8 billion suddenly vanish?

Answer: When Congress plays hokeypokey public relations games with the voters to make them think it is out there fighting the drug war like mad.

In October 1988, Congress passed a supplemental drug bill laying out new goals and approaches. More money was to be spent on anti-narcotics treatment—attacking the demand for drugs but not skimping on law enforcement.

A respectable amount of money was authorized—$2.8 billion. Not enough, but decent and about $700 million more than the previous year.

As it turns out, however, Congress has actually agreed to spend only $961 million of that $2.8 billion. That is how $1.8 billion vanishes—up in a puff of congressional public relations smoke.

In Washington, that game is routine. Legislators, their staffs and lobbyists expect Congress to authorize, which means promise, one sum and then appropriate, which means shell out, a lot less.

What happened to that missing anti-drug money was what congressmen knew in advance would happen—the drug authorization ran up against reality.

The way things work, money is "authorized" by a committee with a special interest in the subject—drugs, health, agriculture, whatever. Congress passes the bill. Then it all goes to the Appropriations Committee, which can and often does knock the "authorized" sum way down.

It is a two-step process. The idea is that on the second step, cooler heads may prevail.

The hope is that public heat will be off and that the Appropriations Committee can deal in peace and quiet with the problems of budgetary restraint and how much is really left in the kitty.

Authorization bills usually get a lot of attention in the press. The actual appropriation of money usually gets little.

Reporters and editors may be bored with the subject by that time and the action takes place late at night, with a lot of items wrapped up and voted on. The drug bill is still often referred to as the $2.8 billion bill, not the $961 million bill.

Nobody is fooled—except the voter who was naive enough to think his cause, like the drug war, was generously funded.

Does it matter? You bet it does, and do not let legislative sophisticates tell you otherwise.

If the original authorization runs into an unexpected budget crisis that Congress could not have foreseen, fair enough. But what often happens is that Congress members know all along there is not a prayer of getting the authorization through the Appropriations Committee and thus turned into cash.

Most of them do not say a word about it to their voters, just pocket the political credit for an amount of money they know will never become real.

The word for that is deception. It is so deeply carved into the system that almost everybody takes it for granted, just part of the game. But it is still deceptive to the voter back home who many happen to care—say, about the drug horror.

The problem is not the cautious two-step system. It is the trickiness with which it is so often used to cool the heat from the public and get Congress members off an uncomfortable spot.

If some Congress members think the spot is worth standing on, they can fight for an extra appropriation later. Some of them—including Sen. Alfonse D'Amato, a Republican, and Rep. Charles Rangel, a Democrat, both of New York—think the anti-drug war is an honorable place to take a stand and say they will fight for more anti-drug funds.

Later this year the drug war will present another test of truth in voting. William J. Bennett, the federal anti-drug director, will give Congress his first assessment of what the drug war will cost.

Will he say, "This is how much the country needs to fight the war and I will fight if you cut it"? Will he tell Congress, "If you add a lot to it knowing full well your colleagues on the Appropriations Committee will cut it back, I will raise hell because I think the public should be told the truth before, during and after a legislative decision"?

Or will he decide that to get along he has to get along, and fooling the public one more time is not to heavy a price? It will be interesting to watch.

Bennett used to be secretary of education and made strong speeches about ethics and values.

Mr. GRAHAM. Let me just quote from a few paragraphs of that column. Mr. Rosenthal starts with this question:

When does $1.8 billion suddenly vanish?

His answer:

When Congress plays hokeypokey public relations games with the voters to make them think it is out there fighting the drug war like mad.

Mr. Rosenthal goes on to say:

In October of 1988, Congress passed a supplemental drug bill laying out new goals and approaches. More money was to be spent on anti-narcotics treatment—attacking the demand for drugs but not skimping on law enforcement.

A respectable amount of money was authorized—$2.8 billion. Not enough, but decent and about $700 million more than the previous year.

As it turns out, however, Congress has actually agreed to spend only $961 million out of that $2.8 billion. That is how $1.8 billion vanishes—up in a puff of congressional relation smoke.

In Washington, that game is routine. Legislators, their staffs and lobbyists expect Congress to authorize, which means promise, one sum and then appropriate, which means shell out, a lot less.

Mr. President, that is the cynicism with which we are dealing.

Mr. President, let me talk about the future. Let me start with some more anecdotes. We have just returned from the Memorial Day recess, and many of us had an opportunity to visit various areas in our States.

I would like to share three experiences which occurred in a 4-day period. On Friday, a week ago tomorrow, I was in another small town in north Florida, Madison, FL. It is a county which abuts the Georgia line. I was working as an emergency room secretary, technican, fill out the forms person. In a small rural hospital you do lots of things. As I looked over the list of people who had been in that hospital the previous night, and I was working the day shift, I was dumbfounded at the number of people in Madison, FL who had come to the emergency room of that small—it is a 42-bed hospital—because of a drug problem. Madison, FL, people being admitted because of drug overdoses. We admitted some people who were being tested by various employers, and law enforcement to see if they had a drug problem.

This is not an issue which is a Miami issue, a Newark issue, a Washington, DC, issue. This is a pervasive national problem and getting worse.

On Monday, I was in Key West, FL. I was sitting in a restaurant when a long-time friend, member of the city commission, Jimmy Weekley, comes up to talk to me. I thought Jimmy might want to talk about some housing project that the city was interested in with Federal funding or might be interested in water supply. The city of Key West has had lots of problems, needs, and challenges, for which there has been a partial Federal response. He did not want to talk about any of those things. He wanted to talk about drug treatment in Key West, FL. He said:

> Senator, we are overwhelmed. We have almost no capacity to deal with an enormous social problem that we have in this community, and we have to have your help to solve this problem.

Twenty-four hours later, on Tuesday, I was in Miami meeting with a group of black business leaders who had just put together an extremely ambitious plan for economic development in the black areas of Miami. Unfortunately, the country, the world knows more than I wish it had to know about the problems of the black inner city in Miami. I wanted to tell my colleagues that there is some hope, and that there are some very good, dedicated people in the community who are committed to building an economic base that gives hope and future to the people of those communities.

Again, the meeting was called on the topic. What can the Federal Government do to be a partner in this locally generated effort? Again, I thought maybe they would be talking about community development block grants, or maybe they would be talking about some program under the Department of Commerce, or a housing program, all of which are very much in need.

When I asked the question, what do you want the Federal Government to do to help you accomplish the goals of this plan, you know what the answer was? Drugs—we cannot start an economic development plan in our community unless we start by dealing with this enormous, pervasive, destructive, crippling drug problem. And we are going to need your help, Senator.

I want to tell the people in Marianna, Madison, Key West, and Miami that I am going to try to do the best I can to respond to what I consider to be their legitimate requests for a credible Federal partner in dealing with this issue.

I am concerned about what we did last year in not funding the 1989 level of commitment that we made in the drug bill. I would like to do what the Senator from Delaware suggested because I think it is the right thing to do. I also think that it moves us on a course that will begin to arrest this cynicism that we have now found ourselves subject to. But I am also concerned about where we are going in the future. This is not the long future. This is like the next few weeks future.

I would like to bring to the attention of the Senate, and ask unanimous consent to place in the RECORD, an analysis which has been conducted, Mr. President, by the Congressional Budget Office. I want to make a preparatory statement. These numbers are not exactly etched in stone. There has been a fluidity to the position of the administration as it relates to drug programs. These are as CBO found them to be on the 10th of May.

As of the 10th of May, the budget which the President has submitted for all of the array of programs under the 1988 drug bill would underfund that bill based on the authorization level which we approved just last fall, underfund it in budget authority by $1,857,000,000.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

COMPARISON OF THE PRESIDENT'S (BUSH) FUNDING PROPOSALS FOR DRUG-RELATED ACTIVITIES AND THE ANTI-DRUG ABUSE ACT OF 1988

[Extrapolated authorizations for 1990]

	(1) Total authorization		(2) Baseline funding		(3) = (2) − (1) unfunded authorization		(4) Bush budget increment		(5) = (3) − (4) unfunded authorization	
	Budget authority	Outlays	Budget authority	Outlays	Budget authority	Outlays	Budget authority	Outlays	Budget authority	Outlays
Function:										
150—Internation affairs	138	50	110	41	28	9	10	4	18	5
300—Natural resources	15	12	0	0	15	12	11	9	4	3
400—Transportation	291	69	121	25	170	43	25	19	145	25
450—Community development	21	12	1	1	20	11	3	2	17	9
500—Education and training	456	74	436	68	20	6	(12)	(10)	33	17
550—Health	2,225	1,339	1,268	792	957	548	63	35	894	513
600—Income security	19	17	0	0	19	17	0	0	19	17
700—Veterans affairs	17	14	0	0	17	14	0	0	17	14
750—Administration of justice	2,631	1,672	1,976	1,363	655	309	(48)	(21)	703	329
800—General Government	155	18	4	4	152	14	144	7	8	7
Total	5,967	3,279	3,916	2,294	2,052	985	195	44	1,857	940

THE ANTI-DRUG ABUSE ACT OF 1988—UNFUNDED AUTHORIZATIONS (FISCAL YEAR 1990) ACCOUNTS WITH UNFUNDED AUTHORIZATIONS OF MORE THAN $50 MILLION

[By fiscal year, in millions of dollars]

Function/account	(1) Total authorization		(2) Baseline funding		(3) = (2)-(1) unfunded authorization		(4) Bush budget increment		(5) = (3)-(4) unfunded authorization	
	Authorization level	Outlays	Budget authority	Outlays	Authorization level	Outlays	Budget authority	Outlays	Authority level	Outlays
Function 400—Transportation:										
U.S. Coast Guard	229	39	121	25	108	14	16	13	92	1
Other	62	29	0	0	62	29	9	6	54	24
Total	291	69	121	25	170	43	25	19	145	25
Function 550—Health:										
ADAMHA	2,174	1,301	1,263	788	911	414	57	32	854	481
Other	51	38	5	4	46	34	6	2	40	32
Total	2,225	1,339	1,268	792	957	548	63	35	894	513
Function 750—Administration of justice:										
DEA	81	61	32	24	49	37	(14)	(11)	63	47
U.S. Customs Service	1,350	1,085	1,267	1,031	83	54	(118)	(92)	201	147
Federal Prison System, buildings and facilities	208	21	100	10	108	11	17	2	91	9
Office of Justice Programs	562	208	327	121	235	87	(82)	(30)	317	717
Other	428	297	249	177	180	120	149	111	31	9
Total	2,631	1,672	1,976	1,363	655	309	(48)	(21)	703	329
Other functions	821	199	551	114	270	85	155	11	115	74
Grand total	5,967	3,279	3,916	2,294	2,052	985	195	44	1,857	940

OFFICE OF JUSTICE PROGRAMS AUTHORIZATIONS AND FUNDING FOR FISCAL YEAR 1990

[In millions of dollars]

Program	Authorized level	CBO baseline	Bush request	Unfunded amounts	
				CBO baseline	Bush request
State and local grants	350	160	150	190	200
Juvenile justice	83	67	0	16	83
Bureau of Justice statistics	30	21	22	9	8
National Institute of Justice	30	22	25	8	5
Public safety officer death benefits	25	21	25	4	0
Other	45	37	24	8	21
Total	563	328	246	235	316

Mr. GRAHAM. It would underfund in terms of budget outlays by $940 million.

So, Mr. President, by our actions last year, and the actions we are going to be taking today on this supplemental appropriations bill, we are setting ourselves up for a much bigger failure if we refuse to recognize the legitimacy of this issue for 1990 than the one we have already inflicted upon ourselves for 1989.

Let me just point out two out of a potential set of examples of what this means. I mentioned the importance of drug treatment to that city commission in Key West, to the emergency room in Madison, and to the black business leaders in Miami. So what are we going to be doing about the treatment program? According to the bill we passed which has an upward inclined slope as we get closer and closer to this goal of treatment on request, we should be spending this year, in the fiscal year 1990, $2,174 million in authority and $1,301 million in outlays. That is an indication of how we are beginning to lay an upward guide slope to get prepared to meet this challenge of treatment on request.

The President's recommendations, however, would only fund approximately 65 percent of both of those two categories. We would be $854 million short in budget authority, and $481 million short in budget outlay in the treatment program area.

How are you going to tell those people back in Marianna that we are credible, we are going to be supporting their efforts to provide treatment? What message are we going to give to the folks in Key West or Miami who are crying out for treatment programs, when we say here is what the President has requested, and we are not prepared today to start to show that the Congress is not going to be part of this scam.

One other example, and that is in the State and local grant. I think we all agree that one of the key parts of fighting the war on drugs is going to be to have some allies. The big part of those allies would be local and State law enforcement personnel. We recommend for the 1990 authorization level $350 million to reach out and help local and State law enforcement do a better job. The President has recommended $150 million. We are $200 million short of what we had authorized as against what the President has recommended.

Mr. President, we are going to go beyond cynicism. We are going to appear to be fools, if we continue this course of action, in terms of our commitment to fighting the war on drugs.

I know that it is not popular, Mr. President, to talk about raising taxes and spending money on anything. We have read people's lips, but people's lips said lots of things; people's lips said we were going to win the war on drugs. We heard it just on the steps of the Capitol on the 20th of January, one of the commitments of the new President is that we are not going to declare defeat, retreat, and declare unconditional surrender in the war on drugs. To the contrary, we are going to fight and win that war.

I believe that we must recognize the fact that we need a commitment, including a financial commitment to win this war on drugs. So the proposal that the Senator from Delaware makes, I do not see as just what is necessary to get by for 1989, but it is going to be a statement of our commitment to continue to fund this program at the levels that we, ourselves, have said with the necessary part of the Federal alliance, at a predictable, stable level into the future.

ACCOMPLISHMENTS OF CLAUDE PEPPER

Mr. GRAHAM. Mr. President, I will conclude by discussing for a moment the word "war," a word that we throw around a lot whenever we think something is pretty serious, and we want people's attention on it. Some people see them earlier than others.

There is a very great American lying in state in the rotunda today, our former colleague, and our dear friend Claude Pepper. We have talked a lot in the last 2 days about Senator Pepper, and his many accomplishments, with particular emphasis to what he contributed to making life better for older Americans.

Senator Pepper had so many accomplishments, that sometimes we can forget areas in which he was a true champion of this Nation. Twenty-five years ago, shortly after he had returned to Congress, now as a Member of the House of Representatives, he chaired a Select Committee on Crime. It was probably the first chairmanship that he held in the House of Representatives.

Mr. President, in that position, 25 years ago, Claude Pepper was beginning to alert the Nation to the conse-

quences of this growing flow of drugs into America. But what I would like to focus more on is what Claude Pepper did 50 years ago. Fifty years ago in this Chamber, there were tremendous debates about what should America's position be in the world, and there was a strong constituency that said that America should not have anything to do with the rest of the world. We ought to go back and reread George Washington's speech at the time he left the Presidency when he recommended America should stay removed from the problems of Europe. There was a very powerful isolationist sentiment in this Chamber and across the land. Into that environment some people began to sense that America would stay silent and would stay removed at its great peril.

Claude Pepper went to Germany in 1938, and he heard Adolph Hitler speak. He not only heard in the physical sense of words going into his ears; he understood what the words of Adolph Hitler meant. He came back to this Chamber and became a champion, and there were not very many, for an America prepared to go to war.

He sponsored legislation to provide to the few valiant nations left in 1940, particularly Great Britain, some American naval and aircraft assistance. He was one of the advocates for a draft, so that we would begin to build a military capacity in this country.

He was ready to fight a war. Did he receive the accolades, the praise of the people for that? Let me tell you what he received. We all know what Claude Pepper looked like; his casket was open a few hours ago, and I would encourage each to pay his respects to this great American. Well, an effigy was made of Claude Pepper, an "overblown ridiculous-looking thing." I know that, because Claude Pepper saved that effigy. It is now in his library at Florida State University.

They took that effigy and hung it on the tree in front of this Capitol, and they cut it down off the tree and tied it to the back of a car and drove it around the Supreme Court Building. That is the reward that Claude Pepper received for his position in defense of a strong America, as the shadows of World War II were upon us. Those were not easy things for Claude Pepper to do, but the Nation 50 years later is very thankful that he and a few others had the courage to do it.

I believe that if we are serious in our statements of the depth of challenge which the drug issue poses to America, which I suggest is of the same order of those dark clouds that were coming from Germany 50 years ago, that now is the time for us to begin to act that way. We did not tell the soldiers that we were drafting in the service in 1940 and 1941 that I am sorry, we cannot issue a rifle because it violates a provision of the Budget Act, or that we cannot provide ammunition for the naval ships that we were going to launch, because it was inconsistent with the way in which we have always done this. We said, by God, this is a war we were going to win, and we will do what is necessary in order to prepare for that victory.

Mr. President, we are at that point today on this matter, with the opportunity that Senator BIDEN has given us to declare war and to declare our commitment to the resources necessary to win that war.

Thank you, Mr. President.

The PRESIDING OFFICER. The Chair recognizes the Senator from Arizona [Mr. DECONCINI].

Mr. DECONCINI. Mr. President, I rise in support of Senator BIDEN's amendment. Let me say that it is hard to do so, and I will tell you why. First of all, I know the opposition that the distinguished Senator from West Virginia has toward this amendment. I have worked with the Senator when he was leader. We have had our differences on different issues, but there is nobody who has led and educated this body and this Senator more than the distinguished chairman of the Appropriations Committee, the President pro tempore, Senator BYRD.

So standing up and arguing for an amendment that I know that he will eloquently argue, and probably win, as he usually does, is difficult for this Senator. I am sure Senator BYRD knows it is based on my strong convictions, as his are, and also a frustration that this Senator faces, as has been spelled out by the Senator from Florida, and as has been spelled out by the Senator from Delaware far better than I can, of what is a dire emergency, what is important to this Nation; and when are we going to really address the problem of drugs?

When I was a prosecuting attorney, I had a way of addressing a problem of drugs. We formed a drug strike force. We eliminated or reduced plea bargaining. We came down hard. We pressured judges in any way we could, arguing before them in the courts, through citizen participation group, to impose tough penalties.

I was apprehensive then and frustrated also, but we saw some successes.

Here, representing the State of Arizona, I find the greatest frustration in that we talk tough, we work hard, we work tough.

Let me just go back over a little history. Last year at this time the distinguished chairman, then majority leader, appointed a task force of Democrats, as did the minority leader, Mr. DOLE, appoint a task force of Republicans. We work separately for a while and then together. For a period of 5 months, we labored and put together an omnibus drug bill. It was, I believe, $2.7 billion.

It was not going to cure it but it was going to address it. For the first real time we were going to address the problem of demand and supply. We were going to really get at the problem of education, of treatment, of the interdiction and the enforcement area in a meaningful way with a plan.

One of those plans was creating the office of drug czar or known as the coordinator, National Coordinator of Drug Policy, and that office is proceeding under the leadership of Dr. Bennett.

Now we went along a little bit and, as the Senator from Delaware pointed out, we could not come up with the bucks. We had good ideas. We had a nice ceremony down at the White House signing the bill. Everybody said, "Hey, hooray, we are finally doing what we have to do. We are going to go to war."

And you know what that means. That always gets a good headline. I have used it and I am sure other Members have.

But as Chief Gates of Los Angeles testified about 2½ years ago in California before the committee when I was there, he said, "You guys have never gone to war, you politicians, nor have we, we politicians on the local level. We talk about going to war but when it comes down to it was do not go to war. We just talk about it," because when you think about going to war what do you think about besides the movies and the experiences that some Members may have had here in real war? You think about the organization, about your objectives, what do you do. When you go to war you mobilize your nation, you mobilize your military and your civilian forces and you have an education program so the citizens understand the threat that they are prepared to pay the price to win the war, and then you have an objective, whether it is to conquer some physical territory, whether it is to rid the planet or the Earth of the scourge of Adolf Hitler or others, But you have this objective and you know where you are going.

That is what the omnibus drug bill was supposed to do—set some objectives. It provided for education and treatment. It provided for the resources.

Senator BIDEN was not here during that task force, and we missed him because there has been nobody who works harder in this Senate than Senator BIDEN on behalf of law enforcement. But when he came back, he stepped right in. He did not try to change it. He did not try to mold it and put in anything that was left out that he felt was important. He stepped in and said, "Yes, I am glad to be here, I am honored to be here," and pushed this bill and managed it on the floor of the Senate. We passed it.

We went on to fund only, I think, less than $300 million of it all on the promise, at least the statements, that we would come back in January and that we would fund the balance of it.

Where would we get the money to fund the balance of that? We did not talk about that. But we would do it because we were committed to this war on drugs.

During that debate, Senator BIDEN, I believe, and I will stand corrected if I am not correct, if that is not correct, but I know the Senator from New Hampshire [Mr. RUDMAN] offered an amendment to fund the remainder part of that bill, roughly $2.2 billion, by imposition of a tax on cigarettes and alcohol, primarily. I voted for it.

I happened to be up for election last year and some said, "Boy, you never should vote for taxes in an election year." That is really asking for it when you go home, because you are also talking about read my lips, no taxes, but I said to myself I have to, I have to do it because if I believe in this war, I have to be willing to vote for the money to fight the war.

And we are faced today some 6 months into the year now with one appropriation. We upped it, funded about 40 percent of the bill, and yet we still have not declared war.

The Senator from Florida said it is time we do it, and this effort would fund it completely as it has been explained here on the floor.

I realize taxes on alcohol and tobacco are sometimes easy because a lot of people do not use them and they are items that when used are certainly questionable as to their health benefits and many times have been attributed to death, cancer, and alcoholism. We all know those stories. And yet it is part of our society. We understand that and I understand that.

But in reality when we are talking about raising funds, I really do not care where it comes from when it comes to drugs, because it is my belief that this is the scourge of our society and I have put in a few years here trying to build law enforcement, trying to promote education and treatment. Some things have happened positive and some have not, but I feel a movement in this country from my State that the people want us to win the war. To win the war, we have to fund the war, and that is what we are doing here today.

I think raising the taxes on a six-pack of beer 5 cents, that is tough I guess if you are a minimum wage earner or slightly above. I realize that. I think raising the tax 5 cents on a six-pack of beer was explained to me once before if you had two beers a day it would cost you something like $11 a year. Maybe that means that a few people would not be able to drink those beers and I realize that is an enjoyment that I do not want to deprive anybody of, but I do want to deprive the drug dealers who are bringing drugs into this country, that are absolutely destroying our Nation, that is bringing the worst scourge that we have ever seen in my lifetime to our Nation.

So I am prepared to support this amendment, and I believe, Mr. President, that we need to realize what is an emergency. This bill has many things that are emergencies and some maybe that are not. Certainly the veterans' health programs are an emergency. We know that.

We are told that if you add anything to this bill that is not in the bill that is not actually in here as written before us today that it will be vetoed. Well, you know we ought not to be so intimidated that we do not have the courage to vote for what is important to this country.

If the President decides to veto the bill for veterans and if there was drug money in there to fight drugs, let him answer to the people of this country. Let him explain why we talk tough about drugs but when it comes down to it, we will not pay the bill to fight the war.

How do you suppose the Second World War and the Korean war would have come out if Congress and the President had not been willing to appropriate the money and go into debt to appropriate the money to fight those war?

We know there was no question we were going to pay the price whatever it took, in sacrifice not only of the men and women that sacrifices their lives, not only the rations and the heartache that caused many people and the extra hours that people had to work at reduced and regulated wages, but we also taxed ourselves.

And here we are talking about taxing ourselves. Yes, we are going to raise the tax on beer 5 cents on a six-pack. The current tax is 16 cents. So that means 21 cents when you buy a six-pack of beer to go to fight drugs. That is where it is going to go. On wine, we are going to raise it 5 cents on a bottle. It is 3 cents now. It would go up to 8 cents. That is heavy on a bottle of wine.

Can people who drink a bottle of wine not afford 5 cents on a bottle to fight drugs? I think it is clear that we can.

On cigarettes, 2 cents on a pack of cigarettes. It is already 16 cents. That would be 18 cents when you smoke a pack of cigarettes.

I do not smoke, but I used to. Quite frankly, when I did, I would pay whatever it cost. I was one of those smokers that liked it, enjoyed it, though it was really good for me from the standpoint of what I wanted to do socially. I would pay the price whether I was in school or practicing law. I felt it was something that I wanted to do and I had the right to do it and I would pay the price.

People who are going to smoke, I contend, are going to pay another 2 cents a pack or, for that matter, people who drink are going to pay another 5 cents a six-pack.

So, Mr. President, we are looking here at an emergency. We are looking here at a vehicle of funding that emergency. The Senator from Delaware has offered a realistic, practical approach to doing just that.

I am not saying it is easy. I am not saying that this is the only way to do it, because there are other ways we could fund this bill.

Yesterday I offered an amendment to take $228 milion out of the defense money that has not been spent, obligated, or even offered to reprogram. Well, I got beat badly on the basis that, "Well, we cannot touch this money. Even if defense hasn't done anything about it, we have got to wait and encourage them to do it." And I got beat badly because we cannot add anything to this bill because it will be vetoed. And, if we do that, what is going to happen? My God, the country is going to come to a screeching halt. The veterans' hospitals are going to close, and we are all going to be held responsible for that.

Well, you know, it does not take any civics teacher to understand what our obligation is here. Our obligation is to do what we believe is in the best interest of the people. And if we believe the best interest of the people is to launch a war on drugs, then it ought to be in the best interest of the people to pay for it and to do it now as an emergency.

So I hope, Mr. President, that the Senate, when we vote on this amendment—I believe it is a waiver before us—will cast a vote in favor of a war on drugs, a real war on drugs, Senator BIDEN's amendment.

The PRESIDING OFFICER. Does any other Senator seek recognition?

Mr. HELMS. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. FORD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FORD. Mr. President, I am always inspired when I hear the distinguished Senator from Delaware speak. He is one of the more eloquent speaker in the body. He has the ability to speak with the rising inflection of his voice and we get out on the edge of our chairs and listen to an emotional issue in which he is correct.

And I do not argue with the need for more funding to fight the drug prob-

lem. But what I argue with is that he says this is an American problem. It is America's problem. And if it is the kind of problem he says it is—and I would agree with him and the distinguished Senator from Florida and the Senator from Arizona, then we find that he is putting the heavy weight of this war on the backs of a few.

As he said earlier, I do not like this amendment. I do not like how he is taxing people because it is on the backs of the people I represent.

Now, if it is an American problem, why be so narrow in those who carry the load to fund the war on drugs? Mr. President, I read—and I am sure that they will say that it is all wrong, it just comes from the Office of Management and Budget—but, I read one paragraph from a letter by the Director of OMB, Richard Darman:

As you know, Congress enacted the FY '89 drug supplemental just 7 months ago. The supplemental provided $1 billion of additional funding. Total antidrug funding increased from $3.8 billion in fiscal '88 to $5.3 billion in fiscal '89, an increase of 39 percent. Much of that newly provided '89 drug funding remains unobligated.

Now we are attempting to spend almost $500 million more in the next few months and this amendment does not start the tax until September 1. The amendment is going to spend all of that, but the last 30 days of this fiscal year is all that is going to be taxed. Something about this particular amendment bothers me, other than the narrow weight of the cost.

Mr. President, the fact of the matter is, if OMB is correct, we are not spending the money we now have. It remains unobligated. Yet we are going to put, if I read the amendment correctly, over $400 million more into these programs in a few short months and the tax will only be applied for 30 days to pay for it in this fiscal year. As we say down in west Kentucky, "Something about those figures ain't right."

And so, Mr. President, as the Senate Appropriations Committee reported, in the report on every Senator's desk, the funding we agreed to last year for fiscal year 1989 drug funding is still in the pipeline and it is still unobligated. And yet, we say that we want to throw more money at this problem on the backs of a few.

I have 105,000 small farmers in my State. They work very hard, and some of them have to go to town to get another little job to stay on the farm. We developed in 1985 a piece of legislation that said the tobacco farmer would no longer cost the Federal Government any money. And it occurred. The no net cost to the Federal Government was the title, or the connotation, put on that piece of legislation.

So the farmers are paying out of their pocket, out of their labor, the cost of the marketplace. And if they have a surplus, it has to be put in the pool and they borrow the money and pay the interest on it.

So now we are going to have a war on drugs on the backs of a very few people. If this is an American problem—and I say it is—then I think the Senators who are supporting this legislation ought to make it an American amendment rather than an amendment on a small group of people.

Mr. President, I do not argue with the problem, but I do want fair consideration of those who have to pay for the war. We simply do not need these funds this year and certainly not at the expense of a small sector of our economy and a few Americans who might enjoy legal products.

We talk about 2 cents more on a pack of cigarettes, but that is a nickel, because you try to put two pennies in a vending machine and get a pack of cigarettes? It is a nickel. So you make 3 cents on the pack for the vendor. Try to take it from 85 cents a pack or 90 cents a pack or $1 a pack or $1.50 a pack and put 2 cents on it and try to see it work in a vending machine. It just will not do it. So it is an extra nickel instead of 2 cents. And it damages my constituency that much more.

I was not sent up here to do everything that my constituency liked. I have to make hard decisions every day and I do not object to making hard decisions. But I do object, Mr. President, to a narrow funding of what we call the big war. When we talk about war with another country, all Americans pay. Not just a few. All Americans sacrifice, not just a few. But not this amendment.

Then we want to go against the rules of the budget process to get it done. And the Senator has to get a waiver to do it.

So, Mr. President, there will be others here who are more familiar with the budget process, the sections and numbers of votes it takes and other things. Those motions will be made, but you notice that the pending business before the Senate is a motion to waive the Budget Act. So we begin to waive the Budget Act until we get in the habit of it, and the debt of this country increases.

Mr. President, I hope my colleagues will not take it that I am opposed to trying to do something about drugs. I am opposed to the very limited number who will be called upon to fight this war.

I yield the floor.

The PRESIDING OFFICER. The Chair recognizes the President pro tempore, Senator BYRD.

Mr. BYRD. Mr. President, my good friend and esteemed colleague, Senator BIDEN—and he is my friend and has been my friend and he always will be my friend and I will be his—he damned me with faint praise when he started out with his very eloquent speech. And he is one of the great speakers in this forum.

"I am no orator, as Brutus is." I do not have the power "to stop men's blood." I just speak right on.

But he has damned me with faint praise and I hesitate to stand here and attempt to respond to that kind of praise. He was rather brief, but he was to the point that I was "skillful" but that I had my "facts wrong" in this instance.

Mr. President, Mr. BIDEN, in all of his speech, and I did listen very carefully to it, what he did was to set up a strawman in that speech and then he proceeded methodically, systematically, very carefully and effectively to knock that strawman down.

What was the strawman? The strawman was that this, the drug problem, is an urgent problem. And he dealt with that matter in such a way, very carefully and very cleverly—so I can say about my good friend that he, too, is skillful—he dealt with it in such a way as to make it appear that those of us who oppose this amendment do not believe that the drug problem is an urgent problem. I wondered, is he really talking about me? That was the strawman.

If I had come in here and said that the drug problem is not an urgent one, that the drug problem is not an emergency, then he would have skillfully shorn me of my trappings and reduced me to an almost zero. But I never said that.

I never said it was not an urgent problem. I have not said it was not an emergency. It is. But I have said that we are dealing with that emergency, that we appropriated in the regular appropriations for 1989, $4.3 billion. That is $4.30 for every minute since Jesus Christ was born.

I said that we also enacted the supplemental 7 months ago in which we appropriated another billion dollars, another dollar for every minute since Jesus Christ was born. And I said that the President has sent up in his budget, he is making a request for fiscal year 1990 for $6 billion more—in other words, $6 more for every minute since Jesus Christ was born.

So we have already appropriated much money. But the spendout rate has not been such as to deplete those appropriations.

We have letters here, which will all be placed in the RECORD, from the Secretary of Defense, the Secretary of the Treasury, the Director of OMB, the Attorney General, which will show that there are moneys already available that have not been obligated.

Now, if those moneys were not available, yes, I would say, this is the vehicle and we should not wait. But what I am saying is, yes, it is an emergency; yes, it is an urgent problem. But appropriating more money in this vehi-

cle will not do anything to help the problem.

Oh, we can get out a press release and we can talk about how we dealt with this urgent problem, how we fought the battle of the century and got a big appropriation for drugs on this supplemental bill.

Somebody spoke of the hypocrisy of this Chamber, and I believe that was my good friend, talked about the hypocrisy of this Chamber.

What can be more hypocritical than for me to say we need more money for a problem when we already have money, enough to last us past the beginning of the new fiscal year, and with regular appropriation bills coming on within the next month or 6 weeks, which will indeed be the appropriate vehicles because they will be dealing with fiscal year 1990 and the President's budget request for fiscal year 1990. That is the place for the Senator's passion because we will be dealing with appropriations for the next fiscal year.

My good friend spoke to the hidden and unseen audience behind that camera and those others up there and to the audience in the galleries and to the people, on the staffs of Senators. He asked if they could vote, how would they vote? Would one of them daresay he is not afraid to walk out on 14th Street at midnight or from here to the car over near the railroad station at 10 o'clock at night? Is there anyone who is not afraid? That was a rhetorical question, my friend said. Let me answer that question. Yes, I am afraid. Here is one who is afraid. I do not want to be caught walking on 14th Street. I will not be caught walking from here to any car that is out there near the railroad station or down here on some parking lot if I can possibly avoid it. Yes, I am scared, but is appropriating money in this bill going to make me unafraid to walk to that car?

Mr. President, the drug problem is a cancer that is eating at the heart of this country. We are doing something about it. I will go as far as the next one in dealing reasonably, effectively, and meaningfully in attacking this problem. I appointed the task force last year. The drug reform bill that passed during the 100th Congress is one of the stars in the crown of the 100th Congress. I appointed the Democrats to that task force; Mr. DOLE appointed the Republicans to that task force. I appointed Senators NUNN and MOYNIHAN to cochair the Democratic side of the task force.

The distinguished Senator from Delaware has been a leader in this effort. He has worked hard, he has worked effectively, and he speaks with great knowledge regarding the problem, but he is not alone. I was here on the ramparts last year. I convened that task force. I met with Senator NUNN, Senator RUDMAN, Majority Leader FOLEY, Speaker WRIGHT, and others down there as we worked in conference on that bill. I spent a good many hours. There were others who spent more hours than I did—Senators NUNN, MOYNIHAN, RUDMAN, and others. But we all had a hand in the formulation of that drug bill, and we all take pride in it. I, as much as any other, intend to do whatever I can and what needs to be done within my power to do it to see that this war on drugs is adequately funded.

However, we passed a supplemental last year, a $1 billion supplemental. So we have the $4.3 billion and $1 billion making $5.3 billion and other moneys that were previously appropriated. As of March 31, only 56 percent of the moneys that had been appropriated had been obligated.

In that drug bill last year, largely because of the distinguished Senator from Delaware, there was a czar created, a drug czar, and an office of National Drug Control Policy. That legislation mandated that office to provide a comprehensive strategy by September 1 of this year to deal with this drug problem. Now, we said, there it is. You give us a plan. We want that plan by September 1. That is only 3 months away. Now why should we not let this creature that the Senate itself created and into which the Senate breathed the breath of life, why should we not let that creature, our own creature, tell us what we asked it to tell us? Give us a complete list of goals, objectives and priorities for supply reduction and for demand reduction; private sector initiatives and cooperative efforts between the Federal Government and State and local governments for drug control. Give us 3-year projections for program and budget priorities and achievable projections for reductions of drug availability and usage. Give us a complete assessment of how the budget proposal transmitted under section 1003(c) is intended to implement the strategy and whether the funding levels contained in such proposal are sufficient to implement such strategy.

I ask Senators to read the mandate that we placed on that office. "Designation of areas of the United States as high intensity drug trafficking areas in accordance with subsection (c) and a plan for improving the compatibility of automated information and communication systems to provide Federal agencies with timely and accurate information for purposes of this subtitle."

Now here we are on his amendment, we are going to leapfrog over the national drug control office and say we are going to pile money on top of money. We are not going to wait for that office to tell us what we asked it to tell us. We are going to pile money on top of money and then we will hear what you have to say later.

Mr. President, that is getting the cart before the horse. I think it would be better to get the strategy, get the comprehensive plan that we asked for first and then appropriate moneys where needed and as needed and where they can be spent most effectively. That is what we ought to do. If we appropriate more moneys here, we are doing just the opposite. Why did we ask that office to come up with a strategy on September 1?

My good friend from Delaware said that "drugs are killing the sense that we can control our own destiny." Mr. President, I will tell you what is killing the sense that we can control our own destiny. It is these triple-digit deficits that we are continuing to run. We now owe $2.8 trillion in national debt—$2.8 trillion. Counting $1 trillion at the rate of $1 per second, how long would it require to count $1 trillion at the rate of $1 per second? 32,000 years just for a trillion. Multiply 32,000 by 2.8 and what do you get? You need almost 90,000 years to count the $2.8 trillion that we owe on this national debt, at the rate of $1 per second. Now that may not mean much to those of us who have been here year after year appropriating moneys.

Someone said that Everett Dirksen talked about a billion here, a billion there, pretty soon it adds up to a lot of money. I can find no instance as yet in which Everett Dirksen actually said that. But anyhow, it was a good saying, and it still is.

Let me say this, I have five wonderful grandchildren, and it is about time that we tore up this national credit card that we have been using to buy that which we will not ever be able to pay for in our own lifetime. We are going to leave that bill, with interest, to my daughters and my five wonderful grandchildren, and to yours. They are going to pay the bills after we are all gone.

My good friend talked about killing the sense that we can control our own destiny. We have already numbed that sense by virtue of the spending binge that we have been on in this country. We have numbed that sense. We can hardly control our own destiny now.

That is why our highways and our bridges are lacking. That is why we are cheating our young people in many instances of the kinds of laboratories and libraries and facilities that they ought to have in which to study. That is way we cannot develop the community facilities that we need in rural States like my own. We are already up to the red ink over our heads.

There are urgent problems. The drug problem is one. The deficit problem is another one. How do we put the limited funds together that we have and meet the overwhelming Federal

demands? That is what we have to think about.

To some who are greatly exercised, as I am exercised, about this drug problem—I worry about it. We all worry about it—I wonder how many voted against the death penalty. I believe my good friend Mr. BIDEN said, "Put your money where your mouth is." How many of us put our vote where our mouth is when it came to voting for the death penalty? I do not think we went far enough in the legislation we passed.

Yes, I consider the problem urgent. Yes, I consider the problem to be an emergency. But I say that the strawman is not to be applied here. Nobody is arguing that the drug problem is not urgent. Nobody argues that it is not an emergency. The point is that moneys do not need to be added to this supplemental appropriations bill. We have regular appropriations bills coming along that will deal with fiscal year 1990 within the next month or 60 days.

So the Senator from Delaware made a beautiful speech. It was great rhetoric and real passion, real passion. But he left out one very important fact. He said the drug problem is urgent. And of course it is. He said this bill is for emergencies. He is correct. But he obscured one important fact. That is that this bill is for programs that are broke—broke. That is the difference, and that is not a strawman. That is what we are trying to deal with in this bill, programs that are broke.

That is why this is a dire emergency appropriations bill. The drug programs are not broke. Sure, we can throw them more money. We threw money at national defense for years, and I was right in the front seat. Again, I am saying I do not take a back seat to anybody when it comes to our defense. I voted for everything coming and going, Trident submarine, Trident missile, SDI, MX, Midgetman missile. You name it, I voted for it.

What did we do? We threw money at the problem. What we did, we began to kill a sense of concern in that great electorate out there in the hills and valleys of this country when they read about the $600 toilet seats and the $40 light bulbs and the coffee pots. And they grew tired of seeing their money thrown at a problem when that money was not being efficiently utilized.

That is what is going to happen on this drug issue. We just keep throwing money—money—money—at the problem. Great rhetoric, great rhetoric—ah, we can appeal to the galleries. Yes, we can appeal to the people out there behind that magic eye. How would you vote? Those people out there are going to demand an accounting from their stewards here one day, and I shudder to think what our grandchildren will say about us.

Mr. President, we entered into an agreement in 1987, a bipartisan agreement on the budget. This President is trying to keep that agreement, and we ought to try to keep it. That is what we are trying to do in this supplemental bill. Add this amendment and we will break the word of our own leadership and those who negotiated that budget agreement.

There will come a time when we can all stand up and have our chance to vote for taxes. We will have an opportunity to do that. All this tough talk I have been hearing that the President says read his lips, he will get to keep his campaign promise this year but next year he is going to have to bite some bullets because he will have to support some tax increases.

Well, we will have our opportunity, too. We will all have the opportunity, but why should not the Finance Committee, which has jurisdiction over the tax legislation, have an opportunity first to call in witnesses, take evidence, and develop an appropriate tax bill, and decide what taxes shall be in the bill?

No. We are going to start a tax-raising bill here that flies in the face of article I of the Constitution, and say we are going to raise taxes here and now. I am amazed. Who in this Senate thinks for one moment that that House over there is going to sit still for a bill originating in this Senate when, under the Constitution, it says revenue raising measures shall originate in that body across the way? They would slap this down so fast it would make your head swim. Then we would have to do our work all over again.

Finally, that brings me to this point: This amendment runs afoul of the Budget Act. It would violate section 302(f) by adding appropriations to subcommittees that have exhausted their fiscal year 1989 302(b) allocations, and it violates section 311(a) by adding over $400 million to fiscal year 1989 outlays when fiscal year 1989 outlays allowed under the budget resolution have been exhausted. So we are going to raise the outlays here. And the distinguished Senator is asking the Senate to waive the Budget Act. If we waive the Budget Act, then a point of order can be made against the bill, and it will go back on the calendar. If it ever gets out of conference, the President will veto it if it still carries that amount.

This bill already exceeds the budget levels. That is why I was able to get consent earlier to waive the Budget Act on the committee reported bill but the administration has said, if we do not add more baggage to it, this administration has indicated it will sign the bill even though it is $563 million over. But the administration has said in no uncertain terms if it goes above that then they are going to veto it.

Someone said something about Senators being intimidated by vetoes. I am not intimidated exactly. I have run up against I guess the real pros a few times. I was not intimidated by Lyndon Johnson, my good friend. I was not intimidated by Ronald Reagan. My sad lot was that I was minority leader for 6 years while Mr. Reagan was President. What I said did not amount to anything because I was minority leader. Yet, I was not intimidated. But it was a different story in the 100th Congress.

So it is not intimidation, but I like to be realistic when I can be. And it seems to me, to be realistic to attempt to avoid a veto of a bill when we cannot override that veto. I have heard some say, well, it would be good idea. Let him veto it. That would be good politically. I say that would not be good for those veterans who are in need of medical services, and other Americans whose programs are now broke.

So, Mr. President, I do not want us to have to do this job over. We cannot override the President's veto. That is false thinking.

I am going to move to table this waiver but I will not move to table it until the distinguished Senator from Delaware has an opportunity to respond. I see that he is on his feet and wishes to respond. But I will move shortly to table his motion to waive the Budget Act. I do not want to see this bill go back on the calendar. I want to do everything I can to protect this bill, and to protect the dire emergency items that are in it.

If we are going to start initiating tax measures on supplemental appropriations bills here, let us do away with the Finance Committee. Just do away with it. We do not need it. We can sit on the floor and write our own tax measures, and do a vain thing by sending them over to the House which will just turn them down flat.

I say to my good friend that I am going to sit down and turn him loose again. And then I am going to move to table his motion. I hope I can carry it. I do not intend to respond unless my good friend sets up another strawman and damns with faint praise and all those nice things.

So I yield the floor.

Mr. BIDEN addressed the Chair.

The PRESIDING OFFICER (Mr. SHELBY). The Senator from Delaware.

Mr. BIDEN. Mr. President, I am not nearly as capable as damning with faint praise as my senior colleague from West Virginia, so I will not attempt to praise any longer. I have not come to praise. I have come to point out that if in fact I set up a strawman, as my senior colleague from West Virginia suggests, and I will argue in a moment that I did not, he has just filled the field with a set of scarecrows

that exceeds any number required by any cornfield. We have strawmen in abundance now. It is going to be hard for people to find their way through the thicket.

But let me try to lend my little bit of help, if I can.

The Senator, as we all know, is a skillful debater. He says on the one hand that we do not need any more money, that there is enough money in the bill now. So there is enough money in the pipeline now. So we do not need to spend any more money. Then he adds later, and I note this parenthetically, that we are throwing money after money and makes a comparison to the Defense Department. We spent last year $5 billion on the drug problem. That is less than the cost of just a couple fancy aircraft—$5 billion. Speaking of strawmen, in comparison to the defense binge that we are on—$5 billion when drug traffickers made themselves last year $115 billion. And we spent $5 billion, and we are on an orgy of spending? Five billion dollars? I can name, and I will not, because I do not want to offend many of my colleagues, a half dozen pet projects that my colleagues have supported that add up to close to that amount of money, $5 billion to deal with the drug problem. My colleague says that because we have not spent this money out yet, and in part because the administration has refused to spend some of it out, in part because it takes time to spend it out, now there is a reason not to spend what we said that we needed this time—not this time, September of last year. We said last year that we needed to spend $2.8 billion to hire on FBI agents, to hire on DEA agents, U.S. marshals, for grants to States, who must submit detailed plans as part of the funding process.

It is no surprise that we have not spent out all the money that is available thus far. So we should not be surprised. I wonder whether or not my colleague is suggesting that. He is certain that between now and September there is going to be no need for any more money than would ordinarily be spent in order to fund what we said.

Let me move to the next strawman. The Senator from West Virginia praises my efforts on setting up a National Drug Director, and he read from the statute that we all wrote, and then he says, "Should we not wait until this fellow comes back with his report in September?"

Well, that implies that we should just put a screeching halt on all our spending, anything we have to do with drug law and law enforcement, and wait until this fellow comes back with his proposal. It also implies that the money we thought that we needed to spend on additional agents, on additional education, on additional—all the things we listed in the drug bill, is something that somehow we are going to jettison, depending on what this Drug Director comes up with, this de novo initiative that he is going to make.

So, on the one hand, my colleague says, "Hey, look, we do not need to spend any more money, because all that we had in the pipeline had not been spent yet," implying that by the time the fiscal year is over, there is going to be no need for any more money; and by the way, implying that when you say to an agency, we want you to add on somewhere around 200 new DEA agents and 250 new immigration and naturalization agents, and more FBI agents and all the rest, that somehow they should not plan that they are going to be able to spend that, no matter how long it takes them to get that done.

Anyway, he says, we have that, we do not need the money, and by the way, parenthetically, even if we did need the money, we are spending too much anyway; we are throwing money at problems, but by the way, I think that drug bill was a very important thing that we did last year, and by the way, we should wait, anyway, until the Drug Director gives us a plan before we do anything anyway.

Now I find myself having on that merry-go-round bumped into at least four straw people. I mean, it is a very compelling debating point. Hear what it says: We do not need any more money because we have not spent the money that is there anyway, even though if we went forward and did all we said we wanted to do in the drug bill, we would need a lot more money, but all we did in the drug bill is very important; but we should wait anyway until the new director comes out in September to tell us whether what we did needs to be done, and by the way, we are spending too much money on drugs anyway, because we are throwing money after money.

And then, he makes a very compelling argument, and he is dead right. My senior and distinguished colleague is dead right. The national debt is piling up in a way that our children, grandchildren, and great-grandchildren are going to be burdened for generations, implying that what the Senator from Delaware is suggesting is that we increase the debt, when in fact that is not what the Senator from Delaware is suggesting at all.

The Senator from Delaware is standing up and saying I think we should spend more money, and here is where I think we should get more money. I do not think we should add it to the national debt. Then he argues very skillfully and compellingly in the alternative, "He is adding to the debt," but, by the way, "What he is asking to do is unconstitutional, because it raises the money that would keep the debt from being increased."

I should have known what I was getting into here when I decided to take on the master in the Senate, but the master, not like the emperor who had no clothes, has a lot of strawmen.

Now, either I am doing something unconstitutional by asking for the taxes to pay for the bill, or I am seeking to raise the debt.

As they say, and as the Senator from Kentucky made reference to in part of his statement, "As they say in parts of my city, 'I ain't doing both.' "

Now, you can argue an alternative, that in one case, if it is unconstitutional, and thereby would not, in fact, be accepted and become law, then the effect of what I am doing, notwithstanding that, is not what I intend to do is to raise the debt. But to suggest that and tell me and others, correctly, how much money per second and per minute since the year of the birth of our Lord we are spending, it is useful, but it is straw. It does not relate to the argument the Senator from Delaware is making.

Now, we find ourselves in this catch-22 position, if we listen to the distinguished Senator from West Virginia. And that is that since the administration will not support more money, and since to spend out the requirements that the law calls for take time, and we all know that; therefore, we do not need the money that we said we wanted to spend in September in order to do the things we thought were needed; and anyway, even if we did want to do the things we needed, we should not really want to do them now, because this guy BIDEN came along with this idea of a drug coordinator; and the law says the drug coordinator should come up with a plan 180 days after he was sworn in, which would make it sometime in September, so we should wait until September anyway. So what is to worry?

I kind of reduce it to simple, and maybe not graceful, maybe not parliamentarily—if there is such a word—precise terms. We said that we thought that we should spend $15 million more for FBI agents; we said we needed $5 million for new marshals; we said we needed $4 million for new agents over in the Treasury Department for the Alcohol, Tobacco, and Firearms agents—they are Treasury agents. We said we needed $44 million for new prosecutors and new court resources, and we said we needed to spend $100 million more for new prison construction.

We said we should come up with 200 more DEA agents, 250 more agents for the Immigration Service. We said we were supposed to come up with about $125 million for local police agencies, for which they have to write all these requests and reports to qualify, and that is why all the money has not been spent yet.

We said we wanted to spend about $15 million more for antigang programs. We said we were going to put about $720 million into drug and alcohol treatment programs. We said that we wanted to do something about the production of drugs on Federal lands and increase by about $14 million more in order to do that.

You add all that up and you add up what is available for the executive branch to spend. It comes up shy about $1.8 million roughly.

Maybe for the sake of debate, maybe the Senator from West Virginia is right and it could not all be spent as fast as we had hoped it would be spent when we in fact passed the bill. He may be right.

But it seems to me it begs the question as to whether or not we should spend the money anyway, whether or not we really need to do all these things.

Although I understand the Senator's position on the supplemental, I fail to understand why it is so sacrosanct, and maybe if I read between the lines—and I may be mistaken here, and I am sure the Senator will correct me if I am wrong—that if this is not the vehicle upon which he will support funding what is needed to fund the bill we passed, whether or not it has all been spent to date that is available to date, maybe there will be another vehicle in which he will move as the powerful chairman of the Appropriations Committee to come to this floor to help find that money.

I have no doubt about the Senator's commitment to the issue. And I have no doubt about his tenacity where there is something that happens on his watch like this bill. I have no doubt about either.

But I also have no doubt that if the money is not needed on June 1 or June 12 or August 15 or September 9, the money is needed, and we should step up to the ball and we should appropriate the money now.

I yield the floor.

Mr. KOHL. Mr. President, I believe in the budget process and respect committee jurisdictions. I have the utmost respect for the members of the Finance and Appropriations Committees. Their distinguished chairmen do yeoman's labor in trying to meet the Nation's needs without draining our checkbook.

But drugs trump the budget process. The drug problem is the most serious problem we face. The American people have recognized this time and again in public opinion polls, and they are right. Drugs ruin lives, destroy families, and tear apart our neighborhoods. In the name of "escape," drugs imprison us.

In my own State, 40,000 people use cocaine regularly, and half of them are addicted. Alcohol and drug abuse costs Wisconsin's economy $3 billion a year for medical care, crime, lost productivity, and welfare.

If we are going to have a war on drugs, I say it is time we started using the real artillery. In other words, we need to arm our police and our treatment centers with adequate funding to end this social cancer.

In Wisconsin, local enforcement agencies have asked the State for more than $5 million in assistance. But my State government has less than $2 million to share. Why? Because of the $2 billion drug scam—the fact that we authorized $3 billion in the drug bill but appropriated less than $1 billion. We said, "Go spend $3 billion," but we actually gave them about $1 billion.

We cannot fool the American people any longer with our fancy bookkeeping. Either we are going to put our money where our mouth is, or we are going to lose the war on drugs. This is the message I have heard from sheriffs and police chiefs, from Racine to Eau Claire, from mighty Milwaukee to little Pepin County. They are on the frontlines, and they know what they need. Let us listen to our police, and let us listen to the American people who tell us that drugs are issue No. 1.

Make no mistake, it will hurt me and my State to raise the tax on beer. The breweries are a crucial part of the Milwaukee and Lacrosse economies. The beer companies provide thousands of jobs in Wisconsin, and they are good corporate citizens, donating money to hospitals and the arts. I do not want to do anything to hurt the breweries back home. And I do not want to jeopardize a single job in Wisconsin.

But again, drugs trump all other concerns. Brewery workers, like the rest of us, are afraid to go into certain neighborhoods because of drug-related crime. And Federal taxes on beer and wine have not been raised since 1951. A 1-cent tax on a can of beer is not going to take away anyone's six-pack. But it will have a powerful impact on fighting the drug epidemic. I am willing to tax beer to save communities.

Will President Bush veto our law because we want to fight drugs? I hope not. I hope that drugs will trump partisan politics in the White House.

Mr. President, I approach Senator BIDEN'S amendment with a mix of sadness and enthusiasm. I am sad that we have to find money in this way. I would rather wait for a resolution to work its way through the normal budget process. And I am sad because of the fact that my State's breweries will feel a pinch. But drugs trump all of these concerns. We cannot wait any longer to put our money where our mouth is. I support Senator BIDEN'S amendment.

Mr. DURENBERGER. Mr. President, I want to take this opportunity to make a brief statement explaining why I will vote to table the pending amendment to waive the Budget Act in order to provide additional funding for the war on drugs.

Mr. President, although I am committed to voting for sufficient appropriations to finance the war on drugs, the pending amendment will not help fight this war and will only harm those citizens who need assurance that this dire emergency supplemental appropriation will become law. Make no mistake, if we waive the Budget Act on this amendment, the President will veto this important legislation. And if that happens, critical programs for veterans medical care will not be sufficiently funded. Funding for 160 health care transition grants for rural hospitals that are currently in a crisis situation will not be available.

In addition, vital funding for food stamps, emergency water conservation programs, guaranteed student loans and essential air service to small rural communities will all be jeopardized if this amendment is adopted.

Mr. President, I believe that in the very near future—in fact, in the next month or 6 weeks—we will be considering a regular appropriations bill. And at that time, we will surely have the opportunity to vote to approve legislation that will provide adequate funding to fight illegal drugs. However, the legislation we are considering today is not the right vehicle, nor is it the right time, for this Chamber to be considering this type of amendment.

Mr. KERRY. Mr. President, I support the amendment offered by my colleague Senator BIDEN to fund the drug bill through an excise tax on cigarettes and alcohol.

Last year I worked for 6 months with a number of my colleagues to draft the omnibus drug bill. I did so first as a member of the Democratic Drug Task Force and then as a member of the bipartisan substance abuse working group. That bill was passed last October and signed into law last November by President Reagan.

I continue to be proud of the work that we did on that bill. For the first time in many years we drafted anti-narcotics legislation that actually embodied a strategy—not just a patchwork of band-aid provisions. We set out a strategy that recognized that while we must fight the war on drugs on all fronts, we must give particular attention to the demand side of the problem. Without sacrificing our efforts in eradication and interdiction, we decided that we needed to devote more of our energy and more of our resources to enforcement, education, prevention, and treatment. So, in that bill we abandoned the traditional supply side approach. We decided that we would not devote nearly 70 percent of our resources to trying to keep drugs from coming into this country.

We decided to give equal emphasis to punishing those who are dealing the drugs, equal emphasis to treating those who are already addicted, and equal emphasis to educating those who have not yet, and will hopefully never become involved with drugs.

We may have developed a new strategy for tackling the drug problem in this country, but that doesn't count for much if we don't fund that strategy. If the drug bill were fully appropriated in fiscal year 1989, it would cost approximately $2.8 billion in budget authority and $1.4 billion in outlays. Last year we appropriated approximately $1.1 billion to fund the bill: That leaves us short by nearly $1.7 billion. That means we won't get the prisons we desperately need. It means we won't get the prosecutors that we need. It means that States won't be able to fund new education programs. And it means that treatment centers won't be able to meet their expanding needs.

Some have argued that there is already plenty of money. Well, I can tell you that in my State, Massachusetts, there is not plenty of money to fight the war on drugs. Our prisons are overcrowded. Go to Walpole if you don't believe me. Our public housing projects are rife with drug trafficking. Visit the housing project in New Bedford if you don't believe me. Our treatment centers are stretched to the limit. Take a trip to the centers in Boston or Cambridge if you don't believe me. We have programs in place, but the cry from all concerned is that "we don't receive any support from the Federal Government."

So the truth is that we have a great strategy. We have great intentions. We have great rhetoric. But we don't have the courage to back up that strategy, to carry out those intentions, to make that rhetoric a reality.

The proposed excise tax would raise the necessary money to fund the drug bill. It would do so by raising the current 16 cent tax on beer by 5 cents. It would raise the current 5 cent tax on a gallon of wine by 3 cents. It would raise the current 15 cent tax on a pack of cigarettes by 2 cents.

Every cent that we raise from this tax would go to fighting the war on drugs.

I also believe that the tax itself would save lives. A recent study done by the Smoking Institute at Harvard's Kennedy School of Government revealed that a 16-cent increase on the tax would encourage approximately 3.5 million Americans, including 800,000 teenagers and 2 million young adults aged 20 to 35 to either quit or not to start smoking. Likewise, Prof. Phillip Cook of Duke University, in testimony before the U.S. Senate Committee on Government Affairs last summer concluded that "increasing tax rates [on alcohol] would increase the alcohol beverage price, reduce consumption, and reduce the prevalence of alcohol abuse." So this is sort of like killing three birds with one stone. We can lessen alcohol abuse, reduce cigarette smoking related disease, and begin an earnest campaign to wipe out illicit narcotics in this country.

Mr. President, 3 years ago we voted to fund the fight against the war on drugs, but the President refused to join us. Now, what we must worry about is a weak-kneed Congress—full of bluster about the war on drugs—but unwilling to provide the money necessary to address the problem.

Mr. GRASSLEY. Mr. President, let us get this show on the road. This is a dire emergency supplemental appropriations bill, and for some agencies it is a dire emergency. It is especially so for the Veterans' Administration, which, according to an announcement by Secretary Derwinski, has begun refusing to serve any veteran who was not already been seen at the VA. I have had numerous concerned calls from Iowa veterans unable to understand the delay in passing this legislation. I have a commitment from the Secretary of the Department to use money coming to him from this supplemental to fix malfunctioning cardiac monitoring equipment at the Iowa City Veterans Medical Center. My veterans hospital, and my Iowa veterans in those wards, need that money, and they need it now.

Mr. LEAHY. Mr. President, I support the idea of raising revenues to fully fund the 1988 drug bill so we can really fight the war on drugs. If we are serious about solving the drug abuse crisis, we must have the courage to spend the money to do it. A few pennies on each six-pack of beer or bottle of wine or pack of cigarettes would provide desperately needed funds.

I will vote against Chairman BIDEN's amendment, not because I disagree with the result, but because I disagree with the vehicle. This supplemental appropriations bill is not the right place to rise excise taxes.

I have voted to raise excise taxes to fund the drug bill in the past, and I intend to work with my colleagues—on and off the Judiciary Committee—to accomplish the result of Chairman BIDEN's amendment.

Mr. BYRD. Mr. President, I will be very brief.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. I will just have this brief comment.

The distinguished Senator referred to me as the "master." Mr. President, I am not the master. I have never seen myself as being the master of anyone. I have never been accustomed to that in my kind of upbringing. I have only been accustomed to doing my duty as I see it, and that is what I am doing now.

I do not think any further exhortations here will be of any moment. I will simply say that my good friend just has not been listening and, as one who is going to be 72 years old before long, I marvel that I still apparently have better hearing than my good friend who is hardly past half that age.

He said that I said that "we do not need to spend any more money on fighting drugs." I did not say that. I did not say we should not spend any more money on fighting drugs. We should.

What I did say was that we do not need to appropriate any more money in this bill. We already have money that is still unspent.

Now, Mr. President, I move to table the motion to waive the Budget Act reminding Senators that the Senator's amendment is unconstitutional from the point that it seeks to raise revenue in a body which under the Constitution does not originate revenue measures and also that it violates section 302(f) and 311(a) of the Budget Act.

I hope that Senators will support my motion to table, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from West Virginia to lay on the table the motion to waive the Budget Act in the consideration of amendment No. 123 offered by the Senator from Delaware.

On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Hawaii [Mr. INOUYE] and the Senator from Maryland [Mr. SARBANES] are necessarily absent.

I also announce that the Senator from Iowa [Mr. HARKIN] is absent because of attending a funeral.

Mr. SIMPSON. I announce that the Senator from Colorado [Mr. ARMSTRONG], the Senator from Kansas [Mr. DOLE], the Senator from Vermont [Mr. JEFFORDS], the Senator from Indiana [Mr. LUGAR], and the Senator from Alaska [Mr. MURKOWSKI] are necessarily absent.

I further announce that the Senator from Idaho [Mr. SYMMS] is absent due to a death in the family.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 71, nays 20, as follows:

[Rollcall Vote No. 76 Leg.]

YEAS—71

Adams	Ford	Metzenbaum
Baucus	Fowler	Mikulski
Bentsen	Gore	Mitchell
Bond	Gorton	Nickles
Boren	Gramm	Nunn
Breaux	Grassley	Packwood
Bryan	Hatfield	Pressler
Bumpers	Heflin	Pryor
Burdick	Heinz	Reid
Burns	Helms	Riegle
Byrd	Hollings	Robb
Chafee	Humphrey	Rockefeller
Coats	Johnston	Roth
Cochran	Kassebaum	Rudman
Cohen	Kasten	Sanford
Conrad	Kerrey	Sasser
Cranston	Leahy	Shelby
Danforth	Lieberman	Simpson
Daschle	Lott	Stevens
Dixon	Mack	Thurmond
Dodd	Matsunaga	Wallop
Domenici	McCain	Warner
Durenberger	McClure	Wirth
Exon	McConnell	

NAYS—20

Biden	Glenn	Levin
Bingaman	Graham	Moynihan
Boschwitz	Hatch	Pell
Bradley	Kennedy	Simon
D'Amato	Kerry	Specter
DeConcini	Kohl	Wilson
Garn	Lautenberg	

NOT VOTING—9

Armstrong	Inouye	Murkowski
Dole	Jeffords	Sarbanes
Harkin	Lugar	Symms

So the motion to lay on the table was agree to.

Mr. BYRD. Mr. President, I move to reconsider the vote by which the motion was agreed to.

Mr. LEAHY. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The majority leader.

Mr. BYRD. Mr. President, will the majority leader yield?

Mr. MITCHELL. I yield.

Mr. BYRD. The motion to table the motion to waive was agreed to but the amendment is still before the Senate.

The PRESIDING OFFICER. The Senator is correct.

Mr. BYRD. I will make a point of order against the amendment because the motion to waive failed. I make a point of order under sections 302(f) and 311(a), against the pending amendment.

The PRESIDING OFFICER. The amendment violates both of the sections of the Budget Act. The amendment falls.

Mr. BYRD. Mr. President, I thank the distinguished majority leader.

The PRESIDING OFFICER. The majority leader.

Mr. MITCHELL. Mr. President, as I indicated earlier, it is my intention that we would continue this evening until we complete two or at the most three more amendments. We have now completed one, which took much longer than anticipated.

It is my hope and I am sure my colleagues share it, that the next one or two will not take as long. I would like to inquire of the distinguished manager of the bill whether there is an amendment ready to go at this time?

Mr. BYRD. Mr. President, I thank the majority leader. The other amendment took a long time. I felt, out of respect for the distinguished Senator from Delaware, who is chairman of the Judiciary Committee and who has been a leader in this fight for a long, long time, that I should not rush to move to table. But I have no intention of taking that long on other amendments.

Mr. President, as I understand it, the distinguished Senator from California [Mr. WILSON], will move to recommit this bill with instructions. If he still intends to do that, that will require a rollcall vote.

I understand that the amendment on Angola is being worked on and that there is an inclination on the part of those who are principals not to ask for a rollcall vote.

Mr. DECONCINI. Will the Senator yield?

Mr. BYRD. The majority leader has the floor. If I may yield?

I ask unanimous consent that I may yield.

Mr. DECONCINI. I thank the distinguished chairman.

Mr. President, we have, from what I understand, worked out this Angola amendment with the Senator from North Carolina and a number of others—the Senator from Vermont. We are prepared to do it without a rollcall vote. We can do it now or whenever the majority leader and the distinguished chairman want to vote.

Mr. BYRD. If the majority leader will continue to yield?

Mr. SIMON. If my colleague would yield, before I would agree not to have a rollcall vote on that I would want to see that amendment. The copy I have seen—I have not had a chance to discuss it with Senator DECONCINI, but I would have to oppose that.

I would urge, whatever final draft you have, that you check also with the administration. I think that would help clarify things.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Mr. President, I wonder if we could not agree to have the vote on the motion to recommit and have a time limit on it. I can speak 3 minutes on it—that would be all I need—and have that vote while the Senators who are the principals on the Angola amendment see if they can work that out and see if we might avoid a rollcall vote.

If there is another amendment that a Senator feels absolutely compelled to ask for a rollcall on, do it tonight and let us leave all other amendments until tomorrow and not have any rollcall votes on those amendments.

I will stay here. We will work on them and perhaps we can accept some of them, and those we cannot, let us have a voice vote on them tomorrow and not have a rollcall vote on final passage of this bill. We see how the rollcalls are being cast. There is no doubt as to how the bill is going to go. I think there should be no doubt as to how further drug amendments are going to be dealt with here. I hope we will stop putting Senators through the mill.

So how about that? How about that? We have a rollcall vote on the motion to recommit, have a rollcall vote, hopefully not, on the Angola amendment tonight. Now is there another amendment that we just have to have a rollcall vote on? Otherwise, I will be here to work out the amendment, we will voice vote on it tomorrow and voice vote passage of the bill and get to conference and the rest of you folks can go home.

Mr. MITCHELL addressed the Chair.

The PRESIDING OFFICER. The majority leader.

UNANIMOUS-CONSENT AGREEMENT—WILSON MOTION TO RECOMMIT

Mr. MITCHELL. Since the unanimous-consent agreement now in effect precludes by its terms the motion to recommit, the result of an inadvertent error in the manner in which the list of amendments was typed, and since the distinguished manager and ranking member with whom I have discussed this matter agree that Senator WILSON had intended his proposal to be in the form of a motion to recommit, I now ask unanimous consent that the consent agreement with respect to this bill be modified to permit a Wilson motion to recommit the bill in lieu of the previously identified Wilson drug funding amendment. The subject of the recommital motion will also deal with drug funding and all other provisions of the agreement would remain in effect.

I further ask unanimous consent that the motion be subject to relevant first- or second-degree amendments.

The PRESIDING OFFICER. Is there objection?

Mr. JOHNSTON. Mr. President, reserving the right to object.

The PRESIDING OFFICER. The Senator from Louisiana.

The JOHNSTON. Is there a time agreement on that?

Mr. MITCHELL. I would like to get this aspect of it and then get a time agreement. This merely permits him to offer the motion to recommit which he could not do under the existing unanimous-consent agreement. That was the result of an inadvertent error in the typing of the document that was handed to me. I believe in fairness to the Senator from California, since all concerned now agree that it was an

inadvertent error, that he ought to have the opportunity to make the motion to recommit.

Mr. JOHNSTON. Mr. President, if the Senator will further yield, not to make any difficulty for the majority leader, but I just wonder if a coupling of the two motions, that is to relax the rule and to ask for a short-time agreement, might make it a nice package deal?

Mr. MITCHELL. If the Senator objects, we will be forced to do that.

Mr. President, I renew my request.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. MITCHELL. Mr. President, I now inquire of the Senator from California whether he would be willing to agree to a time limit on his motion to recommit?

Mr. WILSON. Mr. President, let me respond to the distinguished majority leader by saying that I would be willing to. I do not anticipate that my own remarks would exceed 10 minutes. Perhaps not even that.

Mr. MITCHELL. Mr. President, therefore, I ask unanimous consent that the time for the motion to recommit by Senator WILSON be 20 minutes equally divided under the control of Senators BYRD and WILSON.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MITCHELL. Mr. President, I now yield the floor with the suggestion we proceed with this matter. Senators, therefore, should be aware that a rollcall vote will occur in about 20 minutes or less if the time is yielded back, and I will then have an announcement as to whether we are going to proceed beyond that. I thank my colleagues.

The PRESIDING OFFICER. The Senator from California.

MOTION TO RECOMMIT

Mr. WILSON. Mr President, first I thank the majority leader, the managers, and my collegues. Mr. President, the brevity of this presentation is not commensurate with the seriousness of the subject that we are addressing, but much has been said already earlier in the debate on the D'Amato amendment and on the just recently concluded Biden amendment. What we have seen today already, Mr. President, is the effort, notably on the part of those Members of the Senate's Drug Caucus, to increase funding so that we can keep faith with the obligations which we set ourselves under the 1988 Omnibus Drug Act.

We have been told that we should be reassured that because there is so little time left in this fiscal year and so much money remains unobligated, there really is no problem. Mr. President, that misses the point. The obligation that we undertook in enacting the 1988 omnibus drug bill was to move as aggressively as possible on all fronts to deal with what everyone on this floor knows to be by far the most serious threat to our national welfare, one far more serious even than any posed by a foreign enemy. So I am not going to belabor that point.

We all know all too well from our own experience and from the countless speeches heard on this floor the seriousness of that threat. And yet we have not treated that threat with the seriousness that it deserves. Yes, we produced an excellent piece of legislation, but didn't fund it adequately: we wrote a bum check. We created $2.8 billion worth of authorization and we appropriated only $1 billion.

The Senator from New York [Mr. D'AMATO] joins me as a cosponsor of this motion. Earlier today Senator D'AMATO sought not to increase the deficit really but rather to compel House-Senate conferees to adjust the other spending in this supplemental appropriation to enable us to honor our obligation to those whom we promised we would help to win a war against drugs. It is an obligation we undertook to those in classrooms, to those courageous street cops whose lives are made needlessly difficult and dangerous by the magnitude of the drug threat, and to the young citizens they are sworn to protect.

But Senator D'AMATO's effort went unheeded. His amendment was defeated.

Thereafter, the Senator from Delaware, the chairman of the Senate Drug Caucus, Mr. BIDEN, offered essentially the same amendment that was offered last year by the Senator from New Hampshire [Mr. RUDMAN]. It called for an increase in excise taxes, the so-called sin taxes upon spirits, wine, beer, and cigarettes.

And we have just seen that on a motion to table the budget waiver was defeated soundly, even more than by the 60-to-33 vote of last year by which the Rudman amendment was defeated.

Very clearly the Members of the Senate do not wish to raise those excise taxes even to achieve the full funding of something as important as the war on drugs.

And I agree that an excise tax increase is not the best way, not the fairest way to do so. The fairest way would have been to do what we should have but did not do last year when Senator Gramm of Texas offered us the opportunity to find needed funding by a cut back on other less vital spending. Last year you will remember that congressional spending had exceeded the President's budget for many, many budget items. Congress had cut the President's budget for the war on drugs very, very substantially in virtually all of the major antidrug categories. The funding cuts inflicted by Congress on the major anti-drug agencies, the DEA, the FBI, Customs, and the Coast Guard, were truly significant.

Congress made those cuts even though in aggregate spending—and I am now quoting from the official record of the vote by which last year's Gramm amendment was defeated—"it overshot the President's budget by $110 billion and yet slashed drug enforcement programs by $880 million in order to spend it on the Legal Services Corporation, on Defense Department coal purchases, on Amtrak subsidies, on beekeeper subsidies, on all kind of other overfunded programs."

That was said not in condemnation of those co-called overfunded programs. It is simply that our business here is to set and keep priorities. It is the most difficult thing we do. It is what we do most poorly.

And we have, in failing to honor our obligation under the 1988 omnibus drug bill, once again failed in that most important of our duties. We have not, except rhetorically, set the defeat of drug use as our highest priority as we declared it to be in that authorization bill.

That being true, Mr. President, since the Senate does not wish to raise excise taxes—and clearly the body does not, and I do not disagree on that score—and since Senators did not wish to engage in deficit spending even if that might lead only to a conference that would compel adjustment, let us compel adjustment in a much more straightforward manner.

I suggest to you that what we must do is set priorities and keep them. I say that in order to do so, we must look carefully at our war on drugs, and declare that certain functions and activities are more important than others.

Specifically, we should recognize and declare that prevention is more important, certainly much more certain of success, certainly more cost effective and I would suggest far more humane, than the best remedial effort.

Prevention is more important, and must therefore rank as a more urgent requirement than rehabilitation, however much we praise those engaged in rehabilitation, and however much we sympathize with the need for it.

But how much better it is to prevent drug use than to try to rehabilitate drug users. How much better to prevent the crime caused by drug use than to punish those crimes.

The time for rhetoric is past.

The time for action has come. The time has come to keep faith with the obligations which we assumed and did not discharge last year.

Therefore, Mr. President, I move that H.R. 2072 be recommitted to the Committee on Appropriations with instructions that it amend the bill to include funding adequate to meet fully the levels of spending authorized by

the Antidrug Abuse Act of 1988, Public Law 100-690, not otherwise appropriated by that act or any other act for programs in budget functions 30, 400, 500, 600, 700, 750, and 800, and that it reduce spending in other discretionary domestic programs for which funds have already been appropriated by law in order to fully offset this increase in spending.

Mr. President, what that will do will not expand the deficit. It will not aggravate it because there are offsets proposed.

It will not raise taxes of any kind, not sin taxes, not any other taxes. It simply does what the Congress is supposed to do. It will require internal budget reallocation. It will set and keep priorities—the priority being to win a war on drugs and specifically to set our focus and our priority on prevention rather then remedy, on prevention rather than punishment, on prevention in order to avoid a far greater expenditure that will other wise be required by our failure to deal adequately with the threat of drugs. Let us not simply use the phrase but win the war on drugs.

Mr. D'AMATO addressed the Chair.

The PRESIDING OFFICER. Who yields time?

Mr. WILSON. I yield such time as the Senator needs. First let me inquire, Mr. President, how much time remains?

The PRESIDING OFFICER. The Senator from California has 8½ minutes.

Mr. D'AMATO. Mr. President, I am not going to take long. I have no doubt as to what will be the outcome of the motion by my distinguished colleague from California. After all, here we are talking how we are ready to fight the drug war. We had an opportunity to put some funds up to do that without busting the budget. The Senator from Delaware identified the source, not new to this body. And by the way, it took place last year and it lost 60 to 33. I do not know what the excuse at that time was. I guess it was a transgression against no taxes, and so we were afraid to raise $1 billion to make a meaningful fight on the drug war.

I do not know what the reason was this time, but it did even worse. It lost 71 to 20 because we are afraid to raise taxes 2 cents on a pack of cigarettes, a nickel on a six-pack of beer, and a nickel on a quart of booze, but we are for fighting drugs, Oh, sure, Oh, yes. We will put it in our campaign bulletins but yet when it comes time to appropriating the money, we are not there; we find some reason, some accommodation—oh, the summit agreement. Oh, we are going to wait for the plan to come from on high that is going to tell us how we are going to fight the drug war.

Unless you put the resources there, the greatest plan in the world is not going to do a darned thing. This dire urgent supplemental is a disgrace and it should be recommitted. It is an absolute disgrace.

We should do the business of the people and fund the battle. We do not give enough to FBI agents, drug enforcement agents, customs people, up and down the line, nothing in education. We talk about education, but we are afraid to provide the funds for education, and so we are waiting for the mythical plan.

The Defense Department, we gave them $300 million and those buggers have spent only $200,000 out of $300 million and we make excuses for them. That is a crime. That is a disgrace. What we are doing here in acting on this urgent supplemental and not heeding the need of our people and those out on the firing line, those in the law enforcement area, good and decent people fighting for us, is not right.

We should recommit this. We should see to it that we add the funds sufficient at least to have them hold the fort because they are under siege. They are not certainly going to break out and take on the enemy, but at least they should not be totally overwhelmed. And we are overwhelmed. Our prisons are overwhelmed. Our judicial system is breaking down and we sit here putting in our special projects, myself included. We should send it right back from where it came and do the business of the people.

The PRESIDING OFFICER (Ms. MIKULSKI). Who yields time?

Mr. WILSON. Madam President, how much time remains?

The PRESIDING OFFICER. The Senator from California has about 5 minutes and 15 seconds.

Mr. WILSON. Madam President, I will not need all of that but let me point out that in addition to its rejection of the efforts already discussed, the Senate has rejected other efforts to enhance funding of the war against drugs by Senator DECONCINI, another member of the drug caucus, and by Senator SPECTER, another member of the drug caucus. Both have sought to divert to other antidrug activities funds which we last year allocated to the Department of Defense to interdict the drug traffic, but which DOD has not spent. Yet this body decided that it did not in its wisdom wish to see those funds reallocated.

I hope that means we intend to hold the military to the mission that we have explicitly assigned them, the interdiction of drugs beyond the borders of the United States. They have a particular capability in that area.

But I must say that if we are not going to divert funding from those who have not yet obligated it, if we are not going to divert funds in conference as attempted by Senator D'AMATO earlier today, if we are not going to raise taxes, as was attempted by Senator BIDEN this afternoon and last year by Senator RUDMAN, then what we must do, and ought to do instead, is the straightforward thing. We must recommit so as to readjust our priorities.

Otherwise, as has been said on this floor earlier this afternoon with some impatience, some understandable frustration and complete justification, let us not talk about waging a war against drugs if in fact we are not really going to fight to win it.

This motion to recommit will require the adjustment of domestic discretionary spending. It does not fully meet our obligation under the 1988 act. We are setting a priority by focusing upon prevention: upon education and interdiction.

So Madam President, I hope that this motion to recommit will have the support of the majority of this body, because frankly we need to be convincing to the American people. I cannot tell you how many times I have gone home to face expectant questions from law enforcement professionals, from teachers—and not just those teaching the antidrug programs—and from parents. They have said: "You told us you passed a very good piece of legislation. But you have not funded it. How much good can it be without resources?" And, of course, the honest answer to their question is not good enough, not nearly good enough.

Madam President, I yield back the remainder of my time.

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. The chairman of the committee, Senator BYRD, is recognized.

Mr. BYRD. Madam President, with my somewhat limited comprehension of the discourse, I do not understand our continuing to butt our heads against the wall. We went over this once yesterday in the committee. The distinguished Senator from New York was there. And we defeated that effort by a vote of 24 to 5. We have already had two votes here today.

I am amazed that my friends on the other side of the aisle who are pressing these amendments are either unaware of what their administration's position is on this matter, or they do not have any faith in the administration. Why do they continue to press for more money? And finally, I am utterly confounded by the thought that, while they are not spending the money that is already appropriated, somehow by appropriating more money we can make them spend what we have already appropriated.

So I do not understand that. I guess it is beyond me. I am going to ask my distinguished colleague and ranking member to take the remainder of the time, and move to table when he is ready to move to table.

Mr. HATFIELD addressed the Chair.

The PRESIDING OFFICER. The distinguished Senator from Oregon.

Mr. HATFIELD. Madam President, I again suggest that money is but a tool. It is not an end in and of itself, nor is it a goal. For many years, we were told if we appropriated x number of dollars, we could buy that much security. So everybody wanted to increase the number of dollars because that meant we had an increased amount of security. Before that period of time, primarily under the Reagan administration, as I indicated earlier, we all learned that from the days when Mr. Roosevelt perpetrated upon this country the idea that money in itself solved the social problems or an economic problem. Now we have made it bipartisan so it is not a partisan comment or observation to be made at this moment.

Madam President, I think the administration understands that we have to approach these matters with a strategy, with a plan, with an orderly expenditure of money. I am surprised at people who intimate that we have done nothing or we have done very little. We have done about 5.3 billion dollars' worth of effort thus far in putting to disposal that rather sizable bit of tax money to begin this drug war.

The general, the czar, whatever you want to call him, has not yet had the time to fully develop the plan. In fact, the Senate itself indicated September 1 was the time that we thought was reasonable to develop a plan, and he is in that process and committed to meeting that deadline.

All of this talk about increasing drug expenditures at this time somehow to me lacks either understanding of the problem with good intentions, certainly well motivated, as we all consider it probably the most cancerous problem we face on the domestic scene. But nevertheless, we have to be responsible, and we have to do it in an orderly fashion. I could agree with the passion and with the concerns expressed here today by every Member. I would certainly heartily endorse those concerns, and passion that has been sensed here on the floor by those who have spoken.

But, again, we have to be accountable for these moneys, and we have to be able to put them to a carefully developed plan and strategy which is about to be delivered in accordance with the law.

Therefore, on this bill, we must be concerned about the primary purpose of the bill, and the primary purpose is to provide the funding for the veterans, and for others who under entitlement and by law are put in jeopardy the longer we delay the passing of this appropriations bill.

Therefore, I yield back the remainder of the time on behalf of the chairman of the committee, and at the same time, Madam President, I move to table the motion made by the Senator from California, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Oregon to lay on the table the motion of the Senator from California. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Georgia [Mr. FOWLER], the Senator from Hawaii [Mr. INOUYE], and the Senator from Maryland [Mr. SARBANES] are necessarily absent.

I also announce that the Senator from Iowa [Mr. HARKIN] is absent because of attending a funeral.

Mr. SIMPSON. I announce that the Senator from Colorado [Mr. ARMSTRONG], the Senator from Kansas [Mr. DOLE], the Senator from Vermont [Mr. JEFFORDS], the Senator from Indiana [Mr. LUGAR], and the Senator from Alaska [Mr. MURKOWSKI] are necessarily absent.

I further announce that the Senator from Idaho [Mr. SYMMS] is absent due to a death in the family.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 61, nays 29, as follows:

[Rollcall Vote No. 77 Leg.]

YEAS—61

Adams	Ford	Matsunaga
Baucus	Garn	McClure
Bentsen	Glenn	Mikulski
Bond	Gore	Mitchell
Boren	Graham	Packwood
Breaux	Grassley	Pell
Bumpers	Hatfield	Pryor
Burdick	Heinz	Reid
Byrd	Helms	Riegle
Chafee	Hollings	Robb
Cochran	Johnston	Rockefeller
Cohen	Kassebaum	Roth
Conrad	Kasten	Rudman
Cranston	Kennedy	Sanford
Danforth	Kerrey	Sasser
Daschle	Kerry	Shelby
Dixon	Kohl	Simpson
Dodd	Lautenberg	Stevens
Domenici	Leahy	Wirth
Durenberger	Levin	
Exon	Lieberman	

NAYS—29

Biden	Gramm	Nickles
Bingaman	Hatch	Nunn
Boschwitz	Heflin	Pressler
Bradley	Humphrey	Simon
Bryan	Lott	Specter
Burns	Mack	Thurmond
Coats	McCain	Wallop
D'Amato	McConnell	Warner
DeConcini	Metzenbaum	Wilson
Gorton	Moynihan	

NOT VOTING—10

Armstrong	Inouye	Sarbanes
Dole	Jeffords	Symms
Fowler	Lugar	
Harkin	Murkowski	

So the motion to lay on the table the motion to recommit was agreed to.

Mr. HATFIELD. Madam President, I move to reconsider the vote by which the motion to table was agreed to.

Mr. BYRD. Madam President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. LEVIN. Madam President, I support a fully funded war on drugs. I voted for that last year, and I voted for that again today. Unfortunately, the full Senate has indicated that it is unwilling to do this. It should not ask the Appropriations Committee to do that which it is unwilling to do itself.

The PRESIDING OFFICER. The majority leader.

ORDER OF PROCEDURE

Mr. MITCHELL. Madam President, I would like at this time to inquire of the chairman and ranking member as to what progress they have made during the preceding debate and vote with respect to further amendments on this bill so that I may give guidance to our colleagues as to the remainder of this evening?

Mr. BYRD. Madam President, first of all, let me say that I would hope that if we need another rollcall vote or two, let us have it tonight and call the work on this bill done. I will stay longer, Senator HATFIELD and I. We can work out any amendments that can be done by voice. I can come in tomorrow and we can handle voice votes on amendments tomorrow and we can pass the bill on a voice vote if nobody indicates they wish to have a rollcall on it, and that way we could have rollcalls and other Senators could go on.

So that brings me to the following as response to the distinguished majority leader:

On this side of the aisle we have an amendment by Mr. ROCKEFELLER. We can handle that one. That will not require a rollcall vote.

We have an amendment by Mr. LEVIN. That is a sense-of-the-Senate amendment, a Secretary of Transportation study of leverage buyouts in airline industry and delay LBO's until study is completed. As far as I am concerned we can work on that and he is still working on the amendment. We can discuss it, voice vote it, if it is agreeable with him that we not have a rollcall vote.

There is an amendment by Mr. DECONCINI and others dealing with Angola. I understand they have worked that amendment out. That is Mr. SIMON, Mr. DECONCINI, Mr. HELMS, and others. And that would not require a rollcall vote as I understand it.

There is an amendment by Mr. BUMPERS, a technical amendment, to the Magistrate Act. As far as I am concerned we can work that one out and have a voice vote on it or accept it.

There is an amendment by Mr. METZENBAUM on the Winter Woods Lake in Cincinnati, OH. I am not sure he is still even going to offer that amendment, but in any event that should not require a rollcall vote.

So, we now turn the page to my friends on the other side of the aisle.

Mr. DOLE had a drought assistance amendment. I think we could handle that with a vote by voice vote. I do not think we need a rollcall vote on that.

There is an amendment by Mr. HATCH. Mr. HATCH has two amendments. I understand that he only intends to call up one, and if we could call that amendment up tonight I am told that one might require a rollcall vote.

Mr. WALLOP has two amendments, fire rehabilitation and fire research.

Mr. HATFIELD. I do not think they should require a rollcall vote.

Mr. BYRD. The distinguished ranking member says he does not believe that requires a rollcall vote, either of those.

The Warner amendment.

Mr. HATFIELD. I do not think that will require a rollcall vote.

Mr. BYRD. No rollcall vote.

The Kasten amendment repealing section 89.

Mr. HATFIELD. It will require a rollcall vote.

Mr. BYRD. It would require a rollcall vote.

So there are two that would require rollcall votes.

Kasten national accounting system for international agencies.

It is a little hard to discuss the amendments when the authors thereof are not here on the floor.

Mr. HATFIELD. There will be no rollcall on KASTEN's second amendment.

Mr. BYRD. There will be no rollcall on the second Kasten amendment.

There is an amendment by Mr. GRAMM on Central and South American refugees.

Mr. HATFIELD. There should not be a rollcall vote necessary on that.

Mr. BYRD. I understand there would not necessarily be a rollcall vote on that one, Central and South American refugees.

Mr. HEINZ has an amendment which I discussed with Mr. BENTSEN during the last rollcall. I understood Mr. BENTSEN did not have any problem with that amendment.

Mr. HATFIELD. I do not think there should be a rollcall vote on that on Heinz.

Mr. BYRD. So I say to the leader, it seems to me that it boils down to an amendment by Mr. HATCH.

Mr. HATFIELD. One by Mr. HATCH and one by Mr. KASTEN.

Mr. BYRD. One by Mr. HATCH and one by Mr. KASTEN that would require a rollcall vote.

If we get those two rollcall votes out of the way, we could voice vote the rest of it, and finish the bill tomorrow without rollcall votes and go to conference.

Mr. MITCHELL. Madam President, if I may inquire, do I understand that the amendment by Senator HATCH would be offered by the Senator from Arizona and would provide for a delay in the effective date of the Catastrophic Health Insurance Act?

Mr. MCCAIN. If the majority leader will yield, basically that is it with the exception of a few provisions, yes.

Mr. MITCHELL. Madam President, I will suggest the absence of a quorum briefly, and I would like to discuss this matter with the manager and the distinguished acting Republican leader.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MITCHELL. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MITCHELL. Madam President, I suggest that the Senate now proceed to the consideration of Senator DECONCINI's amendment, which he has reached agreement on which will not require a rollcall vote and which would take no more than 30 minutes.

In the interim, as he is doing that, we are attempting to work out an agreement with respect to the remaining amendments with the possibility of votes. I apologize to my colleagues for the inconvenience of the uncertainty with respect to whether or not there will be another rollcall vote. This meeting is necessitated by the numerous and conflicting demands and requests regarding schedule which we are making every effort to accommodate, as well as the need to act on this very important legislation.

Madam President, I yield to the Senator from Arizona.

The PRESIDING OFFICER. For anyone who would seek to offer an amendment, the Chair advises whoever will seek to offer an amendment that there are two committee amendments pending.

EXCEPTED COMMITTEE AMENDMENT ON PAGE 52, LINE 18 THROUGH PAGE 54, LINE 4

Mr. DECONCINI. Madam President, I ask unanimous consent that the pending amendments be laid aside, and that I be permitted to offer my amendment.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. DECONCINI. Madam President, I am also prepared to enter into a time agreement with the Senator from Illinois for 30 minutes, equally divided between the Senator from Illinois and myself, and I ask unanimous consent that that be approved.

The PRESIDING OFFICER. Will the Senators departing the Chamber please be a little quieter?

Mr. LEAHY. May we have order?

Mr. BYRD. Madam President, I have no objection to 30 minutes, equally divided, on the amendment.

The PRESIDING OFFICER. Does the Senator from West Virginia have an objection?

Mr. BYRD. No, Madam President, I have no objection.

Mr. HELMS. Reserving the right to object.

The PRESIDING OFFICER. The Senator from North Carolina.

The Senator from North Carolina will withhold.

Would all Senators not participating in the debate please sit down? It is difficult for the Chair to observe who seeks recognition.

The Senator from North Carolina may now proceed.

Mr. HELMS. Madam President, how will the 15 minutes be divided?

Mr. DECONCINI. Will the Senator yield?

Mr. HELMS. Certainly.

Mr. DECONCINI. The unanimous-consent request that I made is that there be 30 minutes on this amendment, equally divided, 15 under my control and 15 under the control of the Senator from Illinois.

Mr. HELMS. Can I be assured of 3 or 4 minutes?

Mr. DECONCINI. The Senator is so assured right now.

Mr. HELMS. I thank the Senator.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 125

Mr. DECONCINI. Madam President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Arizona [Mr. DECONCINI], for himself, Mr. HELMS, Mr. GRAHAM, Mr. SYMMS, and Mr. HATCH, proposes an amendment numbered 125.

Mr. DECONCINI. Madam President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

Before the period at the end of the committee amendment ending on line 4 of page 54, insert the following:

: *Provided further,* That $26,000,000 of such amount shall be made available upon enactment for contribution with respect to implementation of the Agreement Among the People's Republic of Angola, the Republic of Cuba, and the Republic of South Africa, signed at the United Nations on December 22, 1988 (hereafter known as the Tripartite Agreement) only if the President deter-

mines and certifies to the appropriate congressional committees that—(1) all armed forces of the South West Africa People's Organization (SWAPO) have left Namibia and returned north of the 16th parallel in Angola in compliance with the agreements, (2) the United States has received explicit and reliable assurances from each of the parties to the Bilateral Agreement that all Cuban troops will be withdrawn from Angola by July 1, 1991, and that no Cuban troops will remain in Angola after that date, and (3) the Secretary General of the United Nations has assured the United States that it is his understanding that all Cuban troops will be withdrawn from Angola by July 1, 1991, and that no Cuban troops will remain in Angola after that date;

Provided further, That an additional amount of $51,900,000 may be made available after September 1, 1989, for implementation of the Tripartite Agreement only if, no later than August 20, the President has determined and certified to the appropriate Congressional committees that—(1) each of the signatories to the Tripartite Agreement is in compliance with its obligations under the Agreement, (2) the government of Cuba has complied with its obligations under Article 1 of the Bilateral Agreement (relating to the calendar for redeployment and withdrawal of Cuban troops), specifically with respect to its obligations as of August 1, 1989, (3) the Cubans have not engaged in any offensive military actions against UNITA, including the use of chemical warfare, (4) the United Nations and its affiliated agencies have terminated all funding and other support to the South West Africa People's Organization (SWAPO), and (5) the United Nations Angola Verification Mission is demonstrating diligence, impartiality, and professionalism in verifying the departure of Cuban troops and the recording of any troop rotations;

Provided further, That funding of these activities by the United States may not be construed as constituting recognition of any government in Angola; and

Provided further, That the term "Bilateral Agreement" means the Agreement Between the Government of the People's Republic of Angola and the Republic of Cuba for the Termination of the International Mission of the Cuban Military Contingent, signed at the United Nations of December 22, 1988, and the term "Tripartite Agreement" means the Agreement Among the People's Republic of Angola, the Republic of Cuba, and the Republic of South Africa, signed at the United Nations on December 22, 1988;

Provided further, That the term "appropriate Congressional committees" means the Committees on Appropriations, Foreign Affairs, and Permanent Select Committee on Intelligence of the House of Representatives, and the Committees on Appropriations, Foreign Relations, and the Select Committee on Intelligence of the Senate; and

Provided further, That the Secretary of the Treasury shall instruct the United States Executive Directors to the International Monetary Fund and the International Bank for Reconstruction and Development (also known as the "World Bank") to vote in opposition to the entry of the government of Angola into these financial institutions or to approve any loans to Angola.

Provided further, That it is the sense of the Senate that (1) the United States should vigorously promote direct talks between the leaders of Union for the Total Independence of Angola (UNITA) and the Movement for the Popular Liberation of Angola (MPLA) to achieve an agreed process of national reconciliation among Angolans, (2) the United States should provide appropriate and effective assistance to UNITA until a national reconciliation agreement has been implemented, (3) in the context of a negotiated settlement of the civil war and national reconciliation in Angola, the President should consider (1) the provision of humanitarian assistance to help the Angolan people to reconstruct their war-damaged economy, resettle displaced persons and refugees, reduce hunger and malnourishment, and otherwise recover from the injuries inflicted by their lengthy civil war and the foreign intervention it had invited, and (b) the establishment of diplomatic relations with a new Angolan government, and (4) the United States should continue its policy of refusing to recognize a government in Angola until a national reconciliation agreement has been implemented.

Mr. DECONCINI. Madam President, this amendment is offered by myself and Senator HELMS, Senator GRAHAM of Florida, Senator SYMMS, and Senator HATCH.

The supplemental appropriations bill includes $125 million for international peacekeeping activities, $77.9 million of which is earmarked for southern Africa. Specifically this $77.9 million represents the United States contribution to the U.N. peacekeeping in order to implement the tripartite agreement between the People's Republic of Angola, the Republic of Cuba, and the Republic of South Africa signed at the United Nations on December 22, 1988.

This amendment seeks to assure that the United States contributions are conditioned on full compliance with the tripartite agreement, and that the United States continue its present policy of support for UNITA and national reconciliation.

The amendment does the following:

First. Provides that $26 million of the total is available upon enactment—subject to certain conditions—and that the remaining $51.9 million be made available on September 1, 1989—also subject to certain conditions.

Second. The conditions for the first $26 million are consistent with the agreement and are as follows:

That all armed forces of SWAPO have left Namibia and returned north of the 16th parallel in Angola;

That the United States has received assurances from all parties to the agreement that all Cuban troops will be withdrawn from Angola by July 1, 1991; and

That the U.N. Secretary General has assured the United States that all Cuban troops will be withdrawn by July 1, 1991.

Third. The conditions for the remaining $51.9 million are consistent with the agreement and require the President to certify to the House and Senate Appropriations, Intelligence, and Foreign Relations Committees by August 20, 1989 the following:

That all of the signatories to the agreement are in compliance with it;

The Government of Cuba has complied with its obligations under article 1 relating to the redeployment and withdrawal of Cuban troops;

The Cubans have not engaged in any offensive military actions against UNITA, including the use of chemical warfare;

The U.N. and affiliated agencies have ended all funding/support for SWAPO; and

The U.N.-Angola verification mission is demonstrating professionalism, diligence, et cetera, in verifying the departure of Cuban troops and troop rotations.

Fourth. The funding of these peacekeeping activities in no way constitutes recognition of any government in Angola.

Fifth. The United States shall vote in opposition to the entry of the Government of Angola into the IMF or World Bank, or loans from these to Angola.

Sixth. Sense of the Senate on United States policy toward Angola:

The United States vigorously promote direct talks between UNITA and the MPLA toward achieving national reconciliation.

The United States should provide appropriate and effective assistance to UNITA until a national reconciliation agreement has been implemented.

If there is a negotiated settlement of the civil war and national reconciliation in Angola, the President should consider:

First, the provision of humanitarian assistance to help the Angolan people to reconstruct their war-damaged economy, resettle displaced persons and refugees, reduce hunger and malnourishment, and otherwise recover from the injuries inflicted by the civil war, and

Second, the establishment of diplomatic relations with a new Angolan Government.

The United States should continue its policy of refusing to recognize a government in Angola until a national reconciliation agreement has been implemented.

Mr. LEAHY. Madam President, I rise to speak in opposition to this amendment. As the chairman of the Foreign Operations Subcommittee I, together with the ranking member, Senator KASTEN, agreed to the use of unexpended foreign aid funds for the first $25 million for the U.N. peacekeeping force in Namibia. I therefore have a strong interest in the successful implementation of the historic agreement signed last December. That agreement calls for the total withdrawal of Cuban troops from Angola and of South African forces from Na-

mibia, and for the eventual independence of Namibia.

The first part of this amendment provides that the funds contained in this supplemental appropriations bill for the U.N. peacekeeping force may only be disbursed in two installments, and only if the President makes eight separate certifications.

Those certifications have already been explained by the amendment's sponsors, and on their face they appear harmless. For the most part they just restate what has already been agreed to. But an important difference is that the amendment would prevent full funding for the one organization—the United Nations—that is capable of monitoring violations and resolving problems which develop in the implementation of the agreement.

We are already months behind in our payments to the U.N. peacekeeping force. These funds were due back in March. Now we are saying we will not even make these funds available today, but rather sometime after September.

The sponsors of this amendment say they want this agreement to succeed. They want the Cubans to leave. So do I. Then why withhold support for the organization responsible for seeing that they do? This agreement hangs together by a thread. We have already seen in Namibia how easily it could unravel at any moment. We should give the United Nations the support it needs to monitor the Cuban withdrawal. They need these funds today, not 6 months from now.

The second part of this amendment, although nonbinding, bothers me even more. In the first place, it has absolutely nothing to do with this supplemental appropriations bill. UNITA is not a party to the agreement on the withdrawal of the Cubans, and in any event the administration has made it abundantly clear that it plans to continue aid to UNITA.

Second, I oppose this part of the amendment because I have always believed that the policy of aiding UNITA's insurgency is wrong.

For more than a decade, Jonas Savimbi has been trying to overthrow the Angolan Government. The Angolan civil war is a continuation of political battles and tribal rivalries that predate independence. It is not the simple East-West, totalitarianism-versus-freedom struggle some people maintain.

First there is the issue of Savimbi himself. Schooled in guerrilla war by Chairman Mao, Savimbi espouses socialism, depends on South Africa for the bulk of his military supplies, and may be the only person alive who can be toasted as warmly in South Africa, North Korea, or Washington.

Next is the issue of the Angolan Government, a government with strong ties to the Soviet Union but which has as its largest trading partner the United States. It is one of our most creditworthy economic partners in Africa. They pay their debts. American corporations like Chevron are lobbying against the overthrow of the Angolan Government, precisely because they can do a productive business with it.

By aligning ourselves with Savimbi we became a military partner of South Africa in the eyes of the other African States and the rest of the world. That is directly contrary to our policy of opposing apartheid in all its abhorrent forms.

What have we accomplished by aiding UNITA? Tens of thousands of civilians killed and maimed. Hundreds of thousands near starvation, many of whom are alive only because of food donated by the United States.

This amendment helps keep the war going. It furthers the suffering. It continues to provide an excuse to the Angolan Government to seek military aid from the Soviets.

Just as I do not believe such a policy of military force can bring peace to Central America, neither can it do so in southern Africa. In doing so we do immeasurable damage to our credibility as an opponent of apartheid.

Finally, this amendment rules out any improvement in relations with the Angolan Government until there is "national reconciliation."

What is national reconciliation? It isn't defined. This is a completely open-ended restriction. Does it mean until Savimbi becomes a member of the government? Does it mean until free elections?

If it means what it says, it requires us to continue to aid UNITA even if the Soviets stop supplying the Angolan Government with arms. And we must withhold any recognition to the Angolan Government—for example an "interest section" like we have in Cuba, even as the Angolan Government tries to reduce its reliance on the Soviet Union.

That doesn't make sense. We need flexibility now. Getting the Cubans and South Africans to withdraw from Angola and Namibia is major step toward peace in southern Africa. The Cuban withdrawal is on schedule. This is a time to give the administration every means at its disposal to keep the momentum going.

Mr. HATCH. Madam President, the winds of peace and freedom continue to blow strong throughout the world, stirring the ever-burning embers of democracy and bringing renewed hope. Nowhere have these fires burnt longer and under harsher measures than in southern Africa.

After 13 years of war in Angola—a war which has squandered thousands of lives, billions of dollars, and retarded the growth of potentially the richest country in Africa—there is talk of peace. With the United States acting as moderator and the Soviet Union observing, the Governments of South Africa, Cuba, and Angola signed an agreement to achieve the independence of Namibia and the withdrawal of the 55,000-member Cuban expeditionary force from Angola. While the agreement addresses the international aspects of the regional conflict, it is only the first step. Meaningful peace will not come to southern Africa unless the internal conflict is resolved; until there is genuine national reconciliation in Angola. The challenge facing the Bush administration and the 101st Congress is how to ensure that the two remaining U.S. foreign policy goals of national reconciliation and free and fair elections are achieved.

If national reconciliation is to be achieved and free and fair elections a reality rather than rhetoric, the United States must ensure all remaining Cuban forces are withdrawn from Angola by July 1, 1991. How can we achieve this objective without upsetting the terms of the tripartite agreement?

First, as a major contributor to the U.N. Peacekeeping Forces in Angola, the United States is in a position to condition our portion of this funding on the continued assurances from Cuba, Angola, and the Secretary General of the United Nations, that all Cuban troops will be withdrawn from Angola by July 1, 1991. To do otherwise would be to rely on unconditioned good faith assurances from two Communist Marxist regimes.

Second, the U.S. Congress has in the past and must continue in the future to demonstrate its resolve to achieving a democratic outcome in Angola. We must continue to support and reinforce the administration's position where appropriate. Therefore every effort must be made to demonstrate to the MPLA that there is no military solution. The United States remains committed to providing appropriate and effective assistance to UNITA until a peaceful resolution of the conflict is achieved leading to national reconciliation and free and fair elections.

Everyone would like to see peace brought to Angola. However, after 500 years of Portuguese colonial rule, 8 years of war against the Portuguese, and a 13-year struggle against a Soviet-Cuban-backed Marxist regime, peace without democracy will not be acceptable to the Angolans, nor to the American public.

The United States must now ensure strict compliance of the tripartite agreement and simultaneously provide a program for achieving genuine national reconciliation and free and fair elections in Angola.

A program of national reconciliation in Angola must be developed and pur-

sued by the new administration and Congress. This program must be carried out simultaneously with the implementation of the accord and must include a cease-fire between the MPLA and UNITA, negotiations without precondition, formation of a government of national unity to come about through the negotiations, and setting of a date for free and fair elections. Without a solution to the internal conflict, the international accord will be in jeopardy.

Dr. Jonas Savimbi, president of UNITA, has taken the first step toward bringing lasting peace to Angola. On March 13, Dr. Savimbi proposed a five-point initiative for peace and progress toward genuine national reconciliation. The two most significant points of the plan go to the heart of the MPLA's continued refusal to hold talks with UNITA on national reconciliation. These include Dr. Savimib's offer to remove himself from the negotiations for and participation in a government of national unity.

By not imposing any conditions to negotiations, UNITA has widened the bargaining process and sent a good faith signal for the tone of the negotiations on national reconciliation. The MPLA must be pressured to respond in a positive fashion.

To date, however, the MPLA has offered only "amnesty" and "clemency" to UNITA supporters with no mention of democratic reforms, individual rights, or multiple political parties. More recently, the MPLA has launched a traditional Marxist propaganda and disinformation campaign to discredit UNITA in the international community and remove the pressure to reach an agreement with UNITA. Such allegations of UNITA human rights abuses against its own leadership are unsubstantiated.

In reality, Angola today reflects the unbearable consequences of the MPLA's anarchistic policies: economic devastation, civilian hardships and casualties, low morale and desertion within the MPLA troops, and the resource drain of financing a decade-long war of attrition. Moreover, without the popular support of the people, the MPLA has had to rely upon an externally propped-up militarization of the country to retain power and control. The cost of this policy of self-preservation has been tremendous and has created one of the worst human rights records in Africa.

With the completion of the first stage of the Cuban troop withdrawal on April 1, increased pressure must be placed on the MPLA regime to join UNITA in negotiating for peace. The MPLA must understand that if it continues to pursue a military option, rather than engage in a dialog of genuine national reconciliation with UNITA, then the United States will not hesitate to apply increased pressure to reach the goals of democracy and free and fair elections.

It is the bipartisan policy of the United States to establish genuine national reconciliation and the free and fair elections in Angola. The tripartite agreement is the first and necessary step toward these goals. It is now up to the new administration and the 101st Congress to ensure the remaining two goals are met and the agreement is truly a genuine step toward long-term peace in the region.

Mr. DECONCINI. Madam President, I know the Senator from Illinois has some questions that he would like to discuss.

Mr. SIMON. Madam President, I am opposed to this amendment. The administration is opposed to this amendment. Frankly, we are in a situation where we do not have the votes to stop this amendment. I recognize that. But I want to make the record here so that when we get to conference, I hope this amendment, at least certain portions of it, can be eliminated.

The last thing the United States ought to want to do is appearing to drag our feet when Namibia is about to become independent. Namibia is the last colony on the continent of Africa and yet, with this amendment, what we are doing is, we are slowing down the money for the peacekeeping operation for the United Nations in Namibia. I think that is very unwise. And I think there are some other very practical problems with this amendment.

If my colleague from Arizona would yield on a few questions, the first page of the bill, frankly, other than holding back on the U.N. money, I do not see any problem on the first page with the exception of the one word that, apparently at one point his staff put in "the" but it was changed to "all." Is that correct? On about line 10 there? Talking about "all armed forces of the South West Africa People's Organization."

Mr. DECONCINI. Let me respond, if the Senator would yield. It is my understanding that there never was a draft that did not have "all armed forces" there. If there was one, I did not see it or approve it.

Mr. SIMON. Yes. I have one that had that marked off. But the difficulty with saying "all" is we are not dealing with an army like the United States of America. We are dealing with a guerrilla force. And if the Senate were to say "all organized armed forces," then that becomes acceptable. Or if he just says "the armed forces" in general, but we are going to have stragglers all over the country. I think it is impractical to say we are not going to give any money to the United Nations unless every single member of the armed forces of SWAPO is out of Namibia.

I make that point, first of all.

Then, there are two problems on page 2. Down on point No. 3, it says part of the conditions for the President providing money to the United Nations for this peacekeeping operation is, "the Cubans have not engaged in any offensive military action against UNITA, including the use of chemical warfare."

Obviously, I do not want chemical warfare anywhere. But the agreement that Chester Crocker, to his credit, the Assistant Secretary for Africa, entered into with Cuba and with the other nations, is that the Cubans would not take any offensive action, military action against UNITA, in UNITA territory.

This goes beyond that. This goes beyond the agreement. I suggest that is a problem.

Then, just a couple of lines below that, where it says, "the United Nations and its affiliated agencies have terminated all funding," and then, "and other support."

My question is, What does the Senator mean by "and other support"?

Mr. DECONCINI. If the Senator would yield, let me say that that is draftsmanship to be comprehensive, to include everything, to be assured that there is no support going to SWAPO.

We put in "funding" because that definitely is something that you can track. If there was other support going, whether it be propaganda support, whether it be materials that happen to be surplus from some other adventure, we want it to stop. That is the purpose of the amendment.

Mr. SIMON. Let me be more specific. There is a U.N. Institute for Namibia, on which some people are members of the board who are members of SWAPO.

Is that a violation of this?

Mr. DECONCINI. Let me ask my friend from North Carolina, who worked on this with me, to respond, if he would, regarding the question of the Senator from Illinois.

Mr. HELMS. I beg your pardon?

Mr. DECONCINI. The Senator from Illinois asked me a question. I asked if he would direct it to the Senator from North Carolina.

Mr. SIMON. I asked the question of our colleague and friend from Arizona, on page 2 of the amendment it says: "The United Nations and its affiliated agencies have terminated all funding and other support." This is one of the conditions for aiding the United Nations.

Mr. HELMS. That is correct.

Mr. SIMON. The question is: "And other support." For example, there is a U.N. Institute on Namibia where, on the board, I understand, there are people who are members of SWAPO.

Does this mean, if that continues, we have to knock out all U.N. aid?

Mr. HELMS. It is my understanding it has been discontinued anyhow, I say to the Senator. It is a longstanding policy.

Mr. SIMON. I am sorry, I did not hear the answer.

Mr. HELMS. Pardon?

Mr. SIMON. You are saying the U.N. Institute is no longer in existence?

Mr. HELMS. No, the U.S. support for the U.N. Institute.

Mr. SIMON. But that is not the question.

Mr. HELMS. What is the question?

Mr. SIMON. Because the condition in the amendment is that the United Nations stop all funding "and other support" to SWAPO, the question is, if they are supporting the U.N. Institute for Namibia and there are SWAPO members on it, does that preclude the President sending the peacekeeping money to the United Nations?

Mr. HELMS. Senator, the answer is yes, we mean "all support," to be candid on it.

Mr. SIMON. That certainly clarifies the situation. But I would point out to my colleagues, that creates additional problems for the President of the United States.

I understand why the administration opposes this amendment.

Then, on page 4 is a portion of the amendment that I personally disagree with. The administration agrees with it and I know my friend from Arizona agrees with it, as does my friend from North Carolina. That is continued aid to UNITA.

There is a very fundamental question that we have never faced up to in this body and that is whether we support, through military means, people who want to overthrow a government that we do not happen to like.

Back some years ago, under President Gerald Ford, we made a substantial step forward that has never been put into statute form, and that is we said the CIA will no longer be involved in assassinations.

President Gerald Ford issued the first Executive order on this and that has been followed by Executive order by Jimmy Carter and Ronald Reagan, and my hope is that President Bush will do the same shortly. For us to be supplying arms for a group that is viewed by Africans generally as a puppet organization for South Africa I think is unwise. I have to say when the administration opposes this amendment they do not oppose that particular provision. This is just my opinion.

Then finally on page 4 of the amendment, I would like to ask my friend from Arizona or my friend from North Carolina, you talk about UNITA and the Government of Angola getting together and working out a reconciliation, and I strongly agree with that portion of the amendment. There is no question that the two sides ought to be getting together, and even if the United States were to stop all military supplies, the UNITA forces do have substantial support. Savimbi is not going to disappear so they have to get together.

When you say the fourth to the last line of the bottom the establishment of diplomatic relations with a new Angolan Government, if the Government of Angola gets together with Savimbi and UNITA forces and they agree that there are going to be two members of the cabinet or something like that, does that constitute a new Angolan Government?

Mr. DECONCINI. If the Senator will yield, my interpretation here and the intent here is if we have a national reconciliation agreement, you are talking about a new government. As you know, our Nation does not even recognize any government in Angola. That is why we talk about the MPLA instead of the government. We talk about the UNITA instead of a government. We talk about two very strong forces that we want to try to pull together. That is the intent.

Mr. SIMON. I would just point out that the Assistant Secretary of African Affairs has talked about an interest section with the Government of Angola. I think what is likely to happen is that there will be, if reconciliation takes place, a couple of cabinet members given to the UNITA forces. As I understand the amendment, then that would constitute, in your opinion, a new Angolan Government.

Mr. DECONCINI. It would in mine. I will not be the one interpreting it, in all fairness to the Senator from Illinois. My answer is that we do not even recognize the Government there. So when we ever get around to recognizing it, that is going to be a new government as far as we are concerned. If it is one that is reconciled with UNITA and MPLA, then to me that should satisfy the Senator's——

Mr. SIMON. That is a satisfactory explanation. As far as I am concerned, it will be good in the RECORD as far as legislative intent.

Again, Madam President, I think this amendment is well intentioned. I have the greatest of respect for my colleague from Arizona who makes a huge contribution here. There is no more active Senator on this floor than the Senator from North Carolina. He is in there fighting all the time. But I think it is unwise. It is going to pass; it is going to pass by voice vote. If I asked for a rollcall, it would pass overwhelmingly. I recognize that. But I want to make a record here, I hope that in conference this will be removed or at least those portions that present real problems to the administration will be removed.

I think we are making an imprudent step with this amendment this evening. It might even be said that most amendments adopted after 9 o'clock when we are in session are imprudent amendments. I am not sure. I will let someone else test that theory. I will vote against it, Madam President. I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. HELMS. Madam President, I will say to the distinguished Senator from Illinois that I think this amendment which will be adopted after 9 o'clock will be an exception to the rule that he mentioned.

In connection with the questions he asked of me, in the interest of time, I ask unanimous consent that the questions I asked of Secretary Cohen and his answers there to be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.N. INSTITUTE FOR NAMIBIA

Senator HELMS. The UN Institute for Namibia is, as you know, controlled by a "senate" which is controlled by SWAPO.

What mechanisms are in place to insure that the Institute for Namibia is not used by SWAPO during the forthcoming election campaign?

It is being reported that the Institute for Namibia will send its students to Namibia to work as "campaign managers." It looks as if these students will remain under U.N. scholarships, which are funded in part by the U.S., during this time. Are these facts accurate? Is the U.S. prepared to protest these steps if they occur?

Answer. The UN Institute for Namibia is one of the bodies affected by the UN's adherence to the impartiality package. As such, it cannot support any single party during the Namibian independence transition.

We are not aware of any plan for UNIN students to work in Namibia as "campaign managers" during the election campaign.

If they were to work for any political party in Namibia while receiving UN-funded scholarships, that would clearly be in violation of the impartiality principles.

We would certainly be prepared to protest to the UN should that occur and would attempt to halt this or any other UN support for any Namibian political party.

ANGOLA: RECOGNITION

Senator HELMS. Follow-up (Angola) no. 16: Chester Crocker, in his USIS interview just prior to President Bush's inauguration characterized the MPLA as the government of Angola. Our government has never recognized Angola as a government. Is it? Is it up to Dr. Savimbi to recognize the MPLA as a government of all Angolans?

Answer. As you rightly point out, our government has never recognized the MPLA as the government of Angola. In practical terms, this does not mean that the authorities in Luanda do not exercise governmental authority. Dr. Savimbi himself has said there is a government in his country, and he has pointedly refused to set up a parallel government in exile or in the UNITA-controlled zone of Angola. It does not follow that this government is representative, or that we should necessarily recognize it.

Senator HELMS. Follow-up (Angola) no. 17: You indicated, Mr. Cohen, that there was no plan to establish a so-called liaison office in Luanda. Well and good, since that was an odd idea from the outset. What conditions would have to be met for the United States to recognize the MPLA as legitimate, and the sole government in Angola?

Answer. The United States would only consider normalization of relations with the government of Angola in the context of the full implementation of the New York accords and of a process of genuine national reconciliation in Angola.

Senator HELMS. Follow-up (Angola) no. 22: Are we agreed that no government exists or should be recognized in Angola until free, fair, internationally supervised, multiparty elections have been held there?

Answer. Normalization of relations with Angola, meaning recognition and diplomatic relations, will not take place outside the context of a process of genuine national reconciliation to which UNITA is a willing party.

Mr. HELMS. I would say, Madam President, that these will respond directly and adequately to the concerns of the distinguished Senator from Illinois. Madam President, with respect to the issues raised about recognition, I know of nothing in the sense of the Senate language which is inconsistent with the Bush administration's stated policy in support of Dr. Savimbi and his UNITA forces.

Madam President, the legislation before us appropriates nearly $80 million for peacekeeping assistance to the United Nations Transition Assistance Group [UNTAG] and the United Nations Angola Verification Mission [UNAVEM]. As most members are aware, these sums are intended to implement the U.S. share of the peacekeeping agreements signed in New York on December 22, 1988 by South Africa, Angola, and Cuba.

There are two of these agreements: The Tripartite Agreement signed by the three countries I just mentioned, and relating to the transition of Namibia to an independent State; and the bilateral agreement between Angola and Cuba relating to the withdrawal of Cuban troops from Angola.

Senators will recall that at the end of the session last year, in October the State Department attempted to get this body to write a blank check to fund these agreements even before they had been concluded—even before the Senate had an opportunity to study what was being done and to assess whether the agreements were in the interest of the United States and supported the cause of freedom in the world.

Madam President, I followed those negotiations very carefully. I was deeply disturbed that the negotiations did not include a major interested party. They did not include representatives of Dr. Jonas Savimbi's Union for the Total Independence of Angola, known from its Portuguese acronym as UNITA.

Now let us not kid ourselves. UNITA controls the majority of the territory of Angola. The majority of the people of Angola have joined in supporting UNITA's cause fighting for the freedom of their country. Their opponents, the MPLA, control only Luanda and the other major cities—and they are able to do that only because of two reasons. The first is that there are over 60,000 Cuban soldiers protecting the illegal MPLA regime in Luanda, assisted by billions of dollars of war equipment supplied by the Soviet Union and other Communist countries.

And, I might add, assisted by the use of chemical warfare. Yes, Madam President, there have been credible reports by international experts which show conclusively that the MPLA and its Cuban mercenary force have used poison gas against the people of Angola. This week I have received new information which confirms that there have been continuing Communist poison gas attacks against UNITA as recently as March and April.

So that is the reason that the MPLA has been able to dominate the people of Angola against their will.

The second reason that this domination continues is the role of private Western corporations that support the Communist domination of Angola. The key one, of course, is the Chevron Corp. The oil royalties which Chevron has paid to the Communist regime in Luanda have gone directly to support the foreign mercenary force from Cuba. Chevron was asked by the Reagan administration 2 years ago to consider the national interest, and stop supporting Communism in Luanda. But Chevron refused.

Of course, as long as Chevron retained its interest in the Angolan oil fields, its status as an American corporation gave it sanctuary from the liberation forces of UNITA. If Chevron had any decency it would have withdrawn years ago. Of course, other foreign firms might have bought out Chevron's interest, but then the oil fields would not be an American sanctuary. The freedom fighters of UNITA would have been free to attack the oil production, and deprive the Communist regime of its main source of revenue, thereby sending the Cuban troops home and ending Communist domination in that war-torn country.

But that was not the strategy followed in the Tripartite negotiations. Dr. Savimbi was left out of the negotiations. The man who has had the longest experience fighting for freedom in Angola was left out of the arrangements. We had a lot of reason to be worried about the outcome of such negotiations.

When the agreements were unveiled on December 22, 1988, our caution was well advised. We note that these agreements cut off Dr. Savimbi's main line of logistical support. They proposed a stepped withdrawal plan for the Cuban troops that provided the very minimum of hope that the Cuban troops would leave, and no assurance whatsoever that the MPLA and the Cubans could attack UNITA during the withdrawal period, using poison gas if they chose.

And that fear is now confirmed. The Cubans are using poison gas as they supposedly withdraw.

Another problem is that Angola has been providing SWAPO, the Marxist revolutionary group trying to take over Namibia with base camps. SWAPO has failed for years even to establish a military presence in Namibia. It has attempted cowardly terrorist attacks against the civilians of Namibia, but it has never been able to establish a military base in Namibia, nor has it obtained support among the numerous black and colored ethnic groups that are not part of the Ovambo tribe. There were great fears that SWAPO would try to take advantage of the strong support that the United Nations has given it over the years to establish itself in Namibia by force.

That fear also came true. As the effective date of the agreement approached, 1,600 to 2,000 armed SWAPO guerrillas crossed the border into Namibia in an attempt to establish a base of military operations—thus seeking to overturn the agreement that the SWAPO military would stay north of the 16th parallel in Angola. Only the outraged cries of world opinion and the courageous actions of local and South African troops finally forced SWAPO to withdraw the guerrillas. They are owed a debt of gratitude for preserving the integrity of the peace process.

It is clear, Madam President, that the peacekeeping efforts are deeply flawed. We are dealing with Marxist Leninists who do not believe in keeping agreements, who want to seize and hold power by force, not by democratic means. The U.N. enforcement mechanism is flawed. Its means are weak, and its intentions are flawed.

That is why, Madam President, that we cannot continue to write a blank check to the United Nations. If we give them all the money that they are asking for up front, then we have completely lost the leverage that is needed to ensure that the United Nations enforces the bargain with an even hand. Once they have the money in their pocket, they can do as they please. They can go back to one-sided support of Angola and Cuba. They can go back to proclaiming that SWAPO is the sole legitimate representative of the Namibian people, and installing a Communist government in that country.

And we will not be able to do anything about it.

Therefore, this amendment puts a few conditions on the release of the money to the United Nations, and it asks the President to certify that specific fair and even-handed actions have been taken before the money is released.

Moreover, it splits the money package in two, releasing the money as it is needed, not providing a slush fund up front. The procedure is exactly the same as a private citizen faces when he borrows money from the mortgage company to build a house. He does not get all the money at once. When the excavating and basement are completed, he gets money to pay for that. When the roof is on, and the house finished, he gets the rest of the money. Moreover, the bank sends people out to look at the construction site to make sure that the work claimed has actually been done.

That is all we are attempting to do here. We want to make sure that the United Nations is honest, and does what it is supposed to do.

Finally, it adds some sense of the Senate language, some free advice to the President, on supporting the liberation of Angola, and supporting the reconciliation process between UNITA and the MPLA.

Now, here is what the amendment does in detail:

SUMMARY OF THE AMENDMENT

First, releases $26 million immediately if the President certifies that:

All SWAPO forces have left Namibia and have returned north of the 16th parallel in Angola.

The United States has received explicit and reliable assurances from each of the parties to the Bilateral Agreement (Cuba and the MPLA) that all Cuban troops will withdraw from Angola by July 1, 1991, and that no Cuban troops will remain in Angola after that date.

The U.N. Secretary General has assured the United States that it is his understanding that all Cuban troops will leave Angola by July 1, 1991, and none will remain.

Second, the amendment releases an additional $51.9 million after September 1, 1989, if—no later than August 20—the President has determined and certifies that:

Each of the signatories of the Tripartite Agreement (Cuba, South Africa, and the MPLA) is in compliance with the agreement.

Cuba has been withdrawing its troops to fulfill its obligations as of August 1, 1989.

Cuba has not attacked UNITA, including the use of chemical warfare against them.

The United Nations and its affiliated agencies have ended all funding and other support for SWAPO.

The U.N. Verification Mission in Angola [UNAVEM] is demonstrating diligence, impartiality, and professionalism in verifying Cuban troops withdrawal.

Third, the amendment makes it clear that funding provided in this legislation does not constitute recognition of any government in Angola.

Fourth, the amendment also directs the Secretary of the Treasury to instruct the Executive Directors of the World Bank and IMF to oppose the entry of Angola—or to approve any loans to Angola.

Fifth, the last section of the amendment proposes four sense-of-the-Senate provisions:

First, that the United States Government ought vigorously to promote direct talks between Angola's two political parties: UNITA and MPLA.

Next, that the United States should continue to provide appropriate, effective assistance to UNITA until a national reconciliation agreement has been implemented.

A third provision suggests that after a negotiated settlement to Angola's civil war and national reconciliation, the President should consider providing humanitarian assistance to help the Angolan people to reconstruct their country and to establish normal diplomatic relations with the new Angolan Government.

And finally the amendment specifies that the United States should continue to refuse to recognize a government in Angola until a national reconciliation agreement has been implemented.

Madam President, with respect to the first issue raised by the Senator from Illinois, I am puzzled by tonight's assertion that the administration is somehow troubled by the phrase requiring the President to certify that "all armed forces of the South West Africa People's Organization [SWAPO] have left Namibia and returned north of the 16th parallel in Angola in compliance with the agreement."

This is precisely what is required under the Geneva Protocol—that is, that "SWAPO's forces will be deployed to the north of the 16th parallel." Indeed, the amendment's focus is on "all armed forces" rather than the broader requirement of the agreement which states that "all forces" should be to the north of the 16th parallel.

Additionally, the language which includes the reference underscoring "all" is also consistent with the administration's stated position. Ambassador Hank Cohen was asked about this precise issue during his confirmation process. I submitted the question to him, "How is the United States going to be sure that SWAPO terrorists are all based north of the 16th parallel?"

Ambassador Cohen responded, "UNTAG forces deployed in Angola are making sure that all SWAPO forces are located north of the 16th parallel as called for in the Geneva Protocol. We will use all the means at our disposal to verify that this takes place."

Thus, I think upon examination by Mr. Cohen, upon his return from abroad, we will find that the administration is not as troubled by this language as some fear tonight.

Madam President, with respect to the concerns about offensive activity, let me read the provision, that "the Cubans have not engaged in any offensive military actions against UNITA, including the use of chemical weapons."

Again, this is totally consistent with the representations made by the State Department during the past several months. In briefings to Senators and staff, it has been stressed that one of the benefits to accrue to Dr. Savimbi's forces was that the Cubans would no longer be engaged in offensive activities. This language merely puts that understanding into the conditions which would be binding on the parties.

The only written guarantee that the State Department has produced indicates such a commitment, stated in the Geneva Protocol, applying only with respect to certain areas of Angola controlled by UNITA at the time of the signing last year. However, no such limitation has heretofore been stated or implied.

We have relief upon the administration's descriptions in this regard, and I certainly would not want to see them weakened.

Let me add a word about the chemical warfare issue in Angola.

Professor Heyndrickx, head of Ghent University [Belgium] Toxicology Department is a recognized expert on chemical warfare who led a U.N. team which confirmed poison gas use in Iraq. He has made several trips to Angola and has consistently warned about chemical weapons use in Angola. In a recent, letter, Professor Heyndrickx stated, "From the analyses that we are doing at the moment in my laboratory of a Russian bomb used in a recent attack we are having a 100-percent proof of the use of chemical warfare agents. We face again the big problem of decontamination and treatment of the patients."

Ambassador Cohen agreed to meet with Professor Heyndrickx to discuss his findings, a meeting I hope to be able to facilitate. Mr. Cohen concurred that it would be a dramatic escalation of the war in Angola if, indeed, the Angolans or the Cubans have begun using poison gas, and he indicated that he would seek United States intelligence confirmation of Professor Heyndrickx's findings.

Mr. Cohen also expressed a willingness to talk with a West German journalist, Mr. Andreas Horst, who has

just returned from Angola. Mr. Horst is now in the United States and shows graphic video footage of the aftermath of poison gas use in Angola—specifically a form of hydrogen cyanide—near Cuito Cuanavale, the site of previously reported poison gas use.

Madam President, in summary the amendment establishes an orderly procedure for the payment to the United Nations of contributions for U.N. peacekeeping activities in southern Africa.

Surely it should be recognized as prudent to establish reasonable conditions on the disbursement of funds through the United Nations. The United States has had experiences, on several occasions, which demonstrate the need to monitor closely the U.N.'s performance where U.S. interests are at stake.

For instance, it has taken the Congress several years to prod the U.N. toward budgetary reforms which make the institution more accountable. Similarly, the Congress has had to restrict U.S. funds to the U.N. because of its funding for terrorist organizations such as SWAPO and the PLO.

So the record reflects the need for vigilance to ensure that the U.N. performs its role appropriately and fairly.

This is particularly important in southern Africa because of the U.N.'s longstanding support for the South West Africa People's Organization, SWAPO. The U.N. has also been at the forefront of support for the Marxist government of the MPLA in Angola and in opposition to the forces of Dr. Jonas Savimbi in the Union for the Total Liberation of Angola [UNITA].

That is why it is so crucial that the Senate adopt reasonable and phased funding of the peacekeeping operations while also ensuring that proper verification is made of the commitments made by each of the parties to the December peace agreements.

We have already seen the violation of the accords by SWAPO which poured across the Namibian border on April 1 at what was supposed to have been the beginning of the process implementing U.N. Resolution 435.

We have seen the overly sympathetic comments of the Brazilian general who is in charge of the U.N. monitoring team in Angola. He said earlier this year that the U.N.'s role would be essentially that of accepting the pledges of the Cubans and Angolans that the Cubans were, in fact, withdrawing. That is no verification at all.

I ask unanimous consent that an exchange with Ambassador Cohen during his confirmation hearing be printed at this point in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

Senator HELMS. Has the United Nations fulfilled its obligation with regard to the impartiality package, namely, has all funding for SWAPO from all U.N. organs now ceased?

Ambassador COHEN. Senator, the Secretary General has given the order to stop all funding, and I believe it has stopped.

Senator HELMS. Has SWAPO been stripped of its status as the sole and authentic representative of the Namibian people?

Ambassador COHEN. A resolution doing that has not been enacted.

Senator HELMS. Is it in the stage of being drafted?

Ambassador COHEN. I do not know that.

It would be in the General Assembly, which meets in the fall. But at that point, it may be moot.

Senator HELMS. Has the U.S. Council for Namibia ended all public activities now?

Ambassador COHEN. Excuse me, Senator, would you repeat that?

Senator HELMS. The U.S. Council for Namibia—has it ended all of its public activities now?

Ambassador COHEN. I believe it has, Senator,

Senator HELMS. Has the office of the comissioner stopped all political activities now?

Ambassador COHEN. I believe it has, yes, sir.

Senator HELMS. During the confirmation hearings, back in February, we were assured by Tom Pickering that there would be no attempts by SWAPO to exploit the wording of the U.N. Security Council Resolution 632, which was, as you know, the enabling resolution, which states in part that the Security Council plans to implement a resolution 435 in its "original and definitive form."

In addition, the State Department has made other verbal assurances along the same lines. This notwithstanding, there have already been at least two attempts to exploit this ambiguity—once the U.N. Council for Namibia, in order to justify continuing the SWAPO funding, and once by SWAPO to justify their incursion in Namibia.

Now, what can we do, Mr. Cohen, to underscore the need for U.N. impartiality?

Ambassador COHEN. Senator, I believe the U.N. has done everything correctly so far.

They have made sure that all of the U.N. agencies stop doing everything that they had been doing in support of SWAPO. The U.N. inside of Namibia has adhered to all of the agreements, as far as I can tell. So I personally feel the U.N. is doing a good job in applying all of the rules.

Mr. HELMS. Madam President, we want to be certain that there is, and continues to be, strict compliance with the principles of impartiality and that no funding or other support is provided to SWAPO by the United Nations or any of its affiliated agencies.

I will simply conclude by thanking the distinguished Senator from Arizona [Mr. DECONCINI] for the privilege of working with him on this amendment. I think a very fine amendment has been produced. It has not been easy, but it has been fun to work with the Senator, and I thank him very much. I yield the floor.

Mr. DECONCINI addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. DECONCINI. Madam President I ask unanimous consent that my amendment be in order, number one. I further ask unanimous consent that page 2 of my amendment be modified to reflect changes which I send to the desk.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The amendment, as modified, is as follows:

Before the period at the end of the Committee amendment ending on line 4 of page 54, insert the following:

: *Provided further,* That $26,000,000 of such amount shall be made available upon enactment for contribution with respect to implementation of the Agreement Among the People's Republic of Angola, the Republic of Cuba, and the Republic of South Africa, signed at the United Nations on December 22, 1988 (hereafter known as the Tripartite Agreement) only if the President determines and certifies to the appropriate Congressional committees that—(1) all armed forces of the South West Africa People's Organization (SWAPO) have left Namibia and returned north of the 16th parallel in Angola in compliance with the agreements, (2) the United States has received explicit and reliable assurances from each of the parties to the Bilateral Agreement that all Cuban troops will be withdrawn from Angola by July 1, 1991, and that no Cuban troops will remain in Angola after that date, and (3) the Secretary General of the United Nations has assured the United States that it is his understanding that all Cuban troops will be withdrawn from Angola by July 1, 1991, and that no Cuban troops will remain in Angola after that date;

Provided further, That an additional $51,900,000 of such amounts may be made available after September 1, 1989, for implementation of the Tripartite Agreement only if, no later than August 20, the President has determined and certified to the appropriate Congressional committees that—(1) each of the signatories to the Tripartite Agreement is in compliance with its obligations under the Agreement, (2) the government of Cuba has complied with its obligations under Article 1 of the Bilateral Agreement (relating to the calendar for redeployment and withdrawal of Cuban troops), specifically with respect to its obligations as of August 1, 1989, (3) the Cubans have not engaged in any offensive military actions against UNITA, including the use of chemical warfare, (4) the United Nations and its affiliated agencies have terminated all funding and other support to the South West Africa People's Organization (SWAPO), and (5) the United Nations Angola Verification Mission is demonstrating diligence, impartiality, and professionalism in verifying the departure of Cuban troops and the recording of any troop rotations;

Provided further, That funding of these activities by the United States may not be construed as constituting recognition of any government in Angola; and

Provided further, That the term "Bilateral Agreement" means the Agreement Between the Governments of the People's Republic of Angola and the Republic of Cuba for the Termination of the International Mission of the Cuban Military Contingent, signed at the United Nations of December 22, 1988, and the term "Tripartite Agreement" means the Agreement Among the People's Republic of Angola, the Republic of Cuba, and the

Republic of South Africa, signed at the United Nations on December 22, 1988;

Provided further, That the term "appropriate Congressional committees" means the Committees on Appropriations, Foreign Affairs, and Permanent Select Committee on Intelligence of the House of Representatives, and the Committees on Appropriations, Foreign Relations, and the Select Committee on Intelligence of the Senate; and

Provided further, That the Secretary of the Treasury shall instruct the United States Executive Directors to the International Monetary Fund and the International Bank for Reconstruction and Development (also known as the "World Bank") to vote in opposition to the entry of the government of Angola into these financial institutions or to approve any loans to Angola.

Provided further, That it is the sense of the Senate that (1) the United States should vigorously promote direct talks between the leaders of Union for the Total Independence of Angola (UNITA) and the Movement for the Popular Liberation of Angola (MPLA) to achieve an agreed process of national reconciliation among Angolans, (2) the United States should provide appropriate and effective assistance to UNITA until a national reconciliation agreement has been implemented, (3) in the context of a negotiated settlement of the civil war and national reconciliation in Angola, the President should consider (a) the provision of humanitarian assistance to help the Angolan people to reconstruct their war-damaged economy, resettle displaced persons and refugees, reduce hunger and malnourishment, and otherwise recover from the injuries inflicted by their lengthy civil war and the foreign intervention it had invited, and (b) the establishment of diplomatic relations with a new Angolan government, and (4) the United States should continue its policy of refusing to recognize a government in Angola until a national reconciliation agreement has been implemented.

Mr. SIMON. If my colleague will yield, can you explain the changes being made?

Mr. DECONCINI. Yes, I can. The change made on page 2 is to satisfy the Budget Committee. It is a technical change only. I will share it with the Senator right now.

Madam President, I ask unanimous consent that the junior Senator from Arizona [Mr. MCCAIN] be added as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DECONCINI. Madam President, I thank the Senator from North Carolina. We have worked on a number of things together. We both came to this issue with a little different approach. We were able to put it together.

I particularly want to thank the staff of the chairman of the Appropriations Committee, our staffs and the chairman himself for being involved in these delicate negotiations, and, of course, last but not least by any means, the Senator from Illinois and also the Senator from Vermont, who I know have great reservations about this amendment and were willing to discuss it and put their objections on the RECORD and not belabor us by staying here any later. I believe the Senator from Illinois is correct that it is pretty clear it would pass, and I appreciate that immensely.

I yield back the remainder of my time, Mr. President.

The PRESIDING OFFICER (Mr. FORD). All time has been yielded back. The Senator from Illinois.

Mr. SIMON. How much time do I have remaining?

The PRESIDING OFFICER. The Senator has 6 minutes, 41 seconds.

Mr. SIMON. I yield 2 minutes to the Senator from Oregon.

The PRESIDING OFFICER. The Senator from Oregon is recognized.

Mr. HATFIELD. Mr. President, I too will refrain from asking for a rollcall on this particular amendment, but like the Senator from Illinois I associate myself with his remarks, his concerns about this amendment on the basis of the principle. I wish to indicate that I will vote no in the voice vote. Secondly, I would only add again its difficulty in the conference. We will have sufficient problems in the conference with the drug matter that is related to the House version of the bill, and so for two reasons, one procedural but more importantly the principle of this amendment I would like to have the RECORD show that I am voting "no."

Mr. SIMON addressed the Chair.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. SIMON. I yield back the remainder of my time.

The PRESIDING OFFICER. All time having been yielded back, the question now is on agreeing to the amendment of the Senator from Arizona [Mr. DECONCINI].

The amendment (No. 125), as modified, was agreed to.

Mr. DECONCINI. Mr. President, I move to reconsider the vote by which the amendment, as modified, was agreed to.

Mr. HELMS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The question is now on agreeing to the committee amendment, as amended.

The excepted committee amendment on page 52, line 18 through page 54, line 4, as amended, was agreed to.

The PRESIDING OFFICER. The question recurs on the first excepted committee amendment.

Mr. BYRD. Mr. President, I ask unanimous consent that the excepted committee amendment on page 12, line 14 through page 14, line 24 be agreed to.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The excepted committee amendment on page 12, line 14 through page 14, line 24 was agreed to.

AMENDMENT NO. 126

(Purpose: To provide additional funds for the Kansas Agricultural Research Experiment Station at Kansas State University)

Mr. HATFIELD. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Oregon [Mr. HATFIELD], for Mr. DOLE, proposes an amendment numbered 126.

Mr. HATFIELD. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 27, line 10, before the period add the following:

"Provided further, That of this amount, $275,000 shall be transferred to the Cooperative State Research Service to be paid to the Kansas Agricultural Research Experiment Station at Kansas State University for the purposes of disseminating information to farmers on methods of alleviating drought problems and exploring improved water conservation techniques.".

Mr. DOLE. Mr. President, it is no secret that conditions in Kansas are hot and dry. The drought in Kansas has persisted through the fall, winter, and spring months causing major losses in the winter wheat crop, as well as damaging pastureland, and water and forage conditions.

DROUGHT AMENDMENT

Today, I am offering an amendment to provide some small help to struggling farmers and ranchers in Kansas. This modest amendment provides $275,000 to the Kansas Agricultural Research Experiment Station at Kansas State University to enable them to distribute information and technical assistance to drought-stricken farmers and ranchers.

I have asked that the $275,000 needed to pay for this measure be transferred from the Agricultural Stabilization and Conservation Service salaries and expenses account. This will leave ASCS with $39,725,000 to make it through the rest of the year—an amount that should be more than adequate to avoid any cutback in services.

WHEAT

The situation in Kansas is bad and getting worse. The recent rains, which were too little and too late to help farmers, have caused an added problem: Growing weeds that will damage the quality of the remaining wheat crop.

According to the most recent projections, Kansas farmers will only harvest 202 million bushels of wheat this year. That is 36 percent less than last year's poor harvest, and less than one-half of our normal production potential. Some observers suggest losses of

more than $800 million on the wheat crop alone.

CATTLE AND FORAGE CONDITIONS

For cattle producers the recent rains did lessen some of their problems, however, most farm experts now believe that it will take a year or more for the State's drought-damaged grazing lands to recover. Rebuilding beef cow herds is expected to take even longer.

Pastures have been rendered useless, because ponds and other water sources have gone bone dry. Farmers and farm experts alike tell me that the conditions of native range and tame pastureland have not been this bad since 1935.

Shortages of forage, hay, and water have forced stockmen to sell off their cows and calves, and place them in feedlots much sooner than normal. Reports indicate that the number of cows sent to slaughter in Kansas plants each day has now reached 1,400 head of cattle. That compares with only 200 to 300 cows a day last year.

CONCLUSION

It is clear we have a disaster in our State. My modest amendment will not come close to solving the problem, but it is a much needed first step to helping the farmers in Kansas make it through the current drought crisis. I urge my colleagues to support this amendment.

Mr. HATFIELD. Mr. President, this amendment has been cleared on both sides of the aisle.

Mr. BYRD. Mr. President, this amendment has been discussed by Mr. DOLE and by Mr. HATFIELD with me and with staff. There is no objection. We are happy to accept it.

The PRESIDING OFFICER. Is there further debate? If not, the question is on agreeing to the amendment.

The amendment (No. 126) was agreed to.

Mr. HATFIELD. Mr. President, I now move to reconsider the vote by which the amendment was greed to.

Mr. BYRD. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Mr. President, I thank the Chair. I am not seeking recognition.

The PRESIDING OFFICER. Who seeks recognition?

Mr. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. McCAIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

CATASTROPHIC HEALTH CARE

Mr. McCAIN. I thank the Chair. While we are waiting to conduct further business, I wish to say a few words about an amendment that will be pending which I will be proposing concerning catastrophic health care legislation. I wish to alert my colleagues as to the contents of this amendment. I know it is going to be very controversial and I am aware there will be spirited debate.

Very briefly, Mr. President, the amendment when it is presented will preserve the spousal impoverishment, skilled nursing, and long-term hospitalization benefits and delays implementation of all other provisions in the act including the supplemental premium for 1 year. It will permit Congress time to thoroughly study what changes ought to be made to the act and according to CBO the flat premium of $4.80 to pay for the cost of these benefits.

Mr. President, I know that my senior citizen organization friends, some 40 of them who have supported this legislation, will be interested that we will probably be voting on this amendment on Tuesday. I intend to propose it at the appropriate time, and I believe that it is very important, in fact a crucial issue as far as the senior citizens of this country are concerned. I will elaborate at the appropriate time.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Ms. MIKULSKI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. MIKULSKI. Mr. President, I noted that my distinguished colleague, the Senator from Arizona, had discussed earlier this evening that he intends to offer an amendment related to catastrophic health insurance. I wonder if the Senator from Arizona will yield for a few questions on the nature of his amendment?

Mr. McCAIN. I am pleased to yield.

The PRESIDING OFFICER. Does the Senator yield?

Mr. McCAIN. I will be happy to yield.

The PRESIDING OFFICER. The Senator does yield.

Ms. MIKULSKI. Mr. President, this Senator, as the Senator knows, has been an advocate of a provision in the catastrophic legislation to deal with spousal impoverishment. The policy that we established was that a family had to accept responsibility when a spouse went into the nursing home but that Government rules should not bankrupt the family in order to qualify for Medicaid. It was probably one of the most popular components of catastrophic, and as the Senator from Arizona knows it was a safety net for those who had saved and cared for their family, and so on.

I wonder, when the Senator offers a delay in implementation, what is the impact of this on the spousal impoverishment provision?

Mr. McCAIN. I wish to, first of all, state that I do not believe this provision would be in the act if it were not for the efforts of the Senator from Maryland. She has shown an abiding interest and concern on this issue.

I do not mean to embarrass her when I point out that she has had a loved one who has experienced a long-term catastrophic illness which has caused her and her family to undergo important sacrifices, but far more important than that she has had a keen and sensitive feeling toward those seniors who have been afflicted by the problem of spousal impoverishment.

I would like to answer the Senator's question by saying that the spousal impoverishment portion of the act will be protected, that portion of the act for which she is responsible to a large degree. I think it would be inappropriate entirely if that protection were removed under any circumstances.

Ms. MIKULSKI. So then just to affirm the statement of the Senator, it is the intention of the Senator that in offering his amendment the spousal impoverishment provision not be delayed as it is funded by Medicaid and therefore exempt from the Medicare aspects of the bill?

Mr. McCAIN. That is indeed correct. I would like to, if I could, elaborate. The skilled nursing and the long-term hospitalization benefits would also be preserved in this bill. And they would be paid for by the $4.80 premium that has already been levied as a part of this legislation, and would prevent any further premiums to be paid by anyone for the benefits that would be rescinded as part of this legislation.

Ms. MIKULSKI. I thank the Senator. That answers my questions.

I yield back the remainder of my time.

Mr. McCAIN. Mr. President, I again thank the Senator from Maryland, who has been involved in these issues far longer than I have, and who is responsible for the very critical and crucial aspect of protecting one from having their spouse experience a catastrophic illness and thereby wipe out the life savings of the entire family.

Ms. MIKULSKI. I thank the Senator very much.

Mr. SIMON. Mr. President, are we ready to move on?

The PRESIDING OFFICER. The Senator from Maryland has the floor.

Ms. MIKULSKI. The Senator from Maryland yields the remainder of her time.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. SIMON. If I could ask my colleague from Arizona, as I understand the bill, not only on these details, but it continues the monthly payment and the income tax provision is eliminated.

Mr. McCAIN. That is exactly correct, and any additional costs outside of the $4.80 are eliminated.

Mr. SIMON. That is eliminated for 1 year to give the Finance Committee a chance to look at this thing and come up with something sensible.

Mr. McCAIN. The Senator from Illinois is exactly correct.

Mr. SIMON. I think that makes more sense than almost anything I have heard up to this point. Unless I hear something to the contrary, I am going to be in there supporting the Senator from Arizona. I thank him.

Mr. McCAIN. I thank the Senator from Illinois.

Mr. SIMON. Mr. President, I suggest the absence of a quorum.

Mr. CHAFEE. Mr. President, I wonder if he will withhold.

Mr. SIMON. I withhold.

The PRESIDENT OFFICER. Does the Senator from Rhode Island seek recognition?

Mr. CHAFEE. I do.

The PRESIDING OFFICER. The Senator from Rhode Island is recognized.

ORDER OF PROCEDURE

Mr. CHAFEE. I do not want to hold up proceedings if the majority leader is ready to proceed on something.

I ask unanimous consent that we might return to morning business for 1½ minutes.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The PRESIDING OFFICER. The Senator from Rhode Island is recognized.

Mr. CHAFEE. I thank the Chair.

(The remarks of Mr. CHAFEE and Mr. DURENBERGER pertaining to the introduction of S. 1112 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

DIRE EMERGENCY SUPPLEMENTAL APPROPRIATIONS, FISCAL YEAR 1989

The Senate continued with the consideration of the bill.

Mr. CHAFEE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, references have been made a number of times during the day by various Senators, and myself included, to letters that have been received from various department heads, and agency heads in the administration.

I ask unanimous consent that a statement of administration policy dated June 1, entitled "H.R. 2072—Dire Emergency Supplemental Appropriations, Fiscal Year 1989," addressed to Senator BYRD of West Virginia, and Congressman WHITTEN of Mississippi be included in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

H.R. 2072—DIRE EMERGENCY SUPPLEMENTAL APPROPRIATIONS, FISCAL YEAR 1989

The Bipartisan Budget Agreement of 1987 limited both the President and the Congress to supplemental requests for FY 1989 that are "dire emergencies." The President's supplemental request was consistent with this agreement. Unfortunately, the House action on H.R. 2072 clearly was not. It would add $1.1 billion to the FY 1989 deficit for discretionary programs, many of which are not in dire need of funds. Unquestionably, the House bill would have to be recommended for veto.

In view of the need for prompt action on veterans funding and the lack of agreement on what constitutes a "dire emergency," the Administration has shown a willingness to compromise on the requirement for offsets. We stated during House Committee action that we could reluctantly accept a compromise package. In subsequent floor action, our Statement of Administration Position said that we could go as far as an increase relative to current law of $715 million in discretionary budget authority and $706 million in discretionary program outlays (as scored by OMB). At the same time, however, we stated that *we could go no further.*

The Senate Committee bill is clearly a major improvement compared to the House-passed bill. It is within striking distance of the ceiling noted above. We estimate, overall, that it would add a net $49 million relative to the outer limits on discretionary budget authority we firmly established during House debate and in subsequent discussions with the Senate Appropriations Committee.

The Committee is to be commended especially for their decision to strike the $822 million in drug program funding that is in the House bill, and for opposing efforts to add back funds in Committee. While drug abuse is clearly one of America's most serious problems, we do not believe that an FY 1989 supplemental for drug programs is necessary. A $1 billion drug supplemental was enacted only half a year ago. The $5.3 billion appropriated for FY 1989 for drug programs is a 39 percent increase over FY 1988. That funding is not being exhausted prematurely. A Congressionally mandated drug strategy to guide federal spending is due on September 1; and a major additional increase is planned for FY '90. The Administration urges the Senate to oppose any effort to add drug funding on the floor and to insist on the Senate Committee position in conference.

We do not believe that all the funds appropriated in the Senate Committee bill represent dire emergencies. But we recognize that there is room for argument on this. What is of primary concern to us, at this point, is the need to restore fiscal responsibility, while also assuring prompt enactment of necessary veterans funding. Given our expressed willingness to accept a compromise in the House, and given the Senate Committee's good faith effort to draft a bill within the fiscal parameters we established for an acceptable compromise, we can support moving the committee bill forward to Conference.

However, we remain very concerned about the prospect of add-ons on the Senate floor and in conference. And we are firm in our commitment to an overall limit on adverse deficit effects as noted above. Any further adverse contribution to the deficit on the Senate floor or at the conference stage would cause the Director of the Office of Management and Budget to recommend to the President that he veto the bill.

Mr. BYRD. Mr. President, I ask unanimous consent that a letter addressed to me dated May 30, 1989, by Richard G. Darman, Director of Management and Budget, be printed in the RECORD at this point.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

OFFICE OF MANAGEMENT AND BUDGET,
Washington, DC, May 30, 1989.

HON. ROBERT C. BYRD,
Chairman, Committee on Appropriations, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: Thank you for the opportunity to discuss the pending supplemental appropriations bill with you today. I hope very much that we may be able to reach agreement on a compromise that will allow us to fund essential programs for veterans, while also protecting our interest in fiscal discipline.

With that objective in view, please permit me to note a few points of perspective, which I would hope you and your Committee might consider as you begin Committee mark-up.

(1) *The Bipartisan Budget Agreement of 1987 limited both the President and the Congress to supplemental requests for FY '89 that are "dire emergencies."* I believe that the President's supplemental request was consistent with this agreement. Unfortunately, the House action (H.R. 2072) clearly was not.

(2) *The House-passed bill (H.R. 2072) is far, far out of bounds; and unquestionably would be recommended for veto.* It not only fails to meet the "dire emergency" standard; it also shows utter disrespect for fiscal discipline. It seeks $822 million more in drug funding—in spite of the following facts: a large drug supplemental increase was enacted only half a year ago; that supplemental funding is not being exhausted prematurely; a Congressionally-mandated drug strategy to guide federal spending is due on September 1; and a major additional increase is planned for FY '90. Beyond drugs, however, the House bill also would increase a host of other programs for which funding is not needed now. In total, it would add more than $1.5 billion to FY '89 discretionary budget authority—and would increase the FY '89 deficit by more than $1.1 billion. To my mind, it seems absurd for us to spend hundreds and hundreds of hours in good-faith bipartisan budget negotiations only to see the product of the prior bipartisan negotiations thus thrown carelessly to the wind.

(3) *We do not mean to be unreasonable.* I recognize that the "dire emergency" standard, although reasonably clear in commonsense terms, nonetheless lends itself to some argument. With that reality in view—and mindful of the need for veterans funding—I indicated some willingness to compromise in both the application of the standard and the requirement for offsets. Consistent with this, we stated during House floor action that we could reluctantly accept what was known as the "Conte compromise." That compromise would have increased the FY '89 deficit by $416 million more than the President's proposed supplemental—$409 million of which was in discretionary programs. In subsequent floor action, our Statement of Administration Position said that we could go as far as an increase relative to current law of $715 million in discretionary budget authority and $706 million in discretionary program outlays. (This is as scored by OMB; the CBO numbers are somewhat lower.) *But we also stated that we could go no further.*

It was partly on the basis of that clear limit that a strong, veto-sustaining number of House Republicans and Democrats voted against popular add-ons that were not dire emergencies. Out of respect for their courageous votes, as well as a sense of fiscal responsibility, I am obliged to repeat: *We do not pretend to have the sole right to determine what programs merit funding at this point. But we do believe we have a responsibility to protect fiscal discipline.* We therefore remain willing to accept an ultimate compromise—but on terms that have no greater adverse effects on the deficit than we were willing to accept in the House.

(4) *The Senate draft "Committee Print" of H.R. 2072 (as we understand it) is clearly a major improvement relative to the House-passed bill—and is within striking distance of meeting the "adverse effect" test noted at point (3) above.* We estimate, overall, that it would add a net $822 million to the FY '89 deficit relative to the President's proposals, and a net $47 million relative to the outer limits on discretionary budget authority we established during House debate.

(5) *However, we are very concerned about the prospect of additions on the Senate floor and in conference with the House.* While the Senate bill might be brought within range, the House bill is so clearly out of bounds that I must wonder whether it will be possible for us all to reach agreement at the conference stage. In view of the House action, I have serious doubts. And I do not wish to be misleading: a Senate Committee bill that stays within the limits noted above would be acceptable; but that is as far as I believe we should go. Any further adverse contribution to the deficit on the Senate floor or at the conference stage would cause me to recommend veto.

Please let me repeat that I appreciate having the opportunity to discuss these issues with you—in what I hope you find to be a constructive spirit. We look forward to continuing to work with you in the pursuit of a reasonable compromise—one that can be enacted so as to meet the need for prompt funding of veterans programs, while also meeting our shared responsibility for fiscal discipline.

Thank you very much for your consideration of our views.

With best regards,

RICHARD G. DARMAN.

Mr. BYRD. Mr. President, I ask unanimous consent that a letter by Dick Thornburgh, the Attorney General, dated May 31, 1989, addressed to me as chairman of the committee be printed in the RECORD at this point.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

OFFICE OF THE ATTORNEY GENERAL,
Washington, DC, May 31, 1989.

Hon. ROBERT C. BYRD,
Chairman, Committee on Appropriations, Washington, DC.

DEAR MR. CHAIRMAN: The Senate Committee on Appropriations is about to consider H.R. 2072, the 1989 supplemental funding bill. The bill passed by the House will prove troublesome to the Administration and to many members of the Senate on both sides of the aisle.

There is an agreement on 1989 funding. There are supplementals which the President has forwarded and for which the Administration has identified necessary offsets in order to operate under the current Bipartisan Budget Agreement of November 20, 1987. Among the supplementals requested by the Administration is $41.8 million for the Department of Justice. The primary thrust of this request is start-up and implementation of our Financial Institutions Fraud Initiative. In addition, we seek $2.1 million for the Civil Rights Division's Office of Redress Administration (for the Japanese-American internee reparation program) and $2.9 million to make required payments to families of deceased public safety officers who have died in the line-of-duty.

As you know, the President recently announced another major funding initiative ($1.12 billion) affecting the Department of Justice for 1990. This is the third set of 1990 enhancement initiatives the President has adopted since President Reagan submitted his 1990 budget on January 9, 1989. The other two added: (1) $150 million for State and Local Drug Grants and $5 million for the Drug Enforcement Administration's overseas operations; and (2) $50 million for the 1990 portion of the Financial Institutions Fraud Initiative.

You should also remember that the Reagan 1990 budget contained significant increases in spending for law enforcement—especially drug law enforcement—programs. Our 1990 budget annualizes a number of enhancements provided by the Anti-Drug Abuse Act supplemental in 1989.

Given this significant history of Administration support for added law enforcement resources in 1990 compared to 1989's current appropriation, it does not appear prudent to add the significant sums being discussed for possible floor action this week. For example, the Federal Prison System's bedspace needs are being addressed by the $1.5 billion in 1990 funding requested for the "Building and facilities" appropriation. We currently have over $540 million of operating availability in 1989. We should wait for enactment of the new authority being requested for 1990. For the Federal Bureau of Investigation, I urge that the greater need, at the moment, is to initiate our Financial Institutions Fraud Initiative before adding $15 million in drug related funding in 1989. Roughly, the $15 million amount is requested in the 1990 budget as an annualization of the 1989 drug supplemental. We can wait for four months. Additional federally supplied drug grant money will go further in 1990 than in 1989 because in 1990 the Anti-Drug Abuse Act of 1988 required States to match our funds on a 50/50 basis compared to a Federal 75/State 25 matching basis in 1989.

In summary, we need to abide by the budget agreements negotiated between the two branches. Further, the Administration has presented a viable, reasonable and significant funding program for law enforcement for 1990 and has identified its 1989 supplemental priorities. Relative to 1990's proposals, the Administration will do the requisite planning in 1989 in order to implement the proposals in 1990—assuming Congress passes the Administration's 1990 budget proposals on a timely basis.

I urge you to consider the Administration's and my views as the Senate Committee on Appropriations considers the 1989 supplemental bill.

Sincerely,

DICK THORNBURGH,
Attorney General.

Mr. BYRD. Mr. President, I have a letter from the Department of the Treasury which I ask unanimous consent be printed in the RECORD at this point.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

THE SECRETARY OF THE TREASURY,
Washington.

Hon. ROBERT C. BYRD,
Chairman, Committee on Appropriations, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: I understand that there will be consideration of the Dire Emergency Supplemental Appropriations and Transfers, Urgent Supplementals, and Correcting Enrollment Errors Bill of 1989. The bill as passed by the House contains $96 million in additional budget authority for fiscal year 1989 for the Department of the Treasury related to the War on Drugs. In May, the Secretary testified before the Subcommittee on Treasury, Postal Service and General Government that fighting the war on drugs was one of the top priorities of the Department of the Treasury. This is a commitment the Treasury Department shares with the President.

Currently, Treasury is devoting $521.1 million to the War on Drugs in fiscal year 1989. We believe this funding level is adequate to enable the Department to aggressively participate in the overall anti-drug effort.

As important as our anti-drug efforts are, the Department is also committed to reducing our Nation's budget deficit and meeting the requirements of Gramm-Rudman-Hollings. Also, I must point out that the Department has other functions and duties that are vital to government and the American people, including the collection of revenue, managing the Nation's fiscal activities and executing the Nation's international economic policies. The Department can meet its commitments this fiscal year with current funding not only in the War on Drugs but in these other vital responsibilities that fall upon the Department.

Therefore, I would urge that additional funding not be appropriated for activities included in the War on Drugs that would either cause an increase in the current fiscal year deficit or require offsetting reductions to other accounts within the Department beyond those proposed by the administration.

Sincerely,

JOHN E. ROBSON,
Acting Secretary.

Mr. BYRD. Mr. President, I ask unanimous consent that a letter from Mr. Dick Cheney, Secretary of Defense, dated May 30, 1989, addressed to me be printed in the RECORD at this point.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

THE SECRETARY OF DEFENSE,
Washington, DC, May 30, 1989.

Hon. ROBERT C. BYRD,
Chairman, Committee on Appropriations, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: I understand that an amendment may be offered in committee to the fiscal year 1989 supplemental appropriations bill (H.R. 2072) to cut funds previously appropriated to the Department of Defense in the fiscal year 1989 Defense Appropriations Act to fight the battle against illegal drugs. The amendment would transfer the funds to domestic anti-drug accounts. The Administration strongly opposes the amendment.

The fiscal year 1989 Defense Appropriations Act provided $300 million for Department of Defense operating costs for the detection and monitoring of aerial and maritime transit of illegal drugs into the United States. The Department plans to allocate these funds as follows: (1) $40 million for National Guard support to law enforcement agencies, (2) $60 million for secure communications equipment to defeat drug smugglers' monitoring of law enforcement operations, and (3) $200 million to procure and operate surveillance and monitoring equipment, such as aerostat radars.

The Congress has long urged the Department of Defense to take a more active role in the fight against drugs. In the 2 months since I became Secretary of Defense, we have created a DOD Coordinator for Drug Enforcement Policy and Support and have prepared and begun to execute plans to make effective use of the $300 million. It will be difficult for me to make substantial progress in strengthening DOD's role in the battle against drugs if the amendment is adopted to strip DOD of the resources programmed in fiscal year 1989 for the Department's increase anti-drug effort.

I would note also that the proposed amendment violates the November 1987 bipartisan budget agreement by shifting funds from defense discretionary accounts to domestic discretionary accounts. Since success in Federal budgeting has come to depend upon the ability of the administration and the joint congressional leadership to reach and enforce budget agreements, I would urge that your committee adhere to the agreement and reject the amendment.

The Office of Management and Budget advises that adoption of the amendment would not be in accord with the President's program.

Sincerely,

DICK CHENEY.

Mr. BYRD. Mr. President, I have included these various letters in the RECORD so that they will be there for Senators who may wish to refer to the RECORD and produce those letters to show that these very high officials within the administration have supported the bill as reported by the committee, and have opposed adding additional money to the bill.

These were difficult votes, and some Senators, myself included, from time to time have to answer questions from our constituents. So I think it will be helpful to Senators on both sides of the aisle who received such questions concerning the amendments if they can refer to those letters from the various Secretaries and others in the administration to whom I have alluded.

Mr. President, I yield the floor.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. KASTEN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Wisconsin is recognized.

AMENDMENT NO. 127

Mr. KASTEN. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Wisconsin [Mr. KASTEN] proposes an amendment numbered 127.

Mr. KASTEN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment reads as follows:

On page 12, between lines 13 and 14 insert the following:

GENERAL PROVISIONS

SEC. . The Congress finds that failing to recognize natural resource depletion causes current systems of economic statistics to provide a distorted representation of many nation's economic condition.

(a) The Secretary of State shall instruct the U.S. representative to the Organization for Economic Cooperation and Development and to the United Nations and it's appropriate affiliated organizations report the income and economic activities of nations. Such a system of accounting shall recognize the depletion or degradation of natural resources as a component of economic activities.

(b) The Secretary of the Treasury shall instruct the U.S. Executive Director to each Multilateral Development Bank and to the International Monetary Fund to seek the adoption of revisions of accounting systems as described in section A.

(c) The Administrator of the Agency for International Development shall incorporate the changes described in section A into AID's evaluations and projections of the economic performance of borrowing countries.

Mr. KASTEN. Mr. President, this amendment has been cleared by the subcommittee chairman and ranking members of the relevant committees, and simply put, this amendment provides for the incorporation of natural resources depletion into an international system of accounting.

The chairman of the subcommittee and I continue to be concerned that many economic development policies being promoted by our foreign assistance program are not sustainable. In fact, the depletion of natural resources may be counterproductive to economic development. Short-term activities that consume or deplete natural resources may preclude their future use and result in a decline in economic activities.

To more accurately reflect actual economic growth rather than the simple consumption of natural resources, language is provided directing the creation accounting systems that include an analysis of resource depletion. Current systems of accounting provide misleading information on a country's economic conditions and progress because they do not treat natural resources as economic assets like buildings, equipment, and other forms of manmade capital. For manmade capital, an annual depreciation allowance is estimated to reflect the value of assets used up during the year. In calculating national income, that depreciation allowance is subtracted as a charge against gross output, reflecting the need to keep the capital stock intact. No such depreciation allowance is estimated for the depletion of natural resources. The result is that the consumption of those assets is misrepresented as a no cost economic gain. This misrepresentation conveys the false impression that a country can achieve economic progress by over exploiting its natural resource base.

Such misleading economic assumptions underlie the macroeconomic analyses and projections carried out by the Multilateral Development Banks, the International Monetary Fund, other international organizations, bilateral development assistance agencies, national governments, and private business. Consequently, those analyses often lead to erroneous conclusions and policy implications, and significant long-term economic and ecological losses. A better framework of economic accounting can contribute significantly to improved environmental and economic decisions and performance.

We recognize that a revision of the U.N. System of National Accounts is now under consideration and intends for all U.S. representatives at the United Nations and U.N. institutions to vigorously promote changes by the U.N. Statistical Commission and Statistical Office to include depreciation of natural resource assets within the definition of national income. We also instructed the Administrator of the Agency for International Development and the U.S. Executive Directors to

each Multilateral Development Bank and to the International Monetary Fund to promote similar changes at these institutions by incorporating natural resource accounts into their evaluation of projections of the economic performance of borrowing countries. The United States should join with other Organization for Economic Cooperation and Development member countries in adopting this revision of their own economic accounting systems.

The PRESIDING OFFICER. Is there further debate?

Hearing none, the question is on agreeing to the amendment of the Senator from Wisconsin.

The amendment (No. 127) was agreed to.

Mr. KASTEN. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. HATFIELD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. The Senator from West Virginia.

AMENDMENT NO. 128

(Purpose: To provide that the National Commission on Children may exempt itself from certain provisions of title 5 in carrying out certain duties of the Commission)

Mr. BYRD. Mr. President, on behalf of Mr. ROCKEFELLER, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from West Virginia [Mr. BYRD], for Mr. ROCKEFELLER, proposes an amendment, numbered 128.

Mr. BYRD. Mr. President, I ask unanimous consent that further reading be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment reads as follows:

At the appropriate place in the bill insert the following:

SEC. . EXEMPTION PROVIDED FOR NATIONAL COMMISSION ON CHILDREN FROM CERTAIN PROVISIONS OF TITLE 5.

Section 1139 of the Social Security Act (42 U.S.C. 1320b-9) is amended by striking subsection (f) and inserting in lieu thereof the following new subsection:

"(f)(1) The Commission shall appoint an Executive Director of the Commission. In addition to the Executive Director, the Commission may appoint and fix the compensation of such personnel as it deems advisable. Such appointments and compensation may be made without regard to the provisions of title 5, United States Code, that govern appointment in the competitive services, and the provisions of chapter 51 and subchapter III of chapter 53 of such title that relate to classifications and the General Schedule pay rates.

"(2) The Commission may procure such temporary and intermittent services of consultants under section 3109(b) of title 5, United States Code, as the Commission determines to be necessary to carry out the duties of the Commission."

Mr. BYRD. Mr. President, anent the amendment that was offered on behalf of Mr. ROCKEFELLER, I ask unanimous consent that a letter addressed to me dated June 1 by my distinguished colleague be printed in the RECORD in explanation of the amendment.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, DC, June 1, 1989.

Hon. ROBERT C. BYRD
Chairman, Committee on Appropriations, Washington, DC.

DEAR MR. CHAIRMAN: I ask that my amendment seeking to make a technical change in the statute governing the National Commission on Children be adopted as part of the Dire Emergency Supplemental Bill, 1989, now currently before the Senate.

Pertinent background is attached, including my amendment.

The amendment proposes to exempt the National Commission on Children from certain provisions currently governing the Commission's process for hiring and paying staff. It also would clarify that the Commission is authorized to procure the temporary services of consultants.

Current law requires the National Commission on Children to hire and determine the salaries of staff under the rules and procedures of the "competitive service." This has proven to impose a highly burdensome and time consuming process on the Commission, and is making it virtually impossible for the Commission to obtain staff in the time-frame and manner that its tenure and mission dictate.

It is highly unusual for an independent commission, such as this one, to be required to follow the Civil Service procedures for procuring staff. My amendment is aimed at providing the crucial flexibility to the Children's Commission needed to carry out the intensive, immediate work we are charged with. By law, the Commission is directed to complete its work and submit a major report to the President, Congress, and the public by September 30, 1990. In other words, time is of the essence.

As the Chairman of the National Commission on Children, I ask that this amendment be adopted. Senator Bentsen, Chairman of the Senate Finance Committee, which reported the legislation establishing the Commission, has approved the amendment. We view it as a technical correction addressing the administrative requirements of the Commission.

Thank you very much for your immediate consideration.

Sincerely,

JOHN D. ROCKEFELLER IV.

Mr. BYRD. We have discussed this amendment, and I believe there is an agreement, and we can accept the amendment.

Mr. HATFIELD. The Senator is correct.

Mr. BYRD. It does not cost anything, and I think we ought to do it on a voice vote.

The PRESIDING OFFICER. Is there further debate?

If not, the question now is on the agreeing to the amendment of the junior Senator from West Virginia.

The amendment (No. 128) was agreed to.

Mr. BYRD. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. HATFIELD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. MITCHELL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BUMPERS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 129

(Purpose: To increase the pool of experienced and qualified applicants for full-time magistrate positions)

Mr. BUMPERS. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The bill clerk read as follows:

The Senator from Arkansas [Mr. BUMPERS] proposes an amendment numbered 129.

Mr. BUMPERS. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place in this bill, add the following:

SEC. . Section 631(b)(1) of title 28, United States Code, is amended by inserting "or has served as a full-time magistrate for at least eight years," immediately after "he is a member in good standing of the bar of the highest court of the state in which he is to serve,".

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. BUMPERS. Mr. President, I rise to offer a rather minor and technical amendment to the Magistrates Act. I have taken great pains to clear this matter all the way around, and I understand that the amendment has been cleared.

The phrase I propose to insert into this act is only 13 words, but it would increase the pool of experienced and qualified applicants for full-time magistrate positions. Its purpose is to give courts the authority to fill a magistrate vacancy with an experienced former magistrate—one who has served as a full-time magistrate for at least 8 years—who may not be a member of the bar of that particular State. There are five persuasive arguments for this change.

First, under the existing recall provisions—under which a retired magistrate is recalled for service in any State without meeting the initial requirements—this is already being

done, so the amendment would not cause a dramatic departure from current practice.

Second, there is no prohibition on a person being appointed as a bankruptcy judge who is not a member of the bar of that State, even though bankruptcy judges generally deal with far more issues of local State law than do magistrates. There is no reason for magistrates to meet this requirement if bankruptcy judges do not.

Third, I want to underscore what might be obvious anyway—that this change would only make such former magistrates eligible to be reappointed. It would not force such a choice. It would simply allow the district court to decide whether its particular needs would be best met by an experienced former magistrate who may not be a member of that State's bar. If the district court prefers actual magistrate experience to bar membership in that State, I see no reason for the law to block such a choice. After all, the requirement that a candidate be a member in good standing of the bar of some State would still be in effect. And still, he or she would have to be good enough to be selected by the local merit selection panel and a majority of the judges of the district court.

Fourth, a former magistrate who is a member of the bar of a State observing reciprocity with the appointing State is not now barred from being appointed. He or she would simply pay the fee and waive in. My amendment would simply put a former magistrate seeking appointment in a State with no reciprocity on equal footing.

And fifth, although not officially sponsored by the Judicial Conference, the amendment has been cleared without objection by both the chairman of the Magistrates Committee and the chairman of the Budget Committee of the Judicial Conference, and the Assistant Director for Program Management, the Chief of the Magistrates Division, and the Office of Legislative Affairs of the Administrative Office of the United States Courts. Finally, I understand that the American Bar Association has signed off on the proposal, as has the president of the National Council of U.S. Magistrates.

Mr. President, I appreciate the help of the floor managers in clearing this proposal. It has also been cleared by Senators BIDEN, THURMOND, HEFLIN, and GRASSLEY of the Judiciary Committee, and I appreciate their help as well.

Mr. President, this is sort of a technical amendment which simply allows district courts to appoint a magistrate who has served before and allow such a magistrate who has served in a State before to serve as a magistrate in any other court where the judges pick him even though he may not be a member of the bar of that particular State.

It simply gives the courts the right to pick experienced magistrates who under existing law are not eligible.

Bear in mind the judges are the ones who have to do the picking.

This has been cleared by Senator THURMOND, the ranking member on the Judiciary Committee; Senator BIDEN, who is the chairman; and Senator HEFLIN, who is the chairman of the subcommittee of appropriate jurisdiction.

I urge adoption of the amendment.

The PRESIDING OFFICER. Is there further debate?

Without further debate, the question is on agreeing on the amendment of the Senator from Arkansas.

The amendment (No. 129) was agreed to.

Mr. BUMPERS. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. BYRD. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. MITCHELL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. LEVIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BRYAN). Without objection, it is so ordered.

AMENDMENT NO. 130

(Purpose: To express the sense of the Senate that the Secretary of Transportation should conduct a review of the impacts of highly leveraged acquisitions of control of U.S. air carriers)

Mr. LEVIN. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Michigan [Mr. LEVIN] proposes an amendment numbered 130.

Mr. LEVIN. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place in the bill, insert the following new section.

SEC. . It is the sense of the Senate that the Secretary of Transportation should conduct a review of the potential impact of highly leveraged acquisitions of control of U.S. air carriers. The potential impacts to be addressed in such review should include the effects of increased expenses associated with increased debt on carriers' ability to:

(i) modernize their fleets,

(ii) make necessary expenditures for maintenance,

(iii) survive economic downturns (and the effect on competition among air carriers if some do not survive),

(iv) provide small community service,

(v) compete internationally against foreign airlines,

(vi) make and/or keep the financial commitments to airport projects necessary to expand capacity and improve safety, and meet the future needs of their employees with regard to such matters as salaries, benefits, pensions, and job security and growth.

Pursuant to the conclusions of such review, the Secretary should make a report to the Congress and include in such report an assessment with respect to any major air carrier that is the object of a highly leveraged buy-out.

Mr. LEVIN. Mr. President, this amendment, I understand, has now been cleared on both sides of the aisle.

The amendment expresses the sense of the Senate that the Secretary of Transportation should conduct a review of the potential impact of highly leveraged acquisitions of control of U.S. air carriers. The purpose of this review is to look at the effects of increased expenses associated with increased debt on a carrier's ability to do a number of things including to make and/or keep the financial commitments to airport projects necessary to expand capacity and improve safety, to meet the future needs of their employees with regard to such matters as salaries, benefits, pensions, and job security, and growth.

Once the Secretary completes his review, he should make a report to the Congress and include in such report an assessment of these impacts with respect to any major air carrier that is the object of a highly leveraged acquisitions.

I thank the Chair and yield the floor.

Mr. BYRD. Mr. President, this amendment has been discussed with the distinguished Senator from Oregon, [Mr. HATFIELD], and with me. We have no objections to it and would be willing to accept it.

The PRESIDING OFFICER. Do Senators yield back their time?

Mr. KASTEN. Mr. President, this amendment has been cleared by the minority side. We have no objection to it and we urge its adoption.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. McCAIN. Mr. President, I rise in support of the amendment. I, however, would like to ask my friend from Michigan if he feels that this amendment would place restrictions on the Department of Transportation and/or the Department of Justice, as far as their approval of a merger or leveraged buyout would be concerned?

Let me, before my friend from Michigan answers, indicate that I strongly support the purpose of this legislation. I think we have seen in the recent past, without taking the time of this body at this late hour, the clear indication that we are receding to a point of de facto regulations as far as the airlines in America are concerned

and we should do everything we can to prevent furtherance of such occurrence.

I think retrospectively a couple of mergers that were allowed in the past few years probably were not good for the airline consumers, for example, the passengers who used the airlines in this country. I would ask my colleague from Michigan what impact this would have on the short term, while this study is being conducted?

Mr. LEVIN. This does not restrict the authority that those agencies have.

Mr. McCAIN. I thank my colleague and I appreciate his proposing this amendment. I think it is an important move toward making sure that we maintain the spirit of competitiveness for the benefit of the American airline passenger.

Mr. LEVIN. I thank my friend from Arizona. It is, indeed, the purpose of this amendment to make sure that any proposed leveraged buyout does not jeopardize any airline in its financial health.

I yield the floor.

The PRESIDING OFFICER. Does the Senator from Michigan yield his time back?

Mr. LEVIN. I do, indeed.

The PRESIDING OFFICER. All time is yielded back. The question is on agreeing to the amendment.

The amendment (No. 130) was agreed to.

Mr. LEVIN. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. KASTEN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. LEVIN. I thank the majority leader, Senator KASTEN, and particularly the chairman of the Appropriations Committee.

THE AGRICULTURE CHAPTER

Mr. BURDICK. Mr. President, I would like to summarize briefly the major provisions contained in the agriculture chapter of this bill.

First of all, we have provided an additional $40,000,000 for the Agricultural Stabilization and Conservation Service. This was put in by the House and is requested by the President. Without this money, ASCS would likely have to shut down their offices or lay off people at the end of the year. This money is needed to administer provisions of the Disaster Assistance Act passed last year.

We have also included a $2,500,000 increase for the Agricultural Marketing Service for its cotton classing and tobacco grading programs. This money comes from collections from the private sector so there is no impact on the Federal budget.

A provision is included for those producers who suffer from the drought last year and were eligible for drought assistance. Some of those farmers will be asked to refund advanced deficiency payments that were paid out at too high of a rate last year. The provision we recommend stipulates that these refunds cannot be required until after December 31, 1989. Currently, farmers would have to pay these refunds beginning July 31, 1989.

The purpose of the change is pure and simple. It gives the farmers time to harvest this year's crop and generate some cash before they have to refund the money. Since these farmers suffered from the drought, they obviously do not have money at this time. What money they had was used to put in this year crop.

I want to emphasize that this provision does not forgive any refund that is due. Nor does it cost the Government any money. It simply shifts an amount of money that would be paid to the Government from this fiscal year to next fiscal year. The cost in 1989 is $16,000,000 with a corresponding increase in revenue of $16,000,000 in 1990. We have covered the cost in 1989 by reducing certain little-used or unused loan accounts.

Another important provision of the bill relates to farm direct operating loans. The House provided an additional $75,000,000 for these loans. We have not added the additional money, but we do take a step that will alleviate the current problem. For this year, we appropriated $900,000,000 for direct operating loans—the same level as in 1988.

The Farmers Home Administration's national office has held back $100,000,000 of these funds and will only disperse them on a case-by-case basis as applications are sent in from the States. It still has about $90,000,000 in this reserve. The reserve isn't doing farmers any good.

Therefore, our recommendation is to require the Secretary to disperse the reserve funds to the States so that States get at least as much money as they did last year. During the same period last year, FmHA had spent $106,000,000 more than this year. Yet they have the same amount of money available for both years. So the problem, as we see it, is one of administration, not one of funding.

Also, Mr. President, the bill includes an additional $224,624,000 for the Food Stamp Program. This money is needed to prevent an expected shortfall in funding which could result in the loss of benefits to eligible recipients for up to 7 days at the end of the year.

With that, Mr. President, I commend the agriculture chapter of this bill to my colleagues and urge them to support it.

REPROGRAMMING PROCEDURES FOR INTERNATIONAL PEACEKEEPING ACTIVITIES

Mr. NUNN. I would like to clarify a point concerning the transfer of Defense Department funds for international peacekeeping activities proposed in the committee amendment. As the distinguished chairman of the Subcommittee on Commerce, Justice, State, Judiciary, and Related Agencies knows, Department of Defense regulations require the approval of both the Armed Services and Appropriations Committees when the funds involved in a reprogramming are subject to legislation authorizing the annual appropriation of such funds. Is it the committee's intent that the Armed Services Committees would be involved in the approval process for any reprogramming and transfer of Defense Department funds subject to authorization proposed for transfer to the Department of State for international peacekeeping activities?

Mr. HOLLINGS. Yes, that is the committee's intent.

EXECUTIVE SCHEDULE CEILING

Mr. NUNN. Last year's DOD appropriations bill places a ceiling on DOD's use of executive schedule positions, limiting the Department to 39 such positions. The bill would increase the ceiling to permit DOD to have 45 positions.

The report sets forth the understanding of the Appropriations Committee that the new positions would be used for an Assistant Secretary for Intelligence, DOD Comptroller, Assistant Secretary of the Air Force for Financial Management, and the general counsels of the military departments.

It is my understanding that the bill does not increase the number of Assistant Secretaries of Defense beyond the 11 authorized under 10 U.S.C. 136. It does not prejudge the issue of whether the Secretary of Defense should establish the position of Assistant Secretary for Intelligence, a matter left to the Secretary's discretion under section 701 under last year's Authorization Act. It does not increase the number of Assistant Secretaries of the Air Force beyond the four provided in 10 U.S.C. 8016 (as amended by section 702 of last year's Authorization Act). It does not change section 703 of last year's Authorization Act, which provides that the general counsels of the military departments will be paid under the applicable rate for members of the Senior Executive Service.

Mr. INOUYE. The Senator's understanding is correct.

VETERANS' AFFAIRS MEDICAL PROGRAMS

Mr. BOSCHWITZ. Mr. President, I note with great pleasure that the fiscal year 1989 supplemental appropriations includes desperately needed funds for Department of Veterans Affairs medical programs.

I only regret that it has taken so long to secure this additional funding. We learned of the projected budget shortfall in VA health care last fall. At

that time, I wrote to President Reagan, urging him to personally intervene on behalf of a supplemental funding request for veterans' health care. Unfortunately, the VA's funding request was denied by the Office of Management and Budget.

As the budget shortfall began to take its toll, our worst fears were confirmed. The Minneapolis VA Medical Center—a model health care facility—was forced to cut 104 full-time employee positions from its staff. The VAMC at St. Cloud, MN, had to cut 72 staff positions. Inevitably, entire wards were closed, waiting periods went up, and the quality of health care declined. In an attempt to cut costs, the VA began to restrict care to category A veterans, those with low income or service-connected conditions.

Thousands of Minnesotans contacted my office, with stories of vets being forced to wait, and even being turned away, from needed care. For many Minnesota vets, particularly those in rural areas, the VA is the only viable source of health care. Suddenly, needy vets—who were never given a means test when they entered the service—were being denied care because they earned too much.

When the new administration began to take shape, many of us redoubled our efforts on behalf of veterans health care. I joined with my colleagues in writing to President Bush, early in his administration, asking him to give priority to VA medical care.

Later, I met with Congressman SONNY MONTGOMERY, chairman of the House Veterans' Affairs Committee, and helped him to bring OMB Director Richard Darman and Secretary of Veterans Affairs Edward Derwinski to Capitol Hill. At that meeting, Director Darman pledged to me that the Bush administration would include veterans' health care in its supplemental request.

Now that we are finally on the brink of passing that supplemental appropriations, veterans across the country can take heart that VA medical centers soon will be able to restore desperately needed care. I urge the administration—and my colleagues—to work to prevent future budget shortfalls.

As the veterans' population continues to age, the Department of Veterans' Affairs must make realistic requests for its health care budget—and Congress must act to keep VA health care fully funded. America's vets put it all on the line to keep us free. It is our obligation to see that they get the health care they deserve.

THE NEWARK FBI OFFICE

Mr. BRADLEY. Mr. President, last year's intelligence authorization bill established a demonstration project in New York City to encourage recruitment and retention of FBI agents. The demonstration provided a 25-percent pay raise to these agents, in an effort to strengthen the New York City office. I supported this important endeavor because the high cost of living in the New York metropolitan area was forcing many agents to seek other employment.

Mr. President, the New York demonstration contained a serious flaw—it failed to recognize that New York City and Newark, NJ, share the same labor market. Costs are high in both areas. Indeed, over half of the agents in the New York office live in New Jersey. A big pay raise limited to agents in the New York office creates an inequity for FBI agents working in the Newark FBI office—an inequity that is having a devastating impact on the morale of the Newark agents and their families.

And morale is not the only problem, Mr. President.

Over 30 experienced senior Newark agents have thus far requested transfer to New York. About 20 agents assigned to the Newark office have resigned since 1987—almost all of those resignations were related to pay problems. The Newark FBI office's ability to handle major cases, including complex foreign counterintelligence cases, is being compromised by the loss of experienced agents to New York.

It is clearly not the intention of Congress to resolve the problems in the New York FBI office by exacerbating the problems in the Newark FBI office. We need to resolve this problem by expanding the demonstration to include the Newark office.

I am pleased that the bill before us today requires the FBI to provide 10- to 15-percent pay raises for the FBI agents in the Newark office. I believe this will help resolve the problem in Newark.

Mr. President, the FBI has a long and proud tradition in New Jersey. We need to ensure that this tradition continues by providing adequate compensation for these dedicated professionals.

EMERGENCY MEDICAL TECHNICIANS

Mr. BRADLEY. Mr. President, on June 6, 1989, the National Association of Emergency Medical Technicians will hold its annual convention. I ask my colleagues to join me in taking this opportunity to thank these medical technicians and paramedics for their service to our communities.

The National Association of Emergency Medical Technicians represents over 450,000 professionals and volunteers. Every day, throughout our Nation, these brave men and women save lives. We depend on these well-trained, caring individuals to administer emergency care to the sick and injured.

We all hope we never need emergency assistance. But during a crisis, our greatest hope and comfort is an emergency medical technician who can provide life-saving treatment. I wish all participants an interesting and productive meeting, and continued success in the future.

ESSENTIAL AIR SERVICE

Mr. DASCHLE. Mr. President, I am pleased to have this opportunity to voice my strong support for including funding for Essential Air Service [EAS] in the supplemental appropriations bill we are considering today. Immediate action on this matter is crucial to 150 communities across this Nation.

I want to commend the Senate Appropriations Committee for voting to include this important funding in this bill as well as my many colleagues with whom I have joined forces to make sure this necessary program receives the funding it requires. The President pro tempore and chairman of the Appropriations Committee, Senator BYRD, deserves our special thanks for his efforts in this regard.

Small cities and towns nationwide are dependent on access to commercial air service for their economic vitality. When hearings were held on reauthorizing EAS during the 100th Congress, a recurrent theme in the expert testimony was that, without commercial air service, the economic stability of small communities would be in jeopardy, and that, without EAS, there would likely be no commercial air service in those areas.

The lack of commercial air service can no longer be described as simply an inconvenience. Today, the ability to receive commercial air traffic is a standard by which a community's ability to attract and retain businesses is accurately measured. Economic development is directly linked to available air service.

That fact has been cited by city officials from each of the five South Dakota communities that are currently receiving EAS subsidies. In letters, phone calls, and personal meetings with me, a clear message has been conveyed by the leaders of these centers of commerce in my State: the elimination of EAS is a direct threat to the economic well-being of these communities.

As my colleagues all realize, this situation is not unique to South Dakota. Nationwide, small cities and towns are battling for their economic futures. The outcome of those battles, according to the testimony of experts from across the country, is heavily contingent upon the presence or absence of reliable air service. This program truly is essential to the cities and towns it serves.

If EAS is forced to shut down for the last quarter of this fiscal year, there are serious doubts that the program will be reestablished next year. Airlines currently serving EAS communities certainly cannot be expected to allow their planes to sit for 3 months—they will need to be deployed

elsewhere. Reversing that action, once taken, seems highly unlikely.

Furthermore, given the previous administration's recommendations for eliminating EAS in numerous budget proposals, there is no reason to anticipate that, following a shutdown of the program for the last quarter of this fiscal year, the current administration will make any efforts to revive the program next year.

That is why approving this funding today is imperative. The future of many communities in rural America is dependent on this supplemental appropriation. I urge my colleagues to support this measure and to join me in working to have this crucial funding retained in conference.

NEW ALCOHOL LABELING LAW

Mr. HEINZ. I would like to engage my colleague, the chairman of the Subcommittee on Treasury Appropriations, Mr. DECONCINI, in a colloquy on a provision in the House version of H.R. 2072, the dire emergency supplemental appropriations bill. The provision is of vital importance to an enterprise in my State and its workers, Latrobe Brewing Co., which makes Rolling Rock beer.

Section 403 of the House bill, which was drafted with the assistance of the Bureau of Alcohol, Tobacco and Firearms, would enable this company to come into compliance with the new alcohol labeling law which requires a specific warning be printed on the container. About 25 percent of the company's business is in recycled bottles. Unlike other brewers whose recycled bottles use paper appliques, Latrobe has a unique stock of painted bottles which it cannot alter without great cost. Replacing the bottles with new ones by the end of the fiscal year would cost this $40 million company more than $5 million.

The company fully intends to meet the provisions of the law beginning this year by gradually replacing its existing stock of painted bottles over the next 3 years. The longer timeframe will enable the company to execute a workable plan which avoids disruption of its supply networks and accommodates the new costs. In the interim, the company will print the warning on the bottlecap.

I would hope that the Senate would agree to accept this provision in conference. This company has just battled through a tough period when many expected it to go under. And we would certainly not want to lose the 150 jobs at the plant because of a Federal mandate that is unresponsive to a unique situation in the brewing industry.

Mr. DECONCINI. I thank the Senator from Pennsylvania for bringing this matter to my attention. I can assure him we will closely consider this matter in the conference committee.

VETERANS' PROGRAMS

Mr. CRANSTON. Mr. President, as chairman of the Committee on Veterans' Affairs, I strongly needed fiscal year 1989 supplemental funding for veterans' programs.

Before commenting on these provisions, I wish to congratulate the distinguished Chair of the Appropriations Subcommittee on VA, HUD and Independent Agencies, Ms. MIKULSKI, for her excellent work on this measure and for the outstanding support of our Nation's veterans which she has consistently demonstrated throughout her service in the House and Senate and which is so clearly reflected in this bill—the first to come out of the Appropriations Committee since she took over the helm of that extremely important subcommittee. I wish to express my deepest gratitude to her and to the subcommittee staff—Kevin Kelly and Carolyn Simmons—for the many courtesies extended to me and Veterans' Affairs Committee staff with respect to a number of veterans issues with which this measure and the committee report deal.

DEPARTMENT OF VETERANS AFFAIRS HEALTH-CARE PROGRAMS

Mr. President, it is vitally important for the Congress to enact as soon as possible the $340 million appropriation in this bill for the Department of Veterans Affairs [VA] medical care account.

In the current fiscal year, VA is experiencing a very serious and damaging shortfall in funding for the operation of its health-care facilities. This fiscal crisis has been in the making for some time. As we approached the end of the 100th Congress, tremendous VA health-care funding difficulties became painfully obvious. When it appeared that many VA medical centers were headed toward financial disaster in the waning months of fiscal year 1988, I was able—despite the administration's refusal to heed VA's desperate call for help—to propose and obtain enactment of a $31.7 million fiscal year 1988 supplemental appropriation for VA medical care.

Just prior to the start of the current fiscal year, in September 1988, I chaired our committee's hearings on the adequacy of the VA budget. At these hearings, we heard very compelling testimony about the severity of the problems facing the VA health-care system and predictions about how the budget woes would affect the quality and quantity of VA care in fiscal year 1989. At these September hearings, VA medical center directors, doctors, and nurses virtually unanimously described, under oath, the situation then as a crisis and "the worst financial crunch" they had ever seen in VA health care.

According to VA's Chief Medical Director, Dr. John Gronvall, at the September 9 hearing, the fiscal year 1989 deficit was projected to be $635 million. That, I believe, was a conservative estimate. Other credible estimates placed the full fiscal year 1989 shortfall at as much as $1.1 billion, taking into account the need to address the enormous and growing—by then over half-billion-dollar—backlog of equipment purchases and repairs and building maintenance items. Also, in connection with those hearings, then-Administrator Thomas K. Turnage, who had consistently failed to acknowledge the crisis as it worsened, conceded a need for additional fiscal year 1989 medical care funding of $432 million and finally requested the Office of Management and Budget's approval for fiscal year 1989 supplemental funding.

On October 11, 1988, 24 other Senators and I wrote to President Reagan urging the prompt submission of an administration request for supplemental funding before the 100th Congress adjourned. Unfortunately, no such request was forthcoming from the Reagan administration. Therefore, immediately after President Bush assumed office, 40 Senators joined me in a January 1989 letter urging him to submit fiscal year 1989 and fiscal year 1990 budget requests for additional VA medical care funding. Regrettably, our urging brought about no immediate relief.

On Feburary 7, then-Secretary of Veterans' Affairs-designate Edward J. Derwinski wrote to me to report that he had submitted to OMB requests for a fiscal year 1989 medical care supplemental of $314 million and for $512 million in additional medical funds for fiscal year 1990. He stated that he had discussed VA's need for a supplemental appropriation with OMB Director Richard Darman and, because no response had been received, requested a meeting with the President. As the committee worked to prepare for its March 6 budget hearing, we awaited word on the fate of this supplemental request. On March 1, I met personally with Mr. Darman, Mr. Derwinski, and several other of my Senate and House colleagues. At that time we thoroughly discussed VA's dilemma and the ramifications of the lack of funds, and we stressed the need to send forth the supplemental funding request. Finally, on March 24, the administration submitted a $303 million supplemental request for VA's medical care account.

As the House Subcommittee on VA, HUD and Independent Agencies considered the supplemental request, our committee, on April 6, held an oversight hearing on VA health-care funding in follow-up to our September 1988 hearing. At the April hearing, we heard testimony from veterans' service organization field service officers and from VA hospital staff—medical center directors, chiefs of staff, direc-

tors of social work, and a head nurse. Their testimony demonstrated clearly that the VA health-care system is in even more serious jeopardy than it was last September. I was concerned and moved by the examples these witnesses provided of the types of patients being turned away from VA facilities and the conditions under which health-care professionals are being forced to practice. One California social worker told of a terminally ill female veteran who has been treated by VA health-care professionals for over 7 years. She was sent a letter telling her she no longer could receive VA care as of this February. Another example was of a veteran who as a result of cancer had much of his jaw removed and, prior to its reconstruction, was sent a letter stating that he could no longer receive VA care and would have to go elsewhere. Still another was of a VA medical center having to contract out a test because the facility could not afford a $240 replacement part in its own equipment.

In connection with our April 6 hearing, VA's Chief Medical Director confirmed that large number of program reductions and closures which had been separately reported to us from the field after we had conducted a survey of over 40 VA facilities. He advised that 390 individual restrictive actions had already been taken by VA medical centers across the country in response to the budget shortfall. This included cutbacks or closings of drug and alcohol abuse treatment centers, VA nursing home-care units, fee-basis readjustment counseling payments, home-care programs, and acute-care beds. In facts, according to VA submissions following the hearing, 108 medical centers have reduced workload in some manner and 43 medical centers have closed a total of 1,905 beds; additionally, there is an estimated fiscal year 1989 reduction of 545,914 outpatient visits distributed among 77 medical centers and an estimated reduced community nursing home care census of 893.5 distributed among 41 medical centers.

At the April 6 hearing, we also heard from four deans of VA-affiliated medical schools. Not only did they talk of the inability to recruit physicians to work in the VA system, but they spoke also of the growing problems with maintaining the quality of patient care that are resulting from the lack of up-to-date or useable equipment. Mr. President, I ask unanimous consent that information sent to me from Dr. Kenneth I. Shine, dean of the UCLA Medical School, in response to my questions at that hearing, be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER without objection, it is so ordered.

(See exhibit 1.)

Mr. CRANSTON. Mr. President, according to those data, at the VA West Los Angeles Medical Center alone, there is a need for $10.1 million of replacement equipment and $2.2 million of additional equipment for clinical services. The Sepulveda VA Medical Center lists $5.4 million of replacement equipment needed and some of it—items as simple but as essential as electric beds—have needed replacement as long ago as 1975.

With respect to prostheses, as of September 1988, the projected funding shortfall for this purpose was $10.6 million nationwide for FY 1989. It is probably higher now. To a veteran waiting for a new or replacement limb, or experiencing pain and immobility while waiting for a total joint replacement, this is a devastating shortage. I believe that it is a moral outrage to suggest to veterans, particularly to those who were injured or maimed as a result of their service, that they go without this kind of assistance.

On April 20, 1989, I wrote to my good friend, Senator MIKULSKI, chair of the Subcommittee on VA, HUD and Independent Agencies, urging that the subcommittee support the House figure of $340 million, suggesting report language, which the committee has adopted, and recommending $60.6 million be added for equipment and prostheses. Mr. President, I ask unanimous consent that a copy of this letter be printed in the RECORD at this point.

The being no objection, the letter was ordered to be printed in the RECORD, as follows:

COMMITTEE ON VETERANS' AFFAIRS,
Washington, DC, April 20, 1989.

Hon. BARBARA MIKULSKI,
Chair, Subcommittee on VA, HUD, and Independent Agencies, Committee on Appropriations, U.S. Senate, Washington, DC.

DEAR BARBARA: I am writing to urge that, when your Subcommittee considers the FY 1989 VA supplemental appropriations measure that is currently pending before the House, you add $60.6 million to the $370 million proposed by VA's medical care account by the House Committee on Appropriations. Of the additional amount, I recommend that $50 million be earmarked to reduce the enormous backlog of urgent medical equipment and $10.6 million to reduce the backlog in prosthetic purchases.

I strongly support the House Committee's recommendations, including the $24.9-million addition for the General Operating Expenses account, which is fully in line with the recommendations of our Committee in our March 13 budget recommendations (which I previously provided to you).

You will recall that I sent you a January 30 letter and a February 8 memorandum providing information about our Committee's September 1988 hearings on the adequacy of VA funding. In follow-up to these September hearings and our March 6 budget hearing, our Committee held an oversight hearing on VA health care on April 6. At this hearing, we heard testimony from veterans' service organization field service officers and from VA hospital staff—medical center directors, chiefs of staff, directors of social work, and a head nurse. Their testimony demonstrated clearly that the VA health-care system is in even more serious jeopardy than it was last September. Veterans in need of care are being turned away; many who are entitled to care are experiencing undue delays; much medical equipment is outdated, broken, or nonexistent; and many programs have been cut or closed entirely. It is clear that the quality of care in the VA health-care system is at risk.

In connection with this recent hearing, Dr. Gronvall, the Chief Medical Director, has advised that 390 individual restrictive actions have been taken by VA medical centers across the country in response to the budget shortfall. This includes cutbacks or closings of home-care programs, drug and alcohol abuse treatment centers, nursing home care units, fee-basis readjustment counseling payments, and acute-care beds. Although not all of these actions are complete program shutdowns, 26 percent of all VA facilities have reduced the number of their operating beds and another 26 percent have reduced their patient workloads.

According to Dr. Gronvall, the FY 1989 supplemental appropriation of $340 million initially recommended for the medical care account by the House Appropriations Subcommittee on VA, HUD, and Independent Agencies would be adequate to enable VA to start building back up to 194,720 FTEE—the level mandated by Congress for FY 1989—and $797 million above the Reagan Administration request for this account for FY 1990 would allow VA to remain at this FTEE level throughout FY 1990. It is important to note that, although this supplemental FY 1989 funding will permit VA to begin to restore FTEE, it will not permit VA to restore in any appreciable way the workload which has previously been reduced. What it will do is to forestall further workload and FTEE reductions, which are slated to be implemented if supplemental funding is not available by the end of May.

Although I applaud the House Committee's actions, I strongly believe that further additional funding is desperately needed in order to enable VA to deal with the tremendous backlog of equipment purchases it currently faces—$645 million—and the lack of available prostheses at its facilities throughout the country. It is vitally important that we not put off until FY 1990 the effort to cut into these very destructive backlogs which are jeopardizing the quality of care across the system.

The dangerous equipment backlog has developed over the past several years as VA facilities have postponed replacement-equipment purchases in order to use funds originally intended for that purpose to meet, instead, pressing needs for personnel funds. As a result, we have learned that unsafe, unuseable, and outdated equipment is having an adverse impact on the quality of veterans' health care in some facilities and on VA's ability to recruit and retain qualified physicians and other health-care professional staff. The $50 million I am proposing would be used—if made available before mid-July—to help meet VA's most pressing needs for equipment used in the diagnosis and treatment of veterans. Some examples of acquisitions this would make possible are set forth in the enclosure.

With respect to prostheses, as of September 1988, the projected funding shortfall for this purpose was $10.6 million for FY 1989. It is probably higher now. To a veteran waiting for a new or replacement limb, or experiencing pain and immobility while

waiting for a total joint replacement, this is a devastating shortage. I believe that it is a moral outrage to suggest to veterans, particularly to those who were injured or maimed as a result of their service, that they go without this kind of assistance.

I note with pleasure that the House Appropriations Committee, as part of overall McKinney Act funding for FY 1989, included the $30 million authorized for VA programs for homeless veterans. I strongly urge that, if the Senate Committee also follows the course of funding McKinney Act authorizations—as our Committee recommended in our March 13 budget recommendations—the VA's two programs be appropriately funded and that the bill include language making those VA funds available through FY 1990. Without such a carryover, I believe it is a certainty that in the months remaining in FY 1989 the funds would not be used as effectively or fully as possible to assist homeless veterans.

Finally, I urge that you make clear in the Committee report accompanying the supplemental appropriations bill that:

"(1) The add-on is intended to enable VA to build back toward the 194,720 FTEE-level by the close of the fiscal year, and the FTEE ceiling necessary for that purpose is intended to be provided by the Office of Management and Budget. However, VA is not being directed to achieve any particular FTEE level in the medical care account in FY 1989.

"(2) The Committee recognizes that, as to recurring costs, funding must be provided in FY 1990 to continue the level being provided for in FY 1989 through the supplemental, especially for the maintenance of the 194,720 FTEE for FY 1990.

"(3) The add-on is also intended to enable VA rapidly to being to reduce the outpatient delays being experienced by Category A veterans and to restore the beds, facilities, payments, and programs that have been closed down or curtailed this fiscal year as a result of the shortfall, and VA is directed to begin this restoration process immediately upon receiving this appropriation."

(In order to provide the FTEE and program flexibility necessary at this point in the fiscal year that I am recommending in the second sentence of item (1) above, it is essential that personnel dollars not be fenced.)

Barbara, I greatly appreciate your consideration of these important matters, and I look forward to your expeditious action on VA supplemental appropriations.

With warm regards,

Cordially,

ALAN CRANSTON,
Chairman.

Mr. CRANSTON. Mr. President, I am delighted that the committee has adopted the suggestion that Senator DECONCINI and I made to shift funds to provide $1,160,000 to begin to make a dent in the shameful prosthesis backlog.

Mr. President, I have not been so gravely concerned about the status of the VA health-care system since 1969 and 1970 when I became involved with VA matters as a Senator. Although I believe strongly that we must do all that we can to reduce the Federal deficit and maintain spending at realistic levels, we must not attempt to move toward a balanced budget at the expense of our Nation's veterans. We owe our veterans more than that—far more than that.

The funding for VA programs provided in this bill clearly falls within the exception for dire emergencies that was provided for in the November 1987 Bipartisan Budget Summit agreement.

I recently received a copy of a May 16 letter from Secretary Derwinski to the chairman of the House Committee on Appropriations [Mr. WHITTEN] stating that the VA's medical care program is

Now in a state of emergency. * * * The VA has virtually exhausted its flexibility to borrow from nonpayroll accounts to support the employment level necessary to properly treat veterans. Inventories of supplies are low, and the purchase of necessary medical equipment will have to be postponed until next fiscal year.

Mr. President, I ask unanimous consent that a copy of this letter be printed in the RECORD at this point.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

DEPARTMENT OF VETERANS' AFFAIRS,
Washington DC, May 16, 1989.

Hon. JAMIE L. WHITTEN,
Chairman, Committee on Appropriations, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: The House will shortly be considering a supplemental appropriation request which contains much needed funding for veterans' health care programs. I must respectfully bring to your attention that the Medical Care program is now in a state of emergency. Each day that supplemental funding is not forthcoming, the level of service provided by the VA's medical system is diminished. The VA has virtually exhausted its flexibility to borrow from nonpayroll accounts to support the employment level necessary to properly treat veterans. Inventories of supplies are low, and the purchase of necessary medical equipment will have to be postponed until next fiscal year.

I would appreciate whatever steps you can take to ensure that the medical care supplemental request is enacted by the Congress without further delay, realizing that you have other obligations that warrant full consideration.

Currently, the medical employment level is at 190,728 FTEE, 4,000 below the level directed by Congress. The employment reduction has reduced the number of outpatients treated this year by approximately 600,000 visits. Without action on the supplemental, medical employment will start dropping by 200 FTEE or more for each 2-week pay period. As of May 19, 1989, VA capital accounts will be frozen even though the replacement equipment backlog is in excess of $600 million. Activation funding for 96 projects will be stopped, as will funding for high technology sharing agreements with DoD and private hospitals.

The President is clearly committed to supplemental funding for veterans' health care programs. I seek your assistance in guiding this supplemental through Congress and ensuring it is not encumbered with amendments or provisions that could delay Presidential approval.

Sincerely yours,

EDWARD J. DERWINSKI,
Secretary.

Mr. CRANSTON. Mr. President, I was greatly concerned to see, on May 26—the beginning of the Memorial Day weekend—that Secretary Derwinski had found it necessary to take actions to place a nationwide freeze on accepting new category B and C veterans. He also froze capital expenditures—medical equipment and building repairs, for example—and the hiring of personnel and further delayed the activation of newly completed medical-facility construction projects so that the funds involved might be used to offset prior funding actions that were taken to support fiscal year 1989 employment levels. Those levels are already near 4,000 full-time employment equivalents [FTEE] less than the fiscal year 1988 congressionally mandated 194,720 FTEE. Freezing capital accounts will have the effect of further increasing the replacement equipment backlog, earlier projected by VA to be a staggering $530 million by the end of this fiscal year. Also, according to VA, if supplemental funding is not received by July 1, 1989, temporary employees may have to be terminated in order to avoid reductions in force or furloughs, personnel levels will continue to drop, new activations will be halted, drug and supply purchases will be further diminished, and workload and clinical programs may be reduced beneath the already too-low current levels.

Although I would have preferred a VA medical care supplemental appropriation in a substantially greater amount and far earlier in the current fiscal year, I want to stress that it is vitally important that we move ahead with the $340 million proposed in this measure. Without this additional funding, VA will be forced to take those additional drastic actions resulting in a further negative impact upon the quality and quantity of care furnished to our Nation's veterans and the livelihoods of those furnishing that care.

PROPOSED USE OF THE MEDICAL CARE FUNDS

According to an April 5, 1989, letter I received from Secretary Derwinski, a supplemental appropriation in the amount of $303 million as requested by the administration would permit payback of those funds which were borrowed from other VA accounts as well as allow VA to accomplish other necessary objectives. Approximately 38 percent of the amount, $132 million, would be used to restore capital accounts, including activations, and $32 million would be used to augment activations. Of that $132 million, $86 million would go toward equipment and nonrecurring maintenance expenditures. Additionally, $64.7 million would be used to increase FTEE to reach an end-of-year cumulative level of 191,616 to support outpatient workload, $28.5 million would be used for

"all other" costs such as drugs and operating supplies to support outpatient workload, $23.7 million would be restored to the community nursing home program, permitting VA to support an increase in the average daily census; and $52.5 million would be distributed to VA regions to be utilized specifically to support currently unfunded needs—especially, I would expect, in outpatient care.

Mr. President, I am pleased to note that the Appropriations Committees increased the administration's request by $37,125,000 in order to eliminate the severe cutback in beneficiary travel proposed by the administration and to enable VA to rebuild its healthcare employment level by the end of this fiscal year to the 194,720 FTEE level mandated by the Congress for fiscal year 1988.

Thus, Mr. President, as I stressed in my April 20 letter to Senator MIKULSKI, this supplemental appropriation would provide the funding necessary to prevent the current bad situation from deteriorating further and put VA on a course toward restoration of the system to the personnel and operational levels of last year. That would set the stage for an fiscal year 1990 appropriation in an amount that will maintain the system at those levels and will begin reducing the backlogs in equipment, repairs, and prostheses that will continue to menace the quality of VA care unless and until they are addressed.

Specifically, the $340 million being provided is intended to restore the personnel level to 194,720 FTEE by the end of the fiscal year, to ensure that VA is able rapidly to begin to reduce the outpatient delays being experienced by category A veterans and to restore the beds, facilities, payments—including readjustment counseling fee payments—and programs that have been closed down or curtailed this fiscal year as a result of the shortfall, and VA is expected to begin this restoration process immediately upon receiving this appropriation.

FAILURE TO REMOVE PERSONNEL COST FENCE

In this regard, Mr. President, I must express my disappointment that the House measure contains a provision which would place a fence around $6.8 billion of the total available to VA under the medical care account in fiscal year 1989 so that these funds can be used only for personnel costs. The purpose of this earmarking is very laudable: To "ensure that adequate funds are made available to support an average employment of 194,720 FTEE by the end of the fiscal year," according to the House Committee report.

I agree wholeheartedly with that objective. However, I believe that this specific provision is inadvisable this year at this point. I strongly believe that not a single dollar of fiscal year 1989 VA medical care funds can be permitted to be lost that could conceivably be used for such important purposes as medical equipment and prostheses. Thus, I am very pleased that the Senate Appropriations Committee agreed to my recommendation to delete the fencing provision. The Secretary has provided assurances to me and the Appropriations Committee that every effort will be made to achieve that staffing level through a balanced personnel buildup by September 30, 1989. However, I also recognize, as does also the Chair of the VA, HUD and Independent Agencies Subcommittee, Senator MIKULSKI, that it may not be feasible during the few months remaining in the current fiscal year to build VA medical staffing to that strength in a balanced, appropriate way. Should VA, despite all best efforts, thus not be able to utilize the full $6.8 billion for personnel purposes, I strongly believe that any remaining funds in the medical care account projected to be available during the closing days of the fiscal year should be available to be obligated by VA for acquisition of urgently needed medical equipment and prostheses.

In this regard, I congratulate the Appropriations Committee and Senator MIKULSKI for the language in the committee report directing VA to develop a plan by September 1 for obligating for these pressing equipment and prosthetics needs, beginning September 15, any medical care funds then projected to be unused so that any personnel or other funds that would otherwise lapse at the end of the fiscal year will be obligated for those high-priority items. Secretary Derwinski has given his assurances that VA will do this.

ENTITLEMENT ACCOUNTS

Mr. President, I am very pleased that the supplemental contains $701,481,000 for VA's compensation and pension account, from which compensation for veterans with service-connected disabilities, dependency and indemnity compensation [DIC] for the survivors of veterans who die of service-connected causes, needs-based veterans' pensions, and veteran's burial benefits are paid.

This additional funding is needed to cover the costs ($358.1 million) of the 4.1-percent fiscal year 1989 cost-of-living-adjustment, effective on December 1, 1988, which was enacted in division B of Public Law 100-687, the Veterans' Benefits Improvement Act of 1988, on November 18, 1988, for compensation and DIC benefits. In addition, $343,381,000 million is needed for increased compensation caseload projections and average payments; the costs of the benefits we provided under Public Law 100-321, the Radiation-exposed Veterans Compensation Act of 1988, for veterans who were exposed to radiation from nuclear detonations and subsequently developed certain cancers; the costs of the increases in other service-connected benefits that we enacted in Public Law 100-322, the Veterans' Benefits and Services Act of 1988; and the rescheduling of some payments from 1988 to 1989.

Specifically, the supplemental contains $22,212,000 to provide additional funds required to implement the provisions of Public Law 100-322 to increase the maximum grants to certain service-disabled veterans for specially-adapted housing and automobiles and to implement the transfer, under Public Law 100-323, the Veterans' Employment, Training, and Counseling Amendments of 1988, of payments for State Approving Agencies to the readjustment benefits appropriation from the general operating expense appropriation—an unbudgeted readjustment benefit that will cost $12 million in 1989.

I am particularly delighted to see these funds being made available before a shortage in the accounts involved threatens any delay, as occurred last year, in the payments to veterans who are entitled to them.

GENERAL OPERATING EXPENSES

Mr. President, I am equally delighted that the supplemental, as I had urged in my April 20 letter to Senator MIKULSKI, provides an additional $24,900,000 for the general operating expenses account—including $15 million to permit the Veterans Benefits Administration [VBA] to maintain its current staffing level of approximately 12,700—and removes the mandate in Public Law 100-404 for VBA to maintain a floor level of 12,898 FTEE in fiscal year 1989. VA would not have been able to maintain the 12,898 FTEE level without undesirable cuts to nonpayroll accounts and other actions which would not have been in the interest of VA or cost effective.

The other $9.9 million is intended for VA's Loan Production System [LPS]—a cost-effective automated data processing system which will substantially improve the administration of VA's home-loan guaranty program. I authored legislation, enacted in Public Law 100-687, authorizing this funding to be made available, if approved in an appropriations act, for LPS. This direct appropriation obviously serves exactly the same beneficial purpose.

UNITED STATES COURT OF VETERANS APPEALS

Mr. President, this measure contains an historically and programatically very significant provision to make the initial appropriation—of $3.1 million—for the United States Court of Veterans Appeals. This new court was established under division A of Public Law 100-687, the Veterans' Judicial Review Act, as the culmination of over 10 years of work to provide veterans with

the right of judicial review of VA decisions denying their claims for benefits.

On March 17 and 20, I wrote to Senator MIKULSKI requesting that $3.1 million be included for the court in an fiscal year 1989 supplemental appropriation measure and that such funds be available through fiscal year 1990. Included a detailed budget plan for the court which had been prepared by the General Services Administration at my request and the request of House Veterans' Affairs Committee Chairman MONTGOMERY. I am very pleased that this bill complies fully with my requests.

The court is to begin operations on September 1, 1989, and in early May then-Chief Judge-designate Frank Q. Nebeker, whose nomination the Senate confirmed on May 17, brought to my attention the difficulties he foresaw in getting the court operational in a timely manner if it was required, as current law provides, to adhere to normal civil service laws in the initial staffing of the court. Thus, on May 9, I wrote Senator MIKULSKI again to urge inclusion in the supplemental appropriation for the court of a provision, a draft of which I enclosed with my letter, to provide the court with temporary authority to bypass the time-consuming civil-service register process in the hiring of a limited number of its initial corps of employees. I am very grateful to the Senator from Maryland for her wonderful cooperation in seeing to it that this provision was included.

Mr. President, I ask unanimous consent that copies of my three letters regarding the new court be printed in the RECORD at this point.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

UNITED STATES SENATE,
COMMITTEE ON VETERANS' AFFAIRS,
Washington, DC, March 17, 1989.

Hon. BARBARA MIKULSKI,
Chair, Subcommittee on HUD-Independent Agencies, U.S. Senate, Washington, DC.

DEAR BARBARA: I would like to take this opportunity to highlight the need for funding for the creation and the operation of the U.S. Court of Veterans Appeals. The three-to-seven judge Court, which was established under Public Law 100-687 and is to begin hearing cases on September 1, 1989, is the culmination of over 10 years of work in the Senate to ensure that veterans are accorded the fundamental right of judicial review of veterans' benefit claims. Although the Reagan budget request included some funds for the Court for FYs 1989 and 1990 ($1.2 and $1.5 million, respectively), these amounts will not be sufficient to start up and operate the Court.

At this Committee's request, the General Services Administration prepared a preliminary personnel plan, space assessment, and operating budget for a three-, five-, and seven-judge Court. The Committee recently received a new version of these estimates, updated to include funding for public access to the Court files, which is enclosed for your review. According to these estimates, a seven-judge Court will require a total of $3.1 million for FY 1989 (a $1.9 million increase over the Administration's budget), which would include $1.6 million for initial non-recurring items. Assuming the FY 1989 funding is obtained, Court operations in FY 1990 are estimated to cost a total of $6.3 million, or $4.8 million over the request.

To ensure that the long-sought right Congress recently accorded veterans and other claimants to have their benefit claims reviewed by a judicial entity is a real not a hollow one, it is imperative that the Court of Veterans Appeals have sufficient start-up funding, including funds for salaries, short-term space, equipment, and commitments for long-term space and renovations. Without very prompt enactment of an FY 1989 supplemental appropriation, or of a temporary funding transfer such as we discussed in our very productive February meeting (which could be made from a non-appropriated account, or a combination of them, such as the Post Fund, the Canteen Fund, or the Direct Loan Revolving Fund), there are absolutely no funds available to pay any salaries or obtain any space or supplies and equipment. The VA's General Counsel has advised that the Department has no authority to transfer reprogrammed funds for such purposes since the Court is a totally independent entity, not in any way part of or tied to the Department of Veterans Affairs.

I appreciate your attention to this matter.

With warm regards,

Cordially,

ALAN CRANSTON,
Chairman.

U.S. SENATE,
COMMITTEE ON VETERANS' AFFAIRS,
Washington, DC, April 4, 1989.

Hon. BARBARA MIKULSKI,
Chair, Subcommittee on VA, HUD and Independent Agencies, Committee on Appropriations, U.S. Senate, Washington, DC.

DEAR BARBARA: Thank you for your March 23 response to my earlier letter highlighting the need for adequate funding for the creation and operation of the U.S. Court of Veterans Appeals. As you well know, the Bush March 24 FY 1989 supplemental request includes funding—albeit not in an adequate amount—for the Court's start-up and operational costs.

There is one point I failed to mention in my earlier letter that needs to be stressed: the vital importance of ensuring that the FY 1989 funding be made available through September 30, 1990. Such a two-fiscal-year provision would accommodate the uncertainty of the Court's operational schedule, particularly as to non-recurring start-up costs, in its early months of operation.

Thank you for your continued attention to this matter.

With warm regards,

Cordially,

ALAN CRANSTON,
Chairman.

U.S. SENATE,
COMMITTEE ON VETERANS' AFFAIRS,
Washington, DC, May 9, 1989.

HON. BARBARA MIKULSKI,
Chair, Subcommittee on VA, HUD and Independent Agencies, Committee on Appropriations, U.S. Senate, Washington, DC.

DEAR BARBARA: I am writing to request your help again with respect to the operation of the new U.S. Court of Veterans Appeals, which was established under Public Law 100-687 as the culmination of over 10 years of work to provide veterans with the right to judicial review of VA decisions denying their claims for benefits. Before the Court begins hearing cases on September 1, 1989, it must be able to hire staff, arrange for court rooms and offices, acquire furnishings and equipment, establish procedures and practice rules, and complete a multitude of other housekeeping and administrative arrangements.

Section 4081 of title 38, United States Code, as enacted in Public Law 100-687, provides that the Court may appoint such employees as may be necessary to execute the functions vested in the Court and that such appointments must be made in accordance with the provisions of title 5 governing appointment in the competitive service, except that the classification of position may be based on judicial branch classifications.

The Court's Chief Judge-designate, Honorable Frank O. Nebeker, has pointed out that he foresees very serious practical difficulties arising from the mandate to comply with competititive-service requirements in the appointment of certain personnel. Thus, he noted that using the civil-service-register would delay by months the hiring of personnel that will be needed from virtually the very first day that the Court receives funding, particularly a clerk, deputy clerk, administrative officer, and certifying officer.

I believe this concern is well founded and am thus requesting that your Subcommittee include in the FY 1989 supplemental appropriations measure, in which the initial funding for the Court is being provided, the enclosed language providing the authority, without regard to the title 5 competitive-service requirements, for making initial appointments of a clerk, deputy clerk, administrative officer, and certifying (fiscal) officer and of up to 30 other administrative positions, and for filling any vacancies that may occur in these positions, during calendar year 1989.

I appreciate your consideration of this issue and your continued efforts to ensure that the long-sought right Congress recently accorded to veterans and other claimants to have their benefit claims reviewed by an independent judicial entity is effectuated in a timely and effective manner.

With warm regards,

Cordially,

ALAN CRANSTON,
Chairman.

PROPOSED STATUTORY LANGUAGE FOR COURT OF VETERANS APPEALS' EMERGENCY INTERIM AUTHORITY TO EMPLOY PERSONNEL

Provided, That, notwithstanding section 4081 of title 38, United States Code, during calendar year 1989 (1) the Chief Judge of the United States Court of Veterans Appeals (subject to ratification not later than 90 days after the date of the enactment of this Act by the Court when there are at least two Associate Judges on the Court) may appoint as employees of the Court without regard to the provisions of subchapter I of chapter 33 of title 5, United States Code, a clerk, deputy clerk administrative officer, and certifying officer of the Court (including persons to fill vacancies in such positions); (2) the Court may appoint not to exceed 30 other employees (including persons to replace any such employees) without regard to such provisions; and (3) the principles of preference for the hiring of veterans and other persons established in such subchapter shall be applied in the making of any such appointments under clauses (1) and (2).

Mr. CRANSTON. Mr. President, as I have previously indicated, the need for fiscal year 1989 supplemental medical funding has been apparent since last September and I, joined by many other Senators, urged President Reagan in October 1988 and President Bush in January 1989 to submit a supplemental request.

Unfortunately, no such request was forthcoming until March 24. In light of that delay, it is regrettable that the House was unable to pass a measure providing supplemental funding until 7 weeks later during the afternoon of May 18, the last day that the Senate was in session before its long-scheduled May recess, and then rejected last week the Senate's offer to provide stopgap funding until June 14 for VA programs.

Nevertheless, I fervently hope that the other body will come together very rapidly with our Senate conferees on this measure and reach an expenditious agreement which will ensure enactment of the funding in this measure that is so vitally needed for veterans' programs as well as the other, urgent, top-priority national needs.

EXHIBIT 1

UNIVERSITY OF CALIFORNIA,
LOS ANGELES,
Los Angeles, CA, March 28, 1989.

Senator ALAN CRANSTON,
Hart Senate Office Building,
Washington, DC.

DEAR SENATOR CRANSTON: At the recent meetings of the Senate Veterans Committee, you asked for a description of the important equipment needs at the VA facilities associated with the UCLA School of Medicine. In my testimony, I indicated that there were serious problems with equipment which have been exacerbated by the use of capital monies in order to make up for the operating shortfalls. A list of these equipment needs is enclosed.

I understand that there may well be a supplemental appropriation for the VA facilities this year. I would emphasize that serious shortfalls still occur in other less dramatic areas of equipment, for example, joint prothesis, heart valves, and other items which are required on a patient-by-patient basis. Often, the supplemental appropriations allow for catch-up in such areas and the funding of capital equipment also does not cover these needs.

Once again, thank you for your vigorous efforts on behalf of veterans throughout the United States and particularly on behalf of the veterans hospitals in Los Angeles.

Warmest best wishes,

Yours truly,

KENNETH I. SHINE, M.D.,
Dean.

EQUIPMENT NEEDS FOR VAMC WEST LOS ANGELES

The attached report lists the current equipment needs for VAMC West Los Angeles in two categories: (1) Replacement equipment and (2) additional equipment. Inasmuch as Wadsworth Hospital opened in March 1977, most of the equipment was purchased in 1976 and has now become obsolete. The requests for additional equipment are those items needed to keep up with the "state of the art" in clinical practice. All equipment items costing under $100,000 have been aggregated into a miscellaneous (MSC) category. Those items exceeding $100,000 are specifically identified.

H. EARL GORDON, M.D.,
Chief of Staff, Wadsworth Division,
VAMC West Los Angeles.

VA WEST LOS ANGELES MEDICAL CENTER ADMINISTRATIVE SERVICES

Service	Item	Replacement	Additional
Building management	Miscellaneous	33,153.00	27,072.40
Dietetics	do	36,464.00	
Engineering	do	94,256.00	7,497.00
Fiscal	do		153.00
IRM	do		80.00
Medical administration	do	689.95	
Personnel	do		80.00
Pharmacy	do	27,013.00	28,890.00
Supply	do	121,171.00	730.00
	Sterilizer, steam	244,704.00	
Total		557,450.95	64,502.40

VA WEST LOS ANGELES MEDICAL CENTER CLINICAL SERVICES

Service	Item	Replacement	Additional
Ambulatory care	Miscellaneous	515.00	
Anesthesiology	do		36,310.00
Audiol and Speech	do		4,718.00
Cent. Dental Lab	do	6,858.00	6,375.00
Dental	do	12,880.00	
Dermatology	do		160.00
Dialysis	do	28,770.31	9,000.00
Laboratory	do	124,094.97	11,294.00
	Cell sorter		95,000.00
Medical	Miscelloaneus	43,122.00	101,292.00
	Doppler, color echocardio.	187,000.00	
Medical Media	Miscellaneous	27,985.00	52,840.00
Nuclear medicine	do	1,195.00	84,800.00
	Scint. camera body	157,000.00	
	Scint. camera detector	140,000.00	
	Scint. camera, tomograph.	345,000.00	
	Scint. camera, basic	180,000.00	
	Position camera upgrade.		1,400,000.00
Nursing	Miscellaneous		9,278.00
Prosthetics	do	365.00	
Psychiatry	do	269.00	314.00
Pshchology	do	6,048.78	1,376.00
Radiation Ther	do	2,658.00	15,181.00
	Linear Acclerator	1,200,000.00	
	Cobalt 60 machine	500,000.00	
	Digital contour and filter.		110,000.00
	BSD 500 hyperthermia.		154,000.00
Radiology	Misdellaneous	135,970.00	
	Computerized axial unit.	900,000.00	
	Phillips angio	1,348,576.00	
	Cardiac cath lab	1,590,000.00	
	Phillips mobile C—Arm (Pulmonary).	130,000.00	
	Phillips mobile C-Arm (cardiology).	130,000.00	
	Phillips mobile C-Arm (surgery).	130,000.00	
	Phillips head unit	180,000.00	
	G.E. 800ma R&F unit	260,000.00	
	Profex 1000ma unit	100,000.00	
	G.E. R&F	260,000.00	
	Picker 800ma R&F	260,000.00	
	G.E. 800ma R&F	260,000.00	
	Profex 1000ma	195,000.00	
	Picker 800ma R&F	260,000.00	
	do	260,000.000	
	G.E. remote (Brentwood).	330,000.00	
	CGR 1000ma R&F	266,000.00	
Rehab. medicine	Miscellaneous	57,907.00	897.00
Social work	do	5,463.00	368.95
Surgery	do	107,101.00	113,603.25
St. Barb—OPC	do	6,000.00	6,807.00
Total		10,135,778.06	2,213,614.20

EQUIPMENT LIST, VAMC SEPULVEDA

The attached lists reference equipment needs that have not been purchased due to a shortage of equipment funds. Over the past two years equipment funds have been deferred to cover other critical needs at this medical center.

The High Tech/High Cost list reflects those items which are typically funded by the region and for which we have the greatest need. Many of these items are basic for routine health care and are essential for day to day operation. the electric beds and mobile shelving are critical needs on the high cost list. The final schedule contains numerous items which we have not been able to purchase due to the lack of funds. The inability to provide these items has impaired the efficiency of our staff.

HIGH TECH/HIGH COST

Item	Repl. date	Service	Cost
Cardiac cath		Cardiology	$1,200,000
Monitoring equipment MICU/CCU	1983	Medical	282,000
Alora cola flu echocardiographic sys	1986	Cardiology	230,000
X-ray machine rapido	1986	Radiology	390,000
GE 600 X-ray	1986	do	350,000
X-ray radiographic/fluro	1987	do	375,000
do	1986	do	375,000
do	1987	do	395,000
X-ray tomographic	1987	do	178,000
Radio/tomographic	1986	do	178,000
Scintillation camera for whole body image.	1986	Nuclear medicine	185,000

Note: Replacement date does not always reflect medical obsolescence.

HIGH COST

Item	Repl. date	Service	Cost
Electric beds (100 ea.)	1975, 1978–80	Nursing	$150,000
Mobile elec. shelving	1987	Supply 110,000	110,000
Clinical densitometer	1986	Laboratory	65,000
Volume ventilators		Medical	62,000
Computerized exercise sys.	1982	Cardiology	30,000
BTE work simulator		Rehab.	35,000
Unit dose delivery system		Pharmacy	220,000
Mgmt. sys. controlled sub		do	25,000
Portable X-ray machine	1986	Radiology	50,000
Forklift		Engineering	45,000
Fracture table (orthop.)		Surgical	38,910

Note: Replacement date does not always reflect medical obsolescence.

MISCELLANEOUS MEDICAL ITEMS

Item	Service	Cost
Vital sign monitor	Medical	$5,600.00
Endoscopes	Resp. care	20,000.00
Procto procedure table	Gastro	12,000.00
Wheelchair scale	Medicine	2,000.00
Pulse orimeter	do	10,000.00
Stretchers	Nursing	12,000.00
Wheelchair scales	do	8,000.00
Groen generator	Dietary	6,865.00
Lektriever	Fiscal	20,000.00
Vertical compactor	Bldg. mgmt	14,000.00
Misc. bldg. mgmt. needs	do	12,000.00
Misc. engineering needs	Engineering	15,000.00
Infusion pumps	SPD	21,000.00
Misc. dietary items	Dietary	12,000.00
Misc. med. admin. equip	MAS	17,000.00
Fume hood (Histo)	Laboratory	1,712.10
CPR manikens (Safety/educ.)	do	1,677.25
Small blood bank ref (STAT lab)	do	1,500.00
Microscope (STAT/urinalysis)	do	1,441.05
Econospin centrifuge	do	1,789.16
Urinalysis workstation (Chem)	do	3,390.00
Microscope (Histo)	do	1,441.05
Histo prep embedding system (Histo)	do	4,628.20
Steam glassware washer (Tox)	do	15,806.00
S/P tekbath (Tox)	do	411.40
Microscopes; 3 (Micro)	do	7,500.00
Refrigerator (Blood bank)	do	6,108.00
Heating blocks (Hema)	do	868.00
Gravity oven (Tox)	do	526.00
Under-counter refrig and freezer (Tox)	do	1,530.00
Centrifuge (Chem)	do	2,550.19
Refrigerator (Hema)	do	2,325.00
Bookwalter retractor kit and access	Surgical	7,973.00
Hall cebostome power burr	do	4,825.00
ACL drill guide system	do	4,105.00
Fiberoptic intubation bronchoscopes	do	9,400.00
Luhr mandibular compression set	do	7,759.00
Dionics pacesetter system	do	8,750.00
Critikon dinamaps (Anesth.)	do	13,500.00
Luhr mini compression set	do	6,956.00
Aesculap mini driver/hand drill sys	do	9,241.00
Olympus panazor camera	do	950.00
Nseomed electrosurgical unit	do	6,325.00

MISCELLANEOUS MEDICAL ITEMS—Continued

Item	Service	Cost
ACMI cystoscopes (Urol.)	do	14,600.00
ACMI pan endoscopes (Urol.)	do	7,400.00
Trackmaster treadmill (Vascular)	do	5,000.00
Impedence plethsmograph (Vascular)	do	11,450.00
3M arthroscopic pump (Orthop.)	do	6,743.00
Storz arthroscope system (Orthop.)	do	10,467.00
ACMI resectoscope (Urol.)	do	4,200.00
Urogen table with accessories (Urol.)	do	17,420.00

Note: This list does not reflect items constantly bought by medical, that is, typewriters, calculators, IVAC thermometers, infusion pumps, wheelchairs.

VETERANS' HEALTH CARE PROGRAMS

Mr. DASCHLE. Mr. President, I am pleased to rise today to offer my support for this desperately needed action on behalf of our Nation's veterans. The funding crisis that has plagued the Department of Veterans Affairs medical facilities during the last year has reached tragic proportions, and has taken a severe toll on those whom this Nation owes its deep respect and gratitude.

In my State alone, over 2,000 veterans who were able to receive medical attention through the VA last year, were told this year that they would have to seek that care somewhere else. For many of them, an alternative to VA medical care simply does not exist.

Every day I hear from some of those veterans. They suffer from both service-connected and nonservice-connected disabilities. They served this Nation during war and during peace, whichever was required of them. They faced the enemy fire and provide essential support outside combat zones.

All these veterans have a great deal in common—a belief in this Nation, a commitment to America's security and ideals, a dedication to a land where they can raise their families to know freedom. It is unfortunate that the tie that binds so many of these veterans today is that they have all been denied medical treatment at VA hospitals—treatment they have received in the past.

The impact that this drastic change in policy has had on individual veterans has been devastating. These veterans are made up of indigent individuals who cannot afford health care from private providers. Some of these veterans are elderly, living on fixed incomes—they simply do not have the means to respond to VA closing it's doors to their medical needs. And what about those veterans who never purchased health insurance, because they believed that the VA and their honorable service to this Nation was all the insurance they would ever need.

You can imagine their heartfelt disappointment when they learned they were wrong, and that they would no longer be provided medical attention through the VA. You can imagine their frustration when learning that a $1 billion shortfall had accumulated for funding veterans' hospitals while the leaders of this body were being assured by the administration that adequate funding was being requested. And you can imagine their hope that we will work to make sure such a tragedy does not occur again.

That is why today's action is so vital. I believe this Government does have a commitment to care for the health of veterans, and I am hopeful that passing this supplemental appropriation will be a crucial step toward restoring that commitment.

We will have an additional opportunity to demonstrate that commitment by working for increased funding for veterans' health care in fiscal year 1990 as well. As important as today's supplemental funding is, it will not be enough to end the crisis facing veterans' health care. For those veterans with nowhere to turn for health care, these actions cannot be taken soon enough.

In conclusion, I want to again stress my overwhelming support for the funding being considered for veterans' health care today, and I urge my colleagues to join me in working toward reversing the deterioration that has plagued our veterans' hospitals, and begin restoring the availability of health care to America's veterans.

Mr. LEVIN. Mr. President, I support additional funds for the war on drugs. The antidrug legislation which was enacted last year should have been fully funded, and I supported legislation which would have accomplished that goal without an increase in the deficit.

I am inclinded to support this amendment. However, I am concerned that we are being asked to vote to overrule the Chair's judgment that this amendment violates the Budget Act. Although I am reluctant to waive the Budget Act, I would consider doing so if there is no other practical way in which to provide for vital spending, such as for the war on drugs. A motion to waive the Budget Act would be the forthright approach. But I am loath to overturn the ruling of the Chair that an amendment violates the Budget Act when that ruling is clearly correct.

Mr. KASTEN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

KING BHUMIBOL'S REIGN

Mr. HATFIELD. Mr. President, when Japanese Emporer Hirohito died earlier this year, Thailand's King Bhumibol became the longest reigning living monarch in the world. King Bhumibol ascended the throne in 1946, and was crowned Rama IX in 1950. In the more than four decades of his rule, the insightful and compassionate monarch has been a force for moderation, an advocate for the poor and the proud voice of nationalism and sustainable development.

Barbara Crossette, the New York Times bureau chief in New Dehli, recently had the opportunity to talk with King Bhumibol about his country, his family and his hopes for the future. Her fascinating account of their conversation and King Bhumibol's reign appeared in the New York Times magazine last month, and I ask unanimous consent that it be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

KING BHUMIBOL'S REIGN

(By Barbara Crossette)

The helicopter has just touched down, stirring the dust of a parched land waiting for summer rains, when its door opens and silk parasols, borne by guards in the costumes of an ancient Asian court, float above the head of the slender, solemn man in military uniform emerging from the aircraft.

King Bhumibol Adulyadej, Rama IX of the 207-year-old Chakri Dynasty, has arrived in Thailand's eastern Chonburi Province to consecrate a temple and to visit a small corner of his realm.

During this not-untypical day, he rewards 350 people who have contributed in some way to the building of Wat Nyanasangvararam Varamahvihara, a Buddhist meditation retreat under royal patronage. (One by one, they kneel at his feet to accept a citation.) He tours a model farm and agricultural training center for poor rural children, where he talks for nearly two hours with agronomists on choices of crops. He accepts from a European businessman the gift of a small-Swiss-style chalet on the bank of a new reservoir, which the King had built to ease water shortages in the arid area. In the evening, he dines with regional military commanders and provincial government leaders.

It is midnight when King Bhumibol, Queen Sirikit, their daughter Princess Maha Chakri Sirindhorn and a convoy of royal guards and officials return, by car, to Chitralada Palace in Bangkok, about 100 miles away.

There is much that is mysterious about how Thailand's monarchy works and how its royal family lives, and much that is not said because of the strictest, lesemajeste laws in the world. Even a casual comment on the privileged way of palace life, as a politician found out recently, can result in arrest and imprisonment; and members of the domestic and foreign press are careful not to overstep the unwritten but clearly understood limits of what can be written about the King and his family.

Little, therefore, is known about the private life of the longest reigning monarch in Siamese history and, since Emperor Hirohito's death early this year, the longest reigning living monarch anywhere. However, it is evident that the 61-year-old King—a constitutional monarch but the inheritor of a mystical power still keenly sensed and

fiercely defended by most Thais—has understood and used his heritage skillfully.

In an age when monarchs elsewhere serve a ceremonial rather than a political function, King Bhumibol is a crucial stabilizing and unifying force. He has helped his 55 million people weather decades of crises, including a Communist insurgency, the rapid industrialization of recent years and a series of military coups engineered by a powerful army that has dominated if not run every Government in Thailand for more than 50 years.

Nonetheless, to the outsider dazzled by the glittering palaces, the hordes of courtiers and the pomp and ceremony that attend the royal family, the Thai monarchy has an extravagant, fairly-tale quality. In an interview near the end of his day at Wat Nyanasangvararam last June, King Bhumibol quickly dismisses this fanciful view of himself and the way the world press reported the early years of his reign. (He ascended the throne in 1946, when he was 18, and was crowned Rama IX in 1950.)

"At first, it was all this rubbish about the half-brother of the moon and of the sun, and master of the tide and all that," he says, in slightly accented English. "I don't know where they found this—I think they did it for my uncle. King Rama VII, when he went to America," he says, adding that foreign correspondents, having made up those titles for a predecessor in 1831, continued to apply them to him in the 1950's. He considers it "irking." "They wanted to make a fairly tale to amuse people—to amuse people more than to tell the truth."

Rejecting the seclusion and formality of Japan's imperial family and the pop casualness of many of Britain's royals, King Bhumibol appears to be as driven and peripatetic as his grandfather, King Chulalongkorn. Ruling from 1868 until 1910, Chulalongkorn accelerated the modernization programs of his father, King Mongkut (celebrated on Broadway and by Hollywood in "The King and I") and, cannily signing treaties with Britain and France, saved Siam, alone among Southeast Asian countries, from colonization by a European power.

King Bhumibol travels constantly to monitor the more than 1,200 development projects under his patronage that are spread throughout the predominantly rural country. Supported by government, private and royal funds, these projects range from milk-pasteurizing plants to dams that turn dry land into fertile ricefields to factories making alternate fuels from discarded sugar-cane stalks or the water hyacinth that clogs Bangkok's waterways. Asked why he chose to be this kind of monarch, he answers cryptically: "I did not choose; it was chosen for me."

The interview—the first the King has given to a foreign newspaper—is held in the upper room of the Swiss chalet overlooking the reservoir. In a country of elaborate court rituals, where citizens prostrate themselves when they are presented to him, King Bhumibol quickly puts me at ease. Still wearing his military uniform, he dispels any doubt as to the proper way to greet him by walking toward me and extending his hand. We sit down at a small, wooden table and he answers my questions forthrightly and courteously, prolonging the interview beyond the half-hour set by palace aides.

He seems eager to talk in detail about his newest projects, less interested in long historical views. He does not care how history will remember him, he claims: "If they want to write about me in a good way, they should write how I do things that are useful. If they want to criticize me, I don't care. I don't mind. But they must criticize me fairly. Usually the criticism is not fair. Or the praise, even the praise sometimes is not fair."

Soft-spoken, often somber and intense, tightly controlled in bearing, he treats Princess Sirindhorn, who sits beside him during the interview and who is his helper on many royal projects, with unfailing kindness. The shy, 34-year-old princess, dressed in the formal silk jacket and long, sarong-style skirt of Thailand, smiles from time to time, responding in a soft voice only to direct questions from her father as he tries to draw her into the conversation.

The King says he has less and less time for his hobbies (he is a musician, painter, photographer and sailor). He still carries a camera with him on his travels, but he no longer paints. A recent exhibition of his paintings at Thailand's National Cultural Center showed a change from light, romantic works in his youth (many of them portraits of Queen Sirikit) to more abstract canvases in the later years.

A jazz clarinetist, saxophonist and composer, the King sets aside time each weekend for musicians who come to Chitralada Palace. On weekdays, he frequently calls together an impromptu group, often including Princess Sirindhorn and palace personnel, whom he has taught to play instruments.

He used to travel often to other parts of the world, but has not left Thailand for more than 20 years because, he says, "It is tiring to go out and to come back, and when you come back you have lost some contact." His last official tour was to the United States and Canada in 1967.

Will he revisit America?

He laughs. "To this question, I always say: Perhaps, one day. My philosophy has been to take things day by day. When I talk about this philosophy it makes people perhaps a little surprised," he says, adding that it sounds like a creed propunded by "someone who has no hope. But because we have hope, we must do things day by day, and build up day by day—not make too many plans."

When Bhumibol Adulyadej became King, Thailand and its royal family were in the midst of a crisis. On June 9, 1946, as Thais were trying to put behind them their country's war-time collaboration with Japan and to rebuild ties with the West, Bhumibol's 20-year-old brother, King Ananda Mahidol, Rama VIII, was found in his private chambers with a bullet through his head. Bhumibol was the last family member to see his brother alive.

No explanation for that death has ever been given. King Ananda, who was a gun collector, was said by some to have died accidentally or been murdered with his own gun. That he might have killed himself—he had been ill and despondent—is not discussed in Thailand. A few years ago, the palace privately issued a book, "Busy Fingers," in which Princess Balyani Vadhana, the sister of Bhumibol and Ananda, drew a gentle, loving portrait of her mother and her many activities. In the epilogue is this quote from Voltaire: "If you do not wish to commit suicide, always have something to do."

Bhumibol Adulyadej (the name means "Strength of the Land, Incomparable Power") was born in Cambridge, Mass., on Dec. 5, 1927, the third and youngest child of Prince Mahidol, then a medical student at Harvard, and his wife, Sangwalya Chukramol, a commoner. They had met when she was a student nurse in America. Firmly committed to improving public health, Prince Mahidol is regarded as the father of modern medicine in Thailand.

In 1929, when Bhumibol was not yet 2 years old, Prince Mahidol died in Thailand. The little Prince, his elder brother and their sister were raised by their mother, who took them to Switzerland in 1933 for their education. Now 89, the Princess Mother, as she has been known since 1935, lives in Lausanne about eight months of the year.

"She was a great teacher, and still is a teacher now," says King Bhumibol. "She is still doing good work and showing the way. She instilled this idea of service. For instance, when we received something—money—we had to put a percentage in the box for the poor. If we did something wrong . . . we paid the fine not to Mother, but to the box for the poor people."

Princess Galyani's recollections of those childhood years in Switzerland are of a warm family life. In 1935, however, that life changed abruptly Thailand's last absolute king, Prajadhipok (Prince Mahidol's brother)—whose governing power had been substantially reduced in 1932 in a bloodless military coup—abdicated and the royal line moved to the late Prince's family. The crown of Siam passed to Prince Ananda, who was 10 years old. A regency was installed, allowing the child-king to finish his studies in Switzerland.

Prince Bhumibol, meanwhile, graduated from Lausanne's Gymnase Classique Cantonal and embarked on a science course at Lausanne University. Those years in Switzerland were enlivened by his interest in music and fast cars (he injured his right eye in an automobile accident).

After the death of his brother in 1946, King Bhumibol went back to Lausanne to complete his university education, switching his studies to polical science and law, in anticipation of his coronation in 1950.

The King now speaks with some bitterness about the early years of his reign, though without mentioning names. In 1951, political power in Thailand was still in the hands of Luang Pibul Songgram, a clever and ruthless military strongman, and admirer of Hitler and Mussolini who had allied Thailand with Japan in World War II. He had changed the country's name from Siam to Thailand ("Land of the Ethnic Thais") in 1939, and was one of the harshest of Thailand's military dictators.

"When I'd open my mouth and suggest something, they'd say: 'Your Majesty, you don't know anything,'" the King recalls. "So I shut my mouth. I know things, but I shut my mouth. They don't want me to speak, so I don't speak."

"After that," he adds, "I do some things that are within my rights and then they see that it is something that is all right. So they begin to understand that I am doing things not for my own enrichment or my own interest. It is for the whole country."

In 1957, the Pibul Government fell in a coup organized by a rival field marshal, Sarit Thanarat, who saw in the King a source of unity for a turbulent, rapidly changing society. Some scholars speculate that the King may have supported Field Marshal Sarit.

"The state of monarchy in 1957 was very poor," says David K. Wyatt, chairman of the history department at Cornell University and a leading scholar of Thai history. He credits an "adroit" King Bhumibol with turning the monarchy into the nation's

strongest social and political institution. "In the last 30 or 40 years when the political system had great difficult holding it all together," say Wyatt, "the monarchy kept the value on which almost everyone can agree. The king has identified the nation."

So skillful has the King been as a unifying force that no important sector of Thai society can be described as resentful of his power—neither the rising commercial, industrial and financial powers, nor the burgeoning intellectual community, nor the military, which still has a strong presence in every town.

With real power in military hands, Thailand has never had a chance to develop a democratic political system. What Thais have seen is a succession of coups and countercoups as military strongmen have played a game of political musical chairs that has been remarkably free of violence and that appears to have had little or no appreciable effect on daily life.

Meanwhile, so entrenched is the power of the King that some Thai political scientists say military officers and politicians have recently begun to hide behind it, using the appearance of royal favor for their own ends. Charges of lése-majesté are sometimes leveled to silence critics.

Theoretically, King Bhumibol could concern himself with everything from the issuing of dog licenses to the choice of prime minister. He has, in fact, made a number of important political decisions, not by fiat but through gestures understood by a people sensitive to such subtleties.

In 1973, for example, during student riots against the military Government of Field Marshal Thanom Kittikachorn, he appeared to side with the young people and helped usher in a brief period of civilian rule. In 1976, however, when Thailand faced a Communist insurgency and the civilian Government of Seni Pramoj appeared incapable of dealing with that threat, the King seemed to agree with the military that the Seni Government should be overthrown.

Then again, during an attempted military coup in 1981, Prime Minister Prem Tinsulanonda was invited to stay with King Bhumibol and Queen Sirikit in one of their provincial palaces. The message was clear, and the coup collapsed.

No one knows how far the King can push the military. He has no army of his own and, given the difficulty he had with the military during the early years of his reign, he is probably acutely aware of the perimeters of his own power. Although the present Prime Minister, Chatichai Choonhavan, is the first to be elected in 12 years, he is a retired major general who must still maintain good relations with the current army chief.

In practical, daily terms, though, the power of the King is most felt in the royal development projects, which he has been initiating and monitoring since the early years of his reign. The lending of his name to any plan means that things will get done; no bureaucrat would dare slow down or obstruct it. Royal projects employ many bright young Thai university graduates, some with American or European advanced degrees.

The extensive network of projects have helped reduce the influence of Communists and other radicals in the countryside, segments of which remain some of the poorest in Southeast Asia. Thailand may be unique among developing nations as it modernizes under royal patronage, not political or bureaucratic leadership or ideology.

The King oversees his projects, spending time at royal residences at Chiang Mai in the north, Sakon Nakhon in the northeast, Prachaup Khiri Khan in the mid-south and Narathiwat in the deep, largely Muslim south.

Occasionally, he gets wealthy private donors to contribute to his projects through sly psychology. For example, he tells the story of a rich local merchant who, seriously ill, had a dream in which a dragon appeared and told him the King was good because he had brought water to a nearby mountain. After recovering, the merchant remembered the dream and wanted to give the King money to build a large house.

"So I said no," King Bhumibol recalls. "You just build a small pavilion and a good dam, a big dam, so that your dragon can play in the water. So we built this dam," the King says, gesturing to the new reservoir behind him, "and he paid for part of the dam." Near the shore, its feet in the water, stands the statute of a playful dragon.

Before withdrawing from many public functions in 1985, Queen Sirikit, who is now 56, ran her own set of projects, which emphasized village health care.

The Queen's Foundation for the Promotion of Supplementary Occupations and Related Techniques encourages the preservation or revival of ancient arts, including silk weaving. Apart from providing a chain of shops with high-quality crafts, the foundation also gives rural Thai women the training and materials to set up artisans' cooperatives.

To make the development projects possible, the King has devised his own blend of majesty and popular accessibility. "I think it is a good technique that we have found," he says, adding that in his position, there are two extremes to be avoided: complete subservience to politicians and royal wilfulness.

"You can stay in the frame of the law," he says. "You do what the law says. That is, if you say something, the Prime Minister or a minister must countersign, and if he is not there to countersign, we cannot speak. That is one way to do it—do nothing, just nothing at all.

"The other way is to do too much, use the influence we have to do anything. That doesn't work either. We must be in the middle, and working in every field."

For most of King Bhumibol's reign, his projects have concentrated on the development of the countryside. These days, because of rapid industrialization—Thailand has one of the fastest economic growth rates in Asia and is trying to be the next South Korea—the King is turning to the problems that urbanization brings. For one, the Thai capital is choking on traffic, sewage and air pollution. The King says he has just set up a foundation charged to improve the quality of life in Bangkok.

"My daughter is the president of this Foundation for Development," he says, turning to Princess Sirindhorn. The foundation's goal, he adds, is to prevent the frequent floodings and to correct the city's sewage problem. "What we are doing is to try to make a reservoir, keeping water that would go to waste. Then when we need it, we let it come down and flush the sewage."

King Bhumibol also wants to find low-cost ways to clean stagnant water. He describes a lake in Bangkok that is being purified through a repeated removal and replanting of water hyancinth.

"So this water hyacinth will absorb the sewage," he says, adding that the plants that have been cleared from the pond can still be used. "You can make fuel, and you can make compost. You can make fodder for animals. You can take fiber to make baskets or other things. So the water hyacinth will be useful: that's the idea. So we get rid of the nuisance and we get something good out of it."

Weighing heavily on the minds of many Thais is the question of what will happen when the King's reign ends.

King Bhumibol and Queen Sirikit have four children. The eldest is the former Princess Ubol Ratana, who is 38 years of age. A graduate of the Massachusetts Institute of Technology, she married an American, Peter Ladd Jensen, renounced her title and lives in California.

The youngest, Princess Chulabhorn, who is 31 and married to a Thai commoner, is a scientist with a doctorate in organic chemistry. She devotes herself to scientific projects, and assists her mother in running handicraft projects. It was Princess Chulabhorn who broke a long family silence in 1985-86 over the unexplained absence from public life of Queen Sirikit. In a television interview, the Princess said that the Queen, whom she described as an insomniac, was "exhausted" and had been ordered to rest.

Between these two daughters are Princess Sirindhorn and the 36-year-old Crown Prince Maha Vajiralongkorn.

The Crown Prince—who admitted in a candid interview with a Thai women's magazine, Dichan, that he is regarded as the family's "black sheep"—is by most accounts a wilfull, temperamental and sometimes violent man, fond of fast airplanes. He is a jet pilot and a major general with his own guards regiment.

Strangely, in a country where having "minor wives" is neither illegal nor unusual, the Crown Prince was the target in 1987 of an unprecedented leaflet campaign criticizing his personal life.

Officially, the Prince's Royal Consort is Princess Soamsawali, and they have one daughter. But there is now a semipublic second family of four sons and a daughter. In the Dichan interview, the Prince said he loved "all" his children equally. His attempt, in 1987, to take his "second wife" on a official visit to Japan, however, provoked a diplomatic incident when Tokyo demurred.

Of the King's four children, Princess Sirindhorn, who is unmarried, seems to be the one closest to him. She accompanies him on many of his tours to royal projects, and is easily the most popular woman in Thailand.

In the manner of a fond father, the King names her has an example of how the royal family "can learn every day."

"That is what my daughter did," he says. "She took courses in art and graduated in art. Meanwhile, she said she wanted to learn about the soil, how to study the soil. She said that she should have enrolled in science. But I tell her: you do any study, good study, and it is useful. So she completed her study in art, in language and in archeology. And then she took courses in surveying, engineering. After that, in education. If we want to learn, we can learn any subject." He adds that the Princess also likes music and writes poetry.

In 1977, when Princess Sirindhorn was 22, her father bestowed on her the title Somdet Phra Debaratana Rajasuda Chao Fa Maha Chakri Sirindhorn (which means "Sirindhorn, a beloved daughter and great princess of the Chakri Dynasty who possesses glory and goodness")—in effect making her a

Crown Princess. The succession law was also changed to allow women to succeed to the Thai throne.

A TRIBUTE TO DIXON TERRY, IOWA AGRICULTURAL LEADER

Mr. GRASSLEY. Mr. President, Dixon Terry was buried today in Iowa. The 39-year-old farmer was killed by a bolt of lightning while harvesting alfalfa on his family farm. While his name may not be recognized in the Halls of Congress, his loss will be felt here, as well as in Iowa.

Dixon Terry was a farmer, but more importantly, he was a champion of agriculture. In the early 1980's, when farmers began to struggle with an increasing debt burden, Dixon Terry began to speak out about the farm crisis. He was concerned about agriculture lenders' treatment of farmers and he was concerned about the low prices farmers were receiving for their products.

Many farmers were concerned about these same issues in the early 1980's. But Dixon Terry did more than just complain about the conditions facing agriculture, he did something about it. Dixon organized the Iowa Farm Unity Coalition—an organization composed of 15 church, labor, and farm groups concerned about the conditions of agriculture. The group has 5,000 members today and is one of the most influential liberal farm groups in the Nation.

Dixon Terry fought for changes in farm policy and for changes in Federal farm lending practices. But he fought for more than just his fellow farmers, he championed the causes of individuals in struggling rural communities. He knew the toll the farm crisis was taking on the mental health of the people in rural areas and worked with farm advocates and social workers to help those in need.

Dixon kept the farm crisis alive in the hearts and minds of people across Iowa and around the Nation. Before the 1988 Iowa Presidential caucuses, Dixon organized a debate between the Presidential candidates on the issue of agriculture. He worked with the Reverend Jesse Jackson to open a Jackson campaign office in Dixon's hometown of Greenfield, IA. And finally, his influence was felt by Michael Dukakis who modified his agricultural policies after intense lobbying initiated by Dixon.

Dixon Terry's friends praised him as an "extraordinarily articulate person in talking about the problems confornting family farmers." I found this to be true in each of my discussions with him. Whether the issue was farm credit, rural development, or Presidential politics, Dixon was equally well versed. Dixon was in my office 2 weeks ago to talk to me about patents on farm animals. No matter what the issue, I appreciated his honesty and his vision about what was needed for agriculture.

In 1987, Dixon Terry was asked to comment about the Reverend Jesse Jackson. Dixon's comments were that Jackson, "addressed the real pain in people's lives and connected it to the political process." I can think of no better tribute to Dixon Terry than his own words. For Dixon was the one who could see and feel the pain in our rural communities and channel that pain into the political process. Dixon Terry will be truly missed in Iowa and around the country.

TRIBUTE TO CLAUDE PEPPER

Mr. ADAMS. Mr. President, I am very saddened by the death of Claude Pepper. Not only have our senior citizens lost a stalwart in the fight for programs to address their special needs, but all Americans have lost a voice for compassion and care for the needy in all our communities. On the heels of former Senator Magnuson's death, the country has now been dealt a double blow with the passing of two of its finest public servants.

Claude Pepper will be deeply missed by everyone whose life he touched. All of us in Congress have been enriched through our association with him. Indeed, his tireless work in both the Senate and House of Representatives on behalf of the least fortunate Americans is a model all public servants will do well to emulate. I extend my heartfelt sympathies to all of his family and friends.

Claude Pepper first came to the Senate to work closely with President Roosevelt in support of New Deal programs. During that time he worked for the first minimum wage law in our country, and began his lifelong crusade to protect Social Security and improve health care in America and around the world. He supported legislation that created the World Health Organization, and several of the National Institutes of Health, including the National Institute for Arthritis.

After serving 14 years in the Senate, he was defeated in 1950, only to be elected to the House in 1962, where he served his country the rest of his life. Representative Pepper then resumed the work he previously began, and rose to become chairman of the key House Aging and Rules Committees. Using these chairmanships as powerful platforms to speak out for our seniors, he successfully promoted legislation to raise the mandatory retirement age from 65 to 70 for those privately employed and to disallow age as a mandatory retirement factor for most Federal workers. He was a central figure in the last major restructuring of the Social Security System, and most recently battled for increased senior citizen nursing and home care benefits.

I first met Claude Pepper in 1950. Still in law school, I came to the Nation's Capital looking for my first job. Claude Pepper was the first person I met. He had gone to Stetson University in Florida with my bride's father. He said to me "go home to Washington State." It was the best advice I have ever had because it led me to where I am today.

Later, I had the great privilege of serving with Claude Pepper during my six terms in the House. I was fortunate to have had such a thoughtful and skilled teacher. In fact, in 1986 when I ran for the Senate, Claude Pepper came to Washington State to help me. We started early one morning at a breakfast meeting in Seattle. At 7:30 a.m. when most of my sleepy-eyed supporters were just beginning to gather, there was Claude Pepper—bright eyed and greeting each guest at the door. Later in the morning we visited a large retirement home north of Seattle. Hundreds of senior citizens had gathered to welcome their champion. That afternoon we flew to Spokane where another cheering crowd had assembled to meet him.

Mr. President, that day in 1986 meant a lot to me and to my State because Claude Pepper not only spent time with us but he taught us all a very good lesson. He taught us to never quit, always look forward and fight for what you believe in. During those appearances in Washington State, Claude Pepper not only talked about what had happened in the fight for senior rights, but he told his audiences to keep going, to look to the future, and to leave their children a legacy of dignity for every American, regardless of age. He blessed us with the ageless advice to care.

AGENT ORANGE LAWSUIT AND VA'S RESPONSE

Mr. CRANSTON. Mr. President, early last month on May 3, Judge Thelton Henderson of the U.S. District Court for the Northern District of California granted summary judgment on certain issues to the plaintiffs in the case of Nehmer, et al. versus U.S. Veterans' Administration, et al., an action in which plaintiffs had challenged VA's compliance with the requirements of the Veterans' Dioxin and Radiation Exposure Compensation Standards Act, Public Law 98-542.

Mr. President, I did not find at all surprising the court's action in holding that VA had erred in two ways in carrying out the requirement in Public Law 98-542 that VA issue regulations relating to the handling of claims for compensation based on exposure to agent orange—first, by utilizing too high a standard for determining if there is a linkage between exposure to agent orange and a subsequent mani-

festation of a disease and, second, by failing to give the benefit of the doubt to veterans in the issuing of the regulations. In fact, as the Senate author with Senator SIMPSON of the legislation that was enacted as Public Law 98-542, I had described the intent of that legislation during Senate action on it in ways very similar to those used by Judge Henderson in his opinion.

What was not so expected, however, was the very rapid, affirmative reaction of Secretary of Veterans' Affairs Ed Derwinski to the court's decision. Rather than appealing the decision, Secretary Derwinski announced on May 11 that the Department was going to abide by the ruling and would begin the process of reevaluating the relevant science and reissuing the agent orange regulations. This action by Secretary Derwinski was a most refreshing change from the generally not-very-forthcoming way in which VA has dealt with the agent orange issue in recent years, and I was delighted that he took this forthright and thoughtful step. Regardless of the final outcome of the regulation-issuing process, which Secretary Derwinski estimates will be completed by October of this year, this first step of not appealing the court decision shows a new executive branch sensitivity to the concerns of Vietnam veterans and should serve to give VA another chance to come to grips with this very complex, very troubling, very persistent legacy of the war in Vietnam.

Mr. President, on May 17, 1989, I wrote Secretary Derwinski to congratulate him for his actions in response to the court decision. I ask unanimous consent that that letter, his letter of May 11 to the Attorney General, and the VA press release on this matter be printed in the RECORD at this point.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
COMMITTEE ON VETERANS' AFFAIRS,
Washington, DC, May 17, 1989.

Hon. EDWARD J. DERWINSKI,
Secretary of Veterans' Affairs,
Washington, DC.

DEAR ED: Thanks for sharing with me a copy of your May 11, 1989, letter to the Attorney General in which you advised him of your intention not to seek an appeal of the court's decision in the case of *Nehmer, et al.* v. *United States et al.*

I think your decision in this matter was very forthright and thoughtful. I congratulate you for committing the Department to moving forward in a timely fashion to promulgate regulations in a manner consistent with the court's opinion. This is a fine example of how VA can work constructively to serve our Nation's veterans and their survivors in an enlightened and farsighted way.

You are off to an auspicious start, Ed.

Again, my sincere congratulations.

With warm regards,

Cordially,

ALAN CRANSTON,
Chairman.

VETERANS' ADMINISTRATION,
Washington, DC, May 11, 1989.

Hon. RICHARD L. THORNBURGH,
Attorney General,
Department of Justice, Washington, DC.

DEAR MR. ATTORNEY GENERAL: On May 3, 1989, the United States District Court for the Northern District of California rendered its opinion in the case of *Nehmer, et al.* v. *United States et al.* In that case, plaintiffs challenged the validity of regulations provided by the Department of Veterans Affairs governing claims for compensation by individuals claiming exposure to the herbicide Agent Orange. The court found that the portion of those regulations which governs the payment of compensation for specific diseases related to exposure to Agent Orange is invalid. The court returned the matter to the Department of Veterans Affairs for action consistent with its opinion. A copy of the opinion is enclosed for your information.

I have reviewed the court's opinion as has my staff. I have made a decision not to seek appeal. I intend to proceed immediately with action to promulgate regulations in a manner that is consistent with the opinion of the court. It is my opinion that an appeal would not be in the best interests of the Administration or the veterans community served by this Department.

My staff and I would be pleased to meet with you and discuss in detail the basis for my decision. Naturally we will keep you fully advised as we proceed with the rulemaking process.

Sincerely yours,

EDWARD J. DERWINSKI,
Secretary.

[Department of Veterans Affairs news release, May 11, 1989]

VA WILL NOT APPEAL AGENT ORANGE COURT RULING

WASHINGTON, DC, May.—Secretary of Veterans Affairs Edward J. Derwinski announced today that VA will not appeal a Federal District Court ruling that orders the agency to rewrite regulations governing claims for disability compensation relating to Agent Orange exposure.

Derwinski said VA would immediately begin to prepare revised rules that apply to criteria used by its advisory committee and VA claims personnel in making determinations concerning the possible health effects of veterans' contact with the herbicide Agent Orange in Vietnam.

Earlier this week, U.S. District Court Judge Thelton E. Henderson held that VA had not properly interpreted provisions of the 1984 Veterans' Dioxin and Radiation Exposure Compensation Standards Act. Henderson's opinion voided VA's denial of disability claims made by Vietnam veterans who were seeking benefits based on health problems they believed were caused by Agent Orange exposure.

In the opinion, Henderson also concluded that while the Veterans' Advisory Committee on Environmental Hazards had properly reviewed available scientific studies, its conclusions were affected by what the court viewed as VA's imposition of an "impermissibly demanding test" for connecting Agent Orange with health problems.

Derwinski said the revised regulations would be published for public comment as soon as possible and that once they were formally and legally in place would be used as new criteria by the advisory committee and in VA claims procedures.

MESSAGES FROM THE HOUSE

ENROLLED BILL SIGNED

At 11:53 a.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the Speaker has signed the following enrolled bill:

H.R. 2. An act to amend the Fair Labor Standards Act of 1938 to restore the minimum wage to a fair and equitable rate, and for other purposes.

ENROLLED JOINT RESOLUTION PRESENTED

The Secretary of the Senate reported that on today, June 1, 1989, he had presented to the President of the United States the following enrolled joint resolution:

S.J. Res. 128. Joint resolution authorizing a first strike ceremony at the U.S. Capitol for the Bicentennial of the Congress Commemorative Coin.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. FORD, from the Committee on Rules and Administration, with an amendment in the nature of a substitute and an amendment to the title:

S. 377. A bill to establish a series of five Presidential primaries at which the public may express its preference for the nomination of an individual for election to the office of President of the United States (Rept. No. 101-43).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. LAUTENBERG (for himself, Mr. DURENBERGER, and Mr. CHAFEE):

S. 1089. A bill to authorize appropriations for the Office of Environmental Quality, for fiscal years 1989, 1990, 1991, 1992, and 1993, and for other purposes; to the Committee on Environment and Public Works.

By Mr. BOND (for himself and Mr. DANFORTH):

S. 1090. A bill to provide for the addition of certain parcels to the Harry S. Truman National Historic Site in the State of Missouri; to the Committee on Energy and Natural Resources.

By Mr. GRAHAM:

S. 1091. A bill to provide for the striking of medals in commemoration of the bicentennial of the U.S. Coast Guard; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. CRANSTON (for himself, Mr. MURKOWSKI, and Mr. MATSUNAGA):

S. 1092. A bill to amend title 38, United States Code, to implement certain recommendations of the Commission of Veterans' Education Policy for veterans' education policy improvements concerning work-study allowances, institutional reporting fees and distinctions in degree and nondegree training; and for other purposes; to the Committee on Veterans' Affairs.

By Mr. ARMSTRONG:

S. 1093. A bill to accord refugee status to certain nationals of Nicaragua who are outside Nicaragua and unwilling to return, and for other purposes; to the Committee on the Judiciary.

By Mr. BUMPERS (for himself, Mr. KENNEDY, and Mr. HATCH):

S. 1094. A bill to amend the Federal Food, Drug, and Cosmetic Act to require the Secretary of Health and Human Services to determine the appropriate regulatory classification of transitional devices, by the Medical Device Amendments of 1976, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. GLENN:

S. 1095. A bill concerning mixed ortho/para toluene sulfonomide; to the Committee on Finance.

By Mr. NICKLES (for himself and Mr. BOREN):

S. 1096. A bill to provide for the use and distribution of funds awarded the Seminole Indians in dockets 73, 151, and 73A of the Indians Claims Commission; to the Select Committee on Indian Affairs.

By Mr. BRADLEY:

S. 1097. A bill to amend the Medicare Catastrophic Coverage Act of 1988 to extend the Advisory Committee on Medicare Home Health Claims; to the Committee on Finance.

By Mr. HEINZ:

S. 1098. A bill to provide financial assistance to raise the literacy skills of commercial drivers; to the Committee on Labor and Human Resources.

By Mr. HATCH:

S. 1099. A bill to amend the Labor Management Relations Act, 1947 to provide that the prohibition on an employer paying or lending money or anything of value to a labor organization shall not apply to payments made by the employer to an employee trust fund only if the detailed basis on which such payments are to be made is specified in a written agreement and the employer fully understands the essential terms of the agreement and each document incorporated into the agreement, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. McCONNELL:

S. 1100. A bill to provide greater certainty in the availability and cost of liability insurance, to eliminate the abuses of the tort system, and for other purposes; to the Committee on the Judiciary.

By Mr. HELMS:

S. 1101. A bill to temporarily suspend the duty on N-{{(4-chlorophenyl)amino}carbonyl-2,6-difluorobenzamide; to the Committee on Finance.

S. 1102. A bill to temporarily suspend the duty on 2,6 dichlorobenzonitrile; to the Committee on Finance.

S. 1103. A bill to temporarily suspend the duty on 1-{1-((4 chloro-2-(trifluoromethyl)phenyl)imino)-2-propoxyethyl}-1-H-imidazole; to the Committee on Finance.

By Mr. DANFORTH:

S. 1104. A bill to temporarily suspend the duty on flashlights and flashlight parts; to the Committee on Finance.

S. 1105. A bill to temporarily suspend the duty on certain Christmas ornaments; to the Committee on Finance.

S. 1106. A bill to temporarily reduce the duty on frozen carrots; to the Committee on Finance.

By Mr. STEVENS:

S. 1108. A bill to provide another opportunity for Federal employees to elect coverage under the Federal Employees' Retirement System; to provide that the recently enacted government pension offset provisions of the Social Security Act shall not apply to Federal employees who take advantage of the new election period; and for other purposes; to the Committee on Governmental Affairs.

By Mr. PELL (for himself, Mrs. KASSEBAUM, and Mr. KENNEDY):

S. 1109. A bill to amend the Carl D. Perkins Vocational Education Act to extend the authorities contained in such Act through the fiscal year 1995; to the Committee on Labor and Human Resources.

By Mr. CRANSTON (by request):

S. 1110. A bill to amend title 38, United States Code, to authorize the Department of Veterans Affairs to require mandatory disclosure of social security numbers in claims for disability and death benefits; to the Committee on Veterans Affairs.

By Mr. DOMENICI:

S. 1111. A bill to allow the leasing of certain lands to Roswell, New Mexico; to the Committee on Labor and Human Resources.

By Mr. CHAFEE (for himself, Mr. BAUCUS, Mr. BURDICK, Mr. DURENBERGER, Mr. LIEBERMAN, Mr. MOYNIHAN, Mr. MITCHELL, Mr. JEFFORDS, Mr. LAUTENBERG, and Mr. REID):

S. 1112. A bill to amend the Solid Waste Disposal Act, and for other purposes; to the Committee on Environment and Public Works.

By Mr. BAUCUS (for himself, Mr. CHAFEE, Mr. BURDICK, Mr. DURENBERGER, Mr. LAUTENBERG, Mr. MOYNIHAN, Mr. MITCHELL, Mr. REID, Mr. LIEBERMAN, and Mr. JEFFORDS):

S. 1113. A bill to amend the Solid Waste Disposal Act and extend the authorization through 1993; to the Committee on Environment and Public Works.

By Mr. EXON:

S. 1114. A bill to amend title 11, United States Code, the Bankruptcy Code to provide that a stay not apply to State property taxes; to the Committee on the Judiciary.

By Mr. EXON (for himself, Mr. STEVENS, Mr. LEAHY, Mr. GLENN, Mr. HEFLIN, Mr. GRASSLEY, Mr. CONRAD, Mr. DIXON, Mr. THURMOND, Mr. BAUCUS, Mr. DURENBERGER, Mr. BUMPERS, Mr. LUGAR, Mr. COCHRAN, Mr. KERREY, Mr. BURDICK, Mr. SHELBY, Mr. SANFORD, Mr. PRYOR, Mr. BENTSEN, Mr. GORE, Mr. BOREN, Mr. MURKOWSKI, Mr. SIMON, and Mr. DASCHLE):

S. 1115. A bill to amend the Rural Electrification Act of 1936 to permit the prepayment and refinancing of Federal Financing Bank loans made to rural electrification and telephone systems, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. LAUTENBERG:

S.J. Res. 147. Joint resolution to designate the week beginning June 11, 1989, as "National Scleroderma Awareness Week"; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred—or acted upon—as indicated:

By Mr. KERREY:

S. Res. 140. Resolution authorizing the use of the Senate Hart Building Atrium for a concert by the Congressional Chorus; considered and agreed to.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. LAUTENBERG (for himself, Mr. DURENBERGER, and Mr. CHAFEE):

S. 1089. A bill to authorize appropriations for the Office of Environmental Quality for fiscal years 1989, 1990, 1991, 1992 and 1993, and for other purposes; to the Committee on Environment and Public Works.

AUTHORIZING APPROPRIATIONS FOR THE OFFICE OF ENVIRONMENTAL QUALITY

● Mr. LAUTENBERG. Mr. President, today I am introducing legislation to amend and reauthorize the National Environmental Policy Act. I am pleased that Senator DURENBERGER, the ranking Republican member of the Subcommittee on Superfund, Ocean and Water Protection, is joining me in this effort.

Mr. President, the signing of NEPA into law on January 1, 1970, ushered us into the environmental era. NEPA requires Federal agencies to consider to the proposed extent possible the environmental impacts of their proposed activities in their decisionmaking process. Federal agencies are authorized to modify their activities to mitigate environmental impacts and avoid the impacts altogether by not proceeding with the activity. To achieve this substantive goal, NEPA requires the preparation of environmental impact statements for major Federal actions significantly affecting the quality of the human environment. This ensures that agency officials and the public are made aware of the environmental impacts and that the public has an opportunity to comment on and become involved in the decisionmaking process.

The success of NEPA is indisputable. Scores of activities have been modified because of NEPA. The environmental impact assessment process required by NEPA is being used by many foreign nations and more than 15 States have adopted similar assessment and review processes.

The bill I am introducing today amends NEPA to strengthen its requirements to address problems which have arisen since the law was last amended. I want to highlight a few of these issues.

First, I believe the time has come to reinvigorate the Council on Environmental Quality to implement its responsibilities under NEPA. The Council serves a critical role in coordinating Federal agency environmental programs and policies and advising the President on the vast range of environmental issues. No agency or department head can perform these functions on his or her own. It is imperative that the President has an effective staff in the Executive Office which can do the job.

Under President Reagan, the Council budget and staff were reduced significantly and the President failed to use the Council in a meaningful way to coordinate his environmental policy. A number of ideas to accomplish this goal were suggested in Blueprint for the Environmental, a report prepared by the environmental community for President Bush.

At the subcommittee's hearing on NEPA, I intend to explore one suggestion in this report to reduce the number of members of the Council from three to one. The report concludes that this would clarify lines of responsibility within the Council and provide the President with an environmental adviser within the Executive order.

The legislation I am introducing addresses other major points suggested by the Blueprint report. The bill changes the focus of the annual report from a historical report to one in which the President proposes his environmental policies for congressional consideration. The bill also extended and increases authorizations for CEQ.

Second, the bill addresses the consideration of mitigation measures and alternatives in environmental impact statements. The bill reemphasizes the importance of considering a board range of alternatives in the environmental impact statement. It also requires CEQ to issue guidelines to require Federal agencies to review a sample of their EIS's to determine the effectiveness of mitigation measures.

The bill also requires Federal agencies to identify the mitigation measures they propose to adopt in the EIS. This requirement would reverse a recent Supreme Court decision in Robertson versus Methow Valley Citizens Council. The failure to include such mitigation measures in an EIS defeats both the procedural requirements on NEPA to have the public made aware of mitigation measures the Federal agency will adopt and the substantive requirements on NEPA to take actions to eliminate or reduce the environmental impact.

Last, the bill clarifies that NEPA applies to all Federal actions, not just those in the United States. It also provides for the full consideration of environmental impacts on areas outside U.S. jurisdiction, includes cumulative impacts of proposed Federal actions on global climate change, depletion of the ozone layer, and transboundary pollution.

In 1979, President Carter issued Executive Order 12114 to require Federal agencies to take certain international environmental considerations into effect. But the Executive order was not issued under the authority of NEPA so the failure of Federal agencies to comply cannot be challenged in court, and the other requirements of NEPA, particularly the public participation provisions, are not required for these actions. The Executive order also includes numerous exemptions including votes in international organizations.

As a result, the environmental impact statement process has rarely been used for Federal actions with extraterritorial impacts. According to a CEQ survey, the total number of actions falling within the Executive order between 1985 and late 1987 was 45 or only 15 per year. This practice is inconsistent with the goals and policies of NEPA.

This is particularly true for U.S. voters on projects at multilateral banks. These projects can have significant environmental impacts. Yet the banks fail to consider routinely the environmental impacts of projects it funds and to have the public involved in this review process. I am cosponsoring legislation introduced by Senator SYMMS to have the United States use its influence to have the multilateral banks routinely use an environmental assessment process prior to decisions about bank projects. This legislation also will be considered at my subcommittee's hearings on NEPA.

In addition, the EIS process is rarely used with respect to ozone depletion and global warming. Last fall, the CEQ prepared a document that would have required Federal agencies to study the impact of their actions on Global climate change. Unfortunately, the Reagan administration, in one of its last acts, decided against issuing this guidance. This is clearly unacceptable. Federal agencies must address these and other global issues in their environmental impact statements. To fail to do so would be to undercut the whole thrust of NEPA. So the bill requires CEQ to issue regulations to ensure that EIS's address global environmental issues.

I understand that this issue is controversial. I am willing to work with the administration to structure a provision which addresses legitimate concerns. But I am not willing to compromise on the basic thrust that the United States must be a leader in addressing international environmental issues. President Bush and EPA Administrator Reilly both have called for the United States to be at the forefront of international environmental challenges. We can hardly be in the forefront with our existing position on the applicability of NEPA to extraterritorial actions.

Mr. President, I want to address one related issue which has been raised in legislation passed by the Senate Energy Committee. S. 684, the Arctic Coastal Plain Competitive Oil and Gas Leasing Act, contains a provision which makes a congressional determination that the Department of the Interior's legislative impact statement to authorize oil and gas drilling in the Arctic National Wildlife Refuge satisfies NEPA.

This provision is particularly troublesome because of the significant criticism that this EIS has received from EPA, CRS, and the public. It also perpetuates a terrible precedent. It's ironic that one of the very few times the Congress has made such a determination involved the approval for construction of the Trans-Alaskan pipeline. As a result of Congress' action, the pipeline was built. And today, millions of gallons of oil are contaminating Prince William Sound, killing birds, sea otters, and other living marine resources.

We should let the NEPA process run its proper course. I will strongly oppose any attempts to shortcircuit the NEPA process.

Mr. President, NEPA is a good and necessary law. The bill I am offering will strengthen the NEPA process and the Council on Environmental Quality. I urge my colleagues to support this legislation. And I ask unanimous consent that the bill, a section-by-section analysis, a letter that I and other Members sent to President Bush concerning CEQ guidance on global warming, and a letter sent by Treasury Secretary Brady to World Bank President Barber Conable urging the World Bank to make environmental analyses of Bank projects available to the public prior to votes on the project, be inserted in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1089

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CLARIFICATION OF NATIONAL ENVIRONMENTAL POLICY.

(a) STATEMENT OF GENERAL ENVIRONMENTAL POLICY.—Section 101(b) of the National Environmental Policy Act (42 U.S.C. 4331(b)) is amended—

(1) in paragraph (5) by striking "and" following the semicolon;

(2) in paragraph (6) by striking the period and inserting in lieu thereof "; and "; and

(3) by adding at the end the following new paragraph:

"(7) provided world leadership in ensuring a healthy and stable global environment.".

(b) ENVIRONMENTAL IMPACT STATEMENTS.—Section 102(2) (C) of the National Environmental Policy Act (42 U.S.C. 4332(2) (C)) is amended—

(1) by inserting after "major Federal actions" the following:

", including extraterritorial actions (other than those taken to protect the national security of the United States, actions taken in the course of an armed conflict, strategic intelligence actions, armament transfers, or judicial or administrative civil or criminal enforcement actions),";

(2) by striking clause (iii) and inserting in lieu thereof the following:

"(iii) alternatives to the proposed action that achieve the same or similar public purposes, including alternatives that avoid the adverse environmental effects described in

clause (ii) and alternatives that otherwise mitigate those adverse environmental effects,";

(3) by striking "and" at the end of clause (iv):

(4) by striking the period at the end of clause (v) and inserting ", and" in lieu thereof;

(5) by adding the following new clause:

"(vi) "measures that will be taken to mitigate adverse environmental effects if the proposed action is implemented,"; and

(6) by inserting "and the public" immediately before the second period.

(c) FEDERAL AGENCY ACTION REGARDING GLOBAL ENVIRONMENT.—Section 102(2) (F) of the National Environmental Policy Act (42 U.S.C. 4332 (2) (F)) is amended to read as follows:

"(F) recognize the global and long-range character of environmental problems and work vigorously to develop and implement policies, plans, and actions designed to support national and international efforts to enhance the quality of the global environment;".

SEC. 2. PRESIDENT'S STRATEGY FOR ENVIRONMENTAL PROGRESS.

Section 201 of the National Environmental Policy Act (42 U.S.C. 4341) is amended to read as follows:

"SEC. 201. Not later than January 31 of each year, the President shall transmit to the Congress a report which—

"(1) describes the President's strategy for implementing the policy and objectives set forth in section 101 during that year;

"(2) describes areas of new or heightened environmental concern;

"(3) describes initiatives to strengthen and improve Federal environmental programs;

"(4) recommends priorities for national and international actions to protect the environment;

"(5) analyzes problems associated with the implementation of this Act and the effectiveness of measures specified in detailed statements of Federal agencies under section 102(2)(C) to mitigate the adverse environmental impacts of Federal actions; and

"(6) summarizes implementation of section 102(2)(C) during the previous year."

SEC. 3. REGULATORY AUTHORITY AND APPLICABILITY.

Section 204 of the National Environmental Policy Act (42 U.S.C. 4344) is amended—

(1) by striking "and" at the end of paragraph (7);

(2) by striking the period at the end of paragraph (8) and inserting in lieu thereof "; and "; and

(3) by adding at the end thereof the following new paragraph:

"(9) to promulgate regulations concerning implementation of the National Environmental Policy Act by all Federal agencies (including Federal independent regulatory commissions). Such regulations shall assure compliance with the statutory requirement for full consideration of the environmental impacts of proposed major Federal agency actions on geographic, oceanographic, and atmospheric areas within as well as beyond the jurisdiction of the United States and its territories and possessions, including the cumulative impacts of proposed Federal actions on global climate change, depletion of the ozone layer, transboundary pollution, loss of biological diversity and other international environmental impacts."

SEC. 4. REVIEW FUNCTIONS OF THE COUNCIL.

(a) ISSUANCE OF GUIDELINES FOR AGENCY REVIEW OF CERTAIN ENVIRONMENTAL IMPACT STATEMENTS.—Not later than 6 months after the date of the enactment of this Act, the Council on Environmental Quality (hereinafter in this Act referred to as the "Council") shall issue guidelines under which each Federal agency shall review a statistically significant sample of detailed statements prepared by the agency under section 102(2)(C) of the National Environmental Policy Act (42 U.S.C. 4332(2)(C)) in which measures were specified to mitigate adverse environmental effects.

(b) CONTENT OF GUIDELINES.—Guidelines issued by the Council under subsection (a)—

(1) shall establish the timing and frequency of reviews to be conducted by agencies under the guidelines; and

(2) shall require that Federal agencies examine—

(A) the accuracy of predictions of adverse environmental effects which were included in such statements, including predictions of impacts on fish and wildlife populations and habitats;

(B) the extent to which measures specified in statements under section 102(2)(C) of the National Environmental Policy Act to mitigate adverse environmental effects were implemented; and

(C) the effectiveness of those implemented mitigation measures.

(c) AGENCY REVIEWS.—Each Federal agency shall carry out reviews in accordance with guidelines issued by the Council under this section, and shall promptly submit to the Council the results of those reviews.

(d) SUMMARY OF RESULTS IN ANNUAL COUNCIL REPORT.—The Council shall include a summary of the results of the reviews carried out by Federal agencies under this section in the annual report of the Council transmitted to the Congress under section 201 of the National Environmental Policy Act (42 U.S.C. 4341).

SEC. 5. AUTHORIZATION OF APPROPRIATIONS.

Section 205 of the Environmental Quality Improvement Act of 1970 (42 U.S.C. 4374) is amended by adding at the end thereof following:

"(e) $1,000,000 for each of the fiscal years 1989 and 1990, and $1,500,000 for each of the fiscal years 1991, 1992, and 1993."

SECTION-BY-SECTION ANALYSIS

SECTION 1. NATIONAL ENVIRONMENTAL POLICY ACT (NEPA) CLARIFICATIONS

Sec. 1(a) amends Sec. 101(b) of NEPA to add a seventh environmental policy objective to the present six, to "provide world leadership in ensuring a healthy and stable global environment".

Sec. 1(b) amends Sec. 102(2)(C) of NEPA to:

Clarify the application of the environmental impact statement (EIS) process to major Federal actions "including extraterritorial actions" with exemptions for national security and intelligence activities, arms transfers and law enforcement activities.

Refine the present language in NEPA requiring inclusion of alternatives to proposed actions in environmental impact statements. The amendment clarifies the scope of alternatives to include those which would achieve the same or similar purpose of the proposed action including those that would mitigate adverse environmental effects.

Require specification within the EIS of the mitigation measures that will be taken if the proposed action is implemented.

Amends NEPA to require Federal agencies to consult with the public prior to preparing an EIS in addition to the current requirement for interagency consultation.

Sec. 1(c) strengthens Sec. 101(2) (F) of NEPA which sets forth the obligation of Federal agencies to promote protection and enhancement of the global environment.

SECTION 2. REVISED ANNUAL REPORT REQUIREMENTS

Sec. 2 replaces the current annual reporting provisions contained in Sec. 201 of NEPA with a requirement for an annual environmental strategy report to Congress. The amendment requires the President to report on the strategy for implementing the policies set forth in Sec. 101 of NEPA: identify new and emerging environmental issues; describe initiatives to strengthen environmental programs; recommend national and international environmental priorities; evaluate the effectiveness of mitigation measures specified in EIAs; and summarize EIS implementation during the previous year.

SECTION 3. REGULATORY AUTHORITY AND APPLICABILITY

Sec. 3 amends Sec. 204 of NEPA to provide an explicit statutory basis for regulations issued by CEQ and to define the applicability and scope of the regulations. Regulations are to include consideration of global impacts and are applicable to all Federal agencies and independent regulatory commissions.

SECTION 4. EIS REVIEW

Sec. 4 is freestanding. It requires CEO to issue guidelines within 6 months to enactment for each Federal agency to review a sample of the EISs they have prepared which included specific mitigation measures. Specific review criteria include the accuracy of predicted adverse environmental effects and the extent to which specified mitigation measures were implemented and the effectiveness of those measures. A summary of the reviews are to be included in the Council's annual report.

SECTION 5. AUTHORIZATION

Sec. 4 amends the Environmental Quality Improvement Act to extend authorizations for Office of Environmental Quality through fiscal year 1983. $1 million is authorized for each FY89 and FY90. The authorization increases to $1.5 million in each FY91-FY93.

CONGRESS OF THE UNITED STATES,
Washington, DC, February 10, 1989.

Hon. GEORGE BUSH,
President of the United States, The White House, Washington, DC.

DEAR MR. PRESIDENT: We are writing to urge you to direct the Council on Environmental Quality (CEQ) to go forward with its plan to require federal agencies to consider the impact of their actions on global warming. As you may know, this proposal was rejected during the last days of the previous Administration.

Global warming, otherwise referred to as the greenhouse effect, is perhaps the most serious and far-reaching environmental problem we face in the world today. We believe it is not only desirable, but necessary under the law, for federal agencies to consider this problem when preparing the environmental assessments and impact statements required by the National Environmental Policy Act.

The importance of the CEQ proposal has been illustrated in testimony both before the Council and the Congress that federal agencies have regularly ignored the need to consider the impact of their actions on global warming. This is true even with re-

spect to actions that have a clear effect on that phenomenon, such as those dealing with the production and conservation of energy resources.

The United States is the largest national and per capita source of the gases that contribute to the greenhouse effect. We cannot expect others to cooperate with us in dealing with this problem if we do not act decisively ourselves. Your acceptance of the CEQ proposal would be a dramatic first step towards demonstrating strong international leadership by the United States on global environmental issues.

We are pleased by the statements Secretary of State Baker has made identifying global warming as an international issue of grave importance. We have been troubled in the past, however, by a gap between general statements of intent and concrete action on the part of U.S. officials on this subject. We urge you to move beyond rhetoric to action, and to direct the CEQ to establish binding guidelines for federal agencies to ensure their full participation in the effort to combat global climate change.

With kind regards.

Sincerely,

Walter B. Jones, Chairman, Committee on Merchant Marine and Fisheries; Robert W. Davis, Ranking Minority Member, Committee on Merchant Marine and Fisheries; John H. Chafee, Ranking Minority Member, Senate Subcommittee on Environmental Protection; Frank R. Lautenberg, Chairman, Senate Subcommittee on Superfund and Environmental Oversight; Les AuCoin, Member, House Committee on Appropriations.

Gerry L. Studds, Chairman, Subcommittee on Fisheries and Wildlife Conservation and the Environment; Patrick J. Leahy, Chairman, Senate Committee on Agriculture, Nutrition, and Forestry; John Kerry, Member, Senate Committee on Commerce, Science, and Transportation; Al Gore, Chairman, Senate Subcommittee on Science, Technology, and Space; Max Baucus, Chairman, Senate Subcommittee on Hazardous Wastes and Toxic Substances.

THE SECRETARY OF THE TREASURY,
Washington, DC, March 1, 1989.

MR. BARBER B. CONABLE,
President, The World Bank,
Washington, DC.

DEAR BARBER: Access to information about the World Bank's projects and programs has become an important issue for environmental and poverty groups in the United States, Canada, and other countries.

In my remarks at the Development Committee Meeting in Berlin last September, I indicated that public access to such information needed to be improved. The FY 1989 Appropriations Committee Conference Report said that public access to MDB documents has been unnecessarily restrained. The conferees directed the Secretary of the Treasury to make the relevant Bank documents available to the public if MDB policies have not been reformed by September 30, 1989. The report specifically requested access to documents that "underlie or carry out country development plans, describe the design of proposed projects, and evaluate the effectiveness of completed projects."

As you know, the Minister of Finance of Canada has proposed a four-point program to enhance support for sustainable development. As part of that proposal, the Government of Canada has asked for disclosure of more information about the environmental aspects of World Bank loans and has held discussions with other member governments about how this might be done.

Treasury staff have raised this issue with members of your staff. We have also discussed it with representatives from other member governments. There is general agreement that the issue needs to be addressed and various proposals are now being considered.

We strongly recommend that the Bank consider ways that environmental information on specific projects may be made publicly available on a regular basis, well in advance of Board review. The Bank should also consider how to make available after Board consideration environmental analyses contained in Board documents.

I hope that the World Bank will consider providing more information on Bank operations to the public in order to promote wider understanding of its role and activities.

Sincerely,

NICHOLAS F. BRADY.●

By Mr. BOND (for himself and Mr. DANFORTH):

S. 1090. A bill to provide for the addition of certain parcels to the Harry S Truman National Historic Site in the State of Missouri; to the Committee on Energy and Natural Resources.

ADDITIONS TO HARRY S TRUMAN NATIONAL HISTORIC SITE

● Mr. BOND. Mr. President, Senator DANFORTH and I are introducing legislation today which will expand and preserve the Harry S Truman National Historic Site. Currently, the only building on the site is the home where Harry Truman spent most of his adult life. Our legislation would authorize the National Park Service to buy, or accept as donations, three historically significant houses adjacent to the former President's residence. The bill authorizes the modest amount of $250,000 should the Park Service have to purchase any or all of the houses.

One of the houses belong to the President's aunt, Margaret Noland, and her family. He often visited her when he was young and stayed with her and her family when he was courting his future wife, Bess Wallace. Bess lived just across the street, in the house which eventually became the Truman's home.

The other two houses belonged to Frank and George Wallace, Bess' brothers. They built them next to the Truman home and George's wife, May, still resides in one of them. The Trumans and the Wallaces were very close and the three houses are a vital part of what Harry Truman called "home."

Adding these three properties to the Truman Historic Site will not only aid us in understanding the life of our 33d President, it will also serve the very important purpose of preserving the historical integrity of the Truman home itself. Last year, the National Park Service identified this site as one of several national historic landmarks threatened by significant changes in the character of the surrounding neighborhood. The Park Service report recommended that additional measures be taken, such as the purchase of adjacent, historically related properties, in order to preserve the site. This is just what our legislation would do.

Congressman ALAN WHEAT has introduced this measure in the House. It is supported by the Missouri congressional delegation, the Department of the Interior, and the Truman family. Senator DANFORTH and I encourage our colleagues to support the legislation as well.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1090

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. PROPERTY ACQUISITION.

(a) NOLAND/HAUKENBERRY HOUSE AND WALLACE HOMES.—The first section of the Act entitled "An Act to establish the Harry S Truman National Historic Site in the State of Missouri, and for other purposes", approved May 23, 1983 (97 Stat. 193), is amended—

(1) by striking "That," and inserting "That (a)"; and

(2) by adding at the end the following:

"(b)(1) The Secretary is further authorized to acquire by any means set forth in subsection (a) the real properties commonly referred to as—

"(A) the Noland/Haukenberry house and associated lands on Delaware Street in the city of Independence, Missouri, and

"(B) the Frank G. Wallace house and the George P. Wallace house, and associated lands, both on Truman Road in the city of Independence, Missouri.

"(2) The owners of property referred to in paragraph (1) on the date of its acquisition by the Secretary may, as a condition to such acquisition, retain the right of use and occupancy of the improved property for a term of up to and including 25 years or in lieu thereof, for a term ending at the death of the owner or the spouse of the owner, whichever is later. The owner shall elect the term to be reserved.

"(3) Unless a property acquired pursuant to this subsection is wholly or partially donated to the United States, the Secretary shall pay the owner the fair market value of the property on the date of acquisition less the fair market value, on the date, of the right retained by the owner under paragraph (2).".

(b) TECHNICAL AMENDMENT.—The first sentence of section 2 of such Act is amended by striking "subsection (a)" and inserting "the first section of this Act".

(c) AUTHORIZATION OF APPROPRIATIONS.—Section 3 of such Act is amended—

(1) by inserting before the period at the end thereof ", except for subsection (b) of the first section of this Act"; and

(2) by adding at the end the following: "There is authorized to be appropriated $250,000 to carry out subsection (b) of the first section of this Act.".●

By Mr. GRAHAM:

S. 1091. A bill to provide for the striking of medals in commemoration of the bicentennial of the United States Coast Guard; to the Committee on Banking, Housing, and Urban Affairs.

BICENTENNIAL OF THE U.S. COAST GUARD

● Mr. GRAHAM. Mr. President, today I am introducing legislation that will authorize the design, striking, and selling of a commemorative medal honoring the bicentennial of the U.S. Coast Guard in 1990.

Since the founding of its forerunner, the Revenue Cutter Service, in 1790, the Coast Guard has provided continuous service by defending and preserving our maritime environment. Over the years, its mission has grown to include rescue service, maintenance of navigation aids, security for ports and harbors, inspection and certification of the maritime industry, protection of the maritime environment, and drug-law enforcement. These duties have been diligently performed by the dedicated men and women who serve as members of the Coast Guard.

The gallantry of these men and women is reflected in their service to this country in the wars and conflicts we have faced. From the early conflicts of a young nation through the world wars and hostilities in Korea, Vietnam, and Grenada, the Coast Guard has been there. In every instance, the Coast Guard has served alongside the other branches of our Armed Forces.

One need only look to history to see that the members of the Coast Guard have answered this country's call bravely and professionally. During World War II, Coastguardsman Douglas Munro earned the Congressional Medal of Honor at the cost of his own life. His efforts led to the successful extraction of trapped marines from Guadacanal. During the D-Day invasion at Normandy, Coast Guard patrol craft were responsible for saving over 1,000 allied troops whose landing crafts never made it to the beaches. Throughout the war, Coast Guard cutters escorted convoys and protected coastal shipping and installations. The Coast Guard sent 11 German submarines to the bottom when the allies were fighting for survival in the battle of the Atlantic. More recently, during the Korea and Vietnam conflicts, members of the Coast Guard performed their duties admirably in hostile situations.

As history reveals, the Coast Guard is an integral part of our Armed Forces. It is, however, unique in that its peacetime mission is just as vital to our Nation's welfare as its military role. The crucial responsibility of aiding the national defense does not overshadow the myriad of duties which the Coast Guard undertakes daily. Men and women of the Coast Guard are serving our maritime needs daily, and those services are providing a safer and more secure environment for the mariners using our Nation's waters.

Of particular importance is the Coast Guard's role in our Nation's ongoing war on drugs. The service is presently the lead Federal agency in drug interdiction. The men and women of the Coast Guard risk their lives daily policing our shores and protecting us from the import of illegal drugs. So vital is this role, Adm. Paul Yost has named it a top priority since becoming Commandant of the Coast Guard in 1986.

It is, therefore, only fitting that we in the Congress acknowledge the commitment and dedication of the Coast Guard by authorizing the striking of a national medal commemorating its August 4, 1990 bicentennial.

The commemorative medals shall be sold at a price sufficient to cover the cost of such medals, including labor, materials, dies, use of machinery, and overhead expenses. They will be produced at no cost to the U.S. Government.

I urge my colleagues to join me in supporting the passage of this legislation.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1091

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "United States Coast Guard Bicentennial Medal Act".

SEC. 2. MEDAL COMMEMORATING THE BICENTENNIAL OF THE UNITED STATES COAST GUARD

(a) COMMEMORATIVE MEDAL.—The Secretary of the Treasury shall design, strike, and sell a medal in commemoration of the bicentennial of the United States Coast Guard in 1990.

(b) SALES.—Medals struck pursuant to subsection (a) shall be sold at a price sufficient to cover the cost of such medals, including labor, materials, dies, use of machinery, and overhead expenses.

SEC. 3. DESIGN OF MEDAL.

The design of the medal authorized by this Act shall be selected by the Secretary of the Treasury after consultation with the Secretary of Transportation and the Commission of Fine Arts.

SEC. 4. NATIONAL MEDALS.

The medals struck pursuant to this Act are national medals for purposes of chapter 51 of title 31, United States Code.●

By Mr. CRANSTON (for himself, Mr. MURKOWSKI, and Mr. MATSUNAGA):

S. 1092. A bill to amend title 38, United States Code, to implement certain recommendations of the Commission on Veterans' Education Policy improvements concerning work-study allowances, institutional reporting fees, and distinctions in degree and nondegree training; and for other purposes; to the Committee on Veterans' Affairs.

VETERANS' EDUCATION POLICY IMPROVEMENTS ACT

Mr. CRANSTON. Mr. President, as chairman of the Committee on Veterans' Affairs, I am today introducing along with the committee's ranking minority member, Mr. MURKOWSKI, and my good friend from Hawaii, Mr. MATSUNAGA, S. 1092, the proposed Veterans' Education Improvements Act of 1989, legislation to implement certain recommendations, with revisions in certain cases, of the Commission on Veterans' Education Policy [CVEP] established under section 320 of the Veterans' Benefits Improvement and Health-Care Authorization Act of 1986 (Public Law 99-576), which I coauthored with then-Chairman FRANK MURKOWSKI.

Many of these changes have been endorsed specifically or in concept by the Secretary of Veterans' Affairs in his April 24 report on the Commission's report and recommendations. Where that is not the case, VA comments have been fully taken into account.

SUMMARY OF PROVISIONS

This measure would:

First, allow VA work-study student allowances to be based on the higher of the Federal hourly minimum wage or the applicable State hourly minimum wage—rather than simply the Federal minimum as under current law.

Second, expand eligibility for VA's work-study program to include students training under the (chapter 35) program of educational assistance for certain dependents and survivors of service disabled veterans.

Third, include students training under the (chapter 31) program of rehabilitation services for veterans with service-connected disabilities in the count of those on whose behalf the reporting fee is paid.

Fourth, eliminate the differences in the attendance requirements for "degree" and "non-degree" training.

Fifth, repeal the anachronistic limit on the number of changes of educational program permitted and institute an education or vocational counseling requirement for each change of program beyond the first change.

Sixth, provide the Secretary of Veterans' Affairs with the discretionary authority under all VA-administered educational assistance programs to require monthly student self-verification of training for both degree and nondegree training for all rates of training.

Seventh, specify that "mitigating circumstances"—which excuse a veteran from repayment of part of the benefits received for a course from which the veteran withdrew—include difficulties beyond the control of the equible veteran in making or changing child-care arrangements.

Eighth, provide that the effective date of adjustments in educational benefits based on a change in the amount of a student's measure of training time be the date of the change rather than, as under current law, the end of the month in which the change occurs.

Ninth, modify the criteria for determining waiver or applicability of both the "2-year" rule and the "85-15" rule for certain course provided under contract with the Department of Defense to take into account individuals training under the (chapter 106 of title 10) educational assistance program for members of the Selected Reserve of the Ready Reserve, and make such students eligible for VA's work-study program.

BACKGROUND

Mr. President, as I have indicated, the purpose of this bill is to implement various recommendations made by the CVEP, as revised in certain cases.

The CVEP, which is made up of 11 members, including the chairman of the Secretary of Veterans' Affairs' Advisory Committee on Education, my very close friend and adviser, Oliver Meadows, was charged with the responsibility of looking into matters relating to the sound administration of all VA educational assistance programs and making recommendations on how to improve the overall effectiveness and simplicity of their administration. In this regard, I have long believed that the working relationship between VA and our Nation's educational institutions must be a cooperative and interdependent "partnership" to serve the best interests of veterans, service members, and eligible persons as well as the educational institutions themselves in assisting program participants to reach their educational or vocational goals. And that is what the CVEP's work really is all about.

I applaud each Commission member for their outstanding contributions under the very fine leadership of the chairman, Janet D. Steiger. Janet Steiger is a distinguished public servant who took on this arduous and not particularly career-enhancing responsibility when urged to do so by myself and VA officials, and she has carried off her responsibilities, as we had expected, with good judgment and good grace and with a firm hand on the tiller, and done so at considerable personal sacrifice. We all wish her well in her responsibilities as Chairman of the Federal Trade Commission.

I also applaud and congratulate the Executive Director, Babette V. Polzer, for her excellent work and sensitivity on this project. I am very proud of Babette's fine accomplishments here following her work as a staff adviser to me for 12 years in the areas of employment, poverty, childrens' issues and veterans' education, employment, home-loan, and other benefits. She has distinguished herself with her dedication to sound public policy in this demanding post. I want to take special note of the many contributions made to the Commission's work by two Commission members: my constituent Bertie Rowland, a past president of the National Association of Veterans' Programs Administrators; and my good friend and trusted adviser, Jack Wickes, who served as an associate counsel on the Veterans' Affairs Committee as well as on my Subcommittee on Children and Human Development on the Labor Committee.

I also want to acknowledge the many career professionals in the Veterans' Benefits Administration of the Department of Veterans Affairs [VA] for the excellent cooperation and valuable assistance they provided to the Commission in the conduct of its work.

Mr. President, in formulating this measure I have carefully considered the views expressed in the CVEP's August 29, 1988, report entitled "Veterans' Education Policy" (S. Prt. 100-125, September 22, 1988), as well as VA's February 28, 1989, "Interim Report on Veterans' Education Policy", which was transmitted to the committee by Secretary Derwinski on April 24, 1989.

Mr. President, I ask unanimous consent that copies of the summaries of these reports be printed in the RECORD at the conclusion of my remarks.

Although the CVEP's views on VA's interim report are not required to be submitted to the Secretary and the Veterans' Affairs Committees until late July, I believe there are several CVEP recommendations on which the Congress can act now, particularly in regard to the effective administration of the Montgomery GI bill, under which enrollments are growing daily. VA projects that almost 200,000 veterans, reservists, and service members will use the Montgomery GI bill in fiscal year 1990.

VETERAN-STUDENTS WORK-STUDY ALLOWANCE INCREASE

Mr. President, section 2 of the bill would amend section 1685 of title 38, United States Code, to require work-study allowances to be based on the higher of the Federal hourly minimum wage or the applicable State hourly minimum wage in which the veteran-student services are provided. Page 4 of the CVEP executive summary and pages 168 through 172 of the CVEP report urge that VA's work-study program be overhauled to provide for a flexible progressive payment scale that could be used to attract and retain quality work-study students, especially in high-cost-of-living areas. However, VA concluded on page 96 of its April interim report that the equity sought by the Commission could be gained by basing the work-study payments on the higher of the Federal wage or the applicable State minimum wage in the case of the 12 States in which such a wage is higher, including California where it is $4.25. I believe VA's approach to be a cost-effective one that can be readily implemented while further thought is given to CVEP's more ambitious position.

MAKE SURVIVORS, DEPENDENTS, AND SELECTED RESERVISTS ELIGIBLE FOR VA WORK-STUDY ALLOWANCES

Mr. President, sections 3 and 10(b), respectively, of the bill would add a new section 1737 in title 38 and amend section 1685 of title 38 and section 2136(b) of title 10 to expand eligibility for VA's work-study program to include service-connected disabled veterans' dependents and survivors pursuing educational programs under chapter 35 of title 38 and members of the Selected Reserve of the Ready Reserve pursuing training with educational assistance under chapter 106 of title 10. As the CVEP points out on page 4 of its executive summary and page 172 of its report, this recommendation would achieve consistency among the educational assistance programs and increase the number of individuals who could participate, without changing the current priority for the participation of service-connected disabled veterans in the work-study program. VA, on page 95 of its April interim report, takes no position on the proposal to include chapter 106 trainees in work-study eligibility, and does not support expanding eligibility for VA's work-study program to individuals training under chapter 35.

INCLUDE CHAPTER 31 IN REPORTING-FEE PROVISION

Mr. President, as recommended on page 3 of the CVEP report's executive summary, section 4 of the bill would amend section 1784 of title 38 to include veterans pursuing training under the chapter 31 program of rehabilitation for those with service-connected disabilities in the count of those on whose behalf VA pays institutions a fee to defray the costs of submitting reports and certifications of the enrollment of students pursuing training with VA assistance. The CVEP properly points out, on page 140 of its report, that service-connected disabled veterans frequently require the provision of services and assistance by the educational institution beyond those usually provided to other veterans. I note that, although VA generally pays to the chapter 31 participant's educational institution a "book handling" fee

equal to 10 percent of the cost of the veteran student's books and supplies, at many schools the bookstore operates as a "concession" activity, totally independent of the institution. In those cases, the institution is not the recipient of the "book handling" fee and cannot apply these funds to the provision of services to chapter 31 students. VA, on page 76 of its Interim Report states that it will consider the Commission's recommendation.

REMOVE ATTENDANCE-REQUIREMENT DIFFERENCES BETWEEN DEGREE AND NONDEGREE TRAINING

Mr. President, section 5 of the bill would amend sections 1674, 1724, 1775(b), and 1780(a) of title 38 to eliminate the differences in attendance requirements "absence reporting" that exist between degree and nondegree training, as recommended by the CVEP on page 2 of its executive summary and discussed on pages 102 through 113 of its report, and as proposed by VA on pages 45 through 47 of its April interim report.

REPLACING CHANGES-OF-PROGRAM LIMITATION WITH COUNSELING REQUIREMENT

Mr. President, section 6 of the bill would amend section 1791 of title 38, as recommended in concept on page 1 of the CVEP executive summary and discussed on pages 83 through 88 of its report, so as (a) to repeal the limit on the number of changes of educational programs that a VA assisted student is permitted to make, and (b) to require VA to approve a second or subsequent program change only if the individual accepts educational or vocational counseling services and VA finds that the change suits the individual's aptitudes, interests, and abilities.

Under current law, section 1791(c), a third or subsequent change is permitted only if VA determines that it is "necessitated by circumstances beyond the control of the eligible veteran or person."

VA data show that during 1988 only 2.79 percent of all trainees had a change of program beyond an initial change. Thus, I believe there is little justification for the administratively cumbersome, judgmental, and time-consuming process that VA adjudicators must carry out in administering current section 1791(c) of title 38 in regard to granting, or not granting, a third or subsequent change of program to a veteran or eligible person.

Likewise, I see no need to put a veteran at risk of being denied the use of VA benefits when the veteran seeks to make such a subsequent change to a program that is suitable for him or her.

The overwhelming majority of those who would be affected by this recommendation would be chapter 30 and 32 participants who, in fact, have made a financial investment in order to acquire eligibility. Page 23 of VA's April Interim Report recommends that counseling be provided for changes of program beyond an initial change and does not concur with the Commission's position to abolish the limit on the number of changes of program an otherwise eligible person may take.

AUTHORIZE MONTHLY SELF-CERTIFICATION

Mr. President, section 7 of the bill would amend section 1781 of title 38, as recommended on page 1 of the CVEP executive summary and discussed on pages 76 through 82 of the report, to provide the Secretary with the authority under all VA-administered educational assistance programs to require monthly self-certification verifying pursuit of training, as requirement for receipt of benefits, for both degree and nondegree training and for all rates of training, including training on less than a half-time basis. This requirement is currently made only under the chapter 30 program—the Montgomery GI bill. This approach should help to avoid the large-scale overpayment problems that were experienced during the administration of the Vietnam-era educational assistance program.

WITHDRAWAL FROM COURSE DUE TO CHILD-CARE DIFFICULTIES

Mr. President, section 8 of the bill would amend section 1780 of title 38, as recommended on pages 2 and 3 of the CVEP executive summary, and discussed on pages 124 through 128 of the report, to provide that mitigating circumstances—which excuse one who has withdrawn from a course from repaying the benefits paid for the period during which the course was pursued—include difficulties beyond the control of the eligible veteran or person in making or changing child-care arrangements.

VA on page 66 of its April Interim Report, supports the Commission's recommendations through a change in regulations—38 C.F.R. 21.7020(b)(19).

CHANGE THE EFFECTIVE DATE OF ADJUSTMENTS OF EDUCATIONAL BENEFITS

Mr. President, section 9 of the bill would amend section 3013 of title 38, as recommended on page 1 of the CVEP executive summary and discussed on pages 76 through 82 of the report, to provide that the effective date of an educational benefits adjustment based on a change in a student's course load or other change in aggregate training time would be the date of the change rather than, as under current law, the end of the month in which the change occurs. VA, on page 14 of its interim report, states that it agrees with the premise of this recommendation, and in connection with the results of the chapter 30 self-certification study—which it will complete this September—will consider initiating procedures to propose legislative action as well as regulatory change to reflect this policy.

INCLUDE CHAPTER 106 PROGRAM IN THE WAIVER OF "85-15" AND "2-YEAR" RULES

Mr. President, section 10 of the bill would amend section 1789(B)(6)(b) of title 38, as recommended on page 4 of the CVEP executive summary and discussed on pages 161 through 165 of the report, to modify the criteria for determining the applicability and waivers of both the "2-year" rules and the "85-15" rule for certain courses provided under contract with the Department of Defense to take into account individuals training under chapter 106 of title 10. VA, as stated on page 93 of its report, agrees with the Commission's recommendation and has already initiated discussions with the Department of Defense on this matter.

CONCLUSION

Mr. President, I urge my colleagues to support this legislation. I also want to note that a number of issues—including one dealing with VA "course measurement" policy—are still under discussion between VA and the CVEP, and I look forward to recommendations in this regard in the Commission's final report this summer.

In closing, I want to say a special word of thanks to Darryl Kehrer, who, so ably assisted by Erin McGrath, labored so long and hard to put this bill together and analyze the Commission's report after serving as an ex officio member of the Commission on my behalf for the last several years.

I ask unanimous consent that the text of the bill be printed in the RECORD followed by the materials to which I previously referred.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1092

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; REFERENCES TO TITLE 38, UNITED STATES CODE.

(a) SHORT TITLE.—This Act may be cited as the "Veterans Education Policy Improvements Act".

(b) REFERENCES TO TITLE 38.—Except as otherwise specifically provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of title 38, United States Code.

SEC. 2. VETERAN-STUDENT SERVICES.

(a) CRITERIA FOR DETERMINING WORK-STUDY ALLOWANCE.—Section 1685(a) is amended—

(1) in the second sentence, by striking out "the hourly minimum wage" and all that follows through "(29 U.S.C. 206(a))" and inserting in lieu thereof "the applicable hourly minimum wage";

(2) in the fourth sentence, by striking out "the hourly minimum wage" and all that follows through "performed" and inserting in lieu thereof "the applicable hourly minimum wage";

(3) by inserting "(1)" after "(a)"; and

(4) by adding at the end the following new paragraph:

"(2) For the purposes of paragraph (1) of this subsection, the term 'applicable hourly minimum wage' means the hourly minimum wage under section 6(a) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206(a)) or the hourly minimum wage under comparable law of the State in which the services are to be performed, whichever is higher.".

(b) CONFORMING AMENDMENT.—Section 1685(b) is amended by striking out "subsection (a)" and inserting in lieu thereof "subsection (a)(1)".

SEC. 3. SURVIVORS' AND DEPENDENTS' WORK-STUDY ALLOWANCE.

(a) IN GENERAL.—Subchapter IV of chapter 35 is amended by inserting after section 1736 the following new section:

"§ 1737. Work-study allowance

"(a) Subject to subsection (b) of this section, the Secretary shall utilize, in connection with the activities described in section 1685(a) of this title, the services of any eligible person who is pursuing, in a State, a full-time program of education (other than a course of special restorative training) and shall pay to such person an additional educational assistance allowance (hereafter in this section referred to as 'work-study allowance') in return for such eligible person's agreement to perform such services. The amount of the work-study allowance shall be determined in accordance with section 1685(a) of this title.

"(b) The Secretary's utilization of, and payment of a work-study allowance for, the services of an eligible person pursuant to subsection (a) of this section shall be subject to the same requirements, terms, and conditions as are set out in section 1685 of this title with regard to veteran-students pursuing full-time programs of education referred to in subsection (b) of such section.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 35 is amended by inserting after the item relating to section 1736 the following new item:

"1737. Work-study allowance.".

SEC. 4. REPORTING FEES.

Section 1784 is amended—

(1) in subsection (a)(1), by striking out "chapter 34" and inserting in lieu thereof "chapter 31, 34,";

(2) in subsection (b), by striking out "chapters 34" and inserting in lieu thereof "chapters 31, 34"; and

(3) in subsection (c), by striking out "chapter 34" each place it appears and inserting in lieu thereof "chapter 31, 34,".

SEC. 5. REMOVAL OF ATTENDANCE REQUIREMENT DISTINCTIONS BETWEEN DEGREE AND NONDEGREE TRAINING.

(a) UNSATISFACTORY ATTENDANCE.—(1) Section 1674 is amended by striking out "conduct" each place it appears and inserting in lieu thereof "attendance, conduct,".

(2) Section 1724 is amended by striking out "conduct" each place it appears and inserting in lieu thereof "attendance, conduct,".

(b) APPROVAL OF ACCREDITED COURSES WITHOUT ATTENDANCE STANDARDS.—Section 1775(b) is amended by inserting "if the educational institution does not have a formal policy or regulations specifying minimum satisfactory attendance standards required for a student to avoid interruption of a course, loss of credit, or dismissal" before the end parenthesis in the first sentence.

(c) PAYMENT PERIOD.—Section 1780(a) is amended—

(1) in clause (1), by striking out "which leads to" and all that follows through "title," the first time it appears and inserting in lieu thereof "approved pursuant to section 1775 of this title";

(2) by striking out clause (2) and inserting in lieu thereof the following:

"(2) to any eligible veteran or eligible person enrolled in a course approved pursuant to section 1776 of this title for any period for which the Secretary finds, pursuant to section 1674 or 1724 of this title, that such veteran's or person's attendance, conduct, or progress is unsatisfactory or that such veteran or person is not pursuing that course in accordance with (A) the provisions of such regulations as the Secretary may prescribe pursuant to subsection (g) of this section, and (B) the requirements of this chapter or of chapter 34 or 35 of this title;";

(3) in subclause (A) of the matter following clause (5), by striking out ", and such periods" and all that follows through "subsection"; and

(4) in subclauses (B) and (C) of the matter following clause (5), by striking out ", but such periods" and all that follows through "subsection" each place it appears.

(d) CONFORMING AMENDMENT.—Section 1785(b) is amended by striking out "excessive absences from a course, or".

SEC. 6. CHANGES OF PROGRAMS OF EDUCATION.

(a) REPEAL OF LIMITATION ON NUMBER OF CHANGES.—(1) Section 1791(a) is amended by striking out "Except" and all that follows through "education, but" and inserting in lieu thereof "An eligible veteran and an eligible person may make a change of program of education pursued by such veteran or person, as the case may be, if the change is approved by the Secretary. Except as provided in subsections (b) and (c) of this section,".

(2) Section 1791 is amended—

(A) in subsection (b), by striking out the matter above clause (1) and inserting in lieu thereof "The Secretary may approve any change in program (including any change in the case of a veteran or person not entitled to make a change under subsection (a) of this section) if the Secretary finds—"; and

(B) by striking out subsection (c) and inserting in lieu thereof the following:

"(c) The Secretary may also approve any change of program of education if the Secretary finds such change is necessitated by circumstances beyond the control of the eligible veteran or eligible person.".

(b) COUNSELING REQUIREMENT.—(1) Section 1791(b)(1) is amended by inserting ", determined, in the case of each change after the eligible veteran's or eligible person's first change, as provided in subsection (d) of this section" after "abilities".

(2) Section 1791 is amended—

(A) by redesignating subsection (d) as subsection (e); and

(B) by inserting after subsection (c) the following new subsection (d):

"(d) The Secretary may approve a second or subsequent change of program of education by an eligible veteran or eligible person only if—

"(1) the veteran or person accepts educational or vocational counseling services referred to in section 1663 of this title; and

"(2) the Secretary determines, on the basis of the results of the educational or vocational counseling, that the change is suited to the veteran's or person's aptitudes, interests, and abilities.".

SEC. 7. PROOF OF SATISFACTORY PURSUIT OF A PROGRAM OF EDUCATION.

(a) WITHHOLDING OF BENEFITS; FORM OF PROOF.—Section 1780(g) is amended by striking out "the Administrator is authorized" in the second sentence and inserting in lieu thereof "the Secretary may withhold payment of benefits to such eligible veteran or eligible person until the required proof is received and the amount of the payment is appropriately adjusted. The Secretary may accept such veteran's or person's monthly certification of enrollment in and satisfactory pursuit of such veteran's or person's program as sufficient proof of the certified matters.".

(b) TECHNICAL AMENDMENT.—Section 1780(g) is amended by striking out "Administrator" each place it appears and inserting in lieu thereof "Secretary".

(c) CONFORMING AMENDMENTS.—Section 1434 is amended—

(1) in subsection (a)(1), by striking out "1780(g),";

(2) by striking out subsection (b); and

(3) by redesignating subsection (c) as subsection (b).

SEC. 8. WITHDRAWAL FROM COURSE UNDER MITIGATING CIRCUMSTANCES.

Section 1780 is amended by adding at the end the following new subsection:

"(h) Mitigating circumstances referred to in subsection (a)(4) include the suspension of the pursuit of a program of education by an eligible veteran or eligible person in order for such veteran or person personally to furnish child care for the veteran's or person's child if the necessity for personally furnishing such child care results from difficulties, beyond the control of such veteran or person, in making or changing child-care arrangements.".

SEC. 9. EFFECTIVE DATE OF ADJUSTMENTS OF EDUCATIONAL BENEFITS.

Section 3013 is amended to read as follows:

(1) by striking out "Effective" and inserting in lieu thereof "(a) Except as provided in subsection (b) of this section, effective"; and

(2) by adding at the end the following new subsection:

"(b) The effective date of an adjustment of benefits under any provision of law referred to in subsection (a) of this section, if made on the basis of a change in a student's rate of pursuit of training or other change in a student's training time, shall be the date of the change.".

SEC. 10. DEPARTMENT OF VETERANS AFFAIRS ADMINISTRATION OF SELECTED RESERVE EDUCATIONAL ASSISTANCE.

(a) APPROVAL OF COURSES.—Section 1789(b)(6)(B) is amended by inserting "and members of the Selected Reserve of the Ready Reserve eligible for educational assistance under chapter 106 of title 10" after "dependents".

(b) ELIGIBILITY TO PERFORM VETERAN-STUDENT SERVICES.—(1) Section 1685(b) is amended by inserting "or under chapter 106 of title 10" before the period at the end of the first sentence.

(2) Section 1685 is amended by adding at the end the following new subsection:

"(e) For the purposes of this section, the terms 'veteran' and 'veteran-student' include a person receiving educational assistance under chapter 106 of title 10.".

(3) Section 2136(b) of title 10, United States Code, is amended by striking out "and 1683" and inserting in lieu thereof "1683, and 1685".

SEC. 11. EFFECTIVE DATES AND APPLICABILITY.

(a) EFFECTIVE DATES.—(1) Except as provided in paragraph (2), the amendments made by this Act shall take effect on the date of the enactment of this Act.

(2) The amendments made by section 2 of this Act shall take effect on January 1, 1990.

(b) APPLICABILITY.—The amendments made by section 5 of this Act shall apply with respect to enrollments and reenrollments on or after the date of the enactment of this Act.

COMMISSION TO ASSESS VETERANS' EDUCATION POLICY SUMMARY OF RECOMMENDATIONS

BENEFIT-DELIVERY SYSTEM STRUCTURE

Adopt in the long run a consolidated-region approach to the processing of all education programs (to include adjudication and processing of all benefits and approval and compliance functions) to be located in a handful of large regions and retaining only an "education ombudsman" capacity (having direct-line responsibility flowing through the education program) in each of the 58 regional offices. Ombudsman pay and grade level should be commensurate with the responsibility to maintain liaison with institutions, students, reserve units, and others, and to undertake problem solving and trouble shooting as required.

CERTIFICATIONS AND REPORTS: EFFECTIVE DATES

Provide authority under all chapters to require monthly self-certification verifying pursuit of training with a bar to benefits without it for both degree and non-degree training for all rates of training (including training on less than a half-time basis), as is now being implemented under chapter 30.

Following an analysis of the effectiveness of these certifications in obtaining timely and accurate reports of changes in training status, consider modification of the requirement that institutions report changes in status within 30 days of the date of the event to a requirement that these changes be reported within 30 days of the date on which the institution has knowledge of the event.

Make adjustments in benefits in all chapters that are required because of changes in training time effective on the date of the actual event, rather than at the end of the month in which the change occurs.

CHANGES OF PROGRAM LIMITATIONS

Abolish the limit on the number of changes of program (retaining restrictions for failure to progress).

Institute a counseling requirement for changes of program beyond an initial change.

COMPLIANCE SURVEYS AND SUPERVISORY VISITS

Monitor by exception by permitting the VA to target schools for compliance survey audits based on factors outside the norm.

Require resources of the State approving agencies to be concentrated on schools where assistance is needed or problems exist in lieu of the requirement that annual visits be made to all active institutions.

Re-model compliance surveys and SAA supervisory visits to create problem-resolution and training opportunities, recognizing that such an approach would improve administration of benefits and recognize strengths as well as weaknesses during the feed-back process.

Give special attention and assistance to institutions having a turnover in staff that are responsible for administering GI Bill benefits.

COUNSELING AND SUPPORT SERVICES TO VETERANS

Counseling and associated support services be provided on an "upfront" basis to individuals seeking to use GI Bill benefits, as well as on a continuing basis as needed or requested.

DEBT RECOVERY AND FRAUDULENT CLAIMS

The VA continue determined initiatives to facilitate aggressive and timely efforts to recover overpayments of educational assistance benefits.

Adequate resources and personnel be made available to the VA for this purpose.

Other Federal agencies (such as the Department of Justice, the Department of the Treasury, the Department of Education, and the Department of Defense) be required to cooperate in these efforts.

DISTINCTIONS BETWEEN NON-COLLEGE DEGREE AND DEGREE TRAINING

Remove arbitrary distinctions in the treatment of degree and NCD programs.

MEASUREMENT

Determine rate of benefits based on progress toward an educational, vocational, or professional goal through an approved program of study, shifting concern from the mode of delivery to concern about progress in attaining the objective.

Eliminate Standard Class Sessions as a measurement criterion and measure all programs that include classroom instruction by industry standard "units" (credit or clock hours depending on the institution's standard).

Permit independent and other non-traditional modes of study (defined as those not requiring regularly scheduled contact with an instructor in a classroom setting) without discrimination but limit it within the student's overall program to a maximum of ten percent of the total length of the program.

Offer an alternative payment schedule based on 75 percent of the otherwise applicable rate for certain programs not meeting the criteria of the "full-time pursuit" concept, such as those offered entirely through independent study, thus recognizing to a greater degree the effort required and the rate of pursuit towards a goal.

Rely on State approving agencies to determine what constitutes an approved program leading to an educational, vocational, or professional goal or objective.

MITIGATING CIRCUMSTANCES

Modify the "mitigating circumstances" policy to permit students to withdraw without penalty from a course or courses up to a specified limit with a non-punitive grade without producing mitigating circumstances for the withdrawal.

Specify that "mitigating circumstances" may include child care difficulties.

PUBLICATIONS

Make available on a regular basis up-to-date publications such as newsletters and manuals designed to assist institutions in administering benefits.

Rewrite the chapters of title 38, USC, pertaining to educational assistance programs (and as necessary other provisions of law) to provide for better organization, clarity, readability, and understanding (particularly in view of the termination of the chapter 34 program on December 31, 1989).

REMEDIAL, DEFICIENCY, AND REFRESHER TRAINING

Make available GI Bill benefits for remedial, deficiency, and refresher training under all of the various educational assistance programs, including the programs established by the Hostage Relief Act (HRA) and the Omnibus Diplomatic Security Antiterrorism Act, as well as the chapters 30 and 106 and sections 901 and 903 programs.

Resolve the issue of the charge to entitlement for this type of training in a consistent manner. Based on the precedent established by the chapter 34 program, the Commission believes that there should be no charge to entitlement for benefits paid for this pursuit.

If a nine-month limitation on refresher training is incorporated in the Montgomery GI Bill programs, an identical limitation should be added to the other chapters for consistency.

REPORTING FEES

Increase the amount of reporting fees paid on an annual basis.

Provide that the amount of the fee be based on a scale, rather than a head count. For example, schools who have 5 or fewer eligibles enrolled would be paid "X", schools with 6 to 25 eligibles enrolled would be paid "Y", and so forth.

Include chapter 31 trainees in the count of those on whose behalf the fee is paid.

RESTORATION OF PAY REDUCTIONS UNDER CERTAIN CIRCUMSTANCES

Permit the restoration of pay reductions as a death benefit and in certain other limited circumstances.

ROLE OF CONTINUING EDUCATION

Make approvals of continuing education courses consistent with the stated principle of the GI Bill that programs of education must lead to an educational, vocational, or professional goal.

STANDARDIZATION

Standardize the different features of the various veterans' education programs to the maximum extent possible, consistent with their design and purpose.

TRAINING AND ASSOCIATED ADMINISTRATIVE RESOURCES

Sufficient resources be made available to carry out regular training sessions of all those involved in the administration of GI Bill benefits.

Enhanced computer capabilities (with emphasis on an on-line facilities file) be made a priority within the VA.

Staffing and other resource allocation decisions take into account the reality of an increasing educational assistance caseload.

VA work-measurement criteria reflect the non-paper aspect of the administration of benefits, the need to enhance morale, and the provision of personal attention.

2-YEAR RULE, STANDARDS OF PROGRESS AND THE "85-15 RULE"

Reaffirm the provisions of title 38 that have been effective in encouraging appropriate use of GI Bill benefits, such as the 2-year rule, standards of progress criteria, and the "85-15 rule".

Apply these provisions across the board to all the programs of educational assistance administered by the VA.

Incorporate into the criteria for determining waiver or applicability of both the 2-year rule and the "85-15 rule" those individuals training under the chapter 106 program.

VALUE OF HOME STUDY COURSES

No finding was made by the Commission on this issue.

WORK-STUDY PROGRAM

Overhaul the VA's work-study program to provide for a flexible progressive payment scale that could be used to attract and retain quality work-study students, especially in high-cost areas.

Expand eligibility for the VA's work-study program to individuals training under the chapter 35 and the chapter 106 programs.

AN INTERIM REPORT ON VETERANS' EDUCATION POLICY

EXECUTIVE SUMMARY

There are 19 issues with various recommendations proposed by the Commission to which this interim report responds. The VA is in general agreement with the main ideas of each. However, we have reservations about some of the specifics on several issues. We believe that some of the Commission's recommendations require further study.

At this time, the VA is studying the feasibility of a consolidated-region approach for the procession of all education claims as suggested by the Commission. Monthly self-certification by veterans is also currently under review, pending the results of the Chapter 30 test. The VA agrees in principle with removing arbitrary distinctions between non-college degree and degree training as well as standardization of the various education programs to the extent possible and will study these matters further. We have included, however, proposed draft legislative language to eliminate the absence reporting for non-college degree training.

We note that legislation has already been enacted implementing several of the Commission's recommendations. These include, for the most part, the proposals regarding compliance surveys and supervisory visits, mitigating circumstances, remedial, deficiency, and refresher training, and the restoration of pay reductions under certain circumstances.

The VA is in full agreement with the Commission regarding counseling and support services to veterans, debt recovery and fraudulent claims, the role of continuing education, training and associated administrative resources, and retention of the two-year rule, standards of progress, and the "85-15 rule." We are also in agreement with the principles relating to better publications and communications given available resources.

The Commission's position regarding the removal of limitations on changes of program causes us concern, but we support a requirement for counseling after an initial change. We agree to study the feasibility of including Chapter 31 trainees in the count for reporting fee purposes. We also urge further study regarding a scale approach.

The VA does not support the inclusion of Chapter 35 trainees in the work-study program or the Commission's scale approach proposal for work-study benefits.

The VA agrees with the Commission that the current measurement system is unwieldly. However, we do not support the recommendation made by the Commission. We have presented alternative proposals for consideration by the Commission to possibly eliminate the distinctions made against non-traditional modes of study, to measure programs according to the rate of pursuit without regard to the mode of delivery or to standard class sessions, and to tighten restrictions on contracting out of instruction.

While we are in general agreement with a number of the recommendations of the Commission, we are not in a position at the time of this interim report to initiate specific actions for some of them pending further study. In cooperation with the Commission, these other issues will continue to be reviewed as alternative considerations.

By Mr. ARMSTRONG:

S. 1093. A bill to accord refugee status to certain nationals of Nicaragua who are outside Nicaragua and unwilling to return, and for other purposes; to the Committee on the Judiciary.

NICARAGUAN REFUGEE EQUITY ACT

● Mr. ARMSTRONG. Mr. President, I introduce today the Nicaraguan Refugee Equity Act of 1989. This act allows us in the United States, particularly those of us in the Congress of the United States, to take responsibility for the hardship of thousands of people now fleeing to this country as desperate refugees—hardship we played a major role in creating.

I think there will be little question as to why this act is necessary. The newspapers and broadcast media are full of the reports of the tremendous influx of Nicaraguan refugees pouring across our border. These new refugees are swelling the already sizable Nicaraguan communities in some cities, such as Miami's, with 75,000 to 125,000 persons [Washington Times, February 13, 1989, page A8].

But, as one paper observed: "Immigration specialists have noted a serious demoralization among the latest wave of Nicaraguans." Most of the arrivals, the specialists said, see the possibility now more remote than ever that the resistance forces will one day unseat the Soviet-backed Nicaraguan Government. A turning point in that perception, they all agreed, was Congress' vote a year ago cutting off all U.S. military aid to the democratic troops. [Washington Times, February 2, 1989, page A8].

Our responsibility here is clear, Mr. President. I will go into further detail in a minute, about just how we became responsible. But first let me spell out what this act does and doesn't do.

The major provision, section 3, paragraph (a) grants refugee status under the immigration law to "any national of Nicaragua who is outside Nicaragua and is unwilling to return to Nicaragua * * * until such time as the President certifies to the President of the Senate and the Speaker of the House of Representatives that democratic government exists in Nicaragua."

This does not, however, apply to criminals, drug traffickers, or others who are currently ineligible to enter the United States under the exclusions contained in current law.

In addition, Mr. President, I have written to Attorney General Thornburgh and to INS Commissioner Nelson, asking them to renew the practice of providing extended voluntary departure [EVD] status to Nicaraguan refugees. This should be done whether or not the act I am introducing now is adopted.

Now I understand the objections some will have to this. Some will say correctly, that giving EVD status will probably encourage more refugees to come here, because they will be able to live and work fairly normally while having their status assessed. It will also be said, that if individual refugees are able to demonstrate, under current law, "a well-founded fear of persecution," regardless of country of origin, they can stay—so we don't need a blanket extension of refugee status.

Here I must disagree. No doubt there is a mix of motivations in what brings Nicaraguans here as refugees as opposed to, say, Salvadorans. It can be argued that there is violence in both countries, poverty in both, so there shouldn't be a major distinction made. These Nicaraguans, we are told, are just "economic refugees," like the illegal immigrants from numerous other countries.

But there are differences. El Salvador is a democracy. There may be violence, but there is political recourse in the democratic process. In Nicaragua, despite democratic promise upon promise made by the Sandinistas since 1979, there is none.

Yes, there is poverty in El Salvador as well as in Nicaragua. But there is not the total, methodical Communist destruction of people's livelihood, as there is in Nicaragua. El Salvador, the most densely populated country on the American mainland, has long produced a large share of illegal immigration to the United States. Nicaragua, until 1979, was always one of the economically better off countries in the region, with a much lower influx into this country. Now that has all changed.

And the change—and I cannot emphasize this too strongly—is our fault, to a very great degree. We have helped the Salvadorans establish their democracy, and I hope the day will not come when we will turn and betray them, as we have the Nicaraguans, so that some special relief would be appropriate there as well. But there can be no questions that in 1979, the United States, with our eyes open, played the deciding role in a course of events in Nicaragua that has led to the current state of affairs. For us to now shrug our collective shoulders—and look away—would be the height of hypocrisy and inhumanity.

Mr. President, the historic record is clear, as noted in the "Findings and Purpose" contained in the act, section 1. In 1979, the United States, in concert with other member states of the Organization of American States, assumed a major responsibility for the democratic aspirations of the people of Nicaragua. We encouraged, assisted, and supported the democratic insur-

gency, led militarily by the Sandinista Party, against the dictatorship of Anastasio Somoza.

This assistance was predicated on the Sandinista party's promises of democracy, human rights, nonalignment, and a mixed economy. We accepted these assurances at face value, despite indications that the Sandinistas were actually hard-core Communist with no intention of keeping their promises.

But many in Congress wanted to believe them. The new Nicaraguan Government, said one House Member in September 1979, has undertaken "a solemn international commitment to respect all fundamental human rights common to all democratic nations of our hemisphere: freedom of the individual, of the press, of religion, and of all others * * *. I believe the commitment to respect human rights that Nicaragua has shown deserves our recognition and support." When this statement was made, Cuban advisers were already in Managua, hundreds of Nicaraguan children were in Cuba for political training, the FMLN Salvadoran Communists were setting up shop in Managua, and the secret police-controlled block committees had begun to operate.

Again, as stated in the "Findings" section of this act—since 1979, in reaction to the violation of these promises by the Sandinistas, we repeatedly reassured and encouraged democratic elements in Nicaragua, both in the armed and civil resistance movements. We promised continued American support for democracy against the Sandinista Party's efforts to construct a totalitarian Communist state patterned on, and in alliance with, the Soviet Union, Cuba, and other Communist states.

Accordingly, the United States on several occasions extended material assistance, both military and nonmilitary, to the democratic resistance forces. But we never seemed to be able to make up our mind whether we intended to help them achieve democracy or not. Throughout our pattern of on-again, off-again aid to the democratic forces, many in Congress showed themselves more than willing to leave the Nicaraguans in the lurch whenever the Sandinistas made a new round of false promises.

Meanwhile, the Soviets and Cubans didn't waste words: they acted. While the United States Congress flip-flopped on a yearly basis on help to the democrats, the Soviet-bloc military aid poured into the Sandinista war machine: $10 million in 1980, $160 million in 1981, $140 million in 1982, $250 million in 1983, $370 million in 1984, $250 million in 1985, $550 million in 1986, $500 million in 1987, and $515 million in 1988. At the same time, the size of the Sandinista armed forces went from 6,000 in July of 1979, when the Sandinistas took over, to some 80,000 today. [State Department].

Despite our inconsistency, however, the view of America as the champion of freedom dies hard. Along with material assistance, there were over the years numerous positive assurances given by authorities of the executive and legislative branches of the Government of the United States. Over and over again, we encouraged the people of Nicaragua to place their hope and trust in the United States in the effort to recover freedom and democracy in their country.

But last year, this hope and trust in the United States by the people of Nicaragua was cruelly dashed by the Congress. Perhaps for the last time, we refused to continue military assistance to the democratic resistance. We cut off aid in the face of continued Communist repression by the Sandinista Party, violation of repeated promises of democratic reforms, and massive military support provided by the Soviet Union, Cuba, and other Communist states.

What motivated the cut-off? Well, we wanted to "give peace a chance." When authorization for the 1986 military package of $100 million expired in March 1988, aid ended and has not been renewed.

Said one Senator in February 1988:

> Lay bare the intentions of the Sandinistas, lay bare their intentions to the world. They either provide pluralism, democratization, and amnesty or they will have invited the unanimous ostracization of North America and Central America alike, as well as our allies in Europe * * *.

At the same time, another Senator said:

> I recognize that the Central America peace process could unravel—that the Sandinistas could break their promises. We should provide a fair test of the Sandinistas' commitment to the peace initiative—rather than providing them with excuses for failure.

And said another Senator:

> By opposing further aid for the resistance forces we would pose a direct challenge to the comandantes in Managua—will you choose the path of democracy for your country or will you choose repression?

Well, they chose repression. Their intentions were laid bare. They were provided a fair test and they failed it. Apart from the most obvious necessity—the reopening of La Prensa, which continues to publish whenever the Soviet ships come in with newsprint supplies—the Sandinistas held their ground. Demonstrations were met with police attack dogs and cattle prods, Salvadoran guerrillas received surface-to-air missile training and an offer of 10,000 rifles from the Sandinista Interior Ministry—including United States-made M-16's, care of Vietnam—and in March 1988 the Sandinistas launched their unsuccessful "Triumph or Death" offensive against resistance camps in Honduras.

So now the chickens are coming home to roost—or more precisely, the people we betrayed are coming to roost in the United States. As a result of decisions made by the Congress of the United States, we now see hordes of Nicaraguan refugees flocking to this country. And now we tell them: tough luck.

No, Mr. President, this is not right. The United States owes an obligation of relief and refuge to these people, based on past American actions. We helped impose and perpetuate the rule of the Sandinista Party in Nicaragua. We raised false hopes that the United States would help Nicaragua gain freedom and democracy.

This is not going to be cheap or easy. Certainly, it would have been far cheaper and easier to have given the resistance what they needed to achieve a democratic Nicaragua, but we didn't do that. But because we didn't we should not now expect these helpless people pay the price of our unfaithfulness.●

By Mr. BUMPERS (for himself, Mr. KENNEDY, and Mr. HATCH):

S. 1094. A bill to amend the Federal Food, Drug, and Cosmetic Act to require the Secretary of Health and Human Services to determine the appropriate regulatory classification of transitional devices covered by the Medical Device Amendments of 1976, and for other purposes; to the Committee on Labor and Human Resources.

CLASSIFICATION OF TRANSITIONAL DEVICES AMENDMENTS ACT

● Mr. BUMPERS. Mr. President, I am pleased to introduce an amendment to the Food, Drug and Cosmetic Act which will accomplish three very important things.

First, it will permit some of FDA's very scarce resources to be redirected to more pressing areas of public concern. Secondly, it will ease the burden on many small businesses whose products are regulated by FDA. They are presently being forced to meet artifically high regulatory costs. The problem has been especially hard for the small manufacturers of contact lenses.

Finally, this bill will result in increased competition, decreased costs, an increase in employment, and will allow small contact lens firms to participate in the world market.

This legislation would direct the FDA to determine the appropriate regulatory classification for certain medical devices known as transitional devices. This is long overdue. When the Medical Device Amendments of 1976 were enacted, these devices automatically fell into class III—the highest and most expensive level of regulation. The expectation was that they would be assigned to their proper regulatory classes in due course. The name itself, "transitional," implies a temporary status.

But 13 years of experience has shown that assignment of these "transitional" devices to their proper level of regulation has been difficult and cumbersome. This bill, accordingly, provides a straightforward mechanism directing the FDA to compare each of these devices with the statutory definitions for classes I, II, and III and assign the devices accordingly.

The need to reclassify the commonplace rigid gas permeable [RGP] daily wear contact lens is especially acute. This lens is the mainstay of the small contact lens manufacturing industry in the United States. In no other country are rigid contact lenses subjected to anything like the level of control imposed here. These regulatory costs and delays have threatened the existence of many small companies and the livelihood of their employees. Furthermore, the present situation wastes valuable FDA resources in reviewing needless applications to market essentially innocuous devices. The FDA has more important things to do. We cannot tolerate continued diversion of its energies to unproductive tasks.

The bill I am introducing today is substantially identical to S. 1808 which I introduced in the last Congress with the cosponsorship of Mr. KENNEDY, Mr. HATCH and a number of other colleagues. The bill was reported favorably by the Committee on Labor and Human Resources. The Department of Health and Human Services write that it had no objections to this bill and that it might permit FDA resources to be shifted to other activities with high public health payoff. The Senate adopted my amendment to the fiscal year 1989 Agricultural Appropriations bill to reclassify contact lens, but unfortunately it was dropped in conference.

Recently, the FDA had to respond to a sudden emergency involving fruit distributed throughout the country that could have been tampered with. FDA Commissioner Young told our appropriations subcommittee that over 400 FDA staff had to be pressed into service to meet this crisis. Unfortunately, emergencies like this are not going to go away—if anything, they are becoming more common.

We can no longer afford the luxury—if that's what it is—of having FDA's efforts wasted on activities that are unproductive in terms of protecting the public health, and anticompetitive and damaging to small business in the bargain. I invite the support of all my colleagues for this beneficial bill, and ask unanimous consent that the full text be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1094

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Classification of Transitional Devices Amendments Act of 1989."

SEC. 2. REQUIREMENT TO DETERMINE THE APPROPRIATE REGULATORY CLASSIFICATION OF THE TRANSITIONAL DEVICES OF THE MEDICAL DEVICE AMENDMENTS OF 1976.

(a) IN GENERAL.—Section 520(l)(2) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360j(1)(2)) is amended—

(1) by inserting "(A)" after the paragraph designation; and

(2) by adding at the end thereof the following new subparagraph:

"(B)(i) Not later than 90 days after the date of enactment of the Classification of Transitional Devices Amendments Act of 1989, the Secretary shall publish a notice in the Federal Register with respect to devices that are subject to regulation pursuant to this subsection. The notice shall state whether each device shall remain in class III or be reviewed for classification into class I or II. The notice shall also require the manufacturer of a device that the Secretary intends to classify into class I or II to submit to the Secretary a description of and citation to any adverse safety and effectiveness information not submitted under section 519. The Secretary may require a manufacturer to submit the adverse and effectiveness information for which a description and citation were submitted to the Secretary.

"(ii) After the issuance of the notice under clause (i), and following consultation with appropriate advisory panels in accordance with subsections (b) through (d) of section 513, but before the expiration of 1 year after the date of enactment of the Classification of Transitional Devices Amendments Act of 1989, the Secretary shall publish a proposed regulation in the Federal Register classifying each such device into class I or II, or providng that each such device shall remain in class III. The data furnished by manufacturers, pursuant to clause (i), in combination with the advice dnd recommendation of appropriate advisory panels shall, for purposes of this Act, serve as a basis for satisfying the criteria set forth in subclauses (I) or II) of section 513(a)(1)(C)(ii), and shall serve as a basis for the proposed regulation required under this subparagraph.

"(iii) Following a review of comments received on the proposed regulation issued pursuant to clause (ii), and before the expiration of the 1-year referred to in clause (ii), the Secretary shall promulgate a final regulation prescribing the classification of all devices presently regulated under this subsection. No regulation issued under this subparagraph requiring a device to remain in class III or classifying such a device in class I or II may take effect before the expiration of 90 days from the date of its publication in the Federal Register.

"(iv) The Secretary may by notice in the Federal Register extend the 1-year period prescribed by clauses (ii) and (iii) for a device for an additional period not to exceed 1 year.

"(v) Notwithstanding any other provision of this subsection, the Secretary shall not retain any daily wear nonhydrophilic plastic contact lens in class III unless the Secretary finds that it meets the criteria set forth in subclauses (I) or (II) of section 513(a)(1)(C)(ii). Any such finding, and the grounds therefore, shall be published in the Federal Register. If during the 1-year period beginning on the date of enactment of the Classification of Transitional Devices Amendments Act of 1989, the Secretary has not made the finding and issued the notice required by this clause, the Secretary shall issue an order placing such lens in class II.

"(vi) Actions taken under this subparagraph shall not interfere with any pending reclassification action. Any device for which a reclassification petition was pending on January 1, 1989, shall not be included in the list published under clause (i).".

(b) CONFORMING AMENDMENT.—Section 520(l)(1) of such Act is amended by striking out "paragraph (2)" and inserting in lieu thereof "paragraph (2)(A)".●

● Mr. KENNEDY. Mr. President, I am pleased to be a cosponsor of this legislation. A previous version was voted favorably from the Labor and Human Resources Committee in the last Congress. The Secretary of Health and Human Services, in his letter to me, said the bill could "make it easier for the FDA to 'down-classify' some devices that may be inappropriately, and therefore wastefully, regulated as class III devices."

This legislation provides a practical means for the assignment of the so-called "transitional" medical devices to their appropriate levels of control. In so doing, it will free up FDA resources for the regulation of products which present greater risk to the public health. We have been concerned for some time over the increasing demands on FDA's resources. We will be asked to consider a number of means—including the imposition of so-called user fees—to provide additional resources to this key agency. At the same time, we must eliminate wasteful and anticompetitive regulation. I join in asking for support for this important bill.●

By Mr. GLENN:

S. 1095. A bill concerning mixed ortho/para toluene sulfonomide; to the Committee on Finance.

TEMPORARY DUTY SUSPENSION ON MIXED ORTHO/PARA TOLUENE SULFONOMIDE

● Mr. GLENN. Mr. President, I am introducing this legislation to suspend temporarily the duty on mixed ortho/para toluene sulfonomide for imports occurring between January 1, 1989 and December 31, 1992. This legislation is noncontroversial and should be acceptable to the Senate as part of the miscellaneous tariff bill.

At present, mixed ortho/para toluene sulfonomide is classified under "Products Chiefly Used as Plasticizers"—TSUS 409.3450—and is subject to the relatively high duty of 13.5 percent ad valorum. It is used in the United States primarily as a plasticizer in the production of various commercial products including fluorescent pigments, decorative laminates, brake

bands, composition wallboards, adhesives, and coating formulations.

Its principal products, however, are fluorescent pigments and decorative laminates. The former is used in this country in virtually any type of product which requires colorization: paints, inks, printing inks, coated fabrics, plastics, felt tip markers and wax crayons. Decorative laminates are used in a multitude of American industries to produce furniture, paneling, counter tops, and vanities.

There is no commercial production of mixed ortho/para toluene sulfonomide in the United States. For many years the Monsanto Co. of St. Louis manufactured it, but Monsanto ceased production in 1985. As a result, domestic users of this raw material today have to rely on foreign sources to meet their considerable needs.

In the past, domestic users were able to minimize this problem by purchasing most of their requirements of the mixed ortho/para toluene sulfonomide duty free from South Korea and Taiwan under the Generalized System of Preferences [GSP] Program. However, these countries lost their GSP eligibility on January 2, 1989. Since then domestic users have been forced to pay duty on all imports of ortho/para toluene sulfonomide because there are no other GSP-eligible suppliers of the product. This has increased domestic users' production costs and reduced their competitiveness in both foreign and domestic markets.

Increasingly, foreign fluorescent pigment manufacturers have been penetrating the U.S. market because of their raw material price advantages. These foreign competitors are based in the countries where mixed ortho/para toluene sulfonomide is produced, or they are able to buy it duty free or at a substantially lower rate than applies to the United States. This trend is likely to continue because finished fluorescent materials enter this market at a duty rate of only 3.1 percent ad valorem.

Given domestic users' reliance on foreign sources of mixed ortho/para toluene sulfonomide, the continued imposition of a high tariff on this chemical is damaging to U.S. industry. It will greatly increase the manufacturing costs of U.S. companies that use it and places them at a competitive disadvantage in both foreign and domestic markets for the finished products derived from this raw material. Since much of these finished products are sold right here in the United States, it is the American consumers who will bear the consequences.

I urge my colleagues to support this legislation.

I ask unanimous consent that the text of the bill be printed at this point in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1095

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. MIXED ORTHO/PARA TOLUENE SULFONOMIDE.

Subchapter II of chapter 99 of the Harmonized Tariff Schedule of the United States is amended by inserting in numerical sequence the following new heading:

"9902.30.07	Mixed ortho/para toluene sulfonomide (provided for in subheading 2935.00.47).	Free	No change	No change	12/31/92".

SEC. 2. EFFECTIVE DATE.

(a) IN GENERAL.—The amendment made by this Act shall apply with respect to articles entered, or withdrawn from warehouse for consumption, after the date that is 15 days after the date of enactment of this Act.

(b) RELIQUIDATION.—Notwithstanding section 514 of the Tariff Act of 1930 or any other provision of law, upon a request filed with the appropriate customs officer before the date that is 90 days after the date of enactment of this Act, any entry of an article described in heading 9902.30.07 of the Harmonized Tariff Schedule of the United States (as added by this Act) that was made—

(1) after December 31, 1988, and

(2) on or before the date that is 15 days after the date of enactment of this Act,

shall be liquidated or reliquidated as though such entry occurred on the day after the date that is 15 days after the date of enactment of this Act.●

By Mr. NICKLES (for himself and Mr. BOREN):

S. 1096. A bill to provide for the use and distribution of funds awarded the Seminole Indians in dockets 73, 151, and 73-A of the Indian Claims Commission; to the Select Committee on Indian Affairs.

USE AND DISTRIBUTION OF CERTAIN INDIAN CLAIMS FUNDS

● Mr. NICKLES. Mr. President, I am introducing legislation today on behalf of the Seminole Nation of Oklahoma to provide for the use and distribution of funds previously awarded the Seminole Tribe.

On April 27, 1976, the Indian Claims Commission awarded the Seminole Tribe, which consists of members in Florida and Oklahoma, $16,000,000 for Florida lands taken by the federal government in 1823. On June 1, 1976, Congress appropriated funds to cover this award (90 Stat. 579).

The bill I am introducing today would provide for the use and distribution of these judgment funds, now totaling over $45,000,000, between the Seminole Nation of Oklahoma, the Seminole Tribe of Florida, the Miccosukee Tribe of Florida, and the unaffiliated Seminoles of Florida.

In 1857, the Seminole Tribe was split when the U.S. Government removed the majority of the tribe to Indian territory, which is now the great State of Oklahoma. According to historical records, there were 3,436 Seminoles.

In an effort to reach an ageement on the division of the funds between the Florida factions and the Oklahoma Seminoles, the parties met in March 1988 in Memphis. Although a tentative agreement had been reached between the tribal chairmen to split the funds 70 to 30 percent, the Council of the Florida Seminoles rejected the offer. They insisted that the funds be split 50-50.

This offer has been unacceptable to the Oklahoma Seminoles who contend that the division should be based on the historical population which would indicate a division of 96.08 percent for the Oklahoma group and 3.92 percent for the Florida group. The Bureau of Indian Affairs has monitored the situation, and has agreed that the split of the funds should be based upon historical population counts.

Mr. President, while I have been reluctant to introduce legislation to settle this problem without an agreement between the two tribes, it is apparent to me that Congress is going to have to step in and dictate an appropriate division. The 75- to 25-percent split is very reasonable and is rather generous to the Florida Seminoles.

I might also add that while the Florida Seminoles have been doing rather well economically, the Oklahoma Seminoles have not been so fortunate. Unemployment is high and tribal resources are limited. Chief Edwin Tanyon has made great strides in helping to move the tribe forward and the release of these judgment funds would allow him to pursue further economic development and provide much needed jobs and a boost to the Oklahoma economy.

In light of the circumstances, I ask that the Senate Indian Affairs Committee consider this legislation in a timely fashion and that it be approved by the Senate as soon as possible.●

● Mr. BOREN. Mr. President, I am very pleased today to join my colleague from Oklahoma, Senator NICKLES, in offering this legislation providing for the use and distribution of funds to benefit the Seminole Nation and the different tribes that are affiliated with it. These funds were awarded to the Seminoles as the result of a 1976 decision by the Indian's Claims Commission in Dockets 73, 73-A, and 151. In these dockets, $16 million was awarded to the Seminoles for lands taken by the U.S. Government in 1823. This money was appropriated by Congress on June 1, 1976, and has since ac-

crued interest and currently totals approximately $40 million.

Since 1976, the Oklahoma and Florida Seminole tribal leaders have tried to reach an agreement on the division of funds. Tentative agreements have been reached and then dissolved. When the funds are distributed, the tribes would submit to and receive approval from the Bureau of Indian Affairs on their plans for the use of the funds. This would allow the Secretary of the Interior to oversee and approve the distribution of the trust funds to the tribes.

Mr. President, the Oklahoma Seminoles are currently facing severe economic depression, as is our entire State. The tribal council has plans for disbursement of the funds designed to benefit the entire area of Seminole County. This has become a more timely issue because the Seminoles have waited almost 13 years for this money to be disbursed, and much longer than that for the decision to even be reached.

I would like to urge my friend Senator INOUYE, the chairman of the Select Committee on Indian Affairs, to hold hearings on this bill. With the support of the BIA, we believe that settling this award division would be an important step in improving the economic condition of the Seminole Nation as well as the State of Oklahoma. Chief Ed Tanyon, chief of the Seminole Nation of Oklahoma, has assured me that the economic development and tribal settlements that will be made will in fact benefit all the people in the communities of Wewoka and Seminole, as well as the surrounding areas.

Again, I am pleased to work with my colleague Senator NICKLES on this issue, and I urge prompt passage of this legislation to address the distribution of this $40 million award.●

By Mr. BRADLEY:

S. 1097. A bill to amend the Medicare Catastrophic Coverage Act of 1988 to extend the Advisory Committee on Medicare Home Health Care Claims; to the Committee on Finance.

EXTENSION OF ADVISORY COMMITTEE ON MEDICARE HOME HEALTH CARE CLAIMS

● Mr. BRADLEY. Mr. President, today I am introducing a bill to extend the Advisory Committee on Medicare Home Health Care Claims for 1 year until October 1, 1990. The committee was established by the Medicare Catastrophic Coverage Act of 1988 to study the increase in the denial of claims for home health care services during 1986 and 1987. An extension would allow the committee to evaluate the implementation of its recommendations and the effectiveness of changes in the claims denial process. It would also allow them to evaluate the implementation of Medicare's revised coverage policies for home health services. Because Congress, the administration, and several outside groups have worked hard to identify the problems and the strategies for their resolution, we need to follow through and make sure that our efforts over the last several years prove to be fruitful.

Mr. President, several years ago I held a hearing in New Jersey to find out from Medicare recipients and health care providers in our State how well the Medicare home health care programs were working. One message came through loud and clear: the Health Care Financing Administration [HCFA], through a variety of administrative mechanisms, had made it very difficult—and frequently impossible—for elderly patients to receive the home care services that they need and are entitled to under Medicare.

I have heard story after story from elderly New Jerseyans, many of whom are caring for even older parents, siblings, or spouses, about their frustrations with inconsistent and arbitrary rules governing who can receive home health care. Health care providers have reported the same stories of arbitrary and inconsistent treatment by HCFA. And statistics bear out what I have heard: in 1984, Medicare beneficiaries received over 40 million home health visits; in 1987, that number had decreased to 34 million. Given a growing elderly population, it is unlikely that the decrease was a result of decreased demand.

The ambiguity of home health care eligibility criteria is one of the main sources of inconsistency in HCFA's policy for covering home health care. For a beneficiary to be reimbursed under Medicare, he or she must be homebound and in need of skilled nursing care on an intermittent basis. HCFA's interpretation of these terms—particularly for homebound—created a great deal of confusion. In some cases HCFA denied coverage unless a Medicare beneficiary was actually bedbound.

There is some good news. Key provisions from the legislation I introduced, Medicare's Home Care Improvement Act, were included in the reconciliation bill of 1987. These provisions clarify the eligibility definitions and are included in the new Medicare coverage policy manual for home care services. The revised manual becomes effective on July 1, 1989.

We need to extend the life of the committee to be sure that the recommendations and new HCFA manual lead to greater consistency and fairness in Medicare's coverage policies. For the sake of the millions of elderly who rely on home health care services to achieve better health, it is imperative that the Medicare Program break with its history of restrictive and arbitrary coverage.●

By Mr. HEINZ:

S. 1098. A bill to provide financial assistance to raise the literacy skills of commercial drivers; to the Committee on Labor and Human Resources.

RELATING TO LITERACY SKILLS OF COMMERCIAL DRIVERS

● Mr. HEINZ. Mr. President, in 1986 Congress enacted the Commercial Motor Vehicle Safety Act. The law is intended to eliminate the practice of holding multiple drivers licenses which enable unsafe drivers to flimflam law enforcement by handing over whichever licenses has the fewest violations against it. Now, drivers who don't turn in multiple licenses face fines and possible imprisonment.

Another provision requires all drivers to obtain a commercial driver's license [CDL] by April 1992. Commercial vehicle operators must take both a written and driving skills test. Passing the driving test ought to be comparatively easy. Most drivers on the road today have excellent driving records and years of experience.

For some, however, getting through the written test will be a whole other story. I've seen a sample driver's manual. It will not be easy to master for those drivers without sharp literacy skills. Many of the older, experienced drivers have not read a test or taken a written test since high school. They need remedial literacy training. If they do not get it, we could lose the very experienced drivers we want in control of the big rigs that get our goods to market and vehicles that take our children to school.

For this reason, I am introducing a bill which amends the Adult Education Act to provide financial assistance to raise the literacy skills of commercial drivers. This bill provides $5 million over each of the next 2 years to help those drivers who need it. Eligible grantees include colleges and universities, approved apprentice programs, private employers, and unions.

Mr. President, we have all heard the regrettable reports concerning this Nation's illiteracy rate. The U.S. Department of Education estimates that the adult illiteracy rate is at least 13 percent—17 to 21 million people.

The commercial drivers who need literacy training earn a good living. They are making substantial contributions to the American economy. It is not right for them to lose their jobs because they could not pass a written test. They want to pass. They want to possess good reading skills.

I urge my colleagues to join me in helping to raise the literacy skills of these hard-working Americans. We can't afford to lose them. I ask unanimous consent that the text of the bill be printed in the RECORD at this point.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1098

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Part C of the Adult Education Act is amended by adding the following new section at the end thereof:

SEC. 373. EDUCATION PROGRAMS FOR COMMERCIAL DRIVERS.

"(a) PROGRAM, AUTHORIZED.—(1) The Secretary is authorized to make grants to pay the Federal share of the costs of establishing and operating adult education programs which increase the literacy skills of commercial drivers which are necessary to successfully complete the knowledge test requirements under the Commercial Motor Vehicle Safety Act of 1986.

"(2) The Secretary shall reserve 30 percent of the amount appropriated pursuant to subsection (e) for grants to labor organizations the membership of which primarily consists of commercial drivers.

"(b) FEDERAL SHARE.—The Federal share of the costs of the adult education programs authorized in subsection (a) shall be 50 percent.

"(c) ELIGIBLE INDIVIDUALS.—Individuals eligible to receive a grant under this section include—

"(1) private employers employing commercial drivers;

"(2) colleges, universities, or community colleges;

"(3) approved apprentice training programs; and

"(4) labor organizations, the membership of which includes commercial drivers.

"(5) Any other public or private organization the Secretary finds that would most efficiently educate commercial drivers.

"(d) DEFINITION.—The term 'commercial driver' means an individual required to possess a commercial driver's license under the Commercial Motor Vehicle Safety Act of 1986.

"(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $5,000,000 for each of the fiscal years 1990 and 1991.".●

By Mr. HATCH:

S. 1099. A bill to amend the Labor Management Relations Act, 1947 to provide that the prohibition on an employer paying or lending money or anything of value to a labor organization shall not apply to payments made by the employer to an employee trust fund only if the detailed basis on which such payments are to be made is specified in a written agreement and the employer fully understands the essential terms of the agreement and each document incorporated into the agreement, and for other purposes; to the Committee on Labor and Human Resources.

PAYMENTS TO EMPLOYEE TRUST FUNDS

Mr. HATCH. Mr. President, I rise to introduce legislation designed to correct a defect in our Nation's labor laws that permits a union to coerce small- and medium-sized construction contractors into renewing union contracts against their will.

The effect of this bill would be to eliminate a practice whereby some union officials have misled smaller contractors into believing they will be exempted from certain benefit trust fund contributions if they contract with the union on construction projects. The bill would invalidate such contracts signed by the employer: First, unless the employer knows or has a reasonable basis for knowing the essential terms of the agreement and each document incorporated into the agreement; and second, if the employer has been induced into signing the agreement by misstatement or misrepresentation.

Mr. President, my bill has become necessary because some union officials have been selectively using an obscure trust fund contribution provision, coupled with section 302 of the Labor Management Relations Act, to hold small construction companies liable under agreements which they were misled into signing and whose terms they did not fully understand. The shakedown scheme works as follows:

A small construction company is hired as a subcontractor on a building site. Let's say the employees of this small company belong to the Laborers Union. While on the job, they perform maybe 1 or 2 hours a week of work that is within the jurisdiction of the Operating Engineers Union. The Operating Engineers go to the general contractor and complain. Worried about losing the work, the small subcontractor agrees to sign a bargaining agreement with the Operating Engineers to cover its employees for the 1 or 2 hours of work within that union's jurisdiction.

Now, here's the kicker. The small contractor is told that he will have to pay into the Operating Engineers' pension or benefit plan, but only for the hours its employees work as operating engineers. This is a relief because the contractor is already paying into the Laborers Union trust fund for the hours worked by its employees.

A year or two later, the Operating Engineers approach the small contractor and demand a new collective bargaining agreement. The contractor says "no" and suddenly finds himself sued by the Operating Engineers trust fund for all hours worked by the small contractor's employees, both as Laborers and Operating Engineers. "What about the promise you made me two years ago?" asks the small contractor. "It doesn't count," says the union now, "because it wasn't in writing. Sure, we misled you, but if we go to court, we will win." And, Mr. President, I fear that the union may be right.

Of half a dozen such cases that have come to my attention, the most glaring is *Operating Engineers Pension Trust* v. *Giorgi*, 788 F.2d 620 (9th Circuit, 1986). In my opinion, this case clearly demonstrates the manner in which union and trust fund representatives are using the "all hours worked" requirement to cover up common coercion of small employers.

Luigi Giorgi and his wife operated a small subcontractor business in the construction industry. Mr. Giorgi ran the business, Mrs. Giorgi kept the books, and Aaron F. Flores was their employee. On April 12, 1979, the Giorgi's company was working at a building site. The general contractor at the site had signed a collective bargaining agreement with Local 12 of the Operating Engineers Union. Union officials discovered that Mr. Flores was at the work site operating a skip loader, a task within the technical jurisdiction of the Operating Engineers.

The union notified the general contractor that Giorgi's company could not stay on the job site unless Mr. Giorgi signed a collective bargaining agreement with the Operating Engineers. Given the choice of signing a short form agreement or being thrown off the work site, Mr. Giorgi signed. Before doing so, however, Mr. Giorgi asked the union's business agent whether he would be required to contribute to the Operating Engineers trust fund for hours Mr. Flores worked as a laborer and was assured by that same business agent that he would be liable only for the hours Mr. Flores operated a skip loader.

The short form signed by Mr. Giorgi incorporated the master labor agreement between the Operating Engineers and the Southern California General Contractors. The master agreement authorizes the Labor Management Adjustment Board to interpret and enforce the master agreement.

In 1972, 7 years before Mr. Giorgi signed the agreement, the Adjustment Board adopted a resolution which provided:

> When an employee has been dispatched by the union to a contractor and the employee performs any work whatsoever covered by the agreement, the contractor shall be obligated to pay fringe benefit contributions to the trust at the required rate for *each and every hour worked by the employee or paid for by the contractor.*" (Emphasis added.)

The adjustment Board noted that an employee sometimes is a member of more than one union and may be dispatched by more than one union to the same job. The Adjustment Board stated that this practice conflicts with the intent of the collective bargaining agreement and that therefore:

> Any employee dispatched by the union under this agreement shall perform only work covered by this agreement, and fringe benefit contributions shall be payable *on all hours worked by such employee or paid for by the contractor.* (Emphasis added.)

For almost 2 years after signing the agreement, Mr. Giorgi paid some $9,500 to the Laborers' Union trust fund, relying upon the representation of the Operating Engineers' business agent. The master labor agreement, and the resolution of the Adjustment

Board, documents that would have advised Mr. Giorgi that he was required to pay the Operating Engineers even for the time Mr. Flores worked as a laborer—language agreed to 7 years before he signed the contract—were never presented to him. The union and the trust funds allowed Mr. Giorgi to rely on the representations of the local 12 agent. He thought the business agent's word was good.

On May 6, 1983, the Operating Engineers trusts filed an action to require Mr. Giorgi to contribute to the trusts for all of the hours Mr. Flores worked, not just as a skip loader but also for work performed as a laborer—even though Mr. Giorgi had already contributed to a pension plan for the hours Mr. Flores worked as a laborer.

The case went to trial. The U.S. District Court held that the oral agreement between Mr. Giorgi and the business agent was not enforceable. But the court, sensing the glaring inequities of this situation, attempted to fashion relief for Mr. Giorgi. It held that since Mr. Giorgi was not made aware of the Adjustment Board's 1972 resolutions, he was not bound by its requirements.

The U.S. Circuit Court of Appeals for the Ninth Circuit reversed the lower court. It held that Mr. Giorgi would be required to pay benefits to the Operating Engineers trusts for all the hours that Mr. Flores had worked, regardless of the misrepresentations of the union representative. The court followed its earlier decisions in *Waggoner* v. *Dallaire*, 649 F.2d 1362 (9th Cir. 1981), and *Maxwell* v. *Lucky Construction Company, Incorporated*, 710 F.2d 1395 (9th Cir. 1981), holding that the requirement of a written agreement found in section 302 of the Labor Management Relations Act (29 U.S.C. section 186) prohibited the consideration of oral agreements between an employer and a union representative when interpreting a collective bargaining agreement.

Circuit Judge Kozinski, however, in a concurring opinion, expressed "grave misgivings" about the logic of the court's opinion. He examined the court's ruling in light of the inequities presented by the facts of the case and, referring to section 302(c) he stated as follows:

> This is in the nature of a statute of frauds and appears to have been intended to avoid corrupt practices in the administration of employee welfare funds. [citation omitted] *It is quite a leap, however, from a provision requiring that agreements be in writing, to one that abrogates basic principals of contract law: mutual assent, estoppel, and fraud in the inducment.* [citation omitted]
>
> *While protecting trust funds from fraud is important, I cannot believe that the Congressional purpose is served by holding a tiny subcontractor to a massive contract, the contents of which he has never seen and as to which the union's representative has lied.* 788 F.2d at 624 (emphasis added).

Regarding the intentional nature of the fraud by the union and its representatives, Judge Kozinski stated:

> Once put on notice that its agents were misleading some employers, and many more employers were signing the short form agreement without fully appreciating its terms, what did Local 12 of the Operating Engineers do? Did it clarify the short form agreement? Did it provide copies of the master labor agreement and relevant orders of the Adjustment Board to signatory employers? Did it prepare a simple, concise summary of the key terms of the full contract and attach it to the short form agreement? Did it modify the short form agreement to disclaim any oral representations made by the union's business agent? As far as this record reflects the union has done none of these things. And why should it? After all, it can be confident that employers caught in the web of misstatement or misunderstandings spun by its agents will be without legal recourse, and that any employers foolish enough to resort to the court will have to bear the trust fund attorney's fees for defending the suit. *Id.* at 624-625.

Kozinski concluded:

> To reach this result requires, in my view, a very broad reading of a statutory provision that calls for nothing more than a written trust agreement, a provision intended to avoid fraud *on* the trust fund. I think the drafters of the legislation would be surprised to learn that it has been interpreted to sanction fraud *by* the trust fund. *Id.* at 625.

A more recent case in which the "all hours worked" clause has been used to extort a contractor is the case of *Operating Engineers Pension Trust, et al.* v. *Steve L. Gilbert, et al.*, which was settled out of court in September 1988, after a brief trial in the U.S. District Court for the District of Nevada.

Steve Gilbert is president of a small construction company, Gilbert Development Corp., which has offices in Utah and Nevada. Between 1978 and mid-1983, Mr. Gilbert maintained a contract with local 12 of the Operating Engineers Union on a construction job in Las Vegas. Occasionally Mr. Gilbert or his son Dale would move a piece of equipment in order to expedite the job. In 1979 both received written exemptions from making Operating Engineers trust fund contributions in their own behalf from the Operating Engineers. Three other employees had their benefits paid exclusively to the Operating Engineers. Eight others had their benefits paid to either the Teamsters or Laborers Union. Seven other employees were nonunion. Another employee had his benfits paid to both the Laborers Union and the Operating Engineers.

Trouble began after Mr. Gilbert refused to renew the contract with local 12 after its expiration on June 30, 1983. In December of that year, Mr. Gilbert was billed $6,500 for trust fund contributions for 1981 and 1982 for an employee who had occasionally moved construction equipment in 1981 but never in 1982. Although Mr. Gilbert stated in an affidavit filed in the lawsuit that he did not believe he owed the Operating Engineers any of this money, he decided to pay it rather than endure any more "harassment" from the union. Mr. Gilbert added a notation on the back of the check stating that its deposit would constitute full settlement of all claims made against him by the union for trust fund contributions earned to date. The union cashed the check. A short time later, however, the union began pressuring Mr. Gilbert to sign a new contract and, when he refused, the trustees of four Operating Engineers trust funds sued Mr. Gilbert for more than $1 million, including unpaid trust fund contributions, interest, audits, and attorney's fees.

A breakdown of the damages claimed by the trust funds showed them to be related to the same job activities that the union previously stated would be covered by the claim of $6,500. The claim included more than $100,000 in unpaid trust fund contributions and interest relating to Steve and Dale Gilbert, even though both had been specifically exempted from trust fund coverage in a local 12 memorandum dated August 3, 1979. The remainder of the $1 million claim covered work performed by the eight employees who had their benefits paid to either the Teamsters or Laborers trust funds, the nonunion employees, one Operating Engineer, the employees who had benefits paid to both the Laborers and Operating Engineers Unions, and an unknown employee, who, according to company records, had never worked on the job site at all.

Steve Gilbert, after an unsuccessful attempt to obtain assistance from the Federal Bureau of Investigation and the U.S. Department of Labor, settled the case in early September 1988 for an undisclosed amount believed to be in the range of $175,000 to $200,000. Mr. Gilbert's attorney told my staff that Mr. Gilbert still felt that he did not owe any of the money but had settled because he thought he would lose the case in view of the recent Ninth Circuit Court decisions in Giorgi and similar cases.

Gilbert Development was billed an arbitrary 40 hours a week for each employee, even though some had worked much less than that. Few, if any, of these employees had ever performed any Operating Engineers work and those who had—except for the one Operating Engineer—were said to have done little more than occassionally roll a piece of equipment out of the way.

Mr. President, we in Congress must move quickly to prevent further abuses of this sort by unscrupulous union officials. I do not believe that the Congress ever intended that section 302 (c)(5)(B) of the Labor Man-

agement Relations Act be used as a vehicle to hold employers liable under contracts which they were misled into signing and whose terms they did not fully understand. This bill would offer the needed protections. I urge its speedy approval.

By Mr. McCONNELL:

S. 1100. A bill to provide greater certainty in the availability and cost of liability insurance, to eliminate the abuses of the tort system, and for other purposes; to the Committee on the Judiciary.

LAWSUIT REFORM ACT

● Mr. McCONNELL. Mr. President, I am introducing legislation today that will put the brakes on the lawsuit crisis that is running amok in this country. My bill is called the Lawsuit Reform Act of 1989, because its purpose is to reform the "sue-for-a-million" mentality that has gripped our civil justice system.

This bill is not designed to help just the manufacturers or the doctors—it's designed to help everybody. As a result, my bill has the broadest base of support of any legislation ever introduced on this subject. Over 30 major organizations have announced their support of the Lawsuit Reform Act.

Many of these organizations represent hundreds of smaller groups and companies. Further, these organizations come from all across the spectrum: Volunteer organizations like the Boy Scouts, the Little League, and the American Red Cross; local government groups like the National League of Cities and the National Association of Counties; health care providers like the American Hospital Association and the American College of Nurse-Midwives; professional associations like the American Association of Engineering Societies and the American Institute of CPA's; education groups like the American Council on Education and National High School Athletic Coaches Association; law enforcement associations like the National Institute of Municipal Law Officers and the National Law Enforcement Council; and business organizations like the National Federation of Independent Business and the U.S. Chamber of Commerce.

All of these organizations, with their thousands of members and literally millions of people that they represent, are saying "enough!" of the lawsuit craze—it is time for a solution. And whether the rest of America knows it or not, everyone pays for the lawsuit lottery in our court system. The cost of lawsuits and lawyers is a part of everything we buy and use in society. I refer to this cost factor as the "lawyer's tax."

The lawyer's tax accounts for 95 percent of the cost of child vaccines—at a time when our infant mortality rate is becoming one of the worst among industrialized nations. The lawyer's tax accounts for a third of the cost of a stepladder. And it adds a surcharge of $300 on the bill that parents pay to have their baby delivered—if they can find a doctor willing to take the liability risk. The lawsuit craze also is one of the principal reasons behind the lack of business-sponsored on-site child care facilities.

It also is the reason why many high schools are getting rid of their chemistry labs—at a time when the need for America to stay competitive in the sciences is critical. In football—that uniquely American sport—the players' helmets are made in Korea. This is not because America can't make a better football helmet, but because no one can afford the risk of being sued.

Mr. President, the lawsuit crisis affects every one of us, at every stage of life. Just recently, a young lady couldn't go to the prom because her date had broken his ankle 5 days beforehand. So she did what any other red-blooded American would do in those circumstances: She sued her date for damages. To her credit, she at least did not ask for compensation for pain and suffering. This case is symbolic of a national trend—to hire a lawyer and go to court whenever anything goes wrong.

Fortunately, we can do something about the lawsuit craze—without limiting the right of injured people to receive fair compensation for their losses and suffering. My bill, the Lawsuit Reform Act, strikes a fair balance between the victims of wrongful injuries and the victims of wrongful lawsuits.

First, this bill would say that no one can be held liable for the wrongdoing of others. If a person is only marginally responsible for causing an injury, then their share of the damages ought to be proportional with their share of the responsibility for causing the injury.

Under today's law, a person who is only marginally at fault for causing an injury can end up paying all of the damages, under the doctrine of joint and several liability. My bill would abolish the joint and several liability doctrine once and for all.

Second, my bill provides that if you sue someone else and you lose, you have to pay the other side's attorneys' fees and court costs. The same rule applies if you are sued and you lose—you have to pay the plaintiff's costs and fees. This is the "English rule", although my bill is slightly different: It protects the right of truly indigent persons to bring suit, by exempting them from this provision altogether. It also limits the amount of the other side's expenses you have to pay to what you are paying for your own attorney and other costs.

With these changes, my "loser pays" provision will lessen the number of frivolous lawsuits and encourage people to settle out of court—without depriving anyone of full access to the courtroom.

The last critical area my bill addresses is alternative dispute resolution. With our court system becoming more clogged by the minute, we should be encouraging litigants to use alternative means of dispute resolution. My bill would require the lawyers on both sides of any lawsuit to inform their clients of these alternative methods of solving legal problems.

It would stipulate that if the parties voluntarily agreed to go through ADR instead of the courts, the decision of the alternative forum would be binding. They could not go back into the court system to get the ADR decision reversed. The main reason today why most people do not opt for ADR is because the decision is not binding—either side can appeal to the courts if they don't like the result. This legislation would make the result final if both sides voluntarily agreed to submit to ADR.

Mr. President, another issue my bill addresses is the problem of illegal drugs and alcohol, which causes many serious accidents every year. My bill provides that if a person was under the influence of illegal drugs or alcohol, and this condition was at least 50 percent responsible for any injury suffered by that person, the person shall not be allowed to get money from anyone else for their injury.

The Lawsuit Reform Act also alleviates the liability burden of local governments, by reducing their exposure to statutory lawsuits under title 42 of the United States Code. Although local governments would be subject to the same rules as everyone else in conventional tort suits, they would no longer be such sitting ducks for lawsuits brought under this Federal statute. At a time when the Federal Government looks to the States and counties to provide basic services, we should not be tying a noose of liability around their necks.

I have outlined what is in my bill. Also significant is what is not in my bill. There are no caps on damages for pain and suffering. There are no caps on attorney contingency fees. There are no restrictions on punitive damages, while we await the Supreme Court's decision on this issue. Finally, in a major departure from my past legislative efforts, there is no fault requirement in the Lawsuit Reform Act.

I had several reasons for this omission: First of all, fault or negligence already is required in nearly all tort actions, except product liability. Second, fault-based standards tend to be controversial, and I wanted to craft a reasonable bill, capable of getting bipartisan support. And finally, fault-based standards are being addressed in a separate product liability bill soon to be introduced.

Mr. President, the last issue I want to address is what I plan to do with the Lawsuit Reform Act after it is introduced. When we have amassed a reasonable number of cosponsors, I will add the bill as a nongermane amendment to some other legislation on the Senate floor. I did that last year, as an amendment to the risk notification bill, and without any prior planning or outside support, we picked up 39 votes for a similar lawsuit reform bill.

Mr. President, this year, we have a long-term strategy and a lot of support, and we intend to pass the Lawsuit Reform Act all the way through Congress, to provide relief to all Americans from the lawsuit crisis.●

By Mr. HELMS:

S. 1101. A bill to temporarily suspend the duty on N-[[(4-chlorophenyl)]amino]carbonyl]-2,6-difluorobenzamide; to the Committee on Finance.

S. 1102. A bill to temporarily suspend the duty on 2,6-dichlorobenzonitrile; to the Committee on Finance.

S. 1103. A bill to temporarily suspend the duty on 1-[1-((4-chloro-2-(trifluoromethyl)phenyl)imino)-2-propoxyethyl]-1-H-imidazole; to the Committee on Finance.

SUSPENSION OF DUTY ON CERTAIN CHEMICALS

Mr. HELMS. Mr. President, today I am introducing three bills to suspend temporarily the duty currently imposed on Diflubenzuron, Dichlobenil, and Triflumizole. Similar bills have already been introduced in the House by Congresswoman NANCY JOHNSON (H.R. 1926, H.R. 1927, and H.R. 1928).

Mr. President, these three products are used by an important company in my State, Uniroyal Chemical Co., which operates a plant in Gastonia, NC.

The Uniroyal Co. has prepared a thorough description of each of the compounds and an analysis of their importance to our agriculture industry. I ask unanimous consent that these analyses be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

MEMORANDUM IN SUPPORT OF A TEMPORARY DUTY SUSPENSION

N-[[(4-chlorophenyl)amino]carbonyl]-2-6-difluorobenzamide

(Diflubenzuron)

I. INTRODUCTION

This memorandum outlines the principal factors which support favorable consideration of a bill to suspend, through December 31, 1994, the 13.5% ad valorem Customs duties on imported N-[[(4-cholorophenyl) amino]carbonyl]-2-4-difluorobenzamide (90%) and the 9.7% ad valorem duty plus $0.018/kg duty on N-[[4-chlorophenyl)-amino]carbonyl]-2,6-diflourobenzamide (25%) and inerts (75%) provided for under HTS subheadings 2929.90.10.00.3 and 3808.10.20.00.2 respectively. Both of these products are known by their trade name of diflubenzuron.

II. DESCRIPTION AND USES OF DIFLUBENZURON

The chemical, commonly known by its registered brand name "Dimilin," falls under two separate HTS subheadings depending on the percentage of basic chemical composition. N-[[(4-cholorophenyl)-amino]carbonyl]-2,6-difluorobenzamide (90%) or Dimilin Tech, is the pure product with only clay and other inerts present. N-[[(4-chlorophenyl)-amino]carbonyl]-2,6-difluorobenzamide (25%) is diluted with inerts (75%) to compose Uniroyal product Dimlin 25. Both products are registered trademarks of Uniroyal Chemical Company, Inc.

Dimilin was invented by Duphar B.V. of Holland who is the sole producer and holds the U.S. registration. Uniroyal Chemical Company has an exclusive agreement to market Dimilin in the U.S.

The chemical is used as an insect growth regulator. While often classified or referred to as an insecticide, it is not, and as a growth regulator, has a unique mode of action. It inhibits the ability of the egg to hatch or the larvae to rupture the cuticle thereby causing the insect to die before reaching maturity.

Its primary uses include forestry (gypsy moth control), nurseries, mosquito control, cotton, soybeans and Christmas trees. The U.S. Department of Agriculture has approved Dimilin as one of three products considered "very safe" for use in the treatment of the boll weevil in cotton. As part of a good integrated pest management program, Dimilin can replace the toxic and nasty products previously used. Dimilin is not toxic to birds, bees or fish. Dr. John Moore, Assistant Administrator of the EPA is quoted in the book *Silent Spring Revisited* as follows:

"Perhaps most encouraging is the recent practice of developing a pest management plan in which chemical pesticides are only a part of a multifaceted scheme. The emergent success story of boll weevil control in cotton production throughout the Carolinas is most illustrative. Through the use of the chemical dimilin(sic), which has selective larvicidal and chitin-inhibiting properties, early season spraying with conventional chemical insecticides is not needed. Natural predators of other cotton pests that used to be destroyed by these sprayings are once again successful in keeping these pest species in natural balance."

Thirty percent of Dimilin imports are used by State gypsy moth eradication programs where sixty-five percent of the products in use by the States is Dimilin.

Another important use of Dimilin is for mosquito control. The World Health Organization approved the use of Dimilin last year for mosquito control and it is being used successfully in the U.S. and many other countries of the world because of its selective mode of operation, its low mammalian toxicity, its non-persistence in soils and hydrosoils, its lack of mobility in the environment and its low biological accumulation and magnification.

III. MANUFACTURE AND IMPORTATION

Dimilin is not manufactured by any firm in the United States. Uniroyal Chemical is the only importer. Uniroyal imports both the Tech grade and finished product. The Tech grade is formulated into finished products at plants in Gastonia, North Carolina, and Fresno, California.

There is one other competitive product on the market that is used in the U.S. mushroom market only. Under the trade name "APEX" the product is marketed by Sandoz/Zoecon. It is not the same chemical diflubenzuron.

Where there are other products that may be considered competitive, these are insecticides with very different modes of action and are therefore not considered competitive.

IV. COSTS/SAVINGS

Dimilin is a high cost product with a high duty rate. It is not imported in great quantities since its use is selective although very important. Approximately 46,000 lbs. of Tech grade and 182,000 lbs. of 25% will be imported in 1989 for a total value of $3,295,168.00. The duty will be $377,315.00 on these products, the savings of which could be passed on to the consumers.

V. CONCLUSION

There are no U.S. manufacturers of these products. Consequently, the enactment of a temporary duty suspension will not cause injury to United States manufacturers or other United States business interests. The product is environmentally safe and is important for agriculture and society. A temporary duty suspension will have a minimal revenue impact and may help encourage its further use in other applications.

2, 6-Dichlorobenzonitrile

(Dichlobenil)

I. INTRODUCTION

This Memorandum outlines the principal factors which support favorable consideration of a bill to suspend, through December 31, 1994, the Customs duties on imported 2, 6-Dichlorobenzonitrile and certain imported mixtures containing this important chemical as an active ingredient.

II. DESCRIPTION AND USES OF DICHLOBENIL

Commonly known by the name Dichlobenil, the chemical 2, 6-Dichlorobenzonitrile is an important ingredient used in the manufacture of agricultural weed and seed control preparations. As the active ingredient in such preparations, Dichlobenil functions as a "pre-emergent" growth controller, preventing the seeds of weeds and other harmful plants from germinating and destroying valuable food and ornamental crops. Uniroyal Chemical Company of Middlebury, Connecticut, imports and sells Dichlobenil under its trade name Casaron. Uniroyal imports Dichlobenil in two different forms: Casaron technical grade, which is composed approximately 97% by weight of Dichlobenil, with small quantities of inert ingredients, and Carsaron 85W, which is composed of between 85-90% Dichlobenil, together with inert ingredients (primarily calcium silicate and other clays) and minute quantities of surfactants.

After importation, both grades of Casaron are formulated with other inert ingredients and small amounts of surfactants in order to manufacture granules and wettable powders to be used in seed control preparations. Popular Casaron formulations sold to end-users in the United States include Casaron 2G (2% active ingredient) and Casaron 4G (4% active ingredient). These formulations are diluted in water and sprayed on areas where seed and plant growth control is desirable.

Preparations made from imported Dichlobenil are used in many important applications. For example, Dichlobenil is clearly the most selective weed control product for ornamental plant cultures. Dichlobenil does

not injure ornamental plants, but prevents the development of harmful broadleaf weeds. (By contrast, traditional pesticide chemicals would kill or injure the plantings, as well as the weeds.) In addition, Dichlobenil is widely used by cranberry growers to control weed growth harmful to their crops. It is extensively used wherever cranberry crops are raised, in the New England states, as well as in the Upper Midwest (Wisconsin especially) and the Pacific Northwest.

Dichlobenil preparations are used extensively in orchards, nurseries, and around municipal and commercial grounds and buildings. Paving contractors also make frequent use of Dichlobenil preparations to kill weeds under asphalt. Dichlobenil can also be used as an aquatic herbicide, and is particularly effective in controlling the growth of weeds such as hydrilla, which choked many waterways in the Southern United States.

Dichlobenil has been approved for a wide variety of agricultural uses in the United States. It is not quite as water soluble as many pesticides; accordingly, it does not cause groundwater problems. Once dispersed, Dichlobenil is tightly bound to the soil. It does not leach into the soil, but runs off during rain.

In short, Dichlobenil is an important chemical used in the manufacture of seed control preparations which are vital to the health of United States agricultural crops and the economic well-being of United States growers.

III. MANUFACTURE AND IMPORTATION OF DICHLOBENIL

Under the Harmonized Tariff Schedules of the United States (HTS), (19 U.S.C. Section 1202), technical grade 2, 6-Dichlorobenzonitrile is classifiable under HTS item 2926.90.10.00.6 with duty at the rate of 6.8% *ad valorem.*

Casaron 85W, a mixture containing 2, 6-Dichlorobenzonitrile, is classifiable under HTS item 3803.30.10.00.0, and is dutiable at a compound rate of 1.8 cents per kilogram plus 9.7% *ad valorem.*

Dichlobenil is not manufactured by any firms in the United States. All Dichlobenil imported into the United States (and, consequently, all antisprouting preparations containing Dichlobenil sold in the United States) is manufactured in the Netherlands by Duphar, B.V. of Amsterdam, which controls all United States registrations for the product. Uniroyal imports both Casaron Tech and Casaron 85W manufactured by Duphar, Dichlobenil formulations are produced by Uniroyal at plants in Gastonia, North Carolina, and Fresno, California. In addition, some of these preparations are manufactured by toll processors in California.

A second United States firm, P.B.I. Gordon of Memphis, Tennessee, manufactures Dichlobenil preparations at its Memphis, Tennessee, plant. Like Uniroyal, P.B.I. Gordon obtains all of the Dichlobenil which it uses from Duphar in the Netherlands.[1]

Various herbicides produced in the United States are used in some of the same applications as Dichlobenil; however, none of these have the exact properties and functions of Dichlobenil, (e.g., for use in cranberries). Dichlobenil is not a pesticide, but rather a plant growth regulator: it does not kill or injure any existing plant or animal life, but it simply prevents development of harmful seeds. Consequently, it may be fairly said that Dichlobenil does not directly compete with any domestically-produced products.

IV. COSTS/SAVINGS

Uniroyal Chemical Company estimates that the total amount of Casaron Tech to be imported in 1989 will be 165,000 lbs. The total amount of Casaron 85W will be 190,000 lbs. The total combined value of these imports will be $4,027,545. The duty paid will be approximately $333,340.00.

V. CONCLUSION

Numerous factors support the temporary suspension of duties on imported Dichlobenil—both technical grade Dichlobenil, and preparations containing 80% by weight or more Dichlobenil as an active ingredient. These may be briefly summarized as follows:

1. No United States Manufacture. As noted above, no firms in the United States currently manufacture Dichlobenil, and none presently plan to do so. Only Duphar B.V. has obtained registrations and approval for the use of this chemical in the United States. Other herbicides are not directly competitive with Dichlobenil. Consequently, the enactment of a temporary duty suspension relating to imported Dichlobenil will not cause any injury to United States manufacturers or other United States business interests.

2. Benefit To Consumers. At present, United States Customs duties present a significant portion of the landed costs of all imported Dichlobenil. These costs, in turn, are passed along to distributors of Dichlobenil and, ultimately, to the farmers and growers who use the product. Elimination of the duty on this product would allow United States formulators to land this vital product at lower cost, and to manufacture their preparations more efficiently and inexpensively. Duty savings would ultimately be passed on to the consumers (i.e., United States growers and farmers). In addition, elimination of the duty for this product would prevent or moderate future price increases for Dichlobenil and formulations made therefrom.

Dichlobenil is an important chemical for many agricultural producers, most notably growers of cranberries and ornamental foliage. Temporary suspension of the duty for the product would help these growers to obtain and use this essential material much more cost effectively. Ultimately, benefits of the duty suspension would be passed on to other consumers, for instance in the form of lower food prices.

3. Environmental Considerations. As noted above, Dichlobenil is a "pre-emergent" antisprouting agent. Unlike most pesticides, which attack plants after they have sprouted, often killing useful plants as well as weeds, Dichlobenil is a safe product which protects important crops by preventing weeds from arising in the first instance. A tariff suspension would help to encourage the further use of these antisprouting agents as part of an integrated pest-management system.

4. Slight Revenue Impact. Granting the requested duty suspension will not significantly impact United States Customs duty revenues. Slow import growth is projected for the next few years, with total imports increasing by no more than 5,000 pounds per year. Thus, anticipated duty revenues which would be foregone by reason of the temporary duty suspension would not be significant and could easily be recouped through other means.

In summary, therefore, it is clear that a temporary suspension of the duty on imported Dichlobenil would provide assistance to American growers, by allowing them duty free access to an important pest-control product. It will stimulate additional sales of this environmentally-safe chemical, thereby increasing United States employment in several states (e.g., at United States facilities which manufacture antisprouting preparations from the imported product). In addition, suspension of the duty would not disadvantage any United States manufacturers or labor interests.

1[1-((4-chloro-2(triflouromethyl)phenyl) imino)-2-propoxethyl)-1h-imadazole

(Triflumizole)

I. INTRODUCTION

This memorandum outlines the principal factors which support favorable consideration of a bill to suspend, through December 31, 1994, the 13.5% ad valorem duty on 1[1 - ((4 - chloro - 2(triflouromethyl)-phenyl)imino) - 2 - propoxethyl] - 1h - imadazole provided for under HTS subheading 2933.29.30.00.9. This product is known by its trade name of triflumizole.

II. DESCRIPTION AND USES OF TRIFLUMIZOLE

The chemical, known by its registered brand names in the United States, "Procure and Terraguard," falls under HTS subheading 2933.29.30.00.9. It is a powder which Uniroyal imports from Japan under exclusive license from Nippon Soda. Uniroyal formulates the imported technical grade material into ready to use active wetable powders. The product is used as a fungicide for certain deciduous fruit and ornamental plants.

Triflumizole was invented by the Japanese company who holds the patent and the U.S. registration. Uniroyal Chemical Company has an exclusive agreement to market the product and its compositions in the U.S.

In addition to its use to control cylindrocladium root rot disease on spathapyllum ornamental foliage plants, triflumizole is used to control powdery mildew on grapes. Powdery mildew is one of the most devastating of the diseases to attack grapes. Each year more than $15 million are spent in attempts to control this disease. Currently sulphur and Bayleton are the two main products used in the fight against powdery mildew, but sulphur is quite irritating during the application process and in recent years, Bayleton is being reported as failing, perhaps because of resistance being developed by this disease.

Triflumizole is also intended for the control of scab and mildew on apples.

III. MANUFACTURE AND IMPORTATION

Triflumizole is not manufactured by any firm in the United States. Uniroyal Chemical is the only importer. Uniroyal imports the Tech grade and formulates it into finished products at plants in Gastonia, North Carolina, and Fresno, California.

The product is considered environmentally safe in that it has no adverse effects on birds or bees although it can be toxic to fish at high concentrations. It degrades quickly in the soil, is rapidly metabolized by plants, and animals, and does not bioaccumulate in fish.

There are other competitive products on the market that are used in the U.S. for some of the same applications. These include Captan from Chevron, Funginex imported by FMC, and Dithane imported by Rohm and Haas. While these products are

[1] Dichlobenil is produced by a company in Japan. However, the Japanese product is not registered or approved for use in the United States, and consequently is not imported or used here.

competitive in application, they are not competitive in their mode of action. There is no other product like Triflumizole manufactured in the United States.

IV. COSTS/SAVINGS

Triflumizole is a high cost product with a high duty rate. It is not imported in great quantities since its use is selective although very important. Approximately 3,500 lbs. of Tech grade will be imported in 1989 for a total value of $127,260.00. The duty will be $17,180.00 on these imports, the savings of which could be passed on to the consumers.

V. CONCULSION

There are no U.S. manufacturers of these products. Consequently, the enactment of a temporary duty suspension will not cause injury to United States manufacturers nor should it injure other United States business interests. The product is environmentally safe and is important for agriculture and society. A temporary duty suspension will have a minimal revenue impact and could help encourage its further use in other applications by reducing its overall cost.

By Mr. DANFORTH:

S. 1104. A bill to temporarily suspend the duty on flashlights and flashlight parts; to the Committee on Finance.

S. 1105. A bill to temporarily suspend the duty on certain Christmas ornaments; to the Committee on Finance.

S. 1106. A bill to temporarily reduce the duty on frozen carrots; to the Committee on Finance.

SUSPENSION OF DUTY ON CERTAIN ITEMS

● Mr. DANFORTH. Mr. President, today I am introducing three miscellaneous tariff bills. The first provides for the temporary suspension of duty on flashlights and flashlight parts. The second provides for the temporary suspension of duty on Christmas ornaments other than those made of glass or wood. Finally, the third bill provides for the temporary reduction of duty on certain frozen carrots.

I ask unanimous consent that the texts of these three bills be printed in full in the RECORD.

There being no objection, the bills were ordered to be printed in the RECORD, as follows:

S. 1104

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. FLASHLIGHTS AND FLASHLIGHT PARTS.

Subchapter II of chapter 99 of the Harmonized Tariff Schedule of the United States is amended by inserting in numerical sequence the following new heading:

"9902.85.16	Flashlights and parts of flashlights (provided for in subheading 8513.10.20 or 8513.90.20).	Free	No change	No change	On or before 12/31/92".

SEC. 2. EFFECTIVE DATE.

The amendment made by this Act shall apply with respect to articles entered, or withdrawn from warehouse for consumption, on or after the date that is 15 days after the date of enactment of this Act.

S. 1105

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CERTAIN CHRISTMAS ORNAMENTS.

Subchapter II of chapter 99 of the Harmonized Tariff Schedule of the United States is amended by inserting in numerical sequence the following new heading:

"9902.95.05	Christmas ornaments other than ornaments of glass or wood (provided for in subheading 9505.10.25).	Free	No change	No change	On or before 12/31/92".

SEC. 2. EFFECTIVE DATE.

The amendment made by this Act shall apply with respect to articles entered, or withdrawn from warehouse for consumption, on or after the date that is 15 days after the date of enactment of this Act.

S. 1106

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. FROZEN CARROTS.

Subchapter II of chapter 99 of the Harmonized Tariff Schedule of the United States is amended by inserting in numerical sequence the following new heading:

"9902.07.11	Carrots, frozen (provided for in subheading 0710.80.70).	2.2¢/kg.	No change	No change	12/31/92".

SEC. 2. EFFECTIVE DATE.

(a) IN GENERAL.—The amendment made by this Act shall apply with respect to articles entered, or withdrawn from warehouse for consumption, after the date that is 15 days after the date of enactment of this Act.

(b) RELIQUIDATION.—Notwithstanding section 514 of the Tariff Act of 1930 or any other provision of law, upon a request filed with the appropriate customs officer before the date that is 90 days after the date of enactment of this Act, any entry of an article described in heading 9902.07.11 of the Harmonized Tariff Schedule of the United States (as added by this Act) that was made—

(1) after December 31, 1988, and

(2) on or before the date that is 15 days after the date of enactment of this Act,

shall be liquidated as though such entry occurred on the day after the date that is 15 days after the date of enactment of this Act.●

By Mr. SIMON:

S. 1107. A bill to provide education, training, employment, and related services to displaced homemakers, and for other purposes; to the Committee on Labor and Human Resources.

TISH SOMMERS AND LAURIE SHIELDS DISPLACED HOMEMAKERS TRAINING AND ECONOMIC SELF-SUFFICIENCY ASSISTANCE ACT

● Mr. SIMON. Mr. President, I am pleased to introduce today the Tish Sommers and Laurie Shields Displaced Homemakers Training and Economic Self-Sufficiency Assistance Act of 1989. This legislation would provide for a new employment and training program for displaced homemakers—a large but often overlooked group made up of predominately older women.

Many people are unaware of who displaced homemakers are and the serious difficulty that these women face finding jobs to support themselves and their families. Every year, hundreds of women are forced unexpectedly from the role of homemaker into the role of family breadwinner due to a husband's death, disability, divorce, or loss of public assistance. According to the Census Bureau, there are approximately 11.5 million displaced homemakers in the United States.

Contrary to a common myth, displaced homemakers are not middle class, well educated women. Available information about this group indicates that displaced homemakers, like other female heads of households, are disproportionately poor: 40 percent have incomes below the poverty level and another 21 percent have incomes near the poverty level.

Displaced homemakers are older women and minority women: 70 percent are age 55 or older and 22 percent are minorities. Displaced homemakers generally have one or more dependents: 61 percent have children living at home. Displaced homemakers are unemployed or low wage earners: 66 percent are unemployed and of the 29.5 percent who are employed, 24.4 percent are employed part time. Education levels for displaced homemakers are low: 56 percent of all displaced homemakers lack a high school diploma and 22 percent of those between the ages of 25 and 65 years old have not completed the eighth grade.

Clearly, displaced homemakers represent a group facing financial adversity at the same time that they are confronting painful adjustment and personal problems. Their general lack of work experience and marketable skills combined with a lack of confidence and self-esteem create special barriers to their successful entry into the labor market.

Mr. President, the legislation that I plan to introduce today is named after the two women who coined the term "displaced homemaker" and who in 1975 started a national movement to help these women gain economic self-sufficiency. The intent of my bill is to fill existing gaps in education, employment and training services for these women who face special barriers to successful entry into the labor market.

At the present time, the primary source of support for displaced homemaker programs is State funding. This funding, however, is tenuous and fragmented. While some 23 States provide some level of support to displaced homemaker projects, the majority of States do not.

At the Federal level, the Job Training Partnership Act and the Carl Perkins Vocational Education Act provide some assistance by naming displaced homemakers as one of several groups to be served. But, neither program responds satisfactorily to the special circumstances displaced homemakers face. In part due to limited funding and in part due to the structure of the JTPA system, relatively few displaced homemakers—about 23,000 in program year 1987—are being served by the JTPA Program.

The Carl Perkins Vocational Education Act provides a more significant source of assistance to displaced homemakers through the 8.5 percent set aside for single parents and homemakers. Yet, available funds are insufficient and the vocational training tends to be focused on younger students who may have more recent education and employment experience. While the vocational education set aside helps to provide critical vocational training for younger displaced homemakers, the vocational education system is not well suited to the needs of older women.

Several months ago, I introduced legislation, S. 543, the Job Training Partnership Act Youth Employment Amendments of 1989, that will help to improve the delivery of services to displaced homemakers under JTPA—through refocusing JTPA services on education, basic skills training and harder-to-serve groups. S. 543 does not, however, obviate the need for the legislation I am introducing today. My legislation would provide resources for the development in all 50 States of comprehensive programs to address the unique needs of displaced homemakers.

This legislation would authorize a new program of assistance to States to finance the delivery of job readiness, counseling, remediation, occupational training, supportive services, job placement and a range of other services that experience has taught us are needed for displaced homemakers to successfully achieve economic self-sufficiency. One innovative feature of the bill is that it permits States to use a small portion of funds allocated to them to set up revolving loan funds to provide low-interest loans to displaced homemakers who need emergency assistance, help with tuition or job search expenses, or startup expenses associated with self-employment.

Mr. President, my bill defines a displaced homemaker to be an individual whose principal job has been homemaking and who has lost her main source of income because of divorce, separation, widowhood, disability, or long-term unemployment of a spouse, or loss—or expected loss within 2 years—of eligibility for public assistance. By definition, a displaced homemaker must be unemployed or underemployed; for example, working part time when full-time employment is desired.

This legislation places a priority on assisting those displaced homemakers with the greatest financial need, and older and minority displaced homemakers who may face additional problems of age and racial discrimination.

Moreover, in order to ensure the effective delivery of services and coordination with other programs that may serve displaced homemakers, States would be required to develop a State plan for the delivery and coordination of displaced homemakers services, designate an administrator for displaced homemaker programs, and establish an advisory council for displaced homemakers.

In this era of scarce Federal dollars, ensuring that federally funded programs actually deliver results is the necessary bottom line. This legislation would require the evaluation of the adequacy and effectiveness of displaced homemaker programs at the State and Federal levels. And, like other employment and training programs, this bill requires that national performance standards be developed to ensure that we get the greatest return on the Federal dollar and to ensure that displaced homemakers get the services they need to fulfill their maximum potential.

Displaced homemakers will be a continuing phenomenon we need to address. There are 23 million married women who are not in the labor force. Death, divorce, or separation from their spouse will result in a significant number of these women becoming displaced homemakers.

This morning I participated in a press briefing at which the Displaced Homemakers Network and the American Association of Retired Persons unveiled a new video entitled "Partners in Change." While the goal of this video is to educate prospective employers about the value of hiring older women and displaced homemakers, it brought home to me the fact that hiring older women is not just a nice or socially responsible thing to do—it is becoming an economic necessity. Our society can no longer afford large segments of the population to be unemployed for long periods of time.

In the coming years employers will look more and more to women to meet their work force needs. During the 1990's, two out of every three workers will be women. The work force of the future will be comprised increasingly of older, female and disadvantaged workers. We cannot leave to chance the access of these groups to appropriate education and training for jobs that will have higher skill requirements—jobs associated with better compensation and benefits. Clearly, it is in the national interest to ensure women, and older women, in particular, are a productive part of the future work force.

Expanding the Federal investment in the education and training of these women is not only common sense but good economic sense. As the pool of potential young workers continues to decrease throughout the 1990's, special efforts must be made to prepare displaced homemakers for successful participation in the labor force—preparation that will allow them to achieve economic self-sufficiency.

Mr. President, I ask unanimous consent that this bill be inserted into the CONGRESSIONAL RECORD in the full text in addition to the section-by-section analysis.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1107

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Tish Sommers and Laurie Shields Displaced Homemakers Training and Economic Self-Sufficiency Assistance Act of 1989".

SEC. 2. STATEMENT OF PURPOSE.

It is the purpose of this Act to provide financial assistance to States to expand, improve, and develop education, training, employment-related services to assist displaced homemakers in obtaining marketable job skills, thereby expanding their options for employment and economic self-sufficiency.

SEC. 3. FINDINGS.

The Congress finds that—

(1) the Nation has a vested interest in building a quality and productive workforce that will enable the United States to compete effectively in the global marketplace;

(2) 2 in every 3 new entrants to the workforce during the 1990's will be women and such women will need appropriate basic and occupational skills to fill jobs requiring much higher skill levels than the jobs of today;

(3) there are approximately 11.5 million displaced homemakers in the United States who represent a significant number of women not in the labor force and who must be adequately prepared for jobs;

(4) 3 in every 4 displaced homemakers are 45 years and older and 1 in every 4 displaced homemakers is a minority, and such older women and minority women have special education and training needs which must be addressed to facilitate their successful entry into the workforce;

(5) the majority of displaced homemakers are women who live in poverty and who require educational, vocational, training, and other services to obtain financial independence and economic security; and

(6) Federal, State, and local programs addressing the training and employment needs of displaced homemakers have been fragmented and insufficient to effectively serve displaced homemakers.

SEC. 4. DEFINITIONS.

As used in this Act—

(1) The term "displaced homemaker" means an individual who has been providing unpaid services to family members in the home and who—

(A) has been dependent either—

(i) on public assistance and whose youngest child is within 2 years of losing eligibility under part A of title IV of the Social Security Act (42 U.S.C. 601-618), or

(ii) on the income of another family member but is no longer supported by that income, and

(B) is unemployed or underemployed and is experiencing difficulty in obtaining or upgrading employment.

(2) The term "community-based organization" has the same meaning given that term in section 4(5) of the Job Training Partnership Act.

(3) The term "eligible service provider" means—

(A) a nonprofit community-based organization;

(B) a local educational agency;

(C) a secondary school;

(D) an institution of higher education; or

(E) an area vocational education school.

(4) The term "Governor" means the chief executive of any State.

(5) The term "area vocational education school" has the same meaning given that term in section 521(3) of the Carl D. Perkins Vocational Education Act.

(6) The term "institution of higher education" means an institution of higher education as that term is defined in section 1201(a) of the Higher Education Act of 1965.

(7) The term "local educational agency" has the same meaning given that term in section 1471(12) of the Elementary and Secondary Education Act of 1965.

(8) The term "secondary school" has the same meaning given that term in section 1471(21) of the Elementary and Secondary Education Act of 1965.

(9) The term "supportive services" means services which are necessary to enable an individual eligible for training under this Act to participate in a training program funded under this Act. Such supportive services may include transportation, health care, special services and materials for the handicapped, child care, meals, temporary shelter, financial counseling, adult dependent care, and other reasonable expenses including such work related expenses as tools, clothing, and books, required for participation in the training program.

(10) The term "Secretary" means the Secretary of Labor.

SEC. 5. ALLOTMENT AMONG STATES.

(a) IN GENERAL.—The Secretary shall allot for each fiscal year to each State an amount which bears the same relationship to the total amount of such funds as the total number of displaced homemakers in such State as determined by the Bureau of the Census bears to the total number of displaced homemakers in all States.

(b) RESERVATION.—The Secretary shall reserve 5 percent of the funds appropriated pursuant to section 17 for any fiscal year to pay the costs of the national activities required by section 14.

(c) MAINTENANCE OF EFFORT.—Funds provided pursuant to this Act shall be used to supplement and not supplant other Federal, State, and local public funds expended to provide services for displaced homemakers.

SEC. 6. REALLOTMENT.

(a) GENERAL REALLOTMENT AUTHORITY.—For program years beginning July 1, 1989, and thereafter, the Secretary shall, in accordance with the requirements of this section, reallot to eligible States the funds allotted to States from funds appropriated for such program year that are available for reallotment.

(b) AMOUNT AVAILABLE FOR REALLOTMENT.—The amount available for reallotment is equal to—

(1) the amount by which the unexpended balance of the State allotment at the end of the program year prior to the program year for which the determination under this section is made exceeds 20 percent of such allotment for that prior program year; plus

(2) the unexpended balance of the State allotment from any program year prior to the program year in which there is such excess.

(c) METHOD OF REALLOTMENT.—(1) The Secretary shall determine the amount that would be allotted to each eligible State by using the factors described in section 5(a) to allocate among eligible States the amount available pursuant to subsection (b) of this section.

(2) The Secretary shall, by using the factors described in section 5(a), allot to eligible States the amount available that remains after the allotment required by paragraph (1) of this subsection.

(d) STATE PROCEDURES WITH RESPECT TO REALLOTMENT.—The Governor of each State shall prescribe uniform procedures for the expenditure of funds by eligible service providers in order to avoid the requirement that funds be made available for reallotment under subsection (b). The Governor shall further prescribe equitable procedures for making funds available from the State and eligible service providers in the event that a State is required to make funds available for reallotment under such subsection.

(e) DEFINITIONS.—For the purpose of this section, an eligible State means a State which has expended at least 80 percent of its allotment for the program year prior to the program year for which the determination under this section is made.

SEC. 7. STATE PLAN.

(a) PLAN REQUIRED.—In order to receive an allotment of funds under section 5 the Governor of each State shall develop and submit to the Secretary for review and approval a 2-year State plan describing the programs, activities, and services to be assisted with funds provided under this Act.

(b) CONTENTS OF PLAN.—Each State plan shall—

(1) contain assurances that displaced homemakers with the greatest financial need will be given priority in the delivery of services under this Act;

(2) contain assurances that displaced homemakers 45 years and older and minority displaced homemakers will be given special consideration in the delivery of services under this Act; and

(3) provide assurances that the services provided pursuant to this Act will be coordinated with other Federal or State programs providing services to displaced homemakers.

SEC. 8. STATE ADMINISTRATION.

(a) IN GENERAL.—The Governor of each State receiving an allotment under section 5 shall—

(1) where a unit does not already exist in any State agency, create a displaced homemakers unit within the State Department of Labor or other State agency as appropriate;

(2) where a position does not already exist, assign 1 individual to work full-time as the State administrator for displaced homemaker services to fulfill the purposes of this Act by—

(A) administering the program for displaced homemaker services described in this Act; and

(B) coordinating the services provided under this Act with other available services for displaced homemakers within the State;

(3) where such a council does not already exist create a State displaced homemaker advisory council to assist the State displaced homemaker unit to plan, implement, and evaluate programs and activities funded under this Act.

(b) STATE ADMINISTRATOR.—Each State administrator for displaced homemaker services in a State receiving financial assistance under this Act shall—

(1) make appropriate services available to displaced homemakers through the use of eligible service providers in accordance with the provisions of section 11;

(2) provide appropriate preservice and in-service training, technical assistance, and advice to individuals providing services to displaced homemakers;

(3) develop an annual plan for the use of all funds available for displaced homemaker programs, manage the distribution of these funds, and monitor the use of funds distributed to eligible service providers;

(4) evaluate the effectiveness of programs and activities assisted under this Act, including the extent to which the programs and activities exceed or fail to meet relevant performance standards set forth in section 15;

(5) gather, analyze and disseminate data on the adequacy and effectiveness of the State in meeting the training and employment needs of displaced homemakers;

(6) provide technical assistance and advice to eligible service providers, local educational agencies, secondary schools, institutions of higher education, and other interested parties in the State to expand training and employment opportunities for displaced homemakers; and

(7) set forth the criteria to be used in approving applications from eligible service providers.

(c) STATE DISPLACED HOMEMAKER ADVISORY COUNCIL.—The State Displaced Homemaker Advisory Council established pursuant to subsection (b)(6) shall include—

(1) a representative from the State Job Training Coordinating Council established pursuant to section 122 of the Job Training Partnership Act;

(2) a representative from the State Job Opportunities and Basic Skills Training (JOBS) program established pursuant to title II of the Family Support Act;

(3) a representative from the State Commission on Women, if such a commission exists in the State;

(4) a sex equity coordinator for vocational education established pursuant to the provisions of section 111(b)(1)(A) of the Carl D. Perkins Vocational Education Act;

(5) a representative of a community-based organization serving displaced homemakers;

(6) a representative of a community-based organization representing primarily minority women;

(7) a representative of employers; and

(8) a displaced homemaker.

SEC. 9. USE OF FUNDS.

Funds allotted to States pursuant to section 5 may be used to provide education, training, and supportive services to dis-

placed homemakers. Such services may include—

(1) recruitment and outreach,
(2) assessment and testing,
(3) career counseling,
(4) literacy training and bilingual training,
(5) job development,
(6) job placement,
(7) remedial education, basic skills training and GED preparation,
(8) on-the-job training,
(9) life skills development,
(10) pre-employment preparation,
(11) vocational exploration,
(12) skills training and vocational training,
(13) individual and group counseling,
(14) job search,
(15) follow-up services, and
(16) supportive services.

SEC. 10. WITHIN STATE ALLOCATION.

(a) IN GENERAL.—From amounts allotted to each State pursuant to section 5, the Governor of each State shall make grants to eligible service providers to provide education, training, and supportive services to displaced homemakers.

(b) RESERVATIONS.—The Governor of each State shall reserve at least $60,000 and not more than $100,000 for the costs of State administration pursuant to section 8.

(c) COMPETITIVE BASIS.—The Governor of each State receiving assistance under this Act shall award grants to eligible service providers on a competitive basis.

SEC. 11. SERVICE PROVIDERS.

(a) IN GENERAL.—The Governor of each State receiving assistance under this Act shall select eligible service providers to deliver education, training, and supportive services to displaced homemakers on the basis of the ability of the eligible service provider to effectively deliver services to displaced homemakers.

(b) PRIORITY.—Each State receiving financial assistance under this Act shall give priority in awarding grants to eligible service providers which have experience in providing services to displaced homemakers.

(c) SPECIAL CONSIDERATION.—Each State receiving financial assistance under this Act shall give special consideration in awarding grants to eligible service providers which are community-based organizations.

(d) ADMINISTRATIVE COST.—Each eligible service provider receiving assistance pursuant to this Act may use no more than 20 percent of the funds awarded to such eligible service provider for administrative costs.

SEC. 12. SERVICE PROVIDER APPLICATION REQUIRED.

(a) IN GENERAL.—Each eligible service provider desiring a grant under this Act shall submit an application to the Governor for review and approval.

(b) APPLICATION CONTENTS.—Each such application shall—

(1) describe the programs, services, and activities for which assistance is sought;

(2) demonstrate a service delivery plan that coordinates existing services for displaced homemakers; and

(3) contain such assurances as the Governor may reasonably require.

SEC. 13. DISPLACED HOMEMAKER LOAN.

(a) PROGRAM AUTHORIZED.—The Governor of each State may reserve, on a one time basis only, 10 percent of the funds allotted to such State pursuant to section 5(a) in any fiscal year, to establish a revolving loan fund to provide low interest loans to displaced homemakers to pursue training, education, and employment opportunities leading to economic self sufficiency.

(b) USE OF FUNDS.—(1) Funds reserved pursuant to subsection (a) shall be used by the Governor of each State receiving assistance under this Act as capital contributions for establishing revolving loan funds for displaced homemakers.

(2) Loans provided pursuant to subsection (a) may be used for—

(A) tuition and related expenses for vocational and other postsecondary education;

(B) relocation and emergency household expenses;

(C) income supplement or replacement during participation in a training program and/or job search;

(D) emergency medical expenses and insurance continuation;

(E) job search expenses; and

(F) start-up expenses associated with self employment.

(c) LOAN AMOUNT.—Revolving loan funds established pursuant to subsection (a) shall be available to provide a displaced homemaker with one loan which does not exceed $5,000.

(d) APPLICATION.—Each displaced homemaker desiring a loan under this section shall submit an application at such time, in such manner, and containing such information as the Governor may reasonably require. Each such application shall—

(1) describe the activities and services for which assistance is sought;

(2) contain such other assurances as the Governor may reasonably require.

(e) STATE RESPONSIBILITIES.—Each State providing loans to displaced homemakers from a revolving loan fund established with funds provided under this Act shall—

(1) collect any loan or portion thereof in accordance with subsection (f), and

(2) certify annually to the Secretary that displaced homemakers receiving such loans are in compliance with the provisions of this section.

(f) REPAYMENTS.—(1) Each State shall deposit all repayments of loans provided pursuant to this section into the revolving loan fund of the State established with funds provided under this Act pursuant to subsection (a).

(2) A displaced homemaker shall be excused from the repayment of any loan made from a revolving loan fund established with funds provided under this section if such displaced homemaker—

(A) dies;

(B) becomes permanently totally disabled as established by the sworn affidavit of a qualified physician; or

(C) has been discharged in bankruptcy.

(g) LOAN TERMS.—Each loan made to a displaced homemaker by a State from a revolving loan fund established with funds provided under this Act—

(1) shall not accrue interest before the date that is 270 days after the day on which the displaced homemaker ceases to be a participant in an education or training program assisted under this Act;

(2) shall accrue interest at an annual rate of 5 percent after such date, and

(3) shall be repaid over a period that does not exceed 10 years.

(h) MAINTENANCE OF EFFORT.—Each State receiving funds pursuant to this section shall use the Federal funds only to supplement the funds that would, in the absence of such Federal funds, be made available from non-Federal sources to displaced homemakers for the activities and services described in the application.

(i) ADMINISTRATIVE COSTS.—In the first fiscal year in which a State receives assistance pursuant to this section, such State may reserve an amount not to exceed 5 percent of the amount of funds reserved pursuant to subsection (a) for the costs of administering the revolving loan fund established under subsection (a). In the second and each succeeding fiscal year thereafter in which a State administers a revolving loan fund established pursuant to this section, such State may reserve 1 percent of such State's allotment under section 5 for the costs of administering such revolving loan fund.

SEC. 14. NATIONAL ACTIVITIES.

(a) INFORMATION.—From amounts available under section 5(b), the Secretary shall implement a uniform data collection system to collect information to assist Federal, State, and local efforts to serve displaced homemakers. The information to be collected through such a system shall include—

(1) the number of displaced homemakers served,

(2) the race, age, and sex of displaced homemakers,

(3) the number of dependents of each displaced homemaker,

(4) the source and amount of income of displaced homemakers,

(5) the range of services required by displaced homemakers,

(6) the services received by displaced homemakers,

(7) the type of job, training, and education placement received by displaced homemakers, and

(8) the wage level at placement of displaced homemakers.

(b) TRAINING AND TECHNICAL ASSISTANCE.—From amounts available under section 5(b) the Secretary, through the Women's Bureau, shall provide a grant to a national organization to—

(1) provide appropriate preservice and inservices training for specialized, supportive, supervisory, and other personnel;

(2) provide technical assistance to programs serving displaced homemakers; and

(3) establish a national clearinghouse to disseminate materials and information gained through exemplary program experience which may be of use to other displaced homemaker programs.

(c) REPORT.—The Secretary shall biennially report to the Congress on the progress made in providing training and other work-related services to displaced homemakers. Such report shall include recommendations for legislation needed to improve the effectiveness of Federal programs serving displaced homemakers.

SEC. 15. PERFORMANCE STANDARDS.

(a) IN GENERAL.—The Congress recognizes that education, training, and support services are investments in human capital and not expenses. In order to determine whether these investments have been productive, the Congress finds that the return on these investments is to be measured by achievement of competencies that lead to economic self-sufficiency.

(b) MEASURE.—(1) The basic measure of performance for programs under this Act is the increase in capability to achieve economic self-sufficiency resulting from participation in the program. In order to determine whether this basic measure has been achieved, the Secretary shall prescribe standards on the basis of appropriate factors which may include—

(A) raising the grade level of reading, writing, and computational skills;

(B) acquisition of a GED or high school diploma;

(C) attainment of English language proficiency;

(D) attainment of prevocational competencies, including ability to identify skills and values, ability to set goals, ability to manage money, ability to manage time, and assertiveness;

(E) completion of an institutional or employer-sponsored skills training program;

(F) enrollment in an apprenticeship program; and

(G) placement in employment that provides or leads to economic self-sufficiency.

(c) SPECIAL RULE.—The Governor of each State receiving assistance under this Act may prescribe variations in the performance standards based on—

(1) specific economic and geographic factors within the State, and

(2) specific demographic characteristics of the displaced homemaker population within the State.

SEC. 16. ELIGIBILITY TO PARTICIPATE IN OTHER ACTS.

In any fiscal year in which the appropriation for this Act equals or exceeds $20,000,000, displaced homemakers receiving assistance under this Act shall not be eligible for assistance under title III of the Job Training Partnership Act.

SEC. 17. AUTHORIZATION OF APPROPRIATIONS.

"(a) IN GENERAL.—There are authorized to be appropriated $50,000,000 for fiscal year 1990 and such sums as may be necessary for each succeeding fiscal year to carry out the provisions of this Act.

"(b)(1) For the purpose of affording adequate notice of funding available under this Act, amounts appropriated in an appropriation Act for any fiscal year to carry out this Act shall become available for obligation on July 1 of that fiscal year and shall remain available until September 30 of the succeeding fiscal year.

"(2) In order to effect a transition to the forward funding method of timing appropriation action described in paragraph (1), there are authorized to be appropriated, in an appropriation Act or Acts for the same fiscal year, two separate appropriations to carry out this Act, the first of which shall not be subject to paragraph (1).".

THE TISH SOMMERS AND LAURIE SHIELDS DISPLACED HOMEMAKERS TRAINING AND ECONOMIC SELF-SUFFICIENCY ACT OF 1989—SECTION-BY-SECTION SUMMARY

Section 1. Short Title.—The Tish Sommers and Laurie Shields Displaced Homemakers Training and Economic Self-Sufficiency Act of 1989

Section 2. Purpose.—To provide financial assistance to States to expand, improve, and develop education, training and employment-related services to assist displaced homemakers in obtaining marketable job skills, employment and economic self-sufficiency.

Section 3. Findings.—The findings outline the need for an expanded federal investment in educating and training displaced homemakers for successful entry or reentry into the labor market.

Section 4. Definitions.—

A "displaced homemaker" is defined to mean an individual who has been providing unpaid services to family members in the home; who has been dependent on public assistance and is within 2 years of losing such assistance or has been dependent on the income of another family member and is no longer supported by that income; and who is unemployed or underemployed and is experiencing difficulty in obtaining or upgrading employment.

Includes additional definitions for "community based organization", "eligible service provider", "Governor", "area vocational technical school", "institution of higher education", "local educational agency", "secondary school", "supportive services", and "Secretary".

Section 5. Allotment Among States.—

(a) Provides for the allocation of funds authorized under the bill to states based on the number of displaced homemakers in the state as compared with the number of displaced homemakers in all states.

(b) Reserves 5 percent of appropriated funds for national activities described in section 14 and administered by the Secretary of Labor.

(c) Provides that funds allocated to States under the bill be used to supplement and not supplant other Federal, State and local public funds used to provide displaced homemaker services.

Section 6. Reallotment.—

Grants authority to the Secretary of Labor to reallot State carryover funds exceeding 20 percent of each State's allotment for the prior program year to eligible States using the same method for the reallotment that was used originally to allocate funds to states. An eligible State is defined to be a State which has expended at least 80 percent of its allotment for the program year prior to the year in which the reallotment occurs.

Grants authority to the Governor of each State to prescribe uniform procedures for the expenditure of funds by eligible service providers, and equitable procedures for making funds available for reallotment from the State and eligible service providers.

Section 7. State Plan.—Requires the Governor of each State to develop a 2-year State plan describing the programs, activities and services to be assisted with funds provided under this bill and to submit the state plan to the Secretary of Labor for review and approval. Each State plan must contain assurances that displaced homemakers with the greatest financial need will be given priority for services; and that displaced homemakers 45 years and older and minority displaced homemakers be given special consideration in the delivery of services.

Section 8. State Administration.—

(a) Requires the Governor of each State receiving funding under this bill to create, where such a unit does not already exist, a displaced homemakers unit within the State Department of Labor or an appropriate state agency; assign one individual to work full time as the state administrator for displaced homemaker services, where such a position does not already exist; and create, where such a council does not already exist, a State displaced homemaker advisory council to assist the State displaced homemaker unit to plan, implement and evaluate programs and activities funded under this bill.

(b) Provides that each State Administrator for displaced homemakers services in a State receiving funds under this bill must (1) make appropriate services available to displaced homemakers through the use of eligible service providers, (2) provide appropriate training, technical assistance and advice in individuals providing services to displaced homemakers, (3) develop an annual plan for the use, distribution and monitoring of all funds received under this act, (4) evaluate the effectiveness of activities assisted under this act, including the extent to which they exceed or fail to meet relevant performance standards, (5) gather, analyze and disseminate data on the adequacy and effectiveness of the state in meeting displaced homemaker employment and training needs, (6) provide technical assistance to eligible service providers, and (7) set forth criteria to be used in approving applications from eligible service providers.

(c) Provides that members of the State displaced homemaker advisory council shall include representation from the State Job Training Coordinating Council; the State JOBS program; the State Commission on Women, if such a commission exists in the State; a community based organization serving displaced homemakers; a community based organization representing primarily minority women; employers; and displaced homemakers, and an individual who is a sex equity coordinator for vocational education.

Section 9. Use of Funds.—Funds made available to States may be used to provide education, training, and supportive services to displaced homemakers and may include: recruitment and outreach, assessment and testing, career counseling, literacy training and bilingual training, job development, job placement, remedial education, basic skills training and GED preparation, on-the-job training, life skills development, pre-employment preparation, vocational exploration, skills training and vocational training, individual and group counseling, job search, follow-up services, and supportive services.

Section 10. Within State Allocation.—Grants authority to the Governor of each State to make funds allocated to the state available to eligible service providers through grants awarded on a competitive basis. Requires the Governor to reserve from funds allocated to the State at least $60,000 but not more than $100,000 to support the administrative costs of the State displaced homemakers unit.

Section 11. Service Providers.—Eligible service providers must be selected on the basis of their ability to effectively deliver services to displaced homemakers. Each State receiving financial assistance under this bill must give priority in awarding grants to eligible service providers which have experience in providing services to displaced homemakers, and must give special consideration in awarding grants to eligible service providers which are community-based organizations.

Section 12. Service Provider Application Required.—Requires each eligible service provider which seeks funding to submit an application to the Governor which describes the programs, services and activities that would be funded, and includes a service delivery plan that coordinates existing services for displaced homemakers.

Section 13. Displaced Homemaker Loan.—

(a) Permits the Governor of each State to reserve, on a one time basis, 10% of funds allocated to the state of the initial capital for a revolving loan fund to provide low interest loans to displaced homemakers.

(b) Provides that loans issued through the revolving loan fund may be used for tuition and related expenses for vocational and other postsecondary expenses; relocation and emergency expenses; supplemental or replacement income during participation in a training program and/or job search; emergency medical expenses and insurance continuation; job search expenses; and start-up expenses associated with self employment.

(c) Provides that the revolving loan fund may be used to provide a displaced homemaker with one loan not exceeding $5000.

(d) Provides that in order to receive a loan, a displaced homemaker must apply; such application shall describe the activities for which assistance is sought, and contain such other assurances as the Governor may reasonably require.

(e) Requires each State issuing loans to displaced homemakers to collect any loan disbursed and certify annually to the Secretary that displaced homemakers receiving such loans are in compliance with the provisions of this section.

(f) Requires each State to deposit all repayments of loans into the revolving loan fund. Provides that a displaced homemaker shall be excused from loan repayment if she/he dies; becomes permanently disabled; or declares bankruptcy.

(g) Provides that loans issued through the revolving loan fund shall not accrue interest until 270 days (9 months) after the displaced homemaker ceases to be a participant in an education or training program funded under this bill; shall accrue interest at an annual rate of 5% after the 270 days, and shall be repaid over a period not exceeding 10 years.

(h) Requires each State receiving funds under section 14 to use the funds only to supplement funds that, in the absence of federal funds, would be made available from nonfederal sources to displaced homemakers for the activities described in the application.

(i) Permits each State to reserve, in the first year of operation of the revolving loan fund, up to 5% of the funds reserved by the state to establish the revolving loan fund for the administrative costs associated with operation of the revolving loan fund. In the second year and in each succeeding year of operation of the revolving loan fund, 1% of the funds alloted to the state under section 5 would be permitted for administrative costs associated with the revolving loan fund.

Section 14. National Activities.—

(a) Requires the Secretary of Labor to implement a uniform data collection system to collect information that includes: the number of displaced homemakers served; the socioeconomic characteristics of displaced homemakers; the range of services required by displaced homemakers; the type of job, training, education and other services received by displaced homemakers; and the salary received by displaced homemakers upon placement into jobs.

(b) Requires the Secretary of Labor, through the Women's Bureau, to provide a grant to a national organization to provide training and technical assistance to displaced homemaker programs, and to establish a national clearinghouse to disseminate materials and information gained through exemplary program experience which may be of use to other displaced homemaker programs.

(c) Requires the Secretary of Labor to report biennially to Congress on the progress made in providing training and other work-related services to displaced homemakers. Such report shall include recommendations for legislation needed to improve the effectiveness of federal programs serving displaced homemakers.

Section 15. Performance Standards.—

Authorizes the Secretary to prescribe performance standards for programs funded under this bill on the basis of such factors as: raising the grade level of reading, writing and computational skills; acquisition of a GED or high school diploma; attainment of English language proficiency; attainment of pre-vocational competencies; completion of an institutional or employer-sponsored skills training program; enrollment in an apprenticeship program; or placement in employment that leads to economic self-sufficiency.

Authorizes the Governor of each State to adjust national performance standards based on the specific economic and geographic factors within the State, and the specific demographic characteristics of the displaced homemaker population within the State.

Section 16. Eligibility to Participate in Other Acts.—Provides that in any year in which appropriations for this bill equals or exceeds $20 million, eligibility for displaced homemakers under Title III (Dislocated Worker Assistance) of the Job Training Partnership Act shall terminate.

Section 17. Authorization of Appropriations.—Authorizes appropriations of $50 million for fiscal year 1990 and such sums as may be necessary for succeeding fiscal years. Provides a 9-month forward funding mechanism for programs funded under this bill.●

By Mr. STEVENS:

S. 1108. A bill to provide another opportunity for Federal employees to elect coverage under the Federal employees' retirement system; to provide that the recently enacted Government pension offset provisions of the Social Security Act shall not apply to Federal employees who take advantage of the new election period; and for other purposes; to the Committee on Governmental Affairs.

OPEN SEASON FOR TRANSFER TO FEDERAL EMPLOYEES' RETIREMENT SYSTEM

Mr. STEVENS. Mr. President, today I am introducing legislation which would create a second open season for Federal employees to transfer from the civil service retirement system [CSRS] to the Federal employee retirement system [FERS]. We created FERS to provide retirement protection for Federal employees hired after 1983. It is a three-tiered system consisting of a defined benefit plan, Social Security, and a voluntary thrift savings plan. I am pleased to join Representative STAN PARRIS in offering a bill that would allow Federal employees to switch to FERS between July 1, 1989, and December 31, 1989, and would extend the exemption from the public pension offset through December 31, 1989.

The initial open season for FERS, where Federal employees could elect to transfer from CSRS to FERS, was held between July and December of 1987. OPM then administratively extended this period through the end of June 1988, due to last minute congressional action on FERS. The result of this action was that many employees were not afforded time to become sufficiently informed about developments in FERS and were not able to take advantage of their new options.

The Congressional Budget Office [CBO] had projected that 40 percent of Federal employees in CSRS would switch to FERS during the 1987 open season. In actuality, only about 3 percent of eligible employees transferred to FERS all together. I have heard reasons why so few switched. Chief among these is that Federal employees were uncertain how FERS would affect them, nor were they certain how congressional action would affect FERS.

For example, it was not until the 11th hour last Congress that we decided not to limit the percentage of salary that higher paid employees could contribute to their thrift savings plan accounts. The result is that today, under FERS, employees can contribute up to 10 percent of their pay, or a maximum of $7,627, to the thrift plan.

Similarly, employees did not know until late last Congress whether the public pension offset would apply to FERS. Under the public pension offset, the amount of the benefit a person receives from Social Security as a spouse or surviving spouse will be reduced if that person also receives a pension based on his or her own work in Federal, State, or local government, which was not covered by Social Security. During the final days of the last Congress, the rules were changed so that if CSRS employees subject to the offset, which reduced Social Security benefits $2 for every $3 received from a CSRS pension, switched to FERS before December 31, 1987, they would in fact be exempt from the offset and would not have any Social Security benefits to which they were entitled decreased.

I have heard that employees did not elect to swtich to FERS because they believed that the Federal Government would design a system that worked to their disadvantage. However, I believe that our efforts produced a sound system that offers our civil servants a competitive, secure retirement plan. In particular, the FERS changes that were enacted into law in the last days of the 1st session of the 100th Congress were intended to benefit Federal employees, not to confuse them or to trick them into choosing a retirement plan that would serve to their detriment.

However, FERS is admittedly complex and requires employees to think about their future and to financially plan for it. FERS allows employees more freedom of choice and places responsibility upon them to shape their retirement future. The enactment of FERS imposed a massive education and training requirement. Government personnel offices served as financial counselors for employees who had never before been afforded any say in their individual retirement benefits.

With CSRS, our message to employees was "take it or leave it" and with FERS, employees are afforded a menu of choices.

Under OPM's leadership, agencies performed a lot of good work in trying to educate and advise employees, but perhaps we gave employees insufficient time to fully absorb the many changes involved.

I am going to briefly touch on the key provisions of FERS and how they differ with CSRS. FERS is made up of three components: The basic benefit, Social Security, and the thrift savings plan. Only the basic benefit is available to employees under CSRS—neither Social Security nor the thrift plan with the Government match is available to employees who do not switch from CSRS. The thrift plan is, literally, free money. A Federal employee can contribute up to 10 percent of his or her salary before taxes to the thrift account and the Government will add to that balance by providing a match of up to 5 percent. Under CSRS, there is no Government match to employee savings.

The thrift plan at present has grown to a $3.5 billion version of the tax deferred 401(k) plans that are available to many workers in the private sector. At present, the thrift plan is a thriving, growing account, and it is compounding at the rate of $7 million daily. It is no longer the unknown that it was in 1987. There are approximately 900,000 employees enrolled in FERS now and about 800,000 of those persons have thrift plans.

The Federal thrift plan is actually superior to similar private sector plans because the Federal Government makes a bigger contribution to employee accounts than do most private firms. The first 5 percent of the pay that an employee contributes to the thrift plan is matched by Government contributions of dollar for dollar for the first 3 percent contributed by the employee and 50 cents for every dollar for the next 2 percent of pay. There is no Government match for employee contributions above 5 percent of pay. In addition, employees can contribute nothing to the thrift account when they join FERS, and the Government will still establish an account in the employee's name and add 1 percent of pay, which will vest after the employee has worked in the executive branch for 3 years.

The thrift plan has three investment options. The G Fund, which is based upon Treasury securities, is now worth more than $3.5 billion. The C fund, the common stock index investment fund, is now worth $10 million, and the F fund, the fixed income investment fund, is valued at over $9 million. This growth is astronomical, considering that the G fund commenced operations in April 1987, and the C and F funds began operations in January 1988. Last year, the annualized rate of return for the G fund was 8.81 percent; the rate of return for the C fund was 11.84 percent, and the rate of return for the F fund was 3.63 percent.

So far this year, the 1989 G, C, and F fund monthly returns for January through April were 3 percent, 12.24 percent, and 3.15 percent, respectively. These figures are not expressed on an annualized basis. They represent the actual total rates of return used in the monthly allocation of earnings to individual accounts of participants in the thrift savings plan.

FERS is portable, unlike CSRS, and employee retirement benefits under FERS will retain value and grow over time. Under FERS, employees can take most retirement benefits with them when they leave Federal service and add them to future employment. Social Security credits will continue to add up. An employee's thrift savings plan account balance can be transferred to an individual retirement account [IRA] or a private sector employer's pension plan. To contrast the systems, under CSRS, retirement benefits are set when an employee leaves the Federal service and those benefits will not have the potential to increase over time.

FERS is flexible and will allow an employee to choose the retirement plan that is best suited to his or her needs. FERS allows an employee the three investment options mentioned previously and CSRS allows only one—the G fund. An employee can play an integral part in shaping his or her future under FERS.

Once Employees transfer from CSRS to FERS, those employees will be able to take advantage of the features of both systems. The general rule is that most employees keep the already earned CSRS benefits when they transfer.

Mr. President, my bill would give employees who now see that FERS is a better retirement option for them than CSRS the opportunity to make a truly informed decision about their retirement futures, and I urge support for this important legislation.

By Mr. PELL (for himself, Mrs. KASSEBAUM, and Mr. KENNEDY):

S. 1109. A bill to amend the Carl D. Perkins Vocational Education Act to extend the authorities contained in such act through the fiscal year 1995; to the Committee on Labor and Human Resources.

CARL. D. PERKINS VOCATIONAL EDUCATION ACT AUTHORIZATION

● Mr. PELL. Mr. President, today I am introducing, along with my colleagues Senator KASSEBAUM and Senator KENNEDY, a bill to reauthorize the Carl D. Perkins Vocational Education Act. This legislation provides for a simple extension of current law through fiscal year 1995. We are introducing this bill today with the intent that it serve as the vehicle for our reauthorization work later on this year.

I am very pleased to be joined by Senator KASSEBAUM and Senator KENNEDY in this endeavor. It is the spirit of bipartisan cooperation and consensus that has for many years guided the work of the Education Subcommittee, and it is our intent to continue that tradition by working closely together in developing a good, solid bipartisan reauthorization package.

We are hopeful to begin a series of hearings on reauthorization at the end of next month. I look forward to giving careful consideration to the opinions of the many players who have a strong interest in this Federal program, including the administration, educators and school officials, students, business and industry, and labor.

Our undertaking in this area is immense, for what we do in vocational education is critical not only to the interests of the individual students and adults who are served through this act, but will be essential as well to the strength of our economy as we round out this century.

Mr. President, I ask unanimous consent that the full text of the bill be printed at this point.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1109

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. EXTENSION OF CARL D. PERKINS VOCATIONAL EDUCATION ACT.

Section 3 of the Carl D. Perkins Vocational Education Act (20 U.S.C. 2302) is amended—

(1) in subsection (a), by striking "1989" and inserting "1995";

(2) in subsection (b)(1), by striking "1989" and inserting "1995";

(3) in subsection (b)(2), by striking "1989" and inserting "1995";

(4) in subsection (b)(3)(A), by striking "and 1989" each place it appears and inserting "through 1995"; and

(5) in subsection (b)(3)(B), by striking "1989" and inserting "1995";

(6) in subsection (b)(4), by striking "1989" and inserting "1995";

(7) in subsection (b)(5)(A), by striking "1989" and inserting "1995";

(8) in subsection (b)(5)(B), by striking "and 1989" and inserting "through 1995";

(9) in subsection (c), by striking "1989" and inserting "1995"; and

(10) in subsection (d), by striking "1989" and inserting "1995".●

● Mrs. KASSEBAUM. Mr. President, I am pleased to join Senator PELL in introducing legislation to reauthorize the Carl D. Perkins Vocational Education Act.

If we are to meet the needs of the modern work place, strong vocational and technical training programs are a must. Reauthorization of the Perkins Act allows an opportunity to examine

how the Federal Government can most effectively support the training programs now in operation at both the secondary and postsecondary levels.

We will begin vocational education hearings this summer. I look forward to working with Senator PELL in identifying Federal priorities and shaping a sound reauthorization bill.●

By Mr. CRANSTON (by request):

S. 1110. A bill to amend title 38, United States Code, to authorize the Department of Veterans' Affairs to require mandatory disclosure of Social Security numbers in claims for disability and death benefits; to the Committee on Veterans' Affairs.

DISCLOSURE OF SOCIAL SECURITY NUMBERS IN CERTAIN CLAIMS OF VETERANS

Mr. CRANSTON. Mr. President, as chairman of the Veterans' Affairs Committee, I have today introduced, by request, S. 1110, a bill to require disclosure of claimants' and dependents' Social Security numbers in all claims for VA disability and death benefits. The Secretary of Veterans' Affairs submitted this legislation by letter dated May 22, 1989, to the President of the Senate.

My introduction of this measure is in keeping with the policy which I have adopted of generally introducing—so that there will be specific bills to which my colleagues and others may direct their attention and comments—all administration-proposed draft legislation referred to the Veterans' Affairs Committee. Thus, I reserve the right to support or oppose the provisions of, as well as any amendment to, this legislation.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD at this point, together with the May 22, 1989, transmittal letter.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1110

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. Section 3001 of title 38, United States Code, is amended by adding the following new subsection:

"(c) Any person who applies for or is in receipt of any compensation or pension benefit under this title is required, as condition precedent to receipt or continued receipt of such benefits, where a social security number has been assigned, to provide to the Secretary upon request his or her social security number, and the social security number of any dependent or beneficiary on whose behalf, or based upon whom, such person applies for or is in receipt of any such benefits."

VETERANS ADMINISTRATION,
Washington DC, May 22, 1989.

Hon. DAN QUAYLE,
President of the Senate
Washington, DC.

DEAR MR. PRESIDENT: I am pleased to forward a draft bill to amend section 3001 of title 38 to authorize the Department of Veterans Affairs (VA) to require mandatory disclosure of claimants' and dependents' social security numbers in all claims for disability and death benefits. I respectfully request that the draft bill be referred to the appropriate committee and enacted promptly.

Section 7(a) of the Privacy Act of 1974, Pub. L. No. 93-579, prohibits any Federal, state, or local government agency from denying to any individual any right, benefit, or privilege provided by law because of such individual's refusal to disclose his or her social security number. However, this prohibition does not apply to any disclosure required by Federal statute. It further requires that any Federal agency which requests such a number shall inform the individual involved whether disclosure is mandatory or voluntary.

Currently, limited authority exists for mandatory disclosure of claimants' and dependents' social security numbers for pension claims and for compensation claims in which "outside income," as described in 38 C.F.R. § 1.575, is relevant. Our proposal would, in accordance with the Privacy Act, expand this authority to require mandatory disclosure of claimants' and dependents' social security numbers (where such number has been assigned) for all claims for disability and death benefits under title 38, United States Code. This proposal would not require persons to obtain social security numbers, but would simply require them to report to the VA social security numbers which have been issued by the Social Security Administration.

The current requirement of mandatory submission of social security numbers in claims for VA benefits affected by "outside income" was intended to assist the VA in verifying reported income so as to detect and eliminate fraud and abuse. Subsequently, it has become apparent that benefits which may not be contingent upon income also require monitoring to protect against fraud and abuse. For example, disability compensation may not be paid concurrently with military retired pay or drill pay for reserve duty. Dependency and indemnity compensation may not be paid concurrently with Survivor Benefit Program payments made by the Department of Defense. To control effectively against such unwarranted dual payments, cross checking to verify information establishing the right to benefits is required.

Identifying information such as names and birth dates, which are frequently used in verification, may not conclusively establish identities due to the frequency with which individuals have common names and birth dates. As each individual's social security number is unique, it is the most reliable identifier available.

The Department's Office of Inspector General has conducted a number of computer matches comparing State wage files with VA pension records to determine if employment and earned income are accurately reported by pension recipients. The use of the social security number has been instrumental in the process of identifying veterans with overpayments or ineligible veterans receiving pension benefits. By the end of fiscal year 1987, the Inspector General had identified approximately 5,400 pensioners receiving overpayments totaling $33 million.

Costs to gather and maintain SSN's would be insignificant, although revision of some VA forms would be needed in order to obtain the information in routine fashion. The savings which would result from reduction of unwarranted payments are undetermined.

The Office of Management and Budget advises that there is no objection to the submission of the draft bill to the Congress from the standpoint of the Administration's program.

Sincerely yours,

EDWARD J. DERWINSKI,
Secretary.

By Mr. DOMENICI:

S. 1111. A bill to allow the leasing of certain lands to Roswell, NM; to the Committee on Labor and Human Resources.

LEASING OF CERTAIN LANDS TO ROSWELL, NEW MEXICO

● Mr. DOMENICI. Mr. President, today I am introducing legislation that would allow a presently underutilized facility at Eastern New Mexico University in Roswell, NM, to be leased to the city of Roswell.

The property in question, approximately 42 acres, was deeded to Eastern New Mexico University in 1968 by the Department of Education (at that time the Department of Health, Education and Welfare). As is the case with most property sold by the Federal Government, certain restrictions accompanied the sale of the property.

It is those covenants contained in the 1968 deed, in a correction deed recorded in 1969, and restrictions required by the Federal Property and Administrative Services Act, that now prevent the university from leasing the property to the city of Roswell.

This legislation is quite simple, Mr. President. It removes the restrictive covenants, thereby allowing the city of Roswell to put the property to good use.

I don't believe this legislation should be controversial and urge that my colleagues act swiftly to enact it into law.●

By Mr. CHAFEE (for himself, Mr. BAUCUS, Mr. BURDICK, Mr. DURENBERGER, Mr. LIEBERMAN, Mr. MOYNIHAN, Mr. MITCHELL, Mr. JEFFORDS, Mr. LAUTENBERG, and Mr. REID):

S. 1112. A bill to amend the Solid Waste Disposal Act, and for other purposes; to the Committee on Environment and Public Works.

SOLID WASTE DISPOSAL ACT AMENDMENTS

Mr. CHAFEE. Mr. President, today I, along with Senators BAUCUS, BURDICK, DURENBERGER, LIEBERMAN, MOYNIHAN, MITCHELL, JEFFORDS, REID and LAUTENBERG, am introducing the Municipal Solid Waste Source Reduction and Recycling Act of 1989. It is also worth noting that this legislation has

the strong backing of the environmental community, including the Natural Resources Defense Council, the Environmental Defense Fund, Environmental Action, and the Sierra Club.

I am also pleased to express my strong support for the Waste Minimization and Control Act, a bill just introduced by my colleague on the Environment and Public Works Committee, Senator BAUCUS. Together these bills lay the foundation for reauthorization of the Resource Conservation and Recovery Act. These two bills focus on subtitle D of the law and will provide States with the policy direction, technical support and financial assistance to effectively manage the municipal solid waste within their borders. Separate legislation focusing on the hazardous waste portion of the law, subtitle C, will be introduced later this year.

Senator BAUCUS is a recognized leader in the effort to reduce and intelligently manage our municipal solid waste. I look forward to working with him as we move ahead to solve the solid waste crisis, which affects virtually every region of this country.

No one disputes that the volume of waste we are producing as a nation is increasing at an alarming rate. This trend is gaining momentum as we turn more and more to over-packaged and disposable products. The amount of trash we are producing is staggering: as much as 1 ton a year, man, woman, and child.

For thousands of communities across the country, the problem of waste disposal is a real and immediate concern. It is no longer an option to simply burn household waste, or to dump it in open pits. Concern for air quality and ground water protection preclude these options. More environmentally sound disposal methods are required, such as waste-to-energy facilities that have state-of-the-art pollution control equipment to sharply limit air emissions; and well-managed landfills with liners and leak detection devices to protect ground water. Facilities such as these are expensive. Escalating disposal costs are demanding an increasing percentage of limited community budgets.

Many landfills, which once provided an inexpensive and relatively simple solution are now closing, either because they are full, or because they are woefully short of State and Federal environmental protection standards. In the last two decades the number of landfills accepting solid waste has been reduced dramatically, from about 30,000 to 6,000. And just try to site a new landfill almost anywhere in this country. One encounters a hailstorm of opposition from well-organized community groups who understandably oppose any new landfills in their backyard.

Incinerators, which many communities are building in response to limited landfill capacity, also pose problems. Unless the incinerator is operating efficiently and has state-of-the-art scrubber equipment, it can release dangerous air pollutants into the atmosphere. Even if there are proper air pollution controls, what does one do with the ash?

All of this has led communities across the country, and many of us in Congress, to realize that the solution to the solid waste crisis lies in utilizing garbage as a resource. By establishing a strict hierarchy of management options, we can extract all of the value from garbage before it goes to the landfill. Not only will this significantly decrease the amount of trash entering landfills, extending the landfill's life, but it will also greatly reduce the threat of environmental damage.

A soon to be released report by the Office of Technology Assessment notes that "The Resource Conservation and Recovery Act does not contain a statement of national policy for municipal solid waste. Indeed the lack of a clear statement of national goals for municipal solid waste possibly has contributed to the general lack of Federal leadership in this area."

The bill I am introducing today remedies this problem. It clearly establishes a national policy for dealing with municipal solid waste, and gives the highest priority to: First, reducing the amount of waste we produce; second, recycling waste to the maximum extent possible; third, recovering energy from our waste; fourth, incinerating waste to reduce the volume and recover energy; and last, disposing of what remains in environmentally sound landfills.

My bill clearly establishes source reduction and recycling as the preferred options for managing solid waste, and provides a framework for achieving ambitious national goals in these areas.

I would like to make it clear, Mr. President, that the bills being introduced by Senator BAUCUS and myself are complimentary, and will provide the basis for the Environment and Public Works Committee consideration of the solid waste portion of RCRA. The reauthorization of RCRA is a major priority for our committee, second only to reauthorization of the Clean Air Act. I am confident that in the weeks and months ahead we will be able to forge intelligent, forward-looking legislation which will enable the Federal Government to assist states and localities in addressing the solid waste crisis.

Mr. President, a summary of Municipal Solid Waste Source Reduction Act of 1989 follows:

The bill establishes a national recycling goal of 25 percent in 4 years and 50 percent in 10 years. It also establishes a source reduction goal of 10 percent in 4 years. While these goals are ambitious, they will force us to re-evaluate our current approach to waste management.

In addition, the bill will establish an Office of Waste Reduction within the Environmental Protection Agency. This office will be responsible for:

First, designing and implementing a program of public education to encourage source reduction and recycling;

Second, publishing a list of products containing toxic chemicals that must be removed from the municipal solid waste stream;

Third, requiring that certain plastic packaging and products bear a symbol identifying what type of plastic the product is made from, to aid in sorting plastic for recycling; and

Fourth, establishing a Waste Reduction Clearinghouse that will serve as a center for source reduction and recycling technology transfer, and will actively promote the sale of recyclable materials by publishing current information on the supply of and demand for these materials.

The legislation amends the Solid Waste Disposal Act to require states to submit detailed plans outlining how they will accomplish the national recycling goals. States will have to take a hard look at all the options for managing waste over a 20-year timeframe, including the thorny issue of where to site new landfills, incinerators and recycling facilities. In applying the hierarchy of waste management options, states will have to consider seriously source reduction and recycling as a means of solving their solid waste problems.

The bill will also give the Administrator the authority to delay the building of incinerators if he determines that a State has not taken "reasonable steps" to promote source reduction and recycling, or that the incineration capacity of a State will exceed 50 percent if additional capacity is built.

The legislation will also:

Ban the use of cadmium, a highly toxic heavy metal, as a pigment. Presently, cadmium is used to enhance the color of certain packaging or products, even though perfectly good organic safe substitutes are available. Several European nations and Sweden have already banned the use of cadmium as a pigment.

Ensure that virtually all vehicle batteries are recycled, by banning their disposal in landfills or incinerators, and requiring that those who sell you a battery must accept your old battery. These retailers would then deliver the old batteries to wholesalers or battery recyclers, removing them entirely from the waste stream. This will eliminate a significant source of the

lead we are finding in landfills and incinerator ash. The average car battery contains up to 20 pounds of lead. This provision has been endorsed by the Battery Council International, the largest battery trade association.

Establish a Product and Packaging Advisory Board, composed of industry and citizen group representatives. This board will recommend to the Administrator broad standards for packaging which will address the design, volume, reuse, recyclability, degradability, toxicity and disposability of packaging. It is worth noting, Mr. President, that the National Association of Counties has passed a resolution calling for national packaging standards, as provided for in this legislation.

Require the Administrator to develop criteria for the use of a seal, similar to the Good Housekeeping Seal, which certifies that a product is recyclable or reusable. This will enable consumers to make informed choices about which products are better for the environment.

Mr. President, two issues that cross the line from the municipal solid waste side of the problem to the hazardous waste side of the problem are first, how to handle the export of waste from this country, and second, how to regulate the so-called special wastes—those for which regulation under subtitle C of RCRA was suspended pending further study.

Regarding the export of hazardous waste, we dealt with this issue in 1984 when we last amended RCRA. We adopted an amendment by the majority leader, who was then ranking member of our subcommittee, to add new requirements and to prevent the dumping of waste on unsuspecting less developed countries. Since then, a new international agreement on this subject has been negotiated.

Whether the 1984 law or the new international agreement are sufficient will be the subject of hearings later this year. In the meantime, I am not convinced that it is necessary or appropriate to enact an outright ban on the export of waste to all countries that do not have regulatory programs that match ours. The problems that such a ban would cause for New England industries, such as the jewelry industry in Rhode Island, is an area we need to examine.

The special waste problem is even more difficult. I am not convinced that we should be exempting all of these hazardous wastes from the requirements of subtitle C and substituting an entirely new regulatory program—a program that will be years in the making. Hazardous wastes should be regulated under subtitle C of RCRA.

If there are specific portions of that subtitle that cannot be applied to particular waste streams, the generators of these wastes should identify them and bring them to our attention. We can amend the law and insert exceptions to address their concerns.

We plan to hold several hearings on this bill, and the companion bill being offered by Senator BAUCUS. Several refinements can be made, including refinements to the definitions used in the bill. I am certain we will receive a great deal of comment from the States, environmental groups and industry. We welcome this input.

Mr. President, I urge my colleagues in the Senate to join us in supporting this overdue and important legislation, and I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1112

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.

This Act may be cited as the "Municipal Solid Waste Source Reduction and Recycling Act of 1989".

TABLE OF CONTENTS

Sec. 101. Congressional Findings.
Sec. 102. Objectives and National Policy.
Sec. 103. Definitions.
Sec. 104. Source Reduction and Recycling Goals.
Sec. 105. Objectives of Subtitle D.
Sec. 106. Office of Waste Reduction.
Sec. 107. Source Reduction and Recycling Public Information, Education and Clearinghouse.
Sec. 108. Hazardous Constituents in Products.
Sec. 109. Recycling of Lead-Acid Batteries.
Sec. 110. Products and Packaging Advisory Board.
Sec. 111. Federal Agency Actions.
Sec. 112. State and Regional Planning.
Sec. 113. Additional Plan Provisions and Plan Approval Process.
Sec. 114. Reporting.
Sec. 115. Municipal Solid Waste Source Reduction and Recycling Trust Fund Allocations.
Sec. 116. Trade.
Sec. 117. Federal Enforcement.
Sec. 118. Judicial Review of Final Regulations and Certain Petitions.
Sec. 119. Citizen Suits.
Sec. 120. Separability.
Sec. 121. Authority of the Administrator.

SEC. 101. CONGRESSIONAL FINDINGS.

(a) Section 1002(a) of the Solid Waste Disposal Act is amended by adding the following after paragraph (3) and renumbering paragraph (4) accordingly:

"(4) that the continued generation of enormous volumes of solid waste each year, including hazardous waste and solid waste containing hazardous substances, presents unacceptable threats to human health and the environment;

"(5) that packaging and packaging materials constitute 30 percent by weight of the municipal solid waste stream and an even higher percentage of the volume;

"(6) that, as a result of the inability to site new solid waste management facilities, too many communities are managing waste in units that were not designed with the best available environmental controls;

"(7) that the generation of hazardous waste and solid waste must be reduced and as much remaining waste as possible must be recycled to protect human health and the environment and to minimize treatment and disposal capacity problems;

"(8) that local governments should be an integral component of the decision-making process regarding the management of municipal solid waste;

"(9) that the success of source reduction and recycling programs depends on participation of an informed public; and".

(b) Section 1002(b) of the Solid Waste Disposal Act is amended by—

(1) striking "and" at the end of paragraph (7);

(2) striking the period at the end of paragraph (8) and inserting in lieu thereof "; and"; and

(3) adding the following new paragraphs after paragraph (8):

"(9) source reduction and recycling represent the most environmentally sound means of managing municipal solid waste, and can often be carried out with a lower cost than is incurred by other means;

"(10) government policies and incentives should give priority to the most environmentally sound waste management methods; and

"(11) developing a system of waste management that, to the greatest extent practicable, separates elements of the waste stream that require special management or that are in demand for reuse or recycling will enhance the economic feasibility and environmental safety of all management methods, including recycling, incineration, and land disposal.".

(c) Section 1002(d) of the Solid Waste Disposal Act is amended to read as follows:

"(d) ENERGY.—The Congress finds with respect to energy, that—

"(1) the need exists to reduce energy consumption in order to reduce the atmospheric carbon dioxide pollution that is contributing to the greenhouse effect and uncontrolled global climate change; and

"(2) source reduction and recycling represent cost-effective, environmentally sound methods of (A) energy conservation, and (B) reducing emissions of carbon dioxide.".

SEC. 102. OBJECTIVES AND NATIONAL POLICY.

(a) Section 1003(a)(6) of the Solid Waste Disposal Act is amended by inserting "solid waste, including" immediately before "hazardous waste" each time it appears and by inserting a comma immediately after "hazardous waste" each time it appears.

(b) Section 1003(a)(4) of the Solid Waste Disposal Act is amended by inserting "solid waste management practices, including" immediately before the phrase "hazardous waste management" and by inserting a comma immediately after such phrase.

(c) Section 1003(a)(5) of the Solid Waste Disposal Act is amended by inserting "solid waste, including" immediately before "hazardous waste" and by inserting a comma immediately after "hazardous waste".

(d) Section 1003(a) of the Solid Waste Disposal Act is amended by adding the following new paragraphs after paragraph (7) and renumbering the remaining paragraphs accordingly:

"(8) establishing a Federal-State partnership that will assure the existence of a waste management system that is protective of human health and the environment;

"(9) creating and strengthening markets for recycled materials and promoting the re-

cycling of waste to the maximum extent possible.".

(e) Section 1003(b) of the Solid Waste Disposal Act is amended by inserting "(1)" immediately before the "The Congress" and by adding the following new paragraphs:

"(2) The Congress hereby declares it to be the national policy of the United States that Federal, state and local solid waste management systems shall pursue waste prevention and management options and policies that minimize the present and future threat to human health and the environment and rely, in priority order, on: source reduction; recycling; energy recovery; waste treatment; and contained disposal so as to minimize the present and future threat to human health and the environment.

"(3) Congress further declares it to be the national policy to recycle solid waste to the maximum extent achievable and, where market demand is inadequate to absorb increased supplies of recycled materials, to foster the creation and strengthening of markets for such materials.".

SEC. 103. DEFINITIONS.

Section 1004 of the Solid Waste Disposal Act is amended by adding the following at the end thereof:

"(41) The term 'municipal solid waste' means solid waste collected from commercial establishments, institutions or the general public, including single and multiple residences, other than solid waste which is regulated under subtitle C of this Act.

"(42) The terms 'recycle' and 'recycling' mean any process by which solid waste is collected, separated, and processed for reuse as either a raw material or a product but does not include combustion of waste for purposes of energy recovery or volume reduction.

"(43) The term 'recyclable material' means waste material that can be diverted from solid waste and recycled but does not include material generated from, and commonly reused within, an original manufacturing process.

"(44) The term 'source reduction' means reducing, at the point of production or use, the volume or toxicity of materials, items, or products that ultimately become solid waste and includes the reuse of materials, items, or products prior to recycling.

"(45) The term 'unreasonable price' means a price that exceeds, by more than 10 per cent, the price of alternative items that meet applicable performance standards.

"(46) The term 'waste-to-energy facility' means any waste treatment facility at which municipal solid waste is processed to recover energy.

"(47) The term 'waste reduction' includes source reduction and recycling.

"(48) The term 'waste treatment' means any method, technique, or process, including combustion, that reduces the volume or toxicity of waste.".

SEC. 104. SOURCE REDUCTION AND RECYCLING GOALS

Section 1003 of the Solid Waste Disposal Act is amended by adding the following new subsection:

"(c) SOURCE REDUCTION AND RECYCLING GOALS.—

"The Congress hereby establishes as national goals:

"(1) a 10 percent reduction in municipal solid waste by 1993 as a result of source reduction;

"(2) a 25 percent reduction in municipal solid waste by 1993 as a result of recycling; and

"(3) a 50 percent reduction in municipal solid waste by 1999 as a result of recycling.".

SEC. 105. OBJECTIVES OF SUBTITLE D

Section 4001 of the Solid Waste Disposal Act is amended by designating the existing text as subsection (a) and adding the following new subsection:

"(b) To further the objectives of this subtitle, the Administrator shall:

"(1) promote source reduction and recycling methods and opportunities by providing technical assistance to states, local governments, and the business and industrial community;

"(2) promote the introduction of source reduction and recycling principles into school curricula, including engineering, management, and educational curricula, by providing technical assistance to the educational community;

"(3) promote public understanding of and participation in programs to achieve source reduction and recycling;

"(4) encourage the manufacture and use of products and packaging that contribute to source reduction or recyling;

"(5) propose strategies to reduce toxic constituents in consumer products by, in priority order, (A) prohibiting, to the greatest extent practicable, the use of toxic materials in consumer products; (B) where no alternative exists to the use of such toxic materials, promulgating regulations requiring that the use of such materials be minimized; and (C) prescribing the development and implementation of collection systems or other diversion strategies to assure safe storage, treatment and disposal of such products; and

"(6) assure that all existing and proposed programs, policies, regulations guidelines of the Environmental Protection Agency are consistent with the source reduction and recycling goals of this Act.".

SEC. 106. OFFICE OF WASTE REDUCTION.

(a) The duties and responsibilities of the Administrator under this Act shall be carried out through an Office of Waste Reduction that shall be established by the Administrator and shall be responsible for fufilling the duties established in section 105. In carrying out these duties and responsibilities, the Administrator shall seek the advice of other governmental agencies and non-government organizations, including but not limited to those with expertise in education, promotional campaigns, and market development.

(b) The Administrator shall prescribe such regulations as are necessary to carryout this Act including, but not limited to, the following:

(1) Not later than 12 months after enactment of this Act, the Administrator shall develop and prescribe a standardized methodology for calculating all cost of solid waste management, including the cost of services contracted from private vendors, the direct costs associated with the collection and transportation of solid wastes, as well as the indirect costs associated with designing, constructing, operating, maintaining, monitoring, insuring, closing, providing post-closure care, providing corrective action and demonstrating financial responsibility for solid waste management facilities. Such methodology shall be made available to the States and regions for use in implementing Section 4003 of the Solid Waste Disposal Act. The Administrator shall consult with state and local agencies in the course of developing such methodology.

(2) Not later than 12 months after enactment of this Act, the Administrator shall develop decisionmaking models to assist state and local governments in the selection and integration of waste management services. Such models shall address considerations of choosing public or private waste management services. Such models shall include methods that have been effectively demonstrated to (a) properly estimate the needs of the service area, (b) properly site waste service facilities, and (c) provide reasonable methods for comparing costs and risks among alternatives.

(3) Not later than 18 months after enactment of this Act, the Administrator shall (A) review and consider the recommendations of the Product and Packaging Advisory Board as reported under section 110 of this Act, and (B) develop and publish criteria for use of a standardized, national recycling seal or symbol. The criteria developed by the Administrator shall identify the conditions that must be satisfied before a product may be characterized as recyclable or as containing recycled materials and identified as such by use of the recycling seal or symbol. Only products that satisfy all such criteria may be identified by use of the recycling seal or symbol.

(4) Not later than 18 months after enactment of this Act, the Administrator shall promulgate regulations providing that plastic packaging and products sold in commerce shall bear a standardized label identifying the plastic resin used to produce the product. Such labels shall be distinct from the recycling seal or symbol referred to in paragraph (2) of this subsection and shall be designed to avoid confusion or misrepresentation concerning the recycled content or recyclability of such product. Such regulations shall provide a period, not to exceed 6 months after promulgation of the regulation, to allow for the use of existing stocks of plastic packaging and products without such a label and to allow the packaging industry to incorporate the use of such a label in packaging and other products. In developing such regulations, the Administrator shall review and consider the recommendations of the Products and Packaging Advisory Board as reported under section 110 of this Act.

(5) Not later than 24 months after enactment of this Act, the Administrator shall promulgate regulations establishing national packaging standards to (A) minimize the quantity of packaging material in the waste stream; (B) minimize the consumption of scarce natural resources; (C) eliminate, to the greatest extent practicable, the use of toxic materials in packaging; (D) maximize the recycling and reuse of packaging; (E) reduce litter; and (F) assure that human health and the environment will not be affected adversely as a result of the use and disposal of packaging. Such regulations shall specify the effective date, not to exceed 5 years after promulgation, by which packaging manufacturers shall comply with the standards. After such date, any person who manufactures packaging that is not in compliance with such standards shall be subject to enforcement proceedings under sections 117 and 119 of this Act. In developing such regulations, the Administrator shall review and consider the recommendations of the Products and Packaging Advisory Board as reported under Section 110 of this Act.

SEC. 107. SOURCE REDUCTION AND RECYCLING PUBLIC INFORMATION, EDUCATION AND CLEARINGHOUSE.

(a) PUBLIC INFORMATION AND EDUCATION.—The Administrator shall, in consultation

with the Secretary of Education and other experts in public education and promotional compaigns, develop and implement a program of information and education to foster an increased understanding of the societal benefits derived from source reduction and recycling. Such program shall be designed to encourage all citizens and organizations to participate actively in State and regional source reduction and recycling programs and shall include, but not be limited to (1) a model course curriculum to educate elementary and secondary school aged children about the societal benefits of and opportunities to participate in source reduction and recycling programs; (2) public service announcements; (3) news media campaigns; and (4) brochures or other information to be distributed at retail establishments.

(b) CLEARINGHOUSE.—The Administrator shall establish a source reduction clearing house to collect, compile, evaluate and disseminate information generated by states, businesses, and localities on the effectiveness of various source reduction and recycling techniques. The clearinghouse shall—

(1) serve as a center for the exchange of information regarding source reduction and recycling technologies;

(2) encourage programs to promote the adoption of source reductions and recycling technologies;

(3) compile and make available to state agencies and the public existing state or private directories of markets for recycled or recyclable materials; and

(4) promote the domestic and international exchange of recyclable materials by disseminating, on a regular basis, current information on the domestic and international supply of and demand for recyclable materials.

SEC. 108. HAZARDOUS CONSTITUENTS IN PRODUCTS.

(a) BAN ON CADMIUM.—Effective 12 months after enactment of this Act—

(1) the use of cadmium as a pigment and the importation of products containing cadmium as a pigment is prohibited; and

(2) the use of cadmium for all other nonessential purposes and the importation of products containing cadmium for nonessential purposes is prohibited.

For the purposes of the preceding clause (2), use of cadmium shall be deemed nonessential in instances where alternative substances are available and, in the judgment of the Administrator, such alternative substances present a lesser degree of risk to human health and the environment than the use of cadmium.

(b) OTHER HAZARDOUS CONSTITUENT.—If the Administrator determines that, on the basis of the constituents of any product or article, the disposal or incineration of such product or article, including the management of ash from incineration of such product or article, may prevent a threat to human health or the environment, the Administrator shall promulgate regulations regarding the production, distribution, or disposal of such product or article or its residue, as may be necessary to protect human health and the environment. Such regulations shall include—

(1) prohibitions or limitations on the manufacture, processing or distribution of such product or article;

(2) prohibitions or limitations on allowable concentrations of any substances which may present a hazard in the composition of the product or article or the residue of such product or article;

(3) requirements to mark or label such product or article in a manner that will alert consumers to the presence of hazardous constituents, including instructions for the proper disposal of such product or article or its residues;

(4) requirements to recover or recycle such products or articles, including the imposition of fees on the original sale of such product or article;

(5) requirements that state solid waste management plans prepared and approved under sections 4003 and 4007 of the Solid Waste Disposal Act provide for the separation, collection and recycling or safe disposal of such products or articles or residues to prevent, to the maximum extent practicable, any threat to human health or the environment which may result from the disposal or incineration of such products, articles or their residues, including the management of ash from incineration of such products or articles; or

(6) requirements for the safe disposal of such product or article or its residues.

The authority and requirements of this subsection shall in no way be deemed to diminish, affect or modify the authorities and requirements that may be applicable pursuant to subtitle C of the Solid Waste Disposal Act.

(c) Not later than twenty-four months after the date of enactment of this Act, the Administrator shall, with respect to lead, mercury, cadmium and other heavy metals in batteries, pigments, stabilizers, consumer electronics, plastics, glass, inks and paints, and other products, make a determination under subsection (b) of this section. If the Administrator determines that articles or products containing lead, mercury, cadmium or other heavy metals are presenting or may present a threat to human health or the environment, regulations having an effective date not later than forty-eight months after the date of enactment of this Act, shall be promulgated in accordance with subsection of this Act, shall be promulgated in accordance with subsection (b).

SEC. 109. RECYCLING OF LEAD-ACID BATTERIES.

(a) BAN ON LANDFILLING OR INCINERATION OF LEAD-ACID BATTERIES.—Effective twelve months after the date of enactment of this Act—

(1) the placement of lead-acid batteries in landfills and the incineration of such batteries is prohibited;

(2) it shall be unlawful for any person to place a used lead-acid battery in mixed municipal solid waste or to discard or otherwise dispose of a lead-acid battery except by delivery to (A) an automotive battery retailer or wholesaler, (B) a permitted secondary lead smelter, or (C) a state-approved collection or recycling facility; and

(3) it shall be unlawful for any automotive battery retailer or wholesaler to dispose of a used lead-acid battery except by delivery to (A) a permitted secondary lead smelter, (B) a state-approved collection or recycling facility, (C) a battery manufacturer, or (D) in the case of a battery retailer, to the agent of a battery wholesaler.

(b) Each battery disposed of improperly shall constitute a separate violation of this Act.

(c) Any person selling lead-acid batteries or offering lead-acid batteries for sale shall be required to accept from customers, at the point of transfer, used lead-acid batteries of the type and in a quantity at least equal to the number of new batteries purchased, if offered by customers.

(d) Any person selling lead-acid batteries at retail or offering lead-acid batteries for retail sale shall be required to post written notice (1) clearly visible in a public area of the establishment; (2) at least 8½ inches by 11 inches in size, and (3) containing the following language:

(A) "It is illegal to throw away a motor vehicle battery or other lead-acid battery.";

(B) "Recycle your used batteries."; and

(C) "Federal law requires us to accept used motor vehicle batteries or other lead-acid batteries for recycling, in exchange for new batteries purchased.".

(e) It shall be unlawful to sell any lead-acid battery after January 1, 1990 unless such battery bears a permanent label stating:

(1) "It is illegal to throw away a motor vehicle battery or other lead-acid battery."; and

(2) "Federal law requires battery retailers to accept used lead-acid batteries for recycling in exchange for new batteries purchased.".

(f) Nothing in this Act shall be construed to prohibit state or local governments from requiring deposits on the sale of lead-acid batteries or other batteries.

SEC. 110. PRODUCTS AND PACKAGING ADVISORY BOARD.

(a) ESTABLISHMENT AND COMPOSITION OF THE BOARD.—The Administrator shall, as soon after enactment of this Act as is practicable, establish a Product and Packaging Advisory Board that shall consist of not less than 11 people, including:

(1) an individual with expertise in packaging and product design;

(2) a representative of product and packaging manufacturers;

(3) a representative of consumer interests;

(4) a representative from environmental organizations;

(5) an elected or appointed state government official;

(6) an elected or appointed local government official; and

(7) a representative from each of the following industries: paper, glass, aluminum, and plastic.

(b) PURPOSES OF THE BOARD.—(1) Within 12 months following establishment of the Board it shall submit a report to the Administrator containing recommendations concerning the development and implementation of a comprehensive program to: (A) minimize the quantity of packaging and other material in the waste stream; (B) minimize the consumption of scarce natural resources in the production and use of packaging; (C) eliminate the use of toxic materials in packaging and products; (D) maximize the recycling and reuse of packaging; (E) reduce litter; and (F) assure that human health and the environment will not be affected adversely as a result of the use and disposal of packaging and products.

(2) In making its recommendations to the Administrator, the Board shall consider: (A) cost, convenience, and safety of consumer products; (B) environmental impacts of production, use, and disposal of various products and packaging; and (C) the availability of alternatives to current products and practices.

(3) The Board's report shall include recommendations relating to, but not limited to, the following topics:

(A) criteria for use of a recycling seal or symbol to inform consumers about the reusability and recyclability of consumer products and packaging;

(B) a mandatory labeling system for plastic containers of household goods, and other plastic containers or packaging, which will identify the plastic resin used to produce the product and facilitate the separation of various plastic packages on the basis of plastic type by recycling groups, businesses or individuals; and

(C) national packaging standards for the design, composition (including hazardous constituents, recyclability and degradability), volume, reuse, and disposal of product packages and packaging materials used in consumer products that, if implemented, will further the purposes of this Act.

SEC. 111. FEDERAL AGENCY ACTIONS.

(a) FEDERAL PROCUREMENT.—(1) Section 6002(e) of the Solid Waste Disposal Act is amended by inserting the following immediately after "The Administrator shall prepare final guidelines":

"for glass and ferrous and non-ferrous metals within 12 months after the enactment of the Municipal Solid Waste Source Reduction and Recycling Act, for plastic and compost within 24 months after the enactment of the Municipal Solid Waste Source Reduction and Recycling Act, for rubber from ground tires to be used as road-cover within 30 months after the enactment of the Municipal Solid Waste Source Reduction and Recycling Act,".

(2) Within 6 months after the enactment of this Act, the Administrator shall revise existing guidelines to reflect the definition of "unreasonable price" added to the Solid Waste Disposal Act by section 103 of this Act.

(3) Within 18 months after the enactment of this Act, and annually thereafter, the Administrator of the General Services Administration shall report to Congress on the numbers, types and prices of items procured by each federal agency during the preceding 12 month period. Such report shall be compiled after consultation with the chief procurement officer of each agency and shall include an analysis of each agency's policies and practices with respect to the procurement of products containing recycled or recovered materials as well as an analysis of any obstacles or impediments to obtaining such materials.

(4) Section 6002(f) of the Solid Waste Disposal Act is amended by deleting "energy and resource recovery" and inserting in lieu thereof "recycling".

(5) Section 6002(i) of the Solid Waste Disposal Act is amended by striking the caption "PROCUREMENT PROGRAM" and inserting in lieu thereof "GENERAL AGENCY DUTIES" and by adding the following new paragraph at the end thereof:

"(4) Each Federal agency shall take such steps as are necessary to assure that agency actions do not discriminate against the use of materials that contribute to source reduction or recycling of municipal waste. Such steps shall include the development and implementation of a waste reduction plan that establishes agency policies and procedures to facilitate:

"(A) dual-sided copying, including the purchase or lease of machines that easily accommodate such copying;

"(B) reducing paper waste, including reuse of envelopes, file folders, and corrugated boxes whenever practicable;

"(C) purchasing products and articles that contain recycled materials;

"(D) purchasing products and packaging materials that can be reused or recycled;

"(E) purchasing nonhazardous products in place of comparable products that contain hazardous constitutents; and

"(F) replacing plastic food service utensils (including plates and containers) with washable or recyclable tableware.

"Copies of such plans shall be forwarded to the Environmental Protection Agency, General Services Administration, Committee on Environment and Public Works in the Senate and to the appropriate committee in the House of Representatives not later than 24 months after the enactment of the Municipal Solid Waste Source Reduction and Recycling Act.".

(b) WASTE REDUCTION PETITIONS.—The Solid Waste Disposal Act is amended by adding the following new section:

"SEC. 6005. (a) WASTE REDUCTION PETITIONS.—Any person may petition a Federal agency to undertake a waste reduction action in conjunction with any action authorized, funded or carried out by such agency. Such waste reduction action shall be undertaken by the agency if—

"(1) undertaking the waste reduction action which is the subject of the petition would bring about an increase of not less than 10 percent in recycled content of an item described in the petition or a reduction of not less than 10 percent in the total volume or toxic constituents of a solid waste described in the petition;

"(2) undertaking the petitioned action would be consistent with existing statutory requirements; and

"(3) undertaking the petitioned action would not increase costs (including costs of waste management and disposal) or would bring about a net saving in such costs.

"(b) PETITION NOTIFICATION.—(1) Within ninety days after receipt of a petition under this section, a Federal agency shall notify the petitioner whether the petition presents substantial evidence warranting review. If the agency finds that the petition does not present such evidence, it shall so notify the petitioner.

"(2) If an agency finds that the petition presents substantial evidence that may satisfy the requirements of subsection (a), the agency shall notify the petitioner of such finding and conduct a review based upon the information in the petition and any other information available to the agency. Not later than twelve months after such a finding that substantial evidence exists, the agency shall deny the petition or grant the petition in whole or in part and explain the steps that will be taken to implement the petition or parts thereof. If the agency denies the petition, the agency shall notify the petitioner and shall explain in writing the basis for concluding that the requirements of subsection (a) are not met.".

(c) FEDERAL CONTRACTS.—The Solid Waste Disposal Act is amended by adding the following new section:

"SEC. 6006. FEDERAL CONTRACT.—Any Federal agency that issues a contract to any person, including local or State governments or other Federal agencies, shall, with respect to any contract valued at $1,000,000 or more, require such contractor to use recycled materials in performance of the contract. Such agency shall, in consultation with the Administrator and pursuant to guidelines on recycled materials required under section 6002, include in specifications for such contracts those aspects of contract performance which shall be fulfilled with recycled materials. No requirement to use recycled materials shall be imposed in cases where such materials are not available or are not available at a cost of not more than 10 per cent more than the cost of non-recycled materials and the contractor files a certification of such nonavailability.".

SEC. 2. STATE AND REGIONAL PLANNING.

(a) Section 4002(b) of the Solid Waste Disposal Act is amended by inserting "and shall be revised to reflect the requirements and provisions of the Municipal Solid Waste Source Reduction and Recycling Act" immediately after the reference to section 4001 and before the period at the end of the second sentence.

(b) Section 4003(a) of the Solid Waste Disposal Act is amended by striking paragraph (6) and inserting the following new paragraphs in lieu thereof:

"(6) The plan shall (A) provide for the identification of the amounts and types of municipal solid waste, waste residuals and industrial waste that are reasonably expected to be generated within the State or accepted for delivery from another state during the ensuing 20-year period; (B) included projections of capacity within the State to manage such wastes by means of landfilling, incinerating, and recycling; and (C) include estimates, in accordance with procedures to be developed by the Administrator, of the volumes of such waste and waste residuals that, as a result of source reduction and recycling, will not require management in solid waste landfills or incinerators.

"(7) The plan shall establish a hierarchy among solid waste management practices that are consistent with the source reduction and recycling goals of this Act. The plan shall also include such measures as may be necessary to achieve such source reduction and recycling goals and shall specify interim deadlines for implementation of each source reduction and recycling measure necessary to achieve the goals of this Act. If the state's economic conditions preclude achievement of the goals of this Act, alternative goals shall be established in consultation and with the approval of the Administrator.

"(8) The plan shall include provisions for the removal from the municipal solid waste stream, to the maximum extent practicable, and safe management of any product or article designated by the Administrator under section 108 of the Municipal Solid Waste Source Reduction and Recycling Act as a threat to human health or the environment.

"(9) The plan shall include provisions to inform each taxpayer of the nature of any solid waste management services provided through public funding and the amount of each such person's taxes that are attributable to the cost of municipal solid waste management, including the cost of collection, administration, transportation, and debt service. Such information shall be computed on the basis of a standardized accounting formula provided by the Administrator in accordance with section 106 (b)(1) of the Municipal Solid Waste Source Reduction and Recycling Act and shall include an estimate of the costs of waste management avoided or incurred as the result of source reduction and recycling.

"(10) The plan shall identify existing state and regional markets for recyclable materials and actions that the State will take to promote the development of recycling markets consistent with the information developed pursuant to section 107.

"(11) The plan shall include a list of all municipal solid waste landfills, including all open and closed facilities, at which the re-

covery of methane gas is economically and technically feasible.

"(12) The plan shall include a description of current programs and proposed programs to promote source reduction and recycling. Such programs shall include public education campaigns and the plan's description of such programs shall include, but not be limited to, the following areas:

"(A) coordination among state and local officials, including public education officials;

"(B) course curriculum development for primary and secondary schools regarding the benefits of and opportunities to participate in source reduction and recycling programs; and

"(C) projects to inform all members of the public and private sectors, including government agencies, institutions, the industrial and business communities, and consumers, of the benefits of and opportunities to participate in source reduction and recycling programs.

"(13) The plan shall include provisions to facilitate the siting of environmentally sound facilities that will be used for the transportation, separation and processing of recyclable materials, including materials recovery facilities.".

(c) Section 4003(d) of the Solid Waste Disposal Act is amended to read as follows:

"(d) WASTE-TO-ENERGY FACILITIES.—(1) It is the intention of this Act and the planning process developed pursuant to this Act that determinations regarding the need for or size of waste-to-energy facilities for solid waste management shall not in any way interfere with the achievement, to the maximum extent possible, of the source reduction and recycling goals of this Act.".

"(2) Effective 24 months after the enactment of the Municipal Solid Waste Reduction and Recycling Act, no Federal financing shall be provided nor shall any permit be issued by the Administrator or a state environmental agency under the authority of this Act, the Clean Water Act, or the Clean Air Act, for any new or modified municipal waste incineration unit:

"(A) if the Administrator determines that the State does not have an approved plan in accordance with sections 4003 and 4007 of this Act or that the State has not taken reasonable steps to achieve the goals of this Act; and

"(B) in the case of new incineration units, unless the state or other public or private entity designing, constructing, or operating the incinerator certifies that, following the commencement of operation of the proposed new unit or expanded unit, no more than 50% of the municipal solid waste generated on an annual basis within the proposed service territory of the unit to be constructed will be incinerated on an annual basis by such unit and all existing units within the proposed service territory.".

SEC. 113. ADDITIONAL PLAN PROVISIONS AND PLAN APPROVAL PROCESS.

(a) Section 4003 of the Solid Waste Disposal Act is amended by adding the following new subsection:

"(e) ADDITIONAL PLAN PROVISIONS—Any State plan submitted under this subtitle shall include provisions to carry out each of the following unless the State demonstrates, to the satisfaction of the Administrator, that the inclusion of such a provision is not practicable:

"(1) A policy which would require the State and political subdivisions of the State to procure products made with recyclable materials whenever such products do not exceed by more than 10 percent the cost of similar products made without recyclable materials.

"(2) A program to encourage composting of yard waste.

"(3) A system for curbside pickup of source-separated materials or separation at recycling facilities, or both.

"(4) A policy requiring—

"(A) that recyclable materials in solid waste from residences, commerical establishments and office buildings be separated, to the maximum extent economically practicable, prior to deposition in municipally owned or operated landfills, waste-to-energy facilities, or waste treatment facilities. Recyclable materials to be considered in the State plan shall include but need not be limited to corrugated cardboard, office paper and paper products, newspaper, glass, plastic materials and products, ferrous and nonferrous and metals, yard waste, beverage containers; and,

"(B) the imposition of a surcharge on tipping fees for any solid waste from commercial establishments or office buildings that (i) is delivered to a landfill, waste-to-energy facility or waste treatment facility and (ii) is not source-separated into categories set forth in the State plan.".

(b) Section 4007 of the Solid Waste Disposal Act is amended by—

(1) striking "of paragraphs (1), (2), (3), and (5)" in subsection (a)(1); and

(2) striking "paragraphs (1), (2), (3), and (5) of" in subsection (a)(2)(A).

SEC. 114. REPORTING.

(a) EPA BIENNIAL REPORT.—The Administrator shall provide Congress with a report by September 30, 1990, and biennially thereafter, containing a detailed description of the actions taken to implement this Act. The report shall include: (1) an assessment of the multi-media impacts of various options for solid waste management; (2) an assessment of the effectiveness of the programs established under this Act in promoting the goals of municipal solid waste source reduction and recycling as set forth in section 104 of this Act; (3) recommendations to make such programs more effective; (4) estimates from each state on the volume of municipal solid waste being generated and an analysis of current waste management practices, including estimates of the amounts of waste being recycled, composted, incinerated with energy recovery, incinerated without energy recovery, landfilled or otherwise managed; and (5) a description of measures taken to reduce the toxicity of municipal solid waste and an assessment of the effectiveness of such measures.

(b) REPORT ON FEDERAL PROCUREMENT OF RECYCLED PRODUCTS.—The Administrator shall prepare and submit a report to Congress 5 years after the date of enactment of this Act evaluating the procurement requirements of Section 6002 of the Solid Waste Disposal Act. Such report shall include recommendations concerning the need, or lack thereof, to revise the definition of "unreasonable price" under Section 1004 of the Solid Waste Disposal Act in a manner that will further progress towards achieving the goals of this Act.

SEC. 115. MUNICIPAL SOLID WASTE SOURCE REDUCTION AND RECYCLING TRUST FUND ALLOCATIONS.

(a) The Administrator is authorized to issue grants for the purpose of encouraging source reduction and recycling. Moneys allocated to states under this section shall be used to further the goals of this Act and the Solid Waste Disposal Act.

(b) Such grants shall be funded by the Source Reduction and Recycling Trust Fund (the Fund) as established by the Source Reduction and Recycling Trust Fund Act of 1989.

(c) If a state does not have a plan approved by the Administrator pursuant to section 4007 of the Solid Waste Disposal Act, as amended by this Act, within 5 years after the enactment of this Act, or if a state is not taking appropriate steps to implement such plan, such state shall not be eligible to receive grants issued pursuant to this section and payments on all approved grants to such state under this section shall cease until such time as the state has such an approved plan.

(d) Moneys in the Fund shall, on an annual basis, be allocated and used for the following purposes and no others—

(1) 35% of the Fund shall be used for annual recycling grants to the states. The size of a recycling grant issued to a state shall be calculated on the basis of the total number of tons of materials recycled from residential, commercial and institutional sources on an annual basis within that state. The Administrator shall issue guidelines for determining the amount of material that has been recycled.

(2) 5% of the Fund shall be used for source reduction grants to the states, counties, localities, and businesses to promote innovations in source reduction.

(3) 30% of the Fund shall be used for source reduction grants to the states to assist in the provision of low interest loans or loan guarantees to businesses and industries for use in implementing source reduction measures or manufacturing products made from recycled materials.

(4) 10% of the Fund shall be used for research grants to universities, businesses, and other institutions for research on market stimulation, reuse techniques and innovations applicable to source reduction, recycling or the disposition of recyclable materials.

(5) 5% of the Fund shall be used for rural assistance grants to the states to provide assistance to municipalities with a population of less than five thousand and counties with a population of less than ten thousand or counties that are not within a metropolitan area and have a population density of less than twenty persons per square mile, to assist such areas in complying with state plans.

(6) In addition to the amounts allocated and appropriated for the grants authorized by this section, 15% of the estimated annual balance of the Fund is authorized to be appropriated to the Administrator for the purpose of carrying out the provisions of this Act.

The amount of any grant under paragraphs (2), (3), or (4) shall not exceed 50 per centum of the total costs of the project. No assistance under this section shall be available for the acquisition of land or interest in land.

SEC. 116. TRADE.

Section 5003 of the Solid Waste Disposal Act is amended by designating the existing text as subsection (a) and by adding the following new subsections:

"(b) The Secretary of Commerce shall report to the Congress by September 30, 1990, and biennially thereafter, on the progress and current capability for implementing the Municipal Solid Waste Source Reduction and Recycling Act. This report shall make specific recommendations on the

need to continue or review loan programs established pursuant to Section 115(d)(3) of the Municipal Solid Waste Source Reduction and Recycling Act.

"(c) The Secretary of Commerce shall give priority to assisting exporters of recyclable materials and products containing recyclable materials in identifying foreign markets and in securing favorable financial terms for such exports. The Secretary shall pursue this mandate through trade missions, assistance from U.S. government personnel stationed in foreign countries, and through other means as appropriate.

"(d) The Secretary of Commerce shall report to Congress on national and international markets for recyclable materials. In preparing such report, the Secretary may examine regional or multi-state markets for materials. As part of this report the Secretary shall develop a methodology for market analysis that shall be made available to the States for use in accordance with section 4003 of this Act.".

SEC. 117. FEDERAL ENFORCEMENT.

(a) COMPLIANCE ORDERS.—(1) Whenever on the basis of any information the Administrator determines that any person has violated or is in violation of any requirement, conditions or criteria of this Act, the Administrator may issue an order assessing a civil penalty for any past or current violation, requiring compliance immediately or within a specified time period, or both, or the Administrator may commence a civil action in the United States district court in the district in which the violation occurred or is occurring for appropriate relief, including a temporary or permanent injunction.

(2) Any order issued pursuant to this subsection may include a suspension or revocation of any permit, license, or authorization issued by the Administrator under this Act, the Solid Waste Disposal Act or the Toxic Substances Control Act, and shall state with reasonable specificity the nature of the violation. Any penalty assessed in the order shall not exceed $25,000 per day of non-compliance for each violation of a requirement, condition, or criteria of this Act. In assessing such a penalty, the Administrator shall take into account the seriousness of the violation and any good faith efforts to comply with applicable requirements, conditions, or criteria.

(b) PUBLIC HEARING.—Any order issued under this section shall become final unless, no later than thirty days after the order is served, the person or persons named therein request a public hearing. Upon such request the Administrator shall promptly conduct a public hearing. In connection with any proceeding under this section the Administrator may issue subpoenas for the attendance and testimony of witnesses and the production of relevant papers, books, and documents, and may promulgate rules for discovery procedures.

(c) VIOLATION OF COMPLIANCE ORDERS.—If a violator fails to take corrective action within the time specified in a compliance order, the Administrator may assess a civil penalty of not more than $25,000 for each day of continued non-compliance with the order and the Administrator may suspend or revoke any permit, license, or authorization issued to the violator by the Administrator.

(d) CRIMINAL PENALTIES.—Any person who—

(1) knowingly uses the national recycling seal or symbol or a product or package that does not satisfy the criteria established under section 106(b)(3);

(2) knowingly introduces into interstate commerce a package or product in violation of the labeling requirements of section 106(b)(4) or the packaging standards of section 106(b)(5);

(3) knowingly uses or imports cadmium or other hazardous constituents in violation of section 108;

(4) knowingly manages or disposes of used lead-acid batteries in violation of section 109(a); or

(5) knowingly sells a lead-acid battery in violation of section 109(e)

shall, upon conviction, be subject to a fine in accordance with title 18 of the United States Code for each day of a violation, or imprisonment not to exceed two years, or both. If conviction is for a violation committed after a first conviction of such person under this subsection, the maximum punishment under this subsection shall be doubled with respect to both fine and imprisonment.

(e) CIVIL PENALTY.—Any person who violates any requirement, condition, or criteria of this Act shall be liable to the United States for a civil penalty in an amount not to exceed $25,000 for each such violation.

(f) VIOLATIONS.—Each day of violation of any requirement, condition, or criteria of this Act shall, for purposes of this section, constitute a separate violation.

SEC. 118. JUDICIAL REVIEW OF FINAL REGULATIONS AND CERTAIN PETITIONS.

Any judicial review of any final action of the Administrator pursuant to this Act shall be in accordance with sections 701 through 706 of title 5 of the United States Code, except that—

(1) a petition for review of any final action of the Administrator may be filed by any interested person in the Circuit Court of Appeals of the United States for the Federal judicial district in which such person resides or transacts business, and such petition shall be filed within ninety days from the date of such promulgation or denial or after such date if such petition is for review based solely on grounds arising after such ninetieth day; action of the Administrator with respect to which review could have been obtained under this section shall not be subject to judicial review in civil or criminal proceedings for enforcement; and

(2) if a party seeking review under this Act applies to the court for leave to adduce additional evidence, and shows to the satisfaction of the court that the information is material and that there were reasonable grounds for the failure to adduce such evidence in the proceeding before the Administrator, the court may order such additional evidence (and evidence in rebuttal thereof) to be taken before the Administrator, and to be adduced upon the hearing in such manner and upon such terms and conditions as the court may deem proper; the Administrator may modify administrative findings as to the facts, or make new findings, by reason of the additional evidence so taken, and shall file with the court such modified or new findings and the Adminstrator's recommendation, if any, for the modification or setting aside of the original administrative order, with the return of such additional evidence.

SEC. 119. CITIZEN SUITS.

(a) IN GENERAL.—Except as provided in subsection (b) or (c) of this section, any person may commence a civil action on such person's own behalf—

(1) against any person (including (a) the United States, and (b) any other governmental instrumentality or agency, to the extent permitted by the eleventh amendment to the Constitution) who is alleged to have violated or to be in violation of any permit, regulation, condition, criteria, requirement, prohibition, or state plan source reduction or recycling measure order which has become effective pursuant to this Act; or

(2) against the Administrator where there is alleged a failure of the Administrator to perform any act or duty under this Act which is not discretionary with the Administrator.

Any action under paragraph (a)(1) of this subsection shall be brought in the district court for the district in which the alleged violation occurred. Any action brought under paragraph (a)(2) of this subsection may be brought in the district court for the district in which the alleged violation occurred or the District Court of the District of Columbia. The district court shall have jurisdiction, without regard to the amount in controversy or the citizenship of the parties, to enforce the permit, regulation, condition, criteria, requirement, prohibition, or order, referred to in paragraph (1), to order such person to take such other action as may be necessary, or both, or to order the Administrator to perform the act or duty referred to in paragraph (2), as the case may be, and to apply any appropriate civil penalties under section 117.

(b) ACTIONS PROHIBITED.—No action may be commenced under subsection (a)(1) of this section—

(1) prior to sixty days after the plaintiff has given notice of the violation to—

(A) the Administrator; and

(B) to any alleged violator of such permit, regulation, condition, criteria, requirement, prohibition, or order; or

(2) if the Administrator has commenced and is diligently prosecuting a civil or criminal action in a court of the United States to require compliance with such permit, regulation, condition, criteria, requirement, prohibition, or order.

In any action under subsection (a)(1), any person may intervene as a matter of right. Any action respecting a violation under this Act may be brought under this section only in the judicial district in which such alleged violation occurred.

(c) NOTICE.—No action may be commenced under paragraph (a)(2) of this section prior to sixty days after the plaintiff has given notice to the Administrator that he will commence such action. Notice under this subsection shall be given in such manner as the Administrator shall prescribe by regulation.

(d) INTERVENTION.—In any action under this section the Administrator, if not a party, may intervene as a matter of right.

(e) COSTS.—The Court, in issuing any final order in any action brought pursuant to this section or section 118, may award costs of litigation (including reasonable attorney and expert witness fees) to the prevailing or substantially prevailing party, whenever the court determines such an award is appropriate. The court may, if a temporary restraining order or preliminary injunction is sought to require the filing of a bond or equivalent security in accordance with the Federal Rules of Civil Procedure.

(f) OTHER RIGHTS PRESERVED.—Nothing in this section shall restrict any right which any person (or class of persons) may have under any statute or common law to seek enforcement of any standard or require-

ment or to seek any other relief (including relief against the Administrator).

SEC. 120. SEPARABILITY.

If any provision of this Act, or the application of any provision of this Act to any person or circumstance, is held invalid, the application of such provision to other persons or circumstances, and the remainder of this Act, shall not be affected thereby.

SEC. 121. AUTHORITY OF ADMINISTRATION.

The Administrator is authorized to prescribe such regulations as are necessary to carry out this Act.

By Mr. BAUCUS (for himself, Mr. CHAFEE, Mr. BURDICK, Mr. DURENBERGER, Mr. LAUTENBERG, Mr. MOYNIHAN, Mr. MITCHELL, Mr. REID, Mr. LIEBERMAN, and Mr. JEFFORDS):

S. 1113. A bill to amend the Solid Waste Disposal Act and extend the authorization through 1993; to the Committee on Environment and Public Works.

WASTE MINIMIZATION AND CONTROL ACT

Mr. BAUCUS. Mr. President, I rise today to introduce the Waste Minimization and Control Act of 1989. I do so on behalf of myself and Senators CHAFEE, BURDICK, DURENBERGER, LAUTENBERG, MOYNIHAN, MITCHELL, REID, LIEBERMAN, and JEFFORDS.

I am also pleased to join Senator CHAFEE in cosponsoring the Municipal Solid Waste Source Reduction and Recycling Act of 1989. Senator CHAFEE is to be commended for his continued leadership in this area.

Both of these bills continue our commitment to protect public health from the hazards of solid waste pollution.

This commitment began in 1965, when Congress first enacted the Solid Waste Disposal Act. At that time, solid waste was a litter and rat problem.

Today we face a different problem, and Americans are alarmed.

For good reason.

We have found needles and blood bags on our beaches.

We have followed the long journey of the infamous garbage barge wandering our eastern seaboard.

We have learned that our communities have shipped toxic wastes to poison foreign lands.

And we have seen communities all across the country run out of places to dump their ever-growing heaps of trash.

A NATIONAL PROBLEM

We're consuming more and more disposable products and we're running out of dumps. So it should come as no surprise that we're on the brink of a nationwide solid waste crisis.

Some people think this is only a big city problem.

That it's only the big cities whose drinking water is being contaminated.

That it's only the big cities whose landfills are closing.

And that it's only the big cities that can't site new facilities.

In fact, solid waste pollution is becoming a problem everywhere.

For example, I recently received a letter from a man in Helena, MT, whose drinking-water well is contaminated by a rural landfill. His water is laced with so many toxins that he is now forced to drink bottled water.

He and his neighbors are the people that this legislation will benefit. But he isn't alone.

Many landfills are poisoning the ground water because they are poorly designed and operated.

Some are so contaminated they are being considered for Superfund cleanups. This is true all across America.

A NATIONAL SOLUTION

We have the opportunity to address this growing problem before a crisis occurs. Let's not wait for the *Exxon Valdez* of landfills to occur.

Let's take action now.

Let's set goals and guidelines.

Let's create a partnership among the Federal Government, States, cities, and counties.

Let's share the cost among these partners.

And let's make sure that the Federal partner pays a fair share.

Americans, including many Montanans whose wells are contaminated and who are concerned about their health and safety, know there is a problem.

We can't prevent what already has occurred.

But we can make sure their water gets cleaned up.

We can prevent the contamination from spreading to other wells.

And we can put an end to the practices that are creating these nightmares.

That's what this bill is all about.

Most Americans agree with this approach. Many local officials have made suggestions along the same lines. It has bipartisan support.

It also has bipartisan opposition. Tough solid and hazardous waste legislation is not without its critics. Many industrial groups think the bill is too stringent. Environmental groups think it's too lenient.

Others believe that the Federal Government has no business in solid waste management. But these same critics will be the first to ask the Federal Government for money when their landfills and surface impoundments begin to leak.

Still others are concerned that it will cost too much. I am sensitive to these concerns.

In Montana we have a depressed economy and high unemployment.

I certainly have no desire to enact legislation that threatens jobs. This legislation doesn't.

It means people in Montana and elsewhere will have the opportunity to live in a safe and healthy environment.

It protects citizens like the fellow in Helena, whose personal well-being and ground water resources are being threatened.

And the legislation is fair. It provides for flexibility for Montana and the other 49 States to protect their own health and precious resources.

Furthermore, the bill is especially sensitive to the special needs of rural America.

It helps rural communities set up solid waste programs that will work for them.

It sets up rural recycling programs.

And it provides funding to rural communities to help them meet all of the goals of this legislation.

CONCLUSION

Mr. President, it is clear that our Nation is on the brink of a solid waste crisis. A recent national survey illustrates there is growing concern.

The vast majority of Americans believe our pollution laws are too weak.

Most favor immediate Government action to clean up toxic waste and to protect our drinking water.

And nearly all of us favor recycling as a way to tackle our waste problems.

We must respond to this crisis. We must hold hearings, and continue to look for new information.

And we must enact strong legislation so no State becomes a dumping ground for the Nation.

So all States can safely manage their own wastes.

And so today's landfills do not become tomorrow's Superfund sites.

I urge my colleagues to join me in working to pass comprehensive RCRA legislation. It will be a long hard journey, but worth the ride.

Mr. President, I ask unanimous consent that the text of the Waste Minimization and Control Act of 1989, be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1113

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.

This Act may be cited as the "Waste Minimization and Control Act of 1989".

TABLE OF CONTENTS

TITLE I—GENERAL AMENDMENTS

Sec. 101. Congressional findings.
Sec. 102. Objectives and national policy.
Sec. 103. General authorization.
Sec. 104. Definitions.

TITLE II—SOLID WASTE MANAGEMENT

Sec. 201. Objectives of subtitle D.
Sec. 202. State and regional planning.
Sec. 203. Permits for disposal of solid waste.
Sec. 204. Criteria for solid waste management.
Sec. 205. Enforcement.
Sec. 206. Solid waste export.
Sec. 207. Federal assistance.

Sec. 208. Rural communities assistance.
TITLE III—WASTE REDUCTION AND RECYCLING
Sec. 301. Waste reduction and recycling goals.
Sec. 302. Office of waste minimization.
Sec. 303. Grants to States for technical assistance programs.
Sec. 304. Waste reduction and recycling clearinghouse.
Sec. 305. Waste minimization performance standard.
Sec. 306. EPA report.
Sec. 307. National Packaging Institute.
Sec. 308. Federal agency actions.
Sec. 309. Federal contracts.
Sec. 310. Hazardous constituents in products.
Sec. 311. Federal procurement.

TITLE I—GENERAL AMENDMENTS

SEC. 101. CONGRESSIONAL FINDINGS.

(a) Section 1002(b) of the Solid Waste Disposal Act is amended as follows:

(1) strike "and" at the end of paragraph (7);

(2) strike the period at the end of paragraph (8) and insert in lieu thereof a semicolon; and

(3) add the following after paragraph (8):

"(9) the Nation continues to generate huge volumes of both hazardous and solid waste each year which may pose a threat to human health and the environment from hazardous substances in waste and leachate if not properly managed;

"(10) many communities are not siting new waste management facilities and are managing waste in existing units not designed with the best available environmental controls or are engaged in long distance uneconomic transportation of wastes to other communities and States; and

"(11) the generation of waste containing hazardous substances must be reduced and recycled to protect human health and the environment and to minimize capacity problems.".

SEC. 102. OBJECTIVES AND NATIONAL POLICY.

(a) Section 1003(a)(4) of the Solid Waste Disposal Act is amended by inserting after "hazardous waste" the term "and solid waste".

(b) Section 1003(a)(5) of the Solid Waste Disposal Act is amended by inserting after "hazardous waste" the term "and solid waste".

(c) Section 1003(a)(6) of the Solid Waste Disposal Act is amended by inserting after "hazardous waste" each time it appears, the term "and solid waste".

(d) Section 1003(a) of the Solid Waste Disposal Act is amended as follows:

(1) strike "and" at the end of paragraph (10);

(2) strike the period at the end of paragraph (11) and insert in lieu thereof a semicolon; and

(3) add the following after paragraph (11):

"(12) establishing a Federal-State partnership that ensures waste management capacity protective of human health and the environment; and

"(13) promoting interjurisdictional cooperation in the planning and provision of waste management services.".

(e) Section 1003(b) of the Solid Waste Disposal Act is amended to read as follows:

"(b) NATIONAL POLICY.—The Congress hereby establishes a waste prevention and integrated waste management policy that gives highest priority: first, to source reduction, second, to recycling, third, to energy recovery, fourth, to waste treatment, and fifth, to contained disposal, so as to minimize the present and future threat to human health and the environment. Congress further establishes as a national goal the recycling of waste to the maximum extent consistent with market demand for recycled materials, and the creation and strengthening of markets for recycled materials.".

SEC. 103. GENERAL AUTHORIZATION.

(a) Section 2007 of the Solid Waste Disposal Act is amended by deleting "and $80,000,000 for the fiscal year 1988" and adding "$80,000,000 for the fiscal year ending September 30, 1989, $140,000,000 for the fiscal year ending September 30, 1990, $140,000,000 for the fiscal year ending September 30, 1991, $140,000,000 for the fiscal year ending September 30, 1992, and $140,000,000 for the fiscal year ending September 30, 1993.".

SEC. 104. DEFINITIONS.

Section 1004 of the Solid Waste Disposal Act is amended by adding at the end thereof:

"(40) The term 'municipal waste incineration unit' shall have the meaning given in section 129(k)(1) of the Clean Air Act.".

TITLE II—SOLID WASTE MANAGEMENT

SEC. 201. OBJECTIVES OF SUBTITLE D.

(a) The title of subtitle D is amended to read as follows: "Solid Waste Management".

(b) The first sentence of section 4001 of the Solid Waste Disposal Act is amended to read as follows: "The objectives of this subtitle are—

"(1) to assist in developing and encouraging methods for the disposal of solid waste that are environmentally sound and that maximize the utilization of valuable resources including energy and materials that are recoverable from solid waste;

"(2) to assist in developing methods to encourage resource conservation;

"(3) to assist in developing and encouraging permitted capacity pursuant to the permit requirements in section 4010 of this Act, and in meeting the capacity demands estimated pursuant to section 4003 of this Act to manage the Nation's solid waste recycling, treatment, storage and disposal needs;

"(4) to use an integrated waste management hierarchy for solid waste management planning that is consistent with the policy and priorities set forth in subsection 1003(b) of this Act;

"(5) to assist in stabilizing and developing markets for recyclables; and

"(6) to upgrade existing capacity to protect human health and the environment.".

SEC. 202. STATE AND REGIONAL PLANNING.

(a) Section 4002(b) of the Solid Waste Disposal Act is amended by striking "eighteen months after the date of enactment of this section" and inserting in lieu thereof "six months after enactment of the Waste Minimization and Control Act of 1989", and by adding after "section 4001", the following, ", as amended by the Waste Minimization and Control Act of 1989.".

(b) Section 4003(a) of the Solid Waste Disposal Act is amended by striking ", each State must comply with the following minimum requirements" and inserting "and issue permits under section 4010 of this Act, each State must develop a plan that complies with the following minimum requirements" after "4007,".

(c) Section 4003(a)(2) of the Solid Waste Disposal Act is amended by inserting "until the permitting program established under section 4010 of this Act goes into effect" before "all solid waste".

(d) Section 4003(a)(5) of the Solid Waste Disposal Act is amended by inserting "permitted pursuant to section 4010 of this Act" after "resource recovery facilities," and by inserting "permitted" before "facilities".

(e) Section 4003(a)(6) of the Solid Waste Disposal Act is amended to read as follows:

"(6) The plan shall provide that the State, directly or through regional or local planning units as may be established under section 4002(a)(1) of the Solid Waste Disposal Act, (A) shall identify the amount of solid wastes by waste type, including wastes from all categories listed in section 4011 of this Act and waste residuals, that are reasonably expected to be generated within the State or accepted from another State during the ensuing twenty-year period, (B) shall identify the volumes to be reduced through source reduction and recycling, and (C) shall establish a process which assures the availability of solid waste treatment, storage, and disposal facilities permitted pursuant to section 4010 of this Act, and recycling facilities with adequate capacity to manage all such solid wastes in a manner that is protective of human health and the environment.".

(f) Section 4003(a) of the Solid Waste Disposal Act is amended by adding the following new paragraphs:

"(7) The plan shall require laws, regulations, and ordinances for development of new solid waste management facilities necessary to provide the capacity requirements identified pursuant to section 4003(a)(6) of this Act, including the establishment of a process for the siting of such facilities and a schedule for the approval and construction of such facilities. To the extent any capacity is provided outside the planning unit, the State shall act to ensure such capacity is available and is identified in the plan. The plan shall reserve to the State authority to take such actions on behalf of a regional or local planning unit, including agreements with other States if appropriate, to assure the availability of such capacity when such planning unit has failed in a timely way to provide adequate capacity for waste volumes identified by a State, regional, or local plan established pursuant to section 4003(a)(6) of this Act.

"(8) The plan shall include a process for identifying and collecting recyclable materials and for developing and stabilizing markets for such recyclables.

"(9) The plan shall establish solid waste management practices based on the State's environmental and economic conditions consistent with the waste reduction and recycling goals pursuant to section 5001(2) and the national policy pursuant to section 1003(b) of this Act.".

(g) The title of section 4006 of the Solid Waste Disposal Act is amended by inserting ", submission," after the word "development".

(h) Section 4006 is further amended by adding the following new subsections:

"(d) SUBMISSION OF PLANS.—Not later than twenty-four months after the promulgation of guidelines pursuant to section 4002(b) of this Act, each State shall submit to the Administrator for approval a solid waste management plan that complies with the requirements of section 4003(a) of this Act.

"(e) FAILURE TO SUBMIT A STATE PLAN.—A State's failure to submit a plan pursuant to section 4006(d) of this Act or to obtain the Administrator's approval under section 4007(a) of this Act shall result in the loss of Federal financial assistance to which that

State would otherwise be entitled in accordance with the following schedule—

"(1) if no plan has been submitted within two years after the promulgation of guidelines under section 4002(b) of this Act, the State shall be responsible, until it submits such plan, under section 104(c)(3)(C)(i) of the Comprehensive Environmental Response, Compensation, and Liability Act (42 U.S.C. 9604(c)(3)(C)(i)), for paying or assuring payment of 25 per centum of the costs of remedial action subject to that section;

"(2) if no approved plan is in effect within three years after the promulgation of guidelines under section 4002(b) of this Act, and, until the State obtains the Administrator's approval for such plan—

"(A) the amount of any assistance to that State for treatment works made pursuant to section 202 or title VI of the Clean Water Act from funds authorized for any fiscal year shall be 25 per centum of the cost of construction thereof (as approved by the Administrator); and

"(B) the State shall be responsible under section 104(c)(3)(C)(i) of the Comprehensive Environmental Response, Compensation, and Liability Act (42 U.S.C. 9604(c)(3)(C)(i)) for paying or assuring payment of 25 per centum of the costs of remedial action subject to that section.

"(3) if no approved plan is in effect within four years after the promulgation of guidelines under section 4002(b), of this Act, and until the State obtains the Administrator's approval for such plan—

"(A) the State shall receive no Federal assistance for treatment works pursuant to section 202 or title VI of the Clean Water Act; and

"(B) no Federal funds shall be available for response or remedial action under the Comprehensive Environmental Response, Compensation and Liability Act at any site within the State.".

(i) Section 4007(a)(1) of the Solid Waste Disposal Act is amended as follows: "(1) it meets the requirements of section 4003(a).".

SEC. 203. PERMITS FOR DISPOSAL OF SOLID WASTE.

(a) Section 4010 of the Solid Waste Disposal Act is amended to read as follows:

"(a) PERMIT REQUIREMENT.—(1) Effective one year after the enactment of this Act, storage (excluding transportation-related facilities including loading docks, parking areas, storage areas and other similar areas where shipments of solid waste are held during the normal course of transportation), treatment or disposal of solid waste except in accordance with a permit issued pursuant to this section is prohibited. Effective one year after the enactment of this Act, transportation of solid waste for storage, treatment, incineration, or disposal, or arrangement for the storage, treatment, or disposal of solid waste, at any facility that does not have a permit issued pursuant to this section is prohibited.

"(b) INTERIM STATUS.—(1) For purposes of the requirement in subsection (a) of this section, and until such time as permits are reissued pursuant to subsection (f) of this section by the State or EPA, units shall be treated as having an interim permit if—

"(A) In States with an existing system of solid waste management permitting or prior approval, existing units obtain such permit or prior approval no later than twelve months after date of enactment of this Act, and new units obtain such permit or prior approval prior to commencing construction.

"(B) In States without an existing system of solid waste management permits or prior approval, new and existing units submit to the State and EPA a notification and exposure assessment which contains, at a minimum, information regarding the facility and unit's location, general facility information, waste types and volumes managed, number of households within one mile of the facility in which the unit is located, facility monitoring programs and results, use of local surface water and ground waters, number of local drinking water wells, number of municipal water intakes downstream from the facility, and any other information deemed appropriate by the Administrator in order to carry out the requirements of this Act. The manner and form of this submission shall be determined by the Administrator within ninety days of enactment of this Act. Existing units shall submit this information no later than twelve months after date of enactment. New units shall submit this information prior to commencing operation.

"(2) In addition to the requirements of paragraph (1) of this subsection, any new surface impoundment or other land disposal unit, or any lateral expansion thereof, which (A) commences construction or operation after a date which is twelve months after the date of enactment; (B) is located in a vulnerable geological setting, as defined by the Administrator no later than ninety days after date of enactment; and (C) will contain hazardous substances, as defined by section 101(14) of the Comprehensive Environmental Response and Liability Act, shall install at a minimum a liner and system of groundwater monitoring in conformance with the existing requirements for municipal solid waste landfills as established by the Administrator or the State in which the unit is located pursuant to the Hazardous and Solid Waste Amendments of 1984. Any new incinerator that commences construction or operation after date of enactment shall comply with the requirements of section 129(c) of the Clean Air Act.

"(3) Interim status permits shall terminate on the date of issuance of a permit issued pursuant to subsection (f) of this section or forty-eight months after the date of enactment of this Act, whichever is sooner.

"(c) STATE CERTIFICATION.—Not later than one year after the enactment of this Act, the Governor of each State shall submit to the Administrator a statement certifying that the laws of such State provide such regulatory authority and personnel as may be necessary to implement the permit requirements required by this section, including, but not limited to, authority to—

"(1) issue permits under State law that—

"(A) meet the requirements of this section and assure compliance with any applicable standards promulgated by the Administrator under section 4011 within eighteen months after such promulgation or such earlier date as the Administrator may by rule establish;

"(B) can be revoked or modified for cause including, but not limited to, the violation of any condition of a permit or obtaining a permit by misrepresentation, or failure to disclose fully all relevant facts;

"(2) inspect, monitor, enter at reasonable times, and require reports to the extent necessary to assure compliance with this subtitle;

"(3) insure that the public receives notice of each application for a permit and provide an opportunity for public hearing before ruling on each such application; and

"(4) allow abatement of violations of a permit or this subtitle, including civil and criminal penalties and other ways and means of enforcement.

"(d) STATE AUTHORITY TO ISSUE PERMITS.—(1) After submission of the certification required by subsection (c) of this section, and except as provided in subsection (e) of this section, upon a determination that a solid waste management facility complies with the requirements of this section including protection of human health and the environment, and any other applicable requirements of State law, the State in which the facility is located may issue a permit to such facility pursuant to the authority certified under subsection (c) of this section.

"(2) No permit may be issued under this Act by an agency, instrumentality, or person (other than a Governor) that is also responsible, in whole or in part, for the design and construction or operation of the unit.

"(e)(1) ISSUANCE OF PERMITS BY THE ADMINISTRATOR.—The Administrator shall act in lieu of a State to issue or deny permits to solid waste management facilities within the State—

"(A) if such State has failed to submit the certification required under subsection (c) of this section;

"(B) if, following notice and opportunity for a public hearing, the Administrator finds that the State lacks adequate regulatory powers under State law to implement the permitting requirement and enforce against violations of permits or requirements of this subtitle;

"(C) if a State has failed to submit a plan pursuant to section 4006 of this Act which meets the requirements of this Act; or

"(D) if following notice and opportunity for a public hearing, the Administrator finds that the State fails to exercise its regulatory authority as required by this Act.

"(2) EXISTING PERMITS.—Any permit issued by a State prior to the date of enactment or pursuant to subsection (a) of this section shall remain in effect until the Administrator acts.

"(f) PERMIT CONDITIONS.—Any permit issued pursuant to this section shall, within eighteen months after promulgation of applicable standards by the Administrator pursuant to section 4011, contain such conditions as will assure compliance with such standards. In the absence of applicable standards under section 4011 of this Act, the permit shall contain such conditions as the State (or Administrator), based on the exercise of its best professional scientific and engineering judgment, consideration of appropriate regulations and requirements adopted by other States or solid waste management authorities and after consideration of the factors listed in this subsection, deems necessary to protect human health and the environment. Any permit issued under this section by the State (or the Administrator) shall contain provisions appropriate for each category or subcategory of waste pursuant to section 4011 specifying—

"(1) the types of wastes handled by the facility, their toxicity, mobility or other potential to adversely affect human health or the environment, and include measures to mitigate such potential, including but not limited to special handling requirements, liners and leachate collection systems as appropriate;

"(2) design of the facility in relation to the location of the facility, including its hydrogeologic and climatological settings, and its proximity to biological or cultural resources and sources of drinking water;

"(3) air and ground water monitoring necessary to identify any potential adverse ef-

fects on human health and the environment from a discharge from such facility;

"(4) financial assurance for closure and postclosure care;

"(5) measures necessary to prevent the unlawful disposal of hazardous waste;

"(6) measures necessary to control precipitation run-on and run-off;

"(7) restrictions on the receipt of liquids or measures necessary to mitigate the potential adverse effects of such receipt; and

"(8) the authority to require any necessary corrective action to prevent adverse effects on human health and the environment.

Nothing in this Act shall be construed to limit the State from adopting or enforcing additional or more stringent permit requirements than are required by this Act.

"(g) PERMIT TERM.—Any permit issued pursuant to State authority certified under subsection (c) of this section or by the Administrator pursuant to subsection (e) of this section shall be for a fixed term not to exceed ten years, and shall be modified to require compliance with any applicable standard promulgated under section 4011 of this Act within eighteen months after promulgation of such standard. Nothing in this subsection shall preclude a State (or the Administrator) from reviewing and otherwise modifying a permit at any time during its term.

"(h) EFFECT OF COMPLIANCE WITH PERMIT.—Compliance with a permit issued by a State pursuant to the authority certified under subsection (c) of this section or the Administrator pursuant to subsection (e) of this section shall be deemed compliance with the requirements of this subtitle.".

SEC. 204. SOLID WASTE MANAGEMENT GUIDELINES.

(a) Subtitle D of the Solid Waste Disposal Act is amended by adding at the end thereof the following new section:

"SEC. 4011. (a)(1) IN GENERAL.—The Administrator, after consultation with appropriate Federal and State agencies and other interested persons, shall develop and promulgate guidelines establishing minimum requirements for facilities that manage solid waste in the following categories—

"(A) for municipal solid waste, within twelve months of enactment of this Act;

"(B) for municipal waste combustion ash, including the management, handling, treatment, transportation, reuse, recycling, and disposal within eighteen months of enactment of this Act;

"(C) for emissions from municipal waste incineration facilities pursuant to the schedule and requirements specified under section 129 of the Clean Air Act;

"(D) for medical wastes including infectious hospital and laboratory wastes, within twelve months of enactment of this Act;

"(E) for wastes generated from the extraction, beneficiation and processing of ores and minerals including heap and dump leach piles within eighteen months of enactment of this Act;

"(F) for industrial solid wastes including waste from industrial boilers and cement kiln dust within eighteen months of enactment of this Act;

"(G) for drilling fluids, produced waters and other wastes associated with the exploration, development and production of oil, gas, and geothermal energy, within twenty-four months of enactment of this Act;

"(H) for industrial solid wastes handled in surface impoundments, landfills, and waste piles not otherwise covered by this title within twenty-four months of enactment of this Act;

"(I) for industrial solid wastes handled in underground injection wells not otherwise covered by this title within thirty-six months of enactment of this Act; and

"(J) for other solid wastes including, but not limited to, wastes generated from the combustion of coal and other fossil fuels within forty-eight months of enactment of this Act.

"(2) Within twelve months after the enactment of this Act, and from time to time thereafter, the Administrator shall publish a notice in the Federal Register identifying any other solid waste categories for which guidelines are necessary or appropriate and specifying a schedule for the promulgation of those guidelines. The Governor of any State may petition the Administrator to propose guidelines for a category of waste not described in this paragraph.

"(3) At the time the Administrator grants any petition under section 3001 of the Solid Waste Disposal Act to exclude a waste generated at a particular facility, the Administrator shall specify any design or additional operating standards appropriate for such waste.

"(b) GUIDELINES.—The guidelines promulgated by the Administrator pursuant to section 4011(a) of this Act shall provide for the protection of human health and the environment from the solid wastes for each category or subcategory and shall take into consideration the circumstances presented by the particular solid waste category, as well as—

"(1) the sources and volumes of the solid wastes within the category, including their toxicity, mobility, or other potential for adverse impacts on human health and the environment;

"(2) the potential danger, if any, to human health and the environment from current management practices;

"(3) documented cases of actual or threatened harm to human health or the environment;

"(4) the types of solid waste management facilities and measures that can be used to mitigate any potential adverse effect on human health and the environment that are appropriate for the solid wastes generated within each source category and consistent with the climatological and hydrogeological setting and proximity to biological or cultural resources and sources of drinking water. The Administrator shall consider and promulgate guidelines as appropriate for each solid waste category that include but are not limited to—

"(A) requirements with respect to siting of any source in the category including its proximity to karst terrain, seismic zones, wetlands, floodplains, and vulnerable or unmonitorable ground water;

"(B) requirements with respect to construction quality assurance for the installation of any source in the category;

"(C) requirements with respect to licensing or training for persons who install or operate any source in the category;

"(D) requirements with respect to the design of any source in the category including liners, leachate collection systems and cover requirements;

"(E) requirements with respect to the operation and maintenance of any source in the category;

"(F) requirements for monitoring releases to air, surface water, soil, and ground water;

"(G) requirements with respect to source separation or treatment prior to disposal or incineration;

"(H) requirements for taking corrective action in response to releases;

"(I) requirements for closure and postclosure care;

"(J) requirements for maintaining records of any leak detection, sampling or monitoring system associated with any source in the category; and

"(K) requirements for maintaining evidence of financial responsibility for closure, postclosure care, and corrective action;

and

"(5) other Federal and State laws and regulations with a view toward avoiding duplication of effort.

Nothing in the Waste Minimization and Control Act of 1989 shall be construed to limit the authority of the Administrator pursuant to section 3001 of this Act to regulate any category or subcategory of solid waste under subtitle C of this Act.

"(c)(1) MUNICIPAL SOLID WASTE LANDFILLS.—Guidelines promulgated under subsection (a)(1)(A) of this section shall include, at a minimum, for each new and existing landfill the following requirements—

"(A) controls to detect and prevent the disposal of hazardous waste, nonhazardous bulk liquids and nonhazardous liquids in containers (other than household wastes). Such controls shall include random inspections of incoming loads, inspection of suspicious loads, records of inspections, training of facility personnel to recognize illegal materials, procedures for notifying the proper authorities if any regulated hazardous wastes are found, and precautions and penalties to prevent such offenses;

"(B) daily cover as necessary to control disease vectors, fires, odors, blowing litter and scavenging;

"(C) landfill gas monitoring and controls to ensure that concentrations of explosive gases beneath, around, or in facility structures (excluding gas control or recovery components) shall not exceed 25 per centum of the lower explosive limit for methane. Such concentrations shall not exceed the lower explosive limit at the property boundary (or perimeter of a dedicated buffer zone);

"(D) access controls to protect human health and the environment and to prevent unauthorized vehicular traffic and to prevent illegal dumping of wastes;

"(E) run-on and run-off controls that will accommodate a twenty-four hour, twenty-five year storm without overtopping and with sufficient freeboard to accommodate expected set-up and wave action; diversion of all run-on around the landfill by means of ditches, berms, dikes or grading, and relocation of surface water bodies to flow around the perimeter of the landfill;

"(F) landfill closure that—

"(i) minimizes the need for further maintenance;

"(ii) ensures no adverse effects will be caused from postclosure releases to the ground water, surface water, or atmosphere;

"(G) closure and postclosure care plans which identify for each facility the steps necessary to ensure closure and postclosure care, time estimates, modifications to monitoring and collection systems, final cover, and cost estimates. The postclosure care period shall be determined by results from the monitoring in the landfill including leachate quality and quantity and methane gas generation or some alternative;

"(H) financial responsibility for closure and postclosure care;

"(I) ground water monitoring. The Administrator is authorized to promulgate regulations to allow a variance from ground water monitoring requirements if the owner or operator can demonstrate to the satisfaction of the Administrator that there is no potential for migration of hazardous constituents from the landfill to the uppermost aquifer during the active life, closure, and postclosure. Such demonstration shall be certified by a qualified geologist or geotechnical engineer and shall be based on site specific data; and

"(J) corrective action of releases to air, water, and land to protect health and the environment.

"(2) At a minimum, the guidelines promulgated under subsection (a)(1)(A) of this section shall require for each new landfill and lateral expansion to existing landfills for which new permits are required the following requirements—

"(A) liners (natural or manmade materials or both) or in situ soil, or combination of both, capable of preventing the migration of wastes or leachate out of the landfill to the aquifer or surface water during the active life of the facility;

"(B) leachate collection and removal systems unless the owner or operator demonstrates to the satisfaction of the permitting authority that no leachate will be generated. The leachate collection and removal system shall be installed immediately above the liner, which shall be sufficiently permeable to allow the leachate collection and removal system to function, and designed and constructed to maintain less than thirty centimeters of leachate head from the landfill during the active life and postclosure care period;

"(C) construction quality assurance plan specifying the materials to be used in liner construction, the construction techniques, the engineering plans, the installation test procedures, and a description of the methods to be used to modify work which does not meet project specifications; and

"(D) landfills shall not be located in the following locations—

"(i) within the one hundred-year flood plain unless it can be demonstrated by the owner or operator that engineering measures have been incorporated into the landfill design to ensure the landfill shall not restrict the flow of the one hundred-year base flood, reduce the temporary water shortage capacity of the floodplain, or result in the washout of solid waste so as to pose a hazard to human health or the environment;

"(ii) within a wetland except in accordance with sections 301 and 404 of the Clean Water Act;

"(iii) within two hundred feet of a fault that has had displacement in Holocene time; and

"(iv) within a seismic impact zone and other unstable areas unless it can be demonstrated by the owner or operator that engineering measures have been incorporated into the landfill design to ensure the structural stability of the landfill capable of protecting human health and the environment.

"(3) For the purpose of complying with subsection (a)(1)(A) of this section, the notice of proposed rulemaking by the Administrator in accordance with section 4010 of this Act (as in effect immediately prior to the enactment of the Waste Minimization and Control Act of 1989) shall be deemed the notice of proposed rulemaking for municipal solid waste landfills under this section, together with such changes or additions as are necessary to comply with the requirements of this section.

"(d) MUNICIPAL WASTE COMBUSTION ASH.—

"(1) DISPOSAL.—

"(A) Guidelines promulgated under subsection (a)(1)(B) of this section for facilities in which municipal waste combustion ash is disposed shall establish requirements that apply to fly ash separately, to bottom ash separately, or to the combination of fly ash and bottom ash, and shall require at a minimum—

"(i) the installation of two or more liners and a leachate collection system above and between such liners; and

"(ii) ground water monitoring.

"(B) The requirement of paragraph (1)(A)(i) of this subsection may be satisfied by the installation of liners designed, operated, and constructed of materials to prevent the migration of any constituent into such liners during the period such facility remains in operation (including any post closure monitoring period). For the purpose of the preceding sentence, the installation of a flexible membrane top liner, and a bottom liner of at least a three-foot thick layer of recompacted clay or other natural material with a hydraulic conductivity of no more than 1×10^{-7} centimeters per second shall be deemed to satisfy such requirements. The provisions of this paragraph apply prior to and after the promulgation of guidelines under section 4010(d)(1).

"(C) The design requirements pursuant to paragraph (1)(A) or (3) of this subsection shall not apply if the owner or operator of a solid waste management unit utilizing an alternative design demonstrates to the State, and the State finds, that the alternative design and operating practices will prevent the migration of any hazardous constituent into the ground or surface water at least as effectively as the design requirements of paragraph (1)(A) or (3) of this subsection.

"(2) TREATMENT AND TESTING.—

"(A) Guidelines promulgated under subsection (a)(1)(B) of this section shall include requirements for the treatment of bottom ash, fly ash, and the combination of fly ash and bottom ash. The Administrator shall promulgate guidelines that specify those levels or methods of treatment that take into account all potential pathways of exposure as may be necessary to protect human health and the environment. For the purpose of developing treatment levels or methods—

"(i) treatment shall include any method, technique, or process designed to change the physical, chemical, or biological character or composition of any ash so as to remove or fix in place any constituent of the ash which, in the event of mismanagement during transportation, storage, reuse, recycling or disposal, may pose a threat to human health or the environment, and includes testing of such ash to assure that criteria promulgated under paragraph (2)(B) of this subsection are satisfied; and

"(ii) treatment shall not include the mixing of fly ash and bottom ash, or the mixing of such ash with other solid waste, without the introduction of chemical stabilization agents.

"(B)(i) Guidelines promulgated under subsection (a)(1)(B) of this section shall include criteria and testing procedures for identifying the characteristics of bottom ash, fly ash, and the combination of fly ash and bottom ash from municipal waste incineration units that may pose a hazard to human health or the environment. The Administrator shall consider situations of disposal, reuse and recycling and potential pathways of human or environmental exposure to constituents of such ash in establishing such criteria and testing procedures. The Administrator shall consider appropriate methods to determine leaching, total chemical analysis, respirability, and toxicity.

"(ii) The criteria and accompanying testing procedures shall reflect the heterogeneous characteristics of municipal solid waste and municipal incinerator ash, including seasonal variations in the constituents of such solid waste and ash.

"(iii) The procedure established pursuant to paragraph (2)(B) of this subsection shall include testing under acidic and native conditions. Leachate concentrations exceeding the maximum contaminant level for such substance established pursuant to section 1412 of the Safe Drinking Water Act by a factor of one hundred or more shall, unless the Administrator establishes a more stringent requirement, constitute a failure of the test required by this section.

"(iv) Any ash which fails in any characteristic pursuant to this subsection shall be disposed of in a facility pursuant to paragraph (1) of this subsection, except as provided in paragraphs (3), (4), and (5) of this subsection.

"(v) Nothing in this section shall be interpreted, construed or applied to require the testing of ash prior to disposal in a landfill meeting the requirements pursuant to paragraph (1) of this subsection or ash in a monofill meeting the requirements pursuant to paragraph (3) of this subsection.

"(3) MONOFILL.—

"(A) Notwithstanding the requirement of paragraph (1)(A) of this subsection, guidelines promulgated under paragraph (1)(B) of this subsection, shall allow for the placement of ash from municipal waste incineration units in a monofill (containing only ash from such units) with a composite liner designed, constructed, and operated of materials to prevent the migration of any constituent into and through such liner during the period the monofill remains in operation (including any postclosure monitoring period), ground water monitoring and leachate collection.

"(B) If fly ash is to be disposed in a monofill containing solely or substantially fly ash, such ash shall be treated and tested pursuant to standards established under paragraph (2) of this subsection before disposal or such monofill shall be required to meet requirements pursuant to paragraph (1) of this subsection.

"(4) SANITARY LANDFILL.—

"(A) Guidelines promulgated under paragraph (1)(B) of this subsection may allow disposal of ash from municipal waste incineration units in sanitary landfills meeting the requirements of guidelines promulgated under paragraph (1)(A) of this subsection, if prior to accepting ash for disposal:

"(i) such ash is tested and does not fail any criteria pursuant to paragraph (2) of this subsection;

"(ii) any fly ash so disposed (including any fly ash combined with bottom ash) has undergone treatment pursuant to paragraph (2) of this subsection; and

"(iii) an fly ash, bottom ash, or the combination of fly ash and bottom ash is disposed of in a lined landfill pursuant to design specified in subsection (c)(2) of this section. Such ash may not be disposed of in units that are created as a result of vertical expansion of an existing landfill unless the owner or operator of such facility demon-

strates, and the State finds, that there will be no settling (that would impair the integrity of any required liner) of waste upon which the proposed unit is to be built.

"(5) REUSE AND RECYCLING.—

"(A) Guidelines promulgated under paragraph (1)(B) of this subsection shall include such requirements applicable to the reuse and recycling of the ash (fly ash, bottom ash or the combination of fly ash and bottom ash) from municipal waste incineration units if prior to reuse and recycling:

"(i) such ash, is tested and does not fail any criteria pursuant to paragraph (2) of this subsection; and

"(ii) such ash, so reused or recycled has undergone treatment pursuant to paragraph (2) of this subsection.

"(B) If the Administrator fails to promulgate regulations under this paragraph or paragraph (2) of this subsection, no person may reuse or recycle ash from a municipal waste incineration unit after the date thirty-six months after the date of enactment of this section unless such ash is treated and leachate from an extraction procedure toxicity test pursuant to section 3001 of the Solid Waste Disposal Act applied to such ash, does not exceed standards established pursuant to section 1412 of the Safe Drinking Water Act for any pollutant or contaminant.

"(6)(A) Regulations promulgated under this section shall be effective upon promulgation, except that requirements promulgated pursuant to paragraph (3) or (4) of this subsection with respect to the disposal of ash from municipal waste incineration units shall be effective on and after the date forty-eight months after the date of enactment of this section.

"(B) Beginning eighteen months after the date of enactment of this section and until the effective date of disposal requirements promulgated pursuant to paragraph (3) or (4) of this subsection, ash from municipal waste incineration units shall not be disposed in landfills unless such landfills have, at a minimum, one liner, leachate collection and ground water monitoring and otherwise meet the criteria for sanitary landfills issued under this subtitle.

"(C) Nothwithstanding the provisions of subparagraph (B) of this paragraph, the Administrator or a State may grant on a case-by-case basis a variance from the requirement that ash from each municipal waste incineration unit be disposed in a facility with a liner, leachate collection and ground water monitoring beginning eighteen months after enactment of this section, on a showing by the owner or operator of any such unit that sufficient capacity to dispose of ash in compliance with such requirements is not available for this unit taking cost into consideration. No variance granted under this paragraph shall extend for a period longer than thirty months after the date of enactment of this section.

"(D) Notwithstanding the provisions of subparagraph (A) of this paragraph, the Administrator or a State may grant on a case-by-case basis a variance from the requirement that ash from municipal waste incineration units be disposed only in landfills meeting the requirements of paragraph (3) or (4) of this subsection beginning forty-eight months after the date of enactment of this section, on a showing by the owner or operator of any such unit that good faith efforts were made to satisfy such requirement but the unit will fail to do so for reasons not in control of the owner or operator of such unit. No variance granted under this paragraph shall extend for a period longer than seventy-two months after the date of enactment of this section.

"(E) If the Administrator fails to promulgate regulations under paragraph (1)(B) of this subsection for the disposal of ash from municipal incineration units, no person may dispose of ash in a landfill after forty-eight months after the date of enactment of this section unless such landfill satisfies the requirements of paragraph (1) or (3) of this subsection.

"(e) MEDICAL WASTES.—(1) For the purpose of promulgating guidelines under subsection (a)(1)(D) of this section, medical wastes shall include surgical, biological, isolation, laboratory and such other waste materials as the Administrator determines that because of their nature, presence, or contact may result in potential contamination with infectious agents.

"(2) Guidelines promulgated under subsection (a)(1)(D) of this section for the storage and containment of infectious wastes shall require—

"(A) segregation of infectious waste from other wastes in leakproof containers labeled with a warning sign, and of sufficient strength to prevent ripping, tearing or bursting under normal conditions. Reusable containers for infectious waste shall be washed and decontaminated each time they are emptied;

"(B) such containers shall be stored no more than ninety days at the producing facility and shall be stored in a manner to deny access by unauthorized persons; or

"(C) trash chutes to transfer infectious waste between locations where it is stored are prohibited.

"(3) Guidelines promulgated under subsection (a)(1)(D) of this section, for the treatment and disposal of infectious wastes shall require—

"(A) infectious wastes to be handled separately until treatment or disposal is accomplished;

"(B)(i) incineration in a controlled-air, multi-chambered, incinerator which—

"(a) effectively destroys all categories of infectious wastes, and effectively kills live and dormant forms of pathogenic organisms;

"(b) minimizes the production and emission of toxic pollutants through the application of best available control technology, and through application, to the extent practicable, of emission standards at least as stringent as those established pursuant to section 129 of the Clean Air Act;

"(c) prevents compaction and rupture of containers during loading operations;

"(d) disposes of combustion residuals pursuant to subsection (d) of this section; or

"(ii) sterilization or alternate treatment technologies which—

"(a) demonstrate that all pathogenic organisms are rendered harmless;

"(b) provide for quality assurance programs;

"(c) provide for periodic testing using biological indicators that demonstrate proper sterilization of the waste stream;

"(d) provide for labeling that clearly distinguishes treated from untreated waste;

"(e) in the case of steam sterilization, provide for loading parameters that ensure consistent and adequate steam and heat penetration to each load;

"(f) in the case of chemical disinfection, provide for testing which indicates that all pathogens have been rendered harmless prior to transfer or disposal of treated waste; and

"(g) are otherwise in conformance with any standard, requirement, criteria, or limitation under any Federal or State environmental law or regulation, including, but not limited to, the Toxic Substances Control Act, the Safe Drinking Water Act, the Clean Air Act, the Clean Water Act, the Marine Protection, Research, and Sanctuary Act, or the Solid Waste Disposal Act.

"(4) Guidelines promulgated under subsection (a)(1)(D) of this section, for the transportation of infectious wastes shall require—

"(A) transportation of infectious waste in a leakproof, fully enclosed container within a vehicle compartment, and segregated from other wastes;

"(B) transportation by a registered hauler of infectious waste;

"(C) a manifest for accountability and tracking of infectious wastes from their point of generation to point of disposal at a permitted facility; and

"(D) a prohibition on the transportation of infectious wastes in a vehicle that will be used to transport food and food products.

"(f) MINING WASTES.—(1) Guidelines promulgated under subsection (a)(1)(E) of this section shall require numerical standards of performance to control releases to the environment from wastes generated from the extraction, benefication, and processing of ores and minerals at active and inactive operations. States shall implement such standards of performance through the application of the best available control technology determined by the State on a site-specific basis to ensure protection of human health and the environment.

"(2) For purposes of this section, the term 'inactive operations' means operations facilities, sources, units, or portions thereof, that are used or operated intermittently or periodically but not presently.

"(g) OIL AND GAS WASTES.—Guidelines promulgated under subsection (a)(1)(G) of this section shall require numerical standards of performance to control releases to the environment from wastes generated from oil and gas exploration, development and production operations including associated wastes. The Administrator shall also require standards for bonding, plugging, and abandonment of oil and gas wells. States shall implement such standards of performance through the application of the best available control technology as determined by the State to ensure protection of human health and the environment.

"(h)(1) INDUSTRIAL SOLID WASTES.—Except as provided in section 3005(j) (2), (3), or (4) of this Act, and paragraph (2) of this subsection, regulations promulgated pursuant to section 4011(a)(1)(H) of this Act shall prohibit within four years after enactment of this Act the treatment, storage, or disposal of solid waste in any surface impoundment in existence on the date of enactment of Waste Minimization and Control Act of 1989 and qualifying for the authorization to operate under section 4010 of this Act unless such surface impoundment is in compliance with the requirements of section 3004(o)(1)(A) of the Solid Waste Disposal Act which would apply to such impoundments if new.

"(2) Paragraph (1) of this subsection shall not apply if the owner or operator demonstrates to the State (or the Administrator), that such alternative designs and operating practices together with locational characteristics and waste characteristics will prevent the migration of any constituent that the State (or the Administrator) determines

may pose a threat to human health and the environment, into the ground or surface water at least as effectively as such liners and leachate collection systems.".

(b) Part A of title I of the Clean Air Act is amended by adding the following new section:

"MUNICIPAL WASTE COMBUSTION

"SEC. 129. (a)(1)(A) Not later than eighteen months after the date of enactment of this section, the Administrator shall promulgate standards of performance to control emissions of air pollutants into the ambient air from each—

"(i) new or modified municipal waste incineration unit; and

"(ii) municipal waste incineration unit which begins operation after July 1, 1989 except units which are substantially completed before such date.

"(B) The standards promulgated under this subsection shall reflect the greatest degree of emission limitation achievable through application of the best available control technologies and practices which the Administrator determines at the time of promulgation (or revision, in the case of a revision of a standard)—

"(i) has been achieved in practice by a municipal waste incineration unit, excluding periods of malfunction or misoperation, or

"(ii) is contained in a State or local regulation or any permit for municipal waste incineration units, and will be implemented at such units,

whichever is more stringent, unless the Administrator determines that such degree of emission limitation will not be achievable by units to which the standards apply or was adopted for reasons that are unique to the unit or jurisdiction in which the unit is located and are not applicable to other units or jurisdictions. In determining the emissions limitation to be required under this subsection, the Administrator shall take into account the performance of all units which achieve, in whole or in part, emissions limitations more stringent than current standards and may subsequently exclude units from consideration only to the extent provided in this subparagraph. In establishing standards under this section the Administrator may distinguish between types and classes of municipal waste incineration units based on combustion technology or pollution control systems.

"(C) In no event shall the standards promulgated under this subsection permit such municipal waste incineration units to emit any pollutant in excess of the amount allowable under any applicable new source standards of performance.

"(D) Standards under this subsection shall be based on methods and technologies for removal or destruction of pollutants before, during, or after combustion, and shall incorporate citing requirements that minimize, on a site specific basis, to the maximum extent practicable, any potential risk to human health or the environment. The following practices and control technologies, used individually, in combination with one another, or in combination with other available practices or control technologies not identified in this paragraph, shall be deemed available for purposes of this paragraph: electrostatic precipitators, fabric filtration, flue gas scrubbers, spray dry scrubbers, negative air flow, and good combustion practices, including availability of auxiliary fuel to maintain specific temperatures.

"(E) In adopting standards of performance, the Administrator may take into consideration other technologies and practices that, either by themselves or in combination with other technologies or practices, may achieve a greater degree of emission reduction for the pollutants specified in paragraph (2)(A), including the use of selective or nonselective catalytic reduction, wet flue gas denitrification, selective noncatalytic reduction, wet scrubbing, or catalytic oxidation. The Administrator may require new facilities to be constructed according to designs which allow for addition of selective catalytic reduction, and other technologies, as they become available, except that selective catalytic reduction may not be required by the Administrator at municipal waste incineration units which have installed flue gas treatment for control of emissions of oxides of nitrogen prior to the date of enactment of this section.

"(2)(A) The standards promulgated under this subsection shall specify numerical emission limitations for the following substances or mixtures: particulate matter (total and fine), opacity, sulfur dioxide, hydrogen chloride, oxides of nitrogen, carbon monoxide, lead, cadmium, mercury, halogenated organic compounds, dioxins, and dibenzofurans. In establishing such standards of performance under this subsection, the Administrator shall take into account the use of numerical standards or other methods to reduce the presence in air emissions or ash from a municipal waste incineration unit of each of the following additional substances; volatile organic compounds, beryllium, hydrogen fluoride, antimony, arsenic, barium, chromium, cobalt, copper, nickel, selenium, zinc, polychlorinated biphenyls, chlorobenzenes, chlorophenols, and polynuclear aromatic hydrocarbons.

"(B) In no event shall any such standard allow—

"(i) an outlet gas carbon monoxide concentration greater than 50 parts per million corrected to 7 per centum oxygen on a four-hour average except that the Administrator is authorized to establish a standard for refuse-derived fuel units allowing carbon monoxide concentrations not to exceed 100 parts per million corrected to 7 per centum oxygen on a four-hour average provided that such units commencing construction or modification after the date of enactment of this section control emissions with dry scrubbers and fabric filtration;

"(ii) an outlet gas particulate concentration greater than 0.015 grains per dry standard cubic foot corrected to 7 per centum oxygen;

"(iii) an outlet gas concentration of sulfur dioxide greater than 40 parts per million corrected to 7 per centum oxygen on an eight-hour average, unless uncontrolled emissions of sulfur dioxide are reduced by not less than 70 per centum;

"(iv) an outlet gas concentration of hydrogen chloride greater than 30 parts per million corrected to 7 per centum oxygen on an eight-hour average, unless uncontrolled hydrogen chloride emissions are reduced by not less than 90 per centum; or

"(v) a retention temperature and time of less than 1800 degrees Fahrenheit or less than one second at fully mixed height (or the equivalent), except that the Administrator may establish standards for combustion parameters (including temperature) other than those stated in this paragraph for units employing atmospheric-fluidized bed boilers for the control of oxides of nitrogen; *Provided,* That such standards achieve a combustion efficiency equivalent to that required of other units.

"(3) Standards promulgated under this subsection shall be effective no later than six months after the date of promulgation. To the extent that installation of an acid gas scrubber at a municipal waste incineration unit is required to comply with a standard or standards under this subsection, such standard shall be effective for units at which a scrubber is to be installed not later than twenty-four months after the date of promulgation. Not later than five years following the initial promulgation of such standards and at five-year intervals thereafter, the Administrator shall review and, in accordance with this subsection, revise such standards. Such revised standards shall be effective as of the date six months after the date of promulgation with respect to facilities which begin construction or modification on or after the date on which such standards are first proposed.

"(4) After the effective date of any standard promulgated under this section, it shall be unlawful for any owner or operator of any municipal waste incineration unit to operate such unit in violation of such standard applicable to such unit.

"(5) When promulgating standards (or revised standards) under this subsection the Administrator shall consider the applicability of such standards (as the result of subsection (k)(2)(B)) to municipal waste incineration units already in operation and shall publish with such standards a schedule for compliance for each such unit providing adequate time for retrofit of necessary pollution control equipment, but in no event longer than four years after the date standards are promulgated.

"(b)(1) In addition to any other applicable requirements, after the date twenty-four months after the enactment of this section, no permit may be issued under a State program approved under part C or part D of this Act for any new or modified municipal waste incineration unit unless (A) the applicant has fully complied with the application requirements for the permit (pursuant to 40 C.F.R. 52.21) and any applicable State requirements before such date, or (B) each of the jurisdictions served by the municipal waste incineration unit (as designated by the State in accordance with section 4006 of the Solid Waste Disposal Act) has prepared, after notice and opportunity for public comment and public hearing, and submitted to the appropriate State official an enforceable solid waste management plan, in accordance with sections 4003 and 4011 of the Solid Waste Disposal Act.

"(2) Beginning twenty-four months after the date of enactment of this section, no permit may be issued under this Act to a municipal waste incineration unit unless a permit pursuant to section 4010 of the Solid Waste Disposal Act for treatment, storage or disposal of municipal waste combustion ash has been issued.

"(c) If the Administrator fails to promulgate standards under subsection (a) of this section, beginning eighteen months after the date of enactment of this section and extending until such time as standards are promulgated, no permit may be granted to the owner or operator of any municipal waste incineration unit which begins operation after July 1, 1989, and which is required to obtain a permit under a State program approved under part C or part D of this Act unless such permit requires compliance with emission standards that comply with subsection (a)(2)(B). Compliance with standards promulgated under subsection (a) shall be required six months after the date such standards are promulgated for all municipal waste incineration units subject to

the provisions of this subsection, unless a unit is required to install an acid gas scrubber to comply with a standard in which case the standard shall be effective for such unit no later than twenty-four months after promulgation.

"(d) Not later than eighteen months after the enactment of this section, the Administrator shall promulgate regulations and standards of performance to control emissions of air pollutants into the ambient air from each municipal waste incineration unit which is in operation or which is substantially completed prior to January 1, 1989. Such standards of performance shall be established on the basis of the degree of emission limitation achievable through application of available control technologies and practices as determined under subsection (a)(1), and shall specify emission limitations for the substances required under subsection (a)(2). In establishing standards under this subsection the Administrator may distinguish between types and classes of municipal waste incineration units based on combustion technology or pollution control systems. In no event shall any such standard allow—

"(1) an outlet gas carbon monoxide concentration greater than 100 parts per million corrected to 7 per centum oxygen on an eight-hour average except that the Administrator is authorized to establish a standard for units allowing carbon monoxide concentrations not to exceed 200 parts per million corrected to 7 per centum oxygen on an eight-hour average provided that such units control emissions with acid gas scrubbers and fabric filtration;

"(2) an outlet gas particulate concentration greater than 0.020 grains per dry standard cubic foot corrected to 7 per centum oxygen;

"(3) an outlet gas concentration of sulfur dioxide greater than 60 parts per million corrected to 7 per centum oxygen on an eight-hour average, unless uncontrolled emissions of sulfur dioxide are reduced by 70 per centum;

"(4) an outlet gas concentration of hydrogen chloride of 45 parts per million corrected to 7 per centum oxygen on an eight-hour average, unless uncontrolled emissions of hydrogen chloride are reduced by 90 per centum; or

"(5) a retention temperature and time of less than 1800 degrees Fahrenheit or less than one second at fully mixed height (or the equivalent).

The Administrator shall promulgate a schedule for compliance with these standards. In no event shall such schedule provide for compliance with such standards later than the date six years after the enactment of this section, except that facilities which will be required to meet standards established under subsection (a) (as a result of subsection (k)(2)(B)) within three additional years of such date may be allowed a variance from the compliance schedule of this section during such three-year (or shorter) period provided that the owner or operator of any unit seeking a variance certifies that compliance with standards established under subsection (a) will be achieved on and after the date applicable under subsection (a).

"(e)(1) The Administrator shall promulgate regulations requiring the owner or operator of each municipal waste incineration unit—

"(A) to monitor emissions from the unit at the point at which such emissions are emitted into the ambient air (or within the stack, combustion chamber, or pollution control equipment, as appropriate) and at such other points as necessary to protect human health and the environment;

"(B) to monitor such other parameters relating to the operation of the unit and its pollution control technology as the Administrator determines are appropriate; and

"(C) to report the results of such monitoring.

Such regulations shall contain provisions regarding the frequency of monitoring, test methods and procedures validated on municipal incineration units, and the form and frequency of reports containing the results of monitoring and shall require that any monitoring reports or test results indicating exceedance of standards under this section shall be reported separately and in a manner that facilitates review for purposes of enforcement actions. Such regulations shall require that copies of the results of such monitoring be maintained on file at the facility concerned and that copies shall be made available for inspection and copying by interested members of the public during business hours.

"(2) The Administrator shall promulgate the regulations required under this subsection within eighteen months after the enactment of this section. Such regulations may be revised from time to time in accordance with paragraph (1). Except as provided in paragraph (3), the requirements of this subsection shall take effect—

"(A) upon commencement of operation of any new or modified unit; and

"(B) twenty-four months after the enactment of this part in the case of any existing municipal waste incineration unit.

"(3)(A) The regulations promulgated under this subsection shall, at a minimum, require continuous monitoring for the following: opacity, hydrogen chloride (if such monitoring device or method is available), sulfur dioxide, oxides of nitrogen, carbon monoxide, carbon dioxide, oxygen, stack temperature, furnace temperature (or secondary combustion zone temperature, as appropriate) and stack gas temperature at the inlet to the particulate control device.

"(B) For all emissions subject to standards under this section that are not subject to continuous monitoring under subparagraph (A), the regulations promulgated under this subsection shall require periodic monitoring of such emissions at each municipal waste incineration unit not less frequently than—

"(i) every six months, or

"(ii) six months after commencement of operations, and every eighteen months thereafter if the owner or operator of such unit demonstrates that such unit has complied with all applicable emissions standards as of the commencement of operations and during the previous periods of monitoring and maintains compliance with all applicable emissions standards during each interval between monitoring.

Regulations promulgated under this section shall provide for prompt monitoring of emissions and parameters which are not monitored continuously whenever there is a violation of a related emission standard or parameter which is continuously monitored.

"(C) The initial monitoring under this subsection shall commence at the later of the following—

"(i) the date six months after the promulgation of regulations under this subsection; or

"(ii) the commencement of operation of the unit concerned.

"(4) Notwithstanding the provisions of paragraph (3), regulations promulgated under this subsection and applicable to municipal waste incineration units which are not major emitting facilities as defined in part C may provide for monitoring with other than EPA-certifiable monitoring methods and shall at a minimum require continuous monitoring of: oxygen, opacity; furnace temperature (or secondary combustion zone temperature, as appropriate); carbon monoxide; pH; and such other parameters as the Administrator shall require.

"(5)(A) The regulations required by this subsection may require the owner or operator of each municipal waste incineration unit to establish and operate, or to pay the costs of establishing and operating, a program to detect impacts of the unit, or any associated releases, on the environment or human health. Such program shall require periodic testing for and public reporting of the presence of waste constituents or contaminants (or indicators thereof) at statistically significant levels.

"(B) In any case in which exposure to municipal waste incineration unit emissions or ash may pose a potential risk to human health, the Administrator or the State may request the Administrator of the Agency for Toxic Substances and Disease Registry to conduct a health assessment in connection with the unit and such other health studies or surveillance as may be warranted, as authorized under section 104(i) of the Comprehensive Environmental Response, Compensation and Liability Act of 1980. Such studies may include programs to detect changes in the body burden of various pollutants including but not limited to lead, mercury, cadmium, halogenated hydrocarbons, and dioxins in any area affected by incineration unit emissions or ash.

"(f) Notwithstanding any other provision of this Act, each permit for a municipal waste incineration unit issued under this Act may be issued for a period of up to twenty years and shall be reviewed every five years after date of issuance or reissuance. Each permit shall continue in effect after the date of issuance until the date of termination, unless the Administrator or State determines—

"(1) that the unit is not in compliance with all standards and conditions contained in the permit;

"(2) that compliance with additional conditions will impose minimal costs on the owner or operator of the unit and such conditions will reduce air emissions below levels specified in the permit, or

"(3) capacity to treat or dispose of the ash from such unit in compliance with section 4011 of the Solid Waste Disposal Act for a five-year period after such determination has not been demonstrated.

Such determination shall be made at regular intervals during the term of the permit, such intervals not to exceed five years, and only after public comment and public hearing. For purposes of this subsection, the term "minimal costs" shall not exceed five percent of the actual capital costs of the unit. No permit for a municipal waste incineration unit may be issued under this Act by an agency, instrumentality or person (other than a Governor) that is also responsible, in whole or part, for the design and construction or operation of the unit. Notwithstanding any other provision of this subsection, the Administrator or State may require the owner or operator of any unit to comply with emissions limitations or implement any

other measures, if the Administrator or State determines that emissions in the absence of such limitations or measures may reasonably be anticipated to endanger public health or the environment.

"(g)(1) Nothing in this section shall diminish or otherwise affect any authority to establish and enforce standards under section 111 or 112 or under any other authority of law for emissions from municipal waste incineration units of any air pollutant not referred to in subsection (a). With respect to emissions from municipal waste incineration units of any air pollutant referred to in subsection (a)—

"(A) nothing in this section shall diminish the authority of the Administrator to promulgate more stringent standards under section 112 or any other provision of this Act;

"(B) nothing in this section shall diminish the authority of the Administrator or a State to establish any other requirements under any other authority of law, including the authority to establish for any such air pollutant a national ambient air quality standard;

"(C) no requirement of an applicable implementation plan under section 165 (relating to construction of facilities in regions identified pursuant to section 107(d)(1) (D) or (E)) or under section 172(b)(6) (relating to permits for construction and operation in nonattainment areas) may be used to weaken the standards in effect under this section; and

"(D) nothing in this section shall be interpreted, construed, or applied to limit the authority of the Administrator to impose more stringent requirements for the incineration of hospital or other infectious wastes under this Act or other authority including subtitle C of the Solid Waste Disposal Act (42 U.S.C. 6921, et seq.).

"(2) Nothing in this Act shall be construed, interpreted, or applied to preempt, supplant, or displace other State or Federal law, whether statutory or common.

"(h) Any State may submit to the Administrator a proposed State program for implementation and concurrent enforcement of the requirements of this section. Ninety days after submission to the Administrator, the State shall be treated as authorized to enforce the requirements of this section in such State unless the Administrator determines that the State program does not provide enforcement equivalent to Federal enforcement under this Act. Whenever the Administrator determines that a State is not enforcing the requirements of this section in a manner equivalent to Federal enforcement, the Administrator shall withdraw the authorization for such State. Each State program approved under this subsection shall, at a minimum, include permitting requirements for each new and existing municipal waste incineration unit located in the State. Any permit issued by a State may be reviewed and withdrawn by the Administrator on the Administrator's own motion or upon a showing by any person that the conditions contained in such permit are not in compliance with the requirements of this Act.

"(i) Nothing in this section shall preclude or deny the right of any State or political subdivision thereof to adopt or enforce any regulation, requirement, or standard relating to municipal waste incineration units that is more stringent than a regulation, requirement, or standard in effect under this section or under any other provision of this Act.

"(j) For purposes of sections 111(e), 113, 114, 116, 120, 304, and 307 each standard and other requirement promulgated under this section shall be treated in the same manner as a standard of performance under section 111 which is an emission limitation and each requirement of a State plan authorized under this section shall be treated as a requirement of an applicable implementation plan. Any civil penalties imposed by a court against a unit of local government under this Act for violations of this section shall be paid into a trust fund or comparable mechanism established by a court or the State and shall be applied in support of public programs or activities, as authorized by the court (or a fund administrator appointed by the court), that serve to enhance the protection of human health and the environment of the residents of such unit of local government but shall not be used to come up into compliance with requirements established under this section or section 4011 of the Solid Waste Disposal Act.

"(k) As used in this section:

"(1) The term 'municipal waste incineration unit' means a distinct operating unit of any facility which combusts any solid waste material from commercial or industrial establishments or the general public (including single and multiple residences, hotels, and motels). Such term does not include incinerators or other units required to have a permit under section 3005 of the Solid Waste Disposal Act.

"(2) The term 'new municipal waste incineration unit' means a municipal waste incineration unit—

"(A) the construction or modification of which is commenced after the Administrator proposes requirements under this section establishing emissions standards or other requirements which would be applicable to such unit; or

"(B) effective January 1, 1992, which had commenced operation twenty years or more previously.

"(3) The term 'substantially completed unit' means a unit not in operation before July 1, 1989, for which the addition of required pollution control equipment will cost more than twice what such equipment would have cost had it been constructed as part of the permitted design or for which 90 per centum of all construction has been completed before such date.

"(4) The term 'modified municipal waste incineration unit' means a municipal waste incineration unit at which modifications have occurred after the effective date of a standard under subsection (a) or (d) if (A) the cumulative cost of the modifications, over the life of the unit, exceed 50 per centum of the original cost of construction and installation of the unit (not including the cost of any land purchased in connection with such construction or installation), or (B) the modification is a physical change in or change in the method of operation of the unit which increases the amount of any air pollutant emitted by the unit for which standards have been established under this section.

"(5) The term 'existing municipal waste incineration unit' means a municipal waste unit which is not a new or modified municipal waste incineration unit.

"(l)(1) Not later than eighteen months after the enactment of this section, the Administrator shall publish guidelines identifying items or materials that should be removed from municipal waste prior to incineration, either through separation by the generator of such waste or at a central facility from the general waste stream or through limitations on the composition (including inks and pigments) of products or on the disposal of such items or materials in municipal waste.

"(2) Regulations under this section shall require the operator of any municipal waste incineration unit to establish contractual requirements or other appropriate notification and inspection procedures sufficient to assure that the unit does not receive any waste required to be placed in a facility permitted under section 3005 of the Solid Waste Disposal Act.

"(m) Not later than eighteen months after the enactment of this section, the Administrator shall develop and promote a model State program for the training and certification of municipal waste incinerator operators. The program shall include a requirement that all operators achieve a passing grade on an examination on (and participate in continuing education to stay informed about) current technology for the control of pollution from municipal waste incineration units. The Administrator may authorize any State to implement a State program for the training and certification of municipal waste incinerator operators if the State has adopted a program which is at least as stringent as the model program developed by the Administrator. Beginning on the date thirty months after the date of enactment of this section it shall be unlawful to operate a municipal waste incineration unit unless each person with control over processes affecting emissions from such unit has satisfactorily completed a training and certification program meeting the requirements established by the Administrator under this subsection.".

(b) Section 169(1) of the Clean Air Act is amended by striking "two hundred and" after "municipal incinerators capable of charging more than".

(c) Section 113 of the Clean Air Act is amended by adding ", 129" after "112(c)" wherever it occurs.

SEC. 205. FEDERAL ENFORCEMENT.

Subtitle D of the Solid Waste Disposal Act is further amended by adding the following new section:

"SEC. 4012. (a) COMPLIANCE ORDERS.—(1) Except as provided in paragraph (2) of this subsection, whenever, on the basis of any information, the Administrator determines that any person has violated or is in violation of any requirement of this subtitle, subtitle E, or of any permit issued by a State pursuant to authority certified under section 4010(c) of this Act or by the Administrator pursuant to section 4010(e) of this Act, the Administrator may issue an order assessing a civil penalty for any past or current violation, requiring compliance immediately or within a specified time period, or both, or the Administrator may commence a civil action in the United States district court in the district in which the violation occurred for appropriate relief, including a temporary or permanent injunction.

"(2) In the case of a violation of any requirement of this subtitle, subtitle E, or of any permit, where such violation occurs in a State that has certified its authority under section 4010(c) of this Act to issue permits, the Administrator shall give notice to the State in which such violation has occurred and to the alleged violator at least sixty days prior to issuing an order or commencing a civil action under this section. The Administrator shall take no further action under this section with respect to the viola-

tion if, within sixty days of the Administrator's notice, the State has commenced and is prosecuting, or has prosecuted, an administrative, civil or criminal action before a duly authorized State agency or before a court of the United States or a State to require compliance with such requirement.

"(3) Any order issued pursuant to this subsection may include a suspension or revocation of any permit issued by the Administrator or a State under this subtitle and shall with reasonable specificity the nature of the violation. Any penalty assessed in the order shall not exceed $10,000 per day of noncompliance for each violation of a requirement of this subtitle. In assessing such a penalty, the Administrator shall take into account the seriousness of the violation and any good faith efforts to comply with applicable requirements.

"(b) PUBLIC HEARINGS.—Any order issued under this section shall become final unless, no later than thirty days after the order is served, the person or persons named therein request a public hearing. Upon such request the Administrator shall promptly conduct a public hearing. In connection with any proceeding under this section, the Administrator may issue subpoenas for the attendance and testimony of witnesses and the production of relevant papers, books and documents, and may promulgate rules for discovery procedures.

"(c) VIOLATION OF COMPLIANCE ORDERS.—If a violator fails to take corrective action within the time specified in a compliance order, the Administrator may assess a civil penalty of not more than $10,000 for each day of continued noncompliance with the order and the Administrator may suspend or revoke any permit issued to the violator (whether issued by the Administrator or the State).

"(d) CIVIL PENALTY.—Any person who violates any requirement of this subtitle, subtitle E, or any permit issued pursuant to section 4010 of this Act shall be liable to the United States for a civil penalty in an amount not to exceed $10,000 for each such violation. Each day of violation shall, for purposes of this subsection, constitute a separate violation.

"(e) CRIMINAL PENALTY.—Any person who knowingly or willfully violates any requirement of this subtitle, subtitle E, or any permit issued pursuant to section 4010 of this Act or any person who misrepresents or falsifies any information required under this subtitle, subtitle E, or any permit issued pursuant to section 4010 of this Act shall, in addition to or in lieu of any civil penalty which may be imposed under subsection (d) of this section for such violation, be subject, upon conviction, to a fine of not more than $10,000 for each day of violation, or to imprisonment for not more than one year, or both.".

SEC. 206. WASTE EXPORT.

Subtitle D of the Solid Waste Disposal Act is further amended by adding the following new section:

SEC. 4013. (a)(1) PROHIBITION OF INTERNATIONAL WASTE SHIPMENTS.—Effective on the date of enactment of this Act no person shall export any solid waste (as defined in section 1004 of the Solid Waste Disposal Act) outside the United States for the purpose of disposal or incineration, except as provided in paragraph (2) of this subsection.

(2) Effective twenty-four months after the date of enactment of this Act, it shall be unlawful to export solid waste to Canada unless the United States and the Canadian Government have entered into an agreement concerning transboundary movement of solid waste, that meets the conditions established in subsections (b) and (c) of this section.

(3)(A) Effective twenty-four months after the date of enactment of this Act, it shall be unlawful to export solid waste for recycling unless the United States and the government of the receiving country have entered into a bilateral or multilateral agreement as provided for in subsections (b) and (c) of this section and the shipment conforms with the terms of such agreement.

(B) The prohibition of this paragraph shall not apply to baled waste paper or glass cullet, or metals or plastics, that have been separated from solid waste before export, and are exported for the purpose of being recycled into new products.

(4) The Administrator may prohibit the export of any solid waste whenever he has reason to believe that the transportation, treatment, storage, disposal, or recycling of such waste may threaten human health or the environment.

(b) INTERNATIONAL AGREEMENTS.—Any agreement pursuant to subsections (a) (2) or (3) of this section shall require at a minimum—

(1) a provision for the notification of shipments of wastes;

(2) a provision for obtaining the prior consent of the receiving country to accept any waste shipment and a certification from the receiving country that any such shipment meets the terms of the agreement;

(3) a provision on the information exchange pursuant to subsection (c)(2) of this section on the manner in which the wastes will be managed in the receiving country, including mechanisms to provide the United States with the information necessary to ensure that the transportation and management of such solid waste shall be conducted with standards protective of human health and the environment.

(4) a provision for periodic review of the effectiveness of the agreement.

(c)(1) REGISTRATION OF EXPORTERS.—No person may export solid waste unless he exports the waste in compliance with the terms of the agreement and he has registered with the Administrator as an exporter of solid waste and the information filed as specified in subsection (c)(2) of this section, including any amendments thereto, is accurate as of the time that the export is made.

(2) FILING.—Any registration filed under this section shall be signed by the chief executive officer or responsible elected official and shall contain the information specified below. The Administrator may augment or further define by regulation as he deems appropriate—

(A) the name and address of the exporter;

(B) the composition, quantities, and concentrations of wastes to be exported to any foreign country;

(C) the names and addresses of any persons on whose behalf the applicant intends to export waste (including persons who are the generators of such waste);

(D) the estimated frequency or rate at which such waste is to be exported and the period of time over which such waste is to be exported;

(E) the ports of exit and entry; and

(F) the name and address of the ultimate treatment, recycling and residue management facility or facilities, and the manner in which such waste will be handled.

(d) REPORT.—Any person who registers for export of solid waste under subsection (c) of this section shall file with the Administrator no later than March 1 of each year, a report which summarizes exports of solid waste undertaken pursuant to such registration; the information reported shall address each of the items for registration set forth in subsection (c)(2) of this section. No later than September 30, 1989, and annually thereafter, the Administrator shall provide Congress with a report summarizing the information contained in the reports filed by registrants pursuant to this subsection.

SEC. 207. FEDERAL ASSISTANCE.

(a) Section 4008(a)(1) of the Solid Waste Disposal Act is amended by—

(1) striking "and" after "fiscal year 1982"; and

(2) by inserting after "10,000,000 for each of the fiscal years 1985 through 1988" the following: ", and $100,000,000 in funds for each of the fiscal years 1989 through 1993".

(b) Section 4008(a)(2)(A) of the Solid Waste Disposal Act is amended by deleting "and fiscal or economic investigations or studies;" and inserting in lieu thereof "installation of monitoring devices, and fiscal or economic investigations or studies;".

(c) Section 4008(2)(C) of the Solid Waste Disposal Act is amended by deleting "$10,000,000 for fiscal year 1982, and $10,000,000 for each year of the fiscal years 1985 through 1988" and inserting in lieu thereof "$10,000,000 for fiscal years 1982 through 1988 and $50,000,000 in funds, for each of the fiscal years 1989 through 1993".

(d) Section 4008(a)(3)(D) of the Solid Waste Disposal Act is amended by adding "(iii) to be appropriated for each of the fiscal years 1989 through 1993, $250,000,000" and by inserting before the period at the end of the first sentence, "and section 4011".

SEC. 208. RURAL COMMUNITIES ASSISTANCE.

(a) Section 4009(a) of the Solid Waste Disposal Act is amended by inserting after "The Administrator shall make grants to States to provide assistance" the following "including grants for the installation of monitoring devices".

(b) Section 4009(d) of the Solid Waste Disposal Act is amended by deleting "and $15,000,000 for each of the fiscal years 1981 and 1982 to carry out this section." and insert the following, ", $15,000,000 for each of the fiscal years 1981 and 1982, and $100,000,000 for each of the fiscal years 1989 through 1991 to carry out this section.".

(c) Section 4009 of the Solid Waste Disposal Act is amended by adding the following at the end thereof:

"(e) RURAL WASTE RECYCLING DEMONSTRATION PROGRAM.—(1) The Administrator is authorized and directed to make grants to all States with a population density of ten persons per square mile or less based on the Statistical Abstract of the United States 1988, published by the United States Department of Commerce, Bureau of the Census, page 19, table 21, to conduct feasibility studies or to establish and operate recycling demonstration programs.

"(2) A feasibility study shall at a minimum include an assessment of recycling technology, collection methods, potential recycling rates, markets for recyclables and financial incentives, suitable for solid waste recycling.

"(3) Any demonstration program shall be consistent with the feasibility study conducted pursuant to paragraph (2) of this subsection.

"(4) There are authorized to be appropriated $1,000,000 for each of the fiscal years

1989 through 1991 to carry out this subsection.".

TITLE III—WASTE REDUCTION AND RECYCLING ACT OF 1989

SEC. 301. WASTE REDUCTION AND RECYCLING GOALS.

(a) The title of subtitle E of the Solid Waste Disposal Act is amended to read as follows: "Waste Reduction and Recycling".

(b) Sections 5001 to 5006 of the Solid Waste Disposal Act are redesignated as sections 5011 to 5016.

(c) Section 5001 of the Solid Waste Disposal Act is amended to read as follows:

"SEC. 5001. WASTE REDUCTION AND RECYCLING GOALS.—The Administrator shall—

"(1) establish a national performance efficiency standard pursuant to section 5005 of this Act;

"(2) establish a national goal for each State to attain 25 per centum municipal solid waste recycling within four years, 50 per centum within ten years and 10 per centum municipal solid waste reduction within four years, unless the State demonstrates it is not practicable;

"(3) establish responsibility for waste reduction and recycling within the Environmental Protection Agency to provide outreach and technical assistance to the industrial community and States on waste reduction and recycling methods and opportunities, and to the educational community to promote the introduction of waste reduction and recycling principles into academic curricula;

"(4) ensure that the Environmental Protection Agency's existing and proposed programs, policies, regulations and guidelines are consistent with these waste reduction and recycling goals, by requiring the responsible office for waste reduction and recycling activities to review and sign-off on appropriate agency actions; and

"(5) establish a national packaging institute to develop voluntary packaging standards to encourage waste reduction and recycling.".

SEC. 302. OFFICE OF WASTE MINIMIZATION.

Section 5002 of the Solid Waste Disposal Act is amended to read as follows:

"SEC. 5002. (a) AUTHORITY.—The Administrator shall establish within the Office of the Administrator a multimedia Office of Waste Minimization with a separate section solely responsible for waste reduction activities.

"(b) FUNCTIONS.—The Administrator is authorized to carry out the provisions of this Act to include specifically the following functions—

"(1) assist States and industry in implementing the goals established in section 5001 of this Act;

"(2) administer the waste reduction and recycling grants established under section 5003 of this Act;

"(3) administer the waste reduction and recycling clearinghouse and collect annual waste reduction and recycling information established under section 5004 of this Act;

"(4) prepare and submit reports on waste reduction and recycling established under section 5006 of this Act;

"(6) coordinate with the Packaging Institute to carry out functions required under section 5007 of this Act;

"(7) coordinate with the Federal agency actions required under section 5008 of this Act;

"(8) promulgate Federal procurement guidelines required under section 6002 of subtitle F of this Act; and

"(9) coordinate with the Secretary of Commerce to carry out functions required under sections 5011 to 5016 of this Act.

SEC. 303. GRANTS TO STATES FOR TECHNICAL ASSISTANCE PROGRAMS.

Section 5003 of the Solid Waste Disposal Act is amended to read as follows:

"SEC. 5003. (a) GENERAL AUTHORITY.—Upon application of a State and from funds available from the waste disposal fund pursuant to section 4008 and section 4009 of this Act, the Administrator shall make grants, subject to such terms and conditions as the Administrator considers appropriate, under this section to such State for the purpose of assisting the State in developing and implementing a program to promote the use of waste reduction and recycling techniques by businesses, local governments, or regional waste management authorities.

"(b) APPLICATIONS.—An application for a grant under this section, in any fiscal year, shall be in such form and shall contain such other information as the Administrator may require.

"(c) FEDERAL SHARE.—The Federal share of the cost of assisting a State in carrying out waste reduction and recycling activities in any fiscal year under this section shall be no more than 50 per centum of the funds made available to a State in each year of that State's participation in the program.

"(d) CRITERIA.—For each fiscal year beginning after September 30, 1989, the Administrator shall give consideration in determining the Federal share of any such grant, to States which have implemented or are proposing to implement waste reduction and recycling programs which will provide—

"(1) specific technical assistance to businesses and communities seeking information about waste reduction and recycling opportunities, including funding for experts to provide on-site technical advice to businesses and communities seeking assistance;

"(2) assistance to businesses and communities for whom lack of information is an impediment to waste reduction and recycling; and

"(3) training on waste reduction and recycling techniques, through local educational institutions and other appropriate programs.

"(e) EFFECTIVENESS.—The Administrator shall establish appropriate means for measuring the effectiveness of the State grants made under this section in promoting the use of waste reduction and recycling techniques.

"(f) SATISFACTORY PROGRESS.—No grant may be made under this section in any fiscal year to a State which in the preceding fiscal year received a grant under this section unless the Administrator determines that such State made satisfactory progress in promoting the use of waste reduction and recycling techniques.

"(g) REQUEST FOR INFORMATION.—The Administrator may request such information, data, and reports as he considers necessary to make the determination of continuing eligibility for grants under this section.

"(h) REPORTING.—Each State shall report to the Administrator on the progress in promoting waste reduction and recycling techniques and shall make other information generated under the grants available to the Administrator.".

SEC. 304. WASTE REDUCTION AND RECYCLING CLEARINGHOUSE.

Section 5004 of the Solid Waste Disposal Act is amended to read as follows:

"SEC. 5004. (a) AUTHORITY.—The Administrator shall establish a waste reduction clearinghouse to compile information on management, technical, and operational approaches to waste reduction and recycling. The clearinghouse shall—

"(1) serve as a center for waste reduction and recycling technology transfer;

"(2) encourage active State outreach and education programs to further the adoption of waste reduction and recycling technologies; and

"(3) collect, compile, evaluate, and disseminate information reported by States receiving grants under section 4 on waste reduction and recycling techniques and effectiveness.

"(b) PUBLIC AVAILABILITY.—The Administrator shall make available to the public such information on waste reduction as is developed pursuant to this Act and other pertinent information and analysis regarding waste reduction on a cost reimbursable basis. The Administrator shall determine feasible methods, including the use of computers, to make such information available in a manner compatible with other information maintained by the EPA relevant to waste reduction and recycling.".

SEC. 305. HAZARDOUS SUBSTANCES EFFICIENCY STANDARD.

(a) Section 5005 of the Solid Waste Disposal Act is amended to read as follows:

"SEC. 5005. (a) EFFICIENCY STANDARD.—(1) Except as provided in this section, effective one hundred and twenty months after the date of enactment of this Act, the release of hazardous substances to the environment of more than 5 per centum of production through put by any person required to file a toxic chemical release form under section 313 of the Superfund Amendments and Reauthorization Act of 1986, shall be unlawful.

"(2) The Administrator shall, within thirty-six months after the date of enactment of this Act and after notice and opportunity for public hearing, promulgate regulations specifying the manner in which any manufacturer subject to this provision shall calculate the production throughput of hazardous substances for the purpose of establishing a basis for the required percentage determination. Such regulations may distinguish among manufacturing processes and categories and among products produced.

"(3) The Administrator or a State authorized pursuant to section 3006 of this Act or a State with the permit program under section 4010 of this Act may waive this standard on a plant by plant basis if a determination is made that such a standard is technically infeasible; that such plant is in compliance with subsection (b) of this section; that all available minimization procedures have been adopted; and that all releases from such plant are in the form of permitted managed waste or in compliance with applicable permits under the Clean Air Act or Clean Water Act.

"(4) Effective forty-eight months after the date of enactment of this Act, each person subject to subsection (a)(1) of this section shall submit to the State or the Administrator, a plan to quantify and report on the manner in which each hazardous substance subject to this provision is consumed, used, or released. Unless disapproved within nine months after the date required for submittal, such plan shall be implemented by such person.

"(5) Not later than one year after the date on which such plans have been submitted, the Administrator shall report to the Congress on waste efficiency rates by manufacturing category or process and shall esti-

mate the efficiency levels that each industry can reasonably be expected to achieve within five years and the extent to which technical assistance may be needed. The Administrator shall include in such report any legislative recommendations to expand the scope and effectiveness of the waste efficiency program.

"(6) Any manufacturer subject to the provisions of this subsection which shall have installed, prior to the time required in subsection (a)(4) of this section, continuous emission and environmental monitoring equipment capable of detecting losses to the environment through spills, leaks, discharges, dumps, releases, or emissions of substances for which toxic chemical release forms are required under section 313 of Superfund Amendments and Reauthorization Act of 1986 shall be deemed in compliance with this provision so long as such manufacturer continues in compliance with all applicable environmental permits and makes available data from such monitoring to the appropriate local, State, and Federal regulatory agencies pursuant to section 313 of the Superfund Amendments and Reauthorization Act of 1986.

"(b)(1) CONTINUOUS MONITORING.—Any person required to file an annual toxic chemical release form under section 313 of the Superfund Amendments and Reauthorization Act of 1986 who is unable to account for any substance enumerated in section 313 of the Superfund Amendments and Reauthorization Act of 1986, as product or permitted discharge or emissions or as managed wastes, shall within one year of such failure install, operate, and maintain continuous monitoring technology. Such continuous monitoring technology shall be capable of detecting and reporting all emissions or discharges in excess of those set forth in permits or, in the case of substances enumerated in section 313 of the Superfund Amendments and Reauthorization Act of 1986, substances not subject to permits, in excess of threshold limit values. Failure to comply with this requirement shall be enforceable as a knowing violation pursuant to section 4012(e) of this Act. Information gathered pursuant to this section shall be submitted with toxic release forms required by section 313 of the Superfund Amendments and Reauthorization Act of 1986 to the appropriate official designated pursuant to section 313 of the Superfund Amendments and Reauthorization Act of 1986; such records shall be made available to State or Federal enforcement agencies and to the public at reasonable times for inspection.

"(2) Any person required to file an annual toxic chemical release form under section 313 of the Superfund Amendments and Reauthorization Act of 1986 who spills, leaks, or dumps such toxic chemicals or has an emission or discharge of such toxic chemical in violation of any permit issued under the Clean Air Act, Clean Water Act, or this Act, shall as a part of any enforcement action pursuant to Federal or State law be required to install, operate, and maintain continuous monitoring technology capable of detecting and reporting any emissions or discharges in excess of those allowed by law, regulation, or in the absence of specific requirements, threshold limit values for such substances.".

SEC. 306. EPA REPORT.

(a) Section 5006 of the Solid Waste Disposal Act is amended to read as follows:

"SEC. 5006. (a) EPA BIENNIAL REPORT.—By September 30, 1990, and biennially thereafter, the Administrator shall submit to Congress a report containing a detailed description of the actions taken to implement the waste reduction and recycling goals pursuant to section 5002 of this Act. The report shall include an assessment of the effectiveness of the programs established under this Act in promoting the goals of the strategy and shall include in the report recommendations to make the program more effective.

"(b) Not later than twenty-four months after the enactment of this section, the Administrator shall submit a report to the Senate Environment and Public Works Committee and the House Energy and Commerce Committee on the EPA's program to insure the consideration of multi-media impacts in EPA policies, regulations, and guidance, with recommendations for a permanent location of an office of waste minimization and recycling.

"(c) The Administrator shall conduct a waste reduction capability study to evaluate the capability of industry to reduce waste volume and toxicity taking into account technical, environmental and economic feasibility by industry sector. The study shall include recommendations for modifying the efficiency standard. The Administrator shall submit this study to Congress no later than thirty-six months after the date of enactment of the Waste Minimization and Control Act of 1989.".

SEC. 307. NATIONAL PACKAGING INSTITUTE.

Subtitle E of the Solid Waste Disposal Act is amended by adding the following new section at the end thereof:

"SEC. 5007. (a) IN GENERAL.—The Administrator is authorized to charter a national organization on product packaging standards and practices. The organization shall be called the National Packaging Institute. The institute shall be incorporated in the District of Columbia and shall have a board of directors of not less than eleven members which shall be representative of the interests of industries manufacturing packaging materials and industries and commercial concerns which are major users of packaging materials. The board may also include representatives of the public interest, persons with expertise in solid waste management, and elected or appointed officials of State and local governments. The Administrator shall grant (or deny) a charter on the basis of a prospectus or other proposal from a prospective board of directors.

"(b) PURPOSE OF THE INSTITUTE.—It shall be the purpose of the institute to encourage and promote the use of packaging which, with due regard for the cost and convenience of consumer products, will—

"(1) minimize the quantity of packaging material which enters the Nation's solid waste management system;

"(2) minimize the consumption of scarce natural resources;

"(3) maximize the recycling and reuse of packaging materials;

"(4) reduce litter; and

"(5) assure that human health and the environment (including impacts on wildlife from improper disposal of nondegradable packaging materials) will not be adversely affected as the result of the use or disposal of such packaging materials.

"(c) POWERS OF THE INSTITUTE AND BOARD.—

"(1) The institute shall have power to receive, purchase, hold, sell and convey real and personal property; to sue and be sued, complain and defend in courts of law and equity within the jurisdiction of the United States; to make, adopt and amend a constitution, bylaws, rules, and regulations for the conduct of its business; and to provide for the election of its officers and to define their duties: *Provided,* That such constitution, bylaws, rules, and regulations are not inconsistent with the provisions of this section or any other law of the United States or of any States thereof.

"(2) All powers necessary to govern, direct and manage the institute, including the power to—

"(A) establish packaging standards,

"(B) design and license the use of a seal or symbol,

"(C) appoint and replace members of the board, and

"(D) hire personnel, enter into contracts and otherwise conduct all business necessary and appropriate to carry out the purposes of the institute, shall be vested in the board of directors.

"(d) PACKAGING STANDARDS.—The institute shall establish national packaging standards which address the design, composition, volume, reuse, recyclability, degradability and disposal of product packages and packaging materials used in consumer products which shall further the purposes of subsection (b) of this section when implemented on a voluntary basis by entities in the packaging industry and other commerce.

"(e) USE OF THE SEAL.—

"(1) The institute is authorized to design and license the use of a seal or symbol which may be employed by any licensed user or users on packages which satisfy the standards established under subsection (d) of this section. Any person may apply to the institute for a license to use the seal or symbol on a package of a particular type and shall submit with such application all evidence necessary to demonstrate that the package type on which the seal or symbol will be used meets such standards.

"(2) The institute is authorized to charge a fee for licensing the seal or symbol and may use the revenues from such fee to offset the costs of operating the institute.

"(3) The Administrator is authorized to conduct a program of public information and education, including a program of public service advertising, to encourage consumer understanding of the impact of packaging on natural resource consumption and the Nation's solid waste management system, the purposes of the institute, and the benefits which may be achieved by implementing the packaging standards which have been established by the institute in purchasing decisions of individual consumers.

"(f) CRITERIA FOR GRANTING CHARTER.—In deciding whether to grant or extend a charter under this section, the Administrator shall take into account any information with respect to the following criteria as evidenced in the prospectus prepared and presented by the prospective board of the institute—

"(1) the ability of the board to work with the packaging industry and its commercial clients to assure implementation of the standards established under subsection (e) to the fullest extent practicable;

"(2) the expertise available to the board in solid waste management practices and the measures necessary to protect public health and the environment from any adverse effects which may result from such practices;

"(3) financial support for the programs of the board committed to the board or through its affiliate organizations to carry out the programs of the institute; and

"(4) the ability of the board to promote public understanding of the institute's purposes and application of the packaging standards established by the institute.

"(g) PUBLIC PARTICIPATION.—The board shall conduct its business in open meetings (subject to the requirements for privacy in personnel matters and review of confidential business information) and shall, to the maximum extent practicable, seek public comment and participation in the development of its programs.

"(h) RENEWAL OF CHARTER.—The initial charter of the National Packaging Institute shall extend for a period of not more than four years with an option for continuous renewal at seven-year intervals thereafter. The Administrator may establish a term of shorter duration or may grant a charter on specified conditions of performance, if it is necessary and appropriate to secure the purposes of this section.

"(i) UNLAWFUL ACT.—It shall be unlawful for any person to use the seal or symbol of the institute unless explicitly licensed to do so. Any person violating the provisions of this subsection shall be subject to civil penalty of not more than $10,000 per violation which shall be imposed by the district court of the United States for the district in which such person does business or in which a package bearing such seal or symbol is distributed in commerce.

"(j) AUTHORIZATION.—

"(1) The Administrator is authorized to make grants to the institute in an amount not to exceed $1,000,000 in any fiscal year.

"(2) There is authorized to be appropriated $2,500,000 in the fiscal year ending September 30, 1990, and $1,000,000 in each succeeding fiscal year through September 30, 1993, to carry out the purposes of section 5007(f)(3) and $1,000,000 in each fiscal year ending prior to October 1, 1993, to carry out the provisions of paragraph (1) of this subsection.".

SEC. 308. FEDERAL AGENCY ACTIONS.

Subtitle E of the Solid Waste Disposal Act is further amended by adding the following at the end thereof:

"SEC. 5008. (a)(1) WASTE REDUCTION PETITION.—Any person may petition a Federal agency to undertake a waste reduction action, and such action shall be undertaken by the agency if—

"(A) undertaking the action which is the subject of the petition would bring about at least a 10 per centum increase in recycled content of an item described in the petition or would reduce by at least 10 per centum the total volume or toxic constituents of a solid waste described in the petition;

"(B) undertaking the petitioned action would be consistent with existing law or, if not consistent with agency regulations or policy, that such regulations or policies can be modified to accommodate the petitioned act and remain in accordance with statutory requirements; and

"(C) undertaking the petitioned action would bring about a net saving in cost to the Federal Government or would be neutral in effect or cost.

For purposes of this subsection, a waste reduction action includes any action with this effect that is authorized, funded or carried out by a Federal agency.

"(2)(A) PETITION NOTIFICATION.—Within ninety days after receipt of a petition, the Federal agency shall notify the petitioner whether the petition presents substantial evidence warranting review. If the agency finds that the petition does not present such evidence, it would be required to notify the petitioner.

"(B) If the agency finds that the petition presents substantial evidence in respect to the requirements of paragraph (1) of this subsection, the agency shall notify the petitioner of the finding and conduct a review based upon the information in the petition and any other information available to the agency. No later than twelve months of the finding of substantial evidence, the agency shall deny the petition or grant the petition in whole or in part and explain the steps that will be taken to implement any parts of the petition that are granted. If the agency denies the petition, the agency shall notify the petitioner and shall explain in writing the basis for concluding that the requirements of paragraph (1) of this subsection are not met.

"(b) FEDERAL WASTE REDUCTION OFFICER.—Each Federal agency shall designate a waste reduction officer to oversee compliance with Federal agency waste reduction requirements of this Act. Each Federal agency shall provide EPA with the name, title, address, and phone number of its waste reduction officer. Waste reduction officers shall prepare agency waste reduction plans and shall report annually to EPA on implementation of the plans including estimates of any cost-savings achieved through waste reduction.".

SEC. 309. FEDERAL CONTRACTS.

The following new section is added to subtitle E of the Solid Waste Disposal Act:

"SEC. 5009. FEDERAL CONTRACTS.—Any Federal agency which contracts with any private party or other Federal agency shall, with respect to any contract for $1,000,000 or more, require such contractor to use recycled materials in performance of the contract. Such agency shall, in consultation with EPA and pursuant to EPA guidelines on recycled materials required under section 6002 of this Act, include in specifications for such contract those aspects of contract performance which can be fulfilled with recycled materials. No requirement to use recycled materials may be imposed when the contractor certifies the material is not available or not available at a cost of not more than 10 per centum more than nonrecycled materials.".

SEC. 310. HAZARDOUS CONSTITUENTS IN PRODUCTS.

The following new section is added to subtitle E of the Solid Waste Disposal Act:

"SEC. 5010. (a) INFORMATION COLLECTION ON HAZARDOUS CONSTITUENTS IN PRODUCTS.—The Administrator shall determine the extent to which hazardous substances as defined in section 101(14) of the Comprehensive Environmental Response, Compensation, and Liability Act are contained in products distributed in commerce. Not later than one year after enactment of this Act, the Administrator shall publish and submit to Congress a list of no less than ten products, which identifies hazardous substances most frequently found in such products which, because of their toxicity, volume, and exposure pathways may present a risk to human health and the environment when incinerated or disposed of. The Administrator shall update this list with no less than ten new products each year, and publish and submit to Congress a revised list on an annual basis.

"(b) STANDARDS FOR DISPOSAL OF HAZARDOUS CONSTITUENTS IN PRODUCTS.—The Administrator is authorized to promulgate regulations for the disposal or incineration of products containing hazardous substances listed under subsection (a) of this section as may be necessary to protect human health and the environment from risks of disposal or incineration of such products.

"(c) Not later than six months after date of submission of the information required in subsection (a) of this section the Administrator shall determine whether to promulgate regulations under subsection (b) of this section. If the Administrator determines that regulation under subsection (b) of this section will not adequately protect human health and the environment, he shall establish a schedule not to exceed twenty-four months for review pursuant to section 6 of the Toxic Substances Control Act to regulate the products in which the hazardous substances are contained.

"(d) Effective twelve months after the date of enactment of the Waste Minimization and Control Act of 1989, the land disposal and incineration of lead-acid batteries and mercury batteries is prohibited. Effective twelve months after date of enactment of the Waste Minimization and Control Act of 1989 land disposal of unshredded tires is prohibited.

"(e) Not later than twelve months after the date of enactment of the Waste Minimization and Control Act of 1989, the Administrator shall promulgate performance standards and other requirements as may be necessary to protect the public health and the environment from hazards associated with the recycling of lead-acid batteries and recycling mercury batteries; and to ensure that used lead-acid batteries and used mercury batteries are transported for recycling. In development of such regulations, the Administrator shall conduct an analysis of the economic impact of the regulations on the lead-acid battery and mercury battery recycling industries. The Administrator shall ensure that such regulations encourage the recovery or recycling of lead-acid and mercury batteries consistent with protection of human health and the environment.

"(f) Effective on the date of enactment of the Waste Minimization and Control Act of 1989, no person may recover, under the authority of subsection (a)(3) or (a)(4) of section 107 of the Comprehensive Environmental Response, Compensation, and Liability Act, from a transporter of lead-acid batteries or mercury batteries for any response costs or damages resulting from a release or threatened release associated with the recycling of lead-acid batteries or mercury batteries, after the date of enactment of the Waste Minimization and Control Act of 1989, or use the authority of section 106 of the Comprehensive Environmental Response, Compensation, and Liability Act, with respect to a lead-acid battery or mercury battery transporter other than a person described in subsection (a)(1) or (a)(2) of section 107 of the Comprehensive Environmental Response, Compensation, and Liability Act, in connection with which, the batteries to be recycled—

"(A) are not mixed with any other hazardous substance, and

"(B) are stored, treated, transported, or otherwise managed in compliance with regulations or standards promulgated pursuant to subsection (e) of this section.

Nothing in this paragraph shall affect or modify in any way the obligations or liability of any person under any other provision of State or Federal law, including common law for damages, injury, or loss resulting from a release or threatened release of any hazardous substance or for removal or reme-

dial action or the costs of removal or remedial action.".

SEC. 311. FEDERAL PROCUREMENT.

(a) Section 6002(c)(1)(C) of the Solid Waste Disposal Act is amended as follows: "(C) are only available at an unreasonable price. A price is unreasonable if it exceeds by more than 10 per centum the price of alternative items. Any determination under subparagraph (B) shall be made on the basis of the guidelines of the National Institute of Standards and Technology in any case in which such material is covered by such guidelines.".

(b) Subtitle F of the Solid Waste Disposal Act is amended by adding the following at the end thereof:

"SEC. 6005. (a) SPECIFIED EPA GUIDELINES.—Within twelve months after enactment of this Act, the Administrator shall reissue the paper procurement guidelines to ensure that they are consistent with the requirement of section 6002(c)(1)(C) of this Act. The Administrator shall also promulgate final procurement guidelines requiring the use of—

"(1) recycled lead in lead-acid batteries;

"(2) used tire fragments in road cover;

"(3) compost from yard waste and sewage sludge;

"(4) recycled plastic from discarded bottles;

"(5) recycled steel from discarded cans;

"(6) recycled glass from discarded containers; and

"(7) recycled aluminum from discarded cans;

Such final guidelines shall be promulgated no later than the dates after enactment of this Act which are at the close of the following periods: (1) twelve months, (2) sixteen months, (3) twenty months, (4) twenty-four months, (5) twenty-eight months, (6) thirty-two months, (7) thirty-six months.

"(b) If EPA fails to issue a procurement guideline specified in subsection (a) of this section within the time specified, Federal agencies shall not authorize, fund, or carry out any action except in accordance with the conditions below insofar as they pertain to that guideline—

"(1) any lead-acid batteries purchased shall contain a minimum of 50 per centum recycled lead;

"(2) at least 50 per centum of road cover applications shall incorporate used tire fragments;

"(3) any paper, plastics, steel, glass or aluminum purchased shall contain a minimum of 50 per centum recycled content, unless such items are not available at a reasonable cost and of adequate quality;

"(4) compost shall be used in lieu of alternative materials for plant nutrition, cover or fill on public land and interstate highways unless not available or capable of serving the purpose intended.".

Mr. BURDICK. Mr. President, as chairman of the Environment and Public Works Committee, I wish to share my approach to reauthorization of the Resource Conservation and Recovery Act. It is well known that my committee's top priority this Congress is passage of Clean Air Act Amendments. Under the able stewardship of the subcommittee chairman, Senator BAUCUS, and the ranking minority member, Senator CHAFEE, we are on our way toward that goal. I have stated on numerous occasions that our next priority is reauthorizing the Resource Conservation and Recovery Act. Senators BAUCUS, CHAFEE and I will look for a window of opportunity in the Clean Air Act debate for solid waste hearings. As the clean air debate winds down, the solid waste debate will speed up.

By the end of 1989, or early 1990, I expect to send RCRA amendments to the floor. These amendments will address Federal facilities and waste reduction issues, as well as comprehensive solid waste matters.

We will consider municipal incinerator wastes either under the Clean Air Act or solid waste amendments. In addition, I am considering introducing pollution prevention legislation to be considered as part of the solid waste amendments.

I am proud to be a cosponsor of both the Baucus and the Chafee solid waste bills. I expect to work closely with them to bring a strong, effective bill to the Senate floor. I have worked with Senator BAUCUS in fashioning solid waste programs for rural America. My State of North Dakota and his of Montana, as well as other rural States, must be full participants in the Nation's solid waste programs if source reduction and recycling are to become part of the national ethic. Waste is a national problem. The time for sustained action has arrived. I am heartened by news from the House that solid waste hearings are being scheduled and a comprehensive bill will be drafted during the fall.

I believe that this Congress will enact solid waste amendments. Thank you.

Mr. MITCHELL. Mr. President, I am pleased to support legislation introduced today to control solid waste. Senator BAUCUS is to be commended for his leadership in this area and for coming forward with this legislation. I also applaud the leadership of Senator CHAFEE, who has worked hard on legislation of his own to address the critical issue of waste disposal.

There is much improved environment since our original passage in 1976 of the Resource Conservation and Recovery Act. Waste management methods are better, and many old uncontrolled open dumps that scarred the landscape have closed. We clearly have made progress, but we must focus more sharply on the critical issues that remain.

The basic problem is that we generate waste at an alarmingly fast rate. Americans generate about twice as much trash per person each year as do Japanese.

As a nation we toss out 30 percent more trash today than we did in 1970. We can expect this to grow another 10 percent by the year 2000 unless we shift our emphasis toward waste reduction and recycling.

To complicate this problem, we are running out of safe places to dispose of this waste. Many local landfills around the country are at their capacity or will reach capacity within a few short years. This problem is particularly acute in Maine and other Northeast States.

But rather than siting new, well-designed facilities, we dump our waste in older landfills, many of which leak. We burn our waste in incinerators, some of which pollute our air. We send our waste to other States in garbage trucks and garbage barges. And we ship our wastes to Third World countries because it costs less to dump our wastes there than it does to reduce it, recycle it, or dispose of it here.

The problem now engulfs us. We must reduce the amount of waste that we generate each year, recycle what we cannot reduce, and better manage what we cannot recycle.

The legislation that Senator BAUCUS is sponsoring provides a comprehensive framework for meeting this challenge. It will provide a means to substantially reduce the amount of waste to be disposed of.

We currently landfill over 80 percent of our solid waste, incinerate about 6 percent and recycle 11 percent. We need to move toward greater recycling and away from land disposal. With an effort from all, we can recycle more of our garbage. Almost two-thirds of our garbage is paper, glass, plastics and metals, all of which are recyclable. We can turn these wastes into new products.

The legislation helps us to move in a positive direction. It will provide technical assistance to communities on waste reduction and recycling methods. It will promote greater recycling of paper, plastics and other items in our trash. It will provide the tools for designing products and packages that are more durable, less toxic and more recyclable.

And through a symbol it will provide the means for consumers to identify such products. This issue has been of particular interest in Maine because of the need for clear labeling of plastic containers for recycling. This also helps to expand recycling markets by requiring the Federal purchase of recycled goods.

Beyond this the legislation assures there is enough safe capacity to manage all solid waste, including municipal garbage, municipal ash, medical wastes, mining and oil and gas wastes. Through mandatory State solid waste planning it will assure that there is a safe place to dispose of all waste generated in each State.

The Waste Minimization and Control Act will go a long way to address our Nation's solid waste problems. I look forward to working with Senator BAUCUS and my colleagues on this legislation.

Mr. LAUTENBERG. Mr. President, I am pleased to join Senators BAUCUS and CHAFEE in introducing the Waste Minimization and Control Act of 1989 and the Municipal Solid Waste Source Reduction and Recycling Act of 1989. These bills would amend the Resource Conservation and Recovery Act to establish comprehensive programs for dealing with our solid waste crisis.

Mr. President, we are literally choking on our own garbage. Americans generate 160 million tons of municipal solid waste a year. That's roughly 1,300 pounds for every person in the United States per year or 3.5 pounds per person per day. This includes products which used to be considered durable but are now throwaways such as 1.6 billion pens, 2 billion razors, and 16 billion disposable diapers. Per capita garbage production in the United States is twice that of other industrialized countries such as Japan. And our generation of waste is expected to grow to over 190 million tons in the year 2000.

At the same time, we are running out of landfill capacity for disposing of this waste. Nationally, 80 percent of all municipal solid waste goes to landfills. More than one-third of all landfills operating in 1979 were closed by 1986 and of this amount, EPA expects nearly half to close by 1991. As a result, communities are transporting their wastes greater distances for disposal, resulting in increased costs.

New Jersey currently sends more than half of its garbage out of State for disposal and some garbage fees now exceed $100 per ton. It will cost New Jerseyites an estimated $1 billion over the next 4 years to ship its garbage out of State. It's not surprising that according to a recent poll, two-thirds of New Jerseyites consider garbage disposal an extremely serious matter and that garbage disposal was ranked as more serious than taxes, crime, inflation, or traffic congestion.

Moreover, disposal in landfills can result in environmental problems such as ground water contamination. In fact, 21 percent of all sites on the Superfund National Priority List for cleanup are municipal landfills. The New Jersey Department of Environmental Protection recently concluded that 90 percent of closed landfills which have been monitored have been found to have significant ground water contamination.

It's clear that we are going to have to generate less waste and recycle the waste we do generate. Several successful source separation and recycling programs already have been established. Nationally, we recycle 11 percent of our municipal solid waste and New Jersey, which has adopted a mandatory recycling program already is recycling close to 20 percent of its waste. Some experts believe that we can recycle more than half of our wastes.

Recycling has other benefits besides reducing municipal solid waste. It also saves energy, conserves natural resources, and reduces air and water pollution. For example, it takes less than 5 percent of the energy used to make aluminum cans from raw bauxite than to turn used aluminum cans into new cans. And 1 ton of recycled aluminum saves 4 tons of raw materials.

Packaging presents a particularly important opportunity for reducing waste. Packaging represents one-third of all municipal waste by weight.

Plastics present another important opportunity for reducing waste. Plastic waste has increased from less than 400,000 tons a year in 1960 to 10.3 million tons a year in 1986. EPA projects that it will increase to over 18 million tons annually by the year 2000. Plastic recycling has been slow to develop because of the different types of plastics used in products. Plastics pose a particular problem in the marine environment where they can adversely affect marine mammals, waterfowl, or fish causing death or injury when these resources become entangled or ingest debris.

Medical waste is another category of waste we need to be concerned about. Medical waste has washed ashore along the east coast from North Carolina to Massachusetts and on Great Lakes beaches in Michigan and Ohio. Numerous beaches have been closed. Thousands of pieces of medical waste, together with tons of other debris, washed ashore last year.

When medical wastes are disposed improperly, beaches are closed, vacations are ruined and our coastal tourist economy is injured. Medical waste on the shore is repulsive.

And our health is threatened. While there is virtually no chance of being infected by the AIDS virus because of the virus' poor ability to exist outside the human body, there is a danger of infection from these wastes including infection by hepatitis B.

Last year, the Congress passed the Medical Waste Tracking Act which Senators BRADLEY, MOYNIHAN, and others joined me in introducing. This bill established a regional medical waste tracking demonstration program to begin to address the problem of the illegal disposal of medical waste.

We also need to be concerned about incineration. Thirty-nine States have incineration facilities for municipal sold waste either on line or planned. In 1986, 6 percent of municipal solid waste was incinerated and this figure is expected to rise sharply. While the use of incineration is a State and local decision, the Federal Government has a role to ensure that air emissions and ash disposal do not pose threats to public health and the environment.

In a new incinerator in Warren County, NJ, 30 percent of the ash are estimated to exceed existing Federal standards for two toxic metals, lead, and cadmium. This ash must be shipped to hazardous waste landfills charging nearly four times the cost of landfills for nontoxic waste.

Finally, we need to be concerned about recent efforts to dispose of hazardous and nonhazardous wastes in Third World countries. This disposal can threaten public health and environmental quality in these nations. Moreover, unregulated transport of this waste poses the risk of illegal ocean disposal. EPA currently is considering prosecuting one vessel owner for the alleged illegal ocean dumping of incinerator ash.

Last year, the Congress passed the Shore Protection Act which I introduced to require EPA and the Coast Guard to regulate the transport of garbage barges. And I joined Senator KASTEN in introducing legislation to strictly regulate the transportation of waste to foreign nations.

Mr. President, the Waste Minimization and Control Act of 1989 and the Municipal Solid Waste Source Reduction and Recycling Act of 1989 contain numerous important provisions for addressing these solid waste issues. The Waste Minimization and Control Act has the following principal components:

1. It sets Federal minimum standards and State permit requirements for all solid waste. EPA would have to adopt tough standards for municipal waste landfills, air emissions, and resulting ash disposal from municipal incinerators, and medical waste storage, containment, treatment, disposal, and transportation including tracking;

2. It requires States to develop solid waste management plans that identify waste generation, recycling, capacity and siting needs;

3. It strictly regulates the export of solid waste to deal with the problem of the United States and other industrialized countries disposing of their wastes in Third World countries which don't have the ability to properly manage the waste; and

4. It establishes a number of programs for hazardous and nonhazardous waste reduction and recycling. These include setting municipal solid waste recycling goals, expanding existing provisions requiring the Federal procurement of recycled materials, establishing a National Institute of Packaging to identify products which minimize the quantity of packaging materials entering the solid waste system and requiring EPA to identify and regulate products that contain hazardous substances which may present a risk when incinerated or disposed. This latter requirement is similar to an amendment I offered to the incinerator provisions in the 1987 Clean Air Act Amendments which would have required EPA to publish

guidelines that identify materials which should be removed from municipal waste before incineration to reduce air emissions of dangerous pollutants.

The Municipal Solid Waste Source Reduction and Recycling Act builds on the Waste Minimization and Control Act by expanding municipal solid waste source reduction and recycling activities.

The bill would expand recycling by: requiring labeling of plastics to aid in sorting and recycling plastics, requiring States to develop plans to achieve the goal of 25 percent recycling in 5 years and 50 percent recycling in 10 years, expanding Government procurement of recycled products by requiring Government contracts over $1 million to use recycled goods where possible and giving EPA authority to delay incinerator construction if the State has not taken steps to promote recycling.

The bill addresses toxicity of solid waste by banning the use of the toxic metal cadmium as a pigment, requiring recycling of car batteries which contain harmful quantities of lead, and authorizing EPA to establish product and packaging standards to reduce the amount and toxicity in products and packages.

I do, however, want to register one significant concern about the Waste Minimization and Control Act. This involves the provisions dealing with hazardous waste reduction. The bill establishes an efficiency standard which prohibits business from releasing into the environment more than 5 percent of the chemicals which are used in production.

I have introduced the Pollution Prevention Act of 1989 with 28 cosponsers to establish a multimedia source reduction program. Almost all of our environmental efforts to date have involved regulating pollutants after they are generated. The Pollution Prevention Act is designed to foster efforts to eliminate or reduce pollution before it is generated.

According to EPA data collected in 1987 under the Right-To-Know Program, U.S. industry emitted 9.7 billion pounds of chemicals in waterways, 2.7 billion pounds into the air, and 2.4 bilion pounds into landfills and 2.6 billion pounds were sent offsite for treatment and disposal. Roughly 23 billion pounds of toxic chemicals were emitted into the environment.

The safest say to protect the American people and our environment from these toxic chemicals is to eliminate or reduce these chemicals before they are generated. EPA estimates that we have the ability to reduce the generation of hazardous wastes and other pollutants by up to 30 percent while the Office of Technology Assessment suggests that a 10-percent reduction for each of the next 5 years is achievable.

The Pollution Prevention Act follows recommendations made by the Office of Technology Assessment which concluded that a nonregulatory program was the best way to encourage multimedia source reduction actions. The bill builds on the Right-To-Know Program by requiring businesses to report on the rate at which they reduce the generation of toxic chemicals. It also authorizes grants to States to help them start source reduction programs and provide technical assistance to small- and medium-size businesses, establishes a national clearinghouse for information on source reduction practices and requires EPA to establish a comprehensive pollution prevention effort.

The problems with the approach in the Waste Minimization and Control Act are threefold. First, source reduction efforts must be designed to prevent pollution into all media- air, water, and land. The Pollution Prevention Act recognizes this by being a free-standing bill. The Waste Minimization and Control Act amends RCRA which is a land disposal statute and is not an appropriate vehicle for a multimedia pollution prevention program.

Second, many have raised significant concerns that it is not technically feasible to have one efficiency standard for every production progress in the United States. In addition, reports by OTA conclude that a nonregulatory program, as is provided in the Pollution Prevention Act, is the best approach for dealing with source reduction.

Finally, the Waste Minimization and Control Act does not have the data collection provisions of the Pollution Prevention Act. The most successful pollution prevention program that we now have is the data reporting requirements under the section 313 program. As a result of this program, many companies have begun to review their operations to see how they can reduce the generation of their waste. The data collection provisions in the Pollution Prevention Act expand on the 313 reporting to require additional information on source reduction activities.

Therefore, I will continue to advocate passage of the Pollution Prevention Act separate from the Waste Minimization and Control Act.

But on balance, both of these bills provide strong programs to address our solid waste crisis. I urge my colleagues to join in support of these bills.

Mr. LIEBERMAN. Mr. President, I am proud to cosponsor with my colleagues, Senators BAUCUS, CHAFEE, and DURENBERGER, the Waste Minimization and Reduction Act of 1989 and the Municipal Solid Waste Source Reduction and Recycling Act of 1989.

These bills present a comprehensive approach to the solid waste crisis facing this Nation. They recognize that burning or burying garbage can no longer be the primary solutions to our problem, and that waste reduction and recycling are preferred options for dealing with solid waste.

These bills also recognize that the crisis we face can only be solved by harnessing the creative energy and talent of governments (State, local, and Federal), industry, and every American citizen. It will mean changes in the way we do business and the way we live, but I believe the American people are prepared to make these changes.

A recent article in Scientific American contains some startling figures on the dimensions of the solid waste crisis facing this country. Every 5 years, the average American discards an amount of waste equal in volume to the Statue of Liberty. The municipal solid waste produced in this country in just 1 day fills about 63,000 garbage trucks, which would stretch the distance from San Francisco to Los Angeles.

The solid waste crisis is clear in my State of Connecticut. Within the next year, most of the State's solid waste landfills will run out of capacity.

Waste reduction and recycling must become part of our everyday lives. Industries will need to develop new approaches to designing products. Each American citizen should aim at selecting products which contain a minimum amount of waste product. We must all participate in waste recycling programs, and it is Government's obligation to develop programs to mandate reduction and recycling.

An emphasis on waste reduction is particularly important. Industries throughout the Nation have used waste reduction methods successfully. For example, steel can manufacturers in recent years have reduced the weight of cans so that more units per pound of steel are being produced. A recent study by the engineering firm of G. Kellmen shows that, if consumers purchase packaged products in larger container sizes, the amount of packaging entering the waste stream will be reduced. The Procter & Gamble Co., a major producer of consumer products, is reducing material usage through the redesign of their products and packaging. Consumers can now purchase small packets of concentrated products and dilute them at home using larger existing containers.

I am proud that this legislation follows the legislation already in place in Connecticut requiring recycling and source reduction as first-line approaches to the solid waste crisis. These bills establish a national goal of 25 percent recycling within 4 years, 50 percent within 10 years, and a 10-percent source reduction within 4 years. The EPA Administrator is given the

authority to delay the building of incineration capacity if a State is not taking steps to promote recycling and waste reduction.

Another important part of this legislation is that the Federal Government will be required to give preference to purchase of recycled goods. Products with recycled material will have a price preference of 10 percent over a similar product made with virgin material; similar requirements will apply to Federal contracts over $1 million. The bills also recognize that recycling will be encouraged if there is a market demand for the products. The Commerce Department, therefore, is required to promote exports of recycled material. Finally, all Federal agencies will be required to implement waste reduction activities.

As we focus on alternative approaches to waste disposal, our decisions must guarantee that the practices we adopt protect the public against adverse health effects. This legislation contains significant protections for the health of our citizens by establishing air emission standards for municipal waste incineration facilities. It also requires EPA to promulgate tough technical requirements for municipal waste combustion ash, municipal waste facilities, industrial and solid wastes handled in surface impoundments and medical wastes.

Finally, this legislation contains restrictions on the export of hazardous waste to developing countries. People around the world should not be forced to drink polluted water or breathe dirty air because of waste sent to them by America. In many cases, Americans seek to avoid the costs of proper disposal required by our regulations by sending the waste abroad. This legislation would halt those practices.

Two recent examples highlight the dangers of exporting wastes to developing countries. In June 1988, two Italian businessmen used forged documents to export thousands of tons of hazardous waste to a tiny port in Nigeria. The waste included polychlorinated biphenyls, a potential carcinogen, as well as radioactive elements. In the United States, proper disposal of this material must be, at a minimum, in very secure landfills. But in the tiny port in Nigeria, the waste was stored in the backyard of a local worker who was not informed of the contents. The hazardous contents soon leaked into the environment and local residents complained of illnesses. In another recent case, shipments of drums arrived in Bangkok from Singapore. The barrels, which were mislabeled, included numerous hazardous substances and originated in a variety of countries, including the United States. For 10 years, hundreds of these rotting, decomposing barrels with hazardous substances simply remained at the port.

In short, these bills address critical issues facing this Nation and the world. They require cooperation among government, industry and all Americans as we turn our attention to recycling, waste reduction and dealing with our waste products at home rather than abroad.

Mr. DURENBERGER. Mr. President, I am pleased to join with Senator BAUCUS and others to introduce the Waste Minimization and Control Act of 1989.

I have a few comments on the bill and then a word of caution from a few years of experience, and then the outline of a five-point program I feel would substantially strengthen our national policy.

Mr. President, there is a solid waste disposal crisis in this country today. It is a capacity crisis. There is not enough treatment and disposal capacity to safely handle the garbage generated by the American public.

To be sure, it is not a crisis in every town and county. But a significant number of our local jurisdictions are overwhelmed by the trash problem. And more and more towns and cities experience the crisis every year.

The crisis can be measured in many ways. It can be measured by tipping fees at the gate of the landfill exceeding $100 per ton—when a few years ago the national average was more like $10 per ton.

It can be measured by the hundreds of miles that some garbage is now shipped to find an open dump. Trash is regularly hauled by semitrailer from east coast communities to Ohio and other sites in the Midwest for disposal.

It can be measured by the very large portion of municipal and county budgets which is now spent on garbage disposal. For some communities that item now exceeds the cost of police and fire protection. And, according to press reports, cities and counties across the country have committed $17 billion in response to this crisis for new garbage incinerators which greatly reduce the volume of waste which must be landfilled.

This is a crisis of confidence. The American public does not trust the current technologies for handling and disposing of trash. As old landfills reach the limits of their capacity—and EPA says that one-third of all landfills will be at their limit within the next 2 to 3 years—new facilities are not being opened. People won't allow it. There has been so much environmental damage caused by the existing units, that people all across this country will make every effort to keep new facilities out of their communities. So, as the old landfills reach capacity and close—or are closed early because of environmental insult—we have a growing capacity crisis.

This crisis may also be due in part to growing volumes of garbage. In 1960 each American generated about 2.65 pounds of garbage everyday. Today the average is 3.58 pounds per person. That's a whole pound more than the average West German would generate. In the United States that adds up to 160 million tons per year and the total is projected to rise to 193 million tons by the year 2000, if we continue on our present course.

There is an emerging consensus on the way the Nation ought to respond to this crisis. It is reflected in the bill that Senator BAUCUS is introducing today. It says that we need to tackle the volume problem directly. The policy is built on a hierarchy of waste management options.

The first and most favored option is waste reduction—don't generate the waste in the first place.

The second option is recycling—reuse materials whenever possible.

The third option is treatment and materials recovery—in the case of solid waste that means incineration in a plant that produces electricity from the heat generated.

And the final and least favored option is land disposal in a secure facility.

The Waste Minimization and Control Act sets national goals for recycling and waste reduction: 25 percent recycling in 4 years; 50 percent recycling in 10 years. And 10 percent waste reduction over the same period. It requires States to prepare waste management plans which will achieve these goals. It provides grants to support waste reduction and recycling efforts. And it includes new Federal procurement policies that will help build a market for recycled materials.

The policies reflected in the Waste Minimization and Control Act fit well with steps being taken by other governmental sectors. EPA has announced its support for a national goal of 25 percent recycling and has been moving on procurement guidelines for recycled materials. Many States are also actively responding to the crisis with the most encouraging development being separation of waste streams in the home with curbside pickup of the recyclable materials.

As I say, this bill fits well with the thinking that is going on all across the country. It's right in the mainstream and I commend Senator BAUCUS for his ability to pull these various themes into one coherent piece of legislation. I support this bill.

But I also wanted to raise a note of caution here today. The strategy of focusing on waste reduction and recycling should be attempted. It does address the volume crisis directly. But as a strategy it has some potential weaknesses.

It requires new social arrangements yet untested. Recycling is a complex social activity. It requires a sustained

commitment from Government. The economic value of recycled materials has regular ups and downs. Quite often the markets for recycled materials will be flat—as they are today for paper—and Government subsidies will be necessary. This bill includes grants to support State and local recycling programs, but Congress has a poor history of sustaining commitments to these kind of endeavors.

Recycling will offer only a temporary offset against the growing volumes of waste. Waste reduction is essential, but in the solid waste arena it is unclear yet how the Government will foster that option.

And finally, waste reduction and recycling have little impact on the root causes of the crisis—the public distrust of garbage disposal facilities. Taking newspapers, aluminum cans, glass, and ferrous metals out of the waste stream may quench the capacity crisis for a short period of time, but it will not make new landfills safer or easier to site.

Considering those potential weaknesses, I have come to the conclusion that we need to look more closely at the bottom of the hierarchy—at the landfills and garbage incinerators and at the environmental and public health problems that are the root cause of the crisis.

Today, I would outline for my colleagues a five-point program along those lines which I hope to put into legislative language for their consideration in the coming weeks.

First, is tough standards for landfills and incinerators. The bill that Senator BAUCUS has introduced does include much stronger requirements for these facilities. Generally, I am in agreement with the requirements that apply to incinerators that are contained in this bill. They are similar to those found in S. 196 which Senator BURDICK introduced earlier this year.

But I think the landfill requirements in this bill could be strengthened. For instance, it seems to me that we need to be more explicit on the liner requirements. The Waste Minimization and Control Act requires a liner only for new facilities and only for the life of the unit. That should be strengthened. Location should not be a substitute for liners.

Methane—considering its impact on the atmosphere where it is a greenhouse gas 40 times more potent than carbon dioxide—ought to be collected and burned for energy production at every facility. And the siting requirements for new landfills need to be strengthened, as well.

Second, we need to take the strongest possible action to get toxic materials out of the waste stream. Part of this effort will focus on the manufacture of products that are distributed in commerce. The bill that Senator CHAFEE introduces today has a strong provision in that regard which is similar to a portion of Senator BURDICK's municipal waste combustion bill. It authorizes the administrator to control the composition and distribution of products that are threat to public health or the environment as the result of disposal.

Another aspect of this effort must be household hazardous waste collection programs. We're not going to ban paints and pesticides and cleaning fluids because of the threat they present when disposed. We may eliminate unnecessary risks, like lead in newsprint inks and cadmium used as a pigment, but product composition controls cannot be the whole solution to the household hazardous waste problem.

So we need to provide the public with some means of disposal of the hazardous items other than the weekly trash pickup. It needs to be an aggressive effort. It should include small quantity commercial generators of hazardous waste, as well. And it can also include rural America where the problem of unused pesticides, empty pesticide containers and other farm chemicals is serious.

The third component in this five-part plan is a waste reduction and recycling component. I believe that tough standards for landfills and incinerators will provide the appropriate economic foundation for a sustained recycling program. When the tipping fee is $100 per ton, the waste hauler has all the economic incentive necessary to collect the recyclables at the curb in a separate trip. We don't need grants from the Federal Government—grants that will be hard to sustain—if the alternative to recycling—that is, taking everything to the dump—is just too expensive.

But there are some Government measures that are needed in this third component. We may need Government standards for some recycled materials—compost comes to mind. We may need standards for recycling facilities. We will certainly need a stronger Federal role in purchasing recycled materials. And I believe that standards for packaging coupled with Government educational programs for consumers can play an effective role in reducing the volume of waste generated.

Mr. President, I am pleased that Senator BAUCUS has included in his bill the authorization for a National Packaging Institute. This is an idea which grew out of our experience in Minnesota with the packaging problem.

Packaging is one of the most rapidly expanding portions of the solid waste stream. Minnesota recognized that problem and attempted to set up a government program that would establish packaging standards to control volume and for recycling. It didn't work. There is too much happening in the marketplace too fast for the Government to control it in any effective way.

The Packaging Institute is a voluntary alternative. It relies on consumer education, rather than government mandates to deal with the problem. The Packaging Institute would be a body in the private sector chartered by EPA. The institute would set packaging standards that would address volume, toxicity, recyclability and other concerns. The institute would also create a symbol to identify good packages. Any manufacturer believing that its package would meet the standards could apply to use the symbol on the package. They would pay a fee to the institute to defray the costs of review and testing.

The Government role is to oversee the activities of the institute and to educate the consumer to look for the symbol and to understand the value of purchasing products marked with the symbol. Public service advertising would be used to accomplish the consumer education.

Mr. President, I am convinced of two things in this area. One, packaging is a serious and growing part of the solid waste problem. And two, the Government cannot hope to regulate the design and content of every package introduced into the marketplace. Mandatory standards established by government boards and agencies will not work and should not be attempted. We need a creative, market-based alternative to tackle this problem.

The fourth part of this program is new facilities. Tough standards for landfills and incinerators will not be environmentally beneficial, if we do not build the facilities incorporating these innovations. We need to close the old units that are doing all the damage and open new units that meet our new standards.

The bill that Senator BAUCUS is introducing today addresses this problem directly. It requires States to plan for needed treatment and disposal capacity and to establish siting programs to make sure that these necessary facilities are built. If States fail to solve their capacity problems, the bill proposes a loss of Federal funds as a sanction. First, grants for sewer construction and Superfund cleanup would be cut modestly requiring States to make a larger matching contribution. If that is not persuasive, grants for these two programs would be cut altogether.

Senator BAUCUS is to be commended for recognizing this problem and for proposing a straightforward solution to it. But I am concerned that the proposed solution may not be effective. We are already phasing out the construction grants program. And I have always wondered whether denying support for Superfund cleanups or water treatment was an appropriate

sanction. It seems to punish the wrong people in the wrong way. We have, of course, already made this sanction available in an effort to force planning for hazardous waste disposal capacity under the Superfund program. But I still have my doubts about the wisdom of the policy.

I come from a State that has some experience in this area. In about 1980, Minnesota created a State planning process that was to find locations for new hazardous and solid waste disposal facilities. They conducted a thorough search that involved careful science and full public participation and after many years were still unable to successfully solve the capacity problems of our State. It wasn't for a lack of trying. And I doubt that the Superfund sanction would have made any difference at all in the outcome. I think we need to consider more creative approaches.

I would propose a new mechanism to encourage the transition from old environmentally threatening facilities to new treatment and disposal units. It is to be based on an escalating tipping fee at the older units. Under this proposal, each year EPA will calculate the cost of disposing waste in a landfill or incinerator meeting the tough new standards established by the Federal Government. This would not be the speculative cost reflecting the capacity crisis, but the debt service and operating costs of a typical unit meeting the new standards.

EPA would then impose a fee on waste that is sent to old units—units that don't meet the standards—reflecting the costs that would be incurred by making the transition. The fee may initially be some portion of the full cost—say 35 percent—but it would escalate over time becoming a powerful incentive to communities to make the transition. After several years, the fee might even be set at a level well in excess of the cost of operating a new unit—say 150 percent of that cost.

The purpose of the fee is to create a gradually increasing economic incentive for communities to get out of old units. It is in lieu of requiring these older units to retrofit for the new standards by a specific date. For instance, S. 196, the municipal waste combustion bill introduced by Senator BURDICK, requires existing incinerators to install scrubbers within 6 years. The proposal I am suggesting today would not force the retrofit at a specific time, but would impose a fee on waste sent to the unit equivalent to—or perhaps even exceeding—the costs that would be seen at a unit that had a scrubber.

The fee would be paid to the Federal Government. I believe that we could use the revenues to encourage communities to accept these facilities. These revenues could be put in a trust fund available for grants or loans to local units of government that accepted new landfills or municipal incinerators in their communities. The communities could use these grants for their other infrastructure needs.

I would propose that any community which permits a new solid waste unit should be eligible for a general infrastructure grant from this trust fund equal to 20 percent of the capital cost of the waste disposal unit being built. The grant could be used for any infrastructure need of the community. And the grants would be made on a first-come, first-served basis.

Mr. President, I suggest this combination of fees and grants as an alternative means of encouraging the transition from old to new solid waste management units in the hope that we can form a partnership rather than a confrontation with State and local government on the capacity question. I am sure other members have considered this problem, and I know the committee will want to hear a wide range of proposals in this area as this bill moves through the legislative process.

The fifth and final point in this program is cleanup of releases from existing facilities. We have not yet settled on an appropriate national policy for cleaning up leaks from municipal dumps. And I don't think the legislation introduced today answers all of the important questions.

The Waste Minimization and Control Act contains corrective action provisions. It contemplates orders for corrective action in the permitting process and authorizes EPA to establish corrective action requirements as a part of the landfill rules it is to issue. But there is no corrective action policy in this bill. When must corrective action be taken? How clean is clean? What is the point of compliance? Who is going to pay?

The current subtitle D of RCRA gives EPA no guidance on these questions. The Superfund Program is struggling with these issues and a substantial number of Superfund sites are old municipal landfills. But nobody is happy with the Superfund process. The cities are complaining of possible bankruptcy. The responsible parties are complaining that EPA is not pursuing the cities with sufficient diligence. And EPA is proposing to defer landfill cleanups to subtitle D, which as I have said contains no policy and perhaps no authority to address these issues.

I am sure that we will have to deal with these questions in the context of a RCRA bill that comprehensively addresses solid waste disposal policy.

Last year, I introduced a comprehensive ground water protection bill which contained a new corrective action policy—a policy different from Superfund. I will ask the committee to look at that policy as a part of this RCRA reauthorization. I think we can refer municipal landfill cleanups to subtitle D, but only if it is amended to include a comprehensive and coherent corrective action policy. And that includes liability for those parties who used these landfills to dispose of their industrial wastes.

Mr. President, I would again commend Senator BAUCUS and Senator CHAFEE for the start which they have made on this subject. I would also note that Senator BURDICK has indicated that this legislation is a high priority for the Environment and Public Works Committee for this Congress. These are pressing issues which need our attention. I look forward to working with members of the committee and the Senate in shaping these bills.

Thank you, Mr. President.

By Mr. EXON:

S. 1114. A bill to amend title 11, United States Code, the Bankruptcy Code, to provide that a stay not apply to State property taxes; to the Committee on the Judiciary.

AMENDING THE BANKRUPTCY CODE REGARDING STATE PROPERTY TAXES

Mr. EXON. Mr. President, I rise today to introduce legislation to assure that local governments will retain their property tax base regardless of the filing of bankruptcy petitions, by its property owners. This issue is of vital importance to many of our local governments who may find their collection of property taxes to be stayed by a bankruptcy court.

Local government entities in Nebraska rely substantially on ad valorem property taxes. Such property taxes are assessed, levied, and collected on an annual basis. Under our bankruptcy laws, property taxes are given a high priority and are likely to be paid by the bankrupt.

A problem has, however, recently arisen in Nebraska with respect to the collection of property taxes imposed upon property that is the subject of a bankruptcy filing.

Until last year, Nebraska's local governments had assumed that their process of collecting property taxes was relatively unaffected by our bankruptcy laws. It was thought that the annual process of levying and assessing property taxes could continue against property even though that property was subject to a bankruptcy petition. A new court ruling has changed that assumption.

According to the Nebraska Bankruptcy Court, the stay against debt collection attempts that a bankruptcy petition imposes is effective against governmental units as well as against private creditors. Taxes that have already been assessed are allowed to become priority liens. But, any attempt to levy and assess future property taxes is stayed and the govern-

mental unit must receive the permission of the court to take any action to impose them.

This ruling, in effect, takes property off the tax base of local government units for as long as a bankruptcy is pending. As it is not uncommon for a bankruptcy petition to take several years to be settled, this is an issue of great concern to local governments. In my view, our bankruptcy laws were not intended to have this effect and should not restrain the annual collection of ad valorem property taxes.

The legislation I have introduced today is simple. It removes the process of collecting ad valorem taxes from the stay that is imposed by the filing of a bankruptcy. This bill will allow local governmental units to continue the process of levying and assessing property taxes without fear of violating the provisions of our bankruptcy law.

The effects of this ruling in Nebraska could have a far-reaching impact upon the collection of ad valorem property taxes.

Other States may well find themselves in this same situation as news of this development spreads to other courts. The Senate should take action as quickly as possible to assure that a bankruptcy petition will not operate to remove property from ad valorem, property taxation. I urge my colleagues to join me in this important effort.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1114

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 362(b) of title 11, United States Code, is amended by—

(1) striking out "or" at the end of paragraph (12);

(2) striking out the period at the end of paragraph (13) and inserting in lieu thereof ", or"; and

(3) adding between paragraph (13) and the matter following such paragraph the following:

"(14) under subsection (a) of this section, of the valuation, assessment, levy, or perfection of any lien under State law for any ad valorem property tax imposed by any political subdivision.".

By Mr. EXON (for himself, Mr. STEVENS, Mr. LEAHY, Mr. GLENN, Mr. HEFLIN, Mr. GRASSLEY, Mr. CONRAD, Mr. DIXON, Mr. THURMOND, Mr. BAUCUS, Mr. DURENBERGER, Mr. BUMPERS, Mr. LUGAR, Mr. COCHRAN, Mr. KERREY, Mr. BURDICK, Mr. SHELBY, Mr. SANFORD, Mr. PRYOR, Mr. BENTSEN, Mr. GORE, Mr. BOREN, Mr. MURKOWSKI, Mr. SIMON, and Mr. DASCHLE):

S. 1115. A bill to amend the Rural Electrification Act of 1936 to permit the prepayment and refinancing of Federal Financing Bank loans made to rural electrification and telephone systems, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

RURAL ELECTRIC REFINANCING ACT

Mr. EXON. Mr. President, I rise to reintroduce legislation which will allow rural electric and telephone borrowers to prepay and refinance their long-term high interest loans held by the Federal Financing Bank with private capital at 100 cents on the dollar or to refinance their loans through the Federal Financing Bank with a refinance fee. I am pleased to have 24 Senators as original cosponsors to this needed legislation.

The Rural Electric Administration was established in 1936 to bring power to rural America. Today there are more than 1,000 rural electric systems located in 46 States with 10.5 million customers.

The delivery of electricity to rural areas has been a difficult task. Rural electric systems serve over 25 million citizens but average only 5 customers per mile of line.

Rural electric systems have not only brought electric power and telephone service to rural areas, they have brought economic power to rural areas. Electric power and phone service have been key elements in the economic development to rural America. Our Nation can be proud that the Rural Electric Administration loans have allowed small communities to enjoy electric and telephone services comparable with similar services available in large urban areas.

As you know, Mr. President, rural America faces continuing economic stress. Economic development must be brought to America's small towns and the economic health and resources of the rural electric system are a key to that needed economic growth.

The Congress must act to assure that electricity costs in rural America remain stable and competitive.

Rural electric and telephone systems operate on loans from the Federal Financing Bank. Over $5 billion of those loans are locked into high long-term interest rates, some as high as 15 percent. The U.S. Congress has repeatedly expressed its support for a policy which would allow these facilities to prepay and refinance their high interest loans. Over $2.5 billion of refinancing have already been approved by the Congress over the last several years.

Not only does REA loan refinancing make sense in terms of rural development policy, it has a positive effect on the Federal budget. Loan prepayments bring a dollar-for-dollar outlay reduction and refinancing fees would bring needed funds to the Treasury. In addition, by lowering the debt burden on REA generation and transmission facilities, the Federal Government lowers the risk of possible future nonpayment of loans.

Unlike loan asset sales, the Federal Government receives 100 cents on the dollar on every prepaid loan. This legislation would be fully consistent with the 1990 Congressional Leadership/Presidential Budget Agreement.

Mr. President, the Congress has repeatedly endorsed the policy of the Rural Electric Refinancing Act. The benefits of low interest rates should be passed along to rural America.

The Reagan administration rushed to provide refinancing for foreign military sales contracts, the kinder and gentler Bush administration should rush to extend the refinancing benefits to America's rural citizens. I urge my colleagues to study and support this legislation. It is indeed rare that the Congress has an opportunity to assist rural America and reduce the budget deficit.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1115

Be it enacted by the Senate and the House of Representatives of the United States of America in Congress assembled,

SECTION 1. PREPAYMENT AND REFINANCING OF FEDERAL FINANCING BANK LOANS MADE TO RURAL ELECTRIFICATION AND TELEPHONE SYSTEMS.

Section 306A of the Rural Electrification Act of 1936 (7 U.S.C. 936A) is amended to read as follows:

"SEC. 306A. PREPAYMENT AND REFINANCING OF FEDERAL FINANCING BANK LOANS.

"(a) PREPAYMENT.—If on the date of enactment of this section a borrower has an outstanding loan made by the Federal Financing Bank and guaranteed by the Administrator of the Rural Electrification Administration under section 306, the borrower may prepay such loans or loan advances, or any portion thereof, at any time or times without limitation as to dollar amount by paying the outstanding principal balance due on such loans or loan advances, or any portion thereof, being prepaid, if—

"(1) private capital, with the existing loan guarantee, is used to replace the loan, or, at the option of the borrower, private capital (including internally generated funds), is used to prepay the loan; and

"(2) the borrower certifies that any savings from such prepayment will be—

"(A) passed on to its customers;

"(B) in a case of financial hardship, used to improve the financial strength of the borrower; or

"(C) used to mitigate future rate increases.

"(b) REFINANCING.—

"(1) IN GENERAL.—If on the date of enactment of this section a borrower has an outstanding loan made by the Federal Financing Bank and guaranteed by the Administrator of the Rural Electrification Administration under section 306, the borrower—

"(A) may, on providing notice to the Federal Financing Bank, refinance any out-

standing long-term Federal Financing Bank loans or loan advances, or portion thereof; and

"(B) shall obtain a change in the interest rate on the Federal Financing Bank loans or loan advances, or portion thereof, from its present level to the Federal Financing Bank rate then in effect for new Federal Financing Bank loans of a maturity equal to the remaining life of the Federal Financing Bank loans or loan advances, or portion thereof, being refinanced.

"(2) FEE.—Such Federal Financing Bank rate shall include a fee of .00126, consistent with the calculation of Federal Financing Bank rates to borrowers under this Act during fiscal year 1989.

"(c) LIEN ACCOMMODATION.—If prepayment is made under subsection (a) and the funds for such prepayment are secured from a private lender, the Administrator of the Rural Electrification Administration shall grant an equal and pro rata lien, on the total of the borrower's assets subject to a lien under this Act, to such lender in an amount not to exceed the amount of principal prepaid, and a reasonable processing fee paid to the lender.

"(d) SUBSEQUENT REFINANCING.—Any guarantee of a loan used to make a prepayment under subsection (a) may be transferred to any loan subsequently used to refinance such loan without condition and shall be available for the remaining term originally agreed to by the Administrator.

"(e) PENALTY.—

"(1) IN GENERAL.—A penalty, as provided by this subsection, shall be paid to the Federal Financing Bank by the borrower at the time of prepayment or refinancing.

"(2) REFINANCING.—If a loan or loan advance, or any portion thereof, is refinanced as provided by subsection (b), the borrower shall pay a one time penalty determined by multiplying—

"(A) the principal balance of each Federal Financing Bank loan or loan advance, or portion thereof, refinanced; by

"(B) one-half the difference between the annual percent interest rate on such refinancings and the annual percent interest rate at the time of refinancing of new Treasury borrowings of the same maturity as the average maturity on the Federal Financing Bank loans or loan advances, or portion thereof, being refinanced.

"(3) PREPAYMENT.—If a loan or loan advance, or any portion thereof, is prepaid as provided by subsection (a), no penalty fees shall be charged to the borrower.

"(f) NO ADDITIONAL CHARGES.—If prepayment or refinancing of a loan (or advance) is made under this section no sums in addition to the payment of the outstanding principal of the loan or loan advance, or portion thereof, being prepaid, plus accrued interest and the penalty assessed under subsection (e), shall be charged, as the result of such prepayment or refinancing, against—

"(1) the borrower,

"(2) the Rural Electrification and Telephone Revolving Fund, or

"(3) the Rural Electrification Administration.".

SEC. 2. REGULATIONS.

(a) IN GENERAL.—Not later than the effective date prescribed in section 3, the Secretary of Agriculture shall issue regulations to carry out the amendment made in section 1.

(b) PREPAYMENT AND REFINANCING FACILITATION.—In issuing such regulations, the Secretary shall—

(1) facilitate prepayment and refinancing of loan advances;

(2) provide for full processing of each prepayment request within 30 days of its submission to the Rural Electrification Administration;

(3) provide for full processing of each refinancing request within 10 days of its submission to the Rural Electrification Administration; and

(4) except as provided in section 306A of the Rural Electrification Act of 1936, impose no restriction that increases the cost to borrowers of obtaining private financing for prepayment or inhibits the ability of the borrower to enter into prepayment and refinancing arrangements pursuant to such section.

SEC. 3. EFFECTIVE DATE.

The amendment made by section 1 shall become effective 30 days after the date of enactment of this Act.

By Mr. LAUTENBERG:

S.J. Res. 147. Joint resolution to designate the week beginning June 11, 1989, as "National Scleroderma Awareness Week"; to the Committee on the Judiciary.

NATIONAL SCLERODERMA AWARENESS WEEK

● Mr. LAUTENBERG. Mr. President, I rise to introduce a joint resolution designating the second week in June as "National Scleroderma Awareness Week."

Three hundred thousand Americans are affected by scleroderma, a chronic disease of unknown origin that has no cure. It causes thickening and hardening of the skin. In its most severe form, the hardening process spreads to the joints, causing decreased mobility and to the body organs causing functional impairment.

Scleroderma usually strikes healthy individuals at any time between the ages of 25 and 55 years old, but it occurs in woman two to three times more frequently than men. Early diagnosis allows therapeutic treatment that may slow the progression of the disease.

But even with treatment, the prognosis for scleroderma patients varies widely; some experience a remission or have minor symptoms that do not interfere significantly with a normal lifestyle. But for others, who may develop kidney malfunction, respiratory weakness, heart spasms, digestive and intestinal problems, or respiratory weakness, the disease can be fatal.

Activities and events organized around a nationally designated week will heighten public knowledge of scleroderma and facilitate financial support of much needed research and patient support groups. I urge my colleagues to cosponsor this joint resolution. I ask unanimous consent to print the joint resolution in the RECORD.

There being no objection, the joint resolution was ordered to be printed in the RECORD, as follows:

S.J. RES. 147

Resolved by the Senate and House of Representatives of the United States of American in Congress assembled,

Whereas scleroderma is a disease in which connective tissue in the body becomes hardened and rigid, and might afflict any part of the body;

Whereas approximately 300,000 people in the United States suffer from scleroderma;

Whereas women are afflicted by scleroderma 3 times more often than men;

Whereas scleroderma is a chronic and often progressive illness that can result in death;

Whereas the symptoms of scleroderma vary greatly from person to person and can complicate and confuse diagnosis;

Whereas the cause and cure of scleroderma are unknown; and

Whereas scleroderma is an orphan disease and is considered to be under-studied: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the week beginning June 11, 1989, is designated as "National Scleroderma Awareness Week", and the President of the United States is authorized and requested to issue a proclamation calling upon the people of the United States to observe the week with appropriate ceremonies and activities.●

ADDITIONAL COSPONSORS

S. 11

At the request of Mr. CRANSTON, the name of the Senator from Colorado [Mr. WIRTH] was added as a cosponsor of S. 11, a bill to provide for the protection of the public lands in the California desert.

S. 12

At the request of Mr. CRANSTON, the name of the Senator from California [Mr. WILSON] was added as a cosponsor of S. 12, a bill to establish a Parents as Partners in Learning Program, and for other purposes.

S. 15

At the request of Mr. CRANSTON, the name of the Senator from South Dakota [Mr. PRESSLER] was added as a cosponsor of S. 15, a bill to amend the Public Health Service Act to improve emergency medical services and trauma care, and for other purposes.

S. 100

At the request of Mr. ROCKEFELLER, the names of the Senator from Pennsylvania [Mr. HEINZ], and the Senator from Louisiana [Mr. BREAUX] were added as cosponsors of S. 100, a bill to amend the title XVIII of the Social Security Act with respect to coverage of, and payment for, services of psychologists under part B of Medicare.

S. 148

At the request of Mr. PRESSLER, the names of the Senator from Indiana [Mr. LUGAR], and the Senator from South Carolina [Mr. HOLLINGS] were added as cosponsors of S. 148, a bill to require the Secretary of the Treasury to mint coins in commemoration of the golden anniversary of the Mount Rushmore National Memorial.

S. 221

At the request of Mr. MOYNIHAN, the name of the Senator from Florida [Mr. GRAHAM] was added as a cosponsor of S. 221, a bill to amend title 23, United States Code, to authorize the use of rights-of-way along Federal-aid highways for the construction of transportation systems that will be part of the Federal-aid highway system.

S. 255

At the request of Mrs. KASSEBAUM, her name was added as a cosponsor of S. 255, a bill to authorize appropriations for the Local Rail Service Assistance Program.

S. 276

At the request of Mr. DURENBERGER, the name of the Senator from Illinois [Mr. SIMON] was added as a cosponsor of S. 276, a bill to establish a Department of Environmental Protection.

S. 339

At the request of Mr. BRADLEY, the names of the Senator from New Mexico [Mr. BINGAMAN] and the Senator from Wisconsin [Mr. KOHL] were added as cosponsors of S. 339, a bill to amend title XIX of the Social Security Act to reduce infant mortality through improvement of coverage of services to pregnant women and infants under the Medicaid Program.

S. 399

At the request of Mr. GLENN, the names of the Senator from Nevada [Mr. REID] and the Senator from Alabama [Mr. SHELBY] were added as cosponsors of S. 399, a bill to amend the Library Services and Construction Act to authorize the Secretary of Education to establish a program to make grants to local public libraries to establish demonstration projects using older adult volunteers to provide intergenerational library literacy programs to children during afterschool hours, and for other purposes.

S. 432

At the request of Mr. ROCKEFELLER, the name of the Senator from Iowa [Mr. HARKIN] was added as a cosponsor of S. 432, a bill to direct the Secretary of Transportation to identify scenic and historic roads and to develop methods of designating, promoting, protecting, and enhancing roads as scenic and historic roads.

S. 488

At the request of Mr. FOWLER, the name of the Senator from Illinois [Mr. SIMON] was added as a cosponsor of S. 488, a bill to provide Federal assistance and leadership to a program of research, development and demonstration of renewable energy and energy efficiency technologies, and for other purposes.

S. 499

At the request of Mr. CRANSTON, the names of the Senator from Pennsylvania [Mr. HEINZ] and the Senator from Washington [Mr. ADAMS] were added as cosponsors of S. 499, a bill to amend the National Security Act of 1947 to make the Secretary of Commerce a member of the National Security Council.

S. 511

At the request of Mr. INOUYE, the name of the Senator from Utah [Mr. HATCH] was added as a cosponsor of S. 511, a bill to recognize the organization known as the National Academies of Practice.

S. 524

At the request of Mr. BRADLEY, the name of the Senator from Arizona [Mr. DECONCINI] was added as a cosponsor of S. 524, a bill to amend title XVIII of the Social Security Act to provide for coverage of adult day health care under the medicare program, and for other purposes.

S. 652

At the request of Mr. KENNEDY, the name of the Senator from Colorado [Mr. WIRTH] was added as a cosponsor of S. 652, a bill to revise the format of the Presidential report to Congress on voting practices in the United Nations.

S. 681

At the request of Mr. BAUCUS, the names of the Senator from Minnesota [Mr. BOSCHWITZ], the Senator from Florida [Mr. MACK], the Senator from Minnesota [Mr. DURENBERGER], the Senator from Alaska [Mr. MURKOWSKI], the Senator from Hawaii [Mr. INOUYE], the Senator from Alaska [Mr. STEVENS], the Senator from Colorado [Mr. ARMSTRONG], the Senator from South Carolina [Mr. HOLLINGS], the Senator from Massachusetts [Mr. KERRY], the Senator from Georgia [Mr. NUNN], the Senator from Rhode Island [Mr. PELL], the Senator from Nevada [Mr. REID], the Senator from Arkansas [Mr. BUMPERS], the Senator from South Carolina [Mr. THURMOND], the Senator from Nevada [Mr. BRYAN], the Senator from Rhode Island [Mr. CHAFEE], the Senator from Alabama [Mr. SHELBY], the Senator from Maine [Mr. MITCHELL], the Senator from New Hampshire [Mr. HUMPHREY], the Senator from Indiana [Mr. LUGAR], the Senator from Arizona [Mr. DECONCINI], the Senator from Kansas [Mr. DOLE], the Senator from Ohio [Mr. GLENN], the Senator from New Jersey [Mr. BRADLEY], and the Senator from Connecticut [Mr. LIEBERMAN] were addded as cosponsors of S. 681, a bill to require the Secretary of the Treasury to mint and issue coins in commemoration of the 100th anniversary of the statehood of Idaho, North Dakota, South Dakota, Washington, and Wyoming, and for other purposes.

S. 708

At the request of Mr. BRADLEY, the names of the Senator from Massachusetts [Mr. KERRY] and the Senator from Alabama [Mr. SHELBY] were added as cosponsors of S. 708, a bill to amend title V of the Social Security Act to promote the integration and coordination of services for pregnant women and infants to prevent and reduce infant mortality and morbidity.

S. 720

At the request of Mr. BOREN, the name of the Senator from Oklahoma [Mr. NICKLES] was added as a cosponsor of S. 720, a bill to amend the Internal Revenue Code of 1986 to extend and modify the targeted jobs credit, and for other purposes.

S. 725

At the request of Mr. GRAHAM, the name of the Senator from Hawaii [Mr. INOUYE] was added as a cosponsor of S. 725, a bill to amend the Internal Revenue Code of 1986 to require any general election candidate who receives amounts from the Presidential Election Campaign Fund to participate in debates with other such candidates.

S. 754

At the request of Mr. PACKWOOD, the names of the Senator from Minnesota [Mr. DURENBERGER], the Senator from Connecticut [Mr. LIEBERMAN], the Senator from Wyoming [Mr. WALLOP], the Senator from Ohio [Mr. METZENBAUM], and the Senator from Delaware [Mr. ROTH] were added as cosponsors of S. 754, a bill to restrict the export of unprocessed timber from certain Federal lands, and for other pruposes.

S. 755

At the request of Mr. PACKWOOD, the names of the Senator from Minnesota [Mr. DURENBERGER], the Senator from Connecticut [Mr. LIEBERMAN], the Senator from Wyoming [Mr. WALLOP], the Senator from Ohio [Mr. METZENBAUM], and the Senator from Delaware [Mr. ROTH] were added as cosponsors of S. 755, a bill to authorize the States to prohibit or restrict the export of unprocessed logs harvested from lands owned or administered by States.

S. 840

At the request of Mr. BOREN, the names of the Senator from North Dakota [Mr. BURDICK], and the Senator from Louisiana [Mr. JOHNSTON] were added as cosponsors of S. 840, a bill to amend the Internal Revenue Code of 1986 to allow a deduction for education loan interest incurred by doctors, nurses, and allied health professionals while serving in medically underserved areas.

S. 877

At the request of Mr. DECONCINI, the name of the Senator from Maryland [Ms. MIKULSKI] was added as a cosponsor of S. 877, a bill to require the posting on certain aircraft of information relating to the date of manufacture of the aircraft, and for other purposes.

S. 880

At the request of Mr. MCCONNELL, the name of the Senator from Arizona

[Mr. MCCAIN] was added as a cosponsor of S. 880, a bill to amend the Child Nutrition Act of 1966 to require the Secretary of Agriculture to provide startup funds to State educational agencies for distribution to schools to establish or expand school breakfast programs, to require the Secretary to collect and disseminate certain information concerning the school breakfast program, and for other purposes.

S. 881

At the request of Mr. MCCONNELL, the name of the Senator from Arizona [Mr. MCCAIN] was added as a cosponsor of S. 881, a bill to amend the National School Lunch Act to modify the criteria for determining whether a private organization providing nonresidential day care services is considered an institution under the child care food program, and for other pruposes.

S. 882

At the request of Mr. MCCONNELL, the name of the Senator from Arizona [Mr. MCCAIN] was added as a cosponsor of S. 882, a bill to amend the National School Lunch Act to make private nonprofit organizations eligible to participate in the Summer Food Service Program for children, and for other purposes.

S. 893

At the request of Mr. LAUTENBERG, the name of the Senator from New York [Mr. D'AMATO] was added as a cosponsor of S. 893, a bill to establish certain categories of Soviet and Vietnamese nationals presumed to be subject to persecution and to provide for adjustment to refugee status of certain Soviet and Vietnamese parolees.

S. 945

At the request of Mr. MCCAIN, the name of the Senator from Arizona [Mr. DECONCINI] was added as a cosponsor of S. 945, a bill to amend title 38, United States Code, to ensure that all veterans eligible to receive educational assistance under the Veterans' Educational Assistance Program have 10 years after discharge or release from active duty in which to pursue a program of education with such assistance.

S. 1002

At the request of Mr. DURENBERGER, the name of the Senator from Maryland [Ms. MIKULSKI] was added as a cosponsor of S. 1002, a bill to amend the Solid Waste Disposal Act.

S. 1010

At the request of Mr. WILSON, the name of the Senator from Kentucky [Mr. FORD] was added as a cosponsor of S. 1010, a bill to encourage further cooperation between Federal, State, and local law enforcement agencies in their efforts against drug trafficking and other serious criminal activities.

S. 1043

At the request of Mr. FORD, the name of the Senator from Connecticut [Mr. LIEBERMAN] was added as a cosponsor of S. 1043, a bill to establish a commission on aviation security and terrorism to investigate the adequacy of and compliance with aviation security procedures and Federal Aviation Administration security requirements.

S. 1052

At the request of Mr. KERRY, the name of the Senator from North Dakota [Mr. CONRAD] was added as a cosponsor of S. 1052, a bill to regulate equipment for servicing motor vehicle air conditioners, to restrict the sale of chlorofluorocarbons and motor vehicles with air conditioners that use chlorofluorocarbons, to require reports on the use of chemicals which deplete the ozone layer in the stratosphere, and for other purposes.

S. 1078

At the request of Mr. ROCKEFELLER, the name of the Senator from Maine [Mr. MITCHELL] was added as a cosponsor of S. 1078, a bill to amend the Social Security Act to provide for improved delivery of health services to individuals residing in rural areas by making certain modifications with respect to health clinic services provided under such act, and for other purposes.

S. 1087

At the request of Mr. BURNS, the names of the Senator from Montana [Mr. BAUCUS], and the Senator from Idaho [Mr. MCCLURE] were added as cosponsors of S. 1087, a bill to amend the Disaster Assistance Act of 1988 to provide disaster assistance to orchard owners who have suffered losses as a result of freeze damage in 1989, and for other purposes.

SENATE JOINT RESOLUTION 15

At the request of Mr. PRESSLER, the names of the Senator from New Jersey [Mr. LAUTENBERG], the Senator from Texas [Mr. BENTSEN], the Senator from Michigan [Mr. LEVIN], the Senator from New York [Mr. D'AMATO], the Senator from Hawaii [Mr. MATSUNAGA], the Senator from Arkansas [Mr. PRYOR], the Senator from Connecticut [Mr. LIEBERMAN], the Senator from Ohio [Mr. GLENN], the Senator from Washington [Mr. GORTON], and the Senator from Rhode Island [Mr. CHAFEE] were added as cosponsors of Senate Joint Resolution 15, a joint resolution to designate the second Sunday in October of 1989 as "National Children's Day."

SENATE JOINT RESOLUTION 57

At the request of Mr. PELL, the name of the Senator from Tennessee [Mr. GORE] was added as a cosponsor of Senate Joint Resolution 57, a joint resolution to establish a national policy on permanent papers.

SENATE JOINT RESOLUTION 74

At the request of Mr. GORE, the name of the Senator from Pennsylvania [Mr. HEINZ] was added as a cosponsor of Senate Joint Resolution 74, a joint resolution to designate the month of May 1989 as "National Digestive Disease Awareness Month."

SENATE JOINT RESOLUTION 76

At the request of Mr. HELMS, the name of the Senator from New Mexico [Mr. DOMENICI] was added as a cosponsor of Senate Joint Resolution 76, a joint resolution to designate the period commencing on June 21, 1989, and ending on June 28, 1989, as "Food Science and Technology Week."

SENATE JOINT RESOLUTION 78

At the request of Mr. BENTSEN, the names of the Senator from Alabama [Mr. HEFLIN], the Senator from Michigan [Mr. RIEGLE], the Senator from Vermont [Mr. LEAHY], the Senator from Georgia [Mr. FOWLER], the Senator from Oklahoma [Mr. BOREN], the Senator from Maine [Mr. COHEN], the Senator from North Carolina [Mr. HELMS], the Senator from Missouri [Mr. BOND], the Senator from Nebraska [Mr. EXON], the Senator from Idaho [Mr. SYMMS], the Senator from Montana [Mr. BURNS], the Senator from Idaho [Mr. MCCLURE], the Senator from Louisiana [Mr. BREAUX], and the Senator from South Carolina [Mr. HOLLINGS] were added as cosponsors of Senate Joint Resolution 78, a joint resolution to designate the month of November 1989 and 1990 as "National Hospice Month."

SENATE JOINT RESOLUTION 81

At the request of Mr. DIXON, the names of the Senator from Washington [Mr. GORTON], the Senator from Wisconsin [Mr. KASTEN], the Senator from South Carolina [Mr. HOLLINGS], the Senator from Arkansas [Mr. PRYOR], the Senator from Nebraska [Mr. KERREY], the Senator from Michigan [Mr. RIEGLE], the Senator from Georgia [Mr. NUNN], the Senator from Washington [Mr. ADAMS], and the Senator from Delaware [Mr. ROTH] were added as cosponsors of Senate Joint Resolution 81, a joint resolution to designate the week of October 1 through 7, 1989, as "National Health Care Food Service Week."

SENATE JOINT RESOLUTION 96

At the request of Mr. LAUTENBERG, the name of the Senator from Washington [Mr. GORTON] was added as a cosponsor of Senate Joint Resolution 96, a joint resolution designating July 2, 1989, as "National Literacy Day."

SENATE JOINT RESOLUTION 103

At the request of Mr. BRADLEY, the names of the Senator from Rhode Island [Mr. PELL], the Senator from New Hampshire [Mr. HUMPHREY], the Senator from West Virginia [Mr. ROCKEFELLER], the Senator from Hawaii [Mr. MATSUNAGA], the Senator from Alaska [Mr. STEVENS], the Senator from Idaho [Mr. MCCLURE], the Senator from Indiana [Mr. COATS], the Senator from Alabama [Mr. SHELBY], the Senator from Minnesota [Mr. DURENBERGER], the Senator from

Kansas [Mr. DOLE], the Senator from Mississippi [Mr. COCHRAN], the Senator from Connecticut [Mr. LIEBERMAN], the Senator from Virginia [Mr. ROBB], the Senator from Rhode Island [Mr. CHAFEE], the Senator from Michigan [Mr. RIEGLE], the Senator from Maine [Mr. MITCHELL], and the Senator from Texas [Mr. BENTSEN] were added as cosponsors of Senate Joint Resolution 103, a joint resolution to designate the period commencing February 18, 1990, and ending February 24, 1990, as "National Visiting Nurse Associations Week."

SENATE JOINT RESOLUTION 105

At the request of Mr. DOLE, the names of the Senator from Connecticut [Mr. LIEBERMAN], the Senator from Hawaii [Mr. MATSUNAGA], the Senator from Ohio [Mr. GLENN], the Senator from Washington [Mr. GORTON], the Senator from South Carolina [Mr. HOLLINGS], the Senator from North Dakota [Mr. BURDICK], the Senator from Massachusetts [Mr. KENNEDY], the Senator from Connecticut [Mr. DODD], the Senator from Louisiana [Mr. JOHNSTON], the Senator from Ohio [Mr. METZENBAUM], the Senator from New York [Mr. MOYNIHAN], the Senator from Massachusetts [Mr. KERRY], the Senator from Maine [Mr. COHEN], the Senator from Texas [Mr. BENTSEN], the Senator from Pennsylvania [Mr. SPECTER], the Senator from Minnesota [Mr. BOSCHWITZ], the Senator from Tennessee [Mr. GORE], and the Senator from Rhode Island [Mr. CHAFEE] were added as cosponsors of Senate Joint Resolution 105, a joint resolution to designate October 7 through October 14, 1989, as "National Week of Outreach to the Rural Disabled."

SENATE JOINT RESOLUTION 121

At the request of Mr. DECONCINI, the names of the Senator from Louisiana [Mr. BREAUX], the Senator from Tennessee [Mr. GORE], the Senator from Alabama [Mr. HEFLIN], the Senator from Hawaii [Mr. INOUYE], the Senator from New Jersey [Mr. LAUTENBERG], the Senator from Florida [Mr. MACK], the Senator from Illinois [Mr. SIMON], the Senator from Wyoming [Mr. SIMPSON], the Senator from Pennsylvania [Mr. SPECTER], and the Senator from Idaho [Mr. SYMMS] were added as cosponsors of Senate Joint Resolution 121, a joint resolution to provide for the designation of September 14, 1989, as "National D.A.R.E. Day."

SENATE JOINT RESOLUTION 122

At the request of Mr. LUGAR, the names of the Senator from Washington [Mr. ADAMS], the Senator from Texas [Mr. BENTSEN], the Senator from Oklahoma [Mr. BOREN], the Senator from Minnesota [Mr. BOSCHWITZ], the Senator from North Dakota [Mr. BURDICK], the Senator from Indiana [Mr. COATS], the Senator from Mississippi [Mr. COCHRAN], the Senator from North Dakota [Mr. CONRAD], the Senator from New York [Mr. D'AMATO], the Senator from Arizona [Mr. DECONCINI], the Senator from Illinois [Mr. DIXON], the Senator from Connecticut [Mr. DODD], the Senator from Kansas [Mr. DOLE], the Senator from Minnesota [Mr. DURENBERGER], the Senator from Georgia [Mr. FOWLER], the Senator from Ohio [Mr. GLENN], the Senator from Tennessee [Mr. GORE], the Senator from Washington [Mr. GORTON], the Senator from Iowa [Mr. GRASSLEY], the Senator from Utah [Mr. HATCH], the Senator from Pennsylvania [Mr. HEINZ], the Senator from North Carolina [Mr. HELMS], the Senator from South Carolina [Mr. HOLLINGS], the Senator from Hawaii [Mr. INOUYE], the Senator from New Jersey [Mr. LAUTENBERG], the Senator from Connecticut [Mr. LIEBERMAN], the Senator from Hawaii [Mr. MATSUNAGA], the Senator from Idaho [Mr. MCCLURE], the Senator from Maine [Mr. MITCHELL], the Senator from New York [Mr. MOYNIHAN], the Senator from Georgia [Mr. NUNN], the Senator from South Dakota [Mr. PRESSLER], the Senator from Nevada [Mr. REID], the Senator from Michigan [Mr. RIEGLE], the Senator from Virginia [Mr. ROBB], the Senator from Delaware [Mr. ROTH], the Senator from North Carolina [Mr. SANFORD], the Senator from Wyoming [Mr. SIMPSON], the Senator from Pennsylvania [Mr. SPECTER], the Senator from South Carolina [Mr. THURMOND], the Senator from Virginia [Mr. WARNER], the Senator from California [Mr. WILSON], and the Senator from Colorado [Mr. WIRTH] were added as cosponsors of Senate Joint Resolution 122, a joint resolution to designate October 1989 and 1990 as "National Down Syndrome Month."

SENATE JOINT RESOLUTION 124

At the request of Mr. GORTON, the names of the Senator from Wisconsin [Mr. KASTEN], the Senator from New Jersey [Mr. LAUTENBERG], the Senator from Wisconsin [Mr. KOHL], the Senator from Louisiana [Mr. JOHNSTON], and the Senator from California [Mr. WILSON] were added as cosponsors of Senate Joint Resolution 124, a joint resolution to designate October as "National Quality Month."

SENATE JOINT RESOLUTION 127

At the request of Mr. SIMON, the names of the Senator from Connecticut [Mr. DODD], the Senator from California [Mr. WILSON], the Senator from Maine [Mr. COHEN], the Senator from South Dakota [Mr. DASCHLE], the Senator from Nebraska [Mr. EXON], the Senator from Alabama [Mr. HEFLIN], the Senator from New Mexico [Mr. DOMENICI], the Senator from Texas [Mr. BENTSEN], and the Senator from Maine [Mr. MITCHELL] were added as cosponsors of Senate Joint Resolution 127, a joint resolution designating Labor Day Weekend, September 2-4, 1989, as "National Drive for Life Weekend."

SENATE JOINT RESOLUTION 130

At the request of Mr. SARBANES, the names of the Senator from Maine [Mr. MITCHELL], the Senator from Montana [Mr. BURNS], the Senator from Massachusetts [Mr. KERRY], the Senator from Texas [Mr. BENTSEN], the Senator from California [Mr. CRANSTON], the Senator from South Dakota [Mr. PRESSLER], the Senator from Connecticut [Mr. LIEBERMAN], and the Senator from West Virginia [Mr. ROCKEFELLER] were added as cosponsors of Senate Joint Resolution 130, a joint resolution designating February 11 through February 17, 1990, as "Vocational-Technical Education Week."

SENATE JOINT RESOLUTION 131

At the request of Mr. DURENBERGER, the names of the Senator from Connecticut [Mr. LIEBERMAN], the Senator from New Jersey [Mr. BRADLEY], the Senator from North Carolina [Mr. HELMS], and the Senator from Pennsylvania [Mr. SPECTER] were added as cosponsors of Senate Joint Resolution 131, a joint resolution to designate November 1989 as "National Diabetes Month."

SENATE JOINT RESOLUTION 140

At the request of Mr. GLENN, the names of the Senator from Mississippi [Mr. COCHRAN], the Senator from Connecticut [Mr. LIEBERMAN], the Senator from Virginia [Mr. ROBB], the Senator from New Jersey [Mr. BRADLEY], the Senator from Indiana [Mr. LUGAR], the Senator from Maine [Mr. MITCHELL], the Senator from Alabama [Mr. HEFLIN], the Senator from Louisiana [Mr. JOHNSTON], the Senator from South Dakota [Mr. PRESSLER], the Senator from Arkansas [Mr. PRYOR], the Senator from Idaho [Mr. MCCLURE], the Senator from North Dakota [Mr. BURDICK], and the Senator from Connecticut [Mr. DODD] were added as cosponsors of Senate Joint Resolution 140, a joint resolution designating November 19–25, 1989, as "National Family Caregivers Week."

SENATE JOINT RESOLUTION 142

At the request of Mr. LIEBERMAN, the names of the Senator from Pennsylvania [Mr. SPECTER], and the Senator from Nevada [Mr. REID] were added as cosponsors of Senate Joint Resolution 142, a joint resolution designating the week beginning July 23, 1989, as "Lyme Disease Awareness Week."

SENATE CONCURRENT RESOLUTION 40

At the request of Mr. CRANSTON, the names of the Senator from Connecticut [Mr. LIEBERMAN], the Senator from Rhode Island [Mr. CHAFEE], the Senator from Wisconsin [Mr. KOHL], the Senator from Oregon [Mr. HATFIELD], the Senator from Massachusetts [Mr. KENNEDY], the Senator from California [Mr. WILSON], the Senator from

Delaware [Mr. BIDEN], the Senator from Vermont [Mr. JEFFORDS], the Senator from Maryland [Mr. SARBANES], the Senator from South Dakota [Mr. PRESSLER], the Senator from Hawaii [Mr. MATSUNAGA], the Senator from Minnesota [Mr. DURENBERGER], the Senator from Virginia [Mr. ROBB], the Senator from Pennsylvania [Mr. SPECTER], the Senator from Ohio [Mr. METZENBAUM], the Senator from Alaska [Mr. STEVENS], the Senator from North Carolina [Mr. SANFORD], the Senator from Oregon [Mr. PACKWOOD], the Senator from Hawaii [Mr. INOUYE], the Senator from Michigan [Mr. RIEGLE], the Senator from North Dakota [Mr. BURDICK], the Senator from Connecticut [Mr. DODD], the Senator from Tennessee [Mr. GORE], the Senator from Vermont [Mr. LEAHY], the Senator from Arizona [Mr. DECONCINI], the Senator from New Jersey [Mr. LAUTENBERG], the Senator from Michigan [Mr. LEVIN], the Senator from Maryland [Ms. MIKULSKI], the Senator from Illinois [Mr. SIMON], the Senator from Washington [Mr. ADAMS], the Senator from Tennessee [Mr. SASSER], the Senator from New York [Mr. D'AMATO], and the Senator from Georgia [Mr. NUNN] were added as cosponsors of Senate Concurrent Resolution 40, a concurrent resolution to designate June 21, 1989, as Chaney, Goodman, and Schwerner Day.

SENATE RESOLUTION 13

At the request of Mr. DOLE the names of the Senator from Virginia [Mr. WARNER], and the Senator from North Dakota [Mr. BURDICK] were added as cosponsors of Senate Resolution 13, a resolution to amend Senate Resolution 28 to implement closed caption broadcasting for hearing-impaired individuals of floor proceedings of the Senate.

SENATE RESOLUTION 99

At the request of Mr. BOSCHWITZ, the name of the Senator from Rhode Island [Mr. PELL] was added as cosponsor of Senate Resolution 99, a resolution requiring the Architect of the Capitol to establish and implement a voluntary program for recycling paper disposed of in the operation of the Senate.

SENATE RESOLUTION 114

At the request of Mr. GRAHAM, the name of the Senator from Connecticut [Mr. LIEBERMAN] was added as a cosponsor of Senate Resolution 114, a resolution concerning the restoration of Eastern Airlines.

SENATE RESOLUTION 116

At the request of Mr. LAUTENBERG, the names of the Senator from New Mexico [Mr. BINGAMAN] and the Senator from New Mexico [Mr. DOMENICI] were added as cosponsors of Senate Resolution 116, a resolution commemorating the 50th anniversary of the U.S. Jewish Appeal.

SENATE RESOLUTION 140—RELATING TO USE OF THE SENATE HART BUILDING ATRIUM

Mr. KERREY submitted the following resolution; which was considered and agreed to:

S. RES. 140

Resolved, That the atrium of the Senate Hart Office Building may be used from 12 noon until 1 p.m. on one day during the week of June 19, 1989, for a concert of American music to be presented by the Congressional Chorus.

AMENDMENTS SUBMITTED

DIRE EMERGENCY SUPPLEMENTAL APPROPRIATIONS, 1989

SPECTER AMENDMENT NO. 111

Mr. SPECTER proposed an amendment to the bill (H.R. 2072) making dire emergency supplemental appropriations and transfers, urgent supplementals, and correcting enrollment errors for the fiscal year ending September 30, 1989, and for other purposes, as follows:

At the appropriate place in the bill insert:

DEPARTMENT OF DEFENSE

DRUG INTERDICTION DEFENSE

SEC. . Of the funds made available under this heading in the Department of Defense Appropriations Act of 1989, Public Law 100-463, $70,000,000 is hereby rescinded.

DEPARTMENT OF JUSTICE

FEDERAL PRISON SYSTEM

BUILDINGS AND FACILITIES

SEC. . For an additional amount for "Buildings and Facilities", $70,000,000, to remain available until expended.

INOUYE AMENDMENT NO. 112

Mr. INOUYE proposed an amendment to the bill H.R. 2072, supra, as follows:

At the appropriate place, insert the following:

SEC. . Notwithstanding sections 12106, 12107, and 12108 of title 46, United States Code, and section 27 of the Merchant Marine Act, 1920 (46 App. U.S.C. 883), as applicable on the date of enactment of this Act, the Secretary of Transportation may issue a certificate of documentation for each of the following:

(1) the vessel *Liberty*, hull identification number BHA 5512 B and State of Hawaii registration number HA 5512 B;

(2) the vessel *Navatek I;*

(3) the vessel *Nancy Ann*, United States official number 901962; and

(4) the vessel *Nor'Wester*, United States official number 913451.

COATS AMENDMENT NO. 113

Mr. COATS proposed an amendment to the bill H.R. 2072, supra, as follows:

At the end of the bill, add the following new section:

"SEC. . SENSE OF THE SENATE REGARDING THE PANAMANIAN GOVERNMENT.

"It is the Sense of the Senate that the current ruling government of Panama is not democratically elected."

COATS (AND OTHERS) AMENDMENT NO. 114

Mr. COATS (for himself, Mr. DOLE, Mr. LOTT, Mr. BOSCHWITZ, Mr. HELMS, Mr. ARMSTRONG, Mr. MCCAIN, Mr. WALLOP, Mr. GORTON, Mr. WILSON, Mr. SYMMS, Mr. MCCLURE, Mr. BOND, Mr. D'AMATO, Mr. KASTEN, and Mr. MACK) proposed an amendment to the bill H.R. 2072, supra, as follows:

SEC. —. SENSE OF THE SENATE REGARDING THE APPOINTMENT OF A NEW ADMINISTRATOR OF THE PANAMA CANAL COMMISSION.

It is the Sense of the Senate that the President should not appoint a new Administrator of the Panama Canal Commission unless and until he certifies to Congress that the ruling government of Panama is democratically elected according to procedures specified in the Constitution of Panama providing for a civilian government in control of all Panamanian military and paramilitary forces.".

BYRD AMENDMENT NO. 115

Mr. BYRD proposed an amendment to the bill H.R. 2072, supra, as follows:

On page 35, line 8, before the period, insert the following:

Provided further, Notwithstanding any other provision of law, the Federal Aviation Administration shall renegotiate the Logan County Airport grant agreements "5-54-0013-01-77" and "5-54-0013-02-78" to include funds sufficient to cover the additional project costs associated with project delay and inflation, so that the project can be completed as originally intended.

REID (AND OTHERS) AMENDMENT NO. 116

Mr. REID (for himself, Mr. METZENBAUM, Mr. STEVENS, Mr. KOHL, Mr. LIEBERMAN, Mr. DOLE, Mr. GARN, Mr. WILSON, and Mr. DECONCINI) proposed an amendment to the bill H.R. 2072, supra, as follows:

At the appropriate place in the bill, insert the following:

"SEC. 100. SHORT TITLE.

"This title may be cited as the "Oil Spill Bill".

"SEC. 101. DISALLOWANCE OF COSTS FOR CLEANUP OF OIL OR HAZARDOUS SUBSTANCE DISCHARGES.

"(a) IN GENERAL.—Section 162 of the Internal Revenue Code of 1986 (relating to deduction for trade or business expenses) is amended by redesignating subsection (m) as subsection (n) and by inserting after subsection (l) the following new subsection:

"(m) OIL AND HAZARDOUS SUBSTANCES CLEANUP COSTS.—

"(1) GENERAL RULE.—No deduction shall be allowed under subsection (a) for any applicable oil or hazardous substances cleanup costs if—

"(A) the Secretary receives notification from the Commandant of the Coast Guard or his delegate that the taxpayer has failed to comply with section 311(c) or 311(e) of

the Federal Water Pollution Control Act, or any administrative or judicial order or consent decree issued under section 311 of the Federal Water Pollution Control Act or the provisions of the National Contingency Plan for oil discharges; or

"(B) the Secretary receives notification from the Administrator of the Environmental Protection Agency or his delegate that the taxpayer has failed to comply with any administrative or judicial order or consent decree issued under sections 104, 106 or 122 of the Comprehensive Environmental Response, Compensation and Liability Act, sections 3008(h) or 7003 of the Resource Conservation and Recovery Act or under applicable State statutes for hazardous substances discharges.

"(2) NEGLIGENCE.—Notwithstanding any other provision of this subsection, no deduction shall be allowed under subsection (a) for any applicable oil or hazardous substances cleanup costs where it can be shown that the oil or hazardous substance discharge was the result of willful negligence or willful misconduct.

"(3) REDUCTION OF TAX ATTRIBUTES.—The tax attributes of the taxpayer shall be reduced in the manner prescribed in section 108(b)(2) (without reference to sections 108(b)(4) and 108(b)(5)) by an amount equal to the amount disallowed under paragraph (1) or (2).

"(4) ITEMIZATION OF COSTS.—The costs described in this subsection shall be separately stated in such manner as the Secretary may prescribe on a form accompanying the return of tax for the taxable year in which such costs were paid or incurred.

"(5) DEFINITIONS.—For purposes of this subsection the term—

"(A) 'applicable oil or hazardous substances cleanup costs' means any costs paid or incurred (whether or not in the taxable year in which the discharge occurs) in connection with the cleanup of any oil or hazardous substances discharged by the taxpayer.

"(B) The term 'applicable oil or hazardous substances cleanup costs' includes, but is not limited to—

"(i) any legal expenses arising directly or indirectly from a discharge of oil or hazardous substances;

"(ii) any payments or restitution to any person arising out of such discharge;

"(iii) any costs incurred to restore and replace natural resources damaged by such discharges; and

"(iv) any costs required by any applicable Federal law or regulation.

"(C) 'discharge' means—

"(i) 'discharge' as defined in section 311(a)(2) of the Federal Water Pollution Control Act; and

"(ii) 'release' as defined in 42 USCS section 9601(22).

"(D) 'oil' shall have the meaning provided in section 311(a)(1) of the Federal Water Pollution Control Act (33 USCS, Section 1321(a)(1));

"(E) 'hazardous substance' shall have the meaning provided in 42 USCS, section 9601(14).

"SEC. 102. DENIAL OF DEDUCTION FOR LOSSES RESULTING FROM CERTAIN OIL OR HAZARDOUS SUBSTANCE DISCHARGES.

"Section 165 of the Internal Revenue Code of 1986 (relating to deductions for losses) is amended by adding the following new subsection (m):

"(m) DENIAL OF DEDUCTION FOR LOSSES RESULTING FROM CERTAIN OIL OR HAZARDOUS SUBSTANCE DISCHARGES.—Nothing in subsection (a) or in any other provision of law shall be construed to provide a deduction for any loss sustained by a taxpayer if the loss is attributable to, results from, or arises in connection with, any oil or hazardous substance discharge the cleanup costs of which are disallowed as a deduction under section 162(m).

"SEC. 103. LIMITATIONS ON DEFICIENCIES AND CREDITS ARISING FROM CLEANUP CERTIFICATION.

"(a) IN GENERAL.—Section 6501 of the Internal Revenue Code of 1986, is amended by redesignating subsection (o) as subsection (n) and inserting after subsection (n) the following new subsection—

"(o) SPECIAL RULE FOR CLEANUP CERTIFICATION.—In the case of any deduction disallowed under section 162(m), if the Secretary receives the notification described in section 162(m)(1)(A) or 162(m)(1)(B), the period for assessing any deficiency attributable to the receipt of such notification shall not expire before the date which is 1 year after the date on which such certificate is issued.

"(b) IN GENERAL.—Section 6511 of the Internal Revenue Code of 1986 is amended by redesignating subsection (h) and (i) and inserting after subsection (g) the following new subsection—

"(h) SPECIAL RULE FOR CLEANUP CERTIFICATION.—In the case of any deduction disallowed under section 162(m), if the Secretary receives the notification described in section 162(m)(1)(A) or 162(m)(1)(B), the period for filing a claim for credit or refund attributable to receipt of such notification shall not expire before the date which is 1 year after the date on which such certificate is issued.

"SEC. 104. DISTRIBUTION OF LOST DEDUCTION TO EXISTING TRUST FUNDS.

"(a) IN GENERAL.—There is established in the Treasury of the United States an account, consisting of such amounts as may be appropriated to the account as provided in subsection (b).

"(b) TRANSFER TO ACCOUNT.—There is hereby appropriated to the account for each fiscal year an amount equal to the amount which the Secretary or his delegate determines to be the increase in revenues for such fiscal year by reason of the amendments made by section 101. The amounts appropriated by the preceding sentence shall be transferred to the account from the general fund of the Treasury in the manner provided under section 9601 of the Internal Revenue Code of 1986.

"(c) EXPENDITURES FROM ACCOUNT.—Amounts in the account established under subsection (a) shall be available, as provided in appropriation Acts, only—

"(1) in the case of amounts attributable to any oil discharge, for making expenditures for the purposes described in section 311(k) of the Federal Water Pollution Control Act (33 USC, section 1321(k)), or

"(2) in the case of any other amounts, for transfer to the Hazardous Substance Superfund established under section 9507 of the Internal Revenue Act of 1986.

"SEC. 105. EFFECTIVE DATE.

"The provisions of this Act are effective for all discharges occurring after March 23, 1989, in taxable years ending after such date.

"SEC. 106. STUDY AND REPORT.

"(a) STUDY OF REVENUE LOSS.—Not later than six months after the date of enactment of this Act, the Secretary or his delegate shall submit to the House Committee on Ways and Means and the Senate Committee on Finance an estimate of the decrease of Federal revenues during the period beginning January 1, 1970, and ending December 31, 1983, by reason of the allowance of applicable cleanup costs (within the meaning of section 162(m) of the Internal Revenue Code of 1986).

"(b) ANNUAL REPORT TO CONGRESS.—The Secretary or his delegate shall make an annual report to the House Committee on Ways and Means and the Senate Committee on Finance detailing the amount expended on environmental clean-up costs and the amount accruing to the Treasury under section 162(m) of the Internal Revenue Code of 1986.

"(c) EFFECTIVE DATE.—The first report required by subsection (b) shall be submitted 12 months after the study in subsection (a) is submitted to Congress."

D'AMATO (AND OTHERS) AMENDMENT NO. 117

Mr. D'AMATO (for himself, Mr. DECONCINI, Mr. SPECTER, and Mr. WILSON) proposed an amendment to the bill H.R. 2072, supra, as follows:

SUBCHAPTER I

DEPARTMENT OF THE TREASURY

BUREAU OF ALCOHOL, TOBACCO AND FIREARMS

SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses", $2,000,000.

UNITED STATES CUSTOMS SERVICE

SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses", $8,500,000.

OPERATIONS AND MAINTENANCE, AIR INTERDICTION PROGRAM

For an additional amount for "Operations and Maintenance, Air Interdiction Program", $44,500,000, to remain available until expended.

SUBCHAPTER II

DEPARTMENT OF JUSTICE

FEDERAL PRISON SYSTEMS

BUILDINGS AND FACILITIES

For an additional amount for "Buildings and Facilities", $10,000,000, to remain available until expended.

FEDERAL BUREAU OF INVESTIGATION

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses", $7,000,000.

DRUG ENFORCEMENT ADMINISTRATION

SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses", $6,000,000.

IMMIGRATION AND NATURALIZATION SERVICE

SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses", $19,000,000, of which $4,000,000 shall be available to implement Section 6151 of Public Law 100-690.

OFFICE OF JUSTICE PROGRAMS

BUREAU OF JUSTICE ASSISTANCE

For an additional amount for "Salaries and Expenses", $15,000,000 which shall only be available for discretionary grants to public, private and non-profit agencies for the purposes of education and treatment to reduce drug abuse in the inmate population, as authorized under Section 6091 of Public Law 100-690.

SUBCHAPTER III

DEPARTMENT OF TRANSPORTATION

COAST GUARD

ACQUISITION, CONSTRUCTION AND IMPROVEMENTS

For an additional amount for "Acquisition, construction, and improvements", $23,000,000, for the installation of an APS-125 or APS-138 radar system on an existing Coast Guard long-range surveillance aircraft, to remain available until expended.

SUBCHAPTER IV

DEPARTMENT OF HEALTH AND HUMAN SERVICES

ALCOHOL, DRUG ABUSE, AND MENTAL HEALTH ADMINISTRATION

ALCOHOL, DRUG ABUSE AND MENTAL HEALTH

For an additional amount for substance abuse prevention and treatment activities, $58,000,000, as authorized in Section 2025 of Public Law 100-690, of which $15,000,000 shall be available for the service grant demonstration program to reduce substance abuse by high risk youth and pregnant women.

INDIAN HEALTH SERVICE

INDIAN HEALTH SERVICE

For an additional amount for "Indian Health Services", $10,000,000, Provided that these funds shall only be available for the purposes of Indian Alcohol and Substance Abuse Prevention and Treatment programs, as authorized in Title II, subtitle C of Public Law 100-690.

HEALTH RESOURCES AND SERVICES ADMINISTRATION

HEALTH RESOURCES AND SERVICES

PROGRAM OPERATIONS

For an additional amount for "Program Operations", $5,000,000, to carry out the purposes authorized in Title II, Subtitle D of Public Law 100-690.

DEPARTMENT OF EDUCATION

SCHOOL IMPROVEMENT PROGRAMS

For an additional amount to carry out Part C of the Drug-Free Schools and Communities Act of 1986, as amended, $5,000,000.

SUBCHAPTER V

DEPARTMENT OF AGRICULTURE

FOOD AND NUTRITION SERVICE

SPECIAL SUPPLEMENTAL FOOD PROGRAM FOR WOMEN, INFANTS AND CHILDREN (WIC)

For an additional amount to carry-out the provisions of Section 3201 of Public Law 100-690, $3,500,000.

SUBCHAPTER VI

DEPARTMENT OF VETERANS' AFFAIRS

VETERANS HEALTH SERVICE AND RESEARCH ADMINISTRATION

MEDICAL CARE

For an additional amount to supplement Section 2501 of Public Law 100-690, $10,000,000.

METZENBAUM AMENDMENT NO. 118

Mr. METZENBAUM proposed an amendment to the bill H.R. 2072, supra, as follows:

On page 31, after line 16, insert the following new language:

"For an additional amount for orphan drug grants and contracts, $1,000,000".

On page 29, line 9, delete the sum "$1,000,000" and insert in lieu thereof, "$120,000".

On page 30, line 23, delete the sum "$200,000" and insert in lieu thereof, "$80,000".

GRAHAM AMENDMENT NO. 119

Mr. GRAHAM proposed an amendment, which was subsequently modified, to the bill H.R. 2072, supra, as follows:

At the appropriate place, insert the following new section:

SEC. . RESTORATION OF EASTERN AIRLINES.

(a) FINDINGS.—The Senate finds that—

(1) the operations of Eastern Airlines have been substantially shut down since March 4, 1989, by a strike by the International Association of Machinists with the support of pilots and flight attendant unions;

(2) Eastern Airlines filed a petition under chapter 11 of title 11, United States Code, on Marlch 9, 1989;

(3) Texas Air Corporation, which controls Eastern Airlines, had negotiated for the sale of Eastern;

(4) the organized employees of Eastern had agreed to provide a potential new owner with substantial wage concessions;

(5) the deregulatipon of the airline industry by Congress was predicated on the anticipated continued existence of strong, independent airlines, such as Eastern Airlines;

(6) the Bankruptcy Court has the power to appoint an independent trustee to manage Eastern's return to operation during the interim period, leading up to the consummation of the sale agreement and transfer of control to a potential owner, and

(7) the return of Eastern Airlines to full operation is in the public interest and in the best interest of the creditors, employees, and customers of Eastern as well as the economies of the communities, States and regions of the United States that Eastern serves.

(b) SENSE OF SENATE.—It is the sense of the Senate that the Bankruptcy Court and all involved parties should facilitate the prompt and safe restoration of Eastern Airlines to full operations through all appropriate action, which may or may not include appointment of an independent trustee, pending sale of the company.

DECONCINI (AND OTHERS) AMENDMENT NO. 120

Mr. DECONCINI (for himself, Mr. KASTEN, Mr. LEAHY, Mr. SPECTER, Mr. HOLLINGS, and Mr. INOUYE) proposed an amendment to the bill H.R. 2072, supra, as follows:

At the end of the bill, add the following:

SEC. . RESPONSIBILITY FOR NUCLEAR, CHEMICAL, BIOLOGICAL, AND MISSILE NONPROLIFERATION.

(a) RESPONSIBILITIES.—The responsibilities of the Undersecretary of State for Coordinating Security Assistance Policy shall include

(1) coordinating United States diplomatic efforts to obtain the agreement of all appropriate countries to a missile technology control regime encompassing chemical, biological, and nuclear capable missiles; and

(2) coordinating policies within the United States Government on strategies for restricting the export to foreign countries of components of missiles which are capable of carrying nuclear, chemical, or biological weapons.

(b) REPORT REQUIRED.—The Secretary of State shall submit within 90 days of the date of enactment of this Act to the Speaker of the House of Representatives and the President pro tempore of the Senate a report setting forth the Administration strategy for dealing with the missile proliferation issue, and specifying the steps taken to ensure that adequate resources will be allocated for that purpose.

(c) CONTENTS OF REPORT.—The report required in subsection (b) shall contain, but is not limited to—

(1) a discussion of efforts that can be made to strengthen the Missile Technology Control Regime to restrict the flow of Western missile hardware and knowhow;

(2) a discussion of ways to strengthen international arrangements, including the formation of a new international organization, to monitor missile-related exports and compliance with missile nonproliferation efforts; and

(3) a discussion of how incentives and threats of sanctions can be used to win the cooperation of more nations in controlling missile proliferation.

SEC. . TEMPORARY SUSPENSION OF RIGHT TO REPURCHASE STINGER MISSILES.

Notwithstanding section 573(b)(4) of the Foreign Operations, Export Financing and Related Programs Appropriations Act. 1988, and section 566(b)(4) of the Foreign Operations. Export Financing, and Related Programs Appropriations Act 1989, the United States hereby suspends its obligation to repurchase STINGER antiaircraft missiles from Bahrain until October 31, 1989.

GRAHAM (AND OTHERS) AMENDMENT NO. 121

Mr. GRAHAM (for himself, Mr. MCCAIN, and Mr. KASTEN) proposed an amendment to the bill H.R. 2072, supra, as follows:

On page 11, line 16, before the period, insert the following: ": *Provided further,* That there shall be available an additional amount for the "Economic Support Fund", $3,000,000, which shall be made available notwithstanding any other provision of law for the promotion of democracy in Nicaragua: *Provided further,* That this amount shall be derived from funds appropriated under such heading in the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1987, or from funds earmarked under such heading in Public Law 100-202 for reconstruction and rehabilitation of the National University of El Salvador and other institutions of higher education in El Salvador: *Provided further,* That such funds shall be in addition to funds made available for the promotion of democracy in Nicaragua by Public Law 100-461".

WARNER (AND OTHERS) AMENDMENT NO. 122

(Ordered to lie on the table.)

Mr. WARNER (for himself, Mr. REID, Mr. LIEBERMAN, Mr. CHAFEE, Mr. RIEGLE, Mr. PRESSLER, and Mr. WIRTH) submitted an amendment intended to be proposed by them to the bill H.R. 2072, supra, as follows:

At the end of the bill, add the following new section:

SEC. . (a) Congress finds that—

(1) the Administrator of the Environmental Protection Agency has determined that the use of the pesticide daminozide on food or food products may pose an unreasonable risk to human health;

(2) the Administrator has proposed to cancel daminozide, however, such cancellation may take as long as 18 months;

(3) publicity over the continued use of daminozide has resulted in public fear of consuming certain agricultural crops;

(4) growers and producers of certain agricultural products have suffered significant economic losses due to diminished sales; and

(5) unless action is taken immediately to prohibit the use of daminozide on agricultural products, consumers may be subject to continued health risk and public confidence in certain agricultural products may continue to erode, resulting in even further economic losses.

(b) As used in this section:

(1) The term "Administrator" means the Administrator of the Environmental Protection Agency.

(2) The term "daminozide" means butanedioic acid mono (2,2-dimethylhydrazide), including its degradate and metabolite, unsymmetrical dimethylhydrazine.

(3) The terms "person", "State", and "to distribute or sell" shall have the same meaning given such terms in section 2 of the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136).

(c)(1) No person in any State may distribute or sell to any person, or use, any pesticide containing daminozide that is labeled for food use.

(2) The registration under the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136 et seq.) of a pesticide that is subject to paragraph (1) shall be treated as canceled.

(3)(A) The Administrator shall issue an order that requires the registrant of a pesticide that is subject to paragraph (1) to—

(i) conduct, a recall of the pesticide from dealers, distributors, and end-users; and

(ii) provide for the proper storage and disposal of the pesticide.

(B) Such order shall—

(i) apply to storage and disposal of the pesticide, any container holding the pesticide, any rinsate containing the pesticide, or any other material used to contain or collect excess or spilled quantities of the pesticide;

(ii) specify recall procedures that are consistent with section 15(b)(4) of such Act (7 U.S.C. 136q(b)(4)); and

(iii) prescribe the means to be used to verify the effectiveness of the recall.

(C) A violation of an order issued under this paragraph shall be considered a violation of section 12 of such Act (7 U.S.C. 136j).

(4)(A) A person who holds a registration of a pesticide containing daminozide immediately before the date of enactment of this Act shall reimburse any person who holds any quantity of a pesticide that is subject to paragraph (1).

(B) The amount of such reimbursement shall be the prevailing sale price for such pesticide, at the time the pesticide came into possession of the person seeking reimbursement.

(d)(1) All existing tolerances and food additive regulations for daminozide established under section 408 or 409 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 346a or 348) shall be treated as revoked.

(2)(A) Following revocation of a tolerance or food additive regulation under paragraph (1), the Secretary of Health and Human Services, in consultation with the Administrator, shall, by order, as part of the enforcement of such Act, establish an action level, as necessary, to permit distribution in commerce of food that bears a residue of daminozide that is the result of—

(i) the use of a pesticide containing daminozide before the date of the enactment of this Act; or

(ii) unavoidable residual environmental contamination that occurs before such date.

(B) The Secretary, in consultation with the Administrator, shall periodically reduce or revoke an action level established under subparagraph (A) to account for the expected reduction of daminozide in the food supply.

BIDEN (AND OTHERS) AMENDMENT NO. 123

Mr. BIDEN (for himself, Mr. BRADLEY, Mr. D'AMATO, Mr. GRAHAM, Mr. DECONCINI, and Mr. MOYNIHAN) proposed an amendment to the bill H.R. 2072, supra, as follows:

At the appropriate place in the bill, insert the following new title:

TITLE . ADDITIONAL REVENUE FOR ANTI-DRUG PROGRAMS.

SEC. . INCREASE IN TAX ON CIGARETTES AND ALCOHOL.

(a) CIGARETTES.—

(1) RATE OF TAX.—Subsection (b) of section 5701 of the Internal Revenue Code of 1986 (relating to rate of tax on cigarettes is amended—

(A) by striking "$8" in paragraph (1) and inserting in lieu thereof "$9"; and

(B) by striking "$16.80" in paragraph (2) and inserting in lieu thereof "$18.90".

(2) FLOOR STOCKS.—

(A) IMPOSITION OF TAX.—On cigarettes manufactured in or imported into the United States which are removed before September 1, 1989, and held on such date for sale by any person, there shall be imposed the following taxes:

(i) SMALL CIGARETTES.—On cigarettes, weighing not more than 3 pounds per thousand, $1 per thousand;

(ii) LARGE CIGARETTES.—On cigarettes, weighing more than 3 pounds per thousand, $2.10 per thousand; except that, if more than 6½ inches in length, they shall be taxable at the rate prescribed for cigarettes weighing not more than 3 pounds per thousand, counting each 2¾ inches, or fraction thereof, of the length of each as one cigarette.

(B) LIABILITY FOR TAX AND METHOD OF PAYMENT.—

(i) LIABILITY FOR TAX.—A person holding cigarettes on September 1, 1989, to which any tax imposed by paragraph (1) applies shall be liable for such tax.

(ii) METHOD OF PAYMENT.—The tax imposed by paragraph (1) shall be treated as a tax imposed under section 5701 of the Internal Revenue Code of 1986 and shall be due and payable on October 16, 1989, in the same manner as the tax imposed under such section is payable with respect to cigarettes removed on September 1, 1989.

(C) CIGARETTE.—For purposes of this section, the term "cigarette" shall have the meaning given to such term by subsection (b) of section 5702 of the Internal Revenue Code of 1986.

(D) EXCEPTION FOR RETAIL STOCKS.—The taxes imposed by paragraph (1) shall not apply to cigarettes in retail stocks held on September 1, 1989, at the place where intended to be sold at retail.

(e) FOREIGN TRADE ZONES.—Notwithstanding the Act of June 18, 1934 (19 U.S.C. 81a et seq.) or any other provision of law—

(i) cigarettes—

(I) on which taxes imposed by Federal law are determined, or customs duties are liquidated, by a customs officer pursuant to a request made under the first proviso of section 3(a) of the Act of June 18, 1934 (19 U.S.C. 81c(a)) before September 1, 1989, and

(II) which are entered into the customs territory of the United States on or after September 1, 1989, from a foreign trade zone, and

(ii) cigarettes which—

(I) are placed under the supervision of a customs officer pursuant to the provisions of the second proviso of section 3(a) of the Act of June 18, 1934 (19 U.S.C. 81c(a)) before September 1, 1989, and

(II) are entered into the customs territory of the United States on or after September 1, 1989, from a foreign trade zone,

shall be subject to the tax imposed by paragraph (1) and such cigarettes shall, for purposes of paragraph (1), be treated as being held on September 1, 1989, for sale.

(b) DISTILLED SPIRITS.—

(1) IN GENERAL.—Paragraphs (1) and (3) of section 5001(a) of the Internal Revenue Code of 1986 (relating to rate of tax) are each amended by striking out "$12.50" and inserting in lieu thereof "$14.00".

(2) CONFORMING AMENDMENT.—Subsection (a) of section 5010 of such Code (relating to credit for wine content and for flavors content) is amended by striking "$12.50" both places it appears and inserting in lieu thereof "$14.00".

(c) WINES.—Subsection (b) of section 5041 of the Internal Revenue Code of 1986 (relating to rates of tax) is amended—

(1) by striking out "17 cents" in paragraph (1) and inserting in lieu thereof "42 cents",

(2) by striking out "67 cents" in paragraph (2) and inserting in lieu thereof "92 cents",

(3) by striking out "$2.25" in paragraph (3) and inserting in lieu thereof "$2.50",

(4) by striking out "$3.40" in paragraph (4) and inserting in lieu thereof "$3.65", and

(5) by striking out "$2.40" in paragraph (5) and inserting in lieu thereof "$2.65".

(d) BEER.—Section 5051(a) of the Internal Revenue Code of 1986 is amended—

(1) by striking out "$9" in paragraph (1) and inserting in lieu thereof "$11.80"; and

(2) by striking out "$7" in the caption and text of paragraph (2)(A) and inserting in lieu thereof "$9.80".

(e) FLOOR STOCKS ON DISTILLED SPIRITS, WINE, AND BEER.—

(1) IMPOSITION OF TAX ON DISTILLED SPIRITS.—On articles manufactured in or imported into the United States which are taxable under section 5001(a) of the Internal Revenue Code of 1986, removed before September 1, 1989, and held on such date for sale by any person there shall be imposed the following taxes:

(A) DISTILLED SPIRITS.—On distilled spirits, $1.50 per proof gallon.

(B) IMPORTED PERFUMES.—On imported perfumes described in section 5001(a)(3) of such Code, $1.50 per wine gallon.

(2) IMPOSITION OF TAX ON WINES.—On wines produced in or imported into the United States which are taxable under section 5041(a) of such Code, removed before September 1, 1989, and held on such date for sale by any person there shall be imposed the following taxes:

(A) On still wines containing not more than 14 percent of alcohol by volume, 25 cents per wine gallon;

(B) On still wines containing more than 14 percent and not exceeding 21 percent of alcohol by volume, 25 cents per wine gallon;

(C) On still wines containing more than 21 percent and not exceeding 24 percent of alcohol by volume, 25 cents per wine gallon;

(D) On champagne and other sparkling wines, 25 cents per wine gallon; and

(E) On artificially carbonated wines, 25 cents per wine gallon.

(3) IMPOSITION OF TAX ON BEER—On beer brewed or produced in, or imported into, the United States which is taxable under section 5051(a) of such Code, removed before September 1, 1989, and held on such date for sale by any person there shall be imposed the following taxes:

(A) On beer described in section 5051(a)(1) of such Code, $2.80 per barrel.

(B) On beer described in section 5051(a)(2) of such Code, $2.80 per barrel.

(4) LIABILITY FOR TAX AND METHOD OF PAYMENT.—

(A) LIABILITY FOR TAX.—A person holding distilled spirits, an article, wine, or beer on September 1, 1989, to which any tax imposed by paragraph (1), (2), or (3) applies shall be liable for such tax.

(B) METHOD OF PAYMENT.—The taxes imposed by paragraphs (1), (2), and (3) shall be treated as taxes imposed under section 5001(a), 5041(a), and section 5051(a) of such Code, respectively, and—

(i) shll be paid in such manner as the Secretary shall by regulations prescribe, and

(ii) shall be paid as such date (not later than 6 months after the date of the enactment of this Act) as the Secretary shall by regulations prescribe.

(5) EXCEPTION FOR ON-PREMISES RETAIL ESTABLISHMENTS.—To the extent provided in regulations prescribed by the Secretary, the taxes imposed by paragraphs (1), (2), and (3) shall not apply to distilled spirits, articles, wine, and beer held on September 1, 1989, on the premises of a retail establishment where alcoholic beverages are sold for consumption on the premises only.

(6) DEFINITIONS.—For purposes of this section—

(A) DISTILLED SPIRITS.—The term "distilled spirits" has the meaning given to such term by section 5002(a)(8) of the Internal Revenue Code of 1986.

(B) PROOF GALLON.—The term "proof gallon" has the meaning given to such term by section 5002(a)(11) of such Code.

(C) ARTICLE.—The term "article" has the meaning given to such term by section 5002(a)(14) of such Code.

(D) WINE GALLON.—The term "wine gallon" has the meaning given to such term by section 5041(c) of such Code.

(E) BEER.—The term "beer" has the meaning given to such term by section 5052(a) of such Code.

(F) PERSON.—The term "person" includes any State or political subdivision thereof, or any agency or instrumentality of a State or political subdivision thereof.

(G) SECRETARY.—The term "Secretary" means the Secretary of the Treasury or his delegate.

(f) ESTABLISHMENT OF DRUG FREE AMERICA TRUST FUND.—Amounts equal to all additional revenues resulting from the provisions and amendments made by subsections (a), (b), (c), (d), and (e) of this section shall be deposited by the Secretary of the Treasury into a special fund of the United States Treasury, to be known as the "Drug Free America Trust Fund", and shall remain available for making expenditures subject to appropriations action to carry out the purposes of the Anti-Drug Abuse Act of 1988, as provided by appropriations Acts.

(g) EFFECTIVE DATES.—

(1) AMENDMENTS.—The amendments made by subsections (a)(1), (b), (c), and (d) shall apply to cigarettes, distilled spirits, wine and beer removed after August 31, 1989, and before January 1, 1992.

(2) OTHER PROVISIONS.—Subsections (a)(2), (e), and (f) shall take effect on the date of the enactment of this Act.

SEC. 2. There is hereby appropriated an additional sum of $1,786,175,000, as follows:

CHAPTER I—DEPARTMENTS OF JUSTICE AND STATE AND THE JUDICIARY

DEPARTMENT OF JUSTICE

FEDERAL BUREAU OF INVESTIGATION

SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses", $15,000,000.

DRUG ENFORCEMENT ADMINISTRATION

SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses", $46,000,000.

IMMIGRATION AND NATURALIZATION SERVICE

SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses", $26,000,000.

GENERAL LEGAL ACTIVITIES ACCOUNT

SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses" to be used to increase the number of field attorneys and related support staff used for asset forfeiture and civil enforcement, $3,000,000.

UNITED STATES ATTORNEYS

SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses" to be used to increase the number of field attorneys and related support staff used for asset forfeiture and civil enforcement, $3,000,000.

UNITED STATES MARSHALLS SERVICE

SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses", $6,000,000.

SUPPORT OF UNITED STATES PRISONERS

For an additional amount for "Support of United States Prisoners", $6,000,000, to remain available until expended.

FEDERAL PRISON SYSTEM

BUILDINGS AND FACILITIES

For an additional amount for "Buildings and Facilities", $104,000,000, to remain available until expended.

SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses", $13,000,000.

NATIONAL INSTITUTE OF CORRECTIONS

For an additional amount for the National Institute of Corrections, $14,000,000.

OFFICE OF JUSTICE PROGRAMS

MANAGEMENT AND ADMINISTRATION

For an additional amount for management and administration, $8,000,000.

NATIONAL INSTITUTE OF JUSTICE

For an additional amount for the National Institute of Justice, $9,000,000.

BUREAU OF JUSTICE STATISTICS

For an additional amount for the Bureau of Justice Statistics, $10,000,000.

OFFICE OF JUVENILE JUSTICE AND DELINQUENCY PREVENTION

For an additional amount for the Office of Juvenile Justice and Delinquency Prevention, $20,000,000, as authorized by part D of title II of the Juvenile Justice and Delinquency Prevention Act of 1974.

BUREAU OF JUSTICE ASSISTANCE

For an additional amount for the Bureau of Justice Assistance, $127,000,000, of which $125,000,000 shall be available until expended for the Drug Control and System Improvement Grant Program and $2,000,000 shall be available for Regional Information Sharing Systems Grants, as authorized by the Omnibus Crime Control and Safe Streets Act of 1968.

STATE JUSTICE INSTITUTE

For an additional amount for the State Justice Institute, $15,000,000.

DEPARTMENT OF STATE

ADMINISTRATION OF FOREIGN AFFAIRS

SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses", $4,000,000, to remain available until expended, for expenses authorized by the Anti-Drug Abuse Act of 1988 for development, procurement, and implementation of a machine-readable travel and identity document border security program.

REWARDS FOR INFORMATION CONCERNING NARCOTICS RELATED OFFENSES

For an additional amount for rewards for information concerning narcotics-related offenses, $5,000,000, to remain available until expended.

THE JUDICIARY

COURTS OF APPEALS, DISTRICT COURTS, AND OTHER JUDICIAL SERVICES

SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses", $18,000,000.

DEFENDER SERVICES

For an additional amount as authorized by law for "Defender services", $14,000,000, to remain available until expended.

FEES OF JURORS AND COMMISSIONERS

For an additional amount for "Fees of jurors and commissioners", $1,000,000, to remain available until expended.

SECURITY EQUIPMENT

For an additional amount for procurement, installation, and maintenance of security equipment and protective services for the United States Courts, $5,000,000, to remain available until expended.

CHAPTER II—DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION AND RELATED AGENCIES

DEPARTMENT OF LABOR

DEPARTMENTAL MANAGEMENT

SALARIES AND EXPENSES

For an additional amount for substance abuse employee assistance programs in the workplace, $2,000,000.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

ALCOHOL, DRUG ABUSE AND MENTAL HEALTH ADMINISTRATION

ALCOHOL, DRUG ABUSE AND MENTAL HEALTH

For an additional amount for substance abuse prevention and treatment activities as authorized by the Anti-Drug Abuse Act of 1988, $895,000,000.

DEPARTMENT OF EDUCATION

SCHOOL IMPROVEMENT PROGRAMS

For an additional amount to carry out the Drug-Free Schools and Communities Act of 1986, as amended, $11,000,000.

NATIONAL COMMISSION ON DRUG-FREE SCHOOLS

For an additional amount for the National Commission on Drug-Free Schools, as authorized by the Anti-Drug Abuse Act of 1988, $1,000,000.

RELATED AGENCY

ACTION

OPERATING EXPENSES

For an additional amount for substance abuse prevention and education activities as authorized by the Domestic Volunteer Service Act of 1973, $2,000,000, of which up to $200,000 may be used for administrative expenses.

CHAPTER III—DEPARTMENT OF AGRICULTURE

FOOD AND NUTRITION SERVICE

SPECIAL SUPPLEMENTAL FOOD PROGRAM FOR WOMEN, INFANTS AND CHILDREN

For an additional amount for preparing and distributing drug abuse education materials, $10,000,000.

NATIONAL FOREST SERVICE

For an additional amount for Federal law enforcement activities relating to the use and production of narcotics and controlled substances on land administered by the National Forest Service, $10,000,000, as authorized by the Anti-Drug Abuse Act of 1988.

CHAPTER IV—DEPARTMENT OF TRANSPORTATION

COAST GUARD

OPERATING EXPENSES

For an additional amount for "Operating Expenses", $64,000,000 to be available only to increase drug interdiction patrols and other special drug interdiction operations: *Provided,* That such funds shall be available only for fuel, maintenance, spare parts, supplies and materials, and related logistics expenses.

ACQUISITION, CONSTRUCTION, AND IMPROVEMENTS

For an additional amount for "Acquisition, construction, and improvements", $100,000,000 to remain available until expended.

FEDERAL HIGHWAY ADMINISTRATION

For an additional amount for "Drunk driving prevention programs", $25,000,000, as authorized by the Drunk Driving Prevention Act of 1988, to remain available until expended.

NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION

For an additional amount for "Drug recognition expert training", $5,000,000 to establish a regional pilot program for training law enforceemnt officers to recognize and identify individuals who are operating a motor vehicle while under the influence of alcohol or 1 or more controlled substances.

CHAPTER V—DEPARTMENT OF THE TREASURY

BUREAU OF ALCOHOL, TOBACCO AND FIREARMS

SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses", $4,000,000.

UNITED STATES CUSTOMS SERVICE

SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses", $35,000,000, of which $7,000,000 shall be available for development, procurement, and implementation of a machine-readable travel and identity document border security program.

OPERATIONS AND MAINTENANCE, AIR INTERDICTION PROGRAM

For an additional amount for "Operation and Maintenance, Air Interdiction Program", $51,000,000, to remain available until expended.

FEDERAL LAW ENFORCEMENT TRAINING CENTER

For an additional amount for for the Federal Law Enforcement Training Center, $6,000,000 of which $4,000,000 shall be available only to accommodate the advanced in-service training requirements of the Drug Enforcement Administration that cannot otherwise be met at the Department of Justice training facilities, and $2,000,000 shall be available to increase the level of drug enforcement training for Federal, State, and local law enforcement officers.

EXECUTIVE OFFICE OF THE PRESIDENT

NATIONAL COMMISSION ON MEASURED RESPONSES TO ACHIEVE A DRUG-FREE AMERICA BY 1995

For an additional amount for the National Commission on Measured Responses to Achieve a Drug-Free America by 1995, $1,000,000, as authorized by the Anti-Drug Abuse Act of 1988.

PRESIDENT'S MEDIA COMMISSION ON ALCOHOL AND DRUG ABUSE PREVENTION

For an additional amount for the President's Media Commission on Alcohol and Drug Abuse Prevention, $1,000,000, as authorized by the Anti-Drug Abuse Act of 1988.

CHAPTER VI—FOREIGN ASSISTANCE

DEPARTMENT OF STATE

MULTILATERAL ASSISTANCE

For an additional amount for "Multilateral assistance", $3,000,000, as authorized by the International Narcotics Control Act of 1988.

MILITARY ASSISTANCE PROGRAM

For an additional amount for "Military assistance", $15,000,000: *Provided,* That such funds shall be available only to provide defense articles to the armed forces of Colombia to support their efforts to combat illicit narcotics production and trafficking.

CHAPTER VII—DEPARTMENTS OF HOUSING AND URBAN DEVELOPMENT AND VETERANS' AFFAIRS

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

PUBLIC HOUSING DRUG ELIMINATION PILOT PROGRAM

For an additional amount for the Public Housing Drug Elimination Pilot Program, $8,200,000, as authorized by the Anti-Drug Abuse Act of 1988, to be available until expended.

DEPARTMENT OF VETERANS' AFFAIRS

DRUG AND ALCOHOL TREATMENT PROGRAMS

For an additional amount for drug and alcohol treatment programs, $16,000,000, of which $15,000,000 shall be available for providing drug and alcohol treatment services to eligible veterans with alcohol or drug dependence or abuse disabilities, and $1,000,000 shall be available for an evaluation of drug and alcohol treatment programs operated by the Department of Veterans' Affairs.

CHAPTER VIII—DEPARTMENT OF THE INTERIOR

INDIAN HEALTH SERVICES

For an additional amount for Indian alcohol and substance abuse prevention and treatment, $30,000,000, as authorized by the Anti-Drug Abuse Act of 1988.

BUREAU OF LAND MANAGEMENT

For an additional amount for Federal law enforcement activities relating to the use and production of narcotics and controlled substances on Bureau of Land Management public lands, $2,000,000, as authorized by the Bureau of Land Management Drug Enforcement Supplemental Authority Act.

NATIONAL PARK SERVICE

For an additional amount for Federal law enforcement activities relating to the use and production of narcotics and controlled substances in National Park System units, $3,000,000, as authorized by the Anti-Drug Abuse Act of 1986.

INSULAR AREAS

For an additional amount to carry out the United States Insular Areas Drug Abuse Act of 1986, $13,975,000, of which $350,000 shall be available for grants to the Government of American Samoa, $500,000 shall be available to provide the Government of American Samoa with a vessel to be used in the enforcement of narcotics and other laws, $500,000 shall be available for grants to the Government of Guam to carry out the purposes of such Act in accordance with a plan approved by the Secretary of the Interior, $500,000 shall be available for grants to the Government of Guam for drug abuse law enforcement equipment, $125,000 shall be available for grants to the Government of the Northern Marianas Islands, $7,000,000 shall be available for grants to the Government of Puerto Rico, $2,000,000 shall be available for grants to the Government of the Virgin Islands to carry out the purposes of such Act in accordance with a plan approved by the Secretary of the Interior, $2,500,000 shall be available for a grant to the Government of the Virgin Islands for a substance abuse facility, and $500,000 shall be available for grants to the Government of Palau.

VETERANS BENEFITS AND HEALTH CARE ACT

CRANSTON (AND OTHERS) AMENDMENT NO. 124

(Ordered referred to the Committee on Veterans' Affairs.)

Mr. CRANSTON (for himself, Mr. MATSUNAGA, Mr. DECONCINI, Mr. MITCHELL, Mr. ROCKEFELLER, and Mr. GRAHAM) submitted an amendment intended to be proposed to the bill (S. 13) to amend title 38, United States Code, to increase the rates of disability compensation and dependency and indemnity compensation for veterans and survivors, to increase the allowances paid to disabled veterans pursuing rehabilitation programs and to the dependents and survivors of certain disabled veterans pursuing programs of education, and to improve various programs of benefits and health-care

services for veterans; and for other purposes, as follows:

On page 19, strike out lines 8 through 21 and insert in lieu thereof the following:

SEC. 212. COMPENSATED WORK THERAPY PROGRAM.

(a) AUTHORIZED SOURCES FOR PROVISION OF THERAPEUTIC WORK.—Subsection (b)(1) of section 618 is amended by striking out "contractual arrangements with private industry or other sources outside the Veterans' Administration" and inserting in lieu thereof "a contract or other arrangement with any appropriate source (whether or not an element of the Department of Veterans Affairs or of any other Federal entity)".

(b) USE OF REVOLVING FUND.—The first sentence of subsection (c)(1) of such section is amended by inserting before the period at the end "(including defraying the costs of travel and related expenses necessary to train employees in the administration of services under such subsection)".

(c) PILOT PROGRAM.—Section 618 is amended by adding at the end the following new subsection:

"(g)(1) During fiscal years 1990–1994, the Secretary shall conduct a pilot program to encourage and participate in the establishment of nonprofit corporations for the purpose of contracting with such nonprofit corporations to conduct compensated work therapy programs at Department of Veterans Affairs medical centers operating such programs.

"(2) The Secretary may enter into not more than 25 contracts with nonprofit corporations under the pilot program.

"(3) The Secretary may enter into a contract with a nonprofit corporation under the pilot program only if the corporation provides assurances satisfactory to the Secretary that it will operate a therapeutic residence for eligible veterans in connection with an existing compensated work therapy program at the medical center involved. The contract may remain in effect only as long as the corporation operates such a therapeutic residence for eligible veterans in connection with the pilot program.

"(4) A contract with a nonprofit corporation under this subsection may provide for the Secretary, as partial payment under the contract, to furnish the corporation inkind services, including—

"(A) technical and clinical advice;

"(B) supervision of the activities of compensated work therapy participants in the rehabilitation of any property for use as a therapeutic residence under the contract and for possible later sale as a private residence; and

"(C) minor maintenance of and minor repairs to such a therapeutic residence.

"(5)(A) In order to assist a nonprofit corporation to purchase or lease any real property for the purpose of operating a therapeutic residence under the pilot program, the Secretary may—

"(i) make advance payments to the corporation;

"(ii) lend the corporation up to the maximum amount specified in subparagraph (D) of this subsection; or

"(iii) both.

"(B) Advance payments and loans authorized by this paragraph may be paid out of sums in the fund.

"(C) Sums received by a nonprofit corporation as advance payments or loans pursuant to this paragraph may be used only for the purchase or lease of real property for use as a therapeutic residence pursuant to the pilot program, except that advance payments may also be used for the operation of such a residence.

"(D) The amount of a loan under this subsection may not exceed—

"(i) in the case of a purchase of real property for such use, the amount equal to 25 percent of the purchase price; or

"(ii) in the case of a lease of real property for such use, the amount of the rent for one year.

"(E) A loan made to a nonprofit corporation under this paragraph shall be repaid within five years after the date on which the nonprofit corporation first accepts eligible veterans to reside in a therapeutic residence purchased or leased with the funds loaned to the corporation.

"(6) In the case of each nonprofit corporation to which an advance payment or loan is made under paragraph (5) of this subsection for the purchase of real property, the pilot program contract with such corporation shall include a provision that requires the corporation—

"(A) to sell the real property if the corporation does not operate or ceases to operate a therapeutic residence on that property.

"(B) in the case of an advance payment or advance payments, to pay the fund the amount equal to the excess, if any, of the total amount advanced to the corporation over the amount of the accrued obligation of the Department of Veterans Affairs to the corporation under the contract;

"(C) in the case of a loan, to pay the fund the sum of the unpaid balance of the loan and the amount equal to 50 percent of the excess, if any, of the sale price over the total amount paid by the corporation for the purchase and improvement of such real property; and

"(D) to use the proceeds of the sale of the property to pay, to the extent of the proceeds, the obligations imposed by clauses (B) and (C) of this paragraph.

"(7)(A) The Secretary shall deposit in escrow any sums to be advanced or loaned to a nonprofit corporation by the Department of Veterans Affairs under paragraph (5) of this subsection until the corporation demonstrates to the satisfaction of the Secretary that at least 25 percent of the net annual operating expenses of the corporation will be paid out of funds obtained from sources other than the Department of Veterans Affairs or will be satisfied by in-kind services obtained from such sources, or both. For the purpose of this subparagraph, the term 'net annual operating expenses' means the amount equal to the excess of the estimates amount of the annual expenses of operating the therapeutic residence or therapeutic residences to be acquired or operated with such escrow sums ovr the estimated annual rental income from eligible veterans residing in such residence or residences.

"(B) If, in the case of a corporation for which any amount is held in escrow pursuant to subparagraph (A) of this paragraph in connection with a contract awarded under the pilot program, the corporation fails to meet the requirements of such subparagraph within 18 months after the award of that contract, the corporation shall forfeit all rights to the amount so held in escrow, the escrow shall be terminated, and that amount shall be credited to the fund.

"(8) The Secretary may transfer to the fund from the General Post Fund of a Department of Veterans Affairs medical center benefiting from the operation of a therapeutic residence by a nonprofit corporation in connection with the pilot program such amount as the Secretary considers necessary to make any advance payments and loans to such corporation under subparagraph (5) of this subsection.

"(9)(A) Subject to subparagraph (B) of this paragraph, the Secretary shall transfer to the Veterans Health Services and Research Administration not less than 10 residences acquired by the Department of Veterans Affairs in the administration of chapter 37 of this title.

"(B) Each property so transferred under this paragraph—

"(i) shall be located in an area suitable for meeting the need of the Department for a therapeutic residence under the pilot program; and

"(ii) shall be leased, in accordance with subparagraph (C) of this paragraph, to a nonprofit corporation for operation as a therapeutic residence under the pilot program.

"(C) A lease of property under this paragraph shall—

"(i) provide for a lease period of not less than one and not more than three years and may include one or more options for renewal at the option of both parties for up to three additional years;

"(ii) require that the property be operated as a therapeutic residence during the lease period;

"(iii) require the lessee to pay to the medical center benefiting from the operation of such therapeutic residence 60 percent of the rent received each month during the lease period from eligible veterans residing in a therapeutic residence on such property.

"(iv) provide for return of the property to the Secretary upon termination of the lease; and

"(v) include such other terms and conditions, consistent with this subsection, as the Secretary considers appropriate for protection of the interests of the United States.

"(10) The director of a medical center shall hold the sums received pursuant to paragraph (9)(C)(iii) of this subsection until such sums are transferred pursuant to this paragraph. The Secretary shall periodically transfer such sums to the Loan Guaranty Revolving Fund established by section 1824 of this title. The Secretary, in consultation with the Secretary of the Treasury, shall prescribe regulations to carry out this paragraph.

"(11) In the case of a nonprofit corporation that, on September 30, 1989, is conducting a compensated work therapy program pursuant to a contract awarded by the Department of Veterans Affairs, the operations of such corporation not covered by a contract awarded under the pilot program shall not be affected by the provisions of this subsection.

"(12) In-kind services furnished to a nonprofit corporation by the Department of Veterans Affairs under the pilot program shall be considered as part of a passthrough account under the Department's resource allocation methodology.

"(13)(A) Any nonprofit corporation established to operate a therapeutic residence or therapeutic residences under the pilot program shall be established in accordance with the nonprofit corporation laws of the State or States in which the therapeutic residence or residences are to be operated and shall, to the extent not inconsistent with any Federal law, be subject to the laws of such State or States, as the case may be.

"(B) A nonprofit corporation participating in the pilot program shall be established

solely for the purpose of conducting one or more compensated work therapy programs and operating therapeutic residences in conjunction with such programs.

"(C) Except as otherwise provided in this paragraph or under regulations prescribed by the Secretary, a nonprofit corporation participating in the pilot program, and its directors and employees, shall be required to comply only with those Federal laws, regulations, and executive orders and directives which apply generally to private nonprofit corporations.

"(D) The board of directors of each nonprofit corporation participating in the pilot program shall include employees of the Department, but the total number of such employees on the board must be less than one-half of the total number of directors. An employee of the Department of Veterans Affairs directly responsible for the conduct of compensated work therapy programs at the medical center benefiting from the operation of a therapeutic residence by the corporation shall be a member of the board.

"(E) A nonprofit corporation participating in the pilot program may—

"(i) accept gifts and grants from, and enter into contracts with, individuals and public and private entities solely to carry out the purpose specified in subparagraph (B) of this subsection;

"(ii) employ such employees as it considers necessary for such purpose and fix the compensation of such employees; and

"(iii) in the discretion of the corporation board of directors, transfer gifts and grants accepted under clause (i) of this subparagraph to the fund.

"(F) The records of a nonprofit corporation participating in the pilot program shall be available to the Secretary.

"(G) For the purposes of sections 4(a)(1) and 6(a)(1) of the Inspector General Act of 1978, the programs and operations of such a nonprofit corporation shall be considered to be programs and operations of the Department with respect to which the Inspector General of the Department has responsibilities under such Act.

"(H) Such a nonprofit corporation shall be considered an agency for the purposes of section 716 of title 31 (relating to availability of information and inspection of records by the Comptroller General).

"(I) Each such nonprofit corporation shall submit to the Secretary an annual report providing a detailed statement of its operations, activities, and accomplishments during that year. The corporation shall obtain a report of independent auditors concerning the receipts and expenditures of funds by the corporation during that year and shall include that report in the corporation's report to the Secretary for that year.

"(J) Each member of the board of directors of a non-profit corporation participating in the pilot program, each employee of such a corporation, and each employee of the Department involved in the functions of the corporation during any year—

"(i) shall, with respect to such functions, be subject to Federal laws and regulations applicable to Federal employees with respect to conflicts of interest in the performance of official functions; and

"(ii) shall, with respect to such functions, submit to the Secretary an annual statement signed by the director or employee certifying that the director or employee is aware of, and has complied with, such laws and regulations in the same manner as is required of Federal employees.

"(K) The Secretary shall submit to the Committees on Veterans' Affairs of the Senate and House of Representatives an annual report on the number and locations of nonprofit corporations participating in the pilot program and the amount paid by the Secretary to each such corporation under the pilot program.

"(12) Not later than February 1, 1994, the Secretary shall submit to the Committees on Veterans' Affairs of the Senate and House of Representatives a report on the experience under the pilot program. The report shall include such recommendations as the Secretary considers appropriate.

"(13) For the purposes of this subsection—

"(A) the term 'nonprofit corporation' means a corporation recognized as an entity the income of which is exempt from taxation under section 501(c)(3) of the Internal Revenue Code of 1986;

"(B) the term 'eligible veteran' means a veteran eligible to receive therapeutic and rehabilitative services under this section;

"(C) the term 'therapeutic residence' means a residential facility in which eligible veterans may reside while participating in a compensated work therapy program conducted pursuant to this section and includes real property associated with such facility; and

"(D) the term 'existing compensated work therapy program' means a compensated work therapy program that is being conducted under this section by a Department of Veterans Affairs medical center on the date of the enactment of the Veterans Benefits and Health Care Act of 1989.".

AMENDMENT NO. 124: COMPENSATED WORK THERAPY ENHANCEMENT AND EXPANSION

Mr. CRANSTON. Mr. President, as chairman of the Committee on Veterans' Affairs, it gives me pleasure to submit, along with my distinguished colleagues on the committee, Senators MATSUNAGA, DECONCINI, MITCHELL, ROCKEFELLER, and GRAHAM, an amendment to section 212 of S. 13. Our amendment would establish a 5-year pilot program to expand and enhance VA compensated-work-therapy [CWT] programs. This pilot program would provide for testing, at up to 25 sites, an innovative approach to providing veteran-patients—primarily those recovering from mental disabilities or drug or alcohol conditions—with the services to help them make the transition from inpatient care to independent living in the community.

Under the pilot program, VA would help to create nonprofit corporations with which it would contract to conduct CWT programs—structured job opportunities, under section 618 of title 38, arranged under contracts with private businesses—and to which it could make loans to facilitate the corporation setting up therapeutic residences [TR's] providing relatively independent group-living arrangements. In order to be eligible to receive a CWT contract under this program, the corporation would have to run a TR. These CWT/TR programs would provide work therapy during the day and supervised living experience at night.

By encouraging nonprofit corporations to get involved in this endeavor, VA can enhance and improve the services available to meet the needs of those veterans without further enlarging its own health care mission and directing any significant resources away from a system that is already dealing with a very serious fiscal crisis.

SUMMARY OF PROVISIONS

Mr. President, our amendment contains provisions which would:

First, require, in a 5-year pilot program limited to not more than 25 sites, VA to promote and participate in the establishment of nonprofit corporations with which VA would contract to run CWT programs as long as the nonprofit has made a commitment to, and actually runs, a TR.

Second, authorize VA to make an interest-free loan—repayable within 5 years—to the nonprofit corporation in the amount of either 25 percent of the purchase price for the TR or the total of the first year's rent it would pay for leasing a structure for that purpose; and provide that if the nonprofit were to sell the TR, the proceeds of the sale would be required to be used to repay the unpaid balance of the loan and to pay VA 50 percent of any profit realized from the sale.

Third, authorize VA to make advance payments, under the nonprofit corporation's contract with VA to run a CWT program, from the Special Therapeutic and Rehabilitation Activities Fund [STRAF] by making those funds available in a special escrow account set up in the STRAF for up to 18 months; to disburse such funds from the escrow account to the nonprofit upon its demonstrating to VA's satisfaction that at least 25 percent of its annual operating expenses for running the TR—over and above the expenses anticipated to be paid from VA patients' rental payments—would be paid from non-VA sources—either in cash or in in-kind services.

Fourth, authorize VA, as part of the VA payment to the nonprofit for the running of a CWT program in conjunction with a TR, to provide in-kind services—including technical and clinical expertise, building-rehabilitation supervision, and minor maintenance and repairs to the residence—to the nonprofit corporation; and provide that services would be considered as "pass through" expenses and accordingly, would not be subject to adjustment by the VA's Resources Allocation Methodology—a methodology VA uses in allocating funding to its health care facilities.

Fifth, authorize the nonprofit corporation to use the funds advanced to it by VA under the CWT contract to assist the corporation to acquire and operate a TR; and require the corporation, when it ceases to operate the TR, to return to the STRAF, out of the proceeds from the sale of the property, any amount it owes to VA under the CWT contract with the VA plus,

as I have previously indicated, 50 percent of any profits from such sale.

Sixth, authorize VA to transfer from the General Post Fund at the medical center involved to the STRAF the funds necessary for any loan or advance payment, or both, to be made to the nonprofit corporation in connection with the pilot program at that center.

Seventh, direct the Secretary, in administering chapter 37 of title 38, the VA Home-Loan Guaranty Program, to transfer not less than 10 properties acquired by VA under that chapter to the Veterans Health Services and Research Administration (VHS&RA) for VHS&RA to lease the properties to nonprofit corporations which have CWT contracts and agree to use the properties as TRs for terms of 1 to 3 years, with renewal options permissible for up to another 3 years; require the nonprofit corporation to pay 60 percent of the rent collected from veteran residents to the medical center for subsequent transfer into the Loan Guaranty Revolving Fund; and require the corporation, upon termination of the lease, to return the property to the Secretary for disposition in accordance with loan program procedures.

Eighth, direct that any existing nonprofit corporation carrying out a CWT program be grandfathered in its CWT operations without regard to the provisions in the bill.

Ninth, provide for the structure of the CWT/TR nonprofit corporations to be similar to that of the research nonprofit corporations, which are currently authorized in subchapter VI of chapter 73 of title 38, in terms of their general powers, the structure of their boards of directors—but limit VA employees to being a minority of board members—the applicability of State law, accountability, oversight, and authority to accept gifts or grants.

Tenth, provide that the pilot program may be conducted only at VA Medical Centers that have existing CWT programs.

BACKGROUND

Mr. President, as I discussed in my January 25 introductory statement of S. 13—CONGRESSIONAL RECORD, page S234—CWT programs provide at a low cost to the Government numerous therapeutic benefits to VA patients in a work setting. CWT programs involve the use of work subcontracted and paid for by businesses with wages generated through the work contracts and generally paid on a piecework basis. The jobs vary greatly, from simple packaging to fabrications and assembly operation using complex machinery, and take place in VA medical centers, in the community, or on industrial sites. Not only do these programs provide a clinical procedure for evaluating the patient's vocational or avocational interests, aptitudes, and skills, but they also provide a method for assessing the patient's physical and mental capacities for work in actual work situations. CWT programs also encourage the development of good work habits by emphasizing attendance, reliability, punctuality, productivity, craftsmanship, and personal responsibility. In essence, individuals working in CWT programs gain a sense of being productive while developing important work skills.

Mr. President, I have long had a strong interest in and involvement with the CWT program. In 1976, I authored legislation enacted into law, in section 105 of Public Law 94-581, that revised section 618 of title 38 to clarify the statutory authority for the CWT program. In the absence of specific authority, these programs had been carried out since the late 1930's pursuant to VA's general health care authority in chapter 17 of title 38 and VA's general contract authority in section 213. A key component in CWT programs at a number of VA medical facilities were nonprofit corporations which VA employees created for the purpose of operating CWT programs. However, a 1973 VA general counsel's opinion concluded that such nonprofit corporations violated a general government-wide prohibition against Federal agencies' establishing corporations to conduct government business. The express authority provided in Public Law 94-581 for VA itself to conduct CWT programs eliminated the need to establish nonprofit corporations to do so. Recognizing, however, that many nonprofit corporations had done good work in operating CWT programs, Congress authorized VA in that law to contract with nonprofit corporations for the establishment and conduct of the programs. It did not, however, exempt VA from the operation of the Government Corporation Control Act—31 U.S.C. 9102—which continues to permit Government agencies to form corporations to do Government business only under a law specifically authorizing such action.

Subsequently, in 1984, VA undertook enforcement of an interpretation of the need-based, non-service-connected VA pension law—chapter 15 of title 38—under which a CWT participant's pension was reduced dollar-for-dollar by the amount earned in a CWT program. To eliminate that interpretation's adverse effect on participation in the program, I authored a provision, initially passed by the Senate in 1984 and finally enacted in section 601 of Public Law 99-576 on October 28, 1986, which exempted CWT payments from countable income under the pension program. Subsequently, participation in the CWT programs improved.

In 1987, I authored legislation, enacted in section 411 of Public Law 100-322 on May 29, 1988, to return to the STRAF the $100,000 which, under a surprising interpretation of the Gramm-Rudman-Hollings law, had been taken from the STRAF as a part of the fiscal year 1986 sequestration. Earlier, in section 601 of Public Law 99-576, Congress had enacted on October 28, 1986, a provision I proposed to provide a permanent exemption of the STRAF from sequestration beginning in fiscal year 1986.

Mr. President, CWT programs have grown substantially since the 1976 legislation was enacted. In fiscal year 1976, approximately 2,000 patients were engaged in the program at 52 VA health care facilities. In fiscal year 1988, CWT programs provided work for 5,632 veterans in 45 programs through contracts with businesses paying out over $3 million. Patients worked 836,438 hours and were paid a total of $1,879,602. Approximately 40 percent of the program participants were outpatients, and almost all—approximately 90 percent—were either psychiatric or substance-abuse patients.

As fiscal year 1988 drew to a close, it became apparent that further expansion of the CWT programs was being hampered by restrictions on contracting sources and a lack of funding for training, travel, and other necessary management operations.

Mr. President, to address specifically these roadblocks to further growth of the CWT programs, on January 25, 1989, I introduced, in section 212 of S. 13, provisions to modify the existing authority in section 618 so as to (a) allow such programs to contract with Government entities, including VA, as well as with private industry sources as specified in current law, for the work that the patients do, and (b) to allow funds from the STRAF to be used for training and related management functions, including travel, necessary for the operation of the CWT programs. Since these provisions appear to have broad support and I am unaware of any opposition to them, and Mr. MONTGOMERY has introduced similar provisions in section 203 of H.R. 901, it seems highly likely that these provisions will be enacted.

At the time of introducing S. 13, I had underway work on legislation to test ways of expanding the CWT program through projects operated in conjunction with TR's.

JUSTIFICATION FOR THE BILL

Mr. President, it has become apparent that the psychiatric and substance abuse patients—both inpatient and outpatient—in CWT programs would benefit from the availability of a transitional living environment between the hospital and a return to fully independent living in the community. Therapeutic residences in combination with CWT programs can provide such a step—supervision during the day while working in CWT and at night while at the TR.

Mr. President, I strongly believe that the best method for VA at present to develop this treatment modality is to authorize VA to promote and participate in the creation of nonprofit corporations with boards of directors consisting of community members and a minority of VA employees. Our legislation recognizes supervised transitional housing coupled with a therapeutic work environment as an advantageous treatment model, but, in view of the current enormous fiscal constraints confronting VA, avoids imposing on VA direct responsibility for running TR's. Rather, the legislation would establish a pilot program under which VA could provide a boost to nonprofit corporations in the form of (a) an interest-free, up-to-5-year loan in the amount of 25 percent of the purchase price or, if the property for the TR is to be leased, the total of 1 year's rent for the property; (b) an advance on the contract to run a CWT program in a TR; (c) making available residences from foreclosed properties under the VA loan guaranty program; and (d) in-kind services from VA employees—designed to facilitate and encourage nonprofit corporations to provide a therapeutic transitional step for psychiatric and substance abuse patients. Another important aspect of the legislation, given the Federal fiscal crunch and the community-based nature of the TR's, is that the nonprofit corporation would be required to tap into local, State, and Federal resources to enable it to further the goal of acquiring a TR and running a CWT program. Specifically, it would have to commit itself to develop, and then develop, within 18 months after the VA contract is entered into, from such sources, in cash or in kind, 25 percent of the annual cost of running the TR.

I envision the program working as follows: Once VA employees perceive, or are able to develop, an interest in the community in providing transitional housing and appropriate therapeutic work opportunities for chronically mentally ill veteran patients or veteran patients with substance abuse problems, they would join with the interested individuals from the community—some or most of whom very likely would be members of veterans service organizations—to form a nonprofit corporation. The goal of this nonprofit corporation would be to run a CWT program for veterans in conjunction with establishing and running a therapeutic residence. The responsibility for the project would be with the nonprofit corporation; the VA would be supportive in tangible and promotional ways.

As discussed briefly above, to help the nonprofit initially fund the project, including the purchasing of housing where VA foreclosed housing is not available, VA would be authorized to make an interest-free loan to the nonprofit for a term of up to 5 years in the amount of either 25 percent of the purchase price or the total of 1 year's rent where the property is to be leased. Additionally, VA would be authorized to make advance payments to the nonprofit under the contract under which the nonprofit had promised to conduct a CWT Program in conjunction with running a TR.

The money for the loan and contract advance payment would come from the STRAF, after being transferred there from the General Post Fund. I understand that nationwide, the Post Fund currently has over $1 million in cash on hand, nearly $26 million in cash investments, and approximately $9.8 million in donated property. These figures do not include funds specifically earmarked for special projects, which I would anticipate may grow with funds earmarked for this program once it is enacted and publicized. With housing costs generally ranging between $25,000 and $150,000—VA's portion would correspondingly range between $6,250 and $37,500—the cost to the Post Fund for the loans for a maximum of 15 properties at an average of $20,000 per property would be $300,000. The amount to be paid by VA on the contract for the nonprofit to run a CWT program in conjunction with a TR likely would vary widely from program to program. I look forward to hearing testimony to shed light on this issue.

I understand that it can be very difficult for an interested nonprofit corporation to get initial funding from community, State, or Federal sources because each potential source wants to be sure that the nonprofit will be able to get off the ground and accomplish its mission, and many are hesitant to be the first to commit resources to a new venture. To help overcome this potential obstacle, our legislation would provide that VA may make a loan, as described above, and an advance payment under the contract, with the funds being held in a special STRAF escrow account for up to 18 months. The availability of this funding—in essence operating like a letter of credit—should inspire confidence from other potential sources and ease the startup burden on the nonprofit corporation. Before the money is released from the escrow account to the nonprofit, the corporation must be able to demonstrate to the VA facility that it has sufficient non-VA funding, in either cash or in in-kind services, to cover 25 percent of its annual operating expenses for running the TR—over and above the expenses anticipated to be paid by VA patients in rental payments.

In order to assist nonprofit corporations to acquire housing in another fashion, this legislation would direct the Secretary to transfer to VHS&RA not less than 10 properties acquired under the loan guaranty program upon a veteran's default and located in suitable areas—that is, areas in which VA has contracted or intends to contract with a nonprofit to provide a CWT Program in conjunction with a TR. VHS&RA would then lease these properties to nonprofit corporations to be utilized as TR's for terms of from 1 to 3 years, with renewal options. The nonprofit would be required to pay 60 percent of the rent collected from patients at the TR to the medical center for subsequent periodic transfer by the Secretary to the Loan Guaranty Revolving Fund [LGRF]. I understand that rents at most properties would average $200 for each of six individuals, equaling a total yearly rent of $14,400. Accordingly, payment to the LGRF would be approximately $8,640 per property per year. Upon termination of the lease, the property would be returned to the Secretary to be disposed of under regular loan program procedures.

VA would also be authorized to provide payment under the CWT contract in the form of in-kind services to the nonprofit. These services would likely be essential to ensure that the nonprofit has the clinical expertise necessary to run both the CWT program and the therapeutic aspect of the residence. Additionally, VA would be authorized to utilize its personnel to carry out minor maintenance and repairs to the TR.

When the nonprofit ceases to operate a residence as a TR, the nonprofit would be required to sell the TR and return to VA any funds that were advanced to and not yet earned by the nonprofit under the contract and, in the case of a loan, the unpaid balance of the loan. Additionally, if the nonprofit were to realize profit from the sale of the TR, VA would be entitled to 50 percent of the profit. While this profit-sharing provision would not penalize any nonprofit that did not make a profit in the sale of the TR, it would provide a mechanism for VA to realize a return on its interest-free loan.

This nonprofit model is not without precedent. At the Menlo Park division of the Palo Alto VA Medical Center, the very capable and creative Chief of Staff, Dr. Mark Graeber, has been working for many years with a nonprofit corporation, which currently runs several therapeutic residences. Through the work of the nonprofit, and the contributions of in-kind services from VA staff, over 400 veterans have been helped since 1968. It is this kind of success that I hope this pilot program will engender, and I encourage those who undertake programs pursuant to this pilot program to utilize the Menlo Park staff as a resource for advice and information.

IMPORTANCE OF NONPROFIT MODEL

Mr. President, there are several reasons why I strongly prefer the nonprofit model over one involving direct VA operation of the CWT/TR programs. First, I believe that VA has enough on its agenda at this point without broadening its health care mission. In connection with this, I believe that, at a time in which the basic system is struggling to continue and facing enormous fiscal and personnel recruitment and retention pressures, it would be unwise to direct any new or existing appropriations into a new program that is not a part of direct health care and is not directed toward solving VHS&RA's urgent recruitment and retention problems. Additionally, I see this type of CWT/TR program as a particularly appropriate undertaking for a private sector entity—especially with the encouragement from VA that is provided for in the legislation—which can operate with far more freedom and flexibility than a government department.

Another reason for utilizing the nonprofit model over a direct VA-run TR is the issue of Federal liability for a TR located off VA grounds which does not have direct VA supervision on a 24-hour basis. This can be an important factor since part of the clinical aspect of the therapeutic residence may require giving patients sufficient independence to learn and grow and emerge from direct supervision of others; I believe this can happen more easily outside a government-run entity.

CONCLUSION

Mr. President, I am pleased to continue my 13-year efforts to promote and enhance the CWT program. The amendment we are submitting would provide for VA to conduct a pilot program to help nonprofit corporations provide a useful and important service to veterans—to assist in their transition back into independent living—without imposing on VA an expansion of its health care responsibilities. This legislation will be included in the subject matter on the agenda for the committee's hearing on June 14, 1989, on various mental health measures and other matters. I look forward to hearing the testimony regarding these provisions and to perfecting this innovative approach to helping those veterans who clearly need and deserve more of our help—those with mental disabilities and substance abuse problems.

DIRE EMERGENCY SUPPLEMENTAL APPROPRIATIONS, 1989

DeCONCINI (AND OTHERS) AMENDMENT NO. 125

Mr. DeCONCINI (for himself, Mr. HELMS, Mr. GRAHAM, Mr. SYMMS, Mr. HATCH, and Mr. McCAIN) proposed an amendment, which was subsequently modified, to the bill H.R. 2072, supra, as follows:

Before the period at the end of the committee amendment ending on line 4 of page 54, insert the following:

: *Provided further,* That $26,000,000 of such amount shall be made available upon enactment for contribution with respect to implemenation of the Agreement Among the People's Republic of Angola, the Republic of Cuba, and the Republic of South Africa, signed at the United Nations on December 22, 1988 (hereafter known as the Tripartite Agreement) only if the President determines and certifies to the appropriate Congressional committees that—(1) all armed forces of the South West Africa People's Organization (SWAPO) have left Namibia and returned north of the 16th parallel in Angola in compliance with the agreements, (2) the United States has received explicit and reliable assurances from each of the parties to the Bilateral Agreement that all Cuban troops will be withdrawn from Angola by July 1, 1991, and that no Cuban troops will remain in Angola after that date, and (3) the Secretary General of the United Nations has assured the United States that it is his understanding that all Cuban troops will be withdrawn from Angola by July 1, 1991, and that no Cuban troops will remain in Angola after that date;

Provided further, That an additional $51,900,000 of such amounts may be made available after September 1, 1989, for implementation of the Triparite Ageeement only if, no later than August 20, the President has determined and certified to the appropriate congressional committees that—(1) each of the signatories to the Triparite Agreement is in compliance with its obligations under the Agreement, (2) the government of Cuba has complied with its obligations under Article 1 of the Bilateral Agreement (relating to the calendar for redeployment and withdrawal of Cuban troops), specifically with respect to its obligations as of August 1, 1989, (3) the Cubans have not engaged in any offensive military actions against UNITA, including the use of chemical warfare, (4) the United Nations and its affiliated agencies have terminated all funding and other support to the South West Africa People's Organization (SWAPO), and (5) the United Nations Angola Verification Mission is demonstrating diligence, impartiality, and professionalism in verifying the departure of Cuban troops and the recording of any troop rotations;

Provided further, That funding of these activities by the United States may not be construed as constituting recognition of any government in Angola; and

Provided further, That the term "Bilateral Agreement" means the Agreement Between the Governments of the People's Republic of Angola and the Republic of Cuba for the Termination of the International Mission of the Cuban Military Contingent, signed at the United States on December 22, 1988, and the term "Tripartite Agreement" means the Agreement Among the People's Republic of Angola, the Republic of Cuba, and the Republic of South Africa, signed at the United Nations on December 22, 1988;

Provided further, That the term "appropriate Congressional committees" means the Committees on Appropriations, Foreign Affairs, and Permanent Select Committee on Intelligence of the House of Representatives, and the Committees on Appropriations, Foreign Relations, and the Select Committee on Intelligence of the Senate; and

Provided further, That the Secretary of the Treasury shall instruct the United States Executive Directors to the International Monetary Fund and the International Bank for Reconstruction and Development (also known as the "World Bank") to vote in opposition to the entry of the government of Angola into these financial institutions or to approve any loans to Angola.

Provided further, That it is the sense of the Senate that (1) the United States should vigorously promote direct talks between the leaders of Union for the Total Independence of Angola (UNITA) and the Movement for the Popular Liberation of Angola (MPLA) to achieve an agreed process of national reconciliation among Angolans, (2) the United States should provide appropriate and effective assistance to UNITA until a national reconciliation agreement has been implemented, (3) in the context of a negotiated settlement of the civil war and national reconciliation in Angola, the President should consider (a) the provision of humanitarian assistance to help the Angolan people to reconstruct their war-damaged economy, resettle displaced persons and refugees, reduce hunger and malnourishment, and otherwise recover from the injuries inflicted by their lengthy civil war and the foreign intervention it had invited, and (b) the establishment of diplomatic relations with a new Angolan Government, and (4) the United States should continue its policy of refusing to recognize a government in Angola until a national reconciliaiton agreement has been implemented.

DOLE AMENDMENT NO. 126

Mr. HATFIELD (for Mr. DOLE) proposed an amendment to the bill H.R. 2072 supra, as follows:

On page 27, line 10, before the period add the following:

"*Provided further,* That of this amount, $275,000,000 shall be transferred to the Cooperative State Research Service to be paid to the Kansas Agricultural Research Experiment Station at Kansas State University for the purposes of disseminating information to farmers on methods of alleviating drought problems and exploring improved water conservation techniques".

KASTEN AMENDMENT NO. 127

Mr. KASTEN proposed an amendment to the bill H.R. 2072, supra, as follows:

On page 12, between lines 13 and 14 insert the following:

GENERAL PROVISIONS

SEC. . The Congress finds that failing to recognize natural resource depletion causes current systems of economic statistics to provide a distorted representation of many nation's economic condition.

(a) The Secretary of State shall instruct the U.S. representative to the Organization for Economic Cooperation and Development and to the United Nations and it's appropriate affiliated organizations to seek revisions in the manner in which these organizations report the income and economic activities of nations. Such a system of accounting shall recognize the depletion or degradation of natural resources as a component of economic activities.

(b) The Secretary of the Treasury shall instruct the U.S. Executive Director to each Multilateral Development Bank and to the International Monetary Fund to seek the adoption of revisions in accounting systems as described in section A.

(c) The Administrator of the Agency for International Development shall incorporate the changes described in section A into AID's evaluations and projections of the economic performance of borrowing countries.

ROCKEFELLER AMENDMENT NO. 128

Mr. BYRD (for Mr. ROCKEFELLER) proposed an amendment to the bill H.R. 2072, supra, as follows:

At the appropriate place in the bill insert the following:

SEC. . EXEMPTION PROVIDED FOR NATIONAL COMMISSION ON CHILDREN FROM CERTAIN PROVISIONS OF TITLE 5.

Section 1139 of the Social Security Act (42 U.S.C. 1320b-9) is amended by striking subsection (f) and inserting in lieu thereof the following new subsection:

"(f)(1) The Commission shall appoint an Executive Director of the Commission. In addition to the Executive Director, the Commission may appoint and fix the compensation of such personnel as it deems advisable. Such appointments and compensation may be made without regard to the provisions of title 5, United States Code, that govern appointments in the competitive services, and the provisions of chapter 51 and subchapter III of chapter 53 of such title that relate to classifications and the General Schedule pay rates.

"(2) The Commission may procure such temporary and intermittent services of consultants under section 3109(b) of title 5, United States Code, as the Commission determines to be necessary to carry out the duties of the Commission."

BUMPERS AMENDMENT NO. 129

Mr. BUMPERS proposed an amendment to the bill H.R. 2072, supra, as follows:

At the appropriate place in the bill, add the following:

SEC. . Section 631(b)(1) of title 28, United States Code, is amended by inserting "or has served as a full-time magistrate for at least eight years," immediately after "he is a member in good standing of the bar of the highest court of the state in which he is to serve,".

LEVIN AMENDMENT NO. 130

Mr. LEVIN proposed an amendment to the bill H.R. 2072, supra, as follows:

At the appropriate place in the bill, insert the following new section.

SEC. . It is the sense of the Senate that the Secretary of Transportation should conduct a review of the potential impact of highly leveraged acquisitions of control of U.S. air carriers. The potential impacts to be addressed in such review should include the effects of increased expenses associated with increased debt on carriers' ability to:

(i) modernize their fleets,

(ii) make necessary expenditures for maintenance,

(iii) survive economic downturns (and the effect on competition among air carriers if some do not survive),

(iv) provide small community service,

(v) compete internationally against foreign airlines,

(vi) make and/or keep the financial commitments to airport projects necessary to expand capacity and improve safety, and meet the future needs of their employees with regard to such matters as salaries, benefits, pensions, and job security and growth.

Pursuant to the conclusions of such review, the Secretary should make a report to the Congress and include in such report an assessment with respect to any major air carrier that is the object of a highly leveraged buy-out.

WALLOP AMENDMENT NOS. 131 AND 132

(Ordered to lie on the table.)

Mr. WALLOP submitted two amendments intended to be proposed by him to the bill H.R. 2072, supra, as follows:

AMENDMENT No. 131

Provided, That, of the total amount of funds made available to the "Forest Service, National Forest System," not less than $12,400,000 will be available for emergency rehabilitation in fiscal year 1989.

On page 15, line 15, strike "*Provided,* That such funds" and insert "*Provided further,* That such remaining funds".

AMENDMENT No. 132

On page 17, line 11, insert the following: *Provided,* That $2,300,000 of the above amount shall be allocated for a research program to be administered by the University of Wyoming for research to study the effect of the 1988 fires on the area of the Greater Yellowstone Ecological System, to include National Park Service lands, U.S. Forest Service lands, and state and private lands; said research to be conducted by university researchers from across the Nation, chosen on a competitive, peer reviewed basis.

NOTICES OF HEARINGS

COMMITTEE ON VETERANS' AFFAIRS

Mr. CRANSTON. Mr. President, I announce, for the information of Senators, that the Committee on Veterans' Affairs, which I am privileged to chair, is scheduled to hold a hearing Friday, June 9, 1989, in SR-418 at 2 p.m. on veterans' benefits legislation.

PERMANENT SUBCOMMITTEE ON INVESTIGATIONS

Mr. NUNN. Mr. President, I would like to announce for the information of the Senate and the public that the Permanent Subcommittee on Investigations of the Committee on Governmental Affairs, will hold hearings on Federal Drug Interdiction: The Role of the Department of Defense.

These hearings will take place on Friday, June 9, 1989, at 10 a.m. in room 342 of the Dirksen Senate Office Building. For further information, please contact Eleanore Hill or John Sopko of the subcommittee staff at 224-3721.

AUTHORITY FOR COMMITTEES TO MEET

SUBCOMMITTEE ON MERCHANT MARINES

Mr. MITCHELL Mr. President, I ask unanimous consent that the Merchant Marine Subcommittee of the Committee on Commerce, Science, and Transportation be authorized to meet during the session of the Senate on June 1, 1989 at 9:30 a.m. to hold a hearing on proposals to authorize appropriations for the Maritime Administration and the Federal Maritime Commission for fiscal year 1990.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON OVERSIGHT OF GOVERNMENT MANAGEMENT

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Subcommittee on Oversight of Government Management, Committee on Governmental Affairs, be authorized to meet during the session of the Senate on Thursday, June 1, 1989, at 9:30 a.m., to continue hearings on oversight of DOD's inadequate use of off-the-shelf items.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. MITCHELL. Mr. President, I ask unanimous consent that the full committee of the Committee on Energy and Natural Resources be authorized to meet on S. 710, S. 711, S. 712, legislation to provide for a referendum on the political status of Puerto Rico.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of Senate on June 1, 1989, at 9:30 a.m. to hold a hearing on catastrophic care excess surplus.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON HOUSING AND URBAN AFFAIRS

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Subcommittee on Housing and Urban Affairs of the Committee on Banking, Housing, and Urban Affairs be allowed to meet during the session of the Senate, Thursday, June 1, 1989, at 10 a.m. to conduct hearings on S. 566, the National Affordable Housing Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON SUPERFUND, OCEAN AND WATER PROTECTION

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Subcommittee on Superfund, Ocean and Water Protection, Committee on Environment and Public Works, be authorized to meet during the session of the

Senate on Thursday, June 1, beginning at 2 p.m., to conduct a hearing to consider legislation to reauthorize appropriations for the Office of Environmental Quality and the National Environmental Policy on International Financing Act of 1989.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON ENVIRONMENTAL PROTECTION

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Subcommittee on Environmental Protection, Committee on Environment and Public Works, be authorized to meet during the session of the Senate on Thursday, June 1, beginning at 10 a.m., to conduct a hearing on S. 804, a bill to conserve North American wetland ecosystems and waterfowl and the other migratory birds and fish and wildlife that depend upon such habitats.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, June 1 at 10 a.m. to hold a hearing on United States-Soviet Relations with Ambassador Jeane Kirkpatrick as a witness.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ARMED SERVICES

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet on Thursday, June 1, 1989, at 1 p.m. in open session to receive testimony on the recent U.S. proposal on conventional arms control in Europe and its implications for NATO security.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON EMPLOYMENT AND PRODUCTIVITY

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Subcommittee on Employment and Productivity, of the Committee on Labor and Human Resources, be authorized to meet during the session of the Senate on Thursday, June 1, 1989, at 2 p.m. to conduct a hearing on the Displaced Homemakers Training and Economic Self-Sufficiency Act of 1989.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

CONGRATULATION TO REAVIS MONTREY AND HOWARD TIMMS

● Mr. BOND. Mr. President, I rise today to call attention to Reavis Montrey and Howard Timms, two outstanding citizens from my home State of Missouri. These two gentlemen from Sunrise Beach, MO, can be considered heroes since saving the life of Doug Diekman. I believe that the courageous act of these two Missourians is noteworthy and should be praised.

Doug Diekman, a victim of multiple sclerosis, is paralyzed. He is alive today because of the quick actions taken by Mr. Montrey and Mr. Timms. Responding to cries of help from Shirley Diekman, these two men entered a burning trailer without a thought for the safety of their own lives. They found Mr. Diekman, unable to rise from his bed, placed him in his wheelchair, and helped him to safety through the flames.

These fellow Missourians were confronted with a freightening and dangerous situation. They responded bravely, not pausing to consider their own safety in order to save another's life. Their actions are highly commendable, and reflect their compassion and courage. It is my pleasure to extend sincere congratulations to Reavis Montrey and Howard Timms for their heroic actions in saving the life of Doug Diekman.●

MISSISSIPPI SEAT BELT COALITION

● Mr. COCHRAN. Mr. President, I rise to pay tribute to the Mississippi Seat Belt Coalition for its work in promoting highway safety awareness.

On May 23, 1989, the Mississippi Seat Belt Coalition was presented the first annual national "Buckle Up America!" Award for its work in sponsoring and producing an 18-minute video promoting the use of seatbelts.

Entitled "Riding With Nothing But the Radio On," the video features Sgt. Pete Collins of the Mississippi Highway Patrol relating his experiences with tragic traffic accidents and urging the use of safety belts. Produced for less than $2,500, the videotape has been distributed to highway safety groups throughout the Nation.

I congratulate the Mississippi Seat Belt Coalition and Sergeant Collins for their inspiring contribution to this effort to save lives on our highways.

I also congratulate the sponsor of the "Buckle Up America!" Award, the American Coalition for Traffic Safety, a nonprofit corporation whose mission is to provide public education about safety belts and other highway safety issues.●

HUMANITARIAN ASSISTANCE IN SUDAN

● Mr. KENNEDY. Mr. President, one of the bright moments in Sudan in recent months on an otherwise bleak landscape has been the international relief effort on behalf of that country's starving population. After months of depriving food from the civilian population, Government and rebel forces finally agreed to allow international food airlifts and convoys to enter the South. And the international community mounted a major relief effort in response. This included Operation Lifeline—the current United Nation coordinated international relief effort—as well as the significant ongoing activities of the U.S. Agency for International Development and voluntary agencies.

While continuing to pursue these urgently needed relief activities, it is also appropriate that we begin to examine some of the lessons drawn from that tragedy. In fact, that debate has already begun in the Horn of Africa. Many are noting that the kinds of cross-border arrangements organized in recent months by the International Committee of the Red Cross and the United Nations should be further formalized as legitimate responses by the international community for people in dire need anywhere in the world.

One such view from Africa recently appeared in the Washington Post by Mr. Abdul Mohammed. Mr. Mohammed has been involved recently in the relief efforts of the Sudan Council of Churches, one of the country's largest private voluntary agency. He offers some important comments on the current relief efforts and additional steps which might now be taken by governments in the region to permit continuing relief efforts.

Mr. President, I ask that Mr. Mohammed's recent piece in the Washington Post be placed at this point in the RECORD.

The article follows:

A LIFELINE FOR SUDAN

There is, at long last, good news from Sudan. Emergency food is being moved, albeit slowly, to the war-ravaged south of that vast country. A repeat of the catastrophic famine that last year claimed the lives of an estimated quarter million people is likely to be averted.

Operation Lifeline Sudan, a joint relief operation of the United Nations, the Sudanese government and the southern rebels, is now transporting thousands of tons of relief food into what last year was a no-go war zone. The good news for the Horn of Africa, however, is not just in trucks, planes and trains full of food. Operation Lifeline has set a precedent of trust in a region scarred by murderous civil war. It has engineered cooperation between combatants who in the past have used food aid as a weapon.

Southern Sudan in the past year has undergone a holocaust of hunger and deprivation. Half of the 5 million people who lived there were displaced. Hundreds of thousands of people sought shelter in government-controlled towns. But they found little security; nor was there much food, medicine or shelter. More than 1.5 million people fled to the north of Sudan, another 300,000 people walked east to Ethiopia.

With the launching of Operation Lifeline, an embattled government and a strong rebel army agreed—for the first time in the history of the region—to allow relief workers relatively unrestricted access to civilians trapped in areas of armed conflict. In April,

the United Nations, private relief agencies and the International Committee for the Red Cross moved more than 45,000 tons of food into the south.

The Sudanese government and rebels of the Sudanese People's Liberation Army have in the past year borne the brunt of international outrage at their use of food as a weapon of war. If they had allowed greater access to the south last year, tens of thousands of innocent civilians, most of them young children and the elderly, would not have died.

While international anger at their behavior was justified, and in many ways useful in pressuring change, the willingness of the government and the rebels to put humanitarian concerns above military tactics deserves praise and encouragement, for the precedent set in southern Sudan is desperately needed elsewhere in the Horn of Africa.

In neighboring Ethiopia, two long-running civil wars cause chronic food shortages. In times of drought, massive food-relief operations are always needed to avert famine. The death of an estimated 1 million people in the 1984–85 famine is bitter testament to the need for emergency outside access to war zones. In nearby Somalia, civil war in the past year has decimated the northern half of the country. Fighting has displaced up to half a million people while spreading hunger, disease and fear to a populace that is largely cut off from outside help.

Part of the credit for Operation Lifeline goes to one man, James Grant, executive director of the United Nation's Children's Fund. After assuming the job as coordinator of the relief effort, Grant personally created, in meetings with the government and the rebels, the atmosphere of trust that led to the free passage of relief food.

The people of northern Sudan also were instrumental in pressuring their government to stop making excuses and begin saving lives. There is robust freedom of expression in Sudan. It encourages the public to protest the inhumanity of war. Prime Minister Sadiq Mahdi was given a clear choice by the Sudanese people: he could act to save southern Sudanese people from starving, or he could step down. The prime minister chose to act.

All this is not to argue that Operation Lifeline is an unqualified success. Monumental logistical problems, red tape and delays caused by armed dissidents other than the SPLA have drastically limited the relief effort's capacity to deliver food. The U.N. operation can be fairly criticized for stepping on the toes of experienced private relief agencies, which should have been consulted rather than preempted.

Operation Lifeline promised to transport 100,000 tons of food before the onset of the rainy season in May. The promise was impossibly optimistic. The relief effort probably will never approach that target.

But the will to solve what six months ago appeared to be an insoluble impasse remains alive in Sudan. Operation Lifeline has established the right of civilans caught up in war to have access to relief aid, as well as the right of outside humanitarian agencies to supply it. Those rights should be insitutionalized in Africa.

It is a sad commentary on the Organization of African Unity—black Africa's principal body for joint action—that it has been a passive spectator to war-caused famine in the Horn of Africa. It played no role in moving food into the southern Sudanese war zone.

The forthcoming annual meeting in Addis Ababa of OAU heads of state in July, however, offers African nations a chance to learn from Operation Lifeline. The neighboring countries of Kenya and Uganda, which cooperated in the U.N. effort, should use the OAU meeting to explain the role they played as collaborators in saving lives. Grant should be invited to address the heads of state on how they can reduce the human cost of the ethnic wars that plague the continent.

Twelve years ago an international protocol that allows the Red Cross access to civil war zones was written in Geneva and ratified by most countries of the world. Countries in the Horn of Africa, however, have refused to sign it. The governments of both Ethiopia and Somalia, along with the rebel armies they are fighting, should be pressured by the OAU to follow the example set by the Khartoum government and the SPLA. And all three countries should be urged to sign the 1977 Geneva protocol, thereby formalizing the principle that underlies Operation Lifeline.

Hope has been wrested from tragedy in southern Sudan. Humanitarian concern outgunned the exigencies of war. This invaluable precedent should not be wasted.●

JAMES SCHLESINGER ARTICLE IN NATO REVIEW ON "PRESERVING THE AMERICAN COMMITMENT"

● Mr. NUNN. Mr. President, former Secretary of Defense James Schlesinger has written an article for the February 1989 issue of the NATO Review that I would like to commend to my colleagues. Dr. Schlesinger speaks from unique experience and expertise in national security and NATO affairs. His article, entitled "Preserving the American Commitment," presents a timely, cogent analysis of the status of the NATO alliance during the current period of international change. At this time of flux in East-West relations, Dr. Schlesinger's analysis of the American commitment to NATO merits our careful attention.

Mr. President, I ask that Dr. Schlesinger's article be inserted into the RECORD immediately following these remarks.

The article follows:

PRESERVING THE AMERICAN COMMITMENT

(By James Schlesinger)

If we are wise, the fortieth anniversary of the signing of the North Atlantic Treaty will be more than an occasion for self-congratulation and the celebration of what has been accomplished in these four decades. This anniversary may and certainly should be a bittersweet affair—an occasion for serious stock-taking. As we celebrate the stunning accomplishments of what unquestionably is the most successful alliance in history, we should simultaneously take cognizance of the grave problems that are looming up for the near future.

The accomplishments are, indeed, stunning. Who would have dreamed in that postwar period—with France and Italy made politically unstable by communist minorities, with Britain gravely weakened by its wartime effort, with Germany still physically devastated, with Berlin under siege, and with Soviet military power on the European continent appearing wholly dominant—that these four short decades later Europe would be reasonably secure and astonishingly prosperous. This new prosperity is in considerable degree the fruit of the Alliance—and, if I may say so, the result of a far-sighted American foreign policy. In these intervening years, Europe has increasingly prospered, her self-confidence has been largely restored, her political cohesion has grown, and the military power of the Alliance has increased to the point that it provides a respectable conventional deterrent to the employment of Soviet military forces.

The Alliance must do more, however, than retell its accomplishments. For one thing, the results of earlier efforts tend simply to be taken for granted. Gratitude in politics has a very short half-life. For another, success tends to be a breeding ground for new and different problems. Such new problems may simply be a reflection of the complacency that success has permitted to grow. Such should be our principal worry for the Alliance today and in the future.

Nonetheless, we should not fall into the error of believing that serious strains within the Alliance are something new. Such strains have marred the Alliance virtually from its inception. One need only recall such traumatic events as Suez, the Skybolt controversy, de Gaulle's explusion of NATO's forces from French soil, or the long apprehension caused by the Mansfield Amendment—to say nothing of the collapse of the European Defence Community, Dulles' threat of an 'agonizing reappraisal', or the untoward European reaction to Kissinger's proposed 'year of Europe'. Given this long history of injured feelings and misunderstandings, one might readily infer that transatlantic relations can normally be counted on to be tempestuous—and therefore conclude that the current strains may safely be disregarded.

MORE DEEP-SEATED DISCONTENTS

I believe that we would be ill-advised to treat the current discontents as simply another example of the passing storms that have from time to time roiled the Alliance. This time there is a difference in quality. The discontents are more deep-seated, and more likely to endure. Perhaps more significantly, they seem to be occurring simultaneously on both sides of the Atlantic. There is a *mutual* disenchantment. I do not believe that it needs to be fatal or even seriously disruptive, but will require prompt attention. It should not be treated in the fashion of the ostrich.

Underlying these discontents are several major developments. First, the internal difficulties of the Soviet Union—combined with the more benign face provided by Mr. Gorbachev—reinforce, for many, the view that the Soviet Union no longer poses a military threat. Second, the United States, for both military and political reasons, no longer appears to many Europeans as effective a protector as it once did. For some Europeans, the American role as protector is no longer necessary, reflecting the altered view of the Soviet Union. For others, the role has become either unsatisfactory or less satisfactory reflecting changes in the military balance and in the power position of the United States. Finally, America's economic capacity to continue to bear its defence burdens appears (perhaps mistakenly) to have diminished.

The result is an underlying discontent. In the United States, reflecting a growing con-

cern about our twin deficits, there is a resentment that a Europe, now grown prosperous, with a population larger than our own, on the verge of economic unity, seems perpetually unwilling to pick up a 'fair share' of the burden for its own defence. (I am merely a messenger reporting these views, not endorsing them.) In Europe, there is (in varying degrees) a resentment of American hectoring, of its insistence that Euorpe spend more, even of America's protentions to leadership. In the Federal Republic of Germany, in particular, a visible restlessness with Germany's role as a training area, as the prey of low-flying military aircraft—in short, as a home for *foreign* armies. All this occurs in the face of a growing disbelief in the reality of the threat against which these forces provide protection. For some, Germany should cease to be an integral part of the Western Alliance and become more of a bridge between East and West. This is the heart of what one might call the romantic illusion of *Ostpolitik.*

IRONIES ABOUND

Nothing, apparently, fails like success. The remarkable change in Soviet behaviour—embraced by such long-time anti-communist luminaries as Margaret Thatcher and Ronald Reagan—reflects not only the clearcut superiority of the Western system in economic and technological peformance, but also the solidity of the Alliance's military posture, which has persuaded the Soviet Union to turn away from threats and intimidation. Indeed, the ironies abound. Despite the tendency on both sides of the Atlantic to question whether the Alliance serves American or European interests as well as in the past, the mutual advantages, which the Alliance provides, are no less than they were in the past. Preserving Western Europe's freedom and independence—long and appropriately the centerpiece of American foreign policy—has, if anything, grown in importance, in light of the recovery and immense expansion of the European economies. For Western Europe, the case is even more clearcut. Continuing American support and protection, initially put forward as a unilateral guarantee, remains the *sine qua non* of European security and political independence.

Until such time as Europe truly unites and possesses a large, sophisticated strategic nuclear capability and the conventional elements of a deterrent. Europe will continue to require the stiffening presence of the Western superpower. By themselves, the small and medium size states of Western Europe cannot stand up to the prospective pressures from the East. What may come about in the aftermath of 1992, no one can now foretell. What is presently clear is a continuing European requirement for American support. No doubt the Alliance serves America's long-term interests. Even more clearly, it serves Europe's immediate and primary interest.

Will the America commitment continue? This is a question that intermittently troubles a Europe which seems to fluctuate so readily between two moods: a resentment of domination by the Americans and a fear of being abandoned by the Americans. In light of the rapid evolution of East-West relations, the changed attitudes towards the Soviet Union, the deterioration of America's international economic position, and the concern over burden-sharing, the question of the permanence of the American commitment has again come to the fore—among European elites, if not the European publics.

Can a continuation of the American commitment be ensured? I believe it can. Can it be guaranteed? It certainly cannot, but wise attitudes and policies can minimize the risk that it will come to an end. Curiously enough, the outcome does not primarily rest on a presumably fickle American public opinion. It is Europe that will set the tone and establish the environment determining the longevity of the American commitment.

In the first place, there has recently been a tendency to underestimate the breadth of support in the United States for our NATO commitment. It has been argued—quite forcefully by former Chancellor Helmut Schmidt, for example—that the commitment to Europe has reflected the strength of the U.S. *Eastern Establishment.* As political power migrates toward the South and West, so the American commitment to Europe will inevitably falter.

That political power will migrate to sections of the country where the personal and professional ties to Europe have been less strrong than on the East Coast is undoubtedly true. Nonetheless, the conviction that such a migration of political power must inevitably reduce America's commitment to Europe is misleading at best. It exaggerates the earlier power of the *Eastern Establishment* and substantially understates the support for NATO elsewhere in the country. Indeed, if one were to think of names associated with the post-war European connection, they belie the thesis that support of NATO depends upon the East Coast. What are the names that come to mind? Harry Truman of Missouri. Walter George of Georgia. Arthur Vandenberg of Michigan. Dwight Eisenhower of Kansas, and so on. The post-war American commitment came from a body politic which well knew that twice in this century the United States had been drawn overseas to prevent Europe's domination by anti-democratic forces—and which was unwilling to accept a similar risk again. The American commitment was far more deep-seated than the business, financial, professional, or personal connections of leading figures along the Eastern seaboard.

PUBLIC SUPPORT

What European commentors frequently fail to recognize is that American foreign policy must be based upon, and largely stems from, public support. To an extent remarkable, from the standpoint of the European tradition, American foreign policy is only loosely connected to calculations of *realpolitik or raison d'etat.* It is instead grounded in the attitudes and affections of the American public. While these attitudes can be affected by the nation's leaders, they cannot simply be created.

It is my conviction that the American commitment can only be substantially undermined by the kind of attitudes or actions that *alienate* the American public. At the leadership level, the support for NATO is remarkably strong.

What kind of attitudes and actions do I have in mind? On the Left, the belief is expressed that the military threat has now disappeared, that military forces can be reduced, the American deployments are merely a way of preserving America's influence (or domination). It is only the Americans who force us to spend all this money, who insist that we spend even more money. If such views cease to be mere expressions of opinion and become embodied in governments of major states, the American withdrawal is likely to be swift and sure.

Even on the right, however, one frequently encounters an attitude that "the American interest" in the preservation of a free Europe is so strong that the United States cannot withdraw. This belief was most pungently put by a former French Foreign Minister some years ago who stated: "you can abuse the Americans; you can insult the Americans, but the American interest in preserving Europe is so great that they must remain."

He may have been under the impression that American foreign policy is determined by the equivalent of Louis XIV—or perhaps Charles de Gaulle. There is such a things as pushing Cartesian logic too far. Abuse or insult the Americans. They will surely withdraw.

The American commitment rests upon the public's historical memory and affections. It does not rest on careful calculations of the American interest, which appear to have so magnetic an effect on the rhetoric of conservatives, particularly in Europe.

Continuity of the American commitment does not, of course, imply that the size and character of America's deployments are unchangeable. The widespread concern regarding the US international economic position, the political imperative to reduce the budget deficit, and the reluctance to raise taxes, all imply unremitting downward pressure on the military budget. Over the next five years, the United States faces a significant shrinkage of its active-duty force structure. But such a reduction is not the same as an abandonment of our commitment to Europe and security.

DISCERNIBLE RESTLESSNESS

While I personally believe that NATO should have a special claim on our resources, it seems unlikely that we shall be able to sustain the present force levels in Europe over an extended period. I trust that any such drawdown will be gradual and modest—and can be deferred. Ideally, it will be deferred until at least 1992, concurrent with the achievement of European economic unity, which should imply an ability to field more robust forces for reasons of greater efficiency and, hopefully, the availability of greater resources.

As such adjustments take place, the Alliance must come to grips with the issues of strategy and force structure, as they relate to budgets. Regrettably, the capacity within the Alliance effectively to confront such issues has been deteriorating. There is a discernible restlessness among some members with the long-time Alliance strategy of relying upon nuclear deterrence. Such expressions of concern have been voiced at surprisingly high levels. Nonetheless, the Alliance remains dependent upon the threat to employ nuclear weapons. Until something better has been put in place of the nuclear deterrent, I regard such expressions of disquiet as both regrettable and premature.

At this time, restlessness with the nuclear deterrent is perhaps most notable in the Federal Republic. This, too, represents an historical irony, for Germany has long been deeply wedded to reliance on the nuclear deterrent. A Germany, which under Adenauer resisted the Kennedy Administration's attempts to broaden deterrence to include a major conventional element, now has a body of opinion which is disinclined to retain even essential elements of the nuclear deterrent.

Every strategy for deterrence inherently involves some type of risk. If Western publics search for some means to avoid military risk altogether, we shall wind up foregoing deterrence altogether. Even under the most

optimistic projections regarding both Western force improvements and conventional arms control agreements with the Soviets, nuclear deterence must remain an indispensable component of Western strategy. No doubt, the Alliance can make its resources militarily more effective. No doubt, we can better exploit those military capabilities in which the West has a comparative advantage vis-a-vis the Soviet Union. Nonetheless, even to reduce the degree of reliance on nuclear deterrence would still require a substantially increased force contribution by the Federal Republic.

Whatever Mr. Gorbachev's difficulties on the domestic front, his performance on the international scene has revealed him to be the most effective Soviet leader since Lenin. His diplomatic manoeuvres are impressive. He has succeeded in shaking up the Alliance, but he must not succeed in unravelling it. Many of the changes he has brought about are to be welcomed. East-West relations are now in flux. But flux means change, and the Alliance, despite its longevity, finds it hard to grapple with change.

The need to adapt is now greater than it has been in several decades. No doubt the Alliance will survive, but it must survive as more than a shell. That will require intelligent adaptation—adaptation based on realism as well as hope. It will require mutual understanding—and patience. We may glory in the improved international climate as reflecting NATO's success. But a period of success may bring even greater problems than a period of adversity.●

A SUBTLE VERDICT FROM NBC

● Mr. HUMPHREY. Mr. President, recently the NBC television network aired a movie titled "Roe vs. Wade." It was NBC's version of the events leading to the 1973 Supreme Court's decision in the famous Roe versus Wade case.

The movie was supposed to be an "objective" look at the issue of abortion. Well, what NBC sent over the airwaves that night was indeed "objective." I'm not saying "objective" as opposed to "subjective." I'm saying it was objective in the sense that NBC had a goal or purpose in mind when they aired the program. That objective was to attempt to sway viewers to side with those who favor abortion, this at a time when the Supreme Court may revisit the Roe decision.

Cal Thomas, a syndicated columnist recently wrote an excellent article on this subject. The article, "A Subtitle Verdict From NBC," appeared in the Washington Times on Monday, May 22, 1989.

Mr. Thomas' article describes how NBC "engaged in a subtle, systematic and coordinated propaganda campaign." Let me quote a few paragraphs from the article:

The film shifted the focus of attention from the baby to the woman, a strategy that is at the heart of the proabortion position. Such a shift is necessary because proabortionists have lost the debate over the "humanness" of the baby, thanks to ultrasound and fetoscopy, which show clearly fetal development.

The film treated adoption as a less appealing option than abortion, twisting logic and promoting the proabortion position that it is more blessed to kill the unborn than it is to enhance three lives, the baby's and those of the couple who desperately want children.

Mr. President I ask that the full text of Mr. Thomas' article be reprinted in the RECORD.

The article follows:

[From the Washington Times, May 22, 1989]

A SUBTLE VERDICT FROM NBC

(By Cal Thomas)

From the opening scene of NBC's movie "Roe vs. Wade" to Tom Brokaw's deliberate labeling of two of his guests on an NBC News program as "anti-abortion," instead of "pro-life" as they asked to be called (the other guests were labeled "pro-choice" in accordance with their wishes), America's No. 1 network engaged in a subtle, systematic and coordinated propaganda campaign.

Anyone who believes that the airing of this film at a time when the Supreme Court is considering a case which could limit or overturn abortion on demand is pure coincidence is a potential customer for a bridge in Brooklyn.

In the film, the viewer was carefully led through all the pro-abortion arguments. "Ellen Russell," the character who represented Norma McCorvey (a.k.a. Jane Roe), said, "I got no place to go. I can't give up another baby. What could it possibly be like to have a kid out there gettin' his butt kicked and you don't even know?"

That there were places for unwed mothers to go for care in 1972 was never mentioned.

Was it coincidental that the first commercial, for Maxwell House coffee, featured Linda Ellerbee, who marched in last month's abortion rights demonstration in Washington and who does pro-abortion commentaries on Cable News Network, where she is employed?

The film shifted the focus of attention from the baby to the woman, a strategy that is at the heart of the pro-abortion position. Such a shift is necessary because proabortionists have lost the debate over the "humanness" of the baby, thanks to ultrasound and fetoscopy, which show clearly fetal development.

The film treated adoption as a less appealing option than abortion, twisting logic and promoting the pro-abortion position that it is more blessed to kill the unborn than it is to enhance three lives, the baby's and those of the couple who desperately want children.

The actress playing attorney Sarah Weddington said to her client, "You shouldn't have to bear a child and give it up to strangers." This is harsh news to the long waiting list of those "strangers," prospective adoptive parents who are hoping that women will indeed give their babies life in order that the lives of barren couples might be enhanced.

There were not-too-subtle references in the film to abortion as a cure-all for welfare (a suggestion that the Rev. Jesse Jackson once denounced as racist before he converted to the pro-abortion point of view), and there were passing scenes of a dirty abortion table, "intolerant" religion (the Methodist denomination, which favors abortion, received an honorable mention) and insensitive men (except the ones helping the pro-abortion side).

But it was in the hour-long NBC News special following the film that the NBC point of view was stripped of whatever objective clothing remained (on the Washington, D.C., NBC affiliate, a local reporter covering pro-lifers as they watched the movie referred to them as "so-called pro-lifers," while the reporter covering the other side called them "pro-choice").

With body language, smirks and interruptions, Tom Brokaw quickly revealed his side. He frequently interrupted and lectured Republican Rep. Christopher H. Smith of New Jersey and Olivia Gans of National Right to Life, while allowing Planned Parenthood president Faye Wattleton and author Anna Quindlen to make lengthy uninterrupted responses to questions.

This film and follow-up news program practiced censorship by ignoring the following: a woman deciding not to have an abortion for the baby's sake; people praying about their circumstances (millions do) and receiving counseling and financial help; a crisis pregnancy center (there are hundreds) helping a woman with an unplanned pregnancy before and after the birth of her child, offering her a place to live, food, clothing, medical care and even a job; pictures of what is being aborted, before and after the fact; interviews with "tough cases" who were not aborted and who are asked whether they wish they had been; interviews with doctors, such as Bernard Nathanson, who used to perform abortions but have "converted" to the pro-life side; interviews with parents whose joy is boundless since they adopted a child.

The pro-abortionists have mounted an unprecedented campaign on radio and television and in newspapers and magazines, hoping to persuade the Supreme Court to leave Roe vs. Wade alone. They are spending millions. Pro-lifers are spending their smaller resources on saving babies.

Who will succeed? No one can be sure. But the verdict is already in from NBC, which has placed itself firmly on the side of death.●

BUDGET SCOREKEEPING REPORT

● Mr. SASSER. Mr. President, I hereby submit to the Senate the latest budget scorekeeping report for fiscal year 1989, prepared by the Congressional Budget Office in response to section 308(b) of the Congressional Budget Act of 1974, as amended. This report was prepared consistent with standard scorekeeping conventions. This report also serves as the scorekeeping report for the purposes of section 311 of the Budget Act.

This report shows that current level spending is over the budget resolution by $0.9 billion in budget authority, and over the budget resolution by $0.4 billion in outlays. Current level is under the revenue floor by $0.3 billion.

The current estimate of the deficit for purposes of calculating the maximum deficit amount under section 311(A) of the Budget Act is $135.7 billion, $0.3 billion below the maximum deficit amount for 1988 of $136.0 billion.

The report follows:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, May 31, 1989.

Hon. JIM SASSER,
Chairman, Committee on the Budget, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The attached report shows the effects of Congressional action on the budget for fiscal year 1989 and is current through May 18, 1989. The estimates of budget authority, outlays, and revenues are consistent with the technical and economic assumptions of the most recent budget resolution, House Concurrent Resolution 268. This report is submitted under section 308(b) and in aid of section 311 of the Congressional Budget Act, as amended, and meets the requirements for Senate scorekeeping of section 5, of Senate Concurrent Resolution 32, the 1986 first concurrent resolution on the budget.

Since my last report, Congress has taken no action that affects the current level of spending or revenues.

Sincerely,

ROBERT D. REISCHAUER,
Director.

CBO WEEKLY SCOREKEEPING REPORT FOR THE U.S. SENATE, 101ST CONGRESS, 1ST SESS. AS OF MAY 18, 1989

[In billions of dollars]

	Current level [1]	Budget resolution H. Con. Res. 268 [2]	Current level +/− resolution
Fiscal year 1989			
Budget authority	1,233.0	1,232.1	0.9
Outlays	1,100.1	1,099.8	.4
Revenues	964.4	964.7	−.3
Debt subject to limit	2,764.1	[3] 2,824.7	−60.6
Direct loan obligations	24.4	28.3	−3.9
Guaranteed loan commitments	111.0	111.0	
Deficit	135.7	[4] 136.0	[5] −.3

[1] The current level represents the estimated revenue and direct spending effects (budget authority and outlays) of all legislation that Congress has enacted in this or previous sessions or sent to the President for his approval and is consistent with the technical and economic assumptions of H. Con. Res. 268. In addition, estimates are included of the direct spending effects for all entitlement or other mandatory programs requiring annual appropriations under current law even though the appropriations have not been made. The current level of debt subject to limit reflects the latest U.S. Treasury information on public debt transactions.

[2] In accordance with sec. 5(a)(b) the levels of budget authority, outlays and revenues have been revised for Catastrophic Health Care (Public Law 100–360).

[3] The permanent statutory debt limit is $2,800.0 billion.

[4] Maximum deficit amount [MDA] in accordance with section 3(7)(D) of the Congressional Budget Act, as amended.

[5] Current level plus or minus MDA.

PARLIAMENTARIAN STATUS REPORT 101ST CONGRESS, 1ST SESS., SENATE SUPPORTING DETAIL, FISCAL YEAR 1989 AS OF CLOSE OF BUSINESS MAY 18, 1989

[In million of dollars]

	Budget authority	Outlays	Revenues
I. Enacted in previous sessions:			
Revenues			964,434
Permanent appropriations and trust funds	874,205	724,990	
Other appropriations	594,475	609,327	
Offsetting receipts	−218,335	−218,335	
Total enacted in previous sessions	1,250,345	1,115,982	964,434
II. Enacted this session:			
Adjust the purchase price for nonfat dry dairy products (Public Law 101–7)		−10	
Implementation of the Bipartisan Accord on Central America (Public Law 101–14)	−11		
Total enacted this session	−11	−10	
III. Continuing resolution authority			

PARLIAMENTARIAN STATUS REPORT 101ST CONGRESS, 1ST SESS., SENATE SUPPORTING DETAIL, FISCAL YEAR 1989 AS OF CLOSE OF BUSINESS MAY 18, 1989—Continued

[In million of dollars]

	Budget authority	Outlays	Revenues
IV. Conference agreements ratified by both Houses			
V. Entitlement authority and other mandatory items requiring further appropriation action:			
Dairy indemnity program	([2])	([2])	
Special milk	4		
Food Stamp Program	253		
Federal crop insurance corporation fund	144		
Compact of free association	1	1	
Federal unemployment benefits and allowances	31	31	
Worker training	32	32	
Special benefits	37	37	
Payments to the Farm Credit System	35	35	
Payment to the civil service retirement and disability trust fund [1]	(85)	(85)	
Payment to hazardous substance superfund [1]	(99)	(99)	
Supplemental security income	201	201	
Special benefits for disabled coal miners	3		
Medicaid:			
Public Law 100–360	45	45	
Public Law 100–485	10	10	
Family Support Payments to States:			
Previous law	355	355	
Public Law 100–485	63	63	
Veteran's Compensation COLA (Public Law 100–678)	345	311	
Total entitlement authority	1,559	1,121	
VI. Adjustment for Economic and Technical Assumptions	−18,925	−16,990	
Total current level as of May 18, 1989	1,232,969	1,100,103	964,434
1989 budget resolution H. Con. Res. 268	1,232,050	1,099,750	964,700
Amount remaining:			
Over budget resolution	919	353	
Under budget resolution			266

[1] Interfund transactions do not add to budget totals.

[2] Less than $500 thousand.

Note—Numbers may not add due to rounding.

RELATIVE TO RETIREMENT BENEFITS FOR CERTAIN FEDERAL EMPLOYEES

● Mr. D'AMATO. Mr. President, I rise today as a cosponsor of S. 513, legislation that will provide a 20-year retirement benefit to four new categories of Federal workers: Customs and immigration inspectors, IRS revenue officers and canine enforcement officers of the U.S. Customs [CEO's]. The duties involved with these occupations are physically taxing and hazardous.

Federal law currently provides a 20-year retirement benefit for Federal law-enforcement officers and firefighters. This option allows eligible employees to retire at age 50 with 20 years of service. The expansion of the retirement option is designed to reward those who serve in positions which encounter significant hazards and as a result suffer from severe stress and burnout.

The 20-year retirement rule provides an incentive to employees to stay in their positions for longer periods of time. This reduces turnover and reduces the costs related to training and maturing new employees. By keeping seasoned professionals in the system we are cultivating a stable and knowledgeable work force.

It is in our best interest to provide positive, long-term incentives to draw qualified and committed individuals into Federal service. Our Nation can only benefit from increased productivity and efficiency.

I commend all those Federal employees who serve our Nation in these important roles. Their dedication to public service is highly respected.●

RESPONSE OF SENIORS TO MEDICARE CATASTROPHIC COVERAGE ACT

● Mr. McCAIN. Mr. President, I ask that a statement made before the Finance Committee this morning be printed in the RECORD.

The statement follows:

Mr. Chairman, I would like to commend you and the members of the Finance Committee for calling this hearing to revisit the "Medicare Catastrophic Coverage Act of 1988". As you know, there has been a firestorm among our nation's seniors over the adoption of the Act.

While I agree that the cost of the Act, and the way that it will be paid for, is of concern to seniors, seniors are saying to me that the mandatory nature of the Act and the benefit package it provides is of equal, if not greater, concern.

It is conservations with senior Arizonians, and the mail they send me, that has brought me to this belief—a belief which is only underscored by a national poll of seniors across the country conducted two weeks ago by the Wirthlin Group

I would like to request that a copy of this poll be attached to the end of my statement.

In the eyes of the seniors, the Catastrophic Coverage Act is a good idea gone bad. From the onset of the debate over the original Reagan Administration proposal, it appeared that there was strong support among the seniors of this country for doing something in the area of catastrophic illness.

Originally the proposal was to provide seniors with the option of having coverage of long-term hospitalization expenses, for only a small increase in their Medicare premium. It also eliminated the coinsurance for hospital and skilled nursing facility services, and set a cap on wht Medicare beneficiaries would have to pay out-of-pocket for medical expenses. But as the bill moved through Congress, it was amended and amended, and we finally ended up requiring seniors to purchase a package which duplicates many of the benefits already available to the private sector. Thus, not only did the cost increase, but the philosophy changed.

It seems the true issue in this controversy is not the Act's financing principle—that seniors should pay for catastrophic illness benefits provided under Medicare. In fact, Mr. Chairman, I think you stated during the introduciton and debate over the Senate version that a consensus had developed in favor of the approach that any catastrophic benefits package ought to be paid for by those receiving the benefits. The real issue is that we are forcing the seniors of this country to buy a package of benefits that

they do not feel are important enough to pay for.

I have heard from tens of thousands of seniors in my state regarding this subject. 30,000 senior Arizonans responded on a margin of 4-to-1 that they opposed the Senate version of the legislation. Over 20,000 Arizonans have contacted me since passage of the final Act—which as you know is more expansive and expensive than the Senate bill and it is mandatory.

Of this 20,000, not more than 10 have indicated their support.

And, Mr. Chairman, I can tell you, their concerns go far beyond merely the amount of money they are paying for the program. Their concerns really cut to the very core of the Act.

I believe the seniors of this country are generally very informed consumers. The fact that they are unhappy with the Act ought to be an indication that it misses the mark with regard to what their true catastrophic protection needs really are.

While I disagreed with the specifics of a proposal offered by our former distinguished colleague, Senator Claude Pepper, I think he was right when he said access to long-term care coverage is the greatest catastrophic illness concern of our nation's seniors. Indeed, that is consistent with what I have been hearing from my state's seniors, and it is consistent with the findings of the Wirthlin Group's poll. That poll found that 69% of the seniors would prefer something in the long-term care area over the benefits provided in the Act, while only 19% would prefer the Act over something in the way of long-term care coverage.

In saying this, I recognize that long-term care coverage is terribly expensive. I have heard some say that it will cost at least $50 billion to do something in the long-term care area. The bottom line is that we may not be able to do a comprehensive long-term care program at this time. Nonetheless, I believe that some sort of plan that helps make private plans more afforable and accessible to seniors, coupled with some direct public sector assistance would cost significantly less than $50 billion.

While it would be nice to develop a comprehensive public sector long-term care program, I think the expense prohibits us from doing so. The seniors realize this, and I think they are wondering why we spent so much on the benefits provided under the Act when long-term care is the more catastrophic and more costly of the seniors health care protection needs. I think their fear—a justifiable one at that—is that the existence of the Act makes it near impossible for us to offer anything meaningful in the way of long-term nursing home and home care assistance in the near future.

While the Act does provide some long-term care related benefits, such as long-term hospitalization, skilled nursing, spousal impoverishment protection, and coverage of home care following a hospitalization, it does not cover custodial care provided in the home or a nursing home. What's more, the passage of the Act—and the expense tied to it—may have prevented us from providing any assistance with long-term care coverage for a long time. The seniors recognize this. And, this has only fueled the fire of their discontent.

Mr. Chairman, I believe we need to be asking ourselves the following question: what do the seniors believe are their most important catastrophic illness protection needs? And which of these areas can we reasonably address without sending the cost of any program out of sight?

It is not possible, Mr. Chairman, to provide public sector coverage of every health care need of our nation's elderly—especially given our current deficit problems. We must, therefore, work with the seniors to determine where they feel the public sector should be helping meet their health coverage needs. In my opinion, we need to provide seniors with protection from that which is most costly and catastrophic. What they are telling me is that that which is most costly, and most catastrophic, and that they cannot protect themselves against is long-term custodial care.

It is an attempt to assist us in addressing these questions that I offered S. 335, the "Medicare Catastrophic Coverage Revision Act of 1989." This legislation, which has been sponsored by Senators Boren, Burns, Cochran, Domenici, Gorton, Hatch, Heflin, Hollings, McClure, McConnell, Pell, Roth, Shelby and Wilson; introduced by Congressmen DeFazio and Tauke; and has earned the endorsement of 40 national seniors organizations; would delay for a year implementation of those provisions in the Act that are not yet effective—with the exception of the "spousal impoverishment" benefit. Thus, the long-term hospitalization, skilled nursing facility and spousal impoverishment benefits would be protected for this year, while Congress would be afforded the opportunity to thoroughly reexamine the Act through public hearings.

Given the fact the seniors are both the purchasers and consumers under the Act, and the fact that they seem to be unhappy since learning of its specifics, I believe we have a responsibility to go back and take a second look. After all, the Act forces seniors to purchase a specific set of benefits, without regard to whether they want or need the benefits. I know that there are no easy answers to this problem, but based on what we now know it is imperative that we undertake this effort.

As I understand it, the focus of today's hearings is to be on what should be done with the supposed excess revenues collected under the Act.

Mr. Chairman, we must address several other questions. Such as, does the Act meet what the seniors see as their greatest catastrophic illness protection needs? And, if not, how should we go about reexamining the Act so that a determination might be made as to what changes ought to be made to the Act so that it more accurately reflects the senior's greatest needs?

But, with regard to the excess revenue issue, I would like to say a couple of things.

First, there seems to be great disagreement over whether we have actually collected excess revenues under the Act thus far. It seems to me that we must be very careful in looking at this so that we do not try to relieve the political heat we're feeling over the Act by reducing revenues to a level that will not support the long term viability of the benefit programs we established. Thus, we need to be very confident that the cost estimates for the benefits not yet in place are accurate. It seems that the costs of some of the benefits, such as the outpatient prescription drug benefit, are difficult at best to estimate accurately. The fact that the cost estimates of this program have varied all over the board, and have shifted dramatically since we adopted the Act is an indication that the only way we are going to know true costs is when we pay for the benefits.

And, second, Mr. Chairman, I do not believe that simply modifying the premiums will quell the complaints of seniors. This is because I believe the firestorm has been caused by a frustration over not only the financing, but the Act's benefit package. Seniors strongly preferred the optional nature of the Senate bill rather than the final bill's mandatory participation, and they clearly believe the benefits we have required them to pay for are not the benefits they want the most. If we fail to see this, or if we try to avoid this by simply asking someone else to pay for the benefits, the seniors would see us as failing to recognize and listen to what their true concerns are regarding the Act.

What's more, from a policy perspective, Mr. Chairman, if we were to stay with the Act's current benefit structure, it seems imprudent to modify the financing or to even assume that there is a surplus before the most costly of the benefits are fully implemented.

In my opinion, these issues only further substantiate the need for us to thoroughly examine the Act, so that we might determine what, if any, changes ought to be made.

Again, I applaud you, Mr. Chairman, and members of the Committee, for your willingness to hold hearings to revisit the Act. But, I encourage you to make the revisiting effort a thorough examination of the entire Act, not just its financing.

MEMORANDUM

To: Admiral T.J. Kilcline.
From: Neil Newhouse—the Wirthlin Group.
Subject: Medicare Catastrophic Coverage Act Survey.
Date: May 15, 1989.

As you know, we recently completed a national survey for the coalition probing the attitudes and opinions of senior citizens regarding the Medicare Catastrophic Coverage Act.

One thousand and eight telephone interviews were completed with senior citizens across the country on May 9-11, 1989. Although the methodology for the survey is more fully explained in the summary of findings, the margin of error for this sample is ±3.1%.

The key findings of the survey are as follows:

Senior citizens believe that health care is the most important problem facing the elderly. Almost half of all seniors interviewed (45%) cite health care or health care costs as most important.

Those seniors who are aware of the new Medicare Catastrophic Coverage Act (59%) oppose it by a 53%-31% margin, with 39% saying they strongly oppose the legislation.

After having reviewed six key benefits included in the new Medicare Catastrophic Coverage Act, more than half of the seniors interviewed (55%) believe that the benefits are not worth the cost of the Act. This belief is held by all age, income, and partisan groups.

Even those seniors who are aware of the legislation, and favor it, believe that the benefits aren't worth the cost of the program (42%-38%).

A new long-term program is preferred to the current legislation by a 65%-19% margin.

These results are all the more interesting considering the fact that 85% of those seniors surveyed say they have medical insurance in addition to Medicare, and 60% of those interviewed have less than $20,000.

It is clear from this survey that senior citizens are very concerned about the catastrophic legislation. It is important to note that throughout the survey, those who feel strongest about the legislation are invariably opposed to it. The concern about the legislation and its worth repeatedly cuts across all age, income, and partisan lines.

In summary, the more that seniors learn about this legislation, the more likely they are to oppose it.

MEDICARE CATASTROPHIC COVERAGE ACT SURVEY KEY POINTS

METHODOLOGY

One thousand and eight Americans at least sixty-five years of age were interviewed by telephone by the Wirthlin Group on May 9-11 for this project. The respondents represent a random selection of older Americans from all parts of the country and all income levels.

The margin of error for this survey is ±3.1%, meaning that should this survey be repeated, 95 times out of 100, the results for each question would be within three percentage points of our findings.

The questionnaire was twenty questions long, and the interviews averaged about thirteen minutes in length.

Demographically, the sample of 1,008 senior citizens included 59% women, 41% men, and had the following characteristics:

	Percent
Age:	
65 to 69	32
70 to 74	27
75 to 79	21
80 plus	19
Income:	
Under $5,000	12
$5,000, but less than $10,000	19
$10,000, but less than $15,000	17
$15,000, but less than $20,000	12
$20,000, but less than $25,000	9
$25,000, but less than $30,000	4
Over $30,000	10
Refused	18
Region of country:	
Northeast	26
South	31
Midwest	23
West	20
Partisan affiliation:	
Republican	31
Independent	28
Democratic	40

MOST IMPORTANT PROBLEM FACING SENIOR CITIZENS

Forty-five percent of older Americans believe that health care issues are the most important problem facing seniors, with the leading single problem being health care costs (29%).

The concern over health care cuts across every demographic group tested on this survey—of the 29 demographic and geographic groups tested, all cite health care as their top issue.

General economic concerns (totalling 17%), such as inflation (14%) and taxes (2%) were the next most often mentioned problems, followed by social security/medicare (11%). Thirteen percent of older Americans commented that they had no major concerns or problems.

Lower income seniors stand out on this question as rating economic concerns (especially inflation—20%) especially high.

ATTITUDES TOWARD RESPONSIBILITY FOR PAYMENT OF HEALTH CARE COSTS

By a 52%-35% margin, older Americans believe that "the elderly should share the responsibility with the federal government for paying health care costs," rather than the federal government assuming "the complete responsibility for the payment of health care costs for the elderly." Thirteen percent of seniors were undecided on this issue.

Income plays a major role in seniors' attitudes on this question. The lower the income level (especially those with income levels of less than $10,000 per year), the more divided they are on this question, with a plurality (48%-41%) believing that the federal government should assume the complete responsibility for the payment of health care costs.

On the other hand, sixty percent of seniors with household incomes of at least $10,000 believe that the elderly should share the costs.

Other key points on this question include:

A majority of both Republicans (59%) and Independents (52%), and a plurality of Democrats (47%) believe that the elderly should share the responsibility with the federal government.

Those seniors who are not covered under any additional insurance program like Blue Cross/Blue Shield (14% of entire sample) favor the federal government assuming the complete responsibility for the health care costs (46%-39%).

AWARENESS AND SUPPORT FOR MEDICARE CATASTROPHIC COVERAGE ACT

Fifty-nine percent of seniors interviewed said that they are aware of the Medicare Catastrophic Coverage Act.

Those most likely to say they are aware of the Act include men (64%) higher income seniors (82%), and those seniors under the age of 80 (61%). Those seniors without additional insurance coverage were least likely to have heard of the new law, with just 34% saying they were aware of it.

When those who were aware of the new law were asked whether they favored or opposed the legislation, 51% were in opposition to it, 31% in support of it, and 15% undecided.

Interestingly, 39% of this group said that they were strongly opposed to the new law—indicating a strongly felt opposition to the law.

Of the 29 demographic and geographic groups tested, every one opposed the new law, including Republicans (59%-27%) and Democrats (49%-33%), lower income seniors (41%-35%), and those without additional insurance (48%-31%).

IMPORTANCE OF BENEFITS OF THE MEDICARE CATASTROPHIC COVERAGE ACT

Seniors were asked to rate the importance to them of a number of benefits provided by the Act on a scale from 1-10, with 1 being "not at all important," and 10 being "extremely important."

As you can see below, coverage for mammography screening, unlimited hospitalization, and skilled nursing care topped the list of benefits rated by seniors, with 52%-53% of respondents rating them as highly important (rating "B," "9," or "10").

Coverage for women undergoing mammography screening. (53% rating as highly important.)

Unlimited hospitalization coverage after you pay an annual $560 deductible. (52% rating as highly important.)

150 days of skilled-nursing care for a year, after the individual pays the first $170. (52% rating as highly important.)

A benefit that increases the amount of income and property a spouse may retain when their husband or wife goes to a nursing home at Medicaid expense. (47% rating as highly important.)

50% coverage for prescription drugs after the individual pays the first $600 per year in 1991. (31% rating as highly important.)

$1,370 annual out of pocket limit on how much Medicare recipients will have to pay for "reasonable and proper" Medicare-approved physician and other outpatient service in 1990. (27% rating as highly important.)

Although there isn't a great deal of difference between how men and women rank the importance of these benefits (men do rate mammography screening highly), there is some difference by income level. The findings show that both skilled nursing care and mammography screening are rated higher by lower income seniors than they are by those with higher incomes.

Furthermore, it should be noted that the catastrophic benefits already in effect and mammography screening are consistently rated higher by all demographic groups than prescription drug coverage or the $1,370 out of pocket limit.

CHOICE BETWEEN CATASTROPHIC COVERAGE OR PRIVATE COVERAGE

After having reviewed the key benefits of the catastrophic coverage, seniors were asked the following question:

The Catastrophic Coverage Act applies to all Medicare enrollees whether or not they choose to participate in the plan. In some cases, this includes duplication in existing coverages. If given a choice, would you prefer the catastrophic coverage or would you prefer private coverage?

Seniors opt for private coverage by a 42%-33% margin, with 22% being undecided, and another 3% respond "neither."

The crosstabs indicate that while the overall margin is just nine points, the sentiment in favor of private coverage is widespread—only two of the groups tested favor catastrophic coverage rather than private coverage (those with incomes under $10,000, and women with incomes under $20,000).

Other key findings on this question include:

Republicans (49%-30%), Democrats (39%-35%), and Independents (37%-33%) all favor private coverage.

Those seniors who do not have additional insurance coverage are divided on the question (36%-36%).

Respondents who earlier said that the federal government should assume the complete responsibility for the payment of health care services to the elderly favor private coverage by a narrow 38%-37% margin.

LONG-TERM CARE

When seniors are informed that the 1988 Medicare Catastrophic Coverage Law and its previously mentioned benefits does not cover long-term care, and subsequently asked whether they would perfer the current law or a new long-term care program, they choose the new program by a wide 65%-19% margin.

The sentiment in favor of a new program cuts across every group tested, with at least 58% of all groups opting for a new long-term care program. Even those seniors who are aware of and favor the current legislation believe it should be replaced by a new long-term care program (61%-31%).

MEDICARE CATASTROPHIC COVERAGE ACT BENEFITS WORTH THE COST?

When seniors are informed that in order to fund this new program, they will be required to pay a surtax on the federal income

tax payment of 15% for each $150 owed up to a maximum of $800 in 1989, they do not believe that the benefits of the coverage are worth the cost by a 55%-22% margin.

It is important on this question to also note that 44% of the seniors said that they feel very strongly that the benefits are not worth the cost of the program.

Again, this sentiment cuts across all groups, with the spread between the two sentiments never getting closer then 18 points.

Key findings on this question include:

Even 45% of lower income seniors say that the benefits are not worth the costs involved.

Republicans (55%), Democrats (56%), and Independents (56%) all agree that the benefits are not worth the costs of the program.

Those seniors who were aware of the legislation and favored it previously now say it's not worth the cost (42%-38%).●

CAPT. SAMUEL R. BIRD: PROFILE IN LEADERSHIP

● Mr. HOLLINGS. Mr. President, on this past Monday, Memorial Day, Americans had occasion to recall the rich legacy of heroism and courage and sacrifice by our Nation's fighting men. Down through the decades, our armed services have been richly endowed with profiles in courage. I rise today, however, to introduce into the record not just a profile in courage but also a singular profile in leadership: the story of Capt. Samuel R. Bird, as recorded by his comrade in arms, B.T. Collins in the May 1989 Reader's Digest.

Collins begins his narrative in Vietnam in the summer of 1966, when he first encountered Captain Bird, whom he describes as "'squared away'—ramrod straight, eyes on the horizon." He proceeds to recount how Captain Bird molded and won over the men of Bravo Company, 2d/12th Cavalry, 1st Calvary Division, through his sterling personal example and through countless acts of attention and concern for the soldiers under his command.

Collins describes how Captain Bird gathered his men on a dirt road near their base camp and "began talking about how tough the infantryman's job is, how proud he was of them, how they should always look out for each other. He took out a bunch of Combat Infantryman's Badges, signifying that a soldier has paid his dues under fire, and he presented one to each of the men. There wasn't a soldier there who would have traded that moment on thee road for some parade-ground ceremony."

On January 27, 1967, on his 27th birthday, Sam Bird was gravely wounded while spearheading an assault on a North Vietnamese regimental headquarters. Though he held to life proudly and courageously for another 17 years, his body was irreparably broken, and he ultimately died of complications on October 18, 1984.

In 1976, Sam attended his 15th class reunion at the Citadel. Gen. Mark Clark asked about his wounds and said, "On behalf of your country, I want to thank you for all you did." Captain Bird answered, "Sir, it was the least I could do." His wife chided him for excessive modesty, which he denied, remarking, "I had friends who didn't come back. I'm enjoying the freedoms they died for."

By the way, Mr. President, history will footnote that it was Sam Bird, then an officer with the elite Old Guard, who directed the casket detail at President Kennedy's funeral.

Mr. President, cadets at the Citadel study diligently the lessons of courage and command. No doubt for generations to come, in part thanks to this article by B.T. Collins, they will be inspired by the example of Capt. Sam Bird.

Captain Bird was the living embodiment of the highest ideals taught at our Nation's military academies. We need not embellish his record. He was, simply, a brave warrior, a selfless patriot, and a truly exemplary leader.

Mr. President, I ask that the article, "The Courage of Sam Bird," be printed in the RECORD. I urge my fellow Senators to read this brief but remarkable memoir.

The article follows:

THE COURAGE OF SAM BIRD

(By B.T. Collins)

I met Capt. Samuel R. Bird on a dusty road near An Khe, South Vietnam, one hot July day in 1966. I was an artillery forward observer with Bravo Company, 2nd/12th Cavalry, 1st Cavalry Division, and I looked it. I was filthy, sweaty, and jaded by war, and I thought "Oh, brother, get a load of this." Dressed in crisply starched fatigues, Captain Bird was what we called "squared away"—ramrod straight, eyes on the horizon. Hell, you could still see the shine on his boot tips beneath the road dust.

After graduation from Officer Candidate School, I had sought adventure by volunteering for Vietnam. But by that hot and dangerous July, I was overdosed on "adventure," keenly interested in survival and very fond of large rocks and deep holes. Bird was my fourth company commander, and my expectations were somewhat cynical when he called all his officers and sergeants together.

"I understand this company has been in Vietnam almost a year and has never had a party," he said.

Now, we officers and sergeants had our little clubs to which we repaired. So we stole bewildered looks at one another, cleared our throats and wondered what this wiry newcomer was talking about.

"The men are going to have a party," he announced, "and they're not going to pay for it. Do I make myself clear?"

A party for the "grunts" was the first order of business! Sam Bird had indeed made himself clear. We all chipped in to get food and beer for about 160 men. The troops were surprised almost to the point of suspicion—who, after all, had ever done anything for them? But that little beer and bull session was exactly what those war-weary men needed. Its effect on morale was profound. I began to watch our new captain more closely.

Bird and I were the same age, 26, but eons apart in everything else. He was from the sunny heartland of Kansas, I from the suburbs of New York City. He prayed every day and was close to his God. My faith had evaporated somewhere this side of altar boy. I was a college dropout who had wandered into the Army with the words "discipline problem" close on my heels. He had graduated from the Citadel, South Carolina's proud old military school.

If ever a man looked like a leader, it was Sam Bird. He was tall and lean, with penetrating blue eyes. But the tedium and terror of a combat zone take far sterner qualities than mere appearance.

"NOT ONE STEP FURTHER"

Our outfit was helicoptered to a mountain outpost one day for the thankless task of preparing a position for others to occupy. We dug trenches, filled sandbags, strung wire under a blistering sun. It was hard work, and Sam was everywhere, pitching in with the men. A colonel who was supposed to oversee the operation remained at a shelter, doing paper work. Sam looked at what his troops had accomplished, then, red-faced, strode over to the colonel's sanctuary. We couldn't hear what he was saying to his superior, but we had the unmistakable sense that Sam was uncoiling a bit. The colonel suddenly found time to inspect the fortifications and thank the men for a job well done.

Another day, this time o the front lines after weeks of awful chow, we were given something called "coffee cake" that had the look and texture of asphalt paving. Furious, Sam got on the radio phone to headquarters. He reached the colonel and said, "Sir, you and the supply officer need to come out here and taste the food, because this rifle company is not taking one step further." Not a good way to move up in the Army, I thought. But the colonel came out, and the food improved from that moment. Such incidents were not lost on the men of Bravo Company.

During the monsoon season we had to occupy a landing zone. The torrential, wind-driven rains had been falling for weeks. Like everyone else I sat under my poncho in a stupor, wondering how much of the wetness was rainwater and how much was sweat. Nobody cared that the position was becoming flooded. We had all just crawled inside ourselves. Suddenly, I saw Sam, Mr. Spit and Polish, with nothing on but his olive-drab undershorts and his boots. He was digging a drainage ditch down the center of the camp. He didn't say anything, just dug away, mud spattering his chest, steam rising from his back and shoulders. Slowly and sheepishly we emerged from under our ponchos, and shovels in hand, we began helping "the old man" get the ditch dug. We got the camp tolerably dried out and with that one simple act transformed our morale.

Sam deeply loved the U.S. Army, its history and traditions. Few of the men knew it, but he had been in charge of a special honors unit of the Old Guard, which serves at the Tomb of the Unknown Soldier in Arlington National Cemetery and participates in the Army's most solemn ceremonies. He was the kind of guy whose eyes would mist during the singing of the National Anthem.

Sam figured patriotism was just a natural part of being an American. But he knew that morale was a function not so much of inspiration as of good boots, dry socks, extra ammo and hot meals.

DUG HIS OWN

Sam's philosophy was to put his troops first. On that foundation he built respect a brick at a time. His men ate first; he ate last. Instead of merely learning their names, he made it a point to know the men. A lot of soldiers were high-school dropouts and would-be tough guys just a few years younger than himself. Some were scared, and a few were still in partial shock at being in a shooting war. Sam patiently worked on their pride and self-confidence. Yet there was never any doubt who was in charge. I had been around enough to know what a delicate accomplishment that was.

Half in wonder, an officer once told me, "Sam can dress a man down till his ears burn, and the next minute that same guy is eager to follow him into hell." But he never chewed out a man in front of his subordinates.

Sam wouldn't ask his men to do anything he wasn't willing to do himself. He dug his own foxholes. He never gave lectures on appearance, but even at God-forsaken outposts in the Central Highlands, he would set aside a few ounces of water from his canteen to shave. His uniform, even if it was jungle fatigues, would be as clean and neat as he could make it. Soon all of Bravo Company had a reputation for looking sharp.

One sultry and miserable day on a dirt road at the base camp, Sam gathered the men together and began talking about how tough the infantryman's job is, how proud he was of them, how they should always look out for each other. He took out a bunch of Combat Infantryman's Badges, signifying that a soldier has paid his dues under fire, and he presented one to each of the men. There wasn't a soldier there who would have traded that moment on the road for some parade-ground ceremony.

That was the way Sam Bird taught me leadership. He packed a lot of lessons into the six months we served together. Put the troops first. Know that morale often depends on small things. Respect every person's dignity. Always be ready to fight for your people. Lead by example. Reward performance. But Sam had another lesson to teach, one that would take long and painful years, a lesson in courage.

ENEMY FIRE

I left Bravo Company in December 1966 to return to the States for a month before joining a Special Forces unit. Being a big, tough paratropper, I didn't tell Sam what his example had meant to me. But I made a point of visiting his parents and sister in Wichita, Kan., just before Christmas to tell how much he'd affected my life, and how his troops would walk off a cliff for him. His family was relieved when I told them that his tour of combat was almost over and he'd be moving to a safe job in the rear.

Two months later, in a thatched hut in the Mekong Delta, I got a letter from Sam's sister, saying that he had conned his commanding officer into letting him stay an extra month with his beloved Bravo Company. On his last day, January 27, 1967—his 27th birthday—the men had secretly planned a party, even arranging to have a cake flown in. They were going to "pay back the old man." But orders came down for Bravo to lead an airborne assault on a North Vietnamese regimental headquarters.

Sam's helicopter was about to touch down at the attack point when it was ripped by enemy fire. Slugs shattered his left ankle and right leg. Another struck the left side of his head, carrying off almost a quarter of his skull. His executive officer, Lt. Dean Parker, scooped Sam's brains into the gaping wound.

Reading the letter, I felt as if I'd been kicked in the stomach. I began querying every hospital in Vietnam to find out if Sam was still alive. But in June, before I could discover his fate, I was in a firefight in an enemy-controlled zone. I had thrown four grenades. The fifth one exploded in my hand. I lost an arm and a leg.

Nearly a year later, in March 1968, I finally caught up with Sam. I was just getting the hang of walking with an artificial leg when I visited him at the VA Medical Center in Memphis, Tenn. Seeing him, I had to fight back the tears. The wiry, smiling soldier's soldier was blind in the left eye and partially so in the right. Surgeons had removed metal shards and damaged tissue from deep within his brain, and he had been left with a marked depression on the left side of his head. The circles under his eyes told of sleepless hours and great pain.

The old clear voice of command was slower now, labored and with an odd, high pitch. I saw his brow knit as he looked through his one good eye, trying to remember. He recognized me, but believed I had served with him in Korea, his first tour of duty.

Slowly, Sam rebuilt his ability to converse. But while he could recall things from long ago, he couldn't remember what he had eaten for breakfast. Headaches came on him like terrible firestorms. There was pain, too, in his legs. He had only partial use of one arm, with which he'd raise himself in front of the mirror to brush his teeth and shave.

He had the support of a wonderful family, and once he was home in Wichita, his sister brought his old school sweetheart, Annette Blazier, to see him. A courtship began, and in 1972 they married.

They built a house like Sam had dreamed of—red brick, with a flagpole out front. He had developed the habit of addressing God as "Sir" and spoke to him often. He never asked to be healed. At every table grace, he thanked God for sending him Annette and for "making it possible for me to live at home in a free country."

EVERY WAKING MOMENT

In 1976, Sam and Annette traveled to The Citadel for his 15th class reunion. World War II hero Gen. Mark Clark, the school's president emeritus, asked about his wounds and said, "On behalf of your country, I want to thank you for all you did."

With pride, Sam answered, "Sir, it was the least I could do."

Later Annette chided him gently for understating the case. After all, he had sacrified his health and career in Vietnam. Sam gave her an incredulous look. "I had friends who didn't come back," he said. "I'm enjoying the freedoms they died for."

I visited Sam in Wichita and phoned him regularly. You would not have guessed that he lived with pain every day. Once, speaking of me to his sister, he said, "I should never complain about the pain in my leg, because B.T. doesn't have a leg." I'd seen a lot of men with lesser wounds reduced to anger and self-pity. Never a hint of that passed Sam's lips, though I knew that, every waking moment, he was fighting to live.

On October 18, 1984, after 17 years, Sam's body couldn't take any more. When we received the news of his death, a number of us from Bravo Company flew to Wichita, where Sam was to be buried with his forebears.

The day before the burial, his old exec, Dean Parker, and I went to the funeral home to make sure everything was in order. As Dean straightened the brass on Sam's uniform, I held my captian's hand and looked into his face, a face no longer filled with pain. I thought about how unashamed Sam always was to express his love for his country, how sunny and unaffected he was in his devotion to his men. I ached that I had never told him what a fine soldier and man he was. But in my deep sadness I felt a glow of pride for having served with him and for having learned the lessons of leadership that would serve me all my life. That is why I am telling you about Samuel R. Bird and these things that happened so long ago.

Chances are, you have seen Sam Bird. He was the tall officer in charge of the casket detail at the funeral of President John F. Kennedy. Historian William Manchester described him as "a lean, sinewy Kansan, the kind of American youth whom Congressmen dutifully praise each Fourth of July and whose existence many, grown jaded by years on the Hill, secretly doubt."

There can be no doubt about Sam, about who he was, how he lived and how he led. We buried him that afternoon, as they say, "with honors." But as I walked from that grave, I knew I was the honored one, for having known him.●

TRIBUTE TO WILHELM AND ULLA WACHMEISTER

● Mr. DURENBERGER. Mr. President, today marks the beginning of a new life for dear frinds of mine, the Count and Countess Wilhelm and Ulla Wachmeister. As Ulla calls it, it is their third life following his 15 years as the Swedish Ambassador to the United States and a total of 42 years service to Sweden.

In addition to our friendship, I feel a special bond to them with more than 500,000 people in my home State of Minnesota having Swedish ancestry. They have always held a special place in their hearts for my family and I am proud that Welhelm calls me "his Senator."

I wish them Godspeed in their new life and hope that now they'll find time to enjoy the things they love the most. I want to draw to the attention of my colleagues a very interesting article about the Wachmeisters. In it Ulla was quoted as saying, "What is this life all about if you have no time for affection?" she asked. "Everything in our lives is so quick, and my husband and I have had a wonderful life together. It's lovely to have a little house where we can be like newlyweds again."

Mr. President, I ask that the Washington Post article from May 17, 1989, be printed in the RECORD.

THE WACHTMEISTERS, STAYING IN TOUCH—SWEDEN'S DIPLOMATIC DUO, TAKING LEAVE OF THE EMBASSY BUT NOT THEIR CAPITAL HOME

(By Martha Sherrill)

They live in a world where good Swedish meatballs and a great game of tennis still count for something. They haven't been dying for their country, exactly. They've

been pouring drinks for it. Planning menus for it. Shaking hands. Playing tennis.

When asked how they managed to become the most beloved couple on Washington's Diplomatic Circuit, Wilhelm and Ulla Wachtmeister of Sweden fumble for answers.

He says it's her parties.

She says it's him.

Their dearest, closest friends here—blue-bloods, old money politicians, cave dwellers—generously unlock their jaws:

"They are very attractive," says Sen. Claiborne Pell (D-R.I.). "They are professional diplomats to the core. They know languages. They also have very strong personal interests. The Countess Wachtmeister—I'm sure you know—is a very good painter. And Count Wachtmeister is very good in lawn tennis."

"They entertain so beautifully," says Archie Roosevelt.

"The flowers," says Evangeline Bruce, "were like nobody else's."

"Her hand is amazing," says Ina Ginsberg. "She will put a ribbon somewhere and it will have a tremendous effect."

"I'll give you an example of how sweet she is," says Lucky Roosevelt. "Once my mother was visiting and I was away, and she took my mother to lunch * * * How kind! What kindness! She's incapable of a malicious thought."

"They've really become part of our lives here," says Susan Mary Alsop. "When I found out they were staying, I was soooo relieved. Their leaving would have felt like the Washington Monument being removed."

"They are close family friends," says Barbara Bush. "All our children know and love them. I promise they will be a Washington couple which belies that old rule, 'When you're out, you're out.'

"With George and I, the Wachtmeisters will always be in."

Count Wilhelm Wachtmeister, the ambassador of Sweden and the dean of the diplomatic corps, will be retiring from both posts at the end of this month. He and Ulla, the Countess Wachtmeister, will not be returning to Sweden. They like it too much here.

The ambassador's highest-ranking tennis partner, President Bush, stopped by the residence Monday night. Last night 1,000 family and friends—members of the Cabinet, of Congress, of the diplomatic corps—gathered for an "au revoir" party in their honor. For the first time the Wachtmeisters openly discussed their plans for the future. She's going to paint full time. He's stepping into the private sector, as an adviser to Volvo Chairman Pehr Gyllenhammar and a member of the American board of P-K Banken, a Swedish bank.

"This is something," he says, "that you do very much here in America—where you go between the two sectors. But we don't do that at all in Sweden, but now is my chance."

Last week at the residence, the couple sat down to talk about 42 years of diplomatic life, the last 15 spent in Washington, and their decision to stay.

Wachtmeister leads the way through the place—a white Spanish stucco house that belongs in Bel Air. He walks past the heavy furniture, tapestries, icons. He's a tall, fit-looking 66-year-old. His charcoal suit matches his hair. He keeps looking at his watch. He seems stern until he smiles once. Friends call him "Willie."

He arrives at an airy room filled with his wife's huge, colorful paintings. Out beyond the many windows overlooking the garden lies the tennis court—sort of Wachtmeister's outdoor business office.

Ulla Wachtmeister nods for tea and coffee to be served. She's delicate, a cloud of yellow-blond curls and soft skin. She's wearing a short navy blue jacket with opulent gold trim. It appears to be something terribly expensive, but turns out to be an old uniform coat of Willie's from his days as a young diplomat in Madrid. The countess cut it up herself.

"I want to scale down my activities," he says. "I want to control my own schedule, which I haven't done for 15 years."

"For 42 years," corrects Ulla.

"Right," he says, "42 years."

They've lived and raised their three children in Vienna, Madrid, Lisbon, Moscow and Algeria. Wachtmeister spent three years in New York as personal secretary to then United Nations secretary general Dag Hammarskjöld. During their years in diplomacy, they've spent a total of 15 years in Sweden. And during his post here, Wachtmeister has lasted through five U.S. presidents, six secretaries of state and eight chiefs of protocol.

While receptions and visits and ceremonies are very nice," says the ambassador, "you can be saturated from it. I feel less hungry about these things. I think somebody hungry should go to the table. And those who have already eaten should step back."

Ulla Wachtmeister has watched 65,000 people parade through her house in the past 15 years, somebody on her staff estimates. Although she herself would never use a word like "parade." It's too common, too undiplomatic. Her voice floats and isn't always audible. She talks about her "inner life," and about how they met.

It was on a hunting party in Sweden. Perhaps 1945. "It was very cold and my husband caught a virus," says the countess, who was an 18-year-old baroness at the time. "He didn't feel so well, and I made some lemon-and-honey water for him. I took care of him, you see, and it went to his heart."

Just two weeks before his first posting in Vienna, in 1947, the Wachtmeisters were married. "I didn't know what I was getting into," she says. "You learn during your life, what it's all about."

People seem to agree she's not the ordinary Washington hostess. "She's a woman of great depth. Very profound. So unusual for Washington," says Lucky Roosevelt. "And she does the diplomatic things, which is often all talk—well, you know how that is—and she does it beautifully. But if you want to delve further she can do that, too."

She once threw a candlelight dinner in her kitchen for Swedish actress Liv Ullman and invited Henry Kissinger, who was then secretary of state. When the king of Sweden was still a bachelor, she organized a luau and sat everyone on the floor of a tent. They wore leis. The king danced. A couple times—when tennis champion Bjorn Borg has come to town—she's grown a little grass tennis court in the middle of the dinner table.

Sen. Alan Simpson (R-Wyo.) says he met Ulla in 1979—she was his dinner companion at some party or other. He was totally enchanted. "The conversation was not about politics," he says, "it was about kids and life and fun and spirit."

"Everybody agrees," says Evangeline Bruce, once an ambassador's wife, "that Countess Wachtmeister in her diplomatic entertaining and friendships is able to show a serenity and awareness that are quite rare."

Rare too, she's never used a caterer. Even last night, her Swedish chef prepared the cuisine. She also grows all her own flowers, and often designs and sews her own clothes. When Wachtmeister became dean, their monthly entertaining budget grew to $4,000 and included another staff member to do the grocery shopping, but for the first 12 years of entertaining here, the countess shopped herself. The food she served to Americans was typically Swedish, usually a smorgasbord.

"I used to wonder how many pounds of potatoes I carried home over the 12 years," she says. "You know, in Sweden we eat so many."

Their guest lists weren't remarkable, says Roosevelt. "No, not unusual. They knew everybody," she says, "and sooner or later you'd see all the top people."

Wachtmeister's good. He plays tennis to win. When asked who can beat his game in town, he hedges diplomatically. "John Heinz—whom I play singles with regularly," he says, "can beat me."

"He's 10 years younger, isn't he." asks Ulla.

"Eighteen," says the ambassador.

"The president," he continues, "is a good player."

"Fantastic game," says the countess.

The president and the ambassador had met at social functions, says Wachtmeister, but they become close friends on the court when Bush was vice president.

Sen. Heinz (R-Pa.) says he beats Wachtmeister when he's lucky—"He's relentless, aggressive and wily." Ginsburg used to be Wachtmeister's doubles partner. "This is a tennis town," she says. "I've known people who've come here and decided they had to learn tennis because it was such a good entree."

"There is another word for diplomacy—and that's contact," Wachtmeister explains. "There are special things, hobbies—like tennis in my case. It happens to fit in very well, because Sweden's a great power in tennis. And because tennis is so much en vogue here in America. It's in. Which is reflected in the government officials playing. You know that out of the 100 senators, 25 are active tennis players? Every fourth senator is an active—and many of them, good—tennis player."

And Wachtmeister's sporty pals might be more likely to come to Ulla's parties. "I'm sure that senators get 10 invitations a day from embassies," he says. "And I have heard that senators tell their secretaries that they decline all embassy invitations except this, this, this. The secret is to get on the exception list. And after two years I think that we were on that list."

"Their friendship with me is based on much more," says Simpson, who does play tennis. "I wouldn't wander onto a court with Willie Wachtmeister for anything * * * He can really punch that ball."

Kay Evans, wife of columnist Rowland Evans, is happy to discuss her husband's tennis relationship with Wachtmeister. "Rowly plays early morning tennis every Friday with Willie," she says. "And that improves Rowley's disposition tremendously. I'm very happy about that, very."

"Tennis is like a party," says Wachtmeister. "It's a vehicle—one means—to get together."

"Sweden," somebody once said, "was nothing before the Wachtmeisters." This is, of course, a gross exaggeration. What he really meant to say was that the Swedish embassy was nothing before the Wachtmeisters. Or

maybe that it was empty before the Wachtmeisters.

At the time they arrived, in 1974, U.S. relations with Sweden were not so spectacular. Prime Minister Olof Palme publicly compared the U.S. bombing of Hanoi with German World War II atrocities, and President Nixon sent the ambassador home. For 14 months the Swedish residence—and the tennis court—were vacant.

"When Nixon apparently made up his mind that the punishment was over," says Wachtmeister, "that's when I was appointed."

(There haven't been any flaps since. Well, except one. In 1981, rather than attending a big party at the Soviet Embassy to celebrate the 64th anniversary of the Russian Revolution, Ambassador Wachtmeister chose to play tennis instead. A Soviet submarine had recently gone aground in a restricted military zone off the coast of Sweden.)

The Wachtmeisters had just a few acquaintances here when they arrived. They knew Pell, who had met the ambassador in 1957. And they knew Ginsburg, because Pell introduced them. Ulla says Ginsburg was enormously helpful during the adjustment period.

"It can be very difficult for couples when they first move here," says Ginsburg. "For instance, you might want a picture of people before you meet them * * * and it takes a long time to sort out who is who, and who one should enjoy."

"It does take awhile," says Ulla, "I think this is a mysterious part of the world."

Things on the diplomatic party circuit have since changed. "In the '70s it was rather much influenced by the Iranian ambassador at that time," says Wachtmeister. "It was a splashy kind of thing. And the diplomatic social life in Washington has become much less flashy in the '80s."

"And less visible," says the countess.

"I think the change started with the Carter administration—which was sort of low-key," says the ambassador. "It's much more businesslike now * * * I always resent when the Swedish journalists gripe about the parties taking place here. These are social events for the purpose of getting together, and talking business—politics, if you like. It's not to dance and drink. And not always so fun. It's a hard working capital, as you know. Dinner's over at 11:00. People are in bed at 11:30 if they are lucky."

It was no huge surprise when Wachtmeister announced his retirement. Last month when he turned 66, he reached the mandatory retirement age for the Swedish civil service. He had already stayed a couple of years longer than he originally planned after becoming dean of the diplomatic corps in 1986, a high-profile position that any country would consider a coup.

Andrew J. Jacovides, the ambassador of Cyprus, was chosen to succeed Wachtmeister as dean—after a certain amount of confusion. The senior ranking ambassador (based on longevity) automatically becomes dean, and Maiava Iulai Toma, the ambassador of Western Samoa, has seniority over Jacovides. But Toma doesn't reside in Washington, which everyone agreed was a problem.

"He's been a model ambassador and an excellent dean, and anyone who comes in will have huge shoes to fill," Jacovides says of Wachtmeister. "I will certainly do my best to equal him, and do as conscientious a job as I could—for that limited period that I have."

He says "limited" because he plans soon to return to Cyprus, he says, to be the director general of the Ministry of Foreign Affairs—"an important job that needs to be filled."

"I feel sort of sorry for the next dean," says longtime diplomat Archie Roosevelt of Jacovides. "They are a marvelous couple, but I don't think they can afford to entertain like the Wachtmeisters, and their place is *soooo* tiny.

"Who's next in line after Cyprus?" Roosevelt asks.

Probably Sukru Elekdag, the ambassador of Turkey, he's told.

"Well, the Turks have a terrific embassy," he says. "And they'd love having the new dean."

Countess Wachtmeister bought their Spring Valley town house seven years ago. It doesn't have a tennis court—she doesn't play, after all. She uses her muscles to paint, she says. "It's been a studio. I found it for painting and also for weekends when I wanted to get out of the house. It's wonderful, it's just down the road here * * *. It's just perfect for another life, for our third life."

Once she gets there, she'll paint again. "You have to immerse yourself to be creative," she says. "You have to go deep into yourself, to express yourself." In the last two years, there's been little time for this. She's not been paid to be an ambassador's wife—and believes that diplomatic wives should have a choice of playing hostess or not.

"It depends how you feel about your country, your husband and your own life," she says. "You can hire caterers and a housekeeper to look after the house. There are many bachelor ambassadors who do very well."

Their summer schedule seems loose, but it's tightly drawn. They'll be in Sweden until July, when the ambassador goes for a board meeting of the "International Tennis Hall of Fame" in Newport, R.I. After that, he goes for a week at the Bohemian Grove—the Bohemian Club's compground outside San Francisco—then back to Sweden for the rest of the summer.

Once back in town, Wachtmeister plans to stay off "the official circuit" and away from the toes of Anders Thunborg, the new ambassador—formerly Sweden's ambassador in Moscow. "I don't want to run over him," says Wachtmeister. "So we'll be very low-key in that regard. We will see our friends—our nonpolitical friends—and, of course, members of cabinet and others who are personal friends, but we will stay out of the public limelight."

For other retired diplomats, there hasn't been much limelight to stay out of. The invitations usually don't come the way they used to. "They won't be sitting at home, I'm sure," says Ginsburg. "They have contributed too much, they've been giving too much."

And will Washington remember that?

"I think this," she says, "will be a case where they will."

All of which doesn't seem to concern Ulla Wachtmeister much. Maybe fewer invitations would be fine. "What is this life all about if you have no time for affection?" she asks. "Everything in our lives is so quick, and my husband and I have had a wonderful life together. It's lovely to have a little house where we can be like newlyweds again."●

TERRY ANDERSON

● Mr. MOYNIHAN. Mr. President, today marks the 1,538th day of captivity for Terry Anderson in Beirut.

I ask that an article printed in the Batavia Daily News last March discussing former Beirut hostage Father Martin Jenco be printed in the RECORD.

The article follows:

FATHER JENCO FORGIVES HIS CAPTORS

(By Dan Winegar)

Father Martin Jenco stood on the stage at Notre Dame High School in this Christian holy season and forgave his captors, who had degraded him, imprisoned him and mentally and physically tortured him for 19 months in Lebanon.

His voice soft, yet strong and confident, the Roman Catholic priest, whose mission was to aid the sick, the poor and the hungry in a strife-torn land, never wavered in pardoning those who made him suffer.

This was the type of talk that one rarely hears, and it fell upon many student's ears and a gathering of adults with such conviction that the gym/auditorium was completely still until a standing ovation followed the former hostage's talk.

Indeed, one could have been listening to a martyr in the Colosseum or a modern Daniel in the lion's den.

Father Jenco, based in Joilet, Ill., was in Batavia with Mrs. Peggy Say, sister of Terry Anderson, former Batavian who was taken hostage four years ago while chief of the Associated Press bureau in Beirut, and her husband, David. Mr. and Mrs. Say now make their home in Kentucky.

The day before, Father Jenco marched in a remembrance event in Philadelphia for another of those being held, Joseph James Cicippio.

Father Jenco, mistakenly seized in January 1985 while being driven to his office, was held for 564 days. The Islamic Jihad, a Shiite Moslem group, was termed responsible.

One of captors of the now 53-year-old priest looked into his eyes when he was taken and said, "You are dead."

For the first of several trips when being transported to different places of confinement, Father Jenco was completely wrapped in tape, blindfolded, gagged, and slid beneath a truck where a spare tire would be carried. The first ride ended in his being chained to a radiator in a kitchen.

After another transfer, Father Jenco was in a group with Mr. Anderson.

He recalled Terry fashioning a deck of cards from scraps of cardboard and a chess set also from scrap materials. When their captors said card and chess playing were forbidden, Father Jenco asked how those things could be unlawful while kidnapping was legal.

Christmas was recognized by their captors, who furnished a little cake, ice cream and Pepsi. The cake bore the words "Happy Birthday Jesus."

The white-haired, white bearded man, who said he weighed about the same when released as he did when take prisoner—180 pounds—recalled that Terry Anderson talked of opening a restaurant in Batavia when he is released. He asked all his listeners to patronize it when it opens.

Mr. Anderson's reply when his guards asked if there were anything he wanted was always the same, Father Jenco said.

"I want a taxicab to go home," was his answer, the priest said.

Rumors of release could not be counted upon and words of their captors that they were going home soon proved unreliable.

When he was unexpectedly released in early August of 1986, Father Jenco was taken to Damascus, Syria. Mrs. Say was there making an appeal on behalf of her brother and the other hostages. They met for the first time.

Preaching peace for the Middle East, Father Jenco suggested his listeners write to Congress and President Bush on behalf of the hostages. He asked his listeners to keep informed of what is happening in the area and not to cling to ignorance.

The speaker said he believes Mr. Anderson is still being held because he was a Marine and served in Vietnam and the Jihad hates Marines. Also, because he is the most prominent of the hostages.

Behind the hostage situation is the Kuwaiti imprisonment of terrorists, American funding of Israel and America's being one of the largest arms dealers in the world, Father Jenco said. He looks to the day when Moslems, Christians and Jews will come together to achieve peace in the Middle East.

Father Jenco reported his efforts are to carry out Terry Anderson's appeal to him—"promise me I will never be forgotten."

Mindful that some of his captors were kind and helpful on occasion, Father Jenco lives by the words of Christ on the cross, "Father forgive them for they know not what they do" to which he adds that "the Lord demands that we love one another and forgive unconditionally."●

NATIONAL DRUNK AND DRUGGED DRIVING AWARENESS WEEK

● Mr. D'AMATO. Mr. President, I rise today to cosponsor Senate Joint Resolution 143, a joint resolution designating the week beginning December 10, 1989, as "National Drunk and Drugged Driving Awareness Week."

The operation of vehicles by intoxicated citizens remains a serious threat to our society; 38.7 percent of the 46,000 drivers killed in traffic fatalities during 1986 were legally drunk, a tragedy contributing to lower life expectancy rates for those age 15 to 24—whose leading cause of death is drunk driving. The total societal cost of this crime is $26 million in addition to the incalculable human suffering inflicted upon its victims.

Increased public awareness will help stem the incidence of driving under the infuence of intoxicants. The use of safety belts would save 10,000 lives per year. A greater appreciation of drunk driving will deter the use of vehicles by those intoxicated. Finally, public interest will generate support for research on the effects drugs have on driving ability and incidence of traffic accidents. As public servants, Mr. President, we owe it to our constituencies to do whatever possible in making our streets safer while preventing these senseless killings. I urge my colleagues to join me in support of this legislation.●

VINCENT LANE, CHAIRMAN CHICAGO HOUSING AUTHORITY

● Mr. SIMON. Mr. President, I rise today on the occasion of the 1-year anniversary of Vincent Lane's tenure as the chairman of the Chicago Housing Authority. It was just 1 year ago that Mr. Lane began the arduous task of turning this troubled organization around. The authority has come a long way from the days of the threatened HUD takeover to the healthier situation it now enjoys. Through the hard work and dedication of Vince Lane, the Chicago Housing Authority has not only taken giant steps toward correcting the mistakes of the past, but is well on its way to becoming a model for other public housing authorities to follow.

Vince understands what it takes to run an organization of this complexity. He has been skillful in balancing the needs and demands of the community with scarce available resources. He understands that cooperation on all levels is the key to a successful housing program. And he has taken bold action to reform the authority as well as implement new programs.

I applaud Vince's efforts and commend him on a job well done. I look forward to working with Vince in the future and have every confidence that he will maintain the high standard of excellence he has established during this first year.

Good luck to you, Vince.●

ANDY TOBIN

● Mr. McCAIN. Mr. President, I would like to take a moment to congratulate a Tempe, AZ, constituent of mine, Mr. Andy Tobin, who is nearing the end of his 1-year term as president of a very worthwhile and successful national organization, the U.S. Jaycees.

An active member with the Phoenix Jaycees since 1981, Andy has won numerous awards for his efforts and leadership on behalf of the Jaycees. As Phoenix chapter president, Andy received the Charles Kulp, Jr., Memorial Award for his outstanding leadership of one of the largest chapters in the Nation. Consequently, in 1984 he served as district director of Arizona.

Elected president of the Arizona Jaycees in 1986, Andy led his State to a No. 1 year-end finish, based on membership and management of the State organization, against all 50 State organizations. For this he was awarded the Allen Whitfield Memorial Award and eventually the Clayton Frost Memorial Award as one of the top five State presidents in the Nation.

Andy was elected a national vice president of the U.S. Jaycees in June 1987. In that position he helped develop policy and direction as part of the executive committee and executive board of directors for the 1987-88 fiscal year. He traveled to his 5 assigned States and 36 others directing recruitment, meeting with corporate America and providing motivation to Jaycee members.

Finally, in June 1988, Andy was elected the 69th president of the U.S. Jaycees at the organization's annual meeting in Richmond, VA. As president he has directed the programming and membership recruitment efforts of this 240,000-member leadership training organization, helping develop the business and government leaders of tomorrow.

On that note, I would like to welcome Andy and his family back to Arizona from Oklahoma where they have been living during his presidency, and wish him luck on all his future endeavors. I am proud of Andy, an Arizonan who many would do well to emulate, and I'm glad to have him back in Arizona where I know he will continue to be an asset to the people of Arizona.●

WASHINGTON TO WASHINGTON WOMEN IN THE ARTS TODAY

● Mr. GORTON. Mr. President, today I would like to take the opportunity to highlight an exhibition presently showing at the National Museum of Women in the Arts. The exhibit will be on view at the museum until July 9, 1989. It represents the exceptional talents of 15 artists from the State of Washington: Sonja Blomdahl, Rachel Feferman, Lorna Pauley Jordan, Francesca Lacagnina, Solveig Landa, Marilyn Lysohir, Janice Maher, Inge Norgaard, Connie J. Ritchie, Jennifer Stabler-Holland, Sarah Jane Teofanov, Barbara E. Thomas, Liza von-Rosenstiel, Linda E.A. Wachtmeister, and Patti Warashina.

The work viewed in this exhibition was selected by a panel of art experts, to represent the rich cultural variety and versatility of the Washington artistic community. Importantly, this exhibit endorses the work of women in many media outside, what otherwise might be thought of as, a usual male-dominated context. To this end, the National Museum for Women in the Arts has been and will continue to be an important educational source for all of us.

This exhibit is an official event of the Washington State Centennial Commission, and is the only event that many of my constituents currently located in the Washington, DC, area will have the opportunity to enjoy.

I would like to commend the many who contributed to this project, as well as the many volunteers who assisted in bringing this project not just to Washington, DC, but to other areas throughout the State of Washington. I would also encourage my colleagues and others to take advantage of this exhibit unique to Washington State.●

WASHINGTON WOMEN IN THE ARTS TODAY EXHIBIT

● Mr. ADAMS. Mr. President, this year, my home State of Washington celebrates its 100th anniversary. I rise today with my colleague and fellow Washingtonian, Senator SLADE GORTON, to call attention to one of the exciting events of the centennial celebration. The centennial of our statehood offers us the opportunity to recognize and honor the achievements of the many individuals who call this part of the Pacific Northwest their home. Throughout 1989, citizens of Washington State will honor our rich, regional heritage and sense of community with hundreds of special centennial events, including art shows, historical exhibits, and classroom projects.

Today, I want to call attention to one special honor, bestowed upon 15 women artists from Washington State. Washington State is one of only five States to be honored with an exhibition at the National Museum for Women in the Arts, here in Washington, DC. As an official event of the Washington State centennial celebration, the Washington Women in the Arts Today exhibit is a unique opportunity to share the work of our talented artists in a national forum. The exhibition, which began in Pullman, WA, on March 6, and opened in Washington, DC, on May 30, is a celebration of the work of these artists, and was selected by a panel of art experts to represent the rich cultural variety and versatility of the Washington artistic community. The artists, who work in media as varied as glass blowing, computer imagery, and watercolor, are well rewarded in this honor.

Throughout our Nation's history, recognition of women's art has often been minimal. Traditionally, women artists have worked in more functional media—such as in sewing and quilting—and have not received great honors. I believe this recognition of our State's women artists indicates our support for their work and the changing attitudes about women as artists. I am pleased to be able to praise this wonderful exhibit.

This exhibition would not have been possible without the assistance of a great number of volunteers and the Washington arts community. The opening of the exhibit in Washington, DC, was a great success, due to the invaluable help of the honorary committee, including: Jean Gardner, honorary chair, Suzanne Dicks, Sally Gorton, Heather Foley, Virginia McDermott, June Miller, Betty Adams, Paula Swift, Marcella Morrison, Joyce Chandler, Karen Munro, and Representative JOLENE UNSOELD.

Mr. President, I offer my congratulations to the artists who are being honored and I urge all of my colleagues to visit the exhibit at the National Museum for Women in the Arts. The exhibit will remain in Washington, DC, until July 9, 1989, before returning to our State as part of a traveling exhibition.●

LYME DISEASE AWARENESS WEEK

● Mr. D'AMATO. Mr. President, I rise today as an original cosponsor of legislation designating the week beginning July 23, 1989, as "Lyme Disease Awareness Week." I commend my colleague from Connecticut, Senator LIEBERMAN, for introducing this needed legislation. It is absolutely vital that we do all we can to raise public awareness about this debilitating—and rapidly spreading—disease.

Lyme disease was first identified 14 years ago in Lyme, CT. A tick-borne disease, Lyme disease has spread to 43 States across the country. So far, it is concentrated most heavily in the Northeast, the upper Midwest, and along the northern California coast.

In New York the incidence of Lyme disease has reached epidemic proportions. Two New York counties—Westchester and Suffolk—account for 40 percent of all reported cases nationwide. While the Centers for Disease Control officially recorded 2,553 cases in New York last year, the actual total has been estimated at 5 to 10 times that high. Early reports indicate that the caseload in New York could quadruple in 1989. If accurate, these projections portend a dramatic increase in Lyme disease nationally in 1989.

The symptoms of Lyme disease mimic a host of other ailments, making early diagnosis unusually difficult. The symptoms often include a rash at the site of the tick bite accompanied by a fever, headaches, stiff neck, and fatigue. Too often, these symptoms are simply ignored or dismissed as insignificant. Unfortunately, when left untreated, Lyme disease can cause arthritis, meningitis, encephalitis, heart disease, and paralysis. In some cases, it causes irreversible joint and neurologic damage.

Although there is currently no vaccine available for Lyme disease, it essentially can be cured with early diagnosis and treatment. In addition, it can easily be prevented by following a few simple precautions. Yet, both prevention and early diagnosis depend on an educated public. It is therefore crucial that we use every means available to alert the public to this spreading health threat.

The designation of July 23 to 29 as Lyme Disease Awareness Week can be an important tool in our effort to stem the further spread of this debilitating disease. I am pleased to be an original cosponsor of this resolution, and I urge my colleagues to join me in supporting its immediate passage.●

NEED A LIFT?

● Mr. STEVENS. Mr. President, in an effort to help the young people of this country, the American Legion has published its 38th edition of "Need a Lift?" It is one of the best informational handbooks I have seen on educational opportunities for scholarships, careers, loans, and employment.

The information in this book can be used by students, parents, and school counselors. It is presented in clear and concise terms and is available for a nominal fee of $1 from the American Legion, Americanism Division, P.O. Box 1055, Indianapolis, IN 46206.

It is important for students to have as much information as is available about scholarship and financial aid opportunities, and I ask that sections IV and VII of the handbook be printed in the RECORD.

The material follows:

SECTION IV—SOURCES OF SCHOLARSHIPS AND OTHER FORMS OF FINANCIAL AID AVAILABLE TO ALL STUDENTS

A. FEDERAL PROGRAMS

1. U.S. Department of Education provides the largest source of funding for financial aid programs. These programs are listed in the following paragraphs. Applications are available at postsecondary schools and high schools. The "Student Guide: Five Federal Financial Aid Programs, 1988-89" may be obtained by writing to Federal Student Aid Programs, Student Guide, P.O. Box 84, Washington, DC 20044.

a. College Work-Study Program (CWSP).—This program provides on-campus and off-campus employment to students enrolled in colleges and eligible postsecondary institutions who need financial aid to meet college expenses. The wage paid is at least the current Federal minimum wage, but it may also be related to the type of work and its difficulty. In arranging a job and assigning a work schedule, the aid administrator takes into account the student's health, class schedule and academic progress.

b. Guaranteed Student Loan Program (GSL).—This program provides loans to students for educational expenses and is available from eligible lenders such as banks, credit unions, savings and loan associations, State agencies and schools. Students must be enrolled on at least a half-time basis in participating postsecondary institutions, ranging from vocational and technical schools to degree-granting institutions. All applicants must undergo a needs test. Students are eligible for Federal payment of interest charges of 8 percent on their loans during school years, during a 6-month grace period, and during authorized periods of deferment. A 5 percent origination fee is charged, which will be deducted proportionately from each loan payment.

Loans must be repaid. Repayment normally is over a 5-10 year period. The amount of the student's repayment depends on the size of his or her debt. The more the student borrows, the higher the payments will be. Failure to repay on a timely basis can damage a person's credit rating and may lead to legal action to recover the debt.

Deferment of payment may be granted for a variety of reasons as listed in the publication, "Student Guide: Five Federal Financial Aid Programs, 1988-89" listed above.

Deferments are not automatic and must be applied for through your lender.

Depending on your need, you may borrow up to $2,625 a year, if you're a first or second-year undergraduate student; $4,000 a year, if you have completed 2 years of study and have achieved third-year status; $7,500 a year, if you're a graduate student. The total GSL debt you can have outstanding as an undergraduate is $17,250. The total for graduate or professional study is $54,750, including any loans made as an undergraduate.

c. Pell Grant Program.—Formerly called the Basic Grant Program, this program makes funds available to eligible students attending participating colleges, community/junior colleges, vocational schools, technical institutions, hospital schools of nursing, correspondence schools and other participating postsecondary institutions. To apply for the grant, an applicant must demonstrate need and be an undergraduate student enrolled on at least a half-time basis. For the 1988-89 award period, individual awards will depend on program funding. The maximum award for the 1987-88 academic year was $2,100. To apply for a Pell Grant, a student must complete either the Federal form called "Application for Federal Student Aid" or one of several private or State need analysis applications which are used to determine eligibility for other sources of student aid: the Financial Aid Form (FAF), the Family Financial Statement (FFS), the Pennsylvania Higher Education Assistance Agency (PHEAA) form, the Student Aid Application for California (SAAC), or the Illinois State Scholarship Commission's form (AFSSA). Further information may be obtained from the Office of Student Financial Aid at the institution or a high school guidance counselor.

d. Perkins loan (formerly National Direct Student Loan Program-NDSL).—These loans are available to students enrolled at least half time (and in some cases less than half-time) in a regular program of study at a participating school and who demonstrate need for financial assistance. Aggregate loans may not exceed $18,000 for a graduate student including undergraduate loans; $9,000 for students who have not completed their bachelor's but have completed 2 years leading to a bachelor's degree; $4,500 for any other student. Repayment of the loan begins nine months after a borrower ceases to carry at least one half the normal academic work load, and is to be repaid within 10 years. Your "grace period" may be different than nine months if you are less than a half-time student. Interest of 5% will begin at the time the repayment period begins.

You may defer repayment or have portions of your loan cancelled under certain conditions. These conditions are listed in the publication, "Student Guide: Five Federal Financial Programs, 1988-89" listed on the previous page.

e. Plus loans and supplemental loans for students (SLS).—PLUS loans are for parent borrowers. SLS loans are for students. Interest rates are variable (maximum 12%). Like GSL's, they are made by a lender such as a bank, credit union, or savings and loan association. Parents, graduate students and independent undergraduates may borrow $4,000 per year. All borrowers must begin repaying these loans within 60 days, unless the borrower is entitled to a deferment and the lender agrees to let the interest accumulate until the deferment ends. The negotiation of each loan is between the student and the lending institution. Individuals who desire more information or wish to initiate a loan should discuss the matter with their lender and the financial aid administrator at their school.

f. Supplemental Educational Opportunity Grant (SEOG) Program.—This grant program is for students with exceptional financial need (priority given to PELL grant recipients). Students must be enrolled at least half-time as an undergraduate or vocational student in a regular program of study at an educational institution participating in the program. In some cases, awards may be made to less than half-time students. Graduate students are not eligible. The amount of the award may be up to $4,000 yearly.

g. The Paul Douglas Teacher Scholarship.—Encourages outstanding high school graduates to pursue teaching careers after they finish postsecondary education. Provides scholarships of up to $5,000 for each year of postsecondary education to students who graduate from high school in the top 10 percent of their class, and who meet other selection criteria their State educational agency may establish. Generally, students are required to teach two years for each year of scholarship assistance they receive. Check with your State Scholarship Agency for information.

h. The Robert C. Byrd Honors Scholarship.—Students who demonstrate outstanding academic achievement and show promise of continued excellence may receive $1,500 for their first year of postsecondary education. Recipients are selected by the agency in the State responsible for supervising public elementary and secondary schools.

2. U.S. Department of Health and Human Services administers programs of assistance for students enrolled in health professions programs.

a. Exceptional Financial Need Scholarship Program for first-year students is for students with exceptional financial need. Purpose of the program is to encourage students to pursue careers in medicine, osteopathy, dentistry, optometry, pharmacy, podiatry or veterinary medicine. Citizens or Nationals of the United States may apply as well as lawful permanent residents of Puerto Rico, Virgin Islands, Guam, the trust territory, or the North Mariana Islands. Scholarships will cover (1) cost of tuition for school year and other reasonable educational expenses plus a monthly stipend for 12 consecutive months; (2) no service obligation accompanies the scholarship. For information, write: Health Resources and Services Administration, Bureau of Health Professions, Division of Student Assistance, Parklawn Building, Room 8-38, 5600 Fishers Lane, Rockville, MD 20857.

b. Program of financial assistance for disadvantaged health professions students is a program that provides financial assistance without a service or financial obligation to disadvantaged health professions students who are of exceptional financial need to pursue a degree in medicine, osteophatic medicine, or dentistry by providing financial support to help pay for their costs of education. Federal funds for this program are allocated to participating accredited schools of medicine, osteopathic medicine, and dentistry located in the United States and Puerto Rico. These schools are responsible for selecting the recipients of such assistance.

You are eligible to apply if you are a citizen or national of the United States, or a lawful permanent resident of the United States, Puerto Rico, the Virgin Islands, Guam, the Trust Territory of the Pacific Islands or the American Samoa; are accepted for enrollment or are enrolled in a participating school of medicine, osteopathic medicine or dentistry as a full-time student; and are determined by your school's Financial Aid Director to be of "exceptional financial need" and to meet "disadvantaged" criteria. "Disadvantaged background" means that a student comes from an environment that has inhibited the individual from obtaining the knowledge, skills, and abilities required to enroll in and graduate from a school of medicine, osteopathic medicine, or dentistry, or comes from a family with an annual income below a level based on low-income thresholds according to family size, based on data from the U.S. Bureau of the Census and made available through the Department of Health and Human Services. Depending on funding available, a student may receive up to $10,000 or his/her unmet need, whichever is less. Aid may be used to cover the cost of tuition and other reasonable education expenses including fees, books, laboratory expenses and other costs of attending school.

You should contact the Director of Student Financial Aid at the school where you intend to apply for admission or where you are enrolled, or write to the address in (a) above.

c. The Health Education Assistance Loan (HEAL) Program is similar to the Guaranteed Student Loan Program of the U.S. Department of Education. Students of medicine, osteopathy, dentistry, podiatry, veterinary medicine and optometry, may borrow up to $20,000 a year, not to exceed a total of $80,000. Pharmacy, chiropractic, health administration, clinical psychology or public health students may borrow up to $12,500 per year, not to exceed a total of $50,000. For students to take part in the program, their school must have an agreement with the Secretary.

The maximum interest is the average of the bond equivalent rates of the 91-day Treasury Bills auctioned for the previous quarter plus percentage points, rounded to next higher ⅛ of 1%. The loan principal is repayable over a 10-25 year period starting after the borrower ceases to be a full-time student. However, payments of principal are not required during periods of up to 4 years of internship and residency training or up to 3 years of service in the Armed Forces, National Health Service Corps, Peace Corps or Volunteers in Service to America (VISTA). Deferments are also made during periods of full-time study. At HHS's discretion, borrowers may enter into agreement with HHS for repayment of loans, plus interest, at a rate of not more than $10,000 a year for each year of service in NHSC or in private practice in a health manpower shortage area. Minimum service period is 2 years. For information, write to address in (a) above, Attention: Room 8-39.

d. The Health Professions Student Loan Program. Under this program, Federally supported loans are available at participating schools of medicine, dentistry, osteopathy, optometry, pharmacy, podiatry and veterinary medicine for students who need assistance to pursue a full-time course of study at the school. The amount of the loan depends upon the student's need as determined by the school; however, the maximum amount per academic year is the cost of tuition plus $2,500 or the amount of the financial need of the student, whichever is less. The loan is repayable over a 10-year period beginning one year after the student

ceases to pursue a full-time course of study at a health professions school. During the repayment period, interest accrues on the total loan at the rate of 9%. Repayment on a loan may be deferred during periods of active military duty, service under the Peace Corps Act or in the Public Health Service (up to three years each). Repayment may also be deferred during periods of advanced professional training, including internships and residencies. Obligation to repay the loan will be canceled in the event of death, or permanent and total disability. For information, write to address in (a) above.

e. National Health Science Corps (NHSC) Scholarships are awarded to U.S. citizens enrolled or accepted for enrollment as full-time students in accredited U.S. schools of allopathic or osteopathic medicine, dentistry, and other health disciplines needed for the mission of NHSC. These scholarships include a monthly living stipend and payment of school tuition. Each year of scholarship support incurs a year of Federal service obligation. The minimum service obligation is 2 years.

The NHSC places full-time primary health care practitioners in selected federally-designated Health Manpower Shortage Areas of the United States. Virtually all of these practitioners owe service obligations of 2 to 4 years due to their participation in the NHSC Scholarship Program.

If appropriated funds are available, applications for competitive awards for 1989-90 school year are expected to be limited to students who have participated at their schools in the Federal "Scholarship Program for First-Year Students of Exceptional Financial Need."

The scholarship program is administered by the Bureau of Health Care Delivery and Assistance, Division of Health Services Scholarships. For further information write to: NHSC Scholarships, Parklawn Building, Room 7-29, 5600 Fishers Lane, Rockville, Maryland 20857. Telephone: (301) 443-1650, or for toll-free message tape, call 1-800-638-0824 (except Maryland).

f. Minority Access to Research Careers Program (MARC) honors undergraduate research training awards).—The Minority Access to Research Careers Program's Honors Undergraduate Research Training Program is designed to increase the number of well prepared minority students who can compete successfully for entry into graduate programs leading to the Ph.D. in biomedical research. Its goal is also to help develop strong science curricula and research opportunities to prepare students for careers in biomedical research. A formal research experience for the recipient is an essential feature of the program. Summer study and research should be part of the overall training program at outstanding institutions or laboratories selected to enhance and supplement the trainee's formal course work and research training experience. The criteria for selection of trainees includes evidence that the candidate has clear potential to perform at a high level in the biomedical sciences and that the candidate demonstrates a determination to subsequently enter graduate programs leading to the Ph.D. degree. Applicants must be honor students in their third or fourth year of college. The college or university must have an enrollment drawn substantially from ethnic minority groups such as American Indians, Blacks, Hispanics, and Pacific Islanders.

Each school will make awards for stipend and tuition support for five to ten students. The award may include travel expenses to one national meeting closely related to a project.

Graduates of this undergraduate program are then eligible to compete for a MARC predoctoral fellowship which supports 5 years of training toward either the Ph.D. or M.D./Ph.D. at any high quality graduate institution.

Applications may be filed by January 10, May 10 or September 10. Apply for information or application to: United States Department of Health and Human Services, National Institutes of Health, National Institute of General Medical Sciences, Westwood Building, Room 9A18, Bethesda, Maryland 20892.

3. Other U.S. Department of Health and Human Service Programs are:

a. Commissioned Officer Student Training Extern Program (COSTEP)—COSTEP is a recruiting device for the Commissioned Corps of the Public Health Service (PHS) which offers excellent opportunities for students in health-related fields to get maximum benefit during free periods (31-120 days) of the academic year. Students may apply for assignments at any time during the year; however, the majority of students are hired for the summer period. To be eligible a student must have completed a minimum of one year of study in a medical, dental, or veterinary school; or have completed a minimum of two years of a professionally accredited baccalaureate program in the following course of study: dietetics, engineering, nursing, pharmacy, therapy, sanitary science, or medical record administrative; or be enrolled in a master or doctoral program in a health related field other than those mentioned above. The student must expect to return to college as a full-time student in an accredited field of study following completion of the COSTEP assignment. Students must be free of any obligation that would conflict with extended duty in the PHS Commissioned Corps, may not be a member of another uniformed service nor owe a service obligation to another uniformed service, and must meet the qualifications for appointment in the Commissioned Corps. These include being a citizen of the United States, meeting the physical standards of the corps, and being under 44 years of age. Transportation is paid to and from the location of the assignment. For applications contact: Division of Commissioned Personnel, ATTN: COSTEP, Parklawn Building, Room 4-35, 5600 Fishers Lane, Rockville, MD 20857. Deadline for applications: October 1 for assignments from January through April, February 1 for May through August, and May 1 for September through December. COSTEPs are commissioned as Junior assistant health service officers in the Commissioned Corps of the PHS. The pay of a single COSTEP officer is $1,260.90 salary, $253.20 quarters allowance, $112.65 subsistence for a total of $1,626.75 per month. For COSTEP officers with dependents, the quarters allowance is $343.20 for a total of $1,716.75 per month. The quarters and subsistence allowances are not taxable. COSTEPs are eligible for medical and dental care while on duty and receive many of the benefits of commissioned officers. For additional information you may call the COSTEP officer at (301) 443-6324.

b. Professional Nurse Traineeship Program.—Professional nurse traineeships are available through participating training institutions to help registered nurses prepare to teach in the various fields of nurse training, to serve in administrative or supervisory capacities, to serve as nurse practitioners, or to serve in other professional nursing specialities requiring advanced training. Traineeships provide a living stipend (not to exceed $6,552) and tuition and fees as set by the participating training institution. Trainees are selected by the training institutions. Further information is available from: Division of Nursing, Bureau of Health Professions, Health Resources and Services Administration, Room 5C-26, Parklawn Bldg., 5600 Fishers Lane, Rockville, MD 20857. Students should request information through the Dean of Nursing at their institution. NOTE: This assistance is only for students studying at the master's or doctoral level.

c. Nursing Student Loan Program.—Federally supported loans are available through participating schools of professional nursing for students who need assistance to pursue full-time or half-time courses of study. Amount of an individual loan depends on the general availability of student aid funds and on need as determined by the student's school; however, no loan may exceed $2,500 per academic year, and no student may receive more than a total of $10,000 for all years in loan assistance. The total loan is repayable over a 10-year period beginning nine months after the borrower completes or discontinues nursing studies. During the repayment period, interest accrues on the total loan at the rate of 6%. Repayment on a loan may be deferred during periods of active military duty and service in the Peace Corps and during periods of full-time advanced professional training in nursing. Obligation to repay the loan will be canceled in the event of death or permanent and total disability. Contact the Director of Student Financial Aid at the school the student is attending or plans to attend.

4. The U.S. Department of Interior Administrates a Program of Indian Tribal Grants and Loans.—Over 45 Indian tribes have established their own Grant and Loan Programs to promote higher education for their members. Contacts for tribal assistance should be made through the U.S. Dept. of the Interior, Bureau of Indian Affairs, Washington, D.C. 20240, or through the Tribal Headquarters.

5. Indians Higher Education Grant Program is a program for students who are members of a tribal group being served by the Bureau and who are enrolled in accredited institutions of their choice in pursuit of an undergraduate or graduate degree. Must demonstrate financial need by the institution they are or will be attending. For information, write to: Department of the Interior-BIA, Office of Education Programs, MS 3512, Code 522, 18th & C Street, N.W., Washington, D.C. 20240.

6. The U.S. Information Agency Sponsors: The Fulbright Teacher Exchange Program—Under the Mutual Educational and Cultural Exchange Act, qualified American educators may work in elementary and secondary schools abroad, and, in some instances, institutions of higher education in various countries. To be eligible, an applicant must be teaching currently as an elementary or secondary school teacher, college instructor, assistant, associate or full professor. Candidates must have at least a bachelor's degree, be a U.S. citizen at the time of application, proficiency in the language of the host country and have at least three years of successful full-time teaching experience. Two years are required for participation in summer seminars held in Italy and the Netherlands. Evidence of good health and stability also is required. Round-trip trans-

portation to some countries for those selected to participate may be provided. A maintenance allowance may also be provided, paid in the currency of the host country, based upon that country's cost of living. For teachers participating in the Exchange Program, the successful applicant's U.S. salary is continued by the participant's own school Seminar grants may include round-trip transportation and tuition costs, but for some, the participants are responsible for their own maintenance expenses. Regional interviewing committees conduct preliminary screening of applicants. Annual application deadline date is October 15. Application forms can be obtained from and then submitted to the Teachers Exchange Branch, E/ASX, Room 353, U.S. Information Agency, 301 4th Street, S.W., Washington, D.C. 20547.

B. ASSISTANCE FOR UNDERGRADUATES ONLY

AFL-CIO Department of Education. The AFL-CIO offers a scholarship guide with a wide variety of scholarships to postsecondary institutions including; two and four-year colleges and universities, graduate schools, culinary institutes, musicians training institutes, vocational, technical and nursing schools. Though most scholarships listed in the guide are available to union members and their families, some are available to the general public. Single copies are available without charge for union members only. Copies are $3.00 for all others. Checks should be made payable to the Secretary-Treasurer AFL-CIO and sent to the AFL-CIO Pamphlet Divisions, 815 16th Street, N.W., Washington, D.C. 20006.

Aid Association for Lutherans (AAL) awards at least 400 ALL-COLLEGE SCHOLARSHIPS annually, 200 of which are renewable and 200 nonrenewable scholarships. Each applicant must be a high school senior owning an AAL certificate of membership and insurance in his or her own name. The CEEB SAT must be taken no later than December of the high school senior year. The American College Test (ACT) will also be accepted. Individual stipends for the renewable scholarships, range from $500 to $1750 and are renewable for three additional years or until requirements for a baccalaureate degree are met, whichever is earlier. The 200 nonrenewable awards are for $500. Financial need is not considered until winners have been selected. Renewal is based on satisfactory academic progress and continuing AAL membership. Completed AAL applications must be submitted to College Scholarship Service/Sponsored Scholarship Programs before November 30. Applications may be secured by writing: Scholarships, Aid Association for Lutherans, Appleton, WI 54919. AAL scholarship assistance is also available to AAL members at Lutheran colleges, universities and seminaries participating in other AAL scholarship programs. For more details, contact the institution's financial aid office.

Aid Association for Lutherans (AAL) will be awarding up to 100 Vocational/Technical School Scholarships annually. Up to 50 scholarships will be awarded to persons who graduated from high school in previous years, and up to 50 scholarships will be awarded to graduating seniors each year. Applicants must own an AAL certificate of membership and insurance in their own name. Persons of any age may apply for their scholarships provided they will have completed high school or have a GED, and have a well-defined course of study. They must be enrolled or planning to enroll in an accredited vocational/technical institute or community college on either a full or half-time basis with the intent of completing requirements for a vocational diploma or an associate degree. Individual award amounts are $500 for full-time attendance and $250 for half-time attendance. Awards will be renewable for up to one year for full-time studies after the initial year and up to three half years after the initial half year, or until a degree/diploma is earned, whichever is earlier. Applications must be requested by November 30. Applications may be obtained by writing: Scholarship, Aid Association for Lutherans, Appleton, WI 54919.

American Medical Technologists' Scholarship Program offers five scholarships of $250 each to high school graduates interested in pursuing medical technology or medical assisting studies. Awards are based primarily on need, with consideration given to goals, school grades, activities, experience and personal references. Applicants must be enrolled, or contemplate enrolling in a school accredited by the Accrediting Bureau of Health Education Schools (list available by contacting the ABHES, 29089 U.S. 20 West, Elkhart, Indiana 46514), or enrolled or contemplate enrolling in a college, university or junior college medical technology or medical assisting program. April 1 is the filing deadline for applications and supporting documents. Write: AMT, 710 Higgins Road, Park Ridge, IL 60068. Telephone: (312) 823-5169.

The American Society for Metals Foundation for Education and Research sponsors $500 undergraduate scholarships for students in metallurgy and materials science who have completed one full year of college, and are citizens of the United States, Canada or Mexico. Selection is based on interest in metallurgy or materials science, motivation, achievement, citizenship, potential and scholarship. No financial statements are required. In addition, some individual A.S.M. chapters sponsor programs on a local or regional basis. ASMFER also supports scholarships through the National Merit Scholarship Program. For further information, write: ASM INTERNATIONAL, Metals Park, OH 44073. Telephone: (216) 338-5151.

The Seth R. Brooks and Corinne H. Brooks Scholarship Fund offers a grant to an undergraduate who is a daughter or son of a Beta Theta Pi who deserves recognition by reason of academic achievement and would be unable to continue their studies without financial assistance. Applicants need not be from a campus which has a Beta chapter; male applicants need not be Betas. A son or daughter of living or deceased Betas are equally eligible. The amount of the 1989-90 award will be approximately $1,000. The complete application must be received by the Founders Fund Scholarship Committee at the Administrative Office no later than May 15. Applicants will be notified whether or not they have received an award by June 15. For further information, contact the Beta Theta Pi Administrative Office, 208 East High Street, P.O. Box 6277, Oxford, Ohio 45056.

The Business and Professional Women's Foundation Scholarship—Scholarships are awarded for full-time or part-time programs of study and they may cover academic, vocational, or paraprofessional courses.

Eligibility: 1. Be a woman 25 years of age or older and a U.S. citizen; 2. Demonstrate critical need for financial assistance; 3. Be officially accepted into an accredited program or course of study at a U.S. institution; 4. Be graduating within 24 months; 5. Training must lead to entry or re-entry into the workforce or improve chances for advancement. BPWF scholarships do NOT cover study at the doctoral level (except law and medical students) or correspondence courses. Scholarships range from $500 to $1000 and are awarded for a one year period to cover tuition, fees, and school-related expenses such as child care and transportation. Application forms are available between February 1 and April 1, and July 1 and September 1. Deadlines are April 15th and September 15th and materials must be postmarked on or before these dates.

1. BPW Career Advancement Scholarship: awarded to women 25 years of age or older.
2. Clairol Scholarship: awarded to women 30 years of age or older.
3. Avon Products Foundation Scholarship: awarded to women heads of households who are supporting one or more dependents, and pursuing education leading to careers in sales.
4. New York Life Foundation Scholarship for Women in the Health Professions: awarded to women seeking the education necessary for a career in the health professions at the undergraduate level only.

For information and applications (there is one application form for all four of the scholarships) please write to the BPW Foundation at 2012 Massachusetts Ave., NW., Washington, DC 20036 and enclose a self-addressed business-size envelope with two stamps.

NOTE: Loans are available to Women in Graduate Business Studies and Women in Engineering Studies.

Club Managers Association of America maintains undergraduate scholarships for students enrolled at colleges and universities offering courses in Hotel, Restaurant and Institutional Management. These scholarships, normally made available to students who have completed at least one year of undergraduate work at a four-year school, are awarded on the basis of scholastic ability, financial need and interest in private club management. Write: Club Managers Association of America, 7615 Winterberry Place, Bethesda, MD 20817.

The Education Council of the Graphic Arts Industry, Inc., Council's National Scholarship Trust Fund has awarded scholarships during the past 25 years for studies in printing management, printing technology and graphic arts education. Approximately 75 scholarships are awarded each year. Applications must be filed by January 15. Applications may be requested by writing: 4615 Forbes Avenue, Pittsburgh, PA 15213 ATTN: NSTF. Telephone: (412) 621-6941.

Educational Communications Scholarship Foundation provides a minimum of 65 awards annually of $1,000 each. Approximately 500 semi-finalists are selected on the basis of aptitude test scores, grade point averages and leadership activities. Semi-finalists are required to write an essay which is evaluated by committee. Some consideration is given for need for financial aid, but this is not a major factor. Applications must be submitted by June 1 and may be obtained in most high school guidance offices or write to: Educational Communications Scholarship Foundation, 721 McKinley Road, Lake Forest, IL 60045. Telephone: (312) 295-6650. Please state name, address, grade point average and class year.

The Elks Foundation is offering 1,736 college scholarships ranging from $900.00 to $5,000.00 and totaling $2,552,500.00 for the academic year 1988-89. The 1988 Schedule

of Awards includes 500 "Most Valuable Student" Scholarships awarded in nationwide competition, and 1,236 scholarships each for $900.00 allocated on a state-quota basis. Three-hundred four-year scholarships are to be awarded to the highest-rated boys and girls in the 1988 competition. Applications may be made by students in the graduating class of a high school, or its equivalent, who are citizens of the United States of America and reside within the jurisdiction of the B.P.O. Elks of the U.S.A. Scholarship, leadership and financial need are the criteria by which applicants are judged. Application must be made on an official form furnished by the Elks National Foundation, which will be available at Elks lodges after November 1. Applications, properly executed, must be filed not later than January 20 with the Scholarship Chairman or Exalted Ruler or Secretary of the Elks lodge in whose jurisdiction the applicant resides.

Entomological Society of America annually awards one $1,000 undergraduate scholarship sponsored by BioQuip Corporation. Portions of the award are paid at the beginning of each semester or term. Students from Mexico, Canada or the United States must be an undergraduate pursuing a course of study in Entomology or a related field (Biology, Zoology, etc.) and show an interest in the science of Entomology. Application deadline is July 1, each year. For further information, write: Entomological Society of America, 9301 Annapolis Road, Lanham, MD 20706. Additional scholarships are available.

The Foundation of the National Student Nurses' Association offers a number of scholarships each year for Registered Nurses. Scholarships are awarded to Nurses for undergraduate studies and are based on financial need, academic achievement and a demonstrated commitment to nursing through involvement in nursing student organization and/or school and community activities. Requests for application must be received before January 15, with a completed application deadline of February 1. Awards are made in April. For further information and applications, send a self-addressed, stamped envelope with $.50 postage to: Foundation of the National Student Nurses' Association, 555 West 57th Street, Suite 1325, New York, NY 10019. Telephone (212) 512-8820.

The Harry S. Truman Memorial Scholarship Program, enacted by Public Law 93-642, is authorized to award scholarships, through nationwide competition, to persons who demonstrates outstanding potential for and who plan to pursue a career in public service. Scholarships awarded under this Act shall not exceed four academic years neither shall they exceed the cost of tuition, fees, books, room and board, or $7,000 whichever is less for each year of study. Recipients must be college juniors in the initial year of the award. Each state shall be assured at least one recipient each year and the scholarships may apply to any institution of higher education offering courses of study or training to prepare persons for a career in government. The institution's nominations must be forwarded to the Foundation by December 1. Truman Scholarship Foundation, 712 Jackson Place, NW., Washington, DC 20006.

Horatio Alger Scholarship Program offers one $5,000 scholarship to a graduating senior from each high school hosting a Horatio Alger Day. Eligibility requirements for the scholarship include: must be a Senior in high school, have a significant financial need and must participate in the Horatio Alger Day at his/her school. Grades, character, college entrance scores, school activities, community involvement and part-time/summer work record will also be considered in the final decision. Preliminary screening is accomplished by a committee of local school officials/staff. Final selection is made by the Horatio Alger Association of Distinguished Americans, Inc. A requirement for hosting a Horatio Alger Day is that the host school must provide an audience of at least 1,000 Junior/Senior students for the keynote speaker provided by the Association. Schools not having a Junior/Senior population sufficient to meet this requirement, will be required to extend invitations to neighboring schools to provide a minimum audience. Only one scholarship, however, will be awarded to the hosting school. For more information about the Horatio Alger Day and Horatio Alger Scholarship, contact the Horatio Alger Association for Distinguished Americans, Inc., One Rockefeller Plaza, Suite 1609, New York, NY 10020.

Knights of Columbus "Pro Deo and Pro Patria Scholarship Trust" is for undergraduate scholarships. The Knights of Columbus has an established trust fund which will provide annually $1,000 scholarships to members, to sons and daughters of living or deceased members. The fund will also annually provide two $1,000 scholarships to Columbian Squires. Awards will be made on the basis of academic excellence regardless of need and may be renewed annually subject to satisfactory academic performance. Five of these scholarships, and one for the Columbian Squire, are placed at the Catholic University of America. Students admitted to the freshman class may apply for these scholarships through the Director of Financial Aid, Catholic University of America, Washington, D.C. 20064. Final filing date of applications is February 1. Five of these scholarships and one for the Columbian Squire may be used at a Catholic college of student's choice. Final filling date for these applications is March 1. Applications for these scholarships may be obtained from the Director of Scholarship Aid, Knights of Columbus, Supreme Council, Columbus Plaza, P.O. Drawer 1670, New Haven, CT 06507.

National Achievement Scholarship Program for Outstanding Negro Students, a compensatory activity, created in 1964, is conducted by the National Merit Scholarship Corporation (NMSC) which also administers the National Merit Scholarship Program (as described in a later entry). All grants to the Achievement Program are specified for the purposes of honoring academically able black students and awarding them college undergraduate scholarships. Currently, some 700 Achievement Scholarships worth over $2 million are awarded in each annual competition.

To enter the Achievement Program, black high school students must take the PSAT/NMSQT (which simultaneously makes them participants in the Merit Program), mark a space on their answer sheets requesting consideration in the Achievement Program and meet NMSC eligibility requirements.

About 1,500 of the highest scoring eligible black students are designated Semifinalists in each Achievement Program. To ensure nationwide representation, Semifinalists are named in each of several U.S. geographical regions, proportionate to each region's population of Black Americans.

Semifinalists must meet further requirements and advance to Finalist standing in order to continue in the Achievement Scholarship competition. All winners are chosen from the Achievement Program Finalist group. The selection of winners includes an evaluation of each Finalist's academic record and test scores, extracurricular activities and attainments, and the endorsement and recommendation of the student's school.

About 350 of the annual awards are National Achievement $2,000 Scholarships that are single-payment awards. Every Finalist is considered for one of these awards. About 200 are corporate-sponsored four-year Achievement Scholarships for which winners must meet preferential criteria specified by the grantor organization, and are worth between $500 and $4,000 (or more) for each of the four college years. About 150 are college-sponsored Achievement Scholarships that provide between $250 and $2,000 during each of the winner's four undergraduate years of attendance at the sponsor college or university.

The PSAF/NMSQT Student Bulletin gives requirements students must meet to be eligible to participate in the Achievement Program and also lists sponsor organizations that currently provide support for Achievement Scholarships. A copy can often be obtained from the student's high school. Questions should be directed to: National Achievement Scholarship Program for Outstanding Negro Students, One Rotary Center, 1560 Sherman Avenue, Evanston, IL 60201 (312) 866-5100.

National Association of Secondary School Principals sponsors the Century III Leaders Program which provides: 102 $1,500 scholarships (State winners); 102 $500 awards (State alternates; 2 each per state and D.C.); 306 $100 awards (State finalists); 9 $500 awards (National semi-finalists); and one $10,000 national award to high school seniors who are selected by their schools. For information, contact the school principal in early September (in advance of the October 22 deadline).

Also offered are 450 $1,000 National Honor Society Scholarships. See NHS chapter advisor at the school in early January for the February deadline. The newest scholarship program is the Principal's Leadership Award, funded by Nerff Jones, Inc. The program awards 150 $1,000 scholarships. See your high school principal in early October (in advance of the December deadline).

National Merit Scholarship Program is a nationwide competition for college undergraduate scholarships. The Merit Program is conducted by National Merit Scholarship Corporation (NMSC), an independent nonprofit organization, established in 1955 to administer this annual competition. Over 6,000 Merit Scholarships, valued at about $23 million, have been awarded each year in recent programs. Secondary school students throughout the U.S. enter the competition by taking the Preliminary Scholastic Aptitude Test/National Merit Scholarship Qualifying Test (PSAT/NMSQT) given by their schools in October. To participate, students must meet published eligibility requirements.

About 15,000 top-scoring students are designated in each Merit Program. The highest scorers in each state are named Semifinalists in numbers proportionate to the state's percentage of the National total of graduating high school seniors.

Semifinalists must meet further requirements and advance to Finalist standing in order to continue in the Merit Scholarship

competition. All Merit Scholars are chosen from the group of approximately 14,000 Finalists. The selection of winners includes an evaluation of each Finalist's test scores, academic and extracurricular achievements and the endorsement and recommendation of the student's school.

At least 1,800 of the annual awards are National Merit $2,000 Scholarships that are single-payment awards allocated to winners on a state representational basis, and every Finalist is considered for one of these awards. Over 1,400 are corporate-sponsored Merit Scholarships for which winners must meet preferential criteria specified by the grantor (organization providing funding for the award; most of these awards are renewable for up to four years and provide stipends between $500 and $4,000 (or more) annually; a few may provide single payments of $2,000. Over 2,800 are college-sponsored, four-year Merit Scholarships that provide between $250 and $2,000 during each of the winner's four undergraduate years of attendance at the sponsor college or university.

Details concerning eligibility and the Merit Scholarships offered are published annually in the PSAT/NMSQT Student Bulletin, sent to high schools. Questions and requests for additional information should be sent to: NMSC, One Rotary Center, 1560 Sherman Avenue, Evanston, IL 60201 (312) 866-5100.

National 4-H Council, through 50 business corporations and foundations, offers more than 270 4-H college scholarships with total value of more than $250,000 and range from $500-$1,500. The majority are open only to current 4-H members who have won state honors in specific 4-H projects. (Other college scholarships, ranging in value from $500 to $1,000, are available to present or former 4-H members who either are in, or plan to attend college.) Applicants for the latter should have an interest in one of the following fields: (1) animal science; (2) veterinary medicine; (3) forestry; or, (4) agriculture, home economics or closely related career fields. For futher information on eligibility requirements, write to the county 4-H office, the State 4-H Leader at the State Land-Grant University, or the National 4-H Council, 7100 Connecticut Avenue, Chevy Chase, MD 20815.

The National Science Teachers Association sponsors two student competitions with scholarships as awards:

1. The Space Science Student Involvement Program (jointly sponsored by NASA and the National Science Teachers Association)—

Eligibility: all regularly enrolled secondary students, grades 7-12, in all public, private, parochial, and overseas schools, including U.S. civil and military overseas schools, Puerto Rico, Guam, and the U.S. outlying territories. Educational aid offered: Students may submit proposals for experiments that could be conducted on the Space Station, or may compete in a journalism competition to promote the Space Science Student Involvement Program. The top 7 winners are eligible to receive scholarships. In 1986, 1st prize was $3,000, 2nd prize $2,000, 3rd prize $1,000, 4th, 5th, 6th and 7th prizes $250. The winner of the journalism competition received a $500 scholarship. Scholarships may be used toward attendance of any postsecondary educational institution. Deadline: March 15 each year.

2. The Duracell Scholarship Competition (managed by NSTA for Duracell—Eligibility: Students, grades 9-12.

Educational aid offered: Students must create and build a working device powered by one or more DURACELL batteries. Scholarships awards include: First place—$10,000 college scholarship, second place—five $3,000 college scholarships, third place—ten $500 college scholarships, fourth place—twenty-five $100 cash prizes. Deadline: February 1 each year.

For further information, write to: National Science Teachers Association, 1742 Connecticut Avenue, NW., Washington, DC 20009.

Science Talent Search, conducted by Science Service and sponsored by the Westinghouse Electric Corporation and the Westinghouse Educational Foundation, annually offers scholarships for boys and girls in their last year of high school. Awards are based on high school records, national test scores, recommendations of high school teachers, a thousand-word report on an independent science research project by the student and interviews by judges of the forty finalists at the Science Talent Institute in Washington, DC. Awards include 10 scholarships: one $20,000, two $15,000, three $10,000 and four $7,500. The remaining 30 finalists each receive Westinghouse Science Awards of $1,000. State Science Talent Searches are conducted currently with the National Competition in 36 states and the District of Columbia. Entry deadline date is December 15. Detailed information is available from Science Service, 1719 N. Street, NW., Washington, DC 20036. Telephone: (202) 785-2255.

Soroptimist International of the Americas Youth Citizenship Award of $1,250 per Soroptimist region and a finalist award of $2,000 offered to high school seniors demonstrating good citizenship qualities. Citizenship qualities include integrity, worth and ability, and encourage youth to develop the highest concepts of patriotism and effective cooperation in home and community affairs. Deadline is December 15. For applications, contact your local Soroptimist Club. If you are unable to contact them, you may write to the national office for local address information: Soroptimist International of the Americas, 1616 Walnut Street, Philadelphia, PA 19103. Telephone: (215) 732-0512.

The Ted and Peg Serrill Journalism Scholarship is offered annually by the National Newspaper Foundation to a college Junior enrolled full-time in Journalism. The scholarship program is designed to encourage study in the print media field. The scholarships, in the sums of $1,000, $500 and $250, are payable during the Junior year. The student must have at least a B average and a recommendation by the Dean, Director or Department Head of the school in which he/she is enrolled. Deadline is June 13. Write for an application to : Selection Committee, Serrill Scholarship, National Newspaper Foundation, 1627 K Street, N.W., Suite 400, Washington, D.C. 20006. Telephone: (202) 466-7200.

The Westinghouse Educational Foundation sponsors the following awards annually:

1. The Westinghouse Family Scholarship—ten $12,000 and sixty-five $3,000 scholarships. Information on the Westinghouse Family Scholarship may be obtained from the Personnel Relations Office where the student's parent is or was (if deceased, retired or permanently disabled) employed.

2. The Science Talent Search—forty awards. The student should request his science teacher to write to Science Talent Service, 1719 N Street, N.W., Washington, D.C. 20036 to obtain information and application forms.

3. 4-H Electric Program—4-H Club members should contact their local 4-H leader or County Extension Agent for information and applications.

4. Bertha Lamme Scholarship—these scholarships are awarded to young women entering engineering as freshmen. For information write: Society of Women Engineers, United Engineering Center, Room 305, 345 East 47th Street, New York, N.Y. 10017. Telephone: (212) 705-7855.

5. National Achievement Scholarship Program For Outstanding Negro Students—For information, write to: One Rotary Center, 1560 Sherman Avenue, Evanston, IL 60201.

Eligibility for each of these scholarships is limited to students residing in the United States. The Family Scholarship, The Science Talent Search and The Bertha Lamme require that the applicant be in his or her last year of high school; applications must be submitted during the Fall months of their Senior year. Students aged 14 through 19 are eligible for the 4-H Electric Program.

Western Golf Association sponsors the Evans Scholars Foundation, which annually awards approximately 200 four-year scholarships to qualified caddies. Eligibility for Evans Scholarship: (1) Candidates must have completed junior year in high school and rank in upper 25% of class; (2) must have caddied for a minimum of two years at a club participating in this program; and (3) must require financial assistance to attend college. Information is available by writing to Western Golf Association, Golf, IL 60029. Telephone: (312) 724-4600.

C. Assistance for Graduates and Undergraduates

American Congress on Surveying and Mapping/American Society for Photogrammetry and Remote Sensing fellowships and scholarships for 1988-89; (1) Wild Heerbrugg Surveying Scholarships—two scholarships ($1,000 each) for students studying surveying at a school with a two- or four-year degree in surveying or a related field; (2) Wild Heerbrugg Photogrammetric Fellowship—a $4,000 award for one graduate student, to be used for study in photogrammetry at a school of the recipient's choice; (3) American Association for Geodetic Surveying Fellowship—a $2,000 award for one graduate student, to be used for study in a program that focuses on geodetic surveying or geodesy at a school of the recipient's choice; (4) Schonstedt Scholarship in Surveying—a $1,500 award for one undergraduate student, to be used for study in surveying a student who has completed at least 2 years of a 4 year curriculum leading to a degree in surveying; (5) The William A. Fischer Memorial Scholarship—a $1,500 award for graudate study in remote sensing, to be used for studies that address new and innovative uses of remote sensing related to the natural, cultural, or agricultural resources of the Earth; (6) The American Cartographic Association Scholarship—a $1,000 award for full-time students of junior or senior standing. Applicants should be enrolled in a cartography or other mapping science curriculum in a 4-year degree granting institution; (7) The Berntsen Scholarship in Surveying—a $1,500 award for one undergraduate student, to be used for study in surveying in a 4-year degree program of the recipient's choice; (8) The Robert E. Altenhofen Memorial Scholarship—a $500 award for one undergraduate or graduate student to be used for study in photogrammetry at a school of the recipient's choice;

(9) Analytical Surveys Scholarship—a $4,000 award for one undergraduate or graduate student to encourage and assist in pursuing education in photogrammetry; (10) Joseph F. Dracup Scholarship—a $2,000 award for an undergraduate student committed to a career in geodetic surveying. Deadline for applications is January 15, except for the Robert E. Altenhofen Memorial Scholarship, which has a deadline of January 1. Request application forms and instructions from: ACSM Scholarships, 210 Little Falls Street, Falls Church, VA 22046.

The American Dental Hygienists' Association Institute for Oral Health offers the following scholarships: (1) Certificate Scholarship Program to students who are in a certificate/associate degree or bachelor's degree dental hygiene program, have completed at least one year in dental hygiene curriculum and have a minimum grade point average of 3.00 (on a 4.00 scale); (2) Baccalaureate Dental Hygiene Scholarship Program to students who have a minimum grade point average of 3.00 (on a 4.00 scale) and can provide evidence of acceptance as a full-time bachelor's degree candidate in an accredited four-year college or university; if a Baccalaureate Degree sought is not in Dental Hygiene, evidence of a Dental Hygiene Certificate or qualification for the Dental Hygiene Certificate within the current academic year must be provided. (3) Graduate acceptance as a full-time Master's or Doctoral degree candidate in a university program, are graduates of a certified associate dental hygiene program or baccalaureate program, and are licensed Dental Hygienists or will receive a bachelor's degree at the end of the current academic year. While being enrolled in a dental hygiene curriculum, must maintain a minimum grade point average of 3.00 (on a 4.00 scale). The maximum scholarship is $1,500. Deadline for applications is May 1. Information and application may be obtained by writing: ADHA Institute, 444 North Michigan Avenue, Suite 3400, Chicago, IL 60611.

The American Dental Hygienists' Association Institute for Oral Health Research Grant Program makes research grant funds available for licensed dental hygienists or students pursuing a dental hygiene degree who submit a completed research grant application according to the specified guidelines. The purpose is to provide financial assistance to certificate, associate, baccalaureate, master's, doctoral candidates and practicing dental hygienists to implement research. All proposals and applications are due by July 1; awards customarily range from approximately $1,000 to $4,000 with an average award of $2,000. Further information and application may be obtained by writing: American Dental Hygienists' Association, Division of Professional Development, Administrative Research Grant Program, 444 Michigan Avenue, Suite 3400, Chicago, IL 60611.

The American Geological Institute makes funds available to minority students in the geological sciences to assist them in their studies. This is accomplished through the Minority Participation Program Scholarships. Awards are granted yearly in sums ranging from $500 to $2,000. Those eligible are geoscience majors who are United States citizens and members of one of the following ethnic minority groups that are underrepresented in the geosciences: American Black, Hispanic, and Native American (American Indian, Eskimo, Samoan, or Hawaiian.) The applicant must be a geoscience major with a good academic record, meet financial need criteria, and be currently enrolled in an accredited institution as either an undergraduate or graduate student. The term "geoscience" is used broadly to include major study in the fields of geology, geophysics, geochemistry, hydrology, oceanography, meteorology and planetary geology. Application deadline is February 1 of each year. Current recipients must reapply for consideration for an additional year. Those interested in applying for a scholarship for a particular academic year should send their request for application forms (which may be duplicated) to the following address as of September when the new applications become available: American Geological Institute, Director of Education, 4220 King Street, Alexandria, Virginia 22302.

The American Institute of Architects—The AIA scholarship program is divided into four programs, each created to meet a different need during the course of an architectural education. Scholarships are provided for undergraduate students entering architecture; undergraduate students during one of the final two years of the first professional degree program; architects wishing to engage in graduate work or independent study; and architects or graduate students wishing to specialize in health facilities design. The Institute considers this support an important investment in the profession's future. Special awards are available to assist minority/disadvantaged students (primarily recent high school graduates) to pursue a career in architecture. For further information write: Director, Education Programs, The American Institute of Architects, 1735 New York Avenue, N.W., Washington, DC 20006.

The American Society of Heating, Refrigeration, Air Conditioning Engineers, Inc. offers grants-in-aid to full-time graduate students of ASHRAE-related technologies to encourage students to continue preparation for service in the industry. An application is made on the student's behalf by a faculty adviser. Up to $6,000 may be awarded during a calendar year. Applications are available from the Manager of Research, American Society of Heating, Refrigeration and Air Conditioning Engineers, Inc., 1791 Tullie Circle, N.E., Atlanta, GA 30329.

American Society of Medical Technologists (ASMT) Scholarship Program.—The scholarship program supports continuing advanced undergraduate, and graduate education for students, practitioners, and educators.

Undergraduate Scholarship. Fisher Scientific Company Undergraduate Scholarship. Award $3,000 paid in equal installments for each of the terms of the junior and senior years of study. Travel and hotel expenses for the 1988 56th Annual ASMT Meeting & Exhibit. Donor: Fisher Scientific Company (1969). Eligibility: Any student who (1) is a permanent resident of the United States, (2) is enrolled full-time in a degree program in medical technology, and (3) has completed the first term of the sophomore year, and will enter the junior year within 12 months.

Many state societies have state scholarship programs for undergraduate students. Please contact the President of the state society for information.

Note: ASMT also offers educational assistance programs for advanced and continuing education. For information on all programs, contact: ASMT, 2021 L Street, N.W., Suite 400, Washington, DC 20036. Apply well in advance of March 1 application deadline.

The Dow Jones Newspaper Fund, Inc. is an organization encouraging talented young people to consider careers in journalism. The Journalism Career and Scholarship Guide, published by the Fund, provides information on what to study in college, where to study journalism/mass communications, general information on where jobs are and how to find them. It also lists more than $3 million in financial aid from universities and colleges, newspapers, professional societies and journalism-related organizations for students majoring in journalism/mass communications. Single copies of the Guide are available at no charge to interested individuals. Bulk orders are also available at $2.50 per copy. The Fund operates three editing internship programs: the Newspaper Editing Intern Program for College Juniors, the Minority Editing Intern Program for College Seniors, and Minority Reporting Intern Program for College Sophomores.

The internships offer students the opportunity to earn scholarships after successfully completing a summer of paid employment as copy editors or reporters on daily newspapers. The Fund also sponsors: High School Journalism Workshops for Minorities that are designed to identify minority high school students; the Teacher Fellowship Program for inexperience high school journalism teachers to attend summer publication workshops; and the Special Awards Program which ends in the naming of the High School Journalism Teacher of the Year. For information on these programs, as well as a copy of the Journalism Career and Scholarship Guide, write the Dow Jones Newspaper Fund, P.O. Box 300, Princeton, NJ 08543-0300. Telephone: (609) 452-2820.

Educational Foundation of the National Restaurant Association (NRA):

Scholarships.—Foundation-administered scholarships are made available for the purpose of providing needed funds for tuition, room and board, books, and other school expenses at more than 500 approved vocational-technical schools, junior/community colleges, and senior colleges and universities. Awards are available for undergraduate and graduate level studies.

Educational Foundation-administered scholarships are funded by a number of participating companies. Scholarships are available to full-time students majoring in the areas of foodservice/hospitality management. This includes majors in hotel, restaurant, and institutional management, culinary arts, dietectics, food science and technology, and other foodservice-related curricula including manufacturing and distribution. Scholarships range in value from $750 to one full-tuition award up to $10,000.

Fellowships.—Seven H.J. Heinz Company Foundation Graduate Degree Fellowship Awards, 1 for $2,000, 1 for $1,200, and 5 for $1,000, are awarded yearly on a competitive basis to present or previous full-time teachers or administrators enrolled in either a master's or doctoral-degree program to improve skill in teaching or administering foodservice management/culinary arts programs.

The Graduate Degree Fellowship Awards are funded by the H.J. Heinz Company Foundation and administered by The Educational Foundation.

Grants.—Up to 25 National Restaurant Association Teacher Work-Study Grant Awards of $2,000 each are awarded yearly on a competitive basis to full-time teachers in and administrators of foodservice management/culinary arts programs.

It is the objective of these grants to provide opportunities for full-time teachers and

administrators in "hands-on" work experience in the industry. This experience will enrich and update their knowledge of the industry and increase their capability to relate that knowledge to their students.

The Teacher Work-Study Grant Awards are funded by the National Restaurant Association and administered by The Educational Foundation.

For more information/applications on all award programs, please write or call: Scholarship Coordinator, The Educational Foundation of the National Restaurant Association, 20 North Wacker Drive, Suite 2620, Chicago, IL 60606, (312) 782-1703.

Institute for Food Technologists administers fellowships and scholarships to students pursuing a program leading to a degree in the general field of Food Technology or Food Science. During the tenure of a scholarship, winners must be enrolled in an IFT approved U.S. or Canadian educational institution. Graduate fellowship winners may be enrolled in any U.S. or Canadian educational institution that is conducting fundamental research in food science or technology. Awards include 30 freshman and sophomore, and 52 junior and senior scholarships of $500 to $2,000; and 23 graduate Fellowships up to $10,000. A booklet on IFT Scholarship/Fellowship Programs and applications is available after September 15 from IFT Scholarship Department, 221 N. LaSalle St., Suite 300, Chicago, IL 60601 or from Department Head of approved institution. Telephone: (312) 782-8424.

The International Chiropractors Association has two scholarship programs, the Women's Auxiliary and King Koil scholarships programs, which provide funds to student ICA chapters to distribution to student ICA members. ICA also furnishes career information to interested individuals. Upon request, ICA will send a list of chiropractic colleges. Write to the Intenational Chiropracters Association, Career/Scholarship Information, 1901 L St., N.W., Suite 800, Washington, D.C. 20036.

Kappa Kappa Gamma Fraternity Scholarship Awards. —Undergraduate and graduate scholarships are available to members of Kappa Kappa Gamma and to any woman students who is a citizen of the United States or Canada who has completed two years of study on a campus with a chapter of Kappa Kappa Gamma. Application forms may be obtained by writing to Fraternity Headquarters, P.O. Box 2079, Columbus, Ohio 43216. (Please send a self-addressed, stamped envelope). Application deadline: February 15.

The Material Handling Education Foundation, Inc. awards scholarships to students enrolled in programs of study pre-qualified by the Foundation. Majors in Industrial, Electrical, and Mechanical Engineering; Computer Science; and Marketing and Sales may qualify. The program should include an emphasis in material handling through direct and related courses, or through independent study. To be eligible, students must be: beyond their second year of a Bachelor's program, or beginning graduate study; U.S. citizens and maintaining at least a "B" average. The application deadline is early February; the forms are available from faculty members at approved institutions. For general information, you may write: The Material Handling Institute, Inc. 8720 Red Oak Blvd., Suite 201, Charlotte, NC 28217. Telephone: (704) 522-8644.

The National Board of Civil Air Patrol has authorized scholarships to be awarded to Civil Air Patrol members each year in the following categories: Undergraduate, Advanced Undergraduate, Gradute and Technical/Vocational Scholarships. Deadline date is April 1. Information and forms may be secured from: Civil Air Patrol Unit Commanders or from National Headquarters, Civil Air Patrol/TT, Maxwell AFB, AL 36112.

National Congress of Parents and Teachers does not have a scholarship and loan program at a national level. Some state PTA's have such programs and others are encouraging scholarship grants at council and local levels. Awards are made by dues received for memberships, memorial gifts and/or voluntary contributions to PTA's. Most for for teacher training education, but some are for family life education, guidance and counseling instruction, librarianship, teachers of exceptional children and inservice teachers' summer term work. Special fellowships offered. Inquires should be sent to the inquirer's state PTA office.

National Federation of the Blind offers 26 scholarships worth $69,000 ranging from $1,800 to $10,000 for legally blind students pursuing or planning to pursue to full-time postsecondary course of training or study. Most assistance is for undergraduates, but some limited aid is available for graduate students. All scholarships awarded by the Federation are awarded on the basis of academic excellence, service to the community, and financial need. Applicants need not be members of the National Federation of the Blind. Applications must be completed and submitted by March 31 of the year in which the scholarship is awarded. Recipients will be notified of their award by June 1 and brought to the National Federation of the Blind Convention in July at Federation expense. Applications may be obtained from local and state Federation officers or by writing: National Federation of the Blind Scholarship Committee, Grinnel State Bank Building, 2nd Floor, 814 Fourth Avenue, Grinnel, Iowa 50112.

Nurses' Educational Funds is an organization which grants scholarships to registered nurses pursuing full-time study through masters or doctoral degree programs. Men and women who are members of any national professional nursing association and who qualify for these awards study in graduate nursing programs accredited by the National League for Nursing in colleges and universities of their choice. Funds are contributed by nurses, business and industrial firms, organizations and individuals. The Board of Directors determines the amount and number of awards each year on the basis of availability of funds and the nature of applications. Deadline for applications is preceding the academic year for which award is made. Deadline for applications is March 1 preceding the academic year for which award is made. Write for additional information to Nurses' Educational Funds, 555 West 57th Street, New York, NY 10019. Telephone: (212) 582-8820.

Presbyterian Church Financial Aid Programs.—The purpose of the financial aid programs of the Presbyterian Church (U.S.A.) is to help make college and graudate work possible for Presbyterian students who might be handicapped by inadequate financial resources.

These programs are not intended to provide the major portion of educational expense. They are intended to help make undergraduate and graduate work possible for those who need additional resources to continue their education, either through grants, scholarships or loans.

With one exception, the Samuel Robinson Scholarship, all programs are based on financial need.

UNDERGRADUATE GRANT PROGRAMS

I. National Presbyterian College Scholarships.—For superior young people preparing to enter full-time study as incoming freshmen at one of the participating colleges related to the Presbyterian Church (U.S.A.). Applicants must be high school seniors, U.S. citizens or permanent residents, confirming members of the Presbyterian Church (U.S.A.) and take the SAT/ACT no later than November 30th of their senior year in high school. Additional qualifications are listed in the brochure which is available after September 1st. Range of Awards: $500 to $2,000 per academic year depending on demonstrated need and available funds.

II. Student Opportunity Scholarships.—Designed to assist racial/ethnic undergraduate students (Asian, Black, Hispanic, Native American) finance their undergraduate education beyond high school. Applicant must be a member of the Presbyterian Church (U.S.A.), a U.S. citizen or permanent resident of the U.S.; must be a high school senior who will be entering college full-time as incoming freshman and must apply to the college for financial aid. Applications are available after January 1st and must be submitted by April 1st of student's senior year in high school. Range of awards: $100 to $1,400 per academic year depending upon demonstrated need/available funds.

III. Native American Education Grants.—For Indians Aleuts and Eskimos pursuing full-time postsecondary education. Must be a U.S. citizen. Must have completed at least one semester of work at an accredited institution of higher education. Must apply to the college for financial aid. Preference will be given to Presbyterian students at the undergraduate level. Range of Awards: $200 to $1,500, depending upon demonstrated need and availability of funds.

PRESBYTERIAN CHURCH FINANCIAL AID PROGRAMS

IV. Educational Assistance Grant Program.—An undergraduate aid program to help cover the cost of purchasing required books and instructional materials for the children of Presbyterian Church (U.S.A.) professional church workers. Applicant must be a full-time undergraduate who is receiving financial aid based upon need and must be a U.S. citizen or permanent resident of the U.S. Students may receive EAP grants for a maximum of two (2) academic years, with amounts varying by term depending on courses being taken and books required. Maximum grant for a full academic year is $300.

V. Samuel Robinson Scholarships.—For undergraduate students enrolled in one of the 69 colleges related to the Presbyterian Church (U.S.A.). No one may receive the scholarship more than once. Applicants must successfully recite the answers of the Westminster Shorter Catechism and write a 2,000 word original essay on an assigned topic related to the Shorter Catechism. Amount of Award: $500. For information, inquire at the college financial aid office.

GRADUATE GRANT PROGRAMS

I. Presybterian Study Grants.—To assist graduate students who are communicant members of the Presbyterian Church (U.S.A.) in their preparation for professional church occupations. Applicants must: be citizen of the U.S. or have permanent resident status; demonstrate financial need

beyond that which they are able to meet through other loans, grants, scholarships, savings and employment; normally be enrolled on a full-time basis; be in good academic standing. Additional conditions of study apply.

II. Racial/Ethnic Leadership Supplemental Grants.—Designed to assist racial/ethnic graduate students (Asian, Black, Hispanic, Native American) who are communicant members of the PC (U.S.A.) in preparation for professional church occupations. The student must be: studying for the first professional degree; enrolled as an inquirer with or received as a candidate by a PC (U.S.A.) presbytery for a church occupation; a citizen of the U.S. or have permanent resident status; enrolled at least half-time in a prescribed program of study approved by presbytery and in good academic standing; demonstrate unusual financial need beyond that which he/she is able to meet through other grants, loans, scholarships, savings and employment.

To apply, contact the Financial Aid Officer at the seminary or school of study for information/forms.

III. Native American Seminary Scholarship.—To aid Presbyterians who are American Indians, Aleuts and Eskimos in their pursuit of theological education. The student must: be a U.S. citizen or have permanent resident status; demonstrate financial need beyond that which he/she is able to meet through other loans, grants, scholarships, savings and employment; be in good academic standing. Additional conditions of study apply.

Student Loan Fund. Students in all categories; must demonstrate evidence of needing financial help for the necessary expenses of higher education beyond that which they are able to meet through other loans, grants, scholarships, savings and employment; must give satisfactory evidence of financial reliability and must satisfy the Student Loan Fund office that the loan will be repaid in accordance with the conditions specified; must be a U.S. citizen or have permanent resident status.

For more information on all Presbyterian Church Financial Aid Programs, write to: Manager, Financial Aid for Studies, Presbyterian Church (U.S.A.), 100 Witherspoon Street, Louisville, KY 40202-1396.

The Rotary Foundation Scholarships are available to graduate or undergraduate students, journalists or teachers of the handicapped. Vocational scholarships are also available for artisans, technicians and professionals who have been employed in a technical or professional field for at least 2 years. Freedom From Hunger Scholarships will be granted to students from developing country districts working toward advanced degrees in agricultural studies. Age limit requirements vary with each scholarship. All scholarships are for one academic year in a country other than the recipient's own, and provide for school fees, room and board, round trip airfare between home city and place of study and expenses for limited traveling during the year. Applications are due July 1. Contact your local Rotary Club for details.

The Society of Exploration Geophysicists Education Foundation offers numerous scholarship opportunities to students who intend to pursue a college course directed toward a career in Geophysics. Scholarships ranging from $750 to $1,000 annually are available to students wishing to attend college, already in college, and at the graduate level. Applications must be filed prior to March 1. Applications and further information may be secured from the Society's Scholarship Committee, P.O. Box 702740, Tulsa, OK 74170.

The Society of Naval Architects and Marine Engineers annually awards both undergraduate and graduate scholarships to encourage study in naval architecture and marine engineering or closely related fields. All applicants must be a citizen of either the United States or Canada:

1. Undergraduate awards, normally $1,000 each, are to be applied for by contacting one or more of the following schools directly: University of California (Berkeley); University of Michigan (Ann Arbor); Massachusetts Institute of Technology (Cambridge); State University of New York Maritime College (Fort Schuyler) and/or Florida Atlantic University (Boca Raton, FL). These are the only five schools where undergraduate awards are available.

2. Graduate awards are in amounts varying from $1,000 and up. File with the Society no later than February 1. Applications for graduate awards and information can be obtained by writing to: Mr. Robert G. Mende, Secretary and Executive Director, The Society of Naval Architects and Marine Engineers, 601 Pavonia Avenue, Jersey City, New Jersey 07306. Telephone: (201) 798-4800.

D. ASSISTANCE FOR GRADUATES ONLY

The American Association of University Women Educational Foundation awards approximately 80 fellowships annually ranging up to $10,000 for pre-doctoral, and up to $20,000 for postdoctoral fellowships. These awards are for women of the United States who have completed all requirements for the doctorate except the writing of the dissertation. Postdoctoral fellowships are awarded to women who hold a doctoral degree and wish to pursue further advanced research. Awards are also made to women for the final year of study in the fields of law, medicine, architecture, and business administration (the MBA degree). These "selected professions" awards are between $3,500 and $9,000. Applications are available after August 1 of each year. Deadlines for application vary from November 15 through February 1. For further information write to: AAUW Educational Foundation 2401 Virginia Avenue, N.W., Washington, D.C. 20037. Telephone: (202) 728-7603.

The American Osteopathic Association, through the Auxiliary to the American Osteopathic Association, annually awards one National Osteopathic College Scholarship of $4,000 and additional scholarships of $2,000. These scholarships cover the sophomore year of medical training. Awards are based on scholarship (top 20% of class), financial need, good moral character, freshman attendance at a college of osteopathic medicine, motivation and aptitude for the osteopathic medical profession and citizenship in the U.S. or Canada. Deadline April 15 for receipt of applications. The National Osteopathic Foundation, individual colleges of osteopathic medicine and other osteopathic state organizations administer loan funds. For information write: Scholarship Chairman, Auxiliary to the American Osteopathic Association, 142 East Ontario Street, Chicago, IL 60611.

The Daniel and Florence Guggenheim Foundation offers Fellowships each year to approximately 10 young scientists and engineers for graduate study in every conversion, transportation, jet propulsion, space flight and flight structures. The fellowships provide stipends ranging up to $7,800 depending on the level of advancement of the student, plus tuition. They are open to qualified science and engineering students who are residents of the United States or Canada. Students graduating in aerodynamics, fluid mechanics, engineering sciences, physics, physical chemistry, applied physics, applied mathematics, or, aeronautical, mechanical, chemical or civil engineering are sought. The Fellowships are open to women as well as men. The Fellowships will be used for study at The Daniel and Florence Guggenheim Laboratories at Princeton University, (all in Dept. of Mechanical and Aerospace Engineering), the Daniel and Florence Guggenheim Jet Propulsion Center at California Institute of Technology and the Daniel Florence Guggenheim Institute of Flight Structures at Columbia University. Applications and additional information should be obtained directly from Princeton, California Institute of Technology or Columbia University.

Dental Laboratory Technology Scholarship are available upon completion of application to the American Fund for Dental Health. These are one-year scholarships, ranging from $500 to $600. Upon reapplication, a scholarship may be renewed from a second year by the Selection Committee if the student satisfactorily completes the first year and funding is available. Deadline date is June 1. For full information, write to: American Fund for Dental Health, Attn: Director of Programs, 211 East Chicago Avenue, Chicago, IL 60611.

Dental Scholarships for Minority Students are available through the American Fund for Dental Health. Students selected under this program may receive up to $2,000 for their first year of dental school. Upon re-application and report of satisfactory progress, a grant for $2,000 may be renewed for the second year of dental studies. A maximum of $4,000 may be paid over a two-year period. To be eligible, students must be U.S. citizens from the following minority groups under-represented in the dental profession—American Indians, Blacks, Mexican-Americans and Puerto Ricans. They must be entering their first year of dental school. Application deadline is May 1. Applications are available from the Student Affairs or Financial Aid Office of the dental school they plan to attend. Write: American Fund for Dental Health, Attn: Director of Programs, 211 E. Chicago Avenue, Chicago, IL 60611.

Eisenhower Memorial Scholarship Foundation Inc., awards graduate scholarships ranging from $1,000 to $3,000 at the discretion of the Board of Trustees and upon the recommendation of the Graduate Scholarship Committee. Applicants must be U.S. citizens having an academic degree equivalent to a Bachelor's Degree from an accredited college or university. Students interested should also have a plan of study or research which will advance the applicant's professional competence and have intentions of pursuing full-time graduate study during the scholarship year. Financial need will not be a consideration. Awards will be offered to those applicants who appear most likely to make the greatest contributions to and of becoming thought leaders in the area and free-market economics. The award is for one academic year and is not renewable. For further information and application write: Eisenhower Memorial Scholarship Foundation, Inc., 303 North Curry Pike, Bloomington, IN 47401, or call Mr. E.M. Sears, Executive Director at (812) 332-2257.

Foreign Area Programs of the Social Science Research Council and the American

Council of Learned Societies offer fellowships for doctoral dissertation research in social science and humanistic fields related to many foreign areas. Since these programs reflect the distinctive needs and character of the area, a general account of terms and conditions cannot be offered here. Inquiries should directed to Social Science Research Council, Fellowships and Grants, 605 Third Avenue, New York, NY 10158.

The Foundation of the American College of Healthcare Executives offers a limited number of Foster G. McGaw student loans to assist worthy students to continue their professional education and training for careers in hospital administration. Loans are available to students in graduate programs in hospital or health services administration, accredited by the Accrediting Commission on Education for Health Services Administration. Applicants must be student associates of ACHE, and demonstrate financial need. Applications must be endorsed by the University Program Course Director prior to submission to ACHE's Student Loan Committee. For further information, contact the American College of Healthcare Executives, 840 North Lake Shore Drive, Chicago, IL 60611.

Also offered is the Albert W. Dent Scholarship, designed to provide financial aid for and increase enrollment of minority and physically disabled students in healthcare management graduate programs. For information, write to address above.

The Institute of International Education offers American college graduates approximately 700 scholarships for study in foreign countries, about 500 of which are provided under the Fulbright Program. Over two hundred of the scholarships are financed by various foreign governments, foreign universities and private donors. In most cases, the scholarships provide travel expenses and partial or complete tuition and maintenance for a full academic year. Students now enrolled in colleges or universities should first consult with their campus Fulbright Program Advisers. Deadline is October 31. Further information and application forms are available from the Institute of International Education, U.S. Student Programs Division, 809 United Nations Plaza, New York, N.Y. 10017, (Telephone: (212) 984-5330), or from any of the Institute's regional offices in Chicago, Denver, Atlanta, Houston and San Francisco.

The Knights of Columbus Graduate Fellowships are established at the Catholic University of America, Washington, D.C., for work in the fields offered in the Graduate School. The fellowships cover room, board and tuition, and may be renewed annually up to three years.

For these awards, preference is given to members of the Knights of Columbus, to the wife, son, daughter or sister of a member. The member must be in good standing in the Order; if deceased, he must have been in good standing at the time of his death.

These Fellowships are administered by the Graduate School of the Catholic University for applicants who have been accepted for graduate work there. Application forms may be obtained from the Director of Financial Aid, Catholic University of America, Washington, D.C. 20064.

The Knights of Columbus-Bishop Charles P. Greco Graduate Fellowships were established in 1973 for members, their wives, sons and daughters, and for the widow and children of a deceased member. These fellowships are for full-time graduate study leading to a Master's degree in a program designed for the preparation of classroom teachers of mentally retarded children. The fellowship is granted to a candidate at the beginning of the program of study and offers financial assistance for the educational costs at the graduate school up to a maximum of $500 per semester. The grant is renewable each succeeding semester of the program to a maximum of four semesters upon evidence of satisfactory performance. The deadline is May 1. Application forms may be obtained from the Committee on Fellowships, Knights of Columbus, P.O. Drawer 1670, New Haven, CT 06507.

National Medical Fellowships, Inc., awards scholarships to members of the four under-represented minority groups, (Native Americans, American Blacks, Mexican Americans and Mainland Puerto Ricans) who have been accepted by or are attending accredited schools of allopathic and osteopathic medicine in the U.S. Applicants must be U.S. citizens.

NMF General Scholarship awards are based on financial need and are awarded to first and second-year medical students. Special merit awards are granted to outstanding juniors and seniors.

Applications should be requested from The Scholarship Program, National Medical Fellowships, 254 West 31st Street, 7th Floor, New York, NY 10001. All NMF applications are available in March. The deadline for new applicants is August 30 and for renewal applicants is April 28.

The National Wildlife Federation annually awards a limited number of graduate fellowships of up to $10,000 for study at an accredited college or university in the field of natural resources conservation. Research which is carried out as part of a research program may be considered within this fellowship program. The deadline is November 30. Write to: The Executive Vice President, National Wildlife Federation, Confidential #8, 1412 Sixteenth St., N.W., Washington, D.C. 20036.

Woodrow Wilson National Fellowship Foundation conducts the following programs in higher education:

(1) Mellon Fellowships for Graduate Studies in the Humanities for beginning graduate students who plan careers in college teaching; for more information on Mellon write: P.O. Box 288, Princeton, NJ 08542. (2) Charlotte W. Newcombe Dissertation Fellowships for Ph.D. candidates writing on topics of religious and ethical values in all fields. Application Request Deadline—December of each year. (3) Women's Studies Research Grants for Ph.D. candidates writing their dissertations on a topic concerning women. Application Request Deadline—November of each year. (4) Administrative Fellowships which place holders of M.B.A. and other professional degrees in management positions at developing colleges. (5) Visiting Fellows program which sends professionals to college campuses for a week at a time. Application Request Deadline—November of each year. No fellowships for undergraduate study are available. Applicants interested in the above programs should write for further information to: Woodrow Wilson National Fellowship Foundation, Box 642, Princeton, New Jersey 08542. Also offered: Spencer Dissertation Year Fellowships for Research Related to Education, for Ph.D. candidates in the social sciences or education; and Rural Policy Fellowships, to expand the number of researchers and policymakers concerned with rural policy questions in the U.S. For information on both programs, write to P.O. Box 410, Princeton, New Jersey 08542.

E. STUDENT EMPLOYMENT AND COOPERATIVE EDUCATION PROGRAMS

Cooperative education is a unique plan of education which integrates classroom study with planned and supervised work experience. This educational pattern allows students to acquire practical skills as well as to be exposed to the reality of the world beyond the boundaries of the campus, enhancing the self-awareness and direction of the individuals.

One of the great strengths of cooperative education is its flexibility. The basic concept of integrating work experience in an educational curriculum can be applied in many different ways. The administrative details can be designed to blend with the philosophy of the particular educational institution and the needs of the students to be served.

It is called "cooperative education" because it is dependent upon the cooperation between educational institutions and employers to form a total educational program. The interrelated experience and study components are carefully planned and supervised to produce optimum educational results. Through a balanced educational method which combines classroom theory with career/related paid work experience, cooperative education offers numerous advantages to the student, to employers, and to the institutions.

To receive a free copy of the Co-op Education Undergraduate Program Directory, write to: The National Commission for Cooperative Education, 360 Huntington Avenue, Boston, Massachusetts 02215.

SECTION VII— EDUCATIONAL LOANS: IT'S YOUR CHOICE

INTRODUCTION—MAKING INFORMED CHOICES

You have already made an important life choice—to further your education. It is a major investment of your time, effort and money—a sensible decision to improve yourself and your future.

Now you need to choose the best way to finance your education. Start by totaling the cost of your education (check with the Office of Financial Aid for information on "student budget" figures, the direct and indirect costs of your college education.) Then investigate the types of student aid available (grants, scholarships, student employment and loans.) Apply for funds early by completing financial aid applications well in advance of your period of enrollment.

You may need to consider a student loan. You'll want to think about what amount of educational debt is necessary to obtain your educational goal, and what impact this debt will have on your future lifestyle.

Whatever you decide, be sure your choices are based on sound and realistic information. The information which follows will help you consider the immediate and long-term effects of educational borrowing. Budgeting your educational costs is the first step.

BUDGETING YOUR EDUCATIONAL COSTS

Budgeting puts you in control. It helps you identify and plan for your expenses. A buget can help you make better decisions about financing your education.

As you begin, remember these five important points:

Be realistic—Don't slash any basic necessities, but don't be extravagant either. For example, save designer labels for after you graduate and do with less expensive clothing for now.

Be flexible—Keep a detailed record for month. If your original estimates are inaccurate, review your figures. A budget won't work if it feels too tight (or to loose.)

Give it time—Take the time to get accustomed to using a budget and you'll soon find you better understand income/expense realities.

Keep it updated—Adjust your budget when changes occur.

Complete a personal budget worksheet. A sample is shown on the next page. First, identify all sources of income. These include savings, help from parents and relatives, gifts, financial aid, salary from work study or private employment and any other sources of income that are available to you. Record your resources.

Now calculate how much it will cost for tuition, fees, rent, utilities, books, supplies, transportation, food, clothing, entertainment, medical and personal expenses. Record and total these amounts. Your financial aid officer can provide estimates for many expenses categories.

Next, subtract your expenses from your sources of income. If you have money left over, or if you "break even," you're all set. If the result shows that you don't have enough money, read on.

Budget worksheet

Expenses:	
Tuition	$.....
Fees	.....
Variable:	
Room and board	.....
Transportation	.....
Utilities	.....
Clothing	.....
Food	.....
Personal expenses	.....
Recreation	.....
Other	.....
Total expenses	.....
Income:	
Savings	.....
Earnings	.....
Parents' contribution	.....
Scholarships	.....
Grants	.....
Other	.....
Total income	.....

TIPS ON REDUCING EXPENSES

Books and Supplies—Consider buying used books rather than new ones and softback rather than hardcover. When you're finished with them, sell them. Use the library whenever you can.

Room/Rent/Utilities—If you plan to live in an apartment, get a roommate. To save on utilities, use heat-producing applicances sparingly. Turn off lamps, lights and stereo when not in use. One telephone with a long cord may be cheaper than extra phones.

Food—If you are self-supporting, try to prepare all your meals at home. Bringing a sack lunch will save money.

Plan your meals in advance and do your shopping from a list of essentials. Buy only what you have itemized on the list.

Shop at supermarkets rather than specialty shops. The smaller stores usually charge higher prices.

Save coupons only for items you would buy normally. A bargain is not a bargain unless it is something you are really going to need.

Buy fruits and vegetables in season. They are much cheaper at that time.

Compare prices. Try the store brands; you may like it better, and it is often cheaper. Watch for specials. Buy bulk items.

Recreation and Entertainment—Try less expensive group and on-campus activities rather than higher priced off-campus events. Parties are less costly if everyone contributes. Investigate student and group rates. Early shows at movie theaters are often at half price.

Transportation—Avoid the financial drain of an automobile. The combination of high gasoline and oil costs, license and registration fees, insurance and regular maintenance makes an automobile a real luxury. Look into public transportation, car pooling or bicycling.

Clothing and Laundry—Shop discount stores, clothing warehouses and factory outlets for best prices. Don't buy clothes that need to be drycleaned or altered. Avoid designer labels. (Must you dress to impress? Can you judge the student by the jeans?)

ALTERNATIVE TO BORROWING

Before seeking a student loan, check out other ways to pay for your college education. Some ideas:

1. Check with the financial aid administrator about grants and scholarships. These funds, sometimes called "gift aid," are not paid back. Some are awarded based on financial need, and some consider the student's "merit," or outstanding ability in grades, test scores, athletic skills, musical or artistic talent, community or volunteer involvement, or other special abilities.

Some of these are offered by the University, and some are offered by organizations, locally or nationally. Investigate awards offered by religious groups, fraternities, sororities or civic clubs. Check with employers, who may offer aid to employees or children of employees. Look into organizations such as The American Legion, YMCA/YWCA, 4-H Club, Kiwanis, Jaycees, and Chamber of Commerce. Check out organizations connected with your field of interest (such as the American Medical Association or the American Bar Association.) Visit the library and look over publications recommended by the librarian for possible scholarship resources.

2. Check out student employment. The Financial Aid Office may find you eligible for college work-study. Career Planning and Placement on campus is another source of part-time job leads. Plan for summer and holiday season work to help offset some of your tuition and other costs. Check with the Career Center about cooperative education, a work-for-credit program where you gain college credit (and usually a salary) through employment at an off-campus worksite.

3. If you have an interest in the military, investigate ROTC programs at your college(s) of interest. The military services provide excellent educational benefits.

Once you have checked out loan alternatives, you may still feel a loan is needed. What you should consider when borrowing is outlined in the next section on credit.

UNDERSTANDING CREDIT

Credit is simply a promise to pay later for goods, services or money you receive now. When you apply for an educational loan, you are taking what may be your first step toward establishing credit. To keep your debt level manageable, consider these factors before you make a loan commitment:

Dollar amount of loan—Think about how much you need to borrow. You may decide not to borrow the full amount you may be eligible for. Borrowing less (whether from the University or your banker) means paying back less.

Number of loans—Your total indebtedness will be affected by your plans for further study. For example, are you considering graduate school?

Loan limits—Most loan programs specify minimum and maximum amounts (either yearly or in total or both) you can borrow.

Different lenders and loans programs—You can reduce the potential for multiple monthly payments by staying with one bank and one loan program whenever possible.

Length of repayment period—Your loan will be paid sooner and you will save interest costs if you choose a shorter repayment period (even though monthly payments would higher.) Most loans must be repaid within five to ten years.

Interest rates—Rates are subject to change and they vary with each program. Current 1988 interest rates are:

Your school is lender—Perkins Loan (formerly National Direct Student Loan—NDSL), 5%.

Bank is lender—Guaranteed Student Loan (GSL), 8%.

Bank is lender—Plus loan (parents)/Supplementary Loans to Students, variable rate (3.75%) above 91-day Treasury Bill rate.) For the 1988-1989 award year, the interest rate is 10.45%.

Minimum monthly payments—Your monthly payments will depend on the amount you borrow; however, your payments will be at least $30 monthly (for Perkins Loan/NDSL) or $50 monthly (for GSL).

Rights and responsibilities—Make sure you understand your rights and responsibilities under each loan program. Keep all paperwork for future reference.

Remember, when considering a student loan, think carefully about three points:

First, loans are obligations that must be repaid.

Second, the amount of money you decide to borrow now can affect your lifestyle for years after you leave school.

Third, your ability or inability to repay will affect your credit-worthiness for other credit-based purchases, such as a car or a home.

Plan ahead for repayment. Choose wisely.

PLANNING FOR REPAYMENT

Think about what your monthly income and expenses will be after you graduate. Average starting salaries of graduates for your profession usually are available from your college's Career Planning and Placement Office. Complete a budget worksheet to estimate if your income will be sufficient, given your choice of lifestyle, to allow for repayment of the loans you may accept.

As a general guideline, experts agree you should not borrow an amount that would require you to make an annual payment totalling more than eight percent of your first year's income with an undergraduate degree or certificate, or more than 15 percent of your first year's income with a master's or higher degree.

Consider the cases of Harry, Kevin and Lisa. All three borrowers have identical incomes and student loan debts. Harry has his own apartment, a new car and an active social life. He is also in danger of defaulting on his student loan because he has more expenses than income each month. Kevin, on the other hand, has his own apartment, but he uses public transportation and brings his lunch to work. He breaks even at the end of each month and is able to repay his student loan. Lisa has decided a car is an absolute must. She realizes, however, that if she has car payments to make, she will be unable to

afford an apartment. She opts to live at home with her parents until her income increases enough for her to afford her own apartment. Because she also has a part-time job, she is able to meet all of her other expenses and save money toward that apartment.

To plan intelligently for future loan debt, review carefully the repayment schedules you will be provided. Look over the sample Guaranteed Student Loan repayment schedule below:

TYPICAL REPAYMENT PLANS

Total GSL indebtedness	Number of payments	Monthly payment	Interest charges	Total repaid
$2,500	60	$50.70	$541.46	$3,041.46
5,000	60	101.39	1,082.92	6,082.92
10,000	120	121.33	4,559.31	14,559.31
12,500	120	151.67	5,699.14	18,199.14
25,000	120	303.33	11,398.28	36,398.28

REPAYING YOUR LOANS

Most students enter repayment following a six month "grace period" after graduation or last attendance. You usually will be reminded of your debt and the start of your repayment plan. If for some reason your lender does not contact you, you must contact your lender as part of your responsibility to the loan program.

If you can make payments on your loan during your grace period, do so. All grace period payments are interest-free and will greatly reduce the amount of interest you will pay on the loan. Contact your lender for more information about prepayment.

Paying your student loan promptly each month will help you establish a good credit record. Good credit is an asset when applying for other credit, such as a car loan or home mortgage. Frequent late payments constitute delinquency, and may harm your credit history.

Here are some tips on avoiding delinquency:

Notify your lender (the bank and/or the school) whenever your name or address changes.

Send the payment due each month, even if you haven't received a bill. Whenever possible, send larger or extra payments to reduce the amount of interest you will pay on the loan.

Call your lender immediately if you realize you are unable to make a payment on time. Suggest a plan for catching up in future months.

Under specified conditions, you may be able to put off your payments for a time (deferment). Know your deferment rights; request and complete all necessary forms. Follow up to be sure your loan payments are deferred properly.

Keep copies of student loan records, letters and all payments.

Always call if you have a question or a problem. Never ignore correspondence or requests for payment.

HOW AND WHY YOU SHOULD AVOID DEFAULT

Loan default is a failure to repay a loan according to terms agreed to when you signed the promissory note, the legal document you signed listing the conditions under which you are borrowing and the terms under which you agreed to repay the loan.

These are some consequences of defaulting on your educational loan:

Defaults are reported to local credit bureaus, and can remain on record there for as long as seven years.

A poor payment record can delay or prevent you from obtaining other types of credit such as credit cards, mortgages, and auto loans.

You will be unable to obtain future educational loans and all other student financial aid from any institution.

You will be ineligible for other types of government loans that may assist you in the future, such as small business loans or federally-subsidized mortgages.

You may be taken to court or lose all your assets.

Involuntary deductions from salary to repay the Guaranteed Student Loan are authorized if you work for a federal agency.

Income tax refunds (federal and some state) may be attached and applied to the balance of the defaulted loan.

Increased interest amounts, late charges and court and attorney fees may be added to the amount you must repay.

You will be ineligible for deferments once your loan is in default.

Default is avoidable

It requires careful planning when you make the decision to borrow, and when you make choices about your lifestyle (and the expenses that go with that lifestyle). Your choices about student loan debt could help to fund an educational investment in yourself. Similar decisions will make repayment comfortable or uncomfortable for you.

The thought you should always keep in mind is: If you need to borrow, borrow only what you need—and only what you can reasonably expect to repay.

Remember. It's your choice.

(We wish to acknowledge the Massachusetts Higher Education Assistance Corporation for source material used in this section.)

PERMANENT HOUSING FOR HOMELESS AMERICANS ACT

● Mr. SIMON. Mr. President, I am pleased to join my colleagues in introducing the Permanent Housing for Homeless Americans Act of 1989.

In the past few years, we have seen attempts made to deal with our Nation's overwhelming problem of homelessness. The enactment of the Stewart B. McKinney Homeless Assistance Act of 1987 and its subsequent reauthorization were substantial first steps. We can and should congratulate ourselves that, in recognizing this crisis, Congress moved so quickly. We should, however, not be complacent because more needs to be done. I believe this act will help meet these needs.

Let me quote from a recent article by Robert Kuttner, which I believe neatly summarizes the situation: "In most of America, the private market cannot produce a house or an apartment at a price that low-income households can afford, and the Government is withdrawing from the business of housing subsidy. With income distribution worsening generally, the result is a widening chasm between incomes and housing costs."

The Permanent Housing for Homeless Americans Act provides a much-needed short-term infusion of dollars into the housing market. By targeting those areas with the highest numbers of homeless, we will be assured that scarce Federal resources are going to the most needy.

I believe this bill will complement the McKinney Act and is the logical next step in our efforts to eliminate the homeless problem. I look forward to working with my colleagues on this important legislation. I hope that our continued efforts in this area reassure homeless individuals that their plight is not being ignored and that we will not stop our efforts until this terrible national disgrace is resolved.●

MODIFICATION OF PREVIOUS UNANIMOUS-CONSENT AGREEMENT AND ORDERS FOR FRIDAY, JUNE 2, 1989

Mr. MITCHELL. Mr. President, for the benefit of Senators, it is my intention now to propound a unanimous-consent agreement for the disposition of the pending supplemental appropriations bill to identify the days and times in which the matter will be further considered, the amendments remaining to be considered and the circumstances under which those amendments will be considered.

Mr. President, I ask unanimous consent that the unanimous-consent agreement currently in effect for the supplemental appropriations bill be superseded by the agreement which I will now propound. That agreement is that when the Senate completes its business today, it stand in recess until 9:30 a.m. on Friday, June 2, and that on Friday, following the time for the two leaders, there be a period for the transaction of morning business not to extend beyond 10 a.m. with Senators permitted to speak therein for not to exceed 5 minutes each; that at 10 a.m. tomorrow the Senate return to consideration of H.R. 2072 and that the following amendments be the only amendments in order and that no perfecting amendments or motions to recommit be in order:

An amendment by Senator ADAMS to stabilize the apple markets, 10 minutes equally divided; an amendment by Senator METZENBAUM regarding Winton Woods Lake in Cincinnati, OH, 5 minutes equally divided; an amendment by Senator GRAHAM relating to Haiti with no time agreement; two amendments by Senator WALLOP relating to fire rehabilitation and fire research, 20 minutes each, equally divided; an amendment by Senator HEINZ regarding the targeted jobs tax credit, no time agreement; an amendment by Senator GRAMM regarding Central and South American refugees, 20 minutes equally divided.

I further ask unanimous consent that when the Senate recesses on Friday it stand in recess until 8:30 a.m.

on Tuesday, June 6, and that on Tuesday, following the time for the two leaders, there be a period for the transaction of morning business not to extend beyond 9 o'clock with Senators permitted to speak therein for not to exceed 5 minutes each.

I further ask unanimous consent that at 9 a.m. on Tuesday, the Senate return to consideration of H.R. 2072 and that the following amendments be the only amendments in order:

An amendment by Senator KASTEN regarding section 89 with no time agreement; an amendment by Senator WARNER relating to Alar with 45 minutes equally divided; an amendment by Senator HELMS relating to Namibia with 20 minutes equally divided; an amendment by Senator HELMS relating to South Africa with 20 minutes equally divided; an amendment by Senator MCCAIN regarding catastrophic health insurance with no time agreement.

I further ask unanimous consent that with respect to these amendments which I have just identified, it would be in order on Tuesday that relevant second-degree amendments be in order with the same amount of time as the first-degree amendment if the first-degree amendment is under a time limitation and with no time limitation if there is no time limitation on the first-degree amendment; that the agreement be in the usual form; that no motions to recommit be in order and that no points of order be waived by this agreement.

I further ask unanimous consent that any rollcall vote ordered on these amendments on Friday or Tuesday be stacked to occur not earlier than 4:45 p.m. on Tuesday; that the first rollcall vote be a 15-minute vote and that the rollcall votes immediately thereafter be 10 minutes each; that immediately following the disposition of these listed amendments, the Senate proceed to third reading and without further debate or motions of any kind final passage of the bill, as amended.

Mr. PACKWOOD addressed the Chair.

The PRESIDING OFFICER. The Senator from Oregon is recognized.

Mr. PACKWOOD. To make sure I understand, amendments are in order but only second-degree amendments and no motion to recommit on any of those even without time limits?

Mr. MITCHELL. That is correct. That is the proposal. Now, I will say to the Senator, it is my understanding those are the provisions that are currently applicable under the agreement now in effect.

Mr. PACKWOOD. The reason I ask is I may, I am not sure because I am not sure how the debate is going to go, I may want to argue to recommit, and I hate to waive that right. I am not sure yet.

Mr. MITCHELL. I point out to the Senator, that is already in force. The Senator does not now have that right with respect to that amendment.

Mr. PACKWOOD. I appreciate that correction. With that, I have no objection.

Mr. BOSCHWITZ addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. BOSCHWITZ. I ask the majority leader that once the votes begin, they will proceed in sequence and there will be no motions, no debate, no other things in between the votes? They will just go on?

Mr. MITCHELL. That is correct. That is my intention. In order to accommodate the maximum number of Senators and to identify in advance as explicitly as possible when votes will occur, it is my intention that rollcall votes will commence not earlier than 4:45 p.m. on Tuesday and that the first vote will be 15 minutes. The succeeding votes would be 10 minutes on the amendments and then there would be a vote on final passage.

I emphasize to the Senator because we discussed prior to this colloquy his concerns for that date, since there are no time limitations on two of the amendments to be considered on Tuesday, both of which are important matters which Senators have expressed appropriately an interest in possibly debating at some length, I cannot assure the Senator from Minnesota or anyone else that the votes will commence at 4:45.

This provides they will commence no earlier than that, but if we are through debating the amendments by then—and I hope to try to get an agreement to that effect on Tuesday when the Senators involved have had a chance to review and consider the matter further—I hope to pin it down specifically to 4:45 on Tuesday.

Mr. BOSCHWITZ. I thank the leader.

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. The Senator from West Virginia is recognized.

Mr. BYRD. Perhaps I did not hear the agreement well, but the way I understood it any votes that would be ordered on Friday or on Tuesday prior to the hour of 5 o'clock p.m. Tuesday would be stacked, votes to begin at 5 o'clock—at 4:45 on Tuesday. Am I correct?

Mr. MITCHELL. No. I changed the language on the typewritten document which the Senator now has to state not earlier than 4:45, for the reason that when this document was typed it was anticipated that there would be time agreements with respect to each amendment. Since then it has become clear through discussions with interested Senators with respect to the two amendments which I identified, Senator KASTEN's amendment on section 89, and Senator MCCAIN's amendment on catastrophic health, that Senators opposing those amendments will not now agree to a time limitation. Therefore, it is not possible to fix a specific time to vote. But to give Senators the maximum advance notice, it is my intention that the votes will occur beginning at 4:45, in any event not earlier than 4:45. I repeat that I hope on Tuesday morning—and I will make another effort to obtain an agreement—to specify it precisely 4:45. At this time we are unable to do that.

Mr. BYRD. Mr. President, reserving the right to object, the agreement as read does not rule out tabling motions, so when all debate on an amendment has run its course where there is a time limitation on the amendment, I simply announce that I would make a motion to table but not at that point because under the agreement no rollcall vote could occur and it would be clear on the record that a motion to table would be made no earlier than 4:45 on Tuesday.

Mr. KASTEN addressed the Chair.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. KASTEN. Reserving the right to object, I first say to the majority leader that under the present unanimous consent request we have a limit of 30 minutes equally divided on the Kasten amendment with regard to section 89. I wanted to say to the Senator that I know he is unable to get all the parties involved to agree with this right now, but I would be agreeable to 30 minutes equally divided. I am agreeable to an hour equally divided. I will work with the Senator in terms of doing that. Is my understanding correct that at this point the Senator is not able to agree to a time limit on that amendment?

Mr. MITCHELL. The Senator is correct.

Mr. KASTEN. I just have one further clarification. The Senator listed a number of amendments including my amendment on section 89, an amendment by Senator WARNER, two amendments by Senator HELMS and an amendment by Senator MCCAIN. The Senator is not assuming that the amendment will necessarily appear in that set order; that on Tuesday next we will have an opportunity to work our way through all of these different amendments, and that is not necessarily the set order in which they are going to come before the Senate, is that correct?

Mr. MITCHELL. That is correct. Indeed, it is my intention, attempting to make the most sufficient use of the Senate's time, that we would begin by taking up those amendments with respect to which there is a time agreement and while those are being considered to seek to obtain time agreements with respect to the remaining two.

Mr. KASTEN. I thank the Senator and I have no objection.

Mr. EXON. Mr. President, I apologize to the majority leader, reserving the right to object, and I hope that I will not but I need a clarification. I was not here to hear the arrangement proposed with regard to the catastrophic amendment that is intended to be offered, as I understand it, by Senator McCAIN. I intend to basically support the McCain amendment. I understand that there are other Members who may provide amendments to that in the second degree or they could go the substitute route.

While I support the McCain thrust, there is an additional matter that I think should be included in that proposition. I am only rising to see if I can get some kind of understanding with the majority leader. If I do not object to this unanimous-consent agreement, would the Senator from Nebraska have an opportunity and can I be assured of an opportunity to offer an amendment to the McCain amendment provided my concerns are not included in his amendment?

Mr. MITCHELL. Under the proposed agreement, there will be no limitation either on time or amendments to the McCain amendment other than that the second-degree amendment be relevant.

Mr. EXON. Be relevant.

Mr. MITCHELL. Be relevant, right. The Senator would be free to offer a relevant amendment to the McCain amendment.

Mr. EXON. I thank the leader, and with that understanding I have no objection.

Mr. MITCHELL. Mr. President, could I just say to the Senator from Wisconsin, so that it be clear, there are three amendments with respect to which there are time agreements. Two of them may well not be offered. One of them has a maximum of 45 minutes, but I am advised that it may take much less than that. So I hope the Senator from Wisconsin and the Senator from Arizona will be here at 9 o'clock on Tuesday morning ready to proceed to their amendments. We really must complete action on this bill on Tuesday. They have the most controversial amendments with respect to which we cannot get a time agreement, and I hope very much that come Tuesday morning, although we may not go right to the amendment at 9 o'clock, the Senators be here and ready to go because it could be shortly thereafter.

Mr. McCAIN. Mr. President, reserving the right to object and I will not object, I appreciate the Senator's indulgence and that of the distinguished chairman of the Appropriations Committee. I should also like to state that I am prepared to enter into any time agreement reasonable on this amendment. I also look forward to any perfecting amendment that might be proposed by my colleague from Nebraska. But I repeat to the majority leader, I would be more than happy to enter into a reasonable time agreement such as a half-hour on each side or an hour on each side on this amendment.

Mr. MITCHELL. Mr. President, I would to ask the Parliamentarian to please give his attention to this. So that the Senator from Nebraska will not be in any way misled by my answer, there is no limitation now on relevant second-degree amendments to the amendment to be offered by the Senator from Arizona. However, under the rules, if another Senator were to gain recognition, offer an amendment that was in the nature of a complete substitute and it were adopted, it is my understanding that would preclude the Senator from Nebraska or anyone else from offering an amendment to that. I believe that to be correct. So the Senator should be aware in that regard. I assume he was but I did want him to be misled by my earlier answer.

The PRESIDING OFFICER. The majority leader is correct.

Mr. EXON addressed the Chair.

The PRESIDING OFFICER. The Senator from Nebraska is recognized.

Mr. EXON. Possibly the amendment that the Senator from Nebraska has in mind, which I think is well known to the Senator from Arizona, could be incorporated in his amendment. If so, I would have no objection, if I could just make sure that the amendment to which I have reference is with regard to a detailed study with regard to the possible overcharges on the premiums. Other than that I have no quarrel with what I understand is going to be offered by the Senator from Arizona, although I have not seen the final text of what he intends to offer. I might ask the question at this time, Is the amendment that the Senator from Arizona intends to offer identical to the bill the Senator previously offered on this subject?

Mr. McCAIN. Mr. President, I would like to respond to my colleague from Nebraska by saying yes, it is, and I would be pleased to include his addition to the amendment concerning a detailed study about financing and the possible overcharge in the amendment. I think that would make things a lot easier for all concerned. I appreciate his input.

Mr. EXON. With that understanding, I think that solves the problem. I think we have an understanding, the Senator from Arizona and the Senator from Nebraska. If the amendment that I have in mind, which I am sure the Senator from Arizona is very familiar with, can be incorporated in his amendment, then that would suffice as far as this Senator is concerned.

I thank the Chair. I thank the Senator from Arizona. I thank the leader.

Mr. MITCHELL. Mr. President, I therefore renew my unanimous-consent request.

Mr. SIMPSON. Mr. President, reserving the right to object, and I shall not object, I at this point in the proceedings want to thank the majority leader for his extraordinary patience and kindness in his accommodation to the minority leader whose schedule precluded him from being here, a schedule well known to the majority leader for many days.

On behalf of the leader, I appreciate indeed his willingness to accommodate, and it has been a distinctive pleasure to see the majority leader present to our side of the aisle the various options this evening, which have been fairly presented, and weighed to move this particular piece of legislation. The staffs can begin to work. They are beginning to work on these amendments. They know what they have to do. And with the funeral services for our dear departed colleague, Claude Pepper, we should be able to proceed without any hindrance with what we have to do in conference.

I thank the majority leader.

The PRESIDING OFFICER. Without objection, the unanimous-consent request propounded by the majority leader is agreed to.

ORDER OF PROCEDURE

Mr. MITCHELL. Mr. President, it is, I believe, stating the obvious that there will be no more rollcall votes tonight.

Mr. President, I want to thank all of my colleagues for their cooperation in this matter, most especially the distinguished chairman and ranking member of the committee. I think this clears the way for final action on this matter sometime on Tuesday late afternoon or early evening.

I thank the chairman for that.

Mr. BYRD. Mr. President, will the distinguished majority leader yield?

Mr. MITCHELL. Yes.

Mr. BYRD. I wonder if we could have an understanding that we would make every effort to finish this bill on Tuesday even though we may have to go very late Tuesday night.

Mr. President, I thank the distinguished majority leader for his cooperation, for his understanding, and for his very able assistance.

Mr. MITCHELL addressed the Chair.

The PRESIDING OFFICER. The majority leader is recognized.

AUTHORIZING USE OF THE SENATE HART OFFICE BUILDING ATRIUM FOR A CONCERT BY THE CONGRESSIONAL CHORUS

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Senate Resolution 140, submitted earlier today by Senator KERREY, authorizing the use of the Hart Office Building Atrium 1 day during the week of June 19, 1989, from 12 noon until 1 p.m., for a concert presented by the Congressional Chorus.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A resolution (S. Res. 140), authorizing Use of the Senate Hart Office Building Atrium for a Concert by the Congressional Chorus.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

The resolution was agreed to, as follows:

S. RES. 140

Resolved, That the atrium of the Senate Hart Office Building may be used from 12 noon until 1 p.m. on one day during the week of June 19, 1989, for a concert of American music to be presented by the Congressional Chorus.

Mr. MITCHELL. Mr. President, I move to reconsider the vote by which the resolution was agreed to.

Mr. KASTEN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

REFERRAL OF S. 1073

Mr. KASTEN. Mr. President, on behalf of Senator STEVENS, I ask unanimous consent that the Rules Committee be discharged from further consideration of S. 1073, dealing with railroad retirement, and it be referred to the Committee on Governmental Affairs.

The PRESIDING OFFICER. Without objection, it is so ordered.

APPOINTMENTS BY THE VICE PRESIDENT

The PRESIDING OFFICER. The Chair, on behalf of the Vice President, pursuant to 22 U.S.C. 276, as amended, appoints the Senator from Montana [Mr. BURNS] as vice chairman of the Senate delegation to the Interparliamentary Union during the 101st Congress.

The Chair, on behalf of the Vice President, pursuant to 22 U.S.C. 276d-276g, as amended, appoints the following Senators as members of the Senate delegation to the Canada-United States Interparliamentary Group during the 101st Congress, 1st session, to be held in Montebello, Canada, June 1-5, 1989: the Senator from Idaho [Mr. MCCLURE], the Senator from Iowa [Mr. GRASSLEY], and the Senator from Mississippi [Mr. LOTT].

MORNING BUSINESS

Mr. MITCHELL. Mr. President, I now ask unanimous consent that there be a period for morning business not to extend beyond 10:45 p.m. under the same conditions as previously ordered.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. EXON addressed the Chair.

The PRESIDING OFFICER. The Senator from Nebraska is recognized.

Mr. EXON. I thank the Chair.

(The remarks of Mr. EXON, pertaining to the introduction of S. 1114 and S. 1115 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

RECESS UNTIL 9:30 A.M. TOMORROW

Mr. MITCHELL addressed the Chair.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. MITCHELL. Mr. President, if the distinguished acting Republican leader has no further business, and if no other Senator is seeking recognition, I ask unanimous consent that under the previous order the Senate stand in recess until 9:30 a.m. tomorrow, Friday, June 2, 1989.

There being no objection, the Senate, at 10:38 p.m., recessed until Friday, June 2, 1989, at 9:30 a.m.

EXTENSIONS OF REMARKS

THOUGHTFUL REMARKS ON SOVIET UNION

HON. GUY VANDER JAGT
OF MICHIGAN
IN THE HOUSE OF REPRESENTATIVES

Thursday, June 1, 1989

Mr. VANDER JAGT. Mr. Speaker, there have been a lot of words written and spoken over the past several years about what is going on in the Communist bloc, and about what the United States can and should do to seize the opportunity.

Our colleague, BILL BROOMFIELD, in a recent speech to many of my friends and constituents at Michigan's Traverse City Rotary Club, gives about as good a summary of the situation as I've read. What's more, he lays out five very practical things the Soviets can do to show that their government should be recognized as one that respects the rights of its people at home and seeks peace in the world.

BILL traveled to Traverse City at the invitation of Art Elliott, the Rotary Club's fine program director and former Republican chairman of the State of Michigan. BILL was introduced by an old friend of ours, Bob Griffin, who served with many in this great House as Representative from the Traverse City area and then went on to an outstanding career in the Senate, where he served in the Republican leadership. He is now a Justice of the State Supreme Court in Michigan.

BILL BROOMFIELD has been a perceptive observer of the Soviets for years from his position as vice chairman of the House Foreign Affairs Committee, and I know my colleagues will benefit from reading his thoughtful remarks.

REMARKS OF CONGRESSMAN WILLIAM S. BROOMFIELD TO THE TRAVERSE CITY ROTARY CLUB, TRAVERSE CITY, MI, MAY 30, 1989

I'd like to thank Art Elliott for inviting me to speak to the Rotary Club of Traverse City. I can't imagine a more beautiful place in America than Traverse City at this time of the year.

During the nearly 30 years that I've served on the Committee on Foreign Affairs, I have witnessed many fascinating events, but nothing rivals what is going on in the Communist world today.

Communism may be collapsing, and that possibility would be a fitting way to end this century.

Anyone watching their television set during the past several weeks has seen this phenomenon first-hand. Some have tried to dismiss the student uprising in China by saying it is no different than the student uprisings in America and France in the 1960's.

I believe the China uprisings go deeper than that. These students have either studied in the West themselves, or know other students that have. They want the same democratic freedoms we have here.

For years Communist regimes have in effect offered their peoples a deal: Give up your political freedoms and we will promise you economic security in return. In the end, the people lost both. The only economic result was that people were secure in the knowledge that all their friends and neighbors were equally impoverished.

The Chinese people have lost confidence in communism. You may remember that the uprisings in the West in the 1960's were confined to students. The recent uprising in China extended to laborers, farmers, government bureaucrats, and army officers. And judging from the lack of decisive action from the government, I'd say the loss of confidence extends to the Communist leaders themselves.

Not only does communism seem to be collapsing, but it is beginning to fall apart in the very country that first adopted it—the Soviet Union.

What happens in the Soviet Union will have far greater foreign policy impact on the United States than events in China and other Communist countries. The Soviets present the greatest military threat to the West. What's more, the Soviet Union is what you might call the home base of communism. What the Vatican is to Catholics, the Kremlin is to Communists. If communism comes apart in the Soviet Union, I can't believe it will maintain its hold on other countries in the world.

What I would like to do in the next few minutes is to share a few thoughts about what is going on in Russia and also discuss whether America is in a position to seize the opportunity.

I suspect we're all surprised at the rapid pace of reform in that country. I had some doubts at first, but it is clear that Mr. Gorbachev is trying to change the political structure and create greater openness throughout his country.

He has allowed elections with more than one candidate; he appears to have given the legislature a limited authority to make laws; he has stopped jamming Radio Free Europe and Radio Liberty, which broadcast into Russia; he has loosened restrictions on emigration; he has allowed controversial books to be printed.

Of the many reforms undertaken to open up the Communist system, I'll mention two. First, is a greater freedom to publish the truth. Russians today are learning more about their past and present than they have at any time in this century.

The most remarkable debate is about the events of the 1930's. From what we know today, it appears that Josef Stalin was responsible for the deaths of as many as 20 million Russians. Russans are now beginning to discuss that fact openly.

A group called Memorial has become an unofficial investigating committee into that period. Not so long ago, any such group would have been disbanded, its leaders hunted down and sent to prison.

The fact that they are allowed to carry on their investigation is evidence that Gorbachev is taking glasnost seriously. He and his fellow Politburo leaders have the most to lose from such an investigation. For they are the heirs to the Stalinist legacy.

The second reform is poltical restructuring. For the first time since 1917, the people of the Soviet Union have been offered a choice of candidates at the polls.

The Soviets insist that this will not be a rubber stamp legislature. That remains to be seen. But what is clear is that the people have had a taste of democracy. Going back to the old system will be like trying to put toothpaste back in the tube.

Gorbachev's conversion toward democratic principles is not one of the heart. It comes simply from a cold and clear-eyed deduction that his economy is slowly dying.

Economics is at the center of all of the changes in the Soviet Union. No great empire can survive if it can't feed its own people.

The most visible sign of the Soviet Union's inability to run its economy is the "line."

The Russian housewife spends on average 2 hours a day in line, 7 days a week. Someone has figured out that the time Soviet citizens spend in lines equals the yearly labor of 35 million people working 44 hours a week. So much for the promised efficiencies of a planned economy.

The second visible example is from the production side of the economy. You may remember the Lenin shipyard in Gdansk, Poland. That's where the Solidarity trade union got its start.

Now the Polish Government wants to close it. If so, it will be the first time in anyone's memory that an East bloc government has successfully closed a major money-losing industrial enterprise.

This would mean a significant change in Communist thinking. Under their mind-set, the prime purpose of a factory is not to produce products, but to provide jobs. Closing the shipyard would mean 11,000 shipyard workers will be looking for work. Poland admits that it has been operating at least 150 major state enterprises at a loss. That shows the extent of the problem.

Since Communist economies are centralized, people know who's to blame when things go wrong. There must be a lot of nervous officials in Communist capitals these days.

In fact, it was recently discovered that the basement of Polish Communist headquarters in Krakow had been made into a bunker. It contains huge supplies of food and water, enough to withstand a long siege.

And a secret tunnel now leads from the bunker to the Soviet Consulate in Krakow. These are not the actions of men who feel secure in their jobs.

How serious is Gorbachev about changing the system? Let me suggest five things he could do to show the world that his government should be recognized as one that respects the rights of its people at home and seeks peace in the world.

In the area of human rights, I'll take Gorbachev more seriously when he prevails on his East German allies to tear down the Berlin Wall. I am aware of walls built in the past with the purpose of keeping people out. This is the first wall I am aware of that was created to keep people in. The Berlin Wall has been up now for 28 years; it's time to tear it down.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

In the military area, I'll take Gorbachev more seriously when he actually makes the big cuts in the Soviet military presence in Easern Europe that he's promised. He made a good start with his speech last December at the United Nations. And he even upped the ante a few days ago.

But he's got a long way to go if he wants to achieve a balance of forces in the area. Take President Bush's new offer. If both the United States and the Soviets were to reduce their troop strength in Europe to 275,000 apiece, the United States would face only a 20-percent reduction; the Soviets, a 50-percent reduction.

So you can see the dimensions of the problem. We should not get so taken with Gorbachev's internal reforms that we forget what President Bush pointed out: The Soviet Union has acquired awesome military capabilities. The East bloc may have become an economic pygmy, but it is still a military giant.

The new Bush offer is a good way to test Gorbachev's sincerity. Gorbachev says he wants a purely defensive army in Eastern Europe. Fielding two opposing armies of equal strength is a good way to achieve that objective. We'll soon get a chance to see just how sincere Gorbachev is.

In the political area, Gorbachev will show me something if he agrees to allow genuine opposition political parties. So far, he has refused. The acid test of democracy is when you can throw the incumbents out. Organized political parties give people a realistic chance to do just that.

If that day comes, it will be clear that the government is interested in major political reform.

Gorbachev will show me that the Soviet Union is serious about being a responsible member of the world community when he agrees to stop fomenting revolution around the world.

A good test case would be Central America. Since 1981, the East bloc has funneled more than $2½ billion in military aid to the Sandinista regime in Nicaragua. The Soviets have sent them tanks, artillery pieces, helicopters, and enough arms and ammunition to intimidate all of their neighbors in Central America.

The Soviets continue to finance civil war in El Salvador. If communism has proved to be such a failure at home, why do the Soviets continue to finance its spread abroad?

Finally, Mr. Gorbachev will show me he is serious about economic reform when he lets the market decide price levels. Free prices are the acid test of market economics. He is going to have to replace his bureaucrats and their economic directives with market pricing.

No wonder Russians have to wait so long to buy bread and rent apartments. Rents have been set at the same level since 1928; bread since 1954.

Bread sells in stores for less than 10 percent of what it costs to produce it. It's actually cheaper for farmers to feed their cattle with bread than with grain.

I'll be the first to admit that Gorbachev faces a real dilemma. If he frees prices and allows them to seek their market level, he risks runaway inflation. If he continues to set prices artificially, the Soviet economy will continue to decline, and goods will become even more scarce.

Gorbachev, however, has taken some steps in the right direction, but he has a long way to go. The real test of economic reform will be market pricing; the real test of political reform will be political parties.

Until the Soviets have taken these tough steps, I think we should be wary of making a lot of moves ourselves.

Let's give peace a chance. But let's not do it, as some are suggesting, by rushing to Moscow with all sorts of loans and credits to rescue the Soviet Union from its own past.

It is clear that the Soviet economy is slowly dying from prolonged exposure to Marxist economics. Now we are being asked to help pick up the tab for rescuing the Soviet economy—and I might add, for preserving the very party that created and maintains the system.

Trade credits and loans cannot do much to help Gorbachev's efforts to rescue the Soviet economy. But they can drag the United States into a position in which it develops a material stake in the outcome. We have enough debt problems in the Third World. We don't need more in the Communist bloc.

Whatever foreign policy direction we decide on as a nation, I believe it is important to speak with one voice.

No President can sustain a foreign policy initiative, no matter how sound, in the face of unrelenting criticism.

It was bipartisanship that supported the policy of containment. As President Bush recently noted, the strategy of containment achieved just what its proponents intended: The Soviet Union was "denied the easy course of expansion." So its only recourse was to "turn inward and address the contradictions of its inefficient, repressive, and inhumane system." In other words, containment worked.

However, as the President said, it's now time to move beyond containment, and to seek to integrate the Soviet Union into the community of nations. And I would add that there will be no better way to develop this new strategy than to seek bipartisan support from the very beginning.

Just after World War II, Senator Arthur Vandenberg met in Washington and mapped out the basic principles of America's postwar bipartisan foreign policy with Secretary of State George Marshall.

The bipartisan foreign policy lasted until 1969, the year that Democrats in Congress felt they were free to harass a new Republican administration for carrying out a policy on Vietnam that was developed by the democrats themselves.

Foreign policy in Washington is now a two-front war. For the past 20 years, the Republicans have had a virtual lock on the White House, and the opposition has had a virtual lock on Congress. So it's become a fight between two parties and between two branches of government.

The coming decade will test this Nation's ability to cope with world events. As the Communist world collapses, we must be prepared to see that the world that emerges is open to democratic institutions and hospitable to the United States.

The way we respond to these rapidly developing events will determine in large measure the shape of the world in the 21st century. We can continue to bicker, or we can show the foresight to develop a foreign policy consensus. If America has the will, it will certainly have the strength to project its ideals to the world well into the 21st century.

THE COMPREHENSIVE HAZARDOUS MATERIALS SAFETY ACT

HON. JACK BUECHNER

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 1, 1989

Mr. BUECHNER. Mr. Speaker, the transportation of hazardous materials on our Nation's highways, roads, and railways has reached epidemic proportions. More than 250,000 shipments of hazardous materials are made daily by truck and rail. As a result, the public lives with the constant threat of a deadly explosion, a release of lethal fumes or a spill of radioactive materials.

While there is no easy solution, one thing is clear: The brave men and women who are called upon to handle these emergencies are entering a war zone. As in any war, we don't send our troops into combat unprepared.

Sadly, I think our firefighters, police officers, and other public officials have been unprepared. Further, it has been over 15 years since regulations governing the transportation of hazardous materials has been revised by Congress and many of the old rules are now obsolete.

Improvements need to be made in all areas of hazardous materials transportation. That's why my colleague, CARDISS COLLINS, and I are proposing a comprehensive package to revise our outdated regulations—in effect—to avoid a mobile Bophal. My proposal, which has the endorsement of the International Association of Firefighters, is directed at both emergency response professionals as well as hazardous materials transporters.

The focal point of the bill establishes a grant program to States and counties to improve the capability of our firefighters, police, and other emergency responders to deal with accidents through improved planning and training. The bill also addresses regulations which govern hazardous materials transporters by requiring substantive and specific training requirements for hazardous materials handlers.

Mr. Speaker, this bill addresses a problem in which we have long been remiss in confronting. The specter of a major hazardous materials disaster, whether by highway or rail, is not something that any of us would readily think about. But in light of the frequency with which these materials are transported, the worst possible course of action is no action at all.

I urge my colleagues to support this much needed legislation.

CONGRESSIONAL SALUTE TO JUDGE WILLIAM K. MORGAN

HON. ROBERT T. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 1, 1989

Mr. MATSUI. Mr. Speaker, I rise today to pay tribute to Judge William K. Morgan on the occasion of his retirement from the Superior Court of Sacramento County, CA. I would like

to take a moment to share with my distinguished colleagues the career of Judge William K. Morgan.

Following 3 years of overseas duty in the military, William Morgan embarked on a 13-year career with the U.S. Postal Service. Despite a full-time postal service career William Morgan also spent his time concurrently operating his family's business and studying law. After graduating from the McGeorge School of Law in 1959, Judge Morgan began a successful 14-year career as a private attorney during which time he earned the respect and admiration of his colleagues.

His success as a lawyer culminated in his 1975 appointment by then Governor Jerry Brown as the first black superior court judge in Sacramento County where he has served as the presiding judge of the Juvenile Court since 1979.

Besides a distinguished career in law, Judge Morgan has been very generous with both his time and leadership abilities in community service organizations as well as professional associations. He is a member of the American Bar Association, California Judges Association, the NAACP, and the Boy Scouts of America to name just a few of his many affiliations.

Mr. Speaker, today, family, friends and colleagues are gathered in Sacramento to commemorate Judge Morgan's successful career and to celebrate his well-deserved retirement. I commend Judge Morgan for his stellar service to the legal profession and our community and I ask that my colleagues join me in saluting this outstanding public servant.

STUDENT VISITS, LETTERS ARE REAL EYE OPENERS

HON. DEAN A. GALLO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 1, 1989

Mr. GALLO. Mr. Speaker, during the spring semester, I have visited more than a dozen schools in the 11th District and student questions have been thoughtful and show a deep concern for the principles of freedom that we cherish and for the protection of our natural environment.

While I am encouraged by students' commitment to issues, I am also concerned about a disturbing trend among students who are, frankly, scared not only about the future of the world, but about their own immediate futures.

They see a world where they are expected to grow up fast and be smart about life's temptations, but they seem not to have the information they need to put these concerns into proper perspective.

A great many student questions relate to environmental issues and I am very pleased that so many young people care. Since I was first elected to Congress in 1984, I have considered environmental protection to be one of my top priorities. Clean water, ocean pollution, waste disposal, air pollution and acid rain are all areas of concern and I think student involvement is very positive.

Other students have questions that relate to world population, destruction of tropical rain forests, animal rights, nuclear weapons, homelessness, and poverty.

My concern is based on the growing number of young people who express anxieties about subjects ranging from teenage pregnancy, abortion, child abuse and teen suicide to the threat of AIDS and drug abuse. The high level of interest in these subjects should send a clear message to parents and teachers alike that more discussions are needed to answer my youngest constituents' very real questions.

Student comments on the growing AIDS crisis prove to me that young people today are caring individuals who are concerned with the suffering of others.

The drug problem is a serious one, but I believe we are making progress. Recent surveys show that drug use among high school students is decreasing, in part because of education programs.

I have supported more money for the drug war and for counseling and education. Penalties for bringing drugs near schools have been greatly increased and drug criminals who commit murder face the death penalty. We haven't solved the problem yet, but we are making progress.

I see concerns in many of these questions, but one in particular hits closest to home for me, because I have served in public office for 21 years and I am very sad when students see nothing in the political process and public service but negative campaign ads and ethics questions.

I try to assure students that for every negative ad and every ethical question there are dozens of public officials who are decent and honest people and who work very hard. I, too, want to see an end to negative ads and urge students to get involved in politics. We need dedicated individuals who care.

Money for education is an investment in our future, because these young people are our future. As a member of the Budget Committee, I recently supported a budget for next year that includes more money for education programs—in fact, education is the largest single increase in next year's budget.

Adequate funding is critical, but I see something beyond money in many student concerns. Too many are depressed by the world around them, based on exposure to violence and conflict as though these were new and growing threats rather than part of a long progression of good and bad in human history.

I urge students not to be depressed by all of the bad news: there are many people who care, there are honest politicians, and there have been many improvements in environmental protection and our rivers are cleaner than they were 50 years ago. For every disease like AIDS and cancer there are many equally horrible diseases—such as the Black Death, which killed one-third of the population of Europe in the 14th century—that have been controlled or totally eliminated by human achievement.

Just 35 years ago, television was a new invention, there were no satellites, and no instant communication. Computers were huge and they were very slow. And, the idea of a man walking on the Moon seemed very far away.

People live longer today than at any time in recorded history because of advancements in medical science.

Students have the power to do amazing things that are today undreamed of and if they don't believe it, they need look no further than our history to see what we have done so far.

HONORED ON RETIREMENT

HON. WILLIAM J. HUGHES

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 1, 1989

Mr. HUGHES. Mr. Speaker, I rise today to pay tribute to a great educator and community leader from Vineland, NJ. I am speaking of Dr. Philip S. Phelon. Tonight Dr. Phelon will be honored on the occasion of his retirement from Cumberland County College where he has served for the last 12 years as president. Prior to his tenure as president, Dr. Phelon held the office of dean of instructions at the college from 1968 through 1976. Dr. Phelon's dedication and service to Cumberland County College and the surrounding community are hard to match. He is an inspiration to those who follow in his footsteps.

Dr. Phelon began his education career in 1956 as a high school social studies teacher. Since that time he has earned a master's degree in social studies and a doctorate degree in education. Prior to coming to Cumberland College in 1968, Dr. Phelon held positions as a higher education specialist for the New York State Education Department and an administrative assistant at the State University of New York at Albany.

Dr. Phelon's distinguished career has not gone unnoticed. He was recently selected by his colleagues from across the country as an outstanding chief executive officer in a national survey conducted by the Community College Leadership Program at the University of Texas in Austin.

In addition to his work, Dr. Phelon has been very active in civic and educational organizations such as the Association of County College Presidents of New Jersey, of which he is a past president, the Cumberland County Economic Board, the Cumberland County Work-Education Council, the Physical Fitness Council of Cumberland County, the Kiwanis Club of Millville, and the Vineland Chamber of Commerce and Rotary Club.

Dr. Phelon's numerous contributions to his profession and his community merit special recognition. It is an honor to pay tribute to an individual who has dedicated his life to improving the very fabric of our society through his teaching.

Mr. Speaker, my colleagues, please join me in saluting Dr. Philip S. Phelon on this very special occasion of his retirement.

NATIONAL COUNCIL OF CHURCHES ESCHEWS REFORM

HON. JOE BARTON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 1, 1989

Mr. BARTON of Texas. Mr. Speaker, for the information of my colleagues, I am inserting into the RECORD an article from the Wall Street Journal written by David Klinghoffer.

NATIONAL COUNCIL OF CHURCHES ESCHEWS REFORM

(By David Klinghoffer)

In a report issued last November by the Governing Board of the National Council of Churches, you heard the sound of a bureaucracy's death rattle.

For more than a decade, the nation's largest ecumenical body, representing 32 mostly mainline Protestant demominations and 42 million constituents, had come under persistent criticism for its support of far left political causes. Given the resulting loss of confidence among the council's constituency, the report called for an institutional review that "would entail a willingness on the part of the NCC and its programs to die in order that new life might spring forth as a stronger witness to our unity in Christ."

If the results of that review are ratified when the Governing Board reconvenes this week in Lexington, Ky., the council will have chosen to ignore the concerns of most American Protestants and therefore to hasten the time of its own demise. Not just now, maybe, but soon enough.

Not that its demise hasn't been long expected. The bad news about the National Council of Churches, which had begun to spread in the mid-1970s, first reached an audience of millions of Americans in 1982, when Reader's Digest, later joined by "60 Minutes," charged the council with funneling $5.5 million to Marxist guerrillas in Zimbabwe, Namibia, Mozambique and Angola. Not surprisingly, American Protestants began asking what else was being said and done in their name.

They learned that in policy statements, resolutions, books, pamphlets and newsletters, the council was busy stamping the seal of Protestant approval on the whole canon of left-wing political positions—positions on behalf of which the council's Washington office was in turn lobbying its constituents' elected representatives. Before long its constituents came to feel that, as far as religion was concerned, the council had become irrelevant. All of which did nothing to halt the precipitous downward trend in contributions from member denominations. According to a council study, between 1975 and 1987 such contributions fell 53%—leaving the council in a state of continuing financial crisis.

Six months ago, the Governing Board appeared to have been convinced of the resulting need for reform. Accordingly, it sent off a committee of 15 to ponder "the erosion of constituent support," and to report at its next meeting on exactly what could be done. "The task we face," declared General Secretary Arie L. Brouwer, "requires a radical restructuring—not moving boxes around." With that charge in mind, the committee stepped determinedly up to home plate, waved confidently to the anxious crowd, let fly a few vigorous practice swings, and—bunted.

Before the committee's report was sent off to board members on May 5, news reports and press releases hinted it would recommend, if not the dissolution of the entire council, then at least a severe paring down of its activities. The Washington office, I speculated, might be closed, or at least prohibited from lobbying in the name of millions of unsuspecting Protestants. The Governing Board might take an oath of abstinence from the temptation of partisan politics. At the very least, in the interest of saving money, the council would surely jettison World Church Services, its international relief agency, which consumes 70% of the council's yearly income while bringing in only 32%.

In fact, though the report acknowledges that "critical problems have too often been papered over," it completely ignores the issue of the council's political agenda. Instead, it points to "racism, sexism, nationalism . . . the global debt crisis, the AIDS epidemic, and the pollution of the seas" as forces apart from which the "crisis in the council . . . cannot be understood."

Given that the report begins by linking the crisis to hostile forces so securely beyond the walls of the council's Manhattan headquarters, it comes as little surprise that it goes on to opt not for any major internal reforms, but rather for a round of bureaucratic reshuffling.

The council's four main divisions will receive new names and regroup into three "program units." (World Church Services, for example, will become the Witness and Service Program Unit.)

In addition, the 270-member Governing Board, meeting twice a year, will become the 270-member Conference of Communications, meeting once a year. The 50-member Executive Committee will become the 50-member Executive Coordinating Committee. And to these reconstituted bodies will be added a completely new one—the Ecumenical Leadership Forum, to meet every four years.

I asked council spokesman J. Martin Bailey what had happened to Mr. Brouwer's call for "radical restructuring." Mr. Bailey assured me that, in fact, "when you get down to it, what the committee calls for is a whole new organization." By removing certain decision making powers from the Governing Board and transferring them to the new program units, he told me, the plan will "streamline" the council.

Indeed, studies by two of the council's largest member denominations have criticized its current system of concentric bureaucracies as "confusing" and "cumbersome." One of these, however, commissioned by the Presbyterian Church U.S.A. in 1986, characterized the four divisions as already "largely autonomous." The other, written by nine Methodist bishops, concluded that the Governing Board had "little or no authority in relation to most of the funds in the council budget." How much more autonomous the divisions can become, and how much streamlining can be achieved by turning four "divisions" into three "program units," is unclear.

Asked how such changes will make the council more responsive to its constituents' religious needs, Mr. Bailey said he expects the council to address that problem by forming two more committees: an evangelism committee and a worship committee. Meanwhile, he says, the Washington office will remain open for business, allowing the council to continue to address what he calls the world's "ethical and systemic problems."

Of course, as a body ostensibly devoted to a higher purpose but in fact preoccupied with just such worldly "problems," the council is far from alone. Increasingly, in every field or endeavor in which people have traditionally pursued some transcendental end, the pursuit of the transcendental has been replaced by the pursuit of the political.

Many mainline clergymen have lost interest in God. As for the kind of people who staff the National Council of Churches, Lutheran Pastor Richard Neuhaus wrote in 1982 that for them, "the actual state of fellowship, how they relate to other Christians, is determined more by what one thinks of Ronald Reagan than by what one thinks of God."

Over the ensuing seven years this has remained the case. Now it seems likely to continue so until such time as the council runs out of money and folds altogether—a time that, if things go as planned this week, can't be too far off.

TRIBUTE TO THE 36TH ANNIVERSARY OF THE SIGNING OF THE ARMISTICE THAT ENDED THE KOREAN WAR

HON. ROBERT J. MRAZEK

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 1, 1989

Mr. MRAZEK. Mr. Speaker, July 27 of this year will mark the 36th anniversary of the signing of the armistice that ended the Korean war. Many Korean war veterans will be in Washington in late July—including the Korean War Veterans Association of New York State—to commemorate this occasion. I'd like to take this opportunity to pay tribute to those who served in Korea, and ask that we pause that day in remembrance of those who gave their lives serving their country.

On June 25, 1950, the North Korean Army unleashed an unprovoked attack on South Korea, crossing the 38th parallel with seven infantry divisions with the hopes of seizing Seoul and reuniting the south peninsula with the north. In response, on June 27 President Harry S. Truman ordered General MacArthur—commander of the U.S. Forces in the Far East—to support the South Korean Army with air and sea forces. Acting on General MacArthur's determination that South Korea was basically incapable of stopping the invasion, President Truman ordered the introduction of U.S. ground forces, and thus began our involvement in the first military conflict of the nuclear age.

As I'm sure the Korean war veterans remember, the turning point in this conflict was the landing at Inchon. In a brilliant strategic maneuver, U.S. troops landed on the treacherous beaches of Inchon and caught the North Koreans completely by surprise. Within 2 weeks, Seoul was liberated and the North Koreans were scattered throughout the countryside. This perfectly executed landing turned the tide of the war, and forced the North Koreans back across the 38th parallel.

While truce talks actually began as early as June 1951, they did not conclude until July 27, 1953—more than 2 years later. A total of

54,236 United States servicemen did not return from Korea. In addition 10,218 Americans fell into Communist hands, and 3,746 were never returned. Many of the prisoners of war who survived were subject to brutal psychological and physical torture.

Mr. Speaker, war is not something that should be glorified. We should pause on these occasions to reflect on this conflict, and to hope and pray that in the future we can avoid such a loss of life. On July 27, 1989, the Korean War Veterans Association will lay a wreath at the Tomb of the Unknown Soldier to commemorate their service in defense of freedom. I know all of my colleagues join me in paying tribute to those who served their country in Korea, and especially to those who made the ultimate sacrifice.

NOVA HIGH SCHOOL—AN OUTSTANDING SCHOOL

HON. LAWRENCE J. SMITH

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 1, 1989

Mr. SMITH of Florida. Mr. Speaker, I would like to bring to your attention a school of national excellence—Nova High School of Davie, FL.

It is my privilege to announce that Nova High School, located in my district, was recently chosen by the U.S. Department of Education as one of the 218 outstanding secondary schools in the Nation.

The U.S. Department of Education, through its School Recognition Program, identified a diverse group of outstanding public and private secondary schools throughout the Nation that are unusually effective in educating their students with the resources available to them. A total of 629 schools were nominated for this prestigious honor, from which 263 were chosen for onsight visits by a departmental review panel. Among the many criteria used in making the final decision was student achievement, teaching environment, learning environment, parent and community involvement, institutional vitality, leadership, geography, and curriculum reform, with emphasis this past year on the latter two. It was only after this intensive review process was complete that the final 218 schools were selected.

As a tribute to their excellence and achievement, Nova High School will receive a ceremonial plaque and a flag of excellence. In addition, three representatives from Nova will be invited to attend a national recognition ceremony in Washington this fall. As worthwhile as these rewards are, the true reward is the pride that the faculty, the students, the parents, and the community at large can take from this great honor. In a day where our educational system is often attacked and ridiculed, it is very gratifying for me, as a Congressman and as a parent, to see young men and women who are willing to work very hard to excel in their scholastic endeavors.

I ask my colleagues to join me in paying tribute to Principal Larry Insel and the many wonderful people who made this honor possible. My sincerest congratulations to the students and faculty of Nova High School.

TRIBUTE TO THE TOWN OF OCEAN CITY

HON. ROY DYSON

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 1, 1989

Mr. DYSON. Mr. Speaker, I rise today to congratulate the town of Ocean City, MD, as it celebrates the sinking of a submarine off its coast. Now I want to assure my colleagues that our Nation has no enemies in Ocean City, the submarine that I referred to, the *Blenny,* was donated to the town by the U.S. Navy to be used as an artificial reef for fish.

Ocean City has long known as one of the premier fishing areas of the eastern seaboard. In fact, it is recognized as the "White Marlin Capital of the World." Many in this Chamber have visited this lovely resort during the summar months and some have participated in the outstanding fishing only a few hours drive from Washington, DC. I can only tell these fine fishermen and women that artifical reefs, such as the *Blenny,* will only add to their enjoyment and to the wellbeing of this renowned marine environment.

Mr. Speaker, the *Blenny* will be sunk on Wednesday, June 7, 1989. Although *Blenny* has been officially out of commission since November of 1969, she now has the opportunity to once again serve the needs and interests of this great Nation. The town of Ocean City will host several events to commemorate this final dive and among these in attendance will some of the officers and crew of the *Blenny.* These are the men who served this country during times of conflicts and we deeply appreciate their courage and loyalty.

Again, I congratulate the town of Ocean City, its residents and its visitors, all of whom will benefit from the return of the *Blenny* to the sea. I also wish to recognize the generosity of the Navy officials whose donation of the *Blenny* is a gift for today and for future generations as well.

I am honored to share the history and wartime achievements of the *Blenny* with my colleagues.

BLENNY

Blenny (SS-324) was laid down on 8 July 1943 at Groton, Conn., by the Electric Boat Co.; launched on 9 April 1944; sponsored by Miss Florence B. King; and commissioned at New London, Conn., on 27 July 1944, Lt. Comdr. W.H. Hazzard in command.

Following training at New London and at Newport, R.I., the submarine got underway for Key West, Fla., on 29 August. She arrived there on 5 September and trained at the Fleet Sound School. From there, she headed for Panama and transited the canal on the 19th. The warship departed Balboa on 28 September and, after arriving at Pearl Harbor on 15 October, began preparations for her first war patrol.

On 10 November, *Blenny* got underway for the Philippines. She made a fuel stop at Saipan on 22 November and, the following day, pushed on toward her assigned patrol area off the coast of Luzon. On 1 December, she fired a single torpedo at a Japanese escort vessel but missed. The enemy retaliated with a severe, but unsuccessful, depth-charge attack. Five days later, the submarine escaped from another close call unscathed when a low-flying enemy plane dropped two bombs which exploded close aboard. That same day, 14 December, the submarine claimed her first two successes. In the morning, she made a surface gun attack on a 300-ton sea truck and sank it; late that night, she sank the 800-ton *Coast Defense Vessel No. 28* with torpedoes in a surface attack. On the 23d, *Blenny* torpedoed and sank a 10,000-ton transport which, after the war, was identified as the 4,156-ton cargoman, *Kenzui Maru.* Her parting shot of that patrol came on the 27th when she fired torpedoes at an unidentified freighter and claimed to have damaged her. Postwar records, however, do not substantiate the final claim. *Blenny* set course for Australia on 31 December 1944 and arrived at Fremantle on 13 January 1945 to begin refit.

Blenny embarked upon her second war patrol on 5 February. This time her patrol area was located off the coast of Indochina. On 20 February, she made an unsuccessful submerged attack on a convoy escorted by two destroyers and was subjected to a series of depth-charge attacks from the convoy's escorts. Those, too, proved unsuccessful. On the night of 26 February, *Blenny* encountered the 10,238-ton tanker *Amato Maru* and sank her with a spread of torpedoes. She also claimed to have damaged two similar ships, but a postwar check of Japanese records failed to corroborate that claim. Two days later, the submarine received orders to put into Subic Bay to replenish her torpedo racks, arrive there on 2 March, and returned to her patrol area on the 4th. After 16 days on patrol, she had her most successful day of the war on 20 March when she sank three enemy ships in one 24-hour period—the 500-ton cargoman *Yamakuni Maru,* the 834-ton *Nanshin Maru No. 21,* and the 1,039-ton cargo ship *Hosen Maru.* After receiving two rescued aircrewmen from *Bluback* (SS-326) on 25 March, she set a course for Subic Bay and a refit.

She completed that in-port period on 16 April and put to sea for a patrol off Indochina and in the Java Sea. Her stint off the Indochinese coast came as a result of the need for lifeguard submarines to be on station to rescue ditched Army aircrews. She sighted no targets during that phase of the cruise and returned to Subic Bay on 16 May to take on additional fuel. Two days later, *Blenny* returned to sea and shaped a course for the Java Sea.

On 25 May, she encountered a small submarine chaser close inshore. Since her approach had to be made in relatively shallow water, *Blenny* did not submerge but flooded down and backed toward the shore and her target while a sailor on the fantail took depth soundings with a lead line. She fired torpedoes from her stern tubes and claimed to have sunk the subchaser. However, since she estimated the enemy warship to be of only 170 tons displacement and the postwar survey counted only vessels of 500 tons or more, that claim is impossible to verify. Be that as it may, the submarine scored a corroborated kill five days later when, after sinking a small lugger with gunfire, she encountered the 520-ton cargoman *Hokoku Maru* and sank her in a daylight attack. On 5 June, *Blenny* departed the Java area and set a course for Australia. She arrived at Freemantle four days later and commenced refit in preparation for her fourth and final patrol of the war.

Blenny embarked upon her final war patrol on 5 July 1945. Departing Fremantle, she shaped a course for her patrol area in the Java Sea and north from there to the eastern coast of Malaya. Although her

entire bag for the patrol consisted of small fry, she got an impressive number of them. She started out on 11 July by sinking a sea truck by gunfire. Five days later, she attacked a converted gunboat and claimed to have sunk it with torpedoes, though postwar accountings do not verify the sinking. She then engaged the small vessel that had been steaming in company with the gunboat, but her gunfire failed to damage her much due to extreme range and *Blenny's* inability to close. For the remaninder of the patrol, she encountered only sampans, junks, and the like, sinking many after ascertaining their nationality and seeing to the safety of their crews. On 3 August, the submarine rescued a boarding party from a sampan which *Cod* (SS-224) had been forced to abandon upon the approach of an enemy plane two days previously. On the 7th, she had another brief scrape with Japanese air power when a plane dropped a small bomb. He missed, and *Blenny* dove to evade. Four days later, she left her patrol area and shaped a course for Subic Bay.

Blenny arrived in Subic Bay on the 14th. The following day, hostilities ceased. The submarine completed refit and departed Subic Bay on 31 August. She arrived at Guam on 5 September and began a series of training exercises. She remained in the Marianas until she got underway for the United States on 12 January 1946. The warship made a two-day stop a Pearl Harbor before arriving in San Diego on the 30th. She remained there for two months before shifting to San Francisco on 30 March. During the summer, she operated along the west coast. On 2 August, the submarine departed San Diego and headed—via Pearl Harbor—for the Far East. She arrived at Subic Bay late in the month and remained there until she got underway for Tsingtao on 2 September. *Blenny* served in Chinese waters—at Tsingtao and Shanghai—until late October. After operations in Japanese waters which lasted until 3 November, she set a course home.

She returned to San Diego late in the month and remained there until mid-February 1947. On the 17th, *Blenny* stood out of San Diego, bound for Hawaii. She arrived at Pearl Harbor on 10 March and remained there until the 18th when she headed home. She arrived at San Diego on 8 April and operated along the California coast until late in July. On the 30th, the submarine stood out of San Diego on a reserve training cruise to the Pacific Northwest during which she visited ports in Washington and British Columbia. She resumed operations along the California coast late in August and, with periodic cruises to the Pacific Northwest, continued that duty until early July 1950. During that month, she made a round-trip voyage to Pearl Harbor and back to San Diego. Following her return to her home port early in August, she resumed once more west coast operations.

On 30 April 1952, she got underway, via Pearl Harbor, for the Far East. *Blenny* arrived in Yokosuka, Japan, on 24 May. While in the Far East, the submarine conducted routine 7th Fleet operations and made a 35-day reconnaissance war patrol in the Korean war zone. She departed Yokosuka to return home on 18 October. Sailing via Chichi Jima in the Volcano Islands and Pearl Harbor, she arrived back in San Diego early in November. She conducted west coast operations until reassigned to the Atlantic Fleet in the spring of 1954. On 11 May, she stood out of San Diego and shaped a course for Panama. She transited the canal on 24 May and headed for New London, Conn., where she reported on 9 June.

Blenny remained active for another decade and one-half. Throughout the remainder of her career, the submarine operated from the New London base. Initially, her operations took her as far south as the British West Indies and as far north as the coast of Newfoundland. Her primary missions were to develop attack submarine tactics and to support the development of antisubmarine warfare tactics. However, she also test-fired new types of torpedoes. That routine continued until the early 1960's when she began making periodic deployments to the Mediterranean. *Blenny* subsequently alternated tours of duty with the 6th Fleet with extended assignments in the western Atlantic conducting test and evaluation operations as well as antisubmarine training duty.

Sometime in 1969, she was redesignated an auxiliary submarine AGSS-324. In September 1969, she was placed in commission, in reserve; and, two months later, the submarine went out of commission for good. Berthed initially at Philadelphia, *Blenny's* name was struck from the Navy list on 15 August 1973. Subsequently moved to Portsmouth, Va., she remained there until 3 July 1979 at which time she was moved to the naval station at Norfolk for a period of temporary duty.

Blenny earned four battle stars for World War II service and one battle star for Korean War service.

IMPORTANCE OF PRENATAL CARE

HON. RICHARD J. DURBIN

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 1, 1989

Mr. DURBIN. Mr. Speaker, today I would like to share with my colleagues an exciting new program I worked to initiate in Illinois to combat infant mortality.

On the day after Mother's Day, I joined Illinois Gov. Jim Thompson and the State health director, Dr. Bernard Turnock, in announcing a statewide public information campaign to get out the message about the importance of prenatal care.

The campaign uses radio and TV ads, billboards and newspaper ads to warn mothers-to-be about the dangers of drug use and the need for medical care during pregnancy. It advertises a toll-free prenatal care hotline operated by the State Department of Public Health, which low-income women can call for prenatal care referrals and nutritional help. Buses in Chicago and Springfield will carry placards advertising the number.

This initiative stems from a similar effort I organized and conducted last year with the Illinois Food Retailers and Illinois Retail Merchants Associations, which voluntarily printed the prenatal care hotline number on millions of shopping bags distributed throughout central Illinois.

This year, I worked with the State Department of Public Health, the Illinois Association of Broadcasters, several billboard companies and transit agencies, and Advisers U.S.A., a public-interest advertising group in Chicago, to expand the ad campaign statewide. The companies who are providing airtime and space for these ads, and the professionals who producted the ads on a probono basis, are to be commended for their commitment to this campaign. Through this effort, many pregnant women will learn of the importance of good prenatal care and how they can go about getting it.

In Illinois and throughout the country, we face a growing problem of pregnant women who either cannot afford or don't seek our routine medical care, and who abuse alcohol and drugs during pregnancy. For instance, during the State of Illinois' fiscal year 1988, the State Department of Children and Family Services received reports of 1,233 new cases of babies suffering from substance abuse. These are primarily cocaine babies, infants born addicted to cocaine from their mothers' use of the drug. In the first 10 months of the current fiscal year, the number of new cocaine babies have already reached 1,784. As recently as 1985, a total of only 181 cases were reported.

Whether because of ignorance or addiction, too many mothers are jeopardizing the lives and health of their babies. The results are devastating for the mothers, the babies, and the citizens who ultimately pay the bill for treating the addicted infants. Our public service message will focus the spotlight on this alarming problem.

I urge my colleagues to consider whether a similar effort might be mounted in their own States to reach people with the message of the importance of prenatal care, in order to help save the lives of high-risk newborns.

LEGISLATION TO CORRECT TAX REFORM ACT OF 1986

HON. ROBERT T. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 1, 1989

Mr. MATSUI. Mr. Speaker, today I am introducing legislation, for myself and Mrs. KENNELLY, to correct an unintended effect of the foreign tax credit limitation interest allocation rules enacted in the Tax Reform Act of 1986.

In the 1986 act, Congress adopted section 864(e) of the Internal Revenue Code, which generally provides that when allocating deductions for purposes of computing net foreign source income, interest expense must be attributed to all the activities and property of a U.S. affiliated group, not simply the company which incurred the borrowing. Congress had concluded that the fungibility of money justified treating all affiliated companies as one economic unit for purposes of allocating interest expense. Under this provision, total U.S. affiliated group interest expense is allocated to foreign source income based on the ratio of foreign to total assets of the group. In enacting 864(e), Congress specifically wished to prevent U.S. taxpayers from adjusting the location of borrowing within the affiliated group to a company without foreign source income, thereby reducing foreign source interest expense and increasing the foreign tax credit limitation.

While section 864(e) addressed this form of manipulation, it created another potentially more serious problem. In allocating domestic interest expense to foreign source income, 864(e) fails to take into account any borrowings by foreign subsidiaries. This means that whenever a U.S. taxpayer has foreign subsidiaries which are leveraged, this leveraging is ignored for purposes of allocating domestic interest expense. For example, if a U.S. affiliated group has $100 of U.S. assets and $100 in foreign subsidiary assets, and both the U.S. group and the foreign subsidiary each has $14 of interest expense, 864(e) will ignore the $14 of foreign subsidiary interest expense and allocate half of the $14 of U.S. interest expense to foreign source income. The result will be that, for purposes of the foreign tax credit limitation, foreign source gross income will effectively be reduced by $21 in deductions, rather than $14.

The unfortunate result has been that U.S. affiliated groups with highly leveraged foreign subsidiaries have had irrationally large amounts of U.S. domestic interest expense allocated against their foreign source income, greatly reducing the amount of their foreign tax credits. Under these rules, foreign subsidiaries which earn substantial economic profits, and which pay high effective rates of foreign tax, are sometimes deemed under the interest allocation rules either to have no foreign source income, or even to have an overall foreign loss. This means that little or no foreign tax credit can be used by the U.S. parent when dividends are repatriated to the United States. In order to avoid double taxation, many U.S. firms have chosen not to repatriate dividends to the United States, and have instead been forced to reinvest their earnings abroad. This reduces the amount of capital available for investment in the United States, with a concomitant loss of jobs and eventually of U.S. tax revenues.

In enacting 864(e), Congress created an exception to the consolidated group rule for certain regulated financial institutions. This exception, found in 864(e)(5), was adopted for the purpose of benefiting taxpayers who had both foreign assets and U.S. banking assets. Without such an exception, the allocation of interest expense of the U.S. regulated financial institution to nonfinancial enterprises would normally have resulted in a reduction of the net foreign income of the nonfinancial enterprise in instances where the regulated financial institutions were more highly leveraged than the nonfinancial enterprises. Section 864(e)(5) removes regulated financial institutions from the U.S. taxpayer affiliated group so that any regulated financial interest expense of the institution is allocated in fact only to their income.

While it is recognized that the special exception of 864(e)(5) was designed to alleviate the distinctive problem of a limited group of taxpayers, it has had an unintentionally adverse impact on others. This results when an affiliated group includes both a regulated financial institution and a finance company. In such instances, the regulated financial institution, though frequently more highly leveraged than the finance company, may have a lower rate interest cost. This results in a relatively lower interest cost for the regulated financial institution than for the finance company on an asset comparison basis. Though both the regulated financial institution and the finance company are members of a single financial group and file a consolidated return, the 864(e)(5) exception requires that the regulated financial institution's assets and interest expense be deleted from the affiliated group's interest allocation.

For example, assume that the U.S. affiliated group consists of a finance company with $100 in assets and $14 in interest expense and a bank with $100 in assets and $4 in interest expense. Assume that the group has a foreign subsidiary with $100 in equity and $14 in interest expense. If foreign borrowings had been included in the 864(e) allocation rule, total U.S. assets would have equaled $200 and total foreign assets $100, while total interest expense would have equaled $32. One-third, or $10.67, would have been allocated abroad. Because the subsidiary would already have $14 in interest expense, no additional U.S. affiliated group interest expense would have been allocated to foreign source income.

However, 864(e) ignores foreign borrowings. Without the 864(e)(5) regulated financial institution exception, total U.S. affiliated group interest expense would have equaled $18. Foreign assets would have equaled $100 and total assets $300, which would have resulted in one-third of the domestic interest expense, or $6, being allocated to foreign source income. That would have resulted in a total of $20 of interest expense being deemed to reduce foreign earnings.

With the 864(e)(5) exception, however, the bank is deleted from the calculations. Total interest expense would equal $14. Foreign assets would still equal $100, but total assets would equal $200. One-half of the domestic interest expense, or $7, would then be allocated to foreign source income for a total of $21.

As can be seen, the supposedly pro-taxpayer exception of 864(e)(5) can compound the already distorting effects of section 864(e). It has made it virtually impossible for some U.S. taxpayers ever to repatriate dividends from their foreign operations. As a result, those taxpayers may never pay any U.S. tax on their foreign earnings.

My bill will normally allow the U.S. taxpayer not to elect the 864(e)(5) regulated financial institution exception. While my bill will not solve the more basic problems created by the failure to include foreign borrowings in the 864(e) interest allocation rules, it will at least reduce the compounding of those problems on taxpayers inadvertently adversely affected by a supposedly pro-taxpayer rule.

There are a number of tax provisions, particularly in the foreign area, designed to benefit taxpayers but which a taxpayer may elect not to use if the provision proves to be detrimental. For example, taxpayers are not required to take advantage of the foreign tax credit, a code provision designed solely to benefit taxpayers. When a more favorable result can be achieved, taxpayers may instead elect to treat foreign taxes as ordinary and necessary business expenses. Tax treaties, which essentially create exceptions to the code designed to benefit taxpayers in specific situations, provide another example. If a provision of a tax treaty proves detrimental, a U.S. taxpayer may normally elect to be treated by the general provisions of the code.

Similarly, taxpayers should also normally be allowed to be governed by the general provisions of 864(e) and not elect the 864(e)(5) regulated financial situations exception. The 864(e)(5) exception was designed solely to benefit a limited class of taxpayers; others should not be disadvantaged by its operation.

Mr. Speaker, the 1986 Reform Act made a number of dramatic changes in the U.S. tax treatment of foreign source income. Over time, we will learn if these changes were helpful or hurtful to our overall competitive position in the world. While members of the tax writing committees will debate many of these larger issues at some length over an extended period, we should act now on the more narrow, discreet issues where problems are readily apparent and where the results were clearly not intended. This legislation is designed to address one of these relatively narrow issues.

ACTIONS OF PRESIDENT BUSH DESERVE PRAISE

HON. DEAN A. GALLO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 1, 1989

Mr. GALLO. Mr. Speaker, today I rise in praise of the actions of President Bush. During NATO's 40th anniversary summit, the President demonstrated that he possesses the ability to follow up the work of Ronald Reagan to lead the world beyond the era of containment.

Throughout the globe oppressed people are clamoring for democracy. We see it within the Soviet Union where ethnic groups are pressuring General Secretary Mikhail Gorbachev to implement glasnost and peristroika. We see it in Eastern Europe where countries dominated by the Soviet Union for over 40 years are fighting for democracy and closer ties with the West. And, most dramatically, we see it in China where millions of Chinese students and laborers are putting their lives on the line in order to break the chains of oppression.

President Bush recognized this historic opportunity to change the world order established after World War II and responded in bold and dramatic fashion.

At the recently concluded NATO summit, President Bush illustrated his political acumen and keen intellect. In one dramatic move he resolved his dispute with Chancellor Kohl over shortrange nuclear weapons, he reaffirmed our position as the leader of the free world, he seized the initiative from President Gorbachev and he put forth a historic arms control proposal that signifies a constructive change in direction for NATO.

There is still much to be done. We must continue to work with the General Secretary to reduce the threat of war and to resolve regional conflicts. The Eastern bloc countries must be encouraged to extend their ties with the West. And we must aid oppressed people throughout the globe who are willing to sacrifice their lives in order to achieve freedom.

I realize that we have a long and torturous road ahead of us. But today I can dream of the day when there is no longer an Iron Curtain or a Berlin Wall. I can dream of a world in which the threat of another European war will be all but eliminated.

In closing, I would like to praise President George Bush once again and strongly urge my fellow Members to inform the President of our strong support for his bold initiative.

TRIBUTE TO STEPHEN ROMANIK

HON. WILLIAM J. HUGHES

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 1, 1989

Mr. HUGHES. Mr. Speaker, I rise today to pay tribute to a great American from Millville, NJ. I am speaking of Mr. Stephen Romanik. On Saturday, June 3, 1989, Mr. Romanik is being honored on the occasion of his retirement from the Cumberland County Welfare Office where he has served as director for the last 15 years. Prior to his tenure as director, Mr. Romanik served on the Cumberland County Welfare Board for 4 years. Mr. Romanik's dedication and service to the citizens of Cumberland County are hard to match. He is an inspiration to those who follow in his footsteps.

Mr. Romanik began his career as a public servant in 1965 when he became commissioner of parks and public property for the city of Millville, NJ; a position Mr. Romanik held for 16 years. Throughout his tenure as commissioner, Mr. Romanik also held positions on the Board of School Estimates, the Planning Board, and the Millville Housing Authority.

Very few talented individuals can boast of achieving success in multiple careers during their lifetime; however, Mr. Romanik has also enjoyed a successful career in professional sports. He played for the Chicago Bears and the Chicago Cardinals between 1950 and 1954. Since that time, Mr. Romanik has remained active in sports by managing an American Little League Team, officiating at local football games, and participating in the Interscholastic Athletic Association. Mr. Romanik's talents and contributions to the local sports programs were recognized in 1976 when he was inducted into the Millville Sports Hall of Fame. In 1983, Mr. Romanik was named "All-American Quarterback" and was inducted into the University of Villanova Hall of Fame.

Mr. Romanik is also very active in the St. Nicholas Ukrainian Catholic Church in Millville, NJ, and in The American Legion, having served in the U.S. Army during World War II.

Mr. Romanik's voluntary involvement in civic activities and work as a public servant exemplify the American spirit and what it is that makes our country great.

Mr. Speaker, my colleagues, please join me in saluting Mr. Stephen Romanik on this very special occasion of his retirement.

QUICK! THIS WAY TO THE FUTURE

HON. JOE BARTON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 1, 1989

Mr. BARTON of Texas. Mr. Speaker, for the information of my colleagues, I am inserting into the RECORD an article concerning the Superconducting Super Collider written by Rena Pederson, editor of the Dallas Morning News.

QUICK! THIS WAY TO THE FUTURE

Quick, before the adults mess things up. Let's unleash our secret weapon: kids.

If the Superconducting Super Collider is going to be the biggest, most important science project of the future, then somehow the message needs to get out to America's kids and parents.

After the Sputnik launching in the 1950s, American kids had to be taught how important the space program was. Today the challenge is inner space. We must get the kids, who will be the beneficiaries of physics, in the know. And we must get them in the vanguard of supporting the SSC.

The need is pressing: The National Science Foundation predicts the United States will fall short by 250,000 computer scientists and as many as 50,000 engineers by the early 1990s. At the same time, the SSC is begging, bowing and scraping for funds from Congress. The House Budget Committee has approved a budget that would provide $200 million to start the giant research project in Ellis County. But much could happen before the budget process is through, and any less could be the end of the SSC before it's begun.

Enter the kids. Schoolchildren in Ennis, near the heart of SSC country, are trying to start a national letterwriting campaign to urge students all over the country to write their congressmen to support of the SSC. That makes sense. There are 45.9 million kids in public schools. Add their parents and teachers and you have about one-third of the U.S. population. That could be a more powerful lobbying group than the AARP or NRA.

But let's don't stop there. The University of Texas at Arlington is already at work devising a science education curriculum for kindergarten through eighth grade that is SSC-inspired. Roy Schwitters, the new SSC project director, sees American youth as an indispensible part of the super collider story. Since one of the greatest concentrations of American brainpower will be at the SSC campus, Dr. Schwitters has been thinking of having the super staff teach special classes to tomorrow's young scientists.

But better yet, why not put those classes on TV and beam them across the country? It could be like *Mr. Wizard*, only better. You could call it *Superclyde School* or even *Quark Wars*.

Come to think of it, why not build a TV studio into the SSC campus, so advanced classes could be linked via satellite to college campuses across the country? That way, the staff could keep up teaching contacts at premier universities.

Dr. Schwitters also is toying with the idea of reserving space on the campus for young people to come to summer physics camps in the future. He sees the SSC campus as something belonging to the American people and wants them to feel welcome, part of the team.

Dr. Schwitters is right. Already much has been made about the economic benefits of the SSC. But somehow we must communicate the excitement of the project, the thrill of the potential scientific breakthroughs.

Just imagine a 53-mile race track with atoms speeding like race cars into a head-on, mega-collison, which would allow physicists to sift through the breakage, much like mechanics examining a carburetor after a wreck, to find out the inner workings of the universe.

They could find medical breakthroughs like those that have led to the CAT scanner. They could find ways to improve the microscopic, super-fast elements of communication and computers. They could maintain our wobbly hold on scientific leadership in the world.

But first we must get it across to Congress that the SSC is not just a Texas construction project. Only 2 percent of the funds already allocated to the SSC have been spent in Texas; out-of-state contractors stand to benefit from much of the $4.5 billion project. Currently, 250 companies in 40 states have contacted the Department of Energy to express interest. SSC-related work already is under way in 35 institutions. When it is completed, the SSC may be utilized by as many as 100 American universities.

The SSC may well be the most important national scientific effort since the space program and before that the Manhattan Project. Someday soon, schoolchildren will be learning the name of Roy Schwitters, just as they came to learn Werner Von Braun and J. Robert Oppenheimer.

But first, before the school year is out, the word must get out to the schools and teachers and students and parents: get involved. Let's make the future happen.

TRIBUTE TO NEIL MONACO

HON. ROBERT J. MRAZEK

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 1, 1989

Mr. MRAZEK. Mr. Speaker, I rise today to bring to the attention of my colleagues the retirement of Neil Monaco of Smithtown, Long Island, after 33 exemplary years in the Plainedge Public Schools District.

An educator and media specialist, Mr. Monaco has served the needs of his district's students while compiling an enviable record of service to his community. He is a founder and officer of the Smithtown Pines Civic Association, a member and officer of the Plainedge Classroom Teachers' Association and a member of the Vanderbilt Museum Commission in Centerport, Long Island.

After gaining his undergraduate degree at SUNY-New Paltz, Mr. Monaco went on to earn his master's degree at New York University, along with his sixth-year certificate and administration certificate. He began his career in education in the Yonkers public schools in 1953, served his country in the U.S. Army from 1954–56, and then joined the Plainedge Public Schools in 1956.

Mr. Monaco also has served as a member of the Smithtown Democratic Committee for 30 years, including the chairmanship in 1969–70. He has stood as a Suffolk County Demo-

cratic Committee member and as a member of its Screening Committee for 13 years. Additionally, he is now serving his 10th elected term as a representative for the Sixth Assembly District on the New York State Democratic Committee.

Mr. Speaker, as historian Henry Brooks Adams said, "A teacher affects eternity; he can never tell where his influence stops." I'm sure my colleagues join with me today in congratulating Neil Monaco for his years of service to the young people of Long Island. I'm proud to call him my friend.

WASHINGTON TO WASHINGTON, WOMEN'S ART EXHIBIT

HON. ROD CHANDLER

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 1, 1989

Mr. CHANDLER. Mr. Speaker, at a time in our Nation's history when the enormous talents and achievements of women in politics, science, business, and literature are receiving much deserved recognition, I would like to call the attention of my colleagues to the recent opening of a fine arts exhibition which features Washington State women artists. Washington to Washington, Women in Art Today was previewed March 6 to 30, 1989, at the Art Museum of Washington State University and is now displayed in Washington, DC, at the prestigious new National Museum of Women in the Arts. The exhibit will continue through July 9. I strongly encourage my colleagues to visit this exhibition.

A group of 15 of the most extraordinarily gifted female artists currently living and working in the State of Washington were selected to offer samples of their work to be shown in the Washington to Washington exhibit.

These women have made remarkable contributions in a wide variety of fine art fields from glass blowing by Sonja Blomdahl and tapestry by Inge Norgaard to computer-produced graphic art by Lorna Pauley Jordan. Many of these artists have had their work exhibited abroad in Europe, Japan, the Soviet Union, and Mexico in addition to exhibitions in several United States cities including New York, Chicago, and Philadelphia.

I would like to express my great appreciation for the contributions made by the artists whose work is included in the Washington to Washington exhibit. I offer my sincere congratulations to each of the 15 talented artists.

WASHINGTON TO WASHINGTON

HON. SID MORRISON

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 1, 1989

Mr. MORRISON of Washington. Mr. Speaker, it is with great pleasure and enthusiasm that I rise today in recognition of the creative achievements of the women from Washington State, whose works now are on display at the National Museum of Women in the Arts in Washington, DC.

The exhibition called Washington to Washington, not only celebrates the contributions of women to the history of art, but expresses the rich and diverse cultural heritage of Washington State. This exhibition was created as part Washington State's centennial celebration, and will travel throughout the State when the Washington, DC, showing concludes July 9.

The works of these talented artists explore exciting visual images through various mediums. I am proud to be a part of this outstanding tribute to women and the State of Washington. I hope my colleagues will participate in the viewing of these fine works.

WASHINGTON TO WASHINGTON, WOMEN IN ART TODAY

HON. THOMAS S. FOLEY

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 1, 1989

Mr. FOLEY. Mr. Speaker, I rise today to pay tribute to 15 gifted artists from my State of Washington. Earlier this week, an exhibit entitled "Washington to Washington, Women in Art Today," opened at the National Museum of Women in the Arts here in what we refer to as the other Washington. Washington State is one of only five States in the Nation to be so honored and we, in the Washington State delegation, are proud to acknowledge the talent, experience and versatility of these fine artists and women.

Throughout its history, Washington State has been blessed with women whose pioneering, innovative spirits challenged and enriched us all—the artists honored in the exhibit carry on that tradition.

ARTISTIC WEALTH OF WASHINGTON STATE

HON. JOHN MILLER

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 1, 1989

Mr. MILLER of Washington. Mr. Speaker, today I am pleased to bring to your attention an exceptional exhibit of artwork from several of Washington State's most innovative and gifted women artists. The exhibit, a part of the State centennial celebration, truly celebrates the richness of Washington State's artistic heritage. I applaud the National Museum of Women in the Arts for providing this opportunity to showcase the talents of women in the arts and for providing a forum for exploring the changing roles of women in society.

This exhibit expresses the cultural diversity of the Northwest. Each work is an expression of the artists individual vision. I commend the volunteer coordinates and the Washington arts community for their efforts in bringing this exhibit to our Capital. It has provided us all with an opportunity to enhance our appreciation of the artistic wealth of Washington State.

TALENTED WOMEN OF WASHINGTON STATE

HON. JAMES A. McDERMOTT

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 1, 1989

Mr. McDERMOTT. Mr. Speaker, today I would like to commend the talented women from the State of Washington who were chosen to display their works at the art exhibit, Washington to Washington which is now being shown at the National Museum of Women in the Arts here in Washington, DC. Commemorating the Washington State centennial, this exhibit is a celebration of the work of women artists in my State. It includes works by artists from all over the State using various types of artistic media.

I am proud to present to our Nation's Capital some of the best creative works which my State has to offer. These works symbolize the cultural diversity of the Pacific Northwest and serve as living proof of the many contributions of women artists. I encourage my colleagues to visit this exhibit before it closes on July 9.

TRIUMPH OF CULTURE AND AN INSPIRATION

HON. NORMAN D. DICKS

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 1, 1989

Mr. DICKS. Mr. Speaker, I am delighted to join my colleagues from the Washington State delegation to pay tribute to those outstanding women artists from the State of Washington whose works are being recognized and honored this month through display at the National Museum of Women in the Arts. I salute the outstanding efforts of the Washington State Committee of the National Museum of Women in the Arts, the Washington State Society, and the alumni associations of the University of Washington, Washington State University, and Whitman College for making this event possible. Our society is greatly enriched by the talents and unique achievements of women in all areas of art. It is therefore with great pride that we recognize this very special group of talented individuals from the State of Washington in the visual arts. Their accomplishments stand as a triumph of culture and an inspiration to us all.

WOMEN IN THE ARTS

HON. JOLENE UNSOELD

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 1, 1989

Mrs. UNSOELD. Mr. Speaker, Washington, State recently celebrated Women in the Arts here in the Nation's Capital. We are proud of the achievements our women have made in the arts. It signifies the importance we place upon artistic endeavors, and how important the contributions from women have become. The Pacific Northwest is known for many

things, and now we can add women artists to the list. I am proud of my association with the Women in the Arts and hope we can bring more of these cultural events to Washington, DC.

WASHINGTON TO WASHINGTON

HON. AL SWIFT

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 1, 1989

Mr. SWIFT. Mr. Speaker, it is a distinct pleasure for me to pay tribute today to the Washington to Washington exhibit currently on display at the National Museum for Women in the Arts. In particular, I would like to applaud the creative and diverse talents of the 15 women whose artwork was chosen out of nearly 700 entries. It is clear that Washington State is rich with talent and enthusiasm in the areas of creative arts. I am pleased that the cultural, rural, and urban influences of the State are beautifully reflected in each piece. As this exhibition arrives at a time when those of us from the "other Washington" are celebrating our centennial, it is especially nice to honor both the State and its citizens at the same time. I am pleased to offer my congratulations and appreciation to the many people who worked tirelessly both here and in the State to put the Washington to Washington exhibition together.

SALUTE TO NATIONAL MARITIME DAY AT PORT EVERGLADES, FL

HON. LAWRENCE J. SMITH

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 1, 1989

Mr. SMITH of Florida. Mr. Speaker, as part of our national celebration of America's merchant marine, I invite you and all my colleagues to join me in applauding a young man from my district who recently won a nationwide essay contest sponsored by the Propeller Club of the United States.

Adam Pollack of Cooper City High School competed with students from across the country, and in winning the contest, he became the second Port Everglades Propeller Club representative in a row to be awarded first place. I congratulate the entire Pollack family on Adam's achievement. Also, I wish to recognize his teacher, Marsha Williams, for helping Adam develop the skills which let him create such an exemplary essay.

Members of the House, I find it especially appropriate that part of America's tribute to its merchant marine involves our youth. Today's students should learn all they can about this unique and important part of American history. American mariners have made outstanding contributions to our Nation. They were a vital part of America's fledgling Navy during the Revolutionary War, and they proved their commitment to the country in this century again, when they endured terrible losses and hardships in order to supply the allies during World War II.

In peacetime, American mariners have always helped America build and develop its economic strength, and they should be thanked for their part in our success. The merchant marine has earned a proud place in America's history and culture.

Finally, I wish to recognize the Port Everglades Authority and the Propeller Club for cosponsoring a National Maritime Day reception.

ADVISERS U.S.A.

HON. RICHARD J. DURBIN

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 1, 1989

Mr. DURBIN. Mr. Speaker, I rise today to commend the members of Advisers U.S.A., a pro bono organization that produces public interest advertising, for their participation in a statewide public information campaign to combat infant mortality in Illinois.

The campaign uses radio and TV ads, billboards, newspaper ads, and bus placards, to warn mothers-to-be about the dangers of drug use and the need for medical care during pregnancy. It advertises a toll-free prenatal care hotline operated by the State department of public health, which low-income women can call for prenatal health care referrals and nutritional help.

The professionals who are members of Advisers U.S.A. donated many hours over the past 6 months to produce the materials for the statewide advertising campaign, including six television spots, four radio spots, outdoor billboards, posters, and newspaper advertisements.

In particular, I would like to recognize Steve Miles, president of Advisers U.S.A.; Ron Lichterman; JoAnne Peterson; Marilyn Canna; Bill Carlton; Curt Galusha; and Suzanne Morrisey, who formed the project team that made this campaign a reality.

Our Nation's continuing infant mortality problem is deeply troubling. The members of Advisers U.S.A. deserve our commendation for their selfless efforts to focus the spotlight on this alarming problem. Because of their actions, we will be able to reach many more people in Illinois with the message of the importance of prenatal care, in order to help save the lives of high-risk newborns.

H.R. 2514, PROTECTING FEDERAL EMPLOYEE PENSIONS AND ENHANCING INVESTMENT OPPORTUNITIES

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 1, 1989

Mr. GILMAN. Mr. Speaker, as the ranking Republican on the Committee on Post Office and Civil Service, I want to take this opportunity to bring to the attention of my colleagues legislation the chairman of our Subcommittee on Compensation and Employee Benefits, Mr. ACKERMAN and I have introduced by request of the Federal Retirement Thrift Investment Board.

H.R. 2514 amends the Federal Employees' Retirement System Act of 1986 [FERSA] in two important ways. First, it authorizes Federal agencies to pay earnings lost as a result of an error, on their part, regarding their employees' Thrift Savings Plan [TSP] accounts. Second, it provides for more timely removal of some of the current limitations on TSP investments by Federal and Postal employees covered by the Federal Employees' Retirement System [FERS].

Presently, agencies must make certain contributions to the TSP on behalf of their participating employees. However, when there is an error committed by the agency and it fails to make the necessary contributions, the employee is the one that suffers. The General Accounting Office [GAO] has ruled that agencies do not have the "statutory authority to pay into employee TSP accounts earnings lost due to an agency's delay in making contributions to those accounts." This is one of the items we are changing in this bill. We are providing the agencies with that authority.

The GAO added that, "from the employee's perspective the TSP represents an obligation by the Government that upon retirement or separation the sum of all contributions will be paid." I agree with that statement. Our Federal and Postal employees have the right to expect that their retirement accounts are being handled judiciously. They have the further right to expect that if their employing agency makes an error and does not make the necessary contributions at the time prescribed by the statutes, then the Agency will replace all funds that were lost. H.R. 2514 would establish that authority and would provide earnings to be paid retroactive to the inception of the plan, as determined by the Executive Director of the Federal Retirement Thrift Investment Board.

Section 2 of the bill would expedite the removal of current restrictions on FERS participants investments in the Common Stock Index Investment (C) Fund and the Fixed Income Investment (F) Fund. According to the Thrift Investment Board these "restrictions, which expire in 1997 under current law, have significantly complicated the administrative and recordkeeping functions of the TSP."

FERS placed certain restrictions on the employee contributions to the two previously mentioned funds. These restrictions were to be gradually removed using a phase-in 10-year schedule. Then, the employee would be free to move their TSP investments between the two mentioned funds and the Government Securities Investment (G) Fund. Employees who maintained their coverage under the Civil Service Retirement System (CSRS) would still be restricted to the Government Securities (G) Fund.

The current arrangement of keeping track of the restricted and unrestricted contributions and earnings has had a tremendous impact upon the Thrift Board's operations. That has, in turn, increased the cost of processing individual transactions and has caused an increase in the overall cost of implementing and maintaining the plan. The current operation appears also to be confusing for TSP participants to understand and to predict with any certainty the impact of interfund transfer.

It is our hope that this legislation will be reviewed by the Subcommittee on Compensation and Employee Benefits in the near future. Modifications, if needed, can be made at that time. I request that the full text of H.R. 2514 be inserted at this point in the RECORD and I invite my colleagues to join in support of this measure.

H.R. 2514

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CORRECTION OF EMPLOYING AGENCY ERRORS RELATING TO THE THRIFT SAVINGS PLAN.

Section 8432 of title 5, United States Code, is amended—

(1) by redesignating subsection (h) as subsection (i); and

(2) by inserting after subsection (g) the following:

"(h)(1) The Executive Director shall issue regulations pursuant to which employing agencies shall pay to the Thrift Savings Fund amounts representing earnings lost by the Thrift Savings Fund because of errors (including errors of omission) committed by the employing agencies in connection with the Thrift Savings Plan described in this subchapter. The regulations may require an employing agency to reimburse the Thrift Savings Fund for costs incurred by the Thrift Savings Fund in implementating corrections of employing agency errors.

"(2) Regulations issued by the Executive Director pursuant to paragraph (1) shall provide for procedures for determining whether an employing agency error has occurred, which agencies are responsible for correcting the error, and the manner in which the error shall be corrected. The Executive Director may provide in such regulations for exceptions from the requirements of this subsection to the extent that correction of an error is not administratively feasible. Determination of administrative feasibility shall include consideration of the costs of correcting the errors and the benefits to the participants and beneficiaries of the Thrift Savings Fund derived from correcting the errors.

"(3) In addition to such other provisions as the Executive Director determines are appropriate to carry out this subsection, regulations issued pursuant to paragraph (1) shall provide that—

"(A) where an employing agency error has caused delay in or failure of contributions (including any employee contributions and any employer contributions) or other moneys to be invested in the Thrift Savings Fund, and neither the Thrift Savings Fund nor the participant had the use of or access to such contributions or other moneys during the period of the failure or delay, the employing agency shall pay to the Thrift Savings Fund, in addition to any amounts it is otherwise required to pay to the Thrift Savings Fund, an amount representing lost earnings on such contributions or other moneys, such lost earnings to be computed in a manner established by the Executive Director;

"(B) where an employing agency error has caused the Thrift Savings Fund to invest moneys in the wrong investment fund, the employing agency shall pay to the Thrift Savings Fund an amount representing any lost earnings, such lost earnings to be computed in a manner established by the Executive Director;

"(C) where an employing agency error has caused delay in or failure of employee contributions or other moneys (other than moneys representing repayment of a loan made under section 8433(i)) to be invested in the Thrift Savings Fund, but the participant has had the use of or access to the contributions or other moneys which should have been invested in the Thrift Savings Fund, then—

"(i) the participant may, if still receiving a salary which enables such participant to contribute to the Thrift Saving Fund, elect to contribute from current pay, on a tax deferred basis, in addition to an amount not to exceed the contributions or other moneys which should have been invested in the Thrift Savings Fund, an amount representing lost earnings on such contributions or other moneys, such lost earnings to be computed in a manner established by the Executive Director;

"(ii) if the participant elects to make contributions pursuant to clause (i), the employing agency shall pay to the Thrift Savings Fund, in addition to any employer matching contributions which the employing agency would have been required to pay pursuant to section 8432(c)(2) had the error not occurred, an amount representing lost earnings on such matching contributions, such lost earnings to be computed in a manner established by the Executive Director;

"(iii) any amounts contributed by the participant pursuant to an election made under clause (i) shall be exempt from the percentage of basic pay limitations on contributions to the Thrift Savings Fund which are contained in section 8432(a), section 8351(b)(2), the section 8440a added by section 401 of the Federal Employees Health Benefits Amendments Act of 1988 (Public Law 100-654), and the section 8440a added by section 7 of the Retirement and Survivors Annuities for Bankruptcy Judges and Magistrates Act of 1988 (Public Law 100-659);

"(iv) if the participant is no longer receiving a salary which enables such participant to contribute to the Thrift Savings Fund, or ceases receiving such salary before all contributions elected pursuant to clause (i) have been made, or is otherwise unable to obtain correction under this subparagraph, such participant may seek relief against such participant's agency pursuant to paragraph (5) of this subsection;

"(v) in order to be eligible to make an election pursuant to clause (i) the participant must, within 1 year after the date on which the participant first actually knew or reasonably should have known of the relevant employing agency error, notify such participant's employing agency of the error and that such participant is seeking correction, except that, with respect to errors occurring before the effective date of this subsection, the notice to the agency must be provided on or before the date which is the later of (I) 180 days after the effective date of this subsection, or (II) 1 year after the participant first actually knew or reasonably should have known of the relevant employing agency error;

"(vi) the provisions of clause (v) notwithstanding, any election pursuant to clause (i) must be made within 30 days after the date on which the participant is notified of a determination that entitles such participant to make an election pursuant to clause (i).

"(4) Any amounts required to be paid by an employing agency pursuant to this subsection or any regulations issued pursuant to this subsection, shall be paid from the appropriation or fund available to the employing agency for payment of salaries of the participant's office or establishment. When a participant in the legislative branch is paid by the Clerk of the House of Representatives, the Clerk may pay from the contingent fund of the House of Representatives the amount required to be paid to correct errors made in connection with the Thrift Savings Fund that otherwise would be paid from the appropriation or fund used to pay the participant.

"(5) If an employing agency error affecting the Thrift Savings Plan cannot be corrected under this subsection or regulations issued under this subsection, or if an agency fails to take action required by this subsection or regulations issued under this subsection, the participant or beneficiary may bring a civil action to recover Thrift Savings Plan benefits pursuant to section 8477(e)(3)(C)(i) against the employing agency, naming the head of the agency as defendant. A participant or beneficiary must, before instituting any such action, exhaust any administrative claims procedures established in accordance with the Executive Director's regulations under this subsection."

SEC. 2. REMOVAL OF RESTRICTIONS ON INVESTMENTS BY CERTAIN THRIFT SAVINGS PLAN PARTICIPANTS.

Section 8438 of title 5, United States Code, is amended—

(1) in subsection (c)(1), by striking "Subject to subsection (e), the" and inserting "The";

(2) in subsection (d)(1), by striking "and not subject to subsection (e)";

(3) by striking subsection (e); and

(4) by redesignating subsections (f) through (i) as subsections (e) through (h), respectively.

SEC. 3. EFFECTIVE DATES.

(a) Section 1 shall be effective no later than the beginning of the second election period, described in section 8432(b) of title 5, United States Code, beginning after the date of enactment of this Act, or upon such earlier date as the Executive Director may prescribe in regulations, and shall apply to the correction of all errors affecting the Thrift Savings Fund since its establishment, except to the extent an exception to the requirements of section 8432(h) of title 5, United States Code (as added by section 1) is made in accordance with paragraph (2) thereof.

(b) Section 2 shall be effective no later than the beginning of the second election period, described in section 8432(b) of title 5, United States Code, beginning after the date of enactment of this Act or upon the issuance of regulations by the Executive Director implementing this Act, if earlier.

ALTERNATIVE MINIMUM TAX CREDIT

HON. ROBERT T. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 1, 1989

Mr. MATSUI. Mr. Speaker, under present law, a taxpayer may only use foreign tax credits to offset its minimum tax by 90 percent, even where a company only earns income from foreign sources and that income is subject to high rates of foreign tax. The alternative minimum tax credit is not permitted for minimum tax paid attributable to this 90-per-

cent limitation on the foreign tax credit. The foreign tax credits that equal the remaining 10 percent of minimum tax may be carried back and forward as foreign tax credits but the likelihood of utilizing these foreign tax credits in preceding or succeeding years is extremely small given the low tax rate on taxable income imposed by the United States as compared to most other foreign nations. Because the foreign tax credit is not a preference, but rather a provision to avoid international double taxation, the 90-percent limitation on the foreign tax credit creates significant double taxation.

The alternative minimum tax credit generally only applies to preferences which do not reflect true economic income over time. In theory, the minimum tax is paid in a year when a deduction has been accelerated or when the taxpayer's book profits are higher than its minimum taxable income. The minimum tax credit is then used to offset regular tax in a later year when that accelerated deduction is no longer available or when the book income more closely tracks minimum taxable income.

The minimum tax credit is also used to enable taxpayers to use their nonconventional fuel credits, which may not offset minimum tax, in a year during which these taxpayers have some regular tax liability. Without this ability to add their unused fuel credits to the minimum tax credit, taxpayers would lose forever their ability to use these credits because the nonconventional fuel credit has no mechanism to permit the carry back or carry forward of unused credits. Thus, the minimum tax system first ensures that all profitable companies pay at least some U.S. tax in a particular year, and second permits taxpayers to recoup certain incentives which would otherwise be lost forever during years in which they are on the regular tax system and, thus, paying more than the minimum tax.

The alternative minimum tax credit is not permitted for minimum tax paid because of the 90-percent limitation on the foreign tax credit. This rule, in effect, treats the disallowed foreign tax credits for as a permanent preference. The foreign tax credit, however, is not in any economic sense a preference at all. Moreover, because the likelihood of using these excess credits in previous or subsequent years is extremely small, the foreign tax credit and the possibility of eliminating double taxation is lost forever. Thus, because the credit is treated as a preference in certain cases, the minimum tax credit should also be allowed for minimum tax paid as a result of this treatment. Failure to so treat the foreign tax credit limitation, in effect, results in signifiant double taxation.

Under the bill, the minimum tax credit allowable in future years against the regular tax will be increased by the amount of the minimum tax paid for the taxable year solely by reason of the 90-percent foreign tax credit limitation. As a result, taxpayers who eventually switch to the regular tax system will be able to offset their regular tax liability by this foreign tax credit limitation amount. Taxpayers will in no event be permitted to use such credits to offset minimum tax liability. In addition, to ensure that these taxpayers do not obtain a double benefit associated with a foreign tax credit and a minimum tax credit, the provision reduces the taxpayer's foreign tax credit by that minimum tax amount attributable to the 90-percent limitation which is permitted as a minimum tax credit.

The provision is to be effective for taxable years beginning after 1988. The minimum tax carryforward for 1989, however, will be adjusted to take into account any additional amount which would be carried forward had the provision been included in the 1986 Tax Reform Act.

MOBILE TEACHERS RETIREMENT ACT OF 1989

HON. LEON E. PANETTA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 1, 1989

Mr. PANETTA. Mr. Speaker, today I am reintroducing a measure to correct a longstanding inequity affecting the retirement benefits of teachers throughout the Nation. I do so with the hope that this body will finally act to eliminate an injustice which denies hard-earned retirement benefits to teachers who move across State lines. I urge all of my colleagues to support the Mobile Teachers Retirement Act of 1989.

The justification for my legislation is clear and simple. Current law effectively penalizes teachers who move across State lines. At a time when there are shortages in the teaching profession and a pressing need for experienced teachers in inner city, rural, and other areas in many States, it is essential that Congress pass legislation which will lift this penalty so that teachers will be able to seek employment in various locations without losing retirement benefits.

In California alone, there are over 100,000 elementary, secondary, and community college teachers who have taught in other States. Many of these teachers have spent an average of 6 years working in other States. Unfortunately, those years have been lost in figuring the retirement benefits accumulated over the years.

The bill I am reintroducing today would establish a Federal-State program to assist in the funding of these benefits for teachers. It would enable teachers who have taught in two or more States to retire at the end of their careers with benefits substantially the same as they would have received by teaching in a single State for their entire careers. In addition, the bill would extend Federal aid in the financing of recognized out-of-State service credit for those States wishing to participate.

While many State retirement systems have made good-faith attempts to rectify this situation, limitations on State funds and the interstate nature of the problem point to the Federal responsibility in this area. Because of the tremendous role played by our Nation's teachers in the education of our children, it is critical for the Federal Government to lend support to teachers in this matter relating to retirement benefits. Thomas Jefferson recognized the importance of sound education in the democratic process and feared the consequences of ignorance on the ability of Americans to participate in the grand democratic experiment. His concerns then are still valid today. Federal support for teachers' retirement benefits should be commensurate with the crucial responsibilities teachers bear in the classroom and in our society.

For the convenience of my colleagues, the text of the legislation follows:

H.R. 2537

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Mobile Teachers' Retirement Assistance Act".

FINDINGS AND STATEMENT OF PURPOSE

SEC. 2. The Congress finds that the transfer of qualified teaching personnel between schools operated by public educational agencies in one State and schools operated by public educational agencies in another State is seriously impeded because of the possibility of forfeiture of retirement benefits in the system from which a teacher transfers and that the resulting immobility of teachers impeded the mobility of the Nation's work force by hindering the growth and development of new communities. It is therefore the purpose of this Act to protect commerce by facilitating the interchange of teaching personnel from a public educational agency in one State to a public educational agency in another State by providing Federal financial assistance in the transfer of credits from one State to another State.

REQUIREMENTS FOR PARTICIPATION

SEC. 3. (a) In order to participate in the program provided for in this Act, a State retirement system must—

(1) provide for payment of retirement benefits on account of out-of-State service by a covered teacher as required in section 4(c);

(2) allow covered teachers at least ten years of out-of-State credit for public teaching service not covered by the system which is not vested under another State retirement system, upon payment by the covered teacher by the date of retirement of a portion of the cost involved and payment from public funds of the remainder;

(3) require no more than one year of in-State service for each year of out-of-State service credit granted;

(4) provide that the teacher's payment for out-of-State service credit shall not exceed 25 per centum of the total cost of the out-of-State service credit;

(5) provide for vesting after not more than five years of creditable service in the State retirement system; and

(6) provide for making such reports, in such form and containing such information, as the Secretary may reasonably require to carry out his functions under this Act, and for keeping such records and for affording such access thereto as the Secretary may find necessary to assure the correctness and verification of such report.

(b) If the Secretary determines a State retirement system meets the requirements of subsection (a), he shall approve it for participation in the benefits of this Act.

OUT-OF-STATE CREDIT PROVISIONS

SEC. 4. (a) The Secretary shall, as soon as practical after the end of each calendar year, make a Federal contribution to each State retirement system which he has approved under section 3(b) on account of each covered teacher who is a member of the system who retired during the fiscal year (or other twelve-month period designated by the system) which ended in such calendar year with credited out-of-State

service as a teacher. The Federal contribution on account of each year of each such teacher's credited out-of-State service as a teacher shall be an amount equal to 50 percent of the total cost as determined by the retirement system at such teacher's age on date of retirement, except that if the teacher has not reached age sixty, the cost shall be determined as if the teacher were age sixty.

(b) The Federal contribution under this section to a State retirement system shall be limited to the reserve required to provide not more than ten years of out-of-State service credit, except that the Secretary may determine maximum reserve factors at each age, beginning at age sixty, for purposes of the Federal contribution.

(c) The Federal contribution under this section to a State retirement system shall be used for the same purposes, and subject to the same terms and conditions, as are funds of the system derived from other sources. Retirement benefits under such system attributable to service credited under this section shall not be paid on a basis less favorable to the retired teacher than the payments made under such system which are attributable to service other than that so credited.

COST OF ADMINISTRATION

SEC. 5. The Secretary shall each fiscal year make a grant to each State retirement system which is approved to participate in this Act. Each such grant shall be an amount equal to 2 per centum of the Federal contributions made under section 4.

APPROPRIATIONS AUTHORIZED

SEC. 6. For the purpose of making such Federal payments, there is hereby authorized to be appropriated for the fiscal year ending September 30, 1990, and for each succeeding fiscal year the amount necessary to effectuate the provisions of this act.

DEFINITIONS

SEC. 7. For purposes of this Act;

(1) The term "State retirement system" means a State retirement system established under State law or local public retirement system recognized or established by State law, in which teachers participate.

(2) The term "teacher" means an individual who is employed in a professional educational capacity by a board of education.

(3) The term "covered teacher" means a teacher who is a member of a State retirement system.

(4) The term "board of education" means any board, committee, commission, or agency authorized by State law to direct a public educational system, school, or institution of higher education.

(5) The term "State" includes the District of Columbia and Puerto Rico, and any other territory of the United States which has a public retirement system which include teachers.

(6) The term "Secretary" means the Secretary of Education.

(7) The term "out-of-State service" means public teaching service performed in another State or in elementary or secondary schools operated by the United States Department of the Interior and the United States Department of Defense and recognized by the system in which the teacher is a member for the purpose of service credit under the terms and conditions of the law governing the operation of such system.

(8) The term "vesting" means a right of a teacher who separates from covered employment after having at least the minimum years of credited service required under the State retirement system, and has left his contributions in the retirement fund of such system, to a retirement benefit upon reaching an age specified in the law governing the terms and conditions of the system, which benefit is based at least in part on public contributions.

EFFECTIVE DATE

SEC. 8. This Act shall become effective October 1, 1989, and shall apply to teachers who retire on or after such date.

REMEMBERING ROY WILKINS

HON. BRUCE F. VENTO

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 1, 1989

Mr. VENTO. Mr. Speaker, this year marks the 35th anniversary of the U.S. Supreme Court's historic decision in Brown versus Board of Education, which outlawed racial segregation in public education and furthered the American civil rights movement for racial equality.

There are many heroes in the history of the civil rights movement. Certainly, one of the foremost of these was the late Roy Wilkins, who led the NAACP through some of the most turbulent years. Roy Wilkins was a strong and steadfast leader who helped to mold a new consensus for civil rights for all Americans. He worked tirelessly to see his goals implemented through legal rulings and legislation. He was one of many who helped change the course of our Nation's history for the better.

Roy Wilkins was raised in St. Paul, MN, and graduated from the University of Minnesota. Minnesotans are very proud that one of the key leaders of the fight for racial justice and equality in America was from our State. William Raspberry, writing in the Washington Post, pays special tribute to Mr. Wilkins for his important contributions to the civil rights movement.

The article follows:

[From the Washington Post, May 17, 1989]

REMEMBERING ROY WILKINS

(By William Raspberry)

The 35th anniversary of the Supreme Court decision outlawing public school segregation is as good a time as any to take another look at the forgotten man who as much as any made it possible.

My contemporaries will know I'm talking about Roy Wilkins, the longtime executive director of the NAACP, who led the fight against school segregation and whose name was for years virtually synonymous with civil rights.

And yet it's a safe bet that thousands of youngsters who owe their desegregated schooling to Wilkins would be hard-put to identify him. For them, "civil rights" means Martin Luther King, Jr.

Part of what has happened to Wilkins is the compression of history. A handful of names come to stand for entire episodes: George Washington for the American Revolution; Lincoln, Lee and Grant for the Civil War years; "Roe" and Wade for the abortion controversy; King for the movement.

Part of it is timing. King's martyrdom at age 39 eclipsed the fact that he was at the time (1968) losing ground to black power militants. Wilkins, who died at age 80 a full 13 years later, retired from the NAACP helm under pressure from "young Turks," embarrassed by his lack of outspoken militancy.

Part of it is style. King was the eloquent, charismatic preacher whose strength was his ability to inspire, energize and embolden the masses; Wilkins the quiet negotiator who, though his achievements manifested themselves in numerous legislative acts and court decisions and the most powerful black organization in the history of the country, was content to stay out of the limelight.

As his old colleague Joe Rauh once put it, "I guess you can say Martin was the front man who changed public opinion. But Roy was the one who was able to use that shift in public opinion to bring about legislation and legal rulings that benefited blacks, as well as any number of other people."

No single act of Wilkins stands out even in the minds of his admirers; neither King's I-have-a-dream oratory nor Rosa Parks' dramatic refusal to move to the back of the bus nor Malcolm X's rapier wit. Wilkins, like the similarly eclipsed Whitney Young and A. Phillip Randolph, is remembered by those he inspired for his integrity, his ability to get results, his always-on-call willingness to help.

Civil rights activists recalling King might quote a line or two, complete with his famous inflection, from a speech. Wilkins is more apt to be remembered as the late Bayard Rustin remembered him: "When Jim Farmer and I started the first Freedom Rides across the South, we knew we were taking terrible chances, that we could be slapped into jail or lynched at any city anywhere along the line, and we went to Roy Wilkins and asked for the NAACP to provide lawyers to help us at every stop just in case, and he said: 'You've got it.'

"There was never bombast, never threats, never argument. Always logic. He was the civil rights statesman of this century."

And the civil rights patriarch as well. Most of the best known movement leaders were Wilkins disciples. King, before the Alabama bus boycott thrust him into national prominence, headed the NAACP membership campaign in Montgomery. Vernon Jordan, who achieved prominence as head of the National Urban League, was his NAACP field secretary in Georgia.

Jordan, now chair of the Roy Wilkins Foundation, is heading a national fund drive to endow a Roy Wilkins Chair in Human Relations and Social Justice at the University of Minnesota. (Wilkins grew up in St. Paul and graduated from the University of Minnesota.)

The Wilkins chair, to be held by "a distinguished scholar and public policy shaper," will focus on "research, teaching and outreach that relate to major issues in intergroup relations, racial justice, social change and the availability of opportunity," according to former senator Edward Brooke, who heads the local fund-raising effort.

But it will also give scholars, activists and unmindful beneficiaries of the Wilkins legacy a chance to reflect on the career of this great man and to restore him to his place of honor in the civil rights pantheon.

Roy Wilkins deserves it.

CONGRESSMAN McNULTY SEES GLIMMER OF HOPE IN STARVING SUDAN

HON. MICHAEL R. McNULTY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 1, 1989

Mr. McNULTY. Mr. Speaker, as a member of the House Select Committee on Hunger, I would like to have a recent article regarding a recent trip to the Sudan with members of the committee inserted into the RECORD for today:

GLIMMER OF HOPE IN STARVING SUDAN

(By Michael R. McNulty)

From a personal standpoint, there is no question that my recent visit to the beleagured African nation of Sudan has fundamentally changed my outlook on life.

The human devastation I saw was almost indescribable. We visited camps in Muglad and Wau in the southern Sudan and saw thousands upon thousands of people with no bed to sleep on at night, and whose hopes of escaping starvation rested on the success of the current relief effort.

Seeing the little children was the worst of all. We were in the Sudan during a widespread outbreak of malaria, and, I am sorry to say, we found medical supplies are as scarce there as food.

When I arrived home at the Albany County Airport, I was met by my family. I hugged my four children with a heightened awareness of how grateful I should be for the fact they do not have to worry about where their next meal will come from. And the trials and tribulations we all experience in our daily lives suddenly don't seem that important. They pale by comparison to what millions upon millions of people all around the world have to suffer every day of their lives.

The blessings of freedom, liberty, peace and plenty will, I am sure, seem more precious to me every day of the rest of my life.

The Sudan visit stemmed from my new membership on the House of Representatives' Select Committee on Hunger, headed by Rep. Mickey Leland of Texas. He described to me a tragic situation in the southern Sudan, the dimensions of which I did not fully absorb until I saw the evidence for myself.

He told me of the 250,000 people who had starved to death in that region in 1988, and predicted that mass starvation would occur again this year if we were not successful in transporting massive amounts of food into the region prior to the onset of the heavy rainy season which then was less than two months away.

Leland asked me to join him and two other congressmen on a trip to the Horn of Africa, during which we would meet with both sides of the Sudanese civil war and with the heads of the neighboring countries of Ethopia and Kenya.

There are special frustrations in this tragic situation, 250,000 people lost their lives to starvation not because of lack of food, but because the intense and bitter civil war was preventing shipment of food to the innocent civilian population trapped in the rebel-held southern part of the country.

Our goals were clear. We wanted to cooperate with the non-governmental organizations, the private voluntary organizations and the United Nations in coordinating a general relief effort. We also would meet with Ethiopian President Mengistu Haile Mariam and Kenyan President Daniel arap Moi, and extract from them commitments of cooperation in allowing food to flow across their borders into the southern Sudan.

The main obstacle was obtaining the cooperation of the Sudanese Prime Minister Sadiq El Mahdi and the leader of the southern rebels, Col. John Garang.

The civil war basically is between the Arab Moslems of the north, who control the government from Khartoum, and the black Christian and anamist rebels of the Sudanese People's Liberation Army, which controls most of the south.

When we met separately with Mahdi and Garang, they agreed to what amounts to a partial ceasefire in eight "corridors of peace." The plan was to allow safe passage of food through these routes before the heavy rains that turn the primitive roads into virtual swamps, thereby isolating hundreds of thousands of people until November.

Since that time, approximately 45,000 metric tons of food and supplies have been moved into the southern Sudan. Another 50,000 tons is expected to be moved there before the end of the current relief effort.

President Moi of Kenya has been totally cooperative in maintaining his part of the agreement. Even President Mengistu of Ethopia, despite some reports to the contrary, has quietly assisted in the cross-border feeding.

At this time, it appears the overall effort will be a substantial success, and that the massive human devastation which occurred last year will not be repeated. But the problem is far from over.

During our meetings with Moi, Mengistu, Mahdi and Garang, I let the other members of the delegation take the lead in discussing the short-term objectives of the relief effort this year. When it came my turn to question these leaders who held the fate of so many millions of people in their hands. I turned to what I believe is the more central question. How and when can we end the Sudanese civil war?

If there was one thing clear to me, it was that unless a long-term solution to the fighting was achieved, the problem would continually recur. I asked Mahdi and Garang what steps could be taken to achieve a long-term peace. Their responses were most interesting.

Mahdi outlined five specific points, saying the Sudan government was willing to discuss.

The possibility of special regional status for the south.

The recognition of religious differences within the country.

The need to achieve racial tolerance.

The sharing of resources with the poorer southern region.

The sharing of power, on a proportional basis, with the south.

Within days of that meeting, I posed the same question to Garang. The rebel leader also gave me a five-point response. To my amazement, they were the same five points outlined by the prime minister.

I told Garang that, in my opinion, after we conclude the short-term relief effort it is time for his forces and the government to meet at the negotiating table. Recent events give me renewed hope that is precisely what will happen.

Garang and Mahdi, after getting off to a very shaky start in fulfilling their commitments to the relief effort, now have agreed to a full cease-fire over the next month. And the prime minister has agreed to suspend the harsh Islamic law which have been in force since 1983, thereby clearing the way for a constitutional conference to work out a peace plan.

THE TALENT AND DEDICATION OF DR. WILEY

HON. SID MORRISON

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 1, 1989

Mr. MORRISON of Washington. Mr. Speaker, I would like to share with my colleagues a series of "recognitions" that have been made over the past few months to Dr. William Wiley of Richland, WA. Dr. Wiley currently is vice president of Battelle Memorial Institute and director of the Pacific Northwest Laboratories, a science and technology organization with 3,000 employees in the Tri-Cities area of Washington State.

I would like to acknowledge publicly three totally unrelated actions that have recognized Bill Wiley's talent and dedication to his community and to his State.

The Governor of Washington recently appointed Dr. Wiley to the Board of Regents of Washington State University, the State's land grant university and a university "on the move" under the leadership of President Sam Smith.

In addition, Bill Wiley was selected to be a member of the very prestigious Washington Roundtable, an organization of executives from the State's major companies whose purpose is to study and make recommendations on critical public policy issues facing the State.

And finally, Bill Wiley was recognized by his neighbors and peers as Tri-Citian of the Year for 1988, an honor bestowed on a citizen who has made outstanding contributions on behalf of the local communities.

I am attaching some recent editorials from the Tri-City Herald that reflect the contributions and talents of Dr. William Wiley of Richland, WA.

WILLIAM WILEY'S WONDERFUL GIFTS

A community, an award and a remarkable citizen came together Saturday night with the selection of William Wiley as Tri-Citian of the Year.

It was the right award at the time for the right man.

The 58-year-old director of Battelle Pacific Northwest Laboratories has had enormous impact on his community for years, but during the one just past—full of uncertainty, doubt and economic hurt—he has excelled in providing the leadership to bring constructive change.

In this 19th year of the Tri-Citian of the Year awards, Wiley joins a select company of individuals who have made more than a little difference.

The award is given annually by the Richland and Pasco-Kennewick Rotary clubs.

They could not have chosen better this year.

Wiley loves this community.

His long and distinguished career is replete with the evidence of his selfless leadership, including:

His appointment by Gov. Booth Gardner as a regent of Washington State University (where Wiley earned his doctorate in bacteriology), which recognized his outstanding contributions to education in general and his special skills in bringing about the creation of a Tri-City campus of WSU.

The effective, active role he played on the Higher Education Coordinating Board, which resulted in the recommendation to the Legislature and Gov. Gardner for creation of branch campuses in five underserved communities of the state, while caring for the existing institutions as a first priority.

His election as chairman of the board of Benton-Franklin United Way at a time when United Way is making significant changes in the service it will extend to donors in coming campaigns.

His nearly 20 years as a trustee of Gonzaga University.

His insightful role as chief administrator of Battelle's Northwest operations.

His sharing of his time and resources to help the United Negro College Fund in its drive to help less-privileged youngsters find the educations that will surely change their lives.

His service as director of the Tri-City Industrial Development Council and its $1.7 million Renaissance program aimed at building a stronger and more diversified local economy.

He is a man utterly committed to the idea of progress through education. His own life attests to the truth of that concept.

But it is in subtler ways, too, that Wiley has earned this distinguished award. He is a man who leads while being well-liked. He is a man of towering intellect who has the gentle manner of a comfortable old friend.

That combination is a rare and inordinately valuable asset for the human condition.

ROUNDTABLE'S EXCELLENT CHOICE

Appointment of Battelle's William Wiley to the board of directors of Washington Roundtable accomplishes two important things for the nonprofit organization:

It gives the organization of chief executive officers of the state's largest business access to one of the state's finest minds.

It gives the organization the east-side credibility that its chairman, Richard Cooley of Seafirst Bank, said it was hungry for.

When the Roundtable placed branch campuses as the 11th—and last—item on its priority list for the state for this year, many in the Tri-Cities saw it as a fundamental policy mistake and blamed it on west-side ignorance of east-side goals.

Cooley candidly admitted the critics probably were correct. Except for a minimal representation from Spokane, the Washington Roundtable was essentially a Puget Sound area organization. He promised to set things right.

The selection of Wiley is particularly meaningful in relation to the branch compus struggle. As a member of the Higher Education Coordinating Board he was extremely influential in developing the concept and promoting it. Now, as a regent of Washington State University, the institution that will establish a branch campus in Richland, he continues in a role for which he is particularly suited by training, experience and nature.

This is an honor for Wiley and for the Roundtable. For Wiley, who recently was named Tri-Citian of the Year, considered the highest honor the community can bestow, this is additional confirmation of the high regard in which his fellow citizens hold him. For the Roundtable, it means gathering into itself one of the principal leaders of Washington who has keen insights into that portion of the state lying east of the Cascades, and where the Roundtable most needs to gain a better understanding.

SECTION 89 REPEAL NEEDED

HON. JOHN MILLER

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 1, 1989

Mr. MILLER of Washington. Mr. Speaker, today I rise to explain why I join more than 300 of my colleagues in cosponsoring H.R. 634, the bill to repeal section 89 of the Revenue Code. Back in 1986, section 89 was written with the intention of increasing the number of rank and file American wage earners receiving health care benefits. Now that it has taken effect, section 89 might actually cause some firms across the country to cancel their health care packages, rather than expand them to include more workers.

Small business owners throughout my district have told me about the harm they foresee from section 89. Dick Ekins, a hardware store owner in Kirkland, WA, tells me this law will cost him and other small businessmen too much of their time preparing for tests of their health packages, and cost them too much money in accounting and legal fees. Section 89 is so complex and convoluted that many law firms, insurance agents, and accountants will agonize over their clients' books for countless hours before they decide they are not sure whether their clients have complied with the law. Section 89 is a legislative intrusion on the well-being of Dick Ekins and his employees who have worked hard to supply the people of Kirkland with a quality hardware store.

Our colleague, Mr. ROSTENKOWSKI of Illinois, has introduced into his Ways and Means Committee, H.R. 1864, a bill that amends section 89. While my distinguished colleague's bill is a start toward rectifying the jumbled mess of section 89, I believe it should go further. H.R. 1864 addresses many of the problems voiced by part-time and leased employees across the country, but it fails to address the well-founded concerns of small business-owners. H.R. 1864 is not the solution. We must not settle for second best and cheat the people we were sent here to serve.

By repealing section 89, the House can write a new law. It would create a law that simply tests a health package for discrimination against lower compensated employees. And, it would not force small business owners to unnecessarily cancel their health care packages. I thank you, Mr. Speaker.

GEORGE BUSH IS AN ENVIRONMENTALIST

HON. SHERWOOD L. BOEHLERT

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 1, 1989

Mr. BOEHLERT. Mr. Speaker, there's been a lot of talk lately about the job George Bush is doing in the area of environmental protection.

Quite frankly, anyone who doubts the President's personal commitment, or that of his administration, to strong environmental protection, just isn't paying attention:

First, the President will shortly implement his pledge to submit strong, comprehensive clean Air Act amendments to Congress, and make enactment a top domestic priority.

Second, Secretary of State James Baker's first major address, in his first week in office, expressed the President's intention to act on global warming.

Third, the President has endorsed a worldwide phaseout of ozone-depleting CFC's by 2000, and will host a world conference on global warming this fall, as promised, at the White House.

Fourth, the President's budget includes: $206 million for parkland acquisition under the Land and Water Conservation Fund, up from Reagan's $17 million request; full funding, a $385 million increase, for clean coal technology development on the 5-year timetable originally promised, but later delayed, by Reagan; full funding, $340 million for defense nuclear plant cleanups, a major increase over the Reagan budget request.

Fifth, the President has declared a moratorium on long-contentious oil drilling leases off the shore of California and Florida.

Sixth, Environmental Protection Agency Chief William Reilly has halted the Two Forks Dam in Colorado, saving priceless wilderness and wildlife resources and encouraging greater conservation efforts.

Seventh, Secretary of Transportation Samuel Skinner has raised corporate average fuel economy [CAFE] standards for autos to 27.5 mpg.

Eighth, the President has requested funds to hire more environmental prosecutors at the Department of Justice.

Ninth, an administration task force is preparing a list of recommended strengthening reforms to the Superfund law.

Tenth, EPA chief William Reilly has created a deputy administrator slot for international environmental issues.

Eleventh, the President held meetings in Tokyo with the leaders of Japan and Brazil to discuss ways of reversing rainforest devastation.

Twelfth, the President has proposed a new policy to ban hazardous waste exports absent an agreement with the receiving country to handle the wastes in an environmentally sound manner.

Thirteenth, EPA has initiated a pilot medical waste tracking system, intended to prevent last summer's beach scares from recurring and serve as a model for nationwide action.

Fourteenth, the President has extended an offer of America assistance for Eastern Europe's monumental cleanup problems.

Mr. Speaker, while there is room for valid dispute in some areas, it is a great setback to bipartisanship and honesty in government to ignore what tremendous initiatives the President has already taken in just 6 months in office.

All of us in government have faced the frustration of seeing our best balancing efforts belittled as too little, too late by those who would rather see us devote all our attention to limited agendas. In general, we need such informed and engaged citizens but in fairness, they should remember the words of President Kennedy when he said, "A journey of a thousand miles must begin with a single step."

George Bush the environmentalist has taken many steps in short order toward a more sustainable future, and he will continue. I hope my colleagues in government, the media, and the policy community will resist the temptation to belittle these efforts and instead work with him to trumpet and extend a new era in environmental protection.

THE 40TH ANNIVERSARY OF THE NORTH ATLANTIC TREATY ORGANIZATION

HON. JIM KOLBE

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 1, 1989

Mr. KOLBE. Mr. Speaker, this past weekend marked the 40th anniversary of the creation of the North Atlantic Treaty Organization [NATO].

This anniversary, and the extraordinary occurrences in foreign policy in recent months, should give each of us pause to think about the condition and goals of the most important of our alliances—NATO. Who could have predicted when Secretary of State George Marshall suggested the European Recovery Program, better known as the Marshall plan, that it would lead to an alliance of nations that would endure so solidly for 40 years? NATO has been able to survive precisely because it has not been afraid to change.

The original members of NATO, in April 1949, were: Belgium, Canada, Denmark, France, Iceland, Italy, Luxembourg, the Netherlands, Norway, Portugal, the United Kingdom, and the United States. Three years later arch rivals Greece and Turkey joined the alliance. In 1955 the Federal Republic of Germany became a member and in 1965 Charles de Gaulle announced France's withdrawal from the NATO integrated military structure. The newest member of NATO is Spain, having joined in 1981. These changes in membership have helped to keep the alliance dynamic. But, they have also increased the difficulty of some of our military operations in recent years.

The United States retaliatory bombing of Libya was significantly complicated by France's refusal to allow overflight of their territory by F-111 bombers stationed in England. This refusal added hours to the flight and necessitated many tricky midair refuelings. This in turn added to crew fatigue which can lead to errors in judgment—a very dangerous situation for pilots flying high performance aircraft. However, for the most part, changes in NATO have made the alliance more vigorous.

We must now recognize we are standing on the brink of hitherto unimaginable changes in our relations with the Warsaw Pact. Not since an uneasy truce descended over Europe in May 1945 has the world been so ripe for change. Elections are being held in Latvia and Lithuania, student protests and a move to a capitalist-style market are being tolerated in China, the government in Poland has recognized the labor union Solidarity and in the Soviet Union Mikhail Gorbachev continues to force economic restructuring on a nation that has been frozen in time for three quarters of a century.

I am not so naive as to take everything Premier Gorbachev says at face value but we can scarcely be anything but astonished at the magnitude of some of the offers he has made to the West. Changes in Warsaw Pact doctrine have thrown Helmut Kohl and the rest of West Germany into turmoil over the issue of short-range nuclear weapons. I don't think any of us have forgotten the magnitude of the European student protests in the early 1980's after the NATO decision to deploy intermediate-range nuclear weapons in 1979. The historic INF Treaty is now leading to the removal and destruction of these weapons.

What lies ahead in NATO relations and U.S. foreign policy is anyone's guess. Who would have believed even 5 years ago that a man would come to power in the Soviet Union who would struggle to put in place broad based political and economic reform? Senior, hardline members of the Politbureau are being forced into retirement. Senior generals and admirals in their late seventies are being replaced by men in their fifties. These men will have a profound effect on the Soviet military well into the next century. Are we ready to change with them?

Is NATO ready to meet the challenges the Soviets have presented to us? Should we meet them? Should we be concerned that the public relations machine Gorbachev has put in place will simply dazzle us into making unwise moves? Should we be concerned about Gorbachev's vulnerability to a palace coup by hard line, old style Communists? Is Europe, in particular, ready for the changes that may be ahead of us? Are they ready to consider the possibility of a united Germany?

Mr. Speaker, the United States, the NATO alliance, and the world are poised on an exciting moment of history. It is both perilous and rich with opportunity for lasting peace. The 40th anniversary of the creation of NATO is an appropriate time for us to reflect on this and to rededicate ourselves to creating a better, more peaceful world for our children.

BROADWAY TO THE BOARDROOM: NEDERLANDER NAMED AS CHAIRMAN AND CEO OF ALLIS-CHALMERS CORP. IN MILWAUKEE

HON. GERALD D. KLECZKA

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 1, 1989

Mr. KLECZKA. Mr. Speaker, when the Allis-Chalmers Corp. declared chapter 11 bankruptcy in 1985, more than 4,000 of my constituents in Wisconsin's Fourth Congressional District were plunged into chaos and financial hard times. Pension and health benefits for retirees were drastically reduced, and the prospect for a reasonable settlement of the failing industrial giant's economic problems looked grim as dozens of its operations were sold off.

After years of confusion and loss, Allis-Chalmers is now poised to come back stronger under the direction of a new chairman and CEO, Mr. Robert E. Nederlander.

As part of his introduction to the Allis-Chalmers Corp., Mr. Nederlander should be aware of congressional action resulting in passage of H.R. 2969 last session which helped the Allis-Chalmers retirees. This law placed the retirees who created Allis-Chalmer's profits at the head of the creditors' line, alongside banks and other lending institutions. Although the Allis-Chalmers bankruptcy settlement was finalized before passage of H.R. 2969, attaching this bill's language to budget bills during the previous two sessions impressed Allis-Chalmers with the necessity of following its intent in crafting the multibillion dollar bankruptcy settlement between the corporation and its workers. Members of Congress remain supportive of retiree rights today, as well. As an active cosponsor of H.R. 2969, I was pleased that the intent of this retiree benefits security measure was followed during the lengthy Allis-Chalmers bankruptcy process.

From newspaper accounts, I understand Mr. Nederlander has agreed to purchase 40 percent of Allis-Chalmer's common stock for $375 million. Chemical Bank, a partner in this acquisition package, has tentatively agreed to loan Mr. Nederlander $115 million toward buying the stock.

I am heartened by Mr. Nederlander's desire to revitalize the Allis-Chalmers Corp. Although pared down as a result of bankruptcy, Allis-Chalmers remains an industrial giant and important part of the community which I proudly represent in Congress. On behalf of those thousands of retirees and employees striving for a renaissance at Allis-Chalmers, I intend closely monitoring the new leadership's performance at the corporation.

The chaos is coming to order now at Allis-Chalmers. It is my hope that Mr. Nederlander and his leadership team will provide the sound judgment and fair treatment necessary to complete Allis-Chalmers rebirth as the Midwestern industrial giant that serves the world.

LITERACY IN THE SOUTH

HON. MICHAEL A. ANDREWS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 1, 1989

Mr. ANDREWS. Mr. Speaker, adult literacy is one of the most pressing social and economic problems facing this country today. A productive economic future depends on a literate workforce. Nowhere is this need more critical than in the Sunbelt.

The South remains the Nation's least educated region. The facts are clear:

In each of 14 Southern States, more than 30 percent of all adults lacked a high school diploma in 1980. Of the remaining 36 States, only three had adults without diplomas that matched the 30 percent rate.

Of Southern adults 25 and older living in nonmetropolitan areas, just 50 percent had a high school diploma, while those in metropolitan areas the percent reached 66.5 percent.

Last fall the Sunbelt Institute commissioned a study of literacy—from a Sunbelt perspective. Beginning with the premise that literacy is a serious problem that needs action, the report examined Federal policies on literacy. The study found that:

Of the 18.7 million Southerners who do not have high school credentials, barely one million are enrolled in a literacy program.

Estimates from the Department of Labor cite the annual cost of literacy—in just eight of the 16 Sunbelt States—as exceeding $57 billion.

It is clear that we must focus our attention on the problems of literacy to ensure that the Southern region remains competitive in the job market of the next decade. By 1990, three out of every four new jobs in the United States will require education or training beyond a high school degree.

As the Chairman of the Congressional Sunbelt Caucus, a bipartisan coalition of 145 Members of Congress from 16 Southern States, I am extremely concerned that the problem of literacy could economically handicap the South.

The Sunbelt Caucus recently sponsored a two-day conference in the Research Triangle Park, NC, examining what Congress can do to help prepare workers for tomorrow.

The commitment of every one of us is necessary for us to ensure this will not happen. Regardless of the region where a child or adult lives, he or she must be offered the preparation needed to be a productive member of our future work force.

CONGRESSMAN KILDEE HONORS MARGUERITE RHYNE

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 1, 1989

Mr. KILDEE. Mr. Speaker, I rise today before my colleagues in the House of Representatives to pay tribute to Marguerite A. Rhyne, a woman whose dedicated service to my hometown of Flint, MI, is being recognized on the occasion of a dinner honoring her retirement as administrative assistant with the Flint Area Chamber of Commerce.

Mr. Speaker, we all know certain individuals within an organization whose presence is absolutely critical to its well-being. Their job titles vary. They may be secretaries, chief executive officers, clerks, or receptionists. What they all have in common is their seeming indispensability. They are the people you count on day in and day out; the glue that binds the organization and makes it whole. The people you lean on and learn from in crisis whose loyalties, abilities, and devotion are unquestioned. For 20 years Marguerite Rhyne has been this central figure for the Flint Area Chamber of Commerce. She has dispatched her duties and responsibilities with grace, dignity, competence, and compassion for others. Marguerite has done this while remaining a loving partner in marriage with William Rhyne and raising four children.

Marguerite began her career with the chamber in 1969 as a part-time secretary to the Business and Education Coordinating Council. She soon won the respect of the business community and her colleagues and rose to become administrative assistant in 1976. Sitting in the same office building where Billy Durant, the founder of General Motors Corp. who once piloted what would become the world's largest corporation, Marguerite helped steer a steady, progressive course for the Flint Area Chamber of Commerce.

We who have known and respected her over the years will miss Marguerite greatly. She leaves knowing she is one of those gifted people whose contributions have changed a community for the better. Mr. Speaker, I ask that my colleagues in the House of Representatives and my fellow citizens throughout the Nation join me in paying tribute to Marguerite Rhyne and wish her and her husband well as she enjoys a much deserved retirement from the Flint Area Chamber of Commerce.

CREATION OF SECOND OPEN SEASON FOR FERS ELECTION

HON. STAN PARRIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 1, 1989

Mr. PARRIS. Mr. Speaker, today I am introducing a bill to correct an inequity in this Nation's treatment of its Federal retirees. I am speaking of the the need for a second open season in which CSRS employees may elect FERS coverage. My good friend and distinguished colleague, Senator TED STEVENS of Alaska, will be introducing identical legislation today in the other body.

As my colleagues will recall, the Federal Employees Retirement System [FERS] was created to provide for Federal employees who became covered by Social Security as a result of the Social Security Amendments of 1983. The new system eliminated some of the duplication of benefits between the Social Security and CSRS Programs. All new Federal workers, those who started work after December 31, 1983, automatically participate in FERS. In addition, CSRS participants were permitted to elect participation in FERS during an open season that lasted from July 1 to December 31, 1987.

CSRS workers were asked, during this period, to make an irreversible decision that would significantly affect their retirement years. Many factors, such as years of service, the type of thrift plan investments contemplated, and the greater portability of the FERS plan, needed to be considered. To complicate matters for Federal workers making this important decision, the 100th Congress enacted and the President signed into law relevant pieces of legislation just 10 days before the end of the FERS election period. One of these was a provision included in Public Law 100-203—the budget reconciliation measure—which exempted new transferees to FERS from the Social Security offset provisions. Another provision, included in Public Law 100-202—the continuing appropriations measure—exempted the FERS Thrift Plan from the nondiscrimination rules that cover tax-deferred plans offered by private sector firms. These provisions dramatically affected FERS election decisions for a significant number of Federal employees, yet the timing of these actions prevented many workers from knowledgeably considering them. In fact, the typical Federal worker had only 7 business days, 4 of which fell between Christmas and New Year's Day, to consider the impact of these changes. Not surprisingly, somewhere between 1 and 2 percent of Federal employees transferred into a system that was designed to accommodate the bulk of the Federal work force.

For these reasons, I am introducing a bill to create a second election period in which workers may transfer from CSRS to FERS. This bill is substantially identical to H.R. 4070, which I introduced during the second session of the 100th Congress. It would create a second election period running from July 1, 1989, to December 31, 1989. In addition, this legislation would delay implementation of Social Security offset provisions with respect to those employees opting for FERS coverage during the new election period. Thus, any spouse or survivor benefits to which the retiree might be entitled will be protected from offset. This is consistent with the original goal of FERS to operate in combination with Social Security.

My colleagues are undoubtedly aware of the increasing suspicion with which Federal workers view their gigantic employer. I will also remind my colleagues of the increasing difficulty that the Federal Government is experiencing in recruiting and retaining talented individuals. These developments are not surprising when, time after time, the pay and benefits of Federal workers are altered without their knowledge or input. This bill is one way that Federal Government can signal a new spirit of fair play vis-a-vis its employees. I am pleased that this important legislation is being introduced with 11 original cosponsors from both sides of the aisle and all areas of the Nation. I would invite our other colleagues in the House to join us in this effort to extend to our devoted public servants an opportunity to intelligently weigh their retirement alternatives.

DEVELOPMENT INVESTMENT ZONE INCENTIVES TO PROMOTE BUSINESS OPPORTUNITIES FOR RURAL AMERICANS

HON. BYRON L. DORGAN

OF NORTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 1, 1989

Mr. DORGAN of North Dakota. Mr. Speaker, rural economic development has finally been added to our policy agenda. It's late arrival reminds me of the difference in the way some people here in Washington do business, compared to the traditions of most rural areas.

You don't address party invitations in rural America. When you throw a barbecue or host a dance, all neighbors are welcome and most all of them come.

Former President Reagan borrowed a trillion dollars to throw an economic expansion party in the 1980's but only invited nine States to the gala. Statistics developed by the Joint Economic Committee show that, contrary to popular belief, only two regions enjoyed the so-called expansion of the 1980's: the east coast and west coast. President Reagan's policies of cheap food and energy and extravagant spending on high-techology defense projects created this imbalance.

As the national debt doubled in 8 years, the heartland of America suffered a double depression from sagging energy and farm prices. Forty-one States, mostly in the breadbasket Farm Belt, experienced a decline in personal income in 1987. Thirty-four States, tucked in between the growth sectors on the coasts, received only one-fifth of the total growth in personal income that year, deepening an already existing trend. Naturally, much of the pain of this downturn afflicted urban areas of the heartland States.

It's time to restore the fire in the belly of America. To do so, we must remove three dampening retardants.

Right now, coastal businesses enjoy special advantages in doing business with the Federal Government. That requires a specific focus on rural development.

We need to level the economic playing field by making it just as attractive for businesses to invest in rural areas as in the coastal centers.

Rural States have also become inordinately dependent on farm and energy prices. After the Russian wheat deals and energy price surges of the 1970's, we witnessed the Federal Government aid and abet cheap energy and food prices.

Besides developing better farm and energy policies, we must also strive to diversify the economic base of rural States so that they become more resistant to the inevitable swings of farm and energy prices.

One prominent proposal for restoring balance in the economy is to create urban enterprise zones. The weakness of this approach is that it leaves the rural depression untouched and even compounds the problem of distressed urban areas, as workers from rural areas with severe unemployment migrate to urban centers in search of jobs. A further weakness is that the notion of enterprise or investment zones is meaningless without tangible incentives to attract businesses.

We should put some meat on the bones of the enterprise zones idea with workable tax incentives and provisions for urban and rural investments.

I am introducing today the Rural Development Investment Zone Act of 1989, legislation that will provide greater economic opportunities for our Nation's most economically distressed rural areas. It will help to level the national economic playing field, stimulate diversification, and recognize the explicit value of rural development.

My legislation specifically will attempt to stimulate new business development in rural areas, and provide new and challenging employment for their residents. Of equal significance, anticipated expansion and diversification of businesses in these regions will reduce the impact of economic downturns in the future.

First, my legislation authorizes the Secretary of the Treasury to designate development zones located in certain impoverished rural communities based upon the area's size, its degree of poverty, and general economic distress.

Second, the legislation provides employment-related tax incentives to attract new businesses and to retain existing businesses within the nominated areas. The incentives include:

An employer tax credit of 10 percent for increased spending on qualified wages; and

An investment tax credit of 10 percent on certain depreciable real property used in a trade or business within a development investment zone.

The additional Federal assistance and tax incentives provided under the act should result in incentives to diversified economic growth that is so desperately needed to improve the quality of life for residents in these areas. New businesses will provide both new jobs and new hopes for the future lives of many rural Americans.

I urge my colleagues to join my effort to help revitalize the rural economy by cosponsoring the Rural Development Investment Zone Act of 1989. This time, let's invite everyone to enjoy the fruits of economic growth.

A summary of the bill's highlights follows:

A SUMMARY OF THE ACT

DESIGNATION PROVISIONS FOR DEVELOPMENT INVESTMENT ZONES

Areas nominated may not be in central cities of a metropolitan statistical area (MSA) and must have a population of less than 50,000, or be outside a MSA or be determined by Treasury to be a rural area.

Designation is based on degree of poverty, unemployment, out-migration, vacancy rates for habitable housing and office space and general government must submit an inventory of historic properties within a designated development investment zone.

Treasury will help to prescribe and designate development areas.

Up to 100 rural development investment zones may be designated by Treasury and no more than 40 designated during the first twelve month period.

No area will be designated a development zone unless State and local government commit, in writing, to reduce the business burdens in such areas under a course of action that may include reduced tax rates, streamlined governmental requirements, and increased local services and technical assistance.

Federal income tax incentives permit:

Credit of 10 percent for qualified depreciable real property used primarily in trade or business in a development zone (referred to as development investment zone construction property). Rental property and lodging facilities are included.

Other investment provisions are:

Waiver or modification of Treasury rules are permitted in certain circumstances in order to further job creation, community development and economic revitalization objectives of the zones.

The Foreign Trade Board shall consider any application to establish a foreign trade zone within a development investment zone on a priority basis, and expedite processing.

IMPROVING ACCESS TO EMPLOYMENT SERVICES

HON. WILLIAM J. COYNE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 1, 1989

Mr. COYNE. Mr. Speaker, today I am introducing legislation that would affect the use of the U.S. Employment Service by employers and potential employees. This bill contains two initiatives that I believe will provide unemployed individuals with better access to jobs and employment services.

The first initiative in H.R. 2530 would establish a demonstration program to assist States to create job centers to provide one-stop access to employment and training, rehabilitative and other support services for employees and employers.

The Federal Government offers a number of programs to assist the unemployed in their search for a job. Most State governments also provide job search and training assistance. Depending on the income and needs of an unemployed individual, programs may be available to provide him or her with housing assistance, skills training, remedial and basic education, emergency food and shelter, substance abuse programs, and other types of long- and short-term assistance. Yet many jobless workers do not avail themselves of these opportunities.

One reason for this may be that the jobless may not realize such programs are available, or that they are eligible for certain aid programs. Another reason is that, even if the individual knows a number of programs exist, he or she may become discouraged from applying for assistance because of the difficulty of traveling from agency to agency finding out how to apply and finding out which exact programs he or she may be eligible for. This is particularly problematic for individuals living in rural areas and those with special transportation needs.

Even those jobless workers who are aware of government programs may not realize there are also a number of services provided by community-based organizations that can help them solve their employment-related problems or can assist in solving difficulties created by

family problems, handicaps, or other special circumstances.

While some caseworkers employed in Federal and State employment agencies are willing and able to refer their clients to complementary services and programs, a great many of these caseworkers are not themselves aware of the wide array of assistance that is available in their own community.

H.R. 2530 would provide a solution to this lack of access to information for the jobless. This bill would assist selected States in establishing job centers in which local residents can receive information on employment, training, rehabilitation, and other support services.

The individuals staffing the job centers would be trained to increase their familiarity with all of the programs that are available locally to aid their clients. The job center staff would conduct a one-on-one personal interview with the client and determine what types of services he or she requires. The job center staff would then explain to the client what services are available and would assist the client in setting up initial interviews or appointments as needed.

Imagine a situation in which a single mother is seeking employment. She needs to work in order to support herself and her children, but working will require her to find affordable day care. In addition, she needs basic training in reading skills and assistance with improving her use of English.

Under the current system of decentralized assistance, she would have to go to the Employment Service for job referrals. Then, she would need to apply to the local school system for classes in reading and English. She may be eligible for assistance under JTPA, but she may not know this. She may have to rely on word of mouth to find day care for her children. She would have to make a minimum of three contacts with service providers in order to find programs to meet her needs. Every additional problem or special need she has will increase the number of contacts she will have to make to get the assistance she needs. After a while, she is likely to become discouraged about investing her time and energy in seeking services and may continue to go without the help that is available.

In a job center, she could sit down with a job center staff person who would talk to her at length to determine her needs. In the course of this personal interview, the staff person is likely to determine that she needs more assistance than referral to a job. Because the job center staff would be given training to familiarize themselves with all the programs that are locally available, the job center staff person could suggest sources of help for literacy training and language classes along with referring the client to employment opportunities or job training programs. The job center could even provide lists of day care centers that are low-cost and available to single parents.

Existing experimental programs indicate that the cost of establishing job centers is fairly low. Since job centers are community-based facilities, they make use of personnel provided by participating agencies and accept contributions of in-kind services. In 1987, the Commonwealth of Pennsylvania established five job centers similar to those envisioned in this legislation. The State officials responsible for overseeing the experimental program have said that the cost of converting existing Employment Services offices has been minimal. Most of the costs of operation are associated with preliminary training of job center staff, with advertising the new service available to local residents, and with producing literature and referral guides for use by job center staff and clients. To offset these start-up costs, H.R. 2530 authorizes the Secretary of Labor to provide States with grants from the Employment Security Administration account. Since 97 percent of the ESAA funds come from the Federal unemployment tax, I believe the program will be budget-neutral and will not require funding from general revenues.

The second initiative in H.R. 2530 would establish a demonstration program in the U.S. Department of Labor that would enable States to create job centers to provide "one stop shopping" for the unemployed. The second initiative would require any entity receiving Federal funds for economic development to list with the State employment service jobs created in conjunction with activities undertaken with those funds.

As many of my colleagues know, the unemployment rate in the United States reached 5 percent in September 1988 and appears likely to remain around that level for the near future. While this suggests that the Nation as a whole is prospering, we must remember that there are still areas within this country that continue to experience high rates of unemployment. In 14 States, the average annual unemployment rate in 1988 exceeded 7 percent. Five of the 10 largest cities in the United States had unemployment rates of 6.5 percent or higher. It is clear that the economic recovery has not spread evenly to all citizens or all regions of the country.

The Federal Government has developed a number of economic development programs to assist those States, cities and regions that continue to experience economic distress in the face of national prosperity. The 1988 Guide to Federal Domestic Assistance lists over 20 economic development programs, worth over $4 billion.

Most of these programs are expected to create jobs in the distressed area; high levels of unemployment are a criterion for eligibility in many programs. Yet, there is no guarantee that jobs created with Federal economic development assistance will go to the residents of the depressed area. Recipients of assistance must abide by Federal statutes governing labor, but they need not make any effort to insure that the jobs go to those who need them the most.

H.R. 2530 would address this program by requiring aid recipients to list with the State employment service job vacancies relating to activities financed with Federal assistance. This simple requirement will help insure that local residents are able to benefit Federal development projects.

The bill would not require the employer to hire only those individuals referred by the Employment Service. The decision of who is the right candidate for a job rightfully belongs to the employer. However, by listing job vacancies with the Employment Service, the employer expands his pool of candidates and increases his chances of getting just the right person for his job. This U.S. Employment Service has a history of assisting employers to locate the best candidates for job vacancies and I believe that employers would benefit from availing themselves of that assistance.

The requirement that assistance recipients list job vacancies with the Employment Service and need not be onerous. The Employment Service is experienced in assisting employment with job listing and is likely to minimize the amount of effort and resources recipients will need to allocate to satisfying this requirement.

H.R. 2530 would provide a low-cost means of insuring that all of the unemployed residents of an economically distressed area have equal access to jobs created with Federal assistance.

The U.S. labor force is changing and the needs of American workers will continue to change as we move toward the year 2000. If we want to achieve the high levels of economic growth and increased productivity that are necessary to maintain a high standard of living, we will need to make the best possible use of every resource we have. I believe that H.R. 2530 will contribute to improving our use of the work force and I urge my colleagues to support this bill.

H.R. 2530

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Job Center Network of 1989".

SEC. 2. ESTABLISHMENT OF DEMONSTRATON PROGRAM.

(a) IN GENERAL.—The Secretary of Labor (hereafter in this act referred to as the "Secretary") shall establish and operate a demonstration program under which the Secretary shall make a grant to each of 3 eligible States selected by the Secretary for the establishment of a centralized job center network program.

(b) CRITERIA FOR ELIGIBILITY.—A State is eligible to participate in the program established under subsection (a) if it submits, at such time and in such form as the Secretary may require by rule, an application containing such information as the Secretary may require by rule.

(c) CRITERIA FOR SELECTION.—In selecting States for participation in the program established under subsection (a), the Secretary shall consider—

(1) the availability and quality of assistance currently provided by the State to the unemployed, dislocated workers, and economically disadvantaged individuals, including the extent to which the State has already planned and implemented programs to centralize assistance to such individuals;

(2) the State's existing labor market and business climate;

(3) the range of specialized services the State intends to supply to individuals participating in such program and to entities offering employment opportunities;

(4) the design of the evaluation required under section 3(a)(3); and

(5) the steps the State intends to take to ensure that individuals participating in such program will have sufficient training to successfully obtain employment.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated,

from amounts transferred to the employment security administration account pursuant to section 902(b) of the Social Security Act, such sums as may be necessary for grants under subsection (a).

SEC. 3. AGREEMENTS BETWEEN SECRETARY AND PARTICIPATING STATES.

(a) REQUIREMENTS.—The Secretary shall enter into an agreement with each of the 3 States selected to participate in the program established under section 2(a) under which each State—

(1) shall establish a job center network program to coordinate the activities and resources of the State's public employment service office with employment and training resources available under other programs, including the dislocated worker's assistance program created under the Omnibus Trade Act of 1988, programs sponsored by the Office of Vocational Rehabilitation, and programs under the Job Training Partnership Act and the Family Support Act of 1988;

(2) shall establish a system of community-based job centers to administer the job center network program established under paragraph (1) at the local level, incorporating a network of Federal, State, and local government agencies and community-based organizations to provide support services to individuals seeking employment and to entities offering employment opportunities; and

(3) shall prepare and submit annual reports to the Secretary meeting the requirements of subsection (b).

(b) CONTENTS OF REPORTS SUBMITTED BY STATES.—The annual report submitted by a State under subsection (a)(3)—

(1) shall describe and evaluate the activities of the job center network program established under subsection (a)(1) and the job centers established under subsection (a)(2);

(2) shall provide the total number of individuals registered with the State's public employment service office and participating in the job network program established under subsection (a)(1), the number of such individuals placed in employment positions by such office and such program, and the listed and actual wage for such employment positions;

(3) shall compare the information described in paragraphs (1) and (2) with the information provided by the State under such paragraphs for the previous year;

(4) shall contain a description of job counseling, training, and referral activities conducted by the programs established under subsection (a), including a report on the number of individuals applying for and receiving such services;

(5) shall include a report on the amount of all money received and expended by the State's public employment service office in the establishment and operation of the job center network program established under subsection (a)(1) during the year; and

(6) may include an accounting of all services, supplies, and other assistance provided to the job center network program established under subsection (a)(1) by entities other than the State's public employment service office.

SEC. 4. REPORTS BY SECRETARY.

(a) 2-YEAR INTERIM REPORT.—Not later than 2 years after the establishment of the demonstration program under section 2(a), the Secretary, using information submitted by participating States in reports under section 3(a)(3), shall prepare and submit to Congress an interim report describing the effectiveness of the demonstration program.

(b) FINAL REPORT.—Not later than 4 years after the establishment of the demonstration program under section 2(a), the Secretary shall prepare and submit to Congress a final report evaluating the program.

(c) CONTENTS.—The reports prepared and submitted under subsections (a) and (b) shall include—

(1) an analysis of the extent to which the program established under section 2(a) improved the access of the unemployed, dislocated workers, and economically disadvantaged individuals to Federal assistance programs;

(2) recommendations regarding the feasibility of extending the program to all States; and

(3) any other recommendations regarding the program the Secretary considers appropriate.

SEC. 5. LISTING OF JOB VACANCIES AS CONDITION OF ELIGIBILITY FOR ASSISTANCE.

(a) IN GENERAL.—Each entity receiving Federal financial assistance for economic development, as a condition of eligibility for receiving such assistance, shall provide the State public employment service office of each State in which such entity has job vacancies which are related to activities financed with such assistance with a list of such vacancies, and shall regularly update such list to provide such offices with the most current job vacancy information available.

(b) DESCRIPTION OF ASSISTANCE REQUIRING COMPLIANCE.—The Federal financial assistance referred to in subsection (a) includes, but is not limited to, assistance in the form of grants, loans, or favorable tax treatments designed to develop new commercial enterprises, to improve a region's economic infrastructure, to expand job opportunities, and to improve a region's ability to compete in the marketplace.

SEC. 6. DEFINITIONS.

For purposes of this Act—

(1) the term "State" means any of the several States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, and the Virgin Islands; and

(2) the term "State public employment service office" means the agency in a State vested with all powers necessary to cooperate with the United States Employment Service under the Wagner-Peyser Act.

HONORING RABBI PAUL L. HAIT

HON. GARY L. ACKERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 1, 1989

Mr. ACKERMAN. Mr. Speaker, today I rise to pay tribute to a truly outstanding individual, Rabbi Paul Hait, of Flushing, NY. On June 6, 1989, Rabbi Hait is being honored by the New York Board of Rabbis on the occasion of his retirement.

The New York Board of Rabbis, on which Rabbi Hait served for 16 years, is the largest organization of its kind, embracing orthodox, conservative, reform, and reconstructionist rabbis. Since 1881, the board has been a leader in promoting Jewish unity and providing chaplaincy service in medical, geriatric, and penal facilities. More recently, the board has produced thousands of hours of radio and television broadcasts and has offered pastoral and bereavement counseling and informational resources to the community at large.

Rabbi Hait, who has served the board of rabbis so diligently, plans to retire this summer. During his tenure the board's chaplainacy services have expanded to serve nearly 600 institutions within the State of New York. Especially significant was the increase in full-time Jewish chaplains, positions which previously have been rare.

A graduate of Yeshiva University and a member of the Rabbinical Council of America, Rabbi Hait has served as spiritual leader of the Flushing Jewish Center. Rabbi Hait was recently reappointed by Gov. Mario Cuomo to the State's Martin Luther King Jr. Commission. He also served on the Mayor's Advisory Council of the city of New York.

Mr. Speaker, New Yorkers are fortunate to have a person so dedicated to improving the quality of life of everyone residing within the city. I ask all of my colleagues in the U.S. House of Representatives to congratulate Rabbi Hait for his dedicated services to the board of rabbis, and to wish him the best of luck in his future endeavors.

TRIBUTE TO JAMES F. MELLODY

HON. JOSEPH M. McDADE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 1, 1989

Mr. McDADE. Mr. Speaker, it is with great sadness that I bring the news to my colleagues that James F. Mellody, of Scranton, PA, passed away on May 19, 1989. Jim Mellody served his community and his Nation in the public and private sector and always donated generously of his time to civic organizations. He passed away unexpectedly, just the day before his 47th birthday.

At the time of his death, Jim Mellody was corporate vice president for public affairs with Patrick Media Group, Inc., the largest outdoor advertiser in America.

A native Scrantonian, he was the eldest son of former Lackawanna County commissioner, the late Patrick J. Mellody. In a career distinguished by high-level Government service, at the age of 35 Jim Mellody was appointed by President Jimmy Carter to serve as the Director of the Philadelphia Regional Office of the U.S. Department of Health and Welfare. His knowledge and opinions on domestic policy matters were greatly valued in the Nation's Capital, and he was frequently called upon to hold private briefings for President Carter and Vice President Walter Mondale.

James Mellody had a flair for special projects and is credited with helping set up the White House Conference on Families and was instrumental in resettling Vietnamese refugees. He went to great lengths to bring attention to important health issues such as rising hospital costs, abuse of patients in nursing and boarding homes, and the need for second opinions before surgery. He was asked by former Congressman Daniel Flood of Luzerne County to put together a relief program following a 1972 flood which devastated the Wyoming Valley.

He went to high school and college in Scranton, receiving his bachelor's degree in sociology. His formal education continued at Catholic University here in Washington, where he received a master's degree in social work.

He was on the board of directors for numerous State and national organizations, including WVIA–TV, Pocono Airlines, Emergency Medical Services of Northeastern Pennsylvania, and the Outdoor Advertising Association of America.

Jim Mellody taught at Marywood College in Scranton, where he also served as director of government relations, director of community resources and policy, and director of special projects.

His talents and political abilities were admired by all who knew him, and he enjoyed a reputation as someone who was deft at working behind the scenes to build alliances.

More important, he was a devoted husband and father who had a positive influence on virtually everyone he came in contact with. Mr. Speaker, it was a privilege to know James Mellody, a man who inspired others by example. He made significant and lasting contributions to his community and his country, and will be sorely missed by those he left behind.

ANOTHER WEEK LOST IN SOLVING THE THRIFT INDUSTRY CRISIS

HON. TOBY ROTH

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 1, 1989

Mr. ROTH. Mr. Speaker, last Wednesday I pointed out to this House the unconscionable delay in acting on H.R. 1278, the President's reform and rescue plan for the thrift industry. Another week has now passed and we still do not have a bill ready for action.

Instead, we have more interminable committee consideration and more confusion. Five committees of this House now have asserted jurisdiction, with each one reviewing, tinkering, and complicating this measure.

Not only has this excessive review delayed a bill that is urgently needed to enable the reforms and rescue to proceed, but also has ensured that the eventual floor action will be complex, time consuming and needlessly confusing. The House will have to choose between conflicting committee provisions that are highly technical, yet absolutely critical to the success of the President's plan.

Without the enactment of this bill, the President's plan cannot be implemented. Week by week, the savings and loan losses increase, the liability of the deposit insurance fund grows, and the ultimate solution to this situation becomes more difficult and costly.

In the interest of moving forward to resolve the mounting crisis in the thrift sector and the Federal deposit insurance system, I again urge the leadership of this House to settle these differences quickly, bring this bill to the floor without further delay and let the administration get started on solving this mess.

CLARK MILLER

HON. ROBERT J. LAGOMARSINO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 1, 1989

Mr. LAGOMARSINO. Mr. Speaker, I rise to bring to the attention of the House the retirement of Clark Miller, assistant superintendent for personnel at Santa Maria, CA, Joint Union High School district. Clark has had a notable career in education, spanning 44 years of service, 27 of them in Santa Maria, as well as a distinguished record of community and civic service.

A graduate of the University of Redlands and the University of Southern California as well as a member of Phi Beta Kappa, Clark began his teaching career in 1946 as a 6th grade teacher in Highland, CA. He became vice-president of a junior high school in Burbank in 1950, and assistant principal at Bellflower High School in 1959. In 1962, he was hired as the first principal at Ernest Righetti High School in Santa Maria. He was promoted to personnel director in 1971, and has served as assistant superintendent of instruction and interim superintendent of the district.

Clark holds lifetime elementary, secondary, and administrative credentials and was president of the California Association of Secondary School Administrators, Santa Barbara County, and first president of the California Interscholastic Federation. He also found time for numerous civic endeavors, including service on the Chamber of Commerce Education Committee, the PCPA/Theaterfest Advisory Committee, as United Fund chairperson for the high school district, and as Building Fund Campaign chairperson for Orcutt Presbyterian Church. He is a past president of the Rotary Club, where he was a community fund raiser for abused and battered children and district representative for Polio Plus.

Clark's lifetime of service to the community and to his chosen profession is an inspiration to us all, and on behalf of the U.S. House of Representatives, I would like to extend sincerest congratulations and our best wishes for a long and happy retirement.

CENTRAL CATHOLIC HIGH SCHOOL IS HONORED FOR THEIR DRUG-FREE SCHOOL PROGRAM

HON. MARCY KAPTUR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 1, 1989

Ms. KAPTUR. Mr. Speaker, Ohio's Ninth District is blessed with the dedication of many of its citizens, young and old alike, determined to eliminate the threat and tragic effects of drug and alcohol abuse in our homes, schools, and workplaces. Recently, one of our area schools, in particular, was honored by Secretary of Education Lauro F. Cavazos for its foresight and leadership in establishing a model program based on prevention, intervention, and support. The students, parents and faculty of Central Catholic High School have forged a clear path for other schools, both locally and across our Nation, to follow in meeting the challenge posed by the urgent national antidrug abuse effort.

At every level of our society, the attraction to alcohol and lure of drugs has disguised itself as a viable alternative to meeting the daily pressures which face each of us. The community of Central Catholic realizing that, indeed, there is strength in numbers has awakened new resources for confronting the threat of drug and alcohol abuse in their midst. With patient understanding and unwavering determination, students, parents, and faculty have united their efforts to create an environment where the often painful yet inevitable lessons of life are not shunned in fear or shame but are transformed into the raw material of true education. Their commitment embodies what Pope John Paul II characterized so well when he said:

> The ultimate determining factor is the human person. It is not science and technology, nor the increasing means of economic and material development, but the human person, and especially groups of persons, communities and nations, freely choosing to face problems together who will determine the future. That is why whatever impedes human freedom, dishonors it, or obscures its beauty . . . is an affront to humankind's vocation to shape its destiny.

I know my colleagues in the House of Representatives join me in commending the family of Central Catholic High School for their creativity and resourcefulness. Clearly, they realize that the war on drugs is, in fact, a war in defense of our freedom.

CONGRESSIONAL SALUTE TO MIKE SCHMIDT

HON. THOMAS M. FOGLIETTA

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 1, 1989

Mr. FOGLIETTA. Mr. Speaker, I rise to pay tribute to one of the best third basemen in the history of baseball. I regreat to say that, on May 30, 1989, after 15 highly successful years with the Philadelphia Phillies, Mike Schmidt announced his retirement from baseball.

Mike Schmidt's professional career began in 1974, and for the next 14 years he averaged 37 home runs, 104 RBI, 99 runs, and 98 walks per season. He won the National League home run title 8 times and the Golden Glove Award for third baseman 10 times. His career stats were equally impressive: he had 548 home runs and 1,595 RBI's altogether. These achievements assure him a spot in the Hall of Fame.

In addition to these accomplishments, his work ethic makes him a role model for America's youth. We will miss his presence greatly. He helped the Philadelphia Phillies win five divisional titles, two pennants, and their only World Series. He was a class act on and off the field.

His decision to retire on Monday caught many people by surprise. But as soon as Mike Schmidt felt that he was no longer playing up to his ability, he walked away. He loved the

game too much to play past his prime. Instead, he decided to move on and continue his life. Although I am sure this was a very hard decision for him to make, he possessed the courage to do what he felt was right. I admire his decision.

Mr. Speaker, I and all who have been privileged enough to see Mike Schmidt play baseball will always hold a special place for him in our heart. He gave the American people years of entertainment and enjoyment. I have nothing but respect for this great player and wish him the best in his future endeavors.

EXPAND THE ICC ACQUISITION REVIEW AUTHORITY

HON. DENNIS E. ECKART

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 1, 1989

Mr. ECKART. Mr. Speaker, yesterday I introduced legislation—H.R. 2513—with several of my colleagues to extend the jurisdiction of the Interstate Commerce Commission [ICC] to include approval responsibility over the acquisition of major rail carriers by entities which are not carriers. Currently, the ICC has jurisdictional review authority over all other takeover transactions of railroads by other carriers that may adversely affect the inner workings of the railroad, the businesses and consumers that utilize the railroad and the individuals employed by the railroad. This bill simply expands the ICC's authority.

Since the industrialization of this country, railroads have played a major part in the transportation of commercial goods and passengers. Therefore, any dramatic changes in our Nation's railroad structure should be examined with an eye toward public interest. Will a transaction improve the efficiency of the railroad? Will the accumulated debt in such a transaction leverage a railroad too much? All factors must be considered when examining the restructuring of a railroad.

I'm not necessarily advocating the termination of all restructuring efforts within the railroad industry, but I do believe that a certain review process is necessary in light of the merger mania that has taken over the marketplace this decade. A loss of a railroad due to a highly leveraged takeover would be detrimental to the health of our Nation's economy.

While this bill would grant regulatory oversight to the ICC to approve the acquisition of a carrier by a noncarrier, it would also establish time limits to the approval process to ensure that a productive acquisition is not entangled in a bureaucratic well. It also addresses the debt question by mandating that all debt owed to the Federal Government is paid in full if the transaction fails and the railroad is thrown into bankruptcy. The Federal Government simply cannot afford the loss of millions of dollars.

Railroads offer an invaluable service to this country, and this bill merely fills the regulatory void contained in today's statutes to ensure that this industry remains healthy and viable.

TRIBUTE TO KENNETH ENGLAND

HON. C. THOMAS McMILLEN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 1, 1989

Mr. McMILLEN of Maryland. Mr. Speaker, I rise today to commemorate the 70th birthday of a very patriotic citizen of Maryland's Fourth District. For almost 13 years, Kenneth England has been raising the spirits and pride of Americans by portraying the character of Uncle Sam. Dressed in the traditional red, white, and blue outfit, Ken portrays Uncle Sam at various functions in and around the city of Baltimore every Fourth of July. He was spurred to this new calling by the bicentennial anniversary of the Freedom Train when it passed through Baltimore in 1976.

Ken likes to reach out and touch people so they won't forget the importance of being proud and free. He portrays this symbolic man so the flag won't be taken for granted; so that this flag, and no other, will proudly wave in the air forever over this land.

I hope that all of you will join me in commemorating Mr. England on this happy occasion, and extending my heartfelt thanks for the way he brings out the patriotic spirit in us all.

COMMEMORATING THE 50TH ANNIVERSARY OF LITTLE LEAGUE BASEBALL

HON. WILLIAM F. CLINGER, JR.

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 1, 1989

Mr. CLINGER. Mr. Speaker, I rise today to recognize the 50th anniversary of little league baseball and its lasting contribution to our Nation's youth.

On June 6, 1939, the first little league baseball game was played in Williamsport, PA, and by 1955, little league ball was found in every State. Today, 50 years later, the game is played in 33 countries, bringing the desire to excel through friendly competition to well over 2 million youngsters.

It is clear to me that little league baseball works effectively to instill in our children the merits of teamwork, discipline, and responsibility, qualities that extend far beyond one's childhood and all throughout adult life. When driving through the many towns and communities that dot my congressional district it is never uncommon to see a crowd assembled around a baseball diamond. There is something uncommonly touching about this scene; seeing tears of excitement in a parent's eye; watching the anticipation on the face of a determined young athlete, and hearing the come from behind cheers of the underdog bench. This is all part of what little league is; it's all-American, and a part of us that deserves our support and encouragement for years to come.

My hat is off to all youngsters who play the game and to all of the thousands of volunteers, young and old, who give of their time and energy to make little league baseball possible.

I am honored to be an original cosponsor of House Concurrent Resolution 123 that commemorates little league's 50th anniversary and National Little League Baseball Week and urge all of my colleagues and citizens around the world to join in this celebration.

HONORING DR. JOSEPH MAS

HON. MARGE ROUKEMA

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 1, 1989

Mrs. ROUKEMA. Mr. Speaker, it is with great pleasure that I pay tribute to one of northern New Jersey's most distinguished citizens. Dr. Joseph Mas will be honored by the Board of Education of Waldwick celebrating his retirement as superintendent of schools in Waldwick after serving since 1970. I would like to join the board of education and the entire Waldwick community in recognizing the achievements and service of Dr. Mas.

Dr. Mas began his educational career upon his graduation from City College of New York where he received a B.S. in education in 1953. After serving his country in the Korean conflict, Dr. Mas joined the faculty of Friends Academy, a Quaker preparatory school in Locus Valley, NY, where he was the head of the science department and the head football coach. Shortly thereafter, he pursued his graduate studies at the University of Illinois receiving a master's degree in education. He later received his doctorate in education from Columbia University.

His distinguished career in education started in Glassboro, NJ, where he served as principal of the intermediate school and superintendent of schools. From this stepping stone, Dr. Mas arrived in Waldwick and accepted the superintendency.

During his tenure Joe has not only added new dimensions and programs to the educational system but thoroughly involved the community as well. Dr. Mas started by raising the community's educational standards. His tenure has seen an increase in achievement scores and the number of students attending 4-year colleges.

Under his direction, the school district developed gifted and talented programs such as the Academic Decathalon and Project IDEA, special education programs in the local schools to keep students in their home districts. Community groups such as the citizens budget committee and the citizen advisory council provide the opportunity for the people of Waldwick to have a role in the development of the school budget and policy.

In addition, we recognize Joe Mas for his service as president of the Bergen County Superintendent's Association, his election of Superintendent of the Year and as President Emeritis of Gifted Child Society.

With his wife, Sophie and their three children by his side, Joe has made important contributions to the lives of many New Jersey citizens. I urge my colleagues to join me in saluting an outstanding educator. We wish Joe and his family the best for the future.

LEBANON'S TRAGEDY

HON. NORMAN Y. MINETA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 1, 1989

Mr. MINETA. Mr. Speaker, for years Lebanon has been in crisis, has been a battleground and a place of tragedy. The Lebanese people have had to endure the continuing trauma of war and violence, military occupation, deprivation, and the erosion of their basic human rights.

This tragedy reached new heights of horror in past weeks, as hundreds of civilians were killed and injured by indiscriminate exchanges of artillery fire by Syrian gunners and Lebanese militia members in Beirut. The world has seen the very fabric of Lebanon's civilization, worn thin by years of fighting, on the verge of being torn apart.

Of course, the United States has experienced its own share of grief and tragedy in Lebanon. The American people carry, etched in our collective memory, the images of the hundreds of our sons and brothers and fathers who died in the bombing of the U.S. Marine barracks. We carry in our hearts the sorrow and rage at the thought of the American citizens who have been taken hostage in Lebanon, especially at the thought of those Americans still in captivity, and those who have died as the result of torture and abuse.

But we cannot turn our back on Lebanon. The United States must protect the right of the Lebanese people to their sovereignty as a nation, to their territorial integrity, and, above all, to their most basic of all human rights, the right to live in peace, free from the threat of unending and senseless war and destruction.

The United States should work strongly for a permanent cease-fire among all parties in Lebanon, followed by the removal of foreign military forces and the dissolution of factionalized militia forces in Lebanon. We should lend our support to international efforts toward these ends on the part of the United Nations and League of Arab States.

Most importantly, the United States and the international community must support and promote an internal dialog of reconciliation among the Lebanese people, free from outside intervention, leading to a mandate for the election of a national government.

In advancing these principles, I would commend to my colleagues the House resolution supporting a cease-fire, demilitarization, and reconciliation in Lebanon that was introduced recently by our distinguished colleague from Ohio, Mr. FEIGHAN.

We cannot turn our backs on Lebanon, or the Lebanese people. Their tragedy is our tragedy. Their future is our future.

SENATE—*Friday, June 2, 1989*

(Legislative day of Tuesday, January 3, 1989)

The Senate met at 9:30 a.m., on the expiration of the recess, and was called to order by the Honorable THOMAS A. DASCHLE, a Senator from the State of South Dakota.

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray:

THE PRAYER OF COVENTRY CATHEDRAL

Father, forgive.

The hatred which separates race from race, nation from nation, class from class.

Father, forgive.

The covetous striving of persons and peoples to possess what is not their own.

Father, forgive.

The greed for possessions which exploits the labor of people and destroys the Earth.

Father, forgive.

Our envy of the prosperity and happiness of others.

Father, forgive.

Our lack of sympathy for the distress of the homeless and refugees.

Father, forgive.

Our desire to misuse the bodies of men and women for immoral purposes.

Father, forgive.

Our pride, which misleads us to place confidence in ourselves, and not in God.

Father, forgive.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore [Mr. BYRD].

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, June 2, 1989.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable THOMAS A. DASCHLE, a Senator from the State of South Dakota, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. DASCHLE thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. Under the standing order, the majority leader is recognized.

THE JOURNAL

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Journal of the proceedings be approved to date.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER FOR MORNING BUSINESS

Mr. MITCHELL. Mr. President, I ask unanimous consent that this morning, following the time for the two leaders, there be a period for morning business not to extend beyond 10 a.m., with Senators permitted to speak therein for up to 5 minutes each.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER OF PROCEDURE

Mr. MITCHELL. Mr. President, at 10 a.m., this morning, the Senate will resume consideration of the supplemental appropriations bill, H.R. 2072. Under the unanimous-consent agreement entered into last evening, there will be a total of seven amendments in order today. As I indicated yesterday, and as part of the agreement, there will be no rollcall votes today under the unanimous-consent agreement. Any rollcall votes ordered today will be stacked to occur not earlier than 4:45 p.m. on Tuesday, June 6.

On Tuesday, Mr. President, the Senate will return to consideration of the supplemental appropriations bill at 9 o'clock in the morning, and under the order a total of five amendments will be in order. It is my hope and intention that we complete action on the supplemental appropriations bill on Tuesday.

RESERVATION OF LEADERSHIP TIME

Mr. MITCHELL. Mr. President, I reserve the remainder of my leader time, and I reserve the leader time for the distinguished Republican leader.

MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order there will now be a period for the transaction of morning business, not to extend beyond the hour of 10 o'clock, with Senators permitted to speak therein for not to exceed 5 minutes each.

Mr. MITCHELL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ROCKEFELLER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

SUPER 301 PROVISIONS OF THE OMNIBUS TRADE ACT

Mr. ROCKEFELLER. Mr. President, I rise to applaud the recent decision of the Bush administration to cite Japan, Brazil, and India under the Super 301 provisions of the Omnibus Trade Act. Frankly, I am relieved and grateful that the President has chosen to use this tool that is now at his disposal to deal with unfair trade barriers. However, I also want to point out why I believe that this decision while good, is not strong enough.

To begin with, I am disappointed by the limited scope of the administration's decision. The Super 301 process was designed to form the core of an aggressive American trade policy under which we would look comprehensively at trade barriers around the world, highlight those that hurt us the most, and then negotiate intensively for the dismantling of those barriers. There is no doubt that the six practices cited in Japan, Brazil, and India represent serious barriers to trade. However, the National Trade Estimate Report, which is where the truth is told and which is supposed to serve as the major source of information on which to make the Super 301 decisions, cited hundreds of barriers in 34 different nations. It is astonishing to this Senator that, with a $130 billion trade deficit in 1988, the administration concluded that only three countries and six practices merited citation as, and I quote from the Omnibus Trade Act, the "major barriers and trade distorting practices, the elimination of which are likely to have

the most significant potential to increase U.S. exports."

That was the purpose of Super 301 and why we passed it. We have not really lived up to the dimensions of that charge.

The decision by the administration to propose negotiations with Japan on structural barriers, such as the distribution system, pricing mechanisms, bid-rigging, and antitrust abuses, is of course, a welcome one. I would have preferred, however, that this decision had been made under Super 301. As it is, we will merely, and I quote from Ambassador Hills, "propose negotiations with Japan on structural adjustment matters." If the Japanese refuse to negotiate, or if the negotiations end in failure, nothing happens.

Mr. President, we created Super 301 to provide American negotiators with the muscle necessary to ensure market opening abroad. Even the Japanese themselves refer to the need for "gaiatsu," or "foreign pressure," to force Japan to make politically unpalatable decisions, which they must make. I worry that this new structural dialog will just be more of the same old thing—lots of discussion and little change. Of course, I would like nothing better than to be proven completely wrong.

Our message should be clear to all our trading partners as the Super 301 process gets underway. The United States has no intention of closing our markets. We never have, and we never will. But we also have no intention of allowing others unfettered access to this, the world's largest market, without similar access to theirs. That is only fair and right. Under Super 301, we will negotiate over what we see as improper trade barriers. Should this process succeed, everyone benefits. Should this process fail, we are prepared to retaliate, and retaliate we must. Our goal is, I repeat, to open up overseas markets. But no one negotiates with a paper tiger. Unless others believe that there is a penalty to pay for not removing trade barriers, then they have no incentive to negotiate seriously with us.

Super 301 provides the necessary and credible threat, and, in fact, it has already worked exactly as we hoped in influencing the practices of other countries. A number of our trading partners were worried earlier this year that they would be cited under Super 301, and they had every reason to expect so. Because this was so distasteful to them, and because they truly believed our threat, South Korea and Taiwan, in particular, have gone to extraordinary lengths to avoid the Super 301 designation. For example, beginning in February, Korea sent streams of trade officials to Washington to negotiate. At the end of April, 1 month before the Super 301 designation deadline, USTR published the "National Trade Estimates." This served to quicken the pace of the Korean negotiations, and they agreed to significant trade liberalization in such areas as foreign investment, agriculture, pharmaceuticals, cosmetics, foreign advertising and travel agencies. Taiwan followed a similar process, and avoided designation. No one should believe for a minute that either Korea or Taiwan would have made these changes without the effective and credible threat of Super 301.

Next year, we will go through this process again. My hope is that, as the next deadline for designation under Super 301 approaches in 1990, the lessons learned from Korea and Taiwan, plus the tough negotiating stance I hope we will take with Japan, Brazil, and India, will convince others to negotiate seriously with us to avoid Super 301 designation. Trade liberalization benefits all countries and the international trading system. The proper use of Super 301 will contribute to freer and increased trade.

As a final point, the administration included Japan, along with 17 other countries, on something called a "Watch List" for special attention because of intellectual property-related barriers. This was an important and proper step taken by the administration that should get wide notice but has not. Although we cooperate closely with Japan on many intellectual property issues in the Uruguay round and other multilateral forums, the fact is that the Japanese patent system puts up significant and unacceptable barriers to foreign high-tech companies trying to sell their products in that country, to wit, Japan. In the Foreign Commerce and Tourism Subcommittee, we held two hearings on this serious problem and heard a litany of serious complaints about Japan.

The United States has just completed its second bilateral working group meeting with Japan to address these patent problems. Unfortunately, little progress has been made. The administration's decision to place Japan on the watch list highlights our concern about these practices. But it is Japan that should pay attention, and it is Japan that must negotiate seriously with us.

To summarize, the months ahead are critical. Now that the administration has triggered the Super 301 process against three specific countries, we must use it effectively. When we in the United States make it clear that we are serious about this process, we should start to see actions by our trading partners that are long overdue. This will benefit us all.

Mr. President, I thank the Chair and yield the floor.

TRIBUTE TO SENATOR CLAUDE PEPPER

Mr. THURMOND. Mr. President, I was deeply saddened to learn of the death of Senator Claude Pepper, a man who has given so much of himself to all of us, to the people of Florida, and to all Americans. I rise today to pay tribute to this outstanding man.

Senator Pepper was born on September 8, 1900, on a farm in Chambers County, AL. He graduated from the University of Alabama in 1921 and received his law degree from Harvard University in 1924. Upon graduation from law school, Senator Pepper taught law at the University of Arkansas for 1 year and then moved to Florida during the time of its great economic expansion in the 1920's. Senator Pepper's first position as a legislator came in 1929 when he began his career in the Florida State House. Seven years later, Senator Pepper was named to complete the term of Senator Duncan Fletcher, who died in office. Senator Pepper served in the U.S. Senate for 14 years, and returned to Florida to practice law.

In 1962, a new congressional district was created in Miami and Senator Pepper staged a great political comeback and returned to Congress, this time as a Member of the House of Representatives, to work for the people of his State.

Senator Pepper served ably as chairman of the Rules Committee. His tenure as chairman, which lasted from the 98th to the 101st Congress, represented a prolific and successful period for the House of Representatives.

Senator Pepper also served as chairman of the Select Committee on Crime for the 91st through 93d Congresses, and as chairman of the Select Committee on Aging for the 94th through 98th Congresses. As chairman of the Committee on Aging, Senator Pepper created an awareness of the needs and rights of the elderly that had yet to be realized, and won widespread popularity for his work in that area.

Perhaps the crowning achievement of Senator Pepper's impressive career was his recent receipt of the Presidential Medal of Freedom. The Presidential Medal of Freedom, which is the highest possible award that can be bestowed by the President, was given in recognition of Senator Pepper's distinguished service to the people of the United States. This honor was well deserved and I am proud that Senator Pepper was able to receive this award while he was still with us.

Senator Pepper will be remembered for his many accomplishments as a teacher and lawyer, and as a member of the Florida Legislature, the U.S. Senate, and the U.S. House of Representatives. Most importantly, I believe the memory of Senator Pepper's per-

sonal integrity is imbued with the greatest immortality of all.

I visited Senator Pepper in the hospital on Thursday, May 25, 5 days before he passed away. He was in complete possession of his faculties and appeared cheerful, although I feel that he did realize the gravity of his situation at that time. It was an honor to have spent that time with him.

I am proud to say that I knew Senator Pepper and that he was a fine and honorable man with whom I had the tremendous privilege of working. Senator Pepper believed fiercely in all that he worked for and strove to achieve those ideals with an undying dedication to serve others. Few personal attributes are nobler than that.

DIRE EMERGENCY SUPPLMENTAL APPROPRIATIONS, FISCAL YEAR 1989

The ACTING PRESIDENT pro tempore. Under the previous order, the hour of 10 o'clock having arrived, the Senate will now resume consideration of H.R. 2072, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 2072) making dire emergency supplemental appropriations and transfers, urgent supplementals, and correcting enrollment errors for fiscal year ending September 30, 1989, and for other purposes.

The Senate resumed consideration of the bill.

The PRESIDING OFFICER (Mr. ROCKEFELLER). The Senator from West Virginia, my distinguished senior colleague.

Mr. BYRD. Mr. President, the managers are prepared to discuss amendments with Senators. If they will come to the floor early, we can dispose of the amendments that are listed for today one way or another, and perhaps get on to other business or get back to morning business. At least, we can complete our work on the supplemental appropriations bill as far as today's amendments are concerned.

So I urge our friends on both sides of the aisle who have amendments to come and offer them now.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DASCHLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DASCHLE. I ask unanimous consent that I be allowed to speak as if in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

CLAUDE PEPPER

Mr. DASCHLE. Mr. President, before the first Senator arrives on the floor to offer his amendment to the supplemental appropriations bill, I want to take just a couple of minutes to reflect on our dear friend, Claude Pepper. His body now lies in state in the rotunda. It will do so until noon today. It is rare that anyone is given that right. As I understand it, the last House Member to be accorded that rare privilege was Thaddeus Stevens, who did so in 1868, 121 years ago. But Claude Pepper is a rare individual and he deserves to be in the company of a Lincoln, of a Kennedy, a Roosevelt, a Humphrey.

In 1989, Claude Pepper is the antithesis of a modern-day politician. While many are young, he was old. As many are photogenic, blow-dried products of the television age, Claude Pepper's beauty was all inside.

And when courage seems to be a rare, very scarce commodity, no one demonstrated a strength of conviction greater than our colleague from Florida. As the old saying goes: While many of us think of the next election, Claude Pepper truly thought of the next generation.

How ironic that this man, who defied all tenets of conventional wisdom about success in modern political life, could experience one of the most successful careers in American political history. At a time of great conflict here, in the House, of internal strife, of partisan bickering, Claude Pepper's life recalls another time of conflict and dissension.

Being a victim of the so-called McCarthy era perhaps demonstrates more than anything the stature of the man and the resiliency of his career. But his stature and resiliency was measured not so much by what was done to him as by what he did for others and for all Americans. It is my heartfelt conviction that this man has had as great an impact on his country as any American of his time on health, on economics, on foreign policy, and policy certainly affecting the elderly.

Claude Pepper made his mark. He made his contribution and that contribution, I believe, will live in all perpetuity.

The more I am around here the more I find myself sizing up those around me by their skeletal structure, by three bones: by one's backbone, by one's wishbone, and by one's funnybone. I daresay in all the time I have been here no one has demonstrated better backbone than my friend Claude Pepper. The strength of his conviction, the courage with which he took positions, like the advocacy of a minimum wage 50 years ago at 25 cents an hour, the advocacy of Social Security and Medicare when they were just a gleam in the eye of many who dreamed that one day senior citizens could live in dignity, the advocacy of positions in both foreign and domestic policy the likes of which most of us only dreamed of advocating with courage and conviction as he did time and again on the floor of the House and the Senate. Yes, Claude Pepper had a backbone.

But he had a wishbone, too. He understood politics goes beyond the next election. Politics goes beyond the next political speech. We are here for a purpose and that greater purpose was what drove Claude Pepper and created the vision which he held about America and what it could be—for the young as well as, the old—a vision that I do not see very often.

Claude Pepper had a funnybone. He did not take himself so seriously, as we all oftentimes do. It was a funnybone that stirred the funnybone in the rest of us, which is not quite as evident.

I well remember his story about an old Kentucky colonel on a late Sunday afternoon, going to a horse race. As Claude Pepper tells the story, there were five horses in that particular race. The colonel went to the betting window and said he wanted to put $100 on Blue Bell. A little while later he came back and said: I want to put another $100 on that horse, Blue Bell.

As Claude Pepper tells the story, the race was about to begin. The colonel went to the window a last time and said: I want to put my last hundred dollars on Blue Bell.

A young man came up to him. The colonel was in his eighties. He said: Look, sir, you don't know me and I don't know you but it really does not make any difference. I have to tell you something. I feel terrible about what I have just seen. You put $300 on Blue Bell and I know that Blue Bell cannot win. You see, I own Blue Bell.

The old man looked at the young man and said: I have to tell you something. It is going to be a darned slow race, then. I own the other four.

Claude Pepper's sense of humor made him a remarkable man.

A backbone, a wishbone, and a funnybone. Claude Pepper will be missed.

From where will come the next Claude Pepper? I do not know. But until he arrives, we have the luxury of reliving the wit, while benefiting from the vision and the courage of an American giant whose gentle shadow shall be as evident tomorrow as it is today.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

DIRE EMERGENCY SUPPLEMENTAL APPROPRIATIONS, FISCAL YEAR 1989

The Senate continued with the consideration of the bill.

MODIFICATION TO THE UNANIMOUS-CONSENT AGREEMENT

Mr. BYRD. Mr. President, there are two amendments on the list that was agreed to by unanimous consent, amendments that remain to be done. I am informed now the amendment by Mr. WARNER will not be called up. I am likewise informed that the amendment by Mr. GRAMM on Central and South American refugees will not be called up. I ask unanimous consent, therefore, that those two amendments be dropped.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GORTON. Reserving the right to object, I ask the Senator from West Virginia who is his source of the statement about Senator WARNER's amendment? Am I the source?

Mr. BYRD. It is a source from the Senator's side of the aisle, which I think is very credible. I do not believe that the acting ranking member would have acceded to this request if it had been in doubt. I will be happy to vitiate the request if there is any doubt.

Mr. COCHRAN. Mr. President, if the Senator will yield, if there is any doubt in the Senator's mind whether that amendment will be offered, I recommend we withhold the unanimous-consent request until that doubt is resolved.

Mr. GORTON. I wish you would. I am the source. I believe that it will be, but I think that the statement should come from Senator WARNER.

Mr. BYRD. It will be all right for us to leave the other request as ordered; namely, Mr. GRAMM's amendment will not be offered.

Mr. COCHRAN. Mr. President, if the Senator will yield, we have indications that Senator GRAMM will not offer his amendment, so it will be permissible to enter that order with respect to that amendment.

Mr. BYRD. I thank the distinguished Senator from Washington.

I ask unanimous consent that the previous order relating to the dropping of the amendment by Mr. WARNER be vitiated.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, I yield the floor.

Mr. HEINZ addressed the Chair.

The PRESIDING OFFICER. The Senator from Pennsylvania [Mr. HEINZ].

AMENDMENT NO. 133

(Purpose: To provide for administration of the Targeted Jobs Tax Credit)

Mr. HEINZ. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Pennsylvania [Mr. HEINZ] proposes an amendment numbered 133.

Mr. HEINZ. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 20, between lines 18 and 19, insert the following:

"STATE UNEMPLOYMENT INSURANCE AND EMPLOYMENT SERVICE OPERATIONS

"Funds made available under the Departments of Labor, Health and Human Services, Education and Related Agencies Appropriations Act, 1989 (Public Law 100-436), that are authorized under section 6 of the Wagner-Peyser Act (29 U.S.C. 49e) may be used to carry out the targeted jobs tax credit program under section 51 of the Internal Revenue Code of 1986".

Mr. HEINZ. Mr. President, one of the great and major achievements that we were able to bring about in the enactment of last year's Technical Corrections Act, notwithstanding the name of that legislation, was the reauthorization of the Targeted Jobs Tax Credit Program.

For those who are not familiar with the program, that is a program that since 1979 has assisted some 4 million Americans, almost all of them unemployed, in finding work. These are among our most unemployable Americans as well because the group that is being assisted are all those from economically disadvantaged groups, including disadvantaged Vietnam veterans, SSI, and general assistance recipients. That means a large number of people, who are on AFDC; disadvantaged former convicts; WIN registrants; disadvantaged youth; vocational rehabilitation referrals and others.

I think it is fair to say, Mr. President, that the Targeted Jobs Tax Credit Program, having helped these 4 million people or more, is one of the most effective employment programs we have ever had in the history of this country because it has successfully helped people who have historically found it hard, if not impossible, to break into the job market.

The problem we have, Mr. President, is not with the lack of authorization for this program. It was reauthorized last year, but sadly in spite of that victory the funds to administer that program, at least as perceived by the State employment services, has run out. There was no incremental money, no additional money provided in the House dire, urgent, supplemental appropriations bill, there being no administrative money, as I said, for this program.

Although it does not make a lot of sense to many of us in this Chamber who believe that States should be able to administer programs that confer an important benefit to the people in their State without depending totally on the Federal Government for the support of such efforts, nonetheless that is the way it is.

I maybe will be smart enough to find a way to not have this kind of catch-22 built into our programs where if we do not provide the administrative money, the States are not left out there high and dry. Right now the situation is the States want reassurance that if they use money from their Wagner-Peyser Act administrative fund, the fund that generally goes to administer Labor Department programs at the State level, some $800 million a year, the chances are that they will cease processing targeted jobs tax credit applications. If that is the case, we will see the deprivation of millions of otherwise bona fide, needy job seekers who might not otherwise find jobs, deprived of that opportunity to have a real chance in the job market that is conferred by the Targeted Jobs Tax Credit Program.

The thrust of my amendment is very simple. It, in my judgment, merely restates the current law; that is, that States may administer the Targeted Jobs Tax Credit Program from employment service funds. The Department of Labor says that that would be the case, in their judgment, at least probably would be the case even without an amendment, but on occasion, there has been confusion at the State level following the reauthorization of this program and, therefore, it is imperative that the original intent of Congress be clear; and that is that States do have the discretion to use funds from the Federal Government for employment services for this program at their discretion.

Mr. President, I hope my colleagues can support this amendment. The Finance Committee, which has been very supportive of the Targeted Jobs Tax Credit Program, worked long and hard to put this credit back on the track. We know we are going to have more battles ahead of us. We are going to have to reauthorize the program once again, but it would be, in my view, a disaster if we allowed the tax credit to expire simply because no one is willing to administer it.

What we lack is about $30 million, and the irony of that lack of $30 million appropriation is that we will have lost a tax credit that when you add up all the benefits and subtract the cost of that tax credit has been estimated to save this county in the way of wel-

fare payments, and the like, some $400 million a year.

I just want to state for the RECORD some of my own personal experiences with this program. Last year when we were trying to write the technical corrections bill, and I wanted to have some reassurance from my colleagues that this program was working as well as intended, one Saturday when I was in Pittsburgh I called up one of our local supermarket chains, the Giant Eagle chain, and I said I would like you to bring over to your store on the south side of Pittsburgh some of the people who have been within the last 2 years hired under the Targeted Jobs Tax Credit Program. I would like to find out from them when they were hired, what their prior work experience had been, what job they were hired to do, and what they are doing now.

One of them was a legally blind person. Her name was Susan Gephard. She was not totally visually impaired. She was hired originally as a bagger, and she performed that function ably and well, but it was a close-to-minimum-wage job. She, however, did her job so well—and she had been looking for work for quite a long time prior to that—that she was promoted within a matter of months to work at the delicatessen counter and now receives something substantially above a minimum wage hourly rate.

Another individual was Andy Kubicek. He was originally hired, it must be a little bit more than 2 years ago now, just as a clerk, somebody to wait on you—actually a stock clerk stocking the shelves. Those of us who have done that, as I once did, know that is not the most dramatic or financially rewarding job. He is now the night manager at the largest store in the entire chain, the one over at Fox Chapel Plaza, and since that store is open every night past midnight, it is a major responsibility that he has.

A third example was Lenise Rogers, who was originally hired to do custodial work. My recollection is that she had been on aid to families with dependent children, and she had been trying to get off it for a long time. I remember asking her how many job interviews she had gone to prior to being certified for the Targeted Jobs Tax Credit Program, and she said literally dozens. And then she was certified, vouchered, and got this job. She is no longer sweeping floors. She is now, or at least was then a trainee for being a cashier and by now I suspect she is, a cashier again working at a job that can support her and her family.

Mr. President, I could go on, and indeed I am tempted to go on, but I will not. I am tempted because there are so many absolutely thrilling stories about the success people have had in their lives, taking a situation which was awful, having gone through frustrations of going to jobs. I remember one person had 100 job interviews over a 6-month period and was turned down time after time until they were certified as being eligible for this program.

That is not an unusual case history. What even makes me happier is not only do these people get hired—and these are people we want to hire, we want to get them back into the mainstream of America—but once they are given a chance, they really show what people who are given a chance, just like our forefathers, who came over on boats from the old country, that we all came from originally, who just wanted a chance to show what they could do—these people have shown what they are made of; they have made the most of their opportunities; they have progressed; they have been rewarded; and today they can stand shoulder to shoulder with any other American and say, "I am proud of what I am doing. I am moving up on the economic ladder. I can support my family. I am proud to be able to be a part of this country because at last I have learned that this country can work and work for every individual no matter how difficult their original station may have been in life."

That is what this program is all about. I hope and trust that my colleagues share my enthusiasm for this program and can support this amendment.

Mr. BYRD. Mr. President, I compliment the distinguished Senator for offering the amendment. It is permissive. It does not add any money, and it has been cleared on this side. It merely clarifies that State employment service block grants can be used to finance targeted jobs tax credit activities. We can accept the amendment from the manager's viewpoint on this side.

Mr. COCHRAN. Mr. President, the Senator from Pennsylvania has been a very strong advocate of this Targeted Tax Credit Program. It has proven to be very beneficial in many parts of the country. For the reasons stated by the distinguished chairman of the committee, we will be happy to accept the amendment. We appreciate the Senator's offering it.

The PRESIDING OFFICER. The Chair takes it there is no further debate on the amendment. Therefore, the question is on agreeing to the amendment.

The amendment (No. 133) was agreed to.

Mr. HEINZ. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. COCHRAN. Mr. President, I move to lay the motion on the table.

The motion to lay on the table was agreed to.

Mr. HEINZ. Mr. President, I thank the managers of the bill, the chairman of the Appropriations Committee, and my colleague from Mississippi for their cooperation. I very much appreciate their very kind assistance.

Mr. DODD. Mr. President, I ask unanimous consent to proceed out of order.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. DODD. Mr. President, I thank my distinguished colleague from West Virginia and my colleague from Mississippi for allowing me to interrupt the proceedings for the purpose of introducing two pieces of legislation and making a short statement.

(The remarks of Mr. DODD pertaining to the introduction of S. 1116 and S. 1117 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. ADAMS addressed the Chair.

The PRESIDING OFFICER. The Senator from Washington.

AMENDMENT NO. 134

(Purpose: To encourage the Secretary of Agriculture to take steps to stabilize the apple market)

Mr. ADAMS. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Washington [Mr. ADAMS], for himself, and Mr. GORTON, and Mr. SYMMS, proposes amendment numbered 134.

Mr. ADAMS. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

Insert in the appropriate place:

The Secretary may use his section 32 authority in appropriate instances to stabilize the apple market and to satisfy the requests of recipient agencies.

Mr. ADAMS. Mr. President, this amendment, which is cosponsored by my colleague, Senator GORTON, of my State, encourages the Secretary of Agriculture to take action to stabilize the market for apples.

I understand that it has been cleared by managers on both sides of the aisle, and also by the appropriate subcommittee chairman.

I want to particularly thank Senator BURDICK and his staff for their help in putting this amendment together. I want to thank also the manager and the Senator from Mississippi and the others for the consideration they have given to this. It means a great deal to my State and to the producers of apples.

Under the section 32 program, the Agricultural Marketing Service directs the purchase of commodities to stabilize market conditions. The commodities acquired are generally distributed

through domestic food assistance programs administered by the Food Nutrition Service, like the School Lunch Program.

The apple industry in Washington State, and all across the country has been negatively impacted by the controversy over the use of daminozide in apples. Utilization of section 32 funds to help stabilize this impacted market is a proper use of these funds, and consistent with previous practice.

The bill also allows the Secretary to take into account the desires and needs of recipient agencies like the School Lunch Program. This is important because there programs should retain the ability to have some say in what type of commodities they receive.

I urge my colleagues to accept this amendment.

The PRESIDING OFFICER. The Senator from Washington.

Mr. GORTON. Mr. President, I am delighted to join my distinguished colleague——

The PRESIDING OFFICER. Will the Senator withhold, please? The time is controlled by the senior Senator from Washington, and the Senator from West Virginia. Who yields time?

Mr. ADAMS. I yield such time as the Senator may consume.

The PRESIDING OFFICER. The Senator from Washington is recognized for 3 minutes and 40 seconds.

Mr. GORTON. Mr. President, I am delighted to join my colleague from Washington State in offering this amendment to help stabilize the domestic apple market.

Our intent is to assist the apple growers of this Nation, who have been adversely affected by recent events beyond its control and not of its own making. Recent fluctuations in the apple market have resulted in the loss of over $90 million to the apple industry in my State alone. The average price being received for a box of apples in Washington State is $8 which is $1.50 below the cost of production. Our amendment simply allows the Secretary of Agriculture to use his authority to help stabilize the apple market and provide some desperately needed relief to the apple industry.

Specifically, our amendment would allow the Secretary of Agriculture to use the discretion and funds provided under existing law to encourage the domestic consumption of apples and apple products. This action is an appropriate function of the Secretary of Agriculture and consistent with past actions taken by the Department of Agriculture on behalf of other agricultural commodities and their markets. I urge my colleagues to join me in support of this important and worthwhile amendment.

The PRESIDING OFFICER. Who yields time?

Mr. BYRD. Mr. President, I have discussed this matter and am prepared to accept it. I compliment the Senators on their offering in support of it.

Mr. COCHRAN. Will the Senator yield?

Mr. BYRD. I yield the floor.

Mr. COCHRAN. Mr. President, the amendment offered by the distinguished Senators permits the purchase of apples under section 37 authority by the Department of Agriculture to satisfy the needs of recipient agencies under the act. We appreciate their offering this amendment. It does not provide any new appropriation of funds, but simply calls to the attention of the Department the situation in the apple industry, and we are prepared to recommend that the amendment be approved.

The PRESIDING OFFICER. Is there further debate on the amendment?

Do the Senators yield back their time?

Mr. BYRD. All the time is yielded back on this side.

The PRESIDING OFFICER. Senator ADAMS yielded his time. The question is on agreeing to the amendment of the Senators from Washington [Mr. ADAMS and Mr. GORTON].

The amendment (No. 134) was agreed to.

Mr. ADAMS. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. GORTON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. COCHRAN addressed the Chair.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Mr. President, the distinguished chairman of the committee has indicated we have a list of some amendments we expect to debate and dispose of this morning, and we hope that Senators will come to the floor to offer those amendments in an expeditious way. I wonder if the distinguished Senator from South Dakota has an amendment.

Mr. PRESSLER. I do not have an amendment, but if there is a momentary pause in the proceedings, I am going to ask to speak as if in morning business.

Mr. BYRD. If the Senator will yield to me just briefly.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. According to the list I have that remains from last evening, the following Senators have amendments which, it was understood, might be discussed and offered: Senator METZENBAUM, Senator GRAHAM, and Senator WALLOP. Does my friend on the other side of the aisle have any of his information?

Mr. COCHRAN. Mr. President, if the distinguished Senator will yield, we understand there is an effort being made to work out the amendment to be offered by the Senator from Virginia [Mr. WARNER] and we think that will be worked out and not offered. But since we do not have any indication from Senators that the other amendments will not be offered, we assume at this time that they will be.

Mr. BYRD. I thank the Senator.

Mr. PRESSLER addressed the Chair.

The PRESIDING OFFICER. The Senator from South Dakota.

Mr. PRESSLER. I ask unanimous consent to proceed as if in morning business for approximately 3 minutes.

The PRESIDING OFFICER. Is there objection? Hearing none, the Senator from South Dakota is recognized for up to 5 minutes.

LOCAL RAIL ASSISTANCE

Mr. PRESSLER. Mr. President, I rise to pay tribute to those Senators who worked on the local rail assistance bill that passed here yesterday, especially to Senator HARKIN, of Iowa. I think we all should remember that last spring Senator HARKIN stayed on the floor until well past midnight negotiating on this bill.

I have been in meetings with him in which we have worked together on this important issue. This bill would not have passed without his leadership.

I have an additional statement on the importance of LRSA and the growth of regional railroads. I am pleased with the resurgence of the short-line railroads in the United States. This has been on of my special projects on the Commerce, Science, and Transportation Committee—to work at helping short-line railroads. My State depends heavily on short-line railroads. Agricultural produce moves by short-line railroads, as does timber, and indeed, all products. They are synergistic with the large railroads. That is important. Rehabilitating some of the trackage has been very important in expanding cost-effective transportation alternatives in rural America, and that will continue as a result of this legislation.

The statement follows:

LOCAL RAIL SERVICE ASSISTANCE

The LRSA program would not be alive today were it not for the efforts of Senator Tom Harkin of Iowa. Together, we've been trying to keep this program alive. His late night heroics during the waning days of the 100th Congress brought about a commitment from the Administration to find $10 million for LRSA. That effort was the turning point.

As sponsor of S. 255, Senator Harkin has been the driving force behind the success we have achieved in authorizing $10 million for LRSA in fiscal year 1990. I am pleased to have worked with him on this worthwhile project.

The LRSA program came about in 1973 as a result of the creation of the Conrail system. A major change in the program occurred in 1978 when the emphasis was placed on preserving lines before abandonment, rather than after.

Under the guidance of the Federal Railroad Administration (FRA), the program provides entitlement funding for planning or project purposes in each of the fifty states. The discretionary portion of the program can be used for project purposes only.

The beauty of LRSA is the cooperation it encourages between federal and non-federal sources. As previously administered, the federal govenment contributes seventy percent of the award and another entity must provide the remaining thirty percent. The legislation recently passed reduces the federal portion to sixty percent and increased the remaining percentage to forty.

We are at a time in our nation's history when attention must be given to the state of the infrastructure. Rehabilitation of needy rail lines is especially important to the continued economic viability of rural America. In South Dakota and other states, that means transportation alternatives for agricultural shippers. In other areas, it may mean continued service to a small manufacturing enterprise that finds other modes of transportation cost-prohibitive.

The critical shortage of capital in the railroad industry makes LRSA even more important. Though railroad economic deregulation has led to a healthier industry, it also resulted in the abandonment or reduction of service to many areas. The phenomenon of short-line or regional railroading has developed as an alternative to abandonments or neglected and worn track.

It is ironic to me that, in this Space Age in which we live, where there is talk of high-speed rail transportation in Japan and Europe, and dreams about magnetic levitation rains brought about because of superconductor technology, we still have a freight rail system in deplorable condition. On some track in my state, railroads move at less than ten miles per hour because of poor track condition. As soon as the snow flies or the ground freezes, which happens every winter in South Dakota, trains cannot even run for fear of derailment.

We must continue our commitment to the rehabilitation of our infrastucure. The LRSA program is one tool available to do just that. I again commend my colleague from Iowa, Senator Harkin, for the wonderful job he has done to preserve LRSA.

PRESIDENT BUSH'S EUROPEAN TRIP

Mr. PRESSLER. Mr. President, on a separate subject, the recent meeting of the NATO parliamentarians demonstrated strong European support for President Bush's new arms reduction initiatives. I am very proud of President Bush's accomplishments in this area. He has clearly taken the initiative away from Gorbachev, and also has spoken out on something that many taxpayers are concerned about, that is fairer burdensharing, reducing the number of American troops abroad, and trying to persuade the European allies to contribute more to our common defense on an equal basis.

For too long, Japan and the wealthy European countries have been profiting from Uncle Sam's willingness to pay the bills. I hope that President Bush's suggestions will lead to a conventional forces reduction treaty, which could substantially reduce the burden on American taxpayers.

NORTH ATLANTIC ASSEMBLY

Mr. PRESSLER. Mr. President, during my visit to the recently concluded North Atlantic Assembly [NAA] in Antalya, Turkey, I had the pleasure of meeting many distinguished European and Canadian parliamentarians. We discussed a broad range of issues—ranging from agricultural trade and arms control to international land conservation efforts, human rights in Turkey and Eastern Europe, and many others.

In fact, these discussions probably are the principal benefit of NAA meetings, which are held twice each year and are rotated among locations in each of the NATO member nations. NAA meetings help to strengthen the sense of common purpose and unity among the NATO allies. Friendships that produce mutual benefits for our respective nations are created. Problems and conflicts are debated and discussed, generating better appreciation for the meaning of diversity within NATO's unity.

Among the European parliamentarians with whom I visited, I especially would like to commend three who seemed particularly informative and articulate. Sir Geoffrey Johnson Smith, a member of the British House of Commons, performed admirably as Chairman of the NAA Defence and Security Committee, as well as a member of the Assembly's Standing Committee. Similarly, Mr. Karsten Voigt, a German Bundestag member, and Mr. Jacques Genton, a member of the French Senate, were very effective as General Rapporteurs. Mr. Voigt was General Rapporteur for the Defence and Security Committee. Mr. Genton performed similar duties for the Civilian Affairs Committee. I was quite impressed with the depth of knowledge, sense of fairness, and leadership ability displayed by these three distinguished parliamentarians. The voters of the United Kingdom, the Federal Republic of Germany, and France should be commended for their perspicacity and good judgment in electing Sir Geoffrey Johnson Smith, Mr. Voigt, and Mr. Genton to their national parliaments.

DIRE EMERGENCY SUPPLEMENTAL APPROPRIATIONS, FISCAL YEAR 1989

The Senate continued with the consideration of the bill.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Mr. President, I am going to place in the RECORD a statement describing the provisions of the agriculture, rural development, and related agencies chapter of this bill, so that Senators will be fully advised of the provisions of the bill under the jurisdiction of that subcommittee.

The distinguished Senator from North Dakota is chairman of the subcommittee, and we worked very closely in the development of the proposal made to the Senate under this chapter.

I might mention at this point that the largest provision in terms of dollar amount in the bill under that chapter relates to the Food Stamp Program. The administration submitted a request for additional funds for that program, but the budget request was not received by the Congress in time to be included in the House-passed bill, so Senators will notice that over $200 million included in the Senate bill for the Food Stamp Program is not in the House-passed bill.

This is a requested item but it is very important. Since the estimates made by the administration in the early part of the year, before the budget for this fiscal year was submitted, did not indicate the numbers of participants who would actually take advantage of the food stamp benefits, the total dollar amount required to fund the program was underestimated, and there is a shortfall in that fund.

Unless it is made up by the approval by the Congress of these additional funds, those entitled to benefits and expected to participate in the program will be denied those benefits because of the unavailability of funds. That is another example to our colleagues of the importance of this appropriation bill, another example of how estimates can turn out to be inaccurate.

We had included in this fiscal year's appropriation a dollar amount to fund the conservation reserve program, another very important program. It involves the payment to landowners of a rental in effect by the Government to idle marginal lands that would better be left in some kind of conservation use for the future or more appropriately for purposes other than production agriculture.

Since we expected a higher degree of participation in that program than there has been, we are not going to need all the funds in the appropriations bill as originally passed by Congress, enabling us to offset some of the additional funds in the bill that will be needed this fiscal year.

There are higher priorities, therefore, that we have identified that can be funded by subtraction of funds from that program.

I hope Senators will be better advised about the need for making these adjustments, and we hope the bill can

be expeditiously approved, since these funds are definitely needed at an early date.

Mr. President, the dire emergency supplemental appropriations bill for fiscal year 1989, as reported by the Appropriations Committee, appropriates a total of $237,124,000 in program supplementals for activities under the jurisdiction of the Agriculture, Rural Development and Related Agencies Subcommittee.

The Agriculture chapter—chapter VII—contains several critical items. The largest item is a supplemental appropriation of $224,624,000 for the Food Stamp Program. This amount is necessary to ensure that food stamp benefits will be available through the end of the fiscal year. The current monthly average Food Stamp Program participation rate of 18,700,000 is substantially larger than the initial estimate of 18,300,000, despite continued low unemployment trends.

Another critical item in the Agriculture chapter of the bill is approval of an additional $40,000,000 transfer from the Commodity Credit Corporation for salaries and expenses of the Agricultural Stabilization and Conservation Service. After the original 1989 budget proposal was submitted in February 1988, the Nation experienced a drought which was one the worst droughts in the last 52 years. That proposal did not include any funding for administering programs related to the Disaster Assistance Act of 1988. Although $45,427,000 was provided in the Dire Emergency Supplemental Appropriations Act of 1988 (Public Law 100-393), updated crop damage reports, county office workload reports, and December 1988 survey data from the 2,800 ASCS county offices show that producer participation is much higher than earlier anticipated. Thus, USDA estimates a need of an additional $40,000,000.

Other important items in the Agriculture chapter of the bill include: First, an increase of $2,500,000 for the limitation on obligations from fees collected by the Agricultural Marketing Service for the cotton classing and tobacco grading programs; second, approximately $17,000,000 for the Soil Conservation Service to perform work required by the Food Security Act of 1985, in addition to its traditional soil and water conservation work; third, a provision which requires the Secretary of Agriculture to make all the direct farm operating loan money, including that held in reserve, available immediately to the States so that eligible farmers can receive the needed funds to plant their crops; fourth, a provision which extends the period of time from July 31, 1989 to December 31, 1989, in which farmers can refund advanced deficiency payments for that portion of a crop for which a disaster payment was made also, and fifth, an increase of $1,000,000 for the National Agricultural Library.

While the Agriculture chapter addresses several critical items, the committee was cognizant of the budgetary constraints and provided offsets for the additional appropriations. One offset which was made in order to provide some additional funds for the Soil Conservation Service reduced the amount available for the Conservation Reserve Program to provide cost-share assistance on crop year 1989 acreage from $385,000,000 to $370,000,000. I want to emphasize that this reduction will have no adverse effect on the program because the total number of acres that have been enrolled is below the previous estimate.

In addition, reductions are made in several small direct loan programs of the Farmers Home Administration. Again, I point out that these programs had unobligated funds available, and it is highly unlikely that these funds would have been obligated during the remainder of this fiscal year.

Mr. President, I support the Agriculture chapter and the supplemental appropriations bill as reported by the committee. I commend the chairman of the Appropriations Committee, Senator BYRD, and the ranking member, Senator HATFIELD, for their dedicated efforts and work in bringing this bill to the floor. I urge my colleagues to support passage of this bill so these funds can be made available promptly.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, I ask unanimous consent to speak out of order for not to exceed 15 minutes.

The PRESIDING OFFICER. The Senator from West Virginia is recognized for 15 minutes.

(Mr. KERREY assumed the chair.)

OPPORTUNITY IN CAMBODIA

Mr. BYRD. Mr. President, on April 5, 1989, Vietnam announced that it would terminate its 10-year occupation of Cambodia and withdraw all of its forces by September 30, 1989. After 10 years of political stalemate, the ice is breaking free in Cambodia, but it is as yet unclear in which direction the ice will flow.

Is there a constructive role that the United States can play to help bring peace to a country which was once a model of international political moderation and diplomacy, and domestic tranquility? Can we help usher in a new era in Cambodia, an era marked by territorial integrity, free from regional aggression, and an era of political stability, with protection for individual freedoms, free from the nightmare of terror and mindless violence?

If the United States is to play a new role in Southeast Asia, that role must be based on a solid, bipartisan, fully debated and understood consensus. Surely we have learned from our experience in Vietnam, if nothing else, that if we are to succeed in a new policy toward that region, it cannot be achieved through secret policymaking, secret military programs, secret arms transfers, or secret deals. The administration, it was reported by the New York Times on May 30, is considering a covert military aid program in Cambodia, to aid one of the competing factions in the struggle for power resulting from the withdrawal of the Vietnamese occupying forces. It is inconceivable to me how anyone could think that a new military aid program in Southeast Asia could be successful or sustainable without building a strong national consensus to support it. Otherwise, how could military involvement by the United States in that region, even a modest military supply role based on some superficial political calculation, be sustained over the long run? There is no short cut, no easy back door which can circumvent and make unnecessary the building of a knowledgeable consensus for new long-term United States policies in a region which has been purposefully bereft of such policies since our involvement in Vietnam ended so catastrophically.

Mr. President, if the administration believes that a new military aid program is needed in Cambodia, let us talk about it openly, let us debate the merits, let us come to a conclusion that the administration, the Congress and the American people can support. Southeast Asia is fraught with too many memories, too much sad history, too much spilled blood, for the United States to back into a commitment, with no sense of where that commitment may lead.

Mr. President, our recent history in the arms-for-hostages debacle should teach us that secret policies may well be concocted precisely because the policymakers know that such policies cannot stand the light of day and open debate. They are, therefore, suspect on their merits precisely because of the methods of their origins.

Our previous involvement in Cambodia is not a bright spot in our history. After the fall of Saigon to the Communists in April 1975, the United States turned its back on Southeast Asia and was largely silent about the genocidal reign of the Khmer Rouge from 1975 to 1978. Under Pol Pot's leadership, the Khmer Rouge killed

over a million of Cambodia's people in 3 short years.

On Christmas Day 1978, Vietnam invaded Cambodia and installed a client regime, led by dissident Khmer Rouge individuals, backed by over 100,000 Vietnamese troops. While welcoming the overthrow of the Khmer Rouge regime, the world roundly condemned the Vietnamese invasion.

Vietnam was unable to quell rebellion in Cambodia. It had to contend with three resistance factions—the Khmer Rouge, funded and supplied militarily by China and given sanctuary in Thailand; and two non-Communist factions, one led by Prince Norodom Sihanouk. These non-Communist factions have been supported by the ASEAN countries, particularly Thailand, Singapore, and Indonesia, as well as by China and the United States, but have never had the firepower or the number of fighters to match those of the Khmer Rouge forces. Since 1982, the Khmer Rouge and these non-Communist factions have been associated in an uneasy Western-designed coalition against the Vietnamese occupation.

United States policy during the years of Vietnamese occupation of Cambodia has been mainly limited to verbal support for the non-Communist resistance, annual condemnation of the Vietnamese occupation at the United Nations, and contributions to international efforts to feed the estimated 300,000 refugees on the Thai-Cambodian border. At congressional insistence, the United States has provided nominal nonlethal assistance to the non-Communist factions since 1985.

The chief goal of United States policy since the Vietnamese invasion in 1978 has been the ouster of Vietnamese troops from Cambodia. Until recently, the United States has tried to avoid a high public profile in Cambodia and has tried to follow the lead of the ASEAN countries. This has not been a failed policy by any means. On the contrary, it can be argued that one of the chief reasons for the Vietnamese decision to withdraw from Cambodia is the cost of the protracted international isolation of Vietnam brought on by a United States trade embargo and the virtual termination of international aid through the World Bank and the International Monetary Fund.

The United States goal has been simple: get the Vietnamese out and let Cambodia regain its own sovereignty. Now that it appears that that goal may be in sight, the United States should rightly examine what new roles it may play to ensure that the Khmer Rouge does not return to power, and that the Cambodian people be free from new reigns of terror and violence.

The Chinese, who support the Khmer Rouge as a way to rid Cambodia of Vietnamese occupation, have indicated that they are reviewing their policy and are prepared to engage in an active diplomatic role to bring new political stability to Cambodia. The administration is reported to be contemplating a military option, but I have heard nothing about diplomacy. So far, the Congress has received no request for military aid. Secretary of State Baker has made no public pronouncements suggesting that lethal aid to the non-Communist factions is his preferred option.

The current situation in Cambodia suggests that active inventive, international diplomacy might be considered and might be fruitful. The non-Communist countries in Southeast Asia are concerned that the United States has no coherent, long-term policy for the region and that the two Communist superpowers, China and the Soviet Union, will end up imposing their own version of a solution onto Camboida. The ASEAN nations want the United States to remain involved. They look to the United States for support and leadership. What form should that leadership take?

Mr. President, a policy review is clearly in order. If we are to reengage in Southeast Asia, let us do so. But let us do so only after thorough open debate, with discussion of options and the careful formulation of a new United States policy in concert with other nations that wish to bring long-term peace and stability to Cambodia. There is much at stake here and it seems inadvisable to engage in secret deals, secret policy, secret aid, and repeat the mistakes of the very recent past. As in many other regions of the world, and where political opportunity seems open, an active and inventive American diplomatic role might well find a receptive audience and that is an option that I believe would find the greatest amount of support from the American people at this juncture in the tumultuous history of the Southeast Asian peninsular nations.

Mr. President, I ask unanimous consent to have printed in the RECORD the article by Robert Pear, dated May 30, from the New York Times, titled "Bush To Seek Cambodia Arms Aid for Non-Communist Rebel Groups."

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the New York Times, May 31, 1989]

BUSH TO SEEK CAMBODIA ARMS AID FOR NON-COMMUNIST REBEL GROUPS

(By Robert Pear)

WASHINGTON, May 30.—After months of internal debate, the Bush Administration has decided to seek Congressional backing for a covert program to supply rifles and other weapons to non-Communist Cambodian guerrillas battling the Phnom Penh Government, Administration officials said today.

The main purpose of the aid would be to strengthen the position of Prince Norodom Sihanouk in negotiations with the Cambodian Government and with the Communist Khmer Rouge forces.

The Prince has been trying to oust the Phnom Penh Government and its Vietnamese patrons. Earlier this month he indicated that he might be able to reach an accommodation with the Phnom Penh Government under certain conditions. American officials say he would agree to such an arrangement only if it helped him achieve his ultimate goal, restoring the independence of Cambodia.

A State Department official said, "We believe that appropriate assistance will strengthen the political standing in security of the non-Communist resistance and enhance its position" in negotiations for a political settlement of the war in Cambodia.

In addition, the official said, such aid would help the non-Communist force "hold its own" if the Khmer Rouge tried to seize "unilateral control" in the future.

Several Congressional Democrats, including Senators Claiborne Pell of Rhode Island and Alan Cranston of California, have strenuously opposed lethal aid to the non-Communist forces of Prince Sihanouk and Son Sann. They fear that some of the aid might get into the hands of the Sihanouk-Son Sann coalition allies, the Khmer Rouge, whom they see as a bigger danger than the Phnom Penh Government.

The Khamer Rouge, led by Pol Pot, ruled Cambodia from 1975 through 1978 and presided over a brutal period in which at least one million Cambodians died. The Bush Administration says that it is "totally opposed to a return to dominance by the Khmer Rouge" and that it could never accept a Government that included Mr. Pol Pot.

Vietnam invaded Cambodia in December 1978, ousted the Khmer Rouge and installed a Government in Phnom Penh, now headed by Prime Minister Hun Sen. The Khmer Rouge is in an uneasy coalition with the forces of Prince Sihanouk and Mr. Son Sann, a former Cambodian Prime Minister. They have been trying, with some success, to expel the Vietnamese. In April, Vietnam announced that it would unconditionally withdraw all of its remaining troops from Cambodia by the end of September.

The United States has been skittish about military involvement in Indochina since the Vietnam War. A White House official said the non-Communist guerrillas could receive the first batch of American arms by the time Vietnamese troops complete their withdrawal from Cambodia.

It could not immediately be learned what conditions the Administration might attach to aid for the non-Communist resistance. The Administration has opposed Congressional proposals that would require Prince Sihanouk to break his coalition with the Khmer Rouge as a condition for American aid.

David Lambertson, a deputy assistant secretary of state, said the Khmer Rouge would not get any aid provided to the non-Communist forces. "In fact," he said, "there is very little coordination between the non-Communist resistance on the one hand and the Khmer Rouge forces on the other."

Congress could try to block the aid either by passing legislation or by urging the Administration to reconsider. It is not clear whether the critics of such aid, who now include Senator Mark O. Hatfield of Oregon, the ranking Republican on the Appropriations Committee, have the votes to stop it. Mr. Cranston, the chairman of the Foreign Relations subcommittee on East Asia, said

he would explore the Administration's plans at a hearing in June.

Representative Stephen J. Solarz, Democrat of Brooklyn, has supported military aid for the non-communist forces. "A decision to provide lethal assistance to the non-Communist resistance would enhance the prospects for a political settlement" by sending a signal to Vietnam and the Phnom Penn Government that "we are not about to accept the Hun Sen regime as an accomplished fact," he said.

On May 17, Mr. Lambertson assured the Foreign Relations Committee that the Administration would not send weapons to Cambodia before consulting Congress. "I am sure that we would not undertake that sort of step without full consultation," he said.

As of that time, he said, "there has been no decision to provide lethal aid to the non-Communist resistance." But, he said, "We intend to do what we can to strengthen the non-Communist resistance."

When Prince Sihanouk visited Washington in October, he welcomed the prospect of getting "military aid," as well as political support, from the United States.

At a news conference two weeks ago, he expressed irritation at Senator Pell's proposal to ban American aid to any Cambodian faction that was in a coalition or alliance with the Khmer Rouge.

DIRE EMERGENCY SUPPLEMENTAL APPROPRIATIONS, FISCAL YEAR 1989

The Senate continued with the consideration of the bill.

Mr. BYRD. Mr. President, I am happy to see the distinguished Senator from Wyoming [Mr. WALLOP] on the floor. He has an amendment.

I yield the floor.

Mr. WALLOP Mr. President, before I call up my amendment, let me thank Senator BYRD and his staff for the cooperation and help we have had with these two amendments.

AMENDMENT NO. 132

(Purpose: To provide fire research money)

Mr. WALLOP. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from Wyoming [Mr. WALLOP] proposes an amendment numbered 132.

Mr. WALLOP. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 17, line 11, insert the following:

Provided, That $2,300,000 of the above amount shall be allocated for a research program to be administered by the University of Wyoming for Research to study the effect of the 1988 fires on the area of the Greater Yellowstone Ecological System, to include National Park Service lands, U.S. Forest Service lands, and state and private lands; said research to be conducted by university researchers from across the Nation, chosen on a competitive, peer reviewed basis.

Mr. WALLOP. Mr. President, the purpose of this amendment is to provide much needed money to begin research into the effects of the 1988 fires in the Yellowstone area. The reason it comes on the emergency supplemental is because God's time marches on and will not wait for the 1990 appropriations process. Those fires burned last summer and the early studies must be commenced this summer before all the regrowth and regeneration takes place so that it may be measured as a part of the information necessary for future management and for scholars to understand the effects of fires.

Most everyone noticed last summer the ferocity of the events in Yellowstone. Equally, most everyone has noted with abundant pleasure the resurgence of life this spring. It is that resurgence of life that calls me to make this amendment now because in order to measure it from the beginning we have to be there at the beginning. It thus belongs on the urgent supplemental.

Yesterday the final report of the Fire Policy Management Review Team was released and it recommended additional research related to fire management programs, to include studies of such things as the feasibility of using prescribed burns for predicting fire behavior, and for improving fire information systems. All of that research must begin now.

Some of it can wait, but that which has to do with God's time cannot. And that is the reason why this research must begin now.

I was in Yellowstone Park last weekend. I had a good view of it with Superintendent Barbee and with Chief Ranger Scholley. We saw it from a helicopter. We saw it on the ground. And it is important for the information of Americans who treasure their national parks, for the scientists who guide our policies and policy decisions in them, as well as policy makers, that this transfer of moneys within the budgets of the Forest Service and National Park Service take place.

There is, now, a National Park Research Station in Laramie, WY. The purpose of this amendment is to direct money to that. It is closest. It has the experience on the ground. It already has preliminary data, based on the fires from last summer. So I would hope and ask that the able chairman of the committee might see his way to accept this amendment.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Mr. President, the Senator from Wyoming proposes to transfer $2.3 million from the alternative fuels section of the Interior chapter of this dire emergency appropriation bill. The distinguished Senator from Wyoming would use these transferred funds to increase moneys available to the National Park Service for research on the severe fire in Yellowstone National Park last summer.

The alternative fuels moneys which the Senator proposes to use as an offset are presently scheduled to be returned to the U.S. Treasury as an offset for other expenses in this supplemental appropriations bill. Therefore, I must oppose this amendment as drafted because it would increase the budget authority for the bill by $2.3 million and the outlays by approximately $1 million.

I point out that the committee has approved a reprogramming which provides an additional $1,240,000 for National Park Service research on the Yellowstone fire. This money is in addition to some $600,000, which the Park Service had already allocated for this purpose. So, the Park Service presently has $1.8 million for research on the Yellowstone fire.

If the distinguished Senator will agree to transfer a total of $400,000 from other Park Service activities and he would agree to bill language which transfers a similar amount from the "National Forest System" account to research on the fire impacts on public lands in the Yellowstone area, then I could support what would in effect be an internal reallocation of resources.

Mr. WALLOP. Mr. President, I thank Senator BYRD for his suggestion. I understand the problems that the original form of my amendment poses.

It is my understanding that it is the Senator's understanding, having inquired on it, that the National Park Service will work with the National Park Service Research Station in Laramie concerning the administration of these research funds?

Mr. BYRD. If my distinguished friend requests that the additional money be allocated to the National Park Service Research Center at the University of Wyoming, I would suggest that the Park Service be directed to work with the research center, but only on those research activities that were identified by the blue ribbon scientific panel that studied the Yellowstone fire.

Mr. WALLOP. I am operating on the assumption that I would modify my amendment in the way in which the able Senator suggested, and it is also my understanding that he would expect that about half of these additional moneys would go to the research station for research purposes; is that correct?

Mr. BYRD. That is correct.

Mr. WALLOP. And I also understand that as we move to fiscal year 1990, that the Senator will work with us to find, if the need exists, an increase in fire research funding on that.

Mr. BYRD. The Senator may be assured I will certainly listen to the requests and work with the Senator and, within the constraints that we may be facing at that time, will do everything I can to cooperate.

AMENDMENT NO. 132, AS MODIFIED

Mr. WALLOP. All of us understand those constraints.

Mr. President, I ask that I might be permitted to offer an amendment in the nature of a substitute to amendment 132.

Mr. BYRD. Mr. President, I have no objection to the Senator's offering an amendment to his own amendment without the yeas and nays having been ordered.

The PRESIDING OFFICER. All time has not expired.

Mr. BYRD. I yield back my time on this amendment.

Mr. WALLOP. I, before yielding back my time, would ask unanimous consent that Senator SIMPSON be added as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SIMPSON. Mr. President, I am a cosponsor of the amendment offered by my good friend and colleague, the senior Senator from Wyoming. This amendment is very straightforward. It transfers $12.4 million in Forest Service funds into an account to be used for rehabilitation of Forest Service lands affected by the catastrophic fires of 1989 occurring in the greater Yellowstone ecosystem. Additionally, the amendment would transfer $2.3 million into a research account for expenditure by the University of Wyoming for study and research on the effect of these fires on Park Service land, Forest Service land, State land and private land.

Both Senator WALLOP and I requested that the Appropriations Committee include supplemental funding for fiscal year 1989 for recovery efforts on Park Service and Forest Service lands following the devastating Yellowstone fires of 1988. Supplemental funding is necessary immediately for the Forest Service expenditures. Items which will be funded by this emergency supplemental appropriation include Forest Service accounts for fuels management, recreational activities, road and trail maintenance, wildlife and fisheries habitat, noxious weed control, soil and water resource improvement, range improvement, trail construction, future fire suppression and other critically important programs.

These recovery efforts will assist not only the Forest Service lands but surrounding ecological systems which were also damaged as a consequence of the fires. For instance, the loss of ground cover and plants in the forests has resulted in increased erosion which is causing increased silting in streams and rivers that flow out of the area. This effect may be many miles away from original fire zones but it is surely no less connected to the fires. The supplemental appropriation for fire recovery and research is crucial.

Mr. President, I further support the appropriation of $2.3 million for a fire research program at the University of Wyoming National Park Service Research Center.

The Yellowstone firestorm of 1988 has been described as "the greatest disaster in the history of the national parks," created by prolonged drought conditions, large concentrations of fuels, inaccessible terrain, volatile fire weather conditions, and an archaic "let burn" policy of the National Park Service. Our request for fire related research funds would enable scientists to study the aftereffects of this conflagration and the impact of fighting the fires in the Yellowstone area. Research would be conducted by university researchers from across the Nation, selected on a competitive, peer reviewed basis.

Mr. President, this money is most urgently needed and therefore it is perfectly appropriate for inclusion in this urgent supplemental appropriation measure. I can assure my colleagues that the money will be well spent in order to restore these national treasures and to conduct research on the effects and prevention of future fires.

Mr. COCHRAN. Mr. President, we recommend the amendment as modified be agreed to.

The PRESIDING OFFICER. Without objection, the amendment is modified.

Mr. BYRD. Mr. President, the amendment is brief. Might we have a reading of it for the RECORD?

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

Page 20, after line 5:

SEC. 504. Of the funds appropriated in Public Law 100-446 under the heading "Forest Service, National Forest System", $400,000 shall be transferred to the appropriation account "Forest Service, Forest Research".

Mr. WALLOP. I yield back the remainder of my time and ask that the amendment as modified now be accepted.

Mr. BYRD. Mr. President, I thank the distinguished Senator for his having worked out this amendment. I also congratulate and thank our respective staffs. I think it is a good amendment and I support it.

Mr. WALLOP. Mr. President, I urge the adoption of the amendment.

The PRESIDING OFFICER. All time having been yielded back, the question is on agreeing to the amendment of the Senator from Wyoming as modified.

The amendment (No. 132), as modified, was agreed to.

Mr. WALLOP. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. COCHRAN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BYRD. Mr. President, it is my understanding now that the second amendment which the distinguished Senator had on the agreed to list will not be called up. Am I correct?

Mr. WALLOP. Mr. President, if the able chairman will indulge me, I would like to call it up and go through just a quick statement with the Senator.

Mr. BYRD. Very well. I thank the Senator.

AMENDMENT NO. 131

(Purpose: To provide moneys for fiscal year 1989 emergency fire rehabilitation)

Mr. WALLOP. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from Wyoming [Mr. WALLOP] proposes an amendment numbered 131.

Mr. WALLOP. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 15, line 15, insert the following after "System": ": *"Provided*, That, of the total amount of funds made available to the "Forest Service, National Forest System," not less than $12,400,000 will be available for emergency rehabilitation in fiscal year 1989.".

On page 15, line 15, strike *"Provided*, That such funds" and insert *"Provided further*, That such remaining funds".

Mr. WALLOP. Basically, Mr. President, this amendment takes moneys for fiscal year 1989 emergency fire rehabilitation from the current appropriation which only replenishes accounts used to pay the firefighting in fiscal year 1987 and 1988.

The $12.4 million figure represents the share of moneys needed for emergency fire rehabilitation in fiscal year 1989 that have not already been transferred from other accounts in fiscal year 1989.

None of the moneys in the bill would either repay or fund any costs incurred by the departments in fiscal year 1989 and, even worse, none of the moneys are being used for fire rehabilitation, even though the language in the bill states this as being so.

Instead, moneys are being used to repay accounts depleted in fiscal years 1987 and 1988 for firefighting. This situation has resulted in the embrassment of using milk carton ads to raise funds for Yellowstone park recovery.

Mr. President, I ask unanimous consent to print an article from the Wyoming Eagle on this in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Wyoming Eagle, May 31, 1989]

MILK CARTON ADS WILL BE USED TO RAISE FUNDS FOR PARK RECOVERY

YELLOWSTONE NATIONAL PARK.—Milk cartons, often used as miniature billboards, will be used to raise money for Yellowstone National Park's fire recovery program.

Beginning next month and continuing through Aug. 15 some milk cartons will feature side panels promoting America's national parks, according to Yellowstone Superintendent Bob Barbee.

The panels will carry information about the national parks and feature graphics of outstanding park features, he said in a news release.

Eighteen panels have been designed for use in the project. Through these panels consumers will be able to learn about a variety of natural, cultural and recreational park areas in the United States.

Additionally, consumers will be able to purchase a "passport" at a reduced rate, said Barbee.

The "Passport to Your National Parks" is a pocket-sized book in which travelers can track their journey's through the national park system. For each book sold, International Paper will donate $1 to a special Yellowstone National Park Fire Recovery Fund.

An additional portion of the proceeds will be donated to other National Park Service projects, too, said Barbee.

In Yellowstone, the funds will go for a variety of fire-related recovery and rehabilitation projects, such as the rehabilitation or repair of fire lines, trails and campsites established during last year's firefighting efforts.

Money from the fund also will be used on erosion control, backcountry bridge replacement, replacement of a backcountry patrol cabin, enhancement of public education and visitor interpretation exhibits, and various publications.

Research projects designed to evaluate the effects of last year's forest fires and their role in the natural processes in the greater Yellowstone ecosystem also will be funded through the recovery program.

Also sponsoring the project is the Eastern National Park and Monument Association. The fund-raiser is just the latest staged to raise money for Yellowstone's fire recovery efforts.

Mr. WALLOP. Mr. President, my amendment respects our obligation to the national parks and forests by funding emergency rehabilitation efforts in the current fiscal year. Moneys will fund such projects as the repair of fire lines, trails, and campsites established last summer, as well as control of erosion and replacement of lost structures.

Mr. President, this amendment is a small investment that will provide a tremendous return. Over a 50-year lifetime, it is said that one tree generates 31,000 dollars' worth of oxygen, provides 62,000 dollars' worth of air pollution control, recycles 37,000 dollars' worth of water, and controls 31,000 dollars' worth of soil erosion. There is more than one tree, as one might anticipate, contemplated in these rehabilitation efforts.

It is my understanding that the able chairman and the ranking member will call a point of order on this, in that it calls for new outlays. I understand that and would hope that Senator BYRD might make that statement now, so that I might ask him for assistance in the coming year.

Mr. BYRD. Mr. President, the Senator from Wyoming is expressing very real concerns about a serious problem in his State. We have read about that problem, and we have witnessed it on TV, the fires that devastated Yellowstone National Park and its surrounding areas last summer. Therefore, it is well known by all of us.

Fiscal year 1988 was the most expensive year in the history of firefighting and public lands. Total costs for these fires in our national parks, forests, and other public lands totaled some $697 million last year, far in excess of the average for the first 7 years of the 1980's. That average was only $198 million. Too much, but only $198 million in comparison to $697 million last year. In other words, 3½ times as much last year as the average for the first 7 years.

So last year was indeed a devastating year, and Yellowstone National Park was at the heart of that devastation. The committee, when it considered the fiscal year 1989 appropriations for the Department of the Interior and related agencies, provided a contingency to deal with just such an emergency. Section 102 of that act, Public Law 100-446, authorized the Secretary of the Interior to transfer funds from any no year account in title I of the bill "for the suppression or emergency prevention of forest or range fires on or threatening lands under the jurisdiction of the Department of the Interior." And "for the emergency rehabilitation of burned over lands under its jurisdiction. * * *"

Similar language and authority are contained in administrative provisions of the Forest Service in the fiscal year 1989 Interior bill.

To date, the National Park Service has transferred $9.4 million in emergency firefighting funds to Yellowstone National Park this year. In addition, the committee has approved a reprogramming of $4.3 million to assist the service in coping with the fire recovery effort at Yellowstone.

Similarly, the Forest Service has spent some $46 million on fire recovery efforts nationwide. It is my understanding that a large portion of these funds were spent in the greater Yellowstone area.

So I would say to the distinguished Senator from Wyoming that we have spent substantial moneys on the Yellowstone fire recovery effort already, sums which will well exceed the total of $12.4 million that the able Senator is seeking here.

More important, it is my understanding that the Senator's amendment would increase the outlays for the Interior chapter by perhaps $3.9 million. Therefore, I must oppose, as I have opposed already a number of times other amendments, I must oppose this amendment on the basis that it would exceed the Interior Subcommittee's allocation in accordance with section 302(b) of the Budget Act.

I say to the distinguished Senator from Wyoming that I will try to work with him in the formation of the fiscal year 1990 Department of the Interior and related agencies bill, within the funding restraints, realizing as I do the catastrophic results of this devastating fire. I would hope that the Senator would withdraw his amendment with that assurance.

Mr. WALLOP. Mr. President, on the basis of that assurance, and I have had sufficient assurances from the Senator before to know I can rely upon them, I will in a moment withdraw this amendment, but I would observe that one of the frustrations that we have is the rehabilitation goes to the suppression of the fire fuel load, among other things. Without rehabilitation, we risk great fires, should we have a similarly dry summer this year. That has been one basis of my concern, and the other basis is that though the language in H.R. 2072 does direct that the moneys be used for fire rehabilitation, to our sadness, in this instance, it is not.

Yellowstone is a simply magnificent place for tourists to visit this year and will be in years to come, but we cannot allow fuel buildups and the danger created by dead trees to threaten the public much longer. I think that the 1990 time would be sufficient, and I will expect to work with the able chairman of the committee on those funds for rehabilitation. In the meantime, we, I hope, may join in a letter directing that purposes for which these moneys are reprogrammed and set aside might include a more strenuous effort of rehabilitation.

With that understanding, Mr. President, and with the understanding that Senator SIMPSON be added as a cosponsor, I ask unanimous consent that the amendment be withdrawn.

The PRESIDING OFFICER. Without objection, the amendment is withdrawn.

The amendment was withdrawn.

Mr. WALLOP. Is it the Senator's understanding that Senator SIMPSON was added as a cosponsor?

The PRESIDING OFFICER. Earlier, yes.

Mr. WALLOP. I thank the Chair and I thank Senator BYRD and Senator COCHRAN for their assistance on this and will look forward responsibly

to finding the means by which these rehabilitation projects can be done.

Mr. BYRD. Mr. President, I thank the distinguished Senator for his patience. I can understand the problems that are confronting him and his people. I thank him for his cooperation, for his understanding of the problem here and for his willingness to withdraw the amendment and for his having withdrawn the amendment.

I shall continue to work with him in every way I can and with his colleague, Senator SIMPSON, as we continue to address these serious matters.

Mr. COCHRAN addressed the Chair.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Mr. President, let me again say to the Senate that we are confronted with an emergency situation. I think the comments of the distinguished Senator from Wyoming indicate there are a number of emergencies confronting the country right now that we should consider. The situation in his State is a very good example of an emergency that requires the attention of the National Park Service and other agencies of the Federal Government to deal effectively with the problems they confront there.

I compliment him on his leadership in finding the right answers to these questions and thank him for his cooperation with our committee.

Mr. WALLOP. Mr. President, may I say that my offering this amendment was in no way critical of the superintendent and his staff of Yellowstone National Park and the surrounding forest supervisors.

They did, last summer, within awful circumstances, and in some instances circumstances beyond the experience of mankind, great work. We are trying hard now to address the problems that were created by those fires. The public will find the parks and forests still great places to visit. It is the future that I am concerned with and not in any way expressing any criticism of the present superintendent of that park.

I thank the Chair and yield the floor.

Mr. BYRD. Mr. President, only two amendments remain on the list as agreed to for today. It is not that we will have completed work on the bill. I wish we could go further, but that was the agreement, and we cannot go beyond what we have agreed to.

So those two amendments that remain are an amendment by Mr. METZENBAUM and one by Mr. GRAHAM. I have the amendment for Mr. METZENBAUM, and I offer it in his behalf.

AMENDMENT NO. 135

(Purpose: To direct the expenditure of already appropriated funds for a restoration project at Winton Woods)

Mr. BYRD. Mr. President, I send to the desk an amendment on behalf of Mr. METZENBAUM.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from West Virginia [Mr. BYRD], for Mr. METZENBAUM (for himself and Mr. GLENN), proposes an amendment numbered 135.

Mr. BYRD. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place in the bill, insert the following new section:

"SEC. . From existing funds appropriated pursuant to Public Law 100-371, an act making appropriations for energy and water development for the fiscal year ending September 30, 1989, and for other purposes, the Secretary of the Army, acting through the Chief of Engineers, is directed to use $500,000 to undertake preliminary engineering and design for a project at West Fork of Mill Creek Lake, Ohio, pursuant to section 1135 of Public Law 99-662, as amended."

Mr. METZENBAUM. Mr. President, this amendment does not appropriate any additional funds. It simply directs the Army Corps of Engineers to release existing funds that were put in the fiscal 1989 appropriations legislation for a specific project in my State.

The energy and water appropriations bills passed by both the House and the Senate last year included $500,000 to begin restoring a Corps of Engineers-owned lake in Cincinnati, OH. The money was included in the conference report.

Unfortunately, we have yet to see the funds released by the administration.

On February 21 of this year, I met with the Assistant Secretary of the Army for Civil Works, Robert Page, who informed me that the Office of Management and Budget was holding up the project. He subsequently informed me in a March 22, 1989, letter that he would again approach the Office of Management and Budget and request the allotment of the $500,000.

On May 3, OMB responded to Mr. Page that they would not release the money.

The question I have is whose decision is this?

The Constitution gives Congress the power to appropriate funds, not the Office of Management and Budget. Congress has already spoken in favor of this project. This amendment simply directs the administration to release the money.

I urge my colleagues to support the amendment.

Mr. BYRD. Mr. President, the amendment of the distinguished Senator from Ohio [Mr. METZENBAUM] would direct the Corps of Engineers to use funds previously appropriated for the west fork of Mill Creek Lake in Ohio. There is no budgetary impact since the funds are currently available for this work which OMB refuses to allocate. While we cannot commit to future funding because of anticipated budget limitations, I am willing on this side of the aisle to accept the amendment, take it to conference, especially, as I say, in view of the fact that there is no budgetary impact that will result from this amendment.

Mr. COCHRAN. Mr. President, the distinguished chairman correctly states that these are funds which are directed to be allocated and spent which have previously been appropriated. We recommend that the amendment be approved.

The PRESIDING OFFICER. All time having been yielded back, the question is on agreeing to the amendment.

The amendment (No. 135) was agreed to.

Mr. BYRD. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. COCHRAN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BYRD. Mr. President, that only leaves one amendment, an amendment by Mr. GRAHAM, on the list, and once we can dispose of that amendment, as far as I am concerned, while our work is not done on the bill, it will be done for today because of the agreement.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS UNTIL 12:30 P.M.

Mr. BYRD. Mr. President, I am told that the only remaining amendment that can be taken up today is being developed by staffs, and by the distinguished Senator from Florida [Mr. GRAHAM], and that it will be about 30 to 45 minutes before that amendment will be ready.

I have inquired of the distinguished majority leader if he has any objection to the Senate standing in recess, and he has indicated he has no objection to such.

If my friend on the other side of the aisle has no objection, I shall ask that the Senate stand in recess.

Mr. COCHRAN. Mr. President, we have no objection to the request, and we compliment the Senator for suggesting it.

Mr. BYRD. I thank the Senator.

Mr. President, I ask unanimous consent that the Senate stand in recess until the hour of 12:30 p.m. today. I am hoping that by that time the

amendment by Mr. GRAHAM will be ready.

There being no objection, the Senate, at 11:46 p.m., recessed until 12:30 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer [Mr. KOHL].

DIRE EMERGENCY SUPPLEMENTAL APPROPRIATIONS FISCAL YEAR 1989

The Senate continued with consideration of the bill.

Mr. BYRD. Mr. President, it is my understanding that the remaining amendment is about ready to be offered. Work has gone forward on that amendment during the recess. I contemplate our being able to take up the amendment shortly. I, therefore, suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. GRAHAM. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 136

(Purpose: An amendment relating to Haiti)

Mr. GRAHAM. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Florida [Mr. GRAHAM] proposes an amendment numbered 136.

Mr. GRAHAM. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 14, after line 24, insert:

Section 553(b) of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1989 as contained in Public Law 100-461 is amended by adding two new subsections as follows:

(11) assistance consisting of sales and donations of agricultural commodities under P.L. 480, in an amount not to exceed $12,000,000.

(12) animal and plant health programs, where the assistance is primarily for the benefit of the United States.

Mr. GRAHAM. Mr. President, the amendment I sent to the desk relates to Haiti. In the current foreign operations law, there are restrictions on United States provision of aid to Haiti. An exception to that has been humanitarian aid. This amendment would extend that exception to also include Public Law 480 funds which are food for Haiti.

Mr. President, this is being done at the request of and with the support of a wide range of Americans who have been concerned with the situation in Haiti, including the administration and Members of Congress. It would be a recognition of the progress that has been made under the current government of Haiti toward the goals which the United States has shared with the people of that country: Democratization, human rights, the permission for the use of Haiti as a center for drug transportation.

I believe that this amendment would be an appropriate recognition of the progress that has been made and a desire for further democratization and a return to a period in which the people of Haiti will have legitimate hope for their future.

Mr. COCHRAN. Mr. President, I wonder if we could have a copy of the amendment. I know there has been discussion among staff about the provisions of this amendment, and there has been an effort to work out an agreement to accept an amendment on this subject.

In connection with the provision relating to Public Law 480, there is a new section suggested in the amendment which would add the following language:

Assistance consisting of sales and donations of agricultural commodities under Public Law 480, in an amount not to exceed $12 million.

I ask the distinguished Senator from Florida whether this is an appropriation of new funds of that amount under the Public Law 480 program for Haiti.

Mr. GRAHAM. No. Currently, there is a restriction on economic aid to Haiti, which makes them ineligible to receive currently appropriated funds including Public Law 480 funds. This amendment would solve even that restriction to the extent making Haiti eligible to receive currently appropriated Public Law 480 funds up to a maximum of $12 million.

Mr. COCHRAN. As I understand it, it would not require sales to be made or grants in that amount to be made in foodstuffs to Haiti but would simply make them eligible to receive up to that amount; it does not direct that it be given to them. Is that correct?

Mr. GRAHAM. The Senator is correct. It is reapproval of a current prohibition of the types of aid to Haiti.

Mr. COCHRAN. I understand. I thank the Senator very much.

Mr. LEAHY. Mr. President, as chairman of the Foreign Operations Subcommittee, I am happy to accept this amendment by the distinguished Senators from Florida [Senator GRAHAM]. Senator KASTEN and I have worked closely with him on it, and congratulate him for his leadership in trying to deal with the tragic situation in Haiti.

I believe the amendment will allow the United States to be of help in meeting the desperate human needs of the Haitian people. As now written, it will allow the administration to provide $12 million in Public Law 480 commodities to generate funds to support health care and job creation programs in Haiti. It also will enable the United States Animal and Plant Health Inspection Service of the Department of Agriculture to resume its program of monitoring hogs in Haiti for swine flu, long endemic to swine herds in that country. This is a needed protection for American hogs against the spread of swine flu to this country.

At the same time, we maintain the existing broad prohibition in the Foreign Operations Act for fiscal 1989 of official United States aid to the Government of Haiti until we see specific steps taken toward the institutionalization of democracy. Before we are prepared to remove this limitation, this Senator must see concrete measure, such as an announcement of a date for elections, and other actions, showing genuine progress toward democracy.

I thank the distinguished chairman of the committee.

Mr. BYRD. Mr. President, this amendment will allow the administration to provide $12 million in Public Law 480 food to Haiti to help the Haitian people. This is from existing appropriations. There is no new appropriation involved. The amendment provides two exceptions to a ban on aid to Haiti in the fiscal 1989 Foreign Operations Act. It permits a Department of Agriculture program to eradicate swine flu in Haitian hogs and protect American swine herds to continue.

It has been cleared on this side, and we are ready to accept the amendment.

Mr. COCHRAN. Mr. President, I understood there was a discussion with the distinguished Senator from North Carolina, the ranking Republican member of the Foreign Relations Committee, about this amendment. I have not had an opportunity to talk with him. Does the Senator have such an understanding?

Mr. GRAHAM. It is my understanding from staff that the Senator from North Carolina, as is true with all other interested Senators, has approved the language that is the subject of this amendment.

Mr. COCHRAN. Mr. President, I understand we have checked this with the administration. The administration has no objection. As the distinguished Senator stated, there had been a request that language of this kind be included in the bill. Therefore, we are prepared to recommend to the Senate that the amendment be agreed to.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 136) was agreed to.

Mr. GRAHAM. Mr. President, I express my appreciation to the chairman of the committee and to the Senator

from Mississippi for their thoughtfulness and their patience in the receipt of this amendment.

Mr. BYRD. Mr. President, I thank the Senator for his statement. It has been a pleasure to work with him.

Mr. COCHRAN. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. GRAHAM. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BYRD. Mr. President, this completes action on the supplemental appropriations bill for today under the unanimous-consent agreement that was entered into last afternoon and evening. I thank my distinguished and very able friend, the Senator from Mississippi [Mr. COCHRAN] for his cooperation today, for his presence on this beautiful Friday afternoon. That is where we ought to be; we are being paid for it, and he has certainly helped us to expedite the action on these amendments. I also thank those Senators who have had amendments. They have been called up today. They have not kept the managers waiting unduly, and, as far as I am concerned, that completes action on the bill today. We will be back on the bill next Tuesday when the Senate reconvenes after recess over for the weekend.

Mr. COCHRAN. Mr. President, I thank all Senators on this side of the aisle for their cooperation with the committee today. We have moved expeditiously to consider the amendments that were authorized under the order. I hope that on Tuesday this will set an example of how quickly we can move to dispose of amendments, get the bill passed, and get it to conference. We have a lot of work ahead of us. We have an emergency and we need to deal with it expeditiously. I also thank the chairman of the committee for his kind words and cooperation in working with us today.

Mr. BYRD. Mr. President, I appreciate very much the kind remarks of the distinguished Senator from Mississippi.

MEDICARE CATASTROPHIC ACT OF 1988

Mr. DURENBERGER. Mr. President, according to the unanimous-consent agreement entered into on the supplemental last evening, we in this body will face an opportunity next Tuesday to make a rather momentous decision I think and certainly a generational decision, in my view, when we take up an amendment by our colleague the junior Senator from Arizona [Mr. MCCAIN] which would put off for at least a year implementation of one of the most significant additions to health insurance for the elderly and disabled in America ever passed, the Medicare Catastrophic Coverage Act of 1988.

I thought it might be helpful to those of my colleagues who are still in town today or their aides and assistants who may be there or their political advisers whichever may still be around on a Friday afternoon preparing for this rather unexpected and I think inappropriate addition to supplemental appropriations to ask some questions in advance of the time we spend on the floor on Tuesday debating the appropriateness of the amendment.

What will be at stake on Tuesday with the amendment is largely a debate over whether or not the Senate Finance Committee, the House Ways and Means Committee, and others who were involved over the period of at least 2 years working with the Secretary of HHS, working with the administration on trying to develop a benefit for Medicare that should have been there from the beginning in 1965—a debate over the appropriateness of the way that was chosen to finance that and other benefits.

There seems to be no question in anybody's mind that the best part of any health insurance plan is the financial protection against financial catastrophe. We have never had that in Medicare. Medicare, like many insurance plans in this country, has simply been a way to access yourselves to primary services, such as doctors and hospitals. Not the way to protect yourself against financial catastrophe so that millions of Americans over the last 20-some years, to protect themselves against financial catastrophe, either had to beg more direct benefits out of Medicare or buy some kind of Medigap or supplemental policy that would guarantee them if their expenses ever got over $1,500, $2,000, or $3,000 a year that they would be covered.

In order to end that unjustified expenditure for unneeded supplementals, the President of the United States, the Secretary of HHS, an independent committee, and all of the Democrats and Republicans in the House and Senate with very few exceptions decided last year that the Medicare catastrophic bill was the way to go.

As the current Presiding Officer knows, because we spent about 10 hours yesterday in the Senate Finance Committee in hearing, there has arisen a kind of what some people call fire storm around this country about catastrophic, and I thought today I would just take a couple minutes to suggest that my colleagues ask themselves a couple, three, or four questions before they come to judgment and that they avail themselves of some information that we, I think, yesterday saw perhaps for the first time because of the occasion of our hearing, but that is really very, very important to any decision that our colleagues will take on Tuesday next week.

The basic question most people, at least their political advisers, ask when you come to a medical issue, where is AARP on this subject? So if you want to ask that as your first political question when you come to the floor on Tuesday, you need to know that the 28 million-member American Association of Retired Persons has strongly supported Medicare catastrophic and I trust will oppose the effort to postpone its effect.

The second question you might ask yourself is who started the fire storm? And I noticed yesterday there is one way to answer that question. There is an association that calls itself Senior Citizens Against Catastrophic, and they are headquartered in Las Vegas, NV, which is an appropriate place for this kind of an effort, I guess, and they have been circulating petitions all over this country which I read into the RECORD yesterday which contain allegations about the Medicare catastrophic bill, including the fact that it guarantees that senior citizens in this country will be the persons to have to pay for the medical services for persons with AIDS from now on, and other equally fallacious arguments.

Mr. President, I intend to offer this document for the RECORD next week.

Mr. DURENBERGER. Then I would ask, particularly my 11 Republican colleagues who voted "no" last year on the catastrophic bill and who to the person, including the Senator from Arizona [Mr. MCCAIN], used as a rationale that the financing mechanism would not hold up and we would be here on the floor debating general tax alternatives, why they insist on being right and particularly why they insist on tackling the leadership in being right.

This body and our colleagues in the House took what many believed was a courageous stand last year when we added benefits to Medicare which were badly needed benefits and constructed a financing mechanism in which the beneficiaries would actually help pay for these benefits.

Besides the catastrophic limit, which means that no one will have to pay more than $1,370 a year in part B out-of-pocket expenses, besides the catastrophic on part A, which means nobody is going to have to pay anything for any stay in the hospital except the first day's $560 deductible, we also added the extension of needed home health services. We put into Medicare for the very first time a wellness benefit, mammography screening.

We put into Medicare for the first time long-term care benefits, respite care for spouses who are caretakers of chronically ill spouses. We provided for the elimination of spousal impoverishment. And we created a new prescription drug benefit which will meet

one of the most substantial needs of a lot of people in this country.

We did it with two kinds of premiums. One, a modest increase to the flat monthly premium and then an income-related supplemental premium which I suspect from the testimony we heard yesterday is what is really at the heart of the objection of certain of these so-called senior groups.

If that is the problem—and again listening to the presentations made at the hearing yesterday—I must ask my colleagues whether or not they are satisfied that by undoing the supplemental premium and going to some other alternative source of funding that they will really have accomplished anything, other than make it more difficult for you, Mr. President, and I, as members of the National Bipartisan Commission on Comprehensive Health Care, to do the job we were sent to do to provide health insurance for all Americans.

I hope—and sometimes even pray—that my colleagues, as they think about this over the weekend, will remember that we are talking about 32 million Americans who are already insured. Most of our over 65 and seriously disabled Americans have health insurance. They have some of the best health insurance in the world. But they do have health insurance. When they are sick, they can go to the doctor. They can go down and get certain examinations paid for 80 to 20 coverage. They can go to the hospital and all they pay is the deductible. They have health insurance, all 32 million Americans, including my parents.

But you and I, Mr. President, along with 10 of our colleagues in the House and the Senate and 3 other persons, have the obligation by November 9 of this year of finding a financing solution for the 37 million Americans who have no health insurance whatsoever. We also have the obligation of coming up with a recommendation for the long-term care problems that face the 32 million elderly Americans.

So before we are quick to say, "Let's leave the income tax rate at 33 percent for awhile," or "Let's go back to the payroll tax," or "Let's go someplace else," I hope that the proponents of this amendment would think about where we are going to deliver on our promises not just to the 32 million who already have health insurance but to the 37 million who have nothing and to the elderly whose most desperate need is long-term care.

Now, I said at the beginning, Mr. President—and I do not want to make this too long a presentation—that there is information that is now available to all of us that I will ask at a point here soon unanimous consent to have printed in the RECORD. But the basic information that I think will be helpful to our colleagues as they assess whether or not we are doing right by the elderly and the disabled in this country—the first thing I would suggest that they look at is the actual cost of Medicare relative to its value to beneficiaries.

The 1989 part B cost premium to most Medicare beneficiaries for the whole year will be $382.80. That is for 60 percent of beneficiaries, per individual. Per couple, that is $765.60 per year for all of that coverage, including the catastrophic coverage.

Now to give you some comparisons with that to see what kind of a deal that is, a person who is 65 years of age this year, without benefit of Social Security or railroad retirement, in order to get just the part A hospital portion of Medicare must pay $156 a month or $1,872 a year. One person to get only the hospital part of Medicare must pay $1,872 a year. Two people can get not only hospital but the doctors and the medical and the catastrophic and everything else for only $765 per year.

A retired or an active Federal employee must pay this year in 1989 for high option Blue Cross/Blue Shield coverage a premium of $183 a month, or $2,196 per year. That is just the employees portion of that coverage, which is less generous than Medicare's benefits.

This is the point in the RECORD I think when I would like to ask unanimous consent that a report we received from the Congressional Budget Office regarding the value of the subsidy in Medicare be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, May 24, 1989.

MEMORANDUM

To: Health Staff.
From: Sandra Christensen.
Subject: Subsidy Values Under Medicare.

The enclosed memorandum presents new estimates of the subsidy value remaining under Medicare subsequent to passage of the Medicare Catastrophic Coverage Act. Both annual values for 1989 through 1993, and average annual lifetime values (discounted to 1989) are shown.

The annual values differ from those I prepared toward the end of 1988 for several reasons:

Projections for benefit costs and for premium receipts changed with CBO's annual baseline revision for January 1989. The only substantial change was in receipts from supplemental premiums, which increased substantially. Benefit costs fell slightly.

Estimated interest earnings on HI payroll tax contributions increased, making enrollee contributions to HI benefits higher.

Benefits are adjusted by age and sex. As a result, benefits for enrollees who turned 65 in 1989 are below the Medicare average in the first few years after 1988, while they are above the average in later years (as the enrollee gets older). The 1988 estimates used the average benefit without age/sex adjustment, and hence were not really descriptive of the 65-year-old cohort I wanted to portray.

All of these revisions tend to reduce the estimated subsidy value. Nevertheless, some subsidy remains in every year for all current enrollees, even for the least-subsidized group—men paying maximum payroll taxes and maximum supplemental premiums.

SUBSIDY VALUES UNDER MEDICARE

The Medicare Catastrophic Coverage Act of 1988 expanded benefits, covering the additional costs through higher premiums paid by enrollees. Part of the new premiums are income-related, via an income surtax called a "supplemental premium." Although all enrollees will continue to receive some subsidy under Medicare, most enrollees subject to the supplemental premium will pay more in additional premiums each year than they can expect to receive in additional benefits because of the act. That is, higher income enrollees will see their Medicare subsidies reduced (but not eliminated) by the act; lower income enrollees will receive larger Medicare subsidies than before.

New estimates indicate that the supplemental premium rates written into law through 1993 may be higher than necessary to fund the new benefits, however. The act provides for an automatic mechanism to adjust rates so that receipts will match benefit costs over time, but this mechanism becomes operative only after 1993. Hence, if current projections are accurate, Medicare trust fund reserves will be larger than necessary through 1993, but reserves would be reduced thereafter by holding rates fixed at their 1993 levels until any surplus was eliminated.

All current enrollees will nevertheless receive a sizable subsidy under Medicare for every year from 1989 on. The subsidy remaining under the act even for the least-subsidized current enrollees is significant—at least $800 a year, on average, over the enrollee's remaining lifetime (in dollars discounted to 1989).

The first section of this paper briefly describes the act and the context in which it was developed.[1] The second section presents estimates of the subsidy value remaining under Medicare for illustrative enrollees. The third section summarizes the discussion.

DESCRIPTION OF THE MEDICARE CATASTROPHIC COVERAGE ACT

The primary goal of the act was to improve the insurance protection provided under Medicare for acute-care services. This was accomplished by introducing new limits on enrollee's liabilities for cost-sharing for services already covered by Medicare, and by expanding coverage to include prescription drugs.

Prior to the act, there was no ceiling on enrollees' cost-sharing, and the resultant potential for catastrophic out-of-pocket expenses induced two-thirds of enrollees to obtain private "medigap" insurance to supplement their Medicare coverage. Under the act, cost-sharing in Medicare's Hospital Insurance (HI) program is limited to at most one deductible a year for hospital inpatient stays ($560 in 1989), and to at most 8 days of coinsurance for stays in skilled nursing fa-

[1] For a fuller description of the act and its impact, see Christensen and Kasten, "Covering Catastrophic Expenses Under Medicare," Health Affairs (Winter 1988) 2:5:79-93; or Congressional Budget Office, "The Medicare Catastrophic Coverage Act of 1988," October 1988.

cilities (for a total of $204 in 1989). Under the Supplementary Medical Insurance (SMI) program, maximum copayment costs are limited by a dollar ceiling (set at $1,370 for 1990). Under the new Catastrophic Drug Insurance program, Medicare will pay 50 percent (increasing to 80 percent by 1993) of the reasonable costs of prescription drugs above a deductible (set at $600 for 1991). There is no ceiling on copayment costs under the drug program.

It was agreed from the outset that the costs of new Medicare benefits would be paid by enrollees themselves. Because of the considerable variation in financial well-being among the aged, however, the Congress rejected the Administration's original proposal to finance new Medicare benefits entirely by new monthly premiums paid by all enrollees. Instead, more than 60 percent of new receipts were to be income-related, in the form of an income surtax called a supplemental premium. Further, Medicaid coverage was expanded so that, by 1992, all poor enrollees could have their Medicare premiums and copayments paid by Medicaid.[2]

CALCULATION OF SUBSIDY VALUES UNDER MEDICARE

The subsidy value of Medicare as presented here is the difference between the expected value of an enrollee's Medicare benefits and the expected value of contributions made by that enrollee to Medicare through HI payroll taxes and premiums (including the supplemental premium). Subsidy values vary by income because payroll tax and supplemental premium contributions are based on income; by age because cumulative payroll tax contributions and benefits depend on age; and by sex because expected lifetime, and hence years of Medicare eligibility, differ for men and women.

The specific calculations presented here are for enrollees who became 65 at the start of 1989. Separate age-adjusted calculations are done for men and women, each at two alternative income levels. Two versions of the subsidy value are calculated—the present discounted value in 1989 of the enrollee's lifetime average annual subsidy; and annual values for 1989 through 1993 in current dollars. A methods appendix (attached) provides more detailed information about the assumptions behind the calculations.

LIFETIME SUBSIDY VALUES

For a man of 65 who earned the average wage for all workers covered by Social Security during his work lifetime (though 1988) and who will face the average liability for supplemental premiums from 1989 until his death, the present discounted value of the total expected subsidy to him from Medicare is $34,592—or $2,306 a year (Table 1, top panel). His contributions to Medicare—through HI payroll taxes and Medicare premiums—will cover 39 percent of his expected benefits, while the remaining 61 percent will be financed by other workers' payroll taxes and by general revenues.

TABLE 1.—PRESENT DISCOUNTED VALUE IN 1989 OF BENEFITS, CONTRIBUTIONS, AND SUBSIDY UNDER MEDICARE, FOR ENROLLEES AGED 65 IN 1989

[In dollars per enrollee]

	Self-insured men	Self-insured women	Spouse-insured men	Spouse-insured women	Population weighted average
FOR ENROLLEES WHO MADE THE AVERAGE PAYROLL TAX CONTRIBUTION AND WHO WILL PAY THE AVERAGE AMOUNT IN SUPPLEMENTAL PREMIUMS					
Under prior benefit/premium structure:					
Present discounted value of:					
HI payroll taxes	11,789	11,789	0	0	
Medicare monthly premiums	6,523	9,321	6,523	9,321	
Expected HI benefits	26,378	33,525	26,378	33,525	
Expected Medicare benefits	52,950	72,253	52,950	72,253	
Lifetime subsidy	34,638	51,144	46,426	62,932	
Expected lifetime	15	19	15	19	
Average annual subsidy	2,309	2,692	3,095	3,312	2,649
Ratio of:					
HI payroll taxes to HI benefits (percent)	44.7	35.2	0.0	0.0	32.0
Total contributions to Medicare benefits (percent)	34.6	29.2	12.3	12.9	28.1
Under new benefit/preimum structure:					
Present discounted value of:					
HI payroll taxes	11,789	11,789	0	0	
Medicare monthly/supplemental premiums	10,467	15,021	10,467	15,021	
Expected HI benefits	27,115	34,452	27,115	34,452	
Expected Medicare benefits	56,848	77,986	56,848	77,986	
Lifetime subsidy	34,592	51,177	46,381	62,966	
Expected lifetome	15	19	15	15	
Average annual subsidy	2,306	2,694	3,092	3,314	2,649
Ratio of:					
HI payroll taxes HI benefits (percent)	43.5	34.2	0.0	0.0	31.1
Total contributions to Medicare benefits (percent)	39.2	34.4	18.4	19.3	33.3
FOR ENROLLEES WHO MADE THE MAXIMUM PAYROLL TAX CONSTRIBUTION AND WHO WILL PAY THE MAXIMUM AMOUNT IN SUPPLEMENTAL PREMIUMS					
Under prior benefit/premium structure:					
Present discounted value of:					
HI payroll taxes	22,553	22,553	0	0	
Meciare monthly premiums	6,523	9,321	6,523	9,321	
Expected HI benefits	26,378	33,525	26,378	33,525	
Expected Medicare benefits	52,950	72,253	52,950	72,253	
Lifetime subsidy	23,874	40,379	46,426	62,932	
Expected lifetime	15	19	15	19	
Average annual subsidy	1,592	2,125	3,095	3,312	2,135
Ratio of:					
HI payroll taxes to HI benefits (percent)	85.5	67.3	0.0	0.0	61.1
Total contributions to Medicare benefits (percent)	54.9	44.1	12.3	12.9	42.3
Under new benefit premium structure:					
Present discounted value of:					
HI payroll taxes	22,553	22,553	0	0	
Medicare montly/supplemental premiums	22,291	31,884	22,291	31,884	
Expected HI benefits	27,115	34,452	27,115	34,452	
Expected Medicare benefits:	56,848	77,986	56,848	77,986	
Lifetime subsidy	12,004	23,550	34,557	46,103	
Expected lifetime	15	19	15	19	
Average annual subsidy	800	1,239	2,304	2,426	1,293
Ratio of:					
HI payroll taxes to HI benefits (percent)	83.2	65.5	0.0	0.0	59.5
Total contributions to Medicare benefits (percent)	78.9	69.8	39.2	40.9	67.6

Note.—Population shares are 43.1 percent, 36.1 percent, 3.2 percent, and 17.6 percent.

Source: Congressional Budget Office (May 1989).

Similarly, for a woman of 65 who earned the average wage through 1988 and who will face the average liability for supplemental premiums until her death, the total Medicare subsidy to her is $51,177—or $2,694 a year. Her contributions to Medicare will cover 34 percent of her expected benefits. This is a lower share than paid by a similar man because her expected lifetime at age 65 is 4 years longer—19 years instead of 15.

About one-fifth of those who became 65 at the start of 1989, however, were eligible for HI benefits only because of their spouse's work history. These enrollees paid little or no HI payroll taxes. For a man who made

[2] These and other new Medicaid benefits provided under the act are paid from general revenues. The premiums paid by Medicare enrollees are used only to pay for Medicare benefits.

no payroll tax contributions, but who will be liable for the average amount in supplemental premiums, the average annual Medicare subsidy is $3,092. For such a spouse-insured man, contributions will cover only 18 percent of his expected benefits under Medicare. For a similar spouse-insured woman, the average annual Medicare subsidy will be $3,314; her contributions will cover about 19 percent of her expected benefits.

The estimated lifetime annual subsidy averaged over the entire population of enrollees who were just 65 in 1989 is $2,649. This cohort of Medicare enrollees will contribute enough to cover about 33 percent of their expected benefits under Medicare. Their HI payroll tax contributions will cover about 31 percent of their expected HI benefits.

For this group of enrollees, lifetime annual subsidy values are virtually unchanged by the provisions of the Medicare Catastrophic Coverage Act. This reflects the financing of the act, under which enrollees' contributions increase by the same amount as the cost of new benefits, on average over time.

The act substantially reduces—but does not eliminate—the subsidy under Medicare for enrollees who pay maximum supplemental premium rates, however. On average, the subsidy value for high income enrollees would have been $2,135 under the old Medicare program structure, but will be only $1,293 under the new structure (Table 1, bottom panel). The least-subsidized high income enrollee is the self-insured man, whose average annual lifetime subsidy drops from $1,592 under the old program structure to $800 under the new program structure. The share of benefits financed from his own contributions increases from 55 percent to 79 percent because of the act.

ANNUAL SUBSIDY VALUES FOR ENROLLEES, 1989–1993

Although lifetime subsidy values are virtually unchanged by the act for enrollees who make average contributions, annual subsidy values for the first five years fall somewhat (Table 2, top two panels). This occurs in part because the youngest aged enrollees examined here have health costs that are below the average for the entire Medicare population, while new premiums are set to cover the average cost of new benefits. The initial fall in subsidy value is accentuated, however, by the apparent overestimate (mentioned earlier) of the supplemental premiums needed to generate sufficient revenues under the act. In 1989, for example, subsidy values for enrollees making average contributions are about 90 percent of what they would have been without the act.

For a 65-year-old man making maximum contributions—a member of the least-subsidized enrollee group—the subsidy value in 1989 is only 17 percent as large as it would have been without the act, but there is still some subsidy (Table 2, third panel). The subsidy increases in subsequent years as new SMI and drug benefits are phased in, so that the act reduces his lifetime Medicare subsidy by half. For a 65-year old woman making maximum contributions, the subsidy value in 1989 is about 24 percent as large as it would have been without the act, and her lifetime subsidy is 58 percent of what it would have otherwise been (Table 2, fourth panel).

TABLE 2.—ANNUAL SUBSIDY VALUES UNDER MEDICARE FOR ENROLLEES AGED 65 IN 1989

[In dollars per enrollee]

	Calendar years—					Lifetime Average [1]
	1989	1990	1991	1992	1993	
FOR SELF-INSURED MEN WHO MADE THE AVERAGE PAYROLL TAX CONTRIBUTION AND WHO WILL PAY THE AVERAGE AMOUNT IN SUPPLEMENTAL PREMIUMS						
Prior Subsidy Value	1,571	1,825	2,062	2,338	2,637	2,309
Change due to act:						
New benefits	50	143	209	247	301	260
New monthly premiums	(48)	(59)	(89)	(110)	(122)	(81)
Supplemental premiums	(125)	(176)	(191)	(206)	(225)	(182)
New Subsidy Value	1,448	1,733	1,991	2,268	2,590	2,306
New as percent of Prior Value	92.2	95.0	96.6	97.0	98.2	99.9
FOR SELF-INSURED WOMEN WHO MADE THE AVERAGE PAYROLL TAX CONTRIBUTION AND WHO WILL PAY THE AVERAGE AMOUNT IN SUPPLEMENTAL PREMIUMS						
Prior Subsidy Value	1,484	1,740	1,980	2,260	2,568	2,692
Change due to act:						
New benefits	44	128	188	224	275	302
New monthly premiums	(48)	(59)	(89)	(110)	(122)	(98)
Supplemental premiums	(125)	(176)	(191)	(206)	(225)	(202)
New Subsidy Value	1,355	1,633	1,888	2,168	2,495	2,694
New as percent of Prior Value	91.3	93.8	95.4	95.5	97.2	100.1
FOR SELF-INSURED MEN WHO MADE THE AVERAGE PAYROLL TAX CONTRIBUTION AND WHO WILL PAY THE AVERAGE AMOUNT IN SUPPLEMENTAL PREMIUMS						
Prior Subsidy Value	956	1,130	1,300	1,493	1,707	1,592
Change due to act:						
New benefits	50	143	209	247	301	260
New monthly premiums	(48)	(59)	(89)	(110)	(122)	(81)
Supplemental premiums	(800)	(850)	(900)	(950)	(1,050)	(971)
New Subsidy Value	158	365	519	679	836	800
New as percent of Prior Value	16.5	32.3	40.0	45.5	48.9	50.3
FOR SELF-INSURED WOMEN WHO MADE THE AVERAGE PAYROLL TAX CONTRIBUTION AND WHO WILL PAY THE AVERAGE AMOUNT IN SUPPLEMENTAL PREMIUMS						
Prior Subsidy Value	1,055	1,252	1,439	1,656	1,898	2,125
Change due to act:						
New benefits	44	128	188	224	275	302
New monthly premiums	(48)	(59)	(89)	(110)	(122)	(98)
Supplemental premiums	(800)	(850)	(900)	(950)	(1,050)	(1,090)
New Subsidy Value	251	471	638	820	1,001	1,239
New as percent of Prior Value	23.8	37.6	44.3	49.5	52.7	58.3

[1] Present discounted value in 1989 of Lifetime subsidy divided by expected lifetime at 65.

Note.—Benefits shown in table are ajdusted for age and sex. Unadjusted per enrollee values for new benefits are 60, 169, 242, 280, and 335.

Source: Congressional Budget Office (May 1989).

Benefits under the act duplicate supplementary insurance already provided to some enrollees as a retiree benefit. In 1988 about 20 percent of Medicare enrollees had medigap-like coverage paid entirely (9.5 percent) or partly (10.6 percent) by their former employers.[3] Although the act requires that some employers provide alternative benefits or rebates in the year that new duplicative benefits are implemented under Medicare, there is no guarantee that employers will continue the alternative benefits in later years.[4]

But even if the extreme assumption is made that high income enrollees who had employer-paid medigap-like coverage will get no additional benefits under the act, a substantial Medicare subsidy will remain to them. This can be seen from Table 2, by setting the value of "new benefits" to zero and recomputing the "new subsidy value." For the least-subsidized self-insured man, the lifetime Medicare subsidy would then be $540 instead of $800 a year.

SUMMARY

The results presented above show that all current enrollees can expect some subsidy under Medicare. The Medicare Catastrophic Coverage Act will have the effect of reducing—but not eliminating—the preexisting subsidy to higher income enrollees, while increasing the subsidy to low income enrollees. On average, however, there is no subsidy to enrollees for new benefits under the act. Rather, the Medicare subsidy calculated here exists because of the financing provisions for preexisting or "basic" benefits, as explained below.

[3] Tabulations from the March 1988 Current Population Survey.

[4] This requirement is imposed on all employers who provided, prior to the act, benefits that would be duplicative under the act whose total value was at least half the national average.

First, because of the short contributory period (only since 1966), no current enrollees have contributed enough through HI payroll taxes to cover the costs of their expected basic HI benefits. Hence, current HI benefits are subsidized from current workers' payroll taxes. This subsidy will gradually be reduced for later retirees, as the contributory period eventually expands to cover the enrollee's entire working life.

Second, enrollees' premiums are set to cover only about 25 percent of the costs of basic SMI benefits, with the remainder funded from general revenues. This subsidy will remain unless the law is changed to require that enrollees' premiums cover the full cost of basic SMI benefits. In fact, this subsidy will increase under current law, because increases in the basic premium for 1990 and later years are limited by increases in the cost-of-living adjustment made each year to Social Security benefit payments.

All of the estimates presented in this paper are for enrollees who became 65 at the start of 1989. If comparable estimates were made for enrollees older than 65 in 1989, subsidy values would be larger because such enrollees would have fewer years' contributions through HI payroll taxes.[5] Subsidy values for enrollees who will not reach 65 until after 1989 will be smaller, as the number of years they contribute through HI payroll taxes will increase eventually to span the enrollee's entire working life.[6]

METHODS APPENDIX

For the estimates of subsidy values presented in the text, it is assumed that all self-insured enrollees paid the statutory HI payroll tax rate for each year from 1966 (when the tax was initiated) through 1988, either on average or maximum taxable earnings. Those (typically women) insured through their spouses' earnings are assumed to have contributed nothing through the HI payroll tax. Total payroll tax contributions at the start of 1989 include the workers' contributions, those made by employers on their behalf, and accumulated interest earnings on those contributions—using the rate actually earned by the HI trust fund for each year from 1966 through 1988.

The insurance value of Medicare benefits is based on current Congressional Budget Office projections of Medicare benefit (and related administrative) costs and enrollment. These insurance values are adjusted to reflect the sex and age of the enrollee for each year in the enrollee's remaining lifetime. Based on tables of expected remaining life at age 65, men are assumed to receive 15 years of age-adjusted Medicare benefits and women to receive age-adjusted benefits for 19 years.

It is assumed that all enrollees pay Medicare's fixed monthly premiums. In order to obtain the most conservative estimates of subsidy values, the basic monthly SMI premium ($27.90 for 1989) is set thereafter to cover 25 percent of the costs of basic SMI benefits for the aged.[7] The new monthly premiums under the Medicare Catastrophic Coverage Act are fixed in law through 1993. Thereafter it is assumed that the monthly rate will be constant (at $10.20) until excess trust fund reserves that will build up under current projections are reduced, and that the rate will then be set to cover 37 percent of the costs of new benefits each year.

Two alternative assumptions are made concerning payment of supplemental premiums—either that the enrollee will pay the average liability (total liability divided by number of HI enrollees), or that the maximum supplemental premium will be paid. The maximum is set in law through 1993, and is indexed thereafter to growth in net outlays (outlays net of monthly premium receipts) under Part B of Medicare. The supplemental premium rate is also specified in law through 1993. It is assumed that the rate is unchanged after that, at 28 percent per dollar of tax liability, until excess trust fund reserves are reduced, and that the rate therafter is set to cover 63 percent of the costs of new benefits.

The rate used to calculate present discounted values is 6.7 percent. This reflects current projections of 2.3 percent for the real rate of discount (growth in real income) and 4.4 percent for price inflation, on average.[8]

Mr. DURENBERGER. Let me briefly say that a lot of people have the notion that Medicare costs them a lot and if it is not costing them a lot out of their premiums, it is costing them a lot out of their taxes at some point in their life. So the Congressional Budget Office was asked to take a look at just how much the Medicare benefit is subsidized by payroll taxes and general revenue. And here is what they said.

A person who is age 65 in 1989, if you include all of the payroll taxes for health insurance that they have paid—assume they started paying in 1966 when we started the hospital insurance trust fund and you accumulate all of the taxes they paid from 1966 to 1989, then you add in all of their premium payments from now until whatever their life expectancy is and you total all of that up, they still receive a subsidy from other persons of $2,649 per year. The CBO tells us that the lifetime subsidy required from other persons to sustain this very important social insurance program is somewhere between $34,000 and $63,000 per beneficiary, given their average life expectancy and whether they are male or female.

Now, that figure is important for two reasons. One, because it gives you some idea of how much health insurance actually costs these days. It is an incredible expense. But it it also important because people will be making the argument on Tuesday—I trust it is not a lot of people—but those who may support the Senator from Arizona will be making the argument that Medicare is an intergenerational part of a social insurance program and we always finance these from one generation to the other. And that is certainly true.

We have not altered that at all, because all we have taken is this new benefit, the catastrophic, including the drug, benefits and we have said that one will be paid, in small part, by the beneficiaries. But we have left in place a public subsidy of anywhere from $34,000 to $63,000 per beneficiary, for 32 million beneficiaries, of transfers from a younger generation to their generation. So we have not disturbed either social compact or the intergenerational compact.

I hope that my colleagues will take a look at the CBO appraisal. I also hope that they will take a look at the May 25 report of the Joint Tax Committee.

I think it would be most appropriate that I ask unanimous consent that certain tables, particularly 3 and 4, pages 14 and 15, from that report be printed at this point in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

TABLE 3.—MEDICARE CATASTROPHIC COVERAGE ACT OF 1988, DISTRIBUTION OF MEDICARE ENROLLEES BY LEVEL OF SUPPLEMENTAL PREMIUM

[Calendar year 1989]

Supplemental premium per enrollee	Medicare enrollees (thousands)	Percent distribution
Not subject to premium	19,248	58.8
Less than $100	4,031	12.3
$100 to $199	2,824	8.6
$200 to $299	2,024	6.2
$300 to $399	1,093	3.3
$400 to $499	626	1.9
$500 to $599	335	1.0
$600 to $699	460	1.4
$700 to $799	261	.8
Maximum premium ($800)	1,848	5.6
Totals	32,750	100.0

Source: Joint Committee on Taxation.

TABLE 4.—MEDICARE CATASTROPHIC COVERAGE ACT OF 1988, DISTRIBUTION OF MEDICARE ENROLLEES BY LEVEL OF SUPPLEMENTAL PREMIUM

[Calendar year 1993]

Supplemental premium per enrollee	Medicare enrollees (thousands)	Percent distribution
Not subject to premium	18,387	52.4
Less than $100	2,302	6.6
$100 to $199	2,555	7.3
$200 to $299	1,599	4.6
$300 to $399	1,648	4.7
$400 to $499	1,270	3.6
$500 to $599	1,187	3.4
$600 to $699	914	2.6
$700 to $799	744	2.1
$800 to $899	473	1.4
$900 to $999	240	.7
$1,000 to $1,049	145	.4
Maximum premium ($1,050)	3,612	10.3
Totals	35,076	100.0

Source: Joint Committee on Taxation.

[5] They might also have fewer years' of expected benefits due to a lower life expectancy, but life expectancy at age 65 has increased at only about 1 year each decade over the last 20 years.

[6] In fact, if HI trust fund reserves accumulating during their working years are insufficient to finance the benefits of the baby boom population when it retires, the Medicare subsidy value could become negative for post-baby boom enrollees. Those enrollees might have to contribute enough not only to fund their own HI benefits, but also to cover some portion of benefits for older beneficiaries.

[7] This provision has been extended each year since 1983. If it were not extended beyond 1989, the subsidy value would be larger. For example, the population-weighted average lifetime subsidy value would be $2,847 instead of $2,649.

[8] If a discount rate of .047 had been used instead, the average lifetime subsidy value would have been $3,375 (instead of $2,649). With a rate of 8.7 percent, the average lifetime subsidy value would have been $2,089.

Mr. DURENBERGER. That, I trust, will show that nearly 60 percent of beneficiaries will not be paying any supplemental premium. Only 5 percent of beneficiaries will have to pay the maximum premium and their incomes will be, on average, at least $80,000 for joint returns and $40,000 for single returns. Seventy percent of the 32 million eligible beneficiaries will be paying less than $100 a year in supplemental premium amounts.

Mr. President, I ask unanimous consent that my further remarks on this subject be printed in the RECORD at this point and I yield the floor.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[Scheduled for a Hearing Before the Senate Committee on Finance on June 1, 1989]

OVERVIEW OF PRESENT LAW AND ESTIMATED BUDGET EFFECTS OF THE MEDICARE CATASTROPHIC INSURANCE PROGRAM AND DESCRIPTION OF POSSIBLE PREMIUM OPTIONS

(Prepared by the Staff of the Joint Committee on Taxation, May 25, 1989)

INTRODUCTION

The Senate Committee on Finance has scheduled a hearing on June 1, 1989, on the estimated budget effects of the Medicare catastrophic insurance program and supplemental premium options under the Medicare Catastrophic Coverage Act of 1988.

This document,[1] prepared by the staff of the Joint Committee on Taxation, provides a discussion of present law, estimated budget effects, distribution of the supplemental premium, and possible premium options.

Part I of the document provides a summary description of present law relating to Medicare benefits and financing of the benefits. Part II compares the estimated budget effects of the Medicare catastrophic insurance program when the Act was enacted the Administration. Part III provides data on the distribution of the current Medicare supplemental premium by income group, and Part IV discusses possible options to modify the premium. Finally, the Appendix describes the method for deriving the distributional estimates.

I. PRESENT LAW

A. Medicare benefits

In General

Medicare is a nationwide health insurance program for the aged and certain disabled persons. Medicare consists of three parts: the hospital insurance program (Part A), the supplementary medical insurance program of Part B (SMI), and the catastrophic drug insurance program of Part B (CDI).

Individuals who have attained age 65 and who are eligible for monthly social security or railroad retirement benefits are covered under Part A of Medicare at no cost. Part A coverage is also available at no cost to certain disabled individuals who have not attained age 65 and to persons who have end-stage renal disease. Persons who have attained age 65 and who are not eligible for social security or railroad retirement benefits may obtain Part A coverage providing they pay for the coverage. The monthly premium for such coverage, as of January 1, 1989, is $156.

Within limits, Part A of Medicare provides coverage for inpatient hospital care, skilled nursing facility (SNF) care, home health care, and hospice care.

Coverage under Part B, which includes the SMI and the CDI programs is voluntary. All persons age 65 or older and individuals eligible for Part A benefits by virtue of disability or end-stage renal disease may elect to enroll in both these programs by paying the monthly premium. Enrollees may not elect to enroll in only one of these programs.

SMI covers doctor's services, other medical and health services (e.g., laboratory and other diagnostic tests, ambulance services, outpatient services at a hosptial), and certain home health services not covered under Part A. SMI covers 80 percent of the reasonable charges for such services, subject to a deductible. Beginning in 1990, enrollees in Part B will also be eligible for prescription drug benefits.

Benefits Under the Medicare Catastrophic Act of 1988

The Medicare Catastrophic Act of 1988 ("the Act") significantly expanded the benefits covered by Medicare. Major changes to the benefits are described below.

Part A Benefits

Inpatient hospital care.—Under the Act, Medicare pays all hospital inpatient costs above an annual deductible amount ($560 for 1989). Under prior law, the number of days covered by Medicare was limited for a single spell of illness, covered individuals paid a deductible for each spell of illness, and coinsurance amounts were payable after the 60th day in each spell of illness. The Act eliminated the concept of a spell of illness, which began with the hospital admission and ended on the 61st day following discharge from the hospital or from a skilled nursing facility (SNF) entered after the hospital stay.

Skilled nursing facility care.—Under the Act, the limit on SNF care is 150 days per year, and no prior inpatient stay is required for coverage. Coinsurance payments are required for the first 8 days of care each year, at a rate of 20 percent of average SNF costs per day ($25.50 for 1989). Under prior law, the limit on SNF care was 100 days per spell of illness, after a hospital stay of at least 3 days. Coinsurance payments were required for days 21 through 100 at a rate of 1/8th of the deductible amount ($67.50 for 1988).

Home health care.—Under prior law and the Act, there is no limit on the overall number of covered home health care visits and no coinsurance requirement. To be covered, home health care visits must be required on an intermittent basis. Under prior law, the intermittent requirement was interpreted to mean that there could be 5 to 7 vists a week, for 2 to 3 consecutive weeks. Under the Act, beginning in 1990, covered individuals may receive up to 38 consecutive days of home health care, 7 days a week.

Hospice care.—The Act eliminated the 210-day lifetime limit on hospice care.

Part B benefits

SMI benefits.—Beginning in 1990, the Act expands Part B benefits as follows. Each enrollee's annual liability for Part B copayments is capped. The cap is $1,370 for 1990, and will be adjusted each year to keep the proportion of enrollees subject to the cap constant at 7 percent. Part B coverage is expanded to include mammography screening for women, subject to a maximum of $50 (indexed) per screening and the usual copayment requirements. In addition, once sufficient costs have been incurred to receive benefits under either the copayment cap or the new drug provisions (see below), enrollees are eligible for respite benefits. Under this benefit, Medicare will pay 80 percent of reasonable costs for up to 80 hours a year of in-home personal services, to give the usual caretakers of homebound enrollees a respite.

Catastrophic drug insurance.—Effective January 1990, the Act provides coverage for drugs administered intravenously at home and for immunosuppressive drugs after the first year following a transplant, subject to an annual deductible amount of $550. Coinsurance of the 20 percent will be required on drugs administered intravenously, while coinsurance will initially be 50 percent for new-covered immunosuppressive drugs. (Medicare already covers 80 percent of the costs of immunosuppressive drugs in the first year following an organ transplant.)

Effective January 1991, the CDI program will be expanded. Coverage will include all outpatient prescription drugs and insulin, subject to an annual deductible amount ($600 in 1991) that will be adjusted each year to keep the proportion of enrollees paying the maximum deductible constant at 16.8 percent. Coinsurance requirements will be 50 percent of reasonable charges above the deductible in 1991, 40 percent in 1992, and 20 percent in 1993 and subsequent years.

B. Financing of Medicare benefits

Part A Benefits

Part A benefits are financed through the Hospital Insurance Trust Fund. This trust fund is financed primarily through payroll tax contributions paid by employers, employees, and the self-employed. The payroll tax rate for 1989 is 1.45 percent of compensation up to $48,000 per employee. An equal amount is paid by the employer. Self-employed individuals pay both the employers' and employees' portion of the tax.

SMI Benefits

SMI benefits are funded through the Supplementary Medical Insurance Trust Fund (SMI Trust Fund) by premiums paid by enrollees in the Part B program and general revenues. In 1989 a temporary provision requires that enrollee premiums provide 25 percent of the financing of Part B. Thereafter, premium rates will be derived annually based upon the projected costs of the program for the coming year, but premium increases will be limited to increases in the social security cost-of-living adjustment. Therefore, the share of benefits financed by premiums is expected to drop below 25 percent, while the general revenue share will grow. The basic Part B monthly premium for 1989 is $27.90, without regard to the additional premium added by the Act (See below).

Financing of Benefits Under the Medicare Catastrophic Coverage Act of 1988

In general

The new benefits provided by the Act are financed through the combination of (1) an increase in the Part B flat monthly premium and (2) a new supplemental premium based on income tax liability. It is anticipated that the supplemental premium will finance approximately 63 percent of the costs under the Act, and that the flat premium

[1] This document may be cited as follows: Joint Committee on Taxation, "Overview of Present Law and Estimated Budget Effects of the Medicare Catastrophic Insurance Program and Description of Possible Premium Options" (JCX-9-89), May 25, 1989.

will finance the remaining 37 percent of costs.

Flat premium

The Act provides for increases in the monthly Part B premium otherwise determined to finance the catastrophic coverage benefit and the prescription drug benefit. Through 1993, the amount of the increase is set by law. After 1993, the flat premium is adjusted through use of a formula that is designed to maintain a reserve in the Catastrophic Coverage Account and the CDI Trust Fund (see below).

For 1989-1993, the additional flat monthly premium for Part B enrollees is as follows:[2]

Year	Catastrophic coverage premium	Prescription drug premium	Total catastrophic flat premium
1989	$4.00		$4.00
1990	4.90	$0.90	5.80
1991	5.46	1.94	7.40
1992	6.75	2.45	9.20
1993	7.18	3.02	10.20

Supplemental premium

The supplemental premium is payable in a year by any individual who is eligible for Part A of Medicare for at least 6 months during the year (except for those who pay the Part A premium), who has income tax liability for the year of at least $150, and who resides in one of the 50 states or the District of Columbia. Subject to a limit on the maximum premium payable by an individual, the annual premium is determined by multiplying (1) the supplemental premium rate by (2) the amount determined by dividing the individual's adjusted income tax liability by $150.

For years 1989 through 1993, the supplemental premium rate is set by law. For years after 1993, the supplemental premium rate is adjusted by a formula that is designed to maintain a reserve in the Catastrophic Coverage Account and the CDI Trust Fund (described below).

The supplemental premium rate is equal to the sum of the catastrophic coverage premium rate and the prescription drug premium rate as follows:

Year	Catastrophic coverage premium	Prescription drug premium	Total supplemental premium	Total percent rate [1]
1989	$22.50		$22.50	15
1990	27.14	$10.36	37.50	25
1991	30.17	8.83	39.10	26
1992	30.55	9.95	40.50	27
1993	29.55	12.45	42.00	28

[1] This column shows the total supplemental premium as a percent of tax liability.

The maximum annual supplemental premium shall not exceed the following amount:

In the case of taxable years beginning in	*The limitation is*
1989	$800
1990	850
1991	900
1992	950
1993	1,050

For years after 1993, the cap on the maximum supplemental premium is increased through the use of a formula (see below).

Married individuals who both are eligible for Part A benefits for at least 6 months during the year are treated as a single individual for purposes of the supplemental premium, except th*** BAD MAG TAPE ***at the maximum limit on the supplemental premium is doubled (e.g., $1,600 for 1989). If only one spouse is Medicare-eligible for 6 months of the year, income tax liability is determined as one-half of the tax liability of the joint return.

In the case of married individuals filing separate returns, the individual is treated as Medicare-eligible for 6 months if either the individual or the individual's spouse is so eligible. In addition, the maximum supplemental premium is twice the supplemental premium if, without regard to the rule in the preceding sentence, both spouses are Medicare-eligible for 6 months of the year. This provision is designed to prevent the supplemental premium from creating an incentive for married taxpayers to file separate returns.

Accounting

The receipts from the catastrophic coverage supplemental and monthly premiums fund the health and supplementary medical insurance portions of the catastrophic benefit (i.e., the increases in Part A and SMI benefits). The receipts from the prescription drug benefits. These two sources of receipts and benefits are accounted for separately.

The prescription drug benefits are funded by the Catastrophic Drug Insurance Trust Fund (the "CDI Trust Fund"). All receipts attributable to the drug portion of the premiums are placed into the CDI Trust Fund and all payments for the benefits and administrative costs relating to covered drugs are drawn from the CDI Trust Fund.

Receipts attributable to the monthly flat catastrophic coverage premium are allocated to the SMI Trust Fund. Receipts attributable to the supplemental catastrophic coverage premium are allocated to the SMI Trust Fund and a newly created Federal Hospital Insurance Catastrophic Reserve Fund, with the division determifed by the outlays from the catastrophic hospital ifsurance prggram. Outlays for catastrophic coverage are made from the Part A Hospital Insurance Trust Fund and the SMI Trust Fund.

In order to account for the receipts and gutlays of the catastrophic coverge program separately from the prescriptign drug program, a bookkeeping account, know as the Medicare Catastrophic Coverage Account (the "Catastrophic Coverage Account"), was created. The balance recorded in the Catastrophic Coverage Account represents the cumulative financial position of the catastrophic coverage program.

The Catastrophic Coverage Account is used to calculate monthly and supplemental catastrophic coverage premium rates after 1993 in a manner intended to maintain a contingency reserve in the Catastrophic Coverage Account. Similar adjustments are made after 1993 to the monthly and supplemental prescription drug premiums based on the balance in the CDI Trust Fund.

Adjustments to premiums after 1993

After 1993, the monthly and supplemental premiums and the supplemental premium cap are adjusted through the use of a formula. The formula is designed to maintain a reserve equal to 20 percent of annual outlays in the Catastrophic Coverage Account and, by 1996, a reserve in the CDI Trust Fund of 20 percent of annual outlays. The catastrophic coverage supplemental premium is adjusted by a percentage reflecting the past growth of per capita medicare catastrophic coverage outlays relative to premiums paid, recent inflation, and the excess or shortfall of the balance in the Catastrophic Coverage Account of 20 percent of annual outlays in a preceding year. Similar calculations are performed for the prescription drug supplemental premium rate based on the balance in the CDI Trust Fund. In no case may the total supplemental premium rate increase over the prior year's premium by more than $1.50 or one percentage point of tax liability. The premium may not decrease under the formula.

Adjustments in the maximum supplemental premium cap after 1993 are based on the relative per capita growth of Part B outlays to Part B premiums in preceding years. The cap will be rounded to the nearest $50.

The formula for adjustments in the monthly premium, after 1993, is similar to the formula used for the supplemental premium. The Congress intended that the monthly premium continue to provide 37 percent of the revenues for the catastrophic program and the supplemental premium is to provide 63 percent of such revenues, however, the proportion could vary as a result of limits on allowable change in the supplemental premium. If the change in the supplemental premium rate as calcuated by formula is limited by the restrictions on annual increases, then the change in the monthly premium is designed, with certain adjustments, to account for any excess or shortfall.

II. BUDGET EFFECTS OF MEDICARE CATASTROPHIC COVERAGE ACT OF 1988

A. Catastrophic reserve funds balances

Congress intended, in the Medicare Catastrophic Coverage Act of 1988, to maintain a surplus of funds to pay for benefits covered under the Act. As described above, the record keeping of these reserve funds is accomplished through the Medicare Catastrophic Coverage Account and the Catastrophic Drug Insurance Trust Fund.

Table 1 presents estimates of the calendar year-end balances in the Catastrophic Coverage Account and the CDI Trust Fund that were made upon enactment of the Act, and estimates based on the current Congressional Budget Office (CBO) baseline.[3] The estimates made upon enactment indicate a calendar year 1993 year-end balance in the Catastrophic Coverage Account of $1.6 billion and of $1.7 billion in the CDI Trust Fund. As a percentage of calendar year 1993 outlays, these balances are 20.5 percent in the Catastrophic Coverage Account and 57.6 percent in the CDI Trust Fund.

The current CBO estimates of the balances in the Catastrophic Coverage Account and the CDI Trust Fund at calendar 1993 year-end are $5.7 billion and $2.3 billion, respectively. As a percentage of calendar year 1993 outlays, the balance in the Catastrophic Coverage Account is projected to be 71.9 percent and the balance in the CDI Trust Fund is projected to be 76.9 percent. The February 1989 CBO estimate of the calen-

[2] Residents of Puerto Rico, other U.S. commonwealths or territories, and individuals not entitled to or elgible for Medicare Part A have different premium schedules.

[3] The current CBO estimates reported in Tables 1 and 2 differ from the amounts used in the February 1989 budget baseline. The estimates in the tables include expected outlay amounts for the administration of the drug benefit that have not yet been appropriated and, thus, are excluded from the baseline used for budget purposes. Estimates that include the expected outlays necessary for the administration of the drug benefit may reflect more accurately the total budget effect of the Act and are also consistent with the estimates made upon enactment.

dar 1993 year-end combined balance is $8.0 billion, which is $4.7 billion more than the combined balance of $3.3 billion estimated upon enactment.

B. Receipt and outlay effects

In order to generate contingency reserves in the Catastrophic Coverage Account and CDI Trust Fund, it is generally necessary for cumulative receipts to exceed outlays. The cumulative excess of receipts over outlays will not match the combined balance of the Catastrophic Coverage Account and the CDI Trust Fund reserve amounts due to credits and debits of interest and the difference in the timing of receipts and outlays between fiscal and calendar years.[4]

Table 2 presents estimates prepared by CBO for the February 1989 budget baseline of 1989 through 1993 fiscal year receipts and outlays of the Medicare Catastrophic program. For comparison, Table 2 also presents corresponding estimates of the program prepared by CBO and the Joint Committee on Taxation at the time of enactment of the Act and Administration estimates from the Fiscal Year 1990 Budget.

The cumulative excess of receipts over outlays for fiscal years 1989 through 1993 is $8.0 billion according to the current CBO estimate. This recent estimate exceeds by $3.8 billion the estimate of the cumulative excess of $4.2 billion made upon enactment.

The Administration estimates that the cumulative excess of receipts over outlays for fiscal years 1989 through 1993 is $6.2 billion. This total is $1.8 billion less than the current CBO estimate, but $2.0 billion more than the CBO estimate upon enactment. The Administration estimates, however, that the CDI Trust Fund will have insufficient funds to make all benefit payments in 1992 and, thus, will not make payments for eligible drug benefits for calendar year 1993.

The Administration estimates of receipts from the monthly and supplemental premiums and outlays for the hospital and supplemental medical insurance and the catastrophic drug benefit are all different from the current CBO estimate. The Administration estimates that the level of cumulative receipts from the supplemental premium over fiscal years 1989 through 1993 are greater than that of the current CBO estimate. Much larger outlay estimates by the Administration, particularly for the drug benefit program, however, more than offset the Administration's higher receipts estimates over the period.

TABLE 1.—CURRENT CONGRESSIONAL BUDGET OFFICE ESTIMATE OF MEDICARE CATASTROPHIC ACCOUNT AND DRUG TRUST FUND EFFECTS, END OF CALENDAR YEARS 1989–93

[Dollar amounts in billions]

	1989	1990	1991	1992	1993
Final Estimate Upon Enactment					
Catastrophic account: [1]					
End-of-year balance	$0.1	$1.0	$0.9	$1.3	$1.6
Balance/same year's outlays (in percent)	4.4	20.2	14.9	19.1	20.5
Drug Trust Fund: [2]					
End-of-year balance	0	$0.2	$1.2	$1.6	$1.7
Balance/same year's outlays (in percent)		149.4	99.0	74.9	57.6
Current CBO Estimate					
Catastrophic account: [1]					
End-of-year balance	$0.3	$2.5	$3.3	$4.6	$5.7
Balance/same year's outlay (in percent)	17.3	51.0	54.2	67.1	71.9
Drug Trust Fund: [2]					
End-of-year balance	0	$0.3	$1.5	$2.0	$2.3
Balance/same year's outlays (in percent)		174.4	118.1	92.1	76.9

[4] Both the Catastrophic Coverage Account and the CDI Trust Fund are credited with interest in periods for which they are in surplus, and debited for interest when in deficit.

TABLE 1.—CURRENT CONGRESSIONAL BUDGET OFFICE ESTIMATE OF MEDICARE CATASTROPHIC ACCOUNT AND DRUG TRUST FUND EFFECTS, END OF CALENDAR YEARS 1989–93 —Continued

[Dollar amounts in billions]

[1] The Medicare Catastrophic Coverage Account covers the hospital insurance and supplemental medical insurance portions of the medicare catastrophic program.

[2] Administrative expenses for the Federal Catastrophic Drug Insurance Trust Fund have not been appropriated, so they are not included in the CBO baseline. Estimates of the Drug Trust Fund administrative expenses are included in this table for purposes of comparison.

TABLE 2.—ESTIMATES OF MEDICARE CATASTROPHIC BUDGET EFFECTS, FISCAL YEARS 1989–93 [1]

[In billions of dollars]

	1989	1990	1991	1992	1993	1989–93
Estimate Upon Enactment						
Supplemental premium receipts	−0.3	−4.2	−4.9	−5.7	−6.5	−21.7
Flat premium receipts	−1.1	−1.8	−2.7	−3.6	−4.1	−13.3
Outlays	1.3	4.2	6.7	8.4	10.1	30.8
Net budget effect	−.01	−1.8	−1.0	−0.8	−0.5	−4.2
Current CBO Estimate						
Supplemental premium receipts	−0.4	−5.4	−6.1	−7.3	7.3	−25.9
Flat premium receipts	−1.2	−1.8	−2.7	−3.6	−4.1	−13.5
Outlays	1.3	4.2	6.8	8.7	10.5	31.4
Net budget effect	−0.3	−3.1	−2.0	−1.6	−1.0	−8.0
Administration Estimate [2]						
Supplemental premium receipts	−0.6	−6.5	−7.1	−6.9	−7.3	−28.3
Flat premium receipts	−1.2	−1.8	−2.7	−3.6	−4.1	−13.4
Outlays	1.2	4.0	7.8	11.3	11.2	35.5
Net budget effect	−0.5	−4.4	−2.0	−0.9	−0.2	−6.2

[1] These estimates are for the hospital insurance, supplemental medical insurance, and drug benefit programs of the Medicare Catastrophic Act of 1988. Provisions relating to Medicaid and other miscellaneous provisions of the Medicare Catastrophic Act are not included here. Estimates include unappropriated funds for the administration of the CDI Trust Fund. Totals may not add exactly due to rounding.

[2] Administration estimates are from the Fiscal Year 1990 budget. The Administration estimates that there will be insufficient funds in the Drug Trust Fund to pay all benefits in 1992 and assumes no payments for calendar year 1993 drug benefits.

III. DISTRIBUTIONAL EFFECT OF THE SUPPLEMENTAL PREMIUM

Based on current estimates of supplemental premium receipts, Tables 3 and 4 present distributions of the supplemental premium paid by Medicare enrollees. Tables 5 and 6 present distributions, by income, of the amount of supplemental premium at the average tax liability paid by Medicare enrollees.

Table 3 presents a distribution of the amount of supplemental premium paid per enrollee. It is estimated, for calendar year 1989, that 58.8 percent of Medicare enrollees will pay no supplemental premium and that 5.6 percent of enrollees will pay the maximum premium of $800. These figures compare to the estimates made upon enactment of 64.4 percent and 5.1 percent, respectively.

Table 4 presents the corresponding distribution for calendar year 1993. It is estimated that 52.4 percent of Medicare enrollees will pay no supplemental premium and that 10.3 percent of enrollees will pay the maximum premium of $1,050 in 1993. These figures compare to the estimates made upon enactment of 57.5 percent and 9.8 percent, respectively.

The distribution of the amount of supplemental premium paid at the average tax liability across income groups, by filing status, in 1989 is displayed in Table 5.[5] For joint returns, no supplemental premium is due, on average, below the $20,000 to $25,000 income class, and below the $15,000 to $20,000 income class for non-joint returns. The maximum premium is not reached, on average, until the $80,000 to $85,000 income class for joint returns, and the $40,000 to $45,000 class for non-joint returns.

The corresponding figures for 1993 are presented in Table 6. As is true in 1989, no supplemental premium is due, on average, below the $20,000 to $25,000 income class, and below the $15,000 to $20,000 income class for non-joint returns. The maximum premium is not reached, on average, until the $65,000 to $70,000 income class for joint returns, and, again, the $40,000 to $45,000 class for non-joint returns.

TABLE 3.—MEDICARE CATASTROPHIC COVERAGE ACT OF 1988; DISTRIBUTION OF MEDICARE ENROLLEES BY LEVEL OF SUPPLEMENTAL PREMIUM

[Calendar year 1989]

Supplemental premium per enrollee	Medicare enrollees (thousands)	Percent distribution
Not subject to premium	19,248	58.8
Less than $100	4,031	12.3
100 to 199	2,824	8.6
200 to 299	2,024	6.2
300 to 399	1,093	3.3
400 to 499	626	1.9
500 to 599	335	1.0
600 to 699	460	1.4
700 to 799	261	0.8
Maximum premium ($800)	1,848	5.6
Total	32,750	100.0

Source: Joint Committee on Taxation.

TABLE 4.—MEDICARE CATASTROPHIC COVERAGE ACT OF 1988; DISTRIBUTION OF MEDICARE ENROLLEES BY LEVEL OF SUPPLEMENTAL PREMIUM

[Calendar year 1993]

Supplemental premium per enrollee	Medicare enrollees (thousands)	Percent distribution
Not subject to premium	18,387	52.4
Less than $100	2,302	6.6
100 to 199	2,555	7.3
200 to 299	1,599	4.6
300 to 399	1,648	4.7
400 to 499	1,270	3.6
500 to 599	1,187	3.4
600 to 699	914	2.6
700 to 799	744	2.1
800 to 899	473	1.4
900 to 999	240	0.7
1,000 to 1,049	145	0.4
Maximum premium ($1,050)	3,612	10.3
Total	35,076	100.0

Source: Joint Committee on Taxation.

[5] The income measure used, solely for presenting distributional analysis, is defined more broadly than adjusted gross income, and does not affect, in any way, the amount of tax liability and supplemental premium paid by a particular taxpayer.

TABLE 5.—MEDICARE CATASTROPHIC COVERAGE ACT OF 1988

[Calendar Year 1989]

Joint returns				Nonjoint returns			
Income class (Thousands)	Average income per return [1]	Average tax liability per return	Supplemental premium per enrollee [2] (per month)	Income class (thousands)	Average income per return [1]	Average tax liability per return	Supplemental premium per enrollee [2] (per month)
0 to $5	$2,597	$0	$0.00	0 to $5	$3,071	$0	$0.00
$5 to $10	7,701	−14	.00	$5 to $10	7,056	−1	.00
$10 to $15	12,556	−27	.00	$10 to $15	12,376	105	.00
$15 to $20	17,514	13	.00	$15 to $20	17,196	576	7.20
$20 to $25	22,516	396	2.48	$20 to $25	22,219	1,410	17.63
$25 to $30	27,545	930	5.81	$25 to $30	27,274	2,035	25.44
$30 to $35	32,378	1,559	9.74	$30 to $35	32,333	2,902	36.28
$35 to $40	37,599	2,281	14.26	$35 to $40	37,254	4,773	59.66
$40 to $45	42,374	3,057	19.11	$40 to $45	42,840	6,396	66.67
$45 to $50	47,516	4,147	25.92	$45 to $50	47,076	7,637	66.67
$50 to $55	52,052	4,991	31.19	$50 to $75	58,098	9,486	66.67
$55 to $60	57,527	6,683	41.77	$75 to $100	87,280	17,041	66.67
$60 to $65	62,609	8,204	51.28	$100 to $200	138,035	30,268	66.67
$65 to $70	67,491	9,848	61.55	$200 and up	666,848	137,122	66.67
$70 to $75	72,097	10,166	63.53				
$75 to $80	77,757	10,239	63.99				
$80 to $85	82,424	12,258	66.67				
$85 to $100	90,057	14,942	66.67				
$100 to $200	136,677	25,315	66.67				
$200 and up	643,630	139,278	66.67				

[1] Income is defined, solely for purposes of presenting distributional information, as adjusted gross income (AGI) plus untaxed income from: (1) untaxed social security benefits; (2) tax-exempt interest; (3) employer contributions for health plans and life insurance; (4) inside build-up on life insurance; (5) workers' compensation; (6) contributions to IRA and Keogh accounts; (7) minimum tax preferences; and (8) portion of passive losses in excess of minimum tax preferences to the extent the losses are allowed in the computations of AGI.

[2] Computed at average tax liability per return in income class.

Source: Joint Committee on Taxation.

TABLE 6.—MEDICARE CATASTROPHIC COVERAGE ACT OF 1988

[Calendar Year 1993]

Joint returns				Nonjoint returns			
Income class (thousands)	Average income per return [1]	Average tax liability per return	Supplemental premium per enrollee [2] (per month)	Income class (thousands)	Average income per return [1]	Average tax liability per return	Supplemental premium per enrollee [2] (per month)
0 to $5	$2,357	−$9	$0.00	0 to $5	$2,885	$0	$0.00
$5 to $10	7,930	−12	.00	$5 to $10	7,548	−1	.00
$10 to $15	12,771	−32	.00	$10 to $15	12,156	39	.00
$15 to $20	17,417	−21	.00	$15 to $20	17,333	376	8.77
$20 to $25	$22,449	$240	$2.80	$20 to $25	$22,380	$1,020	$23.80
$25 to $30	27,458	554	6.46	$25 to $30	27,412	1,649	38.48
$30 to $35	32,520	911	10.63	$30 to $35	32,373	2,295	53.55
$35 to $40	37,453	1,592	18.57	$35 to $40	37,257	3,604	84.09
$40 to $45	42,376	2,319	27.06	$40 to $45	42,631	4,856	87.50
$45 to $50	47,445	3,099	36.16	$45 to $50	47,400	6,670	87.50
$50 to $55	52,384	4,068	47.46	$50 to $75	60,698	9,044	87.50
$55 to $60	57,230	4,958	57.84	$75 to $100	87,293	14,592	87.50
$60 to $65	62,383	6,530	76.18	$100 to $200	130,153	28,074	87.50
$65 to $70	67,341	7,607	87.50	$200 and up	534,697	113,030	87.50
$70 to $75	72,377	8,596	87.50				
$75 to $80	78,037	9,598	87.50				
$80 to $85	83,161	10,791	87.50				
$85 to $100	91,755	13,676	87.50				
$100 to $200	137,632	23,372	87.50				
$200 and up	623,120	136,694	87.50				

[1] Income is defined, solely for purposes of presenting distributional information, as adjusted gross income (AGI) plus untaxed income from: (1) untaxed social security benefits; (2) tax-exempt interest; (3) employer contributions for health plans and life insurance; (4) inside build-up on life insurance; (5) workers' compensation; (6) contributions to IRA and Keogh accounts; (7) minimum tax preferences; and (8) portion of passive losses in excess of minimum tax preferences to the extent the losses are allowed in the computations of AGI.

[2] Computed at average tax liability per return in income class.

Source: Joint Committee on Taxation.

IV. DESCRIPTION OF POSSIBLE PREMIUM OPTIONS

In light of the revision of the budget estimate relating to the Medicare catastrophic program, various options for changes to that program have been proposed.

A. Retain present law

Many argue that it would be inappropriate to make significant modifications in the catastrophic program because the Act only became effective in 1989. In fact, certain benefits are not yet in effect under the program. Therefore, these individuals argue that there has not been sufficient experience in order to evaluate accurately the costs related to the program. Given the uncertainty associated with estimating the cost of future medical benefits, these individuals argue that it is inappropriate to reduce any available funds that might be needed in the future. In addition, any reserves in the program accumulated in early years may be used to limit the increase in future premium rates.

B. Reduce the monthly or supplemental premium

In General

Some individuals argue that the premium for catastrophic coverage should be reduced because more revenue is projected than is needed to fund the benefits provided under the program. If this approach were adopted, the monthly or supplemental premium, or both, could be reduced.

Several options are available to reduce the supplemental premium.[6] The options for such a reduction include: (1) reducing the maximum amount of premium that an individual may be charged; (2) reducing the premium rate that is applied to each $150 of income tax liability, and (3) increasing the minimum amount of income tax liability before which any supplemental premium is due. In addition, a combination of one or more of the these options might be adopted. Any reduction could be made solely with respect to premiums paid for 1989 or for future years as well.

[6] This discussion assumes that, in general, the present structure for calculating the supplemental premium is retained.

Reduce Cap on Maximum Supplemental Premium

The maximum amount of supplemental premium ($800 for 1989) for an individual could be reduced. Adoption of this approach would benefit only those individuals who otherwise would pay more than the revised maximum supplemental premium. In gener-

al, these individuals are those with higher incomes.

Reduce the Premium Rate

Under present law, the supplemental premium for 1989 is $22.50 for each $150 in income tax liability (i.e., a 15-percent tax on income tax liability). The premium rate is increased for future years. The percentage rate of the supplemental premium could be reduced. Adoption of this approach generally spreads the savings that is achieved through the premium reduction to persons in all income classes. Except for those at the maximum premium level, the effect of this option is to reduce the amount of premium proportionally to the amount that is paid under present law.

Increase the Tax Liability Threshold

Under present law, in order to be liable for the supplemental premium, individuals must have at least $150 in income tax liability. However, eligible individuals are covered witout regard to whether or not they meet this $150 threshold. Under this option, the threshold could be raised so that more low-income individuals would not be liable for the supplemental premium. Further, the calculation of the premium could be changed so that only tax liability in excess of the threshold would be subject to the supplemental premium.

If there were no change in the method by which the premium is calculated (i.e., each $150 of tax liability for those with tax liability in excess of the threshold continues to be subject to the premium), then the savings from an increased threshold would be realized by those who would be below the new threshold. If the calculation were changed so that the premium applies only to the tax liability in excess of the threshold (e.g., income tax liability above the new threshold is subject to the premium), then an increase in the threshold would reduce supplemental premium payments by equal dollar amounts to all individuals paying the premium except for those below the threshold and those who are currently at the maximum premium level.

C. Repeal the supplemental premium

One proposal would repeal the supplemental premium and replace it with some other financing mechanism, such as a broad-based tax. Proponents of this view argue that it is unfair for high-income beneficiaries to subsidize those beneficiaries with low incomes. They contend that if a subsidy for lower-income beneficiaries of the catastrophic program is to be provided, then it should be financed by all taxpayers, not just by those individuals with higher incomes who are eligible for catastrophic benefits.

Those who support the supplemental premium argue that the premium is an appropriate method for funding the catastrophic coverage because only the potential beneficiaries of the program are required to pay for catastrophic coverage. Overall, every individual enrolled in Medicare will continue to receive a subsidy from general revenues and payroll taxes. Individuals who support this view argue that the income-related supplemental premium provides for an equitable distribution of the cost of the program.

D. Repeal the Medicare catastrophic program

One option that has been proposed is to repeal both the coverage provided under the Medicare catastrophic program and the funding mechanism that was contained in the Act. Some argue that the costs imposed by the monthly and supplemental premiums exceed, for certain individuals, any possible benefit they may receive from the Medicare catastrophic and drug coverage. They argue, therefore, that the program should be repealed.

Other individuals point out that many of those covered receive substantial benefits under the Act and that all individuals eligible for Medicare will, on average, receive a benefit package that is subsidized by general revenues and payroll taxes. They argue that all individuals receive Medicare benefits in excess of what they pay in premiums, and that good social policy requires that such individuals be protected from the financial hazards of large medical expenses.

APPENDIX: METHOD FOR DERIVING DISTRIBUTIONAL TABLES

The staff of the Joint Committee on Taxation prepared the distributional table on the amount of supplemental premium paid by Medicare enrollees. The distributions are prepared with the use of the individual tax model that is used for calculating changes in tax liabilty associated with proposed changes in the Federal individual income tax. The individual tax model utilizes a very large sample of actual individual tax returns collected by the Internal Revenue Service (IRS). To supplement the IRS data, demographic and economic information is included from a variety of sources including the Bureau of the Census and the Social Security Administration. The model is weighted to reflect the total projected population of potential taxpayers and is modified to be consistent with the most recent Congressional Budget Office economic forecasts.

Tax liability, as well as the supplemental premium, is calculated for each tax filing unit in the model. For each year analyzed, the calculation of tax liability and supplemental premium is performed using the relevant rates, brackets, and definition of taxable income, consistent with prevailing law for that year.

Tables 5 and 6 present estimates of the average supplemental premium per enrollee, per month. The estimates are based on the average tax liability within an income category using the definition of income normally employed for distributional analyses.

The income concept used is broader than adjusted gross income and is designed to more accurately reflect the flow of economic income available to the taxpayer. It is defined as adjusted gross income (AGI) plus untaxed income from: (1) untaxed social security benefits; (2) tax-exempt interest; (3) employer contributions for health plans and life insurance; (4) inside build-up on life insurance; (5) workers' compensation; (6) contributions to IRA and Keogh accounts; (7) minimum tax preferences; and (8) the portion of passive losses in excess of minimum tax preferences to the extent the losses are allowed in the computation of AGI. Of course, the calculation of tax liability, and therefore the supplemental premium, is based on taxable income, and is in no way dependent on the measure of income used as the classifier for distributional presentation.

The PRESIDING OFFICER. The Senator from South Dakota.

Mr. DASCHLE. Mr. President, I want to commend the distinguished Senator from Minnesota. I must say I do not know of anyone here in the Senate who can speak with greater authority on this issue and on the issue of health care in particular than can the Senator from Minnesota. He is a student of the issue and one whose positions and whose words are widely respected on both sides of the aisle. He has done the Senate a real service this afternoon in setting the stage for what will be a very contentious debate next Tuesday. And while the galleries are empty and while the Chamber is empty, I hope Senators will take the time to read the remarks of the Senator from Minnesota prior to the debate on Tuesday because I think it will make a difference on how a lot of Senators ought to vote.

So I hope that perhaps while not every one of the Senators had an opportunity to hear his very compelling arguments this afternoon they will have the opportunity to read them prior to the debate on Tuesday. I commend him for the contribution he made to that debate.

Mr. DURENBERGER. Mr. President, let me acknowledge and express my appreciation to my colleague from South Dakota for those kind remarks. As a new member of the Senate Finance Committee, I particularly appreciate the contribution that he not only has made in the past but will be making in the future on all of the health-care issues, particularly the issues of access which I think is what we are dealing with here—to have the resources to go around for all Americans and not just those who have had the benefit of Medicare.

NEWARK FBI

Mr. LAUTENBERG. Mr. President, I rise today in support of an amendment I offered Wednesday, which was unanimously approved by the Appropriations Committee, to provide special pay for FBI agents and other personnel serving in the Newark, NJ, Division. I have been working closely with Senator BRADLEY, who has pursued the same matter as a member of the Intelligence Committee.

This provision is of critical importance to Federal law enforcement in New Jersey. As a result of a recently instituted pay demonstration project in the FBI's New York City office, a significant pay disparity now exists between the FBI Newark Division and New York City offices. This has had a severe impact on the morale of agents stationed in the Newark Division. Of greater concern, the New York City pay demonstration project has led to a substantial increase in the number of agents transferring out of the Newark office and into the New York City office. This provision seeks to address this problem and the exodus of senior FBI agents from the Newark Division.

Last year, when Congress approved the fiscal year 1989 intelligence authorization bill, it authorized a pay demonstration project for New York City FBI agents to offset the area's

high cost of living and the office's serious recruitment and retention problem. Under this program, New York City agents received a 25-percent pay increase and a $20,000 mobility allowance for agents newly transferred to New York. While I understand this project has been, for the most part, successful for New York, it has created unintended significant problems for the Newark Division. Agents stationed in the Newark office, a mere 9 miles away, had not been included in the demonstration project.

FBI Director William Sessions has recognized that this situation has had negative repercussions on the Newark office. Morale has become a serious problem. As Director Sessions has written to me,

In particular, morale is low among many who face some of the same high costs that New York office employees face. I believe their close proximity to the New York office contributes to their frustration.

Others may point out that FBI agents in other high-cost cities also have been deprived of a pay raise, and that is true. But those agents do not have to deal with the fact that a fellow who may live on his street or in his town, who holds the same job working for the same agency, facing essentially the same high cost of living, makes 25 percent more in salary. Agents in other cities don't have to work side by side on cooperative investigations, performing the same kind of work with someone whose salary is substantially higher, because he happens to cross a bridge or tunnel into New York every day. That hurts.

However, my purpose in introducing this amendment was not just to soothe hurt egos. Of far greater concern is the impact the New York City demonstration project has had on the turnover rate in the Newark office, and consequently law enforcement efforts in New Jersey. Since the inception of the New York City demonstration project, applications for transfer out of Newark have increased by 625 percent. Since the program began, 23 senior agents have been granted transfers from Newark to the New York City office to take advantage of the pay increase. These are some of the Newark office's most senior agents. Their experience is irreplaceable. The positions will be filled by relatively new agents. This is a problem that grows worse every day. The Newark office is being drained of experienced agents, and this could have a real impact on crimefighting efforts in my State.

Mr. President, we need to stop the flow of seasoned agents out of the Newark FBI Office. This provision seeks to close the gap in pay between Newark Division and New York City FBI agents that is attracting so many Newark agents to the New York office. This provision will provide agents and other staff in the FBI's Newark Division offices with a pay increase of 10 to 15 percent of their base salaries, to help offset the high living expenses of the area and the current pay disparity with the New York office. This New Jersey program will last for the duration of the New York City project.

Mr. President, this provision is of great importance to Federal law enforcement in New Jersey. The FBI is an integral part of the crimefighting apparatus in my State. The 10-to-15-percent pay increase for Newark Division FBI personnel offers an incentive to stay in New Jersey. It not only helps to ensure that agents and other FBI staff will receive relief from the area's high cost of living, it helps ensure that FBI crimefighting efforts will be unimpaired. I would like to express my gratitude to Senator HOLLINGS and Senator RUDMAN for their valuable cooperation on this amendment.

Mr. President, I ask that the text of questions I posed to FBI Director William Sessions and the responses he provided be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

RESPONSES OF FBI DIRECTOR WILLIAM SESSIONS TO QUESTIONS POSED BY SENATOR LAUTENBERG CONCERNING NEWARK FBI PAY

1. "What effect has the Demonstration Project had on recruitment and retention in the New York office? The Northern New Jersey offices? What are the staffing levels in the New York office now; what were they before implementation of the project? What are they projected to be at the completion of the project?"

As you know, the NYODP covers all Special Agents assigned to the NYO and about 240 of the 790 support employees. A preliminary review of the effects of the Demonstration Project are encouraging. The resignation rate of those covered by the project is down as compared to the same period last year. Also two Special Agents, who are eligible for Office of Preference (OP) transfers to offices of their choice, turned down their transfers to remain in New York hereby enabling the NYO to continue to benefit from their years of experience in the community. Of course, based on the comments of the NYO management, there is a noticeable improvement in the morale of those covered by the Demonstration Project.

The negative side of this new authority is the effect it is having on those not covered. When the NYO problems were initially being reviewed, it was intended that the problems of those employees not subject to transfer (about 550) of the NYO support population) would be addressed through the existing special pay rate authority. About 110 of the 550 NYO support employees are receiving special salary rates which were approved before the NYODP was authorized. None of the requests made by the FBI after the enactment of the legislation authorizing the Demonstration Project have been approved. In addition, there is concern that when the special pay rates are finally approved, the percent of increase for most employees subject to the rates will be much less than those covered by the Demonstration Project. Because these employees are receiving no financial enhancements, many feel that the Bureau does not believe their contributions to the FBI's operation is as important as others covered by the Demonstration Project. Their morale is low and we have seen a substantial increase in the number of resignations among those not covered. The legislation establishing the NYODP requires regular progress reports to Congress. These reports will document in more detail the effect of the NYODP on recruitment and retention of personnel, etc.

The establishment of the NYODP has caused some repercussions in the Newark office. In particular, the morale is low among many who face some of the same high costs that NYO employees face. I believe their close proximity to the NYO contributes to their frustration. However, we cannot lose sight of the fact that employees in other offices are similarly facing financial hardships which effect their morale as well.

As I mentioned previously, at the time the NYODP was approved for the NYO, that office was experiencing the most serious retention/recruitment problems. In our Report on Recruitment, Retention and Operational Problems facing the New York Office of the Federal Bureau of Investigation caused by the High Cost of Living, and a Plan for Remedies, we advised Congress of the high resignation rate in the NYO and the difficulty we had staffing that office. For example, on February 1, 1988, the NYO was 112 Agents below its authorized complement of 1212 Agents and was 60 support employees below its authorized complement of 802. The Agent resignation rate was 3.47 percent in 1987 (it had almost tripled since 1984). Also, in 1987 nine Special Agents resigned rather than take a transfer to the NYO. The NYODP was implemented beginning in October, 1988. As of March 29, 1989, that office was 36 Agents below the authorized number. Of course, we hope that in the future we will see further improvements in the staffing levels of the NYO. As of March 29, 1989, the Newark Office was staffed 2 Agents over its complement. The resignation rate among Agents in the Newark Office was 1.98 percent in Fiscal Year (FY) 1987 and 1.88 percent in FY 1988. (Note that the authorized staffing of FBI offices is reviewed periodically and many fluctuate.)

2. "How many requests for transfers from Newark to New York have been received by FBI Headquarters since the implementation of the Demonstration Project? How does that compare to past experience?"

A review of the OP list for February 16, 1989, revealed that 25 Agents had requested transfers to the NYO. That figure compares to four on the August 15, 1988, OP list; four on the February 26, 1988, OP list; three on the August 31, 1987, OP list; and four on the February 28, 1987, OP list. We are attempting to accommodate those Agents who wish to transfer to the NYO while, at the same time, attempting to ensure their transfer does not negatively impact on the Newark Office's operational responsibilities.

4. "What is the cost of the Demonstration Project for fiscal year 1989? What would be the cost of extending the project to the Northern New Jersey offices?"

For Fiscal Year 1989, the FBI is having to absorb about $15,781,103 which is the cost of the NYODP. If the NYODP were expanded to cover the NYO employees currently excluded from the project, the cost would be approximately an additional $2,657,069. Although no specific calculations

have been prepared for the Newark Office, based on the difference in size between the Newark Office and the NYO, it could roughly be estimated that the cost for establishing a Demonstration Project for the Newark Office (all support and Agents) at a rate of 25 percent of base pay (the same as the retention allowance paid to NYO employees covered by the NYODP) and including the mobility allowance would be about $2,030,000 for the last half of FY 1989. If similar demonstration projects were created for those other offices which have been identified to have similar problems, based on the fact that all four offices are about the same size as the NYO, the cost would be the same as the cost for the NYODP. (If the NYODP is expanded to cover all NYOD employees the total cost to the Bureau is projected to be $21,542,891.) The NYODP is projected to cost the FBI $18,837,464 in FY 1990. However, I believe it is important to remember that the cost of living, including housing, taxes, etc., differs in the major cities around the country. Any decision to implement locality-type pay for FBI employees working in high-cost areas should take into consideration the percentage that their cost of living is above the norm. Therefore, the employees of the Newark Office and other offices may not warrent the same percentage enhancement as those in the NYO.

5. "How many FBI employees working out of the New York division actually reside in New Jersey? What percentage is that of the total number of New York division employees?"

Of the 1130 authorized Agents currently working in the NYO, 613 reside in New Jersey. In other words, about 54 percent of the NYO Agents live in New Jersey.

6. "What criteria will the FBI use to define the Demonstration Project as a 'success'? What is your interim assessment of the project?"

As indicated above, our preliminary review of the project reflects that it is having a positive impact on the problems previously identified. Attached is the project paper signed by the Director of the Office of Personnel Management (OPM) and me. This document, among other things, outlines some of the methodology used for the implementation of the NYODP and the tentative model which was proposed to be used to evaluate the NYODP. (This model may be slightly revised with the approval of OPM.)

MORNING BUSINESS

Mr. BYRD. I do not think I will be acting unduly if I ask unanimous consent that there be a period for the transaction of morning business for not to exceed 30 minutes and that Senators be allowed to speak for not to exceed 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, I understand that the distinguished majority leader will be coming to the floor shortly. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. COHEN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. PRYOR). Without objection, it is so ordered.

SHORT-RANGE NUCLEAR FORCES

Mr. COHEN. Mr. President, in a recent article, a respected syndicated columnist posed an interesting question, asking how the United States would feel if the Soviets were to deploy new missiles whose ranges were below that covered by the INF Treaty. Mr. Lewis asserted that the recent Soviet threat to violate the INF Treaty by halting dismantlements of SS-23 missiles is an understandable response to the NATO proposal to modernize its Lance missiles.

What this argument overlooks is that the Soviets are, in fact, deploying new short-range missiles not banned by the INF Treaty. Mr. Gorbachev has doubled the number SS-21 missile launchers deployed and is deploying Scud missiles to replace SS-23 missiles that have been destroyed pursuant to the treaty. In addition, Mr. Gorbachev continues to deploy numerous other nuclear systems not covered by the treaty, such as, self-propelled artillery and a new tactical air-to-surface missile, the AS-16. The new deployments mean that the Soviet Union's huge advantage in short-range nuclear weapons is growing even larger. They also reveal the cynical hypocrisy of Moscow's outrageous threat to scrap the INF Treaty if NATO deploys an upgraded Lance.

It was also asserted that plans for the Lance follow-on to have an increased range have emerged only in recent months, have been a surprise to Soviet officials, and are the result of military momentum without any political input. This is simply erroneous. The intent to enhance the Lance follow-on's range goes back several years and is driven as much by political as military considerations. Moreover, the Soviets have long been aware of it, as shown by Deputy Foreign Minister Yuli Vorontsov's letter opposing it that appeared in the New York Times on July 14, 1987. So nearly 2 years ago, the Soviets expressed their opposition to any upgraded Lance capability.

Over the last week and a half, the Soviets backed away from their threat to violate the INF Treaty, but not before it was repeated by the commander in chief of the Warsaw Pact in a speech in London. The fact that such a threat could be made by Foreign Minister Shevardnadze and the highest ranking military officer in the Warsaw Pact suggests that new thinking exerts a rather tentative hold on Soviet foreign policy.

A number of commentators criticized President Bush's handling of the dispute within NATO on short-range nuclear force negotiations. Those commentators almost uniformly ignored the fact that NATO has had a policy on this subject for nearly 2 years, an agreement that was reaffirmed by NATO's leaders, including Chancellor Kohl, at last year's summit. Under that agreement, NATO stated that the U.S. would negotiate "reductions of American and Soviet land-based nuclear missile systems of shorter range, leading to equal ceilings," but only "in conjunction with the establishment of a conventional balance."

These critics of the President also ignored the fact that the recent dispute arose when the Federal Republic of Germany tried to retreat from that agreement. In response, the President quite correctly walked the other way, saying we would not negotiate on short-range nuclear missiles at all. The President's resolve in this particular instance had its intended effect. The Germans agreed at the summit to return to the prior NATO agreement. The President should be praised for his skillful handling of what could have been a very damaging dispute and achieving an outcome that reaffirms the sensible policy that NATO had previously adopted.

Foreign Minister Shevardnadze has expressed disappointment with NATO's reaffirmation of this policy—and no doubt he is disappointed that the Soviet's propaganda on short-range nuclear forces has failed to split the NATO alliance. Mr. Shevardnadze, however, says that his disappointment stems from the Soviet Union's strong desire to reduce SNF missiles as quickly as possible. Let me respond by saying, if Moscow is, indeed, so anxious to reduce SNF missiles, then it should follow NATO's example and unilaterally cut its own forces. Over the last decade, NATO has unilaterally eliminated one-third of its tactical nuclear arsenal. We received not a handclap in the United Nations, not a paragraph in Pravda, for making that unilateral gesture. The Soviets could do the same and still retain a significant SNF advantage. If Moscow is truly serious about reducing SNF to the lowest necessary level, then it should unilaterally cut its SNF missiles to the current NATO levels.

President Bush and the other NATO heads of government called for this in their summit communique, and Western publics and legislatures should endorse this call. Until Moscow undertakes serious unilateral SNF cuts of the magnitude that I suggest—not a token cut such as that recently announced—then we should recognize Soviet statements on SNF for being more politically designed than they profess to be.

CONVENTIONAL ARMS NEGOTIATIONS

Last December, NATO set forth a detailed proposal for deep cuts of

some 50 percent in the total number of tanks, armored personnel carriers, and artillery deployed in Europe. Under the NATO proposal, East and West would each be limited to equal ceilings on these forces at levels slightly below current NATO levels. In recent weeks, the Soviets have accepted many of the elements of the NATO proposal.

At the same time, the Soviets have continued to insist that aircraft be included in the negotiations. In a major concession, NATO has agreed to include aircraft and, in fact, is now proposing more far-reaching aircraft limits than the Soviets.

These developments have increased the likelihood that the CFE talks will successfully result in an agreement to reduce conventional forces in Europe in a stabilizing manner. President Bush has set a goal of reaching such an agreement within a year and implementing cuts by 1992 or 1993. This is an extremely ambitious schedule and will test whether the Soviets are genuinely interested in creating a peaceful order in Europe. If President Gorbachev does, indeed, share that objective then he will have to be forthcoming on the numerous issues that remain to be resolved.

SUBZONES

In addition to proposing dramatic cuts in forces throughout the whole of Europe, NATO has proposed a series of concentric subzones, each of which would have its own sublimit of permitted forces with lower sublimits for smaller zones closer to the central front.

This subzone approach is critical to achieving the objective of enhancing stability in Europe and achieving force reductions in a verifiable manner. Unfortunately the current Soviet approach does not satisfy these requirements.

ARTILLERY DEFINITIONS

The Warsaw Pact, in defining artillery it proposes be covered by the negotiations, has included anti-tank systems larger than 100 millimeters, thereby artificially minimizing their advantage in artillery firepower.

Negotiating a common ceiling on artillery will require negotiation of a sensible definition of artillery to be covered.

AIRCRAFT TYPES INCLUDED

While the Warsaw Pact has insisted on including NATO aircraft in the negotiations—a position we have now accepted—they are still seeking to exclude from the negotiations a majority of their combat air force, including their huge fighter interceptor force. President Bush and NATO have rightly demanded that all land-based combat aircraft be included.

The decision by President Bush and NATO to include aircraft in this phase of the negotiations constitutes a significant concession to the Soviet position. It demonstrates that NATO is willing to take bold steps to achieve an agreement. It should be matched by equal flexibility on the Soviet side.

VERIFICATION AND OPEN SKIES

Verification of a conventional arms agreement is going to be exceedingly difficult and complex, far more so than the INF Treaty. Achieving adequate monitoring of a conventional arms treaty will require the Soviet Union and its Warsaw Pact partners to accept far greater openness in their military affairs than they have ever before contemplated.

Two weeks ago in his Texas A&M speech, President Bush made an important Open Skies proposal for moving toward the greater military transparency in Europe that will be needed if conventional arms control is to succeed.

Unfortunately, some cynical and poorly informed commentators have denigrated the Open Skies proposal as a public relations ploy, the dusting off of a 30-year-old idea that has been rendered obsolete by satellite technology.

This overlooks the tremendous benefits for enhancing stability in Europe that enhanced transparency can offer and the significant role in this to be played by aerial observation. The Stockholm Document of 1986 provides for aerial observations, but only in limited circumstances. Expanding the use of aerial observation as the President has proposed could greatly enhance the value of the existing Stockholm confidence-building measures and serve as an excellent precedent for the negotiation of additional early-warning and confidence-building measures in the CSBM talks in Vienna. I would note that the President's Open Skies initiative is in keeping with legislation adopted by Congress last year calling for high priority attention to enhanced confidence-building measures. It is also consistent with the recommendations of the North Atlantic Assembly's special report on confidence-building measures issued last November.

The President's Open Skies initiative will by no means satisfy the verification requirements of a conventional arms reduction agreement. It is not intended to. But implementation of an Open Skies Program will be a significant contribution to laying the groundwork for the extensive and intrusive measures that CFE verification will require. This is exactly the approach the Senate Armed Services Committee was advocating in its report on the INF Treaty when it called for "a radical new approach to confidence-building measures" including "pilot projects on verification (to) be explored in parallel with negotiations on actual reductions and * * * implemented in advance of any agreement on reductions."

Mr. President, moments ago, President Bush landed back in the United States and is preparing to take a well-deserved break at his home in Kennebunkport, ME, the State where I hope to be shortly, this afternoon, along with the majority leader. The President is justifiably being praised by many of our colleagues and commentators and citizens all over this country and, indeed, other countries, as well. It is well-deserved praise. He has achieved a remarkable success within the alliance, proposing a forward-looking, innovative and bold initiative for Europe. I think that demonstrated several things. It shows that the President thinks before he speaks, that he in fact works out with great preparation those thoughts before taking any action—something that, unfortunately, is somewhat unusual in politics. And I think that this thoughtful approach redounds to his great credit.

There have been many who have leveled criticism at the President for having moved too slowly, not being quite imaginative enough and allowing the public relations stage to be occupied by Mikhail Gorbachev. I do believe that President Bush's performance during the past week has enhanced not only his own reputation in this country and the world, but also provided a remarkable stimulus for solidity in the NATO alliance, which was seen as fracturing.

I believe that the United States certainly has moved back into the forefront of being a leader for world peace, and the caution that was exhibited by President Bush has proven to be responsible, productive, and fruitful. And I believe that if we maintain this coherent NATO approach, without one nation or another trying to outbid the Soviets in making unilateral gestures, we will be able to achieve massive reductions, to the betterment of the west, the Soviet Union, Eastern Europe and, indeed, the whole world.

I commend President Bush again for his extraordinary act of statesmanship during this past week.

Mr. President, I yield the floor.

TRIBUTE TO CLAUDE PEPPER

Mr. KERRY. Mr. President, I rise today to pay tribute to a great leader, statesman and visionary, Claude Pepper.

Senator Pepper was a man who exemplified the best of what we constantly strive to achieve as legislators and public servants. From his early days in the Florida Legislature, to his tenure in the Senate to his final days in the House of Representatives, Claude Pepper never stopped caring—never stopped believing that he could make a difference in the lives of his

fellow Americans. He was a man of humanity; a caring and loving individual who saw injustice and tried to right it; who saw a downtrodden person and tried to uplift them.

Pepper was a "no-excuses" New Deal Democrat who stood for the very essence of democratic values in much the same way as the other statesmen he emulated, Harry S. Truman and Franklin D. Roosevelt. Claude Pepper had the courage to fight the difficult battles for the difficult causes that other less noble individuals might have shied away from. He was an ardent advocate for the elderly; instilling in them a sense of self-worth and political activism as he strove to ensure that even as they aged, their rights and liberties were protected.

Claude Pepper's nonstop energy and half century of public service was rooted in a uniquely human concern; a deeply felt belief in the causes and in the people. He was a truly unique individual with a depth of compassion and understanding. We have been enriched by his presence and by his deeds. We will miss Senator Pepper, but we will be better for having known him. The legacy he leaves behind is what must drive us in the future. We honor him and remember him best by continuing to strive for the ideals and the causes that he pursued throughout his life. We must always remember, as Claude Pepper did, that we can make a difference in the lives of other poeple; that we can effect positive social change; that we can make this world a better, more humane place to live.

MESSAGES FROM THE HOUSE

At 12:30 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 881. An act to provide for restoration of the Federal trust relationship with, and assistance to, the Coquille Tribe of Indians and the individual members consisting of the Coquille Tribe of Indians, and for other purposes.

The message also announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 121. Concurrent resolution to express the sense of the Congress with respect to the assassination of Col. James Rowe in the Philippines.

MEASURES REFERRED

The following bill was read the first and second times by unanimous consent, and referred as indicated:

H.R. 881. An act to provide for the restoration of the Federal trust relationship with, and assistance to, the Coquille Tribe of Indians and the individual members consisting of the Coquille Tribe of Indians, and for other purposes; to the Select Committee on Indian Affairs.

The following concurrent resolution was read, and referred as indicated:

H. Con. Res. 121. Concurrent resolution to express the sense of the Congress with respect to the assassination of Colonel James Rowe in the Philippines; to the Committee on Foreign Relations.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. DODD:

S. 1116. A bill to provide for a gradual increase in the rate of pay of certain offices and positions in the executive and judicial branches, and for other purposes; to the Committee on Governmental Affairs.

S. 1117. A bill to provide for a gradual and concurrent increase in the rate of pay and decrease in honoraria for Members of Congress, and for other purposes; to the Committee on Governmental Affairs.

By Mr. ARMSTRONG (for himself and Mr. WIRTH):

S. 1118. A bill to provide for the transfer of the Platoro Reservoir to the Conejos Water Conservancy District of the State of Colorado, and for the protection of fish habitat on the Conejos River; to the Committee on Energy and Natural Resources.

By Mr. MITCHELL:

S. 1119. A bill to amend the Internal Revenue Code of 1986 to provide that unearned income of a child attributable to damages received on account of personal injuries or sickness of the child not be taxed at the marginal rate of such child's parents; to the Committee on Finance.

By Mr. GRASSLEY:

S. 1120. A bill to amend the Internal Revenue Code of 1986 to exempt certain individuals from the requirements of section 89 of such code; to the Committee on Finance.

By Mr. GORE (for himself, Mr. SASSER, Mr. BURDICK, Mr. GARN, Mr. KASTEN, Mr. ROBB, Mr. LAUTENBERG, Mr. WILSON, Mr. HOLLINGS, Mr. STEVENS, Mr. CHAFEE, Mr. HATCH, Mr. LIEBERMAN, Mr. MATSUNAGA, Mr. PELL, Mr. COCHRAN, Mr. MITCHELL, Mr. BOND, Mr. SIMPSON, Mr. METZENBAUM, Mr. WARNER, Mr. HEFLIN, Mr. SARBANES, Mr. D'AMATO, Mr. PRESSLER, Mr. RIEGLE, Mr. MCCLURE, Mr. INOUYE, Mr. GLENN, Mr. DOLE, Mr. CONRAD, Mr. DECONCINI, Mr. THURMOND, Mr. ROCKEFELLER, Mr. PRYOR, Mr. LEVIN, Mr. LUGAR, Mr. KERRY, Mr. SHELBY, Mr. MURKOWSKI, Mr. GRAHAM, Mr. SPECTER, Mr. GORTON, Mr. DODD, Mr. CRANSTON, Mr. NUNN, Mr. JOHNSTON, Mr. HEINZ, Mr. BRADLEY, Mr. ADAMS, and Mr. ROTH):

S.J. Res. 148. Joint resolution to designate the week of October 8, 1989, through October 14, 1989, as "National Job Skills Week"; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. DASCHLE (for Mr. MITCHELL (for himself and Mr. DOLE)):

S. Res. 141. Resolution directing the Senate Legal Counsel to represent the Senate defendants in the Honorable Alcee L. Hastings, United States District Judge v. The United States Senate, et al. (D.D.C.); considered and agreed to.

By Mr. WILSON (for himself, Mr. BOSCHWITZ, and Mr. CRANSTON):

S. Con. Res. 41. Concurrent resolution expressing the sense of the Congress relating to the human rights conditions of Jews in Ethiopia; to the Committee on Foreign Relations.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. DODD:

S. 1116. A bill to provide for a gradual increase in the rate of pay of certain offices and positions in the executive and judicial branches, and for other purposes; to the Committee on Governmental Affairs.

S. 1117. A bill to provide for a gradual and concurrent increase in the rate of pay and decrease in honoraria for Members of Congress, and for other purposes; to the Committee on Governmental Affairs.

INCREASES IN FEDERAL SALARIES AND DECREASE IN CONGRESSIONAL HONORARIA

Mr. DODD. Mr. President, 4 months ago I stood on this spot and argued that the real issues in the congressional pay raise debate were being obscured by demagoguery and cynicism. I said that lambasting the Congress by radio talk show hosts and editorial cartoonists—and even by some Members of Congress—should not deflect us from the necessary task of raising the pay of top Federal officials. And I said it was only by approving a salary increase to keep ourselves whole that Members of Congress would finally ban an entrenched practice none of us particularly like or believes is in the national interest: The practice of accepting a sizable portion of our income in the form of speaking fees from outside interest groups.

I supported publicly in that debate what I know many of my colleagues supported privately: A raise in executive, judicial, and legislative pay coupled with a ban on the acceptance of honoraria.

We all know what happened next, Mr. President: The Senate overwhelmingly rejected the pay raise measure; the House, which had been expected to defer the matter and thus allow the raise to go into effect, defeated it; and the status quo continued, with judges and top scientists and prosecutors consigned to choose further financial sacrifice or departure from government service, and with the noxious honorarium system challenged—but alive and well—in the legislative branch.

In the 4 months or so since we debated the President's pay raise proposal, the headlines have receded, the car-

toons and the call-in shows have turned to other topics, but the issues raised at that time remain.

To address these issues in a manner that I believe is both responsible and politically practical, I am introducing two pieces of legislation.

The first bill would provide for a gradual increase in the rate of pay of certain officials in the executive and judicial branches. The second bill would provide for a phased increase in the rate of pay of legislative branch personnel while concurrently phasing out any honoraria such personnel may now receive.

Based on current pay levels, the first measure would raise salaries for nonlegislative branch personnel, as defined by the 1989 Commission on Executive, Legislative, and Judicial Salaries, by increments of 10 percent per year for 4 years beginning January 1, 1990. Those affected by this legislation would include Federal judges, executive branch political appointees, senior officers on the executive schedule, and our top research scientists.

The second measure would raise salaries for Members of Congress and certain other senior legislative branch personnel as defined by the salary commission by increments of 10 percent per year for 4 years beginning January 1, 1990, while concurrently phasing out honoraria at a rate of 25 percent per year over 4 years.

As I pointed out in the course of the February debate, honest discussion of the appropriate salary for Members of this body must begin with a recognition that the true pay level for U.S. Senators is not $89,500; it is really $125,300. Our checks from the Treasury amount to the lower figure, but we long ago set our de facto pay level 40 percent higher when we determined that, given a choice, the public probably would tolerate a supplement to our income paid by special interest groups—but would not tolerate an increase paid from tax revenues. Elected into a body with such a two-source pay system, most of us who live on our earnings and have little or no private wealth have traditionally relied on this additional income to help support two households and keep pace with inflation.

Partly because of the pay raise debate, partly because of the increasing attention negative campaigning has focused on this issue, and partly because of media fascination with the minutiae of the lives of public figures, the old assumptions no longer apply. If the public will not tolerate a substantial increase in congressional pay, neither will it tolerate in the long run substantial speaking fees from outside interest groups.

Mr. President, the new climate has forced difficult choices on Members of Congress. I, for one, have come to the conclusion that—no matter how high the barriers I have erected between my personal finances and my responsibilities as a Senator, no matter that I have never tailored any remark, let alone any legislative act, to the wishes of any group that has paid for a speech or presentation—I will no longer accept honoraria. Since the Senate's vote on the President's pay raise proposal, I have accepted no speaking fees, and I will not do so again.

The legislation I am putting forward today will allow the Congress as a whole to arrive at the same point in rejection of outside earnings, though by a more gradual course than that which I have chosen for myself. The bill proposes that at the end of the 4-year salary increase phase in, Members of Congress will have salary approximately equal to what the present system allows Senators to earn this year. The 10 percent per year increase in salary over 4 years would apply to all the salaries affected—executive, judicial, legislative—in both pieces of legislation.

It would be possible, of course, to substitute legislative fiat for Members' own discretion and demand an immediate ban on honoraria, rather than the phaseout I propose. That path, however, would have a disproportionately adverse effect on Members who have no other income and whose financial commitments over the course of the years the present system has been in place have made them dependent on the supplementary earnings from speaking fees. Those of our colleagues who are in that position do not deserve a sudden cut in their income of 30 or 40 percent; a transition period from the present system to a better system is, I believe, the most practical and least onerous approach.

I recognize that the precise formula I propose may not be the best one. I am not wedded to the numbers in these bills. Perhaps it will be the wisdom of the Congress that 10 percent increases are too high or too low, or that a 4-year phase in is too short or too long. These details can change. What should not be altered, however, is the bottom line: A fair and reasonable salary structure, and an end to honoraria.

I well know that the pay raise issue is not popular. And has never been the case. Our distinguished President pro tempore has outlined in great detail in his book the history of pay increases going back to the very founding of this institution. But as long as working men and women are subject to inflation and economic uncertainty, and as long as our citizens depend on a government of integrity to act as a healthy catalyst for improving the quality of our Nation's future, I also know it is an issue that must be confronted responsibly.

I offer this legislation today in an effort to clear away the web of problems that perennially surround this issue. I am certain that another pay raise debate such as that played out earlier this year could seriously undermine public trust in government, and could well serve notice to the ranks of our future political leaders, judges and scientists that public service just isn't worth it. It is up to us to prove to those future leaders that public service is not only worth it but also worth championing as indispensable to a vital and competitive United States.

There are two critical aspects to the legislative package I introduce today: First, that judicial and executive salaries are provided for separately from those of legislative branch personnel; second, that a fair and responsible framework is established for setting the pay of Members of Congress.

I have chosen to offer two separate bills in order to decouple the process of pay raises for those in the judicial and executive branches from those in the legislative branch. Even if Congress is unable to act on a pay raise for itself, we should no longer hold the livelihood, integrity and valued talent of personnel in the judicial and executive branches hostage to our own indecision. We cannot afford to foreclose on the future survivability of our Nation's judicial system or on the viability of our Nation's AIDS or cancer research, our leadership in space exploration, the proper management of our airlanes, the effective prosecution of our drug laws, the protection of our environment.

The bottom line is this: Our scientists and judges are worth more than they are paid. And our country's future demands that we be able to attract the best talent to fill our judicial chambers and our laboratories so that we can best meet the daunting challenges of the next century. I find it curiously unsettling to know that first-year law associates in the Nation's top firms can now earn nearly the same salary as our most seasoned Federal judges.

The legislation I am introducing on legislative branch salaries addresses the fundamental question I posed here in the course of February's pay raise debate: "Who pays Congress?" The answer should be a simple one: Members of Congress, like all employees, should be paid by the people they work for—the taxpayers. As public servants, our salaries should come from the public alone.

The current two-source pay system, with special interest groups supplementing Members' income with speaking fees, has elaborate disclosure and accounting requirements, and it is monitored closely by public interest groups and the news media. But it is a

system burdened by the potential of abuse.

There's been a great deal of discussion of late surrounding the issue of decoupling nonlegislative from legislative salaries in any pay raise legislation. In effect, opponents of decoupling argue that unless nonlegislative and legislative increases are provided in one legislative vehicle, the political will needed to act on the difficult issue of legislative pay will be lost. Decoupling, these skeptics say, will only result in leaving the widely condemned congressional pay system in place.

I believe the political will to resolve this vexing issue responsibly does indeed exist. The experience of recent months has demonstrated we can no longer ignore both the political infeasibility of maintaining the present two-source system of congressional pay, and the mounting cost in judicial, managerial, and scientific talent of holding a pay raise for the other branches hostage to deliberations on our own salaries. We have lost too many top researchers at NIH and NASA, seen too many distinguished jurists quit the bench for 5 or 6 or 10 times the pay in the private sector, and we have had too many jobs in key Federal departments go unfilled month after month because the most qualified candidates have found the costs of living in Washington would simply be greater than the salaries offered.

It is time to treat this awkward issue honestly and straightforwardly. It is time to make the case to our constituents that we must raise the pay of our most valued unelected public servants, and that we must pay our elected officials solely from public funds. It is time to establish a one-source salary structure in Congress that reflects economic reality while honoring the public's heightened concern over the personal finances of Members of Congress.

Mr. President, I urge my colleagues to join me in this effort, in the twin causes of restoring public confidence in Congress and assuring effective and responsible government.

By Mr. ARMSTRONG (for himself and Mr. WIRTH):

S. 1118. A bill to provide for the transfer of the Platoro Reservoir to the Conejos Water Conservancy District in the State of Colorado, and for the protection of fish habitat on the Conejos River; to the Committee on Energy and Natural Resources.

TRANSFER OF PLATORO RESERVOIR TO THE STATE OF COLORADO

● Mr. ARMSTRONG. Mr. President, today I am introducing, with my fellow Senator from Colorado, S. 1118, transferring title of Platoro Reservoir to the local conservancy district, and providing for the protection of fish habitat on the Conejos River.

Platoro Reservoir is in southern Colorado. The reservoir was built in 1951 by the Bureau of Reclamation as part of the San Luis Valley irrigation project. Because of the administration of the interstate Rio Grande compact the reservoir has not been used for its intended purpose of agricultural irrigation.

The Conejos Water Conservancy District is the local governmental agency with the repayment obligation to the United States. The district will make an advance lump-sum payout of $450,000.

This amount represents the present worth of $500,000, which is the present value of the district's future obligation under the repayment contract, taking into account both the Federal savings of operation and maintenance costs, and $50,000 for instream flow of 5 second-feet.

A value of $100,000 for the 5 second-feet was determined in district negotiations with the Bureau of Reclamation. The district is contributing water valued at $50,000 for instream flow.

The reservoir and underlying lands are to be transferred to the district, which will assume all responsibility for operation and maintenance of the dam. The water users of the Conejos District will assume the risk and responsibility of making this irrigation project work. Only through an aggressive local water management program, including water conservation, can the irrigation benefits of the project finally be realized.

As I noted, the bill provides instream flows in the Conejos River. Platoro was planned in the 1930's and 1940's, and built in 1951—all before NEPA or the Fish and Wildlife Coordination Act. No instream flows were provided below the dam. Now, due to negotiations with the Bureau, the Forest Service, and the State of Colorado, we can anticipate the Conejos District addressing flows by releasing water that otherwise would have been used for irrigation.

Because the State holds water rights which will protect these released waters, and because the State has provided low-interest financing to the Conejos District, the result is a three-way shared interest in this project.

From the Federal perspective, the effect of the transfer is to discount and sell a questionable loan. Project costs owed by the Conejos Water Conservancy District were to be repaid within 40 years. However, the 40-year repayment period did not start ticking until water was available to the district for irrigation. Water from the reservoir has not been available for irrigation because Colorado owed water to Mexico pursuant to the 1939 Rio Grande compact. Under this interstate compact, Colorado cannot store water in post-compact reservoirs if Colorado owes a water debt under the compact. Not until 1985, due to high water years, was the compact water debt finally paid. Consequently, Conejos District has paid virtually nothing on its obligation to the Government because it has received almost no water from the project.

Also, the risk of compact problems and the task of implementing an aggressive water management and conservation program are passed to local water users with this legislation.

The Forest Service also has been involved in developing this legislation. The purchase price includes fair market value of underlying Forest Service land. And the Forest Service will continue to manage recreation on the reservoir surface.

From the Conejos District's perspective, the effect of the bill is to transfer to the district direct responsibility for the success of the project and freedom from Federal bureaucratic overhead which renders efficient financial and water management of the reservoir extremely difficult.

Platoro Reservoir is located in one of the economically hardest-hit rural counties in the State of Colorado. Local operation of Platoro Reservoir is seen as a key economic issue in that rural county. The Colorado Legislature readily provided funding to the district in the form of a grant and loan package facilitating this transfer.

The Bureau of Reclamation, the Forest Service, the State of Colorado, and the Conejos Water Conservancy District support transfer of title of Platoro Reservoir to the district.

Local water users are willing and able to take a Federal irrigation project which has not worked, and manage it efficiently and responsibly to ensure its success. Intergovernmental agreements with water users address instream flow. Recreational use of the reservoir will continue.

This bill makes good sense financially and environmentally for the Federal Government, people enjoying the outdoors, and the Conejos District irrigators, and I urge your support.●

By Mr. MITCHELL:

S. 1119. A bill to amend the Internal Revenue Code of 1986 to provide that unearned income of a child attributable to damages received on account of personal injuries or sickness of the child shall not be taxed at the marginal rate of such child's parents; to the Committee on Finance.

TAX TREATMENT OF CERTAIN UNEARNED INCOME OF A MINOR CHILD

Mr. MITCHELL. Mr. President, I am today introducing legislation making a simple change in the Internal Revenue Code dealing with the taxation of minor children. This change would treat income earned with respect to

damages received on account of a personal injury as earned income for purposes of the taxation of minor children.

The Tax Reform Act of 1986 makes a number of changes in the tax treatment of minor children under the age of 14. Those changes are generally designed to limit the ability of families to shift income from the parents to children to take advantage of lower marginal tax rates. These provisions, known as the kiddie tax, require that minor children pay tax on unearned income in excess of $500 at the marginal tax rate applicable to the child's parents.

The kiddie tax has been widely criticized as an overly burdensome and complicated attempt to prevent the slightest tax benefit from shifting assets to minor children. Because the rules are so strict, they wind up including unearned income of minor children not in any way related to the purpose of the law. Many Members of Congress are supporting legislation to change the kiddie tax to limit is application by raising the threshold of unearned income subject to the parents' marginal tax rate.

My bill is much more modest. I offer only one change designed to cover those rare instances when a minor child earns income from assets received in connection with the personal injury or sickness of the child. Under current law, to the extent that income exceeds $500 it is taxable at the higher marginal tax rate payable by the child's parents. Thus, when a trust account is established to compensate a minor child for personal injuries or to fund medical expenses, the kiddie tax requires that the income be subject to a higher tax rate.

It seems to me particularly inappropriate to tax this income at the higher marginal tax rate of the parent. This is truly the child's income earned from money the child received on account of personal injuries and has nothing at all to do with the purpose of the law to discourage income shifting. My legislation corrects this inequity by providing that such income—attributable to damages received on account of personal injuries or sickness—will not be taxed at the parents' marginal tax rate.

I ask unanimous consent that a copy of my bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1119

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. UNEARNED INCOME ATTRIBUTABLE TO PERSONAL INJURY AWARDS.

(a) IN GENERAL.—Paragraph (4) of section 1(i) of the Internal Revenue Code of 1986 (defining net unearned income) is amended by redesignating subparagraph (B) as subparagraph (C) and by inserting after subparagraph (A) the following new subparagraph:

"(B) EXCEPTION FOR UNEARNED INCOME ATTRIBUTABLE TO PERSONAL INJURY AWARDS.—

"(i) IN GENERAL.—There shall not be taken into account under clause (i) of subparagraph (A) any qualified injury award income.

"(ii) QUALIFIED INJURY AWARD INCOME.—For purposes of clause (i), the term 'qualified injury award income' means income attributable to an amount excluded from the gross income of the child by reason of section 104(a)(2) if—

"(I) such excluded amount is received by the child in a lump sum, and

"(II) such income accrues on such excluded amount while in a custodial account (other than a trust) the amounts in which are prohibited under State law from being used to satisfy any person's obligation to support or maintain such child."

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 1988.

By Mr. GRASSLEY (for himself and Mr. PRYOR):

S. 1120. A bill to amend the Internal Revenue Code of 1986 to exempt certain individuals from the requirements of section 89 of such Code; to the Committee on Finance.

EXEMPTION OF CERTAIN INDIVIDUALS FROM SECTION 89 OF THE TAX CODE

● Mr. GRASSLEY. Mr. President, today on behalf of myself and Senator PRYOR, I am introducing a bill which would amend section 89(h)(1) of the Internal Revenue Code to exempt certain persons from coverage under section 89.

The persons who would be exempted from coverage should this bill become law are: First, enrollees in the Older Americans Act Senior Community Services Employment Program, second, persons participating in the Senior Environmental Employment Program, third, students enrolled in cooperative education programs, and fourth, individuals working at rehabilitation facilities.

I am introducing this exemption bill for several reasons. The law is unclear as to whether these individuals should be covered under section 89. The Internal Revenue Service's regulations for section 89 did not clarify their status. Staff of the Committee on Finance and IRS to this point have been unable to provide assurances that these individuals would be exempted from coverage under section 89. Finally, I do not believe that Congress intended that these individuals should be covered by section 89. More precisely, I do not believe that Congress intended to create the negative consequences I believe would flow from application of section 89 to the individuals who are the subject of my bill. Nor do I believe that Congress can live with these consequences.

Mr. President, let me take a moment to review the reasons why I believe the Committee on Finance and the Senate should consider exempting these individuals from coverage under section 89.

OLDER AMERICANS ACT SENIOR COMMUNITY SERVICE EMPLOYMENT PROGRAM

There are currently 65,800 part-time community service job slots supported by title V of the Older Americans Act. Of these, 851 provide jobs for older Iowans. These jobs are filled by enrollees, in the terminology used by the program, who must be 55 years or older and have incomes not more than 125 percent of poverty. In some cases, the organizations providing employment for these individuals are the 8 national contractors which administer 78 percent of the funds authorized by title V. These 8 national organizations are the American Association of Retired Persons, the National Council on Aging, Green Thumb of the National Farmers Union, the U.S. Forest Service, the National Council and Center on Black Aged, the National Association of Hispanic Elderly, the National Council of Senior Citizens, and the National Urban League. In some cases, the State Governments, which administer 28 percent of the title V funds, provide employment for these individuals.

In the largest number of cases, however, the title V organizations and the States arrange employment with a great variety of organizations in local communities. These organizations can be anything from a senior meal site to a local hospital, from a library to a senior transportation service, from Forest Service offices to Meals on Wheels.

In some cases, enrollees are carried directly on the payroll of 1 of the 8 national title V contractors. But in many cases, they are carried on the payroll of the local employing organization and receive a W-2 from that organization. Therefore, as far as I can tell from discussions my staff has had with Treasury Department staff and Finance Committee staff, these individuals would be considered employees for purposes of section 89, and would therefore be covered by its requirements.

At the present time, some of these individuals do receive health insurance from the organization for which they work. In many cases, however, they do not. In those many cases in which they do not, given the current uncertainty with respect to section 89 coverage of such individuals, the employing organization could fail the section 89 tests required by the law in its present form.

As I see it, should they be vulnerable to compliance failure, they would have only a small number of choices, each of which creates a situation I feel confident the Congress did not contemplate when it passed section 89:

First, provide benefits to enrollees comparable to those provided to the

organization's employees. Given that the Congress probably will not provide significant additional funds for title V, the title V national contractors and the States would probably have to reduce the number of slots they can support. Green Thumb estimates that they would have to reduce by one-fourth the number of job slots they could offer qualified individuals. I do not believe that Congress contemplated a reduction of one-fourth of the job opportunities offered under title V when it passed section 89.

Second, in the case of local organizations offering employment opportunities to title V enrollees, cease to participate in the program. This, too, is not an outcome Congress could have intended. What we want is more, not fewer, organizations offering training and employment opportunities to qualified older people.

Third, eliminate employee benefits for their employees. Although this is theoretically possible, I do not believe that many organizations will do this.

THE SENIOR ENVIRONMENTAL EMPLOYMENT PROGRAM

This program was authorized by the Environmental Programs Assistance Act (Public Law 98-313). This law authorized the establishment of a program of grants administered by the Environmental Protection Agency for the purpose of aiding State and local programs of pollution abatement and control. The program recruits persons 55 years of age and older. There are currently several hundred senior environmental employment program, see program, workers. These individuals are carried on the rolls of 6 organizations which receive cooperative agreements from the Environmental Protection Agency. These organizations are the American Association of Retired Persons, the National Association of Hispanic Elderly, the National Caucus, and Center on Black Aged, the National Council of Senior Citizens, the National Council on the Aging, and the National Urban League. The 6 organizations recruit, hire, and pay salaries to older workers who then work for units of the Environmental Protection Agency.

I believe that the consequences of requiring coverage of these workers under section 89 would have consequences similar to those I just outlined above for the Older Americans Act title V program.

COOPERATIVE EDUCATION PROGRAM

Cooperative education programs involve a work experience of up to 1 year in length for a student enrolled in an accredited program of higher education. Currently, there are over 250,000 students nationwide involved in cooperative education programs. Nationwide there are 1,000 colleges and universities which offer such programs to their students. Of these 20 are in Iowa. Many of these students are provided health insurance during their off-campus work experience by health insurance programs organized and offered by their colleges and universities.

My staff has discussed the question of section 89 coverage of such students with the National Commission for Cooperative Education. The National Commission has learned that some employers may be disinclined to hire students in cooperative programs because those employers do not wish to be responsible for providing health benefits to these students or for the paperwork and costs involved in demonstrating that such students are otherwise covered by health insurance.

Surely we do not want to create a situation in which employers are unwilling to take on students in cooperative education programs because of the additional section 89 burdens they would bear as a consequence.

REHABILITATION FACILITIES PROGRAMS

Section 89 poses a problem also for rehabilitation facilities. These are community-based, nonprofit rehabilitation facilities that provide rehabilitation, training, placement and residential services to persons with mental or physical disabilities. Currently, there are around 6,000 vocational rehabilitation facilities nationwide serving around 400,000 people. In Iowa, there are some 27 vocational rehabilitation facilities which could be affected by this legislation.

Many individuals in rehabilitation facilities are covered by Medicare or Medicaid. Were rehabilitation facilities required to cover individuals in their programs with private health insurance, serious complications would immediately be created. Many of these individuals would not be insurable, or insurable only for prohibitively high premiums. Requiring coverage of these individuals could render the facility itself uninsurable. Medicare and Medicaid now require that other health insurance serve as primary payor.

Were rehabilitation facilities required to cover the full cost of health insurance for people in their programs, cancellation of benefits for staff could result. As the general counsel of the National Association of Rehabiliation facilities, the primary national organization representing nonprofit rehabilitation facilities, put it in a letter to me: "It would be a cruel irony if Federal law made the staff of a rehabilitation facility uninsurable as a group or price them out of the market by requiring inclusion of disabled clients who in many cases are covered by * * * [public programs]."

ARE THESE INDIVIDUALS EMPLOYEES?

One important question which arose in the course of developing this bill is whether these individuals should be referred to as employees in this legislation. The short answer to this question is that we did not refer to them as employees, but rather as individuals.

However, I wish to alert Senators and their staff to the fact that Senate Legislative Counsel considered this question when they drafted the bill and preferred to use the term "employee." The counsel reasoned that, first, section 89 does not define the term "employee." Second, section 89(h)(1), which this bill amends, contains a list of exemptions all of which are termed "employees." Thus, in order to remain consistant with the other provisions of section 89(h)(1), the term "employee" would be appropriate.

I have used the term "individuals" in this bill, rather than "employees," because I wanted to emphasize that these individuals are not considered employees by the programs in which they work, and I wanted to make it clear that we do not wish to establish in statute a precedent which would define them as employees. Representatives of these programs fear that, if we establish a precedent in statute for considering these individuals as employees, the organizations which employ them could then be required to provide certain fringe benefits which they do not now provide. Needless to say, this would be a very expensive proposition. Given that these programs have major purposes other than employment, it does not seem reasonable to place these programs in the position of providing expensive fringe benefits which would cause them to greatly reduce the number of people they could serve.

Mr. President, a final question which might be raised with respect to this bill is whether health benefits should not be assured to the individuals affected by this bill. Of course, health benefits should be assured to these individuals. But the means to do this should not be section 89. Rather it should be by another approach aimed directly at dealing with the problem of the medically uninsured in this country. The possible negative consequences section 89 could have were it applied to the individuals who are the subject of this legislation certainly offset any benefits gained by applying section 89 to them.

Mr. President, I ask unanimous consent that several letters in support of the legislation be printed in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

GREEN THUMB, INC.,
Falls Church, VA, May 18, 1989.

Hon. CHARLES E. GRASSLEY,
U.S. Senate,
Washington, DC.

DEAR SENATOR GRASSLEY: Thank you for your leadership in taking the initiative to draft legislation exempting the Senior Community Service Employment Program

("SCSEP") from the requirements of Section 89 of the Internal Revenue Code.

As you are aware, in the absence of additional appropriations from Congress, we estimate that up to one-quarter of approximately 65,800 enrollees in the SCSEP would be layed-off should Green Thumb and other sponsors be required by Section 89 to provide enrollees with the same fringe benefits as our employees (staff). For Green Thumb alone, this would mean the loss of jobs for approximately 4,500 low-income seniors nationwide, some of whom would be your constituents in Iowa.

We fully acknowledge that among those groups most desperately in need of health insurance and other fringe benefits is the group represented by the SCSEP enrollees—the low-income elderly. However, we also believe that the sacrifice of thousands of jobs which enable these very persons to live productive, dignified lives could not possibly be justified by improved health care and other benefits for the fortunate who have priority for layoff.

Admittedly, the best alternative might be for Congress to appropriate additional funds to enable SCSEP sponsors to provide Section 89 fringe benefits for all enrollees. In the current economic climate, however, this prospect does not appear likely, particularly since the SCSEP already needs approximately $40 million in supplemental funding to maintain its current number of authorized positions (65,800) due to increases in state minimum wage levels. And, should the Federal minimum wage be increased, the need for supplemental appropriations to maintain existing services would increase, as well.

COALITION FOR COOPERATIVE EDUCATION,
May 4, 1989.

Hon. CHARLES E. GRASSLEY,
c/o Mr. TED TOTMAN,
U.S. Senate,
Hart Building,
Washington, DC.

DEAR SENATOR GRASSLEY: On behalf of the combined memberships of the organizations comprising the Coalition For Cooperative Education, which represent the large majority of co-op professionals across the nation, we enthusiastically support the introduction of your Bill to amend the Internal Revenue Code of 1986 to exempt certain employees (in this instance, postsecondary cooperative education students) from the requirements of Section 89—Subtitle B—Employee Benefit Provisions—of such Code.

Your initiative is especially important in that the possibility, if not probability, of some employers becoming disinclined to hire co-ops because of the additional costs incurred in being required to include co-ops in their benefits programs has already been encountered in a number of instances.

And since most colleges and universities make health insurance coverage available to their students, the potential for an unnecessary and debilitating redundancy in coverage will have been caused by Section 89.

Thank you for your support in this matter.

Sincerely,

DAN CAYSE,
President, Cooperative Education Association Inc.

BEVERLY A. GBURSKI,
Chairperson, Cooperative Education Division of the American Society for Engineering Education.

RALPH C. PORTER,
President, National Commission for Cooperative Education.

NATIONAL ASSOCIATION OF REHABILITATION FACILITIES,
May 4, 1989.

Senator CHARLES E. GRASSLEY,
Hart Senate Office Building, U.S. Senate,
Washington, DC.

DEAR SENATOR GRASSLEY: We appreciate your interest in amending Section 89 of the Internal Revenue Code. NARF is the primary national organization representing community-based nonprofit rehabilitation facilities that provide rehabilitation, training, placement and residential services to persons with mental or physical disabilities. Work is often an important part of the rehabilitation and training process for these people.

There is a great deal of confusion among our membership surrounding Section 89. We have been inundated by calls from concerned members. Some callers think that mandated health benefits legislation has been passed; others have heard conflicting reports about what is required under Section 89 and all want to know what they should do.

Our membership has had two basic concerns about this section. The first is the definition of who constitutes an employee for purposes of Section 89. We have addressed this in our comment letter to the IRS which is attached. However, the second issue and one which you are addressing in your proposed legislation which we support, is the question of, among types of employees, which should be excluded from the nondiscrimination rules of Section 89. We advocate that certain categories of employees be excluded for purposes of Section 89 only.

The purpose of vocational rehabilitation facilities, of which there are approximately 6,000 in the country, is a social one, to afford employment and dignity for people with disabilities. Under these circumstances the value of imposing the requirements of Section 89 must be gauged on whether or not it expands or restricts potential benefits. Facilities employing a large number of people with disabilities who have completed a rehabilitation program face difficult choices if Section 89 is applicable to them.

Many persons with disabilities in either sheltered employment or supported employment programs are covered by Medicare or Medicaid. The economic affect of whether a person is an employee for purposes of withholding Social Security is quite different from that for mandating participation in accident and health insurance. In the case of health insurance a person with a disability may be an uninsurable risk on an individual basis and the presence of a large number of such people in a facility may render the facility itself uninsurable or dictate premium rates that are not economical. Also, there are complex interrelationships between income disability and physical-mental conditions in the eligibility standards and benefits for these programs. For example, the Medicare and Medicaid acts provide that group or other health insurance is now the first payor. Yet under certain circumstances persons with disabilities are allowed to retain Medicaid coverage for working after periods of rehabilitation or in a sheltered environment. Requiring that the rehabilitation facility cover the full cost of such insurance in an effort to ensure that there is no discrimination among the type of insurance offered to employees will likely force, not the expansion or assurance of availability to benefits as anticipated by Section 89 for clients with disabilities, but rather the elimination of benefits for staff which is a desirable outome.

NARF supports the provisions of all employment benefits, especially health benefits, for persons with disabilities. However, we do not believe the Internal Revenue Code is the proper form for tackling this thorny problem.

It would be a cruel irony if Federal law made the staff of a rehabilitation facility uninsurable as a group or price them out of the market by requiring inclusion of desirable clients who in many cases are covered by the public programs mentioned above. Therefore, we support your proposed exclusion of persons with disabilities under certain categories. While it is not an exhaustive list of the persons served in vocational rehabilitation facilities which constitute approximately 400,000 people, it does constitute a considerable portion thereof.

Therefore, we look forward to prompt action on your bill.

If you have any questions regarding our position or wish to explore these issues further, please contact me.

Sincerely,

CAROLYN ZOLLAR,
General Counsel.

NATIONAL ASSOCIATION OF REHABILITATION FACILITIES,
Washington, DC,
April 18, 1989.

Re Notice of Proposed Rulemaking, Benefits Provided Under Certain Employee Benefit Plans, 54 Fed. Reg. 9460.

Commissioner of Internal Revenue,
Internal Revenue Service,
Washington, DC.

DEAR MR. COMMISSIONER: These comments on the Notice of Proposed Rulemaking (NPRM) captioned above are submitted by the National Association of Rehabilitation Facilities (NARF). This association is the principal national membership organization of medical and vocational community-based rehabilitation facilities, including a significant number of entities providing vocational training, sheltered employment and supported employment to persons with disabilities.

These comments respond to the request in the notice for comments on the treatment of clients in sheltered workshops maintained by charitable entities. See notice, page 9462. They also address other circumstances in which persons with disabilities receive services in the context of a vocational setting.

The referenced passage of the notice invites comments as to whether "certain classes of employees" should be excluded from the nondiscrimination rules of Section 89. The basic issue for rehabilitation facilities is the definition of who is an employee; and secondly the impact of the law on persons with disabilities who are employees of vocational rehabilitation facilities.

Historically, the IRS has not considered persons with disabilities who are receiving training in a sheltered workshop to be "employees" for purposes of withholding and Social Security tax purposes, even though such persons receive some compensation during their training. See Revenue Ruling 65-165. This Revenue Ruling distinguished this status from that of a person who has completed a training program and continues to work for a workshop permanently or while awaiting placement in competitive em-

ployment. This distinction is logical and should continue.

However, Section 89 raises other problems for people in vocational rehabilitation facilities who are employees.

It seems implicit in Section 89 that employers are hiring employees because it is in the employer's interest to do so. In providing work and incomes for disabled people, vocational rehabilitation facilities are not guided by this motive. Rather, their purpose is a social one, to afford employment and dignity for people with disabling limitations. Under these circumstances the value of imposing the requirements of Section 89 to their client population must be gauged by whether it expands or restricts potential benefits to them.

Most vocational rehabilitation facilities employ staff to provide training, supervision, counseling and other services to persons with disabilities served by the entity. These employees would and should be covered by Section 89 to the same extent as other employers subject to the law. Persons with disabilities who are served by the facility pose special problems. Application of the tests set forth in Rev. Rul. 65-165 only partially address this problem. Institutions employing large numbers of persons with disabilities who have completed a rehabilitation program face difficult choices if Section 89 is applicable to such persons. Many are covered by Medicare and Medicaid.

The economic effect of whether a person is an employee for purposes of withholding or Social Security is quite different from that of mandating participation in health and accident insurance, for example. In the latter case a physically or mentally disabled person may be an uninsurable risk on an individual basis and the presence of a substantial number of such persons in an institution may render the entity itself uninsurable or dictate premium rates that are not economical. Many such persons are entitled to Medicare benefits as a result of being disabled for two years or for Medicaid benefits as a result of their incomes or because they are beneficiaries of the Supplemental Security Income program under the Social Security Act. There are complex interrelationships between income, disability and physical/mental condition in the eligibility standards and benefits in these programs. For example, the Medicare and Medicaid Acts provide that group or other health insurance is now the first payor. Yet, under certain circumstances persons are allowed to retain Medicare coverage while working after periods of rehabilitation or in a sheltered environment. (See Section 1619, Social Security Act.)

In some cases special waivers have been granted to permit them to work without loss of these publicly supported health care programs. Requiring that the rehabilitation facility cover the full cost of such insurance will likely force, not the expansion of benefits for clients with disabilities, but rather the elimination of benefits for staff simply because of cost and the data gathering and reporting burden. At the same time NARF supports providing benefits, especially health benefits to persons with disabilities who do not have other coverage but finds that the IRC is not the proper forum. The result is as comfortable a fit as a square peg in a round hole.

We do not have sufficient information on the contemporary practices of various facilities to provide a comprehensive statistical analysis of this problem, but it certainly exists. It is compounded by the fact that persons with disabilities often are uninsurable or are insurable only at high rates and with "preexisting condition" exclusions. It is unclear whether such an exclusion would be regarded as discriminatory per se under Section 89. It would also be a crual irony if Federal law made the staff of a rehabilitation facility uninsurable as a group or priced them out of the market by requiring inclusion of disabled clients, who in many cases are covered by public programs.

We strongly suggest that persons served by rehabilitation facilities be excluded from Section 89 as not being the type of "employees" to which the law is addressed. We suggest that this exclusion extend to both persons in active training programs and those in sheltered or supported employment programs. At a minimum, certain definable populations should be excluded. These should logically include persons employed under Labor Department certificates pursuant to Section 14(c) of the Fair Labor Standards Act, persons receiving Supplemental Security Income payments, persons receiving Social Security Disability Insurance benefits and persons otherwise qualified for state Medicaid benefits. These groups are not exhaustive of the persons served in vocational rehabilitation facilities, but they constitute a considerable portion thereof.

It is our intention to supplement these comments as further information on the matter is developed. It is urgent that Section 89 not result in losses of benefits for current staff and impairment of services to persons with disabilities. To do so would defeat some of the original intent of Section 89. Those are the likely results of application of the law to clients in programs operated by vocational rehabilitation facilities.

We would be pleased to discuss these points with you. If you have any questions please contact me.

Sincerely yours,

CAROLYN ZOLLAR,
General Counsel.●

By Mr. GORE (for himself, Mr. SASSER, Mr. BURDICK, Mr. GARN, Mr. KASTEN, Mr. ROBB, Mr. LAUTENBERG, Mr. WILSON, Mr. HOLLINGS, Mr. STEVENS, Mr. CHAFEE, Mr. HATCH, Mr. LIEBERMAN, Mr. MATSUNAGA, Mr. PELL, Mr. COCHRAN, Mr. MITCHELL, Mr. BOND, Mr. SIMPSON, Mr. METZENBAUM, Mr. WARNER, Mr. HEFLIN, Mr. SARBANES, Mr. D'AMATO, Mr. PRESSLER, Mr. RIEGLE, Mr. MCCLURE, Mr. INOUYE, Mr. GLENN, Mr. DOLE, Mr. CONRAD, Mr. DECONCINI, Mr. THURMOND, Mr. ROCKEFELLER, Mr. PRYOR, Mr. LEVIN, Mr. LUGAR, Mr. KERRY, Mr. SHELBY, Mr. MURKOWSKI, Mr. GRAHAM, Mr. SPECTER, Mr. GORTON, Mr. DODD, Mr. CRANSTON, Mr. NUNN, Mr. JOHNSTON, Mr. HEINZ, Mr. BRADLEY, Mr. ADAMS, and Mr. ROTH):

S.J. Res. 148. Joint resolution to designate the week of October 8, 1989, through October 14, 1989, as "National Job Skills Week"; to the Committee on the Judiciary.

NATIONAL JOB SKILLS WEEK

● Mr. GORE. Mr. President, for the fourth straight year I am pleased to introduce along with a majority of my colleagues a resolution to designate National Job Skills Week. The purpose of this week is to highlight the many changes taking place in America's workplace, to focus attention on private and public job training efforts, and to make our Nation aware of our present and future work force needs. The resolution will designate October 8, 1989, through October 14, 1989, for the observance of National Job Skills Week.

I am happy to report that past observances of National Job Skills Week have been very successful in calling attention to the challenges we face in the workplace and emphasizing the need for developing a higher skilled work force that can continue to complete in the world economy. They have focused attention on the importance of training and retraining our Nation's workers. I am confident that future Job Skills Weeks will be just as successful, and I urge my colleagues to support the resolution.

Mr. President, I ask unanimous consent that the joint resolution be printed in the RECORD, as follows:

There being no objection, the joint resolution was ordered to be printed in the RECORD, as follows:

S.J. RES. 148

Whereas the ability to maintain an internationally competitive and productive economy and a high standard of living depends on the development and utilization of new technologies;

Whereas new technologies require skills that are currently lacking in the national workforce;

Whereas experts in both the public and private sectors predict that a shortage of skilled entry-level workers will exist through the remainder of this century;

Whereas young people in the United States are experiencing higher than normal unemployment rates because many of them lack the skills necessary to perform the entry-level jobs that are currently available;

Whereas these young people will continue to experience higher than normal unemployment rates unless they develop the skills necessary to perform the entry-level jobs that become available;

Whereas American workers who face dislocation due to plant closures and industrial relocation need special training and education to prepare for new jobs and new opportunities; and

Whereas a National Job Skills Week can serve to focus attention on present and future workforce needs, to encourage public and private cooperation in job training and educational efforts, and to highlight the technological changes underway in the workplce: Now, therefore be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the week of October 8, 1989, through October 14, 1989, is designated as "National Job Skills Week", and the President is authorized and requested to issue a proclamation calling upon the people of the United States to observe such

week with appropriate ceremonies and activities.●

ADDITIONAL COSPONSORS

S. 9

At the request of Mr. DOLE, the name of the Senator from South Carolina [Mr. THURMOND] was added as a cosponsor of S. 9, a bill to amend title II of the Social Security Act to phase out the earnings test over a 5-year period for individuals who have attained retirement age, and for other purposes.

S. 435

At the request of Mr. REID, the name of the Senator from Idaho [Mr. MCCLURE] was added as a cosponsor of S. 435, a bill to amend section 118 of the Internal Revenue Code to provide for certain exceptions from certain rules determining contributions in aid of construction.

S. 478

At the request of Mr. DODD, the names of the Senator from Iowa [Mr. HARKIN], the Senator from Nebraska [Mr. KERREY], the Senator from Oklahoma [Mr. BOREN], and the Senator from West Virginia [Mr. BYRD] were added as cosponsors of S. 478, a bill to provide Federal assistance to the National Board for Professional Teaching Standards.

S. 488

At the request of Mr. FOWLER, the name of the Senator from Oregon [Mr. HATFIELD] was added as a cosponsor of S. 488, a bill to provide federal assistance and leadership to a program of research, development, and demonstration of renewable energy and energy efficiency technologies, and for other purposes.

S. 527

At the request of Mr. BAUCUS, the name of the Senator from Alabama [Mr. SHELBY] was added as a cosponsor of S. 527, a bill to amend title XVIII of the Social Security Act to reclassify certain hospitals as sole community hospitals, and for other purposes.

S. 579

At the request of Mr. GLENN, the name of the Senator from Kentucky [Mr. MCCONNELL] was added as a cosponsor of S. 579, a bill to amend the National Traffic and Motor Vehicle Safety Act of 1966 to direct the Secretary of Transportation to establish Federal motor vehicle safety standards to require that a schoolbus is equipped with a system of mirrors that provide the driver when seated with an unobstructed view of certain areas under and alongside of the schoolbus, and for other purposes.

S. 698

At the request of Mr. HEINZ, the name of the Senator from Pennsylvania [Mr. SPECTER] was added as a cosponsor of S. 698, a bill to extend the suspension of duty on certain circular knitting machines and parts.

S. 721

At the request of Mr. BAUCUS, the name of the Senator from Alabama [Mr. SHELBY] was added as a cosponsor of S. 721, a bill to amend title XIX of the Social Security Act to provide coverage for certain parental and postnatal care services, and for other purposes.

S. 727

At the request of Mr. HEFLIN, the names of the Senator from Kansas [Mrs. KASSEBAUM], the Senator from Hawaii [Mr. INOUYE], the Senator from North Dakota [Mr. CONRAD], the Senator from Alaska [Mr. STEVENS], the Senator from Utah [Mr. GARN], the Senator from Idaho [Mr. SYMMS], the Senator from Indiana [Mr. COATS], the Senator from South Carolina [Mr. THURMOND], the Senator from Utah [Mr. HATCH], the Senator from Oklahoma [Mr. BOREN], the Senator from Arkansas [Mr. PRYOR], and the Senator from Indiana [Mr. LUGAR] were added as cosponsors of S. 727, a bill to amend the Animal Welfare Act to provide protection to animal research facilities from illegal acts.

S. 734

At the request of Mr. REID, the name of the Senator from Iowa [Mr. GRASSLEY] was added as a cosponsor of S. 734, a bill to authorize and direct the General Accounting Office to audit the Federal Reserve Board, the Federal Advisory Council, the Federal Open Market Committee, and Federal Banks and their branches.

S. 972

At the request of Mr. WIRTH, the name of the Senator from Massachusetts [Mr. KENNEDY] was added as a cosponsor of S. 972, a bill to transfer to the Secretary of Health and Human Services the authority of the Secretary of Energy to conduct epidemiological studies of the effects of radiation, and for other purposes.

SENATE JOINT RESOLUTION 108

At the request of Mr. HEFLIN, the names of the Senator from New Hampshire [Mr. HUMPHREY], the Senator from Illinois [Mr. SIMON], and the Senator from New Mexico [Mr. DOMENICI] were added as cosponsors of Senate Joint Resolution 108, a joint resolution designating October 3, 1989, as "National Teacher Appreciation Day."

SENATE JOINT RESOLUTION 117

At the request of Mr. BURDICK, the names of the Senator from Michigan [Mr. LEVIN], the Senator from New Jersey [Mr. BRADLEY], the Senator from Oregon [Mr. PACKWOOD], the Senator from North Dakota [Mr. CONRAD], the Senator from Minnesota [Mr. DURENBERGER], the Senator from Washington [Mr. ADAMS], the Senator from Idaho [Mr. SYMMS], the Senator from Ohio [Mr. METZENBAUM], the Senator from Rhode Island [Mr. CHAFEE], the Senator from Hawaii [Mr. MATSUNAGA], the Senator from Alaska [Mr. STEVENS], the Senator from Michigan [Mr. RIEGLE], the Senator from Washington [Mr. GORTON], the Senator from Arkansas [Mr. PRYOR], the Senator from Montana [Mr. BURNS], the Senator from Ohio [Mr. GLENN], the Senator from New York [Mr. D'AMATO], the Senator from Georgia [Mr. NUNN], the Senator from Kansas [Mr. DOLE], the Senator from Virginia [Mr. ROBB], the Senator from Idaho [Mr. MCCLURE], the Senator from Connecticut [Mr. LIEBERMAN], the Senator from South Dakota [Mr. PRESSLER], the Senator from Hawaii [Mr. INOUYE], the Senator from Mississippi [Mr. COCHRAN], the Senator from New York [Mr. MOYNIHAN], the Senator from Minnesota [Mr. BOSCHWITZ], the Senator from Maine [Mr. MITCHELL], the Senator from Indiana [Mr. COATS], the Senator from California [Mr. CRANSTON], the Senator from Indiana [Mr. LUGAR], the Senator from Massachusetts [Mr. KERRY], the Senator from Wisconsin [Mr. KASTEN], the Senator from Nevada [Mr. REID], the Senator from Missouri [Mr. DANFORTH], the Senator from Alabama [Mr. HEFLIN], the Senator from Oregon [Mr. HATFIELD], the Senator from Connecticut [Mr. DODD], the Senator from Florida [Mr. MACK], the Senator from Delaware [Mr. ROTH], the Senator from Pennsylvania [Mr. SPECTER], the Senator from Maryland [Mr. SARBANES], and the Senator from New Hampshire [Mr. HUMPHREY] were added as cosponsors of Senate Joint Resolution 117, a joint resolution to designate the week of November 19, 1989, through November 25, 1989, and the week of November 18, 1990, through November 24, 1990, as "National Family Week."

SENATE JOINT RESOLUTION 137

At the request of Mr. KASTEN, the names of the Senator from Arkansas [Mr. PRYOR], the Senator from Washington [Mr. GORTON], the Senator from Maine [Mr. MITCHELL], the Senator from North Carolina [Mr. HELMS], the Senator from Delaware [Mr. ROTH], the Senator from South Dakota [Mr. PRESSLER], the Senator from Wyoming [Mr. WALLOP], the Senator from Alaska [Mr. STEVENS], the Senator from New Hampshire [Mr. HUMPHREY], and the Senator from New Mexico [Mr. DOMENICI] were added as cosponsors of Senate Joint Resolution 137, a joint resolution designating January 7, 1990, through January 13, 1990, as "National Law Enforcement Training Week."

SENATE RESOLUTION 113

At the request of Mr. HEINZ, the name of the Senator from Minnesota [Mr. BOSCHWITZ] was added as a cosponsor of Senate Resolution 113, a resolution to discontinue the use of

polystyrene foam products in the Senate Food Services.

SENATE CONCURRENT RESOLUTION 41—RELATING TO HUMAN RIGHTS CONDITIONS OF JEWS IN ETHIOPIA

Mr. WILSON (for himself, Mr. BOSCHWITZ, and Mr. CRANSTON) submitted the following concurrent resolution; which was referred to the Committee on Foreign Relations:

S. CON. RES. 41

Whereas the Universal Declaration of Human Rights of the United Nations, to which Ethiopia is a signatory, recognizes the right of free emigration;

Whereas any nation's willingness to permit emigration for the purposes of family reunification is a practical demonstration of respect and concern for basic human rights;

Whereas the termination of Operation Moses left tens of thousands of Ethiopian Jews separated from their families in Israel, Western Europe, and the United States;

Whereas the Government of Ethiopia denies both emigration opportunities and foreign visitation rights to the Ethiopian Jewish community;

Whereas most of the 15,000 Jews remaining in Ethiopia have been separated by the exodus of thousands of their relatives who have sought refuge in Israel, Western Europe, and the United States;

Whereas 1,500 Jewish children whose parents are still in Ethiopia live as "orphans of circumstance" in youth villages throughout Israel;

Whereas a significant percentage of the remaining Jewish population of Ethiopia consist of elderly, ill, or dependent children who increasingly require the assistance and support of their relatives abroad;

Whereas the Ethiopian Civil War and the practice of villigization has significantly aggravated the incidence of poverty, malnutrition and death among Ethiopian Jews since 1985;

Whereas the Government of Ethiopia has repeatedly expressed an interest in establishing a more extensive bilateral relationship with the United States: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of the Congress that—

(1) a primary condition for improvement in relations between the United States and Ethiopia should be tangible progress in the human rights conditions for Ethiopian Jews, including the freedoms to emigrate, travel, and observe religious holidays, as well as a cessation of the "villigization" program and all other activities that divide, impoverish, or quarantine the indigeneous Jewish community;

(2) the President and Congress should condition any potential resumption of United States aid to Ethiopia on the Ethiopian Government's progress in implementing the commitments it makes and has made to respect human rights; and

(3) the President should instruct United States representatives in all appropriate international fora to support this important effort to facilitate the reunification of separated Ethiopian families. In particular, the United States Ambassador to the United Nations should be directed to petititon the U.N. World Food Program, the U.N. Security Council, and the U.N. General Assembly to exert diplomatic and political pressure on the Ethiopian Government to develop and implement a policy for the sustained emigration of Ethiopian Jews.

SEC. 2. The Secretary of the Senate shall transmit a copy of this concurrent resolution to the President.

● Mr. WILSON. Mr. President, I speak before the Senate this morning to raise my voice on behalf of a determined but brutally oppressed group of men and women who have been silenced through their torment by the Communist government of Ethiopia.

I refer to the Ethiopian Jewish community, now a collection of innocent families trying to flee from the crossfire of a raging civil war. The Jewish population of this country stands at approximately 15,000, and the regime in Addis Abbaba has tried to disintegrate the culture of these proud people by deliberately starving them, separating them, jailing them, and prohibiting them from worshiping together. As the spectacle of anti-Semitism haunted Auschwitz and the gulag four decades ago, so it terrorizes the villages of Ethiopian Jews today.

This situation, Mr. President, did not appear as bleak in 1984 and 1985, when the Government of the Sudan cooperated with Israel in implementing operation Moses. As a result, thousands of Jews left Ethiopia and flew from bases in the Sudan to their promised land. A successor operation conducted by the United States, known as Sheba, rescued several hundred more Ethiopian Jews and provided them a safe haven in our own country.

But neither Moses nor Sheba could liberate all of the Jews from their totalitarian captivity in Ethiopia. And so as late as 4 years after these noble rescue efforts, over 1,500 Ethiopian children in Israel remain separated from their parents while poverty, crop seizures, and forced collectivization continue to oppress the Jews who could not escape.

To focus the attention of Congress, the administration, and international organizations on the plight of Ethiopian Jewry, I introduce a resolution this morning, along with two distinguished cosponsors, Senators BOSCHWITZ and CRANSTON, urging the President to condition any potential resumption of United States diplomatic relations or direct assistance to the Ethiopian Government on specific improvements in the human rights conditions for Ethiopian Jews, including the right of free emigration.

Now this resolution, Mr. President, does not effect or recommend the cessation of humanitarian aid that America provides to the Ethiopian people through charitable institutions such as the Red Cross. It only addresses government-to-government contacts between the United States and Ethiopia and notes that at a time when the Mengistu regime appears to be seeking economic technology and political legitimacy from the West, the United States will not sacrifice the captive peoples of this ancient African land to the stale traditions of international diplomacy.

This resolution asserts, Mr. President, that our country—a nation of many nations—has a moral obligation to insist upon the basic liberties of religion, exit, and assembly before we impart the taxpayer's money or knowledge to foreign dictators.

So by discussing this issue today, we bear witness to a legacy of repression. But I think that we should also take a few moments to celebrate the amazing endurance of faith. The Ethiopian Government can always storm the temple, lock the church doors, and fill its prisons. Yet the perseverence of Ethiopian Jews demonstrates that communism only makes the spirituality of its captives more vibrant, and the crowded jails represent not a victory for the political order, but the very weakness of its authority.

We must never give the Ethiopian Government, however, an excuse to forget. I am optimistic that if we constantly remind them with our message that the world is watching and that the world cares, they will hear more than a few of the quiet pleas for liberty coming from places like the mountains of Eritrea or the reeducation camps of Gondar. I appeal, then, to the Senate for the expeditious passage of this resolution. We cannot give up on these brave and enduring souls who refuse to give up on each other or their God. With our help, they can still give new life to the hope that agony suffered by the just may yet bring victory.●

● Mr. BOSCHWITZ. Mr. President, today it is my privilege to cosponsor Senate Concurrent Resolution 41, introduced by my colleague Senator WILSON and also cosponsored by my colleague Senator CRANSTON. This bill expresses the sense of Congress that any future improvement of diplomatic relations with Ethiopia should be continued upon Ethiopia's willingness to allow free emigration for its Jewish minority.

There have been reports recently that Ethiopia seeks and welcomes improved relations with the United States. This resolution will put Ethiopia on notice that Congress will be watching to see that it upholds its commitment to free emigration. Ethiopia voluntarily accepted this commitment when it became a signatory to the U.N.'s Universal Declaration of Human Rights. The Mengistu regime has never renounced Ethiopia's adherence to the declaration.

The approximately 15,000 Ethiopian Jews who are still in Ethiopia are in desperate straits. They suffer from po-

litical oppression, poverty, malnutrition, and lack of opportunity. Most of those who remain are divided from their families in Israel. Parents left in Ethiopia have been cut off from their children. Children have been divided from their parents now living in Israel. This is simply intolerable.

By comparison, the upward of 10,000 Ethiopian Jews who were able to flee Ethiopia to Israel earlier this decade with the help of the United States have found the freedom from discrimination, the educational and professional opportunities, and the economic advantages so sorely lacking in the land of their birth. In Israel, they were welcomed in a generous outpouring of national support rivaling that given to any other refugee group in any country in the world.

Mr. President, as Senate cochairs of the Congressional Caucus on Ethiopian Jewry, Senator CRANSTON and I have spearheaded congressional measures calling on the Ethiopian Government to recognize the right of family reunification. Senator WILSON has always been active on behalf of Ethiopian Jewry. Despite our efforts, the struggle still goes on. I believe that Congress must continue to lend its support, and I strongly urge my colleagues to support this measure.●

SENATE RESOLUTION 141—AUTHORIZING REPRESENTATION BY THE SENATE LEGAL COUNSEL

Mr. DASCHLE (for Mr. MITCHELL, for himself and Mr. DOLE) submitted the following resolution; which was considered and agreed to:

S. RES. 141

Whereas, in the case of *The Honorable Alcee L. Hastings, United States District Judge v. The United States Senate, et al.*, No. 89-1602, pending in the United States District Court for the District of Columbia, the plaintiff has named as defendants the Senate; the Impeachment Trial Committee that has been appointed pursuant to Senate Resolution 38, 101st Congress, and Rule XI of the Rules of Procedure and Practice in the Senate When Sitting on Impeachment Trials; Walter J. Stewart, the Secretary of the Senate; and Joseph E. Jenifer, the Acting Public Printer of the United States;

Whereas, pursuant to section 703(a) and 704(a)(1) of the Ethics in Government Act of 1978, 2 U.S.C. 288b(a) and 288c(a)(1) (1982), the Senate may direct its Counsel to defend the Senate and its Members, committees, and officers in civil actions relating to their official responsibilities: Now, therefore, be it

Resolved, That the Senate Legal Counsel is directed to represent the United States Senate, the Impeachment Trial Committee, and Walter J. Stewart, the Secretary of the Senate, in the case of *The Honorable Alcee L. Hastings, United States District Judge v. The United States Senate, et al.*

AMENDMENTS SUBMITTED

DIRE EMERGENCY SUPPLEMENTAL APPROPRIATIONS, 1989

HEINZ (AND COATS) AMENDMENT NO. 133

Mr. HEINZ (for himself and Mr. COATS) proposed an amendment to the bill (H.R. 2072) making dire emergency supplemental appropriations and transfers, urgent supplementals, and correcting enrollment errors for the fiscal year ending September 30, 1989, and for other purposes, as follows:

On page 20, between lines 18 and 19, insert the following:

"STATE UNEMPLOYMENT INSURANCE AND EMPLOYMENT SERVICE"

"Funds made available under the Departments of Labor, Health and Human Services, Education and Related Agencies Appropriations Act, 1989 (Public Law 100-436), that are authorized under section 6 of the Wagner-Peyser Act (29 U.S.C. 49e) may be used to carry out the targeted jobs tax credit program under section 51 of the Internal Revenue Code of 1986".

ADAMS (AND OTHERS) AMENDMENT NO. 134

Mr. ADAMS (for himself, Mr. GORTON, and Mr. SYMMS) proposed an amendment to the bill H.R. 2072, supra, as follows:

Insert in the appropriate place:

The Secretary may use his section 32 authority in appropriate instances to stabilize the apple market and to satisfy the requests of recipient agencies.

METZENBAUM (AND GLENN) AMENDMENT NO. 135

Mr. BYRD (for Mr. METZENBAUM, for himself and Mr. GLENN) proposed an amendment to the bill H.R. 2072, supra, as follows:

At the appropriate place in the bill, insert the following new section:

"SEC. . From existing funds appropriated pursuant to Public Law 100-371, an act making appropriations for energy and water development for the fiscal year ending September 30, 1989, and for other purposes, the Secretary of the Army, acting through the Chief of Engineers, is directed to use $500,000 to undertake preliminary engineering and design for a project at West Fork at Mill Creek Lake, Ohio, pursuant to section 1135 of Public Law 99-662, a amended."

GRAHAM AMENDMENT NO. 136

Mr. GRAHAM proposed an amendment to the bill H.R. 2072, supra, as follows:

On page 14, after line 24, insert:

Section 553(b) of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1989 as contained in Public Law 100-461 is amended by adding two new subsections as follow:

(11) assistance consisting of sales and donations of agricultural commodities under Public Law 480, in an amount not to exceed $12,000,000.

(12) animal and plant health programs, where the assistance is primarily for the benefit of the United States.

NOTICES OF HEARINGS

SUBCOMMITTEE ON NUTRITION AND INVESTIGATIONS

Mr. LEAHY. Mr. President, I wish to announce that the Subcommittee on Nutrition and Investigations of the Committee on Agriculture, Nutrition, and Forestry will hold a hearing on June 15, 1989, at 2 p.m. on the reauthorization of WIC and child nutrition legislation. The hearing will be held in room 332, Russell Senate Office Building.

Senator TOM HARKIN will preside. For further information, please contact Mark Halverson of the subcommittee staff at 224-3254.

SUBCOMMITTEE ON AGRICULTURAL RESEARCH AND GENERAL LEGISLATION

Mr. LEAHY. Mr. President, I wish to announce that the Subcommittee on Agricultural Research and General Legislation of the Committee on Agriculture, Nutrition, and Forestry will hold a hearing on June 9, 1989, at 10 a.m. on the state of agricultural research and on June 20, 1989, at 9:30 a.m. on the mechanisms for establishing priorities in agricultural research programs. The hearings will be held in room 332, Russell Senate Office Building.

Senator THOMAS A. DASCHLE will preside. For further information, please contact Robert Wise of the subcommittee staff at 224-2321.

SUBCOMMITTEE ON CONSERVATION AND FORESTRY

Mr. LEAHY. Mr. President, I wish to announce that the Subcommittee on Conservation and Forestry of the Committee on Agriculture, Nutrition, and Forestry will hold hearings on June 21, 1989, at 1:30 p.m. on the sustainability of forest resources and on June 22, 1989, at 9 a.m. on conservation and agricultural practices. The hearings will be held in room 332, Russell Senate Office Building.

Senator WYCHE FOWLER, Jr., will preside. For further information, please contact Duboise White, Jr., of the subcommittee staff at 224-2035.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. JOHNSTON. Mr. President, I would like to announce for the public that a nomination hearing has been scheduled before the full Committee on Energy and Natural Resources.

The hearing will take place Monday, June 12 at 10 a.m. in room SD-366 of the Senate Dirksen Office Building in Washington, DC.

The purpose of the hearing is to consider the nominations of Cy Jamison to be Director of the Bureau of Land

Management, and Frank A. Bracken to be Under Secretary of the Interior.

For further information, please contact Nancy Blush at (202) 224-3606.

Mr. WIRTH. Mr. President, I would like to announce for the public that a hearing has been scheduled before the full Committee on Energy and Natural Resources.

The hearing will take place Thursday, June 22, 1989, at 2 p.m. in room SD-366 of the Senate Dirksen Office Building in Washington, DC.

The purpose of the hearing is to receive testimony on trends in domestic CO_2 emissions as they contribute to the phenomenon of global warming.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, anyone wishing to submit written testimony to be included in the hearing record is welcome to do so. Those wishing to submit written testimony should send two copies to the full committee, SD-306, Washington, DC 20510.

For further information, please contact Leslie Black of the committee staff at (202) 224-9607 or David Harwood, legislative assistant with Senator WIRTH at (202) 224-5852.

SUBCOMMITTEE ON ENERGY RESEARCH AND DEVELOPMENT

Mr. FORD. Mr. President, I would like to announce for the Senate and the public that the hearing originally scheduled before the Subcommittee on Energy Research and Development on June 6, 1989, at 2 p.m. on the current and future use of alternative motor vehicle fuels in the United States has been rescheduled.

The hearing will now take place on Thursday, June 8, 1989, at 2 p.m. in room SD-366 of the Senate Dirksen Office Building in Washington, DC.

For further information, please contact Ben Cooper or Teri Curtin at (202) 224-7569.

AUTHORITY FOR COMMITTEES TO MEET

SUBCOMMITTEE ON SOCIAL SECURITY AND FAMILY POLICY

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Subcommittee on Social Security and Family Policy of the Committee on Finance be authorized to meet during the session of the Senate on June 2, 1989, at 9:30 a.m. to hold a hearing on bills to improve public confidence in Social Security.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON HOUSING AND URBAN AFFAIRS

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Subcommittee on Housing and Urban Affairs of the Committee on Banking, Housing, and Urban Affairs be allowed to meet during the session of the Senate, Friday, June 2, 1989, at 10 a.m. to conduct hearings on S. 566, the National Affordable Housing Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON THE JUDICIARY

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on Friday, June 2, 1989, at 10:30 a.m. to hold a hearing on the ABA's judicial evaluation.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON DEFENSE INDUSTRY AND TECHNOLOGY

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Subcommittee on Defense Industry and Technology of the Committee on Armed Services be authorized to meet Friday, June 2, 1989, at 8:30 a.m. in open session to receive testimony on acquisition policy and the defense industrial and technological base.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

TERRY ANDERSON

● Mr. MOYNIHAN. Mr. President, today marks the 1,539th day of captivity for Terry Anderson in Beirut.

I ask that an article printed in the March 12, 1989 Philadelphia Inquirer be printed in the RECORD.

The article follows:

STILL HOSTAGES—SOMEWHERE IN LEBANON, NINE MEN LANGUISH, FEARING THE UNITED STATES HAS FORGOTTEN THEM

It was a wintry day in Beirut in 1987 when Thomas Sutherland reached for the bag to end his frustration.

For two years he had been held hostage in Lebanon. For almost 700 days he had been locked in a windowless room.

"Your family has forgotten you," the Shiite Muslim guards taunted him. "They've gone on with their lives."

Before, there had been the company of other hostages. Now he was alone.

He picked up a red plastic garbage bag next to his mattress, pulled it over his head and tightened the bottom around his neck.

And he tried to suffocate himself.

Today Thomas Sutherland remains a hostage in Beirut. Several attempts taught him that self-suffocation is not easy.

He is one of nine Americans held hostage by Muslim extremists who also hold six other Westerners.

Theirs is a wretched captivity, marked by endless waiting for a release that may never come, random threats from youthful gunmen and tantalizing glimpses of the outside world they once knew.

As the months turn into years, the hostages are beset by fear that they have been forgotten by their countrymen and their government.

Their lives are equal parts fear, frustration and monotony.

"They're kept like blind rabbits in a box," says David Jacobsen, a hostage who was released in 1986.

The Americans held in Beirut live in tiny, windowless rooms in the city's southern slums. Some are chained by the wrist or ankle 24 hours a day. Others live in cells barely big enough to fit their mattresses.

Their torture is rarely physical.

There is enough to eat and hostage Robert Polhill receives a daily insulin shot. There is television—Knots Landing to the tune of machine-gun fire in the streets outside.

They are captives simply for the crime of being American, cut off from their families and their world. The same guards who occasionally give them popcorn also terrorize with mock executions. And every so often they are taped like mummies from head to toe, tossed into a truck and moved to a tiny room somewhere else.

One of them fled into the streets of Beirut, only to be turned in by neighbors sympathetic to his captors.

Another was beaten so badly for attempting to escape that he "isn't the same man anymore. He isn't trusting, almost like he had just gone into a shell."

Another hostage lies on his back all day, deliriously chattering to himself.

And three former Beirut University College professors can barely walk. Except for three daily bathroom trips, they are chained to a wall 24 hours a day.

From his cell, Terry Anderson has followed a Miss America pageant and the Seoul Olympics.

The longest-held of the hostages, Anderson will begin his fifth year in captivity on Thursday. Though struggling mightily to make use of the idle time, he has been known to bang his head against the wall in frustration.

In a videotape released by his captors last fall, Anderson, a correspondent for the Associated Press, asked why it was that President Ronald Reagan was able to free two trapped whales, but not Terry Anderson.

Back home, State Department officials say they are pursuing "every avenue" to free the hostages. But since the Iran-contra scandal, the United States has refused to make concessions to those who hold the hostages.

The kidnappers—Shiite Muslims who belong to the pro-Iranian Hezbollah, or Party of God—have made several demands, chief among them that the United States pressure Kuwaiit to release Shiite terrorists jailed in that country.

President Bush suggested in his inaugural address that release of the hostages would be interpreted as a gesture of good will on the part of Iran, and said, "Good will begets good will."

But a top-level Iranian official quickly slapped aside the olive branch, saying it was not the United States' place to dictate when or why the hostages should be released. It was up to the United States, he said, to make the first show of good will.

It is a stalemate between nations, and the freedom of nine Americans hangs suspended in the balance.

Terry Anderson, Thomas Sutherland, Frank Herbert Reed, Joseph James Cicippio, Edward Austin Tracy, Jesse Jonathan Turner, Robert Polhill and Alann Steen, thought to be held in Beirut, and William R. Higgins, believed to be in southern Lebanon.

Though all that the world has seen of them since they were kidnapped in Lebanon has been in grainy photographs and videotapes released by their captors, a good deal is known about their lives and conditions.

The following account was pieced together from interviews with their families, the

State Department and former hostages. The most recent information comes from released hostages who were debriefed by U.S. officials. Though they acknowledged that conditions may have changed, the ex-hostages and officials say that the routine of hostages' life has been firmly established after years of capitivity.

A week before he was kidnapped, Terry Anderson poked a young photographer in the belly.

"Be careful," he said. "You're a soft target."

The fatherly warning was directed at Don Mell, just beginning his career with the Associated Press, but it also was an acknowledgment. Beirut, in 1985, was getting a little hairy.

Once it had been a cosmopolitan city, appreciated by foreigners for its Mediterranean views, sidewalk cafes and parties. It was more Western than most. Middle Eastern cities, and diplomats considered themselves lucky to be posted there.

But by 1985, the city had collapsed into a frightening chaos. After a decade of civil war, there was no defined front. Random car bombs exploded in shopping areas. Rubble littered the sidewalks. Bands of rival militias sniped at each other from positions all over the city as Lebanese police stood by.

Amid it all, Western journalists hopped back and forth, flashing press credentials to get through checkpoints.

"We all tried to be like spiders, with eyes in the backs of our heads," says Mell.

Anderson shrugged off the danger more easily than most. The chief Middle East correspondent for the AP, he was a tough, skeptical former Marine who had served two tours in Vietnam.

On this particular day, however, Anderson seemed nervous.

It was March 16, 1985, a beautiful Saturday morning. He and Mell had just finished their regular tennis match.

Throughout the match, a man watched from a green Mercedes parked nearby. And now, as they sat, sweaty and chatting in a car parked in front of Mell's house, the Mercedes pulled up behind them.

Four men jumped out. One grabbed Anderson in a bear hug, pulling him from the car.

"Terry had a look in his eyes like, 'Do something,' " recalls Mell. "He had the look of a man who was doomed."

But Mell couldn't budge. One of the men held a 9mm pistol to his head. As people froze in the street, Anderson was shoved into the back seat of the Mercedes.

Suddenly Terry Anderson, reporter, had become Terry Anderson, news story—Terry Anderson, hostage.

By all accounts, the first hours as a hostage are terrifying and bewildering.

The Rev. Lawrence Martin Jenco was snatched from the street and stuffed into the suffocating trunk of a car.

Bumping along in the dark and breathing the exhaust, he thought of death and of all the people he had seen on television, discovered dead in the trunks of cars.

"I had taught a course on death, but I realized I might not have time for all four stages (of acceptance)," Father Jenco said. "I asked the Lord to hurry."

Pulled from the trunk, he could not walk. He was dragged into a building and seated on a cement block. He found himself staring into the eyes of a young Lebanese man.

"You are dead," the man said.

Blindfolded and chained in a small room, most of the hostages spent the first terrifying weeks alone.

Thomas Sutherland, a mild-mannered professor who had spent much of his life teaching animal husbandry, called the closet where they kept him "the horse stall."

At first, his guards were interrogators, insisting he was a CIA agent. Their evidence: a Marine Corps medal they found in his briefcase. Sutherland had never been in the Marines or the CIA—the medal was a souvenir—but his denials only made his guards more suspicious.

They threatened him with death. They held their guns against his head and pulled the trigger.

A hollow click: an empty chamber.

At night he lay doubled over on a cot too large to unfold fully in "the horse stall." A light bulb dangled overhead, heating the already stifling air. Mosquitos feasted on his chained body. Outside his door the guards fired their rifles in the hallway.

Eventually, the guards gave up their terrorism. But he and other hostages were continually threatened for a variety of infractions—peeking from beneath a blindfold or stealing a spoon.

"One night a guard stood on my chest with a machine gun," recalls Father Jenco. "He said, 'You are not allowed to snore.' "

William Buckley, the CIA station chief in Beirut, was kidnapped March 16, 1984.

Apparently tortured, he caught pneumonia in the spring of 1985. He lay chained to a pillar in the middle of a room shared with two other American hostages.

The guards refused him a doctor. At times, they refused him water.

He withered gradually. Carried to the bathroom, he sat helpless on the floor.

Finally delirium and hallucinations set in.

He died on June 3, 1985.

His last words: "I'd like some poached eggs and toast, please."

"Today, the hostages are held in Beirut's southern suburbs, a neighborhood of crooked dirt roads and bombed-out houses.

It is a life of unrelenting boredom and numbing loneliness.

"Another day, another dollar," Terry Anderson says to greet each new day.

Sutherland and Anderson share a room with gray walls and a single air vent. The windowless room measures about 36 square feet and has two light bulbs—white for day and blue for night.

The door is double-locked.

Except for a 15-minute trip to the bathroom each morning, they never leave the room.

In winter, the room is cold. In summer, the air is fetid and they sweat into their cotton mattresses. In nearly four years, they probably have seen the moon once.

In the morning, before the guards come, they pray. They have nicknamed their religion "the church of the locked door." Anderson has fashioned a rosary bead chain from string and bits of fuzz.

The guards arrive about 8 a.m., unlocking the door. Before it swings open the hostages are required to don blindfolds. Their captors don't want to be seen.

Within 15 minutes in the bathroom they must wash, use the toilet and clean their spoon and bowl. The rest of the day, they urinate into bottles.

After the bathroom, there is breakfast—often yogurt or bread and cheese. Then Anderson furiously cleans his mattress for half an hour with a broom.

Lunch is heartier—stew, perhaps—and supper is often bread and soup.

Sometimes it is as though they are living behind a one-way mirror—hidden from view but catching glimpses of the outside world.

The guards allow them to watch television—Knots Landing or, on one occasion, the Miss America pageant in Atlantic City.

Though news programs are banned, the guards have shown them videotapes of their families pleading for their release. And the hostages know that U.S. officials refuse to make concessions to win their freedom.

They know they were not an issue in last fall's presidential campaign. They know Ronald Reagan interceded to help save two trapped whales off Alaska.

Anderson, already critical of U.S. policy, has become deeply cynical. He feels forgotten by the U.S. officials.

In four years of captivity, he has become like a caged animal. Always active, questioning and restless, he is nearly manic.

He runs in place—running so much that he has had to sew pads on his socks. He does push-ups—600 a day, in sets of 100.

He has a chess set made of the foil wrappers from processed cheese, La Vache Qui Rit. He also made a deck of cards, but the strictly religious guards confiscated them as un-Islamic.

Sutherland and Anderson lead each other on imaginary walks. Pacing in circles around their cell, Anderson, who used to work for the AP in Japan, describes Tokyo's shrines.

Sutherland, in turn, leads Anderson on tours of Scotland, where he was born. Often, the tours end in imaginary feasts. The Scotsman has spent three years fantasizing about strawberries and cream, and Manhattans.

Sutherland also recites Scottish poetry. At Colorado State University, where he used to teach, he was known as "the crazy Scotsman" because he amused his classes by showing up in a kilt and reciting Robert Burns' poetry.

Together, the two practice French, which Sutherland is teaching to Anderson. And they plan Anderson's farm in upstate New York. Anderson quizzes Sutherland, an agriculture teacher, on the number of boards, nails, chickens and cows he will need.

"Terry is very restless, very courageous. He is determined to use his time usefully," says Father Jenco, a former hostage who once was held with Anderson.

In the afternoon, the two men nap or read.

Lights out is at 9 p.m. The men lie on their mattresses, often listening to the fighting outside.

"You wake up early in the morning and you hope that something will happen today," recalls Mithileshwar Singh, a former hostage. "Nothing happens in the morning. So you keep hoping that something is going to come by noon. Nothing comes. You hope something will come by evening. Nothing comes. And then again you go to bed hoping that something will come tomorrow morning. How many days can you keep on hoping like this?"

Alann Steen, Robert Polhill and Jesse Turner live on three mattresses, chained to walls in a room without a window or vent. Their legs have atrophied so from lack of exercise that they have trouble walking.

Occasionally their guards bring them movies to watch—karate movies are the guards' favorite. But the three professors spend most of their time playing bridge.

"I sometimes wonder what they are doing after I left," says Mithileshwar Singh, a fourth professor, who was released in October. "You need four to play bridge."

Their guards and those of all the hostages display a curious combination of concern and cruelty.

Young men who are paid $30 a month and speak a little English, they like to show off their weapons, even pointing out that some of their guns are American-made.

One guard, Badir, likes to treat the Americans to good, strong Arabic coffee in the mornings, but becomes petulant if he isn't thanked. Another guard wrestles with Anderson for fun, but insists that the former Marine keep his blindfold on.

Several who want to immigrate to America have asked the hostages for help.

They call the head of Anderson's guards "the Hajj," or boss. A small man who is a junior cleric, the Hajj likes to discuss politics and religion. He lectures the captives on Islam, and often complains about the United States.

"Why doesn't your government talk to me?" he asks.

The days slip by in slow motion for the men trapped behind the looking glass. In a world in which each day seems as meaningless as the last, they search for dates or signs that hold some sense of promise.

Last fall, the professors hoped they would be released in time for the U.S. presidential election. When that date passed they settled on Jan. 20, the day that Ronald Reagan would leave office.

When no date holds meaning, they consider the implications of every action by their captors. Each move from one house to another is taken as a possible sign of impending release.

So are changes of clothes, haircuts and Western food. And the guards themselves fuel the hostages' hopes.

"You will be released soon," they often say. "Then we can go home."

The most potent military the world has ever known is impotent to save its citizens in Beirut.

A U.S. rescue attempt "would be suicidal," says former hostage Jean-Paul Kauffmann.

Though the State Department says a rescue has not been ruled out, officials acknowledge that all the hostages might die at the first sign of a rescue attempt.

And the hostages know it.

And their desperation deepens.

Frank Reed and Alann Steen both attempted escape. In 1987, Steen ran from the building where he was held, only to be turned in by watchful neighbors.

Both men were beaten for their efforts—Reed so badly that his daughter, Marilyn Langston, says, "My father isn't the same man anymore, I've been told. It's almost as if you touched someone and they flinched. Almost like he had gone into a shell."

It has been a breaking strain for several of the hostages. Edward Austin Tracy, 58, has "gone mad," according to Jean-Louis Normandin, a French cameraman who was held with him.

An itinerant writer who has roamed the world writing children's books, Tracy lives in fear of his guards. Normandin said he "lies prostrate on his back, talking to himself all day long."

The breaking point came in 1987 for Thomas Sutherland.

Missing his family and beset by a feeling that he would never see freedom, Sutherland began talking more and more of suicide.

One morning fellow hostage David Jacobsen awoke to find Sutherland with a plastic garbage bag pulled over his head.

"What are you doing?"

Sutherland sheepishly took the bag off his head.

"Trying an experiment."

Even Terry Anderson, perhaps the most resilient of the hostages, finally broke.

On Christmas Eve in 1987 he began beating his head against the wall until it ran with blood.

Said a fellow hostage, "He lost his courage."

Several months later the captors released a videotape. A weary Terry Anderson, his hair freshly clipped, spoke in a measured tone as he stared into the camera:

"I'm in good health, but tired and very lonely . . . Mr. President, I say again, this cannot continue. There is a limit to how long we can last. Some of us are approaching that limit very rapidly."

JOHN C. DUGAN

● Mr. GARN. Mr. President, I rise today to pay tribute to John C. Dugan, the Republican general counsel of the Senate Committee on Banking, Housing and Urban Affairs. Mr. Dugan left this post, after a job very well done, in order to become the Deputy Assistant Secretary for Financial Institutions Policy in the Department of the Treasury.

John's career is already very distinguished. He graduated with honors from the Harvard Law School in 1981. After spending 4 years with a private law firm practicing in the international trade area, he joined the Senate Banking Committee staff in 1985 as Republican counsel for banking issues. Within a short period, he became an indispensable member of the staff, helping to draft both the financial deregulation bill and the Senate's FSLIC recapitalization bill of 1986.

Less than 2 years after joining the committee, John became the Republican general counsel, and in this role was instrumental in crafting the CEBA Legislation which was enacted into law in 1987. Just one example of John's dedication to the Senate is that he nearly missed his wedding and gave up his honeymoon in order to assist the committee in its deliberations on this important legislation in the summer of 1987.

As general counsel, John has proved to be a valuable asset to all members of the Banking Committee. His expertise and in-depth knowledge of the banking laws has been ably demonstrated time and again. John played a major role in drafting the bipartisan Proximre Financial Modernization Act, which passed the Senate by an overwhelming margin last year. This time his wife Beth's dedication was tested as she had to manage their move to a new house singlehandedly during debate on the bill.

In recent months he has been instrumental in assisting committee development of the Financial Institutions Reform, Recovery and Enforcement Act which was recently passed by the Senate, and which may be one of the most significant pieces of banking legislation in this century.

John's integrity, ability to work with staff and Members on both sides of the aisle, and devotion to the public interest are beyond question. I hold John in the highest regard, both personally and professionally, and his departure will be a real loss to the committee. I know that John Dugan will continue to make an important contribution in his new role in the Department of the Treasury, and I wish him the best of luck in his new position.●

PRIVATE PURPOSE MUNICIPAL BONDS

● Mr. BENTSEN. Mr. President, the Congress fought off efforts by the administration to tax all interest on so-called "private purpose" municipal bonds during debate on the Tax Reform Act of 1986. There are not any proposals on the horizon to revisit that issue, much less public purpose bonds. There is a strong feeling in the Congress that the Federal Government should not interfere with the tax exemption for public purpose bonds. That exemption is important to the achievement of many crucial public policy objectives, and I would strongly oppose any suggestion to repeal it.

Last year, however, in the South Carolina versus Baker case, the U.S. Supreme Court ruled that the U.S. Constitution does not guarantee the tax exemption of interest on bonds issued by State and local government. Since that time, a number of State officials, including my good friend Ann Richards, treasurer of the State of Texas, have urged the Congress to propose to the States for ratification a constitutional amendment prohibiting the Federal Government from imposing tax on interest paid on public obligations. I have been asked to enter into the RECORD a resolution to this effect passed by the Texas State Legislature, and I ask that it be printed in the RECORD.

The resolution follows:

SENATE CONCURRENT RESOLUTION

Whereas, In *South Carolina* v. *Baker*, the Supreme Court of the United States ruled that the constitution does not prohibit the federal government from taxing the interest on state and local government bonds; and

Whereas, In the same opinion, the court also ruled that the states must find protection from congressional regulation through the political process; and

Whereas, The federal government has reduced financial support for state and local government projects while the need for public initiatives has grown; and

Whereas, State and local bonds are an increasingly important source of revenue for state and local governments to finance public initiatives; and

Whereas, Taxation of the interest earned on state and local government bonds would directly add to the costs of essential public

initiatives and impair their development; and

Whereas, Congress has refrained from taxing the interest earned on such bonds in the past; now, therefore, be it

Resolved, That the 71st Legislature of the State of Texas hereby memorialize the Congress of the United States to propose to the states for ratification the following amendment to the United States Constitution:

The congress shall not have the power to lay and collect taxes on income representing interest on obligations issued by or on behalf of the several states and their political subdivisions to raise revenues for governmental undertakings and operations for a public purpose or to finance property owned and operated by governmental entities for a public purpose.

This article shall not restrict the power of the congress to exclude from taxation income or other amounts derived from other obligations issued by or on behalf of the several states or their political subdivisions.

; and, be it further

Resolved, That the Texas Secretary of State forward official copies of this resolution to the President of the United States, the Speaker of the House of Representatives and the President of the Senate of the United States Congress, each member of the Texas delegation to the congress, the chairman and members of the Ways and Means Committee of the House of Representatives, chairmen and members of the house and senate judiciary committees, and the chairman and members of the Finance Committee of the Senate of the United States Congress with the request that this resolution be officially entered into the Congressional Record as a memorial to the Congress of the United States of America.●

THE INTERNATIONAL ECONOMICS SCENE

● Mr. SYMMS. Mr. President, the international economics scene is increasingly of concern to us in the Congress, as the United States becomes more and more involved in world trade and world finance—or perhaps I should say, as the rest of the world becomes increasingly involved in the United States.

Many of my colleagues look with worry and alarm at the growing economic strength of our trading partners. I have repeatedly said both here and in the Finance Committee that the health and welfare of our friends is, and should be, a cause for good feelings because in economics, unlike politics, the stronger and healthier the other guy is, the more he can do for you and with you to your mutual advantage.

In politics, as in many adversarial situations, a strong opponent is just that—an opponent. We need to keep in mind these days, when so many voices are talkiing about international economics as if it were an adversarial game rather than a game of mutual profit and prosperity, that America is going very, very well, thank you; and we want to keep the good times rolling.

Because it is so easy to see a dark lining behind every silver cloud, we have also seen a rising sentiment toward protectionism, with the trade deficit as the excuse the protectionists use to put a "public interest" face on some purely private interests.

Yet as two articles clearly show, published in the May 29, 1989, issue of the Washington Times, by columnists Patrick J. Buchanan and Warren T. Brookes, the U.S. economy, spearheaded by a strong export performance, is still on an upswing, resulting in a recent drop in the trade deficit. This was accomplished in spite of a strong dollar, which according to many economists should have made our exports more expensive, and therefore, less competitive.

Indeed, the rise of the U.S. dollar in recent weeks, as Pat Buchanan's article shows, attests to the strength and the confidence others have in the U.S. economy.

Mr. President, the message of these two articles is clear. We must not get mired down in policies to manipulate the exchange rate of the dollar. I have often said, no nation has ever gotten richer by debasing its currency, and the calls for a lower dollar are exactly that.

We must encourage and support free trade. Protectionist measures, which could lead to a trade war, would be harmful to the United States as well as to the global economy. Everybody would be worse off; nobody would gain an advantage.

I ask that the two articles, by Mr. Buchanan and Mr. Brookes, be included in the RECORD.

The articles follow:

[From the Washington Times, May 29, 1989]

RIDING HIGHER ON A FREE TRADE WAVE

(By Warren T. Brookes)

As Memorial Day dawns, a lot of Washington free-market economists will be putting flowers on the Reaganomics grave, convinced that President George Bush or at least some of his advisers are now trading away market economics for the fool's gold of protectionism, mercantilism and corporate state welfarism.

If Mr. Bush listens to Commerce Secretary Robert Mosbacher and the hysterical shakedowns of the lustful electronics industry who last Thursday said the sky would fall if Congress didn't give them $1.4 billion, he might easily be tempted.

But if Mr. Bush is listening to his wise chief economic adviser, Michael Boskin, lecture on the foolishness of such ideas, he will stop to consider the remarkable performance of the current economy, and nip this crackpot protectionism in its June bud.

The May 17 good news on the falling U.S. trade deficit was almost entirely the result of a powerfully vigorous U.S. export sector, which is now expanding rapidly enough to offset easily the sharp slowdown in the domestic economy engineered by the Federal Reserve. This demonstrates that, as Mr. Boskin warned recently, "the greatest danger to the current recovery would be a trade war."

Mr. Boskin is right. Not only is free trade crucial to continued expansion, but, contrary to conventional wisdom, it is the main stimulus of a now strongly rising standard of living.

Back on April 28, the U.S. Commerce Department reported that personal income rose another 0.8 percent in March, bringing the first-quarter rise (December to March) to an amazing annual rate of nearly 15 percent, more than 9 percent real.

In the 76th month of the nation's longest peacetime recovery, year-over-year per capita disposable personal income rose a powerful 3.8 percent, getting steadily stronger.

OUR RISING LIVING STANDARD

[Trends in real personal income; in percent]

	Total	Per capita	Per capita disposable
Averages:			
1970–75	2.7	1.6	1.9
1975–80	3.3	2.2	1.7
1980–85	2.8	1.8	1.8
1985–88	2.9	1.9	2.2
Year-to-year:			
1988–1	3.2	2.2	1.9
1988–2	3.3	2.4	3.2
1988–3	3.4	2.5	3.4
1988–4	2.6	1.7	2.7
1989–1	3.7	2.8	3.8

Source: Bureau of Economic Analysis.

But even before this good news could sink in, the following Monday (May 1), The Wall Street Journal featured a lead story by The Journal's top economics reporter and usually skillful Reaganomics critic, Alan Murray, with the headline:

"Many Americans Fear U.S. Living Standards Have Stopped Rising." But Mr. Murray's story ignored the factual evidence of a very strongly rising standard of living and rested entirely on a poll by The Journal and NBC News, in which "despite seven years of solid economic growth, Americans who think the standard of living is falling narrowly outnumber those who think it is rising."

Mr. Murray reported that "although 63 percent think their generation is better off than that of their parents, only 40 percent are confident that their children's generation will be."

Given the incredibly relentless gloomy assessment of the Reagan years by its critics (sometimes disguised as reporters), that weak confidence about the future is not too surprising.

The language of the Journal's report was illustrative:

"The economic confidence of the postwar years has faded." But, in fact, consumer confidence as measured by both the Conference Board and the University of Michigan has remained at near-record levels, after recovering from the 1987 October crash.

"Has the American dream of ever-rising living standards vanished, dwindled to a faint hope, or merely gone into hibernation?" The Journal asked. But, Gallup and other polls show no change in the traditional connection between confidence in the future and real personal income growth, now so strong.

So much so, in fact, that the University of Michigan was able to predict the 1988 presidential election outcome and margin in June 1988 within half a percentage point, using income data.

"Although the rise of living standards has slowed, it hasn't stopped," Mr. Murray ad-

mitted condescendingly. Indeed it hasn't. Over the last six quarters, per capita disposable income has risen at an average rate of more than 3 percent—equaling the nation's best performance of the 1960s and better than in any other decade.

But he added, "In the past decade and a half, the economy's ability to provide greater returns to every working American has faltered." Yet the recovery from 1982 to 1988 has raised per capita disposable income by an average of 2.7 percent a year, compared with 2.4 percent for the recovery of 1975 to 1979, and only slightly below a war-hyped 3.0 percent rate 1960 to 1970.

In short, there is no evidence that U.S. living standards are on anything but a solidly improving trend, suggesting that The Wall Street Journal piece was interesting opinion but otherwise a "non-story."

Such deliberate efforts to downgrade the real success of the Reagan economy seem to have intensified ever since it was learned that on April 23, Mr. Bush spent nearly three hours discussing economic policy with some of the nation's most committed supply-siders.

That must have been as troubling to Reaganomics critics as it was reassuring to Mr. Bush's free market critics, who can now only hope Mr. Bush takes their advice.

[From the Washington Times, May 29, 1989]

SIGNAL OF THE STRONG DOLLAR

(By Patrick Buchanan)

In one uncharitable definition, a liberal is a man who devoutly believes what everyone else knows to be absurd.

Examples abound: The death penalty never deterred anybody! War never solved anything! The surest way to peace is through disarmament. We and the Soviet must learn to trust each other. There is no such thing as a bad boy.

From recent commentaries, let me append another: A weaker dollar means a stronger America.

Lately, the U.S. dollar has begun a strong recovery of the immense value lost against other currencies in recent years. Where, back in 1985, the dollar bought nearly 240 yen, by last year, its value had plummeted to 120. Cheering this collapse, economists clamored for even deeper drops. The dollar, however, had other ideas. Months ago, it turned around and headed north, passing 140 yen last week, and cruising past two marks, the highest level against the German currency in more than two years.

"The dollar is king," said one foreign banker; reading the remark, I quietly exulted.

Apparently, however, this natural sentiment was blockheaded, if not un-American. Rather than take satisfaction in the new strength of the dollar, our gurus are falling all over one another in apprehension. We have lost control they say; the global agreement to keep the dollar down is falling apart; this is a disaster. We must act!

But, why?

American troops on the front line of freedom, in Germany and Korea, and U.S. diplomats, are paid in dollars. When its value rises, their standard of living rises; American businessmen and tourists find that their travelers checks go further, that they themselves are better treated. Is this bad for America?

The stronger the dollar, the more U.S. foreign aid buys for poor countries. And, while there are chronic complaints that the Brits, Dutch and Japanese are buying up our basic industries and real estate, a stronger dollar makes it easier for us to buy up theirs.

As the dollar rises, imports become cheaper; this increases the options of U.S. consumers, maintains healthy competitive pressure on U.S. business to keep prices down, to perform more efficiently. A strong dollar is anti-inflationary. That's bad?

If the dollar continues its rise, we are warned, Federal Reserve Chairman Alan Greenspan may be forced to cut interest rates. Are we supposed to tremble at a move that would make it easier for the average citizen to buy a home or a car? Go ahead, Alan, make our day!

The key argument against a strong dollar, however, is this: The stronger the dollar, the cheaper the imports, the more expensive our exports; thus, the larger the trade deficit, the worse the situation for U.S. business, and, eventually, for jobs in the United States.

But, does the argument hold water?

If trade deficits destroy jobs, how did the United States, running the largest trade deficits in history, create 18 million new jobs in the Reagan recovery, while Europe, with its surpluses, didn't create one, How, with these historic deficits, was our jobless rate cut in half, to 5 percent?

There comes a point when Chicken Little has to produce. When, exactly, is the sky going to fall?

Beginning in 1985, the United States began, deliberately, to push down the value of the dollar. To me, it never made sense. At 240 yen, a $50 billion trade deficit will buy twice as many cars, computers and TVs from Japan, as a $50 billion trade deficit at 120 yen. Isn't it better for America to have those extra goods?

Why complain, says Milton Friedman, if foreigners are willing to trade their products for little pieces of American paper?

During America's expansionary century before World War I, we ran a trade deficit every year; during the Great Depression, however, we ran a nice surplus. Mexico and Brazil have large trade surpluses; do we want to imitate them?

The dollar rises in value when the demand for dollars rises. Why do people want dollars? Not to eat them or stuff them into mattresses, but because they need dollars to buy from America or to invest in America. Isn't this then a sign of strength? As the dollar has risen, the stock and bond markets have risen as well; are these the signs of a weak economy?

Some economists are warning that if the dollar continues its rise, we will face new protectionist legislation from Congress.

Here, we come to the heart of the matter. Our problem is not economic, it is political. It is not the patient, the U.S. economy, which is doing well; but the doctor, the Congress, which may panic and conduct unnecessary and savage surgery, because it does not comprehend what it is hearing on the stethoscope.

When it is not necessary to change, it is necessary not to change. The old adage would serve the president well. As he keeps one eye on the dollar, he should keep a sharper eye on the Congress.

No nation ever perished because its currency was too strong; many have perished because a legislature was too foolish.●

REASON FOR ABSENCE

● Mr. MURKOWSKI. Mr. President, I wish to advise my colleagues of the reason for my absence from the Senate this week. Beginning on Friday, May 26 and continuing through Saturday, June 3, I will be conducting a series of town meetings throughout Alaska on the effects of the *Exxon Valdez* oilspill. While I regret having to be absent from the Senate and having to miss votes on the supplemental appropriations bill, I believe it is more important for me to be in my home State during this week.

Since March 24, 1989, when the *Exxon Valdez* spilled 11 million gallons of crude oil in Prince William Sound, the citizens of Alaska have been struggling to make sense out of this catastrophe. They have asked themselves and each other innumerable questions:

How could such an accident happen?

Why was the initial response to the spill so inadequate?

How could the oil industry and the Government be so unprepared to deal with a disaster of this magnitude?

Why are the cleanup efforts so disorganized and apparently ineffective?

But the most important question all Alaskans have been asking is: How can we ensure that such a catastrophe does not happen again?

Mr. President, I do not mean to imply that people who do not live in Alaska have not asked themselves the same questions. They have and will continue to do so. But I believe that the citizens of Alaska, because they are the people most directly affected by this disaster, have pondered these issues more than most.

Mr. President, the asking of all these questions has not been a futile effort. To the contrary, Alaskans are reaching conclusions and are providing answers to those questions. And, that is why I arranged the town meetings in Cordova, Valdez, Homer, Soldotna, Anchorage, Fairbanks, Palmer, Seward, and Kodiak. I wanted to hear firsthand what Alaskans are thinking about these questions and about the oilspill in general. I wanted to understand what they are feeling and what they think we in Congress ought to be doing to respond to the oilspill.

Most importantly, Mr. President, I wanted to know what Alaskans think the Congress should do to ensure that such an oilspill does not happen again.

When I return to the Senate next week I intend to share with my colleagues what I have learned from these town meetings.●

ETHICS VERSUS GOVERNMENT SERVICE

● Mr. BOSCHWITZ. Mr. President, the Wall Street Journal recently editorialized that "Washington's current obsession with 'ethics' has produced rules so absurd that we are losing the best people in the executive branch and soon may wreck the judiciary."

Meanwhile, it concludes, "there's loud silence from the branch that needs a strong dose of genuine ethics—Congress."

Our ethics rules should be a positive element in attracting and retaining the best and brightest of our Nation's citizens to public service, not a detriment. Unfortunately, that does not always seem to be the case today and many of the proposed changes could make the situation worse. As is so often the case, this Wall Street Journal's editorial is well worth reading. I ask that it be printed in the RECORD.

The editorial follows:

ETHICS VS. GOVERNMENT SERVICE

Will the last qualified employee leaving government service please turn off the lights?

Washington's current obsession with "ethics" has produced rules so absurd that we are losing the best people in the executive branch and soon may wreck the judiciary. Six top NASA officials, including the man in the number-three job and the Director of the space station, said this week they will resign before the latest ethics law takes effect. At least 12 people have turned down the offer to become the Pentagon's Undersecretary for Acquisition. The culprit here is the new set of prohibitions on post-government jobs, rules that would make these officials virtually unemployable in the private sector.

While the born-again ethicists are wreaking a kind of generalized havoc among federal executives, the problem has become particularly acute for the federal judiciary, since President Bush recently proposed a law that would force several of the most widely respected judges to resign.

Mr. Bush went beyond the recommendations of his ethics commission to bind the outside income of federal judges. The President included in his modest request for a 25% pay raise for judges that they also be limited to 15% of their salary from outside income of any kind. This is a draconian solution in search of a problem. No one has accused any judge of writing a non-book for 55% royalties.

Take the case of Appeals Judge Richard Posner, the nation's most prolific jurist both as a legal opinion-writer (700 so far) and author. He says he will resign if the law takes effect. He earns royalties on 14 books, most of which were written before he went on the bench. His "Economic Analysis of Law" (3rd ed.) and "Law and Literature: A Misunderstood Relation" are not "Reflections of a Public Man." They are bought one by one by scholars, not in the hundredweight by sundry lobbyists. They are published by Little, Brown and Harvard University, not by a Fort Worth ex-felon.

"It will be impossible to recruit first-rate academics to be judges under such a regime, unless the judge is independently wealthy," Judge Posner warned the Bush ethics commission in a letter that President Bush should read. "You will be writing *finis* to a tradition of extrajudicial book writing by prominent judges that includes the names of Holmes, Cardozo, Hand, Frank, Friendly and many others." Judge Posner also notes that the law includes vague criminal sanctions, and quite understandably refuses to run the risk of a politically inspired Independent Counsel sicked on him.

The ABA canon of ethics long has allowed judges to supplement their meager incomes through scholarly writing and teaching. Other well-known judges who would suffer from the new rule include Stephen Breyer, Douglas Ginsburg, Frank Easterbrook, Ralph Winter, John Noonan and Ruth Bader Ginsburg.

There is an ironic dimension to President Bush's proposal. Washington's Legal Times newspaper reports, "Some Democrats in Congress see the potential financial woes of Easterbrook, Posner, and other high-profile Reagan appointees—and the possibility of resignations among these judges—as a good reason to hold back on judicial pay increases." They also may see it as a reason to vote a small raise that includes the new restrictions on outside income.

President Bush has made ethics a top priority, but this proposal would do nothing to improve ethics while sabotaging our justice system by shooting down its brightest stars. Meanwhile, there's loud silence from the branch of government that needs a strong dose of genuine ethics. Congressmen aren't even considering any new limits on *their* outside income.●

DIRECTING SENATE LEGAL COUNSEL TO TAKE CERTAIN ACTIONS

Mr. DASCHLE. Mr. President, on behalf of Senators MITCHELL and DOLE, I send a resolution to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The resolution will be stated by title.

The legislative clerk read as follows:

A resolution (S. Res. 141) directing the Senate Legal Counsel to represent the Senate defendants in the Honorable Alcee L. Hastings, United States District Judge versus the United States Senate, et al.

The PRESIDING OFFICER. Is there objection to the present consideration of the resolution.

There being no objection, the Senate proceeded to consider the resolution.

Mr. MITCHELL. Mr. President, yesterday, Judge Alcee L. Hastings filed an action in the District Court for the District of Columbia to challenge the impeachment proceedings that are pending against him in the Senate. The Senate parties that are named in the lawsuit are the Senate itself, the Impeachment Trial Committee, and the Secretary of the Senate. The complaint also names the Acting Public Printer as a defendant because he would print the committee's report.

Judge Hastings' complaint includes the claims that were rejected by the Senate in March, namely, that the articles on bribery and perjury are barred by his 1983 acquittal and that the summary article, article XVII, fails to state a separate impeachable offense. His complaint also alleges that the use of an impeachment trial committee is unconstitutional, that the Constitution requires that the Senate pay his defense costs, and that various pretrial rulings of the committee violate due process.

This resolution would direct the Senate Legal Counsel to represent the Senate defendants in this action to protect the Senate's sole power under the Constitution to try impeachments.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

The resolution (S. Res. 141) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 141

Whereas, in the case of the Honorable Alcee L. Hastings, United States District Judge versus The United States Senate, et al., No. 89-1602, pending in the United States District Court for the District of Columbia, the plaintiff has named as defendants the Senate; the Impeachment Trial Committee that has been appointed pursuant to Senate Resolution 38, 101st Congress, and Rule XI of the Rules of Procedure and Practice in the Senate When Sitting on Impeachment Trials; Walter J. Stewart, the Secretary of the Senate; and Joseph E. Jenifer, the Acting Public Printer of the United States;

Whereas, pursuant to section 703(a) and 704(a)(1) of the Ethics in Government Act of 1978, 2 U.S.C. 288b(a) and 288c(1) (1982), the Senate may direct its Counsel to defend the Senate and its Members, committees, and officers in civil actions relating to their official responsibilities: Now, therefore, be it

Resolved, That the Senate Legal Counsel is directed to represent the United States Senate, the Impeachment Trial Committee, and Walter J. Stewart, the Secretary of the Senate, in the case of the Honorable Alcee L. Hastings, United States District Judge versus The United States Senate, et al.

THE CALENDAR

Mr. DASCHLE. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar Numbers 63, 64, 65, 68, 73, and 74 en bloc; that committee amendments where indicated be agreed to en bloc; that the bills be read for the third time; that the bills and resolutions be deemed passed en bloc; that preambles to the resolutions, where indicated, be considered agreed to; and that a motion to reconsider the passage of these bills and resolutions en bloc be in order, and be laid upon the table.

I further ask unanimous consent that the consideration of these items appear individually in the RECORD.

The PRESIDING OFFICER. Without objection it is so ordered.

PRINTING OF A COLLECTION OF INAUGURAL ADDRESSES OF THE PRESIDENTS OF THE UNITED STATES

The concurrent resolution (S. Con. Res. 19) to authorize the printing of a collection of the inaugural addresses of the Presidents of the United States, was considered and agreed to; as follows:

S. CON. RES. 19

Resolved by the Senate (the House of Representatives concurring), That a collection of the inaugural addresses of the Presidents of the United States, from President George Washington to and including President George H.W. Bush, compiled from research volumes and State papers by the Congressional Research Service, Library of Congress, be printed with illustrations as a Senate document; and that 16,200 copies thereof be printed, of which 5,150 copies shall be for the use of the Senate and 11,050 copies shall be for the use of the House of Representatives.

SEC. 2. Copies of such document shall be made available pro rata to Members of the Senate and House of Representatives for a period of sixty days, after which time any copies not used by the Members of either the Senate or the House of Representatives, respectively, shall revert to the Document Room of the Senate or of the House of Representatives, respectively.

AUTHORIZING PRINTING OF A COLLECTION OF RULES OF THE COMMITTEES OF THE SENATE

The resolution (S. Res. 134) to authorize printing of a collection of the rules of the committees of the Senate, was considered, and agreed to; as follows:

S. RES. 134

Resolved, That a collection of the rules of the committees of the Senate, together with related materials, be printed as a Senate document, and that there be printed six hundred additional copies of such document for the use of the Committee on Rules and Administration.

CLARIFICATION ON USE AND DISPLAY OF THE SENATE FLAG BY COMMITTEES AND OFFICERS OF THE SENATE

The resolution (S. Res. 135) to amend Senate Resolution 369, 98th Congress, 2d session, relating to the Senate flag, to clarify the intent of the resolution that committees and officers of the Senate are permitted to display the flag, was considered, and agreed to; as follows:

S. RES. 135

Resolved, That section 2 of Senate Resolution 369, agreed to September 7, 1984 (98th Congress, 2nd Session), is amended by striking paragraph (1) and inserting the following:

"(1) purchase of the flag shall be limited to—

"(A) two flags for each Senator, or former Senator, subject to replacement for loss, destruction, or wear and tear;

"(B) two flags for each Senate committee, as determined by the chairman and ranking member, subject to replacement for loss, destruction, or wear and tear; and

"(C) two flags for each officer of the Senate, subject to replacement for loss, destruction, or wear and tear; and".

AMERICAN FOLK LIFE CENTER AUTHORIZATION

The bill (S. 1075) to authorize appropriations for the American Folklife Center for fiscal years 1990, 1991, and 1992, was considered, ordered to be engrossed for a third reading, read the third time, and passed; as follows:

S. 1075

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 8 of the American Folklife Preservation Act (20 U.S.C. 2107) is amended—

(1) by striking out "and" after "1988"; and

(2) by inserting after "1989" the following: ", $998,000 for the fiscal year ending September 30, 1990, $1,050,100 for the fiscal year ending September 30, 1991, and $1,120,000 for the fiscal year ending September 30, 1992".

TECHNICAL CORRECTIONS TO CERTAIN PROVISIONS OF LAW

The bill (H.R. 964) to correct an error in Private Law 100-29 (relating to certain lands in Lamar County, AL) and to make technical corrections in certain other provisions of law, was considered, ordered to a third reading, read the third time, and passed.

ADVISORY COUNCIL ON HISTORIC PRESERVATION AUTHORIZATION ACT

The Senate proceeded to consider the bill (H.R. 999) to reauthorize the Advisory Council on Historic Preservation, which had been reported from the Committee on Energy and Natural Resources, with amendments as follows:

(The parts of the bill intended to be stricken are shown in boldface brackets, and the parts of the bill intended to be inserted are shown in italics.)

H.R. 999

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act of October 15, 1966 (80 Stat. 915), as amended (16 U.S.C. section 470 et seq.), is further amended as follows: Section 212(a) is amended by deleting the last sentence and inserting in lieu thereof the sentence "There are authorized to be appropriated not to exceed $2,500,000 in *each* fiscal **[**years**]** *year* 1990 through 1994.".

The amendments were agreed to

The amendments were ordered to be engrossed, the bill was read the third time and passed.

EXPRESSING THE SENSE OF THE CONGRESS THAT BUFFALO, NY, SHOULD HOST THE 1993 SUMMER WORLD UNIVERSITY GAMES

Mr. DASCHLE. Mr. President, I ask unanimous consent that the Commerce Committee be discharged from further consideration of Senate Concurrent Resolution 31 which expresses the sense of the Congress that Buffalo, NY, should host the 1993 Summer World University Games.

The PRESIDING OFFICER. The clerk will state the concurrent resolution by title.

The legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 31) expressing the sense of the Congress that Buffalo, New York, should host the 1993 Summer World University Games.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the concurrent resolution?

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. MOYNIHAN. Mr. President, I am most grateful to the Senate for the prompt passage of this resolution. Our support of the United States' bid for the 1993 Summer World University Games is a significant part of the overall effort to bring the games to this country for the first time, specifically to the city of Buffalo. I thank my colleagues for approving Senate Concurrent Resolution 31 and invite them all to Buffalo 4 years from this summer, where they, hopefully, can see first hand the fruits of their support for the games.

The PRESIDING OFFICER. The question is on agreeing to the concurrent resolution.

The concurrent resolution (S. Con. Res. 31) was agreed to.

The preamble was agreed to.

The concurrent resolution, with its preamble, reads as follows:

S. CON. RES. 31

Whereas the city of Buffalo has been endorsed by the United States Collegiate Sports Council to be the United States host city for the 1993 summer World University Games;

Whereas Buffalo is competing with Shanghai, People's Republic of China, to host the Games;

Whereas Buffalo, through the Greater Buffalo Athletic Corporation, is applying to the International University Sports Federation to be the host city for the 1993 summer World University Games;

Whereas since 1923, the International University Sports Federation, which organizes, promotes, and administers the World University Games, has been recognized throughout the world as an outstanding organization dedicated to international collegiate amateur sports competition;

Whereas the World University Games have a long and demonstrated record as a premier international amateur sports event, second only to the Olympic games;

Whereas the World University Games exemplify the heritage of peace and good will associated with amateur sports competition;

Whereas the World University Games would be an exceptional opportunity for the athletes from the different nations of the world to share their cultures with each other and the citizens of the United States and New York;

Whereas the summer World University Games would bring over 7,000 amateur athletes and several hundred thousand visitors to the United States: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That the Congress—

(1) supports the application of the Greater Buffalo Athletic Corporation to have Buffalo, New York, host the 1993 summer World University Games;

(2) urges the Secretary of State to provide assistance, if the 1993 summer World University Games are held in Buffalo, to the organizers of the Games by implementing special ease-of-entry procedures for the foreign athletes competing in the Games;

(3) supports the efforts of New York, the Greater Buffalo Athletes Corporation, and community leaders to ensure that the highest caliber athletic facilities are made available for the 1993 summer World University Games if they are held in Buffalo.

Mr. DASCHLE. Mr. President, I move to reconsider the vote by which the concurrent resolution was agreed to.

Mr. DURENBERGER. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

RECORD OPEN TO 3 P.M.

Mr. DASCHLE. Mr. President, I ask unanimous consent that the RECORD remain open today, Friday, June 2, until 3 p.m. for the introduction of bills and statements.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDERS FOR TUESDAY

RECESS UNTIL TUESDAY, JUNE 6, 1989, AT 9:25 A.M.

PERIOD FOR MORNING BUSINESS

Mr. DASCHLE. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 9:25 a.m. on Tuesday, June 6.

I further ask unanimous consent that on Tuesday, the time for the two leaders be reduced to 2 minutes each, and that following the leaders' time, there be a period for morning business not to extend beyond 9:30 a.m., with Senators permitted to speak therein.

The PRESIDING OFFICER. Without objection, it is so ordered.

RESUME CONSIDERATION OF H.R. 2072 AT 9:30 A.M.

Mr. DASCHLE. Mr. President, I also ask unanimous consent that the Senate resume consideration of H.R. 2072, the supplemental appropriations bill, at 9:30 a.m., on Tuesday, June 6.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. DASCHLE. For the information of all Senators, when the Senate resumes consideration of the supplemental appropriations bill it will be under the terms of the consent agreement that is printed inside the cover of the Legislative Calendar. This agreement provides for no more than five first-degree amendments with relevant second-degree amendments in order thereto. Under the terms of the agreement any votes ordered on Tuesday will be stacked to occur no earlier than 4:45 p.m. on Tuesday. If there is more than one vote the first vote will be a 15-minute vote with all subsequent votes limited to 10 minutes.

Does the acting Republican leader have any further business?

Mr. DURENBERGER. No.

RECESS UNTIL 9:25 A.M., TUESDAY, JUNE 6, 1989

Mr. DASCHLE. Mr. President, I ask unanimous consent that the Senate now stand in recess in accordance with the previous order until 9:25 a.m. Tuesday, June 6, 1989.

There being no objection, the Senate, at 1:36 p.m. recessed until Tuesday, June 6, 1989, at 9:25 a.m.

HOUSE OF REPRESENTATIVES—*Monday, June 5, 1989*

The House met at 12 noon.

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

Grant us, O God, the wisdom to seek the truth in all the avenues of life and the courage to speak the truth in all sincerity. May the words we say now with our lips grow from the beliefs of our hearts, and all the good words we speak or say be given with respect to one another and find meaning in our daily lives. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. The Chair will ask the gentleman from Idaho [Mr. CRAIG] if he would kindly come forward and lead the membership in the Pledge of Allegiance.

Mr. CRAIG led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Hallen, one of its clerks, announced that the Senate had agreed to the following resolution:

S. RES. 137

Resolved, That the Senate has heard with profound sorrow the announcement of the death of the Honorable Claude Pepper, late a Representative from the State of Florida and formerly a Senator from that State.

Resolved, That the Secretary communicate these resolutions to the House of Representatives and transmit an enrolled copy thereof to the family of the deceased.

Resolved, That when the Senate recesses today, it recess as a further mark of respect to the memory of the deceased Representative.

The message also announced that the Senate had passed without amendment a bill of the House of the following title:

H.R. 964. An act to correct an error in Private Law 100-29 (relating to certain lands in Lamar County, AL) and to make technical corrections in certain other provisions of law.

The message also announced that the Senate had passed with amendments in which the concurrence of the House is requested, a bill and concurrent resolution of the House of the following titles:

H.R. 999. An act to reauthorize the Advisory Council on Historic Preservation; and

H. Con. Res. 136. Concurrent resolution expressing the sense of the Congress on the movement for democracy in China.

The message also announced that the Senate had passed bills and concurrent resolutions of the following titles, in which the concurrence of the House is requested:

S. 255. An act to authorize appropriations for the Local Rail Service Assistance Program;

S. 593. An act to exempt certain activities from provisions of the antitrust laws;

S. 694. An act to amend the Energy Policy and Conservation Act to extend the authority for the strategic petroleum reserve, and for other purposes;

S. 1075. An act to authorize appropriations for the American Folklife Center for fiscal years 1990, 1991, and 1992;

S. Con. Res. 19. Concurrent resolution to authorize printing of a collection of the inaugural addresses of the Presidents of the United States; and

S. Con. Res. 31. Concurrent resolution expressing the sense of the Congress that Buffalo, NY, should host the 1993 summer World University Games.

The message also announced, that pursuant to section 276, title 22, of the United States Code, as amended, the Chair on behalf of the Vice President, appoints Mr. BURNS as vice chairman of the Senate delegation to the Interparliamentary Union during the 101st Congress.

The message also announced, that pursuant to sections 276d-276g, title 22, of the United States Code, the Chair on behalf of the Vice President, appoints Mr. MCCLURE, Mr. GRASSLEY, and Mr. LOTT, as members of the Senate delegation to the Canada-United States Interparliamentary Group during the 101st Congress, 1st session, to be held in Montebello, Canada, June 1-5, 1989.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF SENATE JOINT RESOLUTION 113 RELATING TO THE COOPERATIVE ARRANGEMENT WITH JAPAN REGARDING THE FSX WEAPON SYSTEM

Mr. MOAKLEY, from the Committee on Rules, submitted a privileged report (Rept. No. 101-75) on the resolution (H. Res. 165) providing for the consideration of the joint resolution (S.J. Res. 113) prohibiting the export of technology, defense articles, and defense services to codevelop or coproduce the FSX aircraft with Japan, which was referred to the House Calendar and ordered to be printed.

ANNOUNCEMENT RELATING TO APPOINTMENT AS MEMBERS OF THE FUNERAL COMMITTEE OF THE LATE CLAUDE PEPPER

The SPEAKER. Pursuant to House Resolution 163, the Chair announces that he had appointed as members of the funeral committee of the late Claude Pepper, the following Members on the part of the House, and without objection the reading of the list of members is dispensed with.

There was no objection.

Mr. BENNETT of Florida;
Mr. WRIGHT of Texas;
Mr. FOLEY of Washington;
Mr. FASCELL of Florida;
Mr. GIBBONS of Florida;
Mr. YOUNG of Florida;
Mr. LEHMAN of Florida;
Mr. IRELAND of Florida;
Mr. HUTTO of Florida;
Mr. NELSON of Florida;
Mr. MCCOLLUM of Florida;
Mr. SHAW of Florida;
Mr. BILIRAKIS of Florida;
Mr. LEWIS of Florida;
Mr. SMITH of Florida;
Mr. GRANT of Florida;
Mr. GOSS of Florida;
Mr. JAMES of Florida;
Mr. JOHNSTON of Florida;
Mr. STEARNS of Florida;
Mr. WHITTEN of Mississippi;
Mr. QUILLEN of Tennessee;
Mr. PICKLE of Texas;
Mr. ANNUNZIO of Illinois;
Mr. CONYERS of Michigan;
Mr. BEVILL of Alabama;
Mr. OBEY of Wisconsin;
Mr. RANGEL of New York;
Mr. MOAKLEY of Massachusetts;
Mrs. BOGGS of Louisiana;
Mr. DERRICK of South Carolina;
Mr. EARLY of Massachusetts;
Mr. OBERSTAR of Minnesota;
Mr. WAXMAN of California;
Mr. BEILENSON of California;
Mr. BONIOR of Michigan;
Mr. GEPHARDT of Missouri;
Mr. JENKINS of Georgia;
Mr. KILDEE of Michigan;
Ms. OAKAR of Ohio;
Mr. ANTHONY of Arkansas;
Mrs. BYRON of Maryland;
Mr. PASHAYAN of California;
Mr. FROST of Texas;
Mr. HALL of Ohio;
Mr. SOLOMON of New York;
Mr. WOLPE of Michigan;

Mrs. MARTIN of Illinois;
Mr. HOYER of Maryland;
Mr. MRAZEK of New York;
Mr. WHEAT of Missouri;
Mr. WISE of West Virginia;
Mr. KLECZKA of Wisconsin;
Mr. GORDON of Tennessee;
Mr. BILBRAY of Nevada;
Mr. BLAZ of Guam; and
Mr. DE LUGO of the Virgin Islands;

SEND LETTERS TO THE CHINESE EMBASSY

(Mr. BILBRAY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BILBRAY. Mr. Speaker, I rise today in condemnation of the reprehensible acts perpetrated by the Government of China on its people. It is unacceptable behavior within the community of nations to viciously attack and slaughter hundreds of nonviolent civilian demonstrators.

Mr. Speaker, as the United States Government condemns such behavior around the world, we must condemn it in China. I support the efforts of the President in cutting military trade and extending visas of Chinese students. I believe we have to go beyond that.

What has happened to the Chinese students is an abomination and reminiscent of what happened in Nazi Germany, where the American Government stood by and said, "That is an internal matter of the German Government; we cannot do anything." I think every Member of Congress should send a letter immediately to the People's Republic of China's Embassy, and the American people should send letters showing their abhorrence of what has happened. If we fail to do it, what will happen in China will be to continue on, and we will see slaughters of hundreds of thousands of innocent civilians who want one thing, democracy and freedom.

Mr. Speaker, they have come to the United States, and those students have learned what it is like to be and live in America. Let us give them the same kind of rights that we have.

God bless those people who are fighting for democracy and freedom in China.

AMERICA SHOULD SPEAK TO CHINA WITH ONE VOICE

(Mr. BROOMFIELD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BROOMFIELD. Mr. Speaker, whatever action our country takes regarding China, I think it is important that we speak with one voice. This is no time for wildcat policymaking.

The Chinese students, elements within the army, Government officials, and the Chinese people are clearly listening to voices from the outside world.

Mr. Speaker, in a fast-moving situation, I believe President Bush has chosen wisely among the options for responding to the events in China. His suspension of weapons sales is a very concrete message that America cannot ignore the brutal action of Chinese officials. His decision to maintain our Ambassador in China means we will keep whatever leverage we have to influence moderation within the Chinese Government. This carrot-and-stick policy, in my opinion, is the best way to handle the problem.

However, as events transpire, the United States should be speaking with one voice. President Bush has made a good start in developing a wise policy. He deserves bipartisan support.

ANNOUNCEMENT OF SPECIAL ORDER IN MEMORY OF THE LATE HONORABLE CLAUDE PEPPER

Mr. BENNETT. Mr. Speaker, I wish to announce that on June 20, 1989, there will be a special order of 1 hour taken in tribute to our late Member, Senator Pepper, at which time I will control the time and yield to other Members who would like to speak.

THE MOVEMENT FOR DEMOCRACY IN CHINA

(Mr. BENNETT asked and was given permission to address the House for 1 minute.)

Mr. BENNETT. Mr. Speaker, about a week ago there was a resolution on the floor about the matter that has come up about China, and Members of Congress unanimously expressed their desire to be behind the movement for democracy in China.

I congratulate the President upon his tempered approach to this matter. I think it is a very important thing that is happening in the world, and I, from the bottom of my heart, hope that democracy can prevail and that the better part of judgment would be shown on the part of the existing Government of China so that they can bring together the forces of democracy and freedom in our time.

Mr. Speaker, I want to be a part of that, and I hope all of us will be a part of bringing that about.

HELIUM ACT AMENDMENTS OF 1989

(Mr. CRAIG asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CRAIG. Mr. Speaker, today I am introducing the Helium Act Amendments of 1989.

This legislation provides for a phase-out of the Bureau of Mines' current program of helium sales to Federal agencies over a 3- to 4-year transition period as private sector capacity for helium production becomes available. At the same time, this legislation would retain the Bureau of Mines' role in promoting the conservation of helium for future use.

This bill would authorize the Secretary of the Interior to permit or require Federal agencies to purchase all Federal helium requirements from the private sector by October 1, 1993. Currently all sales to Federal agencies must be from the Federal helium stockpile.

This legislation would assure that helium, which is crucial for aerospace and defense, would be conserved but would place the sale and production in the private sector rather than in the Federal bureaucracy, as is now the case. This action would allow market forces to work rather than forcing Federal planning and control to establish price and the supply and demand for helium.

I encourage speedy consideration of this legislation.

TURMOIL IN CHINA

(Mr. ANDERSON asked and given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ANDERSON. Mr. Speaker, I rise today to pay tribute to the hundreds of Chinese students and civilians who lost their lives in Tiananmen Square, in Beijing, China, when government troops and tanks used deadly force to break up the pro-democracy movement which has been going on in China for over 6 weeks.

These students captured the attention of the world when they paraded to the center of Beijing in the name of democracy and freedom. They even staged a hunger strike to bring to their government's attention the need for greater freedom in Chinese society.

For weeks the government allowed unprecedented actions by the students who peacefully demonstrated and expressed their views and beliefs about freedom and democracy. The world anxiously awaited the outcome of this monumental event. Would the world's largest Communist state begin the transition toward a more democratic society? Well, my colleagues, I believe we saw the answer to that question on the front of every newspaper. Mangled bodies of students lay around the square where they built makeshift barricades to protect themselves from the onslaught of Chinese troops and tanks. The students' statute of democracy was torn down and more students were killed as they tried to aid their fellow demonstrators who had been injured in the clash.

This is a harsh example that democracy must not be taken for granted. It is always being challenged throughout the world. Our forefathers gave their lives so that we could live under a form of government which stresses freedom and democracy. Let us not forget the students on the other side of the world who are trying to emulate what we accomplished over 200 years ago. It is our duty as Americans that we support the movement for democracy in China and not forget the students who lost their lives expressing what they believe.

CHINESE GOVERNMENT'S MANDATE HAS BEEN REMOVED

(Mr. LEACH of Iowa asked and was given permission to address the House for 1 minute.)

Mr. LEACH of Iowa. Mr. Speaker, it is always awkward to comment on the affairs of other states, but there comes a time in the affairs of states when it is fitting and proper for outsiders to speak. Given the brutal suppression in Tiananmen Square, now is one of those times.

This last year in the United States of America we had a political election which centered around the "L" word, whether we would go in a liberal or conservative direction. The people of America chose a more conservative direction.

Mr. Speaker, the bigger "L" word is the one being debated in China today. It is the question of legitimacy, whether their Government can continue to operate as a legitimate, civilized government. When the troops of the Chinese Army toppled the replica of the Statue of Liberty in Tiananmen Square and when they turned on their own people, the question of legitimacy has been raised in a very profound way. Government of, by, and for the people is not a government that turns against itself.

In Chinese heritage, there is a principle called the mandate of heaven, that the Government can rule until the mandate is removed. Historically, signs for the time of removal have been when a government collapses, when there are events like earthquakes and hurricanes, and I contend that the time has come for this government to change. It has removed its own mandate.

□ 1210

GREAT AMERICAN LOVE FEST WITH CHINA IS OVER

(Mr. RICHARDSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RICHARDSON. Mr. Speaker, the American honeymoon and love fest with China started in 1971 by Richard Nixon is over. Deng Xiaopeng, the once forward-looking Chinese leader, now joins the ranks of the Pinochets and the Noriegas as just another repressor.

President Bush is right in suspending military sales and conventional export of weapons. In fact, he should do more. Withdrawing the American Ambassador should be the next step. He is correct though in not pursuing a total break in relations.

Mr. Speaker, it is important to remember who started this revolution in China—not the learned elders, not church leaders, not politicians, but young students, young men and women who wanted democracy and open society, who wanted a chance for their futures, wanted freedom of the press and basic human rights.

We are not wrong in stepping up on their side. They are going to be the future leaders of this great and powerful nation. But for now, Mr. Speaker, the great American love fest with China is over.

TRAGIC EVENTS IN CHINA

(Mr. FRANK asked and was given permission to address the House for 1 minute.)

Mr. FRANK. Mr. Speaker, the events in China are tragic. The brutality with which the Chinese Government has turned on its own people for the crime of seeking freedom is outrageous, and the Chinese Government had better understand that no dangling of strategic advantage, no effort to invoke geopolitical calculations will deter the Government of this country from expressing its revulsion at their actions, and in fact taking actions here which will penalize them to the extent that we can.

They must not delude themselves into thinking that they can engage in that kind of brutality, turn their backs on the principles of freedom, and continue nonetheless to enjoy the kind of warming relations between societies and governments that we have had.

The Chinese Government has the ability to pull back. They cannot restore lives that were taken, but they can pull back from where they are now. If they value good relations with us, they should do that.

EVENTS IN CHINA

(Mr. GUNDERSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GUNDERSON. Mr. Speaker, the events in China of the last month have told each and every one of us that there is truly no such thing as the American dream. Rather there is a universal dream in the hearts and minds of people all over the world who simply yearn for the chance to be free and the right to chart their own destiny.

Unfortunately, the events in China over this weekend have shown us once again history's terrible lesson of man's inhumanity to man by some governments.

As we in this country not only condemn those governmental actions by the Government of China, but also consider very seriously steps above and beyond those presently considered that can and should be taken, we must call on the United Nations to take action for countries all over the world like we have never seen the United Nations do. We here at home need to seriously consider what steps we can take to preserve the structure and the hope of democracy and freedom ever rebirthing itself again in China.

I would suggest that I am presently working and want to alert my colleagues on pursuing steps to see what can be done to preserve the opportunity for every Chinese student in this country to remain here, to continue their education, to continue learning what it means to be in a free and open society so that some day in the future they can return home to relight that hope for freedom in China.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mrs. COLLINS (at the request of Mr. FOLEY), for an indefinite period, on account of illness.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Member (at the request of Mr. COMBEST) to revise and extend their remarks and include extraneous material:)

Mr. HASTERT, for 60 minutes, on June 13.

(The following Members (at the request of Mr. RICHARDSON) to revise and extend their remarks and include extraneous material:)

Mr. ANNUNZIO, for 5 minutes, today.

Mr. HOYER, for 60 minutes each day, on June 6 and 7.

Mr. WOLPE, for 60 minutes, on June 6.

Mr. SKELTON, for 30 minutes each day, on June 6, 7, 13, 14, 20, and 21.

Mr. AUCOIN, for 60 minutes each day, on June 6, 7, 12, and 13.

Mr. WISE, for 20 minutes, on June 7.

Mr. RICHARDSON, for 60 minutes, on June 7.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Member (at the request of Mr. COMBEST) and to include extraneous matter:)

Mr. GRADISON.

(The following Members (at the request of Mr. RICHARDSON) and to include extraneous matter:)

Mr. ANDERSON in 10 instances.

Mr. GONZALEZ in 10 instances.

Mr. BROWN of California in 10 instances.

Mr. ANNUNZIO in six instances.

Mr. KANJORSKI.

Mr. PENNY.

Mrs. BOXER.

Mrs. BOGGS.

Mr. GAYDOS.

Mr. BERMAN in two instances.

Mr. BILBRAY.

Mr. MCNULTY.

SENATE BILLS AND CONCURRENT RESOLUTIONS REFERRED

Bills and concurrent resolutions of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 255. An act to authorize appropriations for the Local Rail Service Assistance Program; to the Committee on Energy and Commerce.

S. 593. An act to exempt certain activities from provisions of the antitrust laws; to the Committee on the Judiciary.

S. 1075. An act to authorize appropriations for the American Folklife Center for fiscal years 1990, 1991, and 1992; to the Committee on House Administration.

S. Con. Res. 19. Concurrent resolution to authorize printing of a collection of the inaugural addresses of the Presidents of the United States; to the Committee on House Administration.

S. Con. Res. 31. Concurrent resolution expressing the sense of the Congress that Buffalo, NY, should host the 1993 summer World University Games; to the Committees on Education and Labor, and Foreign Affairs.

ADJOURNMENT

Mr. RICHARDSON. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 12 o'clock and 17 minutes p.m.) the House adjourned until tomorrow, Tuesday, June 6, 1989, at 12 noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1278. A letter from the Assistant Secretary of the Army (Financial Management), transmitting a report on property, services, and commodities received from the Berlin Magistrate for the quarter January 1, 1989, through March 31, 1989, pursuant to Public Law 99-190, section 8014 (99 Stat. 1205); Public Law 99-591, section 9010 (100 Stat. 3341-102); Public Law 100-202, title VIII, section 8010; to the Committee on Appropriations.

1279. A letter from the Acting Comptroller General of the United States, transmitting a review of the President's fourth special impoundment message for fiscal year 1989, pursuant to 2 U.S.C. 685 (H. Doc. No. 101-70); to the Committee on Appropriations and ordered to be printed.

1280. A letter from the Architect of the Capitol, transmitting the report of expenditures of appropriations during the period October 1, 1988, through March 31, 1989, pursuant to 40 U.S.C. 162b; to the Committee on Appropriations.

1281. A letter from the Director, Defense Security Assistance Agency, transmitting notification of the Department of the Air Force's proposed letter(s) of offer and acceptance [LOA] to Korea for defense articles estimated to cost $50 million or more (Transmittal No. 89-21), pursuant to 10 U.S.C. 118; to the Committee on Armed Services.

1282. A letter from the General Counsel, Department of the Treasury, transmitting a draft of proposed legislation to authorize the Secretary of the Treasury to engrave and print the currency, bonds, and other security documents of a foreign country or engage in research and development for printing the currency, bonds, and other security documents on behalf of a foreign country on a reimbursable basis; to the Committee on Banking, Finance and Urban Affairs.

1283. A letter from the General Counsel, Department of the Treasury, transmitting a draft of proposed legislation to repeal the requirement that U.S. currency notes must be reissued after redemption; to the Committee on Banking, Finance and Urban Affairs.

1284. A letter from the Secretary of Education, transmitting a copy of final regulations—migrant education even start, pursuant to 20 U.S.C. 1232(d)(1); to the Committee on Education and Labor.

1285. A letter from the Secretary of Education, transmitting a copy of his guaranteed student loan default reduction initiative; to the Committee on Education and Labor.

1286. A letter from the Secretary of Education, transmitting a draft of proposed legislation to revise and extend the authority to award endowment grants to Howard University, and for other purposes; to the Committee on Education and Labor.

1287. A letter from the Secretary of Health and Human Services, transmitting a draft of proposed legislation to amend title X of the Public Health Service Act to authorize a program of grants to States for family planning programs; to the Committee on Energy and Commerce.

1288. A letter from the Secretary of Health and Human Services, transmitting a draft of proposed legislation to amend the Public Health Service Act to facilitate the revitalization of the Commissioned Corps of the Public Health Service; to the Committee on Energy and Commerce.

1289. A letter from the Assistant Secretary of State for Legislative Affairs, transmitting notification of a proposed license for the export of defense articles or defense services sold commercially to the Government of Egypt (Transmittal No. MC-12-89), pursuant to 22 U.S.C. 2776(c); to the Committee on Foreign Affairs.

1290. A letter from the Director, Defense Security Assistance Agency, transmitting notice of the Department of the Navy's proposed letter(s) of offer and acceptance [LOA] to Pakistan for defense articles and services (Transmittal No. 89-24), pursuant to 22 U.S.C. 2776(b); to the Committee on Foreign Affairs.

1291. A letter from the Director, Defense Security Assistance Agency, transmitting notice of the Department of the Navy's proposed letter(s) of offer of acceptance [LOA] to Pakistan for defense articles and services (Transmittal No. 89-25), pursuant to 22 U.S.C. 2776(b); to the Committee on Foreign Affairs.

1292. A letter from the Director, Defense Security Assistance Agency, transmitting notice of the Department of the Air Force's proposed letter(s) of offer and acceptance [LOA] to Korea for defense articles and services (Transmittal No. 89-21), pursuant to 22 U.S.C. 2776(b); to the Committee on Foreign Affairs.

1293. A letter from the Director, Defense Security Assistance Agency, transmitting notice of the Department of the Air Force's proposed letter(s) of offer and acceptance [LOA] to Egypt for defense articles and services (Transmittal No. 89-22), pursuant to 22 U.S.C. 2776(b); to the Committee on Foreign Affairs.

1294. A letter from the Director, Defense Security Assistance Agency, transmitting notice of the Department of the Army's proposed letter(s) of offer and acceptance [LOA] to Singapore for defense articles and services (Transmittal No. 89-23), pursuant to 22 U.S.C. 2776(b); to the Committee on Foreign Affairs.

1295. A letter from the Secretary of Commerce, transmitting the semiannual report on the activities of the Department's Office of Inspector General for the period October 1, 1988, through March 31, 1989, pursuant to Public Law 95-452, sections 5(b) (102 Stat. 2526); to the Committee on Government Operations.

1296. A letter from the Secretary of Education, transmitting the 18th semiannual report on the activities of the Inspector General for the period October 1, 1988, through March 31, 1989, pursuant to Public Law 95-452, sections 5(b) (102 Stat. 2526); to the Committee on Government Operations.

1297. A letter from the Administrator (Payroll), Farm Credit Bank of Columbia, transmitting the bank's financial audit of the farm credit retirement plan as of August 31, 1987 and 1986, pursuant to 31 U.S.C. 9503(a)(1)(B); to the Committee on Government Operations.

1298. A letter from the Chairman, Federal Communications Commission, transmitting a report on activities under the Freedom of Information Act for the calendar year 1988, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

1299. A letter from the Acting Administrator, General Services Administration, transmitting the semiannual report of the inspector general for the period October 1, 1988, through March 31, 1989, pursuant to the Public Law 95-452, section 5(b) (102 Stat. 2526); to the Committee on Government Operations.

1300. A letter from the Director, Office of Management and Budget, transmitting the annual report on the financial management by State and local governments of Federal financial assistance programs for the period ending January 30, 1989, pursuant to 31 U.S.C. 7507(b); to the Committee on Government Operations.

1301. A letter from the Secretary of Veterans' Affairs, transmitting a report on the activities of the inspector general for the period October 1, 1988, through March 31, 1989, pursuant to Public Law 95-452, section 5(b) (102 Stat. 2526, 2640); to the Committee on Government Operations.

1302. A letter from the Deputy Associate Director for Collection and Disbursements, Department of the Interior, transmitting notice of proposed refunds of excess royalty payments in OCS areas, pursuant to 43 U.S.C. 1339(b); to the Committee on Interior and Insular Affairs.

1303. A letter from the Solicitor, Department of the Interior, transmitting a draft of proposed legislation to consent to certain amendments enacted by the legislature of the State of Hawaii to the Hawaiian Homes Commission Act, 1920; to the Committee on Interior and Insular Affairs.

1304. A letter from the Assistant Attorney General for Legislative Affairs, transmitting the fiscal year 1988 report on drug control, pursuant to 42 U.S.C. 3712(b); to the Committee on the Judiciary.

1305. A letter from the Secretary of Health and Human Services, transmitting a draft of proposed legislation to amend the Social Security Act and related laws to make various improvements in the Old-Age, Survivors, and Disability Insurance Program and the Supplemental Security Income Program, and for other purposes; to the Committee on Ways and Means.

1306. A letter from the Secretary of Health and Human Services, transmitting a report on adoption and foster care date collection, pursuant to 42 U.S.C. 672 nt.; to the Committee on Ways and Means.

1307. A letter from the Acting General Counsel, Federal Emergency Management Agency, transmitting a draft of proposed legislation to amend the Defense Production Act of 1950 to support mobilization of the defense industrial base of the United States; jointly, to the Committees on Banking, Finance and Urban Affairs; the Judiciary; and Energy and Commerce.

1308. A letter from the Secretary of Transportation, transmitting a draft of proposed legislation to amend subtitle IV of title 49, United States Code, to reduce regulation of motor carriers and interstate water carriers, to sunset the Interstate Commerce Commission, and for other purposes; jointly, to the Committees on Energy and Commerce, Public Works and Transportation, and the Judiciary

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

[Omitted from the Record of June 1, 1989]

Mr. LAFALCE: Committee on Small Business. H.R. 1764. A bill to make technical corrections to the Business Opportunity Development Reform Act of 1988; with an amendment (Rept. 101-74). Referred to the Committee of the Whole House on the State of the Union.

[Submitted June 2, 1989]

Mr. CONYERS: Committee on Government Operations. H.R. 1278. A bill to reform, recapitalize, and consolidate the Federal deposit insurance system, to enhance the regulatory and enforcement powers of Federal financial institutions regulatory agencies, and for other purposes. (Rept. 101-54, Pt. 4). Referred to the Committee of the Whole House on the State of the Union.

[Submitted June 5, 1989]

Mr. DERRICK. House Resolution 165. Resolution providing for the consideration of S.J. Res. 113, prohibiting the export of technology, defense articles, and defense services to codevelop or coproduce the FSX aircraft with Japan. (Rept. 101-75). Referred to the House Calendar.

SUBSEQUENT ACTION ON A REPORTED BILL SEQUENTIALLY REFERRED

Under clause 5 of Rule X the following action was taken by the Speaker: Referral of H.R. 1326 to the Committee on Government Operations extended for a period ending not later than July 14, 1989.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. CRAIG (for himself (by request), Mr. MARLENEE, and Mr. YOUNG of Alaska):

H.R. 2541. A bill to amend the Helium Act to authorize Federal agencies to purchase helium from the private sector, to authorize and direct the Secretary of the Treasury to cancel outstanding indebtedness related to the helium fund, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. FOGLIETTA (for himself, Mr. TRAFICANT, Mrs. COLLINS, Mr. TOWNS, Mr. LIPINSKI, Mr. BORSKI, Mr. RANGEL, and Mr. MILLER of California):

H.R. 2542. A bill to authorize appropriations for a local community emergency assistance program, and for other purposes; to the Committee on Government Operations.

By Mr. PENNY (for himself, Mr. STENHOLM, and Mr. MCCURDY):

H.R. 2543. A bill to amend the Fair Labor Standards Act of 1938 to increase the minimum wage and to amend the Internal Revenue Code of 1986 to increase the amount of the earned income tax credit for taxpayers with school age or preschool age children; jointly, to the Committees on Education and Labor and Ways and Means.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

129. By the SPEAKER: Memorial of the House of Representatives of the State of Maine, relative to restoring funds to the Veterans' Administration for fiscal year 1989; to the Committee on Appropriations.

130. Also, memorial of the House of Representatives of the State of Hawaii, relative to the Statue of Freedom as a symbol of world peace and freedom; to the Committee on House Administration.

131. Also, memorial of the Legislature of the State of Colorado, relative to coal valuation methodologies of the minerals management service of the U.S. Department of the Interior; to the Committee on Interior and Insular Affairs.

132. Also, memorial of the Legislature of the State of Alaska, relative to the export of Alaska oil; to the Committee on Interior and Insular Affairs.

133. Also, memorial of the Legislature of the State of Texas, relative to taxing the interest on State and local government bonds; to the Committee on the Judiciary.

134. Also, memorial of the House of Representatives of the State of Hawaii, relative to Americans and resident aliens of Japanese ancestry during World War II; to the Committee on the Judiciary.

135. Also, memorial of the Legislature of the State of Alaska, relative to reauthorization of the Magnuson Fishery Conservation and Management Act by Congress; to the Committee on Merchant Marine and Fisheries.

136. Also, memorial of the House of Representatives of the State of Hawaii, relative to requesting National Aeronautics and Space Administration [NASA] to expand educational outreach programs in Hawaii; to the Committee on Science, Space, and Technology.

137. Also, memorial of the House of Representatives of the State of Hawaii, relative to the Medicare Catastrophic Expansion Act of 1988; jointly, to the Committees on Energy and Commerce and Ways and Means.

138. Also, memorial of the House of Representatives of the State of Hawaii, relative to a national policy for the conservation of biological diversity; jointly, to the Committees on Merchant Marine and Fisheries and Science, Space, and Technology.

139. Also, memorial of the Legislature of the State of Texas, relative to the current Medicare reimbursement system; jointly, to the Committees on Ways and Means and Energy and Commerce.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 546: Mr. SAXTON and Mr. BOEHLERT.

H.R. 563: Mr. CLEMENT and Mr. ESPY.

H.R. 720: Mr. LEHMAN of California, Ms. SLAUGHTER of New York, Mrs. COLLINS, Mr. MFUME, and Mr. SABO.

H.R. 796: Mr. SUNDQUIST, Mr. MONTGOMERY, Mr. MCCLOSKEY, Mr. CLINGER, and Mr. MILLER of Washington.

H.R. 874: Mr. BATEMAN.

H.R. 956: Mr. FIELDS, Mr. GALLEGLY, Mr. GINGRICH, Mr. HASTERT, Mr. LEWIS of Georgia, Mr. NIELSON of Utah, Mr. PACKARD, and Mrs. VUCANOVICH.

H.R. 973: Mr. SIKORSKI and Mr. STOKES.

H.R. 987: Mr. FORD of Tennessee.

H.R. 1095: Mr. COMBEST and Mr. ECKART.

H.R. 1101: Mr. AKAKA, Mr. SLATTERY, and Mr. BOUCHER.

H.R. 1138: Mr. JOHNSON of South Dakota.

H.R. 1142: Mr. FISH.

H.R. 1260: Mr. KOLBE and Mr. PORTER.

H.R. 1406: Mr. FISH and Mr. PACKARD.

H.R. 1583: Mr. RAHALL, Mr. PERKINS, Mr. BROWDER, Ms. KAPTUR, Mr. HEFLEY, Mrs. PATTERSON, Mr. SAVAGE, Mr. SHUMWAY, and Mr. DURBIN.

H.R. 1666: Mr. SHAYS.

H.R. 1706: Mr. MCEWEN.

H.R. 2037: Mr. CAMPBELL of Colorado, Mr. GEJDENSON, Mr. HANSEN, Mrs. SAIKI, Mr. RAHALL, Mr. THOMAS of Georgia, Mr. SWIFT,

Mr. BOSCO, Mr. FAUNTROY, Mr. HALL of Ohio, Mr. FUSTER, Mr. MARTIN of New York, Mr. GALLO, Mr. MOORHEAD, Ms. SCHNEIDER, Mr. LEWIS of Florida, Mr. ROWLAND of Connecticut, Mr. BOUCHER, Mr. CAMPBELL of California, Mr. CRANE, Mr. BARNARD, Mr. LEVINE of California, Mr. MATSUI, Mr. GILLMOR, and Mr. KLECZKA.

H.R. 2184: Mrs. MORELLA, Mr. SIKORSKI, Mr. OWENS of New York, Mr. FAZIO, Mr. SMITH of Florida, Mrs. COLLINS, Mr. WOLPE, and Mr. WALGREN.

H.R. 2246: Mr. PETRI.

H.R. 2267: Mr. COLEMAN of Texas.

H.R. 2327: Mr. JOHNSON of South Dakota.

H.R. 2395: Mr. ANDREWS and Mr. SHUMWAY.

H.R. 2405: Mr. STUDDS.

H.R. 2417: Mr. EDWARDS of Oklahoma, Mr. SMITH of Texas, Mr. COMBEST, Mr. BUNNING, Mr. COBLE, Mr. DANNEMEYER, Mr. LIVINGSTON, Mr. ENGLISH, Mr. GREEN, Mr. MILLER of Washington, Mr. CHAPMAN, Mr. BATES, Mr. COOPER, Mr. PALLONE, Mr. HAYES of Louisiana, Mr. LIPINSKI, Mr. OBERSTAR, Mr. NOWAK, Mr. APPLEGATE, Mr. SAVAGE, Mr. BOSCO, Mr. JONES of Georgia, Mr. PARKER, Mr. LAGOMARSINO, Mr. WHITTAKER, Mr. BOEHLERT, and Mr. SKAGGS.

H.R. 2504: Mr. VANDER JAGT, Mr. UPTON, Mr. PORTER, Mr. JONTZ, Mr. SIKORSKI, Mr. LEWIS of Georgia, Mr. SLATTERY, and Mr. CAMPBELL of Colorado.

H.R. 2507: Mr. MADIGAN, Mr. FRANK, Mr. SHAYS, Mr. DONNELLY, Mr. SAXTON, and Mrs. LOWEY of New York.

H.J. Res. 214: Mr. CLEMENT, Ms. LONG, and Mr. ESPY.

H. Con. Res. 7: Mr. MCEWEN.

H. Con. Res. 45: Mr. MCCRERY.

H. Con. Res. 66: Mr. GEJDENSON.

H. Con. Res. 86: Mr. FAZIO, Mr. BATES, and Mr. FASCELL.

H. Con. Res. 99: Mr. SOLOMON.

H. Con. Res. 135: Mr. MADIGAN, Mr. FIELDS, Mr. MACHTLEY, Mr. RHODES, Mr. LANCASTER, and Mr. RICHARDSON.

H. Res. 122: Mr. MCEWEN and Mr. STUMP.

H. Res. 157: Mr. JOHNSON of South Dakota, Mrs. COLLINS, Mr. PRICE, Mr. SLATTERY, Mr. RIDGE, Mr. LAFALCE, Mr. STANGELAND, Mr. KLECZKA, Mrs. LOWEY of New York, Mr. FROST, Mr. UPTON, Mr. MCEWEN, and Mr. SYNAR.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

47. By the SPEAKER: Petition of the Washington office of the Episcopal Church, Washington, DC, relative to Namibian independence; to the Committee on Foreign Affairs.

48. Also, petition of the City Council of Ocala, Ocala, FL, relative to U.S. financial support to the U.S.S.R.; to the Committee on Foreign Affairs.

EXTENSIONS OF REMARKS

STEVE ADAMS WINS NATIONAL MULTIPLE SCLEROSIS FATHER OF THE YEAR AWARD

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday June 5, 1989

Mr. FRANK. Mr. Speaker, I was very pleased to be informed by the National Multiple Sclerosis Society that the winner of their National Father of the Year Award is Steve Adams, of North Attleboro, MA. Mr. Adams is to receive this award from the president on June 23, and that will be a moment of justifiable and enormous pride for Mr. Adams, his family, and his fellow residents of the town of North Attleboro. I want to add my congratulations to Mr. Adams for winning the award and to express my enormous admiration to him for the extremely good example he sets for all of us by the way in which he gives his life. And I would like to submit here the letter of nomination which the Massachusetts Multiple Sclerosis Society submitted in its successful quest to have Steve Adams win this award.

MASSACHUSETTS CHAPTER, NATIONAL MULTIPLE SCLEROSIS SOCIETY,
Buzzards Bay, MA, March 10, 1989.

MS FATHER OF THE YEAR SELECTION COMMITTEE,
Public Affairs Department, National Multiple Sclerosis Society, New York, NY.

DEAR MS FATHER OF THE YEAR SELECTION COMMITTEE: The Massachusetts Multiple Sclerosis Society is pleased and proud to submit the name of Steve Adams for nomination for the 1989 Father of the Year Award. Steve has been an active member of the Massachusetts MS Society since receiving the diagnosis of MS in 1982. He has spoken on an Emloyment Conference panel and led Counseling Support Groups for the Society. Steve was the Co-Chairman of the 1988 "Longest Day of Golf" fundraising event, and wrote and appeared in the PSA for that event. Steve's children were very involved with him in this undertaking and were the top fundraisers for this event, raising over $5,000.00 in one day for the MS Society. The Adams children's love, caring and determination were clearly seen as a reflection of these same qualities in their father, as they golfed relentlessly from 5AM till 8PM, stopping only due to darkness.

Despite Steve's MS he has continued to be very active and supportive of his children's activities. He attends his 10 year old daughter Kristin's girl scout father-daughter dances and overcomes rough terrain to cheer on his son Kevin who runs cross-country. He is his son Todd's biggest basketball fan, always there with words of encouragement. As you can see from the enclosed letters from his children, their father is an inspiration and a true hero to them. His philosophy comes across loud and clear to his children "My glass is not half empty it's half full!" The deep love that is apparent between Steve and his wife Carol only further reinforces to their children the importance of love, caring and family commitment.

I believe Steve Adams inspires other parents in his community to achieve a greater level of communication and active participation in their families due to his example. A quote from his neighbor Paul Lenahan (see enclosed letter) supports this. "He has been able to support his sons, Kevin and Todd, in their golf, track and basketball pursuits and Kristin's cheerleading activities and musical interests have been much encouraged and visibly supported by Steve. The end result is a family support structure that is full of love, respect and sensitivity for each other. Probably it's the kind of family life each of us should strive for."

In closing, as Steve says "I may have MS, but I wouldn't trade places with anybody in the world. My life is filled with more blessings than I ever imagined possible." I am sure that this feeling is echoed by Steve's family. Carol wouldn't trade her husband and Todd, Kevin and Kristin wouldn't trade their father for any other in the world, why should they, they have the best!!

Sincerely,

MARTHA MAYNARD,
Support Services Associate, Massachusetts MS Society, Southeastern Branch.

REV. STEPHEN ADAMIAK HONORED

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 5, 1989

Mr. KANJORSKI. Mr. Speaker, I rise today to pay tribute to Rev. Stephen Adamiak, pastor of St. Nicholas Ukranian Church in my hometown of Nanticoke, PA. Reverend Adamiak is celebrating the golden anniversary of his ordination to the Byzantine Catholic priesthood.

Born August 14, 1914, in Kosice, Czechoslovakia, Reverend Adamiak is the son of the late Stephen and Anna Gulasy Adamiak. He attended elementary and secondary schools in Kosice and in 1935 began his seminary studies in Preson, Czechoslovakia. He was ordained by Bishop Paul Gojdis on January 11, 1939, and was married to Anna Romancik that same year.

In 1940 Reverend Adamiak became an assistant in the Cathedral Byzantine Church. From 1940 until 1945, he served in the front lines during World War II.

After the war, he was assigned to St. Nicholas Church in Slovinsky, Czechoslovakia. While in Slovinsky, Reverend Adamiak participated in a project to renovate the church after it was damaged by bombs during the war.

Reverend Adamiak arrived in the United States in 1965 and became an assistant to his uncle, Rev. Stephen Gulasy, in Parma, OH.

He spent a year in the United States and in 1966 went to Oshava, Ontario, to serve as pastor at St. Mary's Church. Reverend Adamiak is responsible for building a new rectory for St. Mary's and the parish. In 1969, he became pastor of Holy Eucharist Church in Saskatchewan, Canada.

For the next 8 years, Reverend Adamiak was pastor of Epiphany of Our Lord Church in St. Petersburg, FL. While pastor, he built a new church hall for the church.

In 1980, Reverend Adamiak went to Mahanoy City, PA, to serve as pastor at St. Nicholas Church. From 1983 until his retirement in 1986, he was pastor at St. Mary's Church in Ford City, PA.

Reverend Adamiak was recalled from retirement in 1987 to serve as pastor at St. Nicholas Church in Nanticoke. He and his wife have two sons, Milan, residing in Czechoslovakia, and Gejza in St. Petersburg. They have four grandchildren and four great-grandchildren.

On Sunday, June 4, Reverend Adamiak will celebrate the 50th anniversary of his ordination to the priesthood. I join with Reverend Adamiak's family, friends, and parish in congratulating him on 50 years of exemplary service and devotion to the priesthood.

HONORARY JEWISH WAR VETERAN

HON. MICHAEL R. McNULTY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, June 5, 1989

Mr. McNULTY. Mr. Speaker, I addressed the New York Jewish War Veterans Capital District Council yesterday in Colonie, NY, on the occasion of my being named an honorary Jewish war veteran.

I am proud of our Jewish war veterans, the sacrifices they have made and the suffering they endured in order that we may be free. I would like to include a copy of my remarks to be included in the CONGRESSIONAL RECORD for today.

REMARKS BY CONGRESSMAN MICHAEL R. MCNULTY IN ACCEPTING HONORARY MEMBERSHIP IN THE JEWISH WAR VETERANS

It is with a deep sense of humility that I accept this great honor you bestow upon me—honorary membership in the Jewish War Veterans.

Being a part of this great organization confers a responsibility upon me: To constantly do all in my power to uphold the principles of the Jewish War Veterans and all veterans, and to continue my efforts—as I have done in my 20 years in public office and earlier—to uphold and defend human freedom and democracy at home and abroad.

Patriotism and devotion to liberty are not new concepts to the Jewish people. In our country, the fledgling Jewish Community was in the forefront of the American Revolution and in subsequent conflicts at home and beyond our shores.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

As I stand here, I think of this great tradition. I think of Francis Salvador of Charleston, South Carolina—the "Southern Paul Revere"—the first Jew to die for our country in the Revolution.

I think of a 68-year-old Jew named Gomez, who petitioned the Continental Congress for "permission to form a military company." He argued that he "could stop a bullet as well as a younger man." But he was turned down because of age.

In the American Civil War, more than 6,000 Jews served in the Union armies—almost 2,000 of them were New York volunteers. And 1,000 were on the Confederate side.

In that conflict, seven Northern Jews won the Congressional Medal of Honor. One of them, Benjamin B. Levy of the 1st New York volunteers won it for saving the steamer *Empress*, which was under attack by the Confederate gunboat *Seabird*.

In the Spanish American War and in World War I, the Jews continued to distinguish themselves. In World War II, Jewish numbers in the American military forces had grown to more than 550,000.

Again, in World War II—a Congressional Medal of Honor for Lieutenant Raymond Zussman of Detroit who single-handedly liberated a French town in the Rhone Valley, killing 17 German soldiers and capturing 92. Unfortunately, he later died in battle.

In Korea, in Vietnam, in every war, you were there. Your valor was rewarded with every medal within the power of the United States to give.

Loyal to the Jewish heritage, you fought as Americans. And as Americans, Jew and Gentile alike, dedicated to freedom, democracy, and social justice we never have—nor ever shall—forsake these principles.

In doing so, we pray for the day, in the words of Jeremiah, when "every man shall sit in safety, underneath his own vine and fig-tree, and there shall be none to make him afraid."

I thank you again, for this great honor.

PREVENTING ANOTHER S&L MESS

HON. WILLIS D. GRADISON, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, June 5, 1989

Mr. GRADISON. Mr. Speaker, providing the resources necessary to shut down insolvent thrifts, thereby shutting off the ongoing loses that the taxpayer must bear, is not the single most important objective of the S&L legislation.[1]

Equally important to providing adequate resources is ensuring that the thrift crisis does not recur. This is a separate issue because there can be another S&L crisis whether or not adequate resources are provided. That is, even if Congress fails to provide sufficient resources, we can ensure that industry and regulatory reforms are adequate to prevent another crisis.

The surest way to ensure another crisis is to weaken capital requirements. If those who support softer capital requirements prevail, we will have planted the seed for another crisis, and it will only be a matter of time before another S&L mess is upon us and the American taxpayer.

During this week's floor debate, some of our colleagues will make arguments for weakened capital requirements in the name of fairness. In my view, arguments are twisted, and must be rejected if we are to prevent another crisis.

At best there are competing fairnees arguments than cannot be mutually satisfied. Is it fair, for example, to permit some thrifts, regardless of how they got that way, to operate with substantially less than 3 percent real—core—capital for a very long time—15 to 40 years in some cases—while other thrifts must meet and maintain the 3-percent tangible capital requirement now or in the near future? Just how fair is it to the taxpayer, who bears the risk of another crisis—and pays the cost—if one is to allow thrifts to operate with insufficient core capital, to expose the American people to the probability of another bailout by not imposing reasonable capital requirements?

Make no mistake about it; the real reason thrifts are lobbying for looser capital requirements has nothing to do with fairness: they simply don't want to lower their leverage; that is, raise their capital-to-asset ratios. From their standpoint, this is understandable: why should they risk their own money, when they can risk Uncle Sam's? That of course is what caused the current mess, and that is what will get us into the next mess, unless we hold the line on capital.

There is noting inherently difficult for solvent thrifts to increase their capitalization. A solvent institution can increase its capital-to-asset ratio by "selling down"—that is, by liquidating assets—or by raising new capital by issuing new stock.

Don't buy the argument that tightening capital requirements is unfair. Nothing is more fair.

[1] Important as it is, that objective will be met—though probably not by the present bills. The real significance of this objective is that failing to provide adequate funding now will raise the total cost of the bailout, perhaps significantly.

THE RETIREMENT OF ROBERT CHARLES MORRISON

HON. THOMAS J. RIDGE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 5, 1989

Mr. RIDGE. Mr. Speaker, there are many milestones which we look forward to in our lives. When we do reach a significant point in our lives, we most always take the time to reflect on our personal accomplishments and contributions made to society. Today I rise in recognition of Mr. Robert Charles Morrison who will be retiring as Erie district director of the Pennsylvania Board of Probation and Parole. Mr. Morrison has served with the board diligently since 1965. During his 24 years, he climbed the levels of a parole agent and was promoted to Erie district supervisor in 1972. In 1986, Mr. Morrison became the district director which dealt him the responsibility of seven northwestern Pennsylvania counties.

Mr. Morrison was born and raised in Wesleyville Borough, Erie County. After graduating from Wesleyville High School, he received a bachelor of arts degree in business administration from Gannon University, Erie. He also involved himself with post graduate studies in education, social studies, and criminal justice. Mr. Morrison holds a Pennsylvania Department of Public Instruction college teaching certificate as well.

As a veteran myself, I certainly appreciate Mr. Morrison's contributions to the defense of liberty and freedom. He served in the U.S. Navy during World War II as a torpedo man, 3d class. After serving 18 months in the South Pacific, he received an honorable discharge. Following his military duty, Mr. Morrison worked as an accountant for General Electric, Erie, PA, and as justice of the peace for Wesleyville.

Throughout his many years in Erie County, Mr. Morrison has contributed a great deal of time to worthy organizations. His active civic roles include: board of trustess, Erie County Rape Crisis Center; advisory board—enforcement, Mercyhurst College, Erie; and the Seneca Area Law Enforcement Association. He is also a past president of Lake Erie Law Enforcement Association as well as a member of the Fraternal Order of Police.

Mr. Morrison is an instructor in municipal police training and his dedication to law and order has rewarded him with several prestigious honors. In 1986, Mr. Morrison received high level recognition by the Governor's [PA] Management Performance Award Program. He also received the James V. Kinnane Criminal Justice Award from Mercyhurst College in 1987.

Mr. Morrison is married to the former Eleanor Coccarelli and has four daughters and a son. He presently resides in his native home of Wesleyville. Mr. Speaker, I would like to commend Mr. Morrison on his outstanding dedication to his career and for his unselfish devotion to community involvement.

INTRODUCTION OF LEGISLATION TO INCREASE THE MINIMUM WAGE AND ENHANCE THE EARNED INCOME TAX CREDIT

HON. TIMOTHY J. PENNY

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 5, 1989

Mr. PENNY. Mr. Speaker, along with our colleagues CHARLIE STENHOLM, and DAVE MCCURDY, I am today introducing legislation to increase the minimum wage to $4.25 by 1992 and to enhance and expand the earned income tax credit [EITC].

Under the provisions of this legislation, the EITC is adjusted to reflect family income and family size. Specifically, this bill combines the existing EITC and dependent care credit [DCC], creating one comprehensive program to help families and child. Under the provisions of the bill, in 1991, the current EITC credit would be adjusted by $700 for each preschool child and $350 for each school-age child, up to four children. The credit for preschool children is higher in order to assist families with child care needs, while the supplement for school-age children will help all

families with the costs associated with raising children.

The bill also establishes a minimum EITC benefit that doesn't phase out until family income reaches $40,000. The costs associated with a minimum EITC benefit are the same as the current dependent care credit, but the benefits are spread among all families.

Because the EITC is available to low-income families and is refundable to recipients through their paychecks, it is an equitable way to assist families in coping with the expenses that result from raising a family. Because the EITC is targeted to those most in need of a wage supplement, it is the preferable alternative to a large boost in the minimum wage.

A hike in the minimum wage will increase the buying power of the working poor, but since the working poor constitute less than 20 percent of minimum wage workers, a minimum wage increase will result in a wage hike for a lot of workers—primarily teenagers—least in need. Economists agree on one thing: An increase in the minimum wage will produce displacement of current workers, fewer opportunities for new job seekers, and inflation. An enhanced EITC, on the other hand, will benefit the working poor without the economic consequences of a hike in the minimum wage.

Mr. Speaker and colleagues, let us put the divisiveness over an increase in the minimum wage behind us and move on legislation to help America's working poor. Let us compromise to achieve this goal by recognizing that a modest increase in the minimum wage is needed, and that a significant adjustment in the EITC is the long-term solution for helping the working poor. This legislation, in my view, is the compromise that can win bipartisan support and can become law before the end of the year. We can and should work together to achieve these important goals.

Mr. Speaker, I urge you and my other colleagues to support this important legislation to help America's working poor.

A TRIBUTE TO MR. WINSTEAD

HON. HOWARD L. BERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 5, 1989

Mr. BERMAN. Mr. Speaker, it is with great pleasure that I ask my colleagues to join me in saluting a highly respected citizen and outstanding leader of the community, Jim Winstead. He will be honored by the Mission Hills Chamber of Commerce and the Utter McKinley Mortuary for his numerous years of service and dedication.

A native of North Carolina, Jim Winstead has shown a longstanding commitment to the San Fernando Valley. For many years, he has selflessly contributed to an impressive array of organizations. Jim's successful work within the community stems from his strong spirit, his unlimited energy, and a sincere interest and concern for those around him.

Jim is greatly admired and a model member of the community. His willingness to help others as well as his devotion to his career are well known. This year marks Jim's 50th year with Utter McKinley. These qualities are complimented and broadened by his many contributions to the people around him.

For many years, Jim has served on the Mission Hills Chamber of Commerce Board. He exhibited outstanding leadership during his two terms as president of that institution. He was also awarded the title of honorary sheriff of Mission Hills. Jim, along with former Councilman Louis Nowell were instrumental in the cleanup and beautification of historic Brand Boulevard, now one of the most attractive boulevards in the San Fernando Valley.

Jim's contributions to the community has assured its continued growth and prosperity. He and his wife, Mary, reside in Mission Hills and have three daughters, a son, six grandchildren, and one great-grandchild.

Jim Winstead is an invaluable member of our community. It is a distinct pleasure to ask my colleagues to join me in honoring a remarkable individual, Jim Winstead.

MSGR. JOSEPH F. MEIER HONORED

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 5, 1989

Mr. KANJORSKI. Mr. Speaker, I rise today to pay tribute to Msgr. Joseph F. Meier, pastor of St. Nicholas Roman Catholic Church in Wilkes-Barre, PA. This month, Monsignor Meier is celebrating the 50th anniversary of his ordination to the priesthood.

Monsignor Meier, born in Hazleton, PA on September 5, 1914, is the son of the late Joseph A. Meier and Grace Gallagher. He graduated from St. Gabriel's grade and high school in Hazleton and received his B.A. degree from Mount St. Mary's College in Emmitsburg, MD.

He attended St. Bernard's Seminary in Rochester, NY, and was ordained on June 3, 1939 in Scranton, PA, by the late Bishop William J. Hafety in St. Peter's Cathedral.

During his career, Monsignor Meier served as pastor and assistant pastor at a number of parishes. He served as assistant pastor at St. Mary of the Mount, Mount Pocono; St. Boniface, Williamsport; St. Nicholas, Wilkes-Barre; Sacred Heart, Luzerne, and St. Mary's Scranton. He became pastor of Sacred Heart, Weston in 1954. From 1966 until 1969, Monsignor Meier served as pastor at St. Boniface, Wilkes-Barre. Monsignor Meier has been the pastor of St. Nicholas, a parish of more than 1,200 families, since 1969.

Monsignor Meier has received many distinguished appointments from the diocese of Scranton. He has served as diocesan tribunal judge, a member of the priest's senate, parish priest consultor, a member of the board of education, president of the priest's senate, a member of the diocesan board of consultors, chairman member of St. Pius X Seminary Board, member of the priest's pension and retirement board, chairman of the board of pastors of Bishop Hoban High School, chairman of the financial and administrative board of Bishop Hoban, dean of Northeast Luzerne deanery, chairman of the parish administrative committee and a member of the diocesan liturgical commission.

In addition to diocesan appointments, Monsignor Meier has done a great deal of work outside of diocesan jurisdiction. He served on the boards of the Wyoming Valley Catholic Youth Center, United Way, Red Cross, Wyoming Valley Historical and Geological Society, Shepherds of the Street, King's College Century Club, and is a member of the Wyoming Valley Council of Churches.

In 1972 Monsignor Meier was awarded the distinction of being named prelate of honor of His Holiness the Pope.

Msgr. Joseph Frederick Meier will be joining his friends and parish members on Sunday, June 4 in a Mass of thanksgiving to celebrate the 50th anniversary of his ordination to the priesthood. I would like to take this opportunity to congratulate Monsignor Meier for 50 years of service devoted to God and to the people of his church.

ANNUAL CONVENTION OF THE NATIONAL APARTMENT ASSOCIATION

HON. JAMES H. BILBRAY

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 5, 1989

Mr. BILBRAY. Mr. Speaker, it is with great pleasure that I rise to welcome the National Apartment Association, their local affiliates, and their exhibitors to my home district of Las Vegas, NV.

The National Apartment Association [NAA] will be hosting their annual convention and exhibition in Las Vegas from June 8 through June 13. They will be meeting at Bally's Grand Resort, one of the many fine resorts that Las Vegas offers. This annual meeting will present an exciting variety of motivational speakers, and there will be informative seminars designed to educate and improve the apartment industry.

The NAA is proud to boast that this year, 1989, is their 50th anniversary, that this is a half-century of serving the people of the multihousing industry. In celebration of this golden anniversary they will be hosting A Night of Solid Gold with world-renowned entertainment.

The National Apartment Association, a nonprofit trade association, has been a great source of input in designing and amending legislation that applies to the needs and problems of the multihousing industry. We in Congress count on them to provide their expertise and insight as we face difficult legislative questions in housing and related areas.

As a native Nevadan and Representative from Las Vegas, I am proud to welcome the NAA to the Entertainment Capital of the World. Mr. Speaker, please join with me and my colleagues in welcoming the National Apartment Association and all those involved in the apartment industry to Las Vegas, NV.

CONGRESSIONAL BICENTENNIAL COIN FIRST STRIKE CEREMONY ON JUNE 14, 1989

HON. LINDY (MRS. HALE) BOGGS

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 5, 1989

Mrs. BOGGS. Mr. Speaker, late last year the 100th U.S. Congress passed the U.S. Congress Commemorative Coin Act. This legislation directed the U.S. Mint to issue special commemorative coins to honor the bicentennial of the U.S. Congress. Proceeds from the sale of these coins will be turned over to the Capitol Preservation Commission for preservation efforts in the U.S. Capitol Building. The minting of these coins will be done at no net cost to the U.S. Government.

I would like to call your attention to an historic event that will launch the Commemorative Coins Program. The Director of the Mint, Mrs. Donna Pope, has organized a special "first strike" event, that will be held Wednesday, June 14, at 10:30 a.m. on the east plaza of the Capitol. This ceremony will mark the first time that a coin has been struck outside a U.S. mint facility. Four presses will be brought to the Capitol from the Philadelphia Mint for this occasion, and the Secretary of the Treasury, along with Members of Congress and other dignitaries, will strike the first of the congressional commemorative coins.

The Coin Act authorizes the minting of up to 1 million $5 gold coins, 10 million $1 silver coins, and 10 million half dollar copper coins, with designs emblematic of the bicentennial of the U.S. Congress. Although the coins are designated as legal tender, they will be keepsake items, as the precious metals used in the gold and silver coins, and the limited quantity in which they are produced, will create an actual value considerably higher than the face value.

All coins minted under this act shall include a surcharge of $35 per coin for the $5 coins, $7 per coin for the $1 coin, and $1 per coin for the half dollar coin. Surcharges received by the Treasury will be deposited in the Capitol Preservation Fund and be available to the U.S. Capitol Preservation Commission.

It is altogether appropriate that these surcharges should be dedicated to preserving the Capitol. During George White's tenure as Architect of the Capitol, much has been accomplished to restore and make this great building beautiful. But so much more could be done if funds were available.

Proceeds from the sale of the congressional coins will be used to pay for fine artwork, furnishings, restoration, and other projects associated with the history of the Capitol. The sale of U.S. Congress commemorative coins seems an ideal source of funds for these preservation efforts.

Once these restoration projects are completed, the Capitol building will be an even more beautiful and meaningful place for the citizens of this country, and for people from throughout the world to visit. We should do no less for what has appropriately been called "the Shrine of Democracy."

MEDICAL MISSION FROM HIROSHIMA, JAPAN

HON. BARBARA BOXER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 5, 1989

Mrs. BOXER. Mr. Speaker, the seventh biennial medical mission from Hiroshima, Japan, will arrive in San Francisco on June 14 to conduct a series of medical examinations for Americans of Japanese and Korean ancestry who survived the atomic bombings of Hiroshima and Nagasaki. No other program in the United States specifically addresses the medical concerns and needs of the survivors, also known by the Japanese term "hibakusha." It is my pleasure to welcome the doctors and to recognize this humanitarian effort which has been sponsored for the last 14 years by the Hiroshima Prefectural Medical Association, the Japanese Ministry of Health, and Hiroshima City and Prefecture, and other medical organizations in Hiroshima.

The team leader for this year's medical visit is Katsumi Hirata, M.D., chief, first department of internal medicine, Hiroshima Red Cross Hospital and Atomic Bomb Survivors Hospital. Subleader for the team is Chikako Ito, M.D., Deputy Director, Hiroshima Atomic Bomb Survivors Health Clinic. This is Dr. Ito's fifth medical visit and I wish to thank her for her dedication and skill. The other members of the medical team are Kazunori Kodama, M.D., associate chief, department of clinical studies, Radiation Effects Research Foundation; Hideo Sasaki, M.D., chief, section of medicine, department of clinical studies, Radiation Effects Research Foundation; Sinzo Ishibashi, M.D., doctor, clinical laboratory center of Hiroshima City Medical Association; Keigo Dote, M.D., doctor, coronary care unit and department of internal medicine, Hiroshima Hospital; and Tadaaki Watanabe, M.D., research associate, department of epidemiology, Radiation Effects Research Foundation. Representing the Japanese Ministry of Health and Welfare is Mr. Ryoji Kanasaki, assistant director, Planning Section, Health Service Bureau.

These medical examinations, conducted in San Francisco, Los Angeles, Seattle, Honolulu, and Maui, are attended by hibakusha from all parts of the United States. Of the estimated 1,000 American survivors of the atomic bombings of Hiroshima and Nagasaki who are living in the United States, over 60 percent are American citizens and over 30 percent are permanent residents of this country. Many hibakusha are American citizens by birth who were either visiting relatives or attending school in Japan and were unable to return to the United States at the outbreak of the war. Others, including a number of brides of American servicemen, are naturalized citizens.

In 1987 the medical team conducted 379 examinations, including 116 held at the University of California and Pacific Presbyterian Medical Centers in San Francisco. At each examination site, the doctors are assisted by American volunteers and hosted by local medical associations. By providing ongoing, long-term examinations, the Japanese medical team has been able to direct American hibakusha to appropriate medical treatment for medical problems related to their radiation exposure. Additionally, American hibakusha requiring specialized medical treatment are provided free medical treatment in Japan.

The medical research and treatment facilities in Hiroshima are a precious international resource. Hiroshima extends its humanitarian aid to the United States, Canada, South America, and other parts of Asia. Because of their place in history, the cities of Hiroshima and Nagasaki have become symbols and centers of the efforts to achieve peace in our world. I think it is fitting that we recognize this noble cause and the inspiration it provides for those who work for peace in our country.

TRIBUTE TO JEAN AND SIGMUND "SIGI" BARDACH

HON. HOWARD L. BERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 5, 1989

Mr. BERMAN. Mr. Speaker, it is with great pleasure that I ask my colleagues to join me in paying tribute to a remarkable couple—Jean and Sigmund "Sigi" Bardach who will be presented with the prestigious Founder's Award by the West Coast Region of the Orthodox Union and National Conference of Synagogue Youth. They will be honored at a gala event in recognition of their lifetime service to both this organization and the Jewish community at large.

Born and educated in Vienna, Austria, Sigi Bardach escaped Hitler's Europe on a student scholarship to the Haifa Technion. Jean Bardach was born in Poland and survived the war through the herosim of a courageous soul who helped both Jean and her sister escape the ghetto and survive under assumed identities. As children, both Sigi and Jean were among the first wave of survivors to reach American shores.

Throughout their lives in the United States—even through times of hardship—the Bardachs have devoted much of their time, love, and energy to the youth of their community. Their home has always been an open house to young people in times of trouble.

During three decades of activity in the North Hollywood Jewish community, Sigi has served the Shaarey Zedek congregation as vice president of education, chairman of religious affairs as well as working with the congregation's young people as group discussion leader, facilitator for NCSY members and as youth board chairman.

Jean has been an active member of the Shaarey Zedek sisterhood and was youth director of the synagogue's chapter of NCSY for many years. She is currently a member of American Mizrachi Women, the American Congress of Jews from Poland and is a case aide volunteer for the Jewish Family Service.

The Bardachs have two children, Howard and Sharon, and a son-in-law Larry and are the proud grandparents of Jenny, Mindy, Avi, and Eliana.

Mr. Speaker, it is my distinct honor to pay tribute to Sigi and Jean Bardach—community leaders and truly dedicated citizens.

REV. JOHN C. MASAKOWSKI HONORED

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 5, 1989

Mr. KANJORSKI. Mr. Speaker, I rise today to pay tribute to the Reverend John C. Masakowski, now celebrating 40 years of service in the Holy Priesthood.

A native of Nanticoke, PA, Father Masakowski is 1 of 10 children born to the late John and Stasia Masakowski. He attended Nanticoke area schools and graduated from St. Mary's College in Orchard Lake, MI. He completed his studies for the priesthood at SS. Cyril and Methodius Seminary, also located in Orchard Lake, MI.

Father Masakowski's first assignment was at St. Mary's of Czestochowa in Swoyersville, PA, where he served for over 10 years. During this time, Father Masakowski organized a council of the Knights of Columbus. Today, 27 years later, the council has its own home in Luzerne and a membership of over 550 Knights.

In 1983, Father Masakowski was instrumental in organizing the Fourth Degree Assembly in honor of Our Lady of Czestochowa and having it approved by the Knights of Columbus Supreme Council. This is the first assembly in the United States named in honor of Our Lady of Czestochowa.

As pastor of St. John the Baptist Church in Larksville, Father Masakowski played a vital role in completely renovating the interior and exterior of the church. He also helped obtain new pews, carpeting, and an electronic organ.

Father Masakowski was recently appointed diocesan moderator of the Catholic League for Religious Assistance to Poland. This group provides financial assistance from all parishes of Polish heritage to the church in Poland.

He prepared and chaired the national convention of the Catholic League, held in October of 1987, in Scranton, PA, which was acclaimed as one of the finest held in its 45 years of existence.

On Sunday, the 4th of June, Father Masakowski will join with his friends, family, and parish in a Mass of thanksgiving at St. John's Church. I know that my colleagues in the U.S. House of Representatives will join me in congratulating and thanking Rev. John C. Masakowski for 40 years of devoted service to the priesthood.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Any changes in committee scheduling will be indicated by placement of an asterisk to the left of the name of the unit conducting such meetings.

Meetings scheduled for Tuesday, June 6, 1989, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

JUNE 7

9:00 a.m.
Banking, Housing, and Urban Affairs
Consumer and Regulatory Affairs Subcommittee
To continue hearings on S. 906, the Government Check Cashing Act of 1989, S. 907, the Basic Banking Services Access Act of 1989, and S. 909, to require public disclosure of written evaluations.
SD-538

Labor and Human Resources
Business meeting, to consider S. 123, Smart Start: The Community Collaborative for Early Childhood Development Act, S. 110, Family Planning Amendments, S. 120, Adolescent Pregnancy Prevention, Care, and Research Grants Act, S. 54, Age Discrimination in Employment Waiver Protection Act, and pending nominations.
SD-430

9:30 a.m.
Banking, Housing, and Urban Affairs
Housing and Urban Affairs Subcommittee
To continue hearings on S. 566, the National Affordable Housing Act, focusing on Housing Opportunity Partnerships (HOP) and HOME Corporation.
SD-562

Energy and Natural Resources
Business meeting, to consider pending calendar business.
SD-366

Finance
To hear and consider the nominations of Kenneth W. Gideon, of Virginia, to be Assistant Secretary of Treasury for Tax Policy, Bryce L. Harlow, of Virginia, to be Deputy Under Secretary of Treasury for Legislative Affairs, John Michael Farren, of Connecticut, to be Under Secretary of Commerce for International Trade, and Gerald L. Olson, of Minnesota, to be Assistant Secretary of Health and Human Services for Legislation.
SD-215

10:00 a.m.
Appropriations
Defense Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1990 for the Department of Defense, focusing on Air Force posture.
SD-192

Commerce, Science, and Transportation
Consumer Subcommittee
To hold hearings on proposed legislation authorizing funds for the Federal Trade Commission.
SR-253

Judiciary
To hold hearings on S. 438, to restore the usefulness and effectiveness of the Racketeer Influenced and Corrupt Organizations (RICO) statute.
SD-226

2:00 p.m.
Foreign Relations
To resume markup of proposed legislation authorizing funds for fiscal year 1990 for foreign assistance programs.
SD-419

2:30 p.m.
Commerce, Science, and Transportation
Aviation Subcommittee
To hold hearings on airline concentration at hub airports in the United States
SR-253

Energy and Natural Resources
Mineral Resources Development and Production Subcommittee
To hold oversight hearings on the implementation of the Mining Law of 1872.
SD-366

3:30 p.m.
Special Impeachment Committee
To hold a closed meeting to consider procedural matters in the impeachment of Judge Alcee L. Hastings.
SD-212

JUNE 8

9:00 a.m.
Appropriations
Defense Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1990 for the Department of Defense, focusing on manpower and personnel programs.
SD-192

9:30 a.m.
Commerce, Science, and Transportation
Consumer Subcommittee
To continue hearings on proposed legislation authorizing funds for the Federal Trade Commission.
SR-253

Energy and Natural Resources
Public Lands, National Parks and Forests Subcommittee
To hold hearings on S. 555, to establish in the Department of the Interior the De Soto Expedition Trail Commission, S. 624, to provide for the sale of certain Federal lands to Clark County, Nevada, for national defense, and S. 830, authorizing funds for the Blackstone River Valley National Heritage Corridor Commission.
SD-366

Governmental Affairs
To hold oversight hearings on the drug problem in the District of Columbia.
SD-342

Rules and Administration
Business meeting, to resume consideration of S. 874, to establish national voter registration procedures for Presidential and Congressional elections, S. Res. 99, to require the Architect of the Capitol to establish and implement a voluntary program for recycling paper disposed of in the operation of the Senate, and other pending legislative business.
SR-301

10:00 a.m.
Foreign Relations
To continue markup of proposed legislation authorizing funds for fiscal year 1990 for foreign assistance programs.
SD-419

Judiciary
Business meeting, to consider pending calendar business.
SD-226

Select on Indian Affairs
Investigations Subcommittee
To resume hearings to examine various matters relating to Indian affairs.
SH-216

Joint Economic
To hold hearings to review high tech consortia.
2359 Rayburn Building

2:00 p.m.
Armed Services
Strategic Forces and Nuclear Deterrence Subcommittee
To hold open and closed hearings on chemical deterrent programs.
SR-222

Energy and Natural Resources
Energy Research and Development Subcommittee
To hold oversight hearings on the status of current and future use of alternative motor vehicle fuels in the United States.
SD-366

Foreign Relations
To hold hearings on the nominations of Morton I. Abramowitz, of the District of Columbia, to be Ambassador to Turkey, Thomas Michael Tolliver Niles, of the District of Columbia, to be the U.S. Representative to the European Communities, Joseph Zappala of Florida to be Ambassador to Spain, and Edward N. Ney of New York, to be Ambassador to Canada.
SD-419

Judiciary
Constitution Subcommittee
Business meeting, to mark up S.J. Res. 23 and S.J. Res. 14, proposing amendments to the Constitution authorizing the President to disapprove or reduce an item of appropriations.
SD-226

Select on Indian Affairs
Investigations Subcommittee
To continue hearings to examine various matters relating to Indian Affairs, focusing on Indian housing, and the Federal Government's management of timber resources on Indian land.
SH-216

Select on Intelligence
To hold closed hearings on intelligence matters.
SH-219

JUNE 9

9:30 a.m.
Armed Services
Manpower and Personnel Subcommittee
To resume hearings on proposed legislation authorizing funds for fiscal years 1990 and 1991 for the Department of Defense, focusing on manpower programs.
SR-232A

Environment and Public Works
Water Resources, Transportation, and Infrastructure Subcommittee
To hold hearings on scenic byways.
SD-406

Small Business
Rural Economy and Family Farming Subcommittee
To hold hearings to assess the impact of S. 863, proposed Rural Access to Capital Act, and S. 851, proposed Small Business Rural Revitalization Act on small business.
SR-428A

Select on Indian Affairs
Business meeting, to mark up S. 521 and provisions of H.R. 881, measures to provide for restoration of the Federal trust relationship with, and assistance to the Coquille Tribe of Indians and the individual members consisting of the Coquille Tribe of Indians, and S. 321, to revise provisions of law that provide a preference to Indians; to be followed by oversight hearings on the implementation of amendments to the Indian Self Determination Act.
SR-485

10:00 a.m.
Agriculture, Nutrition, and Forestry
Agricultural Research and General Legislation Subcommittee
To hold hearings on the state of agricultural research.
SR-332

Banking, Housing, and Urban Affairs
Housing and Urban Affairs Subcommittee
To resume hearings on S. 566, the National Affordable Housing Act, focusing on homeownership affordability.
SR-538

Governmental Affairs
Permanent Subcommittee on Investigations
To hold hearings to review Federal drug interdiction capabilities and coordination, focusing on the role of the Department of Defense.
SD-342

2:00 p.m.
Veterans' Affairs
To hold hearings on title I. of S. 13, provisions of S. 564 and S. 1092, Amendment No. 110 (S. 190), and other recommendations in the report of the Commission on Veterans Education Policy regarding military and VA programs.
SR-418

JUNE 12

9:30 a.m.
Governmental Affairs
Government Information and Regulation Subcommittee
To hold hearings on proposed legislation authorizing funds for programs of the Paperwork Reduction Act.
SR-342

10:00 a.m.
Energy and Natural Resources
To hold hearings on the nominations of Delos Cy Jamison, of Montana, to be Director of the Bureau of Land Management, Department of the Interior, and Frank A. Bracken, of Indiana, to be Under Secretary of the Interior.
SR-366

Foreign Relations
East Asian and Pacific Affairs Subcommittee
To hold hearings on proposals for U.S. assistance to Cambodia.
SR-419

2:00 p.m.
Foreign Relations
To hold hearings on the nominations of Richard H. Solomon, of the District of Columbia, to be an Assistant Secretary of State for East Asia and Pacific Affairs, Della M. Newman, of Washington, to be Ambassador to New Zealand and to serve concurrently as Ambassador to Western Samoa, Robert D. Orr, of Indiana, to be Ambassador to the Republic of Singapore, and Melvin F. Sembler, of Florida, to be Ambassador to Australia and to serve concurrently as Ambassador to the Republic of Nauru.
SD-419

JUNE 13

9:00 a.m.
Appropriations
Defense Subcommittee
To resume open and closed hearings on proposed budget estimates for fiscal year 1990 for the Department of Defense, focusing on strategic programs.
SD-192

9:30 a.m.
Armed Services
Strategic Forces and Nuclear Deterrence Subcommittee
To resume closed hearings on proposed legislation authorizing funds for fiscal years 1990 and 1991 for the Department of Defense, focusing on the Strategic Defense Initiative.
SR-222

10:00 a.m.
Finance
To hold hearings on S. 800, to provide for a moratorium on and study of certain State income tax provisions which affect nonresidents.
SD-215

2:00 p.m.
Energy and Natural Resources
Energy Research and Development Subcommittee
To hold hearings on the Department of Energy's role in the area of magnetic fusion and inertial confinement fusion research and development and demonstration, and S. 964, authorizing funds for fiscal years 1990 and 1991 for civilian energy programs of the Department of Energy.
SD-366

Foreign Relations
To hold hearings on the nominations of Melvyn Levitsky, of Maryland, to be Assistant Secretary of State for International Narcotics Matters and Jewel S. Lafontant, of Illinois, to be U.S. Coordinator for Refugee Affairs and Ambassador-at-Large.
SD-419

Small Business
To hold hearings on the impact of proposed user fees by the Food and Drug Administration on small business.
SR-428A

2:30 p.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1990 for foreign assistance programs, focusing on the Middle East, Pakistan, and Afghanistan.
SD-138

JUNE 14

9:00 a.m.
Commerce, Science, and Transportation
Communications Subcommittee
To hold hearings on the diversity and concentration of media ownership.
SR-253

Veterans' Affairs
To hold hearings on certain provisions of S. 13, S. 86, S. 192, S. 405, and S. 846, bills to strengthen and improve VA health care programs, and related measures.
SR-418

9:30 a.m.
Banking, Housing, and Urban Affairs
Securities Subcommittee
To resume hearings on S. 646, to facilitate cooperation between the United States and foreign countries in securities law enforcement, and on the globalization of securities markets.
SD-538

2:00 p.m.
Agriculture, Nutrition, and Forestry
Nutrition and Investigations Subcommittee
To hold hearings on proposed legislation authorizing funds for the Women, Infants, and Children (WIC) Program and child nutrition programs.
SR-332

Foreign Relations
To hold hearings on the nominations of E. Patrick Coady, of Virginia, to be United States Executive Director of the International Bank for Reconstruction and Development, and Fred M. Zeder II, of New York, to be President of the Overseas Private Investment Corporation.
SD-419

2:30 p.m.
Commerce, Science, and Transportation
To hold hearings on the nomination of James B. Busey IV, of Illinois, to be Administrator of the Federal Aviation Administration, Department of Transportation.
SR-253

JUNE 15

9:00 a.m.
Appropriations
Defense Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1990 for the Department of Defense.
SD-192

9:30 a.m.
Banking, Housing, and Urban Affairs
Securities Subcommittee
To continue hearings on S. 646, to facilitate cooperation between the United States and foreign countries in securities law enforcement, and on the globalization of securities markets.
SD-538

Commerce, Science, and Transportation
To hold hearings on S. 561, to provide for testing for the use, without lawful authorization, of alcohol or controlled substances by the operators of aircraft, railroads, and commercial motor vehicles.
SR-253

Energy and Natural Resources
Energy Research and Development Subcommittee
To resume hearings on S. 964, authorizing funds for fiscal years 1990 and 1991 for civilian energy programs of the Department of Energy, and to hold hearings on S. 488 to provide Federal assistance to a program of research, development, and demonstration of renewable energy and energy efficiency technologies, and proposed legislation authorizing funds for fiscal year 1990 for conservation and renewable energy programs of the Department of Energy.
SD-366

Governmental Affairs
To hold hearings on alcohol abuse prevention.
SD-342

9:45 a.m.
Foreign Relations
To hold hearings on the nomination of Donald Phinney Gregg of Maryland, to be Ambassador to the Republic of Korea.
SD-419

2:00 p.m.
Agriculture, Nutrition, and Forestry
Nutrition and Investigations Subcommittee
To continue hearings on proposed legislation authorizing funds for the Women, Infants, and Children (WIC) Program and child nutrition programs.
SR-332

Appropriations
Foreign Operations Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1990 for foreign assistance programs, focusing on the World Bank, International Development Association, International Finance Corporation, International Monetary Fund, and Multilateral Investment Guaranty Agency.
SD-138

JUNE 16

9:30 a.m.
Governmental Affairs
Government Information and Regulation Subcommittee
To resume hearings on proposed legislation authorizing funds for programs of the Paperwork Reduction Act.
SD-342

10:00 a.m.
Banking, Housing, and Urban Affairs
Housing and Urban Affairs Subcommittee
To resume hearings on S. 566, the National Affordable Housing Act, focusing on rental assistance and public housing.
SD-538

JUNE 20

9:30 a.m.
Agriculture, Nutrition, and Forestry
Agricultural Research and General Legislation Subcommittee
To hold hearings to review mechanisms for establishing priorities in agricultural research programs.
SR-332

Energy and Natural Resources
Public Lands, National Parks and Forests Subcommittee
To hold hearings on S. 724, to modify the boundaries of the Everglades National Park and to provide for the protection of lands, waters, and natural resources within the park.
SD-366

2:30 p.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1990 for foreign assistance programs, focusing on Central America.
SD-138

JUNE 21

9:00 a.m.
Commerce, Science, and Transportation
Communications Subcommittee
To resume hearings on the diversity and concentration of media ownership.
SR-253

9:30 a.m.
Commerce, Science, and Transportation
Aviation Subcommittee
To hold hearings on S. 640, to establish guidelines for Federal standards of liability for general aviation accidents.
SR-301

Governmental Affairs
To resume hearings on alcohol abuse prevention.
SD-342

1:30 p.m.
Agriculture, Nutrition, and Forestry
Conservation and Forestry Subcommittee
To hold hearings to review the sustainability of forest resources.
SR-332

2:00 p.m.
Commerce, Science, and Transportation
Science, Technology, and Space Subcommittee
To hold hearings on super computers.
SR-253

JUNE 22

8:00 a.m.
Veterans' Affairs
To hold hearings on S. 404, H.R. 1415, and S. 898, to extend certain Department of Veterans' Affairs home loan guaranty provisions, and related measures.
SR-418

9:00 a.m.
Agriculture, Nutrition, and Forestry
Conservation and Forestry Subcommittee
To hold hearings to review conservation and agricultural practices.
SR-332

Commerce, Science, and Transportation
Communications Subcommittee
To continue hearings on the diversity and concentration of media ownership.
SR-253

2:00 p.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1990 for foreign assistance programs.
SD-138

Commerce, Science, and Transportation
Surface Transportation Subcommittee
To hold hearings on S. 1005, relating to the sale, purchase, or other acquisition of certain railroads.
SR-253

Energy and Natural Resources
To hold hearings to review trends in domestic CO_2 emissions as they contribute to the phenomenon of global warming.
SD-366

JUNE 23

9:30 a.m.
Governmental Affairs
To hold hearings on S. 253, to establish a coordinated National Nutrition Monitoring and Related Research Program.
SD-342

Select on Indian Affairs
To hold oversight hearings on administration of Indian programs by the Environmental Protection Agency.
SR-485

2:00 p.m.
Select on Indian Affairs
To hold oversight hearings on administration of Indian programs by the Environmental Protection Agency.
SR-485

JULY 11

9:30 a.m.
Energy and Natural Resources
To resume hearings on S. 710, S. 711, and S. 712, bills to provide for a referendum for the political status of Puerto Rico.
SD-366

2:30 p.m.
Energy and Natural Resources
Energy Research and Development Subcommittee
To resume hearings on S. 964, authorizing funds for fiscal years 1990 and 1991 for civilian energy programs of the Department of Energy, and on fossil energy research and development and the clean coal technology program.
SD-366

JULY 12

9:00 a.m.
Commerce, Science, and Transportation
Communications Subcommittee
To hold hearings on S. 707, to require the Federal Communications Commission to reinstate restrictions on advertising during children's television, to enforce the obligation of broadcasters to meet the educational and informational needs of the child audience.
SR-253

JULY 13

9:30 a.m.
Commerce, Science, and Transportation
Merchant Marine Subcommittee
To hold hearings on capabilities and concerns of the national sealift policy.
SR-253

Veterans' Affairs
Business meeting, to consider pending calendar business.
SR-418

10:00 a.m.
Energy and Natural Resources
To continue hearings on S. 710, S. 711, and S. 712, bills to provide for a referendum on the political status of Puerto Rico.
SD-366

JULY 14

10:00 a.m.
Energy and Natural Resources
To continue hearings on S. 710, S. 711, and S. 712, bills to provide for a referendum on the political status of Puerto Rico.
SD-366

JULY 18

9:30 a.m.
Energy and Natural Resources
Energy Research and Development Subcommittee
To resume hearings on S. 964, authorizing funds for fiscal years 1990 and 1991 for civilian energy programs of the Department of Energy, focusing on reactor research and development, and on commercial efforts to develop advanced nuclear reactor technologies.
SD-366

JULY 19

9:00 a.m.
Commerce, Science, and Transportation
Communications Subcommittee
To hold hearings on S. 999, relating to the broadcasting of certain material regarding candidates for Federal elective office.
SR-253

JULY 20

9:30 a.m.
Energy and Natural Resources
Energy Research and Development Subcommittee
To resume hearings on S. 964, authorizing funds for fiscal years 1990 and 1991 for civilian energy programs of the Department of Energy, focusing on reactor research and development, and on commercial efforts to develop advanced nuclear reactor technologies.
SD-366

Veterans' Affairs
Business meeting, to mark up proposed legislation to revise certain provisions of VA health care programs, including S. 13, S. 86, S. 165, S. 192, S. 263, S. 405, S. 564, S. 574, S. 748, and S. 846.
SR-418

JULY 21

9:30 a.m.
Select on Indian Affairs
To hold hearings to establish a Tribal Judicial Resource Center.
SR-485

JULY 26

9:00 a.m.
Commerce, Science, and Transportation
Communications Subcommittee
To hold hearings on S. 1009, relating to the purchase of broadcasting time by candidates for public office.
SR-253

HOUSE OF REPRESENTATIVES—*Tuesday, June 6, 1989*

The House met at 12 noon.

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

With our words of praise, O gracious God, we offer this our prayer of thanksgiving and petition.

We are grateful for the traditions of this institution that provide opportunity for people to be nurtured in freedom and to experience the good liberties that we cherish as a society.

We give thanks, O God, for those individuals who have dedicated themselves and their abilities to do the things that make for justice in our land and in our world, who have used the means of government to encourage people to practice the blessed gift of reconciliation, so all people can learn to respect each other in the bonds of peace.

We place before You, loving God, the sincere petitions of our own hearts. May Your benediction be upon all who serve in this place that their sense of duty and spirit of honor in serving You and their country ever enable them to take pride in their calling and make them faithful in Your service.

Encourage each of us, O God, to use all the occasions of life to do justice, love mercy, and ever walk humbly with You, so that the good works done for the least among us will be blessings to the needy and pleasing in Your sight. This we pray. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

Mr. WALKER. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The SPEAKER. The question is on the Chair's approval of the Journal.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. WALKER. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 298, nays 107, not voting 28, as follows:

[Roll No. 72]

YEAS—298

Ackerman	Feighan	Lowey (NY)
Akaka	Fish	Luken, Thomas
Alexander	Flake	Manton
Anderson	Flippo	Markey
Andrews	Foglietta	Martin (NY)
Annunzio	Foley	Martinez
Anthony	Ford (MI)	Matsui
Applegate	Ford (TN)	Mavroules
Archer	Frank	Mazzoli
Aspin	Frost	McCurdy
Atkins	Garcia	McDade
Barnard	Gaydos	McDermott
Bartlett	Gejdenson	McEwen
Bateman	Gephardt	McHugh
Bates	Gillmor	McMillen (MD)
Bennett	Gilman	McNulty
Bereuter	Gingrich	Meyers
Berman	Glickman	Mfume
Bevill	Gonzalez	Miller (CA)
Bilbray	Gordon	Miller (WA)
Boggs	Gradison	Mineta
Bonior	Grant	Moakley
Borski	Gray	Mollohan
Bosco	Green	Montgomery
Boucher	Guarini	Moody
Boxer	Gunderson	Morella
Brennan	Hall (OH)	Morrison (CT)
Brooks	Hall (TX)	Morrison (WA)
Broomfield	Hamilton	Mrazek
Brown (CA)	Hammerschmidt	Murtha
Bruce	Harris	Myers
Bryant	Hatcher	Nagle
Bustamante	Hawkins	Natcher
Byron	Hayes (IL)	Neal (MA)
Callahan	Hayes (LA)	Neal (NC)
Campbell (CA)	Hefner	Nelson
Campbell (CO)	Henry	Nowak
Cardin	Hertel	Oakar
Carper	Hoagland	Oberstar
Carr	Hochbrueckner	Obey
Chapman	Horton	Olin
Clarke	Houghton	Ortiz
Clement	Hoyer	Owens (NY)
Coelho	Hubbard	Owens (UT)
Coleman (TX)	Huckaby	Packard
Combest	Hughes	Pallone
Conte	Hutto	Panetta
Conyers	Johnson (CT)	Parker
Cooper	Johnson (SD)	Patterson
Costello	Johnston	Payne (NJ)
Coyne	Jones (GA)	Payne (VA)
Crockett	Jones (NC)	Pease
Darden	Jontz	Pelosi
de la Garza	Kanjorski	Penny
DeFazio	Kaptur	Perkins
Dellums	Kasich	Petri
Derrick	Kastenmeier	Pickett
Dicks	Kennedy	Pickle
Dingell	Kennelly	Poshard
Dixon	Kildee	Price
Donnelly	Kleczka	Quillen
Dorgan (ND)	Kolter	Rahall
Downey	Kostmayer	Rangel
Dreier	LaFalce	Ravenel
Duncan	Lancaster	Ray
Durbin	Lantos	Regula
Dwyer	Laughlin	Richardson
Dymally	Leath (TX)	Rinaldo
Dyson	Lehman (CA)	Robinson
Early	Lehman (FL)	Roe
Eckart	Lent	Rohrabacher
Edwards (CA)	Levin (MI)	Rose
Engel	Levine (CA)	Rostenkowski
English	Lewis (GA)	Roth
Erdreich	Lipinski	Rowland (CT)
Evans	Livingston	Rowland (GA)
Fascell	Lloyd	Roybal
Fazio	Long	Russo
Sabo	Smith (IA)	Traficant
Saiki	Smith (NE)	Traxler
Sangmeister	Smith (NJ)	Unsoeld
Sarpalius	Smith (VT)	Valentine
Savage	Snowe	Vander Jagt
Sawyer	Solarz	Vento
Saxton	Spratt	Visclosky
Scheuer	Staggers	Volkmer
Schiff	Stark	Walgren
Schneider	Stearns	Watkins
Schulze	Stenholm	Weiss
Schumer	Stokes	Whitten
Shaw	Studds	Williams
Shumway	Swift	Wilson
Shuster	Synar	Wise
Sisisky	Tallon	Wolpe
Skaggs	Tanner	Wyden
Skeen	Tauzin	Wylie
Skelton	Thomas (GA)	Yates
Slattery	Torres	Yatron
Slaughter (NY)	Torricelli	
Smith (FL)	Towns	

NAYS—107

Armey	Hansen	Porter
AuCoin	Hastert	Pursell
Baker	Hefley	Rhodes
Ballenger	Herger	Roberts
Barton	Hiler	Rogers
Bentley	Holloway	Schaefer
Bilirakis	Hopkins	Schroeder
Billey	Hunter	Sensenbrenner
Boehlert	Hyde	Shays
Brown (CO)	Inhofe	Sikorski
Bunning	Jacobs	Slaughter (VA)
Burton	James	Smith (MS)
Chandler	Kolbe	Smith (TX)
Clay	Kyl	Smith, Denny (OR)
Clinger	Lagomarsino	Smith, Robert (NH)
Coble	Leach (IA)	Smith, Robert (OR)
Coleman (MO)	Lewis (CA)	Solomon
Coughlin	Lewis (FL)	Spence
Cox	Lightfoot	Stangeland
Craig	Lukens, Donald	Stump
Crane	Machtley	Sundquist
Dannemeyer	Madigan	Tauke
DeLay	Marlenee	Thomas (CA)
DeWine	Martin (IL)	Upton
Dickinson	McCandless	Walker
Douglas	McCollum	Walsh
Edwards (OK)	McCrery	Weber
Emerson	McGrath	Weldon
Fawell	Michel	Wheat
Fields	Miller (OH)	Whittaker
Frenzel	Molinari	Wolf
Gallegly	Moorhead	Young (AK)
Gekas	Murphy	Young (FL)
Goodling	Nielson	
Goss	Oxley	
Grandy	Pashayan	
Hancock	Paxon	

NOT VOTING—28

Beilenson	Gibbons	Roukema
Browder	Ireland	Schuette
Buechner	Jenkins	Sharp
Collins	Leland	Stallings
Courter	Lowery (CA)	Thomas (WY)
Davis	McCloskey	Udall
Dornan (CA)	McMillan (NC)	Vucanovich
Espy	Parris	Waxman
Florio	Ridge	
Gallo	Ritter	

□ 1220

Mr. BATES and Mr. SAVAGE changed their vote from "nay" to "yea."

So the Journal was approved.

The result of the vote was announced as above recorded.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will all Members rise and permit the Chair to lead us in the Pledge of Allegiance to our flag.

The Speaker, Mr. WRIGHT, led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

ELECTION OF SPEAKER

The SPEAKER. Pursuant to the Speaker's announcement of Wednesday, May 31, 1989, the Chair will receive nominations for the Office of Speaker.

The Chair recognizes the gentleman from Pennsylvania [Mr. GRAY].

Mr. GRAY. Mr. Speaker, as chairman of the Democratic Caucus, I am directed by the unanimous vote of that caucus to present for election to the Office of the Speaker of the House of Representatives the name of the Honorable THOMAS S. FOLEY, a Representative from the State of Washington.

The SPEAKER. The Chair now recognizes the gentleman from California [Mr. LEWIS].

(Mr. LEWIS of California asked and was given permission to revise and extend his remarks.)

Mr. LEWIS of California. Mr. Speaker, as chairman of the Republican Conference, I am directed by the unanimous vote of that conference to present for election to the Office of the Speaker of the House of Representatives the name of the Honorable ROBERT H. MICHEL, a Representative from the State of Illinois.

Mr. Speaker, it is a time of great tribulation and turbulence as this House celebrates its 200th anniversary. Radical changes in the structure of power are always that. But it is a credit to the strength of this institution that in the midst of this upheaval, we are all joined together in the common goal of determining who will lead us.

BOB MICHEL, the Republican leader, is such a man. This man from the land of Lincoln will open the doors and let sunshine enter these hallowed halls. He knows that conducting the affairs of the Nation in the dark leads to blindness and a failure of vision.

No person in the history of the House has tasted the bitterness of being in the minority as often as BOB MICHEL. He will be in the "Guiness World Book of Records" one more time as, today, he is nominated for the sixth time for the speakership, by the Republican Conference.

BOB MICHEL knows these are times of great historical significance in the House. It is the changing of the guard that follows the revolutionary downfall of kings and princes. But he knows as well that in these events we have changed everything—and we have changed nothing. As Speaker he will fight for a more permanent change—reform of the House as an institution.

We as Republicans want reform, not revenge. We will help expunge corruption from the House wherever it exists—on either side of the aisle. We hold out this collective stance to our Democratic majority, the news media, and to the familes and voters of America, as a model for responsible government.

BOB MICHEL is our choice for Speaker. He has earned the enthusiastic vote of every Representative in this House. By virtue of friendship and philosophy, he is entitled to the votes of dozens of our Democratic colleagues—and they know it.

If our system were somewhat different, he would be Prime Minister—and then the entire world would know his wonderful mix of common sense and decency that many of us take for granted.

Many see this time of upheaval as a time of great danger. BOB MICHEL sees it as a time of great opportunity—an opportunity to turn this House back to the people; to institute ethical and political accountability; to end the practice of spending taxpayer money on bills and programs in the dark; and to elevate campaign and ethics reform to the top of this body's agenda.

As Speaker, he would fight for a Republican agenda, of course. But he would also protect the rights of the Democratic Party. And he would allow any idea—liberal or conservative—to come before this body for a vote if it had merit. For that is part of his vision, as well.

Mr. Speaker, as chairman of the House Republican Conference, I am pleased to say that I have been directed by the unanimous vote of that conference to present for election to the Office of Speaker of the House of Representatives, the name of the Honorable ROBERT H. MICHEL, of Illinois.

The SPEAKER. The Honorable THOMAS S. FOLEY, a Representative from the State of Washington, and the Honorable ROBERT H. MICHEL, a Representative from the State of Illinois, have been placed in nomination.

Are there any further nominations?

There being no further nominations, the Chair will appoint tellers.

The Chair appoints the gentleman from Illinois [Mr. ANNUNZIO]; the gentleman from California [Mr. THOMAS]; the gentlewoman from Colorado [Mrs. SCHROEDER]; and the gentlewoman from Nebraska [Mrs. SMITH].

The tellers will come forward and take their seats at the desk in front of the Speaker's rostrum.

The roll will now be called, and those responding to their names will indicate by surname the nominee of their choice.

The reading clerk will now call the roll.

The tellers having taken their places, the House proceeded to vote for the Speaker.

The following is the result of the vote:

[Roll No. 73]

FOLEY—251

Ackerman	Alexander	Andrews
Akaka	Anderson	Annunzio
Anthony	Harris	Pallone
Applegate	Hatcher	Panetta
Aspin	Hawkins	Parker
Atkins	Hayes (IL)	Patterson
AuCoin	Hayes (LA)	Payne (NJ)
Barnard	Hefner	Payne (VA)
Bates	Hertel	Pease
Bennett	Hoagland	Pelosi
Berman	Hochbrueckner	Penny
Bevill	Hoyer	Perkins
Bilbray	Hubbard	Pickett
Boggs	Huckaby	Pickle
Bonior	Hughes	Poshard
Borski	Hutto	Price
Bosco	Jacobs	Rahall
Boucher	Jenkins	Rangel
Boxer	Johnson (SD)	Ray
Brennan	Johnston	Richardson
Brooks	Jones (GA)	Robinson
Browder	Jones (NC)	Roe
Brown (CA)	Jontz	Rose
Bruce	Kanjorski	Rostenkowski
Bryant	Kaptur	Rowland (GA)
Bustamante	Kastenmeier	Roybal
Byron	Kennedy	Russo
Campbell (CO)	Kennelly	Sabo
Cardin	Kildee	Sangmeister
Carper	Kleczka	Sarpalius
Carr	Kolter	Savage
Chapman	Kostmayer	Sawyer
Clarke	LaFalce	Scheuer
Clay	Lancaster	Schroeder
Clement	Lantos	Schumer
Coelho	Laughlin	Sharp
Coleman (TX)	Leath (TX)	Sikorski
Conyers	Lehman (CA)	Sisisky
Cooper	Lehman (FL)	Skaggs
Costello	Leland	Skelton
Coyne	Levin (MI)	Slattery
Crockett	Levine (CA)	Slaughter (NY)
Darden	Lewis (GA)	Smith (FL)
de la Garza	Lipinski	Smith (IA)
DeFazio	Lloyd	Solarz
Dellums	Long	Spratt
Derrick	Lowey (NY)	Staggers
Dicks	Luken, Thomas	Stallings
Dingell	Manton	Stark
Dixon	Markey	Stenholm
Donnelly	Martinez	Stokes
Dorgan (ND)	Matsui	Studds
Downey	Mavroules	Swift
Durbin	Mazzoli	Synar
Dwyer	McCloskey	Tallon
Dymally	McCurdy	Tanner
Dyson	McDermott	Tauzin
Early	McHugh	Thomas (GA)
Eckart	McMillen (MD)	Torres
Edwards (CA)	McNulty	Torricelli
Engel	Mfume	Towns
English	Miller (CA)	Traficant
Erdreich	Mineta	Traxler
Evans	Moakley	Udall
Fascell	Mollohan	Unsoeld
Fazio	Montgomery	Valentine
Feighan	Moody	Vento
Flake	Morrison (CT)	Visclosky
Flippo	Mrazek	Volkmer
Foglietta	Murphy	Walgren
Ford (MI)	Murtha	Watkins
Ford (TN)	Nagle	Waxman
Frank	Natcher	Weiss
Frost	Neal (MA)	Wheat
Garcia	Neal (NC)	Whitten
Gaydos	Nelson	Williams
Gejdenson	Nowak	Wilson
Gephardt	Oakar	Wise
Glickman	Oberstar	Wolpe
Gonzalez	Obey	Wright
Gordon	Olin	Wyden
Gray	Ortiz	Yates
Hall (TX)	Owens (NY)	Yatron
Hamilton	Owens (UT)	

MICHEL—164

Archer	Boehlert	Combest
Armey	Broomfield	Conte
Baker	Brown (CO)	Coughlin
Ballenger	Bunning	Cox
Bartlett	Burton	Craig
Barton	Callahan	Crane
Bateman	Campbell (CA)	Dannemeyer
Bentley	Chandler	DeLay
Bereuter	Clinger	DeWine
Bilirakis	Coble	Dickinson
Bliley	Coleman (MO)	Douglas

Dreier	Lewis (FL)	Saxton
Duncan	Lightfoot	Schaefer
Edwards (OK)	Livingston	Schiff
Emerson	Lowery (CA)	Schneider
Fawell	Lukens, Donald	Schulze
Fields	Machtley	Sensenbrenner
Fish	Madigan	Shaw
Frenzel	Marlenee	Shays
Gallegly	Martin (IL)	Shumway
Gekas	Martin (NY)	Shuster
Gillmor	McCandless	Skeen
Gilman	McCollum	Slaughter (VA)
Gingrich	McCrery	Smith (MS)
Goodling	McDade	Smith (NE)
Goss	McEwen	Smith (NJ)
Gradison	McGrath	Smith (TX)
Grandy	McMillan (NC)	Smith (VT)
Grant	Meyers	Smith, Denny (OR)
Green	Miller (OH)	
Gunderson	Miller (WA)	Smith, Robert (NH)
Hammerschmidt	Molinari	
Hancock	Moorhead	Smith, Robert (OR)
Hansen	Morella	
Hastert	Morrison (WA)	Snowe
Hefley	Myers	Solomon
Henry	Nielson	Spence
Herger	Oxley	Stangeland
Hiler	Packard	Stearns
Holloway	Pashayan	Stump
Hopkins	Paxon	Sundquist
Horton	Petri	Tauke
Houghton	Porter	Thomas (CA)
Hunter	Pursell	Thomas (WY)
Hyde	Quillen	Upton
Inhofe	Ravenel	Vander Jagt
Ireland	Regula	Walker
James	Rhodes	Walsh
Johnson (CT)	Rinaldo	Weber
Kasich	Ritter	Weldon
Kolbe	Roberts	Whittaker
Kyl	Rogers	Wolf
Lagomarsino	Rohrabacher	Wylie
Leach (IA)	Roth	Young (AK)
Lent	Rowland (CT)	Young (FL)
Lewis (CA)	Saiki	

ANSWERED "PRESENT"—2

Foley	Michel

NOT VOTING—17

Beilenson	Espy	Parris
Buechner	Florio	Ridge
Collins	Gallo	Roukema
Courter	Gibbons	Schuette
Davis	Guarini	Vucanovich
Dornan (CA)	Hall (OH)	

□ 1300

The SPEAKER. The tellers agree in their tallies that the total number of votes cast is 417, of which the Honorable THOMAS S. FOLEY, of Washington, has received 251 and the Honorable ROBERT H. MICHEL, of Illinois, has received 164, with 2 voting "present."

Therefore, the Honorable THOMAS S. FOLEY, of Washington, is duly elected Speaker of the House of Representatives, having received a majority of the votes cast.

The Chair appoints the following committee to escort the Speaker-elect to the chair: The gentleman from Illinois [Mr. MICHEL], the gentleman from Pennsylvania [Mr. GRAY], the gentleman from California [Mr. LEWIS], the gentleman from Washington [Mr. DICKS], the gentleman from Washington [Mr. SWIFT], the gentleman from Washington [Mr. MORRISON], the gentleman from Washington [Mr. CHANDLER], the gentleman from Washington [Mr. MILLER], the gentleman from Washington [Mr. MCDERMOTT], and the gentlewoman from Washington [Mrs. UNSOELD].

The committee will retire from the Chamber to escort the Speaker-elect to the chair.

□ 1310

The Doorkeeper announced the Speaker-elect of the House of Representatives of the 101st Congress, who was escorted to the chair by the committee of escort.

Mr. MICHEL. Mr. Speaker-elect, my colleagues, guests of the House.

Once again, I hold in my hand—temporarily, alas—a symbol of the authority of the Speaker of the House.

We are taught it is better to give than receive. I believe that. When it comes to Speaker's gavels, I have become distressingly expert at it, having now gone down to defeat for the sixth time on a straight party-line vote.

I look forward to the day when someone on the other side of the aisle learns the joys of such selfless behavior.

My colleagues, I know you are anxious to hear from the Speaker, but before formally presenting him to you, I would ask your forbearance that I might make a few comments of my own.

During the recent past we have taken part in a number of ceremonies commemorating the bicentennial of the House of Representatives.

We had a marvelous celebration on this floor in which many of us got the chance to say what we believe about this great institution.

But in a curious irony of history—some might say a tragedy of history—the very year in which we celebrated the great traditions and the glories of the House, it has been blighted by unprecedented crises, personal and institutional.

Today we have that rare, most precious and improbable of gifts—a second chance for comprehensive, bipartisan institutional reform that will set the course for a new century.

Let me turn to my friends on the other side of the aisle for a moment—and I hope that you will take what I have to say in the spirit in which it is intended.

First, no political party—no man or woman in the House, no faction, no ideology—has a monopoly on virtue. Human folly is an equal-opportunity employer.

No, there is no monopoly on virtue, but for over 35 years there has been a monopoly of power in the House.

Thirty-five years of uninterrupted power can act like a corrosive acid upon the restraints of civility and comity.

Those who have been kings of the Hill for so long may forget that majority status is not a divine right—and minority status is not a permanent condition.

At the heart of our crises are not personal faults of individual Members. After 32 years as a Member and over 40 years on the Hill, it is my belief that the personal integrity of the overwhelming number of Members of this institution is and has been as good or better than that of any group in our society—especially those who criticize the most. [Applause.]

I believe that the processes of the House, as established to deal with ethics cases, have to proceed.

The former Speaker said in his farewell address to the House that "this mindless cannibalism has got to stop."

Now, it is a catchy phrase, but the distinguished members of the committee on ethics, equally divided from both parties, are neither mindless nor cannibals. [Applause.]

In fact, it is their reasoned judgment, under extraordinary pressure, that stands between us and the cannibalism which the Speaker referred to.

I am all for putting an end to bitterness.

I am all in favor of putting our House in order—but we do not do so by sweeping things under the rug.

This House is in a convulsive state. We have experienced some really dark days, but I take heart in the strengths that are built into this institution to cope with the times.

I also take heart from the fact that TOM FOLEY, for whom I have the greatest admiration, will be the new Speaker and, yes, we are going to have our marked differences. That is the nature of this place, but that need not intrude upon the mutual respect and the trust that we have for one another as leaders.

TOM FOLEY, coming from the great Pacific Northwest, reminds me of the line of poetry that says:

"But westward, look, the land is bright."

Congratulations, Mr. Speaker-elect. Let me hand over to you this symbol of the great power and the great responsibilities you have just been given by the House.

Ladies and gentlemen of the House, what a privilege for me to present to you the new Speaker-elect of the House of Representatives.

[Applause, Members rising.]

□ 1320

The SPEAKER. Mr. Speaker, BOB MICHEL, my fellow Members, friends, guests, ladies and gentlemen, article I, section 2 of the Constitution of the United States states simply that the House of Representatives shall choose their Speaker and other officers. Those are simple words, but there are no simple words that can convey my deep gratitude to you for having chosen me to be the Speaker of this House.

It is also a great honor to be presented by the distinguished Republican leader and my good friend, BOB MICHEL. We have two great political parties that have nourished our political tradition and served it so well throughout our history. The Republican Party could not choose a more able or talented or distinguished a leader than the gentleman from Illinois [Mr. MICHEL]. [Applause.]

He would make a great Speaker himself, but I prefer him as the Republican leader.

Although I know and expect that BOB MICHEL will, as he has been in the past, be an outspoken leader and champion for his party, for its programs and its philosophy, I am confident that whatever disagreements arise between us over policy will never interfere with our friendship or with the deep and abiding respect I have for you, BOB. I look forward to working with you in a spirit of cooperation and increased consultation as we address the problems facing this House and the Nation.

It has been the proudest accomplishment of my life to represent the people of the Fifth Congressional District of Washington, and I must say a word of gratitude and thankfulness to them for having allowed me to serve for so many years in their behalf.

There are so many people to whom I am grateful, but first and foremost is my wife and my loving companion for 24 years, 21 years, will be 24. [Applause.]

No words can express my love and gratitude to you.

To my surviving mother and sister and love of my family, to the staff of all of the offices I have held here in the Congress for so many years who have been a part of everything that I have tried to do in public life, to my teachers, to my friends, to those who first inspired me to public service, most of all my father who convinced me that public service was a great trust and the highest possible calling; to those who gave me an opportunity for public service, to people like Henry M. Jackson and Warren G. Magnuson, who taught me that the public office can contribute so much to the public good. To the Speakers with whom I have served, John McCormack and Carl Albert and Tip O'Neill, who served longer than any Speaker of this House in continuous service, and to you, Mr. Speaker, because I believe that the great accomplishments of the last Congress will go down in history as a tribute to your leadership and dedication. [Applause.]

And to the great Republican leaders, Gerald R. Ford, who left this place to assume the Presidency of the United States as a healing President at a difficult time in our country's history. I was in the Democratic Cloakroom when Gerald Ford took the oath of office as President of the United States. You may remember he asked the country to pray for him, and in the silence of the Democratic Cloakroom, a single voice said, "We will, Jerry. God bless you."

To John Rhodes, who I had the pleasure of seeing this last week, and to BOB MICHEL, with whom I look forward to the closest cooperation, and to all of you, all of my colleagues, who though you have different visions for the future of this country, share a common commitment to public service, a common concern for the public good, and a love of this House.

We are proud to call this the People's House, the fundamental institution of American democracy. Although it is not the oldest parliament in the world, it has existed longer as an independent, popularly elected legislature than any other in the history of mankind.

And as we watch the remarkable struggles of the Chinese people, as we see the growing aspirations of those in the Soviet Union and in Poland and elsewhere, we can take pride that the values that gave this institution its birth and have sustained it for 200 years now sweep round the world.

This body reflects most closely the Nation at large. It is not, as many have suggested, a fixed, unchangeable body. We have even been called the House of Lords. The fact of the matter is that there is constantly a refreshment from every part of the country as new Members come from all quarters, from every background, of every race and creed and color and commitment to serve here.

Since 1965, when I first came, 93 percent of this body have changed. Since 1974, 81 percent have changed, and in the years since 1980, fully 55 percent of the House has changed its membership.

We benefit by this infusion of new ideas, new personalities, new principles. But it remains ultimately the choice of the American electorate.

We need to strengthen this House. I do not share the views of some that we should attempt to tear it down. On the contrary, I think we must strengthen and build it. [Applause.]

And in that task I pledge to all of you, Democrats and Republicans, Members from every part of the country, that I understand the responsibility of the Speaker of the House, as other Speakers have understood it and practiced it, to be a responsibility to the whole House and to each and every individual Member, undivided by that center aisle. [Applause.]

I take great pride, as all of you do, in our public service. I have spent 25 years in the Congress, and it has been for me the great and abiding pride of my life. I believe that public service is a free gift of a free people, and a challenge for all of us in public life to do what we can to make that service useful for those who have sent us here.

□ 1330

I am confident, as is BOB MICHEL, in the fundamental honesty and integrity of the Members who serve here. I believe the standard of public conduct is higher and the performance of that standard is better in this House today than at any other time in the history of our Nation. But questions must be discussed and answered.

I have asked BOB MICHEL to join with me in asking the bipartisan task force on ethics reform to report at an early date their recommendations to us and to the House so that the House may consider what recommendations they may make and other recommendations and proposals in this session of Congress this year.

I am a proud Democrat, but I appeal specifically to our friends on the Republican side that we should come together and put away bitterness and division and hostility. We need to debate public issues vigorously sometimes, even passionately sometimes, and decide for the country what should be done; but we need to debate and decide with reason and without rancor. I will do what I can, and every day that I serve in this office, to insure that the rights and privileges of each Member of the House are respected and to insure that the procedure is fair for all.

I applaud the desire of the President of the United States to work with the Congress and with both parties, and we extend, warmly, our offer of cooperation with him.

We have elections every 4 years, but we have one President at a time, and he who does not wish the President of the United States, President Bush, well is no friend of the Republic. We wish him well. We wish to work with him. We wish to serve the common interests of this country and its interests abroad.

A dozen years ago my great friend and yours, Thomas P. O'Neill, stood here to take the oath of office as Speaker for the first time. In his speech he reminded us in a paraphrased way of the words of Henry Clay, a great and former Speaker of the House. In promising to be prompt and impartial in deciding parliamentary questions, he pledged to be patient, good-tempered, and courteous toward individual Members. He pledged his best to employ the talent, the great talent of this House for full and fair consideration of those issues that come before it. He pledged in those moments of agitation from which no assembly is entirely exempt to remain cool and unshaken, gathering the permanent laws and rules of the House and guarding them from being sacri-

ficed to temporary passions, prejudices, or interests. I repeat that pledge.

You have bestowed upon me a great honor and a great responsibility. I will devote every ability I have to justify and maintain your confidence and the integrity of this House of Representatives and protect the rights and welfare of all Members so that we can fulfill our high responsibility in representing the people of this Nation.

With God's help, with your understanding and support, I am now prepared to take the oath of office.

[Applause, the Members rising.]

The SPEAKER-ELECT. Will the gentleman from Mississippi [Mr. WHITTEN] please come forward to administer the oath of office?

Mr. WHITTEN then administered the oath of office to Mr. FOLEY of Washington.

[Applause, the Members rising.]

NOTIFICATION TO SENATE OF ELECTION OF SPEAKER OF THE HOUSE OF REPRESENTATIVES

Mr. GRAY. Mr. Speaker, I offer a privileged resolution (H. Res. 166) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 166

Resolved, That a message be sent to the Senate to inform that body that Thomas S. Foley, a Representative from the State of Washington, has been elected Speaker of the House of Representatives.

The resolution was agreed to.

A motion to reconsider was laid on the table.

AUTHORIZING THE CLERK TO INFORM THE PRESIDENT OF THE UNITED STATES OF THE ELECTION OF THE SPEAKER OF THE HOUSE OF REPRESENTATIVES

Mr. GRAY. Mr. Speaker, I offer a privileged resolution (H. Res. 167) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 167

Resolved, That the Clerk be instructed to inform the President of the United States that the House of Representatives has elected Thomas S. Foley, a Representative from the State of Washington, Speaker of the House of Representatives.

The resolution was agreed to.

A motion to reconsider was laid on the table.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair will receive 1-minute speeches at this time.

ENOUGH IS ENOUGH

(Mr. KANJORSKI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KANJORSKI. Mr. Speaker, I rise today to call my colleagues' attention to an article that appeared in the Washington Post this morning and to express my feeling that enough is enough.

I rise as a Democrat, but I am rising in defense of a colleague on the other side of the aisle, the gentleman from Tennessee, Mr. JAMES QUILLEN.

The Washington Post today saw fit to attack this Member of the House of some 25 years of innuendo and inference, which is outrageous in tone and intimidation at its least.

I think that this House has to stand and take note that the media today is attempting to impede the actions of this Congress by insinuating that a reasonable act or a personal act by any Member to raise an amendment before this House and before the Committee on Rules, should be challenged as something of a conflict of interest.

□ 1340

I do not know the gentleman from Tennessee [Mr. QUILLEN] personally, but I have had the opportunity to serve with him for more than 4 years. It incenses me that we should allow any Member of this House to be intimidated by a press that is out to destroy this institution.

Mr. Speaker, I now realize what the Washington Post is after. It does not desire to improve this institution or this Government. It strives to have a place on the checkout counters of America's supermarkets.

PERSONAL EXPLANATION

Mr. GUARINI. Mr. Speaker, during Rollcall Vote No. 73 on election of the Speaker I was unavoidably detained on the Senate side. Had I been present I would have voted for the Honorable THOMAS S. FOLEY to be Speaker.

INTRODUCTION OF LEGISLATION TO COMPLETE BUFFALO BILL DAM PROJECT

(Mr. THOMAS of Wyoming asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. THOMAS of Wyoming. Mr. Speaker, I am today introducing legislation to authorize appropriations for the completion of the construction of the Buffalo Bill Dam modification project which is underway near Cody, WY. The legislation would increase the Federal share of project costs from $68.7 to $80 million. The State of Wyoming is a cost-sharing sponsor for the modification project. The State is providing 50 percent of the funding for construction of recreational facilities associated with the project.

The Buffalo Bill modification project is more than 60 percent complete. If the required increase in project cost ceiling is not approved, completion would be delayed.

An increase in appropriations will enable the citizens of the State of Wyoming and the Nation to realize the maximum benefits from the project, benefits which were not anticipated when project cost estimates were prepared in 1972.

We should not let this important project fall behind schedule, and that is precisely what will happen if we do not increase the Federal cost ceiling of this project by October 1, 1989. The State of Wyoming has already taken legislative action to increase its share from $47 million to $52 million. I urge that we take the action necessary to assure timely completion of this important project.

REPRESSION OF THE CHINESE PEOPLE

(Mr. PRICE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PRICE. Madam Speaker, I rise to protect in the strongest possible terms the senseless violence and brutality used by the Chinese government to repress the massive and peaceful prodemocracy demonstrations in that country.

It is deeply disappointing that the progress toward opening up Chinese society—in which that country's people, and all Americans, as friends of the Chinese people, have taken so much hope in recent years—has now been brutally reversed.

President Bush's public reaction, I regret to say, did not begin to express the outrage and horror that most of us feel. In particular, our Ambassador should have immediately been called home. I applaud the President's decision to cut off all military sales to China; it is unthinkable to continue such sales to a government engaged in the slaughter of its own people. I urge the consideration of broader economic sanctions, particularly in high-technology areas with national security implications.

It is also important to give every consideration to Chinese students in this country who may need to extend their visas. Many of these students have spoken out and demonstrated courageously in support of their compatriots back home, and they are entitled to our Government's understanding and help. I am privileged to have hundreds of such students studying in my district, and meeting with a group of these students yesterday brought

home fully the enormity of this tragedy to me.

LET US GET SERIOUS IN COMBATING FRAUD, WASTE, AND MISMANAGEMENT

(Mr. LANCASTER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LANCASTER. Madame Speaker, our national defense is under attack. The enemy operates behind the lines and is as destructive as any we have encountered. That enemy is fraud, waste, and abuse. Its perpetrators appear harmless enough. They are patriotic contractors who have stepped over the edge of greed. They are loyal civil servants who provide favors for a gratuity. Even our military become involved by confusing symbols of their authority with the trappings of royality.

The damage is ruinous. The lives of our young men and women who honorably serve the Nation have been imperiled by shoddy equipment substituted for fit gear. Our freedom is at risk by weapons that simply do not perform. The will of our citizens to support their Government in providing for the common defense is crippled by story after story of waste and abuse of their hard earned tax dollars.

Mr. Speaker, I urge my colleagues to get behind an offensive against this enemy. Our declaration of war against defense fraud, waste, and abuse is H.R. 2361 and H.R. 2362, which strengthens the independence of the Department of Defense inspector general by providing a 10-year term of office; provides the inspector general with auditors and investigators to review defense contractors; and bolsters the auditors, investigators, and inspectors in each military department.

ELECTION PROCESS IN POLAND

(Mr. COX asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. COX. Madam Speaker, it was my privilege to witness over the last several days the elections in Poland. I returned at 4 o'clock this morning. It was a spectacular occurrence and I am convinced, as a result of this experience, that Poland is presently at the leading edge of change toward democracy within the Communist world.

I traveled to Warsaw, Krakow, and to Stalowa Wola, which is 100 kilometers from the Soviet border. I watched, literally, tens of thousands, ultimately millions of people turn out to vote for the first time in 40 years in an election that was by far the most free and the most fair that they have had the privilege of participating in. I want to reserve this judgment and this caution. We ought to be sure that we focus on what this exercise was and what it was not. It was a first step. It was a tentative and cautious step toward democracy; however, it was not ultimately democracy. It was not ultimately free.

First, the Communists reserved 65 percent of the seats for themselves in the Sejm, the lower house of the parliament. As a result of this, Solidarity was not even able to compete. Second, Solidarity does not have access to the media. They were given only 7 minutes a day on radio and television in Krakow. Third, there was a great deal of violence that I witnessed as troops of the Polish government attacked demonstrators, most recently on the 16th, 17th, and 18th of May in front of the Soviet consulate. I would like to conclude by saying that members of Solidarity, when asked what ought to be the United States' foreign policy towards Poland, urged, that we not grant U.S. aid directly to the Communist government, but that we encourage our Government to pay attention to human rights in Poland, and that we encourage people-to-people contacts so that they can develop their own free enterprise system, creating new jobs, new opportunity, and ultimately, a new democracy for their country.

CHINESE GOVERNMENT'S DISGRACE

(Mr. AUCOIN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. AUCOIN. Madame Speaker, I watched the weekend's slaughter in Beijing with horror and anger. I condemn the Chinese Government for this unspeakable atrocity.

No one can say I haven't taken a constructive approach to China. I was the first Congressman to lead a trade mission to China. I worked against a two-China policy. I still believe there's only one China.

But today let me mince no words: that one China has disgraced itself.

I cannot believe the murderous brutality Chinese leaders inflicted on their own young people.

The Army's orders were to maximize the bloodshed. Automatic rifles just showed up in the dark and mowed people down. Tanks and bulldozers crushed human beings like insects.

The students came to Tiananmen Square armed with ideas, not weapons. By their numbers, they showed broad support for new freedoms, less official corruption. They did not challenge one-party Communist rule. They only wanted reform from within. And they wanted their rulers to talk to them.

This was too much for the party. So they gunned the people down.

Timid voices in the U.S. administration say that America must be cautious. That one weekend in Beijing should not upset our relations. That the United States has strategic and economic interests in China.

We do have such interests.

But there are times when you just do what's right and worry about what's next—next. This is such a time.

Let us bring home our Ambassador. Let us let visiting Chinese students stay in the United States—China's loss will be America's gain. And let us eliminate military aid and cooperation with this regime immediately.

□ 1350

THE PERPETUATION OF DEMOCRATIC REFORM FROM POLAND TO CHINA

(Mr. DREIER of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DREIER of California. Madam Speaker, I, too, would like to express my horror at the developments over the weekend in Tiananmen Square in Beijing. I have to tell the Members that I, too, come to this point with a rather unique perspective, as I had the great opportunity on Sunday to observe the first semblance of a democratic election in Poland in 40 years.

It was on their election day that the people of Poland heard of the tragedy that was taking place in Tiananmen Square, and it provided them with an even greater commitment of the necessity of the right to vote.

We have seen throughout this decade tremendous opportunities to exercise the right to vote throughout the globe, and on Sunday I had the opportunity to talk with an 80-year-old woman who looked to me when I was visiting one of their voting booths and said, "I'm voting for every member of my family." She said, "they had been either killed in World War II or sent off to Siberia."

It was a tremendous burden she carried, but it was also a tremendous opportunity, and we hope and pray, Madam Speaker, that we will see the perpetuation of democratic reform from Poland all the way to Tiananmen Square.

THE PART-TIME AND TEMPORARY WORKERS PROTECTION ACT OF 1989

(Mrs. SCHROEDER asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. SCHROEDER. Madam Speaker, today I am reintroducing the Part-time and Temporary Workers Protection Act, a bill I first introduced in 1987. This bill would provide pro rata health and pension benefits to employees working less than full-time if

the employer offers health and pension plan coverage to employees working full-time.

The contingent work force is growing. Between 1980 and 1986 it grew twice as fast as the total work force. Most of these workers are women, many of whom are single heads of families. They earn lower hourly wages than full-time workers, and usually are exempted from health and pension benefit plans offered by employers. Only about one-third of part-time workers and one-fourth of temporary workers receive medical benefits, compared to three-fourths of full-time employees.

Part-time, temporary, seasonal, and contract workers do not work any less hard than full-time workers; they simply work fewer hours. We should not continue to treat them as though their work doesn't count as real employment. We should provide them the same basic protections and benefits we provide full-time workers.

THE TURMOIL IN CHINA

Mrs. SCHROEDER. Madam Speaker, I also want to say something about China. As I look at this incredible Chinese situation, one of the world leaders who could do a lot would be Margaret Thatcher. I would hope that Margaret Thatcher will convey to the Chinese Government that the British Government is going to have to think twice about turning Hong Kong over if the Chinese Government does not get its act together. They had hoped very much that in 10 years they could turn Hong Kong back over to the People's Republic of China. If this kind of behavior continues, I would certainly hope that the British would say, "No way."

THE REALISM OF COMMUNISM IN CHINA AND THE SOVIET UNION

(Mr. McCURDY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. McCURDY. Madam Speaker, I rise today to join my colleagues, the administration, and the rest of the free world to condemn the tragic events that have occurred in China over the last few days. The murder of hundreds of nonviolent demonstrators, many of them college students advocating democracy, is an affront to civilized people everywhere, and it is incumbent on the free world to demonstrate our solidarity with those in China who are seeking freedom.

The brutality that the Chinese Government has inflicted on its own people represents an act of desperation by tyrants out of touch with reality. In Tiananmen Square we are witnessing the death throes of an ideology that has visited misery on civilization for over 70 years.

But the chaos that is reigning in China should give us pause for thought as we watch the unraveling of communism elsewhere in the world, particularly in the Soviet Union. It was but a few short years ago that Deng Ziaoping was hailed in the West as a great reformer intent on opening up his country to the world, permitting freedom of expression, and moving his economy down the capitalist road. And, to an extent, this was true. But our enthusiasm for Deng now seems to have been premature.

If this all sounds vaguely familiar, it should. Many in the West now seem eager to view Mikhail Gorbachev with a similar amount of zeal. Gorbachev has been elevated by some to the level of a Jeffersonian Democrat. But does anyone think that, if communist control was truly threatened in Moscow, that the Soviet Government would respond any differently?

Madam Speaker, these are indeed historic times. Poland has just rendered its verdict on the Communist system at the ballot box; Hungary seems poised to follow; and a generous amount of real debate has been heard in the new Congress of People's Deputies in the Soviet Union. But the massacre in Tiananmen Square, and now the threat of civil war in China, should cause us to approach the changes in the Communist world, especially those in the Soviet Union, with prudence and a heavy dose of realism.

THE HISTORIC ELECTIONS IN POLAND

(Mr. RITTER asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. RITTER. Madam Speaker, it was a great honor and a privilege to be in Poland over this weekend and to share with the Polish people the reemergence of democracy, the rebirth of the Polish nation.

This is a nation with a wonderful history, with a wonderful culture, with unique traditions, and all of the above have been on hold for the last 40 years. Being there with them as Solidarity, in some concert with the Government of Poland as it conducted the first step toward democracy since the late 1940's, was an historic event for me that I will remember for the rest of my life.

When I listened to Julia, 75 years old, who had served 6 years in a Siberian labor camp and lost two sons in that camp, I heard her talk with tears of joy in her eyes about being able to vote. When I listened to an 82-year-old Capuchin monk who voted for the first time since his return after being detained in the Soviet Union for 16 years, when I looked at the candidates' enthusiasm and the enthusiasm of their volunteers and looked at their opposition candidates and compared them with those opposition candidates who never even took to the streets, it really made me think that the power of ideas, the power of freedom, is so strong not only in Poland but also in the Soviet Union, and I am as sure as I am standing here that in China these ideas and these ideals will emerge victorious.

Madam Speaker, government by law and not government by tank is the order of the day.

CHINA—A LESSON IN HISTORY

(Mr. PANETTA asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Madam Speaker, the world is stunned by the events in China. The Chinese Government's massacre of thousands of civilians is an offense against humanity. It is very important that we join with other nations in categorically condemning this act of genocide.

President Bush was correct to suspend all American military aid to China, but the American people have a responsibility to speak out much more forcefully against those who oppose freedom. We must send a clear message of outrage that should the controlling faction of government persist in killing its citizens, the United States will take further action to show its firm support for those in China fighting for democracy.

The tragedy is that the lessons of history are being ignored. This is a revolution of the people. It will not be suppressed by bloodshed or bullets or tanks. Once the torch of freedom is lit, whether in the American colonies or France or Hungary or Poland or South Africa, there is no changing the course of history. Sooner or later the people will prevail.

Madam Speaker, just governments do not derive their power from the gun but from the ballot box, and rightful governments need not fire on those from whom they derive their power. That is the lesson of history, and it cannot be forgotten in the folly of violence that is now occurring in China.

□ 1400

DEMAND SANCTIONS AGAINST CHINA—NOW

(Mr. LEHMAN of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LEHMAN of California. Madam Speaker, I rise today to condemn the Chinese Government and military for the slaughtering of hundreds and per-

haps thousands of unarmed protesters for democracy.

Madam Speaker, this action is despicable, and the Chinese Government must be held accountable for it.

Last Sunday troops of the People's Liberation Army opened fire with automatic weapons on huge crowds of unarmed protesters for democracy killing hundreds of them and perhaps thousands. Apparently the Government led by Deng Xiaoping has made a decision to overcome the students and other demonstrators regardless of the cost of human life or their image to the rest of the world. With this act they have forfeited any claim to be on friendly relations with the United States.

China recently made great progress in social and economic development and liberalization. These unduly harsh, uncivilized actions undermine this progress.

We are currently witnessing one of the most tumultuous and significant events of the 20th century. The brutal attacks led by the Government demand severe reaction in the form of sanctions from the United States.

History will record everyone's deeds at this juncture. We should take the strongest possible actions now. We should commend the students and other protestors for taking the initiative to attempt to achieve democracy without resorting to violence.

Madam Speaker, let us as a government now reject any ties to this barbarous regime.

CHINA, COME BACK TO THE CIVILIZED WORLD

(Mrs. BOXER asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. BOXER. Madam Speaker, today I am very proud to be in the party of the gentleman from Washington [Mr. FOLEY], and I wish him well. However, Madam Speaker, I must also comment on what is happening in China.

On behalf of the thousands of Chinese-Americans of all political persuasions that I represent and on behalf of my entire congressional district I wish to express our anguish at the tragedy now unfolding in China.

I thought the People's Republic of China wanted to be part of the civilized world. Killing citizens in a wanton fashion is uncivilized. It is antithetical to a civilized nation.

Madam Speaker, young people are our brightest hope. If the flame of youth is extinguished, if their dreams are suppressed, their aspirations and their ideals, we are going to reap a very dismal future.

My colleagues, I thought back to the days of the Vietnam war when we saw the body of one student at Kent State bloodied on a college campus, and the anguish and the cries in this country were to never let that happen again. Now here are hundreds, maybe thousands, of students lying next to their mangled bicycles fighting for justice, and fighting for freedom and fighting for democracy.

Madam Speaker, I call on the leaders of China to immediately cease their violent actions, and to follow a policy of moderation and come back to the civilized world.

A FITTING TRIBUTE TO CLAUDE PEPPER

(Mr. SANGMEISTER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SANGMEISTER. Madam Speaker, after doing some research I rise today with what I think are some rather startling statistics about the number of seniors who will have to pay the surtax for the Medicare Catastrophic Coverage Act. Congressional Budget Office statistics indicated that only 40 percent of our Nation's Medicare enrollees will have to pay this premium. In fact however, the Internal Revenue Service, who ought to have a more realistic idea of who this tax will affect, reports up to 72 percent of seniors over 65 in the State of Illinois had a tax liability over $150 and would therefore be subject to the premium.

Madam Speaker, after having heard and spoken to hundreds of Medicare enrollees in my district, I am now more convinced than ever that we must take action. We must start listening to our Nation's seniors who best understand and appreciate their own needs. My elderly constituents want benefits which address long-term care, not catastrophic coverage, especially if they are expected to bear the costs. Today, approximately 1.3 million elderly people are residents of nursing homes and over 2.5 million who are living in the community require various kinds of care. Since the average annual nursing home costs range from $22,000 to $25,000 per year, the majority of elderly people just can't afford it. If we're going to make them pay for quality health care let's give them what they want. Let's not pass another law, with additional premiums. We should substitute long-term care for catastrophic coverage, and do it now. Truly, this would be a fitting tribute to our friend and colleague, the distinguished Claude Pepper, who worked so diligently to answer the needs of our senior citizens.

IT IS TIME TO ADDRESS THE HUMAN MISERY IN THIS COUNTRY

(Mr. DELLUMS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DELLUMS. Madam Speaker, over the last several weeks there has been a great deal of discussions about ethics and morality. This gentleman believes that it is immoral that we live in a nation where there are 13 million children living in poverty, that it is immoral and unethical that we rank eighth in the world in terms of our willingness to address the poverty and human misery of our children. I believe, Madam Speaker and Members of this body, that it is unethical that 37 million American human beings do not have access to health care, that there are 22 million Americans who are functionally illiterate, that there are millions of people living in poverty, and destitution, and hopelessness and homelessness in America.

Madam Speaker and Members of this body, if we choose to be ethical and moral, it is my belief that we ought to address the human misery in this country. The time has come. We have wasted several months in the 101st Congress playing games with each other.

OUR NEW SPEAKER

(Mr. DE LUGO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DE LUGO. Madam Speaker, I have been honored to know and admire our new Speaker, for a quarter of a century.

I first met TOM FOLEY in the early 1960's, when he was chief aide on the Senate committee that had jurisdiction over the insular areas, and I was a young legislator from the U.S. Virgin Islands who came to lobby before Congress.

In 1972 when I came to Congress as Delegate, he was a hard-working member of the Interior Subcommittee that had jurisdiction over the U.S. insular areas, and which I chair today. TOM FOLEY got to know the insular areas very well. He visited the Virgin Islands and many Pacific island groups like Palau, which is now the subject of important pending legislation.

TOM FOLEY was one of those special Members who took time to get to know myself and other new Members back in 1972. Even as he climbed in the House leadership, he maintained the rare ability to listen to others with his full attention, and then draw people together to find solutions to the most difficult problems. Over the years, I have come to stand in awe of his abilities as a Congressman.

In 1983, I served on the House delegation, led by TOM FOLEY, that went to Grenada after the invasion. Our new Speaker handled that delicate task with great sensitivity and I recall telling him at that time he would make a great Secretary of State. Since then, I have come to believe he is capable of filling any top leadership job our country has to offer.

We are indeed fortunate in this House, in this country, and in the U.S. insular areas to have a man of TOM FOLEY's caliber ready to become Speaker at this critical moment.

WE MUST LET THE CHINESE PEOPLE KNOW WE ARE ON THEIR SIDE

(Mr. SCHUMER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SCHUMER. Madam Speaker, the image of lone, brave individuals throwing themselves in front of tanks has galvanized America and the American people. What is happening in China right now is historic. It is revolutionary, and it demands action on the part of our Government.

Madam Speaker, we cannot stand idly by and play geopolitics while the human drama in China is unfolding before us. We must, if we are to be the beacon of democracy, as we truly are, take strong, concerted action to make sure the Chinese people know we are on their side so that the Chinese Government knows we will not tolerate such brutal activity.

Democracy is on the rise in China. As the world's greatest democracy it behooves us not to do on the one hand, on the other hand, either or, but to stand firmly, strongly and forcefully with the Chinese people. We cannot, we should not, turn our backs on these heroes.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. (Mrs. BOGGS). Pursuant to the provisions of clause 5 of rule 1, the Chair announces that she will postpone further proceedings today on each motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 4 of rule 15.

Such rollcall votes, if postponed, will be taken after debate has concluded on all motions to suspend the rules.

□ 1410

VETERANS' HOME LOAN MORTGAGE INDEMNITY ACT OF 1989

Mr. MONTGOMERY. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1415) to amend chapter 37 of title 38, United States Code, with respect to the veterans' home loan program carried out under such chapter, as amended.

The Clerk read as follows:

H.R. 1415

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Veterans' Home Loan Mortgage Indemnity Act of 1989".

SEC. 2. ESTABLISHMENT OF SPECIAL INDEMNITY FUND AND LOAN FEE.

(a) SPECIAL INDEMNITY FUND.—(1) Chapter 37 of title 38, United States Code, is amended by adding the following new section after section 1824:

"§ 1824A. Mortgage indemnity fund

"(a) There is hereby established in the Treasury of the United States a revolving fund known as the Veterans' Mortgage Indemnity Fund (hereinafter referred to as the 'Indemnity Fund').

"(b) The Indemnity Fund shall be available to the Secretary for all operations (other than administrative expenses) carried out with respect to housing loans guaranteed or insured under this chapter which are made on or after the effective date of the Veterans' Home Loan Mortgage Indemnity Act of 1989, other than loans to which section 1814 of this title applies and which were originally guaranteed or insured before such effective date.

"(c)(1) All fees collected under section 1829 of this title on or after such effective date shall be credited to the Indemnity Fund, other than fees collected with respect to loans to which section 1814 of this title applies and which were originally guaranteed or insured before such effective date.

"(2) There shall also be credited to the Indemnity Fund—

"(A) for each housing loan guaranteed or insured under this chapter on or after October 1, 1989, an amount equal to 0.25 percent of the original amount of such loan for each of the three fiscal years beginning with the fiscal year in which such loan is guaranteed or insured;

"(B) all collections of principal and interest and the proceeds from the use of property held, or from the sale of property disposed of, with respect to loans to which subsection (b) of this section applies; and

"(C) all income from the investments described in subsection (d) of this section.

"(d)(1) The Secretary of the Treasury shall invest the portion of the Indemnity Fund that is not required to meet current payments made from the Indemnity Fund, as determined by the Secretary of Veterans' Affairs, in obligations of the United States or in obligations guaranteed as to principal and interest by the United States.

"(2) Such obligations shall have maturities suitable to the needs of the Indemnity Fund, as determined by the Secretary of Veterans' Affairs, and shall bear interest at rates determined by the Secretary of the Treasury, taking into consideration current market yields on outstanding marketable obligations of the United States of comparable maturities.".

(2) The table of sections of subchapter III of chapter 37 of such title is amended by inserting after the item for section 1824 the following new item:

"1824A. Mortgage indemnity fund.".

(b) LOAN FEE.—Section 1829 of such title is amended to read as follows:

"§ 1829. Loan fee

"(a)(1) Except as provided in subsection (c), a fee shall be collected from each veteran obtaining a housing loan guaranteed or insured under this chapter, and from each person obtaining a loan under section 1833(a), and no such loan may be guaranteed, made, or insured under this chapter until the fee payable under this section has been remitted to the Secretary.

"(2) The amount of such fee shall be 1.25 percent of the total loan amount, except that—

"(A) in the case of a loan made under section 1833(a), the amount of such fee shall be one percent of the total loan amount; and

"(B) in the case of a guaranteed or insured loan for a purchase or construction with respect to which the veteran has made a downpayment of not less than 5 percent of the total purchase price or construction cost, the amount of such fee shall be 0.75 percent of the total loan amount.

"(3) The amount of the fee may be included in the loan and paid from the proceeds thereof.

"(b) Except as provided in subsection (c), a fee shall be collected from a person assuming a loan to which section 1814 of this title applies. The amount of the fee shall be equal to one-half of 1 percent of the balance of the loan on the date of the transfer of the property.

"(c) A fee may not be collected under this section from a veteran who is receiving compensation (or who but for the receipt of retirement pay would be entitled to receive compensation) or from a surviving spouse of any veteran (including a person who died in the active military, naval, or air service) who died from a service-connected disability.".

(c) LIABILITY.—Section 1803 of such title is amended by adding at the end the following:

"(e) Any veteran who pays a fee under section 1829 of this title, or is exempted under section 1829(c) from paying such fee, on or after the effective date of the Veterans' Home Loan Mortgage Indemnity Act of 1989 with respect to a housing loan (other than a loan made under section 1833(a) or a loan for which a fee is collected under section 1829(b)) shall have no liability to the Secretary with respect to the loan for any loss resulting from any default of the veteran except in the case of fraud, misrepresentation, or bad faith by the veteran in obtaining the loan or in connection with the loan default.".

(d) CONFORMING AMENDMENTS.—(1) Section 1824 of such title is amended—

(A) in subsection (b), by inserting the following before the period at the end of the first sentence: "and the operations carried out with the Indemnity Fund established by section 1824A"; and

(B) in subsection (c)—

(i) by inserting after "title" in clause (2) the following: "before the effective date of the Veterans' Home Loan Mortgage Indemnity Act of 1989, except that fees collected under subsection (b) of such section 1829 on or after such effective date with respect to loans which were originally guaranteed, made, or insured before such effective date shall also be deposited in the Fund"; and

(ii) by inserting after "chapter" in clause (3) the following: "with respect to housing loans guaranteed or insured under this chapter before the effective date of the Veterans' Home Loan Mortgage Indemnity Act of 1989".

(2) Section 1832(a)(1) of such title is amended by striking out "If" in the last sentence and inserting in lieu thereof "Except as provided in section 1803(e), if".

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to any loan closed on or after October 1, 1989.

SEC. 3. SALE OF VENDEE LOANS.

(a) IN GENERAL.—Section 1833(a)(3) of title 38, United States Code, is amended to read as follows:

"(3)(A) The Secretary may sell any note evidencing such a loan with or without recourse, but only if the cash proceeds received at the time of such sale is equal to an amount which is not less than 90 percent of the unpaid balance of such loan.

"(B) All amounts received from the sale of such loans shall be credited, without any reduction and for the fiscal year in which the amount is received, as offsetting collections of the Fund, established by section 1824 or by section 1824A, for which a fee was collected (or from which a fee was exempted from being collected) at the time the loan was originally guaranteed. The total credited to such Fund for a fiscal year shall offset outlays attributed to such Fund during such fiscal year.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on October 1, 1989.

SEC. 4. COMPUTATION OF ENTITLEMENT AMOUNT.

Section 1802(b) of title 38, United States Code, is amended—

(1) by striking out "or" at the end of clause (1)(B);

(2) by striking out the period at the end of clause (2) and inserting in lieu thereof "; or"; and

(3) by inserting after clause (2) the following new clause:

"(3) the loan has been repaid in full.".

SEC. 5. WAIVER.

Subsection (c) of section 3102 of title 38, United States Code, is amended—

(1) by striking out ", misrepresentation, material fault, or lack of good faith"; and

(2) by adding at the end the following new sentence: "The Secretary may not make a determination with respect to equity and good conscience under subsection (b) solely on the basis of a balancing of fault or on whether the veteran might be able to repay the indebtedness.".

SEC. 6. COMPUTATION OF COSTS; EXTENSION.

(a) COSTS.—Section 1832(c)(1)(C)(ii) of title 38, United States Code, is amended by inserting before the period the following: ", excluding any estimated imputed interest costs of funds to the Government".

(b) EXTENSION.—Section 1832(c)(11) of such title is amended by striking out "October 1, 1989" and inserting in lieu thereof "October 1, 1991".

SEC. 7. NOTIFICATION REQUIREMENT.

Section 1832(a) of title 38, United States Code, is amended by adding at the end the following:

"(5) In the event of default in the payment of any loan made, guaranteed, or insured under this chapter in which a partial payment has been tendered by the veteran concerned and refused by the holder, the holder of the obligation shall notify the Secretary as soon as such payment has been refused. Such notification shall include a statement of the circumstances of the default and the reasons for the holder's refusal.".

The SPEAKER pro tempore (Mr. MURTHA). Pursuant to the rule, a second is not required on this motion.

The gentleman from Mississippi [Mr. MONTGOMERY] will be recognized for 20 minutes, and the gentleman from Arizona [Mr. STUMP] will be recognized for 20 minutes.

GENERAL LEAVE

Mr. MONTGOMERY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks, and to include extraneous material, on H.R. 1415, the bill now under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

Mr. MONTGOMERY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 1415 would make major reforms in the financing of the Department of Veterans' Affairs [DVA] Home Loan Guaranty Program for veterans. The bill also makes needed improvements in the program which will be explained in detail by the distinguished chairman of our Subcommittee on Housing and Memorial Affairs, Mr. STAGGERS of West Virginia.

Since the beginning of the program in 1944, more than 13 million veterans have been able to purchase homes through loans secured by the Federal Government. Without the Federal guarantee many of these veterans would not have been able to buy a home following their service in World War II, Korea, and Vietnam. In addition to the benefit provided to veterans, over the years the program has proven to be a powerful stimulus to the Nation's housing economy. Although the program has proven to be highly successful, over the years efforts have been made by the Office of Management and Budget [OMB] to ease the Federal Government out of housing programs and many of the policy changes imposed on the agency have tended to weaken the program's potential for serving veterans effectively. In addition, such efforts have adversely affected the long-term solvency of the loan guaranty revolving fund [LGRF].

From 1944 to 1961, the loan guaranty revolving fund was funded by the readjustment benefits appropriation account. All program costs due to foreclosure of GI loans were paid from that account, which received annual appropriations. The direct loan revolving fund [DLFR] was established in 1950 authorizing the Administrator of Veterans' Affairs to make direct loans to veterans living in rural areas who could not obtain guaranteed loan financing. Principal and interest collections on direct loans far exceeded new lending requirements, and provided a source of funds for the guaranteed loan program in lieu of direct appropriations.

In 1961, the Congress established the loan guaranty revolving fund in order to make the financial operation of the program manageable. Operationally, the program would be no different. However, receipts from the program operations would be deposited into the fund and be available immediately for ongoing expenditures. Congress authorized transfers from the direct loan revolving fund to the loan guaranty revolving fund as needed to offset shortfalls previously funded by appropriations. During the first 6 fiscal years of the LGRF's existence—1962 through 1967—$633.9 million was transferred from the direct fund. Profits from accumulated principal and interest in the direct loan fund were being used to offset losses in the guaranty loan fund. Unfortunately, in the mid-1960's and in subsequent years, the Office of Management and Budget forced the agency to sell much of its loan portfolio assets. The policy continues to this day and Congress must now attempt to find a way to solve the financial problems that have resulted.

To compound the problem, interest rates during the late 1970's skyrocketed. In 1980, the interest rate on GI home loans was almost 12 percent. Of all loans guaranteed that year, 11.6 percent have gone to foreclosure compared with 3.5 percent for 1977 loans. GI home loan interest rates peaked at 17.5 percent in 1982. Although the national economy has rebounded strongly, economic problems continue to contribute to the high foreclosure rate in some areas of the country. Most of the foreclosures in the last 5 years have occurred in the oil and gas producing States. Texas, Colorado, Louisiana, Oklahoma and a few others in the southwest and western regions of the country have experienced a severe downturn in their economies due to the loss of gas and oil revenues.

The committee has been working to find a better way to respond to the current financial problems in the veterans home loan program. I firmly believe this bill is a step in the right direction. I believe the enactment of this legislation will lead to a more financially secure loan guaranty revolving fund. Only time will tell.

Before yielding to the distinguished gentleman from West Virginia for a brief explanation of the bill, Mr. Speaker, let me briefly explain why the committee acted to report section 3 of the bill, which deals with how the Federal Government should account for receipts from loan sales. Approximately 2 years ago, the committee learned that the Congressional Budget Office [CBO] and the Office of Management and Budget had agreed to change the treatment of receipts from loan asset sales. CBO and OMB ordered this scorekeeping change with-

out seeking our committee's views or those of other committees with jurisdiction over loan asset sales. Essentially, what they decided was to treat receipts from loan sales without recourse as offsetting collections, and to ignore all but a small percentage of the receipts from loan sales with recourse.

Mr. Speaker, this is not the first time this issue has been brought before this body. The 1987 summit agreement took credit for over $1 billion in savings by requiring legislation to permit loan sales without recourse. At that time, our committee predicted that this would be a disastrous policy, and every review since then has supported that view.

Both CBO and DVA's financial advisers have compared the results of loan sales without recourse versus the results that could be expected from selling without recourse. As one would expect, cash proceeds from the sales without recourse were only 55 to 60 percent of the face value of the loans. But the long-term losses which the Government will suffer were estimated to be $37 million annually. Thus, by pursuing a policy of loan sales without recourse, the Treasury loses around $300 million in cash proceeds in an average fiscal year, and will only recover about $260 million of that loss over time.

Mr. Speaker, veterans are taxpayers too, and speaking for them, I can honestly say that there is no legitimate reason to continue a policy which discourages the government from getting the best price for its assets. According to CBO, if the Department of Veterans' Affairs sells its loans with recourse in 1990, it will realize almost $800 million in cold, hard cash. If it sells its loans without recourse, it will realize some $300 million less. You don't need a calculator to figure out which one makes sense for the taxpayer. If we save $500 million through loan sales without recourse, we can save even more by insisting that the receipts from loan sales be accounted for in a consistent manner. That is all this legislation does.

I want to thank several Members for the work they have done on this particular bill. I'm most grateful to the very able ranking minority member of the full committee, the distinguished gentleman from Arizona [BOB STUMP]. Since assuming his leadership position earlier this year, the gentleman has cooperated fully with the leadership of all our subcommittees in moving legislation to the floor. I appreciate his leadership and his good work.

Mr. Speaker, I want to pay special tribute to the new chairman of our Subcommittee on Housing and Memorial Affairs, the gentleman from West Virginia [Mr. STAGGERS]. He has devoted a lot of time in working with the veterans organizations, lending institutions, homebuilders, and realtors in putting this bill together. It has not been an easy task and I commend him for his patience and good work.

Mr. Speaker, I thank the ranking minority member of the subcommittee, Mr. BURTON of Indiana, for his continued cooperation and hard work on this bill. The gentleman from West Virginia and the gentleman from Indiana are working well together to help our veterans and I'm grateful for what they have already accomplished this session.

Finally, I also want to thank the gentlewoman from Ohio [MARCY KAPTUR], who chaired the subcommittee in the last Congress, for the leadership she provided and for the many hours she spent in helping to develop this legislation. The gentlewoman from Ohio and Mr. BURTON were instrumental in putting the original bill together, and her interest in the work of the subcommittee has continued even though she is on temporary leave while serving on the Budget Committee. I am very grateful to the gentlewoman for her devotion to this bill.

Mr. Speaker, this is a good bill. It is unique in that not only will it provide real benefits to our Nation's veterans, but it will save millions of dollars in Federal funds over the next several years. According to CBO, the bill will save $197 million in outlays during the next fiscal year. Over the next 5 fiscal years, CBO estimates the bill will save more than $1 billion.

I urge my colleagues to support H.R. 1415, as amended.

Mr. Speaker, I yield such time as he may consume to the gentleman from West Virginia [Mr. STAGGERS].

Mr. STAGGERS. Mr. Speaker, I would like first to thank and commend the gentleman from Mississippi [Mr. MONTGOMERY], the chairman of the full committee, for his leadership and hard work on this bill. He has been very much a leader in this. He is very well appreciated by this Congressman

Also, I would like to thank the gentleman from Arizona [Mr. STUMP] and the gentleman from Indiana [Mr. BURTON] for the hard work they have put in.

I would like to echo the commendation of the chairman of the gentlewoman from Ohio [Ms. KAPTUR]. She is really what got the ball started.

I would also like to thank two members of the subcommittee, the gentleman from Mississippi [Mr. PARKER], and the gentleman from Georgia [Mr. JONES], who are new to this Congress, for the hard work they put into this, which reflects their concern for veterans also.

Mr. Speaker, in essence, the mortgage indemnity bill offers a better approach to financing the veterans home loan guaranty program. This is accomplished by creating a new fund, authorizing the investment of excess moneys, establishing a new fee structure, and requiring an upfront Government contribution, thereby precluding, we hope the need for the increased annual and supplemental appropriations required in recent years to pay claims.

The fact that the Home Loan Guaranty Program has guaranteed 13.1 million loans since its inception in 1944 is a tribute to the program's success. However, with the economic downturns attributed to the energy and oil industry, foreclosure levels have risen dramatically and the solvency of the program has been the subject of several hearings.

Since 1983, nearly $2.3 billion in external financing has been needed for the loan guaranty revolving fund to pay loses incurred by the Federal Government as a result of foreclosures. Out of that total, nearly $1 billion was needed in fiscal year 1988 alone. The fund is experiencing a similar trend in fiscal year 1989. $658 million has already been appropriated for fiscal year 1989 and another $120 million supplemental is awaiting congressional action. If we do nothing, the Congresional Budget Office estimates substantial deficiencies in the existing loan guaranty revolving fund with no break even point.

The mortgage indemnity concept contained in H.R. 1415 has been over a year in the making. According to the Congressional Budget Office the proposed new mortgage indemnity program would be more fiscally sound than the current loan guaranty program because of its fee structure and Government contribution. It would replace the 1-percent user's fee paid by veterans who obtain guaranteed home loans with a 1¼ percent mortgage indemnity fee. The Government would contribute ¼ of 1 percent of the value of the Loan over a 3-year period—an overall ¾ percent contribution. Service-connected disabled veterans rated 10 percent or more and surviving spouses of veterans whose deaths are service connected would be exempt from paying this fee. Veterans who make a downpayment of 5 percent or more would be charged a ¾-percent fee.

In exchange for the payment of a higher fee, veterans would be released from liability to the Department of Veterans' Affairs in the event of foreclosure unless there are indications of fraud, misrepresentation or bad faith on the part of the veteran in connection with either the loan origination or the foreclosure. The veteran would continue to be liable for the debt to the lender. This change in policy is consistent with the practices of commercial lenders and other Federal housing programs.

The bill's fee structure was based upon the Federal Housing Administra-

tion's [FHA] experience in formulating its mortgage insurance fee. FHA computer models were used to calculate a one-time fee based on the Department of Veterans' Affairs past and projected foreclosure statistics. Projections were formulated to calculate the present value of expected income equal to the sum of projected expenses associated with these new loans.

The new fee structure, according to the FHA model, should be approximately 2 percent for the new indemnity program based on the following assumptions:

First. The term of the loan is 30 years;

Second. The contract interest rate is 10 percent compounded monthly;

Third. The discount rate is 6.5 percent compounded semiannually;

Fourth. The loss ratio is 30 percent of the original mortgage amount;

Fifth. The ultimate claim rate is 8.03 percent.

The committee bill would continue the current 1 percent fee for vendee loans and the one-half percent fee for assumed loans. Purchasers would remain liable to the Federal Government in the event of default.

The committee bill would establish a new account to receive these collections as well as to pay obligations incurred in connection with loans closed after the date of enactment, and would give the Department of Veterans' Affairs the authority to invest excess money in government securities. FHA currently has authority to invest its excess funds. According to the Congressional Budget Office, if fund balances are invested in 90-day Treasury bills, interest collections would be approximately $195 million over the next 5 years.

Even though the committee bill would replace the Home Loan Guaranty Program with a mortgage indemnity program, the effect on the program's operations would be relatively minor. The committee bill is essentially a financing measure, designed to ensure that sufficient capital is placed in the revolving fund at the time new loans are guaranteed or insured to cover the anticipated cost of defaults to those loans. The Congressional Budget Office estimates that the mortgage indemnity fund should carry a significant unobligated balance through the 1990's.

In addition, since the Department of Veterans' Affairs collects only 7 percent of outstanding debts today, the Congressional Budget Office estimates that the provision in the bill which would eliminate debts on loans made after the effective date would have no impact on the fund.

The committee bill would not affect the current features of no-downpayment loans up to $144,000, and the Department of Veterans' Affairs will continue to set interest rates, which historically have been somewhat less than conventional rates. In addition, the nature of the guaranty to the lending community is not being changed.

The committee hopes that this long-range plan toward solvency will deter any efforts to undermine this program in the future, including back door approaches to terminating this program. Unfortunately, many of the Department's administrative decisions over the last several years have been made on the basis of the impact on outlays from the Loan Guaranty Revolving Fund in 1 fiscal year, rather than a concern for long-term prudent management. The committee believes that by virtue of this restructuring, the Department will be in a position to cope much more effectively with the program's basic operation. It is believed that a resulting factor will be a much clearer picture of actual program costs.

Mr. Speaker, the bill would also require that loan asset sales be scored as offsetting collections whether loans are sold with or without recourse and would specify that 90 percent or more of the unpaid balance be received at time of sale.

Because of the high foreclosure rate over the past several years, and conformance with administration efforts to reduce short-term outlays, the Department of Veterans' Affairs has been pressured by the Office of Management and Budget to accelerate its loan portfolio sales. Prior to 1988, the Department of Veterans' Affairs routinely offered loans for sale with recourse agreements, under which the Department guaranteed to repurchase—or exchange for a loan of comparable value—any loan that was delinquent for 3 months or more. Prior to fiscal year 1988, proceeds of vendee loan sales were scored as offsetting collections of the Loan Guaranty Revolving Fund. Beginning in 1988, however, the proceeds of recourse sales have been redefined as a means of financing rather than a collection and, as such, do not offset outlays.

This new policy was implemented despite criticism from the General Accounting Office [GAO] which issued two reports on the subject of loan asset sales—"Loan Asset Sales, OMB Policies Will Result in Program Objectives Not Being Fully Achieved," September 1986 and "Loan Asset Sales, An Assessment of Selected Sales," February 1988. These reports and subsequent testimony before both the Veterans' Affairs and Government Operations Committees pointed out that OMB's guidelines on nonrecourse sales would have an adverse effect on the Federal Government's ability to both market loans and maximize net sales proceeds.

The General Accounting Office's February 1988 study stated that loan asset sales over the long term will also increase the structural Federal budget deficit. GAO further stated that loan asset sales do not effectively measure subsidy costs and that the administration's plan to define the subsidy cost of Federal credit programs as the monetary benefit—interest cost savings—to a borrower would overstate both government cash costs and the related cost to operate credit programs. Public Law 100-136 prohibited the Veterans' Administration from selling vendee loans unless such assets could be sold for par. However, the effect of this provision was suspended until fiscal year 1990, as part of the Omnibus Budget Reconciliation Act of 1987, Public Law 100-203.

Since the enactment of this law, the Department has managed four loan asset sales without offering repurchase agreements. Three of these sales have been accomplished with a two-tier approach. This technique requires that the agency's assets be sold to an investor in exchange for senior and subordinated certificates. The senior certificates, which achieve a high investment grade rating because they have first call on the cashflows from the pool of loans, are widely marketable. The subordinated pool of loans is set aside to cover any losses due to delinquencies or foreclosures attributable to loans securing the senior certificates. In the first sale, closed on June 29, 1988, of the $309 million principal balance of the loans sold, the Government realized $179 million at the time of the sale, or 58 percent of the face value of the loans sold. In the second sale, held on September 23, the Department realized 55 percent of the face value of the loans sold or $125 million in cash at the time of sale.

Public Law 100-203 required the Department of Veterans' Affairs to provide the committee with an estimate of the amount the Government would have realized on a loan asset sales had the loan been sold with repurchase agreements. An analysis of the first two loan sales was performed by the Department's financial advisor, Kidder, Peabody & Co. According to Kidder, Peabody & Co., the Department would have realized 92 and 91 percent respectively of the face value of the loans at the time of sale if they had been sold with repurchase agreements. Thus, the OMB policy resulted in a loss of cash proceeds to the U.S. Treasury of over $180 million on the first two sales. As a result of this policy and the need for higher appropriations to meet program requirements, the deficit was increased by almost this same amount. The Department of Veterans Affairs loan sale on February 23, 1989, resulted in its receiving 59 percent of the value of the loans sold or $165.5 million in cash at the time of sale. It should be noted

that in addition to the substantial subordination, the Department also was required to the substantial subordination, the Department also was required to secure certificate insurance to obtain higher ratings from rating agencies. Coupled with other related sales costs—that is, financial advisor, legal representation, underwriting fees, and so forth—up front proceeds were further diminished by approximately $20 million for three of the four sales. The fourth sale on March 23, 1989, encompassed older loans with an average interest rate of 5.87 percent. Since these loans were considered good risks, the two-tier approach was not adopted. The Department received approximately 85 percent of the face value after deducting $4.5 million in expenses.

At a time when the Home Loan Guaranty Program is experiencing severe financial difficulty—the Congress has had to appropriate nearly $1 billion in fiscal year 1988, and it is anticipated that almost $800 million will be needed in fiscal year 1989—this type of sale makes little sense, especially since the Department of Veterans' Affairs has retained all of the inherent risk, as in previous recourse loan sales, while receiving considerably less in upfront money. Nevertheless, the OMB policy was recently agreed to by the House and Senate with the adoption of the fiscal year 1990 budget resolution.

The provisions affecting the Department of Veterans' Affairs loan asset sales contained in the Omnibus Reconciliation Act of 1987, are scheduled to change on October 1, 1989. The Department will be authorized to sell loans without recourse only if the amount received is not less than the unpaid balance of the loan. However, because of the current scorekeeping methods, a continuation of nonrecourse loan sales would save $496 million even though it is acknowledged that the Department would receive substantially more money at the time of sale with recourse loan sales.

The committee believes that if loan asset sales are to continue, they should be conducted in such a way as to maximize cash proceeds to the program. Therefore, the committee bill would require that regardless of sales methods—with or without recourse—proceeds should be accounted for as offsetting collections of the Fund. The committee bill also specifies that loans cannot be sold unless 90 percent or better of the unpaid balance is received at the time of sale.

Should this particular provision be enacted into law, the Congressional Budget Office [CBO] estimates that the Department of Veterans Affairs would receive $794 million in loan asset proceeds. By adopting what is essentially a change in scorekeeping rules, this provision results in savings that are approximately $300 million higher than the reconciliation instruction to the committee required by the fiscal year 1990 budget resolution. It is the committee's intent in recommending this provision to reverse a policy which was adopted without consultation by budget scorekeepers at OMB and CBO. This reversal of the policy treating loan sales with recourse as a form of financing and refusing to recognize the receipts as offsetting collections would be effective on the date of enactment. It would require OMB and CBO to treat such receipts as offsetting collections for all budgetary purposes, including reports required to be made under the Gramm-Rudman-Hollings deficit reduction provisions, Public Law 99-177, as amended by the Balanced Budget and Emergency Deficit Control Act of 1987, Public Law 100-119.

Mr. Speaker, the bill would also modify the existing refinancing loan provisions to allow for easier refinancing of certain conventional loans.

Under current law and implementing regulations, certain veterans may have their loan guaranty entitlement restored. A veteran may qualify for restored entitlement if he or she has been relieved of liability on a GI loan, which normally is accomplished when the loan is paid in full and the property has been disposed of; or if a veteran-buyer agrees to substitute his or her entitlement for that of the original veteran-borrower and meets all other requirements for substitution of entitlement.

However, it has come to the committee's attention that once a veteran has refinanced a GI loan conventionally, he or she may no longer refinance that same home through a Department of Veterans Affairs guaranty, even though it remains his primary residence. On the other hand, if the veteran had purchased the home initially with conventional financing, such veteran would be eligible for a Department-backed home loan guarantee. This seems inconsistent with the beneficial intent of the law, and H.R. 1415 would remedy this inequity.

Mr. Speaker, the bill would clarify the equity and good conscience provisions contained in section 3102 of title 38.

The Home Loan Guaranty Program is designed to afford veterans whose credit and resources might otherwise be inadequate the opportunity to purchase a house without downpayment by using the Government's credit to supplement their own. Implicit in such a benefit is the risk that there will be failures and defaults. Where the veteran has done his or her very best to keep the loan current, the loss of the home can be the most traumatic financial loss in the veteran's life. The waiver statute was designed to afford deserving veterans relief from the double penalty of home loss and substantial debt.

It has always been the Congress' intent to afford waiver relief when equitable considerations warrant it. Recently, however, many cases have been brought to the committee's attention documenting the Department's reluctance to grant a waiver request if there is even a remote possibility of collecting some part of the indebtedness.

Although the law permits waiver whenever collection of the indebtedness would violate equity and good conscience, the Department relies heavily on two additional criteria—balancing of fault and the veteran's ability to repay. The committee disagrees with the Department's undue emphasis on these two criteria. By disagreeing, the committee does not imply that it condones fraud, waste, or gross neglect on the veteran's part. The committee believes that if the veteran is not at fault in creating an indebtedness due to improper action or lack of action by the Department, relief should be granted to the veteran in such cases.

Similarly, the committee agrees that ability to repay is a factor which should be examined by the Department, but that consideration should be limited to the veteran's current prospect of repayment and not be based on remote possibilities.

The bill would also extend the Department's foreclosed property acquisition formula for 2 years, specifically exempting imputed interest from net value determinations.

When a guaranteed loan goes into default and servicing efforts by the holder and the Department of Veterans Affairs fail, the holder proceeds with termination of the loan. The rights and duties of the holder and the Department in connection with termination of the loan and disposition of the property are governed by 38 CFR 36.4320. In most cases, the Department establishes a maximum price which the holder may bid at the loan foreclosure sale. Establishment of such a price, known as the specified amount, occurs when it is determined that the net value of the real property to the Department exceeds the unguaranteed portion of the indebtedness, so that the Department can reduce its maximum claim liability by acquiring and reselling the property. If the property is sold to the holder at the foreclosure sale for a price no higher than the amount specified by the Department, the holder may convey the property to the Department in return for payment of the specified amount. The Department also pays the holder's claim for the difference between the price paid for the property—which must be credited to the loan indebtedness by the

holder—and any balance remaining on the loan, but not to exceed the maximum amount of loan guaranty. In this manner, the Department may acquire the loan security—the home—and reduce its claim liability.

The formula—commonly known as the no-bid formula—for determining whether the Department of Veterans Affairs will offer the lender an election to convey the foreclosed property to the Department is set forth at 38 CFR 36.4320 which is based on the provisions of 38 U.S.C. 1832. A key component of this formula is the net value of the property. Essentially, net value is the fair market value of the property minus the total costs the Secretary estimates would be incurred by the Department resulting from the acquisition and disposition of the property for property taxes, assessments, liens, property maintenance, property improvement, administration, and resale.

On March 31, 1989, the Department of Veterans Affairs published a proposed regulation that would, effective October 1, 1989, take into account the Government's cost of borrowing when calculating the net value of a property. On April 5, the Department proposed to make the effective date August 1, 1989.

By taking this action to implement the net value definition for fiscal year 1989, the Department has ignored the procedure set forth by Congress in the language of the conference report accompanying Public Law 98-369, the "Deficit Reduction Act of 1984," which contained the no-bid formula. In that report, the conferees stated:

In connection with the VA's calculation of costs of acquiring and disposing of properties, the conferees do not intend to change the VA's current policy of not considering interest costs that the United States would incur if it were necessary for the Government to borrow the funds for a particular acquisition. If the Administrator determines that change of this policy is warranted, notwithstanding the conferees' position as stated above, the Administrator shall, not later than February 1 preceding the fiscal year in which a proposed change would take effect, provide the Veterans' Affairs Committees with notice of the change.

The Department's proposed regulation disregards the procedure and intent set forth by the Congress. Because the Secretary is not charged any interest costs for funds used in acquiring a foreclosed property, the cost of Government borrowing is not a cost incurred by the Secretary and should not be permitted under the statute to be included in the definition of net value.

The committee bill would extend the no-bid formula for two years, from October 1, 1989, to October 1, 1991, and would prohibit the Secretary from considering any estimated imputed interest cost of funds to the Government in establishing net value.

Last, the bill would require lenders to notify the Department of Veterans' Affairs if a lender refuses to accept a partial payment from a veteran.

Section 36.4315 of title 38 of the Code of Federal Regulations requires that lenders notify the Department of Veterans' Affairs within 90 to 105 days of pending home loan defaults. Following the receipt of such a notice, the Department of Veterans' Affairs is required by law to service the loan by providing the veteran with information and, to the extent feasible, counseling regarding alternatives to foreclosure, as appropriate in light of the veteran's particular circumstances, including possible methods of curing the default. However, overall loan guaranty employment has decreased by 370 people, from 2,470 to 2,100, during the 10-year period from 1978 to 1988. During the same period of time, the number of claims filed rose from 14,399 to 50,285 and properties on hand have also increased 11,291 to 21,161. This reduction in personnel and increase in workload has resulted in servicing efforts which are usually inadequate or nonexistent.

High foreclosure levels continue to be a major challenge. The General Accounting Office has repeatedly testified before the committee that intensive and timely servicing of defaults reduces ultimate foreclosures and subsequent claims and property management expenses. On May 11, 1989, at a hearing before the Subcommittee on Housing and Memorial Affairs, the loan guaranty officer from Denver indicated that the default caseload was 1,800 per employee. Such a ratio would make it impossible to ascertain which loans had the potential to be cured.

It recently came to the committee's attention that although the Department's regulations require mortgage lenders to accept partial payments, if certain conditions are met, from veterans facing temporary financial difficulties, returns of such payments by mortgage companies occur on a regular basis. By the time the lender notifies the Department of the delinquency, the veteran is already 3 or 4 months in arrears and may be in a position of never being able to bring the loan current. The committee bill would therefore require early notification to the Department by lenders in those instances where partial payments have been tendered by the veteran but refused by the holder. Such notification must include a statement of the circumstances of the default and the reasons for the holder's refusal.

The committee believes that this early notification to the Department will target these particular cases as potentially curable since the veteran has demonstrated a desire to avoid foreclosure. The committee anticipates that special consideration will be given to these veterans by loan guaranty employees in their servicing efforts and that this will result in fewer foreclosures. The Government will save money and veterans will not lose their homes.

Mr. Speaker, this measure would save $2 billion over 10 years by simply changing the financial structure of the Loan Guaranty Program. As an example, by granting the Department the authority to invest the fees paid by the veteran and the Government, the Congressional Budget Office estimates receipts of approximately $195 million in the next 5 years.

I wish to commend the chairman of the Veterans' Affairs Committee, SONNY MONTGOMERY, for his great leadership and strong support of this measure as well as BOB STUMP and DAN BURTON, ranking minority members of the full committee and subcommittee.

Mr. Speaker, this bill preserves the beneficial entitlement nature of the program and enjoys the strong support of the national veterans' service organizations. This is a good bill and I strongly urge its favorable consideration by the House.

Mr. STUMP. Mr. Speaker, I yield myself such time as I may consume.

Mr. STUMP. Mr. Speaker, as ranking minority member of the Veterans' Affairs Committee, I rise in strong support of H.R. 1415, a bill designed to return the Home Loan Guaranty Program of the Department of Veterans' Affairs to sound financial operation.

The Veterans' Home Loan Mortgage Indemnity Act of 1989 is similar to H.R. 5221, which this body passed last session. However, H.R. 5221 was not acted upon by the other body. Since the last session, marginal improvements have been seen in the Home Loan Guaranty Program situation, but it continues to need an intolerable level of appropriations, close to a billion dollars per fiscal year.

Every member of our committee on both sides of the aisle is committed to keeping this very popular veterans' benefit. There is no reason why the financial difficulties it faces cannot be overcome. Our committee has carefully studied and considered many options, and we have concluded that mortgage indemnity is the way to go. Obviously, a program this deep in red ink cannot be turned around immediately. According to the Congressional Budget Office's estimate, after 3 years on its new financial footing the program will no longer operate at a deficit. And that's our goal.

This Nation's veterans deserve to keep the Home Loan Guaranty Program. It is the only veterans' benefit many veterans ever use, and it has stimulated business for real estate development and sales, construction, construction suppliers and mortgage

banking, as well as expanded local tax bases.

Veterans' service organizations support this legislation because they want the program to continue with as little change as possible.

Mr. Speaker, H.R. 1415 would not have been possible without the hard work of SONNY MONTGOMERY, our distinguished chairman; HARLEY STAGGERS, our chairman of the Subcommittee on Housing and Memorial Affairs; DAN BURTON, the subcommittee's ranking minority member; and MARCY KAPTUR, the subcommittee's former chairperson.

They are committed to saving this program because they are committed to veterans, and they deserve our commendation.

I urge each of my colleagues to give H.R. 1415 favorable consideration.

□ 1420

Mr. Speaker, I yield such time as he may consume to the gentleman from New York [Mr. GILMAN].

Mr. GILMAN. Mr. President, I am pleased to rise in support of this bill, and I want to commend both the distinguished chairman and the ranking minority Member for bringing the measure to the floor and for helping to make our Veterans' Home Loan Mortgage Indemnity Act even more effective than it has been in the past.

Mr. Speaker, I rise today in support of H.R. 1415, the Veterans' Home Mortgage Indemnity Act. I would like to commend the gentleman from West Virginia [Mr. STAGGERS] and the chairman [Mr. MONTGOMERY] and the ranking Republican of the committee [Mr. STUMP] for their work on this fine bill.

H.R. 1415 addresses the rising number of foreclosures of the Department of Veterans' Affairs [DVA] home loans, approaching 100,000 in fiscal years 1989 and 1990, and the resulting solvency problems for the Veterans' Home Loan Guaranty Program.

Under the bill, the current 1-percent user's fee paid by veterans who obtain DVA-guaranteed loans would be replaced by a 1¼-percent mortgage indemnity fee. The fee would be supplemented by a three-quarters percent payment from the Federal Government and the funds would be placed in the U.S. Treasury to draw interest and to pay off foreclosures. In the first 5 years following enactment of the fee, $195 million in interest would be generated.

In return, veterans who purchase homes financially backed by the DVA will not be held accountable for expenses should they default on their loans. In the event of foreclosure, veteran homeowners who pay a mortgage indemnity fee would be relieved from liability. The fee is waived for veterans with service-related liabilities.

Mr. Speaker, H.R. 1415 is a much needed bill. Accordingly, I ask my colleagues to join in support of the Veterans' Home Mortgage Indemnity Act.

Mr. STUMP. Mr. Speaker, I yield such time as he may consume to the gentleman from Minnesota [Mr. FRENZEL].

Mr. FRENZEL. Mr. Speaker, I think the committee has done an admirable job in trying to strengthen this program which was in some difficulty. As the distinguished ranking Republican on the committee has suggested, this program cannot be repaired immediately, but the strengthening of the mortgage indemnity fund is important.

There is a problem, however, with this bill from a budget standpoint. The bipartisan budget agreement and the budget resolution for fiscal year 1990 explicitly assumed about $500 million in savings from the sale without recourse of veterans' housing loans. The Committee on Veterans' Affairs was instructed in the budget resolution to report by July 15 reconciliation savings of $496 million from nonrecourse sale of veterans' loans.

Under the established scorekeeping rules, loan sales are scored as savings only if the loans are sold without recourse and without repurchase agreements. Loans with recourse are treated as borrowing authority, because there is a continuing Federal guarantee.

Obviously, we are going to do better selling loans if we leave the Federal guarantee attached to them. That means, of course, that this bill, or the fruits of it, cannot be scored against reconciliation instructions for this particular committee. The Veterans' Committee is going to have to come up with additional savings. That is why I question the committee's decision to allow the sale of these loans with recourse.

If the Members will notice in the committee report, the Department of Veterans' Affairs, Secretary Derwinski, in addition to some other questions, raised the same problem with this bill.

The committee can do what it wants, and we assume it knows what it is doing. It should, however, know, and the House should know, that there is no way that we can score the apparent savings that most people would assume would come from this bill. Because the loans can be sold with recourse, there is a continuing obligation and, therefore, we cannot score the apparent saving until the obligation is completely removed.

I make this criticism not to slow down the bill, but only to look for ways to ensure that the Veterans' Committee receive reconciliation credit for the fees. I hope as this bill progresses the recourse question will be settled so that the committee will get credit for the $496 million.

Mr. MONTGOMERY. Mr. Speaker, I yield 2 minutes to the distinguished chairman of the Committee on the Budget, the gentleman from California [Mr. PANETTA].

Mr. PANETTA. Mr. Speaker, I join in the concerns reflected by my ranking member on the Committee on the Budget, and want to just point out to the Members the concerns that the committee has with regard to H.R. 1415. We have discussed this with the Committee on Veterans' Affairs and, indeed, sought to see whether scorekeeping rules could provide for the amount of savings contained here to be counted toward reconciliation. Unfortunately, there is an agreement on scorekeeping between the Office of Management and Budget, the Congressional Budget Office, as well as the Senate and House committees on the budget that, with regard to the sale of loans, unless those loans are without recourse, those savings cannot be counted.

Under the budget resolution for fiscal year 1990, it instructs the Veterans' Affairs Committee to achieve savings of $496 million in budget authority and $666 million in outlays in fiscal year 1990. One option for the Veterans' Affairs Committee savings is from the sale of veterans' vendee housing loans. This legislation includes vendee loan sales, but they cannot be scored by CBO under current scorekeeping rules. Therefore, the Veterans' Affairs Committee will not meet its reconciliation target with this legislation, falling short of the target by approximately $500 million in fiscal year 1990. As you know, the budget resolution makes certain assumptions about total reconciliation savings by committee, but it is entirely within the discretion of the authorizing committees to reach the savings goal through other changes in law. The Budget Committee looks forward to the Veterans' Affairs Committee complying with its total reconciliation instructions by the July 15 deadline.

SCOREKEEPING

The bipartisan budget agreement and the conference agreement on the budget resolution for fiscal year 1990 explicitly assumed $0.5 billion in savings from the sale without recourse of veterans' vendee housing loans. Under an institutional scorekeeping convention adopted in June 1986 by the Congressional Budget Office and the Office of Management and Budget, as well as both House and Senate Budget Committees, loan sales are scored as savings only if the loans are sold without recourse, or without repurchase agreements. Loans with recourse are treated as borrowing authority because there is a Federal guarantee, or future commitment, involved in the sales.

H.R. 1415 appears to permit loans with or without recourse by stating that the Secretary may sell loans with or without recourse but "only if the cash proceeds received at the time of such sale is equal to an amount which

is not less than 90 percent of the unpaid balance of such loan." This particular provision could be fulfilled only if the loans were sold with recourse. Therefore, following the normal scorekeeping convention, the Congressional Budget Office would not score vendee loan sales as savings, based on this language.

Furthermore, the legislation includes language that mandates that the savings be scored, notwithstanding that the loans would be made with recourse. In other words, it would legislate this one exception to the scorekeeping rules used by all other bills in the House. I strongly oppose this provision because it would set a precedent that would allow any committee to draft legislation to circumvent scorekeeping rules to that committee's advantage.

The Congressional Budget Office has stated clearly in its cost estimate of the bill that the loans will not be scored as offsetting collections, or savings. In fact, CBO's statement reads, and I quote: "If CBO were to score bills under the proposed practice rather than under existing scorekeeping rules, we would be changing the rules at the suggestion of one Member or committee rather than at the direction of the entire Congress." The cost estimate states that CBO will not alter existing accounting practices until after enactment of legislation which directs such changes. And it should not.

In addition, this legislation violates the bipartisan budget agreement scorekeeping guidelines which bar budget reclassifications. The agreement states that a law that alters the classification of spending and revenues—for example, from discretionary to mandatory—will not be scored as a reclassification for the purpose of enforcing the agreement. This bill does reclassify borrowing authority as an offsetting collection.

Mr. MONTGOMERY. Mr. Speaker, I yield 2 minutes to the gentleman from West Virginia [Mr. STAGGERS].

Mr. STAGGERS. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, I think it should be pointed out that we are not saying these loans will be with or without recourse. What we are saying is that when we do it that we have to receive 90 percent or more of the unpaid balance, that it be received at that time.

With recourse, obviously, we are going to get more money. In fact, if we had this, we would not have an emergency supplemental for the veterans. In fact, if I can go back to the Committee on Appropriations report, the report states that lower revenue from the expected sale of portfolio loans is a contributing factor to the supplemental request for the fund.

Mr. Speaker, if we look at the facts of this, it is that with a nonrecourse loan we are going to get $0.55 to $0.65 on the dollar. If we do it with recourse, we get $0.90 on the dollar.

As I have stated earlier, in my earlier statement, we could save $300 million in cold cash, and not just funny money, by changing the scorekeeping.

Mr. MONTGOMERY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, to follow up on the explanation of the gentleman from West Virginia, I regret that the summit agreement did include this assumption that we would continue loan sales without recourse. The reason we reported this scorekeeping change was to try to save the taxpayers some money. It could be as much as $300 million in this next fiscal year, and all we are talking about is a way of scorekeeping. We tried to explain this in our report. We think we have a good bill, and I would certainly hope that the Members support the legislation.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. STUMP. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. MURTHA). The question is on the motion offered by the gentleman from Mississippi [Mr. MONTGOMERY] that the House suspend the rules and pass the bill, H.R. 1415, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

□ 1430

ENFORCEMENT OF THE UNITED STATES-JAPAN SEMICONDUCTOR AGREEMENT

Mr. ROSTENKOWSKI. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 146) to call for the President to take action to enforce the semiconductor agreement, and prevent further unfair Japanese trade practices.

The Clerk read as follows:

H. RES. 146

Whereas in 1986 Japan entered into an agreement with the United States which included a provision to increase foreign access to the Japanese semiconductor market;

Whereas the agreement envisaged gradual and steady growth of foreign producers' share of the Japanese market from the 8.5 per centum level in 1986, until, by 1991 it was to exceed 20 per centum;

Whereas in 1987 the House found unanimously that the Government of Japan had failed to meet the commitment of the 1986 United States-Japan Semiconductor Agreement, and resolved that the President should immediately take all appropriate and feasible actions under section 301 of the Trade Act of 1974 to remedy and prevent further violation of the agreement by Japan;

Whereas in early 1987 the President found that Japan's failure to abide by its commitments was "inconsistent with the provisions of, or otherwise denies benefits to the United States under, the (Agreement); and is unjustifiable and unreasonable, and constitutes a burden or restriction on U.S. commerce"; and in response, the President imposed market-access-related sanctions under section 301 of the Trade Act of 1974 in the amount of $165,000,000 annually;

Whereas it is now the midpoint of the agreement which should place foreign market share at above 14 per centum, although it is currently only 10.5 per centum, approximately the level it has averaged for the last two decades, including the period when imports into Japan were formally controlled;

Whereas Japan's failure to live up to its market access commitments has serious adverse effect on the United States semiconductor industry, costing United States producers an estimated $490,000,000 in lost sales in 1988, an amount projected to grow to $1,600,000,000 annually by 1991;

Whereas these lost sales figures substantially understate the effects on employment, investment in research and development, technological leadership, competitiveness, and national security that results from lack of full access to Japan, the world's largest semiconductor market;

Whereas semiconductors are the heart of computer technology and numerous related fields, such as defense equipment, work stations, supercomputers, high-definition television, robotics, and automotive technology;

Whereas the actions which were the object of the 1985 section 301 petition have not changed, and Japan is currently still in violation of the agreement it entered into;

Whereas former President Reagan stated, and United States Trade Representative Hills recently reaffirmed, that the sanctions would be maintained until there was "firm and continuing evidence * * * that access to the Japanese market has improved";

Whereas resolution of the seimconducter case has important implications for solving the trade problems facing numerous other United States industries in Japan, including work stations, fiber optics, supercomputers, and telecommunications;

Whereas the policy of resolving trade disputes through negotiations is not credible if, after successful negotiation of an agreement, the other party fails to abide by it; and

Whereas Japan has a strong interest in maintaining access to the United States market for both those current products which include semiconductors, such as automobiles and consumer electronic goods, and in emerging technologies, such as high-definition television: Now, therefore, be it

Resolved, That it is the sense of the House—

(1) that Japan has not lived up to the terms of its agreement with the United States in an area of vital importance to our Nation's economic health and national security;

(2) that the administration convey to the Government of Japan that its continuing violation of the agreement is unacceptable;

(3) that the President, the United States Trade Representative, the Secretary of State, and the Secretary of Commerce seek a prompt remedy for the violation, placing the highest priority on obtaining full access

to the Japanese market for semiconductors in accordance with the United States-Japan Semiconductor Agreement; and

(4) that the President and the United States Trade Representative, pursuant to statute, take all measures necessary to achieve compliance with the agreement.

The SPEAKER pro tempore (Mr. MURTHA) pursuant to the rule, a second is not required on this motion.

The gentleman from Illinois [Mr. ROSTENKOWSKI] will be recognized for 20 minutes, and the gentleman from Illinois [Mr. CRANE] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Illinois [Mr. ROSTENKOWSKI].

GENERAL LEAVE

Mr. ROSTENKOWSKI. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the resolution currently under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. ROSTENKOWSKI. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of the House Resolution 146, a resolution calling on the President to enforce the United States-Japan semiconductor agreement and prevent further unfair Japanese trade practices.

This resolution is an extremely important measure. In 1986, the United States and Japan entered into an agreement to prevent Japanese dumping of computer chips and to provide substantially increased access by foreign firms in the Japanese market. In 1987, the President retaliated against Japan for its failure to live up to the terms of the agreement. Some of that retaliation, in the form of high tariffs, remains in place due to Japan's continued failure to provide greater market access for United States and other foreign firms.

Mr. Speaker, in return for this comprehensive agreement, the United States suspended several unfair trade practices cases against Japanese semiconductor producers. For this reason, it is essential that we send a strong message to the administration and Japan—namely, that Japan should honor the commitments made in this semiconductor agreement or the administration should take action to bring about compliance. That is the message contained in House Resolution 146 and I urge my colleagues to support it.

Mr. Speaker, I reserve the balance of my time.

Mr. CRANE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would like to join my colleague, the distinguished chairman of our Ways and Means Committee and to commend the author, the gentleman from California, in supporting House Resolution 146, which expresses the sense of the House that Japan had failed to live up to its commitments under the 1986 United States-Japan Semiconductor Agreement. This resolution, which was reported unanimously from the Committee on Ways and Means, calls upon the administration to convey to the Japanese that continued disregard of the agreement is unacceptable. The resolution specifies that the highest priority should be given to increased market access.

Mr. Speaker, Japan, of course, is not the only trading partner with which we have trade difficulties. My colleagues know my strong view that we must get our budget deficit under control to restore our trade position with Japan and our other major trading partners. But at a time when there is acute concern in this body over the size of our bilaterial trade deficit with Japan, it is unacceptable for Japan to disregard market access commitments of a trade agreement.

The United States signed the semiconductor agreement with Japan in September 1986. In exchange for waiving penalties under United States trade statutes, we expected Japan to end its unfair trade practices. USTR has determined that, while the dumping by Japanese chip companies in the United States and foreign markets has abated, United States chip manufacturers still do not have fair market access in Japan. Many U.S. companies, such as Motorola in my district, have been successful in selling under difficult competitive conditions in other markets. Their sales in Japan, however, do not correspond to their excellent performance elsewhere,

Japan has not provided market access for competitive imports of semiconductors to the same degree that its exporters enjoy access in other markets. Such access can only be measured in increased sales of competitive products. At this halfway point in the life of the agreement, we are much less than halfway to the foreign market penetration levels anticipated by the pact.

This resolution is designed to indicate to the Japanese that the United States Government is united in its insistence that Japan live up to its trade agreements. I urge my colleagues to approve House Resolution 146.

Mr. Speaker, I reserve the balance of my time.

Mr. ROSTENKOWSKI. Mr. Speaker, the gentleman from California [Mr. MATSUI], the principal sponsor of this resolution, had done an outstanding job working this resolution.

Mr. Speaker, I yield the balance of my time to the gentleman from California [Mr. MATSUI] and I ask unanimous consent that he be allowed to control the time on this side.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. MATSUI. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of House Resolution 146, a resolution which I introduced to encourage the President and key members of the Cabinet to take steps to assure Japanese Government compliance with the United States-Japan Semiconductor Agreement.

That agreement was entered into in 1986 and resulted in the suspension of a number of unfair trade practices cases against Japanese firms. In 1987, the President found that Japan had violated the market access provisions of the agreement and ordered retaliation against Japanese imports into the United States market. Japan has yet to comply with that part of the agreement calling for a gradual, steady increase in the market share of foreign firms in the Japanese market. The United States Trade Representative recently estimated that full Japanese compliance could increase United States sales in Japan by as much as $5 billion over the life of the agreement.

Mr. Speaker, agreements entered into by foreign governments with the United States Government should be taken seriously by those governments—particularly when the agreement is a substitute for the application of U.S. trade laws. This resolution calls on the President, the United States Trade Representative, and other Cabinet members to place the highest priority on obtaining full access to the Japanese market for semiconductors, and to take all measures necessary to achieve compliance with the agreement.

I urge my colleagues to join with me in sending a timely message to the administration and Japan on a matter of great importance to United States economic health and national security.

Mr. Speaker, I reserve the balance of my time.

Mr. CRANE. Mr. Speaker, I yield 4 minutes to the gentleman from Nebraska [Mr. BEREUTER].

Mr. BEREUTER. Mr. Speaker, I thank the gentleman from Illinois for yielding this time to me.

Mr. Speaker, I rise in strong support of House Resolution 146 which calls for the President to take action to enforce the 1986 United States-Japan semiconductor agreement and to prevent further Japanese unfair trade practices.

Before I discuss the merits of the 1986 semiconductor accord, I'd like to review a little of the history of United States-Japanese semiconductor relations and I submit for the RECORD United States market shares in Japan from 1973 to the present.

If we take a look at these statistics we find that in 1973, the U.S. semiconductor market share in Japan was 9%. In the first quarter of 1989 that market share had risen by only 1.6% to 10.6%. Is this rather insignificant increase in the U.S. market share due to the U.S. production of an inferior product? We know the answer to that question is a resounding "No." The phenomenon occurred because of Japan's persistent efforts to keep the Japanese demand door tightly shut to foreign suppliers.

In 1983, the United States and Japan established a high technology working group whereby both countries agreed that "it is essential for the health of the world semiconductor market that free and open markets exist in both countries." Almost immediately following the initiation of this working group, Japanese demand for United States semiconductors rose. Because of that increase in demand, the United States percentage of the Japanese market grew from 10.8 percent in 1983 to 11.2 percent in 1984. When a recession occurred in late 1984, however, Japan protected its market share and the United States market share dropped to 8.5 percent in 1985. Because Japan violated the 1983 working group by closing its markets to foreigners when demand for semiconductors declined, the Semiconductor Industry Association, or SIA, was forced to file a 301 case with the United States Government in 1985. While then United States Trade Representative Clayton Yeutter was negotiating the SIA 301 case, separate antidumping suits were filed with the Commerce Department alleging Japanese dumping or D-RAMS and E-PROMS in the United States market. The two governments arrived at a settlement in the form of the semiconductor agreement which is before us today.

When the agreement was formally signed on September 2, 1986, it was accompanied by the suspension of the related D-RAM and E-PROM antidumping suits pending against Japan. The semiconductor agreement itself has three parts: It called for an increase in foreign market access in Japan, the cessation of semiconductor dumping in world markets and the suspension of the SIA 301 case.

At the time the semiconductor agreement was assigned, it was estimated that, absent Japanese unfair trade practices, the United States share of the Japanese market would have been in the 27- to 33-percent range. The agreement itself only calls for 20 percent by 1991.

Market access is critical to any industry and access to Japan's semiconductor market is crucial for our domestic semiconductor producers. The SIA estimates that if Japanese noncompliance continues until 1991, United States firms will have lost cumulative sales of more than $4 billion. Perhaps more importantly, those figures translate to between 8,000 to 12,500 unemployed workers.

Japan is an ally. Japan is an economic superpower. Japan enjoys a $55.4 billion trade surplus with the United States. By all accounts Japan has earned the title of a great nation. Mr. Speaker, let us send a strong signal to Japan that we expect allies, economic superpowers and all nations to keep their word. Let us support this resolution.

United States market shares in Japan

1973	9.0
1974	10.0
1975	10.2
1976	10.2
1977	9.0
1978	10.0
1979	14.0
1980	12.2
1981	9.3
1982	10.1
1983	10.8
1984	11.2
1985	8.5
1986	8.8
1987	10.6
1988	10.5
1989[1]	10.6

[1] First quarter.

Source: Semiconductor Industry Association.

□ 1440

Mr. CRANE. Mr. Speaker, I yield 1 minute to the distinguished gentleman from Pennsylvania [Mr. GEKAS].

Mr. GEKAS. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I noted in the written material that we have on this resolution that the administration has no position on it. Yet the adminstration very recently did take some very strong positions with respect to the failings of some of our trading partners, including Japan. So that the sense and thrust of this resolution is in keeping with recent events from the White House and in the White House that mean to tell the Government of Japan that although we value them, as was said, as a strategic and political and military ally, we also are concerned about the overweening imbalance that occurs and keeps recurring in the trade situation.

The sense of this resolution and the thrust of this resolution then will go a long way to mesh with the President's already articulated pronouncements in this field and will allow Japan to know that the will of the Congress is to work with them but not to tolerate the unfair playing field which they have created in so many different arenas.

Mr. MINETA. Mr. Speaker, I rise in strong support of this resolution. I want to commend my good friend and colleague from California. Mr. MATSUI, for his sponsorship of this very important initiative, as well as commending the distinguished chairman of the Ways and Means Committee, the gentleman from Illinois, for his leadership on this issue.

House Resolution 146 addresses one of our country's most pressing trade problems—namely the refusal of one of our most important allies and trading partners, Japan, to fulfill their part of a crucial trade agreement between our countries.

That unfulfilled trade pact is, of course, the United States-Japan Semiconductor Agreement.

The basic facts, as my esteemed colleague has already espoused, are simple. Under the United States-Japan Semiconductor Agreement, Japan agreed to open up their protected domestic semiconductor market, and increase the foreign market share in this area to 20 percent. Unfortunately, 3 years later, there has essentially been no progress in this direction.

This is a critical problem for the United States semiconductor industry, which is of vital importance to my home county of Santa Clara, to the State of California, and to our entire country.

Semiconductors are the building blocks of our modern electronics industry. In the United States, that electronics industry employs more than 2.5 million people—more than any other manufacturing industry in our country, more than the aerospace, automobile, and steel industries combined!

And looking beyond the electronics industry, those little bits of processed silicon known as microchips are everywhere—controlling the watches we wear and the cars we drive, running our factories, forming the basis of our computer and telecommunications systems, guiding the weapons that make up our national defenses, allowing our doctors to develop new medical technologies, and waiting to steer our astronauts into space at the next space shuttle launch.

In fact, it would be difficult to overestimate the importance of these clever devices that give my home county of Santa Clara in California its more famous nickname Silicon Valley.

Economically, more and more products—and, increasingly, our very means of production—are based upon chip technology. As we fast approach the 21st century, a strong economy will be increasingly measured by the ability to manufacture and market microchips.

Militarily, as we move toward increasingly sophisticated weapons, microchips will be ever more indispensable. In terms of sophistication and reliability, our basic military semiconductor needs must be met by our domestic industry if we are to remain both independent and a true superpower.

Simply put, a healthy semiconductor industry is vital to our country's economic strength and military security.

Yet today, the largest market for semiconductors internationally is in Japan. This means that if United States semiconductor makers are to thrive and grow, they must be able to export, and export to Japan. So far, this route has been blocked. United States semiconductor manufacturers have been and continue to be systematically excluded from Japan's domestic semiconductor market.

Of course, there are those who like to say that the problem isn't with Japan at all, that the problem is that the United States semiconductor industry just isn't competitive, or just isn't trying hard enough to sell in Japan. I

have one word for these red herring excuses: Hogwash!

Our semiconductor industry has the highest rate of R&D reinvestment of any industry in the United States, and initiatives like Sematech have put the U.S. semiconductor industry on the leading edge of efforts to improve U.S. manufacturing competitiveness.

At the same time, United States semiconductor makers have gone all out to penetrate the Japanese market. They have made more than $5 billion dollars in capital investments in Japan, have opened numerous design centers, test facilities, and sales offices in Japan, and have increased dramatically the number of United States sales and support personnel in Japan.

And still, despite these competitive efforts, and despite the agreement between our countries, we are effectively locked out of the Japanese market.

Mr. Speaker, for too long, our trade partner on the other side of the Pacific has given us nothing but excuses and denials. Not only have the Japanese dragged their feet on any real market-opening measures, but they have gone so far as to deny that they ever made a commitment to freer trade and open markets in this area.

This has gone on long enough. It is time to turn up the heat. This Congress and our administration should put the enforcement of the Semiconductor Trade Agreement at the top of our trade agenda, and insist that the Japanese make real progress in opening up their market.

Mr. Speaker, I urge my colleagues to support a critical United States industry and pass this bill.

Mr. LEVINE of California. Mr. Speaker, I rise today in support of House Resolution 146. Congress and the administration must remain firm in its insistence that a dramatic increase in the United States' share of the Japanese semiconductor market be achieved, and achieved quickly.

Increasing United States access to the Japanese semiconductor market has been an ongoing struggle. In 1986, United States market share of semiconductor sales in Japan was at 8.5 percent. Today, it has barely increased, hovering between 10 and 11 percent. Unless a significant increase is witnessed in the next year, Japan will not have met its commitment to increase the United States share of the semiconductor business to 20 percent by 1991.

This commitment was made in a side letter to the 1986 United States-Japan Semiconductor Agreement. In recent months the Japanese Government has tried to deny the existence of this side agreement, although Reagan Administration officials attest to the contrary. We must cure them of their amnesia.

In recent months reports have shown an increase in revenues from United States sales of semiconductors to electronics firms in Japan. This statistic, however, masks the rapid overall growth of the Japanese market in recent years. We are still losing billions of dollars of sales in Japan, and until this is turned around, we must continue to pressure the Japanese Government into action.

Passage of this resolution will demonstrate the resolute support of the Congress for the semiconductor agreement and our commitment to opening Japanese markets to American products. I urge my colleagues to join with me in support of House Resolution 146.

Mr. EDWARDS of California. Mr. Speaker, I rise today in strong support of the resolution expressing congressional concern about Japan's continuing refusal to open its market to United States-produced semiconductors.

As a representative from Silicon Valley, I know firsthand about the obstacles American semiconductor manufacturers face when trying to get their products into the Japanese market. Unfortunately, the existence of the semiconductor agreement, designed to improve United States access to the Japanese market, has resulted in little real progress in the 2 years since its adoption.

This poor performance is clearly not the result of an inferior American product. Although United States semiconductor producers enjoy only 10.5 percent of the Japanese market, they hold 53 percent of the rest of the world market. Certainly, if our semiconductor products are competitive in Europe and the rest of the world, they ought to be in Japan.

The future of our high-technology development is dependent on a healthy semiconductor industry. However, this industry cannot remain healthy if it is not permitted to compete fairly in Japan, which represents an overwhelming 42 percent of the world's total chip demand.

The semiconductor agreement calls for the United States share of the Japanese semiconductor market to reach 20 percent by 1991. This means that the United States market share must almost double over the next 2 years. To reach that goal after such a long period of stagnation will require an improved commitment to trade liberalization on the part of Japan.

I urge the administration to make Japanese compliance with the semiconductor agreement a priority in its trade policy. We must make it clear to Japan that continued access to our lucrative consumer electronics market is dependent on United States semiconductor manufacturers having full access to the Japanese market. With the ongoing trade deficit threatening our economic security, we must send the message that free trade is in fact a two-way street. Focusing attention on the semiconductor issue is one effective way of sending that message.

Mr. CRANE. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. MATSUI. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. (Mr. LAFALCE). The question is on the motion offered by the gentleman from Illinois [Mr. ROSTENKOWSKI] that the House suspend the rules and agree to the resolution, House Resolution 146.

The question was taken.

Mr. CRANE. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to the provisions of clause 5, rule I, and the Chair's prior announcement, further proceedings on this motion will be postponed.

BUSINESS OPPORTUNITY DEVELOPMENT REFORM ACT TECHNICAL CORRECTIONS ACT

Mr. LAFALCE. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 767) to make technical corrections to the Business Opportunity Development Reform Act of 1988.

The Clerk read as follows:

S. 767

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Business Opportunity Development Reform Act Technical Corrections Act".

SEC. 2. TABLE OF CONTENTS.

The table of contents of the Business Opportunity Development Reform Act of 1988 (hereinafter referred to as "the Act") is amended—

(1) in item 713, by striking "Procurements" and inserting "Procurement"; and

(2) in item 722, by striking "participating" and inserting "participation".

SEC. 3. DEFINITIONS.

Section 2 of the Act is amended—

(1) by redesignating paragraphs (3) through (7) as paragraphs (4) through (8), respectively;

(2) by inserting after paragraph (2) the following new paragraph:

"(3) the term 'Business Opportunity Specialist' means the Administration employee responsible for providing business development assistance to Program Participants pursuant to sections 7(j) and 8(a) of the Small Business Act (15 U.S.C. 636(j), 637(a));"; and

(3) in paragraph (6), as redesignated—

(A) by striking "Small Business" and inserting "Minority Small Business", and

(B) by inserting before the semicolon the following: ", unless otherwise indicated".

SEC. 4. PROGRAM ELIGIBILITY.

Section 7(j)(11) of the Small Business Act (15 U.S.C. 636(j)(11)) is amended—

(1) by striking subparagraph (B) and inserting the following:

"(B)(i) Except as provided in clause (iii), no individual who was determined pursuant to section 8(a) to be socially and economically disadvantaged before the effective date of this subparagraph shall be permitted to assert such disadvantage with respect to any other concern making application for certification after such effective date.

"(ii) Except as provided in clause (iii), any individual upon whom eligibility is based pursuant to section 8(a)(4) shall be permitted to assert such eligibility for only one small business concern.

"(iii) A socially and economically disadvantaged Indian tribe may own more than one small business concern eligible for assistance pursuant to section 7(j)(10) and section 8(a) if—

"(I) the Indian tribe does not own another firm in the same industry which has been determined to be eligible to receive contracts under this program, and

"(II) the individuals responsible for the management and daily operations of the concern do not manage more than two Program Participants.";

(2) in the first sentence of subparagraph (E), by striking "Office of the Associate Administrator for Minority Small Business" and inserting "Office of Minority Small Business";

(3) in the second sentence of subparagraph (E), by striking "such Associate Administrator" and inserting "the Associate Administrator for Minority Small Business and Capital Ownership Development";

(4) in subparagraph (F)(v), by striking "with the Associate Administrator" and inserting "to the Associate Administrator";

(5) in subparagraph (F), by striking clause (vi) and inserting:

"(vi) make recommendations to the Associate Administrator for Minority Small Business and Capital Ownership Development concerning protests from applicants that have been denied program admission;";

(6) in subparagraph (F)(viii), by striking "subparagraph (H)" and inserting "subparagraph (I)";

(7) in subparagraph (G)(ii), by striking "participants" and inserting "Participants";

(8) by redesignating subparagraph (H) as subparagraph (I); and

(9) by inserting after subparagraph (G) the following:

"(H) Not later than 90 days after receipt of a completed application for Program certification, the Associate Administrator for Minority Small Business and Capital Ownership Development shall certify a small business concern as a Program Participant or shall deny such application.".

SEC. 5. BUSINESS PLANS.

(a) IN GENERAL.—Section 7(j)(10)(A)(i) of the Small Business Act (15 U.S.C. 636(j)(10)(A)(i)) is amended by striking "which sets forth" and inserting "which set forth".

(b) CONTENTS OF PLAN.—Section 7(j)(10)(D) of the Small Business Act (15 U.S.C. 636(j)(10)(D)) is amended—

(1) in the first sentence of clause (i), by striking "business opportunity specialist" and inserting "Business Opportunity Specialist";

(2) in clause (ii)(II), by striking "small business concerns" and inserting "the small business concern";

(3) in clause (iii), by inserting before the end period the following: "relating to attaining business activity from sources other than contracts awarded pursuant to section 8(a)";

(4) in clause (iv), by striking "contact awards" and inserting "contract awards"; and

(5) in clause (iv)(I), by inserting before the second comma the following: "relating to attaining business activity from sources other than contracts awarded pursuant to section 8(a)".

SEC. 6. ELIGIBILITY REVIEWS AND ELIGIBILITY OF NATIVE HAWAIIANS.

(a) ELIGIBILITY REVIEW.—Section 7(j)(10)(J)(i) of the Small Business Act (15 U.S.C. 636(j)(10)(J)(i)) is amended by striking "suspended or terminated" and inserting "suspended".

(b) ELIGIBILITY OF NATIVE HAWAIIANS.—Section 8(a)(15) of the Small Business Act (15 U.S.C. 637(a)(15)) is amended by striking "organizations" and inserting "Organization".

(c) Section 207(b) of the Act is amended by striking "(15 U.S.C. 631(e)(2)(C))" and inserting "(15 U.S.C. 631(e)(1)(C))".

(d) DEFINITION OF "SOCIALLY AND ECONOMICALLY DISADVANTAGED SMALL BUSINESS CONCERN".—Section 8(a)(4)(A) of the Small Business Act (15 U.S.C. 637(a)(4)(A)) is amended—

(1) in clause (i), by inserting "unconditionally" after "per centum"; and

(2) in clause (ii), by inserting "unconditionally" before "owned by".

SEC. 7. TERMINATION AND GRADUATION STANDARDS.

(a) IN GENERAL.—Section 7(j)(10) of the Small Business Act (15 U.S.C. 636(j)(10)) is amended—

(1) by striking subparagraph (E)(ii) and inserting:

"(ii) completes the period of Program participation as prescribed by paragraph (15);";

(2) by striking the first subparagraph (F); and

(3) in subparagraph (F), by striking the first sentence and inserting the following: "For purposes of this section and section 8(a), the term 'terminated' and the term 'termination' means the total denial or suspension of assistance under this paragraph or under section 8(a) prior to the graduation of the participating small business concern or prior to the expiration of the maximum program participation term.".

(b) ECONOMIC DISADVANTAGE.—Section 8(a)(6)(C)(iii) of the Small Business Act (15 U.S.C. 637(a)(6)(C)(iii)) is amended by striking out "section 7(j)(10)(H)" and inserting "section 7(j)(10)(G)".

SEC. 8. STAGES OF PROGRAM PARTICIPATION.

(a) IN GENERAL.—Section 7(j)(12) of the Small Business Act (15 U.S.C. 636(j)(12)) is amended—

(1) in subparagraph (A), by striking "development" and inserting "developmental"; and

(2) in subparagraph (B), by inserting "in its effort" after "to assist the concern".

(b) DEVELOPMENTAL STAGE.—Section 7(j)(13)(E) of the Small Business Act (15 U.S.C. 636(j)(13)(E)) is amended by striking the second sentence and inserting the following: "Such assistance may be made without regard to section 18(a). Assistance may be made by direct payment to the training provider or by reimbursing the Program Participant or the Participant's employee, if such reimbursement is found to be reasonable and appropriate.".

SEC. 9. LOANS.

Section 7(a)(20) of the Small Business Act (15 U.S.C. 636(a)(20)) is amended in subparagraph (C)(iv), by inserting "is" before "amortized".

SEC. 10. CONTRACTUAL ASSISTANCE.

(a) CITATION.—Section 303(a) of the Act is amended by striking "15 U.S.C. 363(j)(10)" and inserting "15 U.S.C. 636(j)(10)".

(b) COMPETITIVE BUSINESS MIX.—Section 7(j)(10) of the Small Business Act (15 U.S.C. 636(j)(10)) is amended by striking "(i) During the developmental stage" and inserting "(I)(i) During the developmental stage".

(c) COMPETITIVE THRESHOLDS.—Section 8(a)(1)(D)(i) of the Small Business Act (15 U.S.C. 637(a)(1)(D)(i)) is amended by striking "program participants" and inserting "Program Participants".

(d) OPTIONS.—Section 303(f)(2) of the Act is amended by inserting "active" before "contracts previously awarded".

(e) NON-MANUFACTURER RULE.—Section 8(a)(17)(B) of the Small Business Act (15 U.S.C. 637(a)(17)(B)) is amended—

(1) by redesignating clauses (ii) and (iii) as clauses (iii) and (iv), respectively, and

(2) by inserting after clause (i) the following:

"(ii) be a small business concern under the numerical size standard for the Standard Industrial Classification Code assigned to the contract solicitation on which the offer is being made;".

SEC. 11. STATUS OF THE ASSOCIATE ADMINISTRATOR FOR MINORITY SMALL BUSINESS AND CAPITAL OWNERSHIP DEVELOPMENT.

(a) IN GENERAL.—Section 401(a) of the Act is amended by striking "In Section" and inserting "Section".

(b) CAREER POSITION.—Section 401(b) of the Act is amended by striking "of the Act" and inserting "of the Small Business Act".

SEC. 12. PROHIBITED ACTIONS AND EMPLOYEE RESPONSIBILITIES.

Section 8(a)(18)(A) of the Small Business Act (15 U.S.C. 637(a)(18)(A)) is amended by striking "certified".

SEC. 13. POLITICALLY MOTIVATED ACTIVITIES.

Section 8(a)(19)(B) of the Small Business Act (15 U.S.C. 637(a)(19)(B)) is amended by striking ", imposed by the Administrator,".

SEC. 14. REPORTS BY PROGRAM PARTICIPANTS.

Section 8(a)(20)(A) of the Small Business Act (15 U.S.C. 637(a)(20)(A)) is amended by striking "business opportunity specialist" and inserting "Business Opportunity Specialist".

SEC. 15. CONGRESSIONALLY REQUESTED INVESTIGATIONS.

Section 10(e)(2) of the Small Business Act (15 U.S.C. 639(e)(2)) is amended by striking "of the disposition of the matter" and inserting ", of the disposition of the request".

SEC. 16. CONTRACT PERFORMANCE.

Section 8(a)(21) of the Small Business Act (15 U.S.C. 637(a)(21)) is amended—

(1) in subparagraph (B), by striking "The Administrator may, as a matter of discretion and on a nondelegable basis, waive the requirements of subparagraph (A) if requested to do so prior to the actual relinquishment of ownership or control. In addition to the requirement of the preceding sentence, a waiver may be given only if any of the following conditions exist:" and inserting the following: "The Administrator may, on a nondelegable basis, waive the requirements of subparagraph (A) only if one of the following conditions exist:"; and

(2) by redesignating subparagraphs (C) and (D) as subparagraphs (D) and (E), respectively, and by inserting after subparagraph (B) the following:

"(C) The Administrator may waive the requirements of subparagraph (A) if—

"(i) in the case of subparagraph (B) (i), (ii) and (iv), he is requested to do so prior to the actual relinquishment of ownership or control; and

"(ii) in the case of subparagraph (B)(iii), he is requested to do so as soon as possible after the incapacity or death occurs.".

SEC. 17. DUE PROCESS RIGHTS.

Section 8(a)(9) of the Small Business Act (15 U.S.C. 637(a)(9)) is amended—

(1) in subparagraph (A), by striking "Administrator" and inserting "Administration";

(2) in subparagraph (B)(iii), by striking "section 7(j)(10)(H)" and inserting "section 7(j)(10)(G)"; and

(3) in subparagraph (C), by striking "Administrator's" and inserting "Administration's".

SEC. 18. EMPLOYEE TRAINING AND EVALUATION.

Section 410 of the Act is amended—

(1) in subsection (a), by striking "Training Requirements for Business Specialists" and inserting "Training Requirements for Business Opportunity Specialists"; and

(2) in subsection (c)(2), by striking "subsection (a)" and inserting "subsection (b)".

SEC. 19. PRESIDENTIAL REPORT ON CONTRACTING GOALS.

Section 15(h)(2)(A) of the Small Business Act (15 U.S.C. 644(h)(2)(A)) is amended by inserting "individuals" after "economically disadvantaged".

SEC. 20. COMMISSION ON MINORITY BUSINESS DEVELOPMENT.

Section 505 of the Act is amended—

(1) in subsection (b)(1)(B)(ii), by striking "program participants" each place it appears and inserting "Program Participants";

(2) in subsection (b)(1)(C), by striking "subparagraph (B)" and inserting "subparagraph (A)";

(3) in subsection (b)(2)(C), by striking "each such subparagraph" and inserting "paragraph (1)";

(4) in subsection (c)(3), by striking "such subparagraphs" and inserting "subparagraphs (B), (C), and (D)";

(5) in subsection (c)(6)(B), by striking "paragraph 2" and inserting "subsection (b)(2)";

(6) in subsection (d)(1)(B), by striking "531(b)" and inserting "5311(b)";

(7) by adding at the end of subsection (d) the following:

"(C) To facilitate the expeditious initiation of the Commission's activities, the Administrator of the Small Business Administration shall designate an Executive Secretary and provide such additional interim staff and support services as the Administrator deems appropriate until the time of the Commission's organizational meeting and the designation of its Executive Director, or such longer time as may be agreed upon by the Administrator and the Chairperson of the Commission.";

(8) in subsection (f), by striking "cease to exist on" and inserting "cease to exist within 90 days after"; and

(9) in subsection (g), by striking "authorized in the section" and inserting "authorized in this section".

SEC. 21. RELATIONSHIP WITH OTHER PROCUREMENT PROGRAMS.

Section 15(m)(1)(A) of the Small Business Act (15 U.S.C. 644(m)(1)(A)) is amended by striking "procedure" and inserting "procedures".

SEC. 22. INDIAN TRIBE EXEMPTIONS.

Section 602 of the Act is amended—

(1) in subsection (a), by striking "Section 8(a)(16) of the Small Business Act" and inserting "Section 8(a)(1)(D) of the Small Business Act,";

(2) in subsection (b)(2)(B), by inserting after "reservation" "or former reservation of such tribe as determined by the Secretary of the Interior";

(3) in subsection (b)(2)(C), by inserting ", or such former reservation" before the semicolon; and

(4) by striking subsection (d) and redesignating subsection (e) as subsection (d).

SEC. 23. SMALL BUSINESS COMPETITIVENESS DEMONSTRATION PROGRAM.

Section 711(a) of the Act is amended by inserting "in this title" after "referred to".

SEC. 24. ENHANCED SMALL BUSINESS PARTICIPATION GOALS.

Section 712(b)(1) of the Act is amended by striking "section 718" and inserting "section 717".

SEC. 25. PROCUREMENT PROCEDURES AND REPORTING.

(a) PROCUREMENT PROCEDURES.—Section 713(a) of the Act is amended by striking "$25,000 or more" and inserting "more than $25,000".

(b) REPORTING.—Section 714(c)(2) of the Act is amended by striking "section 712(d)" and inserting "section 712(c)".

SEC. 26. DESIGNATED INDUSTRY GROUPS.

Section 717(b)(2) of the Act is amended to read as follows:

"(2) Major Group 16 (Heavy Construction Other Than Building Construction—Contractors) (excluding dredging);".

SEC. 27. DEFINITION OF PARTICIPATING AGENCY.

Section 718(c) of the Act is amended—

(1) by redesignating paragraphs (5) through (9) as paragraphs (6) through (10), respectively, and by inserting after paragraph (4) the following new paragraph:

"(5) the Department of the Interior,"; and

(2) in paragraph (8), as redesignated, by inserting "with" before "the Public Building Service".

SEC. 28. ALTERNATIVE PROGRAM FOR CLOTHING AND TEXTILES.

Section 721 of the Act is amended—

(1) by inserting "(10 U.S.C. 2301 note)" after "Fiscal Year 1987" in subsection (a)(2)(B); and

(2) by adding at the end thereof the following:

"(c) PROGRAM TERM.—The Program shall commence on January 1, 1989, and terminate on September 30, 1992.

"(d) REPORT.—The Secretary of Defense shall issue reports to the Congress on the operations of the program established pursuant to this section. Such reports shall detail the effects of the program on the mobilization base and on small business concerns and small business concerns owned and controlled by socially and economically disadvantaged individuals. Interim reports shall be submitted every 6 months during the term of the program to the Committees on Armed Services and Small Business of the House of Representatives and the Senate.".

SEC. 29. EXPANDING SMALL BUSINESS PARTICIPATION IN DREDGING.

Section 722 of the Act is amended—

(1) in subsection (a), by adding before the end period the following: "solicited on or after January 1, 1989";

(2) in subsection (d)(1)(B), by inserting "foster" before "joint ventures";

(3) in subsection (d)(1)(C), by inserting "foster" before "subcontracting through"; and

(4) in subsection (f), by inserting ", regarding compliance with this section" at the end of paragraph (1), and by striking paragraph (3).

SEC. 30. REGULATIONS.

Section 801(3) of the Act is amended by striking "two hundred and ten days" and inserting "270 days".

SEC. 31. AMENDMENTS TO EFFECTIVE DATES.

Section 803 of the Act is amended—

(1) in subsection (b)(3)(B), by striking "Sections 302 and" and inserting "Section";

(2) in subsection (b), by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively, and by inserting after paragraph (1) the following new paragraph:

"(2) Section 302 shall take effect on June 1, 1989."; and

(3) in paragraph (1) of subsection (b), by striking "June 1, 1989" and inserting "August 15, 1989".

SEC. 32. EFFECTIVE DATES OF THIS ACT.

The amendments made by this Act shall apply as if included in the Business Opportunity Development Reform Act of 1988.

The SPEAKER pro tempore. (Mr. MURTHA). Pursuant to the rule, a second is not required on this motion.

The gentleman from New York [Mr. LAFALCE] will be recognized for 20 minutes and the gentleman from Pennsylvania [Mr. MCDADE] will be recognized for 20 minutes.

The Chair recognizes the gentleman from New York [Mr. LAFALCE].

Mr. LAFALCE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would like to share with my colleagues some background on this bill and then briefly summarize what it does.

In October 1988, Congress passed the Business Opportunity Development Reform Act of 1988, now Public Law 100-656. The purpose of that act is to ensure that the Capital Ownership Development Program and the section 8(a) authority be used exclusively for business development purposes to help small businesses owned and controlled by socially and economically disadvantaged individuals to compete on an equal basis in the mainstream of the American economy. In so doing, the Congress took action to clean up a program which frankly had become synonymous with fraud and abuse because of the Wedtech scandal. Although the majority of 8(a) firms are undoubtedly deserving of Government assistance, there is no doubt that much too often the sole source contracts provided by this program went to politically well-connected companies.

The purpose of the bill before us today is to make technical corrections to the Business Opportunity Development Reform Act. Unfortunately, in the crush of business at the end of the 100th Congress, some errors and omissions were made in the final conference version of the bill. This bill will correct these mistakes so that the reforms will be implemented competely in conformity with congressional intent.

On April 11, 1989, ranking minority member JOSEPH MCDADE and I introduced H.R. 1764. The bill was referred to the Small Business Committee and was retained in full committee for its consideration. By voice vote H.R. 1764 was ordered favorably reported, as amended, at a committee markup held on April 12, 1989.

Shortly after the committee acted, the Senate passed its own Technical Corrections Act, S. 767, on April 19, 1989. I have placed the Senate-passed bill on suspension, rather than H.R. 1764 for several reasons. S. 767 is virtually identical to H.R. 1764. There are only three differences. First, S. 767 would extend until August 15, 1989, the time limit for SBA to publish final 8(a) regulations. I have received an urgent letter from Susan Engeleiter, Administrator of the SBA, requesting that we recede to the Senate on this issue to allow the agency more time to prepare the final product. I believe we

would all like to accommodate the new Administrator on this point.

Second, S. 767 contains technical amendments to titles VI and VII of the 8(a) Reform Act. When the committee reported H.R. 1764 at the April 12 meeting, H.R. 1764 did not contain these amendments because we had not yet obtained clearance from the Government Operations Committee which has joint jurisdiction over these titles. We have now obtained such clearance from Government Operations so there is no objection to taking these Senate provisions.

Third, S. 767 includes the Department of the Interior in the specific list of nine agencies participating in the demonstration program under title VII. The omission of Interior from the statutory list was inadvertent.

Finally, adopting S. 767 will avoid the necessity of having a conference. This will be of great assistance to the administration which is most anxious that the technical changes be in place as soon as possible.

Mr. Speaker, an outline of the major provisions of the bill follows:

OUTLINE OF THE MAJOR PROVISIONS OF THE BILL

SEC. 2 DEFINITIONS

This section adds a definition of Business Opportunity Specialist, a term which is used extensively in the Business Opportunity Development Reform Act.

SEC. 3 PROGRAM ELIGIBILITY

This section revises section 7(j)(11) of the Small Business Act to make clear that persons, who have been determined to be socially and economically disadvantaged under section 8(a) of the Small Business Act, may apply for 8(a) certification *for only one company.* An exception to this rule is made for economically disadvantaged Indian tribes.

Section 3 of the bill also requires that the Small Business Administration (SBA) must process 8(a) applications within 90 days. This provision was agreed upon in the Conference Committee on the Business Opportunity Development Reform Act but was inadvertently omitted in the final drafting of the bill.

SEC. 15 CONTRACT PERFORMANCE

This section clarifies section 8(a)(21) of the Small Business Act to waive a requirement of prior notice to SBA of asset transfers in the event of the death of an owner of an 8(a) company.

SEC. 19 COMMISSION ON MINORITY BUSINESS DEVELOPMENT

This section adds language to section 505 of the Business Opportunity Development Reform Act to make it clear that it was Congress' intent that the Commission on Minority Business Development be located in SBA "for housekeeping purposes."

SEC. 20 AMENDMENTS TO EFFECTIVE DATES

A direct loan program for socially and economically disadvantaged businesses is authorized by section 302 of the Business Opportunity Development Reform Act. That Act set the effective date of the loan program as October 1, 1989. That was an error. It should have been October 1, 1988. This section, therefore, partially remedies the error by setting June 1, 1989 as the effective date of the program.

Mr. McDADE. Mr. Speaker, I yield myself such time as I may consume.

(Mr. McDADE asked and was given permission to revise and extend his remarks, and include extraneous material.)

Mr. McDADE. Mr. Speaker, I rise in support of S. 767, the Business Opportunity Development Reform Act Technical Corrections Act. Chairman LAFALCE has already summarized the contents of the bill. This bill makes minor but necessary changes to the Business Opportunity Development Reform Act which was signed into law last year. S. 767 embodies changes requested by the administration which will strengthen the law by clarifying ambiguous provisions and congressional intent, correcting effective dates, extending the comment period to provide for more flexibility and greater opportunity for the development of implementing regulations and public comment on proposed changes.

Mr. Speaker, the administration supports the bill, and I would urge its adoption.

BUSINESS OPPORTUNITY DEVELOPMENT REFORM ACT, TECHNICAL CORRECTIONS ACT, S. 767

SUMMARY OF MAJOR PROVISIONS

Section 2. Definitions

This Section adds an additional definition of Business Opportunity Specialist. This term is used throughout the Business Opportunity Development Reform Act. Business Opportunity Specialist is a key term because the emphasis of the Act is on developing minority firms rather than on merely handing out federal contracts, as too often had been the case in the past.

Section 3. Program eligiblity

This provision revises Section 7(j)(11) of the Small Business Act to make clear that persons who have been found to be socially and economically disadvantaged under Section 8(a) of the Small Business Act may apply for 8(a) certification for *only one company.* Economically disadvantaged Indian tribes are exempted from this requirement.

The purpose of this Section is to add a provision to the bill which was agreed to in the Conference Committee on the Business Opportunity Development Reform Act, but was inadvertently omitted in the final version of the legislation. This language requires that the Small Business process 8(a) applications within 90 days of filing.

Section 15. Contract performance

This section clarifies 8(a)(21) of the Small Business Act to waive a requirement of prior notice to SBA of asset transfers in the event of the death of the owner of an 8(a) company.

Section 19. Commission on Minority Business Development

This clarification adds language to Section 505 to make clear that it was the intent of Congress that the Commission on Minority Business Development be located in SBA "for housekeeping purposes."

Section 20. Amendments to effective dates

Section 302 of the Act authorizes a direct loan program for socially and economically disadvantaged businesses. The effective date of the loan program was stated in the Act as being October 1, 1989. This is an error. The effective date was to have read October 1, 1988. This Section partially remedies this error by setting the effective date to June 1, 1989.

Mr. Speaker, I have no requests for time, and I yield back the balance of my time.

Mr. LAFALCE. Mr. Speaker, I have no requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York [Mr. LAFALCE] that the House suspend the rules and pass the Senate bill, S. 767.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill was passed.

A motion to reconsider was laid on the table.

□ 1450

GENERAL LEAVE

Mr. LAFALCE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include therein extraneous material, on S. 767, the Senate bill just passed.

The SPEAKER pro tempore (Mr. MURTHA). Is there objection to the request of the gentleman from New York?

There was no objection.

SUNDRY MESSAGES FROM THE PRESIDENT

Sundry messages in writing from the President of the United States were communicated to the House by Mr. Kalbaugh, one of his secretaries.

JAPAN RENEGES ON INTERNATIONAL FLIGHT AGREEMENT

(Mr. BEREUTER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BEREUTER. Mr. Speaker, recent events surrounding the FS-X deal with Japan have obscured another aviation-related trade issue in which the Japanese Government, in collaboration with its airlines, is blatantly discriminating against American commercial airlines.

Last December, it appeared the United States was about to reach an agreement with the Japanese to create several new international airline routes between the United States and Japan. At that time, United States negotiators had proposed 29 new routes for both Japanese and United States airlines, while the Japanese had proposed 16.

Last week, when United States trade negotiators met with their Japanese counterparts to work on a final agreement, they were surprised to discover that Japan was reneging on its previous offer, and instead, proposing only 8 routes.

It is not surprising to learn that a determining factor behind Japan's rescission is an unwillingness by two of their leading carriers (Japan Air Lines and All Nippon Airways) to compete with American carriers.

At the very time when the United States Trade Representative is about to announce its Super 301 list, and when Japan is still running extraordinary trade surpluses with the rest of the world ($7.3 billion in April, $500 million above April 1987), we would surely expect Japan to be more willing to create additional international flights for United States commercial airlines.

If that doesn't happen, and happen very shortly, the United States should pursue all trade remedies that are available to us under the new Super 301 procedures of the Omnibus Trade Act, and move quickly to impose sanctions against Japan.

WATER RESOURCES RESEARCH ACT OF 1984 AUTHORIZATION THROUGH FISCAL YEAR 1993

Mr. MILLER of California. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1101) to extend the authorization of the Water Resources Research Act of 1984 through the end of fiscal year 1993, as amended.

The Clerk read as follows:

H.R. 1101

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SEC. 1. AMENDMENT TO PURPOSES.

Section 103(5) of Public Law 98-242 (98 Stat. 98, 42 U.S.C. 10302) is amended by deleting "coordinate more effectively" and inserting in lieu thereof: "to promote more effective coordination of".

SEC. 2. AMENDMENTS TO THE INSTITUTE PROGRAM.

(a) Section 104(a) of Public Law 98-242 (98 Stat. 98, 42 U.S.C. 10303(a)) is amended by changing "Trust Territory of the Pacific Islands" to "Federated States of Micronesia".

(b) Section 104(b) of Public Law 98-242 (98 Stat. 98, 42 U.S.C. 10303(b)) is amended by inserting in the last sentence after the phrase "for the purpose of", the following: "promoting".

(c) Section 104(c) of Public Law 98-242 (98 Stat. 98, 42 U.S.C. 10303(c)) is amended by deleting everything after the phrase "no less than" and inserting in lieu thereof: "one non-Federal dollar for every Federal dollar during the fiscal years ending September 30, 1990, through September 30, 1994, such sums to be used only for the reimbursement of direct cost expenditures incurred for the conduct of the water resources research program".

(d) Section 104(e)(1) and section 104(e)(2) of Public Law 98-242 (98 Stat. 99, 42 U.S.C. 10303(e)(1)-(2)) is redesignated as subsection "(e)" and amended to read as follows:

"(e) The Secretary shall conduct a careful and detailed evaluation of each institute at least once every five years to determine that the quality and relevance of its water resources research and its effectiveness as an institution for planning, conducting and arranging for research warrants its continued support under this section in the national interest. If, as a result of any such evaluation, the Secretary determines that an institute does not qualify for further support under this section, then no further grants to the institute may be made until the institute's qualifications are reestablished to the satisfaction of the Secretary.".

(e) Section 104(f)(1) of Public Law 98-242 (98 Stat. 99, 42 U.S.C. 10303(f)(1)) is amended by deleting "September 30, 1985, through September 30, 1989" and inserting in lieu thereof: "September 30, 1990, through September 30, 1994".

(f) Section 104(f)(2) of Public Law 98-242 (98 Stat. 99, 42 U.S.C. 10303(f)(2)) is amended by deleting the phrase "section 106 of this Act" and inserting in lieu thereof: "section 104(g) of this Act".

(g) Section 104 of Public Law 98-242 (98 Stat. 99) is amended by inserting the following new subsection:

"(g)(1) There is further authorized to be appropriated to the Secretary of the Interior the sum of $5,000,000 for each of the fiscal years ending September 30, 1990, through September 30, 1994, only for reimbursement of the direct cost expenses of additional research or synthesis of the results of research by institutes which focuses on water problems and issues of a regional or interstate nature beyond those of concern only to a single state and which relate to specific program priorities identified jointly by the Secretary and the institutes. Such funds when appropriated shall be matched on a not less than dollar-for-dollar basis by funds made available to institutes or groups of institutes, by States or other non-Federal sources. Funds made available under this subsection shall remain available until expended.

"(2) Research funds made available under this subsection shall be made on a competitive basis subject to the merits of the proposal, the need for the information to be produced, and the opportunity such funds will provide for training of water resources scientists or professionals.".

SEC. 3. AMENDMENT TO THE MATCHING GRANT PROGRAM.

Section 105(c) of Public Law 98-242 (98 Stat. 100, 42 U.S.C. 10304) is amended by deleting "September 30, 1986, through September 30, 1989" and inserting in lieu thereof: "September 30, 1990, through September 30, 1994".

SEC. 4. REVISION IN TECHNOLOGY GRANT PROGRAM.

Section 106 of Public Law 98-242 (98 Stat. 100, 42 U.S.C. 10304) is amended to read as follows:

"Sec. 106. (a)(1) The Secretary shall make grants in addition to those authorized under sections 104 and 105 for technology development concerning any aspect of water resources including water-related technology which the Secretary may deem to be of State, regional or national importance. Activities funded under this section may be carried out by educational institutions, private firms, foundations, individuals, and agencies of state or local government. Care shall be taken to protect proprietary information of private individuals or firms associated with the technology.

"(2) The Secretary may establish any condition for the matching of funds by the recipient of any grant or contract under this section which the Secretary considers to be in the best interest of the Nation considering the information transfer and technology needs of the Nation. However, in the case of institutes established by Section 104 of this Act no match greater than that required under Section 104 may be required.

"(b) Each application for a grant under this section shall state the nature of the project to be undertaken, the qualifications of the personnel who will direct and conduct it, facilities of the organization performing any technology development, the importance of the project to the Nation, region and State concerned, and the potential benefit to be accrued.

"(c) There is authorized to be appropriated to the Secretary the sum of $6,000,000 for the purpose of carrying out this section for each of the fiscal years ending September 30, 1990, through September 30, 1994, such sums to remain available until expended.".

SEC. 5. REGULATIONS TO REMAIN IN EFFECT.

Section 110 of Public Law 98-242 (98 Stat. 101) is amended by deleting "Public Law 95-467" and inserting in lieu thereof: "Public Law 98-242, as amended,".

SEC. 6. ADDITIONAL RESEARCH AUTHORIZATION.

At the end of section 106 of Public Law 98-242 (98 Stat. 101), insert the following new section, and renumber the subsequent sections accordingly:

"Sec. 107. (a) The Secretary, in consultation with the Secretary of Agriculture and the Administrator of the Environmental Protection Agency, is authorized to enter into such contracts or cooperative agreements as the Secretary deems appropriate with educational institutions, consortia of educational institutions, private firms, foundations, individuals, Federal agencies, agencies of State or local governments, or national laboratories (including Los Alamos National Laboratory) to carry out research, development and demonstrations projects relating to the following—

"(1) contamination of ground water aquifers (including its sources, causes, effects, extent, prevention, detection, remediation, monitoring and mitigation), and the development of cost-effective technologies for the prevention, detection, monitoring, remediation, and mitigation of aquifer contamination;

"(2) effects of potential climate changes on surface and ground water quality and quantity utilizing model development and application; and,

"(3) extent and effect of chemical contaminants in ground water, their toxicological significance, and strategies and recommendations for pollutant reduction and detoxification.

"(b) The water resources research work authorized by subsections (a)(1) and (a)(2) of this section shall be undertaken in the Reclamation States, as defined in section 1 of the Act of June 17, 1902 (32 Stat. 388, 43 U.S.C. 391), as amended, and under such rules and regulations as the Secretary deems appropriate.

"(c) There is authorized to be appropriated for each of the fiscal years ending September 30, 1990, through September 30, 1994, such sums as are necessary, such sums to remain available until expended.".

The SPEAKER pro tempore. Is a second demanded?

Mr. DENNY SMITH. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER pro tempore. The gentleman from California [Mr. MILLER] will be recognized for 20 minutes and the gentleman from Oregon [Mr. DENNY SMITH] will be recognized for 20 minutes.

The Chair recognizes the gentleman from California [Mr. MILLER].

GENERAL LEAVE

Mr. MILLER of California. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks, and include therein extraneous material, on H.R. 1101, the bill under consideration.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. MILLER of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise to urge the support of my colleagues for H.R. 1101, a bill to reauthorize the Water Resources Research Act.

This legislation, which I originally introduced with former Congressman Cheney, currently has 40 cosponsors. The bill would extend the authorization of appropriations for the water research program through the end of fiscal year 1994.

Mr. Speaker, the water resources research program was first enacted in 1964 and has been reauthorized by the Congress ever since.

This is an important program which has supported research on a wide variety of water-related issues. It also provides assistance for training scientists and engineers to enter the fields of water resources research and management.

The current program is administered by the U.S. Geological Survey. Through the USGS, assistance is provided to 54 water resources research institutes located at land grant colleges and universities in every State and most territories.

These institutes carry out an assortment of research and training programs. Since 1964, close to 40,000 students have received support from this program. This has significantly increased the number of qualified people working in water-related professions.

This program also authorizes the Secretary to make grants to institutes and other entities for research on water-related issues. These grants are awarded on a competitive basis and have a requirement for non-Federal matching funds. A substantial amount of the published research in water resources has been generated through this grant program.

H.R. 1101 makes several important changes in the water resources research program.

First, it would authorize the Secretary to make grants for research on water resources issues of an interstate or regional nature. A total of $5 million would be authorized for this new program. These funds would be matched by non-Federal contributions on a dollar-for-dollar basis.

Second, the bill authorizes the Secretary to undertake comprehensive research and demonstration projects relating to ground water problems, the impacts of climate change on water resources and the extent of chemical contaminants in ground water. The Secretary is authorized to enter into contracts or cooperative agreements with various institutions, including national laboratories, to carry out these research and demonstration projects.

This new section was added by the Committee because of compelling testimony provided by Los Alamos National Laboratory concerning projects on aquifer decontamination and on the effects of climate change on surface and ground water. Los Alamos, and other national labs, have a tremendous research capability. It makes sense to me that the Interior Department should involve Los Alamos and other such institutions in integrated, multidisciplinary research on issues such as climate change and ground water. It makes sense that the Interior Department should be working with these institutions for solutions to our growing water resource problems—such as developing technologies for decontaminating aquifers or for better detecting polluted water supplies.

Similarly, an intense, integrated effort should be made toward learning more about the impacts of climate change on water resources. I have held several hearings on this subject and have learned that the potential impacts of climate warming on water resources could be very profound. It is also abundantly clear that a great deal or work needs to be done so that we can better predict and understand site-specific impacts climate change will have on water resources. We simply need more information in order to know what actions we should take now. Again, I was impressed by the presentation made by Los Alamos with regard to their research and demonstration proposals in this area.

By providing the Secretary with additional research authorities, we anticipate the Secretary will aggressively pursue comprehensive research in the ground water and climate change areas. It is also our hope that the Department will make efficient use of the resources and expertise that other institutions, such as the national labs, might offer. It is an effective way of ensuring that we all get more for the funds spent on this program.

I would also note that H.R. 1101, as amended, would authorize the Secretary to undertake research on the extent and effect of chemical contaminants in ground water, including their toxicological significance, and strategies and recommendations for pollutant reduction and detoxification.

This authority was included in the bill as a result of testimony received from the Midwestern Universities Alliance. This unique alliance between business, government and academia pointed out the need for a comprehensive ground water research effort focusing on chemical contaminants in the Midwest. The Committee supports proposals such as this and has provided necessary authority. We would hope the Secretary could work with the alliance, or similar organizations, to fund worthy projects on chemical contamination of ground water.

To date, the water resources program has been an effective partnership between the universities, government agencies, and private industry. We hope this cooperative spirit will continue.

The additional authority provided to the Secretary in H.R. 1101 will not displace the ongoing program. Rather, it gives the Secretary clear authority to build upon past research efforts in several specific areas. It is our intention that the Secretary would tap into entities, such as the national laboratories and research alliances, for their considerable expertise.

Mr. Speaker, the water resources research program has been a real success story for this country. It deserves our continued support. I would urge my colleagues to vote for this important program.

Mr. Speaker, I reserve the balance of my time.

Mr. DENNY SMITH. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 1101, a bill to extend the authorization of the Water Resources Research Program and for other purposes.

The House and Senate passed respective bills in the closing days of the last Congress. However, there was insufficient time to conference them.

The Water Institutes Research Program is a very popular and productive program. An institute is established in each State.

The current authorization expires in September 1989. H.R. 1101 continues the levels authorized in current law and grants the Secretary limited authority to contract with other entities for water related research.

The administration expressed concern about the added authorities. There is some duplication, however

the new authorities are purely discretionary. This is a good bill that we should move expeditiously. I urge my colleagues to support this bill.

Mr. Speaker, I yield such time as he may consume to the gentleman from Pennsylvania [Mr. WALKER].

Mr. WALKER. Mr. Speaker, I thank the gentleman for yielding.

I would say that in this body most Members are for water resources, and certainly for reauthorization of this very worthwhile program. However, there are several questions that have been raised with regard to this particular bill as a reauthorization vehicle.

I would like to raise my concerns and then maybe ask a couple of questions. First of all, it is my understanding that we have a $41 million authorization here as compared to a $5.3 million 1990 budget request. That is about nine times the amount that has been requested for the program that is being authorized in this bill.

It is a little hard to understand how we are going to maintain fiscal responsibility around here if we increase some program nine times over what the budget has in mind for them. I guess my first concern is we are a little heavy on the money side in this bill. Second, one of the ways in which we are going to try to maintain costs containment, based upon some decision made by this Congress in the past, was to have a 2-for-1 State versus Federal matching grant when it came to these water programs. In other words, for every Federal dollar we put up there would be two State dollars. I understand in this bill we backtrack from that and go back to a 1-to-1 ratio. We only, in 1989, went to the 2 for 1. So all of a sudden, as we move toward 1990, having had one year in fiscal year 1989 at the 2-for-1 match, now we will go back for 1 for 1 which means that that cost containment device is being abandoned in this particular bill.

□ 1500

Third, it is my understanding that we have a new reclamation State research program that is being created in this bill, and that it is fairly site-specific.

Mr. DENNY SMITH. Mr. Speaker, will the gentleman yield?

Mr. WALKER. I yield to the gentleman from Oregon.

Mr. DENNY SMITH. Mr. Speaker, that is not correct. It is not being created in this bill. There is some duplication of effort in this area, but if I am informed correctly, there is no authorization for additional reclamation research.

Mr. WALKER. Well, the information I had was—and the gentleman can correct me if I am wrong—that there are at least some aspects of this State reclamation program that in fact will direct the money toward Los Alamos largely for a global warming process, and that this is going to take money away from existing programs and will be contrary to the cost-sharing requirement of other activities performed under the act. That sounds to me as though it is a fairly new direction, and one that we might want to be concerned about since we are individualizing the program.

Fourth, there has been concern expressed about the fact that the Federated States of Micronesia under this particular program are going to be considered a State, which they are not, for purposes of receiving the money, and that this is in violation of the Compact of Free Association which we passed just in the last Congress that was supposed to give Micronesia its money under general assistance grants rather than through specific Federal programs.

So in a number of instances here, things we just enacted in the last Congress are being abandoned as we go to this authorization, an authorization that is nine times more than what the administration requested. I must say that that gives this gentleman some pause, that this is a little bit more than just a simple reauthorization bill.

Mr. MILLER of California. Mr. Speaker, will the gentleman yield?

Mr. WALKER. I am glad to yield to the gentleman from California.

Mr. MILLER of California. Mr. Speaker, I thank the gentleman for raising these points. Let me see if I can respond to them.

It is the obligation of an authorizing committee such as ours to authorize and to seek an authorization for these programs that we think is commensurate with the problem, as I am sure the gentleman is aware. We are now confronted with the notion of a serious water resources problem, both with regard to quality and quantity, and now we are more and more confronted with these issues. After rather extensive hearings, it is our belief that this authorization is commensurate with what we would need to do a first-class job with regard to this program.

I expect fully that the Appropriations Committee, with limited funds, will not authorize or appropriate the authorized amount, but I think I have an obligation to indicate what it is we think it will take to do it properly.

With respect to discretionary programs, I would say what really was new is that there was some rather exciting testimony from the National Laboratories about some of the work that they think they are able to do with respect to the decontamination of underground aquifers. This is one of the most difficult problems we have. What do we do after these aquifers are contaminated? How do we get that resource back? These are important issues because such a significant part of the population relies on those aquifers for domestic and industrial use of that water.

If there is sufficient authorization, it is the discretion of the Secretary to seek funding for those rather innovative research programs that, as the testimony suggests, holds out promise with regard to a problem that we thought we could not deal with, and that problem is that once we contaminate one of these deep aquifers, there is really no ability to reclaim it.

On the Micronesia issue, when Congress debated the Compact of Free Association, Congress decided that a number of Federal programs were appropriate under free association and added these programs to the compact. The administration has taken the position that almost no Federal programs should apply under free association. Congress disagreed. The change of definition in this bill clarifies that the Federated States of Micronesia would be eligible to participate in the water resources research program. This language is necessary because of the differing views of Congress and the administration on this issue.

The administration, as the gentleman points out, clearly has a difference of opinion with us, and if that holds, we will have to address that as we go to conference.

Mr. WALKER. Mr. Speaker, I thank the gentleman for making his points, and let me reclaim my time.

To go back to the gentleman's first point, it is fine for authorization committees to say that we ought to look at the program and to see how much we need to spend as a nation and then come to the floor with that kind of spending regardless of what the budget may require. I am a little chargrined at that as an authorizing concept. That would mean that on the Committee on Science, Space, and Technology, I could make a case for hundreds of millions of dollars in spending.

Mr. DENNY SMITH. Mr. Speaker, if the gentleman will yield, I thought those members on the Science, Space, and Technology Committee did that.

Mr. WALKER. Precisely. But when it comes to actually bringing authorization bills to the floor, we have always attempted to live within the budget, and if the Members will take a look at the bills we have brought to the floor, I have in many cases offered the amendments where we have not done that in order to bring them back in as an attempt to play a responsible fiscal role in all of this.

But when we are talking about a program that all of a sudden is nine times greater than the budget request, that is a significant increase. We are not talking about doubling here and suggesting that we now need twice as much money; we are talking about a program here where we are suggesting

29-059 O-90-27 (Pt. 8)

that we need nine times more than what the budget calls for. That gives me some cause to question it.

Then the next point, the one which the gentleman did not address, is the whole point of the matching. We made a real determination here a year ago to go for a 2-for-1 match in order to try to preserve Federal dollars and make certain that local areas knew this was something that was important to them. Now, all of a sudden, after having had that match for only 1 year, we are backtracking and going to a 1-for-1 match again so that the amounts of money that ultimately get appropriated are going to be undermined in terms of their effectiveness by the fact that we are backtracking on the match.

Mr. MILLER of California. Mr. Speaker, if the gentleman will yield further, it is not a question of undermining; it is just a question that we made a determination on cost sharing. We listened to testimony and to a very real concern that some of the poorer States are simply not going to be able to participate, and that really has little or nothing to do with the problems in their areas. I do not know what the situation is in the gentleman's area, but this whole issue of the contamination of water resources and the ability to use them in the future is one that is just accelerating. We are trying to keep as diverse a group involved in the issue as we can.

Mr. WALKER. I understand what the gentleman is saying.

Mr. MILLER of California. And the fact is that it requires no greater commitment of Federal dollars.

Mr. WALKER. Mr. Speaker, if I may reclaim my time, I started this off by saying the program the gentleman is bringing us here is a valuable program, but the point is that we cannot simply as a Congress take every valuable program. Again, I say I can name a dozen valuable programs that come out of my committee, but they are absolutely essential to the economic health of this country and the future that we are underfunding, drastically underfunding, at the present time.

Mr. DENNY SMITH. Mr. Speaker, if the gentleman will yield further, I think the gentleman brings up some good points. Serving on the Budget Committee, I certainly agree that we get sloppy in some of these programs. But what is in this right now is $5.3 million. There are 54 so-called State programs, with the trusts in other areas, so for $5.3 million we are not doing an awful lot of research. Granted that the authorization is much higher, it is a good program.

Mr. WALKER. Fifty-four States are now participating?

Mr. DENNY SMITH. Fifty-four units, that is correct.

Mr. WALKER. Fifty-four units are participating?

Mr. DENNY SMITH. Yes.

Mr. WALKER. And they are participating right now on a 2-for-1 match?

Mr. DENNY SMITH. I cannot answer that.

Mr. WALKER. Is this for fiscal year 1989, as they are required to do?

Mr. DENNY SMITH. Yes. They are participating right now.

Mr. WALKER. So all of a sudden now we are going to reduce the level at which they have to perform in order to do that research under this bill?

Mr. DENNY SMITH. Except that it is at the direction of the Secretary, so if he says they are only going to get $5.3 million, they are obviously not going to have as big a program if they only have a 1-for-1 match.

I think the gentleman makes some good points, and I understand that is not a really controversial bill. We do need to go forward with it.

Mr. Speaker, I do have a request for time from the gentleman from Nebraska [Mr. BEREUTER].

Mr. WALKER. Mr. Speaker, I thank the gentleman from Oregon [Mr. DENNY SMITH] for having yielded me this time.

Mr. DENNY SMITH. Mr. Speaker, I yield such time as he may consume to the gentleman from Nebraska [Mr. BEREUTER].

Mr. BEREUTER. Mr. Speaker, I want to commend the chairman of the Interior Subcommittee, the gentleman from California [Mr. MILLER], the gentleman from Oregon [Mr. DENNY SMITH], and the other members of that committee for their leadership in bringing us what is an authorization bill, after all, not an appropriation bill, extending the authorization of the Water Resources and Research Act of 1984, and I wish also to commend our former colleague, the gentleman from Wyoming, Mr. Cheney, for his part in this effort, along with all the original cosponsors.

□ 1510

This legislation has proved extremely helpful in many parts of the country. I know in my own home State the research programs in the area of ground water and surface water at the University of Nebraska have made major contributions to that State, and to interstate water problems and the solution thereto. It is important that we continue the research to look at the conjunctive use of surface and ground water. It is very important that we take a look at interstate and regional problems that ground water problems almost always are when they are in a very large scale. A variety of new techniques are being pioneered by the High Plains Groundwater Recharge Act. To some extent they are already using the research products that are previously authorized by this legislation.

Beyond that, Mr. Speaker, I would have to point out the Superfund; cleaning up ground water contamination is moving in areas where this kind of research is vital. As in my own home State, we consider how to eliminate major problems of carbon tetrachloride ground water pollution which are the results of Federal action, results of ASCS sites around the State, the kind of research that has been conducted and prepared by institutions and State governments around the country through this authorization have been vital in that EPA cleanup activity.

So, Mr. Speaker, I want to say to my colleagues that I appreciate their hard work, their initiative. This kind of program and its reauthorization is very important to the country, and I urge my colleagues to support it.

Mr. DENNY SMITH. Mr. Speaker, I have no further requests for time.

Mr. MILLER of California. Mr. Speaker, if I could just take 1 minute to close and to say to the Members of the House I hope that they will support this legislation. While this legislation is essentially noncontroversial, it is terribly, terribly important to the security of our water resources in this country, to our ability to clean up those which have been contaminated, and to better understand those resources that migrate from State to State, from region to region, so that actions in one State will not contaminate the water resources of another State. I think that this bill is clearly in compliance with the budget procedure.

I do stand by my earlier statement that I think we have an obligation to tell this House what is needed, what it costs, and what in fact should be authorized based upon our hearings. Then the actual funding of the programs will be decided later by the House and the Committee on Appropriations. That is historically what we have done in this Congress, whether it is education to the handicapped, or to the homeless, or what have you, and that is what makes the difficult job of being a member of the Committee on Appropriations.

I would just say we have an obligation, after we conduct the hearings, after we take the evidence, after we listen to the witnesses, to then put forth a truthful picture of what the policy in this country should be. The Congress, the administration and others will buy into that or they will not, but that is the role of the policy committees. That is not necessarily the role of the Committee on Appropriations which then has to deal with a finite number of dollars. They have to pick and choose how to allocate among our national needs, but I would just say to all my colleagues that I think this is a terribly important bill

with respect to the future use of this country's water resources.

Mr. Speaker, I hope my colleagues will support this bill. I thank the gentleman from Pennsylvania [Mr. WALKER] for his questions. We will obviously take those into consideration as we go into conference with the Senate on this legislation. In addition I want to thank the gentleman from Oregon [Mr. DENNY SMITH] for his help on this matter.

Mr. Speaker, I yield back the balance of my time.

Mr. DENNY SMITH. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. MURTHA). The question is on the motion offered by the gentleman from California [Mr. MILLER] that the House suspend the rules and pass the bill, H.R. 1101, as amended.

The question was taken.

Mr. WALKER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 5, rule I, and the Chair's prior announcement, further proceedings on this motion will be postponed.

URGING FIRST ASYLUM COUNTRIES OF ASEAN TO REAFFIRM PRACTICE OF PROVIDING REFUGE TO VIETNAM ASYLUM-SEEKERS

Mr. SOLARZ. Mr. Speaker, I move to suspend the rules and concur in the Senate concurrent resolution (S. Con. Res. 26) urging first asylum countries of the Association of Southeast Asia Nations (ASEAN) to reinstate the practice of providing refuge to all asylum-seekers from Vietnam, and for other purposes, as amended.

The Clerk read as follows:

S. CON. RES. 26

Whereas the refugee crisis in Southeast Asia remains unresolved and large numbers of refugees continue to flee from Vietnam, Laos, and Cambodia;

Whereas, although Hong Kong and ASEAN first asylum countries are to be commended for their past actions on behalf of refugees in the region, specifically for providing, beginning in 1975, temporary refuge for hundreds of thousands of Indochinese asylum-seekers, concerns remain that all asylum-seekers arriving in Hong Kong and in ASEAN member countries be provided refuge;

Whereas, June 1989, the United Nations will convene the International Conference on Indochinese Refugees in Geneva, Switzerland;

Whereas representatives of the ASEAN member countries, the United States, Canada, Australia, Hong Kong, the European Community, Japan, Vietnam, Laos, and other interested and affected countries gathered on March 7-9, 1989, in Kuala Lumpur, Malaysia, for the Preparatory Meeting for the International Conference on Indochinese Refugees;

Whereas the countries represented at the Preparatory Meeting unanimously adopted a draft declaration and comprehensive plan of action to be presented for ratification at the June United Nations Conference in Geneva;

Whereas the draft declaration agreed to by all countries present at the meeting in Kuala Lumpur includes provisions for region-wide screening of asylum-seekers and for the encouragement of voluntary repatriation under the auspices and monitoring of the United Nations High Commissioner for Refugees (UNHCR) of persons determined not to be refugees;

Whereas the ongoing program in Thailand for the screening of Lao asylum-seekers has had major and continuing problems;

Whereas the ASEAN member countries have announced that all asylum-seekers from Vietnam arriving in ASEAN countries on or after March 14, 1989, will be screened to determine their refugee status; and

Whereas the Socialist Republic of Vietnam has demonstrated its hostility to those leaving Vietnam illegally and, in particular, to those refusing to return to Vietnam voluntarily: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That (a) it is the sense of the Congress that—

(1) ASEAN First asylum countries should reaffirm the practice of providing adequate refuge for all Vietnamese asylum-seekers, while carrying out the screening of such individuals;

(2) early access should be given to the United Nations High Commissioner for Refugees (UNHCR) to provide humane care and protection to such asylum-seekers;

(3) no repatriation of Vietnamese asylum-seekers should occur until a strong and effective internationally approved mechanism is in place to guarantee that such asylum-seekers will be returned in conditions of safety and dignity and will not be subjected to persecution in any form;

(4) given Vietnamese attitudes toward illegal departure, forced repatriation of refugees to Vietnam should not be considered a viable option;

(5) continuing efforts should be made to improve the screening program of Lao asylum-seekers in Thailand;

(6) the United States should remain committed to a generous and humane Southeast Asian refugee resettlement policy; and

(7) the United States should urge its Western allies to implement or continue generous and humane Southeast Asia refugee resettlement policies.

(b) For purposes of this resolution—

(1) the term "ASEAN" means the Association of Southeast Asian Nations; and

(2) the term "ASEAN first asylum countries" includes any country which is a member of the ASEAN group of countries and which is the first to receive an individual seeking asylum.

The SPEAKER pro tempore. Is a second demanded?

Mr. BROOMFIELD. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER pro tempore. The gentleman from New York [Mr. SOLARZ] will be recognized for 20 minutes, and the gentleman from Michigan [Mr. BROOMFIELD] will be recognized for 20 minutes.

The Chair recognizes the gentleman from New York [Mr. SOLARZ].

Mr. SOLARZ. Mr. Speaker, I yield myself such time as I may consume.

Mr. SOLARZ. Mr. Speaker, this resolution, which has already been adopted by the Senate, has been introduced in the House by a number of our colleagues, chief of whom is the gentleman from Massachusetts [Mr. ATKINS], my very good friend and distinguished Member whom I know will want to address himself to this issue very shortly.

Mr. Speaker, the resolution, as the title indicates, deals with the current and continuing refugee crisis in Southeast Asia. Almost 15 years after the end of the war in Vietnam, refugees continue to pour out of that country seeking refuge and asylum in other countries of Southeast Asia. At a time when many of the countries in the region are beginning to grow tired of their responsibility as nations of first asylum, the fate of these desperate men, women, and children who are fleeing from Vietnam in search of freedom abroad very much hangs in the balance. As a result of this very sad situation the countries of the world have agreed to hold a refugee conference in Geneva next week in order to deal in a collective fashion with this crisis.

Mr. Speaker, this resolution which we have before us today expresses the very strong sense of the Congress that the nations of Southeast Asia should continue to maintain the principle of first asylum, thereby permitting those people who are able to escape from Vietnam to at least find safe haven on their shores. This is no small matter.

The truth of the matter is that thousands of the refugees fleeing from Vietnam have been killed on the high seas, some, the victims of natural causes such as typhoons, but many others, the victims of human malice. The work of the pirates operating in the Gulf of Thailand and other waters in the region who have murdered, kidnaped, and raped literally thousands and thousands of refugees constitutes one of the saddest chapters in the tragic history of refugees throughout the course of our times. It is, therefore, Mr. Speaker, essential, if nothing else, that the principle of first asylum be maintained.

However, this resolution does more. It also calls upon the resettlement countries of the world in Asia and in Europe, including the United States, to maintain their generous commitment to the principle of resettlement.

Speaking just for myself, but I suspect also for many of my colleagues in the House, I can say that the hundreds of thousands of Vietnamese, Lao, and Cambodians who have come to our country over the course of the last 15 years have helped in significant ways to revitalize the cultural and economic life of our country, and I cer-

tainly think we should continue to permit them to come here, if they choose to do so and if they qualify for admission under our refugee criteria.

□ 1520

Finally, and perhaps most importantly, this resolution expresses the very strong sense of the Congress that the forthcoming Refugee Conference in Geneva should reject any efforts to legitimize the principle and practice of forced repatriation. I can sympathize with the difficulties which the influx of refugees may be posing for the countries of first asylum in Southeast Asia, but I cannot sympathize with the effort to take these wretched people who have risked their lives in the search for freedom and to force them against their will to go back to a Communist country in which reeducation camps still exist and where their future is likely to be imperiled by virtue of the fact that they tried to escape in the first place.

So, Mr. Speaker, I want to pay tribute to the gentleman from Massachusetts for forcefully raising this issue, for introducing this legislation, for speaking up as he has consistently done ever since he first arrived in Washington on behalf of the refugees from Southeast Asia. His has been an eloquent voice on their behalf. He has reminded us of some very fundamental American values and he has asked us not to fall victim to the disease of compassion fatigue, but instead to reaffirm our commitment to the cause of refugees, which in the final analysis is what America is all about.

Mr. BROOMFIELD. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I also join in complimenting the gentleman from Massachusetts [Mr. ATKINS] for sponsoring this bill.

I would also be remiss if I did not pay tribute to my good friend, the gentleman from New York [Mr. SOLARZ] for again explaining the purpose of this bill very well.

Mr. Speaker, I would like to express my strong support for this measure.

It is a sad fact of our times that the flood of refugees from Indochina continues. Last year, over 50,000 Vietnamese took to the seas to join the 1½ million Indochinese who have already fled. These people are fleeing the repression and lack of opportunity at home, and are willing to risk their lives in the hope of obtaining a better life elsewhere.

Most of those fleeing Indochina have sought refuge in Thailand, Hong Kong, Malaysia, and a few other countries. These countries have shown great generosity in providing a safe haven for refugees. Unfortunately, their patience and resources are being stretched considerably.

I hope that these countries will continue to recognize that they have a responsibility to the victims of communism. I urge them to continue to provide adequate refuge, including proper care and protection. I also urge them to reject any form of forced repatriation.

The United States also has an obligation to continue a generous and humane refugee resettlement policy. This resolution reflects the Congress' support of such a policy. We are doing all that we can, and I urge our friends in Southeast Asia to continue the humanitarian efforts.

Finally, I hope that Vietnam will end the long years of repression, and grant to its citizens the rights and opportunities they deserve. Only then can this terrible tragedy come to an end.

I strongly urge my colleagues to support this resolution.

Mr. Speaker, I yield 1 minute to the gentleman from New York [Mr. GILMAN].

Mr. GILMAN. Mr. Speaker, I am pleased to rise in strong support of this measure.

I want to commend the gentleman from New York [Mr. SOLARZ] and the gentleman from Massachusetts [Mr. ATKINS] for their sponsorship of this bill, and the ranking minority member, the gentleman from Michigan [Mr. BROOMFIELD] for his strong support.

Last year over 50,000 Vietnamese left to join the 1½ million Indochinese who have already fled. These people are fleeing from repression, the poverty, the lack of a future and the misery of their homes to search for a better life for their families. Most of those fleeing Indochina have sought refuge in Thailand, in Hong Kong and other Asian nations. Unfortunately, the resources of those nations are being stretched to the limit.

I hope those countries continue to fulfill their responsibility toward the victims of communism in that region of the world and I urge them to continue to provide adequate refuge, including proper care and protection.

They must also continue to reject any forced repatriation. In turn, our own Government must continue its generous refugee resettlement policy.

This resolution reflects congressional support for that policy.

Accordingly, Mr. Speaker, we hope and pray that Vietnam will end its repression, and I urge my colleagues to support this resolution.

Mr. BROOMFIELD. Mr. Speaker, I yield 1 minute to the gentleman from Nebraska [Mr. BEREUTER].

Mr. BEREUTER. Mr. Speaker, I thank the gentleman very much for yielding this time.

Mr. Speaker, I want to commend the gentleman from Massachusetts [Mr. ATKINS] for his persistence and his initiative in offering this measure. I am the ranking member of the Subcommittee on Human Rights and we were pleased to expedite it.

The gentleman from Pennsylvania [Mr. YATRON], the chairman, and I and all the members of the committee add our endorsement to this legislation.

I want to compliment our colleagues, the gentleman from New York [Mr. SOLARZ], and the gentleman from New York [Mr. GILMAN], and the ranking member of the full committee, the gentleman from Michigan [Mr. BROOMFIELD] who has already spoken.

We urge our colleagues to take this action and we hope that it will be a unanimous vote, and we expect that it will be.

Mr. SOLARZ. Mr. Speaker, I yield such time as he may consume to the distinguished gentleman from Pennsylvania [Mr. YATRON].

Mr. YATRON. Mr. Speaker, I support Senate Concurrent Resolution 26 which urges first asylum countries of the Association of Southeast Asia Nations to reaffirm their policy of offering asylum to Vietnamese refugees without bias. The ASEAN countries and Hong Kong continue to be overwhelmed by Vietnamese refugees who are leaving their country by the thousands. An estimated 44,000 left Vietnam last year. This resolution reaffirms recommendations that were endorsed by 30 countries last March in a preparatory meeting on how to deal with the flow of people from Vietnam.

Soon after the preparatory meeting for the International Conference on Indochinese Refugees, the six ASEAN countries announced that as of March 14 Vietnamese seeking asylum would no longer automatically be regarded as refugees eligible for resettlement unless they could prove their refugee status through a screening out process. Under Hong Kong's screening program, all boat people who arrived after June 15, 1988 are assumed to be illegal immigrants. And those who are screened out because they could not prove they were politically persecuted are held in detention camps pending repatriation to Vietnam.

The International Conference on Indochinese Refugees will meet in Geneva June 13 and 14. The conference will address long term goals concerning the safety, repatriation, and resettlement of Vietnamese asylum-seekers, as well as timely UNHCR access to refugee camps and the development of uniform screening procedures for the region, among other issues.

Mr. Speaker, we should demonstrate before the Geneva Conference convenes that the United States Congress is committed to finding lasting solutions to the refugee situation as it now exists in Southeast Asia.

I would like to thank Congressman ATKINS for his version of this resolution in the House and his continuing efforts on the part of Indochinese refugees.

Mr. SOLARZ. Mr. Speaker, the gentleman from Massachusetts had asked for 3 minutes, but as a measure of my

esteem and affection for him as the author of this resolution, I yield 4 minutes to the gentleman from Massachusetts [Mr. ATKINS].

Mr. ATKINS. Mr. Speaker, I rise in support of Senate Concurrent Resolution 26.

Mr. Speaker, let me begin by thanking the gentleman from New York [Mr. SOLARZ] for his eloquence and energy for the last 15 years in pursuing the cause of Southeast Asian refugees and assuring that administration after administration fulfilled America's responsibility to the people, many of whom put their lives on the line for our country during the war in Vietnam. His voice indeed has often been a lonely voice on this issue, but for 15 years he has been unwaivering in his support for the cause of Southeast Asian refugees and his support for a humane refugee policy in this country, and I thank the gentleman for that.

Mr. Speaker, since 1975 over 2 million refugees have fled Vietnam, Laos, and Cambodia. Today about 600,000 refugees remain in camps subject to the continued generosity and good will of Thailand, Malaysia, Hong Kong, the Philippines, and Indonesia. The rest, for the most part, through the largesse of western countries, have been resettled. The continued stream of refugees is taxing the first asylum nations, and they are justly desiring of a solution that addresses circumstances that have changed 15 years after the Vietnam War's end. Those nations involved in this issue will be meeting in Geneva next week under the auspices of the United Nations' Secretary General to craft a more durable approach to the existing very fragile refugee situation in Southeast Asia.

It has been 10 years since present policies were agreed to in a similar conference in Geneva and the consensus reached there is now threadbare and outmoded, except that what we believed in then 10 years ago we hold no less dear today, that all who are fleeing persecution in their homelands must be given refuge free of fear or want of safety.

□ 1530

On this there is no compromising and, indeed, this resolution calls on the U.S. delegation to that conference to make that point very clear.

For so many years, first-asylum countries of the region took in those fleeing persecution throughout Indochina, but in their despair of ever seeing a diminution of those numbers crossing their borders, some ugly things have happened. Boatloads of fleeing Vietnamese have been pushed out to sea to meet their death from starvation, exposure, and drowning. At gunpoint, Lao have been pushed back across the Mekong to meet their death or imprisonment at the hands of the Pathet Lao soldiers.

Some of those dying or returning to imprisonment in their homelands have been the very same individuals being persecuted for their allegiance to the United States while we were fighting on their soil. We have a responsibility to ensure that generous resettlement programs continue. Orderly migration programs eliminating dangerous, uncontrolled outflows are the best policy, but, sadly, resettlement alone is not a satisfactory policy. We also have to ensure now that there are other regional solutions including valid screening procedures and safe voluntary repatriations.

The gentleman from New York [Mr. SOLARZ] indicated earlier that perhaps the principal responsibility of the American delegation to the Geneva conference will be to assure that we do not allow involuntary repatriation. I hope that this resolution serves a purpose in giving a direction to that American participation in Geneva.

Mr. SOLARZ. Mr. Speaker, I yield 2 minutes to my very distinguished colleague, the gentleman from New York [Mr. MRAZEK], who has traveled to Vietnam and other countries in the region.

Mr. MRAZEK. Mr. Speaker, I also want to thank my colleague, the gentleman from New York [Mr. SOLARZ], as well as my colleague on the Committee on Appropriations, the gentleman from Massachusetts [Mr. ATKINS], for introducing this amendment.

As important as it is and as important as the upcoming conference in Geneva will be, there are two very disquieting signs on the horizon that I would like to bring to the attention of my colleagues as well as to the attention of the State Department. Program managers in the Office of Refugee Administration within the State Department offered a plan, a proposal, that at the conference the number of ODP interviews would be increased from 1,500 to 3,000 per month, to double those reunification interviews, and that proposal was rejected by senior officials in the State Department. At the same time, there has been a new and very restrictive policy when it comes to interviewing those people seeking refugee admission to the United States, and that is to only interview those people with letters of introduction, in other words, those people who already had immigrant visas.

Mr. Speaker, I must submit to the Members that many of the people applying do not have immigrant visas, and in fact, of the total universe of about 700,000 people, including many Vietnamese people who served in reeducation camps for almost a decade, this would reduce the total number in the universe who could apply under ODP to a little over 100,000.

As important as that conference is, it is my hope we can bring to the attention of the State Department that it is a mistake to move into this conference with a more restrictive policy at a time when we should be setting an example for other nations in the free world that we are willing to take more of the responsibility for a problem that, in great part, we helped to make.

Mr. FASCELL. Mr. Speaker, I rise in support of Senate Concurrent Resolution 26 as reported by the Committee on Foreign Affairs last week.

Mr. Speaker, this is an important resolution for the House to consider as the United Nations is about to convene the International Conference on Indochinese Refugees on June 13. We have watched for many years as over 2 million persons have fled their homelands in Southeast Asia in search of asylum. Nations of first asylum have responded by providing reception and assistance. Others have provided resettlement opportunities. But the flow of people has not abated and the conditions under which these asylum seekers flee have not improved. It is time for the international community to provide a new commitment to the well-being of Indochinese refugees.

We face many challenges at this conference:

The protection of refugees who continue to flee their countries of origin under dangerous conditions and who face an uncertain reception;

The encouragement of safe and orderly departure procedures and migration programs from Vietnam;

The institution of fair and consistent screening programs by nations receiving refugees;

The timely resettlement of refugees in third countries; and

The assurance that any repatriation efforts will be voluntary and supervised by international bodies.

The challenge is the humane treatment of refugees by the international community, both by nations of asylum, nations or origin, and nations which have traditionally opened their doors for resettlement, including the United States. I urge the House to adopt this resolution.

Ms. PELOSI. Mr. Speaker, I rise today in support of Senate Concurrent Resolution 26 which urges all countries in the Association of Southeast Asia Nations [ASEAN] to reinstate the practice of providing refuge for asylum seekers from Vietnam. I commend Chairman SOLARZ for bringing it to the floor at a most propitious time. The International Refugee Conference will convene in Geneva in less than 2 weeks and it is important that Congress provide guidance for delegates to that important meeting.

Thousands of boat people continue to flee Vietnam despite their certain knowledge that the chances of resettlement, or even survival, are desperately slim. This has placed an onerous burden on surrounding countries, which have begun to react by turning refugees away.

I recognize that the solution to this problem lies in an improvement in the political and

economic situation within Vietnam. We must continue to pressure the Government of Vietnam to abolish its system of reeducation camps and to guarantee basic freedoms to its people.

As we encourage these changes within Vietnam, however, we must not close the door to Vietnamese refugees who are currently seeking refuge. We must offer encouragement as well as financial support for efforts by Southeast Asian governments and United Nations refugee services to handle this immediate concern.

We must not shut the door on people who have nothing left but hope for a better life outside Vietnam. I urge my colleagues to support the resolution. Thank you.

Mr. BROOMFIELD. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. SOLARZ. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. (Mr. MURTHA). The question is on the motion offered by the gentleman from New York [Mr. SOLARZ] that the House suspend the rules and concur in the Senate concurrent resolution, S. Con. Res. 26, as amended.

The question was taken; and (two-thirds having voted in favor thereof), the rules were suspended and the Senate concurrent resolution, as amended, was concurred in.

The title was amended so as to read: "Concurrent resolution urging first asylum countries of the Association of Southeast Asia Nations [ASEAN] to reaffirm the practice of providing refuge to all asylum-seekers from Vietnam, and for other purposes."

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. SOLARZ. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the Senate concurrent resolution just concurred in.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

EXPRESSING SENSE OF CONGRESS THAT BUFFALO, NY, SHOULD HOST THE 1993 WORLD UNIVERSITY GAMES

Mr. SOLARZ. Mr. Speaker, I move to suspend the rules and concur in the Senate concurrent resolution, S. Con. Res. 31, expressing the sense of the Congress that Buffalo, NY, should host the 1993 summer World University Games.

The Clerk read as follows:

S. CON. RES. 31

Whereas the city of Buffalo has been endorsed by the United States Collegiate Sports Council to be the United States host city for the 1993 summer World University Games;

Whereas Buffalo is competing with Shanghai, People's Republic of China, to host the Games;

Whereas Buffalo, through the Greater Buffalo Athletic Corporation, is applying to the International University Sports Federation to be the host city for the 1993 summer World University Games;

Whereas since 1923, the International University Sports Federation, which organizes, promotes, and administers the World University Games, has been recognized throughout the world as an outstanding organization dedicated to international collegiate amateur sports competition;

Whereas the World University Games have a long and demonstrated record as a premier international amateur sports event, second only to the Olympic games;

Whereas the World University Games exemplify the heritage of peace and good will associated with amateur sports competition;

Whereas the World University Games would be an exceptional opportunity for the athletes from the different nations of the world to share their cultures with each other and the citizens of the United States and New York;

Whereas the summer World University Games have never been held in the United States;

Whereas the 1993 summer World University Games would bring over 7,000 amateur athletes and several hundred thousand visitors to the United States: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That the Congress—

(1) supports the application of the Greater Buffalo Athletic Corporation to have Buffalo, New York, host the 1993 summer World University Games;

(2) urges the Secretary of State to provide assistance, if the 1993 summer World University Games are held in Buffalo, to the organizers of the Games by implementing special ease-of-entry procedures for the foreign athletes competing in the Games;

(3) supports the efforts of New York, the Greater Buffalo Athletes Corporation, and community leaders to ensure that the highest caliber athletic facilities are made available for the 1993 summer World University Games if they are held in Buffalo.

The SPEAKER pro tempore. Is a second demanded?

Mr. GILMAN. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER pro tempore. The gentleman from New York [Mr. SOLARZ] will be recognized for 20 minutes, and the gentleman from New York [Mr. GILMAN] will be recognized for 20 minutes.

The Chair recognizes the gentleman from New York [Mr. SOLARZ].

Mr. SOLARZ. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the Committee on Foreign Affairs has already approved a companion resolution to the one we are now taking up that has come over here from the other body which was offered by my own very good friend and classmate from 1974 and my fellow member of the New York delegation, the gentleman from New York [Mr. NOWAK], who yields to no one as a great champion of the cause of Buffalo, NY.

Mr. Speaker, this resolution which he introduced, which I strongly support, expresses congressional backing for the application of the Greater Buffalo Athletic Corporation to make Buffalo, NY, the site of the 1993 World University Games.

Mr. Speaker, for the purpose of further explicating this most meritorious resolution, which I am sure all men and women of good will in this House will support, I yield such time as he may consume to the gentleman from New York [Mr. NOWAK].

Mr. NOWAK. Mr. Speaker, I rise in strong support of the Senate concurrent resolution 31.

On April 18, my colleagues, the gentleman from New York [Mr. LAFALCE] and the gentleman from New York [Mr. PAXON], joined me in introducing a sense-of-Congress resolution supporting the bid of Buffalo, NY, to be designated host city for the 1993 Summer World University Games.

Last summer, Buffalo was designated by the U.S. Collegiate Sports Council to represent the United States in the world competition to host these games. The Greater Buffalo Athletic Corporation must not take its proposal before the International University Sports Federation, which make the final decision on which city and which country will host the games.

Mr. Speaker, in order to be competitive, it is essential to have demonstrated Federal support for the games being held in the United States. This resolution will be a fine example of that fine support, and I urge the House to unanimously support it.

Mr. Speaker, I would like to thank the chairman, the gentleman from Florida [Mr. FASCELL], for his efforts in bringing this legislation out of committee last week. I would also like to thank the gentleman from California [Mr. DYMALLY], chairman of the International Operations Subcommittee, and the gentlewoman from Maine [Ms. SNOWE], the ranking minority member, and the gentleman from Pennsylvania [Mr. YATRON], chairman of the Subcommittee on Human Rights, and the gentleman from Nebraska [Mr. BEREUTER], the ranking minority Republican.

Mr. Speaker, once again, I urge the full support of the House on this resolution.

Mr. GILMAN. Mr. Speaker, I yield myself such time as I may consume.

I am pleased to rise in strong support of Senate Concurrent Resolution 31, expressing the sense of Congress that Buffalo, NY should host the 1993 World University Games, which was

offered in the House by the gentleman from New York [Mr. NOWAK] and cosponsored by the gentleman from New York [Mr. PAXON].

The World University Games are one of the world's premier athletic events. Second only to the Olympic Games, the World University Games are renowned for bringing people together from many lands to participate in the character-building realm of international athletic competition. There is no milieu as fine as an international sporting event to solidify bonds of friendship and to give people of different national origins the opportunity to learn about one another.

This is the first time that the United States has the opportunity to host the Universiad. The ideals of friendly competition and tolerance that is exemplified by the World University Games are ideals we must support and promote.

The beautiful city of Buffalo is ready and willing to share its hospitality. It is well known for its cultural attractions as well as for its beautiful natural resources.

Accordingly, Mr. Speaker, I urge my colleagues to adopt this resolution.

□ 1340

Mr. Speaker, I am pleased to yield such time as he may consume to the gentleman from Michigan [Mr. BROOMFIELD], the distinguished ranking minority member of the Committee on Foreign Affairs.

Mr. BROOMFIELD. Mr. Speaker, I thank the gentleman from New York for yielding time to me. I would like to compliment the gentlemen from New York, Mr. NOWAK, Mr. PAXON, and Mr. LAFALCE for sponsoring this resolution.

Mr. Speaker, I support Senate Concurrent Resolution 31 along with the New York delegation including my friends, BEN GILMAN and AMO HOUGHTON, who sit with me on the House Foreign Affairs Committee.

The World University Games are a major athletic event, one of the world's premier amateur sports competitions, second only to the Olympic Games in prominence.

Sporting events such as the World University Games play an important role in bringing people together from many lands to participate in the character-building and honorable realm of sport. This gives people from different cultures a chance to learn more about one another, and to form bonds of friendship.

The United States has never had the opportunity to host the World University Games. We deserve this opportunity. This Nation believes in the great ideals that the World University Games represent. The spirit of freedom, tolerance, and friendship is a part of this country.

I feel that the city of Buffalo, NY, would be an ideal host for these games.

The city of Buffalo has many of the positive characteristics that make our country great. The citizens of Buffalo have a strong work ethic, and a deep sense of pride in themselves, their city, and their country. Buffalo is also well known for its cultural attractions, and the great natural beauty of nearby Niagara Falls. Buffalo is ready and able to share its hospitality with the rest of the world, and to represent the best our Nation has to offer.

I urge my colleagues to support this resolution.

Mr. GILMAN. Mr. Speaker, I am pleased to yield 3 minutes to the gentleman from New York [Mr. PAXON], another of the cosponsors of this measure.

Mr. PAXON. Mr. Speaker, today I rise to offer my strong support for Senate Concurrent Resolution 31 expressing the sense of the Congress that Buffalo, NY, should host the 1993 summer World University Games.

The World University Games, also known as the Universiad, is a worldwide sports competition for students between the ages of 17 and 28. Competitors must have attended a postsecondary school within a year of the date the games are held.

The World University Games originated in Paris in 1923 and have since been held in various parts of the world every other year. In terms of size, the World University Games are larger than the Pan American Games, the Commonwealth Games, and the Asian Games—in fact, they are second only in size to the summer Olympics.

Many world famous athletes were student participants in the World University Games including Larry Bird, BILL BRADLEY, Nadia Comaneci, Greg Louganis, Olga Korbut, and many, many others.

Organizers of the 1993 games anticipate having over 120 countries competing in 10 different sports—not including optional events—with more than 7,000 athletes, trainers, and officials participating in the games.

If Buffalo is selected as the location for the summer 1993 games, it will be the first time the games will have been held in the United States and the city of Buffalo will undoubtably experience a tremendous surge in economic activity as a result. In fact, the total economic impact to the western New York region has been conservatively estimated to be in the area of $150 million.

A nonprofit corporation called the greater Buffalo Athletic Corp. has been created by a local group of business and civic leaders in an effort to bring the games to western New York. Over 100 individual leaders from the area's business, political, educational, and athletic sectors have joined together to form a local organizing committee to successfully achieve this goal.

Originally, 12 cities vied for the U.S. designation—a designation which Buffalo eventually won—after a fierce but friendly competition with the city of Raleigh/Durham, NC, last December 2.

This International University Sports Federation will meet in Duisberg, Germany, later this month to select the final site for the 1993 summer games. The site competition has narrowed and Buffalo will compete against a city in the People's Republic of China and a city in Japan for the final designation for the 1993 summer games.

It is essential, Mr. Speaker, that this body give its full support to the efforts of the local organizing committee in Buffalo to obtain the international designation for the World University Games.

I would like to take this opportunity therefore, to urge my colleagues to join with Congressman NOWAK, Congressman LAFALCE, and the entire New York delegation—in this bipartisan effort of support—for international athletic competition—and urge unanimous approval of Senate Concurrent Resolution 31 to boost the efforts of Buffalo and our Nation to become the site of the 1993 summer World University Games.

Mr. GILMAN. Mr. Speaker, I thank the gentleman from New York [Mr. PAXON] for his arguments in strong support of this measure.

Mr. FASCELL. Mr. Speaker, this resolution expresses congressional support for the application of the greater Buffalo Athletic Corp. to make Buffalo, NY, the site of the 1993 Summer World University Games. The committee has approved a companion resolution authored by our colleagues from New York, Mr. NOWAK, House Concurrent Resolution 99.

Delegates from the city of Buffalo will be traveling to West Germany on June 16 to make their bid to host the 1993 games. They are competing against two other cities to host over 7,000 amateur athletes in this premier international amateur sporting event. The United States has been host to these games in the past and the passage of this resolution would assist the delegation in its mission.

Mr. Speaker, this is a straightforward resolution which I hope the members will support. It demonstrates to the organizers of the games the support of Congress, the commitment of the United States to ease entry procedures for foreign athletes, and to provide athletic facilities of the highest caliber.

Mr. HOUGHTON. Mr. Speaker, I rise today in strong support of Senate Concurrent Resolution 31, a resolution I have cosponsored, which expresses congressional support for the proposal to hold the 1993 World University Games in Buffalo, NY.

Holding these games in Buffalo would be important not only for the great State of New York but the country. These games have never been held in the United States. And

Buffalo's major competitor for the games is Shanghai.

The games would bring over 7,000 athletes and several hundred thousand spectators to the United States and the Buffalo area. The World University Games are a premier international amateur sports event—second only to the Olympics!

Buffalo is a city on the move and would be a great host if given the opportunity. I hope it's given that chance.

Mr. GILMAN. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. MURTHA). The question is on the motion offered by the gentleman from New York [Mr. SOLARZ] that the House suspend the rules and concur in the Senate concurrent resolution, Senate Concurrent Resolution 31.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate concurrent resolution was concurred in.

A motion to reconsider was laid on the table.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Debate has been concluded on all motions to suspend the rules.

Pursuant to clause 5, rule I, the Chair will now put the question on each motion on which further proceedings were postponed earlier today in the order in which that motion was entertained.

Votes will be taken in the following order:

House Resolution 146, by the yeas and nays; and

H.R. 1101, by the yeas and nays.

The Chair will reduce to 5 minutes the time for any electronic vote after the first such vote in this series.

ENFORCEMENT OF THE UNITED STATES-JAPAN SEMICONDUCTOR AGREEMENT

The SPEAKER pro tempore. The pending business is the question of suspending the rules and agreeing to the resolution, House Resolution 146.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois [Mr. ROSTENKOWSKI] that the House suspend the rules and agree to the resolution, House Resolution 146, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 416, nays 0, not voting 17, as follows:

[Roll No. 74]

YEAS—416

Ackerman	Alexander	Andrews
Akaka	Anderson	Annunzio
Anthony	English	Laughlin
Applegate	Erdreich	Leach (IA)
Archer	Espy	Leath (TX)
Armey	Evans	Lehman (CA)
Aspin	Fascell	Lehman (FL)
Atkins	Fawell	Leland
AuCoin	Fazio	Lent
Baker	Feighan	Levin (MI)
Ballenger	Fields	Levine (CA)
Barnard	Fish	Lewis (CA)
Bartlett	Flake	Lewis (FL)
Barton	Flippo	Lewis (GA)
Bateman	Foglietta	Lightfoot
Bates	Ford (MI)	Lipinski
Beilenson	Frank	Livingston
Bennett	Frenzel	Lloyd
Bentley	Frost	Long
Bereuter	Gallegly	Lowery (CA)
Berman	Garcia	Lowey (NY)
Bevill	Gaydos	Luken, Thomas
Bilbray	Gejdenson	Lukens, Donald
Bilirakis	Gekas	Madigan
Bliley	Gephardt	Manton
Boehlert	Gillmor	Markey
Boggs	Gilman	Marlenee
Bonior	Gingrich	Martin (IL)
Borski	Glickman	Martin (NY)
Bosco	Gonzalez	Martinez
Boucher	Goodling	Matsui
Boxer	Gordon	Mavroules
Brennan	Goss	Mazzoli
Brooks	Gradison	McCandless
Broomfield	Grandy	McCloskey
Browder	Grant	McCollum
Brown (CA)	Gray	McCrery
Brown (CO)	Green	McCurdy
Bruce	Guarini	McDermott
Bryant	Gunderson	McEwen
Bunning	Hall (OH)	McGrath
Burton	Hall (TX)	McHugh
Bustamante	Hamilton	McMillan (NC)
Byron	Hammerschmidt	McMillen (MD)
Callahan	Hancock	McNulty
Campbell (CA)	Hansen	Meyers
Campbell (CO)	Harris	Mfume
Cardin	Hastert	Michel
Carper	Hatcher	Miller (CA)
Carr	Hawkins	Miller (OH)
Chandler	Hayes (IL)	Miller (WA)
Chapman	Hayes (LA)	Mineta
Clarke	Hefley	Moakley
Clay	Hefner	Molinari
Clement	Henry	Mollohan
Clinger	Herger	Montgomery
Coble	Hertel	Moody
Coelho	Hiler	Moorhead
Coleman (MO)	Hoagland	Morella
Coleman (TX)	Hochbrueckner	Morrison (CT)
Combest	Holloway	Morrison (WA)
Conte	Hopkins	Mrazek
Conyers	Horton	Murphy
Cooper	Houghton	Murtha
Costello	Hoyer	Myers
Coughlin	Hubbard	Nagle
Cox	Huckaby	Natcher
Coyne	Hughes	Neal (MA)
Craig	Hunter	Neal (NC)
Crane	Hutto	Nelson
Crockett	Hyde	Nielson
Dannemeyer	Inhofe	Nowak
Darden	Ireland	Oakar
de la Garza	Jacobs	Oberstar
DeFazio	James	Obey
DeLay	Jenkins	Olin
Dellums	Johnson (CT)	Ortiz
Derrick	Johnson (SD)	Owens (NY)
DeWine	Johnston	Owens (UT)
Dicks	Jones (GA)	Oxley
Dingell	Jones (NC)	Packard
Dixon	Jontz	Pallone
Donnelly	Kanjorski	Panetta
Dorgan (ND)	Kaptur	Parker
Douglas	Kasich	Pashayan
Downey	Kastenmeier	Patterson
Dreier	Kennedy	Paxon
Duncan	Kennelly	Payne (NJ)
Durbin	Kildee	Payne (VA)
Dwyer	Kleczka	Pease
Dymally	Kolbe	Pelosi
Dyson	Kolter	Penny
Early	Kostmayer	Perkins
Eckart	Kyl	Petri
Edwards (CA)	LaFalce	Pickett
Edwards (OK)	Lagomarsino	Pickle
Emerson	Lancaster	Porter
Engel	Lantos	Poshard
Price	Shays	Tanner
Pursell	Shumway	Tauke
Quillen	Shuster	Tauzin
Rahall	Sikorski	Thomas (CA)
Rangel	Sisisky	Thomas (GA)
Ravenel	Skaggs	Thomas (WY)
Ray	Skeen	Torres
Regula	Skelton	Towns
Rhodes	Slattery	Traficant
Richardson	Slaughter (NY)	Traxler
Ridge	Slaughter (VA)	Udall
Rinaldo	Smith (FL)	Unsoeld
Ritter	Smith (IA)	Upton
Roberts	Smith (MS)	Valentine
Robinson	Smith (NE)	Vander Jagt
Rogers	Smith (NJ)	Vento
Rohrabacher	Smith (TX)	Visclosky
Rose	Smith (VT)	Volkmer
Rostenkowski	Smith, Denny (OR)	Walgren
Roth	Smith, Robert (NH)	Walker
Rowland (CT)	Smith, Robert (OR)	Walsh
Rowland (GA)	Snowe	Watkins
Roybal	Solarz	Waxman
Russo	Solomon	Weber
Sabo	Spence	Weiss
Saiki	Spratt	Weldon
Sangmeister	Staggers	Wheat
Sarpalius	Stallings	Whittaker
Savage	Stangeland	Whitten
Sawyer	Stark	Williams
Saxton	Stearns	Wilson
Schaefer	Stenholm	Wise
Scheuer	Stokes	Wolf
Schiff	Studds	Wolpe
Schneider	Stump	Wright
Schroeder	Sundquist	Wyden
Schuette	Swift	Wylie
Schulze	Synar	Yates
Schumer	Tallon	Yatron
Sensenbrenner		Young (AK)
Sharp		Young (FL)
Shaw		

NAYS—0

NOT VOTING—17

Buechner	Florio	Parris
Collins	Ford (TN)	Roe
Courter	Gallo	Roukema
Davis	Gibbons	Torricelli
Dickinson	Machtley	Vucanovich
Dornan (CA)	McDade	

□ 1605

Mr. EDWARDS of California changed his vote from "nay" to "yea."

So (two-thirds having voted in favor thereof) the rules were suspended and the resolution was agree to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. MURTHA). Pursuant to the provisions, clause 5, rule I, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device may be taken on the additional motion to suspend the rules on which the Chair has postponed further proceedings.

WATER RESOURCES RESEARCH ACT OF 1984 AUTHORIZATION THROUGH FISCAL YEAR 1993

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 1101, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question in on the motion offered by the gentleman from California [Mr. MILLER] that the House suspend the rules and pass the bill, H. 1101, as amended, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 336, nays 74, not voting 23, as follows:

[Roll No. 75]

YEAS—336

Ackerman	Fascell	Leath (TX)
Akaka	Fazio	Lehman (CA)
Alexander	Feighan	Lehman (FL)
Anderson	Fish	Leland
Annunzio	Flake	Lent
Anthony	Flippo	Levin (MI)
Applegate	Foglietta	Levine (CA)
Atkins	Ford (MI)	Lewis (FL)
AuCoin	Frank	Lewis (GA)
Baker	Frost	Lightfoot
Barnard	Gallegly	Lipinski
Barton	Garcia	Livingston
Bateman	Gaydos	Lloyd
Bates	Gejdenson	Long
Beilenson	Gephardt	Lowey (NY)
Bennett	Gillmor	Luken, Thomas
Bereuter	Gilman	Manton
Berman	Glickman	Markey
Bevill	Gonzalez	Marlenee
Bilbray	Goodling	Martin (NY)
Bilirakis	Gordon	Martinez
Boehlert	Goss	Matsui
Bonior	Gradison	Mavroules
Borski	Grandy	Mazzoli
Bosco	Grant	McCloskey
Boucher	Gray	McCollum
Boxer	Green	McCurdy
Brennan	Guarini	McDermott
Brooks	Gunderson	McEwen
Browder	Hall (OH)	McGrath
Brown (CA)	Hall (TX)	McHugh
Bruce	Hamilton	McMillen (MD)
Bryant	Hansen	McNulty
Bustamante	Harris	Meyers
Byron	Hastert	Mfume
Callahan	Hatcher	Miller (CA)
Campbell (CO)	Hawkins	Mineta
Cardin	Hayes (IL)	Moakley
Carper	Hayes (LA)	Molinari
Carr	Hefner	Mollohan
Chandler	Henry	Montgomery
Chapman	Herger	Moody
Clarke	Hertel	Morella
Clay	Hoagland	Morrison (CT)
Clement	Hochbrueckner	Morrison (WA)
Coleman (MO)	Hopkins	Mrazek
Coleman (TX)	Horton	Murphy
Conte	Houghton	Murtha
Conyers	Hoyer	Myers
Costello	Hubbard	Nagle
Coughlin	Huckaby	Natcher
Coyne	Hughes	Neal (MA)
Craig	Ireland	Neal (NC)
Crockett	Jacobs	Nelson
Darden	James	Nielson
de la Garza	Jenkins	Nowak
DeFazio	Johnson (CT)	Oakar
Dellums	Johnson (SD)	Oberstar
Dicks	Johnston	Obey
Dingell	Jones (GA)	Olin
Dixon	Jones (NC)	Ortiz
Donnelly	Jontz	Owens (NY)
Dorgan (ND)	Kanjorski	Owens (UT)
Downey	Kaptur	Pallone
Durbin	Kastenmeier	Panetta
Dwyer	Kennedy	Parker
Dymally	Kennelly	Pashayan
Dyson	Kildee	Patterson
Early	Kleczka	Paxon
Eckart	Kolbe	Payne (NJ)
Edwards (CA)	Kolter	Payne (VA)
Edwards (OK)	Kostmayer	Pease
Emerson	LaFalce	Pelosi
Engel	Lagomarsino	Penny
English	Lancaster	Perkins
Erdreich	Lantos	Pickett
Espy	Laughlin	Pickle
Evans	Leach (IA)	Poshard
Price	Shays	Thomas (CA)
Pursell	Shumway	Thomas (GA)
Quillen	Sikorski	Thomas (WY)
Rahall	Sisisky	Torres
Rangel	Skaggs	Towns
Ravenel	Skeen	Traficant
Regula	Skelton	Traxler
Rhodes	Slattery	Udall
Richardson	Slaughter (NY)	Unsoeld
Rinaldo	Smith (FL)	Valentine
Roberts	Smith (IA)	Vander Jagt
Rogers	Smith (MS)	Vento
Rose	Smith (NE)	Visclosky
Rostenkowski	Smith (NJ)	Volkmer
Roth	Smith (TX)	Walgren
Rowland (CT)	Smith (VT)	Walsh
Rowland (GA)	Smith, Denny (OR)	Watkins
Roybal		Waxman
Russo	Smith, Robert (OR)	Weiss
Sabo		Weldon
Saiki	Snowe	Wheat
Sangmeister	Solarz	Whittaker
Sarpalius	Solomon	Whitten
Savage	Spratt	Williams
Sawyer	Staggers	Wilson
Saxton	Stallings	Wise
Scheuer	Stark	Wolf
Schiff	Stenholm	Wolpe
Schneider	Stokes	Wright
Schroeder	Studds	Wyden
Schuette	Swift	Yates
Schulze	Synar	Yatron
Schumer	Tanner	Young (AK)
Sharp	Tauke	Young (FL)
Shaw	Tauzin	

NAYS—74

Archer	Frenzel	Oxley
Armey	Gekas	Packard
Ballenger	Gingrich	Petri
Bartlett	Hancock	Porter
Bentley	Hefley	Ray
Bliley	Hiler	Ridge
Broomfield	Holloway	Ritter
Brown (CO)	Hunter	Robinson
Bunning	Hutto	Rohrabacher
Burton	Hyde	Schaefer
Campbell (CA)	Inhofe	Sensenbrenner
Clinger	Kasich	Shuster
Coble	Kyl	Slaughter (VA)
Combest	Lewis (CA)	Smith, Robert (NH)
Cooper	Lowery (CA)	
Cox	Lukens, Donald	Spence
Crane	Madigan	Stangeland
Dannemeyer	Martin (IL)	Stearns
DeLay	McCandless	Stump
DeWine	McCrery	Sundquist
Douglas	McMillan (NC)	Tallon
Dreier	Michel	Upton
Duncan	Miller (OH)	Walker
Fawell	Miller (WA)	Weber
Fields	Moorhead	Wylie

NOT VOTING—23

Andrews	Derrick	Machtley
Aspin	Dickinson	McDade
Boggs	Dornan (CA)	Parris
Buechner	Florio	Roe
Coelho	Ford (TN)	Roukema
Collins	Gallo	Torricelli
Courter	Gibbons	Vucanovich
Davis	Hammerschmidt	

□ 1615

Mr. HYDE changed his vote from "yea" to "nay."

Mr. HEFNER changed his vote from "nay" to "yea."

So (two-thirds having voted in favor therefor) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

The title was amended so as to read: "A bill to extend the authorization of appropriations for the Water Resources Research Act of 1984 through the end of fiscal year 1994."

A motion to reconsider was laid on the table.

EXPRESSING THE SENSE OF CONGRESS ON THE MOVEMENT FOR DEMOCRACY IN CHINA

Mr. FASCELL. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the concurrent resolution (H. Con. Res. 136) expressing the sense of the Congress on the movement for democracy in China, with Senate amendments thereto, and consider the Senate amendments in the House.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore (Mr. MURTHA). Is there objection to the request of the gentleman from Florida?

There was no objection.

MOTION OFFERED BY MR. FASCELL

Mr. FASCELL. Mr. Speaker, I move to concur in the Senate amendments with amendments.

The SPEAKER pro tempore. The Clerk will report the Senate amendments and the House amendments to the Senate amendments.

The Clerk read the Senate amendments and the House amendments to the Senate amendments, as follows:

Senate amendments:

Strike out all after the resolving clause and insert: That, it is the sense of the Congress that—

(a) the Congress looks with admiration on the courage which Chinese citizens have demonstrated in striving for democratic political reform, including freedom of expression, freedom of assembly, freedom of association, and freedom of the press, and on the peaceful and disciplined manner with which they have pursued their cause;

(b) the leadership of the People's Republic of China should take all necessary steps to establish a just and democratic society, with a free and open political system that will protect the essential human rights of all people living within that country, and

(c) the Secretary of State shall communicate to the leadership of the People's Republic of China that official violence or repression directed at those who would peacefully demonstrate for democracy, liberty, justice and workers rights will seriously damage relations with the United States.

Amend the preamble so as to read:

Whereas since mid-April millions of Chinese citizens have engaged in peaceful demonstrations in Beijing and other Chinese cities, calling for greater democracy, freedom of expression, freedom of assembly, freedom of association, and for a government which is responsive to the people and free of corruption;

Whereas the demonstrators, in carrying out their peaceful protest, have displayed extraordinary courage, discipline, and restraint;

Whereas such demonstrations reflect a broad-based feeling on the part of many Chinese that the political reforms which have occurred in China have not kept pace with the progress of economic reform, and the current difficulties in economic reform will only heighten the popular desire for political reform;

Whereas the extraordinary demonstrations in China constitute one of the most

significant movements for democracy in modern history;

Whereas on May 20, 1989, the Chinese Government declared martial law in eight districts of Beijing, and imposed edicts forbidding marches, strikes, class boycotts, distribution of pamphlets, spreading rumors, attacks on leaders, and any other "destructive actions";

Whereas on May 20, 1989, the Chinese Government ordered units of the People's Liberation Army into Beijing in order to restore order;

Whereas military units attempting to enter the center of Beijing have been met by crowds of prodemocracy demonstrators and have chosen to withdraw or remain in place rather than use force to move forward;

Whereas in April 1989, the authorities of the Shanghai municipality dismissed the editor-in-chief of The World Economic Herald, one of China's more independent newspapers;

Whereas the Chinese authorities have ordered foreign journalists not to go to Tiananmen Square, have stopped international satellite news transmissions, and have jammed three of five Voice of America frequencies (the first time that Voice of America broadcasts to China have been jammed since the normalization of United States-China relations in 1979);

Whereas, in the wake of democracy movements in 1978-79 and 1986-87, the authorities subjected participants in those movements to a variety of sanctions, and some individuals incarcerated for their peaceful political activity during those movements remain in prison;

Whereas an acceleration of political reform, including greater pluralism and respect for internationally recognized human rights, will have positive consequences for the development of relations between the United States and China, and repression of the movement for democracy in China will seriously impair those relations;

Whereas the freedom of movement and the freedom to form independent trade unions, student organizations and other voluntary associations are curtailed;

Whereas, led by the Independent Student Union of Beijing Universities, the Chinese people have demonstrated their desire for democracy, human rights and an end to corruption in the People's Republic of China;

Whereas the American people desire to extend their moral support to the struggle for democracy, liberty and justice within the People's Republic of China.

House amendment to the Senate amendment to the text of H. Con. Res. 136:

In lieu of the matter proposed to be inserted by the Senate Amendment to the text insert the following: That—

(1) the Congress commends the Chinese students and other citizens for the extraordinary courage which they have demonstrated in striving for democratic political reform and respect for internationally recognized human rights, including freedom of expression, association, the press, and workers rights, and on the peaceful and disciplined manner with which they have pursued their cause;

(2) the Congress condemns the excessive and indiscriminate use of force by the authorities of the People's Republic of China against its own citizens;

(3) the Congress expresses its profound sympathy for the victims of the Chinese authorities' brutal repression and their families;

(4) the Congress urges the Chinese authorities to cooperate with appropriate efforts of the international community to assess the needs of the victims of the recent violence for medical and other humanitarian assistance and provide such assistance to those victims;

(5) the Congress joins with the President in calling on the authorities of the People's Republic of China to resolve the political crisis in China without further violence, to end martial law, to release all political prisoners, to enter into a genuine dialogue with representatives of the demonstrators, to permit a free flow of information about the democracy movement, and to embark on a program of political reform which includes greater pluralism and respect for internationally recognized human rights;

(6) the Congress supports the actions taken by the President in response to the Chinese authorities' repression and urges immediate consultations with other democratic nations to consider additional measures should the violence continue;

(7) the Congress further supports the President in taking all necessary measures to provide for and ensure the safety of United States citizens in China, and calls on the People's Republic of China to uphold fully its international responsibility in this regard; and

(8) the Congress and people of the United States extend their moral support to the struggle for democracy, liberty, and justice in China.

House amendment to the Senate amendment to the Preamble of H. Con. Res. 136:

In lieu of the matter proposed to be inserted by the Senate Amendment to the preamble insert the following:

Whereas since mid-April 1989 millions of citizens of the People's Republic of China have engaged in peaceful demonstrations in Beijing and other Chinese cities, calling for greater democracy, freedom of expression, freedom of assembly, freedom of association, and for a government which is responsive to the people and free of corruption;

Whereas the demonstrators, in carrying out their peaceful protest, have displayed extraordinary courage, discipline, and restraint;

Whereas such demonstrations reflect a broad-based feeling on the part of many Chinese that the political reforms which have occurred in China have not kept pace with the progress of economic reform, and the current difficulties in economic reform will only heighten the popular desire for political reform;

Whereas the extraordinary demonstrations in China constitute one of the most significant movements for democracy in modern history;

Whereas on May 20, 1989, the authorities of the People's Republic of China declared martial law in Beijing and ordered units of the People's Liberation Army into Beijing in order to reassert its control;

Whereas on June 4, 1989, units of the People's Liberation Army, at the direction of the Chinese authorities, launched an unprovoked, brutal, and indiscriminate assault on the peaceful demonstrators in Tiananmen Square and elsewhere in Beijing resulting in massive loss of life and injuries;

Whereas the Chinese authorities have branded the prodemocracy demonstrators as "counter-revolutionaries" and "the dregs of society" and is reportedly engaged in mass arrests;

Whereas the Chinese authorities are attempting to conceal the extent of the repression and its excessive use of force from the Chinese people and international community by one-sided coverage, by strict controls on foreign journalists and by jamming Voice of America;

Whereas on June 5, 1989, President Bush acted quickly in responding to the Chinese authorities' brutal actions by deploring the use of force and by ordering the immediate suspension of arms transfers to the People's Republic of China, the suspension of military exchanges with China, the sympathetic review of visa extension requests by Chinese students in the United States, and the offer of humanitarian assistance to injured Chinese citizens through the International Committee of the Red Cross;

Whereas continued repression of the movement for democracy in China will cause a further deterioration in United States relations with China; and

Whereas adoption by the Chinese authorities of a program of genuine political reform, including greater pluralism and respect for internationally recognized human rights, will have positive consequences for the development of relations between the United States and the People's Republic of China: Now, therefore, be it

Mr. FASCELL (during the reading). Mr. Speaker, I ask unanimous consent that the Senate amendments and the House amendments to the Senate amendments be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

Mr. BROOMFIELD. Mr. Speaker, reserving the right to object, just for clarification, I would like to ask the chairman of the Committee on Foreign Affairs, is it the gentleman's intention to yield 30 minutes of his time to the minority?

Mr. FASCELL. Mr. Speaker, if the gentleman will yield, the gentleman is correct.

Mr. BROOMFIELD. Mr. Speaker, I thank the gentleman, and I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

The SPEAKER pro tempore. The gentleman from Florida [Mr. FASCELL] is recognized for 1 hour.

Mr. FASCELL. Mr. Speaker, I yield 30 minutes to the distinguished gentleman from Michigan [Mr. BROOMFIELD], the ranking Republican on the Committee on Foreign Affairs, pending which I yield myself 5 minutes.

Mr. Speaker, I shall make a brief opening statement on this matter simply to remind my colleagues that the matter we are considering now is one which has already been enacted by the House. It was also enacted by the other body, and it has come back to us.

The amendment we offer is simply to take cognizance of the facts further in light of the recent events that have occurred in the People's Republic of China. I will be followed on this side

by the chairmen of the respective subcommittees, the gentleman from Pennsylvania [Mr. YATRON], chairman of the Subcommittee on Human Rights and International Organizations, and the gentleman from New York [Mr. SOLARZ], chairman of the Subcommittee on Asian and Pacific Affairs.

□ 1620

I say again, Mr. Speaker, that I dare say in all of the dark history of man, regardless of which side of the looking glass one is looking, that each of us either has in memory or has learned of blots that stain humanity. I suppose that each of us would have a candidate for man's greatest inhumanity to man. I am always amazed, Mr. Speaker, in the consideration of matters of human rights on which this country fortunately has always spoken out so strongly that in a philosophical sense man has so much difficulty with the problem of being human and humane and that we are constantly confronted with acts of inhumanity. I do not know what my candidate would be for an event that would be more repugnant, revolting or would be met with greater revulsion, but I dare say that meeting people of one's own country who were assembled peacefully to ask for nothing more than dialog and reasonable extensions of freedom already been granted in terms of the right of assembly, or the right to speak or participation in the political system, and then to have the authorities in power respond by unprovoked action in which it was the indiscriminate slaughtering of civilians firing in the crowds, running over people with tanks. I cannot think of any act that requires and needs greater condemnation, and the amendments that we are considering here today express those feelings.

However, Mr. Speaker, they go further than that. We support fully the President in his reaction to what has occurred, and we demonstate to the world that we, the people of the United States, are speaking with a unified voice on our reaction, and we point out that hopefully his matter can be resolved peacefully, but, if it is not, that we ought to be and might very well have to proceed with further activities in response to what is clearly an inhuman act.

Mr. Speaker, let us hope that the progress that has been made up until just recently in China would have continued. It was amazing to me as an outside observer to see what had occurred and what was possible. It is now just as inconceivable to me that the flush of that excitement brought on by quote the authority of the People's Republic themselves has now sunken into an abyss of inhuman action. It is so sad and so tragic.

Mr. Speaker, we commend the courage of those who stood up to this kind of repression.

Mr. Speaker, for nearly 2 months, the attention of the world has been riveted on the drama unfolding daily in Tiananmen Square. The peaceful and massive demonstrations, for democracy that took place daily in the heart of Beijing vividly demonstrated the universal appeal and awesome power of aspirations for freedom and basic human rights. The Chinese students and other citizens who stood up for democracy and for the rights we Americans cherish so dearly—freedom of speech, press, assembly, association, and other civil and political liberties—earned our praise and admiration for their courage and their commitment to nonviolent confrontation.

The tragic events of last weekend, when Chinese authorities employed lethal force to brutally supports their own citizens resulting in the death and beatings of thousands, have outraged the world and temporarily dashed the democratic aspirations of the demonstrators. But what has been one of the most significant movements for democracy in modern history will not be quelled indefinitely. Events of the last few weeks in Poland and the Soviet Union, where after decades of totalitarian rule, the demands of the people for a greater role in determining their own fate are finally being heeded, demonstrate the persuasiveness and inevitability of democracy. Chinese leaders may think that, with enough tanks and bullets, they can stuff the genie back in the bottle but, as French President Francois Mitterand observed, any government that uses lethal military force against its unarmed civilian population "has no future."

Mr. Speaker, this resolution expresses the Congress' and the American people's condemnation of the Chinese Government's massacre of demonstrators and bystanders. It calls on the Chinese Government to refrain from further violence, end martial law, release all political prisoners, including those still imprisoned as a result of the 1979 and 1986–87 prodemocracy movements, enter into a genuine dialog with representatives of the demonstrators, permit a free flow of information about the democracy movement, and embark upon a program of genuine political reform which includes greater pluralism and respect for internationally recognized human rights.

The resolution supports the actions already taken by President Bush in response to the indiscriminate and excessive use of force by Chinese authorities. It urges the President to engage in immediate consultations with other democratic nations to consider additional measures against China if the repression and violence continues. I think it is imperative that we develop a coordinated response with our friends and allies in the democratic and industrialized world to ensure the effectiveness of any measures we might take.

Mr. Speaker, this resolution has broad bipartisan support, including that of the administration. I want to commend my colleague from Michigan, the ranking minority member, Mr. BROOMFIELD, the chairman and ranking minority member of the Subcommittee on Human Rights and International Organizations, Mr. YATRON and Mr. BEREUTER, and the chairman and ranking minority member of the Subcommittee on Asian and Pacific Affairs, Mr. SOLARZ and Mr. LEACH of Iowa, for their leadership on this issue and their cooperation in agreeing to this substitute.

I urge immediate and unanimous adoption of House Concurrent Resolution 136.

Mr. Speaker, I'd like to call our colleagues' attention to an excellent editorial on this subject that appeared in today's edition of the Miami Herald.

The article follows:

[From the Miami Herald, June 6, 1989]

MASSACRE IN TIANANMEN

The massacre in Tiananmen Square marks the beginning of the end of totalitarian Chinese Communist rule. Whatever idealism once legitimized it, whatever romanticism it spawned in would-be reformers throughout the world, is gone. As France's president, Socialist Francois Mitterrand, observed over the weekend, any government that uses lethal military force against its unarmed civilian population "has no future."

Of course, the future can be measured in decades as well as in weeks or months. The official who unleashed this brutality, who chose bullets when tear gas or even gentle arrests could have cleared the square, may yet hold power for some time. Nevertheless, their tenure now is limited.

In Washington, the Bush Administration reacted with characteristic slowness. It "deplored" the violence but stopped far short of expressing the outrage that most Americans felt at seeing nonviolent pro-democracy demonstrators murdered. That disappointing hesitancy stemmed from a warranted determination not to overreact so as not to weaken whatever hand the progressives inside the Chinese government still may hold.

Certainly Washington should not stampede to implement lasting policy changes, as Sen. Jesse Helms and others wish, while the situation in Beijing remains so confused. But neither can the world's oldest continuous democratic government leave any doubt about its revulsion at the massacre.

President Bush's announcement Monday of a moratorium on government-to-government sales and military aid to China, and his stronger statement of sympathy for the dead students, were welcome steps. So was the suspension of high-ranking official visits between the two nations. The Beijing government has forfeited its right to the niceties of diplomacy.

"Business as usual" cannot continue against the backdrop of blood-stained pavement. Premier Deng Xiaoping, who was President Bush's host just a few weeks ago, owes a full and public reckoning of his troops' savagery and of his government's course—if, indeed, he remains its head.

Beijing must hear in the bluntest possible language, and publicly, that mass murder of peaceful petitioners is no "internal" matter. It is a question of fundamental humanity vs. barbarism that cannot be overlooked.

Mr. BROOMFIELD. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, anyone who has sat before a television set during the past week must now know that there are two mainland Chinas: the People's Republic and the tyrant's Republic.

With this resolution we are putting the U.S. Congress squarely on the side of the Chinese people.

The transition from communism to democracy will not be smooth in all places at all times. But it does not have to be as brutal as the unfolding drama in Beijing.

America cannot stand idly by while thousands of Chinese people are risking their lives in the streets. That's why the actions President Bush announced yesterday are so important; that's why what we do here today is so important.

It is simply not correct to say, as some have suggested, that the United States will have no influence on what is going on in China. The more I listen to Chinese students being interviewed on television both here in America and on the streets of Beijing, the more I realize what a powerful influence America's political freedoms are having on events in China.

There are 35,000 Chinese students studying in America right now. Twice that number have studied here and returned home. America has clearly captured the imagination of a whole generation of Chinese.

Whatever actions America takes in China, it should speak with one voice. This is not time for wildcat policymaking. The Chinese students, elements within the army, government officials, and the Chinese people are clearly listening to voices from the outside world.

In a fast-moving situation, President Bush has chosen wisely among the options for responding to events in China. His suspension of weapons sales is a very concrete message that America cannot ignore the brutal actions of Chinese officials.

His decision to maintain our ambassador in China means we will keep the lines of communication open and whatever leverage we have to influence moderation within the Chinese government. This carrot and stick policy is, in my opinion, the best way to handle the problem.

However events transpire, the U.S. Government should be talking with one, authoritative voice. President Bush has made a good start in developing a wise policy response.

This resolution, demonstrates to the Chinese leadership that America is united in its opposition to their brutal methods. And it demonstrates to the Chinese students that America is fully on the side of their struggle for human rights and political freedom.

This resolution calls on the Chinese leadership to demonstrate there commitment to the process they began in their bold move towards democracy. I urge my colleagues to support this resolution.

Mr. Speaker, I yield such time as he may consume to the gentleman from Nebraska [Mr. BEREUTER].

Mr. BEREUTER. Mr. Speaker, I thank the gentlemam from Michigan [Mr. BROOMFIELD] for yielding, and I rise in strong support of this resolution of which I am one of the original cosponsors.

Mr. Speaker, this Member rises in strong support of item resolution or an original response.

Since Saturday afternoon, when units of the People's Liberation Army were unleashed upon the peaceful protesters and bystanders in and around Tiananmen Square, the people of China have been waging a life-or-death struggle to secure basic human rights.

The courage, the resolve, and the certainty of the rightness of their cause, of the students and workers has been awe-inspiring. Despite the fact that PLA forces have been firing indiscriminately into crowds, the protesters continue returning to the streets. Those of us who yesterday watched the film footage of that solitary student staring down an entire tank column could not help but be moved. As the tanks tried to maneuver around him, that student time and time again repositioned himself into the past of the oncoming column.

Mr. Speaker, it is these courageous young men and women who the Chinese Government label as "counterrevolutionaries" and "the dregs of society". This is nonsense. They are the heroes of modern China. They deserve to be recognized as such.

Mr. Speaker, on Monday morning President George Bush responded to the Chinese Government's deplorable behavior by suspending military sales and arms transfers to the People's Republic of China [PRC], and by calling a halt to high level contacts with the Chinese military. In addition, the President has authorized a review of the status of PRC students studying in the United States.

In announcing these actions, the President has demonstrated our very deep concern, and has made it clear that the United States will not conduct business as usual with a nation that represses its citizens so brutally. At the same time, he has left open avenues of communication that may, in time, prove important to the restoration of order. President Bush is to be commended for his statesmanlike response to this outrageous situation.

Mr. Speaker, as ranking Minority Member of the Subcommittee on Human Rights and International Organizations, this Member strongly supports the resolution condemning the brutal repression in China. Approving this resolution keeps faith with Chinese people who are demanding greater democracy and human rights. The struggle they started in Tiananmen Square in Beijing strongly deserves our support.

Mr. FASCELL. Mr. Speaker, I yield 5 minutes to the distinguished gentleman from Pennsylvania [Mr. YATRON], the chairman of the Subcommittee on Human Rights and International Organizations.

Mr. YATRON. Mr. Speaker, I strongly support and am a coauthor of this resolution. Everyone is now well aware of the deplorable situation in China. Congress must denounce the actions of the Chinese Government and support the democratic aspirations of the Chinese people. What occurred on Saturday in Tiananmen Square was an unprovoked and vicious military attack on peaceful demonstrators and innocent bystanders.

House Concurrent Resolution 136, as amended, condemns in the strongest possible terms the slaughter that took place. By some estimates, the Chinese Government killed hundreds if not thousands of their own people. I do not think we will ever have a full accounting. What is happening in China is hard to comprehend. But it is even worse to imagine the extremes the Chinese Government is capable of going to in order to suppress the prodemocracy movement.

There is no mistaking the resolve with which the Chinese Government set out to annihilate the demonstrators. The People's Liberation Army did not go to Tiananmen Square to shoot to warn; they went to shoot to kill. It is reported that the P.L.A. made no attempt to disperse the crowd by using tear gas or truncheons, but rather marched into the square with tanks and automatic weapons crushing and shooting anyone in their way.

Mr. Speaker, the prodemocracy protesters sought recognition as a patriotic body, an assembly calling for what has already been deemed important by the Chinese Government for the future of China and its people. All the students were asking for were political reforms that would keep pace with their economic reforms and an open dialog with the government. Deng Xiaoping and Premier Li Peng easily could have made a statement supporting the principles of the students' demands. This rigid totalitarianism does not bode well for China. Further, the new situation is not good for our relationship with China. I do not see how we can continue to give our hard earned technological know-how to a government such as the People's Republic of China as they have shown themselves to be today.

I am sure that many of us thought the China of Mao Zedong, with his implementation of devastating campaigns of repression, bleeding the people of China, was gone. It appeared that this element of Chinese rule had become obsolete. Clearly, we were wrong. There is no stability in China, and as events proved on Saturday, there never really was.

Mr. Speaker, I applaud President Bush for suspending government to government military sales to China, as well as the commercial export of weapons. The President's response clearly puts the United States on the side of democracy and against government repression. It should now be clear to the Chinese Government that the murder of its people is not taken lightly or perceived as only an internal matter. The taking of human life is never just

an internal matter and it will not be business as usual between our two countries.

The United States must demand that the Chinese Government act with restraint and refrain from detaining and prosecuting the demonstrators. As we have learned from the past, other prodemocracy protesters were imprisoned without the benefit of due process and still sit in China's prisons 10 years later. I cannot say strongly enough that I hope this tragedy will not be exacerbated by imprisonments and other sanctions against the Chinese people.

There have been alarming reports that the bodies of those who were killed were quickly taken from Tiananmen Square and cremated in order to conceal the death count and the true extent of the carnage that took place. If this is true, the families of the victims will never know the fate of their loved ones, and will further underscore the heinous nature of the Chinese regime.

Mr. Speaker, I urge the quick adoption of this resolution so we can make our position known to the Chinese Government and to the Chinese people. I would like to commend Chairman FASCELL and Congressman BROOMFIELD for their consideration of this resolution. Also I would like to express my thanks to Congressmen SOLARZ, LEACH, and BEREUTER for their valuable contributions to this resolution.

□ 1630

Mr. BROOMFIELD. Mr. Speaker, I yield 4 minutes to the gentleman from Iowa [Mr. LEACH].

Mr. LEACH of Iowa. Mr. Speaker, I thank the gentleman for yielding this time.

Mr. Speaker, the bravery of the students of China has utterly destroyed the hoary canard that democracy is the province and aspiration of a privileged few. The bravery of these young people underlines that the only basis for government is the consent of the governed.

I stress the question of legitimacy because legitimacy is what is at stake in China today. A government of, by and for the people, cannot be a government that turns on the people. A people's army is one that defends a country's borders from outside invaders. It does not shoot unarmed civilians.

In the larger historical context, it is impressive how we appear to be on the cusp of one of the great turning points in history. Communism is in retreat, pell-mell. Freedom's wind is proving stronger than Brezhnev's tanks in Poland, Gorbachev's tanks in Afghanistan, and Li Peng's tanks in Beijing.

Incredibly, the courage of oppressed people appears to be stronger than the coercion of an oppressor state. Sometimes from an American perspective we have to make difficult choices between real politik geopolitical concerns and morality and philosophy.

When President Bush made it clear that our military relations with China would be suspended, he chose philosophy and morality. He was correct, because when the government's troops opened fire on innocent civilians, when they toppled the replica of the Statue of Liberty in Tiananmen Square, America had no choice except to take a stand. This we do in unity; This we do in pride: and most of all, this we do with the greatest respect for the people of China.

Mr. FASCELL. Mr. Speaker, I yield 5 minutes to the distinguished gentleman from New York [Mr. SOLARZ], the chairman of the Subcommittee on Asian and Pacific Affairs of the Foreign Affairs Committee.

Mr. SOLARZ. Mr. Speaker, I thank the distinguished chairman for yielding the time.

The amendment before us this afternoon, first of all, expresses the profound sympathy of the Congress for the victims of the violence in Beijing.

It also strongly condemns the decision on the part of the authorities in the People's Republic of China to use machineguns and bayonets to wantonly slaughter their own people.

It also expresses the strong support of the Congress for the steps which have already been taken by President Bush to terminate all additional American arms sales to the People's Republic of China on the grounds that it would be utterly unconscionable for our country to continue supporting a military establishment which has not hesitated to murder and massacre its own people.

Finally, the amendment also makes it very clear that if the butchery in Beijing should continue, that the United States in consulation with our allies should attempt to impose additional appropriate measures designed to make it clear to the leadership in Beijing that the United States and its friends and allies around the world will not continue to do business as usual with a government which does not hesitate to murder and massacre its own people.

And what are some of those additional steps which we might take? We could, first of all, temporarily recall our Ambassador to Beijing for consulations here in Washington. I know that under present circumstances the President thinks that would be a mistake, but I think it should be clear that no one is suggesting if the situation should require it that we sever diplomatic relations with the People's Republic of China. No one is talking about closing down our Embassy. No one has proposed that we withdraw all our diplomats. Even if the Ambassador is summoned back to Washington, we would still have a chargé d'affaires. We would still have other diplomats who are there who could convey whatever diplomatic representations we needed to make to the Chinese leaders in Beijing; but if it should become necessary, temporarily recalling our Ambassador would send a very strong signal of the deep dismay with which we view the course of events now unfolding in China; but there are other steps of a more concrete nature we could take. We could, for example, suspend all additional transfers and sales of high technology equipment to the People's Republic of China.

□ 1640

Particularly if we could induce our allies to join with us in such a step, it would impose a heavy price on the People's Republic of China, and the mere threat of such an action will hopefully induce a measure of restraint on the leadership in Beijing which they have not heretofore displayed.

We could also, as my very good friend, the gentleman from New York [Mr. WEISS], suggested a little bit earlier today in the Committee on Foreign Affairs, suspend any additional OPIC guarantees to American firms attempting to establish enterprises in the People's Republic of China, and the time may come when that appears to be a sensible step to take. We could, if we chose to do so, also instruct our representatives in the multilateral development banks to use their voice and their vote against any additional loans to the People's Republic of China.

Mr. Speaker, these are illustrative of the kinds of steps we could take and which we may have to take if the killings in China continue. We do not look foward with equanimity to having to take such measures, but they may be morally necessary and politically prudent if the situation continues to deteriorate.

We clearly have a stake in a good relationship with China, but we also have an interest in reaffirming fundamental American values.

Mr. BROOMFIELD. Mr. Speaker, I yield 3 minutes to the gentleman from New York [Mr. GILMAN].

Mr. GILMAN. Mr. Speaker, I wish to commend the gentleman from Nebraska [Mr. BEREUTER], our ranking minority member of the Subcommittee on Human Rights, and the distinguished chairman of that subcommittee, the gentleman from Pennsylvania [Mr. YATRON]; the ranking member, the gentleman from Iowa [Mr. LEACH], and the gentleman from New York [Mr. SOLARZ], chairman of the Subcommittee on Asian and Pacific Affairs, for bringing before us this timely and important resolution.

Mr. Speaker, I am pleased to rise in strong support of House Concurrent

Resolution 136, commending the extraordinary courage of the students and citizens of the People's Republic of China, most vividly depicted by the lone student confronting the advancing tanks in Tiananmen Square, and by the students' erection of the Statute of Liberty in that square. Those brave Chinese students and citizens have demonstrated their profound respect for human rights, for freedom of expression, for association, and for workers' rights in a disciplined and in a nonviolent, peaceful manner.

The outrageous carnage in Beijing carried out by parts of the People's Liberation Army, disgusts and angers all decent people. Accounts of the slaughter are still emerging but one particular description, that of soldiers bayonetting young women who are pleading for the lives of their friends, appropriately sets forth the value Communist dictatorships place on religion, compassion, and human life. Let no one doubt any longer whom we are in bed with when we arm and engage in trade with such an authoritarian political system.

According to the South China Morning Post, June 5, 1989, Mr. Qiao Shi, a member of the Communist Party Politburo, gave the order to launch the attack on the square and to be cleared at any cost. This same individual gave the order last July to carry out the "merciless repression" of peaceful Tibetan human rights demonstrators which resulted in the death of hundreds of Tibetan Monks.

It is incumbent upon the Congress to focus attention on and to condemn the excessive, indiscriminate use of force by the civil authorities and by the military of the People's Republic of China against its own citizens as we express our profound sympathy to the victims' families.

Our Nation's executive and legislative branches are united in calling for a swift resolution to the political crisis in China without further violence. The Chinese Government must be moved to enter into a dialog with the protesters, to demonstrate a willingness to consider political reform consistent with the growing tide of democracy throughout the world.

Most of us in the Congress, as with all governments throughout the world, support the President's measured, strong response to the Chinese authorities' repression and atrocities.

Mr. Speaker, the Congress and the people of the United States wish to express their unequivocal support for the actions of the Chinese demonstrators. It is our sincere hope that their quest for democracy may not go unrequited.

Mr. FASCELL. Mr. Speaker, I yield 2 minutes to the gentleman from New York [Mr. WEISS].

Mr. WEISS. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, the huge demonstrations and nonviolent protests throughout China over the last several weeks have proven that the people of China have a passion for democracy that is strong and widespread. Even the government's brutal slaughter of unarmed students and other civilians this past weekend cannot squelch that passion.

Now that the spirit of democracy has taken to the streets of China, even tanks and armored personnel carriers will not be able to insulate the repressive Chinese Government from the will of the people. We add our voice to the outcry throughout the international community in denunciation of the massacre of hundreds, perhaps thousands, of innocent civilians in Tiananmen Square last weekend.

Mr. Speaker, I am privileged to be a cosponsor of this.

The Chinese Government's decision to brutally crush the student-led democratic reform movement requires a strong and clear response of the United States. The violence must end, and the legitimate demands of the democracy movement must be addressed.

I am pleased to support, too, Mr. Speaker, the actions of President Bush, but I know that none of us believe that either his actions or this resolution will suffice as a full expression of the moral outrage of the American people. Further action is clearly called for, and, I am certain, it will be forthcoming.

The sacrifice of the Chinese people demands greater actions than have so far been adopted.

Mr. BROOMFIELD. Mr. Speaker, I yield 2 minutes to the gentleman from New Jersey [Mr. SMITH].

Mr. SMITH of New Jersey. Mr. Speaker, it is with deep concern over the wanton loss of life in Beijing and the future of democracy in the People's Republic of China that I rise in strong support of House Concurrent Resolution 136.

Today, the people's House goes on record deploring the outrageous acts of brutality, repression, and premeditated murder perpetrated upon the citizens of China by the People's Liberation Army.

As it has in the past, the Communist hardliners in Beijing have once again demonstrated to the world that the health and well-being of the individual is of no consequence vis-a-vis the interests of the state. It is truly a sad fact that people have little value; they do not count for much in the eyes of the hardliners. They are only important for their utility and blind obedience to party dictates. The People's Republic of China clearly makes a mockery of human rights.

The hardliners in Beijing have much to account. They demonstrated their callousness and extreme hate during the Cultural Revolution, and they continue to demonstrate that toward women and children in their brutal implementation of their one-child-per-couple policy which relies on coercive abortions to achieve its objectives. They continue to demonstrate their disregard for people's lives by their contemptible treatment of the people of Tibet.

In abandoning now any semblance or appearance of restraint, the PLA at the behest of the hardliners have been slaughtering the prodemocracy citizens in Beijing.

The world again looks on in utter revulsion as soldiers, armed to the teeth, machinegun and bayonet defenseless students.

Mr. Speaker, the prodemocracy students in Tiananmen Square deserve our support, our respect, our solidarity, and our prayers. They demand the fullest response, both diplomatic and economic.

Mr. Speaker, I think it is fully appropriate and wholly appropriate that these brave martyrs be awarded the Nobel Peace Prize posthumously.

Mr. FASCELL. Mr. Speaker, I yield 2 minutes to the gentleman from California [Mr. LEVINE].

Mr. LEVINE of California. Mr. Speaker, I congratulate the gentleman and the other leaders of this committee on a bipartisan basis for expeditiously bringing this resolution to the floor.

Mr. Speaker, the exhilarating expressions of support for democracy in China have inspired the world. The horrors we have witnessed in China in the past few days have shocked the world.

Beijing's brutal crackdown on peaceful demonstrators deserves our harshest condemnation, and I believe will prove the undoing of this regime.

Mr. Speaker, I urge my colleagues not to forget that this latest atrocity comes on the heels of a similar military suppression of demonstrations in Tibet. Tibet has been under martial law since March, when Communist troops fired indiscriminately at crowds of unarmed Tibetans, dragged people from their homes to be beaten and arrested, and many Tibetans are still in police custody to face the risk of torture and long periods of incommunicado detention without charge.

While this resolution before us today and the President's actions yesterday are a welcome first step in response to the savage human-rights abuses occurring in China, I believe we must be prepared to take much stronger action to respond to the regime's atrocities.

□ 1650

Our delicate reluctance to endanger United States-Chinese relations must take a back seat to our horror over what has transpired in Tibet, in Beijing, and in cities throughout China.

All the more, Mr. Speaker, because we have had a close relationship with the People's Republic, we should make clear our condemnation of Chinese human rights abuses. I thank the sponsors of the resolution before us for moving quickly to bring this issue to the floor, but would also urge them to continue to investigate the possibility of taking still stronger action to express our profound disagreement with the policies of the Chinese Government in responding to peaceful calls for democratic reform.

Mr. BROOMFIELD. Mr. Speaker, I yield 3 minutes to the gentleman from California [Mr. DORNAN].

Mr. DORNAN of California. Mr. Speaker, I have spoken less frequently this half of the 101st Congress than all of my 11 years here. But I anticipate with new leadership and new action, and hopefully a bipartisan foreign policy finally, that that will change.

This Congress has never been the same since the second session of the 90th Congress in 1968. It began with the Tet offensive, it saw the assassination and murder of Bobby Kennedy and then Martin Luther King, and this House lost its bipartisan approach to foreign policy.

The scars of the Vietnam war our new President mentioned in his inaugural address. But what is happening in China is the reason that we were in Indochina.

I hope all of the Members here who found the Communist government in Nicaragua acceptable will take note that this very week Daniel Ortega and the government in Hanoi approved the slaughter of thousands of students in the streets of China.

Sitting in the Speaker's chair is one of the more distinguished Vietnam veterans in this House, and I would ask the distinguished gentleman from Pennsylvania if he recalls the patch that he wore, the MAC-V patch in Vietnam. It was the wall of China being pierced by the sword of truth.

What we see unfolding before us now is what Pope Pius XI called the intrinsic inherent evil of communism. And whether it is in Hanoi, or in Luwanda, Angola, or Moscow, or Beijing, what we see is the murder of innocent people by a corrupt Communist regime that has lost its way. Why are we always so surprised when Communists who do not believe in any kind of a Supreme Being or a God kill people when they are about to lose their power, because after all, human beings are nothing but walking, talking primates, worker ants to be treated as so much chattel. So when people get in their way they kill them because there is no immortal soul, there is no eternity, there is no Supreme Creator to be reckoned with.

What we are seeing this week should change this House intrinsically and fundamentally. We should never again have these debates on this House floor over Communist governments anywhere in the world.

Our oldest Member passed away within the last few days and he laid in state. Can any Member forget his last, most stirring speech on this House floor in reference to Ortega?

I hope the chairman of the Committee on Foreign Affairs remembers it. I wish the gentleman from Michigan [Mr. BONIOR] was still on the floor. What our great Claude Pepper's final line was in that stirring speech that got him a standing ovation from both sides of the aisle was he said, "Get those Communists out of there," referring to Central America.

We will never see peace in Moscow and China, true peace until we get those Communists out of there. Let us have a unified foreign policy for the rest of this great Congress.

Mr. FASCELL. Mr. Speaker, I yield such time as he may consume to the gentleman from Texas [Mr. LELAND].

Mr. LELAND. Mr. Speaker, I rise in support of this resolution.

Mr. FASCELL. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Indiana [Mr. MCCLOSKEY].

Mr. MCCLOSKEY. Mr. Speaker, I thank the distinguished chairman for yielding time to me and I rise in vigorous support of this resolution, House Concurrent Resolution 136. I would particularly like to commend the gentleman from Florida [Mr. FASCELL], chairman of the Committee on Foreign Affairs, and the gentleman from New York [Mr. SOLARZ], chairman of the subcommittee, for their outstanding leadership and particularly their eloquent statements over the weekend on this great crisis.

Last night I met with more than 50 Chinese students at Indiana State University to discuss the Tiananmen Square massacre. All of the students expressed understandably their grief and outrage. It would be necessary to be there and talk with them and meet with each and every one of them to realize the extent and the depth of their grief and outrage. In their eyes, the slaughter has caused the ruling regime to lose all legitimacy. The carnage in Beijing has destroyed the trust and belief of the very people who will determine that nation's future.

Every student there expressed extreme hostility toward the present regime, including the one Marxist of the some 60 students who would still say he was a Communist. But not one was in support of this regime. That bodes very ill, regardless of the immediate future, for the long-range stability of this regime.

However, despite the tragedy, the students' support of and faith in democracy remains unabated.

Mr. MCCLOSKEY. This is well illustrated within China as news reports indicate that although the military, through naked brutal force, can drive the people from the streets, the people return after the tanks have left to rebuild barricades and to erect prodemocracy banners. The government can break the bodies of the demonstrators, but it cannot break their will.

The students consider the United States their major hope and indeed they are looking for us to do much, much more. They contend if we do not, things can only get worse in the long run.

I commend President Bush for his decision to end military sales and assistance to the Chinese. However, this crisis in Beijing is not resolved and may be deepening with further violence and reports of conflict between various units of the Chinese Army. It is important to maintain diplomatic relations with the Chinese. But it is even more important to clearly indicate to Beijing that America is unequivocally on the side of democracy and adamantly opposes the wholesale slaughter of unarmed innocents.

At my request and with the chairman's cooperation, this legislation includes language urging immediate Chinese cooperation with emergency food and medical assistance efforts. It is imperative that efforts by the Red Cross and other international agencies to treat the injured be supported to the fullest extent. I am not hopeful that the government of Beijing will allow international humanitarian assistance for the victims of official violence at this time, but they should. Clearly the immediate alleviation of the suffering of the wounded should be a paramount concern of the international community.

I join President Bush in calling for an immediate cessation of all violence, especially official governmental and military repression in China.

The Chinese students in Bloomington are appalled the government will not truthfully document the numbers of dead and wounded. They believe an international inspection team should inventory and document the casualties, I agree.

In light of the continued repression in China, the United States should also consider further efforts to support the demonstrators by increasing Voice of America broadcasts into China and imposing trade restrictions. Also, I believe that those who participated in demonstrations may still be in mortal danger. Should these heroic young people seek to flee further re-

pression within China, I call upon the United States and every other nation to be prepared to receive them and to shelter them.

This legislation manifestly demonstrates that the United States stands with the students in their nonviolent calls for further democracy. The Chinese have used military force in an attempt to silence the voices of those who call for democracy and freedom, the ideals to which the United States is dedicated. Congress will continue to monitor and investigate the Chinese repression of peaceful calls for domestic change.

Those who died in defense of freedom must be honored and remembered. Their cause must be supported. The totalitarian Communist regime in China must realize that China's relationship with the United States is directly affected by Beijing's treatment of the Chinese people. If necessary, the United States must take further action in support of the ideals upon which our country was founded and for which students in Tiananmen Square gave their lives.

This legislation, House Concurrent Resolution 136, will indicate to the international community that the United States Congress is united with the President in condemning Chinese atrocities in Beijing. It also serves notice to the Chinese that the United States will not ignore these human rights abuses and that we are prepared to take additional action should it be warranted.

Mr. BROOMFIELD. Madam Speaker, I yield 2 minutes to the gentleman from California [Mr. DREIER].

Mr. DREIER of California. Madam Speaker, I thank my friend, the gentleman from Michigan, distinguished ranking minority member of the committee, for yielding time to me. I take the well, Madam Speaker, to underscore something that I said earlier this morning when I had just a few hours before returned from observing the elections in Poland. That is the tragedy which took place in Tiananmen Square had a ripple effect on the election in Poland. It led the Polish people to want to vote even more than they already did.

The people of Solidarity clearly felt a responsibility, when one young man said to me that he looked down the street and remembered vividly in December 1981 when the tanks were rolling in his district, he could not help but feel an affinity with the young people who have tragically suffered in Beijing.

Madam Speaker, it is critical that we do everything that we can to encourage the democratic process around the world because, as I have said many times, the United States of America is the last bastion of freedom, and this body is respected throughout the world. This action, with this amendment to this resolution is critically important.

I commend the distinguished gentleman from Florida [Mr. FASCELL], chairman of the committee, and my friend, the gentleman from Michigan [Mr. BROOMFIELD], for bringing this forward.

Mr. FASCELL. Madam Speaker, I yield my last 2 minutes to the distinguished gentleman from New York [Mr. ENGEL].

Mr. ENGEL. Madam Speaker, as a member of the Committee on Foreign Affairs, I extend my complete support for the amendment and compliment our chairman, the gentleman from Florida [Mr. FASCELL] for offering it.

I have watched with amazement the events in China during the past few days, as have many other Americans watching the television and listening to the reports. Only a year or two ago no one could have imagined that this sort of thing could have happened, and yet here it is. What it does show is that people yearning for democracy, no matter where they may be, can never be suppressed.

I think we take pride as Americans that our Government leads the way and our country leads the way in freedom and democracy. Representing New York City and the surrounding area, I am very, very proud every time I go into New York Harbor and see the Statue of Liberty, and yet when I saw in Tiananmen Square what the students had done by erecting their own Statue of Liberty, I knew democracy could never be stopped anywhere in the world, not even in the People's Republic of China.

It is very good that this Government, the United States Government, has tried for many years to foster closer ties with the Chinese people, 1 billion Chinese. I think it is time now though that we express our disgust and revulsion at what the so-called People's Liberation Army has been doing to their own people.

□ 1700

I am very happy that President Bush has decided to cut all military sales to China, but I think we need to do more. We need to remove our Ambassador, recall our Ambassador. We need to keep the Chinese students that are in America, we need to keep them here until there is a feeling that they can go home. We need to cut and stop all supplies to show the Government in the People's Republic of China that we will not stand for the wanton massacre of their own people.

Madam Speaker, I am proud to rise in support of this amendment. I am proud that the U.S. House of Representatives is taking the lead.

Mr. FASCELL. Madam Speaker, I yield such time as she may consume to the gentlewoman from California [Ms. PELOSI].

Ms. PELOSI. I thank the gentleman, the chairman of the committee, for yielding to me.

Madam Speaker, I rise in support of the resolution.

The situation in China calls for a strong United States response. The brutal violence which was perpetrated on peaceful demonstrators this weekend, and continues as I speak, this barbaric suppression of free speech and free association warrants the strongest form of condemnation possible.

Some people in this Chamber may use these events as a platform to profess their anticommunism. This is unfortunate, for the violent suppression of a people's human and civil rights is not restricted by ideological persuasion and it must be condemned in every instance.

Madam Speaker, in my district of San Francisco, over 20,000 people marched on Sunday demanding United States action in the face of the unfolding tragedy in China. President Bush has ordered a cutoff of arms sales and military cooperation. I believe we must go further.

Today, I call on the President to impose a full-scale economic embargo on the People's Republic of China. I will also ask the International Banking Subcommittee, on which I serve, to hold hearings on World Bank and other multilateral bank lending to China.

We must be unequivocal in our support for democratic principles throughout the world and swift in our condemnation of their violent suppression. Thank you.

Mr. BROOMFIELD. Madam Speaker, I yield 3 minutes to the distinguished gentleman from Illinois [Mr. PORTER]

Mr. PORTER. Madam Speaker, China is to receive Hong Kong under an agreement with the Government of Great Britain in 1997.

When the Communist leaders crushed the democratic aspirations of the Chinese people for free expression and human rights in Tiananmen Square, they did more than murder their own people. They sent a message to the world how it is to live under totalitarian communism.

It was a needed reminder to the people of the world on exactly how communism works. It was a message, Madam Speaker, heard most strongly not in the United States or even Western Europe or elsewhere around the world. Rather, it was a message heard most strongly in Hong Kong.

The stock market there lost 30 percent of its value and people intensified their efforts to leave Hong Kong as quickly as possible—and they were already leaving by the tens of thousands, Madam Speaker.

Hong Kong is an economic miracle and an example of the work of capital-

ism like none other on Earth. Per capita earning in Hong Kong is 28 times as high as mainland China.

China may receive Hong Kong in 1997 according to the agreement with Great Britain, but, Madam Speaker, it will be an empty purse.

The people of Hong Kong, the people of talent, the people of entrepreneurial ability will all be gone. They will have left because they understand better than any other people in the world the difference between totalitarianism and freedom. They will have voted with their feet.

Madam Speaker, the United States ought to be smart enough to know that these are exactly the kind of people that we need here in our own country. We ought to increase our quota for people from Hong Kong to provide insurance for them against the murderous tyranny of Chinese communism. We would welcome those people with open arms, and they will teach us about how it is to live near communism and to see its works up close. They will also add immeasurably to American society and to our own beliefs in the rule of law, human freedom, and democracy.

The students of China did their best; the murderers of the Chinese leadership crushed their aspirations. The people of Hong Kong understand and fear what happened better than any other in the world.

Mr. BROOMFIELD. Madam Speaker, I yield 2 minutes to the gentleman from Ohio [Mr. MCEWEN].

Mr. MCEWEN. I thank the gentleman from Michigan for yielding to me and for his leadership.

Madam Speaker, ladies and gentlemen of America, this is a special time in the history of man. We are on the threshhold of a new era in world history. There was a time when totalitarian governments could murder 30 million, 35 million, 40 million of their own people and the free world would not speak out. Yet the aspirations of a free people are now demanding independence, in Poland, in China, in Hungary, in Estonia, in Latvia, in Lithuania.

I have never been more proud to be an American; I have never been more proud to be a Member of the House of Representatives than at this moment when we stand on the side of liberty and freedom and say that as we look to the next decade and as we look to the Soviet Union, as we look to the Communist Governments around the globe and see the desire of the human spirit to be free, the confrontation is now coming.

Will they be allowed to express themselves in the manner in which God created men and women to live, freely? Or will they be crushed by the guns of tyranny as we have seen in the revolution of 1917, as we saw in 1945, as we saw in Hungary in 1956, as we saw Czechoslovakia in 1968?

I believe that over the next 10 years we will see around the globe precisely this confrontation: We will see the desire of human spirits to be free, to have democracy, to be able to speak and assemble freely, and we will see the tired iron boot of communism try to prevent it. I believe the march of history is on the side of freedom. I believe they will be successful, but it will take the continued dedicated leadership of such leaders as we have here today; the gentleman from Michigan [Mr. BROOMFIELD], the gentleman from Florida [Mr. FASCELL], chairman of the committee, the leadership in the House of Representatives, to say that each time this confrontation comes—and it will come again, it will come in Poland, it will come in Lithuania, it will come in Hungary, it will come in the Soviet Union—the decision must be made, will these people be allowed to have democracy, will these people be allowed to be free or will the guns shoot them in place as it did in Georgia 6 weeks ago, as it did in Beijing yesterday?

Mr. BROOMFIELD. Madam Speaker, I yield back the balance of my time.

Mr. FASCELL. Madam Speaker, I yield myself such time as I may consume to say that in the Committee on Foreign Affairs committee room, 2172 in the Rayburn, right after the vote on these amendments, there will be a briefing for Members on the situation in the People's Republic of China given by ranking officials of the Department of State.

Mr. STALLINGS. Mr. Speaker, I rise today to express my sorrow at the events which have transpired in China since early Sunday morning. It seems that the leaders of the People's Republic have taken calculated steps to remove themselves from the community of nations they had worked so hard to enter.

The brutality displayed by the Chinese political and military leadership in the past few days is not the worst we have seen inflicted by a nation on its own people. It is not the worst the Chinese have had inflicted upon themselves. But it is perhaps the most disheartening act of state brutality I have witnessed because it occurred in a nation which had seemed, with the help and encouragement of the United States, on the way to rewarding its industrious and long-suffering populace with a measure of democracy and prosperity.

Initial media reports characterized the attack as a tragic "miscalculation", but it was nothing of the sort. The United States may have miscalculated the criminal nature of the Chinese regime, and Deng Xioping certainly miscalculated the tenacity of the Chinese people. But everyone knew the unarmed students were virtually trapped in Tianamen Square. There was nothing to miscalculate: The military knew that an attack with tanks and machine guns would be successful in killing people.

The President's initial reaction was also troubling. But while the specter of the administration deciding whether to deplore the situation or simply regret it was disturbing, subsequent steps have shown prudence and resolve. First, stopping Government and commercial military sales shows our willingness to join other nations in limiting the flow of technology to a nation dependent on technology for its attempts to modernize its economy and military.

Second, and even more importantly, President Bush has extended an offer of help to the Chinese people—humanitarian aid to the victims in Beijing and help also to the nearly 30,000 Chinese students studying in the United States.

It is my sincere hope that the President will continue to emphasize those policy tools which target the perpetrators of these criminal acts while helping the Chinese people. This will be a difficult task as was evidenced by the great pain the people of Poland suffered as a result of our economic sanctions imposed in the wake of the 1981 military crackdown in that country. And yet on the very day that China suffered its great anguish, Poland conducted the freest elections in the history of Eastern Europe.

I urge President Bush and my colleagues in the Congress to consider this as we strive in the days ahead to formulate a policy which conveys the outrage of the American people to the Chinese leaders and the abiding respect of the American people to the Chinese people.

Mr. LAUGHLIN. Mr. Speaker, there is no such thing as democracy separate from the participation of the people. Democracy is not achieved through vicarious experiences. Those who dream of democracy don't stand along the sidelines and watch others risk their lives for it, instead they take action. Such is the case of a single Chinese man who earlier this week attempted to block a tank column moving down the Avenue of Eternal Peace in Beijing. The action of this solitary individual is a courageous display of the collective desire of the Chinese prodemocracy demonstrators to gain their freedom and pursue democratic reforms for the good of their country.

Certainly, I commend the President's decision to stop the sale of arms to China and view this as a sign of America's firm commitment to democracy and as a denouncement of the Chinese Army's brutal attacks on those who gathered in Tiananmen Square, which left hundreds dead and the entire world watching in utter disgust.

History does not play itself out like some drama on a distant stage sealed off from its audience. History is the sum of the total actions of individuals—humble, everyday people who by their actions make decisions for the common good of all. It is these courageous people who change history.

Therefore, let us applaud the prodemocracy demonstrators for involving themselves in what may prove to be a turning point in the history of China's journey toward a freer and more open society grounded in democratic principles.

As her excellency, Mohtrama, Benazir Bhutto, Prime Minister of the Islamic Republic

of Pakistan, reminded us today in her address to a joint meeting of Congress, America's chief exports are freedom and democracy. Therefore, America must continue to play a vital role in promoting democracy around the world.

If this is the case, then it is by the unselfish actions of these students and America's support for their efforts that democracy will prevail.

Mr. FEIGHAN. Mr. Speaker, I am pleased to join my colleagues and with the administration in joining our allies around the world in condemning the recent massacre in Tiananmen Square in China.

Mr. Speaker, there is horror mixed with bitter irony that the nonviolent student protests of only a few weeks ago in support of China's reform leadership have turned bloody as a result of a deliberate, bloodthirsty attack ordered by the hardline elements now in power in Beijing. Restraint has given way to rage and China now totters at the abyss of a full-fledged civil war.

Given a precarious and extremely fluid situation, our first decisions are perhaps the most important. Above all, the United States must speak with one voice. And that voice should naturally blend with calls of the student protesters for simple democratic freedoms. This version of "people power" is the latest episode in the continuing story of democratic revolution in which our own country has played such a crucial role. We do not have the luxury to remain passive. We have a responsibility to indicate our support for a movement whose goals and ideals bear such an astonishing resemblance to the very ideals on which this country was built.

I commend President Bush for his deliberate and determined leadership in signaling the U.S. condemnation of the events of recent days and shaping an appropriate response. The President has indicated that our policy will not be the same with a brutal repressive regime in power. He has also indicated that down the road, we have certain long-term concerns and common interests with the Chinese people.

But those concerns should in no way soften our condemnation of the carnage perpetrated by Red army troops against these students. Those concerns in no way should diminish our resolve to advance a policy that says "no business as usual" as long as the repression continues. And finally, those concerns cannot be seen to obviate in any way our clear and unequivocal support for the principles that those students are fighting and dying for—the same principles that our Founding Fathers fought for 200 years ago.

Mr. FASCELL. Madam Speaker, I have no further requests for time, and I move the previous question on the motion.

The previous question was ordered.

The SPEAKER pro tempore (Mrs. BOXER). The question is on the motion offered by the gentleman from Florida [Mr. FASCELL].

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. BROOMFIELD. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device and there were—yeas 406, nays 0, not voting 27, as follows:

[Roll No. 76]

YEAS—406

Ackerman	Dixon	Hunter
Akaka	Donnelly	Hutto
Alexander	Dorgan (ND)	Hyde
Anderson	Dornan (CA)	Inhofe
Andrews	Douglas	Ireland
Annunzio	Downey	Jacobs
Anthony	Dreier	James
Applegate	Duncan	Jenkins
Archer	Durbin	Johnson (CT)
Armey	Dwyer	Johnson (SD)
Aspin	Dymally	Johnston
Atkins	Dyson	Jones (GA)
AuCoin	Early	Jones (NC)
Baker	Eckart	Jontz
Ballenger	Edwards (CA)	Kanjorski
Barnard	Edwards (OK)	Kaptur
Bartlett	Emerson	Kasich
Barton	Engel	Kastenmeier
Bateman	English	Kennedy
Bates	Erdreich	Kennelly
Beilenson	Espy	Kildee
Bennett	Evans	Kleczka
Bentley	Fascell	Kolbe
Bereuter	Fawell	Kolter
Berman	Fazio	Kostmayer
Bevill	Feighan	Kyl
Bilbray	Fields	LaFalce
Bilirakis	Fish	Lagomarsino
Bliley	Flippo	Lancaster
Boehlert	Foglietta	Lantos
Bonior	Ford (MI)	Laughlin
Borski	Ford (TN)	Leach (IA)
Bosco	Frank	Leath (TX)
Boucher	Frenzel	Lehman (CA)
Boxer	Frost	Lehman (FL)
Brennan	Gallegly	Leland
Brooks	Garcia	Lent
Broomfield	Gaydos	Levin (MI)
Browder	Gejdenson	Levine (CA)
Brown (CA)	Gekas	Lewis (CA)
Brown (CO)	Gephardt	Lewis (FL)
Bruce	Gillmor	Lewis (GA)
Bryant	Gilman	Lightfoot
Bunning	Gingrich	Lipinski
Burton	Glickman	Livingston
Bustamante	Gonzalez	Lloyd
Byron	Goodling	Long
Callahan	Gordon	Lowery (CA)
Campbell (CA)	Goss	Lowey (NY)
Campbell (CO)	Gradison	Luken, Thomas
Cardin	Grandy	Lukens, Donald
Carper	Grant	Madigan
Chandler	Gray	Manton
Chapman	Green	Markey
Clarke	Guarini	Marlenee
Clay	Gunderson	Martin (NY)
Clement	Hall (TX)	Martinez
Clinger	Hamilton	Matsui
Coble	Hammerschmidt	Mavroules
Coelho	Hancock	Mazzoli
Coleman (MO)	Hansen	McCandless
Coleman (TX)	Harris	McCloskey
Combest	Hastert	McCollum
Conte	Hatcher	McCrery
Conyers	Hawkins	McCurdy
Cooper	Hayes (IL)	McDermott
Costello	Hayes (LA)	McEwen
Coughlin	Hefley	McGrath
Cox	Hefner	McHugh
Coyne	Henry	McMillan (NC)
Craig	Herger	McMillen (MD)
Crane	Hertel	McNulty
Crockett	Hiler	Meyers
Dannemeyer	Hoagland	Mfume
Darden	Hochbrueckner	Michel
de la Garza	Holloway	Miller (CA)
DeFazio	Hopkins	Miller (OH)
DeLay	Horton	Miller (WA)
Dellums	Houghton	Mineta
Derrick	Hoyer	Moakley
DeWine	Hubbard	Molinari
Dicks	Huckaby	Mollohan
Dingell	Hughes	Montgomery
Moody	Roberts	Spratt
Moorhead	Robinson	Stallings
Morella	Rogers	Stangeland
Morrison (CT)	Rohrabacher	Stark
Morrison (WA)	Rostenkowski	Stearns
Mrazek	Roth	Stenholm
Murphy	Rowland (CT)	Stokes
Murtha	Rowland (GA)	Studds
Myers	Roybal	Stump
Nagle	Russo	Sundquist
Natcher	Sabo	Swift
Neal (MA)	Saiki	Synar
Neal (NC)	Sangmeister	Tallon
Nelson	Sarpalius	Tanner
Nielson	Sawyer	Tauke
Nowak	Schaefer	Tauzin
Oakar	Scheuer	Thomas (CA)
Oberstar	Schiff	Thomas (GA)
Obey	Schneider	Thomas (WY)
Olin	Schroeder	Torres
Ortiz	Schuette	Traficant
Owens (NY)	Schulze	Traxler
Owens (UT)	Schumer	Udall
Oxley	Sensenbrenner	Unsoeld
Packard	Sharp	Upton
Pallone	Shaw	Valentine
Panetta	Shays	Vander Jagt
Parker	Shumway	Vento
Pashayan	Shuster	Visclosky
Patterson	Sikorski	Volkmer
Paxon	Sisisky	Walgren
Payne (NJ)	Skaggs	Walker
Payne (VA)	Skeen	Walsh
Pease	Skelton	Watkins
Pelosi	Slattery	Weber
Penny	Slaughter (NY)	Weiss
Perkins	Slaughter (VA)	Weldon
Petri	Smith (FL)	Wheat
Pickett	Smith (IA)	Whittaker
Pickle	Smith (MS)	Whitten
Porter	Smith (NE)	Williams
Poshard	Smith (NJ)	Wilson
Price	Smith (TX)	Wise
Pursell	Smith (VT)	Wolf
Quillen	Smith, Denny (OR)	Wolpe
Rahall	Smith, Robert (NH)	Wright
Ravenel	Smith, Robert (OR)	Wyden
Ray	Snowe	Wylie
Regula	Solarz	Yates
Rhodes	Solomon	Yatron
Richardson	Spence	Young (AK)
Ridge		Young (FL)
Rinaldo		
Ritter		

NAYS—0

NOT VOTING—27

Boggs	Gallo	Rose
Buechner	Gibbons	Roukema
Carr	Hall (OH)	Savage
Collins	Machtley	Saxton
Courter	Martin (IL)	Staggers
Davis	McDade	Torricelli
Dickinson	Parris	Towns
Flake	Rangel	Vucanovich
Florio	Roe	Waxman

□ 1729

Mr. KOSTMAYER and Mr. RIDGE changed their vote from "nay" to "yea."

So the motion was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

□ 1730

NATIONAL D.A.R.E. DAY

Mr. SAWYER. Madam Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from further consideration of the joint resolution (H.J. Res. 276) designating September 14, 1989, as "National D.A.R.E. Day," and ask for its immediate consideration.

The Clerk read the title of the joint resolution.

The SPEAKER pro tempore. (Mrs. BOXER.) Is there objection to the request of the gentleman from Ohio?

Mr. RIDGE. Madam Speaker, reserving the right to object I yield to the gentleman from California [Mr. LEVINE], my friend and colleague, the chief sponsor of this resolution.

Mr. LEVINE of California. Madam Speaker, I thank the gentleman from Pennsylvania [Mr. RIDGE] for yielding, and I would like to make a brief statement with regard to the need for this resolution. I would like to compliment and thank the gentleman from Ohio [Mr. SAWYER], the ranking member and chairman of the subcommittee, for expeditiously bringing this matter to the floor.

Mr. LEVINE of California. Madam Speaker, there is a cancer which threatens to destroy our society. That cancer is the disease of drug abuse. The worst aspect of this disease is its effect on our children. Today, in addition to coping with the challengers of growing up, our young people must also face drug pushers and the violence on campus which accompanies the drug dealers who prey on our children.

That is why I have been such a strong supporter of drug education programs for young people. One of the best of these programs is known as D.A.R.E., the Drug Abuse Resistance Education Program.

I am pleased to be able to come before my colleagues today to urge them to support House Joint Resolution 276, legislation I introduced with my colleague FRANK WOLF designating September 15, 1989, as National D.A.R.E. Day. This is the second time a majority of my colleagues have decided to recognize this outstanding program. D.A.R.E. is an innovative approach to drug abuse prevention developed by the Los Angeles Police Department and the Los Angeles Unified School District. The D.A.R.E. Program is taught by veteran police officers who go into the classroom to share their experience with the tragedies caused by drug abuse.

D.A.R.E. offers a 17-week curriculum to teach fifth and sixth grade children the decisionmaking skills necessary to resist pressure to experiment with drugs and alcohol. A separate program has been developed to introduce younger grades to D.A.R.E., and follow up instruction has been launched for junior high and high school classrooms. The D.A.R.E. curriculum teaches assertive response styles, resistance techniques, and risk-taking. Other D.A.R.E. units help students understand self-image, resist gang pressure, recognize stress and manage it without taking drugs, and analyze and resist presentations about alcohol and drugs.

Each D.A.R.E. police officer completes a special 2-week training program which includes instruction on teaching techniques, officer-school relationships, development of self-esteem, child development, and communication skills. The D.A.R.E. Program provides the opportunity for law enforcement, teachers, and school administrators to work together to reduce drug abuse.

Independent research has confirmed the success of the D.A.R.E. Program. D.A.R.E. graduates are less accepting of drug use, and more able to resist peer abuse to use drugs. The D.A.R.E. Program also contributes to improved study habits and grades, decreased vandalism and gang activity, and a more positive attitude toward the police and school.

The success of D.A.R.E. is also demonstrated in a student-parent survey taken in the Los Angeles Unified School District. Before taking the D.A.R.E. Program 51 percent of the students surveyed equated drug use with having more friends. After completing the D.A.R.E. Program, only 8 percent of the students made this association. Similarly, before witnessing the D.A.R.E. presentation, 61 percent of parents thought that there was nothing parents could do to prevent their children from using drugs. However, after the D.A.R.E. presentation, only 5 percent of the parents believed this.

The D.A.R.E. Program is offered in 48 States and the District of Columbia, and is taught internationally in the Department of Defense Dependent Schools. D.A.R.E. programs have also been implemented in Australia, Canada, New Zealand, and American Samoa.

I commend law enforcement for its willingness to sponsor innovative and effective programs like D.A.R.E., and I urge my colleagues to support this legislation.

Mr. RIDGE. Madam Speaker, further reserving the right to object, I yield to the gentleman from New York [Mr. GILMAN], my colleague.

Mr. GILMAN. Madam Speaker, as a member of the Select Committee on Narcotics Abuse and Control, and a cosponsor of this measure. I rise in strong support of House Joint Resolution 276, designating September 14, 1989, as "National D.A.R.E. Day." I commend the gentleman from California, Mr. Levine, for introducing this worthy resolution.

The Drug Abuse Resistance Education [D.A.R.E.] Program originated as a cooperative effort of the Los Angeles Police and the Los Angeles School System in 1983. Today the D.A.R.E. Program has proved to be so successful that it has extended into more than 50,000 classrooms in 48 States, including—New York State, and to Australia, Canada, New Zealand, American Samoa, and in our Department of Defense School reaching over 3 million children.

The D.A.R.E. Program goes far beyond the traditional drug education programs. D.A.R.E. is a semester long series of lessons led by police officers to fifth and sixth grade students. D.A.R.E. Program teaches the skills necessary to recognize and resist the subtle and overt pressures to experiment with drugs and alcohol.

Mr. Speaker, the D.A.R.E. Program offers a responsible approach to educating our youth about the dangers of substance abuse and I urge my colleagues to join me in supporting this important resolution.

Mr. Ridge. Madam Speaker, further reserving the right to object I yield to the gentleman from Ohio [Mr. ECKART], my friend and neighbor.

Mr. ECKART. Madam Speaker, I appreciate the gentleman from Pennsylvania [Mr. RIDGE] yielding to me, and very briefly I will say in support of the D.A.R.E. Program that oftentimes all of us, many of us, draw conclusions to support or oppose a particular piece of legislation or a program that is part of the legislation simply based on some abstract statistical or research efforts made on behalf of it, and the D.A.R.E. Program, I recall first, however, being exposed to it when my cousin, a woman who has spent a great deal of her professional life preparing for law enforcement activities, talked to me about it some several years ago. Not having had a program like it in my district, I knew from the moment of her enthusiastic presentation to me that it was the kind of program that would make a difference in the real world and affect students' lives. No one who knows my cousin or her commitment to law enforcement and helping to make young people's lives better could doubt for a moment that it would succeed in northeastern Ohio.

□ 1740

But what we have also been able to witness is the tremendous reception that D.A.R.E. has received across the country. So to the thousands of professionals, to my family, to our constituents and friends everywhere who have benefited from it, I am delighted to say that D.A.R.E. is the kind of program that does make a difference.

I applaud my colleague, the gentleman from Pennsylvania, and my friend, the gentleman from Ohio, for making this opportunity available to us and to help join in saluting a program that works, that has made a difference in countless communities all across this Nation, and indeed can make life better for those who suffer from the terrible affliction of drug abuse.

Mr. RIDGE. Madam Speaker, I would just like to note finally that our

colleague, the gentleman from California [Mr. LEVINE] had 218 cosponsors on this piece of legislation before he ever introduced it, and speaking on behalf of the chairman of our subcommittee, the gentleman from Ohio [Mr. SAWYER] and myself, we appreciate this special effort to reach that magic figure of 218.

Mr. WOLF. Mr. Speaker, I rise in support of House Joint Resolution 276 designating September 14, 1989, as National D.A.R.E. Day. I congratulate my colleague, Representative MEL LEVINE from California, for his efforts on this legislation and I thank the Post Office and Civil Service Committee for their expeditious movement of this resolution through the committee.

I would like to bring particular attention to the strong D.A.R.E. Program in the 10th District of Virginia, a program that effectively teaches children how to resist the pressure to experiment with alcohol and drugs through the discussion of such important concepts as development of high self-esteem and self-worth.

Since attending one of the D.A.R.E. classes, reviewing the course material offered, and hearing positive feedback from children and adults who participated in the D.A.R.E. Program, I am convinced more than ever that D.A.R.E. Program, on both a local and national level, is an extremely positive approach to equipping our youngsters with the skills necessary to recognize and resist the pressure that influences them to experiment with and use harmful drugs.

The D.A.R.E. Program offers a positive and responsible approach to educating our youngsters about the tragic effects of substance abuse and I commend everyone involved. I urge the support of my colleagues for House Joint Resolution 276.

Mr. RIDGE. Madam Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

The Clerk read the joint resolution, as follows:

H.J. RES. 276

Whereas D.A.R.E. (Drug Abuse Resistance Education) is a semester-long program that teaches fifth and sixth grade children how to resist pressure to experiment with drugs and alcohol;

Whereas the D.A.R.E. program is also provided to kindergarten and junior high school students and their parents;

Whereas D.A.R.E. targets children when they are most vulnerable to tremendous peer pressure to try drugs and alcohol and teaches the skills to make positive decisions and resist pressure to engage in negative behavior;

Whereas more than 1,200 communities in 48 States now conduct the D.A.R.E. program in their local schools, and a pilot program has been implemented for use internationally in the Department of Defense Dependent Schools;

Whereas almost 3 million students have been reached through D.A.R.E.;

Whereas because school children are frequently much more sophisticated about substance abuse than are classroom teachers, the D.A.R.E. program is taught by veteran police officers with direct experience in cases involving criminal activity and ruined lives caused by substance abuse;

Whereas each police officer who teaches the D.A.R.E. program completes an 80-hour training course that includes instruction in teaching techniques, officer-school relationship, development of self-esteem, child development, and communication skills;

Whereas the D.A.R.E. curriculum, developed by the Los Angeles Police Department and the Los Angeles Unified School Distict, helps students understand self-image, recognize stress and manage it without taking drugs, analyze and resist media presentations about alcohol and drugs, evaluate risk-taking behavior, resist gang pressure, apply decision making skills, and evaluate the consequences of the choices available to them;

Whereas independent research shows that the D.A.R.E. program has exceeded its goal of helping students combat peer pressure to use drugs and alcohol, by contributing to improved study habits and grades and decreased vandalism and gang activity and by generating greater respect for police officers; and

Whereas the D.A.R.E. program has achieved outstanding success teaching positive and effective approaches to what is one of the most difficult problems facing our people today, namely drug abuse: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That September 14, 1989, is designated as "National D.A.R.E. Day", and the President of the United States is authorized and requested to issue a proclamation calling upon the people of the United States to observe that day with appropriate ceremonies and activities.

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. SAWYER. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on House Joint Resolution 276, the joint resolution just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

ANNUAL REPORT ON FEDERAL ACTIONS WITH RESPECT TO CONSERVATION AND USE OF PETROLEUM AND NATURAL GAS IN FEDERAL FACILITIES, 1988—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Energy and Commerce.

(For message, see proceedings of the Senate of today, Tuesday, June 6, 1989.)

1985, 1986, AND 1987 ANNUAL REPORTS OF FEDERAL PREVAILING RATE ADVISORY COMMITTEE—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Post Office and Civil Service.

(For message, see proceedings of the Senate of today, Tuesday, June 6, 1989.)

ARMENIAN INDEPENDENCE DAY

The SPEAKER pro tempore (Mr. SAWYER). Under a previous order of the House, the gentleman from Illinois [Mr. ANNUNZIO] is recognized for 5 minutes.

Mr. ANNUNZIO. Mr. Speaker, on Sunday, May 28, 1989, Americans of Armenian descent throughout the United States and their compatriots all over the world paused to celebrate the 71st anniversary of Armenian Independence.

I am pleased to have the opportunity to mark this important milestone in Armenian history, for it was after 600 years of foreign domination that the courageous Armenians were able to throw off the yoke of their oppressors and to declare their independence on May 28, 1918.

But this tiny independent nation was destined to be short lived, for the newborn Armenian Republic was brutally partitioned 2 years later by Russia and Turkey. Today, historic Armenian lands are in the hands of Turkey and the Soviet Union, and the independence of Armenia remains an unresolved question.

Mr. Speaker, at this point in the CONGRESSIONAL RECORD, I would like to include an article entitled "The Children of Armenia" which appeared in the Hartford Courant on May 14, 1989. It describes how Armenia has survived the destruction of war, genocide, and earthquake, and how it continues its struggle to stay alive in the hearts and minds of the next generation. The article follows:

THE CHILDREN OF ARMENIA—LIVING PROOF OF THE INEXTINGUISHABLE HUMAN SPIRIT

(By Barbara W. Carlson)

"I should like to see any power in this world destroy this race, this small tribe of unimportant people, whose history is ended, whose wars have been fought and lost, whose structures have crumbled, whose literature is unread, whose music is unheard, and whose prayers are no more answered. Go ahead, destroy this race! Destroy Armenia! See if you can do it. Send them from their homes into the desert. Let them have neither bread nor water. Burn their homes and churches. Then, see if they will not laugh again, see if they will not sing and pray again. For when two of them meet anywhere in the world, see if they will not create a new Armenia."

—*William Saroyan*

When an earthquake shattered the land of Soviet Armenia last December, Armenians thousands of miles away wept and

asked, "Why, God? How much can we take?" An old Armenian woman in Hartford, who has seen too much to have many tears left, grieved for the children lost—the generation that would carry on the culture, the language, the nation.

Despair, remembering the massacres of 1915. And then determination, "The Mongols destroyed Armenia, and we rebuilt," she said. "The Turks destroyed Armenia, and we rebuilt." And then she quoted Saroyan: ". . . see if they will not create a new Armenia."

After the earthquake, help went to the wounded Armenians from around the globe, and, for a while, Armenia became known. As time goes on, though, Armenia and Armenians seem to dissolve again into the convoluted fabric of Middle Eastern culture; it is a nation again only faintly remembered, a "small tribe."

The beginnings of Armenia are traced to about 600 B.C. Its story through the centuries is one of oppression and war and homelessness. And of survival. Since the end of the 14th century, Armenia has had only two years of precarious independence, and yet Armenia, and its people and language, have survived.

Talking about their history, Armenians invariably mention certain things. Their religion: In 301, Armenia was the first nation to adopt Christianity, and this is a point of great pride. Their language: a distinct branch of the Indo-European language, not related to others, with a unique 38-character alphabet. Their literary tradition: philosophical works and legal works, epic poetry, romantic poetry. All these have survived, and helped the people survive.

In 1915, Armenians came close to being extinguished. They were subjects of the Turks then, most of their towns and villages lying in the Ottoman Empire. But in this Moslem country, the Christian Armenians were prosperous merchants, craftsmen, bankers, intelligentsia.

Then the Turkish government decided to "remove" Armenians, on the pretext that they were dangerous revolutionaries. The removal began on the evening of April 24, 1915 (the date now is set aside as Armenian Martyrs Day), when 250 Armenian leaders—priests, writers, doctors—were rounded up in Istanbul and killed. That was the start of the Turkish massacre of the Armenian people: more than one million killed, more than half the Armenian population in Turkey.

Stella Rustigian of Wethersfield, a student of Armenian history, notes that the killing of intellectuals "left the Armenian people without leaders, without teachers, without writers, poets. The effects were disastrous. The Armenians are just beginning to recover."

Survivors of the massacre still remember the eerie and terrible details of those days. Their children have a different kind of awareness; some remember silence. A woman now 60, whose parents were survivors, recalls how adult conversation would stop in the presence of children. "There would be a hush, a total silence. They refused to spoil our happy childhood with this nightmare . . . There were these ghostly suggestions of something ominous and terrible. You can't comprehend how terrible all the silence was, the 'No, no, the children.'"

Another woman didn't learn until the last year of her mother's life that her mother, when she was 14 or 15, had married a Turk to save her sisters and brother and mother. When the massacres were over, she ran away. She came to this country and married. No one ever spoke of the first marriage. Late in life, when her daughter learned and asked about it, the old woman would say, "It was another time, another place, I was another person. I saved my family."

The expressed aim of the Turks was to deport the Armenians. The word for deportation in Armenian is *aksor.* But it is used now only in reference to 1915, so *aksor* has come to mean something more than deportation or exile; it connotes moving someone from home to nowhere. The Turks sent Armenians on forced marches to the Syrian desert where they died of hunger and thirst and exhaustion. Women were raped, men tortured and hanged and beaten to death.

Most survivors eventually settled in new lands; they fled to the Arab countries of the Middle East, to America, to Australia, to France. They left behind everything—material possessions as well as their heritage. "A lot of churches and libraries were burned. Documents were destroyed. It was a tremendous uprooting," says George Bournoutian, a historian who teaches Armenian history at the University of Connecticut.

This diaspora, he added, "created a whole generation of people who could not go to school. People who originally were one of the most intelligent people in the Turkish Empire suddenly ended up in one generation as beggars starting from scratch. Two generations later, their children started going to school and having the opportunity to get back to what the community was economically and culturally in 1915."

In the years of resettlement, the Jobian sufferings went on. Those who moved to what became Soviet Armenia in 1922 suffered through the persecutions of the Stalin years. In America during the depression, the Armenians struggled to find jobs and saved what they could to bring their brothers and sisters and cousins and nephews here.

They suffered poverty and the terrible ache of lost homes, lost families. They worked for the goal of freedom. They sang revolutionary songs and sent their children to Armenian school. They argued with each other and fought each other. Their fieriness wouldn't let them sleep.

They carried with them the goal of freedom, the cornerstone of the Dashnak political party, formed in 1890. Translated into the Armenian Revolutionary Federation in this country, the Dashnak party held the allegiance of these angry, hurting people; in it the men plotted and cried for independence, the women in the auxiliary supported them, and children were brought up in the youth movement, learning the history of insurrection. The Dashnaks still are alive, but the widespread ardor of the old days has waned.

The Ramgavar party was formed in 1922, and while it worked toward preserving the culture of Armenia, it opposed extremism and was more pro status quo, and the quo was a Communist state. In the 1930s, politics and the church became entwined, bitter things were said, and the scars of the bitterness kept people apart.

Recently, two things have brought the Armenians together: the earthquake and the issue of recognition that the Turks committed genocide in 1915.

Since 1983, there have been efforts to persuade the U.S. Congress to pass a resolution recognizing that the 1915 "resettlement" was genocide. The Turks have never admitted it. The proposed Congressional resolution of 1987 would have designated April 24 "as a day of remembrance for the one-and-a-half-million people of Armenian ancestry who were victims of the genocide perpetrated by the government of the Ottoman empire . . ." The resolution has always been defeated—at the prompting of the pro-Turkish State Department, Armenians say.

Recognition of the massacres could mean reparation. but it is also important just for the sake of recognition. The Turks are trying to make the massacres "a figment of someone's imagination," says Setrak Javian of Milford, a University of Bridgeport professor whose mother lost her parents and brothers in the massacre. There are photographs of victims, there were newspaper stories at the time, there is documentation. "And they say it never happened. It's idiotic . . . To think you have gone through something as horrible as that, and then to have someone tell you it didn't happen is kind of the first stage of how you drive someone to insanity."

The nation of Armenia exists now as the Armenian Soviet Socialist Republic, with a population of about 3.3 million, or about half the estimated Armenian population worldwide. Not much bigger than New Hampshire, Soviet Armenia is a rocky corner of the original Armenian homeland, which extended into what is now eastern Turkey as far as the Euphrates River.

Mount Ararat, majestic and snow-covered, rises on the other side of the present-day Armenian border, in Turkey. The mountain is a national symbol of Armenia. There, legend says, Noah's ark came to rest and Noah saw land—the land where the city of Yerevan, the capital of Armenia, is built. The Garden of Eden was supposed to have been near here. Armenians are tremendously proud of Mount Ararat; often there's a picture of it in their homes.

Armenians want the world to recognize the 1915 massacre. And they ache for Mount Ararat.

REBECCA BOYAJIAN

Rebecca Boyajian tells the legend of the beginning of Armenia: "God was giving out the lands. He gave Spain to the Spanish, France to the French, Italy to the Italians. Then the Armenian people ran up and said, 'God, give some land for us.' God said, 'I gave out everything—all but these rocks.' And the Armenian people looked at the rocks and said, 'OK, give us the rocks; we will make bread from the rocks.'"

Everybody seems to tell the story a little differently. But the meaning is the same: Armenia is a hard, rocky, mountainous land. Only about a quarter of the old Armenia had good arable land, and now the shrunken Soviet Armenia has even less—about 5 percent that isn't rocks. Some Armenians take a perverse pride in this; some are angry: Why do we settle for rocks?

For Rebecca Boyajian, the rocks are *ours.* Our land. The land of Mount Arafat. ("It was far from us," she says, "but my brother, he went and saw Mount Ararat.")

Rebecca Boyajian is 87 years old. In the living room of her home in Hartford, bright floral throws cover sofas and chairs, and photographs of children and grandchildren and great-grandchildren seem to occupy every flat surface. She sits in this room and she tells of the massacres of 1915. Often, she repeats phrases or words, her voice growing softer. These are times when she speaks about the unspeakable: "They killed him," and then, almost whispering, "They killed him, they killed him."

Her gray hair is cut short and makes a soft frame for her angular, strong face. (A

photograph of her in younger years, at the time of her marriage, when her hair was dark and pulled back in a braided bun and parted no-nonsense style in the middle, shows even then the strong face, a face of dignity. Photographs don't often show her smiling.) She remembers the old days. She remembers her childhood in the city of Harput, where winters were hard and snowy but "when March is dead, everything is growing, nice, green." Her father had a bakery, and the family was rich and owned beautiful houses in the village of Yeghekee and in Harput. The Romans built a fortress on the mountain above the city; Harput means fortress. In those days, she says, "we learned songs and dances. Weddings lasted three days."

Before the deportations, from time to time the Turks searched the houses of Armenians, looking for firearms or revolutionary writings. Guns were hidden in vineyards and then dug up again in fright. Any writing by Armenians was suspect. "They thought we were writing about the Turkish people. I tore up my diary, and my mother put it in the fire." The Turks were looking for weapons of revolt, but a girl's diary was burned. To this day, Rebecca Boyajian remembers with pain the burning of her words, her diary.

She was the oldest of five children. When the massacres began, the Turks came to their house and took it over, and the family lived in the yard for six months. "Everything we owned they took." But because her father was a baker and the Turks needed bread, the family was spared. "They saved a few bakers and one shoemaker, one tailor, one barber; the rest they deport."

Deportation, she explains, was the word for driving people to the desert. "These were women and children they deported, and they killed them in the forest and desert . . . They killed all of them, by hunger, by sickness. They took them out in the desert to die because in the desert it's hot, they have no water, they are going to die.

"The soldiers watched us. They would take a good-looking girl to use, and afterward they would kill her if they wanted. Lots of people would throw themselves in the Euphrates River—especially the younger girls, young brides . . .

"So many were lost in the desert. One of my aunts and her five children, my grandmother, my grandfather. Everybody, everybody, everybody. Every day they would take somebody out, they take a group. At first, they took all the young boys to work on the roads, and they killed them. After that, the educated, the intelligentsia, they put them in prison. They pulled out their eyelashes and their fingernails. That was 1915. I was 12 years old."

In those years, Rebecca's family had bread to eat but not much else. When they finished the cheese they had, the Turks gave them bulgur to make soup, and they built a cooking pit in a small building that had been used as a wash house. "There was no meat, no vegetables. The children were weak. Lots of babies died of starvation. The Turkish people were hungry, too."

Rebecca's family emigrated to Syria in 1922. Armenians scattered around the world after the massacres, and wherever they went, they built a church and a school. "That's their first business," Rebecca recalls. In Syria, the Armenians had a church with a roof of tin and sides of bedsheets. "They made a church and inside a school so the children can go to read and write . . . The language keeps the nation."

In 1926, Rebecca became engaged. She didn't know the man, but her parents knew his family and said he helped save his brothers and his mother. His father had been a baker, too, but they killed him. This man, the baker's son, had gone to Armenia in 1910, and he sent money for Rebecca to travel to Cuba, where he met her.

"He was very gentle, nice looking, good, clean . . . but he is going to be your husband, you are going to be with him. You don't know what kind of man he is; maybe he is going to beat you. I don't know. He took me in the hotel and left me alone; he thought I should rest. I start to cry. I was crying like anything because I had left my father, mother, sisters, brothers, everything. I was crying. But he was very gentle and had patience with me.

He had said he would pay her way back if she didn't like him, but they married and came to Hartford, where he worked at Underwood Typewriter. His name was Haratoun Boyajian; they called him Harry in this country. They lived in a cold-water flat, and had three children, two girls, Anahid and Ardemis, and a boy, Jack. They tried to get Rebecca's parents here, but they died before the proper permits could be obtained.

Rebecca says about Harry, "He was thinking about Armenia very much. He wanted a free Armenia. He wanted to fight against the Turks. My husband was a Dashnak and a good Dashnak, oh boy. He was against the Russians, against the Germans, against the Turks,"

He had fled Armenia at 19 to avoid the Turkish army; with other young men, he walked over the mountains to Beirut. They moved by night, so the Turks wouldn't see them. It took 30 days.

During the Depression, Underwood laid off workers and Harry lost his job. A younger sister of Rebecca was in this country, and she and her husband had some money, so they gave it to Harry to buy a shoe-repair shop. For the next 15 years, he repaired shoes. He loved poetry and painting. He hated repairing shoes.

They had little money, and what they had went to help Armenians come to this country, or to pay the rent and the food bills once they had arrived. These were relatives, but among Armenians relatives can be very distant cousins.

"We helped them. Any money went to these people." But wasn't it a lot of money? Sure. We had to send them money to take the boat . . . Armenians are like that. Armenians are one family. Sometimes they kills each other, but when the time comes . . . they are like that"—and she holds her hands close together in a gesture of prayer.

In 1937, Rebecca got a job to help out; she sorted rags for making paper. After Harry developed a heart condition in 1950 and had to stop repairing shoes, she continued working. She learned how to drive when she was 60 years old, and she and Harry took trips to Boston and New York. Harry died in 1985.

The earthquake in Armenia is heartbreaking to Rebecca. "So many children are killed or orphaned," she says. "Who knows how many writers, artists we lost. We are worried. That generation is gone. We have a culture nobody has, nobody. You should see our paintings, our rugs, our writings, read our stories."

Rebecca Boyajian paints. Landscapes. Trees, flowers, birds, sky.

SHILLER AHAIAN

Shiller Ahaian, a native of Soviet Armenia, went back home from Connecticut at the end of March. He came here in early February for treatment at Yale-New Haven Hospital to help him regain use of his left hand, which was injured in the earthquake. He is an engineer and was at work at his drafting board on the seventh floor of an office building when the tremors began. Telling about it, he moves his arms back and forth to show how everything was shaking.

A graduate of the Polytechnic Institute in Leninakan. Ahaian is 45 years old, of medium height, with dark hair and scars on his head. He and other Armenians were in America because AmeriCares, a nonprofit relief organization based in New Canaan, chose them as patients who could benefit from US. medical attention. When Shiller was flown here, he left his wife and three children at home, one child, a 6-year-old, had died in the earthquake.

According to official Soviet reports, 20 towns and 342 villages were damaged, 58 destroyed. Damage is estimated at $16 billion. In all, say officials 20,000 people were killed (others estimate 50,000 or more), many of them children. AmeriCares reports that hundreds were left without arms or legs, that people are still dying.

When he was not in the hospital, Ahaian stayed with Setrak and Beatrice Javian of Milford. The Javians were among the volunteers who opened their homes to the victims transported here. The medical treatment was provided on a volunteer basis by the doctors and various hospitals.

Before his operation at Yale-New Haven, Ahaian talked about his experiences, and Setrak Javian translated: "I lived in a three-room apartment with my family," he said. "With my wife Greta, who is 41, a pharmacist; our oldest son, Arman, 19 a student at the Polytechnic; our son, Arsen, 17, in the ninth grade; Kevork, who died in the earthquake—he was 6; a 3-year old daughter, Lucine.

"We had everything, our lives was quite good. Every year for vacation the whole family went to different places. To the Black Sea. One year to Moscow. On Saturdays and Sundays, we were always going out, especially in the summer when we had barbecues outside.

"The family was very important, and we visited regularly, My brother, who was 30, died in the earthquake. And his son, 6 years old, died. My first cousin—he was a professor at the Polytechnic—he also died. His son, who was a student with my son at Polytechnic, he also died.

"The earthquake happened at about quarter of 12 in the morning . . . I was unconscious about two hours. When I awoke, I was buried in rubble. The building was leveled to the ground. I cried out for help . . . They brought a crane over and lifted the pieces off. It took about five hours. Then they put me in an ambulance and took me to the hospital . . .

"My wife had gone out to shop when the earthquake struck. Arman, my oldest son, was at the Polytechnic. He had a head injury and broken rib, but in two weeks he was OK. He was helping his girlfriend get out of the room where they were taking classes. When the second shock hit, he was thrown to one side and she was thrown to another. The girl was killed . . . My wife is working now in Leninakan and living with a sister, because our apartment house was de-

stroyed. The children are with another sister in Yerevan. I have no idea what will happen. The government has given a commitment to rebuild within two years . . ."

Shiller Ahaian spoke straightforwardly of what happened, and expressed thanks for the help that came from countries all over the world. Bea Javian, who talked a great deal with Shiller while he was their guest, says he thinks he's lucky. He lost a child; others lost everyone. And he is doing well, and will probably regain the full use of his hand.

When she was growing up in Hartford, Beatrice Javian says, other children would ask her what she was, and she would say Armenian, and they would say, what's that? "I remember asking my father, 'What is an Armenian?' His answer was, 'We are survivors.' What good was that? I wanted to know if we had baseball players, famous singers, artists. His response was, 'We are survivors, we have survived.' "

JACK CHITJIAN

Jack Chitjian has black-and-gray hair and a trim moustache; he's a dapper man. "In my younger days," he says, "I used to belly dance like nobody's business." He played the oud, too, the Armenian instrument that's like a lute. Even now, without much urging, he will softshoe a few steps. He will be 88 this year.

In his apartment in Vernon are the artifacts of a long life. Amazingly, he has the passport that got him out of Turkey and to America in 1920 when he was 19. The photo shows a dark-haired, skinny young man, his name spelled Hagop Tchitchian. He has photographs of his mother, pretty and serious; his father, with a luxuriant moustache; an uncle who was exiled two weeks after he was married. They are dressed-up, dark-eyed, fine-looking people.

Chitjian remembers when they were young. He remembers the family house in Ordou, with the back yard on the edge of the Black Sea. His father acted as banker to the nearby farmers, lendikng them money, and he had a yard-goods store in the town of Vona, where they spent summers. The store was open a couple of days a week for the farmers, and on other days his father "was in the casino playing backgammon."

It was a pleasant life. "Right up to the massacre, we were very, very high-class people," he says. And then the exile began. "The Turkish government started picking up the ones who could cause problems, the prominent men, and they sent them away."

His father went to a friend in Vona, to hide. The friend "evidently got scared because the government said everybody who keeps Armenians will be hanged. He handed my father over to the government."

In the jail there were 50 or 75 other men, and when they were taken from there, they were tied, two by two. "My younger uncle and my father were tied hand to hand. They went right by us. I'm crying my eyes out that they're taking my father away. So we've never seen him ever since."

Chitjian's brother, two years younger and then just 12, was able to stay with friends in Ordou, and Hagop and his sister and his mother were in a group of 600 families marched into exile. Hagop remembers it was "raining like the dickens," and they were soaking wet, and a friend of his mother took them in and dried them and fed them, "but she couldn't keep us so we went back into the bunch."

As they marched, Hagop liked to stray from the people, and one day, in the forest, he came upon "35 or 40 bodies. All dead. It was the worst thing I've seen. People like my father, they took away and took in the woods and killed them."

They came to a big orchard, and the people in the city were told that whoever wanted Armenians could go to the orchard and pick one. A judge took Hagop's mother as a cook, and another Turk took his sister as a maid. Hagop wound up working for a man who had a couple of cows. Those who weren't taken by families for work went to the desert, but "desert is only a name for it, for sickness, hunger. Ten out of a thousand survived."

In those times, "bread was short. Everything was short . . . I'd take those two cows out in the field and milk them. They had a lot of mulberry trees. I'd eat mulberries. There were corn fields. I'd build a fire and eat corn. There were plenty of fruit trees. So I never stayed hungry."

When the war was over, Hagop ran away and found his sister. His mother had died. She had worn a belt, where she hid Turkish gold liras. At her death, her daughter was summoned and she was able to save the gold. With the money, she and Hagop returned to Ordou to find their brother. They wrote their uncles in the United States, and the uncles sent money, and "we took the boat and came to Ellis Island."

In the United States, Hagop became Jack. He married an Armenian girl and worked hard—in a shoe factory at first. It was the Depression; there were layoffs. Jack's American-born brother-in-law sent rent money every month for nine years. When Jack was on his feet again, he wanted to repay him, and his brother-in-law said, "If I had a loaf of bread and gave you half, would I ask for it back?"

Jack and his wife, who died in 1974, raised and educated a daughter, and a son born 20 years after the daughter. She speaks Armenian well, the son not so well. The grandchildren know they are Armenian.

When he was younger, Chitjian was a Dashnak, but he got away from the party because "you can't do any more in this country. There's no sense. The only thing you can do now is keep the Armenian kids Armenian. Schools, language, the religion . . . It's important, because it's a crime to lose a nation . . . We love it and we want to keep it."

HARRY EGAZARIAN

On a wall of his pharmacy in East Hartford, Harry Egazarian has murals of Mount Ararat and other pastoral scenes that look as if they might be in Armenia. There's a shamrock behind the shepherd in one picture, though: Egazarian's wife is Irish.

The Armenian experience in America.

Egazarian was born in Worcester in 1933 and is a graduate of the University of Connecticut School of Pharmacy. He has been involved in East Hartford politics for 19 years and is currently deputy mayor and chairman of the Town Council. He says, "I have always said I'm an American of Armenian descent."

He understands Armenian, but doesn't read or write the language. The license plate on his car says "HYEM," which Armenians know means "I am Armenian."

His mother came to this country in 1917 when she was 11 years old. "She was a victim of the atrocities," Egazarian says. "She went to her death with nightmares about her brother and sister, because she was very young but she was older than the other two. She used to tell us—she just remembered she was very tired wherever they were, and they sat down and fell asleep, and when she woke up her brother and sister were gone. She never knew where it was, or whatever happened to them. And that haunted her until her death.

"She used to wake up with nightmares. She'd wake up crying, and we'd say, 'What's the matter, Ma?' She'd say, 'It's OK, it's OK,' and then she'd tell you. Another dream about her brother and sister. She always blamed herself."

After her brother and sister disappeared, a Turkish family took her in and she "ended up in an orphanage in Marseilles. An uncle and aunt in Worcester located her through the Red Cross."

Egazarian's father had come to this country before the massacres. He was 17 in 1915, the youngest of eight brothers, and had come here with an older brother who went back to the homeland. "The brother said, 'You're the youngest, and you're going to stay. Somebody has to survive this.' My father never heard any more from any of his brothers.

"The Armenians had picnics and would talk to people who had just come over, to ask, 'Did you come from this village? Did you know so-and-so? But as best as my father could determine, his mother and father and brothers and all their children, they were all dead."

Harry Egazarian was given an Armenian name when he was born—Haratoun, which means "resurrection."

Egazarian is thoroughly American, though his heritage is in his heart. He calls himself a *chezok*, a neutral, and he says the idea of an independent Armenia is "somewhat of a hopeless dream. But we don't give up. Look at Martin Luther King, there's always the hope of some day having something." But Egazarian wouldn't go over to Armenia to make his home or go to war for Armenian independence. "I'm an American." He thinks most Armenian-Americans feel that way; "the fire begins to diminish the longer they're here. That's the natural way of life."

Still, in Pat's Medical Pharmacy on Main Street, there's a painting of Mount Ararat. "It's a symbol of Armenia to me," Egazarian says. "It's a very integral part of our history." On Armenian Martyrs Day, he has organized memorials at Town Hall, inviting members of the Armenian community to remember the 1915 massacres. He is angry that the Turkish government continues to deny that they happened.

He remembers something about his mother. "When I was a young boy going to bed," he says, "she'd tuck me in and she'd say—she'd say it in Armenian, 'You can forget my name, forget who I am, forget my face if you will. But never forget you're Armenian.' "

YEPREM KELEGIAN

The Rev. Father Yeprem Kelegian is a slim, black-bearded man, 41 years old, who seems at once to be both serene and passionately intense. At times—as when he talks of prejudices rooted in the massacres—he sighs deeply.

He is pastor of St. George Armenian Church in Hartford, which has about 100 families as members. He sees the church as the central force for Armenians, a "unifying factor" beyond their often fractious politics.

Kelegian remembers, as a small boy, visiting his grandfather in Racine, Wis., and playing with other Armenian children. Instead of cowboys and Indians, they played Dashnaks and Ramgavars. Yeprem didn't know what it meant, and asked his grandfa-

ther which he was, and his grandfather said, "You're a chezok. "That means neutral, but to an Armenian, neutral doesn't mean uncommitted.

The church has been at the center of Armenian political maelstroms for 60 years. The Dashnaks and Ramgavars clashed sharply in 1933 and established two separate branches of the church, each looking to a different catholicos, or pope. The split has not been an esoteric clerical squabble; it has kept Armenians in this country divided and even led to the assassination of an Armenian archbishop in New York in 1933.

Father Kelegian deplores the idea of churches being Dashnak or Ramgavar. As passions cool, many other Armenians are beginning to feel as he does. The bitterness of earlier days is forgotten by the younger generation, and the Dashnak/Ramgavar desination for churches is becoming largely meaningless. A sign of the mending came after the earthquake, when the catholicos from the mother church in Soviet Armenia visited New York and made a plea for unity between the American branches of the church.

Because of their faith, because of their early Christianity, Armenians in times past looked to the church as a constant, says, Kelegian. Through the centuries, "in an area where there was so much turmoil, so many shifting powers, the unifying factor was that we had one church, one bishop, one patirarch."

Religion, he says, "is seeded and embedded like a jewel in your culture." In Armenia, the church was always very much a part of life. "There was a church in every village, and there were services every day built around the work day—predawn, dawn, noon, and evening. That's the way religion used to be, before the massacres, before we hit America."

It's a source of great concern to many Armenians that two churches—each with the same liturgy and beliefs—have developed. But even so, in America the church has kept alive the culture. "The only viable strong center for Armenians is the church," says Father Kelegian. "We have political parties, we have cultural associations, but they wouldn't be alive if it weren't for the church."

Today, at St. George Church, there are Armenian language classes for children, and there's a choral group that sings Armenian songs. Once or twice a year, a cultural event—a dance or musical troupe—is sponsored. Often there are church dinners, always with special programs related to Armenian culture—a talk or songs or poetry. During services the liturgical prayers and chants and the words of the haunting music are in classical Armenian, and the sermons are delivered in both English and Armenian.

There has been a coming together of Armenians, but nothing happens immediately. Their history and the massacres, Kelegian says, "hold a prominent place in our psyche. It is part of our psyche. When the Armenians are pushed against the wall and oppressed, all we have is each other. We can fight one another, we are headstrong, independent, we have our opinions so we'll fight with one another. But when we get pushed into the corner, we look to each other."

The earthquake pushed them against the wall again. The grief was deep. "It is like our brothers and sisters died over there," Kelegian says. "There are so few of us, and when we lost that many—I don't go by the government figures—it took a part of me away, it took a part of my history away.

"And, my God, what are we going to do without all those little children who died . . . without our future?"

ANOUSH N. KHACHOYAN

Anoush Khachoyan has a double view of the Armenian character. She is American born, and, from 1976, when she was 17, through 1982, she studied music at the Gomidas Conservatory of Music in Yerevan. She is a pianist, and she directs and sings with an Armenian capella group in Hartford. She knows Armenians in their homeland, and she knows them here. They infuriate her. And she loves them. She is Armenian to the core.

"Armenians have so much going for them if they would only just believe in themselves," she says. "I see them as a nation lacking in self-respect and a sense of their own personal power."

At the time of the earthquake, she read of the Armenians blaming Soviet leader Mikhail Gorbachev for "the way things were and the fact that the buildings were so shoddy they collapsed. We heard them doing a lot of blaming of other people. . . .

"The Armenians are so used to being the victim that when a national disaster happens, they turn immediately to the people in charge and point accusing fingers. I think it's definitely a 50-50 responsibility . . . I think the people need to understand that they have personal power and are responsible for a lot of it.

"I think Armenians wonder if God is on their side. I think they feel life happens to them, and that they are powerless in life to do anything about their lot."

Then, referring to the story that God gave the Armenians leftover rocks for their land, she says, "Armenians choose their destiny. The destiny they choose is rocks, because they don't know there's land out there."

Anoush Khachoyan is talking from the anger and frustration of being Armenian, and from enormous pride in the accomplishments of her people. She goes on to say, "The Armenian people are wonderful people. They're very hardworking. They're bright, bright people . . . I think they have a lot of psychological problems . . . As a nation, they have a feeling of victimization. . ."

She acknowledges they have been victims. She speaks of a family—two sisters, a brother, their parents—that she knew in Armenia. They had come from Syria to their homeland and, during the Stalin years, were sent to Siberia. The brother was forced to roll logs down frozen rivers in bare feet; he developed severe circulation problems, "but somehow he made it."

They had come to pioneer and build, and were sent to Siberia. "What does that do to you? Blow after blow after blow. Where are you going to find the courage to raise your head? You're afraid you'll see another hand coming down."

The creativity of the Armenians and their ability not to focus on what they've gone through keeps them from depression, she says. "They've learned to cultivate denial to such a high art form that they think it's reality. They deny they're in pain."

But she sees the pain revealing itself in their art. She speaks of paintings she saw in Armenia—"so painful, lots of broken faces, broken hearts. Contemporary music is very difficult to listen to. There's a lot of dissonance, a lot of suppressed anger."

There are paradoxes and contradictions in some of what Khachoyan says; paradox seems to be another part of the Armenian psyche. She gets angry at the "victim" complex she sees—but does that mean Armenia should take its fate in its hands, rise up, and fight for independence? No. She is pragmatic.

"A free Armenia now would be devastating. At this point they can't handle it. They don't know how to govern themselves . . . What they need to do is prepare."

Armenians, she says, are "spared the pain of not knowing where they belong. They are blessed with a clear identity, a clear history." It's a history, though, of so much oppression—and so many accomplishments. She has mixed feelings about the future, about Dashnak goals of independence. She says, "It's nice to have the utopia of a free Armenia—but when we're ready." She recites a poem, translating from the Armenian:

If we ever enslaved anyone, it was with our eyes
If we were ever masters, it was through our books
If we ever ruled, we ruled through our songs
If we ever oppressed, it was only through our wounds.

Mr. Speaker, I join with Armenian-Americans in my own 11th Congressional District as well as across this Nation, in observing this important anniversary, and I share the hope of Armenian-Americans that one day Yerevan will again reign as the capital of a free and independent Armenian nation.

INTRODUCTION OF FAIR HOUSING FOR ALL AMERICANS ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida [Mr. SHAW] is recognized for 5 minutes.

Mr. SHAW. Mr. Speaker, today I will introduce the Fair Housing for Americans of All Ages Act. It is intended to restore housing choices for senior citizens and families without children. In my own State of Florida, and 14 other States, individuals under the age of 55 had long enjoyed the option of living in all-adult communities. However, Public Law 100-430, the Fair Housing Act Amendments of 1988 has taken away that choice for many individuals.

This law has resulted in a ground-swell of concern among senior citizens. Seniors nationwide are scrambiling to qualify for an exemption from the requirement that they admit families with children to their retirement communities. When you represent a district, as I do, with more than 90,000 senior citizens—believe me—that is a whole lot of scrambling.

Under last year's new law, we tried to create a safe harbor for seniors, which is good. But, unfortunately, we have taken away the rights of adults below the age of 55. That's because 80 percent—and in some cases 100 percent—of the residents of adult communities must be above the age of 55 in order for that community to qualify for all-adult status. So under last year's law, certain couples under 55 without children would not be alllowed to reside in a quiet, all-adult community.

Mr. Speaker, I supported the Fair Housing Act Amendments of 1988 because I believe that stronger laws to prevent discrimination in housing benefit all Americans. However well-intended it may be, Public Law 100-430 is

unfair to adults under 55. Creating laws that benefit one group by stealing away rights from another is not fair.

My legislation will ensure that Americans of all ages can enjoy equal protection under our Federal antidiscrimination in housing law. Only then will this law truly live up to its title: "Fair Housing."

A TRIBUTE TO REVEREND DR. WALTER HENDERSON

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York [Mr. FISH] is recognized for 5 minutes.

Mr. FISH. Mr. Speaker, I take this opportunity to pay tribute to Dr. Walter Henderson, on the anniversary of his 20th year as pastor of the Ebenezer Baptist Church in Poughkeepsie, NY. Dr. Henderson is a man of many talents, and it is my distinct honor to recognize him today for his great service to our community in each of his roles—as pastor, teacher, community leader, and author.

Dr. Henderson is a native of Henderson, NC. His leadership ability was developed at a very early age through his youth service as a church school teacher, usher, member of the choir, and youth leader at the Brookston Baptist Church, Graystone, NC. At the age of 19, he was licensed to preach, and was ordained in the Gospel ministry at the age of 24.

Dr. Henderson chose to continue his work in the Christian faith at Virginia Union University, Richmond, VA, where he received an AB degree in sociology in 1951, and a master of divinity in theology in 1954. In 1978, the faculty and board of trustees of the Theological School of Drew University in Madison, NJ, conferred upon him a doctor of ministry degree.

Dr. Henderson's ministry began at the Morning Star Baptist Church, Miles, VA, concurrently with the Hartswell Baptist Church, Lancaster County, VA. In addition to his work as a pastor, he also taught in Virginia public schools from 1954 to 1969, where he held the positions of president of the Gloucester County Teachers Association; president of the Eastville Sunday School Union; chairman of the Parents Advisory Committee on Federal Programs, Matthews, VA; and a member of the Steering Committee of Federal Programs, Matthews, VA.

In 1969, Dr. Henderson accepted the call to the Ebenezer Baptist Church in Poughkeepsie, NY. His accomplishments in the last 20 years have been outstanding. Under his effective leadership, the church has grown in membership, stewardship, and fellowship. While he has implemented many excellent programs designed to benefit the entire community, perhaps the most important are those which directly assist the youth of his congregation. Since Dr. Henderson's tenure began, there has been an enrichment of the total educational program of the church; a scholarship program has been established to promote and give financial aid to high school graduates; special services have been made available in counseling for individuals, groups, couples, and families; a junior choir, male chorus, youth usher group, and board of missions have all been organized; and there has been a revitalization of the Baptist Youth Fellowship.

Dr. Henderson is deeply involved in a theology which reaches beyond the walls of his church in rendering service. During the 1970's he served as president of the Dutchess County Committee for Economic Opportunity and as the chairman of the Commission on Human Relations for the City of Poughkeepsie. In 1983, as president of the Mid-Hudson Coalition of Conscience, he coordinated a caravan of buses for the 20th anniversary celebration of the historic march on Washington by the late Dr. Martin Luther King, Jr. Currently, he is a member of the NAACP and the Dutchess County Clergy Association, and is also the president of the Poughkeepsie Area Ministerial Alliance. In addition, Dr. Henderson has rendered devoted service in the Central Hudson Baptist Association, having held the positions of dean of Christian education; chairman of the board of Christian education; director of Christian education; and vice moderator, as well as moderator of the association.

And as if all of these involvements don't keep him busy enough, Dr. Henderson is also the author of several articles including his latest, "Doing Theology in Contemporary Society." He recently made a tour of the Holy Land and Rome, and is in the process of writing a book due to be published in the near future.

Above all, he is a devoted husband to his wife Bernice, father to his two children, Rollin and Valierie, and grandfather of two, Lemarr and Kristina.

Rev. Dr. Walter R. Henderson is clearly a man of great strength and determination, who has dedicated his entire life to educating and enriching the lives not only of the members of his congregation, but of the entire community. It has been a great honor for me to have been able to serve such an outstanding man for the past 20 years.

THE PROBLEM OF GARBAGE IN AMERICA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York [Mr. HOCHBRUECKNER] is recognized for 60 minutes.

Mr. HOCHBRUECKNER. Mr. Speaker, I am very pleased to have this opportunity to address my colleagues and this Nation on a major issue we have in the United States, which is the problem of garbage. While it is not a high tech or a very interesting subject, it certainly is an important one for our Nation.

I am very pleased and proud of the support that my colleagues have shown. I am very pleased that I have several colleagues who will be speaking with me on this subject this evening. I will be submitting statements on behalf of many of my colleagues indicating their support for legislation that will in fact help us to resolve this very important waste problem that we do have.

I am also very pleased by the 117 cosponsors of my legislation, H.R. 500, which is the most comprehensive waste management and garbage treatment bill submitted in the Congress, and this is from both sides of the aisle, both Democrats and Republicans, who recognize the importance of this problem and the need to deal with it.

Now, garbage is a major problem in our Nation. Certainly we all recall the Islip garbage barge that traveled around the world trying to dispose of tons of local municipal waste from Long Island.

It is only appropriate that since Long Island sort of demonstrated and manifested this problem that someone like myself, a Congressman from Long Island, should come forward with what I believe and many of my colleagues support as a major solution to the problem.

Certainly we are a wasteful Nation. We as a people produce approximately 1 ton of garbage per person per year in this Nation, and it is a big problem and it is getting worse.

Since 1983, we have had 3,000 landfills closed. By 1993, we fully expect one-third of the remaining landfills to close.

Now, certainly on Long Island we have a major problem with garbage. We have passed legislation when I was a member of the State legislature to in fact abandon landfills on Long Island, and the reason is because we recognized that our ground water is our only source of drinking water for the 2.7 million people who live on Long Island.

In fact, if we were a State, we in Nassau and Suffolk Counties of New York State on Long Island would in fact be the 23d largest State. So we have 2.7 million people who rely on drinking water from the ground.

We recognized back in 1983 at the State level that we were polluting our drinking water at such an alarming rate that we passed legislation to ban landfilling on Long Island by 1990.

So we have to deal with the problem. We have brought a focus to it. So it is appropriate that we deal with this issue, certainly from a Long Island point of view and from a national point of view.

Interestingly enough, let me point out that if you look at Long Island, last year, 1988, we exported from Long Island 724,000 tons of garbage to other States for landfilling.

□ 1750

In contrast, everyone has heard of Long Island potatoes. In fact, my county of Suffolk is the leading agricultural county in all of New York State. In contrast with the 724,000 tons of garbage that we exported, we also exported 100 tons of potatoes, and we exported 20,000 tons of seafood and

4,000 tons of the famous Long Island ducks. In contrast, we exported many times more that weight of potatoes and seafood and ducks in garbage, and that is not something to be proud of.

Certainly New York City, we were pleased to see, will increase by 25 percent the amount of recycling of their own garbage that they produce above the 15 percent they presently recycle.

Where do we go from here? Certainly from a national-priority point of view, I see the following pecking order in terms of how we must treat our Nation's garbage, and certainly we must, first off, reduce the amount of waste that we produce. It is important that we cut back on the amount of garbage that we produce. Second, we need to maximize the amount of garbage that we recycle. Third, we need to maximize that which we compost after we take out what we have recycled, and only last should we be incinerating or landfilling our garbage. So that really is the priority list, the first being reduce the amount of garbage we produce, second, maximize the recycling of the garbage we produce, third to maximize the composing of what is left, and, lastly, only as a last resort, to incinerate or landfill our garbage.

I have prepared, as might be expected of someone from an engineering background who would come loaded with charts, and I have come with two charts. The first chart presents essentially the average contents of U.S. landfills and possible strategies under my legislation, H.R. 500.

If we look at the chart, we will see that, for example, if we take apart our average waste stream, about 37 percent is paper and paperboard products. For example, a lot of people do not realize that just one edition of the Sunday New York Times, one edition, consumes over 50,000 trees in terms of the virgin paper that goes into 1 edition. Thirty-seven percent of our waste stream is paper and paperboard, and clearly we can recycle that, or we can compost it, or we can do some of both.

Thirty percent of our waste stream is food and yard wastes, and clearly that is garbage that is appropriate for composting.

Third, we have 10 percent of the waste stream is glass, and glass can be used in a variety of ways. It is certainly just sand. There are, for example, two counties on Long Island, Nassau, and Suffolk, that have made a deal with each other that they will, in fact, take the glass from the waste stream, crush it, and use it for subpaving on roadways. Why not? It is only sand, and it makes sense to recycle it in this way.

Ten percent of our waste stream is metals, and whether it is steel, ferrous kind of metal, or aluminum, clearly it can be recycled.

Six percent of our waste stream is in miscellaneous, oddball things, construction wastes, and these are tough to deal with, and probably might be appropriate for landfilling.

Seven percent are plastics, by weight, but that also represents 14 to 20 percent of our waste stream by volume. That is an area that needs a lot of work. As we know, plastics will remain in landfills for many years, and they are designed to survive, and they do. They represent a large problem for us in terms of how to deal with them.

That is the composition of our average landfill and our waste stream. What can we do about it? My bill, H.R. 500, is designed essentially to do two things: one is to reduce the waste stream and, second, to change its composition so that we can more readily deal with it. Certainly we promote a large amount of recycling.

On the back side of this chart is a second chart that shows what H.R. 500 does. H.R. 500 is a bill that I introduced last year. We had a hearing on it in Science, Space, and Technology, and we learned a lot. In fact, last year it was called H.R. 5000, but this year since I got it in earlier I got a much lower number.

Basically what H.R. 500 would do is this: It is a 5-year program, and its purpose, as I say, is ultimately to deal with our garbage. What it would do is this: After enactment, and this is the 5-year program, by the sixth month, the Commerce Department, and they have a major play in this, because clearly one of the problems we have is if we are going to maximize our recycling of our waste, whether it is metals, glass, paper, it is important that we have the marketplaces to sell that recycled commodity, and so Commerce plays a very important role.

One of the things that they are directed to do after enactment of this law is to open an Office of Recycling, Research, and Information. They will be given $10 million to utilize in the form of grants, and those grants mainly will probably go into the area of plastics, because as we know, we have a major problem with the plastics.

In fact, there is a big battle going on now as to whether we should have degradable plastics, or whether they should all be recyclable plastics, and that battle will continue. Clearly I envision most of this grant money would go toward developing ways to handle the plastics in our waste stream.

Also, by month 6, we would require the Department of Agriculture to begin a variety of compost projects. It is important that we tell the thousands of municipal governments in this Nation that have control of the garbage, who are responsible for the garbage, the best way to handle the composting side of that waste. That is what the Agriculture Department will do after month 6 of the enactment of this law.

By year 1, the Department of Agriculture is to report on the various composting projects that they will have developed so that we can promulgate this information, disseminate it to all of the municipalities around our Nation, so that they can do a better job of composting the wastes that are in fact not recycled or handled in some other way.

By year 2, the Commerce Department will report on essentially the plastics side of things, on recycling, degradable, and also product warning labels. What that means is that clearly we are looking to Commerce to look at all of the plastics that are in the waste stream and decide which of them should be recyclable, which of them should be degradable, and if they decide they should be degradable, they should also suggest which particular garbage products which are plastic ought to be, in fact, degradable through photodegradable, where they disappear through sunlight, or whether it should be biodegradable where they are, in essence, consumed in landfills, and also, of course, they should look at the possibility of having product warning labels so that we give the consumer the opportunity; let us assume that the Commerce Department decides that most plastics should be recyclable, but some should be degradable, and if they make that decision, and Congress agrees with that, then we would want to give the consumer the opportunity to choose between products, perhaps different containers where one says, "This is a recyclable container," and where the other one says, "This is a container that is degradable and will end up in a landfill." Let the consumer choose, and the consumer might say, "I am for recyclazble. I will buy the product that comes in the recyclable plastic as opposed to being in the degradable plastic container." That is what the product warning labels are about.

The bill certainly does mandate, and this will probably be upgraded, that the original bill, H.R. 500, does require that Commerce require degradability in six-pack rings, and, in fact, that is already a law, which is good. We would also require shopping bags be biodegradable, fast-food packaging photodegradable. That could change based on this battle that is going on as to whether we should in fact have degradable plastics versus having them all be recycled.

The bill does not direct that. The bill directs Commerce to study this and decide what makes sense in our Nation at this time from an environmental point of view and a commercial point of view also.

The bill also directs Health and Human Services to report on medical

supplies. We on Long Island have had a terrible situation last year where we have had syringes, plastic syringes, wash up on our beaches, and so Health and Human Services may decide that it makes sense to, in fact, have syringes that are degradable in salt water. That is possible. But they should study that.

Also the bill requires that the Defense Department review their waste management techniques to see what they can do in order to minimize the amount of garbage that we produce. Our Defense Department spends about $300 billion a year, much of it on consumable products that have packaging that are a problem for us. Hopefully we will have the Department of Defense also get in the game and help us to reduce waste from their point of view.

By year 4, the Commerce Department, along with the Environmental Protection Agency, will issue regulations on what should be recyclable in terms of plastics and other materials.

□ 1800

Meanwhile, of course, Commerce is looked to to help develop the national markets to assure that once we in fact produce recyclable plastics and other products that they in fact get recycled and that the marketplace does exist so that the recycled paper, and metals, and plastics have a marketplace, and that is where Commerce plays an important role. That is, it makes no sense to recycle if there is ultimately no place to sell the recycled commodities, and so Commerce plays a very important and a lead role in this whole process.

By year 5, Commerce must identify a list of mandatory recycled and degradable objects and packaging and waste so that we must then live by it, so that we then have opened up the marketplace for private enterprise to get in the game, and to help produce items, packaging and other waste items that will in fact be recyclable and get recycled. Certainly the EPA would also be at that point authorized to impose penalties for those who violate this particular law.

So this is the bill that I have spent considerable time working on. I think it is one that does address our national garbage problem. It is one I am very excited about, and it is one that has now been submitted to four different committees. Certainly the Committee on Agriculture has been looking at it, and I think it will sail through there quickly. The House Armed Services Committee, of which I am a member, is smiling upon the bill. Certainly the Science, Space, and Technology Committee had hearings last year and we learned a lot. In fact, we learned about the state of the plastics industry, and I was delighted with some of the things that are going on out in the marketplace today in terms of recyclable plastics. In fact, what is interesting is they are actually recycling right now, and they are taking plastics and making interesting things with them. They are recycling plastics and making fence posts. They are making marine planks and other materials. What a great way to use plastics that will be around for many years. At least we will have fences that will not fall down, and that is important and a very useful way to utilize plastics today.

Mr. GILMAN. Mr. Speaker, will the gentleman yield?

Mr. HOCHBRUECKNER. I am delighted to yield to the gentleman from New York.

Mr. GILMAN. Mr. Speaker, I would like to commend my colleague, the gentleman from New York [Mr. HOCHBRUECKNER], for introducing H.R. 500, and for his leadership in bringing the growing problem of waste management and the need to develop recycling technologies to the forefront.

In the United States over 150 million tons of municipal solid waste is generated each year. Furthermore, as the amount of waste generated each year continues to increase, our available landfill capacity continues to decrease.

More and more, Members of Congress and citizens of our Nation are becoming acutely aware of this escalating problem. In less than a decade, under the current disposal rates, all of New York's existing landfills will be closed.

The Environmental Protection Agency estimates that one-half of the Nation's cities will reach landfill capacity by 1990.

In my 22d Congressional District of New York, the landfill disposal crisis is one of our most serious problems. The past several years have witnessed a proliferation of dumps and landfills of every possible variety. Often these sites are located perilously close to our local communities and, most alarmingly, to sole source aquifers which supply the vital water supplies upon which we all rely.

Fortunately there are solutions to this growing dilemma.

One viable and immediate solution is to implement and improve our recycling technologies. By some estimates, more than half of the solid wastes generated could be economically recycled.

Recycling saves energy and conserves natural resources by reducing the use of raw materials.

For every ton of crushed used glass added to a glass plants furnace, energy costs drop as much as 5 percent. Turning used aluminum cans into new ones takes 95 percent less energy than refining new metal from bauxite.

Furthermore, over 1 million tons of air pollutants could be eliminated by doubling worldwide aluminum recovery rates.

While aluminum and glass recycling have been successful, plastic recycling has not been as successful. Plastic discards have grown from less than 400,000 tons in 1960 to 10 million tons in 1984.

Plastic cannot be recycled as easily as glass and aluminum. Separation of plastic is difficult due to the many varied compositions with similar appearances.

I am convinced that the abundance of plastic and styrofoam packaging discarded at our landfill sites contributes significantly to the waste management problem. The volume of packaging waste has increased 80 percent since 1960, and plastics represent the fastest growing segment of this packaging boom. Unless we begin to act now to reduce these materials, the problem will only exacerbate, and we will truly come to know the meaning of the word "crisis."

New technologies are slowly being developed to address these problems. The recent formation of biodegradable plastic made partially from corn starch has vast implications for our environment.

Yet we need further research and development to fully develop our potential. Congressional action in this vital area will send a clear signal to the American public that Congress has recognized the vital necessity of addressing the problem of our decreasing landfill space.

H.R. 500 offers a viable alternative to help relieve the waste disposal nightmare. It will seek to open new markets for recycled products and will encourage industry to develop innovative recycling technologies for nondurable product packaging.

Congress should take the initiative in developing new and innovative recycling technologies to help alleviate our waste disposal dilemma.

Mr. HOCHBRUECKNER. Mr. Speaker, I thank the gentleman from New York and greatly appreciate his kind remarks, especially being a colleague from New York State.

Mr. Speaker, I yield to my dear colleague and classmate, the gentleman from Alabama, Mr. CLAUDE HARRIS.

Mr. HARRIS. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I rise in support of H.R. 500, the Recyclable Materials Science and Technology Development Act. I believe it represents a least-cost, commonsense approach to our growing solid waste problems and has long-range benefits for both our environment and our economy.

All over the country, people are becoming more and more aware of the environmental downsides of our modern, throwaway lifestyle. Our landfills are rapidly reaching maximum capacity, and it has become nearly impossible to site new landfills

and incinerators because of public opposition. Waste management problems exist even in the most rural sections of my district, and my constituents are expressing concern for the environment. They are worried about the trash problems our Nation faces, and are eager to see some positive action being taken toward solving these problems. If enacted, H.R. 500 would help produce these solutions, make them more accessible, and develop their economic potential.

Most of us are willing to do our part to help stave off the garbage crisis, but there is a lack of good information on the best way to do this. This bill would coordinate Federal research efforts and instruct EPA to launch a public education program with the results of that research. Public education is a necessary step in any waste management program. We need to let everyone know what they can do, and also inform them of the benefits of such measures.

Waste management decisions are like most other management decisions—they're based on economics. If it is more profitable for a company or municipality to waste valuable used paper, plastic, glass, or metal, they will waste it. If it is not worth the time and effort to separate materials for recycling, it will probably not be done. Although it doesn't take a genius to realize the time has come for us to recycle what we use, there is a lot that needs to be done to make recycling more feasible.

We need to ensure that markets for recycled materials are available, and that there are economic incentives for these efforts to continue to grow. Innovative recycling technologies need to be developed and made accessible, and we need further research and recommendations in the areas of efficient waste management methods, including recycling, composting, and waste-to-energy which my hometown of Tuscaloosa has pioneered in, and also the best uses of bio- and photo-degradable plastics, as well as how to minimize what we waste by reducing packaging and producing consumer goods that are more readily reusable or recyclable.

Mr. Speaker, it is not too late to do something sensible about the garbage crisis. H.R. 500 presents a reasonable, cost-effective solution to our waste management problem.

Mr. Speaker, I thank the gentleman from New York for taking this special order, and I am certainly supportive of this legislation and look forward to working with the gentleman from New York as it moves through the legislative process.

□ 1810

Mr. HOCHBRUECKNER. I thank the gentleman from Alabama for his fine remarks and his support.

Mr. Speaker, I yield to my colleague, the gentleman from Michigan [Mr. HENRY].

Mr. HENRY. I thank the gentleman for yielding.

Mr. Speaker, I would also like to commend the gentleman once again for his leadership on this issue.

As a member of the Committee on Science, Space, and Technology, it was my privilege to be part of the hearings on the proposal of the gentleman from New York [Mr. HOCHBRUECKNER] last year. It has been very exciting, quite frankly, to watch the improvements and refinements in the gentleman's proposal.

I am very proud to call myself an original cosponsor of his bill this year. I commend the gentleman for his leadership.

Mr. Speaker, I first want to thank my colleague from New York for bringing this Special Order on recycling together. As we near what some have called the crucial decade, in terms of global environmental challenges, it is ironic that we, as a "global leader," are in fact leading the world in per capita trash production.

Americans generate over 5 pounds of refuse per person per day, nearly a 100-percent increase in the last 30 years. Conversely, the number of active municipal landfills has dwindled from an estimated 19,000 in the late 1970's to somewhere between 8,000 and 9,000 today—this, while the EPA expects half of all existing landfills to close within the next 5 years. No wonder a recent National League of Cities poll ranked solid waste disposal second only to the drug epidemic as one of the top three problems facing local municipalities. Solid waste, once considered solely a local problem, has truly become a national concern. The impending catastrophe resulting from both this economic and environmental crisis must be forestalled. And, there is a clear obligation upon the Congress to develop a sensible, comprehensive, and lasting national solid waste management policy, now, in order to provide a livable environment for ourselves and for our future generations.

Clearly, recycling is the key to such a policy. And, I commend my colleagues here today for their efforts to address various aspects of the recycling issue—all of which are crucial, if we are to reach the EPA's 25-percent national recycling goal by 1992.

My proposal, the National Beverage Container Reuse and Recycling Act (H.R. 586), offers an immediate solution to nearly a fourth of this goal at no cost to the Federal Government. In fact, it would save State and local governments millions annually if enacted.

H.R. 586 would prohibit the sale of carbonated soft drinks, beer, wine coolers, mineral water, or soda water in beverage containers unless such a container carried a refund or deposit value of not less than 5 cents. At the time of purchase, this deposit would be paid by the consumer. Beverage retailers and distributors would be required to pay back—refund—that deposit when the containers are returned—thus creating a self-sustaining recycling network.

Nine States have similar deposit laws, they are: Vermont, Oregon, Iowa, Connecticut, Delaware, Maine, Massachusetts, New York, and Michigan.

The results in these nine States have been nothing short of astounding in terms of reducing litter, encouraging broader conservation and recycling efforts, saving energy and natural resources, relieving overburdened landfills, creating jobs, and in generating public support for national legislation. While my colleagues from nonbottle bill States may be deluged with arguments against this type of deposit legislation in the coming months, I merely ask that we as a Congress examine the facts. This body has never given due consideration to such legislation. But now we have nearly two decades of experience with beverage container refund legislation.

We now know that:

Over 110 billion beer and soft drink containers are sold each year translating to over 435 per person per year.

Over 90 percent of these bottles and cans are returned in bottle bill States.

Beverage containers make up somewhere between 5 and 10 percent of the solid waste stream. By volume it is estimated that they make up over 25 percent of the waste stream.

The steady stream of recyclable materials guaranteed by deposit laws expand viable recycling markets, save energy, and conserve natural resources by reducing the use of raw materials.

Ninety-eight percent of the materials used by the plastic recycling industry come from the incentive-based collection of empty, plastic PET beverage containers from bottle bill States.

Japan, which recycles over 50 percent of its solid waste, along with other foreign nations which have made recycling a large component of their solid waste management strategies, have beverage container deposit laws.

A national bottle bill would save an equivalent of over 3 billion gallons of gasoline per year.

A national bottle bill would save enough energy in 1 year to light the city of Washington, DC, for 4 years.

Turning used aluminum cans into new ones takes 95 percent less energy than refining new metal from raw bauxite.

One ton of recycled aluminum saves 4 tons of raw material.

One ton of recycled glass saves 1.2 tons of raw material.

For every 10 percent of crushed used glass added to a glass plant's furnace,

energy costs drop as much as 5 percent. For every ton of crushed glass used in the manufacturing process, up to 1.2 tons of raw materials are saved. Turning used aluminum cans into new ones takes 95 percent less energy than refining new metal from raw bauxite. One ton of recycled aluminum saves 4 tons of the raw material.

Detractors of bottle bill law say we should recycle more and that comprehensive recycling is needed—they are right. But they use the argument to stop bottle bills, rather than to utilize them to develop even broader recycling efforts.

As many of my colleagues are aware, the city of Newark, NJ, has often been cited for its progressive recycling efforts. Thus, I want to submit for the RECORD the following portions of a text of a new study which will be published in the June edition of the National League of Municipalities magazine. It clearly states that both mandatory recycling and deposit legislation is needed.

V. NEED FOR ADDITIONAL LEGISLATION

The City's recyling plan also calls for and supports adoption of waste reduction legislation, including a beverage container deposit law. It is estimated that from 6 to 8 percent of the City's solid waste would be reduced through enactment of deposit legislation, with a resulting saving in avoided collection and disposal costs of $1.5 to $2 million annually. This compares to less than 3 percent of its municipal solid waste currently recycled through the City's existing curbside recycling program. Such legislation is also supported because of the desire to reduce the unsightly, non-degradable and dangerous bottle and can litter, while having the material aggregated for collection and recycling. This would create new employment opportunities. It is estimated that the return rate for bottles and cans with deposit legislation will exceed 90 percent, with recycling rates in excess of 80 percent, as is the case in New York State. The planned curbside collection buyback program is only expected, at best, to recover 30 percent of the cans and bottles available. Enactment of deposit legislation would increase the quantity of glass recycled in the City of Newark by over 10,000 tons annually. It would also substantially increase the amount of aluminum and plastic recycling.

The deposit system is so successful that it is drawing aluminum cans from New Jersey into New York. At the recent Festival of People a local scavenger told Newark's recycling coordinator, that he collects cans in Newark and transports them to New York for the nickel deposit. Even aluminum scrap worth 80 cents per pound a container in New Jersey will only return about 1 cent to a scavenger compared to 5 cents per container in New York.

It is projected that even with a continued and concerted effort on the City's curbside recycling program that by 1989 the total amount of all recyclables reclaimed in the City of Newark, will only be about 5 percent.

The bulk of all recycling now occurring in the City is a result of the recycling of commercial material, automobile scrap, asphalt, concrete, white goods, leaves and woodchips. The State audited amount of recycling which took place in 1986 and 1987 can be seen in the attached graphs and tables. The table compares the City of Newark recyling program against the recycling program of Montclair, New Jersey, which is often cited as a model recycling program. Figures are provided for each material recycled, the tonnage recycled as well as the pounds per capita for each material recycled.

It can further be seen from reviewing the attached graph that Newark has already exceeded New Jersey's recycling goal. It should be noted that the majority of the tonnage recycled was recycled from commercial owners of the more than 100 licensed recycling firms which are located in the City of Newark. Municipalities receive credit towards meeting their recycling goal for such tonnage recycled under the New Jersey Mandatory Recycling Act even if it is not responsible in any way for its recycling.

VI. BENEFITS OF PROPOSED BOTTLE BILL LEGISLATION

In 1987 the aluminum can recovery rate in New Jersey was about 20 percent, and the 1987 glass container recycling rate was about 10 percent. With deposit legislation the return rates have been in excess of 90 percent in each of the nine states that have had this legislation in effect for more than one year. In 1987, California became the tenth state to enact a form of deposit legislation. This brings over 30 percent of the country's population under the umbrella of beverage container deposits.

Annually, New York's law generates over two billion recycled aluminum cans against 205 million in New Jersey. In other words, with little more than twice New Jersey's population, New York recycles ten times as much container aluminum as New Jersey. The story is much the same with glass. Used beverage container glass is being recycled in New York at the rate of some 300,000 tons per year, or 34 pounds of glass per capita per year, compared to about 30,000 tons per year, or only 8 pounds of glass per capita per year, in New Jersey, for beverage and non-beverage glass combined. Further according to The Fate of Used Beverage Containers in the State of New York, by Franklin Associates, by July, 1986, 56 percent of all plastic beverage containers sold in New York, were being recycled. Only negligible amounts of plastic beverage containers are being recycled in New Jersey. New Jersey's recycling program is a substantial failure as far as glass, aluminum and plastic containers go.

Newark is in the forefront of street and sidewalk maintenance. In 1987 Newark won first place in a national competition for it's street sweeping and anti-litter efforts from the nationally recognized "American City and County" magazine, but cans, bottles and broken glass are still a big problem. Its work for adoption of beverage container deposit legislation is another step in the direction to clean up the City, while dramatically increasing the recycling of bottles and cans. This benefit combined with estimated disposal cost savings have convinced the City administration that deposit legislation is vitally needed in New Jersey.

In 1988 the City of Newark received two statewide awards for it's creative and highly successful recycling program, from the New Jersey Office of Recycling. It has also been nominated to receive a national award from the National Recycling Congress for best Urban Recycling Program.

VII. CONCLUSION

Recycling activity in Newark, as well as in other New Jersey municipalities, is rapidly progressing. This progression is due predominantly to rapidly escalating solid waste disposal costs. Major revisions to the Recycling Act, however, as pointed out herein are critical for continued long term success and stability of recycling efforts in New Jersey.

One of the primary amendments necessary is the need for the inclusion of beverage container deposit legislation, in combination with mandatory recycling; in order to maximize the amount of containers recycled, reduce the amount of solid waste which is landfilled, reduce litter and energy consumption, and create new employment opportunities.

The City of Newark is supporting such a legislative change to the Recycling Act, while actively moving to boost its local private and public waste reduction and recycling efforts. Newark will continue to meet the challenge and succeed in its efforts to maximize recycling to its fullest potential.

For more information concerning Newark's recycling program please feel free to call Frank Sudol, Manager, Division of Engineering, at 201-733-4356, or write to Room 410 City Hall, 920 Broad Street, Newark, New Jersey 07102.

Mr. HOCHBRUECKNER. Mr. Speaker, I greatly appreciate the kind remarks of the gentleman from Michigan [Mr. HENRY], and I am delighted to have the support of the State of Michigan in this quest.

Mr. Speaker, I yield to the gentlewoman from California [Ms. PELOSI].

Ms. PELOSI. I thank the gentleman for yielding and for organizing this very important special order on our Nation's recycling efforts.

Little did we know when this special order was scheduled that history would be in so much of a hurry throughout the world, in Asia, the elections in Poland, even in our own body we had an historic event today. But nonetheless our colleague from New York [Mr. HOCHBRUECKNER] reminds us that we must keep to our housekeeping.

So I am particularly grateful that he is taking the leadership on this issue.

Throughout the country we have seen an increased interest in developing and implementing effective waste management programs. Let us hope that the wandering garbage barge of last summer served as an incentive for Federal involvement in this cricial issue. I commend my colleague for introducing H.R. 500.

As a cosponsor of H.R. 500, the Recyclable Materials Science and Technology Development Act, I am convinced that we can make recycling an attractive alternative to traditional waste disposal. We must accept the fact that this country is facing a crisis in solid waste management. Americans bury over 80 percent of the 160 million tons of garbage generated each year. The Environmental Protection Agency has released figures showing that more than 3,000 landfills have been closed since 1983, and one-half of those that remain open will be full by

1991. We are rapidly running out of places to bury our trash. Our coastal and urban areas are especially vulnerable to the waste management crisis. These areas have already been met with the reality of dwindling land resources.

We have also been faced with the increasing amount of garbage that is washing ashore and killing our marine environment. The technology exists today for biodegradable plastic food and drink packaging and we must utilize it if we are to preserve the beauty of our coastline. Not only have we polluted our waters for recreational purposes, but we are killing our wildlife. Discarded six-pack rings have been strangling waterfowl and marine mammals for years. We can now move forward to end this tragedy. The use of biodegradable materials must be advocated for products for which a recycling program is infeasible. Coastal communities have been left to deal with not only their own refuse problem, but with the dilemma of ocean dumping as well.

This challenge has brought out the best in some of our cities and towns. In San Francisco we have begun to implement a citywide program for curbside pickup of glass bottles, aluminum cans, and plastic soda bottles, as well as paper products. Beginning in April of this year, 25 percent of San Francisco's residents were given special containers for their recyclables. It is our hope that the entire city of San Francisco will have the benefit of this program within the next 2 years. This program has been developed and managed by the mayor's office with the goal of recycling 50 percent of the city's refuse by 2012. Since this program began, there has been a noticeable increase in the amount of material being recycled. However, Federal intervention is required if we are going to attack this problem more comprehensively and effectively. Federal action is needed to promote and encourage the recycling of consumer goods, especially plastics.

Our own communities cannot be expected to devise and implement individual waste management programs for a problem of national significance. The Federal Government must take aggressive action in the area of market development for recycled products. It is still cheaper to ship virgin glass and paper products than it is to transfer recyclable materials to facilities where they can be utilized. It will take a coordinated public-private sector effort to encourage the use of recycled materials in our economy. Federal leadership is essential if we are to expect manufacturers to assist in developing recycling strategies and promote the use of recyclables. We must ensure that our natural resources are being used efficiently and we must remain committed to finding solutions to our current waste disposal crisis.

The state of our environment and the lack of available resources help to illustrate that we cannot continue to be a "no deposit, no return" society. We have allowed our waste management problem to evolve into a crisis. It will take action from the highest level to find a solution, and to promote recycling.

I urge my colleagues to give this matter their careful consideration, and join us as a cosponsor of this important legislation. We must work together to develop a balanced, comprehensive approach to our Nation's solid waste disposal crisis. Thank you again for your leadership and for yielding.

□ 1820

Mr. HOCHBRUECKNER. Mr. Speaker, I thank the gentlewoman from California very much for her support, and at this point in time I would like to yield time as he may consume to the gentleman from Pennsylvania [Mr. WELDON].

Mr. WELDON. Mr. Speaker, I thank my colleague and friend for yielding, and I applaud him for his outstanding efforts in the issues of recycling and the solid waste problem we have in America today.

Let me say to my friend, the gentleman from New York [Mr. HOCHBRUECKNER], who sponsored this particular bill, and all of my colleagues interested in this issue, it is in fact one of the top priorities of all of our local elected officials. Before coming into this body I served for 5 years as a mayor of a community in southeastern Pennsylvania, and 5 years after as chairman of a large county with a population of 600,000, the first county, by the way, which mandated recycling of newsprint, ultimately glass and aluminum in the Commonwealth of Pennsylvania, and following that I served a tenure with the INA Signet Corp., where I developed the risk management program and delivered around the country to local elected officials. I can say that in every State that I traveled to—New Mexico, Nebraska, New York, Michigan, Pennsylvania, New Jersey, and across our 50 States—one of the top problems I heard coming out of the mouths of all our elected officials was the absolute need to deal with a comprehensive solution for the solid waste problem in America. It, in fact, has been and remains one of the top priorities of our locally elected officials and needs to be dealt with in a logical, coherent, and comprehensive manner.

There are two specific concerns with solid waste. The first deals with the actual environmental impact of the waste itself and what to do with it. As has been stated here today, approximately 92 percent of all of the trash generated in America today is landfill, and over 16,000 facilities, many of which are on the verge of closing. In my own State of Pennsylvania, 10 years ago, we had over 1,000 landfills. Today we have 82. There are no new permits for landfills being granted, and extensions and expansions of landfills that are currently in operation are very rare and hard to come by. So, in fact, we are landfilling 92 percent of our trash, yet we are very rapidly approaching that point in time where we just do not have the capacity.

In addition to the problem with the landfilling of our solid waste, we have a problem with what I call the financial choking of our cities. In fact, if we look at municipal budgets in America and all of our large cities, one of the largest parts of municipal budgets in New York City, Philadelphia, and Chicago deals with the use of getting rid of our solid waste. Some of our cities are spending up to $92 a ton to haul their waste hundreds of miles away to bury it in landfills, or to have other municipalities take care of the problem that they generate. If we do not come to grips and lay out a long-term scenario to deal with the solid waste problem in this country, we will continue to deteriorate our cities, from a financial standpoint as they have to spend more and more money just to get rid of the trash that they generate on a daily basis. Philadelphia is now disposing of waste as far away as western Maryland, West Virginia, and even Ohio. Tipping fees are going to the ceiling as we try to come to grips with finding those locations that, in fact, can take the trash and the garbage that we generate.

I think there are really three solutions to the solid waste problem in America, and my colleague, the gentleman from New York [Mr. HOCHBRUECKNER], has identified perhaps the most important one, that of recycling, that of reducing the waste stream. I would say that it is not possible to reduce all of our waste stream in this country, but we certainly can make a significant dent. H.R. 500 goes a long way in laying out a comprehensive long-term plan to deal with that issue of recycling, to encourage new markets to open up, to encourage municipalities to recyle, and to provide incentives for the private sector in this country to get involved aggressively into recycling, as well.

The second area we have to deal with is in the area of cogeneration or finding long-term broad-based solutions for the solid waste problem. I will talk about that more in a moment.

The third is that of a landfill, and even though landfills are filling up very rapidly, I think they all understand that for the long haul we will still need a certain amount of landfill to take care of that residue that is

generated from our cogeneration plants, our mass burn facilities, and that residue that we just cannot take care of through recycling or other means.

In terms of recycling initiative, the gentleman from New York [Mr. HOCHBRUECKNER] is on the cutting edge of what needs to be done legislatively. I have put forth a less aggressive plan that I think can be attached onto the legislation as it comes up. I thank the gentleman for cosponsoring that legislation with a number of our colleagues, that being H.R. 1652, the Recycling Clearinghouse Act of 1989.

I introduced similar legislation the second half of last session. We had over 100 cosponsors. I think this year we can be successful in bringing forth an effort to recognize those recycling programs around America that are, in fact, working. I think of the recycling program in my own county, where we share the savings that we realize to those entities and those governments and those nonprofit organizations that recycle. We give them one-half of the savings, and the cost avoidance we realize by allowing them to get involved in aggressive recycling programs. We should be sharing these initiatives around the country and working with those corporate sector individuals that want to promote recycling in America.

H.R. 1652 would establish, as a function of the EPA, an aggressive program to share successful programs with all of our municipalities in America, with a very limited amount of Federal funding. Another initiative that is being put forth in the area of solid waste is a program that a number of Members are working on dealing with a comprehensive solid waste effort to encourage the development of cogeneration plants. Through the use of tax-free industrial development bonds that would encourage the use of these types of finances to fund new facilities around the country, only to be available, however, when a municipality had, in fact, demonstrated that a successful recycling program was in place, where we recycled the materials were, in fact, taking 10 percent of the waste stream of that town, would they then be able to use tax-free financing to build cogeneration plants.

Later on in this session we will introduce that bill, and I look forward to working with my colleague from New York and other Members that have formed a steering committee as a subeffort of the Environment and Energy Caucus, to come up with that comprehensive cogeneration legislation.

Finally, let me say that the effort that we are putting forth tonight, and the effort of our colleagues who are here speaking in this special order, is of monumental importance to America. There is no issue that is facing Members in a more critical way than that of dealing with our solid waste.

To be honest with Members, in the 3 years I have been in Washington, I sometimes get the feeling that we are burying our head in the sand and not really coming to grips with the solid waste crisis. We are leaving it to the local elected officials. That simply cannot be. We have to take the initiative here in Washington. We have to provide the leadership. We have to set the tone. We have to provide the incentives, both financially and from a problematic standpoint.

To a large extent, those initiatives are contained in the legislation, and I applaud the gentleman for his leadership in researching the issues, in coming to grips with this issue, and in an up front and aggressive manner. I look forward to helping get this legislation passed and dealing with a broad-based, comprehensive solution to the solid waste problem, including not just recycling but alternatives to solve the solid waste problem that we face in America today.

□ 1830

Mr. HOCHBRUECKNER. Mr. Speaker, I thank the gentleman from Pennsylvania [Mr. WELDON]. Obviously this is a good example of how we can work together from both sides of the aisle to solve the common problems of the people of our Nation.

Mr. GEJDENSON. Mr. Speaker, will the gentleman yield?

Mr. HOCHBRUECKNER. I yield to my colleague, the gentleman from Connecticut.

Mr. GEJDENSON. Mr. Speaker, I thank the gentleman for yielding.

First of all, I would like to commend my neighbor who represents the district across Long Island Sound from me and partially Long Island Sound itself, with Fisher's Island, for his efforts in this program and in other environmental issues that we have worked on together.

Mr. Speaker, I am pleased to join my colleagues here today to bring attention to the serious solid waste crisis that we are experiencing in this country. States, cities and towns across the country are running out of landfill space and are looking to recycling as the only viable alternative to reducing the volume of municipal solid waste. But as the pace of public and private recycling efforts increases, as more and more States and municipalities initiate recycling programs, the markets for recycled materials are being flooded. Because the supply of recyclable paper material well exceeds the current demand, the existence of many recycling programs is threatened.

Americans generate more than 400,000 tons of waste per day or more than 160 million tons annually. Americans are also producing more waste than ever before. In 1960, Americans generated more than 2.5 pounds of trash per person per day or more than 912 pounds per person per year. In 1986, Americans generated more than 3.5 pounds per person per day or more than 1,306 pounds per person per year. This is an increase of 74 percent over a 20-year period. In addition, the Environmental Protection Agency [EPA] estimates that Americans will generate nearly 4 pounds of trash per person per day or 1,481 pounds per person per year by the year 2000.

According to the EPA, there are more than 16,400 landfills in communities nationally, half of which are expected to be closed by the year 2000. It is also becoming increasingly difficult to site new landfills. Moreover, disposal costs have reached as much as $100 or more per ton, costing municipalities a greater percentage of their shrinking budgets. It seems clear that we must do something soon or the current crisis will only get worse.

The problem is where to begin. According to a recent EPA study on the municipal solid waste stream in this country, the largest single component of the waste stream is paper. Nearly 40 percent of the volume of our Nation's landfills is paper and paper products. Some experts estimate that paper makes up as much as 55 percent of the solid waste stream by volume. In 1986, over 80 million tons of paper and paper products were consumed in the United States, of which only about 21 million tons were recovered and about 50 million tons were disposed of primarily in landfills. This represents approximately 50 percent of all the manufactured waste and nearly 40 percent of all municipal solid waste in the United States.

Many States and municipalities are attempting to reduce the amount of paper disposed of in landfills through mandatory recycling programs. My home State of Connecticut began a mandatory recycling program in 1987 to decrease Connecticut's solid waste stream by 25 percent through recycling by 1991. Unfortunately, the markets for this recycled paper are just not there, frustrating proponents of recycling and discouraging other communities from initiating recycling programs. Many States and municipalities were profiting from recycling just 2 or 3 months ago, receiving as much as $25 a ton for their paper from brokers. Now they have to pay these same brokers just to haul it away.

Many of us remember the local Boy Scouts collecting newspapers to raise money for their troop. Today, however, Groton, CT, and towns like it with well established recycling programs, who were once profiting from their paper recycling programs, now have to pay $15 or more just to have the paper hauled away. Many brokers, who used to buy old paper for recycling have been forced to close their doors and

stop accepting old paper. As you may know, this is a national problem. I have included articles from the Wall Street Journal, the Toledo Blade and the Chillicothe Gazette which describe the serious problems being faced by paper brokers and local governments who are trying to recycle their old paper all across the country. Experts predict that so much old paper will soon flood the market that much of it will have to be dumped into landfills, further exacerbating the current solid waste crisis.

It is crucial that recycling programs be expanded to address the solid waste crisis. It is also important to remember that recycling does not end with separating paper and bottles and dumping them into separate bins. Markets must be created and expanded to use the old paper that we are trying to recycle. We must encourage paper manufacturers to produce more paper made with recycled materials. We must also make it more economical to use recycled and postconsumer paper rather than virgin materials.

That is why I have introduced the Paper Recycling Act of 1989. This legislation would set minimum recycled content standards for all paper products sold in the United States. It will encourage paper manufacturers to use more recycled or recovered fibers in the paper they produce.

This legislation will affect paper companies that manufacture and sell paper in this country, and it is based on recycled fiber content standards these same companies helped establish. The standards were developed by the Environmental Protection Agency, in conjunction with the paper manufacturers for paper purchased by the Federal Government. This bill would simply require manufacturers to use the same percentages of recycled fibers in products they sell domestically. It also will require the Environmental Protection Agency to develop minimum content standards for all other types of paper products not covered under the original standards.

Under the bill, paper manufacturers will be required to pay a tax of 3 percent of the selling price for the paper products that do not meet the standards. This tax will increase by 1 percent per year until it reaches 12 percent.

In order to give the paper industry ample time to comply, the content standards and the noncompliance tax will go into effect 2 years after the legislation is enacted.

These content standards would give the paper manufacturers a clear sense of direction, and the tax will provide an economic incentive for paper companies to meet the content standards and produce more paper with recycled materials.

My goal in introducing this legislation is to help create stronger and more stable markets for recycled paper. Not only will it create new markets doubling the amount of paper recycled, it will also reduce the paper in our landfills, it will encourage the conservation of our precious natural resources, and it will show communities that recycling can be the most economical and environmentally sound long-term solution to our solid waste problem.

Mr. HOCHBRUECKNER. Mr. Speaker, I thank my dear colleague, the gentleman from Connecticut [Mr. GEJDENSON], from across the Sound, and appreciate his input.

Mr. PRICE. Mr. Speaker, will the gentleman yield?

Mr. HOCHBRUECKNER. I yield to my dear colleague and classmate, the gentleman from North Carolina.

Mr. PRICE. Mr. Speaker, I want to commend the gentleman from New York, Representative GEORGE HOCHBRUECKNER, for his leadership in organizing this special order on recycling. Our colleague has demonstrated tremendous initiative in the area of recycling and degradability with his legislation, H.R. 500—the Recyclable Materials Science and Technology Development Act. I am proud to be a cosponsor of this groundbreaking legislation.

Waste disposal is a critical problem for the citizens of this country. As landfills reach capacity and additional space is proving more and more difficult to find, State and local governments are seeing their options narrow. The wandering garbage barge from New York and medical waste washing up on our shores have highlighted the growing solid waste crisis.

My own State of North Carolina is rapidly running out of space in its landfills. To combat this pressing concern, several municipalities in my district have taken the initiative and developed a solid waste strategy. A major component of this strategy is recycling. Studies conducted by several groups in the State indicate that North Carolina can reduce its waste stream by 30 percent over the next few years through the use of recycling.

I believe our citizens are willing to take the extra step necessary to separate and recycle household waste. However, we should facilitate this effort to the greatest extent possible. An example of this is the pilot program underway in several counties in North Carolina that allow citizens to set out recyclables with their trash. The recyclable materials are collected by the same people who pick up the trash thereby eliminating the extra step often needed to bring the recyclable materials to a collection center. Another component necessary to encourage recycling is expanding public education efforts to change our throwaway habits. Educational efforts are underway in North Carolina to teach children about recycling and a telephone hotline is now available to get recycling information.

One encouraging example is the Wake County Keep America Beautiful Program in North Carolina, which recently celebrated a month long cleanup effort. This culminated in an all-day festival, which I was pleased to attend. The public was invited free of charge, as long as they brought with them some recyclable materials. At the end of the day, Wake County Keep America Beautiful had collected over 58 tons of recyclable materials, including paper, glass, and aluminum.

But local governments can't regulate nationally marketed products that add nondegradable materials to our landfills. Nor can local governments do much to expand markets for recycled products and degradable materials. That is why it is important to put the influence, resources, and enforcement power of the Federal Government behind efforts to encourage recycling and to eliminate products and packages that aren't degradable.

H.R. 500 would accomplish this by directing the Department of Commerce and the Environmental Protection Agency to recommend to Congress how to ensure the availability of markets for recycled materials and how to encourage development of technologies for recycling nondurable consumer product packaging. Another critical component of this legislation is the establishment of an Office of Recycling Research and Information to distribute technical information to industries. H.R. 500 would maximize our ability to deal with solid waste without adversely affecting industry.

Recycling will help municipalities across the country reduce their waste stream. But there is another benefit to recycling—we are saving our precious natural resources. We must remember that recycling and conservation are important aspects of land stewardship. We owe it to our children to leave them a legacy of clean water, clean air, and clean land. H.R. 500 makes an important step in this direction.

□ 1840

Mr. HOCHBRUECKNER. Mr. Speaker, I thank the gentleman from North Carolina [Mr. PRICE] for his kind words and certainly for his support on this legislation.

I yield to the gentleman from Utah [Mr. OWENS], another classmate of mine.

Mr. OWENS of Utah. Mr. Speaker, I rise today to add my remarks on the critical importance of establishing a serious national recycling effort. It is my conviction that recycling is not merely one of many options available for the future of our Nation, but is the only sensible and feasible choice. The word "recycling" itself is almost too

mundane, conjuring up images of newspaper bins and local bottle drives—but when I think of this concept, I see the fruits of the effort. I see thousands of acres more of virgin forest, I see unfilled land fill, I see clearer, cleaner skies, and I see a nation living within its means and following its environmental conscience.

From garbage traveling the world by barge to dangerous medical waste washing up on our beaches the message is clear: like Marley's Ghost, the refuse we left at our curb and thought was safely relegated to our past is returning to haunt us and to remind us of our responsibilities. It is no longer possible to think that garbage becomes someone else's problem. It is piling up at an alarming rate. But momentum is gathering for a change in direction.

It is amazing to recollect that two decades ago it was considered socially acceptable to throw candy wrappers, cigarette butts, and pop-tops anywhere we liked. This abundant refuse was blown about by the wind so that many streets routinely looked like the aftermath of a ticker tape parade. And then, with one of the most effective advertising campaigns in history, the public saw an actor representing the first inhabitants of this land an American Indian, with tears in his eyes, ask us to stop trashing our country. It worked. Maintaining a clean environment became the right thing to do. And now, with help from Congress, the Nation can be mobilized in the same way to recycle.

It is possible that our Nation throws away more than most of the rest of the world is capable of consuming. That represents waste on a monumental level. But a Mount Rushmore of debris should be avoided at all costs. The past several years have seen a new meaning given to the phrase "the wretched refuse of our teeming shores." We are in danger of suffocating under the weight of our own detritus. Unwanted Flying Dutchmen, barges brimming with garbage, float the seas unable to unload their trash. Landfill digs up landfill. Incinerators burn reusable material and compound the waste by fouling the air.

When 5 percent of the world's population consumes one-third of the world's resources, a special obligation is imposed. There is an inherent indecency in disposing carelessly of materials which, in the right hands, are still useful and could supply the needs of many of the world's citizens. Wastefulness cannot be excused simply on the basis of economics, no more than poverty and sickness can be excused by strict recourse to a balance sheet.

A new industry and a new consciousness needs to be imbued in our Nation, a philosophy of recycling, a modern Midas touch that turns garbage into gold. To help us in this effort, we have other motives. Beside being socially responsible, there is money to be made in some aspects of recycling, through the sale of reusable material and in energy savings. Recycling reduces the burden on taxpayers by lessening the need for municipalities to fund and maintain landfills. It lessens our dependence on foreign oil and thus reduces our trade and budget deficits. Recycling helps protect our Nation's natural beauty and scenery on our public lands. It ensures that our urban and suburban habitats are not irreparably fouled. Recycling will inevitably enhance our quality of life and we in Congress need to organize and support this essential endeavor, in an effort which has been undertaken with great success by some local and State governments.

In my home State, Utah, I am happy to say that some very important projects are underway, although much more could be done with more Federal help. "Newspapers for trees," a model program in my district of Salt Lake County, has been a great success. Last year alone, the city made curbside collections of newspapers and, beside returning the newsprint to further use, used the revenue to plant more than 4,000 trees in our valley. A local outlet of the Patagonia Outdoor Equipment Store has taken the initiative in downtown Salt Lake City to establish its own recycling program for cans, both aluminum and steel, paper, and glass. The response thus far has been overwhelming, further evidence that the time has apparently come for a raising of our waste management consciousness.

The cost of the throwaway mentality will eventually climb higher and higher until an economic and environmental crisis demands a rethinking, but we would be shortsighted to wait until that moment for action. I am proud to be associated with this bill and others of its kind. I urge my colleagues to support H.R. 500 and similar efforts and establish recycling as a national goal of major importance.

Mr. HOCHBRUECKNER. Mr. Speaker, I thank the gentleman from Utah [Mr. OWENS], my dear colleague, and, Mr. Speaker, I see I have 1 minute left on the clock. I wish to thank my colleagues, certainly the five Democrats and the three Republicans who spoke here with me on this important subject, and certainly I thank the 117 cosponsors who have supported me on this bill.

Mr. Speaker, this is a good bill. It is a bill that has an excellent chance of passage in this session. It is one that will in fact deal effectively with the waste problem that we do have.

We have a major problem here, but we have a very good solution. It is our hope we can move it this year.

Mr. Speaker, I am delighted at the interest that has been demonstrated by the 101st Congress in developing a national strategy for maximizing the recovery and recycling of post-consumer wastes. The participants in today's special order are to be commended for their leadership in formulating a policy that promotes source reduction and recycling over less environmentally sound waste management techniques.

MOUNTAINS OF TRASH

Make no mistake about it—our Nation faces a severe garbage crisis. Americans collectively throw away over 160 million tons of trash every year—almost 90 percent of which is landfilled. Since 1983, more than 3,000 landfills have closed for environmental or capacity reasons. By 1993, one-third of all remaining landfills will be closed as well. Siting new dumps has become much more difficult than it used to be, due to environmental standards and pubic opposition to siting proposals. Clearly, we are running out of places to hide our waste.

The Nation's waste disposal problems are receiving increased attention in the media. Local officials are struggling to institute a variety of programs intended to increase the amount of garbage separated for recycling and, in turn, reduce the amount of trash that is landfilled or incinerated. Surveys indicate that a majority of the public wants its trash to be recycled rather than buried or burned. Yet the uncertainty of markets for recycled materials is causing serious setbacks for local recycling efforts. In my judgment, this situation is crying out for Federal leadership.

A number of our colleagues from both sides of the aisle, representing districts in the West, the South, the Northeast, and the Midwest, have taken time out of their busy schedules to join me today in offering a specific course of action to help the United States emerge from the garbage crisis. Their constituents are beginning to recognize that the products they purchase should not add unnecessarily to already brimming landifills. Furthermore, their constituents are in search of waste management programs that do not pollute the environment.

According to a national public opinion poll conducted between May 5 and 13, 1989, by the Associated Press and Media General, the vast majority of Americans would accept mandatory trash recyling in their communities. This is indeed a very significant development in public opinion. The American people have already prepared themselves psychologically for large-scale recycling. What many in Government have feared to be a fundamental stumbling block to the success of recycling programs—resistance by households to sorting trash—may not be a major factor, due to the good sense of our constituents. In the opinion poll, 20 percent of the respondents reported that their communities now require them to separate household trash for recycling. Of the rest of those surveyed, 87 percent said they would support mandatory recycling in their communities.

The area I represent has been especially hard-hit by the solid waste crisis. Due to declining local landfill capacity, 1.1 million tons of trash from New York State were trucked to landfills in the Midwest in 1988. That repre-

sents a 44 percent increase over the amount of trash New York exported in 1986.

LONG ISLAND'S PLIGHT

On Long Island, nearly all municipal trash managed locally has traditionally been buried. That practice will soon change. Under New York State law, all public landfills on Long Island must close permanently next year. That law was enacted in order to provide for greater protection of our sole-source drinking water aquifer. What it means is that the principal local waste management tool will be forever unavailable to my constituents beginning just 18 months from now.

Trash has earned the dubious distinction of being Long Island's largest single export. The island exported 723,800 tons of trash to landfills and incinerators in Pennsylvania, Michigan, Kentucky, Ohio, and West Virginia in 1988. By comparison, in 1988 Long Island exported 100,000 tons of potatoes, 20,317 tons of seafood, and 3,750 tons of duckling.

Due to the impending landfill moratorium on Long Island, as well as increased local interest in protecting Long Island's fragile environment, municipalities in my district, as well as that of Mr. DOWNEY, Mr. LENT, Mr. MCGRATH, and Mr. MRAZEK, are devising ways to change local consumer's habits and waste management services to increase recycling. Several Long Island towns are investing in recycling and composting plants as principal means to help meet local waste management needs into the 21st century.

The recent experience of one Long Island town, however, illustrates the compelling need for a focused national program to help expand and stabilize markets for recyclable materials. Islip, Long Island—the home of the infamous garbage barge of 1987—sorted its garbage to be recycled rather than landfilled or set adrift on barges. Tragically, after no recyclers could be found to purchase the recyclables, the sorted trash was buried in neat stacks in the Islip landfill.

NEW YORK CITY'S INITIATIVE

On April 14, a major assault on the garbage crisis was launched as Mayor Ed Koch signed a law requiring that an additional 25 percent of New York City's solid waste be recycled—added to the 15 percent currently being recycled.

This is an important development from a national perspective, as New York City is the source of about 5 percent of all trash generated in the United States. Under the city's new law, more than 7,000 tons of municipal solid waste generated daily will be used productively in postconsumer manufacturing rather than landfilled, incinerated, or exported to the Nation's heartland for disposal.

New York City's new program target metal, glass and plastic containers as well as newspapers, magazines, and cardboard for separation and recycling. These items will be collected by the city's sanitation department from curbsides and from consumer drop-off and buy-back centers to be located throughout the city. A deposit system will be instituted to provide for recycling of tires and batteries. In addition, yard waste and Christmas trees will be collected for composting. New York City will modify its procurement guidelines to encourage the purchase of products manufactured from recycled materials. It will also initiate a public awareness campaign, including public school recycling education programs.

A NATIONAL RECYCLING POLICY

Before I came to Congress, I chaired the Resource Recovery Subcommittee of the New York State Assembly for 8 years. My tenure there taught me that recycling, combined with waste reduction and waste-to-energy technologies, offers the best comprehensive solution to the garbage crisis. Manufacturers also recognize that recycling their glass, plastic, paper, and metals will result in reductions in material costs, energy inputs and environmental impacts.

The chief obstacle to expanded recycling efforts, however, is the uncertainty of economic markets for recycled materials. As New York City and other municipalities adopt waste collection programs designed to increase recycling, they are certain to face the persistent problem of finding recycling facilities willing to accept postconsumer waste and ensuring that there will be markets in the manufacturing industry for recycling materials. Local elected officials are looking to the Federal Government for leadership in solving this problem.

In addition to improving and stabilizing markets, Federal guidance for municipalities is needed on perfecting waste collection and sorting methods and systems for transporting recyclables from the point of disposal to the processing plant. We ought to assist towns, counties, and States in devising ways to implement large-scale recycling programs without incurring unreasonable costs to local taxpayers. We need to aid in the implementation of model recycling plans across the country such as curbside pickup of recyclables in residential neighborhoods; backyard composting and/or separate pickup of food and yard waste for municipal composting; and in-house trash separation at restaurants and other commercial establishments. Finding our way out of the garbage crisis will require waste managers and consumers to make adjustments in the way they handle refuse. It need not, however, require a complete overhaul of existing local government services.

A LEGISLATIVE SOLUTION

During the 100th Congress, I introduced the Recyclable Materials Science and Technology Development Act as H.R. 5000, the first comprehensive waste recycling legislation to be introduced in Congress. A hearing was held on August 10, 1988, in the Subcommittee on Natural Resources, Agriculture Research, and Environment of the Committee on Science, Space, and Technology. Four of my colleagues on the subcommittee (two Democrats and two Republicans, including the chairman and ranking minority member) were among the 61 cosponsors of H.R. 5000. On January 4, 1989, I reintroduced this legislation as H.R. 500.

The Recyclable Materials Science and Technology Development Act takes aim at the solid waste crisis by initiating a policy of systematically redirecting postconsumer wastes back into the manufacturing process, thus limiting the need for landfills or incinerators and reducing industry's reliance on raw materials. H.R. 500 launches a coordinated public/private sector effort, spearheaded by the U.S Commerce Department and the Environmental Protection Agency, to open markets across the Nation for recycled materials and assist industry and local governments in developing and implementing recycling technologies.

Following the enactment of H.R. 500, the Commerce Department is directed to establish an Office of Recycling Research and Information. This office will make grants to support development of innovative recycling techniques for all types of consumer product packaging and distribute information to industry about recycling technologies. It will also provide information to public schools, State and local governments, and the general public regarding the garbage crisis and the benefits of instituting recycling programs.

Within 6 months after enactment, the Department of Agriculture is required to establish a pilot project to demonstrate the viability of composting municipal solid wastes and sewage sludge. An initial report to Congress by the Agriculture Department on the composting pilot project is due 1 year after enactment.

H.R. 500 directs that, within 2 years after enactment, the Commerce Department and the Environmental Protection Agency will recommend to Congress the following:

First. How to ensure the development of technologies for recycling nondurable consumer product packaging;

Second. How to expand marketing of products made of recycled materials;

Third. How to encourage the development of certain consumer products that are biodegradable; and

Fourth. Whether nonrecyclable goods should bear warning labels to remind consumers about the garbage crisis.

The legislation also requires that after 2 years, plastic six-pack rings, shopping bags and fast food packaging must be degradable. Since I originally wrote the bill, the six-pack ring requirement has been mandated by Congress under a separate law. A major concern with six-pack rings is entanglement of wildlife.

Also to be received by Congress 2 years after enactment of H.R. 500 is an analysis by the Secretary of Health and Human Services of the feasibility of recycling or using biodegradable materials in medical supplies.

One other analysis is to be transmitted to Congress within 2 years. The Secretary of Defense will report on the Pentagon's waste management practices, and comment on whether a waste recycling program could be instituted for Defense Department facilities.

Within 4 years after enactment of H.R. 500, the Commerce Secretary and the EPA Administrator will divide nondurable consumer goods into two categories: First, those for which a recycling program is feasible, and second, those which will be exempt from a recycling requirement due to the technical infeasibility of recycling. Products identified as exempt from the recycling requirement must after 5 years be composed of biodegradable materials. Recycling is the central focus of the legislation, and we anticipate that most of the nondurable consumer product waste stream would fall into the mandatory recycling category.

Effective 5 years after enactment, H.R. 500 requires that those products identified by the Commerce Department and EPA as recycla-

ble must be recycled at a rate of 75 percent of production. In order to ensure compliance, H.R. 500 assigns civil and criminal penalties for violators of the act, with fines to be levied by the Administrator of EPA.

To review the basic schedule for actions required under this legislation, I offer the following abbreviated timetable:

H.R. 500 PROGRAM SCHEDULE

Enactment by month 6: Commerce opens office of recycling research and info. USDA starts composting project.

Enactment by year 1: USDA reports on composting.

Enactment by year 2: Commerce reports on: recycling, degradables, and product warning labels. Commerce requires degradability in 6-pack rings, shopping bags & fast food packaging. HHS reports on medical supplies. Defense reports on DOD waste management.

Enactment by year 4: Commerce/EPA issue regulations on recyclables and degradables.

Enactment by year 5: Commerce/EPA identify list of mandatory recylables and degradables. EPA imposes penalties for noncompliance.

Finally, let me offer a picture of the municipal solid waste stream and what resource recovery strategies might apply to its individual segments should H.R. 500 be enacted.

The largest segment of the municipal solid waste stream—accounting for about 37 percent of the whole—is paper and paperboard. Recycling is the strategy that ought to be promoted for most items in this category. For those paper or paperboard items that become contaminated with food waste, or are otherwise nonrecyclable, composting should be the preferred alternative.

The second largest portion of solid waste is food and yard waste, together comprising about 30 percent of the total. Composting is the most appropriate management technique for these wastes.

Glass accounts for about 10 percent of the waste stream, another 10 percent is metal, and about 7 percent is plastics. Recycling should be promoted as the preferred form of treatment for each of these categories.

Finally, 6 percent of solid waste is miscellaneous items such as textiles, rubber, and other synthetic materials. Where recycling cannot be instituted for these items, landfilling or incineration may have to be considered.

Since I reintroduced H.R. 500 on January 4, 1989, it has been cosponsored by 117 of our colleagues. Senator ALBERT GORE has introduced companion legislation to H.R. 500 in the Senate as part of the World Environment Policy Act (S. 201). Needless to say, I am delighted at the support that has been demonstrated for adopting a comprehensive plan to promoting recycling of postconsumer wastes.

Mr. Speaker, I am convinced that this issue will return to the floor of the House during this Congress. Our constituents cannot, and must not, be made to wait for Federal leadership to attack the mounting garbage crisis and the continued wasting of reusable resources.

Mr. CLINGER. Mr. Speaker, I want to take this opportunity to also thank the gentleman from New York for calling today's special order on recycling. I commend you for your leadership on the recycling issue. As a cosponsor of your bill, H.R. 500, the Recyclable Materials Science and Technology Development Act of 1989, I look forward to working with you to pass this timely and sorely needed legislation as we strive to improve our Nation's waste management systems.

The United States generates billions of tons of solid waste each year. Municipal solid waste accounts for 160 million tons per year. In more comprehendible terms, the average American produces close to 1,500 pounds of municipal solid waste per year or approximately 4 pounds of garbage per day. The amount of municipal solid waste produced in the United States is growing at an alarming rate. It is estimated that in the year 2000, we will produce 190 millions tons of municipal solid waste.

Most municipal solid waste is disposed of in landfills. However, as the amount of municipal solid waste increases, many of our Nation's landfills are reaching full capacity. As a result, by the year 1991, we will have witnessed the closing of 50 percent of the landfills that had been open in 1986. As landfills close, efforts to open new landfills will intensify.

I am personally familiar with the problems associated with siting a landfill. My colleagues might question how, with one of the most sparsely populated congressional districts in the Northeast, can siting a landfill pose such a problem? Surely, my colleagues understand that no one wants a landfill located in their community. The unique problem that we face in my part of Pennsylvania is that much of the municipal solid waste that would be disposed of in these proposed landfills is not even generated in these communities. In fact, according to the information that I have received, much of the solid waste will be coming from other municipalities in other States which have exhausted their landfill capacity.

Since these proposed landfills would be private facilities, legal recourse is limited. Namely, the Supreme Court has ruled that the interstate commerce clause of the Constitution prohibits one State from banning refuse bound for a private facility in that State, even though it is generated in another State. As you can imagine, this decision is troubling to me and my constituents. However, I am hopeful that the State, county, and local governments will be able to work out a solution that will limit the impact on citizens in the 23d Congressional District of Pennsylvania.

As I have just noted, the problems affiliated with municipal solid waste management touch all levels of government. Unfortunately, the number of solutions for dealing with these problems are limited. The two primary alternatives to landfills are incineration and recycling.

While incineration can reduce wastes 90 percent by volume and would allow continued use of our current waste collection systems, the drawbacks to incineration are substantial. Siting an incinerator is objectionable to local communities as facilitiy emission concerns are voiced. In addition, there are problems associated with the disposal of incinerator ash. Last year, as the ranking member on the Government Operations Subcommittee on Environment, Energy and Natural Resources, I became acutely familiar with the odyssey of the *Khian Sea,* a ship loaded with Philadelphia incinerator ash. For more than 2 years, the *Khian Sea* traversed the world's oceans searching for a place to unload its cargo. It is still unclear whether the *Khian Sea* has accomplished its mission and unloaded its cargo.

Based on factors including local opposition to siting an incinerator, air pollution concerns associated with incineration and disposal of ash, it is evident that incineration of municipal solid waste has considerable drawbacks.

Another alternative to landfilling municipal solid waste is recycling. In addition to reducing the demand for landfill sites and the inherent problems associated with the siting process, recycling saves energy and lessens the demand for raw materials. For example, recycling aluminum cans requires 95 percent less energy than refining new metal from raw bauxite. Recycling also reduces air and water pollution. I am not saying that recycling does not have its drawbacks. But compared to the alternatives, like siting new, undesired landfills, I believe that recycling provides a more appealing approach.

Several States have already recognized the advantages of recycling. In fact, there are a number of recycling projects underway in my congressional district. These efforts have received the support of all segments of the community: businesses, social and civic groups, scout troops and the general public. Recycling centers can also provide unique employment opportunities. At one particular recycling center, Advancement, Inc. in DuBois, the mentally-impaired are hired and charged with the responsibility of preparing and sorting glass bottles for recycling. At the Industrial Development, Corp.'s recycling facility in Clarion, underemployed citizens are hired. Both facilities provide my constituents with an added sense of self-worth while helping conserve our natural resources, save energy and protect the environment. These recycling facilities deserve our acknowledgement and applause.

Last year, I visited one of the many glass collection sites scattered throughout my congressional district and can attest to the effectiveness of the program. In addition, I have joined local scout troops in their trash pick-up excursions which are designed to promote and contribute to ongoing recycling efforts.

Efforts to better manage our municipal solid waste through recycling are not unique to the 23d Congressional District. Citing diminishing landfill capacity, the Commonwealth of Pennsylvania recently enacted "Act 101" which is designed to reduce the reliance on landfills by reducing the volume of solid waste by 25 percent. To assist local governments in developing mandatory recycling programs, Governor Casey recently announced 32 grants totaling $2.7 million to develop recycling centers, curbside collection programs and leaf composting projects. I am pleased that Pennsylvania is one of the few States in the forefront of advocating recycling.

However, in order for recycling to be more effective, a national approach is required. The legislation that Congressman HOCHBRUECKNER has introduced and has described this evening, H.R. 500, provides the national and comprehensive approach that is needed. Acknowledging that one of the biggest obstacles to recycling is the lack of markets for recycled products, H.R. 500 coordinates agency

efforts to identify and develop recycling markets.

I would also like to take this time to mention H.R. 1652, legislation introduced by Congressman CURT WELDON which I believe goes hand-in-glove with Congressman HOCHBRUECKNER's bill. H.R. 1652 would establish a Recycling Information Clearinghouse within the Environmental Protection Agency. By improving the collection, analysis, and dissemination of recycling information, we can ensure that citizens, industry and municipalities have the tools necessary to encourage, establish, and promote recycling of municipal solid waste.

Our municipal solid waste disposal problems are not going to disappear, we need to take action. I would urge our colleagues to support H.R. 500 and H.R. 1652 before we are inundated in garbage.

Mr. WYDEN. Mr. Speaker, the times are right for recycling.

The time is right for the environment. The volume of solid waste in our country is growing. Concern is growing too about our environment. And we are concerned about conservation of scarce resources. Recycling is part of the answer to all these problems.

And the time is right for legislation. We have several thoughtful recycling bills before us already in this Congress, from members from both sides of the aisle. And our central solid waste law, the Resource Conservation and Recovery Act, is due to be reauthorized in this Congress.

For over a year, my staff and I have been talking with experts from government, industry, and interest groups about how to amend RCRA to boost recycling. I've put some of the best ideas into legislative language: a bill called the Recycling Promotion Act, which I'll be introducing soon.

It builds on some of the proven notions already in RCRA: promotion of markets for recycled goods, with new directions for the Commerce Department; a complete overhaul of the Federal program for buying recycled products; new emphasis on recycling in waste management planning.

And it adds some new programs: special handling for dangerous but recyclable wastes like car batteries; consumer information about recycled and recyclable items; a new incentive for government agencies to recycle their garbage.

One of the rewards of public service is helping people solve their real problems. Municipal solid waste is a real problem for our States, counties, and cities. The bills before this Congress offer real solutions through recycling. I look forward to working with my colleagues here today to build a record of accomplishment on recycling in this Congress.

Mr. MRAZEK. Mr. Speaker, America is facing a waste-disposal crisis of tremendous proportions, and the situations in New York State and on Long Island are no exceptions. It is clear that more emphasis must be placed on the process of recycling. In 1976, the Resource Conservation and Recovery Act was passed and provided for Federal financial assistance for the development of management plans and facilities for the recovery and re-use of energy and materials. Unfortunately, the section on solid waste State plans was not implemented, and since then responsibility for solid waste planning and management has fallen solely on the States.

About 18 States have started programs involving recycling, and these programs vary with respect to their provisions and the degree to which they are enforced. For example, Oregon's Opportunity to Recycle Act works on a volunteer basis in that municipalities must provide dumpsters and other services which would allow people to recycle if they so choose. In contrast is a New Jersey law under which municipalities must have recycling programs for at least three sources, and those which do not cooperate are subject to fines and the cessation of trash pick-up. There are also tax incentives to industries purchasing new recycling equipment to encourage participation in recycling efforts.

In New York, the need for statewide recycling is enormous. Every day each New Yorker generates 5 pounds of solid waste—Long Islanders up to 8 pounds. The capacity crisis has resulted from a policy which now puts 83 percent of waste in landfills, recycles only 16 percent, and sends 1 percent out of State. The New York State Solid Waste Management Plan has been updated very recently to improve recycling measures. The 10-year plan has a goal of reducing the number of landfills—some will fill to capacity during the time period—from 328 to below 100. In fact, the Department of Environmental Conservation has informed the town of Huntington that it must close its landfill because of numerous violations and dwindling capacity.

The State would aim to use landfills only for the disposal of wastes that cannot be reduced, recycled, reused, or combusted. The waste stream should be reduced by 8 to 10 percent and a goal of having 50 percent of all waste reused or recycled—including the 8 to 10 percent waste reduction figure—has been set. The plan centers around a new hierarchy of preferred methods: waste reduction, recycling/reuse, waste-to-energy conversion, and lastly landfilling.

The State would be responsible for and provide funds to encourage market development, public education, and financing programs; regulate siting, construction and operation; enforce requirements and standards, giving preference to products with recycled materials; create incentives; and oversee the implementation of solid waste management programs. The Returnable Container Act which provides the incentive of a 5-cent return has been very successful—80 percent return in the first year—and its expansion is being considered. A recent development is the production of degradable plastic bags from corn starch materials. Degradable bags would reduce litter and landfill needs. There are also ideas about legislating regulations on types of material used in packaging and placing charges on products, based on their recyclability in order to influence consumers' purchases. Fees on waste tires and a requirement on the use of recycled materials in building contracts with the State are also proposals being considered.

Local municipal governments will continue to have the traditional responsibility of county-level enforcement. They can create sanctions, similar to the New Jersey fining systems, have source separation programs, and construct local education and encouragement policies. Currently, most of the townships on Long Island have source separation programs, and others are planning them. The State will coordinate efforts and make regulations, but local responsibility and citizen participation are very important. A significant increase in the number and scope of local recycling would result in the possibility of achieving the State goal.

This updated New York State Solid Waste Management plan provides for statewide regulation of recycling efforts. Although now only 4 percent of material is recycled or reused, the goal is 50 percent. I believe this is a reasonable and achievable goal. With primary goals of improving waste management, establishing a new hierarchy of methods, and forming a strong commitment to waste reduction and recycling, New York's priority must be to reach 50 percent recycling as soon as possible. Reducing solid waste volume is imperative.

Currently, legislation has been introduced in Congress concerning national recycling programs. I strongly believe Congress should create incentives to municipalities for recycling. In addition, one program would make waste reduction, reuse, and recycling the primary waste management methods. Another bill deals with education and studies, and a third deals with collecting and disseminating information to promote recycling. Representative HENRY has proposed legislation which would require a refund on beverage containers. Representative HOCHBRUECKNER has proposed legislation that would create an Office of Recycling Research and Information, and mandate a feasibility study on labeling all goods regarding recyclability, and requiring that some products be recyclable. If these products or their packaging cannot be recycled, they must be biodegradable. This is a good attempt at a comprehensive bill, and it is my hope that the House will closely examine this bill and others to support such recycling efforts.

Mr. SABO. Mr. Speaker, Americans are increasingly concerned about the Nation's garbage crisis. We are burying 200 million tons of trash a year. And the problem will get worse if we don't do something about it. The Environmental Protection Agency estimates that the amount of plastic Americans throw away will double in the next dozen years.

The bottom line is that we can't keep burying, burning, and hiding that amount of garbage. We desperately need to find environmentally sound alternatives and recycle now before the crisis gets worse.

This spring Minneapolis, the city I represent, adopted a stringent and far-reaching ban on most nonreturnable and nondegradable plastic food packaging. Across the Mississippi River, St. Paul has followed suit and adopted a similar landmark ordinance. I am very proud that the Twin Cities are taking the lead in fighting this national crisis. It is through local efforts such as these that we will make the initial headway in attacking the problem.

But, while it is great that our cities are acting, the Federal Government needs to make a significant contribution to solving the problem. After all, it is a national crisis and Washington has an important role to play.

That's what the Recyclable Materials Science and Technology Development Act (H.R. 500) is all about. I commend Congressman HOCHBRUECKNER for his leadership on this vital issue and especially for his work in drafting this legislation. It is the kind of comprehensive approach we need to take.

This bill would require recycling nationwide by 1994. It would also authorize Federal research and development studies over a 5-year period to open markets for recycled materials and give industry and local governments information about recycling technologies.

Significantly, this bill would attack a particular problem we are having in the Twin Cities. Super Cycle, the area's largest recycling company, is going out of business because it cannot find enough buyers for recycled newspapers. Our communities must now face the challenge of finding a place to get rid of newspapers our residents have collected.

A provision of Mr. HOCHBRUECKNER's bill directs the Department of Commerce and the Environmental Protection Agency to recommend ways to make sure that markets are available for recycled materials. It is the kind of action we need to help ensure that when people collect newspapers, glass, plastic, and metal there will be places to sell them and get them recycled. This is an important area in which the Federal Government can play a positive and helpful role, assisting States and localities in finding places to get their trash recycled.

Attention is increasingly growing on the solid-waste disposal crisis. But it is now time to act and H.R. 500 is an appropriate vehicle for moving forward on this very serious problem. I hope that we will soon be able to make progress in this area. We can no longer afford to ignore the urgent need to take action.

Mr. GEPHARDT. Mr. Speaker, I want to thank GEORGE HOCHBRUECKNER for convening this session and I would like to applaud him for introducing the Recyclable Materials Science and Technology Development Act. It is important that the municipal solid waste problems which are now national in scope and the waste management strategies such as recycling be discussed on the House floor.

Our Nation is facing a crisis that may soon affect each of us in our everyday lives. Few of us think about our trash, much less where it goes once we cart it out to the curb. But, these days of blissful ignorance may be over.

Soon we may have no place to put our garbage. In the next 10 years, over half of the States will run out of space to landfill their trash. Pennsylvania tried to ship its garbage to a foreign country on the now infamous garbage scow, the Khian Sea. However, the trash was refused by five countries over a period of almost 2 years before the Khian Sea mysteriously reappeared, under a new name, with no trash on board.

Many people still say that the system can take care of the problem—because it always has. They perpetuate the no-think attitude that we have all had for so many years about our trash.

But, we cannot fall into the trap of ignoring this problem. We stand here on the floor of the House where we have fought for a prosperous America. If waste disposal problems increase, the cost of trash disposal could skyrocket and, in very real terms, take more and more out of every American's pocket.

Every new consumer trend adds to the amount of trash that we produce from disposable diapers to microwave food containers. And, every year, Americans produce more trash: 1 to 4 percent more per year.

What is in our trash? Paper and paperboard account for forty percent, yard waste takes another sixteen percent, glass and metal are each close to nine percent, and good waste and plastics are both close to seven percent. The last ten percent is primarily rubber, leather, textiles and wood.

Once trash is created, only three (legal) things can happen: it can be recycled, incinerated or landfilled. Recycling is by far the preferred treatment, since it reuses the materials instead of losing them to ash or a landfill. Because some recycling processes can be as harmful as the original processes that created the product, recycling is not the solution for every section of the waste stream. However, as part of a comprehensive waste management plan, it can treat a large portion of our garbage.

Paper, paperboard, glass, plastics and metals are already recycled to some extent, and they account for 60–70 percent of the waste stream. However, for recycling to make a difference, it will need to be encouraged. Initiatives like GEORGE HOCHBRUECKNER's Recyclable Materials Science and Technology Development Act would help make that difference.

We can also attack the other side of the problem which is the incredible amount of waste that this country produces every day. In April, I introduced the Municipal Solid Waste Reduction Act to set the country on the long track toward waste reduction.

This bill addresses the two major problems that confront any waste reduction strategy and indeed any waste management method. First, public awareness of impending waste problems is crucial to the success of any waste management initiative, yet most of the public is not aware of these problems much less what they can do about them. The bill requires the Environmental Protection Agency to pursue an aggressive public education campaign on solid waste issues and waste reduction strategies, and to provide information on municipal solid wastes to communities, businesses and the public through a clearinghouse for waste reduction.

The second obstacle is our lack of knowledge about municipal solid wastes—no one has bothered to keep track of what is in all of those bags. The bill directs EPA to study the major contributors to the solid waste stream, in both toxicity and volume, and to propose reduction and management plans.

Some people say that waste reduction and recycling are in conflict. They say that, in order to have a market for recycled goods, we must shift the market for all goods toward using recycled material and that, if you reduce the use of the primary materials, then you hurt the recycled market too.

I do not buy this reasoning. For example, I do not believe that using less paper overall precludes having more of what we do use be recycled paper.

Our society can drastically reduce the materials that it uses and still be strong, if not stronger. Just look at West Germany and Japan. They both produce remarkably less trash than we do and are better for it.

Our Nation must begin to take a comprehensive look at its waste problems, and we must use all of the tools in the toolshed, such as reduction, recycling, and any other method of safe waste disposal, to help us solve them.

We must not be caught unprepared. With considered thought, we can fix our garbage problems and save every American large expenditures in the future in time and money.

Mr. GREEN. Mr. Speaker, I rise today to address the issue of recycling. This issue is one that is certain to take a more prominent role in our country's waste disposal policy, as landfills across the United States begin to close for lack of space.

As ranking minority for the Appropriations Committee's Subcommittee on VA, HUD, and Independent Agencies, the subcommittee which funds EPA, I should like to bring my colleagues up to date on some of the efforts we have made in the area of recycling and waste minimization. Beginning in fiscal year 1988, we have provided over $15 million to the Environmental Protection Agency to develop technologies to reduce, eliminate, or regulate hazardous waste. The EPA has reported some initial success in this effort, and I expect the Congress' support of these technologies to continue. EPA is now vigorously applying the same waste minimization and recycling effort to the municipal waste area. We must get off the treadmill of spending billions to clean up old pollution while heedlessly creating new pollution. Pollution prevention—as the EPA now describes its waste minimization and recycling efforts—is the answer.

I should like to thank Mr. HOCHBRUECKNER and his staff for arranging this special order, and for all their efforts to increase awareness on the importance of recycling.

Mr. ANNUNZIO. Mr. Speaker, as a cosponsor of H.R. 500, the Recyclable Materials Science and Technology Act of 1989, I rise today to commend my distinguished colleague from New York, Mr. HOCHBRUECKNER, for the initiative and foresight he has demonstrated in sponsoring this legislation.

No one disputes the serious garbage crisis which confronts our Nation today. However, no one seems to be willing to take the steps necessary to resolve this crisis.

H.R. 500 represents a good first step toward addressing the twin problems of garbage disposal and implementation of recycling programs. It authorizes the Commerce Department and the Environmental Protection Agency to investigate and research the availability of markets for recycled materials, to determine methods to foster development of consumer products that are biodegradable, and to decide whether non-recyclable goods should bear warning labels reminding consumers about the garbage crisis.

In addition, under the provisions of this bill, the Commerce Department would establish an Office of Recycling Research and Information which would help develop innovative recycling methods and disseminate information to public schools, State and local governments,

and the general public regarding the benefits of recycling, the harmful effects of litter, and methods to encourage voluntary recycling.

Annual generation of solid waste is increasing steadily, while our alternatives for disposal are decreasing rapidly. Although the majority of our garbage is disposed in landfills, they are quickly filling up. Over 3,000 landfills across the Nation have been closed in the past 5 years, and by 1993, one-third of those that remain will also close. According to the Department of Streets and Sanitation in my own city of Chicago, only four landfills are open and in operation at this time.

The decline in the number of available landfills has caused communities to transport their garbage greater distances for disposal at ever-increasing costs. Some cities are already shipping their trash over 1,000 miles to other States to get rid of it. Furthermore, existing landfills are leaking contaminants into the soil and ground water.

Ultimately, these problems will force us to consider other alternatives, such as incineration and recycling. Because incineration introduces numerous pollutants into the air, many of which are highly toxic, more communities are turning toward recycling as they recognize the capacity limitations and environmental problems associated with landfills and incinerators.

While recycling is not a cure-all to our garbage problem, it can improve our situation significantly. Recycling both saves energy and conserves natural resources by reducing the use of raw materials. According to a June, 1987 article in the Washington Post, turning used aluminum cans into new ones, for example, takes 95 percent less energy than refining new metal from raw bauxite. In addition, there are substantial reductions in air and water pollution associated with recycling.

In recent years, we have witnessed increased growth of public and political support for recycling. Significant obstacles exist, however, including lack of markets for some recycled products and high collection and separation costs. H.R. 500 will help to eliminate many of these obstacles by fostering research programs aimed at developing cheaper and more efficient methods of recycling, providing the public with information on recycling, and insuring the availability of markets for recycled materials.

H.R. 500 is an appropriate response to our growing garbage crisis. This comprehensive plan to increase recycling nationwide and to coordinate disposal programs on a national level is an important step we need to take before America's garbage crisis reaches insurmountable levels. Money spent now to improve this situation in the long run will reduce the overall cost of garbage disposal. I urge bipartisan support for this measure.

Mr. MINETA. Mr. Speaker, it gives me great pleasure to speak this afternoon about the importance of recycling, and about the importance of H.R. 500, the Recyclable Materials Science and Technology Development Act.

Recycling offers significant reductions in the size of our waste disposal problems, bringing great economic and resource gains to every participating community.

In my home city of San Jose, CA, we have the largest voluntary residential recycling program in the country. San Jose's overall waste stream reduction plan includes recycling by commercial and industrial enterprises as well. So as my fellow citizens in the South Bay Area know from many television ads, Recycling is the way for San Jose.

San Jose's recycling effort is being undertaken because it has become increasingly difficult to find suitable sites for sanitary landfill. Many trends tell us, too, that any new landfill sites will quickly become filled in the future. To save land, to reduce resource consumption, to reduce disposal costs, and to protect the ground water, many communities are turning to recycling programs.

The voluntary residential program in San Jose involves residents separating recyclable materials into three bins provided by the city: one each for cans, newspapers, and glass. These bins are placed at curbside on the same day as other refuse is collected. The cans, newspapers and glass are taken to a processing facility where they are separated, baled, and sold.

This progressive program has the support of officials at all levels of city government. But most importantly, the program has the support of a majority of citizens. Nearly 180,000 households could participate in the program, and some 60 percent of these already do.

San Jose's recycling program has a higher level of public participation than any other municipal service in the city. As a result, by 1990 the City of San Jose hopes to reduce the annual solid waste stream dumped in its landfill sites to 75 percent of the 1986 level.

The current level of recycling annually reduces the amount of waste dumped at San Jose landfills by some 22,000 tons. If mixed paper waste were added to this reduction, an additional 10,000 tons could be diverted annually. A program for composting residential yard waste is in initial stages. This should recycle some 38,000 tons per year by 1991.

Residents of San Jose are not the only participants in the recycling program. Our corporate citizens are also participating enthusiastically.

In most communities, household residences supply about two-thirds of the refuse. Commercial and industrial sources supply the balance. In San Jose, however, the commercial and industrial sector creates about 60 percent of the waste stream.

Since commercial and industrial waste contains large concentrations of recoverable materials, they will be the source of a significant degree of recyclable materials. Large amounts of white paper, cardboard, wood scrap, glass, and aluminum are already being recycled.

Nearly all businesses can get involved in the recycling process. Eating and drinking places, printers, building contractors and suppliers, department, grocery, and other retail establishments, financial and real estate industries, transportation firms, and manufacturers in glass, wood, plastic and rubber.

San Jose supplies an incentive for businesses to participate in recycling programs. The city levies a $2 tax for each yard of material that is buried. But the response of the business community goes beyond any desire to avoid this sin tax. It seems that businesses, too, believe in recycling.

In all, San Jose has a solid waste reduction program that actively and positively involves private households and the commercial and industrial sector. Although the program is just hitting its stride, enthusiastic support is well-apparent.

An aggressive educational program underlies the success of the program. Door hangers, phone and direct mail contact and positive exposure in print and broadcast media have helped deliver the recycling message. An important part of the promotional effort involves a community volunteer program. In fact, studies in San Jose show that without the dedicated volunteers and their outreach and educational activities, significant reductions in the waste stream would be lost.

Even though San Jose has successfully started a solid waste reduction program, aggressive efforts must be continued to maintain the recycling program's momentum. New 30-second television spots in Vietnamese and Spanish are being broadcast, and spots in Japanese and Portuguese are being planned. New innovations in treatment of the recycled materials must be made. Volunteer efforts must continue. We need to understand more about the impact of the public-private recycling effort in San Jose where waste disposal is contracted to private companies.

We also need to see that the market for the recycled materials remains strong. This market is an essential element of the financial aspect of the program. Not only do the sale of recycled materials eliminate the need to bury them, but the proceeds from the sales partially offset expenses of the recycling program itself.

Mr. Speaker, H.R. 500, the Recyclable Materials Science and Technology Development Act, is an important piece of legislation that will promote research, the dissemination of information and recyclability as a design goal. But most of all, Mr. Speaker, the bill will promote the recycling ethic. Recycling is indeed the way not only for San Jose but for us all.

Ms. SCHNEIDER. Mr. Speaker, solid waste disposal has become a major problem for State and local governments in the United States. Americans generated 150 million tons of solid waste in 1984, and the amount is rising. Meanwhile we are rapidly running out of landfill capacity in many urban areas.

One example is plastic. About 95 percent of plastic that is produced ends up being discarded. As a result, according to one estimate, plastics represent over 7 percent of solid wastes by weight and over 30 percent by volume.

Increasingly, it has been recognized that pollution prevention is the best approach to solving the solid waste crisis. Pollution prevention, including both recycling and reduction of wastes at the source, is both safe and economical. I am encouraged that the new administration has made pollution prevention one of its environmental priorities, but even more could be done.

Rhode Island is no different than other States in the severity of the solid waste problem that it faces. However, Rhode Island is different insofar as it is one of the first States to adopt a statewide solid waste disposal program, the flow control law of 1986. This law

establishes a statewide goal of a reduction of 15 percent in solid waste. Reductions will be achieved mainly through reductions in the generation of wastes and an increase in recycling.

Early results of a pilot project on collection and recycling are encouraging. In West Warwick and East Greenwich, 14.5 percent of the waste stream was collected for recycling over a 5-month period. Plastics constituted over a third of the wastes that were collected by volume. A majority of the respondents to a private survey said that separating recyclables required only a slight amount of extra effort.

Although early results of this effort are encouraging, there is a need to systematically study the effectiveness of recycling programs that exist, determine ways in which they can be improved, and then to share that information among States. Although solid waste disposal will always be a State and local responsibility, this kind of research and technical assistance by the Federal Government could greatly help State and local governments in their efforts. I urge the administration to work with Members of Congress, industry, and State and local officials to promote such efforts.

GENERAL LEAVE

Mr. HOCHBRUECKNER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the subject of my special order today.

The SPEAKER pro tempore (Mr. PENNY). Is there objection to the request of the gentleman from New York? There was no objection.

THE SAVINGS AND LOAN CRISIS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Maryland [Mr. MCMILLEN] is recognized for 30 minutes.

Mr. MCMILLEN of Maryland. Mr. Speaker, today I rise to discuss the savings and loan crisis. The total cost of resolving this problem has been heavily debated. Many experts are now saying that the administration's proposal will fall short by about $20 billion of what is actually needed to resolve the crisis. Even the President's own Director of the Office of Management and Budget has stated that the administration's proposal to resolve the savings and loan crisis is based on optimistic assumptions.

Some are now even predicting that the Congress may have to return to this issue again in a few years. The current cost of resolving the savings and loan collapse is estimated at $1,000 per taxpayer. It is my belief that we must make every effort to avoid a replay of this bailout. That is why the House Banking Committee adopted real capital standards, specifically a 3-percent tangible capital requirement, as well as stricter supervision of the thrift industry. This is in contrast to the President's legislation which on the issue of capital standards was ambiguous and could have allowed intangibles such as goodwill to count up to 100 percent of core capital. Another one of the important aspects of this bill involves the Resolution Trust Corporation [RTC] and the disposition of assets that the Federal Government will take into receivership. Because of the need to attain a substantial return on troubled thrift assets, I offered, and the committee overwhelmingly adopted, my amendment to require the Federal Government to utilize the private sector in the disposition of troubled thrift assets and not repeat the failed experience of the Federal Asset Disposition Agency [FADA].

It is my belief that in order for the Financial Institutions Reform, Recovery and Enforcement Act [FIRREA] to work, the Resolution Trust Corporation [RTC] must receive a high return on the sale of troubled thrift assets. This point was underscored recently by Manuel H. Johnson of the Federal Reserve Board, who noted that "the Treasury's cost estimates (of the S&L bailout) are quite dependent on being able to sell assets out of the Resolution Trust Corporation."

The Treasury is currently estimating over 10 years' receivership proceeds of $12 billion. These funds will be used to pay the interest on the $50 billion in Refcorp bonds. If the RTC is unable to raise the amount projected by the Treasury plan, the American taxpayer will have to make up the difference.

Keeping this fact in mind, the committee began to debate the issue of how to dispose of the billions of dollars worth of assets of troubled institutions. Essentially there were two choices. One, to mobilize the Federal sector, build up the Government's capability and expertise to do the work and provide the necessary services for asset evaluation, management, and disposition within the government, or, the second option, mobilize the private sector to provide these services under Government oversight and supervision.

The Banking Committee examined these options, and recognizing the costs incurred by the Federal Savings and Loan Insurance Corporation [FSLIC] and the Federal Asset Disposition Association [FADA] over the past few years, the committee resoundly concluded that the second alternative was clearly preferable and adopted the following language:

In carrying out the purposes of this section, the Federal Deposit Insurance Corporation, the Resolution Trust Corporation, and the Oversight Board shall utilize resources of private persons and entities for services including real estate and loan portfolio asset management, property management, auction marketing, and brokerage services, unless such services are unavailable in the private sector or the utilization of any such services is impracticable or inefficient.

I would now like to take this opportunity to explain in greater detail the rationale behind my amendment.

Although no one knows exactly how much real estate and related assets will have to be handled by Federal entities in the months ahead, many have estimated that the value of the property will be in excess of $150 billion. Some analysts have stated that this figure is as high as $400 billion. To put this in perspective, the reconstruction of Europe after World War II—after adjusting for inflation—cost approximately $40 billion, or, as Senator PHIL GRAMM humorously noted during the Senate committee debate, the Federal Government is about to acquire more real estate than it has at any time "since the Louisiana Purchase."

Accordingly, the scope of the services which are needed to properly manage this recovery is also massive. These include asset/portfolio managers, property managers, appraisers, brokers, lawyers, title companies, accountants, auctioneers, construction contractors, leasing agents, and many others.

Potentially, the numbers of people needed to provide services for this recovery reaches upward to 100,000 or more. The asset management task alone will require tens of thousands of personnel. The Government has neither the manpower nor sufficient expertise to adequately deal with the quantities and types of assets which will be thrust upon it in resolving the savings and loan crisis. According to William Seidman, the Chairman of the Federal Deposit Insurance Corporation [FDIC], the FDIC currently employs 3,000 people to manage approximately $9 billion in troubled assets. The FDIC disposes of those assets at a rate of only $250 million per year. As its portfolio increases to over $150 to $400 billion in assets, the task before the FDIC will be overwhelming—at a time when its resources are already stretched thin by problems within the banking sector, including a postdepression record of defaults.

Furthermore, the administration recommended that the RTC staff be kept small. Both Treasury Secretary Nicholas Brady and OMB Director Richard Darman have indicated that the size of the RTC staff should be kept minimum. During testimony before the Senate Banking Committee, Under Secretary for Domestic Finance Robert R. Glauber characterized the proposed Resolution Trust Corporation as "a lean organization." He also stated the the RTC would have fewer than 100 employees.

In Maryland we experienced a savings and loan crisis that in many ways was a precursor of our national thrift

catastrophe. When the State of Maryland began to intervene in the crisis, it made a commitment to depositors that they would be paid in full by December 1989. In order to fulfill this commitment, the Maryland Deposit Insurance Fund [MDIF] recognized the need to involve the private sector. In doing so, returns on assets from troubled institutions have been higher than expected. In 1987 the Financial Conservators Incorporated [FCI] undertook management of the Old Court Savings and Loan. In 2 years FCI has been able to attain a return rate of 83 percent of the estimated value of Old Court's assets. This rate of return is striking when one realizes that Treasury has estimated a rate of return of around 40 percent on the Government's future receiverships.

Thus the key to a successful management of these enormous amounts of assets is to develop mechanisms to ensure the quality of the services I mentioned previously.

Since it is clear that the Government does not have the manpower needed for this job, the obvious solution is to look to the private sector for assistance and to resist the temptation to build the Government apparatus to provide these services. There are several reasons for this approach:

First, timing is critical: We can't afford the delays which would result from attempts by the Government to recruit the talent and staff needed. Rather than recruit from the private sector, it should mobilize in the private sector where the talent already exists.

Second, difficulty in measuring quality of service: We must resist the conclusion that because of the difficulty in measuring quality objectively, variances don't exist. The management of complex real estate assets is not like making widgets. The cheapest solution—measured in out of pocket dollars—is not always the best and ultimately the lowest cost solution. In fact, it often is the most expensive solution. A perfect example is the massive cost which has resulted from Government mismanagement of held S&L assets over the past few years. Superior asset management services would have saved billions. FSLIC's and FADA's attempt during the past couple of years to standardize a fixed 50 basis point asset management fee is another example of this penny-wise and pound-foolish approach. FSLIC officials have admitted that in many cases, asset management firms would lose money at this fee. The result, of course, is that the quality of service would suffer, or exceptional firms would simply refuse to provide the services.

The solution then is to set up a system designed to utilize the forces of free enterprise and market competition to maximize the likelihood that high-quality services are being delivered at the most competitive cost.

In passing the private sector amendment, the Banking Committee reaffirmed its strong belief in the merits of this approach. That is the faith in the forces of competition and free enterprise.

This has been a strong foundation of our American economic system and should not be abandoned now when we need it most.

This is not to say that the Government doesn't contain very motivated, capable employees, it does. Rather, as the experience with FADA over the last few years demonstrates, the Government has experienced great difficulty disposing of assets efficiently when operating within the confines of a Government or quasi-governmental agency.

This point was made abundantly clear in a letter former president and CEO Gerald Carmen addressed to the board of FADA upon his resignation. In his letter Ambassador Carmen stated that:

> FADA deals with recovering capital from non-performing real estate loans and with foreclosed real estate projects that are considered to be troubled in their design, execution, location, and potential for realizing profit. This is an atmosphere charged with unfilled expectations and broken dreams—all with heavy negative financial impact on just about everyone involved, and with the acrimony and litigation that such a situation creates. It takes a special breed of professional to operate in that environment and bring order out of that chaos—creative entreprenurial people with extraordinary education and experience in law, finance, real estate, and accounting wrapped in a type A personality with great diplomatic skills. This is not the substance of government—it is the substance of the highly charged and highly competitive commercial marketplace.

The Government needs to have the authority to hire and fire contractors based on its evaluation of whether it is obtaining the appropriate level of service. It can only do this if the services are being provided by the private sector. Once a Government agency is set up, it is very difficult to eliminate it.

As noted, FADA and FADA-type solutions have been examined by Congress and rejected. The General Accounting Office concluded last September, that there is "no compelling evidence that FADA is essential to the management and disposition of assets acquired by the FSLIC." The RTC and FDIC must be careful to resist the temptation to bring FADA's functions within the agencies, whether under the control of the Real Estate Asset Division or otherwise. FADA competed with the private sector for work that was contracted by the FSLIC, the owner of FADA. This created an uneven playing field resulting in the unfair discrimination against private sector contractors who were in many cases more qualified to do the work. If the work can be done in the private sector, it should be.

The private sector has strong bipartisan support in both Houses of Congress as well as from parts of the administration. The only real voice of criticism has come from some individuals within the affected Government agencies, FDIC, FSLIC, and FADA. I'd like to take this opportunity to discuss their primary concerns:

First, the Government needs discretion to use the private sector when doing so would be impractical and/or inefficient.

As noted, the amendment clearly provides the needed discretion. Although the amendment requires the use of the private sector unless doing so would be impractical or inefficient, the ultimate decision is left in the hands of the Government. The Government, however, must exercise this discretion reasonably and rationally.

Second, use of the private sector will lead to fraud and conflicts of interest.

When dealing with hundreds of billions of dollars, it is probably impossible to avoid all fraud and conflicts. It is imperative, however, that we develop systems to prevent this to the maximum extent possible. There is no reason to believe, however, that fraud will be any more prevalent by using the private sector with appropriate oversight, than in using the Government. There are ample instances of fraud, conflict and corruption within the Government sector. By concentrating on its oversight and supervision function, rather than on providing the services itself, the Government will be able to do a better job in preventing abuse.

Third, the private sector is too expensive and the Government should retain any "profit" inherent in providing these services for itself.

This concern stems from a misconception about, or lack of faith in, our free enterprise system. There is nothing wrong with private persons making a fair profit in providing services to the Government. In fact, taken to its extreme, this concern would require the Government to go into the business of operating its own manufacturing facilities to build planes and tanks, and to operate its own farms to feed the military. We should no more attempt to federalize the services needed to manage and dispose of the assets of the S&L industry than these other services. In fact, many studies sponsored by OMB have recognized that the private sector can provide needed services at significantly less cost than the Government. The experience with FADA also demonstrates this fact. During our investigation of FADA, we found that fees paid to FADA were significantly higher than fees charged for similar work by private contrac-

tors. As noted earlier, it is difficult to measure the true cost of services. It would appear, however, that even measuring only the direct out-of-pocket cost, the private sector is not more expensive when it comes to the management of the disposition of assets than the Government, and in fact may be less costly.

The details of precisely how the RTC and the FDIC should implement the program to recovery of the troubled assets is left by the legislation—as it should be—to the appropriate agencies. The general outlines, however, of how this task should be accomplished—its basic direction—has been made clear by Congress.

The Government should develop in-house the capabilities necessary to efficiently contract for services with the private sector.

All work which can be done competitively in the private sector should be. Conclusions that the use of the private sector would be impractical or inefficient in a particular case should be made only after reasoned analysis and should be regularly reexamined.

The Government should establish procedures to ensure that contracts are let fairly based on an unbiased evaluation of both qualitative and quantitative factors. Competitive bidding for contracts should be adopted. Favoritism must be avoided.

Fees should be set by market forces rather than by Government fiat. Contracts should be regularly monitored and audited to ensure satisfactory performance.

Strict conflict of interest policies must be implemented and enforced. There is considerable potential for the RTC to become involved in a major scandal due to conflict of interests and other reasons.

Existing work within FSLIC or FADA which is capable of being performed by the private sector should be contracted out promptly to avoid absorbing its services within the Government.

Finally, with regards to congressional oversight. Language in H.R. 1278 is designed to ensure that relevant Government agencies report periodically to Congress as to their progress in implementing the private sector provision of the bill. In particular, the bill requires the RTC to identify the extent to which the work force of the governmental agencies involved in asset disposition are being devoted to actions which could otherwise be performed by the private sector, as opposed to oversight and supervision functions which are appropriate for the Government. Congress intends that the discretion not to use the private sector in the disposition of assets be exercized only after a reasoned judgment that to do so would be impractical or inefficient.

The sooner the implementation of this program the quicker the return to the Government. It is important that this progress is successful and that the Government receives a substantial return on these assets. Otherwise, the RTC may resort to offering financial assistance to encourage "deals" similar to those that the FSLIC completed last December. Many Members of Congress, including myself, held serious reservations concerning the validity and financial soundness of the Southwest deals. Recently Bert Ely testified before the House Banking Committee that the "perverse incentives in the [FSLIC] assistance agreements could easily double this present value cost," which currently estimated by the FSLIC at $17.3 billion. I do not believe that this is a record that the Government wants to champion.

Mr. Speaker, before I close my remarks I would like to comment on another important amendment to title V of H.R. 1278, also having to do with RTC. This amendment, offered by Chairman GONZALEZ of the House Banking Committee and Representative FRANK, requires the right of first refusal for a limited period of time to nonprofits and low-income persons for properties owned by insolvent savings and loans. This was an important amendment, especially when one considers the historical importance of thrifts to the housing industry and the 70-percent cuts in housing programs made over the last 8 years. Furthermore, as my colleagues Representative BRUCE VENTO and NANCY PELOSI recently pointed out in a "Dear Colleague" on June 1, the sale of these foreclosed residential properties for low-income housing purposes will help preserve the existing housing stock while providing needed funds through the asset disposition process. It is my hope this provision will be kept intact.

As I have stated from the outset, it is my firm belief that a course be set at the beginning that will resist any temptation to build a huge Federal agency that goes beyond oversight and supervision of the private sector and attempts to perform inhouse the day-to-day tasks inherent in managing the recovery of real estate assets. Government is simply not well equipped to carry out the thousands of functions which can be efficiently and competitively carried out by the private sector. Although it is important that the Government agencies charged with handling this crisis not be compelled to use the private sector where doing so would be impractical or inefficient, it is equally important that those agencies clearly understand the strong congressional preference for utilization of the private sector to the maximum extent as possible.

There is a tremendous task before the country in dealing with the S&L crisis. It is imperative that the Government not compete with the resources available in the private sector, but must devise procedures to bring them fully into the program. We cannot afford to do otherwise.

Thank you.

□ 1900

PICKING UP THE TAB

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan [Mr. WOLPE] is recognized for 60 minutes.

Mr. WOLPE. Mr. Speaker, the savings and loan bailout bill, which is scheduled to come to the floor this week, will be one of the most costly measures we will consider during our tenure in Congress. The necessity of bailing out the Federal Savings and Loan Insurance Corporation [FSLIC]—regardless of the cost—is universally accepted as an unquestionable obligation of the U.S. Government. The sanctity of this obligation, however, should not dissuade us from pursuing a small measure of accountability from those who bear the principal responsibility.

The Federal Government is clearly responsible for bailing out insolvent thrifts which are federally chartered. However, a sizable portion of the Nation's thrift industry is comprised of State-chartered institutions which are regulated by the States but receive deposit insurance from the Federal Government. In some States the traditional Federal-State partnership which has characterized this dual banking system has been seriously abused by State regulators who have allowed institutions under their supervision to engage in highly risky investment practices—and even outright fraud—with funds backed by Federal deposit insurance.

In 1988, FSLIC took action to close or merge 205 insolvent thrifts at an eventual cost of $30.9 billion in 1988 dollars. Of this, $23.3 billion—or 75 percent of the cost—can be attributed to closing or merging State-chartered, but federally insured thrift institutions. As co-chair of the Northeast-Midwest Congressional Coalition, I have been astounded by the incredible concentration of these costs in just a few States of the Nation.

Available data indicate that by far the highest concentration of costs due to such activities is found in the State of Texas. Of the $23.3 billion in eventual costs due to FSLIC's 1988 actions to close or merge State-chartered institutions, $16.7 billion—or 72 percent—can be attributed to Texas S&L's.

While the State of Texas is responsible for 72 percent of these costs, the 18 States of the Northeast-Midwest region are only responsible for 2 percent of such costs. As the bailout bill now stands, the taxpayers in our 18

States will eventually pay an estimated $7.6 billion as a result of FSLIC's 1988 actions, while only causing $561 million in costs. In my State of Michigan, taxpayers will pay an estimated $646 million in such costs while only causing $52 million in costs.

For every $1 that a Northeast-Midwest taxpayer sends to Washington to pay for the bailout of State chartered institutions, only 7 cents will be spent to bail out thrifts in our region. For every dollar that a Texas taxpayer sends to Washington to pay for the bailout, $6.50 will be spent to bail out thrifts in that State. It is not hard to understand why the taxpayers in our States are outraged by this bailout.

But I must emphasize that this is not just a Northeast-Midwest issue. There are 22 States outside of our region—such as South Carolina, Tennessee, Missouri, and Idaho—which are not responsible for a single dollar of these bailout costs that I have been describing.

In light of the obvious unfairness of this situation, I have been joined by Representatives HORTON, KANJORSKI, KAPTUR, LAFALCE and ROTH in asking the Rules Committee to make in order a bipartisan amendment to the bailout bill to address the issue of State responsibility for State-chartered institutions. Our amendment will shift a small portion of the burden to States which bear substantial responsibility for excessive costs due to inadequate regulation of State-chartered thrifts.

AN ABUSED PARTNERSHIP

For the last 50 years, the United States has enjoyed the benefits of a dual banking system which has been based upon a partnership between the Federal and State governments. The States have regulated State-chartered thrifts, which have played a key role in the industry by introducing innovations which have benefited consumers. The Federal Government has supplied deposit insurance for these institutions, which has provided confidence and stability.

Unfortunately, in recent years this Federal-State partnership has been badly abused in some cases. State regulators, particularly in Texas, have allowed thrifts under their supervision to stray far from the industry's traditional role of providing mortgages to homeowners. Such thrifts have offered high rates of return to depositors to attract capital to finance wildly speculative commercial real estate ventures. When these speculative investments in office buildings and shopping centers soured, loan obligations could not be met, State-chartered S&L's which engaged in this high-risk lending plunged into insolvency, and now the American taxpayer is left holding the bag.

Defenders of Texas will no doubt argue that the huge costs resulting from the collapse of the State's S&L industry are the result of macroeconomic forces beyond their control. They will blame either first, troubles plaguing the thrift industry across the Nation in the 1980's; or second, the economic distress caused by the dramatic drop of oil prices in 1986. Neither of these arguments holds much water.

First, a comparison of the health of the thrift industry in Texas with the rest of the Nation demonstrates that the decline of Texas S&L's far exceeds that of the industry as a whole. Second, if economic distress were the primary factor, a similar rash of S&L failures would have spread across the Nation following the 1982 recession. However, a comparison of unemployment rates and net worth as a percentage of assets in thrifts in Texas and Michigan in the 1980's disproves this argument. Due to its role in providing home mortgages, the S&L industry has traditionally been sensitive to increases in the unemployment rate. While Michigan's S&L industry faltered when the State led the Nation with an unemployment rate of 15.5 percent in 1982, it was never in danger of insolvency. In Texas, where the unemployment rate never exceeded 8.6 percent, the crash of the S&L industry came so fast that it clearly had little to do with a cyclical downturn of the State's economy.

In short, this disaster was not caused by bad times; it was caused by irresponsibility during the good times that preceded the bad times.

EASY CREDIT

The boom in America's oil-producing States began with the jump in world oil prices that followed the OPEC embargo of 1973. The boom was further fueled when the second oil shock hit in 1979 when the price of oil soared from $16 per barrel to $30 per barrel following the fall of the Shah of Iran. While these high-oil prices crippled the economies of oil consuming States, they fueled rapid economic growth in Texas. From 1972 to 1986, the Gross State Product [GSP] of Texas grew by 362 percent in unadjusted dollars—one of the highest rates of growth in the Nation.

This robust economic growth—coupled with an unshakable faith in ever-increasing oil prices—led to a very relaxed attitude toward commercial lending by both Texas' thrift industry and its State regulators. The following excerpt from a column in the Washington Post by Robert J. Samuelson captures this attitude:

EASY CREDIT, HARD LESSONS

Some years ago I interviewed a Dallas businessman named Ira Corn; Jr.—This was back when Texas was booming, and I asked: what made the Texas economy grow? After listing some of the obvious reasons—oil and gas, low taxes—Corn got to the point. Credit, he said. People were more relaxed than in the East. Banks loved to lend, businesses loved to borrow. Easy credit was great. "You go where you can borrow—where people (banks) lend on people, not on assets," he said.

The story comes to mind now—because the Texas passion for easy credit has reached its logical, if destructive conclusion. A sizable part of the federally insured savings and loan industry is bankrupt, and the largest concentration is in Texas.

To meet the high demand for "easy credit," Texas thrifts offered interest rates to depositors that were among the highest in the Nation. As a result, between 1980 and 1985 deposits in State-chartered S&L's in Texas grew by a staggering 186 percent, while such deposits in the rest of the Nation grew by only 26 percent. By 1985, 85 percent of deposits in FSLIC-insured institutions in Texas resided in State-chartered institutions; the comparable figure for the rest of the nation was only 32 percent.

This massive influx of federally insured deposits was treated in a remarkably cavalier and irresponsible manner by the S&L industry and State regulators in Texas. Tens of billions of dollars were invested in highly speculative real estate ventures which depended upon optimistic forecasts of ever-increasing oil prices for economic viability. In addition, there is growing evidence that billions of dollars were channeled into schemes that were nothing less than outright fraud.

Federal statute specifically limits the types of investments that federally chartered institutions can make, and it places limits on such investments in terms of percentage of assets. The regulation of State-chartered S&L's in Texas appears to be among the most lenient in the Nation. A recent Congressional Research Service report entitled "Powers of Federally Chartered Thrifts Compared With Those of Thrifts Chartered by the Various States" found that:

Texas statutes provide little elaboration on the powers of thrifts chartered by the state. The investment and loan powers of Texas state-chartered thrifts, unlike those of other states that we have mentioned, are not delineated in statutory law except for a general provision pertaining to investment in securities. . . . Delineation of lending and investment powers of Texas thrifts is within the authority of the Texas Savings and Loan Commissioner.

The powers of State-chartered thrifts in Texas are not spelled out in law. In Texas, the authority to determine limits upon loans and investments made with funds backed with the full faith of the U.S. Government resides in a State official who may or may not believe that Government has a legitimate role in restraining the excesses of the private sector. In looking at the record for the 1980's, it is difficult not to conclude that the State regulators in Texas were—at best—asleep at the switch and that taxpayers across the country will pay tens of

billions of dollars in the years ahead as a result.

It is certainly reasonable to require any States which have flagrantly abused the Federal-State partnership that has been the basis of our dual banking system to accept an additional portion of the cost of the bailout. Doing so would somewhat ease the burden on States which have not contributed to such cost through irresponsible regulation.

OUR PROPOSAL

Our amendment is straightforward and reasonable. A State which is responsible for egregiously excessive costs to bailout State-chartered S&L's will be required to pay 25 percent of such costs if its State-chartered S&L's are to continue to receive Federal deposit insurance in the future.

Our amendment contains four elements to ensure fairness to States which might bear responsibility. First, a State is found to have "excessive costs" only when its percentage share of the total bailout costs of State-chartered institutions is more than double its percentage share of national deposits in State-chartered institutions in 1980—1980 was chosen as the base year because it predates the explosion of deposits in State-chartered thrifts in the 1980—second, a State will only be held accountable for 25 percent of excessive costs, with the Federal Government paying the balance. Third, States will be permitted to meet 50 percent of any potential obligation through the purchase of federally repossessed property within the State. This will give the State the ability to control the release of this property into the marketplace and thereby reduce the possibility of a "fire sale" of repossessed assets which could threaten real estate values in the State. And fourth, the amendment is voluntary; States only have to pay for excessive costs if they want their State-chartered institutions to continue to receive Federal deposit insurance.

CONCLUSION

The primary premise behind our amendment is fairness. We seek to reduce the cost to Federal taxpayers in States which have not inordinately contributed to the cost of the bailout through irresponsible regulation at the State level. In addition, we have made every effort to be fair to any State with potential liability.

A secondary premise behind our amendment is accountability. We must send a clear message to State government that the Federal Government will not allow future abuse the Federal-State partnership without seeking accountability.

Our effort will no doubt be attacked as an exercise in Texas bashing. We assure you that is not our intent. Nothing in our amendment is structured so as to treat Texas differently than any other State. The fact that the burden of our amendment may fall heavily on Texas is simply a result of that State's contribution to the problem.

National polls indicate that the American people are cynical about government in general and outraged by the bailout in particular. A successful effort to introduce a small measure of accountability and fairness into the savings and loan bailout bill will be a positive step toward dispelling such feelings.

I hope that our colleagues on the Rules Committee will make our amendment in order when the S&L bailout comes to the floor of the House. If given the opportunity, I hope the Members of this body will support our efforts on behalf of fairness and accountability.

□ 1920

IS FREEDOM IN PERIL?

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Mississippi [Mr. PARKER] is recognized for 10 minutes.

Mr. PARKER. Mr. Speaker, we live in dangerous times. On all sides freedom is assailed. There is a statute that stands atop the dome of our Nation's Capitol. Many people think that it is the image of an Indian. It is not. It is Armed Freedom. I feel that it is significant that Freedom stands at the center of our seat of Government. When the new dome was being built during the late 1850's and early 1860's, much was said concerning stopping the construction because of the Civil War. President Lincoln made the decision to continue with the construction because he wanted to be sure the American people understood that symbolically the Union would continue even after all the fighting. In 1863 the statue Freedom was placed in her present position. The statue is held securely in place by large bolts and since it is so high—there are 10, platinum tipped lightening rods which ground her. It is interesting to note that she is the tallest statue in Washington—19½ feet tall and weighs some 7½ tons. By law, no other statue in the District can be as tall. Even the statue in the Jefferson Memorial is only 19 feet high.

There was a great deal of question as to her stability when she was put into place. Therefore, in 1865, the Smithsonian Institution ran some tests to see just how stable she was. They found that with the change from the heat of the day to the cool of the night, the statue moves some 3 to 4 inches. Freedom is indeed in a precarious position in this Capitol.

Since I have been here, which is only a few short months, I have been fascinated by the tactics which have been utilized by some elected officials of this country. I have known for a long time that many people consider politics a game. I do not. I have seen individuals, some with very large egos, behave as spoiled children when they do not get their way. I have seen people manipulate the system, manipulate their constituencies, manipulate the American people and even manipulate the press. We live in dangerous times.

A situation occurred recently which I feel is or should be the final straw. If there is one adjective which can best describe the American people—it is a four letter word spelled f-a-i-r. No matter who or why one is accused, I believe in the basic fairness of the American people. We, as Americans, have more empathy when we see a fellow citizen wronged than any other society on the face of this planet. It is unfortunate that there are some who have forgotten that the American people only want what is right, not what one can manipulate from them.

There is no individual who would not fear when the FBI comes to his front door. Is there any citizen who would not fear for themselves and for others when the power of the state is brought to bear against a person accused of no wrongdoing? America was founded by people who were persecuted by those who used the power of the state for sinister political purposes. I believe the American people resent actions of this type.

The incident which Congressman BILL GRAY, our colleague, was subjected to recently demands some answers.

First, I have called upon Attorney General Thornburgh to investigate this matter to determine the source of these illegal leaks. Who made the accusations? What accusations were made? Why were they made? Why were uninformed FBI agents sent to supposedly interrogate Congressman GRAY and what is the justification for their procedures? These are simple questions, they require simple answers. It is only fair.

Second, I call upon President Bush to utilize the power of his office over the executive branch of our Government to make sure that those departments which are involved in this situation do their work quickly and fully and report to the American people.

It is important that he do so, I have the utmost respect for President Bush. I feel that this is a good and decent man. But having a good and decent man in the White House does not guarantee that a misuse of power can not occur. President Eisenhower was a good and decent man. While he was on watch, McCarthyism ruled this Hill.

The answer to the questions I have posed must come quickly.

We as Members of this body cannot allow the situation to remain as it is. It is our responsibility to bring some sanity, some reason, yes, some fairness

to this process. We cannot sit idly by and let this continue. Only we can stop this misuse of power.

Power is like strong drink. The more you inbibe, the more invincible you think you become. The more blatant your actions become. The more dangerous your thought processes become.

The central issue at stake is the same as the statue sitting above the rotunda. The central issue is Freedom. We must force the issue because I believe, in a real way, Freedom is at stake.

Yes, Freedom is in a precarious position. Through the years it has stood tall and gazed down over the city. It has viewed our successes and our failures. It has seen us utilize power for the good of our fellow human beings and it has seen us use power to make a political name for the likes of Senator Joseph McCarthy, a poor, lowly, degraded alcoholic in the 1950's.

Freedom does move a little. It's position is not stable. It has been struck by lightning from time to time. It does indeed shudder sometimes.

That is why we are called to protect her. Only we can make sure that Freedom is kept at the center of this Government. Only we can be the force which prevent those who wish to harm her. Only we can make sure that Freedom is protected. And the reason is simple. As every American knows, only by protecting Freedom, will she protect us.

HOUSE OF REPRESENTATIVES,
Washington, DC, June 6, 1989.

Hon. RICHARD L. THORNBURGH,
Attorney General, 10th Street, and Constitution Avenue NW, Washington, DC.

DEAR MR. ATTORNEY GENERAL: I have been alarmed by events that occurred on May 29 and May 30, 1989, concerning Representative William H. Gray, III (Penn. 2nd Dist.) and unnamed Federal Bureau of Investigation (F.B.I.) agents. At a meeting at a local Washington hotel on May 29, 1989, Mr. Gray was informed that the F.B.I. was investigating certain allegations concerning an employee or employees on his congressional staff. More detailed information was not made available to Mr. Gray.

I am extremely disturbed that information concerning the allegations was illegally leaked by Justice Department officials to the press. Due to these leaks, Mr. Gray has been required to defend unsubstantiated allegations. I call upon you to determine who is responsible for the leaks and take appropriate action. By leaking confidential information to the press, the agents violated both the spirit and the letter of the law. Such misuse of power must be brought to an end. I call upon you to conduct an investigation into this matter immediately.

I look forward to your speedy reply.

Sincerely,

MIKE PARKER,
Member of Congress.

HOUSE OF REPRESENTATIVES,
Washington, DC, June 6, 1989.

Hon. GEORGE BUSH,
President of the United States, the White House, 1600 Pennsylvania Avenue NW, Washington, DC.

DEAR MR. PRESIDENT: On May 29 and May 30, 1989, my friend and colleague, Congressman William H. Gray, III (Penn. 2nd Dist.) was presented with unsubstantiated allegations concerning a "ghost" employee by agents with the Federal Bureau of Investigations. After giving initial details of the investigation, the agents were unable or unwilling to provide additional information.

However, on May 30, 1989, information was illegally leaked to the press concerning these allegations. I have called upon Attorney General Richard Thornburgh to conduct an investigation as to who leaked the information. I support your committment to ethics in government and I ask that you use the Executive Office of the President to assure that a thorough investigation is conducted in locating the source of the leaks. As a former Member of the House, I believe that you will agree that a Member of Congress should not be required to respond to unsubstantiated allegations leaked to a newspaper.

I look forward to your personal participation in the resolution of this matter.

Sincerely,

MIKE PARKER,
Member of Congress.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. BUECHNER (at the request of Mr. MICHEL) for today on account of official business.

Mrs. COLLINS (at the request of Mr. FOLEY) for today through June 13 on account of illness.

Mr. SCHEUER (at his own request) on account of taking his wife to the hospital for surgery.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. RIDGE) to revise and extend their remarks and include extraneous material:)

Mr. GRANT, for 60 minutes, on June 7.

Mr. BILIRAKIS, for 60 minutes, on June 13.

Mr. GUNDERSON, for 60 minutes, on June 8.

Mr. UPTON, for 60 minutes, on June 8.

Mr. SHAW, for 5 minutes, today.

Mr. FISH, for 5 minutes today.

Mr. BURTON of Indiana, for 5 minutes, today.

Mr. BURTON of Indiana, for 60 minutes, on June 7.

Mrs. BENTLEY, for 60 minutes each day, on June 7 and 8.

Mr. MCEWEN, for 60 minutes, today.

(The following Members (at the request of Mr. HARRIS) to revise and extend their remarks and include extraneous material:)

Mr. ANNUNZIO, for 5 minutes, today.

Mr. PARKER, for 10 minutes, today.

Mr. FRANK, for 60 minutes, on June 13.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. RIDGE) and to include extraneous matter:)

Mr. DORNAN of California.
Mr. SOLOMON in three instances.
Mr. GILMAN.
Mr. SAXTON.
Mrs. MORELLA.
Mr. DOUGLAS.
Mr. BARTON of Texas.
Mr. SHAW.
Mr. FISH.
Mr. MARTIN of Illinois.
Mr. HAMMERSCHMIDT.
Mr. PORTER.
Mr. DEWINE.
Mr. YOUNG of Arizona.
Mr. BUECHNER.
Mr. BEREUTER.
Mr. SHAYS.
Mr. DAVIS.
Mr. LAGOMARSINO.
Mr. ROWLAND of Connecticut.
Mr. GREEN in two instances.
Mr. CLINGER.
Mr. CRAIG in three instances.

(The following Members (at the request of Mr. HARRIS) and to include extraneous matter:)

Mr. PAYNE of Virginia.
Mr. DOWNEY.
Mr. MRAZEK.
Mr. ROE.
Mr. HAWKINS.
Mr. RICHARDSON.
Mr. MATSUI in three instances.
Mr. FORD of Michigan in two instances.
Mr. LEVINE of California.
Mr. LELAND.
Mr. TORRICELLI.
Mrs. SCHROEDER.
Mr. NOWAK.
Mr. DELLUMS.
Mr. DORGAN of North Dakota.
Mr. TRAFICANT.
Mr. STARK.
Mr. LEHMAN of California.
Mr. BORSKI.
Mr. STALLINGS in two instances.
Mr. MANTON.
Mr. HOYER.
Mr. DONNELLY in three instances.
Mr. COLLINS.
Mr. HUBBARD.
Mr. BERMAN.

ADJOURNMENT

Mr. PARKER. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 7 o'clock and 34 minutes p.m.), the House adjourned until tomorrow, Wednesday, June 7, 1989, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1309. A letter from the Assistant Secretary of the Army for Financial Management, transmitting a draft of proposed legislation to amend chapter 19 of title 37, United States Code, relating to the administration of pay for members of the uniformed services, to provide for payment during times of war, hostilities, or national emergency; to the Committee on Armed Services.

1310. A letter from the Deputy General Counsel, Department of Defense, transmitting a draft of proposed legislation to provide the service Secretary concerned the option to order a cadet or midshipman to reimburse the United States without first ordering such cadet or midshipman to active duty; to the Committee on Armed Services.

1311. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 8-34, "Revenue Amendment Act of 1989," and report, pursuant to D.C. Code section 1-233(c)(1); to the Committee on the District of Columbia.

1312. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 8-35, "Closing and Dedication of Public Alleys in Square 66, S.O. 86-119, Act of 1989," and report, pursuant to D.C. Code section 1-233(c)(1); to the Committee on the District of Columbia.

1313. A letter from the Chairman, Council of the District of Columbia transmitting a copy of D.C. Act 8-33, "District of Columbia Solid Waste Disposal Act of 1989," and report, pursuant to D.C. Code section 1-233(c)(1); to the Committee on the District of Columbia.

1314. A letter from the Secretary of Education, transmitting a copy of final regulations for Chapter 1 program in local educational agencies, pursuant to 20 U.S.C. 1232(d)(1) to the Committee on Education and Labor.

1315. A communication from the President of the United States, transmitting the bimonthly report on progress toward a negotiated settlement of the Cyprus question, pursuant to 22 U.S.C. 2373(c); to the Committee on Foreign Affairs.

1316. A letter from the Acting Administrator, National Aeronautics and Space Administration, transmitting the semiannual report of the inspector general of the National Aeronautics and Space Administration for the period ending March 31, 1989, pursuant to Public Law 95-452, section 5(b) (102 Stat. 2526); to the Committee on Government Operations.

1317. A letter from the General Counsel, Department of the Treasury, transmitting a draft of proposed legislation to amend section 516 of title 44, United States Code, with respect to the prosecution of defaulting contractors by the general counsel for the Department of the Treasury; to the Committee on House Administration.

1318. A letter from the Deputy Associate Director for Collection and Disbursements, Department of the Interior, transmitting notice of proposed refunds of excess royalty payments in OCS areas, pursuant to 43 U.S.C. 1339(b); to the Committee on Interior and Insular Affairs.

1319. A letter from the Board of Directors, Tennessee Valley Authority, transmitting a report on TVA's activities during the fiscal year beginning October 1, 1987, and ending September 30, 1988, pursuant to 16 U.S.C. 831h(a); to the Committee on Public Works and Transportation.

1320. A letter from the Acting General Counsel, Federal Emergency Management Agency, transmitting a draft of proposed legislation to authorize assessment of user fees by the Federal Emergency Management Agency; jointly, to the Committees on Interior and Insular Affairs and Energy and Commerce.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. UDALL: Committee on Interior and Insular Affairs. H.R. 1101. A bill to extend the authorization of the Water Resources Research Act of 1984 through the end of fiscal year 1993; with amendments (Report 101-76). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. GILMAN (for himself and Mr. FORD of Michigan):

H.R. 2544. A bill to amend title 5, United States Code, to allow degree training for Federal employees in critical skills occupations, to allow for repayment of student loans for certain Federal employees, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. GILMAN:

H.R. 2545. A bill to amend title 38, United States Code, to provide that persons considered to be Commonwealth Army veterans by reason of service with the Armed Forces during World War II in the Philippines shall be eligible for full veterans' benefits from the Department of Veterans' Affairs; to the Committee on Veterans' Affairs.

By Mr. APPLEGATE (by request):

H.R. 2546. A bill to amend title 38, United States Code, to increase the amount of mortgage life insurance available to veterans who qualify for the specially adapted housing grant; to the Committee on Veterans' Affairs.

By Mr. BONIOR (for himself, Mr. JACOBS, Mr. WEISS, Mr. MATSUI, Mr. GEJDENSON, and Mr. EVANS):

H.R. 2547. A bill to amend the Internal Revenue Code of 1986 to repeal the supplemental Medicare premium and to provide funding for Medicare catastrophic benefits from general receipts by extending the maximum individual income tax rate of 33 percent; jointly, to the Committees on Ways and Means and Energy and Commerce.

By Mr. BOSCO (for himself, Mr. ANDERSON, Mr. BATES, Mr. BEILENSON, Mr. BERMAN, Mr. BILBRAY, Mrs. BOXER, Mr. BROWN of California, Mr. COELHO, Mr. DELLUMS, Mr. DIXON, Mr. DYMALLY, Mr. EDWARDS of California, Mr. FAZIO, Mr. HAWKINS, Mr. HERTEL, Mr. HUGHES, Mr. LANTOS, Mr. LEHMAN of California, Mr. LEVINE of California, Mr. LIPINSKI, Mr. MARTINEZ, Mr. MATSUI, Mr. MILLER of California, Mr. MINETA, Mr. PANETTA Ms. PELOSI, Mr. ROYBAL, Mr. STARK, Mr. TORRES, and Mr. WAXMAN):

H.R. 2548. A bill to provide for the establishment of the Laguna de Santa Rosa National Wildlife Refuge in Sonoma County, CA; to the Committee on Merchant Marine and Fisheries.

By Mr. BUECHNER (for himself and Mrs. COLLINS):

H.R. 2549. A bill to amend the Hazardous Materials Transportation Act to authorize grants for improving emergency response planning and training activities, to establish a hazardous materials transportation registration fee to fund such grants, and to provide for designation of hazardous materials transportation routes and permitting of hazardous materials motor carriers; jointly, to the Committees on Energy and Commerce and Public Works and Transportation.

By Mr. HAMILTON (for himself, Mr. FASCELL, Mr. ROSTENKOWSKI, Mr. BROOMFIELD, Mr. GILMAN, Mr. LANTOS, Mr. ARCHER, Mr. KLECZKA, and Mr. LIPINSKI):

H.R. 2550. A bill to provide for certain forms of assistance to Poland and Hungary to encourage the process of democratic reforms in those countries; jointly, to the Committee on Foreign Affairs and Ways and Means.

By Mr. DELLUMS:

H.R. 2551. A bill to amend chapter 119 of title 18, United States Code, to eliminate the one-party consent exception to the prohibition on eavesdropping in non-law-enforcement cases, and for other purposes; to the Committee on the Judiciary.

By Mr. DORNAN of California:

H.R. 2552. A bill to amend title 10, United States Code, to allow certain retired members of the Armed Forces to elect to be covered under the military survivor benefit plan; to the Committee on Armed Services.

H.R. 2553. A bill to provide for the issuance of visa numbers to certain former political prisoners in the Socialist Republic of Vietnam; to the Committee on the Judiciary.

By Mr. DYMALLY:

H.R. 2554. A bill to establish a United States Commission on Southern Africa; to the Committee on Foreign Affairs.

By Mr. FRANK:

H.R. 2555. A bill to amend the Immigration and Nationality Act to waive the Government knowledge requirement for the naturalization of persons over age 50 who have resided in the United States as permanent residents for at least 20 years; to the Committee on the Judiciary.

By Mr. GREEN:

H.R. 2556. A bill to amend the Federal Election Campaign Act of 1971 to provide for financing of general election campaigns for the House of Representatives; to the Committee on House Administration.

By Mr. HAMMERSCHMIDT (for himself, Mr. MONTGOMERY, Mr. STUMP,

Mr. FLORIO, Mr. SMITH of New Jersey, Mr. PALLONE, Mr. RINALDO, Mr. ROE, Mr. TORRICELLI, Mr. PAYNE of New Jersey, Mr. GALLO, Mr. SAXTON, Mr. GUARINI, Mr. COURTER, Mrs. ROUKEMA, and Mr. DWYER of New Jersey):

H.R. 2557. A bill to designate the outpatient clinic of the Department of Veterans' Affairs to be located on New Jersey State Route 70 in Brick Township, NJ, as the "James J. Howard Veterans' Outpatient Clinic"; to the Committee on Veterans' Affairs.

By Mr. HOYER (for himself and Mr. WILLIAMS):

H.R. 2558. A bill to authorize financial assistance to the Washington Research Library Consortium, and for other purposes; to the Committee on Education and Labor.

By Mr. KENNEDY:

H.R. 2559. A bill to authorize the Cambridge Redevelopment Authority to acquire and redevelop land within the Kendall Square Renewal Project Area for housing and accessory uses and to direct the Secretary of Transportation to reconvey certain disposable real property in the project area to the Cambridge Redevelopment Authority for such purpose; to the Committee on Banking, Finance and Urban Affairs.

By Mr. LELAND (for himself, Mrs. COLLINS, Mr. LANTOS, and Mr. WEISS):

HR. 2560. A bill to provide for a White House Conference on Homelessness; to the Committee on Banking, Finance and Urban Affairs.

By Mrs. MARTIN of Illinois:

H.R. 2561. A bill to require the Environmental Protection Agency to increase the number of criminal investigators in its Office of Criminal Investigations, and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. RUSSO:

H.R. 2562. A bill to amend the Internal Revenue Code of 1986 with respect to the taxation of employee's annuities in cases where employee contributions are recoverable in 1 year; to the Committee on Ways and Means.

By Mrs. SCHROEDER:

H.R. 2563. A bill to amend title I of the Employee Retirement Income Security Act of 1974 to provide for more equitable treatment of part-time and temporary workers under pension plans and group health plans, and to ensure treatment as employees under such title of certain individuals whose services are leased or contracted for by employers; to the Committee on Education and Labor.

By Mr. SHAW (for himself, Mr. SMITH of Florida, Mr. LEWIS of Florida, Mr. RHODES, Mr. STUMP, and Mr. KOLBE):

H.R. 2564. A bill to amend the Fair Housing Act to remove the prohibitions with respect to discrimination because of familial status, and to require a study of discrimination based on familial status; to the Committee on the Judiciary.

By Mr. STALLINGS (for himself, Mr. JOHNSON of South Dakota, Mr. DORGAN of North Dakota, and Mr. CRAIG):

H.R. 2565. A bill to amend the Agricultural Act of 1949 to require the Secretary of Agriculture to exclude the malting barley price from the national weighted market price for barley in determining the payment rate used to calculate deficiency payments for the 1989 crop of barley, and to require the Secretary to establish the target price of barley for the 1990 crop based on all feed and food uses; to the Committee on Agriculture.

By Mr. SWIFT:

H.R. 2566. A bill to direct the Secretary of the Interior to transfer all right, title, and interest of the United States in certain property on San Juan Island, WA, to those persons who own such property because of an erroneous survey; to the Committee on Interior and Insular Affairs.

By Mr. THOMAS of Wyoming:

H.R. 2567. A bill to authorize additional appropriations for the construction of the Buffalo Bill Dam and Reservoir, Shoshone Project, Pick-Sloan Missouri Basin Program, Wyoming; to the Committee on Interior and Insular Affairs.

By Mr. TRAXLER:

H.R. 2568. A bill to amend title 10, United States Code, to allow military retired pay for nonregular service under chapter 67 of that title to be paid—on an actuarially reduced basis—without regard to the otherwise applicable age requirement in the case of persons eligible for such pay who are fully disabled; to the Committee on Armed Services.

By Mr. TRAXLER (for himself and Mrs. BOXER):

H.R. 2569. A bill to designate the Department of Veterans' Affairs medical center in Saginaw, MI, as the "Aleda E. Lutz Department of Veterans' Affairs Medical Center"; to the Committee on Veterans' Affairs.

By Mr. EDWARDS of California (for himself, Mr. COELHO, Mr. MICHEL, Mr. FISH, Mr. FOLEY, and Mr. ESPY):

H. Con. Res. 141. Concurrent resolution to designate June 21, 1989, as Chaney, Goodman, and Schwerner Day; jointly, to the Committees on Post Office and Civil Service and the Judiciary.

By Mr. DORNAN of California:

H. Con. Res. 142. Concurrent resolution expressing the sense of the Congress regarding the return of the Khmer Rouge to power in Cambodia, and technology transfer to the People's Republic of China; to the Committee on Foreign Affairs.

By Mr. GRAY:

H. Res. 166. Resolution to inform the Senate that Thomas S. Foley, a Representative from the State of Washington, has been elected Speaker of the House of Representatives; considered and agreed to.

H. Res. 167. Resolution authorizing the Clerk of the House to inform the President that the House of Representatives has elected Thomas S. Foley, a Representative from the State of Washington, Speaker of the House of Representatives; considered and agreed to.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 6: Mr. CRAIG, Mr. LAGOMARSINO, Mr. BEREUTER, Mr. HANSEN, Mr. RITTER, Mr. MCMILLAN of North Carolina, Mr. MOORHEAD, Mr. COUGHLIN, Mr. LENT, Mr. DANNEMEYER, and Mr. DENNY SMITH.

H.R. 21: Mr. DYSON, Mrs. KENNELLY, Mr. MATSUI, Mr. STUDDS, and Mr. YATES.

H.R. 33: Mr. ECKART, Mrs. LOWEY of New York, and Mr. ROBINSON.

H.R. 66: Mr. BROWN of Colorado.

H.R. 94: Mr. ECKART, Mr. DYMALLY, Mr. MCMILLEN of Maryland, Mr. AUCOIN, Mr. MACHTLEY, Mr. FISH, Mr. MEYERS of Kansas, and Mr. SHARP.

H.R. 145: Mr. BOSCO, Mr. HAWKINS, Mr. MOLLOHAN, and Mr. MOODY.

H.R. 148: Mr. HERGER.

H.R. 155: Mr. BORSKI.

H.R. 201: Mr. BUSTAMANTE.

H.R. 211: Mr. OLIN.

H.R. 215: Mr. HATCHER, Mr. DYSON, Mr. SAWYER, Mr. BORSKI, Mr. ESPY, and Mr. GEJDENSON.

H.R. 220: Mr. MARTINEZ and Mr. BUSTAMANTE.

H.R. 292: Mr. NATCHER.

H.R. 293: Mr. NEAL of Massachusetts, Mr. THOMAS A. LUKEN, and Mr. MARKEY.

H.R. 418: Mr. BUSTAMANTE.

H.R. 500: Ms. SNOWE, Mr. BRYANT, and Mr. ANNUNZIO.

H.R. 532: Mrs. BENTLEY, Mr. SMITH of New Hampshire, and Mr. MACHTLEY.

H.R. 594: Mr. BILBRAY, Mr. SANGMEISTER, and Mr. HOAGLAND.

H.R. 595: Mr. BUNNING, Mr. UPTON, Mr. SHAYS, Mr. CONTE, Mr. LAGOMARSINO, Mr. PENNY, Mr. RAHALL, Mr. PAXON, Mr. COLEMAN of Missouri, Mr. BALLENGER, Mr. WYDEN, Mr. BUSTAMANTE, Mr. RAY, Mr. SKELTON, Mr. COMBEST, Mr. DYMALLY, Mr. DENNY SMITH, Mr. FISH, Mr. ESPY, Mr. PACKARD, Mr. BROWDER, Mr. LAFALCE, and Mr. RAVENEL.

H.R. 636: Mr. BATES.

H.R. 638: Mr. BERMAN and Mr. EDWARDS of California.

H.R. 646: Mr. YOUNG of Florida.

H.R. 675: Mr. RICHARDSON.

H.R. 680: Mr. GLICKMAN, Mr. SHARP, Mr. PENNY, Mr. ROGERS, Mr. SOLOMON, Mr. PARRIS, Mr. HERGER, Mrs. MARTIN of Illinois, Mr. SKELTON, Mr. SMITH of New Hampshire, Mr. DURBIN, and Mr. HORTON.

H.R. 814: Mr. PERKINS.

H.R. 819: Mr. COX.

H.R. 928: Mr. ROWLAND of Georgia.

H.R. 951: Mr. BERMAN, Mr. BROWN of California, Mr. MARTINEZ, Mr. MATSUI, Mr. SABO, Ms. SLAUGHTER of New York, Mr. SPRATT, Mr. STOKES, and Mr. WYDEN.

H.R. 979: Mr. WAXMAN, Mr. VENTO, Mr. RICHARDSON, Mr. LANCASTER, and Mr. HORTON.

H.R. 987: Mr. MILLER of California and Mr. MCCURDY.

H.R. 995: Mr. BLILEY and Mr. FEIGHAN.

H.R. 1024: Mr. DYMALLY.

H.R. 1028: Mr. HAYES of Louisiana, Mr. CARDIN, Mr. NAGLE, Mr. PARKER, Mr. CLEMENT, Ms. LONG, Mr. FOGLIETTA, Mr. JACOBS, Mr. CAMPBELL of Colorado, Mr. LEWIS of Georgia, Mr. CLARKE, Mr. BATES, Mr. OWENS of Utah, Mr. EVANS, Mr. HOCHBRUECKNER, Mr. LANCASTER, Mr. PANETTA, Mr. HEFNER, Mr. HARRIS, Mr. LEATH of Texas, Mrs. PATTERSON, Mr. NELSON of Florida, Mr. STALLINGS, Mr. DYSON, Mr. HALL of Texas, Mr. SKELTON, Mr. GEPHARDT, Mr. HOYER, Mrs. UNSOELD, Mr. BILBRAY, Mr. DURBIN, Mr. WYDEN, Mr. NEAL of North Carolina, Mr. MRAZEK, Mr. MONTGOMERY, Mr. PAYNE of Virginia, Mr. UDALL, and Mr. WEISS.

H.R. 1046: Mr. GREEN and Mr. GRANDY.

H.R. 1068: Mr. CLAY, Mr. FAWELL, Mr. MFUME, Mr. KYL, Mr. HYDE, Mr. DEWINE, and Mr. GINGRICH.

H.R. 1074: Mr. SCHEUER, Mr. EMERSON, Mr. TALLON, Mr. BRYANT, Mr. SMITH of Mississippi, Mr. PAYNE of New Jersey, and Mr. ANDERSON.

H.R. 1095: Mr. BOUCHER and Mr. MCDADE.

H.R. 1111: Mr. EVANS.

H.R. 1113: Mr. SAXTON.

H.R. 1181: Mr. SMITH of New Jersey, Mr. HERGER, Mr. BALLENGER, Mr. NIELSON of Utah, Mr. BURTON of Indiana, Mr. SMITH of New Hampshire, Mr. SLAUGHTER of Virginia,

Mr. GUNDERSON, Mr. SENSENBRENNER, Mr. BUECHNER, Mrs. VUCANOVICH, Mr. MILLER of Washington, Mr. DENNY SMITH, Mr. WALKER, Mr. ROHRABACHER, Mr. GRANDY, Mr. GINGRICH, Mr. HUNTER, Mr. KASICH, Mr. MCEWEN, Mr. HANSEN, Mr. WOLF, Mr. HORTON, Mr. MARTIN of New York, Mr. FAWELL, and Mr. BEREUTER.

H.R. 1199: Mr. JONTZ, Mr. KOLBE, Mrs. ROUKEMA, and Mr. YOUNG of Florida.

H.R. 1200: Mr. WELDON, Mr. GOODLING, Mr. MORRISON of Washington, Mr. PANETTA, Mr. BOUCHER, Mr. GALLO, Mr. FASCELL, Mr. STALLINGS, Mr. FORD of Michigan, Mr. MILLER of Ohio, Mr. SKEEN, Mr. HUTTO, Mr. HANCOCK, Mr. JOHNSON of Florida, Mr. WHITTEN, Mr. YOUNG of Florida, Mr. KILDEE, and Mr. CRAIG.

H.R. 1205: Mr. BROWN of California, Mr. ESPY, Mr. KOSTMAYER, Mr. ROWLAND of Connecticut, Mr. SMITH of New Jersey, Mr. SOLARZ, and Mr. WILLIAMS.

H.R. 1206: Mr. BROOMFIELD.

H.R. 1249: Mr. WOLPE, Mr. EVANS, Mr. JACOBS, Mr. PEASE, and Mr. MRAZEK.

H.R. 1280: Mr. LEACH of Iowa.

H.R. 1281: Mr. RIDGE, Mr. TOWNS, Mr. DYMALLY, Mr. GILMAN, Mrs. COLLINS, Mr. YATES, Mr. PACKARD, Mr. HAWKINS, and Mr. MRAZEK.

H.R. 1292: Mr. DEFAZIO, Mr. STAGGERS, and Mrs. ROUKEMA.

H.R. 1293: Mr. SLAUGHTER of Virginia, Mr. JONES of North Carolina, Mr. WEISS, Mr. MURTHA, Mr. DAVIS, Mr. CLINGER, Mr. ECKART, and Mr. LEWIS of Georgia.

H.R. 1295: Mr. GOODLING and Mr. BILIRAKIS.

H.R. 1299: Mr. STALLINGS.

H.R. 1333: Mrs. PATTERSON and Mr. CAMPBELL of Colorado.

H.R. 1334: Mr. JONTZ and Mr. STAGGERS.

H.R. 1383: Mr. MAVROULES.

H.R. 1393: Mr. CLINGER and Mr. FOGLIETTA.

H.R. 1396: Mr. MOORHEAD.

H.R. 1425: Mr. EVANS.

H.R. 1439: Mr. BRUCE.

H.R. 1476: Mr. BARTON of Texas, Mr. BRYANT, and Mr. COMBEST.

H.R. 1499: Mr. OLIN, Mr. WHITTAKER, Mr. FISH, Mr. ROWLAND of Connecticut, Mr. CLINGER, Mr. GINGRICH, Mr. OXLEY, Mr. MCCANDLESS, and Mr. PACKARD.

H.R. 1525: Mr. CLINGER.

H.R. 1526: Mr. THOMAS of Georgia and Mr. DAVIS.

H.R. 1530: Mr. BATES.

H.R. 1561: Mr. ROE.

H.R. 1564: Mr. GOODLING, Mr. SMITH of Mississippi, Mr. BUSTAMANTE, and Mr. CAMPBELL of Colorado.

H.R. 1588: Mr. RAVENEL, Mrs. VUCANOVICH, Mr. WALSH, Mr. LANTOS, Mr. GRANDY, Mr. COLEMAN of Missouri, Mr. CONYERS, Mr. LEWIS of Florida, Mr. BLAZ, Mr. RAHALL, Mr. HATCHER, Mr. SHUMWAY, Mr. WEBER, and Mr. BROWDER.

H.R. 1605: Mr. SKAGGS, Mr. ESPY, Mr. MILLER of Washington, Mr. VOLKMER, Mr. HOCHBRUECKNER, Mr. PACKARD, Ms. SLAUGHTER of New York, and Mr. BROWN of Colorado.

H.R. 1632: Mr. BORSKI, Mr. BATES, and Mr. CAMPBELL of Colorado.

H.R. 1648: Mr. ROWLAND of Connecticut, Mr. DURBIN, Mr. ESPY, Mr. DYMALLY, Mr. RIDGE, Mr. BATES, and Ms. KAPTUR.

H.R. 1652: Mr. WOLPE.

H.R. 1664: Mr. HERGER.

H.R. 1733: Mr. AUCOIN, Mr. BERMAN, Mr. ATKINS, Mr. MCNULTY, Mr. WEISS, Mr. WOLPE, Mr. FAUNTROY, Mr. LANCASTER, Mr. MARTINEZ, Mr. FRANK, Mr. HOCHBRUECKNER, Mr. ECKART, and Ms. PELOSI.

H.R. 1769: Mr. CLEMENT.

H.R. 1780: Mr. LANCASTER, Mr. HARRIS, Mr. STAGGERS, Mr. FRANK, and Mr. MORRISON of Connecticut.

H.R. 1782: Mr. PACKARD, Mr. FAZIO, Mrs. COLLINS, Mr. MCEWEN, and Mr. NIELSON of Utah.

H.R. 1899: Mr. GRAY, Mr. LEWIS of Georgia, Mr. MARTINEZ, Mr. MORRISON of Connecticut, Ms. PELOSI, and Mr. WEISS.

H.R. 1931: Mr. SAVAGE, Mr. FOGLIETTA, and Mr. RIDGE.

H.R. 2022: Mr. MCEWEN, Mr. PANETTA, Mr. FAZIO, Mr. JONTZ, Mr. STUDDS, Mr. VENTO, Mr. CAMPBELL of Colorado, Mr. HENRY, Mr. DEFAZIO, and Mr. LANTOS.

H.R. 2044: Mrs. BOXER, Mr. SMITH of Florida, Mr. LIPINSKI, and Mr. HOLLOWAY.

H.R. 2055: Mr. THOMAS of Wyoming.

H.R. 2060: Mrs. BOXER.

H.R. 2078: Mr. COBLE and Mr. CLINGER.

H.R. 2095: Mr. POSHARD, Mr. TRAFICANT, Mr. DEFAZIO, Mr. WISE, Mr. APPLEGATE, Mr. LEWIS of Georgia, Mr. CLINGER, Mr. VENTO, Mr. STAGGERS, Mr. LEHMAN of California, and Mr. EVANS.

H.R. 2098: Mr. MCNULTY, Mr. SOLOMON, Mr. BUNNING, Mr. HALL of Ohio, Mr. SAVAGE, Mr. LEHMAN of California, Mr. GALLO, Mr. ACKERMAN, Mr. ECKART, Mr. DYMALLY, Mr. FAUNTROY, Mr. YATRON, Mr. KILDEE, Mr. HUGHES, Mr. GARCIA, Mr. TALLON, Mr. DEWINE, Mr. WEISS, Mr. PALLONE, and Mr. MCEWEN.

H.R. 2156: Mr. HAWKINS.

H.R. 2158: Mrs. SAIKI, Mr. HERTEL, Mr. PALLONE, Mr. MILLER of Washington, Mr. LAUGHLIN, Mr. HERGER, Mr. DAVIS, Mr. CLEMENT, and Mr. BENNETT.

H.R. 2181: Mr. AUCOIN.

H.R. 2190: Mr. ANDREWS, Mr. BILBRAY, Mr. CARPER, Mrs. COLLINS, Mr. DARDEN, Mr. DEFAZIO, Mr. DWYER of New Jersey, Mr. EDWARDS of California, Mr. EVANS, Mr. FAZIO, Mr. GRANT, Mr. HOCHBRUECKNER, Mr. JACOBS, Ms. KAPTUR, Mr. KOSTMAYER, Mr. LANTOS, Mrs. LOWEY of New York, Mr. MARTINEZ, Mr. MAZZOLI, Mr. MILLER of Washington, Mr. MINETA, Mr. MOAKLEY, Mrs. MORELLA, Mr. OWENS of Utah, Mr. POSHARD, Mr. PRICE, Mr. RAHALL, Mr. SANGMEISTER, Ms. SCHNEIDER, Mr. SPRATT, Mr. SCHEUER, Mrs. UNSOELD, Mr. WALGREN, Mr. WISE, Mr. YATES, and Mr. MORRISON of Connecticut.

H.R. 2191: Mr. FLAKE.

H.R. 2192: Mr. DEFAZIO, Mr. PARRIS, Mr. NEAL of North Carolina, Mr. TOWNS, Mr. ECKART, Mr. EMERSON, and Mr. BARNARD.

H.R. 2197: Mr. COOPER, Mr. SMITH of Mississippi, Mr. BEVILL, and Mr. ERDREICH.

H.R. 2212: Mrs. BOXER, Mr. EMERSON, and Mr. LANCASTER.

H.R. 2228: Mr. KOLTER, Mr. GEJDENSON, Mr. JOHNSON of South Dakota, and Mrs. JOHNSON of Connecticut.

H.R. 2237: Mrs. SAIKI.

H.R. 2257: Mr. JONES of North Carolina.

H.R. 2285: Mr. EMERSON, Mr. MCEWEN, Mrs. COLLINS, Mr. MARTIN of New York, Mr. DORNAN of California, and Mr. TOWNS.

H.R. 2287: Mr. FAZIO, Mr. HOCHBRUECKNER, and Mr. MCCURDY.

H.R. 2291: Mr. LAGOMARSINO and Mr. DWYER of New Jersey.

H.R. 2307: Mr. CAMPBELL of Colorado, Mr. FRANK, Mr. FEIGHAN, and Mr. WEISS.

H.R. 2318: Mr. ACKERMAN and Mr. DERRICK.

H.R. 2319: Mr. HATCHER, Mr. SHAYS, Mr. MACHTLEY, Mr. MOAKLEY, Mr. BOEHLERT, Mr. MOODY, Mr. SWIFT, Mr. PRICE, Mr. ROE, Mr. SAVAGE, Mr. KILDEE, Mr. PORTER, Mr. DYSON, Mr. FORD of Tennessee, Mr. MCDERMOTT, Mr. UPTON, and Mr. MATSUI.

H.R. 2327: Mr. ROYBAL, Mr. CHAPMAN, and Mr. DYMALLY.

H.R. 2350: Mr. MURPHY, Mr. THOMAS of Georgia, Mr. TAUZIN, and Mr. LAGOMARSINO.

H.R. 2360: Mr. LIVINGSTON, Mr. HYDE, Mr. MADIGAN, Mr. CRANE, Mr. MONTGOMERY, and Mr. DOUGLAS.

H.R. 2361: Mr. NEAL of North Carolina, Mr. FAWELL, Mr. TOWNS, Mr. BATES, and Mr. GEJDENSON.

H.R. 2362: Mr. NEAL of North Carolina, Mr. FAWELL, Mr. TOWNS, Mr. BATES, and Mr. GEJDENSON.

H.R. 2373: Mr. JONTZ, Mr. OLIN, Mr. MARTINEZ, Mrs. COLLINS, and Mr. LANCASTER.

H.R. 2380: Mr. SUNDQUIST, Mr. DORNAN of California, Mrs. MEYERS of Kansas, Mr. SAXTON, Mr. HAWKINS, Mr. IRELAND, Mr. RANGEL, Mr. YATES, Mr. OLIN, Mr. JONTZ, Mr. CAMPBELL of Colorado, Mr. HUGHES, Mr. BATES, Mr. WHITTEN, and Mrs. COLLINS.

H.R. 2401: Mr. EVANS and Mr. HARRIS.

H.R. 2406: Mr. EVANS, Mr. ECKART, and Mr. FROST.

H.R. 2426: Mr. MOODY, Mr. VALENTINE, Mr. LEWIS of Georgia, and Mr. PRICE.

H.R. 2437: Mr. RANGEL, Mr. LANCASTER, and Mr. HENRY.

H.R. 2466: Mr. MCHUGH.

H.R. 2469: Mr. JOHNSON of South Dakota.

H.J. Res. 1: Mr. BOEHLERT, Mr. BONIOR, Mr. GORDON, Mr. SANGMEISTER, and Mr. TORRICELLI.

H.J. Res. 47: Mr. BILBRAY, Mr. BILIRAKIS, Mr. BORSKI, Mr. COBLE, Mr. COUGHLIN, Mr. EVANS, Mr. GARCIA, Mr. HALL of Ohio, Mr. HOYER, Mr. KANJORSKI, Mrs. KENNELLY, Mr. KOSTMAYER, Mr. LIGHTFOOT, Mr. OBERSTAR, Mr. OWENS of Utah, Mr. PICKETT, Mr. RAVENEL, Mr. SPENCE, Mr. UPTON, Mr. VOLKMER, Mr. WILSON, and Mr. WOLPE.

H.J. Res. 138: Mr. WAXMAN and Mr. LANCASTER.

H.J. Res. 160: Mr. WILLIAMS, Mr. OWENS of New York, Mr. DEFAZIO, and Mr. MAVROULES.

H.J. Res. 164: Mr. GALLEGLY, Mr. BILIRAKIS, Mr. NEAL of North Carolina, Mr. PRICE, Mr. ESPY, Mr. WHITTEN, Mr. THOMAS A. LUKEN, Mrs. JOHNSON of Connecticut, Mr. MOLINARI, Mr. WHITTAKER, Mr. WISE, Mr. EMERSON, and Mr. STOKES.

H.J. Res. 168: Mr. ROBERTS.

H.J. Res. 178: Mr. TRAFICANT, Mr. BROWN of California, Mr. BILIRAKIS, Mr. RUSSO, Mr. SCHAEFER, Mr. HALL of Ohio, Mr. HANCOCK, Mr. DARDEN, Mr. KILDEE, Mr. ENGLISH, Mr. PANETTA, Mr. WALGREN, Mr. DEFAZIO, and Mr. TORRICELLI.

H.J. Res. 181: Mr. PACKARD.

H.J. Res. 204: Mr. JONES of Georgia, Mr. RINALDO, Mr. DORGAN of North Dakota, Mr. PANETTA, and Mr. CRANE.

H.J. Res. 221: Mr. BILBRAY, Mrs. BOXER, Mr. DINGELL, Mr. FAZIO, Mr. HERTEL, Mr. HILER, Mr. NEAL of North Carolina, Mr. RAVENEL, Mr. SCHUETTE, Mr. SISISKY, Mr. THOMAS of Georgia, and Mr. YOUNG of Alaska.

H.J. Res. 223: Ms. KAPTUR, Mr. ANDREWS, Mr. GOSS, Mr. DYMALLY, and Mr. GARCIA.

H.J. Res. 227: Mr. BERMAN, Mr. BLILEY, Mr. BRENNAN, Mr. CHAPMAN, Mrs. COLLINS, Mr. CONYERS, Mr. DE LA GARZA, Mr. DORGAN of North Dakota, Mr. DYMALLY, Mr. EMERSON, Mr. FALEOMAVAEGA, Mr. FUSTER, Mr. HATCHER, Mr. HORTON, Mr. HUTTO, Mr. KENNEDY, Mr. LANTOS, Mr. LEACH of Iowa, Mr. LEHMAN of Florida, Mr. LEVINE of California, Mr. LEWIS of Florida, Mr. MARTINEZ, Mr. MATSUI, Mr. MCDERMOTT, Mr. MRAZEK, Mr. OWENS of Utah, Mr. RICHARDSON, Ms. SNOWE, Mr. TALLON, Mr. TOWNS, Mr. VOLK-

MER, Mr. WALGREN, Mr. WOLF, Mr. WEBER, and Mr. YOUNG of Alaska.

H.J. Res. 228: Mr. LEWIS of Georgia, Mr. YOUNG of Florida, Mr. CONYERS, Mr. SAXTON, Mr. LANTOS, and Mr. CLINGER.

H.J. Res. 231: Mr. FRANK, Mr. CROCKETT, Mr. MARTIN of New York, Mr. STOKES, Mr. WHEAT, Mr. FALEOMAVAEGA, Mrs. JOHNSON of Connecticut, Mr. ACKERMAN, Mr. BLILEY, Mr. MARTINEZ, Mr. FAZIO, Mr. MRAZEK, Ms. KAPTUR, Mr. LEHMAN of Florida, Mr. EVANS, Mr. BUECHNER, Mr. HUGHES, Mr. CLINGER, Mr. JONTZ, Mr. MATSUI, Mrs. BOXER, and Mr. VENTO.

H.J. Res. 254: Ms. SLAUGHTER of New York.

H.J. Res. 255: Mr. CROCKETT, Mr. COSTELLO, Mrs. COLLINS, Mr. CONYERS, Mr. HALL of Texas, Mr. VOLKMER, Mr. DEFAZIO, Mrs. BOXER, Mr. NELSON of Florida, Mr. OWENS of New York, Mr. LANTOS, Mr. RAY, Mr. TALLON, Mr. SAWYER, Mr. FEIGHAN, Mr. BERMAN, Mr. BILBRAY, and Mr. MOORHEAD.

H.J. Res. 274: Mr. MCCOLLUM, Mr. CONYERS, Mr. VENTO, Mr. RAHALL, Mr. BRUCE, Mr. WATKINS, Mr. MFUME, Mr. WYDEN, Mr. SMITH of Florida, Mr. HERGER, Mr. NELSON of Florida, Mr. DONNELLY, Mr. DE LA GARZA, Mr. GONZALEZ, Mr. AUCOIN, Mr. AKAKA, Mr. HAYES of Louisiana, Mr. LANCASTER, Mr. HAWKINS, Mr. SAVAGE, Mr. NEAL of North Carolina, Mr. MINETA, Mr. JONES of North Carolina, Mr. GLICKMAN, Ms. KAPTUR, Mr. CARDIN, Mr. ORTIZ, Mr. BOSCO, Mr. FOGLIETTA, Mr. STAGGERS, Mr. YATRON, Mr. LEVINE of California, Mr. COBLE, Mr. DARDEN, Mr. GARCIA, Mr. HALL of Ohio, Mr. MORRISON of Connecticut, Mr. HYDE, Mr. VANDER JAGT, Mr. TALLON, Mr. HORTON, Mr. DWYER of New Jersey, Mr. JONES of Georgia, Mr. KOSTMAYER, Mr. TOWNS, Mr. WOLF, Mr. LEWIS of Georgia, Mr. KASTENMEIER, Mrs. BOXER, Mr. LELAND, Mr. RINALDO, Mr. COURTER, Mr. GALLO, Mr. PAYNE of New Jersey, Mr. ROWLAND of Georgia, Mr. GUARINI, Mr. ATKINS, Mrs. BENTLEY, Mr. EVANS, Mr. CARPER, Mr. BLILEY, Mr. BUSTAMANTE, Mrs. COLLINS, Mr. ANDERSON, Mr. DYMALLY, Mr. JONTZ, Mr. ROE, Mr. FAZIO, Mr. MARTINEZ, Mr. WYLIE, Mr. SHAW, Mr. KASICH, Mr. SMITH of New Jersey, Mr. GILMAN, Mr. SOLOMON, Mr. ACKERMAN, Mr. SKEEN, Mr. APPLEGATE, Mr. DE LUGO, and Mr. FISH.

H.J. Res. 276: Mr. MINETA, Mr. LEACH of Iowa, Mr. MARTINEZ, Mr. DWYER of New Jersey, Mr. THOMAS A. LUKEN, Mr. MADIGAN, Mr. SAWYER, and Mr. PARKER.

H. Con. Res. 6: Mr. CARPER.

H. Con. Res. 79: Mr. HUGHES, Mr. FAZIO, Mr. FOGLIETTA, Mr. CAMPBELL of Colorado, Mr. JONTZ, Mr. GILMAN, Mr. BROWN of California, and Mr. CRANE.

H. Con. Res. 107: Mr. LANCASTER and Mr. FROST.

H. Con. Res. 124: Mr. KOLTER, Mr. RAHALL, Mr. DYMALLY, Mr. FAUNTROY, Mr. PETRI, Mr. CONYERS, Mr. CROCKETT, Mr. BOEHLERT, and Mr. BATES.

H. Con. Res. 131: Mr. DELAY, Mr. BERMAN, and Mr. GILMAN.

H. Con. Res. 132: Mr. MILLER of California, Mr. HOCHBRUECKNER, Mr. KENNEDY, Ms. KAPTUR, Mrs. BOXER, Mr. SIKORSKI, Mr. FAZIO, Mr. FOGLIETTA, Mr. LANCASTER, Mr. HERTEL, and Mr. MORRISON of Connecticut.

H. Res. 141: Mr. ATKINS, Mr. MINETA, Mr. CARDIN, Mrs. BENTLEY, Mr. GORDON, Mr. QUILLEN, Mr. WILLIAMS, Mr. ROWLAND of Connecticut, Mr. CALLAHAN, Mr. WALGREN, Mr. HENRY, Mr. BROWDER, Mr. BOSCO, and Mr. ACKERMAN.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 1278

By Mr. BILIRAKIS:

—Page 201, after line 22, insert the following new section:

SEC. 223. DISCLOSURES BY CLOSELY HELD OR MUTUAL INSURED FINANCIAL INSTITUTIONS.

The Federal Deposit Insurance Act (12 U.S.C. 1811 et seq.) is amended by inserting after the section added by section 1201 of this Act the following new section:

"SEC. 34. DISCLOSURES BY CLOSELY HELD OR MUTUAL INSURED FINANCIAL INSTITUTIONS.

"(a) MUTUAL INSURED FINANCIAL INSTITUTIONS.—Any insured mutual savings bank or insured mutual savings association shall disclose, in accordance with the requirements of subsection (b), to the depositors of such institution the information described in section 7(j)(6)(A) of this Act with respect to each officer, director, or trustee of such institution and any other person who, in the determination of the appropriate Federal banking agency, controls such institution.

"(b) DISCLOSURE REQUIREMENTS.—The disclosure required under subsection (a) shall—

"(1) be mailed to each depositor at least once during each calendar year and at any time any change in control occurs with respect to the insured financial institution for which such disclosures are required;

"(2) be written in clear and concise language; and

"(3) if included in any statement, notice, or other document, be placed in a prominent location in such document.

"(c) DETERMINATION OF CONTROL.—For purposes of this section, control shall be determined by the appropriate Federal banking agency in the manner provided in section 2(a) of the Bank Holding Company Act.

"(d) REGULATIONS.—Each appropriate Federal banking agency shall prescribe such regulations as may be necessary to carry out the provisions of this section.".

—Page 201, after line 22, insert the following new section:

SEC. 223. DISCLOSURES BY CLOSELY HELD INSURED FINANCIAL INSTITUTIONS.

The Federal Deposit Insurance Act (12 U.S.C. 1811 et seq.) is amended by inserting after the section added by section 1201 of this Act the following new section:

"SEC. 34. DISCLOSURES BY CLOSELY HELD INSURED FINANCIAL INSTITUTIONS.

"(a) CLOSELY HELD INSURED FINANCIAL INSTITUTIONS.—Any stock insured financial institution the shares of which are not publicly traded shall disclose, in accordance with requirements of subsection (b), to the depositors of such institution the information described in section 7(j)(6)(A) of this Act with respect to each person who, directly or indirectly, or in concert with 1 or more persons, controls such institution.

"(b) DISCLOSURE REQUIREMENTS.—The disclosures required under subsection (a) shall—

"(1) be mailed to each depositor at least once during each calendar year and at any time any change in control occurs with respect to the insured financial institution for which such disclosures are required;

"(2) be written in clear and concise language; and

"(3) if included in any statement, notice, or other document, be placed in a prominent location in such document.

"(c) DETERMINATION OF CONTROL.—For purposes of this section, control shall be determined by the appropriate Federal banking agency in the manner provided in section 2(a) of the Bank Holding Company Act.

"(d) REGULATIONS.—Each appropriate Federal banking agency shall prescribe such regulations as may be necessary to carry out the provisions of this section.".

SENATE—*Tuesday, June 6, 1989*

(Legislative day of Tuesday, January 3, 1989)

The Senate met at 9:25 a.m., on the expiration of the recess, and was called to order by the Honorable JEFF BINGAMAN, a Senator from the State of New Mexico.

The PRESIDING OFFICER. The Senate will come to order.

Our guest chaplain this morning is Dr. E. Claude Gardner, the president of Freed-Hardeman College at Henderson, TN.

PRAYER

Dr. E. Claude Gardner offered the following prayer:

Shall we pray:

O, Jehovah, how excellent is Thy name in all the Earth. Thou art our strength and shield and our hope and comforter. We are athirst for Thee as we cry to the God of life. We adore Thee as the great God perfect in power, wisdom, and love.

God of our fathers, we invoke Thy blessings on the United States Senate that this august body which is the "voice of the people" be directed to pass such legislation as will be in harmony with Thy divine will and purpose. May the laws enacted enable us to "lead a quiet and peaceable life in all godliness and honesty." Wouldst Thou bless and guide the solemn deliberations of this day.

We prize the illustrious history of freedom brought about by dedicated Government leaders and patriots. We pray that the democratic way of life may cover the Earth as the waters cover the sea. Open our eyes to the woes and needs of the children and to the aged. We believe, O God, that Thou are pleased with thanksgiving songs for relieved widows, for support of the homeless, for sound educational opportunities for all ages, for commitment to moral values, and justice for all mankind.

Because peace is continually threatened which places a burden on our hearts, we especially petition Thee to providentially lead all men and nations in the paths of peace.

We offer this prayer and praise in remembrance of Thy holiness and in the fear of the Lord and in the name of Jesus Christ. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore [Mr. BYRD].

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, June 6, 1989.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JEFF BINGAMAN, a Senator from the State of New Mexico, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. BINGAMAN thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

THE JOURNAL

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Journal of proceedings be approved to date.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. MITCHELL. Mr. President, I yield to the distinguished senior Senator from Tennessee, Senator SASSER.

The ACTING PRESIDENT pro tempore. The Senator from Tennessee is recognized.

THE VISITING CHAPLAIN'S PRAYER

Mr. SASSER. Mr. President, I thank the distinguished majority leader for yielding to me this morning.

Mr. President, I want to thank my great, good friend, Dr. E. Claude Gardner, for opening today's session of the U.S. Senate with such a thoughtful and eloquent invocation.

It is a pleasure for me this morning, Mr. President, to welcome Dr. Gardner, his wife Delores, and his granddaughter to Washington on this occasion.

I might say, Mr. President, that Dr. Claude Gardner is president of Freed-Hardeman College in Henderson, TN. He is a distinguished author and editor of many inspirational articles in the Gospel Advocate, Van Dyke's Sermons, and a number of other publications.

While serving as president of Freed-Hardeman College, a distinguished institution of learning, since 1969, he has continued his ministerial duties for many congregations of the Church of Christ throughout the State of Tennessee. He is one of our State's most outstanding educational and spiritual leaders. The quality of his leadership has continued immeasurably to the development of his community of Henderson, in west Tennessee, and, indeed, to the spiritual development of our entire region.

Mr. President, I wish to thank the majority leader for yielding to me this morning for this brief tribute to Dr. Gardner.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. MITCHELL. Mr. President, I ask unanimous consent that, following the time for the two leaders, there be a period for morning business not to extend beyond 10:30 a.m. with Senators permitted to speak therein for up to 5 minutes each.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. MITCHELL. Mr. President, I ask unanimous consent that at 10:30 a.m. the Senate resume consideration of H.R. 2072, the supplemental appropriations bill.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Senate stand in recess today from 12:30 p.m. until 2:15 p.m. in order to accommodate the party conferences.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

EXTENSION OF LEADER TIME

Mr. MITCHELL. Mr. President, I ask unanimous consent that my leader time be extended to such time as I may use for a statement I am about to make and the leader time of the distinguished Republican leader be extended to the same length of time.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER OF PROCEDURE

Mr. MITCHELL. Mr. President, for the information of Senators, consideration of the supplemental appropriations bill is still governed by the provisions of the unanimous-consent agreement of last week. This agreement provides that five amendments in the first degree are in order. These amendments are a Kasten amendment on section 89 of the Tax Code; a Warner amendment on Alar, with a time limitation of 45 minutes equally divided; two Helms amendments, one pertaining to South Africa and another to Namibia, under a time limit of 20 minutes each equally divided; and a McCain amendment relating to the catastrophic health issue.

Where no time is specified for the first-degree amendment the same holds true for any relevant second-degree amendment which may be offered. The unanimous-consent agreement also provides that any votes ordered on or in relation to these amendments be stacked to occur no earlier than 4:45 p.m. today. The first rollcall vote will be a 15-minute vote, and any subsequent votes will be 10 minutes in duration. Once the amendments are disposed of we will then go to final passage of the bill. Senators should therefore be on notice that several rollcall votes could occur today beginning no earlier than 4:45 p.m.

CONDEMNATION OF CHINESE ARMY MASSACRE IN BEIJING

Mr. MITCHELL. Mr. President, people the world over watched with admiration for weeks as millions of Chinese people, led by a group of brave young students, staged the largest peaceful demonstration in all of human history. But people the world over watched with disbelief and horror over the past 2 days as the Chinese People's Liberation Army brutally suppressed the demonstration, killing, wounding, and beating their unarmed fellow citizens. This cruel suppression has been the Chinese Government's answer to the modest demands of the Chinese people for a voice in their own future.

The Chinese people have provided a dramatic demonstration of the human desire for freedom. It is a universal desire, not limited by time, place, or people. It is a desire for which thousands of courageous Chinese students and workers, men and women, have over the past 2 days been willing to die. It is a desire which tanks, bullets, bayonets, and clubs cannot and will not crush. The courage of the Chinese students has inspired the world and galvanized their nation behind their call for democracy and reform.

People everywhere want freedom and economic opportunity. Communism has failed to provide either. The tanks in Tiananmen Square stand as mute but moving testimony of the moral bankruptcy of a government that can maintain itself in power only by killing its own people.

Last week by a vote of 89 to 0 the Senate approved a resolution urging the Government of the People's Republic of China to take all necessary steps to establish a just and democratic society with a free and open political system that would protect the essential human rights of all the Chinese people. At the same time we asked the Secretary of State to communicate to the Chinese leadership that official violence or repression directed at peaceful demonstrators seeking democracy and workers rights would seriously damage relations with the United States.

The Chinese Government's answer has been the imposition of martial law and the murder of thousands of unarmed, peaceful demonstrators. Such callous disregard for human rights and basic freedoms, which are the foundations of our own society, and which the American people strongly support, can only have an adverse effect on relations between the two countries.

The United States cannot and should not attempt to dictate the course of internal events in China. But we can and should state clearly and unequivocally our strong support for those who are placing their lives and futures on the line in support of democracy and freedom in China. We can and should demand that the leaders in China respect the rights of their people and be responsive to the legitimate democratic desires of the people of China. We can and should send a clear signal to the Chinese people that the United States stands for and in support of freedom—here, there, and everywhere that men and women struggle for democracy.

The President has called on the Chinese leadership to avoid further violence and to exercise restraint. He has expressed American condemnation of the brutal repression which has been unleashed on the Chinese people by suspending all Government sales and commercial export of arms to China, and taking certain other actions including offers of humanitarian and medical assistance to those civilians injured in the People's Liberation Army's recent unprovoked attack.

I join with my colleagues on both sides of the aisle in supporting the President's response to the tragic events unfolding in China. I commend him for speaking out in behalf of the people who are fighting and dying for their freedom from the tyranny of a totalitarian Communist government. But in view of the unstable and rapidly changing course of events in China, I hope that additional steps will be taken to further impress on the Chinese authorities the serious concern we have regarding the violence and bloodshed they are inflicting on the Chinese people.

Accordingly, Mr. President, the distinguished Republican Leader, Senator DOLE and I are working together today on reaching an agreement to offer a resolution suggesting certain other additional actions that should be taken at this time. They are threefold. I believe first that the 40,000 Chinese students currently studying in the United States should immediately be granted permission to extend their stay in the United States until the Government of China ceases its persecution of students in China; second, that all applications to the Overseas Private Investment Corporation and Export-Import Bank to finance trade with China should be reviewed in light of existing legal requirements for adequate human rights treatment; and third the President should immediately begin consultation with our major allies to determine collectively whether additional sanctions are necessary. I will urge my colleagues to support the resolution.

Mr. President, it is my hope and intention to be able to offer this resolution later today as soon as the Senate completes action on the supplemental appropriations bill to encourage a debate and discussion among Senators on that subject, and to have an overwhelming, indeed hopefully a unanimous, vote of approval for such a resolution to send a strong signal to the Government of China that the U.S. Senate condemns the actions that they have taken and strongly urges the exercise of restraint in dealing with the peaceful demonstrations now occurring there.

Mr. President, I yield to the distinguished Republican leader.

RECOGNITION OF THE REPUBLICAN LEADER

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

A GREAT LEAP BACKWARD IN CHINA

Mr. DOLE. Mr. President, I have listened with interest to the majority leader and I certainly share his view. As he has indicated, we are working on a nonpartisan, bipartisan leadership resolution that I think will be supported by a number of Senators who were at the White House meeting yesterday in very key positions—the Senator from Oklahoma, who is on the floor, Senator COHEN, his counterpart on the Intelligence Committee, Foreign Relations, Armed Services, and others. It would seem to me it is in our interest to speak with one voice.

The President was exactly right. There are all kinds of options. I had my staff put together yesterday a list

of options, things we might do. It is a pretty good list. So there are a number of options. If the matter continues, those can be ratcheted up. You can add things, do certain things next week you might not do this week. There is no doubt about it; it is time there is a clear understanding we are united on this issue; that we are concerned about human life, and, yes, we are concerned about our relationship with China. It is also a recognition that we do not really know what is happening in Beijing or other cities in China. We hear a lot of reports, a lot of rumors—the Premier may have been shot, not seriously, army fighting army. We are not certain of that. So I would hope there is not any radical efforts to do certain things that we might regret. I am certain if we follow the leadership of the majority leader we will be speaking with one voice and we will be acting in concert with the President of the United States.

In the past 72 hours we have witnessed a great leap backward in China, backward toward an era of savage repression and human rights, backward toward a brutal disdain for human life, backward into a political turmoil bordering on chaos. No one—no one in this city, no one even in the inner circles of the Chinese Government—knows where it will end. But some things are clear. The Chinese Government's actions to date have been utterly unjustified and inexcusable. The civilized world is repulsed by what we have witnessed. We have the right, and an obligation, to speak out.

As the majority leader indicated, we are determined that the Senate will speak out today just as the President did yesterday.

The damage to relations between our two nations has already been serious. The potential for far more profound damages are real. The American people have seen and heard what has happened in Beijing these past days and the American people will not long tolerate "business as usual" with a regime that mows down its own citizens in the streets of its capital. The American Government cannot conduct normal relations with a regime which believes itself free to act that way.

As the President said yesterday, we have a vital interest in good relations with the PRC, but we also have a profound and historic commitment to human freedom and dignity. The Chinese Government must understand that while we have no desire to shoot ourselves in the foot, neither are we going to assassinate our principles or turn our back on people who want only to be free.

The President has spoken strongly and wisely. He has sent a clear, measured message, and I am convinced it is exactly the right message, true to our ideals and consistent with our interests.

I am also convinced that Congress and the American people will overwhelmingly support what the President has done and will agree with what he, so far, has not done.

We have to keep the options open. As the President said yesterday, things may happen, things may change; as we get more information, more facts, additional action may be necessary.

But let the Chinese authorities understand this, too. The spasm of blood and brutality must end now. They must stop seeing their own people as the enemy.

On that basis, they can resume their path toward reform and progress. And on that basis, we can mutually resume the relationship that has so well served our countries.

So I urge that at the appropriate time, as the majority leader said, after we complete action on the supplemental, which will be late this afternoon, we will have a debate, a discussion, we will come together, offer a resolution we will pass overwhelmingly, hopefully unanimously, and that we will send, yes, a clear message supporting the President and, even more importantly, supporting the American people.

If you watched television, as the President said, you saw one young man holding back all the tanks coming at him. It is an inspiration, it is an act of courage, and it is one that I hope the Chinese leaders, whoever they may be today, understand. They should understand that we are not going to back away; that we are not trying to disrupt relations.

I agree with the majority leader's reference to students in this country, the protection of their rights and their interests. The President acknowledged that yesterday. As I said, there are a number of things we can do as far as the People's Republic of China is concerned on investments and credits and Public Law 480, a whole host of options. I am certain the administration has even a longer list. I know the distinguished chairman of the Foreign Relations Committee, Senator PELL, showed a list of options he was looking at yesterday when we were at the White House.

So I suggest there are all kinds of things which can be done. We will all come up with different ideas, but the bottom line is that today we should speak with one voice supporting the President, supporting the people of the United States, expressing our outrage.

Mr. President, I reserve the remainder of my time.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business, not to extend beyond the hour of 10:30, with Senators permitted to speak therein for a period not to exceed 5 minutes.

The Senator from Oklahoma is recognized.

A MEASURED RESPONSE

Mr. BOREN. I thank the Chair. I thank the distinguished Democratic and Republican leaders who have just spoken and for the words which they have spoken, the emphasis which they have placed on the need for our country to speak at this particular moment united with one voice, in a bipartisan spirit. Only when we speak with a single voice in a situation like this can the United States have maximum impact. When we speak with many voices, when we are confused, when we send different signals from different areas in our own Government, when we have too many people trying to speak for this country at once and speaking in different ways, the message simply does not get through.

I have been watching the dispatches from China. I have been reading the intelligence reports, as is my institutional responsibility. That situation there remains very uncertain. There is a clear division of opinion among the top military leadership going all the way down to the unit level. No one knows how that will sort itself out. There are strong differences of opinion among the top leadership of the country, even into the Politburo itself. Which faction will ultimately triumph at this moment is unknown, and therefore we must act in a very careful and measured way.

It is my view that at a moment like this, the person who should speak for the United States of America, to assure that we do speak clearly, to assure that whatever we say as a Nation is based upon the best information that we can possibly get, is the President of the United States, our Commander in Chief.

I am very pleased at the leadership that is being given to the Senate this morning by Senator MITCHELL and Senator DOLE who are working together to come forward with a consensus resolution, I am sure also working with the White House and the President in the preparation of this particular resolution.

This Senator simply will serve notice right now that I do not intend to vote for any provision that would be inconsistent with or express any lack of support for what the President of the United States is doing.

That would be a terrible mistake at this moment. All of us in this country have been moved by what we have seen. Who could not be touched by the courage and the spirit and the immense dignity with which young people in China have been pushing for democracy, to which they have been

risking their very lives and some of them tragically laying down their lives, in seeking what human beings all around the world seek most, spiritual value of democracy, and freedom to develop their potential to the fullest.

Our President has been our Ambassador to China. There are few people in this country who understand the situation as well as he. He is not only our President, he is an expert in this particular area of policy. The action he has taken is absolutely appropriate. We have sent a strong signal that we deplore the use of force. We deplore the mindless and needless killings of these brave young people. We have stopped the sale of military equipment; we have terminated contact with military representatives of the Chinese Government.

At the same time, at this moment, it is important that we keep our Ambassador in Beijing, so that we can be heard in Beijing, so that we can have a clear channel of communication with the leaders of the various factions that are contending for power, as they debate among themselves the policies that should be followed.

It is important that we withhold further action until we see how the situation evolves. So the President has done the right thing. He sent a clear signal, on behalf of the American people, of our feelings of revulsion of what has gone on in terms of the bloodletting. He has sent a strong signal that continued action along these lines could imperil the close relationship and the friendly relationship that has developed between ourselves and the current Government of China. And at the same time, he has left the door open to those who are working for change and reform, to say this is an important relationship, and one that we hope will continue in the future, because we hope their efforts will succeed. And he has left the channels of communications open at a time in which it is very important for us to communicate.

So I think it is very important for us today to do two things in the Congress of the United States: First, to express the deep admiration of the American people for the courage of those in China who have risked their lives in the cause of democracy, and to express our revulsion at the use of force against these brave young people. Second, it is extremely important that we express our support for the actions taken by the President of the United States, and that we establish the precedent that, at these moments of crisis, the United States will speak with a single voice, and that the Congress has the ability to provide important bipartisan support for the President of the United States in situations that demand it.

Politics must stop at the water's edge. We must be united, as we face a situation like that. My hope is that what evolves today in the course of the debate in the Senate and the House will prove that we are capable of that kind of bipartisan unity.

Mr. DANFORTH addressed the Chair.

The PRESIDING OFFICER. The Senator from Missouri is recognized.

Mr. DANFORTH. Let me say how heartened I am by what I have heard on the floor of the Senate this morning, first, from the majority leader, and then from the Republican leader, and now from the chairman of the Senate Intelligence Committee, Senator BOREN.

Senator BOREN and I have been working for, I guess, about 2 years now to try to reestablish a bipartisan foreign policy for this country. We have pointed out over and over again the seeming irresistable impulse for the Congress of the United States to want to weigh in on every foreign policy issue with microscopic detail. We have pointed out that when that happens, the country does not speak with one voice. It tends to be a message of confusion, a cacophony of confusion to the rest of the world.

Now we have a major event in China and a universal revulsion at what is happening in China, the beating of the students, the use of military weaponry against unarmed civilians. I venture to say that 100 percent of the people of the United States and 100 percent of Members of Congress are united in their revulsion at what is going on within China.

The question is whether we are going to speak in unity, whether we are going to speak with one voice against the happenings in China, or whether we are going to do what we so often do in Washington, and that is dissolve into a game of oneupmanship, of fine tuning, of resolutions, of offering a variety of proposals.

As Senator DOLE said in his remarks, there is a long list of options that are available. While all of us agree in our general view of what is happening in China, my guess is that if 100 people looked at a long list of options, we would come up with about 100 different views of what option should be used. We could debate those options forever on the floor of the Senate, and we could come up with packages, and we could come up with lists, and maybe by a vote of 55 to 45, or 51 to 49, we could decide that one alternative is better than another alternative, but that should not be the position of the Congress of the United States.

We should support the President at this time. We should make an effort to reach a consensus, and that is why I welcome the statement by the majority leader that there is going to be an effort to put together a leadership resolution, hopefully, a resolution that is drafted in close consultation with the administration.

Mr. President, we are of one mind in the United States, so let us act as though we are of one mind. Let us support the President of the United States in addressing this major issue of foreign policy.

Mr. COATS addressed the Chair.

The PRESIDING OFFICER (Mr. KOHL). The Chair recognizes the Senator from Indiana [Mr. COATS].

Mr. COATS. Mr. President, the images this weekend of China's chaotic suffering leaves many of us with the kind of helpless outrage that frustrates words. We are witnessing the work of the desperate attempt by certain elements of a failed, aging leadership to retain power—the work of those whose only claim to power is by force and suppression of individual freedom.

We have seen the avenue of eternal peace littered with the corpses of political protesters. We have watched students on barricades crushed under the treads of advancing tanks. We saw soldiers fire on those who attempted to gather and treat the wounded, and we learned that the bodies of some students were covered by troops with gasoline and then set aflame to destroy the evidence of this infamous oppression.

The Chinese Red Cross now puts the estimates of the dead in the thousands, victims of certain leaders who have sold their own people for the pittance of momentary power. Somehow, given China's apparent moderation of the past few years, we convinced ourselves that totalitarian violence was consigned to history, a long-forgotten madness, but the veneer of recent cooperation only serves to heighten the effect of this villainy.

President Bush's response yesterday was appropriate. America cannot send weapons to a regime that then turns them on their own unarmed citizens. I am convinced that in the coming days we will find other ways to support the Chinese people in their trial.

I am heartened by the discussion this morning with the majority leader, Republican leader, and others, in terms of our resolve to move unanimously forward as a body to support the Chinese people.

Even as we are sobered by Chinese suffering, there is a deeper cause of encouragement. For the minds which devise injustice and plan oppression now know something new—the first tremor of fear. The world we see today recalls words spoken nearly 400 years ago. While England waited in 1588 for a Spanish invasion, Queen Elizabeth reviewed her vastly outnumbered army and addressed them with three words: "Let tyrants fear."

Well, this morning they do fear—all over the world. In Poland and Hunga-

ry—in China and Czechoslovakia and the Soviet Union—tyrants fear, and with just cause:

They fear the passionate intensity of the young—conscious they serve an unfolding purpose.

They fear the hard experience of the old—embittered by decades of political brutality.

But they fear, most of all, when men burdened by oppression stand upright and shout their defiance. They fear, above all, the chanted refrains of freedom.

There was a time when socialism's vision of forced equality and secular ideology was ringed with a halo of inevitability. It marched from nation to nation—feeding on the strength of promised utopia.

But these claims have turned to ashes in the mouth as socialism has failed amid mountains of the innocent dead. It promised to move the world, but could only manage to stain it with blood.

Today the place of that discredited creed has been taken by the promise of justice. It is freedom that occupies the imagination of passionate reformers. It is liberty that shapes the visions of the disaffected. And China is the model.

Tanks may dip their treads in blood, but the weight of iron force can no longer outbalance the unestimated sum of China's human pain. Their memory of past wounds and their anguished appeal to principle ensure that there will be no return to docile suffering.

We cannot see how delivery will come, or when it will come. But nothing is more certain. For freedom has an inevitability of its own—an inevitability rooted, not in the myth of an unseen dialectic, but in the highest hopes of common men.

Chinese freedom will not be stillborn. For the count of tanks and troops is not the final measure of might. The cold calculus of political reality may counsel despair. But we trust in a providence that gives strength to the weary and increases the power of the weak. And we hear the echoing ring of determined voices: Let tyrants fear—let the sound of freedom ring.

Mr. BOND. Mr. President, I rise today to join my colleagues in condemning the massacre in Beijing that was ordered over the weekend by China's Communist government.

I was truly saddened when I heard the first report out of Beijing. I had been cautiously hopeful throughout the past month that the Chinese leaders might see the light and grant their citizens a measure of political freedom to match the economic liberalization that we have seen in that country in recent years. In my conversations with Chinese officials over the past several years—both here and in Beijing—I had been impressed with their promises of economic reform as well as the potential for political reform. I had hoped we were past the point where we would see the use of brute force against innocent, unarmed civilians such as we have seen in recent days.

Mr. President, the United States Government, the American people, and all freedom-loving people must condemn the massacre that the Chinese leaders have carried out on their own people. There simply is no explanation for the spectacle that we have been watching on television for the past several days—we must let the Chinese leadership know that civilized people throughout the world condemn them for their actions.

The protests in China are a reflection of the Chinese people's strong desire for democracy and political freedom. Their pleas for change are a clear illustration of the undeniable fact that economic reforms such as those the Chinese Government has been pursuing are impossible without equal and coordinated political and social reforms.

The U.S. Government must make it absolutely clear to the leaders in Beijing that they cannot expect to continue their integration into the world economy—with all of the benefits that brings—without giving its citizens basic political rights.

To this end, the President's actions announced yesterday are an appropriate first response. The President's move to cut off military sales, military meetings, and allow Chinese students to stay in this country longer are a reasoned response. If there is no satisfactory response, we clearly will have to pursue stronger measures, but the President clearly has taken a reasoned set of actions. I join my colleagues in expressing strong support for the President and I urge my colleagues and the administration to work together to ensure that we speak with one strong, united voice.

Mr. BURDICK. Mr. President, this past weekend, the world watched with horror as the Chinese Government turned on its own people. While we follow the events with interest, the Chinese students studying here in our colleges and universities have a more personal stake in the outcome of these historic events. Several students attending the University of North Dakota visited my office in Grand Forks yesterday, presenting a petition and sharing their concern. I join them in deploring the massacre, and supporting President Bush and Secretary Baker in their reaction to these terrible events.

Mr. President, I ask unanimous consent that a copy of this petition be printed in the RECORD.

There being no objection, the petition was ordered to be printed in the RECORD, as follows:

JUNE 4, 1989.

DEAR SENATOR QUENTIN BURDICK: We Chinese students studying at UND are shocked and outraged by the Chinese government's bloody crackdown on peaceful and barehanded students demanding freedom and democracy in China. We condemn this fascist act of the present Chinese government, and we weep and mourn the death of thousands of our innocent country men and women. We believe that this outrageous slaughter of human lives is not only an attack on those Chinese students, but also an attack on the freedom-loving people all over the world.

We call on all the people who love freedom and democracy to join us in protest and condemnation. We respectfully request that Senator Burdick speak out in Congress on our behalf denouncing the massacre in China and urging the U.S. government to take a stronger action against this brutal regime led by Deng Xiao-ping and Li Peng.

Sincerely yours,

Jian-er Lin, Li Huo, Amin Chen, Gang Zhang, Jiming Zhu, Yizhong Sun, Huizuin Zheng, Hung Jin Yang, Jin-Chen Yu, Mingguang Li.

Mr. SIMON. Mr. President, I rise today to condemn the brutal suppression of students and workers in Beijing. The use of armed force against peaceful, unarmed protesters is unconscionable. The People's Republic of China has had its mask of legitimacy torn off by the Government's own actions in the face of the real people's movement for democracy.

It is not enough to voice our outrage. A united Western world must respond with clear and unmistakable action.

I was in Chicago on Sunday, and I took part in a demonstration against the Chinese Government crackdown. I also met yesterday with Chinese exchange students from Northwestern University and the University of Chicago and listened to their pleas for help. I said on both occasions that we ought to suspend military sales to China, and that President Bush should also start coordinating with our friends and allies overseas on conditioning future trade and economic assistance on China's human rights performance. I am pleased that President Bush agreed to suspend our military relations, including commercial arms sales, and will look favorably upon extending visas for Chinese students in the United States, but more can and should be done.

President Bush ought to think hard about our trade relations with China, especially trade in those dual-use and high-technology areas that could be used in military applications. This is potentially the most powerful lever we have, and it ought to be considered if there is no moderation of policy by the Chinese Government. Let me be clear that I am only talking about nonagricultural trade. But to be effective, any nonagricultural trade sanctions should be in concern with other nations.

We should go beyond looking favorably on extending visas for Chinese students who are fearful of returning, and go ahead and grant asylum in appropriate cases. It is clear that these students could have a difficult time upon their return if the present Government continues its hard line.

The Voice of America has increased its broadcasts to all regions of China from 8½ to 11 hours per day in Mandarin Chinese, but the need for prompt and accurate information is so urgent that we ought to expand programming at least to 15 hours per day. This step will really help out, and could make a difference in the days ahead.

And we should also introduce a resolution, to be considered by the U.N. Security Council, condemning the military attack in Beijing, calling for negotiations between the students and the government. A cooling off period will forestall further violence, and may induce the current ruling faction to reverse their disastrous course of action.

Freedom and human rights are indivisible. I have fought for both for many years, from the early days of our own civil rights struggle in this country to more recent battles for human rights in Central America, South Africa, and the Soviet Union. I have a special fondness for China, where my parents served as missionaries in the 1920's. And even though our relationship has improved dramatically with the Chinese since the early 1970's, it would be unthinkable now to remain silent and not take firm, swift action against the hard-line actions of those now in control in China.

Recently the Chinese Government came down hard on the monks and ordinary citizens of Tibet, and our response was limited to verbal denunciations. But Tibet was sealed off, and we didn't watch the brutality of that crackdown on nightly newscasts. In Tiananmen Square this past weekend, we have all watched and seen the bloody repression. The world is shocked, and the United States ought to lead the Western response.

I want to see our relations with the people of China strengthened. But right now it is clear that we cannot have a business as usual relationship with Deng Xiao-ping and Prime Minister Li Peng.

Our long term interest lies in a free, democratic China. It is clear that China needs Western assistance, trade, and expertise in order to climb out of the poverty and hopelessness they have experienced for so long. Putting the United States-China relationship on hold, and encouraging our friends abroad to do likewise, will strengthen the moderates' hand over the long haul.

ONE STEP FORWARD IN POLAND

Mr. DOLE. Mr. President, amidst the tragic and traumatic news of this past weekend—the violence in China, the terrible rail tragedy in the Soviet Union, the death of the ayatollah and the new uncertainties his death raises for the gulf region—we should not fail to take note of one major step forward for freedom, in Poland.

Implementing the so-called roundtable agreement signed with Solidarity in April, Poland experienced its first-ever real election—an election in which multiple opposition parties gathered under the Solidarity banner contested all 100 seats in the newly created upper body of the Parliament and 35 percent of the seats in the existing lower house.

By all accounts, the opposition coalition was free to carry its message to the people. While some of the specific results will not be known for several weeks—since in many districts there will be a second, runoff election—the central message of the returns is already loud and clear. The Polish people have embraced this opportunity to say that they are fed up with the tyranny and mismanagement of the Communist regime.

The Government's own spokesmen have conceded that the Solidarity coalition has won, or will win, the great majority of the upper house seats; and most of those which it was permitted to contest in the lower house. Communist Party candidates were rebuked in districts throughout the country. In one of the most telling results, party candidates were even denied election when they ran without opposition—since they failed to receive 50 percent of the ballots cast.

We have to keep all this in perspective. Real democracy has not yet arrived in Poland. The Communist Party remains the dominant political force in the country—regardless of this expression of popular will.

At the same time, though, there is something real and important to celebrate in Poland. The people have been permitted to speak, and they have spoken volumes. Their message is being heard everywhere in Poland, everywhere in the Communist world, and everywhere around the globe.

We should respond positively to what happened in Poland last weekend, to encourage the Polish authorities to continue on this path of openness and reform. I know that is President Bush's intention, and he will have strong congressional support.

Above all, we should reaffirm—as a government and a people—that we are behind the people of Poland, and will do everything we can to help them achieve their legitimate political and economic aspirations.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. WALLOP. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Wyoming is recognized.

Mr. WALLOP. I thank the Chair.

(The remarks of Mr. WALLOP pertaining to the introduction of S. 1121 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. WALLOP. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

CLAUDE PEPPER

Mr. BIDEN. Mr. President, as Americans everywhere paused to remember those who gave so much in order that we may continue to enjoy the freedoms and opportunities that too many of us now take for granted, I was saddened to learn of the passing of Congressman and former Senator Claude Pepper.

Claude Pepper was one of the most influential Members of this body before I was born; he remained a preeminent legislator up until his death; and in the same spirit as those whom we honor on Memorial Day, he fought to ensure many of those blessings which we sometimes take for granted.

In the late 1930's, when many Americans were content to live in "splendid isolation," believing that the Nazi menace was Europe's problem, Claude Pepper stood up and told them that Hitler was the world's problem, that he was a moral outlaw and a danger to all who cherished freedom, and that if we did not confront him over there, we would be forced to meet him at our own door.

At a time when there were those who believed that civil rights and civil liberties were fine on paper, but had no place in the schools, in housing, in the voting booth, or in many courts of law, Claude Pepper risked his political career to say that no, civil rights were not just paper principles; they are as real as this building, and they extend to every American, to every aspect of their lives.

A few years ago, when a society that had become increasingly focused on youth began to believe that a Social Security system designed a half-centu-

ry earlier would indefinitely fund itself, and that in any event our senior citizens could take care of themselves, Claude Pepper stood up and said, "Wait a minute. We made a commitment to these folks a long time ago. And if we do not take a look at the realities of the Social Security system, we will not be able to honor that commitment."

He pushed and cajoled us, and mobilized hundreds of thousands at the grassroots level, until we did take a good, hard look at the system, found that it was in need of reform, and took the necessary action to ensure that a stable Social Security system will be there for our children.

Last year, while I was recuperating at Walter Reed Army Medical Center, Senator Pepper came in for a checkup. My mother was visiting at the time and ran into him in the hallway. He took the time not only to inquire after my own well-being, but to chat with her, to ask how she was doing. It was, of course, a thrill for her, because Claude Pepper is one of her political heroes.

That incident, I think, says a lot about Claude Pepper. Because not only did he have compassion for humanity, he genuinely liked people, was interested in them as individuals, and saw his legislative activities in terms of the people whose lives he was able to make better.

There are senior citizens' centers and health care facilities across this country that will remain as concrete legacies to Claude Pepper's career. But perhaps his greatest legacy will be if we remember the manner in which he viewed, and met, his responsibilities as a public official.

DEATH OF GERALD THOMAS WILKINSON

Mr. BINGAMAN. Mr. President, I wish to note with the most heartfelt regret the untimely passing of an outstanding American, Mr. Gerald Thomas Wilkinson of Albuquerque, NM, who died on April 28, 1989. In the all too brief 50 years of his existence, Mr. Wilkinson had become a fearless, effective, and widely respected fighter for the rights of Indians everywhere in our country. But, while the Indian community will miss him especially, so will we all. In pressing vigorously for the rights of one part of our national community, he served the greater cause of an open society with equal rights for all.

In his eloquent eulogy of Mr. Wilkinson at a memorial service on May 3, 1989, his good friend, Jim Anaya, expressed for all of us the loss we feel in the death of this exceptional man. I would like to quote a part of that address that presents a personal insight into the character and abilities that made Gerald Wilkinson so special.

Gerald was a special and unique person, totally committed to his vision of making the world a place in which Indian people everywhere are treated with dignity and on the basis of true equality. Someone close to him said "They should change the definitions of the words dedication and commitment so that what you would see in the dictionary next to those words would be Gerald's name."

Gerald's life was his pursuit of a more humane world, and he was tireless and entirely consumed in that pursuit. He was selfless in his passion for the people he served, foregoing the material comforts that a man of his abilities but perhaps less vision could have achieved. For him, happiness was not in material gain, but rather in moral and spiritual gain.

In his work, Gerald drew from a richness of intellect. His curiosity was eternal, leading him to a breadth of knowledge from a deep understanding of his own people to an appreciation of classical European arts and literature and modern political theory.

Gerald's intellectual richness was manifest in his constant spawning of ideas among those around him and by his numerous provocative writings and speeches on Indian issues. He pioneered work at the United Nations on behalf of Indians, helping to make the UN one of the most important forums for indigenous peoples from throughout the world to challenge their oppressors. The full fruition of that work is yet to be realized.

Gerald also pioneered efforts to enhance Indians' ability to participate fully in the political structures affecting them in this country. It was under his leadership that most of the federal voting rights lawsuits on behalf of Indians to date were fought and won, resulting in profound changes in the political climate for Indians. He also engineered numerous voter registration drives, likewise resulting in greater empowerment of Indians. Gerald's work in the political realm won him the confidence of tribal leaders and major political actors throughout the country. He believed the ideal of self-determination applied to all Indian peoples, wherever they are.

For those of us who worked closely with Gerald, he was a leader and a friend. He led by example through his dedication and tirelessness. He led through inspiration by bringing us into his vision through gentle yet motivating words. Most of all, he led through friendship. I never knew him to be harsh or ill-spirited. Instead he was intensely kind and personable.

While his death is a tremendous loss, those of us who were so fortunate to know him, know his spirit lives on and will continue with us, and that the legacy of his passion and dedication will endure to see his vision of a better world move toward reality.

HONORING VIRGINIA POLYTECHNIC INSTITUTE STUDENTS ON THEIR NATIONAL AEROSPACE PLANE PROJECT

Mr. WARNER. Mr. President, I would like to take this opportunity to honor 45 mechanical and aerospace engineering students from Virginia Polytechnic Institute. In only 5 months, these students designed and constructed an 80-foot mockup of the national aerospace plane [NASP], a project which the Government initiated to stimulate public interest in the NASP project.

The students began their project last December under the supervision of aerospace and mechanical engineering professors at Virginia Tech. The students scrapped their original design which they had generated with the aid of the computer design facilities at the university. After finally revising the design for their model, the students put in long hours, often working between 20 and 40 hours a week to complete their project in time for Virginia Tech graduation on May 5.

Following presentation of the mockup to the U.S. Government, an Air Force C-5 airlifted it to the Paris Air Show, where it will be the featured U.S. exhibit. In addition to the Paris Air Show, the mockup will be displayed at air shows in Canada, Dayton, OH, and Oshkosh, WI.

The Virginia Tech students built the mockup with funds from the joint NASA/Department of Defense NASP Program. NASA and the DOD initiated the NASP project to provide low-cost access to the space frontier and to advance current technologies.

Specifically, the project is an effort to develop technology for two X-30 research aircraft. The proposed aircraft will be capable of flying directly into orbit, although it will use a conventional airport runway. NASP pilots will be able to fly at speeds up to mach 25, enabling them to respond quickly to emergencies in space. The aircraft will also be able to cruise long ranges at hypersonic speeds.

NASA selected Virginia Tech to undertake the project because several engineering faculty members had already begun work on the proposed NASP. This mockup project provided the Virginia Tech students with invaluable experience and reference for future engineering studies, and they are to be highly commended for their hard work.

Students participating in the project were Troy Altizer, Mark Anderson, Gregory Bloch, Kenneth Belcher, William Butler, Melissa Chapman, David Dandridge, John Dinofrio, Thomas Dorr, James Edelen, Kirk Falk, Michael Farkas, Deborah Furey, Debra Francis, Roger Glaese, Brian Gottstein, Harry Hart, William Hartwell, Thomas Hibben, Robert Hogan, Brian Holland, W. Albert Jester, Mark Jones, Scott Leyers, Glenn Kaupin, Jeffery Klein, Brett Malone, Eric Massie, Colin Miller, Bruce Munro, James Noll, David Roberts, Steven Roberts, Richard Robinson, Michael Rudmin, Ninette Sadusky, Vicki Sanders, Eric Schrock, Henry Siegle, Randal Switt, Cathleen VanDyke, Mark Wilson, Jennifer Wiley, Jeffery Wong, and Jon Zilius.

Again, I congratulate these students on the successful completion of their project. Their efforts will undoubtedly be of great help to NASA in the construction of the actual aircraft.

BROWN COUNTY ASCS ADMINISTRATOR'S AWARD

Mr. PRESSLER. Mr. President, today I want to commend the Brown County Agricultural Stabilization and Conservation Service [ASCS] office. It is my honor to announce that on June 5, 1989, this ASCS office located in Aberdeen, SD, was presented with the 1988 Administrator's Award for Service to Agriculture. This is the highest honor an ASCS office can receive.

The Brown County office received the Distinguished County Office Award for demonstrating exceptional knowledge of ASCS operations and a concerted group effort in administering farm programs for Brown County producers.

More than 2,800 ASCS offices serve in the Nation. For 1988, only 13 offices were selected to receive the Administrator's Award for Service to Agriculture. The selection of Brown County ASCS is well-deserved. Agriculture is vital to my home State of South Dakota. Farmers depend greatly on the services provided by the ASCS offices across South Dakota. I am proud to say that USDA officials here in Washington have told me they have utmost respect for the ASCS organization in South Dakota.

Brown County ASCS serves 2,400 owners and operators on 1,730 farm units. This is the largest workload of any county ASCS office in the State of South Dakota. Nationally, this office ranks as the 17th largest.

The 1988 drought was especially severe in Brown County. This office took a lead role in administering drought-related programs for farmers in an accurate, efficient manner. Brown County's methods of operation, and timely service to its producers during the drought, set a fine example for other county offices. Along with administering drought programs, this office was responsible for setting up a drought tour for Congressmen, the interagency drought fact-finding team, and former Secretary of Agriculture, Richard Lyng.

I could name many more achievements and examples of exemplary performance that enabled Brown County ASCS to win this coveted award. More important, however, is to recognize the people responsible for those accomplishments. James L. Anderson, the county executive director has given 30 years of his life to serving agriculture. Largely because of his strong commitment to the farmers in Brown County and his keen administrative skills, his office has functioned efficiently for many years. The "unsung heroes" in the ranks of Federal employees are the ASCS program assistants. ASCS is appropriately nicknamed the "can-do agency" primarily because of its program assistants.

These people are responsible for making Federal farm programs work. They are at the "front lines" in the ASCS offices, working to help farmers understand often complex and confusing programs. The hard work, dedication, and efficient service for which they are noted is a good example for employees in any sector of the business world. The program assistants in the Brown County ASCS office are: Geraldine Moffenbier, Marlene Hoines, Annette Schroeder, Ann Vetch, Jonathan Ristau, Judy Koester, Lois J. McKay, Janell Telin, Judith A. Schwab, and Lori Young.

Brown County ASCS has three county committee members. These three men have been elected by their fellow farmers in Brown County to oversea the correct administration of Federal farm programs. They, too, have played an important role in the excellent service Brown County ASCS is noted for. They are: Dwight Buntrock, Vernon Angerhofer, and Walter Frohling.

I ask my colleagues to join me in paying tribute to the Brown County ASCS office. This achievement is something they can always be proud of. I offer my sincerest congratulations to the Brown County ASCS office for earning this Administrator's Award for Service to Agriculture.

NATIONAL MUSEUM OF THE AMERICAN INDIAN

Mr. PRESSLER. Mr. President, I wish to express my strong support for the establishment of the National Museum of the American Indian. The Smithsonian Board of Regents and officials from New York's Museum of the American Indian last month reached an agreement to display in Washington, DC, a collection of some of the finest American Indian artifacts. After much frustration and hard work, it seems we finally are achieving this important goal.

For years, I have expressed the importance of a national museum featuring artifacts of native Americans. This museum could foster an awareness and appreciation of the historical background of the American Indian. It is estimated that it will take 6 years to complete the museum. As a cosponsor of the National Indian Museum and Memorial Act, I urge the Senate to quickly pass this legislation to authorize the National Museum of the American Indian. The development of this institution is long overdue.

I also want to stress the importance of representing the heritage of all American Indians at this museum. We South Dakotans are especially proud of the valuable contributions made by the Sioux in my State. Every effort should be made to ensure that the Sioux and other American Indians play an integral part in the development of the National Museum of the American Indian. In addition to outstanding examples of Sioux artifacts, I hope to see displayed at the museum some of the marvelous art and artifacts of the Arikara and other tribes who dwelled in what is now South Dakota and other parts of the northern Great Plains.

Again, Mr. President, I urge our colleagues to expedite the authorization of this museum for those who did not have a chance to read the May 9, 1989, Washington Post article on this topic, I ask unanimous consent that it be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Post, May 9, 1989]

SMITHSONIAN APPROVES INDIAN MUSEUM PACT

(By Kara Swisher)

After nearly a decade of failed legislation, proposals and stalemates, the Smithsonian Board of Regents yesterday voted to accept an agreement that will bring to Washington the priceless collection of New York's Museum of the American Indian.

It is to be housed in the proposed National Museum of the American Indian, to be located on the last available land on the Mall.

A smaller museum, run by the Smithsonian, would be housed in New York City's Custom House, allowing the Indian collection to have a continued presence in that city.

"There have been countless trails of tears . . . the history is a sad one," said Sen. Daniel K. Inouye (D-Hawaii) of the story of American Indians. "But the museum is a trail of hope throughout Indian land.

"I expect rather smooth sailing from now on," said Inouye, the main political mover behind the effort to create the museum in Washington. He spoke at a lively outdoor news conference on the northeast terrace of the National Air and Space Museum, which overlooks the proposed site of the new museum.

In the next few days, Inouye said, he expects authorizing and appropriations legislation to be introduced in Congress, and added that he had already scheduled for Friday joint hearings on the museum before the Senate Select Committee on Indian Affairs and the Rules and Administration Committee. "I have gotten assurances from committee members that they will look on this legislation favorably," Inouye said.

Yesterday's decision was the most critical in creating the museum, and it is not expected to encounter significant opposition in Congress.

"This was a crucial threshold and we've stepped through it," said Smithsonian Secretary Robert McC. Adams. "Truly, a marvelous day in so many ways for the whole of the American people."

With the Capitol behind them, Inouye and Adams were joined by others who had worked toward bringing the museum to fruition, including Rep. Ben Nighthorse Campbell (D-Colo.) and officials from the New

York museum's governing board, the Heye Foundation.

The news conference tended more toward colorful ceremony as Heye Foundation officials presented Adams with a tomahawk peace pipe owned by Tecumseh, the great Shawnee Indian chief. Adams signed the agreement to the sound of Indian whoops and cheers from the audience of about 200.

The agreement, which was signed by officials of the New York museum March 16, gives legal title of the Heye Collection of Indian artifacts to the Smithsonian Institution. The 1 million-piece collection is considered among the world's best.

Adams said most of the Smithsonian's own considerable collection of American Indian artifacts, which numbers more than 4 million items, will remain under the auspices of the National Museum of Natural History. The agreement calls for the Heye collection to maintain its own identity, though some Smithsonian objects will be shown in the new museum.

The cost of the Mall museum is expected to top $150 million, according to testimony by Adams in March, and yearly operating costs will likely be $25 million. The size of the new museum is undetermined. If all proceeds as planned, the National Museum of the American Indian will be the Smithsonian's 15th museum.

The New York facility, called the George Gustav Heye Center of the National Museum of the American Indian, will be 82,500 gross square feet and cost $24 million. New York City and state officials have agreed to pay for one-third, but not more than $8 million each, of the final cost there.

The debate on the fate of the collection has been a troubled one. Some years ago, it was discovered that the collection was deteriorating rapidly in a little-visited museum in Manhattan's Upper West Side.

Various plans were put forth to save it, including one to bring it to Washington. All were blocked by state officials because of the terms of the trust of the Heye Foundation, which stipulate that the collection must stay in New York. The Smithsonian rejected one proposal that would have given it liberal borrowing privileges but would have kept the bulk of the collection in New York.

After public negotiations broke down last year, both sides held months of secret discussions negotiating a solution. The two sticking points included the Smithsonian's desire to control the collection and New York officials' insistence on a "significant" museum in New York.

New York officials were furious over the Smithsonian's hedging about the size and location of the New York facility. They wanted at least 75,000 square feet in the Custom House in lower Manhattan, but the Smithsonian did not want to be pinned down. "They could stick the whole thing in a basement in New York City if they wanted," said one concerned Hill staffer from New York at the time.

But in the new agreement, everyone seems satisfied. The Custom House museum will allow the intent of the trust—to maintain a collection in New York—to be honored.

The Memorandum of Understanding provides for the collections, endowment and all other property, excluding the current building on upper Broadway, to be given to the Smithsonian. The agreement is conditional on receiving final approval from the New York courts, and proper legislation by Congress, both of which now seem easily obtainable.

The proposed museum, which Adams said yesterday could be completed in six years, is slated to be built on land reserved in 1975 by Congress for the Smithsonian's use.

The area on the Mall is bound by Third Street, Maryland Avenue, Independence Avenue, Fourth Street and Jefferson Drive SW, at the foot of the Capitol, next to the Air and Space Museum and across from the National Gallery of Art.

The agreement also calls for a conservation and storage facility in Suitland, a board of trustees with a significant representation by the Heye Foundation and a requirement that the Smithsonian offer employment to the staff of the New York museum at the time of the transfer of assets.

Adams also addressed concern over participation by American Indians. Asked whether the head of the museum would be of Indian descent, Adams said, "I expect so."

After the news conference, Adams reiterated the Smithsonian's determination that American Indians will play an intergral part in the museum's creation. "We want to look at a wide range of people who are acceptable to all American Indians," he said.

Also raised at the regents' meeting was the fate of a proposed African American museum, which last year had been considered for the site the Indian museum is slated to occupy.

Newly introduced legislation calls for such a museum at an unspecified site. The regents decided to postpone consideration of that issue until their September meeting, when they also will look at the status of the Smithsonian's Anacostia museum, a museum of black history and culture.

Also discussed at the regents' meeting, which was closed to the media, was a report on a possible extension of the popular National Air and Space Museum at either Dulles International Airport or Baltimore-Washington International Airport. The topic was tabled until the next meeting; the regents requested more financial data.

A TRIBUTE TO WARREN MAGNUSON

Mr. WALLOP. Mr. President, I had the pleasure of serving with Warren Magnuson. He was by all terms, a unique individual. One knew it was the ex-football player from afar. He walked with a shuffling gait and seemed curiously rumpled in a friendly sort of way. "Maggie" represented the State of Washington for 44 years in the U.S. Congress. That was the span of the New Deal, Fair Deal, New Frontier, Great Society, and the Moral Equivalent of War.

Senator Magnuson was tough and dedicated. While it was said that he was most at home in a waterfront union hall, he commanded attention under the marbled dome of the Capitol. As chairman of the powerful Senate Appropriations Committee, he looked out not only for his beloved State but battled for funds to support a wide range of projects across our Nation. I thought his intellect and finesse particularly incredible when he went to work to assist in the recovery efforts from Mount St. Helen's eruption.

"Maggie" had the strength of his convictions. I admired him. He was the product of the Senate of another era when there really were smoke-filled rooms and committee chairman remained, for the most part, unchallenged by their colleagues. He opened the closed doors of the appropriations committee, and fought the battles publicly making the process of government available to all people.

Warren Magnuson served his State and country tirelessly. He mastered the nuances of our legislative system and always maintained a keen wit. In Wyoming, we'd say he had "horse sense." He, indeed, left this world a little better than he found it. And, when all is said and done, isn't that what it's all about?

REMEMBERING CLAUDE PEPPER

Mr. CRANSTON. Mr. President, The Congress of the United States and the American people have lost a friend with the death, on May 30, of Representative Claude Pepper.

Throughout his public life—including his 27 years in the House and his 14 years in this body—Claude Pepper earned the respect of his colleagues, the votes of his constituents and the love of his fellow citizens. He stood for equality for all Americans from his earliest days in politics—days when such a stand was not a popular one for a southern politician to take. His refusal in the 1920's to support a resolution in the Florida House of Representatives condemning the First Lady, Lou Henry Hoover, for inviting the wife of a black Congressman to the White House, his support for an anti-lynching bill in the 1930's, and his opposition to poll taxes in the early 1940's demonstrated throughout his career his courage and his commitment to fairness.

Of course, today, he is best known as a friend to elderly Americans. I'm sure I'm not alone in this Chamber or the other as one who's heard Representative Pepper's name called out—lovingly can be the only word to describe it—by constituents as I travel throughout my home State.

"Support the 'Pepper bill,'" people have yelled more than once. And on many occasions, I did just that. In particular, Claude Pepper and I worked closely on the 1978 legislation that increased from 65 to 70 the age at which employees could be forced to retire. We also fought on the same side of countless battles to protect the integrity and the solvency of Social Security.

Claude Pepper's public life encompassed all but the very beginning and, now we know, the very end of this century. He championed the New Deal side-by-side with Franklin Roosevelt, he heard Adolf Hitler speak at Nurem-

berg in 1938 and came back to warn the President that nazism would mean World War, he lost his Senate seat near the end of the Truman Presidency, and won his House seat when John Kennedy served in the White House. He didn't see a paved road until he was 18, but watched men walk on the Moon before he was 70. He worked hard, and he cared deeply. He made his mark, and we are all the better for it.

Described by the Almanac of American Politics as "a pivotal figure in American politics and government over a longer span of time than probably anyone else in American history," Claude Pepper will not be forgotten by anyone who knew him. He was genuinely unique; truly one of a kind. He will be sorely missed.

TRIBUTE TO CLAUDE BENSON PEPPER

Mr. KENNEDY. Mr. President, I rise to pay tribute to one of the finest men ever to grace this Chamber—Claude Benson Pepper, who was laid to rest this past weekend in his native Florida.

Claude was the only Congressman that I and so many others called Senator. But most Americans called him Mr. Senior Citizen, for his extraordinary contributions to the elderly. He was a tireless defender of Medicare and Social Security, and those programs are strong today because of the strong advocacy of Claude Pepper.

Other members have recounted the extraordinary achievements of Senator Pepper's long career. It is a special honor for me to speak in tribute to him today—not only because of the great personal kindness he showed to me and my family but because of the many times I have found myself following in his footsteps in my own service in the Senate.

When I first came to the Senate in 1962, I started my service on the Committee on Labor and Human Resources, which was Claude Pepper's first assignment when he came to the Senate in 1936. One of the most important bills I am sponsoring in this Congress is legislation to raise the minimum wage so that it will once again be a living wage. If it weren't for Claude Pepper's work back in 1938, there might well be no minimum wage today to raise.

One of my first legislative efforts in the field of health policy was my participation in the creation of the War on Cancer in 1977. The cornerstone of that effort was, of course, NIH's own National Cancer Institute, created as the result of legislation sponsored by none other than Senator Claude Pepper. In fact, the whole of the National Institutes of Health—the jewel in the crown of the world's biomedical research effort—is largely due to the efforts of Claude Pepper.

Senator Pepper's initial interest in health sprang from his chairmanship of the Subcommittee on Wartime Health and Education during the Second World War. He was disturbed by the high rates of rejection of draftees on the grounds that they were mentally or physically unfit to serve, and he was impressed by the enormous progress made during the war on penicillin production, antimalaria drugs and other medical research products. Senator Pepper decided as a result of this experience that there should be a vastly expanded Federal research effort, that it should be located at the then small National Institute of Health, and that it should conduct a program of both intramural and extramural research. He sponsored the bill that created the National Heart Institute and changed the name of the mother institution to the National Institutes of Health. He went on to sponsor the creation of the first five new institutes and, ultimately, all but one of the institutes that exist today.

In foreign affairs, it has been my privilege to speak for the cause of freedom in South Africa, the Philippines, Poland, Chile, and other countries where many of us have tried to advance the ideals of liberty and human rights. As one of the original sponsors of the Lend Lease legislation, Claude Pepper helped wage the battle for freedom in the dark days leading up to the Second World War.

Closer to home, as a young Senator in my second term, I was pleased to have the opportunity to sponsor legislation to create the elderly nutrition programs under the Older American's Act. The House sponsor of that legislation was Claude Pepper.

The most important cause that Claude Pepper championed in the last few years was the cause of long-term care for all our citizens who need it, whether that care is provided at home or in a nursing home. Claude believed that long-term care is as important to this generation of the elderly as Medicare is to the last generation of the elderly. Indeed, in the days before his death, he and I had twice scheduled and twice cancelled, because of his illness, a press conference to announce a comprehensive program of long-term care insurance growing out of the home care insurance bill he had developed and brought to a House vote in the 100th Congress. Claude fought for what he believed right up to the day of his death—and he believed in the cause of a fairer, better, more humane America for all of us.

As President Kennedy often said, each individual can make a difference, and what a difference Claude Pepper has made. All of us can give thanks that he lived among us.

TRIBUTE TO WARREN MAGNUSON

Mr. REID. Mr. President, I rise today to salute one of the grand old men of the Senate. I speak of course of Senator Warren Magnuson of Washington who passed away this last weekend.

Although I never had the opportunity to serve with Senator Magnuson, I did have the opportunity to know him. While working my way through law school in the early 1960's, I also worked as a Capitol Hill policeman. At that time, Senator Magnuson, who was already chairman of the Senate Commerce Committee, was in the process of becoming a giant in the Senate. He was later to go on to become chairman of the Appropriations Committee, a committee upon which I now serve, and Senator Magnuson later became President pro tempore of the Senate.

Senator Magnuson gave 45 years of his life to serving the people of Washington and the people of the United States in the Congress, a period spanning three wars and providing the foundation for our society as we know it today. His career can serve as a model for those of any generation. His dedication to service and his strong leadership are goals to which we should all aspire. In short, he was an institution, in this greatest of all institutions.

CONGRESSIONAL INITIATIVES AWARD

Mr. HARKIN. Mr. President, I rise today to honor my friend and colleague, the Senator from Illinois, PAUL SIMON, who recently received the Congressional Initiatives Award from the American Horticultural Therapy Association. Senator SIMON serves with me on the Subcommittee on the Handicapped, and has been a tireless leader in ensuring opportunities for our citizens with disabilities. I want to congratulate Senator SIMON on this award and I look forward to working with him and the rest of this body in enhancing the independence and productivity of Americans with disabilities. I ask unanimous consent that Senator SIMON's remarks be included in the RECORD, along with the remarks of the presenters of this distinguished award.

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

CONGRESSIONAL INITIATIVES AWARD, SENATOR PAUL SIMON, APRIL 11, 1989

COMMENTS BY DOUGLAS AIRHART

Good afternoon ladies and gentlemen, on behalf of the sponsors of the 4th Annual Congressional Initiatives Award. I would like to offer all our friends and guests a cordial and sincere welcome. I am Douglas Airhart, president of the American Horticultural Therapy Association, the sole national advocate promoting the use of plant-related

activities in helping people through treatment, training, education and rehabilitation. Through our efforts, more than 23,000 persons who are disabled or disadvantaged achieve self-reliance, emotional growth and physical health. As they work in the garden, people learn and prosper while improving and beautifying our physical environment.

This week, America is celebrating "National Garden Week," to recognize the 48 million gardeners who eagerly garden each year, and in so doing, enhance and improve the environment of our planet. We all recognize the capacity of flowers and gardens to stimulate our senses, enrich our lives and release our creativity.

Especially, as Spring bursts into bloom, we can all experience the rewards of the people-plant connection. This people-plant connection offers, not only aesthetic and recreational rewards, but also some very practical occupational dividends. Today, the horticulture industry is experiencing a growing demand for workers having all levels of experience, training and abilities. Since 1982, our association, with the assistance of the U.S. Department of Education and Health and Human Services, has assisted more than 1,200 persons with disabilities to find employment in horticulture work. This project, Horticulture Hiring the Disabled, is based on a creative partnership between government, industry and the human services community. Projects with Industry is the legislative program enacted by Congress making this possible.

Today, we are here to honor a member of Congress who has helped us to do our job by creating sensible and effective public policy. Leaders of the three major green industry trade associations sponsoring this award—William Scarff, President of the American Association of Nurserymen; Jim Durio, President of Florists' Transworld Delivery and Don Hook, President of the Society of American Florists are here with us today. Our organizations' collective efforts and commitment would not exist without a congressional mandate. It is through this mandate that we can join together in a collective effort to help persons with disabilities while also helping horticulture employers.

It is now my privilege to introduce Lawrence E. Scovotto, Executive Vice President of the American Association of Nurserymen and Chairman of the National Horticultural Industry Council of Horticulture Hiring the Disabled, who will introduce our 1989 honoree.

COMMENTS BY LAWRENCE SCOVOTTO

Thank you Dr. Airhart. I feel particularly honored to once again represent the green industry in presenting this award. The Congressional Initiatives Award is our industry's highest honor for members of Congress. "To recognize their demonstrated leadership resulting in special initiatives and legislative support that enhance employment opportunities and independence for persons with disabilities." Selection of the award recipient is made by an awards' committee of the Horticulture Hiring the Disabled, National Horticulture Industry Council. This Council is composed of representatives of all major segments of our industry. Its main function is to provide industry support and advice on how to employ greater numbers of persons with disabilities.

In selecting our honoree this year, we considered many members of Congress with outstanding records in removing the barriers still standing in the way of millions of persons with disabilities who want to work. As never before, our industry is reaching deeper into America's labor pool to seek out qualified job candidates who happen to be "disabled." By its very nature, horticulture work is labor intensive. Machines and high tech can help, but the single, most vital ingredient needed to provide our plant products and supply the services associated with plant care is people. Day after day, workers with disabilities are demonstrating their capacities and capabilities to be productive for us. The Horticulture industry has the "Help Wanted" sign out and wants to hire hundreds more like them.

One member of Congress exemplifies the energy, enthusiasm and long-term commitment which has helped our industry indentify disabled job candidates. Senator Paul Simon of Illinois has been a long-standing leader in Congress, promoting economic independence for persons with disabilities. He was selected to receive this award because of his exceptional and outstanding record of service. Senator Simon believes that this nation's citizens with disabilities are, in fact, "citizens" of this great democracy, with the right to expect the basic freedoms and opportunities afforded us all. He believes that too often we see the disabilities and the handicaps—physical, attitudinal and financial—and not the abilities of people. Furthermore, Senator Simon recognizes that government must play an important role in assuring full citizenship for more than 37 million Americans with disabilities.

Senator Simon of Illinois not only professes these beliefs, but has proven, through his persuasive leadership, that good government policy can make a difference in "getting people with disabilities through the door and into jobs." He has spent many years working diligently on issues affecting people with disabilities.

Early in his career in the Illinois State Legislature, he worked to pass the state law requiring public education of children with disabilities even before Federal laws required this. As Lieutenant Governor, He proved to be a strong ombudsman for residents of state institutions by supporting community treatment facilities for individuals with mental illness.

During the ten years he served in the House of Representatives, he was an active member of the Subcommittee on Select Education, responsible for programs for persons with disabilities. Serving for two years as Subcommittee Chairman, he helped cosponsor Public Law 94-142, "The Education of All Handicapped Children's Act," and during his chairmanship, he conducted the first oversight hearings on the Act. He worked successfully to defeat legislation which would have permitted state rehabilitation agencies to merge with social services agencies which would have decreased program accountability and reduced services to persons with severe disabilities. Furthermore, he led the fight to assure government-wide, uniform standards of architectural barrier removal and accessibility for government sponsored activities and for public transportation. As a member of the House Budget Committee, he fought successfully to sustain and increase funding for disability programs. He also provided leadership in other areas affecting persons with disabilities. Including assuring civil rights.

Senator Simon of Illinois has played a part in influencing the lives of every disabled person in this nation by assuring them full citizenship rights and benefits. He has championed virtually every cause which permits them to achieve their human potential and productivity.

As a Senator, He has continued to lead this cause through his service on the Senate Subcommittee on the Handicapped. The list of programs and laws he has most recently, personally affected include the "Protection and Advocacy for Mentally Ill Individuals Act of 1986", the "Handicapped Children's Protection Act", "The Rehabilitation Act Amendments of 1986", and the "Education of the Handicapped Act Amendments of 1986."

This exemplary record of accomplishment on behalf of his fellow citizens continues today with the Senator working diligently to assure fair housing. The availability of assistive devices and jobs for unemployed, disabled persons. Most recently, he worked to establish an Institute on Deafness and Hearing Disorders at the National Institure of Health. As someone who wears a hearing aid, he is acutely aware of the needs of those who are deaf and hard of hearing. Today, he is working on the Job Training Partnership Act to open up more training benefits for the long-term unemployed, including those with disabilities, and within the Social Security Act, assuring job incentives for those receiving Social Security Disability Benefits.

Senator Simon, we salute you for your unsurpassed record of commitment and caring. Through your continuing efforts, you have contributed to helping many thousands of persons with disabilities find and keep employment—but even more importantly, lead meaningful and rewarding lives. It is my personal privilege to present you with this "Is It Any Less A Rose" award of excellence, symbolizing the efforts of persons with disabilities in seeking growth and economic independence. The horticulture industry proudly honors your dedication, wisdom and vision.

REMARKS OF SENATOR PAUL SIMON AT THE CONGRESSIONAL INITIATIVES AWARD CEREMONY SPONSORED BY THE AMERICAN HORTICULTURAL THERAPY ASSOCIATION, WITH THE AMERICAN ASSOCIATION OF NURSERYMEN, THE FLORISTS' TRANSWORLD DELIVERY, AND THE SOCIETY OF AMERICAN FLORISTS

I thank you, Larry, and I thank everyone who is responsible. I thank the groups represented here for your interest in what is taking place, and your interest in horticultural therapy.

Whatever I have been able to do is because there are people like you who stood up and said, "We can do better." There are just good solid citizens of the American Association of Nurserymen, like Joe Foucek, who is no longer with us, a nurseryman in Troy, Illinois, who was as fine a citizen as you could find anywhere. People like you and Joe Foucek can make a difference. And we can do better as a nation. We have done some good things, but we can do far more to make sure opportunities are there for everyone.

I'd like to tell you just one short story. Some of you may even recall that I was involved in a presidential effort that was not successful. When I withdrew, one of the reporters said: "What was the high point of the campaign?" And I had to think for a bit, because there are so many marvelous experiences that you go through.

But I'll tell you, the high point of the campaign came at Hamilton High School in Milwaukee, Wisconsin. They knew that I was involved in creating something you referred to, Larry, Public Law 94-142, which said all young people with handicaps must be given an appropriate education by our

public schools. Prior to the passage of that law, a majority of mentally retarded children were not being given any help by our public schools. Our public schools said: "If you're mentally retarded, or in a wheelchair, if you're blind or you're deaf, sorry, we just don't have a place for you here."

They knew at Hamilton High School that I was involved in passing the education of handicapped children law, and they arranged for a chorus of mentally retarded young people to sing for me. First they cited in unison the Preamble to the Constitution. (I see my friend Marcy Kaptur here—I had not noticed her before—a Member of the House from Ohio. I, frankly wouldn't ask a Member of the House or the Senate at this point to recite the Preamble. I'm not sure that they or I could do it.) But then those young people sang. They sang: "This Is My Country". I had about fifteen reporters following me at that point in the campaign, and they were getting pretty cynical. But when I looked over at those reporters, there wasn't a dry eye over there. And I was all choked up. I looked at those young people, and I thought if we hadn't passed that legislation, probably half of them would be in institutions today. We can make a difference in what we do here.

We can make a better America. We live, in a great country. We're very proud of our country. But we can do better. And it's people like you, who show vision and the good sense to be interested in those less fortunate, who really make a difference. As my friend the former Senator from Minnesota, Hubert Humphrey used to remind us, the real test of whether we're a civilized society is not whether we respond to the wishes of the powerful, but whether we help people who really need help. That's what you're doing here today. I am very, very grateful for this honor. And more than that, I'm grateful for your interest and your leadership. Thank you.

TRIBUTE TO HENRY A. WALLACE

Mr. HARKIN. Mr. President, I rise today to bring to the attention of the Senate a ceremony which was held on May 8, 1989, at the Beltsville Agricultural Research Center to commemorate the contribution of Henry A. Wallace to agricultural science. On that date, a plaque was unveiled honoring Secretary Wallace as the first member of an honor roll of distinguished Americans who have made significant contributions to our society through agricultural research.

This ceremony is only one of a number of activities commemorating the 100th anniversary of Wallace's birth. The mayor of Des Moines, and the Governor of Iowa designated October 7, 1988, as "Henry A. Wallace Day" in tribute to his service to the State and Nation; a new file biography entitled, "Henry A. Wallace: Uncommon Champion of the Common Man," has been completed by Hodding Carter; and one of our most distinguished former colleagues, Senator John C. Culver is preparing a biography of Wallace in collaboration with John Hyde, a reporter for the Des Moines Register.

The May 8 ceremony at Beltsville was attended by members of the Wallace family, agricultural scientists, former Senator John Culver, and my distinguished colleagues Senator CHARLES GRASSLEY, Congressman JIM LEACH, and Congressman NEAL SMITH, who along with the other members of the Iowa delegation were instrumental in the establishment of this memorial.

Mr. President, I ask unanimous consent that the remarks delivered by Senator Culver on that occasion and a related article from the Des Moines Register be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

REMARKS BY HON. JOHN C. CULVER

Director Knipling, Dr. Plowman, Mrs. Douglas, distinguished members of the Iowa Congressional delegation, ladies and gentlemen:

When Henry Wallace was a very young boy in Iowa, his father had a close friend, a graduate student at Iowa State, named George Washington Carver. Dr. Carver later gained fame, of course, at Tuskegee Institute, but while doing his studies in botany, he frequently took young Henry on nature walks. Henry recalls Carver telling his father that the boy had greatly surprised him by recognizing various flowers and their parts. Carver and Wallace remained lifelong friends, and Henry attributed his love of plants largely to his mother and the encouragement and patience of Dr. Carver.

When he was only 8 years old, under his mother's supervision, Henry did his first crossing of plants with pansies and observed that although the "flowers were not as pretty as either parent. * * * I attributed unusual value [to them] simply because they had been crossed." He later recalled that he usually liked plants better than animals, but said he appreciated the animals because "they gave [the] manure that nourished the plants."

The conventional wisdom of the day was that the best yielding corn came from the best looking ears. Wallace rejected that belief, saying, "What's looks to a hog?," and while still in high school began his experiments with corn breeding.

He became one of the pioneers in the development and promotion of hybrid seed corn, which revolutionized food production worldwide. The U.S. Congress recently observed that his work in this field will "rank along with the greatest achievements of history."

In 1921, Wallace wrote in the family farm journal, Wallace's Farmer:

"Every living thing, whether it be plant, animal or human being, has an individuality of its own. Some are pleasing, some repulsive, but all are interesting to whosoever tries to understand them. For fifteen years, I have tried to understand corn plants. Until now the individuality of corn plants is almost as interesting to me as the personality of animals or human beings."

It has been said that Henry Wallace was the only genius to have served as Secretary of Agriculture. The period 1933 and 1940 under his leadership was truly a golden age in the Department's history and the engine for much of the intellectual dynamism of the New Deal. Agricultural programs and policies were enacted which remain the basic framework today. Under Wallace's creative stimulus, soil conservation, which he referred to as "the voiceless land," was promoted. The ever-normal granary, to ensure against famine, an idea which Wallace got from reading Confucius and the Bible, was established. In addition, the REA, food stamps, the school lunch program, and "food for peace" were all begun.

He was responsible for the "Yearbooks of Agriculture," in 1936 and 1937, which were the first devoted to agricultural research and plant genetics. He was proud that he had not succumbed during this period to the pressures to have the scientific work of the Department reduced. He wrote:

"Science, of course, is not like wheat or cotton or automobiles. It cannot be overproduced. It does not come under the law of diminishing utility, which makes each extra unit in the stock of a commodity of less use than the preceding unit. In fact, the latest knowledge is usually the best. Moreover, knowledge grows or dies. It cannot live in cold storage. It is perishable and must be constantly renewed. Static science would not be science long, but a mere junk heap of rotting fragments. Our investment in science would vanish if we did not freshen it constantly and keep training an alert scientific personnel."

Secretary Wallace was not only personally active in the research work, but also directly involved with the expansion of the Beltsville Research Facility where we are meeting today. He recorded on April 5, 1940:

"President Roosevelt was very emphatic about moving the Agricultural Department out of the farm at Arlington [where the Pentagon now sits]. He wanted to bring in the rest of an army battalion and a regiment of cavalry. The President has the War of 1812 in mind and doesn't want some foreign nation to come in and burn up Washington. Perhaps his ideas are sound, although responsible people seemed to be inclined to pooh-pooh them. The President wanted Agriculture to get in touch with the Budget Bureau and the War Department and get prepared to move out at once."

Wallace once observed "scientific understanding is our joy. Economic and political understanding is our duty." His concept of scientific research was a broad one and included the lifting of the social sciences to the same level as the natural sciences. In turn, he challenged the natural scientists to have a greater social conscience concerning the implications of their work. Applied research would properly involve social planning, which would enable man to have more leisure time and thus better enjoy non-material things, such as "music, painting, literature, sport for sport's sake, and the idle curiosity of the scientist himself."

As Vice President, Wallace, because of his scientific background, was designated by President Roosevelt as his personal liaison to secretly work with the group developing the atomic bomb.

Wallace also kept a vegetable garden during the war, and he regularly tended it himself in the backyard of his sister's residence in Washington. He recommended that everyone "should become a gardener. Then you will never die, because you have to live to see what happens next year."

In 1940, Wallace was sent to Mexico by President Roosevelt to attend the inauguration of its new President. While there, Wallace, who spoke Spanish, asked to tour the rural areas and saw the desperate need for better agricultural methods to improve the standard of living. Upon his return to the United States, he persuaded the Rockefeller Foundation to establish the first of a series

of international agricultural research centers. He was also responsible for the establishment of the Institute of Tropical Agriculture in Costa Rica and took an active part in the plans which led to the creation of the Food and Agricultural Organization of the United Nations.

A fellow Iowan, Norman Borlaug, who received the Nobel Prize for his work with the "Green Revolution," once remarked that the award should have gone to Henry Wallace, whose leadership and inspiration was the moving force in these efforts.

On a trip to Central America, still vigorous in his mid-seventies, Wallace experienced the first physical signs of Lou Gehrig's disease. Typically, he offered himself to the National Institutes of Health in order to increase their understanding of this affliction and sought answers to the high incidence of the disease among the natives in Guam.

He always arose very early and as long as his failing health permitted, continued to type his own correspondence before going out in the field to do his research. One of his last letters was to a long-time friend and corn breeder:

"Your 3306 [a hybrid seed corn code] has me all excited. So glad you have 2,000 acres of it. * * * I was feeling rather blue when I got up this morning, thinking the end of the road was not far off. But when I got to thinking about 3306, I felt I just had to live to see how [it] would adapt to the tropical program, the Argentine program, and the South Georgia program. Yes, this is the most exciting letter I have ever received from you."

In November 1965, as black limousines assembled in front of the church for his funeral, the Associated Press reported that a young teenager standing on the opposite curb asked, "Who was he?"

For the last 17 years of his life, for the life of that teenager, Wallace was retired to his farm, out of public life, continuing the work he loved the most—his experiments with gladiolus, strawberries, corn, and chickens, as well as his efforts to increase agricultural productivity and improve the nutrition of the people in the less developed world.

Henry Wallace was the most remarkable third-generation member of a family which has been called the "first family of American agriculture." His grandfather, known as "Uncle Henry," was a leading rural advocate, and his father, Henry C. Wallace, served as Secretary of Agriculture to Presidents Harding and Coolidge.

Henry Wallace combined his attainment of high public office with a diversity of intellectual interest, achievement, and vision only rivaled by Thomas Jefferson. He was a plant geneticist and corn breeder, statistician, economist, businessman, journalist, Secretary of Agriculture, Vice President of the United States, Secretary of Commerce, and third-party candidate for President of the United States. He has been called one of the "great generative forces of the first half of the twentieth century."

Henry Wallace, an unassuming and deeply religious man, believed "the purpose of existence here on earth is to improve the quality and increase the abundance of joyous living." He said, "The highest joy in life is complete dedication to something outside ourselves."

Who was he? A man who lived his life faithful to those values. In the words of Jonathan Swift:

"And he gave it as his opinion that whoever could make two ears of corn or two blades of grass to grow upon a spot of ground where only one grew before, would deserve better of mankind and do more essential service to his country than the whole race of politicians put together."

It is most appropriate that the United States Department of Agriculture, in establishing this memorial, will not only remind us as to who he was, but also inspire us all to greater service.

[From the Des Moines Register, May 9, 1989]

HENRY WALLACE TOPS AGRICULTURE HONOR ROLL UNVEILED AT USDA CENTER

(By George Anthan)

WASHINGTON, DC.—It was the kind of ceremony Henry A. Wallace would at least have tolerated: low-key, no pomp, a few down-to-earth politicians (two of them farmers) and a roomful of agricultural scientists from around the world.

The U.S. Department of Agriculture Monday officially enrolled the first name on its agricultural honor roll, that of Henry Agard Wallace of Iowa, secretary of agriculture from 1933 through 1940, then vice-president through 1944.

None of the department's hierarchy was present. After all, the USDA's leadership had been opposed to naming the Beltsville Agricultural Research Center after Wallace.

Conservative Reagan administration officials had objected because of Wallace's liberal political leanings, even though the man considered a pre-eminent agricultural scientist of the 20th century retired from politics after seeking the presidency on the Progressive Party ticket in 1948.

After that retirement, Wallace worked on his farm, developing new plants, until his death in 1965.

And the idea of an honor roll and of Wallace's name being the first inscribed was born in Congress.

Scientists from the Beltsville center and others attending scientific meetings there joined members of the Iowa congressional delegation and Wallace's family Monday at the headquarters of the 7,000-acre research complex northeast of Washington to unveil a plaque in Wallace's honor.

Among Iowans present were Senator Charles Grassley and Representative Neal Smith, who are farmers, and Representative Jim Leach.

A tribute to Wallace was delivered by former Iowa Senator John Culver, who is writing a biography of him. His co-author is John Hyde, currently on leave from the Washington Bureau of the Des Moines Register, who also was at the ceremony.

The response was given by Jean Wallace Douglas, Wallace's daughter.

Culver said, "It has been said that Henry Wallace was the only genius to serve as secretary of agriculture. The period 1933 to 1940 was a golden age in the department's history and the creation of much of the intellectual dynamism of the New Deal."

Culver added, "Agricultural programs and policies were enacted which remain the basic framework today."

"Under Wallace's leadership, soil conservation, which he referred to as 'the voiceless land,' was promoted. The ever-normal granary, to ensure against famine, an idea Wallace got from reading Confucius and the Bible, was established.

"In addition, the Rural Electrification Administration, food stamps, the school lunch program and 'food for peace' were all begun. . . ."

Smith noted that as a teen-ager living on a southern Iowa farm during the Great Depression, "the conversation at the dinner table was where we would get money for the next meal. I knew who Henry Wallace was. He gave us hope."

Leach noted that his grandfather's first job had been as a printer for Wallace's Farmer, the publication that was established by Wallace's grandfather. Henry Cantwell Wallace, father of Henry A., preceded him as agriculture secretary in the 1920s.

Douglas recalled that she often accompanied her father on his visits to the Beltsville complex, which Wallace greatly expanded. "He spent many hours there," she said.

The plaque will be placed in the lobby of the center's administration building.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

DIRE EMERGENCY SUPPLEMENTAL APPROPRIATIONS, FISCAL YEAR 1989

The PRESIDING OFFICER. The clerk will report the pending business.

The assistant legislative clerk read as follows:

A bill (H.R. 2072) making dire emergency supplemental appropriations and transfers, urgent supplementals, and correcting enrollment errors for the fiscal year ending September 30, 1989, and for other purposes.

The Senate resumed consideration of the bill.

Mr. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. WARNER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WARNER. Mr. President, on Thursday, June 1, Senators REID, LIEBERMAN, CHAFEE, RIEGLE, and I submitted an amendment to prohibit the distribution, sale, or use of daminozide for food use, to cancel the registration for daminozide for food use, and to revoke the tolerance for daminozide in or on food. That amendment was subsequently cosponsored by Senators PRESSLER, WIRTH, and HOLLINGS.

Mr. President, I have decided not to call up my amendment No. 122, and to explain to our colleagues why I am taking this action.

As the sponsor of legislation to ban the further manufacture, distribution, or use of daminozide, used on apple crops under the trade name Alar, I am pleased to see that on Friday, June 2, 1989, the chemical's manufacturer, Uniroyal Chemical Co., reached an agreement wth the U.S. Environmental Protection Agency [EPA] whereby Uniroyal will voluntarily halt the sale

of daminozide for food use and recall outstanding stocks of this pesticide.

I ask unanimous consent that a copy of that agreement be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. WARNER. I have been particularly concerned about the use of Alar on apples and the existence of its suspected cancer-causing metabolite, "UDMH," in processed apple products. My concern stems primarily from the gathering body of evidence about Alar's harmful effects, and also because apples are eaten in greater numbers by children, whose lower body weights could make them more susceptible to adverse health effects.

I am also very concerned about the severe adverse economic consequences which apple growers and processors continue to face as long as the public remains concerned about Alar.

However, the current law which would allow EPE to remove Alar from use—the Federal Insecticide, Fungicide, and Rodenticide Act [FIFRA]—is inadequate, and EPA has testified to its lack of effective authority to respond expeditiously to such situations. That is the condition which led to my submitting this amendment.

I have been assured by the EPA that the agreement meets their criteria in such important areas as effective recall procedures and removing Alar from the market and keeping it from the market pending the final disposition of EPA's cancellation procedure. Under FIFRA, Alar would continue to be used during the regulatory process, which means that it would be in the food chain for at least another year since the apple-spraying season is almost upon us. This agreement, however, removes Alar from sale, distribution and use during that period.

One of my remaining concerns is that this agreement does not speak to the issue of the tolerance levels of this chemical in the food chain. I hope that EPA will use its existing authority to set tolerance action levels which gradually decrease the amounts of Alar allowed to be present in foods. Until that action is taken, domestic growers and processors could be placed at a competitive disadvantage with imported products which can continue to contain Alar residues.

It is important that the EPA set a uniform tolerance level for Alar. Currently, there are seven States which have banned or more closely regulated Alar for food-use. Those States are: California, Idaho, Massachusetts, New Hampshire, Rhode Island, Vermont, and Washington. The absence of a uniform tolerance could pose problems for interstate commerce.

All in all, I am pleased by this development. It is a positive step for the American consumer and the Nation's apple growers and processors. I hope that it will serve to stabilize our domestic apple markets. This agreement also obviates the need to press forward with legislation to supplant the regulatory process. I am pleased about this, for I have said all along that I hoped that introducing legislation could be avoided. I introduced my bill only as a one-time effort due to the special circumstances the U.S. apple industry currently faces. I did not want to set a precedent by allowing Congress to circumvent the regulatory process. However, I was prepared to do so in this instance.

I would like to thank my colleagues in the Senate who have joined me in this effort—Senators REID, LIEBERMAN, RIEGLE, and CHAFEE—and recently Senators PRESSLER, WIRTH and HOLLINGS, and I would like to thank Senator LUGAR, the ranking Republican on the Senate Agriculture Committee for his valuable assistance and that of his staff.

In addition, I would like to thank the chairman of the Senate Labor Subcommittee on Children, Senator DODD, for his efforts to bring this controversy to an end. When the controversy surrounding Alar was first brought to the public's attention by the news media Senator DODD acted promptly by holding hearings in his committee. These hearings helped to bring into focus the magnitude of this problem.

But most of all, I would like to thank the countless growers and processors and their associations with whom I have worked. Their leadership, guidance, courage and support made this agreement possible. Virginia's industry is fortunate to have the leadership of Ms. Clayton Griffin, the director of the Virginia State Apple Growers Association, whose guidance and support was of particular importance in resolving this issue. The fine men and women in the U.S. apple industry have worked hard to put abundant, safe and healthy foods on our tables, and they deserve our continued support and thanks for their efforts.

Finally, Mr. President, I would like to renew my call for revisiting FIFRA so that Congress will not be required to step in and force such negotiations, because the executive branch will be empowered with a workable statute to conduct the Nation's business as it should.

EXHIBIT 1

Intent to cancel the Daminozide Registrations, or the termination of any FIFRA § 6 cancellation hearing challenging such action, whichever occurs later: (1) no daminozide food-use products will be sold by Uniroyal for use in the United States; and (2) Uniroyal will conduct a voluntary recall, as described in paragraph 2 below, of all such daminozide products. Simultaneous to its issuance of the amended conditional registration, EPA will issue a "Stop-Sale, Use or Removal" Order to Uniroyal regarding all food-use registrations of daminozide, and Uniroyal agrees not to challenge the validity of such "Stop Sale, Use or Removal" order.

It is the understanding of EPA and Uniroyal that the above measures will prohibit the sale of daminozide registered for food uses in the United States by Uniroyal and any Uniroyal subregistrants.

2. *Voluntary Product Recall.* Uniroyal voluntarily will recall from all distributors, dealers and subregistrants all stocks and inventories of daminozide products registered for food uses, including stocks returned by growers. (See paragraph 5.) Uniroyal specifically agrees as part of its voluntary recall effort to notify by letter, to be mailed within one week of the execution of this Agreement, all distributors and dealers known non-food-use product, to delete the tomato transplant use from the label, and to relabel (with a sticker or other means) any B-Nine stocks in Uniroyal's possession to delete the tomato transplant use. With respect to any stocks or inventories in the possession of distributors or dealers, Uniroyal agrees to issue to such distributors and dealers within three weeks of EPA's approval of the amendment appropriate labeling stickers for the deletion of the tomato transplant use, and agrees to inform the distributors and dealers that such labels should be affixed to all B-Nine products within the channels of trade no later than 60 days after EPA's approval of the amendment. EPA agrees that it will act promptly on Uniroyal's application to so amend the registration, and in any event to grant permission to delete the use no less than three business days from EPA's receipt of Uniroyal's application.

4. *Review of Records.* In recognition of the needs and benefits of EPA's ability to monitor progress of Uniroyal's voluntary recall efforts, Uniroyal agrees that, for purposes of this matter, the following are "data" within the meaning of FIFRA § 3(c)(2)(B) and are subject to call-in by EPA pursuant to that provision: records demonstrating daminozide sales by Uniroyal:

AGREEMENT BETWEEN UNIROYAL CHEMICAL CO., INC. AND THE U.S. ENVIRONMENTAL PROTECTION AGENCY FOR VOLUNTARY HALT OF SALES OF FOOD-USE PESTICIDES CONTAINING DAMINOZIDE

Whereas, on May 12, 1989, the U.S. Environmental Protection Agency ("EPA") issued a Notice announcing the Agency's preliminary determination pursuant to the Federal Insecticide, Fungicide and Rodenticide Act ("FIFRA") to cancel all food-use registrations for daminozide, and indicating that a draft Notice of Intent to Cancel had been forwarded with appropriate supporting documents to the FIFRA Scientific Advisory Panel ("SAP") for its review; and

Whereas, following the SAP's review and the evaluation of comments on the Notice of Intent to Cancel by the U.S. Department of Agriculture and public comments, the Agency will issue a Final Determination whether the registration should be cancelled; and

Whereas, the SAP is tentatively scheduled to review such matters at its July, 1989 meeting; and

Whereas, the SAP is to consider at such meeting, among other materials, interim results of a two-year drinking water oncogenicity study of the daminozide metabolite UDMH on mice and rats which EPA required Uniroyal Chemical Company, Inc.

("Uniroyal") to perform pursuant to a FIFRA § 3(c)(2)(B) Data Call-In Notice issued in 1986 the final report of which is due in September, 1989, and interim results of an additional oncogenicity study on mice which EPA required Uniroyal to perform in March, 1987, the final report on which is due in January, 1990; and

Wherefore, in order to allay public confusion and concern regarding the safety of daminozide food-use products and the consumption of apples and other foodstuffs caused by publicity related to daminozide and this regulatory action, Uniroyal hereby voluntarily agrees, on the terms described below, to halt the sale of food-use pesticides containing daminozide, and to treat such food-use registrations as "suspended" within the meaning of FIFRA § 12(a)(1)(A), pending the full review of the matter by the SAP and the completion of the Agency's Special Review process, including any FIFRA § 6 cancellation hearing.

TERMS OF AGREEMENT

1. *Immediate Halt to Sales.* Uniroyal agrees voluntarily to halt all sales of all of its products containing daminozide for all food uses. In order to implement this Agreement, Uniroyal and EPA agree that all food-use registrations of pesticides containing daminozide shall be treated as "suspended" for purposes of FIFRA § 12(a)(1)(A). To accomplish this, Uniroyal will submit, within five days of the execution of this Agreement, an application for an amendment to all such registrations. The amendment will place a condition on the registrations requiring that from the date on which the application is granted until the date on which EPA issues a Notice of Final Determination of Intent to Cancel the Daminozide Registrations, or the termination of any FIFRA § 6 cancellation hearing challenging such action, whichever occurs later: (1) no daminiozide food-use products will be sold by Uniroyal for use in the United States; and (2) Uniroyal will conduct a voluntary recall, as described in paragraph 2 below, of all such daminozide products. Simultaneous to its issuance of the amended conditional registration, EPA will issue a "Stop-Sale, Use or Removal" Order to Uniroyal regarding all food-use registrations of daminozide, and Uniroyal agrees not to challenge the validity of such "Stop Sale, Use or Removal" Order.

It is the understanding of EPA and Uniroyal that the above measures will prohibit the sale of daminozide registered for food uses in the United States by Uniroyal and any Uniroyal subregistrants.

2. *Voluntary Product Recall.* Uniroyal voluntarily will recall from all distributors, dealers and subregistrants all stocks and inventories of daminozide products registered for food uses, including stocks returned by growers. (See paragraph 5.) Uniroyal specifically agrees as part of its voluntary recall effort to notify by letter, to be mailed within one week of the execution of this agreement, all distributors and dealers known by Uniroyal to be direct Uniroyal daminozide customers, and any subregistrants. Uniroyal agrees in such letters to indicate that Uniroyal has agreed voluntarily to halt all food-use sales of daminozide, and to recall all outstanding stocks and inventories from any source through distributors and dealers and to reimburse the owners of such products at the invoice price or, if no invoice is available, the prevailing price at time of purchase. In addition, Uniroyal agrees to mail to all persons on its grower mailing list (to be provided to EPA pursuant to paragraph 4 below), within two weeks of the execution of this Agreement, letters indicating that Uniroyal has agreed voluntarily to halt all food-use sales of daminozide, and that Uniroyal has agreed voluntarily to recall all outstanding stocks and inventories from any source through distributors and dealers and to reimburse the owners of such products at the invoice price or, if no invoice is available, the prevailing price at the time of purchase. Uniroyal agrees to allow EPA to review and approve the test of these letters prior to their release. Uniroyal also agrees as part of such recall to pay all reasonable costs of transportation of the stocks and inventories to a site or sites, to be designated later, where the product will be repackaged and/or/relabeled for subsequent sale (or storage for subsequent sale) for non-food uses, or for export as otherwise permitted by law. Uniroyal agrees to implement the recall and reimbursement program described in this Agreement as expeditiously as possible.

3. *Amendment of Uniroyal's "B-Nine" Label.* In conjunction with the provisions of paragraph 2 above, Uniroyal agrees to amend its B-Nine daminozide label, which is primarily a non-food-use product, to delete the tomato transplant use from the label, and to relabel (with a sticker or other means) any B-Nine stocks in Uniroyal's possession to delete the tomato transplant use. With respect to any stocks or inventories in the possession of distributors or dealers, Uniroyal agrees to issue to such distributors and dealers within three weeks of EPA's approval of the amendment appropriate labeling stickers for the deletion of the tomato transplant use, and agrees to inform the distributors and dealers that such labels should be affixed to all B-Nine products within the channels of trade no later than 60 days after EPA's approval of the amendment. EPA agrees that it will act promptly on Uniroyal's application to so amend the registration, and in any event to grant permission to delete the use of no less than three business days from EPA's receipt of Uniroyal's application.

4. *Review of Records.* In recognition of the needs and benefits of EPA's ability to monitor progress of Uniroyal's voluntary recall efforts, Uniroyal agrees that, for purposes of this matter, the following are "data" within the meaning of FIFRA § 3(c)(2)(B) and are subject to call-in by EPA pursuant to that provision: records demonstrating daminozide sales by Uniroyal directly to distributors, dealers and subregistrants in 1988 and 1989, including such records as necessary to determine the identity of all purchases and the amounts purchased; records demonstrating compliance with the provisions and schedule of the recall and reimbursement program, including details of the recall of such products from all direct Uniroyal customers (which may include distributors, dealers and subregistrants) and such records as necessary to determine the identity of all parties returning daminozide products to Uniroyal and the amounts returned; records indicating the amounts of daminozide products relabeled as B-Nine; and records regarding all sales of B-Nine products, including quarterly reports of current and future B-Nine sales, records demonstrating historical sales for B-Nine products and the approximate levels of B-Nine stocks and inventories presently available in the distribution chain in June, 1989, as well as such prospective records as necessary to demonstrate the identities of all Uniroyal direct customers purchasing B-Nine and the amounts purchased. The quarterly reports are being provided to allow EPA to monitor B-Nine sales in order to ensure that persons not a party to this Agreement do not divert B-Nine unlawfully to food use.

Uniroyal further agrees that all records indicating satisfaction of the recall requirements under this Agreement shall be considered "reports" within the meaning of FIFRA § 12(a)(2)(N).

5. *User Notification.* In addition to the notification described in paragraph 2 above, Uniroyal agrees within two weeks of the execution of this Agreement, to send to the organizations listed below a letter, for distribution to their members, indicating that Uniroyal has agreed with EPA voluntarily to halt all food-use sales of daminozide and to recall all outstanding stocks and inventories from any source through distributors and dealers and to reimburse the owners of such products at the invoice price or, if no invoice is available, the prevailing price at the time of purchase. The letters will explain the reasons for this action and urge the growers to cease using the product immediately.

The associations to which Uniroyal agrees to send this letter will include at least the following: (1) International Apple Institute; (2) New York-New England Apple Institute; (3) Processed Apple Institute; (4) National Food Processors Association; (5) Washington State Apple Commission; and (6) the National Peanut Council. In addition, Uniroyal agrees to send the same or a similar letter to the lead land grant university in each major apple-growing state within the same two-week period. Uniroyal agrees to allow EPA to review and approve the text of the letters required by this paragraph or to use the same letter described in paragraph 2.

6. *Export Notification.* EPA will issue an export notification regarding the status of daminozide registrations. The export notifications will explain that Uniroyal has agreed voluntarily to halt sales, and that in order to implement this Agreement, EPA and Uniroyal have agreed to treat the food-use registrations as "suspended" for enforcement purposes. EPA agrees to provide Uniroyal by telecopy with the text of such notifications, after they have been finalized and cleared for issuance, but five days prior to their issuance, in order that Uniroyal may notify affected customers. This is expressly understood not to imply a right to edit or change the text of such notifications, which will be drafted independently by the Agency.

7. *SAP Review.* EPA agrees to postpone the SAP's consideration of the Agency's Draft Notice of Intent to Cancel until the SAP's December, 1989 meeting. EPA further agrees to suspend the "five-minute rule" which ordinarily limits to five minutes a registrant's opportunity to make oral presentations to the SAP. Instead, both EPA and Uniroyal shall receive thirty minutes to make oral presentations, as supplemented by written materials, with the further understanding that the decision to extend the period for oral presentations is in the sole discretion of the SAP. In addition, the Agency agrees to reserve at least one full day for the SAP's consideration of daminozide.

8. *Duration of Agreement.* This Agreement shall not expire and will remain enforceable until the completion of the SAP review and EPA's issuance of a Final Notice of Determination to Cancel the Daminozide Registrations, and any FIFRA § 6 cancellation hear-

ing initiated as a challenge thereto, or a decision by the Agency upon its review of the SAP comments to withdraw its Draft Notice of Intent to Cancel, except that Uniroyal and EPA hereby agree that either party can request reconsideration of this matter upon the completion of the SAP review and as a result of any such reconsideration may mutually agree to terminate the Agreement earlier. EPA and Uniroyal anticipate that the SAP review and the decision whether to issue a Final Notice of Determination to Cancel or to withdraw the Draft Notice of Intent to Cancel will be accomplished by the Agency no later than March, 1990, and that any FIFRA § 6 cancellation hearing initiated by Uniroyal as a challenge thereto will be completed by September, 1991, and that the Agency will use its best efforts to accomplish these goals within the spirit and intent of this Agreement.

9. *Limited Purpose of Agreement.* Uniroyal by this Agreement does not admit or concede that daminozide or its metabolites present a significant risk of cancer, or an unreasonable adverse risk to health or the environment within the meaning of FIFRA § 3(c)(5), or that any tolerances for daminozide established under the Federal Food, Drug and Cosmetic Act are inappropriate or should be reduced or revoked.

EPA by this Agreement does not modify or in any way recant its preliminary determinations concerning daminozide or its metabolites as expressed in the Preliminary Determination to Cancel Certain Daminozide Produce Registrations published at 54 Fed. Reg. 22,558 (May 24, 1989). In addition, EPA specifically reserves the right to take any appropriate action under the Federal Food, Drug and Cosmetic Act.

10. *Change in Circumstances.* Uniroyal agrees that nothing in this Agreement limits EPA's authority to take appropriate regulatory action against daminozide or its metabolites under any of its statutory or regulatory authority if, in EPA's judgment, changed circumstances or new information indicate that such additional measures are necessary. EPA agrees that nothing in this Agreement limits the rights of Uniroyal to challenge such additional actions.

11. *Enforceability.* Uniroyal acknowledges the enforceability of this Agreement pursuant to FIFRA §§ 3(c)(2)(B), 12(a)(1)(A), 12(a)(1)(I) and 12(a)(2)(N), and agrees that it will not challenge or encourage or assist any party to challenge the validity of this Agreement in any forum.

JAMES A. WYLIE, Jr.,
Vice President and General Manager, Crop Protection Division, Uniroyal Chemical Co., Inc.

VICTOR J. KIMM,
Acting Assistant Administrator for Pesticides and Toxic Substances, U.S. Environmental Protection Agency.

JUNE 2, 1989.

Mr. REID addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Nevada [Mr. REID].

Mr. REID. This past Friday, the Uniroyal Chemical Co. issued a press release, the first paragraph of which said:

Uniroyal Chemical Co. is announcing today it will voluntarily halt sales of Alar for food crop uses. We are notifying our customers that they may return the product to us at our expense. We have notified the Environmental Protection Agency of this action and are working closely with the agency to develop procedures to make our voluntary action enforceable.

Mr. President, that certainly was good news and a victory for the American consumer, especially children who consume fruit products.

As my distinguished friend, the senior Senator from Virginia, indicated, Alar is a pesticide used on principally apples; but it is also used on grapes, cherries, and peanuts. The reason that I mention this as a victory for children is because children eat proportionately far greater portions of fruit than do adults.

The Natural Resources Defense Council reports the risk of Alar to children to be 240 times greater than the risk acceptable by the Environmental Protection Agency.

So this victory to get Alar off our food, while it is a victory, did not come easily. First of all, it was determined in 1973 by EPA that Alar was carcinogenic; a fact brought out through a number of hearings, one, conducted by my subcommittee of the Environment and Public Works Committee. At this time I would like to extend a congratulatory note to the staff who worked very hard on this. Senator BURDICK is to be complimented for the staff he has accumulated on the Environment and Public Works Committee. Without them, this victory would not have been possible.

The hearing clearly established by a long list of witnesses—witness after witness after witness—that Alar was dangerous to the people who ate the products on which it was used. Alar goes to the very core of the apple. You cannot wash it off.

This hearing established the problems with Alar. In addition we were able to show that the Scientific Advisory Panel, established under the law, was not functioning properly. In fact, the majority of scientists who advised the Environmental Protection Agency also worked for the chemical industry. From the very beginning the consuming public did not get a fair shake, and we are going to do more about the Scientific Advisory Panel in the future.

In addition to the various hearings that were held, and the Scientific Advisory Panel information that I have just indicated to the President, "60 Minutes," did two separate segments, indicating the problems with Alar.

I think it was also important—and that is an understatement—that Senator LIEBERMAN, the junior Senator from Connecticut, became interested in this subject. He came to me as chairman of the subcommittee and said, "I want to work with you on this. There are some real problems. I have a baby. I am concerned about all the apple juice that she has been drinking, and I am going to stop her from drinking apple juice until we get this taken care of."

He has been a stalwart from the very beginning. His legal background, being a former attorney general, provided great help to not only me, but the staff in formulating the witnesses and lining up the evidence so that we could proceed in an orderly fashion to establish the problems with this product.

As the senior Senator from Virginia indicated, the majority of the apple industry said this was a product that we should do away with. There was so much confusion in the marketplace, information and disinformation, that the apple growers themselves said "Enough is enough. EPA, take Alar off the market."

But even then EPA would not take it off the market. The reason the apple industry is, of course, concerned is that there are about 16 million boxes of apples—each box weighing about 42 pounds—that they need to sell prior to this fall when the new crop will be harvested.

Mr. President, I think the reason we are to this point is because of Senator JOHN WARNER of Virginia. Senator WARNER, the ranking member of the subcommittee upon which I serve, stepped forward and made this a bipartisan issue. Without his statesmanship, the manner in which he conducts himself all the time—but I can speak with authority on this matter—without his statesmanlike attitude and action in this matter, we could not have had the voluntary withdrawal. He made this a bipartisan issue, and I think it speaks well of him, representing the apple State that he does.

There were people in the apple industry who said Senator WARNER could not accomplish this, but he did it. He did it because it was the right thing to do. I think the American public owes him a great debt of gratitude, I repeat, without his assistance, help and leadership, it simply would not have happened. It would have been a partisan issue, promoted by basically two freshmen Senators, the Senator from Nevada and the Senator from Connecticut. Without this leadership of Senator WARNER, it simply could not have been done.

It was Senator WARNER who held a press conference and said, "I am going to offer an amendment to ban Alar." From that point forward, EPA and Uniroyal started talking and talking seriously about doing something to get this product off the market.

It is off. I am grateful that it is off. The future, though, Mr. President, is something we still must address. There are 50,000 pesticides in use in the United States. Many of these pes-

ticides and fungicides are used on our food. We have work to do, work to do with Federal agencies, with industry, and with consumers, to determine a more viable and accurate process by which pesticides and other chemicals are tested, approved, and used.

The obligation that we, as a Congress, have is burdensome but one we must accept. People deserve to be safe in the places they work, safe from chemical poisoning. The American public deserves peace of mind that the food they eat, fruits and vegetables especially, be clean and wholesome.

As I indicated, it is a victory for the American consuming public, but it is one that points the way to the future, and we have a lot more work to do.

I yield the floor.

Mr. LIEBERMAN addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Connecticut, [Mr. LIEBERMAN].

Mr. LIEBERMAN. I thank the Chair.

I am very proud to rise and join my colleagues, the senior Senator from Virginia, and the senior Senator from Nevada, the chairman of our subcommittee, in expressing a tremendous sense of pleasure and pride at the accomplishment of removing Alar from apples in America. I am very pleased to have been able to participate with Senator WARNER and Senator REID in this effort. In a very short period of time, acting together, with support of others outside of the Halls of Congress, I think we have done something that will protect consumers in America.

Mr. President, I became involved in this because of my wife. She saw the first "60 Minutes" show on Alar and was tremendously concerned about all of the apple juice and apple products we were giving to our baby, Hanna. She said, "You are down there in the Senate. You are not just any viewer of this television show. You should do something about it if you can."

So I went to Senator REID, the chairman of the EPA Oversight Subcommittee, and talked to him about it. I hope I am not violating the right of privacy of the Senator if I remark that when I told him of my wife's reaction, Senator REID, said to me, "It is interesting you mentioned that. My wife asked me about Alar last night."

I know there has been a lot written of late about the influence of congressional spouses, but I think here we have an example of very positive influence that these two spouses had on the legislative process.

The more we looked at the Alar issue, the more we looked at the outstanding work done by the National Resources Defense Council, the more we heard the experts in this field, the more it became clear that there was a real problem here. As Senator REID has indicated, since 1973 there has been evidence, and the evidence has continued to grow, that Alar is a carcinogenic chemical, it can cause cancer.

Finally, the EPA agreed and decided to initiate the process to ban this product from the market, but the reality is that that process would have taken at least 18 months and perhaps as much as 4 years. That is why Senator WARNER, Senator REID, Senator RIEGLE, Senator CHAFEE, and I introduced first a bill and then the amendment to immediately halt the sale and use of Alar in this country.

I am particularly pleased that the manufacturer of Alar, Uniroyal—which happens to be a company based in Connecticut—voluntarily entered into an agreement with EPA to remove this product from the market. The end of Alar is only the beginning of the efforts that we need to make to protect American consumers from chemicals in the food supply.

One of the most startling statements made by the folks over at EPA during the debate on Alar was that if Alar was introduced as a new product on the market today, they would not allow it onto the market. But since it was a so-called old pesticide grandfathered in under earlier legislation, it was allowed to remain on the market. We simply cannot allow that kind of double standard, and, I think, unfair, inadequate system of regulation to continue.

I look forward to working with our chairman, the Senator from Nevada, and with the ranking member, the Senator from Virginia, in continuing on to finish the work of protecting American consumers from dangerous chemicals in the food supply.

On the question of Alar, one more piece of work needs to be done to finish what we have started. The voluntary agreement is a giant step forward. But now we must deal with the possible presence of Alar on apples and other foods that are imported into the United States. Our amendment would have reduced to zero the so-called tolerance level of Alar on foods in America and that would have covered imported items as well. That is not an element of the agreement between Uniroyal and EPA. In fact, it is clear that Uniroyal intends to continue selling Alar on the world market.

Therefore, we look forward to working with EPA and FDA to urge them to reduce to zero by administrative action, as soon as possible, the tolerance levels for Alar. Then the American consumer can be confident when he or she goes shopping for apples or apple products that regardless of whether they are domestic or imported there is no threat that they have been treated with Alar.

Mr. President, Senator REID was very kind in his comments about me. I simply want to say what is evident, that as a truly freshman Member of this body all I could do was to raise an idea.

Chairman REID, as he has throughout the 5 months I have been here, was a real leader in this effort. He used the full resources of the subcommittee, convened the hearing, made these things happen, and I thank him deeply and personally, as I know the American consumers will.

I also echo his comments about the senior Senator from Virginia whose support of our efforts was quite literally the turning point in this struggle. There is no question in my mind that without the support of Senator WARNER, without his leadership, a leadership that took some courage, Alar would still be marketed and distributed in America, and would continue to be for some considerable period of time.

So I am not only proud of the accomplishment that we celebrate here today in this voluntary agreement but I express my personal satisfaction and honor at having worked with these two fine gentlemen, these two Members of the Senate in bringing this result about.

Thank you, Mr. President.

Mr. KASTEN addressed the Chair.

The PRESIDING OFFICER. The Senator from Wisconsin.

AMENDMENT NO. 137

(Purpose: To repeal section 89 of the Internal Revenue Code of 1986)

Mr. KASTEN. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Wisconsin [Mr. KASTEN] proposes an amendment numbered 137.

At the end of the bill, insert the following new section:

SEC. REPEAL OF SECTION 89.

(a) IN GENERAL.—Section 89 of the Internal Revenue Code of 1986 (relating to benefits provided under certain employee benefit plans) is repealed.

(b) CONFORMING CHANGES.—Not later than 60 days after the date of the enactment of this Act, the Secretary of the Treasury or the Secretary's delegate shall submit to the Congress such technical and conforming changes to the Internal Revenue Code of 1986 as may be necessary to carry out the amendment made by subsection (a).

(c) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to periods beginning after December 31, 1988.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The majority leader.

AMENDMENT NO. 138 TO AMENDMENT NO. 137

Mr. MITCHELL. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Maine [Mr. MITCHELL], for himself, Mr. BENTSEN, and Mr. WIRTH, proposes an amendment numbered 138 to the Kasten amendment numbered 137.

Strike all after the first word and insert the following:

—. SENSE OF THE SENATE REGARDING SECTION 89.

(a) Whereas, section 89 of the Internal Revenue Code of 1986 imposed an intolerable burden of compliance upon employers.

(b) Therefore, it is the sense of the Senate that—

(1) all the section 89 rules should be delayed for 1 year,

(2) the section 89 nondiscrimination rules should be repealed and replaced with nondiscrimination rules which—

(A) employers can understand and administer without great expense, and

(B) achieve the goals of section 89 in ensuring that health benefits are provided in a nondiscriminatory manner,

(3) the special problems faced by small businesses should be taken into account in the rewriting of the nondiscrimination rules.

(4) onerous penalties on innocent employees for an employer's failure to satisfy the section 89 qualification rules should be repealed, and

(5) the Congress should address the legislation described in the preceding paragraphs as soon as possible but, in no event, should such legislation be addressed later than in the context of the budget reconciliation bill.

Mr. KASTEN addressed the Chair.

The PRESIDING OFFICER. The Senator from Wisconsin is recognized.

Mr. KASTEN. Mr. President, the No. 1 issue in my State right now, and the No. 1 domestic issue in America, is section 89 of the Internal Revenue Code. This incredibly complex provision of the Tax Reform Act of 1986 has wreaked havoc on the business community in my State, and has resulted in the loss of health insurance and employee benefits for hundreds of workers.

Congress has talked quite a bit about tackling section 89, but no satisfactory action has been taken. It is time for the Senate to go on record in favor of the only thing that makes sense—and that is repealing section 89 outright.

Let me pause at this point to call attention to the achievement of a number of my colleagues in publicizing this outrage, and in building a coalition against section 89.

Senators TRENT LOTT, STEVE SYMMS, and RUDY BOSCHWITZ, who is the ranking member of the Senate Small Business Committee, in particular have been real leaders in this fight. Senator RUDY BOSCHWITZ forced the hearings on section 89 which ultimately led to the delay announcement by the administration. And my amendment seeks to build upon the progress they have made.

Many Members of Congress have been involved in an effort to modify or simplify the section 89 regulations. I was willing to give that effort a chance at one point. I now am convinced, however, that no amount of rewriting the current regulations can bring about an acceptable solution.

The section 89 regulations are unwise, unworkable, and just plain unfair. We need to get these regulations off the books. My amendment is simple; it goes straight to the heart of the problem. My amendment would repeal section 89 of the Internal Revenue Code.

What Senators need to ask themselves, when considering my amendment, is this: Why is section 89 necessary in the first place? A brief review of the history of this regulation will help my colleagues understand why section 89 must be repealed. Under both previous and current law, many employer-provided benefits receive tax-favored treatment. Estimates of the annual cost to the Government of keeping these benefits tax free have run as high as $30 billion a year. At a time when we all must be sensitive to the Federal budget deficit and the Federal debt, this exemption has come to be seen by many as a very enticing potential source of revenue.

Certain Members of Congress strongly believed—particularly during the debate on the 1985 tax bill—that the old rules to prevent discrimination in providing benefits were too weak and too vague, and that there was great potential for the abuse of these rules.

The Tax Reform Act of 1986 changed the way we treat employer-provided benefits. The revenue loss from tax-free benefits was explicitly linked with reaching a social policy goal. Specifically, the conference report which accompanied the Tax Reform Act stated, concerning tax-free benefits:

These costs are justifiable if such benefits fulfill important social policy objectives, such as increasing health insurance coverage among taxpayers who are not highly compensated and who otherwise would not purchase or could not afford such coverage.

The notorious section 89 is the regulation which attempts to explain this change.

Thus, it is fair to say that section 89 came about to prevent abuse of the old nondiscrimination laws, and to ensure fair treatment of employees, with "fair treatment" being defined as improved access to health care. I think that is important, with "fair treatment" as "improved access to health care."

Mr. President, if the old laws were being abused, and access to health care was improving because of section 89, I would not be here today. The plain, simple fact is that section 89 is a disaster. We tackled a problem that didn't exist, and came up with a remedy that made the problem worse. That is why we need to repeal section 89.

Did a problem with discrimination exist under the old regulations—that is a key point? No. I am a member of the Senate Small Business Committee, which held hearings on this subject. In testimony before the committee, Treasury Tax Counsel Dana Trier, speaking for the administration, made clear that there was no clear pattern of abuse under previous law. Mr. Trier stated, and I quote, that:

It is fair to say that there was not at the time of the 1986 Act *any* concrete evidence that major groups of the employees of companies were going uncovered.

He went on to say:

I myself represented quite a few small businesses in practice * * * and, in fact, I did not see wholesale discrimination.

What did the old tax law provide for in this area? Allow me to read the portion of the conference report of the Tax Reform Act of 1986 which described prior law, and list the benefit areas which were covered.

Among those conditions, it is generally applied under prior law to the exclusion of employer-provided employee benefits was the requirement that employee benefits be provided on a nondiscriminatory basis, witness the exception of the exclusion for employer-provided health insurance, no employee benefit exclusion was available, unless the benefit was provided on the basis that it did not favor certain categories of employees who were officers, owners, or highly compensated. Failure to satisfy the applicable nondiscrimination test for a specific benefit resulting in denial of the tax exclusion for all employees receiving the benefit or only for the employees in those favored discrimination were prohibited, depending on the benefit. Separate nondiscrimination rules applied with respect to each benefit.

We are talking about health benefit plans, group life plans, group legal services plans, educational assistance programs, dependent care assistance programs, welfare benefit funds, cafeteria plans, et cetera.

What was the problem with these regulations? Advocates of change argued the regulations didn't cover health insurance, weren't sufficiently audited by the IRS, and that penalties for violations were too small.

But, instead of taking the logical step of expanding the old rules to cover health insurance and the tightening up of enforcement, we ended up creating a whole new byzantine system and threw it in the laps of small businessmen, asking them to decipher something none of us can understand.

The business community of this Nation should not be presumed guilty until proven innocent, but the other way around. And dealing with section 89 should solely be the problem of the IRS—not the corner grocery store, the small machine tool shop, the small business when section 89 was included in the Tax Reform Act of 1986—it was heralded as a provision which would increase access to health coverage, particularly for low-income workers.

Mr. President, that clearly has not been the case. I have with me today numerous letters, recounting horror story after horror story, about the devastating impact section 89 is having on employee benefits. Low-income workers are losing benefits in my State, and I know that workers are losing benefits nationwide.

We have a policy in this country of trying to put incentives into the system so more people are covered under private plans, so that the Federal Government would do less; and here instead of an incentive, we have a disincentive, a reason why employers are going to be dropping these plans. All across Wisconsin and across this country private employers are dropping their plans because they cannot comply with the troublesome, burdensome regulations, and instead, people are going without insurance.

Who is going to pick up the slack? The Federal Government, in the end, is going to pick up the slack, and that is exactly what we are trying to avoid.

The stated policy goal of increasing access to health coverage is not being met. I have heard the testimony of affected groups, I have met with workers and company presidents, and they all agree that section 89 is sheer folly.

I want to ask unanimous consent, Mr. President, to have inserted in the RECORD at this time a number of letters from people across Wisconsin and across this country who are calling for repeal of section 89, but most important, who are indicating directly that they are forced to cancel their plans, because they are unable to deal with these complex and costly regulations.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

CARDIAC DIAGNOSTIC CLINIC, LTD.,
Milwaukee, WI, May 4, 1989.

To: Marilyn Beres, Denise Casey, Joyce Johnson, Jeff Baranek.

Although I have informally discussed some of these matters with you recently, I am now formally informing you of changes I have been forced to make in corporation benefits. This can be attributed to, for want of a better description, government meddling and regulations which, I am sure you will agree, are short sighted and harmful to all of our financial situations. Seemingly continous changes in our tax laws, particularly the silliness of Section 89, have placed time consuming and expensive legal burdens on my corporation.

Please note the following:

I. The corporation payments for Medical Insurance (paid for three of you, more out of good will than any other reason), have been terminated. Please blame your mioptic legislators in Washington and their "Section 89". I refuse to pay the added costs required of me under this law, the provisions of which are incompletely understood by everyone, even the bureaucrats and politicians who came up with this idiodic mess to begin with.

II. The corporation financed Dental Costs Reimbursement Plan has been terminated. Ditto #I and "Section 89".

III. The corporation paid Group Health Plan Insurance Policy was previously cancelled as government regulations became progressively more onerous.

IV. The Corporation Pension Plan is now terminated. A number of recent laws have progressively limited the benefits of such a plan to me. The legal requirements to maintain such a plan have been made much more expensive and the new overfunding and early withdrawal penalties are unreasonable. The Profit Sharing Plan will remain in force but its funding will be discretionary. As you know, overhead costs have been rising steadily and because of substandard HMO fees and reduced Medicare reimbursements, corporate income has been falling.

I would be pleased to discuss these changes with all of you in more detail. As you know, I am not an employer who has made any unusual demands on any of you and I cannot be accused of avarice. These changes have been ultimately dictated by changes in rules, regulations and laws generated by your Senators and Representatives in Washington. This can be counterproductive for you as well as me.

Yours truly,

JEFFREY ROGERS, M.D.

D&J FOODS, INC.,
ARBY'S ROAST BEEF
Green Bay, WI, March 31, 1989.

Mr. BOB KASTEN,
Hart Senate Office Building,
Washington, DC.

DEAR BOB: We were under the impression that Section 89 Law was to go in effect as of January 1, 1989, so we too, as did the Milwaukee company, drop our share of 50% insurance coverage for our employees. We employ approximately 75 people in 4 stores of which 35% are students, 35% part-time women with children, and 30% full time people. They work anywhere from 10 hours to 45 hours per week. We had offered 50% share of insurance expense for those employees who worked over 32 hours per week with the Wis. Restaurant Assoc. Insurance program. No way could we afford to offer this benefit to a 17½ hour worker, especially if we had to offer family coverage. Due to the horrendous amount of book work we felt would be involved with compliance of law 89, we now offer the same insurance payable 100% by the employee. Consequently, we felt we should compensate for this benefit by raising salaries—result—More Social Security Taxes, State Unemployment taxes, Federal Unemployment Taxes and Workers Comp.

You are too late now to help us as we have given the raises which brings me to another point to minimum wage increase of 50¢ now. We have been starting most of our employees at a $3.50 wage for a 4-week training period and 16-17 year old students at the $3.35 wage for 2-weeks. Fast food restaurants encounter a vast expense to uniform, training and then have the turnover we have in this day and age. If you raise it 50¢ now that means the majority of our employees would expect a substantial raise also. Our bottom line will be going for taxes—not for expanding creating more jobs and giving better benefits. Our employees are not on a tip basis so 100% earnings are taxed. If you force us to raise wages, we will have to increase our prices on our sandwiches and drinks which will result in my mother and senior citizens on a fixed income to pay higher prices. Inflation here we come.

Yours truly,

——— ———.

VLASEK'S LANES,
Tomah, WI, April 7, 1989.

Senator BOB KASTEN,
Hart Senate Office Building,
Washington, DC.

DEAR SENATOR KASTEN: This letter is in regard to Section 89 of the Internal Revenue Code. We are a small firm with eight full time employees and ten part time employees. Part time employees work about ten to twenty five hours per week for about eight months of the year. In our Health plan only full time employees have been covered for Health Insurance, Life, and Loss of time. I had paid 95% of the cost of the plan. As of the first of the year I no longer pay any part of the plan. The plan is still available, but the employees have to pay 100% of the cost of the Insurance. It is a good group plan and it is cheaper then they can get on the open market so all but one employee is still in the plan. My Insurance Agency advised me to use this method of keeping the insurance available to employees or discontinue all coverages because compliance would be too costly. I had checked with my local accounting firm for a plan to comply with Section 89. They said they did not give such advice and referred me to a Tax Professional Firm. They estimated the cost of the plan would be from $1000.00 to $3500.00. The firm would not be able to review my business and come up with a plan for at least six months.

I will be in Washington D.C. in May to visit my daughter. I would be glad to meet with you to discuss this matter further. I am Chairman of the Insurance Committee for the Bowling Proprietors Assn. Of Wis. and will be glad to do anything to help you in this matter. Will take this opportunity to thank you for your work on this matter.

Sincerely,

N.H. VLASEK.

LONE ELM SALES, INC.,
Van Dyne, WI, April 7, 1989.

Senator ROBERT KASTEN,
U.S. Senate, Washington, DC.

DEAR SENATOR KASTEN: I was very pleased to receive your letter on Section 89 of the Internal Revenue Code and your co-sponsorship of legislation to repeal it.

Because of Section 89, our accountant recommended and we decided to NOT make a contribution this year to our employee defined benefit (pension) plan. Although I own and operate a small corporation, I have always been concerned that my employees receive as many benefits as possible, and the corporation has totally funded both their pension and profit sharing plans. We also carry extensive health insurance for them. It is indeed discouraging to see the government taking away incentives to provide these benefits for our employees.

I certainly hope your efforts are successful.

In regard to our income tax system, in general, my wife and I just laugh when we look at today's "simplified forms" and the disclaimer at the bottom about the "Paperwork Reduction Act." Before the last tax overhaul, there were several proposals for a flat tax. Exemptions and deductions would have been eliminated but so would the headaches of a multitude of forms and incomprehensible language. By the time a person or company pays an accountant and a lawyer to interpret it all, it would have been cheaper to just pay a flat tax.

Is that any way to encourage trust of government among its citizens? I'm glad you're

taking some initiative. How do we broaden simplification?

Thank you for contacting me. I also was happy to meet you when you visited our booth last week at the Wisconsin Restaurant Show in Milwaukee. I understand you know Bill Kunz of TriAngle Brokers quite well. He is working with us in our food distribution business.

With warm regards,

GLEN D. DEDOW,
President.

OSHKOSH, WI,
April 7, 1989.

Senator ROBERT KASTEN,
110 Hart Senate Office Building,
Washington, DC.

DEAR SENATOR KASTEN: I received your March 20, 1989 letter on Section 89 of the Internal Revenue Code and how it jeopardizes employees.

I agree whole heartedly that the employees will suffer. I dropped my health insurance partial payment for employees. Why the new Section 89 and the extreme rise in health insurance? Now if employees want it they will have to pay the entire amount on their own. We are a very small company and can't afford to pay these fringe benefits.

Do not pass a health package with required company health benefits. The small companies in the USA cannot afford this health benefit program.

Please continue to work dilligently on the repeal of the Section 89 provisions.

My best regards,

RICHARD H. SOMMERFIELD.

MIKES DISTRIBUTING, INC.,
Green Bay, WI, April 12, 1989.

DEAR SENATOR KASTEN: In response to your letter regarding Section 89. We provided health insurance for our full time employees. Now we have resorted to keeping the plan but anyone who wants coverage must pay their own premiums.

Needless to say, we did not want to do this but felt we had to. Please try to stop Section 89.

Sincerely,

JEAN LOWELL.

VILLAGE BOWL,
Menomonee Falls, WI, March 30, 1989.

Re Section 89.

Senator BOB KASTEN,
Hart Senate Office Building, Washington, DC.

DEAR BOB, Thanks for your note about section 89.

We have already taken steps at Village Bowl to combat Section 89. A year or so back, we started reducing the amount of money that we put in toward the premium.

It was 100 percent and we reduced it to 40 percent. If Section 89 is not repealed, we will give the employee what we are now paying in as our percentage of premium, and let them buy their own. We will then cancel the insurance all together.

This wasn't really a real smart bill.

Most sincerely,

WILFRED J. RIOPELLE.

MANAGEMENT SERVICES,
Madison, WI, May 19, 1989.

Re repeal of IRS Section 89.

Senator ROBERT W. KASTEN, Jr.,
Hart Senate Office Building,
Washington, DC.

DEAR SENATOR KASTEN: My business associates and I operate eight different companies, each of which employs between 20 and 30 people.

Because of the restrictions imposed by the IRS Section 89 we have not been able to offer our employees some of the benefits which would otherwise be appropriate.

In addition our insurance counsel has warned us that we may have to curtail some of the benefits we have offered for many years because of the Section 89 requirements.

Most of our employees are in the 25 to 40 year age bracket and are likely to change jobs every few years, which makes it impossible for us to be able to meet the present non-discrimination requirements. This seems very unfair to our longer-term employees.

Our managers and employees will be interested to learn if you can be of help to us in reducing the complexities and restrictions which Section 89 imposes on us.

Sincerely,

WILLIAM R. WALKER,
President.

MENOMONEE FALLS, WI,
April 7, 1989.

Re Internal Revenue Code Section 89.

Senator ROBERT W. KASTEN,
Hart Senate Office Building,
Washington, DC.

DEAR SENATOR KASTEN: Thank you for your letter of March 20, 1989 discussing your proposals to introduce legislation to stop the implementation of Section 89 of the Internal Revenue Code.

As with all recent legislation with respect to employee benefits I am deeply shocked and grieved that our government continues to draft legislation which only serves to decrease the benefits which are available to the rank and file employee.

Because of the exceedingly complex provisions of Section 89 and also because of the constant revision of the employee benefit statutes almost all of my clients (and I represent a great number of small businesses) have cancelled coverage of all employee benefits. This is a tragedy. Rather than helping employees obtain fair benefits, this legislation has done just the opposite by forcing employers to cancel all benefits entirely.

Good luck with your attempts to return sanity to the area of employee benefits.

Sincerely yours,

ROBERT G. ALEXANDER,
Attorney at Law.

HANSEN'S DAIRY, INC.,
Green Bay, WI, April 10, 1989.

BOB KASTEN,
Hart Senate Office Building,
Washington, DC.

DEAR SENATOR KASTEN: I am the president of Hansen's Dairy Stores, Inc. and have been working on a health insurance program for our 160 employees which half are part time.

After two classes on section 89, I have concluded it is best to drop the whole idea.

Sincerely,

HOWARD C. HANSEN.

NEW LISBON, WI,
April 3, 1989.

DEAR SENATOR KASTEN: We strongly support the repeal of Section 89 of the Internal Revenue Code. Our small family owned business used to contribute 100% of the cost of health care premiums for our 3-4 employees. We dropped health care due to the rising cost of premiums and the complexity of Rule 89.

We are also opposed to government mandated health insurance. We are currently paying $210 per mo/$1,000 deductible for a family plan. If the government mandates health insurance coverage for employees, we see the possibility of insurance companies raising premiums even higher. There's a strong possibility we would cut back operations and let our employees go.

EPA regulations concerning underground fuel storage tanks forced us out of the gasoline business. We couldn't afford the cost of replacing tanks and gas pumps and the million dollar liability insurance coverage.

We fear that our pool and spa chemical business will be the next to go due to regulations and requirements concerning chemicals. Congress is killing the small businesses with over-regulation.

Sincerely,

KATHLEEN NICKOLSON,
DANIEL NICKOLSON,
DBA/Automotive Specialists, Dan's Auto Supply, D & K Pool Supply.

Mr. KASTEN. Mr. President, I cannot blame small business for cutting benefits. I cannot blame them for reacting in this matter. Frankly, for many of us it is the only possible response to section 89.

So the reason I seek to repeal section 89 today is that it has not stopped the discrimination of extended benefits. Section 89 has only made matters worse.

Mr. President, at this time I see the Senator from Mississippi [Mr. LOTT], who has been a leader in this effort, and at this time I yield the floor in order so that he and the Senator from Washington and others might also speak on this issue.

The PRESIDING OFFICER (Mr. BREAUX). The Senator from Mississippi is recognized.

Mr. LOTT. Mr. President, I rise in support of the effort by the Senator from Wisconsin to repeal section 89, and that is what we should do. We should repeal it.

We have come a long way since this issue first came to the attention of Members of the Senate earlier this year. When we first started talking about repealing this section 89 there were those who would say, "Oh, no way; there is no need for it; you are overreacting; we can fix it."

But there is the momentum by small businessmen and businesswomen in this country as well as other business and industry officials who continue to express themselves. Those people who were in charge of trying to explain to businessmen and businesswomen, particularly small businessmen and businesswomen, were calling and writing their Senators and their Representatives in the Congress saying, "This is so complex, so convoluted we cannot figure out what to advise our people they should do about their benefits."

So we have been making real progress. The ball has been moving along.

Now, in the House of Representatives, the other body has 299 cosponsors to repeal, not modify, repeal section 89. The Senate bill that I introduced earlier this year now has 30 cosponsors, and there are other repeal versions and other modification versions, but more and more Members of the Senate recognize that this is a major problem for business and industry, and beyond that, that it is a major problem for those workers who need these benefits. They are faced with losing benefits and people cannot figure out what to do.

Shortly after we had a very heated discussion in the Small Business Committee earlier this year, the Secretary of the Treasury moved properly and delayed the beginning of the testing period for compliance until October 1989, and that gave us more time to work on this issue. Most recently the Senate Finance Committee and the House Ways and Means Committee have been moving forward looking into the problems with section 89, trying to develop legislation that would solve the problem.

But, Mr. President, I have been looking at the various efforts to modify it, or change it, to make it more understandable and they are all so complex, they are all so lengthy and there are a lot of questions about whether or not they solve the problem.

We should repeal this section.

When we had the problems a few years ago with the withholding of interest on dividends at banks, we did not keep muddling around with it. We reversed ourselves. We admitted that we had made a mistake. We eliminated it.

Then a few years after that when we had the famous logging of automobile mileage requirements, when we started hearing from farmers and businessmen and businesswomen all over this country, we acted and we repealed it. We did not modify it and start making changes around the edges. We dealt with the problem. In both of those instances we acted quickly.

There are those who say let us delay it a year or let us keep working on it; we can find a modification.

My friends, my colleagues, we are into June. We have known about this problem now for at least 5 months. It is not getting any better. It is getting worse. We are continuing to move on.

How much time are we going to need for the Ways and Means Committee in the other body and for our Finance Committee here in the Senate to work? They need a reasonable time. But I think we need to go ahead and act, and we need to do it quickly.

For instance, I am very pleased that the distinguished chairman of the committee and the Senator from Arkansas, Senator PRYOR, have been working on this, and they have suggested a number of alternatives. One would be to delay the rules until 1990. There are some proposals that involve changing the test and adopting a series of rules changes. Then I read the letter very carefully. I was pleased with the attention that was being given to the problem and then I came to the interesting part.

A summary of the major provisions of the new bill that modify section 89, the summary, is almost three typed pages. How long is the bill itself? How long would the rules be if we got into that?

So I think that there is a problem with how you modify or change this section, which was a mistake. We should repeal section 89 in 1989. We should do it now.

From the experience I have had in the past in the other body, if you talk about modification at the earliest opportunity, that can mean weeks, months, years—never.

I have absolute faith that our leaders on the Finance Committee intend to take action. But can we correct the problems? Can we fix it around the edges? Can we do it in such a way that the businessmen and businesswomen and the employees do not still have uncertainty and lose their benefits? Time marches on.

I think that this is a clear instance where the Senate should show the way. I know this legislation is supposed to begin over in the other body, but when the Senate expresses itself loudly and clearly on an issue like this, I have seen, from my past experience, the Treasury Department listens and the other body would listen.

We should paint this issue in very clear and bold colors, not modification, not alteration. We should repeal it and we should do it here today not by subterfuge, not by saying we will work on it another year until we get it fixed. Let us do it and let us do it on this bill. Let us not wait for reconciliation. Why reconciliation? What is special about that?

The message should be loud and clear from this body to the Treasury Department and to the business men and women that we intend to do this job and do it right now. The thing to do is to repeal section 89.

Thank you, Mr. President.

The PRESIDING OFFICER. The Senator from Texas [Mr. BENTSEN] is recognized.

Mr. BENTSEN. Mr. President, I have listened to the comments of the Senator from Mississippi, and I know of the strong feelings of the Senator from Wisconsin.

Let us stipulate right now. There is no question that we are talking about a very onerous piece of legislation. There is no question about the cost on employees of trying to administer these rules. There is no doubt that the law is complex. Those issues must be addressed.

But let us remember the substance of that piece of legislation and its objective. And you negate that if you totally repeal section 89.

We are talking about is a piece of legislation that says that you cannot discriminate against the rank and file, you cannot just take care of management. You cannot just take care of the founder of the firm and his son-in-law. These rules provide that you have some fairness for the fellow who is working on the line. That is still a basic objective that should not be abandoned.

We are talking about the tax-favored treatment of health benefits. Over the next 5 years those tax advantages will reduce Federal tax receipts by over $200 billion—$200 billion of tax-favored benefits.

Is there any reason we should be favoring management—allowing management to be favored over the rank and file? Repeal of section 89 without replacement with workable rules would mean $200 billion of uncontrolled Federal spending, tax breaks for higher paid management employees, and that is just not right, and we should not do it.

So I do think that the objective was a good one. But it is not being achieved with the current rules. And on that, the Senator from Mississippi and the Senator from Wisconsin and I are in total agreement.

We have held hearings to delve into the complexity of these rules. Business cannot understand the rules well enough to comply and what we are seeing is some of the small businesses are going to eliminate their plans altogether. That obviously is not something we want. But in those hearings we received hundreds of constructive suggestions and many of those suggestions are in the bill which I will be introducing today with a very substantial number of cosponsors. Under that bill the administrative burdens on management would be minimized and a series of special rules would be applied for small business.

I do not intend to delay in moving that bill. I do not want to have to look at this issue on the debt limit bill. I do not want to have to look at it on all the other pieces of legislation coming along. I want to see that we constructively address the problems and that we solve them.

Senator PRYOR of Arkansas did a great deal of work on this. Senator DURENBERGER of Minnesota did a lot of work on this. The chairman of the Ways and Means Committee has done a lot of work on the House side. And, in all candor, what we have done in our bill is to try to take the very best elements out of each of those pieces of

legislation and put it together in something that is constructive, something that achieves the objective that was sought in the original piece of legislation, but something that will not be a burden on the backs of small business.

I plan to move on this bill quickly. I am talking about having a markup on this piece of legislation and having it next week, early next week. That is my objective. I have met with the members of the Senate Finance Committee and I see a unanimous concern and interest in this objective. And that is what we are proposing here as a perfecting amendment to Senator KASTEN's amendment.

Let me also point out that we are talking about a piece of legislation that obviously violates the Constitution by originating on this side. I have learned by long experience those House Members feel very strongly about their prerogatives, and they will enforce their prerogatives. So what you are doing here is firing for effect. You are not going to accomplish anything. The job is to be done by the Finance Committee and tied to an appropriate piece of legislation—a revenue piece of legislation—a piece of legislation where it actually has a chance of being enacted into law. That is my objective. And that is the objective of the members of the Finance Committee.

So I would urge very strongly that we defeat the amendment as offered by the Senator from Wisconsin.

The Bush administration does not support outright repeal of all nondiscrimination rules. At the Finance Committee hearings on this, the Treasury Department spokesman testified that the administration supports replacement of the current rules with more workable rules, and that is what we have set out to do.

I recall more recently the OMB Director, Richard Darman, testifying that he would work to make section 89 more workable to achieve the equity concerns that were in the original piece of legislation. He did not talk about repeal. He talked about making it more workable, achieving its objectives.

We have heard many similar sentiments. The National Federation of Independent Businesses, one of the most vocal opponents of these rules, stated in its legislative priorities for the 101st Congress—and let me quote specifically:

> Congress should repeal section 89 and replace it with a more rational way for small business owners to comply with antidiscrimination rules.

And that is what we are talking about in the bill that I introduced today.

Let us look at the chamber of commerce, another strong ally in the fight to correct section 89. The chamber of commerce testified that there should be a consensus on two fundamental points. First, that highly compensated employees should not derive tax benefits with plans that discriminate against rank and file employees. Second, that the rules in section 89 are not workable and that they must be replaced. We all agree on that. All of us.

The ERISA Industry Committee and the Association of Private Pension and Welfare Plans, together representing health plans with more than 25 million participants, testified that they do not think that tax-favored health benefits should be exempt from nondiscrimination rules. And neither do I.

The American Institute of Certified Public Accountants, representing 280,000 certified public accountants—people without an ax to grind—recommended that section 89 rules be replaced—not just repealed, but repealed and replaced. That is the responsible way to address this issue.

Now, let us get on to the budget issue that my friend from West Virginia has such a major responsibility on. The amendment of the Senator from Wisconsin would result in a revenue loss of almost $900 million over the next 5 years. Whatever is done on section 89 and on other issues has to be done in the context of the current budget deficit.

These are the same fellows that are deeply concerned about a budget deficit, talk about it, speak on it constantly. We are working at contradictory objectives if you try to simply repeal this.

Whatever is done on section 89 has to be in the context of the budget deficit. That does not mean that the hands of Congress are tied, but I do believe it means we must act responsibly in the context of the budget deficit this country is facing today.

So I urge my friends to vote for this substitute amendment and to oppose the amendment of my friend from Wisconsin. And let me say, I share his concern about the unintended consequences of the section 89 rules, but I have to oppose his amendment. First, it is not the right bill to deal with that issue. You are firing for effect. It will not become law. Moreover, the amendment, in my opinion, does not adequately deal with the issues.

IN SUPPORT OF THE REPEAL OF SECTION 89 OF THE INTERNAL REVENUE CODE OF 1986

Mr. GORTON. Mr. President, section 89 of the Internal Revenue Code is a prime example of how a law handed down from the Congress can end up by having an effect opposite from that which was intended. The original idea behind section 89 was to ensure that lower paid workers would not be unfairly excluded from employee-provided fringe benefit packages. Because of complex confusing regulations coupled with harsh penalties for noncompliance, however, many companies may drop employee benefit plans altogether or fail to institute new programs. Although the Department of the Treasury has belatedly but wisely indicated that compliance testing will be delayed until October 1, 1989, this reprieve is only temporary and wholly inadequate.

These compliance problems are not merely the product of the more than 200 pages of proposed technical regulations, but rather stem from the provisions of the law itself. Before its publication of the regulations, the Treasury Department estimated that compliance with section 89 would require 9 million hours of time which otherwise could have been devoted to productive purposes. A privately prepared compliance summary that I received ran more than 40 pages.

Small businesses would be especially hard hit by section 89's requirements. Most small businesses already have enough trouble maintaining a semblance of profitability. More than 50 percent of new businesses are no longer around after 5 years. Small employers are currently facing increases of 40 to 50 percent in the cost of basic health insurance coverage for employees. These businesses can ill-afford the added time and cost of trying to comply with a complex and expensive set of detailed regulations.

I believe we would be better off if section 89 were repealed. We have often expressed our concern about the competitiveness of the U.S. business community as compared with the rest of the world. But then Congress imposes a law that adds monumental amounts of recordkeeping and legal work but adds nothing to productivity. If Congress wants to raise the productivity of business, we must eliminate this incessantly adversarial role.

A good statute is crafted section by section and designed to operate as a whole. It should be subject only to minor fine tuning to meet the demands of changing circumstances. When a law is in need of extensive revision as is section 89, I believe it would be more prudent to begin anew rather than attempt to replace the offending provisions of the law and salvage the rest. If there is a problem with discriminatory benefit programs—and there is—lets deal with the problem afresh, without an artificial deadline, or a clean slate.

But for now, we should recognize a mistake, and repeal section 89.

Mr. KASTEN addressed the Chair.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. KASTEN. Mr. President, the pending second-degree amendment begins with a preamble and therefore is not in order. I make the point of order that it is not in order and I send a perfecting amendment to the desk

and ask for its immediate consideration.

Mr. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The absence of a quorum is noted. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 138, AS MODIFIED

Mr. MITCHELL. Mr. President, I modify my amendment and send the modification to the desk.

The PRESIDING OFFICER. The clerk will report.

Mr. KASTEN. Mr. President, has the Chair ruled on my point of order?

The PRESIDING OFFICER. The Chair will state to the Senator from Wisconsin the author of the amendment has the right to modify the amendment.

Mr. KASTEN. Mr. President, parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. KASTEN. If a Senator raises a point of order and sends an amendment to the desk, is it not proper to rule on the point of order and the amendment which is presently at the desk and then consider other amendments from other Senators?

In other words, the question is whether or not the amendment of the Senator from Maine is, in fact, in order; not whether or not a Senator can modify his amendment.

Parliamentary inquiry: Is the pending second-degree amendment, because it contains the word "whereas," deemed by the Chair to begin with a preamble and, therefore, not in order?

The PRESIDING OFFICER. The Chair will state to the Senator from Wisconsin that in the opinion of the Chair, the second-degree amendment does, in fact, contain a preamble which in the normal precedence and rules of the Senate would require the amendment to fall.

The Chair will also further state, however, that the Senator from Maine, as the author of the amendment, has the right to modify that amendment even though a point of order is pending at the time.

The clerk will report the pending modification.

The legislative clerk read as follows:

Strike all after the first word and insert the following:

—. SENSE OF THE SENATE REGARDING SECTION 89.

(a) Section 89 of the Internal Revenue Code of 1986 imposes an intolerable burden of compliance upon employers.

(b) Therefore, it is the sense of the Senate that—

(1) all the section 89 rules should be delayed for 1 year,

(2) the section 89 nondiscrimination rules should be repealed and replaced with nondiscrimination rules which—

(A) employers can understand and administer without great expense, and

(B) achieve the goals of section 89 in ensuring that health benefits are provided in a nondiscriminatory manner,

(3) the special problems faced by small businesses should be taken into account in the rewriting of the nondiscrimination rules,

(4) onerous penalties on innocent employees for an employer's failure to satisfy the section 89 qualification rules should be repealed, and

(5) the Congress should address the legislation described in the preceding paragraphs as soon as possible but, in no event, should such legislation be addressed later than in the context of the budget reconciliation bill.

Mr. KASTEN addressed the Chair.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. KASTEN. Mr. President, I am not going to pursue this any longer except to point out to my colleagues the extraordinary efforts to which this body is going to prevent an up or down vote on outright repeal of section 89.

That is what we talked about Wednesday. That is what we talked about Thursday. That is what we talked about Thursday at 11:30 or 12 o'clock in the evening when the Senator from Maine, the majority leader and others of us were here. We are trying to get an up-or-down vote on the question, and our side is being displaced in terms of trying to prevent or cloud the issue.

I call the attention of my fellow Senators to the Wall Street Journal editorial of today. It said "Fogging Up 101."

I ask unanimous consent that the editorial be printed at this point in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the Wall Street Journal, June 6, 1989]

VOTE-FOGGING 101

The saying goes that the only way to really understand what Congress is up to is to "Watch what they do, not what they say." That advice goes double in the current debate over an unpopular new law called Section 89, now the top small-business issue on Capitol Hill. A lot of Members want Brownie points with local firms by backing repeal, while at the same time they quietly can vote to keep the status quo intact.

Though it is only now being enforced, Section 89 was one of the Christmas-tree ornaments that were the price of passing the 1986 Tax Reform Act. It forces companies to prove that they don't discriminate between executives and lower-paid workers in awarding non-wage benefits such as health insurance. Workers with "discriminatory" or excessive perks must pay income tax on them.

But to enforce this form of social engineering, Section 89 creates so much new paper work and red tape that many employers are likely to simply stop providing some or any fringe benefits. Even the smallest firms may have to pay consultants $3,000 to $5,000 a year just to submit compliance reports.

Section 89's perversities are such that small-business owners were quickly able to persuade 309 out of the 435 House Members to co-sponsor a bill repealing Section 89, and many thought victory was theirs. But on May 24, by a vote of 219 to 201, the House rejected an amendment by GOP Rep. George Gekas that would have repealed Section 89 entirely. When House Members actually had a chance to put their votes where there rhetoric was, more than 100 supporters of repeal melted away and ended up voting against repeal.

The Members, who are listed below, felt they could get away with such blatant hypocrisy because while Rep. Gekas made clear what the effect of this amendment would be, he was able to force a vote only by using a procedural amendment that didn't mention section 89. Protected by House Rules, the 106 vote-switchers still can claim they favor repeal of section 89 while at the same time they avoid offending Dan Rostenkowski, the powerful Chairman of the Ways and Means Committee. It was Mr. Rostenkowski's staffers, few of whom ever have managed a work force, who dreamed up section 89.

The methods used by the current House leadership to obscure the real public-policy issues are an example of how carefully crafted House Rules can subvert the legislative process. As seen in the recent pay-raise debacle, the modern Congress will go to any lengths to avoid being held accountable to the voters.

Today, Senator Bob Kasten of Wisconsin will see if the Senate is any more honest than the House when he offers his own procedural amendment to repeal section 89. But just as in the House, if his amendment falls below the required 60 votes, closet supporters of section 89 will be able to have their political cake and eat it too. When political chicanery such as this is possible, it is small wonder that 98 percent of House incumbents and more than 90 percent of Senate incumbents have been winning reelection lately.

The following lists those House Members who are co-sponsors of a bill repealing section 89, a law restricting employer-provided benefits, but who voted against a procedural amendment offered by section 89 opponents:

Jim Bates, Joseph Brennan, George Brown Jr., John Bryant, Beverly Byron, Thomas Carper, Tony Coelho, Ronald Coleman, Jim Cooper, Jerry Costello, Buddy Darden, Peter DeFazio, Butler Derrick, Richard Durbin, Mervyn Dymally, Mike Espy, Thomas Foglietta, Barney Frank, Martin Frost, Joseph Gaydos, Sam Geldenson, Dan Glickman, Bart Gordon, Charles Hatcher, Charles Hayes, Jimmy Hayes, W.G. Hefner, Peter Hoagland, George Hochbrueckner, Steny Hoyer, William Hughes, Harry Johnston, Ben Jones, Walter Jones, Paul Kanjorski, Marcy Kaptur, Gerald Kleczka, Peter Kostmayer, John LaFalce, Martin Lancaster, Tom Lantos, Greg Laughlin, Marvin Leath, Mickey Leland, William Lipinski, Nita Lowey, Matthew Martinez, Nicholas Mavroules, Romano, Mazzoli, Frank McCloskey, Dave McCurdy, Jim McDermott, Matthew McHugh, Thomas McMillen, Michael McNulty, Kweisi Mfume, Norman Mineta, Joe Moakley, Alan Mollohan, Robert Mrazek, Dave Nagle, William Natcher, Richard Neal, Stephen Neal, Henry Nowak, Mary Rose

Oakar, Jim Olin, Solomon Ortiz, Wayne Owens, Frank Pallone, Donald Payne, Lewis Payne, Timonty Penny, Carl Perkins, Owen Pickett, Glenn Poshard, David Price, Richard Ray, Bill Richardson, Robert Roe, Charlie Rose, George Sangmeister, Bill Sarpalius, Gus Savage, Ike Skelton, Jim Slattery, Louis Slaughter, Lawrence Smith, Neal Smith, John Spratt, Charles Stenholm, Gerry Studds, Al Swift, Mike Synar, John Tanner, Esteban Torres, Robert Torricelli, James Traficant, Jolene Unsoeld, Tim Valentine, Harold Volkmer, Wes Watkins, Ted Weiss, Jamie Whitten, Pat Williams, Robert Wise.

The effort in the House of Representatives has been to avoid this issue. They ended up with a vote on the rule. The effort in the Senate as of right now is to vote on something other than outright appeal. I do not quarrel with anyone using the rules to the utmost, and the ruling from the Chair will stand. But I think it is important to recognize the extraordinary degree to which people are going in order to prevent an up-or-down vote on this issue, and I think we deserve an up-or-down vote.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. MITCHELL. Mr. President, the only extraordinary thing that has occurred here this morning is the labeling by the Senator from Wisconsin of a second-degree amendment as extraordinary. I dare say there is hardly a Senator in this Chamber who has not at one time or another offered a second-degree amendment, and without having personally researched the record, I anticipate the Senator from Wisconsin is among them.

If the Senator from Wisconsin has never offered a second-degree amendment in his entire career in the Senate, them perhaps he alone among us can suggest this is an extraordinary procedure. But it is, of course, not only not extraordinary, it is commonplace. It occurs every day. It has occurred from time to time and every Senator has participated in the process. So we have before us now an amendment on the subject on which the Senator from Wisconsin and every other Senator is free to debate and discuss and then vote.

So let us not have any implication or suggestion that offering a second-degree amendment in the Senate represents an extraordinary procedure. It is precisely the opposite of that. It is the most commonplace of events here. Let us now debate and discuss the issue and vote, as Senators choose and and are free to do, on the merits of the issue.

Mr. NICKLES. Mr. President, I wish to compliment the Senator from Wisconsin, and also my friend, the Senator from Mississippi, for their leadership in trying to make very clear to the American people that we want to repeal section 89. To my good friend, the Senator from Texas, I say I do not think we want to fix it in the manner the IRS has talked about fixing it. They have proposed; they have delayed. They were required by law, as I remember, to have the deadline for these regulations in November 1988. Well, they were effective January 1, 1989. On March 7, 1989, they came out with the preliminary regulations—45 pages in the Federal Register, on March 7, 1989.

I encourage my colleagues to get the Federal Register and glance through the proposed rules to implement section 89. They are disastrous. This Senator does not think we can fix them. I looked at the proposed fixes that the chairman of the Finance Committee was talking about—three pages of guidelines they would hope to implement, but by the time you implement the final regulations you are going to come up with something probably just as complicated as these 45 pages.

For those Senators who maybe have not been employers, when you are trying to design health and accident plans, when you are trying to design pension plans, I think a very small number of employers actually try to discriminate against anybody. Basically, you are trying to come up with a plan, one that provides a benefit for all employees and that is affordable, that makes your workplace more attractive, that provides a benefit the employees desire.

To comply with these rules is a disaster in the making. It has the net result of employers not offering those benefits; it is too much trouble. Instead of encouraging and expanding health and accident coverage, it has actually the opposite effect. People will be canceling some of their plans. Maybe they will not offer pensions. They will just tell everybody to get an IRA, and that will be great, but a lot of people will not provide for individual retirement accounts; they just will not have pension plans, and that would be a serious mistake.

The same thing for health and accident. They say, "Well, this is so complicated, we will not do it. We will give you some money, and we hope you will do it."

Unfortunately, a lot of people would not.

So, really, the issue is, are we going to vote for a sense-of-the-Senate resolution that does nothing or are we going to vote on outright repeal of section 89? It is really that simple. I hope my colleagues will support Senator KASTEN in his efforts.

As I mentioned before, the proposed rules are in the Federal Register on Tuesday, March 7, 1989.

Again, as I look at some of these, we have 45 pages of fine print, and it is interesting reading if you do not have anything better to do. I will give Senators one example. The 50 percent eligibility test is found on page 9486:

(d) 50 percent eligibility test.—A highly compensated employee's excess benefit under a health plan that fails to satisfy the 50 percent eligibility test of paragraph (d)(3) of Q&A-1 of this section is equal to that portion of the employer-provided benefit actually received by such employee under the plan that is in excess of the maximum employer-provided benefit that such plan may have and be included in a group of comparable plans under paragraph (b) of Q&A-4 of this section that satisfies the 50 percent eligibility test. The rule of this paragraph (d) is illustrated as follows:

Example. An employer maintains two health plans, Plan A and Plan B. Plan A has an employer-provided benefit of $3,000 and is automatically provided to all employees of the employer other than those eligible for Plan B. Plan B has an employer-provided benefit of $4,000 and is available to all employees who earn more than $100,000. Plan B fails to satisfy the 50 percent eligibility test. As a result, each highly compensated employee who actually receives coverage under Plan B is treated as receiving an excess benefit with respect to such plan. The employer-provided benefit under Plan B must be reduced by $842 to $3,158 ($3,000 is 95 percent of $3,158), in order for Plan B to be included in a group of comparable plans with Plan A under paragraph (b) of Q&A-4 of this section. Thus, for a highly compensated employee who received a full $4,000 employer-provided benefit under Plan B, the amount of the excess benefit with respect to Plan B is $842.

This is a complicated disaster for all employers, particularly for small employers. The real fix for the time being is repeal. We need to repeal section 89. We need to vote in support of the amendment of the Senator from Wisconsin.

Mr. PACKWOOD. Mr. President, let me try to put the issue of section 89 in perspective. It is no wonder that the Republican Party occasionally is perceived as more likely to tolerate discrimination favoring highly compensated employees.

What motivated us to examine discrimination in health benefits? Employer-provided health benefits are not taxable to employees. I support that position. I have fought for this exclusion every year in the Finance Committee. I fought it when the Ways and Means Committee tried to tax employer-provided educational reimbursement plans, and employer-provided legal plans. I do not think employer-provided benefits should be taxable.

Let me give you an example of how this exclusion helps employees. Assume an employee makes $10,000 a year. His employer provides him with no health benefits. Assume the tax rate on his salary is 20 percent, thus the employee pays $2,000 in taxes. This leaves him with only $8,000 to pay daily living expenses and purchase health insurance. That insurance could cost $2,000 alone. However, if the employer pays you $8,000 and pro-

vides the employee with a $2,000 health insurance plan, that employee will have more of his salary left to meet daily living expenses.

This is a clear benefit to employees, and has been the law for years and years. We passed this exclusion for employer-provided health insurance in order to encourage employers to provide health insurance to employees.

This provision has worked very well. One of the reasons you have no demand for national health insurance in this country, such as in Great Britain or Scandinavia, is that employers have done a good job of providing their employees with health insurance.

To give you an idea of how significant this exclusion is, if Congress taxed all employer-provided health insurance premiums, tax revenues would increase by about $27 billion a year. This is one of the reasons year after year why the Office of Management and Budget, and Treasury officials, look at this exclusion with greed in their eyes.

Now, you ask: Why did we pass section 89? As Congress examined the companies that provide health insurance to employees, we found that some companies were offering very different benefits to different levels of employees. This discrimination did not occur as often with big businesses as it did with smaller concerns. First, the discrimination did not occur often in a collective-bargained plan, because the union simply did not permit discrimination. So there was not much discrimination by employers with a union work force.

Second, there was not a great amount of discrimination by large, non-union employers. But we discovered an interesting pattern in certain kinds of small businesses. The clerks and the secretaries received a health plan that the employer paid $1,000 for, and the highly compensated employees received a $5,000, or in some cases a $10,000 health plan paid for entirely by the employer. In these cases, the employer was also the only highly compensated employee. These types of employers were usually professional corporations. They were not hardware stores, barber shops, stationery stores, or gift shops. Instead, these employers were CPA's, dentists, lawyers, and doctors. For these employers there frequently was a disproportionate number of highly paid employees in relation to low-paid employees.

These were people who were making $75,000, $100,000, $125,000, $200,000 a year and having the corporation buy for them $5,000 and $10,000 health plans, upon which no taxes were paid. So the Government loses that money, and who ends up therefore paying for those plans? The average taxpayer who makes $15,000, $20,000, $25,000, or $30,000 a year is the one from whom we have to raise the taxes in order to make up for the revenue loss caused by these highly compensated employees receiving tax-free, discriminatory benefits.

I want to emphasize again this was typically not the normal retail store that you found represented either by the Chamber of Commerce or the National Federation of Independent Business. It was the professional corporations, who rarely belonged to those organizations.

If other Republicans want to stand on this floor and proclaim that we stand for permitting the fat cats to get away with a $5,000 or $10,000 health plan on which they pay no taxes while secretaries receive a $1,000 health plan, so be it. But count me out. Plain and simple that is what you are doing when you call for repeal of section 89.

If you want to stand on this floor and say we will levy taxes on the middle-income taxpayer to pay for benefits for the wealthiest taxpayers in this country, I refuse to be a part of it.

The same arguments were made when we passed ERISA, the Employee Retirement Security Act of 1974. We said that pensions cannot be discriminatory. All the same arguments came forth, that pension plans would be dropped, civilization would end, there would no longer be any private pension coverage, people would become dependent on Social Security, and all the other horror stories that we are so accustomed to. Instead, what has happened in the last 15 years since ERISA was passed is that we have had the greatest growth in private pension plans in the history of this country, far greater than the rate of inflation and the increase in employment. All this notwithstanding the fact that pension plans could no longer discriminate. All in all, a good result.

For the very same reasons, Mr. President, it makes sense to do the same thing with health plans so that people making $200,000 a year cannot provide themselves with Cadillac health coverage at the expense of the middle-income taxpayer.

Is that what we want to stand for in the Senate? I do not think so. Are there problems in section 89? Yes. The amendment of the Senator from Texas will very clearly make sure that we try to correct those problems. In his bill, there will be ample exemptions for legitimate small business practices. We will ease the discrimination tests. But to stand on this floor and say we want to go back to a system of privilege, that we want to go back to a system where the very highest paid people in this country can have health plans of munificence beyond belief and pay no taxes on those benefits would be absolutely immoral and unethical.

So I hope we adopt the amendment of the Senator from Texas and not put this Senate on record as saying we favor overt economic discrimination in favor of the very rich to be paid for by the very poor.

I thank the Chair.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Washington.

Mr. GORTON. Mr. President, I have listened with great interest to the statement of my friend, the Senator from Oregon, but I do not remember at this point any suggestion that there is no problem with discriminatory health plans. I do not believe that a repeal of section 89 with nothing to substitute for it is the intention of the Senator from Wisconsin or of his other proponents.

I would say nonetheless that the amendment of the Senator from Wisconsin deserves not only a straight up-or-down vote, but also to be adopted. The Senator from Oregon and others have outlined the nature of a very real problem. They point out that discrimination may be found in a relatively small number of smaller businesses, primarily professional service organizations.

We are presented in section 89 with a law which, according to reports from the Department of the Treasury, will require some 9 million hours of compliance time on the part of businesses large and small in the United States of America, and which requires some 200 pages of proposed regulations. In other words, we are faced with a law which will cut down rather than increase the number of people who have health insurance and other fringe benefits.

The Senator from Texas now proposes a bill—I do not believe it is an amendment to what is on the floor at the present time—which requires three pages of rather closely typed explanation just to give us some idea of what its provisions will be. By how much the 9 million hours of compliance time will be reduced in order to comply with this bill is uncertain, although I suspect there will be testimony on that before the Committee on Ways and Means.

What the Senator from Oregon has described is a problem, and what Congress provided to solve that problem, however, was a cure which is considerably worse than the disease.

The real question before us now is this: Do we accept an amendment from the distinguished majority leader which is no more than a sense-of-the-Senate resolution—a resolution which asks that certain goals be reached at some point in the future, but which has absolutely no force of law at all? It will not slow down the implementation of the regulations by a single day to

pass such a sense-of-the-Senate resolution.

If, however, we reject the proposal of the distinguished majority leader and vote for the amendment which will repeal section 89, we will accomplish what seems to me to be two highly positive goals.

We will make crystal clear both to the Finance Committee of this body and the chairman of the Ways and Means Committee of the House of Representatives that the Senate means business, that we want something very significant and very dramatic to happen with respect to the section 89 problem.

If we cannot in fact constitutionally begin here on the floor of the Senate, a bill relating that objection will apply every bit as forcefully to the bill which the Senator from Texas has described, the bill on which his committee intends to have hearings. If we adopt a sense-of-the-Senate resolution, it will get no attention whatsoever from the House. If we agree to the original Kasten amendment, it will get a great deal of attention from the House, and chances will be very good that we will receive from the House a substantive proposal with which to deal, much more promptly than if we simply adopt a fairly meaningless sense-of-the-Senate resolution.

It seems to me that in order to solve this problem, a repeal of section 89 is the appropriate way to start. The bill proposed by the Senator from Texas may or may not be an appropriate followup to repeal of section 89. However, we will certainly have far more ability to deal with that question objectively and over a period of time, if we repeal section 89 first and deal with his proposal second, rather than wait for the good graces of the Members of the House of Representatives to send us a bill on the subject.

Mr. BENTSEN addressed the Chair.

The PRESIDING OFFICER. The Senator from Texas is recognized.

Mr. BENTSEN. Mr. President, I want to first thank the distinguished ranking member from the State of Oregon for his very eloquent statement about trying to retain the objective of the original legislation, as proposed by President Reagan. There should not be discrimination insofar as the use of a tax deduction for providing health benefits.

Insofar as the statement just completed, let me state that we are going to proceed on this expeditiously. We have already scheduled hearings and a markup for next week on this particular piece of legislation. But when the Senator from Oregon was talking about not wanting to be thought of as supporting discrimination in the use of these kinds of tax benefits, that same thought is shared by the President. He is opposed to the total repeal in this situation.

We had the Treasury Department appearing before us, and they are opposed to the total repeal of the objectives of section 89. The Chamber of Commerce, representing business, are opposed to the total repeal of the antidiscrimination rules on these kinds of benefits. Let us talk about the NFIB, which is strongly opposed to the present law, and opposed to doing away with all antidiscrimination provisions.

Now, on our committee we have 20 members—we have 16 who have already gone on the piece of legislation that we are introducing today, who have examined it and think it is meritorious and simplifies the process and retains the objective of the original legislation.

Let me give you some of the names so that you can understand who are supporting this piece of legislation. The Senators are PRYOR, DURENBERGER, PACKWOOD, MATSUNAGA, MOYNIHAN, RIEGLE, BOREN, BAUCUS, MITCHELL, ROCKEFELLER, DANFORTH, CHAFEE, HEINZ, DASCHLE, ARMSTRONG, and BENTSEN. Those off the committee, Senators with the kind of responsibility shown by the Senator from West Virginia, Senator BYRD, Senator BUMPERS, Senator SANFORD, Senator KOHL, Senator HARKIN, Senator BINGAMAN, Senator GORE, Senator INOUYE, Senator REID, Senator PELL, Senator DECONCINI, and those are the kind of Senators who have already examined this piece of legislation and are supportive of the legislation. They want to see expeditious consideration of it and that is what I have pledged to do, as chairman of the Finance Committee.

I am most appreciative of the kind of support we have received, and we will move forward quickly in seeing that we retain the objectives of nondiscrimination in the awarding of health benefits and the use of the Tax Code to try to encourage that kind of activity.

I urge the support of the majority leader's amendment.

Mr. BOSCHWITZ addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. BOSCHWITZ. I rise to support the Senator from Wisconsin in his efforts to repeal this, and I see my friend from Oregon, and I wish to make some comments about his discussion here on the floor, as well as my friend from Washington.

I do believe that section 89, as presently constituted, should be repealed and that we should go back to the drawing board and start all over. As a matter of fact, if it is not, I think we are just going to get additional complications that will not be very clean, and that will be very difficult for business to cope with. If it were only 9 million hours, as the Senator from Washington states, it would not be so bad. I imagine it will at least 90 million hours that will be spent by businessmen around the country trying to figure out the rules and regulations in section 89.

The regulations that came out were, as I recall, 263 pages long, and it dealt with only a portion of the problems of section 89, and they, themselves, were difficult to understand and interpret, and we are going to have an extraordinary amount of trouble.

In the event that there really is some form of discrimination, then surely we should put an end to it. If it is principally with respect to professional partnerships, lawyers, accountants, who spent a good deal of time figuring out how to squeeze down their tax liability, I think we should be able to get ahead of the current for those guys and legislate with more directness and more precision, rather than including every small town and every school district in the country, every small business in the country, as though we are going to make some exclusions to small business or small, small businesses, as though the people who work for them do not need protection as well.

I think we simply have to go back to the drawing board in this entire matter. I think if lawyers and accountants or other professionals have figured out a way to gain some added advantage, then we should deal with that, and deal with that directly, and not involve the entire business scene.

Mr. President, I must say, in my company, I, as a principal stockholder, have some insurance so that in the event of my demise, the company does not have to be broken up and sold by my family, but can continue. That kind of insurance is going to present quite a problem under section 89. Also, I think that those kinds of things should be excluded so that small businesses and family corporations do not suddenly find themselves subject to breakup, in the event of the demise of one of the the principal stockholders.

People talk about the purpose of section 89, the original purpose of section 89. I am not on the Finance Committee, but I was very, very active in the 1986 tax bill, and we looked at it in considerable detail. Very frankly, Mr. President, I was not aware of section 89, and I am sure that, of the Members of the Senate, the 100 Members, not 5 had an awareness of section 89, and that it just came on, and it was not, certainly, in the draft that I saw—at least my staff did not give me any awareness of it, nor did the staff of any of my colleagues, with perhaps very few exceptions.

So the purpose of the original section 89, as now stated in glowing terms, was something that was unknown to the vast majority of this

body at the time of the passage of the bill. Section 89 came around from behind, so to speak, and it was somewhat embarrassing for me to tell my constituents, which I did, that I really had no awareness of it. In talking to my colleagues here on the floor, I find that few, if any of them, had any awareness of it either.

Mr. President, on the Small Business Committee we held a hearing about section 89, and I have held hearings back in the State of Minnesota, and all throughout Minnesota, and I have talked to hundreds of businessmen.

Mr. President, the Senator from Oregon has made the analogy to ERISA and said that, yes, all kinds of dire predictions were made that pension plans would be dropped, and so forth, and that some of the same things are being said now.

It may well be that he is right, that fairness will give rise to even broader coverage. I am not quite sure that medical coverage is quite the same as retirement coverage, but medical coverage is far more universal. So the result of that, in my judgment, is that there may indeed be more dropping of medical plans than he may reasonably expect, and it is interesting.

One of our companies was self-insured over a period of time simply because the insurance was so terribly expensive, and if this is added to it, perhaps more of our companies will become self-insured and that may just be more logical. Because of the fact that everybody essentially has medical insurance, it may indeed become more practical to drop it than it would in the case of pensions, and when they are dropped, of course they are added to the number of people who are allegedly uninsured or at least do not have insurance policies and then we will hear on the floor of the Senate the great need is going to arise for having some kind of a national insurance policy because 35 or 37 million people do not have insurance.

A large number of them and I believe some who are associated with me in our businesses are insured by ourselves rather than through a policy. But I suppose they are technically uninsured.

So to say and make the analogy between ERISA and medical insurance may not be a perfect analogy, and the combinations that will beset medical insurance because of section 89 may indeed be enough to drive them into a private type of medical coverage as opposed to a retirement benefit where much fewer of the employees of this Nation are covered.

Mr. President, I rise to support the amendment to repeal section 89, of my friend from Wisconsin, Senator KASTEN. I applaud him for his steadfast pursuit of this issue.

As my colleagues know, section 89 was incorporated into the Tax Reform Act of 1986 for the stated purpose of encouraging employers to provide health and life insurance benefits to their employees, both the upper and lower income employees. I was very actively involved in the tax reform effort, even though I am not a member of the Finance Committee. But I must tell you I heard nothing about section 89 at that time. In conversations with other Senators I have found no one who knew of section 89's existence at the time tax reform passed in 1986. To the best of my knowledge, this provision was not the subject of any hearing, nor was it debated here in the Senate prior to final passage.

Frankly, having now studied legislation at great length, and having visited with hundreds of Minnesota small business owners about it, I am disturbed that no one seems to have considered its implications. Clearly, if this legislation had been offered by itself, after informed debate, it would have failed by a wide margin.

That we are here today is clear evidence that section 89 is a serious problem. And it is a problem, I believe, for two distinct reasons: First, it is extremely complex. Therefore, it is going to be very difficult and expensive for employers to comply with its standards. Already, we are hearing that some employers are spending as much as $5,000 for computer programs and additional thousands of dollars in employee time and consulting fees. These are dollars, I might add, which could be used to make the business more profitable.

At a hearing I chaired in the Senate Small Business Committee recently, witness after witness talked at length about the expense and complexity of section 89. Reed Stegen, a CPA from Moorhead, MN, testified that he and his partners have clients who are dropping health insurance plans or planning to avoid compliance altogether. In the latter cases, Mr. Stegen's clients have expressed frustration over having the Government telling them how to administer their compensation systems. Some are being forced into noncompliance because they do not understand, even with the aid of counsel, what is required of them to comply.

He cited as an example one employer who flatly states that he refuses to do anything with respect to section 89 even if it jeopardizes the tax status of his benefit plan for his 50 employees. This circumstance leads to a related problem: Under the statute, if an employer fails to comply, the value of benefits received by an employee under the health plan could be taxed in their entirety as income to the employee, even if the employee had nothing to do with the employee's decision not to comply.

What sense is there in penalizing an employee to this extreme, or even at all for the conduct of an employer. None that I can think of. Rather than helping the low-income worker, section 89 would turn into a financial nightmare in which the employee's annual income doubled or tripled because of the receipt of health insurance benefits. This harsh result would force many employees into personal bankruptcy.

Mr. Stegen also raised a personal point in his testimony. He and his colleagues held themselves out as professionals, able to provide their clients with accurate, cost-effective advice. They are at their wits end in attempting to comply with the complicated provisions, without charging their clients a small fortune and exposing themselves to personal malpractice liability.

When Mr. Stegen received the Small Business Committee's invitation to testify, he solicited his partners for suggested testimony. In response, he said, the telephone and fax machine were ringing off the hook.

Because section 89 is so complicated, it is causing great frustration for people who want to obey the law and meet their tax obligations, but simply do not know how to do it. We in Congress sometimes make it so tough for people to comply that they are forced to cheat or ignore the law altogether. This has a negative impact generally on the public's willingness to comply voluntarily with other legislation.

Let us be clear about one point. I do not for 1 minute believe critics of section 89 advocate discrimination in any aspect of the employer-employee relationship. Indeed, the Treasury Department witness conceded during the hearing in our committee that he was not aware of any historical evidence justifying this onerous statute. Consequently, we have been hearing from small business owners and representatives of State and local government who are grasping for a solution to a problem they had no part in creating. Let me just say at this point that I have received well over 3,000 letters from constituents opposing section 89 and advocating its repeal. These employers, I believe, truly want to do what is right for their employees. I know that was true for me when I ran my small business in Minnesota before coming here to the Senate.

The goals of section 89 sound simple to attain—increased health insurance coverage and fairer tax treatment for employees. But gathering all the data and figuring out what exactly is required to provide the absence of discrimination is clearly very difficult.

One other point is worth noting. Most of the debate over section 89 has focused on its impact on the business community. Many people do not real-

ize that State and local governments also are obligated to comply. It is probably a great surprise to many State and local government employees that they are regarded as "highly compensated," even though by all reasonable standards their level of income is quite modest. But as you know, Mr. President, section 89 mandates that at least one person in each employment entity be regarded as highly compensated for testing purposes, regardless of their actual salary. These public employers have a tough time already recruiting qualified employees to work at salaries below those found in the private sector. If section 89 forces a city or county government to terminate its health plan, the recruitment process will become quite untenable, and government services will suffer accordingly.

On top of the statute's complexity we now have regulations from the IRS, which were released 3 months after section 89 took effect and run to about 200 pages. Some parts of the statute still do not have regulations. For example, regulations pertaining to the valuation of multiemployer plans and life insurance have not been issued, forcing employers to guess what ambiguous statutory language means. If the IRS has problems figuring out what the statute means, how can we reasonably expect small employers to wade through it.

In many cases, I am afraid business owners will find it easier and more cost-effective simply to refuse to comply with the law and impute any excess benefits as income to their highly-paid employees. Some small employers will reduce or even eliminate the benefits they now provide, and those that do not provide health benefits will be further discouraged from doing so. The end result will be more employees without health care coverage.

As a result of the hearing in the Small Business Committee, I and my colleagues on the committee wrote to Treasury Secretary Nick Brady requesting that the delay enforcement of section 89 until Congress had a chance to consider a repeal or substantial reform. I am pleased with his attempt to meet us part way on this issue. But now it is time for us to act by repealing section 89.

I applaud the efforts of the thousands of small business owners who have contacted us to voice their objections about this issue. Without their persistence, this debate might not be taking place.

Once again, I congratulate Senator KASTEN for his bringing this issue to the floor. I am pleased to join him as a sponsor and I encourage my colleagues to support the amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan, Senator RIEGLE.

Mr. RIEGLE. Mr. President, I think this is a very important issue and I have great regard for the Senator from Wisconsin, who has raised the issue. It is one where there is a broad concern about the problem of how section 89 is to work and how it is to be implemented.

Insofar as I know there is virtually unanimous agreement in the Senate that major modifications are needed and in fact major modifications are underway and will be made.

The proposal that the chairman of the Finance Committee has developed with others on a bipartisan basis has the sponsorship of many Senators both on the Finance Committee and off the committee. Senator BENTSEN has developed a series of adjustments to section 89 so that it will work far more effectively and efficiently.

We have to take a look here at the fact that the committee of jurisdiction is in fact pledging itself to move on this issue and to move on this issue now.

This issue or any other issue anybody wants can be brought to the Senate floor and bypass the committees of jurisdiction. Whether it happens to be Finance or the Appropriations Committee or the Environment Committee or Environment and Public Works, or any other committee; we can write all the legislation right here.

I do not think that is a very sound way to try to do it, particularly on these very technically complex areas of law.

I am a relatively new member of the Senate Finance Committee, but in the time that I have been on that committee I have certainly learned the fact that carefully adjusting the tax laws is a very difficult and complex task. It is very difficult to do. So it is very common to have to come along with refinements after the fact to try to clarify and to streamline the true effect of tax law that we put in place.

We are talking about doing that with catastrophic health insurance coverage and the payment system for that where adjustments in the minds of many of us can appropriately and should appropriately be made.

But when I hear the ranking minority member of the committee, the Senator from Oregon, rise to join the chairman of the committee on a bipartisan basis saying, "Look, section 89 needs to be changed, we are determined to change it, we are at work to change it," I think that is the kind of full declaration of intent and purpose that is a far better course for us to follow than to come in and to try to make a legislative decision particularly one as sweeping as the one proposed by the Senator from Wisconsin here on the Senate floor.

It seems to me that in a sense we set aside the whole value of our committee system and all the professional staff, the relationships that develop with the administration to try to work through these very complex technical issues. The effort to try to get a good solid working answer even if it takes one or two adjustments over a period of time to get it accomplished, is the nature of our system, that is how it has to work, that is how a democracy functions, and I think it gives us good results.

I want to say something in addition to the mechanical argument that says that the committee is at work on this and will properly, I think, bring to the floor a package that I think the Senate will find very sound in terms of adjustments to section 89. I just listened to the Senator from Minnesota speak, he is one Member who comes here from a business background who has owned a family business in his State very successfully and members of his family are members of that business and that is very much the pattern of small- and medium-sized businesses across the country.

But the whole notion of tax deductibility for health insurance coverage by an employer was not designed to give that benefit just to a handful of high ranking executives in the company, whether they happened to be the owners of a company or the highest ranking and paid managers of the company. If they are going to receive a very valuable benefit of that kind, that is aimed just for them while the rest of the employees are not to get any medical coverage whatsoever, that would argue that those very highly placed individuals or owners should properly pay taxes on that health insurance.

Otherwise, if they do not pay taxes on that benefit that they receive and their employees do not receive, then their taxes have to be paid up by all the rest of us, and I do not want to pay their taxes and I do not want my constituents in Michigan to pay their taxes.

If they are in a position of power within a company and they want to give themselves a special medical insurance kind of compensation, all well and good. But let them pay taxes on that.

That is really the issue here. What they are saying is they want to keep the health coverage for themselves, they do not want to give it to the employees, but then they want a tax writeoff so that part of the rest of the citizenry of the country ends up paying for part of their health insurance.

Where is the fairness in that? There is no fairness in that.

If an owner or a manager of a company says "Look, I want the health in-

surance for myself but I also want it for my employees, and we have a plan that stretches across everybody in the company," and that is the equity and the fairness of it, then, of course, we will grant the tax benefit. We will allow the tax writeoff under our laws, because it is obvious it is meeting the real intention of the law and that is something that is broadly based and that is fair.

But we have the argument brought in here today—I do not say that the Senator from Wisconsin is presenting it this way, but this is the effect of it—that the people at the top of the business, get very deluxe medical health care coverage. As a result, they get a tax deduction so the public pays part of their benefits for them. The people at the top are relieved of paying taxes on these benefits, and yet the employees down the line who are elsewhere in the business do not get any health insurance.

Not only do they not get any health insurance, they have to provide, through the Tax Code in a sense, a part of their tax payment to provide the tax benefit for the owner or manager of the company that is getting the medical protection. The person down the line that has no coverage is, in effect, paying for the tax privilege of a person at the very top of the company that says, "I want health coverage for myself, but I'm not going to give you any."

Now, that is what we are talking about here. I think if we are going to have a tax benefit in the law that says, "Look, if you pay health benefits on some fairness basis throughout your company, then that is a legitimate tax deduction and you don't have to pay personal income taxes on that benefit."

I think that is a sound way to do it. I am for that. I think it is a positive encouragement for companies to step up to the responsibility to see to it that their employees do have health protection. I do not say that the employees should not pay for part of it. Obviously, I think every business is a joint venture between the owners and the managers and the employees and these things have to be balanced in a way where the good health and the health protection of the workers and their families are really party to the long-term investment in the business itself and its own people and its own wellbeing through time.

So I do not see these things as separate and apart. I see them as a unit. And we have to think more as a unit in this country, all the 50 States, and certainly within our separate enterprises.

But if we were going to go down the road that the Senator from Wisconsin is talking about today, we put an economic split right down through the company. We put an economic dividing line right down through the company and we say it is all right for the owners and managers at the top to have special health compensation and get a tax advantage for that, and yet the other employees in the business who have no health protection whatsoever, of course, not only do not get the tax advantage but they get to pick up part of the tab for providing the tax break for the people at the top of the business.

America is not going to succeed that way. We have too many economic divisions in this country. All the data shows that we have a rising wealthy class in this country and we have a very substantial number of people at the lower end of the economic ladder that are sliding backward. That is not good for America.

We do not want to have a society that is divided along those kinds of economic lines. Our great strength and success over the years has been the rise through the mid-part of this century of the middle class. So the question of health care and health protection and how it is paid for is a critical issue to our national future. That is what really lies at the heart of this debate. That is what we were driving at with section 89. Now, some Members may not have known anything about it when it went into law. That is not surprising. These are big, complex bills.

We know something about it now. We know what its purpose is now. It is an attempt to try to get some measure of equity and fairness in the application of the tax laws so that the tax laws do not aid those who discriminate.

And I have no objection to people being successful. That is part of our system and it is important. But I do not think that our Tax Code should help people at the top who receive health benefits while these benefits are not available to other people in that same business enterprise. That is what we are talking about here.

We should adjust this law section 89 to make it easier to understand and comply with. Present section 89 rules are to complex and costly. That is why revised section 89 bill has been drafted by the chairman of the Finance Committee.

Senator BENTSEN along with Senator PRYOR and Senator PACKWOOD has developed a good bill. The way to fix section 89 is not to take the basic concept of fairness and drop it right here in the wastebasket and walk away from the need to be fair to the workers in companies across the United States, large and small, who need the health coverage. If the employer wants good benefits and wants the tax advantage, then the employer has to think in terms of sharing that throughout the company. And if the employer does not want to share it, then he or she should not have the tax advantage. If it is a matter of personal compensation, for the top executives let them pay taxes like all of the rest of us do. That is what is fair and that is sound.

I thank the Chair.

(Mr. KERRY assumed the chair.)

Mr. MITCHELL. Mr. President, I think it is important that Members of the Senate understand the underlying principle at stake in this debate. It is a fundamental principle of American law that where there are activities of finances with public funds there can be no discrimination. The Supreme Court has said over and over again that it is contrary to the Constitution and to American public policy to permit the weight of the Government to be placed on the side of discrimination in American life.

That means that taxpayers' funds, money contributed by all Americans, cannot be used to finance activities which are discriminatory in nature against some Americans. It is indisputable that the practice of providing health insurance through tax benefits involves the expenditure of public funds. It is further indisputable that over the years there has been widespread discrimination in the application of those funds.

Indeed, I listened to the remarks of the Senator from Washington, who said he supports the amendment of the Senator from Wisconsin but acknowledged, indeed justified his vote on the ground that he wants to go further and do something about this problem of discrimination.

And the discrimination is of a particularly reprehensible sort. It is discrimination on the basis of economic class or wealth. It says that we will tax all Americans, we will tax working Americans and to use their tax money to permit a very few at the very top of the economic scale to derive enormous benefits. It is redistribution of income up the income scale. It imposes a tax on the factory workers to provide a financial benefit to the factory owners.

Now that is what has occurred in this area. That is why President Ronald Reagan proposed to the Congress to eliminate such discrimination. President Reagan recognized the existence of discrimination and said to the Congress, "I want you to end that discrimination." That is why section 89 of the Tax Code has become known as the antidiscrimination provision in the provision of health benefits with the use of public funds.

President Bush agrees with President Reagan. President Bush is opposed to the repeal of the antidiscrimination provisions because he recognizes as inconsistent with the fundamental principles of American law the financing through the taxes paid by all Americans of discrimination against some Americans.

Repeal of section 89 would return us to a time and a practice in which discrimination was practiced, discrimination against the poor and working people, taking their tax money to create a benefit in a highly discriminatory fashion for those at the very top of the income scale.

I agree with President Reagan. I agree with President Bush. This should not occur.

It is equally indisputable that the section 89 provisions as written are unworkable. As so often occurs, in an attempt to achieve fairness, complexity was created, complexity that imposed a burden on thousands of American corporations and businesses which went beyond what was needed to eliminate discrimination. And it is for that reason that the Finance Committee and the Ways and Means Committee and President Bush now favor action to continue the practice of eliminating discrimination but doing it in a manner that is less onerous and more fair than exists in section 89.

That is what is at stake here. A vote to repeal section 89 is a vote to return to a time and a practice of discrimination that is inconsistent with the fundamental principles of American law; a practice which President Reagan opposed; a practice which President Bush opposes; and a practice which the overwhelming majority of Senators and Congressmen oppose. That is what is at stake here.

If you repeal section 89, do not doubt for a moment that any effort to impose new antidiscrimination rules will also be opposed. Of course, not on those grounds. Those who practice the discrimination now deny its existence, but there will be other reasons, and the way to do this consistent with the fundamental principles of American law and consistent with sound public policy and consistent with the President's policy—President Bush and his predecessor, President Reagan—is to support the amendment which I have offered with the distinguished Senator from Texas, the chairman of the Finance Committee, supported by the ranking Republican member of the Finance Committee, and permit this to go forward so we can accomplish the objective in a sound, rational way and not take us back to a day and a time which no American should favor and support: Discrimination in the use of public funds against some Americans, a particularly reprehensible practice that imposed a tax on the thousands of factory workers to provide discrimination in favor of the factory owners.

So we have to deal with this problem, and I believe the course laid out by the distinguished chairman of the Finance Committee and the ranking Republican member of that committee and President Bush and President Bush's Secretary of Treasury is the appropriate course of action.

Mr. KASTEN. Will the Senator yield?

The PRESIDING OFFICER. The Chair will interrupt for one moment to remind the Senate, there is an order for the Senate to recess at the hour of 12:30 p.m. until the hour of 2:15 p.m.

Mr. MITCHELL. Mr. President, I understand that there are at least two Senators here who wish to speak in support of the amendment of the Senator from Wisconsin. I, therefore, ask unanimous consent that the time for the commencement of the recess to be deferred until 12:45 p.m.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. KASTEN. Will the Senator yield? I simply want to say as this discussion has evolved today, it shifted more and more toward this discrimination question and less and less toward the paperwork, the regulatory problems, the fact that health and insurance plans are going to be dropped.

I simply want to say as the author proposing this amendment that we in no way are supporting any kind of discriminatory practices in the law, and I read earlier this morning the anti-discrimination laws that existed prior to the 1986 Tax Reform Act. I think that the prior law, if enforced, would solve the problem. And if the prior law did not solve the problem, that section 89 is going way beyond what we need.

The Senator stated it is indisputable there is widespread abuse and discrimination in this area. I simply want to say to the majority leader respectfully that that is not indisputable. In testimony before the Small Business Committee less than a month ago, the representative of the administration, Dan Trier, Treasury Department's tax counsel, made clear that there was no clear pattern of abuse under previous law.

He stated: "It is fair to say that there was not at the time of the 1986 act any concrete evidence that major groups of employees of companies were going uncovered." He went on to say, speaking then personally for himself: "I myself represented quite a few small businesses in practice, and in fact I did not see wholesale discrimination."

So the point I want to make is, it is disputable as to whether there is wholesale discrimination or, for that matter, any discrimination. The point is, whatever we are talking about, section 89 goes way beyond in terms of common sense and balance.

I yield the floor.

Mr. DOMENICI. Will the Senator yield?

Mr. MITCHELL. If I can simply comment, I accept the Senator's statement, of course, as read. It obviously is disputable there is discrimination. I stand corrected in that regard, although I remain convinced there was widespread discrimination. I respect the Senator's point of view. I simply say with respect to the Senator's intention, no one who practices discrimination acknowledges that as an intention. There is always another reason given. The practical effect would be, if one accepts the premise of discrimination or the possibility of discrimination, that repeal of section 89 would permit that to occur.

Mr. DOMENICI. Might I ask the distinguished majority leader, I heard him request additional time until 12:45 p.m. I just want to note from my standpoint, I want to speak at some point. By your asking to extend, it does not mean that when we return from the break there would not be an opportunity for others to speak, does it?

Mr. MITCHELL. No.

Mr. DOMENICI. If the Senator from New Mexico wants to come back after the recess, if I can get the floor, I can speak to this issue?

Mr. MITCHELL. Yes. I am about to propound a unanimous consent request in which I will make clear that this debate will continue. As I have told the Senator from Wisconsin previously, I want to give everybody who wants to speak on this subject the opportunity to do so, including the Senator from New Mexico.

Mr. DOMENICI. I thank the majority leader, and I say with respect to this issue of the practice of discrimination, I understand your view, people do not admit it. I will just share with you and with the Senate, I had 200 business people from New Mexico in one room and five experts who handled business for all of them—lawyers, people who plan health care, consultants—and not one time did either the consultants who handle 50 percent of the work in that area, no one when asked by this Senator, no one had a problem with plans in existence or being planned that were discriminatory. None.

I guarantee you what they were worried about was the discrimination that is going to occur because they are not going to have health care for many of their employees. They call that the sorry end to this legislation; that they were either going to cancel or those in the midst of plans were not going to do them. I frankly did not believe that until I saw them there and heard them speak. Had it just been a businessman or woman, I might have said, well, that is them. But I think we had a very broad cross-section of legal advocates, of consultants, of planners.

I really did not leave there, I say to my good friend, the majority leader, with the notion that in my State, with many small businesses, that the issue was discrimination. I think the issue is can we even achieve this with any degree of certainty and, if not, we are

just not going to do it. That is what worries me. With 25, 30 million unemployed, the goal of this should not be less people covered under the guise of nondiscrimination. It should be more. I am convinced that it will not be more unless this is totally overhauled.

Frankly, the distinguished chairman of the Finance Committee, with his resolution, has to be acting in good faith that we can overhaul this. Three months ago, no one was very interested, but the problem was out there. I do not blame that on anyone. As you get closer to the date, it even gets worse. I believe repealing it would not necessarily invite discrimination, nor would it disengage the Finance Committee from writing a new bill.

I would like to support the distinguished chairman of the Finance Committee, but I look at this, the resolution, I am wondering on some very important issues whether they are going to be included in the reform package. I think we have a much better chance of getting the attention of everyone, including attention about the millions of very small businessmen and women in this country that might not even need this so-called protection against their intentions and their propensity which has been spoken of on the floor to cover themselves and not their workers.

Frankly, I do not believe that. I do not believe there is any hard evidence that the thousands of small business people in New Mexico with 5, 8, 9 employees, or if we did not have this law, intend to buy health coverage that covers them heavily and their workers in a miserly manner. I do not believe that. I did not see any evidence of it and, frankly, to put a new law in that is going to take 10, 15 million small businessmen, 10 and under—and that is the bulk of Americans; in my State, that is 90 percent—and tell them the only way to be nondiscriminatory is to put them under this law, I submit you could study them for 3 or 4 years and you would probably find they were not discriminated against and then maybe we would have proof.

And if you found them discriminating, then you put in this law. I think it is absurd to take 10-and-under employee businesses in this country and submit them to the rigors of any of these bills I have seen. While the intentions are good—I heard it was going to be 20 and under with a new set of simplified rules—frankly, I think we ought to give them all a break, take them out from under it for 3 or 4 years and study them. If you find a pattern of discrimination, put them in. I venture to say you will not.

That is how I feel about it. That is why I do not think we ought to send it back under a vague resolution. We ought to repeal it and let them start over. I believe they will get a bill here quickly and I believe it will pass.

I do not believe that the majority leader is right, that the American business community will come back and oppose one that is clearly intelligent, lucid, easy to follow, understandable, and operable. I do not believe they will be heard if they do. But this law cannot be fixed with resolutions of good intention. It is just too bad. It is absolutely the best example I have seen of good intentions, as the Senator has said, that go awry in the regulatory process.

I would venture to say that those who passed this very simple statement, when they put it into law, never imagined it would take 43 pages if IRS regulations to carry it out. I imagine when they see it, when they hear it, those well-intentioned Senators and Representatives must indeed wonder what in the world they wrote in that statute.

So I believe we ought to go ahead and start with a clean sweep, and I do not believe that means I want discrimination, because I do not, for certain.

Mr. MITCHELL. Mr. President, I respect the position of the Senator, of course, but I do not accept his logic that you can write a good law after repeal but you cannot write a good law absent repeal. I simply reject that argument as being without any foundation of logic, and indeed I think precisely the opposite is true, that revision, a fair, sensible revision, is much more likely to occur through the procedure proposed by the chairman and ranking Republican member of the Finance Committee than through the procedure which the Senator supports. I respect his difference of opinion. I just say to him that that is my view.

Mr. President, I had intended to propound a unanimous-consent request, but in view of the length of this debate I will defer doing so until after the party caucuses, when it is obvious that debate will have to resume on this matter because there are so many Senators who wish to speak on it.

Mr. COATS. If the majority leader will yield for a moment, I would be happy to make remarks for 1 minute or so as to what my intentions are. That might help with the schedule later on.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the recess be extended for 1 minute to permit the Senator from Indiana to address the Senate on the subject, and at the conclusion of his remarks the Senate then stand in recess until 2:15.

The PRESIDING OFFICER. Is there objection? The Chair hears none and it is so ordered.

Mr. MITCHELL. Mr. President, I am advised that the Senator from Montana wishes to address the Senate for 1 minute on the same subject. I amend my request and ask that at the conclusion of the remarks of the Senator from Indiana, the Senator from Montana be recognized for 1 minute.

Mr. BAUCUS. Mr. Leader, if I might, 2 minutes, on another subject.

Mr. MITCHELL. On another subject and it is another minute—that the Senator from Montana be allowed to address the Senate for 2 minutes, at the conclusion of which the Senate will stand in recess until 2:15.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COATS. Mr. President, I believe it is good public policy to encourage employers to offer health benefits and associated benefits as a part of their employment policy. I think it is also good policy to ensure that all employers have equal access to those benefits. That was what the intent of this body was. Unfortunately, the results are just the opposite.

Section 89 of the Internal Revenue Code was designed and enacted with the intention of promoting fairness in employer-sponsored benefit plans by discouraging plans that favor highly compensated employees over other employees. Yet, the statute as it now reads is too complex and too expensive to administer. The costs and risks to an employer of maintaining a benefit plan under the gun of section 89 are prohibitive for most small business.

The complex provision of the Internal Revenue Code goes far beyond simply ensuring against discrimination in plan structures. Section 89 actually redefines discrimination. Equal access by all employees is no longer enough. Section 89 requires employers to ensure equal participation between highly compensated employees and those not highly compensated.

Section 89 will require businesses to collect and analyze a massive amount of information about their benefit plans in order to comply with the new tests that are established. Under section 89 all benefit plans will be subject to two types of tests: First, nondiscrimination requirements, that test the plan to determine whether highly compensated employees are disproportionately benefited over other employees; second, qualification requirements, which require minimum standards for establishing and communicating benefit plans.

If an employer fails to fully comply with any of the many and complex provisions of section 89, both the employer and the employee would face significant new tax burdens. For example, an employer that failed to meet the qualification requirement in a situation where his employee had received $100,000 in benefits for catastrophic medical expenses during the preceeding year could be compelled to pay an excise tax of $28,000 just for that one employee. The employee himself could also be taxed on the entire $100,000. The results of section

89 will therefore be to punish both employers and employees for providing and taking part in a health benefit plan.

Section 89 will have the effect of forcing many small businesses to simply eliminate the health care benefit plans they now offer rather than incur the significant expenses and liabilities that section 89 will bring down upon them. I have received numerous letters and phone calls from small business owners all across Indiana informing me of their intention to do away with their employee health benefit plans rather than risk colliding with section 89. This would not be to the benefit of employees who would have to pay more for health care insurance without the benefit of a group plan. This result is what section 89 actually encourages, and this makes for bad public policy.

Section 89, as it is currently written, creates many more problems than it attempts to solve. The Congress must reopen and readdress this issue, and we must do it quickly.

As I travel across the State of Indiana, I speak with employer after employer who say, "Senator, there is no way that I, as a small business man or woman, can administer this plan. Can you explain it to me?"

I must admit that I cannot fully explain it. Neither can their accountants or their attorneys.

The cost of the administrative burden of putting this plan in place is resulting in exactly the result not intended. It is driving employers out of the business of providing employee health benefits. It is causing the cancellation of plans and it is giving us just the opposite result.

I am encouraged by the fact there is an indication now that we are going to revisit section 89 in one of two ways: we are either going to repeal the law and write a new one that is workable and achievable, or we are going to revise the existing law to make it something with which all business people can comply.

So I am at least encouraged by that, and I thank the majority leader for yielding time and the Chair for its patience.

The PRESIDING OFFICER. The Senator from Montana is recognized for 2 minutes.

Mr. BAUCUS. Mr. President, I rise today in support of passage of the dire emergency supplemental appropriations bill. This bill contains the $6.6 million necessary to fully fund the Essential Air Service [EAS] Program.

Few issues are more important to me than ensuring that Montanans receive adequate air transportation.

Now our rural communities can resume planning for their future economic development without having the threat of losing air service hanging over their heads.

Before the Airline Deregulation Act of 1978 became law, Congress provided for a national airline system. Communities important to the national system, but capable of generating only limited loads, were served and supported by higher density markets.

During the deregulation debate in 1978, it became clear that the national system was at risk. Because I was concerned that small and rural communities would be subject to discrimination, I voted against deregulation—one of very few Senators who did.

In an attempt to alleviate this problem, Congress adopted the EAS Program which provides subsidized service to these areas.

This program is as important today as it was in 1978.

Essential air service allows passengers to meet connections with other flights and provides access to health and commercial centers in Montana as well as other States. EAS also provides access to Montana markets and allows Montanans to send and receive necessary business and agricultural supplies and parts.

Without adequate air transportation, Montana's economy, which is already suffering from depressed conditions, would be dealt a severe blow.

That is why, when the Department of Transportation proposed eliminating EAS service to seven Montana communities, I threatened to filibuster then DOT Secretary-designate Samuel Skinner's confirmation.

There was no way I was going to allow the DOT to virtually cut off half of the State of Montana from the rest of the world. Residents in Glasgow would have had to drive 282 miles to catch a plane. That's further than driving from here to Raleigh, NC. People living in Glendive and Wolf Point would have had to drive the distance between here and New York City.

I also invited Mr. Skinner to meet with myself and 21 other Senators to discuss his position on the EAS Program prior to his confirmation vote by the Senate. I was pleased when this meeting, and a hearing I had scheduled in my rural economy subcommittee proved to be unnecessary. They were unnecessary because the DOT agreed to put the ball back in Congress' court and let us fully fund the program through supplemental appropriations.

During my conversations with Mr. Skinner, I asked him to come to Montana and travel to our EAS communities—Glasgow, Glendive, Havre, Lewistown, Miles City, Sidney, West Yellowstone, and Wolf Point—to see first hand how critical essential air service is to our State.

His trip is tentatively scheduled for the first week in July. I think this will be a real eye opener.

In an effort to ensure that this EAS battle does not happen again and again, year after year, I will soon introduce legislation to make the EAS Program an entitlement under the airport and airway trust fund. That way funds will always be available for the program.

Once again, I commend Senator BYRD and my other colleagues for preserving the Essential Air Service Program.

I urge the conference committee to quickly mark up this legislation so that Congress can pass the final version and get it to the President's desk for his signature.

RECESS UNTIL 2:15 P.M.

The PRESIDING OFFICER. The Senate stands in recess until 2:15.

Thereupon, at 12:47 p.m., the Senate recessed until 2:15 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer [Mr. LIEBERMAN].

DIRE EMERGENCY SUPPLEMENTAL APPROPRIATIONS, FISCAL YEAR 1989

The Senate continued with the consideration of the bill.

Mr. SYMMS addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Idaho [Mr. SYMMS].

Mr. SYMMS. Mr. President, I make a parliamentary inquiry. Are we considering the supplemental?

The PRESIDING OFFICER. We are, indeed.

Mr. SYMMS. Mr. President, I wish to compliment two of my colleagues here today, both the distinguished chairman of the Finance Committee from Texas and my distinguished friend from Wisconsin. Both are here to catalyze the issue of section 89 by placing the cutting edge of various ideas here before the Senate.

Mr. President, although I have a great deal of temptation to be in favor of Senator BENTSEN's legislation as offered in the majority leader's amendment, which I might add, is largely some very fine work that the committee has been working on to correct the bad portions of section 89, I really believe it would be premature to debate this latest legislation to modify section 89. I think we need to send a clear-cut message to our colleagues in the House of Representatives that states we are waiting for major revisions or outright repeal.

Mr. President, I am very proud to have introduced one of the first bills in this Congress to correct the mistake of section 89. I very well remember in the summer of 1988 when I received my first telephone call on this issue from Sue Brown of Lewiston, ID. She

is a professional specializing in the pension benefits area, and she pointed out to me that numerous employers were canceling their health coverage in order to escape the regulatory burdens imposed by section 89. They could just see them coming. This single phone call tipped me off early in 1988 as to the serious mistake Congress made by overshooting the mark in the 1986 Tax Reform Act.

I have to commend the Senator from Wisconsin for his perseverance in repeatedly forcing this issue to a vote. Even though sometimes it is difficult, I think it is important that—if we make a mistake—we hold our feet to the fire and correct the problem. We need to give our constituents back home explicit information about actions we are taking as elected representatives to correct problems such as section 89.

I do not believe there is anybody in this Chamber who would disagree that we need fair health plans, which do not benefit only a certain privileged few in any given company. We all want employee benefits that are available to the rank and file workers. These are the individuals Congress attempted to protect when section 89 was adopted.

I think the intent of section 89 was a noble one, but it has been carried to such a far-reaching degree and has become so complicated and costly that the business community of America simply is unable to comply. I heard one of my colleagues remark that it would take 90 million hours of businessmen's time simply to figure out how to comply with section 89. I have even heard other figures passed around this Chamber that claim the costs of accounting and legal fees, in order to try to figure out how to comply with section 89, would easily surpass the $1 billion mark.

I again want to compliment my good friend from Wisconsin; I will be voting for his amendment. At the same time, I fully agree with the statements of many other Senators which speak to the possibility of the House of Representatives rejecting our action, because Senator KASTEN's amendment might touch on their constitutional prerogative to originate matters of taxation.

On the other hand, though, the House of Representatives is also a body that must account to the voters. They also have to face election, and they are also hearing from the Sue Browns of America—the professional accountants and others that work in the health care field. They are hearing from those people, and they will have to account for their actions. They may just opt to accept the Kasten amendment, should we give them an opportunity.

Considering this, it would be appropriate if the Kasten amendment was immediately passed and signed into law by the President. We could then go back and take a look at the various proposals offered to modify section 89. The legislation offered by the distinguished chairman from Texas, for example, has a great deal of merit to it. Other proposals presented in the other body could also be considered. We could in short, start over on this.

Even though section 89 is considered a taxation measure, I must say that I have never viewed it as such. Although section 89 is part of the Internal Revenue Code and governs the deductibility of business expenses from the computation of taxes, it really is only the regulation of business by Uncle Sam, by Big Brother in Washington, DC. Section 89 mandates business practices; it tells companies what they ought to be doing and what they should not be doing in-so-far as employee benefits are concerned. It's as if Congress believed businesses do not care about their employees in the first place.

I think most of my colleagues will agree that if you go up and down Main Street, U.S.A., whether in Idaho, Wisconsin, Missouri, Texas, West Virginia, or Connecticut, almost 99.9 percent of the people who run the drugstores, the lumber yards, the feed stores, the shoe stores, the merchandising, and grocery stores of America, do not even consider buying employee benefit plans that do not include all of their steady and regular employees. Most businesses cover everyone. Agreed, there are some exceptions that triggered section 89 in the first place. I think, though, in most areas businesses take care of their employees.

Mr. President, the Senate does have a right to originate bills which repeal excessive regulation of business. I do not think we should accept the argument that this is only a taxation issue. We should flatly state that we are correcting an overextension of the long arm of the Federal Government, which is interfering in the affairs of free people trying to run their own business, and are already taking care of their employees, satisfying their customers, and running a successful business operation.

I think by and large, the Nation is better off by leaving business regulations to an absolute minimum. We have achieved far more as a nation by allowing business to produce increased wealth; better health care; a better standard of living; improved housing; lower priced, cleaner, safer, and healthier food. Section 89 is just a case where Congress went too far. We ought to admit it, and repeal section 89 immediately. We could then start over on this issue.

I also want to call my colleagues' attention to a final and central reason why we should adopt this amendment today and carry it through conference. This is an opportunity to strike now while the iron is hot. We have a saying out in the West: "The best time to kill a rattlesnake is when you have the club in your hand." You do not put it off, you do not delay, you just do it on the spot and you have the problem solved. I share the concern of some of my colleagues on the Finance Committee and others in the House and Senate have, about the discrimination issue. We can take these concerns into account without weakening the language of the Kasten amendment. I think clearly this is an opportunity to vote to repeal section 89. I intend to vote with the distinguished Senator from Wisconsin on this, even though, as I have said, the distinguished chairman of the Finance Committee has introduced a good bill on this subject, which offers substantial reform.

The success of Chairman BENTSEN's legislation, Mr. President, is going to depend on whether Congress can avoid a sequester in October of this year under the Budget Act.

I must say, this is actually somewhat of a risky assumption. I think it is risky because the House has not yet been able to demonstrate to the Senate that they will be able to comply with the budget resolution in a manner the President of the United States and the Senate will accept. If the President cannot accept the tax proposals that the House may send to the Senate, and which the Senate may send to the President, there will be a veto of the budget reconciliation bill, and no repeal or substantial modification of section 89, no matter how much we may want to do it, will be able to be done until later this year. Today may be our best opportunity to kill this rattlesnake while we have the chance. In other words, we have the hoe in our hand; let's chop the head off of this regulative nightmare. Let us stop this before we get in a position where we are being manipulated by the House, which could say, if you want to fix section 89, you have to vote for tax increases in order to pay for other spending. I think this is something that all Senators should think about. As a footnote, I happen to have a way to pay for section 89 by reducing the capital gains tax rate, but I am not sure that this can pass either.

When you look at the political and philosophical makeup of the other body, and possibly even this body, I am not so sure that we will be able to pass an amendment that would clearly encourage and reduce the cost of capital in this country and facilitate the ability of people to do business. I think we may continue to say that the House is not ready to adopt a reduction in the capital gains tax to generate the necessary $4.8 billion, which it would generate in new revenues, much less the larger amount of gross reve-

nues that we may need. I think Senators should think about this today; if we vote against the Kasten amendment and vote for the Mitchell substitute, come October we may be faced with a dilemma. If a budget reconciliation is not reached, we will then be asked to vote for some kind of obnoxious, antigrowth, anticapitalistic tax increase in order to fix section 89.

I think this is one situation we do not want to be in. Moreover, I do not think the President wants to have the Congress in such a position. He certainly made it very clear in his election campaign, that he did not want new taxes. He wants us to live within revenue growth that is already possible. He has signed off on a small portion of revenue, which could be generated by cutting the rates on capital gains and I think in order to generate that revenue, we need to be thinking of the whole picture, not just of this isolated issue.

Mr. President, I am saying this again, if the Congress fails to agree to a capital gains tax reduction to generate the necessary revenue for the budget resolution, then the chairman's proposal to substantially modify section 89 may not become law; and the current law—the abominable current law—could end up remaining on the books. The IRS will, at that point, have no choice but to enforce section 89, unless of course a further delay were adopted.

Indeed it may be the strategy of the House to hold the Senate hostage on this very issue so that we will be forced to vote for a tax increase in order to get substantial modification of section 89. In other words, we may face this in October with a gun held to our head. Mr. President, if we want to modify section 89 and eliminate the need for new taxes, we should vote in favor of the Kasten amendment. I think we should avoid these kinds of situations.

I for one do not intend to be caught in that dilemma in October if I can possibly avoid it. This is why I am going to vote against the Mitchell substitute and in favor of the Kasten amendment. At a later date I might vote for the Mitchell substitute. I want to address the fairness issue in employee benefits and do it in a proper fashion within the Senate Finance Committee. We can then bring this issue to the Senate floor and work with it.

Now is the time, Mr. President, and I would urge my colleagues to not be misguided; we need to realize what we are getting into if we turn down the opportunity to vote for the Kasten amendment and repeal section 89.

Mr. President, I thank my colleagues.

I yield the floor.

The PRESIDING OFFICER. The Chair recognizes the Senator from Missouri [Mr. BOND].

Mr. BOND. Mr. President, I rise today to express my support for the amendment offered by my friend from Wisconsin. As a cosponsor, I feel very strongly that section 89 should be repealed, and while section 89 will have a grave impact on employers of all sizes, it is the small business community and its employees who will pay the greatest price in lost production, lost profits, and lost health benefits.

Having said that, I think it is important for us to focus also on the impact that this will have on school districts, other local governments, charitable, and not-for-profit employers who will be covered as well.

Over the past several months, literally hundreds of small business owners have written and called my office to express their opposition to section 89, particularly as it applies to health benefit plans. Several problems of major concern are causing the small business owners of Missouri to cry out for relief:

First, complication of the section;

Second, the time that will have to be expended trying to understand it;

Third, the high cost of consultants to insure that plans are nondiscriminatory; and

Fourth, the threat of severe tax penalties.

The majority of small business owners who have contacted me, offer the best health plan they can afford to their employees and they do not understand why they are being penalized for trying to be responsible employers.

While this legislation might have been enacted with good intentions, the result to Missouri employers and their employees will be catastrophic. Some employers have dropped and many others are considering dropping their plans.

Instead of offering group plans, employers may elect to pay the monetary value of the policy directly to employees, the result of which could be that many employees will not spend the money on health coverage, will not be able to get coverage on their own due to existing health problems, or will only be able to get coverage at a greatly increased price.

We have heard, as my good friend, the Senator from Idaho, has said, from accountants and lawyers who tell us of the significant numbers of employers who are saying "I cannot do it; I cannot put up with these problems; I want to get out."

Mr. President, I would like to share some of the comments I have received from businesses in Missouri:

From Wilson-Turner-Gavin, Inc., an insurance company in Joplin, MO:

This particular law has created more problems, chaos, and other areas of concern than any I can remember in 45 years. I have been involved in insurance * * * for over 30 years; and I have never seen so much unrest as this * * * on many occasions in the last 30 days, employers have indicated they were going to discontinue the group health insurance and give the money to the employees, and let him seek his own coverage.

From Geo. C. Matteson Co., Inc., a manufacturer in Independence, MO:

For the small businessman like myself, it has become a virtual nightmare * * * it places an economic and administrative burden on the small employer far out of proportion, in my view, to the benefits derived * * * we have been quoted $5,000 for consulting in just the "testing" phase that even now is filled with ambiguities and contradictions.

From Gunter Exterminating Co. in Kansas City, MO:

We have always tried to offer benefits to our employees on a fair and equitable basis, but to pass the tests required by "section 89" will place a real burden on us. I have had estimates from various sources that it would post us from $800 to $1500 just to comply with the law! * * * this may force many businesses, including my own, to simply cancel all employee benefit programs. * * *

From Plaza Video in St. Louis, MO:

For the last few weeks we have been mulling over various benefit plans, trying to decide which to make available to our employees as a new benefit. Yesterday, we received information on section 89 of the Internal Revenue Code and for the time being have put a halt to the thought of offering any kind of plan. The costs, potential penalties and record keeping requirements aren't worth it!

From Boone County Bank in Columbia, MO:

It increases the cost of doing business, discourages the expansion or continuance of fringe benefits for employees, and is a hidden way of raising taxes for the Federal Government * * * I am also a member of the board of directors of two non-profit organizations—the Visiting Nurses Association of Central Missouri, and the Columbia Area United Way. In both of these organizations, consideration is being given to discounting benefits and adding the cost of those benefits to the salaries of employees in lieu of benefits.

From Cochran, Oswald, Barton, McDonald & Grahan, law offices in Blue Springs, MO:

Our firm represents approximately 250 small corporation * * * to the letter each and every one of them have problems, complaints, and difficulties with the infamous section 89. * * * Some are simply dropping all their health insurance benefits and, for that matter, some other important benefits to themselves, their employees and their families, along with it.

From the Missouri Restaurant Association:

Many employers are so bewildered that they are seriously considering discontinuing paid health and life insurance benefits for their employees. Obviously, this would play into the hands of efforts to increase tax revenues, but this is contrary to efforts to provide adequate health insurance for American citizens * * * Congress should focus its efforts on making health insurance more af-

fordable, not more costly, cumbersome, and difficult to administer.

From Beussink, Hey, Martin, Naile & Roe, certified public accountants in Cape Girardeau, MO:

In my professional judgment, IRC section 89 is poor tax policy and poor social policy. This statute is unworkable from a technical and compliance standpoint, and is so potentially punitive that many employers will choose to simply reduce or eliminate essential employee benefits such as health insurance rather than face the high costs of compliance and continuous exposure to substantial IRS penalties.

And finally, from Gasket & Seal Fabricators, Inc. in St. Louis, MO:

We have always felt it our obligation to provide health insurance at no cost to our employees, pay higher wages than our competitors, and quite simply treat our employees as we would wish to be treated ourselves. However, section 89 paperwork requirements now make me wonder why we ever provided any benefits. Please correct this gross error.

In addition, school districts from around my State have been writing and calling with even more compelling comments. Mr. President, I believe several of them are worth sharing with my colleagues at this time.

I also call attention to the impacts that this will have on school districts. We have heard testimony from many school district superintendents, and I want to give just a few excerpts from sample letters that we have received because I believe many of my colleagues will find that they also have similar problems.

The first letter is from Hannibal, Missouri School Disrtict No. 60.

I do know that the effects of this legislation are extremely costly to school districts. Several consulting firms are offering to examine the records of schools districts to determine their compliance with section 89. Most quoted fees for these services range from between $7,000 and $15,000 for a school district the size of Hannibal. We have estimated that it may take almost that amount for us to run our own compliance tests. I have attended several workshops on section 89 and I am convinced that almost none of us will be able to meet the discrimination test.

The letter is signed Chris Straub, Superintendent.

From the Fredericktown School District R-1.

I have attended a number of meetings relative to section 89 and listened to numerous "horror stories" about nondiscrimination and compliance testing requirements. A number of "vultures" have appeared on the market in the last 6 to 8 months offering to run the testing for section 89 for School districts for sums ranging from $1,500 to $3,700.

Signed Jerry W. Kinder, Superintendent.

From the Maryville R-II School District:

Workshops, opinions of local and State department attorneys, and authorities from State and local associations have failed to clarify section 89 of the Internal Revenue Code of 1986. We have been operating in a total state of confusion as to the intent of the law. It has been disruptive to staff, school board, insurance company, and every facet of local and State government.

Signed Dr. Roland H. Tullberg, Superintendent of Schools.

Finally from Blue Springs, R-IV School District:

This regulation has caused great concern among school administrators and boards of education across the State of Missouri. I agree with your opinion that it appears that this regulation will in effect not increase but decrease the number of health plans offered to lower paid workers.

Singed Charles McGraw, Superintendent.

Comments like these from all over Missouri have convinced me that section 89 must be repealed. Revision and simplification is not good enough. I have heard the statements of some Members of Congress who believe that the section should gradually be modified until all the bugs are ironed out, but this will only leave employers more anxious than they are now about what changes will occur in the future and whether or not they will still be in compliance. Continual revision of the section will cost everyone—except consultants—and will cause more and more employers to drop existing coverage.

According to its supporters, the original intent of section 89, is to encourage employers to provide nondiscriminatory benefits to all their employees. Obviously, it is not going to produce that effect. Instead, it is going to cost employers a great deal of time and money, it will reduce the amount of benefits offered, and it will discourage employers from offering benefits in the future. Even worse, it is punishing employers who are already offering nondiscriminatory benefits to their employees, by wasting their time and money to prove they do not discriminate. This effort could be better spent in improving their schools or businesses, thereby improving the quality of life of Missouri and the Nation.

I hope my colleagues will listen to their small businesses, and their school districts and will vote in favor of our amendment.

I cite these, Mr. President, as evidence that while the original intent of this section was to encourage employers to provide nondiscriminatory benefits to their employees, it is clearly not going to produce that effect.

We have heard many discussions, and there is much concern in this body over the 37 million uncovered Americans who have no health insurance coverage. If we do not repeal section 89 or make significant revision in it, that 37 million number is going to go to 47 or 57 or 67 million. It is going to cost employers a great deal of time and money. It will reduce the amount of benefits offered, and it will discourage employers from offering benefits in the future, and, even worse, it punishes employers who are already offering nondiscriminatory benefits to employees by wasting their time and money to prove they do not discriminate.

The effort could be better spent in improving schools and businesses and local governments and charitable organizations, improving the quality of life in our State and the Nation.

I hope my colleagues will listen to their small businesses, their school districts, their charities, and will vote in favor of the Kasten amendment.

I yield the floor.

The PRESIDING OFFICER. The Chair recognizes the Senator from Wisconsin [Mr. KASTEN].

Mr. KASTEN. I thank the Chair and I would like to first of all thank and compliment the Senator from Missouri for his strong statement and also to thank and compliment the Senator from Idaho [Mr. SYMMS] who has been a leader in this effort. It began with some of the original legislation and we have been working in this regard.

Mr. PRESSLER. Mr. President, I commend my colleague from Wisconsin for his tremendous leadership in the effort to repeal section 89. He has been a guiding force on this issue in the Small Business Committee and I thank him for proposing this amendment to the supplemental appropriations package.

There are very few issues that have generated the kind of overwhelming response in unanimous opposition that has resulted because of section 89. And, I must say, the concern over compliance with the nondiscrimination rules under section 89 certainly is understandable.

I voted against the Tax Reform Act of 1986. Part of my reasoning at the time was the complexity of the law. It appeared to me the legislation represented more of a reshuffling rather than reform of the tax code. It is anything but "tax simplification," and that is especially true for small businesses.

The excessive burden section 89 places on employers, particularly small businesses and local government bodies, is the main reason I am supporting this Kasten amendment to repeal section 89.

The purpose of this section of the Internal Revenue Code is to equalize the preferential tax treatment of health and welfare benefit plans. The underlying theme is that employers should provide benefits in a nondiscriminatory manner to high and low paid employees.

While the stated purpose of section 89 is a noble one, its implementation leaves much to be desired. During a Small Business Committee hearing on the subject, we heard from a repre-

sentative from the Department of Treasury who had a difficult time explaining the workings of section 89. Other business people testified that they were canceling employee benefit programs rather than tangle with section 89.

Though there are many legislative vehicles in existence relating with section 89, I think now is the perfect opportunity to deal the death blow to this unpopular regulation. I again commend Senator KASTEN for his hard work on this subject and urge adoption of this amendment.

Mr. BURNS. Mr. President, I rise today as an original cosponsor of the Kasten amendment to repeal section 89 of the Internal Revenue Code. I want to thank my friend from Wisconsin for offering this amendment. Once again, he is out front on this issue—the issue which is by far the No. 1 small business issue in this Congress. And in my home State of Montana, that means it is the No. 1 business-related issue.

Senator KASTEN has outlined the key problems with section 89, so I will not go into them. Everyone accepts the fact that section 89 is a regulatory nightmare which only further burdens small businesses with paperwork. Everyone agrees with the stated purpose of section 89—that benefits should not discriminate against lower-paid employees. But is that the real purpose of section 89? Every time we try to act to fix the problem, the main objection is the cost. The cost of the lost revenues that would be associated with the repeal of section 89.

I am beginning to think that section 89 was put into the tax code just to raise revenue for the Federal Government, not to ensure equal benefit coverage for all employees. If that is the case, then we are taxing employer-provided benefits. And I don't think there is a member of this body who supports taxation of employer-provided benefits.

I know that the distinguished chairman of the Finance Committee has held a hearing on this issue and is working on legislation to simplify section 89. I certainly commend him for his efforts and his willingness to look at this issue. However, I submit to him, and to the other members of the Finance Committee, that repeal is a necessary first step. Do away with the old and take the time that is needed to come up with a new plan. Meanwhile, let's not hold the small businesses of this country hostage to section 89.

Senator KASTEN has already outlined the only tangible results of section 89 thus far. One is the costs that businesses are incurring to test their plans. And the other is the number of companies who have decided or will decide to forego that cost and drop their plans. The latter is the No. 1 reason to support the repeal of section 89. With all of the recent news about the number of uninsured workers and the rising cost of health insurance, it is clear that section 89 is a step in the wrong direction.

The time for Congress to act on this matter is long past due. Let's take this opportunity to send a clear signal that the U.S. Senate is able to act quickly to correct its mistakes. I urge my colleagues to vote for the Kasten amendment.

INCIDENCE OF DISCRIMINATION

Mr. MITCHELL. Mr. President, earlier in today's debate, the proponents of the amendment to repeal section 89 suggested that the entire basis of the law is without foundation—that employers in fact do not discriminate in the provision of health care benefits so there is absolutely no justification for section 89. That is just plain wrong.

The Senator from Wisconsin points to a statement from the Treasury Department witness at a Small Business Committee meeting as authority on this subject. Well, I don't know what background the Treasury Department witness has on this issue or what study he has seen, but his comment is not consistent with the evidence. Nor is his comment consistent with the position of the Treasury Department and the Bush administration.

There have been several hearings on section 89 before the tax writing committees and the small business committees in the House and Senate and every time Bush administration officials have testified in support of preserving health benefit nondiscrimination rules in the Internal Revenue Code.

Presumbly, the Bush administration would not take this position if it did not believe that rules were necessary to prevent discrimination in the provision of health benefits. I would expect the Bush administration is motivated by the same statistics presented by the Reagan administration in its tax reform proposal in from May 1985.

Those statistics indicate a far disproportionate benefit from the health benefit exclusion going to higher income families. According to these figures from the Treasury Department, the average excludable employer contribution increases with income. For example, in 1983, the average health benefit tax exclusion for families with incomes between $10,000 and $15,000 was $80. In contrast, the annual health benefit tax exclusion for families with incomes in excess of $200,000 was $200—more than double the tax subsidy going to moderate income families.

Furthermore, the percentage of families benefiting from the health tax exclusion also increases with incomes. For example, in 1983, only 34 percent of families with incomes between $10,000 and $15,000 benefited from the health insurance tax exclusion while 76 percent of families with incomes in excess of $200,000 enjoyed this tax benefit.

A 1987 study by the Congressional Research Service based on current population survey data includes similar data. The Federal Government spends substantial sums annually to subsidize health insurance coverage and a far disproportionate amount of that subsidy goes to higher income workers.

I ask unanimous consent that a copy of the Treasury Department and Congressional Research Services tables be placed in the RECORD at this point.

There being no objection, the tables were ordered to be printed in the RECORD, as follows:

TABLE 3.01-2.—DISTRIBUTION OF EMPLOYER CONTRIBUTIONS FOR HEALTH INSURANCE (1983), AND ESTIMATED IMPACT OF THE PROPOSAL

Family economic income	Percent of families receiving employer contribution	Average employer contribution
0 to $9,999	14	$60
$10,000 to $14,999	34	80
$15,000 to $19,999	46	90
$20,000 to $29,999	60	100
$30,000 to $49,999	76	130
$50,000 to $99,999	86	170
$100,000 to $199,999	81	190
$200,000 or more	76	200
All families	56	125

Source: Office of the Secretary of the Treasury—May 28, 1985.

Percent of workers not obtaining health insurance from their own jobs by workers earnings, 1986

[Dollars in thousands] Income:	*Percent not obtaining insurance*
$50 plus	15.2
$30 to $49	12.3
$25 to $29	14.8
$20 to $24	18.2
$15 to $19	22.7
$10 to $14	36.5
$5 to $9	62.2
$5 or less	88.6

Source: CRS based on 1987 Current Population Survey.

Mr. MITCHELL. It would be naive to suggest that employers—without any requirement in the law—will as a matter of simple decency provide the same degree of health benefit coverage to their employees as they provide to themselves. They will provide health benefits to the extent required by the local employment market. And no doubt some employers are motivated by a genuine desire to voluntarily assist their employees in securing health benefit protection.

But without question there will be discrimination in the provision of health benefits without some kind of nondiscrimination rules in the law. Employers cannot be expected to expend substantial operating costs without some business reason or Government requirement.

If there were no discrimination in the provision of health insurance benefits, we would not have a situation today where more than 24 million working Americans have no health insurance protection. According to data from the National Medical Care Expenditure Survey approximately one-third of these uninsured workers are employed by employers who maintain a health insurance plan. And there is evidence the situation is getting worse with the increase in health insurance costs. For example, the percentage of workers who were uninsured rose from 12.8 percent in 1982 to 14.7 percent in 1985. As costs increase, employers are less likely to ensure their lower paid workers and the workers dependents.

If there were no discrimination, we would not see a strong lobbying effort with respect to section 89 to exclude part-time employees from the nondiscrimination rules. Why do employers want part time employees excluded? Because they do not want to provide health benefits to these employees. Whatever their justification for such exclusion, it is manifestly a desire to discriminate against these employees.

Other evidence of discrimination is offered in a 1984 Hay/Huggins Co. report based on a survey of 869 employers. Of those employers, 86 percent had a physical examination health plan limited to higher paid employees and 16 percent maintaining generous executive-only health plans.

These figures are backed up by a Small Business Administration survey indicating that as much as 73 percent of all employers exclude at least some employees from health insurance coverage.

I do not mean to suggest any evil intent or unethical conduct on the part of the business community. To the extent employers discriminate in their health insurance coverage, they are simply making ordinary business decisions about the expenditure of substantial sums of money. Health benefits are not cheap; the cost of health insurance is increasing rapidly and we should not expect employers to bear high costs simply because they are good citizens. Employers will not cover their lower paid employees unless required by the law or by local labor market conditions.

Similar economics apply to federal tax policy. The tax exclusion for employer provided health insurance is expensive. It will cost the Federal Government $30 billion next year and Federal policymakers do not want to give that revenue away without receiving something in return. The cost of the health benefit tax exclusion should not be incurred by the Federal Government unless those benefits are provided to a fair cross section of employees.

That will not happen unless there are nondiscrimination rules in the tax code. Section 89 has proven to be far too complex and costly for business to administer. The Senate should adopt this amendment expressing its sense that those rules should be replaced with new, simplified nondiscrimination rules that treat employer and employee alike more fairly.

Mr. GRASSLEY. Mr. President, I am going to support Senator KASTEN's amendment to repeal section 89.

As I have stated before the Senate on earlier occasions, I have received an outpouring of protest from the small businesspeople of my State. It is absolutely clear that the section 89 rules are considered unreasonable, unworkable, and expensive to implement. Many employers have responded by giving serious consideration to canceling their health benefit programs. The original section 89 provisions were truly a Frankenstein monster.

I am aware that Senators BENTSEN and PRYOR will be introducing today a bill to modify section 89 which contains a provision repealing the original section 89.

I have not yet had the opportunity to carefully study the bill introduced by my colleagues. But as far as I can tell from a first look at the outline of the legislation, it is a vast improvement over the original provisions.

But I want to make sure there is absolutely no question of our desire to see the original section 89 repealed. Repeal today of the original section 89 will not impede going forward with the Bentsen-Pryor bill. What it will do is make it clear to the small business community that they will not have to worry about the original section 89.

Perhaps it will also send a message to those in Treasury Department and on the Joint Tax Committee who inspired the original monstrosity. The message is that there are real people out there doing their best in difficult circumstances, and that we should take into consideration their circumstances before we impose on them abstract, complex rules that require a staff of experts working full-time to figure out.

I understand that there is some concern that, if we repeal section 89 today, the Ways and Means Committee will force on us straight taxation of employee benefits. Frankly, Mr. President, it's hard for me to take that threat seriously. In the past, every time a trial balloon has been floated on that subject, it has evoked such resistance that the air has quickly gone out of it.

So, I will support Senator KASTEN on this question.

Mr. KASTEN. Mr. President, I ask unanimous consent that the following Senators be added as cosponsors to my amendment:

Senator LOTT, Senator SYMMS, Senator BOSCHWITZ, Senator ARMSTRONG, Senator BOND, Senator COATS, Senator MACK, Senator MCCLURE, Senator NICKLES, Senator PRESSLER, Senator HATCH, Senator HELMS, Senator BURNS, Senator GARN, Senator GRAMM, Senator RUDMAN, Senator MCCAIN, Senator GORTON, and Senator THURMOND.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KASTEN. Mr. President, there has been a good bit of discussion here today as to which groups are supporting which proposal. I think it is fair to say that without the activity of a number of us in opposition to section 89 we would not be here today with at least a possibility of a revision package.

I simply want to point out to my colleagues that it is not inconsistent at all to be voting for repeal on the Kasten amendment and also to become part of an effort that would be made in the Finance Committee or the Ways and Means Committee to try to deal with the problem, if there is a problem—I do not believe there is evidence that there is, but some others have said that—if there is a problem with discrimination in this area by improving present law or by introducing new legislation.

But the point we are trying to make is that in order to know that we are going to have a change and the change makes it all the way through the legislative process from the Senate to the House and to the President, it is important we repeal section 89 today.

A number of people agree with me. I would like to read a list of the groups that agree with me and are supporting my amendment to repeal section 89:

The Alliance of Independent Storeowners & Professionals; the American Association of Nurserymen; the American Consulting Engineers Council; the American Council of Independent Laboratories; the American Dental Association; the American Machine Tool Distributors Association; the American Road & Transportation Builders Association; the American Society of Personnel Administration; the American Subcontractors Association; Amway; the Associated Builders & Contractors; the Associated Specialty Contractors; the Association of Physical Fitness Centers; the Association of the Wall & Ceiling Industries—International; the Electronic Industries Association; the Electronics Representatives Association all support repeal.

The Florists Transworld Delivery Association; the Independent Bankers Association of America; the Independent Medical Distributors Association; the International Association of Refrigerated Warehouses; the Machinery Dealers Association; the NMTBA-Association for Manufacturing Technology; the National Association of Manufacturers; the National Association for the Self-Employed; the National Asso-

ciation of Brick Distributors; the National Association of Personnel Consultants; the National Association of Small Business Investment Cos.; the National Association of Truck Stop Operators; the National Association of the Remodeling Industry all support repeal.

The National Campground Owners Association; the National Candy Wholesalers Association; the National Coffee Service Association; the National Council of Agricultural Employers; the National Electrical Contractors Association; the National Fastener Distributors Association; the National Federation of Independent Business all support my efforts for repeal.

The National Food Brokers Association; the National Grocers Association; the National Lumber & Building Material Dealers Association; the National Paperbox & Packaging Association; the National Shoe Retailers Association; the National Society of Public Accountants; the National Soft Drink Association; the National Tire Dealers & Retreaders Association; the National Truck Equipment Association. All these groups support repeal of section 89, not reform. We have to repeal section 89 first.

Going on: The North American Equipment Dealers Association; the Opticians Association of America; the Petroleum Marketers Association of America; the Printing Industries of America; the Professional Plant Growers Association; the Retail Bakers of America; the Small Business Legislative Council; the Society of American Florists; the Specialty Advertising Association International; the Sugar Cane Growers Cooperative of Florida; and the U.S. Chamber of Commerce all support outright repeal of section 89.

Mr. President, the one thing section 89 has accomplished, however, is to make the taxation of employer provided benefits possible. This is just plain wrong. I do not feel the majority of my colleagues endorse the idea of taxing employee benefits, and I do not think the Senate should allow a regulation which makes this possible to remain in effect.

Mr. President, section 89 is not stopping discrimination, and it is not expanding benefits. It seems that the true intent of section 89 was to frustrate employers into taxing employee benefits. The only rationale for opposing my amendment would be to endorse the policy of taxing fringe benefits—a policy that is a big mistake.

And what is the cost to our economy of dealing with section 89? It is overwhelming. Companies must now deal with a new maze of complexity and redtape for no good reason. We are forcing firms to spend billions of dollars annually to comply with a Federal Government regulation, siphoning off money that could actually be used for productive purposes, like increasing employee access to health care. Our Nation is awash in burdensome and anticompetitive laws and regulations. Section 89 is a perfect example of a Federal regulation which helps to form an insurmountable and indefensible obstacle to U.S. productivity. The U.S. economy would be better off if entrepreneurs could spend more time creating and innovating, and less time filling out government paper work.

I know the majority of my colleagues agree that the case for repealing section 89 is strong. So why haven't we been able to repeal section 89 so far? For one big reason—misguided and misinformed perceptions about the effect repeal might have on the budget deficit.

Mr. President, I would like to discuss the budget implications of my amendment—and explain to the Senate why my amendment to repeal section 89 will not cost anything to the Federal Treasury.

First, I would suggest to my colleagues that the Joint Tax Committee's estimate of the revenue impact of section 89 is a moving target. Back in 1986, in the revenue estimates for the Tax Reform Act of 1986, Joint Tax said that section 89 would raise $72 million in fiscal 1988, $128 million in 1989, $140 million in 1990, and $154 million in 1991.

Well, what has happened? After almost 3 years, we have yet to collect one dime from section 89.

Joint Tax has now completed a revised estimate of the cost of repealing section 89. However, my recent interactions with Joint Tax lead me to believe that these revised estimates are no more accurate than the 1986 numbers.

On April 24, I sent a letter to Joint Tax requesting a revenue estimate for repealing section 89 effective January 1, 1989. My staff followed up about 1 month later—and Joint Tax responded that they were close to coming up with that number.

On Thursday morning, June 1, my staff informed Joint Tax that we were planning to offer a repeal amendment to the supplemental appropriations bill. Joint Tax said that they had completed the estimate and gave us the following numbers: $60 million in fiscal 1989, $144 million in 1990, $156 million in 1991, $170 million in 1992, $185 million in 1993, and $202 million in 1994.

My staff immediately questioned the accuracy of the $60 million revenue gain for fiscal 1989 because Treasury had announced on May 1 that it would delay enforcement of section 89 until October 1, 1989.

In other words, how can section 89 raise money in fiscal 1989 when it isn't fully effective until the end of fiscal 1989?

Within a matter of hours, Joint Tax revised the first year estimate downward to $20 million in fiscal year 1989 and increased the fiscal 1990 estimate to $154 million.

Mr. President, in making this point, I do not want to question the skill, competence, and talents of the able men and women who work at the Joint Tax Committee. Revenue estimating is a very difficult and inexact science. That is my point. Congress cannot be put into the position of making or not making policy because of questionable revenue estimates. Especially when you have an issue, like repealing section 89, where the surrounding substantive issues are so clear. The excessive regulatory burdens on small businesses, the reduction in insurance and health care coverage for employees, and the reduced productivity in our economy.

The Joint Tax Committee has been forced to enter a whole new realm of revenue estimating with section 89, because it is nearly impossible to predict employer responses. In fact, if the stated goal of section 89 could actually be met, that of assuring nondiscrimination, then there would be no revenue gain whatsoever. Similarly, when employers cancel plans, leaving employees worse off than before, there is no revenue gain.

By associating revenue gains with section 89, we are admitting that it is failed policy. We are taxing employee benefits, plain and simple. If the Senate wants benefit taxation, let's debate it, and let's vote on it. But such a huge change in policy should not and cannot come from an originally unnoticed provision buried in the Tax Code.

I am convinced that Joint Tax is wrong and that section 89 will not raise any revenue. This is because Joint Tax's numbers are "static" estimates. As in the case of capital gains cuts, 10 percent withholding on interest and dividends, and other tax changes, Joint Tax ignores the "dynamic" impact of these tax burdens on our Nation's economy.

For example, some estimate that complying with section 89 could cost employers up to $5 billion, a cost which many of them will be able to write off. This writeoff, measured in billions, should be contrasted with the alleged revenue gains, which are measured in millions.

In addition, under section 89, small business entrepreneurs would spend more time filling out government paperwork than producing, creating, and innovating. As a result, we will see reduced productivity, reduced employment, and reduced investment. That means lower GNP and a lower tax base in the future. Repealing section 89 isn't a budget buster, it's a budget booster.

Mr. President, one question some Senators may have is why repeal now? Why not wait to see what comes out of the Senate Finance Committee?

Mr. President, we have waited 3 years for a solution to the problem of section 89. We have revised the original regulations several times. Every time we change them, the problem only gets worse.

I know the Senate Finance Committee is hard at work on resolving this problem. I know that countless hours are going into finding a solution. But section 89 is a regulatory Rubik's cube; once you get involved in trying to find the solution, you can't find a way out.

The chairman of the Finance Committee is drafting legislation, and I salute his efforts. But there still are very serious problems which, to the best of my knowledge, have not been addressed. There are many unresolved questions: Questions about the "cliff effect," which can disqualify a benefit plan if it is only 1 percent short of being in compliance; questions about the wisdom of having 90 percent as the coverage ratio; questions about the nature of the small business exemption; questions about the insurance underwriting for small groups; and questions about the affordability standard.

I think it is clear that we still have a long way to go before we can come up with a truly acceptable set of nondiscrimination regulations.

And what is happening in the meantime? Firms are continuing to spend thousands of dollars attempting to decipher and comply with the current regulations, regulations which are bound to change. And thousands of employees across the Nation are continuing to lose their employee benefits.

We need to end the confusion, we need to stop enforcing an inefficient use of America's resources, we need to protect the health, life, and other employee benefits of our Nation's workers. We need to do what is right, and repeal section 89.

I understand the Finance Committee's legislation would, by definition, repeal and replace section 89. Replacing section 89 is a very delicate task. We must make absolutely certain that any new product is not even more outrageous than what we currently have. There is no quick fix. But the first step is repeal.

Supporting my repeal amendment today does not mean you support discrimination, or that you believe new regulations aren't necessary. Supporting my amendment simply means you join me in believing we need a fresh start, and we need to take our time to do it right.

Let us wipe the slate clean now, and send a clear signal to the American people. Then let us begin a new debate, a real debate, on just what our nondiscrimination rules should look like.

Before I yield the floor, I want to make clear that I am well aware of the sensitivity of the current parliamentary situation. I strongly support this supplemental appropriations bill, which contains so much urgent funding. Although I truly believe the section 89 situation is dire and urgent, I would not offer my amendment if I thought it would risk a veto or an undue delay to the prompt passage of the bill.

Mr. President, repealing section 89 is sound tax policy, is not going to add to the deficit, and is not going to delay this bill. I urge my colleagues to join me in voting to repeal section 89.

Mr. President, I move to take the underlying first-degree amendment and I ask for the yeas and nays on my motion.

The PRESIDING OFFICER. Is there a sufficient second?

There is not a sufficient second.

Mr. BENTSEN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. KASTEN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KASTEN. Mr. President, I ask for the yeas and nays on my amendment.

The PRESIDING OFFICER. The request is for the yeas and nays on the motion to table——

Mr. KASTEN. The underlying amendment.

The PRESIDING OFFICER. Offered by the Senator from Wisconsin. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. KASTEN. I thank the Chair.

Mr. BENTSEN. Mr. President, if I might.

Mr. KASTEN. I will be pleased to yield.

Mr. BENTSEN. It is my understanding what we were trying to arrive at is an agreement to finally bring this debate to a close. After the motion to table has been voted on, then the Mitchell amendment is to be considered, there would be a vote on it, and if other parliamentary procedures were utilized insofar as, for example, saying this does not comply with the budget act of 1974, that we have an agreement that the two sides would have 5 minutes apiece to discuss that issue.

Mr. KASTEN. That is my understanding. If you would like, I will be happy to make a unanimous consent request to that effect.

Mr. President, the vote now will occur on the Kasten motion to take the underlying Kasten amendment. I will vote against my own motion to table. The effort here has been and will be to get an up-or-down vote on the question of outright repeal. If we are not successful, that is, if the Kasten amendment is in fact tabled, notwithstanding my own opposition, the next issue before us would be the Mitchell-Bentsen amendment, the perfecting amendment to the Kasten amendment. That vote, I would expect, would occur immediately; if not immediately, no more than 5 minutes equally divided between the two; that that vote would occur immediately.

Mr. BENTSEN. Immediately with a rollcall.

Mr. KASTEN. So I ask unanimous consent that the vote on the Mitchell-Bentsen amendment occur immediately after the vote on the Kasten motion to table—what we are trying to do is work out an expedited procedure here—and following that vote, if in fact other isues are raised, such as points of order, that those points be raised; that not more than 5 minutes equally divided between the Senator from Texas and myself be available, and we will expedite the process through these votes.

Is that agreeable to the Senator?

Mr. BENTSEN. That is agreeable to me.

The PRESIDING OFFICER. Is there objection?

Mr. BYRD. Reserving the right to object, the Senator is not including in his request that there be a rollcall vote, is he?

Mr. KASTEN addressed the Chair.

Mr. BYRD. I would object to that, because under the Constitution that is determined by a show of hands, whether or not one-fifth support the request. I will not start ordering rollcall votes by unanimous consent.

Mr. KASTEN. Mr. President, could I suggest the absence of a quorum? Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. BRYAN). The absence of a quorum having been suggested, the clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MCCAIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

If the Senator will suspend for a moment, the Chair wishes to announce that as a result of the unanimous consent agreement ordering of the yeas and nays on the motion to table the Kasten amendment, the Kasten amendment has been set aside and the vote on the motion to table will occur pursuant to that unani-

mous-consent agreement no earlier than 4:45 p.m. this afternoon.

The Senator from Arizona.

AMENDMENT NO. 139

(Purpose: To delay for 1 year the provisions of the Medicare Catastrophic Coverage Act of 1988)

Mr. McCAIN. Mr. President, after discussions with the distinguished chairman of the Appropriations Committee and the distinguished chairman of the Finance Committee, I would like to discuss the amendment I plan to propose shortly at the request of the majority leader, who asks that I not propose the amendment until he is present.

I understand he is in an important meeting and will be here shortly. So I intend to discuss the amendment that I will be proposing, and then at the appropriate time, with the presence of the majority leader, I will be proposing that amendment.

Mr. President, the senior citizens of this country think Congress made a big mistake last fall when it passed the Medicare Catastrophic Coverage Act of 1988. They think we made a big mistake. We did make a big mistake. Under that act, we are asking them to pay for that mistake.

Congress has been doing its level best to avoid this issue. "Let us not open that can of worms" is a line I have heard more than once this year around here. "A deal with many interests that shouldn't be tampered with" is another.

Mr. President, we have an obligation to listen to our senior citizens. It is wrong to ignore them, and that is the impression they are getting. In my opinion, it is an accurate one.

The other response Congess is beginning to send is that maybe we will just reduce the costs of the program and make the general taxpaying public pay for our mistake, rather than reexamining our own acts.

Mr. President, that is a wrong response, too.

The amendment I will be offering in behalf of myself and my distinguished colleague from Utah, Senator HATCH, in a few minutes will address the concerns of our seniors.

Mr. President, it will freeze the status quo and hold the new tax on seniors from going into place until we face up to this issue and reexamine whether we want to impose on seniors the costs of all of the benefits we provide in this act.

Mr. President, this amendment preserves the spousal impoverishment portion of the bill, preserves the skilled nursing portion of the bill, preserves long-term hospitalization benefits, and delays implementation of all other provisions in the act, including the supplemental premium, which is commonly referred to as the surtax.

This delay will permit Congress time to thoroughly study what changes, if any, ought to be made to the act. Let me say again, this preserves what, in my view, are the three most critical aspects of the catastrophic health care insurance bill: The preservation of the spousal impoverishment portion of the act. In other words, no spouse will be impoverished because of the medical bills of his or her spouse. Skilled nursing homes will be preserved. Long-term hospitalization benefits will be preserved and go into effect.

Mr. President, those portions of the bill will go into effect with no increase, other than the $4 and $4.80 that recipients are not paying as part of Medicare, part B. Let me recite to you—and I will later on—that there will be no increase, other than the $4.80 per year, per month, and those three critical aspects of the Catastrophic Health Care Act of 1988 will be preserved.

Now, Mr. President, there are a number of other indeed important parts of the catastrophic health care insurance bill that all of us would like to have. I would like to have all of the seniors in this country receive free prescription drugs, mammagram examinations for free, and I would like to have a variety of other parts of this bill included; but the question is, can we afford that? Number one, what are our priorities? And number two, Mr. President, perhaps the most critical part of this whole debate today, what are we going to do about the real concern of senior citizens in America today, and that is long-term care?

Mr. President, poll after poll, letter after letter, message after message, I get from the seniors of this country and from my home State of Arizona, is that they want long-term care protection, and they cannot get it, if we are going to spend almost every available penny on the benefits in this legislation. But what we can do, Mr. President, is roll back those parts of the bill which are nice but not absolutely necessary, and at the same time, preserve the crucial aspects of the bill by maintaining the $4.80 per month and not laying an incredible financial burden on seniors for coverage which most of them will never use. Most of them already have private plans which cover it, and, frankly, that makes them believe, correctly, that their real concern of long-term hospital nursing home care, which costs between $25,000 and $35,000 per year, is that it will be required of them to pay out of their own pocket and, obviously, there are very, very few Americans that could afford that.

Mr. President, as I said, CBO, the Congressional Budget Office, says that the flat premium of $4 on Medicare part B, which rises to $4.80 this next year, will pay for the cost of those benefits protected under this amendment. The purpose of this amendment is to give Congress adequate time to address the deeply-rooted concerns of the seniors of this country over this act. Mr. President, there is a firestorm of enraged protest among our Nation's seniors, seniors who felt that they were going to receive what they believed is catastrophic coverage, which is long-term care to them, and instead they got something far different with an incredible financial burden, as much as $800 to $1,000 per year per person in additional premiums.

Mr. HATCH. Will the Senator yield for a question?

Mr. McCAIN. I will be glad to yield for a question.

Mr. HATCH. I just want to say that I want to compliment the distinguished Senator from Arizona for his leadership in bringing this to the forefront here today. As I understand this amendment that he will offer within the immediate future, all this amendment will do is delay the implementation of much of the Catastrophic Health Care Act of 1988. Is it not true that seniors all over the country are upset with this new law? Then perhaps it is time for us to stop trying to tell seniors what is good for them and maybe just listen to them.

In all honesty, as I look at it—and I would like the Senator from Arizona to tell me if this is not true—if our amendment that the distinguished Senator is going to offer is not agreed to this day, or ultimately, then we might as well ask every senior citizen in this country, in America, to write out a check to pay off the Federal deficit. On average we might as well ask each senior to write a check for $130, although some of them are going to have to put up as much as $1,600 apiece. This is because there is going to be a tremendous surplus of up to $8 billion by 1993, generated under current law according to the Congresional Budget Office.

In other words, what they seem to be doing—and tell me if you disagree with this—with the law we passed last year, is socking it to the senior citizens and using that money to help meet Gramm-Rudman Hollings targets. So they are trying to balance the budget or reduce the deficit on the backs of the senior citizens of this country. Is that a fair comment?

Mr. McCAIN. I want to say that I appreciate the Senator's involvement in this issue and his commitment to the senior citizens of his State and this country. I appreciate his leadership and his guidance, as we have addressed this very difficult and complex issue. I will in response to the question that, indeed, that is exactly the case, and we are, to some degree, disguising the reality of the budget deficit by building up this trust fund, so-called trust fund, for payment to beneficiaries who suffer catastrophic difficulties and illness, and at the same time, we are laying incredible costs on them

for, again, coverage that they do not want or need, at least at that cost.

Mr. HATCH. If the Senator will yield, I agree with that. We are not only giving seniors coverage they do not want or need, and we are imposing it upon them when they do not want or need it; but in addition, we are building up a surplus at their expense that will be used to offset the deficit for Gramm-Rudman purposes.

May I take a second to show you this? This chart shows the cumulative surplus collected through 1993 without our amendment, the McCain-Hatch amendment. If you look at it, in 1989 this is 0.3 surplus or $300 million. In 1990, the surplus is $3.4 billion and in 1991 it goes to $5.4 billion surplus, which will pay the deficit, but will not be used to pay for catastrophic care, for insurance, or anything else like that. In 1992, this total goes to $7.0 billion, and by 1993, $8.0 billion.

Now, that is something I find to be immoral, because the senior citizens in this country do not deserve to have that socked to them. Frankly, a lot of them resent having coverage that they really do not want or need mandated on their backs. So that is a pretty important chart, as I see it. These are according to the figures of the Congressional Budget Office itself. So these are not figures conjured up out of the air. These are CBO figures.

Frankly, it is time to do something about it. We should quit playing around with this issue, and pass this amendment. This amendment will allow us to do what is right and prevent this surplus from accumulating and building up.

Put another way, I had this chart drawn up on the current law versus the McCain-Hatch amendment. I want to compliment the distinguished Senator from Arizona for doing what he did. Under this current law, in 1990, they will receive $7.2 billion from premiums assessed against senior citizens. The expenses in 1990 are $4.2 billion to maintain the benefit programs, even those that many seniors really do not want, and do not want to pay for. They are going to mandate it upon their backs, as a surplus of $3.1 billion, $3.1 billion, because they need to meet deficit targets. This is the extra money that will not be paid out in benefits in 1990 but that senior citizens are going to get socked for.

Now this little circle down here, if the McCain-Hatch amendment is agreed to, and there are not parliamentary tricks played to do away with it such as a sense-of-the-Senate resolution that is always used around here to stop substantive action, then we would have $1.7 billion that would be spent and we would have a $100 million surplus versus the $3.1 billion surplus. There would still be a surplus under the McCain-Hatch amendment, but it would not be socking it to the senior citizens like the present current law is doing.

Does the distinguished Senator agree with me on these figures?

Mr. McCAIN. I think the Senator from Utah makes a very important point here, and I do not believe that it is fair or even conscionable to ask the senior citizens of this country to amass a $3.1 billion surplus in order to disguise the size of the deficit and, very importantly, provide them with care and benefits which they feel are not necessary under present conditions. At the time, I believe that these seniors want to preserve spousal impoverishment, skilled nursing home care, and catastrophic hospitalization.

My friend from Utah makes the point about what seniors feel and how seniors have not been consulted on this issue. I think it would be appropriate to mention to my friend from Utah there is a coalition called the Coalition for Affordable Health Care which is——

Mr. HATCH. Could the distinguished Senator just let me interrupt one more time?

Mr. McCAIN. I am glad to.

Mr. HATCH. It is just for a point.

I made a mistake in saying that this will be used to pay off the deficit. It will not. It will go into the trust fund, but it is moneys that literally are being used to offset the defict under Gramm-Rudman.

Mr. McCAIN. I think it would be accurate to say it would disguise the size of the deficit.

Mr. HATCH. It disguises the size of the deficit and it is extra monies that seniors are paying that they really should not have to pay.

I think it is the wrong thing to do under the circumstances. That is why I so strongly support the amendment of the distinguished Senator from Arizona.

I just wanted to make that clear.

Mr. McCAIN. I thank the Senator from Utah.

Returning to this issue of what seniors want and what seniors need—Mr. President, I wish to yield the floor temporarily in order for the Senate to receive a message from the House of Representatives without losing my right to the floor.

The PRESIDING OFFICER. The Senator retains the floor and a message will be received from the House of Representatives.

MESSAGE FROM THE HOUSE

At 3:31 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has agreed to the following resolution:

H. Res. 166. Resolution notifying the Senate of the election of THOMAS S. FOLEY a Representative from the State of Washington, as Speaker of the House of Representatives.

The PRESIDING OFFICER. The Senator from Arizona retains the floor.

THE SPEAKER OF THE HOUSE OF REPRESENTATIVES

Mr. McCAIN. Mr. President, by an accident of timing I would like to be one of the first to state that in my view as a former Member of the House of Representatives that the House of Representatives has made an extremely wise choice in their selection of their new Speaker of the House. He is a man viewed by all of us on both sides of the aisle, a man of eminent fairness, integrity, and honesty. I believe he will contribute enormously not only to the legislative agenda of this Nation but also in an effort to restore the atmosphere of comity which must prevail I believe in both bodies in order for us to work together in a fashion which is expected of us from the American people.

I congratulate the other body on their selection of Congressman TOM FOLEY as the Speaker of the House. He will do an outstanding job.

DIRE EMERGENCY SUPPLEMENTAL APPROPRIATIONS, FISCAL YEAR 1989

The Senate continued with the consideration of the bill.

Mr. McCAIN. Mr. President, I would like to return to the subject of the amendment that I will be proposing and concerning the views of senior citizens.

Mr. President, there are 44 organizations that support this amendment. There are 44 organizations ranging from the National Association of Retired Federal Employees, Retired Officers Association, and I would request at the proper time that this list be included in the RECORD, but be assured, Mr. President, that these organizations represent 19 million senior citizens in this country.

I think that it would be appropriate at this time to mention that there is one major seniors' organization not represented in this coalition and that is as we all know the AARP, the American Association of Retired Persons.

I have the greatest admiration and respect for the American Association of Retired Persons. They do an outstanding job. They are our Nation's largest seniors interest organization.

But, Mr. President, in all candor, I wonder whether AARP is not out of step somewhat with where our Nations seniors are on this issue. And, Mr. President, as one of the Nation's largest prescription drug operators they have a vested financial interest in the Prescription Drug Program.

I look forward to the opportunity of working with them on the issues of

long-term care and all of the other very vital issues that affect the senior citizens of my State.

Mr. President, a couple of weeks ago the Wirthlin organization, which at least on this side of the aisle is viewed as a very reliable polling organization, conducted a poll. This poll was paid for by the Coalition for Affordable Health Care, and I would like to tell this body briefly some of the conclusions which they reached.

This poll, which had a margin of error of plus or minus 3 percent, indicated that 39 percent of those polled strongly oppose this act in its present form, 14 percent somewhat opposed, 11 percent strongly favor, 20 percent somewhat favor, and 15 percent do not know.

Mr. President, if you had seen that poll as short a time ago as 6 months ago, those numbers probably would have been reversed. The fact is that the more seniors know and learn about this legislation the more opposition that there is.

So we are looking at a 53-percent somewhat opposed or strongly opposed versus a 31 percent that strongly favor or somewhat favor.

Mr. President, this poll also took the pulse of the seniors on the issue of cost. The question was asked, "Do you feel the benefits of the coverage are worth the cost?"

Fifty-one percent of those polled responded strongly that it was not worth the cost; 9 percent felt that it was strongly worth the cost; 11 percent somewhat worth; somewhat not worth, 12 percent; and do not know, 16 percent.

So, Mr. President, if you look at that, about 63 percent of those polled felt that this legislation was not worth the cost versus approximately 20 percent who felt it was either strongly worth the cost or somewhat worth the cost.

Mr. President, there is in my view a myth out there on the part of many of the strong supporters of this catastrophic care bill, whom I by the way greatly respect, that says prescription drugs are viewed as the most important benefit for senior citizens as far as how they view their catastrophic illness protection priorities.

Mr. President, this poll indicates just the opposite. This poll indicates that some 31 percent of the seniors who were polled believe that prescription drugs are very important. I think it is of the utmost importance to recognize that the issue that seniors, according to this poll, feel is most important is nursing home care. And, what is missing from the catastrophic care bill of 1988 is exactly that. Again and again and again I will return during this debate to the question of how, given this act, we are going to be able to satisfy the major concern of senior citizens in this country, and that is long-term care.

I note the presence of my friend from Illinois, Senator SIMON, on the floor here who has also expressed his concern about how we are going to afford to find long-term care for seniors, given this legislation.

Does the Senator have a question he would like to pose?

Mr. SIMON. If my colleague from Arizona will yield just for a moment, I intend to support his amendment. I think his point on long-term care is absolutely valid.

Only two industrial nations do not take care of parents for the long term if they need long-term care and that is South Africa and the United States of America. I think we have to do better.

The advantage of the Senator's amendment, it seems to me, is we postpone the income tax on this thing for another year. It gives us time to look at the prescription drug problem and the most vital concern of all and that is long-term care. I think we ought to do that.

The second reason I support the Senator's amendment, and I say this with due deference to my friends on the Finance Committee and to the credit of Senator BENTSEN, he has held hearings on this and he has initiated some actions to take another look, but I sense that our colleagues on the Senate Finance Committee still believe that there ought to be a tax on the basis of age.

I want to fund this thing soundly but I do not want an income tax on the basis of age.

If it is a half percent increase in the income tax to fund it or what it is I do not know.

I am going to vote for adequate funding but I do not want to see middle-income people over the age of 65 paying a higher income tax than other citizens.

I commend my colleague from Arizona. I hope we can move on his amendment and then also move on this long-term care proposition.

I thank him for yielding.

Mr. McCAIN. Mr. President, I thank my friend from Illinois for his kind remarks and also for his perception and depth of knowledge on this issue. He and I are committed to working on this long-term care issue.

We hope, along with many others, including the distinguished chairman of the Finance Committee, to come up with a viable program so we can satisfy the seniors' greatest catastrophic illness protection need.

Mr. President, another important portion of the poll is the question: "Do you prefer Medicare catastrophic coverage or a new long-term care program?"

I think the response to this question is very important, in line with the remarks that were just made by my friend from Illinois. Mr. President, 65 percent of the American people, according to this Wirthlin poll, prefer long-term care, whereas 19 percent prefer the coverage that they now receive under the catastrophic health care bill; 14 percent do not know.

If there was ever a graphic indication, Mr. President, that we have our priorities skewed, then I would suggest that the Wirthlin poll statistics indicates the same.

I think it would be appropriate to mention that there was also a poll by the AARP, and these two polls have significantly different results. I would probably anticipate that the opponents of this amendment would want to make the Senate aware of AARP's polling data.

I would like to point out that that polling data is several months old and that they queried people over the age of 45, as opposed to people only over the age of 65—who are the one's that would be paying for this bill.

AMENDMENT NO. 139

Mr. McCAIN. Mr. President, I have an amendment which I send to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Arizona [Mr. MCCAIN], for himself and Mr. HATCH, proposes an amendment numbered 139.

Mr. McCAIN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end of the bill add the following:

SEC. . 1 YEAR DELAY IN MEDICARE CATASTROPHIC PROVISIONS.

(a) It is the purpose of this Act—

(1) to provide Medicare beneficiaries with protection from the financial ravages of an illness that results in a long-term hospitalization (provided for in the Medicare Catastrophic Coverage Act of 1988, already implemented);

(2) to provide Medicare beneficiaries with protection from what is commonly referred to as spousal impoverishment—the near total liquidation of a couple's assets in order to meet the income eligibility requirement for long-term care benefits through the Medicaid Program—by permitting the spouse who is not in need of long-term care services to retain a certain level of assets and/or income (provided for in the Medicare Catastrophic Coverage Act of 1988, to be phased-in—beginning in September 1989);

(3) to permit a nominal, flat, increase in Medicare premiums in order to pay for the long-term hospitalization (provided for in the Medicare Catastrophic Coverage Act of 1988, already implemented);

(4) to delay, for a year, implementation of all other benefits provided for in the Medicare Catastrophic Coverage Act of 1988;

(5) to delay, for a year, implementation of the supplemental premium provided for in

the Medicare Catastrophic Coverage Act of 1988;

(6) It is the sense of the Senate that the Senate Finance Committee shall study both the benefits, financing and mandatory nature of the Medicare Catastrophic Coverage Act of 1988.

Specifically, it is the sense of the Senate that the Senate Finance Committee shall study among other things the Act's financing mechanism. And, taking into consideration the analysis of the Congressional Budget Office, the Office of Management and Budget and any other relevant studies and cost estimates in relation to the benefits hereby delayed, shall determine the appropriateness of both;

(7) It is further the sense of the Senate that, by January 1, 1991, the Senate shall have taken the appropriate steps to reduce the supplemental premium if it finds, after studying the above mentioned analysis, that the total amount of premiums being collected under the Act are greater than the amount needed to cover the costs of the coverage provided by the Act.

(b) Section 1833(c) of the Social Security Act (42 U.S.C. 13951(c)), as inserted by section 201(a) of the Medicare Catastrophic Coverage Act of 1988, is amended—

(1) in paragraph (1), by striking "1990" and inserting "1991";

(2) in paragraph (3), by striking "1990" each place it appears and inserting "1991"; and

(3) in paragraph (3)(A)—

(A) by striking the first sentence,

(B) in the second sentence, by striking "succeeding year" the first place it appears and inserting "year (beginning with 1991)", and

(C) in the second sentence, by striking "succeeding the second place it appears.

(c) Paragraph (4)(B) of section 1861(t) of the Social Security Act, as added by section 202(a)(2)(C) of the Medicare Catastrophic Coverage Act, is amended by striking "1990" and inserting "1991".

(d) Section 1834(c) of the Social Security Act, as added by section 202(b)(4) of the Medicare Catastrophic Coverage Act, is amended—

(1) in paragraph (1)(C)(i), by striking subclause (I) and (II) and inserting the following:

"(I) 1991 is $600,

"(II) 1992 is $652, and";

(2) in paragraph (1)(C)(i) by striking subclause (III) and redesigning subclause (IV) as subclause (III);

(3) in paragraph (1)(C)(iii), by striking "1992" and inserting "1993";

(4) in paragraph (2)(C)(ii), by striking "1990", "1991", "1992", "1993", and inserting "1991", "1992", "1993", and "1994", respectively;

(5) in paragraph (3)(A), by striking "1992" and inserting "1993";

(6) in paragraph (3)(C)(i), by striking "1990" and inserting "1991";

(7) in paragraph (4)(A)(i), by striking "1990 or 1991" and inserting "1991 or 1992";

(8) in paragraph (7)(B), by striking "1991" and inserting "1992";

(9) in paragraph (8)(A), by striking "6 years" and inserting "7 years"; and

(10) in subparagraphs (B), (C), (D), and (F) of paragraph (8), by striking "1989", "1990", "1991", "1992", "1993", and "1994" and inserting "1990", "1991", "1992", "1993", "1994", and "1995", respectively.

(e) Paragraphs (1) and (4) of section 1842(o) of the Social Security Act, as added by section 202(c)(1)(C) of the Medicare Catastrophic Coverage Act, are each amended by striking "1991" and inserting "1992".

(f) Section 202(e)(4)(B) of the Medicare Catastrophic Coverage Act is amended by striking "1993" and inserting "1994".

(g) Section 202(i)(2) of the Medicare Catastrophic Coverage Act is amended by striking "1989, 1990, 1991, 1992, and 1993" and inserting "1990, 1991, 1992, 1993, and 1994", respectively.

(h) Section 202(1)(2) of the Medicare Catastrophic Coverage Act is amended by striking "1989" and "1990" and inserting "1990" and "1991", respectively.

(i) Section 202(m) of the Medicare Catastrophic Coverage Act is amended by striking "1989", "1990", and "1991", and "1992", respectively.

(j) Section 1834(d)(2) of the Social Security Act, as added by section 203(c)(1)(F) of the Medicare Catastrophic Coverage Act, is amended by striking "1990" and inserting "1991".

(k) Section 203(c)(2) of the Medicare Catastrophic Coverage Act is amended by "1991" and inserting "1992".

(l) Section 1835(a)(2)(G) of the Social Security Act, as inserted by section 203(d)(1)(C) of the Medicare Catastrophic Coverage Act, is amended by striking "1993" and inserting "1994".

(m) Section 1154(a)(16) of the Social Security Act, as amended by section 203(d)(2) of the Medicare Catastrophic Coverage Act, is amended by striking "1993" and inserting "1994".

(n) Section 203(g) of the Medicare Catastrophic Coverage Act is amended by striking "1990" and inserting "1991".

(o) Section 1834(e) of the Social Security Act, as added by section 204(b)(2) of the Medicare Catastrophic Coverage Act, is amended—

(1) in paragraph (2)(B)(ii) by striking "1992" and inserting "1993",

(2) in paragraph (4)(A)(i) by striking "1990" and inserting "1991",

(3) in paragraph (4)(B) by striking "1991" and inserting "1992", and

(4) in paragraph (5), by striking "1990" and "1991" each place each appears and inserting "1991" and "1992", respectively.

(p) Section 204(3) of the Medicare Catastrophic Coverage Act is amended by striking "1990" and inserting "1991".

(q) Section 205(f) of the Medicare Catastrophic Coverage Act is amended by striking "1990" and inserting "1991".

(r) Section 206(b) of the Medicare Catastrophic Coverage Act is amended by striking "1990" and inserting "1991".

(s) Section 59B of the Internal Revenue Code of 1986, as added by section 111(a) of the Medicare Catastrophic Coverage Act, is amended—

(1) in the table in subsection (c)(2)(A), by strking the line relating to 1989;

(2) in the table in subsection (d), by striking the line relating to 1989; and

(3) in subsection (e)(4)—

(A) by striking "before 1998" each place it appears and inserting "before 1999", and

(B) in the percentage table in subparagraph (A), by striking "1994", "1995", "1996", and "1997" and inserting "1995", "1996", "1997", and "1998", respectively.

(t) Section 111(e) of the Medicare Catastrophic Coverage Act is amended—

(1) in paragraph (1), by striking "1988" and inserting "1990", and

(2) in paragraph (2), by striking "1989" and "1989" and inserting "1990" and "1990", respectively.

(u) Section 112(b) of the Medicare Catastrophic Coverage Act by striking "1990" and "1989" and inserting "1991" and "1990", respectively.

(v) Section 1839(g) of the Social Security Act, as added by section 211(a) of the Medicare Catastrophic Coverage Act, is amended—

(w) Section 1841A of the Social Security Act, as inserted by section 212(a) of the Medicare Catastrophic Coverage Act, is amended—

(1) in subsection (c), by striking "1990" and inserting "1991", and

(2) in subsection (d), by striking "1992" each place it appears and inserting "1993".

(x) Section 1840(i) of the Social Security Act, as added by section 212(b)(1) of the Medicare Catastrophic Coverage Act, is amended by inserting "(1)" after "(i)" and by adding at the end of the following new paragraph:

"(2)(A) Notwithstanding the previous provisions of this subsection but subject to subparagraph (B), premiums collected under this part which are attributable to subsection (g) of any month in 1989 shall, instead of being transferred to (or deposited to the credit) of the Federal Supplementary Insurance Trust Fund, be transferred to (or deposited to the credit of) the Federal Hospital Insurance Catastrophic Coverage Reserve Fund (created under section 1817A).

"(B) The total amount of the transfers or deposits made under subparagraph (A) shall not exceed the Secretary's estimate of the total amount of additional expenditures made under part A which are attributable to benefits during 1989 and which would not have been made but for the amendments made by the Medicare Catastrophic Coverage Act of 1988.".

(y) Section 1841B(c) of the Social Security Act, as inserted by section 213 of the Medicare Catastrophic Coverage Act, is amended by striking "1990" each place it appears and inserting "1991".

(z) Section 1905(p)(2) of the Social Security Act, as amended by section 301(b) of the Medicare Catastrophic Coverage Act, is amended by striking "1990", "1991", "1992", and "1993" each place each appears and inserting "1991", "1992", "1993", and "1994", respectively.

(aa) Clauses (ii) and (iii) of section 1902(1)(2)(A) of the Social Security Act, as added by section 302(a)(2)(B)(iii) of the Medicare Catastrophic Coverage Act, by striking "1990" each place it appears and inserting "1991".

(bb) Section 412 of the Medicare Catastrophic Coverage Act is amended by striking "1990" each place it appears and inserting "1991".

AMENDMENT NO. 140 TO AMENDMENT NO. 139

(Purpose: To express the sense of the Senate relating to the premium amounts under the Medicare Catastrophic Coverage Act)

Mr. MITCHELL. Mr. President, on behalf of Senator BENTSEN, Senator PACKWOOD, and myself, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Maine [Mr. MITCHELL], for himself, Mr. BENTSEN, and Mr. PACKWOOD, proposes an amendment numbered 140 to the McCain amendment No. 139.

Strike all after the first word and insert the following:

SEC. . EXPRESSING THE SENSE OF THE SENATE REGARDING SUPPLEMENTAL PREMIUMS REQUIRED TO BE PAID UNDER THE MEDICARE CATASTROPHIC COVERAGE ACT OF 1988.

It is the sense of the Senate that—

(1) the Senate Committee on Finance should consider legislation that would modify the amount of supplemental premiums required to be paid under the Medicare Catastrophic Coverage Act of 1988 to the extent necessary to provide an adequate reserve margin without reducing the amount of benefits provided under such Act;

(2) the Senate Committee on Finance will address the issue of the supplemental premium prior to September of 1989;

(3) States should more aggressively enforce nonduplication requirements relating to private Medicap insurance; and

(4) the appropriate Senate Committees shuld address the issue of duplication of benefits for retirees.

Mr. HATCH addressed the Chair.

The PRESIDING OFFICER. The Senator from Utah is recognized.

Mr. HATCH. Parliamentary inquiry: Is that amendment in the nature of a substitute?

The PRESIDING OFFICER. The amendment is a second-degree perfecting amendment.

Mr. HATCH. Thank you, Mr. President.

Mr. President, has my colleague from Arizona finished, or does he care to make some more comments?

Mr. MCCAIN. I was going to address the amendment to our amendment. Let me say to my friend from Utah.

Mr. HATCH. Let me yield the floor at this time and let my colleague speak.

Mr. MCCAIN. Does the distinguished chairman of the Finance Committee wish to speak on this before I do? If so, I would be more than glad to yield to him.

Mr. BENTSEN. Yes, if the Senator is finished speaking for the moment.

I remember what our good friend, the Senator from California, Senator Hayakawa, used to say when it came to the difference between a Republican and a Democrat. He said that a Republican is someone who, seeing a man drowning 50 feet from shore, would throw him a 30-foot rope and tell him swimming the other 20 feet is good for building character.

He said that a Democrat came along and the fellow was 50 feet from shore and drowning, the Democrat would throw him 100 feet of rope and go off looking for other good deeds to do.

In this instance, you are seeing a bit of both, because we are saying to the elderly, "We are going to throw you that 30-foot rope and then walk away from you." We are not going to go far enough, and then we are going to walk away from them at the time that they need the help the most.

I heard my friend from Arizona say that there are some other things that will be offered in the way of catastrophic insurance benefits in 1990 and thereafter. It sounds like they are nice, but I got the feeling he thought they really were not necessary.

What kind of benefits are we talking about that are going to be delayed? We are talking about protection against very large physicians' bills. We are talking about prescription drugs. We are talking about respite care. We are talking about home health care, and home intravenous drugy therapy. Some of those things are the most difficult things to buy coverage for under Medigap policies and some of the most expensive benefits that the elderly need most.

But this catastrophic illness bill takes care of that. In fact, in hearings before the Finance Committee last week, GAO testified that Medigap coverage can cost from $600 to $1,500 a year, and can still leave potential liability for the beneficiaries on hospital and physicians' payments of up to $50,000. Now that liability under catastrophic is reduced to $1,370, not $50,000.

Only a small number of these Medigap policies will offer prescription drug coverage.

Are prescription costs leveling off? I think senior citizens must feel a little bit like the drought-stricken farmer down in my part of the country. They asked him what kind of year he had. He said, "middlin'." His friend turned to him and said, "What does that mean?" He said, "Worse than last year. Better than next."

Now, whatever the cost of the services covered by the catastrophic legislation are now, we are convinced they are going to be higher next year. Drug prices and doctor fees are rising twice as fast as the CPI. Medicare physician spending is growing 15 to 20 percent a year.

Last week Secretary Sullivan reminded the Finance Committee that President Bush opposes any delay in the implementation of catastrophic. Now, given the urgency of the supplemental appropriations bill before the Senate, I think it would be irresponsible to jeopardize the health care of American veterans by tying this amendment to the appropriations measure. That would be true even if the Senator's amendment did nothing more than delay Medicare benefits. But it goes beyond that. We are talking about some Medicaid provisions financed by general revenues, provisions not even paid for by the supplemental premium, to expand coverage for our most vulnerable citizens. We are talking about the low-income elderly and we are talking about disabled beneficiaries who would not have the opportunity for a Medicaid buy-in but for the catastrophic illness bill. Coverage for these individuals would be delayed. We are talking about low-income pregnant women, children up to the age of 1 whose needs would have been taken care of by Medicaid, but would be neglected by the Senator's amendment.

Those kinds of protections would be deferred.

Let us make this perfectly clear—at a time when record numbers of American children are uninsured, at a time when American babies have a higher chance of dying than babies in Singapore, at a time when minority babies born in Washington, DC, have a higher chance of dying than babies in Cuba, at a time when 40,000 American babies die each year before the age of 1—the Senator proposes to deprive mothers of prenatal health care and their infants of immunization. Now, that is a very short rope indeed.

Look at what the Senator's amendment walks away from. The whole question that we have been wrestling with for months is the financing. The Senator's amendment would delay the supplemental premium. It would take away substantial benefit improvements. After all, almost 60 percent of the elderly are paying only $4 a month. That is what they are paying for the catastrophic illness bill. So the amendment of the Senator would take away the benefits from 100 percent of the elderly but would give relief only to the 40 percent with higher incomes. That is Robin Hood in reverse.

And not a very good deal, even for the remaining 40 percent. Over 70 percent of the elderly will pay less than $100 a year for the benefits under the catastrophic legislation. You compare that to the $600 to $1,500 that you have to pay for Medigap policies today. Only 6.4 percent of the elderly pay as much as $700 a year. Furthermore, the most recent data shows that we have enough flexibility, in my opinion, to reduce the supplemental premium in one of three ways.

First, if these numbers hold up, we might be able to reduce the cap, that maximum supplemental premium that is being paid by approximately 5 percent of the elderly; we could reduce it from $800 to $450 in 1989.

The second option that we might pursue would be to reduce the rate of the supplemental premium. In fact, we might be able to reduce that by a third—reduce it from 15 to 10 percent.

And finally, we would have the option of raising the threshold, the amount of tax liability that triggers the supplemental premium. Instead of having it at $150, where it is triggered now, so that if you pay $150 worth of tax you pay that supplemental premium; we could raise that threshold to as high as $1,700. Those are the kinds of options that we have before us.

The point is, we have solutions to the problems that have been pointed out by thousands of letters that have poured in to our offices once it was clear how much catastrophic would cost.

Senator MCCAIN's amendment would have us walk away from the elderly and from the solutions that are right there within our grasp.

Finally, Senator MCCAIN's amendment, while holding out the promise of saving money, would actually cost us on the deficit. CBO estimates it would cost us at least $408 million in 1989 and $2.8 billion in fiscal year 1990. It would increase the deficit because in the early years of these programs, obviously, we collect an excess in premiums to try to build up the reserve and build up a cushion.

One of the things we were insistent on in writing the catastrophic legislation was that we have sufficient reserves a cushion to protect us in case of any miscalculation. We were talking about a cushion of about $4.2 billion. Now the Joint Tax Committee tells us, and the CBO has comparable figures, that we are going to have something between $9 billion and $10 billion in the way of an extra cushion above the reserves that are calculated as necessary to protect beneficiaries under the catastrophic illness legislation.

There are some other objections I could detail. It is procedurally out of order, since it is substantive legislation on the appropriations bill. It is unconstitutional, because it is a revenue amendment not attached to a revenue bill. But there is no reason to oppose this amendment on a technicality. Rather, we ought to oppose it because it does the very opposite of what it purports to do. It adds to the budget deficit and it costs elderly Americans protection that they desperately need.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona is recognized.

Mr. McCAIN. Mr. President, I would like to tell the distinguished chairman of the Finance Committee that at the appropriate time, after appropriate limit of debate has been exhausted, I will be making a motion to table the Mitchell amendment and will be asking for the yeas and nays, as well as seeking the yeas and nays on my amendment, if that is possible, pending the result of my tabling motion. If my tabling motion succeeds, then I will be seeking the yeas and nays on my amendment. I understand that this would not be possible if the motion to table is not carried.

But, Mr. President, I would like to proceed by responding to the Bentsen amendment, as I understand it. Let me state, to start with, I appreciate the comments and criticisms about my amendment by the distinguished Finance chairman. I did not hear a great deal about his amendment, so I thought I would spend some time exploring the impact of his amendment. Frankly, I think it is a political smokescreen that neither addresses the cause of seniors' concerns, nor solves any problem.

Mr. President, I have been around here a relatively short time, particularly in comparison to my colleagues who oppose this amendment, but I have seen enough sense-of-the-Senate resolutions to know what happens to them. We know what is going to happen to this one. It will die in conference and we will duck the issue that has to be addressed. So, making this a sense-of-the-Senate resolution, in my view, Mr. President, fails to address a very, very serious issue.

I think the amendment says, by my reading, that by the time we consider the reconciliation bill, we should legislatively decide whether to reduce the act's premiums to cover the costs of all the benefits we decided to provide in the act.

Let us be clear about the premise of this amendment. First, it assumes that the cost of the act's benefits are more than adequately covered by the act's premiums. False.

Second, it assumes Congress should legislatively reduce them by this fall, before we have any actual experience with the act's costs.

Third, it assumes implicitly that the act's benefits are the benefits that our seniors want the most and, therefore, the benefits in the act cannot be reconsidered. Mr. President, the benefits in the act have to be reconsidered if we are ever going to be able to consider long-term care, the prime concern of senior citizens in this Nation.

Finally, it assumes that this Nation's seniors, and the 44 seniors' groups representing some 18 million seniors, are going to be fooled by our referring the issue to committee rather than doing something about their concerns.

Let me remind the distinguished chairman of the Finance Committee about the hearing that he held last week. Witness after witness after witness, Mr. President, stated that they wanted my amendment—which is virtually identical to S. 335. They want this thing rolled back. They do not want to see a sense-of-the-Senate resolution. They do not want to see it referred to any conference or commission. They want action, and they want it now.

There is no certainty that the premiums are excessive. Somehow there is a belief out there that these premiums are excessive when, in fact, every single program that this Congress has enacted that has to do with a health program has far exceeded the original estimates. Whether it be the original Medicare Act or any other health care program that Congress has enacted, it has always far exceeded the original estimates. There is no reason to believe that this one will not as well.

Mr. President, I think it is important to recognize the administration strongly opposes Senator BENTSEN's substitute amendment. By the way, in all fairness, the administration opposes mine as well. The administration believes with good reason that the premium may be woefully inadequate to cover the cost of the existing drug and other benefits.

Secretary Sullivan, in testimony before the Finance Committee, stated that there is tremendous difficulty in predicting the costs of the drug-related provisions in the Catastrophic Coverage Act. I might remind you, that it is the portion of the bill that is least important to senior citizens. No one wants to walk away from any senior citizen on any issue, but I think it would be important at the same time to walk up to the senior citizens and ask them what they want. And if the distinguished Members of this body would listen to the senior citizens of this country, I think that they would tell you that they do not want us to walk away, but they also want us to walk up to them and listen to what their needs are, particularly and critically since they are the ones who are paying the bill.

Mr. President, I hate to go back to remind this body, this is really the first piece of health-care legislation where we have asked the recipients to pay the entire bill. And I would also like to emphasize, the seniors of this country are not reluctant to do that. But they are reluctant to pay for programs that they feel are not critical, especially in light of the fact that they correctly assume that the long-term care issue, which is their primary issue, cannot be addressed when we are expending these enormous amounts of funds on other areas.

The Catastrophic Act already has a provision in it that allows the Secretary of the Treasury, after we have a couple years of programmatic experience, to adjust the premiums if they are greater than is needed to cover the act's costs.

I understand the minority leader's amendment will direct the Finance Committee, and finally in reconciliation, to adjust the premiums. The Catastrophic Act already calls for that. It already calls for the Secretary of the Treasury, after a couple of years, to adjust the premiums if they are greater than is needed to cover the cost of the legislation when in reality, Mr. President, if history has any validity here as regards a health program, the cost will be greater than originally predicted. I would challenge my colleagues who oppose this amendment to cite me one health care program that has not dramatically exceeded those costs.

With this already built into the act, why in the world would we want to legislatively reduce the premiums before we know the real costs? Because it is political cover, Mr. President, and it is easier than facing up to the problems we have created.

Third, the amendment states that the Catastrophic Act's benefits are not negotiable, that the premiums are something we might want to reduce, but we cannot reconsider whether the act as a whole made a mistake, Mr. President, and this is the point of what seniors are upset about. They want this whole legislation revisited. We cannot just revisit the premium part of it; we need to revisit the whole act.

I resent implications that this Nation's seniors are malcontents who are not willing to pay for benefits that they really want. That is why so many of the proposals that play with the premium formulas and, in my view, have long missed the point. Seniors are willing to pay for what they really want and not willing to pay for things that are low priority. That is where seniors are protesting, but they are not being heard. Seniors want protection from spousal impoverishment. They want long-term hospitalization. They want skilled nursing facilities, and this amendment that I have provides those new and needed protections.

Seniors are willing to pay for these benefits, and the $4 part B premium increase, according to CBO, will cover the cost of those benefits. But seniors are telling us that the rest of the act's benefits and their costs are not as high a priority for them, and that is why they are understandably upset.

Mr. President, a sense-of-the-Senate resolution does not display sufficient concern about this issue. A resolution that will most probably be dropped in conference, a resolution that only addresses the premiums and not the overall program of the legislation that was enacted, in my view, does not address the real concerns.

Reconciliation usually takes place in the fall, around Thanksgiving, Mr. President, we cannot wait until Thanksgiving to kill this turkey. Let us do it by ordering, by this amendment, the Finance Committee, in the capable hands of our distinguished chairman and our ranking and important member, Senator PACKWOOD, to review this entire legislation and give seniors the answers they want and deserve.

I yield the floor.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. PACKWOOD. Will the Senator from Arizona yield for a question?

Mr. McCAIN. With some trepidation.

Mr. PACKWOOD. I am a little confused. This is a devil's advocate question.

I do not quite understand from your amendment whether or not you are getting rid of everything, but what I would call the catastrophic coverage premium, or whether you carry that slight small part of it that is called the prescription drug premium that generically everybody refers to as the flat premium.

If you are not following what I am saying, I will explain it in different language. It is a technical language and you cut off at 1990, and I cannot tell what you are doing.

Mr. McCAIN. Let me explain first and very importantly, my amendment delays implementation. Let me point that out.

Mr. PACKWOOD. I understand that.

Mr. McCAIN. One, it delays it and it gives with that year's delay, an opportunity for someone with your talent and expertise and experience a way to review it.

Mr. PACKWOOD. If we do nothing after the year's delay, what happens? If Congress does nothing, what happens?

Mr. McCAIN. Then the bill goes into effect in its entirety. I would suggest to my friend from Oregon that something would happen sometime just before that year's delay was over. I think it would be fair and appropriate to give the Finance Committee and the Congress of the United States a year in which to review this before we took further action because of the fact, I would say to my friend from Oregon, I do not claim to know all the answers to this bill. I do not claim to have a magic formula, but I know when something is bad and so does America's seniors, and they know that this is bad. Yes, it would delay implementation of the act for a year, but I would hope in that year's time, if this amendment passes, that the distinguished Senator from Oregon, among others, would come up with a reasonable catastrophic health care bill.

Mr. PACKWOOD. Let me ask the question a different way. What I cannot tell is if your objection and the seniors' objection is to what we call the supplemental premium or the flat premium, and the flat premium is more than just the $4. It includes some slight additional flat portion. It is not escalated, but a flat portion beyond just the $4, spread over the years; $4 goes up almost even double in 5 years. That is what I am not sure about on your amendment.

Mr. McCAIN. Let me try to answer my friend. According to the Congressional Budget Office, the $4 and then $4.80 premium for part B takes care of the three provisions that I described in my amendment. So what I am seeking is no further increase above the $4.80 per month premium.

So I guess my answer to you is that if you describe it as a supplemental premium—some describe it as a surtax—that it does away with that, yes. According to the CBO, in 1990, if that provision of the amendment prevailed in this body, there would be a $100 million surplus in the trust fund at that time, a short-fall in 1989.

Mr. PACKWOOD. Let me ask my good friend this. This is an entitlement program. No question about it. Do you agree that whatever Congress might arrive upon in terms of the benefits should hopefully be paid for by the beneficiaries?

Mr. McCAIN. I am sure that there is some Machiavellian way we are maneuvering this debate, I would say to my friend from Oregon. But yes, and I would also say that the seniors do not object to that. They do not object to that, but they do object to being foreclosed from a long-term care program; they do object to having to pay extensive amounts of money for programs which they already have coverage for or they probably will not need.

I would remind my friend from Oregon that approximately 3 to 4 percent of America's seniors will ever experience a need for catastrophic hospitalization. About 20 to 25 percent will experience a need for long-term care.

Mr. PACKWOOD. That is fair enough, and when this bill was passed, no one made any attempt to say this was a substitute for long-term care. There is no question that the fear in the bulk of the people's minds is Aunt Minnie, my mother, my father, 18 months in the nursing home, $3,000 a month, cannot afford it. And when we passed this catastrophic bill, we knew we were not addressing that problem and we knew that no matter how much we taxed for the catastrophic, if this bill went into effect in its full implementation and if the reserves that we hoped for would be $8 billion rather than $4 billion, as we projected, it would not touch by a scintilla the cost of long-term health care.

Mr. McCAIN. I would respond to my friend that is why I voted against the bill and that is why I strongly objected to it at the time. And now I respond to my friend, the seniors of America who are seeing what they got are objecting to it, too, in overwhelming numbers.

Mr. PACKWOOD. But I hope they are not objecting because it is not long-term health care.

Mr. McCAIN. They are objecting.

Mr. PACKWOOD. We never promised that it was long-term health care.

Mr. McCAIN. They are objecting for a variety of reasons including the correct belief that if you lay all of this expense on them for these particular programs, how in the world are you going to finance a long-term health care program.

Mr. PACKWOOD. Let me ask the Senator a further question. If we get to a long-term health care program, which will probably be an entitlement, should the beneficiaries pay for that also?

Mr. McCAIN. If they are capable of doing so, but I would say because of this legislation their capability to do so is dramatically reduced.

Mr. PACKWOOD. When we went through the long-term care debate—and the Senator is absolutely right in terms of the estimation of cost on medical programs. If you go back and look at Medicare when it was passed in the 1960's, I cannot recall if the American Medical Association was the harshest opponent or not but there were a variety of estimates of what it was going to cost. I think the one who projected it would cost the most was 6 to 8 times low. The more cautious ones were 20 to 30 times low. There is no program, medical especially, that has ever cost what we thought, or half what we thought. I mean it is always double, triple, quadruple. And my fear first in cutting off any of these premiums is that we have underestimated the cost, but I want to come back——

Mr. McCAIN. So then I conclude that the Senator from Oregon opposes the Mitchell amendment?

Mr. PACKWOOD. Oh, no. No, no.

Mr. McCAIN. Because what the Mitchell amendment does is give the Finance Committee the ability to cut premiums and nothing else, and the Senator has just made a compelling case that the costs will be much higher than original estimates rather then lower.

Mr. PACKWOOD. That is correct, it gives them the opportunity to cut premiums. I have talked with the chairman about this. I have misgivings about cutting the premiums. Here is the irony. We estimated the costs on this at about $35 billion or maybe $31 billion. Do not hold me to that. But the income was to be $4 billion more than the cost. So if it was 35, the income was to be 39 and now we estimate the income at 43. And the original proposal of the chairman would be to cut that back to 39, so we would have a $4 billion reserve. I am willing to make you a bet over 5 years this program is not going to cost $35 billion; it is going to cost $60 billion, and the premiums we have put in this bill will not come close to paying for the benefits we have in the bill.

So I do not want to get into an argument about premiums. I do not think they are going to be enough, no matter what we do with the premiums, but I do want to argue——

Mr. McCAIN. The Senator would agree that the more in the bill the larger will be the cost and the larger the escalation.

Mr. PACKWOOD. Absolutely. The Senator from Arizona has been fair in this, in that he has absolutely said, unless we stop these benefits now before they go into effect, there is no question what they are going to cost. And if we are going to fund them, we are going to have to have more taxes. If I correctly state the Senator's philosophy, before we get an entitlement program that people get dependent on, let us cut off that entitlement, I think the first philosophy is, my gosh, let us not get into this at all because the cost is simply beyond belief.

Mr. McCAIN. If I may respond, my philosophy is absolutely different than that because I want to delay for a year. I think it is time that we marshall the best minds we have around here. I might go back a little bit. My distinguished colleague, the chairman of the Finance Committee, mentioned that this was a couple years in the making. I remember what the bill was originally and so does my friend from Oregon—far different from the way it ended up after it wended its way through the legislative process. Every subcommittee and committee added an additional benefit. I say it is time to go back to the drawing board, see what is critical and what is really needed.

I say to my friend from Oregon, maybe some of these benefits, maybe the important mammogram that Senator BENTSEN pointed out, for women who are pregnant, are vital but maybe some others are not.

So what I am saying, let us preserve those three benefit groups that are vital and look at the others and see through hearings and consultations and listening to those who are paying the bill whether they think it is worthwhile for them to pay for it.

So I would just say to a friend, no, it is not my philosophy to cut off all those benefits. It is my philosophy to delay them until we get ample ventilation of these issues, which would be required in order for us to come to a reasonable position. Those who are paying for it now are clearly dissatisfied.

Mr. PACKWOOD. Fair enough. The Senator indicated earlier that on the entitlement program, whatever the entitlements might be, greater or lesser, he does not object to the beneficiaries paying for them rather than loading them on the general taxpayer.

Mr. McCAIN. I do not, with one caveat, if I may. I am sorry for my long answers but I think it is very important. I do feel I am speaking for a very large number of senior citizens and I want to make myself very clear. Yes, the beneficiaries should pay but how in the world can they pay under the present setup, I would ask my friend in response to his question, how can they possibly pay, how can the Senator from Oregon, as a person with over 20 years of experience of financing these packages, come up with a package that the beneficiary can pay for if we are pouring all this money into this other program?

Mr. PACKWOOD. Into what?

Mr. McCAIN. Into this other program, into the catastrophic illness bill.

Mr. PACKWOOD. How can they pay for long-term care?

Mr. McCAIN. Yes.

Mr. PACKWOOD. Assuming the Senator and I can agree on what the entitlement ought to be and the beneficiaries ought to pay, does the Senator have any objection to the slightly richer beneficiaries paying slightly more than the poorer beneficiaries?

Mr. McCAIN. That part of it does not bother me, nor do I believe it would bother seniors as long as it was something that they believed was worthwhile, and clearly they do not at this time.

Mr. PACKWOOD. That is an absolutely fair debate, but so long as we now have the ground rules established, neither the Senator from Arizona nor I disagree that that is an entitlement program. We do not disagree that the beneficiaries should pay for it. We do not disagree that the slightly richer beneficiaries—and I do not want to use the word "rich" because every time you do, it is anybody who is making over the median income of the country—if you say, gee, if you are in the upper half. Let me just say the slightly better-off beneficiaries should pay more than the less well-off beneficiaries. We agree on that. The debate is what this program should include.

Now, with that, let me go down what it does include. And for those who are on Medicare, consider now where you are, consider Medigap, consider your potential expenses, consider the possibility of catastrophic liability. My good friend is absolutely right. I have never seen the statistics on fire insurance, but I assume not more than 3 to 4 percent of the insured houses burn down, and we all pay it. We gladly pay it and hope our house does not burn down. But there are 3 to 4 percent who will have catastrophic hospital costs. I do not mean $500. I do not mean $5,000. I mean $50,000, $60,000.

Mr. McCAIN. Let me remind my colleagues that my amendment preserves that.

Mr. PACKWOOD. I understand that. I am not arguing with what the amendment says. I am going to get to the benefits in this bill and let the Medicare beneficiaries decide for themselves whether they want this benefit. But indeed when we get to this variety of benefits, I want each Medicare beneficiary to think to themselves: Do I want that? Do I want that? Do I want that? Do I want that? And then if I want it, am I willing to pay for it in some kind of a plan where the beneficiaries as a whole pay for it with the slightly richer beneficiaries paying more than the slightly lesser rich beneficiaries. And I do not think that vote ought to be confined to solely the slightly richer beneficiaries.

Mr. McCAIN. I would hope that as they hear the Senator's description of

those benefits they will not only have the opportunity now to decide whether or not they want those in the course of multiple hearings as we delay implementation of this legislation for a year.

Mr. PACKWOOD. All right. Now, Mr. President, if I might go down the list of the benefits.

The PRESIDING OFFICER. The Senator has the floor.

Mr. PACKWOOD. One, unlimited—unlimited—hospital care after you have paid $704 deductible. The Senator from Arizona preserves this. It ought to be preserved. Never again are you going to have to worry when you are 65, 66, 67, 68, 77, 78. I have broken my back. I am going to be in the hospital for 3 weeks. I am going to be in other care for 6 months. That is taken care of. That is not taken care of now.

Mr. NICKLES. Will the Senator yield for a question?

Mr. PACKWOOD. Yes.

Mr. NICKLES. When the Senator is talking about the benefits that are offered—and I appreciate where he is coming from. As I stated before to the Senator in the Finance Committee, part of my big concern is the duplication of benefits.

Mr. PACKWOOD. I am going to get to that.

Mr. NICKLES. I hope the Senator will because I think a lot of senior citizens do not object so much to the benefits that are provided, but many they were providing for themselves in the private sector or their employers were providing at no cost to them whatsoever, and then the Government duplicated coverage they already had.

Mr. PACKWOOD. I absolutely plan to get to that, but I also in this sense want to emphasize to my good friend from Oklahoma, just because you get it, does that mean you have no obligation to help pay for it for others who do not? Or are you saying those who get it are forgiven, they will not pay any taxes, now we will try to collect it all from those at the lower end of the scale?

Mr. NICKLES. If the Senator will yield, what I hope we will do would be to eliminate the duplication of coverage and then let us figure out how to pay for the benefit for those people who do not have it. Twenty percent of the senior population do not have that Medigap policy.

Mr. PACKWOOD. I am going to quarrel with those figures later on, but go ahead.

Mr. NICKLES. I would be happy to discuss it. But for that percentage of senior citizens, the minority of senior citizens which did not have Medigap coverage, I think it is very legitimate. I hope we would try to figure out a way to finance, and assist those people who did not have the coverage and who could not afford the coverage.

Mr. PACKWOOD. Will the Senator agree with our friend from Arizona that the beneficiaries should pay for that?

Mr. NICKLES. We can figure out a way to pay for it. If we eliminate the duplication of coverage, this Senator happens to think the costs of the catastrophic coverage will go down maybe by as much as——

Mr. PACKWOOD. We will get to that.

Would the Senator have only the beneficiaries pay for it?

Mr. NICKLES. What this Senator thinks we should do is have those people who are capable of paying for it themselves pay for it in the private sector, and have us, or have the Medicare taxpayers through some combination figure out a system of paying for those who did not have it and who could not afford it.

Mr. PACKWOOD. But "us" is all of the taxpayers.

Mr. NICKLES. That is correct.

Mr. PACKWOOD. So in that sense the Senator disagrees with the Senator from Arizona. You might load this for those who cannot pay onto all of the taxpayers rather than the beneficiaries.

Mr. NICKLES. That would be my presumption.

Mr. PACKWOOD. That is a fair statement, and again my good friend from Oklahoma is honest. What he is saying is I will load this cost on all of the taxpayers. Those who are 25, 30, 35—we all pay Medicare taxes when we are 25, 30, 35, and we may or may not ever collect it. If we do not live to 65 we will never collect in terms of any Medicare benefits. But is that what the Senator is saying, the general taxpayer will pay for this?

Mr. NICKLES. We can pay for it in any number of ways. But the attractive provision, what I am talking about, instead of having a Medigap or catastrophic coverage proposal which is so enormously expensive on all senior citizens, let us not do that. Let us provide the benefit for those people who did not have it, and who could not afford it. My guess is you are talking about maybe 20 percent of the senior citizens in the population, and I think the Senate Finance Committee report said 72 percent of senior citizens had some form of Medigap coverage.

Mr. PACKWOOD. I am going to quarrel with those statistics later on. It is a wonderfully easy thing he is talking about. Why do we not do the same on welfare? We will cut off all of those who do not need it, and we can take off these and we will load on to the lame, the poor, the blind, and halt the cost of taking care. Let us do the same for food stamps. I wish I could work out the same for defense except I cannot figure out who does not need it.

Mr. NICKLES. The Senator is not being fair in that analogy. My statement was we can figure out a way of paying for it whether it be related to those people who are over 65 or whether it be the general population.

Mr. PACKWOOD. I agree.

Mr. NICKLES. We can figure out a way to pay for Medigap coverage for those people who cannot afford it. But let us limit our direction to those people who cannot afford it and who did not have it before, and not duplicate the coverage that the Secretary has.

Mr. PACKWOOD. I have no quarrel with the statement of the Senator from Oklahoma. We can figure out a way. We can tax the average working Jane and Joe in this country. They can pay for it. That is a way. For the first time we tried to figure out an entitlement program where the beneficiaries pay for it. It is the only time we ever did it in the history of this country. Everybody has been complaining about entitlements running rampant and out of control. We come up with a program that says the beneficiaries will pay for it, something I have heard my friend from Oklahoma talking about over and over. And when we finally get it, he says no. I do not want them to pay for it. Let the rich beneficiaries out. They can pay for it themselves.

No. I will not be interrupted.

Let them out. They can pay for themselves. Now the poor beneficiaries will figure out a way. We will figure out a way, we meaning Senator BENTSEN and me. We will figure out a way for the poor beneficiaries and the taxpayers to pay for them. We can do it if that is what the Senator wants but I do not think that is what he means.

Mr. NICKLES. If the Senator will yield, let me tell him exactly what I mean is we should have passed catastrophic, and made it a means-tested program. We did not do that.

Mr. PACKWOOD. That is what it is.

Mr. NICKLES. No, it is not, What we passed was a program, a very expensive, and a very expansive of Medicare. We passed the program and we said:

> Well, we are going to sock it to the rich. We are going to put a 25-percent surcharge on senior citizens next year, a 15-percent surcharge on senior citizens this year.

That is not a means-tested program. A means-tested program would say that if you are wealthy and can afford to pay for it yourself, pay for it yourself. We will determine, and we will help those people who cannot pay for it.

Mr. PACKWOOD. A means-tested? Tell me, what did the Senator say, a means-tested program?

Nr. NICKLES. A means-tested program would have a relationship if a person is able to pay for the program

themselves. They would pay for it themselves. We did not do that in this program.

Mr. PACKWOOD. Do they pay anything for those who cannot pay for it themselves?

Mr. NICKLES. That could be determined. That could be paid for by the senior citizens population or it could be paid for by the general population, by all of us Medicare taxpayers. But the point is we greatly expanded coverage for a lot of people who already had the coverage, who have the financial well-being of being able to provide the coverage, and we said we do not care. We are going to duplicate it, and for the privilege we are going to sock it to you with a 15-percent surcharge this year and a 25-percent surcharge next year. That is not a means-tested program. That is an income redistribution program.

It is not fair for senior citizens that have saved, worked, and have tried to accumulate to take care of their retirement. We sock it to them. That is not a fair program. That is not a means test program. Let us come up with a program that says for those senior citizens who cannot afford Medigap, who did not have it in the past because they could not afford it, they were on the lowest end of the economic scale, we will figure out a way to pay maybe—for all taxpayers, and maybe for senior citizens taxpayers, but we could do it. The cost would be one-fourth of the present cost of this very expensive program.

Mr. PACKWOOD. Mr. President, we might go on with the benefits. I will start again with No. 1.

I want the average recipient on Social Security, average, who is eligible for Medicare to think to themselves: "How much do I get on Social Security? What other income do I have? What do I pay if I have a Medigap policy? What is my coverage?" Under the catastrophic health plan here is what you get. One, unlimited hospital care after you pay a $704 deductible, unlimited.

Two, 150 days in what we call a skilled nursing care. It is not a nursing home. It is a skilled nursing care. You get out of the hospital. And you are not at the level of nursing home care. You are able to live in a room, you are able to go to the table and eat but you need some help with medicine. You can have 150 days of skilled nursing care.

Three, 38 days of continuous home health care. This is in addition to the hospital. This is in addition to the 150 days of skilled nursing home care: 38 days of continuous home care followed by intermittent—that is up to 6 days a week—home health care for an indefinite period.

Four, hospice services for an unlimited period, a hospice being you know you are going to die, the doctor knows you are going to die, and the hospital knows you are going to die. You go to the hospice where as best they can in that very difficult circumstance you are treated with love, care, and respect—unlimited.

Next, five, a cap on out-of-pocket doctor expenses, $1,900. Beyond that, it is totally paid for.

Next, respite care of 80 hours a year: respite care is where you are taking care of somebody. It is your aged mother or father. You are taking care of them. It is a day-after-day-after-day chore but you are trying to do it. Eighty hours is not much, but what it means maybe is for 20 days a year for 4 hours, a total of 80, somebody comes in for 4 hours while you get out, get out to shop, go to a movie. You get out—80 days of respite care.

Home intravenous drug therapy: payment for all outpatient. "Outpatient" in the medical term is out of the hospital. All outpatient drug therapy is subject to a $710 deductible. That may not seem to be a lot to most of us, but to the people who have to be on continuous drugs to control a particular condition, $700 is not a small amount.

They eat that up, on some occasions, in a month, 2 months, 3 months. Beyond that, it is totally paid for. Next, spousal impoverishment. This is the situation where there is a man and his wife, and one of them is absolutely almost medically impoverished and cannot take care of themselves, very immense expenses. Unless you sell your house, impoverish yourself and get yourself down to zero, you are not eligible for Medicaid, which is the Federal medical program, combined with States, for the poor. So some couple that has worked all their lives and one of the two becomes really terrible sick, under the present law, you are going to give up and sell and use all of your assets to take care of your spouse. When you finally have given up all of them, you become a Medicaid patient.

This bill says you no longer have to do that. Now, those are the principal benefits, and I want to go through them very quickly again, because I want the average Medicare person to hear. Unlimited hospital stay after $740; 150 days of skilled nursing home care; 38 days of home health care, continuous, plus 6 days a week for an indefinite period; $1,900 cap on doctor's expenses, not to be confused with hospital expenses; in-home respite care, 80 hours, where somebody comes in and takes over your obligation of taking care of your mother or father for 4, 5 hours a day while you go out; prescription drugs beyond $710 a year, and spousal impoverishment. You no longer have to sell your house, your car, everything you have, to be eligible for Medicaid.

Now, those are the benefits. Think to yourself, are those benefits I would want? "Want"—I will use that word carefully, because all of us in politics have a tendency to say, "You are entitled to," or whatever the words may be. Are those decent benefits that legitimate Americans should want? I see nothing wrong.

That is not asking for welfare. It is asking for help. Now, those are the benefits. Let us go to the costs. First, let us take for the average citizen, average citizen and spouse on Social Security—and again I am talking about, Mr. President, averages—the average retired person and spouse, if their sole income is Social Security or is $12,000. The maximum for a retired person and his spouse is $1,682, but average is $12,000. What does the average person on Social Security pay for these benefits that I have just laid out? The average person on Social Security, in terms of the premium that the Senator from Arizona would eliminate, for all the benefits I have talked about, pays zero. Nothing. As a matter of fact, with the average couple due to get up to $20,000 a year, you pay nothing for those benefits.

Compare that, Mr. President, with whatever you may be paying now for Medigap or other insurance, and tell me a plan that gives you the hospital coverage, the doctor coverage, respite care, skilled nursing home care for nothing. There is not anything.

Mr. NICKLES. Will the Senator yield?

Mr. PACKWOOD. No. There is not anything.

As a matter of fact, 59 percent of the retirees in this country will pay nothing. Seventy percent will pay $100 or less a year for those benefits. Roughly, 5.6 percent, those of income levels above approximately $45,000 to $50,000 a year, will pay this year a maximum of $800 for those benefits. I would wager, Mr. President, that even the wealthiest among us cannot buy an insurance policy that provides those benefits for $800.

But for 59 percent, they pay nothing. So I am suggesting this: The catastrophic plan is a good plan. The benefits I have listed, perhaps the Senator from Arizona can say that the people do not want—that is fair debate—if you ask them, would you like to have respite care, would you like to have somebody come in to relieve you 3 or 4 hours a day, so when you are taking care of your mother day after day, you can get out once a month? Maybe they would say no. Maybe they would say no to 150 days of skilled nursing home care or 35 days of home health care straight, and 6 days a week intermittently after that. Maybe they say "no." They might, although I do not sense the question has been posed on that basis.

I want to get down now to the question of the Senator from Arizona, be-

29-059 O-90-30 (Pt. 8)

cause this is where the Senator from Oklahoma and I find the facts different. The figures from the Congressional Budget Office tables, the data is from 1988; we obviously do not have figures for 1989 yet on the health insurance coverage of the Medicare population. If the employer—and this is the retired population—you have worked all of your life, and you have had a health plan where you worked, and now you have retired. Does your employer continue your plan so that you are cared for in retirement? Of the entire Medicare population, 11 percent has that kind of coverage where the employer pays it all.

Another 12 percent has a plan where the employer pays part and you pay part. That is 23 percent of the entire Medicare population, but half of that is paying for part of the plan. That is it. The rest of it, this table calls it private nonemployment based. What that means is you pay. That is fine. I have no objection to that. You pay, not your employer; you pay.

Medicaid pays 6½ percent of it for the very poor, and for the veterans 1½ percent, but if you mean for the bulk of the people in this country who are retired, they have no employer-paid retirement plan, full or partial. They are paying for Medigap or some kind of alternative additional coverage to Medicare themselves. I would ask them to weigh what they are buying, as opposed to what they will get in this plan that is before the Senate, that has been before the Senate. I think I understand where the crux of the problem comes from. I would wager that not one of us has heard from the 59 percent of the population who pay nothing for this coverage. I doubt if very many of us have heard much from the people who are going to pay $100 for this coverage.

I will tell you who we have heard from, Mr. President. They all live in Sun City, and they all have incomes of $30,000, or $35,000, or $40,000 a year. That is not a lot, but we are asking them to pay a little extra to take care of those whose incomes are $5,000 or $10,000, or $15,000 a year, or those who live on Social Security alone. I do not think, Mr. President, that is unfair or unethical or immoral or wrong, to ask that those of us who are a little bit more privileged to give a little extra to take care of those who are a little less privileged.

I hope we do not bend to those who are better off and say that we will exempt you from this program, and now for those of you who are less better off, we will either figure out a way to make you pay for it, even though you cannot afford it, or we do not say it. Or for all the rest of you Janes and Joes, 25, 30, 35, working in the shoe stores and the lumber mills and the stationery stores we are going to raise your taxes to do it.

That is a fair debate. I am opposed to it.

But at the moment I do not find that those who are opposed to the current plan in effect, the catastrophic health coverage, really owning up to what they are saying to the American public. Forgive the upper income rich, understand that the poor retired cannot afford it, and load it onto the backs of the rest of the working stiffs in America because that is the alternative.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. McCAIN. Mr. President, I think that people all over this country will be astonished, seniors all over this country would be astonished to hear the statement made by my friend from Oregon that only rich people are those rich retirees who object to this bill.

First of all, I will be glad to show my colleague my mail which is from all income levels all over the State and indeed all over the country.

I wonder if my friend from Oregon considers the National American Postal Workers Union a group of rich Americans. They support this amendment. I wonder if he believes that the Mail Handlers are a group of rich Americans. I wonder if he believes that the National Association of Postal Supervisors are rich Americans. I wonder if he believes that the National Association of Retired Federal Employees are a group of rich Americans.

May I say to my friend from Oregon they would be astonished, absolutely astonished to find out that they are rich, selfish Americans who want to lay off costs on poor Americans.

The Marine Corps League, the Naval Reserve Association, the International Association of Fire Fighters—now there is a group of overwhelmingly rich Americans. The National Association for Public Health Policy, the United Seniors of America, the Federal Postal Workers Union, the Air Force Sergeants Association. Now there, Mr. President, is a wealthy group—the Air Force Sergeants Association. Those people as we all know are rich, selfish Americans.

The fact is, Mr. President, that it is not just wealthy Americans who are opposed to this bill. It is Americans all over this country, who are seniors and who do not want to pay for what they do not need, although that can be argued, but what my friend from Oregon also left out of this debate in all due respect to his expertise is the issue of long-term care.

Mr. President, these people, these nonwealthy Americans that represent these 42 organizations, 19 million Americans who support this amendment, they want to know what we are going to do about long-term care. We have not done it. They are smart. They are intelligent people. They understand the issues. They know that we have basically foreclosed the ability of this Congress to fund a long-term care program that has any viability for them.

First of all, Mr. President, I would like to remind my friend from Oregon, as far as the catastrophic surtax is concerned, according to the Congressional Joint Committee on Taxation, by 1993 the average surtax, not for the top 4 or 5 percent, not for the top 2 percent, but the average tax will be $506. There will be 42.5 percent of the entire employees in this country who will be paying that surtax.

Now, Mr. President, I repeat, the source of this information is the Joint Committee on Taxation. The maximum surtax——

Mr. HATCH. Mr. President, if the Senator will yield on that, that is $562 a year, is it not?

Mr. McCAIN. The $506 per year will be the average surtax on the catastrophic health care. The maximum surtax will be $1,000.50, and the percentage who will be paying that maximum surtax will be 9.8 percent.

Mr. DURENBERGER. Mr. President, will our colleague yield for a question on that?

Mr. McCAIN. I am glad to yield.

Mr. DURENBERGER. I do not have that report in front of me. It strikes me as a rather large sum. My recollection is that by the year 1993, 52 and a fraction percent of the eligible beneficiaries will be paying nothing, no surtax at all, 52.2 or 52.3 percent, something like that.

I am wondering where the $506 comes from.

Mr. McCAIN. I say to my colleague in response, I would repeat again, the Joint Committee on Taxation. Perhaps the fight of my colleague from Minnesota is with that organization, not me. But I believe they are reliable. I am quoting them as saying the average surtax in the year 1993 is $506. The percentage of employers is 42.5 percent of enrollees—excuse me—enrollees who will be paying that surtax, will be paying any surtax.

Mr. DURENBERGER. If I might phrase the question differently then, it sounds as though, of those who will be paying a surtax in 1993, the average surtax or premium or whatever it is, will be $506.

Mr. McCAIN. That is correct.

Mr. DURENBERGER. I thank my colleague.

Mr. McCAIN. I thank my colleague for the question, and I hope it clarified that issue.

Mr. PACKWOOD. Is there any possibility that the upper-income seniors who will have to pay some slight surtax to take care of the poor might be less than objective on this?

Mr. McCAIN. My colleague and friend makes a good point.

I would like to quote from two letters from the AARP which is being concluded. It says:

AARP did not like the financing requirements of the Medicare Catastrophic Coverage Act when the law was being debated, and its position has not changed. We propose alternatives but these were not acceptable to the present Congress. Since enactment, AARP has received tens of thousands of letters from our members voicing their strong objection to the financing act. If our original proposals were included in the law these concerns would have been alleviated. We remain open to new proposals for funding the catastrophic programs.

And then they go on to say:

Unfortunately, we do not see any proposals at this time which offer genuine promise of equity and potential for support.

I would say to my colleague, then let us delay for a year the implementation of this bill and let us find some solutions that maybe you could agree to rather than charge straight ahead and fly in the face of "tens of thousands of letters" that you have received from your members in objection to the financing of this bill. Let us delay it for a year and allow the AARP, the National Association of Retired Federal Employees, all of the people who are affected by this bill to come forward and state their objections and come forward with some positive proposals.

So here we have I think a very strange and quixotic situation that the AARP does not like the financing requirements, tens of thousands of their members have voiced strong objection and yet they object to this amendment. I find that very curious.

Mr. President, on Friday my distinguished colleague from Minnesota, who is here on the floor, Senator DURENBERGER, took the floor to pose a couple of questions to this body regarding the amendment that I had proposed.

During his statement the distinguished Senator from Minnesota posed four questions.

First, where is AARP on this? I think I have addressed that.

Second, who started the firestorm among seniors over the act? And I would like to respond to that. I believe that the firestorm over the act started when people began learning what had been provided in the way of benefits as compared to what they thought Congress was doing.

I would urge my colleague from Minnesota to ask seniors and the majority of them will tell you that they thought catastrophic health care meant long-term care because to them long-term illness is a catastrophe.

So I would suggest that the answer to that is the firestorm started when the people realized exactly what they got.

I share the distinguished Senator's frustration over the groups that have been misleading seniors by stating that they will now have to be paying for AIDS patients and the like. We could probably cite example of organization that have been doing a good job of misleading the seniors on the subject, but I would say they are definitely in the minority. There are numerous organizations that do have credibility and have been trying to educate their senior constituents in an honest and forthright manner.

I sent out mail to 430 senior Arizonans. By 4 to 1 they were opposed to it.

Since the enactment of this bill I have received 20,000 letters from my State of which there have been 10, a grand total of 10 who support this legislation.

The third question of the four that my colleague in Minnesota asked, he encouraged those in support of the amendment to examine the history behind the act's supplemental financing mechanism.

As my friend from Minnesota knows, the Reagan administration's proposal, while it was an admittedly only a first step, was financed through an increase in the monthly flat part B premium. It seems to me there was general agreement that any package—and, I might add, the distinguished Republican leader, Senator DOLE, and I proposed a catastrophic illness bill which did exactly that. It seems to me that there was general agreement that any package put together in this area would be financed by the population group benefiting under the program. Even the Finance Committee chairman pointed this out in his remarks during consideration of both S. 1127 and the conference report.

With regard to the supplemental premium itself, it was first proposed by the Finance Committee chairman in S. 1127. Whereas the original proposal submitted by the President could have been paid for by a nominal flat premium, the final approach was different in terms of scope, cost, and philosophy than the original proposal.

I support the notion that the seniors as a group will pay for additional seniors' benefits. In fact, if the benefits were the ones they felt were the highest priority, I believe they would support this concept.

But I think the real underlying issue with regard to seniors' concerns is whether the benefit mix represents their priority—catastrophic health care coverage needs.

Fourth and finally, my colleague asked whether undoing the supplemental premium, and putting some sort of alternative funding mechanism in place would make it difficult to do something in the area of long-term care.

I would say just the opposite. I would say exactly the opposite. I would challenge my friend from Oregon and my friend from Texas to tell me how in the world are we going to finance a long-term health care plan when we have basically drained the resources dry of senior citizens in this country for catastrophic health care coverage.

Mr. President, I yield the floor.

Mr. HATCH addressed the Chair.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, I have been waiting for a little while here just to be able to compliment my distinguished colleague from Arizona.

This is not an easy thing to do. Let us face it, we all have great respect for the Finance Committee and the members on the Finance Committee. We know how difficult it is to put together major pieces of legislation, such as catastrophic health.

There is no question about it. Nobody likes to attack that which has already been passed into law. And, in this particular case, it happens to be a wonderful thing for those who want to raise more revenues because this bill is providing surplus revenues. And, I might add, it is providing them right from the elderly in this country. Some will argue they are rich. I dispute that. Maybe there are some who are rich, but not the vast majority of them.

I support this amendment of the distinguished Senator from Arizona because it would protect long-term hospitalization and skilled nursing facility benefits, as well as spousal impoverishment benefits.

Let us just get what it is. To put it in short terms, if you take the McCain-Hatch amendment and we vote for it today—and the only way we are going to be able to vote for it is to vote for tabling this sense-of-the-Senate resolution, which is a legitimate but, nevertheless, constant ploy used by those who want to stop something that they know is going to pass. They substitute the sense of the Senate and everybody goes home. And when they go to conference, the sense-of-the-Senate resolution will be dropped.

The McCain-Hatch amendment retains long-term hospitalization, one of the central gut issues and benefits of the catastrophic health bill. It retains skilled nursing and all the panoply of benefits there.

On spousal impoverishment, it retains those benefits and, of course, the voluntary flat premiums.

It does delay some benefits. It does not do away with these things but it does delay so we can figure out what is wrong with this, why so many millions of senior citizens in this country are outraged by the catastrophic health bill. It does not do away with them. It delays them and allows the Senate Finance Committee to take time to resolve these problems.

The McCain-Hatch amendment delays the mandatory surtaxes which

we have discussed here, which really are going to just multiply by leaps and bounds; the limit on out-of-pocket expenses; and prescriptions drugs.

It would be wonderful if we could have all those benefits, but somebody has to pay for them. Now these benefits—that will be retained—which are the primary benefits of the catastrophic health, can be paid by the flat premium of $4 per month. The remaining catastrophic provisions would be delayed for 1 year to give Congress time to revisit this particular act.

I think we have to respond to our Nation's seniors.

Mr. President, there is not one Senator in the room who has not received hundreds, if not thousands, of letters from senior constituents protesting one or more elements of this act. And I know, because I have received thousands of letters from Utahns who oppose the act as it is currently structured. Utah seniors, and seniors around this country, oppose the act for three reasons.

First, they do not like the cost of financing this plan. Second, they do not like the particular benefits that Congress has dictated that the plan include. They want long-term care benefits more than they want some of these other benefits. And, third, and perhaps most important, they just plain do not like the Federal Government mandating that they have to participate in this new program. Those are the three reasons why seniors are so outraged by this.

In addition to the letters that we have all received, there have been a number of polls which have been conducted which reinforce our perception of senior citizens' discontent. During a seniors' conference that I sponsored just recently—a largely attended conference—I polled the Utah seniors to determine their views on Medicare catastrophic coverage. Now, there were between 1,100 and 1,500 seniors there at this conference. I think they represented a broad cross-section of all seniors, certainly in Utah, and I believe across this country.

I polled them to determine their views on Medicare catastrophic coverage. While almost two-thirds of those surveyed felt the Federal Government should help to provide protection from the financial losses of a catastrophic illness, 85 percent felt that seniors should be allowed to choose whether or not they participate in the program. Opinions regarding how this act should be financed were divided. Over one-half of the Utah seniors surveyed felt that those senior citizens who may benefit from the program should bear some of the cost of the program or the insurance.

So they were not being just grasping people. They felt that they should have to bear some of the costs and a high percentage of them felt that.

Other polls tell a similar story. A poll recently released by the Coalition for Affordable Health Care, a group of over 32 national seniors' interest organizations, further demonstrated that seniors are not happy with this act. Less than one-third of those seniors aware of the act support it, and more than half believe that the benefits are not worth the cost. Even those individuals in favor of the act believe the benefits are not worth the cost. In another poll, the National Committee to Preserve Social Security and Medicare found that only 4.5 percent of those members surveyed were satisfied with the law as it now stands.

And, I think that if we review the budget impact of this law, we may better understand why seniors are angry.

This particular chart shows what happens if we pass the McCain-Hatch amendment here today. Basically, under current law, the catastrophic bill as passed, according to the Congressional Budget Office, the income will be $7.3 billion in 1990. The expenses will be $4.2 billion. The surplus is going to be $3.1 billion after 1 year of operation under this bill—a $3.1 billion surplus.

If we pass this amendment, which merely defers or delays the implementation of these extra expensive programs, then we would have an income of $1.8 billion, and it would cost $1.7 billion. We would have a $0.1 billion, or $100 million surplus, but we would be living within our means under those circumstances. And that makes sense.

As that table shows, in the year 1990, we expect that we would have a $3.1 billion surplus with what we have going here. That comes right out of the pockets and pocketbooks of our seniors.

Now, the projected expenses under the act, as I have said, are just a little over $4 billion. Simple math shows that we will collect over $3 billion from American seniors for purposes for which they receive no benefit. As a matter of fact, this $3 billion has been counted as unused revenue in order to reach the Gramm-Rudman-Hollings target. By 1993, the cumulative revenue surplus is estimated to be at least $8 billion, according to the latest estimates of the Congressional Budget Office.

Our amendment would continue the flat premium and the expanded hospitalization benefits. Seniors will be financing the benefits which they may receive. Our amendment will not cost these seniors billions of dollars, nor will it permit seniors' dollars to be used to reduce the benefit. And that is why it is a reasonable amendment. It is a decent amendment. And I think it is wrong to argue, here, well, we have to build up a great big surplus because we know it is going to cost more. Let us live by the principles and then if it costs more, then let us do it.

Let me just take another table. As you can see from this table, it makes the same point. The income, as of 1990, will be $7.2 billion. This total circle here.

The expenses are $4.2 billion, the blue. The surplus will be $3.1 billion.

If we pass the McCain-Hatch amendment then it is this little circle down here because it costs a lot less for the seniors but you still have a surplus of $100 million. But it would save the seniors $3 billion to do it the right way.

All we ask is that we delay it and get the Finance Committee to make a reevaluation of what has been done here and do what is right for the senior citizens. We think that it makes sense to do that.

Mr. President, the distinguished Senator from Arizona and I both propose that we should not balance the budget on the backs of our Nation's senior citizens. I am not willing to support a law which promised seniors catastrophic protection at a greater cost than the value of the benefit. I want all my colleagues to oppose any legislation which taxes seniors to pay our national debt, which is what the present, current law is doing.

When this matter was before the Senate in 1988 no one ever mentioned the huge revenues that this financing scheme would generate. No one stated that the deficit reduction was a fringe benefit of imposing this surtax which theoretically was needed to cover the cost of the benefits. So I think it is time to reevaluate our actions and I am glad the distinguished Senator from Arizona had the guts to bring this to the floor, to cause us to reevaluate.

The financing plan for our Medicare Catastrophic Coverage Act is clearly broken and I think we need to fix it.

Last Thursday the Finance Committee held a hearing to revisit the financing of this act. The hearing included bipartisan Members of Congress, the executive branch and 20 other witnesses. This hearing drew a crowd that was so large that it lined the halls of the Dirksen Building. In addition to testimony regarding financing of the act, I am aware that a number of the witnesses testified to the need for a thorough reexamination of this program. If the Finance Committee, which has jurisdiction over this act, is concerned enough to hold additional hearings then I believe that we in Congress should vote in favor of delaying this program until we have a chance to iron out some of its wrinkles.

I voted for the Medicare Catastrophic Coverage Act because I believed then, as I do now, that senior citizens need to be protected from the finan-

cial devastation of a catastrophic illness. If we think back to the initial introduction of the Reagan proposal, I think that we will all remember that the seniors throughout America supported governmental involvement and protection against catastrophic illness. So, why do we face this current maelstrom of discontent all over this country by millions of seniors? Because, rather than enacting a very limited proposal with small costs, which would have allowed for voluntary participation by seniors, we, instead, enacted a much more costly package of mandatory benefits. So, although seniors, and many of us, liked the idea of catastrophic benefits, they are becoming more and more vocal in their opposition as they learn more and more about this specific plan and the mandates provided therein.

When they hear that the supplemental premium is really going to help offset the Federal deficit they are just plain going to scream in outrage, but it is time we told them and that is what I am doing here today.

Mr. President, the amendment offered today delays the implementation of many of the provisions of the Catastrophic Coverage Act for just 1 year and I believe that support of this amendment shows responsiveness to the needs of our constituents. It will prove that we really do care and react to public opinion and will grant us time to thoroughly examine the full impact of the Medicare Catastrophic Coverage Act. So I really urge my colleagues to support this amendment.

Finally, I have a letter from one of my Utah constituents. I thought it was an interesting letter. I have thousands and thousands of them but I just selected this one.

DEAR SENATOR: Thank you for your response to my letter about Medicare Catastrophic Care Plan.

You said in your letter that you voted for the bill even though there were many things you didn't like about it. I can understand the need to compromise in order to progress to a better life for the people. I served in local government in California for 15 years and many times had to compromise my position in order to gain an overall good for the community.

I had one principal that stood above the rest that I would never compromise and that principal was the basic constitutional rights of the people.

Your compromise of this bill forced seniors to buy an insurance policy that they may or may not want. That was a violation of our constitutional rights.

The United States should not be in the insurance business, nor should they be a collection agency through taxes for insurance companies.

Let's not wait until the people raise up in protest as they are in China before we mend our ways. Let us call for honest and constitutional action by all congressmen right now.

Sincerely,

GEORGE D. WALDRON.

ST. GEORGE, UT.

The reason I bring that up is not so much that I am concerned about the constitutional issue, but he speaks for a lot of people who are concerned about having these things imposed upon them that really are not worked out or not refined and really are too expensive, that really are providing benefits that they really do not want.

What they really are worried about is are they going to have long-term care, as the distinguished Senator from Arizona has brought out. There are many other things that I think need to be said but let me just end with one other comment.

The distinguished chairman of the Finance Committee has done that which I suppose he feels he has to do under the circumstances, through the majority leader, and that is they filed a sense-of-the-Senate perfecting amendment to this amendment. Let everybody understand this.

If we vote against the motion to table, which will be made with regard to this prefecting amendment, and adopt this perfecting amendment, it does away with this 1-year delay that the McCain-Hatch amendment would provide. It basically does away, it seems to me, with what we are trying to do here and that is to iron out the wrinkles that are really causing such distress throughout this country. And it is just another way of getting around dealing with this problem now.

I do not think anybody doubts that once this bill goes to conference with this sense-of-the-Senate resolution on it that it is just a ploy. They will drop it right out in conference. They may drop this amendment out in conference, but they know we are going to be back again and again and again until they have to deal with this type of amendment.

We would like a vote up and down on this amendment. The only way to get a vote up and down on the McCain amendment is to vote to table this—I would call it a subterfuge amendment—a vote to table that amendment so that we can get to a vote up and down on McCain.

If the amendment of The Senator from Arizona and myself fails under those circumstances, so be it. Then we will all have voted on this issue as to whether or not we are really going to do what needs to do done and iron out the wrinkles that are causing so much distress to senior citizens all over this country.

I think the distinguished Senator from Arizona has done us all a favor. He has made us look at this issue. He has made us examine it. He has made us say: look, are we going to do something about this or are we going to just use another phony ploy to avoid doing what has to be done?

We have had to look at the fact that there are surplus funds here, surplus funds that are being tacked onto the payments that the elderly citizens have to make. And surplus funds that the Government only needs in lieu of taking care of the deficit for budgetary purposes and to meet the Gramm-Rudman targets. It would be wonderful if we had those surpluses from somewhere else, but we should not get them by making senior citizens pay for them and that is one of the things that I have a lot of trouble with in this particular underlying legislation and that is way I so strongly support this amendment of the distinguished Senator from Arizona and myself. I think we ought to all support it. We ought to face this problem now.

We are not dictating what the changes should be but we are saying we will give you a year's time to come up with the answers. The Finance Committee might be able to do it in a month's time. But let us at least face it, let us do it and let us quit playing games on this issue and let us listen to our senior citizens who are outraged about this all over this country and who will be more outraged when they realize they are being stung for a $8 billion surplus that is being used for one purpose and one purpose only and that is to offset the deficit for Gramm-Rudman-Hollings purposes. I think that is wrong.

So, with that, I yield the floor.

The PRESIDING OFFICER (Mr. ROBB). The Chair recognizes the Senator from Nebraska [Mr. EXON].

Mr. EXON. Mr. President, I rise today as a consponsor of the amendment offered by my colleague from Arizona, Mr. MCCAIN, and my colleague from Utah, who has just spoken very eloquently on this matter. We worked closely the past several days on this amendment, and I think we have a solid piece of legislation and it is the right thing to do. I appreciate my colleagues work in this very important area.

This amendment will delay, for 1 year, implementation of portions of the Medicare Catastrophic Coverage Act, including the supplemental premium, that Congress passed last year and President Reagan signed into law.

However, I feel a very important aspect of this amendment is the Senate provision stating that we must investigate, in depth, the suggestion made by the esteemed chairman of the Senate Finance Committee. Senator BENTSEN, concerning the recent revenue projections for the catastrophic care trust funds. If these projections are correct, and I believe that they are, it may be possible to reduce the supplemental premium by as much as 16 percent regardless of who pays what percentage of any eventual premium, we can retain a worthwhile program at significantly reduced costs and help pave the way for long-term health care legislation that is the real

catastrophic need facing our senior citizens.

I had concerns originally and still have concerns because the bill contains no provisions for coverage of long-term nursing home or custodial care. There is no question that long-term care is, indeed, the true catastrophic cost facing seniors today. Reinvesting the savings from the supplemental premium into a solid long-term care program will be a big boon to the senior citizens all across the Nation.

I supported the Medicare catastrophic coverage bill during its consideration as I felt that it offered valuable new and expanded services. That bill passed by an overwhelming vote of Congress. At that time it was supported by a large number of organizations which promote the needs of our Nations senior citizens. Unfortunately, there is much confusion over what that bill offers, who will benefit and who will pay. Those questions are exactly what we need to clear up.

I am confident the amendment offered by Mr. MCCAIN and myself will achieve that goal. We need a longer time period to educate individuals as to what this bill does, what services are covered, and who will be affected by it. We also need to look at the funding mechanism and see if something else can be done. I supported the recent Senate amendment calling for hearings on this bill, and I am pleased that the Finance Committee recently held a full day of hearings on this measure.

I had hoped that we could resolve the issues without the need to delay implementation of the bill. However, I am now convinced that will not be the case.

President Reagan made it quite clear that he would only support the bill if it would be paid for by those who would benefit from the improved coverage—the elderly and disabled. For the most part, I support this proposal. The financing is progressive as well as being an asset protection plan; those with higher incomes and, therefore, more to protect from a financially devastating illness will pay more than those with more limited incomes. However, this type of financing mechanism can penalize, as so many Nebraskans have pointed out to me, some of those who were able to save toward their retirement. This is something we need to evaluate.

Mr. President, I know this problem has no easy solutions. If it did, we would all be slapping ourselves on the back already, congratulating ourselves for our cleverness. But that is not the case. I only hope that when we do reevaluate this sitaution, the light of a different day will also bring a new perspective.

I am committed to finding a way to make true catastrophic health care coverage available to our Nation's senior citizens. This is important to them as well as to their children and grandchildren. I hope this 1-year delay will enable us to explore new solutions to this problem and find a better consensus.

I yield the floor.

The PRESIDING OFFICER. The Chair recognizes the Senator from Oklahoma [Mr. NICKLES].

Mr. NICKLES. Mr. President, I rise today in support of the amendment of my friend and colleague, Senator MCCAIN from Arizona, and Senator HATCH from Utah. I rise as cosponsor of the amendment and also cosponsor of the bill. I think we need to delay this for a year.

I think senior citizens are outraged because Congress mandated a benefit, which the Senator from Oregon [Mr. PACKWOOD] outlined which has a lot of good benefits. A lot of those senior citizens did not want it and did not ask for it mainly because a majority of them already had them.

In other words, Congress mandated a benefit, the so-called Catastrophic Coverage Act of 1988, that the majority of senior citizens already had. Either they were providing for it themselves, or their employers provided it for them. I think Senator PACKWOOD said their employers paid 100 percent of the cost, and another 12 percent the employers were paying part of the cost. Twenty-three percent were having a significant portion of the so-called Medigap coverage paid for by their employer, and yet we in Congress said we do not care if you already have it; we are going to duplicate it. We are going to mandate Federal coverage on top of private coverage. That is where this Senator comes down.

I think that was wrong. We overexpanded in our efforts to provide catastrophic coverage. We went too far. We should have just provided the coverage for those senior citizens who did not have it and could not afford it. That would have made sense and would have been a whole lot less expensive than the present proposal. The present proposal is too expensive. It is not a good deal for senior citizens, and it is wasting billions and billions of dollars because most of those senior citizens are still paying premiums through private coverage. They still have private coverage and now have mandated Federal coverage on top of it. That is not a good deal. They are not getting their money's worth. They need it changed. They want it changed.

I have had over 10,000 contacts from my constituents, and the ratio is enormous, the ratio in favor of repeal or significant change.

A sense-of-the-Senate resolution is not significant change. That is a fig leaf. That will not do anything. That may give people something to hide from or maybe a reason to vote, but the real vote is do you want to change it, and we need to vote in favor of the amendment of the senator from Arizona. If you want to delay it for a year, if you want to postpone the so-called surcharge, then we need to vote for the amendment of the Senator from Arizona.

If we just reduce premiums by 16 percent, I think we are missing the boat. We have made a serious mistake because we have left the duplication of coverage in. We do not want to do that. I do not think most senior citizens want to do that. So we need to eliminate the duplication of coverage. We need to see if we cannot figure out a method of providing coverage for those people who did not have it and could not afford it, some 20 percent of the senior citizen population. I think the senior citizen population will be willing to pay for that, or maybe the general population. As long as we keep it to helping those people who could not help themselves, we could get support for the program.

What we cannot get support for is the program that passed last year that is too expensive. I heard people say it is only the fat cats the Senator is concerned about. That is not true. A person who has a tax liability of $3,150 will have to pay for the catastrophic supplemental, $846.30. That is a big hit for a senior citizen who has a tax liability of $3,150. That is a heavy hit. That is for the year 1990.

Next year, so all my colleagues will be aware of it, the tax surcharge is 25 percent. Somebody said, well, it is capped. Next year the limit is $850 per person, but a lot of couples, you can multiply 850 times 2. That is $1,700. That 25-percent tax surcharge hits a lot of people and hits them hard. It does not just hit the people who make over $100,000. As a matter of fact, for those people their tax liability is limited because we do have the cap at $850.

Where it really hits is the person who has a tax liability of $4,000, because they will pay an $850 tax surcharge. In the year 1993, the tax surcharge is 28 percent and that tax surcharge can continue to escalate, so we can be taking by the year 1995; 30-percent; a 30-percent tax surcharge on senior citizens to provide coverage that the majority of them already have. That is what is not fair, and it needs to be changed and it needs to be changed by a vote today in the Senate by supporting the amendment of the Senator from Arizona.

The sense-of-the-Senate resolution may be fine for cover, but it does not change anything. I hope that the Senate Finance Committee will come up with significant changes, but the real change that we can make if you want to make a change today would be

to support Senator MCCAIN's amendment.

I rise as a supporter of it. I hope it is adopted. I hope the sense-of-the-Senate resolution calling for hearings and calling for markup at some future date will not be agreed to. I hope that the underlying amendment will be adopted by the Senate today.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Alabama [Mr. SHELBY].

Mr. SHELBY. Mr. President, I rise today to offer my support for the Hatch-McCain amendment to the emergency supplemental appropriations bill and express my opposition to the second degree perfecting amendment offered by Senators MITCHELL and BENTSEN. The Hatch-McCain amendment in my opinion, will address the concerns that millions of seniors have expressed regarding the Medicare Catastrophic Coverage Act passed by Congress just last year.

I appreciate Chairman BENTSEN's remarks and his contribution to this effort. However, I have travelled extensively throughout Alabama and I have received thousands of letters and phone calls from my constituents expressing their opposition to the supplemental income tax premium. No issue is raised more forcefully or vocally than this. It is my belief that the McCain amendment will leave in place several critical benefits, while giving Congress the opportunity to revisit this legislation this year.

Mr. President, as already detailed, this amendment would fully preserve the spousal impoverishment, skilled nursing and long-term hospitalization benefits authorized through the Catastrophic Act, but would delay for 1 year the implementation of all other provisions including the supplemental premium which seniors oppose. The cost of these benefits which are protected and come on line under this amendment would be paid for, in full, by the flat $4 premium which has already gone into effect.

Mr. President, I am not the only Senator who has heard from his over-age 65 constituents on the matter of the financing of the new Medicare catastrophic benefits. Senator MCCAIN has said publicly that his office has counted nearly 20,000 letters on this bill alone—all but 10 of those letters, he has said, are opposed to the act. While I do not offhand have the exact number of letters on this issue that have daily poured into my Washington office, I do know that their numbers rival those of my friend from Arizona. I have spent most of the 101st Congressional recesses holding county-wide town meetings throughout my State. I have, in fact, had the opportunity to visit each of Alabama's 67 counties once already this year. And one issue, Mr. President, without fail, is brought up at each and every meeting: Alabamians' need for adequate protection against the overwhelming costs associated with long-term illness—a need that I am very much aware is apparent across the country.

Last year this body took action to try to alleviate that burden felt by so many of our Nation's seniors by passing the Medicare Catastrophic Coverage Act of 1988. Well, the 100th Congress adjourned, believing, in good faith, that what had been accomplished would sufficiently protect America's growing elderly population against what in this country have become catastrophic health care costs.

And, in truth, the benefits offered under this act do address many of the high cost elements of elderly health care. The problem arises, however, with the way in which the extended benefits are financed. Medicare's 33 million beneficiaries are for the first time now being asked to solely bear the cost of the new benefits. In addition, 40 percent of Medicare beneficiaries will be required to pay most of the cost for these new services.

Since the act's passage, we have learned that existing rates are expected to bring in a great deal more money than originally anticipated. Under the act, a higher income Medicare beneficiary could pay as much as $800 in 1989 and as much as $1,600 per couple. New estimates released by the Joint Committee on Taxation and the Congressional Budget Office show that from 1989-1993 the current rates would bring in $4.9 billion more than is needed to build a reserve and to fund the new catastrophic illness benefits. The call is out to reduce premiums.

I have heard from and talked with seniors from all over Alabama about the financially draining protection offered through the Medicare Catastrophic Coverage Act of 1988. In response to the very serious questions raised by Alabamians about the cost of coverage, I requested the Special Committee on Aging and the Senate Finance Committee to hold hearings on this issue. The Finance Committee did in fact, hold a hearing on the Medicare catastrophic coverage surtax just last week. I hope that it is the first of several hearings on this most important problem with this legislation.

I would like to see the debate reopened on the Medicare Catastrophic Coverage Act. Adoption of an amendment such as this, brings the issue to the forefront—and would force the closer examination of the financing mechanism of extended Medicare coverage by the Senate.

This amendment is identical to S. 335, legislation introduced by Senator MCCAIN. I joined with a bipartisan group of 16 of my colleagues in cosponsoring this bill. In addition, S. 335 has been formally endorsed by 41 seniors organizations, including, the National Association of Retired Federal Employees, the National Alliance of Senior Citizens, and the Retired Officers Association.

Mr. President, It is easy to point the finger at what is wrong with a law—and much more difficult to correct existing flaws. However, a 1-year delay would provide Congress sufficient time to reexamine the Medicare Catastrophic Coverage Act. We must determine if this legislation truly meets the so called catastrophic needs of America's seniors. If through hearings we determine that this is not the case, then the law as passed just last year, must be changed.

Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. The Chair recognizes the Senator from West Virginia [Mr. ROCKEFELLER].

Mr. ROCKEFELLER. I thank the Presiding Officer.

Mr. President, I rise in strong opposition to the McCain amendment. This amendment delays the implementation of the Medicare Catastrophic Coverage Act, and it will do tremendous harm. This amendment will weaken the elderly's insurance protection and increase their out-of-pocket health costs.

The burden will fall disproportionately on those seniors with low income and moderate incomes and on those with the most serious and expensive illnesses. The McCain amendment will hurt States by vastly increasing their Medicare Program costs, and it will hurt pregnant women and children by delaying the new coverage prescribed for them in the law. It will set back our efforts on long-term care by delaying some key incremental steps in the bill toward comprehensive long-term care, including coverage of respite care, expanded home care, and skilled nursing home care. The McCain amendment will set back the most extensive groundbreaking Medicare expansion in the history of the program.

I have no doubt and know full well that the Senator from Arizona is thoroughly well intentioned. However, some of the concerns he has cited, Mr. President, are simply without basis in fact. I also have no doubt, as has been expressed frequently on the floor today, that many of my colleagues have received a great deal of mail; I have, too—some 6,000 letters—most of it opposing the new catastrophic legislation.

In my own State of West Virginia, I have held numerous town meetings where I have discussed this new program with my senior citizens. From these meetings, Mr. President, I draw two very important conclusions. First, there is more misinformation being spread about this program, about this

bill, about this act, than has been the case for any other program I can remember in the 4½ years I have been here. The unfounded charges range from "an unfair tax for no new benefits" to "a way to make senior citizens pay for AIDS."

There is misinformation all over the place. This kind of misinformation is astounding, not only in its irresponsibility but because it has many senior citizens frightened about the security of their health coverage, and so, of course, they are sending in letters. But this is a good program, when we have a chance to explain it to our seniors they do understand it and then they do support it. We have an obligation not to delay this program for a single moment.

At my town meetings, Mr. President, when I have taken the time to go over this Medicare Catastrophic Coverage Act of 1988, I have reviewed the new premiums and what they mean, I have found that senior citizens in West Virginia appreciate having the facts, and they appreciate having the new coverage and they appreciate what a good deal, in fact, the new catastrophic law really is for them. Two pieces of paper I hand out. One describes the benefits under the new law as opposed to the benefits before. Another I hand out, and we go over it very carefully, describes exactly what everyone pays, including the $4 premium and those who will pay the supplemental premium. Most, when we start out a town meeting, are convinced they will all be paying a supplemental premium at the highest level—fear, Mr. President. Not knowledge, fear. So, of course, we have the letters, but we have passed an act which is a good one.

The new catastrophic benefits are very much needed. Literally millions of seniors will use the new expanded coverage for hospital care, physician care, prescription drugs, home health care, skilled nursing care, and other key services. All 33 million Medicare beneficiaries will have something called comfort, security, psychological security. That is part of what insurance is for. It is not just the fact that you might have to use it but the fact that you know that you have it. Thirty-three million Americans will have the comfort of knowing that this protection is available to them in the unfortunate event they themselves become seriously ill and they do need it.

Now, what does it mean to need catastrophic coverage? After all, none of us suspect that we will be so seriously ill—that is human nature—that we would have to be using this. Last week, however, a woman testified in the Finance Committee about the catastrophic coverage bill and what it means in very human terms. Her 97-year-old mother-in-law has a history of broken bones. She has already been in the hospital twice this year. But under catastrophic her financial liability has been limited to only one deductable, of $560. She pays that only once under the new bill we are putting at risk today by the McCain amendment. If her broken bone pattern continues, she could be hospitalized, and probably would be, several more times this year with the corresponding physician charges mounting as well.

This same witness told another story of her good friend's mother who was hospitalized for weeks this year and who eventually died in the hospital. Her friend believes her father would have been devastated financially but for the catastrophic care coverage they had.

These kinds of problems could happen to any one of us, Mr. President, some day. But they do not need to cause financial ruin. That is the kind of protection the catastrophic law offers.

The Senator from Arizona suggested private insurance already offered sufficient protection for seniors from extreme medical bills. Again, this simply is not the case. The GAO testified last week most emphatically that Medigap is not catastrophic. Under the National Association of Insurance Commissioners' own model standards, Medigap policies may impose lifetime maximums on hospital coverage and dollar limits on what they will pay for physician care each year. Medigap plans may also exclude coverage for preexisting conditions. So a senior with a history of illness, who needs protection more than anyone else, can be refused coverage under the Medigap. Medicare, by contrast, protects everyone regardless of income, regardless of health status.

And Medicare is a good deal, Mr. President. For almost 60 percent of the seniors, as has been said here many times, the new coverage is available for $4 a month—or $48 a year, for an extraordinary list of benefits which we are putting at risk today by consideration of the McCain amendment. Seventy percent of all beneficiaries will pay less than $150 per year for Medicare's catastrophic coverage. There simply is no comparable coverage available at this price anywhere in this country. And we choose to put this at risk today.

Finally, the Senator from Arizona suggests that what seniors really want is long-term care. I would venture to add to that list, Mr. President, some other health care needs that seniors really want to have addressed—dental care, preventive care, hearing aids, eyeglasses, and so on.

No, the Catastrophic Act did not include those either. But that does not detract from the valuable coverage it does provide. It has been said that the perfect should not be enemy of good. It has also been said that one cannot compare apples and oranges. Any number of cliches could apply to the criticism that the catastrophic program does not serve the long-term care problem. Neither does anyone else. The catastrophic care program does not pretend to. It makes some very good incremental steps in fact toward long-term care, but nobody else has been able to solve the long-term care problem either.

The Bipartisan Commission on Comprehensive Care, which Claude Pepper headed until his death, of which I am a member, has not been able to do it. Private insurance has not been able to do it. Nobody has been able to do it. One long-term care program that is being advanced would cost $60 billion.

This catastrophic on an average over the first 5 years would cost $6 billion, and it would provide tangible benefits now for people who need it.

The private insurance industry as I indicated is still struggling to calculate risks and predict costs for the simple, meaningful, long-term care under the insurance policy, and at some kind of affordable price.

Medicaid is still struggling with this issue. I am working on another bill this year to give States more flexibility in experimenting with home- and community-based, long-term care service through Medicaid, and trying to do it another way. Nobody has the answer on long-term care yet. There are no clear answers.

In fact, we should be extremely proud of the important steps that the Catastrophic Act made in the direction of comprehensive long-term care. The Catastrophic Act has added over $1 billion in new long-term care benefits for the elderly and the disabled, including new coverage for respite care, and expanded home care, both of which the McCain amendment would delay.

In addition, the McCain amendment would rob the States of the resources they need to fund the one long-term care expansion that the amendment purports to protect, spousal impoverishment. If we adopt the McCain amendment, States will not have the resources to pay for their share of the spousal impoverishment program. These resources are supposed to come from the savings that Medicaid programs will enjoy when Medicare begins to pay for catastrophic expenses. If this amendment is agreed to, the States will not have that money.

Finally, using general funds, the catastrophic law adopted other important Medicaid-exempt expansions for pregnant women and for children under the age of 1 year. These benefits also would be delayed under the McCain amendment. Let us not give with one hand and take back with the other,

Mr. President, the benefits as important as these.

In summary, Mr. President, the McCain amendment spells trouble for senior citizens' out-of-pocket costs, for stronger health insurance protection, for the States, and for long-term care. It delays new coverage which is vitally important to millions of seniors now, and it delays the premium structure which is affordable and fair. The chairman of the Finance Committee has said loudly and strongly that he is going to examine the extra reserves to help make it even more affordable and fair.

Mr. President, as chairman of the Subcommittee on Medicare and Long Term Care, I pledge to work with Chairman BENTSEN to review and to monitor the new catastrophic benefits and premiums. We will make them as strong and as fair as we possible can. But let us not vote to delay or repeal this law for Heaven's sake on the Senate floor today.

I urge a no vote on the McCain amendment, and suggest one more thing. If we agree to the McCain amendment, and I hope we do not, it is more than the catastrophic that will be delayed. There is momentum now on the subject of improving health care coverage. If we delay this, it will show that every time something is done which is important and dramatic—such as this catastrophic care that helps people directly with problems they have not otherwise been able to solve—and we start getting letters, and we start reacting to those letters knowing full well the problem for misinformation and misunderstarding then we do not act as a U.S. Senate. We do not properly live up to our responsibilities.

I urge the defeat of the amendment, and I yield the floor.

Mr. GRASSLEY addressed the Chair.

The PRESIDING OFFICER (Mr. DODD). The Chair recognizes the Senator from Iowa [Mr. GRASSLEY].

Mr. GRASSLEY. Thank you very much, Mr. President.

I rise in support of the McCain legislation. I appreciate very much what the Senator from West Virginia has just said. Many a time I am caught in the quandry of being a representative of the people, or being a trustee of the people, and I think if our processes of government mean much you have to be a representative of the people. Otherwise those processes will not work.

That takes into consideration that we have the responsibility to explain to our constituents the details of the legislation. Sometimes a weather vane of how good our legislation is is the extent to which you can explain it to the people very clearly, in an understandable fashion, so that they understand it.

I find that if people do not understand legislation we pass, that it can be an indication that we should not have passed it, or that we were not careful enough in its consideration and writing.

I think we are in that part of the legislative process where we are called upon to reconsider some things we have done in the past. I think we are at that point in this legislation. It had a very good goal, and we tried our darndest to accomplish that goal. But we are back reconsidering it because probably we did not do quite as good a job of writing it as we could have. For sure we did not do a very good job of explaining that legislation.

My State is no different than the other States of the respective Senators speaking. I have received in just 6 months over 8,000 letters. I am not talking about 8,000 preprinted postcards. I am talking about 8,000 letters, and all of them—and here I do not exaggerate—are critical of the program that was enacted.

A recent poll that was done by the Wirthlin Group for the Coalition for Affordable Health Care, a coalition of groups opposed to the program, shows that a majority of older people polled, especially those who were informed about the program, opposed it. The coalition's poll shows that those who oppose the program are not just opposed, but intensely opposed.

Furthermore, 55 percent of those polled who are familiar with both the benefits and the costs concluded that those benefits were not worth the costs compared with 22 percent who concluded that they felt it was a good buy. Forty-four percent of those opposed felt very strongly that the benefits are not worth the cost of the program.

It is interesting also that a poll commissioned by the American Association for Retired Persons and done admittedly several months ago, which was touted as showing that the program had broad popular support, also showed concern about the financing of the program. In that poll, 48 percent of those over 65 years of age disapproved of the fact that the program was paid for only by Medicare beneficiaries compared to 42 percent who supported this feature of the legislation.

To say that there is a firestorm of opposition to this legislation seems to me to be an understatement, and if there are people out there who support the financing of this program, I would like to know where they are because they are certainly not writing to me to indicate that support.

Some, unfortunately, have dismissed this criticism as ignorant, or uninformed. Others dismiss it as being mean-spirited. In the words of one influential Member of the other body, it was "sour grapes from a few of the Nation's wealthiest seniors."

But I think most of us knew at the time that Congress passed this legislation, and we did it by lopsided votes in favor of it, that it did not mean those Members did not have some reservations about it. Maybe the reservations were based upon some unknowns. Maybe the period of time which has elapsed has made some of those unknowns a little clearer.

While at that time, a year ago, some of the benefits seemed good, others did not seem quite as good. Estimates of future costs of the program seemed understated. The potential for additional meddlesome redtape seemed a year ago to be very great.

What is happening now is that many Medicare beneficiaries are telling us that this program ought to be revisited. That is what this debate is all about. Many of these people have taken a careful look at the program, and have decided that they do not like it the way it is. And we should take their concern seriously, rather than dismissing it out of hand.

It seems clear that some Members of Congress are taking this concern seriously. At least seven bills have been introduced in the Senate to change the program and at least two more are promised, and nine bills had been introduced in the House of Representatives as of late February.

I understand that Senator BENTSEN is looking into the possibility that the premiums for the program will bring in more money than is needed to pay for the benefits of the program, and is therefore looking at the possibility that the supplemental premium could be scaled down in some way. Certainly, the constituents who are writing me would look with favor on such a step.

Others have proposed repealing the supplemental premium altogether and supporting the benefits of the program through an increase in the payroll tax, or through increasing the income tax rate for the wealthy.

Mr. President, it seems to me that considering all that we have heard from our constituents and the Representatives' and Senators' response to this in the way of legislation being introduced in these circumstances, Senator MCCAIN's legislation could offer a reasonable way to proceed for several reasons.

His bill would allow to go forward two of the best benefits offered by the bill, the simplification of the hospital protection under part A, and the spousal impoverishment protection.

It would reduce the cost to Medicare beneficiaries immediately, because, as I understand it, the benefits which it would allow to go into effect can be paid for with the added basic, flat premium of $4 a month, an amount which would be a burden for a very few, if

any at all, and also being paid for by all right now.

The bill would allow the Finance Committee time to review those parts of the program which would be suspended temporarily by the McCain bill, and to review some of the proposals which have been advanced to alter them. It seems to me that, if we conclude that the supplemental premium should be revised or that the program should be paid for through some other mechanism, the committee should take the time to work with interested parties to develop revisions.

Finally, Mr. President, the McCain bill responds to the great discontent the program has generated among many Medicare beneficiaries. And why should we not respond? We have created a program to which a great part of the group affected has lodged strenuous protests. The Congress is responding to the business community's protests on the section 89 issue which has been debated well before today. I think we should respond on this issue.

I do not think we have to make any apologies about the legislative process not being a perfect process. Sometimes our constituents might get mad at us for writing legislation that does not come out in the final analysis, particularly after some experience with it, the way that we anticipate that it should have. Legislating is not a perfect process, and this sort of revisiting is a part of that process. That is what oversight is all about; that is what the process of representative government is all about.

We all thought, probably a year ago now, as we were passing this legislation, that because we were not hearing from our constituents about this legislation, that probably what we were doing was all right. We were also hearing from all the advocates for retirees and senior citizen groups that this was probably a good compromise. Well, we are hearing from the grassroots now, and that is what representative government is all about.

I am not so sure that they have a solution to the problem. Most of them have not offered a solution, but they have sure offered complaints. We do have time to work on this problem, and we ought to take the time to do it, and I think the McCain approach is the best that has been offered to this point. That is why I support it, Mr. President.

I yield the floor.

Mr. CHAFEE addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Rhode Island [Mr. CHAFEE].

Mr. CHAFEE. Mr. President, I have serious concerns about rewriting the Catastrophic Coverage Act here on the floor of the Senate, and I hope that all my colleagues understand that is exactly what we would be doing if we adopted the McCain amendment.

This is neither the bill nor the forum to be considering changes of this magnitude. A far more meaningful approach would be to take up the concerns that exist surrounding the catastrophic law in a reasoned and open fashion in the committee of jurisdiction. It is not as though the chairman has shown any unwillingness to take up the issue in this fashion. To the contrary. The senior Senator from Texas has already begun the process: last week we held hearings at which the Senator from Arizona testified, presented his proposal and his views. The chairman has clearly demonstrated his willingness to address the concerns and problems surrounding the Catastrophic Coverage Act, and I support him in that. Thus, I do believe that it is neither necessary nor good legislating—and that is what we are hired to do—to address such problems on the Senate floor, in the midst of consideration of an urgent appropriations measure.

We have all heard a wide range of concerns about the Catastrophic Coverage Act from our constituents. There are concerns about the supplemental premium, including confusion about who will pay this premium, and in what amounts. There are concerns about duplicative benefits, voiced by those who have either a private Medigap plan or a retiree health plan that includes some coverage of catastrophic illness. There are concerns about coverage of long-term care.

Mr. President, I was part of the group that crafted this bill, and in the crafting of this bill, we attempted to address these and many, many other issues and many others. It may well be that we need to do more. For example, the original Senate-passed bill tied the program to part B coverage, thus making it voluntary to a considerable degree. I believe this was appropriate, but the House objected, and it was changed in conference. Maybe we need to revisit that. In my view, making catastrophic coverage optional would certainly be a better way to address the controversy over the new program than delay or repeal. I plan to introduce a bill to that effect shortly.

There are also legitimate concerns that State insurance regulators are not moving aggressively enough to enforce a provision in the law that requires Medigap insurance companies to adjust their plans in order to eliminate duplicative benefits. We certainly want to ensure that this provision works, and if that requires further legislation, then so be it. There are a lot of complaints about the duplicative parts of this. But the proper forum for consideration of such changes is in the Finance Committee, in an atmosphere of reasoned, informed, and deliberate debate.

Under the amendment offered by the Senator from Arizona, most of the provisions of the Catastrophic Coverage Act would be delayed for one year. We all know that this includes the supplemental premium, which has generated so much controversy. But among the provisions that would be delayed is an entire slate of good and much-needed benefits.

In this category are benefits which will help meet the long-term care needs of seniors. One of the most frequent complaints about the Catastrophic Coverage Act is that it does not do enough for long-term care.

And we acknowlege that. Maybe so. But we have to learn to walk before we run. And the Catastrophic Coverage Act does include several important long-term care provisions—provisions which the McCain amendment would delay. For example, the current law includes new benefits which are designed to avert premature or unnecessary institutionalization—expansions in both home health care and respite care are included in this bill and would not be part of the legislation that carries over under the McCain postponement.

Under these provisions which we have in our bill which would be eliminated, it allows people to remain in their own home rather than to incur unnecessary nursing home charges.

The McCain amendment would also delay critical protection against high out-of-pocket costs for doctor bills, a concern which seniors in my State certainly have, and I suspect in the other States as well. The Catastrophic Act puts an absolute limit on out-of-pocket physician costs, $1,370 in 1990. Beyond that cap, Medicare covers everything.

The McCain amendment would also delay critical protection for low-income Medicare beneficiaries. This is a little bit complicated, but it seems to me it is important. The current catastrophic laws, as we have it, requires States and Federal Government to share the costs of buying these individuals into the Medicare Program. In other words, we pay premiums, deductibles, and coinsurance. These costs do not come from the catastrophic trust fund but from general revenues. The requirement that it be done would be delayed by the McCain amendment.

This means that many Medicare beneficiaries who are below the poverty line will continue to be denied access to part B of the Medicare Program, the portion that pays doctor and outpatient costs, because they cannot afford the $27.90 monthly premium, the $75 deductible or the 20-percent coinsurance.

I am certainly open, as are others, to giving due consideration to any and all proposals for change in the catastrophic program. As I mentioned earlier, the bill we passed here in the Senate contained a provision making catastrophic coverage optional. This

would have meant that any Medicare beneficiary could have opted out of part B coverage, and thus opted out of the catastrophic program. Those who chose this option would not pay either the part B premium or the catastrophic premiums.

I think in conclusion that this is important.

It is worth noting that 56 percent of all Medicare beneficiaries will get this catastrophic coverage for only $48 per year in addition to their usual part B premium. In other words, all that we are requiring 56 percent of the beneficiaries to pay is $4 a month extra. Another 28 percent will get this coverage for less than $350 a year. That is a bargain if I ever heard one for this program.

Finally, Mr. President, from a moral standpoint, the amendment is subject to a budgetary point of order, since it will increase Federal spending by $408 million in this fiscal year and $2.6 billion in the next year.

So I would hope, Mr. President, that we could have a chance to reconsider this, time to spend on it in the committee, and come up with what are considered worthwhile and sensible solutions to a problem that certainly many of our senior citizens apparently face.

I thank the Chair.

The PRESIDING OFFICER (Mr. ROBB). The Chair recognizes the Senator from Washington, Senator GORTON.

Mr. GORTON. Mr. President, I have listened with great interest to this debate during the course of the afternoon and most particularly to the initial exchange between the distinguished Senator from Arizona and my distinguished colleague from Oregon [Mr. PACKWOOD].

I have also heard the concerns expressed by the Senator from West Virginia about the confusion shown in his State and in meetings he has had with literally hundreds of his constituents.

Through each of those arguments and each of those observations, there is a single thread which, in my view, speaks very strongly in favor of acceptance of the amendment proposed by the Senator from Arizona, and rejection of the present second-degree amendment which is a simple sense-of-the-Senate resolution.

If I can summarize, and I hope I will summarize it accurately, the argument of the Senator from Oregon which was forcefully and eloquently put, was an inquiry, a rhetorical question about whether or not potential beneficiaries would like to have the benefits affected by the McCain amendment. I say rhetorical because, of course, there is not a single potential beneficiary who, in the abstract, would not like to have those particular benefits paid out of some pocket other than his or her own.

That rhetorical question was followed on the part of the Senator from Oregon by a statement full of pride of accomplishment on the part of the Finance Committee last year that for the first time Congress had created an entitlement which was paid for by its beneficiaries. Then followed a sharp exchange between the Senator from Oregon and the Senator from Oklahoma over how else these particular benefits could have been paid for.

Interestingly enough, the Senator from Oregon would prefer that we change nothing in this bill at all. It seems to me fair to state that he is at best a reluctant supporter of the proposal by the chairman of the Finance Committee which may result in cutting the surtax but not cutting any of the benefits. The Senator from Oregon admitted that he is almost certain that the benefits provided by this element in our law will, in fact, over the medium and long run, cost more than the surtax, rather than less, whatever present projections may be.

So the Senator from Oregon would, I suppose, support the sense-of-the-Senate resolution before us right now in order to avoid voting on, or passage of, the amendment of the Senator from Arizona. The basic position of the Senator from Oregon is that the 1988 bill is close to perfect, very, very close to perfect, and if it undercuts the willingness of the Congress, senior citizens, or the people of the United States to pay for long-term care which he and others admit to being perhaps the greatest single desire of most people, so be it. We will simply cross that bridge at some future time.

I find it curious that almost all of the debate in opposition to the McCain amendment speaks as if it were an absolute repeal of everything accomplished in 1988. The entire debate is on how important these benefits are, how desperately off many people would be if we were to pass this amendment, as if the act could not be revisited, as if the amendment were something other than what it is.

The amendment sponsored by the Senator from Arizona postpones, for 1 year, the least catastrophic of the benefits in the 1988 act and the surtax which was designed to pay for those extra benefits. That is all it does.

The Senator from Arizona points out quite accurately that the vast bulk of the people of the United States, the great majority, for that matter, of the people who are the supposed beneficiaries of that 1988 act, had no idea, one, of what they were getting or, two, of what they were going to pay under the act.

The Senator from Oregon points out that Members of this body knew what they were doing and knew that this was not long-term care at the time of the final vote on the act.

But that, Mr. President, hardly counts. The people of the United States who will both receive the benefits and pay the bill quite clearly did not know what this act included. Many, perhaps most, thought that it did encompass long-term care which is what catastrophic care means to many people, rightly or not.

The confusion continues to the present day and was eloquently outlined by the Senator from West Virginia. Yet it seems to me the very argument made by the Senator from West Virginia is the best argument for the passage of the McCain amendment. This entire idea ought to be debated within a context of the people of the United States understanding what is at issue, not in the context of a failure to understand what is at issue.

The Senator from Oregon, with great pride, analogized this act, where only 3 or 4 percent of the people will ever use the catastrophic care benefits, as being like fire insurance, because, of course, only 3 or 4 percent of the people who buy fire insurance ever have a fire or a claim under such insurance. That analogy, Mr. President, simply does not wash. The immense difference is that when you buy fire insurance, you pay a premium based on the risks to your home and not to someone else's home.

The Senator from Oregon pointed out with great pride that we have a situation in which some people who are wealthier than others, who are potential beneficiaries, will pay a little bit more than the actual cost of insuring themselves, and was that not fair?

Mr. President, I do not believe that is an accurate description of this proposal. Forty percent of the beneficiaries are paying 100 percent of the cost of the benefits which are the subject of the McCain amendment. That is not a modest displacement of costs by any stretch of the imagination. When you add to that fact that a substantial portion of the 40 percent who will pay 100 percent of the premiums are already covered and therefore will be receiving no benefit at all—no insurance for their fire, to use the terms of the Senator from Oregon—one can understand that they feel they are unfairly treated and that there must be a better way in which to accomplish this goal.

Mr. President, it seems to me the very fact that most people, both beneficiaries and those who will pay for it, did not understand what they were getting last year, because it is almost totally agreed that the single benefit most desired by the American people is long-term care and because it is almost beyond argument that the costs of this program make it more difficult to provide that long-term care, it seems to me overwhelmingly apparent that we should accept the McCain

amendment. We should allow ourselves a period of 1 year in which the Finance Committee, wiser by reason of all of its debate last year, wiser by reason of all it has learned this year, wiser by the input from so many citizens and so many citizens' groups, can deal with this question and the larger question of long-term care as a unit without being faced with the emergency of these premiums and these benefits coming into effect instantly.

This is not—I repeat, the McCain amendment is not—a repealer. It is a postponement of some but not all of the benefits of the 1988 act. It is a postponement which will allow the entire question to be debated thoughtfully and rationally. It is obviously the desire of a great majority of people who have taken a position on the issue sufficiently strong enough to have caused them to have written their Members of Congress or their Members of the U.S. Senate.

This body should be both reflective of the views and the thoughts of its Members. It should also be reflective of the views and the thoughts and the desires of the people who have elected us to this body. If we are, even to a modest degree, we will reject the sense-of-the-Senate amendment which means nothing, for all practical purposes. We will accept the amendment of the Senator from Arizona and we will ask the Finance Committee in this House and the Ways and Means Committee in the other House to take a new and fresh view of the subject to set priorities, to provide those benefits and to pay for those benefits most desired by the American people.

(Mr. KERRY assumed the chair.)

Mr. D'AMATO. Mr. President, I rise in support of the McCain-Hatch amendment. I have received tens of thousands of letters and inquiries from seniors who are deeply troubled by the financing of the Medicare Catastrophic Coverage Act. I must say that in the town hall meetings I have attended, and on countless other occasions when my constituents have spoken to me, this is one issue that has generated a great deal of concern and I might say even anger.

I would like, Mr. President, to ask the sponsor of this amendment a question. There have been reports that indeed the supplemental premiums called for the Catastrophic Act will generate excess revenues over and above the cost of that program; is that the case?

Mr. McCAIN. My understanding from CBO, if I might respond, is that indeed that is the case. To the tune of some $3.1 billion, senior citizens will be funding some disguise of the actual size of the national deficit. If my amendment were passed, that would shrink to something like $10 million in fiscal year 1990.

Mr. D'AMATO. Mr. President, if what we are doing is charging a premium for benefits in excess of $3 billion over what those benefits cost, it seems to this Senator—and those figures come from CBO—that we should revisit this question.

I believe that the amendment put forth by Senators HATCH and MCCAIN is a reasonable one. When we passed the Catastrophic Coverage Act, we talked about giving seniors the protection they needed so that if they had a catastrophic illness involving a long hospital and costly hospital stay, they would not be devastated and wiped out financially.

So let me ask Senator MCCAIN, does his amendment in any way eliminate the provisions intended to protect those who must undergo long-term stays in the hospital?

Mr. McCAIN. I would say to my friend that, because of the criticality of three particular aspects of the original bill, those three are kept in, according to my amendment.

Let me emphasize all others are simply delayed by a year. They are not done away with. They are delayed so that the members of the Finance Committee can go back and revisit this issue. Those three provisions that are maintained in this bill are the prevention of spousal impoverishment, skilled nursing home care, and long-term hospitalization care.

Mr. D'AMATO. Mr. President, when we supported the Catastrophic Coverage Act last year, it was at least this Senator's thought that we would be offering protection in the area of long-term hospital care—addressing the concerns of those who feared they would have to sell their homes, or take a vow of poverty if they were to receive the necessary medical treatment. Certainly, no one at that time contemplated creating an excess, a slush fund, of $3 billion to help reduce the deficit. And certainly not by going to the senior citizens of America and having them make a contribution in excess of the cost of the program.

Let us retain the essential ingredients of the Catastrophic Coverage Act, and the method by which to pay for it—and that is what Senator MCCAIN's amendment does—instead of putting on the backs of seniors a fivefold increase in their annual Medicare premiums. That is what at least half of them will have to pay.

No wonder they are outraged. No wonder that when you go to a town hall meeting or meet someone on the street, they say, "What have you done?" We have an opportunity to correct the most burdensome aspects of the Catastrophic Act with the passage of this amendment. I strongly support the McCain-Hatch amendment, and I urge my colleagues to join me in supporting it.

I thank the Chair.

Mr. COATS. Mr. President, catastrophic insurance for our elderly is an act of compassion and a matter of justice. It helps relieve a burden that seniors should not have to bear alone. And it is a commitment we should not nor will not turn our backs on.

But now, with the benefit of a few months of close study, it is obvious that some of the flaws we saw in the Medicare Catastrophic Coverage Act [MCCA] are not just disturbing but disastrous. As new facts and analysis have come to light, it is clear that the funding mechanism for this law is so inadequate, it threatens the entire package.

Initially we were promised that much or most of the funding for catastrophic insurance would come from an across-the-board fee, spread evenly among seniors like a true insurance premium. But as Congress expanded the initial proposal and costs increased, a tax surcharge provision was added to take up most of the cost. And this has left many senior citizens with a massive tax increase they cannot afford and will not tolerate.

Data from the Institute for Research on the Economics of Taxation shows that in 1989 the catastrophic package will be a bad deal for every senior citizen with an adjusted gross income over $6,265—that means 46 percent of the elderly. These seniors will have to pay some of the so-called surcharge as well as the flat tax, and the average benefit in 1989 will be less than the total premiums they must pay. Over a 5-year period, senior citizens will be paying $44.3 billion in higher premiums and income tax surcharges for benefits worth only $30.5 billion. Most will be paying those soaring taxes and fees for excessive benefits they did not want in the first place.

We have been left with a law that actually undermines the case for needed catastrophic insurance. By loading this legislation with additional costs and bleeding more than 40 percent of the elderly with an exorbitant tax, Congress has bred confusion. A law intended to provide peace has instilled fear.

The Medicare Catastrophic Coverage Act is noble in conception, but seriously flawed in execution. And if we are to save it from justified public outrage, we will need to reexamine the manner in which it is funded. That is the reason I am supporting Senator MCCAIN's amendment to the urgent supplemental. It keeps the vital benefits of long-term hospitalization, skilled nursing care, and protection from spousal impoverishment. But it delays both the implementation of supplemental premiums and the implementation of other benefits for the period of a year. This will allow Congress the opportunity to review,

through public hearings, the options for more equitable funding.

While I believe that we need to take further steps to improve MCCA, the changes proposed in the McCain amendment are a good start. I can promise you, Mr. President, that I will continue to work to revise MCCA so that we can appropriately protect seniors from the devastating impact of acute catastrophic illness.

I ask that a summary be printed in the RECORD.

There being no objection, the summary was ordered to be printed in the RECORD, as follows:

SUMMARY OF CATASTROPHIC DELAY AMENDMENT

Protects the long-term hospitalization and skilled-nursing facility benefits, provisions in the Catastrophic Coverage Act which have already been implemented. Also protects the "spousal impoverishment" benefit that is contained in the Catastrophic Coverage Act, which is due to be phased-in beginning in September 1989.

According to CBO, the cost of these can be borne by the flat Part B premium increase ($4) that has already gone into effect.

Delays, for a year, all other provisions in the Medicare Catastrophic Coverage Act—including the supplemental premium (referred to by many as a "surtax").

This one-year time window will provide Congress the opportunity to revisit the Act through public hearings to determine what, if any, changes ought to be made in the benefit or financing provisions. Without it, making any substantive changes to the Act may be impossible given that it is nearly impossible to take social benefits away once they have been put in place.

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico.

AMENDMENT NO. 137

Mr. DOMENICI. Mr. President, I understand that the Republican leader is waiting for the majority leader to come to the floor to discuss a unanimous-consent agreement. I certainly do not want to interfere with that. I will speak until they would like the floor, then I will yield it immediately and find some other time to complete my remarks.

First, I apologize for my voice. For those who might think it is not me—it is. And I will not strain my voice, I say to my good friends.

This bill came to the floor of the Senate after a very long, long stint in conference, having been there for many, many weeks. And, obviously, it was a dramatic change from the law that had passed the U.S. Senate. I personally, as one Senator, recall being rather concerned about the changes, but it seemed that we were being told, and perhaps rightly so at the time, that this law was really looked upon with great favor by the senior citizens of the country and it was just what the doctor ordered.

In spite of that, I recall saying: "Even if we prefer to call these premiums, we have to recognize that they are not voluntary and that they will be paid through the Tax Code." I continued to say, "I am quite concerned that there will be a backlash from the older Americans when they find out exactly how costly these new benefits are. The huge tax increase is going to be a surprise to many older Americans."

That is the end of my quote as I recall it from the floor.

Well, obviously, I had an intuition that in spite of all of those supporting the law and all those groups supporting it, some of which have changed their minds, there might be a problem. At this point, I guess my intuition was right. Frankly, I do not find very much support from the senior citizens for this law. And that does not mean that it is right or not right. But if the senior citizens in New Mexico had said in my conversations and my questionnaires to them and my direct communications, if they had said what some people would accuse the seniors of, if they wanted the benefits and did not want to pay for them, well, that would be a little different. But I tell you they did not say that.

I received over 1,000 written ballot answers. And if you think they are not interested, the responses broke all records in my office. Half or more who responded did not only answer the questions but wrote letters and explained their positions, which to me seems to indicate that there is a genuine concern.

And, Mr. President, one-third wanted it repealed. They were not asking for a freebie. One-third wanted the benefits cut back substantially and said we will take the long-term hospital care and a couple of other things, but we do not want the surtax. Another third suggested delay. All of which was: We want to pay for what we are going to get but we think what you are trying to give us is way too much. We do not really want it. If we have to pay that large a surtax. So that is why I am here.

I do not think we always have to ask exactly what our citizens want. But I think in this case we are misjudging the priority of the senior citizens. I really think they are concerned about some other health care issues more than the prescription drug coverage in this bill; and some of the other coverages that are nice. But they are saying we certainly do not want this enormous surtax.

Frankly, in my opinion, for those who want to study the matter and want to do a deliberative job of fixing it up, Senator MCCAIN has a perfect bill. Essentially, he is going to let us do that because he is going to say—if we pass it and I hope we do—he is going to say for 1 year: defer these things that I have just spoken of, that have been spoken of here on the floor much more eloquently than I can, that are too expensive and that the senior citizens of this country do not want for free. They do not want to pay for them and they do not think they need them. That is what he is going to let us do.

The deliberations can take a long time. His approach is to wait a year while we look carefully at what we ought to do with the surtax and the benefits that have been piled on as we went from the floor of the Senate to the floor of the House to conference.

So I am here today to say that I truly believe the senior citizens in my State, at least, if they are representative, they have given us a pretty good evaluation of what we ought to do and that is we ought to provide those three basic things that are in the McCain bill and we ought to give ourselves some deliberation time—a year as provided in this amendment—to look at the long-term ramifications of that very large surtax.

Mr. President, frankly I think this surtax, as has been said by many, is a mistake because I think we have a very big issue remaining that we are not even touching and that is the long-term care, nursing home care. Frankly, we are going to have to visit that. And that is the time to look for significant new revenues from any sources. So I hope today we will do what is prudent, what is wise and what most senior citizens in this country in a very deliberative way have told us they prefer and that is to adopt the McCain amendment here in the U.S. Senate.

I yield the floor.

The PRESIDING OFFICER (Mr. SHELBY). The Senator from Nebraska.

Mr. KERREY. Mr. President, as I listened to the Senator from New Mexico, and having heard from the people of the State of Nebraska, they are not only concerned about catastrophic protection but I think there is even a greater concern about the health care delivery system in the United States: What it does, and, frankly, what it does not do.

Mr. President, the debate surrounding section 89 and the catastrophic protection plan underscores America's need for a national health plan that provides protection for all of its people. I support the amendment offered by the majority leader to repeal section 89 and replace it with simple nondiscrimination rules and his amendment which would require the Finance Committee to reconsider the Catastrophic Protection Act of 1988 for the purpose of addressing the concerns of all individuals who have been impacted by this legislation.

Mr. President, on the issue of section 89 the origin of the conflict is our failure to analyze the assumption that

the Internal Revenue Service can make our health care delivery system fair or nondiscriminatory. It can do neither, and the result of our giving it that responsibility will be government at its worst.

The Catastrophic Protection Act contains a similar defect in an underlying assumption. In this case it was not only fully disclosed but it was a requirement of President Ronald Reagan and his Secretary of Health and Human Services, Dr. Otis Bowen.

Twice in his State of the Union Messages President Reagan talked about the tragedy of medical catastrophies which were impoverishing American citizens. The causative agents were acute illnesses or traumatic accidents as well as long-term disabilities. While these catastrophies were experienced mostly by older Americans, they could just as easily occur to children, and were always felt by an entire family.

The President of the United States focused America's attention upon this inequity and proposed to address it with a solution. However, the President insisted on paying for these catastrophies by assuming that they were the sole territory and responsibility of older Americans. This defect—which was agreed to by Republicans and Democrats in this body—is the source of our trouble now.

Let me remind my colleagues that we are debating amendments to a supplemental appropriations bill. Let me further remind my colleagues that the principal emergency requiring this appropriation is a shortage of funds in the Veterans' Administration needed to take care of this Nation's veterans.

Mr. President, I am one of those veterans who is served by the Veterans' Administration. Significantly, neither President Reagan nor President Bush are proposing that the funding mechanism used to pay for medical catastrophies visited on other Americans be used to pay for the one which I experienced 20 years ago.

Mr. President, I am a recipient of a national health plan designed to remove from me the fear of medical indigency. I may go broke as a U.S. Senator, but it will not be on account of a medical condition. We have designed a plan to insure this will not happen.

The debate surrounding section 89 and the catastrophic protection plan is further evidence that America needs a national health plan that provides protection for all of its people. Beginning with the underlying assumptions which entitle veterans like myself to care that is essentially socialized medicine I end with the conclusion that we simply need to lower the threshold for entitlement. Rather than requiring American citizens to get blown up in a war before they are eligible, we should make them eligible simply because they are Americans.

Mr. President, the time has come—for both humanitarian and economic reasons—to move to develop a national health plan that provides care to us all.

Mr. KOHL. Mr. President, I rise in support of the Mitchell amendment on section 89.

We should replace section 89 with a more workable alternative. Businesses and employees should be free from the threat of the current penalties and requirements of section 89.

Some say we should repeal section 89 and leave nothing in its place. I appreciate their feelings, but for two reasons I simply can't agree. During debate on the Tax Reform Act, testimony revealed that discrimination in benefit plans was widespread among some prominent types of businesses.

Far too many of these plans allowed highly paid employees to receive tax free benefits worth as much as $5,000 and $10,000. At the same time, the rank-and-file workers were receiving benefits worth very little. The Tax Code should not encourage this kind of behavior. Section 89 attempted to address that problem, but did so clumsily.

My second reason for opposing repeal is that it would aggravate the deficit. Repeal section 89, Mr. President, and the deficit will increase by almost $200 million over the next 2 years and almost $900 million over the next 5 years. If we don't want to worsen the deficit, where are we supposed to make that up? What program should be cut? Whose taxes should be raised?

Mr. President, it comes as no surprise to anyone that section 89 is not the only flawed provision of our Tax Code. We should find ways to correct those problems. However, the cost of those corrections must be taken into account. As is the case here, if corrective action would seriously worsen the deficit, we should pause. The deficit is bad enough; repealing section 89 would only worsen it.

Mr. President, Senators BENTSEN and PRYOR will shortly present the Senate with a bill to address the problems of section 89. I am an original cosponsor to that legislation. The Bentsen-Pryor bill strikes the balance we are looking for. It will allow benefits to be provided under fair, but reasonable nondiscrimination guidelines. The chairman of the Finance Committee said that he will act on the bill within 1 week.

I look forward to seeing the product of his committee's efforts and urge my fellow Senators to support the Mitchell amendment.

Mr. REID. Mr. President, many of my colleagues have come to the floor today to give eloquent testimony on the need for repeal of section 89. None of these statements, however, are as strong as those contained in the hundreds of letters I have received from small businesses throughout Nevada. They are all quite clear: Repeal or modify section 89 or we can no longer afford to provide health benefits to any of our employees. The original intent of section 89 was to extend health benefits to more employees, not to eliminate it for those who are currently covered. Clearly, section 89 fails to do what Congress intended it to do.

As my colleagues know, Secretary of the Treasury Brady recently decided to postpone enforcement of section 89 until October 1, 1989. Congress now has the opportunity to carefully reexamine section 89, eliminate its onerous provisions and transform into what it was intended to be: An incentive to employers to provide nondiscriminatory health plans. Therefore, I am voting for the Mitchell amendment to the Kasten amendment. But I cast this vote with the understanding that the Finance Committee will quickly undertake a review and reform of section 89. If it does not, I will vote for the outright repeal of this onerous provision at the next opportunity.

Mr. CHAFEE. Mr. President, section 89 of the Internal Revenue Code was created by the Tax Reform Act of 1986, and has been the subject of a great deal of controversy. I believe the original intent of section 89 is fair and rules such as these are necessary to prevent discrimination in tax subsidized programs. According to the Congressional Budget Office, the Federal tax subsidy incurred through the tax deduction for employer-provided health and life insurance will be $32 billion in income taxes for 1990.

Outright repeal of these rules as advocated in the Kasten amendment would violate our responsibility to the American people to maintain fairness in the Tax Code. The current tax subsidy for health insurance fulfills an important social goal: encouraging adequate health insurance coverage for all Americans.

Allowing a tax deduction for employer-paid premiums on a health insurance policy maintained for the owner or the high-paid executives of a business, but not the rank and file employees, does not accomplish this goal. In my opinion, a vote in favor of the Kasten amendment would be equivalent to allowing discrimination in favor of owners and high-paid executives in the Tax Code.

Every one of my colleagues who has spoken on this issue today agrees that these rules are extremely complicated and impose an unreasonable administrative burden on the employers who provide fringe benefits to their employees. The only disagreement involved, is how best to solve the problems inherent in the current nondiscrimination rules contained in section

89 and the Treasury regulations issued thereunder.

We all agree that we must do something to substantially reduce the complexity in and costs of complying with the section 89 nondiscrimination rules. These issues must be adequately addressed to fulfill the original intent of the law to expand health insurance coverage and not cause employers to eliminate coverage.

I will vote against Senator KASTEN's amendment on outright repeal of section 89, because I am opposed to outright repeal and providing a tax subsidy for discriminatory health insurance plans. I believe we need to replace 89 with nondiscrimination rules that will relieve the complex administrative burden of the current rules.

It is important for us to develop nondiscrimination rules that can be complied with by businesses, administered by Treasury and the IRS, and which will justify the Federal tax subsidy for employee benefit plans. I will support Senator MITCHELL's second degree amendment to express the sense of the Senate that we should delay the effective date of these rules and replace the current rules with tests with which business can comply.

In addition, I am an original cosponsor of the bill to be introduced by Senator BENTSEN today, that would alleviate the concerns of all employers. This bill will delay the effective date of section 89 until January 1, 1990, repeal the current rules and replace them with a simple design based nondiscrimination test.

Mr. President, I hope my colleagues will join me in opposing the Kasten amendment and supporting the Mitchell sense of the Senate amendment.

Mr. BAUCUS. Mr. President, my vote tonight is a vote to give this body an opportunity to prevent employers from continuing to set up health plans that discriminate in favor of their highly paid management employees and having that discrimination paid for by middle-income taxpayers.

The income tax exclusion for health benefits costs the Federal Government billions of dollars. That loss is made up by raising revenue from other sources, namely the middle-income taxpayers who pay into Treasury most of the revenue collected each year.

President Reagan recognized that we have a problem with discriminatory health plans when he proposed in 1985 that Congress enact what now is section 89 of the Internal Revenue Code. That provision was based on good tax policy; but it is a bad law.

I know we must get rid of section 89. But we cannot permit employers to continue to provide health benefits in a discriminatory manner and have all taxpayers pick up the tab.

I have sponsored legislation today with Senate Finance Committee Chairman BENTSEN to repeal the current section 89 rules and to replace them with simpler rules—rules that do not take days to understand.

My concern is with the small businesses in Montana that do not discriminate but must comply with the current absurdity of section 89. I want to get rid of section 89 as soon as possible. But a vote tonight to repeal it will be ignored by the House and is nothing more than a public relations show that will have no effect.

The real work on section 89 will be done next week when those of us on the Senate Finance Committee sit down to write a substitute for section 89. If during that meeting I find that we are not solving the problems of my constituents and small firms elsewhere, then I will push for repeal of section 89. But first, we must try to come up with workable nondiscrimination rules.

Mr. PRYOR. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. KERREY). Without objection, it is so ordered.

UNANIMOUS-CONSENT AGREEMENT

Mr. MITCHELL. Mr. President, for the information of Senators, I am about to propound a unanimous-consent request with respect to the completion of this matter this evening and tomorrow. There are four matters remaining, and I am going to suggest they be disposed of three this evening, and then return to the fourth tomorrow.

So for the benefit of Senators who have an interest in this matter, if they would give me their attention, please, I might say, Mr. President, before propounding this request, I have discussed it with the distinguished Republican leader.

Mr. President, I ask unanimous consent that the pending amendments be laid aside and that the Senate proceed to the immediate consideration of the resolution on China to be offered jointly by myself and the distinguished Repulican leader; no amendments or motions be in order in relation to that resolution, and that the time for debate on the resolution be limited to 20 minutes to be equally divided between the two leaders.

I further ask unanimous consent that upon disposition of the China resolution, the Senate proceed to the consideration of Senator HELMS' amendment on South Africa, that amendment now being under a 20-minute time limitation, a similar limitation applying to any second-degree amendment which may be offered thereto.

I further ask unanimous consent that upon disposition of the Helms amendment, the Senate return to consideration of the Kasten amendment and the Mitchell amendment thereto.

I further ask unanimous consent that on tomorrow, when the Senate resumes consideration of the supplemental appropriations bill, that the McCain amendment and the Mitchell amendment thereto be the pending business.

The PRESIDING OFFICER. Is there objection?

Mr. BOSCHWITZ. I object.

The PRESIDING OFFICER. Objection is heard from the Senator from Minnesota.

Mr. MITCHELL. Mr. President, then we will resume consideration. I simply say I have tried very, very hard over the past day and previously to accommodate the Senator from Minnesota. I regret that we have been unable to. We are going to finish this bill tomorrow, and we are going to continue this evening. If there is objection to this, which I respect, then we will just continue until such time as we have completed action on the three matters that I have discussed, and we will resume and finish the McCain amendment tomorrow.

Mr. BOSCHWITZ. Mr. President, I remove my objection.

The PRESIDING OFFICER. Will the Senator renew his request?

Mr. MITCHELL. I renew my request, Mr. President.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. MITCHELL. I thank the President, and I thank my distinguished colleague from Minnesota and the distinguished Republican leader.

Mr. CHAFEE. Could I ask the distinguished majority leader one question? There is a time agreement on the Helms amendment and there is a time agreement on the China resolution, but there is no time agreement on the Kasten amendment.

Are we going to directly vote on the Kasten situation or is there further debate on that?

Mr. MITCHELL. It is my understanding the pending matter is the motion to table to which we proceed, and I make an inquiry of the Chair with respect to that. Upon disposition of the Helms amendment, under this agreement we proceed to the consideration of the Kasten amendment and the Mitchell amendment thereto; am I correct that pending, then, is the motion to table by Senator KASTEN of Senator KASTEN's amendment and that the yeas and nays have been ordered, and therefore that would then occur?

The PRESIDING OFFICER. The majority leader is correct.

Mr. CHAFEE. One further question if I might. If the Kasten tabling motion succeeds, then we would go, I believe, to the up and down to the Mitchell amendment and further debate on the Mitchell substitute?

Mr. MITCHELL. Mr. President, we have made no attempt in this agreement to resolve what will occur following the first or, if necessary, second vote on the Kasten amendment because the Senator from Wisconsin understandably wishes to preserve his rights. There may be further votes; there may be further debate. I think that depends somewhat on the outcome of the votes and any decision to be made in that regard by the Senator from Wisconsin.

For now, what will occur is that there will be a brief debate and vote. It is my intention to seek a rollcall vote on the China resolution. That will occur within approximately 10 or 15 minutes. Following that, we will go to the Helms amendment with respect to which there will be a vote. Following that, we will go to the Kasten amendment with respect to which there will be a vote on the motion to table, and most likely an immediate vote thereafter on the Mitchell amendment to the Kasten amendment.

Beyond that, I have not made any effort—we did make an effort without success to include what will happen in this unanimous-consent agreement.

Mr. CHAFEE. I thank the majority leader.

Mr. President, while we are awaiting delivery of the resolution to be submitted, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MITCHELL. Mr. President, I ask unanimous consent that further proceedings under the quorum call be dispensed with

The PRESIDING OFFICER. Without objection, it is so ordered.

CONDEMNATION OF THE BRUTAL USE OF FORCE BY THE GOVERNMENT OF THE PEOPLE'S REPUBLIC OF CHINA

Mr. MITCHELL. Mr. President, I send a resolution to the desk and ask for its immediate consideration under the previous order.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A resolution (S. Res. 142) condemning the brutal use of force by the Government of the People's Republic of China against unarmed Chinese students and workers demonstrating for democracy, and for other purposes.

The PRESIDING OFFICER. There will be 20 minutes of debate on the resolution. The time will be controlled equally by the two leaders.

Mr. MITCHELL. Mr. President, earlier today I addressed the Senate on the reasons for and the subject of this resolution. I will not repeat those remarks now but will simply state briefly that for weeks the world has watched with admiration the courage of Chinese students whose activities galvanized their nation and inspired the world in behalf of their call for democracy in China. The events now occurring in China as well as those in the Soviet Union demonstrate anew how universal is the desire for freedom and economic opportunity and how badly communism has failed to provide either.

Just as we watched with admiration the actions of the students, so have we in the past few days watched in disbelief and horror the actions of the Chinese Government. It is a tragic but moving testament to that government's moral bankruptcy that it can remain in power only by killing its own people.

This resolution condemns the brutal use of force by the authorities of the People's Republic of China against unarmed advocates of democracy. It commends President Bush for his forthright statement of American policy and supports the actions taken by the President in pursuit of that policy, including suspension of all Government sales and commercial exports of arms to the Government of the People's Republic of China.

The resolution praises the courageous action of American diplomatic personnel in China seeking to ensure the safety and well-being of American citizens there. It urges that Chinese students currently studying in the United States whose period of admission is expiring and whose return to China could subject them to conditions of violence or mistreatment be immediately granted permission to extend their stay in the United States until the Chinese Government ceases the present persecution of those students demonstrating for democracy in their country.

The resolution also urges that all applications to the Overseas Private Investment Corporation for the protection of investment in China and the Export-Import Bank of the United States for the financing of trade with China be carefully reviewed in light of existing legal requirements for adequate human rights treatment of the people of China.

It urges all departments and agencies of the United States charged with and currently considering liberation of regulations and procedures relating to export licenses for sales to the People's Republic of China should take into account the current situation on China in making decisions.

It urges the President to immediately begin consultation with major allies of the United States regarding each ally's economic, commercial, and security relations with China to determine collectively whether multilateral sanctions are necessary to demonstrate our further abhorrence of the repressive actions taken by the authorities in China.

Mr. President, it is my understanding that the administration supports this resolution. I believe the distinguished Republican leader will address that.

There are many things that occur in the world we cannot directly control. The events in China are among them. But it is within our power to express the views of the American people clearly, unequivocally, unambiguously in support for the students and people of China, and in total condemnation and denunciation of the actions of the authority there. That is necessary not only to make a clear expression of American views but for us to be consistent with our beliefs and principles of freedom and democracy here, there and throughout the world.

I urge an overwhelming, indeed, a unanimous vote, in support of this resolution.

Mr. President, I reserve the remainder of my time, and I yield the floor to the distinguished Republican leader.

Mr. DOLE. Mr. President, in addition to the two leaders, I ask unanimous consent that Senators LUGAR, COHEN, MURKOWSKI, KASTEN, HELMS, WILSON, GRASSLEY, SPECTER, and HATFIELD be made cosponsors.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOLE. And there may be other cosponsors.

Mr. President, I had the opportunity to speak earlier today on the situation in China, so I will be very brief.

As I said, in the past few days, we have witnessed a great leap backward in China, and the thousands of dead and wounded students and workers are not the only victims of the violence of Tiananmen Square.

China's international reputation has been dealt a near mortal wound.

United States-Chinese relations have been seriously damaged.

The cohesion of the Chinese state itself is in real jeopardy.

I hope it is not too late for the Chinese authorities to come to their senses. I hope that cooler heads in the Government and the military—a military which prides itself on being a people's army—will understand that the Chinese people are not the enemy of the Chinese state.

The President has put us on the right side of the struggle in China, and has articulated the right policy to pro-

tect our interests while advancing the prospects for freedom.

This resolution gives the President the support he deserves and needs. Its adoption means this Nation will speak with one voice on this critical issue.

I commend the distinguished majority leader, the chairman and ranking members of the Foreign Relations Committee, and the many other Senators who played a role in crafting this resolution. I urge its immediate, and unanimous adoption.

This resolution does have the approval and the support of the administration. We have checked with both the State Department and the White House. I think it is a strong statement. It should be approved unanimously, and I believe it will be.

Mr. MITCHELL. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. 5 minutes 25 seconds.

Mr. MITCHELL. Mr. President, I yield 2 minutes to the distinguished Senator from Illinois.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. SIMON. Mr. President, I thank Senator MITCHELL for the opportunity just to join in saying what is happening in China is so devastating after the excitement that took place. Over the weekend I met twice with Chinese students. Their passion for freedom, and for democracy is exciting. And their mood of depression because of what is happening over there is really disheartening.

I am particularly grateful to Senator MITCHELL and Senator DOLE for accepting as part of their resolution a suggestion that I drew up that we pay more attention to Voice of America broadcasts into China at this point. The only way the people of China today can find out what is happening in their world in China is through Voice of America, and BBC.

It is extremely important that Voice of America beef up as quickly as possible its broadcasts into China. We now broadcast a limited number of hours. We can increase those hours very, very quickly, and do a real service to the people of China.

Again, I am pleased to join in supporting this resolution. It is an expression I am sure not just by the U.S. Senate, but an expression of support by all the people of this country.

Mr. DOLE addressed the Chair.

The PRESIDING OFFICER. The Republican leader.

Mr. DOLE. Mr. President, I think I yielded back my time. Therefore, I ask unanimous consent that the Senator from Pennsylvania may proceed for 2 minutes on the resolution.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, I thank the Republican leader for the time.

I believe, Mr. President, this is an important resolution. I believe it is important for the Senate to speak out and to express its revulsion as to what is happening in China so that those in authority in China may know the seriousness with which the United States Senate views this action. The needless, senseless bloodshed of the students has drawn condemnation from around the world. As we have seen the pictures of the students being shot down and the students on their bicycles being trampled by tanks in China, it is just an unfathonable scene. The situation there is obviously very chaotic. The future of stability in China is in question. What will happen by way of the future is very much open to doubt. There is a possibility of civil strife there. There is the possibility of civil war there. Those who are in authority in China ought to understand that civilized nations of the world will not stand by and tolerate this kind of conduct.

This resolution is mild compared to what many of us would like to see done to those who are in authority for the acts of violence and brutality that they have perpetrated. But to the extent that the United States Senate may speak out on this subject, and to the extent that it will be heard by the Chinese Government and those responsible for these atrocious acts, I think it is important that these voices be heard and that this resolution be agreed to unanimously.

I thank the Chair.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. DOLE. Mr. President, I yield the remainder of my time.

Mr. MITCHELL. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. Three point 7 minutes.

Mr. MITCHELL. Mr. President, I yield 2 minutes to the Senator from Washington.

The PRESIDING OFFICER. The Senator from Washington.

Mr. ADAMS. I thank the Senator for yielding.

Mr. President, I think this resolution is a very important step that is being taken by the U.S. Senate. I want to be certain that those who hear my voice and read this resolution understand that we believe relations and good relations with the People's Republic of China are in the best interests of the United States; that we hope out of this terrible tragedy that has occurred ordered stability can be achieved; that we are taking the position that we are in this resolution to indicate how badly we feel as a nation about the tragic events that have occured; that we hope this does not lead to civil war; that we hope also we will have a stable government in China with whom good relations can once again be enjoyed.

As one who was deeply involved in bringing the first shipment from China to the United States in over 40 years when I was Secretary of Transportation, having been in China often and knowing something of the problems they have had in trying just to clothe and feed their people and now to try to move to a more democratic society, we hope these democratic ideals will be achieved, that the economic goals of China will be peace and prosperity, and increased trade with the United States.

The people of my State, the State of Washington, have enjoyed a long and friendly relation with the people of China, going back to the silk trade. We are very hopeful that this relationship will be renewed again. We wish Godspeed to those who are trying to achieve peace in China as opposed to those who would have it be in a state of civil war.

I thank the majority leader for submitting the resolution. I thank him also for yielding to me this time.

The PRESIDING OFFICER. Who yields time?

Mr. MITCHELL. Mr. President, how much time do I have left?

Mr. President, I yield the remainder of my time to my distinguished colleague from Maine [Mr. COHEN].

The PRESIDING OFFICER. The Senator from Maine.

Mr. MITCHELL. Mr. President, I ask unanimous consent that Senator COHEN be permitted to address the Senate for 2 minutes, and that Senator MURKOWSKI be permitted to address the Senate for 1 minute.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Maine.

Mr. COHEN. I thank the majority leader for yielding.

Mr. President, I want to commend the majority and minority leaders for working together on this matter to fashion a resolution which has strong bipartisan support. In times like this there is a temptation for Members to engage in some chest beating in terms of who can outbid the other, or raise the ante in describing what kinds of sanctions should be imposed upon China in order, not only to get their attention, but to punish them for what clearly are brutal and barbaric acts directed against their own people.

This particular measure is designed to support and commend the President of the United States for his leadership in letting the Chinese Government know that its conduct is simply intolerable without engaging in threats of what is to come in the future but signaling that clearly other actions may follow if the Chinese Gov-

ernment and its military continue to act in this manner.

Senator MITCHELL and I had an opportunity to address a large audience over the weekend, and we had occasion to talk about the subject of freedom. Unfortunately, men and women all over the world yearn for freedom, but most of them are shackled to the ball and chain of oppression. That is the case in China as well today.

Thomas Jefferson, in referring to the Declaration of Independence in this country, indicated that he believed it would come to some sooner, others later, but finally to all, that the declaration was the signal of arousing men to burst their chains. He said, "The mass of mankind has not been born with saddles on their backs for a favored few, booted and spurred, ready to ride them by the grace of God." And I think that clearly is the situation here. The people of China are rising up to express their desire for freedom. The Chinese Government wants to bring prosperity to China, but they cannot have economic prosperity without also allowing personal freedom.

So this is a very measured, responsible course of action for the Senate to pursue.

I commend my colleague from Maine for initiating it.

Mr. MURKOWSKI addressed the Chair.

The PRESIDING OFFICER. The Senator from Alaska is recognized.

Mr. MURKOWSKI. I thank the Chair.

Mr. President, I am very pleased to rise as a cosponsor of the legislation and in support of the action of our President. I think it is an appropriate signal to the People's Republic of China that it will not be business as usual. We may need to review other special treatments, and the export license for sophisticated technology to China as well. I think the resolution expresses the appropriate outrage for the brutal suppression of prodemocracy demonstrators and represents the United States commitment to supporting prodemocratic forces in China.

Mr. President, the events of the last several days in Beijing are appalling. The entire world has been able to witness on television the rising hopes of the students encamped at the gates of the old Imperial Palace. We have seen the students set up a statue of liberty in their midsts. This image was condemned by the hard-line officials as "an American image." What greater tribute could be paid, Mr President, to our own American democracy than to have the aspirations of other peoples called American?

We watched in wonder as the people of Beijing came out of their houses to protect the students against the first wave of soldiers that the government brought in to disperse them. Then the wonder turned to horror as other waves of soldiers began to fire into the crowds. One witness said: "The soldiers first fired into the air; then at our feet, then they aimed their weapons at chest level." Mr. President, the murder of more than a thousand innocent Chinese citizens in the streets of the capital is an event that no civilized human being can view with anything less than horror.

These atrocities, Mr. President, represent the last, desperate attempts of old men to retain their grasp on power. This brutal suppression of the human rights of the Chinese people by hard-line party functionaries is not, however, surprising. If we consider their general attitude toward human rights as manifested in Cambodia where they have consistently supported the Pol Pot Regime in Cambodia, and the brutal suppression of the Tibetan people, we are not surprised that that brutality has now occured right at the heart of the Chinese capital.

President Bush' reaction of these events has been measured and wise. I support what he has done with respect to military contacts and military aid. He has also done a great service in his assurance that Chinese students in this country will not be summarily sent back to face unknown fates in China. The actions that he has announced, must be only first steps, however. If the brutality does not end, we must think seriously of other measures which will make clear the revulsion of the American people for what the Chinese leadership has done.

Key among the steps which we must consider is delaying implementation of an agreement to allow the People's Republic of China to purchase large quantities of sophisticated computer equipment under bulk licensing procedures. The 1988 Trade Act authorized, for the first time, the Secretary of Commerce to remove prohibitions against exports to China under distribution, or bulk licenses. In CoCom, the U.S. lead efforts to reach a consensus on allowing the use of distribution licenses for exports to China. However, at this juncture, I believe it is appropriate for us to rethink our position on distribution licenses for the export of sophisticated computer equipment to China, and delay implementation of this agreement. In addition, as the annual review of China's most-favored-nation status [MFN] waiver draws near, we may need to consider denying China a waiver. Mr. President, it makes little sense to continue our policy of denying MFN status to other countries on human rights grounds and to grant it to a government whose sins against the rights of the people are so evident to all.

Mr. President, this is clearly a time for action on the part of the U.S. Government. I applaud the President for the actions he has taken and I urge him to take whatever further actions he deems appropriate. I think however that we need to take this opportunity not only to react to current developments, but also to look toward the future.

Now is the time for a complete reappraisal of United States policy toward China. Much that we have done with respect to China in the last decade has been based on the false perception that those in China pushing for a more democratic system would easily prevail. Further, we have been willing to support a move in that direction by contributing technology and other forms of assistance. Now all the world has seen the reality. Our policy in the future must be based on realities and not on perceptions. Americans have too often been taken in by their imagination of what is happening in China and not by the pragmatic realities. Now is the time to deromanticize China, to put our own United States interests at the forefront and to formulate a policy to match the shocking and exciting developments which are bound to occur.

Mr. President, I urge the People's Republic of China to think through clearly the issue of not suppressing our news media or the news media of the world. That would be obviously an admission that they could not stand the light of true reporting coming back to the countries of the world. And I fear for the continuance of accurate information coming from the People's Republic of China. But if there is ever going to be any resolve of this, it must be reported in the true light of the actualities, and that is the only way that the ultimate responsibility for those who perpetrated those deeds are to be held accountable and responsible.

I thank the Chair, and I thank the majority leader for allowing me the opportunity to present my statement in support of the resolution. I yield back the remaining time to the majority leader.

Mr. HEFLIN. Mr. President, I rise today to express my disdain for the continued violence and killings related to the prodemocracy student protests in Beijing. These students have rallied in support of the very ideals which we hold dear and which have been freedoms expressly stated in our Constitution for over 200 years. These students have protested for the freedoms we take for granted—freedom of the press, freedom of association, and freedom of expression.

I support the measures President Bush announced yesterday in response to the unrest in Beijing. He is correct to urge a peaceful conclusion to the protests and to support the students who are risking their lives for their cause. Certainly, we cannot continue

to give military support to a government which shows such wanton disregard for the lives of its people and for their basic human rights. President Bush is correct, however, to try to preserve the dialog which has developed between the United States and China. As a former Ambassador to China, he understands the complexities of the country and the importance of proceeding with caution.

In my judgment, China sits teetering on the brink of civil war. They may already be past the point of no return. The students have the resolve of commitment and the growing support of older people throughout China. Although the students are armed with little more than stones, Molotov cocktails, and their desire to have a democratic government in China, they seem to be making headway in their push for reform. More important than the weapons they lack, seems the students' strong conviction and vision for the future. Mao Tse-tung, the former chairman of the People's Republic of China and former chairman of the Chinese Communist Party once said that, "Weapons are an important factor in war, but not the decisive one; it is man and not materials that counts." His statement, which now seems ironic, has begun to be born out by some of the recent events in Beijing.

All who witnessed the television coverage of the single Chinese student blocking the path of the tank column now know of the students' willingness to sacrifice themselves for the sake of democratic reform. The ideas behind reform gripped the students and spurred their peaceful demonstrations. It is, however, the violence used to disrupt these demonstrations which has caused public outcry and mobilized popular support against the government. Reports today suggest that different sections of the Chinese Army are prepared to face each other.

Deng Xiaoping has proven that he is not afraid to resort to violence. Fortunately, the violence and aggression against the students does not seem to have broken their spirit. We should continue to stand by the students as they fight for freedom and democracy.

The senseless violence currently employed by the army can lead China down two different paths. The first path could lead to the needless slaughter of thousands of Chinese and civil war represented by fights between rival factions of the army. It is my hope, however, that the Chinese Government can follow the second path and distance itself from the violence and destruction while moving toward a peaceful resolution of the conflict.

Thank you, Mr. President.

Mr. BOND. Mr. President, I rise today to join my colleagues in condemning the massacre in Beijing that was ordered over the weekend by China's Communist government.

I was truly saddened when I heard the first reports out of Beijing. I had been cautiously hopeful throughout the past month that the Chinese leaders might see the light and grant their citizens a measure of political freedom to match the economic liberalization that we have seen in that country in recent years. In my conversations with Chinese officials over the past several years—both here and in Beijing—I had been impressed with their promises of economic reform as well as the potential for political reform. I had hoped we were past the point where we would see the use of brute force against innocent, unarmed civilians such as we have seen in recent days.

Mr. President, the United States Government, the American people, and all freedom-loving people must condemn the massacre that the Chinese leaders have carried out on their own people. There simply is no explanation for the spectacle that we have been watching on television for the past several days—we must let the Chinese leadership know that civilized people throughout the world condemn them for their actions.

The protests in China are a reflection of the Chinese people's strong desire for democracy and political freedom. Their pleas for change are a clear illustration of the undeniable fact that economic reforms such as those the Chinese Government has been pursuing are impossible without equal and coordinated political and social reforms.

The U.S. Government must make it absolutely clear to the leaders in Beijing that they cannot expect to continue their integration into the world economy—with all of the benefits that brings—without giving its citizens basic political rights.

To this end, the President's actions announced yesterday are an appropriate first response. The President's move to cut off military sales, military meetings, and allow Chinese students to stay in this country longer are a reasoned response. If there is no satisfactory response, we clearly will have to pursue stronger measures, but the President clearly has taken a reasoned set of actions. I join my colleagues in expressing strong support for the President and I urge my colleagues and the administration to work together to ensure that we speak with one strong, united voice.

Mr. KOHL. Mr. President, we do not know precisely what is happening in China at any given moment. Events are changing, the dynamics of the situation are unstable, no one can predict what will happen next. But there is at least one thing we do know: There is a movement toward democracy in China which is now irreversible. Both the government and the people have revealed their true character in the streets of Beijing—and they are incompatible.

Thousands of innocent people, people driven by a love of their country, have died—died tragically, died heroically, and also died needlessly. Ultimately, even a dictatorship needs the acquiesence of the people to survive. The current government does not have anything but force and hatred—and that, in the long term, is not enough to allow it to survive.

While making clear America's revulsion and rejection of the slaughter that took place this weekend, the President has resisted the calls for dramatic action. He is correct. We need to support the people of China while punishing the government. We need, to the extent that we can, to encourage restraint on the part of the military and encourage responsible parties in the government to reexamine the policy of repression now in place. If the crisis continues to escalate, we can always reexamine our options.

Mr. DURENBERGER. Mr. President, I rise to express my support for the pending resolution. In the last few days the world has witnessed the brutal repression of a peaceful protest in the People's Republic of China. We had been watching a rare event in history—a peaceful, grassroots cry for democracy in a country that has no recent experience in representative government. Not just the students, but members of the military, teachers, shopowners, and workers forged an alliance to ask for democracy. The only way their government knew how to address the true sentiment of the people was to order repression and slaughter. Our duty is clear—we must make it clear to Mr. Li Peng and Mr. Deng Xiaopeng that the wholesale massacre of peaceful people shall be not be tolerated by the United States.

On May 13, over 2,000 Chinese students began a hunger strike for democracy in Tiananmen Square. Within 4 days, more than 1 million people took to the streets of Beijing and millions of people across China rallied to support the students in Tiananmen Square. Less the 30 days later, the lifeless bodies of students, workers and residents lay silent in Beijing—bodies that have been beaten, shot, and run over by tanks.

Newspapers recently reported one of the incredible events of Chinese history in our time. Mr. Li Peng and President Yang Shangkun ordered the military to end the demonstration and deployed antiriot troops.

When one of the troop convoys was driving through eastern Beijing, an old woman streetcleaner rushed over and stopped the convoy by laying down in front of it. The students and residents of Beijing soon surrounded

the convoy, and asked the soliders why they wanted to repress a call for democracy. They also give the inconvenienced soldiers breakfast. An officer promised, "We absolutely won't repress the people. We are the people's soldiers." And then the soldiers drove back the way they had come. The people of China found a consensus for a time.

Unfortunately, those soldiers were replaced by men who had no respect for the will of the people and clearly have no conscience about the killing of innocents. The perpetrators of the massacre in Tiananmen Square, the 27th Army, proved their loyalty by traveling 400 miles to Beijing to replace the local 38th Army, who would not attack the protesters. Reports now indicate that the 38th Army—with links to the prodemocratic movement—is back in Beijing and is fighting with the butchers of Tiananmen.

I applaud President Bush's response to the turmoil in mainland China and I support measures that express our acute repugnance with the government of the People's Republic. Suspending the transfer of military equipment and contact with military personnel, sending humanitarian aid and offering a temporary haven to Chinese nationals currently in the United States are positive signs that reaffirm our Nation's role as the beacon of democracy.

I endorse President Bush's call for restraint by the government of the People's Republic. In the recent past, the United States has maintained friendly relations with the government in Beijing and, as a Nation, we harbor no ill-will for the Chinese people. Nonetheless, the leaders of the People's Republic must clearly understand that they cannot expect continued benefits if they massacre their own people. The situation in Beijing is too chaotic for anyone to accurately predict the outcome; increased repression, civil war, a military coup, or a victory by the moderates are all possibilities.

In the past, there have been questions about the practice of allowing students from overseas to come to the United States and attend our colleges and universities. The events of the last 4 weeks in the People's Republic plainly show the benefit of the many student exchange programs. Right now in the United States, there are 40,000 Chinese students enrolled in educational programs. At the University of Minnesota in Minneapolis, there are more than 600 Chinese students—the largest concentration of Chinese students in a single city campus in the United States. Like the countless scholars before them, they would like to return home and join the growing numbers of people around the world who are calling for democracy and self-representation. Their voices will not be silenced and their dreams will not be vanquished.

I am also concerned about the nearly 10,000 American nationals who live, work, or study in the People's Republic of China. This resolution properly recognizes the efforts of our diplomatic corps in China. Many of my constituents were caught in the maelstrom that has developed. One in particular, is Prof. Michael K. Steenson. He arrived in the remote city of Taiyuan on May 29, as a guest lecturer at the Shanxi University. Ironically, his subject lectures were supposed to be the first amendment rights under our Constitution. Securing his safety is far from easy, because he is over 400 miles from the nearest American representative, does not speak Chinese, and has had limited contact with the United States. United States personnel have successfuly assembled most of the Americans in Beijing and they are doing their best to protect Americans throughout China. I know my colleagues share my concern over Professor Steenson and all Americans in China.

The resolution before us is a modest expression that this body stands with students, not slaughter; democratic movement, not authoritarian repression. I ask unanimous consent that a number of articles, from the Minnesota Star Tribune and the St. Paul Pioneer Press Dispatch, respectively, be printed in the CONGRESSIONAL RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the St. Paul Pioneer Press Dispatch, June 6, 1989]

MINNESOTANS IN BEIJING CONFINED TO HOTEL ROOMS

(By Louis Porter II)

Minnesotans visiting chaotic Beijing are often confined to their hotel rooms upon advice of Chinese officials and reportedly face more delays and hassles than danger.

"It's a matter of trying to get them on the plane," Joan Andresen, regional sales manager of Pacific Delight Tours, said Monday. "We've canceled all tour departures this week. Anyone scheduled to go to China for the rest of the month can cancel and we will refund their money."

Andresen estimated that her touring agency, based in New York with a regional office in the Twin Cities, has 75 to 100 people in China.

She said the agency is working with China's touring agencies, which are connected to the government, to arrange departures for Pacific Delight's clients.

Up until last weekend, tourists in Beijing were able to view the sights almost as they would normally, Andresen said.

"With the obvious exception that they couldn't go into Tiananmen Square or the Forbidden City, I think people there were fascinated," she said. "I think they felt they were seeing history in the making."

Andresen said a kind of "carnival atmosphere" was reported on the street, with many people observing the protests. "People were selling lemonade on the street."

The Rev. George Weinman, pastor of Roseville Lutheran Church, is in China as part of a delegation with the Missions Board of the Evangelical Lutheran Church.

Doris Johnson, office manager at Roseville Lutheran Church, said the congregation has received word that Weinman and his delegation of nine other people are all right.

"They had been confined to the hotel and could hear shooting from the hotel," before leaving Beijing on Sunday for Xian, Johnson said.

The purpose of the trip was for representatives of the Lutheran Church to study Christianity as practiced in China, she said.

Jan Haugen, an aide in U.S. Sen. Rudy Boschwitz's St. Paul office, said families of college students visiting Shanghai are concerned about their return trip.

Haugen said her office acts as a liaison with the U.S. State Department, which in turn works with the embassies in China to return students home.

"Right now, they are telling them to stay put in Shanghai," Haugen said. "Buses and cabs are not moving. Banks are closed. Airport controllers didn't show up for work.

"They are telling them to stay in the hotel, not go outside, stay away from windows. Common sense," she said.

Moreover, embassies want U.S. citizens visiting China to be readily available as planes out of the country are scheduled, she said.

U.S. Sen. Dave Durenberger's office is assisting a group of students and recent graduates at St. Olaf College in Northfield.

The delegation of seven, including a St. Olaf professor, is in Shanghai studying at East China Normal University. That group was scheduled to leave June 10.

Duluth teacher Jewel Shroder, who is in Beijing teaching English at People's University as part of an exchange program, was evacuated with three others from the university to a Beijing hotel following the outbreak of violence. The State Department conducted the evacuation.

[From the St. Paul Pioneer Press Dispatch, June 6, 1989]

NO NEED FOR RESTRAINT IN PRIVATE EMOTIONS

Americans are angry and their hearts knot is sympathy for Chinese students and workers mowed down in their own streets by their own soldiers acting in reflexive repression. The Chinese government's resort to deadly force to wrest control from the protesters for democracy outrages.

Who cannot share the anguish and sense of betrayal felt by living young Chinese as they bow over other, dying, young Chinese? There must have been another, less deadly way the government could have reacted.

For some in this country, the shooting in Tiananmen Square is reminiscent of some civil rights demonstrations past, and of that spring day in 1970 when American students fell to shots fired by American soldiers at Kent State University. Those events, too, were about control, and they shocked this nation. Government paranoia, wherever it appears, is ugly and dangerous.

In China, they are counting victims—"martyrs to democracy"—by the hundreds. Soldiers are reclaiming the streets, and threatening the universities. "This is a great sin against humanity," said a Chinese student at an American university. "Where is the outcry?"

The outcry from people is all around. You hear it in offices, on buses, in restaurants, around dinner tables. In America, and throughout the world.

But government voices are more restrained. Necessarily so. Governments talk to governments, even as their people speak to people.

"This is not the time for an emotional response," said President George Bush, explaining the measured steps he took against China Monday. "I don't want to see a total break in this relationship . . . When you see these kids struggling for democracy and freedom this would be a bad time for the United States to withdraw."

The president suspended all military trade with China and let Chinese students here know that this government would look kindly upon requests for visa extensions during the turmoil in China. He did not, as some had urged, break off relations with the government of China.

You can't reasonably fault Mr. Bush for trying to maintain communication with China's leaders. The opening up of China, after all, was hard. You can't reasonably fault him for refusing to encourage dissent he could not materially support. Such could backfire terribly. But you can gnash your teeth in frustration over diplomatic niceties and curse the oppressors in China and vow never ever to forget all that happened in Tiananmen Square, Beijing, China, in the spring of 1989.

[From the Minnesota Star and Tribune, June 6, 1989]

CONCERN EXPRESSED FOR SAFETY OF MITCHELL LAW PROFESSOR IN CHINA

(By Kevin Diaz)

In an article to be published in his school's magazine today, William Mitchell College of Law professor Micheal Steenson writes that he is excited to see China from a vantage point that goes beyond "the usual tourist way."

Holed up at Shanxi University in the midst of increasingly violent student unrest in China, Steenson apparently is getting his wish.

Contacted by telephone Monday, he told faculty colleague Jennifer Brooks that the pro-democracy protests that led to slaughter last weekend in Beijing's Tiananmen Square appear to be spreading to Shanxi University in Taiyuan, about 400 miles west of Beijing.

Steenson, who is an invited lecturer at Shanxi University, reported no violence there and said that he felt safe. But he said students are demonstrating in the main square and it is surrounded by soldiers. "He said he didn't want to see China just as a tourist, but I think he's getting a lot more than he expected," said William Mitchell spokesman Donn McLellan. Steenson's article, written before he left China, is to appear in the spring issue of William Mitchell Magazine.

Concerned for Steenson's safety, William Mitchell Dean James Hogg has sought help from the U.S. State Department through Sen. David Durenberger, R-Minn., to secure the professor a safe exit from China.

Steenson, 42, was scheduled to stay at Shanxi University from May 29 to June 20, when he was scheduled to lecture at Peking University in Beijing. That leg of his trip is now in doubt. "That was to have been his route out of China, but it has been closed off for now," McLellan said. "He'll have to wait and see what his options are. The State Department is advising American visitors to lie low."

Brooks contacted Steenson at 3 a.m. Monday (Twin Cities time), before telephone contact with China was cut off, she reported.

Steenson told her that while the government has tried to suppress news of the Beijing massacre, rumors and information have filtered out. He told her that amid the demonstrations in Taiyuan, one banner—written in students' blood—said "If this is how the government treats students, it must be toppled."

Steenson, an expert in tort law, spoke with his family in Shoreview on Memorial Day, before the army began shooting at demonstrators.

"He thought there might be a revolution in China and he wanted to witness it," said his 15-year-old son Andy, one of three children. "But that was before the violence.

"I'm worried about him—we're all worried about him—but he's pretty adventurous." Andy said, "I think he finds it exciting."

[From the Minnesota Star and Tribune, June 6, 1989]

CHINA MASSACRES ITS CHILDREN

To the obituaries being written in China today, add this one: Deng Xiaoping's. The mask of visionary reformer that won Deng praise around the world has been ripped away to reveal a brutal despot. One Western journalist in China last weekend called Deng a butcher. The label is deserved.

When Deng's soldiers finally opened fire on the students occupying Tiananmen Square, a startling Beijing spring reverted suddenly to harshest winter. For a time, it had appeared the long student demonstration might succeed in bringing a permanent thaw to China's political climate. But as the weekend's massacre demonstrates, hardliners associated with Deng have reestablished their control of the Beijing government. Zhao Ziyang, the party chief and the government's voice of moderation, appears finished. And while China's students, workers, journalists and even some military leaders moved courageously onto the cutting edge of change in recent weeks, it is far from clear that they will be willing to stay there now.

The students had scored amazing victories, humiliated the government and proved that the popular desire for change was a force strong enough to stymie the regime. Senior leader Deng and Premier Li Peng found themselves presiding over a capital city tied up in knots, their control over the military uncertain, with sympathy demonstrations erupting across the country and around the world. After four weeks, many demonstrators thought it was time to declare victory and leave.

Instead, they stayed. Their numbers dwindled as their sanitation problems mounted, but the occupation continued. The students were asserting a right long denied in China. It is plain that most of them felt little fear; only hours before the troops opened fire, students were telling Western reporters that the government would not dare hurt them.

Could anyone imagine that the government would dare hurt as many of them as it did? The troops who massacred hundreds acted with a ferocity that can scarcely be believed. Certainly nothing in the earlier behavior of the government or the military gave any hint of what was to come.

In moving to reassert control, the government of Deng and Li has shown just how weak its control has become. The incredible act of sending combat troops in pitched attack against an unarmed population is graphic evidence that Deng and Li felt desperate. It was a savage move and a tragic mistake.

The government of China has earned the hatred of its people and yielded its final claim to moral authority. There may be little the United States can do to help the reform movement; whether the subject is Tibet, Taiwan, or population control, the Beijing government has zero patience for what it sees as foreign interference. But President Bush should move quickly to supplement his cautious first reaction to the shooting in Tiananmen Square. Deng and his hardline cohorts have earned harsh condemnation from the nations of the world, including the United States. To do less, devalues the sacrifice of those Chinese citizens who gave their lives in the name of democracy.

Mr. GLENN. Mr. President, like all Americans, I have been both shocked and saddened by the images of brutal suppression of peaceful prodemocracy demonstrations in Beijing. I condemn in the strongest terms the decision by the Chinese Government to employ lethal military force against the Chinese people.

Over the past decade the United States has enjoyed an expanding relationship with the People's Republic of China; an expansion based upon strategic considerations and fueled by the Chinese Government's decision to liberalize and modernize their economy. In China this economic liberalization has not been accompanied by concurrent opening of the political system. Rather the Chinese leadership has attempted to retain absolute political power in the hands of the Communist Party heirarchy. Yet, in this increasingly interdependent world, information knows no national boundaries. The Chinese people have become more and more aware of the changes taking place in the Soviet Union and in Eastern Europe. They know that elsewhere in the world governments do not enjoy absolute power but rather must be accountable to their people. They understand that in other societies the rights of the individual are respected and protected by the Government. It is these principles of individual liberty, freedom, and justice which motivated hundreds of thousands of Chinese to peacefully demonstrate in Beijing and other cities. And the result has been a tragic massacre ordered by those in the leadership who view any call for democracy and individual liberty as a threat to their power, to their absolute control, in China. It is highly ironic and tragic that, for the first time since the Communist revolution, the People's Liberation Army has been employed against the Chinese people who were simply demanding their own liberty.

The Chinese Government is currently in a state of turmoil, it is preoccupied internally and therefore it is

doubtful that anything we do or say on the other side of the Pacific will have any great impact on the situation in China in the immediate future. However, we cannot stand by silent in the face of this atrocity. Hence, I support the initial response of the President in condemning the use of force against peaceful demonstrators and in suspending our military relationship with China as an indication of our outrage at the military's brutality. The situation in China is in a state of flux, with reports of splits within the Government and within the military. The United States has a number of additional measures we could take should the situation continue to deteriorate, should the hardliners consolidate their control. One of these would be to restrict or suspend trade in high technology, or so-called dual use items, which China has eagerly sought as part of the economic modernization. We and our Cocom partners have gradually eased restrictions on these items as relations with China have grown; this process could certainly be reversed.

Our relationship with China is one of our most important bilateral relationships. I want to see that relationship continue. However, it is inevitable that if the Chinese Government continues to use brutal military force to crush the prodemocracy movement, if the hardline elements of the Communist Party consolidate their power by the threat and use of military force, our relations will chill, and the effects of that retrenchment will not be easily overcome.

Mr. CONRAD. Mr. President, I rise to support the resolution by Senators MITCHELL and DOLE, responding to the events in China. No one in this Chamber, no one who saw or heard the reports from Beijing can forget the courage of the demonstrators in China. No one can forget the brutality of the Government response.

Our hearts go out to the victims of that brutality: the dead, the wounded, and their families. And just as we extend them our sympathy and support, so we must express our condemnation of the Government repression.

As President Bush said, we must move cautiously. This is a time for careful response. But we must respond. I hope to work with my colleagues and the White House on appropriate measures, measures which will make our position clear and meaningful to the Chinese Government. They must understand that there is no defense for using deadly force against peaceful demonstrators, and that their actions will have serious consequences in this country and around the world.

The President was right when he said that the actions we take against the Government must not harm the people. I want to say right now that any discussion of sanctions against the Chinese Government must not include food. The Soviet grain embargo graphically demonstrated that food must not be used as a foreign policy tool. A grain embargo would only add to the misery of the people.

This week in my home State, Chinese students joined with Asian and American friends to express their outrage at the violence against their colleagues in Beijing. They presented me with letters urging me to speak out on the floor of this Chamber, and I ask unanimous consent to have these two letters printed in the RECORD at this point.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

UNIVERSITY VILLAGE,
Fargo, ND, June 5, 1989.

Senator KENT CONRAD,
U.S. Senate,
Washington, DC.

DEAR SENATOR CONRAD: We represent the Chinese students and their families at North Dakota State University. The continuing bloodshed in Peking has filled us with sorrow and anger. We know that the American people share our feelings and support the struggle of the Chinese people to gain basic human rights. We appeal to you and your colleagues in the Senate to pass a resolution condemning the Chinese government for its wanton use of violence against innocent civilians. We further hope that the United States government will use all the means at its disposal to pressure the Chinese government into respecting the rights of the Chinese people. America in its own revolution received support from other countries; similarly, we hope that the American people can stand beside us as our people struggle for freedom and democracy.

Sincerely,

UNION OF CHINESE STUDENTS
AND SCHOLARS, NDSU.

JUNE 4, 1989.

DEAR SENATOR KENT CONTRAD: We Chinese students studying at UND are shocked and outraged by the Chinese government's bloody crackdown on peaceful and barehanded students demanding freedom and democracy in China. We condemn this fascist act of the present Chinese government, and we weep and mourn the death of thousands of our innocent country men and women. We believe that this outrageous slaughter of human lives is not only an attack on those Chinese students, but also an attack on the freedom-loving people all over the world.

We call on all the people who love freedom and democracy to join us in protest and condemnation. We respectfully request that Senator Conrad speak out in Congress on our behalf denouncing the massacre in China and urging the U.S. government to take a stronger action against this brutal regime led by Deng Xiao-ping and Li Peng.

Sincerely yours,

GROUP OF CHINESE STUDENTS.

Mr. CONRAD. Mr. President, I share their outrage, as free people everywhere must. I promised them that we in the Senate would not forget the sacrifices and courage of the Chinese students. I told them that we stand with them.

No one who watched their struggles this past week could fail to be moved. Today, we must not fail to act. I urge the adoption of this resolution.

Mr. GORTON. Mr. President, I react with horror and outrage at the slaughter of unarmed citizens ordered by the current leaders of mainland China. While we Americans respect the right every country has to maintain domestic social order, we must also stand up for the most cherished of our values: democracy and freedom.

At the same time, I applaud President Bush for taking measures which balance the desire to immediately condemn the display of force used against the peaceful demonstrators with the long-term interests of the United States in the Far East. Although we must act swiftly, we cannot act rashly. As a former envoy to China, President Bush is well aware of the cultural and political factors which play important roles in the Chinese decisionmaking process.

The measures President Bush has taken to restrict only arms sales rather than impose a general halt in Sino-American trading are both effective and appropriately limited in scope. While America cannot continue to sell arms to a military whose leaders are willing to move against its own citizens, we must avoid taking actions which would unnecessarily injure the Chinese people.

The gesture by President Bush to sympathetically review visa extention requests made by Chinese students in the United States is a good start, but I believe that eligibility should be extended to all mainland Chinese nationals currently in our country. For example, a growing number of Chinese scholars, teachers, artists and performing artists, trainees, business persons, and their immediate families are currently visiting or residing in the State of Washington. Students are only one of the groups of Chinese who justifiably fear returning to their beseiged homeland. As a compassionate nation, we should adopt to flexible visa extension policy for all of our Chinese visitors.

The Chinese democracy movement is unprecedented in recent history. The movement is not merely the undertaking of naive and idealistic youth, but is supported by Chinese citizens of all ages. Unlike most civil rights movements which advocate the rights of a distinct minority against the oppression of the majority, the movement in China appears to be exactly the opposite.

In spreading the message of democracy, the students exercised rights and freedoms guaranteed by the Chinese Constitution—the freedoms of speech, press, assembly, and demonstration—rights we Americans often take for granted. The declaration of martial

law on May 20 suspended those rights, yet the students' quest for democracy continued with a determined spirit.

In the past few weeks, the leadership of China had been unable to deal effectively with the populist movement. As veterans of the Long March and other military campaigns, the leaders ultimately turned, as they have often done before, to the People's Liberation Army to crush the perceived threat to their monopoly of power.

The choice to use military tactics was ill-advised and immoral. The adversaries were neither soldiers nor guerrillas, but students. Their weapons were not tanks and guns, but words and ideas which struck a responsive chord with the workers and other common people—as well as with many young soldiers and officers who were called upon to quell the demonstrations.

Let me underscore that my commentary on the use of deadly force is not an indictment of all Chinese leaders, many of whom apparently called for restraint. Unfortunately, these more moderate members of the government so far have not prevailed in the continuing behind-the-scenes power struggle.

We similarly must exercise caution in our condemnation of the entire military. The military, like the political leadership, appears to be deeply divided. In early confrontations, some soldiers seemed to sympathize with the demonstrators after learning of their views. One of the army garrisons charged to defend Beijing, the 38th Field Army, refused orders to move against the demonstrators. Reports have indicated that troops have clashed with other troops in the outskirts of the capital city.

The damage to China's reputation is tremendous. By resisting the inevitable—vainly, and now violently, trying to constrain freedom—its current leaders will continue to alienate China from the rest of the modern world. The economic reforms which Deng Xiaoping so carefully orchestrated over the past decade may be for naught. His role in Chinese history as the great economic reformer who brought China and the Soviet Union together after 30 years of division is being overshadowed by his involvement in the savage assault against peaceful demonstrators who tried to build on his accomplishments. Unless the bloodshed is halted soon, Deng will be linked in history to the slaughter much as Mao Zedong is associated with the Cultural Revolution and the infamous Red Guard.

Notions of democracy and individual freedoms guaranteed by the Chinese Constitution can be suppressed but cannot be eradicated. Further, as we are witnessing in China and the Soviet Union, people are demanding that economic and political reforms proceed hand in hand. Despite heightened efforts to suppress the democracy movement in cities throughout China, the current leaders eventually must acknowledge that progress and change are inevitable for the students are the future of China.

I denounce the violence which the current Chinese leaders have brought on their country, but I am encouraged by the determined young demonstrators and their allies who continue to fight for freedom and democracy despite overwhelming odds. Mao Zedong was wrong in saying that power grows out of the barrel of a gun. True and lasting power stems from the voice and the will of the people.

I am, therefore, delighted to support the Mitchell-Dole resolution.

CHINESE FOREIGN STUDENTS

Mr. SIMPSON. Mr. President, I heartily support this resolution and I would like to comment on the situation in China, and address our immigration policy toward Chinese nationals who are physically present in our country.

Attorney General Thornburgh has just announced a blanket grant of deferred departure for all Chinese nationals for the next year. While I certainly agree that we should accommodate many of the Chinese students and some of the visitors who are presently in our country, I object to this blanket grant of temporary immigration status.

A blanket status always provides benefits to some number of people who do not require them. There are approximately 40,000 Chinese foreign students in our country, and over 200,000 Chinese visitors here for business or pleasure in our country. While generosity and compassion are clearly in order for Chinese nationals at this point in time, an overly broad response might well undercut the American public's support for proper responses under our immigration laws in the future.

I strongly believe we should provide immigration relief for those Chinese students whose visas are about to expire and who might face potential violence or mistreatment if they were returned home. However, some regional universities in China have not been the scene of any violence whatever, and we should not automatically grant immigration relief to these persons.

Instead, we should approach all requests for immigration relief on a case-by-case basis. I have no problem at all with developing guidelines for people who are likely to face danger—that is, students in the United States who have previously studied at a university in Beijing. However, I do not believe that one's mere nationality should qualify someone for automatic treatment. That is what we tried to avoid by passage of the Refugee Act of 1980.

In short, I believe we should extend the assistance to Chinese foreign students who might face violence or mistreatment if returned, and then carefully review the situation to see if these benefits should be terminated, extended, granted to additional classes of people from China. However, the administration has extended the grant of immigration benefits too broadly, and I think we may regret that decision.

Mr. MATSUNAGA. Mr. President, as a cosponsor of the pending resolution (S. Res. 142), I rise to speak in its support. A terrible tragedy is unfolding in China today. By choosing to quell the grassroots prodemocracy movement in China with deadly military force, China's aging, reactionary leaders have clearly demonstrated that their lust for power and privilege outweighs their concern for the welfare of the people they govern. By ordering the violent dispersal of hundreds of thousands of students and ordinary citizens who were peacefully demonstrating for reform, Deng Xiaoping and Premier Li Peng have shown that China's leadership is neither capable nor worthy of guiding China into the future. But theirs is a short-term victory: The memory of Tiananmen Square, June 4, 1989, will burn in the hearts of China's people and become a touchstone for change; the party cannot forever repress the aspirations of those who have once tasted freedom.

My heart goes out to the families and friends of the hundreds, perhaps thousands, of brave unarmed demonstrators who were killed by Chinese troops. I mourn for them and for the rest of China's people whose hopes for a better future have been brutally dashed by guns and tanks.

While urging adoption of Senate Resolution 142, I must say that I am pleased with the President's response to the crisis thus far, including the suspension of military sales and a halt to high-level military contracts; we certainly should not be in the business of arming a government which is responsible for killing its own citizens. I also applaud the President's decision for a sympathetic review of requests by Chinese students studying in the United States who seek to extend their stays; for humanitarian support, via the Red Cross, to the victims of the Chinese Army; and for a review of United States-China relations. These are appropriate, reasoned measures that clearly demonstrate America's displeasure with the action of the Chinese Government. If the violence continues, the administration, in consultation with Congress, should consider a wide range of policy options, political and economic, and should consider

joining forces with other civilized nations in developing a unified, international response to the crisis.

The PRESIDING OFFICER. Do Senators yield back their remaining time?

Mr. MITCHELL. Mr. President, I yield back the remaining time on this side.

The PRESIDING OFFICER. All time is yielded back.

The question is on agreeing to the resolution.

On this question the yeas and nays have been ordered.

The clerk will call the roll.

The assistant legislative clerk called the roll.

The result was announced—yeas 100, nays 0, as follows:

[Rollcall Vote No. 78 Leg.]

YEAS—100

Adams	Garn	McConnell
Armstrong	Glenn	Metzenbaum
Baucus	Gore	Mikulski
Bentsen	Gorton	Mitchell
Biden	Graham	Moynihan
Bingaman	Gramm	Murkowski
Bond	Grassley	Nickles
Boren	Harkin	Nunn
Boschwitz	Hatch	Packwood
Bradley	Hatfield	Pell
Breaux	Heflin	Pressler
Bryan	Heinz	Pryor
Bumpers	Helms	Reid
Burdick	Hollings	Riegle
Burns	Humphrey	Robb
Byrd	Inouye	Rockefeller
Chafee	Jeffords	Roth
Coats	Johnston	Rudman
Cochran	Kassebaum	Sanford
Cohen	Kasten	Sarbanes
Conrad	Kennedy	Sasser
Cranston	Kerrey	Shelby
D'Amato	Kerry	Simon
Danforth	Kohl	Simpson
Daschle	Lautenberg	Specter
DeConcini	Leahy	Stevens
Dixon	Levin	Symms
Dodd	Lieberman	Thurmond
Dole	Lott	Wallop
Domenici	Lugar	Warner
Durenberger	Mack	Wilson
Exon	Matsunaga	Wirth
Ford	McCain	
Fowler	McClure	

NAYS—0

(Mr. CONRAD assumed the chair.)

So the resolution (S. Res. 142) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 142

Whereas since June 4, 1989, thousands of Chinese students and workers have been killed and wounded by the People's Liberation Army in a brutal act of armed suppression;

Whereas the Chinese people have bravely demonstrated their peaceful commitment to democracy and human rights and, in so doing, have won the world's respect and admiration; and

Whereas the authorities of the People's Republic of China have behaved in a manner inconsistent with the civilized norms of the world's nations and in contravention of the principles embodied in the Universal Declaration on Human Rights which are accepted by all members of the United Nations including China.

Resolved, That (a) the Senate hereby—

(1) condemns the brutal use of force by the authorities of the People's Republic of China against unarmed advocates of democracy and human rights in China and urges the entire international community to do likewise;

(2) commends the President for his forthright statement of American policy and supports the actions taken by the President in pursuit of that policy, including suspension of all government sales and commercial exports of arms to the Government of the People's Republic of China; and

(3) praises the courageous actions of American diplomatic personnel in China in seeking to insure the safety and well-being of American citizens there.

(b) It is the sense of the Senate that—

(1) the Chinese students currently studying in the United States, whose period of admission is expiring and whose return to China could subject them to conditions of violence or mistreatment, should immediately be granted permission to extend their stay in the United States until the Government of the People's Republic of China ceases the present persecution of students demonstrating for democracy in their country;

(2) all applications to the Overseas Private Investment Corporation (OPIC) for the protection of investment in China and to the Export-Import Bank of the United States for the financing of trade with China should be reviewed in light of existing legal requirements for adequate human rights treatment and the deteriorating condition of human rights in China;

(3) all departments and agencies of the United States Government charged with and currently considering liberalization of regulations and procedures relating to export licenses for sales to the People's Republic of China should take into account the current situation in China in making their decisions;

(4) the President should immediately begin consultations with the major allies of the United States regarding each ally's economic, commercial, and security relations with the People's Republic of China in order to determine collectively whether multilateral sanctions are necessary to demonstrate abhorrence of the repressive actions by the authorities of the People's Republic of China's against the people of China; and

(5) the President should inform the Congress of the results of his planned review of the bilateral relationship between the two countries and consult with the Congress on further actions to be taken based on unfolding events in China.

(6) The Voice of America should increase its daily Chinese language programming service for broadcast into the People's Republic of China beyond the number of daily programming hours broadcast as of June 6, 1989.

SEC. 2. The Secretary of the Senate shall transmit a copy of this resolution to the President.

Mr. MITCHELL. Mr. President, I move to reconsider the vote by which the resolution was agreed to.

Mr. MATSUNAGA. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

DIRE EMERGENCY SUPPLEMENTAL APPROPRIATIONS, FISCAL YEAR 1989

The Senate continued with the consideration of the bill.

The PRESIDING OFFICER. Under the previous order, the Senator from North Carolina is to be recognized for an amendment on South Africa.

The majority leader.

Mr. MITCHELL. Mr. President, my understanding is that under the previous order the pending business is the amendment by the distinguished Senator from North Carolina; is that correct?

The PRESIDING OFFICER. The majority leader is correct.

The Senator will withhold for one moment while we attempt to restore order so the Senator from North Carolina can be heard.

If we can have order in the Chamber, please, so the Senate can transact business.

Mr. HELMS. Mr. President, I hope that the distinguished majority leader will not leave the Chamber.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HELMS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HELMS. May we have order?

The PRESIDING OFFICER. If we can have order in the Chamber so the Senator from North Carolina can be heard.

Mr. BYRD. Mr. President, will the distinguished Senator yield?

Mr. HELMS. Certainly.

Mr. BYRD. Just momentarily so I may yield time on this side to Mr. LAUTENBERG.

I thank the distinguished Senator.

AMENDMENT NO. 141

(Purpose: To strike the provision dealing with South Africa)

Mr. HELMS. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from North Carolina [Mr. HELMS], for himself and Mr. SYMMS, proposes an amendment numbered 141.

On page 31, strike out line 23 and all that follows through line 5 on page 32.

Mr. HELMS. Mr. President, I yield myself such time as I may require.

Mr. President, this amendment strikes a portion of the supplemental appropriations bill. In effect, the amendment prevents States and local governments from making foreign policy regarding the Republic of South Africa.

Back in 1986, during debate on the highway bill, the distinguished Senator from Idaho [Mr. SYMMS] offered an amendment to strike a section in that bill that would have permitted State and local governments to receive Department of Transportation funding even if they ignored competitive bidding requirements in order to bypass firms doing business with or in South Africa. The provision in the supplemental bill is similar, in its effect, to that provision which was struck by the Senate in 1986.

Now, when Senator SYMMS offered the amendment in 1986——

Mr. BRADLEY. Mr. President, may we have order, please?

The PRESIDING OFFICER. The Senator is correct. We need order in the Chamber so the Senate's business can be transacted. Senators will take conversations to the Cloakroom and staff will cease audible conversation so we may proceed.

The Senator from North Carolina.

Mr. HELMS. Mr. President, I thank the Chair very much and I thank the distinguished Senator from New Jersey.

In 1986, Mr. President, the amendment offered by Senator SYMMS was approved by the Senate by a margin of 65 to 32. That occurred on September 24, 1986.

Here is the issue: In 1986, the then-Secretary of Transportation, the distinguished Elizabeth Hanford Dole, ruled that cities and counties could not avoid competitive bidding requirements in order to bypass a low bidder that did business with South Africa.

Secretary Dole, then the Secretary of Transportation, considered this a fundamental constitutional issue then. She was right. It still is.

In 1986, Senator SYMMS said, "We should not piecemeal our international relations with South Africa. We should have a coordinated, comprehensive policy. The language currently in the bill sets a bad precedent for us."

Mr. President, local governments and State governments, have every right and power to make any kind of statement they may choose to make on matters of foreign policy. But they cannot make foreign policy.

The Bush administration continues to hold a strong and disapproving view of language in the current bill before us and which I seek to amend. I asked the Assistant Secretary of State for Africa, Herman Cohen, two questions during his confirmation hearings.

First, I asked Mr. Cohen, "Isn't this provision a contradiction of section 606 of the Comprehensive Anti-Apartheid Act?" And Mr. Cohen replied, "Yes. Section 606 * * * limited the grace period for such State and local sanctions to 90 days after the enactment of the act, a period which expired over 2 years ago. The cited provision of H.R. 2072 would reinstate this grace period."

Then I asked Mr. Cohen for the administration's position on the language in the supplemental appropriations bill. Mr. Cohen said, "The administration opposes inclusion of this language in the supplemental bill." At the time, the provision was in the bill reported from the House Appropriations Committee. But it is still in there, and I seek to take it out.

The administration supports the pending amendment, and well the administration should, because the bill's provision is on its face unconstitutional as far as I am concerned.

The language in the pending bill raises serious questions about the constitutionality in addition to the fact that it is bad policy.

In conclusion, it will surely be a budget buster for States and localities that might try to use these new powers to make foreign policy. The Senate should strike this section.

Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. HELMS. Mr. President, I reserve the remainder of my time.

Mr. LAUTHENBERG. Mr. President, I yield myself 2 minutes of the time allocated to this side.

Mr. President, I oppose Senator HELMS' amendment to strike the section which prohibits the Department of Transportation from withholding funds from States or localities because they disallow the procurement of products made in South Africa. His amendment strikes at the heart of the grass roots antiapartheid movement in his country, and should be defeated.

Mr. President, as the chairman of the Transportation Appropriations Subcommittee, I inserted this provision into the transportation section of the bill at the request of the Senator from Washington [Mr. ADAMS] because the Seattle Metro prohibits the procurement of South African goods. If the Helms amendment were adopted, Washington State and many others would be penalized for putting into law their belief that apartheid is wrong.

Federal transportation laws currently prohibit the Federal Government from giving funds to States and localities for construction projects unless these contracts are awarded through a competitive bidding process. In effect, this law punishes States and localities that have used the power of the purse to take a strong moral stand against apartheid. The provision I have inserted into this bill would remedy this problem by exempting States and localities from this prohibition.

The exemption contained in the bill is legally justified, and is the right thing to do. Twenty-four States and almost 100 cities and counties have passed measures that restrict the expenditure of public funds, investments, or procurement from South Africa. These measures reflect the depth of American conviction that apartheid is wrong, and that our tax dollars should not support it. They are a valid expression of the American people's revulsion at a system that denies the majority of its citizens basic human and political rights because of the color of their skin.

The competitive bidding standard for awarding Federal transport funds was adopted to ensure cost-effectiveness in the expenditure of public funds. But financial concerns must at some point yield to moral standards. This is such a point.

It is clear that legally, Congress has the authority to enact the provision in this bill into law. The Supreme Court ruled in Pennhurst State School and Hospital versus Halderman that Congress can fix the terms on which it can disburse money. Since Congress has the legal power to establish the competitive bidding requirement, it also has the power to waive it entirely.

Nor did the 1986 Comprehensive Antiapartheid Act preempt State and local antiapartheid measures, as some may argue here today.

The legislative history of that measure simply cannot support such an assertion. The preemption issue was never raised during the Senate Foreign Relations Committee's consideration of the bill, nor discussed in its report. It was briefly discussed on the floor in a cursory manner, with different members offering differing interpretations of the issue. The House clearly spoke on the preemption issue, adopting a resolution that specifically stated its intent not to restrict, nullify, or affect the authority of State and local governments to pass antiapartheid measures.

The Helms amendment would make States and localities suffer the loss of transportation funds because they have dared to take a strong stand against apartheid. If passed, it would undercut and weaken all local and State efforts to send a strong message to South Africa that apartheid is morally repugnant to the American people. By undermining grassroots efforts for continued pressure against apartheid, it would also undercut pressure for continued Federal action on this issue.

Therefore, I strongly urge the defeat of the Helms amendment so that the valiant efforts of those at the State and local level aganist apartheid will not be undercut or nullified.

Mr. President, I at this point yield 2 minutes to the Senator from Washington [Mr. ADAMS].

The PRESIDING OFFICER. The Senator from Washington is recognized for 2 minutes.

Mr. ADAMS. I thank the Senator very much. I want to express my appreciation for his having placed this provision in the bill.

It is terribly important, Mr. President, that we understand that this is not a foreign policy issue. We did not have in the city of Seattle an antiapartheid policy that limited competition or discriminated against the bidders. Everyone could compete, so long as they did not use apartheid-type products—in other words, South African products—within their bid.

Mr. President, the city of Seattle, in the State of Washington, would be penalized $125 million if this provision is not agreed to.

I was flabbergasted when, as a former Secretary of Transportation, I heard the Department of Transportation was going to withhold this federal funding on the basis that Seattle's policy restricted competition. This is not a discriminatory policy at all. It is simply an antiapartheid policy which prohibits the use of South African products. Seattle's policy is clearly consistent with the Federal Antiapartheid Act that we passed in the United States Congress in 1986 and was provided for and allowed by the Federal Act.

Mr. President, I hope by now that we can all agree that South Africa's apartheid laws are reprehensible. They are totally abhorrent and antithetical to a civilized society. That is why individuals, organizations, and public institutions at every level of our society have publicly denounced these laws and taken antiapartheid positions.

I was pleased to learn that Metro, the transit agency in King County in Washington State, adopted a local antiapartheid policy barring the acquisition of products manufactured in South Africa. I was shocked when the Department of Transportation threatened to cut off all Federal funds for Metro's projects because of Metro's antiapartheid policy. Over $125 million are at stake.

The officials at UMTA and DOT are far out of line on this one. In 1986 we enacted the Federal Antiapartheid Act. This statute prohibits the importation of certain products from South Africa. It allows local and State agencies to adopt their own provisions. Reviewing the legislative history of that act, it is absolutely clear to me that local antiapartheid provisions are not preempted by the Federal Antiapartheid Act.

So what prompts DOT to withhold millions of dollars in Federal aid that have already been appropriated? They say that Metro's policy is unduly discriminatory and exclusionary and that this conflicts with the Urban Mass Transit Act. That is ridiculous. Prohibiting the procurement of South African products does not restrict competition. Any company that wants to bid on a project can; they simply cannot use South African products. What is discriminatory is apartheid, and we should not allow bureaucrats at the Department of Transportation to punish local agencies that speak out against it.

Mr. President, this amendment is opposed by the chairman of the Appropriations Committee and the chairmen of the Transportation and the Foreign Operations Subcommittees. I urge that it be defeated.

The PRESIDING OFFICER. The Senator's 2 minutes has expired.

Mr. ADAMS. I hope that this amendment will be defeated or will be tabled.

Mr. LAUTENBERG. Mr. President, I yield 2 minutes to the Senator from Massachusetts [Mr. KENNEDY].

Mr. KENNEDY. Mr. President, I join the Senator from New Jersey in urging that the Senate reject the amendment of the Senator from North Carolina. Let there be no mistake about what this amendment is: an effort to gut the grassroots, antiapartheid movement across this Nation.

Two years ago, this body debated whether the Antiapartheid Act of 1986 might have the effect of preempting State and local action against apartheid. I was joined then by such distinguished law experts as Larry Tribe of Harvard in stating in unequivocal terms that the 1986 Act would not preempt State and local measures to divest holdings in South Africa or to limit dealings with companies doing business there. Let us not refute that principle 2 years later by enacting this legislation.

To date, some 24 States and nearly 100 cities and counties across our Nation have enacted laws or other binding antiapartheid measure restricting public funds, investments and procurement and contracting practices. These measures reflect the deep abhorrence of the American people for the brutal system of apartheid. They reflect the will of the people and as their elected representatives, we have a responsibility to defend them.

The issue before us is not competitive bidding of contracts—you will find no stronger supporter of that provision than myself and my colleagues here tonight who join me in opposing the amendment before us. Rather, the issue is a provision in the supplemental bill to alter a law that penalizes States and localities whose people have chosen to take a stand against apartheid.

Mr. President, we have a responsibility to stand up for those who stand against apartheid.

For those reasons and for those that have been outlined by the Senator from New Jersey, I urge that this amendment be defeated. I thank the Senator from New Jersey for yielding time.

Mr. LAUTENBERG. Mr. President, I yield 2 minutes to the Senator from Illinois [Mr. SIMON].

The PRESIDING OFFICER. The Senator from Illinois is recognized for 2 minutes.

Mr. SIMON. Mr. President, what is offered here is, first of all, a threat to 24 States and almost 100 cities, including the city of Chicago in my State. It is clearly a step backward.

When we should be on the forefront of sending a strong signal to every nation on the face of the Earth that we want to get rid of apartheid, instead we are slipping backward.

I want this Nation to send a strong signal. We did it 2 years ago, 3 years ago. I do not want us to start slipping backward.

Instead of adopting this resolution, we ought to be adopting a resolution commending 24 States and the 100 cities that have stood up for the ideals of this country.

Mr. President, this issue ought to be very, very clear. I hope this amendment will be rejected and with all due respect to my friend from North Carolina. I hope his next amendment will be rejected also. They both send the wrong signal to the people of this Nation and the people of the world.

Mr. LAUTENBERG. How much time do we have left?

The PRESIDING OFFICER. Two and a half minutes.

Mr. LAUTENBERG. I yield 2 minutes to the Senator from New York [Mr. MOYNIHAN].

The PRESIDING OFFICER. The Senator from New York is recognized for 2 minutes.

Mr. MOYNIHAN. Mr. President, I rise in support of the position so ably set forth by the Senator from New Jersey and others on this side of the aisle. I believe, sir, this question first arose in the context of an action taken in the city of New York. On that occasion I said, and I repeat this evening: We are not dealing with an issue of foreign policy. We are dealing with an issue of the spirit of the American Constitution. From the day this Union of States was formed, we have found that citizens, communities, States, feeling strongly about moral or ethical issues in world affairs, have made their position clear, and have undertaken actions that affect them and them alone. Often we have found that with time, as we are seeing, those views spread, they gain ascendancy, and policy rises from the grassroots of the Nation to the Nation's Capital.

That is the kind of country we were founded to be and which this amend-

ment would impair. I hope it will be defeated, with great respect to its sponsor. This is not the spirit of the American people or its Constitution.

I thank the Chair.

Mr. LAUTENBERG. Mr. President, before I yield back the remainder of my time I would like to just make one more remark and that is to say the fight against apartheid has been appallingly weak. Recently we saw a sentence of death imposed on 14 blacks in South Africa for a murder in which the evidence says that many of them were not directly involved. And it is time that we reaffirmed our decision in 1986 that we are going to battle apartheid wherever we can.

I move, Mr. President, to table the motion made by the Senator from North Carolina and yield back the remainder of my time.

I ask for the yeas and nays.

Mr. HELMS. Mr. President, how much time do I have?

The PRESIDING OFFICER. The Chair would inform the Senator from New Jersey that the Senator from North Carolina still has time remaining on the amendment.

Therefore, the motion to table would not be appropriate at this time.

Mr. LAUTENBERG. How much time, if the Senator would yield? Is there any time left on this side?

The PRESIDING OFFICER. Four seconds on your side.

Mr. LAUTENBERG. I will hold the 4 seconds and yield to the Senator from North Carolina.

The PRESIDING OFFICER. The Senator from North Carolina retains 5 minutes and 38 seconds.

Mr. HELMS. Mr. President, sometimes when I hear debate in this Chamber, and I say this with all due respect of my colleague, I feel like Alice in Wonderland. I heard my colleagues say we sent a strong message on this issue 2 years ago.

Well, over 2 years ago, in the fall of 1986, the Senate voted twice by almost 2 to 1 margins for the position that I am advocating right now. The Senator from North Carolina is not urging some new novel approach or interpretation. The appropriations bill now pending changes the law, and that is exactly opposite to what has been said here on the floor.

On August 15, 1986, the Senate defeated an amendment to the Comprehensive Antiapartheid Act of 1986 which would have permitted these State and local initiatives to continue and proliferate, as Senator KENNEDY advocates now and advocated then. He said something about constitutionality. I do not know what he is talking about because the Senate rejected his position in 1986, not once but twice.

So I do not know what the Senator is talking about when he says: Protect the Constitution. That is a novelty for him, maybe. But the vote was 64 to 35. Subsequently, the Senate adopted a provision, section 606, that granted States and localities the period of 90 days to change their laws before the Federal Government could exercise its right to withhold funding from States and localities desiring contract awards to firms doing business in South Africa. That 90-day period ended early in 1987.

I am very much interested, and have done a little research on this matter, Mr. President. I heard the words of Senator LUGAR who was then the chairman of the Senate Foreign Relations Committee when he explained to the Senate the importance of that bill's provisions during the consideration of the antiapartheid bill.

We are arguing against an amendment proposing to grant States and localities the same new authority now proposed in the supplemental appropriation bill, Senator LUGAR said in 1986:

> I would just say, however drafted, the * * * amendment raises that question of Federal preemption. Does S. 2701, the bill in front of us, occupy the field with regard to U.S. law on apartheid and thereby supersede or preempt all State and local laws on that subject?
>
> The answer to the question for the moment is it does. In the event the * * * amendment is adopted, it would not.

Mr. President, I ask unanimous consent that the remainder of Senator LUGAR's statement of 1986 be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

> We are back into a situation in which local and State governments may express their viewpoints in law, in essence adopt their own foreign policies in my judgment.
>
> Let me just say the reasons for Federal preemption of this field are clear: foreign policy is the domain of the national Government. Foreign relations are national relations. We cannot have individual States and cities establishing their own foreign policies. As Madison said in Federalist No. 42:
>
> If we are to be one nation in any respect, it clearly ought to be in respect to other nations.
>
> Although Congress could permit State and local governments to enforce their own antiapartheid laws, the wisdom of Federal preemption is particularly sound in an area such as antiapartheid policies where there are different approaches to the issue.
>
> Some cities and counties believe the appropriate United States policy is total disengagement from South Africa by all United States firms; others believe United States firms are a force for change and should be encouraged to remain in South Africa. Suppose some States refused to do business with firms operating in South Africa while other States required firms wanting to do business with them to remain in South Africa? The message to South Africa would be unclear; the effect on United States commerce could be disastrous.

Mr. HELMS. Mr. President, proponents of the sanctions bill argued, among other reasons to adopt that bill, that Federal legislation was necessary to set clear U.S. policy. It was argued that Federal legislation would preempt what was then emerging as a proliferation of State and local laws attempting to deal with the South African situation.

Similarly, the Senate voted on September 24, 1986, 64-35, on the 1987 highway bill for the Symms amendments as mentioned earlier to strike a provision that would have allowed States and localities to set their own terms and conditions with respect to South Africa.

The Helms amendment is consistent with the Senate's earlier actions—preserving the supremacy of legislation in the area of foreign policy.

Mr. HELMS. Let me read the administration's position on this amendment. The administration strongly supports this amendment:

> *Restrictions on Department of Transportation (DOT) Grants.*—A provision was added to the bill that would ensure that States and localities do not lose DOT funds because the grantee has a policy prohibiting the procurement of products manufactured in South Africa. The language is objectionable on policy grounds because it allows State and local law to dictate foreign policy. It would also stand in the way of competitive contracting by protecting discriminatory practices.

Mr. President, I ask unanimous consent that the complete text of my questions to Ambassador Cohen, and his responses thereto, be printed at this point in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SUPPLEMENTAL APPROPRIATION

Sen. Helms: Follow-up: 59. Under Chapter IX, Department of Transportation, of the House Appropriations Committee's supplemental appropriation bill, H.R. 2072, a provision states that, "Notwithstanding any other provision of this or any other law, none of the funds provided by this or any previous Act of the Department of Transportation shall be withheld from State or local grantees for any reason related to the adoption by any such grantee of a policy prohibiting the procurement of products manufactured or fabricated in the Republic of South Africa.

Isn't this provision a contradiction of Sec. 606 of the Comprehensive Anti-Apartheid Act of 1986, P.L. 99-440?

What is the Administration's position on the inclusion of the House Committee language in the supplemental bill?

Answer: (a) Yes. Section 606 of the Comprehensive Anti-Apartheid Act of 1986 limited the grace period for such State and local sanctions to 90 days after the date of enactment of the Act, a period which expired over two years ago. The cited provision of H.R. 2072 would effectively reinstate this grace period.

(b) The Administration opposes the inclusion of this language in the supplemental bill.

Mr. HELMS. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 2 minutes 16 seconds remaining.

Mr. HELMS. Mr. President, in the interest of time, I am going to yield my time back in a moment. I am not going to do it yet, but I urge Senators to think about what they are doing when they vote on the Lautenberg motion to table the amendment. What they will be doing if they support the distinguished Senator's motion is to say that the Federal Government is not preeminent in the conduct of foreign policy. The Senate would be thereby distributing that responsibility to States and localities all over the country. It is bad policy and it is unconstitutional, in my judgment.

I yield back the remainder of my time.

The PRESIDING OFFICER. The Senator has yielded back time on his side.

The Senator from New Jersey.

Mr. LAUTENBERG. Mr. President, I move to table the amendment of the Senator from North Carolina, Senator HELMS, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion to table the Helms amendment. The clerk will call the roll.

The legislative clerk called the roll.

Mr. SIMPSON. I announce that the Senator from New Hampshire [Mr. HUMPHREY] and the Senator from Kansas [Mrs. KASSEBAUM] are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 69, nays 29, as follows:

[Rollcall Vote No. 79 Leg.]

YEAS—69

Adams	Exon	Matsunaga
Baucus	Ford	McCain
Bentsen	Fowler	Metzenbaum
Biden	Glenn	Mikulski
Bingaman	Gore	Mitchell
Boren	Gorton	Moynihan
Bradley	Graham	Nunn
Breaux	Harkin	Packwood
Bryan	Hatfield	Pell
Bumpers	Heflin	Pryor
Burdick	Heinz	Reid
Byrd	Hollings	Riegle
Chafee	Inouye	Robb
Cohen	Jeffords	Rockefeller
Conrad	Johnston	Sanford
Cranston	Kennedy	Sarbanes
D'Amato	Kerrey	Sasser
Danforth	Kerry	Shelby
Daschle	Kohl	Simon
DeConcini	Lautenberg	Specter
Dixon	Leahy	Stevens
Dodd	Levin	Wilson
Durenberger	Lieberman	Wirth

NAYS—29

Armstrong	Coats	Garn
Bond	Cochran	Gramm
Boschwitz	Dole	Grassley
Burns	Domenici	Hatch
Helms	McConnell	Simpson
Kasten	Murkowski	Symms
Lott	Nickles	Thurmond
Lugar	Pressler	Wallop
Mack	Roth	Warner
McClure	Rudman	

NOT VOTING—2

Humphrey Kassebaum

So the motion to lay on the table amendment No. 141 was agreed to.

Mr. MITCHELL. Mr. President, I move to reconsider the vote by which the motion to table was agreed to.

Mr. BENTSEN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 137

The PRESIDING OFFICER. Under the previous order, the question recurs on the Kasten amendment No. 137 with an amendment in the second degree by the Senator from Maine, amendment No. 138. It is nondebatable.

Mr. KASTEN. Mr. President, parliamentary inquiry: The question before the Senate now is the Kasten motion to table the Kasten amendment. Is that correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. KASTEN. I thank the Chair.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Wisconsin to lay on the table the amendment of the Senator from Wisconsin. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The bill clerk called the roll.

Mr. SIMPSON. I announce that the Senator from New Hamsphire [Mr. HUMPHREY] is necessary absent.

The PRESIDING OFFICER (Mr. SHELBY). Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 0, nays 99, as follows:

[Rollcall Vote No. 80 Leg.]

NAYS—99

Adams	Durenberger	Lieberman
Armstrong	Exon	Lott
Baucus	Ford	Lugar
Bentsen	Fowler	Mack
Biden	Garn	Matsunaga
Bingaman	Glenn	McCain
Bond	Gore	McClure
Boren	Gorton	McConnell
Boschwitz	Graham	Metzenbaum
Bradley	Gramm	Mikulski
Breaux	Grassley	Mitchell
Bryan	Harkin	Moynihan
Bumpers	Hatch	Murkowski
Burdick	Hatfield	Nickles
Burns	Heflin	Nunn
Byrd	Heinz	Packwood
Chafee	Helms	Pell
Coats	Hollings	Pressler
Cochran	Inouye	Pryor
Cohen	Jeffords	Reid
Conrad	Johnston	Riegle
Cranston	Kassebaum	Robb
D'Amato	Kasten	Rockefeller
Danforth	Kennedy	Roth
Daschle	Kerrey	Rudman
DeConcini	Kerry	Sanford
Dixon	Kohl	Sarbanes
Dodd	Lautenberg	Sasser
Dole	Leahy	Shelby
Domenici	Levin	Simon
Simpson	Symms	Warner
Specter	Thurmond	Wilson
Stevens	Wallop	Wirth

NAYS—0

NOT VOTING—1

Humphrey

So the motion to lay on the table Amendment No. 137 was rejected.

Mr. MITCHELL. Mr. President, I move to reconsider the vote by which the motion to lay on the table was rejected.

Mr. KASTEN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. MITCHELL. Mr. President, may we have order?

The PRESIDING OFFICER. The majority leader is recognized. The Senate is not in order. If the Senators will clear the well, the majority leader is entitled to be heard.

AMENDMENT NO. 138, AS MODIFIED, TO AMENDMENT NO. 137

Mr. MITCHELL. Mr. President, it is my understanding that the pending business is the Mitchell amendment to the Kasten amendment; is that correct?

The PRESIDING OFFICER. The majority leader is correct.

Mr. MITCHELL. Mr. President, unless my distinguished colleague from Wisconsin wishes to debate it further, I believe the Senate is ready to vote on my amendment.

Mr. KASTEN. Mr. President, will the Senator yield?

Mr. MITCHELL. Yes.

Mr. KASTEN. I say to the majority leader that not only do I not want to debate but I am willing to allow the Mitchell amendment to be adopted by a voice vote. I intend to vote for it. So if we wanted to save 15 minutes we could simply adopt the Mitchell amendment and then proceed through other kinds of amendments if that would be the majority leader's choice. We do not have the yeas and nays on the Mitchell amendment at this time, and in my view they are not necessary, although it may be necessary in the views of others.

Mr. MITCHELL. I am grateful for the Senator's gracious gesture but a number of my colleagues have expressed an interest in a rollcall vote.

Therefore, Mr. President, I request the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. Is there further debate? If not, the question is on agreeing to the amendment of the Senator from Maine.

On this question, the yeas and nays have been ordered, the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from North Carolina [Mr. SANFORD] is necessarily absent.

Mr. SIMPSON. I announce that the Senator from New Hampshire [Mr. HUMPHREY] is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 98, nays 0, as follows:

[Rollcall Vote No. 81 Leg.]

YEAS—98

Adams	Fowler	McClure
Armstrong	Garn	McConnell
Baucus	Glenn	Metzenbaum
Bentsen	Gore	Mikulski
Biden	Gorton	Mitchell
Bingaman	Graham	Moynihan
Bond	Gramm	Murkowski
Boren	Grassley	Nickles
Boschwitz	Harkin	Nunn
Bradley	Hatch	Packwood
Breaux	Hatfield	Pell
Bryan	Heflin	Pressler
Bumpers	Heinz	Pryor
Burdick	Helms	Reid
Burns	Hollings	Riegle
Byrd	Inouye	Robb
Chafee	Jeffords	Rockefeller
Coats	Johnston	Roth
Cochran	Kassebaum	Rudman
Cohen	Kasten	Sarbanes
Conrad	Kennedy	Sasser
Cranston	Kerrey	Shelby
D'Amato	Kerry	Simon
Danforth	Kohl	Simpson
Daschle	Lautenberg	Specter
DeConcini	Leahy	Stevens
Dixon	Levin	Symms
Dodd	Lieberman	Thurmond
Dole	Lott	Wallop
Domenici	Lugar	Warner
Durenberger	Mack	Wilson
Exon	Matsunaga	Wirth
Ford	McCain	

NAYS—0

NOT VOTING—2

Humphrey	Sanford

So the amendment (No. 138), as modified, was agreed to.

Mr. MITCHELL. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. DOLE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. MITCHELL. If I may have the attention of Senators, it is my understanding that the Senator from Wisconsin now intends to offer a further perfecting amendment and that the distinguished chairman of the Finance Committee will oppose that amendment but that both have expressed to me their intention to conduct a very brief debate on the subject.

Accordingly, Senators should be aware that within a few minutes—I cannot say precisely how long because I do not want to unfairly limit either of them—there will be another vote on or in relation to the amendment about to be offered by the distinguished Senator from Wisconsin.

AMENDMENT NO. 142

(Purpose: To repeal section 89 of the Internal Review Code of 1986)

Mr. KASTEN. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The bill clerk read as follows:

The Senator from Wisconsin [Mr. KASTEN] proposes an amendment numbered 142 to amend No. 137 as amended.

The amendment is as follows:

In lieu of the matter proposed to be inserted, insert the following:

SEC. . REPEAL OF SECTION 89.

(a) IN GENERAL.—Section 89 of the Internal Revenue Code of 1986 (relating to benefits provided under certain employee benefit plans) is repealed.

(b) CONFORMING CHANGES.—Not later than 60 days after the date of enactment of this Act, the Secretary of the Treasury or the Secretary's delegate shall submit to the Congress such technical and conforming changes to the Internal Revenue Code of 1986 as may be necessary to carry out the amendment made by subsection (a).

(c) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply to periods beginning after December 31, 1988.

SEC. .

(a) FINDINGS.—The Senate finds that—

(1) section 89 of the Internal Revenue Code of 1986 imposes an intolerable burden of compliance upon employers.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that:

(1) all the section 89 rules should be delayed for 1 year,

(2) the section 89 nondiscrimination rules should be repealed and replaced with nondiscrimination rules which—

(A) employers can understand and administer without great expense, and

(B) achieve the goals of section 89 in ensuring that health benefits are provided in a nondiscriminatory manner,

(3) the special problems faced by small businesses should be taken into account in the rewriting of the nondiscrimination rules,

(4) onerous penalties on innocent employees for an employer's failure to satisfy the section 89 qualification rules should be repealed, and

(5) the Congress should address the legislation described in the preceding paragraphs as soon as possible but, in no event, should such legislation be addressed later than in the context of the budget reconciliation bill.

The PRESIDING OFFICER. The Senate is not in order. If Senators will take their seats and clear the well, the Senator from Wisconsin is entitled to be heard. Senators will clear the well. The Senate will be in order.

Mr. KASTEN. Mr. President, I believe I have been recognized.

I would like to yield without losing my right to the floor to the minority leader.

The PRESIDING OFFICER. The Senate is not in order.

Mr. DOLE. Mr. President, I thank the Senator from Wisconsin. I would like to inquire of the majority leader after the vote on this Kasten amendment, would the majority leader give us any idea what may follow that?

Mr. MITCHELL. It is my hope that we will be able to finally dispose of the Kasten amendment this evening. I apologize to Members of the Senate for going beyond the hour of 7 o'clock for votes, but it has become necessary in view of the importance of the supplemental appropriations bill.

I cannot state at this time what will occur beyond that. However, I will make an announcement at or immediately following the next vote on the Kasten amendment.

I thank the distinguished Republican leader.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. KASTEN. Mr. President, if I could have the attention of the Senate, I do not intend to take much time at all.

What we have done here is just come forward with essentially a compilation of the last 2 hours of work, or hour and a half of work of the Senate.

The amendment that I have sent forward in the nature of a substitute, in effect combines the two unanimous votes that just took place, a unanimous vote in favor of a repeal along with the sense of the Senate that there ought to be reform.

The Senate is on record on both, but, because of the parliamentary procedure, one amendment displaced another.

The Senate simply now votes "aye," in favor of the Kasten amendment, and it says the Senate is in favor of repeal, and if we cannot get repeal, we are in favor of reform.

The key part of this amendment is that it pressures particularly the Ways and Means Committee in the House, because the chairman of the Finance Committee here has said he is going to move forward on reform. But we do not have that assurance from the House of Representatives, from Chairman ROSTENKOWSKI. So this amendment in effect combines the last two votes, which were unanimous votes. We all have voted for repeal, and we all have voted for reform, if necessary. It combines the will of the Senate, based on the last two unanimous votes.

I would like to call the attention of the Senators to an article which I asked to be distributed. It is an editorial from the Wall Street Journal. The editorial is entitled "Vote Fogging 101," as you could go to school to do a little vote fogging to protect your voting record.

We are in the unbelievable position in the Senate right now of having a number of people on the floor here cosponsoring delay; a number of people on the floor here cosponsoring repeal; a sense-of-the-Senate resolution which we adopted, 98 to nothing, on the min-

imum wage bill but then 2 hours after we adopted the 98 to 0 sense-of-the-Senate, we, by a vote of 56 to 42 refused to delay because we needed to get 60 votes and we only got 56.

We, tonight, have voted unanimously in favor of repeal and we, tonight, have voted unanimously in favor of reform.

Now, talk about being on all different sides of all these different issues, but yet if we do not adopt the Kasten amendment that is pending, we still have done nothing with regard to section 89. We are exactly where we would have been if we had not cosponsored anything about delay, if we had not cosponsored anything about repeal, if we had not had the sense-of-the-Senate and if we had not had a 56 to 42 vote. And now we are all on record, unanimously on repeal and unanimously on reform.

It is clear to me that the Senate wants repeal and if we cannot get repeal, either through the Senate or from the House of Representatives, then we will settle for reform.

My amendment simply says what we voted on unanimously a half hour ago and what we voted on unanimously 15 minutes ago ought to be combined in one vote. We then are in favor of repeal. If not repeal, then reform. This does not preclude the work of the Finance Committee. It does not preclude the work of anyone. It simply says we are going to repeal and if we cannot repeal we are going to get reform.

We are all on record in favor of both parts of this amendment and I would hope that my amendment would be adopted.

The PRESIDING OFFICER. The Senator from Texas.

Mr. BENTSEN. Mr. President, we have introduced a piece of legislation today that will make the major modifications in section 89 that all of us, I think, want to bring about. There is no question that the objectives of section 89 as originally promulgated were something that we would want to strive for. We must try to do away with discrimination in the use of the tax benefit for employer-paid health insurance. We must be fair to employees and management alike. To try to see that those goals are properly achieved, we have introduced legislation that has approximately 50 cosponsors.

I have assured the Members of the Senate that we will proceed on that. We will mark it up next week, and hopefully have it on the floor of the Senate next week. That will be our objective.

What the Senator from Wisconsin has introduced as his amendment, as I understand it, is exactly what he had prepared before. Whatever we do on section 89 has to be done within the context of the budget problems that we are facing. This is an absolute violation of section 311 of the Budget Act.

So, Mr. President, I raise the point of order against the Kasten amendment on the grounds that it does violate section 311 of the Budget Act.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. KASTEN. Mr. President, I move to waive title III and title IV of the Congressional Budget Act of 1974 as amended which contain points of order against my amendment, for the purpose only of considering my amendment.

The PRESIDING OFFICER. The majority leader.

Mr. MITCHELL. Mr. President, I would like to briefly put this issue in some perspective and respond to one of the points made by the distinguished Senator from Wisconsin.

Every Senator is free to characterize his or her vote as he or she sees fit. But a vote against tabling the Kasten amendment was not a unanimous vote for repeal of section 89. If no one else does not favor repeal, I do not favor repeal and therefore I want to make clear that my vote against tabling cannot and should not be construed as a vote in favor of repeal of section 89.

On many occasions here when Senators cast votes against motions to table for a variety of reasons, each Senator is free to characterize his or her vote as he or she wishes. But let there be no question about the fact that there has not been here a unanimous vote in favor of repeal of section 89.

Mr. President, just briefly on the merits. It is a fundamental principle of American law that public funds derived from all of the taxpayers cannot be used in a manner which discriminates against some of them. That principle has been applied in virtually every area of American life and it applies here as well.

The entire purpose of the section 89 antidiscrimination rule as proposed by President Ronald Reagan, as supported by President George Bush, is to prevent discrimination in the use of tax moneys in the provision of health insurance by employers and employees.

I earlier said it was indisputable that there has been discrimination. The Senator from Wisconsin challenged that and I accept his statement and therefore say it plainly is disputable. I believe there has been evidence of discrimination and it is discrimination of a particularly reprehensible sort. Because what it does is to levy a tax on all of the workers in the factory that can then be used to the benefit of the owner of the factory. It is a redistribution of tax moneys to up the income scale. It takes money from those at the very bottom of the income scale and permits it to be applied to the discriminatory benefit of those at the very top. That is the principle that is at stake here. That is the reason why President Reagan proposed such rules.

It has become very clear that as enacted section 89 is unworkable and it imposes an excessive and unnecessary paperwork burden upon those to whom it applies and therefore it ought to be changed. It ought to be simplified. And the chairman of the Finance Committee and the ranking Republican member of that committee have made clear over and over again their intention to do that and legislation has been introduced, as the chairman has said, which has a very large number of cosponsors.

But that is a very different thing from repeal. Because what repeal says is that we will go back to the time and the circumstance when discrimination could occur in a manner which I say is inconsistent with the principles not only of American law but of traditional American concepts of fairness.

Leave aside the Constitution, leave aside the laws. There is a fundamental principle of fairness in our society which this practice offends. And that is why so many people have expressed opposition to permitting it to continue, and even if there is not the pattern of abuse, the potential for abuse is very clear.

Everybody agrees it ought to be changed, and it will be changed in a manner that will reassert fairness. But do it in a way that does not impose an impossible or intolerable burden upon those to whom it is applicable. I therefore urge all Members of the Senate to support the distinguished chairman of the Finance Committee.

Mr. President, I yield the floor.

Mr. KASTEN. Mr. President, I do not intend to speak for more than a minute or two, and then we can move forward with the vote on the budget waiver.

Let me first reemphasize the point that today in the debate the Senator from New Mexico [Mr. DOMENICI] and others, along with me, spoke very firmly about the so-called discrimination issue. The law is on the books preventing discrimination. There is evidence at least from the administration's point of view and the Treasury tax counsel's point of view, who is supporting section 89. They are the ones who put it in place. They came before us in the Small Business Committee. We asked them, "Has there been a pattern of abuse? Do you see problems out there?"

The Treasury tax counsel, a person named Dana Trier, speaking for the administration, which is now unfortunately in favor of section 89, said no, we have not been able to find it. He said there was no clear pattern of abuse under previous law. He further stated:

It is fair to say that there was not at the time of the 1986 act any concrete evidence that major groups of the employees of companies were going uncovered.

That is a fact. This is a fact that we can dispute. Some people feel that somehow there are plans that are discriminating. Treasury cannot find them, IRS cannot find them, and my small business groups across Wisconsin cannot find them. No one is trying to put into place a discriminatory plan. What we are trying to do is get some kind of reasonableness and checks and balance.

Finally, the majority leader is correct, there is a fundamental fairness issue. The fundamental fairness and common sense is, does it make sense for us to let the IRS collect $60 million a year when the cost to America is likely to be $900 million or maybe $1 billion?

In other words, dollars coming into the Treasury was 60, that is the fiscal note, $60 million the first year. The cost of compliance is going to be in the billions because of the cost of all the businesses across this country going through these tests. So the question of fairness is just common sense. We lose revenue, America loses revenue and maybe the Treasury gets $60 million and it is not offset.

I simply want to say, I have just been given a piece of paper and I forgot, it is $60 million on an annual basis, but because right now the law is only scheduled to take effect in October, it is only going to be in effect for 20 million dollars worth this year, in other words, because most of the year it is not going to be in effect at all.

My point is the Treasury, the budget, the question is it just a moving target. I think we have to recognize we just voted on repeal and we are for it. We do not want to fog the votes any more. We also voted on the fact that we want reform, and reform is in this package, saying that the Senate wants to move forward and reform.

I think by combining the two unanimous votes, we have the package that the Senate at least at this point is in agreement with. I am hopeful that we will adopt the Kasten amendment, and that means we have to vote aye in order to override the budget amendment.

The PRESIDING OFFICER. The Senator from Texas.

Mr. BENTSEN. Of course, there has been discrimination. Testimony of a counsel to the Treasury Department will not convince me otherwise. That is not the message that the Finance Committee heard from the same Treasury Department spokesman. I used to be in the business of selling insurance. I used to see these pension plans, and I used to see these health insurance plans. Time and time again I saw situations where you would have perhaps a $1,000 benefit for the employees and you would have a $2,000 or $3,000 premium for the management. Absolutely discrimination.

You have a loss in revenue in this if you have total repeal, as suggested by the Senator from Wisconsin. Why do you have a loss in revenue? Because of discrimination that you have with some of these plans. The benefits that are provided to top level management under those types of discriminatory plans will lose its tax shelter. Those high paid employees will pay more tax.

So those are the problems that we are concerned about, and that is where the loss of revenue comes from. That is why it is subject to a point of order, and that is why we ought to sustain that point of order.

The PRESIDING OFFICER. Is there further debate?

Mr. KASTEN. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The Chair reminds the Senate 60 votes are required for agreeing to the motion. The clerk will call the roll.

The bill clerk called the roll.

Mr. SIMPSON. I announce that the Senator from New Hampshire [Mr. HUMPHREY] is necessarily absent.

The PRESIDING OFFICER (Mr. DASCHLE). Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 49, nays 50, as follows:

[Rollcall Vote No. 82 Leg.]

YEAS—49

Armstrong	Gorton	McConnell
Bond	Gramm	Murkowski
Boren	Grassley	Nickles
Boschwitz	Harkin	Pressler
Burns	Hatch	Roth
Coats	Hatfield	Rudman
Cochran	Heflin	Shelby
Cohen	Helms	Simpson
Conrad	Hollings	Specter
D'Amato	Kassebaum	Stevens
Daschle	Kasten	Symms
DeConcini	Kerry	Thurmond
Dixon	Lott	Wallop
Dole	Lugar	Warner
Domenici	Mack	Wilson
Exon	McCain	
Garn	McClure	

NAYS—50

Adams	Fowler	Mikulski
Baucus	Glenn	Mitchell
Bentsen	Gore	Moynihan
Biden	Graham	Nunn
Bingaman	Heinz	Packwood
Bradley	Inouye	Pell
Breaux	Jeffords	Pryor
Bryan	Johnston	Reid
Bumpers	Kennedy	Riegle
Burdick	Kerrey	Robb
Byrd	Kohl	Rockefeller
Chafee	Lautenberg	Sanford
Cranston	Leahy	Sarbanes
Danforth	Levin	Sasser
Dodd	Lieberman	Simon
Durenberger	Matsunaga	Wirth
Ford	Metzenbaum	

NOT VOTING—1

Humphrey

So the motion was rejected.

The PRESIDING OFFICER. The point of order is sustained. The amendment reduces revenues below the floor established in the concurrent resolution on the budget for fiscal year 1989, and is therefore in violation of section 311 of the Budget Act. The amendment falls.

If there is no further debate on amendment No. 137, the Kasten amendment, as amended, the question is on agreeing to the amendment.

The amendment (No. 137), as amended, was agreed to.

Mr. MITCHELL. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. KASTEN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The majority leader.

Mr. MITCHELL. Mr. President, there will be no more rollcall votes this evening.

UNANIMOUS-CONSENT AGREEMENT

Mr. MITCHELL. Mr. President, I now will propound the unanimous-consent request regarding the provisions of the consent agreement which I have discussed and cleared with the distinguished Republican leader.

I ask unanimous consent that the provisions of the consent agreement with respect to the supplemental appropriations bill remain in effect until the Senate completes action on the bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COATS. Mr. President, I wish to add my support to H.R. 2072, the dire emergency supplemental appropriations bill.

We are often faced in the Congress with legislation that is given the label "emergency," but seldom is this kind of breathless urgency justified. In this case, however, the description is apt because the need is real. This supplemental contains a number of major items that are of direct concern to the people of Indiana, and of immediate importance to the Nation.

For instance, the bill provides funding for a whole array of veterans' benefits, including $341,285,000 to the Veterans' Health Service and Research Administration for medical care. It contains $423,345,000 to reimburse the States for foster care and adoption assistance; $892,428,000 for the Guaranteed Student Loan Program; $40,000,000 for salaries and expenses of the Agricultural Stabilization and Conservation Service; $7,500,000 for water and sewer loans

and an additional $2,500,000 for water and sewer grants. This supplemental guarantees that essential air service will continue beyond July 1, in Terre Haute, Kokomo, and Elkhart, by providing $6,600,000 for payments to air carriers under that program. And it also includes my own sense of the Senate resolution pledging that the Senate will reject any new Administrator of the Panama Canal appointed by Gen. Manuel Noriega.

This is necessary legislation. But, having said that, I remain deeply disappointed that the Senate Appropriations Committee, at the urging of the White House, deleted $821.6 million which the House had provided for increased drug law enforcement—including funds for more facilities for the Bureau of Prisons and additional personnel for the FBI. America must have both the will and the resources to fight and win the war on drugs. But when the President threatened to veto this bill if drug money was included, he was sending just the opposite message. These actions call into question the strength of our resolve and the depth of our commitment to interdict the supply and reduce the demand for illegal drugs.

The 1988 Anti-Drug Abuse Act was a strong bill, passed overwhelmingly by the Congress. But it has never been properly funded. The money we were considering in this supplemental was not for new programs, but for programs we have already authorized. That is why I supported the D'Amato amendment to restore the House-passed drug funds, which I believe are essential to make our national anti-drug efforts truly effective. And through that effort failed, it is a fight I intend to continue in the future.

CONTINUED EFFECTS OF THE DROUGHT

Mr. KOHL. Mr. President, as we talk about needed supplemental funding for the 1989 fiscal year today, I would like to raise another issue that deserves timely attention—that is, the continued effects of the drought.

For many States—Kansas, Oklahoma, Nebraska, Iowa—the drought is not over. The State of Wisconsin, which was hit hard last year, has been luckier: we've had some rain. Yet the drought's impacts are far from over.

Feed stocks are at an alltime low. They are essential to a State with 1.7 million dairy cows. On May 1, the State Department of Agriculture, Trade, and Consumer Protection estimated that the State had less than half of its normal supply of carryover hay stocks. By June 1 the department indicated there would be less than 1 month's supply of hay left on hand.

This shortage of hay is not limited to Wisconsin. Other States across the Midwest are facing similar shortages—South Dakota and Minnestoa have reported a 58-percent drop in hay stocks, North Dakota a 67-percent drop, Indiana a 60-percent drop. Nationwide, we have a 10 million ton hay deficit when compared to stock levels at this time last year.

These figures would not be so disturbing were it not for the fact that so much of the country continues to be dry. Even in Wisconsin, where there has been rain, soil moisture conditions have not yet recovered from last year. In mid-May, soil moisture was rated 84 percent short.

Mr. President, there are not yet starving cows in Wisconsin. But, given this very real shortage of hay and feed throughout the country, there could be by this winter—if we have another summer of dry weather across the Midwest. There are simply no hay supplies to fall back on—to count on in case of continued drought. And we would be wise to acknowledge this potential problem now, while we can do so.

Two weeks ago, I, along with the rest of the Wisconsin delegation, urged Secretary Yeutter to take whatever steps necessary to allow farmers to maximize their hay production this year. Unfortunately, I do not think that the Secretary has done this to the extent of his authority.

Currently, the Secretary has limited emergency haying of acreage conservation reserve and conserving use acres to those counties that can document a 40-percent loss in hay and pasture caused by a disaster occurring in 1989. I think this may be a somewhat shortsighted approach.

As any farmer can tell you, hay grown in 1 year is used over a winter and on into the following year. The effect of a dramatic loss of hay production—like we had last year—is therefore not limited to a single calendar year. It is felt as much in the following year, when the hayloft is empty from a winter's use. And haylofts in Wisconsin are indeed empty.

It seems clear to farmers across Wisconsin that natural disasters are not ruled by a 12-month calendar. The implications spill untidily over into new calendar years. Yet the Department of Agriculture appears determined to recognize last year's drought only in terms of a 1-year affair—ignoring the obvious impact of 1988 on 1989.

I would ask my colleague from Vermont, the chairman of the Agriculture Committee, whether he is of the opinion that the U.S. Department of Agriculture has the flexibility to acknowledge the multiyear impacts of a disaster.

Mr. LEAHY. I would agree with the Senator that the effects of a natural disaster are not necessarily limited to a single calendar year. The authority of the Secretary of Agriculture to provide assistance to farmers is similarly not constrained to a single year. The idea is simple. If a disaster has significantly hurt feed production and availability, additional feed must be made available.

Mr. KOHL. Is it his sense then that the Department could allow emergency haying on set-aside acres based on a determination that the effects of a previous disaster make that hay critical to the livestock industry?

Mr. LEAHY. I believe the Department has the authority to do so.

Mr. KOHL. Thank you, Mr. President I appreciate the chairman's clarification of this issue.

I would make it perfectly clear to the chairman that I am not requesting that farmers in Wisconsin or elsewhere be allowed to double-dip on disaster assistance. I am not suggesting any additional disaster payments. Nor am I suggesting emergency haying on Conservation Reserve Program acres. I feel it would be unwarranted to do so at this time.

Rather, I am simply asking USDA to recognize the fact that we face a potentially devastating problem. I am asking USDA to use its authority to allow farmers to increase their hay stocks in order to avoid a second winter without hay—a winter that would have a far more crippling effect on our dairy and livestock sector than did last winter's. And I am asking USDA to recognize that, in Wisconsin certainly, the drought's impacts are unfortunately still very much with us.

I appreciate the chairman's time, and I yield the floor.

OIL SPILL IN PRINCE WILLIAM SOUND

Mr. KERRY. Mr. President, I rise to engage for a moment in a colloquy with my good colleague from New Jersey [Mr. LAUTENBERG] regarding the emergency situation that has developed since the tragic oil spill in Prince William Sound over 3 months ago. As vice chairman of the National Ocean Policy Committee of the Commerce Committee, which has and will continue to provide oversight of and remedies for this national disaster and others like it, I am pleased that the legislation before us today addresses some immediate needs. I look forward to a more comprehensive set of much-needed measures which we shall be considering in the Commerce Committee in the weeks and months ahead. The tragedy of the *Exxon Valdez* cannot be repeated and the comedy of human error that produced it must be prevented from ever occurring again. We must and will address issues ranging from the clear delineation of responsibility for emergency efforts and contingency plan testing, the issues of the technological adequacy of the U.S. cleanup and capacity, the restoration of the natural and marine resources and the long-term impact of oil spills in icy northern waters.

But, Mr. President, I would like to engage the distinguished chairman of the Transportation and Related Agen-

cies Subcommittee of the Appropriations Committee in a discussion of the Alaska oil spill and relevant language in the bill before us today. First, I commend the Senator for his initiative in this important area. It is not surprising that a champion of the environment such as he is using every opportunity to help deal with this problem.

Mr. President, it is my understanding that this legislation and the report on it direct the Coast Guard to, within 60 days, review the need for and cost of vessel traffic management systems for certain high priority ports. The potential for environmental and economic damage to Boston and other communities in Massachusetts that share the Boston Harbor coastline if an oil spill were to occur and given the substantial volume of oil moved in this area is tremendous. The Port of Boston handled over 2 billion gallons of petroleum last year. I would like to suggest that the Port of Boston be considered as a high priority port under this legislation.

Mr. LAUTENBERG. Mr. President, the Senator makes a valid case. The economic and environmental consequences on Boston of a spill would be catastrophic. This is exactly the type of port that we considered to be included in the term "high priority port," and I share the Senator from Massachusetts' view that an assessment of the need and cost of a vessel traffic management system for Boston within the next 60 days is important and should be carried out.

Mr. KERRY. I thank the subcommittee chairman for his clarification. This is very important to Massachusetts and the citizens of our State, particularly those who reside in communities along the harbor.

Now, let me raise another point with the chairman. This legislation directs the Federal Government to bill Exxon for reimbursement of 100 percent of the expenses incurred by the U.S. Coast Guard in support of the *Exxon Valdez* spill.

I applaud the Senator for making this explicit, but wish to clarify it a bit. I believe that Exxon should reimburse 100 percent of all Federal expenses associated with this spill, not just Coast Guard costs, although they are perhaps the largest. Is it the Senator's understanding that this provision in no way should be misinterpreted by Exxon or the executive branch—you intend 100 percent reimbursement of all expenses?

Mr. LAUTENBERG. I am pleased the Senator has raised this concern. I want to leave no room for confusion. The committee believes strongly that all expenses incurred by the Federal Government in responding to this tragedy, now and in the future, be reimbursed by Exxon.

Mr. President, I ask unanimous consent to have printed at this point in the RECORD a letter which was sent to the President by the chairman and ranking members of this committee and appropriate subcommittees on this issue. This letter clearly expresses our views on this issue.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
COMMITTEE ON APPROPRIATIONS,
Washington, DC., May 11, 1989.

HON. GEORGE BUSH,
President of the United States, the White House, Washington, DC.

DEAR MR. PRESIDENT: We understand that discussions are underway within the Administration concerning Exxon's full repayment of all United States Coast Guard and Department of Defense expenses in Alaska, in support of clean-up efforts from the *Exxon Valdez* oil spill.

We would urge you to insist that Exxon repay 100 percent of the clean-up costs being incurred by Federal agencies, including the Coast Guard and the Defense Department, rather than repaying only an incremental or marginal cost. Otherwise, expenditures by Federal agencies which are not reimbursed by Exxon may be construed as a Federal subsidy to Exxon for use in clean-up activities.

The enlisted men and women of the United States Coast Guard and of the Department of Defense are doing everything that is being asked of them, and are doing it in an exemplary manner, but the American people shouldn't be asked to pay any of the bill.

The United States Senate Committee on Appropriations carefully considered funding needs for the affected agencies, and legislation reflecting those judgments were enacted into law for fiscal year 1989 as Public Law 100-457 and Public Law 100-463.

Activities which were to be conducted with those appropriations have necessarily been delayed or otherwise affected by the reallocation of vessels, aircraft, and personnel to Alaska. The costs of these vessels, aircraft, and personnel, and other expenses incurred to date by Federal agencies are not known at this time; however, they certainly total in the tens of millions of dollars.

If all those expenses are not reimbursed in full, agencies participating in the clean-up will not be able to accomplish planned activities, and Congress may, in some cases, have to consider funding these activities again in future years.

In the meantime, Exxon, as the discharger, has publicly stated that it will pay for the clean-up. To allow them to repay agencies less than total costs will punish taxpayers, by shifting Exxon's cost to the public treasury.

We are sensitive to the desire to keep Exxon involved in, and responsible for, clean-up activities. We are also aware that there may be various legal concerns impinging on the Administration's decision. In spite of these issues, we again urge you to insist that Exxon carry through on its public pledge to pay for their spill.

Thank you for your consideration of this request. Please don't hesitate to let us know if we can be of assistance to you in any way.

Sincerely,

Robert C. Byrd, Chairman, Committee on Appropriations; Ted Stevens, Ranking Minority Member, Subcommittee on Defense; Alfonse M. D'Amato, Ranking Minority Member, Subcommittee on Transportation, and Related Agencies; Frank R. Lautenberg, Chairman, Subcommittee on Transportation and Related Agencies; Daniel K. Inouye, Chairman, Subcommittee on Defense; Mark O. Hatfield, Ranking Minority Member, Committee on Appropriations.

Mr. KERRY. I thank the Senator for that clarification. Exxon must pay in full for this disaster; we cannot give them wiggle room and we must not force our taxpayers to clean up for Exxon.

Finally, Mr. President, let me simply ask the Chairman to clarify one final point to prevent any confusion on the part of the Coast Guard. Is it his understanding that when the Coast Guard completes its nationwide review of oil spill contingency plans that the report be provided simultaneously to the President, the Appropriations Committee, and the Commerce Committee? The authorizing committee of the Coast Guard certainly needs this report on an urgent basis if it is to carry out its responsibility and I do not want any confusion on this matter in the executive branch.

Mr. LAUTENBERG. The Senator's comments are certainly helpful and our intent is simply to be sure that the Appropriations Committee is provided with the report as soon as it goes to the President. If the Commerce Committee, or any other committee of jurisdiction, such as the Committee on Environment and Public Works, requests the report simultaneously, I am sure the Coast Guard will oblige the committees.

CHAPTER VIII OF THE DIRE EMERGENCY SUPPLEMENTAL APPROPRIATIONS BILL

Mr. BURDICK. Mr. President, the Committee on Appropriations has included language in the dire emergency supplemental appropriations bill for 1989 which will permit the Secretary of Transportation to borrow, through fiscal year 1990, up to $500 million to cover any Federal costs of removing oil or hazardous substances incurred under section 311 (c), (d), and (1) of the Clean Water Act that exceed the amounts available in the section 311(k) fund.

The provision would have the effect of increasing the amount of the Clean Water Act's section 311(k) fund without revising other authorities of section 311. As such, this matter falls within the jurisidicton of the Committee on Environment and Public Works.

However, because this provision is only a temporary measure intended to ensure an emergency response to any oil spill or hazardous substance discharge, the Committee on Environment and Public Works has no objection to its inclusion in the bill.

Mr. BYRD. Mr. President, the distingushed chairman of the Committee

on Environment and Public Works has described the provision in the supplemental appropriations bill and its intent accurately.

The Committee on Appropriations included the language to give the Secretary of Transportation prompt access to adequate financial resources for the remainder of fiscal year 1989, and during fiscal year 1990, to contain and clean up oil spills which may not be adequately dealt with by the responsible party.

I would also note that it was due to the leadership of the distinguished chairman of the Appropriations Subcommittee on Transportation and Related Agencies, Chairman LAUTENBERG, that caused this provision to be in the dire supplemental. Senator LAUTENBERG is also chairman of the Committee on Environment and Public Works, Subcommittee on Superfund, Ocean, and Water Protection, and consequently is supremely attuned to both the jurisdictional sensitivity and the need for prompt action.

The Committee on Appropriations recognizes that matters relating to section 311 of the Clean Water Act, including the section 311(k) fund, properly fall within the jurisdiction of the Environment and Public Works Committee, and I appreciate their cooperation in allowing us to proceed expeditiously with the dire emergency supplemental appropriations bill.

DRUG ABUSE

Mr. JOHNSTON. Mr. President, I am pleased that we are making much progress toward passing the dire emergency supplemental appropriations bill for 1989. I am particularly encouraged by the action taken by the committee to include $8,200,000 to help combat the drug problems in our Nation's public housing projects. You will recall that this is the funding level authorized for fiscal year 1989 under the omnibus drug bill of 1988.

Recent increases in high profile crimes related to drug abuse in our Nation's public housing projects have inflamed the entire country and caused general public outcry that something be done about this problem immediately.

In New Orleans, we have experienced a dramatic increase from 30 to 75 percent of drug-related homicides in our public housing project over the past 2 years. There is also a signficant increase in the number of drug-related violent crimes in the New Orleans juvenile court system. I would stress that the descriptive words "inundated" and "overloaded" are not inappropriate in this context.

Moreover, in New Orleans, many prisoners convicted of what might be considered lesser offenses, are given early release to make room for the flood of convictions in drug-related cases.

The increase in drug abuse among our youth has created an urgent demand for school-based and community-based education and prevention programs. There are woefully few treatment centers for substance abusers available for that segment of New Orleans' society most gravely impacted; namely, the poor, and the unemployed.

There is also a pressing need for funds for the criminal justice system, especially for our police to increase their work with New Orleans public housing projects. Recently, I have been working with elected officials in New Orleans to identify the appropriate mechanism to provide funding for an excellent drug-related crime program in one of the city's public housing projects which could serve as a model for the Nation.

Mr. President, if the problem of drug-related cases in our Nation's public housing projects are not adequately and expeditiously reduced, we may be facing most dire consequences.

Without exaggerating in the slightest, this situation can be described as critical.

Therefore, I urge my colleagues to continue the progress on this measure, so that we can provide this most needed funding to our Nation's public housing authorities.

REGARDING AIRLINE SECURITY

Mr. KERRY. Mr. President, I rise to commend the Senator from New Jersey and to engage him in a brief colloquy. First, I would like to congratulate him and his committee on the focus they brought to bear on the need to raise the standards for airport security detection devices and systems designed to intercept terrorist activities. For all too long, our standards have been designed as a response to hijacking threats, but have not been designed to address the current era of plastic explosives. Thus, I congratulate the Senator for his attention to this matter and I look forward to working with him in the future for refinement of those standards.

Before this legislation goes to the conference committee, however, I have several questions which may contribute to that process. First, I might ask, is it the intention of the Senator from New Jersey to work toward developing stricter FAA standards for explosive detection equipment, especially as they relate to plastic explosives?

Mr. LAUTENBERG. The Senator is correct. It is the intention of the language included in this bill to see standards equivalent to or better than thermal neutron activation [TNA] technology set as quickly as possible. It is my intention to continue to work with the Aviation Subcommittee of Commerce, Science, and Transportation toward this goal.

Mr. KERRY. Would the Senator agree that, in an effort to protect the flying public, the best available technology should be put in place at the earliest possible opportunity and that such equipment should be able to detect both nitrogen and nonnitrogen based plastic explosives?

Mr. LAUTENBERG. Again, the Senator is correct. The bill language calls for the deployment of TNA systems, or other systems which meet or exceed their capabilities. While FAA considers TNA to be the best available technology currently, it is essential to continue to seek better systems. The mention of the TNA technology in the language should not be interpreted as a determination that it is the only suitable technology. It is our expectation that the FAA will adopt a performance-based standard, not a technology-based standard.

Mr. KERRY. I thank the Senator. I have been informed by the FAA that the ability of TNA technology to detect small amounts of explosives is limited. As was apparently demonstrated in the tragic bombing of Pan Am 103, a relatively small amount of explosive can do a tremendous amount of harm. What is the intent of the Senator with regard to a standard for quantity detection?

Mr. LAUTENBERG. I share the Senator's concerns. The terrorist is becoming more sophisticated, and so must we. It is my hope and expectation that the FAA standard will encourage development of enhanced capabilities to detect even smaller amounts.

Mr. KERRY. I thank the Senator. Recognizing that there is tremendous tradeoff between absolute security and passenger inconvenience, I think in these times, we need to balance those as carefully as we can. I think part of our standards should incorporate a false alarm rate low enough that it does not entirely disrupt the processing of passengers and their luggage.

Mr. LAUTENBERG. I agree with the Senator that flow rates and false alarm rates should be addressed by the FAA as it formulates its performance standards.

Mr. KERRY. Another concern that I have is about the need for the presentation of an image of whatever materials it may be that triggers the alarm on any detection device. For the protection of the operators, bystanders, and others, it seems to me that, once there is a determination that a plastic explosive may be present, it would be helpful to know where in the suitcase it is likely to be, what shape it is, and any other information that could be gleaned from an image. Will the Senator incorporate an imaging standard in discussions in the conference committee, or in any future initiatives on airport security?

Mr. LAUTENBERG. I appreciate the Senator's concern about the need

for imaging, and agree that it could be an important part of an effective screening system. I would be happy to work with the Senator to bring these concerns to the attention of the Federal Aviation Administration as it sets the performance standards.

Mr. KERRY. One final standard that I think should be incorporated is that the detection device should not be of a nature that it becomes an ideal terrorist target itself. For example, an expensive piece of equipment that incorporates radioactive materials may prove to be a very attractive target for terrorist activities. If a terrorist were able to detonate a bomb within the confines of the equipment, not only would he or she risk the lives of the operator and passengers who are standing by, but he might also be able to effectively disable the entire airport terminal until such times as radioactive materials could be removed from the premises.

I ask that, as this legislation goes to conference and we in the Congress proceed toward higher standards, that we look very carefully at whatever equipment we purchase and that, if any gaps in its technology or abilities are discovered, we try to fill those gaps with complementary pieces of equipment or systems and procedures.

I have been told of at least one advanced x-ray technology that automatically, according to its innovator, is able to detect the broad class of plastic explosives, including both nitrogen based and nonnitrogen based explosives. Its maker also claims that it has the ability to detect quantities down to the 6-ounce level, and that whatever it is that sets off the automatic alarm is also imaged on a screen for further identification. I am sure that other technologies are available that may work in conjunction with TNA or in place of TNA and I merely urge that the conference committee take great care before fully establishing TNA as the congressional standard through this legislation.

I thank the Senator for his leadership in the area and for engaging me in the conversation. He has a great task ahead of him and I hope that he will feel free to call on me or any other Members of this body to advance the cause of safety for our traveling public.

TRIBUTE TO CLAUDE PEPPER

Mr. RIEGLE. Mr. President, I rise today to pay tribute to one of the finest public servants this Nation has ever known. As a Member of the Senate for 14 years and a Member of the House for the last 27 years, Claude Pepper was a passionate advocate for the elderly and the poor. He demonstrated an unflagging commitment to the programs of the New Deal, from the time of his close ally, President Franklin D. Roosevelt, until the day of his death.

Most notable for his fervent leadership in protecting the Social Security System and advocating the need for long-term care, Senator Pepper won the hearts of the Nation's elderly. He became their champion, leading the charge to bring respect, dignity, and security to their lives.

The New Deal programs for which he fought early in his career, he continued to advocate throughout his life. Today we debate an increase in the minimum wage; Senator Pepper was in the forefront of the initial battle to establish the minimum wage, one of the last programs of the New Deal.

He was also an early supporter of civil rights. Guided by conviction rather than prevailing political trends, he did what was widely believed to be politically foolhardy in the South at the time—he voted to outlaw the poll tax. Indeed, Senator Pepper's support for civil rights never waned, despite the turmoil and sensitivities that have always surrounded the issue.

The courage and leadership that Senator Pepper demonstrated and the legacy that he leaves in the programs he championed will benefit not only those of us that approach retirement but generations to come. His indefatigable energy and the passion with which he pursued his work were traits he demonstrated throughout his distinguished career. His wisdom and foresight, gained from years of experience inspires us all. He will be long remembered and sincerely missed.

AMBASSADOR WACHTMEISTER ENDS HIS SERVICE AS SWEDISH AMBASSADOR AND DEAN OF THE DIPLOMATIC CORPS

Mr. PELL. Mr. President, I would like to express my sadness—and pleasure—at the circumstances under which Ambassador Wilhelm Wachtmeister is ending his service in Washington as Ambassador of Sweden and dean of the Diplomatic Corps.

Sadness because Willy Wachtmeister's retirement from the Swedish Foreign Service marks the end of an era in which he has played an exceptional role in furthering the interests of his country and the cause of good relations between Sweden and the United States.

Pleasure at the knowledge that Count Wachtmeister and his lovely wife, Ulla, will continue to live in Washington and make this city their home.

Washington has had a love affair with the Wachtmeisters for many years, and it is good to know that the feeling is mutual.

BIRTH OF BENJAMIN CHO SEABRIGHT

Mr. WIRTH. Mr. President, I rise to honor some of the distinguished individuals born on this date. Patriot Nathan Hale; Russian poet Alexandr Sergeyvid; U.S. Capitol Rotunda painter, John Trumball; baseball player, Bill Dickey; tennis star, Bjorn Borg; and California Gov. George Deukmejian. And to this list I add one more distinguished person, Benjamin Cho Seabright.

Ben was born at 2:49 p.m. today and weighed in at 9 pounds, 6 ounces. I congratulate my legislative assistant Jeff Seabright and his wife, Sally Cho, on the birth of their first son.

Speaking as an experienced parent, I know that Ben's parents have spent the past 9 months dreaming of what the future will hold for their child. Judging from the famous individuals that share Ben's birthday, the options available to him are wide and varied. Although, I do hope that he will choose to follow the political learnings of his ancestors.

BIRTH OF BENJAMIN CHO SEABRIGHT

Mr. ROCKEFELLER. Mr. President, I would like to join my colleague from Colorado in welcoming the birth of Benjamin Cho Seabright. My warmest congratulations go to his parents, Jeff and Sally, his sister, Leslie, his grandparents, his many relatives, and friends.

Benjamin is the sixth generation of a distinguished West Virginia family. His ancestor, Charles Seabright, came to Wheeling, WV, in 1849, an orphan. But Charles Seabright worked hard and carved out a career and family life in Wheeling. In 1887, Charles Seabright was elected mayor of Wheeling, WV. Like Charles, the Seabright family has a rich tradition of community service over the generations. Benjamin's grandfather served in the West Virginia House of Delegates. His father works on Capitol Hill, including 3 years working for West Virginia on my personal staff.

Benjamin is welcomed into the world by a loving family and friends. His family heritage is one of pioneers who succeeded through determination and community involvement; and I predict that Benjamin will do the same.

THE FORTY-FIFTH ANNIVERSARY OF D-DAY

Mr. WARNER. Mr. President, it is with deep pride, a sense of history and solemn remembrance that I speak today in commemoration of the 45th anniversary of the Allied Invasion of Normandy, which began on June 6, 1944—a day that will be forever in-

scribed in the memories of free men and women everywhere as "D-day."

Following years of extensive planning conducted by the joint efforts of members of the allied staff, "Operation Overlord," which would involve almost 3 million men, 5,300 ships, and 9,500 planes, was ready to be launched in the spring of 1944.

Facing imminent adverse weather, the Supreme Commander of the Allied Powers, Gen. Dwight D. Eisenhower, made a decision to launch the invasion, and the largest amphibious assault of modern warfare was unleashed in the early morning hours of June 6, 1944.

Preceded by airborne drops of two United States divisions and one British division, the massive amphibious landings of some 176,000 men began on the Normandy coast. General Eisenhower's courageous decisiveness characterized the actions of commanders at all levels throughout the invasion as they carried out their missions with bravery, skill, and perseverance.

In preparation for this massive undertaking, the people in the factories and farms of the free world had labored for years to provide the material resources necessary to sustain this huge and mighty invasion force. Now, having committed their labor, their national treasure and, above all, their sons to this endeavor to rid the world forever of the Nazi horrors Hitler had perpetrated, these people remained close to their radios, anxious for news of their soldiers, sailors, and airmen fighting on that distant shore. And they prayed to Almighty God for their safety and success.

The people of the Commonwealth of Virginia will always have a special link to the Normandy invasion as a symbol of American heroism and sacrifice. A Virginia unit, the 116th Infantry Regiment, 29th Division, was one of the first assault regiments to hit bloody Omaha Beach. The 116th was the only National Guard unit to land in the initial assault wave.

The regiment from Virginia sustained more than 800 losses in officers and men in the first day of the landing. The higher concentrations of casualties were among those 116th soldiers from western Virginia. The tiny town of Bedford lost 23 of its finest sons; Lynchburg and Roanoke, almost that many.

As a result of the bravery, skill, and determination of our fighting men and women, the invasion was successful and led to the eventual destruction of a totalitarian Nazi regime and the liberation of millions of enslaved peoples of Europe.

I join with my colleagues in the Senate, including the 25 of us who are veterans of World War II, in expressing our deep pride and eternal appreciation for the courage and determination of all those who participated in that invasion force on that day of battle 45 years ago. Remembering those who fought and died so valiantly to gain those bloody but vital beaches serves not only to honor their memory, but also to renew the determination of the peoples of the free world to oppose tyranny and oppression wherever it occurs.

TRIBUTE TO SENATOR WARREN MAGNUSON

Mr. SARBANES. Mr. President, the death of Senator Warren Grant Magnuson marks the passing of one of our Nation's finest legislators, earliest advocates for consumer protection, and most distinguished public servants.

Warren Magnuson was a vivid example of the great dream Americans have traditionally sought. After working his way through college and the University of Washington law school by delivering ice, he embarked upon a 60-year-long career of public service, that included Naval service in the South Pacific during World War II.

Warren Magnuson was elected to the House of Representatives in 1936, appointed to the Senate in 1944 and later on that year was elected to the first of six full terms in this body. Reflecting the confidence of his colleagues, Maggie—as he was affectionately known to colleagues and constituents alike—was elevated to numerous leadership positions in both Houses of Congress. In the Senate he was a skillful committee chairman, first of the Commerce Committee and subsequently of the Appropriations Committee, and President pro tempore of the Senate. During his 44 years as a distinguished Member of Congress he demonstrated the skill and determination which earned him universal respect. He was loved by his constituents and respected by Americans everywhere for his role in assuring fundamental consumer protection affecting flammable fabrics, auto safety, cigarette labeling, and truth in packaging.

Warren Magnuson was fond of pointing out that "there are two kinds of people in Congress, show horses and work horses." An accomplished legislator, effective advocate, and committed public servant, Senator Magnuson served with great distinction the State of Washington which as a young man he made his home, and the entire Nation.

Warren Magnuson loved America deeply and served its people as few have been privileged to do in our Nation's history. As one who benefited from his guidance and friendship, I join in expressing my own sadness at the news of his death. While mourning his death, however we note his example and draw inspiration from his life.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Kalbaugh, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations and withdrawals, which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

ANNUAL REPORT UNDER THE POWERPLANT AND INDUSTRIAL FUEL USE ACT—MESSAGE FROM THE PRESIDENT—PM 48

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Energy and Natural Resources:

To the Congress of the United States:

As required by section 403(c) of the Powerplant and Industrial Fuel Use Act of 1978 (42 U.S.C. 8373(c)), I hereby transmit the tenth annual report describing Federal actions with respect to the conservation and use of petroleum and natural gas in Federal facilities, which covers calendar year 1988.

GEORGE BUSH.

THE WHITE HOUSE, *June 6, 1989.*

ANNUAL REPORTS OF THE FEDERAL PREVAILING RATE ADVISORY COMMITTEE—MESSAGE FROM THE PRESIDENT—PM 49

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Governmental Affairs:

To the Congress of the United States:

In accordance with section 5347(e) of title 5 of the United States Code, I hereby transmit the 1985, 1986, and 1987 annual reports of the Federal Prevailing Rate Advisory Committee.

GEORGE BUSH.

THE WHITE HOUSE, *June 6, 1989.*

MESSAGES FROM THE HOUSE

At 3:31 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has agreed to the following resolution:

H. Res. 166. A resolution notifying the Senate of the election of Thomas S. Foley, a Representative from the State of Washington, as Speaker of the House of Representatives.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-1150. A communication from the United States Trade Representative, transmitting, pursuant to law, the third annual report relating to trade enhancement; to the Committee on Agriculture, Nutrition and Forestry.

EC-1151. A communication from the Director of the Office of Management and Budget, transmitting, pursuant to law, notification of an excess of funds in a certain account; to the Committee on Appropriations.

EC-1152. A communication from the President of the United States transmitting, pursuant to law, requests for supplemental appropriations for fiscal year 1989; to the Committee on Appropriations.

EC-1153. A communication from the Secretary of Defense, transmitting, pursuant to law, a report on the Assignment of Military Missions in NATO (Mission Specialization); to the Committee on Armed Services.

EC-1154. A communication from the Acting Secretary of the Air Force, transmitting, pursuant to law, a cost report on the Tacit Rainbow program; to the Committee on Armed Services.

EC-1155. A communication from the Acting Director of the Defense Security Assistant Agency, transmitting, pursuant to law, information concerning the Department of the Army's proposed letter(s) of Offer and Acceptance to Norway for Defense Articles estimated to cost $50 million or more; to the Committee on Armed Services.

EC-1156. A communication from the Acting Director of the Defense Security Assistance Agency, transmitting pursuant to law, information concerning the Department of the Navy's proposed letter(s) of Offer and Acceptance (LOA) to Pakistan for Defense Articles estimated to cost $50 million or more; to the Committee on Armed Services.

EC-1157. A communication from the Acting Director of the Defense Security Assistance Agency, transmitting pursuant to law, information concerning the Department of the Navy's proposed letter(s) of Offer and Acceptance (LOA) to the NATO Seasparrow Consortium for Defense Articles estimated to cost $50 million or more; to the Committee on Armed Services.

EC-1158. A communication from the Acting Director of the Defense Security Assistance Agency, transmitting, pursuant to law, information concerning the Department of the Navy's proposed letter(s) of Offer and Acceptance (LOA) to Portugal for Defense Articles estimated to cost $50 million or more; to the Committee on Armed Services.

EC-1159. A communication from the Acting Director of the Defense Security Assistance Agency, transmitting pursuant to law, information concerning the Department of the Air Force's proposed letter(s) of Offer and Acceptance (LOA) to Portugal for Defense Articles estimated to cost $50 million or more; to the Committee on Armed Services.

EC-1160. A communication from the Comptroller of the Department of Defense, transmitting, pursuant to law, the supplemental contract award report for the period May 1, 1989 to June 30, 1989; to the Committee on Armed Services.

EC-1161. A communication from the Director of the Defense Security Assistance Agency, transmitting, pursuant to law, information concerning the Department of the Air Force's proposed letter(s) of Offer and Acceptance (LOA) to the Coordination Council for North American Affairs (CCNAA) for Defense Articles estimated to cost $50 million or more; to the Committee on Armed Services.

EC-1162. A communication from the Acting Assistant Secretary of the Army (Manpower and Reserve Affairs), transmitting a draft of proposed legislation to authorize the transportation of motor vehicles owned by Federal employees on Johnston Island to their families in Hawaii; to the Committee on Armed Services.

EC-1163. A communication from the Assistant Secretary of the Army (Financial Management), transmitting a draft of proposed legislation to amend chapter 19 of title 37, United States Code, relating to the administration of pay for members of the uniformed services, to provide for payment during times of war, hostilities, or national emergency; to the Committee on Armed Services.

EC-1164. A communication from the Deputy Secretary of Defense, transmitting, pursuant to law, certification of the Army Ground Station Module portion of the JSTARS program; to the Committee on Armed Services.

EC-1165. A communication from the Deputy Commander for Contracts, Naval Facilities Engineering Command, transmitting, pursuant to law, notification of a contract award; to the Committee on Armed Services.

EC-1166. A communication from the Deputy Secretary of Defense, transmitting, pursuant to law, a unit cost exception report on the Tacit Rainbow program; to the Committee on Armed Services.

EC-1167. A communication from the Deputy Secretary of Defense, transmitting, pursuant to law, a baseline deviation notice concerning the T45TS program and his intention to submit a revised baseline description for the program and the recommendations of the board; to the Committee on Armed Services.

EC-1168. A communication from the Assistant Secretary of the Navy (Shipbuilding and Logistics), transmitting, pursuant to law, notification of a cost comparison study of the Aircraft Intermediate Maintenance function at certain Air Stations; to the Committee on Armed Services.

EC-1169. A communication from the Assistant Secretary of the Army (Financial Management), transmitting, pursuant to law a report on the value of property, supplies, and commodities provided by the Berlin Magistrate for the quarter January 1, 1989 through March 31, 1989; to the Committee on Armed Services.

EC-1170. A communication from the Acting President and Chairman of the Export-Import Bank of the United States, transmitting, pursuant to law, the fourth report on tied aid credits; to the Committee on Banking, Housing, and Urban Affairs.

EC-1171. A communication from the Comptroller General of the United States, transmitting, pursuant to law, a report on the results of a review of regulatory and examination documents related to the 184 insured banks which failed in 1987; to the Committee on Banking, Housing, and Urban Affairs.

EC-1172. A communication from the Chairman of the Board of Governors of the Federal Reserve System, transmitting, pursuant to law, the annual report of the Board for calendar year 1988; to the Committee on Banking, Housing, and Urban Affairs.

EC-1173. A communication from the Acting President and Chairman of the Export-Import Bank of the United States, transmitting, pursuant to law, a report on a transaction involving United States exports to Yugoslavia; to the Committee on Banking, Housing, and Urban Affairs.

EC-1174. A communication from the Secretary of Agriculture, transmitting a draft of proposed legislation to amend the Housing Act of 1949 to extend through fiscal year 1992 appropriation authorizations for certain housing assistance programs conducted by the Secretary of Agriculture under title V of the Housing Act of 1949; to the Committee on Banking, Housing, and Urban Affairs.

EC-1175. A communication from the Secretary of Transportation, transmitting a draft of proposed legislation to amend section 9308 of title 46, United States Code, by increasing the maximum civil penalty from $500 to $10,000; to the Committee on Commerce, Science, and Transportation.

EC-1176. A communication from the Secretary of Commerce, transmitting, pursuant to law, certain reports required under the Driftnet Impact Monitoring, Assessment, and Control Act of 1987; to the Committee on Commerce, Science, and Transportation.

EC-1177. A communication from the Secretary of the Interior, transmitting, pursuant to law, a report on the Government's helium program for fiscal year 1988; to the Committee on Energy and Natural Resources.

EC-1178. A communication from the Acting Under Secretary of Commerce (Export Administration), transmitting, pursuant to law, a review of the Department of Energy's "Energy Security Report" of March 1987; to the Committee on Energy and Natural Resources.

EC-1179. A communication from the Deputy Associate Director for Collection and Disbursements, Minerals Management Service, Department of the Interior, transmitting, pursuant to law, a report on the refund of certain excess royalty payments; to the Committee on Energy and Natural Resources.

EC-1180. A communication from the Deputy Associate Director for Collection and Disbursement, Minerals Management Service, Department of the Interior, transmitting, pursuant to law, a report on the refund of certain overpayments of offshore lease revenues; to the Committee on Energy and Natural Resources.

EC-1181. A communication from the Deputy Associate Director for Collection and Disbursement, Minerals Management Service, Department of the Interior, transmitting, pursuant to law, a report on the refund of certain overpayments of offshore lease revenues; to the Committee on Energy and Natural Resources.

EC-1182. A communication from the Assistant Secretary, Conservation and Renewable Energy of the Department of Energy, transmitting, pursuant to law, the annual report of Federal activities and programs in

geothermal energy; to the Committee on Energy and Natural Resources.

EC-1183. A communication from the Deputy Associate Director for Collection and Disbursement, Minerals Management Service, Department of the Interior, transmitting, pursuant to law, a report on the refund of certain overpayments of offshore lease revenues; to the Committee on Energy and Natural Resources.

EC-1184. A communication from the Acting Administrator of the General Services Administration, transmitting an informational copy of a repair and alteration prospectus for the B.F. Sisk Federal Building-U.S. Courthouse in Fresno, California; to the Committee on Environment and Public Works.

EC-1185. A communication from the Acting Administrator of the General Services Administration, transmitting, pursuant to law, informational copies of certain lease prospectuses; to the Committee on Environment and Public Works.

EC-1186. A communication from the Assistant Secretary of the Army (Civil Works), transmitting, pursuant to law, a list of incomplete water resources studies which have been authorized, but for which no funds have been appropriated during the preceding five full fiscal years (fiscal years 1984 1988); to the Committee on Environment and Public Works.

EC-1187. A communication from the Acting Administrator of General Services Administration, transmitting, pursuant to law, informational copies of proposed prospectuses; to the Committee on Environment and Public Works.

EC-1188. A communication from the Secretary of Transportation, transmitting a draft of proposed legislation to establish a domestic liability and compensation system for oil pollution from tankers, vessels and facilities and to implement the 1984 Protocols to the 1969 Civil Liability and 1971 FUND Conventions; to the Committee on Environment and Public Works.

EC-1189. A communication from the Inspector General of the Department of Health and Human Services, transmitting, pursuant to law, reports entitled "Financial Arrangements Between Physicians and Health Care Businesses: Perspectives of Health Care Professionals" and "Financial Arrangements Between Physicians and Health Care Businesses: State Laws and Regulations"; to the Committee on Finance.

EC-1190. A communication from the Secretary of Health and Human Services, transmitting pursuant to law, a report on Adoption and Foster Care Data Collection; to the Committee on Finance.

EC-1191. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report entitled "Review of Swing-Bed Care by Peer Review Organizations"; to the Committee on Finance.

EC-1192. A communication from the Chairman of the Prospective Payment Assessment Commission, transmitting, pursuant to law, a report entitled "Medicare Prospective Payment and the American Health Care System"; to the Committee on Finance.

EC-1193. A communication from the Chairman of the United States International Trade Commission, transmitting a draft of proposed legislation to provide authorization of appropriations for the United States International Trade Commission for fiscal year 1991; to the Committee on Finance.

EC-1194. A communication from the Chairman of the United States International Trade Commission, transmitting, pursuant to law, its fifty-seventh quarterly report on trade between the United States and the nonmarket economy countries; to the Committee on Finance.

EC-1195. A communication from the General Counsel of the Department of the Treasury transmitting a draft of proposed legislation to authorize appropriations for the Department of the Treasury for unforeseen emergencies of a confidential nature; to the Committee on Finance.

EC-1196. A communication from the General Counsel of the Department of the Treasury, transmitting a draft of proposed legislation to provide for participation by the United States in a capital increase of the Inter-American Development Bank, and for other purposes; to the Committee on Foreign Relations.

EC-1197. A communication from the Assistant Secretary, Legislative Affairs, of the State Department, transmitting, pursuant to law, the fifteenth 90-day report on the investigation into the death of Enrique Camarena; to the Committee on Foreign Relations.

EC-1198. A communication from the Assistant Secretary, Legislative Affairs, of the State Department, transmitting, pursuant to law, notification of a meeting of the International Conference on Central American Refugees; to the Committee on Foreign Relations.

EC-1199. A communication from the Payroll/Employee Benefits Administrator, Farm Credit Bank of Columbia, transmitting, pursuant to law, the audited financial statement of the Bank as of August 31, 1987 and 1986; to the Committee on Governmental Affairs.

EC-1200. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 8-30 adopted by the Council on May 2, 1989; to the Committee on Governmental Affairs.

EC-1201. A communication from the Comptroller General of the United States, transmitting, pursuant to law, a list of reports issued by the General Accounting Office during April 1989; to the Committee on Governmental Affairs.

EC-1202. A communication from the Assistant Secretary of the Interior (Policy, Budget, and Administration), transmitting, pursuant to law, the annual report on competition advocacy for fiscal year 1988; to the Committee on Governmental Affairs.

EC-1203. A communication from the Deputy General Counsel of the Department of Defense, transmitting a draft of proposed legislation to amend section 5544, 5546, and 5550 of title 5, United States Code, relating to Sunday premium pay for Civil Service employees, to accommodate schedules in foreign areas where Sunday is a routine workday and another day of the week is officially recognized as the day of worship; to the Committee on Governmental Affairs.

EC-1204. A communication from the Chairman of the Federal Communications Commission, transmitting, pursuant to law, the annual report of the Commission under the Freedom of Information Act for calendar year 1988; to the Committee on the Judiciary.

EC-1205. A communication from the Secretary of Education, transmitting, pursuant to law, the semiannual report of the Office of Inspector General, Department of Education, for the period October 1, 1988 to March 31, 1989; to the Committee on Governmental Affairs.

EC-1206. A communication from the Chairman of the Merit Systems Protection Board, transmitting, pursuant to law, a report entitled "U.S. Office of Personnel Management and the Merit System: A Retrospective Assessment"; to the Committee on Governmental Affairs.

EC-1207. A communication from the Secretary of Labor, transmitting, pursuant to law, the semiannual report of the Office of Inspector General, Department of Labor, for the period October 1, 1988 to March 31, 1989; to the Committee on Governmental Affairs.

EC-1208. A communication from the Inspector General of the Department of Energy, transmitting, pursuant to law, the semiannual report of the Office of Inspector General for the period October 1, 1988 to March 31, 1989; to the Committee on Governmental Affairs.

EC-1209. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, a supplement to Special Analysis D in response to the Federal Capital Investment Program Information Act; to the Committee on Governmental Affairs.

EC-1210. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 8-31 adopted by the Council on May 2, 1989; to the Committee on Governmental Affairs.

EC-1211. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, the annual report of the Office of Management and Budget under the Freedom of Information Act for calendar year 1988; to the Committee on the Judiciary.

EC-1212. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, a report on the implementation of the Single Audit Act for the period ending January 30, 1989; to the Committee on Governmental Affairs.

EC-1213. A communication from the Acting Assistant Secretary, Indian Affairs, of the Department of the Interior, transmitting, pursuant to law, reports on the application of the Indian Priority System; to the Committee on Indian Affairs.

EC-1214. A communication from the Director of the Administrative Office of the United States Courts, transmitting a draft of proposed legislation to make important changes in the orderly disposition of justice for American Samoans; to the Committee on the Judiciary.

EC-1215. A communication from the Chief, Statistical Analysis and Reports Division, of the Administrative Office of the United States Court, transmitting, pursuant to law, a missing page from the recently published 1988 Wiretap Report; to the Committee on the Judiciary.

EC-1216. A communication from the Director of the National Legislative Commission of the American Legion, transmitting, pursuant to law, statements describing the financial condition of The American Legion as of December 31, 1988; to the Committee on the Judiciary.

EC-1217. A communication from the Secretary of the Railroad Retirement Board, transmitting a draft of proposed legislation to amend the Railroad Retirement Act to provide full law enforcement authority to investigators in the Office of Inspector Gen-

eral; to the Committee on Labor and Human Resources.

EC-1218. A communication from the Secretary of Education, transmitting, pursuant to law, a copy of a document entitled "Indian Education General Provisions and Discretionary Grant Programs"; to the Committee on Labor and Human Resources.

EC-1219. A communication from the Secretary of the Department of Veterans' Affairs, transmitting, pursuant to law, a copy of the 1989 edition of "VA Today"; to the Committee on Veterans' Affairs.

EC-1220. A communication from the Secretary of the Department of Veterans' Affairs, transmitting a draft of proposed legislation to amend section 3001 of title 38 to authorize the Department of Veterans' Affairs to require mandatory disclosure of claimants' and dependents' social security numbers in all claims for disability and death benefits; to the Committee on Veterans' Affairs.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM-86. A joint resolution adopted by the legislature of the State of Maine; to the Committee on Appropriations.

"JOINT RESOLUTION

"Whereas, the budget of the Veterans Administration for fiscal year 1989 contains a $630,000,000 shortfall; and

"Whereas, $1,500,000 of the shortfall is in the budget of the Veterans Administration Medical and Regional Office Center at Togus, Maine; and

"Whereas, the shortfall will impose hardships on the citizens of Maine, and will result in the loss or closing of the following programs and facilities:

"1. A recently opened substance abuse program;

"2. A 30-bed acute psychiatric ward;

"3. Veterans without a service-connected disability may be turned away for lack of beds;

"4. Some outpatient services will no longer be available to veterans without a service-connected disability;

"5. Fewer veterans will be placed in community nursing homes at the Veterans Administration's expense; and

"6. Drugs furnished to Togus patients will be limited to those listed in the Togus Drug Formulary; and

"Whereas, these cutbacks will have an adverse impact on disabled veterans throughout Maine and will further have a negative effect on the expenditures of the State of Maine; now, therefore, be it

"Resolved, That We, the Members of the One Hundred and Fourteenth Legislature of the State of Maine now assembled in the First Regular Session, do hereby respectfully urge and request the United States Congress to vote to grant additional funding for the purpose of restoring the $635,000,000 shortfall in the Veterans Administration's budget for fiscal year 1989; and be it further

"Resolved, That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the Honorable George H. W. Bush, President of the United States, to the President of the Senate and the Speaker of the House of Representatives of the Congress of the United States and to each member of the Maine Congressional Delegation."

POM-87. A joint resolution adopted by the legislature of the State of California; to the Committee on Armed Services:

"ASSEMBLY JOINT RESOLUTION No. 42

"This measure would memorialize the President and Congress to require the Department of Defense and the Department of the Air Force to revise proposed 1990 fiscal year force structure changes applicable to designated units of the California Air National Guard in a specified manner to maintain the operational capabilities of these units.

"Whereas, the California Air National Guard has maintained a long and distinguished history of service to the State of California and the United States; and

"Whereas, the California Air National Guard has consistently demonstrated a high degree of professionalism and mission accomplishment, and has repeatedly proven its worth as a first line combat ready organization; and

"Whereas, on January 9, 1989, the United States Air Force announced its 1990 fiscal year force structure changes which will adversely affect the capabilities of three California Air National Guard units; and

"Whereas, these force structure changes include downsizing the 146th Tactical Airlift Wing from 16 to 12 C-130E aircraft, downsizing and conversion of the 163rd Tactical Fighter Group from 24 F-4E jet fighters to 18 OA-10 forward air controller aircraft, and conversion of the 129th Aerospace Rescue and Recovery Group to six MH-606 Blackhawk helicopters with resources for only four of the six Blackhawks; and

"Whereas, these downsizings, conversions, and reduced resources will degrade the capability of the units involved and result in the loss of cost-effective operational capabilities, skilled personnel, and firefighting capabilities, as well as substantial revenues to the communities involved; now, therefore, be it

"*Resolved by the Assembly and Senate of the State of California, jointly,* That the California Legislature respectfully memorializes the President and Congress of the United States to require the Department of Defense and the Department of the Air Force to revise the proposed 1990 fiscal year force structure changes for the California Air National Guard to permit the 146th Tactical Airlift Wing to retain its full complement of 16 C-130E aircraft, to convert the 163rd Tactical Fighter Group to 24 F-16 aircraft, and to allocate to the 129th Aerospace Rescue and Recovery Group at least five of its six programmed Blackhawk helicopters in order to maintain the operational capabilities of these units; and be it further

"*Resolved,* That the Chief Clerk of the Assembly transmit copies of this reoslution to the President and Vice President of the United States, to the Speaker of the House of Representatives, to each Senator and Representative from California in the Congress of the United States, to the Secretary of Defense, and to the Secretary of the Air Force."

POM-88. A resolution adopted by the House of Representatives of the State of Illinois; to the Committee on Banking, Housing, and Urban Affairs.

"HOUSE RESOLUTION No. 500

"Whereas, here are numerous savings and loan associations ("Thrifts") operating in the State of Illinois which were created by, or are the surviving institutions of, supervisory mergers approved by the Federal Home Loan Bank Board ("FHLBB") and the Federal Savings and Loan Insurance Corporation ("FSLIC"); and

"Whereas, these mergers were used by the FHLBB and FSLIC as a vehicle to assist specified thrifts in the acquisition of designated financially-troubled thrifts in Illinois; and

"Whereas, Many of these troubled thrifts had substantially negative net worths; and

"Whereas, In lieu of any FSLIC monetary contributions, the mergers were consummated through the placement of goodwill on the books of the surviving institution, a practice which was fully sanctioned under generally accepted accounting principles at that time of merger; and

"Whereas, these surviving thrifts have, in the vast majority of cases, operated successfully and profitably since the time of merger and, in many cases, have raised their net worth to current regulatory requirements; and

"Whereas, This financial progress was accomplished at no cost to the FLSIC, thus saving the insurance fund hundreds of millions of dollars in otherwise required contributions; and

"Whereas, the majority of these merged institutions have operated profitably and have significantly depreciated the goodwill on their books; and

"Whereas, these merged institutions have carried the financial burden of the FSLIC in protecting depositors' investments and restoring otherwise insolvent thrifts to viability; and

"Whereas, the proposed savings and loan reform legislation now pending in the United States Congress would penalize these merged institutions by disregarding the goodwill placed on their books by the FHLBB and FSLIC for the purposes of regulatory capital requirements; and

"Whereas, the proposed legislation as it is currently drafted would impose severe burdens upon the industry and force most of these otherwise profitable Illinois institutions into mergers with out-of-state or foreign banking interests; and

These merged thrifts, who have acted as white knights for the industry, should not be treated as today's black sheep: Therefore, be it

"*Resolved by the House of Representatives of the Eighty-Sixth General Assembly of the State of Illinois,* that this body expresses its enthusiastic support for the savings and loan industry in the State of Illinois; and be it further.

"*Resolved,* That this body expresses its appreciation to those savings and loan institutions who have kept the industry financially viable in the State of Illinois in the absence of the monetary assistance contemplated by the Federal regulatory scheme; and be it further

"*Resolved,* That this body calls upon the United States Congress to enact legislation which will provide for complete and total reimbursment to these merged institutions for the regulatory goodwill placed on their books at the time of merger in lieu of monetary contributions from the FSLIC, and be it further.

"*Resolved,* That suitable copies of this preamble and resolution be presented to each member of the Illinois Congessional Delegation, the President, of the U.S. Senate, and the Speaker of the U.S. House of Representatives."

POM-89. A concurrent resolution adopted by the Legislature of the Commonwealth of Massachusetts; to the Committee on the Budget:

"CONCURRENT RESOLUTION

"Whereas, the safety of airline passengers is of paramount importance; and

"Whereas, airports are steadily becoming increasingly congested and skies are growing more crowded, particularly in the Northeast corridor; and

"Whereas, air traffic control systems are encumbered with antiquated equipment; and

"Whereas, the number of air traffic controllers is inadequate to safely guide the increased air traffic; and

"Whereas, Massport Authority has begun to implement a four-point safety program, which is dependent upon adequate financing to be realized; and

"Whereas, there is a source of money in the airport and airway trust fund; and

"Whereas, withheld in this trust fund is a surplus of nearly $5.7 billion; and

"Whereas, this trust fund derives from taxes paid by air passengers and was dedicated to Congress for airport and air system improvements; and

"Whereas, it is the role of government to protect the welfare of all citizens; and

"Whereas, economic issues should not be put before human lives; Therefore be it

"Resolved, That the Massachusetts General Court respectively urges the Congress of the United States to enact legislation to remove the Airport and Airway Trust Fund from the unified budget; and be it further

"Resolved, That copies of these resolutions be transmitted forthwith to the Clerk of the House of Representatives to the President of the United States, the Presiding Officers of each branch of Congress and to the Members thereof from this Commonwealth."

POM-90. A concurrent resolution adopted by the Legislature of the State of Hawaii; to the Committee on the Budget:

"HOUSE CONCURRENT RESOLUTION

"Whereas, the federal budget has not been balanced since 1969; and

"Whereas, the federal deficit has grown larger as the years have passed; and

"Whereas, the continuation of runaway deficits is harmful to the economic and fiscal stability of the nation; and

"Whereas, every family has to struggle with balancing its resources and its desires to maintain its financial stability and not leave an intolerable debt burden for its descendants; and

"Whereas, it is the concern of every family in America that the government exercise the same level of fiscal responsibility so that the next generation is not buried under the debt run up for current consumption; and

"Whereas, it is important that the federal government take action to correct this situation and reinstitute the practice of regularly balancing the federal budget; and

"Whereas, the attempt to balance the federal budget through the Gramm-Rudman-Hollings deficit reduction law, which was to achieve a balanced budget by 1991, does not appear likely to meet its goal: Now, therefore,

"Be it resolved by the House of Representatives of the Fifteenth Legislature of the State of Hawaii, Regular Session of 1989, the Senate concurring, That the Legislature requests that Congress and the Bush administration work diligently together to reduce the federal deficit; and

"Be it further resolved, That certified copies of this Concurrent Resolution be transmitted to the Clerk and the Speaker of the United States House of Representatives, the Secretary and the President of the United States Senate, and to each member of Hawaii's Congressional delegation."

POM-91. A resolution adopted by the House of Representatives of the State of Hawaii; to the Committee on the Budget:

"HOUSE RESOLUTION 133

"Whereas, the federal budget has not been balanced since 1969; and

"Whereas, the federal budget deficit has grown larger over the business cycle as the years have passed; and

"Whereas, the continuation of runaway deficits is harmful to the economic and fiscal stability of the nation; and

"Whereas, every family has to struggle with balancing its resources and its desires to maintain its financial stability and not leave an intolerable debt burden for its descendants; and

"Whereas, it is the concern of every family in America that the government exercise the same level of fiscal responsibility so that the next generation not be buried under the debt run up for temporary advantages; and

"Whereas, it is important that the government take action to correct this situation and reinstitute the practice of regularly balancing the federal budget on the part of the executive and legislative branches; and

"Whereas, the legislative attempt to correct the situation through the Gramm-Rudman-Hollings deficit reduction law, which was to achieve a balanced budget by 1991, does not appear likely to meet its goal; now, therefore,

"Be it resolved by the House of Representatives of the Fifteenth Legislature of the State of Hawaii, Regular Session of 1989, That the Legislature requests that Congress work toward reducing the federal deficit; and

"Be it further resolved, that certified copies of this Resolution be transmitted to the Clerk and the Speaker of the United States House of Representatives, the Secretary and the President of the United States Senate, and to each member of Hawaii's Congressional delegation."

POM-92. A joint resolution adopted by the Legislature of the State of Arizona; to the Committee on Commerce, Science, and Transportation:

"SENATE JOINT RESOLUTION 1001

"Whereas, the national objectives of general welfare, economic growth and stability, and security of the United States require the development of transportation policies and programs that contribute to providing fast, safe, efficient and convenient transportation at the lowest cost consistent with other national objectives, including the efficient use and conservation of the resources of the United States, and it is in the national interest to encourage and promote the development of transportation systems embracing various modes of transportation that serve the nation, states and local communities efficiently and effectively; and

"Whereas, the Constitution of the United States provides to its citizens the right to travel throughout the length and breadth of our land uninhibited by statutes, rules or regulations which unreasonably burden or restrict this movement; and

"Whereas, a recent national survey of public attitudes toward aviation found that eighty-six percent of the American public supports the development of a national aviation policy, and one which addresses the needs of all people who use or rely on air transportation in the United States; and

"Whereas, the public interest is best served by an air transportation system that provides fast, safe, efficient, convenient and cost-effective movement of passengers and goods throughout the nation with its concomitant economic, social and cultural benefits; and

"Whereas, the United States air transportation system is an essential element in the competitive foundation of the economies of the nation and the world and has established and maintained work standards of safety, efficiency and utility, and the public's requirements for air transportation services will double by the year 2000 from four hundred million annual passengers to nearly eight hundred million; and

"Whereas, the public has lost confidence in the nation's air transportation system due to the decline in service associated with the air traffic controller strike, airport and airway modernization delays, airline mergers and the lack of a clear national policy; and

"Whereas, the nation's airport and airway system is inadequate to meet the current and projected growth in aviation, and substantial expansion and improvement of the airway system and the development of an integrated, nationwide infrastructure of airports is required; and

"Whereas, the Federal Aviation Administration's management and structure is characterized by regressive personnel and procurement rules and lack of authority to accomplish its tasks; ands

"Whereas, it is recognized that national policies were central to the successful development of our railroads and Interstate Highway System, and an integrated national aviation policy must precede successful deployment of an adequate supply of facilities, equipment and personnel to meet safety, access and capacity demands of the future; and

"Whereas, a national aviation policy must ensure that adequate air transportation opportunities and services are available to all citizens regardless of geographic location and that citizens who choose to live and work in small or rural communities shall be provided the same air transportation benefits as all other citizens throughout the United States: Therefore be it

Resolved by the Legislature of the State of Arizona:

"1. That the Congress of the United States adopt a pending resolution establishing a national aviation policy for the United States of America.

"2. That the Secretary of State of the State of Arizona transmit a copy of this Joint Resolution to the President of the United States Senate, the Speaker of the United States House of Representatives and to each Member of Congress from the State of Arizona."

POM-93. A resolution adopted by the House of Representatives of the State of Hawaii; to the Committee on Commerce, Science, and Transportation:

"HOUSE RESOLUTION 59

"Whereas, international law recognizes that a coastal nation may exercise sovereignty and jurisdiction over its territorial

sea seaward as far as twelve nautical miles if it so proclaims; and

"Whereas, on December 27, 1988, President Reagan signed Presidential Proclamation 5928 extending the United States territorial sea from three to twelve miles as measured from the baseline of the United States; and

"Whereas, the Proclamation provides that "Nothing in this Proclamation . . . extends or otherwise alters existing Federal or State law or any jurisdiction, rights, legal interest or obligations derived therefrom"; and

"Whereas, notwithstanding the Proclamation's disclaimer, the extended United States territorial sea is a matter of far reaching consequences to the Pacific states and Pacific island governments generally and the State of Hawaii in particular; and

"Whereas, there exists a bond between ocean and air basins, the action of waves and currents on the shoreline, and the effects of rivers and runoff on ocean-water quality; the land and contiguous maritime areas are joined in an inseparable relationship which can directly affect coastal economies; and

"Whereas, many federal laws address the rights and responsibilities of the States and the federal government in maritime areas in terms of the "territorial sea", the "coastal zone", the "extent of U.S. jurisdiction", and similar references which may now, by virtue of the Proclamation, reach to twelve miles, notwithstanding the Proclamation's disclaimer; and

"Whereas, without clear Congressional action implementing the territorial sea Proclamation, confusion, delay, expense, or even litigation most certainly will be the result; and

"Whereas, Hawaii, like other coastal states, has a substantial and immediate interest in the ocean activities directly off its shores, relating not only to fisheries, recreation, energy, and air and water pollution, but also to coastal management, resource development and protection, and state boundaries; and

"Whereas, as a matter of enlightened policy and inherent equity Pacific states and Pacific island governments should be partners with the federal government in the management of the enlarged territorial sea and adjacent maritime zones and should share in the revenue generated by activities in these waters; now, therefore,

"Be it resolved by the House of Representatives of the Fifteenth Legislature of the State of Hawaii, Regular Session of 1989, That the Congress of the United States and Hawaii's Congressional delegation are urged to review and examine the question of appropriate legislative and administrative action in light of the President's recent twelve mile Territorial Sea Proclamation; and

"Be it further resolved, That such review focus on the impact of the Proclamation on domestic law and federal/state relations and rights in the three to twelve mile zone and the related question of federal/state relations and rights in the U.S. Exclusive Economic Zone; and

"Be it further resolved, That the President of the United States and the United States Congress are respectfully urged to support and enact legislation to establish a National Oceans Policy Commission to make findings and recommendations concerning a long-range national oceans program in light of the new territorial sea boundary of twelve miles and U.S. Exclusive Economic Zone of two hundred miles; and

"Be it further resolved, That certified copies of this Resolution be transmitted to the President of the United States, the President of the United States Senate, the Speaker of the United States House of Representatives, and Hawaii's congressional delegation."

POM-94. A joint resolution adopted by the Legislature of the State of Alaska; to the Committee on Commerce, Science, and Transportation:

"JOINT RESOLUTION

"Whereas the Magnuson Fishery Conservation and Management Act of 1976 is due for reauthorization by the Congress by September 30, 1989; and

"Whereas the Magnuson Fishery Conservation and Management Act is the most significant federal fisheries legislation in the history of our country; and

"Whereas with the enactment of the Magnuson Fishery Conservation and Management Act the United States became the world leader in firmly establishing a sound foundation for rational marine fisheries management; and

"Whereas while the Magnuson Fishery Conservation and Management Act states that the United States has jurisdiction over American anadromous species, such as salmon and steelhead, on the high seas beyond the United States Exclusive Economic Zone, the federal government claims some ambiguity exists on asserting that jurisdiction for the purpose of stopping illegal harvests of salmon and steelhead on the high seas; and

"Whereas Alaska, Washington, and Oregon are losing hundreds of millions of dollars annually due to the illegal harvest of North American salmon and steelhead on the high seas, which substantially affects the American economy and the United States' balance of trade;

"Be it resolved that the Alaska State Legislature repectfully requests the Congress to reauthorize the Magnuson Fishery Conservation and Management Act this year and to add the following amendments as a minimum:

"(1) a reemphasis that the Governing International Fisheries Agreements with foreign fishing nations require boarding of all foreign vessels on the high seas as part of the United States' extended jurisdiction over anadromous species and mandate that the boarding and the seizure of evidence of violations of the agreements be nondiscretionary;

"(2) establishment of salmon protection zones beyond the United States and Soviet Exclusive Economic Zones and creation of a rebuttable presumption that salmon discovered on board vessels within the salmon protection zones are salmon of North American or Soviet origin;

"(3) a prohibition on the sale, purchase, transport, or further marketing of anadromous fish not harvested within fisheries authorized under international treaty or within the Exclusive Economic Zone of the nation of origin of the anadromous fish;

"(4) establishment of a country of origin certification program, whereby all salmon legally caught in the United States are identified, labeled, and documented as salmon of the United States; and a request that all other nations of origin establish similar programs;

"(5) a Congressional declaration calling for ending high seas gillnet fishing beyond the Exclusive Economic Zones of all nations by 1992 and directing the U.S. Secretary of State to develop by 1992 a new international fisheries organization consisting of all the salmon-producing nations in the world;

"(6) extension of state jurisdiction from 3 miles to 12 miles for the purpose of managing living marine resources and in order to make the seaward boundaries of all states' waters consistent;

"(7) expand the sanctions under the Pelly amendment to include any product imported into the United States from any violating nation;

"(8) a requirement that transponders, transmitters, or other type of satellite communications device appropriate to provide instantaneous locational information be required on board all foreign vessels fishing with identified salmon zones;

"(9) a requirement that federal intelligence agencies provide available information to the U.S. Coast Guard on the location of foreign fishing vessels without jeopardizing national security interests;

"(10) a clarification that regional fishery management councils do have the authority to establish mandatory, 100 percent coverage, observer programs for domestic groundfish fishing vessels, and that these are to be paid for by industry user fees;

"(11) a declaration that the current geographic balance of the membership of the North Pacific Fishery Management Council is appropriate;

"(12) a mechanism for a community development quota of groundfish to be used for fisheries development in small rural communities of Alaska.

"Copies of this resolution shall be sent to the Honorable George Bush, President of the United States; the Honorable Dan Quayle, Vice-President of the United States and President of the U.S. Senate; the Honorable James A. Baker, III, U.S. Secretary of State; the Honorable Edward E. Wolfe, Ambassador for Fisheries and the Ocean, U.S. Department of State; the Honorable Robert A. Mosbacher, U.S. Secretary of Commerce; William E. Evans, Administrator, National Oceanic and Atomspheric Administration, U.S. Department of Commerce; the Honorable George J. Mitchell, U.S. Senate Majority Leader; the Honorable Jim Wright, Speaker of the U.S. House of Representatives; the Honorable George Deukmejian, Governor of the State of California; the Honorable Leo T. McCarthy, President of the Senate of the State of California; the Honorable Willie Lewis Brown, Jr., Speaker of the Assembly of the State of California; the Honorable Cecil D. Andrus, Governor of the State of Idaho; the Honorable C.L. Otter, President of the Senate of the State of Idaho; the Honorable Tom Boyd, Speaker of the House of Representatives of the State of Idaho; the Honorable Neil Goldschmidt, Governor of the State of Oregon; the Honorable John Kitzhaber, President of the Senate of the State of Oregon; the Honorable Vera Katz, Speaker of the House of Representatives of the State of Oregon; the Honorable Booth Gardner, Governor of the State of Washington; the Honorable Joel Pritchard, President of the Senate of the State of Washington; the Honorable Joseph E. King, Speaker of the House of Representatives of the State of Washington; and to the Honorable Ted Stevens and the Honorable Frank Murkowski, U.S. Senators, and the Honorable Don Young, U.S. Representative, member of the Alaska delegation in Congress."

POM-95. A resolution adopted by the Senate of the State of Alaska; to the Com-

mittee on Commerce, Science, and Transportation:

"SENATE RESOLUTION

"Whereas the recent oil spill disaster caused by the Exxon Valdez tanker accident is of great concern to the citizens of the state as well as the Alaska State Senate; and

"Whereas serious environmental damage has been done to the fishery resources in the areas affected by the oil spill; and

"Whereas emergency measures for fishery enhancement and rehabilitation could be taken to mitigate the damage to these resources;

"Be it resolved that the Senate encourages Exxon Corporation to provide direct funding to the regional private, nonprofit aquaculture associations in the state that have been affected by the spill, for emergency measures for fishery enhancement and rehabilitation.

"Copies of this resolution shall be sent to the Honorable George Bush, President of the United States; the Honorable Dan Quayle, Vice-President of the United States and President of the U.S. Senate; the Honorable Robert C. Byrd, President Pro Tem of the United States Senate; the Honorable Jim Wright, Speaker of the U.S. House of Representatives; the Honorable Manuel Lujan, Secretary of the Interior; the Honorable Samuel K. Skinner, Secretary of Transportation; Admiral Paul A. Yost, Jr., Commandant of the U.S. Coast Guard; Robert E. Kallman, Director, Minerals Management Service; the Honorable Dennis D. Kelso, Commissioner of Environmental Conservation; the Honorable Don W. Collinsworth, Commissioner of Fish and Game; the Honorable Lennie Boston-Gorsuch, Commissioner of Natural Resources; Laurence Rawl, Chair of the Board of Directors of Exxon Corporation; the mayors of the communities of Valdez, Cordova, Tatitlik, Chenega, Homer, Seward, the Kenai Peninsula Borough, and the Kodiak Borough; and to the Honorable Ted Stevens and the Honorable Frank Murkowski, U.S. Senators, and the Honorable Don Young, U.S. Representative, members of the Alaska delegation in Congress."

POM-96. A joint resolution adopted by the Legislature of the State of Nevada; to the Committee on Energy and Natural Resources:

"SENATE JOINT RESOLUTION NO. 6

"Whereas, Executive Order No. 12548, entitled "Grazing Fees," which was issued by the President of the United States on February 14, 1986, and the Code of Federal Regulations (36 C.F.R. § 222, Subpart C, and 43 C.F.R. § 4130.7) require the use of a formula to set schedules for grazing fees that are equitable, that prevent economic disruption and harm to the western livestock business, and that reflect annual changes in the costs of production; and

"Whereas, The economy of many of Nevada's rural counties is heavily dependent upon ranching which serves as the stable base of the county's economy; and

"Whereas, Any changes in the fees charged for grazing on public lands should be related to the price of the cattle grazed to protect the stability of the livestock business in Nevada; and

"Whereas, After a careful review of the fees charged for grazing on public lands, this state's Legislative Committee on Public Lands supports the formula presently used for establishing grazing fees; now, therefore, be it

"Resolved by the Senate and Assembly of the State of Nevada, Jointly, That the Legislature urges Congress to require and the Secretaries of the Department of the Interior and the Department of Agriculture to recommend the continuation of the current formula for fees; and be it further

"Resolved, That the Secretary of the Senate transmit a copy of this resolution to the Vice President of the United States as President of the Senate, the Speaker of the House of Representatives, each member of the Nevada Congressional Delegation, the Secretary of the Department of the Interior and the Secretary of the Department of Agriculture; and be it further

"Resolved, That this resolution becomes effective upon passage and approval."

POM-97. A joint resolution adopted by the Legislature of the State of Nevada; to the Committee on Energy and Natural Resources:

"ASSEMBLY JOINT RESOLUTION NO. 14—

"Whereas, The Commission for Land Acquisition in the Tahoe Basin, created after the residents of Nevada approved a $31,000,000 bond proposal, was responsible for establishing the policies for the administration by the division of state lands of the state department of conservation and natural resources of a program to purchase environmentally sensitive land in the Lake Tahoe Basin; and

"Whereas, The Santini-Burton Act (Public Law 96-586), which is administered by the United States Forest Service within the Department of Agriculture and is the federal counterpart of the program administered by the division, provides money for the acquisition of environmentally sensitive land in the Lake Tahoe Basin; and

"Whereas, As of June 7, 1988, the Forest Service had purchased 808 parcels of environmentally sensitive land located within the Lake Tahoe Basin for approximately $32,000,000 and had acquired another 21 parcels by donation; and

"Whereas, The division anticipates that it will, by the end of 1988, acquire approximately one-half of the environmentally sensitive parcels of land whose purchase has been approved by the state board of examiners and will acquire the remaining parcels in 1989 and 1990; and

"Whereas, The parcels of land that have or will be acquired by the Forest Service and the division are interlaced throughout the Lake Tahoe Basin and their lack of contiguity causes inefficient maintenance; and

"Whereas, The exchange of certain of those parcels between the two entities would facilitate the expansion of state park land and provide for more efficient maintenance of the parcels by the Forest Service and the division; now, therefore, be it

"Resolved by the Assembly and Senate of the State of Nevada, jointly, That the Legislature of the State of Nevada urges the Federal Government and the United States Forest Service to cooperate with agencies of this state to consummate the exchange of certain federally owned parcels of environmentally sensitive public land located within the Lake Tahoe Basin for certain parcels of environmentally sensitive land owned by the State of Nevada within the Basin; and be it further

"Resolved, That copies of this resolution be prepared and transmitted by the Chief Clerk of the Assembly to the Vice President of the United States as presiding officer of the Senate, the Speaker of the House of Representatives, the Secretary of the Department of Agriculture, the Chief of the United States Forest Service and to each member of the Nevada Congressional Delegation."

POM-98. A concurrent resolution adopted by the Legislature of the State of Minnesota; to the Committee on Energy and Natural Resources:

"RESOLUTION NO. 3

"Whereas, Minnesota's water is a precious resource that is necessary and claimed for agricultural, domestic, recreational, and beneficial uses; and

"Whereas, Minnesota's lakes and the Mississippi River have suffered drastic drought which has depleted water supplies; and

"Whereas, Minnesota's water rights may be preempted by federal legislation, now pending before the Congress of the United States, that would authorize the use of Minnesota waters to transport coal by slurry pipeline; and

"Whereas, this proposed federal legislation would permit coal slurry pipeline consortiums the right of eminent domain for the transportation of coal, using Minnesota waters, to distant utilities; and

"Whereas, unit coal trains that currently transport vast quantities of coal to Minnesota utilities would be eliminated, causing the loss of permanent Minnesota railroad jobs; Now, therefore,

"Be it resolved by the Legislature of the State of Minnesota, That it urges the Congress of the United States to reject pending legislation that would authorize the use of Minnesota waters for the transportation of coal and would grant the right of eminent domain of coal slurry pipelines.

"Be it further resolved, That the Secretary of State of the State of Minnesota that is directed to prepare certified copies of this resolution and transmit them to the President of the United States, President and Secretary of the United States Senate, the Speaker and Chief Clerk of the United States House of Representatives, and to Minnesota's Senators and Representatives in Congress."

POM-99. A concurrent resolution adopted by the Legislature of the State of Texas; to the Committee on Energy and Natural Resources:

"SENATE CONCURRENT RESOLUTION NO. 6

"Whereas, The settlement proposed by a Federal Energy Regulatory Commission Law Judge in order to clear the way for new pipeline construction between Canada and the Northeast fails to best serve the interests of Northeast consumers and the petroleum industry; it will do little to encourage the use of natural gas in the United States as a clean alternative to solve the acid rain crisis; and

"Whereas, The proposed settlement fails to mandate comparable rate structures for gas between the two countries resulting in three-fourths of the proposed pipeline capacity being dedicated to nondomestic gas; and

"Whereas, Orders issued January 12 by the Federal Energy Regulatory Commission stated that the commission's review of the proposed settlement will consider 'all public interest issues' and that Opinion No. 256 'will certainly be applied'; and

"Whereas, The different rate systems used by the United States and Canada make it difficult for end users on the east coast to make an informed comparison of American versus Canadian gas prices; and

"Whereas, The hardest hit by the adoption of this settlement would be domestic gas producers, at a time when the expanded use of natural gas is becoming a part of the nation's energy agenda; and

"Whereas, It is vital to the future of the Texas economy and to the economies of other petroleum-producing states that new markets be opened up for natural gas; now, therefore, be it

"*Resolved,* That the 71st Legislature of the State of Texas hereby request and urge the Federal Energy Regulatory Commission to implement the agreement allowing natural gas pipeline construction between Canada and the United States only after the mismatched rate problem is resolved; and, be it further

"*Resolved,* That the Texas Secretary of State forward official copies of this resolution to the President of the United States, the Speaker of the United States House of Representatives, the President of the United States Senate, to each member of the Texas delegation to the 101st Congress of the United States, and to the Chairman of the Federal Energy Regulatory Commission as an expression of sentiment from the Texas Legislature."

POM-100. A joint resolution adopted by the Legislature of the State of Colorado; to the Committee on Energy and Natural Resources:

"SENATE JOINT RESOLUTION No. 17

"Whereas, the excellent quality of Colorado coal, in light of its low fly ash and sulfur content, makes Colorado coal a national resource which is solicited by markets nationwide, and significantly contributes to the nation's goals of energy efficiency and a clean environment;

"Whereas, Coal mining has been and continues to be an important part of the economy of the State of Colorado; and

"Whereas, Approximately two-thirds of the coal currently being mined in Colorado is from federal coal leases; and

"Whereas, The Minerals Management Service of the United States Department of the Interior recently promulgated regulations for the determination of the value of federal coal for the application of federal royalties; and

"Whereas, These regulations allow for the deduction of severance taxes, reclamation fees, and black lung assessments from the value base prior to calculating the royalty; and

"Whereas, The new Secretary of the Interior, Mr. Manual Lujan, has announced his intention to reconsider the decisions of the Minerals Management Service to allow such deduction; and

"Whereas, Such taxes and assessments do not add to the value of the coal; and

"Whereas, Increased royalty assessments adversely affect the ability of Colorado coal producers to compete on the open market and may result in additional loss of coal mining jobs and revenues in the State of Colorado; and

"Whereas, Colorado coal producers already pay two and one-half times the average per ton royalty paid by federal coal producers, in other states, according to federal Minerals Management Service publications (Mineral Revenues: The 1987 Report on Receipts from Federal and Indian Leases); and

"Whereas, The health of Colorado's coal industry is essential to the economic well-being of many communities and important to the State of Colorado; now, therefore,

"Be It Resolved by the Senate of the Fifty-seventh General Assembly of the State of Colorado, the House of Representatives concurring herein:

"(1) That a federal royalty program should provide for reasonable royalty rates that do not disproportionately add to the cost of Colorado coal.

"(2) That the base for calculating federal coal royalty payments should be the freight on board (f.o.b.) mine price less all severance taxes, reclamation fees, and black lung assessments.

"Be It Further Resolved, That copies of this resolution shall be transmitted to the Secretary of the United States Department of the Interior, Mr. Manual Lujan, the President of the United States Senate, the Speaker of the United States House of Representatives, and members of the Colorado delegation to the Congress of the United States, in order that they may be apprised of the sense of the Colorado General Assembly."

POM-101. A resolution adopted by the Senate of the State of Florida; to the Committee on Environment and Public Works:

"SENATE MEMORIAL No. 91

"Whereas, completion of the Cross Florida Barge Canal could result in incalculable harm to the Floridian Aquifer and thereby threaten much of Florida's drinking water resources, and

"Whereas, the State of Florida has established a record supporting the deauthorization of the Cross Florida Barge Canal Project by the Congress of the United States, and

"Whereas, the Florida Legislature has enacted chapter 79-167, Laws of Florida, as amended by chapter 84-278, Laws of Florida, which provides a plan for disposition of the lands held by the Canal Authority of the State of Florida upon deauthorization of the canal project by the Congress of the United States, and

"Whereas, the Congress of the United States has enacted section 1114 of Public Law 99-662, the Water Resources Development Act of 1986, which provides for the deauthorization of the Cross Florida Barge Canal Project, contingent upon specified actions by the State of Florida and the Secretary of the Army of the United States, and

"Whereas, deauthorization of the Cross Florida Barge Canal Project pursuant to section 1114 of Public Law 99-662 is contingent upon the transfer of more than 50,000 acres of valuable land, to be managed for conservation and recreational purposes, to the United States Department of the Army for far less than their current value and for which complete appropriations have not been provided, and

"Whereas, deauthorization of the Cross Florida Barge Canal Project pursuant to section 1114 of Public 99-662 is further contingent upon the State of Florida enacting legislation, which could subject the State of Florida to great expense, assuring that the interests in much of the lands to be so transferred are sufficient to carry out the purpose of the federal act, and

"Whereas, section 1114 of Public Law 99-662 directs the Secretary of the Army of the United States to develop, by November 17, 1987, a comprehensive management plan for the future management of much of the lands to be transferred, which plan has not been developed, and

"Whereas, the Florida Legislature has determined that section 1114 of Public Law 99-662 provides an overly complex and drawn out process for deauthorization and is incompatible with previously enacted Florida law which provides a more appropriate means for disposing of lands within the project corridor in a manner that will be in the public interest and reflect sound intergovernmental public policy: Now therefore be it

"Resolved by the Legislature of the State of Florida:

"That the Congress of the United States is urged to amend section 1114 of Public Law 99-662, the Water Resources Development Act of 1986, and enact legislation providing for the deauthorization of the Cross Florida Barge Canal Project and allow the State of Florida to dispose of previously acquired lands in the manner provided by chapter 79-167, Laws of Florida, as amended by chapter 84-278, Laws of Florida. Such legislation should provide for continuing operating costs and maintenance by the Federal Government of completed portions of the Cross Florida Barge Canal: Be it further

"Resolved, That copies of this memorial be dispatched to the President of the United States, to the President of the United States Senate, to the Speaker of the United States House of Representatives, and to each member of the Florida delegation to the United States Congress. Filed in Office Secretary of State May 12, 1989."

POM-102. A joint resolution adopted by the Legislature of the State of Montana; to the Committee on Finance:

"HOUSE JOINT RESOLUTION

"Whereas, the United States Congressional Joint Committee on Taxation has developed a set of policy options in response to the Congressional budget resolution calling for federal tax rate increases over the next 3 years; and

"Whereas, these policy options have identified the following excise tax rate increases as one potential source of federal tax increases:

"(1) beer, 49 cents per six-pack;

"(2) wine, 52 cents per bottle;

"(3) cigarettes, 16 cents per pack;

"(4) gasoline, 5 cents per gallon; and

"(5) distilled spirits, $2.50 per proof gallon; and

"Whereas, federal excise taxation is regressive taxation; and

"Whereas, Montana ranks 47th in the nation in personal income, with an average personal income of $15,568 per person in 1987; and

"Whereas, increases in regressive federal excise tax rates will therefore place a greater burden on individuals in the state of Montana in comparison to individuals in the majority of other states; and

"Whereas, beer, wine, cigarettes, gasoline, and distilled spirits are relatively price-inelastic, and increasing federal excise tax rates on these products can be expected to result in a decline in product sales; and

"Whereas, the Montana Revenue Estimating Advisory Council estimates product sales declines over the next 2 years in cigarettes (6 million packs, or 9%), liquor (down 14%), and wine (down 400,000 liters) that do not include losses due to federal excise tax rate increases; and

"Whereas, a decline in these product sales will adversely affect the state of Montana's excise tax revenues, resulting in a potential loss of $3.68 million in revenue that the Senate and House of Representatives will have to raise elsewhere; and

"Whereas, a $2.385 million loss in state revenue from gasoline excise taxes would translate into a 2.83% reduction in revenue available to the highway fund, and a $1.037 million loss in state revenue from cigarette excise taxes would reduce debt service revenue by 9.09%; and

"Whereas, the Montana Revenue Estimating Advisory Council projects a decline in state revenues, and Montana cannot afford further loss of existing revenue; now therefore, be it

Resolved by the Senate and the House of Representatives of the State of Montana: That the Senate and the House of Representatives of the State of Montana express their opposition to the United States Congressional Joint Committee on Taxation's option of increasing federal excise tax rates on beer, wine, cigarettes, gasoline, and distilled spirits; be it further

"*Resolved,* That a copy of this resolution be sent by the Secretary of State to each member of the Montana Congressional Delegation and to the Chairman of the United States Congressional Joint Committee on Taxation."

POM-103. Resolution adopted by the House of Representatives of the State of Hawaii; to the Committee on Finance:

"HOUSE RESOLUTION No. 388

"Whereas, the Medicare Catastrophic Expansion Act of 1988 (PL 100-360, 102 Stat. 683) is of great importance to all Americans, particularly the elderly who are most liable as a group to have extended and costly illnesses; and

"Whereas, the Act was intended to provide for the most serious needs of the largest number of people and to provide a broad cover of protection for those who can least afford long illnesses; and

"Whereas, the cost of the Act was expected to be minimal and to be spread equitably across all of the beneficiaries in order to be affordable, so that the elderly would not be singled out for higher taxes than others; and

"Whereas, information now shows that too few of the promises of the Act will be fulfilled under its restrictive and complex regulations, which impose significant tax impacts on the elderly, and

"Whereas, the elderly must now pay not only a premium for the benefits but a surtax as well, and those who already have other comparable insurance coverage must nonetheless pay the premium and the surtax; and

"Whereas, the problems generated by the Act have aroused an unusually high level of opposition, as shown by recent bills introduced in Congress to repeal or modify the Act, by numerous petitions signed by citizens against the Act, by syndicated journalists' negative articles in nationally-known newspapers and periodicals and by individual and organizational complaints; now, therefore, be it

"*Resolved* by the House of Representatives of the Fifteenth Legislature of the State of Hawaii, Regular Session of 1989, that the Congress of the United States of America is requested to cease implementation of the Medicare Catastrophic Coverage Act until the Congress can thoroughly review the Act and modify it as necessary; and be it further

Resolved, That certified copies of this Resolution be transmitted to the President of the United States, the President of the U.S. Senate, the Speaker of the U.S. House of Representatives, and Hawaii's Congressional delegation."

POM-104. A joint resolution adopted by the Legislature of the State of Maine; to the Committee on Finance:

"JOINT RESOLUTION

"Whereas, some Members of Congress have proposed that the federal tax on motor fuels be substantially increased to raise funds for the purpose of reducing the federal deficit; and

"Whereas, a federal motor fuel tax increase large enough to provide more than a token decrease in the deficit would shrink the tax base for the states by reducing gasoline use; and

"Whereas, the states rely heavily on motor fuel taxes for highway and bridge construction and maintenance and for other highway needs; and

"Whereas, such a reduction in the states' tax base would add pressure for further increases in state motor fuel taxes to compensate for the reduced tax base; and

"Whereas, such increased taxes at both the federal and state levels would seriously affect travel and tourism within and among the states further eroding state and local government revenues; and

"Whereas, motor fuel tax increased disproportionally affect the poor and consumers in larger states where travel distances are greater; and

"Whereas, the diversion of federal motor fuel tax revenues for deficit reduction would place an unfair burden on vehicle users for solving a national problem; and

"Whereas, such a diversion strikes at the heart of the federal highway user fee concept that has served the nation so well in financing necessary highway-related programs: Now, therefore, be it

"*Resolved,* That We, your Memorialists, urge Congress to reject proposals to increase the federal motor fuel tax and to find other, more equitable and less damaging ways of reducing the federal deficit; and be it further

"*Resolved,* That duly authenticated copies of this Memorial be submitted immediately by the Secretary of State to the Honorable George H. W. Bush, the President of the United States, the President of the Senate and the Speaker of the House of Representatives of the Congress of the United States and to each Member of the Maine Congressional Delegation.".

POM-105. A resolution adopted by the House of Representatives of the State of Hawaii; to the Committee on Foreign Relations:

"HOUSE RESOLUTION No. 58

"Whereas, the cost of disposing of low-level radioactive waste has increased in recent years, providing an incentive for inappropriate disposal of the waste; and

"Whereas, components of high level radioactive waste take over 10,000 years to decay to levels that are safe; and

"Whereas, containers that insulate radioactive waste from the environment for over 1,000 years have yet to be developed; and

"Whereas, the environmental and human health effects of radioactivity are as yet poorly understood; and

"Whereas, the terrestrial, coastal, and marine environments are one interdependent ecological system; and

"Whereas, the United States has a vested interest in the protection of the ocean environment; and

"Whereas, disposal of radioactive waste is an issue of international concern; and

"Whereas, methods for land disposal of radioactive waste are being thoroughly researched and are in use in many areas of the world; and

"Whereas, the government of Japan is proposing to dispose of radioactive waste in the Marianas Trench of the Western Pacific; and

"Whereas, Pacific island governments, such as the Commonwealth of the Northern Marianas Islands, a trust territory of the United States, are located fewer than 200 miles from the Marianas Trench; and

"Whereas, the people of the State of Hawaii, other Pacific island governments and the Northern Marianas Islands consider the surrounding ocean to be sacred and the only resource for the economic development of the islands besides the fragile tourism industry; and

"Whereas, the people of the State of Hawaii and other Pacific island governmental entities have been dependent on the surrounding ocean resources for transportation, economic development, recreation, food, and other benefits; now, therefore, be it

"*Resolved by the House of Representatives of the Fifteenth Legislature of the State of Hawaii, Regular Session of 1989, the Senate concurring,* That the President of the United States, and the United States Congress are respectfully urged to assist the State of Hawaii by using whatever means it deems reasonable to discourage the government of Japan from the disposing of radioactive waste in the Marianas Trench; and be it further

"*Resolved,* That certified copies of this Resolution be transmitted to the President of the United States, the President of the United States Senate, the Speaker of the House of Representatives, and Hawaii's congressional delegation."

POM-106. A resolution adopted by the House of Representatives of the State of Hawaii; to the Committee on Foreign Relations:

"HOUSE RESOLUTION No. 92

"Whereas, a nuclear war would result in death, injury, and disease on a scale unprecedented in human history; and

"Whereas, nuclear war on a global scale could result in the extinction of the human race as we know it, and could even lead to the end of all life on earth; and

"Whereas, there is a growing outcry among nations to cease development of nuclear weapons, with some countries forbidding vessels carrying nuclear weapons from entering their ports, and the United States could take a leadership position in the eyes of the world by imposing a moratorium and eventual ban of nuclear testing; and

"Whereas, increasingly sophisticated technology has blurred some of the distinctions between strategic and conventional weapons, thereby making it easier for smaller military forces, headed by lower levels of command, to be capable of launching nuclear weapons; and

"Whereas, this diffusion to lower level commands increases the odds of accidental use of nuclear weapons which can escalate quickly to total war; and

"Whereas, spending for the arms race is contributing to record budget deficits that threaten our nation's economic security; and

"Whereas, a ban on nuclear testing would promote the security of the United States by constraining new developments in the United States. Soviet Union nuclear arms competition and by strengthening efforts to prevent the spread of nuclear weapons to non-nuclear countries; and

"Whereas, a ban on nuclear testing would be a concrete and easily achievable first step toward deep reductions of ever expanding nuclear arsenals; and

"Whereas, a ban on nuclear testing can be verified with high confidence by a worldwide network of seismic monitors, satellites, and other verification technology operated by the United States and other nations; now, therefore, be it

Resolved by the House of Representatives of the Fifteenth Legislature of the State of Hawaii, Regular Session of 1989, That the President of the United States is requested to immediately respond to the Soviet offer to halt testing by joining the Soviet Union in a mutual and verifiable suspension of testing as a first step toward freezing and reversing the arms race; and be it further

"Resolved, That this body calls upon the Hawaii congressional delegation to support legislation that would enact a moratorium on nuclear testing, to be continued as long as the Soviet Union does not test, and until a formal comprehensive test ban treaty can be negotiated; and be it further

"Resolved, That certified copies of this Resolution be forwarded to the President of the United States, to the Speaker of the United States House, the President of the United States Senate, the Chairman of the United States Senate-Arms Services Committee, the Chairman of the United States House-Arms Services Committee, and to each member of the Hawaii congressional delegation."

POM-107. A resolution adopted by the City Council of Ocala Florida urging the Federal Government to discontinue financial assistance to the Union of Soviet Socialist Republics; to the Committee on Foreign Relations.

POM-108. A resolution adopted by the House of Representatives of the State of Hawaii; to the Committee on Foreign Relations.

"HOUSE RESOLUTION NO. 163

"Whereas, children need to be protected and nurtured to survive, grow, and develop; and they normally receive support and protection from their families where they receive love, shelter, nourishment,. and a sense of identity and belonging; and

"Whereas, it is through their families that children learn about their individuality, basic values, and ideals in life; perceive the needs and rights of others; appreciate the benefits and demands of living in a community and society; and undertake the long process of growth and development toward responsible adulthood; and

"Whereas, unfortunately many children in the Philippines today find themselves in a situation of vulnerability where there is a lack of community support and protection; and

"Whereas, this vulnerability is exacerbated by conditions of extreme poverty, severe economic crisis, unstable political conditions, and social unrest; and

"Whereas, in November of 1983, the Ministry of Social Services and Development in the Philippines reported that there were 2.4 million Filipino children with special needs, such as, being abandoned, neglected, abused, mentally or physically handicapped, or considered youthful offenders; and

"Whereas, the extent of damage caused by street life to a child's total development is too serious to be ignored; now, therefore, be it

Resolved by the House of Representatives of the Fifteenth Legislature of the State of Hawaii, Regular Session of 1989, That this body urge of the United States Congress and the United States Department of State to earmark a portion of financial aid to the Philippines to deal with the problem of the many street children in the Philippines by providing shelters and programs that encourage self-sufficiency; and be it further.

Resolved, That this financial aid be awarded to NGO's (Non-Governmental Organizations) that are Philippine-based and operated with a public record of honesty, sound financial practices, and credible management; one such organization being the Philippine Business for Social Progress which has the capability to screen applicants for funding and to receive and disburse U.S. federal funds appropriately; and be it further

Resolved, That certified copies of this Resolution be transmitted to the Secretary of the United States Department of State and Hawaii's Congressional Delegation."

POM-109. A resolution adopted by the Senate of the State of Florida; to the Committee on Governmental Affairs:

"SENATE RESOLUTION

"Whereas, there are significant shifts in the United States population between one decennial census and the next, and

"Whereas, population figures from the decennial census are presently used in allocating federal funds to the various states, and

"Whereas, using those outdated census figures unfairly penalizes a state with a rapidly growing population, and

"Whereas, because the intent of federal grant programs is to distribute funds fairly to states based on their relative populations, it is more appropriate to use annual population estimates produced by the federal Bureau of the Census, rather than decennial population figures, in calculating those distributions, and

"Whereas, since 1980, the population of the State of Florida has grown 26 percent so that this is the fourth-largest state, and

"Whereas, because of the unfair distribution formula that is currently in use, this state ranks last among the states in the amount of federal grant money received per capita, and

"Whereas, according to Florida Tax Watch, a nonprofit research group, in 1986 and 1987, Florida finished last in an annual study that compares dollars paid to the federal treasury to dollars received in grants to the states, and

"Whereas, other fast-growing states, like Florida, are unfairly subsidizing grant programs, and

"Whereas, United States Senators Connie Mack and Bob Graham have cosponsored the 'Fair Share Act of 1989,' which if passed would require the most recent population estimates to be used in determining benefits to be received by state or local governments, and

"Whereas, the provisions of that act are not only equitable but are also compatible with the federal-grant distribution policies already expressed by Congress, Now, therefore, be it

"Resolved by the Senate of the State of Florida: That the Congress of the United States is requested to adopt the 'Fair Share Act of 1989' (U.S. Senate, 101st Congress, 1st session, § 477), to require the use of adjusted census data in federal formula grant programs: Be it further

"Resolved That copies of this memorial be dispatched to the President of the United States, to the President of the United States Senate, to the Speaker of the United States House of Representatives, and to each member of the Florida delegation to the United States Congress."

POM-110. A concurrent resolution adopted by the Legislature of the State of Hawaii; to the Select Committee on Indian Affairs:

"HOUSE CONCURRENT RESOLUTION 200

"Whereas, the Hawaiian Homes Commission Act of 1920 was enacted to provide land for house and farm lots for the native Hawaiian population; and

"Whereas, the Hawaiian Homes Commission Act has been hampered in providing house and farm lots for all native Hawaiians who are eligible due to the lack of financial and support resources; and

"Whereas, the United States government retains certain oversight responsibilities for the program but has contributed very little to the program in funds or services; and

"Whereas, A Federal-State Task Force recommended that the state and federal levels convene in 1981 to review the Hawaiian Home Lands program and its progress in meeting its objectives; and

"Whereas, the Federal-State Task Force recommended that the state and federal governments should each make matching contributions of $25 million per year in appropriations or needed services for a period of five years; and

"Whereas, the Federal-State Task Force further recommended that the Department of the Interior should serve as the lead agency within the federal government on matters concerning the Hawaiian Home Lands program that are the responsibility of the United States; and

"Whereas, the federal government can also extend its support to the program through other means such as providing federal personnel to assist the department in areas requiring technical expertise, such as in development, financial management and the like and by the inclusion of native Hawaiians in other federal assistance programs; now, therefore,

"Be it resolved by the House of Representatives of the Fifteenth Legislature of the State of Hawaii, Regular Session of 1989, the Senate concurring, that the Congress and the President of the United States are requested to provide the necessary financial and program support for the implementation of the Hawaiian Home Lands program; and

"Be it further resolved that certified copies of this Concurrent Resolution be transmitted to the President of the United States, the Secretary of the Interior, the Speaker of the United States House of Representatives, the President of the United States Senate, the members of Hawaii's Congressional delegation, the Chairperson of the Office of Hawaiian Affairs, and the Chairperson of the Hawaiian Homes Commission."

POM-111. A resolution adopted by the House of Representatives of the State of Hawaii; to the Senate Select Committee on Indian Affairs:

"HOUSE RESOLUTION No. 220

"Whereas, the State of Hawaii and all of her people proudly share, endorse, and encourage ideals and principles of justice through law, and profoundly believe that an unresolved injustice to one is a harm endured by all; and

"Whereas, such a harm to native Hawaiians has occurred without redress or remedy; and

"Whereas, native Hawaiians have been included and identified as native Americans in recognition of their unique and special relationship with the United States as an indigenous people; and

"Whereas, as a result of the good conscience of the American people, speaking through the Congress, redress and remedy have been granted to other native Americans for injustices and harm done to them; and

"Whereas, the Legislature of the State of Hawaii also has an abiding and deep commitment to the fulfillment of national purposes relating to native Hawaiians and truly affecting all of the citizens of Hawaii; and

"Whereas, it is, therefore, appropriate for this Legislature to express its formal beliefs in the matter of native Hawaiian claims against the United States for actions which occurred in 1893, and subsequently with American annexation of the Islands of Hawaii in 1898; and

"Whereas, based upon a careful examination of historical records and accounts the Legislature of the State of Hawaii has determined there is sufficient reason to believe that:

"(1) the United States, through its representatives in the State and Navy Departments, did encourage and actively supported rebellion against the legitimate government of the Kingdom of Hawaii;

"(2) The involvement of U.S. Minister John L. Stevens was crucial to the success of the rebellion, and that his refusal to remain neutral in the domestic affairs of the Kingdom and, instead, to become an active agent in the planning and military force supporting the insurrection by ordering the landing and placement of American marines in a manner and position unmistakeably intended to intimidate the Queen of Hawaii and her government;

"(3) Without such armed American support, the insurgence would have failed for a lack of popular support and insufficient arms; and

"(4) Such actions by the American minister and forces was a breach of international law, of treaties with the kingdom of Hawaii, and was characterized by President Grover Cleveland in his 'Executive Message to Congress' (December, 1893) as an illegal and immoral act of war against a feeble and trusting nation; and

"Whereas, because of these American actions the Queen yielded her authority and that of her government to the United States through Minister Stevens, who did not forward her plea for review by the United States but acted to recognize a provisional government composed of leaders of the insurrection and to declare an American protectorate over the Islands; and

"Whereas, these actions were augmented two weeks later by the occupation of American troops in all government buildings of the Hawaiian Islands at the request of the provisional government from a fear of being unable to maintain control; and

"Whereas, these actions culminated in the assertion of control by the subsequent Republic of Hawaii over the crown, government, and public lands of the Kingdom of Hawaii; and

"Whereas, such lands and sovereignty represented the traditional and ancestral land rights and titles of the native Hawaiian people; and

"Whereas, these ancestral rights and lands were ultimately ceded to the United States by a government whose existence was dependent upon the actions and agents of the United States; and

"Whereas, this transfer occurred without the consent of the native Hawaiian people, without compensation for their interests, and without any explicit protection of their interests; and

"Whereas, through amendments to the State Constitution in 1978, the people of the State of Hawaii ratified and formally acknowledged the rights of the native Hawaiians to a legislatively determined pro rata share of the proceeds of such lands ceded to the United States and returned as a public trust to the State of Hawaii in the Admission Act of 1959; and

"Whereas, in the ratification of another constitutional amendment in 1978, the people of Hawaii also established an Office of Hawaiian Affairs to administer the proceeds from this trust, and explicitly empowered the Office to be the receptacle for all moneys or lands granted to the native Hawaiians as restitution by the United States for damages incurred by the actions which resulted in the overthrow of the Kingdom of Hawaii; and

"Whereas, these State Constitutional provisions, and their codification in the Hawaii Revised Statutes as Chapter 10, do indeed endorse and encourage native Hawaiians rights and interests as a significant, proper, and public purpose; now, therefore,

"Be it resolved by the House of Representatives of the Fifteenth Legislature of the State of Hawaii, Regular Session of 1989, that the Congress and the President of the United States are requested to provide an apology and just compensation to all native Hawaiians; and

"Be it further resolved that certified copies of this Resolution be transmitted to the President, the Speaker of the United States House of Representatives, the President of the United States Senate, the members of the Hawaii's Congressional delegation, and the Chairperson of the Office of Hawaiian Affairs."

POM-112. A resolution adopted by the House of Representatives of the State of Hawaii; to the Committee on the Judiciary:

"HOUSE RESOLUTION No. 64

"Whereas, on February 19, 1942, Executive Order 9066 was passed authorizing the relocation and internment of Americans and resident aliens of Japanese ancestry by the United States government; and

"Whereas, as a result of this action more than 120,000 Americans and resident aliens of Japanese ancestry were taken from their homes and shipped to internment centers to live out the rest of the war behind barbed wire fences; and

"Whereas, in June 1983 the United States Congressional Commission on Wartime Relocation and Internment of Civilians reported that a grave injustice was done to both citizens and permanent resident aliens of Japanese ancestry by the evacuation, relocation, and internment of these individuals; and

"Whereas, the Commission concluded that these actions were not justified by reasonable security needs, but were motivated in part by racial prejudice and wartime hysteria; and

"Whereas, the Commission recognized that those who were subjected to relocation and resettlement were forced to undergo tremendous suffering, including deplorable living conditions, inadequate medical care, lack of educational opportunities, and irretrievable loss of precious religious artifacts; and

"Whereas, for these fundamental violations of the basic civil liberties and constitutional rights of these individuals of Japanese ancestry we must, as Americans, feel both apologetic and aggrieved; and

"Whereas, in acknowledgement of this injustice, in 1988 the President signed into law the Civil Liberties Act, which provides for an official apology by Congress on behalf of the American people to those individuals of Japanese ancestry who were unjustly deprived of their civil liberties by the government, as well as a small monetary compensation; and

"Whereas, since it is often said that remembrance of the mistakes of the past is the only way to prevent their reoccurrence, it is important not only that Americans acknowledge the injustice that was done, without cause, to those of Japanese ancestry during World War II but also that Americans never forget what was done; and

"Whereas, to ensure that we do not forget, the Honolulu Chapter of the Japanese American Citizens League is sponsoring a 'Day of Remembrance' gathering at Sand Island Park on Sunday, February 19, 1989, the anniversary of the signing of Executive Order 9066; now, therefore,

"Be it resolved by the House of Representatives of the fifteenth Legislature of the State of Hawaii, Regular Session of 1989, that the Legislature recognizes February 19, 1989 as a 'Day of Remembrance' to remind the residents of Hawaii that such injustices must never happen again, and to encourage residents to celebrate their civil rights and to be vigilant against diminution of these rights; and

"Be it further resolved that certified copies of this Resolution be transmitted to the President of the United States, the President of the United States Senate, the Speaker of the United States House of Representatives, to each member of Hawaii's Congressional delegation, to the Governor and to the president of the Honolulu Chapter of the Japanese American Citizens League."

POM-113. A bill passed by the Legislature of the State of North Carolina; to the Committee on the Judiciary;

"HOUSE BILL 109

"Whereas, the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein) proposed on August 27, 1962, the following amendment in the Constitution of the United States of America, to become valid when ratified by the legislatures of the several states to wit:

"'ARTICLE —

"'Section 1. The right of citizens of the United States to vote in any primary or other election for President or Vice President, for electors for President or Vice President, or for Senator or Representative in Congress, shall not be denied or abridged by the United States or any state by reason of failure to pay any poll tax or other tax.

"'Sec. 2. The Congress shall have power to enforce this Article by appropriate legislation.'; and

"Whereas, this proposed amendment to the Constitution on January 23, 1964, was ratified by the necessary 38th state and was declared operative as the 24th Amendment by proclamation on February 4, 1964; and

"Whereas, North Carolina has not yet ratified this proposed amendment; Now, therefore,

"The General Assembly of North Carolina enacts:

"Section 1. The amendment to the Constitution of the United States of America set out in the preamble to this act is ratified by the General Assembly of North Carolina.

"Sec. 2. A certified copy of this act shall be transmitted by the Secretary of State to the National Archives and Records Administration, the Secretary of the United States Senate, and the Clerk of the United States House of Representatives.

"Sec. 3. This act is effective upon ratification.

"In the General Assembly read three times and ratified this the 3rd day of May, 1989."

POM-114. A petition from a citizen of San Jose, California relating to Vietnamese refugees and Vietnamese nationals illegally in the United States; to the Committee on the Judiciary.

POM-115. A petition from citizens of Santa Ana, California relative to the adoption of the balanced budget amendment to the Constitution of the United States; to the Committee on the Judiciary.

POM-116. A concurrent resolution adopted by the Legislature of the State of Texas. to the Committee on the Judiciary.

"SENATE CONCURRENT RESOLUTION No. 5

"Whereas, In *South Carolina* v. *Baker*, the Supreme Court of the United States ruled that the constitution does not prohibit the federal government from taxing the interest on state and local government bonds; and

"Whereas, In the same opinion, the court also ruled that the states must find protection from congressional regulation through the political process; and

"Whereas, The federal government has reduced financial support for state and local government projects while the need for public initiatives has gorwn; and

"Whereas, State and local bonds are an increasingly important source of revenue for state and local governments to finance public initiatives; and

"Whereas, Taxation of the interest earned on state and local government bonds would directly add to the costs of essential public initiatives and impair their development; and

"Whereas, Congress has refrained from taxing the interest earned on such bonds in the past; now therefore, be it

"Resolved, That the 71st Legislature of the State of Texas hereby memorialize the Congress of the United States to propose to the states for ratification the following amendment to the United States Constitution:

"The congress shall not have the power to lay and collect taxes on income representing interest on obligations issued by or on behalf of the several states and their political subdivisions to raise revenues for governmental undertakings and operations for a public purpose or to finance property owned and operated by governmental entities for a public purpose.

"This article shall not restrict the power of the congress to exclude from taxation income or other amounts derived from other obligations issued by or on behalf of the several states or their political subdivisions

and, be it further

"Resolved, That the Texas Secretary of State forward official copies of this resolution to the President of the United States, the Speaker of the House of Representatives and the President of the Senate of the United States Congress, each member of the Texas delegation to the Congress, the chairman and members of the Ways and Means Committee of the House of Representatives, chairman and members of the house and senate judiciary committees, and the chairman and members of the Finance Committee of the Senate of the United States Congress with the request that this resolution be officially entered into the Congressional Record as a memorial to the Congress of the United States of America."

POM-117. A resolution adopted by the City Council of Gary, Indiana in support of Hispanic leaders to pursue academic excellence of Hispanic youth; to the Committee on Labor and Human Resources.

POM-118. A resolution adopted by the City Council of Gary, Indiana in support of investing in America's children and youth; to the Committee on Labor and Human Resources.

POW-119. A joint resolution adopted by the Legislature of the State of Maryland; to the Committee on Rules and Administration.

"HOUSE JOINT RESOLUTION No. 12

"Whereas, Millions of Africans were forcibly removed from Africa between the 15th and 19th centuries, under unparalleled suffering and death, as a means of economic enhancement and amelioration of the lives of Europeans and Americans; and

"Whereas, The middle passage represented an underappreciated chapter in America's history whereby African slaves were transported by European and American slave traders into the Americas; and

"Whereas, 20% of the Africans enslaved perished either as a result of the trek from the place of captivity to the slave ships, or as a result of the hardships sustained during the middle passage across the Atlantic Ocean, or as a result of suffering endured as slaves; and

"Whereas, slave labor enabled and provided the foundation for the commercial and industrial revolutions in Western societies, including the United States; and

"Whereas, The devastating impact of the loss of life and destruction of family bonds and cultural heritage due to the slave trade pales in comparison to the many contributions that slaves and their descendants made to the economic development of the British colonies and subsequently to the United States of America; and

"Whereas, African-Americans, the descendants of slaves, in spite of segregation and discrimination since the complete abolition of slavery by the Thirteenth Amendment in 1865, have made substantial contributions to the nation; and

"Whereas, All Americans of every race, color, creed, and ethnic or national origin, from whatever period of immigration to these shores, who share a common vision of the hopes and dreams of this nation, can relate to the trauma and hardship endured by the slaves; and

"Whereas, The United States Congress and the President of the United States have the necessary powers to establish commissions to propose appropriate commemorative monuments; and

"Whereas, No monument or memorial exists in our nation to honor and commemorate the unusual and towering example of the forebears of African-Americans who endured, despite the staggering loss of life; now, therefore, be it

"Resolved by the General Assembly of Maryland, That the State of Maryland request the President and the Congress of the United States to take the necessary actions to create a national commission to propose an appropriate commemorative monument in recognition of African Amercian Middle Passage and Slavery and of the contributions African American slaves who survived made to the economic development of America; and be it further

"Resolved, That copies of this Resolution be forwarded by the Department of Legislative Reference to the Honorable George Bush, President of the United States, 1600 Pennsylvania Avenue, Washington, D.C.; the Honorable J. Danforth Quayle, Vice President of the United States, United States Senate, Washington, D.C.; and the Honorable Jim Wright, Speaker of the United States House of Representatives, Washington, D.C.; and be it further

"Resolved, That a copy of this Resolution be forwarded by the Department of Legislative Reference to the Maryland Congressional Delegation: Senators Paul S. Sarbanes and Barbara A. Mikulski, Senate Office Building, Washington, D.C. 20510; and Representatives Royden P. Dyson, Helen Delich Bentley, Benjamin L. Cardin, C. Thomas McMillen, Steny H. Hoyer, Beverly B. Byron, Kweisi Mfume, and Constance A. Morella, House Office Building, Washington, D.C. 20515."

POM-120. Concurrent resolution adopted by the Legislature of the Commonwealth of Massachusetts; to the Committee on Veterans' Affairs:

"CONCURRENT RESOLUTION

"Whereas, military retirees have earned military retirement pay through reenlistment incentives and use of one's physical capacity during prime youth years for a minimum of twenty years; and

"Whereas, the purpose of veterans administered compensation is to assist those who have completed ninety days or more of active duty and have incurred service-connected disabilities during that time such as deformities, pains, wounds, injuries, diseases, loss of earning power or loss of limbs; and

"Whereas, thirty percent or more rated disabilities include and allowance for each dependent and a military retirement for longevity has no dependent allowance; and

"Whereas, military retirees who are combat wounded and their dependents are discriminated against by basing the retirees earned retirement pay on a dollar-for-dollar basis with veterans' compensation only to receive a tax break for the combat wounded retiree and dependents; now therefore be it

"Resolved, That the Massachusetts General Court urges the Congress of the United States to pass House bill 303 so that military retirees who are combat wounded can receive earned retirement pay from the Armed Forces and also receive veterans-administered compensation including depend-

ent allowances with no offset to military retirement pay; and be it further

"*Resolved,* That copies of these resolutions be forwarded by the Clerk of the House of Representatives to the President of the United States, the Presiding Officer of each branch of Congress and to the Members thereof from this Commonwealth."

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. HOLLINGS, from the Committee on Commerce, Science, and Transportation, with an amendment:

S. 462: A bill to amend the Rail Passenger Service Act to authorize appropriations for the National Railroad Passenger Corporation, and for other purposes (Rept. No. 101-44).

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. GLENN, from the Committee on Governmental Affairs:

Michael W. Farrell, of the District of Columbia, to be an Associate Judge of the District of Columbia Court of Appeals for the term of fifteen years;

William M. Diefenderfer, III, of Virginia, to be Deputy Director of the Office of Management and Budget; and

Constance Berry Newman, of Maryland, to be Director of the Office of Personnel Management.

(The above nominations were reported with the recommendation that they be confirmed, subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first time and second time by unanimous consent, and referred as indicated:

By Mr. WALLOP (for himself and Mr. SIMPSON):

S. 1121. A bill to authorize additional appropriations for the construction of the Buffalo Bill Dam and Reservoir, Shoshone Project, Pick-Sloan Missouri Basin Program, Wyoming; to the Committee on Energy and Natural Resources.

By Mr. BOSCHWITZ:

S. 1122. A bill to reduce temporarily the column 2 rate of duty impact line printers; to the Committee on Finance.

By Mr. HEINZ:

S. 1123. A bill to amend the Harmonized Tariff Schedule of the United States to temporarily suspend the duty on certain chemicals; to the Committee on Finance.

By Mr. McCAIN:

S. 1124. A bill to provide a means to ensure that the management of Federal lands does not undermine and frustrate traditional Native American religious practices; to the Select Committee on Indian Affairs.

By Mr. HARKIN (for himself, Mr. LEVIN and Mr. METZENBAUM):

S. 1125. A bill to amend the Internal Revenue Code of 1986 to repeal the supplemental medicare premium and to provide funding for medicare catastrophic benefits from general receipts by extending the maximum individual income tax rate of 33 percent; to the Committee on Finance.

By Mr. BUMPERS (for himself, Mr. FOWLER, Mr. RIEGLE, Mr. PRYOR, Mr. DIXON, Mr. SASSER, Mr. FORD, and Mr. LEVIN):

S. 1126. A bill to provide for the disposition of hardrock minerals on Federal lands, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. WILSON:

S. 1127. A bill to provide for fair and reasonable payment for services related to the insertion of intraocular lenses; to the Committee on Finance.

By Mr. CRANSTON:

S. 1128. A bill for the relief of Richard Saunders; to the Committee on Energy and Natural Resources.

By Mr. BENTSEN (for himself, Mr. PRYOR, Mr. DURENBERGER, Mr. PACKWOOD, Mr. MATSUNAGA, Mr. MOYNIHAN, Mr. RIEGLE, Mr. BOREN, Mr. BAUCUS, Mr. MITCHELL, Mr. ROCKEFELLER, Mr. DANFORTH, Mr. CHAFEE, Mr. HEINZ, Mr. DASCHLE, Mr. ARMSTRONG, Mr. BYRD, Mr. BUMPERS, Mr. SANFORD, Mr. KOHL, Mr. HARKIN, Mr. BINGAMAN, Mr. GORE, Mr. INOUYE, Mr. REID, Mr. PELL, Mr. DECONCINI, Mr. ADAMS, Mr. CRANSTON, Ms. MIKULSKI, Mr. COHEN, Mr. DODD, Mr. SASSER, Mr. DOLE, Mr. FORD, Mr. GRASSLEY, Mr. KERRY, Mr. ROBB, Mr. HATFIELD, Mr. BURDICK, Mr. LIEBERMAN, Mr. KENNEDY, Mr. JEFFORDS, Mr. WIRTH, Mr. GRAHAM, Mr. CONRAD, Mr. JOHNSTON, Mr. FOWLER, Mr. BREAUX, and Mr. SYMMS):

S. 1129. A bill to amend the Internal Revenue Code of 1986 to simplify the antidiscrimination rules applicable to certain employee benefit plans; to the Committee on Finance.

By Mr. PRYOR (for himself, Mr. RIEGLE, Mr. HEINZ, Mr. MOYNIHAN, Mr. LEVIN, Mr. BRADLEY, Mr. GLENN, Mr. SIMPSON, Mr. SHELBY, Mr. BURDICK, Mrs. KASSEBAUM, Mr. REID, and Mr. COHEN):

S. 1130. A bill to amend Titles II and XVI of the Social Security Act to improve supervision of representative payees on behalf of beneficiaries under those programs; to the Committee on Finance.

By Mr. HATCH (for himself and Mr. COATS):

S. 1131. A bill to amend title XX of the Public Health Service Act to authorize appropriations for the adolescent family life program; to the Committee on Labor and Human Resources.

By Mr. JOHNSTON:

S. 1132. A bill to provide for the reliquidation of certain entries and refund of antidumping duties; to the Committee on Finance.

By Mrs. KASSEBAUM (for herself and Mr. PELL) (by request):

S. 1133. A bill to improve the operation of vocational education programs under the Carl D. Perkins Vocational Education Act by promoting accountability, making the act more flexible, reducing administrative burden, and fostering economic development and the improvement of the vocational education personnel; and for other purposes; to the Committee on Labor and Human Resources.

By Mr. REID:

S.J. Res. 149. Joint resolution relating to responsible management and renewed recognition honoring America's wild horses and burros as being important national heritage resources; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. MITCHELL (for himself, Mr. DOLE, Mr. PELL, Mr. LUGAR, Mr. KENNEDY, Mr. CRANSTON, Mr. ROCKEFELLER, Mr. KERRY, Mr. WIRTH, Mr. KOHL, Mr. SARBANES, Mr. SIMON, Mr. BRADLEY, Mr. LEVIN, Mr. SANFORD, Mr. GORE, Mr. BINGAMAN, Mr. LAUTENBERG, Mr. MATSUNAGA, Mr. RIEGLE, Mr. GRAHAM, Mr. COHEN, Mr. MURKOWSKI, Mr. KASTEN, Mr. HELMS, Mr. WILSON, Mr. GRASSLEY, Mr. SPECTER, Mr. HATFIELD, and Mr. BURNS):

S. Res. 142. Resolution condemning the brutal use of force by the Government of the People's Republic of China against unarmed Chinese students and workers demonstrating for democracy, and for other purposes; considered and agreed to.

By Mr. DODD:

S. Con. Res. 42. Concurrent resolution to express the sense of the Congress concerning the funeral of Imre Nagy, the former Prime Minister of Hungary, and other heroes of the 1956 revolution in Hungary; to the Committee on Foreign Relations.

STATEMENT ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. WALLOP (for himself and Mr. SIMPSON):

S. 1121. A bill to authorize additional appropriations for the construction of the Buffalo Bill Dam and Reservoir, Shoshone, Project, Pick-Sloan Missouri Basin Program, Wyoming; to the Committee on Energy and Natural Resources.

AUTHORIZATION OF APPROPRIATIONS FOR BUFFALO BILL DAM

Mr. WALLOP. Mr. President, together with my colleague, AL SIMPSON, I am pleased to introduce this measure to increase the amount authorized for the modifications of Buffalo Bill Dam. Our colleague, Congressman CRAIG THOMAS, is introducing the companion measure in the House of Representatives. First authorized in 1982, the modification work at the dam is scheduled for completion in 1991 but to remain on schedule one major hurdle remains—to increase the authorization of the ceiling.

The present structure, which was completed in 1910, was built as a private project by Buffalo Bill Cody. In 1969 Congress directed the Department of the Interior to determine the potential benefits from raising the Buffalo Bill Dam—a project which was found to be both possible and feasible. Consequently, legislation was passed in 1982 to raise the dam by 25 feet, thus increasing active conservation

storage by over 270,000 acre-feet and providing an annual firm yield of 74,000 acre-feet. This modification allows irrigators, and municipal and industrial water users, to use water from spring runoff which until now has been lost. In addition, environmentalists, hunters, conservationists, and fishermen will have additional water for outdoor recreation and conservation of both fish and wildlife.

However, the 1982 authorization was based upon feasibility estimates made in 1972. During these last 17 years the project has undergone changes in circumstance and improvements in design which caused the cost estimate to exceed the ceiling. One significant change was an updated flood analysis completed in 1983 which brought about several design changes in project features as well as the relocation of the new Buffalo Bill powerplant. There relocation of existing facilities and roads also served to raise the costs.

Aside from the need to cover these unavoidable cost overruns, we seek this increase in the appropriation ceiling to also provide for a boost in the generating capability at the dam. The addition of a 4.5 megawatts generating unit, bringing the total new generation capability at Buffalo Bill Dam to 25.5 megawatts, will increase the project benefits to both the Federal Government and the State. In addition, this bill authorizes construction of additional recreation facilities which must be relocated once the dam is raised. To increase the recreation benefits of the project, the Federal Government and the State will share 50-50 in the cost of these facilities.

While this bill increases the Federal share of costs from $68.7 million to $80 million, the Wyoming Legislature recently increased the State's share to $52 million. This means that the State will spend 74 cents for every Federal dollar spent which brings up a fact about Buffalo Bill Dam of which we in Wyoming are especially proud. With this modification project, Wyoming was the first State in the country to engage in cost-sharing on reclamation projects. We set the standard which other States do well to follow.

With the Buffalo Bill Dam modification project now almost 65 percent complete, it is important to prevent costly delays. Absent timely passage of this legislation, no contracts would be awarded in 1990 on many significant aspects of the work. This would result in an increase in overhead costs which could require much larger increases in the ceiling. We should not let that happen. I urge my colleagues to take timely action to assure completion of this important project.

Mr. SIMPSON. Mr. President, I am pleased to rise today and join with my good friend and colleague MALCOLM WALLOP in introducing important legislation to authorize an increase in the appropriations for the Buffalo Bill Dam.

In 1982, the Buffalo Bill Dam project, which is located outside of my hometown of Cody, WY, on the Shoshone River, was authorized with a cost ceiling of $106.7 million plus indexing based upon feasibility studies made in 1972. Since 1972, the project has changed by circumstances and been improved by design. Due to these changes and improvements, the current project cost estimate exceeds the authorized ceiling for appropriations. Currently the project is 63 percent complete. It is now estimated that the existing ceiling of $115.7 million may be exceeded by $12.3 million for a total project cost estimate of $128 million.

Mr. President, changes have occurred in the project as a result of improved flood forecasting techniques, which necessitates an increase in the amount of flood capacity behind the dam. Other changes included moving the location of a planned site for a powerplant which is 4,000 feet downstream in order to accommodate the difficult site conditions and problems associated with reservoir construction. Other improvements which will be funded by this increase in the cost ceiling include the placement of a 3 megawatt power generating unit in the Shoshone powerplant and to meet the cost of relocating existing State park facilities which will be inundated by the reservoir pool behind the heightened dam. The addition of a 4.5 megawatt generating unit will increase the generating capability of this project which in turn benefits both the Federal Government and the State.

Mr. President, the Buffalo Bill Dam modification project has been the model in the Bureau of Reclamation for Federal-State cost-sharing. In fact, it even frightens other States because the State of Wyoming has already approved $47 million in cost-sharing for this project. The State has recently authorized an additional $5 million to help to offset the cost of the changes which I have just described. Obviously, the State of Wyoming is more than meeting its requirement. In addition, the State is providing a dollar-for-dollar State cost-share for the relocation of State park facilities which will be inundated by this bureau project and its modifications. Thus, the State cost-share is now at $52 million. The total ceiling increase needed would be $17 million, of which $6 million—35 percent—would be contributed by the State of Wyoming.

To repeat, Mr. President, these changes and modifications are brought about based on improved technology and the ability to further enhance the project in a manner which will ultimately benefit both the Federal Government and the State. The State of Wyoming is meeting its obligation dollar for dollar in a way never even considered by other States. The Bureau of Reclamation has worked very closely with Senator WALLOP and Congressman CRAIG THOMAS and me in drafting this legislation and in providing the necessary dollar amounts contained in it. I encourage speedy review and passage of the legislation. Delay in passage will only result in delay of the completion of the project—and that, of course, would mean ever increased costs to both the State and Federal Government.

By Mr. McCAIN:

S. 1124. A bill to provide a means to ensure that the management of Federal lands does not undermine and frustrate traditional native American religious practices; to the Select Committee on Indian Affairs.

AMERICAN INDIAN RELIGIOUS FREEDOM ACT AMENDMENTS

Mr. McCAIN. Mr. President, I rise today to introduce for discussion a bill to amend the American Indian Religious Freedom Act [AIRFA] of 1978.

AIRFA was passed by the Congress in 1978. It commits the United States to the protection of religious freedom for American Indians. The act required the President to direct Federal agencies to evaluate their policies and practices in consultation with native traditional religious leaders in order to determine appropriate changes necessary to protect and preserve native American religious cultural rights and practices. In 1979, Interior Secretary Andrus filed a report with Congress detailing Indian religious practices on Federal lands. Most, if not all Indian religious sites are found in natural settings. Federal lands contain many sites of religious significance to native Americans. This is understandable in light of the fact that these lands comprised the aboriginal territories of the Indian and native groups.

In the years since 1978, the Federal courts have been called upon on numerous occasions to determine whether the land management decisions of Federal officials have been contrary to their duties under AIRFA. Unfortunately, AIRFA is sufficiently vague that it has been difficult for the courts, Federal officials and native Americans to fairly interpret and implement the act. Last year, the Supreme Court rendered its decision in Lyng versus Northwest Indian Cemetery Association, a case involving plans to permit logging in an area regarded as sacred by traditional Indian religious practitioners and now administered by the Forest Service. The Indians claimed that the preservation of the area in its pristine state of nature was essential for their religious practices.

The Supreme Court acknowledged that the logging of the area could devastate or destroy the traditional Indian religious practices. However, the Court also noted that the Forest Service had taken some steps to mitigate the harm to Indian religious use of the area and ruled in favor of the Forest Service.

Mr. President, the decision in the Lyng case has stirred enormous controversy among native Americans, Federal officials, and other parties. Bills have been introduced in both the House and the Senate to amend AIRFA to provide a greater degree of protection for Indian religious sites on Federal lands.

The bill I am introducing today is offered for discussion purposes. This is a complicated area of law which provokes strong, deeply held views. I do not pretend to have all of the answers to the issues raised by AIRFA and the Lyng decision. It is clear to me that we must do everything possible to achieve a balance of all of the competing interests. To be sure, this balance must be fully informed by the Constitution, our moral and legal obligations to native Americans and the legitimate interest of the Federal Government in the sound management of Federal lands for the benefit of all Americans. I hope that this bill will provoke serious thought and discussion. I hope that it will help to spark genuine consensus on the changes that are necessary to make AIRFA into a workable law.

Under this bill, lands which have historically been considered "sacred and indispensable" to a native American religion and which are "necessary" to the conduct of that religion are entitled to protection. These lands should not be managed in a way that will pose a "substantial and realistic threat of undermining and frustrating" the native American religion or religious practice. On the other hand, Federal officials are granted latitude to act to carry out "legal responsibilities" of the Federal Government, to protect a "compelling governmental interest" or to "protect a vested property right." Nothing in this bill compels a Federal official to "totally deny public access" to Federal lands. In the event of a judicial challenge to a Federal land management decision, the bill establishes explicit burdens of people for all parties. The petitioners will need to prove that the Federal decision poses a "substantial and realistic threat of undermining and frustrating" a traditional native American religion or religious practice. If this burden of proof is met by the petitioner, then the Federal agency must show that its decision was necessitated by law, to protect a compelling governmental interest or to protect a vested property right. In all instances, the Federal Government must prove that it chose the course of action "that is the least intrusive" on the native American religion or religious practice. The Federal courts would have the authority to enter all orders necessary to carry out the purposes of the bill.

The approach I have tried to take in drafting this bill is to retain the spirit and intent of AIRFA, as informed by existing determinations of the Federal courts. The bill contains explicit guidance for native Americans, Federal officials, and the Federal courts. The conflict between the concepts inherent in Indian and native cultures and Federal land management practices is explicitly recognized. I expect that some will take exception to this approach. I suggest, however, that this is the heart of the matter. Let us confront it with reason and good will. Let us all strive to find that common ground which will accommodate the seemingly incompatible views of all affected parties. One of the cornerstones of this great Nation is religious freedom. Our honor as a people and as a nation requires us to ensure that those who occupied the lands of our Nation before us be ensured of their religious freedom.

I look forward to hearing from all interested parties.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1124

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. This Act may be cited as the "American Indian Religious Freedom Act Amendments of 1989".

SEC. 2. The Congress finds that—

(1) unlike any other established religion, many traditional Native American religions are site-specific in that the Native American religions hold certain lands or natural formations to be sacred;

(2) such sacred sites are an integral and vital part of the Native American religions and the religious practices associated with such religions;

(3) many of these sacred sites are found on lands which were formerly part of the aboriginal territory of the Indians but which now are held by the Federal Government; and

(4) lack of sensitivity or understanding of traditional Native American religions on the part of Federal agencies vested with the management of Federal lands has resulted in the lack of a coherent policy for the management of sacred sites found on Federal lands and has also resulted in the infringement of religious freedom for Native Americans.

SEC. 3. Public Law 95-341 (42 U.S.C. 1996), popularly known as the American Indian Religious Freedom Act, is amended by adding at the end thereof the following new section:

SEC. 3. (a) Except as otherwise provided in this section, Federal lands that—

"(1) have historically been considered sacred and indispensable by a traditional Native American religion, and

"(2) are necessary to the conduct of a Native American religious practice.

shall not be managed in a manner that will pose a substantial and realistic threat of undermining and frustrating such religion or religious practice.

"(b)(1) Subsection (a) shall not apply to management decisions which are necessary to—

"(A) carry out the legal responsibilities of the Federal Government,

"(B) protect a compelling governmental interest, or

"(C) protest a vested property right.

"(2) In making management decisions described in paragraph (1), the Federal agency shall attempt to accommodate the various competing interests and shall, to the greatest extent feasible, select the course of action that is the least intrusive on traditional Native American religions or religious practices.

"(3) Nothing in this section shall be interpreted as requiring any Federal agency to totally deny public access to Federal lands.

"(c)(1) The United States district courts shall have jurisdiction over any civil action brought by any person to enforce the provisions of this section and may issue such orders as may be necessary to enforce the provisions of this section.

"(2) Any person challenging a decision of a Federal agency in a civil action brought under this subsection shall have the burden of proving that the decision of the Federal agency will pose a substantial and realistic threat of undermining and frustrating a traditional Native American religion or religious practice. If such threat is established, the Federal agency shall have the burden of demonstrating that the Federal agency's decision is based on one or more of the criteria in subsection (b)(1). If the Federal agency's decision is found to have been based on one or more of the criteria in subsection (b)(1), then the Federal agency shall have the burden of proving that it selected the course of action that is the least intrusive on the Native American religion or religious practice."

By Mr. HARKIN (for himself, Mr. LEVIN, and Mr. METZENBAUM):

S. 1125. A bill to amend the Internal Revenue Code of 1986 to repeal the supplemental medicare premium and to provide funding for medicare catastrophic benefits from general receipts by extending the maximum individual income tax rate of 33 percent; to the Committee on Finance.

MEDICARE CATASTROPHIC COVERAGE SURTAX REPEAL ACT

● Mr. HARKIN. Mr. President, the catastrophic bill passed last year filled a very real need for our older citizens—Medicare coverage for the high costs of a protracted illness or accident. Unfortunately, the method for financing these benefits proved to be a stumbling block.

President Reagan said he would veto the legislation unless it was "self-financing"—in other words, unless the beneficiaries footed the bill. Congress faced a choice—approve a bill that was

not ideal, with the hope we could fix the problem later—or let the opportunity pass, and face the possibility many years would go by before another chance came to extend catastrophic coverage to Medicare beneficiaries.

The financing that was approved combines a flat monthly premium on all beneficiaries—plus a supplemental premium based on Federal income tax owed. While this financing mechanism was not as good as it could be, it was certainly better than it might have been. For example, total financing of catastrophic benefits by a regressive flat premium—supported by President Reagan—would have put a severe strain on low-income elderly persons.

Nevertheless, the supplemental premium—or surtax—has many older Americans up in arms, and rightly so.

In senior citizen town meetings across Iowa, I have heard the same theme repeated—keep the program, change the financing. Frankly, I believe their request is more than reasonable.

As a nation, we do not accept the argument that government benefits should be paid for solely by the beneficiaries. Students do not bear the total cost of their education. Farmers are not shouldered with the entire cost of farm programs. We all pay into and benefit from Social Security.

Older Americans are willing to pay into this program, but now they pay the highest marginal tax rates in our country.

As a result of the current catastrophic financing system, some senior citizens will have to pay effective income tax rates of 40 percent and higher. Older Americans are not asking for a special break—only the same treatment accorded every other American.

Restoring this fairness is the purpose of the Medicare Catastrophic Coverage Surtax Repeal Act of 1989 which I am introducing with Senator LEVIN. Congressman BONIOR is introducing similar legislation in the House.

As its name indicates, this bill eliminates the catastrophic surtax—or supplemental premium—entirely.

The bill preserves all of the benefits of the Medicare Catastrophic Coverage Act.

The revenue from the supplemental premium is replaced by extending the existing 33 percent tax rate which was effectively created in the 1986 Tax Act by the phase out of personal exemptions and the 15 percent rate to the highest income taxpayers. In 1986, an anomaly was created. A family of four with taxable income from $78,350 to $208,510—and single filers with incomes between $47,000 and $109,050—in 1990 pay the extra 5 percent tax. But, those 600,000 highest earning taxpayers pay only 28 percent on their taxable income above those amounts. It is our view that these are the taxpayers, the single taxpayer with a taxable income of over $109,000 or a joint filing taxpayer with over $209,000 in taxable income, who are most capable of bearing the burden of catastrophic care for those in need.

Our legislation sets the maximum long term capital gains tax rate at 28 percent. At the present time, those taxpayers in the existing 33 percent "bump" pay 33 percent on their long term capital gains. So, for some taxpayers, there will be a tax reduction under this legislation.

This proposal is virtually revenue neutral over 5 years.

Revenue from the additional taxes raised under our measure would flow to the same trust accounts into which the supplemental premium would have gone. Any shortfall that might occur would be made up with general revenues and then would be repaid by the additional taxes raised in the following period from our bill as determined by the Treasury. From Joint Tax estimates, revenues in the out years would more adequately meet program needs than the present supplemental premium.

Since the flat monthly premium would be preserved, the elderly would still be paying substantial portion of the cost of the catastrophic program. The flat monthly premiums would cover about 40 percent of the program cost, higher than the 25 percent paid by the elderly under the Medicare part B program.

In the 1986 Tax Act, the very wealthy saw a reduction in the top tax break from 50 percent to 28 percent. That followed a reduction from 70 percent to 50 percent in the 1981 Tax Act.

The dramatic reduction in taxes in 1981 was a clear windfall for the very wealthy. The loss of revenue from the 1981 act is one of the major reasons for the huge increases in the budget deficits in the early 1980's.

In 1986, we saw a further reduction in the top bracket. In that case, there was a significant reduction in deductions, exclusions and credits which allowed many of the wealthy to avoid paying the effective percentage of tax paid by many moderate income taxpayers. Some very high income taxpayers, with incomes of more than $200,000 per year who had really worked at sheltering their income from income taxes, did see an increase in taxes because of the 1986 Tax Act. However, a considerable majority of very high income taxpayers actually saw a reduction in taxes. In 1986, as the bill passed, it was estimated that the average decrease in taxes for those making more than $200,000 per year who would receive reductions in taxes would, on average, see their taxes drop by more than $50,000 per year.

A lot has been said about the need to preserve the 28 percent top bracket. But we now have an effective 33 percent tax on those with income covered by the "phase out rule" or as it is sometimes called, "the bump." Our bill restores the concept that those with the highest incomes pay the highest marginal rate of tax.

In addition, the surtax imposed on the elderly under the Medicare Catastrophic Coverage Act is a far greater modification of the rate structure established by the Tax Reform Act of 1986. As a result of the catastrophic law, some middle and upper income senior citizens have to pay higher tax rates than the rest of the population and will in some cases have an effective income tax rate of over 40 percent. By repealing the surtax, our bill would have senior citizens pay the same income tax rates as everyone else.

When the catastrophic benefits were first proposed, the Reagan administration insisted that the elderly would have to pay for all of the benefits themselves. This is a clear departure from past precedent. The Medicare part B program has traditionally been financed three-quarters from general revenues and one-quarter through premiums paid by the elderly. And, the general rule is that beneficiaries in need receiving benefits from Federal programs should be paid for by the society as a whole. I believe that same principle should be restored to Medicare. The elderly are not a group apart, separate and removed from society. Why should the financial burdens of the lower income elderly fall more heavily on the middle income elderly than on society as a whole?

We all bear responsibility for the needs of the young and old. We all receive, to some extent, relief when assistance is given to the elderly. Many of us here have elderly relatives who will make use of the benefits of Medicare Catastrophic Coverage Act in the coming years.

I want to stress that we need to preserve the benefits provided by the Catastrophic Coverage Act. The law moves to close gaps in the coverage provided under Medicare. It provides a cap on out-of-pocket expenses for physician and hospital care, an important new drug benefit, mammography screening coverage, protection from spousal impoverishment as well as skilled nursing facility and respite relief benefit improvements.

Prior to enactment of the catastrophic care legislation, many private employers provided similar benefits to their retirees. The Federal Government also provided some of these benefits to Federal retirees. And, many individuals purchased their own private medigap policies to take over where Medicare was leaving off. Obviously,

these benefits were properly viewed by many employers and individuals as being extremely important.

But there is always the possibility that a private employer will go bankrupt. We already have examples of such bankruptcies where covered employees lost their insurance. Many individual medigap policies have been shown to be far from cost effective. And, most important, approximately one-fifth of the elderly, generally lower income seniors, did not have any catastrophic coverage prior to passage of this law. These persons simply could not afford to purchase coverage on their own. And they were not covered under any employer-sponsored health program. The catastrophic law represents the only means of providing these persons with this coverage.

I want to emphasize that the elderly are not getting a free ride under the proposal we are offering. Under our bill, seniors still have to pay the substantial monthly premiums to help pay for the catastrophic benefits.

And, under our measure, wealthy senior citizens will have to pay the 33 percent tax rate, just like other taxpayers. Thus, they will also be helping to defray the costs of the catastrophic care benefits through this mechanism.

This is the first bill to fix catastrophic financing that has wide support from senior citizen groups and organizations representing workers and retired workers. Among the groups that have already endorsed this bill are the National Council of Senior Citizens, the National Association of Letters Carriers, the National Council on the Aging, the National Committee for the Preservation of Social Security and Medicare, the United Auto Workers, the Grey Panthers, the American Postal Workers Union, and AFSCME.

So we are proud to offer this legislation. We believe it offers a straightforward, fiscally-responsible, and fair solution to the problems caused by self-financing of catastrophic care.

This bill offers real tax relief to older Americans by closing a loophole for wealthy taxpayers that should be closed. It fixes catastrophic financing without endangering the benefits.

It is a strong, workable approach—and we urge that the bill be passed.●

● Mr. LEVIN. Mr. President, it is now clear that many senior citizens view the new catastrophic health insurance law as imposing an unfair tax burden on them. I believe that the new benefits, such as 365 day-a-year hospital coverage and a limit on out-of-pocket expenses, provided under the new law are meaningful improvements over those previously available through Medicare. However, fairness cries out to change the current way in which those benefits are funded.

The supplemental premium surtax breaks new—and, I think, unwelcomed—ground in the principle of "ability to pay." I can think of no other instance in which we offer benefits to a group within society and require one portion of that group to subsidize another portion of that group based on the ability-to-pay. Do we require financially well-off veterans receiving service connected disability compensation—and no other taxpayers—to subsidize less well-off veterans' compensation? No we don't, and we shouldn't. Why, as a matter of equity, then, should we require better off senior citizens—and no other taxpayers—to subsidize the benefits of other senior citizens of more modest means? Senior citizens are willing to share the burden, but they do not want to be singled out because of their age to shoulder the subsidy for other seniors who are involved in this program.

I have been told that this formula for funding the catastrophic health insurance program was the price that had to be paid for Reagan administration support for the passage of this law. But I urge the committee to recognize that it is a price which many of those outside of Washington who are on the receiving end of this legislation are unwilling to pay. I have met with many senior citizens on this issue. Let me tell you, sure, they don't like paying more in taxes. But what really eats at them is the feeling that they have been singled out and asked to carry an extra burden to bring the costs of this program in line with the revenues. Let me tell you, they don't understand—and they shouldn't be asked to understand—why they are the only group in our society which is being asked to subsidize another part of their group. They know that this is the reason why the supplemental premiums are as large as they are under this new law.

They are pleased that the chairman of the Finance Committee, Senator BENTSEN, has indicated a willingness to consider reducing the size of the supplemental premium if it turns out that the premium is generating more revenue than was originally projected to be necessary to fund the program. They are amazed at the administration's refusal to consider that possibility. They are deeply suspicious that the real reason for this reluctance to consider reducing the size of the premium is a desire by the administration to use this "surplus revenue" to reduce the deficit without being accused of raising taxes.

The outrage among seniors over the current way in which the catastrophic health insurance program is funded is clear to see. What is not nearly as easy is to come up with a plan which retains the valuable services available under this program in a fiscally responsible manner and pays for them in a way that is fair. But it is possible.

I believe that the funding mechanism for the catastrophic health insurance program should be restructured so that it is consistent with the manner in which the pre-1988 Medicare law was funded. Therefore, the catastrophic health insurance program should be modified so that it is funded both out of an assessment on beneficiaries and out of general revenues. Therefore, the supplemental premium surtax must be repealed. The legislation that Senator HARKIN and I are introducing today will do that.

This change would help to address the concern of many seniors that they are currently being singled out to pay for a program in a way that no other portion of society is being asked to pay. This change in financing would also recognize that in addition to there being a personal interest in health care for catastrophic illnesses, there is a broad societal interest in it. A decent society—and we are a decent society—cannot tolerate having its senior citizens make the choice between neglecting their own health or driving themselves and their families into poverty. The catastrophic health insurance program should be funded in a manner that recognizes this general societal interest.

The focus, once the supplemental premium surtax is repealed, then, must shift to the question of how to raise the general revenues necessary to ensure the financial solvency of the program. The legislation we are introducing today would achieve this goal by amending the current tax law and keeping the marginal income tax rate at 33 percent for families of four with taxable incomes over $208,510, or for singles with taxable incomes over $109,050, instead of allowing the marginal rate to drop back to 28 percent as is provided under current law. This proposal would generate enough revenues in order to allow for the entire repeal of the supplemental premium and to be revenue neutral in the 1990-94 period. Another advantage of the proposal, by the way, is that the maximum capital gains rate under this proposal would be reduced from 33 percent to 28 percent. This proposal would differ from the current supplemental premium because it would apply the "ability to pay" principle to the entire population and not just to seniors. In that context, applying the 33 percent marginal rate to families of four with taxable incomes above $208,510 and to singles with taxable incomes above $109,050 would only actually affect 1 percent of the taxpayers—the 1 million wealthiest among us who now pay a lower marginal tax rate than people earning less—and would give a tax cut to about 13 million senior citizens. Those 13 million are the seniors who are now paying the tax surcharge. The 13 million include senior couples with incomes of

$20,000 and up and single seniors with incomes of $15,000 and up.

I recognize that some people will immediately say that this proposal is not realistic because the American people view the 1986 Tax Reform rates as untouchable. I agree that most Americans do not want to see a general income tax increase affecting the average taxpayer. However, I believe that most Americans would support eliminating the existing anomaly in the Tax Code, which has people earning $80,000,000 paying a lower marginal tax rate than people earning $80,000, and I believe that most Americans would support applying the revenue generated from that change to achieve any number of purposes, including equity for seniors as the bill we announced yesterday would do.

I would urge President Bush and the Members of Congress to hear the voices of our seniors on this point. The supplemental premium is unfair. That is why it is intensely unpopular. Applying the maximum 33 percent marginal rate to the highest income taxpayers—married with a family of four with taxable incomes over $208,510 and singles with taxable incomes over $109,050—would be very popular.

Mr. President, addressing the outcry against the supplemental premium is a challenge. But it is a challenge that can be met if we are willing to look at the pieces of the puzzle before us and try to fit them together with the guidance of common fairness and common sense.

I ask unanimous consent that a brief summary of the Medicare Catastrophic Coverage Surtax Repeal Act of 1989 appear following my remarks.

There being no objection, the summary was ordered to be printed in the RECORD, as follows:

MEDICARE CATASTROPHIC COVERAGE SURTAX REPEAL ACT OF 1989

Repeals entirely the Medicare catastrophic coverage supplemental premium surtax, effective 1989. Thirteen million senior citizens would receive a tax reduction.

Retains all of the benefits provided under the Medicare Catastrophic Coverage Act of 1988.

Leaves unchanged the current law affecting the basic monthly premiums that senior citizens pay under the Medicare Catastrophic Coverage Act of 1988.

Extends the existing 33 percent marginal income tax rate which applies to some upper middle income and upper income taxpayers to the highest income taxpayers, effective 1990. Under current law, the 33 percent marginal rate will apply in 1990 to families of four with taxable incomes of between $78,350 and $208,510 (and for single individuals with taxable incomes between $47,000 and $109,050). Under current law, taxable incomes above those amounts are taxed at a 28 percent marginal tax rate. Under the Medicare Catastrophic Coverage Surtax Repeal Act of 1989, taxable incomes above those amounts would be taxed at the 33 percent marginal tax rate. Taxes would increase for 600,000 taxpayers, which is less than one percent of total taxpayers.

Establishes a maximum capital gains rate of 28 percent, as compared with the current maximum capital gains rate of 33 percent.

Revenue neutral over 5 years, 1990-94.●

By Mr. BUMPERS (for himself, Mr. FOWLER, Mr. RIEGLE, Mr. PRYOR, Mr. DIXON, Mr. SASSER, Mr. FORD, and Mr. LEVIN):

S. 1126. A bill to provide for the disposition of hardrock minerals on Federal lands, and for other purposes; to the Committee on Energy and Natural Resources.

MINING LAW OF 1989

Mr. BUMPERS. Mr. President, I rise today to introduce the mining law of 1989. The purpose of my bill is to modernize the existing laws which now apply to hardrock mineral development on lands owned by the United States.

My interest in reforming the mining law of 1872 was heightened last Congress by the controversial Department of the Interior decision to issue patents to over 80,000 acres of land in the State of Colorado. The mining claims covering this vast acreage had been grandfathered in 1920 when Congress established a leasing system for oil shale, along with oil and gas. The Interior Department—against the advice of its regional solicitor—decided to sell these old claims for $2.50 an acre. Needless to say, this action caught my attention, and I began to look further at the law under which these claims were originally staked—the 1872 mining law. I found that law to be fraught with problems and announced my intention last fall to develop a proposal to revise it.

At my request, the chairman of the Subcommittee on Mineral Resources Development and Production of the Energy and Natural Resources Committee has scheduled a hearing on the mining law tomorrow afternoon. I circulated a draft bill to the witnesses 2 weeks ago so that they could provide comments on my proposal at the hearing. I am introducing that draft today.

My legislation is intended to promote the efficient development of Federal mineral resources in a manner which is consistent with Federal policy towards public lands and resources and Federal environmental protection policies. The current law governing hardrock mineral development was enacted in 1872 and reflects the public lands policies of the nineteenth century. Like the homesteading laws, the mining law of 1872 encouraged U.S. citizens to move west and to settle the frontier, by offering the incentive of free lands and minerals from the public domain. Times have changed since that great westward migration and our attitude toward public lands and resources have changed dramatically. Yet the 1872 mining law remains the last vestige of these outdated policies. I believe that the law must be changed.

I am well aware that there have been attempts to revise the mining law in the past through the imposition of a leasing system and that these attempts have failed. I believe that my goal of modernizing the mining law can be achieved without creating a discretionary leasing system for hardrock minerals. I appreciate the historic and continuing importance of individual initiative in the area of mineral prospecting and believe that the principle of self initiation—that is the initiation of the mining exploration process by the miner—should be retained. I agree that miners should have security of tenure during the time peirod required to explore for minerals and to develop those minerals.

However, I cannot tolerate the retention of a system which permits the disposal of public lands through the patenting process, permits the extraction of valuable Federal minerals without any direct return to the Federal Treasury, invites unathorized uses of Federal land, does not promote diligent exploration and development, and does not explicitly provide for protection of environment.

In developing this legislation, I have been guided by the relevant principles enunciated in section 102 of the Federal Land Policy and Management Act of 1976. In that landmark legislation, Congress declares it to be the policy of the United States that:

The public lands be retained in public ownership;

The public lands and resources be inventoried and their use projected through a land use planning process;

Management be on the basis of multiple use and sustained yield;

The public lands be managed in a manner that will protect the quality of scientific, scenic, historical, ecological, environmental, air and atmospheric, water resource, and archeological values;

The United States receive fair market value of the use of the public lands and their resources; and

The public lands be managed in a manner which recognizes the Nation's need for domestic sources of minerals, including implementation of the Mining and Materials Policy Act of 1970.

Most of these policy goals are not fulfilled by the existing mining law.

Retention of Federal land in public ownership—under the mining law of 1872, a patent (fee simple title) may be obtained to Federal land by the owner of a valid mining claim if the applicant demonstrates the discovery of a valuable mineral deposit and proves that at least $500 has been expended for the development of the claim. Although the percentage of claims that are actually patented is relatively small (over 6 million claims have been filed, of which 65,000 have been patented and

converted to private ownership) the acreage is significant. During the past 117 years, the Government has sold about 3.2 million acres of land (an area about the size of Connecticut) under the patent provision of the 1872 mining law.

Disposal of lands has continued since the passage of FLPMA with about 66,000 acres of land leaving Federal ownership through mining law patents between 1978 and 1987. In addition, 84,000 acres have been patented for oil shale claims that were grandfathered under the mining law in 1920. The vast majority of these claims were patented in 1986.

My proposal would eliminate the right to a surface patent and would substitute a patent to the minerals only. The mineral patent would revert to the Federal Government at the end of production.

Receipt of fair market value for the use of the public lands and their resources—When lands are patented under the mining law the Federal Government receives either $5.00 an acre (for a lode claim) or $2.50 an acre (for a placer claim). The General Accounting Office recently issued a report on the 1872 mining law (Federal Land Management: The Mining Law of 1872 Needs Revision, GAO/RCED-89-72) which analyzed whether the Federal Government was obtaining a fair return for public lands disposed of. It should be no surprise to anyone that $5.00 an acre is often much less than fair market value. As some of the newspaper articles on the GAO report stated—these are fast food hamburger prices! GAO provided several examples, including a 449-acre patent near Las Vega, NV appraised at over $2 million, a 34-acre patent near Sonora, CA appraised at over $500,000, and patented lands near Keystone, CO which was for sale for $11,000.00 per acre.

Equally troubling is the fact that the Federal Government receives no return for the minerals extracted from the public lands subject to unpatented mining claims, or for the use of Federal lands for mining purposes. The Department of the Interior, the agency charged with administering the mining laws, has no idea what the value of minerals taken from public lands might be. I have asked GAO to provide me with a figure and they have been unable to. The Forest Service estimated in testimony before the House Interior Committee Subcommittee on Mining and Natural Resources that the annual value of minerals extracted from National forest lands under the 1872 mining law is estimated by the Forest Service at about $694 million.

I would guess that the value of minerals taken from all public lands (Forest Service and BLM) is substantially higher than this estimate. To give you a rough idea, according to the 1989 State mineral summaries published by the Bureau of Mines, the value of nonfuel minerals produced in Nevada in 1988 was $1.867 billion. Nevada is 85 percent Federal land. Utah (63 percent Federal land), produced $990 million worth of nonfuel minerals. Wyoming (49 percent Federal land) produced $755 million in mineral value. The total value of minerals produced in the 11 public lands States (States west of the 100th meridian and Alaska) in 1988 was $12.3 billion.

Whether the amount is $700 million of $12 billion or somewhere in between, my point is that despite the fair market value policy set forth in FLPMA—with the exception of minimal filing fees—the Federal Government receives no direct return from the mining activities on its own land.

My bill would raise the existing filing fees to more adequately cover the costs of administering the law, would require annual holding fees or diligent development expenditures for exploration claims, surface-use fees for patents and a royalty on production.

Land use planning, multiple use, and protection of other values—The mining law of 1872 contains an implicit presumption that mineral development is the highest and best use of land. This presumption is no longer universally shared by the American people. The mining law operates independently of the land-use planning process. This is in contrast to other activities on Federal lands, timber harvesting, grazing, oil and gas leasing, off-road vehicle use—which are explicitly dealt with in land-use plans. When mining activity is initiated, it essentially becomes a dominant use on the land. Where mining activities are judged to be incompatible with other land uses or where retaining total Federal ownership of a land area is essential, the land manager must formally withdraw lands from entry under the mining law.

The 1872 mining law does not provide for the protection of other values—environmental, archeological, etc.—on the public lands. Numerous other laws have been enacted in the past 25 years to protect environmental quality, endangered species and cultural resources. Many of these laws, including the National Environmental Policy Act, apply to mining operations. In addition, both the Forest Service and the Bureau of Land Management have generic authority to minimize adverse environmental impacts on surface resources, including the authority to require reclamation and bonding. This authority should be strengthened through affirmative statutory language, bonding and reclamation should be required for all surface disturbing operations and Federal land management plans should be amended to address the conditions for conducting exploration and mining operations.

My bill would provide the necessary statutory authority and would require amendments to land and resource management plans to reflect the enactment of a new system for hardrock mining.

Recognizing Nation's need for minerals/fostering private enterprise—True to its 19th century intent of promoting the exploration and development of domestic mineral resources as well as the settlement of the western United States, this is one policy goal that the mining law was clearly intended to fulfill. The mining law operates through private initiative and private enterprise—the concept some have called self initiation. My bill would retain this concept.

However, there are many aspects of the law that do not effectively and efficiently promote mineral development. The unlimited duration of unpatented claims coupled with the lack of any true diligence requirement are an open invitation to abuse of the law. Mining claims are easily used for speculative purposes or nuisance value or as a cover for trespasses on the public land. These abuses confict with and prevent legitimate mining operations. The uncertainly of tenure prior to a discovery of a valuable mineral and there subjective nature of the discovery test invite litigation. The law contains antiquated distinctions between placer and lode claims. There is a confusion over whether certain minerals are locatable. In summary there is a need to reform the 1872 mining law—to simplify it and to modernize it.

My bill would preserve self initiation for prospecting, would provide for uniformity of claims, liberalize the discovery test and substitute true diligence requirements, promoting mining not speculation and abuse.

In developing my proposal to update the 1872 mining law, I have been guided by these modern land and resource management policies, including the desire to provide for efficient mineral development on public lands.

My bill is intended to provide a framework upon which to begin meaningful discussions of mining law reform. It is not a perfect bill, nor does it comprehensively address every issue that anyone ever thought should be included in a mining bill. It is intended to provide suggestions, comments and ideas. And I have no doubt that it will provide criticism given the contentious history of past efforts to amend the mining law.

The major elements of the legislation are described below:

PROSPECTING

No permit required.

Conducted on lands open to mineral entry (locatable lands) subject to surface managing agency regulations.

EXPLORATION CLAIMS

May be located on lands open to mineral entry,

Location requirements provided by regulation.

Claim size—20 acres.

Recordation fee—$100.

Filing of location notice and filing fee grants exclusive exploration rights to claim.

Annual diligence requirement (affidavit of annual labor or payment in lieu of labor)—$50 acre years 1-5, $100 acre year 6-10.

Approved exploration and reclamation plan required prior to surface disturbance.

Apply for mineral patent within 10 years.

DEVELOPMENT AND PRODUCTION

Patent required to mine. Surface patent eliminated.

Entitled to patent to all locatable minerals in claim if evidence of substantial commerical hardrock mineral deposit and mining and reclamation plan has been approved.

Surface use fee of not less than $5 an acre.

Federal Government retains overriding royalty of 8 percent of production.

Patent reverts to United States if no production within 15 years of issuance.

Patent reverts to United States at end of production and reclamation. Production may be suspended for reasonable period.

DILIGENCE

Escalating annual labor requirements for exploration claim and patent (prior to production and royalties).

Optional payments in lieu of labor.

USE OF SURFACE OUTSIDE OF CLAIM

Millsite claim no longer required.

Special use permit granted for surface lands required to support exploration, development and production.

Subject to surface use fee not less than $5 acre and terms and conditions.

ENVIRONMENTAL PROTECTION

Regulations to insure that mining activities are conducted in a manner to minimize adverse impacts and comply with applicable State and Federal laws and Federal land and resource management plans

Regulations adopting reclamation standards for all surface disturbance (No 5-acre exemption).

Bonding or other form of security required to insure complete and timely reclamation.

EXISTING RIGHTS

No new claims located pursuant to existing law after date of introduction.

No patent to claims located under existing law unless application filed and all requirements met by date of introduction.

Existing claims have preference right to relocate under new system within 3 years with certain incentives.

After 3 years $5,000 annual assessment work required to maintain claim.

MISCELLANEOUS

Receipts shared 50 percent State/50 percent Federal Government, except that certain fees returned to surface managing agencies for administration.

By Mr. WILSON:

S. 1127. A bill to provide for fair and reasonable payment for services related to the insertion of intraocular lenses; to the Committee on Finance.

PAYMENT WITH RESPECT TO INSERTION OF INTRAOCULAR LENSES

● Mr. WILSON. Mr. President, today I am introducing legislation to establish criteria for determining reasonable charges for intraocular lenses. An intraocular lens [IOL] is a FDA-approved medical device which restores vision when surgically implanted to replace the natural lens of the eye due to the formation of a cataract. Each year, the vision of roughly 1.1 million elderly Americans is literally saved as a result of this sight-restoring device.

Legislation providing for reasonable costs for IOL's is necessary in the face of a pending ruling by the Health Care Financing Administration [HCFA]. In an effort to control Medicare costs, Congress included in OBRA-87 a provision stating that charges for IOL's implanted in ambulatory care centers [ASC's] are to be reasonable and related to the cost of acquiring the class of lens involved. This sought to prohibit hospitals and physicians from adding large markups to the manufactures' cost.

In response, HCFA is reviewing a ruling to reduce reimbursement for IOL's used in ASC's from a current average of $350 to a fixed payment of $200. This fixed rate would be applied to all implant lenses regardless of type or design.

HCFA's proposal, Mr. President, would establish a reimbursement level that, if approved, would have significant implications. First and foremost, the ruling could reduce the elderly's access to more advanced IOL's used in cataract surgery. With reimbursement fixed at a rate of $200—as much as 40 percent below the average cost of today's IOL—technologically-advanced, more costly IOL's will be available only to the wealthy since ASC regulations preclude balance billing.

HCFA's proposal has implications for the domestic IOL industry as well. Intraocular lens manufacturers consist of 18 companies, the majority of which are based in California, and United States firms represent more than 80 percent of the world-wide IOL market. As proposed, the fixed $200 IOL reimbursement rate would lead to cutbacks in IOL production, the closure of some smaller manufacturers, and the movement of some production overseas to remain competitive.

In addition, fixed reimbursement eliminates any incentive to develop a new generation of advanced IOL's designed to provide improved sight and to potentially reduce postoperative complications. For example, new generation lenses are foldable, allowing a smaller surgical incision and thus quicker recovery; are surface modified, resulting in fewer postoperative complications; and are bifocal, allowing near- and far-distance correction.

Indeed, one of the leading manufacturers of IOL's recently decided to limit sales of advanced technology IOL's because of Medicare fixed reimbursement—currently enforced in three Northwest States. I am concerned that this will happen nationwide if the IOL reimbursement rate established by Medicare remains unrealistic and well below the average price of most conventional IOL's.

In short, notwithstanding the issue of access to quality eye care, the HCFA proposal falls short of its ultimate objective of Medicare cost savings. While the proposal may achieve lower Medicare costs in the short term, the long-term effect of reduced competition in the IOL industry and curtailed availability of advanced technology lenses which offer positive longer term cost reductions in follow-up care, would include, ultimately, higher prices and higher Medicare costs.

I am confident, Mr. President, that Congress did not intend that our Nation's senior citizens be deprived of the improvements in eye care which accompany new, advanced medical devices. Nor did Congress intend that IOL reimbursement rates be established that disregard different classes of medically distinct IOL's.

Because of my belief that HCFA's proposal fails to address reasonable reimbursement or establish classes of IOL's, including advanced technology, as required by law, my legislation would establish criteria for determining reasonable charges for IOL's and the creation of market price reimbursement for newer technology. This legislation will ensure that quality eye care for the over 1 million elderly Americans who require cataract surgery each year not be jeopardized.

I ask unanimous consent to have printed in the RECORD the text of this bill.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1127

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. ADDITIONAL CRITERIA WITH RESPECT TO THE PAYMENT FOR SERVICES RELATED TO THE INSERTION OF INTRAOCULAR LENSES PROVIDED.

(a) ADDITIONAL CRITERIA PROVIDED.—Section 1833(i)(2)(A) of the Social Security Act (42 U.S.C. 1833(i)(2)(A)) is amended—

(1) by striking "and" at the end of clause (ii);

(2) by striking the period at the end of clause (iii) and inserting in lieu thereof "(except that no payment shall be made for the insertion of intraocular lenses under this section until such time as the Secretary fulfills the requirements and procedures described in section 1842(b)(8) (A) and (B)),"; and

(3) by adding at the end of clause (iii) the following new clause:

"(iv) with respect to the insertion of an intraocular lens as described in clause (iii), shall take into account—

"(I) the historic pricing of intraocular lenses in ambulatory surgical centers on the basis of lens classes,

"(II) factors that are related to the purchase of intraocular lenses including the lesser of historic pricing or actual acquisition costs and a manual handling or dispensing fee of 5 percent, and

"(III) special (clinical) circumstances to allow more than the usual reimbursement rate, and

"(v) with respect to the insertion of an intraocular lens as described in clause (iii) includes payment based on market price for new technology lenses which—

"(I) incorporate advanced optical design and advanced material characteristics;

"(II) are subjected to controlled scientific trials required to support clinical claims of enhanced patient benefit and enhanced surgical response; and

"(III) have received certification by the Ophthalmic Device Panel of the Food and Drug Administration.".

(b) ISSUANCE OF REGULATIONS AND REIMBURSEMENT.—(1) The Secretary of Health and Human Services shall no later than 6 months after the date of enactment of this Act issue final regulations with respect to payment for the insertion of an intraocular lens as described in section 1833(i)(2)(A)(iii) of the Social Security Act.

(2) The Secretary of Health and Human Services may on a case by case basis until the final issuance of regulations under paragraph (1) grant market price reimbursement for insertion of new technology lenses as described in section 1833(i)(2)(A)(v).

(c) EFFECTIVE DATE.—The amendments made by subsection (a) shall become effective upon the date of enactment of this Act.●

By Mr. CRANSTON:

S. 1128. A bill for the relief of Richard Saunders; to the Committee on Energy and Natural Resources.

RELIEF OF RICHARD SAUNDERS

Mr. CRANSTON. Mr. President, I introduce for appropriate reference a bill for the relief of Richard Saunders. The legislation will resolve an occupancy trespass problem on public land in Inyo County, CA.

By way of background, in 1970 one of my constituents, Richard Saunders, purchased 40 acres of land in Inyo County identified as the southeast quarter of the southeast quarter of section 16 in township 6 south, range 32 east. The following year he had the property surveyed and fenced. Based on this 1971 survey, he constructed a house, garage and well. Then in February 1987 the Bureau of Land Management conducted a survey for the section line between sections 16 and 21 in township 6 south, range 32 east. This survey showed 15.69 acres of Mr. Saunders' plot to be located in the northeast quarter of the northeast quarter of section 21, township 6 south, range 32 east, Federal land administered by the BLM. Thus, Mr. Saunders found himself in the unenviable position of not having clear title to this portion of his property.

Normally BLM sale of the land in question is an option considered in resolving an occupancy trespass of this nature. However, in this instance sale of the property is not an alternative because the land was withdrawn for watershed purposes by an Act of Congress in 1931 which specifically prohibited its sale.

I'm advised by the BLM that the parcel in question is not needed for watershed protection. I know of no other public interest in retaining this property in Federal ownership. Moreover, Mr. Saunders purchased the land in good faith, built a home on it based on a survey confirming the land to be his, and paid property taxes every year believing he had clear title to the land. He is willing to repurchase the property from the BLM and pay all administrative expenses involved.

The bill I am introducing today gives the Secretary of Interior the authority to sell approximately 15.69 acres of public land to Mr. Saunders at fair market value. The bill requires the beneficiary to pay all administrative expenses, including a new survey if necessary. Finally, it retains for the Federal Government all mineral rights in the property.

Mr. President, I ask unanimous consent that the text of the bill be printed at this point in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1128

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding any provision law or any order or land classification based thereon, the Secretary of the Interior is authorized to convey to Richard Saunders, subject to valid existing rights, approximately 15.69 acres of public lands described in a map entitled and dated .

SEC. 2. Conveyance of the lands pursuant to this Act shall be made upon payment of fair market value as determined by the Secretary of the Interior. The beneficiary of this Act shall reimburse the Secretary of the Interior for all administrative costs associated with the implementation of this Act, including but not limited to the costs of survey if required.

SEC. 3. Any document of conveyance issued pursuant to this Act shall contain a reservation of all minerals to the United States.

By Mr. BENTSEN (for himself, Mr. PRYOR, Mr. DURENBERGER, Mr. PACKWOOD, Mr. MATSUNAGA, Mr. MOYNIHAN, Mr. RIEGLE, Mr. BOREN, Mr. BAUCUS, Mr. MITCHELL, Mr. ROCKEFELLER, Mr. DANFORTH, Mr. CHAFEE, Mr. HEINZ, Mr. DASCHLE, Mr. ARMSTRONG, Mr. BYRD, Mr. BUMPERS, Mr. SANFORD, Mr. KOHL, Mr. HARKIN, Mr. BINGAMAN, Mr. GORE, Mr. INOUYE, Mr. REID, Mr. PELL, Mr. DECONCINI, Mr. ADAMS, Mr. CRANSTON, Ms. MIKULSKI, Mr. COHEN, Mr. DODD, Mr. SASSER, Mr. DOLE, Mr. FORD, Mr. GRASSLEY, Mr. KERRY, Mr. ROBB, Mr. HATFIELD, Mr. BURDICK, Mr. LIEBERMAN, Mr. KENNEDY, Mr. JEFFORDS, Mr. WIRTH, Mr. GRAHAM, Mr. CONRAD, Mr. JOHNSTON, Mr. FOWLER, Mr. BREAUX, and Mr. SYMMS):

S. 1129. A bill to amend the Internal Revenue Code of 1986 to simplify the antidiscrimination rules applicable to certain employee benefit plans; to the Committee on Finance.

SIMPLIFICATION OF SECTION 89 RULES

Mr. BENTSEN. Mr. President, I rise today to introduce legislation that would delay the application of all of the so-called section 89 rules until 1990. The legislation would also permanently repeal the current section 89 nondiscrimination rules and replace them with a simple test that employers and health insurance providers can satisfy through plan design.

This comprehensive legislation is the result of months or work by many people, including most of my colleagues on the Finance Committee and many other Members of this body. I am pleased to say that 15 Finance Committee members—a bipartisan majority of the committee—and 32 total Senators have already joined me as cosponsors of the bill.

Last month, the Finance Committee held an extensive hearing on the issue of section 89. We received hundreds of suggestions for change, many of which are reflected in this bill. The basic message that we heard was that the concept of nondiscrimination rules was a good idea, but that the current rules simply do not work.

When President Reagan first proposed the idea of applying nondiscrimination rules to employer-provided health insurance, most people reacted positively. How could one oppose the goal of ensuring comparable tax-favored benefits for all employees, no matter how highly paid? Some even hoped these rules might help to extend health and life insurance coverage to uninsured workers.

The goals of section 89 were admirable but the means chosen did not achieve those goals. Businesses can't understand the rules well enough to comply, and worse yet, the complexity is leading many small businesses to consider shutting down their employee health and life insurance plans altogether.

The current rules must be repealed, and because they are already in effect they must be repealed as quickly as possible. This bill will do just that.

But the admirable goals which originally led to section 89 should not be abandoned. Over the next 5 years, the tax-favored treatment of health benefits will reduce Federal tax receipts by over $200 billion. It is not right for the Federal Government to subsidize generous health insurance for high paid management employees, while leaving rank and file workers to fend for themselves. It is not right for the average American taxpayer to be asked to subsidize the cost of health plans maintained for the exclusive benefit of executives.

The tax advantages which we provide should encourage equitable health benefits for all the employees of an employer, both high and low paid. Tax laws should not be manipulated to provide a tax shelter for a limited class of employees.

The bill which I introduce today works to achieve those goals in a very simple manner; in a manner that does not impose onerous administrative burdens on employers. What we have all learned from current section 89 rules is that complexity is counterproductive—it will actually decrease health coverage among working Americans. The new test which we propose is what has become known as a design-based approach. By that, I mean that the test does not look at whether employees actually elect to be covered, rather it concentrates on ensuring that health insurance is available to a broad-cross section of employees.

Under the new test, an employer's health plan will pass the test if he makes affordable health insurance available to 90 percent of his employees. Health insurance is considered affordable if the employee is not asked to pay more than 40 percent of the premiums. For purposes of this test, part-time employees working less than 25 hours per week can be excluded. If an employer only provides one health plan, that is all he has to do. The typical employer won't have to hire an expensive lawyer, accountant or consultant. He will be able to go to his insurance agent and say, give me a plan that passes the test.

Another important element in the bill is that it takes into account health insurance underwriting practices for small businesses. In buying health insurance, employers with 20 or fewer employees are presented with different options from other employers. Often, insurance companies will charge premiums based on the individual characteristics of each employee—so-called individually rated plans—or medically uninsurable employees will be denied coverage entirely. These events are beyond the control of the small employer, but the current section 89 rules fail to allow the employer to take those factors into account. The bill will deal with these and other issues with a series of special rules for small employers.

Rather than go into all the other specific provisions of the bill, Mr. President, I ask that a summary and a more complete description of the bill be included in the RECORD immediately following my statement.

As I stated earlier, this bill is the product of a great deal of work by a great many people. On the Finance Committee Senators PRYOR and DURENBERGER, have devoted considerable energy to this issue and I thank them both for their valuable input. Senator BOREN's concern over the impact of the current rules on small business is shared by all of us. The hearings which he chaired in the Small Business Committee provided guidance in dealing with the unique problems that these rules create for small business.

Senators GRASSLEY and DOLE have brought to my attention a number of issues, including the problems that the current section 89 rules create for the elderly and disabled. Senator HARKIN has taken the lead on the problem which the part-time employee rules present for small business and on other issues. The list goes on and on.

About a month ago at our hearing in the Finance Committee, my good friend from New Mexico, Senator DOMENICI stated to me that what we need is an easy way to tell what is discriminatory. The basic thrust of what he said was that "we need a rule where the employer can just go to an insurance company and ask for a plan that passes." PETE DOMENICI is right—that is exactly what we need. And that simple approach is exactly what this bill will provide.

We will, of course, continue to try to improve the bill further as we move to enact legislation on this critical issue as quickly as possible. The comments of my colleagues have been and will continue to be invaluable in moving toward that goal.

Mr. President, I ask unanimous consent that the text of the bill, a summary of the major provisions of the bill and a description of the bill be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1129

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. 1-YEAR DELAY IN APPLICATION OF SECTION 89 RULES.

(a) 1-YEAR DELAY.—Paragraph (1) of section 1151(k) of the Tax Reform Act of 1986 is amended to read as follows:

"(1) IN GENERAL.—The amendments made by this section shall apply to years beginning after December 31, 1989."

(b) CONFORMING AMENDMENT.—Subparagraph (F) of section 1011B(a)(22) of the Technical and Miscellaneous Revenue Act of 1988 is amended by striking "January 1, 1989" and inserting "January 1, 1990".

SEC. 2. REVISION OF ANTIDISCRIMINATION RULES FOR CERTAIN EMPLOYEE BENEFIT PLANS FOR YEARS BEGINNING AFTER 1989.

(a) GENERAL RULE.—Section 89 of the Internal Revenue Code of 1986 (relating to benefits provided under certain employee benefit plans) is amended to read as follows:

"SEC. 89. HEALTH BENEFITS PROVIDED TO HIGHLY COMPENSATED EMPLOYEES.

"(a) INCLUSION IN INCOME.—

"(1) IN GENERAL.—Notwithstanding any provision of part III of this subchapter, gross income of a highly compensated employee who is a participant in a health plan during any testing year shall include an amount equal to such employee's taxable benefit under such plan for such testing year.

"(2) YEAR OF INCLUSION.—

"(A) IN GENERAL.—Except as provided in subparagraph (B)—

"(i) any amount included in gross income under paragraph (1) shall be taken into account for the taxable year of the employee with or within which the testing year ends, and

"(ii) any deduction of the employer attributable to such amount shall be allowable for the taxable year of the employer with or within which the testing year ends.

"(B) ELECTION TO DELAY INCLUSION FOR 1 YEAR.—If an employer maintains a plan with a testing year ending after September 30 and on or before December 31 and elects the application of this subparagraph—

"(i) amounts included in gross income under paragraph (1) with respect to employees of such employer shall be taken into account for the taxable year of the employee following the taxable year determined under subparagraph (A), but

"(ii) any deduction of the employer which is attributable to such amounts shall be allowable for the taxable year with or within which the testing year following the testing year in which the taxable benefits were provided ends.

"(b) TAXABLE BENEFIT.—For purposes of this section—

"(1) TAXABLE BENEFIT UNDER PLANS NOT MEETING ELIGIBILITY REQUIREMENTS.—The taxable benefit of any highly compensated employee under any health plan not meeting the requirements of subsection (c) is the amount of such employee's employer-provided benefit under such plan.

"(2) TAXABLE BENEFIT UNDER PLANS MEETING ELIGIBILITY REQUIREMENTS.—

"(A) IN GENERAL.—The taxable benefit of any highly compensated employee under health plans meeting the requirements of subsection (c) is the excess (if any) of—

"(i) such employee's aggregate employer-provided benefit under such plans, over

"(ii) 133 percent of the base benefit with respect to such employee.

"(B) BASE BENEFIT.—For purposes of this paragraph—

"(i) IN GENERAL.—The term 'base benefit' means, with respect to any employee, the smallest employer-provided benefit for participants with the same number of covered individuals as such employee under any plan which was taken into account in determining whether the requirements of subsection (c)(1)(B) are met with respect to such participants.

"(ii) BASE BENEFIT WHERE PLAN FAILS TO MEET REQUIREMENTS.—If there is no plan meeting the requirements of subsection (c)(1)(B) with respect to participants with the same number of covered individuals as an employee, the base benefit for such employee shall be the smallest employer-provided benefit under the plan which meets such requirements for participants with the next lowest number of covered individuals.

"(iii) BASE BENEFIT ZERO IN CERTAIN CASES.—If—

"(I) no plan of an employer meets the requirements of subsection (c)(1)(B) for participants with self-only coverage, or

"(II) an employer elects the application of this clause for any testing year,

the base benefit for all employees of such employer shall be zero.

"(C) AGGREGATION OF PLANS.—For purposes of subparagraph (A)(ii), an employer may elect to treat any group of 2 or more health plans as 1 plan if—

"(i) each of such plans is available to the same group of employees with the same eligibility requirements, and

"(ii) such plans when so aggregated qualify as a qualified core health plan.

"(c) REQUIREMENTS.—

"(1) IN GENERAL.—For purposes of this section, a health plan meets the requirements of this subsection if—

"(A) such plan does not contain any provision relating to eligibility to participate which (by its terms or otherwise) discriminates in favor of highly compensated employees, and

"(B) the employer maintains 1 or more qualified core health plans and at least 90 percent of all employees are eligible to participate in any of such plans.

"(2) QUALIFIED CORE HEALTH PLAN.—For purposes of this section, the term 'qualified core health plan' means any health plan if—

"(A) the employer-provided benefit under such plan primarily consists of core benefits, and

"(B) such health plan does not require contributions by an employee (determined on a weekly basis) in excess of the reasonably expected allowable cost of the coverage provided to the employee.

Such term does not include any plan which includes a flexible spending arrangement.

"(3) ALLOWABLE COST.—For purposes of paragraph (2)(B)—

"(A) SELF-ONLY COVERAGE.—In the case of self-only coverage, the allowable cost is 40 percent of the cost of such coverage.

"(B) OTHER COVERAGE.—In the case of coverage other than self-only coverage, the allowable cost is an amount equal to the sum of—

"(i) 40 percent of the cost of such coverage, plus

"(ii) the amount (if any) by which the amount determined under subparagraph (A) exceeds the amount an employee is required to contribute for self-only coverage.

"(C) COST.—For purposes of this paragraph, cost shall be determined under subsection (f)(3)(B)(i) or (f)(3)(C), whichever applies, on a weekly basis.

"(4) CORE BENEFITS.—For purposes of this section, the term 'core benefits' means—

"(A) major medical benefits,

"(B) hospitalization benefits, and

"(C) other benefits specified by the Secretary.

"(5) SPECIAL RULE FOR SMALL EMPLOYERS.—

"(A) IN GENERAL.—In the case of a plan maintained by a small employer, if the number of employees determined under paragraph (1)(B) is not a whole number, such number shall be rounded to the next lowest whole number (or to 1 if such number is less than 1).

"(B) SMALL EMPLOYER.—For purposes of this paragraph, the term 'small employer' means an employer which normally employs 20 or fewer employees per day during the plan year. All employers treated as 1 employer for purposes of subsection (b), (c), (m), (n), or (o) of section 414 shall be so treated for purposes of the preceding sentence.

"(d) EXCLUDED EMPLOYEES.—

"(1) IN GENERAL.—The following employees shall be excluded from consideration under this section:

"(A) Employees who have not completed 6 months of service. An employee shall be excluded from consideration until the 1st day of the 1st month (or 1st day of a period of less than 31 days specified by the plan) beginning after completion of the period of service required under the preceding sentence.

"(B) Employees who normally work less than 25 hours per week.

"(C) Employees who normally work during not more than 6 months during any year.

"(D) Employees who have not attained age 21.

"(E) Employees who are nonresident aliens and who receive no earned income (within the meaning of section 911(d)(2)) from the employer which constitutes income from sources within the United States (within the meaning of section 861(a)(3)).

"(F) Employees who are students if—

"(i) such students are performing services described in section 3121(b)(10), and

"(ii) core benefits are made available to such students by such employer.

"(G) Any of the following:

"(i) Individuals who have attained the age of 55 and—

"(I) who are enrolled in a federally subsidized program under title V of the Older Americans Act, or

"(II) whose employment is funded under a grant or cooperative agreement made pursuant to the Environmental Programs Assistance Act of 1984.

"(ii) Individuals who are students employed under a cooperative education program which is qualified, or would be qualified, under title VIII of the Higher Education Act of 1965.

"(iii) Individuals who perform services at a rehabilitation facility and—

"(I) who are holding a certificate issued pursuant to section 14(c) of the Fair Labor Standards Act of 1938, or

"(II) who are receiving benefits under section 223 or title XVI of the Social Security Act.

"(iv) Individuals who are imprisoned in a correctional facility operated by or for the United States or a State (or political subdivision thereof) and who are performing services under a program operated by or for such facility.

"(v) Individuals who are performing services under any other similar Federal or State subsidized program specified by the Secretary.

"(2) SPECIAL RULES FOR EMPLOYEES EXCLUDED ON BASIS OF PERIOD OF SERVICE.—

"(A) SHORTER PERIOD.—If a plan specifies a shorter period of service than the period specified in paragraph (1)(A), paragraph (1)(A) shall be applied by using such shorter period.

"(B) SEPARATE TESTING.—

"(i) IN GENERAL.—If employees not meeting the service requirements of paragraph (1)(A) are covered under a health plan of the employer, the requirements of this section shall be applied separately with respect to such employees.

"(ii) FAILURE TO COMPLY.—If the requirements of this section are not met with respect to a plan described in clause (i)—

"(I) such employees shall continue to be excluded from consideration in determining whether other health plans of the employer meet the requirements of this section, but

"(II) subsection (a) shall apply to such employees who are highly compensated employees and who are participants in such plan with respect to any benefits provided before the service requirements are met.

"(3) SPECIAL RULES FOR SMALL EMPLOYERS.—In the case of a small employer (within the meaning of subsection (c)(5)(B))—

"(A) PART-TIME EMPLOYEES.—Subparagraph (C) of paragraph (1) shall be applied by substituting the following for '25 hours':

"(i) 30 hours in the case of years beginning in 1990.

"(ii) 27.5 hours in the case of years beginning in 1991.

"(B) EXCLUSION OF MEDICALLY UNINSURABLE EMPLOYEES.—There shall be excluded from consideration under this section employees of the employer who are determined by a third party insurer providing coverage under the health plan to be medically uninsurable.

"(e) SPECIAL RULES RELATING TO OTHER CLASSES OF EMPLOYEES.—For purposes of this section—

"(1) TREATMENT OF UNION EMPLOYEES.—

"(A) IN GENERAL.—If an employer has employees included in any qualified bargaining unit, this section shall be applied separately with respect to employees included in each such unit.

"(B) QUALIFIED BARGAINING UNIT.—For purposes of subparagraph (A), the term 'qualified bargaining unit' means any unit of employees covered by an agreement which the Secretary finds to be a collective bargaining agreement between employee representatives and 1 or more employers if—

"(i) there is evidence that health benefits were the subject of good faith bargaining between the employee representatives and such employer or employers, and

"(ii) not more than a de minimis number of such employees are professional employees (within the meaning of section 413(b)(9)).

"(2) EXCEPTIONS FOR EMPLOYEES OF MULTIEMPLOYER PLANS AND SIMILAR EMPLOYEES.—

"(A) IN GENERAL.—There shall be excluded from consideration under this section—

"(i) employees covered by a collective bargaining agreement pursuant to which a health plan which is a multiemployer plan is maintained, and

"(ii) employees with respect to which employer contributions to a health plan are required under—

"(I) the Act of March 3, 1931, commonly referred to as the Davis-Bacon Act (40 U.S.C. 276a, et seq.), or

"(II) any similar Federal law specified by the Secretary.

"(B) SPECIAL RULES FOR PROFESSIONALS AND NONUNION EMPLOYEES.—

"(i) PROFESSIONAL EMPLOYEES.—Subparagraph (A)(i) shall not apply to any employees covered by a multiemployer plan who are professional employees (within the meaning of section 413(b)(9)) unless there is no more than a de minimis number of such employees covered by such plan.

"(ii) NONUNION EMPLOYEES.—Notwithstanding subparagraph (A)(i), if a multiemployer plan covers a de minimus number of individuals—

"(I) who are employees of the plan, and

"(II) who are not covered by any collective bargaining agreement pursuant to which the plan is maintained,

such individuals shall be excluded from consideration under this section.

"(3) TREATMENT OF FORMER EMPLOYEES.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), this section shall be applied separately to former employees under requirements similar to the requirements that apply to employees.

"(B) MODIFICATIONS OF REQUIREMENTS.—Except as provided in regulations, in applying this section to former employees—

"(i) subsection (c)(2)(B) shall not apply, and

"(ii) in determining whether the requirements of subsection (c)(1)(B) are met, the employer may take into account reasonable differences in eligibility to participate based on the age or service of the former employee.

"(C) FORMER EMPLOYEES SEPARATING BEFORE 1990.—This section shall not apply to any former employee who was separated from service before January 1, 1990 (and who was not reemployed on or after such date).

"(f) OTHER DEFINITIONS AND SPECIAL RULES.—For purposes of this section—

"(1) HEALTH PLAN.—The term 'health plan' means an accident or health plan within the meaning of section 105(e). Such term shall not include a plan maintained by a church for church employees. For purposes of the preceding sentence, the term 'church' means any church (as defined in section 3121(w)(3)(A)) or qualified church-controlled organization (as defined in section 3121(w)(3)(B)).

"(2) HIGHLY COMPENSATED EMPLOYEE.—The term 'highly compensated employee' has the meaning given such term by section 414(q); except that paragraph (5)(B) of such section shall not apply.

"(3) EMPLOYER-PROVIDED BENEFIT.—

"(A) IN GENERAL.—An employee's employer-provided benefit under any health plan is the value of the coverage provided during the testing year to or on behalf of such employee to the extent attributable to contributions made by the employer.

"(B) VALUE OF COVERAGE.—

"(i) IN GENERAL.—Except as provided in clause (ii), the value of the coverage provided under any health plan shall be determined in substantially the same manner as costs under a health plan are determined under section 4980B(f)(4).

"(ii) ELECTION BY EMPLOYER.—At the election of the employer, and except as provided in regulations, the value of the coverage shall be determined under any other reasonable method selected by the employer. This clause shall not apply for purposes of subsection (b) or (c)(2)(B).

"(C) SPECIAL RULE FOR SMALL EMPLOYERS.—Except as provided by the Secretary, in the case of a qualified core health plan with respect to which costs are individually rated, such employer may elect to determine the value of the coverage under the plan for all employees on the basis of the average cost for employees with the same coverage.

"(4) SEPARATE LINE OF BUSINESS EXCEPTION.—

"(A) IN GENERAL.—If, under section 414(r), an employer is treated as operating separate lines of business for a year, the employer may apply the provisions of this section separately with respect to employees in each such separate line of business. The preceding sentence shall not apply to any plan unless such plan is available to a group of employees as qualify under a classification set up by the employer and found by the Secretary not to be discriminatory in favor of highly compensated employees.

"(B) OPERATING UNITS.—In applying section 414(r)(7) for purposes of this section, an operating unit shall be treated as in a separate geographic area from another unit if such units are all at least 35 miles apart.

"(5) TREATMENT OF SALARY REDUCTION ARRANGEMENTS.—

"(A) IN GENERAL.—Any contribution by reason of a salary reduction arrangement shall be treated as an employer contribution for purposes of determining the employer-provided benefit of a highly compensated employee.

"(B) ALLOWABLE COST TEST.—For purposes of subsection (c)(2)(B)—

"(i) IN GENERAL.—Any contribution by reason of a salary reduction arrangement (other than a qualified cash payment) shall be treated as an employee contribution.

"(ii) TREATMENT OF QUALIFIED CASH PAYMENTS.—Qualified cash payments shall be treated as employer contributions.

"(C) BASE BENEFIT.—For purposes of subsection (b)(2)(A)(ii), the base benefit under a plan shall be determined—

"(i) by treating any qualified cash payment as an employer-provided benefit, and

"(ii) by treating any other contribution by reason of a salary reduction arrangement as an employer-provided benefit only to the extent such contribution is matched dollar for dollar by an employer contribution which is not made by reason of a salary reduction arrangement.

"(D) QUALIFIED CASH PAYMENT.—For purposes of this paragraph, the term 'qualified cash payment' means an amount which is payable in cash to an employee and which is made solely because—

"(i) such employee elects not to be covered by any plan of the employer providing core benefits, and

"(ii) the employee indicates that he is covered by a health plan providing core benefits maintained by another employer, and

"(6) SPECIAL RULE FOR EMPLOYEES WORKING LESS THAN 30 HOURS PER WEEK.—In the case of employees who normally work less than 30 hours per week—

"(A) paragraph (3) of subsection (c) shall be applied by substituting '60 percent' for '40 percent' each place it appears, except that

"(B) the base benefit under subsection (b)(2)(B) shall be computed without regard to this paragraph.

"(7) TESTING YEAR.—The term 'testing year' means—

"(A) any 12-month period beginning with the calendar month designated in the plan for purposes of this section, or

"(B) if there is no such designation, the calendar year.

No period may be designated under subparagraph (A) unless the same period is designated with respect to all other health plans of the employer. Any designation under subparagraph (A) may be changed only with the consent of the Secretary.

"(8) TIME FOR TESTING.—

"(A) IN GENERAL.—Except as provided in regulations prescribed by the Secretary, determinations under this section (other than the determination of a highly compensated employee's actual employer-provided benefit) shall be made on the basis of the facts as of the testing day.

"(B) TESTING DAY.—For purposes of this paragraph, the term 'testing day' means—

"(i) the day designated for the plan as the testing day for purposes of this paragraph, or

"(ii) if there is no day so designated, the last day of the testing year.

"(C) LIMITATIONS.—

"(i) DESIGNATION MUST BE CONSISTENT FOR ALL HEALTH PLANS.—No day may be designated under subparagraph (B)(i) with respect to any plan unless the same day is so designated with respect to all other health plans of the employer.

"(ii) DESIGNATION BINDING.—Any designation under subparagraph (B)(i) shall apply to the testing year for which made and all subsequent years unless revoked with the consent of the Secretary.

"(D) SPECIAL RULE FOR MULTIPLE EMPLOYER PLAN.—In the case of a plan maintained by more than 1 employer (other than a multiemployer plan), each employer may, subject to such rules as the Secretary may prescribe, elect its own testing year under paragraph (7) and its own testing date under this paragraph.

"(9) SPECIAL RULES FOR CERTAIN DISPOSITIONS OR ACQUISITIONS.—

"(A) IN GENERAL.—If a person becomes, or ceases to be, a member of a group described in subsection (b), (c), (m), or (o) of section 414, then the requirements of subsection (c) shall be treated as having been met during the transition period with respect to any plan covering employees of such person or any other member of such group if—

"(i) such requirements were met immediately before such change, and

"(ii) either—

"(I) the coverage under such plan is not significantly changed during the transition period (other than by reason of the change in members of such group), or

"(II) such plan meets such other requirements as the Secretary may prescribe by regulation.

"(B) TRANSITION PERIOD.—For purposes of subparagraph (A), the term 'transition period' means the period—

"(i) beginning on the date of the change in members of a group, and

"(ii) ending on the last day of the 1st plan year beginning after such date of change.

"(10) COORDINATION WITH MEDICARE, ETC.—

"(A) IN GENERAL.—If a plan is coordinated with health or disability benefits provided under any Federal, State, or foreign law or under any other health plan covering the employee or family member of the employee, such plan shall not fail to meet the requirements of subsection (c) merely because the amount of benefits provided to an employee or family member are coordinated in a manner which does not discriminate in favor of highly compensated employees.

"(B) CERTAIN DISABILITY PLANS EXEMPT FROM NONDISCRIMINATION RULES.—This section shall not apply to any disability coverage other than disability coverage the bene-

fits of which are excludable from gross income under section 105 (b) or (c).

"(C) ACCIDENTAL DEATH AND DISMEMBERMENT.—In the case of accidental death and dismemberment benefits—

"(i) this section shall not apply, and

"(ii) rules similar to the rules of section 79(d) shall apply to such benefits.

"(11) EMPLOYERS WITH ONLY HIGHLY COMPENSATED EMPLOYEES.—This section shall not apply to any health plan for any year if the only employees of the employer maintaining such plan are highly compensated employees.

"(g) REGULATIONS.—The Secretary shall prescribe such regulations as may be necessary or appropriate to carry out the purposes of this section."

(b) EXCISE TAX ON PLANS NOT MEETING CERTAIN REQUIREMENTS.—

(1) IN GENERAL.—Chapter 43 of such Code is amended by adding at the end thereof the following new section:

"SEC. 4980C. FAILURE TO SATISFY CERTAIN REQUIREMENTS WITH RESPECT TO EMPLOYEE BENEFITS PLANS.

"(a) IMPOSITION OF TAX.—

"(1) GENERAL RULE.—There is hereby imposed a tax equal to 34 percent of the amounts paid or incurred during any taxable year under a specified employee benefit plan which at any time during the taxable year does not meet the requirements of subsection (c).

"(2) LIABILITY FOR TAX.—The following shall be liable for the tax imposed by paragraph (1):

"(A) In the case of a plan other than a multiemployer plan, the employer.

"(B) In the case of a multiemployer plan, the plan.

"(b) LIMITATIONS ON AMOUNT OF TAX.—

"(1) TAX NOT TO APPLY WHERE FAILURE NOT DISCOVERED EXERCISING REASONABLE DILIGENCE.—No tax shall be imposed by subsection (a) on any failure during any period for which it is established to the satisfaction of the Secretary that none of the persons referred to in subsection (a)(2) knew, or exercising reasonable diligence would have known, that such failure existed.

"(2) TAX NOT TO APPLY TO FAILURES CORRECTED WITHIN 180 DAYS.—No tax shall be imposed by subsection (a) on any failure if—

"(A) such failure was due to reasonable cause and not to willful neglect, and

"(B) such failure is corrected during the 180-day period beginning on the 1st date any of the persons referred to in subsection (a)(2) knew, or exercising reasonable diligence would have known, that such failure existed.

"(3) WAIVER BY THE SECRETARY.—In the case of a failure which is due to reasonable cause and not to willful neglect, the Secretary may waive part or all of the tax imposed by subsection (a) to the extent that the payment of such tax would be excessive relative to the failure involved.

"(c) REQUIREMENTS.—A specified employee benefit plan does not meet the requirements of this subsection unless, except to the extent provided in regulations—

"(1) such plan is in writing,

"(2) the employee's rights under such plan are legally enforceable,

"(3) employees are provided reasonable notification of benefits available in the plan,

"(4) such plan is maintained for the exclusive benefit of employees, and

"(5) such plan was established with the intention of being maintained for an indefinite period of time.

In the case of a plan described in subsection (d)(1) maintained by a small employer (within the meaning of section 89(c)(5)(B)), the requirements of paragraph (1) shall be treated as met if the plan consists of an insurance policy issued by a third party insurer.

"(d) SPECIFIED EMPLOYEE BENEFIT PLAN.—For purposes of this section, the term 'specified employee benefit plan' means—

"(1) an accident or health plan (within the meaning of section 105(e)),

"(2) any plan of an employer for providing group-term life insurance (within the meaning of section 79),

"(3) a qualified tuition reduction program (within the meaning of section 117(d)),

"(4) a cafeteria plan (within the meaning of section 125), and

"(5) a plan to which section 505 applies.

Such term shall not include a plan maintained by a church (within the meaning of section 89(f)(1)) for church employees.

"(e) REGULATIONS.—The Secretary shall prescribe such regulations as may be necessary or appropriate to carry out the purposes of this section."

(2) CLERICAL AMENDMENT.—The table of sections for chapter 43 of such Code is amended by adding at the end thereof the following new item:

"Sec. 4980C. Failure to satisfy certain requirements with respect to employee benefits plans."

(c) NONDISCRIMINATION REQUIREMENTS FOR GROUP-TERM LIFE INSURANCE.—

(1) RESTORATION OF PRIOR LAW.—The amendment made by section 1151(c)(1) of the Tax Reform Act of 1986 is hereby repealed and section 79(d) of the Internal Revenue Code of 1986 shall be applied and administered as if the amendment made by such section 1151(c)(1) had not been enacted.

(2) EXCLUSION OF CERTAIN EMPLOYEES.—Subparagraph (B) of section 79(d)(3) of such Code (as in effect on the day before the date of the enactment of the Tax Reform Act of 1986) is amended to read as follows:

"(B) EXCLUDED EMPLOYEES.—For purposes of subparagraph (A), there shall be excluded from consideration employees—

"(i) who are excluded from consideration under rules similar to the rules under section 89(d), determined—

"(I) by substituting '1 year' for '6 months' in paragraph (1)(A) thereof, and

"(II) without regard to paragraph (3)(B) thereof, and

"(ii) employees not included in the plan who are included in a unit of employees covered by an agreement which the Secretary finds to be a collective bargaining agreement between employee representatives and 1 or more employees, if the benefits provided under the plan were the subject of good faith bargaining between much representatives and employees."

(d) CONFORMING AMENDMENTS.—

(1)(A) Sections 117(d)(4), 125(b)(3), and 127(b)(2), of such Code are each amended by striking "section 89(h)" and inserting "rules similar to the rules of subsection (d) of section 89 (determined by substituting '1 year' for '6 months' in paragraph (1)(A) and without regard to paragraph (3)(B))".

(B) Paragraph (8) of section 129(d) of such Code is amended to read as follows:

"(8) EXCLUDED EMPLOYEES.—For purposes of paragraphs (2), (3), and (7), there shall be excluded from consideration employees—

"(A) who are excluded from consideration under rules similar to the rules of section 89(d), determined—

"(i) by substituting '1 year' for '6 months' in paragraph (1)(A), and

"(ii) without regard to paragraph (3)(B), and

"(B) employees not included in a program who are included in a unit of employees covered by an agreement which the Secretary finds to be a collective bargaining agreement between employee representatives and 1 or more employers, if there is evidence that dependent care benefits were the subject of good faith bargaining between such representatives and employers."

(C) Paragraph (2) of section 505(b) of such Code is amended to read as follows:

"(2) EXCLUDED EMPLOYEES.—For purposes of paragraph (1), there shall be excluded from consideration employees—

"(A) who are excluded from consideration under rules similar to the rules of section 89(d), determined—

"(i) by substituting '1 year' for '6 months' in paragraph (1)(A), and

"(ii) without regard to paragraph (3)(B), and

"(B) employees not included in a program who are included in a unit of employees covered by an agreement which the Secretary finds to be a collective bargaining agreement between employee representatives and 1 or more employers, if there is evidence that the class of benefits involved were the subject of good faith bargaining between such representatives and employers."

(2) Sections 120(b)(2), 125(c)(1), 127(b)(1)(B), and 129(d)(1)(B) of such Code are each amended by striking "89(k)" and inserting "4980C".

(3) Subparagraph (C) of section 125(c)(2) of such Code is amended by striking the last sentence thereof.

(4) Paragraph (1) of section 125(e) of such Code is amended by striking "section 89(a)" and inserting "sections 79(d) and 89(a)".

(5) Subparagraph (B) of section 162(l)(2) of such Code is amended by inserting "and treating individuals who are employees within the meaning of section 401(c)(1) as employees" before the period at the end thereof.

(6)(A) Subsection (b) of section 4976 of such Code is amended by striking paragraph (5).

(B) Subparagraph (B) of section 4976(c)(1) of such Code is amended to read as follows:

"(B) a health or group-term life insurance plan is part of such fund and benefits under such plan are taxable under chapter 1 by reason of section 79(d) or 89,".

(C) Clause (i) of section 4976(c)(2)(A) of such Code is amended to read as follows:

"(i) the aggregate benefits referred to in paragraph (1)(B), or".

(D) Clause (ii) of section 4976(c)(2)(A) of such Code is amended by striking "such testing year" and inserting "the plan year".

(E) Section 4976(c) is amended by adding at the end thereof the following new paragraph:

"(3) TAX NOT TO APPLY IF AMOUNTS REPORTED ON W-2 FORMS.—No tax shall be imposed under paragraph (1) for any plan year if the employer meets the requirements of section 6051(g) for such year."

(7) Section 6051 of such Code is amended by adding at the end thereof the following new subsection:

"(g) REPORTING REQUIREMENTS FOR CERTAIN TAXABLE FRINGE BENEFITS.—

"(1) IN GENERAL.—If an employee of an employer maintaining any plan is required to

include any amount in gross income under section 79(d) or 89 for any year ending with or within a calendar year, the employer shall separately include such amount on the statement which the employer is required to provide the employee under subsection (a) (and any statement required to be furnished under subsection (d)).

"(2) PENALTY.—

"For penalty for failure to report, see section 6652(k)."

(8)(A) Paragraph (1) of section 6652(k) of such Code is amended by striking "89(l)" and inserting "6051(g)".

(B) Paragraph (2) of section 6652(k) of such Code is amended by striking subparagraph (B) and inserting the following:

"(B) an amount which bears the same ratio to the employer-provided benefit with respect to the individual to whom such failure relates as the amount required to be but not shown on timely statements under sections 6051(a) and 6051(d) bears to the amount required to be shown.

For purposes of subparagraph (B), the term 'employer-provided benefit' means the employer-provided benefit determined under section 89 in the case of a health benefit and the cost of insurance determined under section 79(c) in case of a plan providing group-term life insurance."

(9) The table of sections for part II of subchapter B of chapter 1 of such Code is amended by striking the item relating to section 89 and inserting the following:

"Sec. 89. Health benefits provided to highly compensated employees."

(10) Paragraphs (1), (2), and (3) of section 3021(c) of the Technical and Miscellaneous Revenue Act of 1988 are hereby repealed.

(11) Section 6070 of the Technical and Miscellaneous Revenue Act of 1988 is hereby repealed.

(e) EFFECTIVE DATES.—

(1) IN GENERAL.—The amendments made by this section shall apply as if included in the amendments made by section 1151 of the Tax Reform Act of 1986.

(2) ELECTION NOT TO HAVE AMENDMENTS APPLY.—

(A) IN GENERAL.—An employer may elect not to have the amendments made by subsection (a) apply to health plans maintained by the employer for years beginning in 1990 or 1991. Such election shall be made each year and shall apply to all health plans of the employer maintained during such year.

(B) EFFECT OF AN ELECTION.—If an election is made under subparagraph (A), section 89 of the Internal Revenue Code of 1986 (as in effect before the amendments made by subsection (a)) shall apply; except that—

(i) such section shall be treated as if it only applied to health plans, and

(ii) section 89(d) of such Code (as in effect after such amendments) shall apply in lieu of section 89(h) of such Code (as in effect before such amendments).

(3) ELECTION NOT TO HAVE AMENDMENTS APPLY TO DEPENDENT CARE ASSISTANCE PROGRAMS.—

(A) IN GENERAL.—An employer maintaining a dependent care assistance program to which section 129 of the Internal Revenue Code of 1986 applies may elect (in the same manner as under paragraph (2)) not to have the amendments made by this section (to the extent such amendments apply to such program) apply for years beginning in 1990 or 1991.

(B) EFFECT.—If an election is made under this paragraph, paragraph (2)(B) shall apply to the program, except that "dependent care assistance programs" shall be substituted for "health plans".

SEC. 3. OTHER PROVISIONS RELATING TO NONTAXABLE BENEFITS.

(a) TREATMENT OF LEASED EMPLOYEES.—

(1) REPLACEMENT OF HISTORICAL TEST WITH CONTROL TEST.—Subparagraph (C) of section 414(n)(2) is amended to read as follows:

"(C) such services are performed by such person under the control of the recipient."

(2) SERVICES INCIDENTAL TO SALES OR CONSTRUCTION DISREGARDED.—Paragraph (2) of section 414(n) is amended by adding at the end thereof the following new flush sentence.

"The term 'leased employee' shall not include an individual solely because such individual is performing services incidental to the sale of goods or equipment or incidental to the construction of a facility. Such term shall include the support staff of professional employees (within the meaning of section 413(b)(9))."

(b) DEPENDENT CARE ASSISTANCE.—

(1) INCLUSION IN INCOME OF EXCESS BENEFITS.—Paragraph (7) of section 129(d) is amended by adding at the end thereof the following new paragraph:

"(C) FAILURE TO MEET REQUIREMENTS.—

"(i) IN GENERAL.—If a plan fails to meet the requirements of this paragraph for any plan year—

"(I) such plan shall be treated as a plan which is a dependent care assistance program to which subsection (a) applies, but

"(II) there shall be included in the gross income of each highly compensated employee for the taxable year of such employee with or within which the plan year ends an amount equal to such employee's excess benefit.

"(ii) EXCESS BENEFIT.—For purposes of this subparagraph, the excess benefit of any employee is the excess of the employee's employer-provided benefit under the plan over the highest permitted benefit.

"(iii) HIGHEST PERMITTED BENEFIT.—For purposes of clause (ii), the highest permitted benefit under any plan shall be determined by reducing the nontaxable benefits of highly compensated employees (beginning with employees with the greatest nontaxable benefits) until such plan would be treated as meeting the requirements of subparagraph (A) if such reduced benefits were taken into account."

(2) INFORMATION REPORTING.—Paragraph (9) of section 6051(a) is amended by inserting "and the amount of such assistance required to be included in gross income by reason of section 129(d)(7)(C)" after "section 129(d)".

(c) GROUP-TERM LIFE INSURANCE.—

(1) HIGHLY COMPENSATED EMPLOYEES.—

(A) Section 79(d) is amended by striking "key" each place it appears (other than paragraph (6)) and inserting "highly compensated".

(B) Paragraph (6) of section 79(d) is amended to read as follows:

"(6) HIGHLY COMPENSATED EMPLOYEE.—For purposes of this subsection, the term 'highly compensated employee' has the meaning given such term by section 414(q)."

(2) COMPENSATION LIMIT.—Paragraph (5) of section 79(d) is amended by adding at the end thereof the following new sentence: "For purposes of the preceding sentence, compensation for any year shall not be taken into account for such year to the extent it exceeds the amount in effect under section 401(a)(17) for such year."

(d) HIGHLY COMPENSATED EMPLOYEES.—

(1) COMPENSATION THRESHOLDS.—Subparagraph (D) of section 414(q)(1) is amended to read as follows:

"(D) was at any time an officer and received compensation in excess of the amount in effect under subparagraph (C) for such year.

(2) ROUNDING.—Paragraph (1) of section 414(q) is amended by adding at the end thereof the following new sentence: "If the amount determined under the preceding sentence is not a multiple of $1,000, such amount shall be rounded to the nearest $1,000 (other than for purposes of applying the preceding sentence)."

(e) LINE OF BUSINESS TEST.—Until such time as the Secretary of the Treasury or his delegate issues guidelines under section 414(r)(2)(C) of the Internal Revenue Code of 1986 (and begins issuing determination letters with respect to such guidelines), an employer meeting the requirements of section 414(r)(2) (A) and (B) of such Code with respect to a line of business may treat it as a separate line of business if the employer reasonably determines it to be separate.

(f) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as provided in this subsection, the amendments made by this section shall take effect as if included in the amendments made by section 1151 of the Tax Reform Act of 1986.

(2) SUBSECTIONS (a) AND (b).—The amendments made by subsections (a) and (b) shall apply to years beginning after December 31, 1988.

(3) LINE OF BUSINESS.—The provisions of subsection (e) shall apply to years beginning after December 31, 1986.

SUMMARY OF MAJOR PROVISIONS OF BENTSEN/PRYOR SECTION 89 BILL

Delay of All Section 89 Rules Until 1990.—The Section 89 discrimination and qualification rules would be delayed until 1990.

Repeal Section 89 Non-Discrimination Rules and Replace with a Simple Design Based Test.—The Section 89 Non-discrimination rules would be repealed in their entirety and replaced with a simple test that employers or health insurance providers could satisfy through plan design.

The Simple Test.—A health plan will satisfy the new non-discrimination rules if it offers affordable health insurance to 90 percent of employees (the basic health plan). If a plan fails this test, the premiums paid by the employer for highly compensated employees would be taxed.

Affordable Plan.—A plan would be affordable if the employee is not required to pay more than 40 percent of health insurance premiums.

Part-Time Employees.—Employees working under 25 hours per week would be excluded from all testing, whether or not coverage was provided to those employees (or to some of those employees). The same rule would apply to seasonal workers, employees under age 21, and students. A special rule would be provided which would allow employees working between 25 and 30 hours per week to be charged a higher percentage of premiums.

Special Small Business Rules.—Because insurance carriers often price and market health insurance products differently for small groups, a series of special rules are provided for employers with 20 or fewer employees.

Special Rule for Part-Time Employees.—In 1990, employees working under 30 hours per week would be excluded. This rule

would phase down to 27½ hours in 1991 and 25 hours in 1992 and thereafter.

Medically Uninsurable Employees.—Medically uninsurable employees could be excluded.

Individually Rated Plans.—Where an insurance carrier charges different premiums for each employee (based on age or other health related characteristics of the employee), average premiums could be used.

Written Plan Requirements.—For purposes of the written plan qualification requirement, the insurance contract (or a collection of documents) could serve as the written plan.

Rule for Employers With Multiple Health Plans.—If an employer provides more than one health plan and one or more of those plans is available to fewer than 90 percent of employees or has an employee premium of more than 40 percent, those plans could use an optional test which allows employer-paid premiums of up to 133 percent of the value of the basic benefits (i.e., 133 percent of benefits provided under the best basic health plan). Tax-favored benefits actually paid to any highly compensated employee in excess of 133 percent would be taxed.

Salary Reduction.—Credits which are payable to the employee in cash only if the employee indicates that health coverage is provided elsewhere (so-called cash credits) would be treated as employer contributions. Other salary reduction would generally be treated as an employee contribution. Under a special rule, salary reduction which is matched by non-cash credit employer contributions would be treated as an employer contribution in determining the value of basic benefits.

Collectively Bargained Employees.—Employees in collective bargaining units would be tested separately.

Multiemployer Plans.—Employees who participate in multiemployer health plans governed by the Taft-Hartley Act would be excluded. Employees receiving benefits pursuant to the Davis/Bacon Act would be excluded.

Former Employees.—Benefits provided to former employees would be tested separately. The affordability standard would not apply and reasonable age and service requirements would be permissible. Employees who separate from service prior to 1990 would be excluded from all testing.

Highly Compensated Employees.—The definition of highly compensated employee would be modified to delete the requirement that there be at least one officer. Moreover, the salary requirements under the officer definition would be increased to conform to the general highly compensated employee definition. With this change, many nonprofit organizations and a majority of local governments which do not have any high-paid employees could avoid the need to test under the non-discrimination rules.

Line of Business.—An employer could test different lines of business separately for purposes of the nondiscrimination rules. Until the Secretary of the Treasury issues guidelines under Code section 414(r) (and commences the issuance of rulings under such guidelines), lines of business could be determined under any reasonable method selected by the employer.

Leased Employees.—The rules governing leased employees would be limited to their originally intended purpose. Proposed Treasury department regulations would be expressly rejected.

Group Term Life Insurance.—Group term life insurance benefits would no longer be tested under Section 89. Generally, rules in effect prior to the 1986 Tax Reform Act (Code section 79) would apply.

Dependent Care Assistance Programs.—Dependent care assistance programs would no longer be tested under Section 89. The non-discrimination rules contained in Code section 129 would apply. However, if a plan fails the test, the sanction would be reduced to provide that only highly compensated employees are taxed on any discriminatory excess benefits.

Election to Use Current Section 89 Rules.—In fairness to employers which expended resources to set up procedures to test health benefits under the current law, an employer would be allowed to elect to use the current law rules for any year prior to 1992. For purposes of this rule, the changes made in the definitions of part-time employees and leased employees (among others) would apply.

Repeal Sanctions for Non-Compliance with Qualification Rules.—The harsh sanctions for failure to satisfy the basic plan qualification rules would be repealed. Good faith errors would not be penalized if they were corrected within 6 months after they were discovered. For willful violations, the employer (and not innocent employees) would have to pay penalty equal to 34 percent of benefits under the plan that failed to qualify.

Good Faith Compliance.—Until the issuance of guidance by the Secretary of the Treasury, a reasonable good faith interpretation of the non-discrimination and qualification rules would constitute compliance.

DESCRIPTION OF BILL

DELAY OF ALL SECTION 89 RULES

Under the bill, the new section 89 nondiscrimination rules and the modified qualification rules are delayed for one year and are effective for plan years beginning after December 31, 1989. Prior to that date, the nondiscrimination rules under section 105(h) as it existed immediately prior to the passage of the Tax Reform Act of 1986 apply to certain self-insured health plans. See the discussion of the effective date below with respect to certain transition rules.

REPEAL PRESENT LAW SECTION 89 AND REPLACE WITH SIMPLIFIED TEST: IN GENERAL

The bill replaces the current section 89 nondiscrimination rules for health plans with a single test (the "eligibility" test). In general, an employer's health plan passes section 89 if the plan is not discriminatory on its face and at least one plan or a group of plans providing primarily core health coverage is available to at least 90 percent of the employer's employees at an employee cost to employees of no more than 40 percent of the total cost of the plan in the case of individual coverage, or 40 percent of the total cost of the plan in the case of family coverage (including coverage for the employee).

Under the bill, the eligibility test is satisfied if the plan is not discriminatory on its face and core (or primarily core) health coverage is available to 90 percent of the employees of the employer. This 90 percent test may be met by looking at all plans maintained by the employer that provide health coverage and that meet certain limits on the amount that may be charged to an employee for coverage. This test does not require that the employer only offer health plans meeting the employee contribution requirements. Rather, the employer can offer a full array of plans as long as the availability test is met by at least one (or a group of) plans. If the employer fails to meet this new eligibility test, then the value of all health coverage provided to highly compensated employees is includible in the taxable income of the highly compensated employees.

The eligibility test under the bill does not require that a particular level of coverage be provided to employees. Instead, in order for all or a portion of the coverage provided to highly compensated employees to be provided on a tax-favored basis, some health coverage must be available to a broad segment of employees. By using a requirement that limits the percentage of the total cost that may be required of an employee, the bill ensures that the employer subsidizes a portion of core health coverage, while also providing the employer flexibility in those instances where the cost of coverage varies because of geographic locale.

As under present law, the bill generally defines core health coverage as coverage for comprehensive major medical and hospitalization benefits. Core health coverage generally does not include coverage under dental, vision, disability, and accidental death and dismemberment plans. Flexible spending arrangements are not core health plans nor can such plans be a part of a qualified core health plan.

In determining what plans may be considered available for purposes of the eligibility test, the bill limits the percentage of the total cost of a plan that the employer may require an employee to pay. For individual coverage, the mandatory employee contribution cannot exceed 40 percent of the total cost of the plan generally determined under the health care continuation rules. For family coverage, the mandatory employee contribution cannot exceed 40 percent of the total cost determined in the same manner. Under the bill, this 40 percent limitation applies to family coverage that includes coverage for the employee. Thus, to the extent that a plan providing individual coverage requires a lower employer premium than the maximum level of employee premium under the bill, the additional employer subsidy under such plan may be used to help the employer meet the maximum employee premium requirements for a family plan. However, if the employer does not provide individual coverage meeting the employee contribution requirements under the bill, the employer does not meet the eligibility test. This is the case without regard to whether the employer maintains a family plan that meets the maximum employee premium requirements.

As under present law, the bill provides that the employer-provided coverage under a plan may be excluded from the taxable income of a highly compensated employee only if the plan does not contain any provision that (by its terms, operation, or otherwise) discriminates in favor of highly compensated employees. The purpose of the nondiscriminatory provision requirement is to preclude executive-only plans and other inherently discriminatory practices. As under present law, the requirement applies to the method and circumstances under which an employer determines whether it meets the requirements of section 89. For example, the requirement applies to the designation of a testing date.

The following examples illustrate the eligibility test.

Example 1.—An employer maintains several health plans for its employees. Among

these plans is a plan that provides core health coverage that is available to all employees. The plan has a total premium cost of $1,000 for employee-only coverage and requires an employee contribution of $250. This plan is a qualified core health plan and the employer meets this eligibility test without regard to the characteristics or employee contribution requirements of the other plans maintained by the employer.

Example 2.—An employer makes available to all its employees a core health plan. The plan provides employee-only coverage that has a total premium cost of $1,000 (with a required employee contribution of $250). Under the plan, there is an option that provides self and spouse coverage that has a total premium cost of $1,900 (with a required employee contribution of $500). A final option under the plan provides self and family coverage that has a total premium cost of $3,000 (with a required employee contribution of $700). This plan is a qualified core health plan and the employer meets the eligibility test without regard to the characteristics or employee contribution requirements of the other plans maintained by the employer.

Example 3.—An employer maintains two plans providing core health coverage. One plan is an indemnity plan and is available to employees at a cost of $200 per year for employee-only coverage (total annual premium cost of $1,200) or at a cost of $700 per year for family coverage (total annual premium cost of $2,000). This plan is available to 40 percent of the employees of the employer. The other plan is an HMO requiring no employee contribution and is available to 70 percent of the employer's employees. When considered together, 90 percent of the employer's employees are eligible for one or both of the plans. Both plans are qualified core health plans and may be considered for the eligibility test because the cost to employees under both plans is within the mandatory contribution range and both plans primarily provide core health coverage. If 90 percent of the employees can participate in one of the two plans, then the employer meets the eligibility test.

BENEFITS TEST

In order to provide employers flexibility in offering multiple health benefits with differing levels and percentages or employer contributions, a separate benefits test is provided. This test does not apply in cases where the employer only makes one health plan available or where all health plans of the employer are available to 90 percent of the employees. The purpose of the benefits test contained in the bill is to ensure that highly compensated employees do not receive a disproportionately higher level of employer premium than the level of employer premium that is available to a broad group of employees. Under the bill, the maximum tax-favored benefit that a highly compensated employee may receive is generally 133 percent of the employer premium for the employee-only coverage that may be taken into account in applying the eligibility test. However, if a highly compensated employee elects a specific level of family coverage, and if the employer maintains a plan that provides family coverage that meets the requirements under the bill for the eligibility test, then the tax-favored premium is increased to 133 percent of the employer-paid family premium taken into account in applying the eligibility test. If the employer maintains more than one core health plan providing family coverage (e.g., employee plus one or employee plus two), then for purposes of determining the limitation on benefits, an employee electing a specific level of family core coverage may receive tax-favored coverage based upon the employer subsidy under that plan. If the plan that is elected is not a qualified core health plan or a part of such a plan that meets the eligibility text, then any qualified core health plan with a smaller employer-provided value that passes the eligibility test may be used to determine the limitation on benefits under the benefits test.

A highly compensated employee is not treated as electing a family plan unless the employee has elected a core health plan providing family coverage (without regard to whether the plan elected meets the eligibility test.) Thus, for example, an employee that elects only a flexible spending arrangement has not elected family coverage.

For purposes of the benefits test, an employer may aggregate certain plans in determining the employer-provided benefit available to 90 percent of the employees. Because these rules are permissive, an employer is not required to aggregate plans and may designate any smaller level of employer-provided benefit to be multiplied by 133 percent, as long as that benefit satisfies the 90-percent eligibility test. However, an employer is likely to use the highest level of employer-provided benefit that satisfies the eligibility test in calculating the benefit to be multiplied by 133 percent.

Under the aggregation rule, the employer may increase the level of benefit available to employees by aggregating two or more plans if such plans are available to the same group of employees and, when combined, such aggregated plans constitute a qualified core health plan (i.e., are primarily composed of an employer-provided benefit relating to core health coverage and continue to meet the maximum employee contribution limitation on a aggregate basis). As discussed above, flexible spending arrangements cannot be part of a qualified core health plan.

For example, if a dental plan with an employer-provided benefit of $200 and a core health plan with an employer-provided benefit of $800 are available to the same employees and the two plans meet the maximum contribution limitation when considered together, then such plans may be treated as one qualified core health plan with an annual employer-provided benefit of $1,000. If 90 percent of the employees are eligible for this plan or for other qualified core health plans with at least the same employer-provided benefit, the benefits test would be met if no highly compensated employee received an employer-provided benefit in excess of $1,330 (133 percent of $1,000). Of course, for purposes of the aggregation rules, overlapping coverage under the plans may not be considered more than once in determining the employer-provided benefit under the combined plans.

For purposes of testing under the benefits test, the bill makes permanent the temporary valuation rule under present law. Thus, as under present law, the employer may use any actuarially reasonable valuation method. In addition, the employer may use the cost of the coverage as that cost is determined under the health care continuation rules. The employer may also make reasonable adjustments to cost, for example, adjustments for differences in cost in different geographic areas.

Any employer-paid premium received by a highly compensated employee in excess of the level of employer-paid premium that meets the benefits requirement is includible in the taxable income of such employee. As under present law, in determining the amount that is actually in excess of the benefits limitation and thus includible in the taxable income of the high paid, only cost as determined under the health care continuation rules may be used, with limited adjustments.

The benefits test is illustrated by the following examples.

Example 1.—An employer maintains only two health plans: an indemnity plan and an HMO. Both plans are available at no cost to over 90 percent of the employees. An employee may choose either plan. Under this example, there can be no failure of the benefits test because the highly compensated employees can only receive an employer-paid premium equal in value to the employer-paid premium available to 90 percent of all employees.

Example 2.—An employer maintains two health plans: an indemnity plan providing core health coverage that is available to all employees, and a dental plan available only to 20 percent of employees (including both highly and nonhighly compensated employees). Neither plan requires employee contributions. The employer cost for the indemnity plan is $1,400 as determined under the health care continuation coverage rules. The cost for the dental plan is $500. Under the bill, if a highly compensated employee participates under both plans, then the taxable portion of the premium to such employee is $38 ($1,900 less (1.33×$1,400)).

Example 3.—An employer maintains several health plans. Three plans are core health plans. Each core plan is available to over 90 percent of all employees. The employer cost of each of the three core plans is $500, $1,000 and $1,500 respectively. The maximum excludable benefit that may be received by any highly compensated employee is $1,995 ($1,500×1.33). Thus, any highly compensated employee would have taxable income to the extent that the employee receives over $1,995 in health coverage.

Example 4.—An employer maintains several health plans. Among these plans is a family core indemnity plan with a total premium cost of $2,500, and a required after-tax employee contribution of $1,100. The employer also maintains a family dental plan with a total premium cost of $600 and a required after-tax employee contribution of $100. Assuming these plans are available to all employees and that the employer maintains an employee-only core health plan that meets the requirements of the eligibility test, a highly compensated employee electing family coverage under the described core health plan may exclude $2,527 in health benefits (1.33×$1,900) because, when combined, these plans constitute a qualified core health plan. The employee contribution limitation is met because the total employee cost for the plans ($1,200) is less than 40 percent of the total cost for both plans ($3,100).

Example 5.—An employer maintains two core health plans. One plan is an employee-only plan with a total premium cost of $1,250 and a required after-tax employee contribution of $250 per year. The other core plan provides family coverage for the employee, and the employee's spouse and dependents. The employee pays the full cost of the plan. Assuming that the employee-only plan is available to 90 percent of the employees of the employer, a highly compensated employee may exclude $1,330 in coverage ($1,000×1.33) whether that em-

ployee enrolls in the family or individual plan.

SPECIAL RULES FOR SMALL EMPLOYERS

The bill provides significant relief for small employers. First, the bill has created a design-based test. An employer can know at the time it offers its plans to its employees that it meets section 89. An insurance company can offer health insurance that meets the standards. For example, an employer offering only one plan to 90 percent of its employees passes the tests. No further testing or data collection is required.

Second, the bill modifies several rules in the excludable employee area. Among these changes is a rule permitting an employer with 20 or fewer employees to disregard employees for purposes of the eligibility test who are determined to be uninsurable by reason of a medical condition by the insurance company that provides core health coverage to the employees of the employer. The insurance company's determination is to be based on its customary standards for insurability applied to groups of that size.

With respect to part-time employees, employers with 20 or fewer employees (including such part-time employees) may exclude part-time employees normally working less than 30 hours per week in 1990, 27.5 hours per week in 1991, and 25 hours per week thereafter.

The bill contains a rule designed to benefit small employers in determining the number of employees to whom coverage must be made available. Under the bill, in determining the number of employees who must be eligible for coverage under the eligibility test, an employer may round down to the nearest number of employees. For example, if an employer has 11 employees, only 9 must have coverage available if the employer is to meet the eligibility test. While this rule is applicable to all employers, it is most likely to benefit small employers.

The bill clarifies that for testing under section 89, a small employer may use average premium cost even if the employer's premium is calculated on an individually rated basis. This rule is not intended to create any inference with respect to whether such cost method is permissible under the health care continuation rules.

Finally, for employers with 20 or fewer employees, the written plan requirement under the qualification rules may be satisfied by the insurance contract that is currently in effect relating to the coverage provided by the employer.

PART-TIME EMPLOYEES

Under the bill, employees who normally work less than 25 hours a week are disregarded for purposes of the nondiscrimination tests (compared with 17.5 hours under present law). In addition, the employee premium and the employer-provided coverage may be proportionately adjusted for less than full-time employees. Under this rule, the maximum employee contribution limitation is increased to 60 percent for employees normally working between 25 and 30 hours per week. Further, for purposes of the benefits test, the employee is treated as contributing only 40 percent of the total cost of the plan despite the higher contribution level. This rule permits a part-time employee to be treated the same as a full-time employee, even though the part-time employee pays more for the same coverage and so receives a lower employer-paid benefit.

LEASED EMPLOYEES

Under the bill, the present law historically performed test is repealed and replaced with a new rule defining who must be considered a lease employee. The proposed regulations under section 414(n) are overly broad. Therefore, they are not valid to the extent they relate to the historically performed test under present law.

Under the bill, an individual will not be considered a lease employee unless the individual is under the control of the recipient organization. To the extent such individuals are not common-law employees, the bill clarifies present law in that support staff of professionals continue to be treated as leased employees.

Under the bill, persons who perform incidental services under certain arrangements are not leased employees. This rule does not extend to the operation (including supervision over such operation) of the goods, equipment or completed facility that is the subject of such arrangement.

UNION EMPLOYEES

The bill provides that plans maintained pursuant to collective bargaining agreements are tested separately with respect to employees covered by the agreement. The separate testing rule applies on a bargaining unit by bargaining unit basis. In addition, multiemployer plans are exempted from the nondiscrimination rules of section 89. Finally, employees that are covered under the Davis-Bacon Act are excluded employees for purposes of the nondiscrimination rules.

FORMER EMPLOYEES

As under present law, the nondiscrimination tests are applied separately to former employees of the employer. The bill delays the application of section 89 to former employees for one year, to 1990. Further, employees who separate from service prior to this effective date are not considered for purposes of testing. In addition, the bill provides that in determining whether former employees meet the nondiscrimination requirements, the employer may consider only those employees that meet certain reasonable eligibility requirements relating to age or service. The Secretary is authorized to impose restrictions on instances where age or service requirements are not reasonable and may allow other eligibility criteria to be imposed by the employer.

In applying the nondiscrimination tests to former employees, the mandatory employee contribution limits do not apply. Thus, as long as 90 percent of the employees in a class of such former employees are eligible for a core health plan on the same terms, that plan may be a qualified core health plan without regard to whether it meets the limitation on employee contributions.

INDIVIDUALS PARTICIPATING IN CERTAIN GOVERNMENT-SPONSORED PROGRAMS

Under the bill, certain individuals are excluded for purposes of determining whether the employer meets the nondiscrimination tests. In addition to part-time employees, other individuals are excluded from testing. Excluded employees include employees with less than 6 months of service, seasonal employees, non-resident aliens, and students.

A series of new exclusions are added to the statute. These individuals include senior citizens employed pursuant to Title V of the Older Americans Act or under the Environmental Programs Assistance Act of 1984. Students under certain programs qualified under Title VIII of the Higher Education Act of 1965, and certain disabled individuals are also excluded employees. The Secretary is authorized to designate certain additional classes of individuals as excludable employees if treatment of such individuals as employees if treatment of such individuals as employees is inappropriate in light of the policy purpose underlying the Federal or state program authorizing or encouraging such participation and the nondiscrimination rules. Finally, inmates in state, local or Federal correctional facilities are excluded employees. This rule is not intended to create any inference with regard to the appropriate treatment of such individuals as employees under other provisions of the Code.

Under present law, if the employer provides coverage to an otherwise excluded employee, the employer may test all excluded employees of that class separately from other employees. The bill modifies this rule and allows the employer to disregard excluded employees that receive coverage. A similar rule applies to all classes of excluded employees, except those employees that are excluded because they have not yet met the 6 month service requirement. Present law continues to apply to these employees.

DEFINITION OF HIGHLY COMPENSATED EMPLOYEE

The bill amends the definition of who constitutes a highly compensated employee for purposes of section 89. Under present law, officers with compensation over $45,000 (indexed) are highly compensated employees. However, an employer will always have at least one highly compensated officer regardless of that officer's compensation. Under the bill, only officers with compensation in excess of the $50,000 limitation (indexed to $54,480 of 1989) that is otherwise applicable for determination who are highly compensated employees must be considered highly compensated employees. This rule will benefit employers who, but for the present-law rule, would have no highly compensated employees. These employers include many municipalities and tax-exempt organizations.

In addition, the bill requires that beginning in 1990, the compensation levels specified in the definition of highly compensated employees will be rounded to the nearest $1,000.

CAFETERIA PLANS

The bill provides special rules for the treatment of salary reduction contributions. For purposes of the eligibility test, the general rule is that salary reduction contributions are employee contributions. Thus, a plan does not meet the eligibility test to the extent that such contributions (and other employee contributions) exceed the 40-percent limitation on employee contributions.

For purposes of both the eligibility and benefits tests, certain salary reduction contributions are treated as an employer-provided benefit. These salary reduction amounts are those that are available to the employee only to the extent that: (1) the employee certifies to the employer that he or she has coverage elsewhere, either through another employer or the employer of a spouse or dependent; (2) the employee does not elect any core health plan maintained by the employer; and (3) such amount is available in cash to the employee. These salary reduction amounts are considered employer-provided in determining whether the plan meets the eligibility test. They are also treated as employer-provided in determining the employer-provided portion of the qualified care health plan that is multiplied by 1.33 to determine the benefits limitation under the benefits test (but only

to the extent that such amounts relate to the plan in question).

In determining the employer-provided portion of the qualified core health plan that is multiplied by 1.33 to determine the benefits limitation under the benefits test, certain salary reduction amounts other than those amounts described in the preceding paragraph may also be considered (to the extent that such amounts relate to the plan in question). These additional salary reduction contributions are treated as employer-provided to the extent they do not exceed the employer-provided premium relating to such plan, excluding all salary reduction contributions.

For purposes of determining the employer-provided coverage provided to the highly compensated employees, all salary reduction contributions are considered employer-provided.

The treatment of salary reduction contributions under the bill is illustrated by the following example. A plan has a total cost of $1,500 and a required employee contribution of $400, paid through a salary reduction agreement. Under the plan, if an employee has other core health coverage and elects no health coverage, the employer will pay the employee $300. Thus, there are $700 of salary reduction contributions under the plan. Assuming that this plan is available to 90 percent of the employees, the plan will meet the eligibility test. This is because the required employee contributions ($400) are less than 40 percent of the total cost of the plan ($1,500). The employer-provided portion of the plan for purposes of multiplying by 1.33 under the benefits test is $1,500. This amount is composed of the $800 of employer-provided contributions (excluding salary reduction), $300 of salary reduction that is given preferential treatment under the special rule described above, and the remaining salary reduction under the plan ($400). The $400 is treated as employer-provided because it does not exceed the $800 in nonsalary reduction under the plan. Thus, the benefits limitation for the highly compensated employees is $1,995 ($1,500×1.33).

GROUP-TERM LIFE INSURANCE

Under present law, group-term life insurance plans are subject to the section 89 nondiscrimination rules. To further simplify section 89, the bill provides that the nondiscrimination rules in effect prior to the Tax Reform Act of 1986 apply to group-term life insurance for years beginning in 1989 (sec. 79(d)).

For years beginning after December 31, 1989, the bill makes certain conforming changes to the pre-Tax Reform Act rules to take into account changes in the law. First, the rules are modified in order to compare highly and nonhighly compensated employees rather than key employees and all other employees. Second, section 79 will include the Tax Reform Act rule that group-term life insurance is discriminatory to the extent it takes into account compensation in excess of $200,000 in determining a multiple of compensation benefits under a plan.

Under the bill, accidental death and dismemberment plans (AD&D) are treated as group-term life insurance plans solely for purposes of nondiscrimination testing. Thus, a death benefit under an AD&D plan that is based on a uniform multiple of compensation (not in excess of the $200,000 limitation) is not discriminatory solely because of the use of such multiple.

DEPENDENT CARE ASSISTANCE PROGRAMS

Under the bill, section 89 does not apply to dependent care assistance programs. For plan years beginning in 1989, the nondiscrimination rules under section 129(d) are applicable to such plans and are modified in two respects. First, if a plan fails to meet the requirements of section 129(d), only highly compensated employees must include benefits under the program in gross income. Second, if a dependent care assistance program fails the 55-percent benefits test contained in section 129(d)(7), then the highly compensated employee must include in gross income only that amount of benefit in excess of that level of benefit that would meet the benefits test.

ELECTION NOT TO TEST

Under the bill, as under present law, an employer may elect to forego testing and instead include the employer premium for health coverage as taxable income on the W-2 of highly compensated employees.

QUALIFICATION RULES

In general

An employer's fringe benefit plans are required to meet certain minimum standards. These standards require that a plan be in writing, employees be notified of plan provisions, the plan be maintained for the exclusive benefit of employees, the plan be legally enforceable, and that the plan is intended to be maintained for an indefinite period of time (the permanence requirement). Under present law, if an employer's plan does not satisfy the qualification requirements, then all employees must include in income the value of benefits (e.g., reimbursements for health care) received under the plan.

The bill replaces the present-law sanction for failure to satisfy the qualification rules with an excise tax on the employer and makes certain modifications to the qualification standards. Under the bill, the qualification rules no longer apply to any plan the benefits under which are excludable under section 132. Thus, the qualification requirements do not apply to no-additional-cost services, qualified employee discounts or employer-provided eating facilities. As under present law, an employer's failure to meet the qualification requirements does not, in and of itself, create a private right of action on behalf of employees, nor does it create any inference that such a right of action may exist.

As part of the modifications to the sanction for failure to satisfy the qualification rules, the bill removes the rules from section 89 and adds the rules to new Code section 4980C. As is the case generally under the bill, it is intended that legislative history and guidance by the Secretary relating to the qualification rules under present law continue to apply to the rules as modified by the bill, except to the extent inconsistent with the provisions of the bill.

For example, as under present law, a plan generally meets the permanence requirement if the plan provides coverage for a continuous 12-month period. If the plan is in effect for less than 12 months, the employer generally will not violate the permanence requirement upon a showing of a substantial independent business reason for the modification or termination of the plan. Similarly, the notice requirement is met if a third party, such as an insurance company, provides notice to the employees of the plan.

The bill modifies the exclusive benefit requirement. This requirement is not violated merely because nonemployees or other individuals without a service nexus to the employer are covered under the plan on an after-tax basis. As under present law, the exclusive benefit rule is not intended to override other provisions with respect to who may be covered under a plan (e.g., rules relating to section 125 and section 501(c)(9).

Sanction for failure to comply

The present law sanction for failure to satisfy the qualification rules may penalize employees who have no control over the failure to satisfy the rules. Thus, the bill replaces the present-law sanction with an excise tax on the employer.

Under the bill, no penalty applies with respect to a failure to satisfy the qualification rules if the employer corrects the failure to comply within 6 months of the date the employer knew or should have known of such failure. If the employer does not correct the failure within this 6-month period, then an excise tax is imposed. The excise tax is equal to 34 percent of the costs paid or incurred by the employer for coverage under the plan that relates to the failure. In the event of a willful failure to comply with the qualification requirements, the tax is imposed from the date of the failure without regard to any subsequent correction. Under the bill, the Secretary is authorized to waive the excise tax in whole or in part if the failure is not due to willful neglect and to the extent the payment of the tax would be excessive relative to the failure involved. In the event the failure relates to a multiemployer plan, the excise tax is imposed on the plan.

GOOD FAITH COMPLIANCE

The Tax Reform Act of 1986 directed the Secretary to issue guidance on certain employee benefit provisions added by the Act, including section 89. Under present law, until the Secretary issues guidance on which taxpayers may rely with respect to such provisions, an employer's compliance with its reasonable interpretation of the provisions, based on the statute and its legislative history, if made in good faith, constitutes compliance with the provision. The bill applies this good faith compliance standard to the provisions of the bill. This good faith standard applies, for example, to the rules relating to separate lines of business and the new definition of leased employee under the bill.

The bill also provides that, with respect to lines of business that do not meet the guidance issued by the Secretary, the good faith standard applies to the determination of whether lines of business are separate under section 414(r)(2)(C) until the Secretary begins issuing rulings relating to lines of business.

Except where directly inconsistent with the provisions of the bill, prior legislative history relating to any provision amended by the bill (including the rules of section 89) and guidance issued by the Secretary pursuant to any such provision, continue, in effect.

EFFECTIVE DATE

The new discrimination rules relating to section 89 are generally effective for plan years beginning in 1990. The employer is permitted an election to use present law with respect to its plan for 1990 and 1991. This election relates to all plans of the employer and may be made on an annual basis. The employer may also elect to use present law to test its dependent care assistance programs under section 89 for 1990 and 1991. Whether or not the employer makes such election, the changes under the bill that relate to part-time employees apply.

29-059 O-90-32 (Pt. 8)

Mr. BYRD. Mr. President, I am pleased to be an original cosponsor of the legislation being introduced by Senator BENTSEN to reform section 89 of the Internal Revenue Code.

Our tax law is written to give a tax deduction to employers for providing health benefit plans. This is a worthy public policy, and one that I strongly support. However, our tax law should not provide a tax deduction for health benefit plans that are not available to all levels of employees in a company.

Section 89 was included in the 1986 Tax Reform Act to end discrimination in regard to health benefit plans. If a plan is discriminatory then it does not get a tax break, and those beneficiaries of the plan will be taxed accordingly. I supported this concept then and I still do. Since the enactment of the Tax Reform Act, the rules have been promulgated to implement section 89.

It is now apparent that these rules are so complex and so incomprehensible that many businessmen will not be able to comply. Already, some businesses have dropped benefit plan coverage rather than attempt to comply with the complexities of the section 89 rules, thus hurting innocent employees.

I have heard from a great many West Virginians on this issue. I understand the problems that have been engendered by section 89 of the Internal Revenue Code, and I believe that these are very serious problems, and that they must be addressed.

On April 12 the Senate adopted a sense-of-the-Senate resolution, by a vote of 98 to zero, that requests that the House of Representatives adopt and send to the Senate legislation to repeal or to modify section 89.

The administration has already announced that the implementation of section 89 will be delayed until October 1, 1989, to allow the Congress to address this issue.

Furthermore, the Senate Finance Committee recognized the importance of this issue to many Senators, and on May 9, the committee held a hearing to explore the problems with the section 89 rules and to develop a specific proposal to amend section 89.

Today, Senator BENTSEN is introducing legislation to rectify the problems engendered by the section 89 rules. This bill will delay any implementation of section 89 until January 1, 1990, repeal the current section 89 rules, and replace the current rules with a simple design based test. As chairman of the Senate Finance Committee, Senator BENTSEN has also announced that he plans to have the committee begin its markup of this bill on June 15, which is Thursday of next week.

Again, I certainly agree that the current section 89 rules are onerous, and will add substantial costs to businesses in order for them to comply. Something has to be done. I strongly support this legislation and I am pleased that the committee will begin working on this in such an expeditious manner.

Mr. PACKWOOD. Mr. President, I am pleased to be a cosponsor on Senator BENTSEN's bill to simplify section 89. When section 89 was enacted as part of the Tax Reform Act of 1986, it was designed to ensure employers do not discriminate against the average worker in providing health benefits. I believe in this goal and believe that rules are needed to enforce this goal.

Section 89 was not perfect. Many Oregon businesses told me that it was too complicated and needed to be simplified to make it workable. The bill being introduced today simplifies many of the rules which were the most troublesome for employers.

I have been particularly concerned about section 89's effect on small mom-and-pop businesses. The bill introduced today contains many provisions to assist small businesses in complying with the law. For example, the new design based nondiscrimination test permits a small business owner to purchase health insurance and know immediately that the health plan complies with the section 89 rules.

The bill also addresses small business concerns by permitting employers to exclude from testing employees who work less than 30 hours per week in 1990, 27.5 hours in 1991, and 25 hours per week thereafter. In addition, employees working less than 6 months per year, and medically uninsurable employees, can be excluded from testing. All of these exclusions recognize the problems small businesses, such as Oregon fruit growers, have in purchasing group health insurance for a small number of employees and greatly ease their compliance burden.

The bill eases the rules which limited the flexibility employees had in choosing health benefits in a cafeteria plan. This addresses concerns of employers, such as Oregon high-tech businesses, who permit employees to tailor their health coverage to meet their individual needs.

Finally, the bill corrects many of the problems State and local governments had with complying under the current section 89 rules. These changes are especially helpful for the many small municipalities in Oregon.

I believe the changes made by this bill will greatly simplify section 89 while still achieving the goal of fairness in the health benefit area.

By Mr. PRYOR (for himself and Mr. RIEGLE, Mr. HEINZ, Mr. MOYNIHAN, Mr. LEVIN, Mr. BRADLEY, Mr. GLENN, Mr. SIMPSON, Mr. SHELBY, Mr. BURDICK, Mrs. KASSEBAUM, Mr. REID, and Mr. COHEN):

S. 1130. A bill to amend titles II and XVI of the Social Security Act to improve supervision of representative payees on behalf of beneficiaries under those programs; to the Committee on Finance.

REPRESENTATIVE PAYEE ABUSE PREVENTION ACT OF 1989

● Mr. PRYOR. Mr. President, as chairman of the Senate Special Committee on Aging, I am pleased to introduce the Representative Payee Abuse Prevention Act of 1989. This legislation would help safeguard the elderly and others from financial abuse by those appointed by the Social Security Administration [SSA] to manage their benefits. Joining me as cosponsors are the committee's ranking minority member, Senator HEINZ, and fellow committee members, Senators BRADLEY, GLENN, SIMPSON, SHELBY, BURDICK, KASSEBAUM, REID, and COHEN. I am also delighted that Senators RIEGLE, MOYNIHAN, and LEVIN are cosponsoring this bill.

AGING COMMITTEE HEARING

Earlier today, the Special Committee on Aging held a hearing to examine ways to protect those who are to frail, too sick, or too young to receive their own Social Security or Supplemental Security Income [SSI] benefits. We heard alarming tales of inadequate supervision leading to abuses of beneficiaries. The committee considered ways to protect these vulnerable Americans from being financially exploited by payees. At present, billions of dollars of benefits are handled by representative payees for 4.8 million beneficiaries.

Among today's witnesses was Mary Miller of Marvell, AR. Ms. Miller traveled to Washington, DC, to tell committee members about how she suffered at the hands of her representative payee. Her payee refused to answer questions about her benefits or to allow her to purchase basic necessities. Another witness from Arkansas, Audrey Madyun, described how a mentally disabled couple who had recently left a residential institution pleaded with those they met on the street to serve as their payee. Not surprisingly, before long a stranger agreed, and soon after stole their benefits. Deprived of benefits, the couple become homeless and were forced to beg for food.

S. 1130

I have worked with my colleagues, SSA, legal service attorneys, and others in developing S. 1130. The bill would ensure proper screening and monitoring of payee applicants.

The bill also requires that beneficiaries be informed of a decision to appoint a payee, ensures they receive their benefits, and assists them in recovering misused funds. Unlicensed board and care operators and others whose interest may conflict with the

beneficiary would be barred from serving as payees. Finally, the bill requires SSA to set up stronger accounting procedures for high-risk representative payees, and encourages SSA to help people find a suitable payee. I will also join with the Senator from Michigan [Mr. RIEGLE], to introduce legislation promoting the growth of representative payee services among nonprofit social service agencies.

I believe we can enact the bill during this Congress, and I will work toward that end. I will also vigorously oppose further staff reductions at SSA, so that these reforms can be carried out properly.

SSA'S REPRESENTATIVE PAYEE PROGRAM

Under SSA's Representative Payee Program, an individual other than the beneficiary is appointed to handle checks from Social Security and the Supplemental Security Income Program [SSI] when the beneficiary is too disabled, or otherwise unable to manage their own finances.

Too often, the life of a Social Security beneficiary must be lost or threatened before dangerous problems are fully exposed. Earlier this year, the Aging Committee heard evidence of such problems in many of our Nation's board and care homes.

A tragedy caused Congress to take a hard look at SSA's Representative Payee Program last September. At that time, police in Sacramento, CA, discovered eight bodies in the backyard of a Mrs. Dorothy Puente, a landlady who had previously been convicted of 30 counts of Social Security fraud.

People with such convictions are currently prohibited from serving as payees. Despite this, SSA appointed her to receive checks for one of the victims who was murdered. How could this happen? Perhaps because SSA does little to screen or monitor representative payees. Someone like Mrs. Puente could probably walk into most any Social Security office today and sign up to be one.

SSA had given up monitoring representative payees until a Federal court ordered them to in 1984. Since then, all payees are only sent a simple form once a year with broad questions. No documentation is required. Only if someone complains or a blatant discrepancy shows up are any further inquiries made. Typically, a payee is asked over the phone to explain any omissions or inconsistencies—the honor system approach.

Although each Social Security office has access to records of virtually all Americans, only recently has SSA begun to verify the identification of a payee applicant. By way of background checks, SSA has begun asking if the payee applicant has a criminal record. I have trouble believing Mrs. Puente would adhere to the honor system.

Consider for a moment how ripe the system is for abuse; an average monthly Social Security check runs about $560. Over a year's time, this equals about $6,700. For payees taking in many checks, the amount increases proportionately. Ten beneficiaries equals $67,000, 20 beneficiaries equals $134,000, and so on. Often, such payees, like board and care operators, are not related to the beneficiaries they serve. In fact, over 900,000 beneficiaries have payees who are not relatives.

When back benefits are due, a check for thousands of dollars may be at stake. In some cases, the beneficiaries are deprived of a means of support for a long time, and grow desperate. When told that they need a payee to get benefits, those without family nearby have turned to an acquaintance, a bartender, or even a stranger. Unfortunately, even when an old friend is chosen, the temptation to misuse the beneficiary's lump-sum benefits can be too great to resist.

How many beneficiaries are victimized by their payees? We really don't know. SSA conducted a very limited study in 1983, excluding the SSI Program, which found problems in about 20 percent of the cases. These problems ranged from a lack of documentation about expenditures, to a total lack of interest on the part of the payee, to cases of outright misuse of benefits. The aging Committee hearing today demonstrated widespread problems that we must address. In addition, at a March hearing of the House Social Security Subcommittee, numerous witnesses testified about the prevalence of financial abuse within the Representative Payee Program.

SSA has pages and pages of regulations devoted to preventing some of the problems I have described. But in practice, the Agency fails to carry them out. SSA has not made the program a priority, and deep cutbacks in staff at Social Security offices have let too many beneficiaries fall prey to unscrupulous payees.

I believe that Congress must enact S. 1130 to demonstrate that we are committed to protecting our elderly and disabled citizens, and to encourage SSA to devote the resources to this program that it deserves.

Almost a year ago to the day, the late Senator Claude Pepper spoke these words: "* * * when you go home tonight and you close your eyes and you sleep and you ask 'What have I done today to lighten the burden of those who suffer?' as least you could say, I helped a little bit today;" I hope soon that we in Congress can say this about the Representative Payee Program.

I ask unanimous consent that a summary of S. 1130 and the text of the bill be inserted in the RECORD.●

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1130

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Representative Payee Abuse Prevention Act of 1989."

SEC. 2. SCREENING AND INVESTIGATION OF REPRESENTATIVE PAYEES.

(a) AUTHORITY FOR CERTIFICATION OF PAYMENT TO REPRESENTATIVE PAYEE.—

(1) AMENDMENT RELATING TO OASDI.—Section 205(j)(1) of the Social Security Act, (42 U.S.C. 405(j)(1), is amended to read as follows:

"Representative Payees

"(j)(1) Upon a written determination by the Secretary that the interest of any beneficiary under this title would be served thereby, certification of payment may be made, regardless of the legal competency or incompetency of the beneficiary entitled thereto, either for direct payment to the beneficiary, or for his or her use and benefit to another person (hereafter referred to as the beneficiary's "representative payee") with respect to whom the requirements of paragraph (2) have been met."

(2) AMENDMENT RELATING TO SSI. —Section 1631(a)(2)(A) of such Act (42 U.S.C. 1383(a)(2)(A) is amended to read as follows:

"(2)(A) Payments of the benefit of any individual may be made to any such individual or to his eligible spouse (if any) or partly to each. Upon written determination by the Secretary that the interest of such individual would be served thereby, or in the case of any individual (including an eligible spouse) referred to in section 1611(e)(3)(A), such payments shall be made to another person (hereafter referred to as such individual's "representative payee"), including an appropriate public or private agency, who is interested in or concerned with the welfare of such individual, and with respect to whom the requirements of subparagraph (A) have been met."

(b) PROCEDURE FOR INVESTIGATION OF REPRESENTATIVE PAYEE.—

(1) AMENDMENT RELATING TO OASDI.—Section 205(j)(2) of such Act (42 U.S.C. 405(j)(2)) is amended to read as follows:

"(2)(A)(i) Any certification made under paragraph (1) for payment to a representative payee must be made on the basis of an investigation, carried out either prior to such certification or within forty-five days after such certification, and on the basis of substantial evidence that such certification is in the interest of the individual entitled to such payment, giving priority to the immediate needs of the individual.

"(ii) The Secretary shall promulgate regulations which will encourage, where appropriate, face-to-face contact with the representative payee and the beneficiary.

"(B) the Secretary shall develop and promulgate, through regulations, procedures to implement the investigation required in paragraph (2)(a), including but not limited to:

"(i) verification of the Social Security account number; name; address; telephone number; and place of employment, if applicable, accepted as part of any person's application for designation as a representative payee, unless such person's identification has already been established;

"(ii) a determination insofar as feasible of whether any such applicant has been convicted of a felony or misdemeanor under section 208, 1107(a), 1632, 1877, or 1909 of this Act, or convicted of a felony under any other federal or state law, to the extent that such determination is consistent with, and not prohibited by, federal and state laws; provided that the Secretary shall retain discretion as to excluding an applicant who is a spouse of the beneficiary or a parent with custody of a minor child or children;

"(iii) a determination, based on all existing records maintained by the Secretary pursuant to the provisions of this Act, of whether the services of such person as representative payee have previously been terminated or suspended by the Secretary for:

(I) misuse of the benefits of the beneficiary for whom they were intended;

(II) conviction of a violation of section 208, 1107(a), 1632, 1877, or 1909; or

(III) failure to meet the requirements of this section.

"(C) Large lump-sum payments of retroactive benefits shall not be paid to new representative payees, pending the completion of the investigation described in subparagraph (b). The Secretary shall develop and promulgate through regulation procedures under which the lump sum payments will be held pending completion of the investigation, and allowing for reasonable exceptions where the funds are urgently needed to meet the medical, shelter, and other basic needs of the beneficiary.

"(D)(i) The Secretary shall maintain a centralized, current file, which shall be updated periodically on the basis of information derived pursuant to this paragraph and which shall be in a form which will be readily retrievable by all local offices of the Social Security Administration, of—

"(I) the address and social security account number of each representative payee in receipt of benefit payments pursuant to this subsection,

"(II) the address and social security account number of each beneficiary for whom each representative payee is reported to be providing services pursuant to this subsection, and

"(III) the name, address, and social security account number of each person who has been convicted of a violation of section 208, 1107(a), 1632, 1877, or 1909, or whose services have previously been terminated by the Secretary for failure to meet the requirements of this subsection.

"(ii) the Secretary shall, not less frequently than twice yearly, correlate the information described in clause (i)(I) with the information described in clause (i)(II) to determine whether two or more individuals described in clause (i)(II) reside at the same address and whether benefit payments with respect to two or more individuals are being sent to the same address. If the Secretary determines in such correlation that two or more such individuals have or have had the same address or that such benefits with respect to two or more individuals are being or have been sent to the same address, the Secretary shall prominently display such correlation in the file referred to in clause (i) and shall, upon request, transmit such determination to the agency or agencies of each state which the Secretary determines are primarily responsible for regulating care facilities operated in such State, providing for child and adult protective services in such State, long-term care ombudsmen as defined by the Older Americans Act, or Protection and Advocacy systems."

(2) AMENDMENT RELATING TO SSI.—Section 1631(a)(2)(B) of such Act, (42 U.S.C. 1383(a)(2)(B)), is amended to read as follows:

"(2)(B)(i)(I) Any certification made under paragraph (1) for payment to a representative payee must be made on the basis of an investigation, carried out either prior to such certification or within forty-five days after such certification, and on the basis of substantial evidence that such certification is in the interest of the individual entitled to such payment, giving priority to the immediate needs of the beneficiary.

"(II) The Secretary shall promulgate regulations which will encourage, where appropriate, face-to-face contact with the representative payee and the beneficiary.

"(ii) the Secretary shall develop and promulgate, through regulations, procedures to implement the investigation required in paragraph (a)(2)(A)(i), including, but not limited to:

"(I) verification of the Social Security account number; name; address; telephone number; and place of employment, if applicable accepted as part of any person's application for designation as a representative payee, unless such person's identification has already been established;

"(II) a determination insofar as feasible of whether any such applicant, has been convicted of a felony or misdemeanor under section 208, 1107(a), 1632, 1877, or 1909 of this Act, or convicted of a felony under any other federal or state law, to the extent that such determination is consistent with, and not prohibited by, federal and state laws; provided that the Secretary shall retain discretion as to excluding an applicant who is a spouse of the beneficiary or a parent with custody of a minor child or children;

"(III) a determination, based on all existing records maintained by the Secretary pursuant to the provisions of this Act, of whether the services of such person as representative payee have previously been terminated or suspended by the Secretary for:

"(aa) misuse of the benefits of the beneficiary for whom they were intended;

"(bb) conviction of a violation of section 208, 1107(a), 1632, 1877, or 1909; or

"(cc) failure to meet the requirements of this section.

"(iii) Large lump-sum payments of retroactive benefits shall not be paid to new representative payees, pending the completion of the investigation described in subparagraph (b). The Secretary shall develop and promulgate through regulation procedures under which the lump sum payments will be held pending completion of the investigation, and allowing for reasonable exceptions where the funds are urgently needed to meet the medical, shelter, and other basic needs of the beneficiary."

"(iv)(I) The Secretary shall maintain a centralized, current file, which shall be updated periodically on the basis of information derived pursuant to this paragraph and which shall be in a form which will be readily retrievable by all local offices of the Social Security Administration, of—

"(aa) the address and social security account number of each representative payee in receipt of benefit payments pursuant to this subsection;

"(bb) the address and social security account number of each beneficiary for whom each representative payee is reported to be providing services pursuant to this subsection, and

"(cc) the name, address, and social security account number of each person who has been convicted of a violation of section 208, 1107(a), 1632, 1877, or 1909, or whose services have previously been terminated by the Secretary for failure to meet the requirements of this subsection.

"(II) The Secretary shall, not less frequently than twice yearly, correlate the information described in subclause (I)(aa) with the information described in subclause (I)(bb) to determine whether two or more individuals described in subclause (I)(bb) reside at the same address and whether benefit payments with respect to two or more individuals are being sent to the same address. If the Secretary determines in such correlation that two or more such individuals have or have had the same address or that such benefits with respect to two or more individuals are being or have been sent to the same address, the Secretary shall prominently display such correlation in the file referred to in subclause (I) and shall, upon request, transmit such determination to the agency of each State which the Secretary determines is primarily responsible for regulating care facilities operated in such State or providing for child and adult protective services in such State."

SEC. 3. SAFEGUARDS TO PROTECT BENEFICIARIES.

(a) NOTICE OF INITIAL DETERMINATION OF NEED FOR REPRESENTATIVE PAYEE.—

(1) AMENDMENT RELATING TO OASDI.—Section 205(j) of the Social Security Act (42 U.S.C. (j)) is amended by inserting after paragraph (2) the following new paragraph:

"(3)(A) The Secretary shall provide to each beneficiary, and to each person or persons authorized or otherwise entitled to act on his behalf if he is judged legally incompetent or is an unemancipated minor, a formal notice of the initial determination of the need for a representative payee. The notice shall;

"(i) be written in simple language and shall be made orally upon request;

"(ii) explain to the beneficiary his right to object to a determination that a representative payee is necessary, his right to object to the designation of a particular person as representative payee, including his right to review the evidence upon which the proposed section will be based and to submit any additional evidence regarding the proposed action; and his formal appeal rights under the Act; and

"(iii) be provided in advance of any benefits being paid to the representative payee."

(2) AMENDMENT RELATING TO SSI.—Section 1632(a)(2) of such Act (42 U.S.C. 1383(a)(2)) is amended by inserting after subparagraph (B) the following new subparagraph:

"(2)(C)(i) The Secretary shall provide each beneficiary, and to each person or persons authorized or otherwise entitled to act on his behalf if he is judged legally competent or is an unemancipated minor, a formal notice of the initial determination of the need for a representative payee. The notice shall:

"(I) be written in simple language, and shall be made orally upon request;

"(II) explain to the beneficiary his right to object to a determination that a representative payee is necessary, his right to object to the designation of a particular person as representative payee including his right to review the evidence upon which the proposed action will be based and to submit any additional evidence regarding the proposed action; and his formal appeal rights under the Act; and

"(III) be provided in advance of any benefits being paid to the representative payee."

(b) LIMITATIONS ON WHO MAY BE APPOINTED REPRESENTATIVE PAYEE.—

(1) AMENDMENT RELATING TO OASDI.—Section 205(j) of such act is further amended by inserting after paragraph (3)(A) the following new subparagraph:

"(B) No individual or agency who is a creditor of a beneficiary under this title by virtue of the provision of goods or services to the beneficiary in exchange for money may serve as such beneficiary's representative payee. The preceding sentence shall not apply to any person who:

"(i) is a relative of the beneficiary and resides in the household of the beneficiary; or

"(ii) is a legal guardian or court appointed agent for the beneficiary; or

"(iii) is a facility licensed or certified pursuant to state or local law; or is an administrator, owner or employee of a facility licensed or certified pursuant to state or local law in which the beneficiary is a resident, if the appointment of such facility or such individual is certified as a last resort only after good faith efforts have been made by the local social security office to locate an alternative representative payee; or

"(iv) establishes to the satisfaction of the Secretary, based on written findings and pursuant to procedures established by regulation, that he or she poses no risk to the beneficiary, that his or her relationship poses no substantial conflict of interest, that no other suitable representative payee may be established, and that he or she is not the representative payee for any other beneficiary.

"(4)(C) The Secretary shall make good faith efforts to locate a suitable representative payee for each beneficiary for whom a suitable representative payee cannot be readily established. To facilitate such good faith efforts the Secretary shall make available to all local offices of the Social Security Administration a current list, updated periodically, of all local public and non-profit community-based social service agencies that provide services as a representative payee. Failure to maintain such list and/or to make good faith efforts to locate a suitable representative payee shall constitute a failure of the Secretary to comply with the provisions of this subsection for purposes of paragraph (5)(B).

(2) AMENDMENT RELATING TO SSI.—Section 1632(a) is further amended by inserting after subparagraph (2)(C)(i) the following new subparagraph:

"(ii) No individual or agency who is a creditor of a beneficiary under this title by virtue of the provision of goods or services to the beneficiary in exchange for money may serve as such beneficiary's representative payee. The preceding sentence shall not apply to any person who:

"(I) is a relative of the beneficiary and resides in the household of the beneficiary; or

"(II) is a legal guardian or court appointed agent for the beneficiary; or

"(III) is a facility licensed or certified pursuant to state or local law; or is an administrator, owner or employee of a facility licensed or certified pursuant to state or local law in which the beneficiary is a resident, if the appointment of such facility or such individual is cerfified as a last resort only after good faith efforts have been made by the local social security office to locate an alternative representative payee; or

"(IV) establishes to the satisfaction of the Secretary, based on written findings and pursuant to procedures established by regulation, that he or she poses no risk to the beneficiary, that his or her relationship poses no substantial conflict of interest, that no other suitable representative payee may be established, and that he or she is not the representative payee for any other beneficiary.

"(iii) The Secretary shall make good faith efforts to locate a suitable representative payee for each beneficiary for whom a suitable representative payee cannot be readily established. To facilitate such good faith efforts the Secretary shall make available to all local offices of the Social Security Administration a current list, updated periodically, of all local non-profit community-based social service agencies that provide services as a representative payee. Failure to maintain such list and/or to make good faith efforts to locate a suitable representative payee shall constitute a failure of the Secretary to comply with the provisions of this subsection for purposes of clause (E)(ii)."

(c) PAYMENTS MADE DIRECTLY TO BENEFICIARIES UNDER CERTAIN CIRCUMSTANCES.—

(2) AMENDMENT RELATING TO OASDI.—Section 205(j) of such Act is further amended by adding the following new subparagraph after paragraph (3)(C):

"(D)(i) If payment is being made directly to a beneficiary who is over the age of 18 or who is an emancipated minor, and who has not been adjudged legally incompetent, and an application to receive representative payment is made on his behalf, the Secretary shall continue to make payments directly to the beneficiary until such time as the Secretary completes his determination about the ability of the beneficiary to manage or direct the management of benefit payments and the selection of the representative payee; and

"(ii) All benefits shall be paid directly to all persons over the age of 18 or to emancipated minors who are newly eligible for benefits and for whom the Secretary has determined that a representative payee is necessary, until such time as the Secretary has completed its investigation of and has selected the representative payee, or until such time as the person has exhausted his appeals rights under this section. The preceding sentence shall not apply with respect to:

"(I) lump sum payments described in paragraph (2)(C) of this section, and

"(II) such beneficiaries who the Secretary determines, based on a written finding issued pursuant to regulations promulgated by the Secretary, are likely to suffer substantial harm as a direct result of their functional inabilities if payments are made to them directly. In making a determination pursuant to this clause, the Secretary shall only consider functional deficiencies; medical diagnosis, age, or eccentricity shall not form the basis for the determination.

"(iii) The Secretary shall promulgate regulations to provide for the immediate needs of all beneficiaries for whom he determines direct payment of benefits cannot be made pursuant to the provisions of clauses (i), (ii)(I), and (ii)(II) of this subparagraph. Such regulations shall provide for direct payment to a landlord, health care provider, or other long-term care provider upon written request of such landlord, health care provider, treatment facility, or other long-term care provider."

(2) AMENDMENT RELATING TO SSI.—Section 1632 of such Act (42 U.S.C. 1383(a)) is further amended by adding the following new clause after clause (C)(iii):

"(iv)(I) If payment is being made directly to a beneficiary who is over the age of 18 or who is an emancipated minor and who has not been adjudged legally incompetent, and an application to receive representative payment is made on his behalf, the Secretary shall continue to make payments directly to the beneficiary until such time as the Secretary completes his determination about the ability of the beneficiary to manage or direct the management of benefit payments and the selection of the representative payee;

"(II) All benefits shall be paid directly to all persons over the age of 18 or to emancipated minors who are newly eligible for benefits and for whom the Secretary has determined that a representative payee is necessary, until such time as the Secretary has completed its investigation of and has selected the representative payee or until such time as the person has exhausted his appeals rights under this section. The preceding sentence shall not apply with respect to:

"(aa) lump sym payments described in paragraph (2)(B)(iii) of this section;

"(bb) such beneficiaries who the Secretary determines, based on a written finding issued pursuant to regulations promulgated by the Secretary, are likely to suffer substantial harm as a direct result of his functional inabilities if payments are made to them directly. In making a determination pursuant to this clause, the Secretary shall only consider functional deficiencies; medical diagnosis, age, or eccentricity shall not form the basis for the determination; and

"(cc) a beneficiary who is eligible for benefits solely on the basis of a disability and who is medically determined to be a drug addict or alcoholic, unless the Secretary determines that the best interests are otherwise served.

"(III) The Secretary shall promulgate regulations to provide for the immediate needs of all beneficiaries for whom he determines direct payment of benefits cannot be made pursuant to the provisions of clauses (C)(iv)(I), (II)(1), (II)(2), and (II)(3) of this subparagraph. Such regulations shall provide for direct payment to a landlord, health care provider, treatment facility or other long-term care provider upon written request of such landlord, health care provider, treatment facility, or other long-term care provider."

(d) ENFORCEMENT OF BENEFICIARY RIGHTS.—

(1) AMENDMENT RELATING TO OASDI.—Section 205(j) of such as is further amended by adding at the end the following new paragraph:

"(5)(A) The Secretary shall terminate or suspend the services of any person as representative payee under this subsection if the Secretary or a court of law determines that such person has acted in violation of this subsection or has otherwise not acted as representative payee in the best interest of the beneficiary for whom such person was authorized to perform such services, or who has misused the proceeds of any benefit payment under this title as determined by state or federal law. Upon termination of such services by the Secretary, or for such time as such services are suspended, the Secretary shall—

"(i) secure for such individual the services of another person as representative payee under this subsection, or

"(ii) make direct payments to the individual subject to the restriction in subparagraph (3)(D).

"(B) Failure of the Secretary to investigate or monitor such representative payee

pursuant to and in accordance with subparagraphs (2), (3), and (4) of this section resulting in misused benefits shall constitute an underpayment of benefits under Sec. 204 of this Act. The Secretary shall repay to the beneficiary the amount by which such beneficiary has been paid less than the correct amount.

"(C) In the case of any termination of services pursuant to subparagraph (A) based on misuse of the proceeds of any benefit payment under this title by an individual serving as representative payee with respect to such payment, the Secretary shall make every good faith effort as described in regulations promulgated by the Secretary to obtain restitution of the misused funds, and to make available upon request to the beneficiary documentation of those efforts.

(i) The Secretary shall assess a fine on the individual serving as representative payee not to exceed the amount of funds misused;

(ii) The Secretary shall decrease any payment under this subchapter to which such representative payee is entitled, or shall require such representative payee to refund the amount of funds misused;

(iii) To the extent that funds are recovered under this clause, and the beneficiary has not been paid pursuant to subparagraph (B), the funds shall be used to reimburse the beneficiary.

"(D) Any finding by the Secretary that results in a decision of no misuse of funds by the representative payee or no underpayment, or if the Secretary has not made a formal decision on a complaint of misuse within 60 days, shall be treated as an unfavorable decision referred to in subsection (b)(1), and the beneficiary shall be treated as an individual referred to in subsection (b)(1)."

(2) AMENDMENT RELATING TO SSI.—Section 1631(a)(2) of such Act is further amended by adding at the end the following new subparagraph:

"(E)(i) The Secretary shall terminate or suspend the services of any person as representative payee under this subsection if the Secretary or a court of law determines that such person has acted in violation of this subsection or has otherwise not acted as representative payee in the best interest of the beneficiary for whom such person was authorized to perform such services, or who has misused the proceeds of any benefit payment under this title as determined by state or federal law. Upon termination of such services by the Secretary, or for such time as such services are suspended, the Secretary shall—

"(I) secure for such individual the services of another person as representative payee under this subsection, or

"(II) make direct payment to the individual subject to the restriction in clause (C)(iv).

"(ii) Failure of the Secretary to investigate or monitor such representative payee pursuant to and in accordance with subparagraphs (B), (C) and (D) of this section resulting in misused benefits, shall constitute an underpayment of benefits under Section 1631(b) of this Act. The Secretary shall repay to the beneficiary the amount by which such beneficiary has been paid less than the correct amount.

"(iii) In the case of any termination of services pursuant to subparagraph (A) based on misuse of the proceeds of any benefit payment under this title by an individual serving as representative payee with respect to such payment, the Secretary shall make every good faith effort as described in regulations promulgated by the Secretary to obtain restitution of the misused funds, and to make available upon request to the beneficiary documentation of those efforts.

(I) The Secretary shall assess a fine on the individual serving as representative payee not to exceed the amount of funds misused;

(II) The Secretary shall decrease any payment under this subchapter to which such representative payee is entitled, or shall require such representative payee to refund the amount of funds misused;

(III) To the extent that funds are recovered under this clause, and the beneficiary has not been paid pursuant to this clause (ii), the funds shall be used to reimburse the beneficiary.

"(iv) Any finding by the Secretary that results in a decision of no misuse of funds by the representative payee or no underpayment, or if the Secretary has not made a formal decision on a complaint of misuse within 60 days, shall be treated as an unfavorable decision referred to in subsection (c)(1), and the beneficiary shall be treated as an individual referred to in subsection (c)(1)."

SEC. 4. IMPROVED MONITORING, ACCOUNTING AND RECORDKEEPING.

(a) AMENDMENT RELATED TO OASDI.—Section 205(j) of such Act is further amended by renumbering paragraph (3) (as in effect immediately before the date of the enactment of the Act) and amending it as follows:

"(4)(A) In any case where payment under this subchapter is made to a person other than the individual entitled to such payment, the Secretary shall establish a system of accountability monitoring whereby such person shall report not less often than annually with respect to the use of such payment. The Secretary shall establish and implement statistically valid procedures for reviewing such reports in order to identify instances in which such persons are not properly using such payments.

"(B) Subparagraph (A) shall not apply in any case where the other person to whom payment is made is a State institution. In such cases, the Secretary shall establish a system of accountability monitoring for institutions in each state.

"(C) Subparagraph (A) shall not apply in any case where the individual entitled to such payment is a resident of a Federal institution and the other person to whom such payment is made is the institution. In such cases, the Secretary shall establish a system of accountability monitoring for such institutions.

"(D)(i) Notwithstanding subparagraphs (A), (B), and (C), the Secretary shall establish and implement a more frequent and a more detailed system of accountability monitoring for certain categories of high-risk representative payees to be determined by the Secretary. Such categories of high-risk representative payees shall include, but not be limited to, licensed or certified care facilities that serve as representative payees for residents; administrators, owners, and employees of licensed or certified care facilities that serve as representative payees for residents, and all persons not related by blood or marriage to the beneficiary to whom they are providing services.

"(ii) The Secretary shall report to Congress within one year of the date of enactment of this provision its findings of which categories constitute high-risk representative payees, and its system for the additional accountability monitoring that will be required of such categories.

"(E) Notwithstanding paragraphs (A), (B), (C), and (D), the Secretary may require a report at any time from any person receiving payments on behalf of another, if the Secretary has reason to believe that the person receiving such payments is misusing such payments."

(2) AMENDMENTS RELATING TO SSI.—Section 1631(a)(2) of such Act is further amended by renumbering subparagraph (C) (as in effect immediately before the date of the enactment of the Act) and amending it as follows:

"(D)(i) In any case where payment under this subchapter is made to a person other than the individual entitled to such payment, the Secretary shall establish a system of accountability monitoring whereby such person shall report not less often than annually with respect to the use of such payment. The Secretary shall establish and implement statistically valid procedures for reviewing such reports in order to identify instances in which such persons are not properly using such payments.

"(ii) Clause (i) shall not apply in any case where the other person to whom payment is made is a State institution. In such cases, the Secretary shall establish a system of accountability monitoring for institutions in each state.

"(iii) Clause (i) shall not apply in any case where the individual entitled to such payment is a resident of a Federal institution and the other person to whom such payment is made is the institution.

"(iv)(I) Notwithstanding clauses (i), (ii), and (iii), the Secretary shall establish and implement a more frequent and a more detailed system of accountability monitoring for certain categories of high-risk representative payees to be determined by the Secretary. Such categories of high-risk representative payees shall include, but not be limited to, licensed or certified care facilities that serve as representative payees for residents; administrators, owners, and employees of licensed or certified care facilities that serve as representative payees for residents, and all persons not related by blood or marriage to the beneficiary to whom they are providing services.

"(II) The Secretary shall report to Congress within one year of the date of enactment of this provision its findings of which categories constitute high-risk representative payees, and its system for the additional accountability monitoring that will be required of such categories.

"(iv) Notwithstanding clauses (i), (ii), (iii), and (iv), the Secretary may require a report at any time from any person receiving payments on behalf of another, if the Secretary has reason to believe that the person receiving such payments is misusing such payments."

SEC. 5. FEASIBILITY STUDY.

(a) AMENDMENT RELATING TO OASDI.—Section 205(j) of such Act is further amended by adding at the end the following new paragraph:

"(6)(A) The Secretary shall conduct a feasibility study regarding the designation of the Department of Veterans Affairs as the lead agency for purposes of selecting, appointing, and monitoring representative payees for those individuals who receive benefits under this title and from the Department of Veterans Affairs.

"(B) The Secretary shall report its findings to Congress within six months of the date of enactment of this subparagraph."

(b) AMENDMENT RELATING TO SSI.—Section 1631(a)(2) of such Act is further amended by adding at the end the following new subparagraph:

"(F)(i) The Secretary shall conduct a feasibility study regarding the designation of the Department of Veterans Affairs as the lead agency for purposes of selecting, appointing, and monitoring representative payees for those individuals who receive benefits under this title and from the Department of Veterans Affairs.

"(ii) The Secretary shall report its findings to Congress within six months of the date of enactment of this subparagraph.".

SEC. 6. REPORTS TO CONGRESS.

(a) AMENDMENT RELATING TO OASDI.—Section 205(j) is further amended by adding at the end the following new paragraph:

"(7)(A) The Secretary shall make an initial report to each House of Congress on the implementation of the provisions of this section no later than May 1, 1990.

"(B) The Secretary shall include as a part of the annual report required under section 904 of this title, information with respect to the implementation of this Act, including the number of cases in which the payee was changed, the number of cases discovered where there has been a misuse of funds, how any such cases were dealt with by the Secretary, the final disposition of such cases, including the penalties imposed, including the number of cases in which the Secretary sought restitution for the misused funds and a description of steps taken and the amount of misused funds recovered, the number of instances in which it was determined that a payee was handling the funds of two or more beneficiaries, the number of cases in which two or more beneficiaries who were under the services of the same or different representative payees were residing at the same address, and such other information as the Secretary determines to be appropriate.".

(b) AMENDMENT RELATING TO SSI.—Section 1631(a)(2) of such Act is further amended by adding at the end the following new subparagraph:

"(G)(i) The Secretary shall make an initial report to each House of Congress on the implementation of the provisions of this section no later than May 1, 1990.

"(ii) The Secretary shall include as a part of the annual report required under section 904 of this title, information with respect to the implementation of this Act, including the number of cases in which the payee was changed, the number of cases discovered where there has been a misuse of funds, how any such cases were dealt with by the Secretary, the final disposition of such cases, including the penalties imposed, the number of instances in which it was determined that a payee was handling the funds of two or more beneficiaries, the number of cases in which two or more beneficiaries who were under the services of the same or different representative payees were residing at the same address, and such other information as the Secretry determines to be appropriate.".

SUMMARY: REPRESENTATIVE PAYEE ABUSE PREVENTION ACT OF 1989

Applies to beneficiaries of Social Security (OASDI) and SSI.

SCREENING AND INVESTIGATION OF REPRESENTATIVE PAYEES

Requires SSA to conduct criminal background checks of most rep payee applicants (excluding parents and spouses), and requires SSA to verify their identification.

Requires SSA to take special measures to protect large lump-sum payments of retroactive benefits, which are often a target of unscrupulous rep payees.

Improves tracking of people who may abuse beneficiaries, by setting up a list of those convicted of Social Security fraud, a centralized listing of all representative payees, and a list of those who have misused benefits in the past.

Bolsters SSA's efforts to help beneficiaries locate suitable rep payees.

SAFEGUARDS TO PROTECT BENEFICIARIES

Beneficiaries must be given advance notice that a rep payee will be appointed, including an explanation of his or her right to challenge and appeal that decision.

Prohibits SSA from withholding benefits from a person who cannot secure a rep payee. Exceptions are made to protect severely disabled beneficiaries, alcoholics and drug addicts.

SSA repays beneficiaries whose benefits were lost because SSA did not follow its own guidelines while appointing or monitoring a rep payee.

SSA required to assist beneficiaries to recover misused benefits. SSA given authority to assess fines and withhold future benefits to recover misused funds.

Creditors will generally not be allowed to serve as rep payees. Exceptions include relatives living in the same household, licensed care facilities, or individuals who pose no risk of direct harm to the beneficiary, if no other rep payee can be established.

IMPROVED MONITORING, ACCOUNTING AND RECORDKEEPING

SSA required to establish procedures for stricter accounting to monitor certain classes of high-risk rep payees. Those categories will be determined in studies undertaken by SSA.

SSA will conduct a feasibility study of designating the Department of Veterans Affairs as the lead agency for those receiving benefits from both SSA and DVA.

By Mr. HATCH (for himself and Mr. COATS):

S. 1131. A bill to amend title XX of the Public Health Service Act to authorize appropriations for the adolescent family life program; to the Committee on Labor and Human Resources.

REAUTHORIZATION OF ADOLESCENT FAMILY LIFE PROGRAM

Mr. HATCH. Mr. President, today I am introducing legislation to reauthorize title XX of the Public Health Service Act, the Adolescent Family Life Program. I am pleased that Senator COATS has joined me as a cosponsor. This bill, which is supported by the administration, would reauthorize the program for 3 years at its current funding level of $9,562,000.

I was one of the original sponsors of the legislation that established the Adolescent Family Life Program in 1981 and have been happy to support it since that time. Its reauthorization will reflect the strong commitment of the administration, the Congress, and, indeed, the country, to taking a variety of approaches to finding solutions to the problems of adolescent sexual activity and adolescent pregnancy. The program is designed to develop ways of working with teenagers and their families, both to encourage teens not to become sexually active and to provide loving and supportive care for pregnant teens and teen mothers. One of its primary purposes is providing pregnant teens with positive alternatives to abortion.

Activities supported by the AFL program include projects to demonstrate successful ways of encouraging teens to postpose sexual activity until marriage; approaches to delivering integrated care, including medical and social services, to teen mothers designed to improve both the health of mother and child and to make a contribution toward their potential for a productive future; ways to encourage adoption and improve adoption services; and creative methods of improving family communication and involving families of teens in these very important decisions.

AFL demonstration projects are required to spend part of their Federal funds for the purpose of evaluating the success of the innovative approaches that are being developed. This evaluation is done not by the grantees themselves but by independent evaluators who can take an objective view of the results. While I recognize the inherent difficulties of measuring interventions of this type, I believe that only by looking carefully at projects like these will we begin to know how to crack the resistant shell of teen sexual values and to understand how to halt the alarming trend of adolescent pregnancy.

In addition, AFL funds support research to find the causes of early sexual activity and teen pregnancy and to seek better understanding of their consequences. Through these activities, researchers hope to gain new insights into factors associated with these problems, to gain better understanding of ways to improve teen-parent communication, and to enhance the development by teens of positive sexual and family values.

Mr. President, the AFL program is a very small one by any measure. Yet it holds the promise of helping us solve one of the biggest social problems facing this country today. This is one Federal program which attempts to deal with teen pregnancy. The Family Planning Program, under title X of the Public Health Service Act, is another. These programs approach the problem in two different ways; we ought to support both of these complementary approaches.

I urge my colleagues to join me in supporting a 3-year extension of the AFL Program, which maintains its prohibition on offering counseling and referral for abortion and its focus on family involvement, abstinence, and adoption.

By Mr. JOHNSTON:

S. 1132. A bill to provide for the reliquidation of certain entries and refund of antidumping duties; to the Committee on Finance.

RELIQUIDATION OF CERTAIN ENTRIES AND REFUND OF ANTIDUMPING DUTIES ON CERTAIN TRANSFORMERS

● Mr. JOHNSTON. Mr. President, today I am introducing legislation which would provide for the reliquidation of certain entries and refund of antidumping duties that have been levied on large power transformers that were imported to the United States from Italy between 1974 and 1980. This relief, which will not in any way injure the industry that originally sought protection, is needed to prevent a small customs brokerage firm in New Orleans from filing for bankruptcy, an action that has the potential of adding numerous individuals to the unemployment rolls of a State that is currently experiencing the highest unemployment rate in the Nation.

Briefly, in 1970, Westinghouse filed charges against the producers of large power transformers in several European countries, including Italy, alleging that they were dumping their product in the United States. The Government subsequently ruled in Westinghouse's favor and in 1972 published findings of dumping. As such, any importer of record who subsequently brought these transformers to the United States faced the possibility of being subject to an additional duty at the time of liquidation if it was determined that any of its shipments resulted in dumping.

In 1974, S. Jackson and Son, a small customs broker, performed services for an Italian firm, Legnano, that was shipping large power transformers to the United States. When Jackson prepared the entry forms on behalf of Legnano, it listed itself, rather than Legnano as the importer of record. As such, Jackson and Son became liable for any liquidated duty that woud subsequently be levied by the U.S. Customs Service. On those entries for which Customs required an antidumping bond (of approximately 9 percent of the value of the shipments), Legnano obtained the bonds. While S. Jackson and Son could have protected itself by filing a form with Customs shortly after the shipments arrived, substituting Legnano's name as the importer of record, it did not do so, having been unaware of any reason for so doing. S. Jackson and Son did not then know or have any reason to believe that, many years later, the Commerce Department would calculate dumping duties at extraordinary levels—indeed, at many times greater than the bond amounts.

In 1987, 13 years after the first shipment and 7 years after the last shipment, the Department of Commerce finally calculated the duty that was owed for the past shipments that were made by Legnano through Jackson and Son and determined that the firm owes almost $800,000 in antidumping duties. The U.S. Customs Service was notified of this decision in February 1988 and subsequently informed Jackson and Son of its antidumping duty liability in early 1989.

Mr. President, as I am sure you are aware, for well over 3 years now, Louisiana has been suffering from record unemployment, earning itself the dubious honor of having the Nation's highest unemployment rate, one that is often double the national average. This economic situation has affected nearly every business in the State, including those that are related to importing and exporting through the Port of New Orleans. In an effort to remain in business, a few years ago, five firms that were experiencing financial difficulty, including Jackson and Son, joined together to form the Jackson Kearney Group, a customs supermarket which allows companies to do one-stop shopping for stevedoring, terminal operator, warehousing, customs brokerage, freight forwarding and trucking services. Their supermarket concept has worked well and the group now employs 250 individuals. The group's ability to provide customs brokerage service—which is provided only by S. Jackson and Son—is critical to the groups effectiveness.

Jackson and Son does not have the money to pay this duty and will have to file for bankruptcy unless it is successful in having this levy substantially reduced or forgiven. If this occurs, it will devastate the Jackson Kearny Group without benefiting Westinghouse or the Government. Given Jackson and Son's association with the Jackson Kearney Group, it is unlikely that the Customs Service would give a new broker's license to any firm that was or would become associated with the group. Consequently, numerous innocent employees would be let go and would in all likelihood join the ranks of the unemployed.

Westinghouse, the firm that originally filed the antidumping petition, will not benefit from the bankruptcy of Jackson and Son because Jackson and Son does not compete with Westinghouse. They are not in the business of importing large power transformers to the United States and never should have been listed as the importer of record. Nor will any of the antidumping duties in question inure to Westinghouse.

Finally, the Government would not lose $790,000 by adoption of this amendment because S. Jackson and Son simply does not have the money to pay. Furthermore, I have been advised that due to the Government's failure to require adequate surety, it would only be able to collect a small fraction of the actual duty owed from the surety company.

Mr. President, the legislative history of the antidumping law clearly states that the act is intended to be remedial, not punitive, in nature. I can assure you that Jackson and Son has learned from its error and there is nothing to be gained by forcing this company and its affiliates out of business. Relief similar to what I am seeking for Jackson and Son was granted in the trade bill of 1988 to a Maryland corporation that found itself in a similar situation. Equity dictates that this relief also be granted to Jackson and Son. Consequently, I urge the Senate will expeditiously act on this legislation.

I ask unanimous consent that the text of my bill be printed in the RECORD immediately following my remarks.●

By Mrs. KASSEBAUM (for herself and Mr. PELL) (by request):

S. 1133. A bill to improve the operation of vocational education programs under the Carl D. Perkins Vocational Education Act by promoting accountability, making the act more flexible, reducing administrative burden, and fostering economic development and the improvement of vocational education personnel, and for other purposes; to the Committee on Labor and Human Resources.

VOCATIONAL EDUCATION EXCELLENCE ACT

Mrs. KASSEBAUM. Mr. President, I am today introducing legislation proposed by the administration for the reauthorization of the Carl D. Perkins Vocational Educational Act. Senator PELL, chairman of the Senate Education Subcommittee, joins me in bringing this bill to the attention of the Senate.

The administration's proposal is designed to improve the accountability, flexibility, and coordination of vocational education efforts. Although Federal funds account for only 8 percent of overall spending for vocational education, this Federal presence is influential in assisting the development of quality programs and in making these programs available to all who might benefit from them.

This measure seeks to improve program accountability by requiring States to develop performance standards which measure basic skill improvement, occupational competency, and labor market success. It would promote greater State and local flexibility by eliminating program setasides and providing instead that funds targeted toward special populations be allocated in a way which best fits the circumstances of those populations in a particular State. In addition, program improvement activities would be streamlined by reducing the current list of 26 activities to 3: professional development, acquisition of in-

structional equipment and materials, and curriculum development. Finally, this legislation attempts to improve coordination between the Perkins Act and the Job Training Partnership Act [JTPA].

As the Education Subcommittee begins vocational education reauthorization hearings later this month, I look forward to working further with the administration to shape legislation which will improve vocational training. Strong vocational education programs are a must if we are to rise to the challenges of the future workplace. Working together, we can meet these challenges.

Mr. President, I ask unanimous consent that the text of the bill be printed at this point in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1133

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Vocational Education Excellence Act of 1989".

VOCATIONAL EDUCATION IMPROVEMENTS

SEC. 2. The Carl D. Perkins Vocational Education Act (20 U.S.C. 2301 *et seq.*) is amended to read as follows:

"SHORT TITLE; TABLE OF CONTENTS

"SECTION 1. This Act may be cited as the 'Carl D. Perkins Vocational Education Act'.

"TABLE OF CONTENTS

"Sec. 1. Short title; table of contents.
"Sec. 2. Statement of purpose.
"Sec. 3. Authorization of appropriations.
"Sec. 4. Definitions.
"TITLE I—VOCATIONAL EDUCATION ASSISTANCE TO THE STATES
"PART A—ALLOTMENT AND ALLOCATION
"Sec. 101. Allotment.
"Sec. 102. Payments for State administration; within State allocation.
"Sec. 103. Indian vocational education program.
"PART B—STATE ORGANIZATIONAL AND PLANNING RESPONSIBILITIES
"Sec. 111. State administration.
"Sec. 112. State council on vocational education.
"Sec. 113. State plans.
"Sec. 114. Approval.
"Sec. 115. Local application.
"PART C—FEDERAL ADMINISTRATIVE PROVISIONS
"Sec. 121. Payments.
"Sec. 122. Federal share.
"Sec. 123. Maintenance of effort.
"TITLE II—BASIC STATE GRANTS FOR VOCATIONAL EDUCATION
"PART A—VOCATIONAL EDUCATION OPPORTUNITIES
"Sec. 201. Uses of funds.
"Sec. 202. Criteria for services and activities for the handicapped and the disadvantaged.
"PART B—VOCATIONAL EDUCATION PROGRAM IMPROVEMENT, INNOVATION, AND EXPANSION
"Sec. 211. Uses of funds.
"TITLE III—NATIONAL PROGRAMS
"Sec. 301. Research and evaluation.
"Sec. 302. Demonstration programs.
"Sec. 303. Occupational information system.
"Sec. 304. Bilingual vocational training.

"STATEMENT OF PURPOSE

"SEC. 2. It is the purpose of this Act to—

"(1) assist States to develop, improve, and expand vocational education programs of high quality, so that through such assistance States are better able to meet the needs of the Nation's existing and future work force for marketable skills, improve productivity, and promote economic growth;

"(2) provide States with flexible resources for improving access to high-quality vocational education programs for handicapped individuals, disadvantaged individuals, individuals with limited English proficiency, men and women who are entering occupations that are nontraditional for their gender, single parents, homemakers, single pregnant women, and individuals incarcerated in correctional institutions;

"(3) strengthen the accountability of the Nation's vocational education programs by ensuring that the programs funded under this Act meet appropriate performance standards;

"(4) foster greater cooperation among education programs, between education and job training programs, and between public agencies and the private sector in preparing individuals for employment, promoting the quality of vocational education in the States, and making the vocational education system more responsive to the labor market in the States;

"(5) improve the academic foundation of vocational education;

"(6) provide vocational education services to train and retrain employed and unemployed workers in new skills for which there is a demand in the labor market;

"(7) reduce the limiting effects of sex-role stereotyping on occupations, job skills, levels of competency, and careers; and

"(8) authorize national programs to support research and evaluation, demonstrations, information dissemination, and bilingual vocational training activities in order to assess the quality of the Nation's vocational education system; identify and disseminate high-quality and innovative means of providing vocational instruction and vocational teacher education; and strengthen local capacity to provide vocational education to individuals of limited English proficiency.

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 3. (a)(1) There are authorized to be appropriated $48,000,000 for the fiscal year 1990 and such sums as may be necessary for each of the fiscal years 1991 through 1994 to carry out section 102(a), relating to State administration of vocational education programs.

"(2) There are authorized to be appropriated $8,000,000 for the fiscal year 1990 and such sums as may be necessary for each of the fiscal years 1991 through 1994 to carry out section 112, relating to State councils on vocational education.

"(b) There are authorized to be appropriated $858,387,000 for the fiscal year 1990 and such sums as may be necessary for each of the fiscal year 1991 through 1994 to carry out title II, relating to basic State grants.

"(c) There are authorized to be appropriated $35,000,000 for the fiscal year 1990 and such sums as may be necessary for each of the fiscal years 1991 through 1994 to carry out title III, relating to national programs.

"DEFINITIONS

"SEC. 4. As used in this Act:

"(1) The term 'administration' means activities of a State necessary for the proper and efficient performance of its duties under this Act, including supervision.

"(2) The term 'apprenticeship training program' means a program registered with the Department of Labor or the State apprenticeship agency in accordance with the Act of August 16, 1937, known as the National Apprenticeship Act (50 Stat. 664; 29 U.S.C. 50), that is conducted or sponsored by an employer, a group of employers, or a joint apprenticeship committee representing both employers and a union, and that contains all terms and conditions for the qualification, recruitment, selection, employment, and training of apprentices.

"(3) The term 'community-based organization' has the meaning given this term in section 4(5) of the Job Training Partnership Act.

"(4) The term 'cooperative education' means a method of instruction of vocational education for individuals who, through written cooperative arrangements between the school and employers, receive instruction, including required academic courses and related vocational instruction, by alternation of study in school with a job in any occupational field, but only if the two experiences are planned and supervised by the school and employers so that each contributes to the student's education and to his or her employability. Work periods and school attendance may be on alternate half days, full days, weeks, or other periods of time in fulfilling the cooperative program.

"(5) The term 'correctional institution' means (A) any prison, jail, reformatory, work farm, detention center, or (B) any halfway house, community-based rehabilitation center, or other similar institution, that is designed for the confinement or rehabilitation of criminal offenders.

"(6) The term 'criminal offender' means any individual who is charged with, or convicted of, any criminal offense, including a youth offender or a juvenile offender.

"(7) The term 'disadvantaged individuals' means individuals (other than handicapped individuals) who are educationally deprived (as defined in regulations for chapter 1 of the Elementary and Secondary Education Act) or economically disadvantaged (as defined in section 4(8) of the Job Training Partnership Act) and who require special services and assistance in order to enable them to succeed in vocational education programs.

"(8) The term 'economically depressed area' means an economically integrated area within any State in which a chronically low level of economic activity or a deteriorating economic base has caused such adverse effects as (A) a rate of unemployment that has exceeded by at least 50 per centum the average rate of unemployment in the State or Nation, for each of the three years preceding the year for which a determination is made, and (B) a large concentration of low-income families as defined in the poverty income guidelines issued annually by the Secretary of Health and Human Services. The designation of an 'economically depressed area' is subject to approval by the Secretary as consistent with these and such other criteria as the Secretary may prescribe and with the purposes of this Act.

"(9) The term 'eligible recipient' means a local educational agency or a postsecondary educational institution.

"(10) The term 'handicapped individuals' means individuals who—

"(A) are mentally retarded, hard of hearing, deaf, speech- or language-impaired, visually handicapped, seriously emotionally disturbed, or orthopedically impaired, as well as other health-impaired persons, or persons with specific learning disabilities; and

"(B) by reason thereof require special education and related services to enable those individuals to participate in vocational education programs.

"(11) The term 'high technology' means 'state-of-the-art' computer or other technology used to enhance productivity.

"(12) The term 'homemaker' means an adult who has worked (as an adult) primarily without renumeration to care for the home and family, and for that reason has diminished marketable skills.

"(13) The term 'limited English proficiency' has the meaning given this term in section 7003(a)(1) of the Elementary and Secondary Education Act of 1965.

"(14) The term 'local educational agency' means a board of education or other legally constituted local school authority having administrative control and direction of public elementary or secondary schools in a city, county, township, school district, or political subdivision in a State, or any other public educational institution or agency having administrative control and direction of a vocational education program.

"(15) The term 'postsecondary educational institution' means a public or private, nonprofit institution that is accredited to provide postsecondary education, or any postsecondary educational institution operated by, or on behalf of, any Indian tribe that is eligible to contract with the Secretary of the Interior for the administration of programs under the Indian Self-Determination Act or under the Act of April 16, 1934.

"(16) The term 'Secretary' means the Secretary of Education.

"(17) The term 'single parent' means an individual who is unmarried or legally separated from a spouse and who has one or more minor children for which that individual has either custody or joint custody.

"(18) The term 'State' includes, in addition to any one of the fifty States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Northern Mariana Islands, and Palau (until the effective date of the Compact of Free Association with the Government of Palau).

"(19) The term 'State board' means a State board designated or created by State law as the sole State agency responsible for the administration of vocational education, or for supervision of the administration of vocational education, in the State.

"(20) The term 'State council' means—

"(A) the State council on vocational education established in accordance with section 112; or

"(B) if the State exercises its option in accordance with section 112(e) to assign the functions and responsibilities of the State council on vocational education to the State job training coordinating council, the State job training coordinating council of that State.

"(21)(A) The term 'vocational education' means (i) organized education programs that are directly related to the preparation of individuals for paid or unpaid employment requiring other than a baccalaureate or advanced degree; and (ii) vocational student organization activities that are an integral part of an organized education program.

"(B) For purposes of this paragraph, the term 'organized education program' means only (i) instruction (including career guidance and counseling) related to the occupation or occupations for which the students are in training or instruction necessary for students to benefit from such training, and (ii) the acquisition (including leasing), maintenance, and repair of instructional equipment, supplies, and teaching aids; but the term does not include the construction, acquisition, or initial equipment of buildings, or the acquisition or rental of land.

"TITLE I—VOCATIONAL EDUCATION ASSISTANCE TO THE STATES

"PART A—ALLOTMENT AND ALLOCATION

"ALLOTMENT

"SEC. 101. (a)(1) From the sums appropriated under section 3(b), the Secretary shall reserve 1 and a quarter per centum for the purpose of carrying out section 103.

"(2) Subject to paragraph (3), from the remainder of the sums appropriated under section 3(b), the Secretary shall allot to each State for each fiscal year—

"(A) an amount that bears the same ratio to 57 per centum of the sums being allotted as the number of individuals aged fifteen to fifty-five, inclusive, in poverty in the State bears to the number of such individuals in all the States; and

"(B) an amount that bears the same ratio to 43 per centum of the sums being allotted as the product of the population aged fifteen to fifty-five, inclusive, in the State and the State's allotment ratio bears to the sum of the corresponding products for all the States.

"(3)(A)(i) Notwithstanding any other provision of law and subject to clause (ii), for any fiscal year for programs authorized by title II of this Act, no State shall receive less than 95 per centum of the amount it received from the appropriation for title II of this Act for the preceding fiscal year, except that for fiscal year 1990, no State shall receive for programs authorized by title II of this Act less than 95 per centum of the amount it received from the appropriations for fiscal year 1989 under titles II and III of this Act. Amounts necessary for increasing such payments to States to comply with the preceding sentence shall be obtained by ratably reducing the amounts to be paid to other States, but no such amount shall be reduced to an amount that is less than the amount required by the preceding sentence.

"(ii) If for any fiscal year the amount appropriated for programs authorized by title II and available for allotment under this section is insufficient to satisfy the provisions of clause (i), the payments to all States shall be ratably reduced as necessary.

"(b) If the Secretary determines that any amount of a State's allotment under subsection (a) for any fiscal year will not be required for such fiscal year for carrying out the program for which such amount has been allotted, the Secretary shall make such amount available for reallotment. Any such reallotment among other States shall occur on such dates during the same year as the Secretary shall fix, and shall be made on the basis of criteria established by regulation. No funds may be reallotted for any use other than the use for which they were appropriated. Any amount reallotted to a State under this subsection for any fiscal year shall remain available to that State for obligation during the succeeding fiscal year and shall be deemed to be part of its allotment for the year in which it is obligated.

"(c)(1) The allotment ratio for any State shall be 1.00 less the product of—

"(A) 0.50; and

"(B) the quotient obtained by dividing the per capita income for the State by the per capita income for all the States, except that the allotment ratio for the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, the Northern Mariana Islands, and Palau shall be no less than the highest allotment ratio for any of the fifty States.

"(2) The allotment ratios shall be promulgated by the Secretary for each fiscal year between October 1 and December 31 of the fiscal year preceding the fiscal year for which the determination is made. Allotment ratios shall be computed on the basis of the average of the appropriate per capita incomes for the three most recent consecutive fiscal years for which satisfactory data are available.

"(3) The term 'per capita income' means, with respect to a fiscal year, the total personal income in the calendar year ending in such fiscal year, divided by the population of the area concerned in such calendar year.

"(4) For the purposes of this section, the number of individuals aged fifteen to fifty-five, including the number of such individuals in poverty, shall be determined by the Secretary on the basis of the best estimates available to the Secretary after consultation with the Secretary of Commerce.

"PAYMENTS FOR STATE ADMINISTRATION; WITHIN-STATE ALLOCATION

"SEC. 102. (a) From funds appropriated under section 3(a)(1), the Secretary is authorized to make awards to States, in proportion to their allocations under title II, for State administration, including the cost of carrying out the requirements of section 111(b).

"(b) From the funds appropriated for title II under section 3(b), each State shall reserve from its allotment for each fiscal year—

"(1) 57 per centum for activities described in part A of title II; and

"(2) 43 percent for activities described in part B of title II.

"INDIAN VOCATIONAL EDUCATION PROGRAM

"SEC. 103. (a) From the funds reserved pursuant to section 101(a)(1), the Secretary is authorized to enter into grants, contracts, or cooperative agreements with any tribal organization that is eligible to contract with the Secretary of the Interior for the administration of programs under the Indian Self-Determination Act or under the Act of April 16, 1934, to plan, conduct, and administer programs, or portions thereof, that are authorized by, and consistent with, the purposes of this Act.

"(b) Programs funded under this section shall be in addition to such other programs as are made available to eligible Indians under other provisions of this Act.

"(c) For the purpose of this section, the term 'Act of April 16, 1934' means the Act known as the Johnson-O'Malley Act (48 Stat. 596; 25 U.S.C. 452-457).

"PART B—STATE ORGANIZATIONAL AND PLANNING RESPONSIBILITIES

"STATE ADMINISTRATION

"SEC. 111. (a) Any State desiring to participate in vocational education programs authorized by this Act shall designate or establish a State board of vocational education, which shall be the sole State agency responsible for the administration or the supervision of the State vocational education program. The State board may delegate any of its responsibilities involving administra-

tion, operation, or supervision, in whole or in part, to one or more appropriate State agencies. The responsibilities of the State board shall include—

"(1) coordinating the development, submission, and implementation of the State plan, and the evaluation of the programs assisted under this Act;

"(2) developing the State plan required by sections 113 and 114 in consultation with the State council on vocational education and submitting the State plan to the Secretary;

"(3) consulting with the State council established pursuant to section 112 and with other appropriate agencies, groups, and individuals involved in the planning, administration, evaluation, and coordination of programs funded under this Act;

"(4) convening and meeting as a State board (consistent with State law and procedure for the conduct of such meetings) at such time as the State board determines necessary to carry out its functions under this Act; and

"(5) adopting such procedures as the State board considers necessary to coordinate with the State job training coordinating council and to cooperate in the conduct of their respective programs.

"(b)(1) Any State desiring to participate in the programs authorized by this Act shall assign one individual to work full time to assist the State board to fulfill the purposes of this Act by—

"(A) administering programs funded under this Act for single parents, homemakers, and single pregnant women and programs funded under this Act that are designed to eliminate sex bias and sex stereotyping in vocational education;

"(B) gathering, analyzing, and disseminating data on the adequacy and effectiveness of vocational education programs in the State in meeting the education and employment needs of women (including preparation for employment in technical occupations, new and emerging occupational fields, and occupations regarded as nontraditional for women), and on the status of men and women students and employees in such programs;

"(C) reviewing vocational education programs (including career guidance and counseling) for sex stereotyping and sex bias, with particular attention to practices that tend to inhibit the entry of women into high-technology occupations;

"(D) submitting (i) recommendations for inclusion in the State plan of programs and policies to overcome sex bias and sex stereotyping in such programs, and (ii) an assessment of the State's progress in meeting the purposes of this Act with regard to overcoming sex discrimination and sex stereotyping;

"(E) reviewing proposed actions on grants, contracts, and cooperative agreements, and the policies of the State board to ensure that the needs of women are addressed in the administration of this Act;

"(F) developing recommendations for programs of information and outreach to women concerning vocational education and employment opportunities for women (including opportunities for careers as technicians and skilled workers in technical fields and new and emerging occupational fields);

"(G) providing technical assistance and advice to local educational agencies, postsecondary institutions, and other interested parties in the State, in expanding vocational opportunities for women; and

"(H) assisting administrators, instructors, and counselors in implementing programs and activities to increase access for women (including displaced homemakers and single heads of households) to vocational education and to increase male and female students' enrollment in nontraditional programs.

"(2) For the purpose of this subsection, the term 'State' means any one of the fifty States and the District of Columbia.

"(3) Each State shall expend not less than $60,000 in each fiscal year to carry out the provisions of this subsection.

"(c) The State board shall make available to each private industry council established under section 102 of the Job Training Partnership Act within the State a list of all programs assisted under this Act.

"(d) Each State board, in consultation with the State council, may establish one or more technical committees to advise the council and the board on the development of model curricula to address State labor market needs. If established, technical committees shall develop an inventory of skills that may be used by the State board to define model curricula. Such inventory shall provide the type and level of knowledge and skills needed for entry, retention, and advancement in occupational areas taught in the State.

"(e) The imposition of any State rule or policy relating to the administration and operation of programs funded by this Act (including any rule or policy based on State interpretation of any Federal law, regulation, or guideline) shall be identified as a State-imposed requirement.

"STATE COUNCIL ON VOCATIONAL EDUCATION

"SEC. 112. (a)(1) Except as provided in subsection (e), any State desiring to participate in vocational education programs authorized by this Act shall establish a State council, which shall be appointed by the Governor, or, in the case of States in which the members of the State board of education are elected (including election by the State legislature), by such board. Each State council shall be broadly representative of citizens and groups within the State having an interest in vocational education, including individuals who—

"(A) are representative of the private sector in the State (including business, agriculture, and labor);

"(B) are representative of secondary and postsecondary vocational education institutions; and

"(C) have special knowledge and qualifications with respect to the educational and career development needs of individuals described in section 201(b).

"(2) In selecting individuals under paragraph (1) to serve on the State council, due consideration shall be given to the appointment of individuals who serve on a private industry council under the Job Training Partnership Act or on State councils established under other related Federal Acts.

"(3) For the purpose of this section, the term 'State' means any one of the fifty States, the District of Columbia, and the Commonwealth of Puerto Rico.

"(b) During each State plan period described in section 113(a)(1), the State council may—

"(1) meet with the State board or its representatives to advise on the development of the subsequent State plan;

"(2) advise the State board and make reports to the Governor, the business community, and the general public of the State, concerning—

"(A) policies the State should pursue to strengthen vocational education (with particular attention to programs for handicapped individuals); and

"(B) initiatives and methods the private sector could undertake to assist in modernizing vocational education programs;

"(3) analyze and report on the distribution of spending for vocational education in the State, including funds provided under this Act, and on the availability of vocational education programs within the State;

"(4) advise the State board on the establishment of evaluation criteria, including the performance standards required under section 113(b)(4), for vocational education services within the State;

"(5) submit recommendations to the State board on the conduct of vocational education programs conducted in the State that emphasize the use of businesses and labor organizations;

"(6) recommend procedures to the State board to ensure and enhance the participation of the public in the provision of vocational education at the local level within the State, particularly the participation of local employers and local labor organizations;

"(7) report to the State board on the extent to which the individuals described in section 201(b) are provided with equal access to quality vocational education programs; and

"(8)(A) evaluate jointly with the State job training coordinating council the vocational education delivery systems assisted under this Act, the job opportunities and basic skills training program authorized under the Family Support Act of 1988, and the Job Training Partnership Act, in terms of their adequacy and effectiveness in achieving the purposes of each of these Acts; and

"(B) make recommendations to the Governor and the State board on the adequacy and effectiveness of the coordination that takes place between vocational education programs and programs under the Job Training Partnership Act.

"(c) Each State council is authorized to obtain the services of such professional, technical, and clerical personnel as may be necessary to carry out its functions under this Act and to contract for such services as may be necessary for the council to carry out its evaluation functions.

"(d)(1)(A) From the amounts appropriated under section 3(a)(2) for each fiscal year, the Secretary shall allot to each State council $130,000, with the remainder of funds allocated according to the method described in section 101(a)(2)(B), except that no State council shall receive for any fiscal year less than its allotment under this Act for fiscal year 1989. Amounts necessary for increasing allotments to State councils to comply with the preceding sentence shall be obtained by ratably reducing the amounts allotted to other State councils, but no such amount shall be reduced to an amount less than the amount required by the preceding sentence.

"(B) If for any fiscal year the amount appropriated under section 3(a)(2) and available for allotment under this subsection is insufficient to satisfy the provisions of subparagraph (A), the allotments to all States shall be ratably reduced as necessary.

"(2) The expenditure of funds paid pursuant to this subsection shall be determined solely by the State council for carrying out its functions under this Act, and may not be diverted or reprogrammed for any other purpose by any State board, agency, or individual. Each State council shall designate an appropriate State agency or other public agency, eligible to receive funds under this

Act, to act as its fiscal agent for purposes of disbursement, accounting, and auditing.

"(e)(1) If the Governor of any State desiring to participate in vocational education programs under this Act determines that the functions and responsibilities of a State council under this Act would be carried out better in that State by the State job training coordinating council established under section 122 of the Job Training Partnership Act, the Governor may assign those functions and responsibilities to the State job training coordinating council. Before making such assignment, the Governor shall ensure that the State job training coordinating council has an adequate number of members who are knowledgeable about vocational education in the State.

"(2) If the Governor makes such assignment, the State's allocation under subsection (d) shall be available to the State job training coordinating council only to carry out the functions and responsibilities of a State council under this Act.

"STATE PLANS

"SEC. 113. (a)(1)(A) Any State desiring to receive funds from its allotment authorized under section 101 for any fiscal year shall submit to the Secretary a State plan for a two-year period.

"(B) The planning periods required by paragraph (1) of this subsection shall be the same as the planning program periods required under section 104(a) of the Job Training Partnership Act.

"(2)(A) In formulating the State plan (and amendments), the State board shall meet with and utilize the State council.

"(B) The State board shall make public the proposed State plan in a manner that provides adequate notice to, and facilitates comment from, interested agencies, groups, and individuals. Such publication may include public hearings.

"(3) In developing the State plan, the State shall—

"(A) assess the current and projected occupational needs and demand for general occupational skills within the State;

"(B) examine the needs of students, including adults, in order to determine how best to improve student skill levels in light of the State's occupational and skill requirements;

"(C) assess the special needs of each group of individuals specified in section 201(b) for access to vocational educational programs in terms of labor market needs, the extent to which these needs are not being met by the State's vocational education programs, and the extent to which funding under this Act should be used, during the period covered by the plan, to improve vocational education opportunities for each group;

"(D) assess the quality of vocational education in terms of—

"(i) the relevance of programs to the workplace and to new and emerging technologies;

"(ii) the responsiveness of programs to the current and projected occupational needs in the State;

"(iii) the capacity and success of programs in facilitating entry into, and participation in, vocational education and to ease the transition from school to work and from secondary to postsecondary educational institutions;

"(iv) the technological and educational quality of vocational curricula, equipment, and instructional materials and their capacity to enable vocational education students and instructors to meet the challenges of increased technological demands of the workplace; and

"(v) the capacity and success of vocational education programs in meeting the needs for general occupational skills and improvement of academic foundations in order to address the changing content of jobs;

"(E) determine the capacity and success of local educational agencies and postsecondary educational institutions in delivering the vocational education services necessary to meet the needs identified through the assessments required by subparagraphs (A) through (D) of this paragraph; and

"(F) include a summary of the findings of the assessments conducted under subparagraphs (A) through (E) of this paragraph.

"(b) Each such plan shall—

"(1) describe the planned uses of funds awarded under part A of title II, the goals of the State will seek to attain with these funds, and how these uses will address the needs identified through the assessments conducted under subsection (a)(3)(C) of this section;

"(2) describe the planned uses of funds awarded under part B of title II, the goals the State will seek to attain with these funds, and how these uses relate to the needs identified in the assessments conducted under subsection (a)(3) of this section;

"(3) describe progress the State has made in achieving the goals set forth in the previous State plan submitted under this Act;

"(4)(A) describe the performance standards the State will use for determining the achievement of basic academic skills, occupational competency, and success in the labor market, as well as any other standards the State determines are appropriate to be used in evaluating vocational training programs, including such programs for handicapped individuals, supported in whole or in part with funds under this Act;

"(B) describe how the State will apply its performance standards in approving or disapproving local applications for projects, including the procedures the State will use for providing technical assistance to improve the effectiveness of local projects and for discontinuing funding for ineffective projects;

"(C) describe how the performance standards have been made consistent with the standards in effect in the State for the Job Training Partnership Act; and

"(D) for State plans subsequent to the initial plan required under this section, contain a report on the implementation and application of the performance standards required by this paragraph;

"(5) set forth the criteria the State board will use in approving applications of eligible recipients and allocating funds available under this Act to such recipients, which shall ensure that individuals most in need are served;

"(6) describe the extent to which the funds available under this Act shall be used by the State to serve economically depressed areas;

"(7) describe the State's procedures for ensuring that any funds expended for occupationally specific training will be used only to train students for occupations in which job openings are projected and are not likely to be filled without the establishment or continuation of public vocational education programs, and how these procedures are consistent with the labor market analysis procedures that the State employs under the Job Training Partnership Act; and

"(8) describe the methods proposed for the joint planning and coordination of programs carried out under this Act with programs conducted under the Family Support Act of 1988, the Job Training Partnership Act, the Adult Education Act, the Education of the Handicapped Act, and the Rehabilitation Act of 1973, and with apprenticeship training programs.

"(c) The State plan shall contain assurances that—

"(1) the State board will comply with the requirements of titles I and II of this Act;

"(2) the State board will, to the maximum extent feasible, provide for the equitable participation of students who wish to participate in vocational education programs supported under title II and who are enrolled in private elementary and secondary schools;

"(3) the State will distribute at least 80 per centum of the funds available under title II to eligible recipients;

"(4) all projects and services supported with funds available under title II will be of sufficient size, scope, and quality as to give reasonable assurance of meeting the objectives of this Act and the goals set forth in the plan, as described in paragraphs (1) and (2) of subsection (b);

"(5) the State will adopt such methods of administration as are necessary for the proper and efficient administration of this Act;

"(6) the State will evaluate not less than 20 per centum of the eligible recipients assisted under this Act within the State in each fiscal year, including an evaluation of the extent to which their local programs meet the performance standards required by paragraph (4) of subsection (b) to be described in the State plan;

"(7) funds available under title II of this Act will be used so as to supplement and, to the extent practicable, increase the amount of State and local funds that would, in the absence of such Federal funds, be made available for the uses specified in the State plan, and in no case so as to supplant such State or local funds; and

"(8) the State will provide for such fiscal control and fund accounting procedures as may be necessary to ensure proper disbursement of, and accounting for, Federal funds paid to the State (including such funds paid by the State to eligible recipients under this Act).

"(d) When changes in program conditions, labor market conditions, funding, or other factors require substantial amendment to an approved State plan, the State board, in consultation with the State council, shall submit amendments to the State plan to the Secretary. These amendments shall be subject to review by the State job training coordinating council and the State council.

"(e) The Secretary is authorized to publish regulations that establish minimum requirements for acceptable State performance standards described under paragraph (4) of subsection (b). The Secretary shall, in consultation with the Secretary of Labor, ensure that, in the establishment of minimum requirements for acceptable State performance standards, such minimum standards are consistent, wherever possible, with comparable performance standards required under the Job Training Partnership Act.

"APPROVAL

"SEC. 114. (a) Each State plan shall, not less than sixty days before the plan is to be submitted to the Secretary, be furnished to the Governor, the State council, and the State job training coordinating council of the State under section 122 of the Job

Training Partnership Act for review and comment. If the matters covered by the comments of the Governor, the State council, and the State job training coordinating council are not covered by the State plan, the State board shall submit the comments with the State plan to the Secretary. The State board may inform the Secretary of its responses to any of these comments.

"(b) The Secretary may provide technical assistance and guidance to the States in order to assist the States to fulfill the requirements of section 113.

"(c)(1) Each State plan shall be submitted to the Secretary. The Secretary shall approve that plan if it (A) meets the requirements of section 113, and (B) gives reasonable promise of meeting the objectives of this Act (including the objective of developing and applying program performance standards). The Secretary shall not finally disapprove a State plan except after giving reasonable notice and an opportunity for a hearing to the State board.

"(2) The document submitted under paragraph (1) shall be considered to be the general application required by section 435 of the General Education Provisions Act.

"(3) The Secretary shall approve State plan amendments that meet the requirements of section 113, unless such amendments propose changes that are inconsistent with the requirements and purposes of this Act. The Secretary shall not finally disapprove such amendments except after giving reasonable notice and an opportunity for a hearing to the State board.

"LOCAL APPLICATION

"SEC. 115. Any eligible recipient desiring to receive assistance under this Act shall, in accordance with requirements established by the State board, submit to the State board an application that contains—

"(1) a description of the vocational education programs to be funded;

"(2) the specific performance results each project is designed to achieve;

"(3) an explanation of how the application was developed in accordance with the requirements of section 113(b)(8); and

"(4) any other information required by the State board to carry out its functions under this Act.

"PART C—FEDERAL ADMINISTRATIVE PROVISIONS

"PAYMENTS

"SEC. 121. (a) The Secretary shall pay to each State from its allotment under section 101 for any fiscal year for which the State has an approved State plan (including any amendments to such plan) the Federal share of the costs of carrying out the State plan.

"(b) The Secretary shall pay to each State council of a State that has an approved State plan its allotment under section 112(d).

"FEDERAL SHARE

"SEC. 122. (a) The Federal share for each fiscal year shall not exceed—

"(1) 100 per centum of the costs of administration of the State plan and of vocational education programs;

"(2) 100 per centum of the costs of the State council under section 112; and

"(3) 50 per centum of the costs of vocational education programs under title II.

"(b)(1) The non-Federal contribution for the costs of vocational education programs for handicapped individuals and disadvantaged individuals under part A of title II shall be furnished equitably by the State from State and local sources, except that non-Federal contributions of such costs shall be furnished by the State from State sources if the State board determines that an eligible recipient cannot reasonably be expected to provide such costs from local sources.

"(2) The non-Federal contributions for the costs of vocational education programs under title II from local sources may be in cash or in kind, fairly valued, including facilities, overhead, personnel, equipment, and services, if the eligible recipient determines that it cannot otherwise provide such contribution.

"MAINTENANCE OF EFFORT

"SEC. 123. (a) Full payments shall be made under this Act for any fiscal year to a State only if that State's fiscal effort per student or the aggregate expenditures of that State, for vocational education for the fiscal year immediately preceding that fiscal year, is at least 90 per centum of such effort or expenditures for the second preceding fiscal year. If the Secretary determines that such effort or expenditures for the fiscal year immediately preceding the fiscal year for which the determination is made is less than 90 per centum of such effort or expenditures for the second preceding fiscal year, then the Secretary shall decrease payments to that State for the fiscal year in which the determination is made in direct proportion to the State's failure to maintain effort and expenditures at the 90 per centum level.

"(b) The Secretary may waive the requirements of this section for one fiscal year only, upon making a determination that such waiver would be equitable due to exceptional or uncontrollable circumstances affecting the ability of the applicant to meet such requirements, such as a natural disaster or an unforeseen and precipitous decline in financial resources. No level of funding permitted under this waiver may be used as the basis for computing the fiscal effort required under this section for years subsequent to the year covered by the waiver and such fiscal effort shall be computed on the basis of the level of funding that would, but for such waiver, have been required.

"TITLE II—BASIC STATE GRANTS FOR VOCATIONAL EDUCATION

"PART A—VOCATIONAL EDUCATION OPPORTUNITIES

"USES OF FUNDS

"SEC. 201. (a) From the portion of its allotment under section 101 available for this part, each State shall provide vocational education programs designed to meet the special needs of groups of individuals specified in subsection (b).

"(b) To meet the needs identified in the State plan, each State shall use the portion of its allotment available for this part in any fiscal year to provide vocational education services and activities designed to meet the special needs of, and to enhance the participation of—

"(1) handicapped individuals;

"(2) disadvantaged individuals;

"(3) individuals of limited English proficiency;

"(4) individuals who are single parents, homemakers, or single pregnant women;

"(5) individuals who participate in programs designed to eliminate sex bias and stereotyping in vocational education; and

"(6) criminal offenders who are in correctional institutions.

"(c) Funds under subsection (b)(1) may be used for—

"(1) supplemental staff, equipment, materials, and services needed to enable handicapped individuals to participate in vocational education programs, including, if appropriate, the additional costs (beyond the costs of regular services and activities) of providing separate services and activities for handicapped individuals;

"(2) activities that are required under, or supplement services provided under, individualized education programs of handicapped students enrolled in secondary schools; and

"(3) other activities that will improve vocational education opportunities for individuals with handicaps.

"(d) Funds under subsection (b)(2) may be used for—

"(1) supplemental staff, equipment, materials, and services needed to enable disadvantaged individuals to participate in vocational education programs, including, if appropriate, the additional costs (beyond the costs of regular services and activities) of providing separate services and activities for disadvantaged individuals;

"(2) transportation, child care, and other ancillary services, if needed to enable economically disadvantaged individuals to participate in vocational education programs;

"(3) supplementary basic skills instruction that will enable educationally disadvantaged individuals to enter and succeed in vocational education programs; and

"(4) other activities that will improve vocational education opportunities for disadvantaged individuals.

"(e)(1) Funds under subsection (b)(3) may be used for—

"(A) supplementary English instruction to enable individuals of limited English proficiency to participate in regular vocational education programs;

"(B) bilingual vocational education for individuals who are out of school and have entered, or are preparing to enter, the labor market and who need additional training; and

"(C) other activities designed to expand vocational education opportunities for individuals of limited English proficiency.

"(2) All programs carried out under this subsection shall be designed to enable individuals of limited English proficiency to progress effectively through regular, English speaking, vocational education programs or, if instruction is provided in a separate setting, to enter regular programs as quickly as possible. Instruction may be provided entirely in English or, to the extent necessary, in the appropriate native language.

"(f) Funds under subsection (b)(4) may be used to—

"(1) provide for vocational education and training activities that will furnish single parents, homemakers, and single pregnant women with marketable skills;

"(2) assist eligible recipients to expand vocational education services when this expansion directly increases the eligible recipients' capacity for providing single parents, homemakers, and single pregnant women with marketable skills;

"(3) make vocational education and training more accessible to single parents, homemakers, and single pregnant women by assisting them with child care or transportation services or by organizing and scheduling the programs so that such programs are more accessible;

"(4) inform single parents, homemakers, or single pregnant women of vocational education programs and related support services; and

"(5) carry out other activities to improve vocational education opportunities for single parents, homemakers, or single pregnant women.

"(g) Funds under subsection (b)(5) may be used for—

"(1) programs to eliminate sex bias and stereotyping in secondary and postsecondary vocational education;

"(2) vocational education programs for girls and women, aged 14 through 25, designed to enable the participants to support themselves and their families, except that the requirement with respect to age limitations may be waived whenever the individual described in section 111(b)(1) determines that the waiver is essential to meet the objectives of this section;

"(3) support services for individuals participating in vocational education programs described in paragraphs (1) and (2), including dependent-care services and transportation; and

"(4) other activities designed to eliminate sex bias and stereotyping from vocational education or to enable women and men to move into occupations that are nontraditional for their gender.

"(h) Funds under subsection (b)(6) may be used for—

"(1) vocational education services and activities in correctional institutions; and

"(2) activities to facilitate the transition of criminal offenders in correctional institutions to employment or enrollment in vocational education programs outside those institutions.

"(i) In addition to activities authorized by subsections (c) through (h), a State may use funds under this part for individuals described in subsection (b) for—

"(1) educational choice programs under which such individuals who are of secondary school age and are not in correctional institutions are permitted to participate in vocational education programs operated by any qualified public or private nonprofit provider;

"(2) assessments of such individuals' interests, activities, and special needs with respect to entering and completing vocational education programs;

"(3) basic skills instruction, as needed to enable such individuals to enter and succeed in vocational education programs;

"(4) vocational guidance and counseling;

"(5) work-site instruction programs, including cooperative education, work-study, and apprenticeship training;

"(6) services designed to facilitate the school-to-work transition;

"(7) placement services for such individuals who have successfully completed vocational education programs;

"(8) activities carried out jointly between eligible recipients and community-based organizations of demonstrated effectiveness; and

"(9) activities carried out jointly by two or more eligible recipients.

"CRITERIA FOR SERVICES AND ACTIVITIES FOR THE HANDICAPPED AND THE DISADVANTAGED

"SEC. 202. (a) With respect to the use of funds under this part for handicapped individuals and disadvantaged individuals, the State shall ensure that—

"(1) equal access will be provided to such individuals in recruitment, enrollment, and placement activities; and

"(2) equal access will be provided to such individuals to the full range of vocational programs available to other individuals in the State, including occupationally specific courses of study, cooperative education, and apprenticeship training programs.

"(b) The State shall ensure that—

"(1) vocational education programs under this part for handicapped individuals will be provided in the least restrictive environment in accordance with section 612(5)(B) of the Education of the Handicapped Act and will, whenever appropriate, be included as a component of the individualized education program required under sections 612(4) and 614(a)(5) of that Act; and

"(2) vocational education planning under this part for handicapped individuals will be coordinated among appropriate representatives of vocational education and special education.

"(c) Each local educational agency that carries out programs under this part for handicapped students or disadvantaged students shall provide, at least one year before these students enter the grade level in which vocational education programs are first generally available in the State, but in no event later than the beginning of the ninth grade, information to these students and their parents, concerning the opportunities available in vocational education and the requirements for eligibility for enrollment in such vocational education programs.

"PART B—VOCATIONAL EDUCATION PROGRAM IMPROVEMENT, INNOVATION, AND EXPANSION

"USES OF FUNDS

"SEC. 211. (a) From the portion of its allotment under section 101 available for this part, each State shall use funds to meet the needs identified in the State plan for one or more of the following—

"(1) professional development and improvement of vocational teachers, counselors, and administrators (including exchange programs with industry) to increase participants' knowledge, skills, and effectiveness;

"(2) acquisition of instructional equipment and materials needed to improve or expand vocational education programs; and

"(3) curriculum development, field-testing of new or revised programs (for no more than three years), and dissemination.

"(b) Each State may use funds under this part to support activities jointly between eligible recipients and community-based organizations of demonstrated effectiveness.

"TITLE III—NATIONAL PROGRAMS

"RESEARCH AND EVALUATION

"SEC. 301. (a) The Secretary may conduct research on, and evaluations of, vocational education programs, activities, and trends that are related to the purposes of this Act, including but not limited to—

"(1) effective methods for providing high-quality vocational education, including methods of providing services to individuals eligible to be served under part A of title II;

"(2) strategies for coordinating local, State, and Federal vocational education programs, other education programs, employment training (including programs under the Job Training Partnership Act, the Family Support Act of 1988, and the National Apprenticeship Act), and economic development programs in order to improve program performance;

"(3) successful methods of reinforcing and enhancing basic academic skills in vocational settings;

"(4) studies of the educational and economic effects of participation in different types of vocational education programs as compared to the outcomes resulting from participation in other skill training and education programs;

"(5) the success of local, State, and national efforts to improve the quality of vocational education, including the quality of services provided to individuals with special needs;

"(6) the quality of the vocational education teaching force, including issues related to the preparation needed to ensure the delivery of high-quality vocational training;

"(7) the impact of performance standards and other accountability measures on the delivery and success of vocational education services;

"(8) the impact, on the delivery of services to special populations, of Federal legislation giving States flexibility in allocating funds to serve those populations; and

"(9) the impact of vocational education on economic growth, with particular emphasis on the role that involvement of the private sector may play in ensuring that vocational education programs contribute to economic growth.

"(b)(1) The Secretary may carry out research and evaluation activities directly, or through grants to, or contracts or cooperative agreements with, individual researchers, institutions of higher education, State and local educational agencies, community-based organizations, and other qualified public and private agencies and organizations.

"(2) The Secretary may support field-initiated projects, and shall ensure that applications for such projects receive fair and equitable treatment in the selection process.

"(c) The Secretary may conduct a national assessment of vocational education in order to evaluate the effectiveness of programs authorized under this Act.

"(d)(1) The Secretary shall establish and support one or more centers for research in vocational education. The Secretary shall designate such center or centers after considering the advice of a panel of individuals, appointed by the Secretary, who are experts in vocational education and who are not Federal employees.

"(2) The Secretary shall support each center designated under paragraph (1) through the award of a multiple-year grant or contract to a qualified public or private entity.

"(3) This subsection shall not take effect until December 31, 1992.

"DEMONSTRATION PROGRAMS

"SEC. 302. (a) The Secretary may carry out, directly or through grants to, or contracts or cooperative agreements with, State and local educational agencies, postsecondary educational institutions, and other public and private agencies, organizations, and institutions, vocational education programs that demonstrate effective approaches to achieving the purposes of this Act, such as—

"(1) projects to demonstrate methods of bringing the vocational education system together with the private sector to implement cooperative training programs in high-technology occupations and occupations in which there are current or projected shortages of skilled workers;

"(2) projects to improve vocational education through joint activities with community-based organizations;

"(3) projects to improve the integration of basic skills into vocational programs;

"(4) projects to enhance student and parental choice in vocational education;

"(5) projects to improve the articulation between secondary and postsecondary education;

"(6) joint projects with the Department of Labor or other Federal agencies to provide comprehensive services to disadvantaged youth, living in areas with high concentrations of poverty, to enable these youth to break the cycle of poverty and achieve their full potential; and

"(7) model programs to strengthen vocational education teaching and administration.

"(b) The Federal share of projects assisted under this section shall not exceed 75 percent.

"(c) The Secretary shall award grants under this section for no longer than three years. A project assisted under this section may not receive (1) continued assistance after the first or second year unless that project demonstrates satisfactory progress, or (2) more than one grant awarded under this section.

"OCCUPATIONAL INFORMATION SYSTEM

"SEC. 303. (a) The Secretary may support and assist the National Occupational Information Coordinating Committee, as established under section 422 of the Carl D. Perkins Vocational Education Act as enacted by Public Law 98-524. Such committee shall—

"(1) improve coordination and communication among administrators and planners of programs authorized by this Act and by the Job Training Partnership Act, employment security agency administrators, research personnel, and personnel of employment training, planning, and administering agencies (including apprenticeship training agencies) at the Federal, State, and local levels;

"(2) develop and implement, in cooperation with State and local agencies, an occupational information system that meets the common occupational information needs of vocational education programs and employment and training programs at the Federal, State, and local levels, and includes data on occupational demand and supply, based on uniform definitions, standardized estimating procedures, and standardized occupational classifications;

"(3) conduct studies on the effects of technological change on new and existing occupational areas as well as the required changes in knowledge and job skills; and

"(4) support and assist State occupational information coordination committees described in subsection (b).

"(b) Each State receiving assistance under this Act shall maintain a State occupational information coordinating committee composed of representatives of the State board, the State employment security agency, the State economic development agency, the State job training coordinating council, and the agency administering the vocational rehabilitation program. The committee shall—

"(1) implement an occupational information system in the State that meets the common needs for the planning for, and operation of, programs of the State board assisted under this Act and of the administering agencies under the Job Training Partnership Act; and

"(2) use the occupational information system to implement a career information delivery system.

"BILINGUAL VOCATIONAL TRAINING

"SEC. 304. (a) The Secretary may make grants to, and enter into contracts or cooperative agreements with, State agencies, local educational agencies, postsecondary educational institutions, private nonprofit vocational training institutions, and other nonprofit organizations, for bilingual vocational education and training for individuals with limited English proficiency to prepare them for jobs in recognized occupations as well as new and emerging occupations.

"(b) Funds for bilingual vocational training programs may be used for such activities as—

"(1) programs for individuals who have completed or left elementary school or secondary school;

"(2) programs for individuals who have entered the labor market and who desire or need training or retraining to achieve year-round employment, to adjust to changing workforce needs, to expand their range of skills, or to advance in employment; and

"(3) preservice or inservice training for educational personnel conducting, or preparing to conduct, bilingual vocational training programs.

"(c) The Secretary may require an individual who receives training under subsection (b)(3) to serve for a reasonable period of time in the field in which training was provided, or to repay all or part of the cost of that training.

"(d) No recipient may receive more than one grant under this section and no project may receive assistance under this section for more than three years.

"(e) The Secretary shall administer programs under this section in consultation with the Secretary of Labor.

"(f) Programs of bilingual vocational education and training under this section carried out in the Commonwealth of Puerto Rico may also provide for the needs of individuals of limited Spanish proficiency.".

AMENDMENTS TO GENERAL EDUCATION PROVISIONS ACT

SEC. 3. Section 406 of the General Education Provisions Act (20 U.S.C. 1221e-1) is amended—

(1) by redesignating subsection (j) as subsection (k); and

(2) by inserting immediately after subsection (i) the following new subsection (j):

"(j)(1)(A) The Secretary shall develop and administer, within the Center, a national vocational education data reporting system using uniform definitions. Such system may include information on vocational education students (including information on race, sex, and handicapping condition), programs, program completers and leavers, placement and followup, staff, governance, and expenditures. Such information may also include the participation of special populations, including women, disadvantaged individuals, handicapped individuals, individuals of limited English proficiency, and minorities.

"(B) The Secretary shall ensure that the development and administration of the vocational education data system is coordinated with the administration of programs authorized by the Carl D. Perkins Vocational Education Act.

"(2)(A) In maintaining and updating such system, the Secretary shall, to the fullest extent possible, make the system compatible with other information collections, such as data collected by the Center, the occupational information system under section 303 of the Carl D. Perkins Vocational Education Act, other systems developed or assisted under the Job Training Partnership Act, and information collected pursuant to the Education and the Handicapped Act.

"(B) Any State receiving assistance under the Carl D. Perkins Vocational Education Act shall cooperate with the Secretary in supplying the information required to be submitted by the Secretary and shall comply in its reports with the vocational education data system developed by the Secretary pursuant to paragraph (1). Each State shall submit the data required to carry out paragraph (1) to the Secretary in whatever form the Secretary requires.

"(C) In carrying out the requirements under this subparagraph, the Secretary may use whatever methodology is appropriate, including scientific sample surveys, to collect the information required.".

AMENDMENTS TO THE JOB TRAINING PARTNERSHIP ACT

SEC. 4. The Job Training Partnership Act (29 U.S.C. 1501 *et seq.*) is amended—

(1) in section 4—

(A) in paragraph (14), by striking out "section 521(19)" and inserting in lieu thereof "section 4(16)"; and

(B) in paragraph (28), by striking out "section 521(31)" and inserting in lieu thereof "section 4(23)";

(2) in section 122(b)(7)(B), by striking out "measures taken pursuant to section 113(b)(9)" and inserting in lieu thereof "implementation of performance standards by the State pursuant to section 113(b)(4)";

(3) in section 427(a)(1), by striking out "which operates or wishes to develop area vocational education school facilities or residential vocational schools (or both) as authorized by such Act";

(4) in sections 463(a), 464(a)(1), and 464(c), by striking out "section 422" each place it appears; and

(5) in the heading for part F of title IV, by striking out "NATIONAL COMMISSION FOR EMPLOYMENT POLICY" and inserting in lieu thereof "NATIONAL COMMISSION ON EMPLOYMENT AND VOCATIONAL EDUCATION POLICY";

(6) in section 471, by striking out "National Commission for Employment Policy" and inserting in lieu thereof "National Commission on Employment and Vocational Education Policy";

(7) in section 472(a)—

(A) by striking out "National Commission for Employment Policy" and inserting in lieu thereof "National Commission on Employment and Vocational Education Policy"; and

(B) by striking out the fourth sentence thereof; and

(8) in section 473(7)—

(A) by striking out the subparagraph designation "(A)";

(B) by striking out "identify, after consultation with the National Council on Vocational Education," and inserting in lieu thereof "identify"; and

(C) by striking out subparagraph (B).

AMENDMENTS TO THE OMNIBUS TRADE AND COMPETITIVENESS ACT OF 1988

SEC. 5. Chapter 4 of title VI of the Omnibus Trade and Competitiveness Act of 1988 is amended—

(1) in section 6131(a)—

(A) by redesignating paragraphs (1), (2), and (3) (as printed at 102 Stat. 1508 and 1509) as subparagraphs (A), (B), and (C), respectively;

(B) by inserting the paragraph designation "(1)" immediately before "part C of title III"; and

(C) in paragraph (2) (as printed at 102 Stat. 1511), by redesignating subparagraphs (1) and (2) as subparagraphs (A) and (B); and

(2) by repealing sections 6133 and 6135 (20 U.S.C. 2411, note) and redesignating section 6134 as section 6133.

AMENDMENTS TO THE SMITH-HUGHES ACT

SEC. 6. The Act of February 23, 1917 (20 U.S.C. 11 *et seq.*) is amended—

(1) in the clause immediately after the enacting clause, by inserting "through the fiscal year ending September thirtieth, nineteen hundred eighty-nine" immediately after "hereby annually appropriated"; and

(2) in sections 2, 3, and 4, by inserting "through the fiscal year ending September thirtieth, nineteen hundred eighty-nine" immediately after "annual thereafter" and "for any fiscal year thereafter" each place they appear.

MISCELLANEOUS CONFORMING AMENDMENTS

SEC. 7. (a) Section 7003(a)(12) of the Bilingual Education Act (20 U.S.C. 3283(a)(12)) is amended by striking out "pursuant to part E of title IV" and inserting in lieu thereof "pursuant to section 305".

(b) Section 3(1) of the Education for Economic Security Act (20 U.S.C. 3902(1)) is amended—

(1) by striking out paragraph (1); and

(2) by redesignating paragraphs (2) through (12) as paragraphs (1) through (11), respectively.

(c) Section 613(a)(2) of the Education of the Handicapped Act (20 U.S.C. 1413(a)(2)) is amended by striking out "section 202(1)" and inserting in lieu thereof "section 201".

EFFECTIVE DATE

SEC. 8. Unless otherwise provided, the provisions of this Act shall take effect upon enactment.

Mr. PELL. Mr. President, I am very pleased to join Senator KASSEBAUM in introducing, by request, the administration's proposed legislation for the reauthorization of the Carl D. Perkins Vocational Education Act. The fact that the administration has presented its bill in time for consideration during our oversight hearing process and subsequent work in reauthorization establishes a constructive dialog between both ends of Pennsylvania Avenue, and bodes well for serious consideration of their proposal. As I have indicated many times, I am very eager to work in a cooperative fashion with this administration to form a strong partnership on behalf of education.

We are introducing this bill by request, in the same manner that we have introduced proposed legislation on behalf of the American Vocational Association, so that we might have these proposals out for review and consideration.

Later on this month, we will begin our series of oversight hearings on this important issue. We welcome the Secretary's participation in those hearings, and look forward to hearing from him on the specifics of the administration's proposal.

ADDITIONAL COSPONSORS

S. 6

At the request of Mr. MCCAIN, the name of the Senator from Texas [Mr. GRAMM] was added as a cosponsor of S. 6, a bill to grant the power to the President to reduce appropriated funds within 10 days after the date of enactment of a bill appropriating such funds.

S. 16

At the request of Mr. CRANSTON, the name of the Senator from Tennessee [Mr. GORE] was added as a cosponsor of S. 16 a bill to require the executive branch to gather and disseminate information regarding, and to promote techniques to eliminate, discriminatory wage setting practices and discriminatory wage disparities which are based on sex, race, or national origin.

S. 38

At the request of Mr. WILSON, the name of the Senator from Oklahoma [Mr. NICKLES] was added as a cosponsor of S. 38 a bill to make long term care insurance available to civilian Federal employees, and for other purposes.

S. 82

At the request of Mr. THURMOND, the name of the Senator from Ohio [Mr. METZENBAUM] was added as a cosponsor of S. 82, a bill to recognize the organization known as the 82d Airborne Division Association, Inc.

S. 116

At the request of Ms. MIKULSKI, the names of the Senator from New Jersey [Mr. BRADLEY], the Senator from Rhode Island [Mr. CHAFEE], the Senator from Connecticut [Mr. DODD], the Senator from Minnesota [Mr. DURENBERGER], the Senator from Tennessee [Mr. GORE], the Senator from Rhode Island [Mr. PELL], the Senator from Alabama [Mr. SHELBY], and the Senator from Alaska [Mr. STEVENS] were withdrawn as cosponsors of S. 116, a bill to amend title XVIII of the Social Security Act to increase the independence of psychologists with respect to services furnished at a comprehensive outpatient rehabilitation facility.

S. 197

At the request of Mr. SASSER, the name of the Senator from Oregon [Mr. HATFIELD] was added as a cosponsor of S. 197, a bill to authorize the insurance of certain mortgages for first-time home buyers, and for other purposes.

S. 201

At the request of Mr. GORE, the names of the Senator from Massachusetts [Mr. KENNEDY] and the Senator from Hawaii [Mr. MATSUNAGA] were added as cosponsors of S. 201, a bill to respond to the global environmental degradation by human activities by reversing the trends that are presently altering or destroying vast portions of the biosphere, and to ensure that U.S. policies provide for the protection of the world environment from future degradation, and for other purposes.

S. 216

At the request of Mr. MOYNIHAN, the name of the Senator from Illinois [Mr. SIMON] was added as a cosponsor of S. 216, a bill to establish the Social Security Administration as an independent agency, which shall be headed by a Social Security Board, and which shall be responsible for the administration of the old age, survivors, and disability insurance program under title II of the Social Security Act and the supplemental security income program under title XVI of such act.

S. 231

At the request of Mr. MOYNIHAN, the name of the Senator from Georgia [Mr. FOWLER] was added as a cosponsor of S. 231, a bill to amend part A of title IV of the Social Security Act to improve quality control standards and procedures under the Aid to Families With Dependent Children Program, and for other purposes.

S. 243

At the request of Mr. MCCLURE, the name of the Senator from Montana [Mr. BAUCUS] was added as a cosponsor of S. 243, a bill to provide for the extension of regional referral center classification of certain hospitals under the Medicare program and to continue the payment rates for such hospitals.

S. 384

At the request of Mr. CHAFEE, the name of the Senator from Minnesota [Mr. BOSCHWITZ] was added as a cosponsor of S. 384, a bill to amend title XIX of the Social Security Act to assist individuals with a severe disability in attaining or maintaining their maximum potential for independence and capacity to participate in community and family life, and for other purposes.

S. 458

At the request of Mr. DECONCINI, the name of the Senator from Vermont [Mr. LEAHY] was added as a cosponsor of S. 458, a bill to provide for a General Accounting Office investigation and report on conditions of displaced Salvadorans and Nicaraguans, to provide certain rules of the House of Representatives and of the Senate with respect to review of the report, to provide for the temporary stay of detention and deportation of certain Salvadorans and Nicaraguans and for other purposes.

S. 488

At the request of Mr. FOWLER, the name of the Senator from Arizona [Mr. DECONCINI] was added as a cosponsor of S. 488, a bill to provide Federal assistance and leadership to a program of research, development and demonstration of renewable energy and energy efficiency technologies, and for other purposes.

S. 520

At the request of Mr. DECONCINI, the names of the Senator from Wisconsin [Mr. KOHL], and the Senator from Mississippi [Mr. COCHRAN] were added as cosponsors of S. 520, a bill to encourage the States to enact legislation to grant immunity from personal

civil liability, under certain circumstances, to volunteers working on behalf of nonprofit organizations and governmental entities.

S. 533

At the request of Mr. REID, the name of the Senator from Connecticut [Mr. LIEBERMAN] was added as a cosponsor of S. 533, a bill to protect the rights of victims of crime and to establish a Federal victim's bill of rights for children.

S. 618

At the request of Mr. SARBANES, the name of the Senator from Louisiana [Mr. JOHNSTON] was added as a cosponsor of S. 618, a bill to authorize the Indian American Forum for Political Education to establish a memorial to Mahatma Gandhi in the District of Columbia.

S. 670

At the request of Mr. ARMSTRONG, the name of the Senator from Massachusetts [Mr. KERRY] was added as a cosponsor of S. 670, a bill to recognize the organization known as the Retired Enlisted Association, Inc.

S. 685

At the request of Mr. METZENBAUM, the name of the Senator from Tennessee [Mr. GORE] was added as a cosponsor of S. 685, a bill to amend title I of the Employee Retirement Income Security Act of 1974 to clarify the applicability of rules relating to fiduciary duties in relation to plan assets of terminated pension plans and to provide for an explicit exception to such rules for employer reversions meeting certain requirements.

S. 714

At the request of Mr. MCCLURE, the name of the Senator from Nebraska [Mr. KERREY] was added as a cosponsor of S. 714, a bill to extend the authorization of the Water Resources Research Act of 1984 through the end of the fiscal year 1993.

At the request of Mr. MCCLURE, the name of the Senator from Massachusetts [Mr. KERREY] was withdrawn as a cosponsor of S. 714, supra.

S. 771

At the request of Mr. REID, the name of the Senator from Hawaii [Mr. INOUYE] was added as a cosponsor of S. 771, a bill to amend the Internal Revenue Code of 1986 to disallow deductions for costs in connection with oil and hazardous substances cleanup unless the requirements of all applicable Federal laws concerning such cleanup are met, and for other purposes.

S. 785

At the request of Mr. ROCKEFELLER, the name of the Senator from Wisconsin [Mr. KOHL] was added as a cosponsor of S. 785, a bill to amend title XIX of the Social Security Act to provide States the option of providing quality home and community care to the elderly under their Medicaid Program.

S. 836

At the request of Mr. MITCHELL, the names of the Senator from Arkansas [Mr. PRYOR], the Senator from Minnesota [Mr. BOSCHWITZ], the Senator from Michigan [Mr. LEVIN], and the Senator from North Dakota [Mr. BURDICK] were added as cosponsors of S. 836, a bill to amend the Potato Research and Promotion Act to provide potato producers with improved methods of assessment for financing a more effective marketing research and promotion program, to provide an effective consumer information program designed to expand the market for potatoes, and for other purposes.

S. 843

At the request of Mr. ROCKEFELLER, the names of the Senator from Alaska [Mr. STEVENS] and the Senator from North Dakota [Mr. BURDICK] were added as cosponsors of S. 843, a bill to establish a program of awards by the National Science Foundation for undergraduate students who are willing to commit themselves to teach elementary or secondary mathematics or science for a specified period of time.

S. 892

At the request of Mr. MOYNIHAN, the names of the Senator from California [Mr. CRANSTON] and the Senator from Florida [Mr. GRAHAM] were added as cosponsors of S. 892, a bill to exclude agent orange settlement payments from countable income and resources under Federal means-tested programs.

S. 893

At the request of Mr. LAUTENBERG, the names of the Senator from Massachusetts [Mr. KERREY] and the Senator from Oregon [Mr. HATFIELD] were added as cosponsors of S. 893, a bill to establish certain categories of Soviet and Vietnamese nationals presumed to be subject to persecution and to provide for adjustment to refugee status of certain Soviet and Vietnamese parolees.

S. 933

At the request of Mr. HARKIN, the name of the Senator from South Carolina [Mr. HOLLINGS] was added as a cosponsor of S. 933, a bill to establish a clear and comprehensive prohibition of discrimination on the basis of disability.

S. 973

At the request of Mr. LUGAR, the name of the Senator from Mississippi [Mr. LOTT] was added as cosponsor of S. 973, a bill to create a Rural Capital Access Program within the Department of Agriculture to encourage lending institutions to provide loans to certain businesses, and for other purposes.

S. 978

At the request of Mr. INOUYE, the name of the Senator from Oklahoma [Mr. BOREN] was added as a cosponsor of S. 978, a bill to authorize the establishment within the Smithsonian Institution of the National Museum of the American Indian, to establish a memorial to the American Indian, and for other purposes.

S. 1060

At the request of Mr. PRYOR, the names of the Senator from Mississippi [Mr. COCHRAN] and the Senator from Tennessee [Mr. SASSER] were added as cosponsors of S. 1060, a bill to amend the Internal Revenue Code of 1986 to provide refundable income tax credits to primary health services providers who work in rural health manpower shortage areas, and for other purposes.

S. 1079

At the request of Mr. MOYNIHAN, the names of the Senator from Michigan [Mr. RIEGLE] and the Senator from North Dakota [Mr. CONRAD] were added as cosponsors of S. 1079, a bill to amend title XI of the Social Security Act to require the Secretary of Health and Human Services to provide Social Security account statements to individuals covered by Social Security, and for other purposes.

SENATE JOINT RESOLUTION 15

At the request of Mr. PRESSLER, the names of the Senator from Pennsylvania [Mr. SPECTER] and the Senator from Indiana [Mr. COATS] were added as cosponsors of Senate Joint Resolution 15, a joint resolution to designate the second Sunday in October of 1989 as "National Children's Day."

SENATE JOINT RESOLUTION 55

At the request of Mr. SIMON, the names of the Senator from Rhode Island [Mr. CHAFEE], the Senator from Minnesota [Mr. BOSCHWITZ], and the Senator from Florida [Mr. MACK] were added as cosponsors of Senate Joint Resolution 55, a joint resolution to designate the week of October 1, 1989, through October 7, 1989, as "Mental Illness Awareness Week."

SENATE JOINT RESOLUTION 66

At the request of Mr. HELMS, the name of the Senator from Idaho [Mr. MCCLURE] was added as a cosponsor of Senate Joint Resolution 66, a joint resolution to designate the third week of June 1989 as "National Dairy Goat Awareness Week."

SENATE JOINT RESOLUTION 86

At the request of Mr. RIEGLE, the name of the Senator from Colorado [Mr. WIRTH] was added as a cosponsor of Senate Joint Resolution 86, a joint resolution designating November 17, 1989, as "National Philanthropy Day."

SENATE JOINT RESOLUTION 94

At the request of Mr. BOREN, the name of the Senator from Virginia [Mr. ROBB] was added as a cosponsor of Senate Joint Resolution 94, a joint resolution to designate the week of June 4, 1989 through June 10, 1989, as "National Intelligence Community Week."

SENATE JOINT RESOLUTION 95

At the request of Mr. MCCLURE, the name of the Senator from Nebraska [Mr. KERREY] was added as a cosponsor of Senate Joint Resolution 95, a joint resolution to designate the week of September 10, 1989, through September 16, 1989, as "National Check-Up Week."

SENATE JOINT RESOLUTION 96

At the request of Mr. LAUTENBERG, the names of the Senator from Mississippi [Mr. LOTT], the Senator from Maine [Mr. MITCHELL], the Senator from Mississippi [Mr. COCHRAN], and the Senator from Nebraska [Mr. KERREY] were added as cosponsors of Senate Joint Resolution 96, a joint resolution designating July 2, 1989, as "National Literacy Day."

SENATE JOINT RESOLUTION 116

At the request of Ms. MIKULSKI, the names of the Senator from New Jersey [Mr. BRADLEY], the Senator from Rhode Island [Mr. CHAFEE], the Senator from Connecticut [Mr. DODD], the Senator from Minnesota [Mr. DURENBERGER], the Senator from Tennessee [Mr. GORE], the Senator from Rhode Island [Mr. PELL], the Senator from Alabama [Mr. SHELBY], and the Senator from Alaska [Mr. STEVENS] were added as cosponsors of Senate Joint Resolution 116, a joint resolution to designate the week beginning October 8, 1989, as "National Infertility Awareness Week."

SENATE JOINT RESOLUTION 124

At the request of Mr. GORTON, the names of the Senator from Delaware [Mr. BIDEN], the Senator from West Virginia [Mr. ROCKEFELLER], the Senator from Virginia [Mr. WARNER], the Senator from Minnesota [Mr. DURENBERGER], the Senator from North Carolina [Mr. SANFORD], the Senator from California [Mr. CRANSTON], the Senator from New York [Mr. MOYNIHAN], the Senator from North Carolina [Mr. HELMS], and the Senator from Kentucky [Mr. FORD] were added as cosponsors of Senate Joint Resolution 124, a joint resolution to designate October as "National Quality Month."

SENATE JOINT RESOLUTION 126

At the request of Mr. PELL, the name of the Senator from Delaware [Mr. BIDEN] was added as a cosponsor of Senate Joint Resolution 126, a joint resolution commemorating the bicentennial of the U.S. Coast Guard.

SENATE JOINT RESOLUTION 129

At the request of Mr. DOLE, the names of the Senator from Louisiana [Mr. JOHNSTON], and the Senator from California [Mr. CRANSTON] were added as cosponsors of Senate Joint Resolution 129, a joint resolution to provide for the designation of September 15, 1989, as "National POW/MIA Recognition Day."

SENATE JOINT RESOLUTION 130

At the request of Mr. SARBANES, the names of the Senator from Utah [Mr. GARN], and the Senator from Wisconsin [Mr. KASTEN] were added as cosponsors of Senate Joint Resolution 130, a joint resolution designating February 11 through February 17, 1990, as "Vocational-Technical Education Week."

SENATE JOINT RESOLUTION 131

At the request of Mr. DURENBERGER, the names of the Senator from Illinois [Mr. DIXON], and the Senator from Nebraska [Mr. KERREY] were added as cosponsors of Senate Joint Resolution 131, a joint resolution to designate November 1989 as "National Diabetes Month."

SENATE JOINT RESOLUTION 132

At the request of Mr. SASSER, the names of the Senator from Florida [Mr. GRAHAM], the Senator from Connecticut [Mr. DODD], the Senator from New Hampshire [Mr. HUMPHREY], and the Senator from Ohio [Mr. METZENBAUM] were added as cosponsors of Senate Joint Resolution 132, a joint resolution designating September 1 through 30, 1989, as "National Alcohol and Drug Treatment Month."

SENATE JOINT RESOLUTION 136

At the request of Mr. SPECTER, the names of the Senator from Washington [Mr. ADAMS], the Senator from Texas [Mr. BENTSEN], the Senator from Delaware [Mr. BIDEN], the Senator from Oklahoma [Mr. BOREN], the Senator from New Jersey [Mr. BRADLEY], the Senator from Arkansas [Mr. BUMPERS], the Senator from North Dakota [Mr. BURDICK], the Senator from Arizona [Mr. DECONCINI], the Senator from Illinois [Mr. DIXON], the Senator from Ohio [Mr. GLENN], the Senator from Tennessee [Mr. GORE], the Senator from Alabama [Mr. HEFLIN], the Senator from South Carolina [Mr. HOLLINGS], the Senator from Hawaii [Mr. INOUYE], the Senator from Massachusetts [Mr. KERRY], the Senator from Wisconsin [Mr. KOHL], the Senator from New Jersey [Mr. LAUTENBERG], the Senator from Connecticut [Mr. LIEBERMAN], the Senator from Michigan [Mr. LEVIN], the Senator from Hawaii [Mr. MATSUNAGA], the Senator from Ohio [Mr. METZENBAUM], the Senator from Maine [Mr. MITCHELL], the Senator from New York [Mr. MOYNIHAN], the Senator from Georgia [Mr. NUNN], the Senator from Rhode Island [Mr. PELL], the Senator from Arkansas [Mr. PRYOR], the Senator from Nevada [Mr. REID], the Senator from Michigan [Mr. RIEGLE], the Senator from Virginia [Mr. ROBB], the Senator from Alabama [Mr. SHELBY], the Senator from Connecticut [Mr. DODD], the Senator from Missouri [Mr. BOND], the Senator from Rhode Island [Mr. CHAFEE], the Senator from Indiana [Mr. COATS], the Senator from New York [Mr. D'AMATO], the Senator from Kansas [Mr. DOLE], the Senator from New Mexico [Mr. DOMENICI], the Senator from Minnesota [Mr. DURENBERGER], the Senator from Utah [Mr. GARN], the Senator from Washington [Mr. GORTON], the Senator from Pennsylvania [Mr. HEINZ], the Senator from North Carolina [Mr. HELMS], the Senator from New Hampshire [Mr. HUMPHREY], the Senator from Vermont [Mr. JEFFORDS], the Senator from Kansas [Mrs. KASSEBAUM], the Senator from Wisconsin [Mr. KASTEN], the Senator from Indiana [Mr. LUGAR], the Senator from Idaho [Mr. MCCLURE], the Senator from South Dakota [Mr. PRESSLER], the Senator from Alaska [Mr. STEVENS], the Senator from South Carolina [Mr. THURMOND], and the Senator from California [Mr. WILSON] were added as cosponsors of Senate Joint Resolution 136, a joint resolution designating August 8, 1989, as "National Neighborhood Crime Watch Day."

SENATE JOINT RESOLUTION 146

At the request of Mr. PELL, the names of the Senator from Mississippi [Mr. LOTT], the Senator from New Hampshire [Mr. HUMPHREY], the Senator from Hawaii [Mr. INOUYE], the Senator from New Jersey [Mr. BRADLEY], the Senator from Missouri [Mr. BOND], the Senator from Maine [Mr. MITCHELL], the Senator from Delaware [Mr. BIDEN], and the Senator from Nebraska [Mr. EXON] were added as cosponsors of Senate Joint Resolution 146, a joint resolution designating the week of September 24, 1989, as "Religious Freedom Week."

SENATE JOINT RESOLUTION 147

At the request of Mr. LAUTENBERG, the names of the Senator from Ohio [Mr. GLENN], the Senator from New Jersey [Mr. BRADLEY], the Senator from North Dakota [Mr. CONRAD], the Senator from North Dakota [Mr. BURDICK], the Senator from New York [Mr. D'AMATO], and the Senator from Rhode Island [Mr. PELL] were added as cosponsors of Senate Joint Resolution 147, a joint resolution to designate the week beginning June 11, 1989, as "National Scleroderma Awareness Week."

SENATE CONCURRENT RESOLUTION 9

At the request of Mr. HUMPHREY, the name of the Senator from Texas [Mr. GRAMM] was added as a cosponsor of Senate Concurrent Resolution 9, a concurrent resolution etablishing procedures for expedited consideration by the Congress of certain bills and joint resolutions submitted by the President.

SENATE CONCURRENT RESOLUTION 40

At the request of Mr. MITCHELL, the names of the Senator from Georgia [Mr. FOWLER], the Senator from Oklahoma [Mr. NICKLES], the Senator from North Dakota [Mr. CONRAD], the Senator from Iowa [Mr. GRASSLEY], the Senator from Alabama [Mr. HEFLIN], the Senator from Kansas [Mrs. KASSE-

BAUM], the Senator from Arkansas [Mr. PRYOR], the Senator from Pennsylvania [Mr. HEINZ], the Senator from West Virginia [Mr. ROCKEFELLER], the Senator from Alaska [Mr. MURKOWSKI], the Senator from New Jersey [Mr. BRADLEY], the Senator from Washington [Mr. GORTON], the Senator from Oklahoma [Mr. BOREN], the Senator from Utah [Mr. GARN], the Senator from Illinois [Mr. DIXON], the Senator from New Hampshire [Mr. RUDMAN], the Senator from Rhode Island [Mr. PELL], and the Senator from Maine [Mr. COHEN] were added as cosponsors of Senate Concurrent Resolution 40, a concurrent resolution to designate June 21, 1989, as Chaney, Goodman, and Schwerner Day.

SENATE RESOLUTION 13

At the request of Mr. DOLE, the names of the Senator from Kansas [Mrs. KASSEBAUM], the Senator from Iowa [Mr. GRASSLEY], the Senator from Wisconsin [Mr. KOHL], the Senator from Rhode Island [Mr. CHAFEE], the Senator from Maryland [Mr. SARBANES], the Senator from Washington [Mr. ADAMS], and the Senator from West Virginia [Mr. ROCKEFELLER] were added as cosponsors of Senate Resolution 13, a resolution to amend Senate Resolution 28 to implement closed caption broadcasting for hearing impaired individuals of floor proceedings of the Senate.

SENATE RESOLUTION 99

At the request of Mr. BOSCHWITZ, the name of the Senator from Washington [Mr. ADAMS] was added as a cosponsor of Senate Resolution 99, a resolution requiring the Architect of the Capitol to establish and implement a voluntary program for recycling paper disposed of in the operation of the Senate.

SENATE RESOLUTION 139

At the request of Mr. LAUTENBERG, the name of the Senator from Massachusetts [Mr. KERRY] was added as a cosponsor of Senate Resolution 139, a resolution to designate June 6, 1989, as "National D-Day Remembrance Day," and to recognize the sacrifices made by the American and other allied soldiers who gave their lives to liberate Europe and save the world from Adolf Hitler.

SENATE CONCURRENT RESOLUTION 42—SENSE OF THE CONGRESS CONCERNING THE FUNERAL OF IMRE NAGY

Mr. DODD submitted the following concurrent resolution; which was referred to the Committee on Foreign Relations:

S. CON. RES. 42

Whereas on October 23, 1956 students, workers and other citizens of Budapest, Hungary united in a peaceful demonstration to express the desire of the Hungarian people for independence and freedom;

Whereas after security forces fired on the crowd, the demonstration turned into an uprising and freedom fight;

Whereas days of heroic fighting by the people of Hungary led to a temporary ceasefire and the formation of an interim government based on the consent of the people and led by Prime Minister Imre Nagy;

Whereas the short-lived Government of Imre Nagy started the first steps toward a free and independent Hungary with a multiparty system based on the idea of popular sovereignty;

Whereas on November 4, 1956 an overwhelming Soviet force entered Hungary and in fierce, bloody fighting suppressed the revolution and restored Soviet domination over Hungary;

Whereas in the course of such fighting thousands of freedom loving Hungarians lost their lives;

Whereas Prime Minister Imre Nagy and his close associates were taken into Soviet custody, and later tried and executed under false charges;

Whereas brutal and bloody retribution followed the extinction of the Hungarian revolution, and hundreds of ordinary freedom fighters were executed in addition to the top leaders of such revolution;

Whereas the present Government of Hungary has announced a radical reform of the entire political and economic system of the country;

Whereas the stated aim of such reforms is the establishment of a free and independent Hungary, with a pluralistic, multi-party political system where human rights will be respected;

Whereas the Hungarian Government has identified the secret burial sites of the executed revolutionaries of 1956, and allows their exhumation and proper public internment;

Whereas on June 16, 1989, in a public, televised funeral, the remains of Prime Minister Imre Nagy and four of his closest associates, as well as a casket representing all of the other executed victims, will be buried in Budapest with full dignity;

Whereas the government of Hungary has announced its intention to declare the innocence of Imre Nagy and his associates;

Whereas the current Prime Minister of Hungary, the Speaker of the Parliament and other officials of the Hungarian Government expressed an intent to attend the funeral;

Whereas hundreds of American citizens, who are former Hungarian freedom fighters, are traveling to Budapest to attend the funeral ceremonies and pay respect to the heroes of 1956;

Whereas the Hungarian revolution of 1956 was a watershed event in modern history and represented the first major sign of the inevitability of the destruction of Stalinism; and

Whereas it is the view of the people and the Government of the United States that the cause of human freedom is universal and that the Hungarian freedom fighters fought and died for the liberty of mankind: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That—

(1) it is the sense of the Congress that the funeral of Imre Nagy and other heroes of the Hungarian revolution of 1956 is a significant symbol of reconciliation and reform in Hungary;

(2) Congress expresses sincere respect for the memory of Imre Nagy and all of the martyrs of the Hungarian revolution of 1956; and

(3) the Secretary of the Senate is authorized and requested to send a letter to the Government of Hungary expressing such respect.

Mr. DODD. Mr. President, today I am submitting a concurrent resolution to express the respect of the Congress for the memory of former Prime Minister Imre Nagy and the other martyrs of the Hungarian revolution of 1956.

As many of my colleagues recall, after the bloody suppression of the Hungarian revolution, the head of the revolutionary government, Imre Nagy, sought refuge in the Embassy of Yugoslavia in Budapest. He was lured out with a promise of safe passage to Yugoslavia, was arrested by Soviet troops and held in Rumania for several months. A year and a half after the revolution he was secretly tried in Budapest, sentenced to death, and executed together with several of his closest associates.

Although our Congress has commemorated the 1956 revolution and the sacrifice of Imre Nagy many times, his name, his courageous stand with the young freedom fighters and his martyrdom remained taboo in Hungary for over 30 years. Just a few years ago a whole issue of a literary journal was confiscated because subtle references to Imre Nagy were discovered in a piece of poetry.

As a result of the recently changed attitude of the Soviet leadership toward its East European allies, the renouncing of the Brezhnev Doctrine, and Soviet leader Gorbachev's encouragement of reforms in those countries, a remarkable transformation is occurring in Hungary. It is nothing less than a belated victory and vindication for the revolutionaries of 1956. The Government of Hungary has publicly dedicated itself to a total reform of the political and economic system of the country, including the establishment of a pluralistic, multiparty political system.

During the reform process it became obvious, that no progress can be made beyond a certain point without a serious public account of the events of 1956, a full rehabilitation of those executed in the aftermath of those events, and a reconciliation with the vast majority of the Hungarian people who remained faithful to the heroes and ideals of 1956.

The key event of this reevaluation and reconciliation will take place on Friday, June 16, when the exhumed remains of Imre Nagy and four of his close associates, and a casket representing all other executed freedom fighters will be laid to rest in Budapest in a televised public ceremony. Those who will be in attendance include exiled former leaders of the revolution, hundreds of American citizens who are former Hungarian freedom fighters, and even present high rank-

ing party leaders, including the current Prime Minister of Hungary.

I submit this concurrent resolution with two goals in mind. On the occasion of Prime Minister Imre Nagy finally receiving the proper respect and dignity that has always been his due in his people's heart, I suggest that the Congress pay once again its respects to the historic significance of the 1956 revolution and the bravery and sacrifice of its heroes. At the same time, by passing my resolution, Congress will also take note of the historic act of reconciliation the Nagy funeral means for the present generation of Hungarians.

Last week, in an interview on the preparations for the funeral, the daughter of the executed Prime Minister Mrs. Erzsebet Veszi joined the call for such reconciliation by saying "I want my father to serve the Hungarian people even in his death."

I ask my colleagues to support this concurrent resolution.

SENATE RESOLUTION 142—RELATIVE TO THE PRESENT SITUATION IN CHINA

Mr. MITCHELL (for himself, Mr. DOLE, Mr. PELL, Mr. LUGAR, Mr. KENNEDY, Mr. CRANSTON, Mr. ROCKEFELLER, Mr. KERRY, Mr. WIRTH, Mr. KOHL, Mr. SARBANES, Mr. SIMON, Mr. BRADLEY, Mr. LEVIN, Mr. SANFORD, Mr. GORE, Mr. BINGAMAN, Mr. LAUTENBERG, Mr. MATSUNAGA, Mr. RIEGLE, Mr. GRAHAM, Mr. COHEN, Mr. MURKOWSKI, Mr. KASTEN, Mr. HELMS, Mr. WILSON, Mr. GRASSLEY, Mr. SPECTER, Mr. HATFIELD, and Mr. BURNS submitted the following resolution; which was considered and agreed to:

S. RES. 142

Whereas since June 4, 1989, thousands of Chinese students and workers have been killed and wounded by the People's Liberation Army in a brutal act of armed suppression;

Whereas the Chinese people have bravely demonstrated their peaceful commitment to democracy and human rights and, in so doing, have won the world's respect and admiration; and

Whereas the authorities of the People's Republic of China have behaved in a manner inconsistent with the civilized norms of the world's nations and in contravention of the principles embodied in the Universal Declaration on Human Rights which are accepted by all members of the United Nations including China: Now, therefore, be it

Resolved, That (a) the Senate hereby—

(1) condemns the brutal use of force by the authorities of the People's Republic of China against unarmed advocates of democracy and human rights in China and urges the entire international community to do likewise;

(2) commends the President for his forthright statement of American policy and supports the actions taken by the President in pursuit of that policy, including suspension of all government sales and commercial exports of arms to the Government of the People's Republic of China; and

(3) praises the courageous actions of American diplomatic personnel in China in seeking to insure the safety and well-being of American citizens there.

(b) It is the sense of the Senate that—

(1) the Chinese students currently studying in the United States, whose period of admission is expiring and whose return to China could subject them to conditions of violence or mistreatment, should immediately be granted permission to extend their stay in the United States until the Government of the People's Republic of China ceases the present persecution of students demonstrating for democracy in their country;

(2) all applications to the Overseas Private Investment Corporation (OPIC) for the protection of investment in China and to the Export-Import Bank of the United States for the financing of trade with China should be reviewed in light of existing legal requirements for adequate human rights treatment and the deteriorating condition of human rights in China;

(3) all departments and agencies of the United States Government charged with and currently considering liberalization of regulations and procedures relating to export licenses for sales to the People's Republic of China should take into account the current situation in China in making their decisions;

(4) the President should immediately begin consultations with the major allies of the United States regarding each ally's economic, commercial, and security relations with the People's Republic of China in order to determine collectively whether multilateral sanctions are necessary to demonstrate abhorrence of the repressive actions by the authorities of the People's Republic of China's against the people of China; and

(5) the President should inform the Congress of the results of his planned review of the bilateral relationship between the two countries and consult with the Congress on further actions to be taken based on unfolding events in China.

(6) the Voice of America should increase its daily Chinese language programming service for broadcast into the People's Republic of China beyond the number of daily programming hours broadcast as of June 6, 1989.

SEC. 2. The Secretary of the Senate shall transmit a copy of this resolution to the President.

AMENDMENTS SUBMITTED

DIRE EMERGENCY SUPPLEMENTAL APPROPRIATIONS, 1989

KASTEN (AND OTHERS) AMENDMENT NO. 137

Mr. KASTEN (for himself, Mr. LOTT, Mr. SYMMS, Mr. BOSCHWITZ, Mr. ARMSTRONG, Mr. BOND, Mr. COATS, Mr. MACK, Mr. MCCLURE, Mr. NICKLES, Mr. PRESSLER, Mr. HATCH, Mr. HELMS, Mr. BURNS, Mr. GARN, Mr. GRAMM, Mr. RUDMAN, Mr. MCCAIN, Mr. GORTON, and Mr. THURMOND) proposed an amendment to the bill (H.R. 2072) making dire emergency supplemental appropriations and transfers, urgent supplemental, and correcting enrollment errors for the fiscal year ending September 30, 1989, and for other purposes, as follows:

At the end of the bill, insert the following new section:

SEC. . REPEAL OF SECTION 89.

(a) IN GENERAL.—Section 89 of the Internal Revenue Code of 1986 (relating to benefits provided under certain employee benefit plans) is repealed.

(b) CONFORMING CHANGES.—Not later than 60 days after the date of the enactment of this Act, the Secretary of the Treasury or the Secretary's delegate shall submit to the Congress such technical and conforming changes to the Internal Revenue Code of 1986 as may be necessary to carry out the amendment made by subsection (a).

(c) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to periods beginning after December 31, 1988.

MITCHELL (AND OTHERS) AMENDMENT NO. 138

Mr. MITCHELL (for himself, Mr. BENTSEN, Mr. WIRTH, and Mr. COHEN) proposed an amendment, which was subsequently modified, to amendment No. 137 proposed by Mr. KASTEN to the bill H.R. 2072, supra, as follows:

Strike all after the first word and insert the following:

SEC. . SENSE OF THE SENATE REGARDING SECTION 89.

(a) Section 89 of the Internal Revenue Code of 1986 imposes an intolerable burden of compliance upon employers.

(b) Therefore, it is the sense of the Senate that—

(1) all the section 89 rules should be delayed for 1 year,

(2) the section 89 nondiscrimination rules should be repealed and replaced with nondiscrimination rules which—

(A) employers can understand and administer without great expense, and

(B) achieve the goals of section 89 in ensuring that health benefits are provided in a nondiscriminatory manner,

(3) the special problems faced by small businesses should be taken into account in the rewriting of the nondiscrimination rules,

(4) onerous penalties on innocent employees for an employer's failure to satisfy the section 89 qualification rules should be repealed, and

(5) the Congress should address the legislation described in the preceding paragraphs as soon as possible, but, in no event, should such legislation be addressed later than in the context of the budget reconciliation bill.

MCCAIN (AND OTHERS) AMENDMENT NO. 139

Mr. MCCAIN (for himself, Mr. HATCH and Mr. EXON) proposed an amendment to the bill H.R. 2072, supra, as follows:

At the end of the bill add the following:

SEC. . 1 YEAR DELAY IN MEDICARE CATASTROPHIC PROVISIONS.

(a) It is the purpose of this Act—

(1) to provide Medicare beneficiaries with protection from the financial ravages of an illness that results in a long-term hospitalization (provided for in the Medicare Cata-

strophic Coverage Act of 1988, already implemented);

(2) to provide Medicare beneficiaries with protection from what is commonly referred to as spousal impoverishment—the near total liquidation of a couple's assets in order to meet the income eligibility requirement for long-term care benefits through the Medicaid Program—by permitting the spouse who is not in need of long-term care services to retain a certain level of assets and/or income (provided for in the Medicare Catastrophic Coverage Act of 1988, to be phased-in—beginning in September 1989);

(3) to permit a nominal, flat, increase in Medicare premiums in order to pay for the long-term hospitalization (provided for in the Medicare Catastrophic Coverage Act of 1988, already implemented);

(4) to delay, for a year, implementation of all other benefits provided for in the Medicare Catastrophic Coverage Act of 1988;

(5) to delay, for a year, implementation of the supplemental premium provided for in the Medicare Catastrophic Coverage Act of 1988;

(6) It is the sense of the Senate that the Senate Finance Committee shall study both the benefits, financing and mandatory nature of the Medicare Catastrophic Coverage Act of 1988.

Specifically, it is the sense of the Senate that the Senate Finance Committee shall study among other things the Act's financing mechanism. And, taking into consideration the analysis of the Congressional Budget Office, the Office of Management and Budget and any other relevant studies and cost estimates in relation to the benefits hereby delayed, shall determine the appropriateness of both;

(7) It is further the sense of the Senate that, by January 1, 1991, the Senate shall have taken the appropriate steps to reduce the supplemental premium if it finds, after studying the above mentioned analysis, that the total amount of premiums being collected under the Act are greater than the amount needed to cover the costs of the coverage provided by the Act.

(b) Section 1833(c) of the Social Security Act (42 U.S.C. 13951(c)), as inserted by section 201(a) of the Medicare Catastrophic Coverage Act of 1988, is amended—

(1) in paragraph (1), by striking "1990" and inserting "1991";

(2) in paragraph (3), by striking "1990" each place it appears and inserting "1991"; and

(3) in paragraph (3)(A)—

(A) by striking the first sentence,

(B) in the second sentence, by striking "succeeding year" the first place it appears and inserting "year (beginning with 1991)", and

(C) in the second sentence, by striking "succeeding the second place it appears.

(c) Paragraph (4)(B) of section 1861(t) of the Social Security Act, as added by section 202(a)(2)(C) of the Medicare Catastrophic Coverage Act, is amended by striking "1990" and inserting "1991".

(d) Section 1834(c) of the Social Security Act, as added by section 202(b)(4) of the Medicare Catastrophic Coverage Act, is amended—

(1) in paragraph (1)(C)(i), by striking subclause (I) and (II) and inserting the following:

"(I) 1991 is $600,

"(II) 1992 is $652, and";

(2) in paragraph (1)(C)(i) by striking subclause (III) and redesigning subclause (IV) as subclause (III);

(3) in paragraph (1)(C)(iii), by striking '1992" and inserting "1993";

(4) in paragraph (2)(C)(ii), by striking "1990", "1991", "1992", "1993", and inserting "1991", "1992", "1993", and "1994", respectively;

(5) in paragraph (3)(A), by striking "1992" and inserting "1993";

(6) in paragraph (3)(C)(i), by striking "1990" and inserting "1991";

(7) in paragraph (4)(A)(i), by striking "1990 or 1991" and inserting "1991 or 1992";

(8) in paragraph (7)(B), by striking "1991" and inserting "1992";

(9) in paragraph (8)(A), by striking "6 years" and inserting "7 years"; and

(10) in subparagraphs (B), (C), (D), and (F) of paragraph (8), by striking "1989", "1990", "1991", "1992", "1993", and "1994" and inserting "1990", "1991", "1992", "1993", "1994", and "1995", respectively.

(e) Paragraphs (1) and (4) of section 1842(o) of the Social Security Act, as added by section 202(c)(1)(C) of the Medicare Catastrophic Coverage Act, are each amended by striking "1991" and inserting "1992".

(f) Section 202(e)(4)(B) of the Medicare Catastrophic Coverage Act is amended by striking "1993" and inserting "1994".

(g) Section 202(i)(2) of the Medicare Catastrophic Coverage Act is amended by striking "1989, 1990, 1991, 1992, and 1993" and inserting "1990, 1991, 1992, 1993, and 1994", respectively.

(h) Section 202(1)(2) of the Medicare Catastrophic Coverage Act is amended by striking "1989" and "1990" and inserting "1990" and "1991", respectively.

(i) Section 202(m) of the Medicare Catastrophic Coverage Act is amended by striking "1989", "1990", and "1991", and "1992", respectively.

(j) Section 1834(d)(2) of the Social Security Act, as added by section 203(c)(1)(F) of the Medicare Catastrophic Coverage Act, is amended by striking "1990" and inserting "1991".

(k) Section 203(c)(2) of the Medicare Catastrophic Coverage Act is amended by "1991" and inserting "1992".

(l) Section 1835(a)(2)(G) of the Social Security Act, as inserted by section 203(d)(1)(C) of the Medicare Catastrophic Coverage Act, is amended by striking "1993" and inserting "1994".

(m) Section 1154(a)(16) of the Social Security Act, as amended by section 203(d)(2) of the Medicare Catastrophic Coverage Act, is amended by striking "1993" and inserting "1994".

(n) Section 203(g) of the Medicare Catastrophic Coverage Act is amended by striking "1990" and inserting "1991".

(o) Section 1834(e) of the Social Security Act, as added by section 204(b)(2) of the Medicare Catastrophic Coverage Act, is amended—

(1) in paragraph (2)(B)(ii) by striking "1992" and inserting "1993",

(2) in paragraph (4)(A)(i) by striking "1990" and inserting "1991",

(3) in paragraph (4)(B) by striking "1991" and inserting "1992", and

(4) in paragraph (5), by striking "1990" and "1991" each place each appears and inserting "1991" and "1992", respectively.

(p) Section 204(3) of the Medicare Catastrophic Coverage Act is amended by striking "1990" and inserting "1991".

(q) Section 205(f) of the Medicare Catastrophic Coverage Act is amended by striking "1990" and inserting "1991".

(r) Section 206(b) of the Medicare Catastrophic Coverage Act is amended by striking "1990" and inserting "1991".

(s) Section 59B of the Internal Revenue Code of 1986, as added by section 111(a) of the Medicare Catastrophic Coverage Act, is amended—

(1) in the table in subsection (c)(2)(A), by strking the line relating to 1989;

(2) in the table in subsection (d), by striking the line relating to 1989; and

(3) in subsection (e)(4)—

(A) by striking "before 1998" each place it appears and inserting "before 1999", and

(B) in the percentage table in subparagraph (A), by striking "1994", "1995", "1996", and "1997" and inserting "1995", "1996", "1997", and "1998", respectively.

(t) Section 111(e) of the Medicare Catastrophic Coverage Act is amended—

(1) in paragraph (1), by striking "1988" and inserting "1990", and

(2) in paragraph (2), by striking "1989" and "1989" and inserting "1990" and "1990", respectively.

(u) Section 112(b) of the Medicare Catastrophic Coverage Act by striking "1990" and "1989" and inserting "1991" and "1990", respectively.

(v) Section 1839(g) of the Social Security Act, as added by section 211(a) of the Medicare Catastrophic Coverage Act, is amended—

(w) Section 1841A of the Social Security Act, as inserted by section 212(a) of the Medicare Catastrophic Coverage Act, is amended—

(1) in subsection (c), by striking "1990" and inserting "1991", and

(2) in subsection (d), by striking "1992" each place it appears and inserting "1993".

(x) Section 1840(i) of the Social Security Act, as added by section 212(b)(1) of the Medicare Catastrophic Coverage Act, is amended by inserting "(1)" after "(i)" and by adding at the end of the following new paragraph:

"(2)(A) Notwithstanding the previous provisions of this subsection but subject to subparagraph (B), premiums collected under this part which are attributable to subsection (g) of any month in 1989 shall, instead of being transferred to (or deposited to the credit) of the Federal Supplementary Insurance Trust Fund, be transferred to (or deposited to the credit of) the Federal Hospital Insurance Catastrophic Coverage Reserve Fund (created under section 1817A).

"(B) The total amount of the transfers or deposits made under subparagraph (A) shall not exceed the Secretary's estimate of the total amount of additional expenditures made under part A which are attributable to benefits during 1989 and which would not have been made but for the amendments made by the Medicare Catastrophic Coverage Act of 1988.".

(y) Section 1841B(c) of the Social Security Act, as inserted by section 213 of the Medicare Catastrophic Coverage Act, is amended by striking "1990" each place it appears and inserting "1991".

(z) Section 1905(p)(2) of the Social Security Act, as amended by section 301(b) of the Medicare Catastrophic Coverage Act, is amended by striking "1990", "1991", "1992", and "1993" each place each appears and inserting "1991", "1992", ":1993", and "1994", respectively.

(aa) Clauses (ii) and (iii) of section 1902(1)(2)(A) of the Social Security Act, as added by section 302(a)(2)(B)(iii) of the Medicare Catastrophic Coverage Act, by striking "1990" each place it appears and inserting "1991".

(bb) Section 412 of the Medicare Catastrophic Coverage Act is amended by strik-

ing "1990" each place it appears and inserting "1991".

MITCHELL (AND OTHERS) AMENDMENT NO. 140

Mr. MITCHELL (for himself, Mr. BENTSEN, and Mr. PACKWOOD) proposed an amendment to amendment No. 139 proposed by Mr. MCCAIN (and Mr. HATCH) to the bill H.R. 2072, supra, as follows:

Strike all after the first word and insert the following:

SEC. . EXPRESSING THE SENSE OF THE SENATE REGARDING SUPPLEMENTAL PREMIUMS REQUIRED TO BE PAID UNDER THE MEDICARE CATASTROPHIC COVERAGE ACT OF 1988.

It is the sense of the Senate that—

(1) the Senate Committee on Finance should consider legislation that would modify the amount of supplemental premiums required to be paid under the Medicare Catastrophic Coverage Act of 1988 to the extent necessary to provide an adequate reserve margin without reducing the amount of benefits provided under such Act;

(2) the Senate Committee on Finance will address the issue of the supplemental premium prior to September of 1989;

(3) States should more aggressively enforce nonduplication requirements relating to private Medicare insurance; and

(4) the appropriate Senate Committees should address the issue of duplication of benefits for retirees.

HELMS (AND SYMMS) AMENDMENT NO. 141

Mr. HELMS (for himself and Mr. SYMMS) proposed an amendment to the bill H.R. 2072, supra, as follows:

On page 31, strike out line 23 and all that follows through line 5 on page 32.

KASTEN AMENDMENT NO. 142

Mr. KASTEN proposed an amendment to amendment No. 137 proposed by him (and others), and subsequently amended, to the bill H.R. 2072, supra; as follows:

In lieu of the matter proposed to be inserted, insert the following:

SEC. . REPEAL OF SECTION 89.

(a) IN GENERAL.—Section 89 of the Internal Revenue Code of 1986 (relating to benefits provided under certain employee benefit plans) is repealed.

(b) CONFORMING CHANGES.—Not later than 60 days after the date of the enactment of this Act, the Secretary of the Treasury or the Secretary's delegate shall submit to the Congress such technical and conforming changes to the Internal Revenue Code of 1986 as may be necessary to carry out the amendment made by subsection (a).

(c) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to periods beginning after December 31, 1988.

SEC. .

(a) FINDINGS.—The Senate finds that—

(1) section 89 of the Internal Revenue Code of 1986 imposes an intolerable burden of compliance upon employers.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that:

(I) all the section 89 rules should be delayed for 1 year,

(2) the section 89 nondiscrimination rules should be repealed and replaced with nondiscrimination rules which—

(A) employers can understand and administer without great expense, and

(B) achieve the goals of section 89 in ensuring that health benefits are provided in a nondiscriminatory manner.

(3) the special problems faced by small businesses should be taken into account in the rewriting of the nondiscrimination rules,

(4) onerous penalties on innocent employees for an employer's failure to satisfy the section 89 qualification rules should be repealed, and

(5) the Congress should address the legislation described in the preceding paragraphs as soon as possible but, in no event, should such legislation be addressed later than in the context of the budget reconciliation bill.

NOTICES OF HEARINGS

GOVERNMENTAL AFFAIRS COMMITTEE

Mr. GLENN. Mr. President, I would like to announce that the Governmental Affairs Committee will hold a hearing on Tuesday, June 6, at 9:30 a.m., in SD-342 Dirksen on the nomination of Constance Berry Newman to be Director of the Office of Personnel Management. For further information, please call Len Weiss, staff director, at 224-4751.

COMMITTEE ON SMALL BUSINESS

Mr. BUMPERS. Mr. President, I would like to announce that the Small Business Committee will hold a full committee hearing on Tuesday, June 13, 1989, to assess the impact on small business of proposed user fees by the Food and Drug Administration in conducting drugs and device reviews. The hearing will be held in room 428A of the Russell Senate Office Building and will commence at 2 p.m. For further information, please call Nancy Kelley, of the committee staff at 224-5175.

SUBCOMMITTEE ON RURAL ECONOMY AND FAMILY FARMING

Mr. BUMPERS. Mr. President, I would like to announce that the Small Business Committee's Subcommittee on Rural Economy and Family Farming will hold a hearing on Friday, June 9, 1989, to assess the impact of S. 863, the Rural Access to Capital Act of 1989, and S. 851, the Small Business Revitalization Act of 1989, on small business. The hearing will be held in room 428A of the Russell Senate Office Building and will commence at 9:30 a.m. For further information, please call Tamara McCann at 224-4352, or John Thune at 224-2016.

SELECT COMMITTEE ON INDIAN AFFAIRS

Mr. INOUYE. Mr. President, I would like to announce that the Select Committee on Indian Affairs will be holding a markup on Friday, June 9, 1989, beginning at 9:30 a.m., in 485 Russell Senate Office Building on H.R. 881 and S. 521, a bill to provide for restoration of the Federal trust relationship with the Coquille Tribe of Indians, and S. 321, the Buy Indian Act Amendments of 1989 to be followed by a hearing on the Implementation of Amendments to the Indian Self-Determination Act.

Those wishing additional information should contact the Select Committee on Indian Affairs at 224-2251.

AUTHORITY FOR COMMITTEES TO MEET

SUBCOMMITTEE ON CONSUMER AND REGULATORY AFFAIRS

Mr. PRYOR. Mr. President, I ask unanimous consent that the Subcommittee on Consumer and Regulatory Affairs of the Committee on Banking, Housing, and Urban Affairs be allowed to meet during the session of the Senate Tuesday, June 6, 1989, at 9 a.m. to conduct hearings on S. 906, the Government Check Cashing Act; S. 907, the Basic Bank Services Access Act; and, S. 909, a bill to amend the Community Reinvestment Act to require disclosure of written evaluations.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON HOUSING AND URBAN AFFAIRS

Mr. PRYOR. Mr. President, I ask unanimous consent that the Subcommittee on Housing and Urban Affairs of the Committee on Banking, Housing, and Urban Affairs be allowed to meet during the session of the Senate Tuesday, June 6, 1989, at 10 a.m. to conduct hearings on S. 566, the National Affordable Housing Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

SPECIAL COMMITTEE ON AGING

Mr. PRYOR. Mr. President, I ask unanimous consent that the Special Committee on Aging be authorized to meet during the session of the Senate on Tuesday, June 6, 1989, at 10 a.m. to hold a hearing on SSA's Representative Payee Program: Safeguarding Beneficiaries Against Abuse.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. PRYOR. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation, be authorized to meet during the session of the Senate on June 6, 1989, at 9:30 a.m. to hold a hearing on the reauthorization of Commerce Department technology programs, particularly the National Institute of Standards and Technology [NIST].

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON LABOR AND HUMAN RESOURCES

Mr. PRYOR. Mr. President, I ask unanimous consent that the Committee on Labor and Human Resources be authorized to meet during the session of the Senate on Tuesday, June 6,

1989, at 10 a.m. to conduct a hearing on "Food Safety."

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. PRYOR. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on June 6, 1989, at 10:30 a.m. to hold a nomination hearing on Reggie Walton to be Associate Director for National Drug Control Policy.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON CONVENTIONAL FORCES AND ALLIANCE DEFENSE

Mr. PRYOR. Mr. President, I ask unanimous consent that the Subcommittee on Conventional Forces and Alliance Defense of the Committee on Armed Services be authorized to meet during the session of the Senate on Tuesday, June 6, 1989, at 2:30 p.m., in open session to review Department plans for evaluating modernization alternatives for close air support.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. PRYOR. Mr. President, I ask unanimous consent that the Committee on Governmental Affairs be authorized to meet on Tuesday, June 6, at 9:30 a.m., on the nomination hearing of Constance Berry Newman to be Director of the Office of Personnel Management.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

BE TREATED AS A GUEST, NOT A VISITOR, IN SOUTH DAKOTA

● Mr. DASCHLE. Mr. President, people from South Dakota have long known of the serene beauty characteristic of their State. Over the weekend, through a lengthy feature story in the Travel Section, 1,112,000 subscribers to the Washington Post were exposed to what South Dakotans already know.

Entitled "How the West Was Fun: In South Dakota, Buffalo Still Roam and the Gold Still Glitters," the article gives the reader a car-seat glimpse of the historic and natural wonders we have to share with the residents of this nation. From Mount Rushmore to the Badlands, from the streets of historic Deadwood to the great buffalo herds of Custer State Park, the author demonstrates that there is something for everyone in South Dakota.

This year South Dakota celebrates its centennial, achieving statehood a century ago after years of being a portion of Dakota Territory. We would welcome the readers of the Washington Post, and anyone else for that matter, to participate in this birthday celebration. Come out to our State and walk in the footsteps of the West's history and experience for yourself the friendly, open nature of the people of South Dakota. You will find that you will be treated as a guest, not just as a passing visitor.

I ask that the Washington Post article be printed in the RECORD.

The article follows:

HOW THE WEST WAS FUN—IN SOUTH DAKOTA, BUFFALO STILL ROAM AND THE GOLD STILL GLITTERS

(By K.C. Summers)

Lady Bird Johnson must not have made it to South Dakota—or at least to the roads leading out of Rapid City. Here in the heart of the Black Hills, amid what is easily some of the most spectacular mountain scenery in the country, what you notice most are the billboards. Forget about the mountains, they scream, what you really want to see is the Black Hills Holy Land and Noah's Gift Shop With Talking Wood Carvings. No? How about Sitting Bull's Crystal Cave? The Parade of Presidents Wax Museum? Turn Here! Just Ahead! STOP!

My sentiments exactly.

But whipping down the highway, you take the signs in stride. The truth is, it's exhilarating to be out West. Look, tumbling along the roadway, are those "dust devils"? There are abandoned gold mines in these hills, and Indian homelands, and ghost towns. Keep an eye out for buffalo.

Just a few miles from the blight, on the way back from Mount Rushmore (fish gotta swim, birds gotta fly, tourists gotta go to Mount Rushmore), is a road as pristine as U.S. 16 is appalling. Iron Mountain Road is a 17-mile scenic highway whose corkscrew turns and granite tunnels frame vistas of profound beauty. These are the Black Hills that the Sioux Indians revered, the sacred hunting grounds that were violated by white men seeking gold. Driving gingerly past sheer vertical drops, venturing over narrow bridges and switchbacks, you keep a reverent silence.

Western South Dakota is like that—a wonderful mixture of brashness and beauty. Don't be put off by the wacky commercial "attractions" around Rapid City, the camera-laden throngs at Mount Rushmore, the slick Gold Rush town of Deadwood—there's something appealing about all that energy, and anyhow, it's all part of the show. Besides, no amount of hoopla can detract from the state's astonishing natural attractions and the history they evoke—the eerie moonscape of the Badlands, whose harsh terrain thwarted the westward pioneers; the lush Black Hills, 19th-century stomping grounds of cavalrymen and Indians and goldseekers; the wildlife preserve of Custer State Park, where the buffaloes really do roam, after having been hunted almost to extinction a century ago.

My family's goals were modest when we set out on a week-long driving tour of the western half of the state last summer. We hoped to see some buffalo, and we wanted to try our hands at panning for gold. We did both, to the everlasting delight of our 5-year-old son. But in the process we also discovered places of startling natural beauty, places so unspoiled that we came away feeling a little like pioneers ourselves—or at least that's the way it seemed driving more than 250 miles with two perpetually thirsty kids in the back seat, and not a Slurpee stand in sight.

Okay, so South Dakota isn't the first place you think of going when summer rolls around. It's not the coast of Maine, it's not Disney World, it's not the San Diego Zoo. Heck, it's not even the Jersey shore. But for us, that was the big draw. Manicured resorts and trendy craft shops were not what we were after. We wanted to get away from people like us, and we figured that South Dakota, smack in the middle of the country, was a good place to do that.

There was another good reason to go there, one that had a great deal of meaning for us: It was cheap. Restaurant bills were manageable, motel rooms cost half what you'd expect. Freed of financial constraints, we were able to splurge on many a souvenir for our buffalo-be-sotted son and his 9-year-old sister, who was more intent on adding to her earring collection.

Actually, things are hopping in South Dakota this summer. The Dakota Territory become a state 100 years ago, and there are all sorts of centennial celebrations going on, from hometown hoedowns to a ceremonial wagon train to the dedication of a new, 111-mile hiking trail through the Black Hills.

If you're *real* rugged you can camp out in those hills, ride horseback through mountain passes, commune with the buffalo. But South Dakota is also great for people who like their wilderness with a safety net. We weren't above exploring with a guide or sticking to Park Service trails as we nibbled at the edges of the frontier.

The capital city of Pierre ("Peer"), in the center of the state, is a good place to start a drive westward. South Dakota is a great state for driving—open roads, little traffic, clean air. In late July, the sky was clear and the temperature in the mid-80s—positively nippy after Washington.

That wasn't all that was different. There was the "popper milk" incident. Those were the words the waitress greeted our kids with when we stopped for lunch that first day: "Popper milk?" We looked at one another uneasily. Was this some kind of fortified dairy product, a Western concoction to breed stronger children? No, we finally figured out she was asking whether they wanted soda ("pop") or milk to drink. Tucking this information away, we soon noticed other little Dakota quirks:

The lack of cream with coffee. In South Dakota, white chemicals are the lightener of choice. It's the sort of thing you wouldn't question on the depraved Eastern seaboard, but out there with the cows?

The amiability of the natives. Westerners are different from you and me. They're—no other word for it—friendly. This is refreshing. Once you get used to it.

The pink roads. It's hard not to smile when you're driving down a two-lane pink-top. The state highway system made good use of the state's plentiful quartzite, resulting in these delightfully rosy roads.

The gruesome "X Marks the Spot" road signs, placed at dangerous sites to remind motorists of recent traffic fatalities. Morbid, but they get your attention.

South of Pierre on U.S. Route 83, through the rolling Fort Pierre National Grassland, there are other things to notice. The lush prairie gives way to reddish range land and scrubby hills. Dust devils-whirling little tornadoes of dirt—chase your car down the road.

Billboards keep you company on the way to Badlands National Park (if you didn't know about the Prairie Dogs Ranch Store, Wide Awake Rattlesnakes, Reptile Gardens, Wall Drug, Horseless Carriage Museum,

Flintstones Bedrock City or "kampgrounds" with "hook-ups," you do now). But even billboard blight can't diminish the impact of the Badlands, off I-90 about 130 miles southwest of Pierre. Nothing can quite prepare you for this surreal sandstone landscape with its Disneyesque spires, Victorian knobs and turrets, jagged cliffs and flat-topped buttes in a thousand shades of red. Even the kids put down their back-seat diversions and stared. For once we shared their terminology—it was totally awesome. We ventured out on foot for a closer look.

French-Canadian trappers called the region "les mauvaises terres à traverser" (bad lands to travel across); the Dakota Indians called it "mako sika" (land bad). At first, overwhelmed by the desolate beauty of the place, you beg to differ. Why be negative, you think, picking your way over the fragile terrain. A few hundred feet later you've developed a hearty appreciation for the fortitude of the pioneers. Soon, head pounding, you're hotfooting it back to the car for the water jug. The place is bad.

And getting badder all the time. The land continues to erode with each rain and windstorm, resulting in a constantly changing terrain. Thirty-seven million years ago it looked quite different—a broad, marshy plain teeming with wildlife and vegetation. Titanic beasts roamed the land; huge rhinoceros-like creatures, ancient camels and crocodiles and three-toed horses, vicious saber-toothed cats. Their bones tell the tale: The same process that resulted in all these fanciful formations also made the Badlands one of the richest fossil beds on earth.

There are no more saber-toothed cats, but as you hike or drive through the 380-square-mile park, you might catch a glimpse of its current inhabitants—pronghorn antelope and bighorn sheep, prairie dogs and badgers, coyotes and rabbits and rattlesnakes, and—yes!—wild bison.

Once the buffalo were so numerous here that they darkened the landscape; by 1890 they numbered less than 1,000. Now, protected by the government, about 400 of the beasts wander the park's Sage Creek Basin—"as vigorous and cantankerous as any bison of the past," the Park Service warns.

That sounded great to our kids, who were more than ready for a little buffalo action. They were bitterly disappointed when we didn't find any of the critters nosing around the park's visitor center and roadside exhibits. But the trip wasn't over yet.

At Saloon No. 10 in Deadwood, the wooden floor is covered with a layer of sawdust. Is that because the customers used to spit on the floors? Bartender: "They still do."

That may be the most authentic thing about Deadwood, the town about 25 miles northwest of Rapid City where Wild Bill Hickok, the fabled Kansas lawman and gambler-about-town, was shot and killed during a poker game on Aug. 2, 1876. Now the place is crawling with souvenir joints, eateries and people hawking one thing or another. "Everything's half-price if you buy right now," one purveyor of Black Hills gold jewelry wheedled as we made our escape.

Outside one emporium, a formidable old Indian sat in full regalia, posing for pictures for a price. I could not bring myself to look him in the eye.

There's still gold in these here hills, if you know where to look. Lead ("Leed"), a company town if there ever was one, is the home of the Homestake Gold Mine, which has been pulling the precious metal out of the hills for more than a century now. It's one of the largest mines in the western hemisphere, and you can take a guided tour. But Keystone is more fun.

Keystone, population 300, was also a swinging place a century ago. Today the little town at the foot of Mount Rushmore still draws goldseekers, but they come to tour the abandoned mine, and play at prospecting in the creek that still carries gold down from the mountains.

Keystone sprang into existence after gold was discovered nearby in 1874. Soon the place was crawling with mines, including the lucrative Holy Terror Gold Mine—which, as the guidebooks delight in pointing out, the owner named after his wife; who'd griped when his previous mines hadn't been named after her.

The Big Thunder Gold Mine, which dates to the 1880s, is silent now—except for tourists' footsteps. Venturing about 50 yards into the mine (cold, clammy, about as wide as a metro car), they peer through the darkness at old mining equipment, empty dynamite crates and rocks with the remains of gold veins. Visitors are welcome to swing a pick to try to get at the stuff—supposedly, there's still gold ore to be found. My son chipped away, but didn't strike it rich.

Panning is a lot easier. A stream flowing by the front of the mine still carries gold down from the mountains. You scoop some gravel out of the water, grab a pan—not a pie pan, as I had thought, but a sort of metal coolie hat with concentric ridges—and start swirling. The ridges trap the gravel, leaving the heavier gold at the bottom of the pan.

It didn't take long to get the hang of it, and soon we were tossing off mica (they don't call it "fool's gold" for nothing; the glittering golden flakes are worthless) like experts. And we were, too. Before too long, we'd found a few flakes of real gold. True, we would have had to pan for two or three years to get enough of the yellow stuff to amount to anything. On the other hand, we probably did better than we would have buying a gold chain in Georgetown.

Keystone is intriguing, once you venture off the touristy main street. The "real" town, with its boarded-up general store and faded houses clinging to the hillsides, has a gritty air. The grandly named Keystone Museum—a room on the second floor of the turn-of-the-century schoolhouse—is worth seeking out for a peek at the past, with its homey hodge-podge of turn-of-the-century curios, photos, clothing, receipts and other goodies.

At one time the old clapboard building was the most modern school in the state of South Dakota, the museum's old curator told us proudly. Now there are only 21 students, and the future looks grim. The school board wants to close the school and bus the kids to the next town, a decision that doesn't sit too well with the people of Keystone. "We been fightin' it tooth and toenail," the old man said. "The goldang school board just does what it wants to, and it just don't seem fitting. We're gonna keep the old wrangle goin' as long as we can."

How can you go to South Dakota and not go to Mount Rushmore? You can't. Those four big faces rising out of the mountains loom large wherever you go in the Black Hills—whether framed by a granite tunnel on Iron Mountain Road or plastered on the front of your fellow tourists' T-shirts. So you join the hordes in the parking lot, which looks like an RV spawning ground. You march up the little lanes, past the flags of the 50 states ("Look Mabel, there's New Jersey"), mosey through the gift shop (seemingly the size of the QE2), stop at the information center with its handy video narrated by South Dakotan Tom Brokaw, and proceed to an overlook at the base of the fabled mount itself. There you get your picture taken, discharging your tourist obligation.

I did manage to come away with a better understanding of the immensity of the undertaking, something I didn't have before. (I can also name the four presidents in left-to-right order, should any "Jeopardy" talent scouts be reading: Washington, Jefferson, Theodore Roosevelt and Lincoln). It was dreamed up as a tourist attraction in 1923, and carved, or rather blasted, out of the 6,000-foot mountain by a sculptor named Gutzon Borglum over a 14-year period, starting in 1927. There was a wrangle over who got to be in it (some thought Teddy Roosevelt didn't deserve it), and problems with funding and weather. Borglum died in 1941, before his sculpture was done. It still isn't finished, but not so's you'd notice—and there are no plans to complete it.

They're big on carving up mountains here. Just a few miles away, a giant statue of Chief Crazy Horse is taking shape, to honor the Indian chief who defeated Custer at Little Bighorn (and who was later arrested and killed by a soldier in 1877, supposedly while trying to escape). It doesn't look like much yet, but when it's done, the statue of the chief on his horse will take up the entire 600-foot mountain, making the sculpture taller than the Washington monument. And even if you like your mountains whole, it's nice to think that the Indians get a memorial, too.

One bright morning in Rapid City—the best base for exploring the Black Hills—I picked up the newspaper and saw a picture of an overturned car by the side of the highway. Its driver, a 79-year-old woman, had driven off the road while looking for buffalo.

Nevertheless, we headed that day for Custer State Park, on the southern slopes of the Black Hills, where more than 1,500 American bison live. We were running out of time, and we hadn't yet accomplished our mission of seeing a buffalo up close and personal.

If we were ever going to see one, Custer was the place. At 73,000 acres, it's the second-largest state park in the country and home to one of the world's largest remaining bison herds. In addition to the buffalo, there are hundreds of deer, elk, mountain goats, bighorn sheep, antelope and prairie dogs roaming the rolling hills and open prairie, piney forests and mountain peaks.

How picturesque is it? The movie "How the West Was Won" was filmed here and, on a more mundane level, some Toyota commercials. Enough said.

We took the Needles Highway, a spectacular 14-mile route into the hills that winds around hairpin bends and through narrow tunnels, past the soaring granite formations known as the Needles. Orange road signs warned of High Fire Danger on this hot summer day, and we drove by remnants of forests that were now nothing but black stalagmites. Hundreds of trees were toppled like charred pick-up sticks. But new grass had come up, yellow and lavender wildflowers bloomed and shoots already sprouted through the rubble.

Custer's 18-mile wildlife loop goes through low flatlands, over green pastureland with a scenic backdrop of mountains. In the dis-

tance we saw a herd of about 50 buffalo, but they were too far away to get a good look. "Can we walk over and see 'em?" my son begged.

We did the next best thing: We signed up for a jeep tour. My 5-year-old's fantasies aside, it's best not to approach a buffalo on foot. In fact, it would be downright stupid: A full-grown buffalo weighs more than a ton but, like Muhammad Ali, can move like a butterfly. A jeep safari allows you to ride right into the hills and get closer to the beasts than you can from the highway—and, presumably, make a quick getaway if they get rambunctious.

It was a wild joy ride with a driver who managed not to sneer too much when I asked about seat belts (you can take the mother out of the city . . .). We clung to the sides of the open jeep as he roared off. We knew we were on the right track when we started passing trees with all their bark rubbed off.

My son spotted them first: "Buffalo! In the road!" And they were—about a dozen of them, from light brown babies to young bulls to a nursing mother and her calf, all hanging out on the blacktop. We stopped and gawked (not that we had much choice). Then, to the children's glee, we drove off the road and right up to the rest of the herd—which didn't seem unduly alarmed by our arrival. We were in the midst of about 30 snorting buffalo; we were almost close enough to reach out and touch them. For 10 mesmerizing minutes, we watched. Some were nibbling grass, some wallowing in the dust (a grooming technique that removes old hair and insects), some just ambling about.

Buffalos can appear pretty docile, like a herd of cattle. But they're unpredictable. Three people had been gored this year already, said our guide, but not to worry: "Buffalos are okay as long as you don't invade their space." Excuse me, isn't that what we're doing?

The guide: "If their tails stick straight up, it means we're outta here."

My son: "Can we get out and pet 'em?"

My daughter: "I want a car like this."

A buffalo can live to be 30 or 40 years old. At age 7 or 8, they're in their prime. The younger ones, age 5 or 6, like to run in little packs and start fights. "They're like little junior-high fights," said our guide. "Everbody gathers around."

At Custer State Park, the herd has proliferated to such an extent that each October, jeeps, horsemen and helicopters converge on the buffalo for an annual roundup. Newborns are vaccinated, calves are branded and the herd is culled. I didn't have the heart to ask what happened to the cullees, but you can't help but notice the buffaloburgers are hot items on a lot of South Dakota menus.

South Dakota is celebrating 100 years of statehood this year, and there's lots going on this summer—including two Centennial Wagon Trains, a Lewis and Clark trail run (June 4-10) commemorating the explorers' 1804 expedition, and the dedication June 11 of a new, 111-mile hiking trail through the Black Hills.

Among the other events:

June 23-25: Centennial folk festival at Sioux Falls, with storytellers, artists, musicians and performers.

July 2: 50th-anniversary rededication ceremony of Theodore Roosevelt's likeness on Mount Rushmore.

July 7-9: Black Hills Centennial Indian Exposition in Rapid City.

Aug. 29-Sept. 4: South Dakota State Fair in Huron.

GETTING THERE

If you plan to concentrate on the southwestern part of the state, as we did, you can fly from Washington directly to Rapid City—the best base for exploring the Black Hills. But if you want to get a better sense of the land as it changes from rolling prairie to range land to soaring mountains, start driving west from the middle of the state, from the capital city of Pierre. Northwest flies to both cities from Washington and is currently quoting round-trip fares of $278 (Pierre) and $288 (Rapid City), with restrictions.

GETTING AROUND

Lead, Deadwood, Keystone, Custer State Park and Mount Rushmore are all within 30 miles or so of Rapid City. Badlands National Park is about 90 miles southeast of Rapid City. A car is essential to explore the area. There are plenty of rental-car agencies, motels (in all price ranges) and restaurants (ditto) in Rapid City.

ATTRACTIONS

Badlands National Park (Interior, S.D. 57750, 605-433-5361), between the White and Cheyenne Rivers off I-90, is open year-round. Summer hours are 7 a.m. to 8 p.m. Admission is $3 per vehicle, $1 for hikers and bicyclists. There are two visitor centers, wayside exhibits along park roads, self-guiding trails and, in summer, guided nature walks with park naturalists and nightly programs at the Cedar Pass campground. Cabins, meals and souvenirs are available at the Cedar Pass Lodge from May until mid-October.

Custer State Park (Box 70, Custer, S.D. 57730, 605-255-4464), in the southern Black Hills, is open all year. Admission is $6 per vehicle (good for five days), or $12 for the season. Camping, guided trail walks, trail rides and other activities are available. Jeep rides to the buffalo sites are offered through the State Game Lodge in the park (Route 83, Box 74, Custer State Park, Custer, S.D. 57730, 605-255-4541). Rates are $8 for adults, $5.50 for children under 12; there is a four-person minimum for jeep tours.

Big Thunder Gold Mine (Box 706, Keystone, S.D. 57751, 605-666-4847) offers underground tours of the gold mine and a chance to pan for gold in its creek. Admission is $5 for adults, $3 for ages 6-12.

Mount Rushmore National Memorial (Keystone, S.D. 57551, 605-574-2423), 25 miles southwest of Rapid City, is open all year. Free admission. The sculpture is best viewed under morning light; during the summer, from Memorial Day to Labor Day, an evening sculpture lighting program is presented.

INFORMATION

South Dakota Department of Tourism, Capitol Lake Plaza, Pierre, S.D. 57501, (800) 843-1930.

PROBLEMS OF CRIMINAL JUSTICE

● Mr. D'AMATO. Mr. President, I rise today to share with my colleagues an article by Henry L. King, the president of the New York State Bar Association. Mr. King recently published this extremely cogent article outlining the present problems indicative of our criminal justice system.

Currently our criminal justice system is extremely overloaded, due in part to the war on drugs our country is waging. The system suffers from a lack of personnel and resources. I believe my colleagues in this body can benefit from reading this article. These problems are not exclusive to any one State; no one is immune.

Mr. President, I ask that this article be submitted in its entirety after my remarks so that my colleagues can become familiar with initiatives pursued by the New York State Bar Association. We must increase our efforts, Mr. President, and we must work toward improving our criminal justice system.

The article follows:

PROBLEMS OF CRIMINAL JUSTICE

(By Henry L. King)

"Justice is indiscriminately due to all, without regard to numbers, wealth or rank." These words remain as powerful today as when expressed by the Hon. John Jay almost 200 years ago. Yet the challenge to satisfy this precept has never been greater as the Bench and Bar strain to handle burgeoning caseloads through resources that are already stretched beyond their intended limits.

While much will be said and written on this Law Day about access to justice in civil cases, and the subject serves attention, I am concerned that the problems in the criminal justice system will be overlooked. The problems are nothing short of overwhelming, with impact reaching far beyond the litigants, judges and parties involved in particular matters. It should be of concern to all members of the legal profession, law enforcement officials, lawmakers, and society in general. It will take all our concerted and coordinated energies to tackle the complex issues involved—but the consequences of not addressing this situation are much greater on both immediate and long-term bases.

It seems most appropriate, as part of our Law Day observances, to examine these pressures as we strive to preserve and promote meaningful access to our justice system and to provide fair, efficient and prompt proceedings. Each essential part of our criminal justice system—law enforcement, prosecution and defense, the judiciary and corrections—must be equally strong and have sufficient resources.

Numbers paint a dramatic picture of the struggle of our criminal justice system to keep pace with an unceasing flood of cases. In the past three years, criminal case filings in Supreme and County Courts increased 30 percent statewide and 43 percent in New York City. Arrest case filings in the New York City Criminal Courts during this same period grew 19 percent for an average of 900 cases per day. Of the 2.7 million case filings in the trial courts in 1987 for matters other than parking tickets, 41 percent were in the Criminal Courts.

The view becomes even more sobering if we focus on drug-related matters: from 1983-87, felony drug arrests grew almost 120 percent; two-thirds of the increase in felony arrests were felony drug matters; felony drugs indictments tripled; such convictions more than doubled. The inmate population has increased 54 percent since 1983, and drug-related commitments are up 214 percent.

The surge of cases facing prosecutors, defense, judiciary, and correctional authorities has, ironically, been increased by the success of the New York City Police Department tactical narcotics teams, which have accounted for thousands of arrests. Since last year, drug indictments have increased over 80 percent in Brooklyn and 40 percent in Manhattan and Queens. The Criminal Courts anticipate an additional 25,000 cases this year beyond the 110,000 handled in 1988.

Faced with these realities, the community has not responded adequately. We need more police on the beat, more prosecutors, more courtrooms and court personnel, more judges and more prison space. While budget restraints are well known to all, there has in my view been too little pressure on legislatures to give some priority to these problems in the criminal area. We need more people speaking out, a grass roots movement focused on this area of justice.

The Legislature is to be applauded for retaining, in the state budget, the plan for 13 additional judges to help stem the tide. We recognize that this is not the solution, but is an integral part of efforts to address these problems along with the upgrading of deteriorating and cramped court facilities in various areas of the state, and development of innovative procedures that are both efficient and effective. To this end, the New York State Bar Association has and will continue to take an active role in formulating and urging improvements. A sampling of recent Association actions demonstrates this commitment.

In the area of sentencing, our Criminal Justice Section and Committee on County Courts is embarking on a study of pre-sentencing information used throughout the state in sentencing defendants in felony cases, in order to evaluate whether sufficient data is being made available; the uniformity of this information; how it may affect disparity in sentencing, alternative sentencing and restitution; and, if found necessary, to formulate changes in this reporting process.

In a wider compass, Action Unit No. 7 was specifically formed to examine the state's criminal justice system and formulate means of improvement. In January of this year, the Association's House of Delegates endorsed Action Unit recommendations: to eliminate mandatory jury sequestration in felony cases other than class A and B; provide for early discovery of pretrial hearing and trial witnesses' statements; establish and enforce realistic workload standards and limits for probation officers and set salaries of county probation officers at equal or comparable levels to those of state parole officers; provide 50 percent state reimbursement to counties for maintenance and improvement of probation services; expand development by the state of alternatives to incarceration and repeal measures mandating imprisonment of predicate nonviolent felony offenders. The Action Unit is continuing its study of the appeal process for indigents and other concerns in the criminal justice systems.

We believe that constant attention to our system of criminal justice is vital. As we have stressed in our support of the proposal for additional judges and supporting resources, the workload of the judicial system is not self-determined. Caseloads are influenced by new legislation, increased prosecutions, economic factors and social factors outside the judiciary's control—yet, the courts must be open to all of the people all of the time.

The Hon. Benjamin N. Cardozo's words aptly describe the challenge confronting us now and in the future: "The process of justice is never finished, but reproduces itself, generation after generation, in ever-changing forms, and today, as in the past, it calls for the bravest and the best."●

VERMONT STATEHOUSE VETERANS

● Mr. LEAHY. Mr. President, recently my hometown newspaper ran an excellent article on two members of the Vermont Legislature: House Clerk Robert Picher and Senate Secretary Robert Gibson.

I have known both Bob Picher and Bob Gibson for many years and admire the work they do. They have had the opportunity to observe a generation of State legislators at work and see the changes evolve at the State House and throughout the State of Vermont. I feel fortunate to have known them during their tenure.

I ask that the article from the Burlington Free Press be entered into the RECORD in its entirety.

The article follows:

[From the Burlington (VT) Free Press, Apr. 17, 1989]

VETERANS OF THE STATEHOUSE FRAY

(By Susan Allen and James E. Bressor)

MONTPELIER.—In many ways they are the Odd Couple of the Vermont Legislature.

House Clerk Robert Picher is a perky, eternally smiling raconteur with a spotless desk flanked by two flags.

Senate Secretary Robert Gibson is a taciturn, low-key Statehouse fixture, whose desk top is a mountain range of books, resolutions and Marlboro cigarette packs with notes scribbled on them.

For more than two decades they have served as the Legislature's bookends, keeping the wheels of the legislative process turning smoothly. Between them, they have listened to countless debates over issues both great and petty, witnessed a revolution in the political make-up of this state and seen one person literally die on the floor of the House.

Their job descriptions include parliamentarian, researcher and caller of the roll. Because of their long tenures, both also serve as unofficial historians.

Only two states, Alabama and Georgia, have a clerk-secretary duo with more years of combined service.

Picher, 64, who was born and still lives in Winooski, first came to the Statehouse in 1957 as executive clerk to Gov. Joseph Johnson. When the Legislature adjourned that year, Picher planned to return to Winooski to practice law.

But before the '59 session began—this was in the days when the Legislature met every other year—House Clerk Dale Brooks, with some help from Gov. Robert Stafford, persuaded Picher to become assistant clerk.

"I'm sure back then I didn't say I'm going to take this job and keep it for 30 years," he said.

But he has stayed, and for one simple reason: he loves the Legislature.

Picher succeeded Brooks in 1963 and has been re-elected to the job every two years without competition.

That same year, Gibson, son of former Gov. Ernest Gibson Jr., arrived at the Statehouse to work as assistant secretary of the Senate. Four years later, he became secretary.

Gibson, 57, a Brattleboro native, nostalgically recalled how during his first years on the job almost every lawmaker stayed at one of two Montpelier hotels during the session. Younger members could be found at the Pavilion and the older members at the Tavern.

"I do miss not living at the Tavern and socializing with the legislators after work," said Gibson, who for more than a decade has lived year-round in Montpelier.

Picher said the greatest change in the House over the years, by far, came with the federally mandated reapportionment. Until 1965, every town in Vermont, from Lemington to Burlington, had one representative in the House, a total of 246 men and women.

Picher recalled the final day of the old House, with more than half the members knowing they wouldn't be back in the next year. Frank Hutchins, a tall, lanky representative from Stannard, spoke on the House floor, lamenting that he was probably the last legislator ever who would come from Stannard, a small community in Caledonia County.

"That was a sad day for the small towns of Vermont. Who is going to represent the interests of Stannard?" said Picher, an opponent of reapportionment. "That was the death knell for the small towns."

Other changes are not as momentous. Picher said today's legislators are younger and generally have more formal education.

And, of course, both the House and Senate feature more Democrats. In 1959, Democrats accounted for about 40 of the 246 House members, he said. "It's much more polarized now," he said.

Gibson said one of his favorite moments in the Legislature came one year during the mid-'70s, when the House and Senate were battling over various bills during the final days of the session.

Gibson sneaked into the House chamber, pocketed the budget bill, which the chamber was scheduled to debate, and locked it in his desk. The House was unable to act on the bill because it was not it in-hand.

Sen. Thomas Crowley, D-Chittenden, laughingly recalled Gibson returning the bill to the House the next day, walking down the House aisle waving a tiny American flag.

"Bob's always been a very reserved, quiet gentleman," Crowley said. "I have the highest respect for him."

Picher and Gibson both have taken stabs at elective office. Picher ran twice for the House in the '60s. But as a Republican in Winooski, he had a handicap he couldn't overcome. His late brother, Paul, who was a Democrat, served four terms in the House.

Gibson, whose brother, Ernest Gibson III, is a justice on the Vermont Supreme Court, unsuccessfully challenged then-Secretary of State James Guest in 1978. He said he has never considered running for the state Senate—where another brother, David, has served—but added, "Sometimes I wish I could enter the fray."●

ARIZONA VOLUNTARY MEDICAL TEAM

● Mr. McCAIN. Mr. President, I rise today to call attention to the tremendous efforts of the Arizona Voluntary Medical Team. This group of doctors and dentists have taken a special in-

terest in the medical needs of the island of Truk in the Federated States of Micronesia. A dental team of 14 people went to Truk in February for 3 days and set up clinics each day to treat those in need of dental care. They treated over 1,000 people in 3 short days, as well as held educational classes to teach the basics of dental hygiene. They also left behind donated toothbrushes and toothpaste to encourage continued preventative care.

In April, a medical team of 33 people, including doctors, nurses, and assistants, returned to the island for 10 days. They set up medical clinics in the island hospital and went out to a number of the neighboring islands to set up clinics in school houses. The response was overwhelming and they were able to treat a wide variety of ailments from simple lacerations to life threatening infections. A surgical unit was set up to handle the more serious problems and a pharmacy dispensed antibiotics and other medicines. In addition to the clinics, the doctors also split up into teams to visit those in their homes who could not come to the clinic and they were very well received wherever they went. The government of Truk was very helpful in providing interpreters and notifying the islanders of the coming clinics. Once again a great deal of medicine and other medical supplies were left behind to help stock the island hospital.

Mr. President, these teams have dedicated themselves to providing ongoing medical and dental care in the region. They plan to return to Truk annually to provide continued educational programs, critical care, and training assistance to local medical personnel. The team has paid all of their expenses themselves and gathered a wide variety of donated medical equipment and donations of antibiotics and other needed supplies. Their dedication to those less fortunate is to be commended and I applaud the private sector, voluntary effort of these dedicated Arizonans.●

MICHAEL OBUCHOWSKI, VERMONT STATE ASSEMBLY

● Mr. LEAHY. Mr. President, recently the Rutland Daily Herald ran an excellent story on Representative Michael Obuchowski, chairman of the house appropriations committee of the Vermont State Assembly.

Mike has done an excellent job in his current role, as well as serving his constituency well for 16 years. He began his public service at the age of 21 and has taken his responsibilities seriously and served his district well. It has been my pleasure to work with him over the years and to know that he has a great future in Vermont politics.

Mr. President, I ask that the article on Mike Obuchowski be entered into the RECORD in full.

The article follows:

[From the Rutland Daily Herald, Apr. 20, 1989]

OBUCHOWSKI: CONSERVATIVE CAPTAIN OF THE FISCAL SHIP

(By Susan Smallheer)

MONTPELIER.—House Speaker Ralph Wright calls it the best job in the Legislature.

"Who wouldn't want to be Santa Claus with $600 million to give away?" says Wright.

Michael Obuchowski, 37, the Democratic chairman of the House Appropriations Committee, a Harvard dropout, former moving man, former janitor, and keeper of the purse strings to $600 million, doesn't like the Santa Claus analogy.

And Obuchowski, a serious, reserved man, doesn't think of it as one of the best jobs.

His Polish working-class ethic demands something else.

The job is difficult and challenging, and that's why Obuchowski, after 16 years in the House, finally followed his political ambitions and went after the coveted chairmanship.

Wright picked Obuchowski over one of his own lieutenants, Rep. Julie Peterson, D-Brattleboro, as a unifying gesture to conservatives. Earlier, Obuchowski had been beaten by liberal Rep. Francis Brooks, D-Montpelier, for the post of House minority leader.

"It was a tough, tough decision," said Wright, who has watched Obuchowski live up to his reputation of independence during the 1989 session, sometimes to his own chagrin.

"I've had some disagreements with Obie," said Wright, acknowledging that he has delivered at least one personal chastisement to Obuchowski over his public disagreements with the speaker.

"But there is nothing we haven't been able to settle. I don't want to be the doting overseer," Wright said. "Obie isn't as big a diplomat as others, but he's more committed."

Wright nonetheless took the unusual step of a personal visit to the Appropriations Committee several weeks ago when the group cut one of his pet projects—a turning lane in Bennington in front of the state office building. The committee quickly restored the $4,000 cut.

"He was trying to do something. . . . He impacted my constituency, and my constituents were against that. We had a fair fight and I got it back," Wright said.

Wright also didn't appreciate Obuchowski's candor about whether he would go along with another Wright priority, state funding of the Bennington bypass, one mile of which might be built in New York state.

Obuchowski, the stolid chairman, took it all in stride and didn't get excited about the closed-door meeting in the speaker's office.

Both Obuchowski and Wright acknowledge that though Obuchowski is chairman, Wright is hardly invisible in the committee room.

Wright put the conservative in as chairman, with the view that "the rest of the committee is left of Karl Marx."

"I want the captain of the ship to be conservative. It doesn't hurt, actually, to have three committee chairmen, Ways and Means, Appropriations and Commerce, as conservatives. They are very, very slow to jump," Wright said.

In fact, Obuchowski has voted against plenty of budgets in his years in the House, according to his friend, Rep. Paul Harrington, R-Middlesex, who succeeded him as chairman of the Commerce Committee.

Harrington attributes Obuchowski's seriousness to his Polish heritage, his family's working class background, and his basic conservative approach to spending, taxing and serving working people. Those are the touchstones to his political philosophy, Harrington said.

"He has a strong sense that the budget is increasing at too rapid a pace," Harrington said.

Obuchowski angered his fellow Democrats early in the session when he sent a letter to editors of newspapers around the state urging people to write to their legislators if they supported the cut in the state's income tax.

And he raised political hackles when he co-sponsored the tax cut legislation with the Republican majority leader, Rep. Sara Gear, R-Burlington.

Obuchowski's new-found power makes people especially at the end of the session, hesitate to criticize him.

But one House member, who would only speak on condition of anonymity, said Obuchowsi could be stubborn when he made up his mind and wouldn't budge on some human services issues.

He brought his own agenda into any meeting and often wouldn't listen with an open mind, the Democratic legislator said.

"He isn't a person to recognize an issue as a Democratic issue as it affects the state of Vermont but only looks if it affects Bellows Falls. He's very parochial," said the legislator.

Obuchowski, a native of Bellows Falls, was first elected to the House in 1972 when he was 19 years old. In his 17 years in Montpelier, he has been chairman of the House Education, Energy, Commerce and now Appropriations committees. It has been a slow, steady, but hardly spectacular climb.

The Harvard student, the first in his family to go to college, got involved with politics over the poll tax, the bane of Vermont college students in the 1970s.

"I wrote my representative at the time letters on the poll tax and didn't get any response," he recalled.

So he and his close high school friend, Carl Dockum, decided to register the young people of Bellows Falls and to get the student elected.

Obuchowski was taking nothing for granted. He had run for student council president and "got clobbered" on an anti-smoking platform.

"We didn't know what we were doing, there was no party organization, no Paul Poiriers or Francis Brooks," he said.

Dockum, now a systems programmer for National Grange Insurance Co. in Keene, N.H., said that even in the fourth grade Obuchowski was a serious student.

Dockum said they took their earnest and wholesome campaign to the streets of Bellows Falls and scored points with the Polish community there with the slogan "Go to the polls, and vote for the Pole."

In high school, Obuchowski was the straight-A student, who didn't do the popular thing, Dockum said, His cause in high school was to get a television in the school so students could watch the Apollo space missions.

Politics was in the Obuchowski family's vocabulary.

An aunt was married to Jim Kane, national president of the United Electrical, Radio and Machine Workers of America. Another aunt was married to Sen. George Aiken's only son.

"That's where my political thought and enthusiasm developed," he said. He has a strong commitment to labor, 1940s style, and his jobs since leaving Harvard have been mostly blue collar. He now runs the mail order operation of Basketville in Putney.

He never returned to Harvard because "this was the real work, and it was more interesting."●

NATIONAL LAW ENFORCEMENT COUNCIL CELEBRATES 10TH ANNIVERSARY

● Mr. D'AMATO. Mr. President, I rise today to join the National Law Enforcement Council in observing its 10th anniversary of service to the Nation's police. The council is a coalition of 15 major national associations representing a majority of our organized law enforement personnel. It is believed to be one of the nation's oldest and largest umbrella organizations for police groups.

The National Law Enforcement Council grew out of an informal coalition of organizations that united in 1976 in support of the Public Safety Officers Benefit Act. It was formally organized in 1979 under the chairmanship of Ordway P. Burden, president of the Law Enforcement Assistance Foundation. Mr. Burden has continued to serve as the council's chairman throughout its existence.

Over the past 10 years, the council has supplied a forum for the common concerns of leaders of various police services at the local, State, and Federal levels. The executives of the member organizations meet periodically in Washington to hear Federal officials and congressional leaders, and to discuss issues in law enforcement.

Members of the National Law Enforcement Council are the executives of the Airborne Law Enforcement Association, Association of Federal Investigators, Federal Criminal Investigators Association, FBI National Academy Associates, Fraternal Order of Police, International Association of Chiefs of Police, International Narcotic Enforcement Officers Association, International Union of Police Associations, Law Enforcement Assistance Foundation, National Association of Police Organizations, National District Attorneys Association, National Sheriffs' Association, National Troopers Coalition, Society of Former Special Agents of the FBI, and Victims Assistance Legal Organization.

I commend the National Law Enforcement Council for bringing together law enforcement associations with varying interests and for providing a means for them to speak with a united voice. It has been a signal service to the Nation's law enforcers.●

RETIREMENT OF DAVID RODERICK, CHAIRMAN OF USX

● Mr. DURENBERGER. Mr. President, I rise today to salute a longtime friend and a great American on the occasion of his retirement. Mr. David M. Roderick stepped down from his position as chairman of the board and chief executive officer of the USX Corp. on May 30.

For the last 10 years, this country has watched David lead USX in its battle for survival in a declining U.S. steel industry. Through his innovativeness and determination, David has rebuilt USX into a diversified, streamlined company. He has also laid the groundwork for USX's steel operations to retake a competitive position in the international marketplace. The changes did not come easily and without pain, but David was willing to take the difficult steps that he believed were necessary to make USX a strong company once again.

In addition to his work for the USX Corp., David Roderick has also made tremendous contributions in the area of environmental policy. He has been a responsible voice in the business community, working with several national environmental organizations. I have had the distinct pleasure of serving with David on the National Water Alliance, and I am pleased that he was honored this year by the alliance for his leadership in water resource issues.

Although I know David will be missed at USX, I hope he will continue his endeavors in the environmental field. Mr. President, I ask that a May 30 article from the Washington Post on David Roderick and his career at USX be included in the RECORD at this time.

The article follows:

[From the Washington Post, May 30, 1989]

USX CHAIRMAN'S LEGACY: A CHANGED STEEL INDUSTRY

(By Steven Mufson)

In 1945, America produced 60 percent of the world's raw steel, Japan lay in ruins, and David M. Roderick returned from Marine duty in Asia to become a message boy for Gulf Oil Corp.

Today Roderick retires as chairman of USX Corp., once the world's premier steel manufacturer. A fellow executive will give him a Pittsburgh Steelers football jersey emblazoned with Roderick's name and age, 65.

But Roderick's big day is a muted milestone for the steel industry. Japan now makes more raw steel than America, and Roderick's company, long known as United States Steel Corp., has abandoned that name as well as much of its original business, making most of its money now from oil, natural gas and coal.

Roderick, whose father once worked as a mailman in the post office that stands next door to the current USX headquarters, may symbolize the American dream of individual success. His company, however, exemplifies the decline of American industrial might. In contrast to steel magnate Andrew Carnegie a century earlier, Roderick's job has been to salvage an industry, not build one.

Whether he has succeeded in that more modest mission remains a matter of dispute. A leading business school uses USX as one of two examples of how not to run a company (the other is General Motors), but Wall Street analyst Alvin Silber of Brean Murray said Roderick deserves "high marks." Silber said "it took someone of strength to change the character of the company."

The root of the industry's ills predated Roderick's tenure as USX chairman. In the mid-1960s, steel companies in this country spent just 60 cents out of every $100 in sales on research and development, well below the $1.90 average for all American manufacturers. As the U.S. industry's technological edge slipped, so did quality. In the 1970s, the number of nations with world-class steel facilities swelled, and most had labor costs far below U.S. levels.

Roderick's response helped change the way America's industrial leaders saw their task. "In past decades, the steel industry leaders didn't think like business people. They thought like steel magnates," said Robert E. Boni, chairman of Armco Inc. "The bigger you were the better."

But Roderick, who rose through the accounting and finance departments, approached his job more as a financier than an industrialist. In his first year as chairman a decade ago, he wrote in the annual report that until the economics of the steel business changed, "it is essential to direct available funds where they will provide the greatest return."

Determined to control costs, Roderick held the line during a bitter six-month labor dispute in 1986—he calls it a strike, the United Steelworkers union calls it a lockout. Other major steel companies settled in as little as five days.

Steelworkers' President Lynn Williams blames Roderick's "blockbuster approach" for the duration of the dispute, saying, "We could have worked out the same agreement without all that sacrifice by our folks." He said Roderick was "pushing for concessions beyond what was reasonable and fair," and beyond what the union had agreed to with other companies.

Roderick conceded in an interview last week that the dispute cost USX about $200 million, but said he regards it as an "investment, not a loss."

"If we had given what the union had asked for the cost would have been much greater," he said.

Roderick's hard-nosed attitude toward the union hasn't mellowed any since 1986. Steel companies are negotiating new contracts amid concern over inflation. The recent contract agreement signed by Bethlehem Steel and the steelworkers "is not an agreement we would intend to duplicate," Roderick said. "I don't think you ever get to the union's bottom line when you settle in May and the deadline isn't until July."

In the past decade, he shut down half the company's steel mills and laid off tens of thousands of steelworkers—in the eyes of some abandoning the company's core business, while in the eyes of others wisely pruning excess and inefficient capacity.

"When you shut down plants, you can't expect people to like it." Roderick said. "Communities and individuals get hurt. But if you don't do that, you jeopardize the entire enterprise. If a surgeon removes a

tumor, he knows he is inflicting pain but to save the whole body, you do it." Roderick boasts that he has slashed the number of worker-hours needed to produce a ton of steel from 10 to just 3.5.

Meanwhile, in pursuit of "the greatest return," he bought Marathon Oil Co. in 1982 and Texas Oil & Gas Corp. in early 1986—acquisitions that cost a total of nearly $9 billion in cash and stock. To some critics, the $6.3 billion acquisition of Marathon was a betrayal of the steel business.

Roderick argues that the Marathon purchase had nothing to do with steel. "You cannot make investments out of emotion," he said. "You must go where you get the best returns for shareholders." Besides, he said, USX borrowed money to buy Marathon, and bankers wouldn't lend the same money to invest in steel.

Today Marathon is the centerpiece of the company. The acquisition gave USX oil refineries, coal deposits and a half interest in the Yates Field, the largest oil field in the lower 48 states. Even though oil prices fell in 1988 as steel prices rose, Marathon earned more than the USX steel operations. Overall, energy accounted for 59 percent of revenues.

From the shareholders' point of view, Roderick's most dubious step was the purchase of Texas Oil & Gas by issuing stock estimated to have a value between $2.5 billion and $3 billion, many analysts say.

When USX made the purchase, the price of natural gas was $2.80 per thousand cubic feet. Since then it has sunk to little more than half that. In 1988, Texas Oil & Gas had an operating loss of $32 million.

Oil analyst Alvin Silber said the Texas Oil & Gas acquisition "didn't do shareholders any favor." Corporate raider Carl Icahn had acquired an 11 percent stake in USX, and the natural gas acquisition made a hostile takeover attempt more difficult. (Icahn still holds his 11 percent stake.)

But Roderick defended that move, too. "I think that in the 1990s, the gas business is going to explode," he said. "There is going to be a gas shortage; it is too late to avoid it."

Roderick said that every penny added to the price of natural gas adds a penny to USX earnings. However, warnings of a looming natural gas shortage have been made for the past decade, and even though the United States is using natural gas much faster than it is discovering new reserves, many analysts are skeptical that there will be a shortage soon.

On the political front, Roderick has campaigned relentlessly for protection from imports while the industry modernizes its equipment. He said the industry has completed two-thirds of its retooling and needs five more years of import quotas, known as voluntary restraint arrangements (VRAs), to finish the job.

USX plans $3 billion to $3.5 billion in capital improvements over the next five years to make the company more competitive with the world's lowest cost producers. USX has also made joint venture agreements with Pohang Iron & Steel Co. of South Korea and Kobe Steel Co. Ltd. of Japan to acquire technology and capital.

Other steel companies are ahead of USX. Bethlehen Steel, which never diversified, has invested heavily in low-cost mills. Armco has focused on profitable specialty steels that USX has ignored.

But Roderick asserted that in five years, "We will have taken a bloated, high-cost, obsolete manufacturer and have turned it into a quality, low-cost competitor. It would be a major industrial achievement." At that point, he said, USX will be able to compete even if foreign producers dump steel on the U.S. market at cut rates.

Roderick's legacy will become clear only with time. D. Quinn Mills, a professor at Harvard Business School, believes Roderick owes much of his success at USX to the decline of the dollar since 1985, which made U.S. products more competitive internationally, and to the VRAs, which have helped ward off imports.

Mills said Roderick's strategy will look worse with time. "What Roderick did was preside over the decline of the steel industry while moving the company into oil just before the decline in oil prices," he said, adding that new USX investments in steel might be too late to catch the crest of steel prices.

Others judge him more kindly.

"U.S. Steel is the company that one identifies with the economic ascendency of the U.S.," said Silber. In the 1970s, it was the company perhaps most closely identified with the economic malaise of the United States.

Silber said Roderick faced "a smokestack America that had collapsed and had to be put back together again." If Roderick's forecasts are correct, the company may one day be identified with economic revival.●

WILLIAM POULSEN

● Mr. BOSCHWITZ. Mr. President, it is my pleasure to bring to the attention of my colleagues one of Minnesota's truly outstanding citizen's—William Poulsen.

As a charter member of the Minnesota Inventors Congress [MIC] in 1957 William Poulsen established, in Redwood Falls, MN, what was to become the oldest invention convention in the world.

MIC is a nonprofit corporation that helps inventors and entrepreneurs with protecting, licensing, and marketing of inventions and ideas. At this year's convention, William will be honored for his many years of service and dedication to the Congress.

Mr. President, much of our Nation's success can be attributed to the inventor and entrepreneur. It is with that in mind that I commend William Poulsen for his valuable work in promoting the inventors of our country, and to express our best wishes to him and his family.●

WISCONSIN'S REIGNING PARADE

● Mr. KASTEN. Mr. President, part of the glory of America is our respect for the values and traditions of our national past. In my home State of Wisconsin, we have revived one of those venerable traditions in a unique and colorful way.

Thanks to the initiative of C.P. "Chappie" Fox and Ben Barkin, we have restored the kind of circus parade most of us remember from our youth, and it's a source of pride and enjoyment for all Wisconsinites, including especially those too young to remember the circus parades of yesteryear.

Mr. President, the story of this parade has been told eloquently in the current issue of Reader's Digest. I ask that this article be included in the RECORD.

The article follows:

[From Reader's Digest, June 1989]

THE PARADE THAT'S MAKING MILWAUKEE FAMOUS

(By Louis A. Goth)

Sunday, circus-parade day, dawns on Milwaukee. This city of more than 605,000 people has hardly slept in anticipation. By 7 a.m., police are closing streets. Downtown parking is beginning to fill up. Along the parade route, families with lawn chairs and picnic coolers have staked out territory. It doesn't seem to bother anyone that there will be a seven-hour wait until the first marchers step off.

When Bob Parkinson, parade director, gives the signal to move out at 2 p.m., an army of 3,000 costumed participants will swing down Wisconsin Avenue on a four-mile march accompanied by almost 700 horses. Around 70 priceless, historic circus wagons from the Circus World Museum in Baraboo, Wis., will roll with them, as will bands and animals of all descriptions. They will be seen by an estimated 700,000 spectators.

At the parade assembly grounds, horsemen are washing down and primping their teams of Clydesdales, Percherons and Belgians, which often weigh as much as a ton each. Parkinson, bullhorn in hand, is beginning to marshal the paraders. The tempo of activity accelerates. Wagons are towed to adjoining streets, ready to merge on cue.

At the wardrobe tents, a continuous stream of circus buffs from across America files through. Entering in street clothes, they emerge resplendent as kings, queens and glittering showpeople.

By radio, Parkinson orders the horses hitched. From the assembly area, from the side streets, flows a rainbow of color: knights in silver armor, scarlet cavalry, pennants and banners of every description, an assemblage so huge it must converge from two directions at the bottom of Cass Street. And there it waits, counting the minutes until the order to move out.

This spectacle from America's past almost never came about. When the nation was younger, the traveling circus was perhaps the only entertainment a community would have all year. But times changed, and circuses nearly all died out. The circus parade seemed destined to become only a memory, preserved in faded posters. But C.P. "Chappie" Fox wouldn't let that happen.

In 1953, while researching a book on the uniquely American tradition of circus street parades, Fox located nearly every circus wagon still in existence—many since converted to other purposes or simply abandoned. He made it his mission to acquire these precious relics and then restore them to their original splendor.

By 1962, the Circus World Museum, with Chappie as its first director, had close to 30 wagons, lovingly reconditioned by a growing band of wheelwrights, woodcarvers and other artisans. But what to do with them? It seemed a shame to let these magnificent examples of American folk art languish in a museum. "I said, 'Hell, no! Let's parade them!' " Chappie recalls.

But it wouldn't be easy. The problems of horses alone would have stymied a less ingenious man. Chappie needed giant Clydesdales, Percherons and Belgians, trained to work in teams. He talked to farmers around Baraboo, and his enthusiasm was contagious. The horsepeople rallied behind him, word of mouth eventually drawing teams from ten states.

Roustabouts, clowns (including actor Ernest Borgnine) and everyone else who loves a circus started to volunteer their services. Costumes had to be made, and Chappie discovered the perfect designer in Mayme Ward, a retired circus performer.

The parade he envisioned would ultimately cost over $1 million. Friends steered Chappie to businessman Ben Barkin, who solicited funds from local and national businesses and foundations.

The idea of a circus parade was not without its detractors. No one would be interested in such a quaint display, many said. Chappie ignored them. Because of its size and accommodations, Milwaukee was chosen as the parade site, and in 1963 the wagons were loaded and trucked there. Few, if any, of the spectators who showed up that first year had ever witnessed a true circus parade.

On a hot Sunday in July, snare drums rolled, cymbals crashed and eight mounted buglers and flag bearers led off the first Great Circus Parade. Spectators craned their necks. On came the marchers, banners flying. The Ringling Brothers Sea Shell Tableau Wagon swung into view with its bevy of lovely ladies dressed as sailors, as was done during the war years of 1914-18. There was a smattering of polite applause.

Then came the Sells-Floto Cage Wagon with a snarling lion peering back at the crowd through open bars. The applause grew louder, sweeping along with the parade, changing the mood, lifting spirits. Suddenly, children were being hoisted to their parents' shoulders for a better view and everyone wanted to press forward, join in. This was more than just another parade, the spectators realized. It was an heirloom, dusted and polished, belonging to them all.

In 1964, Chappie saw an ad that said the World of Mirth Carnival had gone belly up and their railroad cars were being auctioned off. "It hit me like a bolt from the blue," Chappie recalls. "That was the way to transport the wagons to Milwaukee."

Each year now, days before the parade, the wagons are loaded at Baraboo for the 225-mile trip. Pulled by a smoke-belching steam engine, the train curls down through forested hills, its 31 brightly painted coaches, flatcars and stock cars sparkling like a gem-studded belt. There are people at every road crossing and all along the route, smiling and waving, as though welcoming an old friend.

The train pauses an hour at Madison, where people jam the streets for a glimpse. It stops for the night in Janesville. Crowds again swell the next day when the train rumbles into Des Plaines, Ill., and the Chicago suburbs; they clog the final triumphal whistle-stop tour through Kenosha and Racine.

Finally, the train arrives in Milwaukee, where the parade assembly area resembles organized chaos. There are costume tents; long, open tents for the hundreds of horses; a guarded enclosure for the wild animals; on-site fire and police stations; and, of course, popcorn and candy vendors.

Special crews rehearse procedures and check equipment. Indeed, part of the parade's magic is supplied by the many circus buffs who volunteer their services, spending days or weeks of their summer vacation helping out.

The sun is now high over Lake Michigan. Anxious eyes turn skyward at a scattering of black clouds. Chappie Fox scoffs. "It never rains on the parade!" he says adamantly, as he does every year. So far, he's been right.

"Mount up!" calls Parkinson into his bullhorn. Costumes are hurriedly pinned and a trumpeter nervously runs through his scales.

At precisely 2 p.m., The Old Guard Fife & Drum Corps of the Third U.S. Infantry snaps to attention and, with a deafening rumble of drums, the vanguard surges forward. Next comes a Navy band, the U.S. Coast Guard Silent Drill Team, antique autos, high-wheeled bicycles and carriages of dignitaries.

Then, leading the Ringling section, comes the gigantic 1905 Swan Bandwagon, taller than a bus, its 15 musicians blaring a rousing circus march. Nearly two dozen bands march or ride in this celebration of yesterday. They all must play music written prior to 1939, the year of the last horse-drawn street parades.

"We stage a historically accurate parade," says Parkinson. "Nothing goes into it that was not used in a circus parade of the past."

And, just as in the old days, nothing fires the crowd's interest like a big cat. As soon as the Temple Tableau Wagon, an ornate, open pagoda on wheels, rumbles into view, there are oohs and aahs from all sides. Tethered only by a collar and chain, a sleek leopard lounges proudly beside a beautiful harem girl—really, of course, his trainer.

For two hours, Milwaukee is treated to the sights, sounds and smells of a bygone era. There is Buffalo Bill, as imposing a figure as ever operated a Wild West show. There is the 125-year-old Twin Lions Telescoping Tableau Wagon, a mobile wedding cake encrusted with gold lions and gilt filigree that elevates to 18 feet. On top of the Star Tableau Wagon, able to look into second-story windows, is a live and very brave young woman in pixie dress.

And, of course, there are dozens of clowns, including Ernest Borgnine who, dressed in floppy shoes and a big red nose, has missed only one parade since 1971. "What I like about this parade," he says, "is that it's just miles of smiles."

Finally, it all must end—and it does, as circus parades always did, with a herd of elephants lumbering trunk to tail. They're followed by the last and noisiest wagon, the calliope. At 7½ tons, it is by far the heaviest wagon, and eight draft horses lean hard into their harnesses to drag it up the street. Its booming notes would drown any modern rock band and can be heard for miles.

But that's what it was supposed to do: resound for miles, to entice "ladies, gentlemen and children of all ages" to forget their labors and cares and gather together to be awed and amused. And so they do, every July, when beckoned by the Great Circus Parade, one of the most stupendous, most sensational, most dazzling spectacles in America.●

TERRY ANDERSON

● Mr. MOYNIHAN. Mr. President, today marks the 1,543d day of captivity for Terry Anderson in Beirut.

I ask that an article printed in the March 13, 1989, Philadelphia Inquirer be printed in the RECORD.

The article follows:

[From the Philadelphia Inquirer, Mar. 13, 1989]

FOR THE FAMILIES OF THE HOSTAGES, NINE WORLDS DARK AND BITTER

It was a simple advertisment that contained an extradordinary proposal.

In both English and Arabic, a man was offering to become a hostage in the nightmarish Alice-in-Wonderland world of Beirut.

Bruce Steen placed the ad in a magazine in Beirut, more than 7,000 miles from his California home.

Its message was straightforward: Swap me for my hostage brother.

The ad went unanswered, but Steen's gambit reflects the desperation felt by the families of the nine Americans held hostage by Shite Muslim extremists in Lebanon.

The family members are ordinary Americans—a homemaker, a psyschiatric aide, an accountant—who once thought of Beirut as little more than a blip on the evening news.

But these days Beirut is painfully real and their lives have become almost surreal. Caught up in a situation they can neither control nor escape, they have fallen hostage to it themselves.

Their days are spent waiting—for word from the State Department, for an encoraging scrap of news from Beirut, for a sign that their relative in Lebanon still is alive.

What little they hear comes through a haze of rumors, accounts from released hostages and strident political statements by the captors.

For many of them, once-warm patriotism gradually has dissolved, replaced by a belief that their government does not care very much about the hostages.

And there is a vacuum at each family's core as life goes on—a father dies, a daughter marries—while the hostage sits unknowing in Lebanon.

"I still can't believe he's one of the American hostages," says Marilyn Langston, whose father, Frank Herbert Reed, was kidnapped in 1986. "You think about it, there's (nine) Americans who are hostage. Then you think, 'Hey, one of them is my father.' And that's strange.

"I feel like I'm wandering in the dark. I've been wandering in the dark for 2½ years."

Bruce Steen was working behind a bar in a California restaurant two years ago when a picture of his brother suddenly flashed on the TV screen.

Dan Rather leaned into the camera, speaking earnestly, "but I really couldn't hear anything in the middle of a crowded restaurant, and when I turned the volume up, all I heard was 'Kidnapped.' "

But that word plunged Bruce Steen into the small but growing world of the hostage families, a roller-coaster existence in which the safety of a family member half a world away comes to dominate life.

Rushing from the restaurant to find another television, Steen learned that a group calling itself Islamic Jihad had kidnapped his brother, Alann, and three other Beirut University College teachers.

In a panic, he telephoned the State Department. It was a Saturday night—no one answered.

At first, he did everything he thought might help—he wrote letters to politicians, he gave countless interviews.

"I was obsessed," he says, an instant news junkie looking for tidbits of anything datelined "Beirut."

And suddenly there came a strange fame. People stopped him on the street so often that he took to wearing sunglasses to the local supermarket.

Every week the State Department called, and every week the message was the same: "We're doing everything we can."

After a time he found that neither rumors from Beirut nor reassurances from Washington could satisfy his obsession.

"You learn to screen it out," he says. "If you let it run your life, you'd go crazy."

Then in June 1987, five months after the kidnapping, the news turned ugly.

The kidnappers released a photograph of Alann Steen looking pale and drawn.

The accompanying message said he was sick. The next message said he was dying. And another warned that he had just hours to live.

Bruce Steen could not know that his brother was being played like the worm on a fisherman's hook, a manufactured tale of fatal illness being used to prompt action from Washington.

"I called the State Department and said, 'Do something!' " recalls Steen. "But nothing was being done about it."

He feared he would watch his brother die, long distance, on the evening news.

"I felt like there was nothing I could do about it," he says.

Then he hit on the "harebrained idea" of exchanging himself.

"I called the State Department and told them what I was going to do. They didn't say yes or no, so I went ahead."

Steen talked to a reporter at Beirut magazine and took out an advertisement offering to trade places with his brother.

It ran for three times while Steen waited back in the United States, his bag packed full of National Geographics and toothbrushes.

But the call to become a captive never came. "There was just silence."

After Thomas Sutherland was kidnapped at gunpoint in 1985, his daughter Kit remembers thinking "How do you act? There are guides to mourning, but not to this."

Nearly four years later, she knows the answer:

"We compartmentalize. When we're at work, we work. When we're at home, we worry."

The yellow ribbons have been tattered by the winter wind, faded by the summer sun.

Once they were the sort of simple symbolic gestures with which the families filled the waiting. But as the years roll by, such gestures begin to ring hollow.

And the longing for some contact, some word of progress, some reason for hope, goes on unabated.

On the best of days there comes a blurry video of their loved ones, released by the captors and generally accompanied by a death threat against the hostages or some other of the radicals' targets.

Last month it was the turn of Robert Polhill, Jesse Jonathan Turner and Alann Steen. Their captors released a fresh photo of them, together with a threat to kill author Salman Rushdie.

In between, the news reports, there are rumors. Beirut seems to generate them faster than rubble, and in the age of television, they work their way west in a matter of hours.

"Every week, somebody's supposed to be released," says Peggy Say, whose brother Terry Anderson is the longest-held hostage. "I've gotten so I don't even pay attention to rumors anymore."

Much of what the families know of life in captivity comes from former hostages, who do their best to feed the families' hunger for information.

Bruce Steen knows that his brother is kept in a small room, chained to a wall 24 hours a day.

Thomas Cicippio of Norristown knows that his brother Joseph is kept with another American hostage who lies on his back all day, deliriously talking to himself.

Kit Sutherland knows that her father tried to commit suicide after nearly two years in captivity.

When there is no news, the families sometimes turn to one another to keep their hopes alive.

On Thursday, other hostage families will join Peggy Say in Washington, D.C., to mark the fourth anniversary of her brother's kidnapping.

Despite the sometimes futile feeling, the families persist. Some wear metal bracelets engraved with the names of the captives. And they persist in trying to communicate with the hostages themselves, sometimes sending messages for them to the Beirut newspapers.

Last year a mother reached out to her hostage son on Valentine's Day.

That they said her son had gone mad in captivity did not stop her.

Doris Tracy, 81, mailed the valentine to her son, Edward Austin Tracy, care of the U.S. State Department.

"And guess what?" she says. "It came right back."

The distressing news came to Leota Sprague at her home in Massachusetts.

Her son, they said, had been badly beaten by his Beirut captors. The beating had broken his spirit, turned him into a quivering shell.

Sprague is 90. Her son, Frank Reed, is 58 and more than two years a hostage.

The news was doubly troubling because it first came from reporters. Only later did the State Department call to confirm it.

Like most Americans, the families of the hostages initially turned to their government for help. But as the months and years have dragged by, they have become disillusioned with Washington's efforts.

"I've talked to people time and time again in the Middle East who have said, 'Peggy, nothing is happening,' " says Peggy Say. "The hostages are not an issue. They're doing nothing."

The State Department encourages the families to focus on symbolic gestures—festooning the trees with yellow ribbons—but not to get involved in negotiating freedom for the hostages.

Though a State Department task force on the hostages meets twice a week, no word of its efforts emerges from Washington.

Such publicity, says spokesman Michael Mahoney, only encourages the kidnappers.

"We are in frequent contact with a wide range of government and private individuals, trying to find a way out for these hostages," Mahoney says.

For the last 18 months, Mahoney has been the State Department's liaison with the hostage families.

He tries to call each family every 10 days or so, but usually there is so little to report that he realizes he runs the risk of sounding like a recording.

"I do my best to be personalized," Mahoney says.

Recently he called Peggy Say with the news that "we are making every possible effort, and are interested in hearing from all responsible parties."

Mahoney suggests that the families are the cruel victims of the Shiite Muslim extremists, who spread rumors of impending releases or executions to generate publicity for their cause.

"It's part of the strategy, I believe, of the kidnappers to generate rumors that the hostages are ill or about to be released in order to keep the situation going," Mahoney says.

Mahoney calls the rumors, particularly the death threats, a "conscious and cynical policy" on the part of the kidnappers to manipulate the hostage families into pressuring the U.S. government.

"They want to create a split between the government and the families," he says.

If so, it's working. Mahoney himself has drawn much of the bitterness.

"I just personally don't feel that he cares about the hostage families," says Marilyn Langston, Frank Reed's daughter. "It's just almost like he's there just to pat you on the back and say, 'Yup, yup, the hostage situation is going on and someday it'll be over.' "

When Peggy Say made a symbolic visit to Syria last month, she didn't bother to inform officials at the State Department.

"Things had deteriorated so badly between the families and them that I didn't think it would be helpful," she says.

Four years ago Peggy Say was a homemaker just three weeks away from an event that promised to change her life dramatically.

At 44, she was about to graduate from college and become a social worker.

But on March 16, 1985, something far more dramatic happened: Her brother was taken hostage by Shiite Muslim extremists in Beirut.

Her life has not been the same since. Seeking freedom for her brother has become a full-time pursuit, one that has catapulted her to the center ring of the berserk circus of the hostage world.

A self-described "middle-class housewife," she has become spokeswoman for the hostage families, a vibrant public symbol for the hostages, and a savvy critic of U.S. foreign policy.

She calls Brokaw "Tom" and North "Ollie." She laughs that she once was waxing her floor when President Ronald Reagan called.

She has been on every television talk show that will have her. She writes letters. She gives speeches. She visits foreign embassies in Washington. She has been to Syria twice.

Recently she was offered "up to six figures" for the right to make a movie on her life but put it off because "that's not reality."

Not now, anyway.

Today's reality is that every day Terry Anderson lives in a small cell in Beirut, she says, and his government is not working hard enough to free him.

"As long as he's in there, battling away, I'm going to be in there battling with him," she says. "I'm not going to quit until he quits."

She is an all-American type who favors tuna with Miracle Whip on white bread, with lots of coffee to wash it down.

These days the unlikely headquarters of America's grass-roots hostage movement sits down a winding dirt road in Cadiz, Ky.

Peggy Say moved there last summer from her home town of Batavia, N.Y., in search

of peace and quiet after three years in the limelight.

Nearly 6,000 miles from Beirut, it's a typical lakefront cottage with a wide porch, comfortable sofas and a boat in the side yard. Its red-brown shingles blend into the surrounding woods, giving it a look much like every other cottage along the road.

But inside, the living room is a kind of international switchboard for information on the hostages. Every few minutes the phone rings, with calls from London, New York, Lebanon and the homes of hostage families across America.

Peggy Say cradles the receiver under her chin, pulling the cord along as she paces, alternately cajoling and wise-cracking—always seeking information.

"It doesn't seem to matter to people that this has gone on for four years,' she tells one reporter, with a slow anger. "Four years! Where the very thought was horrendous four years ago, it's acceptable now."

Four years ago Peggy Say obediently followed the advice of the State Department and avoided the news media. Any publicity, they said then as they say today, will help the kidnappers more than their hostages.

"They have tried to convince me for four years that publicity was not helpful," she says. "But after four years, dangling this carrot in front of me, saying, 'Let's be quiet, these next few months are crucial,' . . . they haven't exactly established their credibility."

Within months after her brother's kidnapping, Peggy Say grew too frustrated to remain silent.

"I probably have met with representatives of every government that has ever breathed in the direction of Iran," she says.

"There's nothing that you draw the line at. If you keep plugging up your holes, someday something is going to work."

In defiance of the State Department's policy of "quiet diplomacy," she keeps the publicity mill running to keep the heat on Washington.

"You get past the point, like I have . . . after this length of time, you figure, what have you got to lose? That's the only way you have to make people understand."

At home in Cadiz, where she keeps a bedroom ready for her brother's return, she sometimes fantasizes about taking her crusade one step further.

"It's an open secret, where they're held," she says, "I have this fantasy, that I walk up to the door, knock on it, and say, 'Can Terry come out and play?' What are they going to do to me? Blow me away? There are times I feel like grabbing one of them by the shirtfront, and saying, 'If you don't give me back my brother, you're in deep trouble, pal.' "

And Peggy Say laughs.

Terry Anderson was taken hostage on March 16, 1985.

Since then his father and brother have died of cancer.

Joseph Cicippio was taken hostage on Sept. 12, 1986.

Since then his sister has died and his daughter has married.

Each night just before 11, Thomas Cicippio slips outside his split-level house in Norristown and looks east over the suburban rooftops and toward Beirut.

In Lebanon, it's 6 a.m.

Another day is dawning for his brother Joseph, the hostage.

"I think about what he's doing," Cicippio says.

Is he still asleep? Or has he been awakened by the fellow hostage who babbles deliriously all day long?

Then Thomas Cicippo follows his daily ritual: He changes the numbers of several simple signs on his front lawn. They indicate just how many days each of the hostages has been held in Lebanon.

Drive by 514 E. Roberts St. this morning and you will learn that it has been 914 days for Joseph Cicippio.

Joseph was the family's star and adventurer, the accountant and banker who went off to run the finances of the American University of Beirut.

Thomas Cicippo is a retired postal worker, one of three Cicippo brothers who live in Norristown.

His post office pension doesn't permit him to travel America and the world crusading for his brother's release.

At 65, he says he has neither the strength nor the savvy, explaining modestly, "I never finished high school."

This quiet, gentle man whose life seems ordered by little routines struggles to bring the insanity of the situation in Beirut into some perspective.

How does one make sense of a world in which a man born in Bombay can write a book in London that is denounced in Tehran and thus somehow threatens the lives of hostages held in Beirut?

All of that was played out last week on the evening news, which Thomas Cicippio turns to each night after changing the numbers on his front-lawn signs.

He keeps neat scrapbooks filled with news stories on the hostages, some of the clippings yellowing under plastic by now.

And he plays tricks on himself when out driving in his car.

"Sometimes I'll see somebody driving in a car—a man with glasses and dark hair. And I'll say to myself, my God, that looks like Joe. I'll wish it was—even knowing that it's not. . . .

"I think about what he's doing all the time, no matter what we're doing."

On the phone, Marilyn Langston's voice comes across as strident, angry words laced with a thick Boston accent. She is angry.

"People ask, 'how's your father?' " says Langston, 32. "I say, 'What do you mean, how's he doing? He's a hostage.' "

Her father, Frank Reed, was kidnapped in September 1986.

"I don't think they really understand the situation. It's not like they're staying at a resort and can write any week. I don't think they realize that these sick men are holding these men with guns."

She is angry that the nine Americans in Lebanon receive less public attention than did those 66 taken hostage at the U.S. Embassy in Tehran almost 10 years ago.

For those hostages, "every night on the 11 o'clock news they would say, 'This is such and such a day for the hostages.' "

But now?

"Unless there's a death threat against the hostages, the news never covers it," complains Langston. "And then it lasts a day."

And she feels too few Americans care.●

TOM BYRUM, NEW MEXICO'S KEMPER CHAMPION

● Mr. DOMENICI. Mr. President, the cities of Albuquerque and Las Cruces, indeed, the whole State of New Mexico, are celebrating the victory of former New Mexican collegiate golfer Tom Byrum at the Kemper Open this past week end.

Tom's victory was his very first after 4 years on the PGA tour. A former New Mexico Lobo and New Mexico State Aggie golfer, Tom shot a 3-under-par 68 to win the tournament by 5 strokes. In the process, he set a tournament record total of 268 for 72 holes.

Tom Byrum, a native of Onida, SD, came to the University of New Mexico to play under golf coach Dwaine Knight. Mr. Knight was impressed by Tom's consistent play under pressure and his ability to be a team player. Tom attended the University of New Mexico from 1980 to 1982, before deciding to transfer to New Mexico State University to continue his golfing under New Mexico State's golf coach, Herb Wimberley.

It was not long before Tom Byrum's golfing career began to take off.

He was recognized as a 2-year All-American, named third team All-American in 1983, and then receiving All-American honorable mention in 1984. Tom finished his junior year by placing 37th in the NCAA Golf Tournament. He placed 15th his senior year in the NCAA tournament.

Following his play at the University of New Mexico and New Mexico State, Tom played in Asia to sharpen his skills against international pro golfers.

After 1 year on the Asian tour, he then returned to the United States to join the PGA tour. On several occasions, he took the lead in major tournaments but was unable to win until last week when Tom's dream came true with his win in the 1989 Kemper Open.

I congratulate Tom and his family, who stood behind him as he matured into a complete pro player.

I ask my colleagues to join me in recognizing the accomplishments of Tom Byrum. We are proud of his fire, his zealousness, his persistence, his faith.

This first victory will always remain special, no matter how many additional tournaments he wins. I commend Tom Byrum for his achievement and look forward to following his career of additional victories.●

ACHIEVEMENTS OF MRS. MABEL W. HOGGARD

● Mr. BRYAN. Mr. President, I rise before you today to commemorate the lifetime achievements of Mrs. Mabel W. Hoggard, the first black educator in the State of Nevada.

A 45-year resident of Las Vegas, Mrs. Hoggard was employed by the Las Vegas Union School District in 1946. In 1969, she was the chairman of the Westside Council, a coalition which was instrumental in establishing a district wide lunch program in the elementary schools. Mabel Hoggard

taught in a number of elementary schools until June 1970, when she retired.

Her career in educating Nevada's students did not end, however, upon Mrs. Hoggard's retirement from the classroom. She remained a tireless worker on behalf of the people of the West Las Vegas area and for education. Mabel Hoggard was a member of many civic and professional organizations, including the League of Women Voters, the Zion Methodist Church, and the Las Vegas branch of the NAACP. She was a two-term secretary of the Clark County Chapter of the American Red Cross, the treasurer of the Las Vegas Classroom Teachers Association for 2 years, and a life member of the National Education Association.

Mrs. Hoggard received the Distinguished Service Award in the Field of Education from the Clark County Teachers Association in April 1968. In 1974, the Bonanza Elementary School was renamed the Mabel W. Hoggard School by the board of school trustees as a special tribute in honor of her many years of service and dedication to the schools of Clark County and to the community.

In addition to being known as one of the finest primary teachers in the county dedicated to children, Mabel Hoggard also raised three sons, and was married to J. David Hoggard, former executive director of the Clark County Economic Opportunity Board.

Mable W. Hoggard's achievements in the field of education, her dedication to children, her service to the School District, and her contributions to her profession and her community have been outstanding. This extraordinary woman has served her State and country with distinction, and her presence will certainly be missed in Nevada.●

BOYS CLUBS OF AMERICA "OUTREACH '91 PARTNERS"

● Mr. BOSCHWITZ. Mr. President, on May 11-15, in warm and sunny Minneapolis, Boys Clubs of America held their 83d Annual National Conference. Today, Boys Clubs of America is serving 1.3 million boys and girls. They plan to be serving 2 million by 1991.

One of the highlights of the conference was an inspiring speech by the former Deputy Attorney General of the United States, Arnold Burns, who is now a partner in the New York law firm of Proskauer, Rose, Goetz and Mendelsohn. He spoke at the Outreach '91 Partners' luncheon, which honored many of the Nation's finest Boys and Girls Club leaders. Those leaders are involved in the Outreach '91 Program, which will serve 2 million boys and girls by 1991.

Jeremiah Milbank, chairman of the board of the Boys Clubs of America, introduced Mr. Burns. He praised him for his devoted service to our country and noted, "We could not have asked for a more faithful and dependable public servant."

I urge all of my colleagues to read the words of Mr. Burns and consider the important service the Boys Clubs of America provides to America's boys and girls.

Mr. President, I ask that the remarks of Arnold I. Burns be printed in the RECORD.

The remarks follow:

REMARKS BY ARNOLD I. BURNS, FORMER DEPUTY ATTORNEY GENERAL OF THE UNITED STATES AND VICE PRESIDENT OF THE BOARD OF DIRECTORS, BOYS CLUBS OF AMERICA

Today we celebrate and honor the 61 clubs that have been designated charter growth partners. I salute you for the outstanding job you have done. You have made in indelible mark on the Boys & Girls Club movement and the future of America. Your good works are helping us to reach out and serve 2 million boys and girls with high quality programs by 1991. The future is in your hands.

And I, for one, am optimistic about that future. Your clubs have made outstanding contributions to your communities. You have made it possible for thousands of young people to overcome the barriers to success that fate has placed in their paths. We pay tribute to you for helping them to emerge victorious.

Others, however, have not been so fortunate. Too many young people are downtrodden by the every-day fight for survival. They are too depressed. They see no way out. That is what life in our inner cities does to many young people.

This afternoon I want to talk to you about our inner cities. Our inner cities are troubled and turbulent. There is poverty. There is crime. There are drugs. There is violence. Kids grow up feeling trapped. They are hapless, hopeless and helpless. They don't know how to break the cycle. They see no light at the end of the tunnel.

In the inner cities, poverty is most acute among children living with single mothers. In 1985, 66 percent of black children, over 70 percent of Hispanic children and nearly half of all white children in female-headed households lived in poverty. Another troubling statistic: Nearly 75 percent of all black infants born in 1985 were born to unwed women, half of whom were teenagers.

Teenage pregnancies continue to plague us. Each year in the United States there are more than one million such pregnancies. The lives of many of these unwed parents—kids who are unprepared and ill-equipped to raise children—are filled with despair. Can the lives of their children be any better? More likely, they will be worse.

Minorities and immigrants are among the most impoverished people in our society. A disproportionate number of them live in the inner cities. Among black youngsters, one in two lives in poverty; one in two grows up without a father; nearly one in two black teens is jobless; and one in 21 young black men is murdered.

By the 12th grade, 80 percent of all boys and girls in the nation are periodic drinkers.

Drugs continue to eat away at the fabric of our society. Almost two-thirds of all high school seniors have tried illicit drugs. At the Department of Justice, we saw drugs as the number one problem facing America.

Latchkey teens, who are left unsupervised for long periods of time, feel abandoned, frustrated and angry. They are victims of the streets, as well as depression and even suicide.

Inner city kids too often join violent youth gangs because they feel the need to be part of something, because they have no other place to turn. In such an environment, arson, rape, robbery and bodily injury are common crimes.

Kids living in America's inner cities often don't know the first thing about how to resist street pressure for drugs or for sex. They certainly don't know how to find a job or how to lead a productive life. Where are they to learn anything positive?

Boys & Girls Clubs are one of the only answer we have to the problems of the inner city. Clubs have been helping kids to "beat the streets" for 128 years. Today clubs serve one million boys and 300,000 girls.

We have a cadre—second to none—of 3,200 full-time career professionals and 8,000 part-time workers. These people are dedicated to helping youngsters gain self-esteem and develop the motivation they need to become productive citizens and leaders.

More than 47,000 volunteer program workers and 86,000 board volunteers help make our clubs work. These are people who give their time, their talent and their treasure to help expand services for a growing number of boys and girls. Now that's really important. These people say "we care" and "we give a damn" about the future generation of Americans.

Today, as a tribute to you—our board volunteers and club professionals—I would like to extend an invitation to join me on a trans-continental airplane flight. We will look at some of the most outstanding programs being conducted by clubs in every part of the country. So, if you will bear with me while I don my pilot's jacket, we will begin our journey through "the friendly skies."

Good afternoon, ladies and gentlemen. I'm Arnold Burns, your captain on BCA's Flight 091 bound from Minneapolis/St. Paul International Airport to Phoenix, Arlington, Baton Rouge, Greenwich, Nashua, Detroit, Peoria, Milwaukee and back to the Twin Cities.

Our aircraft today is a Boeing 747 powered by 4 Pratt & Whitney jet engines. After takeoff, we will be cruising at an altitude of 36,000 feet at an airspeed of 540 miles per hour.

Now, if you will please take your seats, our flight crew will point out the emergency exits. The tower has given us permission to taxi and hold for take off.

Flight 091 has now been cleared for takeoff. I'm advancing the throttle to maximum take off power and soon we will rotate and lift off the ground.

We are heading southwest as we continue to climb. I'm turning off the seat belt and no smoking signs. You may now move freely about the cabin.

Sioux Falls, South Dakota is on your left, and we have begun to cross central Nebraska. Denver will soon be in sight. If you look down after we pass Denver, you'll see the magnificent snowcapped Rockies. The desert and Monument Valley are not too far away.

I've made radio contact with Sky Harbour Tower in Phoenix and we're cleared to descent through their area at 5,000 feet. The airspeed indicator shows us slowing to 220 miles per hour. If you look out the window, you'll see the Boys & Girls Clubs of Metro-

politan Phoenix down there on West Missouri Avenue.

The Phoenix Club does a tremendous job in the area of cultural enrichment. Each year the club sponsors two major art shows where youngsters exhibit a large variety of work ranging from oil painting and water colors to photography, T-shirts, masks and puppets.

At one unit where most of the members are Hispanic, the club has initiated special events to celebrate Mexican culture. Mexican Independence Day and Cinco De Mayo are observed through pageants, the visual arts, music and a food festival.

A really special group within the club's fine arts program is the "Phoenix Show Choir"—choristers who perform everywhere in the Phoenix area from Symphony Hall to nursing homes. The group travelled to Washington, DC in April to perform in the "America Sings" festival. The purpose of this festival was to raise awareness about the plight of homeless children.

The Phoenix Club also won a BCA honor award for program excellence last year for its "Art Smart Kids" program. The program consists of several components, including kids teaching other kids about art and visits to museums.

To round out our view of the extraordinary cultural enrichment programs at the Boys & Girls Clubs of Phoenix, we cannot overlook the three Epstein scholars who hail from the club—violinists Josiah Steiner and Andy Graybill, and 10-year-old pianist-composer Bill Schwartz. This is the largest number of scholars from any one club currently receiving aid from the Epstein Fine Arts Fund of Chicago and Boys Clubs of America.

Now let's climb back up to 36,000 feet and resume an air speed of 540 miles per hour as we head east/south-east toward Arlington, Texas. Notice the red sands and piñon pines that dot the high desert of New Mexico. We will soon be coming up on the Rio Grand and the Sangre De Cristo Mountains. Arlington will come into view after that.

The Arlington Boys Club has done wonderful work in the area of drug and alcohol abuse prevention and the prevention of premature sexual activity.

Arlington was one of 10 sites where BCA's "Smart Moves" program was tested. The club helped to identify what worked and what did not work in the prevention area and shared this information with the national organization. Smart Moves is now available to clubs nationwide. In 1988, 173 clubs implemented the program, and 38,000 young people across the country participated in "Smart Moves" activities.

In Arlington, over 1,000 boys have benefited from the "Smart Moves" program over the last three years.

A major component of the program is frequent role playing. Through practice and repetition, young people gain the confidence to say "no" to drugs, alcohol and premature sex. The program has taught even shy and timid youngsters to become assertive young adults.

Club staff learned that they couldn't talk casually about having a drink after work or wear T-shirts advertising beer or cigarettes. They found that such behavior exerts a negative influence on children, and that it is necessary for everyone—including club staff—to send one consistent message.

We have to leave Arlington now, but it is only a short run down to Baton Rouge, Louisiana. That's Bayou country we're flying over, and if you look out your window to the right, you may be able to see the Gulf of Mexico.

We're in radio contact with the tower at Ryan Metropolitan Airport and they have given us permission to descend.

If you look down on Monarch Avenue, you'll see the Glen Oaks Middle School. That's where the Boys Clubs of Greater Baton Rouge collaborated with the "Cities in Schools" Organization last year. "Cities in Schools" has a tested program for keeping boys and girls from dropping out of school.

The club provided three full-time staff members to work at a school site, along with representatives from other social agencies and school personnel. Altogether, nearly 60 at-risk students were offered a holistic program of social, emotional, educational and recreational services.

The Glen Oaks Middle School was selected because it had the highest suspension rate in the parish. The school principal recently received an award from the local PTA council for significant improvements in student behavior, grades and the number of young people suspended.

This was the first time that private community organizations had gone into the Baton Rouge School System to offer help and support. The program was so successful that the club has already expanded its collaboration with "Cities in Schools" at the Rosenwall Continuing Education Center.

The longest part of our trip is now ahead of us. We'll be flying up the east coast to Greenwich, Connecticut—over Mississippi, Alabama, North Carolina and Virginia to Washington and beyond. Fortunately, we have a strong tail wind coming off the gulf so we'll get there before our estimated time of arrival.

Notice the wispy cirrus clouds as we approach Washington. If you look closely, you might even be able to see Robbie Callaway leaving the executive offices at the White House.

That's Philadelphia off to the left. Soon we'll be coming up on New York. Greenwich is 50 miles north/north-east of New York, so we'll slow to 220 miles per hour and enter a holding pattern. This will enable us to see what the Greenwich Boys & Girls Club is doing through its "Targeted Outreach" program.

Over the last 2½ years, the Greenwich Boys & Girls Club has taken in nearly 150 at-risk young people who have been referred by the courts. These boys and girls assist club staff in conducting a variety of daily programs and help maintain the club building. They also join in club activities, like lifting weights, playing basketball, soccer and hockey, or participating in the Keystone Club.

The at-risk group rubs elbows with other young people who do volunteer work at the club—kids who are not at-risk, like Keystone Club members and boys and girls from the local school district. To avoid stigmas and labels, those serving restitution are carefully blended into an integrated club environment.

Court officers have been impressed by the fairness with which referrals have been treated and the excellent way these boys and girls are monitored. In addition, the "Targeted Outreach" program has helped club staff to examine how the club serves older members and has led them to make programs for teens more attractive.

Our next stop is Nashua, New Hampshire, about 200 miles north/north-east of Greenwich. We'll circle the club so we can look in on the citizenship and leadership activities being conducted.

In the area of citizenship and leadership development, it is hard to beat the Boys Club of Nashua. The club has won 10 National Keystone Awards for program excellence since 1982, averaging more than one each year.

The Gate City Buccaneer Keystone Club is extremely active. Each year, it sponsors a drive called "Keep Our Community Clean." Members pick up and recycle aluminum cans, and in so doing, serve two important functions: In addition to beautifying the city, the proceeds benefit the Keystone Club.

The club also sponsors a "Senate Page for a Day" program where four teenagers work for Senators in the New Hampshire State Legislature. This experience helps youngsters understand the democratic process and gives them a chance to develop leadership skills.

In collaboration with the Greenbriar Nursing Home, 8 youngsters from the club take part in a program called "Adopt a Grandparent." The young people serve as companions to shut-ins at the nursing home and are making an important contribution to the community.

And speaking of grandparents, everyone at the club is invited to bring a grandparent to the "Dinner of Thanks" in November. If a youngster does not have a real grandparent, a senior citizen in the community acts as grandparent for the day.

For younger members, the club also runs an active Torch Club. Young people called "Buddy Bears" team up with new members and show them the ropes. And to prove that democracy reigns supreme at the club, a teen council serves as an advisory board to help plan and implement programs that the majority of young people find most attractive and appealing.

We now have to leave Nashua. We will alter course and head west/south-west toward Detroit. After crossing the beautifully wooded mountains of Vermont and upstate New York, we will pass over Lake Erie and the tip of Ontario, Canada.

The tower in Detroit has cleared us to descend over the Boys & Girls Clubs of Southeastern Michigan to see the results of their "One-With-One" program.

Detroit was one of the pilot sites for this career-development activity that links Boys and Girls with adult mentors. The mentors explain their professions to club members, and some members even have the opportunity to accompany their mentors as they go about the day's work.

At the Detroit Club, members are asked to complete an interest profile to help them identify interests in and out of school. They are also required to complete the Michigan occupational interest survey to see if they are best suited to working with people, data or things.

Each member keeps a journal of his or her experiences and receives information about financial aid opportunities. Parents of members attend meetings and are actively involved in the program.

Many of the mentors are club alumni or board members. This means that they often take a special interest in helping program participants.

Sheila Coss was one of 56 young people who finished all phases of the "One-With-One" program last year. Sheila comes from a broken home and didn't think she would be able to go to college.

By participating in extensive self-esteem exercises, Sheila learned to feel good about herself and projected those feelings into her search for a meaningful occupation.

Sheila decided that her talent lay in journalism. The club was influential in helping her obtain a scholarship to the University of Michigan. Now a freshman, Sheila is one of the youngest people at the university to work on the school newspaper staff.

From Detroit, it is only a few hundred miles across Indiana to Peoria, Illinois. We'll head south/south-west and be there in just a few minutes.

In 1985, Peoria was besieged by gang violence which included the beatings and murders of several young people.

The gangs were clearly out of control. To make matters worse, most of the trouble was occurring in the large public housing development right across the street from the club.

Meetings were held with city officials, club staff and representatives from Boys Clubs of America. What emerged was Peoria's Youth Intervention Program.

This program has four components: education, vocational training, recreation and counseling. The club also provides a counselor who is on call 24 hours a day to assist police. A hotline number is listed in the phone book to facilitate this massive intervention effort.

Since 1985, the club has worked with 11,000 young people—nearly 2,000 per year. The police department has testified repeatedly that this program dramatically decreases gang violence. They cite that there have been no young people murdered since the program began. In addition to these impressive statistics, 17 former high school dropouts have graduated with a general education diploma offered through the Youth Intervention Program at the club.

Our final stop before we land is the Boys & Girls Club of Greater Milwaukee. The tower at General Billy Mitchell Field has issued a clearance for 5,000 feet above the club.

The health programs offered at the Boys & Girls Club are hard to beat. The Milwaukee Club employs a full time health promotion specialist, 2 part-time specialists and 2 registered nurses.

Milwaukee has the highest minority teenage pregnancy rate in the State of Wisconsin. To combat this problem and to teach effective skills to teenage parents, two special programs are now in place.

"TNT"—Teens Networking Together—provides sex education for teenage boys and girls. Because young people learn best from each other, the club trains a group of teens to talk with their peers about such topics as drug and alcohol abuse, teen sexuality and suicide prevention. This program teaches young people the facts of life up front instead of forcing kids to learn from the streets. "TNT" has been highly effective and won an honor award for program excellence from BCA.

Another program for teen parents is "STEPS"—Showing Teens Effective Parenting Skills. This program homes in on the self-esteem of mothers, child development, life plans, education and career development, and household management. "STEPS" is offered at four club locations.

The Milwaukee Club also offers special programs and services in the areas of child abuse prevention, nutrition, mental health, and drug and alcohol education. In addition, Milwaukee was a pilot site for the development of BCA's "Smart Moves" initiative.

We are now on our way home. Visibility is 10 miles as we begin our descent into Minneapolis/St. Paul. Please fasten your seatbelts and obser e the no smoking sign.

I have extended the flaps, our gear is down and ve are cleared to land on the main east-west runway. Ladies and gentlemen, Flight 091 has touched down and you can hear the roar of the engines reversing thrust. Please remain seated until we taxi to the gate.

I hope you have enjoyed this fantasy flight to eight of the best-run clubs in the country. But there are literally hundreds of clubs that do a top-flight job of providing quality services to disadvantaged boys and girls. Everyone in this room today can be counted among those who run a first-rate operation. That's why you're charter growth partners—Something special in your communities.

Before I relinquish my role as your flight captain, let me conclude by repeating a saying well-known in the aviation industry: The most important wings on an aircraft are the wings worn by the pilot.

We can say the same thing about Boys & Girls Clubs: A clubhouse is only as good as the people who run its operation. Each and every one of you earns your wings every day.

Thank you.●

HONORING WISCONSIN ENTREPRENEURS

● Mr. KASTEN. Mr. President, I rise today to draw the attention of all my colleagues to the fact that the spirit of entrepreneurship is alive and well in my home State of Wisconsin.

On June 22, the winners of the 1989 Wisconsin Entrepreneur of the Year Awards will be honored for their signal achievements in promoting the economic well-being of the Wisconsin community.

The men and women who will be receiving this award—Fred G. Koermer of Primex, Inc.; Thomas F. and Judy D. Pyle, both of Rayovac Corp.; Nathaniel A. Zelazo of Astronautics Corp. of America; Charles Lescrenier and Peggy Lescrenier, both of Gammex Inc. and related businesses; and Paul A. Frederick of Frederick & Co., Inc.—have one thing in common: They believe in the power of free enterprise to make their community a better place.

And they have, each in his or her own way, improved the lives of their fellow citizens. From batteries and flashlights to clocks and laser patient-positioning systems, the life work of these entrepreneurs has succeeded in earning our gratitude and respect.

Mr. President, I join all Wisconsinites in honoring the achievement of these men and women, and also to honor the bright and talented workers in their companies who made that achievement possible. I ask that a recent article about these winners that appeared in the Milwaukee Sentinel be included in the RECORD.

The article follows:

[From the Milwaukee Sentinel, May 24, 1989]

STATE ENTREPRENEURS MERIT HONORS

(By Larry Engel)

Owners and operators of four manufacturing companies have been selected as this year's top entrepreneurs in Wisconsin.

The winners of the 1989 Wisconsin Entrepreneur of the Year award were chosen from a field of 97 nominees in an annual program sponsored by the Arthur Young accounting and consulting firm and Inc. magazine.

A voluntary panel of nine Wisconsin business leaders chose the winners in four categories.

The judges also decided that a Milwaukee venture capitalist should receive a special award for his contributions to entrepreneurism.

The winners, who will be honored at a June 22 dinner in the Milwaukee Athletic Club, are:

Fred G. Koermer, president of Primex, Inc., a Lake Geneva manufacturer of clock movements. The 15-year-old company employs more than 350 people and has annual sales of more than $30 million. Koermer is the "competitive entrepreneur award" winner.

Thomas F. and Judy D. Pyle, owners and officers of Rayovac Corp., a Madison-based manufacturer of batteries and flashlights. The Pyles were chosen as the "marketing entrepreneur award" winners. Rayovac employs about 2,000 people and has annual sales of more than $200 million.

Nathaniel A. Zelazo, founder and chief executive officer of Astronautics Corp. of America, a Milwaukee-based manufacturer of electro-mechanical aircraft instruments. The 30-year-old company employs more than 5,000 people and has annual sales of more than $300 million. Zelazo is the "high technology entrepreneur award" winner.

Charles and Peggy Lescrenier, owners and officers of a group of companies which include Gammex Inc., a Wauwatoss-based manufacturer of laser patient-positioning systems. The Lescrenier companies employ more than 100 people and have annual sales of more than $10 million. The couple were chosen as winners of the "entrepreneur's entrepreneur award."

Paul A. Frederick, chairman and president of Frederick & Co. Inc., Milwaukee, a securities brokerage and venture capital firm that employes 22 people. Frederick will receive the "entrpreneurial spirit award," a special award for contributions to entrepreneurism.

The quality of the nominees for this year's Wisconsin Entrepreneur of the Year awards was exceptional, according to Ralph E. Ells, director of entrepreneurial services at the Milwaukee office of Arthur Young.

This is the fourth year of the program, which was created by Arthur Young's Milwaukee office to honor owners and managers of closely held, innovative and growing companies and individuals who encourage and support entrepreneurs.

The program has grown to an annual national event involving 45 Arthur Young offices across the United States and co-sponsored by Inc. magazine.

This year, the program will culminate with a November conference in Palm Beach, Fla., where the winners from Wisconsin and other states and regions will be inducted into the Institute of American Entrepreneurs. For the first time, a national Entrepreneur of the Year will be chosen and will

be the subject of a cover story in Inc. magazine's January 1990 issue.

"The judges had a real tough choice this year," Ells said. "There probably were 15 or 16 nominees that could have won, in my opinion."

Through a screening process, this year's 107 nominees were reduced to about 25 who received final consideration by the judges at a three-hour meeting to select the winners. The judges were a voluntary group of nine Wisconsin business leaders.

"I was impressed by the number of excellent candidates," said one of the judges, Michael D. Dunham chairman of the Council of Small Business Executives.

Another judge, John D. Roethle, president of the Independent Business Association of Wisconsin, said "the quality and depth" of the candidates was outstanding.

All four of this year's winners have built growing businesses, Roethle noted. "Their companies all are past the survival stage," Dunham added.

In choosing Koermer, the judges noted he: founded a high-growth business; competed successfully in a market held by the Japanese; sought innovation in manufacturing; emphasized marketing; has aggressive plans for future growth; and built a solid management team.

Koermer left his job as president of Borg Instruments Inc., Delavan, in 1980 to become head of Primex, a company he had helped his wife, Karen, start as a mail order business in 1971. The business initially involved distribution of clock movements to hobbyists.

When quartz technology became available, the US market was monopolized by the Japanese. Koermer was able to bite a 55% chunk out of that market with the help of an experienced management team, good sourcing and the discovery of a new robotics technology that automated his manufacturing process and enabled him to reduce costs. The new technology was acquired from a German company with which Koermer operates a joint venture.

In 1987, Koermer acquired the John L. Chaney Instrument Co., Lake Geneva, a manufacturer of thermometers and weather instruments.

The Pyles impressed judges by: taking the risk of leaving promising careers with large companies to buy and manage Rayovac, which had been suffering heavy losses in a competitive marketplace; innovative and aggressive use of marketing; using acquisitions to help Rayovac grow; and saving many jobs in Wisconsin.

Thomas Pyle acquired partial ownership of Rayovac through a leveraged buyout in 1982 and consolidated ownership through a second LBO in 1987. Judy Pyle joined the firm in 1983 and initiated a marketing strategy that gave Rayovac's products and packaging a new look. The number of retail outlets offering Rayovac products was increased from 15,000 to 45,000.

Rayovac also developed, manufactured and introduced four new lines of flashlights.

The judges noted that Zelazo: founded a high-growth business and has continued to take risks by investing in research and development; is a leader in innovation and technology; cooperates with universal technical resources; makes acquisitions and continues to pursue growth; and has a solid management team that includes his sister and his son.

Zelazo quit his job with an avionics company to form Astronautics in 1969.

Astronautics has made advancements in super computers, super conductivity and magnetic refrigeration, aerospace guidance systems, cockpit instrumentation and communications electronics equipment.

The company employs many engineering and science graduates of Wisconsin universities and colleges, and Zelazo has helped Astronautics employes who wanted to leave the company to start their own businesses.

Astronautics recently tripled its size and expanded its capabilities by acquiring Kearfott Guidance & Navigation Corp.

Charles Lescrenier founded Gammex in 1969 when he developed a procedure that aligns cancer patients through the application of lasers for more effective radiology treatment. Later, he purchased Radiation Measurements Inc., which designs and manufactures quality-control tools in radiology. Today, he has three different businesses in California, one in North Carolina, one in New York, one in England and eight in Wisconsin.

Peggy Lescrenier's sales management, marketing and other skills have helped Gammex grow and earn awards for exporting.

The judges noted the Lescreniers are active in promoting and supporting entrepreneurism, innovation and small businesses. Charles' activities include being a mentor to other entrepreneurs. He has contributed financially to small businesses through the University of Wisconsin and Medical College of Wisconsin.

Frederick won the recognition of judges by "his persistent efforts to promote and fund entrepreneurism in Wisconsin. His efforts have included: raising money to take small businesses public; finding investors for and investing in young companies; finding seed money for many companies; participating in the financing of leveraged buyouts. He is a director and program chairman of the Wisconsin Venture Network and is co-chairman of 1989 Wisconsin Venture Fair.

"While Wisconsin is sometimes said to have fewer new business formations than some other states, I think we could match anyone in the quality of new business formations," Roethle said. "And we may equal anyone in the number of healthy, growing companies."

Wisconsin, with its central location, excellent technical school system, large supply of skilled labor and of toolmakers, subcontractors and suppliers, is becoming a strong entrepreneurial state. Roethle said. "I think all the judges were saying this is becoming an exciting place to be," he said.

Ells said Wisconsin "fares very well" with other states in the number of nominations for the Entrepreneur of the Year award.

Dunham said Ells and others at Arthur Young deserve credit for their work on the program. "I feel very good about the quality of the discussion, evaluation and background material the judges had," he said.

The judges, in addition to Dunham and Roethle, were: James E. Burgess, chairman of the Greater Madison Chamber of Commerce; Sara Burr, small business ombudsman for the Wisconsin Department of Development; Roger L. Fitzsimonds, chairman of Wisconsin Manufacturers & Commerce; William Gleeson, director of Marquette University's Center for the Study of Entrepreneurship; Bruno J. Mauer, secretary of the Wisconsin Department of Development; Mowry Smith, co-founder of the Wisconsin Venture Network; and Robert B. Spath, president of the Milwaukee Innovation Center Inc.●

NATIONAL SOCCER HALL OF FAME WEEK IN ONEONTA, NY

● Mr. MOYNIHAN. Mr. President, I am pleased to inform my colleagues that this afternoon, in Oneonta, NY, a ground-breaking ceremony was held to officially dedicate the new National Soccer Hall of Fame site. This 61-acre site will be a truly national center for soccer and its establishment is rightfully being greeted with excitement and celebration.

In fact, since this past Saturday, the city of Oneonta has been commemorating "National Soccer Hall of Fame Week 1989" through seminars, clinics, soccer matches, and other events. While a New York State Boys Under 16 Select Invitational Championship was held, the New York City Men's Over 45 Team challenged the German-Hungarian Club of Philadelphia in an "old timers match." If I may, I humbly note that the New York team won with a score of 7-0.

Certainly a highlight of the week's activities was the Budweiser Hall of Fame Game—a professional, international soccer exhibition which made its debut in 1988 and is quickly becoming an institution.

But, today's ground-breaking of the new Wright National Soccer Campus, in honor of Oneonta's W. Clyde Wright Family, truly culminates the week's events. This new site will house eight outdoor and two indoor fields, a museum, medical facilities, training sites, housing facilities for visiting players, and a new stadium. Of course, this national soccer center will attract world class teams and benefit soccer players both young and old.

Mr. President, the new National Soccer Hall of Fame site will have an enormous positive impact on the sport of soccer throughout the State. I congratulate Oneonta on the week's festivities in honor of National Soccer Hall of Fame Week 1989 and particularly on the inauguration of a soccer center which will benefit and please both players and fans alike.●

TOWN OF PITTSFORD'S 200TH ANNIVERSARY

● Mr. D'AMATO. Mr. President, I rise today to commemorate the 200th anniversary of the town of Pittsford, a historical event of great significance which I am proud to announce.

Pittsford played an important role in American history. Founded by veterans of the Revolutionary War, its citizens faithfully served their country in the War of 1812, the Civil War, World Wars I and II, the Korean War, and the Vietnam war. Later, Pittsford became a thriving economic center on the Erie Canal, a heritage its citizens maintain through private and government initiatives such as the Pittsford

Village development and Lock 62/Cartersville trail parks.

In addition, Pittsford is prominent in New York history. The first permanent settlement and organized town of Monroe County, it was home to the area's first doctor, lawyer, school, library, post office, and newspaper. Today it is a growing community of 23,000 and is nationally known for its outstanding educational system, an achievement the first supervisor of Pittsford, Silas Nye, would be proud of.

Mr. President, I am honored to represent such patriotic New Yorkers. By celebrating our national heritage, they reaffirm America's democratic past and set an example all Americans should follow. I congratulate them on their efforts and wish them the best of luck.●

VIOLENCE IN THE MEDIA

● Mr. PELL. Mr. President, I wish to share with my colleagues a pastoral letter recently issued by the Christian/Jewish leadership in Rhode Island on the subject of violence in the media.

I know that my colleagues share my concern about the influence that such violence in the media has on our children and I am sure that they will join me in applauding the efforts of the Rhode Island Christian/Jewish leadership.

I ask that the text of the pastoral letter be printed at this point in the RECORD.

The letter follows:

VIOLENCE AND SEXUAL VIOLENCE IN THE MEDIA

To: Members of the several religious communities of the Greater Rhode Island area.

From: Concerned leaders of the religious communities.

Over the last two years a task force representing the Roman Catholic Diocese of Providence, the Rhode Island State Council of Churches, the Rhode Island Association of Evangelical Churches, and the Rhode Island Board of Rabbis has studied the topic "Violence and Sexual Violence in the Media." The purpose has been to determine an appropriate response which the Christian and Jewish communities should make to the increase of violence and sexual violence, particularly toward women and children, which is occurring, especially in our local area. We believe that the depiction of violence and sexual violence in the media, particularly in such a way as to make it appear normal behavior, is deplorable. Any representation of action which demeans or exploits or makes one person subject to another cannot be tolerated by a civilized society.

We believe that repeated exposure to such violence, whatever the source, is having a profound negative effect on children, young people and adults. We recognize that considerable responsibility rests with parents as to what is seen and heard. It is imperative that all of us become sensitive to the dangers involved and that we identify and limit harmful items, especially as they are reflected in television, home videos and the print media.

In addition to the responsibility which needs to be exercised in each home, we also believe that the media leaders and our government officials have an attendant responsibility to help safeguard the values which affirm human decency and integrity. The media certainly has an enormous power to influence as well as to entertain, and its proper public use should be protected. To that end, the task force has had initial meetings with the general managers of channels 6, 10 and 12, the Attorney General, and other knowledgeable individuals to discuss these concerns. Each meeting has produced open and frank conversation with agreement that this is a proper area of involvement for the religious communities of our state, and assurance of cooperation with such efforts. This coming week, the task force has called a press conference to make public the concerns expressed in this letter and the determination of the religious leaders to respond to them.

The making of statements and the holding of press conferences, however, has a limited value. If we are truly concerned there is more that we must do.

We invite you, the members of our parishes and congregations, to find opportunities to talk about that which is coming into your home through television. We urge you to use classes and discussion groups within your parishes and congregations to share together our concern and how you feel individual families can address the issues. Materials to help you think through this matter, with suggested actions to take, are available in diocesan and denominational offices and at the Rhode Island State Council of Churches. It is important that these discussions include young people.

In the near future we plan to hold a statewide conference that will address the issue of increasing sexual violence upon people of all ages. We will invite other concerned groups and organizations to join with us, and we seek to draw support from our national religious bodies, as well.

We do not call for censorship. We recognize the fact that we live in a pluralistic society and we recognize, too, the rights of others to live and believe in different ways. We do not see the issues of sexual violence, however, as just a religious or sectarian issue. We believe it is a menace that is having a serious detrimental effect upon our society. We urge you to give this matter serious and prayerful thought.

We ask God's peace upon each of you.

Rabbi George Astrachan, President, RI Board of Rabbis; Rev. Richard C. Brown, Executive Minister, RI State Council of Churches; Rev. Donald H. Crosby, Executive Minister, American Baptist Churches of RI: Rev. Timothy Ferguson, Representative, Council of Orthodox Churches of RI: Rev. Roy L. Fralin, District Superintendent, United Methodist Church; Most Rev. Louis E. Gelineau, Bishop, Roman Catholic Diocese of Providence; Rev. David Hackmann, District Dean, Evangelical Lutheran Church in America; Rev. H. Daehler Hayes, Conference Minister, RI Conference/U.C.C.; Rt. Rev. George N. Hunt, Bishop, Episcopal Diocese of RI; Rev. James Lockhart, Representative, Presbyterian Church (U.S.A.); Mr. Milton E. Noble, Director, RI Association of Evangelical Churches.●

COOPERATIVE EXTENSION 75TH ANNIVERSARY

● Mr. D'AMATO. Mr. President, I rise today to cosponsor Senate Joint Resolution 47, a joint resolution honoring the 75th anniversary of the cooperative extension system in the United States.

As a resident of New York, I can testify to the impact this system has had on my State. For example, the Cornell University cooperative extension system helps distribute important, research-based knowledge to adults and youth throughout my State's 57 counties. This enables individuals and families to solve community problems, develop leadership skills, and improve their lives. I believe making the public aware of the positive impact extension services have on communities across America will enable more individuals to take advantage of this excellent resource. I urge my colleagues to join me in support of this legislation.●

ORDER FOR TOMORROW

RECESS UNTIL 9:30 A.M.

MORNING BUSINESS

Mr. MITCHELL. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 9:30 a.m. on Wednesday, June 7; and that following the time for the two leaders, there be a period for morning business not to extend beyond 10:45 a.m. with Senators permitted to speak therein for up to 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

RESUME CONSIDERATION OF H.R. 2072

Mr. MITCHELL. Mr. President, I ask unanimous consent that at 12 noon tomorrow, the Senate resume consideration of H.R. 2072, the supplemental appropriations bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS SUBJECT TO CALL

Mr. MITCHELL. Mr. President, I further ask unanimous consent that at 10:45 a.m. on tomorrow, Wednesday, June 7, the Senate stand in recess subject to the call of the Chair and that when the Senate reconvenes, it resume consideration of the supplemental appropriations bill, H.R. 2072.

The PRESIDING OFFICER. Without objection, it is so ordered.

SEQUENTIAL REFERRAL OF NOMINATION

Mr. MITCHELL. Mr. President, as if in executive session, I ask unanimous consent that at such time as the Committee on Finance reports the nomination of J. Michael Farren to be Under Secretary for International Trade at the Department of Commerce, the nomination be sequentially referred to

the Committee on Banking, Housing, and Urban Affairs.

The PRESIDING OFFICER. Without objection, it is so ordered.

AUTHORIZING THE PRESIDENT PRO TEMPORE TO APPOINT A COMMITTEE PERTAINING TO THE VISIT TO THE CONGRESS BY THE PRIME MINISTER OF THE ISLAMIC REPUBLIC OF PAKISTAN

Mr. MITCHELL. Mr. President, I ask unanimous consent that the President pro tempore be authorized to appoint a committee on the part of the Senate to join with a like committee on the part of the House of Representatives to escort Her Excellency Mohtrama Benazir Bhutto, the Prime Minister of the Islamic Republic of Pakistan, into the House Chamber for the joint meeting to be held tomorrow, Wednesday, June 7, 1989.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS UNTIL TOMORROW AT 9:30 A.M.

Mr. MITCHELL. Mr. President, if the distinguished acting Republican leader has no further business, and if no other Senator is now seeking recognition, I now ask unanimous consent that the Senate stand in recess under the previous order until 9:30 a.m. tomorrow, Wednesday, June 7, 1989.

There being no objection, the Senate, at 9:08 p.m., recessed until tomorrow, Wednesday, June 7, 1989, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate June 6, 1989:

DEPARTMENT OF STATE

SHIRLEY TEMPLE BLACK, OF CALIFORNIA, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE CZECHOSLOVAK SOCIALIST REPUBLIC.

RICHARD WOOD BOEHM, OF THE DISTRICT OF COLUMBIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE SULTANATE OF OMAN, TO WHICH POSITION HE WAS APPOINTED DURING THE RECESS OF THE SENATE FROM OCTOBER 22, 1988, TO JANUARY 3, 1989.

MORRIS DEMPSON BUSBY, OF VIRGINIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, FOR THE RANK OF AMBASSADOR IN HIS CAPACITY AS COORDINATOR FOR COUNTERTERRORISM.

MICHAEL USSERY, OF VIRGINIA, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE KINGDOM OF MOROCCO, TO WHICH POSITION HE WAS APPOINTED DURING THE RECESS OF THE SENATE FROM OCTOBER 22, 1988, TO JANUARY 3, 1989.

C. HOWARD WILKINS, JR., OF KANSAS, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE KINGDOM OF THE NETHERLANDS.

DEPARTMENT OF THE INTERIOR

EDDIE F. BROWN, OF ARIZONA, TO BE AN ASSISTANT SECRETARY OF THE INTERIOR, VICE ROSS O. SWIMMER, RESIGNED.

CONSTANCE BASTINE HARRIMAN, OF MARYLAND, TO BE ASSISTANT SECRETARY FOR FISH AND WILDLIFE, DEPARTMENT OF THE INTERIOR, VICE BECKY NORTON DUNLOP, RESIGNED.

DEPARTMENT OF COMMERCE

ROCKWELL ANTHONY SCHNABEL, OF CALIFORNIA, TO BE UNDER SECRETARY OF COMMERCE FOR TRAVEL AND TOURISM, VICE CHARLES E. COBB, JR., RESIGNED.

DEPARTMENT OF TRANSPORTATION

KATE LEADER MOORE, OF THE DISTRICT OF COLUMBIA, TO BE AN ASSISTANT SECRETARY OF TRANSPORTATION, VICE JANET HALE, RESIGNED.

EXECUTIVE OFFICE OF THE PRESIDENT

D. ALLAN BROMLEY, OF CONNECTICUT, TO BE DIRECTOR OF THE OFFICE OF SCIENCE AND TECHNOLOGY POLICY, VICE WILLIAM R. GRAHAM, RESIGNED.

FEDERAL TRADE COMMISSION

DEBORAH KAYE OWEN, OF MARYLAND, TO BE A FEDERAL TRADE COMMISSIONER FOR THE UNEXPIRED TERM OF SEVEN YEARS FROM SEPTEMBER 26, 1987, VICE MARGOT E. MACHOL, RESIGNED.

DEPARTMENT OF TRANSPORTATION

THOMAS D. LARSON, OF PENNSYLVANIA, TO BE ADMINISTRATOR OF THE FEDERAL HIGHWAY ADMINISTRATION, VICE ROBERT EARL FARRIS, RESIGNED.

ENVIRONMENTAL PROTECTION AGENCY

TIMOTHY B. ATKESON, OF PENNSYLVANIA, TO BE AN ASSISTANT ADMINISTRATOR OF THE ENVIRONMENTAL PROTECTION AGENCY, VICE JENNIFER JOY MANSON, RESIGNED.

DEPARTMENT OF EDUCATION

EDWARD C. STRINGER, OF MINNESOTA, TO BE GENERAL COUNSEL, DEPARTMENT OF EDUCATION, VICE WENDELL L. WILLKIE II, RESIGNED.

IN THE COAST GUARD

THE FOLLOWING PERMANENT CHIEF WARRANT OFFICERS, W1, OF THE UNITED STATES COAST GUARD TO BE PERMANENT CHIEF WARRANT OFFICERS, W2:

CYRUS J. SCOTT
DANIEL P. HUFFMAN
JOHN W. SCOTT, JR.
JAMES C. HAZLEY
RICHARD D. SOUCY
FRANK KONYA
JOHN F. HARRIS, JR.
THOMAS M. VEASEY
DAVID W. JENSEN
DOUGLAS F. WAGNER
MICHAEL G. BLOOM
STEVEN J. DUQUETTE
MICHAEL T. FOSTER
JOSEPH M. GALE
CHRIS A. NETTLES
GEORGE WILLIAMS, JR.
TIMOTHY P. RYAN
ROBERT W. HALSTEAD
CHARLES P. MCLAUGHLIN III
WILLIAM M. ALLEN
LAWRENCE M. HIBBARD
RANDY S. SALENSKI
LORNE M. SMITH
MICHAEL R. DARLING
CHARLES G. YOUNG
BOBBY J. ALLEN
PATRICK J. MCGILLVRAY
JOHN B. WELDEN III
HENRY G. FENDERS III
PETER G. SCHULZE
CLYDE H. LEWIS
MICHAEL H. FLAHERTY
HENRY W. WALLNER
GORDON E. NETHKIN
BRUCE A. FROEHLICH
ORAL E. BRIDGES, JR.
CONNIE H. BAILEY, JR.
STETSON F. ELLIOTT
THOMAS R. RUSSELL
PAUL WATKINS
MANOLITO R. CRUZ
RICHARD E. HOFFMAN
MALCOLM L. EDWARDS
CECIL R. HOLLAND
WARREN J. GAUDREAU, JR.
FRANCIS S. PARENT
ROBERT E. ASHTON
DANA H. JENSEN
JEFFREY KITTS
RICHARD L. BATES
MICHAEL E. SHOUL
DOUGLAS S. COOPER
JOHN C. SENN
JAMES M. HENSON
RICHARD R. GRANADO
ROBERT J. BUSHELL
MICHAEL B. WITHERSPOON
DENIS A. SCOTTRON
JAMES G. DEMERS
STEVEN R. TRICE
RICHARD M. CLAY
EDWARD S. ALLEN
MAX CHANDLER
JOE B. LINDSEY
FRANK E. LIBBY
JOHN G. MCNAMARA, JR.
MARK A. HERNANDEZ
JOHN W. HOWE
GARY O. KOONS
RICARDO R. MANGAHAS
JOHN CLARK, JR.
ROBERT J. GOERL
CRAIG W. HARRIS
RONALD W. MUTTER
JOHN H. TERRY, JR.
CRAIG M. SANDY
LARRY S. KACHELE, JR.
PATRICK M. MAGUIRE
WILLIAM D. PAPPAS
BRETT T. WATANABE
ELLEN M. TERRILL
CHARLES F. STULICK
DENNIS S. MCCLURE
WILLIAM P. GERMAIN
DAVID E. PETERS
JESUS MESA
STEPHEN E. MAXWELL
LEIF E. LOMELAND
DONALD W. B. RENFRO
EDWARD L. WEISS
ROBERT R. EDWARDS, JR.
MICHAEL A. JENDROSSEK
STEPHEN A. HALL
JON F. RUNAAS
ANDREW A. LITKE
JOHN L. HOLLIS
BARRY D. LICHTMAN
MARK R. HAZEN
ROBERT L. VESSEY
JOHN H. ROGERS, JR.
JAN S. BURROUGHS
HAROLD E. CONSTANTINE, JR.
KEITH A. MACKENZIE
CHRISTOPHER D. BREWTON
CLYDE D. MUNSON
JOHN P. JOHNSON
ARLYN F. HOOVLER II
JOHN F. REDDICK
JERRY W. SISSON
KENNETH T. WOLVERTON
DANIEL E. LUBECKI
SCOTT D. HOTSINPILLER
CHARLES W. KNIGHT
PATRICK J. CALPIN
DAVID W. LUNT
CARL S. CANTRELL
ABRAHAM L. BOUGHNER
JAMES H. SIMMONS
RUSSELL W. SHELDON
VIRGILIO E. MABALAY
JARVEY W. BROWN, JR.
STEPHEN W. SWETT
JAMES J. GRIFFIN
DOUGLAS W. SANFORD
KEITH J. PHILLIPS
ANTHONY P. PANUNTO
FRANK E. JANES
DWIGHT D. BYRD
NICANOR C. RUIZ
MICHAEL E. CULLIMORE
RICHARD S. ANTHONY
GERALD J. WALSH
RICHARD T. KISER
EDWARD W. WILLIAMS III
ROBERT L. PACHECO
DEANA M. MCCRACKEN
ROGER D. MASON
EDWARD S. DUNLAP
GEORGE E. LEE, JR.
WILLIAM S. MORRIS
PETER B. TOWNSEND
BRUCE R. FIRTH
MICHAEL E. CANTATORE
THOMAS F. HARIHAN III
ANDREW N. ILLOBRE

THE FOLLOWING PERMANENT CHIEF WARRANT OFFICER, W2, OF THE UNITED STATES COAST GUARD TO BE PERMANENT CHIEF WARRANT OFFICERS, W3:

WILLIAM G. WHITEHOUSE
WILLIAM C. MILLER, JR.
WILLIAM W. MCNEIL
DAVID VINCENT
WALTER T. CONKLIN
ARTHUR B. MILLER
JOSEPH H. HUBBARD
RICKY D. PIPER
DONALD G. GARDNER
JAMES R. ROBERTS
JOHN R. YUNKER
WILLIAM COURT II
RICHARD D. LALIBERTY
KENNETH N. GIBBS, JR.
TOMAS M. DUMLAO
CARL A. LITKE
ALBERT O. SIMMONS
DEAN R. KESSLER, JR.
RICHARD M. ROSS
LAYMON K. TOWERY
RICHARD T. PINK
ROBERT W. STEINER
ROBERT J. HARKO
DONALD T. HALL
DANTE G. HEBERT
CHRISTOPHER E. JEWELL
GERALD E. SIEBERT
PATRICK C. KENNY
RICHARD A. TABOR
RAYMOND H. DOLAN
DALE E. COLBURN
JEROME J. WALKER
EDWARD W. WILSON III
ALEX AVERIN
DANIEL J. KING
RONALD H. ARMSTRONG
KENNETH N. BRANDAL
WILBUR F. GEBING
RICARDO K. DECLARO
DAVID C. EBENHOEH
ROBERT J.W. DULD
JOE B. MCCOLLUM
DAVID J. MCDERMOTT
BARRY M. GODDARD
HERMAN WEAVER
LARRY R. FLETCHER
RAYMOND K. GOBLE
ANTHONY R. STADIE
DARRYL UMLAND
KENNETH E. DERRICK, JR.
DENNIS P. ST. JOHN
MICHAEL G. MCNAUGHT
JOHN A. ABERLE, JR.
JOHN D. SWAPP
ANTHONY J. SMIGELSKI, JR.
WILLIAM H. BURT
MICHAEL G. FRIES
JOHN M. WASHBURN
ROBERT F. SALMON
GARY A. MASSEY
LAWRENCE ROUNDS
DONALD J. JOINER
BRENTON S. MICHAELS
PATRICK S. HILL
BARRY S. GAUDETTE
CHARLES W. TAYLOR
VINCENT J. BEKKEN
MICHAEL P. EMCH
RALPH J. HANSEN, JR.
ROBERT W. SIGGINS
JOHN T. PRILL
JERRY I. CORONEL
STEWART A. LINK
STEPHEN J. MILOBAR
TROY B. SOWERS, JR.
JOSEPH R. HOWARD
JAMES S. LODGE
KEITH D. KOCH
JOHN J. HECKER
JACK T. DALE
ROSS D. JOHNSON
RICHARD R. REINHART III
LAWRENCE P. DEMARCHI
SAMUEL K. LONG
LARRY K. SISSECK
ERNESTO P. VENTENILLA
EDUARDO G. MATIAS
RUSSELL E. FRENCH
RAYMOND J. LENIHAN

THE FOLLOWING PERMANENT CHIEF WARRANT OFFICERS, W3, OF THE UNITED STATES COAST GUARD TO BE PERMANENT CHIEF WARRANT OFFICERS, W4:

MICHAEL A. SHAFER
MICHAEL L. SMELL
EARLE J. MADDEN, JR.
WALTER W. MILLER
WALCOTT J. BECKER, JR.
GEORGE A. DANIELS
JOSEPH S. BEDNAREK, JR.
LEE W. DEAN
LUTHER D. DAVIS
JEFFREY L. FREEMAN
ALLAN H. SPENCE
HARVEY W. HICKS
RICHARD F. VIERA
JAMES A. WARMAN, JR.
DOUGLAS E. GREGG
BRYAN J. NORMAN
MURRAY S. PLENN

THE FOLLOWING RESERVE OFFICER OF THE UNITED STATES COAST GUARD TO BE A PERMANENT COMMISSIONED OFFICER IN THE GRADE OF LIEUTENANT:

LUCILLE T. LALIBERTE

WITHDRAWAL

Executive nominations withdrawn by the President from further Senate consideration, June 6, 1989:

DEPARTMENT OF STATE

RICHARD WOOD BOEHM, OF THE DISTRICT OF COLUMBIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE SULTANATE OF OMAN, WHICH WAS SENT TO THE SENATE ON JANUARY 3, 1989.

MICHAEL USSERY, OF SOUTH CAROLINA, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE KINGDOM OF MOROCCO, WHICH WAS SENT TO THE SENATE ON JANUARY 3, 1989.

DEPARTMENT OF THE INTERIOR

BECKY NORTON DUNLOP, OF VIRGINIA, TO BE ASSISTANT SECRETARY FOR FISH AND WILDLIFE, DEPARTMENT OF THE INTERIOR, VICE WILLIAM P. HORN, RESIGNED, WHICH WAS SENT TO THE SENATE ON JANUARY 3, 1989.

FEDERAL TRADE COMMISSION

MARGOT E. MACHOL, OF THE DISTRICT OF COLUMBIA, TO BE A FEDERAL TRADE COMMISSIONER FOR THE TERM OF 7 YEARS FROM SEPTEMBER 26, 1987, VICE PATRICIA PRICE BAILEY, RESIGNED, WHICH WAS SENT TO THE SENATE JANUARY 3, 1989.

EXTENSIONS OF REMARKS

WE MUST PREPARE TODAY FOR THE WORK FORCE NEEDS OF THE 21ST CENTURY

HON. AUGUSTUS F. HAWKINS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 6, 1989

Mr. HAWKINS. Mr. Speaker, on May 4, I introduced H.R. 2235, the Work Force 2000 Employment Readiness Act of 1989. The intent of this bill is to create a more competitive and diverse work force and to increase the productivity of American labor in the 21st century by establishing an adequate employment data base, enhancing administrative procedures, and facilitating educational progress. This bill was introduced with the full awareness that in the year 2000, the majority of the new entrants into the labor force will be women, minorities, and immigrants. These populations, long the victims of discrimination in its various forms, must be prepared now to meet this country's work force needs in the next 11 years and beyond.

Prof. Vijaya L. Melnick, Ph.D, a well-respected professor of biology and director of the Center for Applied Research and Urban Policy at the University of the District of Columbia, recently delivered a keynote address at the regional conference of the American Association for Affirmative Action. In her address, she succinctly stated the demographic realities which currently confront us, and delineated the kind of investment which we must make today to prepare the needed scientists, engineers, and others which our future economy will require to maintain its status in the world.

I would like to insert Dr. Melnick's statement into the RECORD, and I urge all Members who are concerned about the future of this Nation to take heed to her eloquent, yet sobering words. A copy of Dr. Melnick's address follows:

AMERICA IN THE 21ST CENTURY AND THE DEMOGRAPHIC IMPERATIVE

(Address by Vijaya L. Melnick, Ph.D.)

Today we stand in the twilight of the 20th Century and at the threshold of the 21st Century. It is a crucial time for taking stock and to prepare for the future. How we do it will decide what we want for this nation and where its place will be among the world community of nations.

A number of reports have already appeared, projecting the future and predicting a range of consequences, depending upon how we respond to the winds of change that are sweeping this nation.

Scholars and crystal gazers alike warn us that if we, as a nation, do not want to commence our "ride into the sunset," along with that of the 20th century, then we have some serious thinking and work ahead of us. Fundamental change is required in the way we look at ourselves, in the way we plan to compete in the new economy, in the way we plan to preserve and invest in our resources, most significantly and relevant to this discussion, in our most valuable asset—the human capital.

The global leadership, power and prosperity that America has enjoyed in the past and hopes to continue into the future will largely depend upon how successful we are in reordering our national investment strategies and priorities. National security is indeed a high priority—but how we assure that will depend upon the way we decide what the major ingredients are that contribute to make a nation secure. One thing we do know—we will not get there by being the best "defended" slum on earth.

America has an enviable position among the great nations of the world—it stands almost alone in that it cannot be defined in terms of religion, race, language, ethnic origin or ancestry. Instead we define ourselves by the vision, that is spoken of as, the "American Dream". A dream that welcomes all who share its ideals to participate and to prosper.

We must treasure that ideal. We know that for many that dream is not yet a reality. We must therefore strive for opportunities to make it possible for all. We must hold this nation to its promise and to its destiny.

It is against this backdrop that I wish to examine the demographic imperative in America's role in the 21st century.

The United States has been experiencing profound demographic and economic changes over the last two decades.

As the baby boom generation reached maturity more women entered the work force. During the same time there was a large influx of immigrants into the United States—most of them from Latin American and South East Asian countries. During this time, we experienced an increase in foreign trade, followed by a large trade deficit. We saw more and more foreign manufactured goods entering the U.S. triggering in turn, the demise of industries at home that manufactured similar goods.

Computers became common place and automation changed employment patterns. New jobs required higher skills and educational qualifications. More than ever, we became part of the global economy. Changes occurring on far away shores had a direct effect on the American wage earner.

These changes are so profound that they have begun to assert, and will continue to have, an ever increasing effect on the political, social and economic future of this country including its very survival.

Let us examine, in some detail, the changes in the demographic trends and what it means to our future.

At the end of World War II white men constituted almost two thirds of the labor force. They comprised over one half of the labor force up until the early 1980's. Beyond the obvious advantage accrued to them by their overwhelming numbers in the work force, white men also had the greatest freedom to pursue educational and job opportunities during the post-war era.

Latest available statistics show that in 1985 the labor force was comprised of the following: 47 percent, U.S. born white male; 36 percent, U.S. born white female; 5 percent, U.S. born nonwhite male; 5 percent, U.S. born nonwhite female; 4 percent, immigrant male; and 3 percent, immigrant female.

But if we look at new entrants to the labor force between 1985-2000, we find that is projected to be: 15 percent, U.S. born white male; 42 percent, U.S. born white female; 7 percent, U.S. born nonwhite male; 13 percent, U.S. born nonwhite female; 13 percent, immigrant male; and 10 percent, immigrant female.

These demographic changes indicate that the new workers entering the work force between now and the year 2000 will be very different from those reflected in today's work force.

In other words, this means that women, nonwhites and immigrants will make up more than ⅔ of the new entrants to the work force between now and the year 2000. Today they make up only half of the work force.

According to the Bureau of Labor Statistics, job growth is projected to occur in sectors that require specific skills. The modern technological society and the work place need people with solid reading and math capabilities. Fastest job growth is in high skill occupations—most of these jobs being in the service sectors.

The Labor Department has devised a method for measuring on a scale of 1 to 6 the levels of reading, writing and vocabulary needed to perform a wide range of jobs. The Hudson Institute, a conservative think tank, matched the new jobs that the economy will create against these scales. They found that new workers with limited verbal and writing skills (Levels 1 and 2) will be able to compete for less than 40% of the new jobs.

Most new jobs will require solid reading and writing skills. In retail sales for example, the employees will have to write up orders, compute price lists and read catalogs. But only 22% of the new workers, it is estimated, will be able to function at this level.

Level 4 and above, will require more than a high school education, ability to read journals/manuals, write reports and understand specialized terminology. Examples range from nursing to management jobs. Only 5% of new employees will be able to do this.

The most challenging task before us is to appropriately educate and train the young work force entrants. To meet future demands, current workers would also have to be retrained. Estimates are that in the next 12 years, 21 million new workers, and 30 million current workers, would have to be trained or retrained.

Coupled with this is the decline of the number of 21 to 25 year olds. Larger proportions of the new workers will be immigrants and minorities who currently have less education and fewer skills. Very few, among these groups, currently hold jobs in the growth industries. For example, in 1986 there were less than 10% Black and Hispanic natural scientists. Between now and the year 2000 the percent change in demand for this area, according to the Hudson Institute, will be 46%.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

[In percent]

	1986	Change in demand 1985–2000 [1]
Blacks/Hispanics:		
Natural Scientists	10	46
Technicians	11	38
Engineers/architects	7	32
Marketing/sales	10	30

[1] Hudson Institute estimates.

Most minority workers are stuck in occupations with no growth, or those projected to disappear, e.g. assemblers, machine operators, laborers etc.

Let us look at this in another way. A child born in 1981 will be a college freshman in the year 2000. The question we have to ask is, will these children be ready for college? What do we know about these children? We know that: 1 in 4 live in poverty; 1 in 8 has a physical/emotional handicap; 1 in 12 does not speak much English and that proportion might get higher; 1 in 2 will spend at least part of their life in a one parent home; 1 in 3 is Black, Hispanic, Asian or native American; and only 1 in 3 is a white non Hispanic male.

People over the age of 85 constitute the fastest growing group of Americans. In 1900 the U.S. had 8 children for every elderly person, today it is down to two to one.

A society that has 8 children per elderly person compared to 2 children/elderly person makes a big difference, especially in how the tax revenues are spent for its educational system and other public services. Remember, older people vote and children don't.

Minorities constitute the majority of school enrollments in the nations 25 largest cities.

In 1988 the overall school population was about 30% minority and 70% white. By the year 2020 the most conservative estimate is that it will be about 53% white and 47% minority.

Let us now focus specifically on science and engineering since most of the projected "job growth areas" will demand this background. Blacks account for 12% of the American population but only 2% of all employed scientists and engineers are Black. They earn 4% of the Baccalaureates and 1% of the Ph.D.s in science and engineering. In 1986, for example, only 89 Blacks who are U.S. citizens earned the Ph.D. in science and 14 in engineering.

Hispanics comprise 9% of the U.S. population and is the fastest growing minority group. They account for 2% of all employed scientists and engineers. They hold 2% of the Bachelors degrees and 1% of the Ph.D.s in science and engineering.

American Indians make up 0.6% of the U.S. population and 0.7% of all employed scientists and engineers. They hold 0.3% of all Bachelors degrees and 0.16% of all Ph.D.s in science and engineering.

Women are now 51% of the total U.S. population and 45% of the nation's work force. They comprise 11% of all employed scientists and engineers. In 1986, they earned 30% of all bachelors degrees in science and engineering, 34% of the Ph.D.s in life sciences, 16% of the Ph.D.s in physical sciences and 7% in engineering.

The Federal government is the leader in the nation's research and development enterprise. "The Task Force on Women, Minorities and the Handicapped in Science and Technology" found in its report of 1988 that, "Federal agencies have neither recognized nor begun to address the demographic issues that will affect the conduct of research and development in the 21st century. Until now the role of minorities, women and people with disabilities in science and technology has been widely seen only as an equity issue, not as the key to future national security and economic competitiveness."

The task force found that only one Federal Agency, the National Science Foundation, which represents 3% of the 1987 total Federal Research and Development Budget ($60 Billion) keeps data to monitor the demographic characteristics of those who receive its grants. These statistics show that in 1987, 93% of all NSF dollars were awarded to men and 6% to women. It also showed that 88% of all NSF dollars went to whites, 0.7 to Blacks, 0.8 to Hispanics, 4% to Asian-Americans, 0.1% to American Indians and 6% to others (most of these 6% are probably white).

In a report on success of Blacks and Hispanics in the United States Graduate and Professional Education, Thomas (1986) pointed out that a major reason that Blacks and Hispanics give for not pursuing higher education is lack of financial support. In addition, performance on standardized tests, lower college grades, institutional recruitment practices, and improper counselling also have an impact on the access and retention of minorities in graduate and professional education. When participation of minorities in science and engineering disciplines are examined, the numbers are even more dismal. Berryman (1985) pointed out that at the Master's degree level Blacks chose quantitatively based majors at roughly ⅔ of the national average; whites and native Americans at national average; Hispanics at about ⅘ and Asian Americans at approximately twice the national average. This correlates with the data that approximately 50% of the Asian Americans earned their Master's degree in Engineering, Blacks and Hispanics earned most of their Master's degrees in Social Science and Psychology, and native Americans in Life Sciences or Psychology (NSF 1988).

At the doctoral level only 30% of the Ph.D.s earned by U.S. citizens were in quantitatively based fields. In this case, whites earned Ph.D.s at equal the national average; Asian Americans at twice the national average; Hispanics and Native Americans at ⅔, and Blacks ⅓ the national average.

It is estimated that even to achieve parity with whites (which record is not all that good) in science, the percentage of Black doctorates would have to increase tenfold.

What this indicates is that a major problem confronting the nation, and more acutely minorities, is that most of the graduate degrees that are earned are in disciplines that are related to "low growth" rather than "high growth" industries.

Let us now examine some of the special concerns that pertain to women entering the work force.

Today 50% of all married women with infants are in the work force. This is over a 100% increase since 1970.

54% of all married women with children under 6 are in the work force. An increase of over 80% since 1970.

In 1985, 68% of female single parents worked.

Child care costs now consume 10% of the average family's income and 20% of the incomes of poor families. Estimated annual child care expenditures by U.S. families are about $11.5 billion.

In 1995, 75% of all children will have mothers in the work force. 4 out of 5 children, between the ages of 7 and 18 are expected to have working mothers.

Health care expenditures are projected to triple between 1986 and the year 2000 from an average of $1,837/person to $5,557.

An estimated 38.8 million Americans report they need health care but have trouble obtaining it. For almost 19 million the barrier to access is financial.

The fastest growing population without health insurance is children of working parents with employer based health coverage.

In 1985, nearly half of the uninsured children 18, or under, lived in single parent, usually female headed, families.

In summary, if we are to preserve the competitive edge of the United States in the world economy, we must take major steps to improve and enhance our scientific and technological talent pool. Current trends in education show a decline of majors in the quantitative sciences. All labor force projections indicate that basic knowledge in science and mathematics will be a requirement for the work force of tomorrow.

Especially acute is the under representation of women and minorities in science and engineering. In light of the demographic data that these groups will account for majority of the future work force, it is imperative that we develop national strategies to attract, involve and develop this potential human resource. Encouraging women and minorities to participate in science and engineering can no longer be regarded as a matter of affirmative action, but it must be seen as an action for national survival.

White males are a rapidly decreasing proportion of our population and therefore cannot shoulder the responsibilities in the work force to the degree that they did in the past. Women and minorities must be prepared to move in and take their rightful place, they must work shoulder to shoulder, along with others, to keep this nation flourishing and in the forefront of world economy.

The investment we make in our children so that they will be healthy, well educated and motivated to become the leaders of tomorrow—is an investment that this nation cannot afford not to make.

The investment in developing the untapped minority pool so that they can fully contribute towards building this nation is an investment we can ill afford not to make.

The investment in women who will become a major sector of tomorrow's work force by providing them with needed support and opportunities to become full partners in tomorrow's economy is an investment which has no viable alternative.

These investments will no doubt be costly—but not to make them will be far costlier for the nation and its citizens.

The problems before us are indeed serious and complex. But we as a nation have always risen to the occasion when national security and national survival are at stake. What we face is nothing less.

Taking needed action is our passport into the 21st century. It is our only recourse to preserve our strength, creativity and leadership. Doing that will prepare us, as a nation, to take on the challenges that lie before us and carry the promise of the American dream into the 21st century.

CONGRESSIONAL SALUTE TO MRS. MIYOKO OMOTO

HON. ROBERT T. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 6, 1989

Mr. MATSUI. Mr. Speaker, I rise today to pay tribute to an outstanding individual in my community who truly deserves to be recognized for her dedication and service to the public. May 18, 1989, marked the end of Miyoko Omoto's 32-year career as a State employee and it is indeed an honor to share with you and my colleagues the inspiring career of this devoted public servant.

Miyoko has spent the entire span of her career serving the State of California. For 24 years, excluding a 10-year leave in order to stay home with her three lovely daughters, Miyoko worked for the Department of Employment. In 1971, she extended her expertise by transferring to the Office of State Printing, where she enhanced the operation of that department until the date of her retirement. Miyoko's talents and ability to adapt to the changing technological environment of her department contributed to the success and work performance of the entire State printing office. Miyoko's efforts to remain at the forefront of this challenging environment are commendable and I salute her accomplishments and contributions to State service.

Coupled with Miyoko's devotion to public service, is her dedication to serving her community. Miyoko has spent countless hours as a volunteer at the Asian Community Nursing Home in Sacramento where she has touched the lives and comforted many senior citizens. I, too, have been the beneficiary of Miyoko's talents for she has served as a talented volunteer in my district office. Miyoko's diligent volunteer efforts have succeeded in making our community a more caring place and have greatly enhanced the quality of life in Sacramento.

Mr. Speaker, Miyoko Omoto has served as an exemplary public servant and I commend her for her outstanding contributions to the city of Sacramento and the State of California. I ask that my colleagues join me in saluting this stellar public servant and extending our best wishes to Miyoko on her retirement.

EUGENE GIERKA: A GENUINE AMERICAN HERO

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 6, 1989

Mr. SOLOMON. Mr. Speaker, I wanted to bring to the attention of this House an act of heroism and cool thinking under pressure that resulted recently in saving the lives of two men.

Eugene Gierka is a 64-year-old retired machinist and design engineer who lives in the town of Saratoga in my district. During a heavy rainstorm, he heard cries from two capsized fishermen on fog-covered Saratoga Lake. Taking time only to throw on a pair of slippers, he jumped into an old rowboat and brought the two men to safety, saving them from sure death from hypothermia and drowning.

Completely heedless of his own safety, Gierka did not rest until the two Albany men were safely attended in Saratoga Hospital. His wife had to bring dry clothes to him at the hospital. But the entire episode is well covered in an article by reporter Lee Coleman of the Schenectady Gazette, which I am proud to enter in today's CONGRESSIONAL RECORD.

Mr. Speaker, with all the reports of man's inhumanity to his fellow man, it is gratifying to encounter examples of such noble instincts as a willingness to risk one's own life to save complete strangers. A man could live many years before defining his character and spirit in one brief moment. In his brief moment, Eugene Gierka rose to the occasion.

George W. Duell, Jr., and Michael F. LaGray, both of Albany, owe their lives to Eugene Gierka. We owe Mr. Gierka our admiration for his selfless heroism. Please join me in saluting a genuine American hero, Eugene Gierka of Saratoga, NY.

ON RAINY NIGHT—MAN, 64, ROWS TO SAVE TWO ON SARATOGA LAKE

(By Lee Coleman)

SARATOGA.—Eugene Gierka of Route 9P said he was watching the television series "War and Remembrance" in his home near Saratoga Lake Wednesday night when he thought he was getting some electrical interference on his TV set.

"I heard a little noise," he said. Listening closer he realized the noise was not coming from the television but from outside. His wife of 44 years, Helen, went to the door and listened and told him she could hear two voices crying for help out on the lake.

This is how Gierka's rescue of two Albany men—whose small boat had overturned in Saratoga Lake two hours earlier—started.

"I told her [his wife] to call the troopers or 911," said Gierka, 64. He then grabbed his bedroom slippers and headed out the door toward the lake and a old rowboat he had purchased for $10 five years ago so "the kids" could use it for fishing.

Gierka's home is located on the lake in the Saratoga County town of Saratoga.

He said he grabbed the oars and a flashlight on his way to what he described as "the rusty old boat."

"God was with us," said Gierka, recalling his successful rescue of George W. Duell Jr., 35, and Michael F. LaGray, 36.

He said the lake was extremely calm but the rain was coming down hard and a fog was starting to drift across the lake. He yelled to the men to keep crying out so he could locate them by sound as well as sight.

After rowing for 15 minutes he reached the men whose boat had been overturned by a wave from a large motorboat about 7:30 p.m. The Albany men were on the lake fishing.

When he got to the first man he saw that their boat was capsized but part of it was still showing above the water. He told the "most robust" of the two men to hang onto Gierka's boat and somehow managed to get the other man into the boat.

He said he knew if both men were pulled into his boat it would probably sink.

As he rowed for shore the man in the boat encouraged his friend to hang onto the boat, which he did. When the three reached the eastern shore of the lake at about 10:15 p.m., the Stillwater Ambulance Squad was there and squad members immediately started to treat the men for their long exposure to the approximately 50-degree lake water.

"They were both shaking like crazy," he said.

Gierka got into the ambulance with the freezing men. He said the rescue personnel massaged the men's legs and wrapped them in blankets and hot packs. Once the men reached Saratoga Hospital they were admitted, both suffering from hypothermia. Gierka said he was told one man had a temperature of 92 and the other a temperature of 95. He said he understood an 89-degree body temperature can be fatal. Normal body temperature is 98.6 degrees.

Gierka himself was drenched by the rain during his rescue mission. He said his wife brought a set of dry clothing to him at the hospital. He said he did not think he even caught a cold during the ordeal. He said he didn't think twice about heading onto the dark lake to search for the men. He said he did it out of "empathy for a fellow human being."

Both Duell and LaGray were released from Saratoga Hospital yesterday.

Gierka is a retired machinist and design engineer who worked for the Norton Company in Watervliet until he retired about 10 years ago. He said he has lived on the lake for 10 years. He added the home he built himself on the shore of the lake is about 95 percent complete.

IDAHO COLLEGE BASKETBALL

HON. LARRY E. CRAIG

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 6, 1989

Mr. CRAIG. Mr. Speaker, the great State of Idaho is famous for many things: an abundance of natural resources, splendid scenery, world class resorts at Sun Valley and Coeur D'Alene, and the Nation's largest potato crop; just to name a few. And I am proud to add Idaho's college basketball teams to this continually growing list. This season, four of Idaho's college basketball teams participated in national playoff competition.

Heading the list from my alma mater, are the University of Idaho Vandals. The Vandals earned a birth to the 64-team NCAA tournament by winning the Big Sky Conference Tournament. The youngest division I head coach in America, first-year head coach Kermit Davis, led the Vandals to a final record of 25–6. Expect many more great seasons from the University of Idaho Vandals!

The Boise State University Broncos earned a birth to the National Invitational Tournament with a final record of 23–7. Coached by Bobby Dye, the Broncos were runnersup in the Big Sky Conference Tournament. This marks the third straight year that the Broncos have racked up at least 22 wins.

The College of Idaho was again invited to the NAIA national playoffs, finishing in the top eight in the Nation for the third year in a row. No other team can make this claim. Coached by Marty Holly, the Coyotes finished the year with a 24–9 record.

Last but certainly not least, the College of Southern Idaho earned a birth in the junior

college national playoffs, finishing the regular season with the highest rank in the country. Head coach Fred Trenkle led the Eagles to a seventh-place finish in the tournament and a final record of 37–2.

Mr. Speaker, these impressive accomplishments by Idaho's college basketball teams are just a few of the many things about which the Gem State can boast. The fine educational institutions of Idaho and their respective athletic programs are deserving of great praise.

TRIBUTE TO SHEILA ANN OLSEN

HON. RICHARD H. STALLINGS

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 6, 1989

Mr. STALLINGS. Mr. Speaker, I would like to take this opportunity to congratulate Mrs. Sheila Ann Olsen on being selected to receive the National Multiple Sclerosis Society's annual Mother of the Year Award. Continuing a 40-year tradition, the award will be presented to Mrs. Olsen by the President of the United States on Friday, June 23, 1989.

Mrs. Olsen was 5 months' pregnant with her fifth child when she was diagnosed with multiple sclerosis. She and her husband, the late Dennis Olsen, had five more children after her diagnosis.

Mrs. Olsen never permitted multiple sclerosis to become the focus of her life. She and her husband continued to raise their family and to be active in their church and community. And, when faced with her husband's tragic death, Mrs. Olsen found within herself the courage and the resolve to continue the vital and happy family unit that they had created.

Mrs. Olsen's courage is an inspiration and in closing, I would like to share with you a small portion of Memoirs of a Multiple Sclerosis Mother that she wrote on March 10, 1989:

I hope that the things I can no longer do for the children are more than compensated for by the things I can. I can direct, encourage, and support their development. I can take responsibility for my own feelings of self-worth and well-being so I am not an emotional burden on them. I can treat the difficult situations I sometimes find myself in as "adventures," so the children will know they can handle the unknown, the unexpected, or the undesirable. I can reach out in service to others and teach my family to do the same. I can exemplify by daily living that regardless of times of difficulty or discouragement, the thing to do is keep going. And I can, by my very example, demonstrate the belief that I hold in my heart of hearts: that life, regardless of its challenges is good * * * that the problems and challenges which life brings can be met * * * that, in the words of Orson W. Whitney: "No pain that we suffer, no trial that we experience is wasted. It ministers to our education, to the development of such qualities as patience, faith, fortitude and humility. All that we suffer and all that we endure, especially when we endure it patiently, builds up our characters, purifies our hearts, expands our souls, and makes us more tender and charitable * * * is through sorrow and suffering, toil and tribulation, that we gain the education that we come here to acquire * * *."

BUSH DISPLAYS LEADERSHIP IN EAST-WEST RELATIONS

HON. DOUG BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 6, 1989

Mr. BEREUTER. Mr. Speaker, scarcely a week ago the Washington pundits and self-appointed policy experts had all but decided that President Bush was too indecisive and unimaginative to compete with Mikhail Gorbachev, the reigning master of political public relations. That, however, was last week. This week, by reason of a virtuoso performance during his first Presidential visit to Western Europe, George Bush is being lauded as a statesman with the necessary vision and skill to lead the West through the difficult years ahead. What a difference a week makes.

Last week was indeed George Bush's triumph, a demonstration of what a seasoned statesman can accomplish. Recall that our relations with the West Germans appeared to be headed for crisis, with no resolution to the Lance II modernization in sight. Yet in a few brief days the President reached an agreement that satisfied those in Bonn who oppose short-range nuclear modernization, as well as those in Washington and London who are convinced modernization must go forward. West German Chancellor Kohl, who had seemed determined to confront the United States over a modernized Lance missile system, the Lance II, has happily embraced the Bush formula. British Prime Minister Margaret Thatcher, who had been among the most staunchly committed to rapid short-range missile modernization, warmly applauded the Bush compromise.

Also, in his Mainz speech the President managed to focus attention on the real nature of the Soviet Union. Explaining that "the time is right" for East and West to reconcile, the President called for the Berlin Wall to come down. Rightly calling the Wall a "monument to the failure of communism," he reminded Westerners of the harsh realities of life within the Soviet bloc. Everyone who heard the President speak remembered that even during this time of glasnost and perestroika, those who live on the wrong side of the Berlin Wall would much rather live in the West.

Most important, the President offered a truly innovative conventional force reduction package. He proposed a 20-percent cut in combat manpower, a 15-percent cut in aircraft and helicopter inventories, and an accelerated timetable for reductions. At the same time, the Soviets would be forced to make formidable reductions in their conventional forces. The net result would be a level playing field where both sides had substantially smaller forces.

Mr. Speaker, by introducing his package of NATO proposals, George Bush accomplished one additional significant feat—he stopped the recent tide of questions concerning the value of the United States commitment to Western Europe. The President understood that it is most difficult for democracies to join together in defensive alliances. In most cases the nations of the free world are just too independent and free willed to consider joint defense. NATO is special; it is unique. And, if NATO were to fall apart for superficial political reasons, it would be almost impossible to put back together. The President understood the importance of NATO, and he used all his diplomatic skills to shore up this vital alliance. His success is a testament to his leadership.

Mr. Speaker, the following editorial from the June 4, 1989, edition of the Omaha World Herald praises the President for his performance in Europe. Also, following is an article on the same subject by Gerald F. Seib in the Wall Street Journal of June 2, 1989. This editorial and article are commended to the attention of my colleagues.

[From the Omaha World-Herald, June 4, 1989]

A GOOD WEEK FOR THE PRESIDENT—BUSH DISPLAYS LEADERSHIP IN EAST-WEST RELATIONS

President Bush's successful diplomacy in Europe showed the world that the North Atlantic Treaty Organization continues to play an important role in East-West relations. It also demonstrated that the new president has the ability to be an effective spokesman for the Free World in dealings with the Soviet Union.

Bush seized the initiative on arms control matters, swept aside U.S.-German disagreements over short-range nuclear missiles and gave what some people said was his best speech as president.

He challenged Soviet President Mikhail Gorbachev to make the deep cuts in Warsaw Pact forces that would be necessary to achieve parity with NATO and offered substantive cuts in American forces as part of the process.

In the widely praised speech, which he delivered in Mainz, West Germany, Bush called for political pluralism in Eastern Europe and the restoration of a European continent, whole and free. He also called for the Soviet Union to join with the Western democracies in an effort to respond to environmental and other world problems.

Bush thus moved beyond his administration's period of foreign policy reassessment with confidence and vision. He committed the alliance to a European future in which both sides put aside the military confrontations of the past and work together to solve the problems of today and tomorrow.

West German Chancellor Helmut Kohl had opposed the U.S. policy on modernization of short-range NATO missiles. This was the latest in a series of West German moves that both reflected the emergence of pacifism in some German circles and suggested that Kohl might seek a more independent course in dealing with Gorbachev. Bush was able to create a mood of solidarity between West Germany and the United States and to provide the leadership the NATO ministers have come to expect from an American president.

Bush also paid attention to the special relationship with Margaret Thatcher and Britain, begun by Ronald Reagan. Cordial talks were held between the president and the prime minister.

The NATO alliance, which has worked splendidly in a defensive role for 40 years, now can look confidently ahead to a role in disarmament negotiations, in a possible trade-and-aid outreach to Eastern Europe and in a role as a potential partner with the Soviet Union in the solution of global problems. It was a good week's work for the president.

[From the Wall Street Journal, June 2, 1989]

BUSH'S INITIATIVES ON ARMS CUTS, POLITICAL CHANGE IN EUROPE LEAD SOME TO CALL TRIP A "VICTORY TOUR"

(By Gerald F. Seib)

LONDON.—Some of those traveling with President Bush in Europe have started calling his weeklong trip the Bush Victory Tour.

That joking reference is an overstatement, of course, but it reflects an underlying reality. On his maiden presidential voyage to Europe, Mr. Bush has managed to blunt charges that he is too timid and unimaginative in dealing with the Soviets, and he has captured for now the diplomatic initiative from Soviet leader Mikhail Gorbachev.

That represents a significant switch from just two weeks ago. Then, White House aides were privately fuming at the Soviets. Mr. Bush was giving a series of foreign policy speeches widely disparaged as uninspiring, and allies were openly squabbling with the U.S.

The turnabout is attributable to a variety of factors: reassuring private signals from the Soviets. Mr. Bush's perseverance in fashioning a tough compromise to quiet a spat with West Germany on short-range nuclear arms and above all, his decision to offer an aggressive new proposal to negotiate cuts in conventional arms.

Mr. Bush, who is closing out his trip with talks here, also burnished his image by following up his arms-control initiative with a political initiative aimed at ending the split between Eastern and Western Europe. A speech outlining that initiative was covered exhaustively in the European press and generally was greeted positively by its frequently skeptical analysts.

Of course, the improvement in Mr. Bush's position could be only temporary. He hasn't entirely dispelled European fears that he's inherently too cautious. Negotiations with the Soviets on his conventional arms proposal promise to be extremely complicated and difficult to conclude within the one year deadline he has set. And the compromise with West Germany on short-range nuclear arms eases the wrangling for now but isn't likely to put the issue to rest.

For now, though, Mr. Bush appears chipper in public, and aides say he is buoyant in private.

"You know and I know that some voices were raised in Congress that we were going to slow." Mr. Bush crowed to reporters this week. "But we knew exactly what we were doing all along."

Mr. Bush's initiatives seem likely to calm both liberals and conservatives in Washington who had been considering ways to prod him into being more aggressive in dealing with the Soviets. And the warm reviews Mr. Bush received from his peers at a North Atlantic Treaty Organization summit are likely to enhance his stature in Europe, where there had been widespread fear he would be only a tepid leader of the alliance.

Le Monde, the influential French daily, declared on its front page that Mr. Bush had prevailed in the debate with West Germany on arms talks. And, the paper said, he "finally created the event" and "managed to steal the spotlight form Mr. Gorbachev."

The seeds for this week's turnabout were sown shortly after Mr. Bush became president, administration aides said. He privately told Secretary of State James Baker and a few other confidants he was interested in proposing a broad plan for negotiating conventional arms cuts with the Soviets.

That inclination, however, became entangled in the morass of "foreign policy reviews" that Mr. Bush ordered. The reviews produced reams of papers and policy proposals, but some top Bush aides began privately deriding them as useless exercises that weren't generating interesting ideas. Meanwhile, Mr. Bush told aides he wanted to emphasize caution and prudence in his early statements on how to respond to Mr. Gorbachev's reforms in the Soviet Union—an admonition that produced a skeptical tone in his first policy declarations.

At the same time, Mr. Bush's idea of pushing for deep conventional arms cuts to eliminate the Warsaw Pact's big edge in that area was overshadowed by the spat with West Germany over short-range nuclear arms. West German Chancellor Helmut Kohl, bowing to domestic pressure, demanded quick talks with the Soviets to cut short-range missiles and artillery shells. The U.S. resisted, arguing that the nuclear arms remained essential to offset the Soviet side's conventional superiority.

It began to appear that Mr. Bush's first NATO summit would be marred both by the fight with the West Germans and by allied restiveness over his cautious approach to the Soviets.

That picture began to change May 10, when Mr. Baker visited Mr. Gorbachev in Moscow. The Soviet leader outlined to the secretary of state an offer on cutting conventional arms that seemed to indicate the Soviets were serious about negotiating the kind of deep cuts Mr. Bush wants. Mr. Gorbachev said his proposal would be formally proposed the next day at East-West army talks in Vienna, administration officials say.

Mr. Baker returned to Washington and told Mr. Bush that the Soviets appeared to be serious about conventional arms cuts. Mr. Bush decided to plunge ahead with an offer of his own, and orders went out to the Pentagon to flesh out a plan, aides say.

But, mysteriously, the Soviets didn't put their offer on the table in Vienna as promised. Administration aides began fuming at the Soviets, thinking they had been double-crossed. White House spokesman Marlin Fitzwater was told to signal publicly that the U.S. thought the Soviets weren't matching words with deeds. That was when Mr. Fitzwater made his widely reported assertion that likened Mr. Gorbachev to a "drugstore cowboy."

At a meeting with top national security aides at his vacation home in Maine the weekend of May 19, Mr. Bush decided to go ahead with his conventional arms proposal but to use it more as a blunt challenge to Mr. Gorbachev than as a conciliatory gesture.

On May 23, the Soviets finally put their promised conventional arms proposal on the table, Mr. Bush promptly rewrote personally a foreign policy speech he gave at the Coast Guard Academy to give it a more positive tone toward the Soviets. And when he arrived at the NATO summit, Mr. Bush immediately unveiled his conventional-arms proposal—which both the allies and Soviet Foreign Minister Eduard Shevardnadze warmly welcomed.

That proposal also helped defuse the fight with West Germany over short-range missiles. Because the U.S. proposal held out hope of a speedy resolution to conventional-arms talks. U.S. officials at the NATO summit pressured the West Germany to agree on a statement saying talks on short-range nuclear weapons can be put off until a conventional arms accord is negotiated and is being carried out.

BUDGET SCISSORS

HON. LYNN MARTIN

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 6, 1989

Mrs. MARTIN of Illinois. Mr. Speaker, in both the 100th and 101st Congresses I have sponsored House legislation to enhance the line-item rescission authority which the Budget Reform Act of 1974 grants to the President. That authority, under existing rules, is for all intent and purposes meaningless.

Late last month, May 25, the New York Times printed an op-ed which Senator GORDON HUMPHREY and I authored in support of enhanced Presidential rescission authority. I believe that the article, which I submit for the RECORD, clearly sets out the merits of our proposal.

BUDGET SCISSORS

(By Gordon J. Humphrey and Lynn Martin)

WASHINGTON.—Even though Congress feels burdened by the Federal deficit, it has been unwilling to cede the power of the purse to the President. Thus, Congress has been wary of giving the President the power of the line-item veto. But there is a better way to cut spending.

Congress can strengthen the President's authority to submit specific appropriations for cutting. Unlike the line-item veto, enhanced rescission doesn't cut muscle to get the fat. But it does require Congress to live up to its responsibility to vote on rescission requests—something Congress currently refuses to do.

Appropriations bills are full of sweets. For example, in fiscal 1988, Congress funded a $24.3 million artillery fire-control computer the Army doesn't want and $5 million for portable sonar the Coast Guard doesn't need. It granted $2.6 million to develop foreign markets for U.S. fishery products and $376,000 to build a private underwater laboratory in Key Largo, Fla.; $1 million to build a biotechnology research park in Worcester, Mass., and $1 million to preserve lighthouses.

There are several proposals to strengthen the rescission power. Ours involves a simple change in the rules to require the House and Senate to vote within 10 days on rescission requests from the President.

This is not a new power for the President. Congress granted rescission authority to the President in the 1974 Budget Act. But under current rules either house can kill the President's request by simply ignoring it.

Of $20 billion in rescissions requested by President Ronald Reagan between 1983 and 1988, Congress approved a mere 2 percent, or $400 million. Not one of his rescission requests in his second term was accorded the fairness of a vote.

We are asking that Congress respond in good faith to a Presidential request for rescission by doing what it gets paid to do: vote.

Under this proposal, originally proposed by Dan Quayle, then a Senator, a President may recommend a rescission to Congress within three days of signing an appropriations bill into law. The appropriations committees in each house must report the request as a bill, unamended and with or without recommendation, within five days; each house must vote the rescission up or down within 10 days.

Colleagues who don't want to amend the Constitution to give the President a line-item veto should like this proposal. It doesn't change the balance of power between the branches. Indeed, only a simple majority in both houses is needed to reject proposed rescission, whereas a line-item veto override requires a two-thirds majority.

While a line-item veto erases entire appropriation accounts (say, $10 billion for all water projects) enhanced rescission more precisely targets wasteful spending—for example, an unnecessary $20 million for a specific project. And unlike a constitutional amendment, enhanced rescission authority can be implemented almost immediately.

Those who say that this idea won't save much money are wrong. They ignore a fact of Washington life: Programs may start out modestly but costs increase because programs grow over time. For example, Mr. Reagan asked Congress to terminate 82 such programs in fiscal 1990, for an immediate budget saving of $4.9 billion. His request was ignored, and by 1994 the cost of those programs will have grown to $10.2 billion.

The American people are tired of hearing Congress blame the President and the President blame the Congress for the budget deficits. There are legitimate arguments over which staples ought to be included in our national plate. But no one can argue against summoning the discipline to eliminate desserts.

COSPONSOR WHITE HOUSE CONFERENCE ON THE HOMELESS ACT

HON. MICKEY LELAND

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 6, 1989

Mr. LELAND. Mr. Speaker, the homeless problem has drawn attention from all spectrums of our society. The private and public sectors have developed a wide variety of programs aimed at alleviating the plight of homeless individuals. Despite these efforts, the affordable housing stock continues to shrink and the number of people seeking emergency shelter continues to rise. It has become increasingly evident that a central plan of action must be constructed to unify and build the forces fighting against homelessness.

In efforts to create a forum for developing comprehensive policies for targeting assistance to the homeless, I am introducing today the White House Conference on the Homeless Act. This legislation would require the President to mandate the Director of the Federal Emergency Management Agency [FEMA] to convene a national conference of individuals concerned with programs and issues relating to homelessness. The participants would be responsible for examining homelessness and developing specific and comprehensive recommendations for appropriate executive and legislative actions addressing the immediate and long-term needs for the homeless. The national conference would be preceded by a series of regional and State conferences supported by technical and financial assistance from the Director of FEMA. Senator ALBERT GORE has introduced a similar piece of legislation in the Senate.

Members of Congress, President Bush, and Housing and Urban Development Secretary, Jack Kemp, have all articulated concern for homeless individuals in this country. The White House Conference on the Homeless would give both the executive and legislative branches an opportunity to craft a blueprint from which responsive, realistic homeless eradication policies can be created. Please join me in cosponsoring this act.

H.R. —

A bill to provide for a White House Conference on Homelessness

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "White House Conference on Homelessness Act".

SEC. 2. AUTHORIZATION OF CONFERENCE.

The President shall call a National White House Conference on Homelessness to carry out the purposes under section 3. The Conference shall be planned and conducted by the Director of the Federal Emergency Management Agency through the Emergency Food and Shelter Program National Board and the director of the Conference appointed under section 5(a), and shall be held not later than 12 months after the date of the enactment of this Act.

SEC. 3. PURPOSES OF CONFERENCE.

The purposes of the Conference shall be the following:

(1) To increase public awareness of homelessness and the causes of homelessness.

(2) To identify the needs of homeless individuals.

(3) To examine the status of homeless individuals.

(4) To assemble individuals involved in policies and programs related to homelessness.

(5) To develop specific and comprehensive recommendations for executive and legislative action to address the immediate and long-term needs of homeless individuals and the causes of homelessness.

(6) To review the existing laws and regulations related to the homeless.

(7) To conduct an analysis of the long-term social and financial costs of the failure to address the problems of homelessness.

SEC. 4. REGIONAL AND STATE CONFERENCES.

(a) ASSISTANCE.—The Director of the Federal Emergency Management Agency may provide assistance to regional, State, and local agencies and nonprofit organizations to organize and conduct regional and State conferences on homelessness throughout the United States. The regional and State conferences shall be held for the purposes under section 3 and to prepare for the White House Conference on Homelessness, and shall be held before the White House Conference.

(b) PARTICIPATION.—Admission to any regional or State conference may not be denied to any individual involved in providing services to, or advocacy for, homeless individuals. The regional and State conferences may not charge a fee for participation in the conference, except for a registration fee of not more than $10 per individual.

(c) REPORTS.—Each regional and State conference shall submit to the Director, for use in the White House Conference, a report containing findings and recommendations of the regional or State conference relating to the purposes under section 3.

SEC. 5. ADMINISTRATION OF CONFERENCE.

(a) DIRECTOR AND STAFF.—The President may appoint and provide for the compensation of a director of the White House Conference on Homelessness, and the Director of the Federal Emergency Management Agency may appoint and fix the compensation of any staff necessary to carry out this Act, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service and the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates.

(b) ADMINISTRATION.—To carry out this Act:

(1) The Director of the Federal Emergency Management Agency may enter into contracts with public and private agencies, organizations, and academic institutions.

(2) The Director may prepare and provide background materials for use by participants in the Conference and regional and State conferences.

(3) Upon request of the Director, the head of any Federal agency may detail, on a reimbursable basis and without regard to the provisions of section 3341 of title 5, United States Code, any of the personnel of the agency to the Director to organize and conduct the Conference and to assist in the organization and conducting of regional and State conferences.

(4) The Director may request from any Federal agency any support and assistance necessary to facilitate the planning and administration of the Conference.

SEC. 6. DELEGATES TO CONFERENCE.

(a) IN GENERAL.—Delegates and alternate delegates to the Conference shall be elected and appointed under this section and shall be chosen, except as provided in subsection (c), from among individuals concerned with public and private issues and programs relating to homelessness.

(b) ELECTED DELEGATES.—The Director of the Federal Emergency Management Agency shall provide for the election of delegates and alternate delegates to the Conference by the participants at each regional and State conference.

(c) APPOINTED DELEGATES.—In addition to delegates elected under subsection (b), delegates may be appointed from among individuals involved in providing services to, or advocacy for, homeless individuals, as follows:

(1) 1 delegate and 1 alternate delegate, by each Member of the United States House of Representatives and each Member of the United States Senate.

(2) 75 delegates and not more than 20 alternate delegates, by the President.

(3) 1 delegate and 1 alternate delegate, by the executive official of each State.

(4) 1 delegate and 1 alternate delegate, by each of the following organizations:

(A) The United Way of America.

(B) The Salvation Army.

(C) The National Council of Churches of Christ in the U.S.A.

(D) Catholic Charities U.S.A.

(E) The Council of Jewish Federations, Incorporated.

(F) The American Red Cross.

(G) The National Coalition for the Homeless.

(H) The National Governors Association.

(I) The United States Conference of Mayors.

(5) 1 delegate and 1 alternate delegate, by any other organizations of a national scope involved in advocacy for homeless persons that is selected by the Director of the Fed-

eral Emergency Management Agency through the Emergency Food and Shelter Program National Board.

(6) 1 delegate and 1 alternate delegate, by the executive official of each city in the United States with a population of 175,000 or more (according to the latest available census).

(d) NONREIMBURSEMENT.—The delegates to and participants in the Conference may not be reimbursed from funds appropriated for this Act or the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11301 et seq.).

SEC. 7. REPORT.

The director of the Conference shall submit to the President and the Congress, not later than 6 months after the date on which the Conference convenes, a report of the Conference. The report shall include the findings and recommendations of the Conference as well as proposals for any legislative and Executive action necessary to implement the recommendations of the Conference. The report shall be available to the public.

SEC. 8. DEFINITIONS.

For purposes of this Act:

(1) The term "Conference" means the White House Conference on Homelessness under section 2.

(2) The term "Director" means the Director of the Federal Emergency Management Agency.

(3) The term "Member" includes any Delegate or Resident Commissioner to the House of Representatives.

(4) The term "regional and State conferences" means any regional and State conferences on homelessness assisted under section 4.

(5) The term "State" means the States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, Guam, the Virgin Islands, American Samoa, the Trust Territories of the Pacific, and any other possession of the United States.

SEC. 9. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as may be necessary to carry out this Act. Any amounts appropriated under this section shall remain available until whichever of the following occurs earlier:

(1) The amounts are expended.

(2) The submission of the report under section 7.

THE AMERICAN LANDSCAPE IN THE 21ST CENTURY

HON. SAM GEJDENSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 6, 1989

Mr. GEJDENSON. Mr. Speaker, on May 18, I had the privilege to take part in the first of a series of hearings to be conducted by the Subcommittee on Oversight and Investigations of the House Interior Committee to examine the issue of open space and farmland preservation.

The loss of open space is of vital concern to many of us in Congress, Mr. Speaker, especially those of us that represent districts in the populous and ever growing Northeastern corridor stretching from Boston to Washington.

I can think of no more important issue to be examined by the Oversight and Investigation Subcommittee, which, incidentally, I chaired in the 100th Congress.

I would like to commend my colleague and good friend, Mr. KOSTMAYER, the new chairman of the subcommittee, for his commitment to open space, and for planning this important series of hearings.

I would also like to share with my colleagues Mr. KOSTMAYER'S insightful opening statement delivered at the May 18 hearing:

STATEMENT BY PETER H. KOSTMAYER

Today's hearing is the first in a series that will occur throughout the 101st Congress and perhaps beyond.

These hearings, to be conducted by the subcommittee on general oversight and investigations, and entitled, "The American Landscape," will explore the national landscape, its natural as well as manmade features, its style as well as character. In addition, it will examine efforts to preserve and protect it, as well as those efforts to destroy and degrade it that have unfortunately been far more successful.

The subcommittee will consider how America is handling its growth, whether we are balancing our genuine need for economic development with the equally important need to preserve and protect our natural and historic legacy.

Since coming to Congress more than a decade ago, I have been concerned about the seemingly haphazard way in which growth moves into our countryside and affects the neighborhood values of our great cities. In our rush to build on lands that were once farms and forests, we fail to consider the price we pay, for the loss we suffer as a society. We have forgotten too often that old and historic buildings, not just enormous glass and steel towers that obscure the sun and cast shadows on our neighborhoods, can also serve our cities.

Much of the country is in the throes of a development binge that threatens the quality of American life. Since 1960, for example, Bucks County, PA, my own Congressional District, has lost 73 percent of its farms to development. That figure grows each week. In my part of the country, open space is becoming a rarity while development is burying everything from apple orchards to revolutionary era farmhouses. In Pennsylvania, we still lose between 70,000 and 90,000 acres of farmland per year.

The destruction of our natural and historical heritage has become a national trend. According to the President's Council on Americans Outdoors, since World War II, the United States has lost between 70 and 100 million acres of open space. Much of this loss has occurred in the corridor stretching from Boston to Washington, already our Nation's most populous region. Estimates of the annual losses of open space in the Boston to Washington corridor run as high as 1 million acres.

For most of our history, it has been our Nation's goal to promote growth on every front. Beginning with the Homestead Act in 1862 and the Mining Act in 1872 and continuing with scores of statutes enacted over the next half-century, the Federal Government has encouraged expansion.

Now the time has come to reassess this longstanding national policy. We now must find out what role the Federal Government can play in protecting communities against runaway overdevelopment. The idea of a national landscape, with its values and standards, does not necessarily contradict national diversity. Rather, it enhances it and elevates the Nation's natural and built environment to subjects of national concern.

Actually the Federal role in protection and preservation began more than a century ago. Beginning in 1872 with the designation of a National Park at Yellowstone, Congress exercised its authority to protect lands in the national interest.

More than a century later, in 1978 at Lowell historic site in Lowell, MA, Congress began designating areas of cultural and social significance as well.

Federal efforts to guard our national legacy expanded with the idea that our great battlefields should be protected, too. Later our monuments and memorials as well as our trails and rivers and our seashores and lakeshores were added to our list of what the Federal Government should protect.

All of these efforts have become part of our expanding national landscape and our expanding efforts to protect it.

While the Federal Government has played and will continue to play a major role in protecting this legacy, the task of managing garden variety development has fallen so far to the States, the counties, and municipalities.

This is as it should be. Civic pride, concern for one's neighborhood and neighbors, doesn't come from Washington. It can't be achieved long distance.

Often it seems the Federal Government has been the enemy—however well intentioned—and not the ally of those struggling to save our countryside and our neighborhoods.

As Roberta Brands Gatz writes in The Living City, "Government agencies * * * staffed with experts who neither love nor really understand the places they plan for, tend to promote grandiose, abstract, and largely symbolic ideas * * *."

Writes Ms. Gatz, "We are accustomed to accepting change in the names of progress without a questioning look backward."

Around the country, community and neighborhood groups are struggling to protect the individuality and values of their neighborhoods against the oppressive sameness brought on by so much development.

In the countryside and suburbs, citizens are working to protect vanishing open space and farmland against harsh economic realities.

Through these hearings, the subcommittee hopes to find how best to integrate the strong history of federal land protection efforts with the new wave of local initiatives carried out by interested citizens and many times assisted by developers and others with a financial interest in growth. These cooperative efforts need to be promoted. We will also examine what role can be played by other Federal programs such as the National Trust for Historic Preservation's main street program and the Department of Interior's State and local river and trails conservation program.

The subcommittee begins this series of hearings today with an examination of the scope of the problem which faces us. We will look at some of the emerging population and planning trends that will influence the degree to which the country can preserve the American landscape.

The subcommittee will also look at some of our failures to date; and they are legion.

While farmland and open space varnish at the rate of 5,500 acres each day, whole neighborhoods in America's cities have

become barren and blighted dead zones that still fail to shame the Nation into action.

In Philadelphia, 50,000 homes have been abandoned; in Detroit, 75,000; in Cleveland, 42,000; in New York, more than 100,000! Meanwhile, instead of repairing, restoring, renewing, revitalizing, and rebuilding the housing stock we have, we scar the countryside with more development.

We also examine the failure of urban renewal, the process by which the Federal Government paid for the razing of whole neighborhoods of early twentieth century brick and brownstone buildings and then footed the bill for the infamous "projects" that now blight our cities.

We will examine our failure to provide enough parks close to home for Americans who, in the 1980's, find themselves without enough free time to journey to the Nation's great parks in the Western States. We will also look at the condition of the great parks themselves, so many of which are overcrowded, understaffed, gradually deteriorating from within, fouled by poisoned water and air and increasingly facing development pressures from without. America's crown jewels fade and grow tarnished, a national scandal that should break the country's heart.

The subcommittee today has assembled several impressive panels, each of which has something to contribute to our knowledge of both the failures that we have suffered and the victories we have achieved. Each I hope will make us think as Americans about what we want America to look like many years from now.

PHILIPPINE COMMONWEALTH ARMY VETERANS BENEFITS (H.R. 2545)

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 6, 1989

Mr. GILMAN. Mr. Speaker, I rise today to introduce legislation eliminating an inequity limiting benefits available to veterans of the Philippine Commonwealth Army and their spouses. I would also like to bring to the attention of my colleagues a recent decision by the U.S. District Court for the District of Columbia challenging the constitutionality of this injustice.

On July 26, 1941, President Roosevelt issued a military order, pursuant to the Philippine Independence Act of 1934, calling members of the Philippine Commonwealth Army into the service of the United States Army Forces of the Far East under the command of Lt. Gen. Douglas MacArthur. Following the President's order, the United States assumed responsibility for pay and supplies for the Philippine Army. For almost 4 years, over 100,000 Filipinos fought alongside the allies to reclaim the Philippine Islands which proceeded to the eventual downfall of Japan.

Congress rewarded these Commonwealth Army veterans for their exemplary service by limiting their benefits to service-connected disabilities and death compensation. And for those limited benefits that are available, members of the Philippine Army are paid on a peso for dollar rate, reducing the value of the benefits by 50 percent. This compares to the dollar for dollar rate and full veterans' benefits for members of the "Old" Philippine Scouts, which is a component of the Regular United States Army, or to any Philippine citizens who served directly in the Armed Forces of the United States.

Less than half of the original Commonwealth Army veterans are alive today. However, these few surviving veterans and their dependents received an encouraging sign last month when the U.S. District Court for the District of Columbia held in *Quiban* v. *Veterans' Administration,* No. 86-2155 (D.D.C. May 12, 1989), that limiting veterans' benefits to veterans of the Philippine Army and their spouses is unconstitutional. The suit had been brought by the wife of a deceased veteran of the Philippine Army who served in the American Armed Forces during World War II.

The court stated that the Philippine veterans "claim to benefits is equal to that of those who are entitled to full benefits, including Old Philippine Scouts, and * * * there is no rational basis for concluding that Old Philippine Scouts are World War II veterans but that members of the Philippine Army are not." Once they were called into service by President Roosevelt, they became members of the Armed Forces of the United States fighting on the same terms as other members of the Armed Forces of the United States.

The general counsel of the DVA is recommending an appeal of the recent decision. The bill I have introduced today amends title 38 of the United States Code to provide that persons considered to be Commonwealth Army veterans by reason of service with the Armed Forces during World War II in the Philippines shall be eligible for full veterans' benefits from the Department of Veterans' Affairs.

To all my colleagues that share my belief that veterans of the United States Armed Forces should receive equal pay and equal benefits for equal service, I urge you to cosponsor H.R. 2545 and send a clear message to the Department of Veterans' Affairs and our Filipino friends that the Philippine veterans' contributions have not gone unnoticed.

I insert at this point in the RECORD the full text of my bill (H.R. 2545) for review by my colleagues.

H.R. 2545

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 101(2) of title 38, United States Code, is amended by adding at the end the following new sentence: "Such term includes a person who is a Commonwealth Army veteran within the meaning of section 635(1) of this title.".

CONGRESSIONAL SALUTE TO THE JACL SCHOLARSHIP RECIPIENTS

HON. ROBERT T. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 6, 1989

Mr. MATSUI. Mr. Speaker, I am honored to rise today to bring to my colleagues' attention the work of a distinguished public service organization, the Sacramento Chapter of the Japanese American Citizens League.

Over the years, the league has dedicated itself to improve the quality of life for all members of the Sacramento community. Through their commitment, the league has assisted many young students in furthering their education by offering scholarships to distinguished college-bound students.

The Japanese American Citizens League is most deserving of our thanks and our praise for their efforts and compassion. There are few causes more worthwhile than encouraging our young people in their efforts to enhance their education and contribute in a meaningful way to society. Given the unprecedented challenges arising from the vast and significant changes which are taking place in our society, the importance of an advanced education is greater now than ever before.

I wish to commend the league on this act of public service, and extend my personal contributions to each of these students for their academic excellence. Being honored with scholarships are: Mr. Douglas Sugimoto of John F. Kennedy High School, Ms. Kristina Ishihara of Rio Americano High School, Ms. Joy Kashiwagi of Cordova High School, Mr. Derrick Tanihara of Encina High School, Ms. Megumi Masuno of John F. Kennedy High School, Lhia Smith of Cordova High School, Mr. Douglas Kuramoto of Rio Americano High School, Ms. Karla Penick of Rio Vista High School, Marcus Watanabe of C.K. McClatchy High School, Mr. Dale Ratcliffe of Rancho Cordova High School, Ms. Heather Matsumoto of C.K. McClatchy High School, Mr. Brian Scott of Luther Burbank High School, Ms. Kris Takeda of Luther Burbank High School, Ms. Lisa Sakata of River City High School, Ms. Heidi Kobara of Sacramento High School, Mr. Eric Hirata of C.K. McClatchy High School, Ms. Regina Davis of C.K. McClatchy High School, Ms. Keri Takeda of Luther Burbank High School, Mr. David Tashima of Davis High School, Ms. Jane Furukawa of Sacramento City College, Ms. Cynthia Nishio of Sacramento City College, Ms. Linda Hitomi of Sacramento City College, and Ms. Melissa Kawakami of Sacramento City College.

Mr. Speaker, I know my colleagues join me in wishing these students continued success in their academic endeavors.

NANCY EVANS, AN ANGEL TO VETERANS

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 6, 1989

Mr. SOLOMON. Mr. Speaker, I'd like to bring to your attention a woman who is regarded as an angel by the veterans of Warren County, NY, and especially by a man whose life was saved by her cool head and quick thinking.

Nancy Evans of Glens Falls, NY, is a member of VFW Post 6196 Ladies Auxiliary. She also serves as a part-time driver of the Warren County Van, which is used to transport veterans to the VA Hospital in Albany. One of the eight veterans she was transporting on August 24, 1988, suddenly suffered a heart attack.

Nancy immediately notified the sheriff's department of her situation, pulled off the highway, and administered first aid to the victim while keeping the other passengers calm. A rescue squad arrived, gave the victim oxygen, and rushed him to the hospital. According to doctors, Nancy Evans' quick action saved the man's life.

Mr. Speaker, in a way, this action surprised no one who knows Nancy Evans. She goes out of her way to care for the veterans she takes to the VA hospital, even making sure their prescriptions are filled. She visits veterans who were kept at the hospital, and gives others rides home in her own car. Nancy Evans had proven her compassion a thousand times long before last August.

While recuperating, the man whose life she saved wrote a local veterans official and said "We could use a few more Nancys in our world today."

Indeed we could, Mr. Speaker. The Hudson Mohawk Counties Council Veterans of Foreign Wars has nominated Nancy Evans for a citation for her heroic deed. I ask this House to echo that effort by joining me in paying tribute to a true American heroine, an angel to veterans, Nancy Evans of Glens Falls, NY.

LEWIS-CLARK STATE COLLEGE—NAIA WORLD SERIES CHAMPIONS

HON. LARRY E. CRAIG

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 6, 1989

Mr. CRAIG. Mr. Speaker, I rise today to recognize a national champion from Idaho.

After nine straight victories, including six in the National Association of Intercollegiate Athletics world series, the baseball team at Lewis-Clark State College in Lewiston, ID, has won its fifth national championship in the past 6 years.

The team swept through the double elimination tournament without a loss to end the season with a 41-24 record and its third straight national title.

Several Lewis-Clark individuals have been named to the NAIA world series tournament team. They include catcher John Nessmith, pitcher Joe Misa, shortstop Reggie Brown, infielder Glen Baxley, and outfielder Greg Vaughns. Nessmith was named the most valuable player of the series while Brown was awarded the NAIA Golden Glove Award and Vaughns won the Charles Berry Hustle Award.

As a fan of the Americans' greatest pastime, I hope that my colleagues will join me in saluting the Lewis-Clark State Warriors for becoming national champions once again.

INTRODUCTION OF THE BARLEY CORRECTION ACT OF 1989

HON. RICHARD H. STALLINGS

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 6, 1989

Mr. STALLINGS. Mr. Speaker, today I am introducing legislation to address a serious problem which affects the barley producers of our Nation. Mr. CRAIG, Mr. JOHNSON, and Mr. DORGAN are joining me in introducing this measure.

There are two general types, or end uses, of barley. One is used as feed for livestock, the other is used as malt in food products for human consumption. Feed barley is a higher yielding variety which is less sensitive to quality concerns that malting barley. Feed barley marketings make up approximately 70 percent of barley sales, whereas malt accounts for the other 30 percent.

Because of the use differences and management demands, malt barley typically brings a 20- to 30-cent premium per bushel over feed barley in normal marketing years. The drought effects of the past 2 years, however, have exaggerated the premium difference. In fact, it has been as high as $1.00 or more per bushel.

Additionally, because of the market situation spurred by the drought, malt buyers purchased abnormally large quantities of malt barley during the 5-month period measured by USDA for calculating deficiency payments. The increased demand during this period drastically drove up the price of malt barley relative to feed barley. Whereas normal malt sales during this 5-month period would account for relatively small amount of barley marketings, the past 2 years brought increased malt sales and higher premiums.

The consequence is a calculation by USDA which requires all barley producers to repay their entire advance deficiency payment when, in fact, the majority of producers did not receive anywhere near the target price for their feed barley. The unfortunate circumstance of the drought dramatized the need to eliminate malt barley marketings from the deficiency payment calculation so that unusual marketing years do not penalize the majority of barley producers. The legislation I am introducing will make this needed change for the 1989 crop year.

The bill goes an additional step in addressing the real problem being experienced by barley producers. A recent study demonstrated that relative target prices for Federal program crops are out of line with actual production costs, final feed values, and market need. The two crops which are significantly undervalued are barley and oats. Mr. JOHNSON has introduced legislation to address the target price for oats. This is a very needed measure because the U.S. is currently importing most of its oats due to the low target price and the rigidity of crop bases.

Mr. JOHNSON's legislation, H.R. 1245, would provide producers who have a feed grain base the option of planting any feed grain on their base acreage. This would enable producers to respond to market conditions and produce more oats or barley as the market demands without having to lose existing base or take years to establish an oats or barley base.

The 1985 Farm Bill required the Secretary of Agriculture to establish a target price for barley feed value relative to corn. In setting the target price, the USDA does not include the food uses for barley, another reason that malt barley marketings should not be used in determining the deficiency calculation. In fact, the established target price is based on feed value ratios which are nearly 20 years old.

Through public and private research, barley varieties have improved substantially over the past 20 years, and the current values used by the USDA are no longer accurate. Additionally, the USDA should include the entire feed value of a feedstuff, including digestible energy, protein, and amino acids. Current research indicates that barley is 104 percent of the feed value of corn in ruminants when the entire feed value is calculated.

Overall, this legislation will address the current problem by eliminating malt barley marketings from the deficiency payment calculation for 1989, and readjust the target price for the 1990 crop year. The offsetting reduction in costs of shifting plantings from corn or sorghum to barley or oats would make these two bills largely budget neutral.

I urge my colleagues to add their support to my legislation and that of Mr. JOHNSON so that we can address a serious problem for farmers and bring about an equitable situation for these products.

D-DAY REMEMBERED

HON. DON YOUNG

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 6, 1989

Mr. YOUNG of Alaska. Mr. Speaker, today, June 6, 1989, is the 45th Anniversary of the largest amphibious assault in the history of the world. I cannot let this day pass without expressing my deepest regard for those Americans who participated in that historical event in the lives of free men everywhere. The June 1989 American Legion magazine includes a battle report on Normandy by Mr. Vernon Pizer, which I would like included in the RECORD. The American Legion, like those brave Americans who fought on June 6, 1944, commit themselves to duty "For God and Country." On this important day, may we all give those words some serious thought.

BATTLE REPORT—NORMANDY

(By Vernon Pizer)

The Allies landed in Normandy on the Cotentin Peninsula of northwest France that juts into the English Channel. Getting there had not been easy.

For 60 days preceding D-day—June 6, 1944—Allied bombers had attacked airfields, rail yards and bridges inland from Normandy to keep the enemy from reinforcing its defenses in the invasion areas. On D-day itself, at 2 a.m., one British paratroop division and America's 82nd and 101st Airborn division parachuted behind the shoreline to secure critical roads that would be needed as exists from the beaches for the infantry.

Shortly after dawn American and British warships, firing continuous salvos, pounded enemy fortifications along a 60-mile front while thousands of Allied bombers and fighters bombed and strafed the enemy. At 6:30 a.m. waves of combat troops climbed into landing craft from the transports of the 5,000-ship armada that floated off the Normandy coast. Thus, the ground attack was launched on the Atlantic wall the Germans had erected around Fortress Europe, a wall of underwater obstacles and mines,

wire entanglements, artillery emplacements, pill boxes, tank traps, land mines and booby traps—all of it backed by the might of 60 divisions deployed in France, Belgium and Holland.

Carried off-course by a strong lateral current, the first assault wave of the U.S. 4th Infantry Division lands almost two miles south of its intended target on Utah Beach. Brig. Gen. Theodore Roosevelt Jr., son of the 26th President, at once revised his battle plans and reorganized his soldiers as the enemy fired down on them.

To the east of Utah, on four-mile Omaha Beach, the fighting was especially vicious and the terrain—dominated by cliffs at either end of the shoreline—was especially difficult. In one 10-minute period of intense fire from the enemy, 96 percent of Company A of the 116th Infantry Regiment were killed or wounded. In a daring feat, 225 Army Rangers on the west flank of Omaha used rockets to shoot grapnels with ropes attached, hooking the irons on a cliff where a battery of 155mm howitzers pummeled the beach. Despite heavy fire leveled against them from the Germans, the Rangers climbed the ropes and destroyed the enemy artillery.

The German network of coastal fortifications was defended stoutly. The Allies on the beaches—the Americans on the west, the British and the Canadians on the east—fought doggedly and bravely to push inland and link up laterally to create a solid beachhead 10 miles deep and 80 miles wide.

Into this beachhead, the Allied poured eight more combat divisions to strengthen the 10 that had made the initial D-day landings. Arrayed against the Allied soldiers was a vast enemy force that included several heavily armored panzer divisions. The terrain overwhelmingly favored the defense; it was rugged country crisscrossed by spiky, hawthorne hedges whose ironhard roots were sunk into four-foot banks lined on either side by ditches. The fighting, especially in the American sector where the thorny growth was thickest, developed into a grim, grinding battle of the hedgerows.

While the battle of the hedgerows was being waged, a curious armada set out across the channel from England bound for the beachhead: 100 tugboats towing some 600 sections of prefabricated steel and concrete caissons. On June 16 the caissons were assembled into two huge floating ports at the beachhead. One—dubbed Mulberry A—was intended for re-supply and reinforcement of the Americans. The second—Mulberry B—was for British and Canadian support. Now, with the use of these artificial harbors, the buildup of the Allied forces was able to proceed more rapidly.

On the eastern end of the line the British troops were engaged in bloody fighting for the city of Caen, which controlled an important network of roads. In the west, one column of Americans was pressing toward the major port of Cherbourg, heavily defended by the enemy and with its lines of approach mined and boobytrapped.

Contested bitterly every inch of the way, the Americans succeeded in fighting their way into Cherbourg and on the morning of June 27 enemy resistance there came to an end. On July 9 the city of Caen fell to a combined British-Canadian force. Now, with both Cherbourg and Caen in their hands, the Allies could turn south and break out of Normandy.

The gateway to the south was the city of St.-Lô, a major enemy base situated at a junction of the primary roads to the south and the east. A war of attrition developed on the approaches to St.-Lô. Progress for the attacking force was frustratingly slow, measured in yards, and casualties were high. But the enemy also paid a high price in the struggle. At last, elements of the 29th Infantry Division broke through to the city and on July 18, St.-Lô was in American hands.

One of the problems that had plagued the Americans was that the hedgerow country ruled out employing their armor. Tanks that tried to force their way through the hedgerows usually ended up with their thin-skinned bellies tilted upward to present easy targets for enemy gun crews emplaced in the ditches and roads paralleling the rows, while the tanks' own uptilted guns could not be brought to bear on any targets. Sgt. Curtis J. Culin of the 2nd Armored Division changed all this. He devised a plan to weld steel bars—scythelike—out from the front of the Sherman tanks to enable them to chop their way through. Culin's idea was adopted, ironically using lengths of steel from the rails the Germans had imbedded on the beaches as barriers to landing craft.

On the morning of July 26, Allied bombers carpet-bombed a four-mile-deep zone fronting the St.-Lô sector. Simultaneously, 500 American artillery pieces unleashed a devastating barrage. After the three-hour bombing, the most massive of the Normandy campaign, the ground troops surged forward on a three-division front. The Sherman tanks, equipped with their "scythes," chopped through the hedgerows that had survived the bombs, opening gaps for the infantry. The enemy, now demoralized and disorganized, began to give way all along the front.

On July 29, the Allies broke through the base of the Cotentin Peninsula. They had won the Battle of Normandy. The European heartland and Berlin lay ahead.

TRIBUTE TO THE NIAGARA FRONTIER FOLK ART COUNCIL

HON. HENRY J. NOWAK

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 6, 1989

Mr. NOWAK. Mr. Speaker, I would like to congratulate the Niagara Frontier Folk Art Council which hosted its 25th annual folk festival on June 4, 1989.

The folk festival was created by the council's founder, Dr. Stephen Gredel, and grew out of the "people of our city and county" exhibit at the Buffalo and Erie County Historical Society.

During its 25 years, the festival has sought to spread the message of Americanism and brotherhood by the sharing, preservation and dissemination of the diverse ethnic cultures of western New York.

The following is a brief summation of the council's activities and a list of the current leadership which was brought to my attention by Dr. Zdenka Gredel Manuele, the anniversary chair.

NIAGARA FRONTIER FOLK ART COUNCIL

The folk festival was the brain child of Dr. Stephen Gredel who in his capacity as researcher at the Historical Society conceived, researched and executed the project and exhibit "People of Our City and County" and served as its Festival Chairman.

How did the Council originate?

The Niagara Frontier Folk Art Council's nationally acclaimed Annual Folk Festival grew out of the exhibit "People of Our City and County" which opened at the Buffalo & Erie County Historical Museum in 1963. The first annual Folk Festival was held in conjunction with this exhibit and continued until 1967 when a group of prominent ethnic leaders incorporated into the Niagara Frontier Folk Art Council.

The Council sponsors the Annual Folk Festival Series held from October through January to be held this year at State University College on Elmwood Avenue.

Opening and closing programs will be held at Rockwell Auditorium on Sunday afternoons and will feature a potpourri of international entertainment. Also included in the series are 8 programs at the College Learning Lab on Sunday afternoons and evening. These programs are dedicated to specific ethnic cultures.

In total, over 20 ethnic groups will be represented. The Festival will highlight their diverse cultures through dazzling displays of song, music, and dance performed in colorful, authentic costumes.

For 9 years the Council has been one of the sponsors of Buffalo's annual Ethnic Heritage Festival held at the Buffalo Convention Center. The Council's expertise has been a sustaining factor in realizing this ethnic display of folklore and artistry.

How does the Council help the preservation of ethnic heritage?

In 1980, the Council established the Stephen Gredel Memorial Grant in honor of its late founder. This grant is designed to encourage ethnic groups to further develop their folk arts by providing them with funds for costumes, choreography, and necessaries for their growth and survival.

The Council assists ethnic leaders, students, teachers and scholars in their pursuit of ethnic studies. It has cooperated with such institutions as the International Institute, the Buffalo Zoological Society, the Buffalo Philharmonic Orchestra Society, Buffalo State College, Erie Community College, the Polish Community Center, Arts Development Services, the Junior League of Buffalo, and the Buffalo-Dortmund Sister City Committee. It has participated in the Buffalo Board of Education's Ethnic Heritage Program, U.B.'s Ethnic Heritage Studies Program and that of Buffalo State College.

What are some events in which the Council has participated?

Council members have participated in many local, state, and national celebrations, including the New York State Barge festivities, the Bi-Centennial Celebration in Albany, the Smithsonian's Folk Festival in Washington, D.C., the St. Catherine's Folk Festival in Canada, the M&T Summer Promenade Series, "Operation Horseshoe" which commemorated in 1981 as the International Year of the Disabled in Niagara Falls, NY, the International Festival at Darien Lake, and Buffalo's Sesquicentennial festivities.

How does the Council recognize the effort of its volunteers?

Each year at its awards Presentation Dinner, the Council recognizes the support and loyalty of the many hundreds of volunteers who have promoted the Council's work.

AWARD RECIPIENTS 1988

Special Individual Scroll: Emil Mohorovicic.

Special Scrolls: Gerald Andrzejewski, Cathy Amoulinakis, Linda Ashcroft, Tina Demoulas, Maneesha Deshpanda, Sandra Evans, Kenneth Haley, Andreas Hennas, Mary Hillinger, Pradyuman Joshi, Bea Kane, Antoinette Klimeczko, Sally Krantz, Monica Kehagias, Mary Ann Marchese, Michele Michalaski, Holly Nagel, Sirmo Papaefthimiou, Shirley Pitz, Cheryl Rys, Bernard Saltzman, Waltraud Silva, Nikki Thomas, Gregory Vigrass, Muriel Wood.

FOLK ART COUNCIL, 1988-1989

Vaerie Terzieff, President;
Maria Aquino, First Vice President;
Edith Horowitz, Second Vice President;
Joanne Bond, Secretary; and
Tina Kalen, Treasurer.

Board of Directors.—Rev. Richard Crumlish, Agnes Bain, William Dauria, Dr. Geeti Doctor, Eugene Hegedus, Daniel Kij, Robert Kirs, Hon. Rose LaMendola, Esther Sunshine Lassoff, Joseph Macielag, Dasha Procyk, Dick Silva, and Stanley Zagora.

President Emeritus.—Dr. Zdenka Gredel-Manuele.

Financial Committee.—James Brennan, Chairman; and Tibor Baranski.

Promotional Committee—Dolores Bauer, Chairman; Bea Kase; and Muriel Wood.

Ethnic Heritage Festival.—James Brennan, Chairman; and Valerie Terzieff, Performance Coordinator.

Installation Dinner & Awards Committee.—Mario Aquino, Dolores Bauer, and Dr. Zdenka Gredel-Manuele.

BRAD BARTON, ENNIS HIGH SCHOOL VALEDICTORIAN

HON. JOE BARTON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 6, 1989

Mr. BARTON of Texas. Mr. Speaker, attached is an article from the Ennis Daily News of May 25, 1989, referring to the valedictorian of Ennis High School for 1989. I am proud of this young man's achievement, not only because of his academic accomplishment, but also because he is my son. I take this opportunity to congratulate Brad and all of the other high school valedictorians in the class of 1989.

BRAD BARTON: ENNIS HIGH SCHOOL VALEDICTORIAN

Ennis High School is proud to announce that Brad Barton has been named Valedictorian of the Senior Class of 1989. Brad, son of Congressman and Mrs. Joe Barton, is a member of the First United Methodist Church of Ennis. While in high school, he has been involved in many school activities.

He has lettered on the varsity tennis team for the past three years. Currently, he is President of the National Honor Society and serves on the Student Council. In the Senior Play, he played the lead role of Garth Garbeige. He is also a member of the JETS and Key Clubs. He was awarded first place in District 15-4A Readywriting and received perfect scores on both the math and English sections of the TEAMS Test.

The teachers of E.H.S. selected Brad to attend the 1988 American Legion Boys State Convention, and he was chosen by his peers as "Most Likely To Succeed." Other awards he has received include the English IV Honor Award, the Elementary Analysis Honor Award, Who's Who Among American High School Students, the Army Reserve Scholar/Athlete of the Year Award, the Vera D. Norton English Award, and the Texas Association of Secondary School Principals All-Academic Team.

Brad has recently been honored with a National Merit Scholarship and the President's Endowed Scholarship from Texas A&M University where he plans to major in Industrial Engineering.

ANOTHER WEEK IN THE LIFE OF "THE WIMP"

HON. JOHN P. HAMMERSCHMIDT

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 6, 1989

Mr. HAMMERSCHMIDT. Mr. Speaker, Paul Greenburg is a nationally syndicated columnist. I commend his astute observations and comments to my colleagues in the Congress.

ANOTHER WEEK IN THE LIFE OF "THE WIMP"

Remember George Bush? He's the guy in the Doonesbury comic strip who's not there. Other cartoonists picture him covered with spiderwebs, the very image of wimpish inactivity. He's the president that pundits complain about and comics laugh about—the do-nothing president, the disappearing act in the White House. . . .

Well, this past week the president who isn't there stole Soviet President Mikhail Gorbachev's thunder; reunited and galvanized the Western alliance; proposed a bold new approach to arms control that would reduce conventional forces in Europe to unprecedented levels while assuring its and our security; recaptured the diplomatic initiative for the West; mended his fences with some of our uneasy friends on the Continent; found his proposal warmly received even by the Soviets; and modestly but craftily shared the credit with the entire NATO alliance. Just another week in the life of a wimp.

What is it about our punditry that cannot stand crisis-free news? A leader can make disastrous errors and, so long as he has a certain flair, like handsome young John F. Kennedy, all is forgiven. See the Bay of Pigs fiasco, which led inexorably to the Cuban missile crisis the next year. Once the Kennedy administration acquiesced in Cuba's becoming a Soviet satellite, it was only a matter of time before that island became a Soviet launching pad, too, and put the peace of the world in danger.

The Cuban missile crisis may have been the closest the world has come to nuclear holocaust, yet its peaceful conclusion brought such relief that few analysts questioned why an American administration allowed it to happen in the first place. And President John F. Kennedy emerged as a hero, although his victory was really that of style over substance.

Only lately have historians been reassessing their opinion of the Kennedy presidency—and of others. As time passes, they think less and less of Camelot, and more and more of Jack Kennedy's oh-so-dull predecessor. Like George Bush, Dwight D. Eisenhower struck contemporary critics as a genial absence. Ike was supposed to have spent all his time on the golf course rather than at the executive mansion. He, too, was the president who wasn't there. Ike was popular only with the people, not the pundits. Maybe the people knew something, because Ike's stature grows as the century lengthens.

Historians now note that it was Dwight D. Eisenhower who ended one war (Korea) and kept the peace thereafter; avoided entanglement in Vietnam; extinguished the Suez crisis by upholding this country's anticolonialist principles; saved Lebanon, which has proved impossible for his more recent successors; enforced the law of the land and simple decency at Little Rock; kept the Soviets out of Guatemala and Iran by using the Central Intelligence Agency intelligently, a trick that American presidents seem to have forgotten; gave Joe McCarthy enough rope; kept the military-industrial complex under control; economized on the country's defense, while making it more formidable by relying on the nuclear deterrent; presided over the country's greatest economic expansion this century, not counting these Reagan-Bush years, while keeping inflation down. . . .

Ike's most impressive feat was playing dumb. He certainly fooled the pundits; it took my favorite, Murray Kempton, the longest time to catch on, and many never did. The plodding peace and prosperity of the Eisenhower era were never exciting enough to get the intellectuals' attention. The facts were no match for their prejudice against any president who could be described as conservative, moderate or a general. And so they found Ike dull. He was dull like a fox.

George Kennan, the gray eminence of American foreign policy, knew better; he described Ike in his memoirs as "a man of keen political intelligence and penetration," which would certainly amaze many of those who have made an icon of Mr. Kennan. It was Ambassador Kennan who noticed that, when Ike spoke "in a protected official circle, insights of a high order flashed out time after time through the curious military gobbledygook in which he was accustomed to expressing and concealing his thoughts."

So the next time George Bush is painted as the president who isn't there, or as that wimp in the White House, it might be noted that Mort Sahl, the comic and social critic of the '50s, used to apply much the same whimsicalities to Dwight Eisenhower, who didn't turn out so badly.

To those of us who have had our fill of World Crisis, thank you, it's a comfort to have a president who can carry off a foreign-policy coup like last week's without much ado. Such a performance may not feed the intelligentsia's craving for style, drama, conflict, and lights, camera, action! But it certainly makes life safer for the rest of the world.

Peace, it's wonderful—and if the cost of admission is a little boredom, it's cheap at the price.

THE PUBLIC SERVICE EDUCATION ASSISTANCE ACT OF 1989 (H.R. 2544)

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 6, 1989

Mr. GILMAN. Mr. Speaker, as ranking minority member of the Post Office and Civil Service Committee, I have participated in a series of hearings held by our committee concerning the recommendations of the National

Commission on Public Service. The Volcker Commission, named for its chairman, Paul Volcker, detailed the critical state of affairs facing our Federal civil service. The Commission submitted to the President and Congress a comprehensive list of recommendations for improving the state of public service. Among those recommendations were goals to rebuild student interest in Federal employment by recruiting the very best candidates and opening new channels of communications with America's college students.

In this vein, I am introducing, along with the distinguished chairman of our committee, the gentleman from Michigan [Mr. FORD], H.R. 2544, aimed at implementing the goals of the Commission by making the Federal Government an employer of first choice for many of our Nation's finest students. This measure would allow Federal agencies to repay all or part of a Federal student loan of a potential college recruit in exchange for a period of Government service. In addition, I am including in the legislation provisions relating to agency reimbursement for employee degree training expenses in order to enhance the Federal Government's competitive efforts in retaining exceptional employees.

Specifically, section 2 of the bill allows exceptions from the current law which bars training or the repayment or reimbursement of the costs of training the purpose of which is to enable an employee to obtain an academic degree. Under regulations prescribed by the Office of Personnel Management, an agency may provide training or payment or reimbursement of the costs of degree training in order to assist in the recruitment or retention of employees in shortage or critical skills occupations.

Section 3 provides that a Federal agency or department may repay all or part of certain student loans owed by, or made on behalf of, highly qualified recruits for professional, technical, or administrative positions in the Federal civil service. Repayment shall be from funds already appropriated at the time of appointment. As a condition of loan repayment, the individual must agree in writing to a period of Federal service of not less than 3 years and maintain an acceptable level of performance for the period of loan repayment.

Mr. Speaker, this bill represents a combination of different proposals. I am indebted to my good friends and colleagues, the ranking minority member of the Subcommittee on Federal Services, Post Office, and Civil Service of the Senate Committee on Governmental Affairs, Senator TED STEVENS, and the chairman of that subcommittee, Senator DAVID PRYOR, for their efforts in formulating and drafting major provisions of this bill. In addition, I commend the Office of Personnel Management for its foresight in submitting legislation to the Congress regarding tuition assistance for Federal employees.

The Volcker Commission outlined serious problems in the Federal civil service. My good friend, the chairman of our Committee on Post Office and Civil Service, has presided over many hours of testimony demonstrating this fact.

The measure I am introducing today represents a first step in addressing many of the serious issues raised by the Commission and presented before our committee. I know the committee will be weighing several legislative options following conclusion of the Volcker Commission hearings and I hope that introduction of this legislation will contribute to this important process.

Mr. Speaker, we can no longer afford to ignore the critical state of Federal compensation and benefits. Accordingly, I invite all of our colleagues to join us in efforts to improve and reinvigorate the civil service by sponsoring this legislation. The full text of this bill and a section-by-section analysis follow:

H.R. 2544

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Public Service Education Assistance Act of 1989".

SEC. 2. DEGREE TRAINING.

Chapter 41 of title 5, United States Code is amended—

(1) in section 4107(c) by striking "This" and inserting the following: "Except as provided in subsection (d) of this section, this"; and

(2) by inserting after section 4107(c) the following:

"(d) Under regulations prescribed by the Office of Personnel Management, an agency may provide training or payment or reimbursement of the costs of training that would not be allowable under subsection (c) of this section in order to assist in the recruitment or retention of employees in shortage or critical skills occupations.".

SEC. 3. REPAYMENT OF STUDENT LOANS FOR CERTAIN FEDERAL EMPLOYEES.

(a) GENERALLY.—Chapter 53 of title 5, United States Code, is amended by inserting after section 5375 the following:

"§ 5376. Repayment of student loans for certain employees

(a) The head of any department or agency may repay all or part of a student loan, as provided in subsection (b), from funds appropriated and available at the time of such repayment for an employee appointed to a position that requires highly qualified professional, technical, or administrative personnel.

"(b) A student loan repayment under this section may be for—

"(1) any loan made, insured, or guaranteed under part B of title IV of the Higher Education Act of 1965;

"(2) any loan made under part E of title IV of the Higher Education Act of 1965;

"(3) a health education assistance loan made or insured under part C of title VII of the Public Health Service Act or under part B of title VIII of such Act; or

"(4) any student loan made, insured, or guaranteed by a State government.

"(c) An employee whose student loan is repaid under this section shall sign a written agreement that—

"(1) includes the period of Federal service to be served by such employee as determined by the head of a department or agency and such employee;

"(2) requires, as a condition of repayment, that such period of Federal service is not less than 3 years;

"(3) includes the amount of the student loan (or portion thereof) to be repaid by the department or agency, consistent with the terms of the employee's student loan agreement with the lender;

"(4) requires that an employee whose loan is repaid by a department or agency shall—

"(A) maintain an acceptable level of performance for the period of loan repayment; and

"(B) resume repayment (in lieu of the department or agency) according to the terms of the original loan agreement with the lender, if such employee fails to meet an acceptable level of performance as determined by the head of the department or agency; and

"(5) provides that if an employee is separated from Federal service before the end of the period such employee agreed to serve—

"(A) the department or agency shall cease repayment of the student loan of such employee; and

"(B) the employee shall resume repayment thereafter in accordance with the terms of the original student loan agreement with the lender.

"(d) If a portion of a loan is repaid under this section for any year, interest on the remainder of such loan shall accrue and be paid in the same manner as is otherwise required by the terms of the original student loan.

"(e) Nothing in this section shall be construed to authorize refunding any repayment of a loan.

"(f) The repayment of a loan under this section shall be in addition to any pay an employee would otherwise receive for a position and shall not be considered or construed as compensation."

(b) TABLE OF SECTIONS.—The table of sections for chapter 53 of title 5, United States Code, is amended by inserting after the item relating to section 5375 the following:

"5376. Repayment of student loans for certain employees."

SECTION-BY-SECTION ANALYSIS

SECTION 1. Short Title. "Public Service Education Assistance Act of 1989".

SEC. 2. Degree Training. Amends section 4107 of title 5, United States Code, to add a new subsection (d) to allow exceptions from the current subsection (c), which bars training or the repayment or reimbursement of the costs of training the purpose of which is to enable an employee to obtain an academic degree. The new subsection (d) provides that, under regulations prescribed by the Office of Personnel Management, an agency may provide training or payment or reimbursement of the costs of training not allowable under subsection (c) in order to assist in the recruitment or retention of employees in shortage or critical skills occupations.

SEC. 3. Repayment of student loans for certain federal employees. Amends Chapter 53 of title 5 by inserting after section 5373 a new section 5376.

Section 5376(a) provides that a Federal agency or department may repay all or part of certain student loans owed by, or made on behalf of, highly qualified recruits for professional, technical, or administrative positions in the Federal civil service. Repayment shall be from funds already appropriated at the time of appointment.

Section 5376(b) limits this repayment authority to student loans made under parts B and E of title IV of the Higher Education Act. These parts encompass Guaranteed Student Loans (GSLs), Supplemental Loans for Students, PLUS loans (loans for parents of dependent students), and Perkins Loans (direct loans to students in institutions of higher learning). Health education assistance loans made under part C of title VII of

the Public Health Service Act are also covered, as are loans made, insured or guaranteed by a State Government.

Section 5376(c) imposes certain obligations upon an individual appointed to the civil service whose student loan is to be repaid under this section.

Subsections (1) and (2) require, as a condition of loan repayment, that the individual agree in writing to a period of Federal service of not less than three years; the service commitment made by the employee corresponds to the period of loan repayment by the agency.

Subsection (3) specifies that the written agreement include the portion or amount of the student loan to be repaid by the government, and the period of its repayment. This subsection also requires that the service/repayment agreement between the employee and the agency be consistent with the terms and conditions of the employee's original student loan agreement with the lender.

Subsection (4) requires, as a condition of continued loan repayment by the government, that the employee agree to maintain an acceptable level of performance (as determined by the employing agency) for the period of loan repayment. If at any time during that repayment period the employee's performance is determined to be unacceptable, the agreement specifies that the employee (or in the case of a parent borrower, the parent) will repay the balance of the loan according to the terms of the original loan agreement with the lender.

Subsection (5) requires the employee (or the parent borrower) to resume loan repayment upon the employee's separation from government service, if such separation occurs before the expiration of the employee's service/repayment agreement.

Section 5376(d) provides that if any agency repays a portion of an employee's loan in any given year, any interest on the remainder of that loan accrues and is paid by that agency (or parent borrower) according to the terms of the original student loan.

Section 5376(e) specifically precludes an employee, former employee, or parent borrower, from receiving a refund from a lender of any loan repayment made by an agency under this section.

Section 5376(f) states that an agency's loan repayment made under this section is not to be considered as part of that employee's compensation for government service.

TED KUSNIERZ, OUTSTANDING PUBLIC SERVANT, TO RETIRE

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 6, 1989

Mr. SOLOMON. Mr. Speaker, Please join me today as I recognize one of the finest and most dedicated public servants I've ever met on the occasion of his retirement.

Theodore T. "Ted" Kusnierz is retiring as deputy director for field operations of the New York State Division of Probation and Correctional Alternatives. His last position represented the culmination of more than a quarter-century of unswerving professionalism and increasing responsibilities.

Mr. Kusnierz rose through the ranks rapidly, from parole officer to probation administrator until being placed in charge of field offices in New York City, Albany, Syracuse and Buffalo. Throughout his career, he mastered every facet of corrections, parole and probation work, from top to bottom, and always with compassion and intelligence.

His accomplishments include creating the first State-operated and financed probation agency in New York State, and demonstrating that a regional concept of delivering probation service was quite feasible.

He was much in demand to speak on the topic of probation at colleges throughout the Northeast and still found time to help raise six children.

Mr. Speaker, my measure of an outstanding citizen is community involvement. On top of his busy career and family life, Ted Kusnierz found time to do volunteer work with retarded children and to be active in local Elks and Rotary Clubs.

Knowing Ted, I'm sure that after his June 7 retirement, he won't slow down at all, but will spend more time enriching his community with his leadership and varied talents.

His colleagues and friends will be honoring him at a June 15 retirement party. Mr. Speaker, let us salute Ted Kusnierz and give him our best wishes after an outstanding career of public service.

COLLEGE OF IDAHO SKI TEAM

HON. LARRY E. CRAIG

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 6, 1989

Mr. CRAIG. Mr. Speaker, it is no secret that some of this Nation's best skiing lies in the mountainous Northwest, particularly in my State of Idaho. However, one great skiing area in Idaho deserves more recognition than any other—the College of Idaho.

Coached by Tom Olson and Chris Melgaard, the College of Idaho's ski team finished the season as the Nation's best. With a first-place finish by the women and third-place finish by the men, the team's combined placings in Alpine and Nordic events could not be matched. The National Collegiate Ski Association hosted the championships at Lake Tahoe.

The team was honored with five all-American selections. They were Eric Jensen of Boise, Joel Harrison of McCall, Caroline Curl of Idaho Falls, Brent Labounty of British Columbia, and Karen Nall of Colorado.

Mr. Speaker, as I have stated on this floor before, Idaho has much to be proud of. The College of Idaho's ski team must certainly be counted among Idaho's most prized gems.

IMPROVING OUR TECHNOLOGY PERFORMANCE

HON. MICHAEL A. ANDREWS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 6, 1989

Mr. ANDREWS. Mr. Speaker, we stand on the threshold of a key decade for the United States. The 1990's will determine if the United States enters the 21st century as the unchallenged leader of the free world with an economy second to none or whether we will continue in decline with Japan and a united Europe usurping the economic and political roles which have been ours since 1945.

As we enter the 1990's we are in the midst of an emerging global economy in which the ability to create and use technology is what counts. The accelerating pace of technological change will place increasing demands on the engineering profession. Abundant natural resources, a key building block for U.S. prosperity, will not guarantee prosperity in the 1990's and beyond.

There are many and mounting concerns about our ability to compete and thrive in this emerging economy. Competitiveness is the key buzzword in Washington today, finding its way into debates on nearly every subject and providing plenty of grist for the mills of the think tanks and the public policy institutes.

Competitiveness can be both a vague and an all-encompassing concept. But what it boils down to is rather simple—our future economic well-being. If we cannot compete successfully against Europe, Japan, Korea, Brazil, and others in the next decade, our standard of living will suffer.

There are many things we must do to improve our competitiveness: eliminate the Federal budget deficit, insist on a more open and fairer international trading system, significantly increase our savings rate. Accomplishing these goals, as difficult as that may be, will not be enough, however. Of at least equal importance is improving our ability to commercialize technology and strengthening the U.S. technology infrastructure.

U.S. technological leadership is under siege. In industry after industry, foreign competitors have made deep inroads into markets pioneered and once dominated by American companies. We have almost no consumer electronics industry to speak of anymore and our machine tool and semiconductor industries are in serious trouble. Our leadership in supercomputers is threatened.

The quality of U.S. science is not in question. U.S. citizens have won more than half the Nobel prizes in the 1980's. It is our ability to rapidly commercialize new innovations where we are losing ground. To put it bluntly, foreign companies, backed by their governments, are beating our pants off.

The primary responsibility for commercializing technology in our society rests with the private sector. Recent studies, including the very interesting and well-researched report by MIT entitled "Made in America," place most of the blame for our loss of manufacturing prowess at the doorstep of U.S. industry, which too often adopts outdated strategies, suffers from a short-term time horizon, and neglects human resource.

The Federal Government can and should play a more active role in the commercialization process. The traditional position of the U.S. Government, that of seeking a level playing field for fair global competition with governments acting as impartial judges, is losing its viability. We are involved increasingly in a global brawl with governments running interference for their companies, not as impartial judges.

A key priority to improve our technology performance must be to raise the level of attention to technology issues in the policymaking process. Technology issues should be carefully considered in determining broader economic and regulatory policy, rather than treated as a residual concern. This was the intention of Congress in creating the position of Under Secretary of Commerce for Technology in the Omnibus Trade and Competitiveness Act last year. Revitalizing the White House Office of Science and Technology Policy and raising the rank of the Director of that office would also facilitate the Government's ability to merge science and technology issues with broader economic policy.

The Federal Government could also stimulate technology performance by enacting a permanent research and development tax credit. This is an issue I have devoted considerable effort to as a member of the Ways and Means Committee. A permanent tax credit for increased R&D would stimulate more R&D by U.S. industry. Companies that are experiencing economic problems would be encouraged to maintain long-term investments they might otherwise forgo during the hard times. Investments in important projects may be speeded up as well. This can be crucial to success in a marketplace where a short lead over the competition can make or break a venture.

Other nations provide substantial incentives for research and development. Twenty-five percent of the tax benefits in the Japanese tax code are allocated to research and development incentives. France, Germany, Canada, and many others also provide substantial tax benefits to support research and development. If we provide less, our companies operate at a competitive disadvantage.

Of even greater importance than the areas I have already mentioned, however, are the issues of education and training. Without sufficient scientists, engineers, and skilled technical workers—our human infrastructure—we will not be able to expand our R&D efforts to meet the competitive challenge.

In the United States we now have about 700,000 lawyers and slightly more than 1,700,000 engineers. In Japan on the other hand, there are more than 6 million engineers and a mere 18,300 lawyers. While the number of Japanese engineers may include many technical personnel we would not classify as engineers, the magnitude of the difference is clear. Many would say the Japanese have a more appropriate ratio of engineers to lawyers than we do and judging by Japanese economic performance, they may be right.

Mr. Speaker, all too familiar are studies showing the poor performance of U.S. students at all age levels on math and science compared to students in other developed and even some developing countries. These test results should come as no surprise, however, when you consider that perhaps 60,000 math and science teachers in our high schools are not fully qualified to do their jobs, according to the National Science Foundation. The National Science Foundation estimates that by 1995 the United States will need 300,000 additional secondary school math and science teachers.

The situation is no better at the university and graduate school level. Perhaps as many as 1,800 engineering faculty positions are vacant at our colleges and universities. At the same time, a decreasing percentage of American students are interested in pursuing careers in science and engineering. Between 1982 and 1987, the percentage of entering college freshmen showing an interest in majoring in engineering fell by one-quarter from 12 percent to 9 percent.

Foreign students have been filling much of this gap. About 40 percent of the students in graduate engineering programs in this country are foreign nationals, as are half of our university engineering professors under the age of 35. Without these foreign nationals, the shortage of qualified engineers in industry and our universities would be devastating. But many foreign students and professors eventually return home so the United States does not get the full benefit of their training.

The shortage of qualified scientists and engineers appears likely to worsen. With the decreasing number of college age students and a declining percentage of those students choosing careers in science and engineering, the National Science Foundation predicts the shortage of qualified scientists and engineers may reach half a million by the year 2010.

It is clear the United States must increase its investment in the people, equipment, and facilities that constitute our technical infrastructure. The Congress has taken a number of actions in this area. The 1988 Trade Act contains several programs to augment our math, science, and engineering education. These include creating partnerships among businesses, professional associations, schools and State educational agencies to improve instruction in mathematics and science at the elementary and secondary school level and the modernization of academic research facilities and college science instruction through the National Science Foundation.

The School Improvement Act of 1987 extends and expands earlier legislation providing assistance to improve education at all levels for engineering, technical, and scientific personnel and to encourage the creation of new engineering, technical, and scientific jobs.

The National Science Foundation is expanding its Engineering Research Centers Program. This important program brings together experts from different fields to develop and improve fundamental engineering knowledge to enhance U.S. industrial competitiveness.

Much more needs to be done to enhance our human infrastructure. I heartily endorse the five-part program recommended by the Council on Research and Technology to restore America's scientific and technical work force. Coretech's recommendations include:

Bolstering elementary and secondary school math and science education;

Substantially increasing Federal support for undergraduate and graduate education in science and engineering;

Expanding programs to increase the percentage of women and minorities in our scientific and technical work force. The importance of this recommendation is apparent when you consider that by the turn of the century 80 percent of the new entrants to the work force will be women and minorities.

Supporting and stimulating career-long continuing education opportunities; and

Fostering communication and collaboration among government, industry, and the educational community.

There are other avenues we should explore. I think inducements for engineers and other technical personnel to teach at schools and universities to help overcome the shortage of teachers in the scientific disciplines make a lot of sense. We should also try to find money in the Federal budget to assist universities keep their facilities and instrumentation up-to-date. A 1986 study by the White House Science Council estimated that $10 billion over a 10-year period as needed to restore research facilities at U.S. universities to an adequate level.

There is no quick fix. We need a long-term commitment by Government, at the Federal, State, and local level, by industry, and by our educational institutions to foster an expanded research and development effort and improve the quality of our technical education.

I am hopeful President Bush will play an increasingly aggressive leadership role on these issues. The President should be urging the best young minds in this country to pursue careers in math, science, and engineering. There is no Sputnik to serve as a rallying cry for expanded research and development efforts. But the threat to our future prosperity should we neglect today's technological challenges demands no less of an effort than we extended to put men in space and on the Moon.

HONORING THE RETIREMENT OF WILLIAM J. RUSHFORD

HON. DENNIS M. HERTEL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 6, 1989

Mr. HERTEL. Mr. Speaker, I would like my colleagues to join me in acknowledging the retirement of William J. Rushford.

Mr. Rushford has faithfully served the electrical industry for 46 years. He started his illustrious career as an apprentice helper in 1942. He then was initiated into local 58 in October of 1947.

After many years of hard work, William Rushford was elected to the union's executive board in 1964 and again in 1968. He was also a business agent from 1967 to 1972.

Following in his father's footsteps, William Rushford became president of his union in 1975. He held this office until the end of 1976; he and his father Robert had the distinction of being the only father-and-son team to hold a political office in the history of the union. In 1977, Mr. Rushford became the assistant administrator of I.B.E.W. Local 58 Insurance Fund Office through September of 1988.

In addition to his administrative positions, Mr. Rushford also served on many committees. He served on the committees of education, pension, and entertainment. He also coached and played on the local baseball team.

Mr. Rushford has also proven himself an outstanding member of his community. He has been an active member of St. Mary's of Redford Dads Club, the Knights of Columbus, and the Elks. He has also been referred to as the

area's greatest promoter of events for the handicapped.

My dear colleagues, I ask that you join me in congratulating William J. Rushford for his many years of dedication to local 58 and his continued commitment to community service.

CUBAN-SPONSORED VIOLENCE

HON. CHUCK DOUGLAS

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 6, 1989

Mr. DOUGLAS. Mr. Speaker, the recent upsurge in violence in El Salvador by the Farabundo Marti National Liberation Front [FMLN] has once again highlighted Cuba's unabated support of subversion and terrorism in the Western Hemisphere.

Fidel Castro's continuing commitment to exporting revolution—evidenced in the factsheet compiled by the Cuban American National Foundation below—raises serious questions regarding Cuba's re-entry into the inter-American community. These events demonstrate that Castro continues to pursue the same policies which led to Cuba's expulsion from the Organization of American States in 1962.

CUBAN-SPONSORED VIOLENCE 1989

On May 1, 1989, President George Bush demanded that Cuba and Nicaragua stop a recent flow of arms to guerrillas in El Salvador and Guatemala. Indeed, the evidence is compelling that promoting and supporting terrorism and subversion in Latin America continues to be a central component of Cuban foreign policy. Below is a sampling of terrorist incidents this year in Guatemala, El Salvador, Honduras, Argentina, Colombia, Peru, and Chile, perpetrated by groups which receive support from Fidel Castro's Cuba. This information—by no means inclusive—is based primarily on Associated Press and other wire service reports.

On January 9, 1989, the Guatemalan National Revolutionary Movement (URNG) announced that during 1988 they had killed or wounded 2465 military personnel and had carried out 1161 armed attacks. No mention was made of the number of civilians also killed in their attacks.

On January 12, 1989, in San Salvador, El Salvador, the Farabundo Marti National Liberation Front (FMLN) bombed the home of relatives of Congressional Vice-President Sigifredo Ochoa Perez causing property damage to the home.

Note: The New York Times reported on January 9, 1989, that at least 35 mayors resigned in the previous four weeks after eight others were killed in a nationwide offensive against civilian authority by the FMLN.

On January 19, 1989, Guatemalan soldiers were dispatched to the towns of Jerez and Atescatempa on the El Salvadoran border because of FMLN incursions into Guatemala and reports the guerrillas assaulted townspeople in order to obtain food and supplies.

On January 20, 1989, the FMLN detonated car bombs in front of the headquarters of the National Police in San Salvador, El Salvador. The attack left one civilian dead and four injured. The terrorists also tossed three bombs into the interior of the building causing property damage.

On January 24, 1989, a day after a guerrilla attack on an Argentinean military base, in which eight soldiers and two policemen were killed, the Argentinean newspaper *Ambito Financiero* published excerpts from a 1987 secret government intelligence report that revealed leaders of the Everyone for the Country Movement, suspected of taking part in the attack, maintained contacts with officials from the Cuban Embassy in Buenos Aires. Argentine Foreign Minister Dante Caputo also revealed some of the guerrillas "have been in Nicaragua in the last few years."

On January 25, 1989, in Tegucigalpa, Honduras, retired Honduran General Gustavo Adolfo Alvarez Martinez was machinegunned to death by members of the Popular Movement for Liberation (*"Cinchoneros"*).

On February 2, 1989, in the city of Arauca, Colombia, eight soldiers were killed and 12 people were injured when the National Liberation Army (ELN) exploded a bomb inside a truck carrying military and civilian personnel.

On February 7, 1989, in Tegucigalpa, Honduras, The *"Cinchoneros"* claimed responsibility for the bombing of the Honduran Telecommunications Center (Hondutel).

On February 9, 1989, in Lima, Peru, guerrillas from the Tupac Amaru Revolutionary Front (MRTA) killed three civilians and two police officers with simultaneous bombings and assassinations, including the brutal murder in the coastal city of Barranca of a police commissioner, Ulises Jimenex Alegria, who was shot in front of his family.

Note: In eight years, violence perpetrated by the Peruvian MRTA and the *Sendero Luminoso,* has claimed nearly 3000 lives and caused $9 million in property damage.

On February 11, 1989, forces from the Colombian ELN attacked an oil producing installation and battled with the army for five hours after the attack. During the attack the guerrillas killed five soldiers, injured four, and took 11 hostages.

Note: In Colombia, the FLN has carried out a campaign to obstruct oil production that has resulted in a $19 million loss in revenue.

On February 13, 1989, in an area of Colombia known as Bacaz de Guamal, the ELN attacked a ferry boat carrying passengers and food and left five people dead and 15 injured.

On February 16, 1989, the FMLN attacked the barracks of the Sixth Infantry Brigade in the El Salvadoran city of Usulutan causing extensive property damage. The FMLN also attacked military positions in the central parts of the country causing 18 deaths and 20 injuries among soldiers and civilians.

On February, 16, 1989, in Bogata, Colombia, the ELN killed 30 civilians in an armed attack on two barges.

On February 21, 1989, the FMLN detonated two powerful car bombs outside the headquarters of the First Infantry Brigade, killing two people and damaging twenty nearby houses.

Insight magazine reported on April 24, 1989, that the Venezuelan President Carlos Andres Perez is holding Fidel Castro responsible for instigating three days of rioting that rocked Caracas in late February, in which 300 people died and thousands more injured.

On March 1, 1989, the FMLN attacked the town of Santa Rosa de Lima, killing at least two soldiers and wounding seven. They also destroyed a coffee processing plant in Nejapa causing an estimated $100,000 in damages.

On March 4, 1989, a URNG faction occupied two coffee farms in southern Guatemala and burned administration offices and machinery causing damage worth $50,000.

On March 14, 1989, in the Peruvian city of Pichanacki, 100 guerrillas from the MRTA killed three police officers in two attacks on a police station.

On March 16, 1989, the FMLN threatened to attack any vehicles on Salvadoran roads, bringing the country to a virtual standstill three days before the scheduled national elections.

On March 18, 1989, the MRTA bombed the Venezuelan Embassy in Lima, Peru, causing extensive property damage.

On March 23, 1989, in the Peruvian cities of Huancay and Zappallanga, the MRTA attacked two police stations, killing two officers and injuring seven others.

On March 23, 1989, in Lima, Peru, the MRTA bombed three buildings and, in the city of Ayachucho, executed 11 people.

On March 29, 1989, in Lima, Peru, the MRTA exploded a bomb in a restaurant, causing extensive property damage.

On April 1, 1989, eight soldiers were killed in a bombing carried out by the Colombian ELN guerrillas in the city of San Alberto.

On April 2, 1989, the Colombian ELN kidnapped Senator Salcedo Baldron and two journalists.

On April 4, 1989, guerrillas from the FMLN bombed three factories in San Salvador, El Salvador, resulting in two deaths and six injuries. The FMLN also attacked a military position in Ilobasco killing one police officer and injuring another.

On April 11, 1989, in Santiago, Chile, the Manuel Rodriguez Front (FPMR) exploded a bomb in a lavatory in the Treasury Department injuring two people. At the time of the blast, there were 500 people in the building.

On April 14, 1989, the El Salvadoran government announced that the FMLN was responsible for a bomb attack on a government office in the capital of San Salvador which injured four police officers and one civilian.

On April 14, 1989, the President-elect of El Salvador, Alberto Christiani, attributed a bombing attack on the home of Vice President-elect Francisco Merino to the FMLN.

The Associated Press released data on April 14, 1989, that revealed in the first twelve days of April, the FMLN carried out terrorist attacks on 5 factories, 12 government offices, and two coffee processing plants, along with its usual attacks on military installations.

On April 15, 1989, the Colombian ELN kidnapped Congressman Pastor Nino Villamizar, and Toledo Mayor Hernando Prada Gonzales.

Note: In April of 1989 alone, the Colombian ELN kidnapped three congressmen, five journalists, four oil engineers, and three political activists.

On April 16, 1989, approximately 50 guerrillas from the Colombian ELN attacked a prison in the city of Ocana and released 10 fellow guerrillas.

On April 19, 1989, in Santiago, Chile, the FPMR attacked an electrical plant and exchanged gunfire with police. The attack caused a one hour city-wide blackout.

On April 19, 1989, The FMLN is accused of assassinating Salvadoran Attorney General Roberto Garcia Alvadora, by placing a bomb on the roof of his car in downtown San Salvador.

On May 4, 1989, a booby-trapped FMLN poster killed four civilians and wounded twenty others in the El Salvadoran village of La Zorra.

CONGRESSIONAL CALL TO CONSCIENCE VIGIL FOR SOVIET JEWS

HON. THOMAS J. MANTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 6, 1989

Mr. MANTON. Mr. Speaker, we are fortunate to be Americans. For more than 200 years our Constitution has ensured every American is free to worship in whatever manner he or she pleases. We must not forget, however, there are people all over the world who are denied the basic human right to freely practice their religion. Historically, the people of the Jewish faith have long endured persecution because of their religion. This persecution did not end with the Nazi Holocaust, but rather endures today.

Mr. Speaker, in the Soviet Union, Jews face religious and cultural persecution every day. For example, Jews are routinely denied equal educational opportunities and are the only minority group to which the Soviet Government does not guarantee cultural freedom. Furthermore, the Soviet Government forbids any books to be printed in Hebrew and makes it a crime for Jews to teach their faith to their children.

Mr. Speaker, it is not surprising that so many Soviet Jews wish to emigrate, despite the fact that people applying for emigration risk losing their jobs and suffering harassment. The problems these refuseniks encounter trying to emigrate are well known. Although the right to emigrate freely has been repeatedly recognized by the international community as an important human right, this right continues to be denied Soviet Jews.

Mr. Speaker, I became personally aware of the problems many refuseniks face through my involvement in the case of Gregory Solomonsvich Gimpelson. Mr. Gimpelson's difficulties in emigrating typify the problems unfortunately common among Soviet Jews. Since 1978, when his wife and son arrived here, Gregory Gimpelson worked to obtain a visa to emigrate to join them here. I became aware of Gregory Gimpelson's case because his wife, Bronislava, lives in my district. During the 11 years of their separation, Bronislava Gimpelson worked tirelessly to win her husband's release. During the period from 1977 to 1989, Gregory Gimpelson was denied an exit visa 20 times.

I know many of my colleagues are familiar with Mr. Gimpelson's case because they have joined me in sending letters to Soviet President Gorbachev on Mr. Gimpelson's behalf. I am pleased to say that in January of this year, Gregory Gimpelson was finally allowed to leave the Soviet Union. Earlier this year, Mr. and Mrs. Gimpelson were the guests of honor at a congressional reception. While this was certainly a joyful occasion for me and the Gimpelson family, I know the Gimpelsons would want me to stress that there are many more refuseniks who are still waiting to emigrate. We must never forget there are approximately 370,000 Soviet Jews who have applied for visas and have never received them.

Mr. Speaker, many of us in Congress have been encouraged by the increased numbers of refuseniks allowed to emigrate this year but we cannot forget the thousands left behind. We have an exciting opportunity before us today to challenge Mr. Gorbachev to make good his pledge to improve human rights in the Soviet Union. Until there is evidence this has occurred, we cannot allow our hope for change to color our perception of the facts of life for Jews in the Soviet Union. As a country which prides itself on our freedom, let us continue to speak out for those who are denied their fundamental rights. Americans must continue to be the voice which speaks out against persecution wherever and whenever it occurs.

A SPECIAL HONOR TO RICK FRY, SPECIAL OLYMPIAN

HON. BRIAN J. DONNELLY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 6, 1989

Mr. DONNELLY. Mr. Speaker, after months of training, practice, and patience, the State of Massachusetts has a lot to be proud of, namely, for the Blue Devils floor hockey team that recently won the silver medal in the 1989 Winter Special Olympic games held in Lake Tahoe, NV.

Led by Rick Fry, from my district in Hyde Park, the Blue Devils may not have garnered the gold, but the team brought back to the Commonwealth something that has been missing from Boston sports teams for quite some time—satisfaction, accomplishment, and joy.

When they arrived back at Logan Airport, the team began singing their rallying cry: We couldn't have felt any better if we got first.

Rick and his teammates got to the finals by beating Canada 5–1, and Oklahoma, 5–2, but fell a little short to an oversized and very determined team from Denmark, 9–5. Although the competition was stellar, Vincent Fry, Rick's father, summed it up: The whole State of Massachusetts can be darn proud.

Not only did Rick lead the Blue Devils to the silver, but he placed sixth in the individual floor hockey competition in the over-22 division. Next year, Rick will be competing on the softball team for the Summer Special Olympics.

Mr. Speaker, I ask that the rest of my colleagues join me in honoring Rick Fry, his championship team, and the complete Special Olympic sports program.

TRIBUTE TO JOSEPH OLIVER

HON. JIM SAXTON

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 6, 1989

Mr. SAXTON. Mr. Speaker, I rise today to ask my colleagues to join with me today in paying tribute to a man who has dedicated over a decade of his life to the service of his community. Joseph Oliver has served the community of Willingboro, NJ, as a member of the board of education for 12 years. His commitment to providing a quality education for the children of Willingboro is exemplary.

The Board of Education of Willingboro will host a dinner this week to recognize Mr. Oliver's service. I would like to share with my colleagues the text of a resolution that will be presented at that dinner.

Whereas, Joseph Oliver has served the community of Willingboro through the Willingboro Township Public Schools for four, three-year terms of office having been elected to represent the community of Willingboro in 1971, 1975, 1980 and 1986; and

Whereas, Joseph Oliver has demonstrated his dedication to the school community of Willingboro as evidenced by his efforts in the course of his duties as a Board Member for those twelve years; and

Whereas, Joseph Oliver has demonstrated his leadership ability serving as President of the Willingboro Board of Education for the years 1973, 1976, 1977, and 1986 and as Vice President of the Board of Education for the years of 1972 and 1980.

Now, therefore be it Resolved, that the Willingboro Township Board of Education assembled this 24th day of April, 1989 hereby commends and extends its appreciation on behalf of the people of Willingboro to JOSEPH OLIVER for his efforts as a member of the School Board; and

Be it further Resolved that a copy of this resolution become an official record of the Willingboro Township Board of Education and that a certified copy of this resolution be presented to Joseph Oliver at the appropriate time.

Mr. Speaker, I invite my colleagues to join with me in praising the work of Joseph Oliver. The citizens of Willingboro, NJ, are better off for his service.

AMENDMENT TO PROHIBIT SAVINGS AND LOANS FROM CONTINUING TO BUY JUNK BONDS

HON. BYRON L. DORGAN

OF NORTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 6, 1989

Mr. DORGAN of North Dakota. Mr. Speaker, when the House considers the savings and loan bailout bill, I plan to introduce for myself and my colleagues an amendment that would prohibit any savings association whose depositors are insured by the Federal Government from investing in so-called junk bonds. It seems preposterous to us that Congress would bail out the thrift industry at such an enormous price tag, and yet turn a blind eye to the fact that some S&L's continue to acquire and hold junk bonds.

Junk bond investments are a foolish and dangerous game. There is no excuse for savings and loans whose deposits are guaranteed by the taxpayer to be throwing the dice by investing in junk bonds. Investments in the junk bond market by thrifts unnecessarily expose the American taxpayer to risk of loss since deposits are backed by the full faith and credit of the Federal Government. Furthermore, it should surprise nobody that a recent Harvard study has indicated that the risk of junk bond defaults is significantly greater than is acknowledged on Wall Street.

If Members of Congress have learned one thing during the current savings and loan

crisis, they cannot afford to ignore the problems that riddle our thrift institutions. This simple first step will reduce the risk of assets held by them.

The amendment takes a broad approach in its definition of junk bonds. For this purpose, the term junk bond means any corporate obligation that, first, is subordinated either to the claims of trade creditors or to a substantial amount of the corporation's unsecured debt; or second, at the time of issuance the yield to maturity is in excess of 135 percent of the applicable Federal rate, or any portion of the principle or interest payable is guaranteed by a nonaffiliated person or group; or third, has a below-investment-grade rating from a nationally recognized rating agency; or fourth, has other equity features.

Aside from the risky nature of junk bonds, thrifts have substantially increased their investment in junk debt issues used to finance the hostile takeover and break-up of some of our country's most productive and successful companies. In my judgment, junk bond financed takeovers threaten the very foundation of American history. I stress my belief that Congress must tell speculators that we will not allow them to pillage our companies for short-term profits at the expense of our national economy.

Nevertheless, Congress continues to implicitly reward takeover activity by permitting federally insured savings associations to invest in the same junk issues that fuel much of the takeover market. Moreover, we continue to extend favorable income tax treatment to the issuers of certain junk debt by providing them an immediate deduction for interest payments that are deferred and compounded for as many as 10 years in the future.

Again, the first step toward curbing the use of junk bonds is to prohibit all federally insured thrifts from investing in risky junk bonds.

I urge you to join me in this effort to stop thrifts from investing in junk bonds by supporting this amendment.

The full text of the amendment follows:

AMENDMENT TO H.R. 1278, AS REPORTED BY THE COMMITTEE ON BANKING, FINANCE AND URBAN AFFAIRS, OFFERED BY MR. DORGAN OF NORTH DAKOTA

Page 201, after line 22, insert the following new section:

SEC. 223. PROHIBITION ON INVESTMENTS BY INSURED SAVINGS ASSOCIATIONS IN JUNK BONDS.

The Federal Deposit Insurance Act (12 U.S.C. 1811 et seq.) is amended by inserting after section 30 (as added by section 222(b) of this Act) the following new section:

"SEC. 31. PROHIBITION ON INVESTMENTS IN INSURED SAVINGS ASSOCIATIONS IN JUNK BONDS.

"(a) IN GENERAL.—Except as provided in subsection (c), no insured savings association and no subsidiary of any insured savings association may acquire or retain any junk bond.

"(b) JUNK BOND DEFINED.—For purposes of this section—

"(1) IN GENERAL.—The term 'junk bond' means any obligation of a corporation evidenced by a bond, debenture, note, or certificate, or other evidence of indebtedness, if such obligation meets the requirements of 1 of the subparagraphs of paragraph (2).

"(2) REQUIREMENTS.—

"(A) SUBORDINATION.—An obligation meets the requirements of this subparagraph if principal or interest with respect to such obligation is—

"(i) subordinated to the claims of trade creditors of the issuing corporation generally, or

"(ii) subordinated to the payment of any substantial amount of unsecured indebtedness, either outstanding or subsequently issued, of the issuing corporation.

"(B) RATING IS BELOW INVESTMENT GRADE.—An obligation meets the requirements of this subparagraph if such obligation bears, at the time of its issue, a rating from any nationally recognized rating agency and such rating is below that agency's rating for investment grade obligations.

"(C) HIGH YIELD TO MATURITY.—An obligation meets the requirements of this subparagraph if—

"(i) such obligation, at the time of its issue, has a yield to maturity of more than 135 percent of the applicable Federal rate (as defined in section 1274(d) of the Internal Revenue Code of 1986) with respect to such obligation; or

"(ii) all or a portion of the principal or interest payable pursuant to the terms of such obligation is guaranteed by a person which is not a member of the affiliated group of corporations which includes the issuing corporation.

"(D) OTHER EQUITY FEATURES.—An obligation meets the requirements of this subparagraph if—

"(i) such obligation is by its terms at any time convertible into or exchangeable or redeemable for any property other than cash at the option of any person or otherwise;

"(ii) such obligation is part of an investment unit or other arrangement which includes, in addition to such obligation, an equity interest in any entity or an option to acquire, directly or indirectly, an equity interest in any entity, or

"(iii) the amount of, or due date for, any payment of principal or interest with respect to such obligation is, under the terms of such obligation, contingent.

"(3) AFFILIATED GROUPS.—All members of an affiliated group of corporations which includes the issuing corporation shall be treated in the aggregate, pursuant to regulations prescribed by the appropriate Federal banking agency, as the issuing corporation.

"(4) AFFILIATED GROUP DEFINED.—For purposes of this subsection, the term 'affiliated group' has the meaning given to such term by section 1504(a) of the Internal Revenue Code of 1986 (determined without regard to the exceptions contained in section 1504(b)).

"(c) TRANSITION RULE.—Notwithstanding subsection (a), any insured savings association, or any subsidiary of an insured savings association, which holds a junk bond on the date of the enactment of the Financial Institutions Reform, Recovery and Enforcement Act of 1989 may not be required, by the appropriate Federal banking agency, to divest such junk bond before the end of the 2-year period beginning on such date, unless the agency determines that the divestment of the junk bond by such institution or subsidiary is necessary (before the end of such period) to protect the safety and soundness of the insured savings association.".

HONORARY MEMBERSHIP IN THE JEWISH WAR VETERANS

HON. MICHAEL R. McNULTY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 6, 1989

Mr. McNULTY. Mr. Speaker, following are my remarks in accepting honorary membership in the Jewish War Veterans at its Capital District Council meeting on June 4, 1989, at the Turf Inn, Colonie, NY:

REMARKS BY CONGRESSMAN MICHAEL R. MCNULTY

It is with a deep sense of humility that I accept this great honor you bestow upon me—honorary membership in the Jewish War Veterans.

Being a part of this great organization confers a responsibility upon me: To constantly do all in my power to uphold the principles of the Jewish War Veterans and all veterans, and to continue my efforts—as I have done in my 20 years in public office and earlier—to uphold and defend human freedom and democracy at home and abroad.

Patriotism and devotion to liberty are not new concepts to the Jewish people. In our country, the fledgling Jewish community was in the forefront of the American Revolution and in subsequent conflicts at home and beyond our shores.

As I stand here, I think of this great tradition. I think of Francis Salvador of Charleston, SC—the "Southern Paul Revere"—the first Jew to die for our country in the Revolution.

I think of a 68-year-old Jew named Gomez, who petitioned the Continental Congress for "permission to form a military company." He argued that he "could stop a bullet as well as a younger man." But he was turned down because of age.

In the American Civil War, more than 6,000 Jews served in the Union armies—almost 2,000 of them were New York volunteers. And 1,000 were on the Confederate side.

In that conflict, seven Northern Jews won the Congressional Medal of Honor. One of them, Benjamin B. Levy of the 1st New York Volunteers, won it for saving the steamer *Empress*, which was under attack by the Confederate gunboat *Seabird*.

In the Spanish-American War in World War I, the Jews continued to distinguish themselves. In World War II, Jewish numbers in the American military forces had grown to more than 550,000.

Again, in World War II—a Congressional Medal of Honor for Lt. Raymond Zussman of Detroit who, single-handedly liberated a French town in the Rhone Valley, killing 17 German soldiers and capturing 92. Unfortunately, he later died in battle.

In Korea, in Vietnam. In every war, you were there. Your valor was rewarded with every medal within the power of the United States to give.

Loyal to the Jewish heritage, you fought as Americans. And as Americans, Jew and gentile alike, dedicated to freedom, democracy, and social justice we never have—nor ever shall—forsake these principles.

In doing so, we pray for the day, in the words of Jeremiah, when "every man shall sit in safety, underneath his own vine and fig-tree, and these shall be none to make him afraid."

I thank you again for this great honor.

LYNDON BAINES JOHNSON CONGRESSIONAL INTERNSHIP COMPETITION

HON. MARCY KAPTUR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 6, 1989

Ms. KAPTUR. Mr. Speaker, the Lyndon Baines Johnson Congressional Internship Competition has enabled a great many young men and women to experience, firsthand, the legislative branch of our Nation's Government. Each year, college-aged students and teachers with a keen interest in social studies or government are selected from across our Nation to participate in the day-to-day operation of a congressional office.

I would like to take this opportunity to read excerpts from papers submitted this year by students and, in one case, a teacher from Ohio's Ninth District for the LBJ Internship Competition in response to the topic: "The Most Important Issue Facing America Today." I think my colleagues will agree that these participants demonstrate a clear and creative vision of the issues which we must face as a nation and as the 101st Congress of the United States.

FIRST PLACE

Nathan Ray, a freshman at the American University, School of International Service stated that—

The most important issue which faces the U.S. today is the escalating drug crisis.

In his paper he highlighted the influence drugs have played in all sectors of our society. Nathan pointed out that—

The percentage of Americans who have ever tried an illicit drug was reported to be, as of 1985, between 35.1 and 38.7 . . . According to a report in the Toledo Blade on March 25, 1980, a survey conducted by cocaine researcher Dr. Mark Gold clearly establishes a link between crack-cocaine use and violent behavior. Nearly 50 percent of the callers to a nation-wide cocaine hotline acknowledged committing violent crimes or aggressive acts, ranging from murder and rape to robbery and child abuse.

Nathan further identifies the problems which the drug crisis has bestowed on our already overburdened criminal justice system:

The drug crisis also has discomforting implications for the already overloaded courts, jails, and hospitals in many American cities. Faced with an ever-increasing demand on their capacities to deal meaningfully with problems arising from drug abuse, they could soon be overwhelmed if the crisis continues to worsen. Toledo-Lucas County Juvenile Court Judge James Ray describes this sort of problem as it confronts the Lucas County Juvenile Detention Center. The capacity of the center is 65 persons, and this capacity has met or exceeded every month of 1988. The only difference between 1988 and previous years was the prevalence of crack-cocaine use. There were only four such cases in 1987, but during the following year the number jumped to 79. So far in 1989, the number of crack users committed during January and February has been double the number committed during the first two months of 1988. It is not difficult to see the incredible strain that will be put on the social services if these trends continue.

Nathan discussed the role of education in eliminating the threat drug abuse poses to our youth:

Education about the dangers of involvement with drugs and related activities must become the first priority in dealing with the crisis. It is by no means a "quick-fix," but ultimately it is the only solution. Punitive and corrective measures are not enough . . . While the child must certainly be made aware of the dangers of substance abuse, it is more important still to develop the child's self-esteem so that he will not succumb to peer pressure. A parent can accomplish this by encouraging independence—allowing the child to make decisions, to take responsbility for his own successes and to learn from his own mistakes. Children need to learn that it is dangerous and wrong to alter their minds through chemical means. The larger problem is the education of the parents. Adults need to understand how to bring up a child with a healthy self-image. The most effective way to reach adults is through their communities or in the workplace. Workshops sponsored by local agencies or the government to educate parents in ways to educate their children may be the best way to deal with the crisis. Much more needs to be done in this area than is currently being attempted. The key to heading off what could be literally a disaster is prevention through education.

Katherine McGraw, a sophomore at Yale University chose to highlight poverty and, in particular, homelessness as the most important issue facing our Nation. I would like to read an excerpt from her paper:

Tuesdays after school, I usually went to work at St. Paul's downtown Toledo's community center and shelter for the homeless. After a long day, sometimes I almost had to force myself to gather a group of friends and drive downtown. Sometimes only my sense of noblesse oblige, or the fact that a service project was an honor society requirement, would induce me to go. Usually three or four people would come along, and we would sit in the shelter's smoke-filled common dining room, talking, playing cards, telling stories, with the 20 or so shelter residents. They ranged in age from their early twenties to late sixties. People would drift in and out of the room, occupying folding chairs around long tables where they could roll cigarettes or watch the late afternoon television sitcoms. St. Paul's was a place they could find a hot meal and a warm bed to keep them from the bone-chilling December cold.

Every week or two, my friends and I would go downtown again. Many of the same residents would still be living in the shelter, but a few would be gone, some to their own living arrangements, some probably back out on the street. New faces would take their place.

This constant turnover made developing friendships difficult, but one or two people nearly always recognized us and asked when we would be back. In fact, I realized each time I came home how much I had enjoyed the visit . . . Homelessness is only one aspect of a much larger social problem, stemming from attitudes which label certain members of society as less valuable than others . . . The total number of homeless people in the United States is somewhere between 2 and 3 million, yet there are fewer than 100,000 temporary beds available in shelters.

Katie went on to propose that—

The homelessness problem must be addressed on three levels: shelters must be increased and upgraded, transitional housing and assistance must be provided, and affordable permanent housing units must be constructed.

She went on to emphasize the role of education in addressing the problems of the underclass:

In underclass households, over half the heads of families have less than a high school education. Not only will better education translate into better job skills and thus a better economic position for the poor, but education can confront such related issues as teenage pregnancy with better information about birth control, medical problems with instruction about health and nutrition, and drug abuse with programs to demonstrate the dangers and the alternatives. Education helps to solve specific problems like these, but more importantly, it provides people with a sense that they can solve any other problem which may arise.

Illness plagues underclass families at a rate out of proportion to their number. The problem of being unable to pay for sufficient health care creates another vicious cycle where illness leads to unemployment, which leads to a greater inability to obtain medical services. Very few employers offer affordable health insurance plans to their employees, resulting in a huge number of people who face financial catastrophe if they fall seriously ill. In 1984, three-fourths of workers from poor families held jobs where employers did not offer group health insurance. Although the Medicare and Medicaid programs were designed to assist the poor in paying for medical care, they have met with less success than was hoped, due in part to the rising cost of health care. Nevertheless, health is a basic condition of existence which makes any real standard of living possible. A society in which only those who can afford it are healthy has a disordered set of priorities.

Kathrine concluded:

The issue of poverty in the United States is more crucial than any other. On the one hand, it result from many causes, affects many groups of people, and requires many solutions. On the other hand, paradoxical as it may seem, only one approach will succeed. In all the varied efforts to combat poverty which are necessary, people must be treated, not just as people, but as valuable, worthy citizens. The nation is wasting its most valuable resource—human minds—and the problem is growing . . . Programs to help the poor must recognize their innate worth as human beings. Impersonal efforts may seem more cost-effective, but in the long run, treating the underclass as individuals, rather than as a huge bloc of less desirable creatures, will accomplish much more. These programs should attempt to instill in people the idea that society does value them just as much as anyone else.

Three applicants were selected as runners-up to serve 1 month in my downtown Toledo congressional office. They are the following:

Jason Malczewski in his paper discussed the national deficit as the "most important issue facing America." He states:

"It was the best of times, it was the worst of times." So wrote Charles Dickens in "A Tale of Two Cities" on the eve of the French Revolution . . . Under the Reagan Administration, we were brought out a severe recession and into a period of great economic growth. However, at the same time, a great economic evil was developing. No one was quite sure how or when this beast would strike, but nearly everyone, Monetarists and Keynesians alike, agreed that the practice of deficit spending would have to end . . . [Due to the deficit] we need to look at the overriding sense of nationalism that [the resulting] foreign investment is instilling in the public. We often hear about the economic effects a deficit can deliver, and that will be reviewed in the first part of this essay, but we often fail to realize the social consequences which may ensue.

Craig Bray, another runner-up, entitled his paper: "The Drug War in America." He states that:

Economic stress is not the only reason for drug abuse. The reasons that people choose to escape from reality are as numerous as the methods used to escape . . . data shows that a higher number of white middle class males are abusing drugs, while it is the minority males of low economic class trafficking drugs on the streets . . . The United States is in danger of developing a second tier to our society in which people will use drugs as income and as an escape from their bleak world.

This means that drug use is not a problem, but the result of one . . . We cannot stop a business executive who just wants to have a good time unless we raise the moral conscious of the country. All of the police and all of the government programs will be inadequate if people do not care. Caring for people is ultimately the morality that must come about. Until it does, we will always have a drug problem.

Stephen Buehrer, the final runner-up, discussed environmental abuse and waste disposal as the most important issue confronting the United States. In his paper he states:

The continued abuse of our land and water and the subsequent dilemma of waste disposal . . . make the threat to the environment and human life potentially disasterous . . . Where do we put the ever-multiplying waste of our modern society, and secondly, where are the effects on the environment of dumping?

In addition to those selected for first place and runners-up, there were several other very fine papers submitted which demonstrate the higher caliber of students and teachers Ohio's Ninth District is fortunate to have. Mr. Speaker, I would like to take this opportunity to cite these as well.

Martin E. Lawson: "A Winnable War?" He states:

America is facing a threat that seeks to rip the framework of this nation to shreds, destroying a foundation that has taken 202 years to erect . . . the trafficking and abuse of illegal drugs . . . this is, quite literally, a nation under siege. The scourge of drug abuse affects people of all walks of life, even the people of Toledo . . . In 1986, the Toledo police department made 217 arrests for drug violations compared to 347 in 1987, an increase of 59.9%. The value of illicit drugs seized has also increased dramatically. In 1986, $2,697,303 were confiscated. In 1987, the amount seized virtually doubled to $4,437,654 . . . If all people could only take heed of what deceased singer Ronnie Van Zant sang of drugs, "Oh, it will bury you boy."

Susan Woods entitled her paper: "The Next Four Years." She states that:

According to recent polls, people are not especially concerned with any national problems. Instead, emphasis is on finding ways of developing and expressing long-range interests and values. Morality lies at the center of contemporary American cultural and political concerns: Americans are concerned with building a new, integrated theory of virtue and ethical behavior.

Carol Reamer, OSU stated in her paper that—

Before we can effectively make those global decisions, we need to first look at ourselves from the inside. American society must reform itself if we are to remain a world power . . . Once we remember who we are, we'll tackle our problems of crime, drugs and alcohol, homelessness, unemployment, abuse and neglect with a force that will rock the world.

M.A. Wasserman discussed the family farm in America in danger of extinction as the most important issue. He stated in his paper that:

The surface of earth to be tilled is limited . . . The important relationship between the size of the land holdings and agricultural productivity has been debated intensely . . . I would suggest rapid Government action, both on the local and federal level to save the family farm from extinction. Expanding non-agricultural businesses should be encouraged to stay within the urban limits, so that prime farmland would not be utilized for industrial purposes.

Rock Garand entitled his paper: "The Drug Epidemic: Can America Win the War?" He states:

The prominence of drugs has created an upheaval of American society previously unknown to us. Lives and families have been devastated by them. A new criminal element has been created.

Steven Joel Erd, in his paper, comprised "An Analysis of the American Educational System." He emphasized that:

It is only with a well educated society and a well trained workforce that the United States can regain its prominence in world markets. Thus, only through improving the educational system through quality teachers, solid curricula, and sufficient funding at all levels can America address the most important issue facing her today.

John Gulliford entitled his paper: "The Fiscal Crisis of the Federal Government: An Institutional Analysis." John states that—

Although drugs, of course, are our most visible societal ill, there is a sleeping giant which rivals its destructiveness, the national debt . . . In actuality, the debt's underlying causation, as opposed to the debt by itself, is presenting the U.S. its biggest challenge in its 213 year history.

Kelly Ann Pool, in her paper, discussed the declining and its negative effects on our society today. She explains that—

The word "impermanent" . . . was never a term used to describe American society. "Change" meant a new President every several years, new laws to allow this country to grow and adapt to new circumstances, and advanced technology to keep America on top. In the fact of these changes, there was always stability, something for society to hold onto. What change has come to mean, however, is impermanence.

Shayne Thomas discussed in his paper the shift from a bipolar to multipolar world and its implications for the United States. He defines the main examples of this as—

The growing economic strength of Japan, an emerging China, a powerful European Community, the growth of the Asian newly industrialized countries, the control of oil prices by OPEC, and the proliferation of nuclear weapons." Shayne further emphasizes that "The most critical area in which the U.S. has lost its prominence is the energy industry . . . We must accept the role of the world's most important power instead of its only power. This multipolarcentric world will confront us with difficulties never before seen.

Mr. Speaker, this sampling of papers submitted for the Lyndon Baines Johnson Congressional Internship Program is a hopeful reflection of the young men and women responsible for paving America's future. I am proud of their contribution to our community and their creative foresight. With their active participation, we, as a nation, will be able to confidently meet the many important issues facing America now and into the 21st century.

A TRIBUTE TO HUBERT MERCER, A PILLAR OF THE MILTON COMMUNITY

HON. BRIAN J. DONNELLY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 6, 1989

Mr. DONNELLY. Mr. Speaker, it is with great pleasure that I rise today to pay tribute to a very special man, who has been serving people for years by providing affordable quality and convenience and instilling trust and unity in a community through the success of a neighborhood market.

Mr. Hubert (Bert) Mercer hails from Hyde Park, MA. Bert owns and operates The Milton Food Mart, which sits on the corner of Thatcher St. and Brook Rd. in Milton, MA. This location has been the site of a neighborhood variety store for the last 100 years. Bert Mercer's Food Mart has been there nearly 35 years.

Bert was literally born right in the family business, in an apartment in Burnley, England 75 years ago. The apartment was above a small shop which was owned and managed by his mother. Bert became a student of the corner store business as a toddler, trying to help his mother.

Bert went out on his own after 20 years working and managing other peoples' stores. When the opportunity for Bert to purchase his own market came about, he bought and started The Milton food Mart we know today.

Bert lives and works by ethics conducive to success, respect and admiration. He holds his customers in very high regard: "They are the best and greatest people I have ever met, I love them all." His philosophy has always been to offer the products at a fair price and he insists that all customers be treated with warmth, respect and honesty.

The traditional American neighborhood is continually vanishing. People like Bert Mercer help to perserve the sense of community among the people living in suburban localities. Bert himself is a reflection of the American family tradition and The Milton Food Mart is a reflection of the strength and character of its proprietor.

CONGRESSMAN HERTEL CONDEMNS VIOLENCE IN CHINA

HON. DENNIS M. HERTEL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 6, 1989

Mr. HERTEL. Mr. Speaker, I rise today to deplore the senseless violence of the Chinese Government and Army against the peaceful protesters in Tiananmen Square. This brutal repression of Chinese students and citizens will long be remembered as one of the most heinous and deplorable chapters in 20th century history. The soldiers fired indiscriminately on protesters seeking democracy and human dignity; and these Chinese martyrs were killed by the thousands.

Deng Xiaoping and Premier Li Peng will live in infamy as the "Butchers of Beijing." But the shockingly violent events of the past week have not killed the desire for democracy in the other Chinese people. We hear reports hourly of citizens seeking democracy by rising up in Chinese cities. In Chengdu, about 10,000 protesters confronted the police, and this wave of democracy has spread to at least half a dozen other cities.

It is a fatal mistake by the government to try to silence over 1 billion people, nearly one quarter of the world's population demanding democratic reforms. By attempting to silence their opponents through violence and repression, the Chinese Government has in fact awakened all of China to the desire of the students.

I strongly deplore the violence in China, and have cosponsored legislation by Congresswoman BARBARA KENNELLY which expresses the sense of the Congress that the American people support the Chinese in their struggle for democracy, liberty, and justice. This legislation also contains provisions to communicate with the Chinese Government that any further violence will have serious ramifications in United States-Chinese relations.

I also support the measured response taken by President Bush suspending all United States weapons sales to the Chinese, the suspension of all military contacts between military officials of the two nations, the extension of sympathetic visas to Chinese students in the United States who wish to remain in the United States, and immediate assistance to the Chinese people by the International Red Cross.

My dear colleagues, please join me in condemnation of the terrible violence and repression taken by the Chinese Government against its own people. Perhaps together, the United States and the World Community can convince the Chinese Government to end the senseless violence against the peaceful protesters.

THE MEANING BEHIND CLOSE-UP

HON. BILL RICHARDSON

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 6, 1989

Mr. RICHARDSON. Mr. Speaker, thanks to the Close-Up Program, I recently had an opportunity to meet in Washington with some outstanding Native American students from the Navajo Indian Reservation.

When the students returned to Pine Hill High School, one of the students, Clinton Martine, delivered an insightful speech to the student body about their trip. The students' teacher, John Collier, has written me a letter and sent me a copy of Clinton's speech.

I would like to insert into the CONGRESSIONAL RECORD for my colleague's perusal both Mr. Collier's letter and Clinton's speech entitled, "The Meaning Behind Close-Up."

PINE HILL SCHOOLS,
Ramah, NM, April 27, 1987.

Hon. BILL RICHARDSON,
House of Representatives,
Washington, DC.

DEAR CONGRESSMAN RICHARDSON: I would like to take this opportunity to thank you for your efforts in obtaining funding for the Native American Close-Up Program, and the time you spent with me and my students during our week in Washington DC. As a teacher of social studies I can verify that our Federal Government seems very far removed from many of my Native American students. Your time and effort changed this feeling for the seven students who were able to attend.

I sincerely believe that the Close-Up Program not only gives my students a real understanding of our Government, but also teaches them how truly important their participation in the democratic process is. My students have continued to stay aware of the issues facing our nation, and through their conversations have sparked an interest in other students that I have been unable to reach through text books, and other classroom materials.

I am enclosing a speech one of my students delivered in a high school assembly after our return from Washington DC. I feel he clearly expresses what the Close-Up Program has taught him and how important its continuation is. Again, I thank you for your hard work in helping this important program continue, and for the valuable time you spent with my students.

Sincerely,

JOHN T. COLLIER,
Social Studies Teacher.

"THE MEANING BEHIND CLOSE-UP"

"I know no safer depository of the ultimate powers of the society but the people themselves. And if we think them not enlightened enough to exercise their control with a wholesome discretion, the remedy is not to take it from them, but to inform their discretion by education."

—THOMAS JEFFERSON.

This was the basis for which the Close-Up foundation was created. We the people are this "ultimate power" of our government. But still many people insist on not becoming actively involved. Close-Up educates students to become active leaders in their local government and insists that the students should consider careers by holding office in the local, state, or Federal Government.

There are four major methods that Close-Up uses to teach us to use this "power" for our own benefit. The first way is through seminars with various key figures in our national government. These seminars give useful information on issues that are current in the government today. They also discuss what is being done to help solve these problems. They then open up the floor for questions that any of the students have pertaining to the topic being discussed.

The second way is through on-site visits of government offices throughout the Washington DC area. This gives the students an idea as to how and where our Government is working for us.

The third most important way is through role playing. They put students in simulated situations where each student plays a role as Supreme Court Justices, Senators, Representatives, and also as the President. This gives students an idea of what it feels like to hold these extremely important jobs, and the problems that arise from trying to please constituents.

The most important method is through workshops. Workshop involves students and a program instructor expressing ideas and opinions as to how they would run the government if given the chance, and how they think it is currently being run today. This is the most important part because everyone in these workshops are of similar backgrounds and they have similar views and interpretations that we as students can relate to.

I only wish that we could have spent more time in this program because it has given me a greater insight as to what and how the government is working for us, nationally, state wide, and locally.

WELCOME HOME PRESIDENT BUSH FROM THE NATO SUMMIT

HON. JACK BUECHNER

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 6, 1989

Mr. BUECHNER. Mr. Speaker, I ask my colleagues today to join me in extending to President Bush our congratulations on his triumphant return from NATO's 40th anniversary summit. Hailed as a success by all of the major participants, it reinforces the bonds of cooperation necessary for the perpetuation of the world's oldest and strongest alliance of democratic nations.

President Bush's proposals should silence those critics who just last week were castigating the President for having failed to respond to the seemingly endless parade of Soviet initiatives. With this return volley, President Bush has shown that he is willing to counter style with substance by putting the Soviets to the test on meaningful arms reduction.

His proposed postponement on the modernization of the short-range missiles in West Germany until conventional arms reductions are underway, was a masterful response to a seemingly intractable problem. It underscored his sensitivity to West German concerns, as well as a refined understanding of the nuances of alliance politics. Most importantly, it highlights the still ephemeral quality of the current Soviet military postures and the need

to continue pressing for concrete action toward the diminution of this threat.

As NATO maintains its tradition of peace through strength, let us look for ways to preserve and protect the freedoms we hold dear. I pray that God will grant President Bush and the other leaders of the Western Alliance the wisdom to respond correctly to Soviet arms control initiatives. However, I pray even harder that they will not be misled by the smoke and mirrors of Soviet media manipulation. Welcome home, Mr. President.

INDIAN TREATY RIGHTS: EQUITY OR CONFLICT?

HON. ROBERT W. DAVIS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 6, 1989

Mr. DAVIS. Mr. Speaker, I have introduced two pieces of legislation which reflect the increasing frustration of the people in my congressional district with the activities of Indian tribes exercising treaty rights.

My constituents, including tribal members living in the 11th Congressional District of Michigan, know I have always believed that the commercial use of our natural resources should be controlled by the State of Michigan, not the Federal courts. When I first came to the U.S. House of Representatives in 1979, one of my immediate goals was to give the State of Michigan that authority, and lacking that, to abrogate treaties giving tribes unlimited fishing rights in the Great Lakes. That effort did not succeed. As a result, the frustration of non-Indian citizens grows with each court-ordered settlement interpreting 19th century treaty rights showing no concern for 20th century realities.

The first bill I have introduced, House Joint Resolution 287, will create a Presidential Commission to review the exercise of Indian treaty rights on off-reservation lands. I think that the time has come to take a look at the way the courts are interpreting these treaties. I want this Commission to look at and provide Federal guidelines for States and tribes to prevent the exploitation of our natural resources, protect the property rights of nontribal citizens, and protect tribal members when they do engage in lawful treaty activities. Perhaps most important, however, I want the Commission to look at the recent broad court interpretations of these treaty rights. It seems to me that we have to begin to recognize that the world has changed in the last 150 years. What may have been reasonable and equitable guarantees of hunting and fishing rights for tribes using the then-abundant resources to provide for their families has turned into commercial use of limited resources as moneymaking ventures while excluding non-Indian citizens from the same opportunity. I think it is reasonable to conclude that at the time the treaties were signed, nontribal use of the resources was also contemplated and not to be excluded.

That brings me to the second bill, House Joint Resolution 288, which is intended to limit Indian fishing in Michigan waters. The bill would limit the amount of fish that Chippewa tribal members, under 1836 and 1842 treaties, would be able to harvest of the safe harvest amount of fish which ensures conservation of the fishery. The State of Michigan would determine what the safe harvest level is, and the tribes would be allowed to harvest no more than 10 percent of those fish as a treaty right. This bill, which mirrors legislation drawn up by my Wisconsin colleague Congressman DAVID OBEY, would also serve to limit the spring spear fishing of spawning fish populations by tribal members on inland lakes in Michigan.

I realize that both of these bills will be controversial. Ibelieve that there are many citizens across the country who believe that the granting of Indian treaty rights has not only gotten out of hand by going beyond the intent of the original treaties, but has in fact become discriminatory against non-Indian Americans. It is my hope that, at the very least, these bills will generate discussion and yes, controversy—for it is controversy which often provides the best stepping stone to action. I ask that all the affected parties join with me in a reasoned and constructive examination and resolution of these important issues. I pledge my best efforts to work with all citizens in ensuring the most equitable and fair result in the hope of ridding ourselves of the conflict that now exists.

OUTRAGE OVER AUTO INSURANCE RATES

HON. ROBERT G. TORRICELLI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 6, 1989

Mr. TORRICELLI. Mr. Speaker, I would like to bring to the attention of my colleagues a recent article in the Washington Post on the subject of auto insurance rates. I would note in particular the reference to my colleague, Mr. FLORIO, who has taken the initiative to address this growing problem.

The article follows:

[From the Washington Post, June 4, 1989]

INSURANCE: A REAL FIGHT IN WASHINGTON

(By Jack Anderson and Dale Van Atta)

Public outrage over auto insurance rates has shifted to congressional outrage, and the insurance industry, unaccustomed to the hot breath of government, is in a sweat.

The insurance lobby recently hired two big-gun political operatives to clean up its greedy image. But big names alone aren't going to stop the regulatory movement sparked last year by Proposition 103 in California. Many states are now looking at similar rate regulation. Congress is doing the same, led by Rep. James Florio (D-N.J.). He chairs the House energy and commerce subcommittee on commerce, consumer protection and competitiveness.

In five subcommittee hearings, insurance industry officials have cried poverty. They say that rising legal fees, car repair costs, hospital bills and other expenses have forced them to raise premiums. The cost of insuring yourself against any number of calamities has soared at four times the rate of inflation in the past three years. And the industry says it is still just squeaking by.

In insurance parlance, this is what it means to squeak by. The insurance industry has an estimated $1.7 trillion in assets. In the past 11 years, its stock values have jumped by almost 400 percent, twice the average industrial stock increase. Yet in states such as New Jersey, where rates are the highest in the country, many insurance companies are whining that they will go bankrupt if they have to lower their rates.

Just how tough is life on the brink of bankruptcy? Our associate Jim Lynch went through the Securities and Exchange Commission and other sources to find the annual compensation for the industry's top executives. Here are some members of the million-dollar club:

The chairman of Hartford Insurance Co., $1.7 million.

The chairman of Cigna Corp., $1.5 million.

The chairman of Prudential Insurance Co. of America, $1.4 million.

The president of Continental Insurance Co., $1.3 million.

The chairman and president of Aetna Life and Casualty Co., $1.1 million.

A spokesman for the Insurance Information Institute says that the big salaries are not out of line when compared to "multinational corporations." He also said insurance companies are clearing a profit margin of only 2 or 3 cents on every premium dollar. Consumer advocates laugh at that estimate. Florio has asked the General Accounting Office to study the industry's confusing balance sheets.

Even in these "hard times," the insurance industry is not stingy when it comes to promoting itself. It spent an estimated $70 million in a futile campaign to kill Proposition 103 in California. More recently, the Insurance Information Institute hired an advertising firm and a public relations outfit that boast two of the big names in the business—John Sasso, who ran Michael Dukakis' campaign, and Craig Fuller, who ran George Bush's campaign.

Three bills in Congress would bring the insurance business under federal oversight instead of leaving the job to the states and would force insurance companies to abide by antitrust laws. Similar bills have bounced around for years, but the muscle-bound insurance lobby was strong enough to fight them.

But this year, the public is building its own muscle on this issue. If the bills make it to the floor for a vote—that means if they get past the members of Congress who are in bed with the insurance lobby—they are ripe for passage.

Florio, whose campaign for governor of New Jersey no doubt will be helped by his insurance fight, is up against not only the insurance industry, but the considerable number of friends the industry has bought by doling out campaign contributions in state and national elections. The industry has clearly mastered the art of overpowering state legislatures. It is in for a far tougher fight in Washington.

SPECIAL RECOGNITION TO "IRISH" STEVE COLLINS, A DISTINGUISHED ATHLETE AND FAMILY MAN

HON. BRIAN J. DONNELLY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 6, 1989

Mr. DONNELLY. Mr. Speaker, I rise today to pay tribute to an outstanding individual in my

district, Steve Collins. At 24 years of age, Steve is scaling the ranks of the international boxing world. Born in Dublin, Ireland, and now living in Dorchester, MA, Steve is presently the middleweight champion of Ireland. Steve made boxing history in the Boston Garden when he defeated Sammy Storey of Belfast, in the first-ever Irish title fight in the United States.

On May 9, 1989, in Atlantic City, Irish Steve Collins added the United States Boxing Association [USBA] title, making him the first Irishman to win an American belt. Steve won the belt with a unanimous decision over Kevin Watts. This was by far the biggest fight for the young Collins, for the International Boxing Federation's [IBF] hailed Mr. Watts as the fifth-ranked middleweight in the world.

Today, according to the World Boxing Association [WBA] Steve holds the No. 8 spot among the world's middleweights. Steve's next bout is with fourth-ranked middleweight contender, Tony Thornton. A win over Thornton is essential in his ascent to the middleweight throne.

Steve enjoyed a brilliant career as an amateur. He has to his credit the Irish Youth Heavyweight Championship of 1981–82, the Irish light heavyweight title of 1983–84 followed the Irish junior light heavyweight championship in 1985–86 and slugged his way to the senior middleweight title in 1986–87. His amateur success launched him to the No. 1 ranked fighter in Great Britain. In addition, Steve was the only middleweight ranked in the European top 10 who was not from a Communist country.

Steve and his wife Gemma—also from Dublin—are the proud parents of an 11-month-old daughter Caoimhe. The Collins family has been living in the Savin Hill neighborhood of Dorchester, MA, for over a year. Eventually, Steve plans to bring the middleweight champ's belt back to the old sod, where he hopes to provide, through his winnings, a better life for his wife and daughter and the rest of his family.

HONORING THE RETIREMENT OF JAMES PATRICK MALLEY

HON. DENNIS M. HERTEL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 6, 1989

Mr. HERTEL. Mr. Speaker, I would like my colleagues to join me in acknowledging the retirement of James Patrick Malley.

James Malley faithfully served his country in the military from April of 1945 to November of 1946. After leaving the military he joined local 58 as a B.A. member, becoming a beneficial member in 1958.

Mr. Malley married his wife Lilian in May of 1950, and became a journeyman inside wireman later that same year. Throughout his illustrious career, Mr. Malley served on many committees such as: the building committee in 1961, the picnic committee in 1967, the Labor Day committee in 1967, by-law committee in 1968, and the apprentice committee in 1969. In 1975, Mr. Malley became a trustee of the Supplemental Unemployment Benefit Fund. In 1976, he furthered his successes by becoming an alternate member of the joint apprentice committee, and in 1979 he became a business agent for local 58.

Mr. Malley is presently an alternate member of the joint delinquency committee, the residential trainee committee, the labor management committee, the residential negotiating committee, and is also a member of the board of compliance and appeals committee for the State of Michigan.

James Malley has also proven himself an outgoing member of his community. His dedication to the Holy Trinity and St. Benedict's Parishes shows his concern for others and his great faith. He is also a dedicated member of the Knights of Columbus and the Royal Order of the Moose.

My deal colleagues, I ask that you join me in congratulating James Patrick Malley for his many years of dedication to local 58 and his continued commitment to community service.

CHINA "CAUTION" HARD TO SWALLOW

HON. CARROLL HUBBARD, JR.

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 6, 1989

Mr. HUBBARD. Mr. Speaker, I would like to share with my colleagues a signed editorial entitled "China 'Caution' Hard To Swallow" which appeared in the largest circulation daily newspaper in my western Kentucky congressional district yesterday afternoon, Monday, June 5, 1989.

Jim Paxton, editor of the Paducah Sun at Paducah, KY, elegantly conveys his thoughts and views about a matter which many of my colleagues have taken to the floor to discuss today—the United States' retaliation of the Chinese Government's massacre of hundreds, if not thousands, of students and workers this past weekend at Tiananmen Square in Beijing.

Whereas there may be many in this House of Representatives who do not agree completely with Mr. Paxton's assessment of President Bush's response to the Beijing massacre, I found his editorial to represent the views of a great number of western Kentuckians.

I am hopeful that my colleagues will find Mr. Paxton's editorial as thought provoking as I did.

The editorial follows:

EDITORIAL: CHINA "CAUTION" HARD TO SWALLOW

(Editor's Note: Subsequent to the writing this editorial, President Bush announced he does intend to halt military assistance to China, but is whithholding other sanctions.)

It seems only a week ago that we, like much of the rest of the journalism world, let ourselves be lulled into a state of incredibly naive optimism about the sudden, overwhelming pro-democracy groundswell that was occurring in China.

As one top editor put it:

"Who would have believed just a year ago that we would be sitting here talking about the very serious likelihood that the communist government of the most heavily populated country on Earth will be overthrown in a bloodless coup and be replaced by a democracy?"

We were not alone in our stupidity. Even traditional hard-line conservative writers like William F. Buckley and Georgie Anne Geyer—writers who frequently appear on the opposite side of this page—got caught up in the giddy euphoria. Communists all over the world are throwing in the towel, they wrote. They are proving what we have always said: communism doesn't work; democracy does.

The events of the past weekend have now brought all such thinkers joltingly back to reality. There was one little history lesson everyone seemed to forget. Tyranny does not die easily. And tyranny is probably too polite a word for what the senior Chinese leadership did last weekend, ordering its "Peoples' Army" to attack their fellow countrymen, slaughtering them with machine guns and crushing them underneath the wheels of their own tanks.

We are appalled at the Bush administration's response: that the United States should be "cautious" in deciding how to react to this. Congressmen in both parties already are calling for a halt of all U.S. military and technological aid to China, and that makes perfect sense to us. How can a nation based on the ideals that built this one possibly even consider assisting in any way, shape or form the present government in China, given the events of the past few days? We are mystified by the White House position as of this writing.

As the Associated Press reported today:

"Asked about demands for cuts in U.S. military aid to China from Sen. Jesse Helms, R-N.C., and Rep. Stephen Solarz, D-N.Y., (White House spokesman, Marlin) Fitzwater said the administration did not "want to act precipitously. We want to make sure that our response is correct.

"There are a number of ways that the United States government can express itself in this matter. It's appropriate that we act in the right fashion and not too quickly," Fitzwater said. "We'll consider all the options and choose an appropriate course when the time is right."

That thinking strikes us as preposterous. It's enough to make us believe that we have been wrong in discounting the president's "wimp" label as merely a bad rap.

The proper course is obvious. We should cut our ties with the current Chinese leadership immediately, as cleanly, as loudly and as completely as possible. What possible justification can there be for providing further assistance in any form to such government.

We are losing face with the Chinese people and the rest of the world every second that we delay. What in the world can President Bush be waiting for?

A SALUTE TO DR. CALVIN W. ROLARK

HON. WALTER E. FAUNTROY

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 6, 1989

Mr. FAUNTROY. Mr. Speaker, on Sunday, June 11, at 6 p.m., the Metropolitan Concerned Citizens will honor and pay tribute to Dr. Calvin W. Rolark. This celebration of Dr. Rolark's life and work will take place at the Star of Bethlehem Church of God in Christ, located at 3331 Colorado Avenue NW., in Washington, DC.

Dr. Rolark is founder and president of the United Black Fund, Inc. The fund is the largest black fundraising organization in the Nation, founded in 1969, with 63 member agencies locally, and 37 chapters and affiliates nationwide. He is also publisher and editor of the Washington Informer newspaper, positions he has held for a quarter of a century.

The celebration is taking place on the 11th anniversary of Dr. Rolark's popular radio show, "Sound Off," which can be heard three times a week, nightly on WYCB-1340, AM, in Washington, DC. "Sound Off" is a community-focused, issue-oriented talk program. Dr. Rolark has as his guests, people from all facets of the community—individuals from the White House to the homeless shelters—discussing issues that affect the citizens of this area; issues that could bring about change in their lives.

Black America has been blessed with giants like Douglas, DuBois, King, Malcolm X, and others—black men whose lives and work made a difference in our lives. Dr. Calvin W. Rolark is woven from the same fabric. At a time when the future of the black male is clouded by drugs and violence, we can all wgain much comfort in knowing that this ordinary man who has done extraordinary things, has been and still is on the job.

WORDS OF WISDOM: "WE SIMPLY CANNOT COMPETE"

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 6, 1989

Mr. STARK. Mr. Speaker, when we implemented the Prospective Payment System for Medicare, we sought to achieve cost savings by introducing some healthy competition into the health care setting. What we're finding out now, though, is that good, ethical, cost-effective providers can't compete because the game's been rigged.

Each day, I receive a dozen letters like the one I am introducing into the RECORD today. Michael Wisdom, a physical therapist in Macon, GA, presents a pretty good reason for legislation to control abusive physician self-referrals. When I read letters like this one, I am pleased to be sponsoring H.R. 939, the Ethics in Patient Referrals Act of 1989.

DEAR REPRESENTATIVE STARK: Some time ago I wrote you expressing my deep appreciation for the efforts you have made against joint ventures and physicians' conflict of interests. At that time, I told you that my private practice in physical therapy was in jeopardy as so many private practitioners have been with the advent of physician joint ventures. We simply cannot compete. It changes the whole thrust or focus of healthcare from what we can do for the patient to what kind of "sweet" deal we can cut for the physician. I continue to choose not to participate in joint ventures even though I must make my practice turn around this year or leave private practice.

I have been involved with this issue long before it personally affected me. I have always felt like joint ventures on the part of the physical therapist was simply bribery. In the process, I have become aware of a court case that was filed in Georgia in 1983. I don't know whether you need this information or whether it's helpful, but I have xeroxed what is public record and it is enclosed herein. Walter Ford, a physical therapist in Austell, Georgia, essentially had established a private practice with a fee splitting scheme with physicians in this area. This was before it was illegal in the state of Georgia for physical therapists to fee split. During this time, there were ethical guidelines from the American Physical Therapy Association prohibiting fee splitting. Upon the Georgia State Board of Physical Therapy making it illegal and not just unethical to fee split with physicians, Mr. Ford told the orthopedic surgeons that he could no longer participate. He went basically from 30 patients a day to 3 patients a day in about one week's time. His practice folded. He lost everything. There were physical therapists, he alleged, more than ready to pick up the slack in his contract. The Georgia State Board of Physical Therapy took no punitive actions after a complaint was filed. As far as I know, the State Medical Board who was also informed of the violation took no action. These physicians still continue to practice. Those physical therapists that were alleged to have continued with the physicians not only survived, but are particularly successful in the state at this time. The lawsuit does carry with it a contract, and the fee splitting arrangement is specifically delineated. If you are looking for specific examples as to how physicians profit from these ventures with very little investment, this will be one example for you. Also take note of how they shifted the investment to family members. This allows the physician to look the patient straight in the eye and tell them they are not making any money off this proposition. Of course, the patient is not knowledgeable enough to ask if any of their family members are.

The whole practice of joint venture is a shameful part of our American history now. When fully exposed, I think it will be a scandal of major proportions. The American public is in a bind. They simply have to trust their physicians in a scientific area that they can't comprehend and have to trust someone. The public does not want to hear that they can't trust their physicians. Many medical procedures are frightening enough without having to fear that your surgeon or physician cannot be trusted.

Especially frightening is that we are only millimeters away from investment plans where primary practitioners or family practitioners have joint venture investments in surgical practices or other such arrangements. If the same thing carries over to surgical practice that has taken place in physical therapy, we will see an over utilization and certainly an increased risk iatrogenically.

If I can be of any assistance in the fight that you are waging, I certainly will be happy to.

With very sincere thanks,

MICHAEL R. WISDOM, P.T.

I urge my colleagues to join with me and cosponsor H.R. 939. When doctors make referrals for no reason except to line their wallets, we all lose. Let's protect our Medicare patients and make sure that physicians care more about illnesses than they do about investments.

THE PART-TIME AND TEMPORARY WORKERS PROTECTION ACT OF 1989

HON. PATRICIA SCHROEDER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 6, 1989

Mrs. SCHROEDER. Mr. Speaker, today I am introducing the Part-Time and Temporary Workers Protection Act of 1989. This is the same bill I first introduced in 1987. This bill would provide pro rata health and pension benefits to employees working less than full time if the employer offers health and pension plan coverage to employees working full time.

The number of part-time and temporary workers—called the contingent workforce—is growing. Between 1980 and 1986, the contingent workforce grew 20 percent, twice as much as the total workforce.

While many people prefer to work on a part-time or temporary basis in order to spend more time with their families, many others have no choice. The Bureau of Labor Statistics [BLS] estimates that about 18 percent of part-time workers are involuntary. Many of these people are unable to find a full-time job.

One of the biggest problems for contingent workers is low pay and lack of benefits. According to the BLS, 70 percent of the new part-time jobs created in the 1980's are filled by workers who need full-time employment to support themselves and their families. But these people are not earning enough to provide this support. In 1987, part-time workers earned an average of $4.42 an hour and people working for temporary agencies earned an average of $6.42 an hour, while full-time workers earned $7.43 an hour. This has led many people to moonlight—to take on another job to make additional income. Currently, about 5.7 million workers piece together several marginal jobs.

Not only do contingent workers earn disproportionately less than full-time workers, they also are denied proportional benefits.

In 1987, only one-third of part-time workers received health benefits through their employers, and one-fourth were covered by a pension plan. Similarly, only about one-fourth of temporaries received any medical benefits, and one-fifth received life insurance benefits. This compares to 75 percent of full-time, full-year employees who receive health benefits from their employers.

An 11-State survey of 541 service workers conducted by the Service Employees International Union in 1987 asked part-time workers whether more pay or benefits were most important to them. Two-thirds said benefits.

The contingent work force is predominantly female. Women make up two-thirds of part-time workers. While only 1 out of every 10 employed men works part-time, 1 out of every 4 employed women does. Many of the women who work on a part-time and temporary basis are single heads of households. Consequently, the issues that face contingent workers—low pay and lack of benefits—affect the economic situation of women and their families most profoundly.

My bill addresses some of these issues. The Part-Time and Temporary Workers Protection Act would amend the Employee Retirement Income Security Act of 1974 [ERISA] to bring certain contingent workers into the participation, vesting, and accrual rules governing health and pension plans. It would allow all employees working 500 hours or more per year to receive a prorated share of health benefits under the employer sponsored group health plan based on the amount of time they work. For example, if an individual worked the equivalent of 40 percent time, the employer would be required to pay 40 percent of the employer contribution made for a full-time worker to participate in an employer sponsored health plan.

The bill also would enable all employees working 500 hours or more per year to participate in an employer-provided pension plan. Part-time and temporary workers would be able to vest in the pension plan at the same rate now established for full-time workers, but would accrue benefits at a lower rate, based on a fixed percentage of their salary.

My bill also would cover contract or lease employees who work for an employer at the rate of 500 hours or more per year for 1 year for pension benefits, and for 6 months for health benefits.

These provisions are necessary to protect both voluntary and involuntary contingent workers. Many people are arguing that part-time work, for example, should be advocated as a desirable option for new parents. But this option is not desirable without basic employment protections, like health and pension benefits.

Part-time, temporary, seasonal, and contract workers do not work any less hard than full-time workers; they simply work fewer hours. We should not continue to treat them as though their work doesn't count as real employment.

HONORING THE RETIREMENT OF RALPH KURAS

HON. DENNIS M. HERTEL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 6, 1989

Mr. HERTEL. Mr. Speaker, I rise today to honor the retirement of a great family man and innovator, Ralph Kuras. Ralph's retirement after nearly 40 years of service in the elevator industry is being celebrated by his wife of 35 years, Delphine, his children Jerry, Dan, Chris, and Dave, his five grandchildren, and many of his colleagues.

Ralph's career began in 1950, but it was interrupted by the Korean police action. He returned to the industry in 1953 and worked his way up to a position as adjuster with Otis Elevator, Westinghouse Elevator, and Elevator Engineering. He also worked as an Inspector for the city of Detroit.

Another ride up the corporate elevator put him in the position of president, business representative, and business manager, a position he retained for 13 years.

Ralph was the impetus behind the creation of the local's school program, which was subsequently used as the pattern for the educational program of the International and the National Elevator Industry, Inc.

For many years, he has served on the State of Michigan Safety Board, and he continues to do so. In addition, he has also been active in his VFW post.

My dear colleagues, I ask that you join me in congratulating Ralph Kuras for his many years of service to his profession, as well as to the city of Detroit and his great State of Michigan. I know that we all wish him the most pleasant and peaceful of retirements.

ROMULUS JUNIOR HIGH SCHOOL SYMPHONIC BAND RECEIVES HIGH HONORS

HON. WILLIAM D. FORD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 6, 1989

Mr. FORD of Michigan. Mr. Speaker, I would like to call your attention to the recent accomplishments of the Romulus Junior High School Symphonic Band. Romulus Junior High School is located in the 15th Congressional District of Michigan, which I represent.

The Romulus Symphonic Band performed at Michigan's State Band Festival on May 6 and received a first division superior rating in the class "A" junior high school classification.

Earlier, on March 18, the Romulus group received a first division rating at the district band festival. This qualified the young musicians for the State festival.

The bands were graded by three judges in the prepared music section, which includes a required composition, a march and a selected number, and then by another judge in the sight reading section, where two selections are performed without practice. The State band festival is administered by the Michigan School Band and Orchestra Association.

The Romulus Junior High School Symphonic Band, under the leadership of the band director, Richard Kruse, was the only junior high school band out of 114 junior high schools in Wayne county to earn the coveted first division rating at the State festival. During the 1980's, the Symphonic Band received a "I" rating at all 10 festivals in the decade. The Romulus Concert Band also recorded 4 first ratings for a school total of 14. The next closest school out of the 264 junior high schools in the greater Detroit metropolitan area, recorded 7 firsts over the decade. The festival judges accorded the Symphonic Band 38 "A" 's and 2 "B" 's out of the 40 letter grades possible at both the district and State Festivals.

The Romulus Junior High School bands have achieved these high performance goals because of the concern, understanding and support of the members of the Romulus Board of Education. The Romulus Board of Education and Central Administrators Dr. William Bedell, superintendent, Dr. Terrel LeCesne, assistant superintendent for administrative services and Joel Carr, assistant superintendent for finance and operations have been most helpful and flexible in their assistance so that the performing musical groups have been able to achieve superior results over such a lengthy time span.

Members of the Romulus Board of Education who have demonstrated outstanding educational leadership are: Mr. Kenneth E. Berlinn, president; Mr. Edward L. Wilkerson, vice president; Mr. Daniel R. Bales, secretary; Mr. Howard J. Kesner, treasurer; Mrs. Mary King, trustee; Mrs. Sandra Langley, trustee and Mr. Pat Patterson, trustee.

The Romulus Junior High School Band program has also received help and special support from the principal, Jesse Meriweather and assistant principal, Linda Cook. Together, they have provided a pleasant, secure and intellectually stimulating environment which has helped our students achieve at a maximum level.

Mr. Speaker, I want to take this opportunity to express my congratulations to the Romulus community and to their fine band program. The members of Symphonic Band who performed at the State festival and who have made us so proud are:

SYMPHONIC BAND

Flute: Kai Smith, Lakiesha Holmes, Michelle Luttermoser, Tanya Jackson, Diane Zemke, Melissa Chmura, Susan Kreft, Staci Staffani, Laura Madison and Angela Thompkins.

Oboe: Cathy Brown.

Bassoon: Andrea Brown.

Clarinet: Jeannette Barnhardt, Jill Howard, Dawn Hoinka, Ebony Talley, Christy Miller, Susan Carroll, Jessica Austria, Leah Hance, Loretta Rozdowski, Tina Martell and Erin Reinhackel.

Alto Clarinet: Erica Bennett and Latoya Holmes.

Bass Clarinet: Trisha Cox and Michelle Todd.

Alto Sax: Michelle Goodman and Robert Munroe.

Tenor Sax: Tony Poletti.

Baritone Sax: James Moore.

Cornet: Stephanie Carr, Lisa Huff, Georgette Wiginton, Jesse Flores, Toya White, Robert Graham, Meredith Avery, Jeremy Sexton, Elizabeth Greca, Leona Anoil and Robert Engle.

French Horn: Melissa Griffith, Stephanie Webb and Bracken Spencer.

Trombone: Melissa Griffith, Tracy Holtschlag, Diane Kehn, Janice Clark and David Haines.

Baritone: Steven Banko, Brian Atkins, Joey Felice and Tomeka Sommerville.

Tuba: Talia Tripp, Danielle Cadaret, Tonya Bishop and Latoya Sconiers.

Percussion: Michelle Allen, Petrina Sewell, Kurtis Johnson and Kim Davis.

TRIBUTE TO BILL EHORN

HON. ROBERT J. LAGOMARSINO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 6, 1989

Mr. LAGOMARSINO. Mr. Speaker, I rise today to ask my colleagues to join me in honoring the soon to be former superintendent of the Channel Islands National Park, Mr. Bill Ehorn.

Bill Ehorn began his service as superintendent of the then Channel Islands National Monument in July 1974, and in July 1989, he

departs the Channel Islands National Park to take over new duties as superintendent of Redwoods National Park.

During the years Bill served as superintendent of the Channel Islands National Monument [CINM], I worked very closely with him on the legislation to create the Channel Islands National Park. These contacts and subsequent business dealings with Bill have given me a great respect and liking for this very able, personable, dedicated and incredibly enthusiastic man.

Bill came to the CINM from Omaha, NE, where he had served as a programs analyst in the Midwest regional office. When he "bounded" into the national monument it was into a converted 3-bedroom house that served as the headquarters for the two-island national monument. Total personnel numbered 10 and the visitor center was only a counter where brochures were dispensed.

In no time at all Bill started to move. His first addition was a slide projector in the reception area. Whenever a visitor wandered in they were coerced to have a seat. Norma Della Betta, his secretary, would pull down the window shade and Bill would show his slides and tell the visitors about the islands.

As time went by the visitor center graduated to the back porch where, in addition to the counter, artifacts were displayed. Eventually an auditorium was created by moving the rangers' office into a trailer in the parking lot. The slide program was eventually narrated on a tape that was often out of sync with the slides. Visitors had to endure the sound of the shower running from behind the partition after the ranger's noontime run. Whenever important visitors were slated to visit—perhaps some regional office personnel who were curious about what was going on at sleepy Channel Islands, the cry went up to "pull the weeds and rake the rocks" referring to the low maintenance pumice rock landscaping surrounding the building. It is certain that when Bill looks back on his career, these days will be remembered as a special time.

Bill has never been tied to his desk, but especially during this time he ran boats, dug pit toilets, performed maintenance, and fought for more money, supplies, and manpower. He also built relationships with the U.S. Navy, other governmental agencies, the concessioner, landowners, and the community at large. Most of all, he spent time learning, exploring and falling in love with the islands. This love and his desire to see them preserved in their natural state, was translated into results with passage of my bill creating the Channel Islands National Park. The subsequent acquisition of Santa Rosa Island was due mainly to Bill's efforts.

After 15 years, the permanent personnel numbers about 40 with many additional people as seasonal employees. The visitors center sports a book store, artificial tide-pools and displays evocative of the different islands in the park. Annual visitation at the visitor center is over 150,000, the headquarters building contains 25,137 square feet. The park now consists of five islands in contrast to two in the monument when Bill arrived on the scene.

Bill is a credit to the National Park Service and the Federal Government. He is a public servant who, on many occasions, has gone way beyond what many would have to further the interests of the park.

The Channel Islands National Park will miss Bill; I personally will also miss my good friend's enthusiasm and great love of the park, but I take this opportunity to wish him and his lovely wife Nancy the best in his new position as superintendent of Redwoods National Park.

I ask my colleagues to join me in wishing them Godspeed and continued success in the National Park Service.

INTRODUCTION OF THE COMPREHENSIVE HAZARDOUS MATERIALS TRANSPORTATION SAFETY ACT

HON. CARDISS COLLINS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 6, 1989

Mrs. COLLINS. Mr. Speaker, the longer we wait to improve the safe transportation of hazardous materials, the more spills and accidents there will be. The number of spills and accidents nationwide continues to mount, resulting in loss of life and property while disturbing the flow of commerce and transportation and posing environmental and health hazards. During 1988, in Chicago alone there were numerous spills of substances including highly flammable morphaline, caustic potash, and toxic xylene. In one instance at a factory, a propane truck exploded, causing the evacuation of hundreds. In Washington, DC, fuel fires shut down the beltway from time to time while contaminating our air and environs.

Worse yet is the immense threat—and distinct possibility—of a major catastrophe resulting from a severe accident or spill of certain hazardous materials. Very dangerous materials are regularly transported through many of our most densely populated cities. All it would take for a monumental disaster to result is one high-speed collision between a drunk driver and one railcar filled with high-level nuclear wastes. Most likely, property loss would cost tens of millions of dollars, the environmental costs would be long-term and severe, and the death toll would be in the hundreds. As the volume of hazardous materials being transported through our communities continues to rise, catastrophes like this are inevitable—unless we take significant precautions to prevent them.

For many years, I have led the campaign for increased safety in the transportation of hazardous materials, often referred to as "hazmat," and improved emergency response in the event of an accident or spill. At the onset of the 101st Congress, I reintroduced two bills on these concerns, H.R. 53 and H.R. 136. Through the Government Operations Subcommittee on Government Activities and Transportation, which I chair, I have followed this issue for many years and have been a consistent advocate for a greater Federal role in it. For example, in July 1986, I held an oversight hearing focusing on the Department of Transportation's inactivity concerning training for hazmat handlers and loaders. Still, the Department did nothing.

Today, together with Congressman BUECHNER, I am introducing the Comprehensive Hazardous Materials Transportation Safety Act, to increase public safety resulting from the transportation of hazardous materials. This bill updates my previous legislation on the issue and incorporates a number of new ideas, drawing from my subcommittee's work, Congressman BUECHNER'S research, the administration's proposal, and other sources. I compliment my colleague, Representative BUECHNER, for his commitment toward getting at the roots of the problems concerning hazmat. The bipartisan nature of this issue has been strongly reflected in the combination of our efforts on this bill.

The principal features of our bill are that it would:

Direct the Secretary of Transportation to issue regulations concerning the designation of safe routes, carrying of appropriate shipping papers identifying the hazardous materials being transported and related issues;

Require that each business involved in the transportation of hazmat register with the Federal Government and pay a registration fee;

Require that any individual involved in the handling or loading of hazmat receive special training in hazmat handling and emergency response;

Require that special permits be obtained for the transport of certain especially dangerous materials;

Permit the Secretary to offer grants for hazmat emergency response training and planning to State and local authorities;

Emphasize grassroots emergency response options rather than State efforts, as indicated by specifying that at least 75 percent of grant funds must be passed through to local and regional authorities;

Increase the flow of updated hazmat information between the Federal Government and State and local authorities;

Direct greater coordination between hazmat emergency response efforts and related Superfund operations;

Prohibit motor carriers who have received "unsatisfactory" safety ratings from transporting hazmat until they receive at least a "conditional" rating;

Increase the number of hazmat inspectors; and

Direct the Federal Railroad Administration to hire a professional engineer to help develop improved rail tank car specifications, regulations and inspections.

Our bill puts forth a broad-based agenda of methods for improving hazmat transportation safety throughout the United States. Among the bill's most significant characteristics is that it focuses on a grassroots approach toward these problems and initiates a close partnership between the Federal Government and State and local governments. The proliferation of dangerous accidents—and threat of total disasters—must be stopped, and this bill establishes a framework to do exactly that, by starting with people who are most directly affected by hazmat accidents.

Mr. Speaker, no Member of Congress should overlook the significance of this issue.

Hazardous materials are transported in virtually every District and the exposure to danger is, therefore, everyone's concern. Hopefully, this point will not be dramatized by any catastrophic occurrences in the near future. However, the only way for us to ensure against a major tragedy is by looking at this issue right now, realizing that it demands immediate progress, and acting accordingly. I urge my colleagues to give serious consideration to the problems surrounding the transportation of hazardous materials and lend their support to this bill.

HONORING TOM NATCHURAS

HON. ROBERT A. BORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 6, 1989

Mr. BORSKI. Mr. Speaker, I rise today to honor Tom Natchuras on his retirement as region 9 director of the United Auto Workers [UAW] International Executive Board.

Tom Natchuras was elected to the international executive board as director of region 9 in May 1983. This region is comprised of more than 100,000 active and retired members from more than 300 plants and offices in New Jersey, eastern Pennsylvania, and upstate New York.

In 1956, Tom began his dedicated career with UAW when he joined local 846 at the Chevrolet Forge plant in Tonawanda, NY as a skilled trades maintenance welder. He was then elected skilled trade representative in 1958 and local 846 president in 1959.

Tom joined the region 9 staff as an international representative in 1963 and became the region 9 area director for western New York in 1975. He became assistant director for region 9 in 1977 and was serving in that capacity at the time of his election as director.

Over the years, Tom has also served his community in a variety of ways. He has served on the board of directors for the United Way and the Blue Cross Hospital Corporation of Western New York. He has also worked as an instructor for the Cornell University Labor Extension Service and the UAW Summer Education Institutes.

Mr. Speaker, I join all members of UAW International in honoring Tom Natchuras for his successful career and dedicated service to his community.

HONORING THE RETIREMENT OF KENNETH MacDONELL

HON. DENNIS M. HERTEL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 6, 1989

Mr. HERTEL. Mr. Speaker, I would like my colleagues to join me in acknowledging the retirement of Kenneth MacDonell. MaryAnne, his wife of 38 years, their 7 children and 16 grandchildren, and much of the labor community join us in paying tribute to Mr. MacDonell.

Mr. MacDonell began his expansive career in 1956 when he was initiated into Carpenters Local 19. He was elected to the position of business agent in June 1966. He went on to hold various positions within the local union, and was chosen to represent the organization as a delegate to many of the Carpenters International Union conventions.

Through his unflagging dedication and extensive knowledge, he earned himself a seat as a delegate to the district council which lasted many years. He was also a delegate to the building trades, at both the city and State levels. In January 1986, he began his work at the district council.

But of primary importance, it was his dedication to others that endeared him to most people. He is a man with a great sense of humor and a willingness to help others when they are in need.

Mr. MacDonell's retirement will now allow him to devote more time to his family, as well as to his favorite pastimes of woodworking and tending to his flower garden.

Congratulations, therefore, are due to Mr. MacDonell. His hard work and selfless dedication have earned him the respect and gratitude of his fellow union members, as well as this retirement. We can be sure that he will continue to positively affect those with whom the comes to contact.

THE PRESIDENT'S EUROPEAN TRIUMPH

HON. HAMILTON FISH, JR.

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 6, 1989

Mr. FISH. Mr. Speaker, I take this opportunity to commend President Bush on the splendid eloquence and the breadth of his vision for Europe expressed in Mainz, West Germany, on the 40th anniversary of the founding of the NATO alliance.

President Bush's enlightened views on the future of the Western alliance remind us of the critical importance of the lessons of the past 40 years which have helped heal the centuries-old rivalries and brought gifts greater than those bestowed to any generation in history—peace, freedom, and prosperity.

The President's remarks strongly urge us to remain true to our common Western heritage and belief in democracy and freedom if we are to continue the work of reconciliation and restoration in Europe.

In these chaotic days and weeks of spectacular events signaling the breakup of decades of totalitarian Communist rule in the Soviet Union and China, President Bush, steering a wise, cautious course through extremes, tells how we will meet the challenges and fulfill our European vision.

The full text of the President's address follows:

REMARKS BY THE PRESIDENT AT RHEINGOLDHALLE

THE PRESIDENT: Thank you, Chancellor Kohl. At the outset, let me tell you that lest you think that he has forgotten his home state because he is the Chancellor of the Federal Republic, I will only tell you that in the last 24 hours, Chancellor Kohl has been convincing me that when I came to this state and to Mainz, I would be coming to heaven. And having gotten here, I think he may just about be right, I'll tell you. (Laughter.) Thank you all very much. (Applause.)

Dr. Wagner and Lord Mayor, distinguished hosts—I want to also thank these two bands—West German and American—for that stirring music. And Chancellor Kohl, I especially want to thank you again for inviting me to this beautiful and ancient city on my first presidential trip to the Republic of Germany—the Federal Republic. And Herr Kohl and I have concluded now our deliberations at the NATO summit in Brussels—an excellent start to our working partnership as Chancellor and President.

And here in Mainz, by the banks of the Rhine, it's often said that this heartland of mountain vineyards and villages embodies the very soul of Germany. So Mainz provides a fitting forum for an American President to address the German people. (Applause.)

Today I come to speak, not just of our mutual defense, but of our shared values. I come to speak, not just of the matters of the mind, but of the deeper aspirations of the heart.

Just this morning, Barbara and I were charmed with the experiences we had. I met with a group—a small group of German students, bright young men and women who studied in the United States. Their knowledge of our country and the world was impressive to say the least. But sadly, too many in the West, Americans and Europeans alike, seem to have forgotten the lessons of our common heritage and how the world we know came to be. And that should not be, and that cannot be. We must recall that the generation coming into its own in America and Western Europe is heir to gifts greater than those bestowed to any generation in history—peace, freedom, and prosperity. (Applause.)

This inheritance is possible because 40 years ago the nations of the West joined in that noble, common cause called NATO. And first, there was the vision, the concept of free peoples in North America and Europe working to protect their values. And second, there was the practical sharing of risks and burdens, and a realistic recognition of Soviet expansionism. And finally, there was the determination to look beyond old animosities. The NATO Alliance did nothing less than provide a way for Western Europe to heal centuries-old rivalries, to begin an era of reconciliation and restoration. It has been, in fact, a second Renaissance of Europe. (Applause.)

As you know best, this is not just the 40th birthday of the Alliance. It's also the 40th birthday of the Federal Republic— Republican born in hope, tempered by challenge. And at the height of the Berlin Crisis in 1948, Ernst Reuter called on Germans to stand firm and confident, and you did—courageously, magnificently.

And the historic genius of the German people has flourished in this age of peace. And your nation has become a leader in technology, and the fourth largest economy on Earth. But more important, you have inspired the world by forcefully promoting the principles of human rights, democracy and freedom. The United States and the Federal Republic have always been firm friends and allies. But today we share an added role—partners in leadership.

Of course, leadership has a constant companion—responsibility. And our responsibility is to look ahead and grasp the promise of the future.

I said recently that we're at the end of one era, and at the beginning of another. And I noted that in regard to the Soviet Union, our policy is to move beyond containment.

For 40 years, the seeds of democracy in Eastern Europe lay dormant, buried under the frozen tundra of the Cold War. And for 40 years, the world has waited for the Cold War to end. And decade after decade, time after time, the flowering human spirit withered from the chill of conflict and oppression. And again, the world waited. But the passion for freedom cannot be denied forever. The world has waited long enough. The time is right. Let Europe be whole and free. (Applause.)

To the founders of the Alliance, this aspiration was a distant dream, and now it's the new mission of NATO. If ancient rivals like Britain and France, or France and Germany, can reconcile, then why not the nations of the East and West?

In the East, brave men and women are showing us the way. Look at Poland, where Solidarity—Solidarnosc and the Catholic Church have won legal status. The forces of freedom are putting the Soviet status quo on the defensive.

In the West, we have succeeded because we've been faithful to our values and our vision. And the other side of the rusting Iron Curtain, their vision failed.

The Cold War began with the division of Europe. It can only end when Europe is whole. (Applause.) Today, it is this very concept of a divided Europe that is under siege. And that's why our hopes run especially high, because the division of Europe is under siege not by armies, but by the spread of ideas that began here, right here. It was a son of Mainz, Johannes Gutenberg, who liberated the mind of man through the power of the printed word.

And that same liberating power is unleashed today in a hundred new forms. The Voice of America, Deutsche Welle allow us to enlighten millions deep within Eastern Europe and throughout the world. Television satellites allow us to bear witness from the shipyards of Gdansk to Tiananmen Square. But the momentum for freedom does not just come from the printed word or the transistor or the television screen. It comes from a single powerful idea—democracy. (Applause.)

This one idea—this one idea is sweeping across Eurasia. This one idea is why the communist world, from Budapest to Beijing, is in ferment. Of course, for the leaders of the East, it's not just freedom for freedom's sake. But whatever their motivation, they are unleashing a force they will find difficult to channel or control—the hunger for liberty of oppressed peoples who have tasted freedom.

Nowhere is this more apparent than in Eastern Europe, the birthplace of the Cold War. In Poland, at the end of World War II, the Soviet Army prevented the free elections promised by Stalin at Yalta. And today, Poles are taking the first steps toward real elections, so long promised—so long deferred. And in Hungary, at last we see a chance for multi-party competition at the ballot box.

As President, I will continue to do all I can to help open the closed societies of the East. We seek self-determination for all of Germany and all of Eastern Europe. (Applause.) And we will not relax and we must not waiver. Again, the world has waited long enough.

But democracy's journey East is not easy. Intellectuals like the great Czech playwright Vaclav Havel still work under the shadow of coercion. And repression still menaces too many peoples of Eastern Europe. Barriers and barbed wire still fence in nations. So when I visit Poland and Hungary this summer, I will deliver this message: There cannot be a common European home until all within it are free to move from room to room. (Applause.)

And I'll take another message: The path of freedom leads to a larger home—a home where West meets East, a democratic home—the commonwealth of free nations.

And I said that positive steps by the Soviets would be met by steps of our own. And this is why I announced on May 12th a readiness to consider granting to the Soviets a temporary waiver of the Jackson-Vanik trade restrictions, if they liberalize emigration. And this is also why I announced on Monday that the United States is prepared to drop the "no exceptions" standard that has guided our approach to controlling the export of technology to the Soviet Union—lifting a sanction enacted in response to their invasion of Afghanistan. (Applause.)

And in this same spirit, I set forth four proposals to heal Europe's tragic division, to help Europe become whole and free.

First, I propose we strengthen and broaden the Helsinki process to promote free elections and political pluralism in Eastern Europe. As the forces of freedom and democracy rise in the East, so should our expectations.

And weaving together the slender threads of freedom in the East will require much from the Western democracies. In particular, the great political parties of the West must assume an historic responsibility—to lend counsel and support to those brave men and women who are trying to form the first truly representative political parties in the East, to advance freedom and democracy, to part the Iron Curtain. (Applause.)

In fact it's already begun to part. The frontier of barbed wire and minefields between Hungary and Austria is being removed, foot by foot, mile by mile. Just as the barriers are coming down in Hungary, so must they fall throughout all of Eastern Europe. Let Berlin be next. (Applause.) Let Berlin be next. (Applause.)

Nowhere is the division between East and West seen more clearly than in Berlin. And there this brutal wall cuts neighbor from neighbor, brother from brother. And that wall stands as a monument to the failure of communism. It must come down. (Applause.)

Now, glasnost may be a Russian word, but openness is a Western concept. West Berlin has always enjoyed the openness of a free city. And our proposal would make all Berlin a center of commerce between East and West—a place of cooperation, not a point of confrontation. And we rededicate ourselves to the 1987 allied initiative to strengthen freedom and security in that divided city. This, then is my second proposal—bring glasnost to East Berlin. (Applause.)

My generation remembers a Europe ravaged by war. And of course, Europe has long since rebuilt its proud cities and restored its majestic cathedrals. But what a tragedy it would be if your continent was again spoiled, this time by a more subtle and insidious danger—the Chancellor referred to it—that of poisoned rivers and acid rain.

America has faced an environmental tragedy in Alaska. Countries from France to Finland suffered after Chernobyl. West Germany is struggling to save the Black Forest today. And throughout, we have all learned a terrible lesson—environmental destruction respects no borders. (Applause.)

So my third proposal is to work together on these environmental problems, with the United States and Western Europe extending a hand to the East. Since much remains to be done in both East and West, we ask Eastern Europe to join us in this common struggle. We can offer technical training, assistance in drafting laws and regulations, and new technologies for tackling these awesome problems. And I invite the environmentalists and engineers of the East to visit the West, to share knowledge so we can succeed in this great cause.

My fourth proposal—actually, a set of proposals—concerns a less militarized Europe, the most heavily armed continent in the world. Nowhere is this more important than in the two Germanys. And that's why our quest to safely reduce armaments has a special significance for the German people.

To those who are impatient with our measured pace in arms reductions, I respectfully suggest that history teaches us a lesson—that unity and strength are the catalyst and prerequisite to arms control. We've always believed that a strong Western defense is the best road to peace. (Applause.) Forty years of experience have proven us right.

But we've done more than just keep the peace. By standing together, we have convinced the Soviets that their arms buildup has been costly and pointless. Let us not give the incentives to return to the policies of the past. Let us give them every reason to abandon the arms race for the sake of the human race. (Applause.)

In this era of both negotiation and armed camps, America understands that West Germany bears a special burden. Of course, in this nuclear age, every nation is on the front line. But not all free nations are called to endure the tension of regular military activity, or the constant presence of foreign military forces. We are sensitive to these special conditions that this needed presence imposes.

To significantly ease the burden of armed camps in Europe, we must be aggressive in our pursuit of solid, verifiable agreements between NATO and the Warsaw Pact.

On Monday, with my NATO colleagues in Brussels I shared my great hope for the future of conventional arms negotiations in Europe. I shared with them a proposal for achieving significant reductions in the near future.

And as you know, the Warsaw Pact has now accepted major elements of our Western approach to the new conventional arms negotiations in Vienna. The Eastern Bloc acknowledges that a substantial imbalance exists between the conventional forces of the two Alliances. And they've moved closer to NATO's position by accepting most elements of our initial conventional arms proposal. These encouraging steps have produced the opportunity for creative and decisive action, and we shall not let that opportunity pass. (Applause.)

Our proposal has several key initiatives.

I propose that we "lock in" the Eastern agreement to Western-proposed ceilings on tanks and armored troop carriers. We should also seek an agreement on common numerical ceiling for artillery in the range between NATO's and that of the Warsaw Pact, provided these definitional problems can be solved. And the weapons we remove must be destroyed.

We should expand our current offer to include all land-based combat aircraft and helicopters, by proposing that both sides reduce in these categories to a level 15 percent below the current NATO totals. Given the Warsaw Pact's advantage in numbers, the Pact would have to make far-deeper reductions than NATO to establish parity at those lower levels. Again, the weapons we remove must be destroyed.

I propose a 20 percent cut in combat manpower in U.S.-stationed forces, and a resulting ceiling on U.S. and Soviet ground and air forces stationed outside of national territory in the Atlantic-to-the-Urals zone, at approximately 275,000 each. This reduction to parity, a fair and balanced level of strength, would compel the Soviets to reduce their 600,000-strong Red Army in Eastern Europe by 325,000 and these withdrawn forces must be demobilized. (Applause.)

And finally, I call on President Gorbachev to accelerate the timetable for reaching these agreements. There is no reason why the five-to-six year timetable as suggested by Moscow is necessary. I propose a much more ambitious schedule. And we should aim to reach an agreement within six months to a year, and accomplish reductions by 1992, or 1993 at the latest. (Applause.)

In addition to my conventional arms proposals, I believe that we ought to strive to improve the openness with which we and the Soviets conduct our military activities. And therefore, I want to reiterate my support for greater transparency. I renew my proposal that the Soviet Union and its allies open their skies to reciprocal, unarmed aerial surveillance flights, conducted on short notice, to watch military activities. Satellites are a very important way to verify arms control agreements. But they do not provide constant coverage of the Soviet Union. An Open Skies policy would move both sides closer to a total continuity of coverage, while symbolizing greater openness between East and West.

These are my proposals to achieve a less militarized Europe. A short time ago they would have been too revolutionary to consider. And yet today, we may well be on the verge of a more ambitious agreement in Europe than anyone considered possible.

But we are also challenged by developments outside of NATO's traditional areas of concern. Every Western nation still faces the global proliferation of lethal technologies, including ballistic missiles and chemical weapons. We must collectively control the spread of these growing threats. So we should begin as soon as possible with a worldwide ban on chemical weapons. (Applause.)

Growing political freedom in the East, a Berlin without barriers, a cleaner environment, a less militarized Europe—each is a noble goal, and taken together they are the foundation of our larger vision—a Europe that is free and at peace with itself. And so let the Soviets know that our goal is not to undermine their legitimate security interests, Our goal is to convince them, step by step, that their definition of security is obsolete, that their deepest fears are unfounded. (Applause.)

When Western Europe takes its giant step in 1992, it will institutionalize what's been true for years—borders open to people, commerce and ideas. No shadow of suspicion, no sinister fear is cast between you. The very prospect of war within the East is unthinkable to our citizens. (Applause.) But such a peaceful integration of nations into a world community does not mean that any nation must relinquish its culture, much less its sovereignty.

This process of integration, a subtle weaving of shared interests, which is so nearly complete in Western Europe, has now finally begun in the East. We want to help the nations of Eastern Europe realize what we, the nations of Western Europe, learned long ago. The foundation of lasting security comes, not from tanks, troops or barbed wire. It is built on shared values and agreements that link free peoples. (Applause.)

The nations of Eastern Europe are rediscovering the glories of their national heritage. So let the colors and hues of national culture return to these gray societies of the East. Let Europe forego a peace of tension for a peace of trust, one in which the peoples of the East and West can rejoice; a continent that is diverse, yet whole.

Forty years of Cold War have tested Western resolve and the strength of our values. NATO's first mission is now nearly complete. But if we are to fulfill our vision—our European vision—the challenges of the next 40 years will ask no less of us. Together, we shall answer the call. The world has waited long enough.

Thank you for inviting me to Mainz. May God bless you all. Long live the friendship between Germany and the United States. Thank you and God bless you. (Applause.)

THE RETIREMENT OF ELIZABETH OVERTON

HON. LEWIS F. PAYNE, JR.

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 6, 1989

Mr. PAYNE of Virginia. Mr. Speaker, I rise today to issue my congratulations and appreciation for a job well done. This month, Elizabeth Overton will retire after 20 years of dedicated service to Sinai Elementary School in Halifax, VA. She will be leaving a huge void in the school system after having served with integrity and dedication for so many years.

Yes, this month represents a very special occasion for Elizabeth Overton, for it marks her final farewell to a lifetime of teaching, helping, guiding, and nurturing hundreds of mentally retarded and learning disabled children.

It is with great admiration and respect that I ask you all to join me in saluting this outstanding member of our educational community. Elizabeth has been one of the most involved and effective teachers in Halifax. A woman of tremendous talent and dedication, she has positively affected the lives of hundreds of students during her tenure. Her exemplary leadership has been characterized by a deep commitment and a strong sense of idealism. Her ready willingness to be helpful has endeared her to both the colleagues and students whom she has served so well. As a result of her leadership and excellence, she enjoys respect and support throughout Halifax.

Her participation in the community, as well as professional organizations, has earned Elizabeth the admiration of her peers and a position of prominence in the community. Her many achievements are indicative of her love for hard work and her tireless commitment and service to others. These are an inspiration to all of us who know her.

Elizabeth was born in Lynch Mines, KY, and received her bachelor of science from Virginia Polytechnic Institute and her masters in education from the University of Virginia. Her teaching career began as an instructor at Virginia Intermont College in Bristol, then she worked for 7 years as a processed food inspector for the the Department of Agriculture. As a Federal employee, Elizabeth traveled throughout the east coast from New York City to Baltimore, Maine, Georgia, Florida, and Richmond.

Elizabeth has been active throughout the years in educational, political, gardening, and civic organizations. She is president of the Halifax-South Boston Education Association and has been delegate to a number of Virginia Education Association conventions, as well as a member of numerous convention and State education committees. In addition, she is a charter member of the board of the Halifax-South Boston Continuing Education Program, a national prototype program in Virginia.

Elizabeth has often been a delegate to Virginia State Democratic Party conventions and is an active participant in numerous other Virginia Democratic Part activities.

Elizabeth's life, however, is not all work. In between her educating and many meetings, she and Ed Taylor, her husband of over 40 years, have raised three children: Edward Taylor Overton, Jr., of Williamsburg, VA; Ramah Overton Cook of Atlanta, GA; and John Clayton Overton, of Silver Spring, MD. In addition, they are enjoying the grandparenting of Taylor St. John Overton and have another grandchild on the way.

She is the current president of the Halifax County Herb Club and has won over 200 blue ribbons in county fairs for both her herbs and her flowers.

Elizabeth Overton is one of those types of individuals who has shown dedication to her school and her community that is rarely matched. But her most outstanding attribute has been her devotion and commitment to children—she has been an outstanding example of what commitment to quality education is all about. She will be missed by Sinai Elementary school, but she leaves behind a solid foundation on which to build. I am sure all of Halifax joins me in wishing her the joys of retirement for many, many years to come.

THE LONDON INFORMATION FORUM

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 6, 1989

Mr. HOYER. Mr. Speaker, today I would like to address the achievements and lessons of the recently concluded London Information

Forum. This forum was an important step in the Helsinki process, and deserves to be examined closely for both the forward strides it achieved and the new wrinkles it introduced for both Eastern and Western participants in the 14-year-old Conference on Security and Cooperation in Europe.

The London Information Forum, which ran from April 18 through May 12, was the first nonsecurity-related meeting to be mandated by the Vienna CSCE review meeting. It was convened to examine compliance by the 35 signatory-states of the CSCE with the information provisions of the Helsinki Final Act, and the Madrid and Vienna concluding documents. The forum focused on: improvement of the circulation of, access to, and exchange of information; cooperation in the field of information; and improvement of working conditions for journalists. Three working groups looked at these issues in the fields of oral, printed, filmed, and broadcast information, and examined possibilities for facilitating the freer and wider dissemination of information of all kinds.

I would like to take this opportunity to commend Leonard Marks, who led the U.S. delegation to the forum, for his effective leadership.

Coming close on the heels of the Vienna review meeting, which ended only in January of this year, the CSCE did not need any concluding document to come out of the London Forum, and no such document was agreed to. Instead, the success of the meeting can be measured in the widespread momentum it developed for encouraging significantly better compliance with the essential but often overlooked information provisions contained in CSCE documents. Approximately 70 information-related proposals developed by various delegations and delegates during the forum will be forwarded to the next major CSCE review meeting in Helsinki in 1992.

The meeting was remarkable for several firsts. For the first time, a CSCE meeting was held with a near-maximum of openness and access for the press and the general public.

For the first time, a professional group keenly interested in and dependent on the Helsinki process—journalists—was intimately involved in deliberations normally limited to diplomats. I understand that the journalists present lent a vibrancy and focus to the forum that carried through from their unofficial meetings to the subworking groups and plenaries.

And for the first time, two East European delegations included truly independent representatives expressing their own points of view rather than those of their governments. Some of the most startling and stimulating statements came from a few independent members of the Polish and Hungarian delegations. While the Soviet delegation members did not demonstrate the same amount of heady independence, they nevertheless impressed the forum's participants with their candor and eagerness for substantive discussion.

Another first was the atmosphere at the forum: the constructive discussions which focussed so closely on practical matters, and the overwhelmingly positive response to recent Soviet initiatives in Western Europe. These contributed to a feeling that the bloc-to-bloc nature of CSCE was slowly but surely giving way to a genuine, multilateral forum exemplified by the bridge proposal put forward by Austria, Switzerland, Hungary, Poland, West Germany, Italy, and Luxembourg. This proposal contained a number of useful suggestions on improving working conditions for journalists, expanding access to print and broadcast media, and promoting the use of new forms of communications technology. In fact, you might say that a minieuphoria was created which runs the danger of ignoring the many problems that remain.

This was a forum which also revealed the need for better compliance among Western nations as well. The United States was criticized on a number of points by Easterners and Westerners alike. One of the most troubling, recurring criticisms directed at the United States regarded the restrictions which the McCarran-Walter Act places on entry visas to the United States.

This 1952 law, enacted at the height of McCarthyism and over the veto of President Truman, systematically excludes foreigners on the basis of their beliefs and affiliations. For example, under the McCarran-Walter Act, Communist Party members and representatives of labor unions from Communist countries can be excluded from entering the United States. The subsequently passed McGovern amendment, which provides for an automatic waiver of entry denial for Communist Party members, does not extend to the aforementioned labor union representatives. This exclusion would disqualify a number of participants in the London Forum from visiting this country.

It does not benefit our Nation—founded on the principles of the fullest possible liberty and democracy—to maintain a law decreeing that it is the business of Government to select which opinions are proper for an American audience. It is hardly appropriate that in this information age of satellites and instantaneous communications, ideas can transcend borders but their authors cannot.

On many occasions in the past I have pointed out how damaging the McCarran-Walter Act is to our attempts to encourage greater freedom of expression in other CSCE signatory-states. United States cirticisms of Soviet and East European human rights restrictions have been effectively tainted—including at the Information Forum—by an antiquated, rarely-used but highly visible law.

Now there is an additional compelling reason to overturn it once and for all. The Soviet Union and some East European countries are revising their laws with the stated aim of achieving genuine political reform and greater resepct for basic political and civil rights. Meanwhile, the United States is perceived to be standing still.

Isn't it time for the United States, too, to look at itself in the self-critical fashion so many delegates suggested in London, and remove the needless and counter-productive limitations contained in the McCarran-Walter Act? I hope that this session of Congress will at long last succeed in carrying out this important legislative reform.

A TRIBUTE TO BLAINE L. CORNELL AND THE STANISLAUS NATIONAL FOREST SERVICE EMPLOYEES

HON. RICHARD H. LEHMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 6, 1989

Mr. LEHMAN of California. Mr. Speaker, I rise before my colleagues today to commend Blaine L. Cornell, supervisor of Stanislaus National Forest Service [SNFS], and the SNFS employees. Today Blaine L. Cornell, Thomas J. Millard, Robert L. Rice, and Ron McCormick are in Washington, DC representing Stanislaus, Klamath, and Siskiyou National Forests and the Downieville Ranger District on the Tahoe National Forest to accept an award from the Forest Service, recognizing them for their "extraordinary leadership and resource recovery accomplishment during and following the Fire Siege of 1987."

In the months of July, August, and September of 1987, California, Oregon, and Washington suffered some of the worst fires in the history of the Forest Service. From the beginning, members of the Stanislaus, Siskiyou, and Klamath National Forests and the Downieville Ranger District of the Tahoe National Forest were involved in this unprecedented crisis, fighting fires and providing critical support.

I would like to particularly commend a constituent in my district, Blaine L. Cornell, the forest supervisor of the Stanislaus National Forest Service. He and his employees displayed remarkable courage and skill in fighting the fires. Just the logistical effort required to support more than 25,000 firefighters was staggering. People, vehicles, food, supplies, and materials were being moved to the fires constantly. For 2 months members of the various teams conducted round-the-clock fire suppression. They also provided critical support to residents of nearby towns by answering questions and providing crucial information. After the last fire was out, members continued their already exemplary work by reseeding hillsides, clearing out debris and formulating long-term recovery plans. Because of the dedicated support of all employees this massive recovery effort was successful.

Today, I personally thank all the Forest Service personnel and especially Blaine L. Cornell and his employees who contributed to fighting the devastating fires of 1987. Their dedication and heroism are truly commendable.

AMERICA MUST RESPOND TO PLIGHT OF CHINESE PROTESTERS

HON. RONALD V. DELLUMS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 6, 1989

Mr. DELLUMS. Mr. Speaker, during the past month people around the world were enthralled by the incredibly creative, nonviolent

movement of Chinese students, workers, intellectuals, and some segments of the People's Liberation Army [PLA] to expand the boundaries of freedom and self-determination for all in the People's Republic of China. I, too, was inspired by this movement.

This past weekend I wept, along with citizens of conscience around the world, as we heard of the wanton massacre of thousands of these peaceful Chinese citizen activists by their own government. I am appalled that the Chinese government ordered elements of the PLA deliberately to murder and to maim those who have had the courage to stand up for freedom and democracy. That same government then had the audacity initially to tell a disbelieving Chinese nation and the world at large that no students had been killed in the brutal assault on the student encampment at Tiananmen Square.

I stand in total solidarity with those courageous people in China who are still continuing the struggle for freedom and human dignity. Their struggle must be our struggle, at the very least in terms of full moral support and humanitarian aid to those already afflicted and to those who will continue to suffer in the weeks and months ahead. Here in America we must reach out to the Chinese students already in this country, to reaffirm our collective commitment to provide a safe haven for them at this critical moment in history, and to expand communication opportunities for them to remain in touch with their families and loved ones back in China.

Our national policy must consistently enhance and nurture democracy, mutual respect among people and a determination to honor internationally recognized human rights. Obviously, U.S. arms trade with the PRC must be terminated, at least until we can be assured that the barrel of the gun will not be used to suppress the power of the people to chart their own course to greater democracy and governmental accountability.

Freedom is on the march in China, as it is in other societies around the world, from Poland to the Soviet Union to South Africa. It cannot and will not be denied. I join with the citizens of the 8th Congressional District who are in the vanguard of support for our Chinese brothers and sisters, both at home and abroad. We may be citizens of America, but we must also be citizens of humanity. This Nation, this administration must stand as one in denouncing these atrocities and the effort to stifle human freedom.

IN HONOR OF ROLLING MEADOWS HIGH SCHOOL CONGRESSIONAL DEBATE TEAM

HON. JOHN EDWARD PORTER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 6, 1989

Mr. PORTER. Mr. Speaker, I take this opportunity to congratulate the congressional debate team of Rolling Meadows High School in Rolling Meadows, IL. For the second year in a row, the team has captured the Illinois Speech and Theatre Association's first place trophy.

The winning team was composed of seniors Mary Johannesen, and Katie McBride, and juniors Ken Pippin and Janice Potocki. Katie was the only returning member from last year's championship team. She was the top point getter on the Senate side, and her teammate Ken accomplished the same feat in the House. Mary was nominated for best speaker in the Senate.

The team was established 5 years ago by English teacher Wayne Wagner with the assistance of Mr. Frank Compton. The competition centers around debating pressing political issues, and the students are responsible for researching the topics they will debate.

The students of Rolling Meadows High School and the people of Rolling Meadows and Arlington Heights can be very proud of Mary, Katie, Janice, and Ken. They have shown tremendous dedication, and a high level of personal excellence. In addition they have demonstrated the ability to work together within a group toward a mutual goal.

I am very pleased to have the opportunity to congratulate these fine young people on their commendable achievement.

A CONGRESSIONAL TRIBUTE TO GEORGE W. PASHA III

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 6, 1989

Mr. ANDERSON. Mr. Speaker, I rise today to bring to my colleague's attention the long and distinguished career of an outstanding citizen in my area, Mr. George W. Pasha III. George will be honored on June 15, 1989 by the Los Angeles Area Council of the Boy Scouts of America, with the Shipping and Transportation Good Scout Award. This occasion gives me the opportunity to express my appreciation for his work on behalf of our community.

George W. Pasha III, grew up in the automobile industry, having worked in all facets of the business from the time he was 14 years old. Upon receiving a degree in transportation from the University of San Francisco, he entered into a partnership with his father. Quickly envisioning opportunities for expansion, he began soliciting import automobile manufacturers, landing their first account with British Motor Car Co. Other accounts including General Motors, Opel, and Volvo quickly followed.

The automotive group today has California port facilities in Richmond, Long Beach, and Los Angeles, as well as a new state-of-the-art facility in Philadelphia, PA.

In 1972, George purchased his father's stock, was appointed President of the firm, and established what is now known as Pasha Martime Services to further enhance the activities of the automotive group.

In 1980, wishing to expand the transportation services provided, the Pasha Group acquired a well-established freight forwarder, known as AFI Worldwide Forwarders. Today, the transportation services group handles the movement of military household goods and baggage, in cooperation with a global network of over 400 agents, and has entered the commercial aspect of the moving industry, with particular emphasis on international moves and employee relocation. George's oldest son, George IV, is vice president of the division, maintaining the family quality that makes the Pasha Group a dedicated service organization.

My wife, Lee, joins me today in extending our congratulations to George W. Pasha III. He is a truly remarkable individual. On behalf of the entire community, we wish George, his wife Janet and their children, George IV, Maureen, Michael, Mary Jane, and John, all the best in the years to come.

TRIBUTE TO LOUIS SCOLA

HON. ROBERT J. MRAZEK

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 6, 1989

Mr. MRAZEK. Mr. Speaker, I rise today to pay tribute to Police Officer Louis Scola of the Suffolk County, Long Island Police Department, who on July 1 is retiring after 34 years of active service.

Officer Scola has become a fixture in the community of Huntington Station. He graduated from Huntington High School in 1953 and was appointed to the Huntington Police Department in 1955, which existed before the establishment of a county-wide police department in 1960. Officer Scola has been assigned to unit 202 of the police department for his entire career.

Officer Scola has had a long and distinguished career as a police officer. Some of his honors include the Knights of Columbus Policeman of the Year, the New York State Loyal Order of Moose Award for Law Enforcement, the Rotary Club for Service Above Self, and the Town of Huntington's John Lome Award, recognizing the police officer of the year in Huntington.

Mr. Speaker, Officer Scola is the embodiment of dedication as a law enforcement official. From the day he was sworn in as a police officer in 1955 till his heart attack in 1985, Officer Scola never took a single sick day. And since his subsequent bypass surgery, he has not taken a sick day in the last 4 years.

Officer Scola has served the last 24 years in the community where he grew up—Huntington Station. He is well-known throughout the area, and is affectionately referred to by the residents as Mr. Lou. He has served our community in a truly unselfish manner. Officer Scola should be a role model for anyone considering a career in law enforcement. He is a true asset to our community, and I know the residents of Huntington Station and his colleagues in the Suffolk County Police Department join me today in paying tribute to him. I wish Officer Scola all the best on the occasion of his retirement.

EXECUTIONS AND HUMAN RIGHTS ABUSES IN IRAN

HON. MICHAEL DeWINE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 6, 1989

Mr. DEWINE. Mr. Speaker, the persistence of human rights abuses by the regime of Ayatollah Khomeini in Iran has always been of great concern to the international community and to the Members of this body. However, I want to take this opportunity to speak about the most recent occurrences in Khomeini's Iran. Recent fear of the regime's disintegration and escalation of opposition to repressive policies since the August cease-fire have prompted Khomeini's government to embark on a campaign of unprecedented mass execution.

The wave of mass executions reportedly began following Khomeini's decree that all political prisoners must be executed unless they recant their beliefs and repent on national television. Ultimately, many of the over 140,000 political prisoners were either executed or are in danger of execution. The U.N.'s Special Representative, investigating the human rights situation in Iran, in his interim report of October 1988 states: "According to information received by the Special Representative in September 1988, a large number of prisoners, members of opposition groups, were executed during the months of July, August, and early September 1988."

Amnesty International also in its written statement to the 45th Session of the U.N. Commission of Human Rights indicates that:

> Many of the execution victims had been imprisoned for a number of years prior to their execution, and among them were a large number of prisoners of conscience and others serving prison terms, imposed after unfair trials for their nonviolent political activity. Thousands more were imprisoned for such offenses as distributing leaflets and newspapers, collecting money for the families of political prisoners, and taking part in marches and demonstrations. Some had been forced to remain in prison despite having completed their prison terms. Many of those recently executed were teenagers at the time of their arrest.

Amnesty International (January 1988) states that:

> Relatives who have been informed of an execution by the authorities have often been given very little information. One man told Amnesty International that his father was telephoned in early November and told to report the next day to the Komiteh (Islamic Revolutionary Committee) in his neighborhood of Tehran. There he was informed that his son had been executed and given a few personal belongings. He was not told where the body was buried. Other relatives have been told even less, and at the present time, thousands of prisoners' relatives have no way of knowing if their family members are alive or dead.

These are only a few examples of what has been going on in Khomeini's Iran on a daily basis. These atrocities must be stopped. They are people who are being held for either their political or religious beliefs or for voicing discontent with the present dictatorship in Iran. Along with our allies, the U.S. Government should continue its policy of diplomatic and economic isolation of Iran. With the recent leadership changes in Iran, hopefully the regime will be more responsive to the condemnation of the international community and end this wave of terror.

IN MEMORY OF CLAUDE PEPPER

HON. THOMAS J. DOWNEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 6, 1989

Mr. DOWNEY. Mr. Speaker, it was with deep sadness that I learned of the passing of Claude Pepper. The country has lost a hero, and we in Congress have lost a dear and valued friend.

In 1974 I was elected to serve in Congress. I was 25 years old. At that time, Claude Pepper was 75 years old. His congressional career, which spanned six decades, was in full swing. I had heard Claude Pepper's name for years. His name had already become known as the key supporter of programs for the elderly, and a passionate advocate of those less fortunate.

In the same year that I was elected to Congress, the House Select Committee on Aging was formed. Claude Pepper was an original member and the organizing force behind its formation. His endless energy, commitment and immense popularity soon won him the position of chairman, and the aging community in this Nation had a champion. They had someone to look to for leadership, and he never disappointed them. Claude Pepper was one of the main reasons why the aging lobby is one of the biggest and strongest in the Nation.

Claude Pepper utilized his incredible energy to fight for the rights of the elderly. He never lost sight of this goal throughout his career. In 1983, when he stepped aside as chairman, and took the chairmanship of the Rules Committee, he did so in order to broaden his service to this Nation.

There is so much that can and has been said about Claude Pepper. His legislative accomplishments include the Social Security Act, Minimum Wage legislation, Medicare and Medicaid programs, and the elimination of mandatory retirement, among many others. Claude Pepper was a man of great vision. He longed to see a comprehensive long term home care plan in place so that all citizens of this Nation could live securely and independently without fear of destitution. Claude Pepper fought to find alternatives to the institutionalization that is often the final resting place for our Nation's seniors. He spent the last few years of his life working toward this goal.

As the chairman of the House Aging Committee's Subcommittee on Human Services, I have had the opportunity to see first-hand the product of Claude Pepper's work. As the chairman of the subcommittee that has oversight responsibility over the Older Americans Act, I know how important Claude's work has been to this particular constituency. From those elderly who have been abused, to the Indian elderly of this Nation, Claude Pepper worked to improve the quality of life for each and every one.

There is a sense today that we are all children of Claude Pepper. He was a bridge linking the past with the future. We have all been touched by the love he had for this institution, for his family, his staff, and his constituents.

It is our responsibility to carry on his work. No one can fill Claude Pepper's shoes, but we can work to keep his dreams alive. His memory must be honored, and we must do that by working together to honor our Nation's elderly.

I extend my deepest sympathy to Claude Pepper's brother, Frank, and his family, and to his staff, both in his congressional offices and his committees, who served him so well and so loyally over the years.

ALLYSON RIOUX

HON. CHRISTOPHER SHAYS

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 6, 1989

Mr. SHAYS. Mr. Speaker, earlier this year my home city of Stamford, CT, lost a fine citizen in Allyson Rioux. Not only was Allyson a tremendous athlete—considered one of the best women's fast pitch softball players in the world—but she was also an inspiration to all those whose lives she touched.

Allyson emerged as a star in the Stamford Miss Softball America League. At Westhill High School, where she graduated in 1979, she gained statewide recognition. She was the first young woman in the history of the Fairfield County Interscholastic Athletic Conference to have been named to the all-conference softball team 4 years in a row. In her senior year, Allyson was a first-team all-State selection in both softball and field hockey and a second pick in basketball.

After her high school graduation, Allyson launched her career with the Hi-Ho Brakettes based in Stratford, CT. As a second baseman, she helped the team win five amateur Softball Association national championships. She was also named to the All-World Team at the national tournament in New Zealand.

In 1987 Allyson was diagnosed as having a brain tumor behind her eye. Following surgery, thousands of fans showed up at Raybestos Memorial Field to welcome her back to the Brakettes lineup. And just last September she was named head softball coach at Sacred Heart University in Fairfield, CT.

Allyson died February 9, 1989. Today her family and friends are gathering to honor her courage, her generosity, her compassion, her extraordinary talents—both on and off the playing field—and her commitment to the sport of softball and to our community of Stamford. She will long be remembered for those qualities—qualities that made her a great inspiration to all.

TRIBUTE TO EZELL L. ARMOUR

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 6, 1989

Mr. TRAFICANT. Mr. Speaker, I rise today to pay tribute to Ezell Armour, a man extremely dedicated to the welfare of others, who died on May 15, 1989.

Ezell was the first black to head the Mahoning County Welfare Department, and served as its director from 1969 to 1983. Mr. Armour helped the disadvantaged in my 17th District of Ohio for 35 years, the last 26 of which he served as a social worker. In 1981, he received the Outstanding Community Service Award from the U.S. Department of Labor, and in April 1989, he received the Lifetime Achievement Award from the Eastern Ohio Chapter of the National Association of Social Workers.

Ezell Armour devoted his entire life to assisting not only his community, but also his country, as he enlisted in the Army Medical Corps during World War II. After earning his master's degree in social work and master's in education, Ezell served as a social worker for Ohio Reformatory for Men, counselor at the Mahoning County Joint Vocational School, and a physchiatric social worker at Woodside Receiving Hospital. Along with these many positions, he acted as a consultant on minority employment to Youngstown State University and was a member of the Academy of Certified Social Workers, Ohio Welfare Directors' Association, and the Ohio Citizen's Council.

Mr. Speaker, we have suffered a great loss with the passing of Ezell Armour. His memory and remarkable achievements will be with us forever and serve as an ideal model and standard for my district as well as this Nation to value and follow.

TRIBUTE TO DR. AND MRS. DAVID L. MILLER

HON. WILLIAM F. CLINGER, JR.

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 6, 1989

Mr. CLINGER. Mr. Speaker, it is with great pleasure that I rise today to pay tribute to Dr. and Mrs. David L. Miller of New Bethlehem, PA.

Dr. Miller and his wife will soon be leaving the Pennsylvania community of which they have become such an integral part. After 40 years of service as the general practitioner in the New Bethlehem and Redbank Valley areas, Dr. Miller will be closing his offices and retiring to the Chautauqua Institute in New York.

The community has been greatly influenced by the Millers. Mrs. Miller has been very dedicated to the church and numerous community activities. Dr. Miller has not only given much of his time to his practice, but he has also served on the staff of Brookville Hospital and is an officer of the Pennsylvania Medical Society.

Although New Bethlehem will miss this much loved country doctor, he will long be remembered through the prominent sign in the parking lot of the new medical facilities building named the David L. Miller Medical Center.

Mr. Speaker, on behalf of their many friends, relatives, colleagues, and the 23rd district of Pennsylvania, I want to congratulate Jane and David Miller on their many accomplishments. Their dedication to the community is most impressive and deserves our recognition.

TRIBUTE TO ALYSON MASLANSKY

HON. HOWARD L. BERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 6, 1989

Mr. BERMAN. Mr. Speaker, I rise today to pay tribute to an outstanding citizen. Alyson Maslansky provides leadership and inspiration to Jewish youth from coast to coast. She will be honored with the prestigious Alumni Award at a gala event of the West Coast Region of the Orthodox Union and National Conference of Synagogue Youth.

Alyson Maslansky is an outstanding member of NCSY. Through her efforts Jewish teenagers have had an unparalled opportunity to experience the wealth of their culture and have developed the knowledge and wisdom that will enable them to expand and enhance their rich heritage.

Ms. Maslansky is being honored for an outstanding tenure as national president of NCSY. She has also served as chapter president at Beth Jacob, Beverly Hills, and West Coast vice president of the Southland District. As national president she has been an outstanding role model to Jewish youth across the country.

Mr. Speaker, I am proud to ask my colleagues to join me in saluting Alyson Maslansky, a leader in our community and an inspiration to our youth.

THE JAPANESE PLAY BY DIFFERENT RULES

HON. JIM SLATTERY

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 6, 1989

Mr. SLATTERY. Mr. Speaker, the Washington Post recently published an excellent article by T. Boone Pickens concerning his recent attempts to invest in a Japanese manufacturing concern. I commend Mr. Pickens' comments to my colleagues. His purchase of a 20-percent interest in Koito provides an instructive example of the differences between Japanese and American business cultures.

[From the Washington Post, June 4, 1989]

T. BOONE TAKES ON TOKYO—HOW A CORPORATE DEALMAKER LEARNED THAT JAPAN DOESN'T PLAY BY TEXAS RULES

(By T. Boone Pickens)

Maybe I should have been worried when I got off the bullet train in Tokyo on April 16 and picked up a newspaper. I was amazed to read that the Japanese press was comparing my recent investment in a Japanese manufacturing firm and my trip to Japan with the historic "Black Ships in the Harbor" visit by another American, Commodore Matthew Perry, in 1853. Perry's visit forced Japan's economy to open to the outside world.

I'm not trying to sell the idea that T. Boone Pickens was so naive as not to have considered cultural and symbolic issues before acquiring, in March of this year, almost a billion dollars' worth of stock in Koito Manufacturing Co., a Japanese supplier of automobile lighting. Still, I had observed how over the past decade the Japanese, with relative ease, invested billions of dollars in the American economy, and I took it almost for granted that our investment in Japan would be received similarly.

After all, I have been giving speeches since the early 1980s about the emerging global economy and the opportunities it would offer for U.S. as well as foreign investors. I can hear myself now. I would say that American executives should quit whining for protection and get back to the workbench and compete. I said I was skeptical about claims that countries like Japan played by two sets of rules, one for their home companies and another for ours. I said that with the right corporate leadership, all you would have to do is show us the court, tell us the rules, and Americans could win most of the time.

It was always a popular speech. I gave it, for example, to a middle management seminar at Harvard in 1986. There were about 30 managers from Japanese companies in the class. They grinned broadly throughout the speech and came up to me afterward to register their complete agreement. I think I understand better now what it was they were smiling about. The reason for my new understanding is this: When I visited Japan back in April, I got a first-hand introduction to what it is like to do business—wait a minute—to try to do business in Japan.

After my unexpected welcome in the press, my second tip-off to the fact that it wouldn't be business-as-usual came when I walked into a luncheon to deliver a speech to the American Chamber of Commerce at Tokyo's New Otani Hotel. The crowd was so large that they had to change rooms to accommodate it. I learned later from the Japanese press that the press conference that followed was the largest in Japanese business history.

What amazed me most, however, were the quizzical looks we received when my wife Bea accompanied me to the table from which my partner Sidney Tassin and I would answer the media's questions. It's well known that women are not included in Japanese business circles, but I didn't realize that a woman's presence in today's world would draw such attention. After all, it seemed natural that Bea would be by my side. She was there in 1976 when Mesa tested its discovery well of the coast of Scotland in the North Sea. She was there when I addressed Gulf Oil's shareholders in 1983. In fact, Bea has been at my side at every major juncture in my career since our marriage in 1972.

This reaction struck home not just because it ran contrary to American instincts, but because I was involved in one of the largest business transactions of my career. And I was quickly coming to realize that it involved conflicts of culture and custom the likes of which I had never experienced—and I have experienced some pretty good clashes of culture with entrenched management in this country.

Though shares in Japanese companies are ostensibly traded freely on world markets, a clubby system of interlocking ownership governed by an unwritten corporate code ensures that control of these companies will remain in Japanese hands. It also ensures that stocks on the Tokyo Stock Exchange trade at unusually high multiples of share price to earnings because only a small percentage of a company's shares actually trades freely.

In a typical Japanese public company, 60 to 80 percent of its shares are held by what is known as a *kieretsu*—a web of "stable" stockholders, most of whom either do business directly with the company or with one of the company's major holders. Koito is a classic case. Toyota Motor Corp. owns 19 percent of Koito's shares—and at the same time is Koito's largest customer, buying almost half of its products. Another 40 percent is held by Koito's other customers, banks, insurance companies and suppliers. These stockholders do not expect to make money through the stock, but through the business relationships that come with being a member of the club.

The opportunity to purchase a 20 percent interest in Koito was unique: It was the first time in history that a major block of shares in a Japanese company had become available to an outsider without the approval of the kieretsu. We purchased the stock from a Japanese investor who had accumulated it from various sources, including disgruntled members of Koito's founding family.

The press reports that the Japanese markets were "stunned" by our investment caught me by surprise. I saw it as an unusual, but fairly straightforward, transaction posing no threat to Koito management. Our intention was to obtain representation on the company's board and to play a constructive role in planning Koito's future, especially in expanding its customer and operating base in America and Europe. We had no thoughts of taking over the company—that would be impossible given the structure of Koito's ownership. Nor did we have any plans for accepting greenmail, despite rumors to the contrary. In an April 19 letter, we expressed all these assurances, and requested a meeting with Koito's management.

The first roadblock we came to was Koito's concern about the completeness of our filings. We had consulted the Japanese Ministry of Finance and Ministry of International Trade and Industry on our transaction and had been assured that our filings were complete. Still, by March 31, the last day on which ownership entitled us to vote at the June stockholders meeting, Koito had not registered our stock. When we got to the bottom of the matter, it rested on Koito's complaint that we had failed to note that Koito did business with a "sensitive" national security-related industry because it produced interior lighting for aircraft. Sensitive? Maybe they don't realize that American planes have interior lights too.

By the time we left for Japan on April 15 for my speech to the Chamber of Commerce, Koito had still not registered our stock or agreed to a meeting. Finally, on the day of the speech, Koito—having failed to convince the Japanese government that our filings were incomplete or inaccurate—agreed to register the stock in the name of Boone Co., a private company through which the investment was made. After the press conference, our Japanese lawyer received word that Koito would meet with us.

The next morning we met with Takao Matsuura, Koito's president, and other Koito representatives. After exchanging pleasantries, and briefly discussing Koito's U.S. operations, Matsuura stated that he was glad to have this first meeting but he did not want to address any "difficult" questions. He explained that in Japan, a first meeting was often just an exchange of business cards. But, objected my partner, Sidney Tassin, we had come a long way, and none of our few questions seemed to us particularly difficult.

We asked for the date and time of Koito's annual shareholders meeting, and we asked to be allowed to send observers to their next board of directors meeting. Finally, we asked for representation on Koito's board of directors equal to that of their other large shareholder, Toyota, which has three representatives.

With this last question Matsuura stiffened. The Koito managers did a lot of talking and exchanged disdainful looks. In the end, all we got was the date and time of the shareholders meeting—10 a.m. on June 29.

As to the other questions, we were told that we didn't understand Japan's prevailing custom and practice. "In the future," said Matsuura, "we [Koito] would consider thinking about whether you [Boone Co. representatives] could be on the board. But we are not saying you could be."

To this I responded, "I am hearing that you do not consider us owners. That we have to work our way in. I understand your custom but not the logic."

Matsuura replied, "We have a different system. This will take time, trust must be built, logic is hard to explain . . .."

They asked that we send a formal letter requesting representation on the board for "full consideration." I was about to learn that the Japanese notion of trust isn't much like the one we know in Texas.118

Finally, Matsuura asked that we not discuss with the press what went on in the meeting—that we honor the Japanese custom of portraying the first meeting as cordial and introductory. We were not trying to put Koito's management in an uncomfortable position, so we agreed; and when I was later met by the press, I honored Matsuura's request.

We went directly from the meeting to Tokyo's Narita airport for the 10-hour flight back home. Upon arriving in Texas, we learned that Koito had held a press conference shortly after our meeting to announce that we had requested board representation and that our request had been turned down. So much for the required portrayal of first meetings—or for giving our request "full consideration."

Nevertheless, we went ahead and sent a formal request on April 21. We also asked that four representatives of Boone Co., including an interpreter, be allowed to attend the June 29 shareholders meeting. The first response we received was that Koito management was using its "best efforts" to accommodate the request—at the same time that Tokyo's financial press was reporting that our requests have been rejected. Then on May 23, we got a letter saying that it would be all right if I came to the stockholders meeting with an interpreter—but no one else!

I wonder what Matsurra meant by "building trust?"

At the same time, Koito denied our request for representation on their board. Yet at the very same meeting where that decisions was made, Koito directors voted to add a new director to represent Matsushita Corp., a Japanese company with only a 5 percent holding in Koito stock, compared with Boone's Co.'s 20.2 percent holding.

It's becoming very clear that Koito's management does not want me or any Boone Co. representatives on the inside. But why? We are requesting three seats. With Koito's 20-member board, we couldn't be a threat. What could we do to disrupt the company, and why would we want to? With a 20 percent investment, our interests are the same as all the shareholders and Koito's managers—to maximize Kopito's potential.

Admittedly, I'm a four-day wonder on the subject of Japan (though negotiation of the purchase agreement did involve 10 lengthy meetings over four months), but I have come to the conclusion that investment between our two countries is not a two-way street. Every day we read about a Japanese company or investor making a major investment in American real estate or taking over an American corporation. I see that as healthy—but only if Americans have the same opportunities to invest with full rights in Japan. What makes this problem so tough to deal with is that the most powerful impediments are not legal restrictions but silent barriers produced by nationalistic custom and practice.

As the world's second largest economy, Japan wants to live by a double standard. It wants open markets in which to sell and invest, but it doesn't want to provide the openness at home on which stable global trading relationships must depend in the long run. In fact, after getting a glimpse of their financial structure. I don't buy all the rhetoric about how the Japanese are long-term thinkers. Their policy of exclusion is the shortest of short-term strategies. If Japan expect to go into the next century with a closed system, it's not going to work—especially when the rest of the world is heading in another direction.

I am convinced that Japan will never be a meaningful market for our products, and our $55 billion trade imbalance will not be reduced, until its financial markets—along with its whole approach to trade—are restructured. That's why I was delighted to read the week before last that, in deciding to list Japan as an "unfair trader" under Sec. 301 of the Trade Act, President Bush has also proposed undertaking wide-ranging talks with Japan aimed at altering "structrual impediments to trade." This means truly free markets where shares are not locked up to facilitate clubby economic relationships but are bought and sold freely based on an underlying system of risks and rewards.

We plan to do our part by pressing on until we receive full and equal treatment commensurate with Koito's Japanese shareholders. I am looking forward to attending Koito's annual shareholders meeting on June 29 and my interpreter to let me know what's going on. And, I expect that Bea will join me.

SUPPORTING SECRETARY DERWINSKI'S ACTION TO EASE MEDICAL COMPENSATION FOR AGENT ORANGE VICTIMS

HON. CONSTANCE A. MORELLA

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 6, 1989

Mrs. MORELLA. Mr. Speaker, I rise today to commend Secretary of Veterans' Affairs Edward J. Derwinski's decision to not appeal a recent United States District Court's verdict affecting agent orange claims by Vietnam veterans. Secretary Derwinski's decision is a positive first step in the process of treating the health problems of the thousands of veterans who were exposed to the defoliant agent orange during their tours of duty in Vietnam.

The Secretary's decision means that instead of a lengthy legal appeals process, the Veterans' Administration will develop regulations by October under which Vietnam veterans can obtain medical benefits for their exposure to the carcinogen dioxin in agent orange. The decision ends 12 years of protracted litigation over the effects of agent orange and has put a halt to this injustice.

Vietnam veterans have been waging an uphill battle for their just medical compensation. It is only fitting that these veterans were able to observe this past Memorial Day with the confidence that soon action will be taken for the men and women who bravely fought for our country in Vietnam to receive the compensation they have sought and deserve.

MINIMUM WAGE

HON. JOHN G. ROWLAND

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 6, 1989

Mr. ROWLAND of Connecticut. Mr. Speaker, I rise today to express my support for the House and Senate passed legislation to raise the present minimum wage and urge President Bush to sign this measure into law.

Within a 3-week period in March and April, both the House and Senate voted in favor of H.R. 2, a bill to raise the minimum wage from its present level of $3.35 an hour to $4.55 an hour over 3 years. President Bush has vowed to veto an increase in the minimum wage of more than $4.25 an hour.

The Federal minimum wage in this country has been stuck at $3.35 an hour since it was last increased in 1981. By anyone's standards, this is not a living wage for any person. Because of inflation, the current minimum wage of $3.35 only buys $2.50 worth of goods and services. If the minimum wage had been adjusted to keep pace with inflation, it would now stand at $4.57 an hour.

Opponents of H.R. 2 say that raising the minimum wage will result in job losses, higher inflation, and drive companies out of business. If those allegations were well-founded, why haven't wage and salary increases of other workers brought about such results? If cost-of-living increases are deemed necessary for other workers, why should minimum wage workers be denied? Obviously, they should not. Raising the minimum wage has not and will not fuel inflation, will not cause widespread job losses, and will not ruin businesses.

A minimum wage increase will put a few extra dollars in the hands of low income workers who, despite jobs, live in poverty. It will also benefit the more than one-quarter of full-time college students who receive no financial help from their parents and are left to pay their own way.

Increasing the minimum wage will also reduce Government expenditures for public assistance, restore a measure of dignity to low-wage work, begin to approach a wage level that represents a fair day's pay for a fair day's work, and generate more business because low-wage workers must spend virtually all of their income on basic necessities.

In the 1960's and 1970's, the minimum wage provided a wage floor that kept most American workers out of poverty. Today, the minimum wage is too low to support even one person above the poverty line. Inflation has eaten up over one-quarter of the purchasing power of the minimum wage during the past decade. It would be a shame if the minimum wage increase was killed this year because Congress and the President were arguing over 30 cents. On behalf of our Nation's minimum wage workers, I urge the President to support this measure.

THE MAX ZIMMER SCHOLARSHIP FUND IS ESTABLISHED BY THE AMERICA-ISRAEL CULTURAL FOUNDATION

HON. MEL LEVINE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 6, 1989

Mr. LEVINE of California. Mr. Speaker, I rise today to salute a dear family friend and well known civic and Jewish community leader who has expressed his enthusiasm for youth, Israel, and the arts by his involvement and generosity, as he is honored by the America-Israel Cultural Foundation during an evening of dinner and entertainment to establish a scholarship in the name of Max Zimmer, a fine American.

The America-Israel Cultural Foundation is dedicated to the support of the cultural institutions and esthetic life of the people of Israel. Noteworthy is their scholarship program which has helped many talented young Israelis develop into artists of international acclaim and who become ambassadors of goodwill.

During the many years Max Zimmer has been in Los Angeles, he has contributed time, effort, thought, finances, and care to innumerable worthy endeavors. From the beginning, education and the training of the young has been at the forefront of concern to Max and his family.

Max Zimmer was born in Austria, and emigrated to the United States at 19 years old. After a brief time in New York, he went to Warren, OH, and started in the contracting business. Putting up new fixtures and attractive storefronts, Max became known as the man who beautified Warren. He came to Los Angeles in 1923 and has been in the contracting business since.

Max has served as past president, western States region ZOA as well as national vice president of ZOA where he chaired the youth commission. He was a founder of Technion in Israel and has been cochair of the Jewish National Fund. Max served on the board of directors of American Friends of Hebrew University, the Bureau of Jewish Education, and the America-Israel Cultural Foundation. He helped establish the Jewish Centers Association, Brandeis Camp, Camp Ramah "Max and Pauline Zimmer University Conference Grounds," University of Judaism, and Mt. Sinai Hospital.

Max Zimmer was a founding member of the Center for the Study of Democratic Institutions in Santa Barbara, the Los Angeles County Music Center, and the Young Musicians Foundation.

In 1965, Max Zimmer was the proud recipient of Israel's coveted Medallion of Honor—"Israel Freedom Medal," never before bestowed upon a leader of the Jewish community in western America. This award commemorates the heroic defense of the ancient fortress of Masada 1900 years ago and was conferred upon Max, in recognition of distinguished service to the Jewish people in Israel and throughout the Diaspora."

The Patrons Society of the University of Judaism presented Max Zimmer with its prestigious Eternal Light Award in recognition of his "notable humanitarian efforts." In 1972, Max was named an honorary fellow of the Jewish Theological Seminary of America.

In honor of their golden wedding anniversary, Max and Pauline Zimmer made a gift to the Hadassah-Hebrew University Medical linking their names to a two-bed patient room.

On a personal note, Max has been a special friend of my family for three generations. I ask that my colleagues in the U.S. House of Representatives join me in commending Max Zimmer for his many works of kindness and thoughtfulness.

MARTYRS OF TIANANMEN SQUARE

HON. BILL GREEN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 6, 1989

Mr. GREEN. Mr. Speaker, Americans watched with admiration and Chinese-Americans with pride the past few weeks as the students and workers in Tiananmen Square demonstrated peacefully for freedoms. The hours of television, the many interviews, the reports in newspapers made Americans identify with the people in Beijing and elsewhere in China.

We held our collective breaths earlier on when military units were sent in. We smiled with relief when the troops and their officers allowed themselves to be pacified by the demonstrators.

But Prime Minister Li Peng and his backers refused to accept the will of the people and eventually found forces to attack the peaceful crowds. We have watched with horror the brutal attack against those people. We have

seen the blood and the crushed bodies. So familiar had we become with the students, so identified with their goals, that it was as if those lying bleeding and dead in Tiananmen Square were family members.

Our deepest sympathy goes out to the families of those killed and injured. We hold out our hands to the Chinese-American community. But we hold contempt for Li Peng and his cohorts.

Emotionally, Americans of all nationalities want to strike out hard to try to punish the Li Peng regime. But our Nation must act with reason and consider that actions taken can affect all the Chinese people. Thus I applaud President Bush's reasoned decisions to stop all military aid to and military consultations with the PRC. His promise to give special consideration to visa extensions of Chinese students here and to aid the efforts of the International Red Cross in Beijing are worthy humanitarian acts.

Let us hope that the great courage of the Chinese people will be rewarded. Let us hope that in the Beijing government the screams of terrorism are quickly replaced by the voices of moderation. Whatever happens in coming days, I believe that the people of China eventually will be victorious.

The glory and the horror of Tiananmen Square martyrdom will never be forgotten.

REGARDING THE KENDALL SQUARE PROJECT REDEVELOPMENT AND REAL PROPERTY RECONVEYANCE ACT OF 1989

HON. JOSEPH P. KENNEDY II

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 6, 1989

Mr. KENNEDY. Mr. Speaker, I introduce the following legislation to retain the Systems Center [TSC] in Kendall Square, Cambridge, while providing for affordable housing as part of a mixed use development on open land adjacent to the center site.

This bill specifically stipulates that the current TSC Center in Cambridge remain at its current location and that space should be provided within the Kendall Square Urban Renewal District for any future expansion of the TSC facilities and functions. In addition, sections are contained in the bill that provide for new shipping and receiving facilities for the center and for the free and exclusive use of 750 parking spaces in the development area.

The bill allows for commercial, residential or accessory uses in part of the development area. However, the mixed-use development of the land is contingent upon the development for the purpose of housing or accessory uses on another part of the property. Not less than 30 percent of the housing units built as part of this development shall not be required to pay more than 25 percent of their income for the annual rental of the affordable units.

Mr. Speaker, this bill enables a large parcel of land in my district to be used far more efficiently. The property will be developed commercially and will provide much needed affordable housing in an urban neighborhood that has little available land for development.

A BILL ON VIETNAM AND A RESOLUTION ON CHINA

HON. ROBERT K. DORNAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 6, 1989

Mr. DORNAN of California. Mr. Speaker, I rise today to submit to the CONGRESSIONAL RECORD the full text of a bill and a resolution which I am introducing today. I submit them for the review of my colleagues and encourage their support.

The bill addresses specifically the need to establish a special category within the so-called Orderly Departure Program from Vietnam for former "reeducation camp" prisoners. The Department of State recently wrote to me saying:

Recent progress in the Orderly Departure and Amerasian Programs holds out hope for future resolution of other humanitarian issues, including establishment of a specific program for the resettlement in the U.S. of former reeducation center detainees and their immediate family members who wish to come here.

I trust that the Department of State will take this proposal to the Geneva Conference on Indochinese Refugees on the 13th and 14th of this month.

The House concurrent resolution expresses the sense of Congress that there should be a linkage between Chinese mllitary support for the Khmer Rouge in Cambodia and United States technology transfer to China. The resolution expresses a condemnation of continued military aid from the People's Republic of China to the direct followers of the infamous Pol Pot—the man who oversaw the killing of at least 2.5 million Cambodians from 1975 to 1978. The resolution states that:

The United States should take into account the degree to which the People's Republic of China has reduced its assistance to the Khmer Rouge when considering requests for transfers of high technology. * * *

Mr. Speaker, Indochina and the PRC are in a period of transition. It's time to reassess our priorities on both these important issues.

H.R. —

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Vietnamese Reeducation Prisoner Resettlement Act of 1989".

SEC. 2. IMMIGRATION OF REEDUCATION CAMP PRISONERS.

(a) IN GENERAL.—(1) Notwithstanding any numerical limitations specified in the Immigration and Nationality Act, the Attorney General may admit aliens described in subsection (b) to the United States as immigrants if—

(A) they are admissible (except as otherwise provided in paragraph (2)) as immigrants, and

(B) they are issued an immigrant visa and depart from Vietnam during the 2-year period beginning 90 days after the date of the enactment of this Act.

(2) The provisions of paragraphs (14), (15), (20), (21), (25), and (32) of section 212(a) of the Immigration and Nationality Act (8 U.S.C. 1182(a)) shall not be applicable to any alien seeking admission to the United States under this section, and the Attorney General, on the recommendation of a consular officer, may waive any other provision of such section (other than paragraph (27), (29), or (33) and other than so much of paragraph (23) as relates to trafficking in narcotics) with respect to such an alien for humanitarian purposes, to assure family unity, or when it is otherwise in the public interest. Any such waiver by the Attorney General shall be in writing and shall be granted only on an individual basis following an investigation by a consular officer.

(3) Notwithstanding section 221(c) of the Act (8 U.S.C. 1201(c)) immigrant visas issued to aliens under this section shall be valid for a period of 8 months.

(b) DESCRIPTION OF ELIGIBLE ALIEN.—(1) An alien described in this section is an alien who, as of the date of the enactment of this Act, is residing in Vietnam and who establishes to the satisfaction of a consular officer or an officer of the Immigration and Naturalization Service after a face-to-face interview, that the alien—

(A) was held as a political prisoner in a "reeducation camp" in the Socialist Republic of Vietnam (hereinafter in this section referred to as the "principal alien");

(B) is the spouse or child of the principal alien and is accompanying or following to join the principal alien; or

(C) subject to paragraph (2), either (i) is the principal alien's natural mother (or is the spouse or child of such mother), or (ii) has acted in effect as the principal alien's mother, father, or next-of-kin (or is the spouse or child of such an alien), and is accompanying, or following to join, the principal alien.

(2) An immigrant visa may not be issued to an alien under paragraph (1)(C) unless the principal alien involved is unmarried and the officer referred to in paragraph (1) has determined, in the officer's discretion, that (A) such an alien has a bona fide relationship with the principal alien similar to that which exists between close family members and (B) the admission of such an alien is necessary for humanitarian purposes or to assure family unity. If an alien described in paragraph (1)(C)(ii) is admitted to the United States, the natural mother of the principal alien involved shall not, thereafter, be accorded any right, privilege, or status under the Immigration and Nationality Act by virtue of such parentage.

(3) For purposes of this section, the term "child" has the meaning given such term in section 101(b)(1) (A), (B), (C), (D), and (E) of such Act (8 U.S.C. 1101(b)(1) (A), (B), (C), (D), and (E)).

(c) ELIGIBILITY FOR BENEFITS.—Any alien admitted (or awaiting admission) to the United States under this section shall be eligible for benefits under chapter 2 of title IV of the Immigration and Nationality Act to the same extent as individuals admitted (or awaiting admission) to the United States under section 207 of such Act (8 U.S.C. 1157) are eligible for benefits under such chapter.

(d) ANNUAL REPORTS.—The Attorney General in cooperation with the Secretary of State, shall report to Congress 1 year, 2 years, and 3 years, after the date of the enactment of this Act on the implementation of this section. Each such report shall include the number of aliens who are issued immigrant visas and who are admitted to the United States under this section and

number of waivers granted under subsection (a)(2) and the reasons for granting such waivers.

(e) APPLICABILITY OF THE INA.—Except as otherwise specifically provided in this section, the definitions contained in the Immigration and Nationality Act shall apply in the administration of this section and nothing contained in this section shall be held to repeal, amend, alter, modify, effect, or restrict the powers, duties, functions, or authority of the Attorney General in the administration and enforcement of such Act or any other law relating to immigration, nationality, or naturalization. The fact that an alien may be eligible to be granted the status of having been lawfully admitted for permanent residence under this section shall not preclude the alien from seeking such status under any other provision of law for which the alien may be eligible.

H. CON. RES. —

Whereas between 1975 and 1978, approximately, 2,500,000 Cambodians died at the hands of the Khmer Rouge, ruling under the name of Democratic Kampuchea, which was led by Pol Pot;

Whereas the Khmer Rouge continues to be led by Pol Pot, known as "Brother Number One" by his followers in the field;

Whereas despite reports of Pol Pot being in ill health as far back as 1981, he continues to be the leader and spiritual guide of the Khmer Rouge;

Whereas the Khmer Rouge has 35,000 well-armed and well-trained soldiers in the National Army of Democratic Kampuchea;

Whereas under Khmer Rouge rule, the practice of religion and premarital sex was punishable by death and private commerce was completely abolished;

Whereas there are currently over 59,000 Cambodian refugees living under the control of the Khmer Rouge in the border areas near Thailand;

Whereas the Khmer Rouge operate five refugee camps which are not open to inspection or allowed to receive assistance from Western relief agencies;

Whereas the Khmer Rouge continues to operate a camp at Phnom Dey along the Thai-Cambodian border for the purpose of "reeducation" of civilians and others who break with the Khmer Rouge; and

Whereas many of the individuals serving in the command of the Khmer Rouge were high ranking officials of the Government of Democratic Kamphuea and were responsible for the atrocities perpetrated on the people of Cambodia during the rule of Cambodia by the Khmer Rouge,

Whereas the People's Republic of China has been the world's major supplier of lethal assistance to the Khmer Rouge for over a decade: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That it is the sense of the Congress that—

(1) the United States should condemn assistance provided by the People's Republic of China to the National Army of Democratic Kampuchea;

(2) the United States should take into account the degree to which the People's Republic of China has reduced its assistance to the Khmer Rouge when considering requests for transfers of high technology to the People's Republic of China;

(3) the President should reiterate his support for Public Law 100-502, which calls for blocking the return to power of the Khmer Rouge; and

(4) the President should report to the Congress within 90 days after the date of adoption of this resolution regarding the degree to which the People's Republic of China is decreasing its assistance to the Khmer Rouge.

SENATE—*Wednesday, June 7, 1989*

(Legislative day of Tuesday, January 3, 1989)

The Senate met at 9:30 a.m., on the expiration of the recess, and was called to order by the Honorable HARRY REID, a Senator from the State of Nevada.

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray:

"Faith of our fathers, living faith, we will be true to Thee til death."

Mighty God, sovereign Lord of history, Supreme Ruler of the nations, help us to comprehend the profound significance of present events. Yesterday, our leadership officially opened displays celebrating two centuries of our unprecedented political system. Simultaneously, we see the bankruptcy of a political system barely four decades old. Democracy flourishes, communism fails. Two systems, one based on the belief that "all men are created equal and are endowed by their Creator with certain unalienable rights. To secure these rights governments are instituted among men, deriving their just powers from the consent of the governed." The other system based upon the belief that religion is the opiate of the people and atheism, which forbids faith and punishes.

Grant to us, gracious God, the wisdom to see the fundamental difference between these two systems—and help us not to allow our freedom of religion to become antireligion. Help us to hear the penetrating question of Thomas Jefferson engraved on the wall of his memorial: "Can the liberties of a nation be secure when we have removed the conviction that those liberties are the gift of God?" Forbid it, Lord, that we who enjoy this treasured political legacy should sacrifice it by indifference to a just God, faith in whom generated that priceless legacy. Renew in us our commitment to the faith of our fathers.

In His name who is truth and justice. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore [Mr. BYRD].

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, June 7, 1989.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable HARRY REID, a Senator from the State of Nevada, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. REID thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. Under the standing order, the majority leader is now recognized.

THE JOURNAL

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Journal of the proceedings be approved to date.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

SCHEDULE

Mr. MITCHELL. Mr. President, this morning following the time for the two leaders, there be a period for the transaction of routine morning business, not to extend beyond 10:45 a.m., with Senators permitted to speak therein for up to 5 minutes each.

At 10:45 a.m., the Senate will recess subject to the call of the Chair. The purpose of the recess is so that Senators may join House Members to hear an address by Prime Minister Bhutto of Pakistan in the House Chamber at 11 o'clock this morning.

Once that joint meeting has concluded and the Senate reconvenes, the Senate will resume consideration of the supplemental appropriations bill, H.R. 2072.

ORDER OF PROCEDURE

Mr. MITCHELL. Mr. President, it is my intention to complete action on H.R. 2072 today. The only amendments remaining are the Mitchell perfecting amendment to the underlying McCain amendment on the catastrophic health issue, and the Helms amendment on Namibia, which has a 20-minute time limitation.

Upon disposition of these remaining amendments, the Senate will proceed to final action on the supplemental appropriations bill. Therefore, Senators should be on notice that there will be rollcall votes this afternoon.

RESERVATION OF LEADERSHIP TIME

Mr. MITCHELL. Mr. President, I reserve the remainder of my leader time. I also reserve the leader time for the distinguished Republican leader.

The ACTING PRESIDENT pro tempore. The time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business, not to extend beyond the hour of 10:45 a.m., with Senators permitted to speak therein for not to exceed 5 minutes.

Mr. MITCHELL. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ADAMS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. ADAMS. Mr. President, I ask unanimous consent that I may proceed for 15 minutes under morning business for the purpose of giving a eulogy to Senator Warren G. Magnuson.

The ACTING PRESIDENT pro tempore. Without objection, the Senator from Washington is recognized for 15 minutes.

TRIBUTE TO WARREN GRANT MAGNUSON

Mr. ADAMS. Mr. President, I rise this morning in tribute to Warren Grant Magnuson, who represented the State of Washington in the U.S. Senate from January 2, 1945, until January 2, 1981.

Our beloved Maggie died quietly and peacefully in his home in Seattle on Saturday morning, May 20, 1989. He is survived by his wife Jermaine Elliott Magnuson, his daughter Juanita Garrison, and grandchildren Leslie Jermaine Garrison and Donald D. Garrison, Jr.

Warren Magnuson leaves us a legacy of public service and dedication to the best interest of our Nation that is unmatched.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

I would like to share with my colleagues some of the highlights of his career. But even more important I would like to speak to the essence of the man. The comity that Warren Magnuson so well embodied is one of the great strengths of the U.S. House of Representatives and the U.S. Senate. And Warren Grant Magnuson epitomized that as much as any statesman in our history.

Warren Magnuson had been a part of the United States tapestry of history since he was born in Moorhead, MN, in 1905. He was orphaned as an infant, and was adopted by William and Emma Anderson Magnuson. His early years were spent in Moorhead where he attended public schools, as well as in Fargo, ND. After briefly attending North Dakota State College, Warren Magnuson hopped a freight train, went West and arrived in Seattle, WA.

That was an important delivery the trains made because he then adopted the State of Washington as his new home and for more than 50 years served it in a variety of public positions. He changed the face of our State during a long public career, nurtured it through critical phases of development and left it a better place for his having lived there.

It is fitting that this year, as Washington State celebrates the centennial of its statehood, we should also celebrate the extraordinary accomplishment of Warren Magnuson who dominated public life for the one-half of our State's first 100 years.

Warren Magnuson graduated from the University of Washington in 1926, with a bachelor of arts degree and later earned his Juris Doctor degree from the law school in 1929.

Many people do not know that he left Seattle, at this point, and took a freighter to China where he spent several years. He was there during the years of turmoil and this stayed with him all of his life. I can remember in 1956 when everyone hated Red China. Warren Magnuson comforted me after I made a speech that said we should trade with Red China. I appreciated his coming out not only strongly for trade with Red China, at that time, but for standing with me in those difficult days.

He was truly a man of vision and, as shown in many historical clips now being run on our television stations, he was preparing a trip to China at the same time as President Nixon.

Warren Magnuson's early civic service included being editor of the Seattle Municipal News, and subsequently Secretary of the Seattle Municipal League.

He was elected to the State House of Representatives in 1932. His committee assignments included chairmanship of the Committee on Unemployment Relief, and membership on the Constitutional Revision, Judiciary, and the Revenue and Taxation Committees.

Even then Warren Magnuson clearly provided evidence of his care and concern for working people that would mark his entire career.

He sponsored legislation that led to this country's first workmen's compensation system.

I can remember stories, Mr. President, during the Boeing crash of 1969, when Warren Magnuson sought and obtained in the Senate extended unemployment benefits for workers who were laid off at Christmas. We could not pass it in the House. But after his conversation with Wilbur Mills it passed. There are stories that he greeted the chairman of the Ways and Means Committee by saying "Orville, how are you?"

And we were horrified because we thought "Oh, my gosh, he has forgotten it is Wilbur."

We later learned Warren Magnuson never forgot anything. Wilbur Mills had always wanted to be called Orville. But his brother got the name, and only Magnuson would know this from years and years of experience.

Magnuson's help in extending unemployment benefits was essential. It gave many people in the State of Washington, who were out of work, an opportunity to get another job.

I know that I, for one, will never forget this small act of kindness that affected many people.

Warren Magnuson had a broad career and I have enjoyed, over the years, talking with him. For example, many people do not know that for a while he was an assistant U.S. attorney. He was later elected as King County Prosecuting Attorney in 1934. He served in that capacity, trying major felony cases, until his election to the U.S. House of Representatives in 1936. He was reelected to Congress from the First District in 1938, 1940, and 1942. His committee assignments in the House included Naval Affairs, 1937-44, the Select Committee to Investigate the Federal Communications Commission, 1943-44, and the Select Committee on Post-War Military Policy, 1944. As a graduate of naval reserve officer's training at the University of Washington, Warren Magnuson was on active duty during World War II, serving in the Judge Advocate Generals Corps with the rank of lieutenant commander. He was on the staff of Adm. Chester Nimitz in the Pacific Theater, and was aboard the U.S.S. *Enterprise* during the famous Tokyo raid of 1942.

In 1944 Warren Magnuson was elected to the U.S. Senate, and was reelected to serve in this body on five subsequent occasions. His committee assignments included Judiciary, 1945-52, Naval Affairs, 1945-46, Territories and Insular Affairs, 1945-46, Interoceanic Canals 1945-46, Appropriations, 1953-81, Aeronautical and Space Sciences, 1959-74, Budget, 1975-81, and Commerce, 1945-81. At the time of his retirement from the Senate, Warren Magnuson had served in this Chamber for 36 years. In the 200-year history of the U.S. Senate, only a handful of individuals have served longer. His service as chairman of the Senate Commerce Committee spanned 23 consecutive years, a singular record that he alone holds that may well stand for decades to come. His last legislative chairmanship was that of the Senate Appropriations Committee, and he was also President pro tempore of the U.S. Senate.

In addition to his legislative duties, Warren Magnuson served numerous 2-year terms as a member or Chairman of the Board of Visitors to the U.S. Naval Academy, Coast Guard Academy, and Merchant Marine Academy. He was on the Advisory Board to the National Fisheries Center and Aquarium, 1963-74, and represented the U.S. Senate on the National Commission on Fire Prevention and Control, and the U.S. Commission on Consumer Product Safety.

Mr. President, in the years that came between his first legislative position at the State level in Olympia, WA, and his final duties here in our Nation's Capitol, Warren G. Magnuson left a legislative record unmatched in history.

I remember when Mr. Avery Brundage, who tended to be a little pompous, came before the Commerce Committee. Mr. Magnuson greeted him by saying "And now I want to introduce to you Mr. Average Bundy." It sort of fit. Everybody thought he had forgotten his name. I guess he did after a malapropism. But it certainly fit and it reduced the size of the witness.

There are hundreds of stories like this. I wish I had more time this morning to tell them, I have enjoyed them. They give a richness and a depth to this Senator that we can all appreciate.

He was a seatmate of Lyndon Johnson and they were close friends. Warren Magnuson and Jermaine were married in the White House with Lyndon Johnson as his best man.

I state some of these small things while describing his magnificent legislative record because too often, Mr. President, I think we forget that the people here who serve in Congress are very human. They are good people. They live lives like every other citizen. They serve their country in war and in peace to the best of their abilities.

Mr. President, Warren Magnuson left a legislative history that is unmatched in our State. He was, of course, mindful of the fact, as western Senators have to be, that a relatively small State in the far northwestern

corner of this continent needs all the friends it can get in the corridors of the Congress. He always considered himself obligated to see that his State received a "fair advantage" from his work.

With the force of his personality—which was quiet—and the warmth and charm he distributed on a nonpartisan basis, Warren Magnuson made friends, influenced people, and brought Federal assistance to his State for more than four decades.

We remember him as a quiet builder of bridges, hydroelectric projects, health centers, highways, and world fairs, which all directly benefited the State of Washington.

President Kennedy told the famous little story. "Warren Magnuson was a quiet man. We never were sure what he was doing on the floor. But I remember one day he mumbled a little, coughed, and said 'This isn't controversial and we should pass it unanimously,' and Grand Coulee Dam was created."

I think that story, whether it is apocryphal or not, represents very well how Warren Magnuson was treated, respected, loved, and how he worked in this body.

Mr. President, Warren Magnuson was also a statesman who knew that his duties in the U.S. Senate carried with them an obligation to look out for the best interests of all the citizens of this country. He took the lead, as a freshman Congressman, in establishing a Federal role in the fight against cancer culminating in the establishment of the National Cancer Institute; he called for the diplomatic recognition of mainland China nearly 25 years before that vital step was taken by our Government; he sponsored voting rights for 18-year-olds and pushed the public accommodations section of the Civil Rights Act of 1964 through his committee; he wrote landmark consumer protection legislation and laws affecting auto safety and environmental quality. It is safe to say that virtually every aspect of American life has been positively impacted by the legislative career of Warren G. Magnuson.

Mr. President, Warren Magnuson leaves a legacy to those of us who now serve in the U.S. Senate. In many ways, it is a legacy that far outshines a brilliant legislative record. He left behind a legacy of kindness and compassion and care for his fellow man. There was a special quality about Maggie that many of us in this Chamber remember. He had the ability to separate today's legislative effort from yesterday's battle. He never had an unkind word to say about any Member in this institution. He respected his colleagues on both sides of the aisle, valued their friendships, looked forward to the opportunity to be of assistance when possible.

There are few Senators who loved the rich history and tradition of the U.S. Senate as much as Warren Magnuson.

I am deeply honored to have followed Warren Magnuson to the U.S. House of Representatives, representing the citizens of Seattle and now to serve in the U.S. Senate in the seat he once occupied. Ours was a friendship that endured over many years. I considered him to be something of what our family calls a Norwegian uncle, always available with sage and practical advice when asked, and frequently there with words of encouragement when needed.

Mr. President, even in the last weeks of his life, at 84 years of age, Maggie remained passionately interested in the issues affecting his State.

Just before passing he wrote to me and asked that I renew his battle for double-bottomed tankers. We had fought this battle 15 years ago. And I submitted his testimony before the Senate Commerce Committee—just before he died.

He also reminded me that our State has three major resources that make it different than any other State: the snow-capped mountains of the Olympics and Cascades, the Great Columbia River, and the beautiful and pristine waters of Puget Sound.

Mr. President, our State was fortunate to have a fourth resource and only his genuine modesty kept him from recognizing it. That asset was a kind and gentle man who always considered himself the champion of the little guy. A man who walked with the great and powerful, played cards with Presidents, participated for many years in the great debates and deliberations of this, the greatest deliberative body in the world. Through it all he never forgot his humble roots nor lost his appreciation for the everyday concern of everyday people.

Warren G. Magnuson was an asset to the State of Washington that we will never be able to replace. His life and distinguished career are a tribute to the opportunities that exist in a democratic society and provide proof that some nice guys finish first.

Mr. President, I ask unanimous consent that a brief selection of editorial comments from newspapers around the State of Washington be printed in the RECORD.

There being no objection, the editorials were ordered to be printed in the RECORD, as follows:

MAGGIE 1905-1989—A FORMER AIDE BIDS FAREWELL TO "THE CHAMPION OF THE LITTLE GUY"

I had hoped to see him one last time, to say goodbye and thank him for all that he had done for me over the years. The word had been passed quietly among his network of "bumblebees," the former staffers whose lives and careers had been enriched by the pleasure of his company: time was running out. A long Friday night flight home from Washington, DC, provided time to reflect on the many memories, anecdotes, and stories that formed the mosaic of my life with Warren Magnuson. But, like a novel that was just too good to put down, I could not bear to think about having him leave us. Early Saturday morning he was gone.

I wanted to sit with him for a few final hours, perhaps to read him a few poems from the multiple-volume set of the collected works of Robert W. Service that sat on a shelf in his library. Even those books had their own "Maggie story." He bought them from a traveling salesman at a small hotel somewhere in Alaska during one of his many trips north in 1938, when as a member of the U.S. House of Representatives he chaired the Alaska International Highway Commission. He always loved to talk of those early days, and he could recite Service's tales of the frozen north with a feel for the words that made you think you were there.

Forty years later, a former colleague passed through Seattle in fruitless pursuit of the presidency. Gary Hart said what he missed most about the end of the Magnuson era was those long afternoons in the secretary of the Senate's office, hearing Service's poems recited over drinks and good cigars. Dan McGrew, Sam McGee, and the lady of the streets who became My Madonna—all came to life in the haze of blue smoke, Magnuson's twinkling eye, and the flawless recitations. The famous malaprops and fractured language were for some other audience and some other time.

For a boy growing up in Seattle in the early 1950s, Senator Warren Magnuson was a larger-than-life myth before he became an employer, a mentor, and, later still, a dear and cherished friend. My grandmother's admonition, "Always vote for Magnuson, never vote Republican," became a personal nursery rhyme that rivaled anything Mother Goose had to offer. Theirs was a mutual admiration that predated my birth. Late in his career, the senator referred to her as "an old FDR political boss who could deliver all of West Seattle with a single phone call." He shook his head and told me he never expected to have three generations of supporters, and I told him that the Irish like to back winners.

"Presidents," he would say, with a wave of the hand toward the autographed photos on his wall, "they come, they go." So did colleagues, friends, favorite restaurants, and other mileposts in a life. It seemed as though the only constant was this shy man with the awesome power and a girl's first name.

He gave me a job in Washington, DC, in June of 1970, running an elevator in the United States Senate. It was one of those patronage positions that were the spoils of majority status and seniority, and I was one of several state residents who worked their way through law school that way. Watching the titans of a passing era—Fulbright, Symington, Russell—was like being a bat boy at Yankee Stadium in the days of Ruth and Gehrig. There was a thrill in just being there, and paying for a law school education seemed only an incidental benefit that came from watching Warren G. Magnuson, the senior senator from Washington, in his natural habitat. It was the time when he pushed landmark consumer legislation through the Senate and challenged the Nixon administration to do more and spend more to make this a more just and compassionate society. Being identified as one of "Maggie's boys" was a Senate credential

that mattered then, and it still matters today.

When the country decided to "Vote Republican for a Change" in the Reagan Revolution of 1980, Magnuson was swept from office after almost four decades, along with nearly a dozen lesser Democratic senators. I doubt that any politician will ever display such style, and grace as he showed, through the pain, on that sad election night. "There's a time to come and a time to go," he told the tearful volunteers gathered at his campaign headquarters. Then he placed a congratulatory phone call to Slade Gorton, the man who had repeatedly insisted that a party and a senator responsible for a $37 billion deficit didn't deserve to be in power any longer.

When Magnuson's involuntary retirement and return to private life was a painful yet dignified effort. I watched with growing admiration as he battled failing health, spoke out against the mindless dismantling of the New Deal programs he had nurtured all those years, and encouraged Seattle voters to tax themselves to shelter the elderly and the homeless. He vowed to be, not a lame duck, but an old rooster who would keep on crowing, and he kept that promise right up to the end. Just two weeks before he left us, the fax machine in the DC office of Senator Brock Adams received his last public interest effort: a plea to the Senate to hold the American oil cartel responsible for failing to keep a promise to ship Alaskan crude oil in double-bottomed tankers.

How can one accurately measure the impact he had on the life of his state and nation? The bricks and mortar that bear his name, the bridges and buildings, the laws he passed, all are really but a small, visible sign that he passed this way once. He would modestly insist, "I had plenty of help," or, "We worked together and did those things."

There is, more significantly, the hidden legacy of a modest man, the measure of which cannot be taken in simple terms of dollars spent, jobs created, or legislative battles fought and won. How many children were spared the agony of burned and blistered flesh because of his interest in flameproof sleepwear? How many lives have been saved and lengthened because of his career-long effort to secure funding for cancer research and safer automobiles? How many oil spills were prevented in Puget Sound because of his "little amendment" to a law protecting marine mammals? Senator Warren Magnuson should be remembered and appreciated for the things that did *not* occur, as a result of his efforts.

As one whose own life was enriched beyond description by the time I spent with him, I confess to a lack of objectivity in evaluating this special human being. Listen instead to the words contained in the *Almanac of American Politics* for 1980, his last year in the Senate:

Magnuson has never been an accomplished orator, and he is now past 70, but he still knows how to use the letters of legislative power. With his seniority and experience he has the operating style of one of those Southern senators of yore, but he uses it to far different purposes. Magnuson has always seen himself as the champion of the little guy, and despite the close relations one in his position inevitably has with business lobbyists, he has remained true to that vision. Long before Ralph Nader he was effectively pushing consumer legislation on the Commerce Committee. . . . He also has a reputation in the Senate for practicality and sound judgment. When he puts his name on a bill and attaches his imprimatur to a cause, that is a sign to others that practical, pragmatic men had better give it serious consideration.

In the 1980s' era of C-Span politicians, with the floor of the United States Senate converted to a television studio, the man and the institution may have outlived their need for each other. After all, he liked to point out that if you had the votes, you didn't need to make a speech, and if you needed to make a speech, you didn't have the votes. But the timeless quality of his vision, and his uncanny ability to see the right side of the great issues of the day, will assure him a place in history long after the celluloid senators have faded away.

As the lucky citizens of the state he served so long and so well, we can cherish the memory of the orphan boy who rode the rails West, sailed to Shanghai, and put his mark on the politics of our state forever. Horatio Alger was a myth; Warren Magnuson was real.

I trust that heaven has a place called the Malamute Saloon. Last Saturday, a shy stranger shuffled in and asked the boy at the piano to play an old favorite, "Won't You Come Home, Bill Bailey?" He ordered a drink from the lady at the bar—two fingers of vodka with a splash of water and "just one or two pieces of ice, please." Then he sat down at a poker table with Harry Truman, FDR, and the best man from his wedding—LBJ. He said, "It's been quite a journey, and I've got a few stories to tell, but we better get in a few hands of cards before the Preakness is run this afternoon. I'll bet it will be some race."

In the blue cigar-smoke haze of his first day there, you can bet that some former president said, "Maggie, we've been telling your story for many a year, but we never could get it quite right. And the fun didn't start until you got here."

Goodbye, Senator. Thank you for everything.

[From the Seattle Post-Intelligencer, May 26, 1989]

SOME FOND FAREWELLS

Warren G. Magnuson would have been pleased to know there was laughter at his funeral.

The solemnity of the occasion, in the formal surroundings of Seattle's St. Mark's Cathedral, which was filled to overflowing yesterday, was gently broken by the late Senator's friends and former colleagues in brief eulogies.

Sen. Mark Hatfield, R-Ore., said "Maggie wrote the book on bringing home the bacon. He'd say, 'What's good for Washington is good for Oregon . . . now, here's two for me, one for you.' "

Rep. Norm Dicks, D-6th District, called himself and others "graduates of the Warren Magnuson School of Government."

Sen. Brock Adams, D-Wash., in particularly moving remarks, called Magnuson "a quiet builder" who "never lost the common touch and the love of everyday people."

Rep. Tom Foley, D-5th District, said Magnuson, who died last Saturday at 84, was proudest of such things as establishment of the National Institute of Health and National Science Foundation, environmental protection and protection of children from hazardous products and materials.

Foley said Magnuson's career was a "marvelous example of how public power can be linked to public good."

Sen. Daniel Inouye, D-Hawaii, recalled that Magnuson asked him to support federal appropriations for the state following the 1980 Mount St. Helens eruption. Inouye said he told Magnuson, "But Senator, we have volcanic eruptions in Hawaii all the time." "Don't worry," replied Magnuson, "your day will come."

Inouye forecast "it will be a merry time" when Magnuson answers "the roll call in Heaven."

Indeed it will. And perhaps now Washington state can look forward to an extra appropriation of divine beneficence.

[From the Seattle Times, May 22, 1989]

A GENTLEMAN COMES CALLING AT HEAVENLY CARD GAME

(By Rick Anderson)

As the nightly game got under way on Cloud 9, there came a rap upon the door . . .

"Ah, could someone see to that," Jack Kennedy said.

A spritely Henry Jackson rose and strode to the doorway in his wing-tip shoes.

"Maggie!" he exclaimed. "Hey, everyone, it's Maggie!"

"Hiya, kid," Warren Magnuson said. He was rumpled, bent, balancing himself on a cane as he patted his old friend on the back.

The others at the table—JFK, LBJ, FDR and HST—rose in unison, extending their legendary hands.

"We heard you were coming," Franklin Roosevelt said with his warm smile. "Welcome, Maggie. Join us. It'll be just like the old days."

"I've missed you boys," Maggie said, sitting down. "What's the game?"

"Five-card stud, jacks wild," Kennedy deadpanned.

"Some things never change," Maggie said, chuckling. "Deal me in."

The first round of cards came out, face up. JFK dealt himself an ace. He tossed in a chip. The others followed.

"So, Maggie," Harry Truman said, adjusting his wire-rimmed glasses to inspect his second card, "what have we missed lately?"

Maggie made a face of pain.

"Just the biggest gawdam oil spill in history!" he said. "One of those super-pooper single-hull tankers hung up on a reef and turned Alaska into an Exxon grease pit!"

"Nothin' too surprising about that, Maggie," drawled Lyndon Johnson, shifting the Stetson to the back of his head, "except that it took those boys this long to mess up. You know, I remember you going on about things like this right up to the day I died."

"Well," said Maggie, "it never made any dawggone sense to have these big boats in those little waters. We've always known that if they dropped their load, we couldn't pick it up."

"Guess they're still making legislation by tragedy," Roosevelt said, shifting in his wheelchair. "You'd think they'd learned from our mistakes."

"What else we miss lately, Maggie?" Truman said as the third card was dealt.

"Well, Harry, I hope this makes you mad as hell: Over at Hanford, which you and I and 'Scoop' worked so hard to create, they got a mess to clean up, all kinds of hazardous, radioactive poop. And it turns out that back in the early days, they released radioactive particles that floated hundreds of miles in the air. And they didn't tell anyone about it!"

"What?" Truman said. "We built that old joint to help defend our people, not attack them."

"It's a damn stinkeroo," Maggie said. "I'm almost sorry we ever did it. And by the looks

of things down there, I'm not sure they're going to learn anything from it."

The fourth card came out. Kennedy was still high, now with three aces showing. He pushed out a pile of chips. The others pulled on their cigars and sipped their drinks, contemplating. Scoop slurped his tomato soup topped with crab.

"You know," Jackson said, "looking around this room, I'd have to say that America, maybe the world, was shaped by the people here. I'm proud to say I had a small part. You others . . ."

"I created a great society," said LBJ.

"I won the war," said HST.

"I took us into the future," said FDR.

"I had a good time," smiled JFK. "But so did everyone else."

Scoop looked at the old man sagging humbly in his chair.

"How about you, Maggie?"

"Oh," said Maggie, "can't think of too much, offhand."

"Well," said Scoop, "try thinking of 44 years in Congress. Try thinking of a series of hydroelectric dams along the Columbia, irrigation projects that turned deserts into farmlands, fisheries conservation programs, lifesaving consumer-protection laws. Try thinking of highways, bridges, parks, hospitals, schools . . ."

"Take a breath, Henry," said JFK. "We get the point. I guess we all owe Maggie our gratitude."

"For what?" Maggie asked.

"For not running against us."

The last card came out, face down. Kennedy bet big with three aces and a 10 showing. The others sighed and pushed in their last chips.

Kennedy turned up his hole card. Another 10. Full house.

He reached for the pile of chips.

Warren Magnuson cleared his throat.

"I have a little amendment to that," Maggie said softly.

He flipped over his last card.

And a royal flush was born.

"Where'd that come from?" said HST.

"How'd he do that?" said LBJ.

"I never even saw it," said FDR.

JFK leaned back and smiled.

"Like the man says," Jack Kennedy said, "some things never change."

[From the Seattle Post-Intelligencer, May 21, 1989]

MAGGIE: POWER WITH HUMILITY

(By Shelby Scates)

There was a stillness on Queen Anne Hill yesterday in the morning, a brilliant blue sky, flowers in bloom, a cleansing north wind coming down Puget Sound; a beautiful requiem.

Warren Magnuson, the former senator, died peacefully at his home there overlooking the Sound. His family was with him. So were pictures of the presidents with whom he worked. Roosevelt, Truman, Eisenhower, Kennedy, his great friend from the Senate Johnson, Nixon and Carter.

The end wasn't unexpected. "Maggie" lived 84 years, most of them hard. Last month he had to cancel his annual birthday party with the "Bumble Bees", ex-staffers who adored their boss. He couldn't receive a friend two weeks ago bearing a biography of Ed Snow, a writer who told the world about China's communist revolution. Magnuson had an abiding interest in China, one that endured the red-baiting McCarthy era.

"The team is together again," said his widow, Jermaine, Sen. Henry (Scoop) Jackson, the other half, went ahead of Maggie. He died in 1983. 'They were perhaps the most powerful team in the U.S. Senate of this century, disparate personalities but nearly inseparable political collaborators.

This lasted for nearly three decades until Magnuson's defeat by Sen. Slade Gorton in 1980. Like everything else, he took it in good grace.

Before it's lost in speeches and condolences from the high and mighty, note that one of the first to call Mrs. Magnuson when the news went out about the death was a guy named Bennett. He came to know and love Maggie while chauffeuring for an Ohio congressman in the 1950s.

Maggie was powerful, perhaps the last of a line of senators who helped shape the nation through personal legislative skill and informal influence with presidents. He was a major figure in national politics for 50 years, a giant in the history of his home state.

Perhaps of as much significance he was humble, as comfortable with ordinary folk as he was with presidents. That's extraordinary in political life. Power is supposed to corrupt. Maggie never let it get to his head.

"Never hold a grudge," he told a younger reporter years ago. He never did. Nor would he speak ill of others, including political opponents. He was, said ex-Sen. Gene McCarthy, the best-loved member of the Senate.

In the other Washington, he was better known as one of its most effective legislators. His stamp lies on measures ranging from space to civil rights. He usually got what he wanted and what he most wanted were measures to help ordinary people. He was a liberal. He would never shy from that label like Mike Dukakis. Maggie believed government could help citizens and that it should.

As a member of Washington's 1933 legislature, he pushed one of the nation's first unemployment compensation bills. His laws kept supertankers out of Puget Sound and baby blankets from catching fire.

His concerns didn't end with election defeat. He wrote a letter several weeks ago urging Congress to force double-hulled tankers to be put on the run from Alaska. Before Gov. Booth Gardner got entangled in an income-tax battle of enormous futility, Magnuson offered a simple solution: A flat-rate tax with proceeds earmarked for education.

What kind of man did all this? He left an impression of common sense, plain manners and homely speech. Of a Boeing proposal to place solar cells in space to convert sun rays into electricity, Maggie explained we could transmit the energy "by running a long light cord back to earth." Imprecise, maybe, but you got the idea.

The manner wore well with all kinds of people, except perhaps the snobbish. But it masked—perhaps deliberately—a high intelligence and a complex personality. For all his popularity, he was somewhat shy. His humility never fit his political clout. He was a sensitive man, of all things, a painter of what appears to be credible talent.

Magnuson was orphaned as an infant, a fact few of his friends ever heard him mention. A conversation with Maggie dealt with issues of the day, whipping from a current topic to a discussion of personalities from other decades. An hour with Magnuson was a semmiar on 20th Century state and national politics.

Once be told of his friendship with Sen. Joe McCarthy in the days when both were bachelors, poker players and men about Washington, D.C. Later, Maggie explained, something happened to McCarthy. He went on his epic anti-communist witch-hunts.

McCarthy devastated the careers of several senators who did not share his zeal and his crusade. But never did he attack. Magnuson, the friend of "Red China," the first U.S. politician Chou Enlai would beckon to Beijing.

As a political figure, it's hard to separate Magnuson from Jackson. They were a team, each strengthening the other. Their accomplishments blend. Given Senate changes, we're not apt to see the likes of such legislative power again.

As a personality, however, Maggie was one of a kind. His compassion for the plight of ordinary people will be missed as will his ability to come to their help.

[From the Seattle Times, May 25, 1989]

A REUNION OF "BUMBLEBEES"—MAGGIE'S EX-AIDES SAY GOODBYE

(by Ross Anderson)

Today they were in their dark pallbearers' suits, on their best behavior, carrying their senator on his last trip. But last night, for just a few hours, they were the "bumblebees" again, gathered around a table in the back room at Vito's, hoisting a few beers to the happy memories of Warren G. Magnuson.

And nobody doubted that, given the option, the boss would have opted for a seat at the bar at Vito's, rather than St. Mark's Cathedral.

"Sending his off from St. Mark's just didn't seem quite right," says Tom Keefe, one of the former Magnuson aides who met last night. "At least not without doing it here first."

It was Keefe, a lawyer who recently joined the staff of Sen. Brock Adams, who organized the wake for Magnuson, who died at 84 Saturday. Vito's, on Seattle's Capitol Hill, was one of Magnuson's favorite haunts.

Keefe, an Irishman who understands the nature of a traditional Irish wake, had no trouble recruiting former Magnuson staffers—a motley crew of lawyers and business people who Magnuson often referred to as his "bumblebees," a term borrowed from a Republican critic who thought Magnuson surrounded himself with a few too many bright young aides.

Most of the bumblebees are long gone now, scattered around the law offices and other centers of influence in Seattle and beyond. They have traveled from around the country for a chance to pay their respects and tell a few stories on their senator—only some of them fit for print in a family newspaper.

To date, the public tributes have focused too heavily on the power Magnuson accumulated during his 44 years in the Congress, the former Magnuson staffers said.

"What endures for me is not the chairmanships or the list of accomplishments, but the personal qualities, the big heart," explained Rick Redman, a Seattle lawyer. "This is a guy who could play politics with the best of them, but never had a bad word about anyone."

When Magnuson was a young county prosecutor in the 1930s, he found himself under pressure to help break a huge general strike in Seattle, said Stan Barer, a lawyer and former chief aid. Instead, Maggie joined ranks with the strikers.

Later, as a freshman state legislator, he did the same in Seattle's Depression-area shantytowns.

"You have to understand that this is a man who had no ego problems," Barer said. "Even though he worked in one of the most egocentric institutions on earth, he maintained a healthy sense of himself and his job."

What gave him pleasure, they said, was getting things done—cigarette health warnings, oil-tanker restrictions, unemployment compensation, fisheries management, and much more.

"Maggie was, more than anything else, an advocate," Keefe said, "Long before he accumulated any of his power, he was an advocate for people and for people issues.

"He was not a downtown senator," he said. "He wasn't part of the corporate community. He preferred Vito's to the Rainier Club. He was a Main Street senator."

Magnuson was not intimidated by people who appeared smarter or more articulate than he was, so he attracted the best staff of young aides he could find, and gave them long leashes.

Most have long since moved into their own positions of power.

"And I think most of us learned an important lesson from Maggie on how to wield power," Keefe said. "Because you have a whole generation of achievers who remember working for a guy who had more power than he ever actually wielded."

In his last years in the Senate, however, as Magnuson's power was at its climax, his view of government was on the wane. Taxpayers were increasingly making it known at the ballot box that traditional Democratic politics was fast becoming obsolete.

The 1980 election of Ronald Reagan and a GOP Senate proved to be a watermark, and his friends say it may have been an act of political mercy that Magnuson was not re-elected to a minority party, with no committee chairmanship, in a shrinking federal government.

"He knew the risks in running for re-election," Keefe said. "But he loved what he did, and believed in it. He figured to force the state to decide what it really stands for, and it turned out that it didn't. Change was in the wind."

[From the Seattle Times, May 22, 1989]

MAGGIE'S LEGACY IS MORE THAN MONEY

(By Eric Pryne)

The sky darkened over downtown Vancouver as a shell-shocked band of scientists, bureaucrats, politicians and journalists filed into the headquarters of the Gifford Pinchot National Forest nine years ago today.

Mount St. Helens had erupted just four days earlier. The images of devastation—surging, mud-choked rivers; flattened, ash-covered forests—still were fresh and frightening.

President Jimmy Carter sat at the head table, surrounded by pictures and maps of the volcano. He had just flown in from Washington, D.C., for a firsthand look at the destruction, accompanied by Warren Magnuson, Washington state's senior senator.

Officials briefed Carter on what had happened, what dangers the volcano posed, and how much it might cost to clean up. Gov. Dixy Lee Ray spelled out what the state wanted most from Uncle Sam: "M-O-N-E-Y."

"I'm glad we've got the chairman of the Appropriations Committee."

For more than three decades spanning eight presidents from Franklin D. Roosevelt to Jimmy Carter, Magnuson was one of the most powerful and respected members of the U.S. Senate. Even as recently as last winter, he retained enough residual influence to help Sen. Brock Adams, a longtime Democratic ally, win a coveted seat on the Senate Appropriations Committee.

Rep. Tom Foley, Spokane Democrat and House majority leader, once said: "I doubt in our time anyone will eclipse him in terms of the power and influence he had."

In the late 1970s, at the zenith of that power, Magnuson had become the upper chamber's most senior member, president pro tempore of the Senate (which made him third in succession to the presidency), chairman of the Appropriations Committee and a 44-year congressional veteran.

Many friends and aides felt Magnuson's unexpected defeat by Republican Slade Gorton in 1980 was ultimately an act of political mercy. Had he been re-elected, he would have returned as a minority senator, with no chairmanship in a vastly different U.S. Senate in a vastly different political era.

It wasn't just his seniority and chairmanships that made Magnuson so powerful. It was his *modus operandi.* Magnuson also was one of the most unpretentious and popular members of that exclusive club.

"He was an insider, a pro's pro, highly regarded by his colleagues because he kept his word," said Rep. Norm Dicks, D-Bremerton, for eight years an assistant to the late senator. "In the terminology of Lyndon Johnson, he was one of those whales in the U.S. Senate that was someone to be contended with."

"His power was lightly held but very effectively exercised," said Foley.

His mark was left on virtually every town and project in the state. In 1980, one insider estimated their total economic value at about $80 billion.

Magnuson was instrumental in pulling the strings that led to construction of a host of federally financed dams on the Columbia River, built to fuel the energy demand of a fast-growing state. He funneled tens of millions of dollars into the arid sagebrush land of Eastern Washington to make it bloom with fruit and vegetables. He helped finance two world's fairs—in Seattle and Spokane—that helped put both cities on the world map.

He was relentless in his pursuit of big-money federal contracts for The Boeing Co. and Todd Shipyards in Seattle, and the Hanford Nuclear Reservation in Eastern Washington. He helped win the University of Washington recognition as the institution with the largest collection of federal research grants in the country.

Magnuson almost singlehandedly prevented the oil industry from building a superport on Puget Sound—the wisdom of which he felt was confirmed by the recent disastrous oil spill in Alaska.

His Fisheries Conservation and Management Act, usually called the "Magnuson Act," channeled millions of dollars into fisheries enhancement and laid the groundwork for a $1 billion bottom-fish industry based in Seattle.

He was instrumental in settling up the public radio and television networks, in abolishing the poll tax and giving 18-year-olds the right to vote, and in building the interstate highway system.

When something went wrong, his state knew where to turn for help. When a freighter rammed the old West Seattle drawbridge, Magnuson found the money to build a new bridge. Similarly, he was the power behind the new Hood Canal Bridge, Seattle's Discovery Park and the huge National Oceanic and Atmospheric Administration research center at Sand Point.

In one of his most stunning congressional coups, Magnuson put together a nearly $1 billion aid package following the eruption of Mount St. Helens. It took him little more than a month to do so.

But Magnuson's interest in "doing good" didn't stop at Washington state's borders. Ralph Nader once called him the most important consumer champion in America. As chairman of the Senate Commerce Committee for 23 years, Magnuson was the author of legislation substantially improving auto safety, requiring warning labels on cigarette advertising, beefing up truth-in-lending laws and standards for children's toys and flammable clothing fabrics, to name a few.

He fought to improve the quality of health care in America—writing legislation creating the National Cancer Institute, the National Science Foundation and the National Health Service Corps, which was aimed at sending young doctors into impoverished and remote areas of the country.

"He achieved great power and used it for the benefit of the people," said Foley. "It's hard to find an area where Warren Magnuson wasn't important."

Less obvious but perhaps as important was the imprint Magnuson left by way of the informal "graduate school" run out of his Senate offices. For 40 years, Magnuson hired the best and brightest available to staff his office, then helped them move up to their own positions of influence. Among those graduates were Dicks, Seattle attorney Gerry Johnson, Burlington Northern executive Gerlad Grinstein and Senate Labor Committee aide Tom Keefe.

Born April 12, 1905, in Moorhead, Minn., Magnuson was orphaned at 3 weeks and adopted by a family of immigrant Scandinavians who moved to the flatlands of North Dakota. Though his campaign brochures reminded voters of his humble beginnings. Magnuson's adoptive father reportedly was a wealthy banker from whom Magnuson inherited some money.

After attending the University of North Dakota and North Dakota State College briefly, Magnuson rode boxcars west to Seattle. He worked his way through the University of Washington by peddling ice in wealthy neighborhoods, and received a bachelor's degree in 1925 and a law degree in 1929. Along the way, he was undistinguished as a third-string Husky football player.

Magnuson first ran for office in 1932, winning election to the state Legislature. According to friends, the most vivid memory of his Olympia experience was etched into his mind when a delegation of hungry, jobless citizens marched on the state capital and erected a tent city in an attempt to get aid.

All politicians understand their survival depends in part on what they deliver to the folks back home, and Magnuson was no exception. He just played the game better than most.

Magnuson had come to the Senate in 1944 seeking federal dollars to develop his home state, with all the zeal of a third-world ambassador courting the World Bank. At his prodding, the federal government built or sustained many of the underpinnings of Washington's economy: The Columbia and Snake river dams whose water and power attracted aluminum smelters and agribusiness; the nuclear reactors at Hanford; the shipyards of Puget Sound and Boeing's airplane factories.

In 1947 came dollars for Seattle's Alaskan Way Viaduct. That same year a Republican congressman from Central Washington made a highly unusual pilgrimage across Capitol Hill, to thank Democrat Magnuson for winning extra dollars for the huge Columbia Basin irrigation project.

Magnuson's ability to bring bacon home for his constituents grew with his appointment in 1953 to the Appropriations Committee. The Wall Street Journal noted in 1965 that Washington, 23rd among the states in population, got one-sixth of all the money the federal government spent on public works.

For a decade, Magnuson chaired the appropriations subcommittee that writes the budget for labor, health, education and welfare, the largest single chunk of domestic spending. He poured money into the research budgets for the National Institutes of Health—an outgrowth of the National Cancer Institute he had first proposed in 1937—and the National Science Foundation, another Magnuson creation. Grants from those agencies still account for a sizable share of all University of Washington revenue.

Magnuson didn't get everything he wanted: Congress' failure to finance the Supersonic Transport was a particularly painful defeat. But he won more than he lost.

Magnuson's power reached its apex when he assumed the reins of the full Appropriations Committee during his final years in the Senate. In 1977, at dedication ceremonies for Magnuson Park at Seattle's Sand Point, he noted the federal government had just provided $700,000 for park facilities.

"I am sure you will understand that this is just a coincidence," he joked.

Days before his last election in 1980, he added $2.4 million to an appropriations bill to buy scenic Whidbey Island farmland threatened by development. The National Park Service wrote the owners a check before the measure had cleared, so certain were they of Magnuson's clout.

His handlers played up that power in the campaign that year against Republican Slade Gorton. "I may walk a little slower than I used to," Magnuson said in television commercials, "but they can't start the meeting until I get there anyway."

It didn't work. For, from its start in the House in 1936, Magnuson's career in Congress had been characterized by faith that government money and government regulation were forces of good. "He believed the government was an instrument to solve problems," says Pertschuk, "and he stayed on that course."

By 1980, many Washingtonians no longer shared that faith.

Many deposed senators stay on in Washington, DC, to bask in fading limelight or make money lobbying their erstwhile colleagues. After his unexpected defeat, Magnuson returned to Seattle.

He was 3,000 miles away when Congress shifted its attention from creating new programs to eliminating old ones, from spending more to spending less. He didn't make a return trip to the nation's capital until 1987.

And, when reporters asked why he had stayed away so long, the man from another era was characteristically blunt: "I didn't have any business here."

[From the Spokesman Review, May 23, 1989]

MAGNUSON DELIVERED FOR STATE IN BIG WAY

"Maggie can walk onto the Senate floor late in the day and offer a little amendment, and it turns out to be the Grand Coulee Dam."—President John F. Kennedy

Quiet, yet incredibly effective, former U.S. Sen. Warren G. Magnuson epitomized an era of political power-broking that probably never will be matched. So regularly did the Washington Democrat come through for his constituents that long before his death on Saturday, facilities he had helped fund already were being named in his honor.

Spokane's Intercollegiate Center for Nursing Education, for example.

What some called pork-barreling, New Dealer Magnuson unapologetically called bringing home the bacon.

He steered billions of dollars Washington's way for hydroelectric and reclamation projects, world's fair, military installations and the like. There may not be an acre of the state that doesn't bear his thumbprint.

When Spokane civic leaders were mapping plans for the Expo '74 world's fair, Magnuson slipped (in his customarily inconspicous way) a federal appropriation into legislation on the Senate consent calendar. When Arkansas Sen. William J. Fulbright threatened to voice what would have been a killing dissent, Magnuson headed off trouble by accommodating Fulbright's desire to have a city in his landlocked state designated a seaport.

When Magnuson lost to Republican Slade Gorton in 1980 after six productive terms in the Senate, it was his enormous influence that contributed to his defeat. In addition to crediting him with his achievements, voters held the Senate Appropriations Committee chairman accountable for the Senate's failures, notably a soaring federal budget deficit.

But even in his last few months in office, Magnuson rushed nearly $1 billion in federal disaster-relief funds through Congress to assist the state in the aftermath of Mount St. Helens' eruption.

Never one to call attention to himself, Magnuson preferred the quiet path. Among his legendary "little amendments" was a ban on supertanker traffic in Puget Sound, a stroke that prompted then-Gov. and fellow Democrat Dixy Lee Ray to brand him a "dictator."

"When you've got something good to be done and you can do it quickly, well, you do it," the senator explained simply.

Warren Magnuson was known as a friend of consumers, a friend of labor and a friend of the environment, but always he was a friend of Washington state—every corner of it.

[From the Tri-City Herald, May 23, 1989]

MAGGIE WAS ONE OF THE CENTURY'S GREAT FIGURES

"What I have done is history. What I am interested in is today and the future."

These are the words of Warren G. Magnuson late in life, offered by his widow, Jermaine, as a summation of what the man was and how he will be remembered.

He will be so remembered, but in many other ways, too.

Magnuson's death had been expected for weeks, as a result of complications of old age and diabetes. He died Saturday at his Seattle home with his wife of 25 years comforting him.

"I was at his side," she said, "We had our hugs and our kisses. He went with dignity and no pain, and that's what I had prayed for."

But this quiet exit was only a pale mirroring of the robust and rich life of a man known nationally as a political giant.

A poker-playing crony of Harry Truman, a New Dealer in from the beginning, an orphan who came to Washington by hooking rides on freight trains, who played football for the Huskies, who was elected to the U.S. House of Representatives in 1936, became a lieutenant commander seeing combat with the Navy during World War II who returned in the waning days of that conflict to be elected to the U.S. Senate; he was a man in the center of the great actions of his time and a man around whom much of that action centered.

From his Senate election in 1944 until his defeat by Slade Gorton in 1980, Magnuson was considered a workhorse in the Senate, not only for his state but for the nation.

He was chairman of the Senate Commerce Committee for 24 years.

He rose to be chairman of the Appropriations Committee and president pro tempore of the Senate. As such he exercised influence over the development of laws and appropriations of enormous importance.

In 1967 he introduced legislation requiring the Coast Guard to develop ways to regulate tankers, just as the new generation of oil transporters were making their appearance. It was no irony that one of the last letters he wrote was to Congress, urging legislation to require oil tankers to have double hulls—rather than the single hulls such as on the Exxon Valdez, which ruptured in Prince William Sound.

It was on the strength of Warren Magnuson's convictions that the great battle over the location of I-82 was resolved with the interstate being shifted somewhat eastward and a spur added to serve the Tri-Cities and Walla Walla.

The importance of the Tri-Cities being adjacent to the interstate, rather than remote from it, has been of inestimable value to the community ever since.

When Mount St. Helens erupted, Magnuson was pivotal in getting $1 billion allocated for community response; he was in on the creation of the Department of Transportation and the Fred Hutchinson Cancer Center in Seattle and the Veterinary Medicine Center at Washington State University; there are warnings on cigarette packages partly through Magnuson's support; he was the protector of animals and, in particular, whales; he is credited with being the moving force that brought about the National Cancer Institute (later, the National Institutes for Health) and the National Science Foundation.

He was a friend of Hanford, and he and Henry M. "Scoop" Jackson combined to see to it that the work that was done there received the recognition and support it deserved.

Sam Volpentest, executive director of the Tri-City Industrial Development Council, first met Magnuson in 1936 and enjoyed a 56-year friendship with him.

Of his old friend, Volpentest said:

"He was a very warm, human person who was concerned about people's welfare and health."

Warren G. Magnuson was among us from 1905 to 1989. His monuments are all around us, and he will be remembered as he wanted to be, as a man whose spirit will still be seen to be at work long into the future.

[From the Seattle Post-Intelligencer, May 26, 1989]

GOODBYE TO THE LAST OF THE TRUE NEW DEALERS

(By John de Yonge)

At first it was a solemn affair, Maggie's funeral yesterday, beautiful. There was the march of prelates, with Mrs. Magnuson and the family, into the great white enclosure of St. Mark's Cathedral, the mourners standing, the organ and choir resounding, and the senator's remains in a flag-draped coffin carried by former staffers of his, dark-suited, somber, none of them with an IQ under 129.

One pallbearer was Duayne Trecker, one of Maggie's past press secretaries. As the first prayers for Maggie echoed in the cathedral's vault, I remembered an evening in Washington, D.C., when Maggie asked Trecker and me to escort him to a fund-raiser at the Folger Shakespeare Library—and to get him out of there as soon as he had shaken hands and "made one of my little talks" for a worthy Democrat needing the senator's presence to loosen dollars from the assembled lobbyists.

"These things'll kill you if you let 'em," he said of stand-up parties. Physically, he was suffering from his feet, which made him shuffle, and made him seem deceptively weak. But he could drop an amendment on an afternoon, stopping the development of a super oil port on Puget Sound and causing a governor (Dixy Lee Ray) to scream in rage.

Maggie was at the height of his power then, in his 70s, chairman of the Senate Appropriations Committee, from which the milk of government flows. He controlled the flow. And, by seniority, he was president pro tempore of the U.S. Senate, where seniority is power. So he was third in line to succeed to become president of the United States.

"It's one job I've never wanted," he used to say. "I've seen what it did to FDR and Harry Truman and LBJ." He meant how it ground them down.

Being three heart beats from the presidency endowed him with a black Lincoln limousine chauffeured by a Secret Service agent. Its single-number license plate whisked us by saluting cops to the Folger and then away, up to Maggie's apartment.

By then he was plainly hurting and tired. He said he wanted to be fresh for the next day, for work on his bill to protect kids from inflammable pajamas, common then, night clothes that burned as if soaked in gasoline. His bill banned clothing that could sear children. The only time I ever saw Maggie mad was when he talked about a manufacturer who defended clothes that could burst into flame around a child's body.

We all got out of the limousine. Trecker and I saw the senator to the elevator. "Have the car take you home," Maggie said.

Trecker had himself dropped off at a metro station. At my hotel the doorkeeper rushed to open the Lincoln's door. His enthusiasm sagged when he saw emerge not the senator but me.

At the funeral, in the touching eulogies by Rep. Norm Dicks and Sens. Brock Adams and Mark Hatfield and Daniel Inouye, because they were talking about Maggie they had to tell Maggie stories. We all laughed, because all of us who knew him have Maggie stories.

But laughter burst most greatly when the Rev. Lowell E. Knutson, bishop of the Northwest Synod of the Evangelical Lutheran Church in America, said:

"Maggie will get few words of praise for his religious piety . . . "

We guffawed, thinking of the senator with a scotch in one hand and waving a fine Cuban cigar in the other. Then Knutson completed the thought: "Maggie leaves a hidden piety."

Knutson's text, from the 25th Chapter of St. Matthew, includes words that summarize Magnuson's use of power:

"For I was an hungred, and ye gave me meat; I was thirsty, and ye gave me drink; I was a stranger and ye took me in; Naked, and ye clothed me; I was sick, and ye visited me; I was in prison, and ye came unto me . . ."

Rep. Tom Foley continued, with eloquence, Knutson's homily, that Magnuson, who had been a poor boy himself, comforted the poor and the needy and the innocent and the sick with laws to cushion, to succor, to provide meat and drink and clothes.

"He is," said Foley, "a marvelous example of how public power can be linked to public good."

Finally, with a catch in his voice, Foley said: "Goodbye, Maggie, rest in peace."

Goodbye to the last of the true New Dealers, I thought, who knew government by the people to be the friend of the people, not its enemy.

Singing "Eternal Father, Strong to Save," we were uplifted by the power of the choir and the thunder of the organ, by the indirect sunlight infusing the church and by the communion of honoring an old, true friend.

Then again the flagged coffin passed by. We took our last glimpse of Maggie, who if he needs an epitaph, might have this:

He did good.

[From the Columbian, May 23, 1989]

STATE WILL LONG REMAIN MAGNUSON'S MONUMENT

Since Warren G. Magnuson died early Saturday morning, memorialists have struggled to grasp the import of his life and passing. As the process continues through and beyond his funeral in Seattle Thursday morning there may be flights of excess, but it is difficult to exaggerate the degree to which Magnuson shaped his state, region, nation, and world.

Part of that may be explained by longevity in public life. He was first elected to the state House of Representatives in 1932, and he continued to wield considerable clout behind the scenes even after he lost his first election in 1980. From the first, however, Magnuson's power stemmed from his skill at identifying the public interest and his determination to pursue that interest both selflessly and forcefully. Even as a freshman in the U.S. House of Representatives in 1937 he was very much a part of Franklin D. Roosevelt's New Deal.

During his four decades in the U.S. Senate, particularly during the many years he was yoked with the late Sen. Henry M. Scoop Jackson, Magnuson made high art of pork barrel politics. And much of the hefty haul resulted in permanent Washington landmarks. But he also used that skill for such populist goals as Amtrak, public television, civil rights legislation, the 200-mile fishing limit, the 18-year-old vote, consumer rights and environmental protection. His legacy in political practice may be more fleeting. Since Magnuson passed his peak, it seems that Washington politics has become harder-edged, more selfish, less friendly and a lot more expensive.

In 1980, The Columbian joined the chorus calling for an end to Magnuson's political career: "Washingtonians certainly can appreciate the work done for them over four decades by Warren Magnuson. But now it is time to think ahead and to elect somebody who has the potential to become another great senator, Slade Gorton."

We remain convinced that Magnuson's time to retire had come in 1980, just as we regret that he could not leave gracefully but had to be bounded out. We must acknowledge, however, that our hopes for Gorton were too high. He proved too narrow to hold the seat a second term. Gorton scrapped to win his way back in last year, but he did it by dividing to conquer rather than by following the Jackson-Magnuson pattern of strength through unity.

So now we pine for the days of the gold-dust twins. As we watch the replacement for one try to surmount scandal while the stand-in for the other fires angry shots across the Cascades at urban Western Washington, we can see that Magnuson's reputation will not be challenged for a long time.

[From the Seattle Times, May 21, 1989]

THE WIT AND WISDOM OF MAGGIE

One of Senator Magnuson's most endearing qualities was the way he used—misused, really—the English language.

As Bill Prochnau, a former Magnuson aide and Seattle Times correspondent in Washington, D.C., put it in a 1980 Washington Post article: "Magnuson fractured the English language in a way that made Mrs. Malaprop sound like a grammarian."

The Senator seemed to have an especially tough time with people's names, although those close to him insist to this day they never knew which of his slips were intentional, perhaps to take puffed-up bureaucrats and politicians down a notch.

Once, to an astonished Senate hearing, Magnuson introduced Avery Brundage, then chairman of the U.S. Olympic Committee, as the distinguished Mr. Average Brundy."

"Get me Cauliflower at the White House," Magnuson was known to say when he wanted to ring up Joseph Califano, an aide to Lyndon Johnson in the 1960s.

U.N. Secretary General Dag Hammarskjold came out "Dag Hammershlogg." And former French Premier Georges Pompidou was "Poopidoo."

At one Senate committee hearing, Magnuson became irritated with an environmentalist who was arguing against the progress that was represented by Boeing's controversial SST plane.

"We can't all go live at Walden Pond," Magnuson declared. "Even Walden only lived there for two years."

A man of words, Magnuson was not.

In a 1981 interview, Magnuson was asked to comment on U.S.-China relations.

"Our relationship with China has come along very well, slow, but you have to be patient with the Orientals. You have to be very patient with them.

"I mean, talk about Latin Americans having 'manana.' The Chinese have a manana that isn't you know, day to day, it's almost century to century.

"The trouble with us with the Orient, we think Orientals should think like we think they should think, and they don't think that way."

Asked to comment on the Kennedy family, he said: "Well, they're going to be one-third of the world's population. They're over one-fourth now." When told the question was about the future of the Kennedy family, he said: "Oh, I thought you said the

Chinese. The Kennedys. Well, they've only got one man left."

On the Latin American military: "All their generals with all their medals, geez, you'd think they went through 17 war engagements. Holy Jesus, they've got medals, you know, up to their shoulders. I got a medal from Costa Rica once, years ago . . . when I was down there . . . trying to talk about a second canal. Geez, they hung it on me, it was so goddamn heavy that I had to bend over."

[From the Seattle Times, May 21, 1989]

FROM THOSE WHO KNEW HIM

Warren Grant Magnuson was, as Gov. Booth Gardner put it, "one of the most significant individuals this state has ever known."

"He is an integral part of the history of this state," Gardner said yesterday on learning of Magnuson's death. "He was well-loved and appreciated for his contributions. He'll live on for the duration of the history of this state."

Others who knew Magnuson were equally laudatory. Here are some of their comments:

Former Gov. Albert Rosellini, who first met Magnuson in 1936: "I don't think the state has ever had a stronger individual in Congress. It made it possible for us to get funds for many major projects in the state of Washington. . . . It really is the passing of an era."

Tom Keefe Jr., a former Magnuson aide: "He was the best of federalism, health, the environment, auto safety. There's a hidden legacy from his career that's immeasurable. He did it so well for so long. There's a uniqueness that's impossible to match."

U.S. Rep. Norm Dicks, D-Bremerton, who was Magnuson's administration assistant for eight years: "We have lost one of the real giants of American politics today, and I have lost a great teacher, mentor and friend. We must reflect on the good work and the accomplishments he left behind. . . . When the shock of his death wears off, I hope the memory of his career will live forever."

Seattle Mayor Charles Royer: "Warren Magnuson lived a long, full and incredibly productive life. Few Americans have served this country as long or as well as our beloved Maggie."

Karen Marchioro, chairwoman of the state Democratic Party: "For the party he was the most important Democrat in this century. . . . He was a Washington state treasure. Everything he did was for a good cause—the environment, consumer affairs, the UW law school. It'll never happen again."

Helen Jackson, wife of the late Sen. Henry Jackson: "He always had a twinkle in his eye and enjoyed talking a little politics and he was a quintessential Democrat. He loved people and he loved helping them."

Sen. Edward Kennedy, D-Mass.: "Maggie will go down in history as one of the finest senators of the 20th century. His long career brought him to a position of great power in the Senate, and he used it with an unparalleled dedication to the best interests of the nation and the American people, which is why he was so well loved and respected."

Sen. Slade Gorton, R-Wash., who defeated Magnuson in 1980: "It almost seems like it was two or three decades ago rather than just a few years ago, because it was a very straightforward, upward, non-negative campaign that was simply run on the issues. The consequences of it were that we had been friends before the race started and we were friends after it was over."

Sen. Brock Adams, D-Wash.: "He was a kind of Norwegian uncle, someone you can talk to. . . . The last thing he said was, 'This state has three things going for it—we've got the mountains, the Columbia River, Puget Sound. And I want you to see it protected. It's the future. It's the future of all of you.' "

Gerry Johnson, administrative assistant to Magnuson in the late 1970s: "He was fighting to the end and remained concerned on issues affecting the region as well as the nation. Last week, the senator had sent to the Senate Commerce Committee a letter expressing his concerns over the Alaska oil spill. He was happy being home. He always loved Washington state more than the other Washington."

Dr. John Lein, vice president for health sciences at the UW: "Warren Magnuson had a profound and unique influence on the direction of health research and health-care delivery in this country. Just as his efforts and concerns extended far beyond Washington state, the Warren G. Magnuson Health Sciences Center at the University of Washington is a resource to the region and nation. We are proud to bear Sen. Magnuson's name.

Rep. Al Swift, D-Wash.: "The quality that I think I will remember most about Maggie is that he was a man who over the years acquired enormous power, but it was power that never corrupted him. He wielded it gently. He never wielded it to hurt anybody. He wielded it in order to do good things for people. And in that respect he was almost unique in all the political figures I have ever known."

[From the Post-Intelligencer, May 21, 1989]

WARREN G. MAGNUSON: NO MEMOIRS, BUT MANY MONUMENTS AROUND US

(Joel Connelly)

WASHINGTON.—President John F. Kennedy convulsed a 1961 Seattle banquet with a description of how veteran Sen. Warren Magnuson passed bills in the nation's capital.

Magnuson, said Kennedy, would go to the Senate floor in the late afternoon when speeches had ended and reporters had departed. He would mumble a few barely audible words.

"What is it?" the Senate's presiding officer would ask.

"Well, it's nothing important, he says. And Grand Coulee Dam is built," said Kennedy to a roar of laughter.

Actually, Maggie didn't build Grand Coulee Dam, although his clout on the Senate Appropriations Committee was used to secure a third powerhouse at Grand Coulee and to irrigate over 500,000 acres of Eastern Washington desert.

The legend that was Warren Magnuson, built over 84 years as prosecutor, legislator, congressman, senator and confidant of presidents, will live beyond his death early yesterday at his Queen Anne home in Seattle.

Over a period of four decades—stretching from the New Deal to the Reagan era—Magnuson did more to shape the Northwest's politics and economic development than any other politician.

Magnuson liked to say that Congress contained two species of animals: "Showhorses and workhorses." He was a work horse, who never sought the White House and ignored perks of power.

The senator once touted his pioneering work on consumer legislation by running for re-election on the slogan: "Maggie has Soul." The motto summed up the man.

Ending his 1974 campaign, Magnuson ambled into a Clarkston, Wash., pool hall. He hung up his jacket, rolled up his sleeves. A cigar stuck in his mouth, the senator picked up a cue stick, put a $5 bill on the table and offered to take on all comers.

A customer put down $5. Magnuson won the toss, put all 15 balls into the pockets. He picked up both $5 bills and headed for the door. The pool hall customers asked for his name.

"Magnuson," he replied.

"Senator Magnuson?" one man asked.

"Just Magnuson," said the senator.

Magnuson served 44 years in Congress, ending his career as chairman of the Senate Appropriations Committee. The panel decides how and where federal dollars are spent.

Magnuson saw that billions of dollars headed home to Washington. During Seattle visits, former Vice President Walter Mondale would joke that Maggie had a formula for evenly dividing the federal budget among the states.

"Fifty percent for Washington state, and fifty percent for the rest of the country," joked Mondale.

Magnuson made possible dams on the Columbia and Snake Rivers. Maggie secured money for the University of Washington health sciences complex which bears his name. He helped build new bridges over Hood Canal and the Duwamish. It was Magnuson who secured money for the 1962 Seattle World's Fair and Expo '74 in Spokane.

The dollars were needed to build the highways, canals, and power plants that made possible the Northwest's economic development. When Magnuson went to Congress, Eastern Washington was an arid desert. Western Washington's economy depended on logging. More than 60 percent of the state's farms had no electric power.

Magnuson was a pre-television politician. He really did mumble. His scrambled syntax, and inability to remember names, became part of the legend.

During the gasoline crisis of the late 1970s, Magnuson boosted synthetic fuels by exclaiming: "We have to look at these Sino fuels—especially gasoholics."

He once introduced Avery Brundage, notoriously arrogant International Olympic Committee chairman as "Mr. Average Brundy." When Joseph Califano was Lyndon Johnson's chief of staff, Magnuson would order his secretary to "Get me Cauliflower at the White House." He accidentally introduced Rep. Al Swift to a banquet as "your congressman Al Smith."

Beneath the bloopers, however, was a politician who changed with the times. In the 1960's and 1970's, Magnuson moved from regional logroller to national leader on consumer protection and environmental issues.

When he sought a fourth term in 1962, Magnuson was described by "Time" magazine as "a skilled politician with few pretensions of statesmanship." The senator ran as a provider. Grand Coulee Dam loomed in the background of his billboards with the slogan "Keeps Our State Moving."

Magnuson nearly lost, and a different senator emerged.

As chairman of the Senate Commerce Committee, he wrote laws protecting children from flammable fabrics. Magnuson drew up bills dealing with poison prevention

packaging, toy safety, truth in lending and truth in packaging and labeling.

He passed legislation that created the National Health Service Corps, which paid doctors and nurses to relocate to areas where there are few medical personnel.

The senator's finest hour may have come in 1977. Magnuson had never been known as an environmentalist. But he blocked use of Puget Sound as a superport for Alaskan oil.

He did it quietly. He wandered onto the Senate floor, and muttered a few words about protecting "a fragile and significant natural environment—Puget Sound."

He found a legislative vehicle in the pending Marine Mammal Protection Act. He attached a "little amendment" that banned oil supertankers from the Sound and blocked creation of an oil superport near Bellingham.

Magnuson acted behind the back of Gov. Dixy Lee Ray, the state's chief oilport booster. She called him "a dictator."

Typically, Magnuson committed a verbal gaffe as he claimed credit for saving the Sound. A renowned vodka drinker, he thundered: "There is no reason for us to accept these tankers when they can unload at any distillery on the West Coast."

During Magnuson's years in politics, the legends grew. At the time of his death, it was sometimes hard to tell myth from reality.

Magnuson was born in Moorhead, Minn., on April 12, 1905. He was orphaned at the age of three weeks—a fact that was sometimes included in his early campaign literature. But he was also adopted by William G. and Emma Anderson Magnuson, and grew up in a prosperous family.

The future senator hopped a freight train at the age of 19, riding from North Dakota to Seattle. He worked in Seattle as an ice truck delivery driver, using the savings to enter the University of Washington.

Magnuson's political career began soon after he graduated from law school in 1929. He was elected to the state legislature, then became King County Prosecutor in 1934. He was elected to Congress in 1936, after emotionally disturbed incumbent Marion Zioncheck leaped to his death from the fifth floor of the Arctic Building.

Magnuson served as a Naval officer aboard an aircraft carrier in the early days of the Pacific War, but was summoned back to Congress by Franklin Roosevelt.

He was elected to the Senate in 1944, an elected position he held through 36 years and eight presidents.

Magnuson was their intimate. He recalled playing poker with FDR. When he lost, Roosevelt would pay his gambling debts by signing personal checks, confident nobody would cash them.

He took President Truman trolling for salmon on Puget Sound in 1948, and was present during a famous Spokane incident when Truman told a local reporter: "Young man, the Chicago Tribune and Spokesman-Review are the two worst newspapers in the country."

Magnuson was married briefly in the 1930's to a former Miss Seattle. After his divorce in 1935, he remained a bachelor for 34 years.

Maggie was reportedly the model for man-about-town Sen. Lafe Smith in the bestselling novel "Advise and Consent." The senator was linked to Hollywood movie actress June Millarde in the late 1940's, and Washington, D.C., buzzed with rumors the two had secretly wed.

When the senator married his longtime companion Jermaine Peralta in 1964, President Johnson was best man. An Idaho motel clerk later turned away the Magnusons, refusing to believe a marriage license signed by the president.

When asked to describe his political philosophy, Magnuson would reply: "I am proud to be a New Dealer."

He was often ahead of his times.

Magnuson wanted Alaska made a state in 1947, and worked for a dozen years to win admission for the 49th state.

He called, in 1956, for recognition of "Red China." In 1974, he was one of the first American lawmakers to visit China after its quarter-century of isolation.

In 1967, Magnuson reluctantly broke with his long-time colleague Sen. Henry Jackson and called for a unilateral halt to bombing of North Vietnam.

Nor did the senator shrink from controversy.

Interrupting his own 1968 re-election campaign, Magnuson introduced Democratic presidential nominee Hubert Humphrey in face of taunts and jeers from radicals at the Seattle Center Coliseum. Humphrey took the state. Maggie won a fifth term by a two-to-one margin.

Magnuson made one of his few misjudgments in 1980, and one not uncommon to Congress. He tried to stick around one term too many.

The senator was hard of hearing. Circulatory problems had slowed his walk to a shuffle. And Jimmy Carter's unpopular presidency dragged down Democrats across the country.

Using a slogan "Washington's next great senator"—which tacitly conceded Magnuson's past accomplishments—Republican challenger Slade Gorton ended Maggie's long career.

The senator and Jermaine retired to Palm Springs. But the California desert resort was home to too many Republicans, and far from the Magnusons' longtime friends.

The couple moved to a handsome home atop Queen Anne Hill. Its front yard was decorated by a totem pole carved by Indian tribes grateful at Magnuson's largesse.

The old New Dealer spoke out, appealing for programs the Reagan administration marked for extinction and chiding Republicans for running $200 billion deficits.

"When I left the appropriations committee we had a debt of $36 billion," Magnuson said in a recent interview. "They said that was terrible. We thought the world was coming to an end. Now look at it."

The senator never put down his memoirs—but his monuments can be seen by looking around.

[From the Seattle Post-Intelligencer, May 24, 1989]

MAGGIE KNEW HOW TO PICK THE BRIGHTEST PEOPLE

(By Jean Godden)

The death of Warren Magnuson on Saturday released a flood of memories about the late, great senator. Some of the tales concern his quiet but effective exercise of power, others tell of his folksy good humor and malapropish assaults on the language.

Most, however, overlook one of Maggie's greatest talents: his ability to surround himself with the brightest and best. His staff was amazing. It functioned with speed and savvy rarely seen in government.

Whenever a reporter needed an update, needed a statement or simply needed information, the call went to Magnuson's office first.

Calls often got results. One example comes from the waning days of Maggie's 44 years in Congress. The state's prison system was overcrowded in the summer of 1980. At the same time, the federal government was making plans to close McNeil Island federal prison.

The solution was obvious. Why not find a way to make use of McNeil Island instead of hurrying to build new prisons?

But Dixy Lee Ray, then governor, said that McNeil was not available to the state. She contended that the feds would never consider it.

That's when a call was placed to Sen. Magnuson's office, asking "Is it possible for the state to acquire McNeil?" The response from a staff member was: "No one has ever asked us." There was a quick follow-up call, "Senator Magnuson says he'll do what he can."

Days later, the U.S. Justice Department reversed itself and agreed to keep McNeil open until the state could act. Magnuson deftly attached a provision concerning McNeil to an appropriations bill. It was one of the last of Maggie's "little amendments."

IRON IN THE FIRE

Congressman Norm Dicks has been telephoning every member of the House on behalf of the Puyallup Indian land claims settlement which was approved Tuesday.

But Dicks has another legitimate claim to the title "congressional iron man." Rep. Dicks' schedule yesterday included the following: reception for the National Auto Dealers, National Maritime Committee meeting, Federal Judges Association, Rep. Tom Downey fund raiser, Sacramento Chamber of Commerce reception, House Administrative Assistant Alumni Association, Rep. Pat Williams fund raiser and Chief of Naval Operations reception in the Washington Navy Yard. And that's just his afterwork schedule.

[From the Tri-City Herald, May 21, 1989]

TRI-CITIANS RECALL MAGNUSON AS FRIEND WHO ALWAYS LISTENED

(By Gale B. Robinette)

Tri-City residents who knew former Sen. Warren G. Magnuson said Saturday he impressed them in ways they will not forget.

"I think that what set him apart from most Legislators was the fact he always remembered he was a common man, and the little guy was the guy he was trying to help," said Charles Kilbury, a friend and long-time activist in the Franklin County Democratic Party. "He had a heart as big as all outdoors."

Jim Worthington, who heads the Southeastern Washington Building Trades Council, said Magnuson "always had time to sit down and talk" even though he was a "very important individual."

"So many people it seems get a little distant from you, but Maggie was the type of person who wanted to help and to listen, and he took the time," Worthington said.

Magnuson died Saturday of congestive heart failure in Seattle. He was 84.

Benton County Superior Court Judge Duane Taber described Magnuson as a "very warm and caring individual."

"The very fact that people called him 'Maggie' speaks for itself," said Taber, who was involved in several of Magnuson's re-election campaigns. "Everyone felt free to use that name soon after meeting him because of the ease he put people to."

An orphan who rode the rails to seek his fortune in the Pacific Northwest, Magnuson spent half a century in public life. He served six terms in the U.S. Senate. Magnuson, a lawyer, first went to Washington, D.C. as a Democratic congressman in 1936, and served with presidents from Franklin Roosevelt through Jimmy Carter.

People still credit the duo of Magnuson and the late Sen. Henry "Scoop" Jackson, D-Wash., for getting federal money to finance key energy, agricultural and transportation projects in the Pacific Northwest, including the Tri-Cities.

"Between he and Scoop, they did a tremendous amount for this state and particularly for our area," said Mark Pence, of Pasco, who was Franklin County chairman of two of Magnuson's re-election campaigns.

Sigvard Hansen, former dean of students at Columbia Basin College, said Magnuson and Jackson "were very unselfish about their time and energy to see that things amounted to something in the Northwest."

Hansen described Magnuson as a good friend and "one of the finest men I have ever known."

"He was just like a fellow you had as a neighbor and felt was your greatest friend," Hansen added. "He wasn't trying to make himself look great. He just wanted to get the job done, and he got it done."

Sam Volpentest, executive vice president of the Tri-City Industrial Development Council, met Magnuson in 1933 and began a friendship that lasted 56 years.

"He was a very warm, human person who was concerned about people's welfare and health," Volpentest said.

[From the Spokesman Review, May 26, 1989]

THRONG BIDS MAGNUSON GOODBYE

(By Jim Camden and Richard Wagoner)

SEATTLE.—Congressmen and governors joined political foot soldiers and "common folk" in saying goodbye Thursday to one of the giants of American government.

Former Sen. Warren G. Magnuson was described at his funeral as everything from Mr. Consumerism to the king of pork barrel politics.

The onetime president pro tempore of the U.S. Senate, who died Saturday in his Seattle home at age 84, was "one of the century's most powerful men," Sen. Mark Hatfield, R-Ore., said.

"Yet he never once, not even for a moment, separated himself from the fishermen in Puget Sound, the apple grower in Yakima or the businessman in Seattle," Hatfield said.

In front of a crowd that seemed drawn from a "Who's Who" of Northwest politics, Maggie was sent off.

In the church pews were Slade Gorton, the Republican who ousted Maggie from the Senate in 1980, and Brock Adams, who beat Gorton six years later to reclaim "Maggie's seat" for the Democrats. Both are in the Senate now, after Gorton's comeback last year.

Former Govs. Dan Evans and John Spellman, both Republicans, joined the mourners, and Gov. Booth Gardner read a scriptural passage at the start of the service.

A new generation of congressional leaders—some such as Rep. Norm Dicks who started as Maggie's assistant—took to the lecturn to reminisce about their mentor.

"I'm proud to be a graduate of the Magnuson school of government and public service," Dicks said.

Some 1,000 people crowded into St. Mark's Cathedral to sing hymns and listen to eulogies of Magnuson. Some former campaign workers sported white-on-blue "Maggie!" campaign buttons on jacket lapels or blouses.

A 10-member color guard of soldiers, sailors and Marines marched into the Episcopal cathedral to start the ceremony.

The former senator's coffin, draped with an American flag and adorned with the seal of the U.S. Senate, was escorted in by eight former staff members.

Sen. Daniel Inouye of Hawaii said it was time for the former Senate leader "to once again respond to the roll call, this time in Heaven."

Inouye, like many of the speakers, recalled Magnuson's prowess at finding money for Washington. After the 1980 eruption of Mount St. Helens, Magnuson sought "an unheard of sum" of more than $950 million for disaster relief.

"I turned to him and I said 'Mr. Chairman, we have volcanoes in Hawaii that erupt every day.' And he looked at me with a twinkle in his eye and said 'Your day will come.' "

Magnuson produced money for his state by reminding other senators that he had backed programs for their states, speakers said.

"He wrote the book about bringing home the bacon," Hatfield said. " 'What's good for Washington is good for Oregon,' Maggie would say. 'Two for me and one for you.' "

But all were quick to add that his 44-year congressional career was notable not just for the building projects he sponsored, but also for cancer research, wildlife protection and consumer rights he championed.

"He began his work long before Ralph Nader came onto the scene as Mr. Consumerism," Inouye said.

And for those who wondered whether the old cigar-smoking pol with the shuffling gait was destined for some warmer clime than Inouye suggested, The Rev. Lowell Knutson, bishop of the Northwest Synod Evangelical Lutheran Church in America, said Maggie lived up to at least one passage of the gospel.

As a defender of the young, the sick and the poor, Knutson said Magnuson embodied the Scriptural passage: "In as much as you've done it to the least of them, you've done it to me."

Rep. Tom Foley of Spokane agreed that Maggie, in concert with the late Sen. Henry "Scoop" Jackson, "remade the face of the state of Washington," by finding money for harbors, dams, bridges, world fairs and university buildings.

"I think that the physical legacy is not the most important," said Foley.

Magnuson championed voting rights for 18-year-olds, an end to the poll tax and protection of the environment, Foley said.

"The Puget Sound is not suffering the fate of Prince William Sound because Warren Magnuson wanted to see this great resource protected," he said.

Foley, who could soon best even Magnuson in the congressional hierarchy by becoming the speaker of the House, arrived at the cathedral after the ceremony started but in time to deliver the final eulogy.

Even a late vote on a supplemental budget and discussions of a possible change in the speakership wouldn't keep him from attending the service of his onetime mentor.

"He had a sense, always, for the right thing to do," Foley said. In the 1950s, when it was political suicide, Magnuson urged the country help bring Communist China out of isolation.

Richard Nixon's initiative 20 years later, and events today in that country, proved he was right, Foley said.

Magnuson was remembered Thursday in Spokane not only for his accomplishments in Congress but for who he was.

"We all smile when we talk about Maggie," Spokane City Councilman Robert Dellwo said at a memorial service in Riverfront Park. "We know we'll never see another man like him."

About 50 friends, supporters and staff members of the former senator gathered behind the Spokane Opera House to share anecdotes and remember the man they loved.

"And who can ask for a greater monument than to be loved," said Sally Jackson, chairwoman of the Spokane Democratic Central Committee.

"Every single major development in this state over the last 40 years, he had his hand in it," said Leonard Jansen, a lawyer who represented Columbia Basin farmers and often worked closely with Magnuson.

When we had a problem, we went to Maggie and he just got it done, Jansen said after the service. "The guy was quiet. He was very unassuming. But he got the job done."

The theme of a quiet man who worked hard for his constituents behind the scenes was echoed again and again by speakers at the service.

Dellwo recalled the time Magnuson would take out of his busy day in the nation's capital to chat with friends from Washington state.

Betty Drumheller, a friend and later staff member, remembered a playful Magnuson playing horse with President Kennedy's young daughter.

Jackson, a Spokane Valley businesswoman, talked of a letter she wrote to Magnuson 20 years ago in which she mentioned having just adopted a child.

Magnuson responded with a long handwritten letter of his own that talked of his family.

"That was very poignant and very personal," Jackson said. "I became a dedicated Magnuson fan."

Magnuson is survived by his wife Jermaine, a daughter and two grandchildren.

[From the Post-Intelligencer, May 22, 1989]

MAGGIE: LAST OF THE GIANTS—DEATH OF FORMER SENATOR BRINGS WARM TRIBUTES

(By Joel Connelly)

WASHINGTON.—As he tried to relax on an unpeaceful Sabbath, House Majority Leader Tom Foley linked two subjects high on his mind: reminiscences of Sen. Warren Magnuson and demonstrations by young people in cities across China.

"Maggie talked about redefining our relationship to China in the early 1950s when the idea was considered tantamount to treason," Foley said. "The Chinese never forgot. Now we see students holding up banners with quotes from Jefferson and Lincoln, while displaying imperfect models of the Statue of Liberty."

A day after Magnuson died in his Seattle home Saturday, former colleagues worked on their memories. They recalled a 36-year Senate career, an era that lasted from FDR's card games to the Reagan landslide, and many times when Maggie was ahead of his time.

And they remembered him as part of a generation of Northwesterners who made their mark in the nation's capital.

"Trees were not the only tall thing to come out of your part of the country," said former Tennessee Sen. Albert Gore Sr., who served with Magnuson for 18 years.

And 93-year-old former Ohio Sen. Frank Lausche added: "What I noticed when coming to Washington, D.C., was the distinctive character of Northwest senators: They aimed to promote justice, and they were deeply independent."

Magnuson was the last of a series of political giants whose faith was shaped by the New Deal, and whose progressive politics helped shape their region. "This really marks the end of an era in the region's public life," remarked Foley.

The honor roll includes:

Sen. Henry Jackson, who was Magnuson's colleague for 28 years in what Senate surveys found to be the most potent one-two combination on "the Hill."

Jackson began his career as a vice-busting Snohomish County prosecutor. He always took himself more seriously than Magnuson, a gravity that hobbled both his bids for the presidency. Although a Cold Warrier, he warmed to China in the mid-1970s and embraced Chinese leader Deng Xiaoping on a 1979 visit to Seattle. Jackson's legacy includes authorship of the National Environmental Policy Act, and still-relevant warnings about U.S. dependence on foreign oil.

Supreme Court Justice William O. Douglas, who developed his sense of justice as a poor boy growing up in Yakima. He honed political skills bringing Wall Street to heel as chairman of the Securities and Exchange Commission in the 1930s.

Douglas served on the high court for 35 years. He was inspiring in defense of the First Amendment, and sometimes infuriating in likening America's political establishment to King George III. As a conservationist, Douglas left a legacy that begins at his back door: The William O. Douglas Wilderness Area adjoins the judge's summer cabin at Goose Prairie in the Cascades.

Oregon Sen. Wayne Morse, who thundered while Magnuson often was barely audible. Morse once talked for more than 22 hours in a filibuster. Over 24 years, however, the two men together fought for public power and hydroelectric development of the Columbia River.

Morse was an iconoclast. He was elected as a Republican, later sat as an independent, and then switched to the Democratic Party. He cast one of Congress' two votes against the 1964 Gulf of Tonkin Resolution, green light for the Vietnam War. He filibustered against government "giveaways" of public resources long before the environmental and consumer movements came on the scene.

Magnuson had other distinguished company. Alaska's Ernest Gruening battled 25 years to create America's 49th state, became a senator at statehood, and cast the Senate's other vote against the Tonkin Resolution. Sen. Frank Church of Idaho arrived in the 1950s, and built a Senate career that ranged from saving Hells Canyon to exposing abuses by the Central Intelligence Agency.

All are gone. In today's Senate, only Oregon's Republican Sen. Mark Hatfield approaches similar stature and service.

Magnuson was a vivid personality—a man who launched hundreds of anecdotes—but also a legislator of productivity and inner purpose.

"I remember when he first proposed mandatory seat belts in new cars. The industry people said the safest thing in an accident was being thrown free of a car," recalled former Indiana Sen. Vance Hartke. "When he wanted to ban flammable children's nightclothes, we heard that the problem was really 'improper' use of matches."

Hartke feels Magnuson remained at heart a populist even when he occupied a vast suite in the Russell Senate Office Building with a red phone connected to the White House.

"He was a lobbyist for people who couldn't afford to have lobbyists," Hartke said.

Foley is on the verge of becoming speaker of the House, arguably the second most powerful position in government. But he recalls coming to Washington, D.C., as a junior committee aide to Magnuson in the early 1960s.

"Magnuson was never puffed up, never affected," said Foley, "but he had a kind of continuous inner sense of what direction he wanted the country to go."

Former Minnesota Sen. Eugene McCarthy, himself a poet, recalled Magnuson reciting Robert Service's "The Shooting of Dan McGrew." And he appreciated how Magnuson, as chairman of the Senate Commerce Committee, shot down Southern opposition to provisions of the 1964 Civil Rights Act outlawing discrimination in public accommodations.

"Maggie rode herd on the agencies," said McCarthy. "He was not content just to pass a law, but recognized the true test came in getting the bureaucracy to enforce it."

Statues and plaques symbolize the role that Northwest political giants have played in the capital.

A bust of "Scoop" Jackson decorates the Russell Building. Ernest Gruening appears as a tall striding bronzed figure near the Capitol Rotunda. A bust and plaque denote William O. Douglas' battle to preserve the C&O Canal towpath, where the judge would work out his hiking legs.

However, Foley gently suggested that Magnuson should be remembered in other ways.

"I remember the story about Thomas Jefferson asking that his tombstone read, 'author of the Declaration of American Independence, of the Statute of Virginia for Religious Freedom, and Father of the University of Virginia," Foley said.

"A friend asked Jefferson why he wanted no mention of public offices he had held. Jefferson replied, 'I prefer to be remembered by what I have done for others rather than what was done for me.' So it should be with Warren Magnuson."

Public services will be at 10 a.m. Thursday at Seattle's St. Mark's Cathedral on Capitol Hill.

Mr. ADAMS. Mr. President, that concludes my remarks on Warren Magnuson. I cannot sit down, however, without saying that he has been a living example to me and to many in the State, and we simply hope that we can bring to this body the good humor, the humanness, the understanding that we are all people, the comity and compassion as we carry out our legislative battles, because that made this man great, made the Senate great and the country great.

Mr. REID. Mr. President, I rise today to salute one of the grand old men of the Senate. I speak of course of Senator Warren Magnuson of Washington who passed away this last weekend.

Although I never had the opportunity to serve with Senator Magnuson, I did have the opportunity to know him. While working my way through law school in the early 1960's, I also worked as a Capitol Hill policeman. At that time, Senator Magnuson, who was already chairman of the Senate Commerce Committee, was in the process of becoming a giant in the Senate. He was later to go on to become chairman of the Appropriations Committee, a committee upon which I now serve, and Senator Magnuson later became President pro tempore of the Senate.

Senator Magnuson gave 45 years of his life of serving the people of Washington and the people of the United States in the Congress, a period spanning three wars and providing the foundation for our society as we know it today. His career can serve as a model for those of any generation. His dedication to service and his strong leadership are goals to which we should all aspire. In short, he was an institution, in this greatest of all institutions.

Mr. GORE. Mr. President, I want to join my colleague from Washington in paying tribute to one of the greatest Senators in the long history of this institution, our late friend Warren Magnuson.

Senator Magnuson served in Congress for 44 years, including 36 years in the Senate. Over the course of a brilliant career, he left his mark on this institution and on this century. Without "Maggie," as his friends always lovingly called him, we are not and never will be the same.

I grew up watching and admiring Warren Magnuson. Like my father, who served with him for 32 years, Senator Magnuson was a son of the New Deal, and an everlasting champion of everything it stood for. He spoke out for Democratic principles all his life, no matter which direction the political winds were blowing and no matter what stood in the way. He fought for affordable housing, better health care, and the needs, hopes, and dreams of working men and women.

On behalf of my family and the State of Tennessee, I want to extend best wishes to Mrs. Magnuson, who is a great lady in her own right, as well as to the many outstanding individuals who worked for Maggie over the years, and the good people of Washington State who believed in him.

Warren Magnuson was a giant, and we shall miss him.

WARREN G. MAGNUSON

Mr. GARN. Mr. President, I join my colleagues today in paying tribute to our distinguished former colleague,

Warren G. Magnuson who passed away on May 20.

Warren G. Magnuson was an institution within one of the most noble of institutions, the U.S. Senate. The citizens of Washington chose Senator Magnuson to represent them in this body four times. They knew his capabilities from his 7 years of service in the House of Representatives, and his prior service in the Washington State legislature. His experience as a legislator began when I was just 1 year old.

Mr. President, I have often reflected, as I have served in this body, on the privilege it has given me to associate with men and women of historic stature; people whose influence will be felt in the Senate, the Nation, and even the world, long after they have departed from this life. Warren Magnuson is one of those whose contributions to his fellow citizens must be acknowledged and admired by all.

Others have detailed his many legislative accomplishments, especially during his years as chairman of the Commerce Committee and then as chairman of the Appropriations Committee, so I will not repeat what has already been said. I had the privilege of serving with him, however briefly, as a freshman member of the Appropriations Committee, and came to an even greater understanding of his unique abilities as a legislator and his fierce devotion to what he viewed as the correct course this Nation should be taking.

Mr. President, I share the sense of loss of my colleagues in the passing of Warren G. Magnuson. We have lost a part of our history, and yet his influence is felt today and will always be a part of the heritage of this institution. I express my deepest sympathy to his family and loved ones, and hope that they can take some comfort from the knowledge of the proud legacy he has left them and the tremendous record of service and achievement he has given his fellow man.

TRIBUTE TO SENATOR WARREN GRANT MAGNUSON

Mr. EXON. Mr. President, when I joined the Senate in 1979 I was appointed to the Commerce Committee which was was chaired by Senator Warren Grant Magnuson, a position he held for 23 years. His mark was and is on the committee. Many of the rights and privileges that we have today bear the imprint of this great man, his understanding, his skill, and his leadership.

Warren Grant Magnuson's contributions to this country are great. He introduced legislation to found the National Cancer Institute at a time when cancer was an unmentionable disease much as AIDS is today.

Upon reading stories of children being burned to death when their pajamas caught fire, Senator Magnuson introduced and achieved enactment of legislation mandating that all children's nightwear be made of nonflammable fabrics.

He originated the Public Accommodations Act of 1964 which was a precursor to the Civil Rights Act of 1964. And he was largely responsible for the legislation extending our offshore fishing rights to 200 miles.

Mr. President, these are just a few of his accomplishments. There are so many more. Warren Magnuson's vision touched all of our lives and, while I had the privilege of working with him for just a few short years, it was a great privilege. His passing is a fitting occasion to remind all Americans that one person can make a difference. Indeed, his accomplishments are proof that one person can make a very great difference in this world.

Senator Magnuson will be missed by those of us fortunate enough to have known him and worked under his leadership. While many may not have known him and some may never have heard of him, generations to come will benefit from his vision, his legislative skill and his achievements.

A TRIBUTE TO WARREN MAGNUSON

Mr. KOHL. Mr. President, I never served with Warren Magnuson nor did I have the privilege of ever meeting the man. Yet Maggie made an impact on my life—just as he did on the lives of millions of other Americans who had no personal contact with him.

Part of that impact came from the legislation he initiated and the causes he fought for—protecting consumers throughout the country and protecting the environment of his beloved Northwest. Part of his impact came from the legions of "minor Maggies" he spawned—from colleagues in the Congress to Commissioners in Federal agencies. No segment of American life was untouched by people who learned about Government and public service from Warren Magnuson.

From all I know about Warren Magnuson, I think he would be pleased by the fact that his legacy is found in both legislation and people. After all, he never viewed legislation as an end in and of itself—he always viewed it as a means to help people. We may amend the bills he wrote, but none of the people he helped train will ever accept or need an amendment—they will remain as he was: dedicated to helping make America a better and stronger and more humane Nation.

While I never got to meet Warren Magnuson, I have heard stories about him. His colleagues still recall his style and members of my staff, who know members of his family, have often mentioned his continued interest in this institution and his mastery of it.

Mr. President, as we look at the events of the last few weeks—the slaughter in China, the loss of men like Claude Pepper and Warren Magnuson—we sometimes think that the world is changing too much, too fast. We want some stability, some sort of immovable center. Warren Magnuson was and is that sort of center: unyielding in his love of country, immovable in his commitment to working men and women, uncorruptible in his faith in the democratic process. We may not see his like again—but we will enjoy the fruits of his labor for years to come.

TRIBUTE TO SENATOR WARREN GRANT MANGUSON

Mr. HEFLIN. Mr. President, I rise today to pay tribute to one of the most influential and longest serving Members of the U.S. Senate—Warren Grant Magnuson. Although born and raised in Moorhead, MN, Senator Magnuson spent his entire adult life serving the good people in the State of Washington. His death on May 20, 1989, saddened all of us who knew him and reminded us all of his loyal service to his State and his country.

Warren Magnuson was an adopted child who rose to the heights of power in the Senate with his election as President pro tempore in 1979. Along the way, he touched thousands of people's lives and helped make this country a better place to live. It seems that wherever he went, Warren rose to positions of leadership. He earned both his B.A. and J.D. degrees from the University of Washington and soon thereafter, his bent for public service surfaced as he served as the first editor of the Seattle Municipal News.

Government service called Warren when he was elected to the State House of Representatives in 1932. From that day until his retirement from the U.S. Senate on January 2, 1981, Senator Magnuson served the people of Washington for almost half a century. He held positions as an assistant U.S. district attorney, prosecuting attorney for King County, U.S. House of Representative Member for 8 years, and U.S. Senator for 37 years. Warren's term as Senator made him one of the most senior Members in the history of the Senate. Only five Senators served longer since the Senate began in 1789.

Senator Magnuson rose to become the chairman of both the Appropriations and Commerce Committees. He had an incredible understanding of a wide range of issues. He could not be placed into simple categories because he was such a diverse man.

Mr. President, Warren Magnuson was an outstanding legislator, a good man, and a patriotic American. It is my hope that the U.S. Senate will be fortunate enough to always have Senators with his energy and his foresight.

Thank you, Mr. President.

TRIBUTE TO SENATOR WARREN G. MAGNUSON

Mr. PELL. Mr. President, I am pleased to join my colleagues in paying tribute to the late Senator

Warren G. Magnuson of the State of Washington.

I had the pleasure of serving with "Maggie" here in the Senate for 20 of the 36 years that he served in the Senate. In his legislative leadership, in his skill as a committee chairman, and in his ability to produce real results Warren Magnuson was one of the giants of the Senate.

I was fortunate when I came to the Senate in 1961 to have several legislative interests and objectives that I found I shared with Senator Magnuson. I found him to be extraordinarily helpful in the successful pursuit of legislation in these areas of shared interest.

Senator Magnuson was the acknowledged Senate leader in pressing for advances in the marine sciences and oceanography. It was with his invaluable assistance that I was able to persuade the Congress to pass legislation in 1966 establishing the National Sea Grant College Program.

In transportation, I found Senator Magnuson an indispensable ally as I pursued the improvement of rail passenger service in the Northeast corridor between Boston and Washington.

And later, as chairman of the Subcommittee on Education, I found Senator Magnuson an unfailing source of support for the funding of education programs when he was serving as chairman of the Labor-Health-Education Subcommittee of Appropriations and as chairman of the full Appropriations Committee.

Senator Magnuson was a good friend and a gifted legislator who achieved much for his home State of Washington and for the Nation. I am saddened at his death and I extend my deepest sympathies to his wife, Jermaine, his children and his grandchildren.

SENATOR WARREN G. MAGNUSON

Mr. BIDEN. Mr. President, there are times when it is all too easy to get so caught up in the polls, press clippings, and power struggles of the political arena, and forget that the purpose of government, and presumably the reason that each of us sought elected office, is to improve the lives of its citizens. During his 44 years in the halls of Congress, Senator Warren Magnuson was a living reminder of that principle.

As chairman of the Commerce, Science, and Transportation Committee, and later of the Appropriations Committee, Warren Magnuson recognized that there was much that the Federal Government could do to improve the safety and quality of people's lives. He set about using his considerable legislative skills to make those improvements.

Today, Senator Magnuson's legacy is woven into the fabric of our daily lives. When I go to the grocery store, truth-in-packaging laws tell me exactly what is in the products I purchase. When my wife leaves for work, I know that the car she is driving has been subjected to rigorous testing to ensure that it meets safety standards. If someone offers one of my boys a pack of cigarettes, I know that a label on the pack will warn him of the dangers of smoking. And when my daughter kisses me goodnight and heads upstairs to bed, I know that her pajamas are made of a flame-retardant material.

Each of those things that make life a little bit safer for me and my family is the result, either directly or indirectly, of legislation that Warren Magnuson pushed during his long career here in the Senate. And at a time when the public perception of Congress, and perhaps our own perception of ourselves, are in need of strengthening, I think we can look to Warren Magnuson's long and productive career as an example of what public service is all about, of the good we can do when we put our mind to it.

I served with Senator Magnuson for 8 years. We were colleagues on the Budget Committee. He has been referred to as the "consummate Senate insider," and if that means that he knew the ins and outs of the workings of this body, it is an assessment I would share. But I think a more fitting characterization would be that Warren Magnuson was "the consummate legislator," a man who could see a need, visualize a solution, and work to turn that vision into reality.

When he went home to Seattle to begin his retirement, Warren Magnuson could point to a great many improvements in the daily lives of millions of Americans and say, "I had a hand in that."

Each of us should be so fortunate.

EULOGY TO A GREAT SENATOR

Mr. GORTON. Mr. President, it is with both humility and respect that I rise to pay tribute to the late Senator Warren G. Magnuson.

In this body, it is customary to praise our colleagues, often effusively. In society at large, we use the term "great" so often as to trivialize it. But Senator Magnuson was truly a great U.S. Senator. I believed that was true before I ran against him, and I still believe that to be so. The measurement of the man can be taken many ways, but the sum is the same.

One measure of this greatness is the constancy and object of his vision. For nearly 50 years of public service, Maggie always sought to serve and protect those in need. This gave rise to his longstanding focus on health research and health services; to his unequaled record of consumer protection legislation; to his landmark efforts to protect the environment; and to providing tools for economic development, especially of the Pacific Northwest.

An obvious measurement of this greatness is legislative achievement. In this respect, too, Senator Magnuson was without equal.

In 1937, during his first year in the House of Representatives, Maggie introduced and passed legislation establishing the National Cancer Institute. That this was visionary is beyond dispute; that he did so as a freshman in the golden age of seniority is extraordinary. Throughout his 44 years here, Maggie added again and again to his legacy of achievement in national health research and services. In 1948 he fathered the National Heart Institute, in 1969 he created the National Health Services Agency, which provides incentives for health services in rural areas. Along the way, he supported every major piece of health legislation passed in Congress. To honor him, in 1980 the Congress named the Clinical Center of the National Institutes of Health the "Warren Grant Magnuson Clinical Center."

When I was attorney general of the State of Washington, consumer protection was one of my highest priorities. Senator Magnuson and his staff worked closely with me, and I admired his work. As chairman of the Senate Commerce Committee for 23 years, Senator Magnuson created the Consumer Affairs Subcommittee, and authored more consumer legislation than anyone in the history of Congress. Among his many important achievements are the Truth-in-Packaging Act; the Fair Credit Advertising Act; the Flammable Fabrics Act; the poison prevention packaging law, and the law requiring cigarette makers to warn consumers of the health hazards of smoking. There are many, many others.

Senator Magnuson cared as deeply about the environment as he did about people. Many of this Nation's most important environmental laws bear his mark: the landmark Coastal Zone Management Act of 1972; the Marine Mammal Protection Act—along with a famous "little amendment" to prohibit construction of an oil superport inside Puget Sound. In the Ports and Waterways Safety Act and the Port and Tanker Safety Act, Senator Magnuson established the most stringent tanker safety standards in the world and funded creation of the radar traffic safety system in key harbors around the Nation. Thankfully, Senator Magnuson also helped write the basic legislation imposing strict liability on the owners and operators of tankers to pay for oilspill damages.

Mr. President, the Senate very soon will begin to consider reauthorization of the Magnuson Act, praised from Alaska to Maine as the most important fisheries conservation legislation in U.S. history. In 1975, Senator Magnuson established in this law the 200-mile limit, which asserted the right of this Nation, and others, to control and

conserve and manage their fisheries. Many rightfully believe this one act literally saved our commercial fisheries from extinction. While today we wrestle with how best to manage our fish resources—no simple task—it is clear to this Senator that without the Magnuson Act we might well have nothing left to wrestle over. Now we owe it to Maggie, and to ourselves, to act wisely once again.

Greatness is also measured, Mr. President, in seemingly small ways. Senator Magnuson achieved great influence in this body and throughout the Federal Government. But he always aspired to just be the best Senator he could be for his beloved State of Washington. Maggie never let his ego grow with his power. He never shifted his attention from the needs of the common man, the less fortunate, and those who could not protect themselves.

Maggie, in turn, was beloved and respected by the people of the State of Washington, and by his colleagues. And though the voters of my State once honored me with the responsibility of succeeding Maggie after he had served them for 50 years, I do not believe they ever expected anyone to truly replace him.

After I was elected, I often visited Senator Magnuson on my trips home. As I served, I came to appreciate him even more. We shared a convert's love for our adopted State. We shared common interests in consumer and environmental protection, fisheries issues, and many others. Maggie was blessed with a marvelous sense of political humor, and the wonderful capacity to do political battle without creating ill will or lasting grudges. Our campaign was honorable and without rancor; I considered us friends before and after.

On his passing May 20, Warren G. Magnuson left a great legislative and political legacy. He was truly a great Senator.

Godspeed, Maggie.

THE LATE SENATOR WARREN G. MAGNUSON

Mr. MOYNIHAN. Mr. President, I am at the bittersweet moment of rising to join in the colloquies which are taking place this morning in memory of our dear former colleague, Warren G. Magnuson, from the State of Washington; "Maggie" to one and all.

It happened that I was able to take part in his last campaign, in 1980, in the State of Washington. I went around with him and spoke on various occasions. He had a wonderful sense about what it meant to have his position here in the Capitol, here in the Senate, and about what 44 years of public life had brought to him.

Because he was getting on, like anyone his age, the muscular-skeletal system does not what they would say—and those who helped set up the National Institutes of Health would probably say it—does not work quite as it did when you were a young prosecutor. And he would shuffle a bit, and sometimes take extra time to make his way to the next meeting. But he had this wonderful saying. He would say: "I may be a little bit late, but the meeting doesn't start until I get there," because he was chairman of Appropriations, the most eminent of offices of which we recognize its great power. It requires great reserve, great capacity for fairness, for justice, and for perspective.

And when Maggie would say, "The meeting doesn't start until I get there and I may be a little late," it could be said with particular effect by a man who had been ahead of everything for half a century. There are very few large ideas that he did not come to see early and stay with until late, right to the end. He was, of course, a very dear associate of Henry M. Jackson, "Scoop" Jackson—"Maggie" and "Scoop," that incomparable pair of Scandinavian and Norwegian from the old Northwest Territory, together, two, easy, different persons really but with so much the same politics, the same constituencies, and the same concerns.

Maggie was the older, at war in the Second World War, at sea, very much aware of what a close run thing the Pacific war had started out to be, very much aware of the might of the United States which brought the war to its conclusion and the responsibilities that carried over into the world that followed.

Scoop was overwhelmed by the experience of Norway and the account of what it could mean to be defenseless against a totalitarian onslaught in the case of Nazi Germany.

They were new dealers. They believed in working people. They believe in their rights and their well-being. They were developers. They were men of the frontier. There was nothing they would talk to you about with greater enthusiasm than the development of the Columbia River Basin, with all those great dams and enterprises that brought to it what I suppose, if not the highest standard of living on Earth, the nicest, unless you absolutely demand sunshine every day of your life, and why should you do that?

They were gentlemen, honorable in a way that I would never dare say is lost, but to the degree that we are such as we are in this time, we are reflecting what they were in theirs.

I owe a very special debt to Maggie. He taught me, without the slightest indication that he might be doing so. He sort of taught you in your first speeches and in your first effort to handle legislation that was really very particularly related to your own State; he would ask the kinds of questions that try to give a universal cast to what was a very parochial concern, but what was legitimate in his view. All politics was local in his view, and it was that local base which made large and universal propositions possible, feasible, and true when they arose from such events.

He would never leave the floor when I had something which in the end required his approval, and, in the way he had you do it, you learned how it was done.

It was his particular charm to be indirect, to be avuncular, I think is a fair way, and to connect so the memory so that the institutional memory would not be lost of a simpler time and a simpler government.

He used to love to tell the tales of the 1930's when Franklin D. Roosevelt, having known great purpose of the evening, known great enterprise, a speech to make and so forth, and looking for company would do what Americans in his time would do. He would ask some friends down to, in this case, the White House to play poker. And then they would sit around and play poker through the evening, which was a great American pastime, and I think probably as educating an experience as television surely would be, and he would tell how at the end of the evening they would settle up the accounts.

He would not think that Roosevelt was all that good a poker player, at least not as good as the Senators he would be playing with. At the end of the evening, there was usually a sum to be settled. It never failed, the very careful huts and valley gentleman farmer that Franklin Roosevelt was, to see to it that he paid his losses, his poker losses, by check, as Maggie would recall, on the National Bank of Poughkeepsie, as he would describe it. He would write it out to the last little penny and sign it in the perfect and confident knowledge that it would never be cashed. And those small economies reflected an earlier era, a kind of shared conspiracy of good humor and fellowship among people whose brief authority had come. His was not a brief authority—half a century, a rare opportunity and rarely fulfilled. We do not mourn him. We celebrate, and we send our great regards to his companion, his wife, the love of his life, Jermaine.

Mr. President, I thank the Senate for this opportunity to speak of a dear, departed Member of this body.

SENATOR WARREN G. MAGNUSON

Mr. BINGAMAN. Mr. President, I am honored to be able to offer tribute to the late Senator Magnuson. I request that I did not have the privilege of serving in the Senate during any part of his long and illustrious career, a career that spanned nearly a half century of service.

We are all aware, Mr. President, of Senator Magnuson's great legislative achievements and the good work he did on behalf of the people of Washington State. He labored tirelessly and effectively for those issues about which he cared so much. One of the very best accounts of that kind of labor, the kind of work that goes into the success he enjoyed, is a book called "The Dance of Legislation" by Eric Redman who served as an assistant to Senator Magnuson. I am sure most of my colleagues are familiar with this fine book. Certainly we are all familiar with the action, frustration, machination and occasional exhilaration involved in the legislative process. Mr. Redman's book traces the history of the national health service bill, one of Senator Magnuson's legacies to this country. It is a study I have found particularly instructive not only on the operations of this place but on the nature of Warren Magnuson. So valuable a lesson does the book offer and so good an example of devotion was Senator Magnuson, that I give every employee and intern a copy when they start in my office. They learn, when they read it, what so many others know—Warren Magnuson was a treasure and his like won't be seen again soon.

Thank you, Mr. President.

WARREN G. MAGNUSON

Mr. DANFORTH. Mr. President, last month we lost a giant of the Senate—Warren G. Magnuson.

When I first came to the Senate in 1978, I was assigned to the Senate Committee on Commerce, Science, and Transportation. Warren Magnuson had just completed an illustrious 22-year tenure as chairman of that committee and had been named chairman of the Senate Appropriations Committee. When I assumed the chairmanship of the Commerce Committee in 1985, I became the fortunate heir to an admirable legacy of Commerce Committee activity initiated by this remarkable man.

Senator Magnuson authored major consumer and environmental legislation during his Senate career. Two statutes which carry his name are particularly worthy of mention. The first is the Magnuson-Moss Warranty Act of 1974, which requires manufacturers to live up to the promises made in their product warranties. This legislation still serves as a major protection for American consumers. The Magnuson Fisheries Management and Conservation Act, which established a 200-mile limit on foreign fishing vessels, is the statutory foundation for policies to conserve our ocean's resources. This law continues to protect the legitimate rights of U.S. fishermen against foreign interlopers.

The breadth of Warren Magnuson's legislative influence is amazing. His initiatives established the National Science Foundation, the Consumer Product Safety Commission, Amtrak, the National Institutes of Health, and the National Cancer Institute. He has truly touched the lives of every American in some fashion.

I am a proud citizen of the "Show Me" State. We Missourians always require hard evidence before we're convinced by an argument or a point of view. Warren Magnuson had that same pragmatic attitude. I am told that, shortly after his installation as President pro tempore of the Senate, "Maggie" entered his new offices in the Capitol. Looking around, he spotted a telephone serviceman working on some cables. "What are you doing?" inquired Maggie, in his inimitable gruff manner. "I'm hooking up your direct line to the Oval Office, sir," was the reply. "When you pick up the phone, the line will automatically ring at the White House." No sooner had the serviceman left than the new President pro tempore picked up the phone, waited a moment, and then said, "Sorry, wrong number" and hung up. That was Warren Magnuson—a man who confronted a problem, put the question, and got the answer for himself. That same practical directness served him well for over 40 years in the U.S. Congress.

Walter Lippmann, the great American journalist and Magnuson's contemporary, once said, "The final test of a leader is that he leaves behind him in other men the conviction and the will to carry on." Warren Magnuson has done just that. The Senate Commerce Committee is the proud "keeper of the flame" for the many legislative achievements of its former chairman. The Senate as an institution will remain true to his legacy of forthrightness, compassion, and civic duty. And the Nation is the fortunate beneficiary of that legacy.

WARREN MAGNUSON

Mr. BAUCUS. Mr. President, my fellow Senators and I are deeply saddened by the death of our former colleague Warren Magnuson. Maggie represented the people of the State of Washington in Congress for 44 years. In over 4 decades of service, 36 years of which were in this body, he did much to improve the lives of us all.

Maggie believed there were two kinds of people in Congress—show horses and work horses. Maggie was a work horse. He was always more concerned with helping people than with making headlines.

Maggie helped push through landmark legislation in the fields of health, consumer, and environmental protection. In 1937, the first bill he got passed created the National Cancer Institute. In 1948, he sponsored legislation establishing the National Health Institute. We as consumers are safer today because of his work resulting in the Door-to-Door Sales Act, the Truth in Packaging Act, and the Flammable Fabrics Act.

The citizens of the Northwest will probably remember Maggie most for his support of environmental protection. His Marine Mammal Protection Act saved endangered mammals in Puget Sound and all of America's coasts.

Warren Magnuson set the standard we all now strive to meet.

TRIBUTE FOR WARREN GRANT MAGNUSON

Mr. PACKWOOD. Mr. President, within the last 2 weeks, we have seen the passing of two of this body's finest and greatest statesmen, Warren Magnuson and Claude Pepper.

Of particular noteworthiness, each contributed decades of their lives, both in the U.S. House of Representatives and the U.S. Senate, to serve well the States they represented and the country they cared so much for. Their careers were exemplary and distinguished.

Maggie, as many of his friends and colleagues affectionately called him, was an extraordinary politician. The endless stories of accomplishments and victories he and his partner at that time, Henry "Scoop" Jackson, achieved for the State of Washington will forever live in the history of the U.S. Senate and the memories of all of us who observed the man at work. The pair's ability to bring home much sought after Federal dollars when Maggie was chairman of the Senate Appropriations Committee, appropriately earned them the nickname the "Gold Dust Twins."

In the mid 1970's, I had the opportunity to work with Maggie when he was chairman of the U.S. Senate Committee on Commerce, Science, and Transportation. At the time, I was not yet a member of the committee. I remember being extremely honored and flattered when Maggie made a highly unusual request asking me to serve on the conference committee that was working on the 1976 Magnuson Fishery Conservation and Management Act. The bill established an exclusive economic zone extending 200 miles from shore, and it gave the U.S. exclusive management authority over certain kinds of fish and oceanic life. It was the first bill of its kind to begin managing our fisheries, and it was extremely important to the Northwest; it still is today. I was very honored and touched by the gesture.

To say that Maggie was a leader is an understatement. He held chairmanship posts throughout most of his congressional career and distinguished himself in the areas he was most concerned about. He delivered well for Washington and made his State proud.

I extend my sympathies to Maggie's family and hope these shared

thoughts will offer some comfort during this difficult time.

TO EXPRESS SORROW AND REGRET ON THE DEATH OF SENATOR WARREN G. MAGNUSON

Mr. DOMENICI. Mr. President, I was greatly saddened by news of the passing of my friend and former colleague, Senator Warren G. Magnuson.

Everyone who served in this body during the tenure of Senator Magnuson carries wonderful memories of the man. We knew him as Maggie, and we knew him for his warm humor, his good will, his vast charm, and his legislative leadership.

The world is a sadder place without this great man.

Those of us who had the great honor to know him and benefit from his wisdom during his many years of service to the State of Washington and to our Nation join his family in mourning this wonderful man.

Born in 1905, Senator Magnuson began his service to the public in 1929 when he became the first editor of the Seattle Municipal News. Subsequently, he became secretary of the Seattle Municipal League, a position he held until his election to the State House of Representatives in 1932.

Four years later he was elected to the U.S. House of Representatives.

During World War II, he served in the Judge Advocate Generals Corps, with rank of lieutenant commander, was on the staff of Adm. Chester Nimitz in the Pacific theater, and served aboard the U.S.S. *Enterprise.*

In 1944, Mr. Magnuson was elected to his first term in the U.S. Senate. He served in this body until 1981, a record of service in the Senate that has been exceeded by only five other Members since the founding of the Nation.

While in the Senate, he chaired the Commerce Committee for 23 years, a record that is likely to stand for many decades. He also held great influence as the chairman of the Appropriations Subcommittee on Labor, Health and Human Services, and later as the chairman of the full Appropriations Committee.

And I think we all know that when Maggie wanted to get something done for the people of Washington, it got done.

He also held many leadership positions within the Congress, including assistant majority whip in the House, chairman of the Alaskan International Highway Commission, and chairman of the Democratic Senatorial Campaign Committee.

Senator Magnuson concluded his service to the Senate in 1981 following 2 years as the President pro tempore.

I know that I speak for everyone who knew this great man when I extend to his widow, Jermaine Elliott Magnuson, as well as to his daughter, Juanita Garrison, and his two grandchildren, my deepest sympathy.

We will miss Maggie greatly.

WARREN MAGNUSON

Mr. COHEN. Mr. President, today I would like to honor the memory of one of the modern day great men of Congress, my former colleague, Warren Magnuson of Washington.

Senator Magnuson will be remembered as a champion of the little guy, as a public servant who gave his time and energy to the business of Government but whose heart and soul always remained with the people.

Through four decades in Congress Warren worked tirelessly to protect American consumers, defend the environment, and promote civil rights for all citizens.

The issues he involved himself in—child safety, bus safety, clean drinking water, warranty protections, and rural health care, to name a few—speak to his concern for helping American families deal with the very real everyday problems before them.

His chairmanship of the Commerce and Appropriations Committees were marked by sound judgment and sage leadership. Consequently, his name is linked to some of the most significant pieces of legislation Congress has passed in recent decades.

Putting his seniority and clout to use for Washington State and for the Nation, Warren always went to bat for these people programs. It was clear to all of us that he was driven by a tremendous commitment to the citizenry as well as an extraordinary social conscience.

Warren Magnuson's career has served as a model of dedication and effectiveness. And clearly, his legacy will live on in this Chamber for years to come.

WARREN MAGNUSON: A GIANT AMONG MEN

Mr. MATSUNAGA. Mr. President, many claim that death is the great subtractor, that it cheats the world of good and noble people. Well, today I offer a shining example of a giant among men that refutes that claim. I offer a final salute to a special friend and dear former colleague of mine, Warren G. Magnuson, whose very life and legacy far outshine the shadow of his death.

Maggie, as his friends and colleagues affectionately called him, devoted his life in the halls of Congress to serving the people of the State of Washington. For over four decades—8 years in the House of Representatives and 36 years in the Senate—he balanced the intricacies of power politics and people-oriented programs, old-fashioned compromise and never-out-of-fashion compassion.

I will remember Maggie not so much as a man of his times but a man ahead of his era. He was truly a visionary who pointed the way for his fellow Americans toward a safer, saner world. Indeed, before the age of Consumer Reports and Ralph Nader, Maggie led the way as Chairman of the Subcommittee on Consumer Affairs toward truth in packaging, consumer clothing safety, and door-to-door sales legislation.

In the field of health, Maggie again blazed a path in 1937 when one of his first bills lead to the creation of the National Cancer Institute. This, in turn, was followed in 1948 with the birth of the National Health Institute. These formed the core of the National Institutes of Health, from which countless Americans and citizens worldwide have benefited.

My dear friend and colleague again rolled up his sleeves in 1964, when he fought for the Civil Rights Act. He rallied the troops to ensure equal treatment and the restoration of the dignity and civil rights of all Americans.

When I first came to this chamber in 1977, after seven consecutive terms in the House, and sought to advance the call for clean and renewable energy resources, I found that Maggie was already two steps ahead of me. As the Chairman of the powerful Senate Appropriations Committee and a staunch champion of marine interests, he had already successfully led the fight to enact the Marine Mammal Protection Act and the Coastal Zone Management Act of 1972. He was an environmentalist of the first order.

Maggie once remarked that there are two kinds of people in Congress: show horses and work horses. No doubt he was a work horse, galloping off toward multiple goals and battles, seldom resting, advocating the interests of the weak and unprotected. I would like to think that hardworking, tireless Maggie is now a leisurely rider on a handsome white steed laughing at death and adversity; but that would not be vintage Maggie. No, Mr. President, far off on the horizon, I see a wisp of kicked-up dust which proclaims, "Maggie rode this way but has veered off on yet another path; somewhere, he heard there was work to be done."

HONORING FATHER EMIL KAPAUN

Mr. DOLE. Mr. President, on May 25, 1989, Father Emil Kapaun was posthumously awarded the Prisoner of War Medal in a ceremony at Kapaun Mount Carmel High School in Wichita, KS.

Father Kapaun first served as a chaplain during World War II, as well as during the Korean war. Those who served with him in the Korean war described him as the best and bravest foot soldier they ever knew.

Father Kapaun set an example for his men by caring for the dying, wounded, and sick, finding food to contribute to the communal source, and volunteering for duties that were un-

popular with the men. He inspired other prisoners not to lose their determination to live nor their dedication to their God and country.

Father Kapaun died among the men he served in a POW hospital overlooking the Yalu River in 1951, at age 35.

Mr. President, I request an article further describing Father Kapaun's life be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Wichita (KS) Catholic Advance, May 18, 1989]

(By Christopher M. Riggs)

Army chaplain Emil J. Kapaun, armed only with the love of God, was described by those who served with him in the Korean War as the best and bravest foot soldier they ever knew.

Fr. Kapaun, a Wichita diocesan priest, is buried somewhere along the Yalu River in North Korea. He died in a prison camp at age 35.

"If I don't come back, tell my Bishop that I died a happy death," Fr. Kapaun told fellow prisoners as he was carried away to the "hospital" where prisoners were taken to die.

Seven months before, Fr. Kapaun, who also served as a chaplain in World War II, was taken prisoner as he said the last rites over a dying soldier. The priest was captured after refusing an order to try to escape through the surrounding enemy after the 8th Cavalry was overwhelmed on Nov. 2, 1950.

In the first week of his capture, the Chinese allowed Fr. Kapaun and his fellow prisoners to eat one pound of millet or cracked corn per man per day.

"It was obvious, Father said, that we must either steal food or slowly starve," said fellow prisoner, 1st Lt. Mike Dowe. "So, standing before us all, he said a prayer to St. Dismas, the Good Thief, who was crucified at the right hand of Jesus, asking for his aid. I'll never doubt the power of prayer again."

Lt. Dowe said Fr. Kapaun risked his life by sneaking into fields around the prison compound to look for hidden potatoes and sacks of corn.

"The riskiest thefts were carried out by daylight under the noses of the Chinese," Lt. Dowe said. "The POWs cooked their own food, which was drawn from an open shed some two miles down the valley.

"When the men were called out to make the ration run, Father would slip in at the end of the line. Before the ration detail reached the supply shed, he'd slide off into the bushes. Creeping and crawling, he'd come up behind the shed, and while the rest of us started a row with the guard and the Chinese doling out the rations, he'd sneak in, snatch up a sack of cracked corn and scurry off into the bushes with it."

Fr. Kapaun would always put the corn into the communal pot, an example that other men, who would steal food for themselves, were shamed into following.

As the unsanitary conditions and unhealthy diet took their toll on the men, the priest from Kansas was there to help.

"Even when they died, he did not abandon them." Lt. Dowe said. "The POWs buried their own dead . . . men dodged this detail whenever they could. But Father always volunteered. And at the grave as the earth covered the naked body—for the clothing of the dead was saved to warm the living—he would utter for them the last great plea: 'Eternal rest grant unto him, O Lord, and let perpetual light shine upon him.' "

After helping the dead and the wounded, Fr. Kapaun would escape to the houses where the enlisted men were held. He would give a quick service starting with a prayer for the men who had died in Korea and for their families.

"Then he would say a prayer of thanks to God for the favors he had granted us, whether we knew about them or not;" Lt. Dowe said.

"Then he'd speak, very briefly, a short, simple sermon, urging them to hold on and not lose hope of freedom. And above all, he urged them not to fall for the lying doctrines the Reds were trying to pound into our heads.

" 'Be not afraid of them who kill the body,' he'd say, quoting the Scriptures. 'Fear ye him, who after he hath killed, hath power to cast into hell.'

"By his very presence, somehow, he could turn a stinking, louse-ridden mud hut, for a little while, into a cathedral," Lt. Dowe said.

Fr. Kapaun did much more for the men. He gathered and washed the foul undergarments of the dead and distributed them to men so weak from dysentery they could not move.

"He washed and tended these men as if they were little babies," Lt. Dowe said. 'He traded his watch for a blanket and cut it up to make warm socks for helpless men whose feet were freezing. The most dreaded chore of all was cleaning the latrines, and men argued bitterly over whose time it was to carry out this loathsome task. And while they argued, he'd slip out quietly and do the job."

Because of their diet, the prisoners became sick and weak, and soon many of them began to show signs of starvation, but one day their diet was different.

"The night before St. Patrick's Day, Father called us together and prayed to Saint Patrick, asking him to help us in our misery," Lt. Dowe wrote. "The next day, the Chinese brought us a case of liver—the first meat we had had—and issued us golian instead of millet. The liver was spoiled and golian is sorghum seed . . . but to us they were like manna. Later he prayed for tobacco, and that night a guard walked by and tossed a little bag of dry, straw-like tobacco into our room."

As the prisoners continued to weaken, the communists intensified their propaganda. The prisoners would sit for hours in lectures while Comrade Sun, a fanatic who intensely hated Americans, assailed capitalism. After the lecture the men would have to comment on "the great truths revealed by Comrade Sun."

Some men were thrown into a freezing hole for their comments about the lectures, Lt. Dowe said. Others veiled their ridicule: "According to the great doctrines taught us by the noble Stahn, Lenin, Marx, Engels, Amos and Andy . . ." the men would say.

"Father was not openly arrogant, nor did he use subterfuge," the lieutenant said. "Without losing his temper or raising his voice, he'd answer the lecturer point by point, with a calm logic that set Comrade Sun screaming and leaping on the platform like an angry ape."

Fr. Kapaun was never punished, although he was threatened and warned.

In another incident, two officers who knew him well were tortured into accusing Fr. Kapaun of slandering the Chinese and of displaying a hostile attitude toward his captors, he said: "You never should have suffered a moment, trying to protect me."

Lt. Dowe said after the torture, the men expected a trial in which Fr. Kapaun would never return. "Instead, they (the Chinese) merely called him in and bullied him and threatened him. We realized then what we had half known all along. They were afraid of him. They recognized in him a strength they could not break, a spirit they could not quell."

On Easter Sunday, 1951, Fr. Kapaun challenged his captors again, openly flouting their law against religious services.

"He could not celebrate the Easter Mass, for all his Mass equipment had been lost at the time of his capture . . . He told the story of Christ's suffering and death, and then, holding in his hand a Rosary made of bent barbed wire cut from the prison fence, he recited the glorious mysteries."

The next Sunday Fr. Kapaun collapsed while holding another service. Although he was weak, he battled dysentery, pneumonia and an infection in one of his legs and eyes.

During the last day Fr. Kapaun spent with his fellow prisoners, Lt. Walter Mayo Jr., said the chaplain was in great pain. "His face was contorted with pain every few minutes and we were all pretty much scared."

With tears rolling down his face he began telling the men the story of the Seven Macchabes in the Old Testament.

" 'There was an emperor who had an old woman brought up before him. He told her to renounce her Faith or he would torture and kill her. She replied that he could do anything he wanted, but she would not renounce it.

" 'The emperor then had her seven sons brought in and said he would kill them if she did not do as he said. She still refused and he then put them to death one by one. The old woman was crying and the emperor asked her if she was crying because she was sad. She replied that her tears were tears of joy because she knew her sons were in heaven.'

"Father then looked at us and said he was crying for the same reason. He said that he was glad he was suffering because Our Lord had suffered also and that he felt closer to Him.

"By that time we were all crying," Lt. Mayo said. "Everyone in that room, who had seen scores of people die in the past few months and who thought they were pretty hard."

Soon after; the Chinese came to carry Fr. Kapaun to the hospital. The Chinese saw a good chance to get this man they feared, now that he was helpless. They hated him because he had such an influence over all the prisoners.

"Three or four days later," Lt. Mayo said, "Father died among the men he served, up on a hill overlooking the Yalu River in that communist hospital of death."

Editor's note: Quotations and other parts of this article were taken from "The Story of Chaplain Kapaun," by Msgr. Arthur Tonne and from an article in the Jan. 16, 1954, edition of the Saturday Evening Post.

INTRODUCTION OF S. 1129—RELATIVE TO SECTION 89

Mr. CHAFEE. Mr. President, I am pleased to join Senator BENTSEN and a majority of my colleagues on the Finance Committee in the introduction of an extremely important bill that

will alleviate the complexity of section 89 of the Internal Revenue Code.

As we all know, section 89 of the Internal Revenue Code was created by the Tax Reform Act of 1986, and has been the subject of a great deal of controversy. This section was incorporated into the Tax Reform Act to justify the Federal tax subsidy given to employer-provided fringe benefits and to expand coverage for rank and file employees in plans that are already maintained by their employers.

The original purpose of section 89 was to require coverage of employees who are not highly compensated that is substantially similar to the coverage enjoyed by highly compensated employees. I believe this requirement is fair and that we need rules to prevent discrimination in tax subsidized programs. According to the Congressional Budget Office, the Federal income tax subsidy provided through the tax deduction for employer-paid health and life insurance is $32 billion for 1990.

The current tax subsidy for health insurance fulfills an important social goal: encouraging adequate health insurance coverage for all Americans. Allowing a tax deduction for employer-paid premiums on a health insurance policy maintained for the owner or the high-paid executives of a business, but not the rank and file employees, does not accomplish this goal. In my opinion, outright repeal of section 89 would be equivalent to allowing discrimination in favor of these owners and high-paid executives.

We all agree that these rules are extremely complicated and impose an unreasonable administrative burden on the employers who provide fringe benefits to their employees. In addition, we know that something must be done to substantially reduce the complexity in and costs of complying with the current nondiscrimination rules. These issues must be adequately addressed to fulfill the original intent of the law to expand health insurance coverage and not cause employers to eliminate coverage.

The bill which we are introducing will accomplish all of these goals, while maintaining the integrity of the original purpose of the section 89 nondiscrimination rules. The first thing this bill will do is delay the effective date of the section 89 rules until January 1, 1990. The bill also repeals all of the current section 89 rules and replaces them with a simple design based test, that requires a qualified health plan to offer affordable health insurance to 90 percent of all employees.

These provisions provide rules to prohibit discrimination in favor of owners and high-paid executives without complex administrative requirements. In addition, this bill addresses all of the concerns that have been raised by American businesses under the current section 89 rules and the other bills that have been introduced to amend section 89.

I urge my colleagues to join us in supporting a bill that will relieve the administrative complexity of section 89, while fulfilling the social goals inherent in providing a tax subsidy for employer-provided health insurance available to all employees.

TERRY ANDERSON

Mr. MOYNIHAN. Mr. President, today marks the 1,544th day of captivity for Terry Anderson in Beirut.

I ask unanimous consent that the attached chronology of Terry Anderson's captivity, prepared by the Associated Press, be printed in the RECORD.

There being no objection, the chronology was ordered to be printed in the RECORD, as follows:

CHRONOLOGY OF TERRY ANDERSON'S CAPTIVITY WITH PM-LEBANON-HOSTAGES

NICOSIA, CYPRUS.—Here is a chronology of the captivity of Terry Anderson, chief Middle East correspondent for The Associated Press. He is one of 15 foreign hostages, including nine Americans, missing and believed held in Lebanon.

1985

March 16—Anderson abducted on Beirut street. Telephone caller says Islamic Jihad kidnapped him as part of "continuing operations against America and its agents."

May 16—First photo of Anderson in captivity released. Islamic Jihad warns of "catastrophic consequences" if Kuwait does not free alleged terrorists.

Sept. 9—The Rev. Benjamin Weir, another Islamic Jihad captive, freed after 16 months in captivity. President Reagan says he "will not be satisified" until remaining Americans also are released.

Oct. 29—Beirut television stations broadcast videotaped birthday message from relatives and friends to Anderson.

Nov. 8—In an open letter, Anderson and three other American captives held by Islamic Jihad call on Reagan to "have mercy" and negotiate with kidnappers. All four hostages are allowed to write to their families. Another letter to the Archbishop of Canterbury appeals for Terry Waite to mediate with Islamic Jihad.

1986

Feb. 15—Anderson's father, Glenn R. Anderson, dies of cancer at age 69.

June 7—Anderson's 46-year-old brother, Glenn Richard Jr., dies of cancer four days after making a videotape from his bed appealing to Terry's captors.

July 26—The Rev. Lawrence Martin Jenco, freed after almost 19 months as hostage, says he was held with Anderson and two other hostages for a year.

Oct. 3—In a videotaped appeal, Anderson and David Jacobsen call on the Reagan administration to work as hard for their release as it did to secure the release of journalist Nicholas Daniloff in Moscow.

Oct. 31—Beirut TV stations broadcast videotape showing Anderson's 16-month-old daughter, whom he has never seen.

Nov. 2—Jacobsen, freed after 17 months in captivity, says hostages "are in hell."

Nov. 15—Islamic Jihad releases new picture of Anderson.

Dec. 28—Fourth picture of Anderson sent by captors to Western news agency in Beirut.

1987

Jan. 16—Islamic Jihad distributes another picture of Anderson.

June 7—Anderson's daughter is shown on Lebanese television on her second birthday saying. "Our hearts are broken. Where is daddy?"

Aug. 2—Sixth photo of Anderson released by Islamic Jihad.

Oct. 21—Islamic Jihad releases another photo of Anderson.

Oct. 27—Anderson turns 40. Friends and family gather at Jefferson Memorial in Washington and AP staff in Beirut goes to his vacant office to mark the day.

Nov. 26—Jacobsen says he learned from sources in the U.S. government and the Middle East that Anderson is being held again in chains and blindfolded 24 hours a day.

Dec. 10—Anderson passes his 1,000th day as a hostage.

Dec. 24—Islamic Jihad release a videotape of Anderson. Appearing to read from a prepared text, he criticizes the Reagan administration for failing to secure the release of himself and other Americans and warns "there's a limit how long we can last."

Dec. 30—A London newspaper reports that a CIA analysis of the tape indicated Anderson may be held in Basta prison in west Beirut with missing Anglican Church envoy Terry Waite.

1988

March 16—Anderson begins his fourth year in captivity.

April 10—Islamic Jihad threatens in a statement, accompanied by a photo of Anderson, that it will kill its captives if any attempt is made to storm a Kuwaiti jetliner hijacked by Shiite extremists.

May 4—Islamic Jihad frees three French hostages.

May 9—Freed French hostage Marcel Fontaine, also held by Islamic Jihad, says Anderson's greatest fear is that the Americans will launch a commando raid to free him, an action he believes would mean his certain death.

Aug. 18—Islamic Jihad issues a photo of Anderson with a statement saying he and another U.S. hostage will not be freed soon, squelching speculation they would be released following the gulf war cease-fire. It also contains new demands: an Israeli withdrawal from south Lebanon and compensation for the reconstruction of south Lebanon and south Beirut.

Oct. 3—Mithileshwar Singh, an Indian national and U.S. resident alien, is freed.

Oct. 21—Islamic Jihad threatens to "punish" its captives in retaliation for Israeli air raids in south Lebanon. A photo of Anderson accompanies the statement.

Oct. 23—Islamic Jihad threatens in a statement, accompanied by a photo of Anderson, that its American hostages will pay a price that "will reflect adversely" on them if the group's demands are not met.

Oct. 24—Islamic Jihad denies any connection with a Lebanese woman arrested in Milan with a photo of Anderson and another U.S. hostage.

Oct. 27—Anderson is 41, his fourth birthday in captivity. Islamic Jihad issues a photo of him to authenticate a statement again denying any connection with the women held in Milan.

Oct. 31—Islamic Jihad issues a videotape of Anderson to mark his 41st birthday. He

says the U.S. government is impeding his release and adds: "I find it difficult to keep my hope and courage high."

1989

March 16—Anderson begins his fifth year in captivity.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

RECESS SUBJECT TO THE CALL OF THE CHAIR

The PRESIDING OFFICER. Under the previous order, the Senate will now stand in recess, subject to the call of the Chair.

Thereupon, at 10:45 a.m., the Senate recessed subject to the call of the Chair.

Whereupon, at 12:30 p.m., the Senate reassembled when called to order by the Presiding Officer [Mr. PRYOR].

DIRE EMERGENCY SUPPLEMENTAL APPROPRIATIONS, FISCAL YEAR 1989

The PRESIDING OFFICER. The Senate will now resume consideration of H.R. 2072, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 2072) making dire emergency supplemental appropriations and transfers, urgent supplementals, and correcting enrollment errors for the fiscal year ending September 30, 1989, and for other purposes.

The Senate resumed consideration of the bill.

Pending:

(1) McCain Amendment No. 139, to delay for 1 year the implementation of the provisions of the Medicare Catastrophic Coverage Act of 1988.

(2) Mitchell Amendment No. 140 (to Amendment No. 139), of a perfecting nature.

The PRESIDING OFFICER. The pending question before the Senate is amendment No. 140 offered by the Senator from Maine to amendment No. 139 offered by the Senator from Arizona [Mr. MCCAIN].

Mr. BYRD. Mr. President, the Pastore rule has not expired for the day, has it?

The PRESIDING OFFICER. The Senator is correct.

Mr. BYRD. Mr. President, I ask unanimous consent that I may speak out of order for not to exceed 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIME MINISTER BHUTTO AND AFGHANISTAN POLICY

Mr. BYRD. Mr. President, the Prime Minister of Pakistan, Ms. Benazir Bhutto, has today delivered an eloquent but forceful address to a joint meeting of the Congress. She is to be commended for her courage in calmly and competently assuming the reigns of power in Pakistan after the tragic and abrupt killing of her predecessor, General Zia. She is the leader of one of America's key allies, and with whom we successfully prosecuted a policy of assisting the brave and fierce mujahadeen fighters in Afghanistan. Together, we have prevailed in helping those proud resistance fighters wrest back their homeland from the grip of Soviet-armed occupation forces.

I commend Prime Minister Bhutto for her commitment to democracy and to new initiatives in the areas of nonproliferation of nuclear weapons and delivery systems in South Asia, and for her willingness to comply with international safeguards against the production of nuclear weapons. In particular, I commend her highly for her determination to stay the course in rebuffing Soviet continued attempts at hegemony over Afghanistan. She said, "Pakistan and the United States have traveled a long road with Afghanistan in its quest for self-determination. Let us not out of patience or fatigue * * * abandon the course." I applaud her goal of a broad-based democratic political settlement in Afghanistan. I congratulate her on her measured, correct analysis of Soviet behavior and the need to continue our mutual effort to deter and to defeat as it pertains to that unfortunate country, Afghanistan.

Mr. President, it is quite evident that American policy toward Afghanistan is in urgent need of fresh review. A fashioning of a new policy which takes new political and military realities into account is obviously needed. As Prime Minister Bhutto rightly stated, a political solution in Kabul cannot include the leader of the present government, nor others who have for so many years served as Soviet stooges in their brutal attempt to subjugate Afghanistan. But it is also clear that a new political coalition must be formed which can exercise authority as a sovereign nation. The United States and Pakistan need to renew their common efforts to assist in that development, but there is a distinction between assistance and control. If the world has learned anything about the people of Afghanistan, it is that they eschew control. They have never been conquered, and neither the Soviets, nor we, nor the Pakistanis will be very successful in such an attempt, even if we try which, of course, we would never.

The military situation is now in something of a stalemate, and the political range and coherence of the free Afghan movement is in need of development. So long as the Soviets are attempting, as they are today, through massive continuing arms to their proxies in Kabul, and with hundreds of advisers left to help manage those proxies, to subjugate Afghanistan, the U.S. cannot abandon its program of support, nonlethal and lethal to give the mujahadeen the wherewithal to rebuff those continued Soviet attempts. The proxy regime in Kabul, with critical Soviet stagemanaging, has embarked on a sophisticated political and public relations gambit to divide the mujahadeen resistance and confuse the populace.

If this strategy succeeds in blocking the establishment of an independent national political system free of Soviet control, the efforts of the resistance, the sufferings and the sacrifices will have been frustrated and the Soviets may well have gained their long-sought springboard to destabilize Pakistan and exert political dominance over South Asia.

These political developments have occurred precisely at the time when the new American administration is organizing itself. But we are now at the point that a renewed effort must be mounted on an urgent basis to identify fresh measures that will deny the Soviet political strategy fertile ground among the resistance and the general population, and broaden the political base of the Afghan interim government now based in Pakistan.

I remain committed to supporting a vigorous American assistance program across the board. I do not accept the argument that there is now a civil war going on in Afghanistan, and that somehow the Soviet stooges, who presided over their decades-long attempt to subjugate their nation, are now independent operators or patriots. Our program must take into account the economic needs of a population weary of continued war. It also must help relieve the heavy toll on Pakistan in supporting millions of Afghan refugees.

The time has arrived for the State Department to get a handle on our Afghanistan policy and to adjust it in light of the current situation. Substantial American resources are being dedicated to Afghanistan this year, but there is no certainty that the level can be maintained next year. A full scale policy review under the direction of the Secretary of State is needed to develop the best political and military strategy of accomplishing our long-term goal of reestablishing true independence for Afghanistan.

The new Prime Minister of Pakistan needs our continued support in sorting out this difficult situation. We cannot guarantee the coloration of a new political authority in Afghanistan, but we must maintain the necessary staying power to see our responsibilities through to a successful conclusion. Even following the establishment of an independent government in that

nation, there will be a period of time where continued combined American-Pakistan implementation of an economic assistance program, including the provision of food, fuel, timber, seeds, and the elimination of the millions of mines laid by the Soviets is going to be sorely needed.

So, Mr. President, I commend the new Pakistani Prime Minister for her excellent address and her clear vision and courageous thinking. I look forward to a continuation of the successful alliance with Pakistan, and to a mutually beneficial solution to the conflict which continues on Pakistan's border. I also look forward to working with the administration in fashioning a sound roadmap for tangible progress this year in breaking through the stalemate which now pertains, and in satisfying the goal of a new independent Afghanistan.

Mr. President, the distinguished chairman of the Senate Intelligence Committee, Mr. BOREN, and I have written a letter to the Secretary of State reiterating the points I have just made. In particular, Senator BOREN and I state that "we believe the time has arrived for a full scale policy review under your personal direction." It is needed "on an urgent basis," and we express the hope that such a review can be completed and shared with the Congress prior to August 1, 1989.

Mr. President, I ask unanimous consent that the joint letter addressed to the Secretary of State by Senator BOREN and myself be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
COMMITTEE ON APPROPRIATIONS,
Washington, DC, June 5, 1989.

Hon. JAMES BAKER,
Secretary of State, Department of State, Washington, DC.

DEAR MR. SECRETARY: We have been consistently strong supporters of what has been a highly successful bipartisan policy, spanning two Administrations over a decade toward ridding Afghanistan of its Soviet occupying army and restoring sovereignty and territorial intergrity to that proud people.

The Soviet Army has been removed from Afghanistan. However, its proxy regime continues to hold political power in Kabul, receives a continual and substantial flow of Soviet arms, and has embarked on a sophisticated political and public relations gambit to divide the mujahadeen resistance. If this strategy succeeds in blocking the establishment of an independent national political system free of Soviet control, the efforts of the resistance will have been frustrated and the Soviets may well have gained their long-sought springboard to destabilize Pakistan and exert political dominance over South Asia.

A renewed effort must be mounted on an urgent basis to identify fresh measures which will deny the Soviet political strategy fertile ground among the Resistance Commanders and general population, broaden the political base of the Afghan Shura now operating in Pakistan, and narrow the base of opportunity for the Soviet proxy authorities.

We remain committed to supporting a vigorous American assistance program across the board. Nevertheless, we believe the time has arrived for a full scale policy review under your personal direction as to the most effective way to assist in the prosecution of a political and military strategy which best accomplishes the overall long-term goal of re-establishing and preserving truly independent Afghan political sovereignty. We ask that you attempt to complete the review well in advance of August 1, 1989, and we are prepared to devote the necessary time and effort to work with you on a sustainable policy over the remainder of the year to follow up effectively on the impressive success that our policy toward Afghanistan has enjoyed to date.

We look forward to working closely with you on this matter, and to your early attention to our request.

Sincerely,

DAVID BOREN,
Chairman, Select Committee on Intelligence.
ROBERT C. BYRD,
Chairman, Committee on Appropriations.

RECESS SUBJECT TO THE CALL OF THE CHAIR

Mr. BYRD. Mr. President, I understand the distinguished majority leader would like to have the Senate stand in recess awaiting the call of the Chair.

I therefore ask unanimous consent that the Senate stand in recess awaiting the call of the Chair.

There being no objection, at 12:41 p.m., the Senate recessed subject to the call of the Chair.

Whereupon, the Senate reassembled, at 3:42 p.m., when called to order by the Presiding Officer [Ms. MIKULSKI].

DIRE EMERGENCY SUPPLEMENTAL APPROPRIATIONS, FISCAL YEAR 1989

The Senate continued with the consideration of the bill.

AMENDMENT NO. 140, AS MODIFIED, TO AMENDMENT NO. 139

Mr. MITCHELL. Madam President, I send a modification of my amendment to the desk.

The PRESIDING OFFICER. The clerk will report the modification.

The legislative clerk read as follows:

The Senator from Maine [Mr. MITCHELL] proposes a modification to his amendment numbered 140 to amendment No. 139.

Strike all after the first word and insert the following:

SEC. . EXPRESSING THE SENSE OF THE SENATE REGARDING SUPPLEMENTAL PREMIUMS REQUIRED TO BE PAID UNDER THE MEDICARE CATASTROPHIC COVERAGE ACT OF 1988.

It is the sense of the Senate that—

(1) the Senate Committee on Finance should consider legislation that would modify the amount of supplemental premiums required to be paid under the Medicare Catastrophic Coverage Act of 1988 to the extent necessary to provide an adequate reserve margin without reducing the amount of benefits provided under such Act;

(2) as part of its deliberations, the Senate Committee on Finance will consider reinstating the option of voluntary participation in the catastrophic portion of the Medicare program, as originally approved by the Senate, and will consider a delay in the implementation of the supplemental premium and those Medicare benefits that did not become effective in 1989;

(3) the Senate Committee on Finance will address these issues; prior to September of 1989;

(4) States should more aggressively enforce nonduplication requirements relating to private Medicap insurance; and

(5) the appropriate Senate Committee's should address the issue of duplication of benefits for military, Federal, and other retirees.

The PRESIDING OFFICER. The majority leader does have a right to modify his amendment and his amendment is now so modified.

Mr. MITCHELL. Madam President, I ask unanimous consent that there be added as sponsors of this amendment with me, Senator DOLE, Senator BENTSEN, and Senator PACKWOOD. This is an amendment offered on behalf of myself and these three Senators.

The PRESIDING OFFICER. Without objection, the majority leader's request is agreed to.

Mr. MITCHELL. Madam President, the distinguished chairman of the Finance Committee and the manager of the bill will in a moment address the substance of this amendment. I would like to discuss it briefly and to touch on one other point that has been made repeatedly throughout this debate and in which I have a very keen personal interest. That is the subject of long-term care for the elderly.

I have reviewed the RECORD of the debate yesterday and was interested to read and to have heard in some of the discussion yesterday that speaker after speaker who support the position of the distinguished Senator from Arizona argued that a reason to delay the catastrophic legislation is that it does not deal adequately with the problem of long-term care for the elderly. That is a true statement. It does not deal adequately with the problem of long-term care for the elderly. But it does deal in part with that problem.

I found those statements to be ironic for two reasons: The first is that I have now been working for 3 years to develop legislation to deal adequately with the problem of long-term care for the elderly. I held several hearings in my capacity as chairman of the Senate Subcommittee on Health. I held numerous meetings with Senators and other persons interested in dealing with the problem of long-term care for the elderly.

I introduced the first legislation to provide, for the first time in our Na-

tion's history, a long-term care program for our Nation's elderly. And as carefully as we have searched the RECORD, with a single exception, and that exception is the distinguished Senator from Illinois [Mr. SIMON], with that one exception, not one of the other Senators who have during this debate expressed such concern for long-term care for the elderly participated in any way in the effort to deal with that problem. Not one was a cosponsor of my bill. Not one responded to my letter to all Senators asking them to join me in the effort to deal with the problem of long-term care. Not one attended a single of the many, many meetings I held with Senators trying to develop a long-term care bill. So far as I can see, the RECORD is barren of any participation by those who now express such a deep concern for the problem of long-term care for the elderly.

There are some who would look at that RECORD and say that the concern for long-term care for the elderly goes only so far as is necessary to defeat the catastrophic program; that the absence of prior activity indicates that the concern is not with the long-term care problem but rather with defeating this.

I, Madam President, do not share that view. I am an optimist. I believe in the possibility of conversion. And, therefore, I want to say to all of those Senators who have here on this floor expressed such deep concern for the problems of long-term care for the elderly that I am going to introduce a bill again this year and I hope that the concern expressed here for long-term care for the elderly will survive this debate and will extend into participating in trying to deal with that problem.

I caution Senators, however, if they think this catastrophic bill is a tough problem to solve, wait until they get into the problem of long-term care. it is very difficult.

It took 2 years of meetings, hundreds and hundreds of hours of participation in hearings and meetings with other Senators and interested groups, to develop the first legislation, imperfect as that was.

So I hope that whatever happens on this issue today there will be a benefit to the elderly in the fact that many Senators who had previously not evinced any interest in dealing with the problem of long-term care for the elderly now will be active participants in helping us solve that serious problem.

I welcome their interest. I invite their participation. I encourage them to join in dealing with what is a very serious problem. Better late than never.

Now, the second irony also deals with long-term care. We are urged to eliminate or delay the provisions of this bill because it does not solve the entire problem with respect to long-term care for the elderly. However, as the author of the first legislation to deal with the problem of long-term care, as one who has been immersed in the problem for 3 years, as one who chaired several hearings on the subject and who participated in dozens of meetings with Senators and other experts on the subject, I can say that this catastrophic program does deal with part of the long-term care problem. Not enough, not nearly enough, but it does expand the Medicare home health benefit; it does provide respite care for long-term caregivers; and it does provide for the first time a home IV drug therapy benefit—all of which are small, but significant, steps to dealing with the problem of long-term care.

So, the irony is that those who say they are motivated by concern for long-term care want to eliminate or delay the important steps taken to deal with long-term care because, they say, they do not solve the whole problem.

That is a great irony to me and I urge Senators to consider the fact that while these are, indeed, modest steps for dealing with long-term care, they are important steps and they are first steps. They at least move us in the direction that we want to move in establishing a long-term care policy for this country. And I encourage those Senators who have here on the Senate floor expressed such a concern with the problems of long-term care to consider the effect of eliminating or delaying what are the first steps toward dealing with that serious problem.

Madam President, a third irony has surfaced in this debate. Some of the proponents of the amendment by the distinguished Senator from Arizona have said on the Senate floor that the solution to this problem is to let those elderly who can afford such coverage buy it privately on their own and then to expand Medicaid, the health insurance program for poor Americans, to provide such coverage to those who cannot afford it. Anyone who listened to the debate here yesterday heard that suggestion made.

Here is the irony. In the last 3 years, we have had efforts led by the chairman of the Finance Committee and the ranking Republican member of the Finance Committee and others who are architects of this catastrophic program; they led the effort to do just that, to expand Medicaid to provide coverage for the elderly poor, for pregnant women, and for poor children. And guess how the Senators voted on those measures who are here now urging that the solution to this problem is to expand Medicaid to deal with this problem.

There is a solution. It is, of course, to provide increased coverage for Medicaid. And this Finance Committee of which I am proud to be a member—under the leadership of Senator PACKWOOD, when he was chairman and Senator BENTSEN since he has been chairman—has been in the forefront of the effort to provide expanded Medicaid coverage to the elderly poor, to poor women who are pregnant, and to poor children. And they have been opposed by some of those who now suggest that the solution to this problem is to expand Medicaid to deal with catastrophic coverage. There is an irony.

Once again, Madam President, I hope this results in a maturing of view on this subject, an attitude that now recognizes that perhaps previous efforts by these distinguished Senators to deal with the problem in a way that is now suggested to be most effective is, in fact, and were, in fact, appropriate measures. And perhaps the next time that Senator BENTSEN and Senator PACKWOOD come to the floor and try to gain an acceptance of a modest expansion of the Medicaid Program to provide coverage for the poor elderly and the poor children and the poor pregnant women, they will not encounter some of the fierce opposition that they have encountered in the past on this subject. So again, it may be that out of this debate we are going to get enhanced attention and greater support for efforts to deal with these serious health care problems in the future.

Madam President, I want to make one final point on this question of what this bill does in terms of dealing with long-term care. One of the provisions, one benefit of the benefits which Senator PACKWOOD identified in his very eloquent remarks yesterday, is the home IV drug therapy benefit. This is a modest provision, perhaps not well understood by many, but it is one reason why we ought to be enacting this legislation and that is we can save money in so many ways in health care if we will drain from the care decisionmaking process, reimbursement as the driving force for those decisions.

What happens now, I say to my fellow Senators, over and over again, in decisions made regarding health care in our society, the driving force is not what the patient wants, not what the patient most needs, not what is the least expensive method for meeting the patient's needs, but rather the driving force is what is or is not reimbursable under an insurance program, and primarily the two large Government insurance programs, Medicare, providing health insurance for the elderly, and Medicaid, providing health insurance for the poor.

IV drug therapy is reimbursable to a Medicare patient who is in the hospital but is not reimbursable to a Medicare patient who is at home. And,

therefore, many Medicare patients who would otherwise be better served at less cost and want to go home stay in the hospital incurring much larger and unnecessary expenses because the IV drug therapy is reimbursable there but not if they are at home.

Delaying this benefit, eliminating this benefit means that we are now going to continue a practice of spending money unnecessarily, providing people with a level of care that they do not need and do not want and moving us away from an appropriate rational, long-term care policy. This is one example. Most Americans have never heard of this provision. Most will not ever utilize it or be subject to it, but for those who are, those who will utilize it, it is the important provision and it is one of the reasons why benefits in this bill should not be eliminated or delayed.

Madam President, there are many others who wish to address this subject, and I will shortly yield the floor to them, particularly the distinguished chairman and ranking member who have done such an outstanding job in leading the way on this effort.

I simply say this to my colleagues in conclusion. Undoubtedly, there have to be changes made in this catastrophic program. Undoubtedly, there will be changes made in this catastrophic program.

The one that leaps most readily to mind, of course, is the duplicative coverage, the problem that affects millions of retirees—military, civilian, and other—and the chairman of the committee and the ranking member have made clear they intend to make those necessary changes. And they can do so. They can do so with the help of those who are offering the amendment, the distinguished Senator from Arizona and other proponents of that amendment, and they have committed themselves to doing so.

They have discussed here and will discuss in more detail the consideration that they intend to give and which this amendment sets forth, but the way to do it is not to take the steps that could result in the irrevocable loss of these benefits to the elderly. Rather to do it as proposed in this resolution, to direct the Finance Committee to go back, consider these matters and to present to the full Senate its suggested changes, which every Senator will have the opportunity to address, which every Senator will have the opportunity to approve, to amend, to change, to oppose in any way that each Senator sees fit.

I urge the Members of the Senate to support this amendment as the most rational, logical way to assist America's elderly. We heard over several years the cry, the need for catastrophic health coverage. This is landmark legislation which will eliminate forever the devastation that an American family will face if their loved one is required to endure a lengthy stay in the hospital and face a $50,000, $90,000, $100,000 hospital bill.

This bill takes care of that. It will be a great loss to millions of elderly in our society and to those who we cannot know in advance what their names will be because we cannot predict who will be stricken with disaster, who will suffer the consequences of that disaster if we eliminate this coverage. We can fix what is right. We can do it responsibly, and the committee will do it if given the chance to do so. I urge the Members of the Senate to give them that chance.

Mr. President, I yield the floor.

Several Senators addressed the Chair.

The PRESIDING OFFICER (Mr. ROBB). The Chair recognizes the Senator from Texas [Mr. BENTSEN].

Mr. BENTSEN. Last night when I went home, I started thinking through this debate and what had been said. It became obvious to me that those who were opposing the Mitchell-Dole amendment really had ducked out on the tough choices, talking about the continuation of a substantial amount of the benefits, but not really telling us how to pay for it, really bringing us a budget buster costing us $400 million in 1989, $2.8 billion in 1990.

I saw some of those same Members come before our committee and talk about a $5 billion cut in Medicare, then come back and support the amendment of the Senator from Arizona. I hear them talk about long-term care.

There is no question in my mind that long-term care has to be a No. 1 priority for the elderly, a deep concern. We look at the problems we have had dealing with this one, catastrophic illness, one of major concern, one that can wipe out a family. We included spousal impoverishment in the catastrophic legislation to try to help them; to not financially wipe out the children as they try to come in and help that member of their family. I look at that $5 billion to $6 billion a year it costs us. Every long-term care program I have seen costs many times that, a problem we have to address, but that tells you the enormity of that problem.

I heard some of them stand up here and say, well, the potential beneficiaries outht to pay for it as our legislation calls for, as President Reagan called for, as the Congress approved, absolutely have to pay for it. And I heard one of them say, "Yes, and it ought to be progressive. If a person makes more income, they ought to pay a little bit more, but not this plan, not the way this one does it. This one really is not satisfactory; we cannot accept that," but then they came back and did not give us any options. When they close down a road, they ought to give us an option, another route to travel, but they have not faced up to that one. We are going to give you the benefits, but we do not want to have to worry about telling you how to pay for it.

The distinguished Senator from Maine, the majority leader, has been in the forefront in trying to work out something for long-term care and has not had much comfort and help along the way.

Yet, this is put out there as a red herring, to try to tell you in some way that the catastrophic protection is precluding ultimately the consideration of long-term care.

I do not buy that. I do not agree with that.

I heard one of the other Senators saying no, it should not be paid for by the potential beneficiaries; no it should not be treated as an insurance policy; and no, it should not be progressive. But it stuck in his throat. He could not quite say it should come out of general revenue and add to the deficit. No, he could not, because he talks a lot about how he wants to cut this deficit and I am sure that is what his speeches say that is what he wants to do. And here he is with something that is going to cost us $400 million in 1989 and $2.8 billion next year and not telling us how to pay for it. A budget buster.

What the McCain amendment does, it takes the benefits away from the most needy. It says to the pregnant woman that you are not going to get that Medicaid help, you are not going to get that Medicaid health care. They are not going to tell you how to take care of yourself during this pregnancy.

There are 40,000 children dying in this country before the age of 1; a minority baby born in the District of Columbia has less chance of living to the year 1 than a baby born in Cuba. We are 18th in infant mortality of major nations of the world. That is where we are. The immunizations that are needed are not going to be paid for if the amendment of the Senator from Arizona is carried. That, too, is deferred.

The elderly, the indigent elderly, the handicapped elderly who need the additional funds to buy in on Medicaid are pushed back by the McCain amendment. No, we are not taking care of them. And look at the other things that are going to be delayed such as the cap on physicians' payments. Physicians' payments are escalating substantially faster than the CPI. That, too, is going to be delayed. Go out and try to buy a Medigap policy to take care of that. Listen to the testimony we had before our committee. It will cost you from $600 to $1,500, and in some of those you pay $50,000 of physician's payments before

you get to the cap that begins to help you.

I heard my friend from Arizona say, oh, those benefits are nice but not absolutely necessary.

Mr. McCAIN. Will the Senator yield? Will the Senator yield since he keeps mentioning my name.

Mr. BENTSEN. No, let me finish and I will be gald to yield to the Senator.

Prescription drugs are one of the other deep concerns. The McCain amendment will delay that coverage too.

Under the catastrophic illness legislation that is on the books, when it comes to physicians' payments, there is not a $50,000 cap but a $1,370 cap.

Talk about long-term care. We put in there respite care to try to help those who must take care of a mother or father but need to have a break at some point to go see a doctor themselves. We put in that respite care but, no, that is not really that important so it will be deferred under the McCain amendment. It is not taken care of.

Skilled nursing care was increased to 150 days. Does it adequately address the problem of long-term care? Absolutely not. Of course not. But certainly it is a step in that direction—not just nice but critical and important.

So what I am saying to the Members of the Senate, sure, there are things wrong with the catastrophic illness legislation. We took 2 years working on that piece of legislation—2 years. We listened to an incredible number of various groups representing older citizens, trying to meet their concerns and their needs. Did we meet them all? No. As we worked with these organizations—and we thought we had met their concerns; some of them, a great number of them, ended up supporting that piece of legislation—today they are back saying that things happened they did not anticipate and they need correction. And in some cases they are right. Duplicate coverage is one of the problems that we had not fully and adequately addressed. We thought we had at the time. But I must say in defense of the Finance Committee, I know of no major piece of legislation with as much consequence as this one, with as many complexities as this one, that has not had some flaws and some corrections that had to be made later, but let us not try to do that on the floor.

One of the things we say we will consider is a deferral, but let me tell you how complicated that one is. If you talk about partial year coverage or you talk about total deferral for a year of these other parts of the catastrophic legislation, the insurance industry really has a problem in trying to adjust for it and understanding just where we are going to come out and how long we are going to stay with that.

Let us address those complexities in the Finance Committee. We will do our job. We will work on these concerns.

One of those concerns is the question of excess cost for the supplemental premium. One of the things we wanted to be sure of was that we had adequate reserves to pay for these benefits, to see that the money was really there, and that this was one of those programs that did not run into the red. So we said once we have been generous in figuring those reserves actuarially, then let us put in a cushion. Let us have a margin beyond that to try to cover any possible miscalculations. We put in a figure of $4.2 billion. Now, the Joint Tax Committee tells us—and CBO confirms—it is not going to be $4.2 billion. It is going to be something in excess of double that amount—$9 billion to $10 billion of additional reserves collected.

I want us to do the prudent thing. That is what we started out to do in the beginning by putting in that cushion of $4.2 billion. One thing I do not want to happen is to see us build an excess reserve above the cushion and then use that to help balance the budget. I have heard talk about taking the Post Office off the budget and doing it because it is losing over $1 billion a year, saying, "Well, now, that is going to help us balance the budget." I have heard talk about paying farmers a month ahead of 1989 and into 1990. But I think it would be the cruelest of exercises to say we are going to balance it on the backs of these senior citizens, on something that we have termed catastrophic illness.

So I have said that after we satisfy ourselves on the numbers, then I want to seriously look at the possibility of substantially reducing that supplemental premium.

There are two or three options by which we can do it. We can talk about raising the threshold, instead of $150 of taxes that could be raised up to $1,700, or instead of 15 percent of taxes we would go to 10 percent, or instead of a top cap of $800 we could cut it to $450. My guess is we will do a combination of those things after we satisfy ourselves with the adequacy of the reserves and the adequacy of the cushion. But let us not do things like that on the floor of the U.S. Senate. Let us address it in the Finance Committee, and we will do that.

Let me talk about one possibility that we left the floor of the Senate with when we passed the catastrophic illness bill through the Senate. We brought it out of the Finance Committee, and that was making catastrophic optional, making it voluntary, saying that you can take part B, and catastrophic illness, or you can turn it down and settle just for part A. I want to seriously go back and examine that one again, and listen to these various organizations who state to us what they would like to do in that regard.

I was a proponent of that one, and worked for that one. We finally lost that one in the conference, but I am sure ready to go back and reexamine it.

I happen to believe that this catastrophic package is so good, and particularly with what we tried to do insofar as taking care of duplicate coverage, that what you will see happen to that package will be the same as what has happened to part B—95 percent of the people will sign up for it. Why should they not? Even with a cap at $800, there will still be a subsidy out of general revenue. Try to find me a comparable buy for that one, with the intensity of coverage, the depth of coverage, the expanse of coverage, and buy it on the market for that.

I think it is the best buy in town, and it will be a better buy. If it is on a voluntary basis, I think the people will recognize that and they will buy it.

Politics: The people concerned, they are running for reelection. Interest groups, differing points of view—well, let me tell you the interest groups that are opposed to any deferral of benefits. The American Association of Retired Persons, the Villers Advocacy Association, the National Council of Senior Citizens, United Auto Workers, National Council on the Aging, Generic Pharmaceutical Industry Association, the Consumers Union, the National Education Association, the American Federation of Teachers, Citizen Action, National Consumers League, Catholic Charities, American Pharmaceutical Association—any deferral of benefits. They are certainly opposed to the deferral of benefits that is proposed by the Senator from Arizona.

This morning we had the proposed Assistant Secretary of the Treasury, Mr. Harlow, before us. I said "Mr. Harlow, do you support a Mitchell-Dole-Bentsen-Packwood amendment that we were debating last night?"

He said no.

I said, "Does the administration support it?"

He said no.

It hurt my feelings a little.

I said "Well, tell me then, Mr. Harlow. Do you support Senator McCAIN's amendment?"

He said, "We oppose that one a lot more."

He did not support either one of them. The administration does not think we ought to touch it; "Do not do anything to it. Do not go too fast."

Well, let me tell you this: the Finance Committee's feet are not set in cement. They are in the starter's blocks. We are ready to move. Again, let us talk about politics a little and being up for reelection. I think we have more members on the Finance

Committee up for reelection this time than I have seen in a long time. They are sure responsive to senior citizens. And we are going to address the problem. But let us do it in committee. Let us do it where we can do it in a reasoned way dealing with the complexities of these concerns and these problems, and try to iron out some of the differences of those various associations representing the senior citizens of our country who really want a catastrophic illness bill that gives them some peace of mind, one they can afford, one that is a good buy, and one that addresses their concerns.

Let us work our will on it, and I say to you that I am confident we will come back on this floor this year with the changes that we will be recommending to you after listening to all of these different associations, after having had the experience of having it discussed, the subject of town hall meetings across this Nation, and having the input of the Members of the United States Senate to that commitment. We will bring you responsible legislation addressing the problem.

Thank you.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Republican leader, Senator DOLE.

CONGRATULATIONS TO THE SPEAKER OF THE HOUSE

Mr. DOLE. Mr. President, before I address the issue at hand, I would like to proceed for at least 2 minutes of my leader time to first of all congratulate my friend, TOM FOLEY, in his elevation to Speaker of the House.

I have known TOM FOLEY for 20-some years, and have worked with TOM FOLEY on a number of issues ranging from agriculture to budget summits to a number of other things. I consider him to be a man of total integrity, honesty. We may not agree on how we vote on certain issues. But there is no doubt in my mind that he will be an outstanding Speaker, and I wish him well.

Again, I send my congratulations. And to those who are now departing the Republican National Committee who sought in some "clever" way to tarnish the image or reputation of TOM FOLEY, I say good riddance.

There was a report today that the President was disgusted when he read certain comments published by certain people at the Republican National Committee. I say as a friend of TOM FOLEY, a member of the other party, it may be a different philosophy by a Member of Congress, but somewhere we have to draw the line. And this certainly is a clear case.

So I hope I speak for all Republicans, and I believe I do on this side. Sure, politics is rough and tough. We go out and try to defeat each other, we have heated debates, and sometimes we even say things we wish we had not said. But I would guess this is rather a deliberate effort on the part of some to smear TOM FOLEY before he even had his first day as Speaker of the House of Representatives.

I know that Chairman Lee Atwater has talked with TOM FOLEY by telephone. I know the President of the United States has expressed his disgust, and I think he did exactly the right thing. I join the President, and I think I speak for all of my colleagues—not my Democratic colleagues, but my Republican colleagues—who say this is not politics; this is garbage. We are disgusted by it. It does not do much for any of us in our party, except bring discredit, even though we do not do things like this.

I would hope that spokesmen for parties generally would understand that there are certain limits, even in this business that we are in. I wish TOM FOLEY well in the future.

DIRE EMERGENCY SUPPLEMENTAL APPROPRIATIONS, FISCAL YEAR 1989

The Senate continued with the consideration of the bill.

Mr. DOLE. Mr. President, last night we almost had an agreement on the McCain amendment. I had hoped that we might be out here today saying we have it all worked out, but that did not happen. I must remind my Republican colleagues that the administration is opposed to the McCain amendment. I have a letter here that has been put in the RECORD—and Senator PACKWOOD will do it, if it has not been—from the Secretary of HHS, that says for a number of reasons, they are opposed to the McCain amendment.

I also remind my friends on this side of the aisle that this was Ronald Reagan's idea. It was also the idea of the Republican HHS Secretary, Otis Bowen, a practicing physician from Indiana, and there was a lot of tugging and hauling and a lot of work with the Ways and Means Committee and the Senate Finance Committee before this package was ever put together.

Many of us had concerns about the proposal. I was a conferee. I did not sign the conference report. I had concerns about it. I voted for the Wallop amendment to make it voluntary, the same thing the Senator from Texas addressed. But the chairman of the Finance Committee is correct. If you pass a major piece of legislation, you are going to find it necessary in almost every case—at least as I recall, when I was chairman of the committee, you have to go back and do some fine tuning.

I think JOHN MCCAIN ought to declare a victory, because he has moved this in the right direction a long way, and the senior citizens, wherever they live in America, are going to owe JOHN MCCAIN a debt of gratitude, and should.

But I must say to others who stand around here talking about the Federal deficit, how we are going to finance all these programs, it was not easy to say. If you are going to receive the benefits, some of you are going to have to pay a little bit, supplemental premiums or surtax. I think I heard Senator PACKWOOD say yesterday that only, I guess, about 59 percent do not pay, and about 41 percent do pay.

Now, the Treasury is broke. We have Gramm-Rudman-Hollings to have a little discipline around here, and it has worked fairly well. We have a $2.7 trillion debt in paying $150 to $160 billion in interest on the debt. With the cooperation of a Republican administration, the Reagan administration, and a Democratic Congress, this catastrophic bill was put together and passed.

I do not know how they get all the complaints. Nobody has been touched yet; they may be paying the premium, but not the supplemental premium. It seems to me that—and I have been around the town meetings, and I have had people stand up and complain about certain aspects—nobody complained about the benefits. Certainly, most Americans would rather not have to pay anything and receive the benefits. That is the American way. But we are broke. So are your children and grandchildren. Senator DURENBERGER talks about generational equity. Who is going to pay for it?

I listened to the debate. I have heard some of my colleagues say that we will find a way. What way? General revenues? We do not have any. Let us just forget all the benefits. I am not too excited about respite care. In fact, I remember writing a letter to the conferees saying we cannot, that if the respite care is included, the President is going to veto the bill. Before the letter arrived to the conferees, Secretary Bowen caved in on that one—$1 billion just like that. There are some things I think we can do without.

I commend those who had the courage to put this together and bring it to the floor and find a bipartisan majority, and it was a bipartisan majority who voted for it. I think there were only 11 votes against it, if I recall. One was my colleague from Kansas, who did not like some of the provisions. So I was concerned with some of the benefits and the fact that it did not have the voluntary provision recommended by the distinguished Senator WALLOP. But I was not concerned about the basic theory behind the premium. I think that is very important. If we are all going to stand up and talk about the deficit and also talk about long-term care or catastrophic care, sooner

or later we have to find some way to pay for it.

They are going to stand up and say we have to raise somebody's taxes? You are not going to hear that from anybody on this side or the other side. General revenues, where are they going to come from? So we finally found a mechanism. If you received the benefits, you paid a certain amount in taxes. You are not going to pay very much; you are still going to get a benefit. If you paid the maximum, you are still going to get a subsidy.

The more I think about it, a delay in the program, whether 4 months or 3 months—and I know the resolution says we could delay it—it does not give any time, and my view is we do not need any time, because we get into all the problems the chairman of the Finance Committee mentioned, where you are going to find a lot of things. The Finance Committee has 6 months to deal with some of the questions raised by the Senator from Arizona, and, again, I commend him for it, and some of the questions raised by others.

We are going to go back and look at a "voluntary, optional." I bet most of the people who buy it, it is going to be a bargain, but let us make it optional. So what we need to do is go back and take a look at duplication of coverage. That is what I heard in Paola, KS, from three different senior citizens, retirees, Federal, military and others, duplication of coverage. Oh, others did not like the supplemental premiums, thought it was too high.

The chairman has already indicated, if we are certain we are going to have enough reserves, maybe we can make some adjustment here and there. But I say to my colleagues on this side of the aisle that President Bush supports the program as is and does not want to make any changes.

That was expressed in a letter to the chairman of the Ways and Means Committee, Chairman ROSTENKOWSKI.

I do not agree with the administration that there should not be any changes. But I do agree with the administration we should not destroy the program. This is a Republican administration, and the President has a right to expect some support from the Republican side of the aisle.

Oh, this is as an easy political vote short term. Wait until all those letters start coming in from senior citizens who wonder what happened to the program when it has been destroyed. Wait until you hear from those 59 percent who are not going to pay any supplemental premium.

It just seems to me we are making, or could make, a very serious mistake. There is not any free lunch. Whether it is senior citizens or their children or their grandchildren we are out of money. We do not have any money. We have mortgaged three or four generations. That is what we have done.

So, finally, a majority in the House and the Senate, a majority of Democrats and Republicans, had the courage to do something that was right, maybe not perfect, but it was right, and now we want to delay it for a year, which in effect means to kill it off, if not now, later.

So there have been legitimate questions raised about the size of the supplemental premium. I, for one, wrote the Treasury Secretary months ago asking that he review their estimates. If we can make changes in the premium rates let us do it, but let us not throw the baby out with the bath water.

The biggest issue in America, as the majority leader indicated earlier, is long-term care, how are we going to finance that? If we cannot even face up to this, how are we going to finance long-term health care? Are we going to raise taxes? I bet nobody wants to raise taxes right now.

Are we going to get it from the general revenues? Where? What programs are going to be set aside to pay for it?

So it just seems to me that when we first began to debate these benefit expansions, it was very clear that we had to find a new source of financing as the Medicare trust fund had nothing to spare. Neither did the Treasury. And simply adding to the deficit was not an option.

Had we brought this bill out here, the chairman brought it out here without this funding mechanism, and saying, oh, we are just going to take it off budget, why not take it off budget, then it will not be impacted by Gramm-Rudman, or just take it out of general revenues or raise taxes, we would not have gotten any votes at all, not enough to pass it.

So the committee concluded and the Republican administration, the Reagan administration concluded, that the answer was to ask those who would benefit to pay. Is there anything with that? If you benefit, why should you not pay? You should not pay any more than you need to, and that is what the chairman and Senator PACKWOOD and others will address. Is there anything wrong with saying those who have higher incomes ought to pay a little more? I cannot think of anything wrong with it.

Again people want the benefit but they do not want to pay. They are no different than anyone else.

But we are broke.

So given yesterday's debate, it is hard to believe that only 41 percent, 41 percent of Medicare beneficiaries, are actually paying any supplemental premium; 59 percent are not paying any at all. And of those only about 5.6 percent will ever pay the maximum supplemental premium which will reach about $850 in 1990.

But, Mr. President, that person who pays the full amount is still getting a bargain. The least subsidized high-income enrollee will still realize a subsidy from Medicare of at least $800 a year so he or she is still only paying for 79 percent of the benefits that he or she uses. And those who are poor or depend solely on Social Security as their source of income will never have to pay this supplemental premium.

I have talked to some and I have had mail from some who said, "Why should I have to pay for my neighbor?"

Well, if we do it in general revenues, it is going to be paying for your neighbor. If we raise taxes, that poor neighbor is not going to be paying; you are going to be paying taxes.

I respect the distinguished Senator from Arizona, and I mean that. This has been through his efforts and the efforts of others who have helped him, and it has been bipartisan. I do not want to leave the impression it was just Senator MCCAIN; there are Members on both sides supporting the McCain amendment. But I would hope he would have a little faith in the Finance Committee and I would hope that there would be an opportunity, as the chairman has said and Senator PACKWOOD is going to underscore that here at any moment, they are going to move as quickly as they can. They are committed to making changes, they are committed to addressing most of the issues raised by the distinguished Senator from Arizona.

I know the distinguished Senator from Utah [Mr. HATCH] who is the ranking member on another committee that deals with a lot of these issues, will listen to reason. He knows you just cannot keep passing programs without paying for them.

I know he is strong on controlling the deficit. He does not want to raise taxes. And if he finds a better way to fund this program, then we have overlooked it in the Finance Committee.

But I would say to Senator MCCAIN and Senator HATCH and others who worked very hard to do what is happening right now—they are winning—but I would say to them if I could give any advice, which is probably not worth much and probably will not bring any votes, if we pass this McCain amendment and delay this program for 1 year in my view you can just kiss it goodbye. I do not know how eager the Finance Committee is going to be to take a look at it next year. We have 6 months now. We do not need any delay.

So I would urge some of my friends on this side—and I have looked at the whip check, and it is terminal; it does not look too good; it needs a transfusion. We need to recognize that this is a Republican initiative that we are about to dismantle here. We need to

recognize we are going to wreak havoc with Gramm-Rudman-Hollings if there is a point of order made and if it is waived.

Maybe that is not important, but I keep hearing it is.

So I just suggest that we back up and take a look at what we are about to do.

Oh, yes, we have all had a lot of mail. It is not a record. Most of the mail I still have I have not answered on withholding on interest and dividend income. I have a big mailing list on that, but they are all on the other side.

But I really believe we have a fundamental decision to make here, maybe the first time this year we have had to stand up and say, "Well, I am going to make a decision that is going to benefit senior citizens. I am going to make a decision that is going to benefit particularly those low-income senior citizens who otherwise are not going to have this coverage."

Or I am going to read my mail and say, "Well, somebody is paying more than they should, but I am going to be able to write those people and tell them we are looking at this, we are addressing this, and before you pay any supplemental premium, unless you are paying estimated tax or something, it may be lower than you are now being told."

So I have confidence in the Senate Finance Committee. I think everybody agrees it is fairly nonpartisan, bipartisan, call it what you will. They put this together. I know the Ways and Means Committee—the chairman may have a little different view—but in view of what Senator MCCAIN has been able to do on this side, I am certain there are Republicans and Democrats on the House side who feel just as strongly.

So I want to appeal, on behalf of the President and the administration, that we ought to support the bipartisan amendment introduced by Senator MITCHELL for himself, myself, the Senator from Texas, and the Senator from Oregon, Senator BENTSEN, and Senator PACKWOOD.

If the Finance Committee does not do anything, then I would be prepared to join Senator MCCAIN and others, but they will act. It is a responsible committee.

I urge those on other committees who have responsibilities to understand that in this case the chairman of the Finance Committee was the one who told all of us that there may be excess reserves, maybe we could address some of those problems. The administration did not agree with the chairman. I agree with the chairman and wrote him a letter and said so. We ought to find a way to lower the supplemental premium. We ought to address some of the other issues, duplicate coverage. So we are in the process of doing that.

So I would hope that we would have bipartisan support to do the right thing, not the easy thing, but the right thing. We have been doing the easy thing so long, that is why we have this $2.7 trillion debt.

By doing the right thing, I do not mean doing the right thing for President Bush, I mean doing the right thing for the people we represent, the senior citizens who expect that from us.

Mr. President, I yield the floor.

Mr. GRAMM. Mr. President, first of all, I would like to make the point that one of the reasons we are here is because the distinguished members of the Finance Committee did this right. I am here to criticize this legislation, but I want to make it clear that we are having a historic debate today because Senator PACKWOOD and Senator BENTSEN and Senator DOLE did this right. This is the first entitlement in American history where the people that benefited actually paid for the entitlement. And remarkably, and maybe not so remarkably, given that the people that are benefiting are paying for it, a lot of them do not like it. In fact, it is amazing that we here in the U.S. Senate are debating an amendment to roll back an entitlement to a special interest group that is the most sacred and the most powerful in America.

Mr. President, how did all that happen? I am not so foolish as to jump into a debate with my dear colleague from Texas, who knows more about tax law than anybody alive, or my dear colleague from Oregon who has been a part of everything good that has happened in the Senate since I have been here. But there is something historic happening here and there are a couple of points I want to make about it and I will try to be brief.

First of all, the reason there is a lot of opposition to this benefit is that people are having to pay for it. Let me assure my colleagues, there is no way on Earth that you can write this bill where people can opt in or out and be part of this new catastrophic coverage or not part of this catastrophic coverage at their will and in any way pay for it.

One of the previous speakers talked about the fact that 95 percent of the people are opting for part B, and they are. But the taxpayers are picking up 70 percent of the tab.

Basically, what we have is an entitlement program where about 40 percent of the people that are paying are going to end up in one form or another being actuarial losers. They are paying for benefits that other people are getting. So, basically, we are here having a historic debate. In fact, Mr. President, I would be so bold as to say that what we are seeing here today is the sort of largess of the 1960's and 1970's banging up against the fiscal realities of the 1980's. You cannot go around giving people all these benefits, make them pay and ultimately have it popular.

Mr. President, the first point I want to make is we are here today in this debate for the first time in my 11 years in the U.S. Congress bumping up against the limits of collectivism in American Government.

The second point I want to make is that the problem is a lot bigger than what we are debating. I do not know whether the distinguished Senator from Arizona has the right solution or not.

I agree with the distinguished Senator from Texas. I do not think we ought to be writing tax law on the floor of the U.S. Senate. I am supporting this amendment because I think it is very important.

I think something very good or very bad is going to come out of it. Something very good is going to come out of it if we go back and roll back part of this entitlement and cap the payment. Something very bad is going to happen if we pass the cost on to young workers and in the process make our system far less fair than it already is today.

And I think, Mr. President, that it is up in the air in terms of which of those two is ultimately going to happen. I have strong feelings about which way we ought to go. But when it gets down to the votes, when it gets down to all those special interest groups that were mentioned a minute ago, which way Members are going to vote, I do not know.

Mr. President, a remarkable thing has happened in this country. We have tried to provide incentives for people to work, save, and invest. We cut taxes in 1981. We dramatically reduced marginal tax rates. That marginal tax rate is down to 28 percent but, at the same time we were trying to engage in perestroika in the part of the economy having to do with people below 65, we were collectivizing America for the people above 65. I know that is a strong word but I want to give you a little example here and I think it makes my point.

Let us say you have two part-time workers. One of them is a fellow who is going to school, is an engineering student at Texas A&M, and he is working more or less sort of between part time and full time and he is making $9,000 a year. And you have a retired widow who is working part time and she is earning $9,000 a year. The employer comes to the two of them and says, "We have a real problem. We have a surge in the demand for our product"—maybe we are talking about McDonald's—"and I want to get you all to work full time here for a

month and I am going to pay you $1,500 to do that."

Well, the young college student goes home and he looks at the $1,500 and he gets out his tax accounting book and he says, "Well, I am in the 15-percent tax bracket, so Uncle Sam is going to take $225. The payroll tax at 7.51 percent is going to take $112.65. I am going to get to keep $1,162.35, more or less." And so he goes back and says, "A great deal. I'll take it."

Now, what happens to the widow worker? She goes home. She gets out her little calculator, and she says, "I am starting with a $1,500 pay increase. I am in the 15-percent tax bracket and the Government is going to take $225 of it. I am going to pay payroll taxes of $112.65. Now, I am going to suffer the earnings limit penalty under Social Security and I am going to lose $750, and then I am going to pay in catastrophic coverage $33.75." And so she is going to net $387.60—unless she has a retirement income.

Now, let us say she has a retirement income of $16,000. She worked hard while she was working. She built up a retirement fund; $16,000 will not let her do what she wants to do, so she is working part time.

Now, if she is getting a retirement income of $16,000, out of this $1,500 of income for working full time for a month, another $195 is going to Federal taxes because she is in the higher tax bracket. Social Security benefits are now taxed, taking $143 more. Her catastrophic costs are up to $84. So in this case, she is going to lose $10 for earning $1,500.

Mr. President, how many people are going to go back and say, "Well, that sounds like a great deal. I will work full time this month, and you will pay me $1,500 and I will lose $10"?

Well, Mr. President, what we have done is, we have collectivized America for our senior citizens. And let me explain why I use that word.

First of all, for the people who work hard to provide for their future and save and build up retirements, we are imposing very heavy taxes on them. And if they try to supplement their income by working, if they are blessed with good health, we really impose a confiscatory tax on them.

On the other hand, if they did not prepare for their future, if they did not build up a retirement income, if they do not try to work to supplement their income, they get all these benefits.

Now, Mr. President, it is not going to take long for people to figure out that if they are going to do about as well if they work hard to provide for their future as they are going to do if they do not work hard and they do not provide for their future, it is only a matter of time until people are going to stop providing for their future. And then all of these people are going to come in and they are going to claim benefits under all these programs and we are going to have a very, very hard time paying for them.

So it is a great paradox, Mr. President, at a time when we talk about incentives, when we talk about rewarding efforts, for a substantial number of Americans, those who happen to be old, we have the most confiscatory taxes on Earth.

I am not aware of any nation on Earth that taxes people at higher rates than we do our senior citizens.

So, Mr. President, the points that I want to make are very simple and I will end my statement. First of all, we are here having a historic debate about repealing part of an entitlement because, for the first time ever, much to the credit of the men who are here who were the leaders on this bill, we wrote the bill right. If you were going to provide this benefit through Government, this was the way to do it.

Now, if you were going to provide it by buying a supplemental policy for the 15 percent of senior citizens who were too poor to buy their own policy, that in my opinion would have been a much better way to do it. But the problem here is not with the way it was done. I do not buy this idea that this is a problem with the way it was structured. If this program costs less than we estimated it will be historic.

The point I want to make here is I wish the Finance Committee well. I do not envy them the great task they have in trying to make this work. Because it is going to be very difficult. I commend them for being willing to do it. But, Mr. President, when you are going to have people pay for benefits they get and you are going to produce the kind of system that we have for senior citizens, when a lot of these senior citizens are very able and very vocal and very much involved, we are going to hear about it. And that is what we are seeing here.

So, one way or another, something very good or very bad is going to happen. Either we are going to go back and make a dramatic change here that is going to change the future entitlement policy of America forever—and I hope we do—or we are going to go back and rob young workers to take the political heat off, which I think would be a great tragedy. But one way or another, the distinguished Senator from Arizona has started something very important here and I want to commend him for it. I do not think he is going to win on this today, though I am going to vote for it.

But he has started a debate here that is very, very important and that is going to have a lasting impact for a very long time on this country. And I want to congratulate him for it and I yield the floor.

The PRESIDING OFFICER (Mr. GRAHAM). The Senator from Pennsylvania.

Mr. HEINZ. Mr. President, a lot of thought went into the drafting of the Medicare Catastrophic Program that we are debating today. It was originated by a medical doctor, Dr. Otis Bowen, who became Secretary of Health and Human Services in the last 2 years of the Reagan administration and who, himself, had had an experience with a catastrophic illness in his own family.

It is a matter of record that his wife was stricken with cancer and fought a very courageous battle—a battle that this family ultimately lost. In the process, Dr. Bowen's family managed to accumulate thousands of dollars, many thousands of dollars in uncovered medical charges.

Dr. Bowen, therefore, brought to the Department and to the Reagan administration, a very clear and compassionate understanding of what happens to a family when catastrophic illness strikes. He was fortunate that he and his family were able to afford it without being pressed to the wall of poverty—but he understood what someone of modest means, trying to get by only on their Social Security benefit and maybe a little pension besides, would be faced with if the status quo were allowed to prevail. The status quo, as we all know it, was a Medicare Program that, in the first case, did nothing up until recently for long-term care benefits and was even limited in its acute care benefits. There are only a certain number of hospital days each year Medicare will cover.

Up until we passed the catastrophic legislation last year, there was no limit to the beneficiary's share of doctors' bills. You had to pay the 20 percent no matter what the total annual cost was. And, there was no coverage of one of the biggest costs to the typical senior citizen, prescription drugs.

Dr. Otis Bowen understood all of that and persuaded the Reagan administration to develop the Medicare Catastrophic Act of 1988. He worked very closely with the House and Senate and, as a result, we have the legislation before us today. This, however, was not just a proposal by a man who had a great deal of compassion and was able to persuade the President to share this sense of compassion. This proposal was also based, in the judgment of the majority of us who supported it, on some very quantifiable as well as qualifiable needs.

Take, for instance, the doctor's costs that this bill covers after the first $1,370. Until we had this legislation, there were some 2,300,000 Americans on Medicare each year whose average doctor's bill was some $2,600.

What does that mean if you are a Social Security beneficiary? Well, it

means a cost of about $210 a month. That is what $2,600 divided by 12 months is. And the average Social Security benefit in this country is only about $500 a month. So you are talking about people who suddenly have to come up with the equivalent of over 40 percent of everything they have to live on, and have tried as best they can to live on within a very tight budget and with very little slack. They have fixed costs for rent and utilities. They have food costs and, if they are lucky, they have a little left over to take in a movie once in a while. That is your average Social Security beneficiary.

We know that the vast majority of those 2,300,000 Americans with these kinds of doctor's bills were really getting pressed to the wall.

We also knew, and we know, that there are some 5.5 million senior citizens, Medicare beneficiaries, who have very high drug costs. When I say "very high," I mean costs that average over $550 a year. For the average beneficiary, who crosses that threshold, their out-of-pocket costs for prescription drugs are some $1,400 a year or about $120 a month.

Five million senior citizens today, better than one out of every seven senior citizens has that kind of pressing need. It is no wonder that a lot of them, after taking needed medication for a while, find they cannot afford to continue to take medication that is literally lifesaving in some cases, and in other cases quality of life maintaining.

The catastrophic health legislation, Mr. President, was not enacted lightly. There were real needs that were going unmet which, until this legislation is fully phased in, will remain unmet. There were indeed compelling reasons to enact this legislation.

Like all of my colleagues, I have gone back to my home State of Pennsylvania to hear the views of my constituents on this legislation. I have held town meetings. I also have looked in my mailbox, and found ample mail there. I am well aware of the concerns about our legislation. I can categorize those concerns into four main areas.

The first is there is a very poor understanding of what the catastrophic bill really does for people: what kind of benefits you will get; under what circumstances you will get them; and when the benefits will be available. This is understandable because this is very complex legislation and the benefits are phased in over a period of time.

When the legislation was originally being drafted, many of us talked about what the chances were of any single enrolee benefiting from a particular benefit in 1 year. There is one number out there, for example, that says that no more than 5 percent of Medicare beneficiaries will benefit from the catastrophic portion of this bill, which I think they mean the unlimited hospital part A benefit, in any one year. That may well be true. We all understand, of course, that if you are age 65, you are not going to live just for 1 year. Hopefully, you are going to live for 15 or 20 or 25 years, if you are very fortunate. Therefore, your chances of using the benefit at any time after you have retired and become a Medicare beneficiary are going to increase year by year.

After 5 years, the chances that you are going to use just that one benefit, the unlimited hospitalization benefit, are not going to be 5 percent. They are going to be a lot closer to 20 percent. Over 10 years, they will be a good deal higher than 20 percent, probably around 30 percent. Over your lifetime, they will be certainly well over 50 percent. I am not enough of an actuary to be certain, but I suspect the chances of using this one benefit will be approaching 75 or 100 percent because we know that two-thirds of all people on Medicare do go to the hospital and have a very serious siege of illness sometime before they die, and others use the program well before death. So there are misunderstandings about exactly what it is in this bill and how it will benefit the Medicare beneficiary.

Secondly, there also is a very legitimate concern being raised by senior citizens about duplication of benefits. There was an effort made by the Finance Committee to try and make sure that when people did have double coverage from their private employer, from the Federal Government, or from the military, that their insurance company would adjust their benefit package to make certain that they did not have double coverage and were not paying twice for the same coverage.

I would be the first to say that I do not think this has worked as well as it needs to work, and that we have to revisit this issue. In the case of Federal and military plans, we only have a 2-year provision and we have to make sure that provision works. Again, there is legitimate concern being raised over problems of duplication.

Third, there is confusion over the financing of the catastrophic plan. The confusion is of two kinds. First, there is concern over the fairness in how the financing has been distributed. Someone who might be making $75,000 a year and are subject to the maximum surpremium of $66.67 a month may object to having that taken out of their taxes. They are going to figure, "Wait a minute, where did this come from all of a sudden? That is a lot of money." And those people at the maximum who represent a very, very small fraction of all the Medicare beneficiaries may say, "What's this all about? This strikes me as too tough."

The second concern comes, ironically, from the vast majority of beneficiaries who pay only the flat monthly premium of $4, yet still are fully covered by the same benefit package. These beneficiaries are among 60 percent of all Medicare enrollees—some 19 million people who have been misled and misinformed about the benefits of the program by misinformed and, in some cases, malintended organizations and individuals.

The Finance Committee is saying that we are willing to take a look at the financing to make certain that it is fair.

The fourth concern, and this is a more recent concern, is that this program may be overfinanced; that the premiums, and the revenues needed to make this program work are excessive relative to what its costs are going to be. As a result, there is a perception that a scam is being run to try and balance the budget on the backs of senior citizens.

We need to take a look at whether the program is truly overfinanced. It is not our intention to accumulate any excessive surpluses in this program and thereby generate steam behind the accusation that we are piling up reserves for no reason. We do know there have to be some reserves in the program, some cushion, which are set in the statute to make sure the program does not run out of money if it runs into unexpected utilization rates. But the people concerned are talking about surpluses in excess of those cushions. This is a legitimate concern, although it is one that is hard to fully predict because we do not have as good a fix on the cost of this program as we would like.

As one of the people who was very involved in the development of this legislation, particularly in the prescription drug benefit which has the greatest volatility in terms of cost estimates, we had a real problem estimating costs. The Congressional Budget Office was saying it was going to be a very modest cost. The Office of Management and Budget was saying it was going to cost many, many times what the Congressional Budget Office said it would—by factors of three and four and five times. We did the best we could to minimize those differences, but they can never be completely eliminated because we have never had a benefit like the prescription drug benefit before.

Mr. President, these are the basic concerns that people have expressed, and I think we need to put a few facts on the record, particularly with respect to the substance of this legislation. I mentioned at the outset that there are large numbers of people who, without this legislation, will find that their finances are strained to the point where their backs are going to be literally against the wall. They will be candidates for Medicaid; they will be candidates for welfare.

These numbers are very large, indeed. Probably over half of all the elderly, if hit with a siege of expensive illness, will end up below the poverty line. As a result, the fact that this legislation is going to keep those people off Medicaid, out of the taxpayer's pocket, and independent, give them health care when they need it, and keep them from developing more serious illnesses is very critical to understanding what we are doing. But it is equally critical to understand that the chances of any single Medicare beneficiary needing, for example, the insurance that is provided under this legislation—is not much more than 5 percent, even in the first year.

If you look at the list of benefits, in addition to the limits on physician payments and limits on hospital payments, there are also new or improved benefits for skilled nursing care and for respite care. I have already mentioned prescription drugs. There is also mammography, hospice care, and home health care. When the best actuaries added up all those benefits, what they found is that the average Medicare beneficiary has about a 22-percent chance of using one or more of those benefits the very first year the program is in place. Over the first 5 years of the program, the chances of availing themselves of at least one of those benefits is not 22 percent; it is 65 percent.

These are benefits that are going to be broadly needed by most Medicare beneficiaries, and we have to penetrate the misunderstanding of these benefits in order for senior citizens to understand this is an efficient program that is really going to be of help to them.

Mr. President, we do need to make some revisions in this program. I am confident that we need to and will better address the problem of duplication. We also need to make sure that the financing is only the financing that is necesary, and we need to make sure that the financing is totally fair. But I am skeptical, after all the attacks that have been made on this legislation from so many quarters, that even if we do a perfect job, whether people are really going to believe we are capable of perfection let alone doing a good job.

Speaking personally, I am persuaded there is only one way to get the Medicare beneficiaries to take an honest and objective look at this program. That is, to let them decide whether or not they want to participate in the program, the way the Senate originally wrote the bill when we sent it to conference. That is something the Senate Finance Committee has agreed to look at.

I understand there are a lot of difficulties we have with the House on this matter, but I think it is very significant that the committee, with the amendment of Senator MITCHELL, is willing to reopen that subject.

I have told you where I stand on it because I believe that if we cure the problem of duplication, if we go back and make sure we are not taking one penny more than we need, and once we tell the story after we are certain about the fairness of the financing of the benefits, beneficiaries will elect to stay with catastrophic. I am convinced that with the part B program, where the Government subsidizes 75 cents on every dollar currently put into the part B program, people will say, "My goodness, I was paying, before this catastrophic bill came along, $35 or so a month. That means the Government is putting in three times that amount, $105. If the Government is putting $105 into this program and it is efficiently run, even if I have to pay the maximum surpremium of $66.67 a month, I am still a lot better off. I am better off even under the so-called worst of circumstances."

I believe that if we give people the choice to vote on this program, to elect one at a time, everyone will decide that this program is what we say it is, that it is a good deal.

Let me conclude by urging a vote for the Mitchell substitute and against the McCain amendment. In my view, a vote for the Mitchell substitute is quite clearly a vote to allow the Finance Committee to do its job, as I have outlined it, and we will, I am confident, do that job. But I also want to be clear that in my judgment, voting for the McCain amendment is a vote to repeal this program.

I would like everybody to think very carefully about what repealing this program really means. It means we are going to give up on improving the Medicare Program. Just look at the current climate. There is a Federal budget deficit. There is no support for any kind of tax increase, whether it is a payroll tax or an income tax or a sales tax. Given a deficit which we certainly are going to have for a number of years more, that means the ballgame may be over on making any improvements in the Medicare program. Indeed, all of us on the Finance Committee are under pressure to reduce the cost of the Medicare Program from baseline, not to increase it.

So, repealing catastrophic means that not only are the very good benefits in this program going to be foregone, and a lot of people who we could have saved will be driven into indigence, and financial hardship, literally millions upon millions of them, are going to be plunged into poverty and financial hardship because the Senate has not been willing to allow the Finance Committee to do its job.

I might also add that a vote for the McCain amendment is also a vote against, at least for the foreseeable future, having something everybody says they want, namely a long-term care program. I have not heard many people come down to the Senate floor today and say, "Long-term care is unneeded. Long-term care should not ever get on our agenda."

To the contrary, I think most of our colleagues would like to find a way to have a long-term care program for the Medicare Program, to find a way to finance it responsibly so that we could take into account that huge unmet need that we know is out there and which we know will be growing as our population increasingly ages.

There ought to be no mistake made about it; if we vote to kill this program, we are in fact voting to kill the very first long-term care program we have ever had.

"What program is that?" say my colleagues perhaps. The prescription drug benefit in this bill is the very first, and very significant and very major long-term care benefit. Why do I say that? Because it is a benefit that you get based only on financial need. You do not need to be hospitalized. You do not need to be in a nursing home. You do not need to be diagnosed as having an acute illness like you do to participate in the Medicare Program. All you need to do is have prescription drug costs, and presumably those prescriptions were written by a bona fide physician, that are above the threshold amount, $550 in the first year. When this program is fully implemented, Medicare will pay 80 percent of the cost of those drugs. It is the first and only long-term care benefit on the books, and repealing it is to repeal the modest progress but real progress that we have made in actually providing long-term care.

I can not speak for the rest of my colleagues, but I do not think we ought to say we are for long-term care and then vote against it. I also think that voting to kill the catastrophic program is a mistake for many other reasons. I will not get into the equities of the financing at this point. There will be others who will do that. Let it just be said, Mr. President, that this is historic legislation, as the chairman of the Finance Committee said earlier. This legislation created a true insurance program. with its passage, we managed to protect a lot of people without putting hardship on anyone. It is our hope that the Senate will allow us to make the corrections in this program, and some of them, as I said, are necessary, that will allow this program to continue to serve literally millions of Americans who very much need it.

Mr. President, I yield the floor.

Mr. HATCH addressed the Chair.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, I hate to take issue with my distinguished

colleague from Pennsylvania, but if there is a long-term care program in the catastrophic law here and he considers it the drug benefit program, what he is saying is it is going to continue the rest of their lives as long as they pay for it. Let us stop and reconsider this point.

On January 1, 1990, there is established a limited benefit for home intravenous drugs and immunosuppressant drugs furnished after the year following a transplant. But, beneficiaries have to meet a $660 deductible in 1990 and pay coinsurance of 20 percent for home IV drugs and 50 percent for immunosuppressant drugs. It also provides coverage effective January 1, 1991, for all outpatient prescription drugs with a $600 deductible and a 50-percent coinsurance. The deductible will be indexed so that 16.8 percent of beneficiaries will reach the deductible every year, and the coinsurance will be lowered to 40 percent in 1992 and down to 20 percent in 1993. But let us understand seniors are going to be paying for this wonderful benefit without, if we keep this present law in effect, any right of choice. That is serious, and that is expensive.

If the distinguished Senator from Pennsylvania believes in voluntary rights to choose whether seniors may take all of these benefits in the future, then why would we take this sense-of-the-Senate resolution, which wishes that the Finance Committee will do something by September of this year. Even if they do, it means it is going to take probably another year to enact into law unless the McCain amendment is adopted here today. And, the only way we can adopt it is to vote to table the current sense-of-the-Senate resolution amendment.

I guarantee that those who do not vote to table this amendment today are going to have to live with this law and its problem well into the next year, no matter what they do. And, every senior citizen is going to be paying too much.

The McCain amendment, unlike what the distinguished Senator from Pennsylvania seemed to say, does not do away with this catastrophic coverage. It delays the payment, therefore, so that the Finance Committee can do that which now everybody admits ought to be done.

The sense-of-the-Senate resolution is a victory in a sense for Senator MCCAIN and myself because for the first time everybody seems to be acknowledging that we have to change the law. And, that what we have been saying here the last number of days is absolutely correct. Something has to be done.

But the amendment offered is just a sense-of-the-Senate resolution. It is a common ploy, a legitimate one, and probably the only one that the Senate Finance Committee leadership really could turn to. I do not blame them for that. But it is probably the only ploy they could do to stop what Senator MCCAIN and I and a number of my colleagues would like to do, and that is just delay these involuntary payments by our senior citizens which they do not want to make until we resolve these problems. They say in this sense-of-the-Senate resolution we must do something about the Catastrophic Act; something they were unwilling to say just a few days ago at the beginning of this debate.

Why go with a sense-of-the-Senate resolution which everybody here knows will be dropped in conference? And, even if it is not, everybody knows that even if the Finance Committee does everything this resolution says it will do, it is very unlikely that we are going to stop the necessity of our seniors paying too much next year and even beyond.

We heard from the distinguished minority leader that this is President Reagan's program, and that the administration wants this program, and they are against the McCain-Hatch amendment. Well, let me answer that. First of all, President Reagan's proposal offered seniors an actuarially sound simple reform to the Federal insurance program for the elderly. Instead, what was enacted was a broad expansion of Medicare benefits financed through substantial increases in the program's existing premiums, and by adding a new mandatory premium. These new program costs are resulting in nearly half of the elderly beneficiaries experiencing a fivefold increase in their annual Medicare premiums.

President Reagan's plan provided that if we would allow seniors to pay approximately $4 per month for extended hospitalization. And, this benefit was optional. It started out as a small and workable plan. The cost equaled the benefits. But we in Congress expanded that plan way beyond what was necessary, and, then, we mandated it. We said you seniors have to buy it. The authors of the sense-of-the-Senate resolution even changed this one provision. They were going to come up with a provision that basically made part B voluntary, which already exists. But, now they have changed it so they will look into making the catastrophic benefits voluntary, period. But we all know that is very unlikely to occur without the McCain amendment passing here today.

Let me talk about the administration's concerns. The administration's position seems to be outlined in a letter from the distinguished Secretary of Health and Human Services, Dr. Sullivan, a very dear friend of mine. I have worked hard to support him. But I cannot support him on his letter. Basically, what his letter says is that the McCain-Hatch amendment would create a financing imbalance. You have to disagree with that assertion or argument. In fact, if the McCain-Hatch is enacted, the cost of the benefit is approximately equal to the revenue collected. I believe the real imbalance is with the current law where we will collect in the next year $7.2 billion in revenues and pay out $4.2 billion in expenses. That leaves a surplus of $3.1 billion.

So I call current law a financing imbalance. You have $3.1 billion in excess revenue that is paid for by the senior citizens.

No. 2, Dr. Sullivan seems to say the amendment proposes to finance the Medicare part A catastrophic benefits by retaining the flat premium. He says that the annual actuarial value is $65 in 1988 while the flat premium produces only $48. First of all, the Congressional Budget Office did the estimate for us. CBO says that if McCain-Hatch is enacted, it would be represented by this smaller circle on this chart.

We made it into this great big circle on this chart, and in the process socked it to the senior citizens to the tune of $3.1 billion in surplus by the year 1990. Under the Reagan proposal, under the McCain-Hatch proposal, you would have a $100 million surplus, but not the $3.1 billion surplus.

This program would work, and the senior citizens would be happy with it. It costs $4 a month which is what President Reagan wanted to do.

If McCain-Hatch were enacted, the Congressional Budget Office said that income collected would equal $1.8 billion, and the expenses of the part A catastrophic benefit would cost $1.7 billion. So basically they would even out.

There has been more than one time when the Congressional Budget Office has differed with administration estimates.

Dr. Sullivan's letter says the bill would delay much needed improvements in the Medicaid Program, for medicaid coverage of pregnant women and infants with incomes below the Federal poverty line.

Now, I respond to that with describing our intent with this particular amendment—and I want to compliment the distinguished Senator from Arizona. This created a millstone of activity. We have hardly been able to do anything today, because this Senate has been paralyzed with worries about whether or not this amendment will pass.

Our intent is to delay the Medicare provisions of the Catastrophic Act that affect Medicare beneficiaries. We are willing to discuss preserving other parts of the act that do not affect Medicare beneficiaries or are currently funded.

As a matter of fact, if you look at what the McCain amendment does, it basically retains long-term hospitalization, skilled nursing, spousal impoverishment, and the voluntary flat premium aspect. But it does do away with the mandatory surtax, limit on out-of-pocket expense for the prescription drug aspect of the bill. It does not do away with the entire Catastrophic Act. It defers or delays the payment for that until we resolve these problems which this sense-of-the-Senate resolution says we really ought to resolve—something they were unwilling to say just a few days ago.

Now, Dr. Sullivan seemed to say that any proposed modification should proceed through the normal legislative process. Well, all we are asking for is a delay for 1 year of portions of the Catastrophic Act, so that the Finance Committee can act and so that the senior citizens are not socked through the nose to continue to pay for something they do not want. We have to have time to make these changes.

If you pass this sense-of-the-Senate resolution, those payments by senior citizens will continue. They are going to continue to have to pay them, and they are going to continue to get madder and madder, and justly so, because this resolution that they now want us to refuse to table, this resolution, it seems to me, will not provide for any delay in the payment. It just says that we will try to act expeditiously by September with regard to the Finance Committee activity. Maybe we can, and I will say this: I used to think being on the Labor and Human Resources Committee was the worst job in the Senate, but I have to say to my dear colleagues on the Finance Committee, you may have us in some regards.

This has been a very difficult debate for all of us. I have nothing but admiration for those that can play with these tables all day long, as the distinguished Senator from Oregon is very capable of doing. As a matter of fact, we want him to do it as soon as he can—not play with the tables, but get something done to resolve these difficulties.

Let me finish. I do not mean to take so much time. My statement in support of this particular McCain amendment really should be brief from this point on. I intend to limit my further remarks, not only because we had ample opportunity to debate this yesterday, but also because I believe that the issue upon which we are voting is a very simple one. If you support Senator MITCHELL's perfecting amendment, the sense-of-the-Senate resolution, then we are just simply asking everybody over age 65 to write a check toward balancing the Federal budget. That is what it comes down to. In 1990, roughly $3 billion in surplus tax collection paid by seniors will offset the Gramm-Rudman-Hollings targets. That is what it comes down to.

Let me explain another way: First, we have to decide whether or not we want to hide behind the ruse of a perfecting amendment offered by the majority leader. The secondary amendment offers the back door to any Member who is hesitant to respond to the opinions of their seniors. If you believe, as I do, and I hope my colleagues do, that we must respond to this firestorm of public opinion, then I believe we have to vote to table this perfecting amendment. If they admit we are right on this, which basically it does, why not do something about it now, and why not defer the payment of the seniors to get it done.

We could then vote up and down on the McCain amendment, this delaying amendment. It does not stop us from keeping the whole shebang, if we want, but I think everybody admits there have to be adjustments, and things have to be changed. If we can accomplish that, that will make this debate worthwhile. We have the responsibility, and indeed the opportunity, to tell our seniors how we feel about the Catastrophic Act today, and let them know whether or not we intend to revisit this act or leave it as it is.

To fulfill that responsibility, or to take advantage of that opportunity, we have to first table the Mitchell-Bentsen amendment and allow an up and down vote, really, on the McCain and Hatch amendment. The next step would be to vote up, to vote on the McCain-Hatch amendment, which is also a simple issue. There really is no debate over the fact that all of our seniors all over this country are up in arms about this new law. Our mail settles that question. Our seniors are saying they are unhappy with the act for three basic reasons: First, with its cause; second, they do not agree with the benefits provided; and third, and most important, they do not like the Federal Government mandating them to buy this new insurance.

Let us be honest about it. Yes, everybody would like to have benefits for which they do not have to pay. I think these seniors are not that crass. I think they are saying they would prefer other benefits to these, if they have to pay this amount of money. I think they would like us to do a little better job of really moving toward long-term care, something that the distinguished Senator from Pennsylvania, I think, is in agreement with, but I think is mixed up on.

So the details on the McCain-Hatch amendment really boils down to a debate on whether or not we are going to respond to the discontent voiced by our seniors; do we have the guts to stand in front of our seniors and say that we have made a mistake, and we will take another look? I think in all credit to those who are for this sense-of-the-Senate resolution, they are moving in the right direction, but it is not enough, if you do not delay the payment. If we enact the McCain amendment, we will delay the collection of the mandatory and expensive surtax, and we will delay the implementation of these costly benefits that seniors may or may not want in the first place. That is worthwhile doing.

Now, this chart shows that without the McCain-Hatch amendment of today, or under current law, we will have collected over $8 billion by 1993. That is $8 billion from the pockets of our senior citizens, which would be helping to offset the deficit, and that is a worthy goal, but will not be paying for benefits.

However, if we pass McCain-Hatch, then this small pie will be what we have. The seniors will continue to pay their flat premium. That will pay for their hospitalization benefits that are retained by this amendment. A very small surplus of $100 million will be created during the 1-year delay in implementing the entire catastrophic program. Now, the real purpose of this delay is twofold: First, we acknowledge that we have heard from our seniors, and we are paying attention to what they are telling us. Second, we would allow the Finance Committee enough time to carefully reexamine this whole Catastrophic Coverage Act, and to fix what is broken before all the administrative gears start cranking to implement the remaining benefits and to collect the surtax.

This amendment does not attempt to define how the act should be financed or what benefits should ultimately be included. It simply recognizes that there are problems with this law and gives the Congress sufficient time to resolve these problems without continuing to overtax seniors while they do it.

I really urge my colleagues to support the McCain amendment, which would delay the implementation and much of the Catastrophic Coverage Act, or at least those parts that are not absolutely crucial. I believe by only enacting this particular delay amendment can we adequately respond to the unhappy voices of our Nation's seniors. I think it is something that needs to be done. The way I believe it will be done is if we table the current sense-of-the-Senate resolution and then vote up and down the McCain amendment.

Now, there are those who will say that they will drop the McCain amendment in conference, too. I question whether they will, because I think there is a firestorm in this country that is brewing, and I think the McCain amendment, once passed, will send an appropriate message to those in the House who are fighting so

strongly to maintain this program as it is, in spite of the fact that the seniors do not want it as it is. I can easily see why.

Now, again, I have said some fairly tough things here, but I also want to compliment my colleagues on the Finance Committee for the difficulties that are involved in these problems. We are trying to help them along in the easiest way by giving them time to do it without socking it to the senior citizens in this country. I hope they will listen to this sound, wise advice from Senator MCCAIN and a whole raft of others.

Assuming they will not, if we happen to lose on this motion to table, I believe it is safe to say that this issue will be revisited time after time, until something is done about it.

I think it is only fair to say that that is not done to embarrass or hurt or to make life difficult for anyone. It is done sincerely because we think this simple amendment ought to be enacted and we think that the Finance Committee will be able to do what needs to be done without any further costs along these lines to our Nation's seniors.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. PACKWOOD. Mr. President, first I would ask, if he has not been added, unanimous consent to add Senator SIMPSON as a cosponsor of the pending amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PACKWOOD. Mr. President, before I start on the substance of the catastrophic bill, let me lay out where we were at the time we started the hearings on the bill and why we did what we did and what the current law was then. I often find in debates on the Senate floor we talk in an inside lingo, part A, part B. So to make things very simple let me put it as follows: When people refer to part A of Medicare they mean hospital payments. When they talk about part B they mean doctors' payments. There are some other payments. I am talking generally. But part A hospital, part B doctors.

And as best I can I am going to use 1993 estimated costs because that is the estimate we have been using about the long-term care bill.

In 1993, the estimated part A hospital costs, the Medicare payment for hospitals, is $88 billion. The money for that is raised totally by the Social Security tax. It is 1.45 percent of your wages that the employee pays and 1.45 percent of your wages the employer matches, and that collective 2.9 percent produces enough money to pay for part A.

There is no additional taxpayer financing, and the beneficiary pays no premium.

So what this does mean; in essence you could work all of your life and pay your 1.45 percent and your employer matches your 1.45 percent and you die at the age of 60 and you paid all this money in for part A Medicare hospital payments and you never collect anything. This is truly an insurance program.

Part B is different. And part A, I might say, is mandatory. When you are working you have to pay it. You have no choice. Part B is the doctors' payment, and I said part A in 1993 is estimated to cost $88 billion. Part B, the doctors' payment, is estimated to cost $70 billion. Part B, however, is not paid for by a Social Security tax or a payroll tax. Part B is paid for by the beneficiary paying roughly 25 percent of the cost and the Government generally, the general taxpayer, paying 75 percent of the cost, just out of the general revenues of the Government rather than out of the Social Security tax.

So, again, in 1993, $88 billion of hospital Medicare is all paid for by the payroll tax on Social Security, $70 billion of part B doctors' payments of which beneficiaries will pay about $54 billion in general fund taxes.

Beneficiaries do not have to participate in part B. They can, as we call it, opt out, but when you realize the Government is paying 75 percent of the cost and you are paying 25 percent it hardly makes sense to opt out and go out and buy your own plan when you could not in any way, shape, or form, buy anything close to what you are getting when the Government generally is paying 75 percent of it.

So 95-plus percent of the people choose to opt in and they pay what is known as a flat fee for the part B premium. Again, I want to put the costs in perspective, In 1993, $88 billion for hospitals under Medicare, $70 billion for doctors. The estimated cost of this catastrophic health insurance bill in 1993 is about $5 billion, hardly an insignificant amount, but compared to $70 billion for doctors and $88 billion for hospitals and you begin to get an idea.

For those who say, "Why didn't the committee undertake long-term care," that is translated nursing-home care, one is we had no idea of the cost but any of the rough estimates ran anyplace from $25 billion to $100 billion a year when in full effect. It depends upon how generous the plan is, how much the Government pays, how much you might make the beneficiary pay. But it was a very expensive proposal. Any of them are expensive.

And you had the further problem with long-term care, nursing home care, of wondering how many people are now taken care of at home or how many aunts are living with their nieces or how many people are taking care of their dad who if there was a Government program for nursing home care might just absolutely take them and put them in the nursing home. We have no idea.

So that is one of the reasons we did not get into nursing home care, long-term care in this bill, and we tried as carefully as we could not to give any impression that this was long-term care. Maybe in retrospect we made a mistake in calling this a catastrophic health insurance bill. Maybe we should have called it something different because in the public's mind they might have thought catastrophic means high cost, nursing home is high cost; it covers nursing home. I do not know that they thought that at the time. We did not mean to give them that impression.

That is the background as we started down this road on long-term care, and this was a conscious, deliberate process. The House had long hearings. The Senate had long hearings. This was not something done in the dark of the night with a dagger held beneath the shawl. This was open, aboveboard, debated, witnesses. At that time it went through the House, at the time it went through the Senate, it had slightly different benefit proposals, slightly different methods of paying for it, but interestingly, both proposals, House and Senate, said the beneficiary should pay. Both the House and the Senate proposal, although they had slightly different ways of paying it, had a progressive scale of payments where those who had more money paid slightly higher than those who had no money.

The one major difference is as the bill passed the Senate you could have opted out of the catastrophic health insurance program if you wanted, but if you opted out, you also had to opt out of the part B doctors' payments which the Government pays 75 percent of. And we really had no fear that very many people would opt out of a catastrophic program, the total cost of which was $5 billion roughly, when they also had to opt out of a part B doctors' payment program, the total cost of which was $70 billion, of which the Government would be paying about $54 billion, and if you want to opt out, provide your own catastrophic coverage, you can, but then you have to provide your own part B doctors' coverage, and we did not worry about it. We though most people would stay in the program.

The House insisted on getting rid of the opportunity to opt out. It was a contentious point. We gave into the House. But I think we gave in knowing full well that very few people would opt out anyway.

Perhaps we underestimated the desire of the people to have the right to opt out even though they would not opt out. Maybe it is kind of like being asked to go to the prom. You want to

be asked. You may not want to go with the person who asked you, and you may not go at all, but you want to be asked. And then you have an option as to whether you want to go or not.

So in this proposal now, that Senators MITCHELL, BENTSEN, DOLE, and myself have proposed, we have put back in the opt-out provision. I am not worried at all that it is going to in any way skew the curve on who opts in and opts out. I think that is probably a red herring in terms of what will actually happen.

So we passed the bill. It passes here 86 to 11. The conference report passes 86 to 11; overwhelming Republican and Democratic support. The President supports it. Secretary Bowen supported it. President Reagan supported it that time. There was uniform support. It passes.

Here are the benefits that you get in 1993 for $5 billion.

One, you get unlimited hospital payments after you have made a $704 payment yourself, and the rest of that is paid for by the Government through this catastrophic plan.

Second, you get 150 days of skilled nursing home care, skilled nursing home being the level below a hospital but above a nursing home. You get 150 days of that.

Third, you get 38 days of continuous, if you need it, home health care. Somebody will come to your house hours of a day and help you. Thirty-eight continuous days, plus up to 6 days a week—there are only 7 days in the week—6 days a week for an indefinite period of time so long as a doctor orders that you need it. It is literally full-time home health care all year long.

Then, in addition, you get hospice services for an unlimited period of time. Hospices, to those people who run them, I take off my hat. This is where a person who is going to die goes. They know they are going to die. And they do not normally stay in a hospice very long because they are close to death when they go there and they are dealt with with loving kindness by people who understand that death is imminent. An unlimited stay in the hospital.

Then you have a cap on your out-of-pocket expenses for drugs. This is not hospital, but doctors. After you have paid $1,900, the rest of the doctor payments are paid.

You have payment for all prescription drugs, what we call outpatient—that is out of the hospital—prescription drugs after a $710 deductible, and all what we call intravenous home drugs.

Put it this way: A prescription drug, basically, is a capsule, let us say. You take it with some water and you drink the water. An intravenous drug is obviously one that you take in your vein. And the home intravenous drug provision here allows you to be trained to give yourself a shot at home and how you do it, and here are the drugs. And those costs are covered also.

Then Senator MCCAIN referred to the spousal impoverishment. Under today's law, in order to be eligible for Medicaid, you have to spend all your assets, give them all away. You normally, in a situation where you have a retired couple and one of the spouses has very expensive medical care, they own a house, they have a couple of cars, they have a slight retirement. They have to spend all of that, get rid of all of that and impoverish themselves and then they become eligible for Medicaid. We have made a provision in the bill where you do not have to do that.

There are other provisions in this bill, but it is a very generous bill, and those are benefits, by and large, that no one has testified against. I very seldom run across any group that does not want the benefits. Oh, there may be some argument as to whether or not you want the prescription drug benefit from somebody or some argument as to whether or not the doctors' bills above $1,900 should be paid for. But, by and large, when we had the hearings on this and the debate on the Senate floor, as you look at the record, the debate was not, "We don't want the benefits."

We then decided, and Senator GRAMM was very good about talking about this, that for the first time—and this is an entitlement program; you are entitled to it as a matter of law—the beneficiaries would pay for the program. Rather than loading it onto the general taxpayer or rather than loading it onto Social Security, we said, "The beneficiaries will pay." It is very much like the current part B premium under Medicare where the beneficiary pays for it. It does not come out of the general taxpayer money. It does not come out of the Social Security Trust Fund.

However, we made a distinction for the first time between the present part B and what we did here. Under part B, everybody pays the same amount, whether they are rich or poor.

If you are retired, if you have nothing but Social Security, you pay the same amount as somebody who is retired and has $500,000 of income, you pay the same amount to buy that part B premium to pay your doctors' fees.

We said, in scheduling the taxes on this particular benefit, we would scale it according to income. And I am not going to use the term rich or poor. I have never met anybody who thought they were rich. It is all in the eye of the beholder. If somebody is making $10,000 a year, they think somebody making $50,000 is rich. If somebody is making $50,000, they do not think they are rich, but they think somebody who is making $200,000 is rich. And a person who is making $200,000 does not think they are rich. They are having trouble meeting their tuition expenses for their kids. They do not think they are rich. So it is in the eye of the beholder and I am not going to use the term, therefore, rich or poor. I will say that some people make more income and have more money than others.

We said in this bill that while there will be an increase in the flat fee that everybody pays—and in 1993, that flat fee is slightly over $10 a month—in addition, there will be a supplementary fee based upon income. I am not even going to say ability to pay, except I will say that the more income you have, the more you pay; the less income you have, the less you pay. It is the same concept, of course, as our income tax.

Now, the flat fee, the $10 a month, roughly, that everybody will pay in 1993, more than they are paying now, will provide about 37 percent of the money for the catastrophic program. The supplemental tax that is based upon income will provide about 63 percent.

And the debate that we are having is all about the supplemental tax. We have had almost no debate about the $10 a month flat fee. So if you were to get rid of the supplemental tax, if you just had the flat fee and it was raised 37 percent, what could you get for your 37 percent?

Well, you can cost out all of these benefits I have listed, but I will give you a specific one and it is ironically almost identical. If you wanted to keep the cap on your out-of-pocket expenses for doctors—it is a $1,900 cap; you have to pay up to $1,900 and then the rest of it is paid—that particular provision takes 38 percent of all of the money that is raised. The flat fee raises 37 percent. So if you wanted, you could say, "We will have that benefit and we will get rid of the progressive supplemental fee and we will not have any of the other benefits. We will not have any of the home health benefits. We will not have any of the catastrophic coverage in the hospital beyond $700. We will not have any of the others."

Or you could rearrange the benefits in any fashion you wanted to say, "We will have only a flat fee and we will collect as much as it collects and we will pay as many benefits as it will pay, but you cannot have them all."

And, as yet, very few people—some, in fairness, have—but very few have come in and said, "Here is the list of benefits we want you to get rid of." What they are coming in and saying is, "Here is the tax we want you to get rid of."

Then we thought, when we passed this, that we wanted to be responsible.

Not only would we ask the beneficiaries to pay for it, but as we were not exactly sure of how much over the next 5 years this would cost, we estimated that we wanted to collect a little more money than we would pay out. The reason we wanted to do this is we have been so badly burned in the past on underestimating medical costs, Medicare, Medicaid. For years, we have underestimated. Not with malice aforethought, not with evil, but we just underestimated the costs.

So we thought, over the 5 years total cost, we will try to collect $35 billion and the cost will be, total, $31 billion. So we would have a $4 billion reserve.

Now there is an estimate floating about, I think probably accurately, that instead of collecting $35 billion, we will collect $39 billion, so we will have an $8 billion reserve. Except now that administration says, "Well, our estimate of the costs are now $34 billion." So the administration's estimate of the costs have gone up $3 billion in 3 months. So we have this slight reserve.

And we also said something else. We said we are going to start collecting the tax first. And for the first few years, we will have more money coming in then we are paying out. Over the whole 5 years, over the whole 5 years, we are going to have hopefully, more money coming in by a slight amount than we are paying out. But we said we will start collecting the money first and we will phase in the benefits gradually, although the hospital benefit where you pay nothing after the $700 roughly, that is in effect now, January 1, 1989. It is in full effect. But others, some of the drug benefits, come in later. It is scaled up until they are in full effect.

So some people are now mad—although there was nothing in the hearings on this, nothing secret about it—some people are mad that they are now paying the taxes and they are not immediately getting the benefits.

And when you say we are trying to build up a trust fund so we do not have the situation like we do in the general Medicare trust fund, where in about 1991 or 1992 it goes in the red—we are paying out more than we are taking in in general Medicare funds. But they are mad that they are being taxed, and they do not like the progressive tax part of it.

Now, I emphasize again on the flat fee itself, 1993, $10 a month, there is not much debate. On the progressive fee after that, a substantial debate. But when you get to 1993, here is roughly the way the situation works: If you make $20,000 or less; you are a retired couple, husband and wife, both retired. If you make $20,000 a year or less, counting your Social Security benefits, you pay no supplementary tax at all. Zero. You pay the flat $10 a month, but you do not pay any supplementary tax. If you make $75,000 or more you pay a maximum of $1,050. And, in between the $20,000 and below where you pay nothing and the $75,000 and up where you pay $1,050, you pay a little bit, from zero working up progressively to the maximum.

What that means is that in 1993, 52 percent of all of the people on Medicare, all those over 55 and eligible, 52 percent—yesterday I used the figure 59 and but I was using 1989 figures. I am trying to hold these now to 1993 figures. Fifty-two percent of the people pay no supplementary tax at all; zero. Fifty-nine percent will pay $100 or less. Seventy percent will pay $300 a year or less. The average payment will be $492 and for that $492 you will be covered for the entire list of benefits that I mentioned earlier in this speech. And for the average person on Social Security, the average person if that is their sole source of income, they will pay nothing because they fall below the $20,000 level. Again I am talking about averages and here I can only give you 1989 figures because we do not know what the average will be in 1993 because it is indexed to inflation and we do not know what inflation will be.

But today, the average retired couple, husband and wife both retired, average benefits $12,000 a year, they are maximum benefit, $16,200. That is for the average. So, for most people solely on Social Security, they are going to pay nothing.

Lastly, the argument is raised: Lots of people have coverage now and we are forcing them, therefore, to pay a tax to cover the benefit they do not need because they are covered in some other plan, even though they are retired. And if they are not going to use any of it, they should not have to pay for any of it. Although I suppose that argument could be used on any number of taxes we pay today. You are married, you never had any children, but you pay taxes for schools. You can use the argument: I do not use them, why should I pay for them, but we normally say: For the collective good of society.

Everybody is going to pay something into the roads even if they do not have a car; and they are going to pay something into the schools even if they do not have children in school. But when we look at the actual payments in existence today—this is again 1989, we cannot project the future—of all the Medicare eligibles, this is everybody over 65, 11 percent of them currently have a plan where their employees pays all of their retirement benefits. This does not mean the benefits are equal to what you can get under Medicare now, but at least they have a plan, with whatever benefits they have, and their former employer pays them all. It is usually under a collective bargaining contract. But that is 11 percent.

Another 12 percent have employer plans. They are retired, but the employer has a plan and the employer pays something, the employee pays something. Five percent are under employer plans but the employer pays nothing at all, the retired employees pay it all.

Forty-one percent of the people, whatever Medigap or supplementary policies they currently have, they pay for it all by themselves. Another 22 percent have no coverage at all.

So, under the most favorable circumstances, you have 41 percent paying for it themselves, 22 percent having no coverage at all, and just praying that Medicare will take care of whatever costs they have. Those people are not going to opt out of catastrophic insurance. They are not going to opt out of the present part B where the Federal Government is paying three-quarters of the cost of their doctors' bills.

So the only issue we really have is this, in my judgment, and I think the debate today has been first rate. One, do we want the benefits or, in retrospect, does the public want to say: Wow, we did not understand when we passed this, how much it was going to cost and who was going to pay it, and the pain of paying is enough that we do not want the benefits? Senator MCCAIN yesterday addressed himself to that; Senator GRAMM has. And I think that is fair.

But I will make this bet. If the Bentsen-Mitchell-Dole-Packwood sense-of-the-Senate resolution is adopted, we go back to the Finance Committee and we have hearings on this subject again, that 80 to 90 percent of the witnesses will testify about the unfairness of the tax and very few witnesses will testify about eliminating benefits. And that is a fair debate.

So, in sum, here is where we are, Mr. President. Do we want the benefits, yes or no? That is a fair debate.

Two, whatever benefits we have, do we want the beneficiaries to pay for it or the general taxpayer? And that is a fair debate. Yes or no?

Three, however we pay for it, beneficiaries or general taxpayer, do we want everybody to pay the same tax regardless of how much money they have or should we say that the very poor can pay nothing or a small amount and those who are luckier, who have more money—I am not going to use the word "rich"—will pay more? And that is a fair debate.

Three issues: What shall the benefits be? Shall they be paid for by the beneficiaries or by everybody in the country? No matter how they are paid for, shall everybody be levied the same tax, rich and poor, or should we scale the tax so that those who have more money pay somewhat more than those

who have less? That is the sum total of what we are talking about here tonight and what we will be talking about if the Mitchell-Bentsen-Dole-Packwood resolution passes.

I would hope we would pass it. I look forward to the debate. I agree with Senator GRAMM that we made a wise decision when we said: Here is an entitlement program that we think the beneficiaries ought to pay for. And I hope we have first-rate hearings and we hear from lots of people—I hope, I am not an optimist—that says: No, I do not want the doctor's fees. I do not want the drug benefit. I do not even want the hospital benefit. I will give these all up in exchange for giving up the taxes.

This is a representative Government and, by and large, the grass roots work and, by and large, Congress responds. If that is what the public wants I think that is what we will come up with.

But when we had this debate last year, and when we had the hearings, very, very few people said give up the benefits. As a matter of fact, at that time very few even said anything about the taxes.

So, Mr. President, I will conclude by saying let us get on with the debate tonight, let us get on with this and then, hopefully, the hearing. It has been one of the best areas of Government spending, Government-provided benefits and who should pay for it, that I have seen debated on the Senate floor in a long time.

The PRESIDING OFFICER (Mr. BRYAN). The Senator from Florida.

Mr. GRAHAM. Mr. President, I will be brief because most of the substantive points of this debate have been covered. I would like to talk about a public policy process which I think is really the difference between the resolution, the sense-of-the-Senate proposal that is before us, and the underlying amendment offered by the Senator from Arizona.

We have a range of choice. We have a range which runs from outright repeal, to ratification of this legislation as it is, to reform. I believe that the debate which we have heard today indicates that a strong number, if not majority, of the Members of this Senate have indicated that they favor a reform position. They are not for the elimination of all of the benefits that flowed from this legislation, but they are not satisfied with the legislation in the form that it is about to be implemented.

I am in that position. Mr. President, there are many positive aspects to this legislation. I would like to mention one which has not received a great deal of comment, and that has to do with, for the first time, the provision of Medicare funding for a health screening process, in this case mammography.

We know that there are a number of screening procedures which have enormous benefits in terms of the quality of life of human beings and the economics of health care. Mammography is an instance in which early identification and action cannot only substantially enhance the long-term prospects of a woman who has been afflicted with breast cancer, but can also save significant funds in the cost of treating that dreaded disease.

I believe that that is an example of the kind of enlightened preventive medicine and reduction of long-term health care costs that should become a more significant part of our national health policy as expressed in Medicare, and I believe that that is the kind of policy that should be retained.

So I am not for a repeal of this legislation. The comments were made earlier this afternoon by the Senator from Pennsylvania which indicated by voting for the McCain amendment we were in effect expressing a position of repeal. I do not know what characterization the Senator from Pennsylvania would place on this action. I would not and do not intend it to be interpreted as an action of repeal.

However, Mr. President, there are some serious policy issues that deserve attention. Let me mention them, without at this point endeavoring to fully elaborate on each of those.

One is the question of how should this program be financed. We in the past in this Nation have had some programs which were essentially programs of social welfare and, to a degree, part B, the physician's cost of the Medicare program, is an example of that. We heard the statistics from the Senator from Oregon that those who benefit pay approximately 25 percent of the costs; the general taxpayers, through general tax sources pay the other 75 percent. That is a statement of social policy that we want our older citizens to have access to physician care, and the general public is prepared to pay 75 percent of the cost of assuring that.

We also have some programs which are, in effect, truly discretionary. If you decide to utilize a national park, you pay a fee in order to utilize that park and that fee goes, in part, to paying for the maintenance and upkeep of the park. If you choose to fly on a commercial airline, you will pay an 8 percent tax which will go toward maintenance of various aspects of our Nation's aviation system. Those are, in a sense, voluntary programs in that you elect to use the service and then, if so, as a user, you pay a special tax that goes toward rendering that service.

What we have here is a program which is not voluntary in that all of those who participate in part B of Medicare, and 95 percent plus of those eligibles do participate because it is such an economically advantageous program to join, all those must be part of this catastrophic health care program. So it is not a voluntary program; it is not a user fee, but, on the other hand, it is not a welfare-financed program as is the rest of part B because it is only those persons who participate in the program who pay for the program. It is not distributed over the broad population, as is the balance of part B.

I believe that is a very fundamental issue which, frankly, last year in the discussion of the benefits was not given adequate attention in terms of the philosophy of how we are going to pay for it. I am not suggesting how that debate ought to come out, but that is a debate that needs to take place.

A second important policy question which needs to be dealt with is the issue of duplication. I have heard that possibly as high as 20 percent of those persons who are eligible and who are now covered by catastrophic health care, either through their previous employment in a fringe benefit package or through their own purchase voluntarily, had essentially already paid for the same type of benefits which now they are going to be mandated to pay for and receive in an duplicative form under this legislation. I know there have been some efforts made to try to deal with that duplication, but apparently, Mr. President, they have not either been adequately communicated or have not been effective because there is a tremendous degree of concern about the question of multiple payments under this program.

A third issue, Mr. President, is the fundamental question of where is the line between what the public should require through a mandated program, such as Medicare, and where do you say it now becomes the responsibility of the individual citizen through his or her own action during their working years in preparation and in their retirement years to assume responsibility.

One of the ironies of this legislation, Mr. President, is that the cost of private Medigap insurance, that is, the cost to go out in the marketplace and buy a policy which will cover the gaps that still remain, in my State at least the cost is higher after catastrophic health care than it was before catastrophic health care.

You can ask how can that possibly be? That is a question that needs to be asked. Let me suggest one of the answers to that is the fact that we have created a whole new set of gaps by virtue of catastrophic health care, the most obvious being in prescription medication. Now we are buying policies to fill the gaps that were created in prescription medication which did

not exist before because we did not pay for prescription medication before. I believe that we have to face the question of where is the proper line of public and private responsibility in providing for one's medical needs in retirement.

A fourth issue which concerns me is that the agency which is being called upon to administer this program is the Health Care Finance Administration. Mr. President, I do not know what you have heard in your State, but I can tell you in mine, I do not think there is a public agency—local, State or national—which is held in lower repute in terms of its ability to administer a complex program than the Federal Health Care Finance Administration.

In my State in a hearing that was held within the last few days, we heard testimony from health care providers, physicians, suppliers, and others who had not been paid for as much as 3, 6 or more months by this agency. The agency was very candid as to almost the collapse of their capacity to do the basic things of paying bills of providers.

Here are people we are trying to induce to come in as Medicare assignees, that is to say, I will accept full reimbursement for Medicare and will not ask for the clients to pay any beyond Medicare and then the organization that is supposed to pay the provider is 6 months late in paying the provider's bills.

What in the world kind of organization are we about to turn over an additionally highly complex undertaking to administer? I believe that one of the very fundamental issues is, does this organization have the capacity to effectively administer this program and, if not, what do we need to do in order to assure that we are not going to add one administrative nightmare on the disaster which already exists.

Finally, Mr. President, is the issue of long-term care. Maybe it was unfortunate, as the Senator from Oregon said, that we labeled this the catastrophic health care bill and, therefore, built up some expectations that we were going to be covering what most older Americans think of as their greatest catastrophic vulnerability.

What is that? It is the fact that they may end up at some point in their lives in a long-term care facility at tremendous cost which drains them of their last resources. Mr. President, that is a very real concern. In my State today, we have approximately 1½ percent of our 13 million citizens over the age of 85. That is the fastest growing percentage group in our State. Mr. President, I would suggest that that is going to be increasingly the pattern for the Nation, and we should take great pride in the fact that we have reached the point that we can extend life to such an age. But the extension of life has raised some basic new challenges to how we deal with the aging process. It used to be, and a premise of Medicare continues to be, that people did not live much beyond 65 and they would die of a single traumatic experience. Today we know that millions of people are living well beyond 65 and that death is the last chapter of an extended aging process.

We need to begin to deal with that reality in our Medicare legislation.

Going back to the comments of the Senator from Pennsylvania, who indicated that the only way we are ever going to extend Medicare is through the financing concept contained in this bill—that is, funded within the circle of those who benefit—I would suggest if in fact that is the philosophy the Federal Government is going to take today and into the near future, if you ask the elderly how would you like to spend your only dollars which are going to be available for catastrophic circumstances, they would rather spend their money for long-term care than for the kinds of benefits, as desirable as they may be, that are contained in this legislation. I think we need to face that question, making some very basic choices which in selecting one course imply that we are foreclosing others.

Mr. President, those are just some of the policy issues which I think need to be addressed in this reform effort. And so we come to the question of the politics of catastrophic health care reform—which course of action, a sense-of-the-Senate resolution directed to our Finance Committee to consider a list of issues or an amendment to the laws of this legislation which would defer all those portions of this legislation which have not gone into effect for 1 year, defer for 1 year. Which course of action is more likely to accomplish the result of a serious examination of these and other policy issues that will be identified. In my opinion, there is no question but that the approach suggested by the Senator from Arizona will get us to that serious consideration with greater certainty.

We need to send to our colleagues in the House a strong signal that we are concerned and we want to reach out to them in a collaborative effort to engage in this reform process. I do not think a sense-of-the-Senate resolution directed at ourselves is going to accomplish that objective. We need to assure ourselves frankly that we will not be debating this issue repetitively in the Senate.

I suggest that the most likely course of action, if we do not act on the amendent of the Senator from Arizona or some similar proposal, is that we are going to be back on this issue on a recurrent basis over the weeks and months ahead because of the level of apprehension and concern that this issue has engendered among our citizens. I think now is the time to send a statement that we are concerned, that we are not going to repeal, we are serious about reform, and we are placing ourselves in the most advantageous position in which to accomplish that reform.

I thank the Chair.

Mr. DURENBERGER addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. DANFORTH. Will the Senator yield for a parliamentary inquiry, please.

Mr. DURENBERGER. I yield for a parliamentary inquiry.

Mr. DANFORTH. Mr. President, I ask the Chair if there is a unanimous-consent agreement that has been entered into on future votes today?

Mr. McCAIN. Will the Senator yield so that maybe I can——

Mr. BENTSEN. Mr. President, if I might comment on that, I think one is close to being worked out and will be presented quite soon to this body for agreement. The principal sponsor, Senator McCAIN, and those in opposition and those representing the amendment before us I think have that completed.

Mr. DANFORTH. I thank the chairman of the Finance Committee. I would hope so. We have been waiting now——

Mr. DURENBERGER. Mr. President I yielded for the inquiry and not the comment.

Mr. DANFORTH. I appreciate that. We have been waiting around, I think, Mr. President, since 9-something this morning. Is that when we went in?

The PRESIDING OFFICER. The answer to the question of the Senator from Missouri is that there is no consent agreement at this point.

Mr. DANFORTH. I thank the Chair.

Mr. DURENBERGER. Mr. President, I thank my colleague from Missouri for reminding me that most of the day today we watched a colorful picture of the Capitol on our television sets while nobody was doing anything down here on the floor. I can understand his impatience and that of a lot of other people who seem to be pressing this debate to a close. That particular inquiry was appropriate because we all know that debate is coming to a close and at the end of 2 days, or 2 part days of this debate, it is sometimes difficult to be creative. I do not intend to be any more creative than any of my colleagues but I do intend to summarize these arguments.

By way of credentials for doing so, Mr. President, let me say I spent 6 years, the first 6 years of the 1980's as chairman of the Medicare Subcommittee of the Senate Finance Committee. I do not come quickly—I may come lately in this particular debate—or un-

prepared to the debate on catastrophic.

I think the issue we are going to face when we go to a vote is whether or not we want to repeal catastrophic or fix it. I would like to speak to that. I hope there is no question in anybody's mind among those who propose the McCain-Hatch amendment that if they are successful, catastrophic and everything that goes with it is repealed. I am going to, during the course of my remarks, address that. The alternative, the amendment of the majority leader, is an effort to try to fix those areas that there seems to be some consensus represent a problem.

Mr. President, I also promise to stick to some notes I made late last night after yesterday's debate so I do not wander off and take a lot of time. Senator PACKWOOD did a pretty good job earlier today trying to educate even the impatient about Medicare. There are not a lot of people who can come to the Senate Chamber and describe Medicare—I am going to touch on that later, because a lot of us in town meetings have been confronted by people who object to the catastrophic bill and I would guess that a lot of us have difficulty even in describing the Medicare bill on which catastrophic is premised. It is not an easy subject.

Medicare is a set of financial payments for hospital bills under part A, skilled nursing facilities, nursing homes, home health and hospital care, the things that people really need when they are desperately sick.

Under part B, as our colleague from Oregon described, Medicare is a series of financial payments for the doctors that you need, for outpatient surgery and for medical equipment—one of the most comprehensive and one of the most costly insurance, health insurance plans in America. It is difficult at any given time to estimate the actual cost of Medicare. I think it is very important to all of this discussion today about who pays what and how much that we try to fix the value of Medicare to America's elderly and disabled. The cost of part A or the hospital part of this, the value to my mother and father, hopefully watching this today down in Florida, can best be represented by what a person who does not have Social Security or does not have railroad retirement has to pay in a premium to get Medicare, and that premium today, just for the hospital coverage, without catastrophic—just hospital without catastrophic—is $156 a month. It totals $1,872 a year for a person without Social Security as an entry ticket or railroad retirement as an entry ticket to buy just the hospital part of Medicare.

Now, I would guess that out in the private market, which several of our colleagues have been touting as a better place to buy health insurance, if that $156 represents one person's portion of the cost of the social insurance system, that same plan would cost at least $190 a month.

What do Medicare beneficiaries pay for this $156 a month plan? Zero, Mr. President, zero—just like that. They pay nothing for it. It is free, unless they use it. If they have to use it, like a typical insurance plan, then they pay a deductible which right now is fixed at $560 a month, which is a cost of a day in the hospital for the elderly in this country.

Then under the current system, before catastrophic, they would also pay out of pocket for days over 60 days. The average out-of-pocket expense before catastrophic for people who have to go to the hospital under their Medicare plan is $8,160. That is what the doctor would cost you and that is what the hospital would cost you before this catastrophic bill. All these people who get this insurance for zero, to get the coverage, but also if they have to use it, it costs them $8,160 on the average.

After catastrophic, after this bill that our colleagues are trying to get rid of, do you know what the total cost is, Mr. President? For the hospital portion, $560; for the total of the hospital and the doctor it will be about $1,560. So from an $8,160 out of pocket for the average person, the catastrophic bill takes it down to $1,560.

Part A catastrophic does that for my folks. It also gives them 150 days in a nursing home. It gives them home health care, and now hospice unlimited for the terminally ill.

Part B—what is the doctors, outpatient, surgery, and medical equipment—cost the average elderly person in this country $27.90 a month. In addition to that, they pay a $75 deductible against their first $75 in services and after that, they share in the costs 80-20. To give you some idea of what this combination of part A and part B coverage might cost the average retired person if you bought it in the private market, I went and looked at the Federal employee's health benefit plan that we all have to find out what the average Federal retiree would pay if they were not in Medicare. Buying the Federal employee health benefit plan, Blue Cross, Blue Shield, high option plan, which is the same kind of coverage, that cost per year to the employee would be $2,196, plus the Government's share added in.

There is another insurance out there that has been mentioned a lot of times. That is Medigap. Now I think we are going to get to the villain, if you will, in this whole piece, and you are going to get one of the reasons why we are doing catastrophic. Medigap is out there to pick up the $560 deductible at the hospital, and it is out there to pick up the 20-percent cost sharing. Right now my parents are paying $90 a month to buy this kind of coverage from one of the Medigap insurers.

After the catastrophic bill, the maximum amount that the elderly will pay under part B out of pocket on the 80-20, the 20 percent of their cost sharing, which now my folks are trying to cover with this $90 a month premium, is $1,370. After that, it pays. In addition to that, they are going to get for the first time in the history of Medicare a wellness benefit. My mother is going to be able to get mammograms. We tried to get colorectal exams for my father, and do some other sensible things that will save the whole system millions of dollars. But we were only able to get the mammograms. They want to throw it out.

Long-term care, everybody says there should have been long-term care. There is long-term care in here. What do you think respite care is? Suppose you are a 70-year-old Minnesotan, as we had at our bipartisan commission hearing, who spent the last 10 years of his life caring for a totally disabled spouse 24 hours a day. He needs somebody to come and help him occasionally to be relieved of that responsibility. That is respite care, and that is in the catastrophic bill.

Drugs: The reality is according to AARP 80 percent of the elderly in America need some kind of a drug benefit. This catastrophic bill gives them a drug benefit. You talk about what do they need the most in America? Is it long-term care? Twenty percent might need long-term care. Ninety percent need it for chronic illnesses. Eighty percent need some kind of drug coverage. You wonder why AARP on behalf of 28 million Americans supported this bill. It is because it provided what most Americans need immediately—drugs, prescription drugs.

How do we pay for all of this? You have heard this before. Thirty-seven percent of the costs are $4 a month premium. Forty-eight dollars a year on top of $27.90 a month makes $382 a year for this plan that is worth at least $4,000 or whatever—$382 a year. Then there is this supplemental premium which I think, I hope, we have discovered by now is the main reason the proponents of this amendment want to do something about catastrophic because they do not like the supplemental premium.

Who pays for supplemental premiums? Fifty-nine percent of the elderly and the disabled do not pay it. We have heard that before, and I hope people will understand that. All of the 59 percent of the people who pay, you know, take 59 percent right here, 60 percent of the folks in this room, from right over here, all the way over there—they do not pay anything other than $48 a year extra, or $382 a year in total.

Over here, where a lot of the complaints about this bill are coming from, somebody is going to pay a little something. But for most of them, it is a little something.

Seventy percent of all of the elderly will pay a supplemental of less than $100 a year. So that makes their total premium $481 for all of these benefits that we have already described. Ninety-two percent will pay supplementals under $500 a year, or that is a total of $881 a year for this same package that we have just described. Only 5 percent pay the maximum of $800; $800 plus $382 is $1,182 a year for a $4,000-a-year package of insurance. But who pays it? You have to make $40,000 a year as an individual or $80,000 a couple before you get to the maximum. I hope that gets drilled into some folks here. That is not the total income because we all know it does not include the one-half of Social Security that is not taxed, and it does not include all the tax-exempt income that most of our parents and other retired persons have, which leads me to something else.

Why do we have the problem before us today? I think first as I have watched this, because every investment banking company in America began to sell tax exempts last year against the notion that every elderly person in America was going to get taxed by this new catastrophic program. I did not want to embarrass my friends by going and getting their advertisements, but beginning last summer and all last fall into the winter the message was out there that the Government is going to tax you for Medicare. You had better buy a tax exempt bond.

I think they went a long way toward convincing a lot of those folks out there that they were going to get taxed, including the 59-percent who will not see a tax.

The second reason is because every medigap insurer in America decided to take advantage of a windfall. This is a great time to make money if you are an insurance company because everybody is confused.

Now the logical thing is if my mother is buying 90 dollars' worth of medigap to cover a $560 deductible, and a potential $8,160 bill while she is in the hospital plus the 80-20 unlimited, or the 20 percent of the 80-20 under part B, and to cover all the rest of these sort of things, you would think that when her kid went down last year and said, "I am going to do something good for you. We are going to do catastrophic. We are finally going to put in Medicare something it always should have had." Then we went back and explained how all you will pay is a $61 deductible under part A and a $75 deductible under part B, $1,700 out of pocket, that is it. You can quit buying Medigap. She assumed the Medigap rates would go down. So did I. But no way. The Medigap rates all went up. Hers went from $90 to $120 a month—absolutely incredible.

My colleague from Florida suggested that somehow we created new gaps in the system. We did not. We closed the gap. He talked about some gaps in the drug benefit. The drug benefit will not be here until 1991, and it will not be fully implemented until 1992. We closed the gaps. They ripped us off, and that scared a lot of our seniors. Another objection that I have heard during the course of this debate is that charging us for insurance is just not fair. Social insurance ought to be intergenerational, and I agree. It ought to be intergenerational.

I went and dug out from the Congressional Budget Office an example that demonstrates whether or not somehow we had killed, Mr. President, the intergenerational effects of the Medicare Program, and here is what we found out: The average 65-year-old male American who retires today and becomes eligible for Medicare will, in his average lifetime, use up all of the taxes that he has paid into the system since 1966 in benefits, he will use up all of his premium payments in benefits, and he will still require an annual subsidy of $2,306 a year from his children and his grandchildren. And if it is a female, a woman retiring today at age 65, becoming eligible, she will require $2,694 a year from her children and grandchildren. So the generational effects have not been changed by this bill.

The objection is made that we are using up a surplus; we are creating a surplus. I would say to that, as others have said, first, it is important to have a surplus; second, we are doing it in the HI trust fund. We have enough there to keep the system going until 1994. In SMI, the same. OASDI, I guess we go to 20, 40.

Objection is made that we need long-term care. I mentioned earlier the kind of long-term care that we have here. At this point I want to say a word or two, particularly to my Republican colleagues—Democratic and Republican colleagues both—that the House of Representatives, which is predominantly Democratic, last year, 1988, a Presidential election year where they are all up, had the nerve or the guts to say no to Claude Pepper and his long-term care bill. Why? Because they did not like Claude Pepper? No, they revered him. There is not anybody in America who would question Claude Pepper's commitment to the long-term care needs of the elderly. No, no. They said no to that bill because they felt when we do long-term care, we needed to do it the right way. They created the National Bipartisan Commission on Comprehensive Health Care to do it.

My colleague from Arizona has claimed that we do not do long-term care because of catastrophic, because it costs too much. I just told you it is $48 a year, and if that is a bar to doing long-term care, I do not really understand it.

The argument has been made that to retain benefits in the McCain-Hatch amendment still makes this a very attractive package.

I ask unanimous consent at this point, Mr. President, to have printed in the RECORD a letter dated June 5, 1989, from the Secretary of HHS, which says that they have evaluated the retained benefits under the McCain-Hatch amendment. They find out that the value or the cost of the benefits that are retained is $65 per year, while the catastrophic premium to pay for it is only $48 a year. I ask unanimous consent that that be printed in the RECORD at this point.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

THE SECRETARY OF HEALTH
AND HUMAN SERVICES,
Washington, DC, June 5, 1989.

Hon. LLOYD BENTSEN,
Chairman, Committee on Finance,
U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: We are writing to state our views on an amendment which we understand will be offered to H.R. 2072, a bill "Making dire emergency supplemental appropriations and transfers, urgent supplementals, and correcting enrollment errors for the fiscal year ending September 30, 1989, and for other purposes." The amendment would delay the effective dates of the supplemental Medicare premium and additional benefits under part B of the Medicare program (with the exception of the spousal impoverishment benefit) enacted by the Medicare Catastrophic Coverage Act of 1988 (MCCA).

In summary, we strongly oppose adoption of the amendment. The new catastrophic benefits (including related Medicaid benefits) are important and needed. In addition, the amendment would create a financing imbalance. Finally, any proposed changes should be carefully examined in congressional and other public forums.

The President is committed to the continuing implementation of the important and needed catastrophic health insurance benefits under Medicare. The legislative process which gave rise to the current law was thorough and deliberate, and allowed ample opportunity for all those concerned, including Members of Congress, the Reagan Administration, and beneficiary groups, to participate in the process.

The financing of the catastrophic hospitalization benefits (which would continue under the bill) would not be actuarially sound. The amendment proposes to finance the Medicare part A catastrophic benefits by retaining the flat Medicare part B catastrophic premium. However, the annual actuarial value of the part A catastrophic benefits, for example, is $65 in 1989, while the flat Medicare part B catastrophic premium is only $48 ($4 per month).

The Administration is strongly opposed to any delay in implementing much-needed improvements in the Medicaid program en-

acted by MCCA, including the required Medicaid buy-in of premiums and cost sharing for indigent Medicare beneficiaries and Medicaid coverage of pregnant women and infants with incomes below the federal poverty line.

Finally, we would also point out that, while the Administration opposes any changes in current law at this time, we believe that any proposed modifications should proceed through the normal legislative process, which requires careful and deliberate consideration of any changes.

In light of these considerations, we believe that this amendment is not in the best interests of Medicare beneficiaries. We therefore recommend that the amendment not be adopted.

We are advised by the Office of Management and Budget that there is no objection to the presentation of this report from the standpoint of the Administration's program.

Sincerely,

LOUIS W. SULLIVAN, M.D.,
Secretary.

Mr. DURENBERGER. Others have described the other benefits that have been dropped from the catastrophic bill by the McCain-Hatch amendment, the drug benefits. A lot of people are paying out of pocket for kidney dialysis, the respite care benefits, Medicaid buy-in of low-income beneficiaries.

My colleague from Utah, Senator HATCH, says what we really need is a delay to figure out what is wrong with catastrophic. I hope during the course of these remarks that I have pointed out some of the things that are wrong with the debate over the catastrophic. First, the tax-exempt sales plan; second, the Medigap insurers; third, asking people to pay for what they get. That is a problem in America today, to ask people to pay for what they get themselves. The fourth problem is that we are asking a few people to pay more, so that all can have in some way—I want to say to my colleagues, that is the nature of insurance; the healthy pay for the sick, and the young pay for the old.

I think one of the biggest problems we had with this bill is that we did not go out and sell catastrophic with old movie actors and scared folks first, and then sold them a policy they did not need. Then we got a policy we need, and I wonder, perhaps, about the quality of the sales pitch that we have been making for it.

I also alluded to the fact that part of the problem is us. How much do we know about catastrophic? I want to say to my colleagues, this is something that has bothered me for a long time. Every one of us have gone to the town meetings, but how many of us knew when we were at those town meetings what we knew today about what is in this bill? Those on this floor who have said, "I have been able to convince my constituents on this bill," are the ones who tried to convince their constituents.

Mr. President, I am going to conclude in just a minute. I think the proposers of this unanimous consent are getting a little antsy. I want to conclude with a part of this proposal that hurts the most, as one who has been involved with it. I think it was yesterday that my colleague from the State of Washington, Senator GORTON, said, "We are dealing with an amendment that does not repeal; it only postpones." I think the Senator from Florida said about the same thing a little while ago. The Senator from Washington said, "A wiser Finance Committee is going to report a better bill."

As somebody who has been there for 10 years—and others have been there longer, and they can either confirm or deny this—I think the Finance Committee received a lot of wisdom here during the last 48 hours. If the McCain-Hatch amendment is agreed to, I think we are going to get wisdom real quick, and there is no way you are going to get this catastrophic bill back for the seniors and the disabled people in this country out of that Finance Committee. The only way to guarantee it is coming back is to send it in with the majority leader's instructions on it.

Finally, let me tell you what hurts the most. We are talking about 32 million Americans who have health insurance, and if I have not said anything else in the last 20 minutes, I hope I have described how comprehensive that health insurance is. We ought to be proud in this country of the fact that, finally, we have treated our elders appropriately, that all 32 million of them have health insurance; but 37 million Americans do not. In the Parade magazine a week ago Sunday there is a picture of Eric Beatty, age 8, weighed 1¾ pounds when he was born, and it took $200,000 and 4½ months of hospital care to keep him alive. Before you try to vote against the majority leader's amendment, I ask you to remember there are 37 million Americans like this who have no access to hospitals and doctors the way the 32 million Americans who have Medicare do.

GEORGE MITCHELL deserves our support here today. No one learned more, worked harder, worked longer, worked more effectively during the 2-year history of this bill than he did.

When GEORGE MITCHELL, the chairman of the Medicare Subcommittee, now the great majority leader, suggests to the rest of us that after all of that effort we ought not repeal this bill, but we ought to send it back to the Finance Committee, identifying the areas that the Finance Committee can deal with, I hope that my colleagues who did not put all of the effort in that Senator MITCHELL put into getting that bill put together 2 years ago will listen to him.

I think it can be done in a reasonable time. I just hope that we will have the courage to do it.

Thank you, Mr. President.

The PRESIDING OFFICER. The Chair recognizes the majority leader.

UNANIMOUS-CONSENT AGREEMENT

Mr. MITCHELL. Mr. President, for the information of Senators, I am about to propound a unanimous consent request covering the disposition of the pending matters this evening. This follows consultation with the distinguished Senator from Arizona, the author of the underlying amendment, as well as the distinguished Republican leader, the chairman of the Finance Committee and the chairman of the Appropriations Committee.

I ask all Senators who have an interest in the disposition of this matter to pay careful attention because I am now going to propound a request which I hope will result in the disposition of this matter this evening.

Mr. President, I ask unanimous consent that a vote occur on a McCain motion to table the Mitchell-Dole amendment at 7:40 p.m. this evening and that the remaining time be allocated as follows, and in the order stated: Senator GRASSLEY be recognized for 10 minutes, Senator MACK for 10 minutes, Senator MCCAIN for 10 minutes, and Senator BENTSEN for 5 minutes, following which Senator MCCAIN be recognized to make a motion to table the Mitchell-Dole amendment.

I further ask unanimous consent that if the motion to table the Mitchell-Dole amendment fails, the Senate proceed immediately without any intervening motion or debate to vote on the Mitchell-Dole amendment to be followed immediately thereafter without any intervening motion or debate by a vote on the underlying McCain amendment as then amended by the Mitchell-Dole amendment, and that immediately following the disposition of the McCain amendment as then amended by the Mitchell-Dole amendment, Senator BYRD then be recognized to offer a series of Byrd-Hatfield technical amendments en bloc that will be disposed of without any intervening action or debate and that the disposition of the technical amendments be followed by a vote on final passage of the supplemental appropriations bill.

If the McCain motion to table the Mitchell-Dole amendment carries, or if the Mitchell-Dole amendment is otherwise defeated, I further ask unanimous consent that Senator BENTSEN then be recognized to make a point of order that the McCain amendment violates the Budget Act and that Senator MCCAIN then be recognized to move to waive the Budget Act on which motion there then be 20 minutes debate equally divided between Senators MCCAIN and BENTSEN with an additional 20 minutes reserved for Senator BYRD. If the motion to waive is defeated and the amendment is

ruled out of order, I ask that the Senate proceed to conclude the remainder of the bill under the provisions that I have listed above.

If the McCain motion to waive the Budget Act is adopted, I ask unanimous consent that the Senate proceed to vote immediately on the McCain amendment to be followed by the consideration and disposition of the technical amendments and final passage of H.R. 2072 as listed above.

The PRESIDING OFFICER. Is there objection to the unanimous consent agreement propounded by the majority leader?

Mr. CHAFEE. Mr. President, could I ask one question if I might?

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. CHAFEE. None of those votes necessarily have to be rollcalls except presumably the one on the waiver of the point of order on the waiver of the Budget Act. But they easily could be voice votes.

Mr. MITCHELL. That is correct, except I would add to the Senator from Rhode Island the first vote on the motion to table the Mitchell-Dole amendment by Senator McCAIN would be a rollcall vote and if it occurs the motion to waive the Budget Act would be a rollcall vote. It is not my present intention to seek a rollcall vote on any of the others that might occur with the exception of final passage in the event someone requests a rollcall vote on final passage.

Mr. CHAFEE. Perhaps the majority leader's good influence could be used to encourage to have voice votes.

Mr. MITCHELL. I will encourage that with whatever influence I have.

Mr. CHAFEE. I thank the majority leader.

The PRESIDING OFFICER. Hearing no objection to the unanimous consent agreement propounded by the majority leader, the unanimous-consent agreement as propounded is agreed to.

Without objection, it is so ordered.

The Senator from Iowa is recognized.

Mr. GRASSLEY. Mr. President, so far in this debate I have argued that, if we are going to truly represent the people who send us here, and not just act as trustees for them, then we owe it to them to respond to their very strenuous criticism of this program.

One of the things many of them are telling us is that they do not like these benefits. Many of those who do not like the benefits say that they would be willing to pay more if the benefits were more to their liking.

On the other side of the issue, Senators have argued with eloquence that the benefits provided by the bill are very much worth the cost to the beneficiaries.

Now, remembering that the McCain bill would allow some of the benefits to go into effect, and would only postpone others, and not repeal as we have been led to believe I would like to review some of those benefits that we would be postponing with Senator McCAIN's legislation.

And, Mr. President, I would like to point out that I have not taken the position in this discussion that the benefits provided by their Medicare Catastrophic Loss Protection Act are not good benefits.

But in saying that I do not mean to suggest that it is not possible to have reservations about these benefits.

LIMITATION ON OUT-OF-POCKET EXPENSES FOR PART B

Let us take first the limitation on out-of-pocket expenses. One of the most important provisions of the program would limit the out-of-pocket expenses of Medicare beneficiaries to $1,370 in 1990.

However, you have to consider what expenses count toward reaching that cap of $1,370.

In a very real sense I think it is probably true what the Senator from Minnesota said that if he made any one point clear in this debate, he wanted to make clear how comprehensive the coverage was of this program. On the other hand, I wanted to make very clear to my colleagues how many hoops you have to jump through to benefit from this very comprehensive package.

So, one of these hoops is getting to that $1,370 cap.

The answer is that the $75 deductible for part B, the part B blood deductible, and the 20-percent coinsurance for all Medicare-approved charges are what count toward the cap.

Just considering the coinsurance, which would make the major contribution toward the cap, it is the case that an individual would have to incur—now listen to this—somewhere around $6,500 in Medicare-approved charges before meeting the cap. As I understand it, about 7 percent of beneficiaries could be expected to reach the cap in any given year.

What expenses do not count toward the cap? The expenses that do not count are:

The hospital deductible per year, which is $560 a year; the basic part B monthly premium, which is $31.90 a month, and any charges not approved by Medicare and that would be everything that is above and beyond what an assignment would call for; the basic, flat add-on premium of $4 per month in 1989, increasing to $10.20 in 1993; the supplemental premium of $22.50 for every $150 in income tax paid in 1989, and that is going to increase to $42 for every $150 of income tax liability; and all prescription drug costs: prescription drug premium add-ons starting in 1991; the deductible of $550 in 1990, increasing via indexation; and prescription drug copayment of 50 percent in 1990, and that is slipping to 20 percent in 1993.

So it would not be quite correct to say that once an individual had paid $1,370 in out-of-pocket charges that they would not have to pay anything else for nonhospital medical care expenses. And we are led to believe that once you get to that $1,370, that is everything.

RESPITE CARE BENEFIT

The program also provides a respite care benefit of up to 80 hours per year or about 2 work weeks. Respite care is a useful benefit, admittedly. We hear quite a bit about the need for respite care from those who are taking care of functionally dependent spouses or relatives. That can be terribly demanding, admittedly. I do not think anyone who knows anything about what that can mean would argue that a respite benefit would not be helpful.

But an individual would not become eligible for the respite care benefit until they had reached the cap for Medicare part B expenses—$1,370 in 1990—or until they had reached the catastrophic care drug deductible of $600 in 1991.

That is a pretty expensive hoop to jump through to qualify for this catastrophic benefit.

Furthermore, the beneficiary receiving the in-home care provided under this benefit would have to pay 20 percent coinsurance for the benefit.

And, even though 80 hours per year is useful, it would not do to exaggerate how useful it is to someone whose need for such a service probably greatly exceeds 80 hours.

PRESCRIPTION DRUG BENEFIT

The prescription drug benefit when fully phased-in will be helpful. One of the assertions that has been an article of faith in the policy community interested in the needs of older people has been that coverage of prescription drugs is one of the most serious unmet health needs of older citizens.

It seems to me, therefore, that the Senators who crafted this provision of the legislation were responsing to a perceived need, at least in the policy community.

But let us look at the benefit, another critical hoop to jump through to qualify.

In the first place, the benefit does not get fully phased in until 1993. In 1990, the program would cover home intravenous drugs and intravenous drugs furnished after the first year following a transplant operation.

I am not sure how many older Medicare beneficiaries would benefit from intravenous drugs or immunosuppressive drugs, but unless someone tells me otherwise, I am going to assume that it is not very many who benefit from that.

Coverage for all outpatient drugs does not begin until 1991. In that year, the deductible would be $600, and the copayment would be 50 percent. In 1992 it would be 40 percent. It would not go to 20 percent until 1993. The deductible increases also to $652 in 1992. After 1992, the Secretary sets the deductible so that 16.8 percent of the Medicare eligibles benefit from the program.

Now, I happen to be one who thinks that a prescription drug benefit can be useful. But beneficiaries are going to have to wait for some time for this benefit—and that is another hoop to jump through—and on the way to its complete implementation will be paying heavily for it.

For those who already had a private policy covering prescription drugs, it probably does not seem like such a good deal.

MAMMOGRAPHY SCREENING

The mammography screening provision would provide mammography screening once every 2 years for people eligible for Medicare. Medicare would pay 80 percent of a maximum of $50.

I have no problem with this benefit, Mr. President. We certainly need to give more attention to preventive health measures for older people and this would be a step in that direction.

The only question I would raise is whether this benefit is major enough in the context of the current discontent with the program to tip a skeptical Medicare beneficiary toward support of the program.

Mr. President, what I have been arguing here is that, in my view, we come here as representatives of the citizens, not as their trustees. I have been arguing that legislating is a continuing process. I have been arguing that an important part of legislating well is carrying affected parties along with us as much as possible, not just ramming something down their throats they tell us they do not want.

What I have been arguing with respect to the benefits in this bill is that a good case can be made for them, but that the ones we would be postponing are not so unambiguously good as to justify the charge that some Senators are making—to the effect that those who are complaining do not know what they are talking about.

This general point about the value of the benefits to beneficiaries has to be taken also in the context of what they will cost the beneficiaries, a point that has been well stated by my colleague from Arizona, Senator MCCAIN.

And so that is why I support this measure, Mr. President.

The PRESIDING OFFICER (Mr. DIXON). Under the previous order, the Senator from Florida is recognized for 10 minutes.

Mr. MACK. Thank you, Mr. President.

Several Senators earlier today talked about their qualifications to speak on this particular issue. Tonight I address this issue not as a member of the Finance Committee nor a member of one of the health subcommittees. But I have served 7 years on a hospital board, with 3 of those 7 years as chairman of the hospital board. And during the 6 years in which I served in the other body, I represented the oldest district in the Nation; that is, the average age of the folks that lived along the southwest coast of Florida was higher than any other area in the country. And I am saying to you, I think it was necessary for me to be fairly sensitive to the issues that they raised.

I am now representing a State of some 13 million people, roughly 20 percent being 65 and older, over 2½ million retirees.

Just recently, I was made aware of a meeting of the presidents of the local chapters in the State of Florida of AARP; 149 of the 221 presidents were at that meeting. The consensus there was that we should delay the entire bill until such a time that the financing mechanism of the Catastrophic Coverage Act of 1988 can be reviewed and be made less discriminatory. The consensus of the chapter presidents was that the funding mechanism is discriminatory, that it is a tax on a tax, and that it tends to set a precedent for a user tax which is unacceptable.

That is really not surprising to me. In the 6 years in which I was in the House, I held a series of town meetings. What I heard over and over and over again is that the retirees, the elderly of this Nation, did not want catastrophic health insurance.

And let me make a point: What I heard from them was that, "We basically have handled this problem on our own. We took our own initiative to go out and to find insurance to protect us from these concerns." The message basically was that the wealthiest 10 percent of the retirees said, "We don't need additional coverage. We have sufficient assets and sufficient income to take care of this problem."

The next 70 percent went out and purchased some form of Medigap insurance. Certainly, we can debate about the quality of that insurance. But they took their own initiative to go out into the private sector and to protect themselves against these catastrophic losses. The next 10 percent had no coverage. The lowest 10 percent had some form of Medicaid insurance.

So what did the Congress do? Designed a plan mandating that 100 percent of the retirees must participate in a plan to solve the problems for about 10 percent.

I think the plan was wrong. It was ill-conceived. The message was clear again in town meetings that I have held so far this year.

At one of these meetings, I asked the audience of approximately 100 people how many came out to the meeting because of the catastrophic health care bill. Seventy-five percent said they came because of that reason, and I gave them the opportunity to vote on three ideas. First, outright repeal; second, modification; and third, leave the act in place. No one voted for leaving the matter as it stood, and by a margin of about 2 to 1 said repeal the law. The message at the town meetings was that they—the retirees—did not support the catastrophic care bill. And the more people have learned about the bill, the more they dislike it. In fact, when they learned there were no benefits with respect to long-term health care they lost interest in the bill completely.

In the summer of 1987, I held a 1½-day conference on health care in Tampa, FL. We had panelists from all over the State and Representative Claude Pepper was the keynote speaker. One of the panels we set up was on Ethics and Biomedical Research. The idea was to develop a debate about the ethical questions raised as our technology provides additional alternatives of treatment, that is, gene splicing and how it should be used, organ transplants, and so forth. The panel spent 80 percent of its time discussing what was, in their opinion, this key ethical question—how do you allocate the very limited resources we have available within the health care system itself? The point I am making is this: once you have made the decision that you are going to spend $35-$40 billion over the next 5 years for catastrophic health insurance, it makes it very difficult to find resources for other health care needs—whether that is for long-term care or for assistance to other groups who have no health insurance.

So for all of these reasons I am supporting the proposal by the Senator from Arizona and compliment him for bringing this to the floor so that we could have this debate.

Mr. WILSON addressed the Chair.

The PRESIDING OFFICER. Under the previous order, the Senator from California is recognized.

Mr. WILSON. Mr. President, I ask unanimous consent for 2 minutes in addition to what has been allocated under the previous order. I was not on the floor at the time the unanimous-consent agreement was agreed to.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WILSON. Mr. President, like many of my colleagues, perhaps most, I dare say, I have been hearing from thousands of senior citizens in my State who have written and who have called to complain, expressing their

concern about the law that we passed last June. With the best of good intentions, we passed that law. Indeed, I am told that AARP has reported in its own newsletter to its membership that the organization has received in excess of 55,000 letters protesting the action that we took with good intentions.

Mr. President, what is before us now, what is pending is a sense of the Senate that says that the Finance Committee should undertake to revisit the many thorny issues that have occasioned these complaints from those who will have to pay a very onerous surtax, and that those hearings should begin by September.

Mr. President, it seems to me that what we really ought to do is pass the McCain amendment. The McCain amendment does permit the significant catastrophic illness provisions that were adopted last year to go forward because those are adequately funded by the increase in the premium. The surtax is the thorny issue, in terms of financing. And beyond that many who complain of that complain because we are imposing mandatory participation on them. The new benefits which we provided, which in many cases are not related to or arising from catastrophic illness, are things under which their coverage is duplicated by this legislation. It is duplicating what they are already paying for, in terms of better benefits in existing coverage that they have arranged for privately, through so-called Medigap insurance.

Mr. President, it would be better, it seems to me, if we did not again act in haste, if we, instead, passed the McCain amendment, which will permit the important catastrophic provisions to go into effect and, instead of simply temporizing, allow and in fact require a thorough reexamination by the Finance Committee. That is what we should do.

For that reason I will oppose the sense of the Senate and urge my colleagues to do so, so that we may vote and enact the McCain amendment, a wise provision, and not temporize.

This amendment delays—for 1 year—certain provisions of the Medicare Catastrophic Coverage Act of 1988. In short, it provides Congress with the opportunity to step back and reconsider, through public hearings, the Catastrophic Coverage Act to determine once and for all if the measure is consistent with the needs, circumstances and priorities of our Nation's senior citizens.

When Congress passed the Catastrophic Coverage Act, it marked, as one writer called it, the "greatest change in Medicare since Medicare." However, among seniors, who were intended by Congress to be the group who would benefit most from the provisions of the act, there is major unrest about the measure's financing and other provisions.

Mr. President, like many of my colleagues, I have been hearing from thousands of senior citizens in my State who have written and called to express their concerns about the law we passed last June. Indeed AARP, I am told, reported in its newsletter to its members, that the organization has received 55,000 letters protesting the act as unfair and asking for revision or repeal. It is increasingly clear that the measure has many serious short-comings, including a funding mechanism that burdens elder Americans. All seniors will pay higher part B premiums and roughly 40 percent of beneficiaries will pay an income-related surtax. For some of our senior citizens, their tax liability in 1989 will rise as much as $1,600 per couple. For middle-income seniors on fixed incomes in particular, the tax burden posed by the surtax is significant.

However, seniors' concerns extend beyond the Act's financing mechanism. A recent nationwide Wirthlin Group poll, for example, found that the elderly have serious concerns about the very nature of the Act. This poll corroborates what I hear from older Californians.

Beyond the Act's financing, seniors consider the Catastrophic Coverage Act duplicative of insurance coverage many seniors already have through the private sector. Many seniors have discovered that the new Medicare long-term hospitalization benefit duplicates their own private coverage, yet they are forced to pay a supplemental premium. Indeed, roughly 70 percent of those who will finance the Act are covered by health plans or supplements providing them equal or better benefits than the new law.

Finally, many seniors believe that the Medicare Catastrophic Coverage Act simply does not live up to its name. While the measure offers protection against the expenses of long hospital stays, it fails to address the true medical catastrophe facing many of our Nation's seniors: the expense of long-term nursing home care, which costs an average of $25,000 a year, and extended health care provided at home.

As I have noted before, I became increasingly skeptical and unenthusiastic about the Medicare Catastrophic Coverage Act as it made its way through Congress. As we are all well aware, the House and the Senate each debated its own version of a catastrophic health-care bill, and the bills varied significantly. The Senate wrote a bill which gave Medicare beneficiaries the choice to include catastrophic coverage as part of their health-care plan. When the bill left the Senate for House approval, the expanded coverage was optional for all senior citizens. The House insisted instead on making catastrophic coverage mandatory to all seniors.

Moreover, both the House and the Senate added new benefits to the original catastrophic coverage proposal—benefits not necessarily related to or arising from catastrophic illness, and—benefits which of course increased the cost of the program. These additions required that the flat premium approach to financing be supplemented by a surtax tied to an individual's tax liability.

Thus, the final version of the Medicare Catastrophic Coverage Act not only mandated participation, but it required a considerably greater financial contribution by many older Americans to finance the program's expanded—and, in many cases, duplicative and unwanted—benefits. Not surprisingly, these older Americans view the change wrought by congressional good intentions as an unwanted and unfair burden.

Despite my concern with mandatory participation and with additional costly noncatastrophic benefits, I voted for the final version of the bill because of the need to provide protection for the many seniors with inadequate catastrophic insurance coverage and because of my belief that the alternative would have been no bill at all. But I noted at the time of passage, however, my strong reservations that Congress may be compelled to revisit the issue in order to remedy any unintended burden which results from our intended benefit.

Mr. President, I think that the time has come to revisit the issue of catastrophic coverage. The McCain amendment will allow just that. Specifically, the amendment offered by Senators MCCAIN and HATCH will delay until 1990, the implementation of the supplemental income tax and some of the new law's benefits. Further, it calls for Congress to hold public hearings and allow seniors to express their concerns about the law. The long-term hospitalization, skilled nursing and spousal impoverishment protection benefits would, however, go into effect as planned. Medicare participants would pay for this coverage through the planned increase in the part B premium.

This amendment provides Congress with an opportunity to reconsider the Catastrophic Coverage Act and to explore options for increasing the fairness of this new Medicare expansion. I urge my colleagues to join me in suporting this needed reevaluation and in supporting this amendment.

The PRESIDING OFFICER. Under the previous order the Senator from Arizona is recognized for 10 minutes.

Mr. MCCAIN. Mr. President, I would like to begin by thanking the people who have been involved in this issue for a very long time. If we may pass this amendment of mine today, it will not be because of my efforts but be-

cause of theirs. Admiral Kilcline of the Retired Officers Association, Steve Morrisey of the National Association of Retired Federal Employees, and those other members of the 44 organizations that represent 19 million Americans—not rich ones, Mr. President, but 19 million middle-income and low-income Americans, people such as: Judy Park, National Association of Retired Federal Employees; Col. George F. Hennrikus, Jr., USAF, retired, and Paul Arcari, the Retired Officers Association; Robert Beers, American Foreign Service Association; Joe Sella, National Post Office Mail Handlers Union; Bob McLean, National Association of Postal Supervisors; Mr. Pat Nilan, American Postal Workers Union; Ed Murphy, National Association of Governmental Employees; George Gould, National Association of Letter Carriers; Ted Valliere, National Association of Postmasters of the United States; Julia Akins, International Federation of Professional and Technical Engineers; Glenn Plunkett, American Foundation for the Blind; Louis Levy, president, Florida Seniors for Medicare Equity, Inc.; Laurence Gaboury, Marine Corps Reserve Officers Association; Mary Wurzel, president, EXPOSE; Ken Parmelee, Rural Letter Carriers Association; Don Hess, U.S. Army Warrant Officers Association; Charles Partridge, National Association for Uniformed Services; Benjamin Catlin, Air Force Association; C.A. Mack McKinney, Non-Commissioned Officers Association; Carolyn Brookes, National League of Postmasters; Ms. Susan Shaw, National Treasury Employees Union;

Robert Forsyth, Marine Corps League; Capt. Irene Wolensky, USNR, retired, Naval Reserve Association; Ted Ruhig, Council of Sacramento Senior Organizations; Lt. Gen. Max Bralliar, USAF, retired, Association of Military Surgeons of the United States; Fred Nesbitt, International Association of Fire Fighters; Drew Mendelson, California State Employees Association; Gina McBride, president, United Seniors of America; Henry Daniels, National Association for Public Health Policy; Rudy Clark, Air Force Sergeants Association; C.J. Jud Lively, Reserve Officers Association; John Adams, the Retired Enlisted Association; Richard Castor, U.S. Coast Guard Chief Petty Officers Association; Gloria Blumenthal, Seniors Opposing the Surtax; Ruth Gilmer, chairman, Heritage Harbour Homeowners Association; Curt Clinkscales, National Alliance of Senior Citizens; Richard Rowland, executive director, Pennsylvania Association of School Retirees; Sydney Hickey, National Military Family Association; and Jerry Barkie, Coalition for Repeal/Amendment of the Medicare Catastrophic Coverage Act.

All these who have been told during the course of this debate that they are rich and selfish and greedy, Mr. President. They are 19 million Americans who think they are being done an injustice. And, if we do not pass this amendment tonight, that injustice will be done. I am very grateful for their efforts on behalf of passage of this amendment.

I also would like to thank my capable staff, Gwendolyn van Paasschen and Dave McIntyre; Nancy Taylor, Nancy Wicks, and Win Froelich of Senator HATCH's office; Susan Eberly of Senator GORTON's office; Jess Sanders of the Senate Budget Committee; and all of my colleagues who have helped me on this amendment.

Mr. President, it is interesting to note that so many of my colleagues who have spoken here today are hiding behind Dr. Otis Bowen and the original Reagan administration proposal, of which I was an original cosponsor. Mr. President, any relationship between Dr. Bowen's original proposal and what we finally enacted into law is clearly a matter of coincidence. This act differs greatly in philosophy, scope, and cost from that original proposal.

I am surprised that so many of my colleagues insist that my amendment repeals the catastrophic benefits that the act embodies. I was tempted to bring a dictionary for my final statement. Repeal and delay. Repeal and delay. Nowhere in my amendment, Mr. President, will you find the word repeal. But you will find delay of the nonessential aspects of this bill, and retain the important aspects. The delay would permit the Finance Committee adequate time to review these benefits before people are required to pay for them.

Mr. President, before we consider my amendment, I plan to seek modifying language that would delay the Medicaid provisions contained in the Medicare Catastrophic Coverage Act. The programs would not be paid for by the seniors. The first provision relates to the pregnant women and infants program; the second relates to the Medicaid buy-in provision of the act. These provisions, in my opinion should not be delayed. But, all else should be delayed except for the spousal impoverishment, skilled nursing home, and long-term hospitalization benefits.

Mr. President, I also want to emphasize again, I am not telling the Finance Committee what to do. I am telling the Finance Committee: Use your collective knowledge, wisdom, and all of the enormous abilities that you have in addressing this issue and give us something that the American seniors want.

Clearly they did not understand what Congress was passing when it adopted the act. They understand now, after they've reviewed the act, and visited their insurance agents and accountants.

Everybody is talking about taking care of the seniors. Why do we not walk up to them and ask them what they want? What they want, Mr. President, is long-term care. And that is what they thought they were getting with this bill. But they are not. They are getting a lot of nice things, but by leaving this act unchanged we are precluding, Mr. President, the ability of seniors in this country to get what they really need.

Mr. President, I resent the misleading remarks by those who are opposing my amendment. And, I would say again—it delays, it is not repeal. Our seniors have spoken on this issue, Mr. President. There is a firestorm out there.

Since passage of this act, I have received 20,000 letters in favor of delaying this legislation and reviewing it, and 10 in favor of the act. I think it is very evident that national polls reflect the same thing. And to impugn these senior citizens as being rich and greedy Americans, I think, is almost criminal and shows an incredible lack of communication and understanding of what seniors in this country want and what they are doing. I think that they believe we ought to be spending their precious dollars for what they think is their greatest need, and that is long-term care protection.

Under this act, in 1993, the benefits delayed under my amendment would cost $8 billion. Mr. President, $8 billion would go a long way toward providing something meaningful to our Nation's seniors in the area of long-term care protection. I would leave those decisions up to the members of the Finance Committee.

We need to do something in the area of long-term care. We all know it costs between $25,000 and $35,000 per year for nursing home care. And, according to a May 1988 edition of Consumer Reports for a person age 65 a long-term-care insurance policy costs $1,200 a year. Whereas, a good policy costs at best $3,500 for someone over the age of 75. Obviously, this cost is out of reach for most elderly Americans. What's more, the statistics indicate that if you did not have this insurance you're in real trouble. According to the House Aging Committee, 43 percent of single Americans entering a nursing home exhaust their assets and income before 13 weeks' time has passed.

Forty-three percent, Mr. President; $25,000 to $35,000 a year for the care, Mr. President. And, $1,200 to $3,500 a year for insurance, Mr. President.

These are startling figures, Mr. President. It is no wonder long-term care assistance is where the elderly believe they need our help. I just do not see how we can do anything meaningful, if

we leave this act in effect. Neither do the seniors. That's what is at the root of their frustration.

Mr. President, they are very upset about what we have offered in the way of benefits. My good friend from Florida referred to the AARP in his statement. I would like to tell you that at a recent meeting in Arizona of the AARP, a movie produced by the AARP was shown after which there was a long discussion presented by AARP about the act, and its benefits following this presentation, the chapter president called for a show of hands of those who supported the act. Only two out of 200 raised their hands. Mr. President, only two.

Mr. President, the Mitchell amendment is a smokescreen. It is a sense-of-the-Senate resolution. We passed a sense-of-the-Senate resolution about a month ago, and nothing happened. We had one hearing in the Finance Committee. The subject of that hearing was whether there could be a reduction in premiums. the cost estimates, were all over the board.

Mr. President, we all know health programs cost more than originally estimated. And, besides that, we need to look at the entire act not just at the act's premiums. My amendment would do this.

Mr. President, I do not know what is going to happen on this vote. I have no idea because I do not know what the whip check is. I will say, however, Mr. President, I am not going to quit on this issue. I am not going to quit on the seniors in Arizona. I am not going to quit on those 44 organizations who represent 19 million elderly Americans.

Near the end of the Civil War, Mr. President, Mr. Lincoln found himself a general and his name was Grant. He was outside Richmond where he got delayed and ended up sustaining a lot of casualties. Some intrepid soul went up to General Grant and said, "How long are you going to stay?" He said, "I am going to stay if it takes all summer."

Mr. President, I am going to stay with this issue if it takes all summer.

I yield back the remainder of my time.

The PRESIDING OFFICER. Under the previous order, the Senator from Texas is recognized for 5 minutes.

Mr. BENTSEN. Mr. President, as I listened to this debate and I listened to those who opposed the Mitchell-Dole-Bentsen-Packwood amendment, they obviously have not faced up to the problem. They are ready to continue a majority of the benefits but they are not ready to pay for them. So what you are seeing is a real budget buster that is being proposed, one that will cost us $400 million in 1989; $2.8 billion in 1990.

So, on the one side, they talk about trying to close down this deficit. Then they came on the floor of the U.S. Senate the first time we have a tough choice, and say: Let us go outside of the budget, let us go outside of the budget resolution, let us violate it, and at the same time we do that, let us deny benefits to those that would have benefits now under the catastrophic illness legislation. Let us deny benefits to some of the most needy.

I heard my friend from Arizona say they are nice benefits, but not absolutely necessary, some of them at least. Let us talk about the fact that we have in this legislation money for pregnant mothers to care for children up to the age of 1 when we have 40,000 deaths before the age of 1 in this country; when a child born in the District of Columbia to a minority has less chance of living to the age of 1 than someone born in Cuba; to talk about deferring benefits in the way of physician's payments; when the Medigap policies try to fill it, and the testimony before our committee was that the cap on some of those policies was as high as $50,000 on the physician payments, where under the legislation of catastrophic illness that cap is $1,370.

The next thing you do with a deferral of these is to cause chaos in the Medigap industry. Insofar as those insurance companies, how did they design the policy? Do they design a policy for 1-year deferral and then they are going to have the full policy back again? Or do they give up and say, "Let's forget that market for a while and let's not try to serve it"? And then what happens to that person who is concerned about catastrophic illness?

What they are talking about is sacrificing $5 billion in revenue. They are talking about denying respite care to someone who has been working caring for an aged mother, taking care of her at home and wants to have a little time off to see the doctor themselves. We provide for that, but he would defer that in his approach to this legislation.

Thirty-eight days of home health care in the legislation. They are talking about increasing this into a budget buster. We understand what we are faced with. We are saying that we will take a look at duplicate coverage. I think things have to be done there, and we will work on that. We believe that excess premiums are being collected beyond what was anticipated or forecast or that would provide a reasonable cushion. I as chairman of that committee will be working to try to roll back that premium because I do not believe that additional cushion should be used to help finance this budget and done off the backs of elderly citizens.

We talked about having enough money collected by the premiums to provide the reserves to take care of all of the claims that came in for beneficiaries, and then in case there was a mistake, to add $4.2 billion in the cushion. But what does the Joint Tax Committee show and the CBO? We are not collecting a 4.2 cushion but substantially more than that from $9 billion to $10 billion. Let us work on that one in the committee.

When we brought this bill through the Senate, we gave an option to people to decide they can take part B and, in addition, the catastrophic illness provision, put that package together, we said it is optional, take it or not take it but because 95 percent of the people took part B and understood that, we believe when you have that package put together that a good 95 percent of the people would take this. Because even at the cap, we are talking about approximately one-third of that benefit being subsidized by general revenue.

Give the Finance Committee the chance to face this. We have a substantial number of our people facing re-election this year. They are sensitive to the needs and the concerns. We do not have our feet set in concrete. We have them set in the starting blocks, and we have committed to you that we will have that legislation out of that committee before September headed for the floor of the U.S. Senate.

This is a complex issue, a difficult issue to handle. Let us not legislate it on the floor of the U.S. Senate. Give the Finance Committee a chance to work your will within that committee and listen to these varied groups as to what they think should be done and how that job should be done. We will carry out the task.

So I urge my colleagues strongly when the motion is made against this amendment to vote for the Mitchell-Dole-Bentsen-Packwood amendment and give that committee a chance to exercise its will Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER (Mr. KERREY). Under the previous order, the Senator from Arizona is recognized.

Mr. McCAIN. Mr. President, I make a motion to table the Mitchell amendment and request the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. Under the previous order there is a time certain for the vote at 7:40 p.m.

Mr. BAUCUS. Mr. President, I would like to take a moment to comment on the amendment offered by my colleague from Arizona, Senator McCAIN, that would delay the implementation of a majority of the benefits of the Medicare Catastrophic Coverage Act of 1988.

I understand the feelings that underlie Senator McCAIN's amendment. I hear the same feelings expressed by some seniors every time I go home to Montana. These concerns need to be answered.

But the Senator's approach does not answer their concerns in a fiscally responsible manner. Delay answers little; it defers important benefits; it does not help the majority of our Nation's senior citizens.

Mr. President, I would like to explain some of the concerns I have with the Senator's amendment.

It is important for us to remember that 59 percent of seniors do not pay the supplemental premium at all. For that majority, they are paying only $4 a month for what by any standard are substantial and needed health benefits.

What else can you buy for $4 a month? I ask that question only to highlight the fact that no insurance company sells comparable benefits for such a low price.

I am often asked when I am home why Congress passed this legislation in such a hurry. But the fact is, the initial proposal by President Reagan was made more than a year before we passed the final legislation.

No question about it, this is a complex and extremely important issue. But we spent a good deal of time on it. In fact, before that first legislative proposal was introduced, Congress and the President had been considering different approaches to the issue for several years. I do not consider that to be short shrift.

Many of my colleagues are saying that the catastrophic insurance program will preclude the passage of long-term care benefits. On the contrary, this legislation is a first step toward comprehensive long-term care coverage.

Several of us in this body are members of the Bipartisan Health Commission which is studying ways to provide long-term care coverage and health care for the uninsured. Claude Pepper, whose passing we will be mourning for some time, was convinced that the Commission will be able to achieve those goals. Senator Pepper supported the benefits in the catastrophic program.

One-sixth of the budgeted money in the catastrophic legislation does support important long-term care benefits. I would not have supported the legislation if I had believed it would in any way jeopardize even more substantial long-term care benefits down the road.

I am bothered by other statements being made on the Senate floor as we consider this issue. Many of my colleagues are saying that "seniors aren't really benefiting from this bill."

I have talked to folks in Montana about deferring these benefits. The Montana Council of Senior Citizens, the Montana AARP, the 11 Montana Area Agencies on Aging serving 65,000 Montanans, hospices—all oppose postponing implementation of benefits. Not all of these are embracing the current financing, but they believe the Finance Committee should be given the opportunity to reevaluate the financing, without decimating the program. They are afraid that they will never get the benefits back if they are taken away now.

For another important reason, I am convinced that Senator McCAIN's amendment is not the best answer for Montana's seniors. The underlying issue here is an emergency supplemental appropriations bill. Every hour we spend arguing about Medicare, veterans are being turned away from the hospitals that should be serving them. I strongly believe that we must get down to the real business at hand here: passing a bill to provide urgently needed funding for veterans, essential air service, firefighting costs and farmers' home loans, and other programs that are in serious danger until we complete action.

Mr. President, I support the majority leader's proposal allowing the Finance Committee to review the supplemental premium issue this summer. We should examine the premium. We should strengthen the provisions preventing duplicative coverage. And we should certainly consider making the program voluntary.

For many of Montana's seniors, the problem with the catastrophic illness program is that for those who have enough income to pay the supplemental premium, they have no choice in the matter. Or they have duplicative coverage. Those are legitimate concerns.

I have heard their concerns. In fact, I am now working on legislation that would make the program voluntary, much like the basic part B premium. Giving seniors a choice would improve the program considerably in that regard.

Mr. President, we do have some issues that we must address on the catastrophic illness program. But we must review that legislation carefully, in a calm and reasoned manner, and without taking away needed benefits from our Nation's seniors.

I urge my colleagues to join me in supporting the majority leader on his amendment.

Mr. HARKIN. Mr. President, the Mitchell amendment allows for limited options for dealing with the catastrophic financing problem. The amendment leaves no room for the consideration of important alternative financing options. Thus, I cannot support the Mitchell amendment.

I believe that the supplemental premium should be eliminated—and it can be eliminated without diminishing the catastrophic benefits. I along with Senators LEVIN and METZENBAUM have introduced S. 1125, the Medicare Catastrophic Coverage Surtax Repeal Act.

As its name indicates, this bill eliminates the catastrophic surtax—or supplemental premium—entirely.

S. 1125 preserves all of the benefits of the Medicare Catastrophic Coverage Act.

The revenue from the supplemental premium is replaced by extending the existing 33-percent tax rate which was effectively created in the 1986 Tax Act by the phaseout of personal exemptions and the 15-percent rate to the highest income taxpayers. In 1986, an anomaly was created. A family of four with taxable income from $78,350 to $208,510 (and single filers with incomes between $47,000 and $109,050) in 1990 pay the extra 5 percent tax. But, those 600,000 highest earning taxpayers pay only 28 percent on their taxable income above those amounts. It is our view that these are the taxpayers, the single taxpayer with a taxable income of over $109,000 or a joint filing taxpayer with over $209,000 in taxable income, who are most capable of bearing the burden of catastrophic care for those in need.

Our legislation sets the maximum long-term capital gains tax rate at 28 percent. At the present time, those taxpayers in the existing 33 percent "bump" pay 33 percent on their long-term capital gains. So, for some taxpayers, there will be a tax reduction under this legislation.

This proposal is virtually revenue neutral over 5 years.

Revenue from the additional taxes raised under our measure would flow to the same trust accounts into which the supplemental premium would have gone. Any shortfall that might occur would be made up with general revenues and then would be repaid by the additional taxes raised in the following period from our bill as determined by the Treasury. From joint tax estimates, revenues in the out-years would more adequately meet program needs than the present supplemental premium.

Since the flat monthly premium would be preserved, the elderly would still be paying a substantial portion of the cost of the catastrophic program. The flat monthly premiums would cover about 40 percent of the program cost, higher than the 25 percent paid by the elderly under the Medicare part B program.

In the 1986 Tax Act, the very wealthy saw a reduction in the top tax break from 50 percent to 28 percent. That followed a reduction from 70 percent to 50 percent in the 1981 Tax Act.

The dramatic reduction in taxes in 1981 was a clear windfall for the very wealthy. The loss of revenue from the 1981 Act is one of the major reasons

for the huge increases in the budget deficits in the early 1980's.

In 1986, we saw a further reduction in the top bracket. In that case, there was a significant reduction in deductions, exclusions, and credits which allowed many of the wealthy to avoid paying the effective percentage of tax paid by many moderate income taxpayers. Some very high income taxpayers, with incomes of more than $200,000 per year who had really worked at sheltering their income from income taxes, did see an increase in taxes because of the 1986 Tax Act. However, a considerable majority of very high income taxpayers actually saw a reduction in taxes. In 1986, as the bill passed, it was estimated that the average decrease in taxes for those making more than $200,000 per year who would receive reductions in taxes would, on average, see their taxes drop by more than $50,000 per year.

I believe that the approach taken in S. 1125, the Medicare Catastrophic Coverage Surtax Repeal Act, is the approach that should be taken to replace the catastrophic premium.

And this bill has wide support among organizations representing both the elderly and retired workers. For instance, I have just received a letter, which I will put in the RECORD, from the National Committee to Preserve Social Security and Medicare endorsing my bill and urging Congress to adopt it as a permanent solution to the catastrophic financing problem.

But unfortunately, as I have said, the Mitchell amendment precludes the consideration of our proposal as even an option for changing the financing mechanism. Thus, I cannot support it.

I ask unanimous consent to have printed in the RECORD a letter from the National Committee to Preserve Social Security and Medicare.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

NATIONAL COMMITTEE TO PRESERVE
SOCIAL SECURITY AND MEDICARE,
Washington, DC, June 7, 1989.

Hon. TOM HARKIN,
U.S. Senate, Washington, DC.

DEAR SENATOR HARKIN: The Senate is considering a Supplemental Appropriations amendment offered by Senator McCain which would delay for one year the supplemental premium and corresponding benefits provided by the Medicare Catastrophic Coverage Act of 1988. The National Committee to preserve Social Security and Medicare believes that the Senate, rather than pass a temporary solution, should act on a permanent solution along the lines of your legislation introduced yesterday to replace the discriminatory surtax with broad-based financing by extending the 33 percent income tax bracket.

Seniors are revolting against the catastrophic legislation and are demanding substantive changes. At this time, the second degree amendment offered by the Majority Leader is inadequate in our view because it fails to commit the Senate to amend the flawed financing. Unless the second degree amendment is strengthened, the National Committee urges the Senate to adopt the McCain amendment.

In the next month, the National Committee will be mailing a Legislative Alert to its members urging them to write Congress in support of the Harkin-Levin Medicare Catastrophic Coverage Surtax Repeal bill in the Senate and the Bonior bill in the House. We are looking forward to permanent Congressional action later this year.

Sincerely,

MARTHA A. MCSTEEN,
President.

Mr. BURNS. Mr. President, I am pleased to join my good friends, Senator MCCAIN and Senator HATCH, as an original cosponsor of their amendment to delay for 1 year those provisions of the Medicare Catastrophic Coverage Act which have not already gone into effect.

I believe this is the most responsible and effective action we could take to address the concerns of thousands, if not millions, of senior citizens. I know that every Senator has received thousands of letters on this issue. I have received approximately 1,500 letters against the Catastrophic Act and only 4 for it.

Contrary to what many are saying in this town, the discontent among seniors runs deeper than their pocketbooks. Their concerns are varied and vast. The Wirthlin Group recently released the results of a nationwide poll of seniors which confirms this fact.

One of the most revealing statistics in this poll is that 52 percent of the seniors believe that they should share the burden of paying for health care coverage. However, of those who are familiar with the current law, 63 percent said the current benefits are not worth the costs. And more importantly, by a 65 to 19 percent margin, those surveyed would prefer a new long-term care program to the catastrophic coverage.

This amendment would allow the House and the Senate to take the time needed to revisit this issue, and provide seniors with the benefits they most need at a price that is most affordable to everyone. It is well known now, and I believe it was well known at the time this act passed, that the No. 1 concern of those over 65 is long-term nursing home and home health care. This amendment preserves the one aspect of the Catastrophic Act which addresses this need—the spousal impoverishment protection—and it allows us to go further.

I think that we can learn a lesson from the discussion held earlier on section 89. We are just now trying to deal with a provision that has been revised and delayed and tossed around by Congress for about 2 years. While we are trying to get our act together, the real people out there who are affected by this fiasco are spending money to deal with a requirement which they may or may not be asked to comply with. They are dropping health insurance plans just in case, and they have told us loud and clear that section 89 is unworkable. They have been held hostage to our inability to act.

Let us not do that to our senior citizens. Let us act now to delay the Catastrophic Act and say "We'll review this issue and get back to you in a year." I would hate to see us take the seniors of this country on the same roller-coaster ride that the small business owners have been on for the last 2 years.

I urge my colleagues to support this amendment, to take the sensible approach, and to let seniors know that we have heard their objections and we are prepared to respond.

Thank you, Mr. President. I yield the floor.

Mr. MCCLURE. Mr. President, I am a cosponsor of the amendment being offered today by the Senator from Arizona [Mr. MCCAIN], and the Senator from Utah [Mr. HATCH], which will incorporate the provisions of S. 335 in the supplemental appropriations bill. As my colleagues know, this amendment seeks to delay implementation of some provisions of the Catastrophic Health Insurance Act Congress passed last year.

Mr. President, senior citizens across this country are sending a message to Congress and that message is clear—something has got to be done about the problem of the Medicare Catastrophic Coverage Act. I have received hundreds of letters, postcards, and phone calls from senior citizens and I am sure my office is not unique in this. Older Idahoans are telling me, in pretty blunt terms sometimes, that the Catastrophic Act is not good coverage, that it is not what senior citizens want and that it costs too much. Many people tell me that they would not mind paying extra if the coverage was decent, but they do not think it is. We in Congress have an obligation to listen to the people in this country and to act accordingly. Right now, senior citizens are telling us to do something about the Catastrophic Act and I think it is time we do so.

It is well known that I was 1 of only 11 Senators who voted against the Catastrophic Act last year and, believe me, I took a lot of heat for doing so. One newspaper in Idaho ran an editorial headline that said I had just told senior citizens to "drop dead." I voted against the act for a number of reasons. I was concerned that Congress was singling out one age group for coverage and essentially saying that senior citizens are the only people who suffer catastrophic illnesses. I was worried that the act was not providing the kind of coverage senior citizens want. I was not sure we had any idea

how much the prescription drug provision would cost.

But even though I voted against the bill, I never questioned the motives of those who voted for it.

All of my colleagues who voted for the bill thought they were doing the right thing. I thought I was doing the right thing by voting against the bill. While I disagreed with the methods of the legislation, I do not believe we live in the type of nation where people have to ruin themselves financially before they can find help in coping with an illness. But neither is this the type of nation, and the type of government, that never admits that it might have made a mistake or that an issue sometimes deserves a second look.

And, Mr. President, that is really all we are asking for—a second look. The amendment being offered today does not strive to make sweeping changes in the Catastrophic Act. It does not make any judgments about whether the act is the best we can do. All it does is buy us a little time to determine whether or not we can do better. Maybe we will find out the current law is the best we can do. But unless we give ourselves that chance, we will have let the senior citizens of this country down.

Some of my other colleagues are talking today and quoting surveys and sources which indicate widespread discontent with the act. I think most of our mailrooms can tell us that. All you have to do is take a look at the volumes of unsolicited mail each and every one of us has received on this issue to know that we have a problem with the act and it needs to be addressed. Hundreds of Idahoans are writing to me to complain. Some are calling for outright repeal and I do not necessarily advocate that position. Some, I will admit, are merely discontent over the financing mechanism and probably would be happy with the coverage if it were free. But I have been struck by the number of people who have examined the benefits being offered them; have looked at what is available in terms of private insurance; have calculated the cost of the new coverage and have ultimately concluded that what is being offered to them not-so-voluntarily is not in their better interests.

I do not think it is unreasonable to put on the brakes a little, and allow some time to rethink the Medicare Catastrophic Coverage Act. That is all the amendment before the Senate seeks to do. It is reasonable, it is prudent, it is what senior citizens are calling for and now is the time to do it.

I urge my Senate colleagues to adopt this amendment.

Mr. BOND. Mr. President, I rise today in support of the amendment offered by my good friend and colleague, the Senator from Arizona [Mr. MCCAIN] to delay implementation of the supplemental premium on the catastrophic health legislation passed last year. In the last several months, I have received a steady stream of letters, phone calls, and postcards from over 15,000 seniors in Missouri who object to certain provisions of the Catastrophic Act and the surtax on income tax that many of them will be paying. I share many of their concerns.

Let me take a moment and share with my colleagues some of those concerns. Many of the seniors from my State and I are concerned about what we regard as unfair double taxation—first they pay income tax, and then a surcharge based on that tax liability—higher than affordable, to participate in a program which may duplicate that which they already have.

From Webster Groves a constituent writes: "As the bill moved through Congress, it was amended to end up as a package which duplicates many of the benefits already available to us. Actually, most of us had our own insurance and were doing fine. It burdens seniors with a large bill regardless of whether they wanted or needed the coverage. Furthermore, it fails to provide protection from the high cost of long-term nursing home care and more expanded home health care."

What's more, participation in this insurance program is mandatory. "Please make it known," says a constituent from Columbia, "that many seniors, of modest income, such as myself will be very hurt by these provisions. Since I have no pension, it has been necessary to provide savings to produce income for our retirement. In order to protect those savings, I have obtained private insurance to cover what Medicare and Medigap policies do not. With this private insurance, which we must still carry in order to protect our assets, the new extended coverage will not be used by us. Congress has added about $650 per year tax and additional premium for Medicare to our costs, for benefits which we will never be able to use. There are many like us who are being penalized in this manner because we have made personal sacrifices in order to provide for ourselves at no cost to the government."

This quote summarizes the reasons I intend to support Senator MCCAIN later today.

Mr. President, I would maintain that these concerns of my constituents are very real and that we have an obligation to these people to look into this act a bit more to address their concerns.

I believe that Senator MCCAIN's amendment represents a very prudent course of action. The basic, truly catastrophic protection benefits that went into effect early this year will not be affected. The acute hospital care benefits, and skilled-nursing care benefits, and skilled nursing care benefits, financed by the $4 increase in Medicare monthly premiums, will remain intact, as well as the much-needed protection from spousal impoverishment. It is only the additional benefits, in particular the prescription drug benefit, which will be affected by the 1-year delay.

The 1-year delay will ensure that seniors are not forced to pay an unreasonably high surtax on top of their income taxes. The 1-year delay will give the Congress time to examine the program to determine whether or not certain benefits under the program are what seniors really want to give them the protection they need from devastating illness. The 1-year delay will give the Congress time, I hope to address fully the problems of duplicative benefits under the act and the mandatory participation issue. In short, the 1-year delay will give the Congress and the administration time to examine fully the implications of a policy which may not be sound and may unfairly penalize those it was designed to help.

Mr. President, I intend to vote for this delay and urge my colleagues to do so as well.

Mr. REID. Mr. President, I rise today to commend both my colleagues and in particular several people from my home State of Nevada for the work they have recently done to address the severe problems contained in the Medicare Catastrophic Coverage Act of 1988.

The Medicare Catastrophic Coverage Act is finally receiving the congressional attention it so desperately needs. The combination of amendments offered to the supplemental appropriations bill concerning the Catastrophic Act, the debate on those amendments, and the recent Finance Committee hearing on the act demonstrates a developing consensus here in the Senate. That consensus is that something must be done about the Medicare Catastrophic Coverage Act and its harsh and unfair tax treatment of a select number of Americans over the age of 65. I commend my colleagues for joining me in this recognition of this inequity.

I would also like to commend the work of two very active and dedicated Nevadans by the name of Daniel and Marcia Hawley. The efforts of Dan and Marcia and the Seniors Coalition Against the Catastrophic Act [SCACA], the seniors organization they created to repeal the Medicare Catastrophic Act, have certainly been inspiring to me. The Hawleys have traveled to Washington several times in order to present the views of the seniors they represent to myself and my colleagues in Congress. In fact, Dan recently testified before the Senate Finance Committee and pre-

sented to the committee the collective view of 346,426 seniors that the Catastrophic Act should be repealed. I believe the efforts of the Hawleys and other senior organizers like them have opened our eyes here in Congress to the error we made in leveling a new tax—a very burdensome tax—to pay for the act's benefits on a limited group of senior citizens.

For the sake of Dan and Marcia Hawley, those they represent, and other seniors' groups rising in opposition to the Catastrophic Act, I urge my colleagues to continue serious consideration of repealing the Medicare Catastrophic Act.

Last, I would like to commend another Nevadan, Assemblyman Wendell Williams. Assemblyman Williams has joined myself and the Hawleys in speaking for Nevada seniors. He has brought before the Nevada State Legislature a resolution supporting congressional efforts to repeal the Medicare Catastrophic Act. It is my hope that other State legislators will follow the lead of Assemblyman Wendell Williams.

Mr. KOHL. Mr. President, with regard to the catastrophic health care amendments, I understand the concern of my colleagues: There is a problem with this supplemental premium. Many believe it boils down to an age tax. It seems overpriced and people on low, fixed incomes just cannot afford it. We must adjust the cost of the package in a fair way as quickly as possible.

However, some want to throw the baby out with the bath water. It is my sense that Senator MCCAIN's amendment would, in effect, do just that. If we postpone or repeal the law, benefits to millions of American elderly may never be realized. We could undermine the whole thing after years of work for catastrophic coverage.

From the prescription drug coverage alone, 5½ million people will benefit. Another 2.5 million people will benefit from the cap on physician expenses. Rather than taking away that coverage, let's roll up our sleeves, put our hands in the dirty water, and clean the infant that is not up and walking yet. The amendment of the majority leader calls for Senate Finance Committee action on the supplemental premium prior to September 1989. The majority of elderly haven't started paying the tax. We're here arguing about something that is going to happen. Well, why don't we sit down, work out the difficulties, and change what is going to happen. Rather than voting to postpone the problem, let's fix the surcharge now. If the committee does not take action before September 1989, then that is the time to consider delaying implementation.

I supported the chairman of the Finance Committee in reviewing this issue. He operated in good faith and held hearings. He will act in good faith to reduce the cost of this plan to the elderly.

The people who have written to me have asked me to change the way this law is financed. Many want long-term care, many want the prescription drug benefit to kick in more quickly with a lower deductible, a few want a more progressive formula that increases the cost to the upper income elderly. But without question, the most frequently heard suggestion is to scale back the financing formula and reduce the cost of the program.

That is why I am pleased to support this amendment to modify the premium and I commend our colleagues for their leadership.

Mr. D'AMATO. Mr. President, I rise today as an original cosponsor of the amendment by Senators HATCH and MCCAIN. This amendment addresses the groundswell of concern among our senior citizens over the financing of the recently enacted Medicare Catastrophic Coverage Act. It does so by delaying the so-called supplemental premium by 1 year—giving Congress the chance to make improvements in the financing of the Catastrophic Act. I commend my colleagues from Utah and Arizona for proposing this very reasonable solution to the concerns of our Nation's seniors.

The Catastrophic Coverage Act was signed into law on July 1, 1988. Since that time, I have heard from tens of thousands of senior citizens who question both the value of this law's benefits and the fairness of its financing.

A recent survey, conducted last month among 1,000 senior citizens nationwide, affirms the doubts that New York seniors have about this act. The survey found that when seniors are informed that in order to fund this new program, they will have to pay a surtax on their Federal income tax payments of 15 percent for each $150 owed—up to a maximum of $800 in 1989—they do not believe that the benefits are worth the cost by a 55 percent to 22 percent margin.

To add insult to injury, we are now told by the Congressional Budget Office that this new surtax will generate excess revenues over and above the cost of the benefits to the tune of some $3.1 billion. In essence, this amounts to asking senior citizens to fund a $3.1 billion disguise of the actual size of the national deficit.

It is my understanding that the Hatch-McCain amendment would shrink this excess to approximately $10 million in fiscal year 1990.

I believe this amendment offers the best solution yet for preserving the most important benefits of catastrophic health care, while making this needed coverage fairer for all beneficiaries.

Under the Hatch/McCain amendment, the supplemental premium will be delayed by 1 year—while leaving in effect the unlimited hospitalization benefit, the benefit to protect against spousal impoverishment due to nursing home costs, and all other benefits currently in effect.

I am hopeful that this legislation will lead to a thorough review of the Catastrophic Coverage Act. We must undertake this review immediately, taking into full consideration the views of our Nation's senior citizens.

Our passage of the Catastrophic Coverage Act in 1988 contained the implicit promise that we would protect senior citizens against catastrophic health expenses—without imposing on them a catastrophic financial burden. If we are serious about keeping this promise, we will act immediately to agree to the amendment by Senators HATCH and MCCAIN.

Mr. KASTEN. Mr. President, I want to lend my strong support to the efforts of my distinguished friend and colleague, the Senator from Arizona, on behalf of America's seniors.

Senator MCCAIN's amendment would put the U.S. Senate emphatically on the side of the health care needs of elderly Americans. My mail office here in the Senate—as well, I am sure, as the mail offices of all of my colleagues—has been literally swamped with letters from senior citizens protesting what they consider to be the unfairly high burden imposed by last year's catastrophic health bill.

The real consequences of last year's bill have become clear. It has not met our own expectations, and it has not met the needs of our senior citizens. This is one health care bill that needs major surgery.

The McCain amendment gives us the opportunity to perform that surgery. While leaving the clearly meritorious elements of the bill intact, it would delay for 1 year the implementation of those elements that are troubling and worrisome to seniors, health care professionals, and other concerned citizens.

This amendment would postpone implementation of the mandatory catastrophic health surtax, the limit on out-of-pocket health care expenses, and the prescription drug provisions of last year's bill.

These three elements need a lot of work. And 1 year will give us the time we need to bring these components of last year's bill into line with the needs of elderly Americans.

Every so often in this Chamber, Senators argue against proposed changes in the law by claiming that changes would represent some kind of "tampering" with the achievements of legislators in the past. In this case, some Senators are reluctant to be perceived as reversing the course we set in last year's bill.

But the fact is, the people didn't send us here from our 50 States to leave well enough alone, and to blandly applaud all of our own past achievements. They sent us here to represent them. To do what's right. To make the bad good. To make the good better.

In short, to learn from experience and make the best possible laws for our country. The McCain amendment makes it possible for us to do this in the case of America's policy on medical care for senior citizens.

To stick with the 1988 bill in its entirety now that its faults have become crystal clear to so many Americans would be an act of legislative folly. Worse—it would be a sign of an almost imperial lack of respect for our constituents, and most especially for those Americans who have lived the longest and thus have the most wisdom to share with us as we proceed with our deliberations.

And let me add, Mr. President, that the perfecting amendment offered by the senior Senator from Texas is not sufficient to the occasion.

Bland, meaningless sense-of-the-Senate resolutions will not cure ailing elderly people of their diseases. Only effective action can. And the McCain amendment will put us on the path of effective action.

Mr. President, let's learn our lesson. Let's make our catastrophic health laws as good as they can be. I urge all my colleagues to vote aye on the important amendment offered by Senator MCCAIN.

Mr. CONRAD. Mr. President, I rise today to support the Mitchell-Bentsen-Dole-Packwood amendment. I am pleased with their amendment, which addresses the important concerns about the excess revenue that may be received from the supplemental premium; the duplicative coverage that may exist between the new Medicare Catastrophic Coverage Act and private Medigap policies. I appreciate the effort they have made to craft this amendment.

I also appreciate the effort my colleague from Arizona has put into his own amendment, and I applaud his commitment to this issue. I believe his amendment is a well-intentioned effort to raise important issues about the Medicare Catastrophic Coverage Act of 1988.

However, Mr. President, I believe it would not be prudent at this time to adopt the McCain amendment. The Senate Finance Committee held hearings on June 1 to discuss the issue of catastrophic care. Those hearings lasted almost the entire day—the Finance Committee is earnestly hearing concerns about the catastrophic law.

Mr. President, the premiums paid by beneficiaries for these new benefits are too high. New evidence suggests that we will receive almost $5 billion in excess revenues from these premiums. There is no justification to maintain premiums at the current level if we are receiving excess revenues—we must make efforts to seriously reduce the premiums and provide relief to those who are paying these premiums from fixed incomes.

Senator BENTSEN has already proposed the reduction of the supplemental premium. While the administration opposes this reduction, I have written to Senator BENTSEN to support his effort to reduce these premiums. I intend to continue to pursue this issue both with the Senate Finance Committee, and with the administration. If the premiums are not significantly reduced, then we can revisit this issue. This is not the time, however, to rewrite this legislation on the floor of the Senate.

If we adopt this amendment, important Medicaid expansions for pregnant women and children would be delayed. Also, reimbursement for IV drugs used in the home and the coverage of mammograms would be delayed. Most important, the cap on out-of-pocket expenses on physician services will be delayed—a provision that is extremely important because of the escalating costs of physician services. Perhaps this was not the intention of the Senator from Arizona, but I am extremely committed to those provisions and believe they must not be delayed.

Finally, Mr. President, I am concerned by the deficit impact of this amendment. As I understand it, the provision would increase the deficit by some $400 million in 1989 and $2.6 billion in 1990. I do realize that the appropriations and reconciliation bills have not been written off 1990, but I simply do not see how we could accommodate another $2.6 billion. And, Mr. President, we cannot countenance another $2.6 billion in the 1990 deficit.

Mr. President, we must let the Finance Committee do its job—they will make necessary adjustments in the Catastrophic Act. I urge my colleagues to carefully consider their votes on this issue and cast them in favor of the Mitchell-Bentsen-Dole-Packwood amendment.

Mr. DECONCINI. Mr. President, I am voting today in support of the McCain-Hatch amendment because I believe that we need to consider alternative financing options for the Medicare Catastrophic Coverage Act benefits. On the whole, senior citizens in my State strenuously object to assuming sole responsibility for the total costs of the new benefits. They believe that everyone should share the responsibility. Unfortunately, President Reagan did not agree with them. He insisted that the beneficiaries alone pay for the additional benefits. It was the President and his representatives who were at the negotiating table demanding beneficiary-paid premiums when Congress developed the final provisions of the act last year. That is the source of the problem today.

I have proposed legislation which offers one way of spreading the cost of the new benefits among a larger pool of people. My proposal repeals the supplemental premium and raises the needed revenues to finance the benefits by lifting the $45,000 cap on salaries subject to the FICA hospital insurance tax. The year's delay contained in this amendment provides us with time to consider my proposal along with others offered by my colleagues. My bill addresses the crux of the elderly's concerns—how to finance catastrophic health care costs. This is the one issue not addressed by the pending amendment and is the most critical part of our response to the health care needs of the elderly.

In the meantime, despite the recent death of its chairman, the Pepper Commission has reiterated its commitment to making legislative recommendations on long-term care by November 1989. Congress would be able to use the expert advice of this influential group as it considers modifications to the new law. Perhaps we can clear up the rampant confusion about the value of the new law's benefits and get a better fix on what the final program benefits will cost.

Obviously, it will be necessary to develop a solution which balances the needs of all seniors. Some seniors need immediate help with catastrophic expenses associated with protracted acute illness while others want more protection against long-term care costs. No senior citizen of the most industrialized country in the world should have to endure poverty in order to get needed medical care.

When Congress adopted the new law last year, everyone sincerely believed it was the right thing to do. Certainly, no one wants to disregard the objections of the elderly now and I am prepared to work with my colleagues to correct any problems that may arise. The task will not be easy. I hope that after today's action we will get down to business and begin to develop solutions to the critical issues at hand.

Mr. SYMMS. Mr. President, since the Senate passed the Medicare Catastrophic Protection Act a year ago, I have heard from literally hundreds of constituents opposing the new law. In fact, with the possible exceptions of the Panama Canal and withholding on interest and dividends, I cannot remember when I have received such a tremendous response on a single issue.

This bill, at a cost of over $29 billion for the first 5 years, constitutes the single largest expansion of a Federal social welfare program since Medicare was created in 1965. And, aside from the fact that our senior citizens are paying a rather large tax on benefits they neither want nor need, we have

now discovered that the tax imposed is far in excess of what is needed to cover the services.

During Congress' deliberation on the legislation, the seniors were lead to believe that this coverage would be sufficient for all their medical needs; they would no longer need supplemental insurance. This was a misconception. Yet, many canceled other health insurnce policies only to find that the new law, not only did not cover them adequately, but it cost far more than a second insurance policy. Why should our seniors be required to pay this catastrophic premium when they could easily find a less expensive policy that takes care of their true needs such as long-term care?

We are all aware of the devastating effects long-term care can have on those suffering from catastrophic illnesses, yet this bill does not address that issue. Instead, the Catastrophic Protection law puts our seniors among the highest taxed citizens in America. In 1989, for the supplemental premium, they will pay an income surtax of $22.50 on every $150 owed in regular income taxes, up to $800. It continually rises so that in 5 years, this "tax on a tax" will cost $42 per $150 up to $1,050.

Senator McCAIN's amendment will allow the long-term hospitalization benefit to continue as implemented and bring the spousal impoverishment protection on line as scheduled in July, raising the seniors' monthly payments $4 above the normal annual increase.

The other costly benefits however, such as the coverage on prescription drugs, would be delayed for 1 year along with the supplemental premium. This will give Congress time to reevaluate the situation and the true needs of our senior citizens. "Assistance for long-term care" is what I am hearing from seniors in Idaho as well as other States. Now that they have made this very clear, we ought to take some action to reach this goal.

Mr. KERRY. Mr. President, I rise today to support the amendment offered by my colleague from Maine. While I believe very deeply that the current catastrophic plan desperately needs reform and is grossly unfair in several respects, the benefits of the Medicare Catastrophic Coverage Act are simply too important to delay their implementation for a year.

The Medicare Catastrophic Coverage Act makes significant improvements in Medicare coverage for all of our elderly. Some of the benefits are simply not available in the private sector—respite care, for example. Others would be priced much higher by private sector insurance—the prescription drug benefit. Still other benefits remove the fear from millions of the elderly that a lengthy and costly illness will devastate their finances and those of their families: The cap on out-of-pocket expenses under Medicare part B, the limit on hospital deductible to one per year, home health care benefits, expanded skilled nursing care. These are major benefit expansions—the first since Medicare was enacted. Voting to delay benefits could mean forfeiting these benefit expansions forever.

But as I stated this act has some very serious problems, and we must correct them rapidly. The Finance Committee and other committees are committed to take a look at the issues raised by our Medicare recipients and report changes to the Senate this summer. I will continue to work with my colleagues to ensure that the necessary improvements are made in the act.

I understand the anguish of the elderly faced with increased Medicare premiums. The middle-class elderly who will have to pay the supplemental premium, the premium that increases with income tax liability, are feeling that they will bear an unfair burden. And now, the Congressional Budget Office and the Joint Tax Committee project that the supplemental premium will bring in a surplus of $10 billion instead of $4.2 billion over the next 5 years.

The Mitchell amendment means that the Finance Committee will address the issues surrounding the amount of the supplemental premium; the Finance Committee has already held hearings on this issue.

It is very important for all of us to remember that when the legislation was negotiated last year, the Reagan administration insisted that the bill be deficit neutral and that funding not come from general revenues. That is why the benefits are financed by the supplemental premium. The Bush administration opposes any tinkering with the premium or the benefits of the Medicare Catastrophic Coverage Act.

The elderly are very concerned that they are paying for coverage they already receive from former employers or through private Medigap policies. I share that concern.

Twenty percent of Medicare beneficiaries have Medigap policies paid for, at least in part, by former employers. Under the law, duplicate coverage is supposed to phase out and private premiums are supposed to fall accordingly, but this is not happening in a way that seniors feel they are getting a good deal. Our Federal retirees feel especially hard hit by duplicate coverage.

These problems are dealt with in several ways with this resolution. The authorizing committees will look at the duplication issues for military and civilian retirees. The amendment also expresses the sense of the Senate that the States enforce the provision that supplemental private insurance policies and premiums are appropriately scaled back as the benefits of the catastrophic bill are phased in. The resolution also instructs the Finance Committee to consider making the catastrophic program voluntary rather than voluntary.

Again I state—I believe that the Medicare Catastrophic Coverage Act must be reformed. I will work with the senior citizens of Massachusetts and my colleagues in the Senate to ensure that it is. There is nothing more important to me than to make sure this program works.

RELIEF FROM THE MEDICARE PREMIUM SURTAX

Mr. WARNER. Mr. President, I rise to support the amendment offered by my colleague from Arizona, Senator McCAIN. Finally, the Senate is given an opportunity to address the Medicare catastophic health insurance premium surtax. We are fortunate to have as our leader in this effort a proven "fighter" Senator McCAIN.

I wish to make it every clear that my opposition to the Mitchell/Bentsen/Packwood alternative should in no way be construed as a vote against lower premiums. My support is for deferring the premium surtax and reevaluating the financing mechanism of the entire Catastrophic Health Insurance Program.

The Senate Finance Committee has indeed begun to reexamine this issue. I was among those voting 97 to 2 on April 12 requesting such action. It is my understanding that various proposals are being considered which would reduce the premium surtax, but as yet, this McCain amendment is the first opportuntiy we have had to actually defer the implementation of the premium surtax.

In my 11 years in the U.S. Senate, I have never dealt with an issue which has met with such unrelenting opposition as the Medicare catastrophic health insurance premium surtax. My office has been deluged for months with thousands of letters and calls expressing the objections of older Virginians. I thank these many Virginians for taking an initiative in this struggle to correct a mistake.

Who is subject to the surtax? I will tell you—the very people who have worked hardest and longest to provide for their earned years of retirement or continued work. In my judgment, their resentment is well founded. After years of preretirement planning and carefully setting aside their savings, it is infuriating to be asked to pay a dedicated tax supporting those who may not have been as responsible in planning for their future.

Retirees in my State are ready and willing to pay their fair share. They do not, however, believe that an income-based premium surtax, requiring some

to pay more than others for identical benefits, is fair or equitable.

Mr. President, when this measure first passed the Senate, participation in the Medicare Catastrophic Health Insurance Program was optional. This was a wise-equitable course of action which had my strong support. The Finance Committee had tied the program to part B of Medicare, still a matter of choice for retirees, although widely utilized. When the measure went to conference, the program was changed to become mandatory, tied instead to part A of Medicare to which all Social Security retirees are entitled upon reaching the age of 65.

What Medicare retirees object to so strenuously is the arbitrary nature of the catastrophic plan. If you are Medicare eligible you are subject to the tax. There is no exception. Even if you have worked a lifetime to secure your own health insurance benefits, you are still subject to the premium surtax.

Mr. President, I encourage all of my colleagues to lend their support to the McCain amendment. Let us send a strong message to our retirees that yes, we hear them. The premium surtax is unfair and it needs to be changed.

ORDER OF PROCEDURE

Mr. MITCHELL. Mr. President, under the previous order, this vote was to commence at 7:40. Senators have been so notified. I will momentarily request that the vote begin now but then extend for 20 minutes.

Before I do, many Senators asked me about our plans for the rest of the evening. I believe Senators are aware of the unanimous-consent agreement that has been entered into. If this motion to table does not prevail, then it is my intention that this would be the last rollcall vote this evening; that the further votes, I will suggest, be by voice vote.

I have had no request for a rollcall vote on final passage. If this motion to table prevails, then under the order there will be a period for debate and rollcall vote on the motion to waive the Budget Act which will occur approximately 40 minutes after the conclusion of this vote.

Thereafter, it would be my suggestion there would be no more rollcall votes. This is one certain vote coming up, and if this motion to table does not prevail, it will be the only rollcall vote, it is my present intention. If it succeeds, then there will be a second rollcall vote and that will be the final rollcall vote under my present intention, barring any request by some Senator for a rollcall vote for final passage, which has not been received.

Mr. President, I ask unanimous consent that the vote on the McCain motion to table the Mitchell-Dole amendment occur immediately and be a 20-minute vote.

The PRESIDING OFFICER. Without objection, it is so ordered. The question is on agreeing to the motion to lay on the table the Mitchell-Dole amendment, as modified. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 49, nays 51, as follows:

[Rollcall No. 83 Leg.]

YEAS—49

Armstrong	Harkin	Nickles
Bond	Hatch	Pell
Boschwitz	Hatfield	Pressler
Bryan	Heflin	Reid
Burns	Helms	Roth
Coats	Hollings	Rudman
Cochran	Humphrey	Shelby
D'Amato	Kassebaum	Simon
Danforth	Kasten	Specter
DeConcini	Levin	Stevens
Domenici	Lott	Symms
Exon	Lugar	Thurmond
Garn	Mack	Wallop
Gorton	McCain	Warner
Graham	McClure	Wilson
Gramm	McConnell	
Grassley	Murkowski	

NAYS—51

Adams	Dodd	Lieberman
Baucus	Dole	Matsunaga
Bentsen	Durenberger	Metzenbaum
Biden	Ford	Mikulski
Bingaman	Fowler	Mitchell
Boren	Glenn	Moynihan
Bradley	Gore	Nunn
Breaux	Heinz	Packwood
Bumpers	Inouye	Pryor
Burdick	Jeffords	Riegle
Byrd	Johnston	Robb
Chafee	Kennedy	Rockefeller
Cohen	Kerrey	Sanford
Conrad	Kerry	Sarbanes
Cranston	Kohl	Sasser
Daschle	Lautenberg	Simpson
Dixon	Leahy	Wirth

So the motion to lay on the table amendment No. 140, as modified, was rejected.

Mr. MITCHELL addressed the Chair.

The PRESIDING OFFICER. The majority leader.

Mr. MITCHELL. Mr. President, I move to reconsider the vote by which the motion to table was rejected.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BIDEN. Mr. President, I wish at this time to clarify my vote today relating to the Catastrophic Coverage Act. I strongly supported Senator McCAIN's amendment to delay implementation of portions of the Catastrophic Coverage Act. While the amendment would have left in place the new benefits dealing with long-term hospitalization and spousal impoverishment, importantly, it would have delayed for 1 year most of the provisions which have not yet come into effect, including the new supplemental premium.

Nonetheless, on the motion to table the Mitchell-Dole substitute for the McCain amendment, I did not vote to table. In my 16½ years in this body, when the Senate leadership has offered an amendment, I have almost always supported their right to a vote. In this case, that meant voting not to table the Mitchell-Dole amendment, in order that an up or down vote could occur on their proposal.

However, I also want to make it clear that had a rollcall vote occurred on the Mitchell-Dole amendment, I would have voted no, because I believed the Senate should have approved the McCain amendment to delay portions of the Catastrophic Coverage Act.

I object to two central features of the Catastrophic Coverage Act. First, I oppose the act's financing system. It is clear that the Catastrophic Coverage Act was really a social welfare program—it is most beneficial to that proportion of the elderly who incur high medical expenses but had little or no health insurance. Unlike other social welfare programs, however, the Catastrophic Coverage Act was not financed broadly by all members of society. Instead, at the insistance of President Reagan, the Catastrophic Coverage Act was funded exclusively by senior citizens.

It is not that we are asking senior citizens to pay for their own benefits. Experts agree that most of those senior citizens paying the supplemental premium will pay in more money than the dollar value of the benefits they will receive. This is particularly true when you consider that most senior citizens paying the supplemental premium already had coverage similar to or better than the coverage provided by the act. So this act is not asking seniors to pay for themselves, it is asking some seniors to pay for benefits for other seniors.

I believe that this approach is unfair. We do not require veterans to fund all veterans programs. We do not require the disabled to fund all programs for the disabled. We do not require that all education programs be paid for by parents with children. Our previous social welfare programs have, without exception, been financed by all taxpayers. The Catastrophic Coverage Act breaks with this crucial principle, and moves our society in a dangerous direction. As a result, I believe that we must restructure the funding mechanism for the Catastrophic Coverage Act.

Second, I object to the act's mandatory nature. Many senior citizens, including a substantial number in Delaware, already had Medigap coverage that was just as good as the coverage in the Catastrophic Act. The final version of the Catastrophic Act requires that all seniors receive and pay for the expensive new benefits—including those who did not need the coverage. I

believe that this mandatory approach is unwise, and I oppose it.

Senator MCCAIN's amendment did not directly address either of my objections to the Catastrophic Act. Nonetheless, this amendment would have prevented the flaws of the act from becoming so entrenched as to be impossible to change in the future. By blocking implementation of many of the act's provisions for 1 year, this amendment would have enabled the Congress to study and revisit the question of how best to provide catastrophic coverage to senior citizens.

I did have one concern, however, with the McCain amendment. I strongly opposed the portion of the amendment that would repeal the advances in Medicaid coverage for poor pregnant women and infants. Those provisions address the crucial health needs of the most vulnerable members of our society, and those provisions are not exclusively financed by senior citizens. None of the concerns voiced by Senator MCCAIN, myself, or any other supporters of the McCain amendment applied to these child and maternal health provisions, and I am confident that they were only included in the bill through an oversight.

ORDER OF PROCEDURE

Mr. MITCHELL. Mr. President, as I indicated to the Senators earlier, the only matters remaining will now be the disposition of the amendment on which the motion to table was just rejected; then the underlying amendment, as amended, by that amendment; then some technical amendments; and final passage.

Mr. MITCHELL. It is not my intention or that of the distinguished Republican leader, or of the managers of the bill to request rollcall votes on any of those matters. Accordingly, unless some Senator now expresses a desire for rollcall votes on those matters, there being no response, that will be the last rollcall vote this evening.

The PRESIDING OFFICER. The Senate will be in order. The question is on agreeing to the amendment of the Senator from Maine [Mr. MITCHELL].

The amendment (No. 140), as modified, was agreed to.

Mr. MITCHELL. Mr. President, I move to reconsider the vote by which the amendment, as modified was agreed to.

Mr. SARBANES. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER (Mr. SIMON). The question is on agreeing to the amendment of the Senator from Arizona [Mr. MCCAIN], as amended.

The amendment (No. 139), as amended, was agreed to.

Mr. MITCHELL. Mr. President, I move to reconsider the vote by which the amendment, as amended, was agreed to.

Mr. SARBANES. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. The Senator from West Virginia.

AMENDMENT NO. 143

(Purpose: Making technical corrections to H.R. 2072)

Mr. BYRD. Mr. President, I send a series of technical amendments to the desk, and I ask unanimous consent that they be considered en bloc.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from West Virginia [Mr. BYRD] proposes an amendment numbered 143.

Mr. BYRD. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is agreed to.

The amendment is as follows:

On page 10 at line 18, delete "301" and insert "201".

On page 12 between lines 13 and 14, in amendment 127, delete the word "borrowing" in the last line and insert "recipient".

On page 14 after line 24, in amendment number 136, insert the head "Haiti", and delete "553(b)" and insert "563(b)".

On page 17 at line 20, strike "501" and insert "401".

On page 19 at line 15, delete "502" and insert "402".

On page 20 at line 1, delete "503" and insert "403".

On page 41 at line 16, delete the word "calendar" and insert the word "fiscal" in lieu thereof.

At the appropriate place insert the following:

"Effective June 15, 1989, the Library of Congress shall provide financial management services and support to the United States Capitol Preservation Commission as may be required and mutually agreed to by the Librarian of Congress and the Cochairmen of the United States Capitol Preservation Commission."

Mr. PRYOR. Mr. President, I am deeply concerned about the impact of the Social Security Administration's 800 number initiative. New evidence has very recently surfaced to show that expansion of the system threatens the quality of the agency's service due to staffing shortages in Social Security field offices.

Mr. President, SSA's 800 number initiative raises many important issues that go to the heart of the Social Security Program. In towns across America, people know their Social Security local office representatives. They see each other at the grocery store. They may be in a club together, or even sing in the church choir together. Under SSA's 800 number initiative, however, if they haven't already, they soon will lose direct access to their local Social Security office. The 800 number is rapidly depersonalizing the Social Security Program.

Already, 60 percent of the country can no longer call their local Social Security office. Even the addresses of local offices have been stripped from directories. Since last October, their calls are automatically rerouted to teleservice centers, often hundreds if not thousands of miles away. Assuming they get through, they have about as much chance of reaching the same individual twice as they do of winning the lottery.

The elderly and others who rely on SSA have also experienced the same accessibility and accuracy problems much of the public has when calling the IRS' 800 number. For example, last January, the busy signal rate was about 43 percent nationwide, and in many areas rose as high as 60–70 percent. Not only could many callers not get through, but when they did, they often got wrong information. In fact, nearly one in four callers got the wrong answers to questions about SSI.

Mr. President, I ask unanimous consent that a copy of my statement from an April 10 hearing of the Senate Special Committee on Aging, which outlines a number of my concerns in this area, and an April letter to the General Accounting Office be printed in the RECORD, following my statement.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. PRYOR. In recent months SSA has brought down the busy signal rates, but only by robbing needed staff from Social Security field offices during peak times. From the start, the 800 number initiative has been a higher priority than service to the public in field offices. The agency's staffing decisions are yet further evidence of this.

Nearly 1,000 permanent staff and hundreds of part-time staff will be needed to bring the remaining 40 percent of the country on line. After years of deep and harmful staff reductions, SSA currently is pushing to cut overall staffing levels by an additional 2,000 positions in fiscal year 1990. Only 4 years ago, SSA had 80,000 employees. Now there are 67,000 employees, 13,000 fewer. Expanding the 800 number while making these staff cuts will surely damage the quality of services in field offices.

Mr. President, last Saturday the New York Times quoted an internal memorandum from Commissioner Dorcas Hardy to Secretary Sullivan that said further cuts would "result in a major deterioration of service and serious inefficiencies in the system." She referred to "the already severe staffing imbalance problem." She went on to say that "Our most dedicated employees, at the end of their

rope from a 20-percent staff reduction, will quit, or worse, become discourteous to our clients and begin to make errors."

Furthermore, an April 1989 draft report of the Inspector General's Office reports that public satisfaction with SSA's services has dropped nearly 10 percent over the last year, from 87 percent to 78 percent. Yesterday, the Senate Aging Committee heard testimony from witnesses that continued staff cuts at SSA are leaving millions of elderly and disabled beneficiaries vulnerable to financial abuse by unsupervised representative payees. While I am pushing ahead with legislation to require SSA to monitor such individuals, these needed reforms cannot be achieved in the face of further staff cuts.

According to a recent survey of Social Security field office managers in the Northeastern United States, walk-in traffic into offices in those areas has actually increased as a result of the 800 number initiative. The public simply isn't getting satisfactory service over the 800 line and is coming into their offices for assistance.

Following a hearing of the Senate Special Committee on Aging on the SSA's 800-number initiative, I wrote the distinguished chairman of the Labor HHS Appropriations Subcommittee to urge him to scrutinize SSA's funding requests for the 800 number initiative in light of these problems. I know the distinguished chairman of the subcommittee is also committed to ensuring the elderly and disabled Americans are provided the best quality service possible by the SSA.

Mr. HARKIN. I agree with the Senator from Arkansas that SSA should make service a top priority. I also share his concerns about the impact cuts in staff have had and will continue to have if further cuts are made.

Mr. PRYOR. I hope that in light of the findings in the Inspector General's draft report and the other information I have mentioned that you will try to put a halt to further staff cuts in SSA.

Mr. HARKIN. In the next few weeks we will be preparing to act on SSA's proposed appropriations for fiscal year 1990, and I intend to recommend to the Labor, HHS Appropriations Subcommittee, as its chairman, that a staffing floor be included to prevent further erosion of services. I also will look very closely at the further implementation of the 800-initiative to make sure that further expansion is not at the expense of service through field offices.

Mr. PRYOR. I thank the distinguished chairman, and I look forward to working with him on this vital issue.

EXHIBIT 1

OPENING STATEMENT, SENATOR DAVID PRYOR, CHAIRMAN, SENATE SPECIAL COMMITTEE ON AGING, APRIL 10, 1989

SSA'S NEW 800 TELEPHONE SYSTEM: SERVICE OR DISSERVICE?

On behalf of myself and the other members of the Special Committee on Aging, I want to welcome everyone to this morning's hearing. Today, we will be focusing our attention on the Social Security Administration's [SSA's] new toll-free telephone system and whether the services it delivers—or fails to deliver—justifies its extraordinarily rapid implementation.

The importance of the SSA's role in the lives of millions of Americans cannot be overestimated. Nationally, 38 million individuals—retired workers, their widows, and the children of deceased workers—depend upon Social Security. An additional 4 million or more elderly, blind, and disabled persons living in poverty are provided monthly assistance under the Supplemental Security Income program, or SSI. In my home state of Arkansas, there are nearly half a million elderly men and women who receive Social Security benefits, and over 40,000 whom are provided assistance under SSI.

For years, SSA has provided personal service to elderly Americans and others through its many local field offices. In recent years, however, the agency increasingly has moved toward service delivery through a small number of so-called teleservice centers. Last October, SSA took a further leap in this direction by launching a new 800-number system in which all calls concerning Social Security and SSI were routed to the teleservice centers. At present, the 800-number system is in effect throughout 60 percent of the nation, with the rest of the country scheduled to come on line in September 1989.

Before SSA's 800-number system was started up, I asked the General Accounting Office [GAO] to examine the adequacy of the agency's then-implementation plans. I felt every precaution should be taken to avoid a repeat of the kind of problems, such as lack of accessibility, that was plaguing a similar teleservice program operated by the IRS. Unfortunately, despite a number of assurances that SSA provided to GAO in this regard, I recently learned that my concerns were warranted. In January, for example, the busy signal rate was about 43 percent nationwide, and in a number of metropolitan areas it was as high as 60-70 percent. Further, when callers do get through they may not be given accurate information. More than one in five callers or 23 percent asking questions about the earnings limitation for those 70 years of age were given the wrong answer, as were nearly 1 in 4, or 24 percent with questions about SSI.

I have a number of additional concerns about SSA's 800 number system, particularly the misleading way it has been promoted to the public. From the start, the 800 number has been characterized as an "option." In fact, callers in those areas in which the system is in effect have lost direct access to their local Social Security office. Calls to local offices are intercepted and rerouted to a teleservice center, listings for local offices have been stripped from telephone directories issued after the system's startup date, and directory assistance has been instructed to give only the 800 number. At the same time, SSA teleservice operators are discouraged from giving out the local office number and address.

A related and similarly troubling aspect is that callers to SSA's 800 line are left to assume that they are being connected to their local Social Security office, rather than to a teleservice center which may be hundreds of miles away. Not only is this wrong, but it can lead to great frustration, confusion, and even hardship. For example, Spanish-speaking callers from California may be unable to communicate their concerns to teleservice operators in other States, while conversely callers from mining States may be unable to get answers to questions regarding the black-lung program. As another example, callers seeking information about their State's SSI supplemental rate may be given the rate applicable to an entirely different State.

While teleservice may be appropriate for a telemarketing firm, in my view it is highly questionable whether this is a workable approach for an agency charged with providing a complex range of services. To date, despite the expenditure of enormous resources, callers to the IRS's 800 line have yet to be assured of accessible and accurate information. Similarly, I have very serious reservations about the advisability of adopting a teleservice system where patience, care, and extensive knowledge are often required to truly provide a service. Yet, as outlined in SSA's Project 2000 plan, this is exactly the direction in which SSA is moving. According to the plan, "SSA should move forcefully to make teleservice the predominant mode of service long before the year 2000."

SSA is a unique agency, responsible for serving those who are among the most vulnerable in our Nation, who often require personal attention to be fully responsive, and who commonly are intimidated by modern technology. That SSA would even consider dehumanizing its service delivery system reveals a profound lack of understanding about the agency's mission and the special needs of the population it is mandated to serve.

At present, SSA is in the process of fundamentally changing the way services are provided—turning away from a community-based, personal approach to a centralized, depersonalized teleservice system—without ever stopping to consider the views of elderly Americans and others who depend on SSA. I believe they should be asked and full public discussion ensured before any changes, particularly those that are outlined in the Project 2000 plan, are considered.

Another management problem has recently come to my attention that I find shocking. I have discovered that SSA has verified the Social Security numbers of millions of Americans for private companies such as credit bureaus and banks. This is potentially the largest breach of confidentiality in the history of the program.

The Social Security Administration should not become a conduit, as it apparently has been, for any business which wants access to confidential Social Security data on individuals. SSA exists to administer a critical set of programs affecting most Americans; it should never be coopted for commercial purposes.

I have been alarmed that all of the attorneys I have contacted tell me that Social Security's actions violate the Privacy Act of 1974. The law prohibits disclosure of Social Security information on individual Americans without their express consent. The American Law Division of the Congressional Research Service and the expert counsel to the House Government Information Sub-

committee have all concluded that SSA's actions violate the Privacy Act.

SSA's actions reflect a lack of sensitivity to the law, as well as to the need to maintain the privacy of Social Security data on individuals. SSA should not have proceeded with such verifications if there were even a question as to their legality.

SSA officials did eventually ask for SSA's chief counsel to review legal questions, but his report was issued on December 5, 1988, after millions of individuals' files had been verified for private companies. Although the report did not contain any strong conclusions about whether SSA should continue the verification procedures, I read the report to indicate that such verification could be construed as illegal.

SSA had begun preparations to run files on 140 million Americans for TRW as of March 1987. SSA officials asked TRW for $1 million for the information processing, and TRW agreed. Incredibly, the Commissioner has asked Congress to increase SSA's funding for computers by $30 million next year, claiming SSA lacks the capacity it needs. How, I would ask, did they expect to find the spare time to run a million dollar job for TRW?

Even if SSA's actions were legal, they were certainly inappropriate. SSA should maintain public confidence in the confidentiality of its records. We should not encourage use of Social Security numbers as universal identifiers. And considering that SSA is pleading before Congress about its need to increase funding for computer systems, I wonder where it gets the excess capacity to do computer runs for private companies.

At today's hearing, we will examine these issues. I hope we will begin the public debate that has been so sorely lacking in SSA's planning process and that is so vital to the well-being of those the agency is mandated to serve.

SPECIAL COMMITTEE ON AGING,
Washington, DC, April 28, 1989.

HON. CHARLES A. BOWSHER,
Comptroller General of the United States, General Accounting Office, Washington, DC.

DEAR MR. BOWSHER: As you know, I have been deeply concerned about the impact of the Social Security Administration's [SSA's] new toll-free teleservice system on the quality of the agency's services to the public. In this regard, I am writing to follow-up on an oral request I made at the recent hearing of the Special Committee on Aging that the General Accounting Office [GAO] continue to look closely at the performance of the new toll-free system.

At the hearing, conducted on April 10, the Committee examined a number of reported problems associated with SSA's toll-free line, particularly with respect to the high rate of inaccurate answers and busy signals many callers have experienced. Mr. Joseph Delfico, testifying on behalf of your agency, noted that SSA's own studies concerning the toll-free system's accuracy revealed error rates that were alarmingly high in certain areas. For example, with respect to the Supplemental Security Income [SSI] program, more than one in five callers were provided incorrect information.

In his testimony, Mr. Delfico also pointed out that the studies that SSA has conducted in this area cannot be considered representative due to limitations in the methodology employed. Among the methodological limitations I am particularly concerned about are the studies' small sample size and narrow scope, as well as SSA's decision, in at least one study, not to score incomplete answers as incorrect and in another to exclude incorrect answers if a caller—for whatever reason—also is referred to a field office. Further, I understand that in a more recent survey, teleservice operators whose calls were monitored for accuracy was not randomly chosen but rather carefully selected on the basis of their experience and knowledge. Clearly, studies based on flawed methodologies such as these are not reliable and, worse, underestimate the true extent of the toll-free system error rate.

Until there is a clear picture of the toll-free line's errors rates, it will not be possible to take the steps needed to correct problems in this area. For this reason, at the April 10 hearing I urged that GAO conduct an independent evaluation of the accuracy of answers provided over the toll-free line. As part of this effort, I also would like GAO to examine whether there is a possible relationship between an increasing error rate and complexity of the question posed by the caller. In addition, I am requesting that GAO continue to monitor the frequency in which callers encounter busy signals, what steps SSA is taking to reduce busy signal rates, the consequences of those steps on field office service, if any, and how long callers are placed on hold.

An independent evaluation of the accuracy and accessibility of SSA's toll-free system is critical to our efforts to assure that the millions of elderly and disabled Americans who depend on SSA are truly served by the agency. I appreciate your willingness to undertake this study and look forward to reviewing your findings.

Sincerely,

DAVID PRYOR.

Mr. DOLE addressed the Chair.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. DOLE. Mr. President, I point out that these amendments have been cleared by the Republican side, in particular, the distinguished ranking Republican, Senator HATFIELD.

Mr. BYRD. Mr. President, I thank the distinguished Republican leader for making that statement.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from West Virginia.

The amendment (No. 143) was agreed to.

Mr. BYRD. Mr. President, I move to reconsider the vote by which the amendment was agreed to, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. LAUTENBERG. Mr. President, I would like to commend my distinguished chairman, Senator BYRD, for his floor leadership on the 1989 supplemental appropriations bill and his persistence in keeping this vital legislation on track.

Mr. President, as chairman of the Transportation Subcommittee, I would like to briefly recap for my colleagues the highlights of the transportation section of the bill.

The transportation section of the bill is modest. We have included only those items that are absolutely necessary and need action now, rather than waiting for the fiscal year 1990 bill to move.

The only additional funding that has been included is $6.6 million, for the Essential Air Services Program. Without this supplemental, this very vital program will run out of funds in early July and service to approximately 155 communities would be terminated.

Because of the efforts of the full committee chairman, Senator BYRD, and others on the committee, including Senators KERREY, REID, JOHNSTON, INOUYE, DECONCINI, BURDICK, STEVENS, GRASSLEY, COCHRAN, DOMENICI, and KASTEN, the administration withdrew an earlier proposed rulemaking that would have eliminated service to a selected number of communities in March, in order to stretch the funding out over the year and to avoid a supplemental. While this would have continued the program, it would have done so at the expense of 30 to 40 communities.

For the Coast Guard, the bill contains three provisions, all of which relate to the recent Alaskan oilspill: One provides that, if the Coast Guard spends its operating money in support of the oilspill cleanup, Exxon's payments will be treated as reimbursements. Another provision provides authority for the Secretary to borrow money in an emergency to pay for cleanup of an oilspill, in the event that insufficient funds are available in the pollution fund to finance the cleanup. Finally, the bill provides that the vessel traffic information system be reactivated in New York Harbor.

We have included report language directing the U.S. Coast Guard to bill Exxon for 100 percent of the cleanup costs. It makes no sense for the Coast Guard to spend its limited resources on the cleanup effort and not insist that Exxon repay. Otherwise, the taxpayer would indirectly be subsidizing Exxon's cleanup expenses.

We have also included a provision directing the FAA to initiate a rulemaking on the deployment of explosive detection devices and systems in airports. The security of the American traveling public is and should be one of our highest priorities.

Those are the highlights, and I thank all my colleagues for their input to and suggestions for the transportation portion of the bill.

REFUGEE RESETTLEMENT

Mr. WILSON. Mr. President, today I rise to express my opposition to a specific provision included in the Senate's dire emergency supplemental appropriations bill, that threatens refugee resettlement efforts in California.

Specifically, the Senate bill provides that, for the sole purpose of allocating refugee targeted assistance program [TAP] funds, the term "refugee" shall

include Nicaraguan entrants. While I understand that this provision was included in the bill at the administration's request to help alleviate the costs associated with the recent influx of Nicaraguans into certain communities, I do not believe the refugee targeted assistance fund is an appropriate source of funds to relieve this situation, one created by political asylees.

Targeted assistance is made available to communities with unusually high concentrations of refugees who require an increased level of resettlement assistance to promote economic self-sufficiency and to reduce dependency on public assistance programs.

It is important for Senators to note that targeted assistance funds are allocated to States and counties based on refugee welfare dependency rates over time. The provision in the supplemental bill to which I am objecting, instead, would allocate targeted assistance based on the sheer number of Nicaraguan entrants without reference to welfare dependency rates. This is inconsistent with the stated purposes of the targeted assistance program.

Mr. President, it is clear that we have a responsibility to assist communities impacted by large influxes of refugees. Let me add that California is home to almost 50 percent of our Nation's refugees and countless more legalized and illegal aliens. So, I do recognize, and I have advocated the need for Federal action in this area.

But the proposal before us in the supplemental appropriations bill fails to recognize that the very communities who rely on targeted assistance would be penalized. This provision, illadvisedly, diverts direly needed funds from refugee-impacted areas to assist other communities hit hard by the influx of Nicaraguans, who are political asylees. Communities in California, among others, will be forced, unfairly, to assume the financial burden that the Federal Government should rightfully pay. And that is patently unfair, Mr. President.

Robbing Peter to pay Paul does nothing to alleviate the burden refugee-impacted communities are faced with nor does it, in my opinion, provide any long-term relief to communities burdened by large numbers of Nicaraguan entrants. Whether they are Soviet Armenians and Southeast Asians or political asylees, this proposal means fewer targeted assistance resettlement dollars to States and local governments in need.

I can assure my colleagues that the city of Fresno where there are some 38,000 Southeast Asian refugees—12 percent of the population—can illafford to sacrifice further Federal refugee resettlement assistance.

In the same respect, refugee resettlement in Los Angeles County has grown to over one-fifth of the total refugee admissions into the United States. The cost of these refugees to the State of California and the County of Los Angeles has more than tripled since 1983, while targeted assistance funding per refugee has dwindled to $171 per refugee versus $1,362 per refugee in fiscal year 1983. Diverting much-needed funds from Los Angeles, as proposed in this provision, not only spells disaster for Los Angeles County, but for the thousands of refugees who need these services to ensure their own self-sufficiency.

And in another respect as well, Mr. President, the administration's proposal before us today will cause very severe problems in the immediate days to come because the final fiscal year 1989 funding allocation notice for targeted assistance has not yet been published. This proposal, by changing the allocation formula, would further delay that funding allocation notice, meaning that States and counties will be unable to forecast their refugee services budget for the year. Without it, which is now the case, targeted assistance programs nationwide will be forced to close their doors as contracts expire, thus disrupting critical services and eliminating opportunities to reduce welfare dependency among refugees.

Given that the House-passed version of this supplemental appropriations bill is silent on this specific matter, I urge my colleagues on the Appropriations Committee to eliminate this provision in conference.

PUBLIC HOUSING DRUG ELIMINATION ACT OF 1988 AND PERFORMANCE FUNDING SYSTEM

Mr. LAUTENBERG. Mr. President, I rise to express my support for two important housing provisions in this bill that were included by the Appropriations Committee at my request.

First, I am very pleased that this bill contains full fiscal year 1989 funding of $8.2 million for the Public Housing Drug Elimination Act of 1988 [PHDEA], a program I developed last year as part of the omnibus drug bill.

Mr. President, the problem of drug-related crime in public housing is reaching crisis proportions. Increasingly, projects are becoming virtual war zones, controlled by armies of violent, heavily armed drug dealers. Murders, muggings and other types of violence have become routine. Tenants, all too often, are afraid even to leave their apartments.

The Public Housing Drug Elimination Act of 1988 was designed to give tenants and public housing authorities the weapons they need to fight back. The law, which has been endorsed by Secretary Kemp, establishes a Competitive Grant Program under which public housing authorities and tenants are provided with funding to fight drug-related crime. Money can be used to hire security personnel, to make physical improvements specifically designed to enhance security, and to fund innovative programs to reduce the use of illegal drugs in public housing, among other possible uses.

The PHDEA was authorized at $8.2 million in fiscal year 1989, but to date no money has been appropriated. Given the emergency nature of the situation in many public housing projects, it is important that this program get off the ground as soon as possible. I therefore am pleased that this bill would, in effect, fund the program at its full authorized level.

Mr. President, the House-passed supplemental appropriations bill also calls for funding security in public housing, but does so by earmarking $8 million of operating subsidies for "security assistance." I am pleased that the House also recognized the need for this kind of assistance. However, I want to express my strong disagreement with such an earmark approach and urge that the conferees to the bill include language to ensure that this funding is distributed pursuant to the Public Housing Drug Elimination Act.

There are several reasons why the mechanism provided in the PHDEA is superior to the House's earmark approach. First, the PHDEA distribution mechanism is much better targeted than the performance funding system used to distribute operating subsidies. The PFS does not target assistance to those PHA's with the greatest needs. This is partly because the PFS formula is based on PHA needs in the mid-seventies, before the drug problem exploded in many housing projects. Thus, under the House language, those PHA's with real needs will not get enough, while those without similarly pressing needs still would get a portion of these scarce resources.

As a practical matter, the House's $8 million earmark would be distributed to so many housing authorities that the amount available to each PHA will be minimal. By contrast, the PHDEA targets money to PHA's with the greatest need. If properly funded, it offers the hope that money for authorities with serious drug problems will be sufficient to make a real difference.

A second reason why the PHDEA is a better mechanism for distributing antidrug money, than the PFS is that the PHDEA is a Competitive Grant Program. By forcing PHA's to compete for funds, and evaluating their proposals based on the quality of their antidrug plans, the PHDEA encourages development of innovative antidrug programs that can be usefully replicated at other housing authorities. By contrast, simply distributing funding under a formula provides no incentives for PHA's to develop new and innovative approaches for fighting drugs.

Another advantage of the PHDEA over the House's earmark approach is

that the PHDEA gives HUD specific guidelines, that have already been approved by the Congress, over the proper uses of antidrug money. The earmark provided in the House bill is drafted ambiguously. However, it appears to place unwise limits on the use of earmarked funds. For example, the PHDEA specifically provides that funding can be used by resident management corporations for drug abuse prevention programs. Yet this probably would not be an eligible use of funding under the House's earmark language, which refers only to "security assistance".

It makes little sense, in my view, to adopt the vague language proposed in the House bill when the PHDEA already establishes specific guidelines for an antidrug program and when regulations to implement the PHDEA are almost ready at HUD. PHDEA already establishes procedures for grant applications, the criteria used in evaluating applications, and the eligible uses for the funding.

I would also note, Mr. President, that my view about the preferability of funding antidrug programs through the PHDEA, rather than earmarking operating subsidies, has received strong support from the National Association of Housing and Redevelopment Officials, the respected organization that represents public housing officials around the country.

Also, I want to express my satisfaction at the inclusion in this bill of language I had sought to approve the release of so-called DeWilde funds. The release of these funds will mean about $3.2 million annually for affordable housing in New Jersey, over a period of 40 years. That is a lot of money, and it will make a real difference in the lives of thousands of New Jerseyans.

Mr. President, just yesterday I testified at a hearing of the Housing Subcommittee on the need to increase the Federal commitment for affordable housing. This Nation is facing a housing crisis. Up to 3 million people are homeless. Millions more live in substandard conditions. For too many Americans, home ownership has become an impossible dream.

It is time, Mr. President, to make housing a national priority. The funding provided in this bill for housing is a step in the right direction. I want to thank Senator MIKULSKI, the Chair of the Subcommittee on VA, HUD, and Independent Agencies, for her assistance in securing these much-needed resources.

REFUGEE AND ENTRANT ASSISTANCE

Mr. CRANSTON. Mr. President, I would like to take this opportunity to express my serious concern regarding a provision contained in H.R. 2072 which would include Nicaraguan entrants within the definition of "refugee" under the Immigration and Naturalization Act. The committee's report explains that this change would permit Nicaraguans to be considered in the allocation of funds under the refugee Targeted Assistance Program [TAP]. I understand that this provision is intended to direct TAP resources to those areas where Nicaraguan political asylees are currently residing. Because I believe this provision is ill-conceived and is inconsistent with the policies set forth in the Refugee Act of 1980, I urge that it be deleted from H.R. 2072 in conference.

Let me say at the outset, Mr. President, that I am not opposed to providing Federal support to local communities for the delivery of services to political asylees. In fact, in this Congress I am cosponsoring legislation, S. 441, which would make funds authorized under the Immigration Reform and Control Act for immigration emergencies available to localities which are impacted by substantial increases in aliens applying for political asylum. I'd also like to point out that there are more political asylees making their home in Los Angeles County, CA, than in any other place in the country.

My problem with the particular provision contained in H.R. 2072, Mr. President, is that it seeks to address the needs of a specific group of political asylees—Nicaraguans—in the context of a program which was not intended to meet their needs.

The Targeted Assistance Program is one component of refugee assistance programs which are authorized under the Refugee Act of 1980. That act provides a procedure for the annual admission of refugees into the United States, and authorizes Federal assistance to resettle those refugees and to promote their self-sufficiency. The total annual number of refugee admissions and the allocation of these numbers among regions of the world and/or refugee groups are determined at the beginning of each fiscal year by the President after consultation with Congress. Funding decisions regarding refugee resettlement programs should correlate with those admission numbers. Primarily due to the refugee crisis in Indochina and United States interests in that area, this region has admitted large numbers of refugees since the enactment of the Refugee Act. The Targeted Assistance Program has provided an especially important service to this population because it has allowed local governments to offer educational and training programs designed to lead to the economic and social self-sufficiency of these refugees.

This process which I have just explained, Mr. President, contrasts with the situation for those seeking political asylum in this country. Political asylum is granted on a case-by-case basis. Thus, the funding decisions which are made for refugee programs—which should correlate with refugee admissions—have never taken political asylees into consideration.

Let me reiterate, Mr. President, that under the Refugee Act of 1980 our admissions policies for refugees is distinct from our policies regarding political asylees. This distinction is crucial with regard to the provision contained in H.R. 2072 because funding for refugee programs is not adequate for those intended to be served, and yet H.R. 2072 proposes allocating very limited refugee resources based on a population—political asylees—which have never been included in funding calculations.

California has especially felt the burden of limited Federal resources for refugees. For example, in Los Angeles County TAP funding per refugee arrival has fallen from $1,362 in fiscal year 1983, to $171 in fiscal year 1988. Additionally, TAP funds appropriated for fiscal year 1989 are currently being held up pending the finalization of a new allocation formula proposed by the Office of Refugee Resettlement of the Department of Health and Human Services and, as a result, a number of Targeted Assistance Programs have been terminated. Given the problems with securing adequate funding for Targeted Assistance Programs, and the fact that President Bush has proposed eliminating this program in his 1990 budget, it makes no sense at all to propose allocating very limited TAP resources to accommodate an even larger population than that currently served.

As I said previously, I support Federal assistance for local communities providing services to political asylees. However, I do not believe that the provision contained in H.R. 2072 which would allocate Targeted Assistance funds to counties receiving Nicaraguan entrants is the right solution.

Additionally, Mr. President, I would like to point out that there is no justification for singling out Nicaraguan entrants—as opposed to Salvadoran or other Central or South American entrants seeking political asylum in this country—for purposes of determining the allocation of TAP funds. As I stated before, more political asylees make their home in California than in any other State in the Nation. If we are going to establish a precedent of allocating resources for refugee programs based on the numbers of people seeking political asylum, then fairness dictates that we do so for all political asylees instead of singling out asylees from a specific country.

For all of these reasons, Mr. President, the provision contained in H.R. 2072 represents bad policy. Not only is the provision inconsistent with the policies set forth in the Refugee Act of 1980, it clearly would result in a drain of resources away from areas where

there is a demonstrated need for TAP services. While this provision seeks to resolve a problem caused by the recent influx of Nicaraguan entrants, it is clear that it seeks to do so in such a way that more problems will be created than solved.

Mr. President, when H.R. 2072 is considered in conference, I urge the deletion of this particular provision.

Mr. MURKOWSKI. Mr. President, I am pleased to rise in support of this measure which would, among other things, provide for fiscal year 1989 supplemental appropriations for the Department of Veterans' Affairs.

VETERANS' BENEFITS

I am particularly pleased that the appropriation includes $24.9 million for the general operating expenses [GOE] account. This account is the source of funds for the salaries of the Veterans' Benefits Administration [VBA] employees who actually deliver to veterans the benefits promised by the Congress. Without these funds, the already unsatisfactory level of backlogs and delays in processing veterans' benefit claims would continue to increase. Without these funds, the Home Loan Guaranty divisions of VA regional offices would be unable to perform the cost-effective operations necessary to reduce the enormous and continuing losses of the Veterans' Home Loan Guaranty Program.

The appropriation also includes over $700 million necessary to fund the cost-of-living adjustment [COLA] enacted last year for service connected disabled veterans' and survivors' benefits. Funding this COLA is an inescapable obligation of the Congress.

The $120 million allocated for the loan guaranty revolving fund illustrates that the problems in this troubled program remain unsolved. The appropriation is necessary. In its absence the program, essential to Americas' homebuying veterans as well as the housing and housing finance industries that serve them, would grind to a halt. It is unthinkable that the Congress would allow such an outcome. At the same time the appropriation reminds us that without program administration and policy reform this vital benefit will continue to be a bleeding wound in the side of the veterans' benefits account.

The readjustment benefits account funds the veterans' education and vocational rehabilitation programs our veterans depend upon to ease their transition from uniformed to civilian life. The $22 million in the supplemental appropriation will ensure VA is able to pay the education benefits veteran students depend upon as they prepare for their future.

VETERANS' MEDICAL CARE

I am extremely pleased that the pending measure contains appropriations for VA's medical-care account. Specifically, this bill provides $340 million in this fiscal year for veterans' medical care.

On January 31, 1989, I, together with 19 of my Republican colleagues, sent a letter to the President bringing to his attention the funding problems facing VA and requesting that he consider this problem when developing his budget recommendations. Of course, the President deserves our thanks as well as the thanks of America's veterans for sending the request to the Congress.

I also applaud the efforts of VA Secretary Derwinski who worked diligently on obtaining additional funds for veterans' medical care. Without the Secretary's hard work I don't believe we would have the bill before us today.

It is my understanding that this measure will permit VA to achieve a medical care staffing level of 194,740 full-time equivalent employees by the end of this fiscal year. This was the level mandated by Congress for fiscal year 1989. As a result of additional staff, VA will be able to treat more veterans. Of course, the money would also be used to purchase new equipment and repair facilities.

CONCLUSION

I urge my colleagues in the Senate and House to act quickly to resolve differences between the two bills. It is critical that VA receive these funds immediately. I remind my colleagues that speed is important because only 4 months remain in fiscal year 1989. If these funds are to be effectively used by VA it is important that the dollars become available as soon as possible. This is particularly true for veterans medical care. In this account, a majority of the funds are used for staffing—that is, hiring doctors, nurses, pharmacists, and the like—and it is very difficult to hire these individuals in a short period of time.

This is also true for GOE funding. Until the bill is enacted VA employees face the specter of the furloughs or layoffs which could be imposed in order to keep VA personnel spending within the level of funds now available. If spending constraints were to compel such drastic measures the true cost would be born by the veterans who, even as the Senate debates, have already endured unacceptable delays in VA action on their claims.

The PRESIDING OFFICER. The question is on the engrossment of the amendments and third reading of the bill.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read a third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass?

So the bill (H.R. 2072) as amended, was passed.

Mr. BYRD. Mr. President I move to reconsider the vote by which the bill, as amended, was passed.

Mr. HARKIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BYRD. Mr. President, I move that the Senate insist on its amendments and request a conference with the House on the disagreeing votes of the two Houses and that the Chair be authorized to appoint conferees.

The motion was agreed to, and the Presiding Officer appointed Mr. BYRD, Mr. INOUYE, Mr. HOLLINGS, Mr. JOHNSTON, Mr. BURDICK, Mr. LEAHY, Mr. SASSER, Mr. DECONCINI, Mr. BUMPERS, Mr. LAUTENBERG, Mr. HARKIN, Ms. MIKULSKI, Mr. REID, Mr. ADAMS, Mr. FOWLER, Mr. KERREY, Mr. HATFIELD, Mr. STEVENS, Mr. MCCLURE, Mr. GARN, Mr. COCHRAN, Mr. KASTEN, Mr. D'AMATO, Mr. RUDMAN, Mr. SPECTER, Mr. DOMENICI, Mr. GRASSLEY, Mr. NICKLES, and Mr. GRAMM as conferees on the part of the Senate.

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. Senator BYRD.

Mr. BYRD. Mr. President, I thank my distinguished colleague, Senator HATFIELD, the ranking Republican on the committee, for the steadfast support that he has given, in all of the steps, from the hearings to markup, to managing of the bill on the floor, and the final action on the bill. There has never been any question as to where he stood. He gave his support. His support was effective, and I appreciate this kind of friendship and teamwork and cooperation.

I also thank the other members of the committee on both sides of the aisle. There were some tough votes, and I was pleased to see the amendments of the committee on both sides stand pretty much together. We show great unity in the committee, and we also received good support from the Senators on both sides of the aisle, who are not members of the committee. I thank Senator BENTSEN and Senator PACKWOOD, the chairman and the ranking member of the Finance Committee, for the excellent support that they gave in beating down the amendments, which did not need to go on this bill. They would have been additional baggage; they would have been very difficult to handle in conference. I think we are probably in for a pretty tough conference as it is.

I thank all the other members of the Finance Committee who supported their chairman and their ranking member and other Members of the Senate.

This is the first appropriation bill that I have handled on the floor since I became the chairman of the committee.

I am very grateful for the kind of support that has been shown by the members of the committee, by the leadership, and by the Senate as a body on both sides of the aisle.

I thank, also, the members of the staff. There are outstanding members this committee staff. Jim English is the director. Terry Sauvain is the deputy director, and Keith Kennedy is the ranking staff director. And these staff people worked together on both sides of the aisle. That helps us immensely. They clear out the brush and make it possible for us to move ahead effectively and expeditiously.

I particularly appreciate the work of our full committee staff: our chief clerk, Mary DeWald, Jack Conway, Janelle Gross, Bob Putnam, Marsha Berry, Rebecca Roberts-Malamis, Dick Voelker and Anita Skadden, as well as others who worked to resolve particular issues that arose throughout consideration of the bill including Tim Leeth, Carol Mitchell, and Dick D'Amato. The entire printing staff also deserve great credit for their work on the bill. These and all other staff people on every subcommittee have worked long hours, many, many days and evenings. And I am very grateful, more so than I can express my gratitude.

Finally, I want to thank Barbara Videnieks, my chief of staff, and Melissa Wolford of my staff for their input on many of the issues involved in the bill. As usual, their assistance was most helpful.

So I think we are off to a good start, and I am optimistic about our prospects in conference. We are not unaccustomed to doing some hard work in conferences, and I look forward to bringing back a conference report to the Senate in due time.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. HATFIELD. Mr. President, this is a rather historic event. I am sure that as the Senator from West Virginia has launched the first volume of the history of the Senate that this will merit a place in the following volumes because the Senator from West Virginia has not only served this Senate as a party whip, as a majority leader, as a minority leader, as a majority leader again, as the President pro tempore of the Senate, but as indicated, this is the first now of the appropriations bills under his chairmanship, chairman of the Senate Appropriations Committee.

Mr. President, I suppose after one has a decade or two in the Senate, one tends to make comparisons and contrasts. Senator BYRD is the fifth chairman of the Appropriations Committee I have had the privilege of serving under and every chairman has his unique style and unique talents as we are all blessed with talents, and I have seen the Appropriations Committee through different periods where there has been leadership that has emphasized one form or one style or something.

The minute you walk into that committee room, you know who the chairman is, and you know that people are there to do one thing, the public business. There may be other places in the cloakroom and elsewhere where there is time for fellowship and visitation as we all have that kind of glue that holds this institution together, but when you come to the Appropriations Committee today, the gavel and the authority of that gavel and the voice behind that gavel highly communicates one purpose, one objective: We are here to do business and we are to do it efficiently, expeditiously and fairly. No one is cutoff. No one is in any way circumscribed from exercising his full rights as a full-fledged member of that committee.

The chairman has only one vote. But the chairman also knows that to make the business of this committee move, he has to have 15 votes on every question, and, Mr. President, I think that people do not fully appreciate the fact that this is the largest committee in the Senate. It is probably one of the most diverse committees in the Senate.

You have ranges of political philosophy on both sides of that table, and I do not recall when we have had a vote down the party line because the chairman has to orchestrate a majority of 15 on every single one of those votes and you will find a combination of Republicans and Democrats, minority and majority, and what is the combination on one issue will be a totally different combination on the next issue.

So it is not only the largest committee but it is, as I say, a very diverse committee, and yet I want to commend the chairman. It is a quiet committee. I tell you I have been in that committee when there has been a lot of turmoil and there were times when you were not quite sure who had the gavel. Not now. This committee is under very strong leadership and we are all grateful.

I just want to say that this is a historic moment. It is the chairman's first bill, and I think all Members of the Senate are appreciative of the fact that this bill could have been bogged down much more. We could have been here in all-night sessions as we have on previous occasions or we could have been here many more days and not only did the strength of leadership personify itself in the committee but here on the floor, and I am looking forward to conference with ambivalence.

The issues are tough. The conference will be testy, and I am only hoping at this point that our chairman will chair the conference because that gives me then the other sense of going to that conference with confidence that we will complete it in an orderly and in a very expeditious fashion based on the leadership and the way in which he has chaired our committee here.

I am proud to be the ranking minority member. Needless to say, Mr. President, I would like to be chairman. I enjoyed being chairman much more than being the ranking minority member, but on the other hand, I merely want to say I can think of no one I would rather be a ranking minority member of a committee with than Senator BYRD.

I thank him for his courtesies and his kind remarks.

Mr. BYRD. Mr. President, I thank my friend. I hope that the time will not come while I am on the committee that the distinguished Senator from Oregon will be the chairman, but I can say this, that if that time does come, he has certainly demonstrated to me the kind of support and cooperation that I will try to emulate in that unfortunate event, but let me say seriously that what he has said is very gratifying and I will certainly do everything I can to justify the faith and confidence that Senator HATFIELD has expressed in me.

I inadvertently forgot a moment ago to express thanks to the majority leader and to the Republican leader. They have demonstrated strong leadership, strong support, where it was needed and in particular with reference to the amendments that were under the jurisdiction of the Finance Committee. The leadership worked hard on both sides of the aisle to develop time agreement, and I am very grateful.

Mr. WARNER. Mr. President, I wish to add my congratulations to the distinguished senior Senator from West Virginia for the manner in which he handled this bill. As I stand here tonight in the well representing the Republican leader, it is almost as if it has been forever listening to him close up the Senate. It is remarkable how this fine Senator can handle so many tasks. We appreciate our privilege to serve with him in the Senate.

Mr. BYRD. Mr. President, will the Senator allow me to express my thanks and say that the friendship and the respect, may I say, is mutual.

Mr. WARNER. I thank my distinguished friend and colleague.

MORNING BUSINESS

Mr. BYRD. Mr. President, I ask unanimous consent that there now be a period for the transaction of routine morning business for not to exceed 10 minutes, and that Senators may speak therein.

The PRESIDING OFFICER. Without objection, it is so ordered.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Kalbaugh, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

At 5:27 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the House agrees to the amendment of the Senate to the text of the concurrent resolution (H. Con. Res. 136) expressing the sense of the Congress on the movement for democracy in China, with an amendment, in which it requests the concurrence of the Senate, and that the House agrees to the amendment of the Senate to the preamble of the concurrent resolution, with an amendment, in which it requests the concurrence of the Senate.

The message also announced that the House has agreed to the concurrent resolution (S. Con. Res. 26) urging first asylum countries of the Association of Southeast Asian Nations [ASEAN] to reinstate the practice of providing refuge to all asylum-seekers from Vietnam, and for other purposes, with amendments, in which it requests the concurrence of the Senate.

The message further announced that the House has passed the following bill, without amendment:

S. 767. An act to make technical corrections to the Business Opportunity Development Reform Act of 1988.

The message also announced that the House has agreed to the following concurrent resolution, without amendment:

S. Con. Res. 31. Concurrent resolution expressing the sense of the Congress that Buffalo, NY, should host the 1993 summer World University Games.

The message further announced that the House has passed the following bill and joint resolution, in which it requests the concurrence of the Senate:

H.R. 1415. An act to amend chapter 37 of title 38, United States Code, with respect to the veterans' home loan program carried out under such chapter; and

H.J. Res. 276. Joint resolution designating September 14, 1989, as "National D.A.R.E. Day."

MEASURES REFERRED

The following bill and joint resolution were read the first and second times by unanimous consent, and referred as indicated:

H.R. 1415. An act to amend chapter 37 of title 38, United States Code, with respect to the veterans' home loan program carried out under such chapter; to the Committee on Veterans' Affairs.

H.J. Res. 276. Joint resolution designating September 14, 1989, as "National D.A.R.E. Day"; to the Committee on the Judiciary.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. BENTSEN, from the Committee on Finance, without amendment and with a preamble:

S. Res. 119. A resolution concerning the 1986 agreement between the United States and Japan regarding the Japanese semiconductor market.

By Mr. BENTSEN, from the Committee on Finance, without amendment and with a preamble:

S.J. Res. 151. An original joint resolution to honor the U.S. Customs Service on the 200th anniversary of its establishment.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. BENTSEN, from the Committee on Finance:

John Michael Farren, of Connecticut, to be Under Secretary of Commerce for International Trade;

Gerald L. Olson, of Minnesota, to be an Assistant Secretary of Health and Human Services;

Bryce L. Harlow, of Virginia, to be a Deputy Under Secretary of the Treasury; and

Kenneth W. Gideon, of Virginia, to be an Assistance Secretary of the Treasury.

(The above nominations were reported with the recommendation that they be confirmed, subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. MOYNIHAN:

S. 1134. A bill to provide for the suspension of duty on castor oil and its fractions; to the Committee on Finance.

S. 1135. A bill to amend the Harmonized Tariff Schedule of the United States with respect to low fuming brazing rods; to the Committee on Finance.

S. 1136. A bill to reduce that rate of duty applicable to certain modeling pastes; to the Committee on Finance.

By Mr. DANFORTH:

S. 1137. A bill to temporarily suspend the duty on 4-fluoro-3-phenoxy benzaldehyde; to the Committee on Finance.

S. 1138. A bill to temporarily suspend the duty on 0,0-dimethyl-S-{ (4-oxo-1,2,3-benzotriazin-3-(4H)-yl)methyl} phosphorodithioate; to the Committee on Finance.

By Mr. ROTH (for himself, Mr. LUGAR, Mr. FOWLER, Mr. GLENN, Mr. SYMMS, and Mr. SIMON):

S. 1139. A bill to provide for equality of State taxation of domestic and foreign corporations; to the Committee on Finance.

By Mr. MITCHELL (for himself, Mr. LAUTENBERG, and Mr. BAUCUS):

S. 1140. A bill to provide that Federal facilities meet Federal and State environmental laws and requirements and to clarify that such facilities must comply with such environmental laws and requirements; to the Committee on Environment and Public Works.

By Mr. GRAHAM (for himself, Mr. CRANSTON, and Mr. MURKOWSKI):

S. 1141. A bill to direct the Secretary of the Army to set aside an appropriate area within Arlington National Cemetery for the unmarked burial of cremated remains; to the Committee on Veterans' Affairs.

By Mr. BENTSEN:

S. 1142. A bill to establish and evaluate four military-style boot camp prisons within the Federal prison system as a 4-year demonstration program; to the Committee on the Judiciary.

By Mr. GORE:

S. 1143. A bill to authorize the construction of a dry reservoir in Wilson County, TN, and for other purposes; to the Committee on Environment and Public Works.

By Mr. KERRY (for himself, Mr. BOSCHWITZ, and Mr. WIRTH):

S. 1144. A bill to authorize and direct the U.S. Executive Director of the International Monetary Fund to promote staffing and policy changes with respect to the management of natural resources, and for other purposes; to the Committee on Foreign Relations.

By Mr. MATSUNAGA:

S. 1145. A bill to reestablish the Advisory Committee on Native-American Veterans; to the Committee on Veterans' Affairs.

S. 1146. A bill to require the Secretary of Veterans' Affairs to conduct a pilot program providing for the Secretary to make direct housing loans to eligible native-American veterans for the purchase of housing on certain trust lands and certain communally owned lands; to the Committee on Veterans' Affairs.

By Mr. DECONCINI (for himself, Mr. GRASSLEY, Mr. LAUTENBERG, Mr. D'AMATO, Mr. DIXON, Mr. MCCLURE, Mr. FOWLER, Mr. LEAHY, Mr. MURKOWSKI, Mr. PELL, Mr. BRADLEY, Mr. JEFFORDS, Mr. PRESSLER, Mr. ROCKEFELLER, Mr. SHELBY, Mr. REID, Mr. SANFORD, Mr. EXON, Mr. WIRTH, Mr. GLENN, Mr. INOUYE, Mr. SARBANES, Mr. KOHL, Mr. GORE, Mr. COCHRAN, Mr. WARNER, Mr. BIDEN, Mr. ROBB, Mr. WILSON, Mr. MITCHELL, Mr. HEINZ, Mr. METZENBAUM, Mr. DODD, Mr. DOLE, Mr. BOREN, Mr. LEVIN, Mr. CHAFEE, Mr. MACK, Mr. SIMON, Mr. KENNEDY, Mr. WALLOP, Mr. BURDICK, Mr. BREAUX, Mr. RIEGLE, Mr. DASCHLE, Mr. MOYNIHAN, Mr. CONRAD, Mr. SASSER, Ms. MIKULSKI, Mr. NUNN, Mr. GRAHAM, Mr. BAUCUS, Mr. BINGAMAN, Mr. HOLLINGS, Mr. FORD, Mr. BUMPERS, Mr. ADAMS, Mr.

JOHNSTON, Mr. HATCH, Mr. KERRY, Mr. DURENBERGER, Mr. LIEBERMAN, Mr. BOSCHWITZ, Mr. ROTH, Mr. SIMPSON, and Mr. COATS):

S.J. Res. 150. Joint resolution to designate August 1, 1989, as "Helsinki Human Rights Day"; to the Committee on the Judiciary.

By Mr. BENTSEN, from the Committee on Finance:

S.J. Res. 151. An original joint resolution to honor the U.S. Customs Service on the 200th anniversary of its establishment; placed on the calendar.

By Mr. PRYOR (for himself, Mr. ADAMS, Mr. BENTSEN, Mr. BOSCHWITZ, Mr. BRADLEY, Mr. BRYAN, Mr. BUMPERS, Mr. BURDICK, Mr. CHAFEE, Mr. COCHRAN, Mr. COHEN, Mr. CONRAD, Mr. CRANSTON, Mr. D'AMATO, Mr. DIXON, Mr. DODD, Mr. DOLE, Mr. DURENBERGER, Mr. GARN, Mr. GLENN, Mr. GORE, Mr. GRASSLEY, Mr. HEINZ, Mr. INOUYE, Mr. JOHNSTON, Mrs. KASSEBAUM, Mr. KERRY, Mr. LAUTENBERG, Mr. LEVIN, Mr. LIEBERMAN, Mr. LUGAR, Mr. MCCLURE, Mr. METZENBAUM, Ms. MIKULSKI, Mr. MITCHELL, Mr. MOYNIHAN, Mr. MURKOWSKI, Mr. NUNN, Mr. PACKWOOD, Mr. PELL, Mr. PRESSLER, Mr. REID, Mr. ROBB, Mr. ROCKEFELLER, Mr. SASSER, Mr. SHELBY, Mr. SIMPSON, Mr. STEVENS, Mr. THURMOND, Mr. WARNER, Mr. WILSON, and Mr. WIRTH):

S.J. Res. 152. Joint resolution to designate the last full week of October, October 22 through October 28, 1989, and the last full week of October thereafter as "National Adult Immunization Awareness Week"; to the Committee on the Judiciary.

By Mr. ROCKEFELLER (for himself, Mr. HOLLINGS, Mr. BURNS, Mr. PRESSLER, Mr. GORE, Mr. BRYAN, Mr. DANFORTH, Mr. INOUYE, Mr. BENTSEN, Mr. STEVENS, Mr. KASTEN, Mr. KERRY, Mr. ROBB, Mr. EXON, Mr. LOTT, Mr. GORTON, Mr. SHELBY, Mr. REID, Mr. PRYOR, Mr. BRADLEY, Mr. MACK, Mr. D'AMATO, Mr. WILSON, Mr. DECONCINI, Mr. HEFLIN, Mr. SYMMS, Mr. SASSER, Mr. MURKOWSKI, Mr. RIEGLE, Mr. COHEN, Mr. GARN, Mr. DASCHLE, Mr. PELL, Mr. MITCHELL, Mr. BOND, Mr. THURMOND, Mr. SANFORD, Mr. DURENBERGER, Mr. CRANSTON, Mr. COCHRAN, Mr. JEFFORDS, Mr. LAUTENBERG, and Mr. SIMPSON):

S.J. Res. 153. Joint resolution designating the third week in May 1990 as "National Tourism Week"; to the Committee on the Judiciary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. DANFORTH:

S. 1137. A bill to temporarily suspend the duty on 4-fluoro-3-phenoxy benzaldehyde; to the Committee on Finance;

S. 1138. A bill to temporarily suspend the duty on 0,0-dimethyl-S-[(4-oxo-1,2,3-benzotriazin-3-(4H)-yl)methyl] phosphorodithioate; to the Committee on Finance.

SUSPENDING THE DUTIES ON CERTAIN CHEMICALS

● Mr. DANFORTH. Mr. President, today I am introducing two miscellaneous tariff bills. The first would suspend temporarily the duty on 4-fluoro-3-phenoxy benzaldehyde. The second bill would suspend temporarily the duty on 0,0-dimethyl-S-[(4-oxo-1,2,3-benzotriazin-3-(4H)-yl)methyl] phosphorodithioate.

I ask unanimous consent that the text of these bills be printed in full in the RECORD.

There being no objection, the bills were ordered to be printed in the RECORD, as follows:

S. 1137

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. 4-FLUORO-3-PHENOXY BENZALDEHYDE.

Subchapter II of chapter 99 of the Harmonized Tariff Schedule of the United States is amended by inserting in numerical sequence the following new heading:

"9902.30.07	4-Fluoro-3-phenoxy benzaldehyde (provided for in subheading 2913.00.10)	... Free	... No change	... No change	... On or before 12/31/92".	

SEC. 2. EFFECTIVE DATE.

The amendment made by this Act shall apply with respect to articles entered, or withdrawn from warehouse for consumption, on or after the date that is 15 days after the date of enactment of this Act.

S. 1138

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. 0,0-DIMETHYL-S-[(4-OXO-1,2,3-BENZOTRIAZIN-3-(4H)-YL)METHYL] PHOSPHORODITHIOATE.

Subchapter II of chapter 99 of the Harmonized Tariff Schedule of the United States is amended by inserting in numerical sequence the following new heading:

"9902.30.07	0,0-Dimethyl-S-[(4-oxo-1,2,3-benzotriazin-3-(4H)-yl)methyl] phosphorodithioate (provided for in subheading 2933.90.18)	... Free	... No change	... No change	... On or before 12/31/92".	

SEC. 2. EFFECTIVE DATE.

The amendment made by this Act shall apply with respect to articles entered, or withdrawn from warehouse for consumption, on or after the date that is 15 days after the date of enactment of this Act.●

By Mr. ROTH (for himself, Mr. LUGAR, Mr. FOWLER, Mr. GLENN, Mr. SYMMS, and Mr. SIMON):

S. 1139. A bill to provide for equality of State taxation of domestic and foreign corporations; to the Committee on Finance.

DOMESTIC CORPORATION TAXATION EQUALITY ACT OF 1989

● Mr. ROTH. Mr. President, I am pleased today to introduce for myself and Senators FOWLER, LUGAR, GLENN, SYMMS, and SIMON a bill to provide for equality of State taxation of domestic and foreign corporations and to bring uniformity and fairness to this country's taxation of income earned overseas by U.S. corporations and their affiliates. A similar bill, H.R. 1390, was introduced in the House of Representatives by Mr. FRENZEL and 13 other Representatives, 9 of whom are members of the Committee on Ways and Means.

This body has recently spent a considerable amount of time debating the policies of this country that impact on the ability of U.S. industry to compete in the international marketplace. Indeed, U.S. international trade competitiveness is a national priority. The bill we are introducing today recognizes that the United States is unique in that both Federal and State tax policies can affect that competitiveness.

State governments in the United States have traditionally used a formula to ascertain how much of the income of a single corporation doing business in more than one State should be taxed by each State. Most often, that formula is the amount of the corporation's payroll, sales, and property in the taxing State compared to all States in which it does business. About one-half of the States apply this method to multicompany groups operating beyond their boundaries. This method is called the unitary method. When the unitary method is carried one step further and overseas affiliates are included, the extension of unitary taxation is known as the worldwide unitary combination. Neither the Federal Government nor any other country uses the worldwide unitary combination. In fact, the Federal Government has agreed not to use worldwide unitary taxation in every income tax treaty to which it is a party.

There are compelling arguments that the worldwide unitary combination is a seriously flawed method of sourcing income for State corporate income tax purposes. Studies show that when worldwide factors are used, the formula results in foreign sourced income being attributed to domestic sources, resulting in double taxation to the corporation.

This issue carries trade implications as our major trading partners, notably the British, have threatened sanctions in the past due to States' continued use of this method.

Confronted with threats from our trading partners and proposed Federal legislation in the 99th and 100th Congress, the number of States using this

method has declined from 12 to 4. Of the remaining four—California, Alaska, North Dakota, and Montana—all but Alaska have enacted laws, which, when they take effect in 1988 and 1989, will partially but not completely solve the problems posed by its use. For example, the changes made by California still do not provide sufficient relief for certain U.S. corporations, fail to avoid double taxation of their foreign source income, and put them at a disadvantage in their ability to compete with foreign corporations.

In California, all the income of U.S. corporations which have more than 80 percent of their payroll, property, and sales outside the United States is included in the tax basis upon which is computed the State's apportioned share of taxable income of domestic corporations. On the other hand, the income of foreign corporations which have less than 20 percent of their payroll, property, and sales in the United States is excluded from such taxation.

In other words, a foreign corporation with less than 20 percent of its business activity within California escapes State taxation entirely, while a similar U.S. corporation must pay foreign and State tax upon all its income without any credit or deduction given for foreign taxes already paid on its income earned outside the United States. Such a result is clearly discriminatory and anticompetitive.

In an April 8, 1987 letter to Governor Deukmejian, then Assistant Secretary of the Treasury for Tax Policy J. Roger Mentz made it clear that:

There is no valid policy justification for California's subjecting two taxpayers, for example, one with a Delaware subsidiary operating primarily abroad, the other whose foreign operations are conducted through a French subsidiary, to different tax regimes; and * * * that in this era of trade competitiveness, the potential for inflicting higher tax burdens on corporations with 80/20 operations, as opposed to foreign subsidiary operations, should be avoided.

The legislation we are introducing today will allow the States to continue to apply unitary taxation on most domestic corporations and some foreign corporations. However, it will restore tax equality between U.S. and foreign 80/20 corporations by providing that the States may not impose tax on a worldwide unitary basis on a U.S. corporation of which the average of its U.S. payroll, property, and sales compared to its total payroll, property, and sales is less than 20 percent.

The bill will also recognize the double taxation inherent in State taxation of dividends U.S. corporations receive from their overseas affiliates. It provides that the States may tax an equitable amount of such dividends—either through allowing an offsetting deduction or exclusion of at least 85 percent of such dividends, or by providing for an exemption or exclusion from tax for that portion of the dividend that effectively bears no Federal income tax by reason of the foreign tax credit mechanism.

It should be understood that this limitation of the use of the worldwide unitary income taxation is not a violation of States' rights. The legislation will not change State tax jurisdiction. States will maintain taxing jurisdictions free to tax all income earned within their borders. The legislation does not affect the level or rate of State tax. The States are free to tax at any rate.

Given that the vast majority of States, the Federal Government or any other country does not use the worldwide unitary combination, a requirement of uniformity is not too much to ask. After all the consideration and debate regarding the ability for U.S. corporations to compete on an equal basis with their overseas competitors, we would be remiss if we allowed this major inefficiency in our tax system to continue.

Mr. President, I ask unanimous consent that the bill be included in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1139

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Domestic Corporation Taxation Equality Act of 1989".

SEC. 2. STATE TAXATION OF FOREIGN INCOME.

(a) IN GENERAL.—Chapter 77 of the Internal Revenue Code of 1986 (relating to miscellaneous provisions) is amended by adding at the end thereof the following new section.

"SEC. 7523. STATE TAXATION OF FOREIGN INCOME.

"(a) STATE USE OF WORLDWIDE UNITARY METHOD PROHIBITED.—No State shall impose tax on any taxpayer on a worldwide unitary basis. Notwithstanding the foregoing, this subsection shall not preclude any State from permitting a taxpayer to be taxed on a worldwide unitary basis pursuant to an unconditional election by such taxpayer.

"(b) STATE TAXATION OF FOREIGN-SOURCE DIVIDENDS.—No State shall require the inclusion in the income base upon which State income tax of a corporation is calculated of more than an equitable portion of any dividend received from another corporation, other than a corporation described in one of the subparagraphs of subsection (c)(2). For purposes of this subsection, a State shall not be considered to include in the income base more than an equitable portion of dividends described in the preceding sentence if it—

"(1) excludes from the income base at least 85 percent of such dividends; or

"(2) excludes from the income base the portion of the dividend that effectively bears no Federal income tax after application of the foreign tax credit.

This subsection shall not be construed to permit State taxation of any dividend not subject to State taxation prior to enactment of this section.

"(c) DEFINITIONS.—

"(1) INCOME TAX.—For purposes of this section, the term 'income tax' shall include any State franchise or other tax which is imposed upon or measured by the income of the taxpayer.

"(2) WORLDWIDE UNITARY BASIS.—For purposes of this section, the term 'worldwide unitary basis' means that in computing its State income tax liability a corporation includes in the income base on which the tax is calculated any share of the income of any corporation other than a corporation that is a member of the same controlled group of corporations and is:

"(A) a domestic corporation (excluding a corporation that has made an effective election under section 936);

"(B) a corporation described in section 922;

"(C) a corporation organized in the Commonwealth of Puerto Rico, Guam, American Samoa, or the United States Virgin Islands;

"(D) any foreign corporation if (i) such corporation is subject to State income tax in at least one State by virtue of its business activities in that State, and (ii) the average of the percentages of such corporation's property (based on its aggregate original cost), compensation payments made for personal services (determined for its most recent Federal taxable year), and sales (determined for its most recent Federal taxable year) that are assignable to 1 or more locations in the United States is at least 20 percent; or

"(E) any foreign corporation described in subsection (c)(3).

"(3) CERTAIN FOREIGN CORPORATIONS.—A foreign corporation is described in this subparagraph if such corporation—

"(A) is a member of a controlled group of corporations;

"(B) either carries on no substantial economic activity or makes at least—

"(i) 50 percent of its sales,

"(ii) 50 percent of its payments for expenses other than payments for intangible property; or

"(iii) 80 percent of all of its payments for expenses,

to one or more corporations that are described in subparagraphs (A) through (D) of paragraph (2) and that are within the controlled group of corporations referred to in subparagraph (A) of this paragraph; and

"(C) under standards established in regulations to be prescribed by the Secretary, is not subject to substantial foreign tax on its net income.

"(4) CERTAIN DOMESTIC CORPORATIONS TREATED AS FOREIGN CORPORATIONS.—For purposes of paragraphs (2) and (3), a domestic corporation shall be treated as a foreign corporation if the average of the pecentages of such corporation's property (based on its aggregate original cost), compensation paymens for personal services (determined for its most recent Federal taxable year), and sales (determined for its most recent Federal taxable year) that are assignable to one or more locations in the United States is less than 20 percent.

"(5) CONTROLLED GROUP.—For purposes of this section, the term 'controlled group' has the same meaning given to such term by section 267(f)(1), except that the determination shall be made without regard to section 1563(b)2(C).

"(6) CERTAIN BANK BRANCHES.—For purposes of this section, a domestic branch of a foreign corporation shall be treated as a separate corporation that is incorporated in the United States if such branch is engaged

in the commercial banking business. For purposes of the preceding sentence, a branch is engaged in the commercial banking business if (i) the predominant part of its business consists of receiving deposits or making loans and discounts, and (ii) it is subject to supervision and examination by State or Federal authorities having supervision over banking institutions. The Secretary may issue regulations providing that for purposes of this section domestic branches of foreign corporations in other specified industries shall be treated as separate corporations incorporated in the Unted States.".

(b) CLERICAL AMENDMENT.—The table of sections for chapter 77 of such Code is amended by adding at the end thereof the following new item:

"Sec. 7523. State taxation of foreign income.

EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 1989.●

By Mr. MITCHELL (for himself, Mr. LAUTENBERG, and Mr. BAUCUS):

S. 1140. A bill to provide that Federal facilities meet Federal and State environmental laws and requirements and clarify that such facilities must comply with such environmental laws and requirements; to the Committee on Environment and Public Works.

FEDERAL FACILITY COMPLIANCE ACT

Mr. MITCHELL. Mr. President, today I am introducing legislation to assure that federally owned hazardous waste facilities are subject to the same enforcement sanctions as other facilities. Such sanctions include State-imposed fees and penalties. This legislation also revives EPA's administrative order authority regarding violations at Federal facilities.

The clarification of sovereign immunity is necessary at this time because the Federal courts are divided on legislative intent. In some circuits such as the nineth circuit, the courts have held that sovereign immunity is not waived. In Maine and Ohio, however, the United States district courts agree that Congress intended and stated clearly that section 6001 of the Solid Waste Disposal Act waives sovereign immunity for Federal facilities.

This is a national issue, but it has particular meaning in Maine. For some time, there has been conflict over whether Portsmouth Naval Shipyard must pay fees and penalties required under State law. The United States District Court for the District of Maine last November issued an opinion that requires the shipyard to pay State fees and penalties.

The need for this legislation is compelling. Federal facilities generate millions of tons of hazardous, radioactive, and mixed waste every year. The General Accounting Office, State attorneys general and the Federal Environmental Protection Agency investigated these facilities and found they represent some of the Nation's most serious hazardous waste compliance problems. President Bush agreed with this assessment when he stated that "Unfortunately, some of the worst offenders are our own Federal facilities."

Even so, EPA was told under the previous administration that it could not issue administrative orders against these facilities because they were Federal entities. But EPA could issue such orders against private companies who were violating the law.

This situation cannot continue. In Congress we establish national environmental policy. Surely one of the goals of that policy is to assure that the Federal Government avoid contamination of our environment wherever possible.

To help provide us with current information on the status of these facilities, this legislation requires such facilities to conduct an assessment of the facility's compliance with Federal environmental statutes and it requires EPA to conduct an annual environmental inspection.

This legislation is supported by enforcement officials from many States across the country. It is a companion bill to H.R. 1065, which is being considered in the House Energy and Commerce Committee. I applaud my House colleagues for their efforts on this bill and look forward to early action on this legislation in the Senate.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1140

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This Act may be cited as the "Federal Facility Compliance Act of 1989."

SEC. 2. (a) FACILITY ENVIRONMENTAL ASSESSMENT.—Each department, agency, and instrumentality of the United States shall perform an assessment of the releases of hazardous substances (including hazardous constituents thereof) from each solid waste management unit at each hazardous substance treatment, storage, or disposal facility owned or operated by the department, agency, or instrumentality after November 19, 1980. Such assessments shall be completed within 12 months after the enactment of this section and shall indicate whether such facility and department, agency, or instrumentality is in compliance with applicable requirements of the Solid Waste Disposal Act, the Comprehensive Emergency Response, Compensation, and Liability Act, the Clean Air Act, the Clean Water Act, the Safe Drinking Water Act, and the Toxic Substances Control Act. Such assessments shall be provided to the Environmental Protection Agency and to the State in which the facility is located.

(b) FACILITY INSPECTIONS.—Administrator of the Environmental Protection Agency shall undertake a thorough inspection annually of each facility owned or operated by a department, agency, or instrumentality of the United States to enforce compliance with the Solid Waste Disposal Act, the Comprehensive Emergency Response, Compensation, and Liability Act, the Clean Air Act, the Clean Water Act, the Safe Drinking Water Act, and the Toxic Substances Control Act. Each annual inspection shall include an analysis of comprehensive groundwater monitoring. The records of such inspections shall be available to the public in the same manner as provided in section 3007(b) of the Solid Waste Disposal Act.

SEC. 3. APPLICATION OF CERTAIN PROVISIONS TO FEDERAL FACILITIES.—

(a) IN GENERAL.—Section 6001 of the Solid Waste Disposal Act (42 U.S.C. 6961) is amended—

(1) by inserting "(a) IN GENERAL.—" after "6001.";

(2) in the first sentence, by inserting "and management" before "in the same manner";

(3) by inserting after the first sentence the following: "The Federal, State, interstate, and local substantive and procedural requirements referred to in this subsection include, but are not limited to, all administrative orders and all civil and administrative penalties and fines."; and

(4) by inserting after the second sentence the following: "For purposes of enforcing any such substantive or procedural requirement (including, but not limited to, any injunctive relief, administrative order, or civil or administrative penalty or fine) against any such department, agency, or instrumentality, the United States hereby expressly waives any immunity otherwise applicable to the United States. No agent, employee, or officer of the United States shall be personally liable for any civil penalty under any Federal or State solid or hazardous waste law with respect to any act or omission within the scope of his official duties. An agent, employee, or officer of the United States shall be subject to any criminal sanction (including, but not limited to, any fine or imprisonment) under any Federal or State solid or hazardous waste law, but no department, agency, or instrumentality of the executive, legislative, or judicial branch of the Federal Government shall be subject to any such sanction.".

(b) ADMINISTRATIVE ENFORCEMENT ACTIONS.—Such section is further amended by adding at the end the following new subsection:

"(b) ADMINISTRATIVE ENFORCEMENT ACTIONS.—(1) The Administrator may comence an administrative enforcement action against any department, agency, or instrumentality of the executive, legislative, or judicial branch of the Federal Government pursuant to the enforcement authorities contained in this Act. The Administrator shall initiate an administrative enforcement action against such a department, agency, or instrumentality in the same manner and under the same circumstances as an action would be initiated against another person. Any voluntary resolution or settlement of such an action shall be set forth in a consent order.

"(2) No administrative order issued to such a department, agency, or instrumentality shall become final until such department, agency, or instrumentality has had the opportunity to confer with the Administrator.".

SEC. 4. DEFINITION.—

(a) PERSON.—Section 1004(15) is amended by adding the following before the period: "and shall include each department, agency, and instrumentality of the United States.".

Mr. LAUTENBERG. Mr. President, I join the distinguished majority leader in introducing the Federal Facility Compliance Act of 1989. This legislation is designed to assure greater compliance by Federal facilities with requirements of the Resource Conservation and Recovery Act [RCRA] for management, storage, treatment, and disposal of hazardous and solid wastes.

The primary provisions of the bill would clarify that Federal facilities are to be treated as any other "person" for purposes of RCRA. The bill would further clarify that Federal facilities are subject to all the substantive and procedural requirements of RCRA, including enforcement requirements and sanctions, to which State and local governments as well as private parties are subject. And the bill also makes it clear that EPA can bring administrative enforcement actions against Federal facilities.

The Federal facility hearing I chaired last year, and similar hearings in the House showed the serious problems Federal and State officials have had in obtaining RCRA compliance by Federal facilities. New Jersey's Picatinny Arsenal, although now complying with a Federal facilities compliance agreement, is just one example of a facility designated by EPA as being in significant noncompliance with RCRA. As of April 1, 1989, EPA reported that of 82 Federal RCRA land disposal facilities, 44 were designated as being in significant noncompliance with RCRA.

Despite these problems, the Reagan administration maintained that EPA did not have the authority to bring administrative actions against Federal facilities. Such actions, however, can be brought against private entities. In addition, some courts have misinterpreted the law, and incorrectly held that Federal facilities were protected from State enforcement actions by sovereign immunity. This legislation makes even more clear what the law already states: that Federal facilities should receive no special protections and treatment under RCRA.

The bill also responds to the public accountability problems focused on in the hearing in my subcommittee last year. The bill requires EPA to inspect Federal facilities for compliance with specified Federal environmental laws, and to make records of such inspections publicly available. This requirement will help inform the public about the environmental status of Federal facilities.

Mr. President, I join the majority leader in the hope that this legislation will receive serious consideration as we work on perfecting it in the Committee on Environment and Public Works, and that the measure then receives swift passage in the Senate.

By Mr. BENTSEN:

S. 1142. A bill to establish and evaluate 4 military style boot camp prisons within the Federal prison system as a 4-year demonstration program; to the Committee on the Judiciary.

BOOT CAMP PRISON DEMONSTRATION PROGRAM ACT OF 1989

● Mr. BENTSEN. Mr. President, anyone who reads the newspapers or watches the nightly news knows that we have a serious crime problem in this country. It has become a staple of the evening news; some kids being led head down into a police station after assaulting a young woman jogging in the park; wealthy investors flanked by their lawyers outside courtrooms, maintaining their innocence—shortly before copping a plea.

There are many theorists seeking to explain why there is so much crime in America that 1 in 30 will be a victim of an act of violence this year. Obviously, part of our response should be to help reassert the importance of the family and fundamental values to keep kids from turning to drugs and crime in the first place. But I also know that we must do a better job of catching criminals, convicting them, and putting them in prison.

Yet, how can we do that effectively when our prisons are so overcrowded that some courts are releasing inmates early? There are more than 600,000 inmates in Federal and State prisons today—135,000 over capacity. And, according to a recent Department of Justice report, nationally we need new prison space at the rate of 800 beds per week. Perhaps most distressing is the fact that about 20,000 inmates are released early each year not because of good behavior but because of prison overcrowding.

We have to respond by building new prisons and expanding the capacity of the penal system. But that is an expensive proposition and, with the large Federal budget deficit, it is imperative that we respond in a cost-effective way. That means turning to innovative alternatives to conventional prison. In my view, that also means taking a close look at boot camp prisons as an alternative.

Mr. President, that is why I am introducing legislation today to create a set of boot camp facilities within the Federal prison system. The need for new prison space is evident, as is the need to expand in a cost effective manner. I think boot camps should be part of our response.

This bill calls for the creation, on a demonstration or pilot program basis, of four military-style boot camp prisons within the Federal prisons system. The boot camps are to be located in four different, unspecified locations around the country, and are to be modeled after the programs currently being operated at the State level. Thus, they will operate under a highly regimented schedule for the inmates with a focus on strict discipline, physical training and hard work. In my mind that is sound policy—I would rather have these young criminals running laps than running free.

Only first time offenders under the age of 25 convicted of serious but nonviolent crimes will be eligible to serve in these boot camp prisons. There are some who think boot camp prisons may be too hard on young inmates. I don't worry much about that. A good dose of discipline and hard labor may be just what these young people need. And, in return for the long hours, hard work, and intense discipline, their sentences will be somewhat shorter than they would otherwise serve. As is the usual case in the State-operated boot camps, this bill provides that the term served will be in the 90-120 days range.

In addition to specifying that the boot camp inmates will follow a strict schedule, my bill also directs the Attorney General to include in the daily boot camp schedule appropriate educational and counseling programs. Surely programs of this nature will complement the disciplinary approach of the boot camps and help reduce the chance of repeat offenses.

A couple of other items about the bill should be noted as well. First, the Attorney General will be required to conduct an evaluation of the boot camp prisons prior to the end of the program's 5-year authorization. He will then report to the Judiciary Committees in both Houses on the efficacy of boot camp prisons as an alternative, including an assessment of their cost effectiveness and their impact on recidivism.

Second, the bill instructs the Attorney General, where feasible, to use closed Federal military installations as boot camp prisons. Information from the Federal Bureau of Prisons indicates that these military installations may be converted to prison facilities at a cost as low as $2,000 per bed—far below the $50,000 per bed average cost of prison construction. With potential savings of this magnitude, that is clearly an avenue that we should explore.

Under this legislation, that is what we will do—explore the option of boot camp prisons as an alternative to traditional incarceration. Eight States and some local jurisdictions currently operate boot camp prisons. In 1987, I asked the General Accounting Office to do a study of the State-run boot camp prisons to help determine whether they would work at the Federal level. The study was completed last fall.

Although there are some promising indicators—recidivism in the Mississippi boot camps is about one-third that State's general recidivism rate and op-

erating costs at a boot camp operated by Travis County, TX, are about one-half those for the Texas Department of Corrections—GAO determined last fall that it was too early to make a conclusive determination about the effectiveness of boot camp prisons.

I accept that. But I also think that boot camp prisons harbor enough potential that we should try them out, on a pilot program basis, at the Federal level. We need the kind of information that only hands-on experience can give us, and that is why I am proposing this pilot program.

As I have outlined, boot camp prisons offer us a way to address our crushing prison overcrowding problem in an innovative and effective way. This is an opportunity that we should seize. I hope the rest of my colleagues will join me in supporting this important legislation.●

By Mr. GORE:

S. 1143. A bill to authorize the construction of a dry reservoir in Wilson County, TN, and for other purposes; to the Committee on Environment and Public Works.

SINKING CREEK FLOOD CONTROL ACT OF 1989

● Mr. GORE. Mr. President, today I am introducing legislation to resolve a recurring flooding problem in Lebanon, TN. The Sinking Creek Flood Control Act of 1989 will authorize the U.S. Army Corps of Engineers to construct a dry reservoir for flood control purposes using the resources in its section 205 flood control budget.

On February 14 of this year, flash flooding occurred extensively throughout west and middle Tennessee, causing major damages, evacuations, and one death.

The effect in Lebanon and Wilson County was particularly severe. Estimates of damages there ranged as high as $1.5 million or more. Road crews in Wilson County were out all night repairing extensive road damages caused as torrential rains washed away asphalt. At McFarland Hospital in Lebanon, 77 patients, many elderly or otherwise in no condition to be moved, were evacuated when flood waters ruined the electrical system, including the emergency generators.

Sinking Creek, which flows under the town square, could not handle the huge amounts of water; and as it overflowed, 50 to 60 businesses were damaged. Some of those businesses sustained major damage. More than 20 residences were evacuated.

And, Mr. President, for one Lebanon family, there was a much greater loss. Mrs. Sophia Payer was swept into the waters of the creek. Her car could not continue through the flood, and she exited the automobile. Despite the best efforts of a courageous Lebanon patrolman, Doug Clark, who tried to reach her through swirling waters that kept pushing him back, she was drowned. Her body was found several hours later about a quarter of a mile away from where she disappeared from view.

My home town of Carthage, which also suffered flood damages, is not far from Lebanon; and I went to the scene personally to survey the response to the disaster and lend my support to the efforts of local officials. I cannot say enough about the work of the local police and rescue squad, the road department, elected city officials, and the Tennessee Emergency Management Agency. Their work was excellent.

Mr. President, this was a tragic occurrence. But is is all the more tragic because it could have been prevented. The U.S. Army Corps of Engineers proposed in 1986 that a dry dam, or a dry reservoir, be built on Sinking Creek. That project was never built, not because it wasn't needed, but because of the cost sharing requirements that would have taken $839,000 from the city of Lebanon. That is a lot of money for a small city in middle Tennessee, and city officials decided they could not afford it.

It is for this very reason. Mr. President, that I have consistently voted for needed public works water and flood control projects and against prohibitive cost sharing requirements. I stood on this floor in 1986, during the debate on the Water Resources Development Act—a bill that the President threatened to veto unless these burdensome cost sharing rules were enacted into law—and I warned about the effects of those rules. I specifically cited the Mississippi River and Tributaries Project, but the example was an accurate forecast of the Lebanon situation. Let me quote an excerpt from my statement at that time: "I want these concerns about cost sharing to be fully understood. The precedent we establish with the legislation will be a lasting one. The effects of cost sharing must be watched closely; and if [projects] are in fact not built because of these provisions, the Nation may well pay much more for the repair of flood damages * * * than we will save by requiring cost sharing. If so, some future Congress will need to remedy what has been done here."

Mr. President, the time has come for Congress to revisit the entire issue of cost sharing. Public safety must not be jeopardized further by rigid cost sharing policies. Our priorities must be set straight. This bill to benefit Lebanon by building a dry reservoir meets a pressing need; it should be approved by my colleagues on its own merit. Beyond that, however, our overall policy on flood control should be examined so that we can fulfill our obligation, as set forth in the Constitution, "to promote the general welfare."

I ask unanimous consent that the text of the bill be printed in the RECORD at this point.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1143

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Sinking Creek Flood Control Act of 1989".

SEC. 2. AUTHORIZATION OF DRY RESERVOIR.

The Secretary of the Army, acting through the Chief of Engineers, is authorized to construct a dry reservoir, for flood control purposes, at or near Mile 5.96, Sinking Creek in Wilson County, Tennessee.

SEC. 3. AUTHORIZATION OF FUNDS.

Of the funds made available under section 205 of the Flood Control Act of 1948 for the fiscal year 1990, $3,837,600 shall be available only to carry out the purposes of this Act, of which—

(1) up to $831,600 shall be available only to the City of Lebanon, Tennessee, for the acquisition of property needed for the dry reservoir; and

(2) up to $116,000 shall be available only to develop recreational facilities on the dry reservoir.

SEC. 4. EXEMPTION.

Notwithstanding any other provision of law, no cost-sharing shall be required of the City of Lebanon, Tennessee, or any other State or local government, for purposes of the use of funds under this Act.

SEC. 5. DISPOSITION OF DRY RESERVOIR.

(a) Upon completion, the maintenance and operation of the dry reservoir shall be the responsibility of the City of Lebanon, Tennessee.

(b) The City of Lebanon shall utilize the less frequently flooded areas of the dry reservoir for recreation facilities for the use of the general public.●

By Mr. KERRY (for himself, Mr. BOSCHWITZ, and Mr. WIRTH):

S. 1144. A bill to authorize and direct the U.S. Executive Director of the International Monetary Fund to promote staffing and policy changes with respect to the management of natural resources, and for other purposes; to the Committee on Foreign Relations.

IMF POLICIES WITH RESPECT TO MANAGEMENT OF NATURAL RESOURCES

Mr. KERRY. Mr. President, today I am introducing legislation which, among other things, would direct the U.S. Exchange Director of the International Monetary Fund to work for the establishment of a systematic review of the social and environmental impacts of the Fund's stabilization and adjustment policies.

International financial institutions, such as the World Bank, have come to recognize recently that environmental degradation undermines the foundations of sustained economic development, particularly in Third World countries which depend heavily on their natural resource base for economic growth. Economic austerity pro-

grams imposed on many of these countries have encouraged the exploitation of natural resources for short-term gain, sacrificing critical environmental and social concerns.

During the past 5 years, the Congress has enacted significant pieces of legislation relating to the multilateral development banks and the International Monetary Fund, designed to achieve reforms in those institutions' policies, procedures, staffing patterns and program implementation. In 1987, then Secretary of the Treasury James Baker requested that the issue of environment and natural resources be added to the agenda of a spring 1987 meeting of the Joint Ministerial Committee of the World Bank and the IMF—known as the Development Committee. A World Bank report presented at this meeting stressed the importance of the environment and social issues as key factors in evaluating overall economic policy toward a country and recommended that multilateral development institutions' program implementation include a review of the environmental effects of macroeconomic conditions and policies promoted by those institutions.

In fact, in 1988, the World Bank and the Inter-American Development Bank jointly supported a proposal by local and international environmentalists for alternative development of Brazil's Amazon region. This plan provided that large areas of the Amazon be devoted solely for exploitation of natural rubber, by traditional rubber tappers, and the sustainable harvest of other rain-forest products such as Brazil nuts and herbs and plants used for pharmacological purposes.

While the World Bank and other IFI's have taken steps to implement the concerns addressed at the 1987 meeting, the IMF has ignored these recommendations and continues to ignore the fact that many of its policies and economic prescriptions can adversely affect social and environmental sectors throughout the Third World.

Although the IMF does not finance specific projects, its economic prescriptions for dealing with balance-of-payments problems can have a negative impact on natural resource exploitation and on the need for social stability. Since the IMF and the World Bank work hand in hand to assist deeply-indebted Third World countries in the structural readjustment of their economies, the long-term environmental goals now being considered by the World Bank risk being undermined by the IMF's short-term adjustment programs.

Such programs frequently focus on export promotion and often result in cutbacks of vital social services and environmental protection agencies. For example, in Brazil the necessity to increase that country's exports in an effort to earn hard currency to cope with debt servicing problems, has resulted in increased pressure on development of the Amazon. Yet the short-term gain in increasing export earnings by developing the Amazon is outweighed by the long-term, disastrous implications such development will have on its sustainable resource base.

Because the IMF plays such a central role in the economies of many developing countries, it is in a unique position to integrate social and environmental considerations as critical elements in its stabilization and adjustment policies and would thereby contribute—along with the World Bank and IFI's—to long-term sustainable development.

Among the questions which should be addressed, as they relate to the activities of the IMF, are the following:

Does te IMF conduct studies of the projected environmental and social consequences of its macroeconomic and microeconomic policy prescriptions?

Are there any qualified natural resource economists on the IMF staff, a requirement which is necessary in order to evaluate the environmental impacts of stabilization and structural adjustment packages for individual countries, as well as the effect of such policies on the natural resource base of a particular country over the long term?

Are there development economists on the IMF staff who are trained to understand the practical realities of development, particularly the linkages between short-term exploitation of natural resources and longer-term impacts on the society as a whole?

Are there poverty experts on the IMF staff, which would be required in order to study and predict the impacts of IMF policy prescriptions on the poorest segments of society, particularly women and children?

Does the IMF have an independent evaluation unit to review whether the goals of its policy prescriptions have been realized, what lessons were learned, and what should be done differently in the future to avoid or minimize adverse social and environmental impacts?

Does the IMF have a policy unit to advise the Managing Director on interregional issues such as environmentally sustainable development and declining health and nutrition levels?

Does the IMF make appropriate use of its relationships with the World Bank in taking into account these questions and then participating in joint actions in order to meet the needs of the poor majority in developing nations?

Given the poverty and environmental degradation in the developing world, highlighted by World Bank President Barber Conable in his speech to this year's annual World Bank-IMF meeting, it would appear to be highly desirable for the IMF to make major reforms in policy prescriptions, procedures, and staffing patterns in order to equip that institution to deal more effectively with the real problems facing the global community today.

The purpose of introducing this legislation is to begin moving the IMF in the direction of undertaking the necessary reforms which would ameliorate many of the environmental and social problems throughout the Third World which can be linked directly; to that institution's stabilization and structural adjustment programs.

I urge my colleagues to join with me in cosponsoring this important legislative initiative.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD following my remarks.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1144

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. FINDINGS.

The Congress finds that—

(1) The International Monetary Fund (Fund) policy plays a central role in shaping the global environment. Although the Fund does not finance specific projects, its prescriptions for achieving balance-of-payments equilibrium can have a major influence on the management and use of natural resources, and can adversely affect social issues such as health, nutrition, and education.

(2) The Fund's policies and programs of economic adjustment can aggravate the extent and depth of poverty, placing a heavy burden on the most vulnerable groups in society.

(3) The Fund lacks essential staff to enable it to analyze the social and environmental impacts of its policies and adjustment programs. In particular, the Fund lacks natural resource economists, poverty experts, and development economists.

(4) The Fund does not systematically review the projected environmental and social impacts of its macroeconomic and microeconomic policy prescriptions.

(5) The Fund does not systematically evaluate whether the goals of past policy and adjustment programs were achieved, what lessons were learned, and what should be done in the future to avoid similar adverse impacts.

(6) The Fund lacks a policy unit to advise it on issues involving the environment, poverty, health, and education.

SEC. 2. EXECUTIVE DIRECTOR TO PROMOTE CHANGES.

The Secretary of the Treasury shall instruct the United States Executive Director of the Fund to work for the following policy and staffing changes through formal initiatives and through bilateral discussions:

(1) The addition to the Fund's staff of natural resource economists, poverty experts, development economists trained in the linkage between short-term exploitation of natural resources and long-term econom-

ic impacts, and other specialists trained in social issues.

(2) The establishment by the Fund of a systematic review of the social and environmental impacts of policy prescriptions.

(3) The establishment by the Fund of a systematic review of previously enacted policy prescriptions to determine if the Fund's objectives were met and what the social and environmental impacts were.

(4) The establishment by the Fund of long-term management of natural resources as an integral part of its stabilization and adjustment policies. A central component of such management is the creation of energy-efficient economies that minimize the generation of green house gases, which contribute to global warming and provide substantial consumer benefits.

(5) The creation of a special facility, similar to the Fund's Compensatory Financing Facility and Buffer Stock Financing Facility, directed at achieving sound natural resource management. Such a facility should accelerate debt-for-conservation swaps as a means of alleviating the serious debt burden faced by many countries.

SEC. 3. REPORTING.

Beginning in 1989 and each year thereafter, the Secretary of the Treasury shall include in his annual report to the Congress a description of the progress made by the United States Executive Director of the Fund with respect to the changes encompassed by this Act and an analysis of any obstacles encountered in achieving those changes.

By Mr. MATSUNAGA:

S. 1145. A bill to reestablish the Advisory Committee on Native-American Veterans; to the Committee on Veterans' Affairs.

ADVISORY COMMITTEE ON NATIVE-AMERICAN VETERANS

Mr. MATSUNAGA. Mr. President, I am today introducing legislation to reauthorize the activities of the Advisory Committee on Native-American Veterans. My bill also would pare the number of committee members from 19 to 6. Of the six members, one would be required to be a Native Alaskan, one a native Hawaiian, and a third a native American who resides in the Washington, DC, metropolitan area.

The present committee was created in 1986 with a 2-year mandate to examine and evaluate programs and other activities of the Veterans Administration [VA] with respect to the needs of native American veterans, including American Indians and Alaska Natives. In 1988, the Committee was reauthorized for an additional year to allow for an examination of the needs of native Hawaiian veterans. The activities of the Committee officially ended on February 1 of this year with the submission to the VA Administrator of the Committee's third and final report.

Mr. President, during its short existence, the Committee assembled a considerable amount of information concerning the needs of a unique class of veterans. Despite immense difficulties in obtaining statistical and other data on native American veterans, including Native Alaskans and native Hawaiians, the Committee was able to issue three reports that yielded important, new information about the particular needs of native American veterans and the VA's efforts to address those needs. In summary, the Committee found that, for a variety of reasons, native Americans were underutilizing the health care services and benefits offered by the VA; it made a series of valuable recommendations to the Administrator, most of which, unfortunately, have not been implemented.

The reauthorization of the Committee in a smaller, "action" configuration would help ensure that the Committee's recommendations are carried out by the Department of Veterans' Affairs and other Federal agencies. Presently, there are standing oversight advisory committees for former prisoners-of-war and for women veterans, but none for other minorities; reauthorizing the Committee would ensure that at least the voice of native Americans, who have a unique constitutional, legal, and historical relationship with the United States, would continue to be heard by VA officials. In addition, the Committee could serve as an invaluable resource for the Secretary of Veterans' Affairs, or for a prospective Assistant Secretary for Minority Oversight, a position I am seeking to have created through legislation I recently introduced.

Mr. President, I urge my colleagues to support this measure and ask unanimous consent to have the bill printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1145

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. ADVISORY COMMITTEE ON NATIVE-AMERICAN VETERANS.

(a) ESTABLISHMENT.—Effective October 1, 1989, the Advisory Committee on Native-American Veterans established by section 19032 of the Veterans' Health-Care Amendments of 1986 (title XIX of Public Law 99-272; 100 Stat. 388) is reestablished subject to the provisions of this Act.

(b) DUTIES.—The Committee shall examine and evaluate programs and other activities of the Department of Veterans Affairs with respect to the needs of veterans who are Native Americans, including American Indians and Alaska Natives. Such examination and evaluation shall include—

(1) an assessment of the needs of such veterans with respect to health care, rehabilitation, readjustment counseling, outreach services, and other benefits and services under programs administered by the Veterans' Administration; and

(2) a review of the manner in which and the extent to which the programs and other activities of the Department of Veterans Affairs meet such needs.

(c) MEMBERS.—(1) The Committee shall consist of six members, including—

(A) the Secretary of Labor (or a representative of the Secretary of Labor designated by the Secretary after consultation with the Assistant Secretary of Labor for Veterans' Employment);

(B) the Chief Medical Director and Chief Benefits Director of the Department of Veterans Affairs or their representatives; and

(C) four members appointed by the Secretary of Veterans Affairs from the general public, including—

(i) one Native Hawaiian;

(ii) one Alaska Native; and

(iii) one Native American residing in or near the District of Columbia.

(2) In appointing member of the Committee pursuant to paragraph (1)(C), the Secretary of Veterans Affairs shall insure that the Committee includes—

(A) representatives of veterans who have service-connected disabilities; and

(B) individuals who are recognized authorities in fields pertinent to the needs of Native American veterans, including the specific health-care needs of such veterans and the furnishing of health-care services by the Department of Veterans Affairs to such veterans.

(3) The Secretary shall make all appointments pursuant to paragraph (1)(C) on or before October 1, 1989.

(d) PARTICIPATION BY OTHER AGENCIES.—The Secretary of Veterans Affairs may invite representatives of other departments and agencies of the Federal Government to participate in the meetings and other activities of the Committee.

(e) PAY OF MEMBERS.—The Secretary of Veterans Affairs shall determine the pay and allowances of the members of the Committee appointed by the Secretary.

(f) REPORTS.—(1) The Committee shall submit to the Secretary of Veterans Affairs an annual report containing the findings and any recommendations of the Committee regarding the matters described in subsection (b) that were examined and evaluated by the Committee during the fiscal year in which the report is submitted. The Committee shall submit the first annual report not later than ————, 1990, and the second annual report not later than ————, 1991.

(2) Not later than 60 days after receiving each such annual report, the Secretary shall transmit to the Committees on Veterans Affairs of the Senate and the House of Representatives a copy of the report, together with any comments and recommendations concerning the report that the Secretary considers appropriate.

(h) TERMINATION.—The Committee shall terminate on September 30, 1991.

(g) DEFINITIONS.—For the purposes of this section—

(1) the term "Committee" means the Advisory Committee on Native-American Veterans;

(2) the term "Native American" means an Indian, a Native Hawaiian, or an Alaska Native;

(3) the term "Indian" shall have the same meaning as is provided in section 4(a) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(a));

(4) the term "Native Hawaiian" shall have the same meaning as is provided in section 8 of the Native Hawaiian Health Care Act of 1988 (Public Law 100-579; 102 Stat. 2921); and

(5) the term "Alaska Native" shall have the same meaning as is provided for the term "Native" in section 3(b) of the Alaska Native Claims Settlement Act (43 U.S.C. 1602(b)).

By Mr. MATSUNAGA:

S. 1146. A bill to require the Secretary of Veterans Affairs to conduct a pilot program providing for the Secretary to make direct housing loans to eligible native American veterans for the purchase of housing on certain trust lands and certain communally owned lands; to the Committee on Veterans' Affairs.

NATIVE AMERICAN VETERANS DIRECT HOUSING LOAN PILOT PROGRAM

Mr. MATSUNAGA. Mr. President, I am today introducing legislation to authorize the Secretary of Veterans' Affairs to establish a 3-year, $5 million pilot program to examine the feasibility of providing direct home loans to native American, native Alaskan, native Hawaiian, and other Pacific Island veterans residing on trust lands and other similar communally owned lands. The program would also determine ways to improve access of these veterans to other housing loan benefits listed in chapter 37 of title 38, United States Code. The Secretary would be required to report to both the House and Senate Veterans' Affairs Committees on the results of the program, including his or her views regarding the feasibility of conducting, with respect to native American veterans seeking to obtain housing on trust land, the following: First, a permanent program to make direct housing loans; second, a direct loan program offered jointly by the Department of Veterans' Affairs [VA] and tribal organizations; and third, a loan guaranty program providing a guaranty for housing loans made by tribal organizations.

Mr. President, nearly half of all native Americans live on reservations, lands which are held in trust by the U.S. Government. These lands are considered tribal, or community-owned property. This fact, in addition to the endemic unemployment that plagues Indian communities, makes it extremely difficult for native American veterans to obtain home loans. As my colleagues know, the VA will guarantee a portion of a veteran's loan, provided of course that he is first able to find a bank that is willing to offer him a loan. But how many banks are willing to issue a mortgage to a veteran whose opportunities for gainful employment are sharply limited and whose prospective house, because it stands on nontransferable tribal land, has little security value and is inherently difficult to resell in the event of default? This situation is not unique to American Indians. Veterans in American Samoa, for example, whose lands can be considered tribally owned under the Matai system, are in similar circumstances.

One solution to this problem might be to revive the VA's Direct Loan Program in limited and modified form to accommodate veterans living in special circumstances. Unfortunately the VA has not seriously entertained this as an option, adhering as it does to a rigid application of the general rule that the Government should not be involved in so-called commercial activities. My legislation would require the VA to explore this possibility, as well as require an extensive review of other housing loan options, some of them extremely innovative, including joint Federal-tribal direct loan and loan guaranty initiatives.

Mr. President, this legislation may eventually enable many native American veterans to own homes in the communities in which they were raised. This makes economic as well as sociological sense. While promoting social stability, reviving the direct loan program could help stimulate local reservation economies, which in turn could reduce the high unemployment rates found in these areas, which, again in turn, could reduce dependence on the Federal Government. While this legislation cannot guarantee that this would happen, it would at least allow us to begin to explore this possibility.

I ask unanimous consent to have the bill printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1146

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. NATIVE AMERICAN VETERANS DIRECT HOUSING LOAN PILOT PROGRAM.

(a) IN GENERAL.—During fiscal years 1990, 1991, and 1992, the Secretary of Veterans Affairs shall conduct a pilot program—

(1) to determine the feasibility of making direct housing loans to eligible veterans for the purchase of housing on Native American trust land; and

(2) to determine ways to improve the access of Native American veterans to housing loan benefits under chapter 37 of title 38, United States Code.

(b) PILOT PROGRAM LOANS.—Under the pilot program, the Secretary of Veterans Affairs shall make direct housing loans in connection with the purchase of housing located on Native American trust land.

(2) Any Native American who is eligible for the housing loan benefits of chapter 37 of such title shall be eligible to receive direct housing loans under the pilot program.

(3) The Secretary shall make direct housing loans under the pilot program in each of the following areas:

(A) The continental United States other than Alaska.

(B) Alaska.

(C) Islands in the Pacific Ocean.

(c) ADMINISTRATIVE PROVISIONS.—(1) Subsections (d)-(g) and (k) of section 1811 of title 38, United States Code, shall apply to the administration of the pilot program and to housing loans made under the pilot program.

(2) Housing loans under the pilot program shall be subject to such terms and conditions as the Secretary considers necessary to protect the interest of the United States.

(3) Housing loans made under the pilot program and the administrative expenses of conducting the pilot program shall be paid out of funds appropriated pursuant to the authorization contained in subsection (f) and not out of sums in the direct loan revolving fund referred to in section 1823 of title 38, United States Code.

(d) REPORT.—Not later than , 199 the Secretary of Veterans Affairs shall transmit to the Committees on Veterans' Affairs of the Senate and the House of Representatives a report containing—

(1) the views of the Secretary regarding the feasibility of conducting—

(A) a permanent program to make direct housing loans to eligible persons for the purchase of housing on Native American trust land;

(B) a direct housing loan program providing for the Secretary to make housing loans jointly with tribal organizations and economic enterprises to eligible persons for the purchase of housing on Native American trust land and to pay the Federal Government share of such loans out of sums in the Loan Guaranty Revolving Fund established in section 1824 of title 38, United States Code; and

(C) a housing loan guaranty program providing a guaranty for housing loans made to eligible persons by tribal organizations and other Native American organizations for the purchase of housing on Native American trust land; and

(2) the Secretary's recommendations, if any, for legislation regarding such programs.

(e) CONSIDERATION OF REPORTS OF THE ADVISORY COMMITTEE ON NATIVE-AMERICAN VETERANS.—In establishing the pilot program under this section and in preparing the report required by subsection (d), the Secretary shall consider the concerns and recommendations of the Advisory Committee on Native-American Veterans contained in the reports submitted by that committee pursuant to section 19032(f) of the Veterans' Health-Care Amendments of 1986 (title XIX of Public Law 99-272; 100 Stat. 388).

(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated for the Department of Veterans' Affairs to carry out this section the total amount of $5,000,000.

(g) DEFINITIONS.—For the purposes of this section—

(1) the term "housing loan" shall have the same meaning as is provided in section 1801 of title 38, United States Code;

(2) the term "eligible person" means any person referred to in subsection (b)(2);

(3) the term "Native American trust land" means any land that—

(A) is held in trust by the United States for Native Americans;

(B) is subject to restrictions on alienation imposed by the United States on Indian lands;

(C) is owned by a Regional Corporation or a village corporation, as such terms are defined in section 3(b) of the Alaska Native Claims Settlement Act (43 U.S.C. 1602(b)); or

(D) is on any island in the Pacific Ocean if such land is, by cultural tradition, communally-owned land, as determined by the Secretary of Veterans Affairs;

(4) the term "Native American" means—

(A) an Indian, as defined in section 4(a) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(a));

(B) a Native Hawaiian, as defined in section 8 of the Native Hawaiian Health Care Act of 1988 (Public Law 100-579; 102 Stat. 2921);

(C) an Alaska Native, within the meaning provided for the term "Native" in section 3(b) of the Alaska Native Claims Settlement Act (43 U.S.C. 1602(b)); and

(D) a Pacific Islander, within the meaning of the Native American Programs Act of 1974 (42 U.S.C. 2991 et seq.);

(5) the term "tribal organization" shall have the same meaning as is provided in section 4(c) of the Indian Self-Determination and Education Assistance Act (Public Law 93-638; 25 U.S.C. 450(c)); and

(6) the term "economic enterprise" shall have the same meaning as is provided in section 3(e) of the Indian Financing Act of 1974 (Public Law 93-262; 25 U.S.C. 1452(e)).

By Mr. DECONCINI (for himself, Mr. GRASSLEY, Mr. LAUTENBERG, Mr. D'AMATO, Mr. DIXON, Mr. MCCLURE, Mr. FOWLER, Mr. LEAHY, Mr. MURKOWSKI, Mr. PELL, Mr. BRADLEY, Mr. JEFFORDS, Mr. PRESSLER, Mr. ROCKEFELLER, Mr. SHELBY, Mr. REID, Mr. SANFORD, Mr. EXON, Mr. WIRTH, Mr. GLENN, Mr. INOUYE, Mr. SARBANES, Mr. KOHL, Mr. GORE, Mr. COCHRAN, Mr. WARNER, Mr. BIDEN, Mr. ROBB, Mr. WILSON, Mr. MITCHELL, Mr. HEINZ, Mr. METZENBAUM, Mr. DODD, Mr. DOLE, Mr. BOREN, Mr. LEVIN, Mr. CHAFEE, Mr. MACK, Mr. SIMON, Mr. KENNEDY, Mr. WALLOP, Mr. BURDICK, Mr. BREAUX, Mr. RIEGLE, Mr. DASCHLE, Mr. MOYNIHAN, Mr. CONRAD, Mr. SASSER, Ms. MIKULSKI, Mr. NUNN, Mr. GRAHAM, Mr. BAUCUS, Mr. BINGAMAN, Mr. HOLLINGS, Mr. FORD, Mr. BUMPERS, Mr. ADAMS, Mr. JOHNSTON, Mr. HATCH, Mr. KERRY, Mr. DURENBERGER, Mr. LIEBERMAN, Mr. BOSCHWITZ, Mr. ROTH, Mr. SIMPSON, and Mr. COATS):

S.J. Res. 150. A joint resolution to designate August 1, 1989, as "Helsinki Human Rights Day"; to the Committee on the Judiciary.

HELSINKI HUMAN RIGHTS DAY

● Mr. DECONCINI. Mr. President, as the Chairman of the Commission on Security and Cooperation in Europe—Helsinki Commission—I am pleased to introduce today, together with a majority of my colleagues, a joint resolution that authorizes and requests the President of the United States to designate August 1, 1989, as "Helsinki Human Rights Day."

Fourteen years ago, on August 1, 1975, representatives from 35 countries joined together in signing the final act of the Conference on Security and Cooperation in Europe [CSCE], commonly referred to as the Helsinki accords. This agreement covers every aspect of East-West relations, including military security, scientific and cultural exchanges, trade and economic cooperation and human rights.

The principles contained in these accords require the participating states to "respect human rights and fundamental freedoms, including the freedom of thought, conscience, religion or belief, for all without distinction as to race, sex, language or religion." They further address a principle which is central to the underlying purpose of the Helsinki Agreement; the unrestrained movement of people, ideas, and information.

Unfortunately, Mr. President, despite some significant improvements, several signatory nations continue not to honor these commitments. Basic freedoms which should be the right of every citizen such as the free expression of thought, unrestricted emigration, and family reunification continue to be abused and, in all too many cases, categorically denied.

This resolution requests the President to consistently raise the issue of noncompliance with the Helsinki accords on the part of any CSCE state which may be in violation. This particularly applies to the governments of the Soviet Union, Bulgaria, Czechoslovakia, the German Democratic Republic, Hungary, Poland, and Romania.

In November, 1,986 representatives from the signatory states convened in Vienna to review all aspects of the Helsinki accords. After over 2 years of negotiations, a Vienna concluding document was agreed to on January 19, 1989. This document, with respect to human rights and other humanitarian concerns, goes beyond any to date. However, while the review process has demonstrated improvements in some areas, much still needs to be accomplished.

By proclaiming August 1, 1989, as "Helsinki Human Rights Day," we reaffirm our commitment to the principles governing the Helsinki accords, principles that mirror those upon which our own constitution is based.

Transgressions against freedoms which are the inherent right of every individual must not be tolerated in any context. When these occur as a result of domestic policies by nations which have publicly agreed to protect and honor the fundamental human rights of their citizens, we must take vigorous action including public statements to induce them to live up to their international agreements.

I urge each member of this body to support this resolution and I ask unanimous consent that the text be printed in the RECORD at this point.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S.J. RES. 150

Whereas August 1, 1989, will be the fourteenth anniversary of the signing of the Final Act of the Conference on Security and Cooperation in Europe (CSCE) (hereafter in this preamble referred at as the "Helsinki accord");

Whereas on August 1, 1975, the Helsinki accords were agreed to by the Governments of Austria, Belgium, Bulgaria, Canada, Cyprus, Czechoslovakia, Denmark, Finland, France, the German Democratic Republic, the Federal Republic of Germany, Greece, the Holy See, Hungary, Iceland, Ireland, Italy, Liechtenstein, Luxembourg, Malta, Monaco, the Netherlands, Norway, Poland, Portugal, Romania, San Marino, Spain, Sweden, Switzerland, Turkey, the Union of Soviet Socialist Republics, the United Kingdom, the United States of America, and Yugoslavia;

Whereas the participating States have committed themselves to balanced progress in all areas of the Helsinki accords;

Whereas the Helsinki accords recognize the inherent relationship between respect for human rights and fundamental freedoms and the attainment of genuine security;

Whereas the Helsinki accords express the commitment of the participating States to "recognize the universal significance of human rights and fundamental freedoms, respect for which is an essential factor for the peace, justice and well-being necessary to ensure the development of friendly relations and cooperation among themselves as among all States";

Whereas the Helsinki accords also express the commitment of the participating States to "respect human rights and fundamental freedoms, including the freedom of thought, conscience, religion or belief, for all without distinction as to race, sex, language or religion";

Whereas the Helsinki accords also express the commitment of the participating State to "promote and encourage the effective exercise of civil, political, economic, social, cultural and other rights and freedoms all of which derive from the inherent dignity of the human person and are essential for his free and fully development";

Whereas the Helsinki accords also express the commitment of the participating States to "recognize and respect the freedom of the individual to profess and practice, alone or in community with others, religion or belief acting in accordance with the dictates of his own conscience";

Whereas the Helsinki accords also express the commitment of the participating States on whose territory national minorities exist to "respect the right of persons belonging to such minorities to equality before the law" and that such States "will afford them the full opportunity for the actual enjoyment of human rights and fundamental freedoms and will in this manner, protect their legitimate interests in this sphere";

Whereas the Helsinki accords also express the commitment of the participating States to "constantly respect these rights and freedoms in their mutual relations" and that such States "will endeavor jointly and separately, including in cooperation with the United Nations, to promote universal and effective respect for them";

Whereas the Helsinki accords also express the commitment of the participating States to "conform the right of the individual to know and act upon his rights and duties in this field";

Whereas the Helsinki accords also express the commitment of the participating States in the field of human rights and fundamental freedoms to "act in conformity with the purposes and principles of the Charter of the United Nations and with the Universal Declaration of Human Rights" and to "fulfill their obligations as set forth in the international declarations and agreements in this field, including inter alia the Inter-

national Covenants on Human Rights, by which they may be bound";

Whereas the Helsinki accords by incorporation also express the commitment of the participating States to guarantee the right of the individual to leave his own country and return to such country;

Whereas the Helsinki accords also express the commitment of the participating States to "facilitate freer movement and contacts, individually and collectively, whether privately or officially, among persons, institutions and organizations of the participating States, and to contribute to the solution of the humanitarian problems that arise in that connection";

Whereas the Helsinki accords also express the commitment of the participating States to "favorably consider applications for travel with the purpose of allowing persons to enter or leave their territory temporarily, and on a regular basis if desired, in order to visit members of their families";

Whereas the Helsinki accords also express the commitment of the participating States to "deal in a positive and humanitarian spirit with the applications of persons who wish to be reunited with members of their family" and "to deal with applications in this field as expeditiously as possible";

Whereas the Helsinki accords also express the commitments of the participating States to "examine favorably and on the basis of humanitarian considerations requests for exit or entry permits from persons who have decided to marry a citizen from another participating State";

Whereas the Helsinki accords also express the commitment of the participating States to "facilitate wider travel by their citizens for personal or professional reasons";

Whereas the Helsinki accords also express the commitment of the participating States to "facilitate the freer and wider dissemination of information of all kinds, to encourage cooperation in the field of information and the exchange of information with other countries";

Whereas all the participating States, including the Governments of the Union of Soviet Socialist Republics, Bulgaria, Czechoslovakia, the German Democratic Republic, Hungary, Poland, and Romania, in agreeing to the Helsinki accords, have made a commitment to adhere to the principles of human rights and fundamental freedoms as embodied in the Helsinki accords;

Whereas, despite some significant improvements in some of these countries, the aforementioned Governments still have the worst performance records and have failed to fully implement their obligations under Principle VII of the Helsinki accords to respect human rights and fundamental freedoms, including the freedom of thought, conscience, religion or belief, and under Basket III of the Helsinki accords to promote free movement of people, ideas and information;

Whereas representatives from the signatory States convened in Vienna on November 4, 1986, to review implementation and address issues of compliance with the human rights and humanitarian provisions of the Helsinki accords;

Whereas representatives from the signatory States reached consensus on the Concluding Document of the Vienna Meeting on January 19, 1989, a document which has added clarity and precision to the obligations undertaken by the States in signing the Helsinki accords; and

Whereas by agreeing to the document, the signatory States "reaffirmed their commitment ot the CSCE process and underlined its essential role in increasing confidence, in opening up new ways for cooperation, in promoting respect for human rights and fundamental freedoms and thus strengthening international security": Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That—

(1) August 1, 1989, the fourteenth anniversary of the signing of the Final Act on the Conference on Security and Cooperation in Europe (hereinafter referred to as the "Helsinki accords") is designated as "Helsinki Human Rights Day";

(2) the President is authorized and requested to issue a proclamation reasserting the American commitment to full implementation of the human rights and humanitarian provisions of the Helsinki accords, urging all signatory nations to abide by their obligations under the Helsinki accords, and encouraging the people of the United States to join the President and Congress in observance of the Helsinki Human Rights Day with appropriate programs, ceremonies, and activities;

(3) the President is further requested to continue his efforts to achieve full implementation of the human rights and humanitarian provisions of the Helsinki accords by raising the issue of noncompliance on the part of any signatory nation which may be in violation (in particular, the Governments of the Soviet Union, Bulgaria, Czechoslovakia, the German Democratic Republic, Hungary, Poland, and Romania);

(4) the President is further requested to convey to all signatories of the Helsinki accords that respect for human rights and fundamental freedoms is a vital element of further progress in the ongoing Helsinki process; and

(5) the President is authorized to convey to allies and friends of the United States that unity on the question of respect for human rights and fundamental freedoms is an essential means of promoting the full implementation of the human rights and humanitarian provisions of the Helsinki accords.

SEC. 2. The Secretary of the Senate is directed to transmit copies of this joint resolution to the President, the Secretary of State, and the Ambassadors of the thirty-four Helsinki signatory nations.●

By Mr. PRYOR (for himself, Mr. ADAMS, Mr. BENTSEN, Mr. BOSCHWITZ, Mr. BRADLEY, Mr. BRYAN, Mr. BUMPERS, Mr. BURDICK, Mr. CHAFEE, Mr. COCHRAN, Mr. COHEN, Mr. CONRAD, Mr. CRANSTON, Mr. D'AMATO, Mr. DIXON, Mr. DODD, Mr. DOLE, Mr. DURENBERGER, Mr. GARN, Mr. GLENN, Mr. GORE, Mr. GRASSLEY, Mr. HEINZ, Mr. INOUYE, Mr. JOHNSTON, Mrs. KASSEBAUM, Mr. KERRY, Mr. LAUTENBERG, Mr. LEVIN, Mr. LIEBERMAN, Mr. LUGAR, Mr. MCCLURE, Mr. METZENBAUM, Ms. MIKULSKI, Mr. MITCHELL, Mr. MOYNIHAN, Mr. MURKOWSKI, Mr. NUNN, Mr. PACKWOOD, Mr. PELL, Mr. PRESSLER, Mr. REID, Mr. ROBB, Mr. ROCKEFELLER, Mr. SASSER, Mr. SHELBY, Mr. SIMPSON, Mr. STEVENS, Mr. THURMOND, Mr. WARNER, Mr. WILSON, and Mr. WIRTH):

S.J. Res. 152. Joint resolution to designate the last full week of October, October 22 through October 28, 1989, and the last full week of October thereafter as "National Adult Immunization Awareness Week"; to the Committee on the Judiciary.

NATIONAL ADULT IMMUNIZATION AWARENESS WEEK

● Mr. PRYOR. Mr. President, as chairman of the Senate Special Committee on Aging, I am pleased to introduce a joint resolution to designate the last full week of October, October 22 through 28, 1989, as National Adult Immunization Awareness Week.

Mr. President, this year, tens of thousands of adults, most of them elderly, will die from vaccine-preventable diseases. While preschool immunization is required by State law, the need for immunization of older adults is often overlooked. I understand that fewer than one in eight older adults is protected against flu, pneumonia, hepatitis B, measles, diphtheria, rubella, or tetanus. This rate is disturbing and clearly life threatening. In an effort to reduce the number of unnecessary deaths, we must work to promote a greater awareness of the need for increased adult immunization. Knowing that a simple shot could save lives is the first step in addressing this issue.

Over the past 30 years our country has been hit by numerous major flu epidemics, each of which has claimed the lives of thousands of citizens, the majority being elderly. Fewer than 10 percent of our elderly are immunized against pneumococcal pneumonia which is the sixth leading cause of death in the United States.

In addition to this tragic loss of life, our failed adult immunization program forces us to spend our health care dollars on preventable infectious diseases for hospital care and lost work days. Congress has not been unresponsive to this issue. Currently, we have funded an innovative project that provides free flu shots as part of a large scale and cost-effective demonstration project.

This resolution, which has the support of a broad-based coalition comprised of more than 50 private, public, professional and consumer groups, provides an excellent opportunity to publicize the Medicare influenza project and many other vaccine programs offered by States and voluntary and professional groups across the Nation.

The National Adult Immunization Awareness Week costs the Government nothing. Instead it could save the United States billions of dollars in health care costs and improve the overall health of this Nation's adult population.

Mr. President, this joint resolution represents a continuing effort toward reaching our goal. I am delighted that a similar resolution was passed unanimously and signed by the President in each of the past 2 years. I urge my colleagues' support as one measure of our shared commitment to ending the tragic loss of life caused by these deadly and preventable diseases.●

By Mr. ROCKEFELLER (for himself, Mr. HOLLINGS, Mr. BURNS, Mr. PRESSLER, Mr. GORE, Mr. BRYAN, Mr. DANFORTH, Mr. INOUYE, Mr. BENTSEN, Mr. STEVENS, Mr. KASTEN, Mr. KERRY, Mr. ROBB, Mr. EXON, Mr. LOTT, Mr. GORTON, Mr. SHELBY, Mr. REID, Mr. PRYOR, Mr. BRADLEY, Mr. MACK, Mr. D'AMATO, Mr. WILSON, Mr. DECONCINI, Mr. HEFLIN, Mr. SYMMS, Mr. SASSER, Mr. MURKOWSKI, Mr. RIEGLE, Mr. COHEN, Mr. GARN, Mr. DASCHLE, Mr. PELL, Mr. MITCHELL, Mr. BOND, Mr. THURMOND, Mr. SANFORD, Mr. DURENBERGER, Mr. CRANSTON, Mr. COCHRAN, Mr. JEFFORDS, Mr. LAUTENBERG, and Mr. SIMPSON):

S.J. Res. 153. Joint resolution designating the third week in May 1990 as "National Tourism Week"; to the Committee on the Judiciary.

NATIONAL TOURISM WEEK

● Mr. ROCKEFELLER. Mr. President, the Senate has passed legislation to recognize the tourism industry for the last 5 years. Today, I am continuing the tradition and introducing a joint resolution to proclaim the third week of May 1990 as National Tourism Week. I believe the reasons to support this industry are as compelling now as they have ever been.

I would like to take a moment to update my colleagues on what is happening in the tourism industry and why this commemorative resolution is worth passing.

Travel away from home, often called tourism is a complex phenomenon. It entails consumer and business purchases of passenger transportation, lodging, food, entertainment, recreation, gasoline, and certain retail items. These activities which bring to mind some of life's less serious pursuits, raise very serious issues for those of us concerned about our national economy.

Some of my colleagues may be surprised to learn that tourism is the second largest private employer in the United States, generating nearly 6 million jobs and indirectly employing another 2.2 million Americans. And let me dispel the myth that these are low-paying, short-term, hamburger flipper jobs we hear so much about. People employed in the tourism industry earn an average wage of $6 an hour and most employers offer valuable training and long-term career opportunities.

The figures, on the revenue side, are staggering. Travel expenditures in the United States amount to more than $313 billion annually, or about 6.4 percent of gross national product.

Tourism is important to American families and they back it up with the power of their purses. In fact, the typical American household spends $3,900 per year on travel in the United States and abroad—almost as much as it spends on private health care or on food, beverages, and tobacco combined, and twice as much as it spends on clothing.

I recently held a field hearing in West Virginia on the importance of this industry to my State. At that hearing, I heard about the wonderful things the industry is doing in West Virginia. Tourism is West Virginia's second largest industry. Tourists spend nearly $3.5 million per day in our State. This spending supports more than 28,000 jobs for West Virginians. And each year, our State and local governments pick up a total of $128 million in tax revenues from travel and tourism expenditures. I believe that West Virginia's incredible wealth of natural resources puts us in good stead as a tourist destination. We are working very hard to make the most of what nature has given us and sharing it with as many visitors as possible.

While I am pleased about the benefits of tourism I am seeing in West Virginia, I am also delighted to hear of the impact tourism has on the country in the international trade area. In 1988, 34 million foreigners traveled to the United States—that's an increase of 13.8 percent over 1987. We need to start thinking of these international visitors as living, breathing American exporters. They are exporting our tourism products—traveling on our air carriers, staying in our hotels, eating in our restaurants, and visiting our national attractions. Last year alone, foreign visitors spent $18.4 billion dollars in the United States. Given our huge trade imbalance, these figures are very important.

You may be asking yourself; if this industry is doing so well, why do we need to have a national week of recognition? I believe we should not wait for an industry to fall into hard times before we—the Government—come to their side. Our major trade competitors are more often than not ready to offer support and assistance to domestic industries. The U.S. Government should also stand by our industries in good times and in hard times.

Given the tremendous size and importance of the tourism industry, this sector asks for very little from the Federal Government. I am willing to do more, if necessary, to ensure the continued growth of the tourism industry. For now, I think that the least we can do for this industry is give them a national week of recognition—it is a tip of our hat to an industry which has become an engine of our economy.●

ADDITIONAL COSPONSORS

S. 6

At the request of Mr. MCCAIN, the name of the Senator from Kansas [Mrs. KASSEBAUM] was added as a cosponsor of S. 6, a bill to grant the power to the President to reduce appropriated funds within 10 days after the date of enactment of a bill appropriating such funds.

S. 216

At the request of Mr. MOYNIHAN, the name of the Senator from New Jersey [Mr. BRADLEY] was added as a cosponsor of S. 216, a bill to establish the Social Security Administration as an independent agency, which shall be headed by a Social Security Board and which shall be responsible for the administration of the old-age, survivors, and disability insurance program under title II of the Social Security Act and the supplemental security income program under title XVI of such act.

S. 338

At the request of Mr. HARKIN, the name of the Senator from Utah [Mr. GARN] was added as a cosponsor of S. 338, a bill to authorize the Secretary of the Interior to provide for the development of a trails interpretation center in the city of Council Bluffs, IA, and for other purposes.

S. 341

At the request of Mr. HOLLINGS, the name of the Senator from New Jersey [Mr. BRADLEY] was added as a cosponsor of S. 341, a bill to amend the Federal Aviation Act of 1958 to prohibit discrimination against blind individuals in air travel.

S. 342

At the request of Mr. DANFORTH, the name of the Senator from Rhode Island [Mr. PELL] was added as a cosponsor of S. 342, a bill to amend the Internal Revenue Code of 1986 to provide that certain credits will not be subject to the passive activity rules, and for other purposes.

S. 355

At the request of Mr. RIEGLE, the name of the Senator from Utah [Mr. HATCH] was added as a cosponsor of S. 355, a bill to amend the Internal Revenue Code of 1986 to extend through 1992 the period during which qualified mortgage bonds and mortgage credit certificates may be issued.

S. 375

At the request of Mr. HOLLINGS, the name of the Senator from Utah [Mr. GARN] was added as a cosponsor of S. 375, a bill to provide for the broadcast-

ing of accurate information to the people of Cuba, and for other purposes.

S. 416

At the request of Mr. DOMENICI, the names of the Senator from Washington [Mr. ADAMS] and the Senator from California [Mr. WILSON] were added as cosponsors of S. 416, a bill to provide that all Federal civilian and military retirees shall receive the full cost-of-living adjustment in annuities payable under Federal retirement systems for fiscal years 1990 and 1991, and for other purposes.

S. 454

At the request of Mr. ROCKEFELLER, the name of the Senator from Alabama [Mr. SHELBY] was added as a cosponsor of S. 454, a bill to provide additional funding for the Appalachian development highway system.

S. 455

At the request of Mr. ROCKEFELLER, the name of the Senator from Alabama [Mr. SHELBY] was added as a cosponsor of S. 455, a bill to extend the Appalachian Regional Development Act of 1965 and to provide authorizations for the Appalachian Highway and Appalachian Area Development Programs.

S. 507

At the request of Mr. SIMON, the name of the Senator from Maryland [Ms. MIKULSKI] was added as a cosponsor of S. 507, a bill to prohibit investments in, and certain other activities with respect to, South Africa, and for other purposes.

S. 570

At the request of Mr. DANFORTH, the names of the Senator from Colorado [Mr. WIRTH] and the Senator from Hawaii [Mr. INOUYE] were added as cosponsors of S. 570, a bill to amend the Internal Revenue Code of 1986 to enhance the incentive for increasing research activities.

S. 754

At the request of Mr. PACKWOOD, the name of the Senator from Utah [Mr. HATCH] was added as a cosponsor of S. 754, a bill to restrict the export of unprocessed timber from certain Federal lands, and for other purposes.

S. 755

At the request of Mr. PACKWOOD, the name of the Senator from Utah [Mr. HATCH] was added as a cosponsor of S. 755, a bill to authorize the States to prohibit or restrict the export of unprocessed logs harvested from lands owned or administered by States.

S. 771

At the request of Mr. REID, the name of the Senator from Maryland [Ms. MIKULSKI] was added as a cosponsor of S. 771, a bill to amend the Internal Revenue Code of 1986 to disallow deductions for costs in connection with oil and hazardous substances cleanup unless the requirements of all applicable Federal laws concerning such cleanup are met, and for other purposes.

S. 814

At the request of Mr. DOMENICI, the name of the Senator from Minnesota [Mr. BOSCHWITZ] was added as a cosponsor of S. 814, a bill to provide for the minting and circulation of one dollar coins, and for other purposes.

S. 893

At the request of Mr. LAUTENBERG, the name of the Senator from Texas [Mr. GRAMM] was added as a cosponsor of S. 893, a bill to establish certain categories of Soviet and Vietnamese nationals presumed to be subject to persecution and to provide for adjustment to refugee status of certain Soviet and Vietnamese parolees.

S. 959

At the request of Mr. DASCHLE, the name of the Senator from North Dakota [Mr. BURDICK] was added as a cosponsor of S. 959, a bill to amend title III of the Public Health Service Act to make improvements in the National Health Service Corps Scholarship Program, and for other purposes.

S. 986

At the request of Mr. LAUTENBERG, the name of the Senator from Maryland [Ms. MIKULSKI] was added as a cosponsor of S. 986, a bill to require Federal review and approval of oil discharge contingency plans, and for other purposes.

S. 1036

At the request of Mr. LEAHY, the name of the Senator from South Carolina [Mr. THURMOND] was added as a cosponsor of S. 1036, a bill to improve the economic, community, and educational well-being of rural America, and for other purposes.

S. 1091

At the request of Mr. GRAHAM, the names of the Senator from Rhode Island [Mr. PELL], the Senator from Alaska [Mr. STEVENS], and the Senator from Tennessee [Mr. GORE] were added as cosponsors of S. 1091, a bill to provide for the striking of medals in commemoration of the bicentennial of the United States Coast Guard.

S. 1107

At the request of Mr. SIMON, the name of the Senator from Maryland [Ms. MIKULSKI] was added as a cosponsor of S. 1107, a bill to provide education, training, employment, and related services to displaced homemakers, and for other purposes.

SENATE JOINT RESOLUTION 68

At the request of Mr. BYRD, the name of the Senator from Illinois [Mr. SIMON] was added as a cosponsor of Senate Joint Resolution 68, a joint resolution to designate the month of May 1989, as "Trauma Awareness Month."

SENATE JOINT RESOLUTION 86

At the request of Mr. RIEGLE, the names of the Senator from Minnesota [Mr. DURENBERGER], the Senator from Vermont [Mr. JEFFORDS], the Senator from Maryland [Ms. MIKULSKI], and the Senator from South Dakota [Mr. PRESSLER] were added as cosponsors of Senate Joint Resolution 86, a joint resolution designating November 17, 1989, as "National Philanthropy Day."

SENATE JOINT RESOLUTION 110

At the request of Mr. SIMON, the name of the Senator from Alaska [Mr. STEVENS] was added as a cosponsor of Senate Joint Resolution 110, a joint resolution designating October 5, 1989, as "Raoul Wallenberg Day."

SENATE JOINT RESOLUTION 120

At the request of Mr. BRADLEY, the names of the Senator from Hawaii [Mr. INOUYE], the Senator from Maryland [Mr. SARBANES], the Senator from New Jersey [Mr. LAUTENBERG], the Senator from North Dakota [Mr. BURDICK], the Senator from Alabama [Mr. SHELBY], the Senator from Rhode Island [Mr. PELL], the Senator from Oklahoma [Mr. BOREN], the Senator from California [Mr. CRANSTON], the Senator from Michigan [Mr. LEVIN], the Senator from Arizona [Mr. DECONCINI], the Senator from Hawaii [Mr. MATSUNAGA], the Senator from North Dakota [Mr. CONRAD], the Senator from South Carolina [Mr. HOLLINGS], the Senator from Michigan [Mr. RIEGLE], the Senator from Maine [Mr. MITCHELL], the Senator from West Virginia [Mr. ROCKEFELLER], the Senator from Texas [Mr. BENTSEN], the Senator from Georgia [Mr. NUNN], the Senator from Alabama [Mr. HEFLIN], the Senator from New York [Mr. MOYNIHAN], the Senator from Illinois [Mr. SIMON], the Senator from Massachusetts [Mr. KENNEDY], the Senator from Maryland [Ms. MIKULSKI], the Senator from Connecticut [Mr. DODD], the Senator from Tennessee [Mr. GORE], the Senator from Colorado [Mr. WIRTH], the Senator from Nevada [Mr. BRYAN], the Senator from Nevada [Mr. REID], the Senator from South Dakota [Mr. DASCHLE], the Senator from Oregon [Mr. PACKWOOD], the Senator from Rhode Island [Mr. CHAFEE], the Senator from Indiana [Mr. LUGAR], the Senator from Indiana [Mr. COATS], the Senator from South Carolina [Mr. THURMOND], the Senator from Alaska [Mr. MURKOWSKI], the Senator from Vermont [Mr. JEFFORDS], the Senator from Kansas [Mr. DOLE], the Senator from California [Mr. WILSON], the Senator from Idaho [Mr. MCCLURE], the Senator from Colorado [Mr. ARMSTRONG], the Senator from South Dakota [Mr. PRESSLER], the Senator from Minnesota [Mr. BOSCHWITZ], the Senator from Virginia [Mr. WARNER], the Senator from Mississippi [Mr. COCHRAN], the Senator from Minnesota [Mr. DURENBERGER], the Senator from New York [Mr. D'AMATO], the Senator from Utah [Mr. GARN], the Senator from

Missouri [Mr. BOND], the Senator from Alaska [Mr. STEVENS], the Senator from New Mexico [Mr. DOMENICI], the Senator from Pennsylvania [Mr. HEINZ], the Senator from Montana [Mr. BURNS], the Senator from New Hampshire [Mr. HUMPHREY], the Senator from Wisconsin [Mr. KASTEN], and the Senator from Florida [Mr. MACK] were added as cosponsors of Senate Joint Resolution 120, a joint resolution to designate the period commencing November 12, 1989, and ending November 18, 1989, as "Geography Awareness Week."

SENATE JOINT RESOLUTION 127

At the request of Mr. SIMON, the names of the Senator from Delaware [Mr. BIDEN], the Senator from Massachusetts [Mr. KERRY], and the Senator from California [Mr. CRANSTON] were added as cosponsors of Senate Joint Resolution 127, a joint resolution designating Labor Day Weekend, September 2-4, 1989, as "National Drive for Life Weekend."

SENATE JOINT RESOLUTION 129

At the request of Mr. DOLE, the names of the Senator from North Dakota [Mr. BURDICK], the Senator from South Dakota [Mr. PRESSLER], and the Senator from Wyoming [Mr. WALLOP] were added as cosponsors of Senate Joint Resolution 129, a joint resolution to provide for the designation of September 15, 1989, as "National POW/MIA Recognition Day."

SENATE JOINT RESOLUTION 130

At the request of Mr. SARBANES, the name of the Senator from Wyoming [Mr. SIMPSON] was added as a cosponsor of Senate Joint Resolution 130, a joint resolution designating February 11 through February 17, 1990, as "Vocational-Technical Education Week."

SENATE JOINT RESOLUTION 131

At the request of Mr. DURENBERGER, the name of the Senator from Delaware [Mr. ROTH] was added as a cosponsor of Senate Joint Resolution 131, a joint resolution to designate November 1989 as "National Diabetes Month."

SENATE JOINT RESOLUTION 136

At the request of Mr. SPECTER, the name of the Senator from Mississippi [Mr. COCHRAN] was added as a cosponsor of Senate Joint Resolution 136, a joint resolution designating August 8, 1989, as "National Neighborhood Crime Watch Day."

SENATE JOINT RESOLUTION 144

At the request of Mr. HATCH, the name of the Senator from Kentucky [Mr. MCCONNELL] was added as a cosponsor of Senate Joint Resolution 144, a joint resolution proposing an amendment to the Constitution of the United States relating to voluntary silent prayer or reflection.

SENATE RESOLUTION 13

At the request of Mr. DOLE, the name of the Senator from Arkansas [Mr. BUMPERS] was added as a cosponsor of Senate Resolution 13, a resolution to amend Senate Resolution 28 to implement closed caption broadcasting for hearing-impaired individuals of floor proceedings of the Senate.

SENATE RESOLUTION 63

At the request of Mr. SYMMS, the names of the Senator from Montana [Mr. BURNS], the Senator from North Dakota [Mr. CONRAD], the Senator from Idaho [Mr. MCCLURE], the Senator from North Carolina [Mr. SANFORD], and the Senator from Virginia [Mr. WARNER] were added as cosponsors of Senate Resolution 63, a resolution expressing the sense of the Senate that the Federal excise taxes on gasoline and diesel fuel shall not be increased to reduce the Federal deficit.

AMENDMENT NO. 139

At the request of Mr. MCCAIN, the name of the Senator from Minnesota [Mr. BOSCHWITZ] was added as a cosponsor of amendment No. 139 proposed to H.R. 2072, a bill making dire emergency supplemental appropriations and transfers, urgent supplementals, and correcting enrollment errors for the fiscal year ending September 30, 1989, and for other purposes.

AMENDMENT NO. 140

At the request of Mr. PACKWOOD, the name of the Senator from Wyoming [Mr. SIMPSON] was added as a cosponsor of amendment No. 140 proposed to H.R. 2072, a bill making dire emergency supplemental appropriations and transfers, urgent supplementals, and correcting enrollment errors for the fiscal year ending September 30, 1989, and for other purposes.

At the request of Mr. MITCHELL, the name of the Senator from West Virginia [Mr. BYRD] was added as a cosponsor of amendment No. 140 proposed to H.R. 2072, supra.

AMENDMENTS SUBMITTED

DIRE EMERGENCY SUPPLEMENTAL APPROPRIATIONS, 1989

BYRD AMENDMENT NO. 143

Mr. BYRD proposed an amendment to the bill (H.R. 2072) making dire emergency supplemental appropriations and transfers, urgent supplementals, and correcting enrollment errors for the fiscal year ending September 30, 1989, and for other purposes, as follows:

On page 10 at line 18, delete "301" and insert "201".

On page 12 between lines 13 and 14, in amendment 127, delete the word "borrowing" in the last line and insert "recipient".

On page 14 after line 24, in amendment number 136, insert the head "Haiti", and delete "553(b)" and insert "563(b)".

On page 17 at line 20, strike "501" and insert "401".

On page 19 at line 15, delete "502" and insert "402".

On page 20 at line 1, delete "503" and insert "403".

On page 41 at line 16, delete the word "calendar" and insert the word "fiscal" in lieu thereof.

At the appropriate place insert the following:

"Effective June 15, 1989, the Library of Congress shall provide financial management services and support to the United States Capitol Preservation Commission as may be required and mutually agreed to by the Librarian of Congress and the Cochairmen of the United States Capitol Preservation Commission."

NOTICES OF HEARINGS

SUBCOMMITTEE ON PUBLIC LANDS, NATIONAL PARKS AND FORESTS

Mr. BUMPERS. Mr. President, I would like to announce for the public that a hearing has been scheduled before the Subcommittee on Public Lands, National Parks and Forests of the Committee on Energy and Natural Resources.

The hearing will take place on June 21, 1989, beginning at 2 p.m. in room SD-366 of the Senate Dirksen Office Building in Washington, DC.

The purpose of the hearing is to receive testimony on six bills currently pending before the subcommittee. The measures are:

S. 558, to authorize a study on methods to protect and interpret the internationally significant Lechuguilla Cave at Carlsbad Caverns National Park in the State of New Mexico;

S. 560, to direct the Secretary of the Interior to conduct a study of certain historic military forts in the State of New Mexico;

S. 818, to authorize a study on methods to pay tribute to the late Senator Clinton P. Anderson of New Mexico for his significant contributions to the establishment of a national wilderness system;

S. 855, to direct the Secretary of the Interior to establish a cave research institute at Carlsbad Caverns National Park;

S. 940, to designate segments of the east fork of the Jemez River and of the Pecos River as components of the National Wild and Scenic Rivers System; and

S. 963, to authorize a study on methods to commemorate the nationally significant highway known as Route 66, and for other purposes.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, anyone wishing to submit written testimony to be included in the hearing record is welcome to do so. Those wishing to submit written testimony should send two copies to the Subcommittee on Public Lands, National Parks and Forests, SD-364, Washington, DC 20510.

For further information regarding the hearing, please contact Beth Nor-

cross of the subcommittee staff at (202) 224-7933.

COMMITTEE ON VETERANS' AFFAIRS

Mr. CRANSTON. Mr. President, I announce, for the information of Senators, that the Committee on Veterans' Affairs, which I am privileged to chair, is scheduled to hold a hearing Wednesday, June 14, 1989, in SR-418 at 9 a.m. on mental health and health-facility-security legislation and oversight.

AUTHORITY FOR COMMITTEES TO MEET

SUBCOMMITTEE ON AVIATION

Mr. BYRD. Mr. President, I ask unanimous consent that the Aviation Subcommittee, of the Committee on Commerce, Science, and Transportation, be authorized to meet during the session of the Senate on June 7, 1989, at 2:30 p.m. to hold a hearing on the effect of airline concentration at hubs on fares and services.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON CONSUMERS

Mr. BYRD. Mr. President, I ask unanimous consent that the Consumer Subcommittee, of the Committee on Commerce, Science, and Transportation, be authorized to meet during the session of the Senate on June 7, 1989, at 10 a.m. to hold a hearing on the Federal Trade Commission reauthorization.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. BYRD. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on June 7, 1989, at 10 a.m. to hold a hearing on S. 438, Racketeer Influenced and Corrupt Organizations Reform Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. BYRD. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on June 7, 1989, at 9:30 a.m. to hold hearings on and to consider the nominations of Kenneth W. Gideon, to be an Assistant Secretary of the Treasury; Bryce L. Harlow, to be a Deputy Under Secretary of the Treasury; Gerald L. Olson, to be an Assistant Secretary of Health and Human Services; and John Michael Farren, to be Under Secretary of Commerce.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON MINERAL RESOURCES DEVELOPMENT AND PRODUCTION

Mr. BYRD. Mr. President, I ask unanimous consent that the Subcommittee on Mineral Resources Development and Production of the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on June 7, 1989, at 2:30 p.m. for an oversight hearing to receive testimony concerning the mining law of 1872.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON CONSUMER AND REGULATORY AFFAIRS

Mr. BYRD. Mr. President, I ask unanimous consent that the Subcommittee on Consumer and Regulatory Affairs of the Committee on Banking, Housing, and Urban Affairs be allowed to meet during the session of the Senate on Wednesday, June 7, 1989, at 9 a.m. to conduct hearings on S. 906, the Government Check Cashing Act; S. 907, the Basic Bank Services Access Act; and, S. 909, a bill to amend the Community Reinvestment Act to require disclosure of written evaluations.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BYRD. Mr. President, I ask unanimous consent that the full committee of the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on June 7, 1989, at 9:30 a.m. for a business meeting pending calendar business.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON HOUSING AND URBAN AFFAIRS

Mr. BYRD. Mr. President, I ask unanimous consent that the Subcommittee on Housing and Urban Affairs of the Committee on Banking, Housing, and Urban Affairs be allowed to meet during the session of the Senate on Wednesday, June 7, 1989, at 9:30 a.m. to conduct hearings on S. 566, the National Affordable Housing Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

THE HENRY M. JACKSON AWARD

● Mr. INOUYE. Mr. President, I had the high honor and privilege of participating last month in a Capitol ceremony at which former Majority Leader Mike Mansfield was awarded the Henry M. Jackson Award for Distinguished Public Service.

The Henry M. Jackson Award was established by the Henry M. Jackson Foundation to honor individuals who have made important contributions through public service in areas of particular interest to the late Senator Jackson, such as international affairs, human rights, and environmental quality, and who share the extraordinary qualities of leadership personified by the late Senator.

Mike Mansfield held the key post of Ambassador to Japan for 11 years—longer than any other American in history. He holds the highest respect in America and Japan as a world statesman and an outstanding expert on Asia.

As majority leader of the U.S. Senate for 16 years—also a record length of service—Senator Mansfield served our Nation and the cause of world peace with dedication and skill. I am pleased to call him my mentor and beloved friend.

Mr. President, I ask that the remarks on May 3d of Helen Jackson, the widow of Senator Scoop Jackson, and Ambassador Mansfield be printed in the RECORD.

The remarks follow:

REMARKS BY HELEN JACKSON

I am delighted to see so many dear friends here tonight.

Thank you for joining us in this tribute to Mike Mansfield and to his wonderful wife Maureen who, over the years, has been his inspiration. My only regret is that Scoop is not with us tonight to join in what is really a family affair.

Scoop and Mike were very special friends. In 1952, they entered the Senate together after serving side by side in the House of Representatives. One of the pictures on display here this evening shows the two of them, along with other freshmen Senate colleagues, gathered round President Eisenhower.

Over the years their friendship deepened. It never faltered, even in the face of differences on certain major issues of defense policy—not to mention the weekly encounters on the baseball diamond in Georgetown, so well recorded in other pictures here. Their friendship transcended disagreement. It was bonded by mutual respect, deep affection, native good humor, a sense of history and shared legislative endeavors.

The Henry M. Jackson Award for Distinguished Public Service, being presented tonight, was established by the Jackson Foundation to single out individuals who have served their nation with honor and distinction, in what we call the "Jackson tradition."

One of this era's finest public servants is Mike Mansfield. He mastered the art of national leadership in the Senate—while representing effectively the concerns of his own Montana constituency. That would have been enough for any ordinary mortal's life. But not for Mike. He went on in recent years to master the art of representing America's vital concerns as Ambassador Extraordinary to a most important nation in a critically strategic area of the world.

Born to Irish immigrant parents in New York City, Mike was sent to Montana at age 6 following the death of his mother. From then on, Montana has been the center of his life. Although he so often found himself far afield in one assignment or another, he has always been the man from Montana.

Between the ages of 14 and 20 Mike served in the three branches of the military. Upon his return to Montana, he worked as a copper miner, and fell under the influence of an attractive young school teacher, Maureen Hayes. With her encouragement and support, Mike completed his education and joined the faculty of the University of Montana, teaching Latin American and Far

Eastern history. In 1942 with Maureen's help, he was elected to Congress, and you know the rest of the story . . .

As Senator Majority Leader for sixteen years, Mike brought to the Senate a wisdom borne of worldly and scholarly experience, and an ability to listen and learn. Known for his calm, straight-forward, unflappable manner, he commanded the legislative process, steering to victory landmark legislation—notably the Civil Rights Act of 1964.

His Senate colleagues speak of this man from Montana in many ways: "A valuable national asset," "an American gentleman," "a rock of leadership and wisdom," "truth in action," "a man who brings honor rather than disrepute to the word 'politician.'" Their praise of Mike repeatedly emphasizes his "fair-dealing," his "honesty," his "steadiness of purpose," his "even-handedness,' and his "commitment to others."

These same qualities distinguished his ambassadorship to Japan and this very praise has been echoed by our State Department and the White House, as well as by the Japanese people. Former Prime Minister Suzuki described him as "the most important bridge with the U.S. that no one could replace." Mike left behind a sturdy legacy of respect and understanding between the United States and Japan that should stand us in good stead in the days ahead.

Maureen—through Mike's long and strenuous career you have stood staunchly and loyally at his side, and for this we salute you.

Mike—all of us gathered here in this historic Mansfield Room in the Capitol of the United States now proudly honor you for your exceptional public service to this country. You have set a formidable example for future generations.

On behalf of the Board of Governors of the Henry M. Jackson Foundation I am privileged to present you with the Henry M. Jackson Award for Distinguished Public Service.

REMARKS OF MIKE MANSFIELD IN ACCEPTING THE HENRY M. JACKSON AWARD FOR DISTINGUISHED PUBLIC SERVICE

You have seen fit to bestow on Maureen and me quite an honor. I can think of many others who deserve it more, but as you have chosen us, we are flattered and we are grateful to receive this Henry M. Jackson Award for Distinguished Public Service.

I knew Scoop in many roles, as a Member of the House—he was younger in years but my senior in service. We came to the Senate together, along with John F. Kennedy, Stuart Symington, Albert Gore, Sr., Barry Goldwater, Prescott Bush, John Sherman Cooper, Tom Kuchel, and others—all equally meritorious.

I have always felt deep respect, admiration and appreciation for Scoop and what he achieved in his many official capacities. As a dear friend, I cherish his memory. He was a man of both the extraordinary vision of what America could become and the dedication and skill to move the nation closer to that ideal. He had the rare gift to be able to see the richness and beauty of the forest while many around him were lost among the trees.

I remember him for his other qualities as well, for his courageous spirit, his patriotism, his determination and his optimism.

And I remember him for his abilities as a statesman. Few could match his skill in mastering the essentials, in keeping the urgent from driving out the important, of harnessing the energy of a dream to the machinery of a democratic government. As a nation, we are better for his contributions.

In many ways, Henry Jackson was the quintessential American, and an extraordinary man for his time—for all time. We were richly blessed to have him among us.

Someone once wrote:

"Of those who dream, only the few turn their dreams into action. Of those who act, only the few turn their actions into successes. Of those who succeed, only the few turn their success into greatness. And of those who achieve greatness, there are only a few whose deeds and character will outlive them for generations to come."

Such a man was Henry Jackson.

I can think of no more appropriate name for an award for public service. He set a standard to which all who work for the betterment of our nation and in service of our citizens should aspire.

Therefore, I accept the Henry M. Jackson Award in the hope that it will inspire future generations of Americans to commit themselves to the service of this nation which both deserves and needs the very best we all have to offer.

As for myself, having also been a public servant in many capacities over the last 50 years, I have had the privilege to work along side of Scoop for much of that time and, along with him, to be part of that magnificient process by which the directions of our great nation are determined.

That alone has been honor enough for one man's lifetime. On top of that, this gift that you give us today leaves me with no more to say than a simple and heartfelt thank you.●

SEYMOUR FELDMAN LEUKEMIA FUND

● Mr. LAUTENBERG. Mr. President, I rise to pay tribute to the late Seymour Feldman and to the medical research fund founded in his memory. Mr. Feldman, known as Butch, died of Leukemia in 1961. He was 40 years old. To perpetuate his name, his family founded the Seymour Feldman Leukemia Fund to fight this dreaded disease.

Today the Seymour Feldman Leukemia Fund, originally formed by a small group of family and friends boasts over 650 members. The fund has raised $500,000 and has awarded research grants to over a dozen medical centers around the country and in Israel.

At the fund's annual installation dinner, to be held June 15, $10,000 grants will be awarded to the Lautenberg Center, Hebrew University, and the Dana Farber Center.

New officers will be installed that same evening and I would like to recognize them. They are: Enid Sarrel, a niece of Seymour Feldman, president, Elaine Gerstein of East Brunswick, Lewis Sarrel of West Orange, and Denise Addona of Edison, as vice presidents; Daniel Ryan of Union, treasurer; Betty Rubin of Maplewood, recording secretary, Phillis Wolfson of Springfield, corresponding secretary, and Barry Warner of Colonia, grants chairman.

The Lautenberg Center has received over $120,000 in grants from the fund. In addition, an area in the center has been named in memory of Seymour Feldman. Newark Beth Israel has named their blood bank, after Mr. Feldman and has received $90,000 from the fund.

This outstanding organization with its dedicated members and friends raised almost $100,000 over the past 2 years under the leadership of Andre Apostol as president. It is heartening to know that all of the funds raised go toward leukemia research.

I want to commend the devoted individuals whose efforts make this possible. Through the good work of the fund dedicated to Seymour "Butch" Feldman, his memory lives on. May it continue in the fight against leukemia and in the search for a cure.●

PEACE IN THE MIDDLE EAST

● Mr. SIMON. Mr. President, as always, peace in the Middle East remains elusive and the violence and hatred continue to escalate. In a column I write for newspapers in my State, I have outlined several steps that might help to move toward a fair resolution of the Israeli-Palestinian conflict. I ask to have it reprinted in the RECORD.

The column follows:

PEACE: THE MIDDLE EAST'S ONLY REAL SECURITY

Almost every day there is unpleasant news from Israel about the violence that plagues the Israelis and the Palestinians.

Israel has been our friend and ally. Israel is the most free in its practices of any of the Middle East nations. And Israel's borders provide protection for a people brutally persecuted through the centuries.

But Israel cannot long be secure in its borders unless there is peace in the region. That will not be achieved without some general sense that a fair resolution to the Israeli-Palestinian conflict can be worked out in a settlement whose outlines no one now can accurately guess.

How do we move toward such a settlement?

1. All sides must recognize that the status quo is filled with danger for everyone.

The bullets and stones and tear gas of today are reflections of hatred and fear and misunderstanding. The mini-battles of today, tragic as they are, will be supplanted by bloodshed thousands of times greater on all sides if the fear, hatred and misunderstanding continue to mount.

2. All sides must be willing to take small steps toward reconciliation and negotiation.

Sadat-type dramatic strides toward peace are not likely to occur. The major actors on the Middle East scene are generally cautious. The singular exception is a non-Middle East major player, Mikhail Gorbachev. At some point his leadership could take on a significance for Syria, but we are nowhere near that position now.

That means that those who seek dramatic breakthroughs are likely to be disappointed, but those of us who are realistic should encourage the small steps that have the potential of being significant steps that vary from

getting leaders to socialize with each other at dinner to concessions on the road to peace.

3. Arab leaders should recognize that Prime Minister Yitzhak Shamir of Israel has offered a potentially significant step forward.

He has said he is willing to have elections on the West Bank and in the Gaza Strip, and then will negotiate with those elected unconditionally—a word he uses carefully—for further steps toward a settlement.

4. Yasser Arafat should ask the Palestinians in the Gaza and on the West Bank to stop all violence of any kind immediately, and certainly no less than six weeks before the elections.

The hard-liners in Israel's governing coalition should be given no excuse for calling off the election. Arafat wants more significant steps than this election. None are likely to come. This is a major step for Shamir, one that offends some of the conservatives in his Likud Party.

5. Israel must be willing to accept American or other foreign observers to the election process.

The hatred and misunderstandings are so deep that many in the Arab world will question the validity of the elections. Let foreign observers, that both Arab and Israeli leaders could quietly agree upon, be present. For example, the foreign observers might be from the United States, France and Morocco. I have no question that the election Shamir talks about will be an honest election, but millions in the Middle East doubt that. Let us reassure them.

6. Once the elections have taken place, let the peace process emerge gradually, and let the people of that region make the decisions.

Once people are elected, they will have to meet with each other to determine what their goals are and how the process can evolve. When they meet with their Israeli counterparts, enough time must be spent together to get acquainted, to diminish fear, to learn their shared hopes.

The United States or the Soviet Union or the two of us together cannot dictate what emerges. The people of the Middle East must forge the product. We can help with resources, gently nudge now and then, but there will be no Pax Americana in the Middle East.

Israelis and Arabs must make the decisions and the concessions that bring the only real security the Middle East can have: Peace.●

THE ITC STEEL STUDY

● Mr. ROCKEFELLER. Mr. President, recently, the International Trade Commission released a reported entitled "The Effects of the Steel Voluntary Restraint Agreements on U.S. Steel Consuming Industries" (USITC Pub. 2182). The American Iron & Steel Institute [AISI] reports that the ITC found that VRA's caused an increase in the price of domestic steel in 1988 of, at most, 0.1 percent. The ITC considers this an upper bound number.

What this report lays to rest are the complaints we've heard from a few steel consumers claiming that VRA's caused price increases in 1988 of up to 60 percent in some steel products. There is absolutely no evidence linking VRA's to these kinds of price increases in 1988.

AISI went on to note that the ITC looked at the effects of VRA's on seven steel using industries and found that VRA's had little or no effect on prices of steel for those industries.

Mr. President, I would ask that a release from AISI describing these findings by the ITC be printed in full in the RECORD.

The release follows:

ITC AGAIN SUPPORTS DOMESTIC STEEL INDUSTRY'S POSITION: RECENT PRICE INCREASES NOT CAUSED BY VRA'S

WASHINGTON, DC.—For the second time in as many months, the U.S. International Trade Commission (ITC) has determined that steel Voluntary Restraint Agreements (VRAs) have had a negligible, if any, impact on prices of domestically produced steel, according to the American Iron and Steel Institute (AISI).

Last month, the ITC found in its Western States study that "it appears overwhelmingly likely that the current price effect of the VRAs, if any, is negligible."

In its just-released report to the Subcommittee on Trade of the House Committee on Ways and Means entitled "The Effects of the Steel Voluntary Restraint Agreements on U.S. Steel-Consuming Industries," the ITC quantified what it meant by "negligible". It found that VRAs increased 1988 prices of domestically produced steel by, at most, *0.1%*. The ITC explained that, because of its methodology, this number, as well as others, "should be interpreted as 'upper bounds'."

"Taken together these two studies by the ITC clearly demonstrate that VRAs have not affected our industry's steel prices and that claims to the contrary are nonsense, pure and simple," said Milton Deaner, President of the AISI.

"The domestic steel industry is pleased with this latest positive report and hopes this price increase myth has finally been put to rest," Deaner continued.

The ITC report cites the flexibility of the VRA program as compared to traditional import quotas stating that it "enables increased imports in periods of greater scarcity."

It asserts that VRAs last year did not affect the operations of steel-consuming industries because "nearly all of the VRA countries exported less steel to the United States in 1988 than they were allowed. For these countries, the VRAs did not reduce imports in that year and, consequently, did not affect the price of steel in the United States . . ."

The ITC examined the effects of VRAs on seven specific steel consuming industries. It stated:

"The VRAs appear to have had little effect on the automotive industry."

"The VRAs do not seem to have materially affected the FSS (fabricated structural steel) industry. Pricing and availability of steel inputs were not cited by industry officials as major problems . . . VRAs are believed to have benefited the industry because of their effect on the supply of imported FSS products, especially in the west coast market."

"U.S. producers of farm machinery indicate that they have experienced few direct ill effects in their industry from the VRA program . . . The companies in the industry reportedly prefer not to buy steel from foreign sources because of quality concerns and even longer shipment lead-times . . ."

In the major household appliance industry, despite the tight market, "none reported adverse effects on production or sales . . . Although a majority of the major appliance producers stated that VRAs had an effect on steel prices, it was difficult for them to quantify the effect of price increases."

In the forging industry the report stated "inasmuch as the VRAs for steel bars were not binding (80 percent of quotas were filled in 1987; the available information indicate that the level was significantly lower in 1988) . . . price increases would appear to be directly attributable more to stronger global demand and reduced supply of steel products in the U.S. market, reflecting domestic restructuring and capacity cutbacks, and to the depreciation of the dollar relative to other currencies rather than VRAs."

In the metal stamping industry, the report said "given the strong international market for steel and the significant depreciation of the dollar . . . the degree to which VRAs contributed to . . . higher prices and longer lead times is not clear."

U.S. producers of construction machinery equipment "are reluctant to single out the VRAs as an important cause of increased domestic steel prices . . . Industry representatives do not believe that the VRAs have had a significant effect on the overall competitiveness of the U.S. construction machinery industry."

As with last month's report, the ITC again found that overseas steel markets are more costly than the U.S. market. This means that domestic steel consumers pay less for their steel than foreign consumers pay abroad. Companies like Caterpillar, for example, can buy plate steel in the U.S. for 26% less than its major international competitor, Komatsu, pays in Japan.

Caterpillar has led the charge in opposition to VRAs.

"It is hard to believe that Caterpillar is serious when it suggests that it has been injured by VRAs. Last year they reported record profits as well as record foreign sales," Deaner noted.

Extension of the steel VRA program is supported by over 370 steel using consumers, large and small alike. They are organized in the Coalition for a Competitive America and have testified on Capitol Hill that their support of the program is based on the need for a strong domestic steel industry that can provide them with a reliable supply of high quality steel at competitive prices.●

STEEL POLICY

● Mr. ROCKEFELLER. Mr. President, in the May 22 edition of Business Week magazine, there is a thoughtful piece by Robert Kuttner, economics correspondent for the New Republic, entitled: "Why Scrap a Steel Policy That Works?"

As we begin the debate on the future of U.S. steel policy, I commend this article to my colleagues. Mr. Kuttner makes the point that since the late 1970's, every major steel producing nation has continued to subsidize steel and no country, except the United States, is a net importer of steel.

Mr. Kuttner notes that in response to this, the Reagan administration in-

stituted the VRA Program and that the program has been a success. Mr. Kuttner urges the administration to extend the VRA Progam and "use it as a lever" to negotiate an international consensus to stop unfair trade practices in steel. I could not agree more. Mr. President, I ask to have Mr. Kuttner's article printed in the RECORD.

The article follows:

WHY SCRAP A STEEL POLICY THAT WORKS?

(By Robert Kuttner)

The Bush Administration is weighing whether to extend the so-called Voluntary Restraint Agreement program in steel, which expires Sept. 30. VRAs currently limit imports of steel to about 20% of the total U.S. market. We will soon get a familiar lecture from laissez-faire crusaders pointing out that the U.S. steel industry is not profitable, that it no longer needs protection, that American steelworkers are overpaid, and that by free-market principles we should buy our steel from whoever makes it most cheaply. If foreigners are dumb enough to subsidize their steel, Americans should accept the gift.

This all seems to make sense, until one grasps that the global steel industry does not play by the rules of the free market. For better or worse, most advanced industrial nations find it in their national interest to make steel—whether to develop experience in advanced production, to assure supply, for merely for prestige. As new entrants joined the steelmakers' club in he 1970s, established producers responded by redoubling investment in more efficient plants, adding to world overcapacity.

Since the late 1970s, every major steel-producing nation has continued to subsidize steel, and none other is a net steel importer. The European Community alone has spent about $35 billion on steel subsidies over the past decade. Because of the staggering cost of allowing mills to sit idle, producers have a huge incentive to dump excess steel—guess where?

WRONG RULES

The U.S., the only major producer willing to take imports, initially responded as if other nations were playing by the rules of Adam Smith. The Carter Administration concocted a "trigger-price mechanism" intended to allow imports at a "fair" price reflecting the true costs of the world's most efficient (read Japanese) producers. But European producers dumped steel in the U.S. at the Japanese price, and the oversupply crisis worsened.

As the only competitor playing by free-market rules, U.S. steel producers suddenly faced staggering losses. They closed down plants, idled workers, and extracted pay cuts, reducing their production from a peak of 137 million tons in 1973 to just 77 million a decade later. Had this pattern continued, foreign subsidized steel would have all but obliterated U.S. steelmaking. Finally, in 1984, Congress and the Reagan Administration devised a quota program, holding imports to about 20 percent of the U.S. market. As the world's principal sponsor of free trade, our government awkwardly disguised this as a system of "voluntary" restraints. Thanks to this quota program, the American steel industry, after losing a sickening $11.6 billion from 1982 to 1986, turned profitable again in 1987, earning about $1 billion. It earned about $2 billion in 1988 and anticipates about the same in 1989.

What we have here, gentle reader, is an industrial policy for steel. The conservative Reagan Administration put aside its ideological qualms and concluded that retaining domestic steelmaking was in the national interest. It even went so far as to allocate capital investment—an even more grievous sin—when it required that profits generated by the import restraints be reinvested in steel modernization, rather than follow freemarket paths to higher-yield investment such as oil companies.

NO FOOLS

Most shocking of all, this industrial policy has been a success. For the first time in a decade, the prospect of assured markets made it rational for steelmakers to reinvest. During each year of the VRA program, reinvestment exceeded net earnings. Today, American industry produces steel at an average price about $130 a ton cheaper than Japanese steel. And contrary to predictions, the import restraint has not led to runaway inflation. Steel prices have lagged behind the consumer price index by about 20 percent. Price gouging is limited by competition from minimills in some product lines. A "short supply" provision allows quotas to be waived when steel customers are unable to get product from domestic suppliers. And though steelmakers are indeed an oligopoly, they are no fools. Price hikes would be the wrong signal to send Congress; VRAs have engendered prudent restraint.

Like it or not, the rest of the world does not consider laissez-faire a suitable crucible for the steel business. But this has not prevented enormous increases in productivity from occurring under mercantilist auspices. Accepting foreign subsidized steel is no bargain when foreign cartels are driving us out of the business. Cartels are also very adept at gouging, once customers are captive.

If we can't persuade the rest of the world to let Adam Smith dictate steel production, it would be far better to negotiate an agreement acknowledging that everyone is somewhat mercantilist. Some balance could be achieved by limiting worldwide subsidies and requiring those nations seeking a shot at our import market to open their own domestic markets to a comparable degree. The "first best" of perfectly free trade in steel is a delusion. The Administration should extend the VRA program, fine-tune it, and use it as a lever to negotiate a reasonable second best, where all steel-producing nations at least play by reciprocal rules.●

BUDGET SCOREKEEPING REPORT

● Mr. SASSER. Mr. President, I hereby submit to the Senate the latest budget scorekeeping report for fiscal year 1989, prepared by the Congressional Budget Office in response to section 308(b) of the Congressional Budget Act of 1974, as amended. This report was prepared consistent with standard scorekeeping conventions. This report also serves as the scorekeeping report for the purposes of section 311 of the Budget Act.

This report shows that current level spending is over the budget resolution by $0.9 billion in budget authority, and over the budget resolution by $0.4 billion in outlays. Current level is under the revenue floor by $0.3 billion.

The current estimate of the deficit for purposes of calculating the maximum deficit amount under section 311(a) of the Budget Act is $135.7 billion, $0.3 billion below the maximum deficit amount for 1988 of $136 billion.

The report follows:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, June 6, 1989.

Hon. JIM SASSER,
Chairman, Committee on the Budget, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The attached report shows the effects of Congressional action on the budget for fiscal year 1989 and is current through June 2, 1989. The estimates of budget authority, outlays, and revenues are consistent with the technical and economic assumptions of the most recent budget resolution, H. Con. Res. 268. This report is submitted under Section 308(b) and in aid of Section 311 of the Congressional Budget Act, as amended, and meets the requirements for Senate scorekeeping of Section 5 of S. Con. Res. 32, the 1986 First Concurrent Resolution on the Budget.

Since my last report, Congress has taken no action that affects the current level of spending or revenues.

Sincerely,

ROBERT D. REISCHAUER,
Director.

CBO WEEKLY SCOREKEEPING REPORT FOR THE U.S. SENATE, 101ST CONG., 1ST SESS., AS OF JUNE 2, 1989

[In billions of dollars]

	Current level [1]	Budget resolution H. Con. Res. 268 [2]	Current level +/− resolution
FISCAL YEAR 1989			
Budget authority	1,233.0	1,232.1	.9
Outlays	1,100.1	1,099.8	.4
Revenues	964.4	964.7	−.3
Debt subject to limit	2,781.2	[3] 2,824.7	−43.5
Direct loan obligations	24.4	28.3	−3.9
Guaranteed loan commitments	111.0	111.0	—
Deficit	135.7	[4] 136.0	[5] −.3

[1] The current level represents the estimated revenue and direct spending effects (budget authority and outlays) of all legislation that Congress has enacted in this or previous sessions or sent to the President for his approval and is consistent with the technical and economic assumptions of H. Con. Res. 268. In addition, estimates are included of the direct spending effects for all entitlement or other mandatory programs requiring annual appropriations under current law even though the appropriations have not been made. The current level of debt subject to limit reflects the latest U.S. Treasury information on public debt transactions.

[2] In accordance with sec. 5(a)(b) the levels of budget authority, outlays, and revenues have been revised for catastrophic health care (Public Law 100-360).

[3] The permanent statutory debt limit is $2,800,000,000,000.

[4] Maximum deficit amount [MDA] in accordance with sec. 3(7)(D) of the Congressional Budget Act, as amended.

[5] Current level plus or minus MDA.

PARLIAMENTARIAN STATUS REPORT, 101ST CONG., 1ST SESS., SENATE SUPPORTING DETAIL, FISCAL YEAR 1989, AS OF CLOSE OF BUSINESS JUNE 2, 1989

[In millions of dollars]

	Budget authority	Outlays	Revenues
I. Enacted in previous sessions:			
Revenues			964,434
Permanent appropriations and trust funds	874,205	724,990	
Other appropriations	594,475	609,327	
Offsetting receipts	−218,335	−218,335	
Total enacted in previous sessions	1,250,345	1,115,982	964,434
II. Enacted this session:			
Adjust the purchase price for nonfat dry dairy products (Public Law 101-7)		−10	

PARLIAMENTARIAN STATUS REPORT, 101ST CONG., 1ST SESS., SENATE SUPPORTING DETAIL, FISCAL YEAR 1989, AS OF CLOSE OF BUSINESS JUNE 2, 1989—Continued

[In millions of dollars]

	Budget authority	Outlays	Revenues
Implementation of the bipartisan accord on Central America (Public Law 101-14)	-11		
Total enacted this session	-11	-10	
III. Continuing resolution authority			
IV. Conference agreements ratified by both Houses			
V. Entitlement authority and other mandatory items requiring further appropriation action:			
Dairy Indemnity Program	([1])	([1])	
Special milk	4		
Food Stamp Program	253		
Federal Crop Insurance Corporation fund	144		
Compact of free association	1	1	
Federal unemployment benefits and allowances	31	31	
Worker training	32	32	
Special benefits	37	37	
Payments to the Farm Credit System	35	35	
Payment to the civil service retirement and disability trust fund [2]	(85)	(85)	
Payment to Hazardous Substance Superfund [2]	(99)	(99)	
Supplemental security income	201	201	
Special benefits for disabled coal miners	3		
Medicaid:			
Public Law 100-360	45	45	
Public Law 100-485	10	10	
Family support payments to States:			
Previous law	355	355	
Public Law 100-485	63	63	
Veteran's compensation COLA (Public Law 100-678)	345	311	
Total entitlement authority	1,559	1,121	
VI. Adjustment for economic and technical assumptions	-18,925	-16,990	
Total current level as of June 2, 1989	1,232,969	1,100,103	964,434
1989 budget resolution H. Con. Res. 268	1,232,050	1,099,750	964,700
Amount remaining:			
Over budget resolution	919	353	
Under budget resolution			266

[1] Less than $500,000.
[2] Interfund transactions do not add to budget totals.
Note.—Numbers may not add due to rounding.●

RULES OF PROCEDURE FOR THE IMPEACHMENT TRIAL COMMITTEE ON THE ARTICLES OF IMPEACHMENT AGAINST JUDGE ALCEE L. HASTINGS

● Mr. BINGAMAN. Mr. President, on May 17, 1989, the Impeachment Trial Committee on the Articles of Impeachment against Judge Alcee L. Hastings, adopted two rules to govern aspects of its pretrial proceedings.

The first rule, adopted pursuant to rule 26.7(a)(2) of the Standing Rules of the Senate, reduces to one member the committee quorum for taking sworn pretrial testimony. Judge Hastings and the House managers have asked to examine certain witnesses in advance of the committee's evidentiary hearings, which will begin on July 10, 1989. Although the pretrial examination of witnesses in a Senate impeachment proceeding is unprecedented, the committee has concluded that it should, in the circumstances of the present impeachment, permit a limited number of them. The rule implements the committee's determination that pretrial examinations may proceed before a quorum of one member. As with the impeachment proceedings concerning Judge Claiborne, the committee's evidentiary hearings will take place in the presence of a natural quorum of at least 7 of its 12 members.

The second rule provides that a pretrial procedural ruling by the chairman of the committee, in consultation with the vice chairman, shall be distributed to members of the committee. The ruling shall stand as the ruling of the committee, unless a member asks that a committee vote be taken on it. Senate impeachment rule XI grants to the chairman of an impeachment trial committee the power granted by impeachment rule VII to the presiding officer of the Senate to "rule on all questions of evidence including, but not limited to, questions of relevancy, materiality, and redundancy of evidence and incidental questions." This power is subject to the right of any member to ask that a formal vote be taken.

Because pretrial rulings by the chairman, in consultation with the vice chairman, may occur between meetings of the committee, the committee concluded that there should be a rule providing for distribution of rulings to committee members. Any member of the committee may then ask for the convening of a meeting and for a vote on the matter. This rule does not delegate new authority to the chairman to rule on evidentiary and other questions, but assures that the committee will be able to exercise its power to review and revise the chairman's rulings.

I hereby submit those rules and ask that they be printed in the RECORD, as follows:

RULE 1—QUORUM FOR THE TAKING OF PRETRIAL TESTIMONY

One member shall constitute a quorum for the purpose of a pretrial examination of a witness at which sworn testimony is heard and evidence taken.

RULE 2—PROCEDURE FOR PRETRIAL DISPOSITION OF PROCEDURAL MATTERS

All rulings made by the chairman, in consultation with the vice chairman, on pretrial procedural matters shall be distributed to each member of the committee and, consistent with rules VII and XI of the Rules of Procedure and Practice in the Senate when sitting on impeachment trials, shall thereafter stand as the ruling of the committee, unless any member shall ask that a meeting be convened to consider and vote on any such ruling.●

PROTECTING FREEDOM OF CHOICE

● Mr. WIRTH. Mr. President, during the next few weeks, a number of letters from men and women all over the country who are deeply concerned about protecting the right to reproductive choice will be read into the CONGRESSIONAL RECORD.

I am proud to share with my colleagues a letter from a constituent, Linda Harroun, MSW of Colorado Springs. Ms. Harroun's letter tells a personal story that should distress us all. A story made even more tragic by the fact that it could have been prevented. This letter expresses one of the many reasons that we must protect the right to reproductive choice. I ask that the text of Ms. Harroun's letter be inserted in the RECORD.

The letter follows:

I was seventeen in 1964, an honor student and leader in my church youth group. My sex education came from a Kotex publication which my mom handed me when I started my period. My boyfriend and I were planning to be married the following June after our first year in college. I got pregnant about the time of my high school graduation.

For the first two or three months I denied that it was happening. I would not tell my parents. An illegal abortion was not in the realm of possibility—I didn't know where to go, had no money of my own and was scared witless by an article in Reader's Digest. So I denied the situation for awhile, contemplated running away, contemplated suicide. As I became more obviously pregnant, I became more panicked. Couldn't someone tell what was going on and help me?

I did dangerous things to cause a miscarriage. I tried vigorous exercise and my boyfriend jumped on my stomach while I was lying down. I even poked myself with the proverbial coathanger.

Nothing worked until I finally drank cod liver oil which started labor pains. I eventually delivered 5 month old twins who lived a few hours. I was suffering from infection from the coathanger which might have proved fatal if it hadn't been treated.

My boyfriend and I married and had two sons. At another time in my marriage I chose abortion which fortunately by then was legal. I know from personal experience that women will control their reproductive lives whether abortion is legal or not. I also know that if abortion is illegal, women will die and some will be permanently physically or mentally affected.

Never again should a young woman have to face an unwanted pregnancy alone and frightened. And never again should a woman risk her life to control her reproduction.●

CONVENTIONAL FORCE REDUCTIONS IN EUROPE

● Mr. WIRTH. We are presented today, Mr. President, with a unique opportunity to dismantle the military confrontation that has divided Europe for over forty years. Powerful economic and political incentives are at work to reduce the burden of defense on the economies of both the East and the West. These incentives coincide with a recognition that the level of military confrontation in Central Europe is far out of proportion to any reasonable

defense needs or political rationale. I believe President Bush's dramatic proposal at the recent NATO summit to reduce substantially through negotiation U.S. forces in Europe is a reflection of these pressures, and it is a proposal which I strongly support.

President Bush's proposal contains four key elements. First, it seeks to codify previously agreed to ceilings on tanks and armored troop carriers. Currently agreed to ceilings of 20,000 tanks and 28,000 armored troop carriers would result in substantial reductions for both sides, totaling approximately 40,000 tanks and 61,000 troop carriers. Similar ceilings and reductions on artillery pieces are also called for.

Second, the Bush proposal would broaden the NATO negotiating position to include a reduction in land-based fighter aircraft and helicopters to 15 percent below current NATO levels. This would result in a ceiling on fighter aircraft of approximately 3,300 planes on each side and total reductions of approximately 4,000 aircraft. Helicopters would be reduced by a total of approximately 2,000 aircraft to a level of close to 2,100 helicopters on each side.

Third, the proposal would again broaden the NATO negotiating position by including ceilings on the total number of troops. Troop strength in Europe would be reduced to 275,000 personnel on each side. This ceiling would reduce Soviet troops by as much as 325,000 and American troops by 30,000—or approximately 20 per cent of United States troop strength in Europe.

Finally, the Bush proposal calls for the acceleration of the timetable for proposed reductions. If the Soviet Union agrees with the NATO proposals, the President stated that he is prepared to sign an agreement within 6 months to a year and implement reductions by 1992 or 1993. All of the weapons systems and personnel affected by the reductions would be dismantled or demobilized.

President Bush's arms reduction proposal outlined last month in Brussels could save the United States over $2 billion annually and lead the way to a new European order based on peace and stability at lower levels of armaments. I am encouraged by the progress that as been made thus far in the Vienna conventional force negotiations and welcome President Bush's bold proposal to bring them to a swift and successful conclusion. Decades of mutual mistrust and military confrontation cannot be made to disappear easily. The new political climate in Europe and the Soviet Union, however, provides the western alliance with a historic opportunity to reverse the pattern of mistrust and confrontation. Mr. President, I believe that we should seize the opportunity, and that President Bush's recent proposal puts the West on that path.

Mr. President, in the coming months the Senate will be called upon to examine the important issue of conventional arms reductions in Europe. I commend to my colleagues an article titled "Conventional Arms Control: The Search For a Political Vision," by Stanley R. Sloan, a Senior Specialist in International Security Policy with the Congressional Research Service and will ask that the article be inserted into the RECORD at the conclusion of my remarks. Mr. Sloan is widely recognized as an expert on the issues related to conventional arms reductions in Europe and has written extensively on this subject. This article was written prior to the NATO summit, and reflects what appears to have been President Bush's own conclusion: in order to seize the opportunity at Vienna the United States will have to demonstrate strong political vision and leadership.

I ask that the article to which I have referred be printed in the RECORD.

The article follows:

CONVENTIONAL ARMS CONTROL: THE SEARCH FOR A POLITICAL VISION

(By Stanley R. Sloan, Senior Specialist, International Security Policy, US Congressional Research Service [1])

The Alliance countries had virtually everything required for opening the new negotiations on Conventional Armed Forces in Europe (CFE) when they began in Vienna on 9 March. They had a coordinated set of Western reduction objectives, agreement with the Warsaw Pact countries on the general mandate for the negotiations, a generation or two of seasoned conventional arms negotiators, and even some optimism that, unlike the MBFR negotiations [2], the new talks could yield results.

What the allies lacked, however, was a comprehensive political vision of the sort of Europe toward which these negotiations should lead. A survey of the many documents that make up the Western approach to the new talks reveals a variety of important military goals and even some political vision. The Western approach was summarized by NATO leaders at their March 1988 summit when they declared that the negotiations should seek 'to establish a situation in Europe in which force postures as well as the numbers and deployments of weapon systems no longer make surprise attack and large-scale offensive action a feasible option.' It is hoped that the necessary broad political framework for the talks will be established by the allies when they meet at the end of May for a further summit meeting.

WESTERN POSITION

The opening Western position is based on a complex formula designed to produce reductions in NATO and Warsaw Pact tanks, armoured troop carriers and artillery down to approximately 90 to 95 per cent of current NATO levels. Overall limits would be set on total holdings of armaments in Europe by NATO and Warsaw Pact countries: the total of NATO *plus* Warsaw Pact tanks, for example, could not exceed 40,000, troop carriers 56,000, and artillery 33,000. Within these limits, no one country could deploy more than 30 per cent of the total. This formula is designed to ensure that reductions cut more heavily into Soviet than East European forces, because Soviet forces are the leading edge of the military threat against the West as well as an instrument of Soviet political influence and control in Eastern Europe.

The Western position is based on the argument that forces asymmetries favouring the Pact are the main source of potential military instability in europe. Throughout NATO's 40 years, the Soviet Union and its East European allies have deployed conventional military forces that outnumber those of the Western states and which are trained, equipped and deployed to facilitate offensive operations against the West.

The MBFR negotiations had focused on defence manpower as the key indicator of military strength. Differences between NATO and the Warsaw Pact forces became the main technical obstacle to an agreement. Throughout MBFR's history, however, the real problem blocking agreement was a shortage of political will. On the Western side, the existence of negotiations was important to many NATO countries but there was no real groundswell of political interest in the talks. In more recent years, many Western analysts became convinced that MBFR's focus on manpower and the exclusion of Soviet territory from the reduction area could yield an agreement that might reduce Western public perceptions of the threat without seriously mitigating the threat itself.

THE CHALLENGE

Set against this legacy, reaching an accord in the new negotiations will require that the participants commit substantially more political will to that goal than they did in MBFR. The Soviet Union and the Warsaw Pact allies have attempted to demonstrate their political will by announcing unilateral cuts to be made over the next two years. These unilateral reductions, if implemented, would cut into, but not eliminate, the numerical advantages which the Warsaw Pact holds over the West. Soviet leader Gorbachev has also produced a vision of a "common house".

Even if there had been stronger political commitment to reductions on the Western side, however, it is unlikely that an accord would have been reached because agreement would have required even more fundamentally difficult decisions by the Soviet Union. For most of MBFR's history, the Soviet Union was not willing to envision the sort of political change that a conventional arms control agreement with the West would have implied.

European house, which gives some rhetorical shape to the Warsaw Pact's image of Europe's future. The design of that common house remains an open question and the depth of the East's political will is yet to be tested. Opening Warsaw Pact positions in the new talks, while differing from NATO's approach in many ways, demonstrate serious intent and an apparent willingness to compromise.

The challenge to the NATO countries is therefore a complex one. The West's approach must respond to the technical merits

[1] These views are those of the author and not necessarily those of the Congressional Research Service or the Library of Congress.

[2] The negotiations on Mutual and Balanced Force Reductions, as they were known in the West, opened formally in October 1973 and were ended without reaching agreement in February 1989.

and demerits of likely Eastern proposals and to the military situation as seen by Western countries. The initial Western negotiating position is focused particularly on this requirement.

The West's approach must also have sufficient political character to respond to Eastern political images, such as the European house, and the potential for revolutionary change in the structure of East-West relations in Europe. The West's opening position reflects the goal of diminishing Soviet control over the internal policies of its East European allies. But this political goal may be an insufficient foundation on which to build the structure of a new European security system that a verifiable and stabilizing conventional force cut regime would require.

Past Soviet policies and behaviour engendered a set of almost automatic and well-deserved suspicious reflexes in the West. We know how to deal with the 'old' Soviet Union. Should the Soviet Union revert to its old ways, NATO would have very little difficulty returning to the tried and proven policies developed over four decades of confrontation. On the other hand, if Gorbachev leads the Soviet Union toward policies and practices that are more compatible with Western interests, the West will have to develop new responses. The West's approach to the CFE negotiations is still only partly developed in this area.

Finally, the West's approach will have to respond to political and economic requirements arising within the Western Alliance itself. The West's negotiating approach will not only be tested in the meeting rooms of Vienna's Hofburg palace. It will also be questioned and critiqued in the parliaments and news media of member countries. The approach will be measured against political and economic constraints on defense spending as well as against the technical merits and political vision of the East's position.

Even though it is common today for commentors to emphasize the decline of US influence and power relative to its allies, the NATO Alliance still depends on US leadership to give impetus and direction to Alliance policies. Most planning for the new CFE talks came at a time when Ronald Reagan's presidency was winding down, with most of its arms control energy spent on successful negotiation of the US-Soviet treaty eliminating intermediate range nuclear force (INF) missile systems.

Now that a new administration has taken over in Washington, the NATO Alliance is in a better position to develop a more far reaching political context for its approach to the CFE negotiations. Capable diplomats and experts from many allied nations constructed a credible opening position for the Alliance. Now the new Administration of President George Bush has an opportunity to give the position the added political weight and vision that such negotiations require for success.

TOWARD A POLITICAL VISION

It is much easier to note the absence of political vision than to articulate one that will respond effectively to the disparate perspectives and requirements of 16 sovereign nations. Nonetheless, the process might begin by asking a series of questions about goals for the new negotiations.

What response to Gorbachev?

The most immediate requirement for US and NATO policy is to decide how to respond to the unilateral Soviet cuts announced by Mikhail Gorbachev in a speech to the United Nations General Assembly on 7 December 1988, and the parallel East European announcement of military reductions that followed. The initial NATO response of "nice but not enough" was a good start, particularly because it was supported by NATO's release of detailed data on existing force disparities favouring the Warsaw Pact countries.

Given the necessity of resolving inevitable differences over the definitions and levels of forces to be reduced, it would be logical for the West to propose cooperative monitoring measures to be implemented while the East's unilateral reductions are being made. The willingness of both sides to expand the scope of such cooperation in a way intended to facilitate mutual reductions would build confidence in the process and suggest the first outlines of a changing European security system.

What kind of European security system?

The process of identifying the kind of European security system the West is seeking necessarily involves some difficult political questions. Should NATO and the Warsaw Pact remain central features of that system? What role will nuclear weapons play in Western strategy? Should the United States remain a central actor in determining directions for the European security system, or should its role diminish? Do the two Germanies have a special role to play in the evolving East-West relationship in Europe? What role does the European Community (EC) have in this process? How would the EC's expansion to include in some way neutral Austria and even Warsaw Pact member Hungary affect the future shape of European security arrangements? How does West European defense cooperation fit in with a changing East-West security relationship? These are just a few of the important questions that should shape the discussion of cooperative East-West military security policies.

It at least appears possible that the CFE negotiations could lead toward the goal of a more cooperative European security system. While such a concept is not nearly as grandiose as that of a "European house", it may be a more practical concept for moving from a system characterized primarily by East-West competition and tension to one marked increasingly by cooperation and détente. Such a concept includes the broad range of cooperative measures that a more stable East-West military relationship would imply.

How does CFE relate to political and economic trends in the West?

Domestic circumstances in the NATO member countries have had very little apparent impact on the shaping of the West's initial approach to the CFE talks. In fact, the Western proposal that NATO's forces be reduced by only five to ten percent surprised many observers because it did not appear to respond to the manpower shortages facing the Federal Republic of Germany and other European countries or the budget difficulties facing the United States. Those who have followed conventional arms control closely know that the position is based on military analyses which conclude that NATO could not make substantial reductions without fundamentally altering its defence posture.

Now that the talks have achieved substantial prominence in the Western press, however, they may increasingly be seen in terms of the broader political and economic circumstances facing NATO countries. In the first few months of the 101st Congress in the United States, the issue of conventional arms control has commanded the sort of attention that in the past has been reserved for strategic nuclear arms control issues. Facing difficult budget decisions, many Members of Congress would like to find some hope for eventual relief in conventional arms control. This dynamic may lead to pressure for more substantial Western reductions, and European public opinion may lead in similar directions, particularly given the substantial reductions foreseen in the Warsaw Pact's proposals.

What role for the United States in Europe?

The new Bush Administration and the Congress may have to give serious thought to the broader goals that the United States should seek in this highly political arms control process. Widely divergent perspectives undoubtedly will contend for the attention of policymakers. Some Americans may see the negotiations as a way for the United States safely to disengage from active involvement in European security affairs. Influential American participants in the ongoing transaltantic 'burdensharing' debate may see conventional arms control as the device for shifting US expenditures away from European and toward domestic programmes or other defence requirements.

Others may see the negotiations not as a way for the United States to pull back from Europe, but as a way to help shape and participate in a new European security system. Many traditional supporters of the Atlantic Alliance will likely believe that even if the United States is able to reduce its military involvement in European security affairs, it cannot afford to cut back on its political involvement even in a more cooperative European security system.

Yet others may see the negotiations simply as a vehicle for maintaining the status quo, protecting the Western Alliance and preserving the US role in that Alliance while effectively rebutting Warsaw Pact proposals for change. Many Americans remain unconvinced that we have crossed the threshold of a new era of relations with the Soviet Union. The positive trends today could simply be a master plan for Soviet *revanchsim* from a stronger economic base. Or, even if Mr. Gorbachev is sincere in his protestations of benign intentions, he may be overthrown and succeeded by a less agreeable Soviet leadership.

BROADENING THE WESTERN APPROACH

With all these competing perspectives, the West will have to find a methodology that can accommodate both optimistic and sceptical perspectives on the prospects for conventional arms control. One way to develop a more thorough political approach to the negotiations would be to look at the West's position as a series of stages. Each stage would test the political will required to move on to the next stage.

The first stage would respond directly to the unilateral Warsaw Pact withdrawals by proposing that cooperative monitoring be in place at the end of the withdrawal period to help clarify the existing situation on both sides prior to moving on to negotiated reductions. The types of measures that would be required, such as thorough on-site inspection of units, garrisons, and the like throughout the Atlantic to the Urals area would be required in any case to verify compliance with any eventual reduction accord. Implementing such cooperation early on would facilitate mutual reductions in the next stage.

In a second stage, NATO would seek essentially its initial reduction goal of cuts down to 90 to 95 per cent of current NATO levels accompanied by cooperative measures carried over from, or built on, those developed in the first stage.

A third, and much more far-reaching stage, would respond to the widespread desire in the West to reduce military efforts and transfer resources to domestic requirements. In this stage, NATO and Warsaw Pact forces, having achieved rough parity in stage two, would be reduced by a substantial additional proportion. Some Western politicans and experts including former Supreme Allied Commander Europe General Andrew J. Goodpaster, have proposed that cuts could go to 50 per cent of current NATO levels.

This step would require restructuring of forces on both sides which presumably could be contemplated by the West under the much reduced threat that would then be posed by Warsaw Pact forces. This third stage would also include all the components of a more cooperative European security system including on-going crisis-avoidance arrangements, cooperative monitoring of military activities, and regulation of qualitative as well as quantitative aspects of military relations in Europe.

Such an approach would hold open the prospect of revolutionary change in East-West military relations while building such change on a cautiously incremental process. The individual steps of the process would likely take a decade or more to accomplish, ever under the best of circumstances. Conditions could change in the East, making even the most basic of cooperative measures difficult. But with such an approach, the West might be able to develop both a vision, and a way to test that vision's practicality, without sacrificing its basic values or security interests.●

HAL ROSENBLUTH: AN INDUSTRY LEADER

● Mr. CONRAD. Mr. President, I rise today to pay tribute to a leader from the private sector, Mr. Hal F. Rosenbluth. Hal Rosenbluth is president and chief executive officer of Rosenbluth Travel, a Philadelphia-based travel agency.

I have come to know Mr. Rosenbluth over the past year because he has located a branch office of Rosenbluth Travel in my home State of North Dakota. Last summer, as Hal listened to reports about the devastating drought which swept this country, he decided he should do something to help. At 7 a.m. one morning, Hal convened a meeting of his high level staff to discuss options for assisting a drought-stricken area. Instead of making a donation, Hal decided to open a temporary office in a community affected by the drought.

The U.S. Department of Agriculture determined that North Dakota was hardest hit by the drought, and Linton, ND, was deemed to be in dire need of help. Hal provided that help. Originally offering 20 positions, he received so many applications that he established 40 part-time positions in his new Linton temporary office.

What was good for North Dakota was good for Hal, too. His absenteeism was zero; his productivity was up. In October, Hal announced that the office would become permanent.

This instance is only one example of the many innovative activities that Rosenbluth engages in. Rosenbluth Travel, started in 1882 as a family business, is on the cutting edge of the service industry. Hal joined the firm in 1974, became president in 1985 and president and chief executive officer in 1987. Under Hal Rosenbluth's leadership, Rosenbluth has risen from a $20 million company to one with assets in excess of $800 million. The company employs over 2,000 associates all over the country, and is the third largest of the nearly 25,000 U.S. travel agencies.

Hal's leadership has been recognized repeatedly. Fortune magazine dubbed this 36-year-old CEO an executive to watch in their People to Watch column. Tom Peters, internationally acknowledged excellence expert, was so impressed by Rosenbluth's operation that he named Rosenbluth Travel service company of the year. Peters' noted Rosenbluth Travel has redefined a mundane business through an astonishing array of proprietary software that helps corporate clients track and manage their costs.

Rosenbluth has taken the idea of locating data-based industries in rural areas and run with it. He has encouraged his colleagues in the travel business, and some of his major clients, to consider locating branch offices in States like North Dakota. In this age, telecommunications technology is making distance obsolete, meaning that rural areas can serve as information hubs.

A recent report by the Aspen Institute called on the Federal Government to improve rural telecommunications with financial support. The report states:

To reap the benefits of the Information Age, rural America needs a modest but vital investment in telecommunications. Such investment can remove a major barrier to rural economic development, stimulate more efficient private sector markets, and increase opportunities for rural residents to better their own lives.

Mr. President, Hal Rosenbluth has made clear that data-based industries can locate in rural areas. And he has led the way to encourage such movement—stories about the Linton office of Rosenbluth Travel have appeared in the Wall Street Journal, the Chicago Sun Times, and Knight-Ridder publications throughout the country.

Mr. President, I rise today to recognize Hal F. Rosenbluth, both for what his initiative has meant for my own State of North Dakota, and to commend him for his excellence: his service, his leadership, and his innovation.

Mr. President, I ask that an article from the Grand Forks Herald of January 29, 1989, be inserted in the RECORD. It is one of many which has been written on the Rosenbluth operation in Linton, ND. I call it to my colleagues' attention and urge them to applaud the efforts of business leaders like Hal Rosenbluth.

The article follows:

[From the Grand Forks (ND) Herald, Jan. 29, 1989]

TRAVEL AGENCY, N.D. TOWN COME TO EACH OTHER'S RESCUE

(By Tom Belden)

For Louella and James Klein, who have raised grain and dairy cattle on 1,000 acres just north of Linton, N.D., for 25 years, the drought that gripped much of the nation last year wasn't just tough. It was devastating.

Like most farm families around Linton, a town of 1,500 situated in the dry, rocky hills of south-central North Dakota, when the Kleins lost their crops, they also lost most of their income. There was a good chance they might have even lost the farm, which James Klein inherited and where the couple has reared their five children.

That's why there's an overabundance of thanksgiving in Linton over what Hal Rosenbluth dreamed up last summer, sitting on the deck of his home in the sweltering heat of a Philadelphia evening.

The president of Philadelphia-based Rosenbluth Inc., the nation's third-largest travel agency with $700 million in annual billings, first thought it would be a nice gesture to make a contribution of some sort to the drought-stricken farmers.

After some research, his staff determined that the drought probably hit North Dakota hardest because it depends more on agriculture than any other state. The office of Gov. George Sinner told Rosenbluth that the south-central part of state was having the worst time of it.

What happened next was a stroke of good fortune for both the people of Linton and the travel-management company.

Within a few weeks, Rosenbluth executives were in Linton, a spot the chamber of commerce cheerfully says is at "the belt buckle of the Dakotas, where the cattle are fat and the fish are floppin'," looking to add 40 part-time employees to their nationwide work force of 2,000.

Like Louella Klein, all the employees had to be from farm families hurt by the drought. All were eager to take jobs at $5.87 to $6.65 an hour.

In Linton, where there's little call for normal retail travel-agency work, the new employees went to work at computer terminals, inputting data from paper records on the thousands of business-travel clients Rosenbluth has at companies such as Unisys Corp., Du Pont Co., Eastman Kodak Co. and NBC News. It's the kind of clerical work Rosenbluth could do anywhere.

During a trial period of three months, the quality of the work was so good that the agency now has made the Linton office, in the former showroom of a defunct tractor dealer, a permanent part of its network of 165 offices nationwide.

"It's fantastic, I love it," Klein said. "I've learned so much" because the Rosenbluth supervisors "are just the greatest people to help you. It's kept us on the farm, at least another year. It came in at just the right time. I really feel good about what Hal has done."

Rosenbluth has had his spirits lifted as well, especially after he made his first visit to North Dakota and the Linton office in November.

As soon as he got off an airplane in Bismarck, he was taken to meet Sinner and Sen. Kent Conrad, D-N.D., who wanted to thank him for bringing new jobs to the state. Rosenbluth spent the next day in Linton, meeting his grateful employees and residents and telling them about the company.

The whole effort has turned Rosenbluth into a champion of North Dakota and all of rural America as places for smart businesses to locate branches, now that computers make it easy to link far-flung operations.

"The quality coming out of our Linton office is fantastic," he said in an interview at the company's Philadelphia headquarters after the trip to Linton. "The morale is fantastic. There's no absenteeism; there's no turnover, problems that you have in big cities."

Rosenbluth said it may even be possible someday to set up a corporate-travel reservations center in Linton, linked by computer to Rosenbluth's Philadelphia headquarters, just as the company's nine other corporate centers around the country are.●

CALL TO CONSCIENCE VIGIL

● Mr. McCAIN. Mr. President, freedom is a very precious commodity. We in this country are blessed to have been born into an environment free from oppression. Others around the globe are not so fortunate.

We must commend the Soviet Union for initiating some positive steps to grant to its citizen basic human rights. However, many people in the U.S.S.R., particularly Soviet Jews, are still denied many of the basic tenets of human dignity. Many Soviet Jews still are victims of state-sponsored discrimination in housing, employment, and education. They are often denied permission to leave the Soviet Union and live in another country where they may lead a more full life. They are made second-class citizens.

I want to bring the attention of the Senate to the plight of Boris Rifkin, a Soviet citizen and a Jew. Boris and his wife Dina initially applied to emigrate in 1976. They were victims of religious persecution, and they believed that their children would be discriminated against in higher education. They also desired to join Dina's relatives who resided in the United States. Their emigration request was refused on the ground that Boris allegedly had access to state secrets.

Shortly after the visa applications of the Rifkin family were denied, Boris was fired from his job of 25 years as an electrical engineer. Dina then lost her job as a surgical nurse. To avoid charges of parasitism on the State, Boris was forced to take a job as an elevator repair technician with a tremendous drop in salary. Dina then began working as an elevator operator. Soviet society had branded them refuseniks.

In order to increase their chances of being granted a visa and to ensure a better life for their children, Dina and Boris made the painful decision to go through legal divorce proceedings. The divorce was granted, but the couple continued to live together. After repeated requests, Dina and the children were eventually given permission to leave the U.S.S.R.

Boris' job no longer involves access to state secrets; however, he has been repeatedly denied an exit visa. Boris last applied in April of this year, and was again denied permission to emigrate. He was told by authorities that rejection of his visa application might continue for another 10 or 20 years.

Mr. President, Boris is now separated from this family and waits alone in the Soviet Union. We call on the Soviet Union to grant this man and others in similar situations, the right of freedom of choice. The congressional call to conscience asks that all people be given the dignity of possessing basic human rights. All free men and women everywhere must continue to seek an effective means to persuade the Soviet Union to relent on their policy of oppression, and let freedom have a voice.●

SUPPRESSION OF A PEOPLE BY THEIR OWN ARMY

● Mr. HEINZ. Mr. President, I rise to express my outrage at the brutal suppression of the peaceful student demonstrators in Tiananmen Square in this past weekend. To the best of my knowledge, we are witnessing an act of suppression unprecedented in recent history: The suppression of a people by their own army. There are cases of riot police suppressing demonstrators, but I cannot find evidence of a government ordering its army to turn its guns and tanks on its own people. The People's Liberation Army—at least part of it—has allowed itself to be turned into the "People's Suppression Army." The Government has lost its credibility and legitimacy both in China and abroad.

What makes this suppression so mind numbing and so impossible to comprehend is this: These students were conducting a peaceful demonstration under the Chinese Constitution.

Article 35 guarantees freedoms of speech, press, assembly, association, and of demonstrations.

Article 37 proclaims that freedom of the person or a citizen of the People's Republic of China is inviolable. No citizen may be arrested without due process, and if arrested under due process, the arrest must be by a public security organ. There are no provisions for using the army for such purposes.

Article 41 allows citizens of the People's Republic of China to criticize and to make suggestions to relevant state organs against officials for corruption and other crimes. This article prohibits retaliation against those bringing charges against Government officials.

Clearly, Mr. President, the Chinese Constitution, as well as thousands of innocent people, were trampled by the tanks during the Sunday morning massacre in Tiananmen Square.

On Monday, the President announced a well-reasoned and balanced policy toward China: The suspension of military sales and exchange of military visits to China, agreeing to extend visas requested by Chinese students studying in the United States, and the offer of humanitarian and medical assistance to those injured.

This policy has as its aim retaining our good will toward the Chinese people and putting pressure on the military to drive a wedge between them and those in the Government ordering them to turn the People's Army on the people.

This is the right strategy. But, Mr. President, the President's policy should square the circle regarding the steps taken toward the Chinese military.

The President has correctly called for the suspension of all sales to the military, which includes the suspension of munitions cases currently under review in Cocom. But the President needs to go further and recognize that there are other items of military significance beyond munitions.

Accordingly, the President should also suspend the review of all dual-use cases in Cocom whose end use or end user is a military organization or a civilian organization with known ties to the military. There are in China many such civilian-military relationships.

Finally, the President should suspend any review currently under way for further liberalization of dual use and munitions export controls to China, including the suspension of any review to create a new dual-use control list for China.

In my view, the President was correct not to invoke a broader array of sanctions at this time, but this is an option that should be left open if the situation warrants it.

Mr. President, the President's message to China's leadership is clear. End the violence. Stop the suppression. His message should be heeded, and the steps I am urging will strengthen it.●

TRIBUTE TO CHIEN-JEN (C.J.) CHEN

● Mr. DASCHLE. Mr. President, it is with great pleasure that today I pay tribute to Mr. Chien-Jen Chen, a great diplomat for the Republic of China on Taiwan and a close personal friend.

Mr. Chen is returning to his home country, where he was recently promoted to Vice Minister of Foreign Affairs. He will be leaving Washington

on June 15 after a long and distinguished career as Deputy Representative at the Coordination Council for North American Affairs Office in Washington, DC.

I congratulate the Government of the Republic of China on Taiwan for their astuteness in selecting Mr. Chen for his new position. His many friends in Washington know him as a skillful diplomat, effective leader, and friend of the United States, and I fully expect that his commitment to further strengthen the longstanding relationship between his country and ours will be one hallmark of his tenure as Vice Minister of Foreign Affairs.

Mr. Chen has served as Deputy Representative for the Coordination Council for North American Affairs [CCNAA] for over 6 years. The CCNAA is the unofficial Embassy of the Republic of China on Taiwan in the United States. In fact, except for a short term in his home country as the Director of North American Affairs at the Ministry of Foreign Affairs, he has served in Washington since 1971. During this time, Mr. Chen has brought continuity to the CCNAA office and has done a tremendous job of fostering mutual understanding of complex issues facing our countries and, thus, enhancing this important bilateral relationship.

I am confident that Mr. Chen will bring to his new position the same openminded and forward-looking views that he has shown throughout his service in Washington. Furthermore, he will continue to bring new and innovative ideas to the foreign policy debate.

C.J. Chen deserves a great deal of credit for working with his colleagues in Taiwan on developing an action plan of steps that his government can take to help reduce the trade imbalance between our countries. Our trade deficit has been a very serious concern to me and other Members of Congress, as well as the American people, and I believe Taiwan has adopted a very positive approach toward resolving this issue.

The political and economic relationship between the Republic of China and the United States is very important to me, and, as a member of the Senate Finance Committee, I have made enhancement of communication and understanding between our countries a priority. I look forward to working closely with Mr. Chen and the Government of Taiwan to forge even closer economic tries between our two countries.

On a more personal note, I have had the distinct privilege of knowing Mr. Chen's wife, Yolanda, and their children. The Chens are a close-knit and talented family, and I expect that we will be hearing much about their achievements in the years ahead.

I wish all the best for C.J. Chen, a great diplomat and leader. He will be missed in Washington, but I look forward to continuing our close relationship after he returns home to assume the position of Vice Minister of Foreign Affairs.

AMERICAN INDIAN BUSINESS DEVELOPMENT CONSORTIUM

Mr. RIEGLE. Mr. President, the Select Committee on Indian Affairs is currently considering several bills related to Indian economic development. Under the self-determination policy, Congress has agreed with the tribes that economic development is the key to offsetting the tremendous problems on Indian reservations and communities created by lack of jobs and fragile local economies.

Recently, the select committee conducted a hearing on S. 321 which would amend the Buy Indian Act to ensure that the preference extended to Indian businesses for Federal procurement and contracts is administered in such a manner that only bona fide concerns receive the intended benefits. One of the witnesses at the select committee hearing was the American Indian Business Development Consortium [AIBDC] from Michigan who testified in support of S. 321 and recommended stronger enforcement sanctions against violators of the act.

I commend the members of the committee for their work in this area, and I share their concern about the need to strengthen the Buy Indian Act.

Mr. President, Congress has wrestled with the challenge of promoting economic development in Indian country for many years. Although we have seen some successes, there have also been many disappointments. Such disappointments have occurred largely because the solutions developed in Washington and imposed on the Indian people have had little or no involvement or coordination with State and local governments.

The American Indian Business Development Consortium [AIBDC] of Michigan, however, is a unique example of how Indian business development can be accomplished in concert with tribal, State, and local governments.

The AIBDC is a nonprofit corporation chartered under the State of Michigan and under the direction of a board of directors consisting of tribal chairman and other Indian representatives from Michigan. It assists the development of profitable Indian-owned businesses both on the reservations and in the urban areas and provides technical assistance, training and support to businesses in a wide range of areas such as financing, business plan development, feasibility studies, and Federal procurement contracts.

AIBDC operates under a unique partnership between the Federal, State, and tribal governments. For the past 2 years, Congress has provided modest funding for AIBDC that, in turn, has been matched by an appropriation from the Michigan State Legislature. In addition, AIBDC works closely with the Michigan Department of Commerce which has designated the AIBDC as a Community Growth Alliance Agency—only one of a handful of such organizations certified and funded by the Commerce Department to work on economic development. Mr. President, to my knowledge, this degree of cooperation and coordination between Federal, State, and tribal governments is unique.

I am also pleased to report that the funds we have invested in AIBDC organization are paying great dividends. The organization has achieved remarkable results in its first 18 months of existence—15 new businesses have been generated creating 86 new jobs and over $2.5 million in funding has been obtained. Each of the Michigan reservations is currently in the process of considering and planning new ventures which will hopefully lead to more business, more jobs, and sorely needed revenue for tribal governments. AIBDC is also establishing the first Indian Business Industrial Development Coloration [BIDCO] in the country. BIDCO's are nondepository financial institutions which consider business ventures that cannot generally obtain financing from commercial lending institutions—a common problem for the Indian business person. All of this activity will increase the self-sufficiency of the Michigan Indian community and will reduce dependency on the Federal Government.

In summary, Mr. President, the AIBDC is a model of effective coordination of resources which is working in Michigan to bring results in the area of Indian business development. I commend the example of AIBDC to the Select Committee on Indian Affairs and to my colleagues as we search for workable solutions to economic development in Indian country.

REPRESENTATIVE PAYEE ABUSE PREVENTION ACT OF 1989

Mr. RIEGLE. Mr. President, I rise to join my esteemed colleague from Arkansas, Senator PRYOR, as a cosponsor of S. 1130, the Representative Payees Abuse Prevention Act of 1989.

This piece of legislation addresses a serious deficiency in the provision of Social Security and supplemental security benefits. Currently, the Social Security Administration [SSA] appoints representative payees for those beneficiaries who cannot effectively manage their own benefits because of

mental or physical impairments. Unfortunately, the system that the SSA has established does not adequately protect these most vulnerable of citizens.

The bill proposes necessary improvements in the screening of potential payees, safeguarding of beneficiary rights, and monitoring, auditing, and recordkeeping. By requiring criminal background checks, the bill goes a long way toward preventing the horror stories of convicted felons serving as fraudulent and, at times, abusive representative payees. The bill also clarifies that benefits are not to be withheld from beneficiaries because qualified representative payees are not available. It strengthens beneficiary rights in the process of determination of need for representative payee services. Furthermore, it tightens the accounting provisions of certain high-risk representative payees.

While the SSA has begun to address the weaknesses in its policies and procedures concerning representative payees and should be commended for its initiative, it is important that we provide strong legislative direction without impeding the flexibility that the SSA and its local offices need to meet the diverse needs of the beneficiaries. In addition, it is vital that the SSA commit the necessary resources at the local level to adequately meet the needs of the beneficiaries.

One of the most difficult problems facing local SSA offices is locating enough suitable volunteers to be payees. Family and friends are not always able or willing to serve as payees. To meet the need for caring and responsible payees, groups such as the American Association of Retired Persons have established volunteer programs for their members, and they should be applauded.

A number of nonprofit organizations also have stepped in to satisfy the need for representative payees. One such organization is Guardian, Inc., in Calhoun County, MI. For a small fee, Guardian serves as a reliable representative payee for those beneficiaries for whom the SSA has not been able to find a volunteer payee. Unfortunately, a recently implemented SSA policy has severely hampered Guardian's ability to provide crucial services to beneficiaries. I plan to introduce legislation that will enable organizations such as Guardian to charge reasonable fees so that proper payee services can be provided to beneficiaries.

I would like to make an additional point if I might, Mr. President. Representative payees serve a vital function for both the SSA and the beneficiaries they represent. They do for the beneficiaries what the beneficiaries cannot do for themselves; they insure that the financial obligations and needs of the beneficiaries are met in a cost-effective manner. These payees volunteer their time and efforts on behalf of the beneficiaries, and they should be praised for their commitment. Keeping this in mind, we must be careful not to overburden payees with recordkeeping and auditing requirements so that they are no longer willing to be payees. A fine balance must be struck between safeguards to protect beneficiaries and accounting requirements of payees.●

EVENTS IN BEIJING

● Mr. MACK. Mr. President, over the last few weeks the world has witnessed the events in Beijing with a mixture of fascination and abhorrence. Americans have admired the intense desire for freedom and democracy demonstrated by the Chinese people, and been appalled by the brutal suppression of this desire by the Chinese Government.

The free Chinese in the Republic of China on Taiwan have, of course, very strong views on these events. I think it is important that we in the Senate be aware of these views. For this reason, I ask that the following statement of June 4, 1989, by President Lee Teng-hui of the Republic of China on Taiwan be printed in the RECORD.

The statement follows:

STATEMENT BY PRESIDENT LEE TENG-HUI

Early this morning, Chinese communist troops finally used military force to attack the students and others demonstrating peacefully for democracy and freedom in Tiananmen Square in Peking, resulting in heavy casualties and loss of life. Although we anticipated this mad action of the Chinese communists before-hand, it still has moved us to incomparable grief, indignation, and shock.

We believe that the existence of any political regime must be based on the will of the people. The Chinese Communists were able to usurp the Chinese mainland with violence and lies, but there have been constant internal struggles and suppression of the people over the past forty years. In the face of a universal awakening of our mainland countrymen, the inhumane actions of the Chinese Communists are sure to be judged by history, evoke even stronger opposition from our mainland countrymen, and hasten the demise of the Chinese Communists.

With a deeply grieved and heavy heart, I wish, on behalf of the government and people of the Republic of China, to summon all the peace-loving nations and the people of the world who share a concern for human rights to sternly condemn the Chinese Communists; to demand them to put an immediate stop to this bloody massacre; and to demand them to offer their best care and relief to the wounded and families of the dead.

I also summon all Chinese people at home and abroad to put their great love for their countrymen into practice, to closely unite and act as a backup for our mainland compatriots in their struggle for survival and freedom, to support and assist them in every way possible, and to make a complete break with the Chinese Communists.

At the same time, I also wish to remind the people on our bastion of national revival, military and civilian alike, to remain alert to the Chinese Communists' inclination towards the use of violence and military force, and to be prepared, on the eve of the collapse of the Chinese Communists, for any action that they might risk taking.

The Chinese Communist tyranny is the shame of all the Chinese people of the world. The government and people of the Republic of China must resolutely unite all anti-communist and patriotic forces and exert their utmost efforts to overthrow this tyranny. We pledge not to stop until we have achieved this goal.●

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. BYRD. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider the following nominations: Calendar Order No. 137, Douglas P. Mulholland, to be Assistant Secretary of State; Calendar Order No. 160, Michael W. Farrell, to be an associate judge of the District of Columbia Court of Appeals; Calendar Order No. 161, William M. Diefenderfer III, to be Deputy Director of the Office of Management and Budget; and, Calendar Order No. 162, Constance B. Newman, to be Director of the Office of Personnel Management.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, I also ask unanimous consent that the nominees be confirmed en bloc, that any statements appear in the RECORD as if read, that the motions to reconsider be laid upon the table en bloc, and that the President be immediately notified of the Senate's action.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations considered and confirmed en bloc are as follows:

DEPARTMENT OF STATE

Douglas P. Mulholland, of Maryland, to be an Assistant Secretary of State.

THE JUDICIARY

Michael W. Farrell, of the District of Columbia, to be an associate judge of the District of Columbia Court of Appeals.

EXECUTIVE OFFICE OF THE PRESIDENT

William M. Diefenderfer, III, of Virginia, to be Deputy Director of the Office of Management and Budget.

OFFICE OF PERSONNEL MANAGEMENT

Constance Berry Newman, of Maryland, to be Director of the Office of Personnel Management.

STATEMENT ON THE NOMINATION OF WILLIAM M. DIEFENDERFER III

Mr. WARNER. Mr. President, on the calendar just acted upon by the Senate was the nomination of Mr. Diefenderfer, a man in whom I have tremendous confidence. I am very pleased to see that the Senate has acted unanimously on his nomination to be the Deputy at the Office of Management and Budget. He will be a real workhorse for Mr. Darman. I am de-

lighted to add my vote of approval to that.

LEGISLATIVE SESSION

Mr. BYRD. Mr. President, I ask unanimous consent that the Senate return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

ASYLUM FOR VIETNAMESE REFUGEES

Mr. BYRD. Mr. President, I ask that the Chair lay before the Senate a message from the House of Representatives on Senate Concurrent Resolution 26.

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives:

Resolved, That the resolution from the Senate (S. Con. Res. 26) entitled "Concurrent resolution urging first asylum countries of the Association of Southeast Asian Nations (ASEAN) to reinstate the practice of providing refuge to all asylum-seekers from Vietnam, and for other purposes", do pass with the following amendments:

Strike out all after the resolving clause, and insert:

That (a) it is the sense of the Congress that—

(1) ASEAN first asylum countries should reaffirm the practice of providing adequate refuge for all Vietnamese asylum-seekers, while carrying out the screening of such individuals;

(2) early access should be given to the United Nations High Commissioner for Refugees (UNHCR) to provide humane care and protection to such asylum-seekers;

(3) no repatriation of Vietnamese asylum-seekers should occur until a strong and effective internationally approved mechanism is in place to guarantee that such asylum-seekers will be returned in conditions of safety and dignity and will not be subjected to persecution in any form;

(4) given Vietnamese attitudes toward illegal departure, forced repatriation of refugees to Vietnam should not be considered a viable option;

(5) continuing efforts should be made to improve the screening program of Laotian asylum-seekers in Thailand;

(6) the United States should remain committed to a generous and humane Southeast Asian refugee resettlement policy; and

(7) the United States should urge its Western allies to implement or continue generous and humane Southeast Asia refugee resettlement policies.

(b) For purposes of this resolution—

(1) the term "ASEAN" means the Association of Southeast Asian Nations; and

(2) the term "ASEAN first asylum countries" includes any country which is a member of the ASEAN group of countries and which is the first to receive an individual seeking asylum.

Amend the preamble so as to read:

Whereas the refugee crisis in Southeast Asia remains unresolved and large numbers of refugees continue to flee from Vietnam, Laos, and Cambodia;

Whereas, although Hong Kong and ASEAN first asylum countries are to be commended for their past actions on behalf of refugees in the region, specifically for providing, beginning in 1975, temporary refuge for hundreds of thousands of Indochinese asylum-seekers, concerns remain that all asylum-seekers arriving in Hong Kong and in ASEAN member countries be provided refuge;

Whereas, in June 1989, the United Nations will convene the International Conference on Indochinese Refugees in Geneva, Switzerland;

Whereas representatives of the ASEAN member countries, the United States, Canada, Australia, Hong Kong, the European Community, Japan, Vietnam, Laos, and other interested and affected countries gathered on March 7-9, 1989, in Kuala Lumpur, Malaysia, for the Preparatory Meeting for the International Conference on Indochinese Refugees;

Whereas the countries represented at the Preparatory Meeting unanimously adopted a draft declaration and comprehensive plan of action to be presented for ratification at the June United Nations Conference in Geneva;

Whereas the draft declaration agreed to by all countries present at the meeting in Kuala Lumpur includes provisions for region-wide screening of asylum-seekers and for the encouragement of voluntary repatriation under the auspices and monitoring of the United Nations High Commissioner for Refugees (UNHCR) of persons determined not to be refugees;

Whereas the ongoing program in Thailand for the screening of Lao asylum-seekers has had major and continuing problems;

Whereas the ASEAN member countries have announced that all asylum-seekers from Vietnam arriving in ASEAN countries on or after March 14, 1989, will be screened to determine their refugee status; and

Whereas the Socialist Republic of Vietnam has demonstrated its hostility to those leaving Vietnam illegally and, in particular, to those refusing to return to Vietnam voluntarily: Now, therefore, be it

Amend the title so as to read: "Concurrent resolution urging first asylum countires of the Association of Southeast Asian Nations (ASEAN) to reaffirm the practice of providing refuge to all asylum-seekers from Vietnam, and for other purposes.".

Mr. BYRD. Mr. President, I move that the Senate concur in the amendments of the House en bloc.

The PRESIDING OFFICER. The question is on agreeing to the motion.

The motion was agreed to.

Mr. BYRD. Mr. President, I move to reconsider the vote en bloc by which the Senate concurred in the amendments of the House en bloc.

Mr. MATSUNAGA. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

UNIVERSITY OF MARYLAND'S AGING PROGRAM PROVIDES MODEL FOR NATION

Mr. MATSUNAGA. Mr. President, as chairman of the Labor and Human Resources Committee's Subcommittee on Aging and an advocate of preventive health care, I rise today to commend the Adult Health and Development Program at the University of Maryland. This unique program serves as a catalyst to unify a diverse group of individuals who are working together toward a common goal: increased quality of life and a better sense of well-being for older Americans.

There is growing concern over the inflated cost of health care as the number of people age 65 and older continues to rise. Data suggest that a large portion of Medicare expenditures are related to care provided during the last 2 years of a person's life. In 1984, the largest portion of elderly health care expenses were hospital related and, of the total expenditures, two-thirds were covered by Medicare and Medicaid. It is this astronomical cost to the elderly that dictates the need for intervention.

Preventive health care, including health promotion and education programs, is an appropriate way to extend the health and productivity of older members in our society. The establishment of programs such as the University of Maryland's may be one alternative and cost-effective way to reduce Medicare and Medicaid expenditures in the future. Health promotion programs enable older persons to reside in their own homes rather than in costly institutions.

In my own State of Hawaii, two programs are currently being developed at the University of Hawaii which address the health care needs of older citizens. The Elderly Education for Self-Care Program will teach and train older adults effectively to improve their current health practices and the Mental Health Promotion for Elderly Project will provide valuable information on the services available to the elderly without the social stigmas and prejudices commonly associated with welfare programs. Both Services will provide guidance to the older adults of Hawaii in adopting a healthful lifestyle and a more positive attitude toward life.

The Adult Health and Development Program transforms theory and knowledge into practice. Through the intergenerational, intercultural, and interracial environment provided, results are twofold: older adults improve their health and life satisfaction while sharing their experiences with their younger friends and each other.

Mr. President, I ask unanimous consent that an article entitled, "AHDP: Toward Developing a National Network to Promote Health and Wellness," be printed in the RECORD. This article, written by Herbert Paul Weiss, describes how the 1-on-1 interactions between a student and older member, through tailored activity programs, result in physical, social and psychological benefits for both old and young alike.

Mr. President, the University of Maryland program can serve as a

model for other institutions to follow in developing similar programs.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

AHDP: TOWARD DEVELOPING A NATIONAL NETWORK TO PROMOTE HEALTH AND WELLNESS

Over thirty years ago. Dan Leviton, graduate student, met Professor Warren R. Johnson at the University of Maryland, located in College Park, Maryland. Professor Johnson was a visionary and pioneer in the field of health education and human sexuality. He was the founder and director of the Children's Health and Development Clinic (CHDC). The purposes of this clinic was to promote positive body image and psychomotor functioning of children, especially those with developmental problems. Activity and health education were combined in this revolutionary program to promote normal development in the young participants.

Professor Johnson became advisor, mentor, friend, and later colleague to Leviton. His philosophy of the CHDC and comprehensive view of the world would later help to lay the foundation for the development and implementation of the Adult's Health and Development Program. He also assisted Leviton in choosing his dissertation topic in the area of death and dying. This made both Professor Johnson and Leviton pioneers in their respective unconventional fields . . . sexuality and death and dying.

The association with Professor Johnson launched Leviton into a career as death and dying educator and thanatologist. His course on death and dying became one of the most popular classes at the University of Maryland in the 70's and 80's . . . and most importantly, the Adult's Health and Development Program (AHDP) came to life.

In 1972, Leviton established the AHDP at the University of Maryland. He credits his seven years of involvement with the CHDC and his interest in death and dying to developing the program. The philosophy of the AHDP is to bring a diverse group (young, old, white, non-white, Jew, gentile, Hispanic, Asian, healthy, and disabled)—together to work toward common goals and create shared experiences. Leviton believes strongly that economic deprivation and global conflicts can often pit segments of society against each other. The AHDP can be seen as one means to eliminate social stereotypes and scape-goating.

PROGRAM PROFILE

The AHDP is part of the College of Physical Education, Recreation, and Health and has a loose working relationship with The Center on Aging. The AHDP is truly interdisciplinary in focus in that its program staff (faculty and students) are affiliated with the disciplines of physical education, recreation, health education, human development, psychology, and education. Students are able to earn university credit for their participation in the program and often volunteer for several semesters. Medical students can also receive elective credits through enrollment. Community volunteers are also involved in this program. It is not unusual for 90 volunteers to participate in a semester. The average age of the program staff is 23 years with the youngest having been 14 years old.

The number of older adult members who participate in the AHDP varies, usually from 45 to 90, which tends to remain consistent over time. The average age of these individuals is 74 years. Diversity could be the appropriate description of these older adults. Over 33 percent of the participants are institutionalized patients residing at a Veterans' Administration medical facility; about 25 percent are Hispanic community residents, while the remainder are black, white, and Asian, residing in the community. Most of the participants residing in the institutional setting are male, while two-thirds of those individuals residing in the community are female. The family income of these individuals is bi-modal, that is, about 33 percent reported income less than 7,000 annually, while 33 percent reported income over $20,000 annually. Health status is as diverse as race, income, and nationality. Some have been afflicted with Alzheimer's Disease, cancer, obesity, arthritis, Parkinson's Disease, diabetes, or are recovering from bypass surgery and cerebrovascular stroke. There are others who are physically healthy and active. Finally, many of these individuals have psychiatric problems such as uni-polar and bi-polar depression and schizophrenia.

The cornerstone of the AHDP is the pairing of program staff with an older adult. Both learn from this reciprocal interaction. The program staff bring their professional knowledge and expertise to the older individual and assess their special needs to help plan for their activity in the program. The older adults bring their life experience to the young program staff. They have experienced the world war, the Great Depression, the Korean conflict, intimidation of the Ku Klux Klan, and repression in Latin America. These individuals have survived to share their story and are repositories of history. They can share their long experience and be helpful to the program staff in solving their personal problems.

A TYPICAL SATURDAY

The AHDP program consists of nine programs scheduled on Saturday during a school semester. Each Saturday, from 8:00 a.m. to 8:30 a.m., the Group Leaders meet to discuss organization programs, mix-matched members, and program scheduling. From 8:30 a.m. to 9:30 a.m., program staff receive training on various topics related to the aging process. Topics at these sessions may include activity disengagement theories, physical fitness, safety, initimacy and sexuality. Organic Brain Syndrome, psychosocial stress, etc. After the presentation of these topics, staff break into small groups to translate the concepts they have learned to their experience with the older adult with whom they are paired during the program. This training feature is not fixed in stone but can be changed, through program staff evaluation and insight from the director, associate director, consultants, and group leaders.

At 9:30 a.m., the older adults arrive on the college campus. They usually go with their assigned program staff member into either a high or low physical fitness group for stretching, warm-up, and social activity. Others not interested in this can immediately indicate the activity which they enjoy. Activities can include a sing-a-long, aerobic activity class, dance, or yoga. Or it might be weight training, bowling, swimming, walking, floor tennis, trampolining, table tennis, etc. These activities are planned to promote physical fitness and fun for the older adult.

Program staff assess the older * * * create a program of activities which may be beneficial in addressing the physical, emotional, and spiritual needs of the individual. Once the plan is put into action, it is evaluated and modified as necessary.

At 11 a.m., the health education hour begins. The director, a guest speaker, or program staff may discuss these topics; predictors of life satisfaction and successful aging; coping with stress, medical problems associated with aging, drug interaction and side-effects; recreation and leisure; osteoporsis; and finally, grief and bereavement. During this segment, special topics may be presented to the Hispanic, participants through an interpreter. The health education series is totally optional. The older adults can continue to participate with their physical activities if they choose. During some semesters, there is an option of joining a growth and awareness group led by a doctoral student from the Department of Psychology.

At noon, lunch is served in a common room. This aspect of the program, along with the health education hour and the physical activities with a friend, promote sharing among the young and old. After the older adults leave the campus, the program staff met again to discuss the day's activities, successes or problems, etc. This meeting ends at 1:30 p.m.

The AHDP is present and future oriented. It promotes wellness through its activity program and health education segments. Theory and knowledge are translated into practice. Intervention is initiated if a program participant needs assistance. Support can be provided to the individual by their assigned program staff member. Finally, rehabilitation is built into the program. Those participants recovering from physical afflictions can work with trained staffing.

Play and activity are important ingredients that will affect the health and well-being of people . . . that is, both the older adult and the young program staff benefit from participation in the AHDP.

THE FUTURE: TOWARD A NATIONAL NETWORK

While an official academic course, the AHDP receives no funding from the University of Maryland. Older adults are asked to pay $50.00 per semester; however, no one is ever denied access to the program. Partial and full scholarships are available to those in financial need.

Funding for the continued operation of the program is also received through the rental of *Smiles*, a film that describes the program, and revenues from workshops. C&P Telephone, Xerox, Geico Insurance Company, and the Washington Redskins Alumni Association are a sampling of those corporations that are represented on the program's Board of Directors. This Board continues to assist the AHDP program in fund raising.

In 1984, the AHDP camp concept was developed to finance the existing program and to provide a model for the establishment of a National Network Plan. This camp is a four to seven day program modeled after the campus AHDP program. Wellness, exercise, health promotion, and fun are the main features of this camp which caters to those individuals 50 years and older.

Many organizations are examining the AHDP and its effect on the elderly. Some say that it can delay institutionalization. Others see it as a way to provide the older adult participants with more control of their lives . . . and organizations would like to see the AHDP program implemented nationally. Leviton states that the Public Health Service is very interested in integrating the program into their national network of Community Health Centers. The Ameri-

can Association of Retired Persons has encouraged submission of a proposal to develop the AHDP program at other universities and colleges, partially supported by camps in their community. Even politicians are noticing the potential of this national network. Former Congressman Paul G. Rogers who served as Chairman of the U.S. House Subcommittee on Health and the Environment and Congressman Steny Hoyer (MD) have publicly supported the AHDP national network concept.

Leviton has certainly been in the forefront of the early movements of death education and health promotion. Through his expertise in these two areas, determination and vision, he continues to strive to promote dignity and well-being of the elderly through the development of the AHDP national network.

For further information concerning the AHDP program, contact Dave Leviton, Ph.D., University of Maryland, Adult's Health and Development Program, College Park, MD 20742 (301) 454-3295.

ORDERS FOR THURSDAY, JUNE 8, 1989

RECESS UNTIL 11 A.M. AND MORNING BUSINESS

Mr. BYRD. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 11 a.m., Thursday, June 8, 1989, and that following the time of the two leaders there be a period for morning business not to extend beyond 12 o'clock noon with Senators permitted to speak therein for not to exceed 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR CONSIDERATION H.R. 1722

Mr. BYRD. Mr. President, I ask unanimous consent that at 12 noon on tomorrow, Thursday, June 8, 1989, the Senate proceed to the consideration of Calendar Order No. 77, H.R. 1722, the natural gas deregulation bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS UNTIL 11 A.M. TOMORROW

Mr. MATSUNAGA. Mr. President, if the distinguished Republican leader has no further business, and if no Senator is seeking recognition, I now ask unanimous consent that the Senate stand in recess until 11 a.m., Thursday, June 8, under the previous order.

There being no objection, the Senate, at 8:29 p.m., recessed until Thursday, June 8, 1989, at 11 a.m.

NOMINATIONS

Executive nominations received by the Senate June 7, 1989:

DEPARTMENT OF COMMERCE

JANICE OBUCHOWSKI, OF VIRGINIA, TO BE ASSISTANT SECRETARY OF COMMERCE FOR COMMUNICATIONS AND INFORMATION, VICE ALFRED C. SIKES, RESIGNED.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

MICHAEL J. ASTRUE, OF MASSACHUSETTS, TO BE GENERAL COUNSEL OF THE DEPARTMENT OF HEALTH AND HUMAN SERVICES, VICE MALCOLM M. B. STERRETT, RESIGNED.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

SHERRIE SANDY ROLLINS, OF VIRGINIA, TO BE AN ASSISTANT SECRETARY OF HOUSING AND URBAN DEVELOPMENT, VICE HARRY K. SCHWARTZ, RESIGNED.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

RICHARD HARRISON TRULY, OF TEXAS, TO BE ADMINISTRATOR OF THE NATIONAL AERONAUTICS AND SPACE ADMINISTRATION, VICE JAMES C. FLETCHER, RESIGNED.

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

ROY M. GOODMAN, OF NEW YORK, TO BE A MEMBER OF THE NATIONAL COUNCIL ON THE ARTS FOR A TERM EXPIRING SEPTEMBER 3, 1994, VICE C. DOUGLAS DILLON, TERM EXPIRED.

IN THE ARMY

THE FOLLOWING NAMED OFFICERS, ON THE ACTIVE DUTY LIST, FOR PROMOTION TO THE GRADE INDICATED IN THE U.S. ARMY IN ACCORDANCE WITH SECTIONS 624 AND 628, TITLE 10, UNITED STATES CODE.

ARMY

To be lieutenant colonel

DAVID A. DECKER, xxx-xx-xx...

ARMY NURSE CORPS

To be major

DENNIS M. MURPHY, xxx-xx-xxxx

MEDICAL CORPS

To be major

NANCY J. HUTNAK, xxx-xx-xxxx
KENNETH E. RESSOR, xxx-xx-xxxx
WILLIAM E. SHIELS, xxx-xx-xxxx
MARTIN H. TIEVA, xxx-xx-xxxx
IRENE I. YEVICH, xxx-xx-xxxx

THE FOLLOWING NAMED OFFICERS, ON THE ACTIVE DUTY LIST, FOR PROMOTION TO THE GRADE INDICATED IN THE U.S. ARMY IN ACCORDANCE WITH SECTIONS 624 AND 628, TITLE 10, UNITED STATES CODE. THE OFFICERS IDENTIFIED WITH AN ASTERISK ARE ALSO NOMINATED FOR APPOINTMENT IN THE REGULAR ARMY IN ACCORDANCE WITH SECTION 531, TITLE 10, UNITED STATES CODE.

ARMY

To be major

*BILLY J. FREEBORN, xxx-xx-xxxx

CHAPLAIN CORPS

To be major

FRANK J. BRUNING, xxx-xx-xxxx
*LARRY J. GOODWILL, xxx-xx-xxxx
BERRIS D. SAMPLES, xxx-xx-xxxx

MEDICAL CORPS

To be major

FRANK H. JAMES, xxx-xx-xxxx
KENNETH E. REESOR, xxx-xx-xxxx
TIMOTHY W. STARCK, xxx-xx-xxxx

IN THE ARMY

THE FOLLOWING NAMED OFFICERS, ON THE ACTIVE DUTY LIST, FOR PROMOTION TO THE GRADE INDICATED IN THE UNITED STATES ARMY IN ACCORDANCE WITH SECTION 624, TITLE 10, UNITED STATES CODE:

ARMY

To be colonel

CHARLES C. ABERCROMBIE, xxx-xx-xxxx
JOSEPH T. ADINARO, III, xxx-xx-xxxx
STANLEY E. AKINS, xxx-xx-xxxx
ROBERT J. ALBERTAZZI, xxx-xx-xxxx
DAVID C. ALLBEE, xxx-xx-xxxx
JAMES D. ALLEN, xxx-xx-xxxx
JOSE M. ALVAREZ, JR., xxx-xx-xxxx
MICHAEL A. ANASTASIO, xxx-xx-xxxx
DELOS W. ANDERSON, xxx-xx-xxxx
PHILLIP R. ANDERSON, xxx-xx-xxxx
TERRY R. ANDERSON, xxx-xx-xxxx
WALTER S. ANDERSON, xxx-xx-xxxx
GARY F. ANDREW, xxx-xx-xxxx
ARCHIE D. ANDREWS, JR., xxx-xx-xxxx
DAVID K. ANDROFF, xxx-xx-xxxx
JOSEPH W. ARBUCKLE, xxx-xx-xxxx
JAMES R. ARMSTRONG, xxx-xx-xxxx
GORDON F. ATCHESON, xxx-xx-xxxx
BRUCE F. BACH, xxx-xx-xxxx
ROBERT B. BAILEY, xxx-xx-xxxx
JAMES T. BAIRD, xxx-xx-xxxx
DOUGLAS R. BAKER, xxx-xx-xxxx
ROBERT V. BAKER, JR., xxx-xx-xxxx
JAMES F. BALD, JR., xxx-xx-xxxx
ROBERT H. BALDWIN, JR., xxx-xx-xxxx
JUSTIN G. BALLOU, III, xxx-xx-xxxx
RONALD K. BANCROFT, xxx-xx-xxxx
RAYMOND A. BARBEAU, xxx-xx-xxxx
JAMES F. BARBER, xxx-xx-xxxx
MARK Q. BARBOUR, xxx-xx-xxxx
TERRANCE D. BARCELLOS, xxx-xx-xxxx
JAMES B. BARTHOLOMEES, JR., xxx-xx-xxxx
DENNIS A. BASSETT, xxx-xx-xxxx
CARL R. BAXLEY, xxx-xx-xxxx
DAVID E. BEAMAN, xxx-xx-xxxx
JAMES W. BEAUCHAMP, xxx-xx-xxxx
LAWRENCE J. BECKER, II, xxx-xx-xxxx
JAN D. BEER, xxx-xx-xxxx
RONALD J. BENICK, xxx-xx-xxxx
JAMES H. BENNETT, JR., xxx-xx-xxxx
ALBION A. BERGSTROM, xxx-xx-xxxx
CLIFFORD BERNATH, xxx-xx-xxxx
FREDERICK S. BERRY, xxx-xx-xxxx
RONALD F. BEYER, xxx-xx-xxxx
ALAN D. BISKEY, xxx-xx-xxxx
FREDERICK H. BLACK, xxx-xx-xxxx
NORMAN G. BLACKBURN, xxx-xx-xxxx
STEWART H. BORNHOFT, xxx-xx-xxxx
VICTOR W. BOWSER, xxx-xx-xxxx
ROBERT C. BRAND, xxx-xx-xxxx
GERALD J. BRAUN, xxx-xx-xxxx
WILLIAM H. BRETHORST, xxx-xx-xxxx
CONNIE A. BROWN, xxx-xx-xxxx
ROBERT F. BROWN, xxx-xx-xxxx
ALBERT R. BROWNFIELD, xxx-xx-xxxx
JUDITH A. BROWNING, xxx-xx-xxxx
JAMES D. BRYAN, xxx-xx-xxxx
DOYLE A. BUCK, xxx-xx-xxxx
TONY J. BUCKLES, xxx-xx-xxxx
EDWARD T. BUCKLEY, JR., xxx-xx-xxxx
ISHMON F. BURKS, xxx-xx-xxxx
JAMES W. BURNS, JR., xxx-xx-xxxx
JULIAN H. BURNS, JR., xxx-xx-xxxx
RODNEY D. BURNS, xxx-xx-xxxx
JAMES M. BURTON, xxx-xx-xxxx
MICHAEL S. BYINGTON, xxx-xx-xxxx
JEROME W. BYRD, JR., xxx-xx-xxxx
KEVIN P. BYRNES, xxx-xx-xxxx
MICHAEL T. BYRNES, xxx-xx-xxxx
JOHN A. CALABRO, JR., xxx-xx-xxxx
PAUL J. CALLEN, xxx-xx-xx...
RONALD M. CALVERT, xxx-xx-xxxx
GREGORY C. CAMP, xxx-xx-xxxx
JOHN M. CAMPBELL, xxx-xx-xxxx
JOHN D. CARPENTER, xxx-xx-xxxx
WILLIAM L. CARR, III, xxx-xx-xxxx
HARVEY R. CARTER, xxx-xx-xxxx
WILLIAM E. CARTER, xxx-xx-xxxx
WILLIAM L. CARWILE, III, xxx-xx-xxxx
GEORGE W. CASEY, JR., xxx-xx-xxxx
FRANCESCO CATALFAMO, xxx-xx-xxxx
DENNIS D. CAVIN, xxx-xx-xxxx
EDWARD M. CHAMBERLAIN, xxx-xx-xxxx
JAMES R. CHAMBLESS, xxx-xx-xxxx
CHARLES T. CHASE, xxx-xx-xx...
RONALD J. CHICCEHITTO, xxx-xx-xxxx
WALTER B. CHRIETZBERG, xxx-xx-xxxx
CARL W. CHUN, xxx-xx-xxxx
CHARLES S. CICCOLELLA, xxx-xx-xxxx
ROBERT T. CLARK, xxx-xx-xxxx
ROBERT B. CLARKE, xxx-xx-xxxx
DENNIS J. CLAUSEN, xxx-xx-x...
REGINAL G. CLEMMONS, xxx-xx-xxxx
DENNIS C. CLINE, xxx-xx-xxxx
GARY P. CLUKEY, xxx-xx-xxxx
JULIUS E. COATS, JR., xxx-xx-xxxx
DENNIS C. COCHRANE, xxx-xx-xxxx
ROBERT L. COHEN, xxx-xx-xxxx
THOMAS L. COLEMAN, JR., xxx-xx-xxxx
JACKIE W. COLLEY, xxx-xx-xxxx
CHARLES W. COLLINS, III, xxx-xx-xxxx
PETER J. CONDON, xxx-xx-xxxx
STEPHEN C. CONRAD, xxx-xx-xxxx
JACK D. CONWAY, xxx-xx-xxxx
ROBERT L. COOCH, JR., xxx-xx-xxxx
DENNIS R. COOPER, xxx-xx-xxxx
JAMES E. COTTERMAN, JR., xxx-xx-xxxx
ROBERT L. COWLES, xxx-xx-xxxx
DOUGLAS E. COX, xxx-xx-xxxx
MICHAEL J. COX, xxx-xx-xxxx
JAMES D. CRAIG, xxx-xx-xxxx
JOHN E. CRAIG, xxx-xx-xxxx
WILLIAM J. CRAVEN, xxx-xx-xxxx
HOWARD W. CRAWFORD, JR., xxx-xx-xxxx
STERLING B. CRAWFORD, JR., xxx-xx-xxxx
CHAUNCEY F. CRENSHAW, xxx-xx-xxxx
LAMAR C. CROSBY, xxx-xx-xxxx
DENNIS D. CROSS, xxx-xx-xxxx
JAMES B. CROSS, xxx-xx-xxxx
RICHARD T. CRUZ, xxx-xx-xxxx
PAUL E. CULLINANE, JR., xxx-xx-xxxx
JOSEPH J. CURRIN, III, xxx-xx-xxxx
HARRY A. CURRY, xxx-xx-xxxx
PETER M. CUVIELLO, xxx-xx-xxxx
MICHAEL D. DALLAS, xxx-xx-xxxx
FLOYD E. DALLY, xxx-xx-xxxx
RICHARD E. DANDREA, xxx-xx-xxxx
STEVEN A. DASHER, xxx-xx-xxxx
PHILIP J. DAVID, xxx-xx-xxxx
EUGENE J. DAVIS, xxx-xx-xxxx
JOHN E. DAWLEY, JR., xxx-xx-xxxx
SAMUEL L. DELOACH, xxx-xx-xxxx
DENNIS C. DEMING, xxx-xx-xxxx
JOEL C. DENNEY, xxx-xx-xxxx
JEROME L. DENTE, xxx-xx-xxxx
LAWRENCE L. DERKS, JR., xxx-xx-xxxx
MACARTHUR DESHAZER, xxx-xx-xxxx
KENNETH A. DEUTSCH, xxx-xx-xxxx

EDWARD G. DEVOS, JR. xxx-xx-xxxx
WILLIAM P. DICKENS, JR. xxx-xx-xxxx
THOMAS R. DICKINSON xxx-xx-xxxx
JAMES M. DICKSON, JR. xxx-xx-xxxx
MICHAEL DIFFLEY xxx-xx-xxxx
JONATHAN B. DODSON xxx-xx-xxxx
DANIEL A. DOHERTY xxx-xx-xxxx
MICHAEL J. DOLAN, III xxx-xx-xxxx
JAMES E. DOWNEY xxx-xx-xxxx
JOHN M. DOWNEY xxx-xx-xxxx
ROBERT M. LUDLEY xxx-xx-xxxx
ANDREW L. DULL xxx-xx-xxxx
LAYTON G. DUNBAR xxx-xx-xxxx
JOHN P. DUNIGAN xxx-xx-xxxx
GEORGE R. DUNN, JR. xxx-xx-xxxx
ARTHUR P. DUPAY xxx-xx-xxxx
DAVID R. DURR xxx-xx-xxxx
ANTHONY DURSO, JR. xxx-xx-xxxx
JOHN W. DYE xxx-xx-xxxx
HERBERT D. DYER xxx-xx-xxxx
ERIC G. ECKHARDT xxx-xx-xxxx
GEORGE D. EICKE xxx-xx-xxxx
MICHAEL A. ELLICOTT xxx-xx-xxxx
JAMES E. ELLIOTT xxx-xx-xxxx
RONALD E. ELLIOTT xxx-xx-xxxx
DAVID M. EMLING xxx-xx-xxxx
JOSEPH P. ENGLEHARDT xxx-xx-xxxx
ROBERT D. ENYEART xxx-xx-xxxx
MARK N. ERSKINE xxx-xx-xxxx
ARTHUR T. ESTRADA xxx-xx-xxxx
MICHAEL K. EVENSON xxx-xx-xxxx
MARK W. EWING xxx-xx-xxxx
FRANK FARKAS xxx-xx-xxxx
CARL E. FELLERS xxx-xx-xxxx
MICHAEL H. FELLOWS xxx-xx-xxxx
DANIEL M. FEREZAN xxx-xx-xxxx
BERNARD B. FERGUSON xxx-xx-xxxx
MICHAEL M. FERGUSON xxx-xx-xxxx
JAMES M. FISHER xxx-xx-xxxx
EDWARD A. FITZSIMMONS, JR. xxx-xx-xxxx
WILLIAM J. FLAVIN xxx-xx-xxxx
JAMES M. FLETCHER xxx-xx-xxxx
ROBERT L. FLOYD, II xxx-xx-xxxx
ANDREW C. FOLLMER, II xxx-xx-xxxx
CHARLES K. FORD xxx-xx-xxxx
GROVER M. FORD xxx-xx-xxxx
BRENDA T. FORMO xxx-xx-xxxx
ROBERT L. FORRESTER xxx-xx-xxxx
GEORGE B. FORSYTHE xxx-xx-xxxx
ALAN A. FOX xxx-xx-xxxx
PETER C. FRANKLIN xxx-xx-xxxx
ARTY J. FRANZELLO xxx-xx-xxxx
THOMAS T. FRAZIER xxx-xx-xxxx
DENNIS M. FRISBEE xxx-xx-xxxx
JAMES L. FRY xxx-xx-xxxx
JOSEPH A. FUCCI xxx-xx-xxxx
JEFFREY E. FURBANK xxx-xx-xxxx
EUGENE A. FUZY xxx-xx-xxxx
EVAN R. GADDIS xxx-xx-xxxx
BRUCE R. GARDNER xxx-xx-xxxx
WARREN D. GARLOCK xxx-xx-xxxx
STEPHEN F. GARRETT xxx-xx-xxxx
RAYMOND A. GAUGER xxx-xx-xxxx
JEFFREY W. GAULT xxx-xx-xxxx
DONNIE L. GEORGE xxx-xx-xxxx
HAROLD J. GERBER xxx-xx-xxxx
RICHARD L. GERDING xxx-xx-xxxx
CHARLES B. GIASSON xxx-xx-xxxx
CHARLES M. GLAVE xxx-xx-xxxx
JOHN A. GLORIOD xxx-xx-xxxx
HAROLD L. GLOSUP xxx-xx-xxxx
EMMET J. GOODBODY xxx-xx-xxxx
JAMES E. GRAHAM xxx-xx-xxxx
DAVID L. GRANGE xxx-xx-xxxx
THOMAS J. GRANT xxx-xx-xxxx
EVERETTE E. GRAY xxx-xx-xxxx
JOHN T. GRAY xxx-xx-xxxx
THOMAS A. GREEN xxx-xx-xxxx
EARL D. GREER xxx-xx-xxxx
THEODORE R. GREVENCAMP xxx-xx-xxxx
JAMES S. GRIBSCHAW xxx-xx-xxxx
NEIL W. GROTEGUT xxx-xx-xxxx
WILLIAM J. GRUNDY xxx-xx-xxxx
WILLIAM M. GUERRA xxx-xx-xxxx
DALE T. GUILFOYLE xxx-xx-xxxx
CHRISTOPHER M. GUPPY, 5 xxx-xx-xxxx
JAMES E. GUSTINE xxx-xx-xxxx
DAVID C. GWIN xxx-xx-xxxx
JOHN S. HALUSKI xxx-xx-xxxx
DONALD E. HALVERSON xxx-xx-xxxx
ROBERT C. HAM xxx-xx-xxxx
JOHN C. HAMMOND xxx-xx-xxxx
JULES W. HAMPTON xxx-xx-xxxx
KEVIN T. HANRETTA xxx-xx-xxxx
THOMAS A. HANSEN xxx-xx-xxxx
GILBERT S. HARPER, III xxx-xx-xxxx
DAVID G. HARRISON xxx-xx-xxxx
ALLEN P. HASBROUCK xxx-xx-xxxx
LEONARD G. HASSELL xxx-xx-xxxx
JOHN G. HATHAWAY xxx-xx-xxxx
EVERETT E. HAWTHORNE, JR. xxx-xx-xxxx
CHARLES L. HAYNES xxx-xx-xxxx
CROSBY E. HAZEL xxx-xx-xxxx
DENNIS G. HEAPY xxx-xx-xxxx
JOSEPH P. HEBERT xxx-xx-xxxx
EUGENE K. HECKLE, JR. xxx-xx-xxxx
RICHARD C. HEEHN xxx-xx-xxxx
RANDALL E. HEIM xxx-xx-xxxx
MARSHALL L. HELENA xxx-xx-xxxx
WILLIAM G. HENGLEIN xxx-xx-xxxx
KIM J. HENNINGSEN xxx-xx-xxxx
PETER F. HERRLY xxx-xx-xxxx

JACOB R. HERSHEY, II xxx-xx-xxxx
JAMES M. HESS xxx-xx-xxxx
KENNETH A. HIBL xxx-xx-xxxx
STEVEN C. HIGHTOWER xxx-xx-xxxx
DENNIS K. HILL xxx-xx-xxxx
THOMAS C. HILL, III xxx-xx-xxxx
JOHN R. HOAG xxx-xx-xxxx
THOMAS R. HOGAN xxx-xx-xxxx
STEPHEN L. HOLLINGSWORTH xxx-xx-xxxx
ARTHUR L. HOLMES, JR. xxx-xx-xxxx
JIMMIE F. HOLT xxx-xx-xxxx
DONALD R. HOLZWARTH xxx-xx-xxxx
THOMAS A. HOOPER xxx-xx-xxxx
GARY W. HOPKINS xxx-xx-xxxx
BILLY W. HORN xxx-xx-xxxx
KENT V. HUFFORD xxx-xx-xxxx
SCOTT W. HULL xxx-xx-xxxx
JOSEPH F. HUNT xxx-xx-xxxx
JOHN M. HUTCHESON xxx-xx-xxxx
SCOTT W. HYATT xxx-xx-xxxx
WILLIAM D. IDELL xxx-xx-xxxx
GEORGE T. INGERSOLL xxx-xx-xxxx
RAMON A. IVEY xxx-xx-xxxx
CLARENCE S. IVIE, JR. xxx-xx-xxxx
MICHAEL E. JALLO xxx-xx-xxxx
MARC A. JAMISON xxx-xx-xxxx
MICHAEL O. JANUARY xxx-xx-xxxx
ANTIONE D. JOHNSON xxx-xx-xxxx
GREGORY T. JOHNSON xxx-xx-xxxx
KENNETH L. JOHNSON xxx-xx-xxxx
RICHARD W. JOHNSON xxx-xx-xxxx
WILLIAM R. JOHNSON xxx-xx-xxxx
JOHN C. JOHNSTON xxx-xx-xxxx
STEVEN D. JOHNSTON xxx-xx-xxxx
JIMMIE JONES xxx-xx-xxxx
JOHN A. JONES xxx-xx-xxxx
MICHAEL J. JONES xxx-xx-xxxx
RONALD E. JONES xxx-xx-xxxx
WILLIAM H. JORDAN xxx-xx-xxxx
PAUL F. JOSEPH xxx-xx-xxxx
VINCENT R. JOZWIAK xxx-xx-xxxx
WILLIAM S. JUSTUS xxx-xx-xxxx
MELSON J. KAHUE xxx-xx-xxxx
JOHN M. KAIN xxx-xx-xxxx
ROBERT B. KEAN xxx-xx-xxxx
HAROLD V. KELLEY, JR. xxx-xx-xxxx
ROBERT J. KELLY xxx-xx-xxxx
ROBERT F. KEMP xxx-xx-xxxx
DARYL R. KENDRICK xxx-xx-xxxx
CLAUDIA J. KENNEDY xxx-xx-xxxx
DONALD L. KERRICK xxx-xx-xxxx
DANIEL E. KERSEY xxx-xx-xxxx
THOMAS M. KIEHNE xxx-xx-xxxx
DAVID R. KIERNAN xxx-xx-xxxx
HELMUT R. KIESSLING xxx-xx-xxxx
HOWARD W. KIETZMAN, JR. xxx-xx-xxxx
ROBERT B. KILLEBREW xxx-xx-xxxx
PATRICK KIRBY xxx-xx-xxxx
ROBERT F. KIRBY xxx-xx-xxxx
MATHIAS KNORR, III xxx-xx-xxxx
KENNETH A. KOETZ xxx-xx-xxxx
HENRY L. KOREN xxx-xx-xxxx
ALBERT J. KRAUS xxx-xx-xxxx
JOSEPH L. KRAWCZYK, JR. xxx-xx-xxxx
MICHAEL G. KUEHN xxx-xx-xxxx
ELIZABETH E. KUGEL xxx-xx-xxxx
WILLIAM A. KUNZMAN xxx-xx-xxxx
GLENN G. LACKEY xxx-xx-xxxx
LEON J. LAPORTE xxx-xx-xxxx
WILLIAM W. LARSON xxx-xx-xxxx
JANICE M. LATHOUWERS xxx-xx-xxxx
DONALD M. LAUER xxx-xx-xxxx
ROBERT S. LAY, JR. xxx-xx-xxxx
DWIGHT E. LEE xxx-xx-xxxx
WILLIAM E. LEWELLYN, JR. xxx-xx-xxxx
PETER W. LICHTENBERGER xxx-xx-xxxx
ROBERT J. LIDDELL xxx-xx-xxxx
DONALD R. LIGHTMAN xxx-xx-xxxx
MICHAEL A. LINDQUIST xxx-xx-xxxx
WILLIAM R. LIPKE xxx-xx-xxxx
HARRISON LOBDELL, III xxx-xx-xxxx
WALTER M. LOENDORF xxx-xx-xxxx
DONALD D. LOFTIS xxx-xx-xxxx
GREGORY A. LOWE xxx-xx-xxxx
GERALD D. LOWRY, JR. xxx-xx-xxxx
MICHAEL D. LUCAS xxx-xx-xxxx
LARRY J. LUST xxx-xx-xxxx
HAROLD F. LYNCH, JR. xxx-xx-xxxx
RICHARD L. MACEY xxx-xx-xxxx
DOUGLAS E. MACFARLANE xxx-xx-xxxx
MICHAEL G. MACLAREN xxx-xx-xxxx
DONALD MADISON xxx-xx-xxxx
ALAN H. MAESTAS xxx-xx-xxxx
ROBERT J. MALIK xxx-xx-xxxx
PETER F. MANZA xxx-xx-xxxx
JOHN J. MARCELLO xxx-xx-xxxx
CHARLEY MARINO, JR. xxx-xx-xxxx
ALLAN D. MARPLE xxx-xx-xxxx
DANIEL O. MASON xxx-xx-xxxx
LOUIS G. MASON xxx-xx-xxxx
MICHAEL A. MASTRANGELO xxx-xx-xxxx
WILLIAM E. MATHEWS xxx-xx-xxxx
JOHN W. MAY, JR. xxx-xx-xxxx
MEREDITH MAZZA xxx-xx-xxxx
LAURENCE W. MAZZENO xxx-xx-xxxx
LAURENCE W. MCCABE, III xxx-xx-xxxx
TREVATHAN N. MCCARTHER xxx-xx-xxxx
THOMAS C. MCCONNELL xxx-xx-xxxx
JOHN M. MCDUFFIE xxx-xx-xxxx
MICHAEL A. MCFARLIN xxx-xx-xxxx
CARL D. MCFERREN, II xxx-xx-xxxx
JAMES P. MCGOURIN xxx-xx-xxxx

DENNIS L. MCGOWAN xxx-xx-xxxx
PATRICK H. MCGUIRE xxx-xx-xxxx
THOMAS J. MCGUIRE xxx-xx-xxxx
WILLIAM A. MCKELVEY, III xxx-xx-xxxx
BRIAN J. MCKENNA xxx-xx-xxxx
JAMES W. MCNEIL xxx-xx-xxxx
DAN K. MCNEILL xxx-xx-xxxx
JOHN J. MCNULTY, III xxx-xx-xxxx
BRUCE L. MEISNER xxx-xx-xxxx
CLAYTON E. MELTON xxx-xx-xxxx
DAVID T. MERRIAM xxx-xx-xxxx
JOHN C. MERRIAM xxx-xx-xxxx
KEITH F. MERRITT xxx-xx-xxxx
PAUL T. MIKOLASHEK xxx-xx-xxxx
ROBERT A. MILES, JR. xxx-xx-xxxx
GEOFFREY D. MILLER xxx-xx-xxxx
ELTON D. MINNEY xxx-xx-xxxx
JAMES E. MITCHELL xxx-xx-xxxx
THOMAS E. MITCHELL xxx-xx-xxxx
DENNIS M. MOEN xxx-xx-xxxx
JOSEPH D. MOLINARI xxx-xx-xxxx
JAMES J. MONTANO xxx-xx-xxxx
JAMES L. MOODY xxx-xx-xxxx
GARY L. MOON xxx-xx-xxxx
LEON F. MORAND, III xxx-xx-xxxx
JOSEPH B. MORGAN xxx-xx-xxxx
MARY E. MORGAN xxx-xx-xxxx
JOHN F. MORONEY, III xxx-xx-xxxx
THEODORE H. MUELLER xxx-xx-xxxx
LAUREN G. MULLENDORE xxx-xx-xxxx
JOHN H. MUMMA xxx-xx-xxxx
RUSSELL N. MURPHY xxx-xx-xxxx
PAUL E. MURRAY xxx-xx-xxxx
JOHN C. MYERS xxx-xx-xxxx
ORIN A. NAGEL xxx-xx-xxxx
ROSS L. NAGY xxx-xx-xxxx
JAMES B. NEIDIG xxx-xx-xxxx
NEIL E. NELSON xxx-xx-xxxx
WAYNE T. NELSON xxx-xx-xxxx
STEPHEN J. NEUENDORF xxx-xx-xxxx
STEPHEN J. NEWCOMBE xxx-xx-xxxx
ROBERT W. NOONAN, JR. xxx-xx-xxxx
LINDA L. NORMAN xxx-xx-xxxx
AUGUSTUS R. NORTON xxx-xx-xxxx
LEO E. NORTON, JR. xxx-xx-xxxx
JOSEPH R. NOWLAND xxx-xx-xxxx
HOWARD E. OBRIEN xxx-xx-xxxx
JOSE A. OCASIO xxx-xx-xxxx
EDWARD C. ODOWD xxx-xx-xxxx
JOSEPH C. OEBBECKE xxx-xx-xxxx
JOHN G. OHARA xxx-xx-xxxx
WALTER L. OLSON xxx-xx-xxxx
JAMES A. ORAHOOD xxx-xx-xxxx
ARTHUR H. OSGOOD, JR. xxx-xx-xxxx
LEROY B. OUTLAW xxx-xx-xxxx
GENE PAGE xxx-xx-xxxx
EDWINA PALMER xxx-xx-xxxx
JOSEPH G. PAPAPIETRO xxx-xx-xxxx
JAMES A. PATTERSON xxx-xx-xxxx
JACK M. PAUL xxx-xx-xxxx
PETER G. PAULSON xxx-xx-xxxx
MICHAEL G. PAZAK xxx-xx-xxxx
JESSE T. PEITCHINSKY xxx-xx-xxxx
THOMAS E. PENCE xxx-xx-xxxx
MICHAEL R. PENDERGAST xxx-xx-xxxx
FLOYD L. PERRY xxx-xx-xxxx
MICHAEL P. PETERS xxx-xx-xxxx
MICHAEL A. PETERSEN xxx-xx-xxxx
CALVIN L. PETERSON xxx-xx-xxxx
JACK M. PETRI xxx-xx-xxxx
DALE E. PEYTON xxx-xx-xxxx
DENNIS A. PHELPS xxx-xx-xxxx
ROBERT E. PILNACEK xxx-xx-xxxx
BRIAN V. PIZZANO xxx-xx-xxxx
HARVEY L. PLAYER xxx-xx-xxxx
WILLIE R. POLLARD, JR. xxx-xx-xxxx
RONALD M. PONIKVAR xxx-xx-xxxx
GLENN A. PORTER xxx-xx-xxxx
FRANK L. POWELL, III xxx-xx-xxxx
JAMES T. PRATT, III xxx-xx-xxxx
WILLIAM J. PRICE xxx-xx-xxxx
DAVID L. PRIDDY xxx-xx-xxxx
HAWTHORNE L. PROCTOR xxx-xx-xxxx
GEOFFREY G. PROSCH xxx-xx-xxxx
JOSEPH H. PURVIS, JR. xxx-xx-xxxx
STEVEN R. RADER xxx-xx-xxxx
STEVEN A. RAHO, III xxx-xx-xxxx
VIRGIL E. RAINES, JR. xxx-xx-xxxx
HECTOR M. RANGEL xxx-xx-xxxx
LAWRENCE A. RAPISARDA xxx-xx-xxxx
STEPHANIE A. RAST xxx-xx-xxxx
RICHARD D. READ xxx-xx-xxxx
JAMES E. RECORD xxx-xx-xxxx
WILLIAM P. REILLY xxx-xx-xxxx
JOHN R. REITZELL xxx-xx-xxxx
LAWRENCE R. RETTA xxx-xx-xxxx
FREDERICK D. REYNOLDS xxx-xx-xxxx
EARLE C. RICHARDSON xxx-xx-xxxx
HENRY J. RICHTER, JR. xxx-xx-xxxx
STEPHEN T. RIPPE xxx-xx-xxxx
JAMES Q. ROBERTS xxx-xx-xxxx
WILLIAM L. ROBINSON xxx-xx-xxxx
ROBERT W. ROGALSKI xxx-xx-xxxx
WILLIAM L. ROLLINS xxx-xx-xxxx
RONALD R. ROLLISON xxx-xx-xxxx
JOSEPH ROMITO xxx-xx-xxxx
CHARLES G. RONALD xxx-xx-xxxx
DAVID A. ROSS xxx-xx-xxxx
GREGORY A. ROUNTREE xxx-xx-xxxx
CHARLES S. ROUSEK xxx-xx-xxxx
ROBERT H. ROUSH xxx-xx-xxxx
THOMAS M. ROY xxx-xx-xxxx

DAVID R. RUF, xxx-xx-xxxx
CHARLES M. RUST, xxx-xx-xxxx
CHARLES S. RUST, xxx-xx-xxxx
WILLIAM W. RYAN, JR., xxx-xx-xxxx
LAURENCE R. SADOFF, xxx-xx-xxxx
STEVEN M. SAKUMA, xxx-xx-xxxx
DAVID F. SALE, xxx-xx-xxxx
JERRY W. SAMPLES, xxx-xx-xxxx
DAVID G. SANDT, xxx-xx-xxxx
EDWIN M. SAVACOOL, JR., xxx-xx-xxxx
RICHARD G. SAYRE, xxx-xx-xxxx
ROGER W. SCEARCE, xxx-xx-xxxx
ROBERT L. SCHMIDT, xxx-xx-xxxx
JOHN P. SCHNEIDER, xxx-xx-xxxx
LAWRENCE SCHNEIDER, xxx-xx-xxxx
ROBERT U. SCHULTZ, JR., xxx-xx-xxxx
LEONARD B. SCOTT, III, xxx-xx-xxxx
KENNETH C. SCULL, xxx-xx-xxxx
RALPH I. SEBACHER, xxx-xx-xxxx
JERRY L. SEGARS, xxx-xx-xxxx
JOSEPH K. SHAFFER, xxx-xx-xxxx
JOHNNIE D. SHAW, xxx-xx-xxxx
LESLEY B. SHELBURNE, JR., xxx-xx-xxxx
JOHNNIE L. SHEPHERD, xxx-xx-xxxx
JAMES E. SHIFLETT, xxx-xx-xxxx
WILLIAM E. SHIRRON, xxx-xx-xxxx
CHRISTOPHER C. SHOEMAKER, xxx-xx-xxxx
MICHAEL E. SIMMONS, xxx-xx-xxxx
OSCAR W. SIMMONS, III, xxx-xx-xxxx
MICHAEL L. SIMONICH, xxx-xx-xxxx
DAVID L. SIMS, xxx-xx-xxxx
WILLIAM R. SINCLAIR, xxx-xx-xxxx
LAWRENCE E. SKELLY, III, xxx-xx-xxxx
KENNETH W. SMITH, xxx-xx-xxxx
MARVIN S. SMITH, xxx-xx-xxxx
MASON E. SMITH, xxx-xx-xxxx
THOMAS C. SMITH, xxx-xx-xxxx
THOMAS D. SMITH, xxx-xx-xxxx
EDWARD SORIANO, xxx-xx-xxxx
ROOSEVELT SPEED, xxx-xx-xxxx
GEORGE R. SPICZAK, xxx-xx-xxxx
MICHAEL T. SPINELLO, xxx-xx-xxxx
DWIGHT S. SPRINGER, xxx-xx-xxxx
THOMAS F. SPRINGER, xxx-xx-xxxx
JAMES B. STAFFORD, xxx-xx-xxxx
THOMAS E. STALZER, xxx-xx-xxxx
STANLEY F. STANLEY, xxx-xx-xxxx
JAMES M. STEFAN, xxx-xx-xxxx
GEORGE H. STINNETT, xxx-xx-xxxx
JAMES H. STITH, xxx-xx-xxxx
GREGORY A. STOLT, xxx-xx-xxxx
RICHARD N. STRAND, xxx-xx-xxxx
MICHAEL V. SULLIVAN, xxx-xx-xxxx
JAMES W. SUTHERLAND, III, xxx-xx-xxxx
BRUCE D. SWEENY, xxx-xx-xxxx
JOHN E. SWIFT, III, xxx-xx-xxxx
THOMAS A. SWINDELL, xxx-xx-xxxx
ARPAD A. SZURGYI, xxx-xx-xxxx
ROBERT W. TANNER, xxx-xx-xxxx
MICHAEL F. TARMAN, xxx-xx-xxxx
DOUGLAS E. TAYLOR, xxx-xx-xxxx
LUTHER M. TAYLOR, xxx-xx-xxxx
WILLIAM S. TAYLOR, xxx-xx-xxxx
PAUL D. TERRY, JR., xxx-xx-xxxx
PETER J. THEDE, xxx-xx-xxxx
GERALD R. THIESSEN, xxx-xx-xxxx
BERNARD P. THOMAS, xxx-xx-xxxx
KENNETH A. THOMAS, xxx-xx-xxxx
ROBERT C. THOME, xxx-xx-xxxx
PATRICK T. THORNTON, xxx-xx-xxxx
ROBERT E. THORNTON, xxx-xx-xxxx
PAUL TIBERI, xxx-xx-xxxx
GARY M. TOBIN, xxx-xx-xxxx
JESSE D. TOLLESON, xxx-xx-xxxx
ROBERT W. TOMBLIN, xxx-xx-xxxx
MICHAEL T. TOOLE, xxx-xx-xxxx
FRANK A. TRICOMI, xxx-xx-xxxx
JOE W. TRIMBLE, xxx-xx-xxxx
KEVIN J. VARGAS, xxx-xx-xxxx
DAVID A. VORE, xxx-xx-xxxx
WILLIAM T. VOSSLER, xxx-xx-xxxx
GREGORY D. VUKSICH, xxx-xx-xxxx
ROBERT W. WAGNER, xxx-xx-xxxx
JEFFREY A. WAGONHURST, xxx-xx-xxxx
DENNIS P. WALKO, xxx-xx-xxxx
WILLIAM S. WALLACE, xxx-xx-xxxx
ALAN H. WALTER, xxx-xx-xxxx
DOUGLAS F. WALTERS, xxx-xx-xxxx
JIMMY L. WALTERS, xxx-xx-xxxx
CLIFFORD R. WARD, xxx-xx-xxxx
ALVIN WASHINGTON, xxx-xx-xx...
DONALD H. WATT, JR., xxx-xx-xxxx
DAVID H. WAYNE, xxx-xx-xxxx
DAVID S. WEISMAN, xxx-xx-xxxx
RICHARD D. WELKER, xxx-xx-xxxx
STEPHEN W. WESTBROOK, xxx-xx-xxxx
JAMES S. WHEELER, xxx-xx-xxxx
DONEL D. WHITE, xxx-xx-xxxx
LAWRENCE K. WHITE, JR., xxx-xx-xxxx
ROBERT C. WHITE, JR., xxx-xx-xxxx
ERWIN E. WHITEHEAD, xxx-xx-xxxx
MILTON A. WHITLEY, JR., xxx-xx-xxxx
SAMUEL H. WHITLEY, xxx-xx-xxxx
LARRY R. WHITTINGTON, xxx-xx-xxxx
JAMES E. WIESS, JR., xxx-xx-xxxx
HOWARD E. WILCOX, JR., xxx-xx-xxxx
JAMES L. WILLIAMS, xxx-xx-xxxx
JONATHAN G. WILLIAMS, xxx-xx-xxxx
JOEL E. WILLIAMSON, xxx-xx-xxxx
JOHN R. WILLIAMSON, xxx-xx-xxxx
DAVID W. WILSON, xxx-xx-xxxx
STEPHEN E. WILSON, xxx-xx-xxxx
THOMAS G. WILSON, xxx-xx-xxxx
RICHARD H. WITHERSPOON, xxx-xx-xxxx
CARL F. WITSCHONKE, xxx-xx-xxxx
THOMAS B. WITT, xxx-xx-xxxx
KENNETH R. WOOD, xxx-xx-xxxx
LAWRENCE E. WOOD, xxx-xx-xxxx
JOHN C. WOOLSHLAGER, xxx-xx-xxxx
RALPH G. WOOTEN, xxx-xx-xxxx
RONALD T. WORTHINGTON, xxx-xx-xxxx
HORACE WORTHY, xxx-xx-xxxx
TIMOTHY A. WRAY, xxx-xx-xxxx
JAKE W. WYATT, xxx-xx-xxxx
TERRY A. YON, xxx-xx-xxxx
BARBARA J. YOST, xxx-xx-xxxx
DAVID F. YOUNG, xxx-xx-xxxx
WAYNE R. YOUNG, xxx-xx-xxxx
EVERETT R. YOUNT, JR., xxx-xx-xxxx
ROY F. ZINSER, JR., xxx-xx-xxxx
xx...

CONFIRMATIONS

Executive nominations confirmed by the Senate June 7, 1989:

DEPARTMENT OF STATE

DOUGLAS P. MULHOLLAND, OF MARYLAND, TO BE AN ASSISTANT SECRETARY OF STATE.

THE JUDICIARY

MICHAEL W. FARRELL, OF THE DISTRICT OF COLUMBIA, TO BE AN ASSOCIATE JUDGE OF THE DISTRICT OF COLUMBIA COURT OF APPEALS FOR THE TERM OF 15 YEARS.

EXECUTIVE OFFICE OF THE PRESIDENT

WILLIAM M. DIEFENDERFER III, OF VIRGINIA, TO BE DEPUTY DIRECTOR OF THE OFFICE OF MANAGEMENT AND BUDGET.

OFFICE OF PERSONNEL MANAGEMENT

CONSTANCE BERRY NEWMAN, OF MARYLAND, TO BE DIRECTOR OF THE OFFICE OF PERSONNEL MANAGEMENT.

THE ABOVE NOMINATIONS WERE APPROVED SUBJECT TO THE NOMINEES' COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

HOUSE OF REPRESENTATIVES—*Wednesday, June 7, 1989*

The House met at 10 a.m.

The Reverend Kenneth Landelius, Chaplain to the Swedish Parliament, Stockholm, Sweden, offered the following prayer:

Heavenly Father, we thank You for this new day. We believe that our thoughts, courage, and work are in Your hands.

With Your vision of peace, justice, and health in our hearts we can build a new world.

You know who we are. But You also know what we can be when Your Spirit lives within us.

You are the Creator, full of love and grace. Let Your word lead us in our work today.

Give us freedom to find our security not only in what we can touch with our hands and see with our eyes.

The world, with all nations and people, belongs to You, Father. Therefore, You have a meaning with every moment of life.

Believing in Your plan for mankind we leave our lives in Your hands today and always. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. The Chair will ask the gentleman from New Hampshire [Mr. DOUGLAS] if he would kindly come forward and lead the membership in the Pledge of Allegiance.

Mr. DOUGLAS led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

WELCOME TO THE REVEREND KENNETH LANDELIUS

(Mr. STENHOLM asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STENHOLM. Mr. Speaker, I am, indeed, pleased to welcome, or I should say velkommen, to the House of Representatives the Reverend Kenneth Landelius, who serves as our guest chaplain, and who led us in this beautiful opening prayer.

This is Chaplain Landelius' first visit to our Congress and, indeed, his first visit to the United States. His visit occurs at a special time in the history of our House of Representatives, as this is the first day that our new Speaker has introduced the chaplain for the prayer.

Pastor Landelius is the chaplain of the Swedish Parliament in Stockholm, Sweden, and is the first chaplain to occupy that position.

The relationship between Sweden and the United States goes back for 200 years, and it should be noted that Sweden was one of the first countries to recognize our new democracy.

Of special note is the fact that my family is from Swedish background, as is the family of our House Chaplain, Jim Ford. In fact, one of Dr. Ford's family, Dr. Jens Anderson, served in the Swedish Parliament in 1759.

Mr. Speaker, I might add that I had an opportunity for the first time in my life to visit my home country, because both my mother's and father's families came from Sweden, and having the privilege and pleasure of finding the home of my great-great-great-grandfather was, indeed, an experience, which I hope you will find as enjoyable for you in your first visit here to the House of Representatives and to the United States.

On behalf of all of my colleagues, Mr. Speaker, I am pleased and honored to introduce Chaplain Landelius to our House and to welcome him to our country.

Mr. Speaker, I yield to my colleague, the gentleman from Tennessee [Mr. SUNDQUIST].

Mr. SUNDQUIST. Mr. Speaker, I thank my colleague, Svenska Pjoka, from Texas, for yielding.

Pastor Landelius, it is an honor for me to join in with the gentleman from Texas [Mr. STENHOLM] in welcoming you to this Chamber. I am a graduate of Augustana College, as is my wife, a Swedish Lutheran school in Illinois, and it is famous for the seminary there where Chaplain Ford was graduated, and we are grateful to have Chaplain Ford here with his Swedish background and friendship and great talent.

We want to thank you, Pastor, for being here today and giving the opening prayer, and say to you tacksa mycka.

ELECTION AS CHAIRMAN OF COMMITTEE ON RULES

Mr. HOYER. Mr. Speaker, by direction of the Democratic caucus, I offer a privileged resolution (H. Res. 168) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 168

Resolved, That John Joseph Moakley, of Massachusetts, be, and is hereby, elected chairman of the Committee on Rules.

The resolution was agreed to.

A motion to reconsider was laid on the table.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair desires to make an announcement.

The Chair announces that during the joint meeting to receive the Prime Minister of Pakistan, only the doors immediately opposite the Speaker and those on his left and right will be open.

RECESS

The SPEAKER. Pursuant to the order of the House of Thursday, June 1, 1989, the House will stand in recess subject to the call of the Chair.

Accordingly (at 10 o'clock and 7 minutes a.m.), the House stood in recess, subject to the call of the Chair.

□ 1051

JOINT MEETING OF THE HOUSE AND SENATE TO HEAR AN ADDRESS BY HER EXCELLENCY, MOHTRAMA BENAZIR BHUTTO, PRIME MINISTER OF THE ISLAMIC REPUBLIC OF PAKISTAN

The SPEAKER of the House presided.

The Doorkeeper, the Honorable James T. Molloy, announced the President pro tempore and Members of the U.S. Senate who entered the Hall of the House of Representatives, the President pro tempore taking the chair at the right of the Speaker, and the Members of the Senate the seats reserved for them.

The SPEAKER. On the part of the House, the Chair appoints as members of the committee to escort the Prime Minister of the Islamic Republic of Pakistan into the Chamber:

The gentleman from Pennsylvania, Mr. GRAY; the gentleman from Florida, Mr. FASCELL; the gentleman from Michigan, Mr. BONIOR; the gentleman from Maryland, Mr. HOYER; the gentleman from Illinois, Mr. MICHEL; the gentleman from Georgia, Mr. GINGRICH; the gentleman from Michigan, Mr. BROOMFIELD; the gentleman from California, Mr. LEWIS; and the gentleman from Oklahoma, Mr. EDWARDS.

The PRESIDENT pro tempore. On behalf of the Senate, pursuant to the order previously entered, the following Senators are appointed as a committee on the part of the Senate to escort the Prime Minister of the Islamic Republic of Pakistan, Her Excellency Mohtrama Benazir Bhutto, into the House Chamber:

The Senator from Maine, Mr. MITCHELL; the Senator from California, Mr. CRANSTON; the Senator from Arkansas, Mr. PRYOR; the Senator from Rhode Island, Mr. PELL; the Senator from New York, Mr. MOYNIHAN; the Senator from Illinois, Mr. SIMON; the Senator from Maryland, Ms. MIKULSKI; the Senator from Kansas, Mr. DOLE; the Senator from Indiana, Mr. LUGAR; the Senator from Kansas, Mrs. KASSEBAUM; the Senator from Minnesota, Mr. BOSCHWITZ; the Senator from New Hampshire, Mr. HUMPHREY; and the Senator from Mississippi, Mr. COCHRAN.

The Doorkeeper announced the Ambassadors, Ministers, and Chargés d'Affaires of foreign governments.

The Ambassadors, Ministers, and Chargés d'Affaires of foreign governments entered the Hall of the House of Representatives and took the seats reserved for them.

The Doorkeeper announced the Cabinet of the President of the United States.

The members of the Cabinet of the President of the United States entered the Hall of the House of Representatives and took the seats reserved for them in front of the Speaker's rostrum.

At 11 a.m. the Doorkeeper announced the Prime Minister of the Islamic Republic of Pakistan.

The Prime Minister of the Islamic Republic of Pakistan, escorted by the committee of Senators and Representatives, entered the Hall of the House of Representatives and stood at the Clerk's desk.

[Applause, the Members rising.]

The SPEAKER. Members of the Congress, it is my great privilege and I deem it a high honor and a personal pleasure to present to you her Excellency, Mohtrama Benazir Bhutto, Prime Minister of the Islamic Republic of Pakistan.

[Applause, the Members rising.]

ADDRESS BY HER EXCELLENCY, MOHTRAMA BENAZIR BHUTTO, PRIME MINISTER OF THE ISLAMIC REPUBLIC OF PAKISTAN

Prime Minister BHUTTO. Mr. Speaker, on behalf of myself and my delegation, present in this hall, permit me to extend my warmest congratulations to you on the assumption of your high office.

Mr. President, distinguished Members of the Congress, As Salaam-o-Alaikum. Peace be with you.

We gather together, friends and partners, who have fought, side by side, in the cause of liberty.

We gather together to celebrate freedom, to celebrate democracy, to celebrate the three most beautiful words in the English language: "We the People."

I stand here conscious of the honor you bestow on my country and on me.

I am not new to America. I recall fondly my 4 years I spent here as a student at Harvard.

America is a land of great technology.

America is a land of economic power.

Your products are sent all over the world, a tribute to the creativity and productivity of your people.

But your greatest export is not material.

Your greatest export is not a product.

Your greatest export is an idea.

America's greatest contribution to the world is its concept of democracy, its concept of freedom, freedom of action, freedom of speech, and freedom of thought.

President Bush, in his inaugural address, spoke of a new breeze across America. In fact, this new breeze is sweeping the whole world.

In Afghanistan, the people have freed their country of foreign occupation.

In South America, the generals are returning to their barracks and the people to the halls of government.

In the Orient, the old order is changing and the demands growing.

Glasnost and perestroika are shaking the East bloc—the ultimate tribute to the strength of freedom, to the desire of people wherever they live to control their own destiny.

And it is the words of Lincoln, that are quoted—"a government of the people, by the people, for the people."

For many of us, the root of all this progress, the foundation of democracy, lies on this continent, 200 years ago, in your covenant of freedom, in words penned by Madison—"We the People."

My presence before you is a testament to the force of freedom and democracy in Pakistan.

Throughout 1988 the call for democratic change in Pakistan grew louder.

After a decade of repression the wave of freedom surged in Pakistan.

On November 16, the people of Pakistan participated in the first party-based elections in 11 years.

The Pakistan People's Party won a convincing victory, showing wide national support all across the four provinces of our great country. Democracy had at last returned to Pakistan.

We the people had spoken.

We the people had prevailed.

In its first days, our new government released political prisoners, legalized labor and student unions, and restored press freedoms.

We signaled our right of recognition to the role of the opposition in a democratic society, giving them free and regular access to the state media for the first time in our history.

We set as our focus reconciliation, not retribution.

Some claimed to fear revenge, revenge against the murderers and torturers, revenge against those who subverted constitutional law.

But, ladies and gentlemen, there was no revenge.

For them, and for dictators across the world—democracy is the greatest revenge.

For us the election was the end to an unspeakable ordeal.

A democratic government was overthrown in a military coup, and for 11 years dictatorship ruled our nation.

Political parties were banned.

Political expression prohibited.

There was no freedom of press.

The Constitution was suspended and amended into virtual nonexistence.

Women were subjugated, and laws written specifically to discriminate against them.

Political opponents were imprisoned, tortured, and hanged. It was the luckier ones who went into exile.

Our struggle was driven by faith—faith in our people's ability to resist—faith in our religion, Islam, which teaches us that "tyranny cannot endure; tyranny cannot endure."

It is this same faith which has fueled the battle for freedom next door in Afghanistan.

Both our countries have stood alongside the Afghans in their struggle for more than a decade.

For 10 long years the people of Pakistan have provided sanctuary to our Afghan brothers and sisters.

We have nurtured and sustained their families.

More than 3 million refugees are on our soil. Still more are coming, fleeing the bloodshed.

And we have welcomed them, housed them, and fed them.

And for 10 long years, the United States, in a united bipartisan effort of three administrations and six Congresses, has stood side by side with Pakistan, and the brave Mujahidin.

We both deserve to be proud of that effort.

But that effort did not come without a price. Our villages were strafed, our people killed.

Our peaceful country has changed. The war has brought the curse of drug addiction to Pakistan—over 1 million heroin addicts—to a land that never before knew it.

Our forests and natural resources have been depleted.

Yet our commitment to pay the price for freedom has not been shaken.

And now despite the Soviet withdrawal, peace has not returned to Afghanistan.

Even now the Soviet Government is giving full backing to the Kabul regime's efforts to cling to power.

It has left in its possession vast quantities of lethal weapons—weapons supplemented by a regular supply of hardware including Scud missiles, some of which have already hit Pakistan territory.

More threats have been received, threats to supply new weapons never before seen in the region.

The Soviets have gone. But the force of foreign arms continues to deny Afghanistan the ultimate fruit of victory—self-determination.

Those responsible for a decade of death and destruction now blame us for the continuing bloodshed.

They accuse us of interfering in Afghanistan. Nothing is farther from the truth, and nothing is more unjust.

Our concerns are for a stable, independent and neutral Afghanistan, an Afghanistan where the people can choose their own system, their own government in free and fair elections.

We in Pakistan would like to see the refugees return to their homes in peace and dignity.

Unfortunately, the conflict is not over. It has entered its closing stage, a stage often the most complex and difficult.

Distinguished friends, Pakistan and the United States have traveled a long road with the Afghans in their quest for self-determination.

Let us not at this stage, out of impatience or fatigue become indifferent. We cannot, we must not abandon their cause.

The world community must rise to the challenge which lies ahead. The challenge of achieving a broad-based, political settlement to the war, of rebuilding a shattered country, of helping the victims of war, of developing the Afghan economy.

Mr. Speaker, now Pakistan and the United States enter a new phase of an enduring relationship. Our shared interests and common international goals have not disappeared. If anything they have been strengthened.

Our partnership is not a friendship of convenience. For decades we have been tied together by mutual international goals, and by shared interests.

But something new has entered into the equation of bilateral relations—democracy.

We are now moral as well as political partners. Two elected governments bonded together in a common respect for constitutional government, accountability, and a commitment to freedom.

Because of the intensity of our struggle for freedom, we will never take it for granted in Pakistan.

Our democratic institutions are still new and need careful tending.

Democracy's doubters have never believed that it could successfully address the problems of developing countries. But democracy in Pakistan must succeed to signal nations in political transition all over the world that freedom is on the rise.

This is the time in Pakistan when democracy's friends must come forward. We need the time and the resources to build a truly strong constitutional government. If we succeed all democracies share in that success.

Today we are on the threshold of a new democratic partnership between our two countries, addressing new priorities. A partnership which addresses both our security concerns and our social and economic needs. A partnership which will carry us into the 21st century—strong in mutual trust, close in common interest, constant to the values we share; working in association with democratic governments all across the world to promote the values of freedom. This is the partnership, the new democratic Pakistan we hope to build with your continuing help.

The time is right, my friends, to make miracles in Pakistan. The dictatorship of the past has given way to the forces of the future. The years of social and economic neglect beg for redress. So I come to this land of freedom to talk about the future. The future of my country and the future of freedom everywhere. The future of our children—my child—and yours.

I come before you to declare that we cannot choose between development and democracy. We must work for both.

Partners in democracy must now focus attention on urgent problems which affect mankind as a whole.

The widening gap between rich and poor countries; environmental pollution; drug abuse and trafficking; the pressure of population on world resources; and full economic participation for women everywhere.

We must join together to find remedies and solutions for these problems before they overcome us.

Of all the crises facing us, my government is giving the highest priority to the problem of drug abuse.

We are determined to eradicate this plague from our country. To that end we have established a new Ministry for Narcotics Control.

We are taking vigorous action against drug offenders.

Our close cooperation—and that of other nations—must be strengthened if we are to turn back the tide of drugs sweeping your nation and mine.

So, too, must we work together, as partners, to avert the catastrophe of a nuclear arms race.

Speaking for Pakistan, I can declare that we do not possess nor do we intend to make a nuclear device.

That is our policy.

We are committed to a regional approach to the nuclear problem and we remain ready to accept any safeguards, inspections, and verifications that are applied on a nondiscriminatory regional basis.

Pakistan has long advocated the creation of a nuclear-weapon-free zone in the region.

A first step in that direction could be a nuclear test ban agreement between Pakistan and its neighbors in South Asia.

We are prepared for any negotiation to prevent the proliferation of nuclear weapons in our region.

We will not provoke a nuclear arms race in the subcontinent.

The United States has long held a commitment to peace in South Asia.

It is a commitment which Pakistan shares.

It is in this spirit of peace, of regional cooperation and bilateral partnership, that I come before you today.

This then must be our agenda, democracy and development, security and international cooperation.

The people of Pakistan appreciate the assistance you have given us, the assistance which you continue to give us.

Your military assistance has helped maintain a relative balance in the region. It has contributed to Pakistan's sense of security. It has strengthened the peace and stability of the South Asian region.

Mr. Speaker, everywhere the Sun is setting on the day of the dictator.

In Pakistan when the moment came, the transition was peaceful.

The whole nation, the whole nation, farmers, workers, the soldiers and civilians, men and women, together heralded the return of democracy.

The people have taken power in their hands.

But our work has just begun.

My friends, freedom is not an end. Freedom is a beginning.

And in Pakistan, at long last, we are ready to begin.

Our two countries stood together in the last decade to support the fight of the Afghan people for freedom.

Let us stand together now as the people of Pakistan strive to give meaning to their new-found freedom.

Come with us toward a tomorrow, better than all the yesterdays we knew.

History, the rush of events, perhaps even destiny have brought me here today.

I am proud to be the elected Prime Minister of Pakistan in this critical time.

It is an awesome obligation.

But in the words of John Fitzgerald Kennedy—"I do not shrink from this responsibility—I welcome it."

As a representative of the young, let me be viewed as one of a new generation of leaders unshackled by the constraints and irrational hatreds of the past.

As a representative of women, let my message be to them, "Yes you can!"

As a believer of Islam in this august Chamber, let my message be about a compassionate and tolerant religion, teaching hard work and family values under a merciful God, for that is the Islam and that is the Islam which we must all come to understand.

For me and the people of Pakistan, the last 11 years have encompassed a painful odyssey.

My countrymen and I did not see our loved ones killed, or tortured, or lashed, or languished in solitary confinement, deprived of basic human rights and freedom in order that others might again suffer such indignities.

We sacrificed a part of our lives and bore the pain of confronting tyranny to build a just society.

We believed in ourselves, in our cause, in our people and in our country.

And when you believe, then there is no mountain too high to scale.

That is my message to the youth of America, to its women, and to its people.

Thank you distinguished Members.

[Applause, the Members rising.]

At 11 o'clock and 32 minutes a.m., the Prime Minister of the Islamic Republic of Pakistan, accompanied by the committee of escort, retired from the Hall of the House of Representatives.

The Doorkeeper escorted the invited guests from the Chamber in the following order:

The members of the President's Cabinet.

The Ambassadors, Ministers, and Chargés d'Affaires of foreign governments.

JOINT MEETING DISSOLVED

The SPEAKER. The purpose of the joint meeting having been completed, the Chair declares the joint meeting of the two Houses now dissolved.

Accordingly, at 11 o'clock and 36 minutes a.m., the joint meeting of the two Houses was dissolved.

The Members of the Senate retired to their Chamber.

The SPEAKER. The House will continue in recess until the hour of 12 noon.

□ 1206

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. MONTGOMERY) at 12 o'clock and 6 minutes p.m.

PRINTING OF PROCEEDINGS HAD DURING THE RECESS

Mr. MOAKLEY. Mr. Speaker, I ask unanimous consent that the proceedings had during the recess be printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

RELATING TO THE COOPERATIVE ARRANGEMENT WITH JAPAN REGARDING THE FSX WEAPON SYSTEM

Mr. MOAKLEY. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 165 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 165

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the State of the Union for the consideration of the joint resolution (S.J. Res. 113) prohibiting the export of technology, defense articles, and defense services to codevelop or coproduce the FSX aircraft with Japan, and for other purposes, and the first reading of the joint resolution shall be dispensed with. After general debate, which shall be confined to the joint resolution and which shall not exceed two hours, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Foreign Affairs, the joint resolution shall be considered for amendment under the five-minute rule. It shall be in order to consider the amendment in the nature of a substitute recommended by the Committee on Foreign Affairs now printed in the joint resolution as an original text for the purpose of amendment under the five-minute rule and said substitute shall be considered as having been read. No amendment to said substitute shall be in order except the amendments printed in the report of the Committee on Rules accompanying this resolution, which shall be considered in the order specified in the report and if offered by (1) Representative Solomon of New York, or his designee, and (2) Representative Bruce of Illinois, or his designee, said amendments shall be considered as having been read, shall be debatable for the time specified in the report, equally divided and controlled by the proponent and a Member opposed thereto, and shall not be subject to amendment. All points of order against said amendments are hereby waived. If both of the amendments printed in the report are agreed to, only the last such amendment which is adopted shall be considered as finally adopted and reported back to the House. If the amendment offered by Representative Bruce of Illinois, or his designee, is adopted, the question shall not be put on the adoption of the committee amendment in the nature of a substitute, as amended, and the question shall be deemed to have been disagreed to. At the conclusion of the consideration of the joint resolution for amendment, the Committee shall rise and report the joint resolution to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the joint resolution and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

□ 1210

The SPEAKER pro tempore. The gentleman from Massachusetts [Mr. MOAKLEY] is recognized for 1 hour.

Mr. MOAKLEY. Mr. Speaker, for purposes of debate only, I yield the customary 30 minutes to the gentleman from New York [Mr. SOLOMON], and pending that, I yield myself such time as I may consume.

Mr. Speaker, House Resolution 165 is a modified closed rule providing for the consideration of Senate Joint Resolution 113, prohibiting the export of technology, defense articles and defense services to codevelop or coproduce the FSX aircraft with Japan and for other purposes. The rule provides for 2 hours of general debate to be divided equally and controlled by the chairman and ranking minority member of the Committee on Foreign Affairs, after which the joint resolution shall be considered for amendment under the 5-minute rule.

The rule makes in order the Foreign Affairs Committee amendment in the nature of a substitute now printed in the joint resolution as original text and this substitute shall be considered as having been read. No amendments to this substitute shall be in order except the amendments printed in House Report 101-75, accompanying this resolution in the following order: One amendment to be offered by Representative SOLOMON or his designee and a second amendment to be offered by Representative BRUCE or his designee. Each amendment may be debated for 1 hour. These amendments are not subject to amendment and all points of order are waived against the amendments. If both of the amendments printed in the report are adopted, only the last such amendment adopted shall be considered to have been finally adopted and reported back to the House.

The rule further provides that, if the Bruce amendment is agreed to, the question shall not be put on adoption of the committee substitute as amended but shall be deemed to have been

disagreed to. This last measure is intended to obviate the need for further Senate action on this bill in the event that an amendment identical to Senate-passed version is passed in the Committee of the Whole.

Finally, Mr. Speaker, the rule provides for one motion to recommit with or without instructions.

Mr. Speaker, I strongly endorse this rule and the underlying bill. By making the Solomon amendment in order, the rule will provide Members with an opportunity to voice their displeasure with the FSX fighter-aircraft agreement; and by making the Bruce amendment in order, the rule will give the House a means of mitigating the threat that the FSX sale poses to America's competitiveness.

I appreciate the fact that the administration has sought to increase Japan's defense contribution through this deal. In fact, I applaud this effort. The technology transfers allowed in this bill may threaten the United States' preeminence in the aerospace industry—an industry that the Japanese are known to be actively pursuring.

This legislation would assist us in obtaining a guarantee that we are providing the FSX for Japan's defense needs and not for its commercial benefit. I strongly commend this rule and this bill to my colleagues.

Mr. SOLOMON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the rule before us provides for the various points of view concerning the FSX codevelopment project with Japan to be heard, and it provides an adequate amount of time for that debate. The gentleman from Massachusetts [Mr. MOAKLEY] has explained the provisions of the rule, and so I need not repeat them at great length.

This rule is a variation on the king-of-the-hill theme. Following general debate, it shall be in order to consider the amendment I will be offering. Then the House shall consider the amendment to be offered by the gentleman from Illinois [Mr. BRUCE]. If his amendment passes, we shall proceed no further. The House will then have passed identical language to that which passed in the other body. If Mr. BRUCE's amendment does not pass, the House will then vote on the committee resolution.

My amendment is sense-of-the-Congress language. Owing to the fact that inclusion of such an amendment is a little unorthodox, I would like this opportunity to explain the procedural problem that I was up against. And I would also like to thank the Rules Committee for making my amendment in order.

Mr. Speaker, my amendment is aimed at correcting a problem. The problem is simply this: Neither the committee resolution we will be considering, nor the substitute version to be offered by Mr. BRUCE, afford Members of the House a clean-cut opportunity to cast a yes or no vote on the FSX deal itself. My amendment will provide that opportunity.

The argument will be heard, of course, that my amendment is moot—the sale is going to go through, regardless, so why waste time on a vote that doesn't mean anything? My response would be this: Proponents of this deal have managed to delay House consideration of the issue until after the 30-day review period mandated by the Arms Export Control Act had expired and yes, it has expired. So if the point is moot, it is thanks to them, those people, who kept this disapproval resolution from coming to the floor of this House.

But I would say further that any vote we take, even on sense-of-the-Congress language is important. It sends a message, and in this case, the whiz kids at the State Department and Commerce Department who negotiated the FSX deal should be the recipients of a message from Congress on this vote on this amendment. The message would be: "Negotiate one more of these losers and you'll never get it through Congress again." Think about that, State Department.

Mr. Speaker, at the appropriate time during debate Members will have the opportunity to go into detail about why the FSX deal is a bad idea, or a good idea. Suffice to say right now that many Members, from both sides of the aisle and all points on the political spectrum, and on the philosophical spectrum, have expressed serious reservations about the FSX deal. Close to 100 Members sponsored in this House a resolution of outright disapproval.

This point of view will be heard, and my amendment will provide Members with the only chance we will have to cast an unequivocal, unambigious "no" vote against the FSX deal. Again, I thank the Rules Committee for that opportunity, because they are going to let the will of this House work, even though it will be just a sense-of-the Congress resolution, I would certainly urge support of this rule. Even though it is a modified closed rule, it does have the support of the Republican and Democratic leadership, because both sides of the issue are being heard. Nobody is being gagged.

Mr. MOAKLEY. Mr. Speaker, for purposes of debate only, I yield 5 minutes to the gentleman from Ohio [Mr. TRAFICANT].

Mr. TRAFICANT. Mr. Speaker, I thank the gentleman for the time. I congratulate the new chairman of the Rules Committee.

Mr. Speaker, I would like to offer a few words. I will support the Solomon amendment. I am not sure what I will do on the Bruce amendment, but I do support the rule; but it is evident that the President made a decision and Congress now today will reinforce that decision to some degree by some action or some inaction, whichever you would like to call it.

The bottom line is that I cannot believe it. It seems that this deal actually wins the fortune cookie.

I come from a district that has been ravaged by trade policies that have been promulgated by "think tank" theorists. I have never seen or heard of one in an unemployment line. None of them knows what a soup line is. They have all these fancy theories, theories, just that, that do not approach fact. It is a projection of what one believes and thinks.

Let us take a look at it. We have two Toyotas in every garage now. What are we going to do? Are we going to open our gates to Mutual of Tokyo, let them come over and write the insurance on those Toyotas.

When is Congress going to stand up for the American worker and our American country?

We are not giving away the farm. We are sending it over duty free.

You know, 2½ years ago, Congress might recall when Japan announced $60 billion worth of public works projects to expand their seaports and airports. If you remember the Japanese law, it said, and I would like to let the Members on the other side of the aisle know, that only Japanese companies could apply. When the American press started going after them, here is what the Japanese spokesman said. He said, "Yes, it's true. We decided to keep the jobs and the money in Japan."

When the press went after them further because the Pentagon said, "My God, I can't believe this," the trade representative said, "Gee whiz, at a time like this, Congress is going to get upset."

When they pressed them further, the Japanese spokesman said, "We here in Japan take care of the interests of the Japanese people. Maybe the American Congress should start looking out for the American people."

I submit here to the Congress today that we have failed so far. In my district we have lost the whole steel industry.

□ 1220

After World War II we allowed the Japanese to come in and take pictures and photographs of our steel mills and factories. We were not satisfied with that. We gave them blueprints to take back so they could build up their economy, and they did. They have the factories today and we have the photographs. We have unemployment, we have home foreclosure. They are living high on the hog!

We are worried about everybody all over, and I know my voice is not being

heard here. I can look around and see that.

The truth of the matter is there are brave and valiant bodies laying in Arlington today that are rolling over in their graves because they thought they won a war. They never thought they would see the government allow the Japanese businessman to come over and take America from under them. What is the sign on Arlington going to say?

I say today the land of the rising sun is beginning to cast a great shadow over America, and there are no political eyes that are on it. We are just sitting here biding time and the shadow is looming larger and larger, and it is hanging over American business and workers. We can make direct deposit in a Japanese national bank in one of our major cities today. What is next?

I appreciate the time and I am going to vote for the rule. I am going to vote for the Solomon amendment. I do not know what I will do on the Bruce amendment. I do not think we do too much down here.

I would just like to end my little short statement by saying why do we not try and buoy up the interest of Uncle Sam instead of trying to find ways of justifying how we can go about giving our country away? Why do we not start looking at America and taking care of our own business? Take care of America first.

Mr. SOLOMON. Mr. Speaker, I yield such time as he might consume to the gentleman from Pennsylvania [Mr. WALKER].

Mr. WALKER. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, I would like to ask, if I may, the new chairman of the Rules Committee a couple of questions about this particular rule and about an item that is in it. There is an item in the rule on page 3 where it says "The question shall not be put on the adoption of the committee amendment in the nature of a substitute, as amended, and the question shall be deemed to have been disagreed to."

Can the gentleman from Massachusetts tell me the effect of that? It is somewhat unusual language in a rule.

Mr. MOAKLEY. Mr. Speaker, will the gentleman yield?

Mr. WALKER. I yield to the gentleman from Massachusetts.

Mr. MOAKLEY. Mr. Speaker, the effect is if the Bruce amendment is the king of the mountain, rather than using that language, we would go back to the Byrd Senate amendment bill that is laying at the desk, and that would pass and go directly to the White House rather than going back to the Senate and going into conference.

Mr. WALKER. So what we are doing is avoiding a conference with this rule mechanism?

Mr. MOAKLEY. The gentleman is correct.

Mr. WALKER. We do not typically do that in rules, do we?

Mr. MOAKLEY. The problem is that the Senate is more interested in form than substance, and even though it is the exact same language that we would be passing, because we would pass it in the amendment stage it would have to go back to conference, and it would be tied up there.

Mr. WALKER. I understand the gentleman's point. But we are faced with a somewhat unusual circumstance here.

Mr. MOAKLEY. I would simply say to the gentleman that even though there were a conference, there would still be a matter in disagreement.

Mr. WALKER. I understand. But I am a little concerned about us again setting a precedent that we are going to take action on the floor through the rules that avoid the regular processes of the Congress, and I understand we are in a somewhat unusual circumstance here. But I have found in the past that some of these unusual circumstances come back later on and are cited on the floor as a precedent of why we ought to go ahead and avoid a conference because we have done it before.

I guess what I am seeking from the gentleman from Massachusetts is an assurance that this is not something which is going to be regularly used as a way of avoiding conference in the future.

Mr. MOAKLEY. Mr. Speaker, will the gentleman yield?

Mr. WALKER. I am glad to yield to the gentleman from Massachusetts.

Mr. MOAKLEY. We have the situation where the Senate has passed the identical same language, but because the Bruce language, which is the identical same language, would come to them as an amendment, it would be a conferenceable item and, therefore, it would serve little purpose to send it back into the conference. So this way we are taking the same identical language and we are sending it right to the White House.

Mr. WALKER. I understand exactly what the gentleman is doing. But the problem is that while in this instance it does, in fact, have the effect the gentleman says, we have in fact adopted language in a rule now that would allow us to avoid conferences in the future.

Mr. MOAKLEY. Only because it is the same identical language, period.

Mr. WALKER. Again, I understand, except that there is some concern that in this particular case the Senate has passed language which really does not reference the issue at all, and that we are in the House about to allow that language to come up on the House floor, and then suggest that there should be no conference about something which the Senate did, which is procedurally suspect. I mean the fact is the Senate waited until the last minute to deal with an issue that was supposed to be acted on in a 30-day period. Here we are acting on the floor after the 30-day period is up, so that really we have brought the issue to the floor more for form than for substance, I would say to the gentleman, and the Rules Committee has permitted something to come to the floor that is largely form without very much substance, because the period of time for disapproval has gone. Then we are writing a rule which says that we do not even go to conference to raise maybe the question of whether or not form rather than substance is a good idea as a way to legislate.

I just have to say that I am bothered by that because I think we are doing something here for political effect rather than as a means of governing effectively.

Mr. MOAKLEY. If the gentleman will yield further, if the gentleman is asking the question is this going to be an ordinary process entered into by the Rules Committee, the answer is no. This is a very extraordinary process.

Mr. WALKER. I appreciate that. That is a big help, and I would say to the gentleman I would also hope that we would also look in the future at this kind of activity basically coming back at us out of the Senate where in a sense the Senate has abrogated appropriate responsibility here, has not acted in a timely manner, brings something back to us we cannot act on in a timely manner, and yet the Rules Committee has allowed to come to the floor in a process which is untimely and, therefore, totally ineffective. Therefore, it seems to me, it is totally meaningless, and the only reason for having it up here then becomes kind of an exercise in politics that I do not think serves the House very well.

If I am to hear that we are trying to develop a more bipartisan atmosphere here, it does not serve very good ends to have something that is brought to the floor for largely political purposes.

I would hope in the future we might avoid that kind of thing. Where the Senate has given us a bad action, we ought not build upon it here on the House floor.

Mr. SOLOMON. Mr. Speaker, will the gentleman yield?

Mr. WALKER. I am glad to yield to the gentleman from New York.

Mr. SOLOMON. Mr. Speaker, without making excuses for the Rules Committee, let me just say that the Rules Committee should not be held totally at blame for this. The Rules Committee was asked by a standing committee of this House to bring this legislation in form rather than substance to the floor, and I think that

we really ought to point the finger at the Committee on Foreign Affairs and maybe not at the Rules Committee, although we certainly do not want to see this procedure followed through time.

Mr. WALKER. The gentleman makes a legitimate point. I would say one of the jobs of the Rules Committee, however, and one of its toughest jobs is to be a traffic cop, and if they are being asked by standing committees around here to do things which are irresponsible in terms of their ultimate floor action, it seems to me the Rules Committee has a responsibility not just to figure out ways to report their responsible actions to the floor, but rather to figure out a way to avoid floor action.

Mr. SOLOMON. If the gentleman will yield further, he is absolutely correct.

Let me just say that also if we had known that the other body was going to do what they are doing to the supplemental, the dire supplemental budget that we sent over there, and hold the veterans of this Nation hostage, and just in case Members who are here do not know what is happening, the other body has stripped out the drug money that was a big concern to everybody and now they are systematically loading it up with every single Christmas tree, pork barrel that they can think of over there. So where are the veterans today? Still being held hostage by that other body. The other body ought to be ashamed of themselves, and had I known they were going to do that I would have fought with every ounce of strength I had to keep us from not going to conference so that we could have gone to conference and given them a little of you know what.

Mr. WALKER. I thank the gentleman for his point. It helps make the point that I am making here. It does not seem to me that it serves this body very well or the country very well to allow irresponsible actions to be paraded across the Capitol Building, and for us to treat them as though it is the normal way of doing business, and then also avoid even going to conference where we can raise questions about their behavior. I think the gentleman makes my exact point.

The language in this rule is somewhat disturbing, but I am assured by the gentleman from Massachusetts that this will not be standard procedure, and I am grateful for that.

I yield back to the gentleman from New York.

□ 1230

Mr. MOAKLEY. Mr. Speaker, for purposes of debate only, I yield 5 minutes to the gentleman from California [Mr. LEVINE].

Mr. LEVINE of California. I thank the gentleman for yielding.

Mr. Speaker, I also wish to join with my colleagues in congratulating the gentleman from Massachusetts [Mr. MOAKLEY] on his chairmanship of the Committee on Rules.

Mr. Speaker, I want to compliment the Committee on Rules for fashioning a creative and thoughtful rule under some difficult circumstances. I would like to correct what may be a misapprehension from a part of the dialog that just transpired.

While the gentleman from Pennsylvania [Mr. WALKER] is correct when he indicated that we were dealing within a 30-day time period with regard to a resolution of disapproval, we are no longer, in terms of the resolution that will be before us today, focusing only on a resolution of disapproval. We will be dealing with a straightforward resolution which was substituted in the other body for the resolution of disapproval and that is not subject to a 30-day time period.

So I would hope that the record would reflect that, if we wanted to disapprove this transaction, which frankly I very much did want to disapprove as the original author of the resolution of disapproval in the House, I felt that the FSX and feel that the FSX is a bad deal for America and one that should have been disapproved, that needed to have been accomplished within a 30-day time period. Unfortunately, from the point of view of those of us, the gentleman from New York [Mr. SOLOMON] and myself and those of us on both sides of the aisle who felt that the proposal was a bad proposal, once the other body rejected the resolution of disapproval introduced in that body by the Senator from Illinois and the Senator from New York, that became moot in terms of actually disapproving the transaction.

I am pleased that the Members of this body, because of the creative rule that was fashioned, will have the opportunity to support the gentleman from New York in what is essentially a sense-of-the-Congress resolution to demonstrate the dissatisfaction that a number of us deeply feel with this transaction. But once that transpires, the action that we will then be asked to consider on the Bruce amendment in particular and also on the Solarz language which came out of the Committee on Foreign Affairs, it is entirely appropriate and entirely timely and does not need to be taken within a 30-day time period.

That having been said, I have been asked by a number of my colleagues on both sides of the aisle to try to clarify some of the procedural circumstances before us today and I would like to try to do that.

I think the gentleman from Massachusetts did that very well in his remarks when he outlined the nature of the rule. It is a good and a thoughtful rule.

I introduced originally a resolution of disapproval in this body. That resolution needed to be enacted by both this body and the other body.

Once the other body rejected that resolution of disapproval, that particular resolution became moot because it was clear that it could no longer be approved by both houses of the Congress.

Once that occurred, the distinguished gentleman from New York, the chairman of the Subcommittee on Asian and Pacific Affairs, Mr. SOLARZ, who will have the underlying resolution before us today, very thoughtfully and fairly crafted a set of hearings in the Committee on Foreign Affairs which carefully reviewed this entire process.

The gentleman from New York and I came to different conclusions with regard to the resolution of disapproval itself. I felt that the resolution of disapproval should be approved and it was my understanding the gentleman from New York throughout the process felt the resolution of disapproval was poorly conceived and one which he would not have supported.

Nevertheless the Committee on Foreign Affairs, after these thoughtful hearings, with an overwhelming vote which included Members on both sides of the aisle, approved language developed by the gentleman from New York which essentially would have simply implemented for this transaction some of the conditions and some of the assurances that were given to us by the administration and that were given to us by the Japanese Government.

Those representations were developed in the form of a proposal that was passed out of the Committee on Foreign Affairs. That was somewhat different from the so-called Byrd amendment that was enacted by the other body. It was a modified Byrd amendment in some respects, and I am sure the gentleman from New York will explain the substantive differences during his time in the debate.

We will have before us today, first, the language that came out of the Committee on Foreign Affairs. The first amendment will be sense-of-the-Congress language.

The SPEAKER pro tempore (Mr. MONTGOMERY). The time of the gentleman from California [Mr. LEVINE] has expired.

Mr. LEVINE of California. Mr. Speaker, may I ask for 3 additional minutes?

Mr. MOAKLEY. Mr. Speaker, since the gentleman spent 3 of his own minutes explaining something he did not intend to talk on, I yield 3 additional minutes to the gentleman from California.

Mr. LEVINE of California. We will then have before us sense-of-the-Congress language from the gentleman from New York which will give those of us who oppose the transaction an opportunity to express that and to communicate that.

We will then have under the king-of-the-hill process an amendment from the gentleman from Illinois which is identical to the language that was enacted by the other body. That language that will be nonconferenceable. If the Bruce amendment passes, and I think it is very important that the Bruce amendment be enacted, that will then send to the White House in a nonconferenceable fashion precisely what the other body enacted.

All the other body was trying to do and all that Mr. BRUCE is trying to do is hold our administration and the Japanese accountable to the assurances and representations they made with regard to this transaction.

I will try to go into some of the substance of that in the context of the debate on the Bruce amendment, but for procedural proposes at this point in support of the rule, I would like not only to support the rule but to urge my colleagues, however they vote on the other provisions before them—and I will be supporting the Solomon amendment to express our disagreement with the proposal itself—I strongly urge my colleagues to support the Bruce amendment because the Bruce amendment will be enacting, by this House, precisely that language that was enacted in the other body, thereby sending to the White House in a nonconferenceable form the conditions and assurances that were represented both by our administration and by the Japanese Government would be adhered to in the course of this transaction.

So I compliment the Committee on Rules for fashioning a rule that ultimately, if the Bruce amendment passes, will simply tie down a number of assurances and representations that were made both by our Government and the Japanese Government in the context of this transaction.

Let me spend about 30 seconds of my time saying that I think it is important that we in debating this transaction, however we feel about it—and I think it is a bad transaction—recognize that we are dealing with a government that is very friendly to the United States. We are dealing among friends on very difficult and contentious issues about which we may not always agree. But this is a debate between friends, a debate between two countries and two peoples that have a deep stake in maintaining that friendship.

As the author of the resolution of disapproval, I think that this proposal is bad for the United States. But that having been said, I think this is a discussion that needs to be understood to be one that continues to be held between friends and between Governments who have a significant stake in the maintenance of these friendly relations.

I congratulate the Committee on Rules and the new chairman for fashioning the kind of thoughtful and creative rule that he has put before us, and I strongly urge the support of the rule and the Bruce amendment once the bill hits the floor.

Mr. SOLOMON. Mr. Speaker, I yield 3 minutes to the gentleman from Washington [Mr. MILLER], a member of the Committee on Foreign Affairs.

Mr. MILLER of Washington. I thank the gentleman for yielding.

Mr. Speaker, I will be very brief. I want to say the bulk of my comments later when we get to the Solomon and Bruce amendments.

But my distinguished colleague from California made some remarks that I want to briefly answer. I have no objection to the rule and I agree with the gentleman from California that this discussion should be carried on in the context of what will be an enduring relationship with our ally, Japan.

But I do want to differ with him in how the rule brings to the floor the so-called Bruce amendment.

Let us be perfectly clear about the procedure we are going through.

We were supposed to vote disapproval or approval of the FSX deal.

□ 1240

And when the opponents of the FSX—or we could say the proponents of the disapproval resolution—were not able to effectively get their way, they brought to the floor the Bruce amendment, which neither approves nor disapproves but basically establishes conditions, and as will be brought out in debate on the Bruce amendment, what these conditions will require is that the administration renegotiate the deal.

This, I think is unfortunate. I think this body should have voted its approval or disapproval of the FSX deal rather than take what I believe is the unseemly approach of saying, "Well, we are not going to approve or disapprove, but we are going to try to micromanage how the administration conducts its relations on this deal with Japan, and we are going to ask them to go back to the table to once again"—I should not say "renegotiate"—"re-renegotiate," because several of us, including the gentleman from California and myself, earlier this year asked the administration, before they sent this arrangement to the Congress, to look at certain aspects of it, and the administration went ahead then and did renegotiate. Now we are going to have before us shortly an amendment that would ask them to re-renegotiate.

This is not the way to carry on our foreign affairs relationships effectively. While I have great respect for the distinguished gentleman from California and the distinguished gentleman from Illinois, I believe that the procedure we have here today is questionable. While it is a creative rule and I am not objecting to the rule, we must be aware that where we end up is voting not on approval or disapproval but on something entirely different.

Mr. MOAKLEY. Mr. Speaker, for the purposes of debate only, I yield 3 minutes to the gentleman from Illinois [Mr. BRUCE].

Mr. BRUCE. Mr. Speaker, I thank the chairman of the Rules Committee for yielding me this time.

Mr. Speaker, I would like to clarify some of the debate I have heard this morning on the rule and explain exactly what is going to happen if either the Solomon amendment or the Bruce amendment or the committee action is approved by the House today.

First of all, I think the Members should make a very clear distinction in the collective minds of the House between the codevelopment memorandum of understanding and the coproduction memorandum of understanding. It is very clear to me that the amendment of the gentleman from New York [Mr. SOLOMON] is quite appropriate to express the sense of Congress that the memorandum of understanding on codevelopment should have been disapproved, and that is the essence of his amendment and one to which I do not object.

That memorandum of understanding, however, should have been done and objected to within a 30-day time limit, which expired at the end of May. Neither this body nor the other body can do anything about the memorandum of understanding on codevelopment. That is a done deal.

Then we address the next question, having expressed the sense of Congress that we should not have done that, and we face the Bruce amendment, which says on coproduction that there is no memorandum of understanding, we have not entered into negotiations on that matter, and we are going to, under the codevelopment memorandum, develop six prototypes. In the mid-1990's we will then go into production if we have an item that is worthy of production.

The Bruce amendment addresses that item of coproduction, not codevelopment. We are not renegotiating or re-renegotiating anything. It has in fact not been negotiated at all, and it says in two specific places: Hot engine technology and third country sales, and it says that we think the U.S. Government's position, when we negotiate the coproduction memorandum of understanding, ought to be included. And as a sense of Congress, there is a third point that we ought to negotiate, a 40-percent share that is not

mandated, that there ought to be a 40-percent share of American production in those items when we get to it 6 years from now.

The memorandum of understanding on codevelopment which the gentleman from New York [Mr. SOLOMON] will address is appropriately addressed. The Bruce amendment addresses the coproduction memorandum to be addressed in 6 years. We ought to be about that. I think it is reasonable that both amendments move forward, and that this House express itself on the program of codevelopment and coproduction on the FSX.

Mr. SOLOMON. Mr. Speaker, I yield myself such time as I may require.

Mr. Speaker, I would like to take this opportunity to congratulate the new chairman of the Rules Committee, the gentleman from Massachusetts [Mr. MOAKLEY]. He takes the place of a legend in this House, Claude Pepper. He takes on an awesome responsibility, but I can think of no other Member of this House more qualified or more capable to take over that position.

I might also just recall the words of our new Speaker, TOM FOLEY, in the next-to-last paragraph of his speech before this body yesterday in which he said he would do everything in his power humanly possible to be fair to every Member of this House on both sides of the aisle. I would just say to my good friend, the new Speaker, Mr. FOLEY, and to my very good friend, the gentleman from Massachusetts [Mr. MOAKLEY] that the very best place to start that fairness doctrine is in the Rules Committee; and I for one look forward to working with a great new Speaker and a great new chairman of the Rules Committee.

Mr. Speaker, I yield back the balance of my time.

Mr. MOAKLEY. Mr. Speaker, let me say to the gentleman from New York [Mr. SOLOMON] that we started that process already when we allowed the Solomon amendment to be made in order on this bill.

Mr. Speaker, I yield 2 minutes to the gentleman from New York [Mr. SOLARZ].

Mr. SOLARZ. Mr. Speaker, I thank the distinguished gentleman for yielding me this time.

Mr. Speaker, I will save my comments on the substance of this issue for the general debate on the legislation, but for the purposes of the rule I would like to respond to one observation made by my very good friend, the gentleman from New York [Mr. SOLOMON], whose departure from the Foreign Affairs Committee is a source of continuing anguish to those of us who remain inasmuch as our sessions are not nearly as lively as they used to be in the days when he was an active member of our committee.

What I want to say to my friend, the gentleman from New York, and for the record, is that it is simply not true that the Foreign Affairs Committee or the Democrats on the Foreign Affairs Committee blocked consideration in our committee of the resolution of disapproval on the FSX. Quite to the contrary. We had assured the leading opponents of the FSX deal, who included a number of prominent Democrats such as the gentleman from Missouri [Mr. GEPHARDT] and the gentleman from California [Mr. LEVINE], that we were going to bring up the resolution of disapproval in our committee, and we had every intention of doing so. When the Senate, however, voted to reject the resolution of disapproval on the FSX, the leading proponents of the arrangement in the House did not ask us to bring up the resolution of disapproval in the Foreign Affairs Committee on the grounds that it had been made moot by its rejection in the Senate.

Nevertheless, let me assure my friend, the gentleman from New York, that if we had been asked to bring it up for vote in our committee, we would have brought it up for a vote in our committee. The only reason we would not is that at that point, since the resolution of disapproval had been defeated in the Senate, there was a feeling that it would not serve any useful purpose to bring it up in our committee. In any case, nobody asked us to bring it up.

So I simply wanted to make it clear that far from attempting to sit on that resolution, far from attempting to bottle it up, we bent over backward to give the opponents of the sale every opportunity to make their case and move their legislation. It was their decision not to bring it up, which was the basic reason why we did not vote on it in our committee.

Mr. SOLOMON. Mr. Speaker, will the gentleman yield, respectfully?

Mr. SOLARZ. Certainly, I yield to the gentleman from New York.

Mr. SOLOMON. Mr. Speaker, let me state my understanding of the rules in the House and the Senate.

The SPEAKER pro tempore (Mr. MONTGOMERY). The time of the gentleman from New York [Mr. SOLARZ] has expired.

Mr. MOAKLEY. Mr. Speaker, I yield 1 minute to the gentleman from New York [Mr. SOLOMON].

Mr. SOLOMON. Mr. Speaker, it was my understanding that the rules of the House and the Senate would have allowed, after the Senate rejected the resolution of disapproval and amended it, to make it a resolution of approval, with conditions, vis-a-vis the Byrd amendment; that once they did that and then we passed in a timely manner the resolution of disapproval, we understood that it becomes an accomplishable action and we could have gone to conference, and we would have won and we would have then disapproved the sale.

□ 1250

Mr. SOLARZ. Mr. Speaker, the parliamentary interpretation of the gentleman from New York [Mr. SOLOMON] may be correct. My only point is that once the resolution of disapproval was defeated in the Senate, the supporters of the resolution of disapproval in the House did not ask us to bring up the resolution of disapproval in our committee because, rightly or wrongly, they believed the issue had been rendered moot by the action of the Senate. Maybe they misread the rules. Maybe they did not understand the rules.

Mr. SOLOMON. Mr. Speaker, that is too bad because they deprived the Members of this House of a vote of disapproval.

Mr. MOAKLEY. Mr. Speaker, I understand that the gentleman from New York [Mr. SOLOMON] has no further requests for time.

I have no further requests for time, Mr. Speaker, and I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. BROOMFIELD. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 314, nays 96, not voting 23, as follows:

[Roll No. 77]

YEAS—314

Ackerman	Boxer	Davis
Akaka	Brennan	de la Garza
Alexander	Brooks	DeFazio
Anderson	Browder	DeLay
Andrews	Brown (CA)	Dellums
Annunzio	Bruce	Derrick
Anthony	Bryant	Dicks
Applegate	Bustamante	Dingell
Archer	Byron	Dixon
Aspin	Campbell (CA)	Donnelly
Atkins	Campbell (CO)	Downey
AuCoin	Cardin	Dreier
Baker	Carper	Durbin
Barnard	Carr	Dwyer
Bartlett	Chandler	Dymally
Bates	Chapman	Dyson
Beilenson	Clarke	Early
Bennett	Clay	Eckart
Bentley	Clement	Edwards (CA)
Bereuter	Clinger	Emerson
Berman	Coble	Engel
Bevill	Coleman (MO)	English
Bilbray	Coleman (TX)	Erdreich
Boehlert	Conte	Espy
Boggs	Cooper	Evans
Bonior	Costello	Fascell
Borski	Coyne	Fazio
Bosco	Crockett	Feighan
Boucher	Darden	Fields

Fish	Long	Rostenkowski
Flake	Lowey (NY)	Roth
Flippo	Luken, Thomas	Roukema
Foglietta	Machtley	Rowland (CT)
Ford (MI)	Manton	Rowland (GA)
Ford (TN)	Markey	Roybal
Frank	Martin (NY)	Russo
Frost	Matsui	Sabo
Gallegly	Mavroules	Saiki
Garcia	Mazzoli	Sangmeister
Gejdenson	McCloskey	Sarpalius
Gephardt	McCrery	Sawyer
Gilman	McCurdy	Saxton
Gingrich	McDermott	Schneider
Glickman	McEwen	Schroeder
Gonzalez	McGrath	Schumer
Gordon	McHugh	Sharp
Gradison	McMillan (NC)	Shaw
Grandy	McMillen (MD)	Sikorski
Grant	McNulty	Sisisky
Gray	Mfume	Skaggs
Green	Miller (CA)	Skeen
Guarini	Miller (OH)	Skelton
Gunderson	Miller (WA)	Slattery
Hall (OH)	Mineta	Slaughter (NY)
Hall (TX)	Moakley	Smith (FL)
Hamilton	Molinari	Smith (IA)
Hammerschmidt	Mollohan	Smith (NE)
Harris	Montgomery	Smith (NJ)
Hatcher	Moody	Smith, Robert (OR)
Hawkins	Moorhead	Snowe
Hayes (IL)	Morella	Solarz
Hayes (LA)	Morrison (CT)	Solomon
Hefner	Mrazek	Spence
Herger	Murphy	Spratt
Hertel	Murtha	Staggers
Hiler	Nagle	Stallings
Hoagland	Natcher	Stangeland
Hochbrueckner	Neal (MA)	Stark
Horton	Neal (NC)	Stenholm
Houghton	Nelson	Stokes
Hoyer	Nowak	Studds
Hubbard	Oakar	Swift
Hughes	Oberstar	Synar
Hunter	Obey	Tallon
Hutto	Olin	Tanner
Ireland	Ortiz	Tauzin
Jenkins	Oxley	Thomas (GA)
Johnson (CT)	Pallone	Torres
Johnson (SD)	Panetta	Torricelli
Jones (GA)	Parker	Traficant
Jones (NC)	Parris	Traxler
Jontz	Pashayan	Udall
Kanjorski	Patterson	Unsoeld
Kaptur	Payne (NJ)	Valentine
Kastenmeier	Payne (VA)	Vander Jagt
Kennedy	Pease	Vento
Kennelly	Pelosi	Visclosky
Kildee	Penny	Volkmer
Kleczka	Perkins	Walgren
Kolter	Pickett	Walsh
Kostmayer	Pickle	Waxman
LaFalce	Poshard	Weber
Lancaster	Price	Weiss
Lantos	Pursell	Weldon
Laughlin	Quillen	Wheat
Leath (TX)	Rahall	Whittaker
Lehman (CA)	Rangel	Whitten
Lehman (FL)	Ray	Wise
Leland	Regula	Wolf
Lent	Rhodes	Wolpe
Levin (MI)	Richardson	Wright
Levine (CA)	Rinaldo	Yates
Lewis (GA)	Robinson	Yatron
Lipinski	Roe	Young (AK)
Lloyd	Rose	

NAYS—96

Armey	Douglas	Hyde
Ballenger	Duncan	Inhofe
Barton	Edwards (OK)	Jacobs
Bateman	Fawell	James
Bilirakis	Frenzel	Kasich
Broomfield	Gallo	Kolbe
Brown (CO)	Gaydos	Kyl
Bunning	Gekas	Lagomarsino
Burton	Gillmor	Leach (IA)
Combest	Goodling	Lewis (CA)
Coughlin	Goss	Lewis (FL)
Cox	Hancock	Lightfoot
Craig	Hansen	Lowery (CA)
Crane	Hastert	Lukens, Donald
Dannemeyer	Hefley	Madigan
DeWine	Henry	Marlenee
Dornan (CA)	Hopkins	Martin (IL)
Martinez	Rogers	Smith, Robert (NH)
McCandless	Rohrabacher	Stearns
McCollum	Schaefer	Stump
McDade	Schiff	Sundquist
Meyers	Schuette	Tauke
Morrison (WA)	Schulze	Thomas (CA)
Myers	Sensenbrenner	Thomas (WY)
Nielson	Shays	Upton
Packard	Shumway	Vucanovich
Paxon	Shuster	Walker
Petri	Slaughter (VA)	Watkins
Porter	Smith (MS)	Wilson
Ravenel	Smith (TX)	Wylie
Ridge	Smith (VT)	Young (FL)
Ritter	Smith, Denny (OR)	
Roberts		

NOT VOTING—23

Bliley	Dorgan (ND)	Owens (NY)
Buechner	Florio	Owens (UT)
Callahan	Gibbons	Savage
Coelho	Holloway	Scheuer
Collins	Huckaby	Towns
Conyers	Johnston	Williams
Courter	Livingston	Wyden
Dickinson	Michel	

□ 1311

The Clerk announced the following pair:

On this vote:

Mrs. Collins for, with Mr. Buechner against.

Mr. DUNCAN changed his vote from "yea" to "nay."

Mr. TORRES changed his vote from "nay" to "yea."

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore. Pursuant to House Resolution 165 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the Senate Joint resolution (S.J. Res. 113).

□ 1312

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the Senate joint resolution (S.J. Res. 113) prohibiting the export of technology, defense articles, and defense services to codevelop or coproduce the FSX aircraft with Japan, with Mr. HUGHES in the chair.

The Clerk read the title of the Senate joint resolution.

The CHAIRMAN. Pursuant to the rule, the Senate joint resolution is considered as having been read the first time.

Under the rule, the gentleman from New York [Mr. SOLARZ] will be recognized for 1 hour, and the gentleman from Michigan [Mr. BROOMFIELD] will be recognized for 1 hour.

The Chair recognizes the gentleman from New York [Mr. SOLARZ].

□ 1310

Mr. SOLARZ. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, members of the committee, when this issue first came before us several weeks ago, the resolution of disapproval on the FSX sale, which was introduced in order to block this transaction from going forward, was referred to the Committee on Foreign Affairs. In order to faithfully and fully discharge our responsibilities to the House, we commenced a series of hearings on this issue designed to enable us to make a judgment about whether it was or was not in the best interests of the United States. We had four separate hearings at which the administration testified, at which witnesses from industry and labor testified, at which congressional opponents of the transaction testified, and at which witnesses from the private sector with valuable background in the area of trade and defense technology also testified.

In addition to that, the Committee on Foreign Affairs had three special briefings with witnesses from the General Accounting Office, with witnesses from the Central Intelligence Agency, and with witnesses from the major aerospace manufacturing companies in the country.

While the Committee on Foreign Affairs never voted on the FSX transaction itself, because the Senate had already voted to reject the resolution of disapproval, I think it is not unfair to say that many of us on the committee who went through this very careful and deliberate process came to the conclusion that the FSX arrangement with Japan, in point of fact, is very much in the commercial, political, and strategic interests of the country. From a commercial point of view, the FSX deal will generate 22,000 man-years of work here in the United States, and it will also generate approximately 2.5 billion dollars' worth of income which the Japanese will be paying us in exchange for the technology and production work which we will be doing. It is in the political interests of our country, because it will help to further cement our ties with a country which has emerged as one of our most valuable allies anywhere in the world, and it will strategically benefit the United States by enhancing Japan's capacity to fulfill its military responsibilities for the protection of our common interests in Asia by permitting them to replace their aging, but existing, aircraft with a new-generation aircraft designed to give them an up-to-date capacity to help keep the sea lanes open for up to 1,000 miles from the home islands.

In spite of all of these palpably persuasive arguments in favor of the FSX arrangement, however, many of our colleagues raised some very serious questions about the extent to which the FSX arrangement, inasmuch as it would obligate us to share some of our

aerospace technology with Japan, might potentially jeopardize the competitive posture and long-term viability of our own civilian aerospace industry.

I want to say at the very outset of this debate, as someone who believes that the FSX arrangement is in our interest, that if I believed for one moment that this deal would compromise the long-term economic competitiveness and viability of a major American export industry, I would be categorically against it, the political, commercial, and strategic advantages of the arrangement notwithstanding.

□ 1320

It was precisely because of these considerations which were very thoughtfully raised by the distinguished gentleman from California [Mr. LEVINE], the gentleman from Missouri [Mr. GEPHARDT], and by many other Members of the House that we undertook to delve deeply into this question of whether or not the FSX arrangement would compromise the economic viability of our own aerospace industry. On the basis of the testimony we received, I have to say that I came to the conclusion, as has the administration and many of our colleagues in the House, that it would not jeopardize the long-term competitiveness of our aerospace industry.

Whether or not the technology involved which we would be providing to Japan would compromise our competitive position involves judgment and some highly technical questions. It involves, for instance, matters relating to the commercial applicability of flight control source codes or fire control source codes or such matters as system integration. I dare say that with one or two possible exceptions that I doubt there is a single Member of the House who would know a flight control source code if they saw one or who is truly in a position to make a judgement about the advantages to Japan of what they would learn about systems integration from this FSX agreement.

Consequently, rather than simply relying on the testimony of the administration on this question, because it could quite obviously be discounted by those who oppose the FSX deal on the grounds that the adminisration had made a commitment to Japan and now it was too embarrassed to back out of it, we solicited the testimony of engineers and other technical specialists associated with the major domestic aerospace corporations in our country like Boeing and McDonnell Douglas, who would be the ones most seriously affected if the critics of this arrangement were right in suggesting that it would give Japan the opportunity to leapfrog the United States in terms of the export of wide-bodied civilian aircraft in the future. I have to report to my colleagues this afternoon that it was the unanimous judgment of the technical specialists at the civilian aerospace companies in our country that the FSX arrangement would in no way whatsoever potentially compromise or jeopardize the long-term competitive position of our own aerospace industry.

I have to believe that if Boeing and if McDonnell Douglas thought that this arrangement was going to give Japan the opportunity to take away the billions and billions of dollars of business they get each year from their preeminent position in the global aerospace industry, they would have opposed it. Some of our colleagues have suggested that privately they do have these concerns, but since, for example, Boeing has ongoing contracts with Japan, they deliberately pull their punches. Let me lay those concerns to rest.

During the course of our hearing we said point blank to the representatives of Boeing and McDonnell Douglas that although they were not under oath, it constituted a criminal violation of law to misrepresent the truth to a congressional committee, and we asked them whether they were giving us their honest, personal opinions. We asked them whether any of the higher-ups in their companies had instructed them to give testimony in favor of the agreement even though they were privately against it, and they assured us not only that they were speaking honestly, and that they were representing their own views, but that no one higher up in their companies had instructed them to give false or misleading testimony.

Mr. BURTON of Indiana. Mr. Chairman, will the gentleman yield?

Mr. SOLARZ. I am happy to yield to my friend, the gentleman from Indiana.

Mr. BURTON of Indiana. Mr. Speaker, I would ask the gentleman do they have any financial interest at all in this project?

Mr. SOLARZ. Neither Boeing nor McDonnell Douglas have any financial interest in the FSX arrangement whatsoever.

Mr. BURTON of Indiana. Short term or long term?

Mr. SOLARZ. In my judgment, they certainly do not have it short term, and they did not seem to believe they had it in the long term, either. So I think that we can rely on the objective judgment of these witnesses.

Furthermore, if we look at the specifics of the technology involved, the airframes associated with combat aircraft, which is what the FSX is supposed to be, is simply not applicable to the kind of technology needed to develop airframes for wide-bodied civilian aircraft, so we need not be concerned that the provision of airframe technology for a jet fighter is going to give Japan opportunities to become competitive with us in the manufacture of wide-bodied civilian aircraft.

Others raised questions about the source codes that we would be providing. To be sure, we are giving them parts of the F-16 fire control source code. But the purpose of a fire control source code is to coordinate the avionics of a jet aircraft engaged in combat with the actual utilization by that plane of the missiles and other munitions which they carry on board. So far as I know, an emerging terrorist threat notwithstanding, nobody is talking about putting missiles or munitions on the civilian aircraft of the future.

Then there was the whole question of systems integration and whether what the Japanese could obtain simply by going through the process of integrating the various components necessary to produce the combat aircraft would give them insights into how to better produce a civilian aircraft in the future. Here we were told by the spokesmen for Boeing, in a judgment that was confirmed by General Yates, who is the Assistant Secretary of the Air Force for Acquisitions, that if we look at this purely in terms of Japan's ability, not next year or the year after, but still in the 21st century to more effectively compete with the United States for the global share of the civilian aerospace market, that they would be in a better position if they developed the FSX on their own than if they did it in codevelopment and coproduction with us, because if they did it on their own, while it might take them longer, they would learn from their own mistakes and would be in a better position to apply that knowledge to the subsequent production of a civilian aircraft.

Some may say that what Japan has in mind here is not the construction of an FSX aircraft, but the development of a civilian aerospace industry. I agree. We can stipulate to that fact. No one denies it.

□ 1330

But if Japan is primarily interested in ultimately competing with the United States for a larger share of the global aerospace market, then why did Japan originally want to develop the FSX on its own? They did not come to us to ask us to codevelop it with them so they could get the benefit of our technology. No, they wanted to develop it on their own. It was only when we went to them and asked them to codevelop it with us that they ultimately agreed after a prolonged period of negotiation.

Some have said, including my very good friend from California, and others, that it would have been better if the Japanese had brought the F-16 off the shelf than to codevelop the

FSX with us. I think it would be fine if they had bought the F-16 off the shelf. They have, however, refrained from purchasing such aircraft off the shelf for a very long period of time. They wanted to develop their own aerospace industry.

I think it is important for the House to know that if they had purchased the F-16 off the shelf, it would not have generated more jobs or more money for the United States. The estimates are that it would have gotten us roughly the same number of jobs and the same amount of money that we are getting from the codevelopment of the FSX with Japan, as a consequence of which the argument that it would have been more helpful in terms of our balance-of-trade deficit with Japan if the Japanese had bought the F-16 off the shelf simply does not hold any water because in reality it would not have reduced the trade deficit by any more than codevelopment and coproduction.

Mr. Chairman, after the period of general debate ends, we will first be taking up the Solomon amendment which expresses the sense of the Congress that the President should reject the FSX deal.

Let me simply say that as much as I respect and admire my good friend from upstate New York, I think his amendment is conceptually flawed and legislatively ineffectual.

It is flawed because it is based on the assumption that the FSX is not in our interest, when for the reasons I have just given, I believe it is in our interest. It is legislatively ineffectual because it does no more than simply express the sense of the Congress.

The President has made it clear that he is going to move forward with this project regardless.

Mr. SOLOMON. Mr. Chairman, will the gentleman yield?

Mr. SOLARZ. My friend has made me an offer I cannot refuse.

Mr. Chairman, I yield to the gentleman.

Mr. SOLOMON. I thank the gentleman for yielding. He is always a gentleman.

The gentleman says it is an ineffectual, moot amendment. But you have to ask all of your colleagues: Why? Why is it ineffectual? Why is it moot? The reason is because the Committee on Foreign Affairs for whatever reason—and I do not blame the chairman of the committee—but I think there are other members of that committee on that side of the aisle who deliberately held up the resolution of disapproval so that this Congress would not have the opportunity to act on it.

So I think the gentleman agrees to that, and I would like the gentleman to respond to it.

Mr. FASCELL. Mr. Chairman, will the gentleman yield?

Mr. SOLARZ. It is always an honor to yield to my distinguished chairman.

Mr. FASCELL. I thank the gentleman for yielding.

Mr. Chairman, the gentleman from New York [Mr. SOLOMON], is absolutely in error. He can interpret the facts any way he wants and he has the right to do that, but I will tell the gentleman, as one gentleman to another, that the Committee on Foreign Affairs, which I have the honor to chair, did not hold up this resolution in order to defeat a vote.

Mr. SOLARZ. May I say I am pleased to hear the gentleman from New York acknowledge the ineffectuality of his amendment. We may have some residual disagreements over why the Foreign Affairs Committee did not report out an effectual version of his amendment, but I applaud his candor in acknowledging before the Congress and the country that his amendment has been rendered moot by other developments.

After we dispose of his amendment, which I hope we will, we will then come to the Bruce amendment which would, in effect, adopt the version of the legislation on this matter that was adopted by the Senate; I hope the House in its wisdom will reject the Bruce amendment as well because that amendment includes two provisions which I will go into at greater length when we debate that amendment that could have the effect of requiring a renegotiation of the FSX agreement which could lead to its unraveling.

I think that would be very unfortunate.

But the Members of the House should take comfort from the fact that the Committee on Foreign Affairs in perhaps its delayed and belated wisdom, but wisdom nevertheless, has reported out legislation which will be before the House if the Solomon and Bruce amemdments are defeated which would permit the FSX arrangement to go forward but which would build into the law some protections against the diversion of this technology to other countries or leakage of the technology into the civilian aerospace sector in Japan and which would also protect the prerogatives of the Congress in terms of our capacity in the future to prohibit the transfer of critical engine technologies or the retransfer by Japan of the FSX to a third country.

So at the end of a very long day I hope that we can end up in a position where we reject the Solomon amendment, reject the Bruce amendment, and then adopt the Committee on Foreign Affairs' work product. This resolution emerged from a very careful and deliberative process involving many of the members of our committee, is a very thoughtful piece of legislation, and will enable the FSX arrangement to go forward in a context where we can protect our legitimate long-term economic interests.

Mr. HOPKINS. Mr. Chairman, will the gentleman yield?

Mr. SOLARZ. I would be happy to yield to the gentleman from Kentucky.

Mr. HOPKINS. I thank the gentleman for yielding.

Mr. Chairman, let me say that I certainly appreciate the knowledge of which the gentleman speaks. But insofar as the Solomon amendment being ineffectual, I happen to be of the view that this whole debate is ineffectual because the FSX is going to go through. So the whole day and the whole debate to that extent is ineffectual.

But as far as my colleague's amendment from New York being ineffectual, I would have to say that it is the only opportunity, in my opinion, that we will have to vote either for or against, straight up or down, for the FSX. I personally happen to be opposed to it.

The rest of it is just a mix of whether you are for it, or against it, or an angle one way or the other.

Mr. SOLARZ. I have to say to my very good friend that while it is true the FSX arrangement is going to go forward, I think it is not true to suggest that there is literally nothing we can do about the manner in which it does go forward.

For example, both the Bruce amendment and the bill reported out by the Committee on Foreign Affairs contain important provisions which would provide essential protections for the future.

For example, they provide that as we move to the memorandum of understanding on coproduction, the Secretary of Commerce should review the arrangement with a view toward determining whether it could jeopardize our future competitive position. If he concludes it might, he could make such recommendaitons for action as he determines appropriate to the President. The committee resolution and the Bruce amendment call upon the President to take those recommendations into account.

The committee resolution and the Bruce amendment also contain some very important sense-of-the-Congress provisions which call upon the President in negotiating a memorandum of understanding on coproduction to get at least 40 percent of the work share in the coproduction of the FSX for the United States. They further call on the GAO to do a study of design to let us know if there has been any leakage of the technology involved either within Japan or to foreign countries. And they also provide the Congress with the right to consider and, if necessary, to reject a future memorandum of understanding insofar as it

might include the transfer of critical engine technologies.

Finally, they also include provisions which give the right to the House to veto, in effect, a decision by the administration to permit Japan to transfer the FSX to other countries.

So I think these provisions may not be, from your point of view, as good as an out-and-out rejection, but I say to those who are concerned about the FSX that the legislation reported out by the Committee on Foreign Affairs is far better than nothing, whereas the Solomon amendment would knock out of the box, from a parliamentary perspective, what we have done in the Committee on Foreign Affairs. And at the end of the day, even if the Solomon amendment passed the whole House, you would end up not having cancelled the FSX but without some of these additional protections from the Committee on Foreign Affairs built into its proposal.

Mr. LEVINE of California. Mr. Chairman, would the gentleman yield?

Mr. SOLARZ. I yield to the gentleman from California.

Mr. LEVINE of California. I thank the gentleman for yielding.

Mr. Chairman, just on the point of effectiveness that the distinguished gentleman has been raising, as the original author of the resolution of disapproval, I must confess that I join with a number of people on both sides of the aisle in terms of the frustration that we share that we do not have the opportunity effectively to stop this transaction.

□ 1340

I regrettably share my friend from New York's analysis that legislatively the sense of the Congress amendments that the gentleman from New York is offering will not have any legislative force and effect. However, both the gentleman from New York Mr. SOLARZ's language and, frankly, even more significantly, the gentleman from Illinois' [Mr. BRUCE] language, because it is not conferenceable and will go directly to the White House, do have some significant impacts. For those people, who at a minimum, wish to hold both our Government's and the Japanese Government's feet to the fire, in the terms of the number of representations each side has made to ensure that these representations will be made. Particularly, passage of the Bruce amendment will be very helpful to accomplish that because it is nonconferenceable and goes straight to the White House. As the gentleman from New York so eloquently indicates, passage of either of these provisions does, in fact, have significant legislative ramifications that does not go nearly as far as we would have liked in terms of the fact they do not stop the sale but they do put some conditions on that are important and are significant.

Mr. HOPKINS. Mr. Chairman, will the gentleman yield?

Mr. SOLARZ. I will yield to the gentleman, but I hope he can keep it brief.

Mr. HOPKINS. Mr. Chairman, I appreciate both of my colleagues in their points of view. The point I am trying to make is that the only time that I, as an individual Member of the House, will have to express my up or down vote as to how I feel about the FSX, has to do with the Solomon amendment. That is why I favor that amendment. That is why I say it is not ineffectual as far as the Bruce amendment is concerned. My problem with that, if I vote for it and it puts more restrictions on a deal that I am not sure about, then I am approving something that I am legitimately against. I have a real problem with the Bruce amendment.

Mr. SOLARZ. I respect the gentleman's right to come to a different conclusion, quite obviously, but may I suggest that if the Solomon amendment should be defeated, and if the Bruce amendment should be defeated, both of which I hope will be defeated, Members then vote for the bill on final passage because that will contain at least some protections in terms of the future that we otherwise would not have.

The CHAIRMAN. The gentleman from New York has consumed a total of 27 minutes.

Mr. BROOMFIELD. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, for the past several months, we have had a lively debate over the proposal to codevelop a new jet fighter plane with Japan. I commend Chairman FASCELL and Congressmen SOLARZ and LEACH, the chairman and ranking Republican member of the Asia/Pacific Subcommittee, for seeing to it that this issue was thoroughly reviewed in committee.

The debate over the FSX is, in fact, part of a much larger discussion over national security. In the past, political and military considerations were paramount. However, the concept of security has been expanding to incorporate economics and trade. This new view recognizes the important role that a sound economy, a vibrant private sector, and a solid job picture plays in our country's well being.

The FSX agreement with Japan has gotten caught up in this expanding view of national security. Legitimate economic and trade questions about the FSX agreement were raised by the Department of Commerce and many of us in the Congress earlier this year.

Responding to these concerns, President Bush decided to delay approval of the FSX agreement, and sought additional clarifications from Japan. After negotiating several important improvements to the agreement, the administration notified the Congress on May 1 that it would proceed with codevelopment of the FSX.

The administration deserves high marks for its efforts to cooperate and consult with the Congress on the FSX proposal. The Arms Export Control Act requires only that Congress be informed about technology licensing agreements like that for the FSX.

However, realizing the level of congressional concern with the implications of this agreement, the administration decided to treat the FSX agreement as a notification under Sec. 36(c) of the Arms Export Control Act. This section provides for a 30-day review period which allows time for congressional consideration of a resolution of disapproval.

On May 16, the Senate defeated a resolution of disapproval by a vote of 52–47. Normally, the rejection of a disapproval resolution would foreclose further congressional consideration of an arms sales agreement.

Despite its rejection of the resolution of disapproval, the Senate went on to adopt a resolution of approval, which was proposed by Senator BYRD. In my view, this resolution—which is before this body as the Bruce amendment—is unnecessary and an undue infringement on the President's authority to conclude such agreements.

Later today Members will have an opportunity to vote on a resolution of disapproval. Voting for the Solomon amendment will allow members to register their opposition to the FSX deal in a nonbinding way.

I particularly welcome the opportunity that the Solomon amendment provides us because I myself have serious concerns about the FSX agreement. I believe that the Japanese should have bought F–16's off the shelf from the United States in the first place, instead of going down the far more costly road of developing the FSX. By buying the plane from the United States they could have had a state of the art jet fighter in their air self-defense force sooner and at less cost.

I am especially concerned about the benefits that the Japanese might get from our technology for their own aviation program. The Japanese record in semiconductors, HDTV, supercomputers, and other fields speaks for itself.

While I have concerns about the FSX agreement, I cannot support the Bruce amendment, which is identical to the Byrd amendment, and would impose certain conditions on the

agreement. Although it is a resolution of approval, it would nevertheless force the administration to renegotiate the agreement with the Japanese.

The Byrd resolution is a mischievous resolution. It contains elements that are simply unclear, such as on the applicability of provisions of the Arms Export Control Act. There are also provisions that are unduly restrictive, such as permanent prohibition on the transfer of certain engine technology.

The Solarz amendment, which adopts the text recommended by the Foreign Affairs Committee, represents a better approach. While the administration cannot support it, Congressman SOLARZ should be commended for his constructive effort to reach an accommodation.

Mr. Chairman, we have a complex task before us today. We must decide among several different approaches to the FSX agreement.

Many in this Chamber, I know, have mixed feelings about this deal with Japan and about the situation in which we find ourselves.

I urge you to support Congressman SOLOMON'S amendment if you wish to register opposition to the FSX agreement. And I urge my colleagues to oppose the Bruce amendment as an unjust, unwarranted resolution.

Mr. Chairman, I yield such time as he may consume to the gentleman from Iowa [Mr. LEACH].

Mr. LEACH of Iowa. Mr. Chairman, I thank the gentleman for yielding.

By way of general background, I would argue that the best thing the Government of the United States can do is implement the FSX agreement in a thorough and consistent manner worthy of a credible ally and trading partner. This perspective implies it is unworthy of this body to play legislative games, even though we, as a country, may have wished for a slightly better deal.

□ 1350

The catch-22 of any post-hoc congressional approach to this agreement is that if it is substantive, it jeopardizes our national security. On the other hand, if it is innocuous, as the Solarz approach largely is, it is gratuitous. Should we pass a gratuitous bill, it would go to conference and presumably be combined with the more sweeping Senate measure. In that event, the United States will receive a double-whammy: A bill that both jeopardizes our national security and is also somewhat gratuitous. It would be far better to follow the lead of the President and stop short of the constitutional unseemliness which is this body's too frequent wont.

I would stress the fact that the gratuitousness of congressional action stretches in two directions. One is to the Japanese, who are our allies and who, after all, are going to buy 2.5 billion dollars' worth of American goods and services under this particular agreement. The FSX deal creates 22,000 man-years of American jobs, which will be lost if Congress subverts this deal, and many thousands more as a consequence of a lost follow-on relationship.

As a member of the committee of jurisdiction who sat through hours of hearings from both the private and public sectors, I would note that while there are some who argued that we could have gotten a better deal, there were none who suggested that if we turn this deal down, Japan will do anything except proceed pellmell with a greater resource commitment to its own indigenous aircraft industry with ties to our airframe and engine competition in Western Europe.

In addition, it should be noted that all the approaches under consideration today represent a gratuitous slap at the President of the United States, for any congressional action on the FSX at this point in time is in effect a rather tart vote of no confidence in the negotiations undertaken and procedures implemented by this particular administration and, for that matter, this particular Secretary of State, Secretary of Commerce, and National Security Adviser.

For that reason, while I prefer the Solarz language to the two other alternatives offered today, I believe no approach is better than any approach, given the fact that the Senate on May 16 defeated the resolution of disapproval of the agreement pursuant to section 36(c) of the Arms Export Control Act.

If we think it through very seriously, what we have, after the defeat of the straight resolution of disapproval in the other body, is Congress playing the role of the poor loser. Having lost on the up-or-down vote on May 16, the other body attempted to amend a negotiation in a way that has the consequence of intruding in a rather unseemly way into the negotiating process, which in our system of government is largely a presidential prerogative.

Likewise, the approaches under consideration today leave the American people in the awkward position of being poor winners, for in the biggest picture it is the American people who are getting a substantial sale. It is the American people who are going to be tied to future sales of aerospace technology to Japan. It is the American people who are being defended from the prospect of the Japanese making industrial alliances with Western Europe. It is the American people who under this agreement will be protected from the Japanese developing an aircraft industry solely on their own, which I am convinced and most of the witnesses before our committee are convinced would frankly be far more jeopardizing of our own long-term commercial interests than anything contemplated by the Bush administration's approach. And finally, it is the American people who will benefit in a security sense from Japan dedicating at our request greater resources to our common defense.

In sum, it would appear that the ironic consequence of Japan-bashing in this body today is in effect America-bashing. This agreement, after all, is nothing that the Japanese wanted. There is nothing that the Japanese wanted less to have pressed upon them, and this agreement, after all, is precisely what the Europeans want subverted. So it would be my hope that first we prefer the Solarz version of Senate Joint Resolution 113 to that of the Bruce, Byrd, or Solomon approaches, and then that we turn down the entire resolution when, if, and as amended.

Mr. SOLARZ. Mr. Chairman, I yield 3 minutes to my very good friend and erstwhile supporter, the gentleman from California [Mr. BOSCO].

Mr. BOSCO. Mr. Chairman, I rise in support of Senate Joint Resolution 113, approving the FSX Fighter Agreement with Japan. I would like to commend the gentleman from New York, Mr. SOLARZ, for his diligent efforts in drafting a bill which is acceptable to both supporters and opponents of the agreement.

Much confusion persists as to what technology will be sold to the Japanese under the FSX agreement that they don't already have or can't get elsewhere. With some 30 countries, including Japan, now producing fighter aircraft, it is clear that the Japanese could not only build the equivalent of an advanced F-16 on their own, but also in partnership with any number of other countries including Sweden, Great Britain, France, West Germany, Belgium, Israel, Norway, and South Africa. Technology is not only a commodity readily available for sale in the world, but it is a commodity that depreciates in value over time.

Mr. Chairman, at this point I insert in the RECORD a list of countries that produce all of the technology that comprises the F-16 so that Members can see, point for point, on each type of technology where the Japanese can get that technology if they do not buy it from the United States. That information is as follows:

According to our defense department, under the FS-X co-development agreement, the US will transfer basic F-16 design data to Japan. We view this 1970's technology as non-sensitive and believe that other foreign fighter design companies such as Dassault (France), British Aerospace, or Messerschmitt-Blohm-Bulow (W. Germany) could provide substitute design data for one of their aircraft of roughly the same sophistication upon which the Japanese could baseline their FS-X. There are a number of

technologies, however, that we are not transferring to Japan, but will restrict to the sale of end items only. These items will be manufactured by US Companies, with no transfer of sensitive manufacturing technologies. These same technologies are possessed by other Western companies, generally European, who could also be sources should the US not participate in the FS-X. Below is a list of some of these technologies and alternate sources.

1. Digital Flight Control Softwater (Retained for US development); Sweden (Saab).
2. Carbon/Carbon Technology (brake linings) (sale only); U.K. (British Petro), France (SEP), W. Germany (Hoerscht, BSAF).
3. Engine (sale only during FSD); Great Britain (Rolls Royce), France (SNECMA).
4. Systems Integration: Israel (IAI); W. Germany (Messerschmitt-Blohm-Bulow); France (Dassault); Great Britain (British Aerospace); Sweden (Saab).
5. Heat exchanger bonding techniques (used in Environmental Control Systems) (end items only); Belgium (Saboa); The Netherlands (Fokker); W. Germany (BSAF); France (SNECMA).
6. Ejection Seats (sale only); Geat Britain (Martin Baker).
7. Corrosion Resisting Steel Coating, (Battery box, fasteners) (sale only): Israel (Carmal Forge); United Kingdom, W. Germany.
8. Coatings on Air Bearings. (Used in Environmental Control System) (sale only): Norway (Kongsberg Vappenfabrikk); S. Africa (Technofab).

Mr. Chairman, we should remember that the idea of joint development of the fighter support experimental [FSX] aircraft came from the United States, not Japan. In fact, the need for this advanced fighter emanates from agreements reached with the United States that require Japan to take on a vastly greater defense role, including defense of its own territory, the seas and skies around its territory, and the Northwest Pacific sea lanes to a distance of 1,000 miles from Japan. To meet these responsibilities, Japan is deploying 200 United States-designed F-15 fighters and 100 United States-designed F-4 fighters around Japan's islands and in the late 1990's will deploy an additional 100 FSX's.

Keep in mind, the FSX is experimental, it doesn't exist today. When finished it should be an improvement on the F-16 that will benefit both the United States and Japanese militaries. The cost of this advanced technology will be about $1.2 billion, all of which will be borne by Japanese, not American, taxpayers. Over a third of this money will be spent in the United States.

All new technology developed by the Japanese in the FSX project will be available free to the United States if it emanates from F-16 design or for purchase if it is of solely Japanese origin.

We have in the past coproduced both civilian and military aircraft with the Japanese, including the F-4, F-16, and the 767. This will be the first time we codevelop a military aircraft. The difference in terms of technology transfer can be compared with helping a youngster with math homework. If you just give him or her the answers to a problem you have provided something of value—the answers—but you have not provided the all-important element, the how do you do it—how did you get to that answer. In the past, we have provided the answers to the Japanese, but the "how did you do it" remained a secret. Under the FSX agreement, our scientists, engineers, and technicians will sit down with their Japanese counterparts and exchange this all-important element. This is the most extraordinary aspect of the technology transfer that will take place—not the answers, but how each side gets to the answers.

The benefits should work both ways. The basic design and performance data of the F-16 will be transferred, although not in its entirety, as will sanitized F-16 fire control computer software source codes, engine performance data, and general manufacturing and production data similar to that which has already been given to other countries that coproduce the F-16 with the United States.

In exchange, we hope to get a technique which will allow one-step melding of upper and lower wing surfaces, without rivets, that could reduce F-16 manufacturing costs by 50 percent. We will also receive Japanese radar technology and potential "Stealth" capabilities.

Mr. Chairman, the United States and Japan now control about 30 percent of the world's wealth and over 40 percent of the trade. We share an important partnership, economically and militarily. Rather than view the FSX agreement as some kind of threat, we should view it as an opportunity. The transfer of aging technology that is rapidly losing its value anyway and which is basically available elsewhere for the sake of state-of-the-art technology, all of which will be used for national defense goals, is of enormous value to our country as welll as to Japan. I support the FSX agreement along with the strengthening provisions crafted by Mr. SOLARZ and I hope we can now proceed to develop this important project.

Mr. LEACH of Iowa. Mr. Chairman, I yield 9 minutes to the gentleman from Indiana [Mr. BURTON].

Mr. BURTON of Indiana. Mr. Chairman, I thank the gentleman for yielding this time to me.

Mr. Chairman, I asked my colleague, the gentleman from New York [Mr. SOLARZ], does Boeing and McDonnell Douglas have a vested interest in this deal, because they testified in favor of it before the committee? They may not have openly a vested interest from a financial standpoint in the deal, but if they oppose it openly, do we nor think it might hurt them with the Department of Defense? It just might. They do a lot of business over there, and DOD is very much in favor of this, as is the administration. So I think they do have a vested interest.

It was brought up that there will be 22,000 man-years of work brought to the United States if this deal goes through. Those arguments were made a long time ago when we started talking about VCR technology and television technology. In the short run, we probably did get some jobs. I used to work at RCA when I was going to college in Indianapolis. The RCA plant there is no longer owned by the United States; it is owned by foreign interests.

Japan is the major provider of television sets and VCR's. They took that technology, they ran with it, and now they control it. So anyone who thinks that these 22,000 man-years of work is going to be to our benefit long term is, I think, sadly mistaken. They are going to take this technology. They are going to grab a major part of the aerospace industry, and it is going to come back to haunt us as far as our economy is concerned and as far as American jobs are concerned.

The gentleman from New York [Mr. SOLARZ] said that he would vote against this if he were convinced it was going to hurt the American economy. I suggest to the gentleman from New York that he look at history, because if he looks at history, he is going to see that many of the technological advancements we have made and have given to the Japanese and other foreign entities have come back to haunt us and have hurt our economy.

The F-16 fighter plane, if they bought it off the shelf, would cost them $20 million to $21 million per plane, and that would help our trade deficit.

□ 1400

Mr. Chairman, we have a $55 billion trade deficit with Japan this year, and we are going to give them additional technology that is going to give them an advantage in another area, and so the trade deficit, long term in my view, will be even greater, in favor of the Japanese. There is a national security risk, both economically and militarily, if this deal goes through.

Mr. Chairman, the arguments have been made that Japan could do this without us. I submit to my colleagues that, if Japan could do it without us, they would do it without us. They are good businessmen, and if they could do it better with Germany or Great Britain, they would do it with Germany or Great Britain. The reason they want to do the FSX deal with the United States of America is because they want the F-16 technology. That is what they want, and we are going to give it to them, and it is a big mistake

in my view that is going to come back and haunt us.

Mr. Chairman, the gentleman from Iowa [Mr. LEACH] said that our stopping this is not worthy of an ally or a good trading partner. Now let us just take a look. Our Trade Representative just recently said, and let me get my information here. Our Trade Representative just came back and brought us information that tells us that they are violating agreements that they have made with us. That they are stopping or hampering the sale of our products to them.

The United States Trade Representative just came out with a report that said Japan has targeted the aerospace industry development. The Japanese Government plans to make aircraft production one of Japan's major industries within the next 20 years. The FSX deal provides $7 billion worth of United States research and technology to Japan. In other words, we are giving them the rope with which to hang ourselves.

The United States Trade Representative Carla Hills has just cited Japan for massive unfair trading practices under the super 301 determinations, and yet the gentleman from Iowa [Mr. LEACH] says that they are a worthy trading partner. If they are a worthy partner, why were they cited for these violations?

The gentleman from Iowa [Mr. LEACH] said the American people will benefit. Well, I have already covered that. I do not think they will benefit. I think, once this technology is given to the Japanese, they will not just be a major player in the aerospace industry. They will take a large share of the aerospace industry like they did with the auto industry, the video cassette recorder industry, the television industry and almost every industry in which they have been involved.

Mr. Chairman, with the help of unfair trade practices Japan has already taken advantage of us to the disadvantage of our economy in general and to our auto and semiconductor industries in particular. They do all they can to restrict our agricultural imports.

My colleagues, talk to farmers in this country. The Japanese are restricting agricultural imports into their country right now.

Mr. LEACH of Iowa. Mr. Chairman, will the gentleman yield?

Mr. BURTON of Indiana. I yield to the gentleman from Iowa.

Mr. LEACH of Iowa. Mr. Chairman, the last plane the Japanese built was the F-1 with the French. Would the gentleman from Indiana rather have the French in partnership with the Japanese or United States industry in partnership with the Japanese?

Mr. BURTON of Indiana. Mr. Chairman, if the Japanese thought that they could get the technology we have in the F-16 from the French, they would do it with the French or the West Germans. The technology they desire comes from the F-16, and that is why they are doing the deal with us.

Mr. LEACH of Iowa. Mr. Chairman, does the gentleman from Indiana [Mr. BURTON] realize that it was the United States of America that pressed this deal upon them, that the Japanese were very reluctant to come forth, and that they preferred not to come to us at all?

Mr. BURTON of Indiana. Mr. Chairman, I take that statement with a grain of salt, a big grain of salt.

Mr. Chairman, I think the Japanese wanted the F-16 technology, and that is why they did the deal. If they had wanted to do it on their own, they would have.

Mr. LEACH of Iowa. Mr. Chairman, I appreciate the perspective of the gentleman from Indiana [Mr. BURTON].

Mr. RITTER. Mr. Chairman, will the gentleman yield?

Mr. BURTON of Indiana. I yield to the gentleman from Pennsylvania.

Mr. RITTER. Mr. Chairman, I just want to follow up on this.

Let us say they did want the F-16 technology, but what was available was French technology, or British, or German, or the European consortium of aerospace companies. What then would the gentleman from Indiana [Mr. BURTON] say if the Japanese went with that consortium, and ended up developing its first aircraft? One which may not have been as good as the FSX, but which gave them 100 percent, not 60 percent, but 100 percent of the developmental capability, 100 percent of the production capability, in a sense giving, perhaps, their second, third, fourth aircraft that springboard to global competitive dominance?

Mr. Chairman, what is the thought of the gentleman from Indiana [Mr. BURTON] there?

Mr. BURTON of Indiana. Mr. Chairman, that is the end result anyway. I think the Japanese are committed to the aerospace industry, and they are going to get into it.

However, with the technology that we are going to give them, the F-16 or the FSX deal, they are going to be able to move much more rapidly, 5 years or 10 years ahead of schedule according to people with whom I have talked, and therein lies the problem.

Mr. Chairman, they are going to be in the aerospace industry anyhow.

Mr. Chairman, have we bought any U.S.-made TV's, or cameras, or VCR's lately? Think about that.

Japan has long sought to dominate the United States aerospace industry which is the largest in the non-Communist world. Japan should buy these planes off the shelf. We have a yearly trade deficit with Japan of out $55 billion. The United States Trade Representative, as I said, Carla Hills, has just cited Japan for massive unfair trading practices under the super 301 determination. The United States, Uncle Sugar, Uncle Sam, has spent hundreds of billions of dollars defending Japan over the last 40 years. Japan needs a plane today that can help defend itself against the ever-increasing Soviet presence in the Pacific. That is why they should buy the F-16. The United States has the finest plane of its kind in the world, the F-16, ready today to sell to Japan.

What does our great friend and ally say? "Forget it. We would rather take 10 years, spend three times as much money, grab your technology and build it ourselves. Oh, and by the way you can codevelop it with us, and we'll give you 40 percent of the deal."

Mr. Chairman, can we trust Japan with our technologies?

Now listen to this. The prime contractor of the FSX deal, Mitsubishi heavy industries, has been accused of aiding Libya in its production of poison gas. There is strong evidence toward that end. Our old friend, Toshiba Electric, has admitted to supplying electrical equipment to the chemical weapons plant in Libya. My colleagues might remember it was Toshiba Machines that was found guilty of supplying the Soviets with crucial submarine technology which the U.S. Navy predicts will cost the U.S. taxpayer over $30 billion to counter because we cannot track those submarines any longer. The FSX deal places no restrictions on any subsidiaries of Toshiba to be a subcontractor in the deal.

Mr. Chairman, this is a bad deal for America, and we should do everything we can to stop it.

Mr. SOLARZ. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Kansas [Mr. GLICKMAN].

Mr. GLICKMAN. Mr. Chairman, I thank the gentleman from New York [Mr. SOLARZ] for yielding this time to me.

Mr. Chairman, I have the privilege of representing Wichita, KS, where nearly 50 percent of all the aircraft flying over the free world today were made. The 40,000 people directly employed by aviation industry in my district and the tens of thousands of others in supporting businesses have strong reason to be concerned about the fire sale of American aviation technology to the Japanese that will result from the FSX program.

Japanese manufacturers strongly compete with our own companies in the U.S. market for aircraft parts. So what is it that the Japanese will gain from the FSX venture? What is it that the Japanese need most to advance from spare parts to aircraft sales? Japanese businesses need to acquire the

knowledge of systems designs and integration that it took United States manufacturers decades and many millions of dollars to develop. And they will have the very best teachers.

Top United States aviation experts at General Dynamics will work together with Japanese scientists to design and build a modified version of our own F-16 fighter plane. That is why the Japanese are willing to spend $48 million for an FSX instead of buying ready-made F-16's for $20 million—28 million additional dollars per airplane is a small price to pay for an education in aviation systems design and integration that will enable the Japanese to develop a multibillion dollar commercial aircraft industry.

By all accounts the Japanese have targeted the commercial aircraft industry for development. According to the United States Trade Representative, "The Japanese government plans to make aircraft production one of Japan's major industries in 20 years." And when the Japanese target a business for development, they do it right. The Japanese plan their economy, they shield developing industries from domestic competition while infusing them with government money for research and development. Then the Japanese unleash their businesses as powers on world markets sacrificing short-term profits for long-term market share.

In fact, the Bush administration has singled out such Japanese trading practices as unfair. The administration has charged Japan with bid-rigging, market allocations, group boycotts and structurally impeding trade in their country. I am confused, then, about why we are providing Japanese manufacturers with the means to compete with United States aircraft manufactuers when we have recognized that they compete unfairly.

The commercial aircraft industry is one of the few remaining American manufacturing businesses that runs a trade surplus. U.S. aircrat exports exceeded imports by nearly $17 billion last year. Losing our strong standing in the aviation market will affect not only the good people of Kansas, California, and Washington State, but also other American industries like electronics, computers, metallurgy, and composite materials.

I appreciate the President's efforts to safeguard critical technologies like coordinated flight control systems and jet engine expertise. But it would be difficult at best to safeguard an intangible product like systems integration know-how. The sale of this technology represents an enormous threat to our domestic aviation industry, that outweights any concern. It is for that reason that I rise today in staunch opposition to the plan for Japanese-American codevelopment of the FSX fighter plane. It is for that reason that I support the Solomon-Bruce amendment to this bill.

□ 1410

Mr. LEACH of Iowa. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from New York [Mr. SOLOMON].

Mr. SOLOMON. Mr. Chairman, I thank the gentleman for yielding the time so that I can get back up to the Rules Committee.

I want to call the attention of members to something. As of right now, right this minute, Japan has not entered into any coproduction phase in this whole agreement. Nothing. That means no American jobs. Now, just listen to this.

In 1981, Japan committed itself to protecting the sealanes for up to 1,000 miles beyond its own shore. This commitment has been reaffirmed by every prime minister since then.

At the same time, 1981, Japan led us to believe that they intended to purchase AWACS surveillance aircraft and KC-135 tanker aircraft as part of this defense commitment. Such a purchase, in the numbers of aircraft that would be appropriate, would be worth about 8 billion dollars.

As is so often the case with Japan, however, all we have heard is big talk with no action. We were given to believe that the AWACS and KC-135 purchases would be made before the end of the decade. It now appears that if Japan ever follows through on this at all, it will not come until their next defense plan—which will run through the end of 1995. And when deliveries could be taken is anybody's guess.

So what we are looking at is a situation in which Japan will not be following through on its commitments to patrol the sealanes, in the manner in which they led us to believe until the late-1990's at the earliest.

In the meantime, they are insisting on building their own fighter, even though F-16's would be available at one-third the cost and in half the time. That doesn't sound to me like Japan is serious about their defense commitments.

Mr. Chairman, the key question is this: What is Japan's primary interest? Living up to defense commitments or pursuing commercial advantage? I would suggest that the answer is obvious.

And that is why I am offering my amendment today. Mr. Chairman, I bring this amendment before the House today to give Members the opportunity to put their position on this FSX agreement on the record. Unfortunately, the resolutions passed by the Senate and by the House Foreign Affairs Committee do not give Members a chance to say "yes or no," "up or down" on this whole agreement. As a matter of fact, I believe the debate over shares of production, technology retransfer, and so on, although important, has obscured the really crucial issue that underlies this whole debate, namely, how Japan and the United States, as allies, will work together to meet the serious military challenge that both face in the Pacific theatre today.

The challenge I am speaking of is the increasingly active Soviet military presence all around the Pacific Basin. From Vietnam, where MIG-23 fighters now fly out of Cam Ranh Bay, through the Sea of Japan, where Soviet fighters and reconnaissance aircraft fly from nearby Soviet bases, to the Bering Straits off the Alaskan coastline, where cruise-missile-armed "Bear" bombers now constantly test American continental air defenses, the potential threat has grown considerably. The number of Soviet military aircraft now intercepted by United States forces flying near or towards the Alaskan coast is about three times as great as the number intercepted in 1980. The Soviet fleet in the Pacific now deploys 2 aircraft carriers, 84 principal surface combat ships, 121 other surface combat ships, 120 submarines, and 560 naval aircraft.

The challenge is there, and American continental and forward-deployed forces are meeting it. But, frankly, we could use some help, and that's where we find ourselves talking about this FSX proposal.

The Government of Japan is fully aware of this shared challenge and it has agreed to help its ally, the United States, to meet it. To its credit, Japan took upon itself increased responsibility to protect all air and sea lane approaches up to 1,000 miles from its coasts, and it has expanded its naval forces to meet this obligation. The manner in which Japan then chose to acquire a fighter aircraft capable of reliably providing air support out to this 1,000-mile radius, however, has led us to the questions we are dealing with today.

The Japanese defense force started off well with the choice of an excellent American plane, the F-16, to build on in meeting this mission requirement. Since it first came off the production line 11 years ago, while in the service of some of our allies abroad, the F-16 has shot down over 50 Soviet-built planes without a single loss. The F-16, manufactured by general dynamics, has also been produced in no less than 20 different versions to meet the varying needs of countries around the world. We can assume that another version could be built to meet Japan's particular needs for greater aircraft range, longer aircraft wings, and so on. In fact, General Dynamics offered to sell Japan 130 F-16's for about $3 billion, and I am certain that General Dynamics would have agreed to coproduce these planes with Japan.

The benefit for the alliance would have been clear—130 new aircraft available in the near term to help defend the Pacific. But it is right here that Japan put its own economic and technological interests ahead of its responsibility to the alliance. Instead of focusing on production of a new version of the F-16 in a reasonable time at a reasonable cost, Japan focused instead on its desire to learn how to build its own F-16—the FSX—from the ground up, taking twice as long and costing over twice as much.

Frankly, this does not serve the allied effort well. At a time when American defenses are being cut back under the 1990 deficit reduction agreement, the Government of Japan seems prepared to allow an estimated, additional $3-4 billion in its defense budget to be siphoned off into the FSX project and to let its allies wait while it takes the time to learn the technological and production processes involved in building a modern aircraft.

Japan has in the past purchased American F-4's and F-15's under licensing agreements with their American manufacturers. Americans now must ask why Japan in this case has sought to use American technology to teach itself to create the FSX when the needs of the alliance in the Pacific are so clear.

I do not think there has yet been an answer to this question. That's why I am offering this amendment today. It is a sense of the Congress resolution that the FSX development agreement should not have been approved. It is not a disapproval of the idea that Japan should deploy more fighter aircraft to help meet the Soviet air and naval challenge in the Pacific. It is a disapproval of the idea that Japan should use this need as cover to deploy its industry into the business of building aircraft using American technology.

In closing, let me say that the questions of technology control and work shares allocated under the FSX agreement are indeed important, as I stated at the outset. The Government of Japan must know that our concerns over the transfer of vital technology to the Soviet Union in the Toshiba case and over reports of Japanese business involvement in the construction of Col. Qadhafi's chemical weapons plant in Libya are serious. The Government of Japan should also acknowledge our understandable questions as to why it does not wish to directly buy advanced American fighter aircraft—the best in the world—at a time when its trade surplus with our Nation is so great.

Mr. Chairman, I recommend this amendment to my colleagues. I believe it will allow the Members of this House to go on record against a fighter aircraft agreement that does not meet the immediate and pressing need for a fully adequate defense of the Pacific. It will also allow those members to let the Government of Japan know that they are not convinced that it yet has sought to understand American concerns on the issues of technology control and our mutual trade relations.

For all these reasons, Mr. Chairman, I invite my colleagues to join me in voicing our disapproval of the FSX development agreement.

Mr. SOLARZ. Mr. Chairman, I yield 2½ minutes to my very good friend, the gentlewoman from Ohio [Ms. OAKAR].

Ms. OAKAR. Mr. Chairman, I thank the gentleman for yielding me this time. The chairman is my good friend. Unfortunately, I do not agree with him totally on this issue, but we certainly have wonderful agreements on others.

Mr. Chairman, I would like to express my opposition to the FSX codevelopment agreement and explain to the House why. I will later insert my 18-page statement in the RECORD in view of the time.

Mr. Chairman, I chair a committee called the Economic Stabilization Committee. It has jurisdiction over something called the Defense Production Act. That act simply states whether or not we have the industrial base in a time of national emergency to have the industrial base for our own national security. The answer in part is "no."

One of the reasons we do not, in my judgment, and we had 2 days of hearings on this particular issue, is that we have some very interesting loopholes that I think really have to be looked at very carefully. Administration after administration has the availability of signing these memorandums of understanding with very little oversight. They are classified. They cannot be released to the general public and we get them very belatedly, and then we have to take a look at them.

I think in this case, with all due respect to the current administration who inherited the Reagan policy on this particular issue, that based on our hearings the executive agency, such as the Department of Commerce to safeguard the defense industrial base, was not consulted properly. I feel that they violated the law by not consulting the appropriate agencies.

So I want to underline three fundamental concerns that this has.

The established procedures for protecting the U.S. defense industrial base were not followed in arriving at this FSX agreement, that the defense industrial base of the country will suffer as a result, that congressional review of these multiyear negotiations has been narrowly limited both in time and ability.

What we are doing in fact is giving $8½ billion worth of technology wholesale to Japan, which has a trade surplus. We have an enormous deficit and our national security is going to be jeopardized to boot.

FSX CODEVELOPMENT AGREEMENT COULD SERIOUSLY DAMAGE NATIONAL SECURITY OF THE UNITED STATES

Mr. Chairman, on May 1, the President formally submitted to Congress the documents on the FSX fighter agreement with Japan, consisting of a government-to-government memorandum of understanding [MOU] and an industry-to-industry licensing and technical assistance agreement [LTAA].

Under section 36 of the Arms Export Control Act (22 U.S.C. 2776) Congress has the power to halt the implementation of these agreements by enacting a resolution of disapproval within 30 days, and sustaining such a resolution by a two-thirds vote in the event of a veto.

Disapproval now appears unlikely because on May 16 the Senate narrowly approved these agreements. The Senate also passed Senate Joint Resolution 113 further restricting technology transfers to third countries under the agreements and requiring the General Accounting Office to monitor such transfers annually.

However, because there will be House votes on the Senate resolution and perhaps modifications to the resolution, I would like to express my opposition to the FSX codevelopment agreement and explain to the House my reasons for believing they can inflict serious damage on the defense industrial base and civilian aircraft industry of the country, as well as the United States balance of payments and American competitiveness in world markets.

SUBCOMMITTEE HEARINGS

In an effort to assess the impact of the agreement on the U.S. defense industrial base, the Subcommittee on Economic Stabilization, which I chair, conducted 2 days of public hearings on April 18 and May 5, receiving testimony from a spectrum of highly qualified witnesses.

We found that although the agreements were negotiated by the executive branch over several years, the Departments of Defense and State did not coordinate with or solicit the views of the Commerce Department or other policymaking agencies, as they are required by law to do as to the U.S. industrial base—statement of Frank Conahan, Assistant Comptroller General, before the House Armed Services Committee, May 16, 1989, page 4.

This was a highly significant omission. It contravened the explicit direction of last year's National Defense Authorization Act for Fiscal Year 1989 (Public Law 100-456, approved September 29, 1988), that any such proposed MOU "consider the effect on the defense industrial base of the United States, and regularly solicit and consider * * * recommendations of the Secretary of Commerce in this regard" (10 U.S.C. 2504). The lack of coordination was also contrary to the recommendation of the General Accounting Office in 1982 that views of departments other than Defense and State be formally considered "before transferring advanced U.S. technology with wide commercial application" * * * "U.S. Military Coproduction Programs Assist Japan in

Developing Its Civil Aircraft Industry," (General Accounting Office, March 18, 1982).

This experience suggests that relying on executive agencies such as the Department of Commerce to safeguard the defense industrial base in MOU negotiations does not work very well.

When other executive branch agencies finally did gain access to the FSX agreement, important changes were made, for example, to raise the share of production work going to American companies to "approximately 40 percent" (clarifications of April 28, 1989).

I cite this testimony to underline my three fundamental concerns:

That established procedures for protecting the U.S. defense industrial base were not followed in arriving at the FSX agreements;

That the defense industrial base of the country will suffer as a result; and

That congressional review of these multiyear negotiations have been narrowly limited, both in time and in ability to study the texts of the basic documents.

Neither of the two agreements has yet been presented to my subcommittee, even though we have direct Defense Production Act responsibility over these matters and even though administration witnesses appeared at our hearings.

SUBSTANCE OF THE AGREEMENTS

The Japanese wish to replace their F-1 fighter with a longer range, more sophisticated aircraft for sea-lane surveillance and antiship combat. Japan's preference is not to buy off-the-shelf aircraft, including the U.S. F-16C, which is a multimission day and night supersonic aircraft and the best state-of-the-art fighter in the world. Instead, the FSX agreements contemplate a lengthly codevelopment program to provide six prototypes—four for flight testing and two for ground testing—of a larger, 1,000-mile range, upgraded version of the F-16.

This would be followed by a long-term coproduction agreement to produce 130 of the FSX for delivery, beginning in 1997. A separate MOU would be negotiated to cover production arrangements, expected to begin about 1993-94.

As an ally, Japan is entitled to its preferences about where the new plane should be developed and produced. But, our country should be equally entitled to its preferences, and there are alternatives to the FSX agreements that are more advantageous to the United States.

ALTERNATIVES ARE MORE ATTRACTIVE

The cost of the FSX is estimated by the General Accounting Office at about $6.5 billion—more than $50 million per plane including $9 million per plane in development costs). This is nearly twice the cost of purchasing upgraded versions of the single-engine F-16C, at about $218 million per plane, and even in excess of the present cost of the twin engine F-15, at about $40 million, which is currently being produced in Japan under a coproduction agreement with McDonnell Douglas.

It is clear that both U.S. manufactured F-16 upgrades and F-15's could be brought into service without the 8-year delay envisioned by the FSX agreements.

A leading newspaper reported that the purchase option "was never seriously pursued by American negotiators," ("Japan Deal Questioned by GAO," New York Times, May 3, 1989, page D1.) To me this is extremely important. The purchase option should not only have been raised, but pressed hard.

So, if cost and readiness are not motives for the agreements, why is Japan interested?

To place this matter in perspective, Japan's economy is more than half the size of the United States economy, but its defense budget is only one-tenth the size of the United States defense budget—about $30 billion vs. $300 billion. Given this disproportion, why couldn't Japan share a little more of the mutual defense burden by paying for 130 F-16's that have been further upgraded, according to Japanese performance specifications, for the maritime environment by General Dynamics Corp.?

UNIQUENESS OF THE CO-DEVELOPMENT AGREEMENT

Our country has more than 100 coproduction agreements for military aircraft, components, and parts with many allied countries, and such agreements have been instrumental in reviving Japan's aircraft industry since World War II. However, the FSX agreements are different. They are codevelopment * * * agreements, and they represent a significant departure * * * from the past * * * differing in the types and levels of technology transferred. Traditionally, coproduction programs involve the transfer of production know-how, and manufacturing and managerial skills. On the other hand, development programs involve transfers of design and development data, skills and knowledge. (Testimony of GAO, May 16, 1989, loc. cit., page 2.)

Ten countries have negotiated coproduction agreements with the United States on the F-16. ("FSX Technology: Its Relative Utility to the U.S. and Japanese Aerospace Industries," Congressional Research Service, April 12, 1989, page 4.)

The United States has had coproduction agreements with Japan on the F-4 and F-15 fighters and the P-2 and P-3 long-range patrol planes. The F-15 arrangement involves training Japanese technicians in the United States and stationing about 40 United States advisers in the Japanese factories, to provide daily advice and know-how on aircraft production (GAO testimony, loc. cit., page 3). The FSX codevelopment agreement would provide such intensive United States assistance from the design stage, through development, testing, production, and systems integration.

In 1975, a blue ribbon panel of the defense science board surveyed U.S. exports in four fields: solid state devices, instrumentation, aircraft jet engines and airframes. The group's February 1976 report was "unanimous in emphasizing that control of design and manufacturing technology is absolutely vital to the maintenance of U.S. technological superiority." ("Technology Transfer: Is the U.S. Giving Away the Farm?" Government Executive magazine, July, 1977, page 25.) The heart of the matter, the report said, is: "Technology is the detail of how to do things." This critical, detailed know-how for high performance aircraft is what we would be transferring to Japan under the FSX agreements.

One analysis has pointed out that the critical factor the Japanese aircraft industry has been lacking is integration. Thus, "if the FSX can be made to fly, the Japanese will take a quantum leap forward in * * * aircraft manufacturing" (special report, "The FSX Deal," Democratic Study Group, May 10, 1989.)

JAPAN'S INTEREST IN THE COMMERCIAL AVIATION MARKET

Witnesses before the Subcommittee on Economic Stabilization pointed out that Japan has publicly targeted the commercial aircraft market for future development (Office of the United States Trade Representative, "1989 Trade Estimate Report on Foreign Trade Barriers," pages 110-111). Japan has a plan, set forth in Japan's "Industrial Structure: A Long Range Vision" (Ministry of International Trade and Industry, June, 1975) and "Vision of International Trade and Industry for the 1980s" (MITI, see also "Japan's Aircraft Industry," United States-Japan Trade Council, January 11, 1980).

The Japanese have recognized the relationship between military and civilian aircraft, in the following terms:

> Although cost and performance requirements for commercial and military aircraft are different, development and production techniques are closely related. Therefore, research and development of commercial and military aircraft should be carried out in tandem. ("Second Interim Report on Japan's Aircraft Industry Policy," Aircraft and Ordnance Division, MITI, September 28, 1980).

A report by the United States National Academy of Engineering envisions that through 1995-2000, the main competition from the Japanese aviation industry will be in aircraft parts and components. ("The Competitive Status of the U.S. Civil Aviation Manufacturing Industry," National Academy Press, Washington, 1985.) It appears that the avionics, flight control, and radar subsystems of the FSX have potential for, in the words of GAO, "wide commercial application" as components of future commercial aircraft. (Congressional Research Service, April 12, 1989, loc. cit., pages 9-11.)

The FSX project thus fits perfectly into Japan's long-term strategy.

Has Japan been making progress in implementing this strategy? Let's look at the record: In the 1970's, Japan's exports of aircraft components and parts reached only about $25 million. In 1980, the figure grew to $53 million, and then tripled to $156 million in 1987. Japanese industry participated in the development and production of the Boeing 767, further expanding its aircraft production capacity and skilled labor base. One front-line United States consulting firm recently predicted extremely rapid growth for the Japanese aerospace industry, projecting a sales increase from $7 billion in 1988 to $29 billion by the year 2000 ("Japan's Emerging Aerospace Industry: Implications for the Global Market," Booz-Allen & Hamilton, Inc., 1988).

In sum, the United States Trade Representative concluded that: "The Japanese Government plans to make aircraft production one of Japan's major industries within 20 years * * * (and) if Japan's target goal is met, future lost sales to United States industry would be sig-

nificant." (Cited in remarks on the Senate floor by Senator ALAN DIXON, CONGRESSIONAL RECORD, May 16, 1989, page S5308).

U.S. COMMERCIAL AEROSPACE INTERESTS

Should the United States be providing key technology to launch the Japanese aerospace industry into the role of a prime competitor?

Recent history is instructive on this point. One of our subcommittee's witnesses, William Holayter, the legislative director of the International Assocation of Machinists and Aerospace Workers, pointed out that in the early 1970's, the Nixon administration approved the sale of the Thor-Delta launch rocket to Japan, on condition that none of the technology be used to launch satellites from third countries. (Statement, April 18, 1989, page 3.)

Japan's first rockets, the N-1 and N-2, had almost no Japanese technology, but now the successors, the H-1 and H-2 scheduled to fly in 1992 are claimed to have 100 percent Japanese technology and therefore to be free of commercial restrictions. One Japanese scientist predicts the heavier H-2 rocket will be able to capture 10 percent of the commercial satellite launching business as soon as it is operational ("The FSX Deal," loc. cit., page 20). So much for restrictions on the transfer of technology to third countries.

As the General Accounting Office put it: (If) it is appropriate for Japan to consider their economic interests when addressing defense issues, it is just as appropriate for the United States to do the same." (GAO testimony of May 16, 1989, page 5).

The U.S. aerospace industry is the last remaining American manufacturing sector to run a trade surplus. Last year, U.S. aerospace exports exceeded imports by $17 billion worldwide. In contrast, in the automobile industry, imports from Japan exceeded exports to that country by almost $30 billion. In the telecommunications equipment industry, imports from Japan exceeded exports by about $15 billion. (Source: U.S. Department of Commerce; "The FSX Deal," loc. cit., page 16.)

There are 1.3 million workers in the U.S. aerospace industry, with average wages of $13 an hour—$27,000 per year.

Additionally, our aerospace industry is an extremely important consumer of other U.S. high technology products such as electronics, computers, metal products, and composites.

To the extent aircraft production migrates offshore, the vital labor, management, research, suppliers, and support skills also move offshore, and would be lost to this country for defense mobilization and balance of payments purposes.

The General Accounting Office review of the FSX agreements "concluded that, as with the 1982 coproduction agreements on the F-15, that the Departments of Defense and State had too narrow a perspective to adequately address the economic, industrial, trade and labor interests" of this country. (Testimony, May 16, 1989, loc. cit., page 5.) Although this is polite language, I regard the implications for the domestic aircraft industry as devastating.

Are we really anxious to help potential competitors take over world, and possibly domestic, aircraft markets, displace U.S. products, and weaken the U.S. industrial and mobilization bases? I am certainly not interested in doing that.

IMPACT ON THE DEFENSE MOBILIZATION BASE

Recent testimony before the Subcommittee on Economic Stabilization indicates that the U.S. defense industrial base has been shrinking dramatically in the 1980's. On the basis of a year-long study of this matter, the Center for Strategic and International Studies [CSIS] concluded that from a base of 118,000 firms providing goods and services to the Defense Department in 1982, the number of Defense contractors had shrunk to less than 40,000 in 1987 ("Deterrence in Decay: The Future of the U.S. Defense Industrial Base," 1989, referred to in testimony of Dr. James Blackwell, May 10, 1989, page 3).

This decline was all the more remarkable since the defense budget during that period experienced a record growth of 51.6 percent from $180.7 billion in 1982 to $274 billion in 1987 (Economic Indicators, March 1989, page 33).

In capital spending, which is a key to future technology and productivity, the defense industries have suffered a reduction in capital spending relative to the value of goods shipped, from 3.9 percent in 1980 to 3.6 percent in 1985. This was contrary to gains for the U.S. manufacturing base as a whole during that period (CSIS testimony, page 6.)

Another aspect of the study was import penetration. CSIS found that in the defense sectors, import penetration jumped from 8.3 percent in 1980 to 12.3 percent in 1987 overall, with a rate for components and subassemblies approaching 20 percent, (Testimony, p. 5.)

In short, this country has a major problem with the erosion of its defense industrial base, and the FSX agreements could substantially accelerate this process by moving military-civilian research, development, production of aircraft and spare parts to another continent.

AGGRAVATION OF THE TRADE DEFICIT

The FSX agreements demonstrate that neither the Bush administration nor the Japanese take seriously the dangers raised by the enormous United States trade deficit with Japan and the rest of the world.

In the past 5 years, for example, the United States merchandise trade deficit with Japan has totaled $262.2 billion, as follows:

UNITED STATES-JAPAN TRADE RELATIONSHIP (1984–88)

[In billions of dollars]

	Merchandise trade	Current account
1988	−55.7	−53.2
1987	−60.3	−58.5
1986	−58.8	−56.3
1985	−50.2	−45.3
1984	−37.1	−37.7
Total	−262.2	−251.0

The U.S. balance—if it can be called that—of payments for the past 5 years worldwide was in deficit by a startling total of $650 billion, as shown by the following table:

U.S. TRADE RELATIONSHIP WORLDWIDE (1984–88)

[In billions of dollars]

	Merchandise trade	Current account
1988	−138.4	−135.332
1987	−170.3	−153.964
1986	−155.1	−138.828
1985	−133.6	−115.103
1984	−122.4	−107.077
Total	−719.8	−650.304

Source: Congressional Research Service.

Thus, for the past 5 years, the United States deficit with Japan was about 36½ to 38½ percent of America's overall international deficit problem.

At this rate, the Republican administrations of the 1980's will add about $1 trillion to U.S. overseas debt, and for every such dollar, there is a corresponding dollar of foreign investment in American real estate, factories, businesses or securities. Some have called this process "The Selling of America."

If either the United States or Japan were concerned with these trends, there would be a good case for Japan purchasing United States fighter aircraft, the world's best. The F-15 and F-16 are available now, rather than in 1997, and the F-16 could certainly be further upgraded by the United States aircraft industry to fulfill additional Japanese requirements. If necessary, the new plane could be manufactured under a coproduction agreement with Japanese industry, as has become almost standard practice with Japan and other allied nations.

The FSX agreement promises a short-term trade gain of about $2.5 billion. The alternative of selling an upgraded U.S. F-16, plus spare parts and modifications, could provide a gain of up to $12 billion over this period. Therefore, the proposed FSX agreements would aggravate the U.S. balance-of-payments problems severely in the medium term and, potentially, far more severely in the long run. I see every reason to try to avoid undermining the Nation's international financial situation even further.

ARE THERE BENEFITS TO THE UNITED STATES FROM THE FSX AGREEMENTS?

According to the testimony, General Dynamics Corp. would receive approximately 40 percent of the FSX development revenues, and also 40 percent of the production revenues that are to be provided by Japan, assuming a production agreement is implemented in the future.

As noted, that might amount to about $2.5 billion, and that is a handsome sum of money for one company.

This leaves open the question of spare parts and maintenance, which could amount to two or three times the amount of the original agreement. (See Senate floor debate on FSX, CONGRESSIONAL RECORD, May 16, 1989, p. S5309.) It also leaves open the question of participation by U.S. subcontractors. There are already complaints by qualified U.S.-based suppliers of composite materials that they may be excluded from the bidding process. ("U.S. Companies Attack Japan Move on Fighter," New York Times, May 10, 1989, p. D-6.)

There are also technology benefits claimed for the agreement, in the composites and phased-array radar areas, and as a precedent in cooperative exchange of development technology with Japan. However, the General Accounting Office, in its usual thorough manner, concludes that U.S. military requirements for the technology concerned appear to be "modest." (Testimony, p. 8.) And that there have been "limited returns from Japan" in military technology areas. (Testimony, p. 6.)

GAO noted that phased-array radar technology has been known to several U.S. companies for 10 years. Also, at least five U.S. companies have developed "superior" composite aircraft parts over the years. Experts regard the co-curing technique envisioned for the entire FSX wing construction, which has not been flight-tested, to be "high risk" at this time. (Testimony of May 16, 1989, p. 7.)

I am convinced that this is an instance where the modest public and private benefits claimed for the FSX are overwhelmed by damage to our Nation, one of its key commercial and military industrial components, as well as our overall international financial health.

WHAT DIFFERENCE SHOULD BE ACCORDED TO THE AGREEMENT?

As to international agreements, I am sure that many Members of Congress have a natural wish to uphold the President in the constitutional exercise of the foreign affairs function.

However, executive agreements do not rise to the level of treaties. Most importantly, there are good agreements and there are bad agreements.

The Lend-Lease Agreement in 1940 was a good agreement. The agreement concluded by the Nixon administration to permit the Russians to construct the United States Embassy in Moscow was a bad agreement. The building was honeycombed with electronic surveillance devices—including a microphone in the Great Seal of the United States in the Ambassador's office. That building eventually had to be torn down.

The 1970's agreement on the Delta rocket may turn out to have been a bad agreement.

The agreement by AT&T to sell the Japanese the technical rights to the transistor for $25,000, according to author Marvin Cetron, was, arguably, a bad agreement in terms of overall United States national interests. Because that technology transfer was wholly in the private sector, Congress couldn't do much about it.

But, Congress has the power to do something about the FSX agreements. Congress has a responsibility to carefully and objectively review the agreements, in light of the requirements of our defense industrial base, and interests of our commercial aircraft and related industries, as well as the U.S. balance of payments. We owe that to the executive branch and to the Nation. I continue to hope that such a review would lead to a disapproval of these particular agreements.

Mr. LEACH of Iowa. Mr. Chairman, I yield 5 minutes to the distinguished gentleman from Texas [Mr. FIELDS].

Mr. FIELDS. Mr. Chairman, while there has been considerable debate about the serious threat this technology transfer poses to our domestic aerospace industry, I intend to discuss another troubling aspect of our relationship with Japan.

It had been my hope that the Rules Committee would allow an amendment stipulating that as a further condition of this sale the Japanese would stop importing elephant ivory.

Unfortunately, there will be no such opportunity. Nevertheless, I will spend a few moments talking about the plight of the African elephant and the leading role the Japanese play in its destruction.

Mr. Chairman, in 1979, the total elephant population in Africa was about 1.3 million animals. Two years ago, nearly 700,000 elephants roamed the plains and forests of Africa. Today, fewer than 400,000 African elephants are alive. And with the population decreasing by nearly 10 percent a year, there is little time left to save this species.

Japan is the world's largest consumer of ivory, importing more raw tusks and worked ivory than any other country. Between raw and worked ivory imports, Japan consumes about 75 percent of all ivory available in any given year.

Since 1980, the annual volume of the world ivory, of which more than 90 percent is poached, has been about 800 tons. To meet this demand, more than 70,000 elephants must die each year.

The Japanese are, therefore, directly responsible for the deaths of more than 53,000 elephants each and every year. And unless this blatant destruction stops, and soon, the elephant will cease to exist as a viable species within the next 5 to 10 years.

Mr. Chairman, according to Mr. Tom Milliken, the director of TRAFFIC Japan, a well-known international organization which monitors wildlife trade, Japan conducts the world's largest illegal trade in animals and plants whose import and export is supposedly regulated by the Convention on International Trade in Endangered Species [CITES].

The Japanese will do anything to secure what they need and that includes whale meat, Alaskan salmon, or elephant ivory.

At the same time, Japan has more reservations to CITES Appendix I listed species, which prohibits the commercial sale of a wildlife product, than any of the other 95 parties to that Convention.

Mr. Chairman, the Japanese and its ivory trade merchants make millions of dollars each year by knowingly carving poached ivory.

These traders provide the market and the financial incentives for poachers who indiscriminately slaughter African elephants regardless of their age, sex, or size. They are the driving force behind this destruction and they provide the capital that pays for the landrovers and AK-47's, which have become the weapon of choice, for those who are decimating this vital species.

Mr. Chairman, the Japanese are wiping out the African elephant and, in so doing, are stealing an irreplaceable part of the heritage of the African continent.

The survival of the African elephant is as important to that continent as the bald eagle is to the United States.

Without elephants, many African nations will lose millions of dollars from tourists, sportsmen, and conservationists who come to see the elephant in its natural habitat.

Mr. Chairman, the Japanese have within their power the ability to stop this annihilation by curbing their insatiable appetite for elephant ivory. Instead of killing 53,000 elephants a year, the Japanese could help save them.

I hope that within the near future, Japan will join with the growing chorus of nations who are urging that the African elephant be placed on the CITES Appendix I list and that they will do so without seeking an exemption or reservation, or do what we have done as a country, and that is to stop the import of elephant ivory.

In the interim, I hope the Japanese Government will, as a sign of good faith, unilaterally declare that no elephant ivory will be imported from any country that does not have a native population of elephants. In this way, CITES can more easily ensure that this ivory was legally obtained.

Mr. Chairman, it is time for the Japanese to stop being the world's worst environmental outlaw. By helping to save, rather than destroy, our largest and most loved land mammal, the African elephant, the Japanese can take a major step toward improving their image.

While this is not my only concern about this arrangement, it is one the Japanese have the power to quickly and dramatically improve. The world is now waiting for their response. Will they decide to be the nation that destroys the elephant or works to save the elephant? The choice is theirs. Since extinction is a one-way process, I sincerely hope that the Japanese make the right decision.

Mr. HUNTER. Mr. Chairman, will the gentleman yield?

Mr. FIELDS. I am glad to yield to the gentleman from California.

Mr. HUNTER. Mr. Chairman, I thank the gentleman for yielding to me. I was very impressed with his statement concerning this valuable endangered species, the elephant, and the nation of Japan and their relationship.

I think we need to be interested in another endangered species, and that is the human species; particularly with regard to what I consider to be conclusive evidence that the major recipient

of the FSX deal, Mitsubishi, has been involved in giving Mr. Qadhafi of Libya a capability to deliver poison gas to his adversaries, which includes the United States.

I find that Japan's role, or the role of some of the corporate members of Japan in that particular technology transfer to be reprehensible and to have abused their status as a major partner in this community of democracies.

Mr. Chairman, I thank the gentleman and I agree with his statement.

□ 1440

Mr. SOLARZ. Mr. Chairman, I yield 1½ minutes to the gentleman from Alabama [Mr. ERDREICH].

Mr. ERDREICH. Mr. Chairman, the United States is not playing smart with the proposed joint United States-Japan production of the FSX fighter aircraft. An Alabama resident, June M. Collier of National Industries, Inc., in Montgomery, summed up the future we face by citing a past error the United States made in trading with Japan. I would like to read from an article she wrote that was recently published in the Birmingham News:

Americans first heard of Mitsubishi when that company took recycled scrap metal from the United States and made it into airplanes. Those airplanes were called Zeroes and we first saw them in the skies over Pearl Harbor.

Now Mitsubishi proposes to build another airplane, called the FSX, and—again—it plans to do so with American help.

Handing over our technology to Japan is wrong and makes no sense to America's economic interest. Japan wants a new fighter plane, and we offered to sell them our F-16, but they rejected that. They wanted to build it themselves, and what's more, they wanted access to our technology to build a better fighter plane.

Mr. Chairman, I propose that we tread carefully in helping Japan "build a better mousetrap," lest we be the mouse caught in the trap.

This proposed fighter aircraft agreement between the administration and the Japanese Government raises broader concerns of our economic survival in an increasingly competitive world. It allows vital United States technologies to be freely transferred to Japanese firms, greatly helping their aircraft industry to compete against American businesses. If this is the best deal the Pentagon can obtain, then I would rather have no deal.

Japan can meet its immediate defense needs by purchasing our F-16's or other top-of-the-line United States planes, and at the same time, strengthen our bilateral relationship by reducing the $55 billion trade deficit that exists between our two countries. Those huge trade deficits take jobs from Alabama and America, and we should be pursuing agreements to reduce those deficits.

It is past time to get smart and tough in international trade. Ms. Collier put it well:

It's bad enough when we lose fair and square. It's worse when we lose because of unequal and subsidized competition. But it's a hundred times worse when we give the game away. That's what the FSX deal will mean.

Mr. Chairman, we will have become our own worse enemy if this deal goes through. We must stand up for America's economic self-interest and reject this FSX agreement.

This Alabamian hit the nail on the head when stating her concerns about the proposed FSX deal, and I would like to place in the RECORD her entire article, included in the Thursday, June 1, 1989 edition of the Birmingham News:

FSX DEAL OK FOR JAPAN, NOT UNITED STATES

(By June M. Collier)

Americans first heard of Mitsubishi when that company took recycled scrap metal from the U.S. and made it into airplanes. Those airplanes were called Zeroes and we first saw them in the skies over Pearl Harbor.

Now Mitsubishi proposes to build another airplane, called the FSX, and—again—it plans to do so with American help. The FSX is an advanced version of our own F-16 Fighting Falcon. And to understand the word "advanced" you have to understand what the F-16 can already do.

UNSURPASSED IN AIR-TO-AIR COMBAT

The Falcon is now the most maneuverable jet fighter in the world. Adaptable to a variety of battlefield roles, it is unsurpassed in air-to-air and air-to-ground combat. It was designed to be retrofitted with new technology as that technology becomes available.

For example, F-16's are now being equipped with newly-developed infrared mapping and tracking devices to enhance the plane's all-weather, day-or-night capability. Its performance and fighting ability are matched only by our own F-15 Eagle jets.

In short, the F-16 is a front-line U.S. weapon system. But it's about to become No. 2.

The Japanese want a new fighter for what they call their "self-defense forces."

The U.S. offered to sell them the F-16, but they wanted something better.

We offered to build one better (anything to make Japan happy, so they won't foreclose on the mortgages), but they insisted on building it themselves, and they insisted on access to our technology to do it.

The current proposal is for Mitsubishi and General Dynamics to jointly develop the fighter with Japan owning 60 percent of the project.

The bottom line of that proposal is that Japan will end up with virtually all of our most advanced military technology, despite assurances from General Dynamics, and American aerospace workers will be out of a job.

And, don't think that our loss will be just in terms of military superiority.

The technology that we'll be surrendering is just as applicable to civilian and commercial aviation as it is to military aviation.

Despite approval of a version of the agreement in the U.S. Senate, the FSX proposal is starting to draw congressional fire.

Many senators, including Alabama's Richard Shelby, are beginning to ask the basic question, "What's in it for us?" The answer is, "nothing."

Even Commerce Secretary Robert Mosbacher said that the FSX deal would give the Japanese "a major step up in a short term in total aviation capability, commercial or anthing else."

Nevertheless, the administration is pushing for the deal.

To view the FSX giveaway in perspective, we must look at the whole U.S.-Japan trade picture. Over the past 20 years, we have conceded one industry after another to the Japanese.

We didn't worry when they flooded our market with cheap toys and paper hats back in the '50s. We didn't worry too much when the first Toyotas and Datsuns hit the roads in the '60s.

By the time the Sonys and the Panasonics displaced our American-made radios and TVs, we started to realize that something was happening.

The fact is that our leaders and economists have been telling us all along that we can always give up the high-labor, low-technology industries to Japan.

That will free us to pursue high-tech industries—like computers and aviation.

WORSE WHEN WE GIVE GAME AWAY

Well, we've lost computers. We have no semiconductor industry left. It's owned by Japan and West Germany. The lap-top computer industry now belongs to NEC (Nippon Electric Corp.) and Toshiba, and the newest microchips are made by Hitachi.

Face it; we're running out of things to be best at.

It's bad enough when we lose fair and square. It's worse when we lose because of unequal and subsidized competition.

But it's a hundred times worse when we give the game away. That's what the FSX deal will mean.

Mr. LEACH of Iowa. Mr. Chairman, I yield 4 minutes to the distinguished gentleman from Pennsylvania [Mr. RITTER].

Mr. RITTER. Mr. Chairman, I believe that the Bush administration deserves the sow's-ear-to-silk-purse award for really bettering this FSX deal. In the final analysis, the deal looks good.

We all know that the Japanese defense agency would have liked to have gone it alone building a wholly Japanese fighter aircraft; so would Mitsubishi and lots of other Japanese industries. They have the cash, lots of it. Our European allies are working on their own indigenous fighters.

Perhaps we should have started with the idea of reducing the $55 billion trade deficit, and should have made it the center of our negotiating position. But the amount of the deal, codevelopment and coproduction, and the amount of off-the-shelf purchases is essentially the same in dollar terms.

Big powers, and Japan is one, will not purchase foreign off-the-shelf aircraft in spite of what the Members on this floor say. Our European allies do not. Japan has not bought a fighter aircraft off the shelf for 15 years, and it has a far greater capability than

most of those 30 nations out there who also produce jet aircraft to go it alone.

Are not these amendments to disapprove the agreement loaded down with extensive and unreasonable conditions, something other than the deal itself, something to register frustration like we heard on the African elephant, or the protest against Japan? Are they not really protests against things like the Japanese closing some markets like the semiconductor market or protests of Toshiba's sale of machine tools to the Soviets, or protests against Mitsubishi, or, and I say this carefully, alleged involvement in the Libyan chemical-weapons bomb-production plant? We know of some other Japanese companies that were involved for sure. Sure, they are, and I am personally sympathetic with some of the frustrations Members feel.

Sometimes we are more than a little frustrated by what seems the callous disregard for global peace and freedom and security on the part of the Japanese, but to deny or hinder this agreement to protest these other transgressions is really the classic example of cutting off your nose to spite your face.

Why? It is because we stand to gain from this agreement. If we substituted the name of Japan in this agreement with any other country, we would walk away thinking the FSX deal was a good one. That is the truth. Let us recognize it. In fact, some of our allies have said the same thing openly.

Mr. Chairman, we stand to gain in technology. Yes, the Japanese have a lot to offer in the electronics area of technology and in the cocured construction of these wings. They have already started to do that.

Those who downplay the ability of the Japanese in these fields just do not comprehend the tremendous manufacturing and processing prowess the Japanese have been building up in the last 20 years. Those who doubt the Japanese abilities in materials and electronics do not know Japan. They do not know the achievements of Japan and the ability, if the agreement is right, to get back some of these achievements from ceramics, VCR's, compact disks, computers, and now HDTV.

There is nothing magical about building a fighter plane. Japan has shown it can build lots of things, some of which are more sophisticated than a fighter plane.

Let us talk about one last factor, perhaps the overriding one: A month ago my colleagues would have poohpoohed this as a reason for supporting the FSX deal, but that is our peace and security in the Far East. After all, China was hospitable, democracy was blooming in Beijing, peace was breaking out all over. But now with turmoil in China, with tanks and armies on the march and thousands of innocent victims shot down in Tiananmen Square, the ball game has changed.

Do we doubt that it is crystal-clear that the U.S.-Japan alliance is still the linchpin of East Asian security? The two greatest industrial democracies in the world have shown the world the way to prosperity, stability, freedom, and peace in the region. If we fumble this agreement when we should be showing solidarity, it would be self-destructive and counter to any rational considerations of our best interests.

Mr. LEACH of Iowa. Mr. Chairman, I yield 4 minutes to the gentlewoman from New Jersey [Mrs. ROUKEMA].

Mrs. ROUKEMA. Mr. Chairman, I rise today in opposition to the decision to proceed with the transfer of United States technology to Japan for the construction of the FSX jet fighter. I deplore the Senate's concurrence in the sanctioning of the memorandum of understanding even with the restrictions incorporated by the Byrd amendment.

My analysis of this effort is that the U.S. Government has entered this agreement on the proverbial "wing and a prayer," and I urge the House to reject this agreement.

Mr. Chairman, I do not believe we can justify such a wholesale transfer of tangible U.S. aerospace technology such as jet engines, airframe technology, or systems integration techniques for the promise that the United States will get approximately 40 percent of the development work and hopefully the production work. There is also some real question as to the potential for any technology flowback to the United States.

Make no mistake about this, the Japanese are interested in building more than just a jet fighter. They want to build an aerospace industry.

The approval of the proposed licensing agreement, in my view, will have serious long-term implications not only for the safety and confidentiality of our high-technology weapons systems but also for the future of this Nation's aerospace industry and industrial base. I believe the end result of this proposal will be a Japanese commercial and defense aircraft industry which will compete directly against our own firms for international aircraft business which will threaten the very future of our key aerospace industry.

I have heard the administration's assurances that the technology involved here is not easily transferable to the commercial aircraft business. However, I do not believe for one moment that the Japanese will not pursue this direction applying everything we are willing to give them.

If it is a matter of national pride for the Japanese to build its own military jet rather than to procure aircraft from the United States, how proud could the Japanese nation as a whole be when their first domestically produced commercial jet rolls off the assembly line.

In reviewing this matter, I am not confident that the technology sharing provisions of the proposed agreement will be of benefit to the United States. Rather, I am quite concerned that the actual long-term impact will be of little value to the United States and maximum value to the Japanese. While some would make the argument that technology flowback would benefit the United States, historically this has not been the case. In fact, Secretary Cheney testified before the Foreign Affairs Committee that "technology flow has been primarily in one direction: to Japan."

The Secretary also told the committee that the United States did not enter into this agreement for the purpose of seeking technology from Japan. Yet, some have made the technology flowback potential a central point of the deal.

From my general knowledge of this field, I simply cannot satisfy myself that the potential technology flowback can be achieved on a very meaningful level. In fact, the two areas which are most cited for potential flowback, cocured wing assembly and radar development and integration, are, as Secretary Cheney stated, in existence in some form in this country already. Even the GAO has found that certain U.S. aircraft companies, like Hughes and Texas Instruments, are familiar with technologies involving phased-arrayed radar. In fact, this type of advanced technology is already being developed for the Air Force's advanced technology fighter [ATF].

In addition, companies like Lockheed, Northrop, and McDonnell Douglas have been working on composites for wing assembly for years and those technologies are available for the ATF, the Stealth fighter, and the B-2 bomber.

With this in mind, I can only conclude that the most promising aspect of this agreement may be in the technology production applications the Japanese may develop. If this turns out to be the case, then we would have succeeded in putting Japanese industries into direct competition with our own companies who have developed their own technology base and are improving upon it.

Another concern I have with this MOU is the inability of our representatives to state with any certainty the amount of development and production work which would accrue to American businesses. Everything I have heard points to an approximate target of 40 percent of both the development and production work. But nothing was guaranteed or even made more certain. These MOU's are not

contracts nor are they binding. They are subject to ongoing negotiation and can be changed at the urging of one of the parties involved.

This is why we must have the Bruce/Byrd amendment which would express the position of the Congress that future negotiations over the memorandum of understanding covering the production phase guarantee 40 percent of the work for U.S. firms who wish to participate.

What bothers me in all this is that the production figures are always caveated with the remark that the amount of production work for the United States would eventually depend on what the aircraft looks like and whether or not U.S. companies care to involve themselves in that production. I, for one, find it hard to believe that many U.S. companies would incur the expense of retooling some of their assembly lines just to build, for instance, 130 tail sections. Under this scenario, it is conceivable that aside from the U.S. engine manufacturer no production work could accrue to U.S. firms.

The Byrd amendment adopted in the Senate and the Bruce amendment which will be considered later, address this issue by stating that we believe the production MOU require that 40 percent of the production be guaranteed to U.S. firms. However, if we do not have this provision written into the law yet, we may not benefit at all from this agreement.

Finally, the current $55 billion trade deficit between Japan and the United States argues for a different approach. If the Japanese self-defense force needs to upgrade its jet fighter inventory, I see no reason why they should not be encouraged again to purchase additional F-15 or F-16 aircraft from the United States. These aircraft are the best in the world and I have not been convinced that Japanese defense requirements for the 1990's will have changed so dramatically that the F-15, F-16, or even the F-18 would not fit the requirement.

Further, I am not convinced that the threat of a European option is really viable for several reasons. First, existing European aircraft and technology is not as advanced as our own. The Japanese know this. The Europeans know this because many of our NATO nations have procured the F-16 and F-18. If the F-15, F-16, or F-18 are not satisfactory to Japanese defense requirements, then I do not believe any European aircraft can meet the requirements of the Japanese defense force.

For the Japanese to enter into a codevelopment/coproduction agreement with the Europeans would mean establishing an entirely new components production base. It would negate current interoperability with United States equipment, and it would require a parallel and expensive maintenance train which should prove much too costly for the Japanese.

If the Congress rejected this aircraft agreement, I believe the Japanese, in reassessing their needs, would agree to buy United States aircraft. If they decided to spend the millions more to build their own aircraft, so be it. They build their own ships and other equipment. Other nations build their own military weapons. It's costly, and it may not be the best, but they have that option. We need not offer them anything than our own aircraft.

Mr. Chairman, I commend President Bush for recognizing the concerns expressed by individuals within his administration and for convening the interagency working group to review this proposed technology transfer. Including the Commerce Department and the Office of the Special Trade Representative was a marked improvement over the original process. Despite this improved oversight, I do not believe the urgency of this deal nor the concerns for the long-term implications of the technology transfer have been adequately justified.

I believe the House should reject the proposed FSX plan.

□ 1430

Mr. SOLARZ. Mr. Chairman, I yield 5½ long minutes to the very distinguished gentleman from Connecticut [Mr. GEJDENSON], a fellow member of the Committee on Foreign Affairs.

[Mr. GEJDENSON addressed the Committee. His remarks will appear hereafter in the Extensions of Remarks.]

Mr. LEACH of Iowa. Mr. Chairman, I yield 3½ minutes to the distinguished gentleman from Rhode Island [Mr. MACHTLEY].

Mr. MACHTLEY. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, today we consider legislation to codevelop the FSX fighter with Japan. This $6 billion deal has sparked a lot of controversy. I believe that the mistakes that were made in the discussions and the agreements were made at the very beginning, and it has unleashed a host of concerns which reflect important economic as well as national security considerations.

About 2 weeks ago the United States Trade Representative placed Japan on a special watch list of countries denying intellectual property rights and market access to United States firms depending upon such protection. It seems ironic that we are now seriously debating sharing some of our most serious technology with the same Japan we have placed on a list of nations exhibiting unfair trading practices, especially when the criticisms against Japan involve the same arena that we would be expanding with the FSX transfer, and that is the American invention.

I think it is time we think about the risks to the American competitiveness worldwide. What is this technology that we threaten to give to Japan? It is not just an engine, it is not just a wing, it is not just a segment of the airplane, it is the technology of integrating a system, to take the parts and make a complete aircraft. Our country has the ability to do that cheaper and faster than any country in the world. Right now we are the world leaders in systems and in design integration technology. That is our bailiwick. That is what we in this country can do best, and that is what we are going to give to the Japanese, the ability to integrate systems to produce their own fighter plane.

The Japanese want to coproduce this FSX plane with the United States because we are the best at this integration. They want to coproduce this plane with us because it is good for them. That does not mean that it is axiomatically bad for us, but in the long run I believe it is.

□ 1440

Let me present this argument. In order to meet its immediate defense needs, Japan needs to replace their 80 outdated F-1 fighters. This could be accomplished easily at half the $6 billion price by buying off-the-shelf jets. Consider this: Forty-four percent of last year's trade deficit of almost $120 billion is attributed to Japan. In light of the over $50 billion Japanese trade surplus, the Japanese at the very beginning could have made a good-faith effort to reduce the trade deficit by outright purchase of our own F-16.

Now this is coupled with the demand that we continue to support them in the defense of their sealanes. The potential for our future competition is clear in my mind. Not only in the defense area but in the U.S. commercial area of aerospace technology as well.

If the Japanese want to spend $6 billion or $7 billion to lay the foundation for becoming a military and commercial competitor to the United States, there is no reason for the United States to makes it easy for them.

The role that economic concerns play in our defense cooperation is crucial to today's discussion. It is well accepted that the Japanese consider the economic impact. We seem to place a great deal of concern on the diplomatic impact.

It is for this reason that I would urge support of the Solomon amendment showing our disapproval of the FSX legislation.

Mr. SOLARZ. Mr. Chairman, I yield such time as she may consume to the gentlewoman from Washington [Mrs. UNSOELD].

Mrs. UNSOELD. Mr. Chairman, today we will vote on a measure that could have far-reaching impacts on America's ability to continue as a world leader in production of military and civilian aircraft. I believe, Mr. Chairman, that this is a bad deal for American industry and a bad deal for American taxpayers because it gives the Japanese a major boost in building a competing aircraft industry. And, it allows Japan to shoulder less defense burden by using defense funds on an unnecessarily expensive aircraft project.

On April 28, President Bush announced that final agreement had been reached between the United States and Japan on development of the FSX, which will be similar to the General Dynamics F-16, with extensive design modifications. The agreement allows General Dynamics to share technology with Japan's Mitsubishi Heavy Industries in exchange for a portion of the development and production contracts.

This is a bad agreement for several reasons. The F-16 is the best fighter produced anywhere in the world. Time and again we have heard promises from the Japanese to buy American products when they are the best in terms of price and quality. The FSX program is expected to cost Japanese taxpayers $48 million for each of the 130 planes that will be built. That is about 2½ times what they would pay if Japan were to simply buy the F-16 off the shelf.

Mr. Chairman, it seems the Japanese are more serious about acquiring American technology than they are about acquiring the most cost-effective aircraft for our mutual defense.

The United States spends billions of dollars every year for the defense of Japan and the Pacific Basin. By choosing this expensive program, Japan will be shouldering even less of its security responsibility than its limited defense budget will allow.

Clearly, the FSX deal does not make sense from a military standpoint. However, I believe the Japanese view the agreement for its commercial, not military possibilities.

Leaders in Japan's Government and industry have made it abundantly clear that they are serious about providing a commercial aviation industry. In fact, Japan already provides about 10 percent of the Boeing 747 and 25 percent of Boeing's 767. Japanese exports of aircraft parts and components to the United States increased from less than $2 million in 1970 to $156 million in 1987.

If this deal goes through, Japan would gain access to much of the technology used in the F-16, an aircraft that has been continually upgraded and which represents the highest technology of any fighter in the world. Acquisition of this technology would be a crucial stepping stone in Japan's drive to build a commercial aviation industry.

Presently, more than 1.3 million Americans work in the aerospace industry. It is one of the highest paying industrial sectors in all of American manufacturing, with workers earning average wages of $13 an hour. But most important, aerospace is the most robust of all industrial sectors in terms of trade. It is the last remaining sector of American manufacturing which runs a large trade surplus, with exports exceeding imports by about $17 billion last year.

Furthermore, aerospace industries are major consumers of other high technology products. If American aerospace loses its share of the world market, it would have a profound effect on other vital industries such as electronics, metallurgy, and composite materials.

Mr. Chairman, I urge my colleagues to oppose this agreement. It would be foolish and shortsighted for us to hand over American technology and expertise that permits Lockheed, Boeing, and McDonnell Douglas to be sent the way of our steel, semiconductor, and computer industries.

Mr. SOLARZ. Mr. Chairman, I yield 3 minutes to the distinguished gentleman from Illinois [Mr. LIPINSKI].

Mr. LIPINSKI. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, I rise today in opposition to the FSX deal and support the Solomon amendment which tells our administration and the American people that this is a bad deal for the United States.

Mr. Chairman, the fundamental problem with this deal lies in the way the two countries approached it. We viewed this deal from a limited military point of view, while Japan considered the economic implications. During the negotiation process our Commerce Department was not involved while Japan's Ministry of International Trade and Industry was totally involved. Militarily this agreement seems beneficial to both countries, for it allows Japan to assume a larger role in defending the Pacific. Japan, however, has looked beyond these benefits. Japan realizes that tomorrow's leaders will have economic power, not only military. This dual focus is evident in Japan's Commerce Department's national role. Unlike in this country, policy for both military and civil aircraft production comes under this Department's rule. Thus, proponents of this deal may think we are only giving military technology, but in truth Japan will use this information to develop a civil aeronautics industry. By entering into this arrangement Japan will receive a technological windfall that will add to its already diverse technological base. Using this base, unfair trade practices, and Government subsidies, Japan has already hurt several of our country's vital industries. I am certainly in favor of Japan taking more responsibility in defending the Far East. But this is not the way to do it. Military power is no longer synonymous with national security. The truth is that many of us, and certainly our fathers and many vets of World War II would approve of this agreement because it provides stronger defense east of the Soviet Union. However, it is not out of concern for our fathers or veterans that I rise today. I rise in fear of our children's future. Their economic future. For generations, Americans have passed on to their children a stronger industrial and economic base than they inherited. This industrial base has provided jobs and financial security for all American families. If we continue to give away vital industries such as aeronautics, there will be no economic future for our children. With the revolutionary changes underway in the world, it is becoming increasingly clear that military considerations will play a smaller role in the future world order. Economic competitiveness will be the paramount aspect of national security. Thus, economic competitiveness must enter the equation of this international agreement, and when this deal is examined under the lights of military and economic concerns, it loses its appeal.

Mr. LEACH of Iowa. Mr. Chairman, I yield 3 minutes to the distinguished gentleman from Florida [Mr. LEWIS].

Mr. LEWIS of Florida. Mr. Chairman, I rise in strong opposition to Senate Joint Resolution 113.

A few months ago I stood on this floor and expressed my strong opposition to the FSX deal with Japan.

Since that time two events have occurred that have made my opposition to this agreement even greater than it was on that day.

First, the GAO issued a report which verified my belief that Japan did not seriously pursue purchasing F-16's off the shelf.

In addition, the GAO stated that we already have a substantial lead in the areas we stand to gain the most from this deal—phased array radar and composite wings.

And, finally, the GAO substantiated my belief that Japan has rarely abided by nonbinding side letters such as the ones that are meant to correct these fatally flawed agreements. You can look at the VCR's and chips for that.

Second, we held committee hearings on the subject. During these hearings I could not discern a single valid argument to support the FSX deal. Not one.

Mr. Chairman, there is no defending this FSX deal. It puts our aerospace industry, especially its trade surplus, in jeopardy for the sake of short-term profit.

In response to a statement earlier, I am saying these things: I have 19 years in the defense and aerospace industry, 11 in the Air Force and the majority of it in research and development prior to coming to Congress.

This is not a good deal for the United States; this is a lousy deal.

Although this resolution is intended to correct the agreement it does not go far enough. This agreement is fatally flawed. Tinkering around the edges will not and cannot make this agreement any less damaging.

It is truly a shame that even after our recent trade problems we still let the trees block our view of the forest.

But what are we really giving away? We are going to give away the technology for our future fighter aircraft. We are going to give away the technology for our future commercial aircraft and we are going to give away our technology for our future national aerospace plane.

I would like to say that Japan or any other country, if they want our technology, let them get it just like we did: let them earn it.

Mr. SOLARZ. Mr. Chairman, might I inquire as to the status of the time remaining?

The CHAIRMAN. The gentleman from New York [Mr. SOLARZ] has 15½ minutes remaining, and the gentleman from Iowa [Mr. LEACH] has 18½ minutes remaining.

Mr. LEACH of Iowa. Mr. Chairman, I yield 3 minutes to the gentleman from New York [Mr. HOUGHTON].

Mr. HOUGHTON. Mr. Chairman, I was not going to speak today. But I sat in my office and I watched the discussion going on, and I said to myself, "Hey, you know, I know something about this. I have been there before. And maybe it would be of help if I shared a few views with others of my associates."

So what I am going to do is I am going to take these remarks and just give them to the Clerk here. They were written for another point of view.

Let me just say this, that please, please do not generalize on something like this. It is so easy to paint with a broad brush and say because the Japanese were as they were in World War II—and I was in the Marine Corps in World War II and I remember that—that they will always be that way.

□ 1450

Members can go back to the point of view which the Zeros or whatever it is with Mitsubishi, but let me tell Members something. Eighty percent of the business of the earnings of the company I was associated with went out the window because of the Japanese. I should hate, more than anyone, but it is because of a particular situation with a particular industry with a particular company and a thing called targeting. This is not that case. It is not that case.

If Members want to take a look at positive results, ask me, because I will tell them. I can remember making an agreement with the Japanese, and every single point of royalty for products during World War II were paid up to the last dime. It was the only company in any country. Was it England? Was it Germany? Was it France? No, only the Japanese.

Do not generalize. We are not giving away our birthright. We are not giving away anything that does not have sufficient guarantees. It is a good, solid, sound, well-guaranteed, well-thought-out business deal. Take it from a Member who knows.

Mr. Chairman, I rise today in favor of the administration's FSX codevelopment agreement reached with Japan. I am aware of the passions this agreement has aroused. I share some of those passions. As I do, I hope the signal goes out to Japan that this debate in Congress is important. It means that we take our economic, technical, commercial, and military relationships seriously, and we will continue to do so.

The Bush administration has done well. It has been responsive to the concerns expressed in Congress. It has been successful in its efforts to obtain clarification from the Japanese on the original memorandum of understanding.

Now, to the specific arguments. Those against the FSX agreement basically ask why, why do we give our technology away and produce a base in Japan for still another industry to undercut it counterpart in the United States? If the Japanese were really interested in the balance-of-payments problem, the argument goes, they could simply buy our planes. Yes—why not just buy our planes off the shelf? They're available and we need the business.

Well, first of all, the F-16 has not been sold off-the-shelf for 15 years. It is a plane which we produce jointly with a number of our allies. Countries usually do not buy off-the-shelf technology when large numbers of planes are involved. The Japanese in the past have either attempted their own development, as in the F-1, or entered into a licensed joint agreement, as in the case of the F-14, the F-15, or the P-3.

Second, the Japanese didn't want us involved at all at the beginning. They were set to "go it alone." It was the United States that made overtures for joint development. The Japanese said, fine. We, the United States then set out to work through the details. The Japanese again agreed to all of the requests made by the administration. For example we are guaranteed at least 40 percent of the production and development effort with jobs in this country. We are guaranteed at least 2.5 billion dollars' worth of business in this country, for which we have no risk, and which helps our balance of payments. And in return for all of that, for the rest of the century, we stick together and we keep an eye on developments in Japan. We also make sure that the potentially dangerous combination of Japan and European countries will not develop and gang up against us in the aerospace business.

So in essence, we protect what we have and produce additional business. Jobs are preserved, our technology is preserved, we are part of developments in Japan rather than looking in from the outside. Finally, from a personal standpoint I'd like to feel that this move will enable Japan to share a bit more of the huge defense burden our taxpayers now pay for freedom in that part of the world.

And please let's not tinker with this agreement. Let's not be an undependable supplier. Let's not undermine carefully crafted negotiations which have been reached in good faith by the President, Secretary of Defense, Secretary of Commerce, and Secretary of State.

Mr. LEACH of Iowa. Mr. Chairman, I yield 3 minutes and 15 seconds to the gentleman from California [Mr. ROHRABACHER].

Mr. ROHRABACHER. Mr. Chairman, this is not a debate about an aircraft deal. This is a debate about trade relations with the Japanese.

Now we have been giving slack to the Japanese for four decades. We did this for strategic reasons. We needed a strong, economically strong and stable, politically stable Japan in the Pacific for strategic reasons. That is what we have been doing for four decades. Now we find ourselves in an intolerable situation because we should have stopped giving slack to the Japanese a long time ago. We continue to treat the Japanese, who are now a strong competitor with the United States, as if they are a weak brother. What we find is that the Japanese are ruthless in their negotiations with the United States in protecting their own interests, and our side, what we end up with, are deals like the FSX that has Members believing that we have someone like Peewee Herman doing our negotiating. Today it is difficult for anyone to take a look at the FSX deal and the other decisions that are being made about commerce between the United States and Japan without believing that the Japanese are consciously manipulating, in a malicious manner, the trade and commerce between our people.

I am on the Committee on Science, Space, and Technology, and in testimony before that committee, John Mancini, vice president of the American Electronics Association, outlined four steps that the Japanese use in their competition with United States industry.

First, the Japanese closed their domestic market at a targeted market. Second, they forced foreign competitors to trade technology for limited market access. Third, they used their protected markets to develop economies that scaled with the required technology. Four, using the staying power of large vertically integrated and subsidized companies, they deliberately sustained massive short-term losses to gain significant worldwide market share.

This is a manipulation of trade. A conscious manipulation of trade. It does not take a wizard to see that the Japanese have closed their markets to many of the American products that we wish to export. The fact is I had someone in my office yesterday telling me they were having trouble exporting agricultural products to Japan. The Japanese refused, at the expense of $200 million per ship, to purchase the Aegis cruiser last year. Now they are going to try to build their own

F-16's at enormous expense to themselves, rather than buying American products. They are doing this intentionally to amass capital. Instead of having free trade between our countries, they are amassing capital to buy wealth-producing assets and land in the United States.

I am an advocate of free trade. I believe in free trade to my very soul, but unless it is free trade in both directions it is no deal.

Mr. SOLARZ. Mr. Chairman, I yield 2 minutes to my very good friend, the gentleman from Ohio [Mr. PEASE].

Mr. PEASE. Mr. Chairman, I rise in opposition to the FSX sale. I do so from the viewpoint of a person who is most interested of all in trade as an issue.

Let Members look at Japan. We have a bilateral trade deficit with Japan of about $55 billion. Forty percent of the United States' entire trade deficit is with Japan. With the rising value of the dollar recently, there is little hope that this year we will see an improvement in that $55 billion deficit. At the same time, Japan needs a new fighter plane, one like the F-16. It is a golden opportunity for the Japanese to get their new fighter plane fast, by buying the F-16 right off the shelf. It is a golden opportunity for Japan to reduce the trade surplus with the United States. It is a golden opportunity for Japan to show their good faith in seeking to redress their trade surplus. The Japanese are missing that opportunity. However, the Japanese are not the only parties to this arrangement. We have to agree, too.

We in the United States should nix the FSX deal to protect our own interests and to save the Japanese from their own folly.

Mr. Chairman, there are times and places for diplomatic suasion and tough negotiating. But there also circumstances that dictate blunt messages and unequivocal action.

Throughout this decade, Japanese officials have assured American negotiators and the United States Congress that Japan wants to ease tensions and improve United States-Japan trade relations. We have been told repeatedly that the huge surplus that Japan enjoys in its trade with America will be substantially and steadily cut. What has happened? In 1988, Japan's trade surplus with America was over $55 billion, and that surplus shows no signs of further reduction.

If Japan truly wants to reduce its trade imbalance with us, it can simply buy the United States manufactured F-16 aircraft. The FSX agreement, in its current form, is the latest example of America losing its backbone and not insisting that Japan take direct and immediate action to make United States-Japan trade relations more mutually beneficial.

I regret that the Senate did not vote to reject outright the FSX agreement. I am voting in favor of the Solomon substitute, albeit a symbolic gesture, because it most strongly conveys my view that the FSX agreement is a bad deal for the U.S. aircraft industry and its workers in particular and for America as a whole. If the Solomon substitute fails, I will wholeheartedly support the Bruce substitute. At a minimum, the United States flatly should prohibit in the FSX coproduction agreement, the transfer to Japan of critical jet engine technologies as well as any future Japanese sale or transfer of the FSX plane or any of its major subcomponents to any third country.

Mr. LEACH of Iowa. Mr. Chairman, I yield 2 minutes to the gentlewoman from Maryland [Mrs. BENTLEY].

Mrs. BENTLEY. Mr. Chairman, I thank the gentleman from Iowa for yielding time to me.

Mr. Chairman, I heard the gentleman from New York [Mr. HOUGHTON] talk about the great agreement and that we should do this, that we could trust the other side. Let me simply say this: I negotiated with the Japanese when I was chairman of the Federal Maritime Commission, when they were treating American flag ships very unfairly. The length of time that that agreement lasted was until I went out as chairman of the Federal Maritime Commission. That was it, period.

I have also been hearing from some sources about what a good deal this is. Good deal for whom? I do know. However, I want to read a couple of paragraphs of the San Francisco Chronicle of May 19, because we have been hearing from the State Department and others, saying American industry will benefit all the time from this deal.

Mr. William Clark from the State Department testified, and this was only carried in the San Francisco Chronicle, interestingly, where he said that the ban which would be the Bruce ban on "FSX transfers could cause problems for Japan on items it developed on its own." Then Glenn Rudd said, "While there are no plans now to transfer engine technology to Japan, when the plane enters production in 1994 that might not be the case." They laid it out. They are telling Members right in advance, it is going to happen. We will take it away.

Another story that needs to be brought out now is, "Korea feels the heat from Japan FSX furor," from the Wall Street Journal. It says, "After FSX comes son of FSX. The U.S. aerospace industry plans to teach South Korea's largest companies how to build fighters and military helicopters. And just as the American-Japanese FSX jet fighter development plan sparked a furor in the U.S., the Korean project may cause trouble, too."

Mr. Chairman, we have to keep this aerospace industry at home.

Mr. SOLARZ. Mr. Chairman, I yield 2 minutes to the gentleman from Ohio [Mr. APPLEGATE].

Mr. APPLEGATE. Mr. Chairman, this is a very confusing debate, to say the least, not just in the United States but also in Japan.

First of all, the General Accounting Office has criticized this deal with Japan. They say that the United States is superior to Japan in this kind of technology. The report says the United States has little to gain in this joint project which is in direct contrast to the Bush administration. In fact, there is no technological gain. What, in fact, happens is we lose jobs.

A little bit of confusion. I saw this in what is called the Japan Economic Journal. They are confused over there too. They say in an editorial that this is of little benefit to Japan. They say that the agreement is tantamount to a complete defeat for Japan and that it is extremely regrettable for Japan.

□ 1500

I do not know where they got this language. I think it is reverse psychology or a bunch of confusion, because the government itself is fighting and striving and threatening to have this deal consummated, and their industry over there certainly wants it. In this country, I know that in the Bush administration recently one high official said that if we do not consummate this deal, we will suffer retaliation.

What are they going to do? Are they going to take us to the woodshed? Are they going to punish us by stopping the inflow of 2 million automobiles a year? Or maybe they are going to stop our 6,000 that are going to them? Or maybe they will quit selling us their TV's or their computers or their calculators or their microwaves. Or maybe they will just quit buying our farms and our banks. Maybe they will stop buying our debt, our Government loans, and our securities. Maybe that is what they will do to us. Maybe they will teach us a lesson.

Well, I do not know whether they will or not. I think we should not worry about the consequences. I say to my friends that I think what we have to do is stand up and have a little bit of backbone. Let us keep our industries, and let us keep our jobs. That is what we need in this country. I know that we are short in my district and they are short in a lot of other districts of real good manufacturing jobs and the ability to be able to take care of their families, to clothe their families, to feed them, and to pay the rent. That is what is important, and that is what the American people want.

Mr. Chairman, this is bad deal, and I say we should turn it down.

Mr. LEACH of Iowa. Mr. Chairman, I yield 1 minute to the distinguished gentleman from California [Mr. SHUMWAY].

Mr. SHUMWAY. Mr. Chairman, after long and careful consideration, I have decided to support the FSX agreement. Obviously, I would prefer to see the Japanese purchase our F-16s, a move which would expeditiously

improve Japan's ability to bear a greater share of the defense burden in the Pacific. There is no doubt that the F-16 fits the bill, or that it could be provided to Japan much quicker than development of a new aircraft. Our taxpapers would have no greater cost, and our aerospace industry would remain supreme.

But the fact remains, the Japanese do not want to buy our aircraft. Instead, they want to follow a path which has characterized their behavior whenever they desire a new product: Developing their own industry. I have been critical of Japan for this obstinacy, which is largely responsible for their trade imbalance. If they truly wanted to reduce that imbalance, they would buy our aircraft.

However, if I allowed my frustration with that obstinacy to dictate opposition to the agreement, I would not be achieving anything; I would simply be engaging in the popular sport of "Japan bashing." Once the Japanese decide they are going to develop an industry, they are going to develop it. It may take them awhile, but it will happen. We err when we underestimate their industrial capacity and resolve.

With that in mind, it makes no sense to oppose the agreement. The negotiations stipulate that 40 percent of the aircraft will be built in the United States. If we reject the agreement, we will have zero percent of that aircraft construction. We will be disregarding the strategic and commercial interests of the Nation and, given the fact that Japan will not create an aerospace industry overnight, we will be contradicting our primary goal: Encouraging the Japanese to beef up their own defense.

On the other hand, supporting the agreement has many positive results. Participating in this joint venture will promote good will with a strong ally, stimulate defense self-sufficiency for Japan, provide substantial work for our own aerospace industry, and, in all probability, allow us to benefit from Japanese technology as well. It may not be the ideal, but it is surely the best deal we are likely to get.

I urge my colleagues to support the FSX agreement.

Mr. LEACH of Iowa. Mr. Chairman, I yield 3 minutes to the distinguished gentleman from California [Mr. HUNTER].

Mr. HUNTER. Mr. Chairman, let us treat Japan as a full partner in the Western alliance. They are a full partner. There are now three superpowers in the world, not two. Japan is one of those superpowers. But partnership implies responsibilities and obligations as well as rights, and I think it is important for us to review some of those obligations and responsibilities of belonging to the Western alliance.

No. 1, you have an obligation to contribute to the common security of the West. No. 2—and this is the heart of my argument against FSX—you have an obligation to not sell out the common defense of the West. You have an obligation to hold your corporate citizens in check when they attempt to sell critical military technology to our adversaries.

For one reason or another, the government of Japan has decided not to do that, not to hold their corporate citizens in check. Toshiba Machine has given to the Soviet Union the capability to move its submarines very close to ours now without ours being able to tell about them, because they have sold those critical milling machines to the Soviets, and their submarines are much more quiet because of that. We can say, as a result of classified hearings now, that Greater Toshiba, the parent corporation, sold critical microelectronic capability to certain Warsaw pact nations even after the propeller deal, and we can say, or at least I can say that I have seen evidence that has proven to my satisfaction that Mitsubishi, the primary beneficiary of this deal, has contributed to Mr. Qadhafi's capability to deliver poison gas in a military manner by assisting in his development of his gas-delivery capability in the deserts of Libya.

Now, some people have characterized this debate as being anti-Japan or pro-Japan. I do not think we should characterize it as such, at least not this part of the debate. I want to be put down as a friend of that young man or young woman in a submarine, in the bowels of a submarine, be he a Japanese submariner or an American submariner, who has an interest in our adversaries' not having the capability to destory him.

I want to be put down as friend of that young Israeli or American solider who may be the target of a Qadhafi poison gas raid at some point in the future.

Mr. Chairman, let me say that there are other culprits in this situation. C. ITOH contributed to Mr. Qadhafi's capability. That is now out in the open. Japan Steel contributed, and West German companies in fact contributed directly to one chemical plant itself, and the Government of Thailand refuses to remove its personnel from that site at this time.

Mr. Chairman, Mitsubishi has assisted a terrorist state, Libya, in developing the delivery capability of poison gas. Until the Government of Japan imposes a discipline upon its corporate, citizens, we should now allow them to go forward with deals like the FSX.

Mr. Chairman, the time to apply leverage is when you have leverage. We have leverage now, and we should say no to the FSX.

Mr. SOLARZ. Mr. Chairman, I yield 3 minutes, for the purpose of debate, to the very distinguished gentleman from Oklahoma [Mr. MCCURDY].

Mr. McCURDY. Mr. Chairman, I rise in support of the committee resolution and in opposition to the amendments offered today.

Mr. Chairman, that may not be very good political sense, but I think it makes good policy. As a member of the Committee on Armed Services, we held hearings in the Research and Development Subcommittee on the FSX. As a member of the Committee on Science and Technology, we held full committee hearings on the FSX, and as chairman of the Oversight and Evaluation Subcommittee of the Select Committee on Intelligence, I personally held hearings on the agreement to codevelopment of the FSX.

If I had been convinced that the transfer of technology would undermine U.S. aerospace competitiveness, I today would be standing here in opposition to the FSX deal, but that is not the case. I say to my friends that this is not a military decision or debate. This is not a technology debate today, and I am not even sure it is a trade debate. I am afraid we are involved solely in a political debate.

There are three areas of very important technology that we should be watching and preserving in this area. One is the composite wing technology, the co-cured technology. Many U.S. manufacturers turned away from that technology a number of years ago. They have gone to the thermoplastics technology instead.

In the area of avionics, we looked at that technology. But let me list some of the technologies not on the FSX. We hear about all these others. The fire control radar is not a part of it; the electronic warfare suite is not a part of it; the inertial navigation system is not a part of it; the general avionics computer hardware is not a part of it. Not part of this deal due to military sensitivity is the Amraam missile or the Lantirn infrared night system. From the commercial standpoint, the commercial sensitivity, we have prohibited the transfer of any designer notes and background material on the software source codes, the parametric experimental methods, airfoil and wing design methods, carbon-carbon technology, as well as any technology relating to the hot sections of the engines and the electronic fuel control technology.

I say to my friends that it is true we need to closely monitor this codevelopment program, but I do not believe it is in the interest of the United States to kill this codevelopment. I would have preferred to sell off-the-shelf F-16's to Japan, but that was never the case here.

□ 1510

Mr. Chairman, this agreement is consistent with U.S. policy to encourage Japan to develop an air defense system and antiship system, for Japan to assume a greater share of the defense of the Pacific, and that is what the FSX is all about.

Mr. LEACH of Iowa. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Arizona [Mr. KOLBE].

Mr. KOLBE. Mr. Chairman, I thank the gentleman from Iowa [Mr. LEACH] for yielding this time to me.

Mr. Chairman, I have listened to this debate with some interest. I think all of us in this body know that the power to negotiate and make agreements with a foreign nation belongs with the executive branch. We are not talking today about a treaty that requires the advice and consent of the Senate; the FSX agreement is a cooperative arrangement that is completely within the constitutionally mandated powers of the President of the United States. The Japanese entered into these negotiations in good faith with the United States, and both sides have a right to assume they will be concluded in the same spirit. But now, Mr. Chairman, at the end of this process the legislative branch of the Government is trying to insert itself into it. We are sending mixed signals, not only to the Japanese, but to other foreign nations also that are in the midst of negotiations with the United States on other issues. Officials of the executive branch have to have some confidence that they can go into these negotiations with the understanding that what they reach, the agreement they reach, will be one that they can honor.

However, Mr. Chairman, going beyond the legal and the constitutional issues, let us face a very simple truth. The United States and Japan together decided on the military mission we wanted Japan to assume for air defense of the islands. No plane on the shelf meets that mission right now, and so developing a new aircraft is necessary. The choice for Japan is to develop a plane with Europe or to develop a plane with the United States. The kind of fighter technology that is needed cannot be done entirely in Japan. Obviously it is to our advantage to have them do it with the United States in the kind of cooperative agreement we are considering today.

Mr. Chairman, the Japanese have the ability to develop an aerospace industry. We have seen them develop other industries in the past, and they can do it again. The only question is whether they will do it with us, and will we get the benefit. Will we reduce the trade imbalance by helping produce this plane, or will we allow them to do it with a European consortium? We ought not to be sticking our heads in the sand and hoping the Japanese will find it impossible to develop an aerospace industry, because they can do it.

Mr. Chairman, I think that voting for this motion of disapproval to keep the Japanese out of the aerospace industry is foolish. We ought to defeat all of these and allow this deal to go forward.

Mr. SOLARZ. Mr. Chairman, I yield 7 minutes to the gentleman from California [Mr. LEVINE], who is my very good friend, and the leader of the opposition to the FSX sale in the House.

Mr. LEVINE of California. Mr. Chairman, I thank the gentleman from New York [Mr. SOLARZ] for yielding this time to me.

Mr. Chairman, as the sponsor of the resolution of disapproval in the House, I am pleased that the full House has the opportunity to debate this issue on the floor, but I believe that it is unfortunate that this debate comes after both the 30-day deadline for congressional disapproval of the deal, and also after the narrow defeat of the resolution of disapproval in the other body.

In addition, Mr. Chairman, I am also disappointed that we will not have an opportunity in this body to vote on the resolution of disapproval, which I sponsored, today.

We should be clear that the sense of the Congress resolution, which will be before us in the form of an amendment, is sense of the Congress language only in that it will not in fact block this deal.

It is unfortunate that a resolution of disapproval is not before us today, Mr. Chairman, because the FSX agreement remains a bad deal for America.

Mr. Chairman, much has been said with regard to the nature of the debate that is occurring on this floor, and much has been said about it by some of the more thoughtful Members of the House of Representatives: the gentleman from Oklahoma [Mr. MCCURDY], who recently gave a very thoughtful statement; the gentleman from New York [Mr. SOLARZ], who has done such a thoughtful job in terms of his analysis and his crafting of legislation on this issue; and the gentleman from Iowa [Mr. LEACH], who is also in my view one of the most thoughtful Members of the House both on foreign policy issues and on others.

I do wish to emphasize, Mr. Chairman, that I believe this is an important debate, and it is a debate about relations between friends, two countries, the United States and Japan, which must nurture that friendship and insure that that friendship thrives.

However, Mr. Chairman, at a time when we are facing a $55-billion trade deficit with Japan alone, Japanese officials should be particularly willing to abide by free trade principles and to purchase quality, cost-competitive U.S. products, and in this instance they are not. We have such a product in the F-16. Instead of purchasing the F-16, Japan's insistence on pursuing domestic development of the FSX represents its determination to proceed with a high-technology import substitution policy no matter how dire the bilateral trade picture.

This is not, Mr. Chairman, free trade under any definition of the term, and unfortunately it contravenes many of Japan's representations about trade policy. The gentleman from New York [Mr. SOLARZ] and others in this debate have argued, and the gentleman from Arizona [Mr. KOLBE] just a moment ago argued, essentially that we will be getting the same number of jobs and the same number of dollars through the FSX as we would have through the F-16, but that omits a very important part of this equation. Look at what we are giving up. We are handing over very important technology, handing over at a price, but, nevertheless, we are making available to the Japanese very important technology which will significantly enhance and facilitate their ability to compete with us in civilian aerospace.

Neither is development of the FSX by any means the best way of meeting Japan's defense needs. The FSX will not be ready for deployment for a decade while the aging F-1's it is designed to replace should have been withdrawn from service several years ago. Development of the FSX is not a sufficient use of alliance resources. The FSX will cost at least three times what an off-the-shelf fighter will cost, and while one may argue that the FSX might marginally be better than an F-16, it will certainly under no circumstances be three times better.

Mr. Chairman, this is, therefore, a needless squandering of alliance resources which seems particularly egregious in this era of tightening defense budgets. Far from representing increased burden sharing, the FSX effectively decreases Japan's share of the defense burden by wasting part of its defense contribution.

The FSX does not make sense from the standpoint of free trade or from the standpoint of defense. What it does provide is a very substantial boost to the Japanese aerospace industry, both through the technology we give them and through the experience they gain in designing this aircraft.

Quite simply, Mr. Chairman, in concluding the FSX deal we will be giving Mitsubishi the benefit of our experience in aircraft design and manufacturing, systems integration, and aerospace computer design. In essense we will teach the premier Japanese aerospace firm how to build a world-class fighter, something they cannot do today, and I must respectfully disagree with my colleagues who suggest that

29-059 O-90-38 (Pt. 8)

they will not in fact enhance Japan's ability to be competitive in civilian aerospace.

Mr. Chairman, let us just listen to Japan's own executives. The former president of Mitsubishi Heavy Industries himself has been more candid than our administration officials in saying that their goal in terms of pursuing this agreement is to enhance their competitive ability with regard to civilian aerospace.

Although we cannot block the deal at this point, I believe we should set parameters for the future negotiations of memoranda of understanding that will govern the coproduction phase of the project should the FSX move into the production phase. The gentleman from Illinois [Mr. BRUCE] is offering an important amendment today which will do precisely that and which will allow us to get a bill to the President's desk as quickly as possible by avoiding a House-Senate conference. The Bruce amendment is so vitally important because it is identical to language passed in the other body introduced by Senator BYRD and supported by a bipartisan group of 72 Senators.

I would like to stress that the Bruce-Byrd language will not impact the existing MOU regarding codevelopment and, as such, is not a killer amendment. It simply confirms assurances we have repeatedly received from the administration on several matters and requests an ongoing GAO review of the project. It does not require renegotiation of the MOU that has already been signed and that took effect upon expiration of the 30-day review period.

The amendment of the gentleman from Illinois [Mr. BRUCE] would provide several valuable safeguards. It prohibits the transfer of critical engineer technology, the so-called hot section of the engine, to Japan. Again, this refers to a future MOU on engine coproduction which has yet to be negotiated. Both the Committee on Foreign Affairs and Committee on Foreign Relations have received repeated assurances from the administration that this technology will not be transferred because of its sensitive nature and its commercial value.

□ 1520

The Bruce amendment would simply make this promise explicit.

The CHAIRMAN. The time of the gentleman from California has expired.

Mr. SOLARZ. Mr. Chairman, I yield 1 additional minute to the gentleman from California [Mr. LEVINE].

Mr. LEVINE of California. Mr. Chairman, I thank the gentleman for yielding this additional time.

I simply want to emphasize that the Bruce amendment would also prohibit third country retransfers of technology that the United States supplies under the FSX project, or of products derived from this technology.

This amendment would further require that the Secretary of Commerce review the implementation of this agreement and its associated coproduction arrangements to assess their potential impact on U.S. industrial competitiveness. The source of many of the problems with the FSX deal was the absence of commerce and trade officials in the negotiations of the codevelopment MOU. If the debate over FSX has highlighted only one issue, that issue is that we must begin to factor in our trade and competitiveness concerns into our national security decisionmaking.

Mr. Chairman, I will also support the Solomon amendment because it does provide Members with an opportunity to express strongly the sense of the Congress, the sense of this House, that this transaction should not be approved, but I want to emphasize to my colleagues that it is the Bruce amendment which gives us the best opportunity to send an unambiguous message to the White House that we remain concerned about the wisdom of proceeding with the FSX. I strongly urge my colleagues on both sides of the aisle to join in supporting the Bruce amendment, which will go the President's desk and will put important constraints holding both this administration's feet to the fire and holding the feet of the administration of Japan to the fire, simply ensuring that both governments will do what they indicate they intend to do anyway.

Mr. LEACH of Iowa. Mr. Chairman, I yield 1½ minutes to the gentleman from Florida [Mr. JAMES].

Mr. JAMES. Mr. Chairman, simply, the plan to transfer technology to Japan is a bad idea.

President Bush should work to convince Japan to purchase standard, American made F-16's. Japan must be forced to purchase United States fighters directly, it would go a long way toward reducing the enormous trade imbalance between our two nations.

The current United States trade deficit with Japan is approximately $55 billion annually. The direct purchase of F-16's would cost one-third of what it will cost Japan to develop a new aircraft, even with our technology. And Japan can do no better. American manufacturers are, indisputably, world leaders in the aerospace field. U.S. firms make the best product at the best price. Period.

If the Japanese were to purchase our F-16's directly we could, concurrently, improve the defense of the North Pacific, increase Japan's share of regional defense costs, and significantly reduce Japan's massive trade surplus with the United States.

Despite the strength of that argument, there is an even greater reason for my deep concern over this technology transfer proposal. Although there may be some limited, short-term benefit for a few American companies, it holds, potentially, dire long-term consequences. This proposal will provide critical fighter technology to the Japanese for free. They could then use this technology to become a major competitor of United States firms in the production of high-technology aviation vehicles. If Japan wants to build its own aerospace industry that's fine, but there is certainly no reason for us to subsidize it.

I am no expert in the field, but it appears to me that the United States is getting the short end of the deal. In return for our state-of-the-art technology, which cost United States firms $7 billion to develop, Japan has offered $440 million of subcontracting work to United States industry, and—possibly—a share of the component manufacture for the 130 to 170 FSX aircraft the Japanese intend to build. That does not seem like a good business deal to me.

Finally, I am also concerned about the potential of having this critical technology leaked to our enemies. It wasn't too long ago that submarine technology we shared with Japan wound in Soviet hands, costing United States defense firms billions of dollars and diminishing national security.

Foreign, trade, and social relations with our neighbors worldwide is of critical importance. But promoting and protecting the interests and well-being of our Nation and our people is our constitutional duty. We must honor that charter as our guiding beacon.

Mr. LEACH of Iowa. Mr. Chairman, I yield myself the remaining time to conclude the debate.

Mr. Chairman, I would like to begin by correcting a statement and then by reversing an assumption. The statement relates to the citation of a previous speaker Secretary Cheney. The Secretary said that in the past the technology flow has been primarily in one direction, to Japan. This is a valid statement, but the full context demands attention to the next sentence:

> The FSX agreement reverses this pattern by providing a framework which will allow significant United States access to Japanese technology.

The second point I would like to make is a far bigger one. That is the assumption by which much of this debate is being driven, and that is the assumption that Japan wants to codevelop this particular aircraft with the United States. That is false. Actually, they wanted to build it alone. They wanted to cross-compete it with the Europeans.

It was the United States that insisted that we codevelop it. It is the United States that has been insisting

that Japan spend more on defense and our common security concerns.

Japan is thus in the awkward position of acquiescing to the United States and then being criticized for that acquiescence. This is the crucial perspective.

The second perspective that I think we all should understand is that for the sake of first class political rhetoric we are in the process of jeopardizing 22,000 man-years of jobs in the United States and $2½ billion in sales.

How, I might ask, do we narrow our trade deficit with Japan by refusing to export?

Let us not for the sake of political irrationality drive a stake into our own economic job security in the United States.

Let us also not forget history. One of the causes of World War II was the trade isolation that the rest of the world forced upon Japan. Are we not wise to learn the lessons of history and draw the Japanese to us, instead of spurning them again into supernationalism?

This is a prudent agreement, prudently arrived at. I urge this House to support President Bush.

Mr. SOLARZ. Mr. Chairman, for the purpose of concluding debate, for reasons best known to him, I have very special pleasure in yielding our remaining 30 seconds to the gentleman from North Dakota [Mr. DORGAN].

Mr. DORGAN of North Dakota. Mr. Chairman, in that generous amount of time, let me say that this country used to be known as a bunch of shrewd Yankee traders. In light of that, this FSX decision is almost embarrassing.

I think the FSX agreement is just plain nuts. It is as if we are afraid to stand up for American interests here. We have serious, serious international trade problems, and this FSX decision simply makes no good sense in light of our trade picture, in light of the technology, in light of all the relationships we have with Japan.

I am going to support the Solomon amendment and I am going to support the Bruce amendment, and I hope one of them carries.

Mr. Chairman, the debate today is about partnership. Do we have a constructive partnership with Japan? It arises in the specific context of whether or not Congress should approve an arrangement for joint development of a Japanese fighter called the FSX.

The dictionary defines partners as "those who share, colleagues, or associates." In sports, we think of partners as "players on the same side."

My question to my colleagues is what kind of partnership do we have with Japan? Let's look at the various facets of our relationship, which is supposed to be a partnership.

1. TRADE

The United States is currently running a bilateral trade deficit of some $55 billion. Every year, the Japanese ship us Toyotas, TV, and toasters by the millions and we ship them our farm products and manufactured goods.

This is not a partnership.

Now I concede that in a world economy, nations will not achieve perfect bilateral trade balances with every trading partner. But the magnitude and cause of this massive trade imbalance suggest more is at stake here than a mere accounting problem.

The real problem is that the numbers don't match because the trade policies of the two nations don't match. While the Japanese erect steely import barriers to American products and then subsidize exports to our Nation, we have been content to let Japanese goods freely enter our country by the boatload and then wring our hands whenever we try to give our exporters a hand.

This is not a partnership, but a boxing match in which we tie one hand behind our backs. We are faced with an economic attack, but have responded by negotiating with Japan like greenhorns instead of as shrewd Yankee traders.

Fortunately, the trade policies of our Government are beginning to change. The administration, as a result of a congressional mandate, has recently cited Japan as one of a few other nations which engage in unfair trade practices. We now have the leverage for tough negotiations with Japan, which I hope will lead to the reestablishment of a genuine trading partnership. A partnership based on fairness and balance, a partnership that should extend to questions like the FSX, too.

Let me make clear that I make no excuses for shoddy American products. We have our work cut out for us. We need to produce better products and sell them at more competitive prices. But when we do this and still find ourselves locked out of Japanese markets, then its time to stand up for our interests and let the Japanese know that we stand not just for free trade, but for fair trade, as well.

2. DEFENSE

Japan is one of the two economic superpowers in the world, alongside of the United States yet it spends 1 percent of its GNP on defense, while the United States invests nearly 7 percent of GNP on defense. Ironically, some $90 billion of our annual defense expenditure is for overseas operations. The defense umbrella we provide serves our Nation's interests in many ways. However, in recent years, it has also created a safety net for our allies to ship billions of dollars of exports to our Nation while preventing comparable imports from our country.

I fail to see how this reflects an agreement between partners. It's a sweetheart deal for Japan and a raw deal for the United States.

The United States spends over $6 billion on its forces in Japan, which covers about half of this cost through direct and indirect payments. I simply don't understand why the Japanese cannot absorb the entire host nation support for our troops while we still provide a nuclear umbrella and naval and air protection for Japan.

Since the Japanese insist on producing most defense goods for their own forces, they pay a higher cost for them than if they purchased similar goods already produced in the United States. The duplication of productive facilities in which Japan does not have a comparative advantage ends up costing the United States more because it must then shoulder a greater share of the Asian security burden.

Here again, we find the United States comes up short on a genuine partnership. We spend 10 times as much as the Japanese on defense when our economy is only twice as large.

The United States bases more forces in Japan than in any other foreign country except West Germany. Almost 50,000 United States military personnel join in the protection of what are supposed to be both American and Japanese interests.

Yet, I must again ask my colleagues why the Japanese cannot shoulder a greater share of the support costs for these troops. Would not a real partner do that?

I understand that the Japanese constitution and our own interests in Asia militate against turning Japan into a military superpower. But I don't see that as a threat merely because Japan absorbs the full cost of host nation support for United States forces or because it purchases a larger share of military supplies from United States companies. Precisely the reverse would be true if this were the case.

3. FSX FIGHTER AGREEMENT

The discussion of our trade and defense relationship with Japan leads me then to question the partnership involved in the development of a Japanese fighter plane, which has been dubbed the FSX.

The United States Government has already negotiated the broad outlines of an understanding with the Japanese Government on the development of the FSX fighter plane. I regret that such a deal has already been struck. The Japanese could just as well purchase F-16's or other United States fighter planes modified to meet specific Japanese requirements.

My own preference would be to reject this arrangement and that is why I support the Solomon amendment. It expresses the sense of Congress that the U.S. Government should not proceed to give final approval to the FSX codevelopment.

Unfortunately, the basic deal has already been struck. However, Congress can still insist on certain conditions on the pact to protect American interests. That is precisely what the Bruce amendment does and I plan to vote for that amendment as well. It helps to ensure that the United States does not relinquish critical aviation technologies to Japan or other nations. This is a grave concern because a recent report to the United States Trade Representative clearly shows that the Japanese Government has targeted its aerospace industry for further development.

More specifically, the Bruce amendment recasts the resolution before us today in the same language which the U.S. Senate approved by the overwhelming margin of 72 to 17. It mandates that the following key conditions become part of the memorandum of understanding for coproduction of the FSX.

First, the Bruce language prohibits transfer to Japan of critical jet engine technologies.

Second, it also requires that the coproduction agreement bar any transfer of technol-

ogies developed by joint action to third countries, and

Third, it mandates that at least 40 percent of the production work be allocated to the United States.

All this does is affirm a production partnership, an arrangement based on a fair deal for both sides. That's where we should be as partners.

Mr. FLORIO. Mr. Chairman, I rise in support of the resolution.

Mr. Chairman, I oppose the administration's plan to codevelop the FSX with Japan. It doesn't make sense from a defense standpoint, and it has never made sense from an economic standpoint.

With the recent Senate vote, it is unfortunately the case, however, that the Congress cannot block this agreement. Instead, our only opportunity is to impose conditions on what Japan can do with the technology it receives from us. For this reason, I support the resolution.

Mr. Chairman, at this time I would like to review my concerns about this agreement. Japan needs a replacement fighter to meet air defense needs in the Pacific today—not 10 years from now when the full complement of FSX fighters might be in place. Furthermore, an existing fighter, the F-16, has already been judged capable of performing the mission Japan has in mind for its proposed new plane.

Why then is our Government planning to go forward with this codevelopment venture with Japan? We are told that Japan wants a new plane of its own—but why? There is no defense reason to build a new plane, rather than buy the F-16. What Japan really wants is not to satisfy its defense need, but instead to acquire the technology it must have to satisfy its industrial and economic need to become a world class aerospace competitor over the next 10 years.

By agreeing to codevelop the FSX with Japan, we are not merely helping a close ally meet a mutually important defense requirement. Instead, we are giving our strongest competitor in the world marketplace the expertise it lacks to directly challenge America's leadership in international civil and military aircraft sales.

And, what are we getting in return? General Dynamics, as the United States partner under the agreement for Japan's Mitsubishi heavy industries, will earn about $400 million in licensing fees. In addition, General Dynamics may get composite wing technology, a technology which it alone among all U.S. aerospace firms seems not to have.

These are hardly the kind of benefits that make undermining an industry that earns the United States $18 billion annually in our trade account, appear worthwhile. The unfortunate conclusion I draw from our Government's insistence on going ahead with this deal is that we have become so dependent on Japan and other countries to finance our budget deficit and purchases of foreign goods and services, that we have lost our ability to defend our own economic interests.

I am concerned that we may be afraid to tell the Japanese that it is not in our country's interests to participate in the FSX agreement. If this is the case, it has consequences for the security of our country that are much broader than the proposed agreement.

Japan has every right to build its own fighter plane, if it believes that to be in its national interests. On the other hand we have the same right not to help them do that, if we believe it is contrary to our country's interests.

It is time we stopped acting as if America's future economic strength will be determined by how much foreign capital we are able to borrow. To be strong, America must help our allies meet their legitimate defense needs, we must keep our competitive industries strong, and fight to expand markets. The administration's FSX agreement fails on all three counts.

Mr. BRENNAN. Mr. Chairman, I rise in opposition to the prepared transfer of sensitive aerospace technology to Japan in the FSX fighter deal. Unfortunately, the full Senate has acted on this matter and permitted the transfer to take place. However, we can send a signal that this transfer is seriously questioned by this body.

At a time when Japan is being cited for unfair trade practices, I do not see the merit in allowing this transfer of sensitive technology. While our aerospace industry remains No. 1 in the world, I fear this transfer could jeopardize that status. Too many of our industrial sectors have fallen victim to unfair Japanese competition at the expense of lost jobs and industrial capabilities. We must begin, however late, to recognize the importance of judging first our economic and national security concerns when dealing with the Japanese and other foreign competitors.

As a member of the House Armed Services' Investigations Subcommittee, I heard considerable testimony on this important issue. From review of that testimony, I am unconvinced the FSX deal is in our Nation's best interest. A common theme expressed in that testimony was that the deal has already been made and that Japan will not buy existing United States fighters. I believe this body has a responsible role to play in reviewing arms sale transactions and should give close examination to this transfer.

Japan has maintained they want to be a good and dependable defense ally—and I believe them. However, to meet their defense needs we have F-15 and F-16 fighters currently ready for sale. If those fighters meet the demands of our Nation, they will certainly meet the threat posed to the Japanese.

I urge my colleagues to examine this issue in the context of protecting sensitive United States technology while permitting Japan to meet its legitimate defense needs. I remain convinced that we can protect our technology and sell our top-of-the-line fighters to Japan for their defense needs. Please join me in voting to block this FSX transfer.

Mr. DINGELL. Mr. Chairman, the Bush administration continues to be soft on Japan. President Bush recently managed a flawed deal to codevelop and later to coproduce an FSX fighter jet with Japan. In the most basic terms, the FSX agreement is a sellout of American technology.

The United States has entered into a number of coproduction agreements with foreign countries in years past, but this so-called deal with Japan is unique. First and foremost, Japan is the only country in the world that is running a trade surplus of more than $50 billion a year with the United States. In other words, Japan refuses to cooperate with the United States to tear down the massive trade barriers that continue to stand between this great Nation and Japan. Throughout the Reagan and now the Bush Presidencies, I have expressed my deep concern for the unfair trade practices between the United States and Japan. Unfortunately for the American worker, both administrations have done far too little and is consistently far too late in their negotiations.

As chairman of the subcommittee on Oversight and Investigations of the House Energy and Commerce Committee, I have become concerned with the growing number of coproduced defense weapon systems that the Reagan administration has undertaken with Japan. Now President Bush is offering Japan the biggest deal of all, a part of the United States aerospace industry. The Japanese purchase many of our defense products, but rarely are these products manufactured or produced in the United States. Rather, the Japanese merely buy our technology and know-how preferring to develop industries and jobs in Japan. The same fate, I am afraid, may be in store from the FSX fighter plane deal.

The short-term financial benefits for the United States will be minimal as compared to the long-term benefits for Japan. In fact, Mitsubishi Corp., which has been working with General Dynamics to complete the agreement, is eager to obtain the American technology so they can immediately go to work and build an aerospace industry to compete with the United States. Japan's Mitsubishi wants this technology because the future economic benefits are enormous. The Japanese would be foolish to refuse this deal. The United States has the most-advanced aerospace industry in the entire world because we are able to integrate systems better than any country in the world. For example, I admit the Japanese are good at building VCR's, but they lack the unique ability to take multiple components and to construct a cohesive fighting machine like a FSX fighter jet. The United States will be providing Japan the ability to take individual systems and combine them to produce a technologically advanced fighter jet. General Dynamics and the Bush administration have decided that even with the technology transfer, the United States can maintain its lead in the aerospace industry into the future. Michiganians and most Americans know that this is utterly untrue. The Japanese have called our bluff a number of times, particularly with the automobile industry, and now they are doing it again.

After World War II, the United States essentially rebuilt Japan's war-torn industrial base. As we can see today, the Japanese have capitalized on our generosity and have taken steps to block the sale of most American automobiles into Japan. Only until recently have the big three American automobile manufacturers been able to make any slight inroads in the massive automobile trade gap. Americans will lose their jobs if we do not send the administration a clear message regarding the FSX agreement and future deals with Japan. Therefore, absent rejection of this

entire deal, it is imperative that Congress adopt the Bruce amendment.

I have opposed this deal from its very beginnings starting from its early conception during the Reagan administration through today and I will continue to oppose it as long as I serve the people of the 16th District of Michigan. However, the least that the House of Representatives can do is pass the Bruce amendment hoping it may force the administration and the Japanese to reconsider and perhaps refuse this bad deal. This, unfortunately, is unlikely because Japan wants the deal and the administration wants them to have it. Since it is unlikely that this deal will fail, the Bruce amendment will hopefully send a strong message to Japan that this great body, the U.S. Congress, insists on the most stringent standards for coproduction and codevelopment should the FSX agreement be accepted.

The Bruce amendment strictly prohibits any technological transfer of critical engine technologies to third countries. The amendment also affects the coproduction phase as opposed to codevelopment whereby any changes requested by Japan in the coproduction phase will require a vote by the Congress. This strengthens the U.S. negotiating position since the administration is insistent on weakening them. The amendment also requires the Commerce Department, which was only called upon by the administration when the FSX agreement appeared to be in jeopardy in the U.S. Senate, to participate in the coproduction phase of the agreement. Finally, the Bruce amendment would request the General Accounting Office [GAO] to monitor the coproduction phase and to inform the Congress of any problems associated with or any breaches of the FSX agreement.

While I oppose and will continue to oppose the entire FSX agreement with Japan not only for the loss of valuable American technology, but also the loss of many American jobs, the Bruce amendment is the only solution to put the Bush debacle to rest once and for all.

Mr. CONYERS. Mr. Chairman, the FSX agreement with Japan is yet another body blow against America's industrial base. Unfortunately, we will not have the opportunity today to vote down this deal, but only to manage the damage it will cause to our own ability to compete in worldwide aircraft markets.

In many respects, we find ourselves in the situation of closing a fence gate after horses of the caliber of "Sunday Silence" have escaped. In the resolution we are considering today, we are trying to protect the rest of the herd; and we know the same "technology thoroughbreds" that got away through the FSX deal will be racing against us. It is as simple as that.

So, why is what we are doing here today important? We are trying to prevent the same blunder that the administration has made in striking a deal with the Japanese to codevelop the FSX from being repeated when it comes to negotiate production terms.

Th resolutions we are considering will tighten up certain understandings about the transfer and development of technology as a result of the codevelopment agreement. It will also express the sense of Congress that the U.S. share of the total value of production will be no less than 40 percent, including the value of spare parts and other items. All well and good, if we have no choice but to pursue this agreement. The GAO is also required to monitor the implementation of the codevelopment agreement and submit annual reports to the Congress.

Let our vote today put on notice the Japanese and the administration that we will be watching "every step you take, and every move you make" on the FSX, and this is for good reason. Our Nation can ill afford further deterioration of our industrial base. Recent studies have shown that despite a $2 trillion defense buildup, our economy has suffered and our dependence of foreign produced components and foreign technologies for our own defenses has grown. Furthermore, even the official statistics appear suspect and mask the real extent of the decline of the manufacturing base of our Nation.

Today we have essentially three choices on how to demonstrate the concern of Congress about the FS–X deal. Regrettably, we cannot stop the codevelopment agreement. However, we can cast a symbolic vote for the substitute put forward by Mr. SOLOMON which would offer the sense of Congress that we not proceed with the FSX codevelopment agreement. Unfortunately, this substitute would be successfully vetoed by the President and subject to further parliamentary delays.

A better approach is that taken by Mr. Bruce who has proposed to adopt the resolution already cleared by the other body. Importantly, this is strongly supported by those workers whose future job security is in the greatest jeopardy. These are the men and women who have brought the U.S. aerospace industry to the world leadership it still enjoys.

The Bruce substitute also has real teeth. It requires that negotiations over the coproduction agreement clearly prohibit the transfer to Japan of "critical technologies" relating to jet fighter engines, as opposed to the sense of the Congress resolution reported by the Foreign Affairs Committee. Likewise, the Bruce substitute prohibits the Japanese from taking advantage of FSX technology developments for commercial application. This seeks to limit damage done through a so-called dual use technology transfer.

Mr. Chairman, preserving our national and economic security through protecting our industrial base is a solemn responsibility we all have. Moreover, it is a horse race this country cannot afford to lose. I urge the adoption of the Bruce substitute by a veto-proof margin.

Mr. DENNY SMITH. Mr. Chairman, I rise in strong opposition to Senate Joint Resolution 113, a resolution to approve codevelopment of the FSX fighter between Japan and the United States. This agreement is not in the long-term interests of this country militarily, economically, or politically.

Having traveled extensively along the Pacific Rim while in the service and as a commercial airline pilot, I have had the opportunity to observe Japanese trade practices on a first-hand basis. The bottom line is that they do not play by the rules when it comes to international trade. We have talked to them about opening their markets to our goods and services, and they have done so in only a few instances.

They refuse to buy dimensional lumber from this country, and that hurts the timber industry of the Pacific Northwest. They inflate tariffs and reduce quotas on citrus products and beef. Yet they freely send their cars, VCR's, stereos and cameras into our country. In all, practices in 34 separate goods and services have come into question, resulting in President Bush declaring Japan a "super 301" country under the provisions of the omnibus trade bill.

Now, we are being asked to enter into a multibillion dollar arrangement to build one of the most sophisticated aircraft ever designed, and expect that they will live up to all parts of this agreement. This prospect is not borne out by recent history.

The transfer of technology to other countries has always been a sensitive issue. We set up the Cocom committee for the purpose of monitoring these transfers to ensure that the security of the United States and its allies was not damaged. I recognize Japan's role in the security interests of the United States, and I am sure they recognize their role in ours.

Yet, this did not prevent one of their major corporations, the Toshiba Co., from selling highly sensitive milling equipment to the Soviet Union, thereby allowing them to produce quieter submarines. This decision to place their own profits over the security of the Western Alliance is costing us billions of dollars in antisubmarine warfare technology. We have no guarantee that this will not happen again.

Contrary to the statements of those who support this deal, the General Accounting Office has concluded that the technology that we will receive from the Japanese is not as sophisticated as that which they will receive from us. Yet, we are to believe that they have no interest whatsoever in entering the civilian or military aerospace industry on a competitive basis. Quite simply, I do not believe that they will stay out of this business, and they will enter with the intention of ultimately controlling it. This is not in the best interests of this country.

The memorandum of understanding [MOU] states that the United States will be guaranteed a portion of the construction dollars on this project. In fact, this promise is only for a limited number of planes. After that number has been reached, we will be forced to negotiate on future levels of participation. This is not the "fair" and "open" deal that has been stated by the Bush administration.

This is a "done" deal. Under the terms of the agreement the President did not have to bring this resolution before Congress, and the decision of either the House or Senate to disapprove the deal would not stop it from proceeding. Therefore, our actions here today would appear to be moot.

However, as I stated in my attached letter to the President, the real fight is about to begin. By rejecting this deal today, we are sending a clear message to Tokyo and 1600 Pennsylvania Avenue that business as usual can no longer continue. The Japanese Government has an obligation to abide by both the spirit and the letter of this agreement.

They must open their markets to more than those companies connected with this deal, not just state an intention to do so down the road. They must negotiate on all future planes in good faith, as promised in the MOU.

The Bush administration also has an obligation to ensure that the Japanese comply with this, or any other, agreement. We can no longer afford to wave off violations as merely a mistake or a minor indiscretion. We can no longer afford to look at the FSX deal as a separate item in the trade debate.

The trade difficulties with Japan, and their excessive trade surplus, are direct results of unfair trade practices. Before we enter into new agreements of this magnitude, we should ensure that they are living up to the old ones.

The letter follows:

HOUSE OF REPRESENTATIVES,
Washington, DC, May 18, 1989.

Hon. GEORGE BUSH,
President of the United States, The White House, Washington, DC.

DEAR MR. PRESIDENT: I am writing to you today to express my displeasure and deep concerns over the joint United States-Japan FSX project. I do not feel that this agreement is in the best interests of the United States militarily, economically, or politically.

The transfer of technology to other countries is always a sensitive issue. As the leader of the free world, the United States has a special obligation to help our allies whenever possible. However, the overriding concern of any decision we make in this area is that these type of programs must be mutually beneficial, not one-sided. I believe the FSX deal fails the test.

From a military perspective, Japan's position of the Pacific Rim makes it our most important ally in the region. I am in complete agreement that her help in ensuring open sea lanes is vital to our own security interests. However, this could have been accomplished in a more timely and less expensive fashion had Japan purchased F-16's that are currently in production.

I would also be remiss if I did not remind you of the Toshiba incident of 1983, where that company had no qualms about selling advanced submarine technology to the Soviet Union. We are still paying for that action through increased costs of anti-submarine technology. Regardless of what official government representatives may say, we have no guarantee that this problem will not recur in the future.

From an economic standpoint, this deal will not help ease our longstanding trade deficits with Japan. While the Memorandum of Understanding (MOU) states that U.S. companies will be responsible for forty percent of the work on the project, this will only apply to a limited number of aircraft. After that time, we will be forced to negotiate for the level of future U.S. work. Given the Japanese perspective on negotiations, that does not bode well for us.

In addition, the GAO has reported that the technology we will gain from the Japanese is out-dated, whereas the technology that we will give them is of the most advanced nature. It is obvious to many of us in Congress, especially those with an interest in aviation, that the Japanese will eventually use this technology to enter the industry in a major way. This will adversely affect companies in this country.

Finally, from a political perspective, it is time that we send a message at home and abroad. Having spent many years travelling in the Pacific Rim as an airline pilot, I can tell you unequivocally that Japan cheats when it comes to trade. In spite of years of negotiations, the Japanese still close or limit their markets in 34 key products and services. Many of these products are vitally important to my home state of Oregon. They refuse to buy our dimensional lumber products or open their markets to our beef. Yet, they flood us with their automobiles and VCR's. This is not only unfair, it is illegal under several multilateral agreements to which they are signatories.

With the Senate's recent vote on the Motion of Disapproval, the FSX has become a "done" deal. I truly believe that this is a mistake.

It is imperative that you deal with the Japanese in a tough manner to ensure that they live up to their end of the "bargain." The first step should be declaring Japan a "super 301" country under the provisions of the "Omnibus Trade Bill." This would force them to engage in direct negotiations on a number of fronts, and require them to actually open markets and not merely state an intent to do so.

You and the pertinent Cabinet officials must now monitor the FSX deal to ensure strict Japanese compliance with its provisions. An editorial in the May 13th edition of the Japan Economic Journal voiced concern about how "unfair" this deal is to Japanese interests. It is this philosophy which will ultimately guide their decisions on this matter, not the actual terms of this agreement.

Mr. President, this is an important issue to many of us in Congress and around the country. It is my hope that you pay close attention to it, and my hope that you will send a strong message of your intent by naming Japan a "super 301" country.

Best regards,

DENNY SMITH,
Member of Congress.

Mr. RAHALL. Mr. Chairman, today I rise in strong support for the amendments to Senate Joint Resolution 113 to be offered by Representative SOLOMON and Representative BRUCE, both of which go a long way toward improving the committee-reported version of this resolution regarding the FSX fighter plane agreement with Japan.

While we in the House cannot block the administration's plan to proceed with the FSX codevelopment project due to the Senate's earlier vote against a resolution to do so, support for the Solomon substitute—which expresses the sense of Congress that the U.S. Government should not give final approval—will send a strong message to both the President and Japan that we adamantly disapprove of the negotiated agreement, and, hopefully, will discourage similar lopsided deals in the future.

I oppose the deal for three main reasons. First, it allows the Japanese, yet again, to ignore their promise to the United States to buy American products when they are superior in price and quality, as are our current jet fighters. This is ludicrous in view of our huge trade deficit with Japan, which has averaged over $50 billion for each of the last 4 years. Why should we approve a plan that once again willingly permits the Japanese to disregard their growing trade surplus with the United States?

Second, this agreement allows Japan to further shirk providing their fair share of the international security burden. While Japan's economy is more than half the size of that of the United States, its defense budget is less than one-tenth the size of our defense budget. Not only are American military forces helping to protect Japanese commercial interests throughout the world, we're also playing a major role in the protection of Japan itself. It is my fear that instead of contributing more toward their fair share of our mutual defense, the Japanese will use the FSX deal to disguise subsidies to what could become a new export industry.

This ties in with my third reason for opposing the FSX codevelopment project. This agreement will allow the Japanese to use American technology and expertise to help advance their clearly stated goal of developing an aircraft industry that will compete with American firms in world markets. This conclusion is hard to avoid when one looks at the deal from a military perspective. The Japanese had several alternatives to developing the FSX. They could have simply purchased F-16's at less than half the cost of the FSX. They could have saved a significant amount of money by buying U.S. twin-engine fighters with greater range and payload capacity. They even had the option of negotiating for the new generation of U.S. fighter planes which is expected to be available earlier than the FSX at about the same cost. One must ask why they chose the option which not only is extremely expensive but also limited in what it adds to their military capability. I believe their interest in the FSX is not military but commercial. This deal has the potential to be especially damaging to the United States in view of the serious intent of the Japanese to build a world class aerospace industry to compete directly with ours, which is critical to the long-term economic health of the United States.

The Bruce amendment is far superior to the committee resolution in several key aspects, and is our best chance to minimize the adverse effect of the FSX deal on U.S. industry and workers. First, it would prohibit the administration from agreeing to provide Japan with critical jet engine technology as part of the agreement, as opposed to simply expressing the sense of the Congress on this issue. This is important because engine technology is especially likely to have commercial applications. And second, the amendment requires that any coproduction agreement on the FSX prohibit Japan from selling the FSX or any major subcomponents to third countries. The resolution merely calls for prior U.S. approval of such a sale. A prohibition of these sales should not be objectionable in view of the fact that the Japanese Government has a longstanding policy against exporting weapons.

I urge my colleagues to support the Bruce substitute: not only is it a vast improvement over the committee resolution but, because its provisions are identical to the Senate version, its adoption will ensure that it goes directly to the President for his immediate consideration.

Mr. KANJORSKI. Mr. Chairman, when the economic history of this decade is written, one of the decisions which will stick out is the Bush administration's decision to give highly sensitive aerospace technology to the Japanese. History will record this as a tragic mis-

take both in terms of national security, and economic security.

It is no wonder that the American people are losing confidence in their Government when they see it giving away the key to an important sector of our economy, when we already have a $50 billion trade deficit with Japan.

Today, America is the acknowledged leader in the aerospace world. Tomorrow, after we have given away the FSX technology, we may find ourselves buying Japanese aircraft, just as we now buy Japanese cars, TV's, VCR's, and radios.

It was said of the previous administration that it wanted to put two cars in every garage, even if both of them were Japanese. This administration seems determined to put an airplane in every hangar, even if those airplanes are made by Japanese workers, and even if they worsen our trade deficit, our budget deficit, and our rate of inflation.

It should come as no surprise to the American people that the only way the administration could put the FSX deal through was under a cloak of secrecy, because the deal never would have withstood the light of public scrutiny. That is why when the deal was being negotiated the administration slapped a gag order on its own officials, and why it made a mockery of the concept of a bipartisan foreign policy by refusing to consult with the Congress. Only when the deal was done, when we were faced with a fait acompli, would the administration release any information on this deal. Even today, the administration refuses to release all the details of its secret agreements with the Japanese.

The American people deserve better than this. We in the Congress should have the courage to reject this deal so that these aircraft can be made by American workers, in American plants, and under the careful watch of our national security officials.

Mr. Chairman, this weekend, in a very revealing article in the Washington Post, T. Boone Pickens warned us that the Japanese do not play by the same rules of engagement as the United States. He makes it clear that investment between our two countries is not yet a two-way street. We are clearly engaging in wishful thinking if we allow ourselves to be deluded into believing that coproduction of the FSX will work.

I would like to share with my colleagues the full text of Mr. Pickens' article, "T. Boone Takes on Tokyo: How a Corporate Dealmaker Learned That Japan Doesn't Play by Texas Rules" in the hope that they will learn from it, and reject the proposed FSX deal.

[From the Washington Post, June 4, 1989]

T. BOONE TAKES ON TOKYO: HOW A CORPORATE DEALMAKER LEARNED THAT JAPAN DOESN'T PLAY BY TEXAS RULES

(By T. Boone Pickens)

Maybe I should have been worried when I got off the bullet train in Tokyo on April 16 and picked up a newspaper. I was amazed to read that the Japanese press was comparing my recent investment in a Japanese manufacturing firm and my trip to Japan with the historic "Black Ships in the Harbor" visit by another American, Commodore Matthew Perry, in 1853. Perry's visit forced Japan's economy to open to the outside world.

I'm not trying to sell the idea that T. Boone Pickens was so naive as not to have considered cultural and symbolic issues before acquiring, in March of this year, almost a billion dollars' worth of stock in Koito Manufacturing Co., a Japanese supplier of automobile lighting. Still, I had observed how over the past decade the Japanese, with relative ease, invested billions of dollars in the American economy, and I took it almost for granted that our investment in Japan would be received similarly.

After all, I have been giving speeches since the early 1980s about the emerging global economy and the opportunities it would offer for U.S. as well as foreign investors. I can hear myself now. I would say that American executives should quit whining for protection and get back to the workbench and compete. I said I was skeptical about claims that countries like Japan played by two sets of rules, one for their home companies and another for ours. I said that with the right corporate leadership, all you would have to do is show us the court, tell us the rules, and Americans could win most of the time.

It was always a popular speech. I gave it, for example, to a middle management seminar at Harvard in 1986. There were about 30 managers from Japanese companies in the class. They grinned broadly throughout the speech and came up to me afterward to register their complete agreement. I think I understand better now what it was they were smiling about. The reason for my new understanding is this: When I visited Japan back in April, I got a first-hand introduction to what it is like to do business—wait a minute—to *try* to do business in Japan.

After my unexpected welcome in the press, my second tip-off to the fact that it wouldn't be business-as-usual came when I walked into a luncheon to deliver a speech to the American Chamber of Commerce at Tokyo's New Otani Hotel. The crowd was so large that they had to change rooms to accommodate it. I learned later from the Japanese press that the press conference that followed was the largest in Japanese business history.

What amazed me most, however, were the quizzical looks we received when my wife Bea accompanied me to the table from which my partner Sidney Tassin and I would answer the media's questions. It's well known that women are not included in Japanese business circles, but I didn't realize that a woman's presence in today's world would draw such attention. After all, it seemed natural that Bea would be by my side. She was there in 1976 when Mesa tested its discovery well off the coast of Scotland in the North Sea. She was there when I addressed Gulf Oil's shareholders in 1983. In fact, Bea has been at my side at every major juncture in my career since our marriage in 1972.

This reaction struck home not just because it ran contrary to American instincts, but because I was involved in one of the largest business transactions of my career. And I was quickly coming to realize that it involved conflicts of culture and custom the likes of which I had never experienced—and I have experienced some pretty good clashes of culture with entrenched management in this country.

Though shares in Japanese companies are ostensibly traded freely on world markets, a clubby system of interlocking ownership governed by an unwritten corporate code ensures that control of these companies will remain in Japanese hands. It also ensures that stocks on the Tokyo Stock Exchange trade at unusually high multiples of share price to earnings because only a small percentage of a company's shares actually trades freely.

In a typical Japanese public company, 60 to 80 percent of its shares are held by what is known as a kieretsu—a web of "stable" stockholders, most of whom either do business directly with the company or with one of the company's major holders. Koito is a classic case. Toyota Motor Corp. owns 19 percent of Koito's shares—and at the same time is Koito's largest customer, buying almost half of its products. Another 40 percent is held by Koito's other customers, banks, insurance companies and suppliers. These stockholders do not expect to make money through the stock, but through the business relationships that come with being a member of the club.

The opportunity to purchase a 20 percent interest in Koito was unique: It was the first time in history that a major block of shares in a Japanese company had become available to an outsider without the approval of the kieretsu. We purchased the stock from a Japanese investor who had accumulated it from various sources, including disgruntled members of Koito's founding family.

The press reports that the Japanese markets were "stunned" by our investment caught me by surprise. I saw it as an unusual, but fairly straightforward, transaction posing no threat to Koito management. Our intention was to obtain representation on the company's board and to play a constructive role in planning Koito's future, especially in expanding its customer and operating base in America and Europe. We had no thoughts of taking over the company—that would be impossible given the structure of Koito's ownership. Nor did we have any plans for accepting greenmail, despite rumors to the contrary. In an April 19 letter, we expressed all these assurances, and requested a meeting with Koito's management.

The first roadblock we came to was Koito's concern about the completeness of our filings. We had consulted the Japanese Ministry of Finance and Ministry of International Trade and Industry on our transaction and had been assured that our filings were complete. Still, by March 31, the last day on which ownership entitled us to vote at the June stockholders meeting, Koito had not registered our stock. When we got to the bottom of the matter, it rested on Koito's complaint that we had failed to note that Koito did business with a "sensitive" national security-related industry because it produced interior lighting for aircraft. Sensitive? Maybe they don't realize that American planes have interior lights too.

By the time we left for Japan on April 15 for my speech to the Chamber of Commerce, Koito had still not registered our stock or agreed to a meeting. Finally, on the day of the speech, Koito—having failed to convince the Japanese government that our filings were incomplete or inaccurate—agreed to register the stock in the name of Boone Co., a private company through which the investment was made. After the press conference, our Japanese lawyer received word that Koito would meet with us.

The next morning we met with Takao Matsuura, Koito's president, and other Koito representatives. After exchanging pleasantries, and briefly discussing Koito's U.S. operations, Matsuura stated that he was glad to have this first meeting but he did not want to address any "difficult" ques-

tions. He explained that in Japan, a first meeting was often just an exchange of business cards. But, objected my partner, Sidney Tassin, we had come a long way, and none of our few questions seemed to us particularly difficult.

We asked for the date and time of Koito's annual shareholders meeting, and we asked to be allowed to send observers to their next board of directors meeting. Finally, we asked for representation on Koito's board of directors equal to that of their other large shareholders, Toyota, which has three representatives.

With this last question Matsuura stiffened. The Koito managers did a lot of talking and exchanged disdainful looks. In the end, all we got was the date and time of the shareholders meeting—10 a.m. on June 29.

As to the other questions, we were told that we didn't understand Japan's prevailing custom and practice. "In the future," said Matsuura, "we [Koito] would consider thinking about whether you [Boone Co. representatives] could be on the board. But we are not saying you could be."

To this I responded, "I am hearing that you do not consider us owners. That we have to work our way in. I understand your custom but not the logic."

Matsuura replied, "We have a different system. This will take time, trust must be built, logic is hard to explain. . . ."

They asked that we send a formal letter requesting representation on the board for "full consideration." I was about to learn that the Japanese notion of trust isn't much like the one we know in Texas.

Finally, Matsuura asked that we not discuss with the press what went on in the meeting—that we honor the Japanese custom of portraying the first meeting as cordial and introductory. We were not trying to put Koito's management in an uncomfortable position, so we agreed; and when I was later met by the press, I honored Matsuura's request.

We went directly from the meeting to Tokyo's Narita airport for the 10-hour flight back home. Upon arriving in Texas, we learned that Koito had held a press conference shortly after our meeting to announce that we had requested board representation and that our request had been turned down. So much for the required portrayal of first meetings—or for giving our request "full consideration."

Nevertheless, we went ahead and sent a formal request on April 21. We also asked that four representatives of Boone Co., including an interpreter, be allowed to attend the June 29 shareholders meeting. The first response we received was that Koito management was using its "best efforts" to accommodate the request—at the same time that Tokyo's financial press was reporting that our requests have been rejected. Then on May 23, we got a letter saying that it would be all right if I came to the stockholders meeting with an interpreter—but no one else!

I wonder what Matsuura meant by "building trust?"

At the same time, Koito denied our request for representation on their board. Yet at the very same meeting where that decision was made, Koito directors voted to add a new director to represent Matsushita Corp., a Japanese company with only a 5 percent holding in Koito stock, compared with Boone Co's 20.2 percent holding.

It's becoming very clear that Koito's management does not want me or any Boone Co. representatives on the inside. But why? We are requesting three seats. With Koito's 20-member board, we couldn't be a threat. What could we do to disrupt the company, and why would we want to? With a 20 percent investment, our interests are the same as all the shareholders and Koito's managers—to maximize Koito's potential.

Admittedly, I'm a four-day wonder on the subject of Japan (though negotiation of the purchase agreement did involve 10 lengthy meetings over four months), but I have come to the conclusion that investment between our two countries is not a two-way street. Every day we read about a Japanese company or investor making a major investment in American real estate or taking over an American corporation. I see that as healthy—but only if Americans have the same opportunities to invest with full rights in Japan. What makes this problem so tough to deal with is that the most powerful impediments are not legal restrictions but silent barriers produced by nationalistic custom and practice.

As the world's second largest economy, Japan wants to live by a double standard. It wants open markets in which to sell and invest, but it doesn't want to provide the openness at home on which stable global trading relationships must depend in the long run. In fact, after getting a glimpse of their financial structure, I don't buy all the rhetoric about how the Japanese are long-term thinkers. Their policy of exclusion is the shortest of short-term strategies. If Japan expects to go into the next century with a closed system, it's not going to work—especially when the rest of the world is headed in another direction.

I am convinced that Japan will never be a meaningful market for our products, and our $55 billion trade imbalance will not be reduced, until its financial markets—along with its whole approach to trade—are restructured. That's why I was delighted to read the week before last that, in deciding to list Japan as an "unfair trader" under Sec. 301 of the Trade Act, President Bush has also proposed undertaking wide-ranging talks with Japan aimed at altering "Structural impediments to trade." This means truly free markets where shares are not locked up to facilitate clubby economic relationships but are bought and sold freely based on an underlying system of risks and rewards.

We plan to do our part by pressing on until we receive full and equal treatment commensurate with Koito's Japanese shareholders. I am looking forward to attending Koito's annual shareholders meeting on June 29 with my interpreter to let me know what's going on. And, I expect that Bea will join me.

Mr. LAGOMARSINO. Mr. Chairman, I rise in opposition to the Senate Joint Resolution 113, the resolution before us today because I believe it is an inappropriate response to concerns about the FSX agreement. This measure seeks to sacrifice the constitutional authority given to the President to enter into and execute treaties with foreign governments for the important concerns many Members in this body have for the trade and national security issues included in the FSX agreement. However, I believe it is evident that, while these trade and national security issues are important, they are not worthy of being given greater priority than the integrity of the constitutional authority inherent in the President. While it may well be expedient to support this measure for political reasons, it is not in the interests of our constitutional system to enact the intrusions into executive privileges this measure would establish.

Congress has the authority under the Constitution to approve or disapprove of such measures as the FSX agreement, but this resolution goes far beyond the authority of Congress into micromanagement. We were given the opportunity to disapprove of the FSX agreement and did not. We in Congress are very outspoken, and rightly so, about the respect the executive branch owes to the legislative branch. In fact, much has been said about this issue recently by Members in this body. Yet, while we expect the President to respect our authority under the Constitution, we seem to ignore that the President has the right to the same respect as well. There has been much talk about bipartisanship and cooperation between the two branches of government. This resolution, if passed, would not further the stated goals of continued cooperation between the President and Congress. Is that the goal of my colleagues? If so, it can work both ways and the country will suffer for our unwillingness to act appropriately.

Not only does this resolution depart from the constitutional restraints of the Congress and the President, but it also creates an unacceptable intrusion—micromanagement—by Congress into the internal matters of the executive branch. This resolution requires certain Departments to make periodic evaluations of the FSX agreement, submit evaluations to the President and demands that the President listen to those Departments. The President should at least have the freedom to listen to and seek advise from whom he wishes in the branch of government he was elected to lead. We have no more business telling the President how to do his job than he has telling us how to do ours.

This resolution is clearly an attempt to reopen, and eventually place the FSX agreement at risk of being abandoned. This agreement has already been subject to an enormous amount of congressional scrutiny. Congress demanded that President Bush renegotiate a number of aspects of this agreement. The President did so and secured clarifications sought by Congress regarding technology transfer issues, coproduction and development issues, and access to future technologies developed under this joint United States-Japan venture. In fact, Japan conceded on every point that Congress asked the administration to seek clarification and gave us everything we asked for. Now, we seem to want even more. After having approved this agreement, and resolved the outstanding questions which Congress expressed to the President in a number of letters, many Members are still fighting this agreement. This resolution seems to indicate Congress not only wants to negotiate this agreement, it also wants to execute it. Again, I would like to reemphasize the fact that we had our chance to disapprove of this agreement and did not.

Another troubling aspect of this resolution is the implications it would have for United States-Japanese relations. While there are many areas of legitimate contention between the United States and Japan, it is not in our interests to cripple our relationship with the

Japanese. Our security arrangement with Japan is the most important security relationship we have in Asia. This resolution, by intruding into the prerogatives and authority of the President, tells the Japanese that they may be subject to the renegotiation of numerous aspects of this agreement where an agreement already exists. While it is very important for us to assert ourselves when appropriate in our relationship with the Japanese, the reality of our security relationship is that the Japanese could just as easily seek security assistance from other nations without the uncertainty involved in congressional micromanagement.

I urge my colleagues who support the FSX agreement to vote against this resolution because it places the agreement at risk. Furthermore, I strongly urge those who opposed this agreement to oppose this resolution on the grounds that it is a poorly conceived measure which usurps the constitutional authority of the President. Regardless of one's views about the FSX agreement, this is not an appropriate vehicle to address concerns about the agreement. Rather, this resolution is the continuation of a trend toward greater congressional usurpation of the clear authority of the President regarding treaty making and the execution of foreign policy. It should be opposed by those of us who wish to preserve a genuine balance of power in our Government rather than a government dominated by either the President or Congress.

Mr. MILLER of Washington. Mr. Chairman, I rise today to support the FSX agreement. In the changing world today there has been a recognition that our allies must play a greater part in defending their national security. In fact, there were provisions in last year's Defense authorization bill which encouraged burdensharing. With our budget deficit, and with the increasing economic ability of our allies to spend more on their own defense, burdensharing is clearly an idea whose time has come. The FSX agreement is consistent with this. In fact, the United States has F-16 coproduction with six of our NATO allies, and four other nations—Korea, Israel, Singapore, and Indonesia. And we have had coproduction agreements with Japan before.

So debate on the FSX agreement, in light of the good idea of burdensharing and since there is precedent for such agreements, is not on the question of whether it is good for the alliance; clearly it is. The question is whether an exception to our policy of burdensharing and cooperation should be made in the case of Japan. There are two arguments which could be made for such an exception. But under close examination these two arguments do not hold up.

The first argument: Japan will gain a significant advantage from the agreement and overtake the United States in the commercial aviation industry where we clearly now have the lead. As a member of the Foreign Affairs Committee, I have been privileged to hear testimony from dozens of experts on this subject. Engineers and executives from General Dynamics, Boeing, and Lockheed all testified that any spinoffs from the FSX agreement would have virtually no applications to development of our commercial aerospace industry. The differences between fighter aircraft and commercial aircraft are just too great. To the extent that Japan may gain some advantages from codevelopment, Japan would gain more valuable experience by developing the FSX on its own.

As we consider this agreement, it's important to remember how we arrived at this point. Originally, the Japanese announced their intention to build the FSX fighter completely on their own. However, our Government approached the Japanese and requested that they codevelop the fighter with us rather than go it alone. In response to our request, the Japanese scrapped their original plans and agreed to codevelopment. They had originally planned on building a fighter aircraft on their own because they would gain more valuable experience that way. Once again, aerospace engineers from Boeing, McDonnell Douglas, and General Dynamics all concur with this. United States aerospace industrial leaders have a long history in working with the Japanese without giving up critical technology. The Boeing Co. is having one of its most profitable years ever, and is working with the Japanese. In fact, Boeing has been doing so since the early 1970's. On today's Boeing 767, the cargo doors and fuselage sections are all made in Japan. And should the market for smaller airliners improve, Boeing has plans to codevelop and produce a 150-seat airliner with the Japanese, the 7J7. If the Japanese have plans to develop a civilian industry, surely this experience is a thousand times more valuable than any spinoffs that might come from the FSX fighter.

U.S. aerospace companies are not newcomers to the business of protecting sensitive technology. General Dynamics and McDonnell Douglas may cooperate and share information on one contract while at the same time competing fiercely for another. This résumé of experience in safeguarding technology in both domestic and international programs makes the aerospace industry a leader in the field of protecting sensitive technology.

The second argument for making Japan and the FSX agreement an exception to our longstanding policy of cooperation and burdensharing is because of the enormous trade deficit we have with Japan. In other words, the argument goes, it would reduce the trade deficit more if Japan bought our F-16's off the shelf rather than to coproduce or codevelop the FSX. However, as was made clear in hearings in the Foreign Affairs Committee, the numbers add up in favor of the FSX, not the F-16. If Japan purchases 130 F-16 fighter planes, which have been estimated to cost off the shelf between $18 to $20 million each, the United States trade deficit would be reduced by $2.61 billion. But, if Japan orders 130 of the more expensive FSX, and the United States receives 40 percent of development and production, the United States will receive $2.7 billion. In addition, we must remember that if we renege on the FSX agreement, Japan is not going to buy F-16's. They will either develop a fighter on their own or with our European allies, so we would not get the $2.61 billion. We must remember that 40 percent of something is better than 100 percent of nothing.

Mr. Chairman, there is much animosity against Japan on a whole host of issues from unfair trade practices to illegal fishing. However, we must not let our resentment of Japan on these issues induce us to turn down a deal which is to our benefit. This would be cutting off our nose to spite our face.

Perhaps this deal is not good for Japan. It is cheaper for them to buy F-16's off the shelf, and it would be more beneficial for them, from a commerical aviation perspective, to start from scratch and build their own fighter. But I know this is a good deal for the United States and for the alliance, and we should support the FSX agreement.

Mr. FRENZEL. Mr. Chairman, I, too, am nervous about any agreement which provides other countries technology transfers in areas where we are predominant. But I am also realistic enough to know that we are no longer the only Nation which has premier technology to transfer, and technology transfer has always been an integral part of coproduction agreements.

I do not believe the claims that transfer of this technology to the Japanese will have a major impact on Japan's plans to develop an aerospace industry, nor has our industry opposed the agreement. If Japan wants to develop an aerospace industry on its own, it will do so whether U.S. technology is transferred or not.

I am pleased that we were able to obtain 40 percent of this project, as it will provide jobs for many Americans, and it will have some affect on the bilateral trade balance. I am also pleased that the Japanese will be transferring technologies to us which will enable us to update some of our own military aircraft.

It is also encouraging that Japan has agreed to shoulder an increased defense burden in the Pacific Basin which should please some if its critics who desire more defense spending by Japan.

The coproduction agreement is not perfect. It is not popular in Japan either. Perhaps that is the true mark of a good compromise. I urge my colleagues to support the agreement by opposing this bill including all the amendments thereto.

Rather than attempt to improve the Byrd amendment, we should defeat Senate Joint Resolution 113 and the Solomon and Bruce amendments thereto. If any version of the resolution passes, it will send a strong signal to the world that we oppose the agreement, even though the Senate did defeat the original resolution of disapproval. This is a back door effort to disapprove the agreement that could result in a reopening of the agreement, which could risk what we have already gained.

Mr. Chairman, there were some uncertainties about the agreement initiated in November 1988. As mentioned above, members of the Bush Cabinet as well as Members of Congress asked that the President take another look at the agreement. Although the Japanese bitterly complained, modifications were subsequently accepted to satisfy United States concerns regarding technology transfer and percentage of the development and production stages performed by the United States. Senate Joint Resolution 113 could place us back at square one. With a potential renegotiation before us, we run a serious risk that Japan will seek to do what it has wanted to

do for sometime—produce the FSX on its own—or perhaps seek a partnership with another country. After the administration's announcement of last week that Japan is to be designated a super 301 unfair trading partner, it may not take much to scrap the whole agreement.

The question here is not whether the agreement is perfect, or whether it is every Member's heart's desire. The question is whether it is the best agreement we can negotiate. In the best of all worlds, obviously we would like to have had the opportunity to sell off-the-shelf F-15's or F-16's to the Japanese. It makes a lot of sense. There would have been a huge savings to the Japanese, and the planes would have been available far sooner. However, not every country thinks as we do.

Japan wanted to build the plane itself even if it took years longer and billions more yen. Japan has long stated its desire to develop its own aerospace industry. Japan already buys our F-15's and P-SC's as well as commercial aircraft. It wanted this fighter plane to develop on its own, since it had produced the predecessor, the F-1. It is hard to fault any country which seeks to use its own resources to develop such a sizable defense project, even if another country might have a comparative advantage. We do that, especially with our extensive Buy American laws.

Since the United States believed it could fill Japan's need, we were right to pursue the sale of our F-16's. But, negotiators realized fairly early on, that, Japan would not buy our F-16's. Considering how easy it would have been to get nothing out of the deal, I thought we were lucky to get a pretty good coproduction agreement which provides us some important technology transfer to improve our own fighter aircraft and 40 percent of the project.

The CHAIRMAN. All time has expired.

Pursuant to the rule, the committee amendment in the nature of a substitute now printed in the reported joint resolution shall be considered as an original joint resolution for the purpose of amendment and shall be considered as having been read.

The text of the committee amendment in the nature of a substitute is as follows:

S.J. RES. 113

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CODEVELOPMENT OF FSX.

(a) REQUIREMENTS CONCERNING 3RD COUNTRY TRANSFERS.—The Congress finds that—

(1) the regulations governing the FSX codevelopment agreement, and other manufacturing license agreements and technical assistance agreements, require that any such agreement include the following provision: "The technical data or defense service exported from the United States in furtherance of this agreement and any defense article which may be produced or manufactured from such technical data or defense service may not be transferred to a person in a third country or to a national of a third country except as specifically authorized in this agreement unless the prior written approval of the Department of State has been obtained.";

(2) the FSX codevelopment agreement includes such a provision; and

(3) section 3(d)(3) of the Arms Export Control Act provides for a 30-day congressional review period for any proposal for United States Government consent to any third country transfer of defense articles or defense services (including technical data) made available under a manufacturing license agreement or technical assistance agreement if the original acquisition cost of the articles or services was $50,000,000 or more.

(b) INELIGIBILITY.—For purposes of section 3(c) of the Arms Export Control Act, any defense articles or defense services (including technical data) made available to Japan pursuant to the FSX codevelopment agreement shall be deemed to have been furnished under that Act.

SEC. 2. COPRODUCTION OF THE FSX.

(a) MEMORANDUM OF UNDERSTANDING.—It is the sense of the Congress that, if the United States and Japan seek to coproduce the FSX weapon system, the President, in negotiating the coproduction memorandum of understanding with the Government of Japan, should endeavor to secure provisions in that memorandum of understanding that would—

(1) prohibit the transfer to Japan of critical engine technologies (including, but not limited to, hot section and digital fuel control technologies); and

(2) provide a United States share of the total production value of the coproduction of not less than 40 percent, including the value of manufacturing spare parts and other support items which would be part of the lifetime maintenance costs of the FSX weapons system.

(b) THIRD COUNTRY TRANSFERS OF CODEVELOPED AND COPRODUCED TECHNICAL DATA, OTHER DEFENSE SERVICES, AND DEFENSE ARTICLES.—

(1) UNITED STATES CONSENT RIGHTS.—United States cooperation with Japan with respect to the FSX weapon system shall be conditioned on the requirement that no technical data, other defense service, or defense article (including the FSX weapon system itself) developed from any technical data, other defense service, or defense article provided by the United States in the course of that cooperation may be transferred to any third country or third country national without the prior written approval of the United States Government.

(2) CONGRESSIONAL REVIEW.—Section 3(d)(3) of the Arms Export Control Act shall apply with respect to any approval required under paragraph (1) for any proposed transfer of major defense equipment valued at $14,000,000 or more or of other defense articles or defense services (including technical data) valued at $50,000,000 or more.

(3) INELIGIBILITY.—For purposes of section 3(c) of the Arms Export Control Act, any technical data, other defense service, or defense article developed from the cooperation described in paragraph (1) shall be deemed to have been furnished under that Act.

SEC. 3. GAO REPORT.

(a) ANNUAL REPORTS.—Beginning 6 months after the date of enactment of this joint resolution and every 12 months thereafter, the Comptroller General of the United States, after consultation with appropriate officials of United States agencies represented on the Technical Steering Committee, shall submit to the Congress a report describing the progress made in implementing the FSX Codevelopment Memorandum of Understanding and related documents.

(b) INFORMATION TO BE INCLUDED IN REPORTS.—The reports required by this section shall state—

(1) whether any technical data involved in development of the FSX weapon system has been transferred to the Japanese or United States space shuttle program or any other part of the Japanese or United States aviation sector or aerospace technology;

(2) whether any such technical data has been diverted to any third party country unauthorized to receive such technical data, in violation of the FSX codevelopment agreement;

(3) whether any such technical data has been made available, legally or illegally, to adversaries who could use such technical data to the detriment of the North Atlantic Treaty Organization, the United States, any other member country of the North Atlantic Treaty Organization, Japan, Australia, or New Zealand; and

(4) the extent to which implementation of the FSX codevelopment agreement has had positive or negative economic effects for the United States aerospace industry or other sectors of United States industry, and how many jobs have been created in the United States aerospace industry or other sectors of United States industry as a result of the agreement.

(c) SUBMISSION OF REPORTS.—The reports required by this section shall be submitted to the Speaker of the House of Representatives and to the chairman of the Committee on Foreign Relations, the chairman of the Committee on Armed Services, the chairman of the Committee on Commerce, Science and Transportation, and the chairman of the Committee on Banking, Housing, and Urban Affairs of the Senate.

SEC. 4. IMPACT OF MOUs RELATING TO THE FSX WEAPON SYSTEM ON THE COMPETITIVE POSITION OF THE UNITED STATES.

(a) SOLICITATION OF RECOMMENDATIONS.—In—

(1) the implementation of the FSX Codevelopment Memorandum of Understanding and related agreements between the United States and Japan regarding the codevelopment of the FSX weapon system, and

(2) the negotiation, renegotiation, and implementation of any future memorandum of understanding or related agreement concerning coproduction of the FSX weapon system,

the Secretary of Defense shall regularly solicit and consider comments or recommendations from the Secretary of Commerce with respect to the commercial implications of such agreements and the potential impact on the international competitive position of United States industry.

(b) REVIEW BY SECRETARY OF COMMERCE.—

(1) REQUEST FOR REVIEW.—Whenever the Secretary of Commerce has reason to believe that any memorandum of understanding or related agreement described in subsection (a) has, or threatens to have, a significant adverse impact on the international competitive position of United States industry, the Secretary of Commerce may request a review of the agreement.

(2) RECOMMENDATIONS TO THE PRESIDENT.—If, as a result of such a review, the Secretary of Commerce determines that the strategic commercial interests of the United States are not being served, the Secretary of Commerce shall recommend to the President any modification to the agreement the Secretary deems necessary to ensure an appropriate balance of interests.

(c) CONSIDERATION OF RECOMMENDATIONS.—In determining whether a memorandum of understanding or related agreement described in subsection (a) will be implemented or agreed upon, the President shall consider the recommendations of the Secretary of Commerce concerning—

(1) the commercial implications of that memorandum of understanding or related agreement, and

(2) its potential impact on the international competitive position of United States industry.

(d) LIMITATION.—A memorandum of understanding or related agreement described in subsection (a) shall not be implemented or agreed upon if the President determines that such agreement is likely to have a significant adverse impact on United States industry that outweighs the benefits of implementing or entering into such agreement.

SEC. 5. DEFINITIONS.

As used in this joint resolution—

(1) the term "defense articles" has the same meaning given that term by paragraph (7) of section 47 of the Arms Export Control Act (without regard to whether the item is exported from or imported into the United States);

(2) the term "defense services", which includes technical data, has the same meaning given that term by paragraph (7) of section 47 of the Arms Export Control Act (without regard to whether the item is exported from or imported into the United States);

(3) the term "FSX codevelopment agreement" means the manufacturing license agreement with respect to which the President submitted a certification to the Congress pursuant to section 36(d) of the Arms Export Control Act on May 1, 1989 (transmittal number MC-9-89);

(4) the term "FSX Codevelopment Memorandum of Understanding" means the Memorandum of Understanding Between the United States Department of Defense and the Japan Defense Agency on Cooperation in the Development of the Support Fighter (FS-X) Weapon System, signed on November 29, 1988;

(5) the term "FSX weapon system" means the support fighter weapon system with respect to which the President submitted a certification to the Congress pursuant to section 36(d) of the Arms Export Control Act on May 1, 1989 (transmittal number MC-9-89); and

(6) the term "Technical Steering Committee" refers to the (FS-X) Technical Steering Committee established jointly by the Japan Defense Agency and the United States Department of Defense.

The CHAIRMAN. No amendments to said substitute are in order except the amendments printed in House Report 101-75. Said amendments shall be considered only in the order and manner specified and shall be considered as having been read. Debate time specified for each amendment shall be equally divided and controlled by the proponent of the amendment and a Member opposed thereto and shall not be subject to amendment.

If both of said amendments are agreed to, only the last amendment adopted shall be considered as finally adopted and reported back to the House.

If the amendment offered by the gentleman from Illinois [Mr. BRUCE] or his designee, is adopted, pursuant to House Resolution 165, the question shall not be put on the adoption of the Foreign Affairs Committee amendment in the nature of a substitute, as amended, and the question shall be deemed to have been disagreed to.

AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. SOLOMON

Mr. SOLOMON. Mr. Chairman, I offer an amendment in the nature of a substitute.

The CHAIRMAN. The Clerk will designate the amendment in the nature of a substitute.

The text of the amendment in the nature of a substitute is as follows:

Amendment in the nature of a substitute offered by Mr. SOLOMON: Strike out all after the resolving clause and insert in lieu thereof the following:

SECTION 1. SENSE OF CONGRESS CONCERNING CO-DEVELOPMENT OF THE FS-X AIRCRAFT BY THE UNITED STATES AND JAPAN.

(a) SENSE OF CONGRESS.—It is the sense of Congress that the United States Government should not give its approval under section 38 of the Arms Export Control Act to the commercial technical assistance and manufacturing licensing agreement involving the export of technical information relating to the design, development, and production of a Model FS-X aircraft in Japan.

(b) DESCRIPTION OF AGREEMENT.—The agreement referred to in subsection (a) is the agreement which is the subject of the proposed approval described in the President's certification submitted to Congress pursuant to section 36(d) of the Arms Export Control Act on May 1, 1989 (transmittal number MC-9-89).

The CHAIRMAN. Pursuant to the rule, the gentleman from New York [Mr. SOLOMON] will be recognized for 30 minutes and a Member opposed will be recognized for 30 minutes.

The Chair recognizes the gentleman from New York [Mr. SOLOMON].

Mr. SOLOMON. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, during the consideration of the rule, I discussed the procedural problem that necessitates my offering of this amendment. I need not repeat that discussion now, except to say that a strong vote in favor of my amendment will send a strong and necessary signal that Congress is serious about correcting those trade relationships which have become a one-way street.

Mr. Chairman, this amendment is simply sense-of-Congress language that the export of technical information relating to the design, development, and production of the FSX aircraft should be prohibited. The vote on this amendment will be the only opportunity Members of the House will have to express what they think, pro or con, about the FSX deal with Japan.

I am offering this amendment for two reasons.

First, I am convinced that the FSX deal is not in the best interests of our country. The central question is this: What is Japan's primary motive in seeking this particular arrangement? Is it national defense? Or is it commercial opportunity? I would suggest that the record is clear. If the Toshiba case of 2 years ago should teach us anything, it is an understanding of Japanese industrial priorities.

In this particular case, the paper trail goes back at least 9 years—Documentation that proves the Japanese Ministry of International trade and Industry has been organizing a concerted effort aimed at building a world-class aerospace industry by the turn of the century. And that's exactly where the FSX deal comes in.

Mr. Chairman, our Government doesn't even have a guarantee from the Japanese that we will be involved in the production phase of this project. That's how shaky this deal really is. Once we turn over sensitive technology during the development phase, we have absolutely no guarantee that Japan will not change the rules and proceed as it pleases.

Now, I know the argument has been made that Japan is going to develop a fighter aircraft on its own, regardless of what we do, so we should be happy for the scraps and crumbs that come our way. But this just underscores the point Japan's real motivation is commercial, not defense.

The FSX is meant to replace Japan's F-1 aircraft, which already represents a 30-year-old technology. The F-1 is already so obsolescent that the principal northern island in Japan, Hokkaido, is militarily vulnerable today—in 1989.

But the FSX project will not be completed for at least 10 years, and 15 years is more likely. If Japan is truly motivated by concerns for its national security, they could buy 130 F-16's off the shelf, take delivery by the mid-1990's at the latest, and spend one-third as much money as they are otherwise prepared to commit to the FSX project. The export value to the United States would be about the same either way.

But Japan knows it can count on Uncle Sam to keep the sea lanes open, to keep the oil flowing from the Persian Gulf—so why not take him for another free ride—which is exactly what they're doing.

The second reason I have, Mr. Chairman, for offering this amendment concerns the alternative language that is being proposed. There are any number of reasons Members could have for opposing both the amendment to be offered by the gentleman from Illinois and the committee resolution.

Both of these alternatives are replete with provisions that seek to micromanage the executive branch. The historic—and, may I say, the constitutional—precedents that should apply

in cases of this kind are very simple: The executive branch negotiates with foreign countries and then presents the fruits of those negotiations to Congress for approval or disapproval—period.

It is not the legitimate or constitutional function of Congress to manage the executive branch's responsibilities or to set preconditions for negotiations with other countries. But yet these alternatives would propose to do both.

Both of these alternatives also propose that the GAO—an arm of the Congress—assume CIA-like responsibilities to analyze the implementation of the congressional conditions imposed on the FSX deal, as well as the strategic implications involved.

Mr. Chairman, both of these alternatives are fraught with constitutional difficulties and will be vetoed. And so I appeal to Members that if you really do want to send a message to the executive branch—if you really do want to cast an unequivocal, unambiguous vote against the FSX deal with Japan—then vote for my amendment.

□ 1530

Mr. Chairman, I reserve the balance of my time.

Mr. SOLARZ. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN. The gentleman from New York [Mr. SOLARZ] is recognized for 30 mintues.

Mr. SOLARZ. Mr. Chairman, I yield 7 minutes to my very good friend, the distinguished gentleman from the State of Washington [Mr. MILLER].

Mr. MILLER of Washington. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, I want to commend the gentleman from New York [Mr. SOLARZ] for conducting in the subcommittee some very excellent hearings on this FSX. I also want to commend my colleague, the gentleman from Iowa [Mr. LEACH], the ranking member, for his participation, and to my colleague, the gentleman from New York [Mr. SOLOMON]. His amendment certainly poses the issue foursquare.

I speak in support of the FSX agreement and in opposition to the Solomon amendment. I do so as one who, last January, joined in sending a letter asking the administration to take another look at the FSX deal and to go out and do some hard negotiating, which I believe they did. I do so as one who went into the hearings with an open mind on the issue, but in the course of, I think, probably over 20 hours of hearings, I came to the conclusion that the FSX deal may be good for Japan, but more importantly, it is good for the United States.

Let us start out with what I think is an assumption which most of us in this House share, and that is that military burden sharing is a good idea, that by and large we like to enter into codevelopment-coproduction agreements with our allies. I say I think this is an assumption that most of us share, because we have certainly done a lot of that. We have these coproduction agreements with plenty of allies. We are now in a coproduction agreement with the British on the Harrier jet. They did most of the design work, in fact, I think they did all the design work, but we are coproducing it in the United States because we want to produce it. We have had coproduction agreements with Japan before.

In general, military burden sharing is good. We want the allies, and we urge our allies, to take up a greater share of defense and, indeed, in the North Pacific that is just as true as anywhere else, because while we have made progress in negotiations with the Soviets, the Soviets today in the North Pacific have just as strong a fleet as they ever have had. In fact, their naval presence in the last several years has increased. That is the assumption generally, that we want that military burden sharing.

What then is the opposition to this agreement? It comes, I think, based on two major arguments. The arguments go as follows: that because of the peculiar nature of our relationship with Japan we ought to make an exception to that general burden-sharing thesis, and one argument for making the exception is that the technology that Japan will gain in this arrangement will help Japan to overcome our lead in commercial civil aviation, endanger our supremacy in the civil commercial aviation industry.

The chairman, the gentleman from New York [Mr. SOLARZ] and myself, when we heard that argument, turned to each other and said, "We ought to hear from those who ought to know best about civil commercial aviation. Let us get representatives of our civil commercial aviation companies in to testify."

We did. Representatives of Boeing, McDonnell Douglas, Lockheed came, and for over 3 hours we grilled them. Their unanimous position was that this agreement will not jeopardize our commercial civil aviation lead.

Why? No. 1, because it was their unanimous opinion that there was very little significance in military technology as applied to commercial aviation, and they went into a lot of reasons relating to the differences in the kinds of planes that I will not get into here. They did not think Japan was going to get a significant commercial aviation advantage from this military aviation technology.

Beyond that, they made the point that if Japan wanted to get an advantage in commercial aviation, the way to do it would not be to enter into a coproduction, codesign agreement with the United States, but to do it on its own.

□ 1540

The second major argument against the agreement is let us make an exception to military burden sharing because of our trade deficit, that because there is a trade deficit with Japan, Japan ought to buy the planes off the shelf. But there is a problem with this argument which a lot of the previous speakers have ignored. The F-16 off the shelf is going to cost in the range of $18 million to $20 million. The plane we are going to codesign and codevelop is going to cost in the range of $50 million, and we are going to get 40 percent of that. We just do not do more for the trade balance by having them buy it off the shelf.

On top of that, they are not going to buy it off the shelf. If we turn this down, they are going to go off and develop the plane on their own.

Forty percent of something is better than 100 percent of nothing. So that is something for us to consider.

There is a lot of resentment in this Chamber about Japan, a lot of resentment over trading practices, fishing practices, and I share some of those resentments. But the fact that we have grievances against Japan in some areas should not lead us in another area to reject a deal that is good for the United States. That is the issue before us today. FSX may be good for Japan, but it certainly is good for the United States. We should defeat the Solomon amendment.

Mr. SOLOMON. Mr. Chairman, I yield 5 minutes to the distinguished gentleman from Massachusetts [Mr. MAVROULES], a member of the Armed Services Committee and chairman of its Subcommittee on Investigations, which has had extensive hearings on this subject.

Mr. MAVROULES. Mr. Chairman, I welcome the opportunity to join my colleagues in this discussion on the FSX fighter agreement with Japan. While this resolution (S.J. Res. 113) provides us with a chance to debate the issue, the choice has already been made. By a narrow margin, the other body has elected to allow the F-16/FSX transfer to occur.

Consequently, our opportunity is to only consider the language of the Byrd amendment, and a series of amendments that express the sense of this Congress.

While I will support the Solomon and Bruce amendments, my feeling remains that the FSX is a bad deal for the United States.

The Armed Services Investigations Subcommittee held two hearings on this proposal. We heard from a variety of witnesses, and frankly, I am disappointed that we are not here to vote this sale up or down.

This agreement for the transfer of F-16 technology has been flawed from the start. We have been down this road before, but we have not learned.

Under the FSX agreement, the Japanese will build upon the host of coproduction agreements they now have with the United States. Take one—the F-15—for example. According to the General Accounting Office, we were supposed to get a 45-percent work share. What we have ended up with is about 20 percent. The 40 percent work share on FSX production is a promise, not a guarantee. And what work does come to the United States, will go to the large prime contractor, and not the small vendors and businesses that are so critical, to the American industrial base.

The issue is more than the transfer of specific technologies—it is the transfer of productive capacity, the development of a trained labor force, and the ability to translate all that into market share at the expense of American workers.

Also of concern is the security of critical technologies. In our last hearing on the FSX, Richard Perle made a critically important point.

He said that the earlier Toshiba affair was a "* * * reflection of the attitude of the Japanese Government, which * * * was so lackadaisical in its approach to these matters, that Japanese companies had every reason to believe their government did not take the system of controls very seriously."

In this regard, there are other allegations that have surfaced in conjunction with the activities of Mitsubishi Heavy, one of the prime contractors on the Japanese side. It has been alleged, that Mitsubishi may have helped construct a facility in Libya, that has since been used to manufacture chemical weapons.

Many Members have been briefed on this matter. As a member of the Intelligence Committee, I spent considerable time attempting to review all of the available material. I can only say I have reviewed these materials from the intelligence community hoping to get a definitive answer on Mitsubishi's activities.

In my mind, the intelligence data on Mitsubishi and the other Japanese industrial activities in Libya, raises more questions than it answers.

While I cannot discuss the specifics of the classified material, let me quote from unclassified testimony. As Mr. Perle explained, he was "* * * puzzled that Japanese industrialists in Libya were not puzzled, that they were building a desalinization plant in the shadow of batteries of air defense missiles * * *"

Finally, there is the issue of trade.

The FSX alone is unlikely to make or break us. But it represents the frustration of dealing with persistent trade imbalances, that stem from Japan's single minded pursuit of world market share, while protecting their own.

The result is a growing loss of confidence in Japanese intentions, and in their ability to act as a responsible ally and a responsible financial superpower.

These trade imbalances are not in their interest any more than they are in ours. This is not solely a Japanese problem—much of this stems from our own neglect of what's happening to our competitive position. But we also need to send a message that allies work together—economic, military, and political—to solve their problems.

Legislation cannot alter the fact, that this agreement, was negotiated in a very narrow context from the beginning. That was a mistake.

Instead, this sale should be put on hold until better framework is established, so that our varied national interests are protected.

Mr. SOLOMON. Mr. Chairman, I yield 3 minutes to the gentleman from New York [Mr. SCHUMER].

Mr. SCHUMER. Mr. Chairman, first let me thank the gentleman from New York for graciously yielding this time. I do not agree with his position but rather support the other gentleman from upstate New York [Mr. SOLOMON] and hope that his resolution will pass.

Mr. Chairman, the FSX fighter is a deal that should have been blown out of the sky a long time ago. But the President has decided to acquiesce in the deal, and so we are left to tinker around the edges, to try and shore up the most egregious deficiencies in the deal. And many of my colleagues have quite properly raised concerns about the high technology transfer, the U.S. production share, and potential of undercutting our own commercial aerospace industry. I join in these concerns, but the issue cuts much deeper.

Mr. Chairman, I speak as a free trader. I speak as somebody who has opposed protectionist after protectionist amendment on textiles or the amendment of the gentleman from Missouri in the trade bill last year. But my colleagues, if Members believe in free trade and in comparative advantage, then this deal should be defeated, and that is because comparative advantage means quite simply when one country makes an excellent product, as we do, the F-16, the best fighter plane in the world, the least expensive fighter plane in the world, and another country does not make that product as well, they should purchase it from the country that excels.

□ 1550

We have a $55 billion trade deficit with the Japanese, and if the Japanese truly believed in free trade, as I do, and so many of us do in this Chamber, if they really wanted to reduce that deficit, here is a classic case where not private companies but the Government, the Japanese Government, could make its wishes clear and purchase the plane from the United States.

That would do several things. It would reduce the deficit that we have, our trade deficit, and furthermore, my colleagues, it would increase the strength of the world's economy because we would not have, in violation of classic economic doctrine, two countries for noneconomic reasons competing and building similar products.

But instead of buying the product outright, the Japanese have decided to reinvent the wheel at nearly three times what it would cost to buy the F-16 off the shelf.

My colleagues, the future of this country is far less geopolitical and far more economic, and I think we ought to learn a lesson: To allow those experts in the Defense Department and those expert diplomats in the State Department to negotiate these deals without any concern for economics, for the position of our balance of trade, for the position of the United States in the future, is a grave mistake and something we should never allow to happen again because economics is what motivates this world more and more.

Let me say again that we are in an economic battle to keep the world trading with each other, to each make the best products and let them prevail on the battlefields of free trade. The FSX deal flies in the face of that doctrine. It brings us very few advantages. It flies in the face of opening markets on both sides of the Pacific. It is unfortunate that this resolution is only a resolution, but it should pass; the Bruce amendment should pass and then we would have to let the chips fall where they may.

Mr. SOLOMON. Mr. Chairman, a few minutes ago Members heard from the chairman of the Subcommittee on Investigations, the gentleman from Massachusetts [Mr. MAVROULES].

Mr. Chairman, I now yield such time as he may consume to his counterpart, the gentleman from Kentucky [Mr. HOPKINS].

Mr. HOPKINS. I thank the gentleman very much.

Mr. Chairman, if I may, I thank the gentleman from New York, my colleague, for offering this very timely amendment. It gives us the only choice that we are going to have here today for voting for or against the FSX.

When the FSX first came before our Subcommittee on Investigations, I went in there clearly with an open mind just to determine what is in the best interests of the United States.

I sat through hearings, I sat through the classified briefings, and I must tell

you that I have concluded that this situation is not in the best interests of this country.

If the Japanese wanted to buy F-16's which would do the job that they say they need the FSX to do, obviously they have the money to do so.

The fact of the matter is that we have been out-negotiated by the Japanese through our State Department and our Defense Department. They have outdone both of those departments, in my view.

I would just have to say to you that it has taken us many years and billions of dollars to advance to the place where we could design and construct the F-16.

The FSX deal is going to give it all to Japan for a tiny fraction of this cost.

The chairman of the Subcommittee on Investigations mentioned Mitsubishi. I sat in on the briefings on that. That is subject to interpretation as to whether or not there is a connection between the prime contractor for the FSX, Mitsubishi, and the chemical plant in Libya.

I have come to the conclusion, frankly, that there was a connection between the two. And I have to tell you, Mr. Chairman, in my view this contract is selling our children's defense security for just a few fast dollars in this country.

So let me again thank my counterpart for his statement and associate with his remarks and thank the gentleman from New York [Mr. SOLOMON] for offering his amendment.

Mr. SOLARZ. Mr. Chairman, I yield such time as he may consume to the gentleman from North Carolina. [Mr. VALENTINE] for the purpose of a colloquy.

Mr. VALENTINE. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, I rise to engage in a colloquy with the gentleman from New York [Mr. SOLARZ] on the issue of coproduction. In particular I am concerned with advanced composite materials, a focus of recent hearings by the Committee on Science, Space, and Technology. Contrary to assertions by the administration, witnesses to these hearings stated that the United States is well ahead of the Japanese in using advanced composites in aircraft applications.

Mr. Chairman, it is bad enough that we are now entering into an agreement that will benefit the Japanese technologically more than the United States. However, recently it has come to my attention that the situation is, perhaps, even worse than we had originally thought. Apparently Mitsubishi Heavy Industries, Inc. as the principal Japanese FSX contractor, has decided, a priori, to allow for only Japanese suppliers of these advanced composite materials. Thus companies in the United States, such as BASF and Hercules Aerospace Co., recognized as world leaders in supplying these advanced materials, will be precluded from participating in any open competition to supply materials for the FSX.

Mr. Chairman, I had hoped to resolve this situation by offering an amendment to provide for fair and open, international competition for the supply of advanced composit materials. Unfortunately, the rule does not make such an amendment in order. However, perhaps, the author of the committee's original resolution could clarify the intent of the committee as it might pertain to the question of these advanced materials. In both the original Senate version of the resolution and in the committee's amended version, it is indicated that the sense of Congress regarding coproduction would provide a U.S. share of not less than 40 percent, including the value of manufacturing spare parts and other support items. * * * It is further stated in other parts of the resolutions that the Secretary of Commerce shall review any future agreements with the view to avoiding a significant adverse impact on the international competitive position of U.S. industry.

In view of these positions, is it fair to assume that the committee intended that U.S. industry be given a fair chance to compete in all aspects of the production of the FSX, including the supply of advanced composite materials?

Mr. SOLARZ. Mr. Chairman, if the gentleman will yield, I would be happy to respond to the questions by the gentleman from North Carolina. The issue he raises is an important one that deserves clarification. Certainly, a major concern of the committee was to ensure that U.S. industry would be given a fair chance to compete in all aspects of the production of the FSX, including supplying of advanced composite materials.

Mr. VALENTINE. Would it not be further reasonable to assume that the determination of the supply of these raw materials should be based on a fair and open international competition, allowing for United States as well as Japanese participation in the phase of the production of the FSX?

Mr. SOLARZ. I certainly agree that it is the sense of Congress that the supply of advanced composite materials should be based on a fair and open international competition to select the best materials for the FSX.

Mr. VALENTINE. Mr. Chairman, I appreciate the gentleman's clarification of these questions.

□ 1660

Mr. SOLOMON. Mr. Chairman, I yield 3 minutes to a distinguished member of the Committee on Foreign Affairs, the gentleman from New York [Mr. GILMAN].

Mr. GILMAN. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, I rise to express support of the Solomon amendment and my opposition to the proposed sale of the Fighter Support Experimental [FSX] jet aircraft to Japan, and I commend the gentleman from New York [Mr. SOLOMON] for this amendment. It is with some reservation that I oppose the administration on so vital an issue of foreign policy; however, after careful scrutiny of this proposed transaction and the completion of a thorough review and evaluation in our own Committee on Foreign Affairs, I am compelled to conclude that the FSX deal is not in the best interests of our Nation and not in the best interest of our Japanese allies.

The FSX agreement ostensibly is the product of efforts to convince Japan to assume greater responsibility for the burden of defending United States interests and the interests of United States' allies in the North Pacific. While we recognize the worthy intent of President Bush and the Department of Defense in promoting defense burdensharing, it is still not possible to evaluate the FSX transaction apart from the terms of the transaction itself. No matter how well intentioned, a bad deal is simply a bad deal.

On the face of it, when examined on its merits, it is evident that the current proposal should be rejected and our negotiators should be sent back to the drawing board.

Production of a new Japanese jet fighter—even coproduction with the United States—is a misguided effort in attempting to enhance burdensharing. Despite the unique defense requirements which Japan faces in the North Pacific, an off-the-shelf purchase of the General Dynamics F-16 would provide our allies with a readily available, reliable, and suitable aircraft, fully compatible with U.S. air defense forces, at a price which is significantly less costly than the proposed FSX.

Mr. Chairman, it is my firm belief that the benefits of the FSX deal are more perceived than actual. Proponents of the transaction cite jobs and the preservation of defense markets in Japan. It is hard to imagine, however, how the transfer of technology to Japan will do anything to preserve United States jobs when it probably will encourage Japan to develop a competitive, indigenous aerospace industry. Moreover, it is hard to imagine the existence of open defense markets given Japan's trade record in virtually every other industrial sector in which they have a significant domestic stake.

Finally, Mr. Chairman, it is not obvious why we should grant sensitive United States technology to Japanese

firms which cannot guarantee the appropriate use of that knowledge. In addition, the allegation that Mitsubishi Heavy Industries has been cooperating with the Lybian Government in developing a chemical weapons capability is certainly very disturbing. Our past experience with illegal technology transfers from Japan should give further cause for concern.

Unfortunately, due to the previous legislative action in the other body, we cannot delete the proposed sale of the FSX altogether. However, I urge my colleagues to take advantage of this opportunity to express their opposition to the proposed FSX transaction, by supporting the Solomon amendment that voices disapproval of the FSX proposal.

Mr. SOLARZ. Mr. Chairman, I yield 3 minutes to my very good friend, the gentleman from North Dakota [Mr. DORGAN].

Mr. DORGAN of North Dakota. Mr. Chairman, I thank the gentleman for yielding to me.

I witnessed the presentation by my friend, the gentleman from New York [Mr. SCHUMER] when he talked about the doctrine of comparative advantage. I remembered then that I had both studied and read economics when I was in college. I also taught economics in college, and have gone on, nonetheless, to lead a productive life. I had forgotten most doctrines until I heard the gentleman from New York [Mr. SCHUMER] repeat it.

He is absolutely right. The doctrine of comparative economic advantage suggests that in this instance we not make a deal with Japan on the FSX. Now this country is under attack. It has been clear for a decade we have been under attack. It is an economic attack. The question is, what do we do when we are under attack? We build better products. We expect to be able to sell those better products around the world where there is demand. Part of that demand comes from what is called by some on this floor a partnership between this country and our allies, who do business with each other.

I have this question: If we are involved in a partnership with Japan, where is the fair deal for this partner? We buy 3.4 million cars and trucks from Japan because they build pretty good products. They want to buy a jet fighter plane. We build the best in the world. Do they then come to this country and say, You build the best jet fighters, so we will buy from you? No, they say in that instance, We would simply like to get your technology and take it back to Japan and provide the jobs in Japan. That makes no sense.

What makes sense, it seems to me, is to ask the Japanese to treat Americans as we treat them. If we make jet fighter planes that are the best in the world, and they want jet fighter planes, we say to the Japanese, God bless you, come over here and buy them, because we sure buy plenty of your products. When you come, bring some money, because we want you to pay for it, as well. That is what we ought to be negotiating with our partners. Partnership runs both ways. A deal with partners is a deal that is fair to both sides.

Unfortunately, as I mentioned before, this reputation of being shrewd Yankee traders has been shredded in the last decade. We are not very shrewd at all. We just say to all these folks, "You can come over here and take what you want from us." It does not make any sense. The way to strengthen this country's economic future, and the way to defend ourselves against economic attack is to build the finest products and be expected to be able to sell them to those that have a need around the world.

Mr. KOSTMAYER. Mr. Chairman, will the gentleman yield?

Mr. DORGAN of North Dakota. I yield to the gentleman from Pennsylvania.

Mr. KOSTMAYER. I thank the gentleman for yielding.

I wonder if my friend from North Dakota could answer a question. If this deal does not go through, it will go through, but were it not and the Japanese were to go to the European consortium that is building the Toronado plane, and get the same technology from the Europeans, and then give the Europeans 40 percent of the work, so the Japanese have the technology, the Europeans have the work, we have nothing if the FSX deal is defeated. Can the gentleman from North Dakota tell me how that would be in the interest of the United States? My question is: How is it in the interest of the United States for the Japanese to get the technology from the Europeans, and they will get it from them.

Mr. DORGAN of North Dakota. First of all, there is not a comparable aircraft. Ours are the finest in the world. Second, in my hometown we expect, when we do business with a person down the street, we expect that they do business with us.

Mr. SOLOMON. Mr. Chairman, I yield such time as she may consume to the gentlewoman from New Jersey [Mrs. ROUKEMA].

Mrs. ROUKEMA. Mr. Chairman, I rise in support of the Solomon amendment, and strong support of the gentleman's statements on the prerogatives of Congress with respect to oversight on the agreements, commercial and technology transfers. There is no substantiation at all that this is an infringement on the prerogtives of the executive department.

Mr. Chairman, I rise in support of the Solomon amendment in opposition to the FSX jet fighter agreement. I am also going to support the Bruce amendment when we consider that shortly.

I deplore the fact that the Senate has voted to approve the FSX jet fighter program even with the restrictions included in the Byrd amendment. I believe that this is still the wrong decision and represents bad policy. The original memorandum of understanding was faulty and totally unnecessary. The revised MOU provides little consolation.

Make no mistake about this so-called codevelopment/coproduction agreement. This is an outright technology transfer of major proportions which will have profound economic and technological consequences for this Nation. The end result of this can only be a Japanese commercial and defense aircraft industry which will rival our own and threaten American jobs.

A foreign policy which reinforces United States-Japanese relations is important. But not at the expense of our advanced technology, our industrial base, and certainly not driven by the internal political demands of Japan.

The Solomon amendment rejects outright this jet fighter proposal. I support this amendment and urge the House to send the strongest possible message to the administration that we oppose this ill-conceived agreement. I believe the Japanese should be required to purchase United States jet aircraft which are already in our own inventory. The F-15, F-16, and even the F-18 are the best fighters in the world, and Japan should have no problem fulfilling its defense role in Asia with these fine aircraft in their inventory.

Because the FSX will not be any more advanced than the current inventory, we can only assume that the Japanese see more to this program than just the joint production of an airplane. They obviously see this as an opportunity to learn as much as possible about systems integration and advanced technology.

These potential lessons will be applied to an indigenous Japanese aerospace industry, make no mistake about it.

The Bruce amendment, like the Byrd initiative adopted in the other body, would prohibit the transfer of sensitive aircraft technology to Japan. It would also prevent the Japanese from transferring any part of the FSX to third country parties. These are important safeguards which must be adopted if we are going to make sure U.S. technology is protected. Recently, we have seen cases involving Toshiba in Libya and Mitsubishi in the Soviet Union, where our technology has illegally been transfered to the ultimate detriment of the United States. This cannot be allowed to continue. We must have these safeguards.

The Foreign Affairs Committee resolution does not go far enough in providing appropriate safeguards. If the FSX agreement is going to proceed, the minimum we in the Congress can do is to impose tough measures which will protect our own industries from future unfair competition. Only the Bruce amendment can do that.

Some have tried to make the point that this amendment unduly intrudes into the perogatives of the executive branch and that such an amendment interjects the Congress into the business of negotiating technology transfers.

Well I do not subscribe to that theory. However, if this or any future administration is going to enter into agreements which transfers advanced U.S. technology or fails to protect U.S. interests, then maybe the Congress should interject itself more often.

The Congress is an equal partner in matters pertaining to foreign, defense, and trade policy. Our committee structure and the activities of the House floor in reviewing these matters is already exercised by the Congress. Provisions such as those in the Bruce amendment do not denegrate the role of the executive branch in making policy. If it is bad policy, the Congress must act. We are taking on this responsibility in this FSX case by considering the Bruce amendment.

I urge my colleagues to support the Solomon amendment to express unalterable opposition to this ill-advised technology transfer. I also urge my colleagues to support the Bruce amendment which would put the Congress on record as demanding certain safeguards for American technology.

Mr. SOLOMON. Mr. Chairman, I yield such time as he may consume to a very distinguished member of the Committee on Foreign Affairs, the gentleman from California [Mr. DYMALLY].

Mr. DYMALLY. Mr. Chairman, I want to thank the gentleman from New York [Mr. SOLOMON] for bringing this amendment to the floor to those Members who have some concerns about this particular issue with the Japanese Government, and their corporations may have an opportunity to express our concerns.

Let me say this: Some people have suggested that those Members who oppose deal are indulging in Japan-bashing. I want to establish my credentials. No Member of this Congress has risked his political mileage on the most controversial issue in the world as I have, in support of the Japanese. That is the integrity of their membership on the International Whaling Conference. In addition, I represent more Japanese-Americans than any Member in this Congress except for the Members of Hawaii. It is silly for me to indulge in Japanese bashing.

However, let me say this to Members. The time has come first, to say to the Japanese, enough is enough. We in this Congress have spent many hours crafting and passing legislation for affirmative action in this country. Yet we have the Japanese here as our corporate neighbors, not being the laws of this land, developing plants in the farthest outreach of the countryside away from the urban side, hiding their plants in urban areas, discriminating against blacks, refusing to meet and confer with the business community in black America, not being good corporate friends at all.

□ 1610

It seems to me that this bill of this measure provides us an opportunity to speak out loud and clear to the Japanese that this Congress will not tolerate them violating the affirmative action laws of this land. There has not been a case against a Japanese corporation by an employee charging discrimination that they have won. Every major corporation against whom a case has been filed has lost that case on discrimination, and I think the time has come for us to speak up.

Mr. Chairman, this deal can fly without the Japanese. We can do without their cooperation.

Mr. SOLARZ. Mr. Chairman, may I inquire, how much time do we have remaining?

The CHAIRMAN pro tempore (Mr. FLIPPO). The gentleman from New York [Mr. SOLARZ] has 12½ minutes remaining.

Mr. SOLARZ. Mr. Chairman, I yield 3 minutes to my very good friend, the gentleman from New York [Mr. BOEHLERT], who is also from upstate New York.

Mr. BOEHLERT. Mr. Chairman, Charles DeGaulle was fond of saying nations have no friends, only interests. We ought to examine the FSX deal rationally, calmly, with a bit of DeGaulle's savvy. We ought not to behave like a bull in the ring, charging mindlessly every time we see the Japanese flag waved before us.

As vice chairman of the Science, Research and Technology Subcommittee, I'm concerned about technology transfer and our Nation's competitiveness. I have listened to Defense Secretary Cheney, who is charged with defending our interests in the Pacific, as well as our defense industrial base. I have listened to the tough negotiators from Commerce and USTR who fight on the front lines for fair trade with the Japanese. After hearing all sides, I find our interests to lie in going ahead with the FSX deal.

The issue for us is not whether it would be nice if the Japanese bought F-16's. No amount of United States pressure will force the Japanese to buy F-16's, nor to settle for aging technology. Nor is there any question that the Japanese have targeted aerospace as a growth industry. They have already shown the ability and the will to proceed alone if America proves to be an unwilling partner.

The real question is what's best for our workers, our industry, our national defense. On this question, there is little doubt that barriers to cooperation in technology are just as shortsighted as barriers to the free flow of goods and ideas.

A close look at the codevelopment agreement shows that we are protecting our most sensitive engine and software technologies. We are sharing items that do not represent state-of-the-art technology. We have set a new standard for access to cutting-edge Japanese technologies which could improve our competitiveness and defense capabilities in the 21st century.

Pushing the Japanese toward independent FSX development will leave American firms and workers in the cold. The agreement gives the United States 40 percent of development and production work, or about $2.5 billion for American firms, and thousands of good jobs for American people.

Mr. Chairman, the best long-term path to prosperity is not taking whacks at the ability of others or taking the ball and refusing to play. We need to pour more investment into our engineers, workers, and productive capacity, and learn how to profit from joint ventures.

I concur with my colleagues when they put the Japanese on notice that this deal sets the tone for the broader United States-Japan relationship in the 1990's. If the deal is enforced and if we in America do what is necessary to stay competitive, then the FSX will strengthen our economic and military security, and I urge its approval.

Mr. SOLOMON. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Alabama [Mr. HARRIS].

Mr. HARRIS. Mr. Chairman, I thank the gentleman for yielding this time to me.

Mr. Chairman, I share the concerns of many of my colleagues over the administration's announced agreement with Japan for development and coproduction of the so-called FSX fighter aircraft. We all recognize the military need for Japan to take a larger role in providing for air defense in the northern Pacific, and the need for replacement of Japan's F-1 fighter. But Mr. Chairman, agreeing on the need doesn't mean that we have to agree on the administration's proposed solution. For that reason I am also disappointed by the vote of approval in the other body.

The administration's solution does not meet present military needs. Even if the FSX as an aircraft were the best plane available, and clearly it is not, it will not be available until the mid-to-late 1990's. The development from scratch of this new aircraft does nothing to address the air defense needs of today's Japan. According to reports, the plans for this FSX aircraft show it best suited for the close air support role rather than serving as an air defense or air superiority fighter. When facing the large array of modern aircraft the Soviet Union has stationed in northeast Asia, you would expect Japan to be concerned with obtaining an aircraft specifically designed to defeat that threat today.

Mr. Chairman, there are other airplanes now available to Japan, which are superior to the proposed FSX. The McDonnell Douglas F-18 is a fighter aircraft widely used by the United

States, its NATO allies, and other countries throughout the world. This twin engine aircraft offers a measure of safety for its pilots not found in single-engine aircraft, and this is especially important given that these planes will operate over open ocean for much of the time. Japan itself already operates the McDonnell Douglas F-15 air superiority fighter, and additional procurement of this aircraft would certainly meet Japan's air defense needs. The F-16 is a relatively inexpensive fighter aircraft which is available for immediate purchase. For years the Japanese have denied their purchasing policies and economic markets were closed to the United States' goods and services. They have said repeatedly, "When you make a better product at a lower price, we will buy it." Well we have a variety of such aircraft on the shelf, and Japan still refuses to buy from us. In sum, Mr. Chairman, the FSX is not the best plane at the lowest cost, and available at the earliest date.

Those who support this agreement criticize opponents as protectionist. However, Mr. Chairman, they cannot explain how that basic tenet of free trade, selection of the best product at the lowest price for earliest delivery, regardless of source of origin, has been totally rejected by Japan in this case. The burden is on those who support this agreement to convince the Congress and the American people that the FSX is not just another example of Japan's strategic approach to export economics. Is Japan's real concern its own legitimate military security needs? Or, is it seeking new technology so as to enter the commercial aircraft production market using technology it has taken us years of research and billions of dollars to develop?

Mr. Chairman, I oppose this agreement and will vote against it because it is a bum deal and it clearly is not in the best interests of the United States.

Mr. SOLARZ. Mr. Chairman, I yield 3 minutes to the extraordinarily able chairman of the Committee on Foreign Affairs, the gentleman from Florida [Mr. FASCELL].

Mr. FASCELL. Mr. Chairman, I want to thank the gentleman for yielding this time to me, and I want to express my appreciation to him for the work he has done on this matter. It has been an interesting issue and a sensitive and emotional issue, but I rise in strong support of the committee bill, which is the Solarz language, and against the Solomon amendment and also against the Bruce amendment.

I confine my remarks primarily, however, to the pending amendment, which expresses the sense of Congress that we should not do anything about the FSX deal and that it ought to be canceled. Maybe this is an easy vote, an anti-Japanese vote, an antideal vote. But it ignores the best interests and brains of two administrations which have reviewed this transaction and think it is in the best interest of the United States to consummate it. However, in reviewing the facts, all of us have a right to express an opinion and take a position on the same facts. It seems to me rather paradoxical, however, that the leaders of the opposition here would just simply disregard the review undertaken by two administrations at a very high level which do think it is in the best interest of the United States, and, therefore, I respectfully disagree with their own analysis of what the situation is.

The amendment that pends before us does not change anything at all. It may give Members an opportunity to cast an anti-Japan vote, but it does not do anything because it only expresses the sense of Congress, and, therefore, what it really does is, it not only throws mud in the eye of the opposition, but it just simply roils up the waters for no apparent reason except to stir up the waters of the United States.

Who in this Chamber believes that the Japanese will not build an airplane if this deal does not go through? Who in this Chamber believes that Americans will quit buying Japanese cars, Japanese stereos, Japanese TV's or Japanese watches, or that the United States will stop selling United States Government bonds to the Japanese because we have to finance our deficit. Who in this room believes that if this deal does not go through, champagne corks will not be popping in France and all over Europe when they get this deal, and who in this Chamber still believes in the tooth fairy?

Mr. SOLOMON. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from New York [Mr. HOCHBRUECKNER].

Mr. HOCHBRUECKNER. Mr. Chairman, let me remind my colleagues, as I think many of them know, that prior to coming to Congress I was employed in aerospace engineering for 25 years, and I have worked on a variety of aircraft projects during that 25 year span. Drawing from that background, I believe the FSX deal should be killed.

In the 2 minutes allotted to me I wish to highlight the reasons for my opposition to the FSX deal. I have here a letter from the Secretary of State, signed by James A. Baker III, to the Ambassador of Japan, dated April 28. Let me read a sentence from that letter to the Members. It says:

> * * * the Japanese Defense Agency should be assured that under the terms of the FSX Memo of Understanding Japan will receive access to the source codes necessary to develop the mission control computer.

The Secretary of State has committed that we will provide to the Japanese the source codes, the basic instructions in the computer itself, revealing all of those proprietary programs that we have developed at great expense through the years.

This includes areas such as the fire control equations, inertial navigation filtering, automatic flight control just to mention a few.

□ 1620

Mr. Chairman, that is the heart of the system, and, if we give this away, we are, in fact, giving away the store. This is wrong for our Nation.

I have here another letter from the Japanese Ambassador to the Secretary of State saying that they will under restricted circumstances give us the technologies that they will develop in the areas of the radar, electronic countermeasures, inertial navigation system, and the mission computer. The fact of the matter is that the administration is limiting our access to their information while the Secretary in his letter states clearly that we will give them everything they need from us to develop the mission control computer. In other words we give them everything while they give us a pittance in return.

This policy is exactly why our trading partners have been beating our brains in through the years.

Mr. Chairman, this is a bad deal for the United States. We should not be doing this FSX deal. We should not be giving one of our most precious resources, our technology. It is absolutely the wrong thing to do.

Others have raised the arguments that maybe we should do the deal because we need the money. The heck with the money. This short-term financial gain could result in the long-term loss of our aerospace leadership and our national pride and security. We must not give away our technology. We should support the Solomon amendment and oppose this bad FSX deal.

Mr. SOLOMON. Mr. Chairman, I yield 2 minutes to the gentleman from Pennsylvania [Mr. RITTER].

Mr. RITTER. Mr. Chairman, I thank the gentleman from New York [Mr. SOLARZ] for yielding this time to me.

Mr. Chairman, I keep hearing that somehow, if we do not go through with this deal, that Japan will be impeded in development of aerospace industrial capability. The gentleman from Florida [Mr. FASCELL] said, "If you believe that, you believe in the Tooth Fairy."

People have said that Japan does not abide by its side letters of understanding, and some people during our debates in the Committee on Energy and Commerce and the Committee on Science, Space, and Technology said that the issue of semiconductors was a good example. Well, the issue of semi-

conductors was different, in that to pry out semiconductor purchases from vertically and horizontally integrated Japanese firms that are selling to themselves as opposed to buying a United States engine off the shelf from Pratt & Whitney is a totally unopposite situation. The side letter is operative. GAO did say during the hearings that of 16 MOU's the Japanese were by far the best performers in terms of memorandums of understanding on defense production items.

Mr. Chairman, the aerospace industry should be listened to because they are the ones who would suffer, and yet McDonnell Douglas and Boeing, which have virtually no part in this deal, have come out in strong support of the agreement. General Electric, one of the leaders of jet engine manufacturing in the United States, says that, if we do not go through with this deal and the Japanese do develop jet engines or collaborate with Rolls-Royce, we would lose a tremendous customer.

All along the line the arguments of the opposition to the deal, indicating that the United States would lose, are contradicated by the very people who supposedly are the losers.

Mr. SOLOMON. Mr. Chairman, I yield 2 minutes to the gentlewoman from Maryland [Mrs. Bentley].

Mrs. BENTLEY. Mr. Chairman, I thank the gentleman from New York [Mr. SOLOMON] for yielding this time to me.

Mr. Chairman, I rise in strong support of the Solomon amendment, and I also rise to say that I will be supporting the Bruce amendment.

Mr. Chairman, I think we need to listen very carefully to the words of the gentleman from Long Island [Mr. HOCHBRUECKNER] of a few minutes ago, of what he had to say about the danger of transferring this technology overseas. He is an expert in this field, and we need to listen to what he said. His words are very wise.

In addition, Mr. Chairman, I want to point out in view of the remarks of the gentleman from Pennsylvania [Mr. RITTER], my good friend, once again that William Clark of the State Department says that the FSX transfers could cause problems for Japan on items it developed on its own and that Glen Rudd a Pentagon spokesman, said that while there are no plans now to transfer engineer technology to Japan, when the plane enters production in 1994 that might not be the case.

Mr. SOLARZ. Mr. Chairman, I yield such time as he may consume to the gentleman from Maryland [Mr. CARDIN].

Mr. CARDIN. Mr. Chairman, I rise in support of the Solomon amendment.

Mr. Chairman, at the end of the President's successful trip to Europe last week one conclusion was clear. There is a historic shift in relations underway in the world—a shift away from the East-West military confrontation that has dominated international affairs for the past 40 years, a shift toward a world dominated by economic relations.

International economic competition is not a new concern for many Members of Congress—we have watched businesses in our districts suffer from unfair trade practices, we have seen our constituents losing manufacturing jobs, we have documented capital flowing out of industrial investments to pay for Federal budget deficits, and we have called for strong administration action, only to watch our trade deficits grow.

The United States should be as strong and secure in a world dominated by economic competition as we have been for the past 40 years in a world dominated by military competition. We hold the cards in this game: a nation unsurpassed in natural resources, a nation of relentless inventiveness, a nation strengthened by generations of immigrants. Yet we have been playing our cards away, sacrificing long-term economic benefits for short-term diplomatic or military advantage time and time again.

Over the next 40 years trade flows will determine the winners and losers in international affairs. This reality demands a new way of thinking in this Nation, a new equation for weighing international treaties and agreements. Playing by the new rules of the game, the FSX agreement that we have before us today gives away an ace to our toughest competitor—an ace we cannot afford to lose.

Two years ago the administration should have demanded that the Japanese buy the F-16 fighter "off the shelf" from the United States. If the Japanese are unwiling to buy products from this Nation when they are clearly the best available in the world, when they are significantly cheaper than other options, when there are no domestic manufacturers in Japan, then they are not playing fairly and action must be taken to protect American interests. Through the FSX deal we give the Japanese a boost in their efforts to build a domestic aeronautics industry. With the refusal of the Japanese Government to buy the F-16, there could not be a more clear-cut example of Japanese protectionism. Unless we are willing to demand that they play fairly in such instances the game is lost.

Yesterday the House voiced its latest concerns over Japan's implementation of our two nations' agreement on semiconductors. In March 1987, the President took action against the Japanese for not honoring this same agreement. The $300 million in trade sanctions imposed by the President quickly brought corrective action, but this was the first time the United States had ever taken direct action against the Japanese for unfair practices. We all recognize that a wide variety of Japanese trade practices are unfair, but the administration has been hesitant in moving more aggressively in correcting the situation. Controlling the largest and freest market in the world, we have the power to open markets abroad, if we have the resolve. Sanctions, tariffs, or other effective measures to open foreign markets are the best means we have to protect global free trade in the long run.

We can debate the costs and benefits of the FSX agreement the administration has presented us after 2 years of negotiations—the technologies to be transferred, the United States purchases the Japanese will be making, the limitations on future sales or transfers. But in the end, this agreement marks a significant failure for the United States. In the era of military competition the winners and losers were easy to determine, in the era of economic competition outcomes may be less clear. There are many possible measures, from trade balances to domestic investment, from currency exchange rates to the growth of GNP. But while the state of economic relations will be more difficult to determine, the wins and losses will be just as real.

Mr. Chariman, I hope my colleagues will consider the implications of the proposed FSX agreement within the broader context of the new international economic competition the President spoke of in Europe. Facing these new challenges, and given the new rules of the game the FSX agreement should be rejected by this House.

Mr. SOLARZ. Mr. Chairman, for purposes of concluding debate on our side of the aisle, I yield myself the remaining amount of time.

The CHAIRMAN pro tempore (Mr. FLIPPO). The gentleman from New York [Mr. SOLARZ] is recognized for 4½ minutes.

Mr. SOLARZ. Mr. Chairman, we are being asked in the Solomon amendment, which is now before us, to send a message to President Bush that he should walk away from the FSX deal which has already been negotiated, an arrangement which will bring 22,000 man-years of work to our country, which will bring $2.5 billion into our economy, which will help to solidify our relationship with a country which is clearly one of our most important allies anywhere in the world, and which will enable Japan to do a much better job in fulfilling its responsibilities to protect our mutual security interests in the area. If we are going to adopt the Solomon amendment, therefore, and call upon the President to reject the FSX arrangement, there has to be a pretty compeling reason.

Mr. Chairman, the argument which is advanced primarily in favor of this amendment and the rejection of the FSX deal is that we are giving away our technology to Japan and this in turn will enable Japan to take away a major American industry once again from the United States. Yet when we ask the representatives of the major aerospace corporations in this country, Boeing and McDonnell Douglas, who have the most to lose if these fears should come true, whether they thought the FSX deal was good or bad for America, without exception they unanimously agreed that the FSX arrangement was in the best interests of the United States and would not give Japan any undue competitive advan-

tages which could threaten their long-term economic viability.

I have a feeling, Mr. Chairman, that, if we were talking about the codevelopment of the FSX, not with Japan, but with Germany, or Britain, or France, or Italy, there would not be any great objection to it in this body. However somehow or another, because it involves Japan a lot of voices are heard against this arrangement.

Some people have said that Japan should have gone out and bought the F-16 off the shelf. If in fact by purchasing the F-16 instead of $2.5 billion they would have given us $10 billion, or $8 billion, or $6 billion, or $4 billion, I would have said, "Yes, they should have bought the F-16," but we have been told that even if they had bought the F-16, it would have gotten us only $2.5 billion, which is exactly what we are going to get for the FSX. Consequently this argument for comparative advantage really does not apply here.

The truth of the matter is that practically every major industrial country wants its own domestic aerospace industry, and that is why, even if we were to reject the FSX, Japan will go ahead, either on its own or in cooperation with the Europeans, and we are clearly better off having Japan do it with us where we get $2.5 billion, where we get 22,000 man-years of work, than having Japan do it on its own or in cooperation with the Europeans.

□ 1630

Now, my very good friend, the gentleman from New York [Mr. HOCHBRUECKNER] says that by providing the fire control source codes to Japan we are giving away valuable American technology. The fact is that we are only providing limited access to the fire control source code and to the extent we do provide it, it has limited applicability to civilian aircraft because civilian planes do not use missiles and munitions, and that is what the fire control source code is designed to provide.

So, Mr. Chairman, I call upon the Members of the House, probably futilely, because I can sense which way the winds are blowing, to vote against the Solomon amendment. The FSX arrangement, when you carefully consider it, as we have in the Foreign Affairs Committee, is in fact in the best interests of the United States, and according to the testimony of our own domestic aerospace industry will not put us at a competitive disadvantage.

Mr. SOLOMON. Mr. Chairman, I yield 2 minutes to the gentleman from Massachusetts [Mr. MAVROULES], the chairman of the Subcommittee on Investigations of the Armed Services Committee.

Mr. MAVROULES. Mr. Chairman, I thank the gentleman for yielding this time.

I think we ought to set the record straight here. This is not Japanese bashing, by any means. When I took the floor before, I hope and I think I was speaking for the entire body, including those who are not going to support the Solomon amendment. The fact is we had a golden opportunity here to do some hard negotiating with a good ally, the Japanese, because we are getting beat to the tune of $57 billion a year in trade. We had an excellent opportunity and we did not take advantage of it.

We are weak when it comes to trade issues. The fact is we do not want to believe that.

Well, the fact is this. We have been told that perhaps they have some technology they want to transfer and share with us. What are those technologies?

One they talked about is composite. Well, we do have a composite technology, perhaps even better than what the Japanese do have. They talk about an electronic radar ray system. Well, let me tell you, we had that radar ray system 1 year ago, developed by Hughes Industries.

What are they going to be giving here to the United States?

The point is, let us set the record straight. We are good friends with Japan. It is not Japanese bashing. We were weak when we had an opportunity to do something about the trade deficit. We do not build VCR's. We do not build FAX machines. We build nothing, and 10 or 15 years from now, and I might say this very candidly, they are going to take over the aerospace industry throughout the world because of the weakness on the part of our Government.

I think we ought to set the record straight on that issue.

Mr. SOLOMON. Mr. Chairman, I certainly thank the gentleman for an excellent statement.

Mr. Chairman, I yield 3 minutes to the gentleman from Pennsylvania [Mr. SCHULZE].

Mr. SCHULZE. Mr. Chairman, in assessing the proposed FSX arrangement with Japan, the controversy and confusion it has generated are tremendous, indeed. What baffles me most, however, is how the agreement's most enthusiastic proponents can justify such giddiness over what has been a bad deal since day one.

To begin with, carrying through with this agreement would represent nothing more than a stinging slap in America's face. If there ever was an opportunity for Japan to transform its words about rectifying its $55 billion balance-of-trade surplus with the United States into action, its off-the-shelf purchase of U.S. F-16 jets would have forced even the harshest critics to reevaluate their positions.

After all, it is a lot tougher finding fault with a country which has just written a $3-billion check to one of your largest companies.

I just cannot understand how Japan, well aware of this golden and easy opportunity to buy U.S. goods, would choose the more complex route of intransigence. At a time when the other major trading nations of the Pacific rim—Taiwan and Korea to name two—are trying earnestly to reduce trade imbalances and frictions with the United States by purchasing American goods at every opportunity, Japan continues to march defiantly in exactly the opposite direction.

In fact, after running our initial trade deficit with Japan in 1965, the imbalance has since been growing steadily. Our trade deficit with that country has not decreased since 1979 and, more recently, has increased by nearly 200 percent since 1983. What is more, while Taiwan and Korea send buying missions to America to search out ways to purchase more U.S. goods, Japan sends the sharpest lobbyists in to explain why it can't! Accordingly, and for good reason, I am even less able to accept at face value Japan's supposed commitment to fair trade, or the sincerity of that country's pronouncements that it will take meaningful steps to redress the trade imbalance.

Another missed opportunity for Japan to back up its verbal assurances came when it refused to allow even the hulls of its Aegis-equipped ships to be constructed in the United States. The disturbing reality here, and what really gives me great pause for concern, is that Japan is only willing to purchase certain technologies from us which, not coincidentally, it is lacking. And, clearly, it simply does not make sense for us to be in the business of handing over to Japan the ability to boost its third country fighter jet sales, while rushing us out of the business in the process.

If Japan had agreed to purchase the ships constructed entirely, and equipped with the Aegis system, in the United States, it would have sent an irrefutable signal that: Trimming its trade imbalance by billions of dollars with the United States does matter; and, it is not just after our technology for purposes of developing it into products which it can sell to third countries, or even back to the United States, in the future.

However, chance after chance, time after time, opportunity after opportunity, instead of acting in good faith, Japan has gone out of its way to show the United States that just getting by by the skin of its teeth or the seat of its pants is the preferred method of negotiating with the United States.

And, how about Kansai airport and other public works projects? In an area in which the United States enjoys a distinct and widely acknowledged

comparative advantage—that being the construction services industry—Japan has virtually gone out of its way to keep the United States out of this lucrative market. In fact, out of approximately 2.6 billion dollars' worth of Kansai-related projects already procured, the United States has been successful in only 2.5 million dollars' worth—that is one-tenth of 1 percent.

Mr. Chairman, this is not a clear sign that Japan wants to trade fairly, it is a measly pile of chicken feed.

Second, where aerospace technology is another of the few remaining areas of distinct U.S. comparative advantage vis-a-vis Japan, it makes absolutely no sense for the United States to wittingly hasten the day that the Japanese become major competitors to the United States in a variety of aerospace products. In fact, according to the U.S. Business and Industrial Council, "Japan's purpose in undertaking this project is to create its own high-performance aircraft industry that will, in the future, be a rival to the American aircraft industry."

After all, if Tokyo was primarily concerned—as it claims to be—with upgrading its air force with the best value for its money, it could buy an advanced version of either General Dynamic's F-16 Falcon or McDonnell Douglas' F-18 Hornet, both of which are support fighters adaptable to the missions envisioned for the FSX. And, of course, as both are currently under development in the United States, Japan's purchase of them, while satisfying its supposed air force-related needs, would send a resounding signal that it genuinely wants to ease trade frictions with the United States. But, I guess that is just not the case.

In fact, it seems the bottom line is that for Japan, the only goods it trades freely and fairly are words—but, unfortunately, the Commerce Department does not factor words into its monthly trade figures.

Mr. Chairman, I urge support for the Solomon amendment.

Mr. SOLOMON. Mr. Chairman, I yield myself the balance of the time and just take the opportunity to say that I think the gentleman from Massachusetts summed up this amendment and the need for it. It is not an anti-Japanese amendment. Mr. Chairman, it is a pro-America amendment. It is a buy-America amendment.

You know, one thing about us Republicans on this side of the aisle is that we get so carried away sometimes with the term "free trade" that we forget the term "fair trade."

Let me tell you something. I resent the fact that these Japanese are not interested in fair trade. If they were, they would not be trying to steal this industry away from us. They would be interested in buying 130 F-16's from this country and trying to reduce the $57 billion trade deficit that we are having with that country.

We are being taken for a ride, and it is about time that our own State Department woke up. Whose side are you on, State Department, America's or Japan's?

That is why I have offered this amendment. It is your chance to send a message to our administration, to our State Department and to the Japanese, that we want a fair deal, not this kind of a deal.

Mr. Chairman, I urge support for the amendment.

Mr. FORD of Michigan. Mr. Chairman, I rise in total opposition to the FSX deal, which would transfer to Japan $7 billion of United States fighter aircraft technology developed at taxpayer expense. I support this amendment to block it.

The FSX deal is an outrage. President Bush should be ashamed to have negotiated it, and any Member of Congress who votes to support it should be equally ashamed.

The ultimate irony of this blatant giveaway to Japan is the President's belated admission that Japan has taken advantage of us by its pattern of serious unfair trade practices. When he named Japan an unfair trader last week, he forgot to mention the biggest problem with the FSX deal: Japan committed its worst unfair trade practice by refusing to buy the American-made F-16 fighter plane off the shelf. If Japan won't buy the best fighter plane in the world from us, what will they buy? Is it any wonder Japan's trade surplus with us is $55 billion?

Japan does not want the best fighter at the best price. They are willing to wait 5 to 10 years and pay twice as much to develop the FSX for one simple reason. They want our world-class technology and the experience of building a new plane with American tutors so that they can go out on their own and develop a Japanese aircraft industry. They want to compete against us in one of the last high-technology markets we dominate. And when they do compete, is there any reason to believe they won't seek to destroy our aircraft industry as they did the home electronics and computer chip industries? Remember, one of Japan's unfair practices President Bush cited is its continuing refusal to purchase foreign supercomputers—another area where United States technology is the best.

I will vote for Senate Joint Resolution 113 because it is the only way Congress can limit the damage done by the FSX deal. But I would prefer to block the deal outright.

If the House does not have the guts to pass Senate Joint Resolution 113, the consequences may be disastrous. Nothing in President Bush's agreement will prevent the transfer to Japan of critical engine technologies. Without this resolution nothing will guarantee that any level of production work on the FSX is performed in the United States. And nothing else will prevent Japan from transferring the FSX weapon system or any of its technology to a third country.

In truth, nothing—not even this resolution—can prevent Mitsubishi, Japan's prime FSX contractor, from following Toshiba's footsteps and passing our critical defense technologies to the Soviet Union or anyone else. If Mitsubishi will help Libya build a chemical weapons plant, can they be trusted with our fighter aircraft technology?

No, Mr. Chairman, the FSX deal is a bad deal for America. This resolution may limit the damage, but our pride, our industrial security, and our military security will be damaged nevertheless.

The CHAIRMAN pro tempore (Mr. FLIPPO). The question is on the amendment in the nature of a substitute offered by the gentleman from New York [Mr. SOLOMON].

The question was taken; and the Chairman pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mr. SOLOMON. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 320, noes 98, not voting 15, as follows:

[Roll No. 78]

AYES—320

Ackerman	Derrick	Herger
Alexander	Dingell	Hertel
Anderson	Dixon	Hoagland
Andrews	Donnelly	Hochbrueckner
Annunzio	Dorgan (ND)	Holloway
Anthony	Dornan (CA)	Hopkins
Applegate	Douglas	Horton
Atkins	Downey	Hoyer
AuCoin	Dreier	Hubbard
Baker	Duncan	Huckaby
Ballenger	Durbin	Hughes
Barnard	Dwyer	Hunter
Bates	Dymally	Hutto
Bennett	Dyson	Inhofe
Bentley	Early	Jacobs
Bereuter	Eckart	James
Bevill	Edwards (OK)	Jenkins
Bilbray	Emerson	Johnson (SD)
Bilirakis	Engel	Jones (GA)
Boggs	English	Jones (NC)
Bonior	Erdreich	Jontz
Borski	Espy	Kanjorski
Boucher	Evans	Kaptur
Boxer	Fazio	Kasich
Brennan	Feighan	Kastenmeier
Brooks	Flake	Kennedy
Broomfield	Flippo	Kennelly
Browder	Ford (MI)	Kildee
Brown (CA)	Ford (TN)	Kleczka
Brown (CO)	Frank	Kolter
Bruce	Frost	LaFalce
Bryant	Gallegly	Lancaster
Bunning	Gallo	Lantos
Burton	Garcia	Laughlin
Bustamante	Gaydos	Leath (TX)
Byron	Gejdenson	Lehman (FL)
Campbell (CA)	Gekas	Leland
Campbell (CO)	Gephardt	Lent
Cardin	Gillmor	Levin (MI)
Carper	Gilman	Levine (CA)
Carr	Glickman	Lewis (FL)
Chapman	Gonzalez	Lewis (GA)
Clarke	Goodling	Lightfoot
Clay	Goss	Lipinski
Clement	Grant	Lloyd
Coble	Guarini	Long
Coelho	Gunderson	Lowey (NY)
Coleman (MO)	Hall (OH)	Luken, Thomas
Coleman (TX)	Hall (TX)	Lukens, Donald
Conte	Hammerschmidt	Machtley
Conyers	Hancock	Madigan
Cooper	Hansen	Manton
Costello	Harris	Markey
Coyne	Hastert	Martin (IL)
Craig	Hatcher	Martinez
Crockett	Hawkins	Mavroules
Dannemeyer	Hayes (IL)	McCloskey
Darden	Hayes (LA)	McDade
Davis	Hefley	McEwen
DeFazio	Hefner	McGrath
Dellums	Henry	McMillan (NC)

McNulty	Ridge	Spence
Meyers	Rinaldo	Staggers
Mfume	Roberts	Stallings
Miller (CA)	Robinson	Stangeland
Miller (OH)	Rogers	Stark
Mineta	Rohrabacher	Stearns
Moakley	Rose	Stenholm
Molinari	Rostenkowski	Stokes
Mollohan	Roth	Studds
Montgomery	Roukema	Stump
Moorhead	Rowland (CT)	Sundquist
Morella	Rowland (GA)	Synar
Morrison (CT)	Russo	Tallon
Murphy	Sabo	Tanner
Murtha	Sangmeister	Tauzin
Myers	Sarpalius	Thomas (GA)
Natcher	Savage	Thomas (WY)
Neal (MA)	Sawyer	Torres
Neal (NC)	Saxton	Torricelli
Nelson	Schaefer	Towns
Nielson	Schiff	Traficant
Nowak	Schroeder	Traxler
Oakar	Schuette	Unsoeld
Oberstar	Schulze	Upton
Obey	Schumer	Valentine
Olin	Sensenbrenner	Vander Jagt
Ortiz	Sharp	Vento
Owens (NY)	Shaw	Visclosky
Pallone	Shays	Volkmer
Parker	Shuster	Vucanovich
Parris	Sikorski	Walgren
Patterson	Skaggs	Walsh
Paxon	Skeen	Watkins
Payne (NJ)	Skelton	Waxman
Payne (VA)	Slattery	Weldon
Pease	Slaughter (NY)	Whittaker
Pelosi	Smith (FL)	Whitten
Perkins	Smith (MS)	Wilson
Poshard	Smith (NE)	Wise
Price	Smith (NJ)	Wolf
Pursell	Smith (VT)	Wolpe
Quillen	Smith, Denny (OR)	Wylie
Rahall	Smith, Robert (NH)	Yates
Rangel	Snowe	Yatron
Ravenel	Solomon	Young (FL)
Regula		
Richardson		

NOES—98

Akaka	Gray	Oxley
Archer	Hamilton	Packard
Armey	Hiler	Panetta
Aspin	Hyde	Pashayan
Bartlett	Ireland	Penny
Barton	Johnson (CT)	Petri
Bateman	Johnston	Pickett
Beilenson	Kolbe	Pickle
Berman	Kostmayer	Porter
Bliley	Kyl	Ray
Boehlert	Lagomarsino	Rhodes
Bosco	Leach (IA)	Ritter
Chandler	Lehman (CA)	Roe
Clinger	Lewis (CA)	Roybal
Combest	Livingston	Saiki
Coughlin	Lowery (CA)	Shumway
Cox	Marlenee	Sisisky
Crane	Martin (NY)	Slaughter (VA)
de la Garza	Matsui	Smith (IA)
DeLay	Mazzoli	Smith (TX)
DeWine	McCandless	Smith, Robert (OR)
Dicks	McCollum	Solarz
Edwards (CA)	McCrery	Spratt
Fascell	McCurdy	Swift
Fawell	McDermott	Tauke
Fields	McHugh	Thomas (CA)
Fish	McMillen (MD)	Walker
Foglietta	Michel	Weber
Frenzel	Miller (WA)	Weiss
Gingrich	Moody	Wheat
Gordon	Morrison (WA)	Wright
Gradison	Mrazek	Young (AK)
Grandy	Nagle	

NOT VOTING—15

Buechner	Florio	Scheuer
Callahan	Gibbons	Schneider
Collins	Green	Udall
Courter	Houghton	Williams
Dickinson	Owens (UT)	Wyden

□ 1658

The Clerk announced the following pairs:

On this vote:

Mr. Florio for, with Mr. Dickinson against.

Mrs. Collins for, with Mr. Buechner against.

Mr. BERMAN and Mr. GORDON changed their vote from "aye" to "no."

Mrs. KENNELLY, Mr. RANGEL, and Mrs. LOWEY of New York changed their vote from "no" to "aye."

So the amendment in the nature of a substitute was agreed to.

The result of the vote was announced as above recorded.

□ 1700

AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. BRUCE

Mr. BRUCE. Mr. Chairman, I offer an amendment in the nature of a substitute.

The CHAIRMAN. The Clerk will designate the amendment in the nature of a substitute.

The text of the amendment in the nature of a substitute is as follows:

Amendment in the nature of a substitute offered by Mr. BRUCE: In lieu of the matter proposed to be inserted after the resolving clause by the amendment reported by the Committee on Foreign Affairs, insert the following:

SECTION 1. CODEVELOPMENT OF THE FS-X WEAPON SYSTEM.

(a) IN GENERAL.—The President shall ensure that all technology, defense articles, and defense services provided by the United States or any United States corporation or entity to Japan pursuant to the agreement described in subsection (b) to codevelop the Support Fighter Experimental (FS-X) weapon system shall be subject to the requirements of subsections (a), (c), and (d) of section 3 of the Arms Export Control Act.

(b) DESCRIPTION OF AGREEMENT.—The agreement referred to in subsection (a) is the agreement for which the President submitted a certification pursuant to section 36(d) of the Arms Export Control Act on May 1, 1989 (transmittal number MC-9-89).

SEC. 2. COPRODUCTION OF THE FS-X WEAPON SYSTEM.

(a) IN GENERAL—In the event that the United States and Japan seek to coproduce the FS-X weapon system—

(1) the United States and Japan shall negotiate and sign a Memorandum of Understanding (MOU) containing the terms and conditions for that coproduction; and

(2) such MOU shall—

(A) prohibit the transfer to Japan of critical engine technologies (including, but not limited to, hot section and digital fuel control technologies); and

(B) prohibit the sale or retransfer by Japan of the FS-X weapon system or any of its major subcomponents codeveloped or coproduced with the United States.

(b) APPLICATION OF ARMS EXPORT CONTROL ACT.—Technology, defense articles, and defense services resulting from any coproduction of the FS-X weapon system by the United States and Japan shall be subject to the requirements of subsections (a), (c) and (d) of section 3 of the Arms Export Control Act.

(c) POLICY ON UNITED STATES WORKSHARE.—It is the sense of the Congress that any Memorandum of Understanding (MOU) between the United States and Japan on coproduction should specify that the United States share of the total value of the coproduction shall be not less than 40 percent of that value, including the value of manufacturing spare parts and other support items which are part of the lifetime maintenance costs of the FS-X weapon system.

SEC. 3. GAO REPORT.

(a) IN GENERAL.—Beginning 6 months after the date of enactment of this joint resolution, and every 12 months thereafter, the Comptroller General of the United States, after consultation with appropriate officials of United States agencies represented on the Technical Steering Committee, shall submit to the Speaker of the House of Representatives and the chairman of the Committees on Foreign Relations, Armed Services, Commerce, Science and Transportation, and Banking, Housing, and Urban Affairs of the Senate a report describing the progress made in implementing the Memorandum of Understanding (MOU) between the United States Department of Defense and the Japan Defense Agency on Cooperation in the Development of the FS-X Weapon System, signed on November 29, 1988, and related documents thereto. Such report shall state—

(1) whether any technology involved in development of the FS-X weapon system has been transferred to the Japanese space shuttle program or any other part of the Japanese aviation sector or aerospace technology;

(2) whether any such technology has been diverted to any third party country unauthorized to receive such technology, in violation of the license and technology assistance agreement for the FS-X weapon system; and

(3) whether any such technology has been made available, legally or illegally, to adversaries who could use such technology to the detriment of the North Atlantic Treaty Organization (NATO), the United States, any other member country of NATO, Japan, Australia, or New Zealand.

(b) DEFINITION.—For purposes of this subsection the term "Technical Steering Committee" refers to the FS-X Technical Steering Committee established jointly by the Japan Defense Agency and the United States Department of Defense.

SEC. 4. IMPACT OF MOUs RELATING TO THE FS-X WEAPON SYSTEM ON THE COMPETITIVE POSITION OF THE UNITED STATES.

(a) SOLICITATION OF RECOMMENDATIONS.—In the implementation of the Memorandum of Understanding (MOU) and related agreements between the United States and Japan regarding the codevelopment of the FS-X weapon system, and in the negotiation, renegotiation, and implementation of future memoranda of understanding and related agreements concerning coproduction of the FS-X weapon system, the Secretary of Defense shall regularly solicit and consider comments or recommendations from the Secretary of Commerce with respect to the commercial implications of such agreements and the potential impact on the international competitive position of United States industry.

(b) REVIEW BY SECRETARY OF COMMERCE.—Whenever the Secretary of Commerce has reason to believe that any such memorandum of understanding or related agreement has, or threatens to have, a significant adverse impact on the international competitive position of United States industry, the Secretary of Commerce may request a

review of the agreement. If, as a result of the review, the Secretary of Commerce determines that the strategic commercial interests of the United States are not being served, the Secretary of Commerce shall recommend to the President any modification to the agreement he deems necessary to ensure an appropriate balance of interests.

(c) CONSIDERATION OF RECOMMENDATIONS.—(1) The President shall consider the recommendations of the Secretary of Commerce concerning—

(A) the commercial implications of any such memorandum of understanding or related agreement, and

(B) the potential impact on the international competitive position of United States industry,

in determining whether such memorandum of understanding or related agreement shall be implemented or agreed upon.

(2) Any such memorandum of understanding or related agreement shall not be implemented or agreed upon if the President determines that such agreement is likely to have a significant adverse impact on United States industry that outweighs the benefits of implementing or entering into such an agreement.

SEC. 5. DEFINITIONS.

As used in this joint resolution, the terms "defense article" and "defense service" shall have the same meanings as are given to those terms in paragraphs (3) and (4), respectively, of section 47 of the Arms Export Control Act.

The CHAIRMAN. Pursuant to the rule the gentleman from Illinois [Mr. BRUCE] will be recognized for 30 minutes and a Member opposed will be recognized for 30 minutes.

The Chair recognizes the gentleman from Illinois [Mr. BRUCE].

Mr. SOLARZ. Mr. Chairman, I rise in opposition to the Bruce amendment.

The CHAIRMAN. Is the gentleman opposed to the amendment?

Mr. SOLARZ. I am opposed to the amendment, Mr. Chairman, and I would like to yield 15 minutes of the 30 minutes allotted for the opposition to the Bruce amendment to the gentleman from Iowa [Mr. LEACH].

The CHAIRMAN. The gentleman from New York [Mr. SOLARZ], who has been accorded 30 minutes, asks unanimous consent that 15 minutes of that 30 minutes be ceded to the gentleman from Iowa [Mr. LEACH] to be yielded by him. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. BRUCE. Mr. Chairman, I, likewise, would like to yield 15 minutes of the 30 minutes to the gentleman from California [Mr. HUNTER] and I would ask unanimous consent that he designate that time.

The CHAIRMAN. The gentleman from Illinois [Mr. BRUCE] seeks unanimous consent to cede to the gentleman from California [Mr. HUNTER] 15 minutes to be yielded by the gentleman from California [Mr. HUNTER].

Is there objection to the request of the gentleman from Illinois?

There was no objection.

The CHAIRMAN. The Chair recognizes the gentleman from Illinois [Mr. BRUCE].

Mr. BRUCE. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise today in order to explain and clarify the Bruce/Byrd language and the effects it will have on the ultimate outcome of the FSX coproduction agreement. Misperception and misunderstanding have abounded throughout this body in dealing with this knotty issue.

Most importantly the Bruce amendment is not a resolution of approval of the FSX agreement. The Bruce-Byrd language simply says that in the event that the administration proceeds to coproduce the FSX then Congress will set guidelines to be used in the negotiations of the FSX coproduction memorandum of understanding.

Two prohibitions are contained in the Bruce-Byrd language. First, hot section engine and digital fuel control technology will not be transferred to the Japanese. Second, third-country transfer of U.S. codeveloped or coproduced technologies are prohibited. The language of the Bruce/Byrd amendment has been carefully drafted to only affect the resale of U.S. codeveloped and coproduced subcomponents of the FSX. No 100 percent Japanese developed or produced parts will be effected by the restrictions on third country transfer. This will ensure that Japan will utilize the FSX weapon system solely for the defense of their country as intended and not ultimately be in competition selling United States codeveloped and coproduced weapons components on the international market.

Opponents of the Bruce/Byrd amendment have argued that this prohibition will call for a renegotiation of the FSX codevelopment MOU. That is simply not the case. The FSX codevelopment MOU has been completed, signed, and even expanded upon with side letters. Only the FSX coproduction MOU will impacted through this amendment.

I want to remind my colleagues on both sides of the aisle where the Byrd language originated. Senator PELL, chairman of the Senate Foreign Relations Committee, during the FSX debate said, "This prohibition is consistent with an assurance given to the Committee on Foreign Relations, by the Secretary of Defense Richard Cheney. The amendment serves this important purpose of making this assurance a matter of law." These two prohibitions surely couldn't create a situation for renegotiation of the codevelopment MOU when the Secretary of Defense was assuring Congress that these conditions would be met. We are putting legislative enforcement behind the Defense Secretary's assurance, the side letters, and the current Japanese Government policy not to sell arms.

While the contents the FSX technical agreements and codevelopment MOU are classified, keeping them from the view of the public, I want to clear the air and place the FSX agreement standards clearly before the American people and President Bush.

Through several sources the Bruce/Byrd language has been reported erronously to have put a steadfast requirement on the percentage of workshare the U.S. companies would receive in the coproduction phase. The Bruce/Byrd language contains a "sense of Congress" for the administration to achieve a 40-percent coproduction workshare. I firmly believe that the coproduction workshare agreement to be worked out by the administration should benefit American trade policy, American technological competitiveness and the American economy.

Only the Bruce amendment will ensure that the United States bargain for the 40 percent production share mentioned in the side letter, prohibit the release of critical engine technology developed by virtue of our efforts and resources, and prohibit third country transfer of FSX technology by Japan for commercial gain.

Public outcry and intense debate in both Houses of Congress has sent a strong message to both the Japanese and the administration that if the United States is to be the guarantors of Japanese security interests and have a $55 billion trade imbalance—the Japanese and the Bush administration must be willing to give a fair deal to the American people.

Mr. LEACH of Iowa. Mr. Chairman, will the gentleman yield?

Mr. BRUCE. I yield to the gentleman from Iowa.

Mr. LEACH of Iowa. I thank the gentleman for yielding.

Mr. Chairman, the gentleman does not want to suggest by inference that the Secretary of Defense favors his amendment, does he?

Mr. BRUCE. No, I do not, but I certainly want to say that in his own testimony the Secretary of Defense made it clear that while the contents of the FSX technical agreement and codevelopment MOU were classified, and keeping them from the view of the public, I want to clear the air and place the FSX agreement standards clearly before the American public and President Bush.

While several sources have reported that this language of my amendment would have a requirement, a requirement of production of 40 percent for U.S. companies, that is not in the language. It is a sense of Congress for the administration to work toward a 40-percent coproduction and workshare agreement, protect the American

trade policy, American technological competitiveness, and the American economy.

□ 1710

Mr. SOLARZ. Mr. Chairman, I yield myself such time as I may consume.

I rise in opposition to the amendment and urge the House to reject this amendment because if enacted, it could arguably require a renegotiation of the FSX agreement with Japan. That, in turn, could conceivably lead to an unseemly unraveling of this whole arrangement.

This is not, it seems to me, a time to put our relations with Japan under greater strain than they already are. I have to acknowledge that there are elements of the Bruce amendment which I think are entirely meritorious. There is, for example, a sense of the Congress provision in this amendment which urges the President, in negotiating the memorandum of understanding on coproduction, to get at least 40 percent of the workshare for the United States. Some will say that the agreement we have with Japan provides for the United States to get a workshare of approximately 40 percent. However, this could just as easily be 41, 42, or 43 percent as it could be 37, 38, or 39 percent. I should think that the President would want to get at least 40 percent of the workshare for the United States if he possibly could.

It also requires the GAO to do a study of the extent to which Japan is complying with those provisions of the agreement which prohibit a leakage of the technology to the civilian aerospace sector in Japan or to other countries. I know that some of my friends on the other side of the aisle do not like that provision, but even if it were not in the amendment, any Member of the House or Senate could request it from the GAO which does work for the Congress, not the administration. I think this study would be done anyway.

There is another provision which I think is mandatory in the Bruce amendment which requires the Secretary of Commerce to take a look at the MOU on coproduction to view it in the context of the implications for our domestic aerospace industry. I think that is a very sound provision. The amendment also says if the Secretary of Commerce thinks that the MOU on coproduction could have negative consequences for our domestic aerospace industry, he should make recommendations to the President to deal with that problem. Some of my friends on the other side of the aisle in the administration say it is inappropriate for the Congress to instruct Cabinet officers about their accountabilities, to which I respond by saying we have done it dozens and dozens of times in the past. Nothing new about that. It is not unprecedented. I think it makes sense.

However, I disagree with the Bruce amendment because of two provisions contained in it which could require a negotiation. Those provisions, first of all, would prohibit the transfer of any critical engine technology to Japan in the MOU on coproduction. The administration has already said it does not intend to do that. I do not think it is necessary, therefore, for Members to put this provision in. However, by putting it in and, as a matter of law restricting the administration from doing this, it could conceivably lead to a renegotiation. Another provision of the Bruce amendment would also prohibit Japan from retransferring the FSX or any major subcomponents derived from it to third countries. However, under existing law, and indeed, under the MOU that has already been negotiated on codevelopment, the administration would have to approve of any retransfer to a third country. So I do not think that this is really necessary, but by including it in the amendment, the Japanese might conceivably contend that restrictions are being put on their subsequent ability to utilize the technologies in this arrangement, which might lead them to insist on a renegotiation. I do not believe that that would be in the best interests of the United States.

In any case, in the future, if the administration should decide to approve of a retransfer of the FSX or any of the technologies associated with it, the Congress would have ample opportunity to pass legislation prohibiting that retransfer from taking place. The House, of course, has expressed their view that the FSX arrangement is not in the best interests of the United States. I can only say that I, personally, dissent from that judgment. I think it is in our best interests. I think it will provide work and money to the United States we otherwise would not have. I do not believe it would compromise the competitiveness of our aerospace industry. If I did, I would be against it myself.

Indeed, Secretary of Defense Cheney said if he thought this would compromise the long-term viability of the aerospace industry he would be opposed to it, also. However, the very industry which Members seek to protect, itself, says that this FSX arrangement would not put their long-term competitive position vis-a-vis Japan, in jeopardy.

I think we need to recognize, as we approach the end of the debate in which many critical comments have been made about Japan, in the final analysis, Japan is a formidable and valued ally of the United States. It has consistently supported our position in international forum like the United Nations, and supported the United States at the time of the hostage crisis in Iran. It supported the United States at the time we reflagged the Kuwaiti vessels. It spends more on defense than any other countries in the world besides the United States and the Soviet Union. Their willingness to cooperate with the United States has been a critical factor in enabling the United States to preserve the peace and promote the prosperity of Asia and indeed of the world.

We now have two administrations which have negotiated this agreement with Japan. I would be most unfortunate if, as a result of congressional action, that agreement now had to be renegotiated. It would call into question the credibility of the United States as a negotiating partner at a time when Japan is undergoing considerable domestic stress. This simply cannot be in the long-term interests of the United States. That is why, with all due respect to my very good friends who support this amendment and who have led the opposition to the FSX deal, I have to request my colleagues in the House to reject the Bruce amendment.

□ 1720

Mr. HUNTER. Mr. Chairman, I yield 1 minute to the gentlewoman from New Jersey [Mrs. ROUKEMA].

Mrs. ROUKEMA. Mr. Chairman, the preceding speaker, the gentleman from New York, has referred to an unseemly unraveling of agreements. That is not what we are talking about here.

I would ask the author of the amendment if he would please give me his attention. I repeat that we are not talking about unraveling agreements. We are not renegotiating agreements under the Bruce amendment; is that not correct? Rather, what we are dealing with in this amendment is the coproduction MOU which has not yet been negotiated.

Mr. BRUCE. Mr. Chairman, if the gentlewoman will yield, that is correct.

Mrs. ROUKEMA. Mr. Chairman, I think my colleagues ought to understand this. This discussion is not about a reliable ally. This is not about undermining our President's negotiating posture. This amendment deals with the constitutional authority that we have as responsible legislators to make certain that technology that has been developed with Federal funds is properly and duly defined in terms of coproduction and the sharing of that technology. The amendment deals only with the coproduction activities under the MOU, which will be negotiated in the future.

Mr. Chairman, I think the gentleman from Illinois is to be congratulated for the preciseness of his language.

Mr. HUNTER. Mr. Chairman, I yield 6 minutes to the gentlewoman from Maryland [Mrs. BENTLEY].

Mrs. BENTLEY. Mr. Chairman, today we are operating under an unusual rule, in unusual circumstances. The FSX agreement—codevelopment of a project of this magnitude with a foreign nation—has never been done before and therefore deserves special scrutiny and, I think, special treatment.

The Bruce amendment will control the Japanese use of technology developed under this agreement. In no way will it proscribe the use of any technology developed by Japan on its own resource.

The Bruce amendment will provide oversight on technology transfer. The executive chafes at this restriction, but the history of the coproduction of the F-15 with Japan—where, by the end of the project—according to the General Accounting Office report—Japan had received every technology they were not supposed to have—makes this a necessary consideration.

Even On the matter of the FSX, a DOD official—Glenn Rudd—is quoted in a May 19 UPI release as saying "that while there are no plans now to transfer engine technology to Japan, when the plane enters production in 1994 that might not be the case."

Mr. Rudd, I think, makes a strong case today for the Bruce amendment.

Our concern regarding technology transfer that the Republican Research Committee established a technology transfer task force under the cochairmanship of myself and FRANK HORTON. We have had such prominent experts as Richard Perle appear—and all have decried these giveaway programs including specifically the FSX. They have said it would mean the end of our aerospace industry, the only industry in which we still excel, down the road. Steve Schlasstein in his recent book on trade said it is understood that Boeing entered a joint venture with Japan, that once their joint venture was consummated, Japan has been pressuring Boeing to do what it wants or they will not allow Boeing products to be sold there.

I recall being told by administration officials when they were pushing for the transfer of the Aegis antimissile technology to Japan that it couldn't be reverse engineered. This year when I visited one of the labs which developed the Aegis, their engineers told me that it can be reverse engineered.

Somebody should have oversight of the agencies who formulate defense and foreign policy based on expediency—brainstormed by ambitious Assistant Secretaries and aides—who increasingly see their power and influence as greater than the Congress of the United States—who concoct deals with foreign nations and then demand the Congress' rubber stamp or "our allies will be offended."

The Aegis agreement was worked in this manner. And now we are told that agreements are pending with Korea on cooperative ventures to build helicopters and fighter planes. There are also discussions, I understand, about transferring antisubmarine sonar capabilities to the Japanese shipbuilding industry. Another Aegis deal.

Make no mistake. These are not straightforward weapons sales. These are sales—each one—of geese which lay the golden eggs. And, because of the inherent technology transfers involved in each one, each should have received special treatment.

No longer should an agency have the power to conceive and present to the country "a done deal" representing one narrow interest—without regard to the overall good of the country and its future. Japan doesn't work that way. Its Ministry of International Trade and Industry does not allow one agency to wag the dog. Policymaking in Japan is a well thought out, all economy encompassing action.

We must become more coordinated and cooperative ourselves and it should start in the Congress. How many "protective trade" groups are there on the Hill? Each one representing one narrow sector of the economy? Too often the membership votes to protect a constituency only in their district, but when it is someone else's constituency—there is no interest in supporting someone else's ox being gored.

I call upon the textile caucus supporters, and also upon the steel URA advocates to come on board. You do have an interest here whether you recognize it or not.

We must begin to work more closely together for all the interests of all Americans. At lest the Bruce amendment will give Americans some protection!

Mr. HUNTER. Mr. Chairman, will the gentlewoman yield?

Mrs. BENTLEY. I am happy to yield to the gentleman from California.

Mr. HUNTER. Mr. Chairman, I want to thank the gentlewoman from Maryland [Mrs. BENTLEY] for her leadership along with the gentleman from New York [Mr. HORTON] in working on the problems of technology transfer, because I think that is going to be the great issue of the next decade. The work we are doing in trying to halt the technology flow to the East will accure to the benefit of our young 18-year-old men and women who have to work in that increasingly dangerous environment on the battlefields and under the seas of the world.

Mr. Chairman, I appreciate the gentlewoman's efforts.

Mrs. BENTLEY. Mr. Chairman, I thank the gentleman from California for those remarks.

Mr. LEACH of Iowa. Mr. Chairman, I yield myself 4 minutes.

Mr. Chairman, I would like to begin simply by quoting from our former colleague, and our current Secretary of Defense, Secretary Dick Cheney. Secretary Cheney said:

> Neither the Congress nor the American people should be under any illusion as to the choices available here. The alternative to this agreement is not an off-the-shelf purchase of an American aircraft by Japan. Rather, it is the real possibility of Japan going it alone in the military aerospace industry, a prospect that we believe would not be in the national interest of either the United States or Japan.

What we have heard articulated on the floor of the Congress today is a kind of reverse protectionism, a protectionism that is not trying to stop imports but one that is trying to stop exports.

I would ask every Member of this body: How are you going to stand at the factory plants and say to 22,000 Americans, "We don't want you to have a job"? How are you going to look industry in the eye and say, "We've got to narrow the trade deficit, but we are not going to sell Japan $2.5 billion of Equipment"? And how in the future are you going to possibly be able to look American industry in the eye, and the American public in the eye, and say, "We want Japan to cooperate with Western Europe and develop fighter aircraft in competition with American industry"? That is nuts.

As far as this particular agreement is concerned, everyody should understand that is not only did not come through a legislative process in this body in a seemly way, it did not in the other body either. It was written on the floor of the other body, and it contains some unseemliness that I would like to try to clarify so that if it passes, we can make a little sense out of the problem we are dealing with. In one of the areas it calls on the GAO to make a report that is incredibly intrustive. It involves such an expertise and capacity that the GAO, the Congress' body, would of necessity develop to become—in effect—an intelligence agency of the United States.

So I ask the author of the amendment, could he clarify for the record whether perhaps the intent of this legislation is to allow the GAO to look at what other institutions, public and private, say without developing an intrustive espionage capacity against Japan?

Mr. BRUCE. Mr. Chairman, will the gentleman yield?

Mr. LEACH of Iowa. I yield to the gentleman from Illinois.

Mr. BRUCE. Mr. Chairman, the GAO is an arm of this body. We have asked the GAO to do all kinds of studies, including looking into the purchase of equipment and construction in Honduras and operations all around the world to find out if the money the Congress authorizes is spent properly. This requires them to make inquiry of such agencies as NASA and military defense, and we are asking them

whether the things that are contained in the legislation are being complied with.

□ 1730

Mr. LEACH of Iowa. The second clarification, which is ambiguous in this statute, is whether Japan can develop items of its own and then be precluded from transferring them to third parties. Obviously codeveloped items should be precluded. Obviously items developed in the United States should be precluded. But does this body intend to take the intrusive step of saying that something developed in Japan cannot be traded to a third party?

Mr. BRUCE. Mr. Chairman, the language is clear. It says that items codeveloped or coproduced cannot be exported. Anything that Japan developes 100 percent without American assistance, either in codevelopment or coproduction, can be sold by the Japanese.

Mr. LEACH of Iowa. Mr. Chairman, I appreciate that explanation.

Mr. Chairman, I yield 4 minutes to the gentleman from Washington [Mr. MILLER].

Mr. MILLER of Washington. Mr. Chairman, I want to thank the gentleman from Iowa [Mr. LEACH], my colleague, for yielding this time to me.

Mr. Chairman, I rise in opposition to the Bruce amendment for four reasons. The first is that the Bruce amendment requires the administration to re-renegotiate this deal. My colleagues will recall that the previous administration asked Japan, "Don't go ahead and develop your own fighter plane. Codesign and coproduce with us."

Then earlier this year, after the general terms had been worked out, several of us signed a letter asking the new administration to do some renegotiation with Japan, and Japan and the new administration did this. Now through appropriate procedures, the administration has presented the renegotiated arrangement to Congress. Instead of us voting yes or no, however, there comes along an amendment on coproduction, on transfer of technology to Japan and on third-party transfers which in essence calls on the administration to renegotiate again, or re-renegotiate. Mr. Chairman, this is not a seemly way to conduct foreign affairs.

The second reason to oppose the Bruce amendment: We have a new procedure provided on third-party transfer of technology. Under the Export Administration Act the administration sends an export of military equipment proposal to the Congress. We approve or disapprove. Under this amendment we not only do it once—this is what has happened here at the beginning—we do it several times along the way as the third-party transfers may be proposed. There has been no consideration of amending that Export Administration Act.

The third reason for opposing this has been mentioned, asking our General Accounting Office to go and snoop on both Japan's and the United States' space programs to find out if technology in this agreement ends up in those space programs.

The fourth reason for opposing this is the micromanagement required. All sorts of procedures are laid out where the Secretary of Commerce must discuss with the Secretary of Defense and with the President as different stages of this agreement go on. The President ought to be able to tell his Cabinet how to interact with the President. It is now up to the Congress to tell the President how to have this interaction.

So, let us not micromanage the executive branch. Let us not put the GAO into intelligence. Let us not set up new legislation for the approval of technology transfer. And let us not require renegiation.

Mr. Chairman, I personally support FSX. If my colleagues oppose FSX, let them oppose FSX, but let us not put all these conditions on an administration. I urge that we vote down the Bruce amendment.

Mr. BRUCE. Mr. Chairman, I yield 2 minutes to the gentleman from California [Mr. LEVINE].

Mr. LEVINE of California. Mr. Chairman, let me just address the procedural situation and follow up on what the gentleman from Washington [Mr. MILLER], my friend, just suggested to the Members.

Mr. Chairman, the gentleman from Washington [Mr. MILLER], my friend, just suggested if his colleagues oppose the FSX, oppose it, but do not put procedural restrictions on this administration. Mr. Chairman, I urge my colleagues that, if they oppose the FSX, they should support the Bruce amendment.

Let me just spell out where we are. As my colleagues know, I was the original author of the resolution of disapproval to the FSX transaction. I am standing here on the floor of the House saying, "If you oppose the FSX, and you want to accomplish something, if you want to hold the administration's feet to the fire, as well as those of the Japanese Government, the only way you can accomplish that at this point is to support the Bruce amendment."

Mr. Chairman, the Solomon amendment expressing the sense of this Congress that the FSX is a bad deal was just passed by more than a 3-to-1 margin on this floor, 320 to 98, but unfortunately the Solomon amendment has no force and effect. It is simply a sense of the Congress resolution. If we leave that as the operative language, we have accomplished nothing other than making some people feel good.

If my colleagues want to hold this administration and the Japanese administration accountable on all of those items we have discussed today on the House floor, the only way to accomplish that is to support the Bruce amendment.

That amendment is not conferenceable. It is the exact same language that was enacted by almost three-fourths of the other body.

There is an opportunity potentially to override a veto. If my colleagues do not think this is signficant, why has the President indicated he will veto that amendment? He does not want this amendment because it will simply hold both this administration and the Japanese Government to the statements and assurances they have made.

I say to my colleagues, "If you want to accomplish something, support the Bruce amendment."

Mr. HUNTER. Mr. Chairman, I yield 2 minutes to the gentleman from Indiana [Mr. BURTON].

Mr. BURTON of Indiana. Mr. Chairman, I thank the gentleman from California [Mr. HUNTER] for yielding this time to me.

Mr. Chairman, I have here before me the Bruce amendment. In the Bruce amendment there is a memorandum of understanding, and it says that the memorandum of understanding shall prohibit the transfer to Japan of critical engine technologies including, but not limited to, hot section and digital fuel control technologies, and, B, prohibit the sale or retransfer by Japan of the FSX weapon system or any of its major subcomponents codeveloped or coproduced with the United States.

Mr. Chairman, what is wrong with that? What is wrong is that Toshiba took our technology, or took technology that should not have been transferred under the Cocom agreement, and they sold it to the Soviet Union, and now we are going to have to pay $30 billion to come up with new technology to tract Soviet submarines, so what is wrong with the Bruce language? There is nothing wrong with it.

Mr. Chairman, it further says in the amendment:

> It is the sense of the Congress that any Memorandum of Understanding (MOU) between the United States and Japan on coproduction should specify that the United States share of the total value of the coproduction shall be not less than 40 percent of that value, including the value of manufacturing spare parts and other support items which are part of the lifetime maintenance costs of the FSX weapon system.

Mr. Chairman, what is wrong with that? Why is it not proper for the United States to be guaranteed 40 percent of the program? That is what they say they want to do anyhow.

Mr. Chairman, I think the Bruce amendment is a darn good amendment, and we should support it.

Mr. HUNTER. Mr. Chairman, I yield 2 minutes to the gentleman from Ohio [Mr. ECKART].

Mr. ECKART. Mr. Chairman, the agreement between the United States and Japan to coproduce a new jet fighter for Japan has been hailed by the administration and General Dynamics as a model for trade and defense cooperation between our two countries. Once again, the administration and General Dynamics, the company that brought us $444 hammers, must be singing a new version of "they got the goldmine and we got the shaft."

The fact of the matter is—U.S. taxpayers, workers, and industry are being taken for a ride once again by the administration's negotiators, and I use the term negotiators loosely.

Japan staked out an extreme negotiating position—that they absolutely would not purchase United States-produced F-16's "off the shelf"—and then refused to budge from that position. As has happened too often in the recent past—American negotiators caved in. Uncle Sam once again has become Uncle Sucker.

The FSX deal is clearly not in the best interests of the United States. It may have disastrous results for an industry where we currently have a competitive advantage. It does little to alleviate the trade deficit in the short run and will cause even greater problems in the future. It signals further export of U.S. jobs overseas.

If we cannot take care of the trade deficit by having the Japanese buy what we are best at producing—how will we ever make a dent in the $52 billion trade deficit the United States is running annually with Japan?

What does the United States have to gain from this agreement? According to the administration, we will learn from the Japanese in composite and radar technologies. Yet, the General Accounting Office has stated that the United States is currently superior to Japan in the composite technology needed to produce a light, strong wing similar to that planned for the FSX.

Unfortunately, the worst case scenario is possible—the United States now has an expertise in advanced composites. If this new system designed for the FSX is successful, we will have helped create a new competitor in an area that the United States now dominates.

The GAO also believes the United States to be ahead of the Japanese in radar technology. However, the United States wasn't even able to obtain information on Japanese radar technology because Japan refused to provide it, arguing that it involved trade secret information. Once again, Japan's negotiating strategy places its own interests first, and the United States strategy leaves us in the dark.

What does Japan have to gain from this agreement? The answer is fairly clear—Japan wants to develop its aerospace industry by obtaining United States technology. Technology in this case developed at a cost of $7 billion to U.S. taxpayers.

We have watched while Japanese companies targetted high technology industry after high-technology industry—color televisions, semiconductors, fiber optics, the list is endless. Yet, some still doubt that Japan is doing the same thing in this case.

We have to ask ourselves why Japan would spend more to develop this jet fighter than they have to. Since 1982, Japan has been permitted to coproduce many defense weapons systems, including the Hawk missile, the Patriot missile, the P-3C ASW aircraft, the F-15 aircraft, the Howitzer, and others.

A Department of Defense comparative cost analysis of these and other agreements found that Japan pays 2.2 times as much to coproduce equipment that could be brought from United States competitors. Japan paid $626 million to coproduce 58 F-4 aircraft that could have been purchased from the United States for $279 million.

Is this an oversight? Did Japan fail early math? The answer is, or course, no. The answer is that Japan was willing to pay more up front in order to develop its technological base and learn to produce aircraft and missile systems. Long-term profits and industrial dominance were the goals of the Japanese.

In fact, a 1982 General Accounting Office study of earlier coproduction agreements between the United States and Japan concluded that the American objective was to secure a stronger defense for the United States and the free world. Unfortunately, the Japanese objective was to obtain technology to increase its industrial base.

Nothing in this latest coproduction agreement indicates that the Japanese have changed their priorities.

Moreover, Japan has demonstrated a disturbing willingness to export sensitive technology to third countries. I have yet to hear a satisfactory explanation for these incidents or why we should trust Japanese companies not to continue to pursue profits at the expense of the security of the free world.

The latest example occurred last month when it was reported that police in Tokyo were investigating allegations that Japanese machinery company executives carried a rare nuclear material to East Germany. This material—hafnium—is used to make control rods for reactors on nuclear powered vessels and submarines. Its export to Communist-bloc countries is strictly regulated by the coordinating committee on multilateral export control—a trade watchdog body—because of its strategic importance.

Since 1985, 10 other Japanese companies have been charged with violating rules established by the export control committee to ensure that strategic materials do not end up in the hands of the Soviet Union or its allies. Just 2 years, the Japanese-based Toshiba Corp. sold equipment to the Soviet Union which helped them make quieter submarines.

There are critical technologies involved in the FSX deal. These include software source codes for the F-16's digital flight control system, as well as other engine and fuel components of the aircraft. The administration claims that these sensitive technologies will not be transferred to the Japanese, and further, that their transfer to third parties is prohibited under the new memorandum of understanding negotiating with Japan.

Unfortunately, Japan's past record does not give me much confidence in Japanese assurances when national security issues are at stake. I intend to support the Byrd/Bruce substitute today because it includes an outright prohibition on the transfer of these critical engine technologies from the United States to Japan and from any subsequent transfers to third parties.

The administration opposes this provision on the unfounded basis that it will require renegotiation of the FSX deal. I fail to understand the administration's unwillingness to protect vital U.S. industrial and national security interests.

What we really need is a systematic reconsideration of U.S. policy with respect to coproduction agreements, offset agreements and other military trade matters to ensure that U.S. taxpayers, workers and industries are being protected.

□ 1740

Mr. LEACH of Iowa. Mr. Chairman, I yield 3 minutes to the gentleman from Pennsylvania [Mr. RITTER].

Mr. RITTER. Mr. Chairman, what we seem to be doing here is seeking to renegotiate this agreement. That is what the Bruce amendment would probably do.

Assistant Secretary of State Janet Mullins said to the Subcommittee on Asian and Pacific Affairs that:

> It is recognized that the sense of the Congress provision is not legally binding. However, the clear legislative intent, which cannot simply be ignored, is that the Executive Branch should make every effort to achieve this workshare percentage. This provision would thus cast serious doubts on our practical ability to proceed without seeking to impose these legislative conditions on Japan.

All right, let us renegotiate. Let the Japanese go ahead and see what the Europeans would offer. Let the Japanese heavy industries see if they could

try to go this alone. Let us wipe out $2.5 billion. Who is our best customer for defense production today? It is Japan.

This amendment seeks to hurt Japan by shooting off the foot of the United States.

Now, as to technology transfer, we seem to think that Japan is some babe in the woods on technology. The fact is that the people from Hercules say that Japan has already started to cocure these wing sections. This is the ultimate in composite technology, where large sections like wings can be put together.

Does anybody doubt the manufacturing and processing capabilities of the Japanese? Does anybody doubt their ability in advanced electronics? Look around you. Look in your homes.

As I said before, there is no magic to an airplane. They do have to produce it with the United States.

The Bruce amendment opens up this entire activity and leaves us competing with the Europeans or Mitsubishi and Fujitsu and all these giants who are very, very capable of producing an aircraft.

The Japanese Defense Agency would love the opportunity and all of our major aerospace firms say that if the Japanese went it alone, they would be better off in their process of moving forward on both defense and civilian aerospace industry.

Mr. Chairman, I urge my colleagues not to see this amendment as retribution for the Toshiba sale, for the potential involvement which we are not even sure of with Mitsubishi in the Libyan Desert and the chemical plant, or for the transgressions of the Japanese on past trade issues.

Aerospace is our ace in the hole on exports. This amendment and this entire debate here runs counter to our best interests.

Mr. SOLARZ. Mr. Chairman, in the spirit of charity, I yield 2 minutes to the distinguished gentleman from Minnesota [Mr. VENTO], who I gather supports the amendment.

Mr. VENTO. Mr. Chairman, I thank the gentleman in the interest of the debate for giving me an opportunity to advocate a position in favor of the Bruce amendment.

Mr. Chairman, for a long time the Banking Committee, under the Defense Production Act, has examined the countertrade, the offset, the other types of agreements that we are talking about here and it is curious, because it casts our Department of Defense and Department of State in the role of actually procuring these contracts without foreign competitors.

The fact is that these are the last areas, someone pointed out that the electronics and avionics and aircraft areas are where we have a comparative trade advantage.

What has occurred here, of course, is that many nations seek to gain that technology, to leapfrog over the years of development and the dollars that we have spent, and we spend a disproportionate, perhaps the majority of our research and development dollars in these areas. So is it any wonder they are seeking to do so, to gain that particular type of competitive edge? We know in consumer goods all around us that they have attained a comparative advantage, because we have chosen not to emphasize those products, but this is the one last refuge where we have some advantage in these areas.

So I hear my colleagues talking about the Europeans and talking about others, but in examining it, I found that it is U.S. firms, aircraft and avionics and electronics firms, competing against one another.

In fact, in the private sector they found that two-thirds, 66 percent of the contracts that we have in aircraft and electronics, are offset in terms of OMB. Two-thirds of the jobs go in that direction, mandatory offset types of agreements.

I think it is time to come out of the dream world of free trade and face reality in terms of what is going on and start to stand up for American workers and businesses in this country.

I am pleased to see this administration, at least the Commerce Department, respond. It is ironic to me that the Department of Defense claims to be so concerned about the confidentiality of data when they are in the forefront of spreading it all over.

Mr. Chairman, I rise to express my strong opposition to the terms of the FSX agreement between the United States and Japan. I regret that the Senate did not muster a majority of votes to stop the FSX deal. However, while we cannot completely stop this deal at this time, we do have a significant opportunity here to improve the terms of this transaction.

The aerospace industry is clearly the one bright spot in our foreign trade relations. This industry consistently runs a big surplus rather than a deficit. It would be sheer folly for the United States to give away this advantage. No other county, and certainly not Japan, would be so foolish as to give away its best technology from one of its best performing industrial sectors.

The FSX agreement provides for the modification of the General Dynamics F-16 single-engine fighter plane by giving the plane a longer fuselage, larger wings, and improved maneuverability. Proponents of this agreement, both in the Bush administration and in the previous Reagan administration, have said that there are significant mutual benefits to pursuing this coproduction agreement. Some have even said that we will receive Japanese technology involving composite materials to be used in the redesigned wing, for example. However, a recent study released by the General Accounting Office [GAO] contradicts this claim and suggests that rather than a two-way technology transfer, this agreement is more characteristic of a one-way transfer of technology; from the United States to Japan.

We have seen time and time again how the Japanese Government and its private companies have worked cooperatively to establish Japanese dominance in certain industries and markets. The Japanese position in electronics did not occur simply by chance, but was the result of a deliberate and prolonged policy. As an example, Japanese production of high-quality semiconductors has enabled that nation to carve out a dominant share of the world market.

Many observers believe that Japan is committed to developing a stronger and more competitive aerospace industry. Mitsubishi already manufactures commuter and business aircraft through one of its subsidiaries. It does not take much imagination to foresee the day when Mitsubishi may advance to building heavy commercial aircraft to compete with our own Boeing and McDonnell Douglas aircraft as well as Europe's Airbus Industrie consortium aircraft. While this may eventually happen it should not be hastened because of a U.S. technology giveaway. The cross-transfer of military aircraft technology to commercial aircraft technology is a clear fact. Many of today's most popular commercial aircraft can trace their technological lineage back to military aircraft. When we view the pending FSX coproduction agreement in this context, it is clear that we are talking here about much more than simply one fighter airplane.

Recently, the Banking Subcommittee on Economic Stabilization, on which I serve, held a hearing on the FSX agreement. Regretably, the Bush administration declined the subcommittee's invitation to testify and to respond to the concerns of the Members. One of the most important issues which still must be resolved is how big a share of actual FSX production will we be guaranteed.

I strongly support the Bruce amendment which provides that the total value of U.S. production will be no less than 40 percent, including the value of spare parts and support items. Additionally, I strongly support the provisions of the Bruce amendment which express the sense of Congress that the President should seek in the separate production agreement to prohibit the transfer of critical engine technologies, including technology related to digital fuel control and the hot section

of the engine where combustion occurs.

Further, the Bruce amendment directs the General Accounting Office to monitor the implementation of the FSX agreement and to submit annual reports to Congress. The Defense Department is also directed to regularly solicit and consider the comments of the Commerce Department on all future agreements relating to the FSX project.

It is worth noting here that there has been a division of opinion between the Defense Department and the Commerce Department not only on this FSX agreement, but also on other defense coproduction agreements. Each of these departments brings a different perspective to this issue. The Commerce Department's warnings about the possible future negative impact upon our aerospace industrial sector should be better understood and considered rather than ignored.

We may not be able to stop this FSX agreement from proceeding, but we can help improve the terms of the agreement by supporting the Bruce amendment.

Mr. Chairman, this FSX agreement is just the tip of the iceberg concerning DOD foreign procurement and sale decisions. The fact is, that the Department of Defense and the Department of State have been all too ready to yield key U.S. technologies for a short-term profit gain by a U.S. manufacture or contractor at the cost of the long-term health of the U.S. economy. It is wrong to pursue foreign policy on the basis of selling out U.S. employment, jobs and our future economic health. But that is what has happened in case after case with U.S. military sales abroad the FA-18 fighter aircraft or the AWACS system. Offset, coproduction, joint production, countertrade the terms which conote the deals are marked in tones and phases of cooperation but the end result is to often the same, the literal give away of U.S. technological and research fruits for little or nothing.

Congressional initiated law required the Office of Management and Budget to collect important data from private U.S. electronics and aircraft firms which indicates that fully 66 percent of the sales made abroad result in offset counter trade agreements. The price of the sale therefore mandates that 66 percent of the employment benefits and economic stimulation is absorbed by the foreign purchaser. Worst yet is that in many instances there is an absolute demand to produce the product or a component of the system in such foreign nation at an elaborate cost and of course transferring the technology and know how for a fraction of the value.

It is time for our trade policy to wake up to reality, for at least our National Government and the DOD to help give American business and workers a fair shake. With the bulk of U.S. R&D being spent on electronics and avionics is it any wonder that the foreign nations demand such trade agreements.

Obviously, we have yielded the market to such foreign competitors in a host of other areas—must we now set them up as our competitors in the last refuge of products where we have a small lead in avionics and electronics. One that American taxpayers have, in fact, paid for in blood sweat and tears.

Mr. Chairman, that is why I support the Solomon amendment and other initiatives that recognize reality rather than the dream world of free trade. Until U.S. policy comes to grips with such blatant abusive practices of trade and sets a policy path of trade with fair rules, this type of inequitable situation will persist.

Here the Japanese Government has the United States Departments of Defense and State doing their bidding and this is not the first time they have played that role for foreign nations. Hopefully, this practice will be seen for what it really is in the near future, but today this administration and this FSX agreement need a message hopefully, this will cause a basic change in policy that is so needed. And then maybe some day in the not to distant future trade will not be the lowest common denominator, of what our imagined competitors are willing to give away but rather based on the comparative advantages of respective national economies. Ironically, we often find U.S. firms or branches of the service vying with one another in an effort to make a foreign sale, enshrining their products in the market place with a short-term profit or lower unit price being the pittance for the long-term health of the whole U.S. industrial and technology base.

Too often I've felt like a voice in the wilderness voicing such concerns but hopefully today the U.S. Department of Commerce and other Members of Congress are starting to come to grips with long-term implications of such actions. I'm pleased with attention and the response there is plenty of work to do in setting this policy right.

Mr. BRUCE. Mr. Chairman, I yield 2 minutes to the gentleman from Illinois [Mr. DURBIN].

Mr. DURBIN. Mr. Chairman, the amendment which is before us today has nothing to do with retribution against Japan. What it has to do with is simply common sense. If the Japanese want to develop a fighter aircraft, it certainly is their decision to make, but once they are prepared to invest twice the cost of the F-16 into this project, it is clear they are looking for more than hardware. They are looking for technology. They are looking for business. They are looking for future opportunities.

Now, that is a natural inclination, and quite frankly, the Japanese have been very successful in developing this sort of technology, and I might say with some regret, taking our jobs in the process.

Is it unreasonable for us at this moment to suggest that if we are going to enter into this agreement with the Japanese if we are in fact going to coproduce, codevelop this plane, that we at least have some restriction on the transfer of this information, that we at least have some restriction on their passing along this information to third parties that might be used against the United States in an economic situation?

I, for one, think this is a totally reasonable amendment. It is a fact that Japan is our ally, as the gentleman from New York has said, but the fact is, too, that on an economic basis we are in competition with our ally. If we are not going to surrender the means for the United States to protect its own economy and to develop its own economy, we need a reasonable amendment, such as is being offered by my colleague, the gentleman from Illinois [Mr. BRUCE].

Mr. Chairman, I rise in strong support of the amendment. I hope all those in the Chamber who value not only the future of our aerospace industry, but the future of our relationship with Japan, will also support this amendment.

Mr. HUNTER. Mr. Chairman, I yield 1 minute to the gentleman from Florida [Mr. SMITH].

Mr. SMITH of Florida. Mr. Chairman, I thank the gentleman for yielding this time.

I just want to take this small amount of time to say that I have enjoyed the debate immensely, but like other debates, unfortunately we have fallen into the same pattern of rather duplicitous statements.

One of the Members talked about the reality of this as being a signficant thing for the United States and was very much in favor of what had been negotiated by the White House.

□ 1750

Yet, when it comes time to putting into writing what the White House says is the understanding between the parties, and that is what the Bruce amendment does, everybody runs away from wanting that done.

How can we support what the White House did, what Japan has agreed to, if we will not support putting it in writing? Is the United States going to be somewhat of an itinerant vagrant on the desert who, when approached by somebody who says, "I can make or give you a machine that makes water," we are not going to get a guarantee for our money before we accept it? Are we

just going to take everybody at face value?

Mr. Chairman, we have been burned thousands of times diplomatically. Is it not time for the United States to stand up for itself and say, "We believe you, but we believe what President Reagan used to say," and I cannot say it in Soviet, "Trust, but verify." "If you want this, we will give it to you, but we want 40 percent. Give that to us."

Americans do not deserve any less.

Mr. LEACH of Iowa. Mr. Chairman, I yield 3 minutes to the gentleman from New Mexico [Mr. SCHIFF].

Mr. SCHIFF. Mr. Chairman, I am opposed to the FSX agreement, but I am also opposed to this amendment.

I voted for the resolution of disapproval a few minutes ago. I will not go over the reasons again, but I think they were well stated in the debate at that time.

I wish in the other body that the other body had also rejected the FSX agreement. If the other body had rejected the agreement, we would not be debating this amendment now. There would be no need to, but they did not disapprove it, and, therefore, it will take effect.

The problem with this amendment, although it is well-intentioned, is in exactly what its principal sponsor states: It seeks to control negotiations for a future memorandum of understanding. The problem is that is an unacceptable intrusion of the Congress into the constitutional prerogatives of the Executive.

We had the opportunity for a straight up-or-down vote by the Congress, which is our place under the law, and we did not vote the FSX down because of the other body's vote.

I think that with all of the problems of the FSX agreement, I think this amendment, which places the Congress at the negotiating table along with the Executive where it just does not belong in this or in other circumstances, is a worse idea, and I hope that the amendment is defeated.

Mr. HUNTER. Mr. Chairman, I yield 1 minute to the gentleman from Michigan [Mr. LEVIN].

Mr. BRUCE. Mr. Chairman, I yield 1 minute to the gentleman from Michigan [Mr. LEVIN].

Mr. LEVIN of Michigan. Mr. Chairman, I must confess that I am a bit confused by some of the arguments against the Bruce amendment. The distinguished gentleman from Iowa called it protectionism. Protectionism.

Somehow to protect and fight to protect intellectual property is not protectionism, but to fight to preserve our technical know-how, somehow that is protectionism. It is a smokescreen.

There is a basic weakness here. We did not press the Japanese to buy our plane off the shelf, and now we are fighting to preserve some semblance of our advantage, which is called protectionism.

It is said that it will cause renegotiation. Well, so what? If the deal is inadequate, why should we quiver in our boots?

The New Prime Minister of Japan said just yesterday that he urged his country to embark upon rectifying those institutions and practices that are objectively viewed as unfair. Why can we not stand and pressure the Japanese to do what is fair here?

It is said that it is micromanagement. I will make the Members a deal: Let the administration macromanage appropriately, and we will not micromanage.

Finally, it is said, "I voted for Solomon, so I can vote against this amendment." The Solomon amendment is a fig leaf, and do not think that the constituents will let us hide behind it.

This amendment has a few teeth in it. Vote for it. It is a deserved standing-up for the best interests of the United States of America, and no one here should be ashamed of that.

The horse is out of the barn.

The best that can be done now is to make certain that the horse doesn't kick us below the belt.

The Bruce amendment is a step in that direction.

But let us also make certain that we learn the larger lesson of this FSX deal.

The economic position of the United States in the world has significatnly slipped during this decade.

Often it is said this is because U.S. manufacturers can not compete in quality and service.

FSX shows that, while there may be truth to that statement in some cases, it is far from the whole truth.

Japan could have purchased a top-quality fighter plane from the United States at one-third the cost. The Japanese Government insisted instead that its own industry must take the lead in developing a modified version of the United States F-16.

What was the United States reaction? We asked and were told that then-Secretary of Defense Weinberger briefly raised the issue of Japan's buying a United States plane, but did not press it.

Why was a matter of such potential economic significance not passed and not pursued by the President? The answer from the administration in our briefings was: this wasn't a subject deemed worthy of consideration at the Presidential level.

That answer is sad and very telling. That answer tells us much about how ineffectively the United States has reacted during the decade of the 1980's to the dramatic erosion of our economic standing in the world. It helps explain how we find ourselves in 1989 still saddled with annual trade deficits over $100 billion—over $50 billion with Japan alone.

U.S. policymakers who put together the FSX deal acted as if it had no commercial dimension.

The Japanese negotiators labored under no such illusion. They understood that the commercial stakes in aircraft manufacture are very high.

By passing the Bruce substitute, we can at least forbid the giveaway of some of our sensitive aircraft technology. We also send a message that a decision on this type of transaction in the future must be "on the Presidential level"—where by rights this issue should have been all along.

Mr. LEACH of Iowa. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I would like to make several points.

First, in case there is any doubt, the White House will veto this amendment if it is passed. Secondly, while the premises of critics of this are entirely valid, that is, Japan is an unfair trading partner and that Japan wants to build an indigenous aircraft capacity, the conclusions of the critics are bizarre. They defy common sense. What advocates of this amendment want is to turn down 22,000 American jobs, turn down $2.5 billion in trade, and they want Japan to go it alone or in conjunction with our competitors in Europe. They do not want follow-on sales which will be tied to U.S. industry by this amendment.

Jobs are what American workers want. Jobs are what the Bush approach provides. I say stand up for the President of the United States and for the American worker, and do not stand for the Japanese industrialists and the European competitors who drool for passage of the Bruce amendment.

Mr. SOLOMON. Mr. Chairman, I yield 1 minute to the gentleman from South Carolina [Mr. SPRATT].

Mr. SPRATT. Mr. Chairman, I rise in favor of Senate Joint Resolution 113, and in support of the Bruce amendment.

I do not understand why so many seem so surprised that the Japanese want to codevelop and coproduce the FSX. The Japanese coproduce the F-15, when they could buy it at half the cost from McDonnell Douglas; they coproduce the Hawk missile, when they could buy it for far less from Raytheon; they build the P-3C in Japan, instead of buying it from Lockheed, where the airframe has been made for more than 30 years.

A couple of years ago, I took part in the Shimoda Conference in Japan, and I recited these facts just to show that the Japanese certainly do not follow the principles of free trade when it comes to aerospace, one sector where the United States has a clear competitive advantage. An American at the conference responded by saying that he had been interning at MITI for over a year, and make no mistake about it, the Japanese were determined to build a defense industry,

using firms like Mitsubishi, which he specifically mentioned.

Well, if the country with whom we run our largest deficit will not trade with us freely in aerospace and agriculture, then we need to rethink our trade policy, which is bottomed on the belief in free trade. That's why I voted for the Gephardt amendment and for managed trade for textiles, apparel, and shoes.

But in reality, there is little we can do about the FSX agreement. The FSX codevelopment package comes to us as a fait accompli. The Senate has refused to reject the sale, and, in truth, there is not much either the House or Senate can do about it without undercutting the President and backing out of an agreement our Government has already made. Since the resolution before us is the only opportunity we in the House have to express our dissatisfaction with the sale, I support it; but I do think we should strengthen it with the Bruce amendment.

I support this resolution, as modified by the Bruce amendment, for three reasons.

First, I hope it will help American firms get a share of the production work.

Second, I hope it will discourage misuse of technology important to our national security.

Third, I hope it will serve notice on the administration of our displeasure. If this "fuss" over the FSX serves no other purpose, I hope it puts the administration on notice that if they strike another deal that does so little for our economic interests, they do it at their own risk. With our intractable trade deficit, we cannot afford to keep being so docile in the way we deal with our allies and trading partners; we cannot continue subordinating our trade and economic interests to defense and foreign policy interests.

The results of our open and Japan's closed markets are stated starkly in our trade figures. In 1980, the United States trade deficit with Japan was $9 billion, by 1984 it was $30 billion, and since then it has averaged over $50 billion annually. Despite deep depreciation of the dollar against the yen, which began in 1985, the United States deficit with Japan continues with little abatement, and it remains by far the largest deficit we run with any of our trading partners. The 1988 deficit of $55 billion represented more than 40 percent of our trade deficit with the entire world. We will never balance our international deficit without reducing Japan's 40-percent share of it; and the FSX agreement does little to that end.

Under the theory of comparative advantage, each nation should produce and export those products it can make at the best quality and lowest price. Everyone benefits, so the theory goes, because we all pay the lowest price for the best goods. Unfortunately, as the FSX sale shows, this principle is not practiced by all those who preach it. By all accounts, the United States manufactures the best fighter aircraft in the world. Yet the Japanese have chosen to develop and produce their own fighter aircraft at up to two and one half times the cost of buying a United States-made plane.

There are several good reasons the Japanese should buy directly a United States-made aircraft.

First, the purchase of a fighter made in the United States would show that Japan is willing to work down its astronomical trade surplus with the United States. We often hear the Japanese say that they do not import our products because quality is poor and prices are high. They cannot make that argument here. They are turning down a first-quality American product priced at a fraction of what they will pay Mitsubishi. In spurning this chance, the Japanese reveal just how little they are willing to do to help us balance our trade accounts with them. The Japanese are electing to pay $48 million for each of the 130 FSX jets they will manufacture instead of the $20 million price of an F-16. The cost of an FSX represents two and one half times the cost of an F-16 and 50 percent more than the cost of a new F-18.

Even though President Bush renegotiated the FSX project to guarantee a larger share of the business to United States companies, the Japanese will still limit access to United States companies. We already have evidence of it. I will give you an example from near my own district. A company based in Charlotte, NC, was told it would not be able to supply to Mitsubishi Heavy Industries a product called prepreg, a fiber-reinforced plastic used for the FSX. Instead, Mitsubishi will be awarding the prepreg contract to one of its sister Japanese companies. This decision was made despite the fact that the Japanese firm does not have the capability for turning prepreg into aircraft parts while the American-based supplier has been doing it for years.

Clearly, a direct purchase would serve the economic interests of Japan and the United States. It would also serve our mutual security interests. Japan spends only 1 percent of its GNP on defense. Since it spends a fixed sum on defense, the $3-$4 billion in excess, unnecessary spending which Japan will be spending on the FSX has to be taken from other defense needs, and Japan has other defense needs. For example, the Japanese have committed to protecting the sealanes surrounding Japan out to 1,000 nautical miles. But they are able to fulfill this commitment only south of the Japanese archipelago, and not north of it, at least not for the full 1,000 nautical miles. The $3-$4 billion in excess cost being spent on the FSX might have been spent on this defense need, to the advantage of Japan and the United States. Richard Perle told the House Armed Services Committee that given the United States defense deficit with Japan as well as the United States trade deficit, we had the right to expect, and should have told the Japanese, that we would accept nothing less than a direct purchase of the FSX, made mostly in the USA.

Another problem with this codevelopment arrangement is it will aid Japan in developing its own aerospace industry. Frankly, I think this argument is overplayed. If the U.S. defense industry, nurtured by nearly $150 billion a year in research, development, and production spending, cannot keep pace with Mitsubishi and Kawasaki, then we have problems that run deeper than this agreement. If Mitsubishi can make the composite wings of this airplane, and by this experience, catch up with or overtake Northrup and LTV, after their experience in building the all-composite B-2, or Lockheed after its experience in building the F-117, or Boeing after its experience in rewinging the A-6, or McDonnell Douglas, after its experience in building an all-composite fighter, the ATA, then the American aerospace industry has no one to blame but itself. Still, we would hope that the Departments of Defense, State, and Commerce would ask, before making agreements of this kind, whether we want to hold the door for new entrants to the aerospace business. Codevelopment of the FSX will clearly give Japan experience in composites and in systems integration, and it will give them access to source codes for the F-16. Booz-Allen has predicted that by the year 2000, Japan's aerospace production will rise from $7 billion annually to $29 billion—more than a fourfold increase, with much of the production going to exports—undoubtedly displacing our exports. Aircraft and aircraft parts represent the single largest industrial export sector of the U.S. economy. In 1988, the dollar value of these exports totaled almost $20 billion and more than 1 million American jobs are directly dependent on aerospace. Millions of other jobs in electronics and computers are directly tied to our aerospace sector. While it is no wonder the Japanese want to enter this lucrative market, I question the wisdom of helping them through the door.

I also question the wisdom of releasing access to our source codes. The first source code, the mission control computer coordinates, the navigation, communications, radar and armaments and the second, the flight control computer, maintains the aircraft's stability. The renegotiated agreement

with the Japanese does attempt to protect against reuse of these source codes by the Japanese and limits the flight computer technology to fire control. However, such agreements are difficult to police, especially because the Japanese will have access to workable versions of those rewritten programs. Nevertheless, in the final analysis, we have to rely here, as with the Aegis cruiser, on the Department of Defense; if they are comfortable with the release of our source codes, and with Japanese military security, I am inclined to abide by their judgment; but this is another negative and another risk for us in the FSX agreement.

By contrast to what we are giving up, we appear to be getting little new technology in return. The administration touts the claim that we will get two new technologies: active phased-array modules and a cocured composite wing. But an independent study by the General Accounting Office [GAO] has concluded that the technology we would receive is already familiar to and used by U.S. industry.

All these problems point up the flawed manner in which this agreement was made. The only Federal agency participating in the negotiations was the Department of Defense. Neither Commerce nor the U.S. Trade Representative [USTR] played any role in the talks and their approval was never solicited once the deal was struck. While Japan is one of America's closest military allies, she is also our greatest economic rival. In any future agreements of this type, those agencies responsible for our economic interests ought to participate.

Despite my own reservations, the Senate has voted against a resolution of disapproval. So, the only opportunity we now have to register our concerns is to approve this resolution, as amended by the Bruce amendment. The Bruce amendment adds teeth to the committee resolution by narrowing the President's discretion to enter into an unfair production arrangement. The committee resolution expresses the sense of Congress that if the FSX enters production, the coproduction memorandum should prohibit the transfer to Japan of engine technologies and guarantee that the United States firms receive no less than 40 percent of the production work value. It requires periodic reports by GAO and regular consultation between the Defense and Commerce Departments. By contrast, the Bruce amendment requires the production agreement to include a prohibition on transfer to Japan of "critical technologies" relating to jet fighter engines. In addition, the Bruce substitute requires that the coproduction agreement prohibit the sale or transfer by Japan to any third countries of the FSX plane or any of its major subcomponents that were codeveloped or coproduced with the United States. The committee bill omits any outright prohibition and instead gives the President the authority to approve such third-party sales. The legislation, as amended, is a step in the right direction, though it does not address all of the problems with the sale. So, it will help to ensure that United States companies receive a fairer share of the production work, and it could reduce the chances that the technology we provide will be misapplied by Japan.

Frankly, the most we accomplish with this resolution is a shot across the bow of our own administration, warning them that next time, we expect American interests to be protected better. For my part, I believe that that warning will carry more force if it comes in the form of the Bruce amendment.

Mr. BRUCE. Mr. Chairman, I yield 2½ minutes to the gentleman from New Jersey [Mr. TORRICELLI].

Mr. TORRICELLI. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, let us be clear about this debate and what it is we seek to achieve.

The option of protecting our most vital technologies in aerospace does not exist. It was lost at a negotiating table. The option of protecting our most important export industry may have been jeopardized, but what the Bruce amendment does offer is a chance to make the best out of a very bad situation to correct in this Congress something that was lost at the negotiating table, and I do not understand most of the arguments made here today against it.

The administration claims it is protecting the most vital engine technologies. The Bruce amendment simply prohibits the transfer of that technology. The administration claims that it will protect against the transfer to third parties by sales. The Bruce amendment simply prohibits those sales. The administration claims it is going to attempt to protect production by claiming 40 percent of it for America. The Bruce amendment simply requires that that be done.

The Bruce amendment makes sense. It makes, by memorandum, by law, the things the administration claims that it is already doing. Indeed, it does no more than we have done in previous agreements.

When the United States sold important naval technology to the Japanese for the Aegis cruiser, the Japanese required that they keep production. What is it the Bruce amendment would do? We would do the same thing, but with only 40 percent of it.

We are seeking to do with aircraft what the Japanese did for us in naval construction. This debate has appeared to be long and complex. Indeed, it is very simple.

□ 1800

This is very simple. There is no saying that you are opposed to the FSX but I am going to vote against Bruce. This is the FSX vote. If Members believe in keeping those jobs in America, if they believe in protecting that technology, they have one vote on one issue.

Vote for the Bruce amendment. Correct in this Congress what we failed to correct at the negotiating table. There are industries, there is technology, there are American workers who are counting upon us.

Mr. HUNTER. Mr. Chairman, I yield myself my remaining 2 minutes.

My colleagues, let me make my position absolutely clear. I am with the Bruce amendment, but I am voting for the Bruce amendment because I think indeed, as it has been described, the Bruce amendment is a show stopper.

I am against the FSX transfer, and the reason I am against the FSX transfer, and I believe any Member who voted for the Solomon amendment should vote for the Bruce amendment because it puts the full force and effect of the Solomon amendment into effect, but I am against this transfer because the primary beneficiary of this transfer, the Mitsubishi Corp., has sold out the interests of the West.

Let me say I think there is a message to Japan and to the corporate community in Japan in this debate. The message is that a number of American Congressmen have gotten briefings on the Mitsubishi/Libyan connection, and I think it has been well established, at least well enough established in the minds of Members who have voted here to have resulted in a vote of the Solomon amendment of some 320, if I am correct, to 98. A number of those 320, I hope a majority who vote for the Bruce amendment are Members who have gotten those briefings.

They have taken a lot of time. The message to Japan is that they are in fact a player in the world, they are one of the three superpowers in the world and they have a responsibility and they are accountable. Americans are going to find out what they do with respect to technology transfer. They cannot be responsible members of the Western alliance and sell the wherewithal to kill Americans to Mr. Qadhafi. They cannot sell the wherewithal to kill Americans at a Baltic shipyard in the Soviet Union. If they do that, we are going to find out about it.

Now is the time to use leverage because now is when we have leverage, not after this deal is made.

Vote for the Bruce amendment.

Mr. BRUCE. Mr. Chairman, I yield 1 minute to the gentleman from Pennsylvania [Mr. KOLTER].

Mr. KOLTER. Mr. Chairman, I rise today in support of the Bruce substitute for the FSX fighter plane agreement with Japan.

I have never been a proponent of the FSX joint venture. I feel, however, that we have reached the stage where adoption of the Bruce substitute is the soundest measure, given its effective safeguards against ill-conceived transfers of vital technological interests.

Let us not fool ourselves, however, regarding the potential consequences of this joint venture. I truly believe that Japan's military aircraft policy represents an attempt to move into the commercial aircraft industry, an attempt which should not be made at America's economic expense.

We should, therefore, exercise the greatest prudence, the greatest caution, and the greatest concern in the ultimate execution of this joint venture.

Approximately 1 year ago, the columnist Richard Reeves wrote that "Westerners do have to think about being the noncommissioned officers in Japan's economic army." I certainly do not want that to be the case. We will not be the noncommissioned officers in any nation's economic army if we demonstrate prudence and foresight in our dealings with foreign nations, when the health of vital American businesses are at stake. This is why I will support the Bruce substitute.

Mr. BRUCE. Mr. Chairman, I yield 2 minutes to the gentleman from Missouri [Mr. GEPHARDT].

Mr. GEPHARDT. Mr. Chairman, let me first commend my friend, the gentleman from the great State of New York [Mr. SOLARZ] for his diligence, his intelligence, and his hard work in trying to improve on what the Senate did, and to get this agreement tied down as well as it could be. We differ on what ought to be done. He is not in favor of the Bruce amendment and I am, and I hope Members will listen closely to what this is about so they will understand that this is not a free vote. There is not a way to vote for the Solomon amendment, which I would have in another day hoped would have been the law and the position of the Congress, but we were not afforded that opportunity because of what happened in the Senate, but by having voted for Solomon, in my opinion, Members have not voted for the position that will pin down this deal as well as it can be pinned down.

This is an issue of economics. It is not just an issue of defense. When we had the military people in to brief us on this deal, one of us asked them if this were a trade and economic deal alone, would they have approved of it, and their answer was "This has nothing to do with trade."

Ladies and gentlemen, it has everything to do with trade. The two issues that are at stake in the Bruce amendment are first, whether we will transfer the critical engine technology and; second, whether the Japanese will easily be able to transfer all of this technology to third parties later, which is the position that can only truly be pinned down by the Bruce amendment.

The second aspect of this is how we can get something on the President's desk, and it is here that the fine gentleman from New York and I, I think, disagree. I think the best way to get something definitive on the President's desk is to pass the Bruce amendment, because by doing that we are passing language which is identical to the Senate language, which means it will go directly to the President's desk.

In short, if Members mean to pin this deal down on behalf of the trade and economic interests of the United States, vote for the Bruce amendment.

Mr. SOLARZ. Mr. Chairman, I yield 1 minute to the gentleman from Pennsylvania [Mr. RITTER].

Mr. RITTER. Mr. Chairman, I thank the gentleman for yielding to me this time.

We are talking about pinning down in this amendment 40 percent of a production share that we do not know anything about. We have not gone through the development, so we do not know what we are going to produce. Maybe it is more than 40, maybe it is less, but we cannot pin down a production share when we are not even sure about the product that we are going to produce.

A representative of Boeing in testimony with regard to what the aerospace industry's view is, and Boeing does not have a share of this deal at all, said:

> The key here, I think, is a determination to be competitive. I don't care whether it's sports or somewhere else, being competitive by holding onto your opponent doesn't work. You win by running faster than the other guy.

He goes on to say:

> From our standpoint, an educated work force, a well-trained, educated work force, is far more critical to our long-term competitiveness than trying to block a piece of technology transfer.

We have already tied down the critical jet engine technology. But maybe in 1994 this is not so critical anymore and we may wish to transfer it. Are we going to legislate for 1994?

Mr. SOLARZ. Mr. Chairman, for the purposes of concluding the debate, I yield myself my remaining 3½ minutes.

Mr. Chairman, we have gone through a lengthy debate on this amendment. My guess is it will pass. Whether it passes with a veto-proof majority remains to be seen.

I believe, however, that it would be a mistake to adopt this. I think it is gratuitous in the sense that the problems it is designed to deal with, the transfer of critical engine technologies to Japan and the retransfer by Japan of the FSX or any technologies derived therefrom to other countries, is not something that we need particularly to be concerned about, because the administration has indicated it has no intention of approving them.

□ 1810

And in any case, the Congress retains the power to disapprove any subsequent decision by the administration to transfer or approve the retransfer of these technologies.

By enacting this amendment, however, by putting this provision into law we might require a renegotiation of the agreement. And if we do renegotiate the agreement, after it has already been negotiated twice, it could lead to the unraveling of the agreement.

The Japanese, after all, initially wanted to develop the FSX on their own. They only agreed to coproduction and codevelopment after we insisted upon it. If we now pass this amendment, the Japanese might use that as an excuse to back out of the deal entirely. If that were to happen, we lose 22,000 man-hours of work, we lose $2.5 billion. Both of which we can sorely use here in the United States.

I know that many Members feel that if we go ahead with the FSX arrangement we will be undermining the future viability of an important American industry. I can only say that there is not a single Member of the House who would like to see that happen. But surely the aerospace industry, itself, is entitled to the benefit of the doubt when we consider the implications of the FSX deal for their own future.

Who here really understands the significance of the technology involved? I submit there is not a single Member of this body who would recognize a flight control source code or a source code if they had it put in front of them. We do not understand it. But the industry does. What does the industry say? The industry unanimously contends that the FSX arrangement would not compromise their competitive position.

Indeed they say that if Japan went ahead and developed the FSX on their own, that would put Japan in a better position at the turn of the century to compete effectively with them. Therefore, they favor the agreement.

So, I consequently, in conclusion, Mr. Chairman, urge my colleagues to vote against the Bruce amendment.

Mrs. LLOYD. Mr. Chairman, I rise in support of the Bruce amendment to Senate Joint Resolution 113 concerning the FSX agreement between the United States and Japan. Before enumerating my reasons for supporting the

Bruce amendment I wish to comment briefly on the FSX deal as a whole.

First, let me say that I was pleased by the overwhelming support shown today in this Chamber for the Solomon amendment expressing disapproval of the FSX agreement. I do not think that following through with the FSX agreement is in the best interests of the United States. I disagree with the claim made by some of my distinguished colleagues that the Solomon amendment is not pertinent to today's debate because the Senate failed to pass a similar resolution thus permitting the FSX deal to proceed regardless of this Chamber's actions.

By overwhelmingly passing the Solomon amendment we have sent a very powerful message to the administration and the Japanese. To the administration we have said that in today's world economic security is as important as military security. Without a strong, vibrant economy it is extremely difficult to field and maintain a strong military. We can no longer afford to emphasize one over the other. The FSX deal was formulated without any consideration for its probable effects on the U.S. aerospace industry, one of the few American industries which continues to run a trade surplus. It was only after intense congressional criticism that such concerns were even addressed by the administration. This lack of forethought is almost unforgivable and cannot be allowed to happen again.

To the Japanese we have said that the United States will no longer tolerate the unfair trade practices of its allies. If the Japanese truly had the defense of their homeland and the North Pacific sealanes in mind when agreeing to codevelop and coproduce the FSX with the United States, I submit that no such decision would have ever been made. Rather, the Japanese would have purchased what other nations know to be the most advanced and most capable fighter aircraft in the world: The American made F-16. Further if the Japanese were truly sensitive to the fair trade concerns raised here, in the United States, as they so often claim, they could have made a good-faith decision to respond to the concerns of a close ally and purchased the F-16 off-the-shelf. Such a decision would have helped improve the United States trade deficit with Japan and would quite likely have led to reduced tensions over such issues between the two countries.

Despite the clarifications sought by the administration to the FSX deal, execution of the agreement remains counter to American interests. The giveaway of American F-16 technology, particularly the information Japan will gain in systems design, will almost certainly come back to haunt the United States aerospace industry. Years from now economists are likely to point to the FSX agreement as influential in launching a globally competitive Japanese aerospace industry.

Unfortunately, we cannot stop the FSX agreement from going forward. Consequently, I believe Congress must act to strengthen aspects of the agreement which, despite the newly arranged clarifications, continue to concern Members of this body. For this reason I am supporting the Bruce amendment. This amendment will prevent the transfer of highly sensitive engine technology to Japan, prevent the transfer of the fully developed FSX plane—and its technology—to third countries, require GAO oversight of the codevelopment project, and require Department of Commerce participation in negotiations regarding the coproduction agreement.

Mr. Chairman, I oppose the implementation of the FSX agreement and have made this opinion known by voting for the Solomon amendment which disapproves of the FSX deal. If the FSX deal must go forward, as the administration insists, then it must be strengthened to satisfy the concerns of Congress, and therefore, I will support the Bruce amendment.

Mr. FEIGHAN. Mr. Chairman, I rise in strong support of the Bruce amendment. The vote on this amendment will indicate to President Bush that the FSX coproduction is a bad deal—it's is a bad deal because it doesn't make military sense. It doesn't make economic sense. And ultimately, it is not in the best interests of the United States.

On the military side, one has to wonder why the Japanese have chosen not to buy our F-16's "off the shelf." One has to wonder why the Japanese rejected the option of buying F-15, the F-16, or the F-18—each of which would have served Japan's defense needs better than the FSX. Buying the F-16, for example, would have given the Japanese a twin-engine aircraft with greater range and capable of delivering a bigger payload than the FSX.

On the economic side, buying F-16's off the shelf would cost the Japanese half as much as the FSX deal. But beyond the bottom line, we know from the United States Trade Representative's 1989 trade estimate that the Japanese have "targeted" aerospace industry for development. Over the past several years, we have watched while the once vast United States technological lead in several manufacturing industries has been eroded by the Japanese—in electronics, in semiconductors and automobiles. The coproduction agreement before us unnecessarily enhances Japan's ability to compete with our own domestic aerospace industry.

The question is why should we help Japan compete with a sector of our manufacturing economy that maintains a $17 billion trade surplus with the rest of the world? Why should we forfeit our advantage—in any way—when we are the recognized world leader in aerospace engineering? Finally, why should we jeopardize an industry whose success in turn helps advance other feeder industries involved in computers, composite material and metallurgy, and electronics?

The Bruce amendment is the strongest option we have available to us. It ensures that if this deal does go through, vital U.S. technology will be protected. It prohibits the sale or transfer of FSX technology by Japan to third countries. And finally, it ensures that any coproduction agreement arrived at will guarantee a 40-percent workshare for U.S. companies. I think these are the minimum guarantees we should get from the Japanese. And if the resolution results in renegotiation of the entire FSX deal, then so be it. I urge my colleague to support the Bruce amendment.

Mr. FAZIO. Mr. Chairman, I rise today in support of the Bruce amendment in the nature of a substitute to Senate Joint Resolution 113.

Two months ago, when President Bush announced that a final agreement had been reached between the United States and Japan on codevelopment of the FSX aircraft, I opposed the deal. At that time, the FSX agreement represented yet another decision in which the long-term economic interests of the United States were being subjugated to the shortsighted defense and foreign policy considerations of the administration.

The agreement President Bush reached with the Japanese Government on the next generation fighter plane will allow the codevelopment of the FSX by a Japanese corporation, Mitsubishi Heavy Industries and the American corporation, General Dynamics. Under the agreement, General Dynamics and other U.S. firms will provide technology and technical assistance, and will perform part of the work. Mitsubishi Heavy Industries will be the prime contractor. Roughly 40 percent of the development work will be allocated to General Dynamics and other U.S. companies. In order to accomplish the design modifications, Mitsubishi and its subcontractors will receive detailed technical data on the F-16, including design and test data. In return, United States firms are to be granted access, free of charge, to any new Japanese technology derived from the technology the United States provides. However, formal agreements governing allocation of production work will not be negotiated until a later stage of the project.

I, along with many of my colleagues, question whether the Japanese are shouldering their fair share of the international security burden. Japan's defense budget is less than one-tenth the size of the United States defense budget. This arrangement provides the Japanese with an immense commercial advantage in trade competition over the United States and other Western nations. If United States defense expenditures could be cut to the same per capita level now being made by the Japanese, the savings would amount to a quarter of a trillion dollars a year.

While no one would oppose the Japanese contributing more financially to our mutual defense, the FSX is not being used to address mutual military requirements in the most cost-effective way. Rather, it seems that the FSX deal is little more than a way to disguise subsidies to what the Japanese hope will be an emerging export industry.

As the Senate narrowly voted to approve the deal, and both bodies of Congress would have had to disapprove it in order to halt the agreement, today's vote is to reach an agreement that will best protect American interests.

The Bruce amendment is in the nature of a substitute that is identical to the version of the resolution passed by the Senate. The amendment requires monitoring and periodic reports by the General Accounting Office [GAO]. Also, the Commerce Department is required to monitor and analyze the impact of the FSX program on the international competitive position of U.S. industry. Further, the substitute expresses the sense of Congress that the coproduction agreement should specify that the U.S. share of the production work will be at least 40 percent. The two provisions which separate the Bruce amendment from the Foreign Affairs Committee version are extremely

important to the United States and have persuaded me to support the substitute:

First, the substitute requires that the agreement negotiated between the United States and Japan governing the production phase of the project include a prohibition on the transfer to Japan of "critical technologies" relating to jet fighter engines. By comparison the committee reported resolution simply expresses the sense of Congress that the administration should endeavor to secure such a prohibition as part of the production agreement.

Second, the Bruce substitute requries that the coproduction agreement also prohibit sale or transfer by Japan to any third countries of the FSX plane or any of its major subcomponents that were codeveloped or coproduced with the United States. The committee resolution does not contain any outright prohibition on transfers by Japan.

Mr. Chairman, while I am concerned about the consequences of the FSX agreement, I believe Mr. BRUCE's amendment preserves the interests of the United States and I urge my colleagues to support his efforts.

Mr. Chairman, I rise in strong support of the amendment offered by the gentleman from Illinois [Mr. BRUCE] to Senate Joint Resolution 113, to implement the codevelopment agreement of the FSX weapons system.

Mr. Chairman, I am a cosponsor of House Joint Resolution 254, to disapprove the FSX agreement with Japan. I continue to believe the administration's FSX agreement with Japan is a bad deal for the United States. This agreement could have serious long-term impact on U.S. competitiveness. According to the General Accounting Office, we are providing the Japanese 7 billion dollars' worth of advanced aerospace technology, and we are getting nothing in return. The technology that Japan has generously agreed to share with the United States is already well known to our domestic aircraft industry.

Mr. Chairman, I do not believe Japan agreed to the FSX codevelopment deal with the United States for the sole purpose of strengthening their air defenses. If that were the case, Japan could have purchased American made F-16 fighter aircraft. It would cost the Japanese less to buy the F-16 than it will cost to develop the FSX. Furthermore, the F-16 would serve Japan's defense needs more adequately than the FSX.

Instead, I believe Japan sought the FSX codevelopment deal in order to acquire American aerospace technology. The United States Trade Representative has stated that Japan has targeted its aerospace industry for development. Within 20 years, Japan wants to make aircraft production one of its major industries. If Japan achieves its goal, it will have serious implications for our domestic aerospace industry, which employs more than 1.3 million Americans.

Mr. Chairman, the United States continues to suffer from a massive trade deficit with Japan. In 1980, our trade deficit with the Japanese was $10 billion. Over the past 4 years, our trade imbalance with Japan has averaged well over $50 billion. While this trade deficit continues to cost American workers their jobs, the Japanese are taking advantage of their growing trade surplus to increase direct investments in United States farms, banks, buildings and real estate.

Mr. Chairman, I am at a complete loss to understand why we would want to provide the Japanese with technology they can use to increase their trade surplus with the United States at the expense of American workers and American businesses.

Regrettably, the Senate failed to approve a resolution to disapprove the FSX deal with Japan. As a result, the administration has begun to implement the FSX agreement. The Bruce amendment will at least make certain that U.S. technology is protected and that Congress will have a role in enforcing the terms of the FSX agreement.

First, the Bruce amendment will ban the transfer of critical United States engine technology to Japan. Second, the Bruce amendment will prohibit the Japanese from selling or trading the FSX technology to a third country. Finally, the Bruce amendment will make certain the U.S. firms receive a 40-percent share of the production of the FSX.

Mr. Chairman, I would prefer to be voting for a resolution to disapprove the FSX agreement. However, with the defeat of that resolution in the Senate, killing the FSX agreement is no longer possible. Instead, I urge my colleagues to vote for the Bruce amendment which will protect the interests of U.S. firms and workers.

Ms. LONG. I rise in support of the amendment offered by the gentleman from Illinois [Mr. BRUCE] to confront major problems with the FSX development agreement, and to provide safeguards in future negotiations with Japan. I also wish to express my regret that this House was not able to consider a resolution of disapproval on the FSX agreement during the appropriate 30-day time period. I was a cosponsor of H.R. 254 offered by the gentleman from California [Mr. LEVINE] to disapprove of the FSX agreement.

The reason I cosponsored H.R. 254, and the reason I support the Bruce amendment today is that I believe the FSX deal is fundamentally flawed. I believe that the agreement will adversely affect our defense security as well as our technology base. We must safeguard against further compromising our jet engine technologies in this instance, just as we must be cautious about other transfers of U.S. technologies in the future.

The Bruce amendment would prohibit our negotiators from agreeing to provide Japan with our critical aerospace innovations as the FSX is produced. The measure would also strictly prohibit Japan from selling the new fighter plane or any part of it.

Mr. Chairman, we are not developing the FSX for the commercial benefit of the Japanese, but for our mutual security. I urge my colleagues to support the Bruce amendment to ensure that the Japanese will not give our defense technologies to whomever they choose.

The CHAIRMAN. All time has expired.

The question is on the amendment in the nature of a substitute offered by the gentleman from Illinois [Mr. BRUCE].

The question was taken; and the Chairman announced that the ayes appeared to have it.

RECORDED VOTE

Mr. LEACH of Iowa. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device and there were—ayes 262, noes 155, not voting 16, as follows:

[Roll No. 79]

AYES—262

Ackerman	Garcia	Miller (CA)
Akaka	Gaydos	Mineta
Alexander	Gejdenson	Moakley
Anderson	Gephardt	Mollohan
Andrews	Gilman	Moody
Annunzio	Glickman	Morella
Anthony	Gonzalez	Morrison (CT)
Applegate	Gordon	Murphy
Atkins	Gray	Murtha
AuCoin	Guarini	Myers
Barnard	Gunderson	Natcher
Bates	Hall (OH)	Neal (MA)
Bennett	Harris	Neal (NC)
Bentley	Hatcher	Nelson
Berman	Hawkins	Nowak
Bevill	Hayes (IL)	Oakar
Boggs	Hayes (LA)	Oberstar
Bonior	Hefner	Obey
Borski	Henry	Olin
Bosco	Herger	Ortiz
Boucher	Hertel	Owens (NY)
Boxer	Hoagland	Pallone
Brennan	Hochbrueckner	Panetta
Brooks	Holloway	Pashayan
Browder	Hopkins	Patterson
Brown (CO)	Horton	Payne (NJ)
Bruce	Hoyer	Payne (VA)
Bryant	Hubbard	Pease
Burton	Huckaby	Pelosi
Bustamante	Hughes	Penny
Campbell (CO)	Hunter	Perkins
Cardin	Hutto	Pickle
Carper	Jacobs	Poshard
Carr	Jenkins	Price
Chapman	Johnson (SD)	Rahall
Clarke	Johnston	Rangel
Clay	Jones (GA)	Ray
Coelho	Jones (NC)	Regula
Coleman (MO)	Jontz	Richardson
Coleman (TX)	Kanjorski	Rinaldo
Conte	Kaptur	Robinson
Conyers	Kasich	Roe
Cooper	Kastenmeier	Rogers
Costello	Kennedy	Rose
Coyne	Kennelly	Rostenkowski
Crockett	Kildee	Roth
Darden	Kleczka	Roukema
Davis	Kolter	Rowland (CT)
Dellums	Kostmayer	Rowland (GA)
Derrick	LaFalce	Roybal
Dingell	Lancaster	Russo
Dixon	Lantos	Sabo
Donnelly	Laughlin	Sangmeister
Dorgan (ND)	Leath (TX)	Sarpalius
Douglas	Lehman (CA)	Savage
Downey	Lehman (FL)	Sawyer
Duncan	Leland	Saxton
Durbin	Levin (MI)	Schroeder
Dwyer	Levine (CA)	Schuette
Dyson	Lewis (FL)	Schulze
Early	Lewis (GA)	Schumer
Eckart	Lipinski	Sharp
Edwards (CA)	Lloyd	Shays
Emerson	Long	Shuster
Engel	Lowey (NY)	Sikorski
English	Luken, Thomas	Sisisky
Erdreich	Manton	Skaggs
Espy	Markey	Skelton
Evans	Martin (IL)	Slattery
Fazio	Martinez	Slaughter (NY)
Feighan	Matsui	Smith (FL)
Flake	Mavroules	Smith, Robert (NH)
Flippo	McCloskey	
Foglietta	McDermott	Spratt
Ford (MI)	McHugh	Staggers
Ford (TN)	McMillen (MD)	Stark
Frank	McNulty	Stokes
Frost	Meyers	Studds
Gallegly	Mfume	Swift

Synar	Traxler	Weldon
Tallon	Udall	Wheat
Tanner	Unsoeld	Whitten
Tauzin	Vento	Wilson
Thomas (GA)	Visclosky	Wise
Torres	Volkmer	Wolpe
Torricelli	Walgren	Yates
Towns	Watkins	Yatron
Traficant	Waxman	

NOES—155

Archer	Hammerschmidt	Quillen
Armey	Hancock	Ravenel
Aspin	Hansen	Rhodes
Baker	Hastert	Ridge
Ballenger	Hefley	Ritter
Bartlett	Hiler	Roberts
Barton	Hyde	Rohrabacher
Bateman	Inhofe	Saiki
Beilenson	Ireland	Schaefer
Bereuter	James	Schiff
Bilbray	Johnson (CT)	Sensenbrenner
Bilirakis	Kolbe	Shaw
Bliley	Kyl	Shumway
Boehlert	Lagomarsino	Skeen
Broomfield	Leach (IA)	Slaughter (VA)
Bunning	Lent	Smith (IA)
Byron	Lewis (CA)	Smith (MS)
Campbell (CA)	Lightfoot	Smith (NE)
Chandler	Livingston	Smith (NJ)
Clement	Lowery (CA)	Smith (TX)
Clinger	Lukens, Donald	Smith (VT)
Coble	Machtley	Smith, Denny (OR)
Combest	Madigan	Smith, Robert (OR)
Coughlin	Marlenee	Snowe
Cox	Martin (NY)	Solarz
Craig	Mazzoli	Solomon
Crane	McCandless	Spence
Dannemeyer	McCollum	Stangeland
de la Garza	McCrery	Stearns
DeFazio	McCurdy	Stenholm
DeLay	McDade	Stump
DeWine	McEwen	Sundquist
Dicks	McGrath	Tauke
Dornan (CA)	McMillan (NC)	Thomas (CA)
Dreier	Michel	Thomas (WY)
Dymally	Miller (OH)	Upton
Edwards (OK)	Miller (WA)	Valentine
Fascell	Molinari	Vander Jagt
Fawell	Montgomery	Vucanovich
Fields	Moorhead	Walker
Fish	Morrison (WA)	Walsh
Frenzel	Mrazek	Weber
Gallo	Nagle	Weiss
Gekas	Nielson	Whittaker
Gillmor	Oxley	Wolf
Gingrich	Packard	Wright
Goodling	Parker	Wylie
Goss	Parris	Young (AK)
Gradison	Paxon	Young (FL)
Grandy	Petri	
Grant	Pickett	
Hall (TX)	Porter	
Hamilton	Pursell	

NOT VOTING—16

Brown (CA)	Florio	Schneider
Buechner	Gibbons	Stallings
Callahan	Green	Williams
Collins	Houghton	Wyden
Courter	Owens (UT)	
Dickinson	Scheuer	

□ 1832

The Clerk announced the following pairs:

On this vote:

Mr. Florio for, with Mr. Dickinson against.

Mrs. Collins for, with Mr. Buechner against.

Messrs. GALLEGLY, MATSUI, BUSTAMANTE, and ORTIZ changed their vote from "no" to "aye."

So the amendment in the nature of a substitute was agreed to.

The result of the vote was announced as above recorded.

The CHAIRMAN. Pursuant to House Resolution 165, the question shall not be put on the adoption of the Foreign Affairs Committee amendment in the nature of a substitute, as amended, and that question shall be deemed to be disagreed to.

Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. HUGHES, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the Senate joint resolution (S.J. Res. 113) prohibiting the export of technology, defense articles, and defense services to codevelop or coproduce the FSX aircraft with Japan, pursuant to House Resolution 165, he reported the Senate joint resolution back to the House.

The SPEAKER. Under the rule, the previous question is ordered.

The question is on the third reading of the Senate joint resolution.

The Senate joint resolution was ordered to be read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. BROOMFIELD

Mr. BROOMFIELD. Mr. Speaker, I offer a motion to recommit.

The SPEAKER. Is the gentleman opposed to the Senate joint resolution?

Mr. BROOMFIELD. Yes, I am, Mr. Speaker, in its present form.

The SPEAKER. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. BROOMFIELD moves that the joint resolution (S.J. Res. 113) be recommitted to the Committee on Foreign Affairs with instructions to report the resolution back to the House forthwith with the following amendment: Strike out all after the resolving clause and insert in lieu thereof the following:

SECTION 1. SENSE OF CONGRESS CONCERNING CO-DEVELOPMENT OF THE FSX AIRCRAFT BY THE UNITED STATES AND JAPAN.

(a) SENSE OF CONGRESS.—It is the sense of Congress that the United States Government should not give its approval under section 38 of the Arms Export Control Act to the commercial technical assistance and manufacturing licensing agreement involving the export of technical information relating to the design, development, and production of a Model FSX aircraft in Japan.

(b) DESCRIPTION OF AGREEMENT.—The agreement referred to in subsection (a) is the agreement which is the subject of the proposed approval described in the President's certification submitted to Congress pursuant to section 36(d) of the Arms Export Control Act on May 1, 1989 (transmittal number MC-9-89.)

Mr. BROOMFIELD (during the reading). Mr. Speaker, I ask unanimous consent that the motion to recommit be considered as read and printed in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

The SPEAKER. The gentleman from Michigan [Mr. BROOMFIELD] is recognized for 5 minutes in support of the motion to recommit.

Mr. BROOMFIELD. Mr. Speaker, the motion that I am offering would reinstate the Solomon amendment which passed overwhelmingly by a vote of 320 to 98. Now, we would ask the Members to put this popular amendment back on top of the bill because the Solomon amendment is the only way the House can clearly express its opposition to this agreement.

The Solomon amendment is not mere symbolism, Mr. Speaker, if we adopt it here today, this would go directly to the conference with the Senate. This would provide the 2 Houses of Congress an opportunity to agree on a common approach to this serious issue. Let me say that then we would have a chance and hopefully the administration would be able to work with the conferees of both Houses and come up with something that would be acceptable.

Mr. SOLOMON. Mr. Speaker, will the gentleman yield?

Mr. BROOMFIELD, I yield to the gentleman from New York.

Mr. SOLOMON. Mr. Speaker, I thank the gentleman for yielding.

Mr. Chairman, let me say to my colleagues that during the debate on the amendment which was just passed, one of the Members said that a vote on the Bruce amendment was the vote on the FSX. I would suggest that the vote on the FSX is the one we are about to take on this recommital motion.

The Bruce amendment approves the FSX sale with conditions. It is an amendment, a resolution of approval. That is what the Members would be voting for, as they did just a few minutes ago. A vote to recommit, with my language, is a substantive vote against the FSX, and it would put the House on record unconditionally as being opposed to this FSX sale.

What would be the practical effect if this motion to recommit carries? The position of the House on FSX would be unequivocally clear to the President and everybody else, and our position would have to be reconciled with that of the Senate. The parliamentary situation thus created would serve to give Congress a second chance to do away with the FSX deal altogether. The 30-day period that we heard so much about during the debate on my amendment is a point that then would become moot, and Congress could launch an initiative at any time to prohibit the technology transfers that are necessary to consummate the FSX sale.

So the stakes here have escalated considerably. If we really want to stop the FSX, this is our vote right now. This is one that means something. Let

us vote against the FSX by voting for this recommital motion.

Mr. BROOMFIELD. Mr. Speaker, I reserve the balance of my time.

Mr. SOLARZ. Mr. Speaker, I rise in opposition to the motion to recommit.

The SPEAKER. The gentleman from New York [Mr. SOLARZ] is recognized for 5 minutes in opposition to the motion to recommit.

Mr. SOLARZ. Mr. Speaker, the motion to recommit would substitute the Solomon amendment for the Bruce amendment which has already been adopted. Earlier in the day the House voted overwhelmingly for the Solomon amendment, but at the time we vote on it, it was a kind of free ride. It gave Members an opportunity to express their opposition to the FSX agreement.

Let me suggest that if the motion to recommit is now carried, thereby enacting it into law, insofar as it has passed the House, it would constitute a confession of irrelevancy and ineffectuality on the part of the House because the Solomon amendment is not binding.

□ 1840

Mr. Speaker, it merely expresses the sense of Congress that we should not proceed with an FSX arrangement which is already a done deal, but, by adopting the Solomon amendment, we knock the Bruce amendment out of the box, and the Bruce amendment, while it concedes the FSX arrangement will go forward, would, nevertheless, put into law some conditions with respect to the FSX arrangement which are designed to protect some vital American interests.

So I say to my colleagues, "If you want to accomplish something, vote against the motion to recommit and for the Bruce amendment on final passage."

Mr. Speaker, I yield 1 minute to the gentleman from Illinois [Mr. BRUCE].

Mr. BRUCE. Mr. Speaker, I thank the gentleman from New York [Mr. SOLARZ] for yielding this time to me.

Mr. Speaker, the position of the House presently is that we have, in fact, taken a position today in opposition to the FSX codevelopment proposal. That was the Solomon amendment.

The position of the House is that we have taken two votes, one against the codevelopment of the FSX, and to have been effective, that vote should have occurred before May 31, and so we took that vote in accommodation in the Committee on Rules and on this floor to give those Members who oppose the FSX deal totally a chance to express their opinion. Then the House has adopted my amendment which goes not to codevelopment, but to coproduction, and this House is now going on order of saying in coproduction we have something to say about the contracts that will be negotiated on the production of the FSX weapon system to now recommit with this instruction, whereas our protection, our statement of saying that the U.S. Government's position ought to be protection of our hot section of our jet engines and have a prohibition against the sale of the completed weapon system to third countries, that is our prerogative, that is our policy statement. We ought to stand by it.

Mr. SOLARZ. Mr. Speaker, I yield 1 minute to the gentleman from California [Mr. LEVINE], the gentleman who has been leading the fight against the FSX in the House.

Mr. LEVINE of California. Mr. Speaker, I thank the gentleman from New York [Mr. SOLARZ] for yielding this time to me, and I would like to make two basic points.

Mr. Chairman, as the author of the resolution of disapproval which was originally intended to stop this transaction, let me urge my colleagues that, if they wish to put some conditions on this transaction, the only way to do that is to reject the motion to recommit.

Unfortunately, Mr. Speaker, the Solomon language is only sense of the Congress language. It has no operative force and effect, whereas the Bruce language that was just enacted by this body essentially holds the administration's feet to the fire and holds the Japanese feet to the fire in terms of the representations made both by this administration and the Japanese Government.

I say to my colleagues, "If you wish to ensure that these representations will be complied with, vote against the resolution to recommit. Send this language to the other body."

The SPEAKER. The time of the gentleman from New York [Mr. SOLARZ] has expired.

Mr. LEVINE of California. Mr. Speaker, this is nonconferenceable provided it stays in its current form and it goes to the President's desk. If it is altered, we will end up unravelling what is now a nonconferenceable provision that goes to the President's desk.

Mr. BROOMFIELD. Mr. Speaker, I yield 1 minute to the distinguished gentleman from Michigan [Mr. UPTON].

Mr. UPTON. Mr. Speaker, about an hour ago we voted in favor of the Solomon amendment.

It is not true that, if we vote for the motion to recommit with instruction that it is exactly the same thing that we voted for about an hour ago? It that not right?

Mr. BROOMFIELD. Mr. Speaker, it is true.

Mr. Speaker, the vote that we will be taking now is consistent with the Solomon amendment we just passed about an hour ago 320 to 90.

The SPEAKER. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER. The question is on the motion to recommit.

The question was taken; and the Speaker announced that the noes appeared to have it.

Mr. BROOMFIELD. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER. Pursuant to the provisions of clause 5 of rule XV, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device, if ordered, will be taken on the question of passage.

The vote was taken by electronic device, and there were—yeas 169, nays 247, not voting 17, as follows:

[Roll No. 80]

YEAS—169

Applegate	Hayes (LA)	Pursell
Archer	Hefley	Quillen
Armey	Hiler	Rangel
Baker	Hochbrueckner	Regula
Ballenger	Hopkins	Ridge
Bartlett	Huckaby	Roberts
Barton	Hyde	Robinson
Bereuter	Inhofe	Rohrabacher
Bevill	Ireland	Rose
Bilirakis	James	Saiki
Bliley	Johnson (CT)	Sarpalius
Boehlert	Johnson (SD)	Savage
Boggs	Kaptur	Schaefer
Broomfield	Kolbe	Schiff
Browder	Kyl	Sensenbrenner
Bunning	Leach (IA)	Shaw
Byron	Lent	Shumway
Campbell (CA)	Lewis (CA)	Skeen
Chandler	Lewis (FL)	Slaughter (VA)
Clement	Lightfoot	Smith (IA)
Coble	Lipinski	Smith (MS)
Combest	Livingston	Smith (NE)
Costello	Lowery (CA)	Smith (NJ)
Coughlin	Lukens, Donald	Smith (TX)
Cox	Machtley	Smith (VT)
Craig	Madigan	Smith, Denny (OR)
Crane	Marlenee	Smith, Robert (NH)
Crockett	Martin (NY)	Smith, Robert (OR)
Dannemeyer	Martinez	Solomon
Davis	Mavroules	Spence
DeFazio	McCandless	Stangeland
DeLay	McCollum	Stearns
Dellums	McCrery	Stenholm
DeWine	McDade	Stump
Dornan (CA)	McEwen	Sundquist
Douglas	McGrath	Tanner
Dreier	McMillan (NC)	Tauke
Dymally	McNulty	Tauzin
Edwards (OK)	Meyers	Thomas (CA)
Erdreich	Michel	Thomas (WY)
Fields	Miller (OH)	Traficant
Flippo	Molinari	Upton
Frenzel	Montgomery	Valentine
Gallo	Moorhead	Vander Jagt
Gekas	Morrison (WA)	Vucanovich
Gillmor	Murphy	Walker
Gilman	Myers	Weber
Gingrich	Nagle	Whittaker
Goodling	Nelson	Wolf
Goss	Nielson	Wylie
Grandy	Oxley	Yatron
Grant	Packard	Young (AK)
Hall (TX)	Parker	Young (FL)
Hammerschmidt	Parris	
Hancock	Pashayan	
Hansen	Paxon	
Harris	Porter	
Hastert	Poshard	

NAYS—247

Ackerman	Andrews	Atkins
Akaka	Annunzio	AuCoin
Alexander	Anthony	Barnard
Anderson	Aspin	Bateman

Bates
Beilenson
Bennett
Bentley
Berman
Bilbray
Bonior
Borski
Bosco
Boucher
Boxer
Brennan
Brooks
Brown (CO)
Bruce
Bryant
Burton
Bustamante
Campbell (CO)
Cardin
Carper
Carr
Chapman
Clarke
Clay
Clinger
Coelho
Coleman (MO)
Coleman (TX)
Conte
Conyers
Cooper
Coyne
Darden
de la Garza
Derrick
Dicks
Dingell
Dixon
Donnelly
Dorgan (ND)
Downey
Duncan
Durbin
Dyson
Early
Eckart
Edwards (CA)
Emerson
Engel
English
Espy
Evans
Fascell
Fawell
Fazio
Feighan
Fish
Flake
Foglietta
Ford (MI)
Ford (TN)
Frank
Frost
Gallegly
Garcia
Gaydos
Gejdenson
Gephardt
Glickman
Gonzalez
Gordon
Gradison
Gray
Guarini
Gunderson
Hall (OH)
Hamilton
Hatcher
Hawkins
Hayes (IL)
Hefner
Henry
Herger
Hertel
Hoagland
Holloway
Horton
Hoyer
Hubbard
Hughes
Hunter
Hutto
Jacobs
Jenkins
Johnston
Jones (GA)
Jones (NC)
Jontz
Kanjorski
Kasich
Kastenmeier
Kennedy
Kennelly
Kildee
Kleczka
Kolter
Kostmayer
LaFalce
Lagomarsino
Lancaster
Lantos
Laughlin
Leath (TX)
Lehman (CA)
Lehman (FL)
Leland
Levin (MI)
Levine (CA)
Lewis (GA)
Lloyd
Long
Lowey (NY)
Luken, Thomas
Manton
Markey
Martin (IL)
Matsui
Mazzoli
McCloskey
McCurdy
McDermott
McHugh
McMillen (MD)
Mfume
Miller (CA)
Miller (WA)
Mineta
Moakley
Mollohan
Moody
Morella
Morrison (CT)
Mrazek
Murtha
Natcher
Neal (MA)
Neal (NC)
Nowak
Oakar
Oberstar
Obey
Olin
Ortiz
Owens (NY)
Pallone
Panetta
Patterson
Payne (NJ)
Payne (VA)
Pease
Pelosi
Penny
Perkins
Petri
Pickett
Pickle
Price
Rahall
Ravenel
Ray
Rhodes
Richardson
Rinaldo
Ritter
Roe
Rogers
Rostenkowski
Roth
Roukema
Rowland (CT)
Rowland (GA)
Roybal
Russo
Sabo
Sangmeister
Sawyer
Saxton
Schroeder
Schuette
Schulze
Schumer
Sharp
Shays
Shuster
Sikorski
Sisisky
Skaggs
Skelton
Slattery
Slaughter (NY)
Smith (FL)
Snowe
Solarz
Spratt
Staggers
Stark
Stokes
Studds
Swift
Synar
Tallon
Thomas (GA)
Torres
Torricelli
Towns
Traxler
Udall
Unsoeld
Vento
Visclosky
Volkmer
Walgren
Walsh
Watkins
Waxman
Weiss
Weldon
Wheat
Whitten
Wilson
Wise
Wolpe
Wright
Yates

NOT VOTING—17

Brown (CA)
Buechner
Callahan
Collins
Courter
Dickinson
Dwyer
Florio
Gibbons
Green
Houghton
Owens (UT)
Scheuer
Schneider
Stallings
Williams
Wyden

□ 1903

Mr. CLINGER and Mr. ROWLAND of Georgia changed their vote from "yea" to "nay."

Mr. TRAFICANT and Mr. APPLEGATE changed their vote from "nay" to "yea."

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER. The question is on the passage of the Senate Joint Resolution.

The question was taken; and the Speaker announced that the noes appeared to have it.

RECORDED VOTE

Mr. BRUCE. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 241, noes 168, not voting 24, as follows:

[Roll No. 81]

AYES—241

Alexander
Anderson
Andrews
Annunzio
Anthony
Applegate
Atkins
AuCoin
Barnard
Bates
Bennett
Bentley
Berman
Bevill
Bilbray
Boggs
Bonior
Borski
Boucher
Boxer
Brennan
Brooks
Browder
Brown (CO)
Bruce
Bryant
Burton
Bustamante
Campbell (CO)
Cardin
Carper
Carr
Chapman
Clarke
Clay
Coelho
Coleman (MO)
Coleman (TX)
Conte
Conyers
Cooper
Costello
Coyne
Darden
de la Garza
Dellums
Derrick
Dicks
Dingell
Dixon
Donnelly
Dorgan (ND)
Douglas
Downey
Duncan
Durbin
Dyson
Early
Eckart
Edwards (CA)
Emerson
Engel
English
Erdreich
Espy
Evans
Fazio
Feighan
Flake
Flippo
Foglietta
Ford (MI)
Ford (TN)
Frank
Frost
Garcia
Gejdenson
Gekas
Gephardt
Gilman
Glickman
Gonzalez
Goodling
Gordon
Guarini
Gunderson
Hall (OH)
Harris
Hatcher
Hawkins
Hayes (IL)
Hefner
Henry
Herger
Hertel
Hoagland
Hochbrueckner
Hopkins
Horton
Hoyer
Hubbard
Hughes
Hunter
Hutto
Jacobs
Jenkins
Johnson (SD)
Johnston
Jones (GA)
Jones (NC)
Jontz
Kanjorski
Kaptur
Kasich
Kennedy
Kennelly
Kildee
Kleczka
Kolter
Kostmayer
LaFalce
Lancaster
Lantos
Leath (TX)
Lehman (CA)
Lehman (FL)
Leland
Levin (MI)
Levine (CA)
Lewis (GA)
Lipinski
Lloyd
Long
Lowey (NY)
Luken, Thomas
Manton
Markey
Martin (IL)
Mavroules
McCloskey
McDermott
McEwen
McHugh
McMillen (MD)
Mfume
Miller (CA)
Mineta
Moakley
Mollohan
Moody
Moorhead
Morella
Morrison (CT)
Murphy
Murtha
Myers
Natcher
Neal (MA)
Neal (NC)
Nelson
Nowak
Oakar
Oberstar
Obey
Olin
Ortiz
Owens (NY)
Pallone
Panetta
Pashayan
Patterson
Payne (NJ)
Payne (VA)
Pease
Pelosi
Penny
Perkins
Pickle
Poshard
Price
Rahall
Ray
Regula
Richardson
Rinaldo
Roe
Rogers
Rostenkowski
Roukema
Rowland (CT)
Rowland (GA)
Roybal
Russo
Sabo
Sangmeister
Savage
Sawyer
Saxton
Schroeder
Schuette
Schumer
Shays
Shuster
Sikorski
Sisisky
Skaggs
Skelton
Slattery
Slaughter (NY)
Smith (FL)
Smith, Robert (NH)
Snowe
Spratt
Staggers
Stark
Stokes
Studds
Swift
Synar
Tallon
Thomas (GA)
Torres
Torricelli
Towns
Traficant
Traxler
Udall
Valentine
Vento
Visclosky
Volkmer
Walgren
Watkins
Waxman
Weldon
Wheat
Whitten
Wise
Wolpe
Wright
Yates

NOES—168

Akaka
Archer
Armey
Aspin
Baker
Ballenger
Bartlett
Barton
Bateman
Beilenson
Bereuter
Bilirakis
Bliley
Boehlert
Bosco
Bunning
Byron
Campbell (CA)
Chandler
Clement
Clinger
Coble
Combest
Coughlin
Cox
Craig
Crane
Crockett
Dannemeyer
Davis
DeFazio
DeLay
DeWine
Dornan (CA)
Dreier
Dymally
Edwards (OK)
Fascell
Fawell
Fields
Fish
Frenzel
Gallegly
Gallo
Gaydos
Gillmor
Gingrich
Goss
Gradison
Grandy
Grant
Hall (TX)
Hamilton
Hammerschmidt
Hancock
Hansen
Hastert
Hayes (LA)
Hefley
Hiler
Holloway
Huckaby
Hyde
Inhofe
Ireland
James
Johnson (CT)
Kolbe
Kyl
Lagomarsino
Laughlin
Leach (IA)
Lent
Lewis (CA)
Lewis (FL)
Lightfoot
Livingston
Lowery (CA)
Lukens, Donald
Machtley
Madigan
Marlenee
Martin (NY)
Martinez
Matsui
Mazzoli
McCandless
McCollum
McCrery
McCurdy
McDade
McGrath
McMillan (NC)
McNulty
Meyers
Michel
Miller (OH)
Miller (WA)
Molinari
Montgomery
Morrison (WA)
Mrazek
Nagle
Nielson
Oxley
Packard
Parker
Parris
Paxon
Petri
Pickett
Porter
Pursell
Quillen
Rangel
Ravenel
Rhodes
Ridge
Ritter
Roberts
Rohrabacher
Rose
Roth
Saiki
Sarpalius
Schaefer
Schiff
Schulze
Sensenbrenner
Shaw
Shumway
Skeen
Slaughter (VA)
Smith (IA)
Smith (MS)
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (VT)
Smith, Denny (OR)
Smith, Robert (OR)
Solarz
Solomon
Spence
Stangeland
Stearns
Stenholm
Stump
Sundquist
Tanner
Tauke
Tauzin
Thomas (CA)
Thomas (WY)
Unsoeld
Upton
Vander Jagt
Vucanovich
Walker
Walsh
Weber
Weiss
Whittaker
Wolf
Wylie
Yatron
Young (AK)
Young (FL)

NOT VOTING—24

Ackerman
Broomfield
Brown (CA)
Buechner
Callahan
Collins
Courter
Dickinson
Dwyer
Florio
Gibbons
Gray
Green
Houghton
Kastenmeier
Owens (UT)
Robinson
Scheuer
Schneider
Sharp
Stallings
Williams
Wilson
Wyden

□ 1913

The Clerk announced the following pairs:

On this vote:

Mr. Florio for, with Mr. Dickinson against.

Mrs. Collins for, with Mr. Buechner against.

Mr. GALLEGLY, and Mrs. MEYERS of Kansas changed their vote from "aye" to "no."

Mr. HUBBARD and Mr. SAVAGE changed their vote from "no" to "aye."

So the Senate joint resolution was passed.

The SPEAKER pro tempore (Mr. MONTGOMERY). Without objection, the committee amendment to the title is not agreed to.

There was no objection.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. GEPHARDT. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on Senate Joint Resolution 113, the Senate joint resolution just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

LEGISLATIVE PROGRAM

(Mr. GINGRICH asked and was given permission to address the House for 1 minute.)

Mr. GINGRICH. Mr. Speaker, I ask to proceed in order to inquire of the gentleman from California, the majority whip, what the schedule might be for next week and for the rest of this week.

Mr. COELHO. Mr. Speaker, if the gentleman from Georgia will yield, this completes the legislative schedule for the week.

We will meet tomorrow at 10 a.m. and there will be no votes. We will announce the schedule tomorrow for next week.

Mr. GINGRICH. I look forward to hearing from the gentleman tomorrow.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will now take 1-minute speeches.

DOMESTIC SUGAR INDUSTRY HURT BY TRADE POLICY

(Mr. AKAKA asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. AKAKA. Mr. Speaker, U.S. sugarcane and sugar beet farmers are being sold down the river by our U.S. Trade Representative. Rather than aggressively representing the interests of United States agriculture at the upcoming Uruguay round, it has now become clear that our trade representative had adopted a strategy which can have only one result—the complete, and quite possibly unilateral, elimination of the domestic sugar program.

As evidence of this strategy, I include a copy of a May 24 letter written to the Ambassador of El Salvador by Ms. Carla Hills.

In that letter, Ms. Hills advised the Ambassador, and I quote, "We are also pursuing the elimination of the United States sugar program through the agricultural negotiations in the Uruguay round." With this statement, Mr. Speaker, the true motives of the Office of Special Trade Representatives become crystal clear and any assurances are only empty statements.

The policy that the trade representative is pursuing is not only contrary to the interests of the domestic sugar industry, it directly contradicts statements by President Bush during the 1988 election campaign. Last year, Mr. Bush told Idaho farmers he would "insist import quotas remain until the international sugar market becomes a level playing field."

If the U.S. sugar program is to be sacrificed on the altar of free trade, I offer the following warning to my friends in the farm community—beware dairy farmers, beware cattlemen, beware peanut farmers, beware cotton growers. What can happen to sugar can happen to you.

THE U.S. TRADE REPRESENTATIVE,
EXECUTIVE OFFICE OF THE PRESIDENT,
Washington, DC, May 24, 1989.

His Excellency ERNESTO RIVAS GALLONT,
Ambassador, Embassy of El Salvador, Washington, DC.

DEAR MR. AMBASSADOR: Thank you for your letter of April 11 concerning the Administration's position on the sugar provisions contained in H.R. 1233, the "Caribbean Basin Economic Recovery Expansion Act of 1989."

We are very much aware of the impact which the reduction in U.S. sugar quotas has had on sugar-producing countries in the Caribbean Basin. The Administration has actively supported efforts to reform the U.S. sugar program in a way that would allow U.S. imports of sugar from all supplying countries to increase gradually over several years, while at the same time reducing the domestic price support level. Unfortunately, this approach has not been successful.

We also are pursuing the elimination of the U.S. sugar program through the agricultural negotiations in the Uruguay Round. We have included the domestic sugar program in our offer to other trading partners as part of a multilateral effort to achieve substantial progressive reductions in agricultural trade barriers and subsidies. We are hopeful that we can achieve a long-term solution that will result in a market-oriented environment for world trade in sugar and other agricultural commodities.

We are unable to support the sugar provisions in section 7 of H.R. 1233 because they may violate U.S. international obligations under the General Agreement on Tariffs and Trade (GATT). In addition, their adoption could serve as an unfortunate precedent for perferential allocation of quotas that could be detrimental to future U.S. exports.

While we are sympathetic to the circumstances facing Caribbean Basin sugar-supplying countries, we do not believe that the approach contained in H.R. 1233 is appropriate. We strongly prefer an approach based on fundamental reform of our domestic sugar program.

I appreciate receiving your views on this matter.

Sincerely,

CARLA A. HILLS.

CHINA

(Mr. HOAGLAND asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. HOAGLAND. Mr. Speaker, there has been a great deal written and said about the China situation in the last couple of days, and I do not really want to stand up here and try to repeat what has been said. But what I would like to do is put into the RECORD a couple of things that I have found to be of particular value and particular significance.

The first item I include for the RECORD is an excerpt from a speech written by Donald Kennedy, the president of Stanford University, and delivered on May 5, 1989, far before the recent circumstances, talking about how we can best influence the future of China by extending our higher education facilities to Communist Chinese students. I did not realize, but right now there are 30,000 students in higher education institutions in this Nation learning American ways and American politics so they can return to their home nation and do a good job of governing that nation in the future.

I also submit for the RECORD two letters that I have recently received from constituents that tell a story. These are letters from people, one woman who indicates she could not even take a bus to come to my recent town hall meeting. They speak for themselves. The second letter is from Chinese students studying at Nebraska universities and expresses their feelings and observations.

The material referred to follows:

[From the Stanford University Campus Report, May 17, 1989]

(The excerpt below is from a speech on international security in the 21st century given by Stanford University President Donald Kennedy to the Portland City Club May 5, 1989, and served as the basis for his campus conference talk May 13, 1989.)

About a year ago, I had an appointment in my office with a young man who had recently completed a Ph.D. in our School of Education. He had been one of those graduate students who came to us in one of the early waves from the People's Republic of China; after finishing his doctorate he had done a year's apprenticeship to the president of a major university in the Southwest, and he was coming through Stanford on his way back to take up an administrative post

at Beijing University. (It occurred to me the other day that he is getting a mighty fast introduction to the riot-control part of a university administrator's job description!)

He is an informal person, very full of life, and we had a stimulating conversation. I asked him how he felt about being part of a takeover generation in a country where leaders tend to be elders, and where the dreadful events of the Cultural Revolution are of such recent memory. He replied that he had confidence in the future of academic life in China, that he feared no repetition of the Cultural Revolution, and that he was looking forward to the future.

But then he said this: "Of course, there will be a period of some difficulty. For a while, leadership is going to be in the hands of a generation of people most of whom received their education in the 50's in the Soviet Union. But after they're gone, my group will take over—and we have mostly been educated in the West, particularly in the United States.

Earlier this year, there were sudden signs that after 20 years of hostility, there was going to be some rapprochement between China and the Soviet Union. A decade earlier, that would have sent U.S. officials into an immediate state of red alert. But this time there was no Washington panic at all, but rather a general sense that some warming of Sino-Soviet relations might be a good thing for the world. Surely that cannot be unrelated to the fact that our sense of familiarity with, and confidence in, the Chinese has grown so much recently. And surely that, in turn, is significantly tied to the presence of 30,000 students from the People's Republic of China now studying in U.S. universities.

Indeed, higher education is right now the most successful U.S. export: You could say, if you were inclined to view things in that way, that the international balance of trade for the University sector is better than for any other industry. Now, I have no interest in pursuing the economics of all this; it probably isn't having a large dollar effect on our balance of payments.

JUNE 4, 1989.

DEAR CONGRESSMAN HOAGLAND: You don't know me; but I'm a constituent of yours. My two children and I don't usually attend your meetings. We have to depend on public transportation.

But tonight, I have something to say. My children are in special education and attend public schools. I had to explain to my oldest son tonight, why approximately five hundred people were murdered in China last weekend. How do you explain mass murder to a teenager (who is a citizen of a free country)? This cannot be allowed. What can be done? The world witnessed this atrocity. I also believe in a strong defense, better education and medical programs.

P.S.—President Kennedy said "stand up and be counted." I'm standing up and being counted.

DEAR CONGRESSMAN HOAGLAND: We are Chinese students and visiting scholars studying in Nebraska, at UNL, UNO, UN-Medical Center and Creighton University. We have been very much concerned about what has been taking place in Beijing and other cities in China. We strongly support the pro-democratic movement led by millions of peaceful demonstrators. We felt that we could no longer keep silent when we saw on TV that the Deng Xiaoping and Li Peng regime flagrantly ordered troops to open fire at the peaceful and unarmed pro-democratic students and civilian demonstrators, killing and wounding thousands of them.

We are very angry at the tragic and brutal action of the Deng-Li regime which has completely turned themselves against the Chinese people. We don't think the Deng-Li regime is representing the interest of the Chinese people anymore and we no longer recognize the Deng-Li regime as the legitimate government of the People's Republic of China.

We strongly urge you, as a representative of American people, to stand together with us and condemn the brutal massacre committed by the Deng-Li regime and take substantial actions to support the pro-democratic movement in China. We hope that you and the other senators will urge the U.S. government to cut off all the military and economic cooperation with the Deng-Li Regime to help end the continuing occurrence of such massacres in China.

Finally let us send our deepest condolences to those thousands of people who have sacrificed their lives for the cause of Chinese democracy and freedom. Thank you very much for your sympathy and support.

Yours respectfully,

Chinese Students and Visiting Scholars in the State of Nebraska.

□ 1920

DEMOCRACY IN CHINA MUST HAVE AMERICA'S SUPPORT

(Mr. POSHARD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. POSHARD. Mr. Speaker, the pages of history are being written in the blood of the valiant men and women of Beijing who are taking a stand and literally putting their lives on the line for the cause of freedom and democracy.

I must tell you I am moved by their commitment and I am deeply saddened by the violence and chaos which has ensued from what began as a peaceful protest for self-determination.

We see a China on the brink of civil war, soldiers turning on their own people, and now apparently on each other.

We must not, cannot, abandon the people of China who see democracy as the doorway to a better, more fulfilling life.

The ultimate insult to the people of China and America is the statement from government officials that the slaughter in Tiananmen square did not happen.

I am afraid that will not work, because the world took notice and anyone witnessing the incredible human drama taking place, who cares anything about the cause they're dying for and the cause we are so blessed by, must resolve to support their cause in word and deed.

COMMENTS ON MASSACRE OF CHINESE STUDENTS

(Mr. PARKER asked and was given permission to address the House for 1 minute.)

Mr. PARKER. Mr. Speaker, we have watched with dismay the horrible massacre of unarmed nonviolent demonstrators in China this weekend. I support the heroic efforts of the Chinese people to bring democracy to the Republic of China and encourage them to continue their courageous cause in a nonviolent manner.

This brutal response on the part of the Communist Chinese Government has not halted the democracy movement. When the tanks rolled over these peaceful demonstrators, they crushed under their tracks the myth that the Army of China is the people's army. The reality is that this army is not of the people, but is the military arm of a totalitarian dictatorship. By the murder of these students the Government of China has buried its dagger in its own heart. Communism has failed and the force of the military will not overcome the will of the people who are dying in the name of freedom.

I support the actions taken by President Bush as a first response to this outrage. We must watch events closely and should be prepared to act with resolve if events in China worsen. The United States must speak with one voice at this critical juncture in world history. Politically motivated criticism of the President is not appropriate and should be withheld until we have a clear picture of events which are still unfolding.

LEADER OF THE FREE WORLD MUST CONTINUE TO HOLD FORTH THE BANNER OF FREEDOM

The SPEAKER pro tempore. Under previous order of the House the gentleman from Ohio [Mr. MCEWEN] is recognized for 5 minutes.

Mr. MCEWEN. Mr. Speaker, we have heard a great deal of discussion today and in recent days about the activities going on in Tiananmen Square and throughout the People's Republic of China. I think it is appropriate for the leader of the free world, the United States of America, to continue to hold forth the banner of freedom because the world is now facing a dilemma that will be enacted over the next decade, in my judgement.

Communism, tyranny cannot tolerate economic or political liberty. They are incompatible. They cannot work.

Communism brings slavery, it brings poverty, it creates Third World destitution.

In order to get those countries off of the floor, in order to allow them to survive at all, they must give a little

bit of freedom in the Soviet Union, in China, in Hungary, in Bulgaria, in Yugoslavia; they have to give a little bit of freedom in order to make it work.

But once the spirit of man senses and tastes liberty, he wants more, he wants a greater degree of say in his future. And then the decision has to be made: Do they allow them to be free? Of do they smash them back into tyranny?

In 1956, in Hungary, when those people began to sense the opportunities of freedom, the Soviet Union sent in the tanks and smashed them back into the gulags.

In 1968, in Czechoslovakia, when the people began to demonstrate for themselves and to express a little independence, then the Soviet Union rolled the tanks and smashed them back into tyranny.

And in 1989, in Tiananmen Square in Beijing, China, when they began to freely assemble and to freely speak, communism did what it always has to do to survive, it rolled the tanks over the bicycles and the bodies of its own people.

Mr. Speaker, what was the reaction of the Communist Daniel Ortega in Nicaragua? He congratulated the leadership of China on restoring order and preserving the revolution.

What was the response of Fidel Castro in Havana, Cuba? He too congratulated those who were shooting their own people in the streets and delivering the tanks over the young bodies of the students.

What was the reaction of the Soviet Union's Mikhail Gorbachev, the Mr. Glasnost, what was his reaction? He said to the United States, to George Bush, and to his congress for its resolution yesterday, he said, "United States, mind your own business; this is an internal affair."

□ 1930

I leave office as I began. Communists cannot tolerate freedom. The two are incompatible.

Over the next decade we are going to see, sooner rather than later, in Hungary, the same situation is going to present itself. The Prime Minister of Hungary said to me, personally, he said, "I have a year or two at the most and either then we will have freedom or they will roll the tanks."

The same thing is going to happen over the next 18 months, in my judgment, in Poland. The same thing will happen in Estonia and in the Baltics. A confrontation day will come. Hopefully, it will come in the Soviet Union in which either freedom will survive or they will have to roll the tanks and the destiny of liberty, the dialectic of which Lenin spoke is on the side of freedom, is on the side of democracy, is on the side of free enterprise. As we enter the next millenium we will see that tyranny, slavery and communism will collapse. Freedom, democracy and liberty will prevail.

PRAISE FOR CONGRESSWOMAN VIRGINIA SMITH

The SPEAKER pro tempore (Mr. PICKETT). Under a previous order of the House, the gentleman from Nebraska [Mr. HOAGLAND] is recognized for 5 minutes.

Mr. HOAGLAND. Mr. Speaker in the 1880's Nebraska's population increased from about 452,000 to over 1 million. Many of these American pioneers settled in the central and western regions of our great State, the land of Congresswoman VIRGINIA SMITH. Those voyagers settled in the rolling green hills and grassy prairie land which became patchquilt fields of corn, wheat and soybeans and pasture land for our mighty cattle industry. In the northern part of the region, those prairies and hills give way to our beautiful sand hills which compose the remainder of Nebraska's third district.

For 15 years "a chipper and enthusiastic" woman, youg at heart, has represented the descendents of that country in the United States House of Representatives. Congresswoman VIRGINIA SMITH was first elected in the 94th Congress on November 5, 1974, and has been reelected to each succeeding Congress, by margins of as much as 83 percent. She has announced that this 101st Congress will be her last. She is an excellent legislator, a wonderful friend, and we Nebraskans will miss her very much.

Aristotle once remarked, "The Good of man is the active exercise of his soul's faculties in conformity with excellence or virtue, or if there be several human excellences or virtues, in conformity with the best and most perfect among them."

VIRGINIA SMITH has worked hard her entire life at determining those excellences and conforming her conduct to them. As a Member of Congress, Mrs. SMITH is a member of the Appropriations Committee. She is the highest ranking member of the Appropriations Subcommittee on Agriculture and the second ranking minority member on the Subcommittee on Energy and Water Development. She once remarked, "I could not be in a better place in Congress for the people in Nebraska." I whole heartedly agree. The exercise of Mrs. SMITH'S congressional duties has consistently reflected the representation of her constituents enlightened views, her strong values, and her belief in a better America.

Mrs. SMITH'S many awards reflect those values. Her most notable awards include: the 1988 Leadership Award, National Coalition of Peace Through Strength; National Safety Council's 1983 Agricultural Achievement Award; nine Watchdog of the Treasury awards from the National Associated Businessmen; nine Guardian of Small Business awards from the National Federation of Independent Businessmen; the Golden Age Hall of Fame Award from the National Alliance of Senior Citizens; the first honorary membership in Women Involved in Farm Economics; the Nebraska Water Resources Association Distinguished Public Service Award; the Nebraska Soil Stewards Award; a Public Service to Agriculture Award from the Nebraska Agri-Business Club; and the Individual Achievement Award from the Nebraska Livestock Feeders Auxiliary.

In addition, Mrs. SMITH has been named Nebraska Woman of Achievement by the Nebraska Business and Professional Women and is an honorary Nebraska Porkette.

Mrs. SMITH is the first woman to be inducted into the Nebraska Hall of Agriculture Achievement and has received the National 4-H Alumni Award.

In July 1988 Mrs. SMITH'S personal efforts to reduce unnecessary Federal spending and numerous attempts to balance the Federal budget were recognized with the first Golden Plow Award. She, along with 16 of her congressional colleagues, were given the honor presented by the American Farm Bureau Federation.

VIRGINIA has been a groundbreaker in women's involvement in public life. First, she was elected as a woman from the Third Congressional District in Nebraska, no mean feat.

Further, she is the first Republican woman to serve on the House Appropriations Committee and was the first woman to serve on the Nebraska Board of Education for State Colleges.

She was appointed by the President of the United States to the National Rural Development Commission and to the National Commission for Community Health Service.

VIRGINIA is a past chairman of American Farm Bureau Women. She has also served on the National Livestock and Meat Board and boasts of having had many other State and national responsibilities in agricultural, civics, service organization, and youth.

In this 101st Congress, VIRGINIA SMITH is the chairman of the House Republican Research Committee Rural and Agricultural Communities Task Force. She serves on the steering committee of the Rural Health Coalition and is active in a caucus of House and Senate members concerned about rural development.

Mrs. SMITH'S legislative initiatives in the 100th and 101st Congresses quite notable—they have included the establishment of a national institute to develop new industrial uses for agricultural commodities. She also is leading a campaign to increase Federal funding for rural public transportation.

Mrs. SMITH recently secured $12.8 million in Federal funds for the continued development of the Mean Animal Research Center in Clay Center, NE; this included a new Center for Advanced Studies in Food Animal Medicine, and Food Processing, Transportation, and Marketing centers on the University of Nebraska, Lincoln's campuses in the State Capitol and in Scottsbluff.

Mrs. SMITH, or should I say Dr. SMITH, was awarded Kearney State College's honorary doctorate in humane letters in ceremonies on August 7, 1987. A month later, Mrs. SMITH was inducted into the Nebraska Hall of Agricultural Achievement. Mrs. SMITH was the first woman ever, to receive each of these distinguished honors.

Only 4 months ago, Mrs. SMITH received the National Rural Electric Cooperative Association's Distinguished Service Award. She was the first woman in the organization's 47-year history to receive the award.

As Members, we have precious little time. Quality time is even a rarer commodity. VIRGINIA is retiring at the end of this term to spend some quality time with Haven and her family of Chappell, NE.

As her high school's valedictorian at age 15, VIRGINIA said, "There is no excellence without great labor." Today, 62 years later, she continues to live by that philosophy.

I salute her years of service and join all Nebraskans in wishing her all the best in the years to come. I am proud to have been a part of the Nebraska congressional delegation with Congresswoman VIRGINIA SMITH. VIRGINIA, Nebraska will miss your abilities, your enthusiasm, your kindness, your leadership: the model you have been for all of us to follow.

THE STRUGGLE FOR DEMOCRACY IN CHINA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from American Samoa [Mr. FALEOMAVAEGA] is recognized for 5 minutes.

Mr. FALEOMAVAEGA. Mr. Speaker, after watching the events in China of the past week with horror and disbelief, it is clear that rule by Communism cannot coexist with the concept of civilization, as we know it, in the modern world. The brutal, calculated slaughter and maiming of thousands of innocent, unarmed citizens by military troops bespeaks of the depths of barbarism that a regime of repression shall sink in order to maintain power.

The massacre in Beijing, however, more importantly speaks to the strength of the human spirit of a people that strive for that which we in America accept as given: The rights of democracy. Clearly, the people of China are teaching the world, through vivid example, that the freedoms of speech, association, press, and human dignity are indeed worthy of giving the ultimate sacrifice. The journey to civilization requires the fight for democracy.

Many have said that it was in the early 1970's, with the opening of relations with China due to the Nixon initiatives, that the seeds of today's revolution were planted. Exchange students came to the United States for study as part of the normalization process, and returned. From the early trickle of students, the number has grown tremendously. According to administration sources, the crisis in China shall affect the visa status of 76,000 Chinese students presently attending educational institutions in the United States. Thus, it comes as no surprise to find that the People's Republic of China leads all nations in sending the greatest number of foreign exchange students to America.

The youth of China have come to the United States to become educated, and in that process they have tasted the fruits of democracy. And the knowledge has been shared. It is thus befitting that the students have acted as the catalyst for the massive demonstrations for freedom, numbering in the millions, that have been supported by elements in all classes of Chinese society. As our revered President Thomas Jefferson once stated, "if a nation expects to be ignorant and free, it expects what never was and never will be." As is being played out before the world, China in its quest for knowledge to break the bonds of ignorance must, inevitably, also cast away the chains of Communist repression.

In Chinese culture there is an old saying, "She sheng ch'ii i." It means, quite simply, to give one's life for the sake of righteousness. In witnessing the thousands of ordinary people that have so courageously and selflessly sacrificed their lives so that future generations may enjoy democracy, perhaps there has never been so righteous a cause.

Mr. Speaker, I call upon my colleagues in Congress and our President to place stronger sanctions against the Chinese Government in condemnation of their cowardly attacks on their people, and to take means in support of the struggle for freedom and democracy in that country.

INTRODUCTION OF H.R. 2572

The SPEAKER pro tempore. Under the previous order of the House, the gentleman from Illinois [Mr. ROSTENKOWSKI] is recognized for 5 minutes.

Mr. ROSTENKOWSKI. Mr. Speaker, today I am introducing H.R. 2572, a bill to repeal a special tax benefit contained in the Internal Revenue Code with respect to employee stock ownership plans [ESOP's].

This special benefit provides banks, savings and loan institutions, insurance companies, and mutual funds a 50-percent exclusion on interest income received from an ESOP when the ESOP borrows to purchase stock from an employer.

This provision is one of several special tax rules designed to provide moderate and reasonable assistance for the establishment of ESOP's. Specifically, this provision was intended to provide a tax subsidy for ESOP's that borrow funds in order to purchase an employer's stock.

Earlier this year, the Ways and Means Committee conducted 5 days of public hearings on issues related to mergers, acquisitions and other transactions which have greatly increased levels of corporate debt. During these hearings, members of the committee received testimony from several witnesses, including the Treasury Department, warning that this special tax benefit for ESOP's had the potential to be used in an abusive manner to avoid significant tax liability.

Mr. Speaker, when this provision was enacted in the Deficit Reduction Act of 1984, there was concern that some employers had inadequate access to the funds needed to establish an ESOP. This provision was intended to be a mechanism that would create an incentive for lenders to make funds available to these employers. In addition, it was hoped that employees would benefit not only by the establishment of an ESOP, but also from a sharing of the tax benefit of the interest exclusion.

Mr. Speaker, the proliferation of debt-financed ESOP transactions shows that many companies are borrowing to establish ESOP's merely for the sake of obtaining tax benefits without providing any increase in benefits to employees, even though such an increase in benefits was clearly intended as the purpose of the provision.

ESOP financing has become big business with big profits for Wall Street. Banks take out full-page ads proclaiming their prowess in ESOP financing. In one ad alone, a bank said it participated in $800 million of ESOP loans over the past 12 months.

A recent ruling by the Internal Revenue Service will serve to increase these ESOP transactions. Last week, the Internal Revenue Service announced in Revenue Ruling No. 89-76, that it interprets the law as allowing the special tax benefit to be available even if the debt of the ESOP is publicly traded.

Based upon this interpretation of the law, Wall Street investment bankers have been quick to design ways to package ESOP borrowings in public deals for the primary purpose of taking advantage of this special tax benefit. A recent Wall Street Journal article estimates that $20 to $30 billion of such publicly traded debt may be issued this year, which would represent up to a 300-percent to 450-percent increase in ESOP borrowing over last year.

This ESOP debt qualifying for the special tax benefit when held by certain institutional lenders, will cause a tremendous revenue loss to the Treasury, estimated at approximately $8 billion over the next 5 years.

Mr. Speaker, once again we have witnessed a special tax benefit provision become an abusive loophole through the ingenuity of Wall Street investment bankers. Congress did not intend for this special tax provision to be used in such an excessive manner. American taxpayers cannot be expected to pay hard-earned tax dollars while Wall Street fills its pockets with excessive tax-subsidized profits from these transactions.

Mr. Speaker, the legislation I introduce today will stop this abuse immediately. Under this bill, the special exclusion for interest income on debt used to purchase ESOP employer securities is repealed. I understand that some investment bankers, fearing that I might take action against the blatant excesses inherent in these transactions, have been working day and night to try to complete deals before the legislation could be introduced. Although I do not condone such activities, it has always been my policy to legislate in a prospective manner. Accordingly, the bill I introduce today will be effective only for debt issued on or after June 7, 1989, with respect to a written binding contract—or a tender offer registered with the Securities and Exchange Commission—to purchase the ESOP stock underlying the debt entered into on or after June 7, 1989.

Mr. Speaker, the action I take today in introducing this legislation is not designed in any manner to implicate the proper and reasonable application of rules governing the taxation of ESOP's.

However, in this period of budgetary restraints Congress cannot and should not make tough decisions on reducing program expenditures which affect millions of Americans while at the same time allowing a small class of taxpayers to enrich themselves through manipulating the Tax Code. I urge all Members to support this legislation.

COMMUNICATION FROM THE CHAIRMAN OF THE COMMITTEE ON THE BUDGET

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. PANETTA] is recognized for 5 minutes.

Mr. PANETTA. Mr. Speaker, on behalf of the Committee on the Budget and as chairman of the Committee on the Budget, pursuant to the procedures of the Committee on the Budget and section 311 of the Congressional Budget Act of 1974, as amended, I am submitting for printing in the CONGRESSIONAL RECORD the official letter to the Speaker advising him of the current level of spending, credit, and revenues for fiscal year 1989. This is the fourth report of the 101st Congress.

The term "current level" refers to the estimated amount of budget authority, outlays, credit authority, and revenues that are available—or will be used—for the full fiscal year in question based only on enacted law.

Current level reports are intended to provide members information to compare enacted spending and revenues with the aggregate ceilings on budget authority, outlays, and revenues established in a budget resolution, and also to compare enacted legislation with the allocations of new discretionary budget authority, entitlement authority, and credit authority made to a committee pursuant to subsection 302(a) of the Budget Act. This report compares the spending, credit, and revenue levels in current level with those assumed in the budget resolution for fiscal year 1989—House Concurrent Resolution 268—adopted on June 6, 1988.

Current level reports provide information that is necessary for enforcing section 311 of the Budget Act. Section 311(a) prohibits the consideration of a spending or revenue measure if the adoption of that measure would cause the ceiling on total new budget authority or total outlays set in the budget resolution for a fiscal year to be exceeded or would cause revenues to be less than the appropriate level of revenues set forth in the budget resolution.

Section 311(b) provides an exception to the 311(a) point of order for measures that would breach the ceilings on total spending set forth in the budget resolution but would not cause a committee to exceed its "appropriate allocation" of discretionary spending authority made pursuant to section 302(a) of the Budget Act. Such an exception was first provided by the Budget Resolution for fiscal year 1985—House Concurrent Resolution 280, 98th Congress. The exception was made permanent by the amendments to the Budget Act included in the Balanced Budget and Emergency Deficit Control Act of 1985—Public Law 99-177, Gramm-Rudman-Hollings. This exception is intended to protect a committee that has stayed within its allocation of discretionary budget authority and new entitlement authority from points of order if the total spending ceilings have been breached for reasons outside of its control. For fiscal year 1989, the 302(a) allocations to House committees made pursuant to the conference report on House Concurrent Resolution 268 were printed in House Report 100-662, June 1, 1988.

Section 311(c) of the Budget Act provides that, for purposes of enforcing section 311, the levels of new budget authority, entitlement authority, outlays, and revenues shall be determined on the basis of estimates made by the Committee on the Budget. Current level reports represent partial fulfillment of this enforcement responsibility of the Budget Committee by providing both estimates of enacted aggregate spending and revenues, and, for purposes of determining the applicability of the section 311(b) exception, estimates of the relationship between the budgetary effect of enacted legislation within a committee's jurisdiction and the allocation of spending authority made to that committee.

The estimates in this report are based on economic and technical assumptions in place at the time of the adoption of the budget resolution, House Concurrent Resolution 268, on June 6, 1988. This is intended to protect committees which acted on the basis of the assumptions of the budget resolution from changes in economic and technical factors over which they have no control. Unless the Congress adopts a subsequent budget resolution for a fiscal year that alters the assumptions concerning legislative actions, committees should be able to expect that measures that conform with the budget resolution will not be subject to points of order for violation of the Budget Act. To do otherwise and base enforcement on constantly changing economic and technical estimates would seriously disrupt the legislative process, penalize committees that are unable to complete work on legislation within a short period after adoption of a budget resolution, and undermine respect for budget enforcement procedures.

In addition to section 311, the Budget Act contains another point of order that requires Budget Committee estimates for enforcement. Section 302(f) (1) the Budget Act prohibits the consideration of a measure providing new budget authority, new entitlement authority, or new credit authority if the adoption of that measure would cause a committee to exceed its allocation of new spending or credit authority made pursuant to subsection 302(b) of the Budget Act. The 302(b) allocation is a subdivision of the new spending, new entitlement, and new credit authority allocated to a committee pursuant to section 302(a), among either the subcommittees of that committee or among programs over which the committee has jurisdiction. This point of order was added to the Budget Act by the amendments included in the Balanced Budget and Emergency Deficit Control Act of 1985.

Section 302(g) provides that the enforcement of section 302 shall be based on estimates of spending and credit authority made by the Committee on the Budget. The Budget Committee fulfills this responsibility by providing, as necessary, a separate section 302 report to the Speaker.

For information purposes only, current level reports will continue to include a comparison of the budget and credit authority divided among the Appropriations subcommittees by that committee's 302(b) division with the actual enacted spending and credit legislation within each subcommittee's jurisdiction.

As chairman of the Budget Committee, I intend to keep the House informed regularly on the status of the current level.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON THE BUDGET,
Washington, DC, June 7, 1989.

Hon. THOMAS S. FOLEY,
Speaker, U.S. House of Representatives, Washington, DC.

DEAR MR. SPEAKER: On January 30, 1976, the Committee on the Budget outlined the procedure which it had adopted in connection with its responsibilities under section 311 of the Congressional Budget Act of 1974, as amended, to provide estimates of the current level of revenues and spending.

I am herewith transmitting the status report under House Concurrent Resolution 268, the concurrent resolution on the budget for fiscal year 1989.

In the House of Representatives, the procedural situation with regard to the spending ceilings (total budget authority and total outlays) is affected by section 311(b) of the Congressional Budget Act of 1974, as amended by Public Law 99-177. Enforcement against possible breaches of the spending ceilings under 311(a) of the Budget Act would not apply when a measure would not cause a committee to exceed its "appropriate allocation" of "new discretionary budget authority" or "new entitlement authority" made pursuant to section 302(a) of the Budget Act. It should be noted that under this procedure the committee's outlay allocation is not considered.

The intent of section 311(b) of the Budget Act is to protect a committee that has stayed within its spending authority allocations—discretionary budget authority or new entitlement authority—from points of order if the total spending ceilings have been breached for reasons outside of its control. The 302(a) allocations to House committees made pursuant to the conference report on House Concurrent Resolution 268 were printed in H. Rept. 100-662 (June 1, 1988).

The enclosed tables compare enacted legislation to each committee's 302(a) allocation of discretionary budget authority, new entitlement authority, new direct loan obligations and new primary loan guarantee commitments. The estimates of spending and revenues for purposes of the application of points of order under the Budget Act are based upon the economic and technical assumptions underlying the fiscal year 1989 budget resolution, House Concurrent Resolution 268.

The Energy and Commerce Committee and the Ways and Means Committee have exceeded their targets for new entitlement authority because of the enactment of Public Law 100-360, the Medicare Catastrophic Coverage Act and Public Law 100-485, the Family Welfare Reform Act. The concurrent resolution on the budget for fiscal year 1989 assumed enactment of both pieces of legislation but made no allocations for them. The House report on the budget resolution explained that such legislation, if deficit-neutral, would be appropriate even though it exceeded the resolution's section 302 allocations or spending aggregates.

Revenues exceed the revenue floor established by the concurrent resolution on the budget for fiscal year 1989 because of enactment of Public Law 100-360, the Medicare Catastrophic Coverage Act and Public Law 100-485, the Family Welfare Reform Act. Passage of this legislation was assumed in the budget resolution but not reflected in the revenue floor. The budget resolution assumed deficit-neutral catastrophic health and welfare reform legislation, but not a specific dollar amount. As explained in the House report on the budget resolution, the revenue increases in Public Law 100-360 and Public Law 100-485 were intended to offset and make deficit neutral the multiyear spending in those bills. Therefore, it would not be consistent with the assumptions in the budget resolution to enact any additional revenue-losing legislation beyond Public Law 100-418, the Omnibus Trade Act and Public Law 100-449, the Canada-U.S. Free Trade Agreement.

Sincerely,

LEON E. PANETTA,
Chairman.

Enclosures.

REPORT TO THE SPEAKER OF THE U.S. HOUSE OF REPRESENTATIVES FROM THE COMMITTEE ON THE BUDGET ON THE STATUS OF THE FISCAL YEAR 1989 CONGRESSIONAL BUDGET ADOPTED IN H. CON. RES. 268, REFLECTING COMPLETED ACTION AS OF JUNE 6, 1989

[In millions of dollars]

	Budget authority	Outlays	Revenues
Appropriate level	1,231,700	1,099,700	964,400
Current level	1,232,624	1,100,091	964,434
Amount under ceilings			
Amount over ceilings	924	391	
Amount under floor			
Amount over floor			34

BUDGET AUTHORITY

Any measure providing budget or entitlement authority which is not included in the current level estimate of budget authority for fiscal year 1989, if adopted and enacted, would cause the appropriate level of budget authority for that year as set forth in H. Con. Res. 268 to be exceeded.

OUTLAYS

Any measure providing budget or entitlement authority which is not included in the current level estimate of outlays for fiscal 1989, if adopted and enacted, would cause the appropriate level of outlays for that year as set forth in H. Con. Res. 268 to be exceeded.

REVENUES

Any measure that would result in a revenue loss which is not included in the current level estimate and that exceeds $34 million in revenues for fiscal year 1989, if adopted and enacted, would cause revenues to be less than the appropriate level for that year as set forth in H. Con. Res. 268.

Fiscal year 1989 discretionary action budget authority, comparison of current level and budget resolution allocation by committee pursuant to section 302

[In millions of dollars]

House Committee	Current level budget authority
Agriculture	(+412)
Appropriations [1]	(+283)
Armed Services	(...)
Banking, Finance, and Urban Affairs	(...)
District of Columbia	(...)
Education and Labor	(...)
Energy and Commerce	(...)
Foreign Affairs	(...)
Government Operations	(...)
House Administration	(...)
Interior and Insular Affairs	(...)
Judiciary	(...)
Merchant Marine and Fisheries	(...)
Post Office and Civil Service	(...)
Public Works and Transportation	(...)
Science and Technology	(...)
Small Business	(...)
Veterans' Affairs	(−4)
Ways and Means	(−79)

[1] See next table for detail.

Committees are over (+) or under (−) their 302(a) allocation for "discretionary action".

FISCAL YEAR 1989 HOUSE APPROPRIATIONS COMMITTEE DISCRETIONARY ACTION, COMPARISON OF CURRENT LEVEL AND BUDGET RESOLUTION SUBDIVISIONS OF THE HOUSE APPROPRIATIONS COMMITTEE PURSUANT TO SECTION 302

[In millions of dollars]

House Appropriations subcommittee subdivisions	Current level budget authority	Direct loans	Primary loan guarantees
Commerce, State, Justice	(+309)	(−3)	(...)
Defense	(−249)	(...)	(...)
District of Columbia	(−6)	(...)	(...)
Energy and Water	(−47)	(+3)	(...)
Foreign Operations	(+15)	(−3,632)	(...)
Interior	(...)	(...)	(...)
Labor, HHS, Education	(+164)	(−33)	(...)
Legislative Branch	(−41)	(...)	(...)
Military Construction	(...)	(...)	(...)
Rural Development and Agriculture	(+14)	(−243)	(+6)
Transportation	(+98)	(...)	(...)
Treasury, Postal Service	(+26)	(...)	(...)
VA/HUD/Independent Agencies	(...)	(...)	(...)
Total	+283	−3,908	+6

Subcommittees are over (+) or under (−) their 302(b) subdivisions of discretionary action.

FISCAL YEAR 1989, ALLOCATION OF NEW ENTITLEMENT AUTHORITY [NEA] PURSUANT TO SECTION 302

[In millions of dollars]

Committee	Allocation	Reported [1]	Enacted [2]	Enacted over (+)/under (−) allocation
Agriculture		+611	+532	+532
Armed Services		+2,234	+2,234	+2,234
Energy and Commerce		+75	+55	+55
Interior and Insular Affairs		+35	+16	+16
Judiciary		+39	+14	+14
Veterans' Affairs	+408	+395	+389	−19
Ways and Means		+1,624	+1,461	+1,461
Undistributed to committee	+125			

[1] These figures are used for 401(b)(2) of the Budget Act.
[2] These figures are used for 302(f) points of order.

Note—The Energy and Commerce and the Ways and Means Committees have exceeded their targets because of the enactment of Public Law 100-360, the Medicare Catastrophic Act, and the completion of H.R. 1720, the Family Welfare Reform Act. The fiscal year 1989 budget resolution assumed enactment of such legislation but made no allocations for it. The House report on the budget resolution explained that such legislation, if deficit-neutral, would be appropriate even though it exceeded the resolution's section 302 allocations or spending aggregates.

Further, Public Law 100-418, the Omnibus Trade and Competitiveness Act, provided $111 million of NEA that is scored in the "enacted" column against the Ways and Means Committee Allocation. This amount can be counted against the undistributed $125 million in NEA that was assumed by the budget conferees to be available for programs in functions 500, 550 and 600.

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, June 7, 1989.

Hon. LEON E. PANETTA,
Chairman, Committee on the Budget, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: Pursuant to section 308(b) and in aid of section 311 of the Congressional Budget Act, as amended, this letter and supporting detail provide an up-to-date tabulation of the current levels of new budget authority, estimated outlays, estimated revenues, and direct and guaranteed loan levels in comparison with the appropriate levels for those items contained in the most recently agreed to concurrent resolution on the 1989 budget (H. Con. Res. 268). This report for fiscal year 1989 is tabulated as of close of business June 6, 1989. A summary of this tabulation is as follows:

[In millions of dollars]

	Current level	Budget resolution H. Con. Res. 268	Current level +/− resolution
Budget authority	1,232,624	1,231,700	924
Outlay	1,100,091	1,099,700	391
Revenues	964,434	964,400	34
Direct loan obligations	24,370	28,300	−3,930
Guaranteed loan commitments	110,956	110,950	6

Since my last report, Congress has taken no action that affects the current level of spending or revenues.

Sincerely,

ROBERT D. REISCHAUER,
Director.

PARLIAMENTARIAN STATUS REPORT 101ST CONG., 1ST SESS., HOUSE SUPPORTING DETAIL, FISCAL YEAR 1989 AS OF CLOSE OF BUSINESS JUNE 6, 1989

[In millions of dollars]

	Budget authority	Outlays	Revenues
I. Enacted in previous sessions:			
Revenues			964,434
Permanent appropriations and trust funds	855,280	708,311	
Other appropriations	594,475	609,315	
Offsetting receipts	−218,335	−218,335	
Total enacted in previous sessions	1,231,420	1,099,291	964,434
II. Enacted this session:			
Adjust the purchase price for non-fat dry dairy products (Public Law 101-7)		−10	
Implementation of the Bipartisan Accord on Central America (Public Law 101-14)	−11		
Total enacted this session	−11	−10	
III. Continuing resolution authority			
IV. Conference agreements ratified by both Houses			
V. Entitlement authority and other mandatory items requiring further appropriation action:			
Dairy indemnity program	(1)	(1)	
Special milk	4		
Food Stamp Program	253		
Federal crop insurance corporation fund	144		
Compact of free association	1	1	
Federal unemployment benefits and allowances	31	31	
Worker training	32	32	
Special benefits	37	37	
Payments to the Farm Credit System	35	35	
Payment to the civil service retirement and disability trust fund	(85)	(85)	
Supplemental security income	201	201	
Special benefits for disabled coal miners	3		
Medicaid:			
Public Law 100-360	45	45	
Public Law 100-485	10	10	
Family support payments to States:			
Previous law	355	355	
Public Law 100-485	63	63	
Total entitlement authority	1,214	819	
Total current level as of June 6, 1989	1,232,624	1,100,091	964,434
1989 budget resolution H. Con. Res. 268	1,231,700	1,099,700	964,400
Amount remaining:			
Over budget resolution	924	391	34
Under budget resolution			

PARLIAMENTARIAN STATUS REPORT 101ST CONG., 1ST SESS., HOUSE SUPPORTING DETAIL, FISCAL YEAR 1989 AS OF CLOSE OF BUSINESS JUNE 6, 1989—Continued

[In millions of dollars]

	Budget authority	Outlays	Revenues
Medicaid:			
Public Law 100-360	45	45	
Public Law 100-485	10	10	
Family support payments to States:			
Previous law	355	355	
Public Law 100-485	63	63	
Total entitlement authority	1,214	819	
Total current level as of June 6, 1989	1,232,624	1,100,091	964,434
1989 budget resolution H. Con. Res. 268	1,231,700	1,099,700	964,400
Amount remaining:			
Over budget resolution	924	391	34
Under budget resolution			

[1] Less than $500 thousand.

Note.—Numbers may not add due to rounding.

RURAL DISMANTLEMENT ENCOURAGED IN FAMILY AND MEDICAL LEAVE ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Iowa [Mr. GRANDY] is recognized for 60 minutes.

Mr. GRANDY. Mr. Speaker, I take this special order out this evening, along with my colleagues from the Committee on Education and Labor, the gentleman from North Carolina [Mr. BALLENGER], and the gentleman from Illinois [Mr. FAWELL], to discuss a legislation package that has been before this Congress once before and will undoubtedly be before this Congress for, hopefully the last time, in the 101st Congress. That is, specifically, H.R. 770, the Family and Medical Leave Act, which the Committee on Education and Labor has passed out but has not yet reached the floor.

I note with interest tonight that many of my colleagues, at this special order, will be discussing rural development, something that all Members from rural districts are certainly for, something I am sure quite a lot of Members will have something to say, something which will entail quite a bit of legislation in the 101st Congress. I will not participate in that special order, although I will, perhaps tonight, be touching on the dark side of rural development, which is rural dismantlement. By that I mean oppressive pieces of legislation that contradict all the good things we try to do for our rural community, whether we talk about drought or increased commodity prices or business and industry loans, or grants, or rural enterprise zones, or tax breaks. All of these qualify as rural development, and all of them will probably be supported in one way, shape, or form, by this House.

However, against that we have to deal with an equal opposite reaction which is rural dismantlement composed of many things: Inflation, which in this case usually is caused by the drought; increased taxes in many cases; increased costs, particularly in farm country for fuel and input costs; probably the greatest component of rural dismantlement which is oppressive, intrusive, Federal regulation, whether it comes via section 89, the existing Tax Code, or OSHA, or EPA, or whether it comes from the Committee on Education and Labor through the House of Representatives and into statute in the form of the Family and Medical Leave Act.

What does this act do? Well, very simply, it requires employers in this country who have 50 employees or more, and in 2 years, only 35 employees or more, to get 10 weeks of unpaid leave for paternity or maternity situations in the course of 2 years, and 15 weeks of medical leave in the course of the year, leaving a potential of 25 weeks, after a year, of unpaid leave.

Members can say, what does this have to do with rural dismantlement? Why is this a bad thing? Most small businesses will be exempted, 50 employees or less. While I might point out to many of my colleagues that are from districts that perhaps do not have the number of small towns that I do, do not have the number of rural communities, 50 jobs or 50 employees in most of the area I represent is not a small business. It may not just be a big business, it may be the only business in that town. It may be the only reason that town is still on the map. It may be the only anchor in that community.

I can guarantee Members that if this legislation becomes law, there will probably be as many communities as businesses that will suffer consequences. We are not just talking about business here, the Family and Medical Leave Act does not merely specify business employers, it specifies all employers.

Again, we are talking about unraveling the rural infrastructure that we are so interested in preserving when we talk about rural development. But under this bill, we are not just talking about a main street business or factory at the edge of town, we are talking about the fire department, the police force, we are talking about a hospital, if one exists in the community, and we are talking about a nursing home which invariably exists in a rural community.

□ 1940

And we might very well be talking about a vocational institution, a technical school, or a small college. And we are talking about problems that these communities will have first of retaining these facilities and then attracting

businesses to come into these communities.

Mr. Speaker, I have begun to try to highlight what the Family and Medical Leave Act means to a rural Congressman with a rural constituency, and I pose the question of rural development versus rural dismantlement.

Mr. Speaker, I yield now to the gentleman from Illinois [Mr. FAWELL] who will present a different perspective.

Mr. FAWELL. Mr. Speaker, I thank the gentleman very much for yielding.

Mr. Speaker, I congratulate the gentleman from Iowa [Mr. GRANDY] for arranging this special order.

For those of us who look upon this legislation with its nickname of "Parental Leave" and recognize that it is a lot more than parental leave, it has been rather difficult for us to speak against it because with that nickname, people have the idea that the bill basically is one that is aimed at bonding between a parent and a child. It is so much more, and that is one of the major points that I think we should emphasize in this special order. It is so much more than just parental leave that it really, I think, should have a title like the Uniform National Employee Sick Leave Act.

It covers, as has been indicated, all of America's businesses, those who meet the criteria of having initially more than 50 employees, and that will drop down, as I recall, to 20 employees. When the legislation sets Federal standards, as we try to do from Washington in reference to this bill, we are assuming that all America is alike, and so we can look at the 13th Congressional District. It is not a rural area any longer, but of all the businesses there, most would be affected. It is quite a growing area, and they are quite different. As an attorney who did a lot of work in regard to public entities, in regard to schools districts, park districts, and other public entities, I think that people do not realize and many cities and villages do not realize that this bill affects them. It affects all corporations for profit, corporations not for profit, and it affects religious entities, too, as I read this language, and all schools, public and private alike, even though there has been an amendment that will try to satisfy the serious objections which public schools have in reference to this legislation.

Every entity with an employment structure is covered by this bill. It is a one-way vehicle for all from Washington, DC. We are great with those kinds of pronouncements, and we believe that we have in effect a collective bargaining clause that should be put fully into every employment relationship in America. Of course, as time goes by, we will try to have that cover more and more of the very small businesses.

Interestingly enough, as we try to look at legislation like this and understand it is as best we can, we look first of all at the definition of an illness or sickness that would justify, for instance, an employee being able to just leave, let us say, for 10 weeks. It can be in one chunk or it can be, for instance, intermittently. And when we look at the definition of a "health condition" which would justify an employee leaving, we find that it is a health condition which may pertain to himself or it may pertain to family members, and we note that it is a very, very broad and a very weak definition. It simply says that there is an illness or an injury or an impairment, and you would have continuing treatment or have supervision by what is called a health care professional, and that health care professional does not have to be an M.D.; it can be, for instance, a director of a nursing home. And on that basis, an employee has the right to say, "Well, I have got that illness that is described, and, therefore, I can, if I have a health condition as so described, or if any of the members of my family have a health problem so described, I can leave. I can leave, for instance, to take care of members of my family."

Interestingly enough, it covers, for instance, the sons and daughters of an employee, it covers the parents, and it covers the parent-in-law, but for some strange reason—and I have never been able to get an explanation for this—it does not cover one's spouse. That is to say that in relation to my mother-in-law, for instance, who is in a nursing home, my wife, who teaches school in Napierville, IL, would have a perfect right to leave for 10 weeks to take care of her because she meets the definition of "illness," as set forth in this legislation, but, on the other hand, if I was dying in a hospital someplace, she would not have the right to do so.

If the drafting of the legislation is that bad in regard to that very salient issue, we can understand how many other holes there may be in it. And with all the public entities to which I especially made reference, where you have elected public officials, school board members, park district officials, city and village officials, members of councils and boards who are elected, trying to have a personnel leave record that will blend in with the special trust of a public nature which they have, this type of legislation just cannot possibly fit.

A school board has to have personnel leave policies, for instance, that will guarantee that the teachers will be there at the commencement of a semester and will not just be able to take leave on the basis of definitions of "illness," for instance, as thought best by Washington, DC.

If you have a trauma squad at a public hospital or private hospital, for that matter, you have got to be assured that those people are going to show up and be able to perform their duties.

Mr. GRANDY. Mr. Speaker, will the gentleman defer to me on that point for just a moment?

Mr. FAWELL. Surely.

Mr. GRANDY. Mr. Speaker, that is an excellent point, and it should be pointed out that elementary and secondary schools did negotiate with their school boards to get some flexibility so that if a key employee or a teacher or administrator leaves near the end of the school year, the school would have the ability to deny leave.

Hospitals do not have that option. Vocational schools do not have this option. So we are basically saying in this bill that one sector of our employment force, particularly the public sector, is a lot more important than the others, which is something that I think we would not want to be in favor of.

Mr. FAWELL. No, absolutely not. I have had private schools now write to me and say that if we recognize certain exceptions insofar as public schools are concerned, then why not include private schools, because obviously our personnel policies are arrived at for the benefit basically of having sound education for the students, and if we can make certain exceptions for public schools, there is no reason in the world why that should not extend on to private schools.

We can think of our police departments in our major cities. We talk about the "blue flu," for instance, that can be a controversial way by which police officers, if they have problems in employment structures, can stay away from employment.

As I have said, one can go on with just so many illustrations where elected officials are trying to create personnel leave policies that would meet the particular performance requirements by them of their public trust problems, and here we have Washington in its wisdom saying that we have a standard personnel sick leave policy that is so very good that we can fit it in and mandate it upon every public and private employment structure in America. And when these people leave, we must remember—and they can leave intermittently, as I have indicated, or they can leave for a 10-week or 15-week period, which may be the case—they can then expect when they come back that their job should be there and it should be waiting for them, and in the meantime, the public employer, of course, has to do everything possible to find that physics teacher or that trauma unit. Those requirements have to be fulfilled, and you have also the requirements of nuclear power plants, which have tremendous employment problems, of

course, because they have to have well-trained employees available.

So while we all want to do everything possible to encourage sick leave for employees, I might add that employers, public and private both, certainly are doing everything possible to arrange for unpaid leave for parents who will be having the birth of a child in their home. But we obviously have in this legislation not only a mandate in that regard but a mandate that covers so very, very much more than that that it just is not fair and it just is not workable.

□ 1950

Mr. Speaker, employers and employees, not the Federal Government, are in the best position to judge personnel leave policies in collective bargaining agreements, and in this time in which we are living with the work force changing I think our business entities which are and are not for profit and public entities are recognizing that they certainly, if they are going to compete for employees, that they are going to have to have very carefully crafted and obviously different types of leave policies to meet their particular public trusts or their business problems.

However, Mr. Speaker, they are going to recognize more and more that they are going to have to have this, but it has to be done, I think, voluntarily. Flexibility in the employment relationship rather than rigid requirements dictated by Washington I think just makes good common sense, and once again, to the gentleman from Iowa [Mr. GRANDY], my friend, I do appreciate very much his setting aside this time so that some of us can express ourselves, and perhaps people who are listening and others will gain a greater insight into what type of legislation we are talking about here.

Mr. GRANDY. Mr. Speaker, I thank the gentleman from Illinois [Mr. FAWELL] for his comments, and he puts me in mind of a saying that I believe is attributed to former President Eisenhower who was talking about foreign policy ironically at the time. He said, "It's hard to speak for the farmer when your plow is a pencil and you're a thousand miles from the cornfield." Mr. Speaker, I think we are a thousand miles from reality on this particular piece of legislation. I appreciate the comments of the gentleman from Illinois [Mr. FAWELL] in pointing out how poorly it is drafted.

Mr. Speaker, I yield to the gentleman from North Carolina [Mr. BALLENGER], another colleague from the Committee on Education and Labor, an employer himself, a small business man, someone who has an immediate knowledge both as a legislator and as a citizen.

Mr. BALLENGER. Mr. Speaker, I thank the gentleman from Iowa [Mr. GRANDY] for yielding, and I would like to make a few statements as to how I feel about this bill.

Mr. Speaker, later this month, the House may consider a controversial bill entitled the Family and Medical Leave Act—H.R. 770.

As you have stated, H.R. 770 mandates that companies employing 50 or more workers receive 10 weeks of job-protected unpaid family leave for the birth, adoption, or care of a seriously ill child or parent during a 2-year period. Employees could receive as much as 15 weeks of unpaid leave over a 1-year period if they became seriously ill.

Employees eligible for unpaid leave under H.R. 770 must have at least 1 year of service with 1,000 hours of work for the employer. This means, the legislation covers part-time employees who work 1 year for at least 20 hours per week.

Mandating unpaid, job-protected leave for the care of a child or sick parent sounds like a good idea. It appears to offer a simple way to provide all employees equal treatment when they need time with their families. However, appearances can be deceiving and mandating a new national leave policy presents serious problems.

We have heard from several of my colleagues on specific problems in the Family and Medical Leave Act and I would like to focus on an area that is of special concern for many small business owners—periodic reporting during leave taken by the employee.

Under the bill, an employer is required to hold a open a job for the employee on leave for 1 day, 1 week, 1 month and restore the employee to the same position upon completion of leave.

Yet at no time during the 10 or 15 weeks of leave is the employee required to notify the employer of his or her intentions to return to work. I tried to amend the bill in committee to have weekly notice but was voted down!

This creates problems for the employer. Should the business owner hire a temporary worker or get a permanent replacement? Or should the job just be held open during the lenght of the leave?

I think you can clearly see the types of problems that this presents for many small busneses, but let me give you an example of a company in Charlotte, NC:

At one point we were required to hold open a job for a National Guard member who was taking his basic training. This one person was 20 percent of our staff—a trained graphic designer. For six months we 'made do' with free lancers, etc. This required more time from the rest of our staff. When his basic training was over, he did not return, but looked for a job with higher pay. This left us high and dry again—having to hire and train someone else.

This employer in good faith with his employee held open a job for a long period of time, yet was left in a lurch when the employee did not return to work. The employer is providing fringe benefits during the time of leave and must also seek and train a replacement, further delaying the efficient operation of a business. In addition, it seems the employee will also qualify for COBRA coverage after taking leave.

As a former small business owner, I know that most employers want to do what they can to help their employees. Periodically reporting back to the employer is only fair and this can be accomplished with a simple phone call or letter during the time of leave. Yet the bill fails to address this very real problem.

In summary, prescribing a one-size-fits-all policy for all businesses, both small and large, ignores the fact that employee needs differ from one business to another. Mandating one particular benefit limits the ability of employers to offer benefits that appeal to their workers. Mandating family and medical leave forces employers to offer one benefit at the expense of another.

The issue is not the leave, which is a good policy for all companies to pursue, the issue remains the appropriate role for government. I urge each of my colleagues in the House to keep this in mind as they consider this legislation.

Mr. GRANDY. Mr. Speaker, I thank the gentleman from North Carolina [Mr. BALLENGER] for his comments. He points to a particular irony in the bill which basically says, "You can work 20 hours a week part time for a company for 1 year and then receive 25 weeks full time off the following year, if you so desire," and obviously the point about businesses tailoring their leave policies—sometimes they do not even call them leave policies—is they merely tailor them to the employees and take them on a case-by-case basis.

Mr. Speaker, I yield to the gentleman from Texas [Mr. ARMEY], another colleague on the Committee on Education and Labor, a fierce opponent of this bill, a fierce ally, I might say, of the employee particularly, but also the small employer.

Mr. ARMEY. Mr. Speaker, I thank the gentleman from Iowa [Mr. GRANDY] for yielding, and I appreciate his leadership on this issue.

Mr. Speaker, when we look at the parental leave bill, I find it a particularly obnoxious example of Potomac fever.

Mr. Speaker, when I was first elected to congress, I must confess that I had never held a prior or other elected office. I was somewhat innocent in even the language of politics.

Soon after I was elected a very kind and gentle lady from my district came to me and said:

Now, Dick, we appreciate the things you said you wanted to do in office, but I want to warn you against getting Potomac fever.

Mr. Speaker, I did not understand the term. I asked the lady, "What is Potomac fever,"

She said:

Well, you've seen it. That's when your Congressman who used to be your neighbor, and understands the values of your community and appreciates the needs of your children, goes off to Washington, and falls in with that Washington crowd and forgets all about the folks who sent him there.

Mr. Speaker, I promised that lady I would not get Potomac fever. Being from Texas I suggested that I already had the Trinity fever after the Trinity River bottom, and I am not going to forget the people who sent me to Washington. The fact of the matter is I represent working men and women of Texas, not the Washington-based, special-interest, power-brokering groups here in Washington.

Mr. Speaker, the fact is the first thing to recognize about this legislation is that it offers the working men and women of America, whether they be in Washington or Iowa, something they do not want, and the best test of that proposition is this: I would ask the working man and woman in this country today, many of whom have what are called cafeteria benefit plans, whether their employer offers them an opportunity to pick and choose those plans that best fit the needs of their families.

□ 2000

If your employer offered you within that cafeteria plan the choice of 10 or 15 weeks of unpaid leave, for any number of reasons, would you choose that instead of increased dental coverage benefits for your youngster's braces, paid maternity leave if you happen to have a wife or be a wife who is still of childbearing age, extended medical coverage for a youngster who may have some difficulty or even for yourself, or any number of other things you might have?

The fact of the matter is, American working men and women do work because they have to. That is no big surprise to anybody outside of Washington.

I have a confession. I would not work if I did not have to. I do not think I am extraordinary in that sense. I would love to have myself a resort in the Caribbean and all the money in the world and never have to do a day's work in my life, but I have worked every day of my life since I was about 14 years old, and I have not liked it and I have done it because I had to. There has been no time in all that period of time where I could afford to take 10 or 15 weeks off work without pay.

I would suggest to you there are very few working men and women in this country that can afford this luxury that this government is prepared in this bill not only to allow them, but to require them to take in their benefits package, whether they want it or not and in lieu of those things they might rather choose, like the dental coverage for the youngster's braces or the paid maternity leave.

The fact of the matter is nobody gets something for nothing in this process and if the Federal Government comes in and tells every employer he must offer this benefit and every employee that he must accept this benefit, then the employers and the employees are going to have a constricted range of options and other benefits will be dropped and the primary cost of this largess will be borne by the working men and women of America.

So it is not needed, except by a small band of special interest groups in America.

Let me illustrate who benefits. The gentleman from North Carolina [Mr. BALLENGER] who just spoke, offered an amendment in committee. The amendment said that if any employer in America offers an equal amount of unpaid leave under the identical circumstances of this bill and does so voluntarily, that employer will be exempted from the mandate. That amendment was voted down by the sponsors of this bill.

It reminds me of an old adage, "Liberals don't mind what you do as long as it is mandatory."

Now, why would they vote that down? Why would they say, "We do not find it acceptable for a lawyer to offer freely and voluntarily what he otherwise might be mandated to offer by the government"? The reason that is not acceptable, that is, the reason freedom is not acceptable as over and against the Federal Government mandate is that if people have the freedom to do something, lawyers cannot file lawsuits, and this bill is lawsuit bait.

That brings me to the unfairness of it, the unfairness to the working men and women of this country having an undesired benefit imposed on them by the government that they neither need nor want, in deference to lawyers making money out of lawsuits, and that is not all the unfairness.

I once called this bill "Yuppie welfare." I was criticized for having done so.

Why did I do that? The fact of the matter is if you go back to the fundamentals of you and me raising a family and paying our bills, if you are a young upwardly mobile professional person and if especially there are two of you with relatively high-income levels working in a two-family earning home, you can afford to take the 10 or 15 weeks off without pay.

Let us say you have two young attorneys, fresh out of law school, have their law degrees in hand and they are making a pile of cash filing lawsuits under the bill passed here that I call parental leave. Now, as they pile up all this money from filing those lawsuits, they soon come to the time when they can afford to take 10 or 15 weeks off without pay, and as they take that time off and leave the office, does the work stop? No. Who bears a greater share of the work of the office while the lawyers are out of town? Well, the legal secretary or the legal aid, that younger, less experienced, less well-educated, less well-paid, more beleaguered employee is going to bear the greater share of the load.

This is a perverse redistribution of real income from the higher earning professional—to the higher income earning professional from the lower earning working man and woman.

I had a group of firemen come in my office. They said, "We want you to support this."

I said, "Why do you want me to support this? How many of you rank and file firefighters on the line could afford to take 10 or 15 weeks off without pay if the Government gave you this wonderful benefit?"

And they looked around and they said, "Well, none of us could."

And I said, "That is precisely true. So you are asking me to support a law that will give you something you can't use."

Well, that did not make sense to them.

I said, "Suppose we pass the law. Who do you think might be able to afford to take the 10 or 15 weeks off without pay?"

And one of them scratched his head and said, "Well, the supervisors, the higher paid folks."

"And if the supervisors are off for 10 or 15 weeks, who is going to do their share of the work?"

"Well, we are, we rank and file working people."

I am telling you, that is a nasty spirited, unfair redistribution of income from the poorer, more hard working, less privileged, to the more affluent, more privileged working men and women of this country.

There is one other point I would like to make about this bill. This bill says that we will in one form or another pay more people more money for the same or less work. In particular, we will pay more money for less work. That is the fundamental root cause of inflation, and if with this kind of legislation we create what is known in the discipline of economics as cost-push inflation, which pushes up the price of groceries, rents on houses, gasoline for

automobiles, dental services for your children, once again the working men and women of this country that struggle so hard to make ends meet, who cannot afford to take 10 or 15 weeks of their work year off without pay and must struggle through, will be forced to bear an increased cost of unnecessary, undesirable, unwanted Federal legislation, so that some Washington-based group can brag to their Members:

We got you a chance to file more lawsuits. We got you a chance to show everybody that you are a socially relevant activist group and you can feel good about how contemporary your thinking is.

Now, it is argued that one reason we ought to pass this legislation is that such prominent governments as those in Europe, the semi-Socialist countries in Europe, like Sweden and France, have this kind of legislation. I would suggest to anybody who would advocate the passage of this legislation in light of its existing status in the laws of these countries to check the unemployment statistics for women of childbearing age in these countries. Whether intended or not, the practical results of the passage of this legislation in other countries has been a bias against the hiring of young women of childbearing ages. That is not enlightened. That is not progressive. That is not fair. It is not decent public policy in the special interests in disregard of the public interest, and I would suggest that the Members of this body ought not to have Potomac Fever. They ought not to represent the narrow special interests of Washington-based power brokers, but they ought to represent the true needs, the true requirements of men and women in their districts back home who work hard every day under very difficult circumstances to make a home for themselves and their children.

□ 2010

I appreciate the gentleman from Iowa taking this time and yielding to me.

I hope passionately, with all my heart, that this Congress will not again unthinkingly pass legislation as it did in the case of the catastrophic health care bill, as it did in the infamous section 89, which heaped a burden again on the working men and women of America and results in massive loss of benefits packages across the Nation for working men in this country so that somebody in this town can feel good about their social relevance.

I will say again about this bill, as I said about so many of these others, compassion without understanding is cruel and mean-spirited punishment to the people who hire us and pay our salaries, and we ought not to engage in such shallow thinking.

Mr. GRANDY. Mr. Speaker, I thank the gentleman. I particularly thank him highlighting what I think is the most onerous part of the bill, which is the hypocrisy. Like most high-minded, mean-spirited labor bills that we pass, the Family and Medical Leave Act will hurt those people it purports to help, minorities, women, the underskilled, the underprivileged, and families struggling to make ends meet, exactly the people we are supposedly extending our hand to, but really our clenched fist. Would the gentleman not agree?

Mr. ARMEY. I agree with the gentleman. It puts me in mind of an analogy I drew some years ago, that while we extend the visible hand of Government, we also reach out with the invisible foot of the Government, and we kick a lot of folks around. It is our job to read the fine print, think deeply about these matters, and ask, in every legislative effort, who benefits and who pays the cost. The gentleman is exactly right. Those folks who can least afford it pay the costs on behalf of those folks who least need the additional benefit.

Mr. GRANDY. That is true, and I think it is probably something that we could all agree upon, particularly those of us who oppose this legislation, that a benefit mandated is ultimately a benefit denied, because bargaining is denied, and if the flexible plan cannot be tailored to meet the flexible needs of the work force, you will probably contract them.

The interesting thing is that when we talk about mandated leave, we are really not opposed to leave. We are not opposed to parental leave. We are not opposed to bereavement leave. We are not opposed to any kind of leave. What we are opposed to is mandate it, because in so doing, we limit those options.

The irony here is that our workforce right now is responding much more quickly than those of us with Potomac fever to the changing demographics of the workplace. There are more women in the workplace. There are more working couples. In a few years' time, I dare say, there will be more elderly people returning to the workplace, and the workforce, that is, the employer side in this country, is responding.

Here are what some of the surveys are showing already. In 1988, the American Society of Personnel Administration surveyed 1,500 companies of all sizes. Eighty-nine percent had some form of disability leave; 69 percent of that was paid. Does that sound like an employer force in this country that is a bunch of Simon Legrees that are not responding to the needs of their employees? The National Council of Jewish Women's Center for the Child in 1987 went to 100 communities and talked to 2,000 employers. Seventy-two percent of the women in firms of 20 or more receive a minimum leave of 8 weeks of job-protected leave for pregnancy, and if we look at the demographics between 1986 and 1988, the number of flexible benefit plans has increased drastically, meaning the trend is in the favor of the employer and the employee sitting down and working out the arrangement that best suits both of them. Why? Because the employer is going to need that person in the workforce 2000. He is going to need them to compete with companies down the street and companies on the other side of the Atlantic and the Pacific. So he offers life and health insurance, and he offers dental and vision care, and he offers a greater paid vacation, and he offers sick leave, maternity leave, bereavement leave, educational assistance, and adoption assistance, and he offers profit sharing and employee discounts. He lets the employee pick what he or she needs.

A young working couple with children who are older than newborns are gonig to need some kind of child care. They are more concerned with what happens in the first 10 years of life as opposed to the first 10 weeks. They will need some dental care.

An elderly couple that is going back to work, trying to supplement their income, may want something entirely different. They may want some vision care. They may want to set some money aside for long-term care.

What we have right now is a relationship that is not in any way controlled by the Federal Government, and in that sense, it is not limited by the Federal Government.

Mr. ARMEY. Mr. Speaker, will the gentleman yield?

Mr. GRANDY. I am happy to yield to the gentleman.

Mr. ARMEY. I believe that I am correct that there is no Federal law that mandates paid maternity leave. Is that correct?

Mr. GRANDY. There is no law that mandates paid maternity leave yet.

Mr. ARMEY. Again, I find myself fascinated by this curious thought process that is called Potomac fever. There is no law on the books that says that thing which is clearly more desired, more needed by more working men and women in this country, paid maternity leave, it is not mandated by the Government. The Government, instead, chooses to mandate something they clearly do not want, would less prefer, and could not use, and again, the point of the gentleman is well taken: Despite all of the evidence we have of those firms and those employees that have voluntarily and freely worked out a fair arrangement between themselves, this bill expressly refuses to allow anybody who would do the same or more freely and voluntarily to be exempted by the Federal mandate. The bill is of no value to its

sponsors unless the Federal Government is requiring this one very narrowly defined, very useless benefit, and if anybody can tell me how that is in any way in the interests of the working men and women of this country to have this imposition on their rights, this reduction of their freedoms, this mandate on their family budget by an unthinking, uncaring special interest group, then they can give me some basis by which I might consider the possibility that I would vote for this bill and against the needs of my constituents.

But to this day, nobody has given me one legitimate idea why this is good public policy.

Mr. GRANDY. Mr. Speaker, reclaiming my time, I thank the gentleman for his comments.

It is quite clear that the employer community of this country is responding a lot faster than Government, Federal or State, ever could.

I have here an article from the Washington Times which is dated May 31, just last week, itemizing the benefit package which AT&T just negotiated with the Communications Workers of America, which is probably the precedent for the most generous leave, parental, medical, adoption assistance, flexible hours, and resource and referral services provided for child care. This is a hallmark.

Does the gentleman think the Government could ever write this? Listen to what one of the executives says regarding this legislation, quoting from the article now:

> Arline A. Johnson, a senior research associate with the New York-based Conference Board's Work and Family Information Center, said the group will release a report this summer showing that more than half the nation's Fortune 500 companies offer some form of family or medical leave.

Interestingly enough, if this issue is burning in the hearts and minds of Americans, if they are clamoring for this, much the same way they clamored for section 89 or catastrophic health care, as the gentleman from Texas pointed out, then why do we have a survey from the Washington Post-ABC News Service that found only 3 percent of the American public believed that parental-leave should be given a high priority in Congress? They want leave, but they do not want us to give it to them, and that is the problem. We do not help small business. We do not help small labor. We merely tread on their feet.

One of the reasons the proponents of this bill will continue to argue for it is they will say, "But it is so cheap."

If we dig out the cost, it is only $4.50 per employee. The GAO had reported in 1987 that to provide mandated leave for 50 employees will only cost the taxpayers $188 million a year. When we go to 35 employees it is a mere $212 million, a pittance, not even real money.

Of course, by 1989 they had to readjust their estimate because health care has increased by 30 percent. So now we are talking about $244 million, $276 million if we are talking about 35 employees, and we will. But even there, even when we are talking about short money like that, we are also talking about health care which is growing faster than any other expense in our economy. And we are not talking about any of the other costs that these businesses incur.

This survey that the GAO conducted for the Education and Labor Committee went to two towns, Detroit, MI, and Charleston, SC. To give Members an idea of how far that is from my district, Charleston, SC, and North Charleston would constitute the largest four cities in my district if they were in rural Iowa. Detroit would be my State, and yet 80 firms in these two towns reported the data that now serves as the base for this legislation, completely unfounded, completely biased. Yet this is the criteria that we are using.

What is omitted from this survey is even more telling. We do not talk about lost productivity, we do not talk about training costs, we do not talk about replacement cost, we do not talk about unemployment insurance which businesses will have to pay for temporary employees, and we do not figure in those COBRA benefits which have to be paid if your employee decides to leave your employ while he or she is on leave. And do not forget, as the gentleman from North Carolina already said, he does not even have to tell you, he does not have to give you any notification whatsoever.

So how can we quantify what the costs are? And I have not even talked about litigation or talked about the cost that I think is the most insidious of all, the businesses that will not grow or expand because they are afraid of this legislation.

Mr. ARMEY. Mr. Speaker, will the gentleman yield?

Mr. GRANDY. I yield to the gentleman from Texas.

Mr. ARMEY. I think another cost we must be sensitive to is that human cost to those employees left behind when the supervisors take their leave. Think in terms of yourself being a young, legal secretary with a couple of children at home, working hard all day long and then having the additional burden for 10 or 15 weeks of the boss' slack time, work they left behind, and then go home after a hard day's work with that additional burden, and no increase in salary to compensate for taking up the boss' slack while they are out of town. That is the human cost of this bill that is so tragic, because it falls so heavily on those people whose lives are so beleaguered and so less privileged that they cannot afford to carry the burden for somebody who cannot afford to take 10 weeks off and then go home and be cheerful with their children.

Mr. GRANDY. I appreciate the gentleman's comments, particularly because he talks about the human side of this bill. He talks about the human cost. Normally Republicans are chided for talking in terms of econometric models, macroeconomics, and microeconomics, and very rarely about people. This bill is entirely about people, but more to the point, it is about discriminating against people.

Who? Single people clearly, because they do not have children and cannot use the maternity side of these benefits. Childless couples, and there are many in this society; low income families who, as the gentleman from Texas pointed out, could not use an unpaid leave benefit; and older workers, as I mentioned earlier. It clearly discriminates against small business and small towns and rural environments who cannot compete with larger urban areas to attract businesses that could accommodate temporary labor pools. And do not forget we are talking about small business, which in the last 10 years has created 70 percent of the 14 million new jobs, small business which right now, according to the National Federation of Independent Business Survey, at least 72 percent of their membership provides some sort of leave policy. But finally we are talking about discrimination against women, women who have the potential to bear children.

Under this bill, under the antipregnancy statutes that we have, under any of the civil rights legislation we have, there is nothing that protects a woman who applies for a job, who is 25 and able to give birth, and a woman who is 50 and cannot, from applying to the same employer and that employer thinking, most likely to himself, why should I take a chance on this young person who might leave me. That person who needs the job the most is least likely to get it under this bill.

Once again we are talking about the people we are most trying to help. Let me read at this point a quote from a person who testified in front of our Subcommittee on Labor-Management Relations, Ms. Synthia Simpler, personnel manager for the James River Corp., who is herself a mother and is affected by this legislation. She had this to say:

> There are other, less apparent costs involved as well. Since working women will be viewed as the most likely candidates for parental leave, hidden discrimination will occur if this bill becomes law. Women of child-bearing age will be viewed as risks, potentially disrupting operations through an untimely leave. Anyone who has had a secretary out on maternity leave knows how chaotic the office is when an inexperienced

temp steps in to take her place. Who takes care of the territory when a sales representative drops out for ten weeks? Who will close the books if the only accountant in the plant goes out on parental leave? Unlike men, women must still constantly prove that they can handle the responsibilities of work and family at the same time. If this legislation passes, it will only reinforce the prejudices which already exist. Consequently, we will find "employment opportunities" in less critical, lower paying jobs.

What she is saying, Mr. Speaker, is that this bill is a testament to chauvinism. Who in this body is for chauvinism? Not even the gentleman from Texas.

So I ask: Are we talking about benefits delivered or benefits denied? To me there is no question. This is a legislative initiative looking for a problem. Why are we writing a law when it is not even being asked for?

Child care, yes. There is a great need for child care. And vocational training, yes. We have already responded to those two categories.

But leave, mandated and regulated by the Federal Government? Not now, and hopefully not ever.

Mr. Speaker, I include for the RECORD two letters, one from the Secretary of Labor and one from the Department of Justice, both saying that this bill is an absolute veto if it contains a mandate.

The letters referred to follow:

U.S. DEPARTMENT OF LABOR,
Washington, DC, March 7, 1989.

Hon. FRED GRANDY,
House of Representatives, Washington, DC

DEAR FRED: I appreciate receiving your views on the Family and Medical Leave Act which is scheduled for consideration by the Committee on Education and Labor on March 8, 1989. I share your concern that a mandated benefit approach would have negative consequences for the continued creation and preservation of jobs in our economy. That is why H.R. 770 is unacceptable.

As Secretary of Labor, I am sensitive to the changing needs of the American workforce. As workforce demographics change, particularly as women enter the workforce in increasing numbers, there is a growing need for flexibility in employee benefit options. Employers increasingly understand this need for flexibility, and many are working with their employees to develop appropriate personnel practices. H.R. 770's mandated approach, instead, would impose needless rigidity in the employment relationship.

The Administration supports and encourages parental and medical leave policies designed to meet the specific needs of individual companies and their employees. We strongly believe this can be best achieved voluntarily; therefore, the Administration strongly opposes the mandated approach to employee benefits.

Additionally, the mandatory leave policy in H.R. 770 would:

Reduce overall employee benefits as companies eliminate voluntary benefits in order to afford new parental and medical leave requirements;

Impose the costs of leave mandatorily on employers regardless of their ability to absorb such costs thus reducing their productivity and U.S. competitiveness—the impact on small business would be particularly substantial; and

Create a new and costly Federal bureaucracy to administer and enforce its requirements.

Indeed, I will recommend to the President that he veto any mandatory leave legislation presented to him.

The Office of Management and Budget has advised that there is no objection to the submission of this report to the Congress and that enactment of H.R. 770, or any other mandatory leave legislation, would not be in accord with the program of the President.

Sincerely,

ELIZABETH DOLE,
Secretary of Labor.

U.S. DEPARTMENT OF JUSTICE,
OFFICE OF LEGISLATIVE AFFAIRS,
Washington, DC, April 19, 1989.

Hon. AUGUSTUS F. HAWKINS,
Chairman, Committee on Education and Labor, Washington, DC.

DEAR MR. CHAIRMAN: This letter is to inform you that the Department of Justice opposes the enactment of H.R. 770, "The Family and Medical Leave Act of 1989." This bill, which would establish a uniform, national policy compelling employers to provide up to 10 weeks' parental leave in any 24-month period or 15 weeks' medical leave in any 12-month period to employees on the birth, adoption, or placement for foster care of a son or daughter, or upon the serious illness or injury of themselves, their sons or daughters, violates two policies of this Administration: (1) generally relying on private initiative and negotiations among employers and employees to set the terms and conditions of employment; and (2) in the absence of a compelling need for national uniformity, relying on state rather than federal regulation. Because of our strong commitment to these policies, the Justice Department will recommend to the President that he veto this bill if it is passed by the Congress.

We understand the laudable goals of this bill—to enable employees to attend to family needs and at the same time continue with their jobs and careers—but we think that mandatory federal legislation is an inappropriate way to achieve them. H.R. 770 is fundamentally at odds with historic practice and would preempt private employment agreements and state health and welfare regulations. It is also fundamentally inconsistent with this Administration's stated philosophies and policies.

The Constitution establishes a national government of limited powers, expressly providing in the tenth amendment that "[t]he powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people." However, even when Congress has the constitutional authority to act, in many cases there are sound policy reasons for Congress to defer to the states. This notion is based on the belief that the states, and not the federal government, are in the best position to respond to the perceived needs and desires of their citizens. Where there is no compelling need for national uniformity, states should be free to devise their own programs, tailored to their citizens' needs. Not only can they learn from each others' successes and failures, the states can take into account regional differences that a uniform, national program might overlook. On occasion, attempts by the states to find solutions can reveal a genuine need for a national solution: in that event, state experience frequently serves as a valuable guide to national lawmakers.[1]

But to unilaterally impose a national solution to an issue already being addressed by private employers, labor organizations, and the states is to put the cart before the horse. Health, safety and welfare regulation traditionally has been the responsibility of the states. They uniquely possess the resources and competence to discern the conditions, needs and desires of their citizens on these issues, and the expertise to enact laws to address those concerns.

The Department of Justice opposes enactment of H.R. 770 because the bill mandates federal intrusion into the relationship between employer and employee—a matter best left to the private sector, to collective bargaining and individual choice. But if it appears, in the judgment of state legislatures, that some regulation is desirable, the matter should generally be left to the states. Given the difficulty of divining the costs and benefits, and determining the appropriate levels of such leave policies, allowing the states to serve as laboratories and to experiment with a variety of approaches to the perceived problems is preferable to imposing national regulation. At least seventeen states—including California,[2] Tennessee, Louisana, Oregon, Minnesota, Connecticut, and Rhode Island—already are experimenting with such laws, and their experience will be instructive to others.[3] The Department of Justice sees no compelling need for a national rule on this subject.

More specifically, section 102 of H.R. 770 defines "employee" as any person who has been employed by the employer for at least 900 hours of service during the past 12 months, and for at least 12 months. Based on a 52-week working year (12 months), H.R. 770 would entitle employees who worked only 17.3 hours each week to invoke the entitlement of this Act.

An "employer" is defined in H.R. 770 as anyone who employs 50 or more employees at any one worksite for each working day during each of 20 or more calendar workweeks in the current or preceding calendar year, and also includes any public agency. Thus, the bill could have very adverse effects on small business.

Section 103 of H.R. 770 outlines the parental leave requirement. An employee would be entitled to 10 workweeks of parental leave during any 24-month period as the result of the birth or placement for adoption or foster care of a child, or to care for a child with a serious health condition. Medical leave could be taken intermittently. Leave may be unpaid, except for the following situation: if an employer already provides paid parental leave for fewer than 10 workweeks, the balance may be unpaid leave, but either the employee or the employer may elect to substitute accrued paid vacation, personal leave, or other paid leave for any part of the 10-week period. The bill

---

[1] For example, had it not been for the experience of each of the thirteen original colonies in grappling with the establishment of state governments, those who gathered in Philadelphia in the summer of 1787 to draft our national charter surely would not have so successfully discharged their task.

[2] California's law recently was upheld by the Supreme Court in *California Federal Savings & Loan v. Guerra*, 107 S. Ct. 683 (January 13, 1987).

[3] See M. Brannigan, Laws on Parental-Leave Benefits Draw Opposition from Employers, Wall St. J., Oct. 12, 1987, p. 20.

contains certain requirements for giving notice where the need for leave can be foreseen, so as not to disrupt unduly the employer's operations.

For non-federal employees, spouses employed by the same employer are entitled to an aggregate of 10 workweeks of parental leave during any 24-month period under Title I of H.R. 770. Presumably, an unmarried couple not "husband and wife" within the definition in Section 103 would qualify for 10 weeks' leave apiece, since "son or daughter" is defined in Section 102 without respect to the marital status of the parents. We assume that this anomalous preference for unmarried parents over married parents is unintended.

Section 104 of H.R. 770 provides that "[a]ny employee who, as the result of a serious health condition, becomes unable to perform the functions of the position of the employee" shall be entitled to temporary medical leave, not to exceed 15 workweeks during any 12-month period. This section does not distinguish between illness or injury which may be considered permanent as opposed to temporary. This Department has a fundamental objection to the unilateral imposition of a national rule in an area better left to individual choice or collective bargaining negotiations.

Section 107 of H.R. 770 provides for enforcement of this legislation by the Secretary of Labor. Interference by any employer with the rights conferred by this bill is prohibited. Section 108 charges the Secretary of Labor to issue rules and regulations concerning service of complaints, notice of hearings, and other proceedings related to complaints brought under this Act. The United States Department of Labor is charged with enforcement and required to establish a comprehensive bureaucracy to handle investigations and process complaints. Administrative hearings are provided for, and settlement agreements authorized, but if the Secretary does not act in a timely fashion the charging party may bring a civil action in federal court.

Section 109 of the bill authorizes enforcement of its provisions by civil action. This section of the bill is problematical in several respects. First, subsection 109(a)(2) allows aggrieved employees to seek relief in court without exhausting administrative remedies. The lack of an exhaustion requirement lessens the possibility of informal dispute resolution and would add to the congestion of federal court dockets. Furthermore, an administrative procedure might be largely ignored if not made mandatory.

A second problem with the bill's civil enforcement provisions is its grant to the Secretary of Labor of authority to appoint attorneys to appear for and represent the Secretary in all courts other than the Supreme Court. Section 109(d). A grant of independent litigating authority to a department other than the Department of Justice would be contrary to the longstanding policy that, other than in limited and exceptional circumstances, the conduct of litigation in which the United States or its agencies is a party "is reserved to the officers of the Department of Justice under the direction of the Attorney General." 28 U.S.C. 516. There appears to be no reason to consider this to be an exceptional circumstance. More particularly, this approach is dissimilar to well established procedure such as that under the Fair Labor Standards Act (FLSA) by which litigation involving the United States is under the direction and control of the Justice Department. The FLSA approach avoids the risk of the Government appearing to take inconsistent positions.

Finally, section 109(a) gives the right to bring a civil action to "an eligible employee or any person, including a class or organization on behalf of any eligible employee." Just how broad a concept of standing is contemplated by this language is not clear. It could, for example, be read as being broader than constitutional and prudential restrictions on the standing of plaintiffs to sue in federal court would allow. See, *Valley Forge Christian College* v. *Americans United for Separation of Church and State*, 454 U.S. 464 (1982). Also, the subsection's use of the term "class" tends to confuse the representational standing granted by this section of the bill with concepts of class action litigation under Rule 23 of the Federal Rules of Civil Procedure.[4]

Section 111 outlines the relief which may be granted if a violation is found. Relief may range from a cease and desist order or an injunction to monetary damages in the amount of wrongfully denied wages or benefits, plus interest, plus either the same amount as liquidated damages or consequential damages not to exceed three times the amount of actual damages determined. A prevailing party other than the United States is entitled to reasonable attorney's fees in addition to any other amount awarded. Clearly, statutes that provide for double, or even triple, damages could be potentially very expensive for employers, and could tend to encourage litigation. Experience with the antitrust laws suggests that the prospect of multiple damages frequently leads businesses to settle cases in which liability is dubious at best, rather than risk a court award of several times the amount of actual damages.

H.R. 770 would require the establishment of even more onerous parental and medical leave entitlements for civil service employees. However, in many respects, procedures currently in place for civil service employees are more flexible than those that would be imposed by H.R. 770. Civil service employees accrue sick leave at the rate of four hours every two weeks, or 13 days a year, and agencies may advance up to 30 days of sick leave to an employee with a serious disability or ailment. Employees may use sick leave for incapacitation due to childbirth. Civil service employees also accrue annual leave at the rates of 13, 20, or 26 days a year, depending on the length of their Federal service. Sick leave accumulates without limit during an employee's Federal career. In most cases, an employee can accumulate annual leave and carry up to 30 days from one year to the next.

Leave without pay may be requested and granted in amounts limited only by the employing agency's discretion. Employees who feel that leave has been denied them unfairly may appeal administratively, or if they are covered by a bargained agreement, may file a grievance. Civil service employees also enjoy firm job protection whenever they are on approved leave, whether paid or unpaid. In addition, employees (and their covered dependents) continue to be eligible for health and life insurance benefits. The Office of Personnel Management has urged Federal agencies to show flexibility and accommodation in granting leave to both natural and adoptive parents.

H.R. 770 would also establish a Commission on Family and Medical Leave to conduct a comprehensive study of existing and proposed policies relating to parental and medical leave, and their effect on small businesses. Many private-sector employers are alarmed at the potential cost of being required to provide unpaid parental and medical leave. A new Commission is not needed, and would intrude further into the labor market by creating pressure for the expansion of the leave benefits mandated by the bill.

CONCLUSION

To conclude, H.R. 770 is simply irreconcilable with this Administration's philosophical views and goals. The Department of Justice can see no compelling need for uniform federal regulation of employee leave policies. We believe that the burden should rest on those who support such a departure from past practice to articulate some principled reason for the federal government to intervene in an area historically reserved to private agreements between employers and employees, collective bargaining agreements, and the states. If this bill is passed, the Department of Justice will recommend to the President that it be vetoed.

The Office of Management and Budget has advised this Department that there is no objection to the submission of this report to the Congress and enactment of H.R. 770 or any mandated leave legislation would not be in accord with the program of the President.

Sincerely,

CAROL T. CRAWFORD,
Acting Assistant Attorney General.

Finally, Mr. Speaker, I want to respond to something that my friend, the gentleman from Texas, said when he was talking about Sweden as some kind of a model that we may want to emulate.

It is true that they have a very high unemployment rate. It is true that they have a stagnating economy. But it is also true that they are probably the pinnacle of mandated leave benefits around the world. As a matter of fact, they are really the source from whence all blessings flow.

The leave policy in Sweden is almost too good to be true, 1 year of leave after childbirth, with the first 6 months paying 90 percent of your salary. After that, free day care. But do Members know what is incongruous about that? Forget the economics for a minute and look at the human cost. Sweden has the fastest growing divorce rate in Europe. It also has one of the lowest birth rates in Europe.

France, which has another marvelous policy, working mothers get 4 months of parental leave at more than 80 percent of their salary, State-run day care at a nominal cost. Their marriage rate tumbled 20 percent from 1980 to 1985 and the divorce rate went up 20 percent.

That is not to say we are models of family unity, but it certainly does strike a blow when we try and make a correlation between mandated leave

[4] In class action litigation, a named class representative litigates a claim on behalf of a large class of members, while this bill contemplates having a group or organization bring suit on behalf of a named individual.

and family solidarity, strengthened family units. It does not equate.

Finally, Japan, the country we love to hate, has a leave policy of 12 months. But Japan also has a policy that says that 40 percent of the work force, which are women, are the least paid, least significant people in the work force. They wear uniforms, they almost never aspire to executive positions, and they work for roughly half of the salary of men. As a matter of fact, a woman who did aspire to become an executive of a large department store had this to say:

I was directly told what a shameful thing it was to continue working when I was pregnant, that it doesn't look good to be working.

Is that the kind of values we want to emulate? I think not.

Finally, it goes without saying that those of us on the committee who oppose this legislation do not oppose the working men and women of America.

□ 2030

We want to help them help themselves. Unfortunately this bill does just the reverse. It reduces their ability to get jobs, it reduces their abilities to keep jobs and finally it reduces the benefits in those jobs which they will eventually be able to avail themselves of.

In my area in a part of the country that is just beginning to recover from the farm crisis, just beginning to crawl out from under the effects of last year's drought, that is probably the greatest single disincentive to rural development that you can find.

So I thank the gentleman who participated in this special order tonight, and I look forward to hearing my colleagues who come after talk about rural development, and I hope that if they are listening to any of this they will keep in mind that we do nothing for rural development if we create rural dismantlement side by side.

Mr. SHUMWAY. Mr. Speaker, I appreciate having this opportunity to discuss my criticisms of the Family and Medical Leave Act. This is yet another example of bad policy masquerading as a noble goal. Indeed, as one of our colleagues has pointed out, this bill has all the earmarks of becoming our next great regret, a repetition of the disastrous catastrophic care effort, which created far more of a problem than it resolved.

What is wrong with the Family and Medical Leave Act? Just about everything, in my view. First, it is neither appropriate nor desirable for the Government to determine family leave policy. The Federal Government, by its very nature, can only issue broad edicts. They are necessarily inflexible, unsuited to every situation, and therefore erosive of liberty and freedom for some Americans. Freedom of choice for parents and freedom of contract between employer and employee make far more sense. Such liberty enables potential employees to negotiate for the benefits they require. It also allows parents to determine the most appropriate action to take concerning their families.

Perhaps the most ironic consequence of the bill is that it would be counterproductive. Instead of helping women in the labor market, the bill would hinder their advancement. Similar laws in European countries have effectively decreased the ability of women to compete in the labor market. Since leave benefits are an added cost, employers probably would avoid hiring candidates who appear likely to require those benefits: women, especially married women of child-bearing age.

Women would be hurt in many ways. If more of them are encouraged to enter the work force as a result of this legislation, wage rates in some occupations they dominate could decline. Older women, or those with older family members more likely to develop chronic or disabling illnesses, would hardly be favorable candidates for hire. And women most in need of assistance would be those most affected: Those with little experience, education, or skills.

Business and industry employing large numbers of women, particularly retail and service industries, would be forced to increase prices to offset the cost of the new benefits. The resulting decrease in demand could lead to layoffs, the majority of whom would be women. Employers attempting to avoid higher prices by absorbing the cost of benefits might be forced to decrease output—another erosion of jobs, and a detriment to the entire economy.

Finally, if enacted, the bill would create a costly administrative nightmare, one which encourages lawsuits and associated expenses, and which decreases productivity.

In summary, when Uncle Sam dictates inflexible policies like these, there are few winners and many losers. If this bill becomes law, some women may benefit greatly, but at the expense of many other Americans, including many other women. Individual liberty will suffer, as the State removes personal choice from the hands of women, parents, employers, and workers. The vast majority of American firms already have some parental leave policy, in response to market demands. Those policies, some formal, some informal, are able to adapt to the changing dynamics of the work force and the marketplace. There is no need to legislate a costly, intrusive, restrictive compulsory program which is incapable of recognizing individual differences. We need less Federal meddling into family decisionmaking, not more.

GENERAL LEAVE

Mr. GRANDY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the subject of my special order this evening.

The SPEAKER pro tempore (Mr. PICKETT). Is there objection to the request of the gentleman from Iowa?

There was no objection.

RURAL DEVELOPMENT

The SPEAKER pro tempore (Mr. PICKETT). Under a previous order of the House the gentleman from Oklahoma [Mr. ENGLISH] is recognized for 60 minutes.

Mr. ENGLISH. Mr. Speaker, I am privileged to serve as the chairman of the Agriculture Subcommittee on Conservation, Credit, and Rural Development. Yesterday, we launched a month-long series of hearings concerning rural development. These hearings are essential to the development of a comprehensive rural development package which the subcommittee will draft for inclusion in the 1990 farm bill. All of us who represent rural areas are aware of the need to aid rural communities. However, we have the important task ahead of us to inform those who are not familiar with the plight of rural America.

People have a right to chose where they live and should expect to receive equal opportunities in basic fundamentals of growth such as health care, education, transportation, capital availability. Many Americans want to live in a rural community, raise their children there, and be free of the many problems found in large urban centers. But, if we neglect this unique part of the American heritage, we will not be able to escape the consequences which we as a legislative body will ultimately be forced to address. Unable to live where they want to, rural residents will continue to flock to our Nation's cities, placing even greater demands on already limited resources and overextended infrastructures. It is therefore sound national policy to undertake efforts to breathe new life into our rural communities.

Mr. Speaker, the statistics supporting the need for a comprehensive rural development package speak for themselves: between 1982 and 1986, over half of the nonmetro counties lost population, and 1 million people left rural areas for urban ones in 1986 and 1987. Rural unemployment rates are 31 percent higher and rural per capita income averages 25 percent lower than in urban areas. Rural schools have far fewer resources and higher dropout rates than their urban and suburban counterparts, and the higher proportion of older residents in rural areas requires greater expenditures per capita on health care.

In the late 1980's, to travel from a major metropolitan area to a small rural region is to take a leap through time. The towns that dot huge stretches of our country too often suffer from a sort of benign neglect, through which their foundations are silently being eroded. The basic elements of life in any community—capital investment, health care, transportation, education, and water—are for rural America rapidly becoming luxuries they cannot afford rather than necessities they can depend upon.

Mr. Speaker, our hearings, like the final product, will be comprehensive in nature. We want to hear from those organizations and individuals from around the Nation who work with rural development issues every day. Congress cannot be the expert in designing a successful rural development package. Instead, we must depend upon the sound consultation of those who truly are the experts in this area to work with us throughout the entire process.

Let me also say, Mr. Speaker, that the final product, the legislation that is produced through these hearings, that legislation will offer a helping hand, will provide assistance, but it will not guarantee success for all communities. Ultimately it will be up to the people, the people who live in the rural communities of this Nation who will have to basically determine the success or failure of their communities.

We can offer the help, we can offer the assistance, we can provide the tools with which those communities can grow, but the ultimate success or failure will be up to the people who live in the rural communities of America.

Mr. Speaker, I yield to the gentleman from Mississippi [Mr. ESPY].

Mr. ESPY. I thank the Chairman for yielding to me and for being so eloquent on the needs and the problems in rural America.

I would like to associate myself with the words of my chairman of the Subcommittee on Conservation, Credit, and Rural Development, of which I am a member.

We have started hearings to discuss the problems of rural America in an effort to include the recommendations in the bill which will be marked up, as the chairman alluded to.

I want to offer myself to him completely because this is a tremendous problem. There will be others who will come tonight to present specifics on how to resolve this problem and to help you do something about it.

I suppose, Mr. Chairman, we are saying when it is all told that America is a great chain of States and in order to make this chain stronger you really must focus some of your resources on the weakest link.

In my opinion, that weak link is really rural America.

Now is the right time to make a push on the development of our small cities, our small towns. Now is the time to come to grips with the plight in rural America which is manifested in the decline of our rural hospitals, manifested in the migration of citizens from rural towns all over America, manifested in problems with capital formation and capital investment, infant mortality and other problems that I am sure we will mention tonight.

So it is time, Mr. Speaker, to go ahead with a comprehensive bill to address these problems that not only affect one region of the country but in fact all of America.

So I would like to thank the chairman for putting together this special order and allowing me to participate in it.

Mr. ENGLISH. If the gentleman would yield, I would like to state I want to commend the gentleman from Mississippi [Mr. ESPY], a member of the Committee on Agriculture, for the fine leadership he is showing with regard to rural development. Mr. Speaker, I think the gentleman is being a bit too generous with regard to the credit. He is the one who did so much to put together this special order and the effort to try to put the spotlight on rural development to emphasize to our urban colleagues the importance of rural development as well as making sure that our rural colleagues have the opportunity to present their views to the Members and to the country.

Mr. ESPY. I thank the gentleman very much.

Let us talk about the face of rural America: Last year in my district right before Christmas there was an elderly black woman, 87 years old, by the name of Cormiller Andrews, who lived in a condition, Mr. Chairman, which was dismal and horrid. She spent her 87th birthday in a rundown utility shed on a rural back road of a town in my district, a small town of 1,500 people. That shed had been her home for the last 30 years. It certainly had no heat, no indoor plumbing, no electricity.

For 5 years before she came to live there, her only shelter had been two old rusty refrigerators that she had pulled together and covered with a piece of tin and put blankets around to shield her from the Mississippi winters.

Somehow she survived. Her life is not very different from that of 40 to 50 people who reside in another community also in my district, also very small. And while the homes provide better shelter than Cormiller's, most of the residents of their community have gone all their lives without clean drinking water.

□ 2040

Some are fortunate to have wells, and the others have cisterns, but then by far most of the people living in this community catch rainwater for drinking, and many use a polluted creek nearby for washing clothes, bathing and cooking. Just think about it in America, the most powerful country on the face of the Earth, in 1989, people have to suffer through conditions like that that are tantamount and akin to conditions in Cuba and Costa Rica and Third World countries. The living conditions of the poor in these two communities are not uncommon for many low-income families living in rural areas throughout the Nation.

While poverty is most often thought of as an urban problem, in fact, it is growing at a faster rate in rural America than in the Nation's inner cities. We can go on and on about the statistics. Unemployment is higher, per capita income is lower, and the misery index is greater, in my opinion. Few places are more depressed, less developed, than a seven-State region in an area that we call the Lower Mississippi River Valley, which ranks at or near the bottom in practically every social and economic indicator. Three States in the region—Mississippi, Louisiana and Arkansas—have among the highest rates of poverty in America.

Concern for the poor of this region prompted me, as well as the gentleman from Mississippi [Mr. WHITTEN] in the 100th Congress to introduce something that we call the Lower Misisissippi Delta Development Act which was authorized in the other body and enacted by Congress last year as part of the rural development and agricultural appropriations. This measure created a nine-member commission assigned to conduct an 18-month study in the region which includes parts of Mississippi, Arkansas, Louisiana, Illinois, Kentucky, Missouri, and Tennessee. The commission consists of one member from each State appointed by the representative Governors. In fact, three Governors appointed themselves as sitting members of this commission: the Governors of Mississippi, Arkansas, and Louisiana, as well as one member appointed by former President Ronald Reagan, and one appointed by the SBA. The Commission is empowered and presently sitting and having hearings and will present their findings and recommendations to the Congress, the President, and the Governors of the concerned States roughly 1 year from now.

Mr. Chairman, this is one approach. Hopefully, the recommendations that they will present to Members in their interim report during August, and the final report due next year, will be finished and in the bill that we will be marking up. This study commission will prove to be vital in bringing national attention to an area whose influence has faded in recent years.

As more of your young people leave family farms and small family businesses for educations and career opportunities in urban centers, the voice of rural America grows ever fainter on Capitol Hill. Although more than 70 million citizens still live in America's rural communities, few Members of Congress represent predominately rural districts.

The new commission can be a persuasive voice in Washington for those living in the blighted delta region. By developing policies that could improve that region's economic and social conditions and help Members fill our new President's word of bringing forth an America which is kinder and gentler.

The need is urgent. What could be more urgent than employment rates in the high teens, even higher for minorities? What could be more urgent than per capita income of less than $10,000? In my district, 154,000 people still make about $5,000 a year in 1989. What could be more urgent than illiteracy rates and infant mortality rates compared to Third World countries? In my district, out of every 1,000 babies born, about 16.2 of them will not live to blow out the candles on their first birthday cake.

So what can be done? What should be done? When is it going to happen, and who is going to do it? Some may say this is no time to propose new Federal and State programs. However, to those I say we cannot afford not to address these problems for fiscal and moral reasons until all Americans have a decent education, decent housing, and a decent job, all of America will suffer and be held back from realizing her full economic potential.

So the issue before us today is not whether to throw more Federal money at a problem; rather, it is how to use our money more effectively and how to combine the private and public sector communities into a solid partnership that is both targeted and catalytic in purpose.

We have a budget deficit and we all here are bound and determined to get that down, but I ask Members is this not the time to take the resources that we have and pour them into communities that have the greatest need? Target it, and determine it.

For example, growth in small business can stimulate the region's overall economic growth. Across the country, small businesses, those with 500 employees or less, are shouldering much of the burden of job creation and innovation, creating more than 60 percent of the new jobs and generating nearly 40 percent of the gross national product. Moreover, they provide employment for 56 percent of nonmetropolitan workers.

The time I have available, I would like to cite just a few of the things that we can do, some suggestions that I know we were hearing in the hearings that the chairman is having now and in a bill that we will be making up later, just a few suggestions. First, I think that the Federal Government should establish a set-aside program for small, rural business owners which would target a certain percentage of all Federal procurement for goods and services for the area designated either under the commission or to the areas designated all across rural America. This type of set-aside program would be an efficient way to use the 15 Federal programs to stimulate economic growth without contributing significantly to the Federal deficit.

I believe we should also explore the possibility of creating a rural development bank to guarantee business loans to small and rural business owners and to become a secondary market for the loan portfolios of local banks.

Third, the USDA should be authorized to provide a credit support program to subsidize interest payments for either existing or new businesses, which would generate a high proportion of jobs for the local area. Rural enterprise zones, something we have heard about and we have to make them mean something and make them meaningful and make them have teeth and really provide some incentive for businesses to expand and for indigenous businesses to expand, and for other business to come.

Fourth, existing rural development loan funds should be expanded through the USDA, making loan capital and technical assistance available to small business through nonprofit agencies dedicated to rural development. A complementary grant program to bolster a rural development loan fund administered through the USDA should be established as well.

Mr. Speaker, we can go on and on about the need for housing, in my district, which is 36,000 square miles, a fifth of all of the housing is still classified according to the 1980 census as substandard and dilapidated. In this material, which I shall submit for the RECORD, it does include recommendations, says in which we can try to ameliorate the deplorable situation when it comes to housing.

To address this housing, I think that we should look at a variation of current section 502, Farmers Home Program, which would defer the repayment of housing loans for low income families unable to afford section 502 loans. Research, as Members know, Mr. Speaker, has shown that the history of repayment in the section 502 program has been excellent, particularly among poverty level households, and that the subsidies required declined steadily for most borrowers. We should fund a Federal demonstration project to determine the willingness of rural banks and other private sector investors, such as insurance companies, to participate in the construction of low income housing with the Federal subsidies, including grants and tax credits available. One approach is to authorize funds for nonprofit organizations which would use these funds to develop partnerships with the private sector for low income rental housing. This approach has not been tried in any systematic way in rural ways.

There are so many other problems which should be tackled and will be tackled and which, I am sure, that we will hear about tonight in the others who will participate in this special order. High school dropout rates, infant mortality, a lack of doctors and nurses in rural areas, and the closing of more and more rural hospitals.

□ 2050

This Lower Mississippi Delta Development Commission has already begun its work, and I intend to work to ensure that the Congress and the President will receive this report and consider its recommendations for inclusion in any rural development legislation which we will be enacting.

Mr. Speaker, if the Federal Government can move forward in a real sincere partnership with State and local governments and the regions' business communities, the people of rural America may really have a chance to do better than just survive.

As I said, Mr. Speaker, America is a great chain of States, and we need to focus on the problems of its weakest link, and that link is America's rural areas.

Mr. ENGLISH. Mr. Speaker, I thank the gentleman from Mississippi [Mr. ESPY]. We appreciate it very much. He made some excellent points, and there is no question that he has done an excellent job of putting the spotlight on many of the problems we face in rural America.

Mr. Speaker, I am very pleased this evening to have the gentleman from Texas [Mr. DE LA GARZA], the chairman of the House Committee on Agriculture, who has joined us and has some comments he would like to make with regard to this very important subject. I am very pleased that the chairman, Chairman DE LA GARZA, has made this one of the top priorities of the House Committee on Agriculture during this Congress.

Mr. Speaker, I yield to the gentleman from Texas [Mr. DE LA GARZA].

Mr. DE LA GARZA. Mr. Speaker, I thank the gentleman from Oklahoma [Mr. ENGLISH] for yielding. Mr. Speaker, I also wish to address the need for a new Federal policy for rural development.

Rural America has not fared well during the past 8 years. In fact, the past 8 years have had a devastating effect on the economic and social structure of rural America. So much so, Mr. Speaker, that many rural communities are in danger of becoming America's 20th century ghost towns.

Let me offer, by way of background, some statistics that demonstrate the crisis that is affecting rural America.

First of all, 25 percent of all Americans still reside in rural areas. There are roughly 55 million men, women, and children who make their homes in

the small towns and farms and ranches of our Nation. But it's not necessarily the ideal life you may picture in your mind.

Americans residing in rual areas face higher rates of unemployment, poverty, malnutrition, and are often less well-educated than their fellow Americans in the Nation's cites and suburbs.

For example, more than 1,000 rural counties had annual unemployment rates of 9 percent or higher in 1986. At present, the national rate is 5 percent. Since the beginning of this decade, urban job opportunities grew at a rate of 13 percent compared to only 4 percent for rural areas.

A disportionate share of the rural population has been poor throughout the century. In 1985, the poverty rate of the nonmetropolitan population was 18 percent compared with 13 percent for metro residents. As many as 21 percent of the residents of the Southern States may be living in poverty.

Ironically, nutrition problems in rural America are significant. Our rural population has higher rates of clinical symptoms of malnutrition, infant mortality and infants born at dangerously low weight than the Nation as a whole.

According to the 1980 census, 59 percent of the rural poor, 25 years of age or older, had completed high school compared to 65 percent of the central city poor. And only 11.2 percent of the rural poor had completed college compared to 18 percent of the central city poor, respectively.

The farm crisis of the early 1980's was like an earthquake which severely shook the economic foundation of many rural communities. On top of that there have been year after year of budget cuts in the Federal programs designed to aid rural residents and to encourage rural development.

But you don't have to believe the statistics to understand the critical conditions affecting rural America. You can see the consequences when you visit almost any small rural town in practically any part of the country. Main Street is dead. Roads, bridges, and public services are falling apart because of a shrinking tax base. Poverty and malnutrition are growing problems. And young people and young families are moving to the cities for jobs because they have given up hope that there will ever be a turnaround.

While the farm programs authorized by the 1985 farm bill have helped to improve the income of many farmers, some agricultural communities have still not benefited. The drought of 1988, which has lingered into 1989 in some areas, has only increased the misery for many rural communities.

All of us here today agree the time has come for a renewed emphasis by Government and the private sector in fostering economic development throughout rural America. While much of agriculture is finally on the road to recovery, we realize that a healthy farm economy does not by itself guarantee a prosperous rural America. I believe we all agree that there is a great value and a pressing national need to preserve and enhance the health and vigor of rural society.

The question is how do we do it.

How do we keep rural America from losing another million people? How can we best help the 18 percent of rural Americans who live below the poverty line?

What do we do to improve health care in rural areas? How can we—the greatest food-producing Nation the world has ever seen—prevent children from going hungry right in the heart of farm country?

What can we do—perhaps through job counseling and training or through small grants or loans—to help people who decide to leave farming and pursue other lines of employment? Most importantly, how can we help those who are distressed by their own plight to see beyond their immediate problems and realize the potential that exists in their own lives and their communities?

How can we target the commercialization of promising new industrial uses of crops to rural communities? What creative ways can we develop to use our natural resources, such as public and private forests, to take advantage of recreational and resource demands?

How do we help these communities diversify their local and regional economies? How do we fund the repair of rural America's infrastructure—those roads, bridges and water and sewer services?

And how do we address all these equally pressing problems with the limited resources at our disposal?

Mr. Speaker, I am heartened by the interest shown by the administration, particularly Agriculture Secretary Yeutter who heads the President's Working Group on Rural Development, and our Senate colleagues who are also working on rural economic development legislation. The widespread problems of rural America demand a coordinated effort by Federal, State, and county governments.

I am also pleased that the fiscal year 1990 budget resolution includes $300 million in budget authority for rural development programs. This is a positive step toward reinvesting in America's heartland.

Finally, Mr. Speaker, I am pleased that the Subcommittee on Credit, Conservation, and Rural Development of the House Committee on Agriculture began a series of eight hearings yesterday on rural development. This will be followed by field hearings during the month of August.

The subcommittee's charge is to investigate the condition of rural America, to determine the forces that have led to its current situation, and to identify the means for correcting the problems which rural Americans now face. What all of us recognize is that we need to develop a new Federal policy for rural America.

Under the able leadership of the subcommittee chairman, the Honorable GLENN ENGLISH, and with the help of the ranking minority member of the subcommittee, Mr. COLEMAN, I trust that working together we can lay the foundation needed to rebuild rural America.

Mr. Speaker, let me commend the distinguished gentleman from Oklahoma [Mr. ENGLISH], the chairman of the subcommittee on the Committee on Agriculture which has jurisdiction over our rural affairs for his initiative, for his dedication.

I do not know if the gentleman from Oklahoma [Mr. ENGLISH] has mentioned yet or not that he has begun a series of hearings on this issue which he will have in Washington and out in the country so that we may get input from the people.

Mr. Speaker, I hesitate to call this program a rural development program because it is really much more than that, and we do not distinguish it or separate it from urban America and what is happening in urban America because we are concerned and we have worked in the past Congress on legislation for the homeless. We have worked on legislation as far as mass transit. We have worked on legislation which impacts on urban America.

This is not rural versus urban, but there are some differences, and I think some of my colleagues have or will mention them. The problem in rural America basically, I regret to say, is numbers, and many times we deal here with numbers, where are the numbers, where are the masses, and we try and garner our resources and aim them to where the masses are.

Mr. Speaker, this is not fair because I was recently visiting in my area which has many rural small towns, and we have had to go a further step, and we have had to go above and beyond the norm to satisfy, not to satisfy, but to try and assist with the problems of rural America.

In the large cities, they, the public or private sector companies, came with the telephones. They did not do that in rural America. In the private utilities and the public utilities or private sector utilities they came with power, power and light. They did not do that in rural America.

So, Mr. Speaker, we had to go with REA, the Rural Electrification Administration, assisting them to help themselves, not giving them power, but assisting them that they might be able

to have that power. They went to the masses, the public sector, where the money could be made, where they had 1,000 houses, when we had maybe 100.

So, it costs more to bring in the lines. It costs more for the operation. But yet I was just a while ago speaking to our daughter and the grandchildren. That is the reason why grandparents call their children, to ask about the grandchildren. Well, what is the difference between a father, or a grandfather or a grandmother in an urban city and one out in the rural sector where there are not but about 10 houses? I ask, "Why shouldn't that grandfather have the ability to call his grandchildren who live away from him because there are only 10 houses in that neighborhood 5 miles away from the main powerline?" That should not be the dividing line, and that is why we had the REA, and that is why we had the rural telephone.

Same way with water. I have in the year 1989 in my congressional district areas that still have no water. In many areas they do not have the resources to pay for the water. We are trying to alleviate that problem in some way, but they still have no water.

Nineteen eighty-nine, Mr. Speaker, the 20th century, and people yet with no water, and this is what we are speaking about. This is what my colleague, the gentleman from Oklahoma [Mr. ENGLISH] is going to be looking at, that we need the infrastructure.

In addition we have another problem in that the jobs are not there, so people leave. Many commute, but they want to live out there, and we with great pride say, "We have the right to live where we want to in this, the greatest country in the world, the greatest democracy in the world with the greatest freedom of any other major nation in the world, but in many instances you cannot avail yourself of that freedom or have that choice."

Mr. Speaker, the infrastructure is not there, so what we are trying to do and will try to do is concentrate on how do we keep jobs, how do we bring jobs, not take away jobs from our friends in the urban areas or in the metropolitan areas, but how we can generate more jobs so that someone who wants to live out there can, where one can still hear the birds, where one can maybe hear a coyote howl, as is possible in south Texas. We should allow them that privilege.

Mr. Speaker, I think it is a major responsibility of government, not an intrusion in the private lives of individuals, not government in a socialistic form, but the responsibility of government to provide this. My colleagues remember the phrase, "life, liberty, and the pursuit of happiness." That is what we are talking about, the pursuit of happiness and also that one must have the ability to pursue it where one wants to live. This is an area that we will be looking toward so that we can generate new jobs, so that we can take, maybe, the commodities in that area and manufacture there, or, if they have produced, do the packing, or the canning, or the processing there.

There is in my area now being considered a plant that will be composed of a major manufacturer of apparel, men's apparel, wearing apparel, some cotton producers in the city, and what it will do is that the producers of the cotton will produce the cotton right here in the area around the plant. They will bring the cotton to the gin, and the cotton will be ginned right there. Right next to the gin will be the textile plant. The processed cotton will be made into material in the textile plant. Right next to the textile plant will be the final operation of making in this case maybe men's underwear. But the cotton will come in here, and the final product will come out here, all in the same plant.

Mr. Speaker, this is what we are talking about, 200, 300 jobs for people who want to stay out there in the rural area and not have to go look for a job some other place.

There are many other areas that my colleagues know about: health problems, transportation problems. Who is going to pick up the garbage in rural America? Who is going to pave the road all the way out to the farm, to the ranch? Who is going to provide the repairing of bridges if there are creeks or gullies that must be crossed to go to the farm or to go to the ranch?

Mr. Speaker, this is what we will be speaking about. This is what the subcommittee chairman and the subcommittee will go out to rural America looking for, for the input from the people.

It will take money, but I wish I had the chart, but my friends already know of the chart that I had made.

What does it cost to run the Department of Agriculture? Everything in the Department of Agriculture? Four point three percent of the total budget, of the trillion dollar budget. If we were to abolish the Department of Agriculture in its entirety, we would reduce it by less than 5 percent.

□ 2100

And then another area that I just read from some gentleman in my district wrote a letter to the editor about how old DE LA GARZA is giving away all this money to the farmers and they are laughing all the way to the bank, like we are the ones busting the budget. I had our economists on the Agriculture Committee, my friends have heard that and seen that, I said, "Let's make a graph. Put in red the total budget and superimpose in blue what we spend for programs of support for agriculture."

"OK," he said.

Couple days later he came back and said, "It won't work."

"Why won't it work?"

I told him, "Just make the graph in red, superimpose in blue what we spend for agriculture support programs."

"It won't work, boss."

I said, "It has to."

He said, "No, look."

I said, "That's what I want. Now put in blue what we spend."

He said, "I already did. It's the line at the bottom."

I could not even see the line at the bottom. It was 1.13 percent of the trillion dollar budget goes for that.

On the other hand, in the past 8 years my colleagues have worked with me on that and the distinguished chairman of the Budget Committee, the gentleman from California [Mr. PANETTA], in the past 8 years we have reduced agriculture spending by over $30 billion. We have been responsible. We have done what needed to be done. The only agreement we have with the Budget Committee is, "You give us the numbers and we will provide you the cuts. We will be responsible." We have done them.

This year, for the coming fiscal year, we have to do $600 million. We have to reduce by $600 million.

We told the Budget Committee, "We will be responsible. We will do that and it will be done. We don't know yet where we are going to get it from, but we are going to do it."

So I think that responsibility at least entitles us to some degree of consideration of what we are going to do out there in rural America for development, for industrialization, for the infrastructure.

This morning I visited with some ladies from an organization called WIFE, and also with some ladies from AgriBusiness, women, and all those ladies are mothers, grandmothers and sisters of people who live out in the countryside who are farmers, and their plea to us is, "We want to stay living out there. Help us so that we can do that."

We need to do that, because, oh, 3 years ago I was invited to speak to the FFA, the Future Farmers of America. There were, I do not know, 2,000 youngsters there. In my talk to them I asked rhetorically the question about where we wanted to go in agriculture. These are youngsters 20 years and under.

I asked, "Is there a future in American agriculture?"

There was a resounding "yes" from the thousands that were there.

Mr. Speaker, I just want to echo something apropos to that. These youngsters shouted with enthusiasm, "Yes, there is a future in agriculture.

Yes, there is a future in rural America."

There is another program called BOAC, Building Our American Communities. The youngsters from every State submit proposals or programs that they are working on in the community. I am the national honorary chairman. We have a committee that looks after and scrutinizes the projects and then gives awards, a national award, and winners are selected.

Again 3 years ago I sat next to one of the winners. He was from the State of Washington. I asked, "What was your project?"

He said, "Well, we went out into the countryside. We got some money from industry. We got a little help from the Government and from the State forestor. We went and did a reforestation project outside of our community and hired about 20 people and reforested some several hundred acres." That was their project.

So I asked them, "What kind of trees did you plant?"

Well, he mentioned some kind of pine. I cannot even recollect that at this point.

I said, "When can you harvest that?"

Mind you, this is a youngster in high school. These were high school youngsters working on a community project, building our American communities out there in rural America.

So I asked them, "When can you harvest these?"

He said, "Oh, maybe 50 or 60 years from now." That is the answer. That is what we are doing here tonight. That is what the gentleman and his subcommittee are going to be doing and eventually our committee. We are going to make the dream of that youngster come true. We are going to see that that youngster continues to live in rural America, a decent, healthy, economically viable life for him and his family and our assurance and our commitment is that we are going to allow him to see those trees being harvested 50 or 60 years from now.

That, Mr. Speaker, is what this discussion and this program and what we will attempt to do is all about, that we guarantee that youngster that 50 or 60 years from now he can see the fruit of his labor from when he was a youngster 15 or 16 years old.

We must all work together, Mr. Speaker, toward this goal. This should not be a Democratic or Republican issue. This is a people issue. People's lives and future is at stake. It's time we start doing something.

With this concern in mind, I intend to recommend to the Speaker and the leadership of this body that the development of a new Federal policy for rural America—a comprehensive approach that will rebuild and revitalize our Nation's rural communities—be made a priority of this Congress. I am confident that the House can craft the legislation that is needed to revitalize America's heartland and bring hope and prosperity back to rural America.

Mr. ENGLISH. Mr. Speaker, I thank the distinguished chairman. We are honored to have the gentleman join us this evening.

Let me also say that some of those programs that the gentleman talked about that were designed 50 years ago that have worked so well I think we may be able to redirect many of those programs and they will not cost us a great deal of money, simply giving us an opportunity to strike out in a new direction, blaze new trails and provide the same kind of success that we have seen over the past 50 years in the development of rural America.

Mr. Speaker, I yield to the gentleman from Florida [Mr. GRANT] who is a member of the Agriculture Committee. He is one of the real pioneers that we have in dealing with questions of rural development and assisting us in wrestling with this issue and we are very happy to have the gentleman join us this evening.

Mr. GRANT. Mr. Speaker, there is a country song recently that bore the title, "A Country Boy Will Survive." Some of you might remember that.

It is getting harder and harder for those country boys to survive. I commend the gentleman for this special order that the gentleman from Oklahoma and the gentleman from Mississippi [Mr. ESPY] and the gentleman from Oklahoma [Mr. WATKINS] and the chairman of the committee are doing here tonight. I appreciate the opportunity to be a part of this special order to bring attention to the situation involving rural America.

When I was growing up in rural America, we called it the country. Today people in some parts of America still call it the country. In a sense it is the country of America that they know and it is a way of life that many people in America know and do not want to lose, and yet we are in danger of losing it. It is being chipped away slowly, almost imperceptibly in some places, but if we do not take action soon in a very definitive way, as the gentleman from Mississippi [Mr. ESPY] has pointed out, rural America faces the very sure prospect of a slow death.

Let me give an example. Since our Nation was formed, farming has been the backbone of our economy. In fact, argriculture is the dominant industry in my district in northern Florida and it provides not only a base for our economic lives, but for our social lives and even the religious lives of our people.

□ 2110

Statistics would tell one, upon just a cursory investigation, that that foundation is in danger of being lost. Between 1982 and 1987, just 5 short years, we lost in excess of 150,000 farms in America, disappeared. One hundred and fifty thousand farms. That is more than 30,000 farms a year.

The number of the farms lost does not even begin to reveal, does not even begin to reveal the depth of the problems that are facing rural America. When people are forced away from their farm, from their way of life, from the occupation that not only they have enjoyed but their parents and, in some instances, even their great-great-grandfathers and grandmothers have lived there, something basic and profound happens in the lives of those people. We need to find a way to absorb those people who are displaced from the farm into our economy, and it is not happening.

In fact, rural unemployment rates are 31 percent higher than urban rates, and per capita income among rural people averages about 25-percent less than it does for their city brethren. That gap in earnings is widening, not shrinking, and rural dropout rates are higher, and poverty is more pervasive and profound. There is simply no way to measure the agony upon a family who has lost a way of life.

Mr. Speaker, the people who live in the country have ambitions and dreams for the future of their children, and they, too, worry about crack cocaine, and they worry about crime, and they desperately want to bring jobs and opportunity to their towns and to their rural communities.

More and more they see, I fear, a Federal Government that is, at best, indifferent to their plight. In the 1930's, this Nation committed itself to extending electricity to every home in America, regardless of how isolated it was, and that is commitment. Some people who serve in this Chamber today lived in those towns and those communities without the benefit of electricity. I was telling someone the other day in my district that, "You have not really lived until you have gotten up in the middle of the night to go out to what was known as the outhouse, to the facility, and you had chickens in the yard, and you stepped around, walking out to the facility, and you stepped into where one of those chickens had been, those yard chickens," and one remembers those kinds of incidents, and wants desperately for people not to have to live through that, and one remembers what it was like to have to go out to the pump and pump up water and remembers what it was like not to have electricity and not to have lights in the house.

Some people today live in houses that dogs ought not to have to live in. They are pitiful. They have holes in their sides, and they are, I guess, small enough to keep the big birds out, but in many instances the birds live in

there with them. We do not like to think about that in America, but it does really happen.

I will give another example, and before I forget electricity, there are people today who would dismantle that kind of opportunity. We need to protect the ability of those people, who live in rural communities and on farms, their opportunity to have electricity and even rural telephones.

I will give another example: hospitals and rural health care. Mr. Speaker, 160 rural hospitals in America closed their doors since 1980, and at least 600 more are struggling today to stay open. These hospitals treat an increasingly higher and higher percentage of Medicare and Medicaid patients, and yet the Federal Government today is reimbursing those hospitals at a rate of about 40 percent less than what they reimburse urban hospitals for performing the very same services. They are losing money on every patient, and we are going to have to staunch this hemorrhaging of rural health care systems and recognize that health care delivery is no less important or costly in small-town America than it is in urban America.

Mr. Speaker, when a hospital closes, not only does it close immediately for those people, but it closes off opportunity for people in the future as well. If they do not have a hospital, they cannot attract doctors, and if they cannot attract doctors, then they cannot attract industry which provides jobs for people in those small towns.

Another essential for hope in rural America is good schools. Our people in rural America believe in work, and they want to work. We are going to have to do a better job of bringing education to those people, training programs to citizens to prepare them to live in a highly technical world.

Lastly, we are going to have to bring relief to small towns attempting to meet new Federal standards for sewage treatment plants and water facilities. The protection of the environment is a commitment that rural residents are willing to make, but their ability to fund those mandated programs is constrained to very limited tax bases.

There are currently 88 programs affecting rural America which are administered by 13 different Federal agencies and departments, and we do not have the expertise in many small towns to deal with those kinds of bureaucracies. These programs are going to have to be streamlined and strengthened.

If rural America is to share in the economic bounty and joy of our Nation during this decade, we are going to have to imbue our Government again with a spirit of fairness, a spirit of commitment and respect for the people who choose the rural way of life. Rural America is struggling, and it is time that this Government offered a helping hand, not just extending opportunities in the form of prisons. They are saying, sure, we will give you jobs. We will build a prison in your small town. Or I will give a better deal: We will build a hazardous-waste site in your town, or, What about letting us put a missile site in your town? We want other opportunities as well.

It is time that this Government offers a real helping hand to small-town America.

Mr. ENGLISH. I thank the gentleman very much for his outstanding statement and testimony.

I do not think that there is any question that there are many areas that we are going to have to look. If we look, in fact, this country has come a long way, and rural America has come a long way in the last 50 years, but we have a long way to go, and I think that what we will see in 1989 and 1990 is a recommitment, a rededication by the U.S. Government through the Congress and, hopefully, a rededication by the people who live in rural America to make certain that we finish the job that was started 50 years ago that, in fact, people do have a choice, they do have an opportunity to live where they like, and that they have the same opportunities in a rural community as they do in urban areas.

Mr. Speaker, I am very pleased to yield to my colleague, the gentleman from Oklahoma [Mr. WATKINS]. He has been talking about rural development, goodness, ever since he came to Congress and before that. I do not know of anyone who has more knowledge and expertise with regard to this subject of rural development. He certainly has been extremely helpful to me, and we are going to draw on his vast reservoir of knowledge as we move ahead and try to put together a comprehensive rural development bill.

We are very pleased to have the gentleman here this evening.

Mr. WATKINS. Mr. Speaker, first, I commend my colleague, the gentleman from Oklahoma [Mr. ENGLISH], and the gentleman from Mississippi [Mr. ESPY] for this special order.

Second, I want to thank the House staff for their patience in being here.

Mr. Speaker, a national tragedy is upon this Nation. For the past several decades out-migration of rural communities has gone virtually unnoticed except for those few statisticians deep within the bowels of some government agency. Magnificent research strides made by the Land-Grant Universities and the delivery of these findings to farmers and ranchers in the rural community through the Extension Service and vocational agriculture by improved efficiency and production in agriculture contributing to the need for less and less people on the land and greater productivity. Perhaps this has been the greatest reason for the exodus.

However, at the same time a national rural development policy was not pursued that would have developed off-farm job opportunities and allowed people to remain in rural areas. The only choice was to move to urban areas.

As urban areas grew, rural areas received less attention, less infrastructure emphasis. This in turn denied opportunities for rural areas to see rural industrial growth. Without jobs, and research efforts increasing productivity and demanding more sophisticated equipment for greater production, people left rural areas for jobs in urban areas.

The influx of rural people, having been forced from their homes to an unfamilar lifestyle, for the most part adapted. But, the separation of families, cramped surroundings and the lack of jobs in the promised land at the end of their journey contributed to great social unrest.

Perhaps the greatest and closest example that I could point out today is occurring only a few blocks from these hallowed halls. It was from southern States that people migrated to Washington, DC, in search of jobs to support their families. Mechanical cotton harvesters and advanced chemical weed warfare replaced many jobs. Now, just a generation or two removed from the farm and rural areas, social unrest is the standard; not the exception.

My good friend Bob Bergland, a former Minnesota Member of Congress and former Secretary of Agriculture, often says that urban poverty has its roots in rural areas. I agree.

You might ask, how do I know this? It was in the 1940's in Arkansas and Oklahoma when my family left for California and the urban areas in search of jobs. As a result of several trips west and intense financial pressure on my family, my family structure was dismantled. This has made a lasting impression on me and is the reason why I work in the Congress to see that rural industrial economic development opportunities are available to create jobs.

I work today not only to improve rural areas but to relieve the economic and social pressures in urban areas.

I know many of my urban colleagues see great amounts of money going to the farm sector. The farm sector and the rural sector are not always one and the same as noted by the Des Moines Register last year. Funding for rural infrastructure pales in comparison to funds allocated for urban infrastructure.

One of my staff members reported to me that his family has only recently got piped water to their rural home. Why? Because funding is limited for

basic infrastructure and revitalization of existing infrastructure.

If we are to revitalize rural America, more must be done than token lipservice. An investment must be made to revitalize these areas and allow our loved ones to return to the land. Revitalizing rural areas will relieve the financial burden and social distress upon urban jurisdictions by allowing citizens to return to their roots.

Where do we begin? To date, USDA officials have not fully assumed the role for which they are responsible much less invested the necessary dollars. We must reaffirm that this Department is the lead agency for rural development.

The Department clearly has the mandate. The Secretary of Agriculture was specifically charged with the role of rural development in the Rural Development Act of 1972.

For the last 8 years, I have pushed for and introduced legislation to change the Department of Agriculture to the Department of Agriculture and Rural Development. Within this legislation, I would set up a separate rural development administration to be responsible for the active implementation of a rural development revitalization program as well as development of policy, but not only policy.

The Department of Housing and Urban Development [HUD] has a budget of billions targeted to urban development and Federal Housing Authority [FHA] housing programs but are concerned basically with geographic areas with a population in excess of 50,000 with concentration becoming more acute and attentive the higher the population figures.

Responsibility and authority for the development of rural America is fragmented. The solution is to restructure the majority of programs dealing with rural development under a single agency with a direct line of responsibility and responsiveness to the people of rural America.

The much revered Register editorialized last year that USDA has outlived its time and should be dismantled and given a different mission in today's world. They went as far as to support changing the name of the Department to more accurately reflect the mission needed.

Most recently, the National Advisory Council on Rural Development, in its final act as the Reagan administration gave way to President Bush, sent a report to the Secretary of Agriculture.

The panel recommended that the Secretary should become the spokesman for rural America, as well as production agriculture. The USDA should have a rural development agenda as a primary objective. The panel supported changing the name to more accurately reflect the rural constituency.

Before there can be targeted programs to growth centers in rural America, there must be an admission and responsibility on the part of the Department that rural America is part of this agency's mission. It must begin with the name change and the streamlining of the Department with a responsible agency within. We are whistling Dixie if this is not first addressed.

For years the problems have been ignored in rural America. They were always there—festering, just not seen. Rising land values artificially maintained farmers on the land which in turn sustained local rural main-street economies. With the crash of land values beginning in 1981, farmers were forced from the land and downtown rural main street had reached the crisis point. It has finally become clear after years of ignoring the problem that rural America is in danger of being lost. A part of America is passing.

The challenge is to us. Not our forefathers or those who come after. We must begin. We must have the vision for our children and those who desire to return to a rural area.

Above all this body must realize that rural problems are urban problems and with passage of a comprehensive rural legislative package we not only will address the problems of rural areas but present opportunities to relieve urban social unrest.

□ 2130

So I say to the gentleman from Oklahoma [Mr. ENGLISH] and the gentleman from Mississippi [Mr. ESPY], I thank them, I commend them and salute them for allowing me this opportunity tonight to be able to express myself and to move forward with the rural development program.

Mr. ENGLISH. I thank the gentleman for an outstanding statement.

Mr. Speaker, I think you can see that we have a new beginning, a new dedication, a new commitment this evening. I appreciate the fine support our colleagues throughout the Congress have shown on this.

Mrs. SMITH of Nebraska. Mr. Speaker, today I rise with my colleagues to discuss my deep concerns about the future of rural America. Rural America is at a point of severe stagnation, and something must be done immediately to see that rural America is up and going again.

When I was the chairman of a Presidential Task Force on Rural Development in 1971, the task force discussed in great detail the problems facing rural America. I am afraid that today we are indeed looking at many of the same problems—inadequate credit resources for rural small businesses; declining public transportation; in many areas of our country rural education is deteriorating; and as so many of us know, a declining state of health care for rural residents.

What the basic problem is Mr. Speaker, is that local communities are losing their future.

Our young people are not seeing a future in rural America. With the decline of the agriculture economy in the early 1980's, and with the absence of substantive economic growth, rural America is facing a very doubtful future.

What rural communities need to do is to reinvigorate themselves. Create local programs that will bring in the industries, that will bring in more store fronts on Main street, and more importantly, will bring back the young people.

But we cannot have businesses coming into our small towns if we do not have adequate transportation, health care, and education. If rural America does not have an improved infrastructure, Mr. Speaker, all the economic development programs that these communities create, will fall short.

What Congress must see to is that rural communities have an adequate public transportation system—that health care facilities are readily available to rural residents—and that we have a modern competitive education system.

Rural development is not a small special interest Congress can afford to ignore. The transportation, health care, and education and other problems of rural areas, impact the rural health care crisis; impacts more than one-fourth of the U.S. population. They are problems affecting people supplying this Nation with the world's most abundant, safest, and cheapest food supply.

And rural transportation is a disgrace. Our rural bus and airlines are struggling day to day to provide service to our rural communities.

And just think of what the Federal Government is doing. Our Government spent $28 in mass transit funds in urban areas for every $1 spent in rural areas.

In 3,000 rural communities, bus service has been lost entirely.

In 4,200 other communities we have lost almost all bus service.

And who suffers most from this loss of service?

It is the senior citizen who needs the bus to go to the doctor.

It is the young person who does not have any other form of transportation except the bus.

It is the poor who cannot afford to have a car that needs the bus.

I have introduced legislation that would go a long way toward addressing this problem. H.R. 368, the Rural Transportation Equity Act, would allow for a more equal distribution of Federal dollars—not an increase of Federal outlays mind you—but simply a reallocation of Federal dollars to more fairly represent the 38 percent, or 80–90 million Americans who live in rural areas.

After all, will a business want to be located in a community without adequate bus transportation?

Mr. Speaker, the rural health care crisis is all too real and threatening in rural America.

Many rural health problems are a result of discriminatory Medicare policies. The devastating result is the loss of rural hospitals, the foundation of the rural health care delivery network.

While no Nebraska hospital has closed in the last year, many struggle month-to-month

to stay open. Already in my district, nearly one-third of 62 counties are without a hospital.

When rural hospitals are lost, communities lose part of their identity, most often their major employer, their doctors, and any real hope of attracting new businesses and realizing economic recovery.

But solving the rural health crisis is not just a matter of keeping hospitals open or attracting doctors under unfair Medicare policies.

It also means overcoming geographic distances, a transportation shortage, and a shortage of not just doctors, but also nurses and the whole array of health professionals.

And it means serving a population that is proportionately older, poorer, sicker, less likely to be insured, and engaged in the most dangerous occupations.

We can talk about bringing in businesses, but the simple fact is that without adequate health care, businesses will not be locating in rural communities.

Our rural schools are also struggling to meet the demands and changes in our society.

We need to see that these schools have the ability to teach subjects like computer science, the physical sciences, and mathematics at a level comparable to city schools.

After all, will a business want to be located in a community without high quality education?

What all of this leads us to, Mr. Speaker, is the fact that the rural infrastructure is eroding because of a lack of attention.

Economic development will not occur without adequate transportation.

Economic development will not occur unless we have adequate health care.

And economic development will not occur unless we have high quality education.

But what has been the most important sector of rural communities, agriculture, will also have to change.

I have introduced a bill, H.R. 47 "Commercializing Industrial Uses for Agriculture Commodities," that would provide for farmers and ranchers to further diversify their crops.

American agriculture must change with the times. While food producing crops will always be a staple of our country's agricultural economy, producing crops that will lessen our country's dependency on importing crops to meet the demands of our industries is important.

Mr. Speaker, what is needed most in our rural communities is for community leaders to revitalize themselves. The Federal Government's role should be as a silent partner offering advice when asked, and allowing the community leaders a chance to think of ways of improving their own rural communities.

After all, rural areas do not suffer the plight of our urban neighbors. We do not have high crime and murder rates.

What we do have is the good life.

We have a strong sense of community identity. Our hard work ethic and our ingenuity have been the cornerstones of our country.

I do not want to espouse the idea that the Federal Government is or even should be the "be all to end all" that many people feel it should be. Many people are wanting the Federal Government to create more Federal programs and bring in more money to solve these problems.

But without help from the Federal Government in the areas of health care, transportation, and education, I know that rural communities will not be able to match the economic gains of our urban neighbors.

When I retire at the end of the 101st Congress, I want to know that Congress passed a comprehensive rural development bill that addresses the concerns I have outlined today.

I want to know that Congress has indeed recognized the necessity of seeing that rural communities have the same consideration and the same services our urban neighbors receive.

I thank the gentleman from Oklahoma [Mr. ENGLISH] for scheduling this time to discuss a problem that not only affects rural America, but our whole country. Ignoring this ever growing problem should no longer be the policy of Congress. Congress must place rural development as a high priority and provide the leadership necessary for our rural communities to be viable participants in our country.

Mr. CAMPBELL of Colorado. Mr. Speaker, I would like to first thank my colleague, Representative MIKE ESPY of Mississippi, for his invitation to join him today to discuss issues facing rural America.

My comments today will be directed toward the possibility of bringing greater long-term stability to the rural areas of our country.

Most discussions of rural America begin with the issue of agriculture. This is no accident. Agriculture has been, and continues to be, the backbone of rural America's economy. Consequently, most of Congress' efforts to tackle the problems of poverty and unemployment in rural America have been dedicated to bolstering America's farm economy.

This type of solution, focusing on the farm economy, seems to make good sense. Across the country, there has been a direct correlation between the downturn in the Nation's agricultural industry, and the declining fortunes of the hundreds of rural communities which comprise rural America. To anyone who has witnessed the devastation wrought upon any one of a number of farm towns across America, it is clear that something needs to be done to ensure that the farm economies of rural America remain strong.

Congress has responded to this need, passing a number of measures designed to strengthen America's farm economy. The logic behind these bills was that a competitive and healthy farm economy would fuel the recovery of rural America.

To some extent this has happened. To a surprising degree, however, this recovery has fallen short. Even with farm production up by some 43 percent and income up by 133 percent this decade, rural America continues to face serious economic difficulties. For instance, rural unemployment rates are some 30 percent higher than in urban areas, and rural poverty is one-third higher.

Keeping in mind the continuing problems facing the American farmer, we need to attack the nagging problems of rural America, such as the lack of quality education and inadequate health care. In short, we need to recognize the diversity of today's rural economy.

Evidence of the growing diversity in rural America is the diversity of programs designed to meet the needs of rural communities. Rural development initiatives exist in almost all departments of the Federal Government. The Department of Commerce, through the Economic Development Administration [EDA], provides grants and other forms of assistance to rural communities. The Bureau of Land Management, under the Department of the Interior, is responsible for managing one-eighth of the Nation's land area. The Department of Transportation manages the Rural Transit Assistance Program to address the needs of the transit operators in nonurbanized areas, and the list goes on.

Clearly, the needs of rural America are as diverse as they are immediate. To complement our commitment to a strong farm economy we should branch out and look at other problems facing rural America which need to be addressed.

One of the problems facing rural America is the disparity in funding between rural and urban counties.. For instance, in 1985, on a per capita basis, Federal expenditures in rural counties were $2,500 compared to $3,200 in urban counties. In addition, 66 percent of Federal dollars that come back to rural areas go for income maintenance—Social Security, Medicare, and farm subsidies—while only 50 percent of the Federal dollars returning to urban areas went to income maintenance. This means less money proportionally goes to rural communities for infrastructure improvements and to generate new wealth, thus helping to perpetuate the problems of rural America.

At the root of this funding disparity are a number of misconceptions about the needs of rural America. One of these myths is that it is much less expensive to provide goods and services to rural communities. On the contrary, there is much evidence to show that it costs more on a per capita basis to provide goods and services to rural communities. Because of the distances involved, and because most rural communities cannot participate in economies of scale, the cost per capita of services provided is oftentimes more expensive than in urban communities. This is especially true in the areas of health care and education.

Ironically, it is also in these areas that rural communities suffer from decreased funding. For instance, Medicare and Medicaid payments are lower for rural hospitals than for their urban counterparts, despite the extra costs that these hospitals incur due to their isolated locations. Combine this with the current increase in rural hospital closures, and you have a rural health care crisis.

Similarly, the higher per capita operating costs of rural schools are not reflected in Federal budgeting. Rural students' access to enrichment programs is limited, and rural illiteracy is a growing problem which must be addressed.

We must make sure that the solutions we endorse and the programs we fund provide long-term benefits to rural America. One of the most important things we can do from a legislative standpoint is to create a sound economic foundation for rural America. One of the ways we can do this is by aiding rural communities in diversifying their economies.

To a large extent this diversification has already occurred. Nearly half of the Nation's farm families are dependent on additional income from some non-farm source. As I mentioned above, this figure comes at the end of a decade in which we have seen farm incomes rise some 133 percent, and production increase 43 percent.

In addition, the rural economy leads the Nation in growth in manufacturing jobs. What this suggests is that some attention given to nonfarm sectors of the rural economy could help engender a more balanced and stable long-term economic recovery.

The key to this sort of recovery is attracting businesses to rural America. Oftentimes the advantages gained through lower physical expenditures and living costs are offset by the increased expenditures of doing business away from major metropolitan centers. Thus, incentives need to be provided for businesses to relocate to rural counties.

A comprehensive set of such incentives are contained in H.R. 1221, the Rural Enterprise Zone Act. This bill, of which I am a cosponsor, directs the Secretary of Housing and Urban Development to administer a direct grant and loan program to assist entrepreneurs in certain depressed rural areas with startup costs. In addition, this bill includes a number of tax and trade incentives, all of which will be directed at 100 enterprise zones located in distressed rural areas around the country.

What the rural enterprise zone program recognizes is the need for diversification in the rural economy. With this recognition, we will be able to strengthen the rural economy against future downturns in the agriculture market.

In closing, I am optimistic about the future of rural America. For those of us who live in rural counties, it is easy to appreciate the problems, and the challenges which face rural America. I am heartened by the recognition of the problems our rural communities are receiving, and I look forward to working with my colleagues to help address these problems in the 101st Congress.

Mr. STANGELAND. Mr. Speaker, it was only 8 years ago that the Nation was very much concerned about the future of our economy. Unemployment was high and rising. Inflation and interest rates were reaching record level. Government redtape was hampering business competition. And, the Federal Government, through the collection of taxes, was taking more than its fair share from the private sector.

In 1981, I joined with a majority in Congress to support an economic program which centered on four fundamental principles:

First. Reduce personal and business tax rates;

Second. Reduce the rate of growth of Federal spending;

Third. Reduce the Federal regulatory burden by eliminating unnecessary restrictions while protecting the public's interest and safety; and

Fourth. Support a moderate and steady monetary policy to bring inflation under control.

The policies we enacted in 1981 created an economic resurgence that has lasted 76 months—the longest expansion in our Nation's history.

Since 1982, 19 million new jobs have been created, while the unemployment rate has fallen to 5.3 percent. Inflation has averaged only 4 percent during the past 6 years. Accounting for inflation, after tax income has risen for the average American by 24 percent since 1982. And, since 1981 the time spent by the public filling out Federal forms has been cut by 600 million hours each year.

There is no question that the average American is better off today because of the economic boom.

However, as a Representative of a largely rural, agricultural district, I understand that for many, the economic boom years have really been a bust. I understand that there are literally millions of Americans who have yet to participate in the economic expansion.

My constituents in rural Minnesota see the sad consequence of rural poverty every time one of their neighbors is forced to pack up his family and belongings and move to the Twin Cities or another metropolitan area in search of employment opportunities. I am sure my colleagues could tell me of similar circumstances in their home States. I think it is tragic that thousands of Americans face the dilemma of leaving their home communities in order to make a living, or live in economic distress.

Because the time to help our communities is now, I have introduced a three-bill legislative package in the House that I know can make a difference for rural America.

My rural development package calls for the establishment of rural enterprise zones, a reduction in the capital gains tax rate, and restoration of the investment tax redit.

The centerpiece of this package is the Rural Enterprise Zone Act—H.R. 1221—cosponsored by 39 of my colleagues.

According to H.R. 1221, 100 economically distressed rural areas throughout the United States would be designated as "enterprise zones."

Once designated, all new and existing businesses operating within the zones would be eligible for numerous Federal tax trade, and regulatory advantages. Knowing the capitalist spirit of entrepreneurship in America, and especially here in our State of Minnesota, I am convinced that with just a little incentive, countless innovative small businessmen would locate their enterprises in struggling rural areas.

Some of the major incentives in my initiative are:

A 10-percent tax credit for employers and a 5-percent tax credit for employees working within the zone;

A 10-percent investment tax credit for purchases of business property and equipment;

A 100-percent capital gains exemption for business property replaced at an equal or greater value;

A 30-percent tax credit for research and development;

Expedited and preferred consideration of foreign trade zone requests;

Federal rule and regulation flexibility when needed to carry out business activities within the zone; and

Formation of a Federal business incubator program designed to assist businessmen with startup costs.

The concept of enterprise zones has been around for sometime. In fact, Jack Kemp, the Secretary of Housing and Urban Development, has promoted it for about a decade. But, I believe that I am the first national legislator to target enterprise zones at less populated areas in order to fight rural poverty.

Two major tax bills are also part of my initiative to promote rural renaissance.

The first tax measure—H.R. 1542—reduces the maximum capital gains tax rate from 28 percent to 15 percent for business and individuals; the second—H.R. 1543—reinstates a 10-percent investment tax credit for business property purchases. I crafted both of these proposals to limit annual tax advantages to $100,000 per taxpayer. My reasoning behind this is to target relief to smaller enterprises and middle-income wage earners, and prohibit excessive benefits to large corporations and wealthy citizens.

I am convinced that if all of the bills I have proposed were enacted into law, they would create an economic climate conducive to risk-taking, entrepreneurship, and hard work. The result would be economic growth, jobs, and opportunity for millions of Americans who have yet to participate in the economic expansion. So, if Congress is serious about assisting our struggling rural economies it will lend my rural development package full consideration.

Mr. STALLINGS. Mr. Speaker, I compliment my colleagues who have arranged this special order on such a vital topic. I want to especially thank Chairman ENGLISH for his leadership in the area of rural development and for arranging hearings through the month of June.

The need for action in rural America is well documented. Multiple studies and public hearings have attested to the fact that rural America has paid the price for the economic recovery in coastal urban centers.

The past administration pushed more and more responsibilities to local and State governments under the guise of reducing Federal taxes. The obvious result has been a widening of economic disparity between urban and rural areas. Rural States and their local governments do not have the tax base to pick up the pieces that were dropped by the Federal Government.

Rural unemployment is 31 percent higher than urban unemployment. Rural poverty is one-third higher; rural incomes are 25 percent lower; rural school dropout rates are higher than their urban counterparts; rural areas have higher proportions of young and old populations with inadequate health care facilities; and teenage suicide attempts are 20 times that of urban areas.

Many of our Federal policies discriminate against rural areas. These include health care funding allocations, education funding, and infrastructure development. I do not want to detract from the challenges of the inner cities and the difficulties that urban areas face. But it is time we ask for equal treatment. It is time our rural populations are made beneficiaries in this great economic recovery I keep hearing so much about.

We need to create new business opportunities and diversify our economic base in rural areas. We must target rural medical delivery systems and education for funding equity. We must broaden job training and technical assistance; expand our rural infrastructure and telecommunications; and, provide incentives and matching funds for local initiatives.

With all these initiatives, we must not forget that much of rural America's economic base is still dependent on agriculture. A vast number of rural businesses are directly linked to agriculture. The local seed supplier, fertilizer dealer, fuel station, processing and packing plants, lending institutions, equipment dealers and other businesses are all dependent on the health of the agriculture economy.

Even though the population of farmers compared to our total population is very small, many rural economies revolve around the farm economy. Thousands of local jobs are tied to agriculture, even though they are not actually involved in the production of crops.

Any comprehensive rural development policy must include a healthy agriculture policy. We cannot abandon farmers while trying to create new initiatives. They go hand-in-hand.

While there will be only 4,000 new jobs in production agriculture this year, there will be more than 40,000 agriculture related jobs created. We need to keep these jobs in rural areas and expand on this base.

I encourage the other committees with jurisdiction in health and education to work with us in the Agriculture Committee to expedite a rural development package which will assist in reviving rural America. We do not want our Nation to become a series of ghost towns in its rural areas with overcrowded cities on the coasts. Rural America was the backbone which built our country and it still has much to offer.

We cannot afford to continue to ignore and abandon rural needs as has been done over the past decade. Let's get on with action—judiciously committing badly needed resources to our rural areas.

Mr. SKELTON. I want to thank you for this opportunity to speak today. It is a pleasure to give some of my thoughts on a subject that is very important to me, the economic development of rural America.

We all know the problems that face rural America. Poor health care delivery, the "brain drain" of many of our bright rural citizens to more populous areas, and high energy and transportation costs are just a few examples of what our nonurban areas are now experiencing. All of these are issues that must be resolved.

However, I believe the best investment that this country could make would be in a rural technical information infrastructure. With this investment will come the full use of our Nation's human capital. The greatest resource that we possess is the human resource. In this modern age of rapid information output and retrieval, rural America must not fall further behind.

In a manufacturing age, resources like machinery are important, but their worth decreases over time. In an information age, people take on an increasingly critical role. And people, as they collect information, master their jobs, and acquire new skills, increase in value with time.

Information and education will empower local leadership and business to operate at the full capacity. The rapid transferral of information will assist agriculture and industry, students and senior citizens, small businesses and local governments.

In this area of fiber optics, computers, and satellites we cannot ignore the potential advantages of a strong rural communications and information system. Already there are schools in Missouri, my home State, and in many other States that connect with universities for foreign language and science classes. Forty additional satellite receiving stations are being installed at or near county extension centers around Missouri. This will bring to 50 the number of extension centers in the State with the capability of receiving a wide variety of educational programs via satellite. These are just two examples of current technology in use. And these examples also use existing sources for their information, universities, and the State cooperative extension system.

Information linkage will also assist the average citizen in rural areas, putting them in contact with economic and social services on the Federal, State, and local levels. One of the problems with delivering assistance and services to rural citizens is that many times residents either do not know about existing government or private assistance, or they do not have the capacity to connect with these services. Rural hospitals will be able to transfer data, x-rays for example, to quickly consult with specialists in emergency situations.

Through communications and information systems, local government and community leaders can gain the same resources that thrive in our Nation's urban centers. Local leaders will be able to easily obtain the knowledge needed to make the best decisions for their community. We all know that local leadership is the key to the development of any community.

Small communities in rural America can provide attractive, viable alternatives to the urban lifestyle, because the old objection that there are no jobs in rural America has a new answer. That answer lies with our emerging technologies. With computers and telecommunications links, many of America's jobs can be done anywhere.

State-of-the-art communications will enhance the growth of rural small businesses. Growth in small business can stimulate overall economic growth. Small businesses, those with 500 employees or less, are shouldering most of the burden of job creation and innovation, creating over 60 percent of the new jobs and generating nearly 40 percent of the gross national product. Also, they employ 56 percent of the nonmetropolitan workers. Rural communities need the capability for their local businesses to interact with companies for which subcontracting can be done, software that can provide directions for computerized equipment, and information sources that allow businesses to respond to new market possibilities.

Some options to enhance our human resource could include Federal collaboration with State and local authorities to upgrade the public information infrastructure as well as basic and vocational education. Increased funding for civilian research and technology development could be provided. Such a step would be concerned not only with manufacturing but also the service industry, which constitute three-quarters of the Nation's economy.

Congress needs to push for a national telecommunications policy. A clearinghouse must be set for information about telecommunications technology and establish model programs through libraries, schools, and universities, introducing and integrating telex, facsimile, electronic mail, data processing, and other services to rural areas. Every effort should be made to attract the telecommunications industry to fully invest in rural America.

Once again, we are talking about people. We are talking about empowering the local community to build itself in the way they see best. We are talking about educating persons of all ages and at all levels. Mostly we are talking about taking advantage of our country's greatest resource, its citizens.

We must consider all of the good suggestions that are put forward today and in all other forums. The answers to revitalizing our Nation's rural areas will not be easy to determine. I am encouraged by the leadership on this issue here on the House side, especially from my colleagues, Mr. ENGLISH of Oklahoma and Mr. COLEMAN of Missouri.

Mr. EMERSON. Mr. Speaker, the social and economic complexion of rural America is changing. This is not a new phenomenon, just one that is becoming more obvious now than ever before. Change is taking place in rural America much faster today and those changes are having greater impact on the lives and well-being of the Nation's rural residents. Additionally, rural areas are feeling the influences of the global economy more acutely than in prior periods.

Since the recession of the early 1980's, rural areas have failed to experience the same degree of development and economic expansion that much of this country has enjoyed. Much work remains in order to reverse past economic shortfalls and lay the groundwork for future rural growth.

In addressing the rural development issue, both Federal and private industry efforts must play a significant role. In many remote rural areas, the complement of private and public service mechanisms needed to support business do not presently exist. Never has the need for establishing new business development avenues been so evident. An important apparatus toward this goal continues to be the establishment of Rural Federal Enterprise Zones.

These Rural Federal Enterprise Zones allow an economically depressed area to be designated for preferential governmental treatment to promote investment and job creation by private industry. Incentives to businesses that hire employees or invest within enterprise zones can include tax incentives and regulatory relief. There is no question within my mind that the creation of these enterprise zones in rural areas could be quickly translated into real, productive jobs for rural residents.

Despite administration support and numerous congressional attempts to creat a Rural

Federal Enterprise Zone Program, no complete Federal program currently exists. Legislative efforts, unfortunately, have not yet prevailed, but our intention has been made clear. Rural Federal Enterprise Zones carry the hope of lifting our rural areas from a diminishing economy to one of needed growth and prosperity. By targeting enterprise zone efforts to our most economically distressed areas, we will send a signal to our rural citizens that present societal and economic change need not leave them without opportunity or hope for future generations.

As we approach a new century, we must not leave our rural communities behind. With the promise of new growth and industry, we will rejuvenate the economic infrastructure of our rural communities. By providing such incentives as these Federal Enterprise Zones entail, we can help spur the recovery of rural America and create new avenues for our rural residents to prosper.

Mr. KASTENMEIER. Mr. Speaker, the economic fortunes of the 1980's have taken a toll on the Nation's small towns and rural areas. We have seen a downturn in our agricultural economy that can only be called a depression in light of its severity. Decreases in farm profitability led to a drop in farmland values. That meant economic disaster for the Farm Credit System, and contributed to the problems we have seen in our banking and savings and loan industries.

Today, we are, hopefully, on the brink of a comeback in rural America. Farm income has increased. It is unfortunate that the greater portion of farm income is due to Government payments to farmers. But income is up. Farmland prices have bottomed out. Problem loans are being restructured under authorities created by the 100th Congress. There are new signs of economic health in rural America.

Across the country, certainly in Wisconsin, there is an increasing commitment to rural development. Economic development efforts are focusing on the role of small towns and rural areas. Financial institutions stand ready to provide capital for development efforts. Cooperatives are eager to take part in rural development. State and local governments are beginning to work together. In short, we find an impressive array of people and assets eager to work together to develop the economic capacity of our rural areas.

The question is: What should the role of the Federal Government be in all of this? In the last Congress, I was happy to join with former Congressman Ed Jones in cosponsoring comprehensive rural development legislation. But our efforts came to no avail, particularly because of the problems of funding a major rural development effort at a time when the budget deficit overrides all new spending initiatives.

I do think there is a role for the Federal Government to play in rural development, and I do not think that it is necessary that its role ought to be simply to provide funding. I believe the Federal Government is at its most effect when it operates as a mechanism for pushing forward the efforts of other people, other institutions, in ways that would not happen without the Federal instigation. The history of the Cooperative Agricultural Extension Service is a classic example of the good that can be accomplished when a Federal effort is realized on the local level by local people for the good of their community.

As the Congress begins hearings into rural development this year, as representatives of those varying resources in rural America come forward to testify, we need to identify and quantify those obstacles that deter local rural development efforts, and find ways to remove the obstacles, to smooth the process, and to spur communication and cooperation.

I'm pleased that the House Agriculture Committee is stepping forward to meet the challenge, and I offer assistance to Chairman DE LA GARZA and the new chairman of the Conservation, Credit and Rural Development Subcommittee, Mr. ENGLISH, as the Congress develops a workable rural development plan.

Mr. DORGAN of North Dakota. Mr. Speaker, it is my pleasure to talk about a subject that is of utmost importance to this Nation and to my constituents—rural development. As you know, rural America has not shared in the economic recovery of the 1980's. Instead, much of rural America has suffered through a prolonged recession caused by the decline in agricultural prices and, for the energy producing States, the drop in oil prices. In addition to the pummeling brought about by these economic forces, rural America has also suffered at the hands of nature during last year's drought—the worst since the Dust Bowl of the 1930's.

Much can be done to ameliorate the damage caused by these events but the most important long-range solution is to develop the economy of rural America so that it is not dependent on such a narrow economic base. For too long, the well being of rural America has been viewed as solely dependent on the health of agriculture. But if rural America is to prosper and become a viable part of the post-industrial economy we must diversify into other economic activities.

At the same time, the urban areas of our country confront their own problems. Chief among these is the congestion, pollution, and spiraling costs associated with overdevelopment and overcrowding. America and more manageable growth in urban America by working to stimulate rural development.

I propose a four-pronged approach:

First. Let's have an affirmative action strategy for rural America. In order to help those groups in our society who have been left behind, the Federal Government actively seeks to assist minority firms by designating a share of Federal contracts for these companies. Similarly, I propose that the Congress establish a rural content requirement for goods and services procured by the Federal Government.

This rural content requirement could be established as either a set-aside program for small contracts or as a percentage of subcontractors on a major contract. In either case, I would propose that the relevant proportion of rural content should be tied to the proportion of Americans living in rural communities—about 15 to 20 percent in 1989. Much more needs to be defined to make this approach work but I feel this will result, over time, in a diversified, competitive rural subcontractor base that will provide a stable foundation for continued rural economic development.

Second. Require Federal agencies that make grants and loans to foster general economic development to allocate at least a fair share or their funds to rural areas. Again, this share should be tied to the percentage of Americans living in rural communities.

In a study done by the GAO, the percentage of Small Business Administration loans and grants devoted to rural areas was often far below the fair percentage these areas should receive—sometimes as low as 3 percent.

Of course, I understand that some development funding is targeted at certain areas. But for those programs that are supposed to benefit the Nation as a whole, rural America has the right to expect its fair share. Requiring agencies and departments to monitor their allocations to rural areas and establishing a criteria for fund allocation is one way to assure that it gets it.

Third. Facilitate rural development through the use of rural development investment zones. As you know, one recent proposal for restoring balance in the economy is to create urban enterprise zones. The weakness of this approach is that it leaves the rural depression untouched. A further weakness is that the notion of enterprise or investment zones is meaningless without tangible incentives to attract businesses.

I have introduced H.R. 2531, the Rural Development Investment Zone Act of 1989; legislation that will provide greater economic opportunities for our Nation's most economically distressed rural areas. It will help to level the national economic playing field, stimulate diversification, and recognize the explicit value of rural development.

This legislation will stimulate new business development in rural areas and provide new and challenging employment for their residents. Of equal significance, anticipated expansion and diversification of businesses in these regions will reduce the impact of economic downturns in the future. This legislation complements the prior two proposals I have made today by facilitating the business development which the rural content requirement and rural fair share will help initiate.

First, my legislation authorizes the Secretary of the Treasury to designate development zones located in certain impoverished rural communities based upon the area's size, its degree of poverty, and general economic distress.

Second, the legislation provides employment-related tax incentives to attract new businesses and to retain existing businesses within the nominated areas. The incentives include: An employer tax credit of 10 percent for increased spending on qualified wages; and an investment tax credit of 10 percent on certain depreciable real property used in a trade or business within a development investment zone.

Other investment provisions are: Waiver or modification of Treasury rules are permitted in certain circumstances in order to further job creation, community development, and economic revitalization objectives of the zones, and the Foreign Trade Board shall consider any application to establish a foreign trade

zone within a development investment zone on a priority basis and expedite processing.

The additional Federal assistance and tax incentives provided under the act should result in incentives to diversified economic growth that is so desperately needed to improve the quality of life for residents in these areas.

Fourth. Let's redirect the Department of Agriculture to focus more directly on rural development. In order to give proper attention to rural development at the highest level, I propose that the Department name be changed to the U.S. Department of Agriculture and Rural Development. To ensure that this will not merely be a meaningless name change, I would also propose that the Department establish an Under Secretary for Rural Development. This office will oversee the various rural development activities in the department through the Agency for Rural Development—a new agency that will house the various development programs now located throughout the Department.

In addition, the Agency for Rural Development will provide matching grants to States to foster rural development coordination and planning, encourage technology development in rural areas, and establish revolving loan and venture capital fund pools. Finally, I would propose that we establish a Rural Advocacy Office to act on behalf of rural States, small communities, and small businesses located in rural areas when seeking redress from onerous regulations or assistance in seeking Government grants or contracts.

Mr. AuCOIN. Mr. Speaker, I am very pleased to join my colleagues today in addressing the crucial issue of rural development. I fully agree that rural America needs a clear policy on the uses and development of its resources—and it needs this policy now.

I want to focus specifically on the problem of rural hunger. I don't have to look beyond the borders of my own States to see the problems we face: hundreds of thousands of Oregonians don't have enough to eat—even with the agricultural abundance in our State. There will be no "rural development" as long as people are put at risk of hunger.

While poverty concentrated in our large cities is serious and demands our attention, we cannot overlook the very serious poverty and hunger problems that plague many rural areas.

Results of a recent survey conducted by the Oregon Food Bank revealed some frightening facts about the social, economic, and political factors which forced 480,000 Oregonians to seek emergency food assistance. Families and individuals receiving emergency food have very low incomes, many are in poor health, and nearly half are children. Many are employed or want to be employed but cannot find adequate child care.

The message is simple: In rural America—to an even greater degree than in urban America—work provides no assurance that a family will not be poor and hungry.

Some of this poverty is a result of economic factors that are beyond our control. The recessions of the early 1980's hit rural areas harder than urban areas—and these rural areas have recovered less in recent years. Compounding the problem, wage and earnings levels are considerably lower in rural areas.

But not all the factors leading to poverty and hunger in rural areas are out of our control. Reductions in government assistance at both Federal and State levels have contributed significantly to the increase in poverty and hunger rates. Reductions in the purchasing power of AFDC benefits levels, sharp contractions in unemployment insurance coverage, and reductions in food stamp assistance in inflation-adjusted terms have affected rural and urban areas alike. What are sometimes called barriers to participation—both transportation and information barriers—remain more substantial in rural than in urban areas. Solutions to these problems are within our reach and they must be addressed if we are to get to the root of rural hunger.

The Food Stamp Program represents by far the most substantial food assistance program in the rural United States. We need more dollars in the program. More importantly, we need to improve the delivery system in rural areas by addressing the special barriers to participation inherent in the current system. We can't accept the fact that people aren't eating because food stamp offices are too far away, that they lack transportation to these offices, or that office hours conflict with work hours.

There is about 30 percent less food available than required to meet the immediate needs of hungry people in Oregon alone. Corporate mergers and last summer's drought may further reduce emergency food resources essential to meeting on going needs. This is a crisis situation that must be met head on—not with inaction. We need to replenish the Federal food commodity program.

Finally, we must know and understand the causes of hunger in rural America to ensure that our nutrition programs are responsive to the unique needs of poor people in our rural communities. Until citizens and government join together in responding to hunger and the factors that increases economic vulnerability of a significant portion of our population, this humanitarian mission cannot be fully realized.

There is no doubt that many rural Americans are forced to go to sleep—and live through the next day—hungry. I commend Congressman ESPY for his work as chairman of the Select Committee on Hunger's Domestic Task Force and for his foresight in organizing this special order on rural development. I'm very pleased to join my colleagues today in shining the spotlight on the special needs of the hungry in rural areas and other crucial issues unique to rural development. We need to make rural development a Federal policy priority and we need to do it now.

Mr. APPLEGATE. Mr. Speaker, since 1981, when President Reagan entered office, programs to rebuild rural infrastructure, improve health and welfare service delivery, education and transportation; provide low-income housing, expand and diversify rural businesses, manage land and water resources, and enhance labor training programs, as well as other social and domestic programs, have been cut by some $125 to $130 billion. The economic graves of many rural communities that have no major businesses or industries have been dug leaving many of these communities with large numbers of people who cannot afford the basic and fundamental necessities of life. Their quality of life, which since the midsixties, has been reversed and seriously injured.

These program cuts have come about at the same time as record trade deficits and the relocation of many companies to foreign companies. Rural communities which had hosted industries found themselves facing the loss of jobs and the accompanying loss of wages and tax base to support the community. We continue to support the economies of other countries, both Third World and major industrial nations, while our rural communities continue to deteriorate.

It is time to make a concerted effort to develop economically the rural segment of the United States and provide new hope to these communities and the individuals who reside in them. The per person cost of infrastructure does not decrease because of location in a rural area; rather, these costs increase due to the smaller population base to pay the bill. We must recognize this fact and act to prevent outrageous consumer costs of these facilities. Likewise, we must recognize the special needs of rural health care providers and address these in a manner which ensures that residents of rural areas are not denied access to basic medical, care because of location or cost. Finally, we must realize that rural residents do not want Federal handouts. Rather, they want the economic development which will enable them to have the personal income and local tax base to meet their needs. Once again, it is time that we work with rural communities to truly learn their needs and develop methods of addressing them.

Mr. UPTON. Mr. Speaker, I appreciate the opportunity to appear here on the House floor to offer my perspective on rural development issues. I commend my distinguished colleagues, Mr. ENGLISH, Mr. GRANT, and Mr. ESPY for reserving the time to speak out on behalf of rural areas during this special order on rural development. It is my hope that the Congress in a truly bipartisan manner will recognize the need to address the critical issues facing rural communities in the United States.

I represent a rural district in southwestern Michigan, and have been concerned about rural development for quite some time. Indeed, it is a major reason why I first ran for Congress in 1986. Just last week, I introduced House Concurrent Resolution 140, with Joint Economic Committee [JEC] Chairman LEE HAMILTON as an original cosponsor. This resolution calls for all the appropriate committees of Congress to give due consideration to the advancement of rural development legislation.

It is my hope that our work here today will lead to a consensus among our colleagues in the House of Representatives that now is the time to act to help rural America prepare for the 1990's and the next century.

Rural statistics and indicators are clear: the economic health and viability of rural areas is falling further and further behind that of other geographical areas. For example, consider:

Rural unemployment rates 33 percent higher than urban unemployment;

Rural poverty levels 33 percent higher than urban areas; and

Rural income per capita 25 percent lower than urban income.

Rural America is going through a socioeconomic transition of historic proportions. While only 2 percent of the Nation's population lives on farms, approximately one quarter of its residents live in rural areas. And in recent years, over 500,000 people have migrated annually from rural areas to urban and suburban areas.

In light of these recent trends, our goal must be to maintain and improve the rural quality of life. The United States has a history of a vibrant heartland, and we must do all we can to preserve this heritage. Diversification of the rural agricultural economy but also diversification of rural businesses and industries in noncyclical or anticyclical fields is key to the revitalization of rural areas.

I endorse a comprehensive legislative approach to dealing with the economic development needs of rural communities. The Agriculture Committee would necessarily and rightfully assume the leadership on this legislation, but—as we have seen—the needs of rural communities are multijurisdictional.

I advocate that this effort be two-pronged: First, a reevaluation of existing Federal programs and the accurate targeting of them toward rural areas; and second, a well-thought-out approach to any new Federal programs to address the special needs of rural communities.

Many Federal programs discriminate—sometimes blatantly—against rural areas. Indeed, there is much evidence to suggest that Federal funds just do not reach rural areas. Just one of the specific examples of such discrimination is how Medicare reimbursement rates for urban hospitals are lower than rural hospitals.

I challenge every Member of Congress representing a rural area and every committee of the Congress to examine the programs under their jurisdiction to determine whether such discrimination in funding occurs. It is imperative that we start with a review of laws already on the books to insure fairness for the 25 percent of our citizens that live in rural America.

Similarly, any discussion of new legislative proposals for addressing the particular needs of rural areas should be designed to fill the gaps of existing Federal programs. One general area which has consistently been neglected in rural areas is the development of human resources. Investment in people is necessary. We must stop the exodus of talented people from rural areas.

All of the rural policy proposals from each committee could then be incorporated into one large rural initiative. I would suggest that the theme for this package of legislation be "Fairness to Rural Areas." For too long, rural areas have been forced to swallow unequal treatment by Federal policies. It is time to demand equity in Federal funding to rural areas. The future and quality of life in rural areas may depend on this goal.

Under the astute leadership of my distinguished colleagues, Mr. DE LA GARZA of Texas and Mr. ENGLISH of Oklahoma, the House Agriculture Committee has already initiated a series of hearings on rural development. This is a great start. I commend the members of the Agriculture Committee for their foresight and commitment to rural areas. In the coming weeks, I hope to see legislative action in every pertinent committee in the House, including my own—Public Works and Transportation and Small Business. Rural areas in the United States deserve the attention of the whole House of Representatives to insure fair and effective Federal programs for rural economic development.

To my colleagues in the House, allow me to suggest that you continue to show your support for a comprehensive legislative package to assist rural areas by joining Congressman HAMILTON and I as a sponsor of House Concurrent Resolution 140, the rural development initiative resolution.

Mr. Speaker, thank you once again for this opportunity to speak on behalf of a goal which I believe we all share: the revitalization of rural America.

Mr. BEREUTER. Mr. Speaker, since 1982 we have had an expansion in our Nation's economy. Unemployment has been reduced; investment has been increased; costs have been cut, and competitiveness has been increased. This expansion in the Nation's economy, with few exceptions, has not, however, reached the majority of rural communities. Most rural areas have not seen their fortunes improve as a result of the rising economic tide.

The fortunes of rural communities, which showed improvement in the seventies, took a turn for the worse in the eighties. The gap between the standard of living of rural and urban residents has grown during the expansion phases of the current business climate.

A comprehensive approach to rural economic development must be sought. Farm policy alone will not improve the economic well-being of rural residents. Rural development does not mean just agricultural development. Instead rural development must include a variety of public policy actions that include stimulating the growth of private sector employment, insuring an adequate financial base for local governments, improving the availability and quality of the education system, the health care system, and the transportation system.

To address these objectives this Member is an original cosponsor of a series of bills providing for rural development as introduced by my colleague from Missouri, Mr. COLEMAN. This rural development initiative was originally introduced in the 100th Congress, and this Member was an original cosponsor of the cornerstone of this rural development package at that time.

The basic elements of the new legislation include the establishment of a Rural Development Administration within the Department of Agriculture, the establishment of an Office of Advocacy for Rural Development to promote, evaluate, and recommend rural development activities, the creation of a Guaranteed Loan Program to provide funding for rural economic development and infrastructure needs, and the creation of a competitive grant program to establish rural technology and training centers.

The survival of many rural farm and small business families will increasingly depend on the expansion of nonfarm income and employment opportunities in rural areas. Congressional support for a comprehensive rural development policy is essential for creating a stable rural economic and social environment. We must begin now to work together to revitalize rural America.

Mr. PENNY. Mr. Speaker, the Agriculture Subcommittee on Conservation, Credit, and Rural Development began a series of hearings this week on rural development that will prove to be crucial for the economic well-being of rural America.

There is no doubt among any of us on the Agriculture Committee, or those who are participating in this special order here today, that there are needs and potentials that are not being met in rural America. How we respond brings forth an abundance of ideas and proposals and often conflicting advice on the direction that rural development will take.

In spite of the many differences that can be found among rural areas in the United States, I think that two main themes will emerge from these hearings: first, that our rural areas suffer from a lack of capital for small- and medium-sized business development, and second, that our rural infrastructure is crumbling beneath us.

I think the Congress must look at how to get the "most bang for the buck" in rural development programs to address these problems. To me that means utilizing existing cooperatives, businesses, and development organizations in the most efficient ways possible. To maintain the rural community tax base, we must keep people in rural areas, and to accomplish this we must create new jobs in rural areas. New jobs mean economic diversification and that requires business financing.

Mr. Speaker, I look forward to the support of all my colleagues in the House as we work to put together a rural development package this year. And, I am confident that we will see many of the ideas that emerge from the hearings process that began yesterday, put into practice in the near future.

GENERAL LEAVE

Mr. ENGLISH. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the subject of my special order this evening.

The SPEAKER pro tempore (Mr. PICKETT). Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. WYDEN (at the request of Mr. AUCOIN), for today, on account of a medical emergency.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

29-059 O-90-40 (Pt. 8)

(The following Members (at the request of Mr. GRANDY) to revise and extend their remarks and include extraneous material:)

Mrs. BENTLEY, for 60 minutes, on June 13, 14, 15, 20, and 21.

Mr. MCEWEN, for 5 minutes, today.

Mr. GUNDERSON, for 60 minutes, on June 8.

Mr. UPTON, for 60 minutes, on June 8.

(The following Members (at the request of Mr. HOAGLAND) to revise and extend their remarks and include extraneous material:)

Mr. HOAGLAND, for 5 minutes, today.

Mr. FALEOMAVAEGA, for 5 minutes, today.

Mr. ANNUNZIO, for 5 minutes, today.

Mr. ROSTENKOWSKI, for 5 minutes, today.

Mr. PANETTA, for 5 minutes, today.

Mr. GONZALEZ, for 60 minutes, on June 8 and June 12.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. BEILENSON and to include extraneous material notwithstanding the fact that it exceeds 2 pages of the RECORD and is estimated by the Public Printer to cost $1,210.

Mr. FORD of Michigan, immediately preceding the vote on the Solomon amendment in the Committee of the Whole today.

(The following Members (at the request of Mr. GRANDY) and to include extraneous matter:)

Mr. BROWN of Colorado in two instances.

Mr. BILIRAKIS.

Mr. GALLO.

Mr. LEWIS of California.

Mrs. MARTIN of Illinois.

Mr. SUNDQUIST.

Mr. COUGHLIN in two instances.

Mr. CRANE.

Mr. GILMAN.

Mr. DONALD E. "BUZ" LUKENS in two instances.

Mr. RITTER.

Mr. MCEWEN.

Mr. FISH.

Mr. DORNAN of California in two instances.

Mr. GALLEGLY.

Mr. BUECHNER.

Mr. STANGELAND.

Mr. PORTER in four instances.

Mr. CRAIG.

Mr. DENNY SMITH.

Mrs. JOHNSON of Connecticut.

Mr. CAMPBELL of California.

Mr. BEREUTER.

(The following Members (at the request of Mr. HOAGLAND) and to include extraneous matter:)

Mr. MORRISON of Connecticut in two instances.

Mr. HAMILTON in three instances.

Mr. SLATTERY.

Mr. DYMALLY in three instances.

Mr. COLEMAN of Texas.

Mr. ERDREICH.

Mr. LANTOS.

Mr. MATSUI.

Mr. SKELTON.

Mr. KANJORSKI.

Mr. MAZZOLI.

Mr. FALEOMAVAEGA.

Mr. CLEMENT.

Mr. ROE.

Mr. NOWAK.

Mr. ECKART.

Mr. SOLARZ.

Mr. LIPINSKI.

Mr. NEAL of Massachusetts.

Mr. NELSON.

Mr. GUARINI.

Mr. BROWN of California.

Mr. MANTON.

Mr. SMITH of Florida.

Mr. MILLER of California.

Mr. BONIOR in three instances.

ENROLLED BILL SIGNED

Mr. ANNUNZIO, from the Committee on House Administration, reported that that committee had examined and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 932. An act to provide for the settlement of land claims, and the resolution of certain issues of governmental jurisdiction, of the Puyallup Tribe of Indians in the State of Washington, and for other purposes.

SENATE ENROLLED BILL SIGNED

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

S. 767. An act to make technical corrections to the Business Opportunity Development Reform Act of 1988.

ADJOURNMENT

Mr. ENGLISH. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 9 o'clock and 33 minutes p.m.) the House adjourned until tomorrow, Thursday, June 8, 1989, at 10 a.m.

EXPENDITURE REPORTS CONCERNING OFFICIAL FOREIGN TRAVEL

Reports of various House committees concerning the foreign currency and U.S. dollars utilized by them during the first quarter of calendar year 1989.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON AGRICULTURE, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 1989

Name of Member or employee	Date		Country	Per diem		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Hon. E. Thomas Coleman	1/6	1/12	France	8,100	1,350.00						1,350.00
	1/12	1/15	Sweden	4,695	750.00						750.00
	1/15	1/18	Hungary	26,488.62	498.00						498.00
Military transportation							4,447.40				4,447.40
Codel Edward R. Madigan:											
Hon. Edward R. Madigan	1/4	1/9	Jordan				29.75				29.75
Hon. Robert F. Smith	1/4	1/9	Jordan				29.75				29.75
Hon. Wally Herger	1/4	1/9	Jordan				29.75				29.75
Mr. Charles Hilty	1/4	1/9	Jordan				29.75				29.75
Codel other expenditures: Control officer overtime									353.73		353.73
Committee total					2,598.00		4,566.40		353.73		7,518.13

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

E. DE LA GARZA, CHAIRMAN, APR. 30, 1989.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON ENERGY AND COMMERCE, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 1989

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Gerry Sikorski, M.C. [3]	1/5	1/6	San Paulo, Brazil		304.00						304.00
	1/07	1/10	Paraguay		500.00						500.00
	1/11	1/11	Chile		139.00						139.00
	1/12	1/14	Brasilia, Brazil	375.00							375.00
	1/15	1/15	Porto Velho, Brazil		150.00						150.00
	1/16	1/19	Manus, Brazil		423.00						423.00
E. Ripley Forbes	1/7	1/15	England		1,778.00						1,788.00
	1/15	1/18	Holland		522.00						522.00
Commercial air fare							2,930.00				2,930.00
Tim Westmoreland	1/7	1/15	England		1,778.00						1,788.00
					522.00						522.00
Commercial air fare							2,930.00				2,930.00
Mary McGrane	1/7	1/12	England		1,211.00						1,211.00
	1/12	1/14	Scotland		378.00						378.00
Commercial air fare							2,891.00				2,891.00
Committee total					8,080.00		8,751.00				16,831.00

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Military transportation costs were reported by the Senate Interparliamentarian Office.

JOHN D. DINGELL, Chairman.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON THE JUDICIARY, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 1989

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. John Bryant [3]	1/5	1/6	Brazil		304.00						304.00
	1/6	1/11	Paraguay		500.00						500.00
	1/11	1/12	Chile		139.00						139.00
	1/12	1/19	Brazil		948.00						948.00
Hon. William J. Hughes	2/11	2/13	Peru		148.00						148.00
	2/13	2/16	Bolivia		190.50						190.50
Commercial transportation							2,166.00				2,166.00
Hayden Gregory	2/11	2/13	Peru		148.00						148.00
	2/13	2/16	Bolivia		190.50						190.50
Commercial transportation							2,194.00				2,194.00
Committee total					2,568.00		4,360.00				6,928.00

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Transportation and miscellaneous expenses will be reported by the Senate.

JACK BROOKS, Chairman, May 5, 1989.

EXECUTIVE COMMUNICATIONS, ETC.

Under the clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1321. A letter from the Director of Administration and Management, Office of the Secretary of Defense, transmitting notification of the Strategic Defense Initiative Organization's decision to exercise the provision for exclusion of the clause concerning examination of records by the Comptroller General from a proposed contract with the United Kingdom Government for certain defense articles, pursuant to 10 U.S.C. 2313(c); to the Committee on Armed Services.

1322. A communication from the President of the United States, transmitting his determination that the statutory fiscal year 1989 limits for the Export-Import Bank authority should remain unchanged, pursuant to 12 U.S.C. 635e(a)(2)(B)(i); to the Committee on Banking, Finance and Urban Affairs.

1323. A letter from the Assistant General Counsel, Department of Energy, transmitting notification of a meeting related to the International Energy Program to be held on June 6, 1989, at Paris, France; to the Committee on Energy and Commerce.

1324. A letter from the Director, Defense Security Assistance Agency, transmitting notice of the Department of the Air Force's proposed letter(s) of offer and acceptance [LOA] to Korea for defense articles and services (Transmittal No. 89-26), pursuant to 22 U.S.C. 2776(b); to the Committee on Foreign Affairs.

1325. A letter from the Assistant Secretary of State for Legislative Affairs, transmitting copies of the report of political contributions by Shirley Temple Black, of California, and C. Howard Wilkins, Jr., of Kansas, Ambassadors-designate and members of their families, pursuant to 22 U.S.C. 3944(b)(2); to the Committee on Foreign Affairs.

1326. A letter from the Agency for International Development, transmitting a report on the Agency's activities under the Freedom of Information Act for calendar year 1988, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

1327. A letter from the Administrator, Environmental Protection Agency, transmitting the semiannual report on the activities of the Inspector General covering the period from October 1, 1988, to March 31, 1989, pursuant to Public Law 95-452, section 5(b) (102 Stat. 2526); to the Committee on Government Operations.

1328. A letter from the Director, U.S. Information Agency, transmitting the semiannual report of the Inspector General covering the period October 31, 1988, through March 31, 1989, pursuant to Public Law 99-399, section 412(a); to the Committee on Government Operations.

1329. A letter from the Secretary of the Interior, transmitting his determination on the third party factfinder report on the findings relating to past drainage on State and Federal leases occurring along the boundary between the State of Louisiana and Federal waters, pursuant to Public Law 100-446, section 117; to the Committee on Interior and Insular Affairs.

1330. A letter from the General Counsel, Department of the Treasury, transmitting a draft of proposed legislation to provide for the recovery by the U.S. Customs Service of the cost of customs processing of imported

articles, and for other purposes; to the Committee on Ways and Means.

1331. A letter from the U.S. Trade Representative, transmitting a draft of proposed legislation entitled, "Amendment of Superfund Petroleum Tax to Conform to the GATT"; to the Committee on Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. ROSTENKOWSKI: Committee on Ways and Means. Report of the Committee on Ways and Means pursuant to section 302(b) of the Congressional Budget Act of 1974 relating to the budget resolution for fiscal year 1990 (Report 101-77). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. UDALL:

H.R. 2570. A bill to provide for the designation of certain public lands as wilderness in the State of Arizona; to the Committee on Interior and Insular Affairs.

H.R. 2571. A bill to provide for the designation of certain national wildlife refuge lands as wilderness in the State of Arizona; jointly, to the Committees on Interior and Insular Affairs and Merchant Marine and Fisheries.

By Mr. ROSTENKOWSKI (for himself and Mr. STARK):

H.R. 2572. A bill to amend the Internal Revenue Code of 1986 to repeal the partial exclusion for interest on certain loans used to acquire employer securities; to the Committee on Ways and Means.

By Mr. ANTHONY (for himself, Mr. PICKLE, Mr. JACOBS, Mr. FORD of Tennessee, Mr. GEPHARDT, Mr. DOWNEY, Mr. GUARINI, Mr. MATSUI, Mr. FLIPPO, Mr. DORGAN of North Dakota, Mr. COYNE, Mr. ANDREWS, Mr. MOODY, Mr. ARCHER, Mr. VANDER JAGT, Mr. CRANE, Mr. FRENZEL, Mr. SCHULZE, Mr. GRADISON, Mr. THOMAS of California, Mr. MCGRATH, Mr. BROWN of Colorado, Mr. CHANDLER, Mr. SUNDQUIST, Mrs. JOHNSON of Connecticut, Mr. HATCHER, Mr. MINETA, and Mr. SHAW):

H.R. 2573. A bill to amend the Internal Revenue Code of 1986 with respect to the allocation of research and experimental expenditures; to the Committee on Ways and Means.

By Mr. GEJDENSON (for himself, Mr. MAVROULES, and Mr. ASPIN):

H.R. 2574. A bill to commend the President for the conventional arms reduction initiative announced in Brussels on May 29, 1989, and to require the President to submit to Congress a report on the foreign policy and military implications of further reductions by the North Atlantic Treaty Organization and Warsaw Pact alliances in the levels of conventional military forces in Europe; to the Committee on Foreign Affairs.

By Mr. GUARINI (for himself, Mr. FLORIO, Mr. GALLO, Mr. DICKS, Mr. THOMAS of California, Mr. BENNETT, Mr. CONTE, Mr. COSTELLO, Mr. WOLF, Mr. AUCOIN, Mr. MONTGOMERY, Mr. BOSCO, Mr. ROE, Mr. RINALDO, Mr. WATKINS, Mr. FUSTER, Mr. APPLEGATE, Mr. HUGHES, Mr. ANDERSON, Mr. HORTON, Mr. HYDE, Mr. GORDON, Mr. BILBRAY, Mr. SKELTON, Mr. MATSUI, Mr. JONES of Georgia, Mr. MCNULTY, Mr. DICKINSON, Mr. SMITH of New Jersey, Mr. BLAZ, Mr. VOLKMER, Mrs. PATTERSON, Mr. BUSTAMANTE, Mr. KOLTER, Mr. JONTZ, Mr. COURTER, Mr. DYMALLY, Mrs. BOXER, Mr. WAXMAN, Mr. PALLONE, Mr. MARTINEZ, Mr. NIELSON of Utah, Mr. FAZIO, Mr. PAYNE of New Jersey, Mr. SAXTON, Mr. DARDEN, Mr. FOGLIETTA, Mr. EMERSON, Mr. GONZALEZ, Mr. LANCASTER, Mr. MCCANDLESS, Mr. CAMPBELL of Colorado, Mr. NEAL of North Carolina, and Mr. TRAFICANT):

H.R. 2575. A bill to establish a congressional commemorative medal for members of the Armed Forces who were present during the attack on Pearl Harbor on December 7, 1941; to the Committee on Banking, Finance and Urban Affairs.

By Mr. JONES of North Carolina:

H.R. 2576. A bill to provide temporary authority to certain employees of the Panama Canal Commission to purchase food and other goods at any commissary or exchange store located in Panama which is operated by any military department of the United States; jointly, to the Committees on Armed Services and Merchant Marine and Fisheries.

By Mr. KASTENMEIER:

H.R. 2577. A bill to prohibit the denial or abridgment of the right of former criminal offenders to vote in elections for Federal office; to the Committee on the Judiciary.

By Mr. MATSUI:

H.R. 2578. A bill to prohibit the importation into the United States of certain articles originating in Burma; to the Committee on Ways and Means.

By Mrs. SCHROEDER:

H.R. 2579. A bill to amend title 10, United States Code, to require defense contractors to provide protection to their employees against reprisal for disclosure to an appropriate Government official of information which the employee reasonably believes evidences misconduct relating to a defense contract; to the Committee on Armed Services.

By Ms. SLAUGHTER of New York:

H.R. 2580. A bill to amend the Immigration and Nationality Act to protect foreign spouses victimized by physical abuse and extreme mental cruelty; to the Committee on the Judiciary.

By Mr. VALENTINE (for himself, Mr. ROE, Mr. GLICKMAN, Mr. MCCURDY, Mr. BROWN of California, Mr. LEWIS of Florida, Mr. ROHRABACHER, and Mr. CAMPBELL of California):

H.R. 2581. A bill to authorize the Federal Aviation Administration to establish an aviation research grant program; to the Committee on Science, Space, and Technology.

By Mr. VENTO:

H.R. 2582. A bill to amend the Historic Sites, Buildings, and Antiquities Act; to the Committee on Interior and Insular Affairs.

By Mr. FAUNTROY (for himself, Mrs. MORELLA, Mr. MCMILLEN of Maryland, Mr. HOYER, Mr. WOLF, and Mr. PARRIS):

H.J. Res. 289. Joint resolution designating July 4, 1989, as "July 4th Family Celebration Day"; to the Committee on Post Office and Civil Service.

By Mr. NELSON of Florida (for himself, Mr. CAMPBELL of Colorado, Mr. LELAND, Mr. AKAKA, Mr. BEVILL, Mr. DE LUGO, Mr. RAHALL, Mr. UPTON, Mr. CLEMENT, Mr. RITTER, Mr. GILMAN, Mr. SMITH of Mississippi, Mr. HANCOCK, Mr. TALLON, Mr. ROTH, Mr. CARR, Mr. LANCASTER, Mr. SKELTON, Mr. ROBERT F. SMITH, Mr. RUSSO, Mr. OBERSTAR, Mr. BUNNING, and Mrs. VUCANOVICH):

H.J. Res. 290. Joint resolution designating the week beginning May 13, 1990, as "National Tourism Week"; to the Committee on Post Office and Civil Service.

Mr. CRAIG.

H. Con. Res. 143. Concurrent resolution expressing the sense of the Congress that the Department of Defense should place a greater emphasis on the remanufacture of existing military equipment as an interim measure to maintain readiness in light of budget constraints, production delays, and cost of overruns of new equipment; to the Committee on Armed Services.

By Mr. LANTOS:

H. Con. Res. 144. Concurrent resolution to express the sense of the Congress concerning the funeral of Imre Nagy, the former Prime Minister of Hungary, and other heroes of the 1956 revolution in Hungary; to the Committee on Foreign Affairs.

By Mr. HOYER:

H. Res. 168. Resolution electing Representative Moakley of Massachusetts, chairman of the Committee on Rules; considered and agreed to.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

140. By the SPEAKER: Memorial of the Senate of the State of Michigan, relative to the Republic of Lebanon; to the Committee on Foreign Affairs.

141. Also, memorial of the Legislature of the State of Alaska, relative to public transportation in Alaska; to the Committee on Public Works and Transportation.

142. Also, memorial of the Legislature of the State of Alaska, relative to emergency measures for fishery enhancement and rehabilitation; to the Committee on Public Works and Transportation.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII,

Mr. DIXON introduced a bill (H.R. 2583) to authorize issuance of a certificate of documentation for employment in the coastwise trade of the United States for the vessel *Magnum Force*; which was referred to the Committee on Merchant Marine and Fisheries.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 8: Mr. BLILEY and Mr. YOUNG of Florida.

H.R. 29: Mr. DEWINE.

H.R. 41: Mr. EDWARDS of California, Mr. ESPY, and Mr. SIKORSKI.

H.R. 81: Mrs. UNSOELD and Mr. FLAKE.

H.R. 85: Mr. EDWARDS of Oklahoma.

H.R. 90: Mr. MACHTLEY.

H.R. 108: Mr. OWENS of New York, Mr. CHAPMAN, Mr. PARKER, and Mr. SMITH of Mississippi.

H.R. 118: Mr. BOEHLERT.

H.R. 162: Mr. CRAIG.

H.R. 283: Mr. DE LA GARZA, Mr. PAYNE of Virginia, and Mr. QUILLEN.

H.R. 303: Mr. SMITH of Vermont, Mr. MCNULTY, and Mr. WHITTEN.

H.R. 461: Mr. PACKARD.

H.R. 539: Mr. STENHOLM, Mr. DANNEMEYER, Mr. AKAKA, Mr. KLECZKA, Mr. MARTINEZ, Mr. GARCIA, Mr. HANCOCK, Mr. MCMILLEN of Maryland, Mr. MCCRERY, and Mr. DENNY SMITH.

H.R. 574: Mr. RHODES, Mr. RAVENEL, Mr. SMITH of New Hampshire, Mr. ARMEY, Mr. OXLEY, Mr. HANSEN, Mr. PACKARD, Mr. BLILEY, and Mr. CRAIG.

H.R. 624: Mr. HAYES of Louisiana, Mr. SMITH of Mississippi, and Mr. PARKER.

H.R. 626: Mr. CRAIG.

H.R. 642: Mr. RAY, Mr. BUSTAMANTE, Mr. LAUGHLIN, Mr. FROST, Mr. TAUZIN, Mr. WILSON, Mr. BARTON of Texas, Mr. COLEMAN of Texas, Mr. ARMEY, Mr. ROBERT F. SMITH, Mr. BRYANT, and Mr. HAYES of Louisiana.

H.R. 655: Mr. DELLUMS.

H.R. 660: Mr. ATKINS.

H.R. 746: Mr. BROWN of Colorado, Mr. MCMILLEN of Maryland, Mr. DE LA GARZA, Mr. OXLEY, Mrs. PATTERSON, Mr. BALLENGER, Mr. NIELSON of Utah, Mr. SENSENBRENNER, Mr. MCCRERY, Mr. CAMPBELL of Colorado, and Mr. CRANE.

H.R. 762: Mr. HERGER, Mrs. MARTIN of Illinois, and Mr. PRICE.

H.R. 780: Mrs. MORELLA.

H.R. 794: Mrs. LOWEY of New York.

H.R. 844: Mr. LIGHTFOOT, Mr. PETRI, and Mr. GEJDENSON.

H.R. 853: Mr. GOODLING.

H.R. 882: Mr. ATKINS, Mr. ESPY, Mr. FAUNTROY, Mr. HENRY, Mr. GARCIA, Mr. SABO, Mr. STAGGERS, Mr. STARK, Mr. RANGEL, Mr. BENNETT, Mr. MURPHY, Mr. FRANK, Mr. MARKEY, Mr. COYNE, Ms. KAPTUR, Mr. FOGLIETTA, Mr. MOODY, Mr. HAWKINS, Mr. LEHMAN of Florida, Mrs. COLLINS, Mr. MATSUI, Mr. SKAGGS, Mr. ACKERMAN, and Mr. SOLARZ.

H.R. 904: Mr. WYDEN, Mr. HALL of Texas, Mr. ROYBAL, Mr. WEISS, Mr. SLATTERY, Mrs. UNSOELD, Ms. SCHNEIDER, Mr. MCGRATH, and Mr. ENGEL.

H.R. 987: Mr. MCMILLAN of North Carolina and Mr. BORSKI.

H.R. 995: Mr. WOLF, Mr. LOWERY of California, Mr. FALEOMAVAEGA, Mr. HAWKINS, Mr. BURTON of Indiana, and Mr. MANTON.

H.R. 1052: Mr. HERGER, Mr. DONALD E. LUKENS, and Mr. CRANE.

H.R. 1053: Mr. SHAYS.

H.R. 1054: Mr. KOSTMAYER, Mr. FIELDS, and Mr. BOUCHER.

H.R. 1078: Mr. SOLARZ, Mr. MATSUI, Mr. STOKES, Mr. AKAKA, and Mr. SANGMEISTER.

H.R. 1112: Mr. NEAL of North Carolina.

H.R. 1136: Mr. HOPKINS, Mr. COBLE, Mr. CHANDLER, Mr. SKELTON, Mr. RHODES, Mr. THOMAS A. LUKEN, Mrs. MEYERS of Kansas, Mr. NEAL of Massachusetts, Mr. BUECHNER, Mr. HEFLEY, Mr. SCHAEFER, Mr. PARKER, and Mr. ENGLISH.

H.R. 1137: Mr. ASPIN and Mr. JOHNSON of South Dakota.

H.R. 1139: Mr. ASPIN, Mr. JOHNSON of South Dakota, Mr. SABO, and Mr. PETRI.

H.R. 1165: Mr. CHAPMAN, Mr. SAVAGE, and Mr. LELAND.

H.R. 1187: Mr. KILDEE, Mr. MRAZEK, Mr. LEVINE of California, Mr. FAZIO, Mr. BILBRAY, Mr. MORRISON of Connecticut, and Mr. VENTO.

H.R. 1188: Mr. DWYER of New Jersey.

H.R. 1216: Mr. AUCOIN, Mr. OWENS of Utah, Mrs. BOXER, Mr. STARK, Mr. BILIRAKIS, Mr. ROE, Mr. MATSUI, and Mr. ESPY.

H.R. 1221: Mr. ESPY.

H.R. 1236: Mr. SMITH of New Hampshire, Mr. HENRY, Mr. BOUCHER, Mr. JONES of North Carolina, Mr. PENNY, Mr. HERTEL, Ms. SLAUGHTER of New York, Mr. WILSON, Mr. STOKES, Mr. RAHALL, Mr. KLECZKA, Mr. TRAFICANT, Mr. CLINGER, Mr. MARTINEZ, Mr. WILLIAMS, Mr. RAVENEL, Mr. SLATTERY, and Mr. WYLIE.

H.R. 1237: Mr. ESPY.

H.R. 1243: Mr. BOUCHER, Mr. DURBIN, and Mr. DINGELL.

H.R. 1283: Ms. PELOSI.

H.R. 1286: Mr. ATKINS, Mr. WAXMAN, Mr. PARKER, Mr. TOWNS, Mr. PANETTA, Mr. FUSTER, Mr. BATES, and Mr. ROE.

H.R. 1337: Mr. HENRY, Mr. HAWKINS, and Mr. SANGMEISTER.

H.R. 1358: Mrs. LLOYD.

H.R. 1383: Mr. COSTELLO.

H.R. 1491: Mr. ESPY, Mrs. UNSOELD, Mr. YOUNG of Florida, and Mr. LEWIS of Florida.

H.R. 1510: Mr. LEWIS of Georgia, Mr. ACKERMAN, Mr. TOWNS, Mr. FUSTER, Mr. MFUME, Mr. CONTE, Mr. SOLARZ, Mr. MOAKLEY, Mr. VENTO, Mr. PANETTA, Mr. BATES, Mr. MARKEY, Mr. FRANK, Mr. LEHMAN of Florida, Mr. TRAXLER, Mr. DORGAN of North Dakota, Mr. NEAL of North Carolina, Mr. WAXMAN, Mr. AUCOIN, Mr. KENNEDY, Mr. LEVIN of Michigan, Mrs. SCHROEDER, Mr. HAWKINS, Mrs. BOXER, Mr. FROST, Mr. JACOBS, and Mrs. MORELLA.

H.R. 1574: Mr. MORRISON of Connecticut, Mr. STARK, Mr. MATSUI, and Ms. LONG.

H.R. 1582: Mr. BENNETT and Mr. RANGEL.

H.R. 1608: Mr. PANETTA, Mr. TALLON, Mr. STENHOLM, and Mr. BEREUTER.

H.R. 1617: Mr. ACKERMAN, Mr. BILBRAY, Mr. CARR, Mr. HERGER, Mr. ROGERS, and Mr. TOWNS.

H.R. 1646: Mr. HUGHES, Mr. OWENS of New York, Mr. RANGEL, Mr. MORRISON of Connecticut, Mr. ROE, Mr. DORGAN of North Dakota, Mr. FALEOMAVAEGA, Mr. STUDDS, Mr. GEJDENSON, Mr. MARTINEZ, Mr. SMITH of Florida, Mr. DE LUGO, Mr. FAUNTROY, Mr. DELLUMS, Mr. WILLIAMS, Mr. MCDERMOTT, Mr. COELHO, Mr. SPRATT, and Mr. FROST.

H.R. 1669: Mr. BORSKI and Mr. EDWARDS of Oklahoma.

H.R. 1678: Mr. SLATTERY.

H.R. 1687: Mr. BLILEY and Mr. BILIRAKIS.

H.R. 1786: Mr. MOORHEAD.

H.R. 1879: Mr. LAGOMARSINO, Mr. MCEWEN, and Mr. HAWKINS.

H.R. 1957: Mr. PACKARD and Mr. PARKER.

H.R. 2002: Ms. PELOSI, Mr. GALLEGLY, Mr. TANNER, Mr. FAUNTROY, Mrs. UNSOELD, Mr. JONTZ, Mr. FAZIO, and Mr. DYMALLY.

H.R. 2080: Mr. WOLF, Mr. ROE, Mr. FAWELL, Mr. DANNEMEYER, and Mr. DYMALLY.

H.R. 2096: Mr. HAWKINS, Mr. ROBINSON, Mr. LELAND, and Mr. OWENS of New York.

H.R. 2112: Mr. STUDDS.

H.R. 2121: Mr. ROBERTS, Mr. PAYNE of Virginia, Mr. FAWELL, and Mr. LAGOMARSINO.

H.R. 2128: Mr. WILSON, Mr. DEFAZIO, and Mr. MINETA.

H.R. 2131: Mr. GALLO.

H.R. 2134: Mr. SLATTERY, Mr. DEFAZIO, Mr. BROWN of California, and Mr. WEISS.

H.R. 2138: Mr. HUGHES, Mr. SWIFT, Mr. BRYANT, Mr. FEIGHAN, Mrs. BOXER, Ms. PELOSI, Mr. MILLER of Washington, Mr. MILLER of California, Mr. CARDIN, Mr. ANDERSON, and Mr. AKAKA.

H.R. 2141: Mr. MATSUI, Mr. ROBINSON, and Mr. THOMAS of California.

H.R. 2181: Mr. GORDON.

H.R. 2202: Mr. DE LA GARZA, Mr. HORTON, and Mr. JONTZ.

H.R. 2210: Mr. COOPER, Mr. DELLUMS, Mr. DURBIN, Mr. DORGAN of North Dakota, Mr. JONTZ, Mrs. BOXER, Mr. CLEMENT, Mr. BUECHNER, Mr. FOGLIETTA, Mrs. COLLINS, Mr. LEWIS of Georgia, Mr. ROBINSON, Mr. DYALLY, Mr. OWENS of New York, Mr. ECKART, Mr. EVANS, Mr. HAWKINS, and Mr. ENGEL.

H.R. 2228: Mr. HOUGHTON and Mr. YATRON.

H.R. 2258: Mr. ROE.

H.R. 2265: Mr. CARDIN.

H.R. 2321: Mr. STANGELAND, Mr. LEVIN of Michigan, Mr. DORGAN of North Dakota, Mr. HERTEL, Mr. TOWNS, Mr. VENTO, Mr. ACKERMAN, Mr. LEWIS of Georgia, Mr. SIKORSKI, Mr. PEASE, Mr. BOEHLERT, Mr. MINETA, and Mr. DEFAZIO.

H.R. 2353: Mr. DYSON, Mr. VANDER JAGT, Mr. MONTGOMERY, and Mr. ROSE.

H.R. 2354: Mr. DEFAZIO.

H.R. 2359: Mr. MCEWEN, Mr. BOEHLERT, Mr. PACKARD, Mr. SCHUETTE, and Mr. NIELSON of Utah.

H.R. 2366: Mr. CAMPBELL of Colorado.

H.R. 2428: Mr. GEJDENSON.

H.R. 2462: Mr. MOODY, Mr. STARK, Mr. SMITH of Florida, Mr. JONTZ, Mr. EVANS, Mr. BATES, and Mr. VENTO.

H.R. 2463: Mrs. BOXER, Mr. SMITH of Florida, and Mr. SOLOMON.

H.R. 2467: Mr. ANTHONY, Mr. PANETTA, and Mr. EVANS.

H.R. 2479: Mr. JOHNSTON of Florida and Mr. SHAW.

H.R. 2507: Mr. GALLO, Mr. COURTER, Mr. WOLPE, and Mr. SISISKY.

H.J. Res. 19: Mr. CAMPBELL of Colorado.

H.J. Res. 35: Mr. WOLF, Mr. MCDERMOTT, Mr. MRAZEK, Mr. TRAFICANT, Mr. SLAUGHTER of Virginia, Mr. SCHAEFER, Mr. HAWKINS, Mr. LEVIN of Michigan, and Mr. ROWLAND of Georgia.

H.J. Res. 54: Mr. BROWN of California.

H.J. Res. 91: Mr. CRAIG.

H.J. Res. 163: Mr. HERTEL, Mr. BATES, Mr. CLAY, Mr. WEISS, Mr. MCHUGH, Mr. DEWINE, Mr. COYNE, Mr. SKAGGS, Mr. AKAKA, Mr. ATKINS, Mr. BLILEY, Mr. HENRY, Mr. COSTELLO, Mr. FUSTER, Mr. KENNEDY, Mr. DEFAZIO, Mr. FAWELL, Mr. BROWN of Colorado, Mr. HAYES of Illinois, Mr. GOSS, Mr. CARDIN, Mr. FALEOMAVAEGA, Mr. KILDEE, Mr. DOWNEY, Mr. IRELAND, Mr. MILLER of California, Mr. GEPHARDT, Mr. FLIPPO, Mr. MURPHY, Mr. CLINGER, Mr. TRAFICANT, Mr. WATKINS, Mr. YATRON, Mr. HAYES of Louisiana, Mr. MURTHA, Mr. ANDERSON, Mr. STARK, Mr. BUSTAMANTE, and Mr. SMITH of Vermont.

H.J. Res. 184: Mr. HALL of Ohio, Ms. PELOSI, Mr. GREEN, Mr. BATEMAN, Mr. ESPY, Mr. VANDER JAGT, Mr. MOORHEAD, Mr. ACKERMAN, Mr. DORNAN of California, Mr. FRANK, Mr. HATCHER, Mr. INHOFE, Mr. KOSTMAYER, Mrs. MEYERS of Kansas, Mr. TAUKE, Mr. VENTO, Mr. TOWNS, Mr. SYNAR, Mr. ROHRABACHER, Mr. PACKARD, Mr. DURBIN, Mr. GEKAS, Mr. GRANT, Mr. MCDADE, Mr. MARLENEE, Mr. QUILLEN, Mr. LEWIS of California, Mr. MOODY, Mr. HAMMERSCHMIDT, Mr. FORD of Michigan, Mr. MACHTLEY, Mr. ROYBAL, Mr. THOMAS of Georgia, Mr. DARDEN, Mr. LEWIS of Georgia, Mr. PRICE, Ms. OAKAR, Mr. CONYERS, Mr. STOKES, Mr. VALENTINE, Mr. MURPHY, Mr. OWENS of Utah, Mr. SISISKY, Mr. HORTON, Mr. BROOMFIELD, Mr. CARR, Mr. DE LUGO, Mr. COSTELLO,

Mr. BEVILL, Mr. MILLER of Washington, Mr. DICKS, Mr. PALLONE, Mr. DINGELL, Mr. PAYNE of Virginia, Mr. SCHEUER, Mr. HENRY, Mr. TALLON, Mr. LEVINE of California, Mr. MARTINEZ, Mr. COX, Mr. LAFALCE, Mr. RAVENEL, Mr. FAWELL, Mr. TRAFICANT, Mr. CARDIN, Mr. FAUNTROY, Mr. HYDE, Mr. BILIRAKIS, Mr. ENGEL, Mr. FLORIO, Mr. CONTE, Mr. FISH, Mr. WELDON, Mr. PANETTA, Mr. BILBRAY, Mr. UPTON, Mr. SHAYS, Mr. JONTZ, Mr. BARNARD, and Mr. DYMALLY.

H.J. Res. 199: Mr. MOODY.

H.J. Res. 215: Mr. WYDEN, Mr. RAHALL, Mr. LANTOS, Mr. JONTZ, Mr. GARCIA, Mr. ESPY, Mr. SHAYS, Mr. FAUNTROY, Mr. EMERSON, Mr. VALENTINE, Mr. MCNULTY, Mr. FLORIO, Mr. HERTEL, Mr. FUSTER, Mr. MILLER of Washington, and Mr. DE LA GARZA.

H.J. Res. 221: Mr. BROWN of California, Mr. EVANS, Mr. HAYES of Illinois, and Mr. MCGRATH.

H.J. Res. 240: Mr. THOMAS A. LUKEN and Mr. MOAKLEY.

H.J. Res. 257: Mr. LEWIS of Georgia, Mr. FUSTER, Mrs. COLLINS, Mr. BOSCO, Mrs. BOXER, Mr. ACKERMAN, Mr. HARRIS, Mr. COURTER, Ms. PELOSI, Mr. TRAXLER, Mr. RINALDO, Mr. MAZZOLI, Mr. KOLTER, Mr. HOCHBRUECKNER, Mr. ROWLAND of Connecticut, Mr. EVANS, Mr. LEHMAN of California, Mr. CARPER, Mr. HANSEN, Mr. HATCHER, and Mr. YOUNG of Alaska.

H.J. Res. 263: Mr. DEFAZIO, Mr. TOWNS, Mr. BOEHLERT, Mrs. UNSOELD, Mr. PAYNE of New Jersey, and Mrs. PATTERSON.

H.J. Res. 271: Mr. BOEHLERT, Ms. PELOSI, Mr. BEILENSON, Mr. DORGAN of North Dakota, Mr. PENNY, Mr. MORRISON of Connecticut, Mr. ACKERMAN, Mr. SCHUETTE, Mr. HORTON, Mr. MAVROULES, and Mr. MINETA.

H.J. Res. 287: Mr. OBEY.

H. Con. Res. 3: Mr. ROBINSON.

H. Con. Res. 14: Mr. GEJDENSON and Mr. CHANDLER.

H. Con. Res. 23: Mr. CONTE, Mr. DE LA GARZA, Mr. BILBRAY, Mr. SCHAEFER, and Mr. CRANE.

H. Con. Res. 35: Mrs. MEYERS of Kansas, Mr. YOUNG of Florida, and Mr. PACKARD.

H. Con. Res. 92: Mr. LANTOS, Mr. MACHTLEY, and Mr. MCMILLAN of North Carolina.

H. Con. Res. 113: Mr. MILLER of Washington, Mr. MCEWEN, Mr. MARTINEZ, Mr. SMITH of New Jersey, Mr. BEREUTER, and Mr. YATRON.

H. Con. Res. 115: Mrs. MARTIN of Illinois, Mr. PAXON, Mr. COURTER, Mr. PANETTA, Mr. LANTOS, Mr. CONTE, Mr. WAXMAN, Mr. SMITH of Mississippi, Mr. LIPINSKI, Mr. OWENS of New York, Mr. FAZIO, Mr. SMITH of Vermont, Mr. HYDE, Mr. DORGAN of North Dakota, Mr. FOGLIETTA, Mr. AKAKA, Mr. SCHIFF, Mr. ACKERMAN, and Mr. BROWN of California.

H. Con. Res. 135: Mr. CAMPBELL of Colorado, Mr. DOUGLAS, Mr. GOSS, and Mr. STEARNS.

H. Res. 106: Mr. STEARNS.

H. Res. 120: Mr. CLINGER, Mr. BERMAN, Mr. FEIGHAN, Mr. MILLER of Washington, Mrs. MEYERS of Kansas, Mr. WALGREN, Mr. VALENTINE, Mr. DIXON, Mr. HOCHBRUECKNER, and Mrs. UNSOELD.

H. Res. 122: Mr. GINGRICH.

H. Res. 128: Mr. ECKART, Mr. MOLINARI, Mrs. UNSOELD, Mr. GALLEGLY, Mr. BLILEY, Mr. MINETA, Mr. EDWARDS of California, Mr. MCEWEN, Mr. ERDREICH, and Mr. SABO.

H. Res. 130: Mrs. SAIKI, Mr. MRAZEK, Mr. CLINGER, and Mrs. PATTERSON.

H. Res. 139: Mr. STANGELAND, Mr. HATCHER, Mrs. MARTIN of Illinois, Mr. JONTZ, Mr. LEWIS of Florida, Mr. GRANDY, Mr. GORDON, Mr. JONES of North Carolina, Mr. RICHARDSON, Mr. MARLENEE, Mr. WEBER, Mr. HAMMERSCHMIDT, Mr. EMERSON, Mr. WALKER, Mr. MCEWEN, Mr. ROBINSON, Mr. LIGHTFOOT, Mr. ROWLAND of Georgia, Mr. MADIGAN, Mr. HILER, and Mr. SUNDQUIST.

PETITIONS, ETC.

Under clause 1 of rule XXII,

49. The SPEAKER presented a petition of the Common Council of the City of Gary, IN, relative to Hispanic youth; which was referred to the Committee on Education and Labor.

EXTENSIONS OF REMARKS

DEDICATION OF THE EDWARD P. BOLAND ROOM

HON. ANTHONY C. BEILENSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 7, 1989

Mr. BEILENSON. Mr. Speaker, on Wednesday, April 26, 1989, you joined the majority leader, former Speaker O'Neill, past and present members of the Permanent Select Committee on Intelligence, Director of Central Intelligence Webster, former Director Turner, and many officials of the U.S. intelligence community to honor our former colleague, Eddie Boland, the first chairman of the Intelligence Committee, as we dedicated the committee's meeting room, room H-405 here in the Capitol, as the "Edward P. Boland Room." This distinguished gathering was clear evidence of the special feeling we in the committee, in this House, and in the executive branch have for the gentleman from Massachusetts, the founder, as it were, of the Intelligence Committee.

Mr. Speaker, I believe that Members of this House and all students of the democratic process owe a debt of gratitude to Eddie Boland for making congressional oversight of intelligence a respectable and effective process. In an effort to share this conviction with my colleagues, I insert at this point in the RECORD a transcript of the committee's proceedings dedicating the Edward P. Boland Room.

DEDICATION OF THE EDWARD P. BOLAND ROOM

The committee met, pursuant to notice, at 5:00 p.m., in room H-405, The Capitol, Hon. Anthony C. Beilenson [chairman of the committee] presiding.

Present: Representatives Beilenson, Hyde, Kastenmeier, Roe, McHugh, Dwyer, Kennelly, Glickman, Mavroules, Richardson, Solarz, Livingston, Bereuter, and Rowland.

Also present: The Hon. Edward P. Boland.

Mr. BEILENSON. Will you all please come to order.

It is good to have so many good people and good friends of Eddie Boland here today. I welcome you to this celebration, and especially welcome our distinguished Speaker, Mr. Wright; our former Speaker, Mr. O'Neill, whom we are delighted to—Tip, I am talking about you—to have back here today; Mr. Leader Foley; Judge Webster; Admiral Turner; Admiral Studeman; former Chairman Lee Hamilton and Lou Stokes; our former Minority Leader on this committee, Bob Stump; present and former Members of the committee, a lot of very distinguished people from the Intelligence Community and from Intelligence-related activities of the services.

I won't introduce all of them, but it is lovely of all of you have to come out to honor our good friend Eddie Boland. Special thanks to our friends in the Massachusetts delegation who have turned out in force, and other colleagues of ours, and ladies and gentlemen in general.

I think I have covered just about everyone except Eddie and Mary Boland and their son, whom we are pleased to welcome.

Mr. BOLAND. You forgot the security guard outside.

Mr. BEILENSON. Just so we don't forget you, sir.

This is an impressive array of friends and associates and people who care about Eddie Boland—bipartisan, across the political spectrum, from all the various parts and branches of the Government, including even some sometime political opponents, who have joined with us today to honor this man with whom they worked very well, this man, as they call him, the big Chairman, the real Chairman, the only guy that got to be Chairman for this committee for more than a year or two, as the rest of us have.

I am pleased to start off the proceedings today. I will be very brief because we have three or four other chaps who are going to say a couple of words also about Mr. Boland.

I do want to say to you, Eddie, if I may, it is really good to have you back here with us. We miss you. We miss you very much.

It gives us great pleasure to honor you today by naming this committee room, which you presided over so beautifully for so many years, in your honor. It is the least we can do. We wanted to do more. As a matter of fact, we asked the CIA if perhaps they would think about renaming one of their headquarters buildings out there in your name. They objected to it. I don't understand why.

The only reason that they are so big, that they need all the buildings out there is because you presided over a building up of the CIA, and if it hadn't been for you, they wouldn't have had so many people or needed so many buildings. But nonetheless, they turned us down so we are back naming this nice, little room after you.

In all seriousness, as the newest Chairman, only since the middle of January, of this committee, I am constantly reminded of Eddie Boland, the staff that he hired, many of whom still work for the committee. It is hard to get rid of them and it is hard to hire new people because the staff won't allow us to hire any new people. They point out in these remarks which they prepared for me—that they are among the best staff of the Hill.

We also remember Eddie because of the policies which he established on public discussion, or the lack of it, to be more precise, about intelligence matters. You don't read anything about this committee in the press. You haven't in the past, and you won't, I hope, in the future. He also established a tradition of bipartisan cooperation, which, as you all know and remember very well, was very strong under Mr. Boland, and in fact would have been stronger if it had not been for his own amendments with respect to contra aid. We could have maintained that bipartisanship a lot longer than we were able to. But we are struggling to put it all back together, and his amendment seems not so controversial anymore.

In the last few days we are reminded of Eddie by that plaque we have put up outside, just outside in the foyer, that I hope you saw as you came in, and if you didn't, please look at it as you go out. It will stand as a reminder of the fairness and bipartisanship and good judgment that was Eddie Boland's hallmark, and which remains the standard against which the House, the Intelligence Committee, and the public will continue—and I hope they do continue—to measure us, and correctly so.

The purpose of the Intelligence Committee is to oversee all U.S. intelligence activities, to authorize their funding, and consider all matters relating to intelligence activity of the Government. Under Mr. Boland, this committee established, and I hope retains, a reputation as a serious and forceful influence on U.S. intelligence.

We have become a partner as well as a critic. The presence of all of you from both parties in the Congress and so many branches of the Government attest to that.

We have Eddie Boland to thank for showing us the way. Both parties in the Congress attest to that. We have Eddie Boland to thank for showing us how to be that kind of committee.

I will take a half minute more to read from the resolution which is responsible for establishing the name of this room.

"Whereas the Honorable Edward P. Boland, a representative from Massachusetts who served in the House from 1953 to 1989, was the first Chairman of the Permanent Select Committee on Intelligence,

"Whereas, under his leadership, the committee established a reputation for security, bipartisanship, and measured judgment,

"Whereas these traditions have served as norms for the activities of the committee since that time,

"Whereas Presidents Carter and Reagan, the Central Intelligence Agency, and the National Security Agency have honored Edward P. Boland for his leadership and support for the intelligence services of the United States, and

"Whereas it is appropriate that the Permanent Select Committee on Intelligence honor the contributions of Edward P. Boland in establishing effective, fair congressional oversight of intelligence activities,

"Be it resolved by the Permanent Select Committee on Intelligence of the U.S. House of Representatives that Room H-405 in the Capitol Building, the meeting room of the Permanent Select Committee on Intelligence, hereinafter be named and shall be called the 'Edward P. Boland Room,' that an appropriate memorial to this effect shall be placed at the entrance to Room H-405, and that the committee take steps to notify Edward P. Boland of this action," and invite Mr. Boland to come on down here for this celebration.

So, Eddie, congratulations to you. Thank you very much for being the inspiration you have been, and now you are going to hear a few words from each of a few more people, the first of whom is my good friend and our Ranking Republican Member, Mr. Henry Hyde.

[Applause.]

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Mr. HYDE. Thank you very much, Tony. I shall be brief.

I tried to think of how to describe Eddie Boland, and to whom to compare him. He is really incomparable. It occurred to me, I suppose, doing the best I could do with comparisons, that he is sort of a New England Bill Natcher, righteous and respected—or perhaps Bill Natcher is a bluegrass Eddie Boland—but the type of person who hasn't an enemy in the world, who is respected and admired and emulated for his integrity and his knowledge and his commitment to the highest of legislative ideals.

Eddie told me that when he first came to Congress in 1952, like all of us, he wanted to change the world. Now he just likes to leave the room with dignity if he can, and I certainly share that feeling.

Tip O'Neill did America and the cause of intelligence a great favor by nominating Eddie as the first Chairman of the House Permanent Select Committee on Intelligence, and Ed Boland set a standard that has been adhered to by succeeding chairmen. His successor, Lee Hamilton is of the same stripe; his successor, Lou Stokes, outstanding; and his successor, Tony Beilenson, the high quality, the high-caliber Chairman for this committee who has followed in the footsteps of Eddie Boland, and that has got to be good for our country.

The accomplishments of Ed Boland are legion: the Foreign Intelligence Surveillance Act, Classified Information Procedures Act, the Intelligence Identity Protection Act. But I hope that history won't remember him mostly for the Boland Amendments, but indeed they are his progeny and they must be mentioned.

Eddie, in rummaging through my records, and I keep records, I found H. Con. Res. 9, introduced January 4, 1977, by Mr. Boland in the 95th Congress in the House of Representatives. It was a concurrent resolution to establish a joint committee on intelligence, and this is for you.

[Applause.]

Mr. BOLAND. If I could, I did that at the suggestion of Tip O'Neill.

Mr. HYDE. I have got one by Lee Hamilton, too.

Let me just say in closing that there is a great line from Camelot where King Arthur says, "All of us are tiny drops in a vast ocean, but some of them sparkle." Eddie Boland is positively incandescent.

Thank you.

[Applause.]

Mr. BEILENSON. We are very pleased and very honored to have our distinguished Speaker, Mr. Wright of Texas, with us today. Jim wanted very much to be here to help us honor Eddie.

Mr. Speaker.

Speaker WRIGHT. Mr. Chairman, Mr. Speaker, Eddie, Mary, I think it is altogether appropriate that this room, which has been such a well-kept secret for so many years from so many people, should be dedicated in the name of Eddie Boland, whose remarkable qualities of leadership were for so many years a well-kept secret to the world and even from some of his colleagues.

Eddie might be called a late bloomer. He was well into his 20s before he and Mary married. If someone were to declare open season on politicians, and there were those around with shotguns and rifles wanting to bag a politician to use for a trophy in the trophy room, Eddie Boland might be fairly safe unless they knew him, because at superficial, first glance, nobody would think of Eddie Boland as a politician. He is not a glad-handler, he isn't a back-slapper, he isn't gregarious; he is a quiet, unobtrusive, productive individual. He is the quiet man of politics. Yet, what a wonderful record he has set. What an example of those of us who came to know him, who penetrated that little bit of New England reserve that you have to penetrate to get to understand and to know what lies at the heart of Eddie Boland. He is a treasure. His friendship is a valuable possession.

It was he more than any other person who laid the keel for this committee. He set the pattern. He established the direction. He charted the course, and it has been a wonderfully productive committee that has performed enormously valuable service to the Congress of the United States, permitting us to have one central place that can be the repository of classified information. Eddie did it with such dignity and with such eclat and with such superlative skill that hardly anybody noticed, and that was the marvelous quality of his leadership.

But to Eddie Boland we owe a very great many things in this Congress, and the nation owes him 36 years of productive work, free from the fanfare of self-promotion, 36 years in the Congress, 54 years in public office, never having been rejected by an electorate, and additional years in service to the United States because he is not just a sunshine patriot.

When time of trouble came, World War II, Eddie Boland left public office to serve in the service of the United States, entering as a private and emerging as a captain. He is a soldier in peacetime, he is a patriot in peacetime and he is a great American all the time. And I am really very, very happy that we made this choice to name this room in his honor.

[Applause.]

Speaker WRIGHT. He sings a wicked baritone, too.

Mr. BOLAND. Not tonight.

Mr. BEILENSON. Thank you very much, Mr. Speaker.

Also, we are very pleased and very honored to have our former Speaker, the lovely gentleman from Massachusetts, the gentleman who had the good sense to put Eddie in charge here at the very beginning so that the rest of us would know how to operate afterwards when our turn finally came.

Would you like to come up here and say a word or two, sir?

Mr. O'NEILL. We better stop or I will tell a couple of old stories.

Speaker Jim Wright, Tom Foley, delighted to see you. All of my colleagues here I see—I believe all of the Massachusetts delegation. I am happy to see them. That is the first time they have been totally since I left.

[Laughter.]

Mr. O'NEILL. When I was elected as Speaker of the House and Jimmy Carter was the new President, Charles Ferris was one of my AAs, and one of Charlie's duties was on Wednesday morning at 7 o'clock down in the old Sam Rayburn Board of Education, the Speaker would meet with the CIA and we would get the records of everything that had happened during the past week. We would have a little breakfast together.

Admiral, I don't know if that was during your days or just before you came on. But anyway, after going to these meetings for about 10 weeks, I said, "This is the craziest thing I have ever heard of. They tell me every covert action, what their plans are for the future, highly confidential, and I can't tell a damn soul. I can't even go home and tell my Millie." Only Charlie and I would know.

It was my understanding that they had to report to the Congress of the United States, so here they are reporting to me. And I said, some day something is going to blow up and they will say, "Well, we reported to the Speaker." So we came up with the idea that there ought to be an independent committee of intelligence, and that was the birth and that was the idea of how the committee got together.

Well, immediately, of course, knowing the seriousness of the committee and knowing how highly classified the information was, the main thing was getting a man with ability, talent and intelligence who would be able to keep his mouth sealed. Well, Eddie could keep a secret better than anyone I ever knew. I lived with him for 25 years and never could find the blue comb. I said, anybody that can hide the blue comb, what a master he would be at keeping a secret.

We decided that it would be a committee of six Democrats and six Republicans, and the Republicans would name their side and we would name our side of the aisle, and it would be bipartisan in nature. And we were going to take, in our opinion, some of the best and most talented and most able people in the Congress who we would have absolute confidence and trust in.

The truth of the matter was, they did a fantastic job. Eddie molded the committee together. Eddie was a man who gave real input to the intelligence committee. He developed, as Henry Hyde said, what the committee really stands for.

I know that this is probably the greatest thing I ever accomplished in my 34 years in Congress. But, Eddie, looking back, I say how proud I am that I had a friend as close as you, that we did sit down together and take the youngest and brightest minds, and we did put a committee of this type together. And here you are today, your friends are here, to honor you, Democrats and Republicans in the Congress are here.

Eddie, it is great to be able to look back and say, well, there is so much that I have written in the law of intelligence. So with these people who are honoring you, they are honoring themselves and they are honoring the Congress, the greatest body in the world.

Mary and Eddie, may you have longevity and peace and satisfaction, and you can always look back, as Jim Wright said, to 54 years in public life. It could have gone to 64 had it not been your own desire to leave.

Congratulations. How honored and pleased I am that they are honoring us in your memory.

[Applause.]

Mr. BEILENSON. Thank you, Mr. Speaker, for those lovely remarks.

We have just one more gentleman who is going to make brief remarks before we hear from Mr. Boland himself for whatever he wants to sing or talk—that is up to him.

We are delighted and honored to have with us the Director of Central Intelligence, the gentleman from Langley, Judge Webster. I must say that if Lou Stokes and I do decent jobs as Chairman of this committee, it is because we had this gentleman to deal with instead of the former Director. He seems to be leveling with us. He is good to work with, and we are delighted and proud to have him with us here today.

[Applause.]

Judge WEBSTER. Thank you, Chairman Beilenson, and I appreciate very much your letting me represent the Intelligence Com-

munity on this very important occasion. We are honored to take part in honoring Edward P. Boland for the naming of this historic room.

There is so much history involved in this room and a good deal of that history is represented by the people who have come here to honor you today.

I must say that if Chairman Boland had not set the tone or charted the course, as Speaker Wright said, I might be appearing here exercising my right as a defendant to take the stand in my own behalf.

[Laughter.]

Judge WEBSTER. But that is not the case, and we have established a working relationship that succeeding chairmen have been faithful to and we have tried to be faithful to ourselves.

I think the thing that Congressman Hyde mentioned, so many of the important acts of legislation affecting the Intelligence Community and its ability to serve the nation, track back to Chairman Boland. The one we remember him, I suppose, the most for is the Intelligence Protection of Identities Act, which was cast by many in First Amendment terms and therefore made it difficult to approach the problem of protecting our most precious resource, our sources and methods.

But by having a distinguished and respected leader of Congress state the case for finding a way to rationalize our responsibilities, to be accountable to the Congress through its surrogate, this committee, it was possible for us to protect those very precious sources that enabled us to do our job. We will always be grateful for that.

His words are beautiful. They are articulate and they are true. I won't take up your time by quoting them. I was prepared to do that, but I want you to know you are well remembered for the balanced and important view that you took and the fairness that you showed with it.

There was a suggestion from Chairman Beilenson that we might want to name one of our buildings out at Langley for Chairman Boland, and the only thing I could say is, if we were naming buildings out there, you would be very high on our list.

[Laughter.]

Judge WEBSTER. As one who lived in a building for nine years that the Congress threatened to rename annually, you would be very high on our list. I would have thought I would go out and find a place where there were no names. [Laughter.]

Judge WEBSTER. I know it will be a pleasure to come up here and report to the Congress and the House in a room with your name on it.

[Applause.]

Mr. BEILENSON. Eddie Boland just asked if I wouldn't call on three or four other good friends of his to say nice and good things about him because he is enjoying their remarks, but I told him it is a quarter of 6:00 and some of these people have to leave. But they don't want to leave until they hear from you.

So, Mr. Chairman, please come up and say a few words to us.

[Applause.]

Mr. BOLAND. I have got a lot of pages of remarks here. First of all, I think probably this will go down as the longest standing group that ever came into this room. You won't be standing for long anyhow.

First of all, I want to express my very deep appreciation to Speaker Wright and to Speaker O'Neill and to Bill Webster and to Stansfield Turner and to all of those who have been associated with CIA, the NSA, the FBI and Defense Intelligence and all of the intelligence agencies that go to make our intelligence the finest in the world.

I had some trepidation when I came into this room and saw the food and then I saw Henry Hyde was here. I decided to make sure there wasn't any problem with it, so I made sure he ate it first.

Also, I take some pride in the fact that any time I can get Mort Halperin and Henry Hyde and others into the room at the same time, we haven't done too bad a job.

As Tip has said, we looked at this problem some years ago in the Carter Administration and decided that—we were not the ones that decided; as a matter of fact, the President of the United States himself decided, and there was no question about the fact—there was absolute necessity creating this particular committee.

We are deeply honored—Mary and Edward, who is here with me, and Martha, Michael and Kathleen who are back home. In honoring me, of course, you honor them, too. I say that from the bottom of my heart.

I particularly want to pay my respects to Lou Stokes and Nick Mavroules and Bernie Dwyer and Tony Beilenson for getting together and suggesting that this be done.

My only regret is that Ken Robinson, who served as the committee's ranking Republican with me for some six years of this committee, could not be here. He was in every way my partner and a very close friend. This nation was well-served by the effort and the work that he put in when he was Ranking Minority Member of this committee. No one, no one did more on the Minority side during my period as chairmanship of this committee than did he, and no one was a more superb gentleman than he was.

I did spend a lot of time up here in this attic, more than I ever presumed I would, ever dreamed that I would. I will never forget that one day I decided I had to be a little skeptical of what I heard up here, especially when I was being briefed from the wall map, which, unlike the ones the rest of the world uses, has two Africas on it. I had difficulty following some of the directions.

I did spend considerable time, as the staff knows and those who come before this committee know, from 1977 on trying to set the standards and to hire a staff that would serve intelligence oversight and the House not only in those days during my chairmanship, but those that succeeded me—Lee Hamilton, Lou Stokes and Tony Beilenson—but also those who were on the Minority side. Yet, I couldn't have accomplished any of this without the strong support of Speaker O'Neill and Speaker Wright and Bob Michel. Bob Michel was an old friend of ours when Tip and I—in the Cannon Building—when Tip and I came first here and were sworn in, in 1953.

This committee could not have acquired the reputation that it has without the cooperation and the hard work and the interest demonstrated by the Members of the committee who served with me during my tenure, not to mention those of you who carry on this work today and uphold the committee's reputation.

I think serving on this committee is probably one of the highest honors that Members could attain. You are very special people who serve on this committee, and one of the reasons for it is the trust that the Members of the House have in you, and actually the members of the press have in you, too. So I can't take all the credit. I think the credit belongs to those who served during my tenure and the tenures of those Chairs who succeeded me.

I also want to pay my respects to the staff. I don't think that any staff—was put together as carefully and as cautiously as this staff was put together. I never made one political appointment to this staff, except that I brought over from my district office from the congressional office one of my AAs, Michael O'Neil. Mike O'Neil, that was the only suggestion I made. I am glad that I did.

That staff, I think, probably is as good as any staff on this Hill. I must say also about the staffs on this Hill, the Appropriations Committee in particular, you won't find better staffs anywhere in this nation.

I think early on we not alone myself, but those who served with me on either side of this table up here—set some very simple rules, and that was every Member would be fully cognizant and fully involved in the committee's proceedings, and that was so from day one; that we would be insistent on obtaining information we needed but fully protective of the intelligence that we received; and that we would work to earn the trust of the House and the confidence of the Intelligence Community; and that our key goals would be the best possible intelligence system, responding, of course, to the policy makers and protective of the privacy rights of the people of the United States.

I think we did manage to achieve progress towards those goals. We have a strong Intelligence Community, probably the finest Intelligence Community in the world, and despite some noticeable exceptions, we developed a modicum of trust between the branches, which was not easy to do, and an acceptance of the need and the usefulness of congressional oversight.

We funded the largest peacetime buildup of intelligence capabilities in our history, starting with Stan Turner. We worked through legislation, as Henry Hyde has said, the Foreign Intelligence Surveillance Act, Classified Information Procedures Act. We advanced national security concerns.

We advanced them by really protecting the individual rights of the people that go to make up this great nation, and we were able to provide other committees and the public with careful, yet substantive statements on questions involving intelligence like the KAL-007 tragedy, Jonestown and Billy Carter.

To me, however, the most enduring memory and the greatest accomplishment is that this committee and its processes, particularly its staff, have become institutions that are respected both in the House and by the intelligence agencies, and that was our hope.

This event, the people who are here tonight, clearly demonstrates and confirms for me that we were successful. So I thank you all again. It is nice to be a part, a piece of the rock here.

This is a great building, one of the greatest in the world. And I repeat, to me, this ceremony says one thing quite clearly: Intelligence oversight really has arrived. It is a function which continues to be critical to this House and which must be constantly reviewed. I think it will remain in good health only through its vigorous—vigorous—exercise.

Sir William Stevenson said it best in The Man Called Intrepid, and many of you have heard me quote him quite often, I will repeat it once more: "Among the increasingly intricate arsenals across the world, intelligence is an essential weapon, perhaps the

most important, but it is being secret the most dangerous. Safeguards to prevent its abuse must be devised and revised and rigidly applied. But as in all enterprise, the character and wisdom of those to whom it is entrusted will be decisive. In the integrity of that guardianship lies the hope of a free people to endure and to prevail."

That has been the intention of this committee ever since I have been the Chairman and of all of the Members who have served here. It has been my pleasure and honor and privilege to have served with so many of them over the seven years that I presided over this committee. It was a great job. It was a great job because the people that worked with me were great people.

So, Tony and Lou and Lee Hamilton and Henry Hyde and all the others who served on this committee, and some of the new ones, let me thank you from the bottom of my heart for what you have done here. It is a unique honor, and I appreciate it very deeply, as my family does, too.

Thank you very much.

[Applause.]

Mr. BEILENSON. We are adjourned.

[Whereupon, at 6:00 p.m., the committee adjourned.]

THOMAS SUTHERLAND REMAINS A HOSTAGE

HON. HANK BROWN

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 7, 1989

Mr. BROWN of Colorado. Mr. Speaker, this Friday evening, June 9, the sound of bagpipes will spill over the campus of Colorado State University. Friday marks the beginning of the fifth year of captivity for my friend Tom Sutherland, who is a hostage in Lebanon. The pipes will be a call of hope triumphing over despair, of love over hate, of freedom over captivity.

Born in Scotland and a naturalized United States citizen, Tom is 58 years old. His wife, Jean, and their three daugherts, Joan, Kit, and Ann, have faced this tragic situation with exceptional courage and strength. For 25 years, Tom and his family lived in Fort Collins, CO, where he was a professor of animal sciences at Colorado State University. An exceptional individual and an outstanding educator, Tom took a 3-year leave of absence from Colorado State and accepted a position at the American University of Beirut as dean of the faculty of agriculture and food sciences.

On June 10, 1985, Tom returned to Beirut after a short visit to Colorado. On his way from the Beirut Airport, Tom's motorcade was stopped by five cars of armed men, who sprayed automatic weapons' fire, shattering the windshield of the car Tom was riding in and flattening its tires. Tom was the only American in his group, and he was the only one kidnaped. Fortunately, he appeared to be uninjured from the attack. Unfortunately, no one has heard from him directly or indirectly since May 1988. He is being held by a shadowy group called Islamic Jihad, strongly linked to the Iranian-backed Hezbollah.

We do not know precisely who perpetrated this crime. We do not know precisely where Tom is. But we do know what kind of man Tom Sutherland is. He is a brave man, a man who stayed in Beirut with the sole purpose of keeping the American University open, to keep a small flame of civilization alive in that war-torn country. He stayed, even though he knew there was danger. But he is not a reckless man.

No one expects to be brutally kidnaped amidst a hail of bullets. No one expects to be held incommunicado, deprived of liberty, isolated from family, friends, colleagues and countrymen. No one expects to be held as a tool of ruthless terrorists engaged in international blackmail.

Tom's wife, Jean, is a remarkable woman. She has not given into the despair or bitterness that others might feel given a similar situation. She has faced this crisis bravely and clear eyed.

Jean continues to believe that Americans must meet the challenge of a changing world, to help shape change, to assist those in foreign lands who wish to help themselves. Jean remained in Beirut the past 4 years, teaching English at the American University. This spring, intense artillery shelling made staying there impractical, so she has spent time in Scotland and the United States seeing friends and family to renew her spirit. Jean will be in Fort Collins Friday as Tom's friends gather to let the world know he has not been forgotten.

The death of Ayatollah Ruhollah Khomeini in Iran offers the possibility of change and of new approaches. Iranians are scheduled to vote for a president on August 18 as well as a referendum on the powers of that office. My hope is that President Bush and Secretary of State Baker will seize this chance to explore the possibility of a new relationship with Iran, consistent with United States policies and interests.

So as we mark the fourth year of unwarranted captivity for Tom Sutherland, let us assure his captors in Lebanon and their mentors in Iran that they have nothing to gain by holding him except the scorn of the world. If Iran wants to rejoin the family of nations, surely it must know that it can no longer sponsor groups that take hostages.

Jean Sutherland said she recently visited Tom's former neighbor in Scotland, a man in his nineties and a veteran of World War I. The neighbor told her that when things seemed darkest in the trenches of that war, off in the distance the sound of bagpipes often would drift over the lines, stirring the souls of the soldiers and giving them hope and fighting spirit. When the Northern Colorado Pipe Band plays Friday night in Colorado for Tom, let us hope that somehow the spirit of those pipes will drift to the spot in Lebanon where he is held prisoner, to let him know there is hope for freedom.

Let us remember Tom and keep him in our hearts. Together, let us pray for the day when Tom and the others, held so cruelly and unjustly in Lebanon, are set free.

MEDICARE CATASTROPHIC SURTAX REPEAL ACT

HON. SAM GEJDENSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 7, 1989

Mr. GEJDENSON. Mr. Speaker, today I join my colleagues in supporting the Medicare Catastrophic Surtax Repeal Act. This legislation would repeal the income-related surtax which many elderly would pay as a result of the Catastrophic Coverage Protection Act which was enacted last year. The law was enacted to assist the elderly who face the risk of financial ruin as a result of catastrophic illness. As it is now financed, however, the law places an undue burden on millions of middle income elderly and should be reworked.

This legislation would take a financing approach which more closely resembles Congress' original intention of the Catastrophic Protection Act—equitable and progressive financing which does not burden the elderly the law is meant to protect. The bill would repeal the income related surtax while retaining all benefits of the original law. The program will be financed by extending the 33-percent tax bracket to individuals making over $109,050 and families of four making over $208,510, about 600,000 taxpayers.

I understand the impact these costs have on the elderly. Many elderly carefully plan their financial retirement and find these costs prohibitive. The Medicare Catastrophic Surtax Repeal Act will provide relief for senior citizens while keeping this very important program for Medicare beneficiaries.

THE KOREA TIMES CELEBRATES ITS 20TH ANNIVERSARY

HON. MERVYN M. DYMALLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 7, 1989

Mr. DYMALLY. Mr. Speaker, I rise today to pay tribute to a highly successful, well-respected newspaper in Los Angeles, CA, which currently serves the fastest growing ethnic population in the United States. Founded in 1969 as a subsidiary of a Seoul-based Hankook Ilbo, the Korea Times has developed into the largest daily newspaper serving the interests of Korean and Korean-American readers and advertisers. Headquartered in Los Angeles, the Korea Times operates a network of 14 branch offices and news bureaus throughout North and South America. During the past 20 years, it has increased its daily circulation to more than 150,000 subscribers in major Korean communities nationwide. The Korea Times now receives satellite news transmission which facilitates same day coverage of Korean news and events. It also provides home delivery service to many southern California area residents.

In news and editorial content, the Korea Times strives to provide timely and accurate reporting, without prejudice or bias. It effectively combines the local, regional, national,

and international interests throughout a worldwide network of news bureaus and branch offices. With the dramatic growth of Korean population and the increase in economic and social awareness, the Korea Times has managed to grow with the community and reflect the changing interests and concerns of Korean people and the community.

In total advertising volume, the Korea Times has led all other ethnic newspapers in the Nation. The Los Angeles edition alone runs a classified section with an average of over 3,000 items each day. For those advertisers targeting Korean consumers and the business community, it has become a standard business practice to advertise in the Korea Times.

But what counts most at the Korea Times is the quality of its staff and the commitment to excellence. The staff is dedicated to true and fair reporting. They genuinely care about their community. In delivery of news and information, the staff seeks to provide in-depth analysis and clear evaluation of news to assist our readers with the demands of day-to-day immigration living.

Mr. Speaker, the Korea Times will be celebrating its 20th anniversary this Friday evening, June 9 at the Wilshire Hyatt Hotel. I urge my colleagues to join me in wishing the staff of the Korea Times continued success and fortune for many years to come. Happy 20th anniversary.

REINVIGORATING THE CONGRESS

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 7, 1989

Mr. HAMILTON. Mr. Speaker, I would like to insert my Washington Report for Wednesday, June 7, 1989, into the CONGRESSIONAL RECORD. A shorter version of this piece originally appeared in the Washington Post.

REINVIGORATING THE CONGRESS

Members of Congress have had some unpleasant reading in recent days. One editorial writer says the Congress needs a bath. Headlines tell us we are stuck in an ethics quagmire. Polls remind us that the dominant attitudes expressed by people toward the Congress are cynicism and mistrust. One poll says that three out of four Americans believe that Members of Congress will lie if the truth will hurt them politically; that three in four say that Members favor special interests over the needs of the average citizen; and that more than half of all Americans believe that lawmakers profit improperly from their office. Adding to this is a state of disarray in the Congress, a lack of important initiatives, and suspicion and acrimony. It is time to reinvigorate the Congress. The public's business is not being taken care of.

The problem is not one of complete legislative inactivity. The President and the Congress reached a quick agreement on the 1990 budget and U.S. policy in Nicaragua, and are tackling the savings-and-loan bailout and other problems swept aside during the Reagan years. It is more a feeling that we are not dealing with the serious problems facing our nation as effectively as we know we should and that too much of our time is being devoted to peripheral issues. It is a sense of opportunity being lost. Some Members have told me that they are almost embarrassed to go home to constituents now and talk about congressional "accomplishments".

As a body we need to take several steps to reinvigorate the institution of the Congress:

First, we need to enact a package of tough ethics reforms. Tightening congressional ethics rules would not distract the Congress, as some would claim, but would clarify the standards for Members and increase public confidence in the Congress. We should tighten congressional rules on gifts and the use of campaign funds, and further limit sources of outside income to reduce potential conflicts of interest. We should also clarify our Code of Official Conduct to make it clear to Members that their conduct should conform to broad standards of good conduct, whether or not they may technically avoid some of the legalistic nuances of a specific rule. We need to greatly expand the "preventative ethics" role of the Standards Committee—broadening its advisory and informational efforts to try to head off possible cases of misconduct before they occur.

Second, we need to reform our campaign finance laws. Members must spend an enormous amount of time fundraising, and special interest money is flooding our system of government in unprecedented amounts. We should give candidates incentives (such as reduced postage rates and discounted broadcasting costs) to accept campaign spending limits. We should lessen the power of special interest PACs by, for example, capping the amount of PAC contributions a candidate could accept and curbing "independent expenditures".

Third, we should support a modest pay increase tied to a ban on honoraria. A modest increase to partially offset past losses due to inflation, plus indexing future pay, might be perceived as reasonable. In return, we should ban all congressional honoraria. Banning speaking fees paid by special interests would go a long way toward restoring public confidence in the Congress, but there is no chance of eliminating honoraria without a pay raise, since an outright ban would seriously reduce most Members' current income.

Fourth, we need to stop the partisan ethics attacks on one another. Much of the damage to the House in recent months has been self-inflicted, as each party attacks the ethics of opposing members for political advantage. Instead the attacks stop both sides from going ahead with their agenda and the entire institution becomes tainted. Leaders of both parties need to sit down and talk about reining in the attacks to allow us to get down to the serious business of governing. We seem to have lost sight of the fact that the first duty of all Members of Congress is to work together to govern effectively.

Fifth, we in the Congress need to stop bad-mouthing the institution of the Congress. We need to stop running for Congress by running against Congress, and tearing it down in order to make ourselves look good. Americans will not acclaim an institution which their own Members disclaim. Members who make distorted, demeaning statements about the Congress should face disciplinary action. Most Members of Congress are honest, conscientious, and hardworking and we should start saying that.

Sixth, we need to enact institutional reforms to improve the effectiveness of the Congress. We need to reduce the excessive number of subcommittees tying up legislation, cut down the number of times the same issue is considered on the floor, and make it more difficult to miss budget deadlines. We also need to stop hiding tax and spending benefits for narrow interests behind obscure language in omnibus bills. The Congress must be able to pull itself together and produce a program to respond to the issues of the day. It currently does not have the integrative mechanisms to mobilize itself, blend its product into a consistent policy, and give the country a sense of direction. We need to strengthen the capacity of the Congress to govern.

Finally, we need to tackle the tough problems on the American agenda. We have become too timid legislatively, often dealing with issues that are of only marginal interest to most Americans, while avoiding the tough issues to protect our chances of reelection. We need to stop playing games with the budget, go after popular but counterproductive tax benefits, and make the kinds of investments—in education, research and development, and infrastructure—that are needed for securing America's economic future. One of the best ways for the Congress to become respected again is for it to do a respectable job.

We are in a rough patch now, but I have confidence in the Congress and its ability to overcome its problems. Getting our own house in order, Members recognize, is essential if we are to get on with taking care of the nation's business.

BALTIC FREEDOM DAY

HON. DONALD E. "BUZ" LUKENS

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 7, 1989

Mr. DONALD E. "BUZ" LUKENS. Mr. Speaker, on June 14, 1982, the Congress of the United States commemorated the anniversary of Genocide Day in the Baltic republics with a resolution to proclaim June 14 "Baltic Freedom Day."

The Baltic region, comprised of Lithuania, Latvia, and Estonia, lies on the eastern shores of the Soviet Union. They are a very proud people with a very long and unique history. Cultural diversity and pride in such diversity defines the Baltic people.

Baltic Freedom Day was proclaimed in recognition of the undying will for freedom of the people of Lithuania, Lativa, and Estonia. Furthermore, it is evidence that the United States must stand firm against unwanted Soviet expansionism.

Following a history of conquest, the Baltic States were once again suppressed in 1941 by the Soviet Army. Violations in civil, personal, and political liberties ensued as the Soviet Union imposed its control over the proud people of the Baltic.

Baltic Freedom Day is integral to our continuing efforts to make human rights and freedom of utmost concern. We focus here on a people who are clear reminders that there are individuals who are unwillingly suppressed and who have no political voice.

The United States continues individual relations with the nations of Lithuania, Latvia, and Estonia as evidence of nonrecognition of

Soviet control. Furthermore, it celebrates Baltic Freedom Day not only to commemorate the desire and integrity of its suppressed people, but also to make a statement for the future. This statement is a cry on behalf of the United States, the citizens of the Baltic, and Baltic-Americans, as well. It is a voice for future freedom and a reminder that the will of these noble and gallant people for independence is a loud and undying cry.

JEFFERSON COUNTY OFFERS CONGRESS GOOD, COMMONSENSE ADVICE

HON. BEN ERDREICH

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 7, 1989

Mr. ERDREICH. Mr. Speaker, more than 10,000 residents of Jefferson County, AL, responded this year to my annual congressional questionnaire. Congress would do well to follow their advice, and I would like to share their answers with my colleagues in the House.

Of those responding, almost half, 47 percent, felt that deficit reduction was the most important issue facing Congress and the administration. Eleven percent felt that protection of American jobs from unfair foreign competition was the second most important issue facing Congress. Less than 10 percent felt education, job training and antidrug and crime enforcement efforts were most important, and only 5 percent felt arms reductions talks with the Soviets were most important.

A freeze on Federal spending, except Social Security and Medicare, was viewed as the best way to reduce the deficit by almost 40 percent, while about one-third felt across-the-board spending reduction was the best policy.

When asked about domestic and military spending levels, 60 percent felt that the Federal Government was spending too much on domestic programs. Almost 50 percent felt that defense spending was too high, with 51 percent favoring decreased defense spending to lower the Federal deficit.

Fifty-seven percent supported raising the minimum wage from $3.35 to $4.55 over a 3-year period. Respondents were divided on the Government's role in child care, however, with one-third favoring Federal tax credits to assist families with child care costs, and another one-third opposing any government role, State or Federal.

Those responding were also divided on the new catastrophic health care addition to Medicare, with 23 percent approving the coverage, 30 percent desiring its repeal, and 37 percent favoring the coverage if its financing were altered.

An overwhelming 72 percent favored the adoption of policies to limit imports from countries that compete unfairly with U.S. goods, even if it resulted in higher consumer prices.

As always, the views of the people of the Sixth District of Alabama help me do a better job of representing Jefferson County in Congress, and I thank the more than 10,000 residents who took the time to respond to my questionnaire. I place in the RECORD the entire questionnaire results for my colleagues, and encourage them to heed this good Alabama commonsense advice.

CONGRESSMAN BEN ERDREICH'S 1989 CONGRESSIONAL QUESTIONNAIRE

[Total number of respondents: 10,115]

	Percent	Number
1. The new Congress and new Administration face a broad range of issues in 1989. Rank the following in order of importance to you, with "1" being most important, and "8" being least important.		
a. Reduce the deficit	47	4,761
b. Protect American jobs from unfair foreign competition	11	1,087
c. Strengthen programs that help families	6	622
d. Negotiate further arms reductions with the Soviet Union	5	455
e. Improve protection of environment	9	859
f. Encourage and expand economic growth	8	833
g. Enhance quality of education and training	9	869
h. Strengthen anti-drug and crime enforcement efforts	14	1,386
2. Which of the following do you think is the best way to reduce the Federal budget deficit? (choose one)		
a. Reduce Federal spending across-the-board	34	3,417
b. Freeze Federal spending across-the-board	11	1,130
c. Freeze Federal spending across-the-board, except for Social Security	39	3,946
3. If your answer to the above question did not eliminate deficit spending, would you support a combination of restraint on all Federal spending and new tax increases?		
a. Yes	38	3,799
b. No	54	5,425
4. Do you think the current level of Federal domestic spending is		
a. About right?	20	2,068
b. Too much?	61	6,130
c. Too little?	14	1,450
5. Do you think the current level of defense spending is		
a. About right?	42	4,209
b. Too much?	48	4,845
c. Too little?	8	768
6. Following is a list of some key parts of the budget. Indicate those you favor cutting in order to reduce the Federal deficit.		
a. Social Security and Medicare	13	1,297
b. Federal aid to education	39	3,899
c. Welfare	68	6,832
d. Veterans benefits	24	2,436
e. Environmental protection	25	2,540
f. Defense	51	5,142
g. Highway funds	42	4,178
h. Manned space flight	60	6,090
7. Congress is currently considering bills to make child care more accessible and affordable. Which one of the following options do you favor most?		
a. Federal funding for child care services meeting Federal standards	9	861
b. Tax credits to assist families with child care costs	32	3,274
c. No federal role; let states run their own programs	17	1,711
d. No government role; let families and church groups provide	34	3,431
8. The current minimum wage, last set by law in 1981, is $3.35. Would you favor a proposal to increase the minimum wage over 3 years to $4.55 an hour?		
a. Yes	57	5,740
b. No	39	3,953
9. The catastrophic health care addition to Medicare broadens coverage with its entire cost paid by beneficiaries. Do you (choose one):		
a. Approve of this new coverage?	23	2,384
b. Want to see it repealed?	30	2,968
c. Want to keep the coverage but alter its financing?	37	3,706
10. Do you favor adopting policies to limit imports from countries that compete unfairly with U.S. goods, even if it means higher consumer prices?		
a. Yes	72	7,285
b. No	25	2,504

Note: Total response percentages on some questions may not equal 100% because all respondents did not answer all of the questions

MAJ. GEN. CARL D. WALLACE: WORDS FOR OUR YOUNG PEOPLE

HON. BOB CLEMENT

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 7, 1989

Mr. CLEMENT. Mr. Speaker, the importance of many of our national holidays is often associated with the time we have away from work or school. The true meaning of the holiday is too often obscured by the store sales and the other commercial and recreational activities we pursue during those long weekends.

But, during those holidays, we should pause and reflect, even if momentarily, on the reason the holiday is being celebrated. And, as parents, I believe it is critical that we share with our children reflections of what the holiday means to us as Americans.

Because we just celebrated Memorial Day, it is appropriate to share the words of one for whom Memorial Day has special meaning, especially when the words are written for a young audience.

Mr. Speaker, I have attached an article written by Maj. Gen. Carl D. Wallace, Tennessee's adjutant general, which appeared on the Nashville Tennessean's School news activity page. As a professional military man, General Wallace offers, in simple yet eloquent words, his personal views on the meaning of Memorial Day. It is an article worth sharing with my colleagues and with all Americans.

I invite everyone to read it.

MILITARY MAN TELLS HIS PERSONAL VIEWS OF MEMORIAL DAY

(By Maj. Gen. Carl D. Wallace, Adjutant General of Tennessee)

If, in the days of our lives, we have stood at the tomb of a fallen soldier or spoken to a group on the 4th of July, then we can understand a little more about this thing we call "freedom."

Each of us will do something similar sometime in our lives for the same reason—to remind ourselves that the freedoms we enjoy today were not secured without great cost.

The price was steep. The expense was a heavy burden. The payment was made with the blood from the men and women of our armed forces.

Memorial Day is a date set aside to remember. Originally called "Decoration Day," Memorial Day is one of our oldest national holidays. The first observance can be traced back to 1868 when the Grand Army of the Republic, the country's first veterans organization, set May 30 as the day for decorating the graves of our military men who died in battle.

However, the roots of Memorial Day go back even further. In 1863, women in Columbus, Miss., began the tradition by decorating the graves of their Confederate soldiers. When they noticed the unkempt graves of the Union troops, the women also cleared those areas and placed flowers on their graves.

Although the holiday originally came about to honor those killed in the Civil War, it has taken on a broader meaning over the years. Now it is the one day set aside for remembering all who have died in wars to preserve our country's freedoms.

Many Americans have fought and died so that all of us can continue to be free. It is a freedom we too often accept as guaranteed.

Many look at this day as a holiday from work to enjoy with families, to fish, to golf or to do a thousand other things.

As a person whose entire adult life has been associated with the military, I believe that those who died did so for the purpose of offering a better life for all of us who live. Thus, Memorial Day is a time to remember. It is a time to pledge anew that we will do what we must to preserve that memory.

It is wrong that people should die as a result of war. It is wrong that so many have died.

I stood at the grave of a soldier last year in Normandy, France. This soldier was a Tennessean—I placed a single rose on his grave. He died in the D-Day invasion, the largest single assault during World War II.

He scaled the cliffs at Normandy in an effort to rid the European continent of Nazism. He died to extend the purposes and ideals of a free America. He died, as did other Americans, so that the peoples of Europe could enjoy freedoms today.

I have stood many times at the fence which divides East and West Germany. That fence was built not to keep people from coming into democratic West Germany, but rather to keep people in the communist East from coming out.

I have talked with the mayor of a small French village who was working in his farm fields on D-Day. He was accidentally shot by American soldiers. You would think that he wouldn't like Americans. But he does!

Why? Because American and other allied forces returned freedom to his native France.

As a young man or woman studying in a classroom, you too can be an effective spokesperson for our country and world. In our native land there are always those who doubt freedom. There are always those who believe that nothing they do will make a difference, but this is not so.

Voting, working with local communities, working with youth activities, working in senior citizen centers, working to make government work, are but a few of the ways you can make a difference.

So, why Memorial Day?

It is a day to remember. A time to pray; a time to reflect on the past and dream for the future. It is a time for living for those who have died.

You and I are living memorials to life, liberty and the pursuit of happiness.

You and I are the world today, ready to accept the challenge of tomorrow.

THE ARIZONA DESERT WILDERNESS ACT AND THE ARIZONA REFUGE WILDERNESS ACT

HON. MORRIS K. UDALL

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 7, 1989

Mr. UDALL. Mr. Speaker, 5 years ago, the Arizona congressional delegation completed several years of hard work with enactment of the Arizona Wilderness Act. That law not only designated more than 1 million acres of wilderness on Arizona's national forests and on its public lands north of the Grand Canyon. The bipartisan cooperation that characterized that legislation also demonstrated that people of strong but divergent views can work together to resolve the always contentious wilderness debate in a way that is both fair and constructive.

Today, I am very pleased to introduce two additional measures—the Arizona Desert Wilderness Act and the Arizona Refuge Wilderness Act—which together would resolve most of the remaining wilderness issues in Arizona. The bills I put before the House today represent my thoughts about the areas that the Bureau of Land Management and the U.S. Fish and Wildlife Service have reviewed as to their suitability for designation as wilderness.

I want to stress that these are initial proposals—I have included areas that in my opinion strongly deserve serious discussion and consideration. But I expect that as I, the rest of the Arizona delegation and the Congress work with the people of Arizona we are likely to add and subtract areas as well as make substantial boundary adjustments to areas contained in these bills. In other words, the field is open and I intend to approach the coming discussions and decisions with an open and flexible mind.

I would like to take a moment to outline what these bills propose. The Arizona Desert Wilderness Act addresses lands under the jurisdiction of the Bureau of Land Management. Acting as directed by section 603 of the Federal Land Policy and Management Act of 1976, BLM in Arizona, as in other States, has conducted a comprehensive review of its roadless areas. About 2.2 million of the 14.8 million acres managed by BLM in Arizona have been identified as 70 wilderness study areas [WSA's]. Of these 2.2 million acres, 1.1 million acres and 36 areas have been recommended for wilderness by the Arizona BLM. My proposal includes all the areas recommended by BLM and adds 18 more areas, for a total of about 1.45 million acres.

The areas added include lands with vital and rapidly disappearing riparian zones, such as Gila Box, Upper Burro Creek, Hassayampa River Canyon, and others. They also include areas contiguous to WSA's that were recommended for wilderness by BLM, but deemed unsuitable themselves. These include the Little Horn Mountains and East Clanton Hills in the Eagletail Mountain vicinity and the Black Mountains, Ives Peak, and Tres Alamos areas in the Arastra Mountains. Certain individual areas merit special attention such as White Canyon, Face Mountain, and Saddle Mountain.

This legislation also contains language directed at the issue of Federal reserved water rights in wilderness areas. This issue has been a major bone of contention in the Congress for several years. It has been my position and the position of the House that special language addressing Federal water rights in wilderness areas is adequately addressed by current law and judicial interpretation. I still believe this view to be essentially correct. However, recent opinions issued by the Interior and Justice Departments, which I believe to be deeply flawed, require at this time that we speak plainly on this matter. Therefore, the legislation I am introducing includes language drawn from similar provisions agreed to in deliberations over the San Pedro Riparian National Conservation Area in the 100th Congress and substantively identical to language in S. 1080, introduced last month by Senators DENNIS DECONCINI and JOHN MCCAIN.

My bill does not offer language directed at an issue much on the minds of hunters, sportsmen and game managers in Arizona. They believe that current law, regulation and policy does not adequately provide for the continuation of wildlife management activities in wilderness areas. I am not convinced that this is the case. However, I recognize that some ambiguity may exist in this area and that it may be necessary for the Congress to address these issues in some fashion as part of its deliberations on this legislation.

The Arizona Refuge Wilderness Act addresses wilderness designations of the four wildlife refuges in Arizona. The Imperial, Havasau, Kofa and Cabeza Prieta Wildlife Refuges were all studied by the U.S. Fish and Wildlife Service in the early 1970's. President Gerald Ford recommended that Congress designate wilderness of the Kofa Refuge in 1976 after President Richard Nixon had favorably recommended the other three in 1974. Since that time, they have been managed to protect their wilderness characteristics—in effect, all four refuges have been subject to wilderness management for about 15 years.

My bill would conform with the Presidential recommendations. There is considerable controversy surrounding all of the refuges, and I note that S. 1080 does not designate wilderness on either Kofa or Cabeza Prieta, by far the two largest refuges. I believe that virtually everyone involved in these refuges is generally happy with the management they have received these past 14 years and that it would be a serious mistake to retreat from that posture now. Wilderness designation need not interfere with appropriate wildlife management activities, which by law would remain the prime directive of refuge managers; with public access, which would continue by virtue of existing road corridors; or with military operations in the airspace above the refuges, which are provided for in other law and memoranda of understanding.

One issue not addressed in this second bill is the question of the addition of approximately 80,000 acres in the Tanajas Altas Mountains to the Cabeza Preita Refuge. This proposal was also made by President Ford in 1976 and by Senators MCCAIN and DECONCINI last year. Questions have been raised about the effect on ongoing military activities if Tinajas Altas is included in the refuge or possibly also designated as wilderness. I think it is very important that Tinajas Altas be protected whether by addition to the refuge or some other means and it is my intention that this legislation be the vehicle to that end. I am not at this time, however, prepared to make a specific proposal in that regard.

Mr. Speaker, I believe these two bills offer a bold and responsible resolution of Arizona's public land and refuge wilderness issues. We in the Arizona congressional delegation have a lot of work to do to reach a final accord, but we have demonstrated before that a fair and reasonable compromise can be achieved and I am confident that we will be able to do so again.

TRIBUTE TO MSGR. EMMANUEL M. CAPOZZELLI ON THE 40TH ANNIVERSARY OF HIS ORDINATION

HON. ROBERT A. ROE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 7, 1989

Mr. ROE. Mr. Speaker, on Sunday, June 11, 1989, residents of my Eighth Congressional District and the State of New Jersey will join the parish community of Our Lady of Mount Carmel Church of Montclair and Msgr. Emmanuel M. Capozzelli in celebration of the 40th anniversary of his consecration into the sacrament of holy orders.

Mr. Speaker, the faith and devotion of our people in a full communion of understanding—ever caring and respecting the individual religious beliefs of our fellow man has been the lifeline of our democracy—ever inspiring our people with hope and urging the individual on to great achievements and purpose in fulfillment of his or her dreams and ambitions. The exemplary leadership and outstanding efforts of our citizens so important to our quality of life are in the vanguard of the American dream, and today we express our appreciation to Msgr. Emmanuel M. Capozzelli whose esteemed dedication and unselfish devotion in promulgating spiritual guidance, good will, fellowship and brotherhood in service to God have truly enriched our community, State and Nation.

Monsignor Capozzelli has maintained the highest standards of excellence throughout his lifetime, and we are pleased to share the pride of his family, many, many friends and parishioners in his distinguished achievements so unselfishly dedicated to the betterment of mankind. These is so much that can be said of the love, affection and reverence with which Monsignor Capozzelli is held by all who have had the good fortune to know him.

Mr. Speaker, we are so proud to have Monsignor Capozzelli with us in Montclair, NJ. He is the pastor of Our Lady of Mount Carmel Church in Montclair, where he has served with the highest dedication for the past two decades.

Monsignor Capozzelli, a native of Lattimer, PA, received his B.A. from Seton Hall and completed his philosophical and theological studies and received his master of divinity degree from Immaculate Conception Seminary in Darlington, PA. Following his ordination in St. Patrick's Pro-Cathedral in Newark on June 11, 1949, Monsignor Capozzelli was appointed associate pastor of St. Anthony's Church in Union City, NJ, where he served until 1956. In 1957 he was assigned to Our Lady of Sorrows Parish, Jersey City, where he assumed the position of school administrator. He continued his work there until 1969, when Monsignor Capozzelli came to Our Lady of Mount Carmel Church in Montclair.

Mr. Speaker, as pastor he has been a strong and guiding force of this outstanding parish. He established the parish council and numerous other societies. He has also served as a board member of the Pastoral Advisory Committee to the Archbishop, a member of the Archbishop's Annual Appeal and on the Editorial Advisory Board of the Advocate. In addition, during his long and distinguished career, Monsignor Capozzelli has served as president of the Verona Chapter of Unico; as founder of the United States Association of Blind Athletes; as past president of the Montclair Lions Club; as State chairman of the New Jersey Blind Athletes Association and as president of the New Jersey chapter of the Cystinosis Foundation.

Mr. Speaker, Monsignor Capozzelli's devoted work to his parish and his community have earned him many notable honors, including the John W. Cressbaugh, Jr., Service Club Award; the First Annual Community Service Award of the Verona Chapter of Unico; the Township of Montclair's Outstanding Humanitarian Award; Humanitarian Award from the Commission of the Blind and Visually Impaired of the State of New Jersey, and Silver Life Membership Medal of the State of New Jersey Policemen's Benevolent Association.

Mr. Speaker, I appreciate the opportunity to present this brief profile of a distinguished man of God who has dedicated his life's purpose and fulfillment to helping others and guiding them in the pathway of life. The quality of his leadership is mirrored in the security and dignity that his parishioners have found in the comfort and aid he unselfishly and willingly gives to those who seek his helping hand and spiritual guidance.

Mr. Speaker, as Monsignor Capozzelli celebrates the 40th anniversary of his ordination to the priesthood, I know that you and all of our colleagues here in the Congress will want to join with me in extending our warmest greetings and felicitations for the excellence of his service to the church, our Nation, and all mankind. We do, indeed, salute an esteemed pastor, exemplary clergyman and great American—Msgr. Emmanuel M. Capozzelli, pastor of Our Lady of Mount Carmel Church, Montclair, N.J.

HUMAN RIGHTS ABUSES IN IRAN

HON. HANK BROWN

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 7, 1989

Mr. BROWN of Colorado. Mr. Speaker, the human rights situation in Iran is grim. The Government exercises its will through the intimidation, executions, and arrests of Iranian nationals.

According to the State Department, in 1988, at least several hundred political prisoners were executed and tortured. This is a conservative estimate, as there have been unofficial reports that at least 1,000 political executions took place during the last half of 1988.

The Iranian Government has reportedly used drug trafficking charges to mask political arrests and summary executions. According to the U.N. Human Rights Commission Special Representative, last year a large number of opponents to the regime were secretly and publicly hanged throughout Iran.

Trials by revolutionary courts are neither fair nor public. According to interviews of prisoners by the U.N. Special Representative, trials lasted only a few minutes, none of the prisoners were given access to defense attorneys, there was no appeals process and some individuals were imprisoned beyond the limit of their original sentences.

Iranian citizens are deprived of the basic freedoms of speech, press, religion, travel and association. Newspapers are forbidden from criticizing the Government and Islamic principles, and all books must be submitted to the Government for censorship before they can be published. In addition, university course materials and class debates are monitored by Government informers, while professors must have a history of cooperation with the Government as a prerequisite to permanent employment.

The cries of torment from Iran should no longer go unheard. Leaders of the free world must take appropriate measures to publicly condemn these abuses against the people of Iran and to urge the new leadership to take a new look at its policies. I ask all Members of Congress to condemn the Iranian Government's past human rights violations, and urge the United States to continue its current trade restriction policy until these policies change.

INTRODUCTION OF LEGISLATION ON CONVENTIONAL ARMS REDUCTIONS

HON. SAM GEJDENSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 7, 1989

Mr. GEJDENSON. Mr. Speaker, the proposal for cutting conventional forces that President Bush brought to the NATO summit in Brussels last week marks a dramatic turnaround from the hypercaution on arms control that marked the first 4 months of the administration. The Bush proposal should accelerate the negotiations, in part because it accepts the Soviet position that aircraft and overall military personnel levels be reduced along with tanks, armored personnel carriers, and artillery, and in part because the administration now seems committed to a rapid agreement. If the administration carries through on its pledge to hasten the talks, and the Soviets follow through on their own recent concessions and positive rhetoric, we may well achieve an agreement which sharply limits the Warsaw Pact threat of conventional attack. This would be an historic accomplishment.

According to a growing chorus of experts, conventional reductions in Europe could highlight a process of ending the cold war altogether. The opportunity derives mainly from the stunning reversals of Soviet policy in recent years—unilateral military reductions that will dramatically reduce their offensive military capabilities in Europe and Asia; acceptance of the basic framework of the NATO proposal in Vienna; the initiation of profound domestic reform, including vast improvements in human rights policies; and the acceptance, even encouragement, of substantial political and economic reform in Poland and Hungary. Because of these changes, we have the greatest chance since World War II of building

a more peaceful, cooperative relationship between East and West.

But although the administration has taken an important first step, it has yet to propose a more fundamental build-down of the NATO-Warsaw Pact military confrontation in Europe. Absent such a build-down, the United States will fail to reap the full benefits of ending the cold war. Most important, the Bush proposal would result in large financial savings for the Soviet Union, but almost none for this country, since it involves cutting only a tiny fraction of total U.S. military personnel and equipment. As State Department veteran Jack Mendelsohn, deputy director of the Arms Control Association, put it recently, "The Western alliance should not content itself with merely holding out the hope of perpetuating the confrontation in Central Europe at slightly reduced levels. It would certainly be to the benefit of the United States—as well as to Europe—to exploit the opening which Gorbachev has given the West and invite the Soviet Union to help us design a new security structure between East and West."

LEGISLATION CALLING FOR A FEASIBILITY STUDY OF DEEP MUTUAL REDUCTIONS

To take full advantage of the current opportunity, we must explore the possiblity of reductions in the conventional forces of East and West more ambitious than those now proposed by NATO in Vienna. That is why the bill I am introducing today with Chairman ASPIN and Chairman MAVROULES is so important. This bill commends the President for his recent announcement of a conventional arms reduction initiative, and calls for a Presidential study of equal negotiated United States and Soviet conventional arms reductions of 25 and 50 percent below current NATO levels. Important military security issues are raised by a call for deep mutual reductions. As a result, many analysts urge extreme caution in moving to restructure the existing NATO defense posture. But caution should not mean paralysis. As former allied commander Gen. Andrew Goodpaster noted in testimony to the Senate Armed Services Committee in April, "Substantial force reductions below initial parity, if carefully conducted, * * * could be advantageous to the security of each side. The remaining strengths would of course have to be reliably verified. If such reductions are concentrated in force elements capable of deep-thrusting attacks * * * they could leave both sides still capable and confident of effective defense, without either one having the ability to attempt a sudden invasion."

Despite concerns about "force-to-space" ratios and maintaining forward defense, new work by analysts in Western Europe suggests that restructuring NATO forces to emphasize invulnerability and defensive operations will provide an extremely effective forward defense, even in the face of a massive armored attack. The Study Group on Alternative Security Policy [SAS] in West Germany, an influential group of active and retired military officers, diplomats, and civilian experts, has carried out persuasive studies demonstrating the efficacy of reconfigured ground forces. The SAS model emphasizes light infantry, smaller armored units, and extensive, decentralized networks of sensors, indirect firepower, and logistics. Clearly it seems plausible that a mutual thinning out of the most attack-capable forces would enable us to mount robust defense with much smaller and less costly forces.

Many of the U.S. units earmarked for NATO use are based in the United States and thus not subject to the mandate of the Vienna negotiations. It is therefore imperative that we examine the requirement for these units in the context of deep reductions in the European theater. It may very well be the case that deep cuts in Europe on both sides would similarly enable us to scale back military forces at home. If not, the United States will lose all prospect of significant financial savings from conventional force cuts.

In calling for NATO-Warsaw Pact reductions to parity at 50 percent of current NATO levels, General Goodpaster proposed precisely the kind of study called for in this bill. The General said, "If we go down the road I have described, it will be necessary to devise new doctrine and new plans and new modes of employment and command. It's well within our capacity to do that. * * * But I hope that somewhere we would have some of our sharpest and smartest young officers sitting down and thinking this thing through afresh, devising military plans in light of the altered capabilities. It's high time that we got about that."

THE NEED FOR DEEP REDUCTIONS

The need for deep reductions in our military forces and spending seems clear. Politically, we face growing demands to reduce our military presence in Europe. Currently, we devote roughly half of our military spending to NATO, about $150 billion each year. Our own citizens are less and less willing to continue this enormous expenditure on behalf of allies who spend less than us proportionately and have become serious economic competitors. According to the nonpartisan polling organization Americans Talk Security, the majority of Americans feel that economic competitors like Japan pose a stronger national security threat than military competitors, that we might seriously damage our economy by spending too much to defend other countries, and that economic power is just as important as military power.

In terms of the economy, our citizens are right. Not only have we allowed the national debt to grow to massive proportions, threatening future prosperity, we have also let a grave "investment deficit" accumulate. We now face massive unfunded needs in education, environment, health care, housing infrastructure, and other critical areas. Because military expenditures represent half of the discretionary (non-Social Security) Federal budget, we must reduce them significantly in order to put our domestic house back in order. If we want to avoid the well-trodden path of military overreach and economic decline so well analyzed by historian Paul Kennedy, we must shift more of our productive capacity to commercially productive ventures.

Deeper, defense-oriented reductions in NATO and Warsaw Pact forces are likely to signal a critical milestone on the path to a safer Europe and a less costly NATO defense. By exploring in depth the implications of such cuts now, we should be able to develop a more comprehensive agenda for European security that meets the challenges of today's most pressing requirements—winding down the Soviet threat, enhancing economic competitiveness, and developing fairer alliance burden-sharing.

A TRIBUTE TO JAE MIN CHANG

HON. MERVYN M. DYMALLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 7, 1989

Mr. DYMALLY. Mr. Speaker, I rise today to pay tribute to Jae Min Chang. As president and publisher of the Korea Times since 1981, the newspaper has succeeded to match the significant growth and development of the Korean communities in the United States. Due to the effective leadership of Mr. Chang, the Korea Times is now the leading Korean language daily newspaper with the largest nationwide subscriber base and the largest advertising volume.

In 1970, Mr. Chang began his tenure at the paper as a staff reporter for the Korea Times, Seoul. Then, he served as president of Han Kook Trading Co. for 5 years. Since 1978, he has also served as a member of the board of directors of Hankook Ilbo and the Korea Times, in Seoul, the parent company of the Korea Times.

Mr. Chang has been recognized by several community and business organizations for his commitment to community service and civic accomplishments. Under his leadership, the Korea Times has actively supported and encouraged programs which benefit Korean-American youth, immigrant families, and the community in general.

Mr. Speaker, I invite my colleagues to join me in saluting a man of fine character and strong leadership. We are thankful to Mr. Chang and wish him continued success for a bright and prosperous future!

HOUSE ETHICS REFORM

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 7, 1989

Mr. HAMILTON. Mr. Speaker, I would like to insert my Washington Report for Wednesday, May 24, 1989, into the CONGRESSIONAL RECORD. This piece originally appeared in the Christian Science Monitor.

HOUSE ETHICS REFORM

One of the priorities in the House this session is improving congressional standards of conduct. Members are concerned about repairing the tarnished image of the Congress, and a House task force has been set up to make recommendations. Some of the effort will be to revise specific provisions in the House ethics rules, such as tightening up vagueness in the gift rules and cutting back on honoraria accepted by Members. Important as such rules changes will be, I believe that several other kinds of efforts would be as important—or even more important—in improving overall congressional ethics.

First, we need to restructure the House Code of Official Conduct to make clear what is at the heart of it. House enforcement of the ethics rules seems to have gotten off track somewhat in recent years. We often get bogged down in "legalese" and technical discussions of narrow provisions in the rules and guidelines. For example, last session one of the Standards Committee's conclusions about a Member was that he violated House ethics standards both by arranging questionable personal trips and by using a telephone to do it. Perhaps in the legal world the use of a telephone in interstate trafficking makes a difference, but to say that phone use indicates a violation of basic House ethics norms shows how far we have strayed from the essence of the Code of Conduct. Our major focus should be on broad standards of good conduct—whether or not a particular action by a Member reflects credit or discredit on the House, as Rule 1 of the Code says.

We should restructure the Code—emphasizing first a few broad ethical precepts that form the heart of the Code, followed by examples of more specific rules of misconduct (such as gift and honoraria rules) which are not claimed to be an exhaustive list of every kind of conduct that would violate the basic precepts. The basic structure of the Code should make it clear to Members that their actions should conform to broad standards of good conduct, whether or not they may technically avoid some of the legalistic nuances of a specific rule.

Second, we should broaden our conception in the Code of what is involved in ethical conduct or public morality. Basically our focus has been on financial matters. Clearly this is important, but one gets the impression from looking at the 250-page House ethics manual that if you file your financial disclosure forms on time, don't convert campaign funds to personal use, and don't misuse the frank, then you are behaving in an ethically acceptable and moral way as a Member of Congress.

Yet such rules capture only a part of what is involved in legislative ethics. Many other kinds of actions by Members of Congress can undermine the basic perception of Americans in the integrity of government, such as when a Member greatly distorts his opponent's record, misleads constituents about his role in getting some legislation passed or case resolved, or denigrates the competence or value of government. Several basic ethical values and principles apply to those in public service, including honesty, integrity, promise-keeping, fairness, respect, excellence, accountability, and protection of public trust. Some of these could be worked into our Code of Official Conduct. The Code should contain not just various prohibitions but also some positive ideals that Members should be striving to attain.

Third, we need to greatly expand the efforts of the Standards Committee to try to head off possible cases of misconduct before they occur. That means intensifying the Committee's "preventive ethics" role. Possibilities include having Standards Committee staffers visit each Member and congressional office every session to let them know of the Committee's advisory role; holding more Committee briefings for Members and staff on key provisions of the Code and on the rationale behind the rules; and bringing to the Hill outside speakers on various ethics topics.

Fourth, we must improve the way members of the Standards Committee are treated. It is difficult to get Members of Congress to serve on this rather thankless Committee, and once they are on it we pillory them for not acting as we would like in particular cases. A frequent defense by Members of Congress accused by the Committee is to charge the Committee with racism or political motives or incompetence. Often a Member will defend himself by attacking the Committee or the process which he himself approved when the Committee was set up at the beginning of the session. It is extremely important to be able to attract good and capable Members to serve on the Standards Committee, but that is getting increasingly more difficult to do.

Fifth, clear ethics signals need to come from the top. Reconstructuring the House ethics rules and trying to close all the loopholes is important, but the overall tone set by our leadership is more important. Thus I strongly supported President Bush's effort to send the right ethics signal to government workers from the very start of his administration—announcing that the highest standards would be required and that even the perception of wrongdoing should be avoided. Speaker Wright and House Minority Leader Michel made strong statements in favor of House ethics earlier this year when they set up the task force on ethics reform. Restating that message frequently will make it clear to Members that they will be held to the highest standards of conduct.

Finally, we need to broaden bipartisan cooperation on House ethics. There is little doubt that much of the recent interest in ethics reform has been a thinly veiled desire to use the "ethics issue" to make partisan political attacks. Ethics should not be used as a tool for badgering our political opponents. My concern is that the cynical, partisan basis for some efforts to push ethics reform may in itself be bringing down the public's conception of government integrity. To be truly effective, government ethics must be approached in as nonpartisan a way as possible.

The vast majority of Members of Congress are honest, hardworking, dedicated individuals. Yet the misconduct of some can bring down the institution as a whole and undermine its ability to function. Reinforcing our standards of conduct is an effort worth undertaking.

STEPHEN VAIL MIDDLE SCHOOL BASKETBALL TEAM UNDEFEATED

HON. DONALD E. "BUZ" LUKENS

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 7, 1989

Mr. DONALD E. "BUZ" LUKENS. Mr. Speaker, I would like to acknowledge herein the accomplishments of the Stephen Vail Middle School basketball team in Middletown, OH. The team maintained an undefeated record of 16 and 0 through the entire season, and subsequently won the Jerry Lucas Invitational Basketball Tournament.

The accomplishments of the Stephen Vail Middle School are a reflection of all who are involved in the community. From the parents with their support, to the coaches with their guidance, all the way to the kids with their determination, the team effort they enlisted is evidence that working together yields prosperous results.

The Stephen Vail basketball team members are as follows: Joe Bailey, Deon Bailey, Ben Bremer, Matt Davidson, Andre Gann, Danny Hall, Matt Harrison, Juday Jameil, Tony Joseph, Chad Lane, David Moore, Jonathan Stitt, and Chad Walton. This group of winners were led to this undefeated season by their coach John Parks.

Let the record show that their accomplishment is well noted. It is truly an indication of the character of both the kids as well as the rest of the community.

A TRIBUTE TO THE PRIVATE INDUSTRY COUNCIL'S ON-THE-JOB TRAINING PROGRAM FOR SINGLE PARENTS

HON. BRUCE A. MORRISON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 7, 1989

Mr. MORRISON of Connecticut. Mr. Speaker, next Wednesday, June 14, 1989, an awards luncheon will be held in North Haven, CT, to honor the Private Industry Council's On-the-Job Training Program. Since the House will be in session that day, I will be unable to attend the luncheon. I am disappointed that I cannot be there in person to extend my congratulations to those being honored. They have all done fine jobs which deserve to be noted. I would, therefore, like to share with you a few words in praise of this successful program and the employers and participants who have made it so.

The concept of the On-the-Job Training Program is unique. A partnership between the private and public sectors, it attempts to redress the most stubborn obstacles to welfare mothers who want employment: lack of skills, lack of transportation, unavailable or inadequate child day care, and the risk of losing State-provided health care benefits. After a preemployment training program which counsels participants in areas such as attitude, punctuality and attendance, they are referred to the Winners Circle, an on-going support group that meets weekly to discuss any problems or concerns of single, working parents. They then work with a counselor to search for a job. Counseling and assistance are also available for day care, transportation, housing, health, and legal arrangements. The idea is to surround the participants with as much support as necessary to give them the confidence and tools to succeed on their own.

No employer would ever knowingly hire an employee who was unsuitable for the job. The On-the-Job Training Program participants are no exception and get no special favors. Ultimately, they are the ones who must land the job. But with the kind of support the program provides, and the reputation past participants have earned in the business community as dedicated employees, it is easy for a potential employer to overlook an applicant's initial lack of skills and to make an investment in their future.

Over the last 2 years that the program has been in full operation, 90 single parents have been placed into permanent full time employment. These are not hamburger flipping jobs,

but entry-level jobs with a future. The salaries are competitive, and all positions offer comprehensive medical benefits.

Mr. Speaker, programs like this which offer effective solutions to some of the country's most difficult problems deserve the full support of Congress. The Private Industry Council's On-the-Job Training Program has recently been funded for 3 additional years. The funds are definitely well used. In fact, the return is greater than the expense. For every AFDC recipient placed in a job, the taxpayers save $12,000 in welfare payments per year.

My congratulations go out to all who have worked hard to make the program a success: the Private Industry Council, the State department of income maintenance, the State department of human resources, the city of New Haven Job Center, the New Haven Board of Education Career Service Office, and the employers and participants. Although, I will not be with them in person, I join them in celebrating their success.

CONGRESSIONAL CAPITOL MEMORIAL FOR CHICO MENDES

HON. JOHN EDWARD PORTER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 7, 1989

Mr. PORTER. Mr. Speaker, on January 25, I joined 13 of my colleagues on the Capitol steps to honor Francisco "Chico" Mendes Filho, a Brazilian rubber tapper who was murdered on December 22, 1988. This memorial was sponsored by the Congressional Human Rights Caucus [CHRC], which I cochair with Representative TOM LANTOS, and the House Subcommittee on Natural Resources, Agricultural Research and Environment. This subcommittee is chaired by Representative JAMES SCHEUER and the ranking member is Representative CLAUDINE SCHNEIDER.

I would like to thank the following Members for participating in this event: CHRC cochairman TOM LANTOS, CHRC executive committee members JACK BUECHNER, NANCY PELOSI, JAMES SCHEUER, and GERRY SIKORSKI, CHRC members CHUCK DOUGLAS, JIM MOODY, and CLAUDINE SCHNEIDER, as well as Representatives RICHARD DURBIN, WALTER FAUNTROY, and DAVE MCCURDY, and Senators AL GORE, JOHN HEINZ, ROBERT KASTEN, HARRY REID, and TIM WIRTH. I am confident that our continued efforts will ensure protection of the environment and the people of Brazil.

I urge my colleagues to read the following excerpts from statements made at the Congressional Capitol Memorial:

STATEMENT OF CONGRESSMAN TOM LANTOS

Chico Mendes was honored with the United States Global 500 award for his work to protect our environment and foster a secure future for all the inhabitants of the world. Today we honor and remember him for his struggle to expose human rights violations against thousands of people. Chico Mendes will always be remembered as an advocate to protect the world's ecological balance and as an advocate for the rights of workers and indigenous peoples. He exemplifies the struggle for the human rights of all men and for the preservation of natural resources that are basic to human survival.

STATEMENT OF CONGRESSMAN JAMES SCHEUER

Tropical deforestation is widely considered the worst threat to the world's wildlife. The loss of habitat which translates into reduced biological diversity has serious consequences for human welfare. Future development in the area of agriculture, medicine, and industry will be more difficult. The disruption of the ecosystem processes and functions is another important area of concern, for the reduction of biological diversity may accelerate the "greenhouse effect" which is warming the planet, with potential for disastrous droughts and sea-level rise in the next century.

Chico Mendes was cut down for his role in fighting for an environmentally and economically sound use of the rain forest. This death challenges us to take up his unfinished task, and to join together against the forces in Brazil and at home which would destroy the rain forest at the expense of the world.

STATEMENT OF CONGRESSMAN JACK BUECHNER

We cannot restore life to Chico, or the many others who have been killed. If their deaths are to have any meaning it must come from those of us who recognize the senselessness of their loss, and the importance of the cause for which they died. How can this be accomplished?

If we can create a world in which the Chico Mendes' are not forced against the wall merely to survive—A world in which disputes are not settled by a shot fired from the shadows—A world in which progress is not predicated merely on change, but also understanding, then we will have succeeded.

If we create a world in which concern for human rights directs our actions rather than hinders them—A world in which strength is measured by what we can build, rather than destroy—then perhaps a greater meaning may yet be attached to his death. In a world such as this, Chico Mendes would still be alive.

STATEMENT OF CONGRESSWOMAN CLAUDINE SCHNEIDER

We are paying our respects to Chico Mendes for several important reasons.

First, to say to the world that lawless behavior that destroys another person's life, for whatever reason, has no place in civilized societies.

Second, to remind the world that freedom of expression and assembly are the touchestones of democracy, and must be upheld to the utmost, if the excesses and misdirections of public institutions are to be held accountable and corrected.

Third, to share with the world the wholesale destruction of irreplaceable plants and animal species, and the disregard for the rights of communities living in these forests, done not in the name of progress but of greed.

Chico Mendes lived in Brazil, but his actions were in the best interests of people throughout the world. We would be shirking from our responsibilities if we allowed this tragic incident to pass by without sending a resounding message to individuals everywhere that Chico Mendeses of the world are paragons of citizen commitment who need our support.

STATEMENT OF CONGRESSMAN DAVE MCCURDY

It is estimated that 20 million acres of rain forest are burned each year in Brazil. This trend, if it continues, could lead to devastating changes in the global climate, such as the greenhouse effect, and cause the irrevocable loss of habitat for numerous species of plants and animals.

This joint resolution is an effort to commemorate the important work of one man—Chico Mendes—and to heighten the public's awareness about a problem of global concern.

I hope this resolution will foster more cooperation between the United States, our allies and the government of Brazil in finding ways to lessen the impact of the destruction of the Amazon basin.

STATEMENT OF CONGRESSMAN WALTER FAUNTROY

Chico Mendes is one of those people you wish you had had a chance to meet. Out of a human cast of billions there are a precious few who, empowered by the conviction of justice, successfully challenge a more powerful, established order perpetuating injustice. Mendes was such a person. Rather than destroy his efforts to harmonize man and Amazonia, his killers have brought world attention to this cause. Sadly, it is an acuity of focus which would have been difficult to achieve had Mendes lived.

The responsibility for all of us now is to sustain the work and legacy Mendes left behind. The importance of preserving the Amazon rain forest is obvious. But the real beauty of what Mendes taught us is that people can successfully coexist and reap the bounty of the Amazon without destroying it.

STATEMENT OF CONGRESSMAN JOHN PORTER

This is the Congressional Capitol Memorial to honor Chico Mendes. I welcome you to it. Let me recognize Barbara Bramble, International Director of the National Wildlife Federation and Steve Schwartzman, Senior Associate of the Environmental Defense Fund, and thank them for planning today's activities.

I'm Congressman John Porter (R-IL), Co-Chairman of the Congressional Human Rights Caucus. The Caucus is sponsoring this Memorial together with the House Subcommittee on Natural Resources, Agricultural Research and Environment. My Co-Chairman is Congressman Tom Lantos who although unable to be with us in person, is here in spirit.

Chico Mendes was one of the world's leaders for human rights and the environment. Three days before Christmas, he was fatally shot at point blank range in the remote Brazilian province of Acre.

We offer our condolences to Chico's wife Ilzamar and their two small children. We meet today to pay tribute to a courageous man who told us many times that the cause he lived for—the environment and the rights of indigenous peoples—was also worth dying for.

Chico Mendes created and fostered a grassroots movement of rubber-tappers in Brazil, who protected tropical forests and used their resources in sustainable ways.

Chico developed the idea of "extractive reserves" that enabled rubber-tappers to harvest wild rubber from tropical forests in a non-destructive, economically viable manner.

As the leader of the union of rubber-tappers, Chico Mendes ran up against the large landowners who fostered destruction of the tropical forest. Chico survived five attempts on his life, but those opposed to sustainable development finally succeeded last month. Brazilian police have arrested several murder suspects, all members of a large family of cattle ranchers.

Chico's murder is not an isolated incident. Since 1980, over 1,000 labor leaders, landless peasants, journalists, politicians, environmentalists, and lawyers have been killed in rural areas of Brazil over land issues. The Congressional Human Rights Caucus is concerned that while the government's response to Chico's death has been strong, they have not stemmed the tide of murderers supporting destruction of the rain forests in Brazil.

We are sending a letter to President Jose Sarney respectfully to request that he ensure vigorous and public prosecution of all those responsible for this crime. We believe these actions will strengthen President Sarney's efforts to protect the Amazon rainforest and help deter further violence. Senator Bob Kasten (R-WI) is sending President Sarney a similar letter from the Senate.

Chico Mendes showed us that environmental protection in developing countries cannot be separated from the human rights of the people who live there. Chico's death will not end this struggle. To the contrary, his murderers have brought home to people everywhere what is happening to one of the world's most important resources—the tropical forests—and the people who live there and want to protect them. Chico Mendes gave his life to this cause.

To honor and continue his work, a coalition of environmental and human rights groups has created the Chico Mendes Foundation to develop more leaders like Chico, promote the extractive reserve principle for sustainable economic development, and work to protect tropical forests and indigenous people worldwide.

TRIBUTE TO LOUIS R. BRUCE

HON. ENI F.H. FALEOMAVAEGA

OF AMERICAN SAMOA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 7, 1989

Mr. FALEOMAVAEGA. Mr. Speaker, I am here today to pay tribute to a great American, Mr. Louis R. Bruce, who passed away last Saturday. A member of the Mohawk-Sioux Tribes, Mr. Bruce was born 83 years ago on an Indian reservation in New York. As a native American, he understood many of the problems faced by our first Americans and spent a lifetime addressing many of the problems that still confront American Indians today.

He served as Commissioner of the Bureau of Indian Affairs from 1969 to 1973. In this capacity, Mr. Bruce always stood up for the Indians at a time when the administration often chose to overlook many of their problems. As Commissioner, he instituted many of the programs designed to help the American Indian and was the primary force responsible for the return of the sacred Blue Lake area to the people of Taos Pueblo in New Mexico.

The passing of Mr. Louis R. Bruce is a great loss to all native Americans, but he leaves behind a legacy for which his family and all Americans can be proud.

LOUIS BRUCE, EX-COMMISSIONER OF INDIAN AFFAIRS, DIES AT 83

Louis R. Bruce, 83, the former commissioner of Indian Affairs and the president and chairman of the board of a Washington-based consulting firm specializing in Native American issues, died of cancer and heart ailments May 20 at Crystal City Nursing Center in Arlington.

Mr. Bruce was commissioner of Indian Affairs from 1969 to 1973, when he was fired after a six-day takeover of the Bureau of Indian Affairs building at 19th Street and Constitution Avenue NW by about 500 protesting Indians.

His years as Indian Affairs commissioner coincided with a period of increased activism among young Indian staff members at the bureau, and Mr. Bruce was said to have encouraged the young activists, much to the displeasure of his superiors at the Department of the Interior.

After his dismissal, Mr. Bruce formed Native American Consultants Inc., a firm that specializes in the promotion of Indian involvement in national affairs and the provision of services to Indian organizations.

A resident of Arlington, he was born on the Onondaga Indian Reservation near Syracuse, N.Y. His father was a Mohawk and his mother an Oglala Sioux.

He graduated from Syracuse University, then operated a dairy farm, worked at a New York clothing store, served as education and youth director for the Dairymen's League Cooperative Association and worked in advertising and public relations in New York.

From 1959 to 1961, Mr. Bruce was special assistant commissioner for cooperative housing at the Federal Housing Administration in Washington. Later he was a public relations executive for a chain of cooperative supermarkets in New Jersey and executive director and chairman of the board of trustees of Zeta Psi Educational Foundation and Fraternity Inc. in New York.

He was a Mason and a member of the Cosmos Club, the National Press Club and the Capitol Hill Club.

Survivors include his wife, Anna Wikoff Bruce of Arlington; three children, Katherine Louise Huxtable and Donald Kenneth Bruce, both of Richfield Springs, N.Y., and Charles Wikoff Bruce of Las Cruces, N.M.; a sister, Noresta Cable of Ilion, N.Y., and eight grandchildren.

THE EFFECTS OF THE ESTATE-FREEZE RULES ON FAMILY-OWNED BUSINESSES

HON. ROMANO L. MAZZOLI

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 7, 1989

Mr. MAZZOLI. Mr. Speaker, in 1987, Congress included section 2036(c) in the Omnibus Reconciliation Act which changed the tax treatment of the estate-freeze rules for transferring family owned businesses from one generation to the next.

Prior to 1987, owners who wished to transfer their businesses to their heirs would allocate to preferred stock the current value of their businesses, the voting power and the income. Owners retained this stock and issued nonvoting common stock to their heirs to which was allocated future growth of the business. Upon the death of the owners, estate taxes would be due only on the value of the preferred stock not on the appreciation of the businesses since the freeze was undertaken. The appreciation value was attributable and taxable to the heirs.

Under the Omnibus Reconciliation Act, this process was fundamentally altered. Now, upon the death of the owners of a company, taxes are due on the value of the preferred stock, as well as on the appreciation of the business.

These changes were designed to end abuses of the estate-freeze provision. This is entirely appropriate. However, the effects are more far-reaching than curing abuses of the Tax Code. It has made extremely more difficult the salutary American practice of handing on to heirs, for stewardship and expansion, a family-owned business.

One of my constituents and friends, Roy Hunt, president of Hunt Tractor, a construction-equipment sales company in Louisville, KY, has focused on problems presented by section 2036(c) to small, family-owned businesses. He is well-credentialed to discuss this issue because of his steady participation in the Small Business Council of the Louisville Chamber of Commerce and his election as a delegate to several White House Conferences on Small Business.

Whether one does or does not agree with his thesis—the pre-1986 estate-freeze provision should be restored—Roy's perspective and position are worth examining.

Therefore, I was pleased and proud to have come upon an article, appearing in the June issue of Nation's Business, discussing section 2036(c). It mentions prominently my constituent, Roy Hunt, and his son, Scott.

The article follows:

CONGRESS WARMS TO ESTATE FREEZE

(By Joan C. Szabo)

A move is underway in Congress to restore the estate-freeze approach for transferring family businesses from one generation to the next.

This legislative action results from widespread protests that elimination of the freeze method has jeopardized the ability of heirs to retain ownership of a family business.

Prior to its abolition in late 1987, the estate-freeze method was used in those family businesses that had achieved substantial success under a founder/owner. The procedure typically began with a recapitalization. Much of the current value, voting power, and income was allocated to preferred stock retained by the owner. The owner sold or gave nonvoting common stock to the heirs.

Growth of the business was allocated to the common stock and was not reflected in the owner's preferred shares. Estate taxes became due on the value of the preferred stock, which generally had not risen since the recapitalization. Without the freeze, estate taxes are calculated on the entire value of the business at time of death.

Those taxes can overwhelm the heirs: 37 percent on the value of an estate above $600,000, increasing to 55 percent on amounts above $3 million. The first $600,000 is exempt. Estate taxes can be due as soon as nine months after a death.

The 1987 change, contained in Section 2036(c) of the Internal Revenue Code, essentially eliminates the use of the estate freeze as a technique to perpetuate family firms with minimal tax consequences.

Under Section 2036(c), the tax cost of transferring ownership of a family business is dramatically increased, says Ross W. Nager, head of the family-wealth-planning practice in the Houston office of Arthur Anderson & Co., an international accounting and consulting firm. Such an increase could

cause the sell-off of many family firms whose heirs would be unable to pay the excessively high estate taxes.

One family-business owner who says the tax-law change threatens the future of his company is Roy Hunt, 67, who owns Hunt Tractor, a construction equipment sales firm in Louisville, Ky. Founded by Hunt 46 years ago, the firm employs 55 people and has annual sales of $14 million. He fears that after he and his wife have died, his son, Scott, and daughter, Judy, may have to sell the family firm to pay federal estate taxes if Section 2036(c) is not repealed. "Maybe that is what our Congress wants, but it is not what our economic system needs," he says, noting that family firms create jobs and foster business development.

Rep. Bill Archer, R-Texas, senior Republican on the House Ways and Means Committee, has introduced legislation to repeal Section 2036(c) and restore the estate freeze as a tax-planning option. His bill, H.R. 60, has 54 cosponsors, and that number is expected to grow in coming weeks. In the Senate, Republican Steve Symms of Idaho has introduced a similar measure, S. 659.

"In addition to preserving continuity of the business," says Washington attorney Anthony J. Obadal, the estate-freeze approach "kept the older generation involved in the business and provided the older principal with a comfortable retirement income. The children benefited as the value of the common stock grew through their efforts."

But congressional tax drafters and Internal Revenue Service officials disapproved of the freeze method, and 2036(c) was enacted without congressional hearings or debate on the subject. The motivation behind the change, says Nager of Arthur Andersen, was "the perception that taxpayers were understating the value of the common stock at the time of the freeze [and] . . . not paying enough income or gift tax on the transfer of that stock." He says the Internal Revenue Service also believed it was unable to prevent such practices.

The American College of Probate Counsel says that the change "unfairly favors families whose wealth is represented by cash and marketable securities over those who own farms or small businesses."

Section 2036(c) affects any owner who holds at least a 10-percent interest in a business. If such an owner transfers a "disproportionately large share of the potential appreciation" of that firm to a family member, the market value of that share plus all future appreciation is taxable as part of the estate when the original owner dies.

The law defines a "disproportionately large share" as one that is greater than the share that is retained by the owner. The result is a large increase in estate taxes for family-owned businesses.

"Unfortunately, to catch a few abusers," says Rep. Archer, "Congress enacted virtually an entire new estate-tax system on top of the old one. This new one is ill-defined and potentially frightening in its reach." He says members of the tax-writing committees were never given an opportunity to consider less burdensome alternatives to Section 2036(c). "Instead of protecting family business, these rules create a bias in favor of breaking up the family business," he says.

Jack Miller, president of Quill Corp., in Lincolnshire, Ill., is another family-business owner who feels the effects of Section 2036(c). He started Quill in 1956, and it has grown into a $250-million mail-order company selling office supplies. His brothers Harvey and Arnold later joined the business.

Jack Miller says he would like to give his children some of the company's non-voting stock—even if he has to pay gift tax on it. But under Section 2036(c), his attorney says, it is not clear whether his estate will be taxed for any appreciation of nonvoting stock he gives them unless he gives the children both voting and nonvoting stock in the same proportion in which he owns both types of stock. The effect of such a stock transfer would be to change the ownership balance of the company, he says. "My brothers and I want to maintain control, so we have been hung up for months on this stock transfer because of the far-reaching nature of Section 2036(c)."

In addition to its onerous impact on family firms, "the law was drafted broadly, encompassing nonfamily members, and may apply to certain transfers to employees or others," says Obadal. "For example, transfers for below market value of nonvoting stock to employees may conceivably be covered and consequently included in the principal's estate and taxed accordingly."

Thomas Brock, an accountant with the Longmont, Colo., firm of Brock, Buchholz & Stow, says, "Such an extended reach is typical of the recent direction Congress is taking, which is to try to tax small business out of existence." Brock, a member of the U.S. Chamber of Commerce's Small Business Council, says, "Congress is killing the goose that lays the golden eggs."

David Bork, a family-business counselor in Aspen, Colo., says, "The provision is brutalizing the family-controlled business."

The U.S. Chamber and other groups, including the American Bar Association, strongly support the legislative repeal effort. "We believe that the estate-freeze rule is a disaster, and we want it repealed," says John Carson, attorney in the Tax Policy Center of the U.S. Chamber. He says the Archer bill is likely to make substantial progress this year. "Congress is receiving a lot of mail on the disastrous impact of Section 2036(c)."

Archer says: "We consider the prospects for passage good. We hope that H.R. 60 will be included in the budget-reconciliation measure which will be considered this summer by Congress. As we gain more and more cosponsors, the outlook for passage of this bipartisan measure increases."

Meanwhile, estate planners, tax specialists, and family-business owners await guidelines on Section 2036(c) from the Internal Revenue Service. They are expected to clarify the types of transfers affected by the elimination of the estate freeze.

Still, most opponents of Section 2036(c) believe repeal is the best way to clarify the dilemma for most family-business owners. Consultant Bork says that it is crucial for Congress to "make it possible for family businesses to pass on their companies more reasonably than the 1987 tax law provides."

REPRESENTATIVE FEIGHAN SPEAKS OUT ON ISRAEL'S PEACE INITIATIVE

HON. LAWRENCE J. SMITH

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 7, 1989

Mr. SMITH of Florida. Mr. Speaker, I would like to bring to the attention of my colleagues a very enlightening and timely article written by Representative ED FEIGHAN for the Plain Dealer.

I have had the good fortune of serving with Representative FEIGHAN on both the House Foreign Affairs and Judiciary Committees since our election to Congress in 1982. Although the gentleman from Ohio has proven to be an expert in many fields of Government, I have been most impressed with his insights into Middle East foreign policy issues.

The article printed below is a case in point. I urge my House colleagues, as well as officials in the White House and State Department, to give thorough consideration of Representative FEIGHAN's remarks:

NEGOTATION CAN CHANGE MINDS

(By Edward F. Feighan)

On May 14, the Israeli government set forth its plan to end the intifada and achieve peace with the Palestinians and with Jordan. The plan's central component is an election in which the population of the West Bank and Gaza would choose representatives to negotiate with Israel over the short- and long-term status of the occupied areas.

The plan, although proposed by Likud Prime Minister Yitzhak Shamir, has the support of the Labor Party and represents the first consensus Israeli peace initiative since the days of Camp David, a decade ago. For that reason alone it merits serious consideration by the Arab world and the Bush administration.

It seems to be receiving it. Secretary of State James Baker struck exactly the right note when he said that the plan "gives us something to work with." Unfortunately, however, the reaction of the Palestinians has been negative.

Bassam Abu Sharif, a PLO spokesman and top aid to Yasser Arafat, says the plan's main problem is that it does not provide for any withdrawal of troops from the West Bank and Gaza before elections and negotiations. Other Palestinians in the territories and outside of them are saying the same thing.

There is only one thing wrong with that formulation. It stands Security Council Resolutions 242 and 338 on their heads. Those resolutions envision Israeli withdrawal as a goal to be achieved in the context of negotiations—not as a precondition. After all, if withdrawal from the West Bank and Gaza is the first step in the negotiating process, then what will be the last?

The Israeli plan, on the other hand, closely tracks both the Security Council resolutions and the Camp David peace treaty. It begins with elections that would be immediately followed by negotiations between Israel and the elected Palestinian representatives with the goal of establishing a five-year period of limited self-rule. No later than three years after self-rule has been achieved, negotiations would commence over the final status of the territories.

It is at this point, after the trial autonomy period, that the hard questions of territorial withdrawal and ultimate sovereignty would be addressed.

It is also at this point that the Palestinians and the Israelis can be expected to put forth their maximum demands. In an interview cited in the April 11 New York Times, Shamir indicated that he expected the Palestinians to demand a state during negotiations. "They can propose whatever they want," he said. But he added that "I have my views, I have my positions."

And we know what they are. He favors Israeli sovereignty over all of historic Israel, including the West Bank and Gaza. That is, very likely, the proposal he would place upon the table. Just as Palestinians will likely propose an independent state encompassing those same territories.

But, if recent history is any guide, these demands would just be for openers. Shamir realizes, as the Palestinians should, that in negotiations positions change. Accommodations are reached. Compromises are arrived at. That is what negotiations are for.

Former Prime Minister Menachem Begin swore, before the Camp David negotiations began, that he would never relinquish the Sinai air bases to Egypt. But once he saw that President Anwar Sadat was committed to peace, he agreed to give them up along with the rest of Sinai. In return, Israel received peace and recognition from Egypt—and a border that has been quiet for 10 years.

Similar things can happen again. That is why Israeli hawks like Ariel Sharon and David Levy are fighting their party leader's plan. They fear that the Shamir proposal may actually lead to the territorial compromise they refuse to contemplate. And it is also why Palestinians should reject PLO negativism and accept Israel's offer for elections followed by negotiations.

Because elections and negotiations can lead to results that no one can foresee—even peace between sworn enemies. More misery for both sides is the only outcome we can expect from a continuation of the status quo.

HEROISM DISPLAYED

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 7, 1989

Mr. SKELTON. Mr. Speaker, on February 4, 1988, three brothers from Buckner, MO, drowned when they fell through the ice on a pond near their home. Aaron Gragg fell through the ice, and in an attempt to save him from drowning, his brother Stephen was also submerged. Their brother Chad drowned while trying to save his two younger brothers. Chad and Stephen were awarded medals from the Carnegie Hero Fund Commission, in recognition of their bravery in attempting to save their brother. On May 19, I presided over the solemn occasion of awarding these medals to their parents, Mr. and Mrs. Charles Gragg. I include the text of my remarks herewith:

REMARKS OF HON. IKE SKELTON

We are here today to honor a family for heroism displayed by two of their sons.

Shortly after I learned of the tragic news of the loss of Mr. and Mrs. Charles W. Gragg of Buckner, Missouri, and the circumstances surrounding the occurrence of that loss, I brought the acts of Chad Eugene Gragg and Stephen Douglas Gragg to the attention of the Carnegie Hero Fund Commission. It is at the request of the Commission that I am here today to present these Carnegie Medals. The presentation is made here at this school at the request of Mrs. Gragg, because, in her words, you have "been so wonderful."

This Commission was established in 1904 by Andrew Carnegie to recognize outstanding acts of selfless heroism performed in the U.S. and Canada. Recognition of acts considered worthy by the Commission consists of a medal, known as the Carnegie Medal.

To give you a better understanding of the Carnegie Hero Fund Commission and why it was established, I'd like to have you think back with me for a few moments to January 25, 1904. For it was on that day that Allegheny County, Pennsylvania had its worst mine disaster. More than 180 miners died in a gas explosion at the Harwick Mine, near Cheswick.

Shortly after the explosion occurred, several men who had not been in the mine when the blast took place volunteered to go in and try to rescue any survivors. We know the name of only one of these men. He was Dan Lysle, and Dan went into the mine, even though he knew it was filled with deadly gas, and brought out one man—the only survivor of the explosion. But Dan did not stop there. He went further back into the mine to search for others, and it was then that he was overcome and killed by the poisonous gas fumes.

Well, that was of course a terrible tragedy, and one that brought extreme sorrow and suffering to the families of the miners who were killed, and certainly to the family of Dan who had a wife and four children. However, as sometimes happens with events of this type, there was something fine and worthwhile that grew out of it. For it was this tragic explosion more than any other thing that was responsible for the founding of the Carnegie Hero Fund Commission. Mr. Carnegie had thought for some time about honoring bravery, but it was Dan Lysle's heroic act that inspired him to carry out his plans.

Not more than two months after the explosion occurred the Commission was formed, and a trust fund was established. Furthermore, Mr. Carnegie specified that a medal be awarded to any man or woman, boy or girl who voluntarily risks his or her life to an extraordinary degree in saving, or attempting to save, the life of another. And it is the Commission management and members of the board of directors who study all the heroic acts that are reported and decide which ones qualify for awards.

Today, we honor the memory of two young men, schoolmates of yours, who attempted to save their brother Aaron, also your schoolmate, on February 4, 1988. I now read to you the citations of the Carnegie Hero Fund Commission concerning the two medals I am about to present:

"Stephen Douglas Gragg died attempting to save Aaron Wayne Gragg from drowning, Buckner, Missouri, February 4, 1988. Aaron, 11, fell through the ice on a small pond and called for help. His brother, Stephen, 8, student, immediately ran onto the ice for him; nearing the hole, he slid into the open water and submerged. Another brother went onto the ice for the boys; he too broke through. Firemen arrived shortly and pulled the boys from the pond, but none of them could be revived.

"Chad Eugene Gragg died attempting to save Aaron Wayne Gragg and Stephen Douglas Gragg from drowing, Buchner, Missouri, February 4, 1988. When Aaron, 11, fell through the ice on a small pond and called for help, his brother, Stephen, 8, ran onto the ice for him, but he slid into the open water and submerged. Their brother, Chad, 12, student, immediately went onto the ice for the boys. Nearing them, he too broke through. Firemen arrived shortly and pulled the boys from the pond, but none of them could be revived."

Words or medals can in no way replace the irreparable loss to the Gragg family. However, the acts of heroism of Chad and Stephen will long be remembered. Their acts of heroism are being recalled and honored.

Heroism, we are sure, is not courage alone—it is not bravery alone. It includes some noble quality that permits the exercise of these virtues in defiance of the fundamental law of self-preservation. We find these words in the Bible, and they are fitting on this occasion:

"Greater love hath no man than this, that a man lay down his life for his friends." (John 15:13)

On behalf of the Carnegie Hero Fund Commission, I present to the parents of Chad and Stephen Gragg these medals. They are truly young heroes as evidenced by their bold attempt to save their brother Aaron.

TOM H.J. BYUN

HON. MERVYN M. DYMALLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 7, 1989

Mr. DYMALLY. Mr. Speaker, I rise today to pay tribute to Tom H.J. Byun. Mr. Tom H.J. Byun joined the Korea Times in Los Angeles as a staff reporter in 1978. He has written many articles concerning U.S. Government and politics, immigration and local community affairs.

His articles have provided a means of increased awareness and understanding of American life and culture.

He has been recognized by many community organizations, U.S. Government agencies, State legislators, and Members of Congress for his articles and commitment to community service. Mr. Byun's journalism experience began as a student reporter at Seoul National University in Seoul, Korea. He joined the editorial staff of the Pax Romana, otherwise known as the Korean Catholic Intellectual Movement Journal, published in Korea.

Mr. Speaker, I invite my colleagues to join me in saluting a man of fine journalistic skill and integrity. We appreciate Mr. Byun's dedication and commitment to the Korea Times.

CAMPAIGN FINANCE REFORM

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 7, 1989

Mr. HAMILTON. Mr. Speaker, I would like to insert my Washington Report for Wednesday, May 31, 1989, into the CONGRESSIONAL RECORD:

CAMPAIGN FINANCE REFORM

For many Americans, the 1988 election campaign represented politics at its worst: the emphasis on image at the expense of substance, the dominance of negative advertising, the increasing importance of money, and the growing influence of political action committees (PACs). To restore public trust in government, the system of financing campaigns should be overhauled.

As campaigns employ more sophisticated techniques, their costs have risen dramatically. Successful campaigns frequently involve public-opinion polls, direct-mail appeals, and expensive television advertising. In 1976 the aggregate cost of campaigns for the U.S. Senate and House of Representatives was $155 million. By 1988 it was $458 million. Expressed another way, the average cost of winning a House seat jumped from $87,000 in 1976 to $388,000 in 1988. Successful Senate candidates, who spent an average of $609,000 in 1976, needed an average of $3.7 million to win in 1988.

The increased spending has been fueled in part by the availability of contributions from special-interest PACs. From 600 in 1974, the number of federally registered committees has grown to more than 4,200. Nearly every major corporation, trade association, labor union, and lobbying group has formed a PAC to support sympathetic candidates. As the number of PACs has increased, the importance of contributions directly from individuals has declined.

The high cost of campaigns increases the dependence of candidates on special-interest groups for support and forces candidates to spend considerable time raising money instead of meeting with voters. And while PAC contributions have mushroomed, few challengers have benefitted. Political action committees are reluctant to support challengers because they are afraid of alienating incumbent Members of Congress. Incumbents build up huge treasuries to discourage potential opponents. As a result, elections have become less competitive and the public dialogue is diminished.

There is a growing belief that the flood of money is influencing not only the conduct of congressional campaigns but the behavior of Members after the election. Although the empirical evidence has not shown a connection between Members' voting records and the sources of their campaign funds, the public cannot be blamed for suspecting otherwise.

Although now widely criticized, our current campaign finance laws were intended to eliminate corruption and reduce the undue influence of money on the election process. Amendments to the Federal Election Campaign Act in the 1970s were designed to reduce the role of wealthy individuals while legitimizing the proper role of interest groups through PACs. The Congress did this by narrowing the definition of PACs and setting a contribution limit of $5,000 per candidate per election. Individual contributions were limited to $1,000 per candidate per election.

One effort by the Congress to address growing campaign costs was declared unconstitutional by the Supreme Court in 1976. The Court rejected mandatory limits imposed on overall spending by candidates and on expenditures from personal funds, calling the limits an unconstitutional restriction on freedom of speech. In response to this ruling, several Members of Congress have suggested that candidates be encouraged to abide by voluntary spending limits. One proposal would encourage compliance by providing public financing to a candidate any time his or her opponent exceeded the pre-determined spending guideline. Such a system would make it advantageous for both candidates to voluntarily limit spending. Since 1976 the U.S. has had public funding of presidential campaigns.

Yet such proposals have met serious roadblocks. Some Members of Congress are philosophically opposed to publicly funded congressional campaigns, saying that tax dollars should not be used for political purposes. Many Republicans oppose spending limits because they might place challengers at a competitive disadvantage to better-known incumbents, and there are currently more incumbent Democrats than Republicans.

We should not let the stalemate over public funding prevent us from correcting abuses in the way campaigns are financed and conducted. One of the most promising proposals would encourage voluntary spending limits for House races by offering reduced postage rates and discounted broadcasting costs to candidates who accept spending limits. This approach would achieve the same goal as public financing but would be easier to administer and less costly to implement.

A variety of other reforms would also be helpful. We should dilute the importance of PACs by capping the amount of PAC contributions a candidate could accept per election cycle and by providing individual taxpayers a $100 tax credit for donations to congressional candidates. We should ban "bundling" of checks by PACs, by which they solicit contributions from their members and send them collectively to a candidate to avoid the $5,000 limit on PAC contributions. We should give closer scrutiny to "independent expenditures" by PACs. This money is used to support or oppose candidates, but because it is theoretically not coordinated with a candidate's organization, it is not subject to any federal campaign limits. We should also tighten up the way Members can use campaign funds and close the loophole that allows pre-1980 Members to convert leftover campaign funds to personal use after they leave office.

Campaign finance reform poses a difficult challenge for Members of Congress: how to limit the role of money in elections without giving themselves a built-in advantage or placing themselves at too much of a disadvantage. Lawmakers also must try to ensure fair competition in the political arena without limiting citizens' rights to support candidates of their choice. Yet reforming the system must be undertaken if we are to limit the disproportionate influence of special interests, encourage grassroots participation in the political process, and make sure that the Congress is the truly representative body the nation's founders intended.

A TRIBUTE TO THE GRAND MASTERS OF THE CONNECTICUT MASONIC GRAND LODGE

HON. BRUCE A. MORRISON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 7, 1989

Mr. MORRISON of Connecticut. Mr. Speaker, I rise today to pay tribute to those men who have led the Connecticut Grand Lodge of Freemasons during its distinguished history, the Grand Masters. This Saturday, June 10, 1989, the Masons of Connecticut will celebrate Grand Masters day. I am disappointed that other business will keep me from joining them at the Wallingford Masonic Home and Hospital as they honor those who have led them so well.

This year marks the bicentennial of the Connecticut Grand Lodge, the oldest existing Masonic Grand Lodge in the Western Hemisphere. As the country finishes celebrating the bicentennial of its constitution, the Masons of the Connecticut Grand Lodge will begin celebrating the 200th anniversary of their charter. Freemasonry in the United States can trace its history back to the same time as our country had its origins. In fact the father of our country, George Washington, 9 of the signers of the Declaration of Independence, and 13 signers of the Constitution were Masons. Revolutionary War hero Maj. Gen. David Wooster is considered the father of Freemasonry in Connecticut.

What can be said about the Masons also applies to their Grand Masters. They are among the Nation's most highly respected organizations. They are renown for their dedication and for their charitable devotions of time, energy, and finances for the benefit of needy people. The Masonic Home and Hospital where they will be gathering this Saturday is a prime example of the good work they do.

The Masonic Charity Foundation of Connecticut, the philanthropic arm of the Connecticut Grand Lodge, is also celebrating an important anniversary, its centennial. Begun simply as a relief fund for victims of the Chicago fire, it outlived that purpose and was incorporated as a foundation by the Connecticut General Assembly in 1989. At first, the foundation concerned itself primarily with relief efforts for the poor, widowed, and orphaned. However, the success of those efforts gave rise to the dream of creating a home. In 1895 the property was purchased, and the Masonic Home and Orphanage was founded on its present site in Wallingford. The home grew as the demands placed on it increased. Hospital wards were added in 1919 and 1926, and a chronic disease wing was built in 1963. The 1980's saw expansion with the addition of other locations, more beds at the home and hospital, a statewide outreach program, and a residential retirement community at the Wallingford facility. Today the foundation supports 568 licensed, long-term care beds at the home and hospital and 156 more at Ashlar of Newton.

The list of Freemasonry's achievements and contributions to society continues on and on, and I am sure it will keep growing. However, without the wise and visionary leadership of Grand Masters like Luke A. Lockwood, who initiated the fund in 1872, the list would not be quite as long. I wish the 1989 Grand Master, Gail Nelson Smith, success equal to that of his predecessors. He has a fine tradition to follow and uphold.

CALL TO CONSCIENCE VIGIL

HON. JOHN EDWARD PORTER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 7, 1989

Mr. PORTER. Mr. Speaker, I wish to extend my support for the Call to Conscience Vigil for Soviet Jews, coordinated by my colleagues JOHN MILLER and PETER KOSTMAYER, and sponsored by the Union of Council for Soviet Jews. Having participated for many years in the struggle for the freedom of Soviet Jews, I

am encouraged by recent strides that the Soviet Government has made toward promoting the human rights for refuseniks' families. Yet we cannot be satisfied with these initial steps. We must not rest until all of those who desire to leave are given permission to do so. Among the thousands of refuseniks who still await exit visas are Emmanuel and Judith Lurie of Moscow.

The Lurie family, including Judith's mother Rika, first applied for emigration from the Soviet Union back in 1979 in order to be reunited with their family in Israel. After being granted exit visas in January 1980, they completed all the necessary procedures required for leaving the country, including the purchase of airline tickets and the packing of their belongings. In addition, their children were taken out of school, and Emmanuel resigned from his job.

Five days before their departure, the Lurie's were informed by the OVIR [Office of Visas and Registration] that their exit visas, excluding Judith's mother, Rika, had been canceled due to reasons of state security in connection with Emmanuel's work in 1962–64 at a chemical plant. Rika was warned by the authorities that if she rejected this chance to leave she would not be given a future opportunity. After being subjected to many years of constant harassment from the KGB, Rika was forced into making the painful decision to leave her family and friends for safety in Israel. However, assurances were given that her family would be reallocated visas shortly.

In 1987, the Lurie's daughter, Anna, married David Schvartsman, whose family had also been denied exit visas since 1975. In 1988, they had a son, Daniel. In August of last year, the Schvartsman family, including David's parents, applied and were granted permission to leave the Soviet Union for Israel. This means that the Lurie's are currently separated not only from their mother but they are also forced to live apart from their daughter and grandchild.

Recently, Emmanuel Lurie inquired into the Ministry of Chemical Industry in order to determine the length of his secrecy period. He was informed that his secrecy would not be lifted for an indefinite period. It is my understanding that General Secretary Gorbachev has on previous occasions stated that "state secrecy" cannot be grounds for refusal after a person has been separated from such work for a period of 10 years. In the case of Emmanuel Lurie, his work at a chemical plant ended over 15 years ago. That fact, when coupled with the forced separation of his immediate family, should qualify him and his wife for an exit visa.

Mr. Speaker, for Mr. Gorbachev's statement to have any significance, the Soviet Government must grant the Luries permission to emigrate and be reunited with their loved ones. On behalf of the Luries and the thousands of Jews in the Soviet Union who also wish to emigrate, I urge my colleagues to join me in a call for the freedom of the Luries and all Jews who wish to leave from the U.S.S.R.

SALUTE TO RICHARD MOSBARGER

HON. ELTON GALLEGLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 7, 1989

Mr. GALLEGLY. Mr. Speaker, it was once said that man has only a thin layer of soil between himself and starvation. Today, Mr. LAGOMARSINO and I would like to pay tribute to a resident of Fillmore, CA, who has trained generations of students in the art of cultivating that thin layer of soil.

This Saturday, Richard Mosbarger will retire after 34 years of teaching agriculture to high school students, first in the Bay area, and since 1962 in his hometown of Fillmore. During that time, Mr. Mosbarger has been a State leader in helping to keep California No. 1 in agriculture.

His list of accomplishments are impressive. He helped establish an 80-acre model farm for agriculture students to learn on, has served for a quarter-century as an adviser to the Fillmore Future Farmers of America and was twice named as Fillmore's teacher of the year. He also was named Man of the Year by the local Chamber of Commerce.

Beyond his local accomplishments, he helped develop curriculum for State vocational agriculture, was honored as an outstanding teacher by the State Association of California Agriculture Teachers Association, and is a master teacher trainer for Cal Poly's agriculture teachers training program.

Mr. Speaker, Mr. Mosbarger has left a legacy of excellence that will be enjoyed by students for years to come. Mr. LAGOMARSINO and I ask our colleagues to join us in honoring him, and in wishing him well upon his retirement.

KREGER TRUCK RENTING CO.: CELEBRATING 100 YEARS

HON. STEPHEN J. SOLARZ

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 7, 1989

Mr. SOLARZ. Mr. Speaker, I would like to pay tribute to the Kreger Truck Renting Co., located in the Greenpoint section of my district, which is celebrating its 100th anniversary this year.

The streets of Williamsburg in Brooklyn were clogged with horses and wagons, the top tune of the day was "Oh Promise Me," and Benjamin Harrison was the new President of the United States when a young man named Abraham Kreger started hauling store fixtures in his horse-drawn wagon.

Family tradition has it that Abraham, a merchant, loaned his horse and wagon to a friend who was transporting a new store fixture. Williamsburg was a center for fixture manufacturers in those days, and the recent immigrant saw an opportunity to serve those manufacturers' transportation needs. The rest is history.

The founder turned the business over to his son, Alexander, in 1909 so that he could heed the call to go west, eventually settling in Denver. Back in New York, Alexander continued the business as a horse and wagon firm until one day around 1920 when, Katie, the horse, died. Then, Alexander was persuaded by an autocar salesman to purchase a truck rather than another horse, and the firm moved into a new era.

"It had a two-cylinder engine, and I can still hear the distinctive chuga-chuga of that engine," Philip Kreger, Alexander's son, recalls.

Philip entered the firm in the early 1930's, briefly ran a finance company and later, the Overman Tire Co. as subsidiaries, before selling off these in 1940 to concentrate on the leasing business in partnership with his brother, Joseph.

Each of the brothers has had one son enter the business. Joseph's son, Charles, started "sweeping out the office in the 1950's when I was 5," and was officially hired in 1967 when he was old enough to secure student working papers. Philip's son, Alex, joined the firm in 1965 after graduating from the Wharton School, interrupting his career between 1966 and 1968 to serve a tour in the Coast Guard.

In 1973, Charles and Alex took over, assuring a smooth transition of control to the fourth generation. Today, the cousins share management responsibilities, with Alex in charge of administration, and Charles in charge of operations.

Philip proudly anticipates the coming year when his grandchildren will start working at Kreger Truck Renting.

"The fifth generation is warming up in the barn," he says.

Kreger Truck Renting, which employs over 45 of my constituents, is an important factor in the industry, leasing a fleet of trucks, from small vans to over-the-road tractor trailers, to over 90 New York area manufacturers, wholesalers, and distributors. The lessor has had relationships with many clients for over 40 years.

On this auspicious occasion, it gives me great pleasure to honor the Kreger Truck Renting Co. and to offer my best wishes for another 100 prosperous years for the company and for the Kreger family.

MEDAL TO HONOR COURAGEOUS VETERANS

HON. FRANK J. GUARINI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 7, 1989

Mr. GUARINI. Mr. Speaker, I am honored, along with 54 of my colleagues, to introduce a bill to establish a congressional medal to commemorate the sacrifices made and service rendered to the United States by those veterans of the Armed Forces who defended Pearl Harbor and other military installations in Hawaii against attack by the Japanese on December 7, 1941.

With the support of the Department of Defense, the Secretary will determine those veterans who are eligible to receive the award. It is my sincere hope that the presentation of this well deserved medal will take place in time for the 50th anniversary of the attack on

Pearl Harbor. The events of that fateful day, December 7, 1941, served to unify our great Nation. It is appropriate that we honor these courageous veterans who defended our country on a day when our Nation remembers.

I urge my colleagues to support this commemorative medal and help pass this legislation in time for the 50th anniversary.

LEGISLATION TO BAN THE IMPORTATION OF TEAK WOOD AND FISH PRODUCTS ORIGINATING IN BURMA

HON. ROBERT T. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 7, 1989

Mr. MATSUI. Mr. Speaker, today I am introducing a bill to ban the importation of teak wood and fish products originating in Burma. I believe a ban is necessary to prevent further financial subsidization of the current brutal Burmese military regime.

I also commend President Bush's decision to indefinitely suspend GSP trade benefits for Burma because it has failed to protect internationally recognized workers' rights. The bill I am introducing will have the same effect as the President's commendable decision: To further isolate the Burmese military regime until it commits itself to respecting human rights, political liberalization, and national reconciliation.

Last year the Senate unanimously adopted a resolution condemning the present regime's brutality and calling for restoration of Burmese democracy. That resolution, Senate Resolution 464, was adopted in the midst of widespread popular demonstrations calling for democracy, and in the aftermath of a brutal spree of murders of innocent, unarmed, and peaceful demonstrators by the Burmese Armed Forces. Although tentative steps to reform Burma's political system were taken after the Senate spoke, reform was short lived. On September 19, 1988, the Burmese Armed Forces began a massive and violent crackdown to suppress the voices of democracy in Burma. The crackdown left thousands dead and the military in full control of Burma's political apparatus.

Burma's terrible human rights record also made it the subject of a March 8, 1989, resolution adopted by the United Nations Human Rights Commission. I am pleased that our delegation was successful in overcoming the opposition of some of Burma's current economic partners to bring Burma's actions to the world's attention.

The carnage continues. Since September, thousands of refugees have fled to Burma's borders with Thailand, China, and India, where they settled under the protection of Burma's ethnic minority insurgents to form the alliance. The Burmese military has launched offensives against these positions, including forays into Thailand to attack the Insurgents from the rear. The attacks have been brutally carried out without regard for the presence of civilians.

In response to the September suppression of the democratic forces, the United States suspended aid to Burma. Japan and the European Community, Burma's largest aid donors, followed. Although Japan recently resumed some aid, Burma remains starved for cash. Its foreign debt is now $5.3 billion, with a debt-servicing ratio approaching 100 percent.

Burma's prospect for reducing its foreign debt are slim. After 26 years of the "Burmese Way to Socialism" the economy is in shambles. Rice production has been stifled by unrealistic production quotas and low government prices, and annual rice exports have fallen from about 2 million tons in the 1950's and 1960's to 20,000 tons in 1988. Legal trade has for many years been supplanted by black market cross-border trading in consumer goods, precious stones, and teak. According to the Institute of Asian Studies in Bangkok, two-thirds of all goods imported into Burma in 1985 were smuggled from Thailand. The annual value of smuggled trade is estimated to be $3 billion, or 40 percent of GNP.

To survive amid the economic carnage it has wreaked, the Burmese military junta is cynically selling off Burma's remaining resources: teak wood and fish. Regrettably, the junta's cynicism has found ready partners among Burma's neighbors. Many Thai companies and two Thai state enterprises have, with the cooperation of the Thai Government, signed concessions to cut millions of logs inside Burma. These agreements have coincided with the Thai Government's decision to forcibly repatriate dissident Burmese refugees. Firms from elsewhere, including Hong Kong, Japan, Singapore, and Europe, have also reportedly participated in the Burmese teak bonanza.

In addition, at least 15 fishing concessions worth over $17 million have gone to Japanese, Thai, Malaysian, Singaporean, Australian, and South Korean fishing companies.

The money from these concessions will not help ordinary Burmese. In fact, they will hurt the people of Burma both economically and politically. Already, 100 Burmese fishing boats are reportedly lying idle on the Andaman Sea coast because fishing rights have been sold to foreign interests. Rather, the profits will prolong the life of the current government and equip the Burmese military for yet more violence. Even the act of felling trees has military value, as the jungle trails cut by loggers will provide the Burmese army access to isolated jungle strongholds of the ethnic minority resistance.

Further, the Burmese military has undertaken an effort to invite foreign investors into Burma, but with an eye to earn money to maintain power, not to develop the Burmese economy. And the previous record of foreign economic investment in Burma is not encouraging. Until this year, the only joint venture the Burmese Government permitted with a foreign company was a small arms and ammunition plant run by the West German firm Fritz Werner. Despite Germany's suspension of aid to the Burmese regime, this plant still efficiently produces the weapons of death used by the Burmese military. It is long past the time when the German Government should have taken actions to stop all such assistance.

The massive Burmese logging concessions are all the more troublesome in light of the need to control deforestation. In 1900 there were 2.49 million square kilometers of virgin forest in Southeast Asia, outside of Papua, New Guinea. Today, only 602,000 square kilometers remain. In a recent report, the Bangkok-based Economic and Social Commission for Asia and the Pacific concluded that "floods, mudslides, even earthquakes and droughts can be directly related to deforestation."

Last October, deforestation in Thailand caused floods that claimed the lives of at least 350 people. In January, the Thai Government banned all logging concessions within its borders. Whereupon Thai logging companies moved their operations across the border to Burma. Burma reportedly has 80 percent of the world's remaining teak reserves, but the Burmese military has no interest in protecting this resource or its environment: Its only concern is the money to stay in power. U Nu, Burma's last freely elected leader, says of this activity: "Our forests will disappear." Similarly, the Bangkok-based newspaper, the Nation, has expressed reservations about the environmental consciousness of Thai logging companies now racing into Burma:

> Given their questionable record in Thailand, there appears little hope that these firms will adhere to the rules of "selective cutting" in our neighboring countries. The massive forest depletion in those countries will not only take their toll on those societies, but will also affect Thailand's already vulnerable environment in the long run."

Mr. Speaker, I must note that America has had nothing but admiration for Thailand's ever-increasing commitment to democracy. Our hope that Burma might some day enjoy democracy is strengthened by our knowledge that Thailand has already achieved it. Democracy has made Thailand prosperous, and prosperity has made it powerful. I hope and trust that it will use its power to support, not hinder, democratic forces in Southeast Asia.

In the meantime, the United States must do what it can to keep hard currency, and the guns that hard currency buys, from the Burmese military. Therefore, I strongly urge my colleagues to support the swift passage of this legislation to ban importation of teak and fish products from Burma. The United States cannot reward the Burmese military by purchasing the resources it is stealing from its own people.

SUPPORT FOR BALTIC INDEPENDENCE

HON. JOHN EDWARD PORTER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 7, 1989

Mr. PORTER. Mr. Speaker, just a few months ago, the people of Lithuania commemorated the 71st anniversary of their independence with demonstrations calling for greater autonomy and individual freedoms. I would like to add my voice to those of my colleagues in support for the Lithuanian people in this recent quest for fundamental human rights.

When the Lithuanians proclaimed their independence on February 16, 1918, it marked the end of a century long domination over their

sovereignty by Russia. Constitutionally guaranteed freedoms were established in 1922 setting in place a democratic society based on respect for civil liberties. However, this freedom was short lived. As a result of a 1940 secret agreement between Stalin and Nazi Germany, Soviet forces occupied Lithuania. The Soviets clearly violated a 1920 peace treaty when they annexed Lithuania—a move that has never been formally recognized by the United States.

Mr. Speaker, continual repression of their religion, their culture, and their language has not stemmed the desire for freedom within the hearts of 3.6 million inhabitants of Lithuania. Although their recent quest for freedom did not survive, the quest for fundamental liberties like all other struggles is unquenchable and will continue until each individual is guaranteed basic respect for their own choices in life. I salute the courageous people of Lithuania, as well as the people of Latvia and Estonia, who through their demonstrations remind the entire world that it is necessary to stand up to repression in order to fight for such a righteous cause as basic human rights.

STOP DOMESTIC VIOLENCE

HON. LOUISE M. SLAUGHTER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 7, 1989

Ms. SLAUGHTER of New York. Mr. Speaker, I am introducing legislation today which will help to protect victims of one of the most reprehensible, yet least understood crimes, that of spouse abuse. Spouse abuse takes many ugly forms. Unfortunately, the beating and intimidation, the threats and the humiliation often go unnoticed because domestic violence is usually carried out behind closed doors.

My bill specifically addressed the plight of those who as citizens of another country have married an American only to become the target of physical or mental cruelty. Last year a case came to my attention that both broke my heart and made me very angry. A Haitian woman who had recently married an American had become the victim of domestic violence. Her husband was physically abusive. She was terrified to tell anyone about it and was at a loss as to what to do about her situation. She finally mustered the courage to talk to a friend, only to discover that the law does not provide any clear protection for someone in her predicament. The ambiguity of the law can trap a spouse in an abusive situation for up to 2 years. Even at the end of the 2 years the fate of the battered spouse is still firmly in the hands of the abuser.

The bill which I am introducing will clarify the present statute to protect those who abandoned their own countries to build a new life in the United States only to become victims of harassment or physical abuse. I hope all my colleagues will join me in this effort to end domestic violence.

CALIFORNIA COOPERATIVE EXTENSION—75 YEARS OLD

HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 7, 1989

Mr. BROWN of California. Mr. Speaker, this week the Cooperative Extension Service is celebrating the 75th anniversary of the passage of the Smith-Lever Act. This landmark legislation which was enacted in 1914, established on a national basis the agricultural extension system. This system, which later was named the Cooperative Extension Service, has played a major role in the economy of the Nation and the State of California. As our society has changed, so has cooperative extension. While still offering excellent information to agricultural producers, cooperative extension also provides services to the poor, the young, and the elderly, in rural, suburban, and urban areas.

In California, our Cooperative Extension Service has grown with the State's needs. It has a strong focus in the various areas of agricultural production. It has helped the food and agriculture industry to lead all sectors in the State and has helped California agriculture become a national leader. Extension personnel perform a number of valuable services and our State extension system is one of the most innovative in the country. We are leaders in the use of integrated pest management [IPM] thanks to our Cooperative Extension Service. The use of computers, sophisticated irrigation systems, and the rest of the advances which we view as commonplace in our State are all the result of the hard work performed by extension personnel.

But cooperative extension is not just limited to helping the State's farmers and ranchers. The 4-H youth programs have helped generations of young people learn skills and values that have served them throughout their lives. The entire family is helped by the programs which home economists bring to help homemakers. The low-income populations are served by extension's Expanded Food and Nutrition Education Program [EFNEP] which helps low-income families get the most nutritious food from their shopping dollar. In urban and suburban areas, extension has shifted its role to help our urban gardeners and throughout the State gardening skills are learned through the master gardening programs.

The Cooperative Extension Service programs extend into nearly every community in the State and we tend to take for granted the services which are provided. "If you have a problem you just call the county extension office." How many times have we all heard that? It is fitting that California has designated this week as Cooperative Extension Week, so that we can recognize the hard-working men and women who provide the services upon which we have come to depend.

I am glad to have had the opportunity to work with the Cooperative Extension Service, in my role on the Agriculture Committee and as an ordinary person who has called upon them for advice. And I am glad to have this opportunity to thank the Cooperative Extension Service people publicly. Happy 75th birthday.

PERSONAL EXPLANATION

HON. LYNN MARTIN

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 7, 1989

Mrs. MARTIN of Illinois. Mr. Speaker, I rise to express my regret at having been unable to join my colleagues yesterday in support of House Concurrent Resolution 136, a resolution expressing the sense of Congress with regard to the movement for democracy in China.

Like all Americans I have been inspired by the determination and courage shown over the past several weeks by students in the People's Republic of China. The decision of the Chinese Government to react in so shocking and brutal a manner to their calls for greater freedom and democracy in the People's Republic is indeed deplorable. The aspirations and the ideals which Chinese students the world over have expressed cannot be crushed by force. The government in Beijing can bring only discredit to itself by allowing the brutality to continue.

FISH ANNUAL SURVEY FINDS ENVIRONMENT AND ECONOMY MAIN CONCERNS

HON. HAMILTON FISH, JR.

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 7, 1989

Mr. FISH. Mr. Speaker, I want to release the results of my annual constituent survey, which finds a clear consensus for environmental cleanup and definite positions on economic issues. My constituents have strong opinions over the need for action to clean up the environment, and on taxation.

More than 90 percent of those responding called for a strong national policy to promote recycling and use of biodegradable products—even if this results in increased costs to business, consumers, or local government. Also, 88.3 percent called for tougher air quality standards, emissions controls, and changes in gas mileage levels to combat ozone pollution.

Mid-Hudson residents were equally decisive in their responses to questions impacting on the economy and their own pocketbooks. On the controversy over State and local sales taxes on mail order sales, 66.3 percent opposed congressional legislation requiring these tax collections. While another 53.0 percent expressed opposition to proposals on value added taxes. On a related tax question, 64.0 percent checked off their opposition to Federal increases in the gasoline tax.

Residents of the 21st district came out strongly for tax reductions on capital gains; 63.7 percent said they were in favor of reducing the tax on long-term capital gains to encourage longer-term business investment and planning. A decisive 70 percent majority ex-

pressed support for legislative limitations on hostile takeovers and leveraged buyouts.

A plurality, 47.7 percent, favored the Bush proposal raising the minimum wage, coupled with a subminimum youth or training wage. Of those responding, 23.4 percent said no—instead expand earned income tax credit for low-income workers. While another 28.9 percent favored a minimum wage increase without a differential wage.

Residents of the 21st district strongly rejected proposals that legalization of drugs is a way to take profits out of drug-related crime and reduce the level of violence of the war on drugs; 67.5 percent said they opposed legalization, while only 21.3 percent supported the idea; 11.2 percent registered no clear position; 68.4 percent of those responding expressed personal concern over drug abuse.

On the issue of campaign reform, 55.9 percent responding favored limiting contributions by political action committees (PACs) and initiating congressional campaign financing with public funds; 34.2 percent said they were opposed; while another 9.8 percent were undecided.

On the subject of Congress creating a citizens corps of volunteers—civilian and military—who would be paid in education, vocational training, or home purchase vouchers, 51.9 percent favored the concept, and 26.2 percent said they were opposed. Another 21.9 percent were undecided.

In the foreign policy area, 84.1 percent of those constituents responding said they favored continuation of the United States dialog with the PLO now that Chairman Yasser Arafat has recognized Israel's right to exist and renounced terrorism.

The response to these surveys, which I conduct each year, is enormously helpful to me in learning what my constituents think on a range of domestic and foreign policy issues. My votes are based on my constituents' views as to the best interests of the district and the Nation. This year the number of respondents was at a record high. I and my staff appreciate the efforts made to give us a complete and detailed response in many cases, to the survey questionnaire.

PERSONAL EXPLANATION

HON. JACK BUECHNER

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 7, 1989

Mr. BUECHNER. Mr. Speaker, I was unavoidably absent from the House during proceedings on Tuesday, June 6. Had I been present, I would have voted "no" on rollcall No. 72 (approval of the Journal); "no" (MICHEL) on rollcall No. 73 (election of the Speaker); "yes" on rollcall No. 74 (semiconductor agreement, House Resolution 146); "no" on rollcall No. 75 (water resources authorization, H.R. 1101); "yes" on rollcall No. 76 (democracy in China, House Concurrent Resolution 136).

NATIONAL TOURISM WEEK

HON. BILL NELSON

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 7, 1989

Mr. NELSON of Florida. Mr. Speaker, as chairman of the U.S. Congressional Travel and Tourism Caucus, it is my pleasure to join my caucus colleagues, in introducing a resolution that declares the week beginning May 13, 1990, as "National Tourism Week."

This resolution is an important way to applaud the commendable efforts of an industry that is vitally important, not only to my own State of Florida's economic, social, and cultural well-being, but to that of the Nation. The tourism community includes millions of workers in hotels, entertainment, amusement parks, recreation, transportation, restaurants, and other tourist-related enterprises. Their collective businesses and workers make a valuable contribution to the welfare of this country. This year a record number of international visitors are expected to invade the United States. We can expect 35.8 million visitors from overseas which is 2 million more than we received in 1988.

We welcome those people from other nations because we believe international travelers and our U.S. citizens benefit tremendously from the educational and cultural enlightenment of a travel experience. Tourism is vital to our way of life, to the understanding, and to the friendship among people of many lands. To pay tribute to tourism and all its educational, economic, and recreational benefits, I introduce for the sixth consecutive year a bill commemorating National Tourism Week 1990.

DEMOCRACY ON THE MARCH

HON. LAWRENCE COUGHLIN

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 7, 1989

Mr. Coughlin. Mr. Speaker, this has been one of the most historic weeks I have experienced in more than 20 years in the Congress of the United States.

In these United States, we once again witnessed a peaceful transition of power. We elected a new Speaker of the House of Representatives—the third most powerful position in the United States. As in Watergate, our Constitution and our system provided for an orderly succession and—equally important—reflected the collective instincts of the American people.

The charges brought against the former Speaker were far from mindless cannibalism. The House Ethics Committee's call to investigate these matters was bipartisan and reflected the public view that Speaker WRIGHT had stepped over the line of propriety. I must say that Committee Chairman JULIAN DIXON, whom I sat beside for years in my capacity as the former ranking Republican on the District of Columbia Appropriations Subcommittee, is a man of great integrity, and is, in my opinion, one of the fairest individuals serving in the Congress.

While these events transpired here, nations around the world were trying to cope with the chaos created by systems that do not provide for peaceful transitions or reflect the people's will. Compare the situation in the United States to the crises now taking place around the globe.

Dramatic change has occurred in the Soviet Union with the advent of Glasnost and Perestroika. Yet without enduring precepts like those embodied in our noble Constitution, it remains unclear how the disparate peoples of that unhappy union can forge a common will. Just this week, scores were killed in new ethnic strife in Uzbekistan. The peoples of the Baltic states, Ukraine, Armenia, Georgia, Central Asia, and elsewhere all press for their rights as the bureaucratic vestiges of totalitarianism resist.

Meanwhile, our hearts go out to the students and workers of Beijing, who, with uncompromising bravery, put themselves in harm's way in the interest of freedom and responsive government. The rule of Deng Xiaoping has been thoroughly discredited by the true popular sentiment of the Chinese populace.

Along these lines, I would note my view that old China-hand George Bush has handled the United States response exactly correctly by taking decisive action but refusing to be stampeded until the smoke clears.

In Poland, where voters just participated in the most democratic elections since World War II, freedom is also seeking its legs. The government of General Jaruzelski has finally realized what the Chinese leadership apparently does not yet know: The will of the people cannot be suppressed forever. Next door in Hungary, this message has also been received.

Elsewhere, the Ayatollah Khomeini, nemesis of Democratic and Republican Administrations alike, has died, opening possibilities of new movement in United States-Iranian relations. The future of theocracy in Iran is unclear, but it remains dubious in the long-term without Khomeini at the helm. As events unfold, the possibility of obtaining the release of American hostages in Lebanon may be enhanced. Though Iran will likely experience turbulence as leaders of the various factions vie for supremacy, I think new opportunities for stability in the region will face the United States in the days ahead.

Finally, as we look south, the increasingly democratic body of nations in Latin America, working in partnership with the United States through the Organization of American States, strives for a democratic solution in Panama.

As we ponder these events occurring around the world, it is most useful to reflect on the model of government that the United States has provided to the world for two centuries now. Our Nation was blessed with forefathers who, experienced in the deprivations of tyranny, had the wisdom to ensure the embodiment of the will of the people in our guiding documents—the Constitution and the Bill of Rights. The great American experiment in democracy was a success, and remains successful today, because it has always recognized that governments are subservient to the

will of the people. In the long run, only the will of the people endures.

PERSONAL EXPLANATION

HON. TOM BEVILL

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 7, 1989

Mr. BEVILL. Mr. Speaker, on June 1, 1989, I was attending a funeral service at the Washington Cathedral for a close friend of many years.

As a result, I arrived back at the House floor just after the voting time expired on H.R. 2392, to amend section 37 of the Mineral Leasing Act, relating to shale claims.

Had I been able to vote, I would have voted yes on this measure.

NEW JERSEY PRIDE HONOR ROLL—EDUCATION

HON. DEAN A. GALLO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 7, 1989

Mr. GALLO. Mr. Speaker, it is with a sense of pride that today I wish to recognize a New Jersey citizen who has, over the last 33 years, displayed a genuine care and concern for education in the State of New Jersey.

I am speaking of Mr. George A. Snow, who will soon be retiring from his position as Morris County Superintendent of Schools after 14 years. Residents of New Jersey, not simply Morris County, are indebted to Mr. Snow for the success he has had in promoting quality education within our State.

Mr. Snow received a bachelor of science degree in business education from Rider College in 1956 and earned his master of science in secondary education from Rutgers University 6 years later. He earned both initial and secondary principal's certifications from Newark State College and Rutgers University respectively. In 1956 he earned an administrator's certification from Newark State.

Working for the New Jersey State Department of Education, Mr. Snow served as coordinator of the office of adult basic education from 1969 to 1975. From 1975 to the present he was the Morris County Superintendent of Schools. Prior to working for the State Department of Education, Mr. Snow worked in the Asbury Park School System for 12 years.

The list of awards Mr. Snow has received over the years is long and illustrious. The Council of County Colleges of New Jersey 10-Year Award in 1989 and the Morris County Association of Elementary and Middle School Administrators Outstanding Service Award in 1988 give you some idea as to the quality of leadership George Snow brought to the State Department of Education. In addition, he serves on numerous committees and boards, inside and outside of New Jersey.

Mr. Snow is also an active member in the community. He is a member of the Corporation of the United Ways of Morris County and the Morris County Cancer Society, chairing their Great American Smoke Out in 1986.

George Snow is undoubtedly deserving of such high praise. He made it his duty to advance the educational system of New Jersey and has done an admirable job. His wife and four children, as well as people all over New Jersey, should be very proud of George A. Snow.

Mr. Speaker, on behalf of people all over New Jersey and the 11th district, I ask for your recognition for the accomplishments of Mr. George A. Snow, a member of my New Jersey Pride Honor Roll.

SALUTE TO NEWARKS OF THE WORLD

HON. DONALD M. PAYNE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 7, 1989

Mr. PAYNE of New Jersey. Mr. Speaker, this coming weekend, my home city of Newark, NJ, is proud to host an event that will draw together people from all over the United States and the world who share a geographical bond. All hail from locations called Newark.

The Newarks of the World Reunion will be attended by over 50 officials from over a dozen Newarks. Our community is excited about the opportunity to show visitors our city and to get acquainted with our counterparts from far and wide.

Newark, NJ, boasts an interesting history and a vision for the future. Founded in 1666 by Robert Treat, it is the third oldest city in the United States. George Washington camped in Newark during the American Revolution. Two of our Newark churches were founded before the Revolution. Between the years of 1747 and 1756, Newark was the home of Princeton University. Two prominent companies were established in Newark in the 1800's—Mutual Benefit Life Insurance, in 1845, and the Prudential Insurance Co., in 1875. Newark's renowned citizens include Aaron Burr, the third Vice President of the United States, and the gifted novelist Stephen Crane.

Today, we are engaged in a number of exciting economic development projects, including construction of the new Martin Luther King Courthouse, Seton Hall Law Center, the Legal and Communications Center, the condominium development of Society Hill, and a new hazardous waste research center to be operated by New Jersey Institute of Technology and four other State schools.

Among the many diverse cities, towns, and provinces that share our name are Newark, GA; Newark, VT; Newark, WI; Newark, ON, Canada; Newark-on-Trent, England; Newark, South Africa; and Newark, Australia. While each is unique, we all share common hopes and challenges as we enter a new decade together.

In Newark, NJ, we are looking forward with enthusiasm to exchanging ideas and information with our visitors during the Newarks of the World Reunion. I know it will be a weekend of fellowship, discovery, and the beginning of new friendships.

Mr. Speaker, I am sure that my colleagues here in the U.S. House of Representatives will join me in extending very best wishes to all of the participants in the Newarks of the World Reunion.

SPIRIT OF AMERICA

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 7, 1989

Mr. CRANE. Mr. Speaker, the U.S. Army annually presents a military pageant that has been widely acclaimed and is known as the Spirit of America. It is an entertaining and patriotic 2-hour show of drills, music, and historical vignettes that matches any show of its kind in the world. I encourage my colleagues and their families to attend a reception and special Spirit of America performance sponsored by the Secretary of the Army, John O. Marsh, Jr., the longest serving Secretary of the Army in our Nation's history. The performance is on Thursday, June 15, at 8 p.m., preceded by a reception at 6:45 p.m., in the Capital Club, Capital Centre, Landover, MD.

To assist you in attending, transportation will be provided from the Rayburn House Office Building, and return immediately following the program. If you are unable to attend the Thursday night performance, you are welcome to attend any of the other performances. There will be evening performances at 8 p.m., Wednesday, June 14 through Saturday, June 17, and matinee performances at 2 p.m. on Saturday, June 17 and Sunday, June 18. I strongly urge you to make time to attend this most patriotic event, meet with the senior leadership of the Army, and our former colleague, Secretary Marsh.

SENTIMENTS OF FREEDOM

HON. JOHN EDWARD PORTER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 7, 1989

Mr. PORTER. Mr. Speaker, from time to time it is important that we Americans pause and reflect on the individual freedoms upon which this country was founded. Too often, we take for granted our fundamental rights which millions of oppressed and persecuted people around the world can only hope for. For this reason, I am including in the RECORD a letter written by former refusnik Alexander Yampolsky. I feel that his words speak for the thousands of others who cherish the fact that our democratic society allows its citizens to live their lives according to their own will:

DEAR MR. PORTER: I am writing you this letter from Israel, that country I always dreamt to live. And, at last, thus my dream became a reality. On March 12, we had arrived to Ben Gurion airport. So, my long and hard fighting, my 16 years persistent efforts brought long-hoped results. This victory, I am sure, got possible not only because of my efforts, but also thanks to solidarity and all kinds of support I had from my friends abroad.

You know that for many years since 1974, I received a great moral help from many

residents in your district. It is impossible to express by words (especially in my bad English) how important and encouraging their devoted friendship was for me during all those so not easy years of my struggle. As well as I they, too, did everything possible to help me to break up that deaf and powerful wall of really unprecedented on its obstinancy, refusal.

They also asked you, dear John, to join them in their efforts and the fact is that you, practically from the first months of your job at the Capitol Hill, became a very active participant of the struggle in my behalf.

Your role in the united efforts was exclusively important and had a great meaning. I definitely know that you always used any possibility to mention about my concrete case on any occasion you had. You are one of the most famous and influential members of the House. And the Soviets, I think, couldn't ignore, your principal, tough and consistent position and attitude to the matter of my refusal.

I remember very well our meetings in Moscow and Leningrad last November. My wife and I were very moved by your care and cordial, sincere warmth. Thank you very much for everything you did for us for so long period of time.

If I ever have an opportunity to express my gratitude to you personally and publically, I will do this with pleasure.

Please give all the best to your nice wife. We also send our warmest greetings and deepest gratitude to your colleagues and friends in the Congress whose help in our case was also very significant: to Mr. S. Yates, P. Henry, S. Hoyer and Sen. D. DeConcini, Sen. P. Simon, and all others who work so hard to help to realize human and civil rights of the people in the countries where those rights are violated.

Best wishes to your constituents including my friends from Am Yisrael Congregation headed by Rabbi W. Frankel. Shalom.

Sincerely yours,

SASHA AND IRINIA YAMPOLSKY.

THE KROLS CELEBRATE 50TH WEDDING ANNIVERSARY

HON. WILLIAM O. LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 7, 1989

Mr. LIPINSKI. Mr. Speaker, it is my pleasure to bring to the attention of this Congress two exemplary citizens from my district, Joseph and Helen Krol. This Saturday, the Krols will celebrate the 50th anniversary of their wedding day.

Mr. and Mrs. Krol were married at Saint Rose of Lima Church in the great city of Chicago on June 10, 1939. Their marriage is a tribute to the strength of the American family, and I am sure that my colleagues will join me in congratulating the Krols, their three sons and four grandchildren on this joyous occasion.

A TRIBUTE TO FATHER COONEY

HON. JERRY LEWIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 7, 1989

Mr. LEWIS of California. Mr. Speaker, every community should be so fortunate to have a person like Father Michael Cooney working on its behalf. I know, from speaking with mutual friends, that he has contributed a great deal to the world, including the community of Chino in southern California, through his abiding faith. On June 11, he will be honored as he celebrates his 50th anniversary of entering into the priesthood. Joining him in this celebration will be his sister, Mary Cooney of Dublin, Ireland, and his niece, Winifred.

The achievements of Father Cooney, known as "Big Mike" among his friends, are well established and certainly worthy of recognition. He began his life in Ireland; born in 1915, he was educated in local schools and later at St. Flannan's College, Ennis. He entered St. Patricks Seminary, Carlow, in 1933 and was ordained to the priesthood 50 years ago, in June, 1939. He came to the San Diego diocese the following September where he served until volunteering for military service.

As a chaplain in the U.S. Army during World War II, Father Cooney provided men and women hope and strength at a critical time in our Nation's history. Following the war, he committed over 30 years of his life to providing support and counsel to a group most in need—those incarcerated at the Chino's Men's Prison. Today, his continued commitment to celebrating weekly Masses for those in residence at two Upland convalescent homes, his work at St. Anthony's, and service as vicar of the retired priests of the San Bernardino diocese provides inspiration to us all.

Mr. Speaker, as Father Cooney celebrates this important occasion with his friends and family, I want to extend to him my sincere thanks and appreciation for his selfless contributions. I want to let him know that many of us recognize Father Michael Cooney for all that he has been—and continues to be—to our community and our country.

CHINA'S LEADERSHIP LIVES IN THE PAST

HON. RONALD D. COLEMAN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 7, 1989

Mr. COLEMAN of Texas. Mr. Speaker, China's leadership has now proven to the world that it lives in the past. With the horrific suppression of the student demonstrations on the bloody Sunday morning of June 4, the leadership showed once again that it lives in the shadow of the nation's violent past. Deng Xiao Ping no doubt remembers another generation of young people, who, caught up in the passions of Chairman Mao's Great Cultural Revolution condemned him and crippled his son by throwing him out a window.

Deng seems to have conveniently forgotten that it is he himself who launched the country into a period of economic reform. He himself has acknowledged that the process of change is never smooth and yet now refuses to face the results of that change. Instead, he is reacting fearfully and has gathered about him the living relics of the Long March, who, schooled in the violent theology of wartime have now committed a government's ultimate crime—turnings its weapons against its own people.

The tragedy is that the demonstrations were initiated by issues the Communist Party itself denounced as problems. Corruption in government damages the economy. Inflation, while relatively modest by developing country standards, is high. The fact that a doctorate is worth less in terms of salary than a peasant's tools surely grates in a nation that reveres scholarship. In any society as complex as China's it is only natural that people would express their concerns about these problems in a multitude of ways.

The student demonstrations were remarkable in that they were nonviolent in nature. Underneath the banners and bullhorns was a peaceful and restrained mass of tens of thousands. These young people truly proved that they are committed to China's future. By their peaceful protest they showed all of us that they hoped China was ready to move beyond the stage where "political power grows from a barrel of a gun."

We are deeply affected by the bloodshed because it represents the dashing of our own hopes. I think we were all charmed by the innocence and good faith of the student's message. We were flattered by their desire for democracy, the backbone of our own society. And for a brief moment we dared to hope that the Chinese government could rise above its own history and accept the demonstrations for what they were—a gesture of good faith by the young people who will carry the nation into the future.

But the government did what governments so often do and mistook criticism for a threat. By using violence it has undoubtedly invited violence upon itself. In assuming that it was all-powerful it has only accented the regional allegiances that divide the nation's politics. It has crushed a desire for positive change and in the ashes has planted the seeds of its own destruction.

I cannot imagine why a government which has pitched the last 10 years of its diplomatic policy on its the illusion of its own stability and desire for peaceful reconciliation would, at the merest of provocations use exactly the sort of destructive violence that it has denounced so often in other countries. How must the people in Hong Kong feel, a colony of refugees from the Chinese Communists who have reluctantly accepted the terms of the 1997 agreement? What about the people of Macau, themselves scheduled for repatriation in 1999? China has directed much energy toward an eventual reunification with Taiwan but I have a feeling it has now undermined any progress made.

These are issues that will be debted for a long time to come. Unfortunately no debate will do anything for the several hundred who died in the streets of Beijing or ironically, at the Gate of Heavenly Peace—Tiananmen Square.

We cannot support the bloodshed and we cannot support the means that cause it. I therefore support the suspension of military aid to China and the reevaluation of our relationship which must follow. I also agree with the administration's policy of extending the visas of Chinese students studying in the United States until hostilities subside. There is no doubt that our relationship cannot continue as before but cutting trade relations would do more harm than good. We have taken the steps we need to establish our position. Now we can only hope that reason will prevail.

TRIBUTE TO McKINLEY ELEMENTARY SCHOOL

HON. DENNIS E. ECKART

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 7, 1989

Mr. ECKART. Mr. Speaker, I would like to take this opportunity to honor the great achievements that the McKinley Elementary School of Willoughby, OH, has accomplished. The McKinley Elementary School has recently been selected as one of three national winners in a program sponsored by the Concerned Businessmen's Association of America. The contest, "Set A Good Example, Don't Use Harmful Drugs," sets the stage for the awareness of drug use in our communities.

The project which the school initiated dealt with the education of students in why drugs are illegal, and most importantly, the dangers of using harmful drugs.

As a parent, I am frightened by the use of drugs in our communities. There has been a great deal of talk about how to attack the drug problem. To solve this problem, however, we must go beyond the usual rhetoric. Since I have been a Member of Congress, I have voted repeatedly to fund efforts to fight the alcohol and drug abuse problems in our Nation. The war on drugs is a war we must not lose. The war on drugs must not only be fought against the drug producers and the traffickers, but also the consumers.

Our Nation's future lies in the foundation of our children. With the valiant efforts of our children helping in the fight of this drug problem, like those children of the McKinley Elementary School, the future is much brighter for our Nation.

Mr. Speaker, I today not only praise wholeheartedly and support the McKinley Elementary School in this drug program, but I also urge my fellow colleagues to help stop this drug problem that faces this Nation.

TROUBLE IN THE SCHOOL YARD

HON. BOB McEWEN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 7, 1989

Mr. McEWEN. Mr. Speaker, recently an article appeared in the "Prison Fellowship" newsletter that I thought would be of interest to our colleagues. Chuck Colson writes about the dangers of a values-neutral education, and I ask that the article be printed in its entirety:

TROUBLE IN THE SCHOOL YARD

(By Chuck Colson)

Standing before a huge American flag, Barbara Walters looked sternly into the TV camera. "The alarm has sounded," she said. "The clock is ticking. But most of us are still asleep."

Nuclear threat? Acid rain? Imminent epidemic?

No, Walters was referring to the equally serious threat posed by the deterioration of American education. Test scores are plummeting. Most high-school students in her survey thought the Holocaust was "a Jewish holiday." Many couldn't locate the U.S. on a world map.

But Walters went further. The real crisis, she argued, is one of character. "Today's high-school seniors live in a world of misplaced values," she said. They have no sense of discipline. No goals. They care only for themselves. In short, they are "becoming a generation of undisciplined cultural barbarians."

We shouldn't be surprised. Modern education could not logically be expected to produce anything else.

Why? Because so-called "tolerant," "value-neutral" education, while purporting to teach no values, does in fact promote a value system of its own. And that value system is destructive to the moral restraints essential to character.

A friend recently sent me a videotape that illustrates this point. Titled "Sex, Drugs, and AIDS," it was shown in her son's high school and gives health information about how AIDS is transmitted and how it can be avoided. It even grudgingly mentions abstinence as a way to protect oneself.

But as the film ends, it becomes obvious that its agenda is not confined to AIDS information, but to teach that there's nothing wrong with homosexuality. A boy relates how he had been a gay-basher. But after discovering his own brother had AIDS, he realized that homosexuality was just another lifestyle option—one that he would not judge.

Many would defend "Sex, Drugs, and AIDS" as part of that grand American tradition known as Tolerance. Except that it is a subtle inversion of classic tolerance.

At one time tolerance meant that diversity could peacefully exist in our politically, morally, and ethnically diverse society. But our culture has become increasingly characterized by skepticism about absolute right and wrong; moral standards, and truth itself, are reduced to personal choices.

Tolerance is thus redefined as the freedom to choose from a smorgasbord of morally equivalent lifestyles—homosexuality, adultery, premarital promiscuity. Take your pick.

Allan Bloom calls this new tolerance "the virtue, the only virtue, which all primary education for more than fifty years has dedicated itself to inculcating." And this smorgasbord-style tolerance, itself a moral position, tramples on the sensibilities of any who hold to moral absolutes—particularly Christians.

"Sex, Drugs, and AIDS" is not an isolated example. A California sex-education curriculum titled Intelligent Choice of Sexual Lifestyle advises seventh graders to set a "purely personal standard of sexual behavior." A sex-ed curriculum for elementary children specifies that they will "develop an understanding of homosexuality," view films, and act out homosexual roles. So 10-year-olds can get gold stars for homosexual role play.

The value-neutral trend is of course broader than just sexual issues. What's a concerned parent to do?

Parents could insist that public school get rid of any reference to controversial moral matters—sanitizing education of anything that might conflict with instruction students receive at home. But this would reduce history, philosophy, and literature, even economics and English, to pallid gruel indeed.

Or parents could insist that, when one moral position is presented in a public school, every other view must be taught as well. Equal time for opposing opinions. Though few teachers are equipped to dispassionately argue a variety of viewpoints well, this would at least provide some remedy to today's imbalance.

Or third—and perhaps best for those who can do it—Christian parents might abandon public schools altogether, teaching their children at home or enrolling them in Christian schools. But there is a real value in the diversity in public schools that reflects American society. It allows for instruction in real tolerance—civility, cooperation, and friendship with those who are different. In this environment, the inevitable challenges to faith can result in a deepening of character.

Unfortunately, there's no simple answer. But one thing is certain. We can't look to the new administration or the media or educators themselves to truly address the crisis of values among the classroom babarians. In the final analysis, the decisive battles will be fought in homes, in communities, before school boards and legislative committees. That means that you and I, parents and grandparents, must take up the standard.

When confronted with public schools that affirm moral positions contrary to our Christian ethic on the one hand, while self-righteously wielding the umbrella of "tolerance" with the other, we must do two things: First, we must continue to affirm Christian values in the home, equipping our children for the fray in the world outside.

And second, we must enter that fray ourselves, raising a ruckus, fighting the good fight, crying foul in the school yard. These are tests we cannot afford to fail.

ITALY HONORS MEMPHIS PHILANTHROPIST

HON. DON SUNDQUIST

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 7, 1989

Mr. SUNDQUIST. Mr. Speaker, on Saturday, June 10, a noted philanthropist from my hometown of Memphis, TN, John A. Grisanti, Sr., will be honored by the Republic of Italy. Because this is a singular and distinctive honor, I wanted to share this news with my colleagues.

John Grisanti will be presented the Cavaliere dell 'Ordine al Merito della Republica Italiana; translated to English, the Knight in the Order of Merit of the Italian Republic. This prestigious award is not given lightly. It recognizes those who have distinguished themselves in their field of expertise on behalf of the Italian community.

He will be presented his knighthood at a special ceremony on the campus of Christian

Brothers College in Memphis. The honor will be bestowed on him by the Consul General of Italy, His Excellency Nardo Oliveti of New Orleans.

John Grisanti is a noted restauranteur, wine connoisseur, and philanthropist whose family has been active in the life of Memphis for generations. His family's restaurants are well know. A nationally recognized wine judge, John Grisanti appears twice in the Guiness Book of World Records, having twice purchased rare bottles of fine wine, and then sharing them with guests at fundraisers for St. Jude's Children's Research Hospital in Memphis.

He has involved himself in other community activities and causes, such as the mayor's task force for DWI, the boards of the Lupus Foundation, Epilepsy Foundation, Cerebral Palsy, Easter Seal Foundation, and the American Society.

John Grisanti has also promoted exchanges of cultures and traditions, serving as the first president of the Memphis Chapter of UNICO. It is little wonder that John Grisanti has earned the respect and friendship of the Republic of Italy just as he has won the trust and affection of so many of us in Memphis and the Midsouth.

I ask this House to join me in saluting a fine man and extending congratulations for this very significant achievement.

A TRIBUTE TO WALTER F. WILLIAMS

HON. DON RITTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 7, 1989

Mr. RITTER. Mr. Speaker, I would like to bring to your attention Mr. Walter F. Williams—a truly outstanding member of my community and a great American. Today, Wednesday, June 7, 1989, Mr. Williams will be presented with the Americanism Award on behalf of the Anti-Defamation League. His pursuit of excellence, commitment to family, and duty to his community and country are deeply woven into the fabric of his life.

Walt Williams is chairman, president, and chief executive officer of the Bethlehem Steel Corp.—one of our Nation's largest corporations. He serves in leadership positions with numerous business associations including the American Iron and Steel Institute, the International Iron and Steel Institute, the National Association of Manufacturers, the Business Roundtable, the Business Council, and the Association of Iron and Steel Engineers.

Farsighted vision, concern for others, and a spirit of self-sacrifice have compelled Walt to fight for his community and his Nation. Walt is a veteran of two wars. In one, he bravely fought for freedom by serving in the U.S. Army during the Korean war. In the other—the war of global economic competitiveness—he has fought in order to provide Americans with jobs and prosperity. Walt is an unsung hero who maintains a farsighted concern for our national security on the homefront. He has sought to hoist America's flag above its foreign economic competitors by playing a crucial role in leading Bethlehem Steel and the industry back to profitability. Though there are still challenges and battles ahead, Bethlehem Steel is ably led to meet them.

Walt's commitment to his community is also exemplified in his tireless support for training and education. He is actively involved in the Lehigh Valley Partnership and serves on the boards of Moravian College, the University of Delaware's College of Marine Studies, and Lehigh University's Iacocca Institute. Walt is also president of the Eastern Pennsylvania and Southern New Jersey Area of the Boy Scouts of America and serves on the board of the Minsi Trails Council.

No award for Walt Williams would be complete without mention of his lovely and devoted wife, Joan, who has provided so much moral and family support over the years.

Mr. Speaker and distinguished colleagues, I've enjoyed many years of working closely with Walt, whether on gaining the Voluntary Restraint Agreements [VRA's] or on improving steel technology. In so doing, I have gained insights from Walt's life experiences that have allowed me to do my own job better. There are not many men like Walt Williams, but when they come along you can't help but admire and honor them for their outstanding efforts and achievements. Therefore, with great pride, as his Representative in the Congress of the United States, I congratulate and salute Walter F. Williams.

"C.L.R." JAMES

HON. MERVYN M. DYMALLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 7, 1989

Mr. DYMALLY. Mr. Speaker, I rise with a profound feeling of sadness to mourn the passing of Cyril Lionel Robert James who was affectionately known as "C.L.R."

C.L.R. James was, in every sense of the phrase, a citizen of the world. He was a political philosopher in the Marxian mold, a historian and a novelist whose ideas made a significant impact in bringing about social change on the world scene.

C.L.R. James who was born in 1901 in Trinidad in the West Indies, died on May 31, 1989, at his home in South London's Brixton district. His Caribbean experience and the racially heterogeneous environment in which he was raised gave him a global perspective and a discriminating approach to world events. As a consequence, his views were not provincial nor were they parochial but global in scope with some emphasis on the universality of human experiences, and the creative forces of the people particularly those "lowest down."

These views are reflected in his writings including his magnum opus written in 1938, "The Black Jacobins: Toussaint L'Ouverture and the San Domingo Revolution." This work has been considered a masterpiece of historical writings. It is, undubitably, one of the great books of 20th century scholarship. It deals with the Haitian slave insurrection that began in 1791 and was directly influenced by the ideas and actions of the French Revolution of 1789. This book adds significantly to an understanding of the expansion of Europe and the forces of colonialism and imperialism. It is also a case study of social movements and is still relevant to an understanding of contemporary conditions in Haiti. Additionally, it throws some light on the nature, scope, and possible direction of the social movements in Hungary, Poland, Russia, and China.

The writings of Charles Dickens greatly influenced the social and political philosophy of C.L.R. James. He admired Dickens' concern for and how he made vivid the plight of the poor and the downtrodden. As a consequence, the potential of the power of the people permeated his political thinking and affected his political actions.

C.L.R. James, therefore, contributed greatly to the understanding of the social and political movements in Hungary and Poland. He identified closely with the solidarity movement in Poland and would have been tremendously elated at the political success of that movement just a few days after his death.

Although a Marxist, C.L.R. James never considered Russia and China as political examples of Marxism. On the contrary, he abhored and adamantly opposed the centrally planned economic and authoritarian rule of these countries. He frequently referred to Russia as the "serf-bureaucracy" and would have wholeheartedly applauded the contemporary efforts of the people of Russia and China in their endeavors to rest control of their lives from what he calls "a selfish bourgeoisie or an authoritarian bureaucracy."

The colonial experiences of C.L.R. James in Trinidad, then a British Crown Colony, and his interest in the poor and the downtrodden imbued him with an intense dislike for imperialism and an equally strong desire to break the bonds of colonialism, and facilitate the achievement of political independence in Africa and the Caribbean. He, therefore, played an important role in the independence movement in Africa by facilitating the breakthroughs in Ghana—Gold Coast—and Trinidad in the West Indies.

C.L.R. James and George Padmore, also from Trinidad, founded the International African Service Bureau which agitated vigorously for African independence. Both men shared and tried to implement the philosophy of Pan-Africanism and worked closely with Kwame Nkrumah in the attainment of the political independence of Ghana.

Ghana under the leadership of Nkrumah and with Padmore as the theoretician and strategist, became the political base for the growth and development of the Pan-African movement.

The United States has also been a beneficiary of the life and experiences of C.L.R. James. He lives in the United States for approximately 15 years during with time, consistent with his philosophy, he organized autoworkers in Detroit and sharecroppers in the South. During the anti-Communist campaign of the late Senator Joseph McCarthy, James was interned on Ellis Island and eventually expelled from the United States in 1953. During his internship, he wrote "Mariners, Renegades and Castaways: The Story of Herman Melville and the World We Live In." This book not only gave meaningful insights into the persona of

Melville but also considerably enhanced understanding of Western civilization and the United States in a global context. James was allowed to return to the United States in the 1960's and 1970's for a series of lecture tours including a teaching role as a lecturer at Federal City College and the University of the District of Columbia.

The death of C.L.R. James certainly leaves a void in the political arena of the world. Events in Russia, Poland, China, Africa, and the Carribbean forcefully underscore the relevance, timeliness, and appropriateness of his global observations.

The Independent, a London newspaper in an obituary, referred to him as "probably the most versatile and accomplished Afro-American intellectual of the 20th century."

C.L.R. James cannot and should not be constrained by ethnicity. On the contrary, his intellectual acuity and other scholarly attributes and the analytical depth and significance of his global observations strongly suggest that he was certainly one of the most versatile and accomplished intellectuals of the 20th century.

THE CHOICE OF LIFE: TWO EXAMPLES

HON. ROBERT K. DORNAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 7, 1989

Mr. DORNAN of California. Mr. Speaker, I would like to share with you and our colleagues two articles concerning the American tragedy of abortion. The first is a March 26 New York Times article written by Prof. Lawrence Lynn, who, for many years, supported abortion-on-demand in this country. The second is an article in the March issue of About Issues written by Dr. Bernard Nathanson, a former abortionist who led the fight to legalize abortion by founding the National Association of Repeal of Abortion Laws in 1969, now called the National Abortion Rights Action League [NARAL].

The first article is the testimony of a personal struggle with the issue of abortion, which resulted in Professor Lynn's decision to publicize his switch from proabortion to prolife. The author's view is rational and compassionate, coming from someone who was once on the other side of the issue. By his own personal example, Professor Lynn demonstrates that the prolife position is not fanatical; that abortion is not a religious issue; that being against abortion does not mean one is against equal rights for women; and, that those in the prolife movement are from diverse political backgrounds who disagree among themselves about other issues.

In the second article, Dr. Nathanson, who today argues brilliantly against abortion and is most well-known for his chilling documentary videos of actual abortions, "The Silent Scream and Eclipse of Reason," examines the history of American civil disobedience and how he believes "Operation Rescue" in the prolife movement is "in the highest moral tradition of American history."

Both of these individuals lend much credibility to the prolife position because, for many years, they were championing the proabortion side of the issue and now realize how wrong this position was. I urge my colleagues to read these articles:

NOW, I'M AGAINST ABORTION

(By Laurence E. Lynn, Jr.)

CHICAGO.—I want to come out of a closet in which I have hidden for years. The decision to do so has been difficult, for I will lose old friends and probably not gain many new ones. My hope is that some good will come of it.

I oppose abortion. Though I have tried to convince myself otherwise. I believe a human fetus to be a human life and that we should not be permissive concerning the taking of human life. I was once permissive. I would not be again.

Would I allow exceptions to the "no abortion" rule? Yes. When the mother's life is at stake and we must choose between fetus and mother, I would favor the mother. Her life matters to those who love and need her—and to herself—and if saving her life required abortion, I would condone it.

But I would not make exceptions in cases of pregnancy resulting from rape or incest, much less when the pregnancy is simply unwanted where the only life at stake is that of the fetus.

As children and adults, we are all vulnerable to the unconscionable or deranged acts of others. Through random violence or calculated exploitation, our lives may be changed forever. Moreover, we make personal mistakes of all kinds that have adverse consequences. Our vulnerabilities do not, in my mind, justify the taking of life.

Millions of Americans opposed abortion. Why, then, have I hesitated to declare my position on this issue? The reason, is that opinion concerning abortion has become so polarized that to take a position is, quite literally, to choose one's friends. For me, this choice has painful consequences.

The abortion question is not one, apparently, on which people can disagree and still be regarded as morally responsible by their opponents.

Now, these friends inquire, in view of my concern for the poor, can I justify the bringing of unwanted children into the world, often into dreadful circumstances in which they may fail to thrive or even die? My answer is that, more than unwanted children, I fear edging too close to profoundly dangerous moral ground: deciding who shall live on the basis of criteria that presuppose our ability to predict the social consequences of such decisions.

If I am worried about losing friends, what about the prospect of new friends among those who are "pro life"? Many are unlikely to be so friendly when they realize that I also oppose capital punishment. I have no qualms about finding guilt or imposing harsh punishment, only about the taking of a life. There are other ways to deter crime.

Furthermore, my opposition to abortion is not based on sectarian religious conviction. I have been a Presbyterian all of my life, but strongly favor separation of church and state, and I distrust arguments that the state must act in accordance with religious teachings. My views on abortion are secular.

My position, then, is that, to bring out the best in us as a society, we must affirm the sancity of human life and the obligation, insofar as it is within our power, to make life worth living. I believe that being permissive concerning abortion is inconsistent with such an affirmation.

My hope in coming out of the closet on this divisive issue is that others who are not part of the "pro life" movement—feminists, political independents, advocates for the poor—but who, for personal, nonsectarian reasons, oppose abortion, will be more willing to declare themselves. In doing so, it may make the debate less polarized and the issue more complex. Proponents of abortions who also see the issue as profoundly complicated might do the same.

The issues surrounding abortion are for many, morally complex and personally wrenching. We should not want it to appear otherwise or to decide the matter as if the question we're a simpler one.

FORWARD, TO THE PAST

(By Bernard M. Nathanson, M.D.)

This month marks my twentieth year of involvement in the abortion arena. The first five years were spent in political and medical activism on behalf of unleashing the abortion monster on an unprepared world. The next five years were spent contemplating (with increasing horror) the appalling results of that activity and determining the appropriate remedies. For the last ten years I have attempted to repair the damage: to stuff that burgeoning, ravening monster back into its cage (I pass over certain of my activities in the past two years, in which I have mined from these unique experiences profound spiritual revelations too unformed as yet to discuss here).

The monster has battened so prodigiously on the bodies and blood of its preborn victims that it seems now a Herculean task to force it back into the cage. But that task—formidable as it may appear—is the central moral imperative of our time, and to accomplish it in a politically and morally sound manner we must understand (and surrender ourselves to the concept of historical inevitability.

As a practicing physician I have always respected the noetic talents of the pathologist: he conducts the autopsy, analyzes the tissue, and informs me with an unambiguous and satisfying precision of the somatic evolution of the patient on his table. So it is with history: a careful inquest into the nature and consequences of the forces which have operated to produce change in our society in the past is indispensable to an understanding of how to "treat" the ills of the present. But enough pontificating. As the lawyers say, let's get to the instant case.

In this republic, civil rights protest movements have (with rare exceptions) followed an identifiable and rather predictable pattern (indeed, the founding of this republic itself conformed to that pattern). As a civil injustice is perceived, the forces of protest are mobilized into one coherent body which then runs smack into the resistance of the established order. Put metaphorically, the protest is a speeding object colliding with an unyielding wall (man's law, i.e. the State). The object flattens from left to right, forming a horizontal spectrum across which we may perceive the emergence of various bands (i.e. groups and organizations participating in the protest).

To the far left we discern the letter-writers, the editorialists, the pamphleteers, the educators. As we proceed rightward to the center we see the electoral activists, the legal supplicants, the judicial appellants. Moving further to the right we find a gradual hardening of attitude and resolve: those imbued with an obdurate refusal to conform to or support an unjust law sufficient to

pursue non-violent civil disobedience. Finally, on the far right there are the flashes and rumbles of violent resistance: bombing, shooting, war.

This progression from left to right in any valid protest movement involving the rights of man (and even animals) is historically inevitable if there is no relief granted by the monolithic power of the State. It is the persistent failure of the State to grant any reasonable concessions, any acceptable compromise, that is the engine which moves the protest from left to right.

I indicated earlier that this republic itself was born of a protest movement against an unconscionable overseas tyrant which obstinately refused to grant relief to the protestors. The movement proceeded from the publication of books and pamphlets anatomizing the injustices visited upon the colonies by the British tyrants, directly across the spectrum (the Boston Tea Party was quite simply non-violent protest) to the climatic event: Revolutionary War.

The anti-slavery movement began in the United States with the launching of William Lloyd Garrison's newspaper The Liberator in 1831—and it proceeded with that same current of historic inevitability through legal and legislative skirmishes to that immeasurable tragedy lying in wait at the far right: Civil War.

Sometimes the inexorable progression from left to right is halted as the State gropes toward perceiving the evil and grants relief. The Woman's Suffrage movement had already moved into civil disobedience in 1872, when Susan B. Anthony and her followers were arrested for voting, but before that movement slid further to the right the nineteenth amendment to the Constitution was enacted, and that protest passed nonviolently into history.

The black civil rights movement of the 1950s and '60s began as the quiet protest of one weary black woman on a bus in Montgomery, Alabama, and progressed ineluctably through the moral suasions of the great Dr. Martin Luther King, Jr., across the center of the spectrum (legal action challenging the morality of segregation laws) to the right (civil disobedience, sit-ins, freedom rides) and only narrowly missed sliding to the far right with open warfare between blacks and whites—only because the State finally granted relief in the form of the Civil Rights Act and Voting Rights Act of the middle Sixties.

The abortion question has always been, au fond, a civil rights issue. In 1969 a number of us who perceived the denial of an abortion as an affront to women and the deprivation of their civil rights organized ourselves a protest movement known as the National Association for Repeal of Abortion Laws (NARAL). With initial resistance from the State (and from organized medicine as well) the historically inevitable occurred: NARAL flattened itself into that familiar spectrum. On the left were those who advocated the pacific remedies of education, electioneering and pamphleteering. Lawrence Lader, Betty Friedan, Carol Greitzer, the Rev. Howard Moody and I moved quickly to the right, believing that the State was to be unyielding and inimical to compromise: we mounted street demonstrations, media circuses, picketing of hospitals which refused to do "therapeutic" abortions.

The Rev. Moody and I moved even father to the right: we drew up designs for an abortion clinic to be located in the back of his church in Greenwich Village, and planned to invite the authorities in to watch me perform the abortion—then to arrest us all. Civil disobedience of the most flagrant confrontational sort. In fact, to our astonishment, the State of New York moved quickly to grant us relief in the form of the Abortion Statute of 1970, permitting abortion up to twenty-four weeks gestation.

Ironically, the pro-life movement is now experiencing that same inchoate sense of historical inevitability. We are in the sixteenth year of *Roe*, and although there have been nominal cosmetic moves to relief (Title X restrictions, Mexico City policy, the Hyde amendment) the body count remains the same: 4,000 daily, 1.5 million annually, 25 million to date. In short, the State has granted this civil rights movement no significant relief, and (if you have trudged along with me this far) the predictable is now reality: we are moving inexorably, ineluctably to the right, swept along by the currents of history. Enter Operation Rescue.

There is nothing mysterious, nothing incomprehensible about the genesis of this political clone of the Boston Tea Party, the Underground Railway, the Militant suffragettes, the monumentally courageous challenge by those four black college freshman who sat in at a lunch counter in Greensboro, North Carolina, in February 1960 in righteous defiance of the unjust segregation laws. Operation Rescue—the resort to nonviolent civil disobedience—is in the highest moral tradition of American history. Sadly, it is also a measure of the profound frustration and despair of those who would honor the laws of God over the absurdly transient, feeble edicts of man. There is no Law more compelling than that which commands us to protect the innocent, to interpose our bodies between the tormentors and the tormented—to remember the hideous curls of smoke rising from the chimneys of Auschwitz and Bergen-Belsen and Birkenau.

It is said (it may be apocryphal, but who cares?) that when Henry David Thoreau was arrested and jailed for refusing to pay the poll-tax, the revenues from which were being used to support slavery, which he abominated, he was visited in prison by Ralph Waldo Emerson. Emerson was shaken, seeing his lifelong friend behind prison bars, and blurted out: "Henry, what are you doing in there?" Thoreau stared at Emerson for a long moment, then pointed his finger at him and replied: "Ralph what are you doing out there?"

Yes. Just so.

What are you doing out there?

TRIBUTE TO THE VOICE OF AMERICA

HON. GUS YATRON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 7, 1989

Mr. YATRON. Mr. Speaker, I ask my colleagues to join me in paying tribute to the Voice of America for the way it has represented the American ideals of freedom and democracy during the extraordinary events now taking place in China.

Over the past few weeks, the world has been captivated by the courageous students in Tiananmen Square and their counterparts throughout China. Americans watch their emotional appeals for democracy as they happen, thanks to satellite technology and our free press. But the Chinese do not yet have that freedom. They turn to VOA, a radio station broadcasting from halfway around the world, to find out what is happening in their own backyard. VOA's accurate and balanced news reports have earned the respect and admiration of more than 100 million Chinese listeners who want to know what the rest of the world is saying about China not the latest official news from Beijing. The Chinese Government considers VOA so important to the burgeoning democracy movement that it has started jamming VOA broadcasts for the first time in more than 10 years.

The evidence of VOA's impact can be found in large cities and small towns throughout China. Foreign correspondents report that bustling Tiananmen Square quiets to an eerie hum as the VOA broadcasts begin. Students painstakingly transcribe the VOA news bulletins on large posters for those who can't get to a radio. As the prodemocracy movement built up momentum, the Washington Post reported, a young Chinese worker from the countryside told of hearing two versions of the events in Beijing—one from the Central People's Radio and one from the Voice of America. The two accounts were so startling in their differences that he decided to make the 4-hour trip to see for himself. Once he got to Beijing, he realized the VOA coverage was accurate and he stayed to march for freedom of the press. VOA officials have heard hundreds of similar stories since the students took to the streets.

VOA did not garner this huge audience by chance or due to the recent turmoil. It has earned the respect of listeners in China and around the world through a tenacious adherence to the facts. The VOA is required by law to be accurate, objective, balanced, and comprehensive in its news reporting. As events in China unfolded, dedicated VOA journalists worked around the clock to confirm the latest news from Beijing, Shanghai, Guangzhou, and elsewhere. VOA correspondents in Beijing have sacrificed any thought of sleep to provide eyewitness accounts of the activity. And perhaps most important, VOA relayed news of the demonstrations in 42 other languages to hundred of millions of listeners around the world, thus ensuring that Tiananmen Square will become a global symbol of hope and freedom.

Mr. Speaker, I hope my colleagues will join me in saluting the hardworking staff and leadership at the Voice of America for a job well done.

STATEMENT ON THE TRAGIC SITUATION IN CHINA BY THE NATIONAL COMMITTEE ON UNITED STATES-CHINA RELATIONS

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 7, 1989

Mr. LANTOS. Mr. Speaker, we have all watched with shock, astonishment, and dismay at the events that have been unfolding in China in recent days. In this House yesterday, we adopted a resolution that condemned

"the excessive and indiscriminate use of force by the authorities of the People's Republic of China against its own citizens" and expressed the profound sympathy of the American people for the victims of the brutal repression in China.

Mr. Speaker, today I received a statement of the board of directors of the National Committee on United States-China Relations on the recent events in China and their impact on the programs of the National Committee.

The national committee, as my colleagues in the Congress well know, is an organization which has long sought to encourage the improvement of relations between the United States and China, and the members of the national committee are some of the most prominent and active Americans who have fostered improved relations with the People's Republic of China through the years.

The national committee sent its statement to leading Chinese officials, including Foreign Minister Qian Qichen, Ambassador Han Nianlong of the Chinese People's Institute for Foreign Affairs, and China's Ambassador to the United States, Han Xu. This statement is the first of this kind ever issued by the national committee.

In view of the importance of the national committee and the significance of its statement, Mr. Speaker, I ask that it be placed in the RECORD, and I urge all of my colleagues in the Congress to give it their attention:

NATIONAL COMMITTEE ON
UNITED STATES-CHINA RELATIONS,
New York, NY, June 5, 1989.

The members of the Board of Directors of the National Committee on United States-China Relations are deeply saddened by recent developments in Beijing and elsewhere in the country. We view with shock and deep dismay the application of indiscriminate force by some Chinese government forces against its citizenry. Only through progressively greater political openness and dialogue between the government of China and its people can the stability, reform, and economic improvement everyone so much desires be achieved.

It is inevitable that recent and ongoing events will have repercussions throughout the world and that China's cooperative international relations will be disrupted in many ways. Relations with the United States already have been adversely affected, a situation all the more tragic because Americans are united in their desire to have a warm and mutually beneficial relationship with China's people.

The National Committee regrets that events have necessitated the postponement of several of our programs. We believe deeply in the importance of healthy Sino-American relations, ongoing dialogue, and efforts at mutual understanding. Our policy will be to work with Chinese individuals and organizations which share our commitment to these goals and we look forward to a time when the atmosphere for productive programs will again exist.

The Members of the Board of Directors of the National Committee on United States-China Relations are: Raymond Philip Shafer, Chairman; Caroline L. Ahmanson, Robert A. Levinson, Robert S. McNamara, Lucian W. Pye, and Henry P. Sailer, Vice Chairmen; Martha Redfield Wallace, Treasurer; Kathryn D. Christopherson, Secretary; and Members of the Board: A. Doak Barnett, Gordon Bennett, Shirley Temple Black, John Brademas, Edmund G. Brown, Alison Stilwell Cameron, Chou Wen-Chung, Jerome A. Cohen, Charles J. Conroy, Marshall B. Coyne, William A. Delano, Daniel W. Derbes, John Diebold, Gerald R. Ford, Marshall Green, Maurice R. Greenberg, Stanford D. Greenberg, Armand Hammer, Herbert J. Hansell, Harry Harding, Jr., Richard C.A. Holbrooke, Frederick W. Hong, Eric Hotung, Arthur W. Hummel, Jr., Nicholas R. Lardy, Gloria E. Lemon, Stanley B. Lubman, Richard W. Lyman, D. Bruce McMahan, Douglas P. Murray, Michel Oksenberg, Frederick O'Neal, Arthur H. Rosen, Robert A. Scalapino, Susan L. Shirk, Elmer Staats, Carl F. Stover, Walter S. Surrey, A. Alfred Taubman, Richard L. Walker, Allen S. Whiting, Margaret S. Wilson, and Harold Wolchok. Directors Emeriti are Robert O. Anderson, Everett Case; John K. Fairbank; Theodore M. Hesburgh, C.S.C.; Philip M. Klutznick; and Tang Tsou. David M. Lampton, President; and Jan Carol Berris, Vice President.

H.R. 1502

HON. WALTER E. FAUNTROY

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 7, 1989

Mr. FAUNTROY. Mr. Speaker, on Tuesday, June 13, 1989, H.R. 1502, the District of Columbia Police Authorization and Expansion Act of 1989, will be called up under the suspension calendar. H.R. 1502 is the result of a bipartisan compromise reached between the majority and minority side of the Committee on the District of Columbia. In the spirit of full cooperation, we have been able to draft legislation that is the cornerstone of a four stage plan to confront the drug menace in the District of Columbia.

During the course of the committee debate, it became apparent to all committee members that the issue before us was one of such consequence that we had to set aside areas of division and work diligently and cooperatively to achieve our common goal, which is the eradication of drugs and drug-related violence from the streets of our Nation's Capital. The chairman of the Committee on the District of Columbia, the Honorable RONALD V. DELLUMS; the ranking Republican of the Committee on the District of Columbia, the Honorable STAN PARRIS; and I determined that we would do everything in our power to bring to the floor a sound piece of legislation. H.R. 1502 as amended, is that bill.

Mr. Speaker, I urge passage of H.R. 1502 as amended, and assure this body that we will work for its passage in the Senate as well as its signing by the President.

Mr. Speaker, H.R. 1502 as amended, is only a first step but it is a giant first step on a long journey.

CHRISTYANNE COLLINS PROLIFE HEROINE

HON. ROBERT K. DORNAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 7, 1989

Mr. DORNAN of California. Mr. Speaker, I want to call your attention to the testimony of a courageous woman who is a heroine to many for her steadfast and self-sacrificing commitment to protecting the lives of innocent preborn babies. For many years, prolife activist Christyanne Collins has counseled hundreds of women who have been led to believe that abortion is the only solution to their crisis pregnancy.

On May 16, 1989, Christyanne Collins appeared before Judge Richard Salzman of the District of Columbia Court for sentencing. He had convicted her of unlawful entry for standing in the public hallway outside Washington's New Summit Women's Clinic in order to give women information about positive alternatives to abortion. Judge Salzman sentenced her to 9 months in prison—5 months suspended—of which she served over 90 days until released by prison officials to relieve overcrowding.

The following is a transcript of her extemperaneous comments immediately prior to her sentencing which was printed in the February issue of American Life League's "About Issues." Her honest words and her selfless actions illustrate her great compassion for women and children.

UNITED STATES OF AMERICA V. CHRISTYANNE COLLINS, DEFENDANT—CRIMINAL ACTION NO. M762-88

"Your Honor, there are several comments I would like to make. The first is that you cannot rehabilitate people from doing something good; you cannot rehabilitate people from resisting evil.

"My second comment regards the pre-sentence report issued by my probation officer, particularly her recommendation for psychiatric evaluation and ongoing psychological counseling.

"I can't help but marvel. Most of the people sitting in the front row of this courtroom earn their living from the abortion industry. If I did to an animal what this court sanctions their doing to children, you would call me mentally deranged. Yet, because I know and act as if these aborted children are not merely globs of tissue, but children made in the image of God, and because I resent seeing them reduced to arms and legs, smashed skulls, eyeballs and broken rib cages, I am the one you seek to punish and deter and subject to psychiatric evaluation.

"I know abortion is the brutal murder of a baby, and have made the decision I would rather face any sanction this court could impose upon me for resisting that evil rather than have to live with my heart, mind and soul if I were to comply with what this court expects me to do: become a silent, accepting observer of the murder.

"When I realize my failure to comply puts me and not them at the point of psychiatric evaluation, I know there is something terribly, terribly wrong. May God forgive.

"Your Honor, you have, throughout the trial, talked about the laws of this land. The fundamental right of every American citizen is the right to life, a right our Constitution

declares an unalienable right endowed by our Creator. It is not something you or I or the State can choose to give or take away.

"Whether a person is pre-born, dying of AIDS, mentally incompetent, retarded, physically handicapped or otherwise not perfect or unwanted by some, life is not something we can choose to throw away or minimize.

"We have seen the time when, in our society, blacks, who, by the mere color of their skin, were told they were not human beings; they could be separated from their families, beaten, sold or killed. These actions were entirely sanctioned by the courts who denied their personhood, and were resisted by men and women who knew the laws were evil.

"We have seen times in our history when people, because of their nationality (Jewish) were brutalized in concentration camps and condemned to die in gas ovens. And even today—40 years after the Holocaust events—we have a world of people still seeking to punish those responsible.

"Today, throughout the world, people are looking at Kurt Waldheim of Austria. We say, that man should have done something. We say he shouldn't have simply followed orders simply because the law allowed brutality; we say he should have resisted because he knew the acts were evil.

"In the 40 years since the events of the Nazi Holocaust, there are many who believe he should still be held accountable for his failure to do right, and for his participation in the state-sanctioned evil. Will the same be said of us, who have for so long accepted the murder of our children?

"Your Honor, I want you to know I respect the law greatly. I respect the law that says every human being, every American citizen, has the unalienable right to life.

"I am not called to yield my conscience to the legislature and I am not called to elevate the state to the place of God in my life.

"If the laws of this courtroom and the laws of the land that sanction the brutal murder of an unborn child ever become more important than the fact that these children are made in the image of God, and are children He would protect, then I will have failed at what is most important in my life: obedience to God.

"I am terrified to walk through those doors into your jail, Your Honor, and I don't mind telling you that. I am not an evil person. I am not a criminal. And I do not belong in your jails; except under your standard of justice which protects murder and convicts those who act in defense of life.

"I am a person who cares a whole lot for other people. I know when I walk through that door into your jail, life is going to be painful for me.

"Yet it will not be nearly as painful as if I had freedom on the outside because of refusing to live by my conscience. To have the freedom to go about my daily business, because I am afraid of the consequences the law might impose for resisting evil, would leave me a pretty empty human being.

"Finally, Your Honor, I want to say the day is going to come when you and I and the abortionists sitting in the front row of this courtroom are going to stand before a different judge. Today I face temporal consequences for my action to love and protect preborn children. I am willing to do that.

"I would far rather pay any consequences you can impose upon me for my commitment to loving these children and their mothers, than to one day face the Righteous Judge and have to say I was not faithful to the call of Christ.

"I cannot change who I am, Your Honor. Indeed, I would not want to be any different than I am in regard to this issue. As I said, you cannot rehabilitate me from loving women who are devastated by their abortion decisions, and from trying to prevent other women from making the same destructive decisions.

"If refusal to act on their behalf is rehabilitation, I don't want it. I can only say to you and the other people you represent, your colleagues, officers of the court, Ms. McHenry my prosecutor, and those sitting in the front row representing the abortion industry: The day is going to come when you will all face that different Judge.

"When that day comes, I want you to know that I and most of the people in this courtroom will be praying for each of you, that you will come to a reconciliation between right and wrong, and have given your allegiance to God's justice.

"That is all I have to say, Your Honor."

A TRIBUTE TO "MR. ENGLISH"

HON. NANCY L. JOHNSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 7, 1989

Mrs. JOHNSON of Connecticut. Mr. Speaker, on Sunday, June 11, the citizens of Simsbury, CT, will gather to honor John F. Klingler, who is also known as Mr. English. A teacher for 38 years, Mr. Klingler has also served as department chair for 28 years, and has worked tirelessly to afford the students at Simsbury High School unique opportunities to grow and learn.

Mr. Klingler has professed a strong commitment to an unusual interpretation of the three R's—reading, writing and right word. The development of a complete curriculum stressing more than a basic understanding and usage of the English language has yielded truly remarkable results. Simsbury High School is justifiably proud that more than 1 graduate in 10 has been recognized by the National Merit Scholarship Program for academic achievement.

Believing in the total development of the student, Mr. Klingler has not limited his involvement to purely academic endeavors. He has served as faculty advisor to the SHS Yearbook, the Pinnacle, and coach of the teams competing on "As Schools Match Wits," and he is recognized on the campus for his commitment to the students, a constant presence urging them on to achieve their greatest potential, both as students and as individuals. Mr. Klingler refers to his students as "my diamonds." Mr. Klingler has devoted himself to sculpting and polishing the intellects of his students, creating truly precious gems, knowing what an invaluable gift a sharp mind and a strong sense of personhood is to each of them. I join with the citizens of Simsbury in offering my sincerest congratulations to and appreciation for the very successful efforts of John F. Klingler.

THEODORE A. LEVINE—A TRIBUTE TO HIS 35 YEARS OF COMMITMENT TO EDUCATION

HON. RICHARD E. NEAL

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 7, 1989

Mr. NEAL of Massachusetts. Mr. Speaker, I would like to take this opportunity to pay tribute to Mr. Theodore A. Levine, who is retiring after serving the Springfield school system as a teacher and principal for 35 years.

Ted Levine is a graduate of Springfield Classical High School, American International College, and the University of Massachusetts. He served as principal of the Eastern Avenue and School Street Schools from 1962 to 1966, and for the past 22 years, he has been the principal of Homer Street School.

Mr. Speaker, there can be no more difficult job than serving as an educator in an urban school system. It is a demanding profession in which the obstacles seem insurmountable and achievements often go unrecognized.

I would be greatly remiss if I did not acknowledge the contributions Ted has made to the Springfield school system. I cannot think of anyone who has shown the sort of career-long devotion to education that he has. For more than three decades Ted Levine has given of his time and his talents to literally generations of young men and women who today are better citizens for having known him. I am pleased to join with his colleagues, friends, and family on the occasion of his retirement from the Springfield school system, and I extend my personal congratulations and special thanks for his extraordinary dedication and serivce in developing the minds of our youth.

THE IMPORTANCE OF BUCKLING-UP

HON. MICHAEL BILIRAKIS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 7, 1989

Mr. BILIRAKIS. Mr. Speaker, I rise today to draw attention to a very important problem in America that we can all solve instantly—it is transportation safety. My home State of Florida has been working vigorously to bring to the attention of all Florida residents and visitors, of which there are many, the need to buckle up and use child safety devices.

Do you know Mr. Speaker, that one Tampa hospital did a survey that showed 60 to 70 percent of babies were taken home from the hospital without the use of child restraints. Imagine that—with automobile accidents leading the pace as the No. 1 killer of children in our Nation.

In Pasco County, in my congressional district, the community is doing something about this problem. Between January and the end of March this year their usage of safety belts and child seats went from 26 percent to 53 percent. As a result, Susan Samson came to Washington recently on behalf of the commu-

nity's success to receive a National Community Achievement Award from the American Coalition of Traffic Safety. I am proud of Florida and Pasco County's efforts to educate the community on this important issue. I hope we will all take this message throughout the country until no lives are needlessly lost on our highways.

JAPAN MUST OPEN ITS MARKET NOW

HON. TOM CAMPBELL

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 7, 1989

Mr. CAMPBELL of California. Mr. Speaker, I would like to commend the distinguished members of the Committee on Ways and Means—Chairman ROSTENKOWSKI, Mr. MATSUI, Mr. GIBBONS, and Mr. CRANE—for having the wisdom to bring to the House floor a resolution that asks the President to enforce the 1986 United States-Japan Semiconductor Agreement and prevent further unfair Japanese trade practices.

As we all know, the President recently cited Japan for unfair trade practices under the Super 301 provisions of our trade law. However, the President did not add Japanese semiconductor trade practices to his list of priority practices. It is vital to understand, as I have been assured, that the President viewed Super 301 as requiring a listing of new areas of unfair trading practices, and that is why he singled out telecommunications, supercomputers, and timber. The omission of semiconductors was decidedly not a condoning of the present state of United States access to Japanese markets, which remains deplorable. It reflected merely the fact that there was already in force a set of sanctions against Japan in connection with our semiconductor trade. This resolution is an extremely important measure because it urges the President to continue to enforce the 1986 agreement and help our semiconductor firms achieve fair access into the Japanese markets.

The 1986 agreement calls on the Japanese to stop dumping semiconductors in our market and provide substantially increased access by foreign firms in the Japanese market. While the USTR has determined that Japanese dumping of chips has subsided, our chip manufacturers still do not have fair market access in Japan. Many fine U.S. firms such as Intel, AMD, Motorola, and National Semiconductor have been successful in their efforts to penetrate most foreign markets. However, their sales to Japan continue to lag far behind their efforts in other markets. This is difficult to understand given the high Japanese demand for semiconductors in consumer electronics, telecommunications, and computers.

I am puzzled by the unwillingness of the Japanese to provide fair access to our semiconductors given the restraint that we have shown toward Japan in the past. For instance, in return for the 1986 agreement we suspended a number of unfair trade practices against Japan for its semiconductor trade practices. In 1987, the President did assess limited sanctions upon Japan for its failure to give us fair access into its semiconductor market. I fear that unless Japan starts to comply fully with the 1986 agreement, support for much sterner trade measures will once again increase on Capitol Hill, perhaps leading to a wave of protectionism. I am hopeful that the President will direct the USTR to enter into negotiations to resolve this matter as soon as possible.

Mr. Speaker, yesterday I voted in favor of House Resolution 146 with over 400 of my colleagues. Not one Member of the House of Representatives voted against this measure. I am confident that the President will take this message seriously and move quickly to enforce this agreement.

REMANUFACTURING AND OUR DEFENSE INDUSTRY

HON. LARRY E. CRAIG

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 7, 1989

Mr. CRAIG. Mr. Speaker, today, I am introducing a resolution expressing the sense of Congress that the Department of Defense should place a greater emphasis on the remanufacture of existing military equipment in order to maintain readiness during a period of budget constraints, production delays and cost overruns of new equipment.

For those of you who may not be familiar with the remanufacturing process and what it can offer to DOD in the way of cost savings, effectiveness, and timely replacement of aging equipment, I have prepared the following paper for your information:

REMANUFACTURING

At a time when DOD investment budgets are critically austere, the remanufacturing process provides a viable alternative to new material acquisitions, and is a more comprehensive application of a service life extension program (SLEP). Remanufacturing is a means of meeting mandated Force levels at a considerable cost savings to the Government as compared to the current cost of equivalent new material.

Remanufacturing is a speciality industry that is not as dominant as original equipment manufacturing and is accordingly less popular. Remanufacturing does, however, represent a unique set of skills and capabilities that must address the challenge of starting with products that have, through use and age, transformed to various states of wear and disrepair. From these conditions the remanufacturing process must reshape, replace, rebuild, improve, test and deliver a product that is better than new, and at a clear savings in both initial and life cycle costs.

Remanufacturing should therefore warrant serious attention from DOD, and in particular from the Army who is now tasked with developing solutions to fielding large quantities of high quality equipment with a markedly constrained budget.

ARMY MEDIUM TACTICAL VEHICLE (MTV) FLEET

A prime candidate for the application of a comprehensive remanufacturing program is the Army's older fleet of 2½ and 5 ton trucks commonly referred to as medium tactical vehicles (MTV). Traditional Army material policy preferences the acquisition of new products such as the current Family of Medium Tactical Vehicles (FMTV) program. However, the Army will probably not receive sufficient budget authority to procure the new FMTVs in the quantities needed to preclude a period of perilous fleet shortages from 1990 to at least 2000 without a remanufacturing program for its older vehicles. The Army's MTV fleet difficulties are further compounded by aging assets that are deteriorating faster than they can be properly maintained, and by spiraling maintenance costs that have become increasingly prohibitive.

DEPOT LEVEL MAINTENANCE

Depot level maintenance is an essential service program that is sometimes overestimated as the Government's in-house resource for meeting complete equipment renewal requirements. Depot level maintenance is in fact more reactive to system and component-specific service requirements and is, therefore, less comprehensive than a total remanufacturing program.

The Service Depots are normally chartered to perform structured overhaul and rebuild work on equipment, systems and components on an as-needed basis. The Depots are also encouraged to perform their peace-time mission during one standard work shift, and to hold in reserve the capacity for two additional work shifts to meet surges and mobilization requirements. Service Depots are, therefore, not necessarily structured or organized to perform comprehensive remanufacturing operations.

PRODUCT IMPROVEMENT

Product improvement and modernization is another important benefit of the remanufacturing process. Remanufacturing provides the opportunity for early integration of several new state-of-the-art systems and components that have been developed for the next generation of MTVs, but are otherwise available for application and fielding now. These systems and components are specifically engineered to enhance vehicle performance, to improve vehicle reliability and maintainability, to extend vehicle useful life expectancy, and to reduce vehicle life cycle cost.

DEMONSTRATED JUSTIFICATIONS

Industry experience clearly demonstrates remanufacturing can be justified as a practical and timely alternative whose benefits are manifold. The most salient of these are summarized as follows:

A remanufactured truck with select product improvements should cost 55-65 percent of the equivalent product's current new cost.

Remanufacturing typically extends the service life of a truck by 100 percent.

Remanufacturing can be the pivotal and timely means for closing the imbalance of conventional forces that exists between the U.S. and adversary nations.

Remanufacturing resources can effectively restrengthen and sustain our industrial base.

Let's send a clear message that Congress believes in exploring and implementing any and all methods of achieving military preparedness within the framework of an extremely tight budget. I hope you will all join me as a cosponsor of this important legislation.

SALUTE TO PATRICIA RUPLEY

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 7, 1989

Mr. MILLER of California. Mr. Speaker, I rise today to salute Patricia Rupley of Richmond, CA, on the occasion of her retirement from the Richmond Unified School District.

Pat Rupley is an outstanding citizen in my district. Through her many years of dedication to education, she has touched the lives of the West Contra Costa community. Her constant commitment to our young people is evident in the success of the Richmond Unified alumni, both past and present.

While often seen as a leader by fellow Richmond Unified teachers and administrators, Pat has enjoyed a long and successful career. Beginning as a math teacher at Helms Junior High School in 1953, she quickly began to ascend into the district's administration, holding positions as counselor, dean, and instructional vice principal. In 1979, upon becoming principal of Kennedy High School, she proudly became Richmond Unified's first woman high school principal. Today, after 36 years, Pat holds the position of special assistant to the superintendent, again being the first woman to hold a position within the superintendent's cabinet.

Despite being out of the classroom for a large part of her career, Pat has maintained a close rapport with the students and their families. She has continually proven to be a positive influence on those whom the system has been unable to reach. Her individual attention to those who needed her support and guidance has allowed for many students to successfully complete their education and enter adult life with the skills necessary to succeed.

Pat's contributions have indeed made West Contra Costa County a better place to live and work, and I invite my colleagues to join me in recognizing this exceptional individual.

REINVIGORATING CONGRESS

HON. DOUG BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 7, 1989

Mr. BEREUTER. Mr. Speaker, today I would like to call the attention of my colleagues to the most thoughtful opinion piece by the distinguished gentleman from Indiana, the Honorable LEE HAMILTON, which appeared in the June 6, 1989 edition of the Washington Post. The gentleman is to be commended for his insightful analysis of the state of the 101st Congress, and especially for his very specific call to action. He is right on target.

It is time for all of us to move to reform and reinvigorate Congress. We do need to put tough but effective ethics reforms in place. We must act expeditiously to reform our campaign finance laws. We must ban honoraria.

If we want the American people to respect this institution, then we must demonstrate that we collectively respect it ourselves. We have to end our attacks on the Congress as an institution. We must put into place clear, effective, and appropriate rules that facilitiate the business of legislating and discourage parliamentary impasse and inaction.

Our very distinguished colleague from Indiana is right. This Congress needs to get its own house in order and get on with the Nation's business.

[From the Washington Post, June 6, 1989]

REINVIGORATING CONGRESS

(By Lee H. Hamilton)

Members of Congress have had some unpleasant reading in recent days. A Post editorial says Congress needs a bath. Headlines tell us we are stuck in an ethics quagmire. Polls remind us that the dominant attitudes expressed by people toward Congress are cynicism and mistrust. Adding to this is a state of disarray, a sense of opportunity being lost, and suspicion and acrimony. The public's business is not being taken care of. It is time to take steps to reinvigorate Congress.

First, we need to enact a package of tough ethics reforms. Tightening congressional ethics rules would clarify the standards for members and increase public confidence in Congress. We should tighten congressional rules on gifts and the use of campaign funds and should further limit sources of outside income to reduce potential conflicts of interest. We should also clarify our Code of Official Conduct to make it clear to members that their conduct should conform to broad standards of good conduct, whether or not they may technically avoid some of the legalistic nuances of a specific rule. We need to greatly expand the "preventative ethics" role of the Standards Committee—broadening its advisory and informational efforts to try to head off possible cases of misconduct before they occur.

Second, we need to reform our campaign finance laws. Members must spend an enormous amount of time fund-raising, and special-interest money is flooding our system of government in unprecedented amounts. We should give candidates incentives (such as reduced postage rates and discounted broadcasting costs) to accept campaign spending limits. We should lessen the power of special interest PACs by, for example, capping the amount of PAC contributions a candidate could accept and curbing "independent expenditures."

Third, we should support a modest pay increase tied to a ban on honoraria. A modest increase to partially offset past losses due to inflation, plus indexing future pay, might be perceived as reasonable. In return, we should ban all congressional honoraria. Banning honoraria from special interests would go a long way toward restoring public confidence in Congress, but there is no chance of eliminating them without a pay raise.

Fourth, we need to stop the partisan ethics attacks on one another. Much of the damage of the House in recent months has been self-inflicted, as each party attacks the ethics of opposing members for political advantage. Leaders of both parties need to sit down and talk about reining in the attacks to allow us to get down to the serious business of governing. We seem to have lost sight of the fact that the first duty of all members of Congress is to work together to govern effectively.

Fifth, we in Congress need to stop badmouthing the institution of Congress. We need to stop running for Congress by running against Congress. Americans will not acclaim an institution that their own members disclaim. Members who make distorted demeaning statements about Congress should face disciplinary action. Most members of Congress are honest, conscientious and hard-working, and we should start saying that.

Sixth, we need to enact institutional reforms to improve the effectiveness of Congress. We need to reduce the excessive number of subcommittees tying up legislation, cut down the number of times the same issue is considered on the floor, and make it more difficult to miss budget deadlines. We also need to stop hiding tax and spending benefits for narrow interests behind obscure language in omnibus bills. Congress must be able to pull itself together and produce a program to respond to the issues of the day. Today it does not have the integrative mechanisms to mobilize itself, blend its product into a consistent policy and give the country a sense of direction. We need to strengthen the capacity of Congress to govern.

Finally, we need to tackle the tough problems on the American agenda. We have become too timid legislatively, often dealing with issues that are of only marginal interest to most Americans, while avoiding the tough issues in order to protect our chances of reelection. We need to stop playing games with the budget, go after popular but counterproductive tax benefits and make the kinds of investments—in education, R&D, and infrastructure—that are needed for securing America's economic future. One of the best ways for Congress to become respected again is for it to do a respectable job.

We are in a rough patch now, but I have confidence in Congress and its ability to overcome its problems. Getting our own house in order, members recognize, is essential if we are to get on with taking care of the nation's business.

REPRESENTATIVE HORTON HONORED AT DINNER TO BENEFIT ISRAEL

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 7, 1989

Mr. GILMAN. Mr. Speaker, I rise today to pay tribute to one of the outstanding Members of this body. It has been an honor and a privilege to serve with my colleague from New York, Representative FRANK HORTON. I believe FRANK should be recognized for his dedication and service to the public.

FRANK is chairman of the New York Bipartisan Congressional Delegation and has served in Congress for 27 years. Recently FRANK was honored with a State of Israel's bonds testimonial dinner in tribute to FRANK HORTON. FRANK was the recipient of Israel's Jerusalem Medal. Over $2 million was raised for the State of Israel bonds. I believe the following statement by the president of Rochester Institute of Technology, Dr. Richard M. Rose, accurately depicts FRANK HORTON'S career in Congress and his dedication to the right of self-determination in the Middle East.

FREEDOM AND DEMOCRACY IN CHINA

HON. NORMAN Y. MINETA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 7, 1989

Mr. MINETA. Mr. Speaker, during the last few days, the world has been horrified by the wanton brutality now taking place in the People's Republic of China.

The inconceivable attacks by the Chinese Army—using bayonets, machineguns, and battle tanks to slaughter unarmed Chinese civilians in the streets of Beijing—has cast a permanent, blood-soaked stain of malevolence upon the Chinese leadership which ordered the assaults.

The American people have been deeply moved by the courage of the Chinese people who have confronted this oppression. The peaceful Chinese demonstrators for democracy struggled defiantly against overwhelming odds, armed only with their convictions and their desire for the most basic human and civil rights.

For China, this is a time of chaos. But here in America, we should commit ourselves as individuals and as a nation, to ensure that the ideals of those who have sacrificed their lives in the name of peace, in the name of democracy, shall not themselves die.

POLAND'S JOURNEY TOWARD FREEDOM

HON. DAVID E. BONIOR

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 7, 1989

Mr. BONIOR. Mr. Speaker, on Sunday, June 4, 1989, the trade union Solidarity was overwhelmingly victorious in the first truly democratic elections held in Poland in over 40 years. Unofficial projections indicate that 160 out of the 161 Solidarity candidates for the lower house, the Sejm, will be elected in the first round of voting without a runoff election. In addition, over 90 of the 100 Solidarity candidates for the newly created Senate will be elected in the first round. I rejoice in the triumph of Solidarity in these elections. The people of Poland have spoken clearly and unequivocally.

Preliminary results also indicate that perhaps all of the 35 senior ruling party officials running unopposed for the Sejm on the national list have been rejected by the voters. The Polish people have stood firmly for freedom in these elections. The ruling party and Solidarity now face a legal and political quandary. There is no provision for replacing the national list candidates, but a constitutional article requires that all 460 seats in the Sejm be filled.

I urge both sides to come together and fashion a settlement that is acceptable to all and will not endanger the tremendous reforms that have been recently gained. The ruling government must live up to its promises of democracy.

Poland is on the verge of a great awakening. There is no turning back now. My prayers are with my Polish brothers and sisters during this time of great change. May Poland's journey toward freedom continue.

THE IMPORTANCE OF R&D

HON. BERYL ANTHONY, JR.

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 7, 1989

Mr. ANTHONY. Mr. Speaker, technological innovation is critical to this Nation's economy and to our general welfare—because it bolsters our economy with both marketable products and heightened productivity—and because it provides the promise for solving a number of our most pressing problems.

Of course, scientific and technological innovation is predicated on vigorous research and development, and any nation that wants to reap the benefits of innovation encourages R&D. That's why our competitors in the world marketplace do their best to encourage, and to attract, research and development efforts.

Yet, despite the importance of R&D, for over a decade, the U.S. Tax Code has included a tax regulation that discourages domestic research and development: Section 861–8.

Congress has continually recognized the problems with section 861 and has approved five separate moratoriums to prevent its implementation. Legislation my colleagues and I are introducing today is an attempt to once and for all end the controversy over this regulation, and to encourage U.S.-based research and development, by permanently reforming section 861.

Section 861 taxes U.S. R&D performers as if they were conducting part of their U.S. R&D in foreign countries. Since other countries obviously don't allow deductions for expenses incurred in the United States, the new result is to deny companies the full deduction for their R&D expenditures.

No other nation treats R&D performed within its borders as if it were performed elsewhere. Therefore, under the section 861 U.S. R&D penalty, American companies have an incentive to locate their R&D facilities in foreign countries.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Any changes in committee scheduling will be indicated by placement of an asterisk to the left of the name of the unit conducting such meetings.

Meetings scheduled for Thursday, June 8, 1989, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

JUNE 9

9:30 a.m.

Armed Services

Manpower and Personnel Subcommittee

To resume hearings on proposed legislation authorizing funds for fiscal years 1990 and 1991 for the Department of Defense, focusing on manpower programs. SR-232A

Environment and Public Works

Water Resources, Transportation, and Infrastructure Subcommittee

To hold hearings on scenic byways. SD-406

Small Business

Rural Economy and Family Farming Subcommittee

To hold hearings to assess the impact of S. 863, proposed Rural Access to Capital Act, and S. 851, proposed Small Business Rural Revitalization Act on small business. SR-428A

Select on Indian Affairs

Business meeting, to mark up S. 521 and provisions of H.R. 881, measures to provide for restoration of the Federal trust relationship with, and assistance to the Coquille Tribe of Indians and the individual members consisting of the Coquille Tribe of Indians, and S. 321, to revise provisions of law that provide a preference to Indians; to be followed by oversight hearings on the implementation of amendments to the Indian Self Determination Act. SR-485

10:00 a.m.

Agriculture, Nutrition, and Forestry

Agricultural Research and General Legislation Subcommittee

To hold hearings on the state of agricultural research. SR-332

Banking, Housing, and Urban Affairs

Housing and Urban Affairs Subcommittee

To resume hearings on S. 566, the National Affordable Housing Act, focusing on homeownership affordability. SD-538

Foreign Relations

To resume mark up of proposed legislation authorizing funds for fiscal year 1990 for foreign assistance programs. SD-419

Government Affairs

Permanent Subcommittee on Investigations

To hold hearings to review Federal drug interdiction capabilities and coordination, focusing on the role of the Department of Defense. SD-342

2:00 p.m.

Veterans' Affairs

To hold hearings on title I of S. 13, provisions of S. 564 and S. 1092, Amendment No. 110 (S. 190), and other recommendations in the report of the Commission on Veterans Education

Policy regarding military and VA programs.
SR-418

JUNE 12

9:30 a.m.
Governmental Affairs
Government Information and Regulation Subcommittee
To hold hearings on proposed legislation authorizing funds for programs of the Paperwork Reduction Act.
SD-342

10:00 a.m.
Energy and Natural Resources
To hold hearings on the nominations of Delos Cy Jamison, of Montana, to be Director of the Bureau of Land Management, Department of the Interior, and Frank A. Bracken, of Indiana, to be Under Secretary of the Interior.
SD-366

Finance
To resume hearings on child care and child health legislation.
SD-215

Foreign Relations
East Asian and Pacific Affairs Subcommittee
To hold hearings on proposals for U.S. assistance to Cambodia.
SD-419

2:00 p.m.
Foreign Relations
To hold hearings on the nominations of Richard H. Solomon, of the District of Columbia, to be an Assistant Secretary of State for East Asia and Pacific Affairs, Della M. Newman, of Washington, to be Ambassador to New Zealand and to serve concurrently as Ambassador to Western Samoa, Robert D. Orr, of Indiana, to be Ambassador to the Republic of Singapore, and Melvin F. Sembler, of Florida, to be Ambassador to Australia and to serve concurrently as Ambassador to the Republic of Nauru.
SD-419

JUNE 13

9:00 a.m.
Appropriations
Defense Subcommittee
To resume open and closed hearings on proposed budget estimates for fiscal year 1990 for the Department of Defense, focusing on strategic programs.
SD-192

9:30 a.m.
Armed Services
Strategic Forces and Nuclear Deterrence Subcommittee
To resume closed hearings on proposed legislation authorizing funds for fiscal years 1990 and 1991 for the Department of Defense, focusing on the Strategic Defense Initiative.
SR-222

Commerce, Science, and Transportation
To hold hearings on the nomination of Thomas J. Murrin, of Pennsylvania, to be Deputy Secretary of Commerce.
SR-253

10:00 a.m.
Agriculture, Nutrition, and Forestry
Business meeting, to mark up S. 1036, to improve the economic, community, and educational well-being of rural America.
SR-332

Finance
To hold hearings on S. 800, to provide for a moratorium on and study of certain State income tax provisions which affect nonresidents.
SD-215

2:00 p.m.
Energy and Natural Resources
Energy Research and Development Subcommittee
To hold hearings on the Department of Energy's role in the area of magnetic fusion and inertial confinement fusion research and development and demonstration, and S. 964, authorizing funds for fiscal years 1990 and 1991 for civilian energy programs of the Department of Energy.
SD-366

Foreign Relations
To hold hearings on the nominations of Melvyn Levitsky, of Maryland, to be Assistant Secretary of State for International Narcotics Matters and Jewel S. Lafontant, of Illinois, to be U.S. Coordinator for Refugee Affairs and Ambassador-at-Large.
SD-419

Judiciary
Courts and Administrative Practice Subcommittee
To hold hearings on S. 594, to establish an independent corps of administrative law judges necessary to review and evaluate a wide variety of issues.
SD-226

Small Business
To hold hearings on the impact of proposed user fees by the Food and Drug Administration on small business.
SR-428A

2:30 p.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1990 for foreign assistance programs, focusing on the Middle East, Pakistan, and Afghanistan.
SD-138

Finance
Business meeting, to mark up S. 1129, to simplify the antidiscrimination rules applicable to certain employee benefit plans and proposed child care and child health legislation.
SD-215

JUNE 14

9:00 a.m.
Agriculture, Nutrition, and Forestry
To continue mark up of S. 1036, to improve the economic, community, and educational well-being of rural America.
SR-332

Commerce, Science, and Transportation
Communications Subcommittee
To hold hearings on the diversity and concentration of media ownership.
SR-253

Labor and Human Resources
Business meeting, to consider S. 110, Family Planning Amendments, S. 120, Adolescent Pregnancy Prevention, Care, and Research Grants Act, S. 54, Age Discrimination in Employment Waiver Protection Act, and pending nominations.
SD-430

Veterans' Affairs
To hold hearings on certain provisions of S. 13, S. 86, S. 192, S. 405, and S. 846, bills to strengthen and improve VA health care programs, and related measures.
SR-418

9:30 a.m.
Armed Services
Strategic Forces and Nuclear Deterrence Subcommittee
To resume closed and open hearings on S. 1085, authorizing funds for fiscal years 1990 and 1991 for the Department of Defense, focusing on NATO nuclear deterrence.
SR-222

Banking, Housing, and Urban Affairs
Securities Subcommittee
To resume hearings on S. 646, to facilitate cooperation between the United States and foreign countries in securities law enforcement, and on the globalization of securities markets.
SD-538

Rules and Administration
To resume hearings on S. 7, S. 56, S. 137, S. 242, S. 330, S. 332, S. 359, and S. 597, bills to provide for spending limits and public financing for Federal elections.
SR-301

10:00 a.m.
Finance
To resume oversight hearings on the implementation of the Omnibus Trade and Competitiveness Act of 1988.
SD-215

2:00 p.m.
Agriculture, Nutrition, and Forestry
Nutrition and Investigations Subcommittee
To hold hearings on proposed legislation authorizing funds for the Women, Infants, and Children (WIC) Program and child nutrition programs.
SR-332

Foreign Relations
To hold hearings on the nominations of E. Patrick Coady, of Virginia, to be United States Executive Director of the International Bank for Reconstruction and Development, and Fred M. Zeder II, of New York, to be President of the Overseas Private Investment Corporation.
SD-419

2:30 p.m.
Commerce, Science, and Transportation
To hold hearings on the nomination of James B. Busey IV of Illinois, to be Administrator of the Federal Aviation Administration, Department of Transportation.
SR-253

JUNE 15

9:00 a.m.
Agriculture, Nutrition, and Forestry
To continue work up of S. 1036, to improve the economic, community, and educational well-being of rural America.
SR-332

Appropriations
Defense Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1990 for the Department of Defense.
SD-192

9:30 a.m.
Banking, Housing, and Urban Affairs
Securities Subcommittee
To continue hearings on S. 646, to facilitate cooperation between the United States and foreign countries in securities law enforcement, and on the globalization of securities markets.
SD-538

Commerce, Science, and Transportation
To hold hearings on S. 561, to provide for testing for the use, without lawful authorization, of alcohol or controlled substances by the operators of aircraft, railroads, and commercial motor vehicles.
SR-253

Energy and Natural Resources
Energy Research and Development Subcommittee
To resume hearings on S. 964, authorizing funds for fiscal years 1990 and 1991 for civilian energy programs of the Department of Energy, and to hold hearings on S. 488, to provide Federal assistance to a program of research, development, and demonstration of renewable energy and energy efficiency technologies, and proposed legislation authorizing funds for fiscal year 1990 for conservation and renewable energy programs of the Department of Energy.
SD-366

Governmental Affairs
To hold hearings on alcohol abuse prevention.
SD-342

9:45 a.m.
Foreign Relations
To hold hearings on the nomination of Donald Phinney Gregg, of Maryland, to be Ambassador to the Republic of Korea.
SD-419

2:00 p.m.
Agriculture, Nutrition, and Forestry
Nutrition and Investigations Subcommittee
To continue hearings on proposed legislation authorizing funds for the Women, Infants, and Children [WIC] Program and child nutrition programs.
SR-332

Appropriations
Foreign Operations Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1990 for foreign assistance programs, focusing on the World Bank, International Development Association, International Finance Corporation, International Monetary Fund, and Multilateral Investment Guaranty Agency.
SD-138

Commerce, Science, and Transportation
To hold hearings on the nomination of Jeffrey N. Shane, of the District of Columbia, to be an Assistant Secretary of Transportation.
SR-253

JUNE 16

9:30 a.m.
Finance
Medicare and Long-Term Care Subcommittee
To resume hearings on physician payment reform under the Medicare program.
SD-215

Governmental Affairs
Government Information and Regulation Subcommittee
To resume hearings on proposed legislation authorizing funds for programs of the Paperwork Reduction Act.
SD-342

10:00 a.m.
Banking, Housing, and Urban Affairs
Housing and Urban Affairs Subcommittee
To resume hearings on S. 566, the National Affordable Housing Act, focusing on rental assistance and public housing.
SD-538

JUNE 19

10:00 a.m.
Commerce, Science, and Transportation
To hold hearings in conjunction with the National Ocean Policy Study on proposed legislation authorizing funds for fiscal year 1990 for the U.S. Coast Guard.
SR-253

JUNE 20

9:30 a.m.
Agriculture, Nutrition, and Forestry
Agricultural Research and General Legislation Subcommittee
To hold hearings to review mechanisms for establishing priorities in agricultural research programs.
SR-332

Energy and Natural Resources
Public Lands, National Parks and Forests Subcommittee
To hold hearings on S. 724, to modify the boundaries of the Everglades National Park and to provide for the protection of lands, waters, and natural resources within the park.
SD-366

2:30 p.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1990 for foreign assistance programs, focusing on Central America.
SD-138

JUNE 21

9:00 a.m.
Commerce, Science, and Transportation
Communications Subcommittee
To resume hearings on the diversity and concentration of media ownership.
SR-253

9:30 a.m.
Commerce, Science, and Transportation
Aviation Subcommittee
To hold hearings on S. 640, to establish guidelines for Federal standards of liability for general aviation accidents.
SR-301

Governmental Affairs
To resume hearings on alcohol abuse prevention.
SD-342

1:30 p.m.
Agriculture, Nutrition, and Forestry
Conservation and Forestry Subcommittee
To hold hearings to review the sustainability of forest resources.
SR-332

2:00 p.m.
Commerce, Science, and Transportation
Science, Technology, and Space Subcommittee
To hold hearings on super computers.
SR-253

Energy and Natural Resources
Public Lands, National Parks and Forests Subcommittee
To hold hearings on miscellaneous public lands measures, including S. 558, S. 560, S. 818, S. 855, S. 940, and S. 963.
SD-366

JUNE 22

8:00 a.m.
Veterans' Affairs
To hold hearings on S. 404, H.R. 1415, and S. 898, to extend certain Department of Veterans' Affairs home loan guaranty provisions, and related measures.
SR-418

9:00 a.m.
Agriculture, Nutrition, and Forestry
Conservation and Forestry Subcommittee
To hold hearings to review conservation and agricultural practices.
SR-332

Commerce, Science, and Transportation
Communications Subcommittee
To continue hearings on the diversity and concentration of media ownership.
SR-253

2:00 p.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1990 for foreign assistance programs.
SD-138

Commerce, Science, and Transportation
Surface Transportation Subcommittee
To hold hearings on S. 1005, relating to the sale, purchase, or other acquisition of certain railroads.
SR-253

Energy and Natural Resources
To hold hearings to review trends in domestic CO_2 emissions as they contribute to the phenomenon of global warming.
SD-366

JUNE 23

9:30 a.m.
Governmental Affairs
To hold hearings on S. 253, to establish a coordinated National Nutrition Monitoring and Related Research Program.
SD-342

Select on Indian Affairs
To hold oversight hearings on administration of Indian programs by the Environmental Protection Agency.
SR-485

2:00 p.m.
Select on Indian Affairs
To hold oversight hearings on administration of Indian programs by the Environmental Protection Agency.
SR-485

JULY 11

9:30 p.m.
Energy and Natural Resources
To resume hearings on S. 710, S. 711, and S. 712, bills to provide for a referendum on the political status of Puerto Rico.
SD-366

2:30 p.m.
Energy and Natural Resources
Energy Research and Development Subcommittee
To resume hearings on S. 964, authorizing funds for fiscal years 1990 and 1991 for civilian energy programs of the Department of Energy, and on fossil energy research and development and the clean coal technology program.
SD-366

JULY 12

9:00 a.m.
Commerce, Science, and Transportation
Communications Subcommittee
To hold hearings on S. 707, to require the Federal Communications Commission to reinstate restrictions on advertising during children's television, to enforce the obligation of broadcasters to meet the educational and informational needs of the child audience.
SR-253

JULY 13

9:30 a.m.
Commerce, Science, and Transportation
Merchant Marine Subcommittee
To hold hearings on capabilities and concerns of the national sealift policy.
SR-253

Veterans' Affairs
Business meeting, to consider pending calendar business.
SR-418

10:00 a.m.
Energy and Natural Resources
To resume hearings on S. 710, S. 711, and S. 712, bills to provide for a referendum on the political status of Puerto Rico.
SD-366

JULY 14

10:00 a.m.
Energy and Natural Resources
To continue hearings on S. 710, S. 711, and S. 712, bills to provide for a referendum on the political status of Puerto Rico.
SD-366

JULY 18

9:30 a.m.
Energy and Natural Resources
Energy Research and Development Subcommittee
To resume hearings on S. 964, authorizing funds for fiscal years 1990 and 1991 for civilian energy programs of the Department of Energy, focusing on reactor research and development, and on commercial efforts to develop advanced nuclear reactor technologies.
SD-366

JULY 19

9:00 a.m.
Commerce, Science, and Transportation
Communications Subcommittee
To hold hearings on S. 999, relating to the broadcasting of certain material regarding candidates for Federal elective office.
SR-253

JULY 20

9:30 a.m.
Energy and Natural Resources
Energy Research and Development Subcommittee
To resume hearings on S. 964, authorizing funds for fiscal years 1990 and 1991 for civilian energy programs of the Department of Energy, focusing on reactor research and development, and on commercial efforts to develop advanced nuclear reactor technologies.
SD-366

Veterans' Affairs
Business meeting, to mark up proposed legislation to revise certain provisions of VA health care programs, including S. 13, S. 86, S. 165, S. 192, S. 263, S. 405, S. 564, S. 574, S. 748, and S. 846.
SR-418

JULY 21

9:30 a.m.
Select on Indian Affairs
To hold hearings to establish a Tribal Judicial Resource Center.
SR-485

JULY 26

9:00 a.m.
Commerce, Science, and Transportation
Communications Subcommittee
To hold hearings on S. 1009, relating to the purchase of broadcasting time by candidates for public office.
SR-253

HOUSE OF REPRESENTATIVES—*Thursday, June 8, 1989*

The House met at 10 a.m.

The Reverend William H. Carr, St. Augustine's Catholic Church, Richmond, VA, offered the following prayer:

All powerful and ever-living God, we do well to offer You praise today, and to give You thanks in all we do.

You spoke a message of peace and taught us to live as brothers and sisters. Your message took form in the vision of our forefathers as they fashioned a nation where men and women might live as one. Your message lives on in our midst as a task for us today and a promise for tomorrow.

We thank You, Father, for Your blessings in the past and for all that, with Your help, we must yet achieve. Send Your blessing, we pray, upon this body; help them to acknowledge that You are the Ruler of Nations and that, with Your divine help, peace and justice can be achieved in this land, in this world.

Help us, O God, for You are God, now and always. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. The Chair will ask the gentleman from Wisconsin [Mr. OBEY] if he would kindly come forward and lead the membership in the Pledge of Allegiance.

Mr. OBEY led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

WELCOME TO THE REVEREND WILLIAM H. CARR

(Mr. BLILEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BLILEY. Mr. Speaker, today I rise to welcome our guest chaplain, the Reverend William H. Carr of St. Augustine's Catholic Church in Richmond.

This year Father Carr celebrates the 20th anniversary of his ordination to the priesthood. Over the past 20 years he has touched the lives of many Virginians, but he especially has enriched the lives of the State's youth. For 5 years Father Carr served as the State director for Catholic youth activities. In the early 1970's he organized masses in Richmond to spiritually support the families of young soldiers being held as prisoners of war in Vietnam.

Even with his involvement in community work, Father Carr has continued to devote much of his time and energy to his parish and is well-loved by the congregation of St. Augustine's where he has been pastor for 6 years.

I ask my colleagues to join me in congratulating this highly esteemed clergyman who has committed his life to God and to serving his fellow man.

WHISTLEBLOWER PROTECTION FOR CONTRACT EMPLOYEES

(Mrs. SCHROEDER asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. SCHROEDER. Mr. Speaker, one of the very first major pieces of legislation that President Bush signed this year was the Whistleblower Protection Act. This was for people in the civil service, and I was very, very proud that he made that an early-on signature, because President Reagan had vetoed it. I think he sent the wrong message.

I am very pleased now that we have dealt with whistleblower protections for defense employees, whistleblower protections for civil employees, but we have not dealt with the contract employees, and that is very important.

In my district we are seeing a terrific scandal with the DOE and a nuclear weapons plant that was all brought to light by whistleblowers.

We have known that defense contract whistleblowers have been important in showing waste, fraud, and abuse, and NASA whistleblowers, when pointing out that the O-rings did not work.

Yesterday I introduced the whistleblower protection for contract employees. I think it is very important that we close the gap in this whole area and make the circle complete. I certainly hope people will join me in cosponsoring it and, once and for all, when people do the right thing and help us fight waste, fraud, and abuse, they are protected rather than sacrificed.

ANOTHER CRISIS BREWING AT OUR FEET

(Mr. GEKAS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GEKAS. Mr. Speaker, there is another crisis brewing right at our feet, one of our own making.

In 1987, when the Congress passed OBRA, the Omnibus Budget Reconciliation Act of that year, it included a provision in it that mandated that by July 1, 1989, fast approaching us, nurse's aides in nursing homes would have to be certified and to pass competency examinations before they can retain their positions. This is a ghastly prospect for our nursing homes.

If Members talk to their own nursing homes in their districts and to the nursing communities within those nursing homes and to the nurse's aides themselves, they will find out many of them are going to resign, nurse's aides, rather than have to undergo a competency examination.

Some of them have been on the job offering tender care to our elderly patients for 20 years or more, who never had to take an examination, and yet are the most stalwart, best qualified, experienced people we have to tend to the ailing patient community in the nursing homes. We are cutting off our own noses to spite our faces when we insist that they become competent at something at which they are already competent.

I am asking Members to join in legislation that I have introduced and which now is lodged in subcommittees chaired by the distinguished gentleman from California [Mr. WAXMAN] and the distinguished gentleman from California [Mr. STARK], and ask them to have hearings on this matter so that we can see if we can at least grandfather in those long-time employees, nurse's aides, who have done such a splendid job until now.

TRIBUTE TO THE HONORABLE JOHN LEWIS

(Mr. DARDEN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DARDEN. Mr. Speaker, just 30 years ago in most parts of the South, a young black man could not enter the college of his choice, no matter how bright or energetic he might have been. JOHN LEWIS, who today is our colleague in this House, was one of

many whose educational aspirations were limited by the segregation policies of that day.

Last week, in an act which is symbolic of the progress of race relations in our region, and indeed across the entire Nation, JOHN LEWIS was awarded an honorary doctorate of law degree from Troy State University in Alabama. It was Troy State which, 30 years earlier, as an all white institution, refused to even consider his application to enter its undergraduate program.

Ironically, JOHN LEWIS' letter to Dr. Martin Luther King, Jr., seeking support for his application to Troy State, led to JOHN'S historic involvement in the civil rights movement.

All of us can be proud of the role our colleague, JOHN LEWIS of Georgia, played in breaking down the barriers of racial segregation in this Nation. Thanks to his efforts and the devotion of so many others to the cause of civil rights, the color of their skin will never again prevent any of our young people from entering the college of their choice.

LEGISLATIVE PROGRAM

(Mr. GINGRICH asked and was given permission to address the House for 1 minute.)

Mr. GINGRICH. Mr. Speaker, I ask for this time for the purpose of inquiring of my friend from California, the majority leader, the program for next week.

Mr. COELHO. Mr. Speaker, will the gentleman yield?

Mr. GINGRICH. I am happy to yield to the gentleman from California.

Mr. COELHO. Mr. Speaker, on Monday next, we will meet at noon, and there will be no legislative business. On Tuesday, we will meet at noon, and we will have three suspensions. Recorded votes on the suspensions will be postponed until after the debate on all suspensions.

□ 1010

The gentleman has the bills in front of him. So I will not go through each one:

H.R. 1502, District of Columbia Police Authorization and Expansion Act of 1989;

H. Con. Res. 113, calling on the Government of Vietnam to expedite the release and emigration of reeducation camp detainees; and

H. Res. 120, to express the sense of the House in support of actions to eliminate preventable deaths and disabling illness, especially among children, and of efforts to attain the United Nations goals of universal childhood immunization by 1990 and health for all by the year 2000.

On Wednesday we will meet at noon and on Thursday we will meet at 10 a.m.

The bill under discussion for Wednesday and Thursday will be the rule on the Financial Institutions Reform, Recovery and Enforcement Act of 1989. We will do the rule; and then we will do the bill, starting on the bill itself on Wednesday and hoping to complete action on Thursday.

We will be sending the minimum wage bill to the President on Tuesday and depending on when the President takes action on that, and what action he might take, the House may then be required to take action next week. But that will all depend on the President's action.

On Friday the House will not be in session.

Mr. GINGRICH. Let me ask, if I might, two questions about what is coming up next week. The first is, as I am sure my colleague is aware, on Wednesday we have one of the major events of the year from the standpoint of the Republican Party involving the President of the United States, and that begins about 6:30. I was wondering if we can try to work out in such a way that by agreeing to go in at noon we can also try to rise in terms of any votes by around 6 on Wednesday and then be able to try to finish up on Thursday. I wonder if that might be possible.

Mr. COELHO. The distinguished Whip can be assured that the leadership will be very cooperative with this side of the aisle and with the President.

Mr. GINGRICH. Then, second, I wanted to ask for just a moment, there is some very real concern on our side of the aisle as we approach H.R. 1278 on Wednesday, which is one of the most important bills we will take up this year, the savings and loan bill, an extraordinarily important bill where there has been a lot of bipartisan effort, it is our understanding that a significant portion of the bill was rewritten after it came out of committee and that there may well be a parliamentary problem in terms of the bill that the committee voted out and the scale of corrections which exceeds the technical definition and becomes substantive, and I just wanted to let the House know that there may be some very real concerns raised both in the Committee on Rules and on the floor on Tuesday and Wednesday as we try to take it up. I would hope that on a bipartisan basis we can walk through what is, I think, a very difficult moment for both sides of the aisle since it is such an unusual procedure to have that scale of change in the bill after the committee has actually passed it out of committee.

I would be glad to yield if the gentleman would like to comment. I just wanted to lay that out as we discussed the schedule for next week.

Mr. COELHO. Mr. Speaker, I appreciate the information from the minority side. This is, of course, one of the more important bills that we consider in this session, and as it is an important bill for the administration, hopefully, it is something that we can work together on in a bipartisan way to report this bill out, to get it to the President quickly.

Mr. GINGRICH. Let me say finally, and I appreciate very much my colleague's help in all this, I think it is fair next week to say that we will probably end fairly late on Thursday and that Members should be aware of that and that in this week in particular I think it is Republicans who have to take some of the burden because of the comity being shown by the Democratic leadership. So for whatever inconvenience we have, I do think, as I understand it, there will be an effort to finish the bill, whatever it takes on Thursday. It is a very important bill and very high on the President's priorities.

So I just want to say publicly I realize full well to what degree your bending over to help us on Wednesday may lead us to bear a little bit of a burden for the length of time it takes on Thursday.

Mr. COELHO. If the gentleman will yield, I think the gentleman is correct. If we do rise at an early hour on Wednesday earlier than we anticipated because of activities involving the President that would necessitate us staying later on Thursday, and all Members should be so advised at this particular point.

Mr. UPTON. Mr. Speaker, will the gentleman yield?

Mr. GINGRICH. I yield to the gentleman from Michigan.

Mr. UPTON. I thank the gentleman for yielding.

Mr. Speaker, does fairly late mean after 8 o'clock on Thursday?

Mr. COELHO. If the gentleman will yield, very late means however late you want to be to complete the bill.

Mr. GINGRICH. I think that is a fair point. This is a very important piece of legislation. As many people have said, it is a good time for us to go on and focus on legislation.

Mr. BARNARD. Mr. Speaker, will the gentleman yield?

Mr. GINGRICH. I yield to the gentleman from Georgia.

Mr. BARNARD. I thank the gentleman for yielding.

Mr. Speaker, as a member of the Committee on Banking, Finance and Urban Affairs, and just by chance being here this morning to hear this dialog, I am somewhat concerned about the statement that so much of the bill has been rewritten after the committee has reported the bill. And I

would interpret from what the conversation was that there will be points of order brought against the bill because of that particular matter?

Mr. GINGRICH. If I might say to my friend who is a very distinguished leader in the Committee on Banking, it is my understanding—I am not on the Banking Committee and I am not expert in this area—it is my understanding that in the housing section of the bill there were some substantive rather than technical changes made without any consultation on the Republican side and after the bill had left the committee. I understand that there will be an effort made at the Rules Committee to ensure that the bill as written by the committee is a base vehicle and not the bill as rewritten. But certainly in the savings and loan sections there is no problem.

Mr. BARNARD. In other words, what the gentleman is saying is that is being communicated both at the Committee on Rules and the Committee on Banking so we are not going to have any surprises on the floor when this bill develops.

Mr. GINGRICH. No. In fact I might say the specific reason I wanted, with the generous help of the majority leader, to bring this out right now for Members to be aware is I think there is every possibility that on a bipartisan basis the leadership on both sides can solve it. But I would say on our side that it is such a fundamental question of the importance of the committee and what does it mean when you ask for technical corrections, that I think we would hope that we could have the base bill be the bill which came from the committee originally and not the bill as it apparently was revised.

Mr. BARNARD. Let me say I certainly concur in that. Our only admonition, of course, is that there be no surprises because this is one of the most important pieces of legislation that we are going to address this year. Up to this point it has been a bipartisan bill; we have taken the President's bill and we have worked with it as likewise the Senate has. So hopefully we will have all caution flags acknowledged before we get into the bill.

Mr. COELHO. Mr. Speaker, will the gentleman yield?

Mr. GINGRICH. I yield to the gentleman from California.

Mr. COELHO. I thank the gentleman for yielding.

Mr. Speaker, I want to say something before our colleague, the gentleman from Michigan [Mr. UPTON] leaves the floor: There was a question about how late Thursday night. I want to clarify that and say that we would anticipate staying late Thursday night, but if it is clear that we cannot complete the bill Thursday night as a result of us rising early on Wednesday, the membership should be on notice that we will meet on Friday if necessary to complete this bill this week.

So that we will go as late as possible on Wednesday in cooperation with the other side of the aisle and the President, we will work all day Thursday and try to complete this bill and work late Thursday, but if necessary to complete the bill we have to be here on Friday, we will be in on Friday.

So Members should be on notice.

Mr. GINGRICH. Well, let me say again we are very willing to amend the time we come in on Wednesday because of the gentleman's caucus. The gentleman is being very generous in helping us Wednesday evening. I think Members, looking honestly at the schedule so far this year, have little cause to complain, if in dealing with one of the President's most important items we take the time to do it thoroughly, to allow Members a chance to amend and to debate even if it means ending up here on a Friday.

So I just want to step forward and say on a bipartisan basis that we will take our half of the guff for this. This is a legitimate, serious thing to do, and we will take the time necessary to do it. I appreciate the Speaker and the majority leader being so cooperative in this.

Mr. COELHO. I thank the gentleman.

Mr. GINGRICH. I thank the Speaker.

ADJOURNMENT TO MONDAY, JUNE 12, 1989

Mr. COELHO. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at noon on Monday next.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. COELHO. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

HOUR OF MEETING ON WEDNESDAY, JUNE 14, 1989

Mr. COELHO. Mr. Speaker, I ask unanimous consent that when the House adjourns on Tuesday, June 13, 1989, it adjourn to meet at 1 p.m. on Wednesday, June 14, 1989.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

THE WORLD WATCHES AS CHINA ERUPTS

(Mr. WALSH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WALSH. Mr. Speaker, much has been said about the advent of global communications and the global village. But this past 7 days has been perhaps the most remarkable of this new era.

Most dramatic have been the events of China. Student protest, massive repression, and slaughter have brought that great nation to the brink of civil war.

We, the villagers of the globe, have watched in awe this entire drama on our televisions. The dictators of the world must now realize—we are all watching. American, Pole, African, Australian—we are looking out the front window via television and seeing what is really happening.

The most poignant message for me was a Chinese worker who was interviewed on CBS. He said, "the leaders say we don't support the students, that they are hooligans and criminals. That few have been killed. They are liars. Our leaders are now telling the truth. Tell the world. Tell the world."

I say back to that man: We hear you. We believe you. And we wish you well in your great struggle for democracy.

Long live freedom in China.

□ 1020

INDEPENDENT AGENCY NEEDED TO POLICE DEPARTMENT OF ENERGY

(Mr. SKAGGS asked and was given permission to address the House for 1 minute.)

Mr. SKAGGS. Tuesday of this week we witnessed an unprecedented event in which over 70 FBI and EPA agents descended upon a Federal nuclear weapons plant in my district at Rocky Flats to carry out an investigation of alleged violations of the Nation's environmental laws.

The violations involved wrongful disposal of hazardous and radioactive wastes and efforts to conceal that fact. Then yesterday the Colorado Department of Health announced a long list of notices of violations to the Rocky Flats plant involving further violations of the environmental permits for the operation of that plant. All of this, I think, is further evidence, if any evidence was needed, that the Department of Energy is simply incapable of effectively policing their own operations in the area of health, safety, and environmental compliance.

Two months ago I introduced a bill that would establish what I believe is a necessary remedy, an independent

agency with effective authority in enforcement in standard setting, to make sure that these terribly sensitive functions of our national security operation are carried out in a manner in which the public can have the necessary trust and confidence.

Under current circumstances, we hope we will address this issue as we consider the defense authorization bill in the coming week and a half. I would ask my colleagues to join me in cosponsoring H.R. 1643.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair wishes to announce that by virtue of the election of the Speaker, the positions held by the Chair as the majority leadership member on the Committee on the Budget and as ex officio member of the Permanent Select Committee on Intelligence are, without objection, deemed vacated.

There was no objection.

SUDAN NEEDS PEACE

(Mr. WOLF asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. WOLF. Mr. Speaker, Col. John Garang, who is the leader of the Sudanese People's Liberation Army which is fighting a civil war against the Government of Sudan, is in Washington this week and has been meeting with Government officials and Members of Congress about the situation in Sudan.

As many of you know, between 250,000 and 500,000 Sudanese died last year as a result of a famine in that country fueled by the civil war. Peace is the only permanent solution to the famine in that country and I want to share with my colleagues a letter that Mr. MCNULTY and I have sent to Colonel Garang to encourage peace:

HOUSE OF REPRESENTATIVES,
Washington, DC, June 7, 1989.

Col. JOHN GARANG,
Sudanese People's Liberation Army, Sudan.

DEAR COLONEL GARANG: Your visit to the United States presents a unique opportunity to show the American people and the world community that you are committed to peace. While hundreds of thousands of Sudanese people died of starvation last year, the underlying cause of their death was the brutal civil war. It is clear that unless peace is reached, the suffering and death will continue.

During our travels to Sudan, in both the north and the south, we were struck by the fact that virtually everyone we spoke with wanted peace. We both met with Sudanese Prime Minister Sadiq al Mahdi and, in separate meetings, he assured us of his desire for peace. We have both met with you and you have assured each us of your desire for peace.

We were encouraged by your commitment to ensure that humanitarian relief reaches needy Sudanese. Your offer on May 1 of a 30-day unilateral cease-fire and offer to extend it for 15 days is a positive step toward peace. A cease-fire, however, is not peace. Even during the current cease-fire, which was implemented to permit food shipments to the famine victims, convoys have been fired upon and lives have been lost.

Talks between the Sudanese People's Liberation Army and representatives of the Government of Sudan are scheduled for June 10 and offer the potential for a negotiated settlement to the civil war in Sudan.

In light of the upcoming talks, we urge you in the strongest possible manner to assure the American people of your intention to use the coming discussions as a vehicle for achieving peace in Sudan. This will not be easy, but rather will require an incremental approach that builds on areas of agreement leading to resolution of areas of disagreement.

Your commitment to peace is the single most constructive step that can result from your visit to the United States.

Without your wholehearted commitment and good faith efforts to seek peace, the suffering will continue and innocent men, women and children will die. This is not acceptable to the American people or to the world community.

While you have received praise during your visit to the United States for your commitment to humanitarian relief efforts, this must be backed by action that convinces the American people that your commitment to peace—the underlying solution to many of Sudan's problems—is also sincere.

The ball is in your court: your statement that peace is your top priority for the June 10 talks will assure the American people, including the many government officials and members of Congress with whom you met, that your intentions are sincere. Your failure to take this important step will be a grave disappointment to the American people.

Sincerely,

FRANK R. WOLF,
MICHAEL R. MCNULTY,
Members of Congress.

Mr. Speaker, this issue is critically important for the hundreds of thousands of Sudanese men, women, and children who are at risk. I hope my colleagues will join Mr. MCNULTY and me in pressing Colonel Garang and the Government of Sudan for peace.

APPOINTMENT AS MEMBERS TO THE U.S. DELEGATION TO THE INTERNATIONAL CONFERENCE ON INDOCHINESE REFUGEES

Mr. FOLEY. Mr. Speaker, I wish to announce the appointment of the following Members to the U.S. delegation to the International Conference on Indochinese Refugees:

Mr. EDWARD F. FEIGHAN of Ohio; and Mr. ROBERT K. DORNAN of California.

WILL DEMOCRACY SURVIVE?

(Mr. MCEWEN asked and was given permission to address the House for 1 minute.)

Mr. MCEWEN. Mr. Speaker, I wish to rise once again to express my appreciation and admiration for the excellent resolution that was presented to the floor yesterday by the chairman of the Committee on Foreign Affairs, the gentleman from Florida [Mr. FASCELL], as well as the gentleman from Michigan [Mr. BROOMFIELD].

Mr. Speaker, the world has changed in recent years. There was a time when I was in college, not too long ago, when the Chinese were murdering 40 million of their own people in which college students and those on the left walked around our Nation carrying the little red book, praising Mao. There was a time when the Soviet Union could destroy 14 million Ukrainians by starvation, and yet the left praised the revolution that was going on in the Soviet Union. There was a time when Nikita Khrushchev and Josef Stalin could murder 30 million of their own people in the Soviet Union and yet it was continually looked at as progress that was being made economically in that country.

Now as the world has begun to climb over the Iron Curtain through satellites and increased communications, when the Chinese leadership begins to murder only 3,000 of their own people, the world begins to understand what communism is all about. Freedom and tyranny cannot coexist. The next decade will tell whether or not democracy and opportunity will survive or whether the tyrannical brute of communism will continue to collapse. It is an exciting time for our Nation to continue to lead the world for peace and freedom and opportunity.

HISTORIC SAVINGS AND LOAN LEGISLATION REQUIRES COOPERATION

(Mr. BARNARD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BARNARD. Mr. Speaker, next week we are going to be taking up a very historical bill as we have already discussed somewhat this morning, H.R. 1278, which is the FSLIC bill. I cannot impress the Members too much as to how important this bill is. This is a first reconstruction of the savings and loan industry since the early 1930's when we structured the Federal Home Loan Banking System, and this particular legislation needs all the attention and the consideration of every Member of the House.

I was delighted to hear this morning that the distinguished minority whip indicated that we are going to be deliberate in taking up this bill. Every day that we delay is costing us tens of millions of dollars as far as the savings and loan industry is concerned. I hope that the Members will take careful note of this legislation. I will be attentive to all the provisions of it, because it is one of the most important pieces of legislation, not only from the stand-

point of restructuring and making viable the savings and loan industry of this country, but also in providing a mechanism where we can guarantee the depositors who have put their money into the savings and loan industry of this country, that their moneys are safe, that their deposits are protected, and that the Home Loan Bank System will continue to operate.

This is going to be an historic week next week, as we take up this legislation. We need the attention and the consideration and the cooperation of every Member.

CHINESE GOVERNMENT CONDEMNATION

(Mr. LAFALCE of New York asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LAFALCE. Mr. Speaker, last Saturday the Chinese Government brutally violated the human rights of tens of thousands of their own citizens. They continue to do so.

What extreme provocations drove them to these brutalities? The provocations included peaceful demonstrations demanding democratic reforms and an end to corruption. The provocations, Mr. Speaker, included the construction of a statue of liberty in the center of the square. The Chinese Government found these actions so offensive they sent in thousands of troops, guns blazing, to disperse the demonstrators.

On Monday, President Bush responded appropriately, for the time being. This week, Members of this House have added our condemnation of the past week's events. However, if the Chinese continue the killing and maiming of their own people, this Congress must work together to act. One step we can take is to ask the world to condemn the Chinese by refusing them loans from the World Bank.

□ 1030

Mr. Speaker, China gets almost $2 billion from that institution. As a member of the Banking Committee, I believe all the civilized nations of the world should stand together in saying that these acts of repression will not be supported with financial resources from the industrialized democracies of the world.

FAIRNESS FOR U.S. SHIPBUILDING AND SHIP REPAIR INDUSTRIES

(Mr. PICKETT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PICKETT. Mr. Speaker, today, Ambassador Carla Hills will receive a petition from the U.S. Shipbuilders Council, urging her to use her authority as the United States Trade Representative under section 301 of the Trade Act, to eliminate the substantial government subsidies that shipyards in West Germany, Japan, Korea, and other nations enjoy over their United States competitors.

I urge the administration to act favorably on this petition. Our Nation's shipbuilding and ship repair base has eroded dramatically in recent years. Since 1982, 76 domestic yards have closed their doors, sending thousands of skilled Americans into other occupations and crippling this Nation's ability to mobilize in time of war. More alarming still is the fact that there is not one single commercial vessel over 1,000 deadweight tons on order or under construction in any shipyard in the United States today.

This decline is not the result of fair competition, but the result of mounting government subsidies by nations with which we compete. Direct subsidies, preferential financing, and tax incentives from these nations to their domestic shipbuilders in recent years amount to billions of dollars.

The U.S. Government can no longer stand idly by as a disinterested bystander. These unfair foreign subsidies must be stopped or we will continue to see our shipbuilding and ship repair yards shrivel, and our mobilization base suffer.

THE GOVERNMENT'S GUARANTEE ON SAVINGS AND LOAN DEPOSITS

(Mrs. PATTERSON asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. PATTERSON. Mr. Speaker, soon we will have an opportunity to consider President Bush's savings and loan bill.

For 50 years, millions of Americans have placed their money in savings and loans and banks relying on the Federal Government's promise that their money was safe under the umbrella of Federal deposit insurance. Senior citizens saving for their retirement, young couples trying to buy a house, and parents saving for their children's college education have relied on the Government's guarantee to protect them in the event the institution failed.

Next week, we will face the challenge of making good on that promise. We must make good on that promise. Millions of senior citizens, young couples, and parents are relying on us to pass a bill that keeps our pledge to them and ensures that this never, ever happens again.

INTRODUCTION OF THE HAZARDOUS MATERIALS TRANSPORTATION AMENDMENTS OF 1989

(Mr. APPLEGATE asked and was given permission to address the House for 1 minute.)

Mr. APPLEGATE. Mr. Speaker, today I am going to introduce the Hazardous Materials Transportation Amendments of 1989, in answer to the Hazardous Waste Act of 1974, which was never fully implemented.

Today I think everybody would be shocked if they knew that there were 500,000 shipments of toxic hazardous waste going through our communities each and every day of the year. That threatens these communities, it threatens the people in those communities, it threatens industries and businesses, and it poses a threat to the water we drink and the air we breathe. Emergency response teams, our firefighters, do not always know and cannot always find out what kind of chemicals have spilled from these wrecks, and it is very important that they have this information so they know exactly what they have to do to save these communities.

This legislation will strengthen that 1974 bill, and it will provide the response teams with the instant information that is necessary. It will not only save our communities, but it will save the countless numbers of brave and dedicated firefighters who have in the past lost their lives in these situations.

So, Mr. Speaker, I ask the Members to join with me in this very important piece of legislation, which has been made a priority of the chairman of the Subcommittee on Surface Transportation, the gentleman from California [Mr. MINETA].

LOWER INTEREST RATES, REDUCED SPENDING HOLD KEY TO ECONOMIC IMPROVEMENT

(Mr. DUNCAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DUNCAN. Mr. Speaker, the prime rate is currently about 8 percent higher in the United States than in Japan. Our interest rates are much higher than in most other developed nations. Some people think that those from other nations are far better at business than we are. However, I think it is amazing that American companies have been able to compete at all, starting with such a huge disadvantage in the rate of interest.

Yesterday we took up the FSX deal in the House. Many Members were concerned about the huge imbalance of trade between the United States and Japan. I am thankful that many foreign companies and many Japanese

companies have brought jobs to Tennessee. However, I would like to see some opportunities remain for Americans. We will continue to lose many of our best businesses and properties to foreign ownership unless we bring down our interest rates. These interest rates will not come down until the liberals in Washington stop voting for big spending, budget-busting bills.

High interest rates hurt the low- and middle-income people most of all buying homes, buying cars, and sending their children to college.

Mr. Speaker, we must bring down the spending here in Washington.

THE RECENT EVENTS IN CHINA

(Mr. VISCLOSKY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. VISCLOSKY. Mr. Speaker, I am deeply saddened by the violent and repressive actions taken by the Chinese military against those who have demonstrated for democratic reform.

On June 18, 1799, Thomas Jefferson wrote to a college student and said, "To preserve the freedom of the human mind * * * and freedom of the press, every spirit should be ready to devote itself to martyrdom."

Removed in time from our own Revolution, we must stand in awe of those who have taken Jefferson's admonition literally. Who by their death, remind us of the treasure we possess.

The treasure is freedom, assumed as a birthright, but clearly a gift of past generations.

Ours is now the responsibility to sustain this freedom and to assert it. For as Jefferson also wrote, "* * * as long as we may think as we will, and speak as we think the condition of man will proceed in improvement."

As events in China continue to unfold, let us use the talents and energy that have made this House the fundamental institution of democracy to counsel, encourage, and support those who aspire to bring freedom to China.

READ MY FSLIC: NO NEW TAXES?

(Ms. KAPTUR asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. KAPTUR. Mr. Speaker, in the last election, the President asked us to read his lips. "No New Taxes." Well, the Bush savings and loan bailout is the biggest tax increase in recent memory.

This cartoon actually severely underestimates the true cost to the taxpayer. The General Accounting Office has estimated that the taxpayer will pay a minimum of $150 billion for the bailout. To this must be added the $8 billion in tax breaks from the December 1988 FSLIC deals plus $42 billion more in interest costs on the money Treasury will borrow to finance the bailout. In effect, the taxpayer is being sent a bill of over $200 billion over the next 30 years. To the average person in my State, this will mean about $300 in additional taxes.

Yesterday, I presented an alternative to this tax bill to our colleagues on the Rules Committee. It is three times less expensive than the Bush plan and it cuts costs to the taxpayer by 300 percent. It prohibits long-term borrowing to pay for this. It requires the Congress and the President to fund the costs of the bailout annually on a pay-as-you-go basis. It prohibits the use of individual income taxes to pay for the bailout.

Congress and the President should negotiate and use a process similar to what was done on the recent budget agreement to make those who are responsible for this debacle pay for it.

I urge my colleagues on the Rules Committee and in the House to support my proposal to cut costs to the taxpayers and take the burden of the savings and loan bailout off the backs of the American taxpayer.

A SCENARIO FOR NEXT WEEK'S CONSIDERATION OF SAVINGS AND LOAN LEGISLATION

(Mr. GINGRICH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GINGRICH. Mr. Speaker, let me just say that I think the presentation by the gentlewoman was entirely appropriate, and I am glad she has introduced a bill and I am glad she is working on the savings and loan problem. But I do want to say, as we enter next week's discussion, that partisan Democrats who want to make partisan points about the savings and loan problem should be very, very cautious.

There is a book called "Honest Graft," there is a report by Mr. Phelan, and there are all sorts of things which are admissible in this House about how we got into the savings and loan mess and what the role of the House Democratic Party was. I am prepared to go through all of next week and say nothing about any of that, but if there is going to be any bashing of George Bush and any bashing of the Republican Party, I just want the Democrats to understand that we are fully prepared to talk about how the mess got so big and who was responsible. And I hope we will see no more cartoons of the President of the United States and we will see no more party partisanship if in fact the Democrats prefer to talk about the future and not talk about the past.

□ 1040

S&L BAILOUT BILL SHOULD BE IN THE TAXPAYER'S INTEREST

(Mr. BATES asked and was given permission to address the House for 1 minute.)

Mr. BATES. Mr. Speaker, while some members in the House attempt to bail out the savings and loan industry, we should not stab the taxpayer in the back in the process.

That is why I will be supporting the on-budget treatment of the resolution funding corporation because it saves the American taxpayer $4.8 billion and increases the industry contributions by $640 million between fiscal years 1990 and 1994. Since we are dealing with a $150 billion budget deficit, we should be taking steps to reduce the deficit, not expand it by using deceptive budgeting techniques.

I will be supporting an amendment to be offered by my colleague, DON PEASE of Ohio, which would limit deposit insurance up to $100,000 on a per person or total deposit basis. No longer would a U.S. taxpayer be in the business of guaranteeing the savings of upper-income individuals and corporations whose deposits exceed $100,000.

THE 43D ANNIVERSARY OF THE FOUNDING OF THE ITALIAN REPUBLIC

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois [Mr. ANNUNZIO] is recognized for 5 minutes.

Mr. ANNUNZIO. Mr. Speaker, I am pleased to call to the attention of my colleagues in the House of Representatives that June 2 marked the 43d anniversary of the founding of the Republic of Italy.

On June 2, 1946, the Italian people voted to replace their constitutional monarchy with a free democratic government. Eleven days after this referendum in support of democratic rule, King Umberto II left Italy, and within 1½ years after the vote, on January 1, 1948, the Italian Constitution was completed. This document embodied the principle that the "sovereignty belongs to the people who excercise it within the forms and limits of the Constitution." It proclaimed "the inviolable rights of man," and guaranteed "equal social dignity" for all citizens and equality before the law regardless of sex, religion, race, language, political opinions, or social condition.

With the aid of the Marshall plan and the unwavering commitment and resolve of the Italian people, during the last four decades, the growth of Italian industry has been unprecedented. Social and educational programs have expanded, and the arts and humanities have achieved a renewed prominence. In addition to her outstanding postwar achievement on the domestic front, Italy also has placed herself in the vanguard of European integration. As a member of the North Atlantic Treaty Organization, Italy has been and continues to

be a loyal Western ally, committed to the causes of freedom.

Mr. Speaker, I take the opportunity to extend my greeting and best wishes to the people of the Italian Republic, as well as to the Italian Americans in my own 11th Congressional District of Illinois, which I am honored to represent, and throughout the country, who are joining in the 43d anniversary of the founding of the Republic of Italy.

I know that the friendship between Italy and the United States shall continue to flourish in the years ahead, and toward this end, I am very pleased to announce the President of the United States has extended an invitation to the President of Italy, Francesco Cossiga, to visit the United States. President Cossiga has accepted this invitation, and will be celebrating the Columbus Day holiday here in our country in October.

CONGRATULATIONS TO SAM FREDMAN: STATE SUPREME COURT JUSTICE, COMMUNITY LEADER, AND FRIEND

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from New York [Mrs. LOWEY] is recognized for 5 minutes.

Mrs. LOWEY of New York. Mr. Speaker, I rise today to pay tribute to a very great man. As a leader of the Democratic Party in New York, a lawyer, a father, and a grandfather, Mr. Samuel Fredman has commanded respect and admiration for his distinguished career of leadership and service from his colleagues, his family and the many friends he has won over the years. I feel very fortunate to count Sam among my very dearest friends and trusted advisers. On Wednesday, June 14, Sam will begin his service as a justice on the Supreme Court of New York, Ninth Judicial District. That is indeed a great honor. It is also the next logical step in a career based on the pursuit of justice and premised on serving the community.

Sam has been a member of the New York State Bar Association for 40 years. He graduated from Columbia Law School in 1948 and was admitted to the bar the following year. He has been a partner in the firm of Fink, Weinberger, Fredman, Berman, Lowell & Fensterheim.

Fortunately, Sam did not limit his legal training only to his successful law practice. Sam has dedicated himself and his expertise to Westchester County and its people. He has been a leader in our local Democratic Party. In the 1960's, he served as chairman of the White Plains Democratic City Committee. He also served as the chairman of the Westchester County Democratic Committee from 1975 to 1979, and as a member of the Executive Committee of the New York State Democratic Committee from 1976 to 1980.

As a member of the Westchester County Charter Revision Commission beginning in 1986, and as its vice chairman beginning in 1987, Sam has given his time and his legal expertise to Westchester County. He believes in good government and he has put that commitment to good work on this important commission.

Sam's dedication to the community has not been purely political nor legal in nature. He has participated in numerous charitable fund drives, which include efforts for the White Plains Hospital, Community Chest, and the Heart Fund, as well as numerous other charities. He has also served as a member of the White Plains Commission on Human Rights.

He has also been active in working with many Westchester residents directly to better their lives. He coached boys baseball and basketball teams for the White Plains Recreational Department for 5 years. He has served as a leader in the Westchester County Jewish community.

To no one's surprise, Sam has received numerous awards and honors over the last 25 years, including this year when he was awarded the distinguished service award from the State University of New York.

In any discussion of Sam's long and illustrious career, his distinguished service to our country must be remembered. Sam served from 1943 to 1946 in the U.S. Army Air Force, including the Far Eastern Theater—Philippines and Japan—as technical sergeant from 1945 to 1946.

Sam Fredman has been a dedicated professional and community leader for many, many years. I am also most grateful that he has been my very good friend. I have long relied on Sam's judgment and counsel. As I weighed seeking the seat in Congress that I am privileged to hold today, his encouragement was a very important factor in my decision.

Next week, when Sam becomes State supreme court justice, New York's legal system will be gaining a man of great integrity, fairness and honor. I know that he will serve with the same commitment that he has shown throughout his career. I want all of my colleagues here in the House to know how fortunate this Nation is to be gaining a judge of Sam Fredman's caliber and principle.

RESTORING CONFIDENCE IN THE POLITICAL PROCESS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Wisconsin [Mr. GUNDERSON] is recognized for 60 minutes.

Mr. GUNDERSON. Mr. Speaker and Members, the last 2 weeks have been anything but normal here in the Congress of the United States. For the last year business has not been as usual as we have been battered by the press, by public opinion, and sometimes even by ourselves as we try to determine really what we are as an institution and really where we want to go.

Mr. Speaker, the purpose of the next hour, or beyond if necessary, is that we take all of what has happened in the past and we recognize that it is time we unite in a bipartisan way to try to rebuild this institution and try to put back together a Congress that we can be proud of, a Congress that the American people can be proud of, and, frankly, a Congress that the entire world can be proud of. As we do that, I would suggest to my colleagues that there are four spheres of reform that we ought to all imprint upon our minds and upon our discussions so that, as we go forth, we are able to really analyze what we can do as a body politic to restore the confidence of the American people in this institution which yet today still is that greatest of all deliberative bodies.

Mr. Speaker, I would suggest those four spheres are as follows: No. 1, we need to reform the process by which we elect people to Congress, and that of course means campaign reform; No. 2, we need to reform the standards of conduct for those who have been given this public trust of serving as a Member of Congress; No. 3, we need to reform the process by which we make our laws, that obviously being rules reform; and, No. 4, let us not forget that there are many, many different policies begging for reform, and that really means that whether we are Democrat or Republican it is time we try to establish and create an agenda worth voting for, a response of real solutions to the real problems of real people across this country.

Let us take a little bit of time, if we can, to look at each of these four areas, and let us begin with the whole area of campaign reform because it is one of those two areas that has become most popular in recent weeks and months. It is one of the two areas in which the Speaker and the Republican leader jointly announced bipartisan task forces—six Republicans, six Democrats—to try to resolve in a bipartisan way suggestions and policy changes which can be brought to the Congress for consideration by the full House and obviously put into practice either through our rules or, in many cases, through changes in actual law here in this country. A number of different issues can be discussed when one talks about campaign reform, but I think we ought to do so under one broad general concept, and that is: It is time to return the elections in this country to the people, and we can start by simply recognizing that the American people do not participate in the American election process anymore.

Mr. Speaker, the fact is we have the second lowest voter turnout of any democracy in the world, and, if my colleagues will look at the 1988 election turnout and if they will skip the Presidential to just look at the last parliamentary election anywhere in the world, that being our 1986 turnout compared with other countries' most recent election, we have the dubious distinction of having the lowest turnout.

Now why do we have the lowest turnout? That is because the election process in this country has been one controlled by incumbency and special interests, and the American people simply look at all the tools used by in-

cumbents to enhance and protect their advantage when they go the polls throughout the entire 2-year preceding term of office, and they look at the power and influence of special-interest group money in funding those elections and in otherwise contributing toward the decisionmaking process, and they quickly recognize that, as a general citizen, unless they have been a full participant in a special interest group process, there simply is no rhyme or reason for them to participate because the destiny has already been marked by others.

Mr. Speaker, I would like to suggest to my colleagues that there are a whole host of different options in the area of campaign reform that ought to be considered, and our Republican leader, the gentleman from Illinois [Mr. MICHEL] has really set out the whole cause of this discussion as he sent a letter that has been made public to President Bush in requesting that, as the President comes forth with his campaign reform proposal, that he will take into mind these 21 different elements that the Republican leader has suggested.

Now, as we do that, let us begin, however, by really taking a look at some of the major issues that I think everyone agrees become all that important as we try to make these particular changes.

First and foremost, if we are going to change the process of campaigns, we need to change the grandfather clause which allows Members elected before 1980 to use their campaign funds as, frankly, a bank account which can be converted to their personal use at some later date when they leave the Congress. It is no secret that we have many Members of Congress of both political parties who have campaign treasury accounts far above and beyond anything which would be necessary for their reelection process. Many of them, to be honest, come from what are at least today very solid one-party districts, and the potential for that money to be converted from a donation to a public election process into personal use questions the integrity of us as an institution, and certainly is allowed to build up and eliminate any potential for competitiveness in that particular race.

□ 1050

There are 191 current House Members who have stockpiled over $39 million in campaign funds that could be converted to their retirement programs upon their retirement from the Congress.

I doubt that it was the intent of any individual American and I doubt if frankly it was the intent of any Political Action Committee that when they donated to that particular campaign they thought the money would eventually go toward a personal retirement.

The fact is that we have had Members of Congress thus far retire and convert over $862,000 from campaign funds into personal use.

Now, a second issue which I think becomes even more important to returning the American election to the American people is to begin that process of eliminating the power of incumbency. There are two different ways, obviously, to do that. One is frank mail. The second is to eliminate the carryover funds.

The fact is any Member of Congress' Campaign Committee that has a surplus can carry all those funds over to the next elections.

Now, assume that you are a challenger or you are considering running for Congress, the fact is that the person who is in Congress has $250,000 in their campaign treasury in January 1989 before the 1990 election, and they have not even begun the fundraising process. Consider for yourself the automatic handicap of name identification, public prestige, or recognition by the press in your district, of invitations to speak and all those other elements which come with normal incumbency, add to that the cash advantage of $250,000 or more before you even begin the process, and you begin to recognize what I am talking about.

Members of the 101st Congress have amassed record surpluses of campaign cash in 1988, totaling more than $94 million. Think of that. The incumbents of this Congress have $94 million for their 1990 reelection campaigns before the campaigns have even started.

Now, if you were considering running for this Congress of the United States against an incumbent with those kind of odds, I think you can quickly get a handle on what we are talking about.

On the average, a Representative has more than $146,000 in their campaign funds, and Senators on the average have over $305,000.

The 10 largest campaign war chests held by Members of the House of Representatives averaged over $800,000.

Now, the second area in terms of eliminating the advantages of incumbency that I suggested when we talk about the whole concept of campaign reform has to be the use of frank mail. The reality is that we as Members of Congress have the opportunity through the frank mail of really running a 2-year campaign period to the constituents of our district.

Now, I am not for banning frank mail. We ought to be able to respond to the letters that come into us from our constituents. We ought to be able to do the proper notice of how we feel about particular issues, announcing those issues in statements that are important to us through press releases. We ought to be able to announce to our district the whole concept of when we are to hold a town meeting or hold office hours so that they can come and talk to us with their problems and concerns, but that is not what we are talking about when we suggest that it is time to reduce frank mail. We are talking about the fact that in 1988 we spent $82 million, which was more than twice the 1975 appropriation, and get this. In 1986, Congress disbursed more than 12,000 items of mail for every incoming letter. Think of that. For every letter that came in here, 12,000 went out from Members of Congress. You quickly begin to understand the power of the incumbency that exists in this area. Obviously, we are going to have to begin to look at this whole question of PAC's to either eliminate, or as the President has suggested, to reduce totally the PAC contributions directly, and particularly to reduce what we call the soft money. That is all the indirect efforts by political action committees and special interests to indirectly fund and influence elections in this country.

PAC funds raised by candidates for congressional seats have ballooned from $34 million in the 1977-78 election cycle to $133 million in the 1985-86 cycle.

Congress, frankly, is addicted to political action committees. Senators get about one-third of their reelection money from PAC's. House Members last year realized 37 percent of their campaign receipts from PAC's. The Republicans received 37 percent. Democrats received 46 percent of their money from political action committees.

In the first 15 months of the 1987-88 election cycle, that one which we just completed, PAC's gave $53 million to House and Senate candidates, an increase of 26 percent from the same period 2 years earlier. The increase was 16 percent for Senate candidates and 33 percent for House candidates.

Now, it is no secret to tell anybody that incumbents are the beneficiaries of PAC's, and PAC's do not even make their decisions anymore based on your voting record. Frankly, in too many cases, the political action committee money is simply purchasing access to that particular Member of Congress, his office and staff, rather than actually rewarding someone of a like philosophy in the normal give-and-take of politics.

Mr. UPTON. Mr. Speaker, will the gentleman yield for a moment?

Mr. GUNDERSON. I am happy to yield to my distinguished colleague and friend, the gentleman from Michigan.

Mr. UPTON. I just would like to reiterate some of the things the gentleman suggested here and add my support to many of them and some com-

ments with regard to campaign reform. I think the gentleman's comments are right on the mark.

I would hope that as our new Speaker suggested the other day that we will see a reform package come in this session of Congress. I think it is very wise to have a bipartisan panel, six Republicans and six Democrats.

Is the gentleman a member of that panel?

Mr. GUNDERSON. Yes, I am a member of it.

Mr. UPTON. I will be very interested, certainly as a Member of this institution, but as an American, to look at campaign reform. I would hope that some of the suggestions of the gentleman, almost all his suggestions that he made, will be included as part of a package so that we will see that in the future no longer will 99 percent of those incumbents who run for office become reelected.

You know, there have been a number of statistics that have come out the last year with the election in November, 99 percent of us getting reelected. I believe only about six Members actually lost in the general election to the other party.

Mr. GUNDERSON. The reality is, if I can interrupt the gentleman at that point, in the last session of Congress, the 100th Congress, five Members died, six Members were defeated for reelection.

Mr. UPTON. So we had an equal chance of dying——

Mr. GUNDERSON. As getting defeated.

Mr. UPTON. I am glad we are both young; but that is the point. I mean, that is not the way it ought to be. Campaigns ought to be decided upon issues in the districts that they represent, and not just because someone is an incumbent versus a challenger.

The gentleman's comments about the grandfather clause, the gentleman is right. Now only 191 Members of this institution, 434 Members today, were elected prior to 1980. They are entitled to keep all of the money that they have not spent on their campaigns for personal use, once they retire.

Well, we have a majority now, 191, we are over 200 in terms of those—55 percent of us now were elected since 1980. You would think now that we could have the votes to get this as part of a package, beginning very early today I wish, although we are out of session for legislative votes, so it is going to have to be beginning next week at the earliest, so we can eliminate the grandfather clause so that those dollars can be either returned to the Treasury or to charity or perhaps to the individuals who contributed those dollars. In fact, the Members of Congress would not have the opportunity to personally profit from perhaps hundreds of thousands of dollars that he or she has in their campaign accounts. I would hope that the grandfather clause would be removed in whatever package comes up.

□ 1100

The second thing that the gentleman mentioned, of course, was frank mail. It is outrageous, I think, and I just went through my first reelection cycle last November.

Of course, we have a restriction on sending out our newsletters, and I believe it is 60 days prior to an election. I park in the Cannon Garage, my office is in Longworth, and there is a long tunnel in between. Every day 60 days prior to that election in November, there were people's newsletters stacked up all the way out almost into the parking lot so that they can hit that 60-day mark right on the nose so their district would be flooded with newsletters, "newsletters," just prior to the election to get the last bang out of the frank mail process. That is wrong, and I would like to see a couple of big reforms with regard to newsletters.

First, if we do not have it 60 days, let us look at 90 or 120 days.

Mr. GUNDERSON. The bipartisan Task Force on Campaign Reform that is meeting as preparation for that, the six Republicans are meeting, and the six Democrats are meeting, separately to try to determine what their agendas and proposals might be. I think the gentleman would be pleased to know, and I do not think I am speaking out of order in indicating that one of the proposals that the Republicans are looking at seriously is the whole concept as to whether we should even eliminate postal patronage in an election year. If we want to use it as part of the normal conduct of business in a nonelection year, questionnaires, meeting notices, et cetera, fine, but when we recognize that in this Nation of ours where in Illinois they have to file in December the preceding year for election, and we have spring primaries, I think from February on throughout the rest of the year, probably in that election year Members ought to respond to constituent mail, but they ought not even be using the postal patronage.

Mr. UPTON. I think that is a very good point. Furthermore, I must say that in the random checking that I have done with other Members of Congress who had the right to send out a maximum of six newsletters, most of us do not do that. I think last year I sent either three or four questionnaires, three newsletters with perhaps one questionnaire. I would like to see the number reduced from six to either three or four. I think that that would make quite a bit more sense and, in fact, we could save the taxpayers quite a bit of money in that 12,000 letters that we send out every year, per letter that we receive, obviously it would be reduced.

The other comment that the gentleman mentioned was with PAC's, special-interest money perhaps one would call it. There are some major reforms that I think we can make in PAC's, and I see my good friend and colleague, the gentleman from California [Mr. THOMAS], is here. Of course, he is on the Committee on House Administration, and one of my first areas where I testified as a freshman in Congress 2 years ago was before his subcommittee, where we talked about PAC reform.

I have a very unique policy myself with regard to PAC money. I have a percentage that I instituted. No more than 50 percent of my funds come from PAC's. In fact, it was about 27 percent in both the last two elections that I had, but in addition, I only accept PAC dollars from those PAC's that have an economic tie to my district.

That is very hard for perhaps 435 other Members to institute the Upton PAC policy, although I think that it works for me, but there are some things that we can do. I think we ought to reduce the maximum of money, of PAC dollars, that we can receive. Right now it is technically $10,000 we can receive from any PAC that one might choose. I think we ought to reduce that to maybe $2,500.

Instead of having some Members of Congress, and the gentleman gave the average, and I think he indicated the percentages.

Mr. GUNDERSON. Democrats received 46 percent of their money from PAC's. Republicans, 37 percent.

Mr. UPTON. Some are higher, and some are 80 or 90 percent. I would like to see that reduced, not only to 50 percent, but maybe 40 percent.

Let me just make one other comment, and I will yield back.

As we talk about incumbency, carryover funds, one idea that might be a virtue here is that it can be no PAC contributions for the first year. We have 2-year election cycles, and we do not know who our opponents are, yet many of us have already had fundraisers, and we are already calling on PAC's to help us, many of us. Let us make it no PAC contributions the first year, so that the second year the PAC groups are going to be able to determine, "Well, so-and-so has a bad record," or whatever. That might be a very good stand to take and, thus, further restrict PAC donations, and the factors that people decide when they run for office, how much money does the incumbent have to make that decision.

Mr. THOMAS of California. Mr. Speaker, will the gentleman yield?

Mr. GUNDERSON. I am happy to yield to the gentleman from California.

Mr. THOMAS of California. Mr. Speaker, it is difficult to know where to begin when one talks about campaign reform and my involvement. As some of the Members may know, I have a nine-page Dear Colleague that has gone out to the Members, and that may be a Guinness Book of World Records on length of a Dear Colleague, and that contains 38 separate bills.

What I have tried to do in the listening to suggested changes, instead of listing a comprehensive package of what I believed I thought ought to be reality, I tried to offer a number of choices to Members in this whole area of campaign reform. I think it behooves us to take a step back and ask ourselves: What are the really critical fundamental questions, and what are not? And in the discussion about PAC dollars, one of the things I think that people have to understand and appreciate is that there are going to be political dollars involved in the system, and if we make changes which are either silly or are done for purposes of political expediency, all we are doing is rerouting the dollars and, as a matter of fact, I would like to take a step farther back when we talk about money.

One of the major thrusts is that there is simply too much money in the system, first of all, and then, secondly, there is a concern about where that too much money comes from. I think if we focus on the purpose of money, we begin to realize that some people have lost sight of the means and the end, and that money really is simply a means, it is not an end.

The whole purpose of the election process is to get more votes than the other person. That is how we win. People believe fairly fundamentally that the person who spends more money is the one who has a better chance of winning. That is generally true in today's political climate because of the way in which the money relationship has been established.

There is nothing absolute about a candidate's relationship to the money that they receive, and the gentleman's voluntary structuring, I would say to the gentleman from Michigan, unbeknownst to me, was a concept which I have developed into a piece of legislation which I think fundamentally alters that relationship between a candidate and the money.

What do I mean by that? If money is the means and votes are the end, one of the things that has occurred, especially over this decade and really had its roots in the 1970's, was a separation of the means and the ends. What I mean by that is that candidates more and more looked away from their district for the financial resources to get elected. They came back to Washington. Even incumbent Members hold their PAC fundraisers in Washington. Very few of us have a district that we tend to go back to for fundraisers except for publicity purposes. The money tends to come from the outside more and more of the district rather than from inside the district. I think that is unhealthy.

The counterargument from those who see the money coming from sources outside the district say that that is at least the appearance of corruption, and what we have to do is go public financing or to limit the flow of the money under that structure.

I think we ought to go far more fundamental than that and change the structure, and just as constitutionally we are able to limit the amount that an individual can give, I think we ought to seriously entertain the idea that we require a candidate to get a majority of their money from the district that they are trying to get elected from, not on a voluntary basis as the gentleman has done, and I think correctly so, but as a matter of ongoing ordinary political practice.

What does that do? First of all, it forces the individual to focus on their district in a different way. This is not just the seedbed for votes from which one takes outside dollars and pours them into their district to try to get the votes to go their way, but it is returning back to the business of tying the means and the end, the dollar and the vote, more closely together, and I think that is healthy.

I do not think there is anything wrong with having to go to someone and ask them for their vote and, at the same time, ask them for a contribution. If they choose not to give one the contribution, chances are they are not going to give one their vote, and then it is not the thousand-dollar PAC contribution that is important, because one gets no votes with the thousand-dollar PAC contribution, but they get the wherewithal to try to buy some votes in their district, and they are out there campaigning trying to meet as many people as possible, because each person they meet that tends to give them the vote will tend to give them a dollar, $5, $10. Amounts that are totally meaningless now in our campaign structure become important, because if the person is willing to give them $10 of their own money, more than likely they will also have their vote, so every time they collect a contribution, they collect a vote. It is almost one-to-one relationship between the means and the end, and I think that is more a return back to the kind of campaigning that most people want.

What they want is to see the candidate in the district working with the people who actually make the decision, the voters, and also relying more heavily on them for their financial support. We do not need nearly as much money under that system. Rather than an arbitrary limit of some dollar amount, and we have seen legislation that suggests a $200,000 limit or $300,000 limit, which may be appropriate in one district and not appropriate in another, I think it is far more realistic to allow the district itself to determine what the campaign level is going to be in terms of finances: local control of campaign finances. One cannot take a dollar outside the district unless they have been able to raise a dollar inside the district. That makes the person back home feel that they are important once again, that they are not just being used as vote fodder, that they are a meaningful part of the election.

I think as we look at this area of campaign reform, what we have to do is understand that the relationships that we have established we established statutorily. We did not establish it because that is the way the world is.

□ 1110

The world is that way because we structured it that way and we can alter that structure. I think a very healthy altering, a beneficial altering is to begin to focus on public financing? No. District financing? Yes.

Local control is, I think, one of the ways out of our current dilemma.

Mr. UPTON. If I may take some time from the gentleman from Wisconsin, I have a copy here of the eight-page memo, I guess you could say, or questionnaire for us to study. Now I do not know, but would the gentleman object if we entered this into the RECORD?

Mr. THOMAS of California. Not at all.

Mr. UPTON. Mr. Speaker, I ask unanimous consent that the gentleman's questionnaire be inserted into the RECORD at this point.

The SPEAKER pro tempore (Mr. MURPHY). Is there objection to the request of the gentleman from Michigan?

There was no objection.

CAMPAIGN REFORM PROPOSALS

1A. The following bills limit the election advantages now held by incumbents.

Choices among seven bills to limit franking.

□ H.R. — (No. 1) A total ban on unsolicited franked mail.

This bill would allow Members of Congress to respond to communications from their constituents, but not to send out unsolicited mail at taxpayer expense. It would save the vast proportion of the $113 million that Congress spent in 1988 on official postage, plus additional amounts for printing and handling.

Or □ H.R. — (No. 2) A ban on franked mass mailings of over 500 pieces.

This bill would ban postal patron mailings to every person in the district and also close a loophole through which Members might make up for such a ban using computer generated letters addressed to nearly every

voter based on geographical or interest subgroupings.

Or ☐ H.R. — (No. 3) A ban on postal patron mailings.

This bill prohibits the district-wide postal patron mailing including newsletters, now limited to 6 per Member, and district-wide meeting notices, not limited under current law.

Or ☐ H.R. — (No. 4) A limit of one postal patron mailing per year, mailed in December, January, or February only.

This would allow for a regular survey or newsletter, but would substantially limit campaigning at taxpayer expense.

Or ☐ H.R. — (No. 5) A cut of 50 percent in funds appropriated for franking with funds divided evenly between House and Senate and evenly within the Houses among Members.

This would save over $88 million per election cycle or 50 percent of the $177 million spent on postage by Congress in 1987 and 1988.

Or ☐ H.R. — (No. 6) A limit of 1 million pieces of franked mail per Member for the two year election cycle.

A postal patron mailing averages about 250,000 pieces. This allows for two such mailings plus well over 500 pieces of mail per day over a two year period. The House currently mails over 2 million pieces of mail per member per election cycle.

Or ☐ H.R. — (No. 7) Quarterly disclosure of the cost of franked mail for each House Member's office.

Four bills limiting the use of excess campaign funds.

Or ☐ H.R. — (No. 8) To return excess campaign funds to the Treasury.

This bill would require all Members of Congress to return unused campaign funds after each general election to the U.S. Treasury for the purpose of reducing the national debt. Members would be allowed to retain $.10 per district voter. Incumbents and challengers would therefore start each new election cycle on a more even footing.

Or ☐ H.R. — (No. 9) To prohibit Members, effective immediately, from converting their excess campaign funds to personal use upon retirement.

This bill would repeal the legislative provision popularly known as the "grandfather clause" which allows Members elected prior to 1980 to convert excess campaign funds to personal use upon retirement. The bill would take effect immediately.

Or ☐ H.R. — (No. 10) To prohibit Members, effective January 1, 1991, from converting their excess campaign funds to personal use upon retirement.

Ends the "grandfather clause" as in H.R. — (No. 9), but does not take effect until January 1, 1991.

Or ☐ H.R. — (No. 11) To prohibit Members, effective January 1, 1993, from converting their excess campaign funds to personal use upon retirement.

Ends the "grandfather clause" as in H.R. — (No. 9), but does not take effect until Jan. 1, 1993. (Allows 1992 retirement in conjunction with reapportionment)

Three bills to limit incumbent fundraising advantages.

☐ H.R. — (No. 12) Prohibits transfers among candidate committees or PACs and limits candidates and incumbents to a single committee.

This legislation would ban so-called leadership committees which allow well financed incumbents to donate funds often raised from special interests to other incumbents or candidates. It also prohibits PACs from laundering funds through other PACs.

☐ H.R. — (No. 13) Prohibits unopposed incumbent fundraising in non-election years.

This legislation prohibits incumbent fundraising from November 15 after an election until the November 15 one year prior to his or her next election. Should a challenger begin fundraising before November 15, the incumbent would be free to fundraise as well. This bill would limit the substantial time advantage most incumbents have over challengers and encourage Members to spend their time legislating and not fundraising.

☐ H.R. — (No. 14) Prohibits fundraising within the Washington, D.C. Beltway.

This legislation makes a symbolic point but could have a significant impact on fundraising. The "Washington fundraiser" would be banned under this legislation. Members could risk embarrassment and ridicule by holding fundraisers just outside the I-495 line, or spend more time in their districts raising money from voters instead of Washington special interests.

1B. The following bills improve the competitiveness of challenger candidates.

Three bills to strengthen a party's ability to help challengers.

☐ H.R. — (No. 15) Allows a party to offset election benefit received by incumbents from taxpayer funds.

Allows a party to donate to challengers above current limits an additional amount set by the Clerk of the House that is determined to be a sum equal to the re-election value received by incumbents from their office, official salary, and franking expenditures.

This bill makes the point that we already have public financing, but only for incumbents. It underscores the need for a "level playing field" which allows challengers to have a real chance and voters a real choice.

☐ H.R. — (No. 16) Allows a party to provide consulting services to candidates in addition to existing limits on party assistance.

This is a relatively simple way to provide high-quality professional assistance to candidates so the dollars they raise can be effectively spent. Many challengers fail as much for lack of expertise as for lack of funds.

☐ H.R. — (No. 17) Allows a party to match donations to candidates of $200 or less.

This bill encourages candidates to raise funds from small donors while providing another way for the party to assist deserving challengers who have demonstrated grassroots support.

Four bills to reduce campaign costs for all candidates.

☐ H.R. — (No. 18) Allows candidates to use nonprofit postage rate now reserved only for political parties.

The nonprofit postage rate is significantly lower than the normal bulk mail rate. Postage rates are a major element of campaign costs. Allowing challengers to achieve a minimum level of campaign visibility helps challengers with their limited resources more than it does incumbents.

☐ H.R. — (No. 19) Requires broadcast media to make free time available to general election Congressional candidates.

This bill would require each radio and television station to provide 30 minutes of free air time to each Congressional candidate within their area. Such time would be divided equally among 5 minute, 60 second and 30 second blocks in prime time the month prior to the election. Broadcast media are licensed to use the public airwaves and currently required to provide free time under the so-called fairness doctrine. The metropolitan stations with multiple Congressional districts in their area are also those who receive the greatest benefit from their government licenses.

☐ H.R. — (No. 20) Requires broadcast media to make free time available for debates between candidates for Congress.

This bill would require each radio and television station to provide 30 minutes of free air time for the purpose of broadcasting a debate among candidates for Congress in each Congressional District within their area. Only candidates whose party had received 10 percent or more of the vote for Congress in the prior election or had obtained the signatures of 5 percent of the voters in the District would be eligible to participate.

☐ H.R. — (No. 21) Requires that broadcast media sell non-preemptable time to political candidates at 50 percent of the commercial rate for that time period.

2. The following bills limit the influence of special interests on congressional elections.

Three bills to limit PACs.

☐ H.R. — (No. 22) Prohibits contributions to candidates by PACs that use corporate or union resources for operating expenses.

Federal election law prohibits the donation of corporate or union funds to Federal candidates. But corporate and union special interests still spend millions of dollars fundraising for and administering PACs. Automatic payroll deduction way in which funds which cannot be legally given to a candidate exert a disproportionate influence on our elections process.

President Bush has called for a ban on PAC contributions to candidates. His rationale applies most especially to PACs which pay for expenses from funds which do not meet Federal campaign contribution standards.

☐ H.R. — (No. 23) Limits all PAC contributions to $1,000, the limit for contributions from individuals. The current PAC limit is $5,000.

Large special interest contributions from any source are not healthy for our political process.

Or ☐ H.R. — (No. 24) Limits all PAC contributions to $2,500.

A bill to ban so-called "Bundling."

☐ H.R. — (No. 25) Prohibits a single individual or employees of the same entity from both soliciting and having custody of more than one campaign contribution to a candidate during the entire course of the campaign.

Bundling of multiple campaign contributions to candidates is a frequent practice used by special interests to circumvent Federal contribution limits.

A bill to ban so-called "Soft Money."

☐ H.R. — (No. 26) Prohibits national parties from raising or spending funds not subject to Federal contribution limits.

National parties currently can accept corporate, union, and personal funds in unlimited amounts for so-called "building funds" and "state and local accounts" which in reality cover party overhead expenses and indirectly assist Federal candidates. These are exactly the funds that the original Federal election laws where designed to control. The original intent of these laws should not be circumvented through the use of the "soft money" loophole.

Two bills to increase the influence of small donors from a candidate's local district.

☐ H.R. — (No. 27) Requires that a majority of a candidate's funds come from individuals residing in the candidate's district.

This bill would promote local control of campaign finance. It would strengthen the connection between the voters in a candidate's district and the outcome of the election. Too often the election is decided by money from outside the district, rather than by voters and resources from inside the district.

☐ H.R. — (No. 28) Allows political parties to match individual contributions up to $250 from individuals residing in the candidate's district.

This bill would provide an incentive for candidates to raise money from individuals in the district rather than from special interests in Washington D.C. It would also strengthen parties' ability to help challengers with demonstrated local support.

Three bills to strengthen political parties' ability to raise funds independently from special interests.

☐ H.R. — (No. 29) Allows local parties to raise and spend funds independent of state and national party limits.

This bill strengthens the ability of local parties to raise and spend funds in support of Federal candidates. Local parties should be encouraged to develop contribution and volunteer resources at the grassroots level.

☐ H.R. — (No. 30) Allows voluntary party donation add-on on Federal tax returns.

This bill would allow every Federal taxpayer the opportunity, by checking a box on his or her income tax return, to make a voluntary contribution to the party of his or her choice. Without using taxpayer funds it would encourage taxpayers to participate in the elections process at a time when their interest in cost-effective government is at its peak.

☐ H.R. — (No. 31) Replace the Federal subsidy of National party conventions with a $1 voluntary party tax credit check-off.

This bill would replace a Federal subsidy for party extravaganzas with an incentive for ordinary taxpayers to support the party of their choice. Funds thus raised would be available to support challenger candidates and replace party funds lost by limits on PAC and soft money contributions.

3. The following bills ensure that all funds spent for the purpose of influencing of a Federal election are fully and promptly disclosed.

Six bills to close campaign reporting loopholes.

☐ H.R. — (No. 32) To set a 24 hour deadline for reporting "late" contributions.

This bill would require contributions received within 10 days of an election to be reported within 24 hours of receipt by telegram, express mail. FAX or similar means.

☐ H.R. — (No. 33) To require disclosure of all Federal, State, and local party funds used to influence a Federal election.

This bill would require all party committees to report to the FEC funds spent for party building, voter registration and get-out-the-vote activities.

☐ H.R. — (No. 34) To require disclosure of all union and corporate member communication, voter registration, and get-out-the-vote activities.

This bill would require unions and corporations to disclose the sums they now spend to influence political campaigns that escape scrutiny under current law.

☐ H.R. — (No. 35) To require disclosure of all candidate related voter education expenditures and all voter registration expenditures by nonprofit entities.

Nonprofit organizations spend large sums of non-disclosed funds on technically neutral candidate education programs and voter registration activities that can have a significant impact on Federal elections. Although there are Constitutional barriers to complete disclosure of all aspects of a nonprofit organization's activity, some disclosure is certainly warranted.

☐ H.R. — (No. 36) To require disclosure of PAC overhead and director conflict of interest.

This bill would require PACs to report to their donors on funds spent for fundraising and overhead as well as on any conflict of interest of directors who also receive payments from, have contracts with, or benefit financially in any other way from the expenditures of the PAC.

☐ H.R. — (No. 37) To allow the FEC to reinstate random audits of political campaigns.

Under pressure from Members of Congress, the FEC stopped conducting random audits of campaigns several years ago. Those audits, while burdensome to those involved, were an important deterrent to improper campaign practices, and should be reinstated.

4. The following bill ensures that elections for Congress are held in districts that are not distorted by partisan gerrymandering

A bill to set national standards for fair redistricting.

☐ H.R. — (No. 38) To require that Congressional districts maintain community integrity, compactness, and contiguity, and that public access is protected during the redistricting process.

This bill would require that local counties and cities not be unnecessarily divided by a state redistricting plan and that districts be reasonably compact and contiguous. It also requires that information used to prepare the plan be available to the public and that the plan be available in advance for public inspection.

To indicate which bills you would like to cosponsor, you may return this summary sheet to House Subcommittee on Elections, H330, The Capitol.

LIMIT INCUMBENT FRANKED MAIL

— 1. Ban unsolicited franked mail.
Or — 2. Ban franked mass mailings.
Or — 3. Ban on postal patron mail.
Or — 4. Limit of 1 postal patron mailing per year.
Or — 5. 50 percent cut in franking funds.
Or — 6. 1 million piece franking limit per election cycle.
— 7. Disclose Member franking cost.

LIMIT EXCESS CAMPAIGN FUNDS

— 8. Return excess campaign funds after each election.
— 9. End grandfather clause now.
Or — 10. End grandfather clause '91.
Or — 11. End grandfather clause '93.

LIMIT INCUMBENT FUNDRAISING

— 12. Ban transfers among PACs and candidate committees.
— 13. Ban unopposed incumbent fundraising in non-election years.
— 14. Ban fundraising inside the Beltway.

EXPAND PARTY CONTRIBUTIONS

— 15. Challenger can get party funds to offset incumbent taxpayer benefit.
— 16. Party consulting exempt from limits on contributions to candidates.
— 17. Party can match donations up to $200 to candidates.

REDUCE CAMPAIGN COSTS

— 18. Candidates can use nonprofit postage rates.
— 19. One-half hr. of free media time per station per candidate.
— 20. Free media time for candidate debates.
— 21. 50 percent media rate cut for candidates.

LIMIT PACS

— 22. No contributions to candidates by PACs that use union/corporate resources.
— 23. $1.000 PAC contribution limit.
Or — 24. $2,500 PAC contribution limit.

BAN BUNDLING/SOFT MONEY

— 25. Ban bundling.
— 26. Ban soft money to national parties.

ENCOURAGE SMALL/LOCAL DONORS

— 27. Majority of funds must be raised in district.
— 28. Parties can match individual donations of up to $250 from within the district.

STRENGTHEN PARTY FUNDRAISING

— 29. Local party independent from state/national party limits.
— 30. Voluntary party donation add-on for tax returns.
— 31. Voluntary $1 party checkoff tax-credit.

FULL DISCLOSURE

— 32. 24 hr. reporting deadline for late contributions.
— 33. Disclose all national, state and local party funds.
— 34. Disclose all union/corporate political activity.
— 35. Disclose all non-profit candidate and voter registration related spending.
— 36. Disclose PAC overhead and director conflict of interest.
— 37. Allow FEC random audits.

FAIR REDISTRICTING

— 38. National redistricting standards.

If you have any additional campaign reform ideas, please note here or on back of page.

_____

I would like to cosponsor the legislation indicated above.

_____

Signature

_____

Name of Member

Mr. UPTON. I can tell you this was a very important piece in my office the last couple of weeks as we began to look at this. I sat down with my staff and we had about a 2-hour discussion.

We went through every one of the gentleman's items, "Fred, where do you stand? Where do you think we can make some improvements?"

We are looking to introduce my own bill and taking some of the substance from the gentleman from California, some of what I have done in my past with my own voluntary PAC contribution. On of the things we looked at is: let us focus on making sure that the district that one represents in this body sends that individual and funds that individual to get here in the first place.

I indicated before I think we ought to have a maximum amount of dollars that come from PAC's to one's campaign. Forty percent is where I am today.

But what I would also like to see, sort of extending what the gentleman from California indicated, is that that remaining 60 percent, and maybe larger, hopefully it will be, from individuals, let us make sure that 75 percent of those dollars in that remaining part of the pie come from that person's district. That of course under the Federal Election Commission rules that we have today, we have to identify someone's residence and place of occupation for contributions of more than $200 and it would be very easy to determine that in fact 75 percent of the individual contributions came from that person's district.

Mr. THOMAS of California. One of my concerns, and I look forward to some of the concepts that the gentleman is pursuing, is trying not to make it mechanical; 20 percent of this, 30 percent of that, 40 percent of this, 75 percent of that. What I am trying to do is to create a system which will comfortably fit over 435 very diverse geographic and populated districts.

It seems to me there are two areas which have not been fully utilized in our political system recently. One obviously is the political parties. I am fond of saying "unshackle" the parties.

For example, a new and creative way to do that would be to, if you do get local contributions of under $250, let us say, why could not the political party, the national political party, match that money? You have to raise it locally first and then the party can assist.

What I am trying to do is in picking, admittedly, an arbitrary number like a majority, is to try to change the direction of contact of candidates. The reason they come to Washington and the reason they stay in Washington is because that is the current money system. If you want to get them back in the district, if you want to force them to have a 1-to-1 relationship with the people who are actually going to participate in the voting in the election, then you can change the money system and you will tell them, "Go back home to get your money."

Now what is that going to do? It is going to require PAC's to alter their form to the new form of financing. No longer will it be quite such that it is a centralized, concentrated check-collecting operation; they will become more of a decentralized educational disbursal structure which many of us thought was the direction that it was supposed to go in the first place.

So what I am trying to do is not set in place a number of mechanical structures which people are trying to correspond to under the law, "Oops, I have got to get this, and oops, I have got to get that"; what I am trying to do is fundamentally change the relationships within the political arena and then from those changed relationships will flow what I think is a far more beneficial structure; that is, local control of campaign financing.

Mr. Speaker, I thank the gentleman very much for the time.

Mr. GUNDERSON. Mr. Speaker, I appreciate the gentleman's contribution and especially his leadership in this whole area both on the task force and certainly the elections subcommittee and as ranking member of the Committee on House Administration. We really appreciate the leadership he has given in this area.

I yield to my good friend from Missouri.

Mr. EMERSON. I compliment my friend on the very fine contribution that is being made here this morning to a necessary dialog. I think some of the points just made by the gentleman from California are well taken. I do not know where all of this debate leads, but certainly this debate needs to occur and it has to have a very positive end result.

I would suggest that the laws of the Federal Election Campaign Act and perhaps the ethics rules of the House, which also need reforming, are too complex and cumbersome.

I can relate a personal example. In the last campaign I had 179 technical violations of FEC reports. These were omissions, because we did not know, omissions of filing someone's profession together with their name, address and the amount that they have contributed. Sometimes you might have an address that is in error, and that is considered a technical violation.

I might say also that I was executive assistant to the chairman of the first Federal Election Commission, and I have been familiar with election campaign laws since there were dramatic developments in it back in the 1970's.

So I have watched this whole evolution occur, sometimes happily and other times with dismay.

I think one of the problems is the complexity of the law and the difficulty to comply in letter as well as with the spirit of the law.

With the background that I have had with the FEC, understanding its genesis and what have you, I have sought diligently to conform with every aspect of it. But even in trying—I have an accountant, and staff people who dot every i and cross every t—it is almost impossible to not make some technical error.

I think we need to look at the complexity of the situation, the fact that it can be confusing and contradictory.

What I think we need both in campaign financing reform and in ethics reform in the House here, is rules that are very clear, understandable to everyone, that everyone can agree upon. I do not think that is all too difficult to obtain. I think we need to make it simple and we need to make the punishments severe.

But we need to know in a realistic way what the rules are and let us get beyond this quibbling about minor technicalities. Let us identify the real problem areas and address them but not get hung up on minor technicalities which can lend themselves to a great deal of finger pointing.

I want to thank the gentleman and all others who have contributed to this debate this morning and commend them on the very necessary thing they are doing. I look forward to working with the gentleman in the well and others as this matter progresses here in the House.

Mr. Speaker, I thank the gentleman for yielding.

Mr. GUNDERSON. I thank the gentleman from Missouri.

I really appreciate the gentleman's remarks and his contribution.

Now as we shift a little bit, and it was a perfect transition from campaign reform to ethics reform, let me call on one of the cochairs of the bipartisan commission on ethics reform, Congresswoman LYNN MARTIN of Illinois. I am delighted that the gentlewoman is here.

Mrs. MARTIN of Illinois. I thank the gentleman from Wisconsin, and I tell him that I am wearing multiple hats today. It is not just as cochairman of the ethics reform task force which is, I think, working in a bipartisan way in a manner I have never experienced around here. So my compliments to the chairman of that, VIC FAZIO, and some of the other members. I am not sure if we are going to come out with everything that Members want and that the public deserves, but I must tell you that it is an experience that I believe that the House, unlike Chicago, is ready for reform. Remembering Patty Bonner, "We ain't ready for reform," but the House is. I hope the reform will not be cosmetic in nature, in the name of reform. It is not an attempt to make honest Members unable to perform but to have a simplified system which the public and Members can both understand and follow without question.

Mr. Speaker, I thank the gentleman for yielding this time to me and commend him on taking this special order on the need to reform this House. The British statesman, Edmund Burke, drew a distinction between innovation and reform. Whereas the former tended to be change for the sake of change, the latter was aimed at addressing specific abuses in a timely and temperate way for the purpose of preserving the good in the system.

Reform in order to preserve. That is our watchword today as we consider

how we might restore the people's House in this bicentennial of the First Congress. One of the most alarming trends in recent years has been the decline in the committee system and process and the consequent deterioration of what I would call deliberative democracy. We too often act as if it is more important simply to enact laws on certain problems than it is to first consider what those laws should contain.

The Republican rules package, entitled the "Bicentennial House Restoration Mandate," offered at the beginning of this 101st Congress was designed to address a whole range of problems that beset our institution. It was introduced as House Resolution 61 on February 3 by our distinguished Republican Policy Committee chairman, Mr. EDWARDS of Oklahoma, and now has 66 cosponsors. I hope the Rules Committee will give this package early consideration.

I have introduced a similar package of reforms aimed specifically at the committee system—House Resolution 106, the committee process reforms of 1989 now has 25 cosponsors. At the heart of my package of reforms is a requirement that all committees be limited to no more than six subcommittees, that members be limited to no more than four subcommittees, that committee staff be reduced by 10 percent, and that we abolish the joint referral of legislation. These steps, should help to make our committee system more manageable and accountable. Moreover, my resolution calls for restoring the May 15 reporting deadline for authorizations.

I was pleased to read in the June 6 Washington Post an op-ed piece by our Democratic colleague from Indiana [Mr. HAMILTON], entitled "Reinvigorating Congress." He called for ethics and campaign finance reform, and went on to call for institutional reforms. To quote from his opinion piece: "We need to reduce the excessive number of subcommittees tying up legislation, cut down the number of times the same issue is considered on the floor, and make it more difficult to miss budget deadlines."

Mr. Speaker, I commend our colleague across the aisle, and others like him, who recognize that the time has come for the House to reform itself if we are to preserve the best of our representative and deliberative system of government. And I call on them to join us in a bipartisan effort to restore the people's House to its rightful role.

At this point in the RECORD I include a summary of my committee process reform resolution:

H. RES. 106—SUMMARY OF "COMMITTEE PROCESS REFORMS OF 1989"

(A resolution introduced by Representative Lynn Martin to amend House Rules "to restore the committee system to its rightful role in the legislative process.")

Sec. 1. Title.—"Committee Process Reforms of 1989."

Sec. 2. (a) House Rules would be amended as follows:

(1) *Oversight reform*—Committees would be required to formally adopt and submit to the House Administration Committee by March 1st of the first session their oversight plans for that Congress. The House Administration Committee, after consultation with the majority and minority leaders, would report the plans to the House by March 15th together with its recommendations, and those of the joint leadership group to assure coordination between committees. The Speaker would be authorized to appoint ad hoc oversight committees for specific tasks from the membership of committees with shared jurisdiction. Committees would be required to include an oversight section in their final activity report at the end of a Congress.

(2) *Multiple Referral of Legislation*—The joint referral of bills to two or more committees would be abolished, while split and sequential referrals would be retained, subject to time limits and designation by the Speaker of a committee of principal jurisdiction.

(3) *Committee Elections and Organization*—Committees would be elected not later than seven legislative days after the convening of a new Congress and must organize not later than three legislative days thereafter.

(4) *Committee Ratios*—The party ratios on committees would be required to reflect that of the full House (except for Standards of Official Conduct which is bipartisan). The requirement would extend to select and conference committees as well.

(5) *Subcommittee Limits*—No committee (except appropriations) could have more than six subcommittees, and no Member could have more than four subcommittee assignments.

(6) *Proxy Voting Ban*—All proxy voting on committees would be prohibited.

(7) *Open Meetings*—Committee meetings could only be closed by majority vote for national security, personal privacy, or personnel reasons.

(8) *Majority Quorums*—A majority of the membership of a committee would be required for the transaction of any business.

(9) *Report Accountability*—The names of those voting for and against reporting measures shall be included in the committee report, and, if a measure is reported on a non-recorded vote, the names of those members actually present shall instead be listed in the committee report.

(10) *Prior Availability of Draft Report*—A draft committee report must be made available to members at least one legislative day prior to its consideration.

(11) *Committee Documents*—Committee documents intended for public dissemination, other than factual materials, must either be voted on by the committee and opportunity afforded for additional views, or must carry a disclaimer on their cover that they have not been approved by the committee and do not necessarily reflect the views of its members.

(12) *Unreported Bills*—It would not be in order, except by two-thirds vote, to consider a rule in the House on a bill that has not been reported from committee.

(13) *Committee Staffing*—Committee funding resolutions could not be considered until the House has first adopted a resolution from the House Administration Committee setting an overall limit on committee staffing for the session. The minority would be entitled to up to one-third of the investigative staff funds, on request. The overall committee staff limit for the 101st Congress could not be more than 90% of the total at the end of the 100th Congress.

(14) *Authorization Reporting Deadline*—Committees would be required to report authorization bills not later than May 15 preceding the beginning of the fiscal year to which they apply.

(b) *Effective Date:* The provisions of the resolution shall take effect upon adoption, so far as they are applicable.

□ 1120

Mr. UPTON. Mr. Speaker, will the gentlewoman yield?

Mrs. MARTIN of Illinois. I yield to the gentleman from Michigan.

Mr. UPTON. I thank the gentlewoman for yielding.

The gentlewoman talked about committees, and I happened to come across a statistic that I think the American public will find absolutely appalling. In the last 20 years the number of committees, standing committees, has relatively stayed the same. We have about 21, 22 committees. However, the number of subcommittee staff over the two-decade period has risen from 629 staff members to 2,085. That is a 231-percent increase, despite having, literally, no increase almost in the last 20 years in terms of the number of full committees.

The cost of operating the House in a 2-year Congress has risen from $165 million in 1967 and 1968 to $1.13 billion in 1987, 1988, a 585-percent increase, and most of that is the number of staff that we have increased. Just amazing numbers.

The gentleman from Wisconsin the other day talked about, when we had a press conference with our great leader, the gentleman from Illinois [Mr. MICHEL], talked about the number of subcommittees that Bill Bennett, our new drug czar, has had to testify, in addition to getting prepared, 53 subcommittees he has testified in the 2 months he has been in office. Here he is supposed to be getting together a national plan on how we are going to fight drugs and reduce drugs in our country, which is due in September. In the meantime, he has to spend hours, days, and weeks testifying.

Mrs. MARTIN of Illinois. Mr. Speaker, if the gentleman will yield, on that particular subject it is a perfect example, and I do know a little bit about it. We, for instance, have a committee on drugs, very hard-working committee, that is not allowed to bring legislation forward. If we really are serious about an issue such as drugs, we should, just as we made the executive do, have this one committee, whether it lasts for 2 years or 5 years, that could oversee all of this. The argument is turf. How do Members take it away from some other subcommittee? I think maybe

this House more often than it is doing should remember that the object is to accomplish something, not to just have another subcommittee on a résumé or, frankly, another press release.

I believe most Members of the House are quite decent. However, we have just gone out of control on this. I absolutely agree.

Mr. GUNDERSON. Mr. Speaker, I appreciate very much the contribution of the gentlewoman from Illinois. I do not know how we, as an institution, can criticize the executive branch or suggest they get their act together in the different agencies and departments on the drug war if we are unwilling to do so ourselves in terms of our jurisdiction and authority, legislative, over that all-important issue of trying to cleanup our streets and our neighborhoods and save our young people.

Let me, at this time, yield to one of our newer Members. I need to say that this Member, who was a public citizen and who was so moved by the cause of reform here in the Congress that it moved him to run against all odds, and to be successful in those odds. I have told this story many times around the country, although the gentleman is not aware of it, but the gentleman is an example of the citizen legislator who has been motivated to come here and help in reform. Personally, I am delighted the gentleman has chosen to contribute in these discussions. I yield to my good friend, the gentleman from Florida [Mr. JAMES].

Mr. JAMES. Mr. Speaker, when the former Speaker resigned from office last week, he did so gracefully, with great emotion. His words prompted deep compassion.

But, despite his words to the contrary, the former Speaker wasn't the victim of a vendetta, nor was his downfall the result of partisanship. Regretfully, his fall was the result of his breaches of House rules and ethics.

Has this disregard for ethics become the rule rather than the exception?

I know one thing—this is a sad time for the ideals of "people's government." The Speaker's ethical demise is an institutional tragedy, an American tragedy, for it reflects a branch of Government whose majority is out of touch with reality. Too many Members of Congress seem to have forgotten that we work for the people—and we're subject to their needs and their beliefs.

I agree wholeheartedly with the former Speaker that we must end the "mindless cannibalism." But there is a cancer of ethical misbehavior festering in government. It must be exorcised. No, we cannot tolerate personal vendettas and character assassination, but we will not tolerate corruption in Congress.

Sweeping and historic reforms are needed. Campaign laws must be revised—to give challengers a chance. Election to the House should not be a lifetime appointment, like the House of Lords. It's the "People's House," and it belongs to the American people, not the Members.

Ethics laws must be changed to remove the potential for corruption and punish those who are corrupt. Honoraria must be outlawed—and that includes book royalties. The American people send us to Washington to write laws, not books. If you want to be an author for hire—get out of Congress. We must close the loophole that allows retiring Members of Congress who were elected prior to 1980 to keep unused campaign funds as a personal retirement account. That's absurd.

American citizens who choose to become financially involved in the political process should not unknowingly be tricked into funding a luxurious lifestyle for a retiring politician. And we must seal shut the revolving door which ferries outgoing Members of Congress in to high paying lobbying jobs where they peddle their influence for big dollars. For too long, Congress has paid lip service to honesty and integrity while unethically operating beneath the cloak of congressional exemption and immunity. This must stop. The House should not be above the people—it is of the people, for the people, and by the people.

And House procedures must be changed to allow the views of all the people to be heard. Most Members of Congress cannot demand a vote on an issue—cannot even force the issue to the floor for debate, and are not even held accountable for how they vote so that citizens can clearly see what is happening in the House. The power cliques that control the House must be broken and the sunlight allowed to reach every corner. In the words of a great jurist—sunlight is the best disinfectant.

For 35 years Democrats have been the majority in the House of Representatives. This generation of ironclad rule has created a warped feeling of invulnerability in the hearts and minds of some Democratic Members.

What else could explain two prominent and intelligent Members of the Democratic leadership, being forced to resign amidst ethical storm clouds?

We must strike out boldly for change now. We have an opportunity to reform an out-of-control Congress. If we cannot restore honesty and integrity, this Congress will never be able to craft and implement policies that will meet the needs of the American people.

This is not a partisan issue—it transcends partisan politics. Honesty and integrity are a national concern, a national challenge. No party, no politician is exempt from its impact and importance.

Let us learn the lesson of this embarrassing episode. Adlai Stevenson said that public confidence in the integrity of government is indispensable to faith in democracy; and when we lose faith in the system, we have lost faith in everything we fight and spend for. Let us act to restore the American people's faith in our Government. Our ability to retain our strength as a Nation hangs in the balance.

□ 1130

Mr. GUNDERSON. Mr. Speaker, I appreciate very much the gentleman's contribution to our whole discussion here, our beginning discussion as we begin to look on an ongoing basis over the next few weeks and months to the broader concept of reform. I certainly look foward to the gentleman's willingness to continue working with us in this regard.

Mr. JAMES. Mr. Speaker, I thank the gentleman for his very kind words.

This is a concern of ours. I think we have an opportunity, a real opportunity, to cleanse and to purify the system in which we work, and I look forward to being a part of that. In my position on the Subcommittee on Administrative Law and Governmental Relations, I hope to participate certainly on the criminal side of the ledger. As vice chairman of that subcommittee, I would say that I hope we will put forward and implement laws and suggest laws for Congress that will clarify some of the issues that admittedly may be confusing at some point.

Mr. GUNDERSON. Mr. Speaker, I appreciate the gentleman's participation very much.

Mr. EMERSON. Mr. Speaker, will the gentleman yield?

Mr. GUNDERSON. I yield again to my good friend, the gentleman from Missouri.

Mr. EMERSON. Mr. Speaker, I would just like to make the point that I hope as we proceed on this important aspect of procedural reform that we also keep some perspective. I think it would be well for us to look historically perhaps at what has worked in the past, at what was, for whatever reason, discarded but may yet work once again. I think there are probably many lessons to be derived from the history of this body.

I have had the unique and, I might say for myself, wonderful experience of having served in this body back in the decade of the 1950's for 3 years as a page. During the decade of the 1960's, I was a staff person for the whole time here in the House of Representatives and in the Senate. During the decade of the 1970's I was a lobbyist. So I have seen the institution in close proximity from the outside. And during the decade of the 1980's I have

been a Member. So I have seen a lot of evolution over the years.

I would maintain, among other things, that we have been strongly influenced in my lifetime by the advent of television and jet air travel, and that has had a profound effect upon scheduling here in the House.

I would have to say that I think in the past couple of years there has been a marked improvement in legislative scheduling. I think this was a concern of our now Speaker, TOM FOLEY, when he was the whip, and as majority leader he addressed that matter. I have complimented him for that. We know that scheduling is much more predictable now. We know the days we are going to be here, what is going to be scheduled, and when we are going to likely have votes.

But there are other things under the heading of procedural reform that we ought to be considering. I maintain that Congress does not need to be a year-round institution. If we came here in January and buckled down the way they used to, we could get our work completed. I can remember in the 83d Congress we adjourned sine die the first week in August. We adjourned in the first week of August rather than the end of July because Robert Taft, the then majority leader of the Senate, passed away and we had a state funeral for him, and it would not have been appropriate to have adjourned on July 31 in the midst of a state funeral. So we adjourned on the 2d or 3d of August in 1953.

But if we came in here and buckled down and got organized, why could we not begin our diligent committee work, then see that legislation moves on the floor, and be out of here by July or August or September, or whenever? Times are different now than they were in the 1950's, and perhaps the pressures really are greater than they were then. But I think we could save ourselves a great deal of grief and expense and wear and tear if we came here and stayed here and worked as a legislative body. That is not to say that we should not go back to our districts in the course of the session, but maybe not with the frequency that we now feel compelled to go back, running out there every weekend because jet airplanes make that so available, and, of course, our constitutents have come to expect it.

But I think we need seriously to look at things like that. Even considering ideas about committees meeting, maybe we would have to have mandatory attendance in Washington, but we could have committee meetings, say, for a 2-week period, during which the House would not meet, and then the House could meet for 2 weeks and take up the issues that were ripe for consideration that had been reported by the committees so that we could be on a readily predictable schedule that would inject a little more order into the lives of Members and their families than currently exists.

These are just some extraneous thoughts that were evoked from the discussion here that I wanted to share with the Members for the moment. I actually look forward to working with the gentleman closely in the weeks and months ahead, and I hope to share these and some other observations. I do not think there are any magic solutions, but I think we need to view this whole issue in some historical perspective. I would be concerned that we try to invent the wheel. I think the rules to which we need to adhere are well established in custom and law. We just need to sort them out and discern which ones are practical and applicable in the decade that we are fast approaching.

Mr. GUNDERSON. Mr. Speaker, I really appreciate the gentleman's remarks. Both the gentleman and I serve on the Committee on Agriculture in the House, and those who have been watching us over this past hour may have noticed that we were just visiting with our distinguished chairman of the Committee on Agriculture, the gentleman from Texas [Mr. DE LA GARZA].

The gentleman from Texas made the comment during our discussions; he said, "Be careful that you don't make the inference that every Member of Congress is bad, and that Congress as an institution is totally bad."

I think that is worth mentioning because he is absolutely right. The vast majority of the Members of this Congress from both parties, both sides of the aisle, liberal and conservative, are well-meaning public servants who are here because they are trying to do what they believe is best for the country, and most of them, frankly, are here at great personal sacrifice.

I think it is absolutely important, as we begin this discussion, that we do it under the concept that we are not here to destroy individual Members of Congress; we are here to rebuild the institution under the general concept of restoring or remaking a Congress that we can be proud of.

There are four general areas of reform we need to talk about: Obviously, campaign reform; obviously ethics reform; and procedural reform becomes key because, while that is technical, it is really the key element in how we make our laws, so that becomes essential, because if we do not have good rules regarding the debate on foreign policy or public policy, we are not going to have good policy. I think from that standpoint, that may probably be as important as any of the others. Finally, there is an area that we have not in our time had much opportunity to discuss, and that is the whole concept of legislative reform.

The American public wants us to restore Congress as an institution they can be proud of, but they also want us, as a part of that, to solve the problems facing the Nation today. And there are many problems, whether it be the capital gains concern, whether it be the budget deficit, whether it be section 89, whether it be education reform, or whether it be cleaning up the environment or just a whole host of those types of issues. We need to respond to the housing needs of the younger generation, and crime and drugs probably becomes the most preeminent in that area. And we have to deal with the child care needs of the young. There is an agenda out there demanding the attention of the Congress so that we can respond to the needs of the people.

Mr. Speaker, in my closing minutes, let me yield once again to my friend, the gentleman from Michigan [Mr. UPTON].

□ 1140

Mr. UPTON. Mr. Speaker, I just want to say that the gentleman from Wisconsin [Mr. GUNDERSON] has made a number of excellent points, including all of the speakers that we have had today, and I know that we would have had more speakers had we actually had votes today, but when we adjourned yesterday, there was no legislative business scheduled until next week. But this is a real opportunity for us.

Mr. Speaker, we are at a real threshold. We have a new Speaker this week. He laid down the gauntlet. He said earlier this week that we would have a package, a reform package, that would be done this session.

We have embarked on a bipartisan commission in essence to look at some of the problems, certainly correct some of those with a whole number of varieties, and I am very optimistic that we can fashion a package to make some changes around here to make this a more responsive institution to the people that we serve, and it will, therefore, clearly bring up the esteem of this institution that has lost a little bit of its luster over the last couple of months, and I think it will be great for America, truly great for America.

Certainly the good hour that we have spent here today, the discussions that we have had in the cloakrooms or on the floor during votes, certainly what we have heard from our constituents, including myself just this morning—a number of calls came in from my district—tells us the country is waiting for us to act. We need to act before they act to throw all of us out, and I think that by recognizing that problem, as we have here today, by putting a little bit of pressure on our leaders, both Republicans as well as Democrats, we can in fact make some changes, some very constructive

changes, that will see the type of reforms that the American public truly wants.

Mr. Speaker, we have just begun a new chapter in the history of the House of Representatives—the speakership of TOM FOLEY, a man whom I admire and respect. As deputy Republican whip, I have taken out this special order today to urge upon our new Speaker a new way of doing the business of the House—doing business in a way that is fair—fair to all Members of Congress and fair to the American people.

I am not here to complain about the partisanship of my Democratic colleagues. On the contrary, party rivalries are unavoidable, and—if conducted under fair rules—usually conducive to the public good. I do not want to destroy partisanship in the House. Rather, I want to help restore a competitive two-party system in the House of Representatives.

The sad truth of the matter is that there has been a steady and unmistakable erosion of fair and open debate in the House. Often only one set of ideas gets consideration; a competing set is stifled every step of the way. Committees hold hearings on items of partisan interest to the majority; equally pressing concerns which are the priority of minority members are often ignored. Certain bills come to the floor with great haste; other bills, like a balanced budget amendment to the Constitution, are never considered on the House floor or even in committee.

This is not fair. Our democratic government works only if it is truly democratic. Democracy only works if all sides of each issue are represented, debated, clarified, and then decided by a fully informed and freely cast vote.

Mr. Speaker, we House Republicans are not demanding to win every vote. We are not demanding the unrealistic or the undeserved. We simply ask for fairness. Fairness for our ideas, for our membership, for the people whom we represent.

Mr. Speaker, we need to reform the way the House works and the way its Members run for election and reelection. In the area of election reform, I personally support and have cosponsored several bills to limit the influence of political action committees, and to increase the influence of the "little people" who live and work in the districts we represent.

In the area of reelection reform, I support limits on an incumbent's use of the congressional frank, and limits on the now ceaseless pursuit of PAC money.

In the area of institutional reform, I support limits on congressional staffs, on the size of Congress' budget, and on the kudzu-like encroachment on the executive and judicial branches. The congressional committee structure is a key procedural impediment, for nothing is debated on the House floor which does not move through committee. Although the number of committees in the past 20 years has remained stable, committee staff has grown out of control. In 1968 there were 629 committee staff in the entire Congress. By 1988 committee staff had tripled to more than 2,100 staff. This unfair committee structure—stacked against the minority party—results in almost tyrannical control of the House floor agenda.

In the area of procedural reforms, I support more open committee hearings and more open floor debate. The most egregious procedural violations occur in the budget area. Ten years ago only 19 percent of floor rules provided for a Budget Act waiver. Today, more than half of all rules reported by the Rules Committee waive Budget Action points of order. This is not fair.

Mr. Speaker, the American people deserve fairness from those of us who bear the title "Representatives." How can we as House Republicans represent the American people fully, without our voice being heard in authorizing committees, on the Budget Committee, on the Rules Committee, in conference committees, and on the House floor?

My colleagues and I have numerous suggestions to reform the House. I hope they are heard. The most promising signal that you, Mr. Speaker, could send to us and to the American people is to hear them, to adopt them, and to restore the House of Representatives as a truly representative House.

Mr. EMERSON. Mr. Speaker, will the gentleman yield?

Mr. UPTON. I yield to the gentleman from Missouri.

Mr. EMERSON. Mr. Speaker, one thing that is always brought up in the course of this discussion about Congress, and our procedure, and our practices, and our ethics and campaign laws is laws that favor incumbency, and I think there is some element of truth to that. We do have to communicate with our constituency, and we would be criticized if we did not. Somehow putting out a press release or putting out a news letter is construed as being a bad thing. I think it is one of the responsibilities of Members to communicate and to communicate frequently with their constituency, and so I think that in terms of how those practices are criticized we had better be careful.

Mr. Speaker, I refer back to my comments earlier in saying, "Let's approach this thing with some historical perspective because, you know, they say"——

The SPEAKER pro tempore. The Chair regrets to advise the gentleman from Missouri [Mr. EMERSON] that the 60 minutes requested has now been consumed.

Mr. GUNDERSON. With that, Mr. Speaker, let me just thank the Chair for his courtesy during this past hour and thank everyone for their participation.

Mr. Speaker, there is going to be another opportunity, I believe, today and certainly in the coming weeks.

I thank all my colleagues for their help as we begin rebuilding a Congress we all can be proud of.

Mr. VANDER JAGT. Mr. Speaker, I rise today to bring to the attention of my colleagues a scholarly work that is of great value in our current efforts to reform the campaign finance laws.

This study, sponsored by the Project for Comprehensive Campaign Reform and carried out by two distinguished academics, Prof. Herb Alexander and Larry Sabato, is unique in its scope and its thoroughness in examining the campaign finance system in America. The information revealed by this study is enlightening and extremely useful to anyone who is attempting to wade through the great number of proposals that have been put forward in this important area. Rather than attempt to retell what these two scholars have found, I include the report they prepared in the RECORD.

EXECUTIVE SUMMARY

INTRODUCTION AND BACKGROUND

In mid-1988 a group of participants in the federal election system, mostly PACs, began to discuss the need for a comprehensive study of proposals to reform the laws governing the election of members of Congress.

The group recognized that this is an area where there is little, if any, current and comprehensive work. It also shared frustrations that the debate on campaign reform in the 100th Congress was often too narrowly focused, driven by myths about the current system and rarely concerned with the practical outcome of the proposed reforms.

After reviewing several suggestions as to how such a study could be undertaken, the group agreed upon a study design which would test most of the current proposals against a set of questions on how they would impact the system. (See Appendix A for the study design). Two professors with extensive expertise in the field—Herb Alexander and Larry Sabato—were approached and, after making their own changes in the design, agreed to undertake the effort. (See Appendix B for background on the authors). Among the changes suggested by the authors and accepted by the sponsors were additions to the list of proposals and tests as well as the flexibility to offer proposals and ideas of their own.

The authors began their work in early 1989 by dividing up the list of reform proposals and exchange their first drafts for critique in March. The final documents for the most part reflect their shared views.

The sponsors organized themselves as the Project for Comprehensive Campaign Reform, a non-profit, non-partisan corporation. PCCR sought broad participation in funding the study. A partial list of sponsors can be found in Appendix C. While the sponsors believe strongly in the need for the study and the contribution it can make to the reform process, they do not necessarily endorse the recommendations.

LIMITATIONS AND EXPECTATIONS

By its very nature, a study of this type cannot be inclusive of all reforms or views. The sponsors wanted and received the views of two acknowledged experts on most of the proposals being considered recently by Congress and by those outside of Congress who have an interest in the subject.

In coming up with the questions to be applied against the proposals, the sponsors and the authors attempted to arrive at a list of generally accepted tests. Many of these tests are taken directly from the stated goals of the advocates of the various proposals—e.g. enhanced competition, amount of money in the systems, time spent raising money, etc. Nonetheless, these tests also cannot be viewed as all inclusive.

Another limitation is that the study design lists the proposals singularly when most campaign reform measures contain several interlocking provisions. While the authors have attempted to relate the pro-

posals to each other and indicate the results of tandem operation, no effort was made to assess the total impact of any specific legislative package.

Within these limitations and other resource restrictions such as time and funding, the sponsors and authors have attempted to make a major contribution to the ongoing debate over campaign finance. The effort will have been successful if it broadens the debate, adds to the understanding of the current system and helps avoid unintended consequences.

It is PCCR's intention to give the study the broadest possible circulation to policy makers, the media, academicians, political practitioners and others concerned about campaign finance. A symposium is scheduled for April 28, 1989 to unveil the study and subject it to the criticism and comment of several other experts in the field. PCCR invites and welcomes any and all reactions.

THE PROBLEMS AND HOW TO ATTACK THEM

Both authors express in their introductions a sense of frustration with the conduct of the current debate. Sabato emphasizes the need to differentiate "between real and pseudo (i.e., imagined) corruption". Alexander refers to "perceived influence" and "indiscriminate criticism".

Yet both lay out specific problems they see in the present system. They agree that reduced competition and increased costs are significant problems. Alexander adds to his list the "created dependency" on PACs. Sabato points to the decline of the political parties, the decrease of small donors and disclosure loopholes.

Among the goals and guidelines to be used toward improving the system, the authors offer:

Alexander: improve disclosure; regulate the problem areas most widely perceived as crucial; keep concentrations of power in check; use government assistance where necessary, but with least intrusion; ease fundraising and diminish dependencies; retain flexibility.

Sabato: eliminate real corruption and remove pseudo corruption from the debate; subtract from campaign costs without reducing communications volume; build political parties; reduce influence of large, special interests without infringing on basic freedoms; maintain and increase competition; and increase public participation by broadening the base of small donors.

Both authors caution against violating constitutional freedoms, producing unintended consequences and other limitations. Sabato warns, ". . . the complexity of the system and its flaws require an admission of inevitable, partial failure. The only 'perfect' solutions to some campaign financial dilemmas cause worse problems in other spheres or even abrogation of precious constitutional rights."

Alexander says ". . . it should be made clear at the outset that election reform is not neutral. It works to change institutions and processes, sometimes in unforeseen ways . . ." and, "There is an sense of irony, that no matter how well intended election laws are, the consequences are sometimes contrary. . . ."

Neither believes, however, that these limitations should prevent attempts to improve the system. Alexander: "This (unwanted outcomes) is not a reason to retain the status quo, because change may be desirable and perhaps should be tried. But it is a reason to weigh the possible consequences of change as carefully as possible."

Sabato: "The alternatives in campaign financing are sometimes presented as an unappealing choice between leaving a deteriorating system alone and instituting bad reforms. But there are other options, which together compose a multi-faceted menu of changes that addresses both corruption and unrelated problems in campaign finance."

SUMMARY OF FINDINGS AND RECOMMENDATIONS

The following attempts to give a quick overview of the authors' findings and recommendations. For more detailed information see the matrix charts in Appendix D where the specific proposals are applied against the tests and, of course, the complete papers by each author.

ALEXANDER

Contribution Limits.—Supports raising individual contribution limits to $2,500 per candidate per election; raising calendar year individual limit to $62,500 split evenly between (1) candidates and PACs and (2) party committees; indexing of limits, but maintainence of current PAC limit; opposes outright prohibition of bundling.

Public Financing.—Points out problems with current proposals and recommends spending floors provided by public financing, but not expenditure ceilings; any plan should cover both primary and general elections; $2 tax checkoff to provide for Congressional elections and a separate checkoff of $1 per year for parties, both in addition to current presidential checkoff.

Soft Money.—Continue use of soft money for party strengthening and citizen participation; prohibit soft money raising or spending by presidential sponsored entities; require widespread reporting of soft money with FEC maintaining separate accounts of disclosures.

Expenditure Limits.—Opposes limits for congressional campaigns because they have proven to be illusory and ineffective at presidential level; if enacted they should account for state size and population; recommends developing campaign cost index to replace the Consumer Price Index as measure of any expenditure limits and contribution limits.

Tax Credits.—Re-enact tax credits of 100% of donations up to $50 on single return and $100 on joint return; donations to PACs would not receive a credit.

Wealthy Candidates.—Opposes offsets for opponents to wealthy candidates.

Registration and Voter Turnout.—Encourage states to permit registration by mail and in public state offices; require U.S. Postal Service to provide forms to re-register people who move.

SABATO

PAC Limits.—Opposes increased limitations on PACs because ". . . the hidden costs and consequences . . . are enormous and destructive"; recommends a ban on PAC double-giving and a moratorium on gifts to previously opposed candidates.

Spending Ceilings.—Opposes ceilings because of bias toward incumbents and because they will not control expenditures.

Nonresident Contributions.—Opposes ban because all districts and members are not equal in influence or ability to raise funds; argues that citizens should be free to favor or oppose candidates who are important to them regardless of where they live.

"Zeroing Out" Campaign Treasuries.—Opposes zeroing out because it would not achieve objective of reducing demand.

Restricting the Fundraising Period.—Opposes restriction mainly because it would favor incumbents over challengers.

Banning Member PACs.—Opposes ban because it would not effectively halt support through personal campaign committees or bundling.

Independent Expenditures and Free Response Time.—Opposes restrictions on independent expenditures as unconstitutional; supports disclosure, but opposes free response time as open to abuse.

Free Media Time.—Supports making available two hours of free time every year to national party committees and to each state party committee.

Strengthening the Political Parties.—Limits on individual contributions to party committees should be substantially increased; unlimited, but fully disclosed, contributions to party committees for administrative, legal and accounting expenditures; federal and state tax credits for donations to parties or a tax "add-on" for parties.

Broadening Disclosure.—Supports disclosure as "the single greatest check on the excesses of campaign finance, . . ."; would require filing of direct mail solicitation letters; disclosure of fundraising and administrative costs and candidate selections to donors; non-connected PACs would be required to establish and disclose a fully independent, active board of directors; would require disclosure of costs of administering PACs, full disclosure of building funds, candidate related foundations and all soft money.

Restricting Honoraria.—Favors severe restrictions or elimination of honoraiá and special interest junketing.

Banning the Grandfather Clause.—Supports eliminating the clause as the "outrage of outrages."

Free Mailing for Challengers.—Supports one free election year mailing for non-incumbent nominees.

SIMILARITIES AND DIFFERENCES

Because the authors were asked to study different measures, it is not possible to compare their findings. At the same time, there are items in their work where subjects overlap and comparisons are possible.

For example, both authors support stronger political parties, full disclosure across the board, higher individual contribution limits and tax incentives, check-offs or add-ons. On the issue of soft money, they both note the beneficial aspects of its use for party building and citizen participation, but want to see better disclosure and an end to abuses.

They both express the need to lessen the dependence on organized giving. However, rather than adding new restrictions on that source, they urge expansion of other sources.

While both oppose campaign expenditure limits, they appear to differ slightly as to their main rationales.

CONCLUSIONS

Both Alexander and Sabato use their conclusions to summarize their proposals and the arguments for them. As such, the closing sections represent the best summaries of this project. Some of their general comments deserve repetition here.

ALEXANDER

"The public generally is dissatisfied with what is considered to be high costs and with certain uses of political money but there is only mixed support for suggested remedies such as public financing. Good public policy is dependent upon reliable information, but there are those with a vested interest in essentially unworkable policies who sometimes provide incomplete or distorted data.

And the media often are not critical or discriminating in analyzing the offered information. Accordingly, while the public may not have a sharp definition of desirable direction, many actions costing taxpayers money may be considered by the public to be self-serving. In these circumstances, Members of Congress have some freedom of action if they have the will to surmount a certain level of public displeasure.

"While an ideal system can be proposed, consideration needs to be given to what is judged to be politically feasible. Even the ideal would be subject to unforeseen consequences as well as intended results. Even the ideal may result in the opening of new channels for money when old ones are limited or closed off.

"Yet there is clear need to be bold and constructive, and not to temporize or continue a flawed system, as we have done since 1974. The rise in campaign costs is inexorable and no system of expenditure limits will be effective in containing high levels of spending."

SABATO

"The proposals advocated here are designed to produce a better political system and a more enlightening campaign process. But no goal is more vital than the restoration of public confidence in that system and process. The many charges of corruption that have been raised in the last two decades—some accurate and some not—have almost certainly increased the level of public cynicism about politics and battered the voters' trust in the fairness of American government. That is why it is of critical importance for the next set of campaign finance reforms to solve real problems instead of imagined ones. A clear-eyed understanding of the limits of reform and a deep appreciation for constitutional freedoms that cannot be abridged will be required to create a workable, as well as a more wholesome, system of campaign finance. By contrast, if we focus on the wrong targets or insist on unrealistic perfection and purity, then we will treat symptoms and not causes and will merely create another jerry-built rig of good intentions and unintended consequences. The rig's eventual, inevitable collapse will increase public cynicism still further, and responsible, effective reform will be ever more difficult to achieve. We can and must do better in our next attempt at reform."

STEVEN F. STOCKMEYER,
Study Director.

APRIL 15, 1989.

PERMISSION FOR COMMITTEE ON AGRICULTURE TO HAVE UNTIL MIDNIGHT TOMORROW TO FILE A REPORT ON H.R. 2042, AMENDMENTS TO TITLE V OF THE AGRICULTURAL ACT OF 1949

Mr. DE LA GARZA. Mr. Speaker, I ask unanimous consent that the Committee on Agriculture may have until midnight, tomorrow, June 9, 1989, to file a report on the bill (H.R. 2042), to amend title V of the Agricultural Act of 1949 to allow producers to provide the appropriate county committees with actual yields for the 1989 and subsequent crop years.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

PERMISSION FOR COMMITTEE ON AGRICULTURE TO HAVE UNTIL MIDNIGHT TOMORROW TO FILE A REPORT ON H.R. 2469, LIMITING RIGHT OF FIRST REFUSAL BY FHA AND FARM CREDIT SYSTEM

Mr. DE LA GARZA. Mr. Speaker, I ask unanimous consent that the Committee on Agriculture may have until midnight, tomorrow, June 9, 1989, to file a report on the bill (H.R. 2469) to limit a previous owner's right of first refusal in the case of fraud or resale for sales of farm property by the Farmers Home Administration and the Farm Credit System.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

A TRIBUTE TO DEPARTING PAGES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Missouri [Mr. EMERSON] is recognized for 5 minutes.

Mr. EMERSON. Mr. Speaker, this is the season for graduations. Many of my colleagues and I have accepted invitations to deliver commencement addresses at high schools and colleges in our home districts. Here in the House of Representatives we have a commencement of our own to celebrate. Tomorrow will be the last day of work and the departure ceremony for the House Page School class of 1989.

These young men and women come to Washington from all over the United States to serve us here in the House as pages and I am proud to say that they have continued the splendid tradition of service to the Members on which we have come to depend. Peggy Sampson and Lenny Donnelly, the Republican and Democratic page supervisors, are the people who train our pages and guide them through the many tasks that make our lives easier. I would like to thank them for the work they do with the pages.

The pages perform a variety of tasks which make the job of the Members and our staffs much easier. Messages and mail, bills and briefcases are shuttled back and forth between offices by pages. The flags which we send to our constituents are delivered to the flag office and returned to our offices by the pages. The phone calls which we receive while here, in the Chamber, are received and delivered to us by pages. The whip packets are assembled and delivered to us by the pages. Even the legislative bells which summon us to vote are rung by the pages. These jobs may not be the most glamorous on Capitol Hill, but they are extremely important to the Members and I want the pages to know that we appreciate them.

Before the pages come to the Capitol for work each day, they attend the House Page School in the Library of Congress. It is there, in the early hours of each weekday that Dr. Robert Knautz and his faculty of Shirley Alexander, Barbara Bowen, Pat Caulfield, Randy Mawer, Linda Miranda, Bob Nelson, and Ron Weitzel ensure that our youngest employees continue their education. Mr. Speaker, I am amazed that the page school is able to structure an education program that meets the needs of the diverse group of students who come to us from all over the country. Our teachers continually strive for excellence in education. Academic excellence is measured in many ways. One way is admission to the National Honor Society. I was extremely pleased to learn that, last week, 16 of our pages were inducted into the National Honor Society. This is in addition to 23 pages who had already been inducted into this prestigious organization by their home schools.

Mr. Speaker, while the pages are in Washington, they live in the Page Residence Hall. It is not always easy for these young men and women to move away from their families and friends to serve here in Washington. Adjustments must be made to new surroundings, a new school, work schedules, and new friends. Myla Moss, the residence hall director, and her staff; Monica Zunt, Jeff Hyler, Katie Siewert, Joe Tonucci, and Alisa Lewis should be congratulated for helping our pages make these adjustments. The pages really do come to be like a family while they live here. This will be evident tomorrow night and Saturday when the pages say goodbye to each other.

Another person we will have to say goodbye to is Jeff Hyler, one of the proctors at the residence hall. Jeff has graduated from college and is taking a well earned vacation before beginning training as a naval aviator this fall. I would like to thank him for his work at the residence hall and wish him well in his new duties. He has been a good friend to the pages during the past few years.

Mr. Speaker, it was 34 years ago that I graduated from the old Capitol Page School. I remember that it was a time of mixed emotions for us. We were sad to say goodbye to the friends we made here in Washington. But we were proud of the job we had done and grateful for the opportunity to serve as pages. My page experience is one of the main reasons I decided to enter public service. I hope that the experiences that this years' class have en-

joyed will help them in whatever occupation they may choose to pursue.

Mr. Speaker, as these young people prepare to return home, I would like to take this opportunity, on behalf of myself and my colleagues on the Page Board—indeed, all of our colleagues—to thank them for a job well done and to extend best wishes to them in all they do.

Mr. Speaker, I am including a list of all the pages who served us so well this past year.

SPRING 1989 PAGES

Adams, J. Clark.
Anthony, Amy.
Aronberg, Jill.
Barlow, Janice.
Beard, Gregory.
Bianchini, Gina.
Burton, Sherri.
Chambliss, Rhodi.
Close, Kirsten.
Courtright, E. Bentley.
Cothern, Rachel.
Cronin, Kathryn.
Davis, Patricia.
Decos, A. Lissette.
De Los Santos, Peter.
Dorin, Melinda.
Eckel, Scott.
Ensign, Thomas.
Felton, Elijah.
Fowlkes, Danari.
Gagnon, Catherine.
Gast, Michele.
Glenn, Scott.
Goldberg-Meehan, Shana.
Hagan, Janet.
Henderson, Amy.
Henn, Stephen.
Holifield, Lamont.
Hughes, Kristen.
Hutcheson, Laura.
Jealous, Benjamin.
Kendall, Sarah.
Kingfield, Kristen.
Lallier, Meric.
Lee, Su-May.
Lloyd-Still, Robert.
McCain, Penelope.
McNabb, Kelsey.
McVicker, Carolyn.
Meyer, Candice.
Miller, J. Duncan.
Morris, Scott.
Moses, Kimberly.
Oros, Gabriel.
Parker, Anthony.
Pennington, Lee.
Perez, Ernest.
Peters, Lynn.
Quinn, Sean.
Roberts, Cheyenne.
Sanchez, Ivan.
Shaw, Erika.
Snyder, Stacy.
Spencer, Kyllie.
Stead, Lara.
Storey, Leslie.
Strasheim, Rolf.
Walker, J. Andrew.
Wells, Katherine.
West, Matthew.
Williams, Craig.
Williams, Thomas.
Winfield, Charles.
Zayas, Vivian.

□ 1150

UNDERSTANDING LATIN AMERICA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas [Mr. GONZALEZ] is recognized for 60 minutes.

Mr. GONZALEZ. Mr. Speaker, I would like to second the statement of our distinguished colleague, the gentleman from Missouri [Mr. EMERSON] and his acknowledgment of the soon-to-be graduated class of pages. Through the years that I have had the honor to serve this institution, 28 years, it has been quite an inspiring experience to see the youth who come up here who manifest an interest and develop the loyalty and the faithfulness to serve, sometimes perhaps to an outsider in a servile or a menial task, but actually in effect exposing them to one of the greatest experiences of any democratic country, and perhaps a singular experience, given the nature of our system, in the whole world. What I have seen has been by far the hope, the promise of the real wealth, the real strength of America in these very young, hopeful, intelligent eyes that I have witnessed through the years. Both young male and female pages have been outstanding, in my book. I, for one, wish to give tribute to the particular page that I have from my district, who has served and will be graduating tomorrow with great distinction, Peter De Los Santos. He has been a marvelous young man.

I think so many people, my colleagues, outside the confines of this institution do not realize what a rigid test and requirement each one of the pages must meet in order to serve now as a page of the U.S. House of Representatives as well as the Senate.

So I want to thank the gentleman from Missouri [Mr. EMERSON] and I want to wish godspeed and in all future endeavors nothing but success and happiness to each one of these pages who will be graduating tomorrow.

Mr. Speaker, the thing that motivates my addressing my colleagues today is a matter that is not concerned with the main preoccupation of the moment, as chairman of the Committee on Banking, Finance and Urban Affairs, that is the current crisis that is afflicting our financial institutional life in the United States. It is a great crisis, unprecedented in 55 years, but that is not what I am rising here for.

I am rising in order to continue a subject matter for discussion that I first began on April 1, 1980, the President then being President Jimmy Carter. Then later with great intensity and great travail and almost a demoralizing feeling during the entire years of President Reagan's administration.

On April 1, 1980, for the first time since I had come to the Congress in 1961, I addressed a subject matter that generally and popularly we tend to say concerning what we call Latin America, but which is, I am afraid, too pat a way for us to continue to indulge in. I think every day that goes by that we continue in this dangerous indulgence, we are in effect predicting and casting our coming generations, these pages and their children and their grandchildren, to a world that we now are shaping for them inexorably, and I think if we continue, disastrously, as I have said all these 8 years.

On April 1, 1980, I rose because and I explained then and I am going to recapitulate in order to bring coherency to what I am attempting to say today. The September prior, 1979, I had received a visit from three individuals, one of whom came from my district and had served with great distinction in what turned out to be military intelligence with the Army and who had just come back on a particular tour to attempt to visit the State Department, after having been in both the recent Nicaraguan revolution, working in behalf of the security of the American Embassy there, but later in the summer and that September in El Salvador. What he told me then and predicted occurred just like he had predicted, so his plea to me was, "Can you get hold of somebody in the administration and the White House and advise them that this and this is happening and this and this is going to happen for sure and that the U.S. Embassy and the Ambassador will be under great jeopardy?"

Well, I failed at that time. There have been administrations during which as an individual Member of the House I have had ready access and there have been those in which I have not. The one with the greatest accessibility was the first President that I served under, Mr. Kennedy, who had been a friend of mine since 1951 and with whom I had perhaps the closest personal association of any other President, including my great fellow Texan, President Lyndon Johnson. Of course, Lyndon Johnson was the most accessible public man I have ever known, even including local officials; but other administrations, including the Democratic administration of President Carter, were not quite that accessible, and I failed to convey to the proper people on the level of some judgment-making evaluations what was conveyed to me.

The other two individuals were members of a Peace Corps group that had served in Guatemala and later in El Salvador. What they said coincided with what the first one said.

Realizing that everything that had been predicted happened, including the machinegunning of the American Embassy, a serious threat to the stability of the American diplomatic

corps, as well as others, I then took the floor on April 1, 1980. It was my way of trying to communicate with the administration and the President. I appealed to the President not to succumb to the temptation of sending military contingents, because it was then that the first group was decided upon to be sent to El Salvador. Reportedly it was going to be no more than 57, but as I reminded my colleagues, it was reminiscent of what happened in 1963 in May in what turned out to be Vietnam, that I doubt seriously anybody even knew at that time where it was and what had been given to me by way of information by a then-airman in San Antonio, the same thing. I thought it was ironic that the same fact situation had arisen.

So I asked the President to please initiate diplomatic relations with the American leaders, both through his moral suasion of leadership which he then had, as well as the tangible leadership in the councils of this great body in the Organization of American States and to heed the Treaty of Rio and the understanding of Punta del Este and other prior understandings, and said categorically that I felt the administration and the United States would have no more than 90 days in order to assert its last vestigial residual influence as a leader, not a military leader, not a leader because of its superior force, but because it was a natural superior moral leader.

□ 1200

It was with great dismay that I noticed that I was, of course, completely overlooked. As a matter of fact, I will say that I have received more ridicule, at least in printed reports and even out-and-out criticisms on the part of my hometown papers, for even using special orders than I have received any other kind of notice, other than some very wonderful colleagues who have either listened or have read my words and have communicated with me their equal concern.

Be that as it may, the rest is history. Mr. Carter lost in November. Mr. Reagan came in and immediately his Secretary of State, General Haig, announced a policy of militarization. He drew the line, so to speak, and said, "I am drawing the line, and I am drawing it in El Salvador." That is the smallest nation in that whole isthmus, and it is not a north-south issue. It is an east-west issue, and he said, "We are not only going to draw the line here, if necessary we will go to the root of the cause," meaning Cuba.

That was immediately reported as not a veiled but an outright promise for direct military intervention. This was a Secretary of State talking, not the Secretary of Defense, nor the President himself. He was drawing the line. He was making it a Marxist-Leninist-Cuban issue. Every word that came from El Salvador, as it had from Nicaragua, was that in El Salvador we had a continuing, continuing effort on the part of the masses of people since 1932, and the bloody uprising then that was crushed brutally with the loss of over 30,000 lives, because at that time who even read about those countries, but the world has shrunk, as I pointed out in 1980.

Latin America is radically different from what it was even 5 years before, and certainly much more than it was at the time of Kennedy's announcement of the partnership, the great alliance. What it meant was that the world has contracted. It has shortened. There is not the least peasant submerged in the grossest of poverty comparable to any anywhere else on any other continent in such places as Guatemala, where we have suffered and even aided and abetted genocide against some of the most impoverished groups of Indians in those hills of Guatemala on which I have spoken out here in the House.

Anyway, it was with great dismay that time after time I would repeatedly show that what the United States was doing was evoking a 1929 Calvin Coolidge program without even an initial effort to proceed diplomatically. Usually military is called in when diplomacy has failed, but in this case intervention was immediately the program. I took the floor and denounced it. Soon after that, it became a partisan issue, and I was accused of being partisan, forgetting that I first started speaking out and was equally critical of a Democratic President.

Today, I rise because it should be obvious to me and to everybody else, and it is with great dismay that I say this, and certainly it does not give me any satisfaction to say that while it is not on the headlines, the question of Panama, which incidentally my colleagues cannot say is an issue of communism versus anticommunism or Russian penetration. So wherein can we say that the policies or the actions that have been the case of this Government of ours, sometimes with the actual aid and abettance of this Congress, have been anything but bankrupt in El Salvador after 8 years and $4 billion-plus of investment? Where are we? We are not any closer to any kind of happy solution than we were then. In fact, we are farther away and with a negative ultimate presence of the United States, where we should be positive and affirmative, and at a time when the world is breaking into regions, Japan in the Far East almost recouping its co-sphere of prosperity of prewar Japan, in Europe where they are uniting, centralizing, and now have worked a pretty good effective common currency, monetary system, which again I have been addressing since 1979.

While they are integrating, we seem to be disintegrating. We have the natural position to be the leaders in every way in the New World. This is our co-sphere of influence and leadership. As I said for 8 years, we are not going to shoot ourselves in the hearts of what we call the Latin Americans.

Mr. Speaker, it was with great trepidation exactly 2 years ago this last March 5 that I introduced an impeachment resolution based on the fact that Mr. Reagan was violating not only our domestic laws but some of the basic international laws, and mostly because there was no question about it, that preparations were well under way for a direct invasion of Nicaragua.

Always fortunately we have had, as we have had in the civil side of our Government, real integral military advisers, but also as we have had in the civil government, always had, the danger of political penetration, and we have had political generals whose advice has cost us severely in the past, all through our history incidentally, but we have also had the professionals, and their estimates were far different from what the political generals were trying to tell the President, President Reagan.

I took this floor repeatedly. I am convinced that when Speaker JIM WRIGHT joined in speaking out in warning, he doomed himself, because he antagonized the most powerful forces of any country in any part of the world, and that I am convinced of. I have tracked from the moment he even had a dialog with Daniel Ortega, for example, but today I rise to tell my colleagues that with this stalemate in Panama, that 90 percent of it has been our making.

Gen. Manuel Antonio Noriega is a product of our confusion and our counterproductive mishmash of intelligence agencies and their incapacity to even communicate with each other. Less than 4 years ago Gen. Manuel Antonio Noriega was on the payroll of the CIA and was getting a net total of over $200,000, which is as much as our American President receives. He was cheek-by-jowl with such characters as Colonel North, because he was like the criminal element in our country that our law-enforcement agents unhappily worked with in an effort to get somebody else, who have been so adept and so wily that they use that in order to actually win out against the law-enforcement agents.

The kind of narcotics and dope trade we have had would not be possible in our country unless there had been a hand-in-glove arrangement between the political and the business, and in this case it turned out to be even the military. It could not happen if that kind of an agreement back in the penumbra of the darkened rooms in the

Caribbean and the isthmus were not taking place.

□ 1210

And General Noriega, who is a product not of the military academy of the United States but that of Peru, he epitomizes, and it is what he has banked on up to now, that blatant nationalism that so stoutly resists American, what they call American imperialism. How could this happen in Panama, where we have total control? Where we still control their currency? Why should he still remain in power? Simply because, as I was trying to assess 20 years ago, Panama was beginning to be the focal point of what I called and still call the Latin dollar market.

You have these huge international corporate and financial entities using the special laws that Panama has created, far more than even the so-called secret Swiss accounts, in order for them to launder this money. This is where Noriega successfully nourished the friendship of the chief drug merchants of the Western Hemisphere whereas at the same time, cheek by jowl, with the American intelligence agents who were saying, "Hey, he is helping us with this dope trade control."

How in the world can we say anything but that we are to blame when in 1984, for example, the election then, as soon as the election was announced the person in control declared that the vote had been won by his party, which in effect was not true; the opposition party leaders were beaten up bloodily. Did we protest? No. Who was it? It was Gen. Manuel Antonio Noriega in 1984.

And what happened after all that beating up and fraudulent election? Secretary of State George Shultz went down there to his coronation. Oh, but then in 1989, same thing, same scene, and we have to send the troops down. How were Americans treated? We have one reason here, the complexity of the situation is that we have better than 40,000 Americans that are living either in the city of Panama or elsewhere within the jurisdiction of that Government, or off the actual premises of that part of which we still have control, the bases and some parts of the commission-ruled entities.

The time to have moved was then because it was then that we had assaults on Americans. It was then that Americans were attacked.

But, no, in fact camaraderie was increased. We had, to our shame, the same thing the French had when they were fighting their colony in Algeria. The French had six different intelligence components working at odds with each other. And that is what we did. We had Army intelligence groups bugging Noriega's house while the CIA is making deals with him, DEA is making deals with him, and Colonel North is making deals with him.

How else can this be other than making us the laughingstock?

So the reason I am getting up today is to say this: No matter what happens to Noriega, first, we are not going to be able to impose a democratic system on people who have not quite for themselves reached that point. They would all secretly love for American soldiers to move in and bring them an honest election. But if we do that, have we given democracy? That is, other than at the price of several thousand of our soldiers? Why should we have to do that when we could accomplish the same thing by using our wit and our will and just living up to the traditions of American, honest Government? That is all. That is all it would take.

That is what I told Mr. Carter on April 1, 1980. That is what I told Mr. Reagan, ad infinitum—some say ad nauseam—for 8 years. That is what I am saying today.

My friends, let me tell you something: I do not care how Noriega deports, you will not solve this problem, we still have the basic problem. We still have to learn to use our ingenuity to discern the complexity of that society.

One reason Noriega has been able to stay there and does not fear or at least, has controlled some of his subalterns. After all, it was General Torrijos with whom we made the treaty on the canal that made a system where there would be only one general; you would have about 7 colonels and about some 13 lieutenant colonels. But the tradition there is for them to follow the coterie who have studied at the same institutions, and that is at Latin American war colleges, not United States.

This has been lost sight of in America. On top of that, Noriega has been able to use the frustrations and the racial strife that exists between that part of the Panamanians of negro descent and the ruling classes that are 100 percent white.

In 1984 there was a candidate who wanted to challenge Mr. Noriega and Mr. Noriega got him, and he then said, "I am going to expose you," and he did. He accused Noriega of drug pedding, he accused Noriega of two-timing the United States with respect to the Nicaraguan so-called Contras. Why, we went so far as to get a ship from the Middle East with arms, routed through Panama, with Mr. Noriega supposedly delivering those to the Contras.

That blew up in our faces because he has been on both sides, just like a criminal who is working cheek by jowl with a trusting law enforcement agency that does not want to do the law enforcement on its own but has to have the crutch, the help of an established criminal who sometimes outsmarts them by getting somebody else hooked and they get an immunity.

This is pretty much what has happened on the international scene with respect to Panama.

Now I will say this: We should be preparing our policies now. I do not know what will happen if Noriega is deposed. He may be deposed but you will get somebody else right now that will not be too different. It will still be military, it still will not be democratic.

The man that we backed, the deposed Delvalle, was the man that Noriega put into the presidency after 1984. The other man who did expose him was jailed and under threat of his life, was compelled to recant and then sent into exile, where he still is.

The Senate committee had hearings from the other leader, Blandon, who is on record here in sworn testimony, as to the same accusations and charges against General Noriega.

I am sure that the average Panamanian, with the exception of those whose nationalism, whose fervor is so great that they can tolerate with the fear of an American invasion and they can exalt that nationalism; but what we have got to consider is what are we going to do, no matter how Noriega goes? What should be our policy? How should we in order to keep—what is that—the respect and good opinion and the cooperation of the other nations that share with us the destiny in the Western Hemisphere? I say time is awasting. We should not fritter ourselves now on having made a heel out of a guy that we had all our national leaders doing business with and doing it in what I would consider to have been an unacceptable way had it been exposed generally.

□ 1220

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. DUNCAN) to revise and extend their remarks and include extraneous material:)

Mr. EMERSON, for 5 minutes, today.

Mr. MCEWEN, for 5 minutes, today.

(The following Members (at the request of Mrs. PATTERSON) to revise and extend their remarks and include extraneous material:)

Mrs. LOWEY of New York, for 5 minutes, today.

Mr. ANNUNZIO, for 5 minutes, today.

(The following Member (at the request of Mr. GONZALEZ) to revise and extend his remarks and include extraneous material:)

Mr. OBEY, for 5 minutes each day, on June 14 and 15.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. DUNCAN) and to include extraneous material:)

Mr. WYLIE.

Mr. GINGRICH in two instances.

Mr. VANDER JAGT.

(The following Members (at the request of Mrs. PATTERSON) and to include extraneous material:)

Mr. WYDEN.

Mr. FORD of Michigan.

Mr. BROWDER.

Mr. ROE.

Mr. FAZIO.

ADJOURNMENT

Mr. GONZALEZ. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 12 o'clock and 20 minutes p.m.), under its previous order, the House adjourned until Monday, June 12, 1989, at 12 noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1332. A letter from the Secretary of Education transmitting a copy of final regulations—national diffusion network, pursuant to 20 U.S.C. 1232(d)(1); to the Committee on Education and Labor.

1333. A letter from the Secretary of Education transmitting a copy of final regulations for the student assistance general provisions and guaranteed student loan and PLUS programs, pursuant to 20 U.S.C. 1232(d)(1); to the Committee on Education and Labor.

1334. A letter from the Administrator, Agency for International Development, transmitting for the President, the annual report for 1987-88 on the implementation of section 620(s) of the Foreign Assistance Act of 1961, as amended, pursuant to 22 U.S.C. 2370(s)(2); to the Committee on Foreign Affairs.

1335. A letter from the Director, Defense Security Assistance Agency, transmitting notification of the Department of the Navy's proposed lease of defense articles to Peru (Transmittal No. 19-89), pursuant to 22 U.S.C. 2796(a); to the Committee on Foreign Affairs.

1336. A letter from the Director, Defense Security Assistance Agency, transmitting notification of the Department of the Navy's proposed lease of defense articles to Brazil (Transmittal No. 24-89), pursuant to 22 U.S.C. 2796(a); to the Committee on Foreign Affairs.

1337. A letter from the Secretary of Transportation transmitting the semiannual report of the activities of the inspector general for the period ended March 31, 1989, pursuant to Public Law 95-452, section 5(b) (102 Stat. 2526); to the Committee on Government Operations.

1338. A letter from the Attorney General transmitting the Department's annual report on actions taken to increase competition for contracts, pursuant to 41 U.S.C. 419; to the Committee on Government Operations.

1339. A letter from the Secretary of Labor transmitting a report on activities under the Freedom of Information Act for the calendar year 1988, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

1340. A letter from the Chairman, Federal Election Commission, transmitting the 14th annual report on the Commission's activities for 1988, pursuant to 2 U.S.C. 438(a)(9); to the Committee on House Administration.

1341. A letter from the Board of Governors, U.S. Postal Service, transmitting the semiannual report on the civil misrepresentation activities of the U.S. Postal Service for the period October 1, 1988 through March 31, 1989, pursuant to 39 U.S.C. 3013 (97 Stat. 1317); to the Committee on Post Office and Civil Service.

1342. A letter from the Coordinator, Governmental and Public Affairs, Tennessee Valley Authority, transmitting a copy of the Authority's statistical summaries as part of their annual report for the fiscal year beginning October 1, 1987, and ending September 30, 1988, pursuant to 16 U.S.C. 831h(a); to the Committee on Public Works and Transportation.

1343. A letter from the Secretary of Veterans' Affairs, transmitting a draft of proposed legislation to amend title 38, United States Code, to authorize a headstone allowance for prepurchased grave markers; to the Committee on Veterans' Affairs.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. GONZALEZ: Committee on Banking, Finance and Urban Affairs. Supplemental report on H.R. 1278 (Rept. 101-54, Pt. 7). Ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. APPLEGATE (for himself, Mr. BOEHLERT, Mr. BRYANT, Mr. BUSTAMANTE, Mrs. BYRON, Mr. DE LUGO, Mr. FISH, Mr. HAYES of Louisiana, Mr. HOCHBRUECKNER, Mr. MARTINEZ, Mr. RAVENEL, Mr. SHAYS, Mr. SKAGGS, Mr. TRAFICANT, and Mr. COURTER):

H.R. 2584. A bill to amend the Hazardous Materials Transportation Act to improve safety with respect to the transportation of hazardous materials; jointly, to the Committees on Public Works and Transportation and Energy and Commerce.

By Mr. LELAND (for himself, Mr. MOLINARI, Mr. FLORIO, Mr. SIKORSKI, Mr. WAXMAN, Mr. TORRES, Mrs. ROUKEMA, Mr. FORD of Tennessee, Mr. NOWAK, Mr. SCHEUER, Mr. MARKEY, Mr. SAXTON, Mr. SMITH of New Jersey, and Mr. BATES):

H.R. 2585. A bill to control the release of toxic air pollutants, to reduce the threat of catastrophic chemical accidents, and for other purposes; to the Committee on Energy and Commerce.

By Mr. BILIRAKIS:

H.R. 2586. A bill to amend the Clean Air Act to provide further controls of certain stationary sources of sulfur dioxides and nitrogen oxides to reduce acid deposition, to provide for the commercialization of clean coal technologies for existing stationary sources, and for other purposes; to the Committee on Energy and Commerce.

By Mr. CONTE (for himself, Mr. DINGELL, Mr. JONES of North Carolina, and Mr. DAVIS):

H.R. 2587. A bill to conserve North American wetland ecosystems and waterfowl and other migratory birds and fish and wildlife that depend upon such habitats; to the Committee on Merchant Marine and Fisheries.

By Mr. CONYERS:

H.R. 2588. A bill to direct the Secretary of Education to make grants to State and local educational agencies and community-based organizations to provide education programs and other education-related services to inmates confined in correctional institutions, and to establish the Center for Correctional Education; to the Committee on Education and Labor.

By Mr. DELAY (for himself, Mr. ARMEY, Mr. BLILEY, Mr. BURTON of Indiana, Mr. CRANE, Mr. DANNEMEYER, Mr. DOUGLAS, Mr. JAMES, Mr. COMBEST, Mr. BARTLETT, Mr. BARTON of Texas, Mr. COBLE, Mr. GINGRICH, Mr. HANCOCK, Mr. BALLENGER, Mr. EDWARDS of Oklahoma, Mr. COX, Mr. MCMILLAN of North Carolina, Mr. DORNAN of California, Mr. DONALD E. LUKENS, Mr. ROHRABACHER, Mr. PACKARD, Mr. HANSEN, Mr. CRAIG, Mr. GILLMOR, Mrs. VUCANOVICH, Mr. NIELSON of Utah, Mr. KOLBE, Mr. STUMP, Mr. DREIER of California, Mr. DENNY SMITH, Mr. MCCOLLUM, Mr. SMITH of Texas, Mr. WALKER, Mr. ARCHER, and Mr. ROGERS):

H.R. 2589. A bill to restore certain political rights to workers; to the Committee on House Administration.

By Mr. EDWARDS of Oklahoma:

H.R. 2590. A bill to provide a delay in the effective date of section 89 of the Internal Revenue Code of 1986 until July 1, 1990; to the Committee on Ways and Means.

By Mr. FORD of Michigan (for himself and Mr. NEAL of Massachusetts):

H.R. 2591. A bill to establish a national program to expand opportunities for Americans, especially students, to serve their communities; to the Committee on Education and Labor.

By Ms. SCHNEIDER (for herself and Mr. FRANK):

H.R. 2592. A bill to provide for a study by the General Accounting Office of recent cutbacks and transfers in personnel and resources at local offices of the Social Security Administration, to provide for a moratorium on further changes in staffing levels at such offices, and to amend titles II and XVI of the Social Security Act to provide for protective accountability for communications with the Social Security Administration; to the Committee on Ways and Means.

By Mr. SCHUMER (for himself, Mr. SOLARZ, Mr. WEISS, Mr. HOCHBRUECKNER, Mr. OWENS of New York, Mr. ENGEL, and Mr. SCHEUER):

H.R. 2593. A bill to make the antitrust laws applicable for a 2-year period to any professional baseball team that unfairly deprives its supporters of the opportunity to

receive regular over-the-air television broadcasts of games in a season; to the Committee on the Judiciary.

By Mr. SHAW (for himself, Mr. BENNETT, Mr. FASCELL, Mr. GIBBONS, Mr. YOUNG of Florida, Mr. LEHMAN of Florida, Mr. IRELAND, Mr. HUTTO, Mr. NELSON of Florida, Mr. MCCOLLUM, Mr. BILIRAKIS, Mr. LEWIS of Florida, Mr. SMITH of Florida, Mr. GRANT, Mr. GOSS, Mr. JAMES, Mr. JOHNSTON of Florida, and Mr. STEARNS):

H.R. 2594. A bill to name the Department of Veterans' Affairs outpatient clinic located at 1900 Mason Avenue, Daytona Beach, FL, as the "William V. Chappell, Jr., Veterans' Outpatient Clinic"; to the Committee on Veterans' Affairs.

By Mr. SMITH of New Hampshire:

H.R. 2595. A bill to authorize the detail of personnel of the Department of Defense to the Immigration and Naturalization Service for border patrol-related activities; jointly, to the Committees on Armed Services and the Judiciary.

By Mr. SMITH of New Hampshire (for himself, Mr. DORNAN of California, Mr. ROSE, Mr. LANTOS, Mr. PALLONE, Mr. CARPER, Mr. SWIFT, Mrs. COLLINS, Mr. TOWNS, Mr. ROE, Mr. KLECZKA, Mr. JACOBS, Mr. MRAZEK, Mr. STALLINGS, Mr. EDWARDS of California, Mr. DYMALLY, Mr. MARTINEZ, Mr. FAZIO, Mr. VENTO, Mrs. SCHROEDER, Mr. RAVENEL, Mr. WALSH, Mr. DANNEMEYER, Mr. HANCOCK, Mr. HAYES of Illinois, and Mr. PARRIS):

H.R. 2596. A bill to provide for the transfer of certain animals, commonly known as the Silver Spring Monkeys, to any of certain entities; to the Committee on Energy and Commerce.

By Mr. WYDEN (for himself, Mr. THOMAS A. LUKEN, Mr. ECKART, Mr. SWIFT, Mr. SYNAR, Mr. MARKEY, Mr. BATES, Mr. AUCOIN, Mr. DEFAZIO, Mr. GEJDENSON, Mr. MRAZEK, Mr. OWENS of Utah, Mr. FAUNTROY, Mr. HUGHES, Mr. VENTO, and Ms. KAPTUR):

H.R. 2597. A bill to amend the Solid Waste Disposal Act to improve compliance with hazardous waste laws at Federal facilities, and for other purposes; to the Committee on Energy and Commerce.

By Mr. BATES (for himself, Mr. PORTER, Mrs. JOHNSON of Connecticut, Mr. MOODY, Mr. TRAFICANT, Mrs. BYRON, Mr. JONES of Georgia, Mr. MOAKLEY, Mr. PANETTA, Mr. JONES of North Carolina, Mr. DYSON, Mr. FROST, Mr. HILER, Mr. ROBERTS, Mr. THOMAS of California, Mr. GARCIA, Mr. FAUNTROY, Mr. SPRATT, Mr. DE LUGO, Mr. CONTE, Mr. FAWELL, Mr. FAZIO, Mr. FRANK, Mr. HORTON, Mr. MARTINEZ, Mr. OWENS of New York, Mr. LIPINSKI, Mr. GOSS, Mr. DWYER of New Jersey, Mr. RANGEL, Mr. REGULA, Mr. SHUMWAY, Mrs. COLLINS, Mr. BERMAN, Mr. CONYERS, and Mr. SAVAGE):

H.J. Res. 291. Joint resolution designating November 16, 1989, as "Interstitial Cystitis Awareness Day"; to the Committee on Post Office and Civil Service.

By Mr. DORGAN of North Dakota (for himself, Mr. LELAND, Mr. BEREUTER, Mr. HALL of Ohio, Mr. PENNY, Mr. FOGLIETTA, Mr. FAZIO, Mr. ACKERMAN, Mr. MCNULTY, Mr. FALEOMAVAEGA, and Mr. AUCOIN):

H. Con. Res. 145. Concurrent resolution urging the President to refocus foreign assistance, particularly food assistance to Central America, to reintegrate refugees and displaced people into the economic mainstream of Central American nations, and to improve the health, nutrition, and education levels of children, women, and others most in need; to the Committee on Foreign Affairs.

By Mr. RAHALL:

H. Con. Res. 146. Concurrent resolution to designate January 25, 1990, as "American Coal Miner Day" in honor and recognition of the centennial anniversary of the United Mine Workers of America; to the Committee on Post Office and Civil Service.

By Mr. ROHRABACHER (for himself, Mrs. SAIKI, Mr. GINGRICH, Mr. DORNAN of California, Mr. HUNTER, Mr. SMITH of Vermont, Mr. GUNDERSON, Mr. FALEOMAVAEGA, Mr. HORTON, Mr. BLAZ, Mr. COX, Mr. ENGEL, Mr. DANNEMEYER, Mr. HERGER, Mr. LAGOMARSINO, Mr. HANCOCK, Mr. RITTER, Mr. COLEMAN of Missouri, Mr. CAMPBELL of California, Mrs. BENTLEY, Mr. DREIER of California, Mr. GOODLING, and Mr. EVANS):

H. Con. Res. 147. Concurrent resolution expressing the sense of the Congress regarding admissions of minority students to institutions of higher education; jointly, to the Committees on Education and Labor and the Judiciary.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

143. By the SPEAKER: Memorial of the Legislature of the State of Hawaii, relative to the Federal deficit; to the Committee on Government Operations.

144. Also, memorial of the House of Representatives of the State of Hawaii, relative to the Federal deficit; to the Committee on Government Operations.

145. Also, memorial of the Legislature of the State of Hawaii, relative to the expansion of Hawaii's international role in astronomy; to the Committee on Science, Space, and Technology.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 14: Mr. MATSUI.

H.R. 45: Ms. SCHNEIDER.

H.R. 102: Mr. TOWNS and Mr. CLEMENT.

H.R. 187: Mr. STENHOLM, Mr. WILSON, Mr. CHAPMAN, Mr. LEATH of Texas, and Mr. SARPALIUS.

H.R. 188: Mr. STENHOLM, Mr. WILSON, Mr. CHAPMAN, Mr. LEATH of Texas, and Mr. SARPALIUS.

H.R. 454: Mr. ROE, Mr. GARCIA, Mr. HORTON, Mr. ACKERMAN, Mr. DORNAN of California, Mr. FAUNTROY, Mr. DWYER of New Jersey, Ms. PELOSI, Mr. RANGEL, Mr. DYMALLY, Mr. FLORIO, Mr. LAGOMARSINO, Mr. WOLF, Mr. NEAL of Massachusetts, Mr. ATKINS, Mr. DE LUGO, Mrs. COLLINS, Mr. RAHALL, Mr. FAZIO, Mr. ROYBAL, and Ms. KAPTUR.

H.R. 633: Mr. DYSON and Mr. SMITH of Mississippi.

H.R. 720: Mr. HORTON.

H.R. 755: Mr. PACKARD.

H.R. 775: Mr. RAVENEL.

H.R. 799: Mr. JOHNSON of South Dakota and Mr. DONNELLY.

H.R. 965: Mr. TOWNS, Mr. CLEMENT, and Mr. BRYANT.

H.R. 995: Mr. LIVINGSTON, Mr. DICKINSON, and Mr. SMITH of Mississippi.

H.R. 1005: Mr. ENGEL, Mr. BILBRAY, and Mr. LEVINE of California.

H.R. 1083: Mr. SPENCE, Mr. MCNULTY, Mrs. PATTERSON, Mr. HERTEL, Mr. MILLER of Washington, Mr. WALSH, Mr. PARKER, Mr. YOUNG of Alaska, Mrs. COLLINS, and Mr. SOLOMON.

H.R. 1181: Mr. IRELAND, Mr. LEATH of Texas, Mr. MAVROULES, Mr. STENHOLM, and Mr. LIPINSKI.

H.R. 1199: Mrs. PATTERSON, Mr. HARRIS, Mr. ROWLAND of Georgia, and Mr. HOCHBRUECKNER.

H.R. 1291: Mr. MCCURDY, Mr. KASTENMEIER, Mr. ROE, Mr. MCHUGH, Mr. DWYER of New Jersey, Mr. WILSON, Mr. GLICKMAN, Mr. MAVROULES, Mr. RICHARDSON, Mr. SOLARZ, Mr. HYDE, Mr. LIVINGSTON, Mr. SHUSTER, Mr. COMBEST, Mr. BEREUTER, Mr. ROWLAND of Connecticut, and Mr. DORNAN of California.

H.R. 1400: Mr. ANDERSON, Mr. DYSON, Mr. SKELTON, Ms. LONG, Mr. FROST, Mr. JONES of Georgia, and Mr. CARDIN.

H.R. 1416: Mr. DARDEN, Mr. BUNNING, Mr. CHAPMAN, Mr. CLINGER, Mr. SHUMWAY, Mr. GINGRICH, Mr. DEFAZIO, Mr. ROBINSON, Mr. MILLER of Washington, Mr. ENGLISH, Mr. PAXON, Mr. MCMILLAN of North Carolina, Mr. ROBERT F. SMITH, Mr. PERKINS, Mrs. LLOYD, Mr. RAHALL, Mr. SCHAEFER, and Mr. BROWN of California.

H.R. 1465: Mr. PRICE, Mr. OWENS of New York, Mr. DEFAZIO, and Mr. SHAYS.

H.R. 1499: Mr. PARKER and Mr. JONTZ.

H.R. 1643: Mr. FOGLIETTA.

H.R. 1823: Mr. HUTTO.

H.R. 1852: Mr. MAVROULES, Mr. OWENS of Utah, Mr. PANETTA, and Mr. BRENNAN.

H.R. 1860: Mr. OWENS of New York, Mr. TORRES, Mr. DARDEN, Mr. HYDE, Mr. UDALL, Mr. DE LUGO, Mr. MCCLOSKEY, and Mr. PACKARD.

H.R. 1931: Mr. HARRIS and Mr. HOCHBRUECKNER.

H.R. 2051: Mr. EVANS.

H.R. 2273: Mr. KOLTER, Mr. BERMAN, Mr. BILBRAY, Mr. BOUCHER, Mr. GONZALEZ, Mr. ENGEL, Mr. AUCOIN, Mr. FAUNTROY, Mr. MRAZEK, Mr. FORD of Michigan, Mr. STOKES, Mrs. BOGGS, Mr. LIPINSKI, Mr. BUSTAMANTE, Mr. HALL of Ohio, Mr. DORGAN of North Dakota, Mr. VOLKMER, Mr. WALSH, Ms. KAPTUR, Mr. POSHARD, Mr. NEAL of Massachusetts, Mr. ROE, Mr. DERRICK, Mr. JONES of Georgia, Mr. SAVAGE, Mr. BATES, and Mr. HERTEL.

H.R. 2358: Mr. ANTHONY, Mr. CONTE, Mr. EDWARDS of Oklahoma, Mr. FASCELL, and Mr. LIVINGSTON.

H.R. 2420: Mrs. ROUKEMA, Mr. SHAYS, Mr. ESPY, and Mr. LAGOMARSINO.

H.R. 2421: Mr. JOHNSON of South Dakota, and Mr. RAHALL.

H.R. 2460: Mr. RITTER, Mr. TALLON, Mr. DE LUGO, Mr. PAYNE of Virginia, Mr. RIDGE, Mr. CAMPBELL of Colorado, Mr. ENGLISH, and Mr. BEVILL.

H.R. 2499: Mr. DWYER of New Jersey, Mr. PETRI, Mr. SENSENBRENNER, Mr. FAZIO, Mr. MCCLOSKEY, and Mr. HOUGHTON.

H.R. 2504: Mr. LIPINSKI.

H.J. Res. 111: Mr. WOLF, Mr. MILLER of Washington, Mrs. BOXER, Mr. COBLE, Mr. AKAKA, Mr. KASICH, Mr. RAY, Mr. ROE, Mr. TOWNS, Mr. TRAXLER, Mr. ATKINS, Mr. GEJDENSON, Mr. MATSUI, Mr. ENGEL, Mr. DYMALLY, Mr. CLEMENT, Mr. DEFAZIO, Mr. BOSCO, Mr. BLAZ, Mr. BERMAN, Mr. COSTELLO, Mr. BLILEY, Mr. DE LUGO, Mr. DONNELLY, Mr.

CARPER, Mr. ESPY, Mr. FAUNTROY, Mr. PARKER, Mr. FLIPPO, and Mrs. COLLINS.

H.J. Res. 204: Mr. GILLMOR, Mr. SCHAEFER, Mr. DE LA GARZA, Mr. OWENS of Utah, and Ms. SNOWE.

H.J. Res. 230: Mr. DEWINE, Mr. AKAKA, Ms. OAKAR, Mr. CONYERS, Mr. TANNER, Mr. RAVENEL, Mr. FAWELL, Mr. ROBINSON, Mr. MCMILLEN of Maryland, Mr. HARRIS, Mr. TAUZIN, Mr. WELDON, Mr. NOWAK, Mr. OWENS of Utah, Mr. MCGRATH, Mr. DURBIN, Mr. BROWN of Colorado, Mr. MADIGAN, Mr. STEARNS, Mr. CRAIG, Mr. SCHAEFER, Mr. CROCKETT, Mr. VANDER JAGT, Mrs. MORELLA, and Mr. ASPIN.

H.J. Res. 274: Mr. LENT, Mr. RHODES, Mr. THOMAS of California, Mr. LAGOMARSINO, Mr. LEACH of Iowa, Mr. LIGHTFOOT, Mr. MOORHEAD, Mr. PARRIS, Mr. HOYER, Mr. FLIPPO, Mr. BARNARD, Mrs. JOHNSON of Connecticut, Mr. BROOMFIELD, Mr. WHITTAKER, Mr. HOPKINS, Mr. GALLEGLY, Mr. SHAYS, Mr. MILLER of Washington, Mr. GUNDERSON, Mr. PACKARD, Mr. MICHEL, Mr. WALSH, Mr. STENHOLM, Mr. FROST, Mr. FLORIO, Mr. CLINGER, Mr. MCNULTY, Mr. HAYES of Illinois, Mr. ENGEL, Mr. PICKLE, Mr. PERKINS, Mr. MAVROULES, Mrs. VUCANOVICH, Mr. BARTLETT, Mr. BROWN of Colorado, Mr. GINGRICH, Mr. TAUKE, Mr. BONIOR, Mr. HUTTO, Mr. STUDDS, Mr. RAVENEL, Mr. PORTER, Mr. TORRICELLI, Mr. BORSKI, Mr. KENNEDY, Mr. CRAIG, Mr. KOLTER, Mr. KLECZKA, Mr. SAWYER, Mr. RUSSO, Mr. DURBIN, Mr. LAFALCE, Mr. HANSEN, Mr. PARKER, Mr. MONTGOMERY, Mr. EMERSON, Mr. SLAUGHTER of Virginia, Ms. SLAUGHTER of New York, Mr. SWIFT, Mr. LEVIN of Michigan, Mr. FAUNTROY, Mr. HAMMERSCHMIDT, Mr. HOCHBRUECKNER, Mr. MORRISON of Washington, Mr. NATCHER, Mr. BENNETT, Mrs. MEYERS of Kansas, Mr. DORGAN of North Dakota, Mr. SPENCE, Mr. MOAKLEY, Ms. PELOSI, Mr. RITTER, Mr. BAKER, Mr. MCCRERY, Mr. HUNTER, Mr. ANNUNZIO, Mr. UPTON, Mr. SOLARZ, Mr. FASCELL, Mr. JENKINS, Mr. NIELSON of Utah, Mr. DENNY SMITH, Mr. DREIER of California, Mr. YATES, Mr. SCHUMER, Mr. MAZZOLI, Mr. MRAZEK, Mr. BOEHLERT, Mr. CHAPMAN, Mr. DORNAN of California, Mr. LEWIS of California, Mr. LIVINGSTON, Mr. HILER, Mr. PAXON, Ms. SNOWE, Mr. PASHAYAN, Mr. WELDON, Mrs. MARTIN of Illinois, Mr. MADIGAN, Mr. BUECHNER, Mr. BATEMAN, Mrs. SAIKI, Mr. HENRY, Mr. STANGELAND, Mr. GRANDY, Mr. QUILLEN, Mrs. MORELLA, Mr. MCEWEN, Mr. OWENS of Utah, Mr. RAY, Mr. BRENNAN, Mr. HERTEL, Mr. FRANK, Mr. TRAFICANT, Mr. FEIGHAN, Mr. CLEMENT, Mrs. LOWEY of New York.

H. Con. Res. 60: Mr. BILIRAKIS.

H. Con. Res. 87: Mr. GREEN, Mr. PENNY, Mr. MCHUGH, Mr. HORTON, Mr. GALLO, Mr. HILER, Mr. COLEMAN of Texas, Mr. FAUNTROY, Mr. DEFAZIO, Mr. MRAZEK, Mr. BURTON of Indiana, Mr. SIKORSKI, Mr. DELLUMS, Mr. HYDE, Mr. DYMALLY, Mrs. MEYERS of Kansas, Mr. WALSH, Mr. BROWN of California, Mr. MATSUI, Mr. FAWELL, Mrs. MORELLA, Mr. MILLER of California, Mr. SCHEUER, Mr. OWENS of New York, Mr. BUSTAMANTE, and Mr. FAZIO.

H. Con. Res. 130: Mr. AUCOIN, Mr. BERMAN, Mr. BUSTAMANTE, Mr. EVANS, Mr. FAUNTROY, Mr. FOGLIETTA, Mr. GARCIA, Mr. MATSUI, Ms. SCHNEIDER, and Mr. WAXMAN.

H. Res. 120: Ms. SNOWE and Mr. INHOFE.

SENATE—*Thursday, June 8, 1989*

(Legislative day of Tuesday, January 3, 1989)

The Senate met at 11 a.m., on the expiration of the recess, and was called to order by the President pro tempore [Mr. BYRD].

The PRESIDENT pro tempore. Today's prayer will be offered by the guest chaplain, the Reverend Kenneth Landelius, Chaplain of the Swedish Parliament, Stockholm, Sweden.

Father Landelius.

PRAYER

The Reverend Kenneth Landelius, Chaplain of the Swedish Parliament, Stockholm, offered the following prayer:

Let us pray:

In God is my salvation and my glory, the rock of my strength and my refuge, is in God. Trust in Him at all times.—Psalm 62:7, 8.

Heavenly Father, we thank You for this new day. We believe that our thoughts, courage, and work are in Your hands.

With Your vision of peace, justice, and health in our hearts we can build a new world, with people and nations living in a spiritual unity.

You know who we are. But You also know what we can be when Your Spirit lives within us. For each one of us You take care, when You look upon us it is always with the love of a father. You are the Creator, full of love and grace. Let Your word and wisdom guide us in our work today.

Give us freedom to find our security not only in what we can touch with our hands and see with our eyes.

The world, with all nations and people, belongs to You, Father. Therefore, You have a meaning with every moment of life.

Believing in Your plan for mankind we leave our lives in Your hands today and always. Amen.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The majority leader is recognized.

THE GUEST CHAPLAIN'S THOUGHTFUL WORDS

Mr. MITCHELL. Mr. President, on behalf of the Members of the Senate, I extend to our distinguished guest chaplain our gratitude for his presence here today and for his thoughtful words. We hope that the actions of the U.S. Senate can live up to the standard in the words expressed by Reverend Landelius this morning.

We are very grateful to you, Reverend, for being here.

THE JOURNAL

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Journal of the proceedings be approved to date.

The PRESIDENT pro tempore. Without objection, it is so ordered.

SCHEDULE

Mr. MITCHELL. Mr. President, following the time for the two leaders this morning there will be a period for the transaction of morning business not to extend beyond 12 noon with Senators permitted to speak therein for up to 5 minutes each.

At noon today the Senate will proceed to the consideration of Calendar Item No. 77, H.R. 1722, the natural gas deregulation bill. It is expected that there will be rollcall votes on amendments to that legislation during the day today.

Mr. President, I reserve the remainder of my leader time and I yield to the distinguished Republican leader.

The PRESIDENT pro tempore. Without objection, the time of the majority leader is reserved.

The Chair recognizes the Republican leader under the order.

Mr. DOLE. I thank the Presiding Officer. I would like to ask the majority leader if he has any idea of what may be the agenda for tomorrow, Friday.

Mr. MITCHELL. Mr. President, I have made no decision in that regard. It will depend to some extent upon the course of events today. I do expect to consult with the distinguished Republican leader, the managers of the legislation and others, and to have an announcement on that during the day today.

MINIMUM WAGE

Mr. DOLE. Mr. President, 3 weeks ago—yes, 3 long weeks ago—Congress adopted the conference agreement on the minimum wage. But according to the latest intelligence reports, the agreement has not been sighted anywhere near the White House. It is sitting somewhere on somebody's desk here in the Senate. It is being held hostage.

When the Senate adopted the conference agreement last month, I can recall my distinguished colleague from Massachusetts saying that a minimum wage increase was necessary so that "anyone who wants to work in America will not be condemned to a life of poverty." And I can recall my friend—the distinguished majority leader—saying that the "livelihoods of our lowest paid workers were at stake." He said that the working poor "are about to be held hostage to the President's perceived political needs."

Who are the hostage-takers here? Who is holding up the process? Who is playing politics at the expense of the working poor of this country? Who is holding on to the conference agreement so that they can travel around the country and bash the President?

Mr. President, I think it is about time to free up the process. It is about time for Congress to free the minimum wage bill and send it to the President.

Last month on this floor, I urged, as others urged, that we had to move on to the minimum wage. We know the President is going to veto it. He said he would veto it. He made a good faith offer to the Congress, $4.25 an hour over a 3-year period with a 6-month training wage.

So I would urge my colleagues to move ahead. We must allow the process to work.

If the President vetoes the conference agreement, it will not come as any surprise and I think my colleague from Utah, Senator HATCH, who has been leading the effort on this side, certainly will not be surprised. I do not believe that my friend from Massachusetts, Senator KENNEDY, will be surprised. There have been no surprises.

In fact, I have had printed in the RECORD a letter from the President saying he would veto any bill that raised the minimum wage to more than $4.25 an hour over a 3-year period and that did not contain a 6-month training wage.

I think we have missed the point in the debate on the minimum wage. We are not talking about increasing the minimum wage for the working poor, because the profile of most workers who receive the minimum wage says otherwise: Most minimum wage earners are single, they are 25 years of age or under, and they are not the heads of households. While no one will advocate that you can live on $3.35 an hour or $4 an hour, it would seem to me that we have to look at the simple facts.

How many jobs have we lost in the process? How many small businessmen and women will be forced to reduce

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

29-059 O-90-42 (Pt. 8)

their work forces if they are forced to raise the minimum wage to the standard advocated by the other party?

So, I would hope, and I believe I can speak for the President, that we can resolve this issue, resolve it very quickly. But we cannot do it until the President gets the conference agreement, until he has something to look at, something to veto. The President will then deliver an appropriate veto message and hopefully we can act quickly on this matter, reach some agreement among Republicans and Democrats, and have a bill that the President can sign that will be of help to the American workers and the working poor and to others who benefit from the minimum wage.

I urge my colleagues to free up the conference agreement. Send it to the White House. The President is available to veto it.

When he does that, we will start the process over and perhaps this time around we can find some way to resolve any remaining issues.

I reserve the remainder of my time.

The PRESIDENT pro tempore. Without objection, the remaining time of the Republican leader is reserved.

MORNING BUSINESS

The PRESIDENT pro tempore. Under the order, there will now be a period for the transaction of morning business to extend until the hour of 12 o'clock noon with Senators permitted to speak therein for not to exceed 5 minutes each.

Mr. MITCHELL. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CONRAD. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The Senator from North Dakota is recognized for not to exceed 5 minutes.

Mr. CONRAD. I thank the Chair.

[The remarks of Mr. CONRAD pertaining to the introduction of S. 1150 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions."]

Mr. CONRAD. I thank the Chair and yield the floor.

The PRESIDENT pro tempore. The Republican leader is recognized.

Mr. DOLE. Mr. President, do I have any leader time remaining?

The PRESIDENT pro tempore. The Republican leader has 5 minutes 25 seconds remaining.

ABC CHILD CARE

Mr. DOLE. Mr. President, this Tuesday the ABC child care bill was put to its first test at the ballot box and it went down to a resounding defeat. Voters in Fremont, CA, looked the issue square in the face and said loud and clear, "No thanks." The totals were 22 percent for the bill and 78 percent against it.

The voters in Fremont rejected a measure requiring local residents and businesses to pay a special tax for day care for all children, which is also the essence and the centerpiece of the ABC bill. The initiative would have provided portable classrooms, training for child care workers, and child care vouchers for poor families. Sound familiar? It sounds just like the ABC bill to me, and I think to many of the voters.

Mr. President, some of the liberals have been promoting ABC legislation in this body where all the taxpayers would pay money for day care. The American people do not want ABC. Like President Bush, the American people want child care decisions left to individual families. In the words of Michael Samson, the Fremont vote was "a resounding victory for those family values that have gotten us this far."

The voters in Fremont were not fooled by the rhetoric surrounding ABC. Under the ABC bill, for example, the Federal Government would provide standards for every State and every community, specifying what they would have to do to qualify for day care center license. I believe that the more the American people—not the lobbyists, not the people inside the beltway, but the American people, the voters of Fremont, the taxpayers of any other community in America—the more they take a look at the ABC bill, and all the money we are going to spend, like the vote in Fremont, the result would be about 78 percent against and 22 percent for.

So the more the American people see of this idea the less they will like it. ABC is not the American way, as demonstrated in a resounding way by the voters of Fremont, CA, on Tuesday of this week.

Mr. President, I reserve the remainder of my time.

The PRESIDENT pro tempore. Without objection the remaining time of the Republican leader, under the standing order, is reserved.

The PRESIDENT pro tempore. The junior Senator from Alaska [Mr. MURKOWSKI] is recognized for not to exceed 5 minutes.

Mr. MURKOWSKI. I thank the Chair. I wish my friend a good morning.

OSCAR GUARDERAS, JR.

Mr. MURKOWSKI. Mr. President, on June 1, 1989, a fine young Alaskan and former staff member of mine, Oscar Guarderas, Jr., passed away. My staff and I mourn the loss of a good friend and colleague.

I have known the Guarderas family for many years. Oscar's parents emigrated from Peru almost 30 years ago, and they've been hard working and very successful United States citizens ever since. In each of their children, they instilled a love of their new country and a strong work ethic.

When Oscar Guarderas, Jr., was on my staff, we quickly learned that he was someone you could count on when a difficult or unusual task was at hand. Whenever Oscar was challenged to accomplish the impossible, he always managed to do it with ease and good humor. After a youthful smile and a quick glance at the clipboard he always carried, Oscar would always say, "no problem, I can take care of that for you." And you know, he always did.

Even before he came to Washington, DC, to work on my staff as a special assistant, Oscar was always involved in government and politics. As a student, he encouraged participation in student government and extracurricular activities and often served as a bilingual aide. He also served as a national committeeman for the Alaska Young Republicans and cofounded the Republican National Hispanic Assembly in Alaska. Oscar was recently appointed an Honorary Peruvian Consul for Alaska.

After leaving my staff, Oscar went to work for the National Hispanic Assembly. He later moved to California to open a branch of his family's business and test the political waters.

He was so young, Mr. President. At the age of 29 he leaves behind a loving wife and newborn son, his parents and sisters, and a host of friends around the country.

We have lost a special friend and a future leader; we will miss him.

ELECTIONS IN POLAND

Mr. MURKOWSKI. Mr. President, recently, the ruling Communist Party of Poland conceded defeat in that country's first competitive election in over 40 years.

In an unprecedented move, the Jaruzelski regime admitted—2 days before the official election returns were scheduled to be reported—that the newly legalized trade union Solidarity and the opposition had won the overwhelming majority of the seats contested in the Polish Parliament.

For 40 years, Mr. President, the Polish people have lived under the often brutal and consistently oppressive yoke of Communist dictatorship. For 40 years, the economic and political will of the Polish people has been stifled by oppression at home and Soviet military might abroad.

On Sunday, the lid that has contained the self-determination of the Polish people was briefly lifted, and the message that issued forth was unequivocal: The system that has ruled Poland for over 40 years is rejected as a legitimate political and economic model.

Even under the conditions built into the electoral process that guaranteed the party a majority regardless of the outcome, the Polish people delivered a sound defeat to the party. It is projected that the opposition, led by Solidarity, captured 100 percent of the seats they were allowed to compete for in the Sejm, or parliament.

Early returns also show that the opposition candidates may have taken 98 of the seats in the newly created Polish Senate—the first fully democratically elected legislative body in the history of the Soviet bloc.

What these dramatic results will mean for the future of governance in Poland is difficult to predict. Solidarity leaders had urged that the Polish people exercise restraint in casting their ballots last week. They feared an overwhelming defeat of the Communist Party candidates could disrupt the fragile compromise reached in the roundtable agreement between Solidarity and the party.

Mr. President, it appears that the rulers of Poland have suffered such a defeat. Perhaps it was too much to expect of a weary and frustrated electorate that it not seize completely its first opportunity in over four decades to speak its collective mind.

In the face of this defeat, General Jaruzelski and the party leadership are to be commended for their graceful words of acceptance of the people's will as expressed in these elections. Their pledge to continue on the path of democracy is one that the West will watch closely.

Mr. President, this is not time for those who believe in democracy to gloat. Now is the time for the United States to express its hope that the party and the opposition can work peacefully together toward the restoration of democracy in Poland.

ALASKA'S OILSPILL CLEANUP

Mr. MURKOWSKI. Mr. President, I have just returned from an extensive trip to my State. I have had an opportunity to participate in nine townhall meetings, listening to nearly 450 Alaskans express themselves with regard to the significance of the spill, the frustrations, the indignation, of the inadequacies and the progress that has taken place, and the general concern over the cleanup operation.

Mr. President, it is fair to say that there is a very concentrated cleanup underway in Prince Willian Sound. There is a need to do more. I suggest that since berthing facilities are the criteria which determine the number of personnel that work in the area, instead of working one shift, we work two shifts. Winter is going to be upon us about September 15. At that time mother nature will take over, but we must satisfy ourselves that we are doing all we can. The presence of our Navy in providing berthing facilities, namely places for workers to sleep so they can go out and clean up the beaches, has certain limitations, but one ship is being replaced, the *Juneau,* by the *Cleveland.* I think it is appropriate to request that the *Juneau* return with a new crew that will add another 400-some-odd berths that will enable them to two-shift. There is a great deal of summertime remaining and, if necessary, they can put up portable lights on the beaches. What we want to be able to say at the end of this summer is that we did everything humanly possible.

We have another significant concern which is the oil that has moved outside of Prince William Sound. It has moved in a northerly direction, as predicted by a biologist from the University of Alaska and publicized to a great degree by my senior colleague, Senator STEVENS. It is indeed a reality. NOAA and others suggested the oil would not move in any volume outside of Prince William Sound. It has. The consequences are yet to be known. We are seeing our salmon seasons delayed as we concern ours with ensuring that the quality of the resorces is maintained but nevertheless the outcome of the flow of oil moving into this very productive area has yet to be determined. We know there are going to be substantial claims against Exxon. We know we are going to have to do more, involving the local citizens and communities, to clean up the oil, with a scheme where perhaps they are paid by what they pick up instead of leaving it to contractors. The actual fisherman who can take care of himself on his boat could go out and sop up the mousse and sell it in bags to Exxon or have a provisional barge where it could be directed.

But further, Mr. President, what we need is legislation, and this legislation should have the input of the local people.

But it is not just a problem in my State of Alaska. It is just not a problem the senior Senator from Alaska, Mr. STEVENS, or our Representative, Representative YOUNG, have to contend with. It is a problem facing the entire Nation, as we address the adequacy of our contingency and containment plans in the ports that are major crude oil ports and the realization of whether they have adequate contingency and containment plans and what they can do to improve them.

The legislation should involve participation from the people. This is what occurred in the townhall meetings that we held in Alaska. Previously, we had industry alone operating the port. There was no oversight from those who used the water and who used the land, whether it be for fishing or tourism or other purposes, those people that could remain objective and make a contribution in addressing the adequacy of contingency and containment plans.

What we need are local citizens, those who really have the most to lose if a spill occurs, in a workable oversight process. The feeling is that unknown bureaucrats, oil industry representatives, do not protect the local interests but our next door neighbors will. We can trust our neighbors.

Mr. President, this particular legislation which I will be introducing very shortly is the Marine Oil Terminal Citizens Environmental Oversight Act. It covers the contingency plan. It requires the preparation of local oil spill contingency plans in each area of the United States where a marine terminal is located.

A local contingency plan must be consistent with the national oil and hazardous substance pollution contingency plan. All local plans must be approved by the local Marine Oil Terminal Citizens Environmental Oversight Act Council before it is submitted to the President for his approval. The citizens council establishes a Marine Oil Terminal Citizens Environmental Oversight Council in every area of the United States where a marine oil crude terminal is located.

The council could consist of perhaps 11 members, 6 appointed by the President, and 5 by the Governor of the State. The council members would be resident of the area in general where the terminal is located. In my State we anticipate two councils, one in the Cook Inlet area in general, and one in the Valdez area. Both are areas where we take in crude oil.

The council will be empowered to monitor the operation and maintenance of the terminal. The council will be authorized to hire technical and professional staff, and to contract for environmental council monitoring services in order to carry out its responsibility.

The council will be funded through grants from the oil spill technology research and development fund, through throughput over the port, or a combination of either, or a Federal appropriation.

The research and development fund creates an oil spill technology research development fund in itself. The Administrator of the Environmental Protection Agency will be responsible for administering the fund.

The fund will be used to make grants to the local citizens council for the hiring of staff, contracting for environmental council and monitoring

services, and the fund will be used to make grants to carry out research and development of oil spill prevention, containment, and advanced technology.

The fund will be financed by an assessment, as I have indicated, and a combination of crude oil going over the terminal or an appropriation.

Mr. President, this is not an original idea. This came from an area in Great Britain, the Shetland Islands, where in 1978 they opened a major oil terminal in Great Britain called Sullom Voe. In 1978, 1 month after the opening, they, too, had a disaster. The *Esso Bernicia* slammed into a jetty tearing a 24-foot hole in the side, and within a few hours 1,174 tons of crude oil spilled into the harbor waters, and that was not the least of it. To begin with, the containment effort did not work as it was supposed to. The tug that was to take the barge out had a dead battery, and Murphy's law began to take over. Everything that could possibly go wrong began to go wrong, and they lost another 374 tons.

Finally, when it was over, there were 80 miles of shoreline fouled, 4,000 dead birds and rare sheep, and other mammals were lost as well.

As a consequence, they formed a citizens advisory council similar to what I have outlined to you, Mr. President, and I think from their justification for this local involvement we can learn from our neighbors.

As I have indicated the citizens council in working in partnership with industry works in the Shetland Islands at Sullom Voe. It is a partnership between local residents and industry and the idea was suggested as I have indicated——

The PRESIDENT pro tempore. Again, the time of the Senator from Alaska again has expired.

Mr. MURKOWSKI. I wonder in view of the fact no other of my colleagues are seeking recognition that I might continue on a few more moments.

The PRESIDENT pro tempore. How many additional minutes does the Senator request?

Mr. MURKOWSKI. I would anticipate 3 or 4 minutes.

The PRESIDENT pro tempore. Without objection, the Senator from Alaska [Mr. MURKOWSKI] is recognized for an additional 4 minutes.

Mr. MURKOWSKI. I thank the Chair. I am deeply grateful.

Mr. President, as I have indicated, this is patterned after an existing workable program in Great Britain. It resulted in a partnership developing between the local residents and the industry. This idea was suggested at a town hall meeting in Cordova, AK, by two Cordova fishermen that had actually been over and observed what was going on. I complimented my Alaskans who have sought out innovative applications of legislation that can work perhaps not only in Alaska but throughout the United States by involving local personnel in an advisory capacity from the general areas that are sensitive to what is going on.

In our particular instance of Prince William Sound, our fishermen are out there observing the movement of ice calving off the Columbia Glacier. They have an internally different point of view than those running the terminal, those who are moving the oil out of the Port of Valdez and given the responsibility to have an input on contingency containment and new technology in booms. It is recognized that the technology that was in existence and ready for this spill was 20- to 30-year-old technology. The new technology has been primarily in Europe, and we have seen it in the Soviet Union as well. As a matter of fact, we have brought a Soviet skimming vessel over. It is still on station in Alaska, and it represents technology within the last 2 years.

So we have been very happy to incorporate the suggestions from Alaskans in the series of town hall meetings, the Alaskans I have heard from. We are working with the people at Sullom Voe to refine their concepts. I have had conversations with them by phone. I intend to have some of my staff visit there. We can learn much from others who had the effects of devastating oil spills, and much can and should be done. We can learn from the lessons of Sullom Voe.

I ask unanimous consent that the article entitled "The Lesson of Sullom Voe" be printed in the RECORD at this time.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE LESSON OF SULLOM VOE

When the oil terminal at Sullom Voe opened in November 1978 it was hailed as Europe's largest and most modern oil port.

One month to the day after the port of Sullom Voe opened disaster struck. While attempting to berth, the tanker *Esso Bernicia* slammed into a jetty, tearing a 24 foot hole in its side. Within minutes more than 1,174 tons of fuel oil spilled into the harbor's waters. This was well within the 2,000 tons that the oil spill contingency plan had anticipated, and that the port was supposedly capable of handling. However, from the start it was apparent that the plan had not anticipate a number of problems. To begin with, the first boom, designed to trap a spill in the harbor area was not deployed for 12 hours, allowing 374 tons of oil to escape. One reason for this delay was that the boat in charge of deploying the boom would not start because its battery had been allowed to run down. In addition, a second boom had to be brought from a nearby facility and was not deployed until 48 hours had elapsed. On the fifth day of the spill both booms failed allowing another 600 tons of oil out of the harbor. The result of this spill was catastrophic for these small islands, more than 79 miles of shoreline were fouled by oil, nearly 4,000 birds were killed, along with a number of rare sheep and other mammals in and near the port.

In light of this disaster and the subsequent failure of the contingency plan the responsibilities of the Sullom Oil Terminal Environmental Advisory Group (SOTEAG) were expanded to give citiziens a direct advisory role in contingency planning. In addition, the membership group was broadened to include local leaders and experts from universities and environmental groups.

In response to the spill SOTEAG implemented a series of changes in the terminal's operations and its oil spill contingency plan. First, each ship coming into the harbor must be guided by a licensed local harbor pilot. Radar surveillance is maintained of all ships entering or departing port, and aerial surveillance of traffic verifies location, movement and assures that no directly ballast is discharged. In case of emergency, tugs with directional jet propulsion are available to berth tankers. Each jetty is now equipped with a doppler radar which informs the ship's master of the speed at which his is closing on the jetty. In the event of a spill there is a trained oil clean up crew on hand at all times. Instead of one boom there are now three on hand, and these booms have been tested to insure that they maintain containment even in adverse weather. Finally, the Port Master has the authority to close, and will close, the port due to poor weather, or refuse berth to a tanker with a history of accidents or pollution.

Senator Murkowski believes that the United States can take a lesson from the experience of Sullom Voe and implement similar citizen advisory groups for each major oil port. These groups would function much like SOTEAG, approving contingency plans, monitoring the operation and maintenance of terminals, and making recommendations for improvement and change in operation and environmental control techniques. The key to Sullom Voe's effectiveness is that the terminal is basically managed as a partnership between the local citizens and the oil industry, in compliance with the law. This insures that locals have direct participation over protection of their fishing industries, environment and way of life.

To establish these councils and to fund their work the Senator is also proposing the creation of an Oil Spill Prevention Fund which would be financed by an assessment on all crude oil and petroleum products moved through marine terminals or adjacent navigable waters of the U.S.

Mr. MURKOWSKI. Finally, Mr. President, I will be introducing this legislation shortly. I am sending out a Dear Colleague letter at this time encouraging cosponsors.

I firmly believe people most affected by adverse environmental consequences of operating an oil terminal must have a direct voice in ensuring the safety of the environment.

I know my colleagues share my concern. We have had interests from Santa Barbara and other areas as we look to ways to reduce the risk, and as we all know we will never be able to eliminate the risk of moving oil by vessel. About 55 percent of the oil moving in the United States moves by vessel.

Substantially by involving partnership between interested private citi-

zens we can perhaps do a much better job.

Mr. President, I ask unanimous consent also that my Dear Colleague letter be printed in the RECORD as well.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

JUNE 8, 1989.

DEAR COLLEAGUE: Prior to the July recess, I intend to introduce the Marine Oil Terminal Citizens' Environmental Oversight Council Act.

I have just returned from a ten-day trip to Alaska where I visited the communities that have been adversely affected by the *Exxon Valdez* oil spill. I held town meetings with the citizens of these communities to discuss the status of the cleanup operation and what legislation is needed to ensure that this tragedy does not repeat itself. One recurrent theme throughout these meetings was that under the existing regulatory structure the people charged with monitoring the operation of the Valdez terminal had grown complacent and did not diligently exercise their oversight responsibilities.

One means of combating this complacency is to involve the citizens that reside in the area around an oil terminal, the people having the most to lose if an oil spill does occur, in the process of preparing, adopting, and revising oil spill contingency plans.

My bill sets up a mechanism for the long-term partnership of industry and local communities to oversee compliance with environmental concerns in the operation of oil terminals.

My bill has three main provisions. First, it requires every marine oil terminal located on or adjacent to the navigable waters of the United States to prepare a local oil spill contingency plan and a terminal operation plan. These plans are required to meet certain minimum federal standards and must be approved by both the Citizens' Environmental Oversight Council and the President. No terminal may operate unless both plans have been approved and are in effect.

Second, my bill establishes a Citizens' Environmental Oversight Council for every area in which a marine oil terminal is located. Each Council would have eleven members, and these members would be residents of the area in which the terminal is located. The President would appoint six members and the Governor of the State in which the terminal is located would appoint five members.

The purpose of the Citizens' Council is to provide environmental oversight of the operation and maintenance of the marine oil terminal. Its most important function will be to approve the local oil spill contingency plan and terminal operation plan before these plans are submitted to the President for his approval. The Council would also have authority to withdraw its approval of either plan in the event of flagrant violations of the provisions of the plans. In addition, the Council will serve as an environmental advisory board to the owners of the oil terminal and the government agencies charged with regulating the terminal. In that capacity, the Council is authorized to contract for environmental consulting and monitoring services.

Finally, this legislation establishes an Oil Spill Technology Research and Development Fund. Proceeds from the Fund will be used to make grants for carrying out research and development in connection with oil spill prevention, containment, and restoration technologies and practices. Moneys from the Fund will also be used to enable the citizens' Councils to carry out their functions by hiring professional and technical staff and contracting for environmental consulting and monitoring services. The Fund is financed by an assessment on every barrel of crude oil or petroleum product moved through a marine oil terminal.

The idea behind this legislation is not original. It is patterned after a successful Citizens' Environmental Oversight Council in the Shetland Islands—at the Sullom Voe Terminal. I have enclosed for your review a brief summary of the Sullom Voe operation. I believe that much can, and should, be learned from their experience.

I invite you to cosponsor and support this legislation. If you have any questions or wish to be added as a cosponsor, please have your staff contact Tom Roberts or Blair Thomas at 4-6665.

Sincerely,

FRANK H. MURKOWSKI,
U.S. Senator.

Mr. MURKOWSKI. Again, my thanks to the President pro tempore for accommodating my additional time requests. I wish him a good day.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDENT pro tempore. The absence of a quorum has been suggested.

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LIEBERMAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The junior Senator from Connecticut [Mr. LIEBERMAN] is recognized for not to exceed 5 minutes.

Mr. LIEBERMAN. Thank you, Mr. President.

THE DRAMATIC QUEST FOR DEMOCRACY

Mr. LIEBERMAN. Mr. President, one of my legislative assistants worked as a teacher of English in Shanghai last year, and she has continued to maintain contact with several of her former classmates and students.

One of those students, Jennifer Yang of FuDan University, wrote to her late last month, as the dramatic quest for democracy unfolded throughout China. I would like to take just a few moments to read what she had to say, because she speaks so simply, yet forcefully, of her desire for freedom. These are the words of Jennifer Yang of FuDan University.

In China, everybody knows that one is endowed by law the freedom of speech and press. But we know we actually don't have these rights. On the contrary, the ruling class, especially some old people in the government, can do everything they want even though they are forbidden by law. They control the army in the name of the Communist Party.

And I continue to quote from this letter:

More than two hundred years ago in the United States, Thomas Jefferson wrote in the Declaration of Independence that all men are created equal . . . Two hundred years later in China, people marched through the streets to demonstrate, fighting for the rights which are endowed by law and which exist only in name. We want back the powers the government exercises without our consent.

Mr. President, today the news from China is grim. It seems that the "ruling class" of which Jennifer Yang spoke is consolidating power, keeping the people under the thumb of an oppressive army. With brute force, they may succeed—temporarily—in quelling the student protests. They may restore—temporarily—a perverse sense of "order" in society. If they do, I am sure they will seek to normalize their relations with the rest of the world.

We must not let that happen.

We cannot accept the innocent slaughter of civilians. Our response to the oppression in China should escalate, even as the voices of the people are stilled. As they are silenced, we should speak up. We should discuss with other countries ways in which to apply economic pressure in order to make clear that continued widespread repression will have an impact on China's economic relations with the outside world.

Eventually, the people will rise again. I was particularly struck by the sight of that young man who stopped a whole line of tanks with a single gaze. Fifty-one years ago, Mao Tse-tung said, "Political power grows out of the barrel of a gun." That young man in Beijing proved that the truly powerful can stare into the barrel of a gun. One man with an ideal is stronger than a hundred men with tanks.

Tomorrow, in my home State of Connecticut, Chinese students and their supporters will gather in front of the Old State House in Hartford. That historic building is on the site of Thomas Hooker's meetinghouse, where basic concepts of American democracy were first enunciated, and it is fitting that it serves as the site for a dramatic new demonstration for democracy in China.

I cannot join them, unfortunately, for personal reasons but my prayers will be with them. I share their outrage and their determination to keep the flames of freedom bright until the day when the "goddess of liberty" is reerected in Tiananmen Square, as a memorial to those who died there and as a symbol of that country's ascendency to the ideal of liberty and justice for all.

Mr. President, I thank you and yield back the remainder of my time.

Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The absence of a quorum has been suggested. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. KERREY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDENT pro tempore. Without objection, it is so ordered.

THE RETIREMENT OF MAJ. GEN. JAMES A. GRIMSLEY, JR., AS PRESIDENT OF THE CITADEL, THE MILITARY COLLEGE OF SOUTH CAROLINA

Mr. THURMOND. Mr. President, on June 30, 1989, Maj. Gen. James A. Grimsley, Jr., will retire as the 16th president of one of our Nation's finest military colleges, The Citadel, in Charleston, SC. His retirement marks the end of another chapter in the life of a man who has served his country as both soldier and a civilian with pride and integrity. It is my honor to pay tribute to him at this time.

James A. Grimsley, Jr., was born in November 14, 1921, in Florence, SC. In 1942, he received his bachelor of science degree in business administration from The Citadel. Immediately following graduation, he was commissioned as a second lieutenant in the infantry, U.S. Army.

A dedicated and patriotic soldier, he served as a rifle company commander in the 77th Infantry Division in the Asiatic-Pacific theater during World War II and was wounded twice during combat. Following World War II, he served in various military capacities in the United States, Europe, and Vietnam, as well as having held several high-level staff assignments in the Pentagon and with NATO.

From 1966 to 1967, General Grimsley once again faced military combat, this time while serving in Vietnam where he was wounded for a third time. He returned to the States and continued to serve our country as a general officer at Fort Hood, TX, with the 2d Armored Division. He later served as the chief of the Joint U.S. Military Advisory Group and in the office of the Secretary of Defense.

After 33 years of military service, General Grimsley retired from active duty on September 1, 1975. During his distinguished military career, he was the recipient of more than 35 major decorations, some of which include: the Distinguished Service Medal; 2 Silver Stars; 4 Legions of Merit; 4 Bronze Star Medals; 6 Air Medals; 3 Purple Hearts, and 2 Combat Infantryman Badges. He was further decorated by the Republic of the Philippines and the Republic of Vietnam.

On October 1, 1975, General Grimsley accepted the position of vice president for administration and finance at The Citadel. On August 25, 1980, he was appointed interim president of the college. Four months later, on December 6, 1980, the former cadet became the 16th president of the military college of South Carolina.

Throughout his tenure as president of The Citadel, General Grimsley has taken the necessary steps to ensure that his alma mater's tradition of excellence continues. In 1985, he established "The Mark W. Clark Campaign for The Citadel Tomorrow" which represents the college's first capital campaign. This endeavor surpassed its $27 million goal almost 2 years ahead of schedule. Under his leadership, The Citadel has strengthened its academic requirements, upgraded its corps of cadets and bolstered its cadet honor system. Each of these accomplishments will serve to enhance the quality of education for future Citadel cadets and will be manifested in the many leaders which The Citadel has consistently produced throughout its long and illustrious history.

General Grimsley has been recognized throughout his exceptional career for his commitment to public service. In 1978, General Grimsley was selected "Man of the Year" by the Association of Citadel Men, and in 1980 he became one of only five living citizens selected as life members of that association. In June 1984, he was the recipient of the Distinguished Public Service Award from the South Carolina Department of the American Legion. In 1987, he became one of only three South Carolinians to receive the Good Citizenship Medal from the national department of the Sons of the American Revolution.

I would like to express my sincere appreciation to General Grimsley and his lovely wife, Jessie, for the many contributions which they have made to our country and to the State of South Carolina. Although their official duties as the president and first lady of The Citadel will soon end, they will long be remembered by the people of South Carolina and the many Citadel graduates throughout the Nation. May they enjoy a productive and fulfilling retirement and may God continue to bless them both as they begin yet another chapter in their life-long history of public service.

WARREN MAGNUSON—A 20TH-CENTURY SENATE GIANT

Mr. KENNEDY. Mr. President, it is a privilege to pay tribute to Warren Magnuson, a dedicated public servant, an esteemed former colleague, and a valued friend whose loss we all mourn.

When I first came to the Senate in 1962, Maggie had already served three terms in this Chamber and 8 years in the House of Representatives. He was a giant in my eyes as a freshman Senator, and he will always be a giant. I had the honor and pleasure of serving with him and working with him for 18 years. Through all those years, we shared a strong commitment to progressive and compassionate government that bound us together as Democrats and as friends.

And what a friend Americans had in Warren Magnuson. His remarkable career in public service spanned half a century. In that time, he became known as Mr. Consumer in Congress, a champion of working men and women, a protector of the average citizen. His accomplishments were legendary. President Kennedy used to say that Maggie was the kind of Senator who walks unnoticed into the Chamber late in the day, quietly offers an amendment, and it turns out to be the Grand Coulee Dam.

One of the issues dearest to Maggie's heart, and to mine, was to seek ways to provide better health care for all Americans. I will always remember with tremendous admiration and gratitude his unparalleled leadership on health issues. All of us in this country have been touched by and benefited from the fruits of the health programs that Maggie nurtured.

He was a gentle giant, a man of quiet perseverance, great wisdom, and good humor. He was, in his own words, a "work horse" rather than a "show horse." He called the complex negotiations of getting a bill passed in Congress "kitchen work," saying "I'll tell you where to look if you want to find a good Senator and a good liberal. Look in the kitchen."

Maggie did not have to write his memories. His deeds and his legislative achievements for the State of Washington and the Nation are the chronicle of our time—a proud record of a man of foresight and vision, a man of courage and commitment, a man of humility and warmth who made a tremendous difference for this and future generations. He was, simply, one of the finest Senators of the 20th century.

In his last days, Maggie told his wife Jermaine that what he did was history, and what he was interested in was today and the future. Maggie was absolutely right, as always. History will honor his lifelong dedication to public service and his effective leadership. Our country is better because of him, and our future is brighter. We who had the great privilege of serving with him will remember him always with great admiration, genuine appreciation, and deep affection.

Many of us recall gathering in this Chamber on December 2, 1980 to say goodbye to Maggie as he left the Senate. After a standing ovation and countless handshakes and embraces, Maggie took off his glasses to wipe his eyes and said, "I bid you a fond adieu." Today, Maggie, friend and colleague, we bid you a fond adieu.

TRIBUTE: WARREN MAGNUSON

Mr. BENTSEN. Mr. President, on his deathbed, in 1910, Mark Twain wrote this:

> Death, the only immortal who treats us all alike, whose pity and whose peace and whose refuge are for all—the soiled and the pure, the rich and the poor, the loved and the unloved.

They are appropriate words for a man who was then 5 years old, on the other side of the continent, whose death—and life—we celebrate today.

Maggie was all of those. Loved? He wasn't loved by his opponents, who called him a "socialist" and a "playboy"—and lost to him every 6 years. But he was loved all over Washington State by those convinced he had brought them everything good including the Grand Coulee Dam.

Soiled? No one who ever knew him could forget that the adjective put next to his name by reporters was not "statesmanlike." It was "rumpled."

Poor? He was born dirt-poor. Rich? This rumpled, cigar-chewing, dandruff-flaked man was rich with the respect of his peers, of whom I am proud to be one.

Knowing Maggie was a privilege. It was never dull. It was also an education—whether in how to run a committee or how to run for election.

And today, all America is in his debt, whether for his accomplishments in the environment, in transportation, in consumer protection, or in health.

In Romans 13:7, we read: "Render therefore to all their dues: tribute to whom tribute is due; fear to whom fear; honor to whom honor."

There were some people who feared Maggie when he walked these chambers. But now it is time to render him tribute and honor. Few Americans have ever deserved it more.

Mr. THURMOND. Mr. President, I was deeply saddened to hear of the death of Senator Warren Grant Magnuson on May 20. Senator Magnuson was a man of fine character who consistently acted with the best interest of the country in his mind and in his heart.

Senator Magnuson was born on April 12, 1905, in Moorhead, MN. Orphaned as a child, he was adopted by William and Emma Magnuson. He attended the University of Washington, earning a bachelor's degree in 1926 and a law degree in 1929.

Senator Magnuson's civic service began upon his graduation from law school, when he became editor of the Seattle Municipal News and, subsequently, secretary of the Seattle Municipal League. He worked in these two positions until his election to the Washington State House of Representatives in 1932.

Two years later, Senator Magnuson was elected as prosecuting attorney of King County, WA. After serving in that capacity for 2 years, he was elected to the U.S. House of Representatives. He was reelected to that seat for three consecutive terms until his election to the U.S. Senate in 1944. He was then reelected to the Senate for five consecutive terms, serving as President pro tempore from 1979 to 1981.

Since 1789, only five individuals have served longer than Senator Magnuson, and his 23-year record tenure as chairman of the Senate Commerce Committee remains unparalled. I was a member of the Commerce Committee during Senator Magnuson's chairmanship, and he was always a fair and just leader. He ran the committee with great skill and expertise, never losing sight of what he felt was best for the country.

Senator Magnuson devoted most of his life to public service, and his devotion to others will be remembered for years to come. I am proud to say that I served in the U.S. Senate with Senator Magnuson for 27 years, and I would like to extend my most sincere condolences to this lovely wife Jermaine, his daughter Juanita Garrison, and to his two grandchildren, Leslie Jermaine Garrison and Donald D. Garrison, Jr.

ELECTIONS IN POLAND

Mr. SPECTER. Mr. President, the past week in world affairs certainly has been both tumultuous and historic. We have seen violence and possible revolution in China, a power vacuum in Iran after Ayatollah Khomeini's death, a bloody stalemate in Afghanistan, and for the first time since World War II, meaningful elections in Poland.

It is this last international development that I wish to emphasize for my colleagues today. While the Polish elections were not completely free, the overwhelming victory of the Solidarity labor union movement nevertheless has created a large, determined opposition in government to the present regime. Solidarity is positioned to have 161 delegates out of 460 in the Polish Lower House, and 85 delegates out of 100 in the Polish Senate.

Solidarity's stunning victory against the Communist establishment is a mandate from the Polish people under the strong leadership of Lech Walea, who are dissatisfied with past rule. It is their clarion call for reform and democracy. Poland is a country that has been denied freedom since 1939, but the people of that nation continue to express their independence despite 50 years of oppression.

These are not the days of Stalin, and hopefully, General Secretary Gorbachev's democratic reforms will succeed. It is still too early to tell. It is my hope that the recent elections in Poland could be the beginning of a new era of Polish freedom.

While the Polish people's dissatisfaction with communism runs deep, we must recognize the Communist Party of Poland for its effort in holding these elections and express our hope that the government continues on the path of political reform. We must continue to demonstrate to the Polish Government the economic and political benefits of a free society.

The election in Poland is a positive first step, but potential problems remain. The overwhelming success of Solidarity is, in the eyes of some Communist leaders, perhaps too threatening. Not only have Solidarity candidates garnered 80 percent of the vote, but Communist candidates who ran unopposed failed to receive even the required 50 percent of the vote to hold office. Let us hope that the strides made toward democracy will not be infringed by certain members within the communist party. Let us make it clear to the Polish Government that we support, wholeheartedly, the democratization of Poland. Let us emphasize that we will strongly condemn any move to stifle the fledgling democracy. The future of relations between the United States and Poland are contingent upon the Polish Government keeping its word to the people of Poland. The future of providing United States economic and technological assistance to Poland also hangs in the balance over this matter.

Mr. President, we should continue to suppport Solidarity in its efforts to safeguard the progress made in this election to ensure continuing reform toward freedom and democracy in Poland. Therefore, I urge my colleagues to join me in voicing support for Solidarity's historic victory this week and in working to help preserve and promote these new sparks of hope and democracy.

JACEK KURON AND MONICA JIMENEZ DE BARROS

Mr. HATCH. Mr. President, I am pleased to call to the attention of my colleagues remarks which President Bush made recently honoring two key democratic leaders from Poland and Chile. The individuals honored were Jacek Kuron and Monica Jimenez de Barros, who were in Washington to receive the National Endowment for Democracy's Democracy Award.

Jacek Kuron is a leading adviser to the independent Polish trade union Solidarity and one of Poland's most respected political activists. He is recognized within the Polish democratic movement as the individual most responsible for developing the strategy of building a civil society, which was adopted and embodied by Solidarity. He has been a leading advocate of a new opening toward democratic pluralism that was reflected in last month's historic agreement between Solidarity and the Polish Government.

Monica Jimenez de Barros is the founder of the Crusade for Citizen Participation in Chile [CIVITAS], which led the massive efforts to register voters for the historic plebiscite of October 5, 1988. Her devotion to nonviolent political participation and democratic values helped preserve social peace and advance democracy at a decisive moment in her country's history.

Mr. Kuron and Mrs. Jimenez participated in the National Endowment for Democracy's May 1 and 2 conference on "The Democratic Revolution," which culminated in the award presentation. I am pleased that a number of my colleagues were also able to participate in the conference, including Senators BENTSEN, KASSEBAUM, KENNEDY, LUGAR, and MCCAIN.

The conference was a spectacular gathering of democratic activists and intellectuals from throughout the world, including Milovan Djilas of Yugoslavia, Prime Minister Eugenia Charles of Dominica, Nthato Motlana of South Africa, French philosopher Jean-Francois Revel, former Nigerian head of state Olusegun Obasanjo, Polish philosopher Leszek Kolakowski, Violeta Chamorro from La Prensa in Nicaragua, and Panamanian Civic Crusade representative Roberto Brenes, in addition to democrats from Guatemala, Haiti, the Philippines, China, Cuba, Senegal, and elsewhere. The conference clearly showed that there is a vigorous international democratic movement uniting individuals from throughout the world and that it is spearheaded by our own National Endowment for Democracy.

I would like to commend President Bush for meeting with the Endowment's awardees and for his thoughtful words on that occasion, which follow:

REMARKS BY THE PRESIDENT TO POLISH AND CHILEAN HUMAN RIGHTS LEADERS, MAY 3, 1989

The PRESIDENT. Well, it's a great honor to welcome to the White House today two outstanding individuals, truly heroes of democracy.

Jacek Kuron has been a key leader is Solidarity's struggle in Poland. Solidarity has just won an important victory in Poland—not only its own legalization, but a program of other democratic reforms as well. As Poland moves towards more freedoms for all of its people, greater economic opportunity and strength, the world will be watching and applauding. And this is especially true for the United States.

Monica Jimenez de Barros founded and directed the Crusade for Citizen Participation in Chile. She educated and mobilized millions of voters in Chile's plebiscite election last October. Due in part to her efforts, Chile is on a road toward democracy. We do not deceive ourselves that this is an easy road, but we believe Chile is on an irreversible course. And Chileans who seek democracy deserve the support of everybody in the United States, everybody that loves democracy around the world.

Mr. Kuron and Mrs. Jimenez are in Washington this week to receive the Democracy Award from the National Endowment for Democracy. We salute you and we salute the kind of personal courage that you both have shown in the face of great obstacles. You've shown that tenacity and faith and courage in the name of democracy can make a difference for millions of people.

As I said in my Inaugural, the day of the dictator is over. All over the globe freedom is a fact now, more than at any other time in modern history. The National Endowment for Democracy in these awards and in its other good work is giving expression to the oldest and noblest tradition of this country—the devotion to freedom for all humanity. And, thus, it is a special honor today to welcome you two outstanding democracy builders.

Congratulations. Well-done. Keep it up. Congratulations to both of you and thank you for coming to the White House at the end of what I understand has been a very good conference.

PRESIDENT BUSH'S SUPPORT FOR LEGISLATION TO IMPLEMENT THE NORTH AMERICAN WATERFOWL MANAGEMENT PLAN

Mr. MITCHELL. Mr. President, earlier today at a symposium on declining waterfowl populations, President Bush announced that he wanted to sign legislation into law this year to fund wetland conservation projects under the North American waterfowl management plan.

I welcome the President's support for implementing this 1986 bilateral agreement between the United States and Canada.

Almost 2 months ago, I introduced legislation with strong bipartisan support to conserve North American wetland ecosystems and waterfowl and the other fish and wildlife that depend on these habitats.

One of the principal goals of that legislation is to begin a long-term commitment to work with Canada and Mexico in implementation of the North American waterfowl management plan.

The plan is the best, and maybe the last, opportunity we will ever have to halt the decline of many species of ducks, geese, and other migratory birds.

But the plan is only a statement of needs and objectives.

The North American Wetlands Conservation Act, which I have proposed, establishes a structure to meet these needs and objectives. And it provides the Federal matching funds from interest on the Pittman-Robertson Fund that is essential to encouraging public and private partnerships for wetlands conservation projects in Canada and Mexico, as well as in the United States.

There is broad support by Members of both parties in the House and Senate for such legislation.

The 1988 National Republican Party platform, in fact, stated that "we support efforts, including innovative public-private partnerships, to restore declining waterfowl populations."

The President, himself, has called for a policy establishing no net loss of wetlands as a national goal.

Consequently, I was deeply disappointed that the Secretary of the Interior declined to testify on this subject last week before the Subcommittee on Environmental Protection. The administration was not prepared at that time to endorse the North American Wetlands Conservation Act or any other proposal to actually carry out the North American waterfowl management plan.

I called on the President then to personally review his administration's position on the bipartisan legislation proposed by Congress to protect North American wetlands and waterfowl.

I called on him to express his full support for these proposals, or to come forth with his own plan to fund and implement wetlands and migratory bird conservation projects on a continent-wide basis.

I am pleased that the President has now done that. I look forward to working with him and his administration in enacting legislation this year to protect North America's wetlands and the waterfowl and other fish and wildlife that these areas support.

The wetlands of this continent, like the forests of Central America and tropical South America, are libraries of nature which contain volumes of priceless genetic information. They are North America's most biologically productive areas, and roughly a third of the continent's endangered species of animals are dependent on them.

And like the tropical forests, we have subjected our wetlands to much destruction.

From the 1950's to the 1970's, Americans drained, filled, and cleared 9 million acres of wetlands in the 48 contiguous States. Less than half of the original 200 million acres remain, and the destruction continues today at a rate of half a million acres per year—an area 12 times the size of the District of Columbia.

Total wetlands loss in the Canadian prairie provinces of Alberta, Saskatchewan, and Manitoba is estimated to be 40 percent of the original wetlands acreage.

The State of Maine has lost approximately 100,000 acres of wetlands since European settlement began.

The destruction of wetlands in North America, where many migratory bird species breed, spells disaster for these species just as surely as the destruction of forests in Central and tropical South America, where they winter.

The average number of North American ducks in recent years has been lower than any comparable period on record.

There have been fewer black ducks, a species prized by people in Maine and elsewhere in the Eastern United States and Canada, than at any time during the previous three decades.

Of the 30 species of migratory nongame birds that are currently of management concern to the U.S. Fish and Wildlife Service because of their uncertain status, nearly one-half are dependent upon coastal and freshwater wetlands.

The Supreme Court reminded us in 1983 that "the protection of migratory birds has long been recognized as a national interest of very nearly the first magnitude."

Our efforts to care for this resource should better reflect the magnitude of that interest.

CONGRESSMAN EUGENE J. KEOGH

Mr. MOYNIHAN. Mr. President, it is with sadness, yet with profound respect, that I rise to pay tribute to a national leader, Eugene Keogh, who recently passed away. Congressman Keogh was a great New Yorker and an effective legislator, beloved by the people he represented and respected by those with whom he served.

Congressman Eugene attended public schools in his native Brooklyn and was graduated from the School of Commerce of New York University. He remained in New York and received his law degree from Fordham University in 1930. While a law student, he taught in the city's public schools and also was a clerk for the New York City Board of Transportation.

Eugene practiced law in New York City and in 1935 became a member of the New York State Assembly. What followed were 15 consecutive terms in the House of Representatives in which he worked to secure Medicare legislation for the elderly. Moreover, Congressman Keogh was the principal sponsor of a pension-plan revision which still bears his name. This ingenious plan, established in 1962, allows people who are self-employed to invest part of their income in a fund which would be exempt from Federal taxes until the money could be used for retirement. In this way, freelance or independently employed workers could receive benefits similar to those afforded by corporate pension plans. And some 800,000 self-employed individuals have done so. The Keogh plan has endured, as has respect and affection for this Brooklyn leader.

Mr. President, Eugene Keogh was a leader in the Democratic Party. He remains an important figure in the history of the U.S. House of Representatives and that of New York State.

As we mourn his passing, we also cannot help but pay tribute to his impressive and important life and career.

HONORING WARREN MAGNUSON

Mr. BURDICK. Mr. President, Warren Magnuson was a great Senator for the State of Washington, but he was also one of my area's pride and joys. Born in Moorhead, MN, which is right across the river from my hometown of Fargo, ND, Magnuson went to public schools in Moorhead before attending the University of North Dakota and North Dakota State College. He then moved West to Seattle where he went to law school and made his mark in the world of politics.

I first met Maggie when I came to Washington, and he and I often shared stories of life in the Red River Valley and boyhood tales. He would talk of a local banker who befriended him and got him started down his educational path. He later served as a member of the board of directors of Dakota Bank in Fargo.

I think it's safe to say that Maggie's experiences in Fargo-Moorhead shaped his future as a public servant. Probably because of our roots in the heartland, Warren Magnuson and I had similar philosophies. We both put a high priority on agriculture, transportation and the needs of our States.

Maggie was a great help to me on many occasions, particularly my 1970 campaign. It might seem odd, but we often flew from Washington on the same flight, Northwest Flight 85, which went from Washington to Minneapolis to Fargo to Seattle.

Warren Magnuson's many accomplishments mark him as a giant in this body's history. He will be remembered for his long service in Congress, from 1937 to 1981, and his tenure as chairman of the Senate Commerce Committee from 1955 to 1978. I especially enjoyed the opportunity to work with him in the Appropriations Committee, where he was a powerhouse. He truly served the State of Washington well.

Warren Magnuson was a tremendous man, a good Democrat, and a great friend. I will miss him.

THE PASSING OF A CITIZEN'S SENATOR

Mr. BYRD. Mr. President, I join many of our colleagues in paying tribute today to the memory of Senator Warren G. Magnuson, who passed away last month.

Senator Magnuson first entered Congress in 1937 as the Representative from the First District of his adopted State, Washington.

From that time forward, with the exception of the leave that he took to serve in the Pacific as a U.S. Navy officer in World War II, Warren Magnuson lived and worked tirelessly on Capitol Hill on behalf of Washington State and our country.

Elected to the U.S. Senate in 1944, Senator Magnuson was a Member of the Senate until his retirement on January 2, 1981, as the senior Senator from Washington State and as President pro tempore of this body. In all, Senator Magnuson served in the Senate 36 years—a record exceeded by only six other individuals since 1789.

Of those nearly four decades, Senator Magnuson was the chairman of the Senate Commerce Committee for 23 consecutive years—a record, and one that may remain unmatched long into the future.

In addition, Senator Magnuson was chairman of the Senate Appropriations Committee from 1978 until 1981.

Born in 1905 in Minnesota and orphaned at the age of 3 weeks, Warren Magnuson grew up and spent his early and adolescent school years in North Dakota. He made his way to Washington State, however, where he completed college and earned his law degree at the University of Washington. From then onward, Warren Magnuson was one of his adopted State's most loyal sons and obedient public servants.

Admirers have written that Gen. George Patton was a "soldier's general"—one who saw battle from the soldier's standpoint and thought as a soldier might think.

Warren Magnuson might likewise be called a "citizen's Senator"—one who kept in mind all of the people who had elected him and whose interests he was here to enhance and protect.

Among those issues with which Senator Magnuson's name is associated are some of the earliest initiatives for consumer protection, product safety, automobile and bus safety, no-fault insurance, environmental quality, clean water, health care, and AMTRAK. Senator Magnuson indeed left a legislative mark on American life.

Mr. President, I count as a privilege my years of service in the Senate with Senator Magnuson, and the association that we shared in leadership roles in both the Senate and our party. I know that our colleagues join me in extending condolences to Mrs. Magnuson and their daughter and grandchildren on the loss of a beloved husband, father, and grandfather; and to the people of Washington State on the loss of such a State leader and patriot.

TERRY ANDERSON

Mr. MOYNIHAN. Mr. President, today marks the 1,545th day of captivity of Terry Anderson in Beirut.

I ask unanimous consent that the attached article from the February 28, 1989, New York Times discussing debate over the Reagan administration's hostage policy be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the New York Times, Feb. 28, 1989]

ABDUCTION RENEWS HOSTAGE POLICY DEBATE IN U.S.

(By Julie Johnson)

WASHINGTON, FEBRUARY 27.—The abduction of yet another American in Lebanon has renewed debate in foreign policy circles about President Reagan's handling of hostage situations and the effectiveness of his "no deals" approach.

The kidnapping of Marine Lieut. Col. William R. Higgins illustrates the battle Mr. Reagan seems to be inextricably locked into with adversaries that are themselves sometimes splintered, mysterious and barely identifiable.

Conceding in his news conference on Wednesday that the hostage situation has been "very frustrating," Mr. Reagan pledged the administration will "never let up" in trying to gain freedom for all the captives.

THE STATED POLICY

For seven years the Reagan Administration has implored allies to follow its lead in making no concessions to terrorist agents or groups holding official or private citizens hostage. Accordingly, the Government's stated policy is that "it will not pay ransom, release prisoners, change its policies or agree to other acts that might encourage additional terrorism."

"That has been a fairly consistent policy of the United States since it was announced in 1973," said Brian M. Jenkins, chairman of political science and director of research on political violence at the RAND Corporation, a California-based research organization. "The Iranian arms deal was a clear departure from U.S. policy" that may have seriously eroded "whatever credibility that policy may have had," he said.

Under the failed plan, weapons were secretly sold to those reputed to be moderates in the Government of the Ayatollah Ruhollah Khomeini to gain the release of kidnapped Americans. Proceeds from the arms sale, in turn, were to be funneled to Nicaraguan rebels.

After months of confusing statements, speeches that approximated a Presidential apology and three investigations, one of which is still underway, the initiative ultimately gained the release of two Americans. It also served to weaken the Presidency, bewilder allies and undermine the confidence of moderate Arab states.

TRYING "TO HEAL A POLICY"

"I don't know how long it takes to restore credibility, to heal a policy," said Mr. Jenkins.

White House and State Department officials, in public statements and recent interviews, were candid in their admission of a credibility problem with regard to the Iran-contra affair.

"It was not helpful," said Marlin Fitzwater, the White House spokesman. "But since then, we have re-established that policy, reaffirmed its correctness in our eyes, and have worked mightily to restore it and restore our confidence in it."

L. Paul Bremer, the United States Ambassador at large for counter-terrorism, said Administration officials "believe we're beginning to get our credibility back."

"In fact, I think the experience of the Administration in the last 15 months since the Iran-contra thing has been to underscore very clearly the principle of the no concessions policy," Mr. Bremer said in an interview.

SWIFT AND EFFECTIVE RETRIBUTION

The United States has not experienced a mass hostage trauma like that which preoccupied Jimmy Carter from 1979 to 1981 when 52 Americans were held inside the United States Embassy in Teheran.

Nevertheless, according to policy experts in and outside the Administration, much has happened since Ronald Reagan swept into office in 1981 vowing "swift and effective retribution" against international terrorism. These are acts that the State Department defines as "premeditated, politically motivated violence perpetrated against non-combatant targets," usually intended to influence an audience.

Among the thousands of examples of international terrorism worldwide, these events have directly affected the Reagan Administration:

The death in October 1983 of 241 American servicemen, after a truck bomb driven by an Islamic Shiite militant crashed into a United States Marine compound in Beirut.

The commandeering of an Italian cruise ship, the Achille Lauro, by four Palestinians and the murder of a wheelchair-bound, 69-year-old passenger from New York, Leon Klinghoffer. The terrorists were apprehended when United States Navy F-14 jets intercepted an Egyptian airliner that was carrying the hijackers to Italy.

The brutal murder of Robert Dean Stethem, a Navy seaman who was shot to death after a hijacking and seizure of Trans World Airlines Flight 847 in June 1985 by members of an Islamic fringe group.

The kidnapping of 12 Americans in Lebanon. Among those abducted in Beirut was the Central Intelligence Agency's station chief, William Buckley, who is believed to have been tortured to death. Nine Americans remain captive somewhere in Lebanon.

TERRORISM ON DECLINE

According to State Department statistics the number of terrorist incidents, which reached a peak in 1985, are on the decline in some areas, notably in Western Europe.

In 1985, the State Department reported 785 attacks of political violence and terrorism worldwide. That figure dropped by about 7 percent to 774 incidents in 1986. In 1987, the number of incidents reported was 832, an increase of nearly 6 percent due primarily to an "extraordinary increase in terrorist bombings in Pakistan" which have been linked to the Afghan secret police.

Furthermore, terrorist episodes in Europe have declined by 31 percent over a two-year period, and the number of Americans killed in terrorist incidents have dropped to 7 in 1987 from the 38 who were slain in 1985. Air piracy was reduced to one hijacking last year, the lowest number recorded since the Administration began keeping track of them in 1968. By comparison, airline hijackings hovered around 15 to 18 a year and in 1970, the Popular Front for the Liberation of Palestine hijacked three airplanes in one day.

And, as a result of international cooperation and intelligence sharing over the past three years the State Department estimates that more than 200 terrorist attacks may have been averted.

These improvements, according to senior Administration officials, are in large measure a result of the April 1986 American air strike on Libya, in retaliation for what the Administration charged was Tripoli's role in the bombing of a Berlin discotheque that was frequented by United States service personnel.

"The American bombing raid on Libya opened a new chapter in the international fight against terrorism" said Secretary of State George P. Shultz in a recent speech on the current state of U.S. efforts to combat terrorism. "It brought home to Qadaffi and other terrorists that the United States was not going to take it anymore. We would use military action against terrorism if necessary," he said, referring to the Libyan leader Col. Muammar el Qadaffi in an address delivered two weeks ago before the Anti-Defamation League of B'nai B'rith.

At the same time, over the past four years, the United States has spent more than $1 billion to improve security and provide better defense for American diplomatic facilities at home and abroad.

Walter Laqueur, the terrorism expert who published a pioneering book on the subject in 1977, said "one shouldn't be too hard" in assessing the Reagan Administration's record on terrorism because "each case is different."

HARVARD ATHLETE MAKES IVY LEAGUE HISTORY

Mr. KENNEDY. Mr. President, Charlotte Joslin, a Harvard junior from Dedham, MA, recently became the first woman in Ivy League history to earn first team all-league honors in three different sports—lacrosse, ice hockey, and field hockey.

This spring, Ms. Joslin led the Harvard lacrosse team to an undefeated season in the Ivy League and to the NCAA championship final last month. Two weeks ago she was selected as an NCAA Division I First Team All-American.

This winter, she will cocaptain Harvard's ice hockey team. Last year, despite playing defense, she scored nine goals and nine assists and was named Ivy League Player of the Year. She also led the field hockey team with nine goals and four assists and will cocaptain the team next season.

I might also add that Ms. Joslin's athletic success runs in the family. Her father, James Joslin, graduated a year after I did from Harvard in the 1950's, and we were teammates on the Harvard football team for 2 years.

I commend Charlotte Joslin for her truly outstanding athletic achievements, and I ask unanimous consent that a recent article from the New York Times be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the New York Times, May 18, 1989]

A WOMAN FOR ALL SEASONS: JOSLIN, HARVARD JUNIOR, THRIVES IN THREE SPORTS

(By Malcolm Moran)

CAMBRIDGE, MA.—Last weekend, near the end of her third lacrosse season at Harvard University, which was preceded by her third ice hockey season, which was preceded by her third field hockey season, Charlotte Joslin discovered a means of extending her responsibilities.

As if she had not already done enough as the first woman in the history of the Ivy League to earn first-team all-league honors in three unrelated sports, she became a scout. Joslin and her teammates and roommates in Kirkland House, Maggie Vaughan and Katie McAnaney, decided to travel to Princeton, N.J., to watch the national quarterfinal game between Princeton and Virginia last Saturday.

They went because the winner would advance to a semifinal game this Saturday against the second-ranked Crimson. At the point in the academic year that pushes the organizational skills of students to their limits, Joslin considered her options.

BATTLING MISPERCEPTIONS

"It was sort of the devil in one ear and the angel in the other," she remembered. Two days before a final examination in "American Intellectual History," Joslin decided to make a fast trip to study the opposition.

Her trip is a reflection of a commitment that has helped produce a remarkable career. As the possibilities for multi-sport athletes have been reduced by the demands created by athletic scholarships in men's and women's programs, Joslin has made a rare achievement. But the problem with excelling in three sports is dealing with the perceptions created by the notion of The Three-Sport Athlete.

As an eighth grader and the captain of a boy's ice hockey team, Joslin was upset by a headline on a newspaper article that described hockey as being her only goal. The dangerous perception was that the required effort came at the expense of an interest in everything else.

"That's all the more reason why going down to Princeton is something that's not Charlotte," said Carole Kleinfelder, her coach. "But deep down inside, it is. She's a competitor, but she doesn't want to be viewed as the rah-rah jock."

TRYING TO CONVEY SERIOUSNESS

"I am extremely sensitive to it," Joslin said. "It's nice to play three sports at Harvard. I think that makes a big difference. But even within that, within the Harvard community, there have been occasional problems. Not major problems, but there have been times when I want to avoid, at all costs, telling my professor that I have to skip a class because I have to go to a game or a practice. So there have been times when I've said, 'I have a meeting. . . .'

"I have to bend over backward to make sure that people either don't know that I'm a three-sport athlete, or if they know, that they know I'm making a serious effort."

As her careers have progressed, she has had a more difficult time keeping her achievements a secret. She led the field hockey team with 9 goals and 13 points last fall as a midfielder. Although she was used in a defensive position for the ice hockey team, Joslin scored 9 goals and had 18 points in 24 games and was named the Ivy League player of the year. She has scored 24 goals for the lacrosse team, which will face Princeton this Saturday at West Chester, Pa.

She has endured the stories that have traced the development of Charlotte at age 4, providing shooting practice for her older brother Scott while earning a penny a shot. "I made a lot," she said. "I was getting 25 cents' allowance a week. I was grossing the same."

A TWO-PART CREDO

The perception of the three-sport athlete usually does not allow for the history major who always seems to manage to get through the day far better than she had feared, or an interest in photography that has been put on hold, or the plan to learn one or more languages, or the upcoming excursion to the Soviet Union with student leaders from other colleges and universities.

Her involvement in her games is based on these realities: these opportunities are available today; she can do other things tomorrow.

Joslin understands that these possibilities have not been available for women for very long. And at some places, where progress has taken place in the form of athletic scholarships for women, the price of that progress has come in the form of restrictions.

"It happens in women's athletics at a scholarship school where a field hockey player there wants to play her other sport," Joslin said. "I'm sure they restrict it. At a place like Harvard, even for men, that shouldn't be an issue. The only thing I can see as a restriction is the fact that there may be contact sports, and that is definitely a little more arduous. But other than that, I don't see where it should be any different for men and women."

COACH WAS SUPPORTIVE

The paradox that has developed as women's programs have been strengthened is that the opportunity to experiment has been diminished by the opportunity to gain financial help.

"Freshmen coming in think it might be an issue," she said. "If their best sport is lacross, as an example, they'll go to the coach and say, 'I'd like to play field hockey, but I really want to make the team. What should I do?' I know that here, my coach said, 'Go ahead and play. It can only be better for us.' But I'm not sure if that's the same mentality at scholarship schools. I would think not."

So the absence of athletic scholarships at Harvard have helped Joslin become able to experiment. Other women have gained first-team all-Ivy recognition in cross-country plus indoor and outdoor track. Joslin was placed on the second all-Ivy field hockey team, but has been first team five times over the last two seasons.

"I think they're all similar, and that's why I do well," she said. "If I was playing a racquet sport and field hockey, it wouldn't fit in as well. I'm in shape from one sport to the next, and a lot of the same things are used. It just tends to build on itself. Going from field hockey to hockey is very easy."

And from ice hockey to lacrosse?

"My back gets a rest," she said. "I get to stand up a bit. The hardest thing is going from skating to a running sport. I just feel like lead."

CYCLIC RELEASE

Kleinfelder, her coach, wondered if there was another appeal. "Maybe after being inside on the ice, you're running, you're free," Kleinfielder said. "The fresh air, the running. It's almost like being released."

The series of releases appears endless. There are three seasons to come in senior year. There is the possibility of rising within the national field hockey program to a spot in the Barcelona Olympics. There are languages to be studied, and images to capture on film, and careers to choose, and the never-ending search for the 36-hour day.

For now there is Princeton, at 4 o'clock on Saturday. The other things will have to wait.

"The way I justify it," Joslin said, "Is I can still do that later."

HUMAN RIGHTS IN YUGOSLAVIA

Mr. PRESSLER. Mr. President, little attention has been paid by the media in recent weeks to the continuing human rights situation in Yugoslavia. It is sad that situations such as this seem to receive attention only when people are dying in the streets. Resolving human rights problems requires the steady glare of media attention. Otherwise these problems are swept under the rug, out of public view, and the suffering continues at a lower level until the next instance of large-scale violence occurs.

Thus, I am pleased to note that former Congressman Joe DioGuardi continues to speak out in public forums on the mistreatment of ethnic Albanians in Yugloslavia.

Mr. President, I ask unanimous consent that a letter to the editor from Mr. DioGuardi, as printed in the New York Times, be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

[From the New York Times, May 6, 1989]

WORLD MUST KEEP EYE ON YUGOSLAV TENSIONS

To the Editor:

Your description of the Serbian party leader Slobodan Milosevic and your assessment of the political landscape in Yugoslavia in "Bullying in the Balkans" (editorial, April 10) are very much on target.

Yugoslavia is made up of six republics and is populated by many different ethnic minorities. The diversity in cultural backgrounds has historically brought great tension and hostility to the region. President Tito, however, struggled to achieve peaceful coexistence and successfully quelled the ethnic hostilities by respecting freedom of expression for all groups.

Unfortunately, his efforts have been shunned by the politically self-serving, aggressive tactics of Mr. Milosevic. In his campaign to exercise more control over Yugoslavia, Mr. Milosevic has irresponsibly resurrected widespread ethnic hostilities. His political motives have inflamed national sentiments, and his attempts to subjugate the region are a threat to the geopolitical foundation upon which Yugoslavia has been able to exist peacefully.

As the rest of the world is making monumental strides in achieving a kinder, gentler coexistence, it is unconscionable that Mr. Milosevic's actions are tolerated. It is even more unfortunate that the United States has not publicly condemned the atrocious human rights violations directed at the ethnic Albanian community in Yugoslavia and is willing to sit idly by as Mr. Milosevic continues to promote his agenda.

While the riots and bloodshed have subsided, at least for now, the long-term goals of Slobodan Milosevic in Yugoslavia are cause for worldwide concern.

JOSEPH J. DIOGUARDI.

WASHINGTON, *April 18, 1989.*

(The writer, president of the Albanian American Civic League, was a member of the House of Representatives from New York, 1985-88.)

CATASTROPHIC HEALTH INSURANCE COVERAGE ACT OF 1988

Mr. PRESSLER. Mr. President, I supported Senator McCAIN's amendment to the supplemental appropriations bill last night. That amendment was rejected by the Senate. The amendment would have delayed, for 1 year, implementation of the surtax and all benefits except extended hospitalization, skilled nursing home care, and spousal impoverishment under the Medicare Catastrophic Insurance Program. During this year we should have been able to fix the problem permanently, so that our senior citizens would not be penalized during the interim. Unfortunately, that proposal narrowly failed. Instead, the Senate chose to duck the issue by accepting a nonbinding sense-of-the-Senate resolution that only puts off dealing with the problem. In the meantime, our senior citizens are stuck with paying an excessive amount of surtax. This is a disappointing outcome.

I believe that action failed to address the concerns of our senior citizens. A resolution does not equal action. It is nonbinding. More importantly, the resolution does not delay implementation of the surtax. That major concern of senior citizens is at the heart of this debate. Unless something is done with the surtax by December 31, 1989, many senior citizens will pay handsomely for something they oppose.

I believe there is a need to delay the implementation of the surtax until we can examine alternative financing mechanisms and the benefits provided by the Catastrophic Program. My constituents are calling for that action and that is why I supported the McCain amendment. Once again, we have failed to respond to the concerns of senior citizens.

The battle on the surtax and the need for a further examination of a long-term-care program is not over. Everyone is aware that there is a problem. The problem must be resolved and I will continue pressing for action.

Older Americans are a significant proportion of the population and their numbers continue to increase. I believe we must recognize that fact and reach an agreement on a long-term-care program for this country that is fair to everyone. This means listening to our senior citizens and being sensitive to the fact that the needs of the very old today may not be the needs of those reaching retirement age in the future. It is time to investigate a comprehensive long-term-care program that reflects the needs of senior citizens and stops patching up the imperfections in the current system.

I remain committed to working for a solution to the concerns South Dakota senior citizens have brought to my attention. Those include, but are not limited to, the surtax and evaluation of long-term-care benefits. I support the commitment of Senator BENTSEN to hold hearings on the Catastrophic Program and reexamine the surtax. But we cannot wait much longer because decisions on the program are necessary before the surtax takes effect on January 1, 1990.

So I hope we move faster than last night's actions seem to suggest. I will continue my fight to see that we do. Our senior citizens deserve a prompt solution to this mess.

CONCLUSION OF MORNING BUSINESS

The PRESIDENT pro tempore. Morning business is closed.

NATURAL GAS WELLHEAD DECONTROL ACT

The PRESIDENT pro tempore. Under the order, the hour of 12 o'clock noon having arrived, the Senate will proceed to the consideration of H.R. 1722, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 1722) to amend the Natural Gas Policy Act of 1978 to eliminate wellhead price and nonprice controls on the first sale of natural gas, and to make technical corrections and conforming amendments to such act.

The Senate proceeded to consider the bill, which had been reported from the Committee on Energy and Natural Resources, with amendments as follows:

(The parts of the bill intended to be stricken are shown in boldface brackets, and the parts of the bill intended to be inserted are shown in italic.)

H.R. 1722

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Natural Gas Wellhead Decontrol Act of 1989".

SEC. 2. DEREGULATION OF FIRST SALES OF NATURAL GAS.

(a) INTERIM ELIMINATION OF CERTAIN MAXIMUM LAWFUL PRICES.—Section 121 of the Natural Gas Policy Act of 1978 (15 U.S.C. 3331) is amended by adding at the end the following new subsection:

"(f) ADDITIONAL DECONTROL.—The provisions of subtitle A respecting the maximum lawful price for a first sale of natural gas shall cease to apply to natural gas described in paragraphs (1), **[**(2), (3), and (4),**]** *(2), and (3),* as follows:

"(1) EXPIRED, TERMINATED, OR POST-ENACTMENT CONTRACTS.—In the case of natural gas to which no first sale contract applies on the date of enactment of the Natural Gas Wellhead Decontrol Act of 1989, subtitle A shall not apply to any first sale of such natural gas delivered on or after the first day after such date of enactment.

"(2) EXPIRING OR TERMINATING CONTRACTS.—In the case of natural gas to which a first sale contract applies on the date of enactment of the Natural Gas Wellhead Decontrol Act of 1989, but to which such contract ceases to apply after such date of enactment, subtitle A shall not apply to any first sale of such natural gas delivered after such contract ceases to apply.

"(3) CERTAIN RENEGOTIATED CONTRACTS.—In the case of natural gas to which a first sale contract applies on the date of enactment of the Natural Gas Wellhead Decontrol Act of 1989, where the parties have expressly agreed in writing after March 23, 1989, that all or part of the gas sold under such contract shall not be subject to any maximum lawful price under subtitle A after a specified date, subtitle A shall not apply to any first sale of the natural gas subject to such express agreement delivered on or after the date so specified, except that subtitle A shall not cease to apply to any such natural gas pursuant to this paragraph before the date of enactment of the Natural Gas Wellhead Decontrol Act of 1989.

["(4) NEWLY SPUDDED WELLS.—In the case of natural gas produced from a well the surface drilling of which began after March 23, 1989, subtitle A shall not apply to any first sale of such natural gas delivered on or after the first day after the date of enactment of the Natural Gas Wellhead Decontrol Act of 1989.**]**

For purposes of this subsection, a first sale contract applies to natural gas when the seller has a contractual obligation to deliver such natural gas under such contract.".

(b) PERMANENT ELIMINATION OF WELLHEAD PRICE CONTROLS.—Title I of the Natural Gas Policy Act of 1978 (15 U.S.C. 3311-3333) is repealed, effective on January 1, 1993.

SEC. 3. TECHNICAL AND CONFORMING AMENDMENTS.

(a) AMENDMENTS EFFECTIVE UPON ENACTMENT.—The Natural Gas Policy Act of 1978 is amended as follows:

(1) The table of contents in section 1(b) (15 U.S.C. 3301 note) is amended—

(A) in the item relating to section 315, by striking "Contract duration; filing" and inserting in lieu thereof "Filing"; and

(B) by striking the item relating to section 507.

(2) Section 315 (15 U.S.C. 3375) is amended—

(A) in the section heading, by striking "CONTRACT DURATION:"; and

(B) by striking "(a) CONTRACT DURATION.—" and all that follows through "(b) FILING OF CONTRACTS AND ANCILLARY AGREEMENTS.—".

(3) Section 502(d) (15 U.S.C. 3412(d)) is repealed.

(4) Section 504(b) (15 U.S.C. 3414(b)) is amended—

(A) in paragraph (1), by striking "paragraphs (2) and (3)" and inserting in lieu thereof "paragraph (2)";

(B) by striking paragraph (3); and

(C) in paragraph (4), by striking "paragraph (1), (2), or (3)" and inserting in lieu thereof "paragraph (1) or (2)".

(5) Section 506(d) (15 U.S.C. 3416(d)) is repealed.

(6) Section 507 (15 U.S.C. 3417) is repealed.

(7) Section 601 (15 U.S.C. 3431) is amended—

(A) by amending subsection (a)(1)(E) to read as follows:

"(E) CERTAIN ADDITIONAL NATURAL GAS.—For purposes of section 1(b) of the Natural Gas Act, the provisions of the Natural Gas Act and the jurisdiction of the Commission under such Act shall not apply solely by reason of any first sale of natural gas which is committed or dedicated to interstate com-

merce as of the day before the date of the enactment of this Act and which is not subject to a maximum lawful price under subtitle A of title I by reason of section 121(f), effective as of the date such gas ceases to be subject to such maximum lawful price."; and

(B) in subsection (c)(2), by striking "purchase of natural gas" and all that follows through "under section 202)," and inserting in lieu thereof "purchase of natural gas if, under subsection (b) of this section, such amount is deemed to be just and reasonable for purposes of sections 4 and 5 of such Act,".

(b) AMENDMENTS EFFECTIVE ON JANUARY 1, 1993.—Effective on January 1, 1993, the Natural Gas Policy Act of 1978 is amended as follows:

(1) The table of contents in section 1(b) (15 U.S.C. 3301 note) is amended by striking the items relating to title I and section 503.

(2) Section 312(c) (15 U.S.C. 3372(c)) is amended by striking "any natural gas" and all that follows through "(3)" and inserting in lieu thereof "any natural gas".

(3) Section 313 (15 U.S.C. 3373) is amended by inserting ", as such section was in effect on January 1, 1989" after "section 107(c)" both places it appears, and after "section 105(b)(3)(B)" both places it appears.

(4) Section 501(c) (15 U.S.C. 3411(c)) is repealed.

(5) Section 503 (15 U.S.C. 3413) is repealed.

(6) Section 504(a) (15 U.S.C. 3414(a)) is amended by striking "person" and all that follows through "to otherwise" and inserting in lieu thereof "person to".

(7) Section 601 (15 U.S.C. 3431) is amended—

(A) by amending subsection (a)(1)(A) to read as follows:

"(A) APPLICATION TO FIRST SALES.—For purposes of section 1(b) of the Natural Gas Act, the provisions of the Natural Gas Act and the jurisdiction of the Commission under such Act shall not apply to any natural gas solely by reason of any first sale of such natural gas.";

(B) by striking subparagraphs (B) and (E) of subsection (a)(1);

(C) by redesignating subparagraphs (C) and (D) of subsection (a)(1) as subparagraphs (B) and (C), respectively;

(D) in subsection (a)(1)(C) (as redesignated by subparagraph (C) of this paragraph), by striking "subparagraph (A), (B), or (C)" and inserting in lieu thereof "subparagraph (A) or (B)";

(E) by amending subsection (b)(1)(A) to read as follows:

"(A) FIRST SALES.—Except as otherwise provided in this subsection, for purposes of sections 4 and 5 of the Natural Gas Act, any amount paid in any first sale of natural gas shall be deemed to be just and reasonable."; and

(F) in subsection (b)(1)(D), by striking "if such amount does not exceed the applicable maximum lawful price established under title I of this Act".

(8) Section 602(a) (15 U.S.C. 3432(a)) is amended—

(A) by striking "AUTHORITY TO PRESCRIBE LOWER" and inserting in lieu thereof "AUTHORITY TO PRESCRIBE"; and

(B) by striking "which does not exceed the applicable maximum lawful price, if any, under title I of this Act".

Mr. JOHNSTON. Mr. President, I was going to wait for Senator METZENBAUM. I now see him in the Chamber.

Mr. President, the instant bill deregulates what is left of the regulated natural gas. This legislation, Mr. President, passed in the Senate Energy Committee by a vote of 17 to 2. It passed on the House floor by a voice vote. I say that at the outset, Mr. President, because this bill should not be controversial. Indeed, it was not controversial in the House, was very carefully looked at in the House over a period of many, many weeks.

My colleagues know that the Committee on Energy and Commerce in the House of Representatives is one of the most fully staffed committees on the Hill. They have a very big jurisdiction, Mr. President. They have on their staff attorneys, economists, experts of all sorts and stripes. They have been criticized in the past, Mr. President, as being too consumer oriented, antiindustry oriented. They have indeed been criticized by me for that very purpose, Mr. President, because we have dealt with natural gas in the past and it seemed to me they were too regulation oriented.

I state that about the Committee on Energy and Commerce, Mr. President, to emphasize the fact that that committee unanimously endorsed this provision for natural gas deregulation. It passed again on the House floor by a voice vote.

Now, what does this do, Mr. President? It simply deregulates the remainder of natural gas which is still under regulation. My colleagues will recall the tremendous fights we had preceding the 1978 Natural Gas Policy Act. During my first year here in the Senate, 1973, we were in the midst of the natural gas debate, a very hot, heated argument, Mr. President, which consumed this body weeks and weeks at a time with filibusters. Indeed, my dear friend from Ohio, on behalf of consumers, filibustered for some weeks. Many of the precedents in the Senate were made at that time because every rule was stretched and tested and new interpretations were made in the body of precedents which control us to this date.

Well, that was 1973, Mr. President, when I first came here. For that whole Congress, we debated it. Then we really got serious in the year that the Congress started in 1975. In the meantime, we had a big shortage of natural gas. Tens of thousands of industrial jobs were vacant at that time because of a shortage of natural gas in that cold winter of 1975-76. During that time, we enacted an emergency natural gas bill, giving all kinds of extraordinary powers to the administration to assign and allocate natural gas throughout the country.

Well, we still did not deal with the question of natural gas in a full and complete bill. In the Congress that began in 1977, I do not recall the number of that Congress, we really got serious about natural gas. And that culminated, Mr. President, late in the year of 1978, in the Natural Gas Policy Act.

What was the problem that brought on that legislation? It was the fact that natural gas generally across the country had been so controlled at such low prices that there was no incentive for either exploring for natural gas or committing natural gas which was discovered to the interstate market. Consequently, such gas as there was, which was in very short supply at that time, was committed to the intrastate market, controlled by the States—Texas, Louisiana, Oklahoma—those gas-producing States, and the rest of the country was going very short, in fact, the whole country was going very short, because there was no incentive to produce natural gas.

What the 1978 bill did, Mr. President, was to create a whole series of classifications of natural gas and it granted incentive prices. The biggest new category was that which we call section 102, or new gas. We defined new gas, as I recall, as that which was to be produced from a well that was more than 1½ miles from the nearest well. That was a new well. And it was to get, I do not recall the price, but it was a price considerably above what the regulated price had been at that time, and that price was to increase by, I think it was, 2½ or 3 percent a year until January 1, 1985, at which time all of that new gas would be deregulated.

Well, it was a hot debate. It was a tough debate, Mr. President. We were told first that the Natural Gas Policy Act, passed in 1978, would not produce any new gas; that all the incentive we needed was already in place. Second, we were told that prices would escalate to the full amount allowed by the law, and come January 1, 1985, there would be this flyup in the prices of natural gas.

Well, Mr. President, I am happy to report that that which those of us said would happen, who proposed that act and who proposed additional incentives, did in fact happen. We did, in fact, get a tremendous amount of incentive. We produced several trillion cubic feet of natural gas as a result of that legislation. There has not been since that time a shortage. As a matter of fact, there is not a surplus of natural gas. And when January 1, 1985, came, instead of being the predicted flyup in the price of natural gas, the price of natural gas did not go up. As a matter of fact, it has gone down some 36 percent since that time.

Now there remains under control, Mr. President, a small quantity of gas. In percentages, the amount subject to control is 39 percent. The amount that

is classified as "old" gas is 17 percent, but the key figure, which is the amount of gas that is actually being held down by these price controls, is only 6 percent.

That is to say, to put it another way, Mr. President, 6 percent of the gas would be at a higher price now but for controls; a total of 17 percent of the gas, which includes that 6 percent, is so-called old gas, the controlled price of which is higher, for the most part, than the market price, and 39 percent is the total amount of gas subject to any control at all. About 22 percent of that 39 percent, or most of it, is incentive price gas where the price is far beyond that which the market will bear.

The market price of natural gas now, Mr. President, is $1.65 and some regulated prices go as high as $6.83 under the act.

In any event, Mr. President, January 1, 1985, came. Instead of prices going up they have gone down by 36 percent since that time. But we still have this small quantity of gas. Again, Mr. President, I tell my colleagues, remember the figure 6 percent, because that is the amount of gas held down by controls. However, our bill provides that gas shall be decontrolled as of January 1, 1993. In the meantime it will remain under control. In the years between now and the decontrol date, two-thirds of that gas still under control will come out of control, according to the American Gas Association's projections. That means that 2 percent of natural gas now under control would have the restraints lifted by this act. Not only that, Mr. President, but there is a fairly significant quantity of gas whose price is held up by the present scheme of things and the reason for that, Mr. President, is that natural gas contracts are contracts for gas at the highest allowable price under the Natural Gas Policy Act. They make reference to that highest price which means that the highest allowable price which in some cases, as I mentioned a moment ago, is as high as $6.83 per 1,000 cubic feet. And if you contract with reference to that price then it holds the price up artificially.

So, what happens on January 1, 1993, under our bill? At that time approximately 2 percent of the gas, presumably, would go up to some small extent in price and probably an equal or perhaps even a greater quantity of gas would come down in price because the contract price refers to the highest allowable price. Since there would be no allowable or controlled price to reference, that would come down.

Our testimony, Mr. President, was virtually unanimous that there would be no increase in natural gas price by virtue of the passage of this legislation. So the question is: Why pass this legislation? Why is it so important? Well, I have to tell my colleagues, Mr. President, that compared to past natural gas legislation, this legislation is, frankly, not that cosmic in importance. It is important, but it is not of the same species of importance that the 1978 Natural Gas Policy Act was because there is not that much gas involved.

Where is the importance? Well, it is chiefly in the fact that this regulation scheme inhibits the action of the market. Even though your gas might not be held down by the price, under the Natural Gas Policy Act any time you want to enter into a new contract you must first of all go to the FERC and ask for an abandonment.

An abandonment proceeding is a proceeding where you have to go in and make certain showings before the Federal Energy Regulatory Commission. If you get permission to abandon, which should be granted in most of these cases, then, in order to reach a new contract, you must get that permission and then you must file a rate schedule and get that rate schedule approved. And you must do that every time you make a change.

Mr. President, one of the good results of deregulation of natural gas has been that we have to a very large extent gone to market pricing and market action. There is a large spot market and there is pipeline access so that gas can be quickly contracted for at the places where it is needed. It can be transported to those markets quickly. And we have what we hoped for, that is a very fluid market where supply and demand balance and where contracts can be made with great alacrity.

The regulation scheme interferes with that because if you have, as we do, some 39 percent of the natural gas which, while most of that is not being held down in price, it is being held down by the chains of regulatory molasses. In other words, any time you want to make a change and you want to respond to that market and go in and abandon one contract and go to another, instead of being able to go make your deal and move fast, you have to file a petition with the Federal Energy Regulatory Commission and file a rate schedule and all that.

It puts you at great disadvantage. It puts you to great expense. Because lawyers, particularly those who practice before the Federal Energy Regulatory Commission, do not come cheap.

Why do we burden ourselves with this regulation? It is simply a holdover from past regulatory days.

So, Mr. President, this bill will not adversely affect consumers. To the contrary, it will help consumers by bringing some gas down while perhaps 2 percent of it goes up in price. But the market will reflect market pricing and not some artificial pricing and the constraints, the expense which is put on the market by the action of regulations, will be done away with.

Mr. President, again I tell my colleagues that this matter passed unanimously on the House side, that is by a voice vote, after being very carefully-looked at by Congressman PHIL SHARP, who has a strong reputation with consumers. The chairman of that full committee is JOHN DINGELL, who was a strong opponent of deregulation of natural gas over many, many years. And it passed muster with all the other Members of that body, Mr. President, whose zeal for protecting the consumer is very strong.

It passed through the Senate Energy Committee by a vote of 17 to 2.

I submit this bill ought to be passed through the Senate before 1 o'clock this afternoon. Please understand, Mr. President, I do not think it will make it that fast. Nevertheless, it ought to be because, if there is ever a bill which is clear and unambiguous in its effect on consumers and on its help for the country, this is it.

Mr. President, H.R. 1722, the Natural Gas Wellhead Decontrol Act of 1989, is a bill that would complete the wellhead decontrol process that was begun under the Natural Gas Policy Act of 1978 [NGPA] and that would bring to a close 35 years of Federal regulation of natural gas at the wellhead.

H.R. 1722 is truly a consensus bill that deserves prompt passage by the Senate. The plan for wellhead decontrol embodied in this bill enjoys broad-based bipartisan support in the Congress and is supported by the administration and by all segments of the natural gas industry. H.R. 1722 was reported by the Committee on Energy and Natural Resources by a 17-to-2 vote. The House of Representatives has passed a virtually identical wellhead decontrol bill by a voice vote under a suspension of the House rules. Sponsors of the House bill included many who previously had been ardent opponents of wellhead decontrol. Finally, the bill is backed by a remarkable consensus of natural gas industry trade groups. For purposes of this bill, producers, pipelines, local distribution companies, and industrial end users have put their differences behind them and made the compromises necessary to forge a consensus on this issue.

This bill would repeal title I of the NGPA effective January 1, 1993. On that date, all remaining price and nonprice controls on natural gas at the wellhead would be eliminated. This decontrol would affect what remains of flowing old gas under sections 104 and 106 of the NGPA and incentive gas. New gas has already been freed from Federal regulation under the NGPA's partial wellhead decontrol process.

The bill also provides that, in certain circumstances, remaining wellhead price controls would cease to apply earlier than January 1, 1993. First, natural gas under a contract that has expired or been terminated prior to the date of the bill's enactment will be decontrolled as of the date of enactment. Also, any gas covered by a post-enactment contract would not be subject to wellhead decontrols.

Second, natural gas covered by a contract that expires or is terminated subsequent to the date of enactment shall not be subject to wellhead controls as of the date that the contract ceases to apply.

Third, as of the date of enactment, wellhead controls shall not apply to natural gas under a contract renegotiated subsequent to March 23, 1989, where the parties to that contract expressly provide that the gas under the contract shall no longer be subject to price controls.

These transitional provisions are intended to act as a cushion to protect consumers, pipelines and producers from unintended consequences of this final phase of the wellhead decontrol process. The period preceding January 1, 1993, offers an opportunity for parties to reschedule their natural gas supply arrangements to prevent any hardships. Some have expressed concern that upon decontrol, indefinite price escalator and most-favored-nations clauses in contracts for old gas will operate to raise the price for such gas to levels in excess of the market price. The 3-year transition period should do much to alleviate this problem. A study commissioned by the American Gas Association found that one-third of old gas contracts would expire within the first year following enactment, and that by January 1, 1993, almost two-thirds of such contracts would have expired.

H.R. 1722 also removes Federal nonprice controls at the wellhead. This means that the certification, rate filing, and abandonment provisions of the Natural Gas Act will not apply to decontrolled gas solely by reason of a first sale of such gas. The removal of these nonprice controls is important for purposes of allowing market forces to determine the price and allocation of gas supplies at the wellhead.

This bill does not deregulate interstate natural gas pipelines. The Federal Energy Regulatory Commission [FERC] will continue to fulfill its consumer protection mandate under the Natural Gas Act by regulating the interstate transportation and wholesale sale of natural gas by such pipelines.

In the past, wellhead decontrol has been an extremely controversial issue and efforts to complete the partial wellhead decontrol process begun under the NGPA have been unsuccessful. However, as a result of market forces set in motion by the NGPA, developments in the world oil market, and the substantial restructuring of the framework for Federal natural gas regulation by the FERC, natural gas markets have undergone a change in the past decade. These changes make it appropriate at this time to repeal the remaining wellhead controls.

Due to the continuing depletion of old gas reserves and the escalation of NGPA ceiling prices, wellhead price controls no longer protect natural gas consumers. According to the Energy Information Administration [EIA] of the Department of Energy, only 39 percent of domestic natural gas production remained subject to price controls. Of this, only 17 percent of domestic production was old gas, and only 6 percent of domestic production was old gas encumbered by price controls that held prices below the average wellhead price of $1.71 per mcf. Thus, even a substantial portion of the so-called cheap old gas is subject to NGPA ceiling prices well in excess of the market price. This data leads one to the conclusion that it is the market that determines average natural gas prices at the wellhead and that the remaining wellhead price controls do little if anything to dampen the market's impact on the prices ultimately paid by consumers of natural gas.

Furthermore, the remaining wellhead price controls are uneconomic, wasteful, and ultimately harmful to consumers. Even after partial wellhead decontrol under the NGPA, 24 categories of natural gas production remain subject to NGPA price controls at ceiling prices that range from $0.35 per mcf for minimum rate old gas to $6.83 per MMBTU for incentive gas produced from tight formations. The multiplicity of NGPA pricing categories and the wide disparity of ceiling prices confuse producers' decisions as to where to commit capital for exploration and production. The remaining NGPA ceiling prices have resulted in overinvestment in low-producing but high-priced wells and underinvestment in production from previously discovered reservoirs that could produce more gas at relatively lower cost. Although NGPA ceiling prices do not compel purchasers to pay the maximum lawful price for price controlled gas, ceiling prices referenced in gas purchase contracts have the net effect of propping up prices in excess of the market price. In conclusion, whatever validity the NGPA categories may have had 11 years ago, today this system of wellhead price regulation frustrates rational decisions to produce natural gas based on the real economic cost of resource extraction.

In the final analysis, wellhead decontrol is proconsumer because it will help ensure adequate supplies of reasonably priced natural gas. Given our experience of the past two decades, it is clear that wellhead price controls did not prevent the curtailments of the 1970's and did not prevent the accrual of take-or-pay liability in the early 1980's and that consumers have benefitted in the wake of partial wellhead decontrol under the NGPA. Prices at both the wellhead and at the burnertip have dropped substantially since the decontrol of most new gas supplies on January 1, 1985. Between the end of 1984 and the end of 1988, the average wellhead price fell from $2.66 per mcf to $1.71 per mcf—a decline of almost 26 percent. The decline in wellhead prices has been passed through in substantial part to residential natural gas consumers; during the same periods, residential gas prices declined by $0.85 per mcf. While some may question the precise cause of the decline in wellhead prices—certainly developments in world oil markets had some impact—the fact remains that partial wellhead decontrol has caused the market to displace administered price controls as the predominant force in setting natural gas prices.

Open access pipeline transportation under the FERC's Order Nos. 436 and 500 and the Commission's other procompetitive policies have created opportunities for all classes of natural gas consumers to share in the benefits of the decline in wellhead prices. In fact, there are reports that residential consumers in Ohio have formed cooperative arrangements to make direct purchases of natural gas from producers and marketers.

In the future, competition at the wellhead based on the real economic cost of gas production will help to keep natural gas commodity prices at the lowest reasonable level necessary to produced sufficient supplies to meet consumer demand. In assessing the impact of this legislation, the correct question is not whether natural gas prices will increase in the future. Our experience of the past several years has demonstrated that natural gas prices will respond to market forces regardless of the existence of price controls on a minority of domestic production. Rather, the correct question is whether the market will most efficiently equate supply and demand in a situation where artificial constraints on price and allocation distort producers' decisions or in a situation where producers are encouraged to make investment decisions based upon the real economic cost of resource extraction. The answer should be clear.

Wellhead decontrol will promote an efficient and responsive natural gas industry which is important for purposes of national energy policy. Demand for natural gas is predicted to increase significantly over the next decade and much of this increase is tied directly to the realization of policy goals of national importance.

Natural gas can contribute greatly to reducing our Nation's dependence upon imported oil, to ensuring the availability of clean-burning fuels for purposes of addressing environmental problems, and to meeting the need to construct new electric generating facilities to satisfy forecasted increases in the demand for electricity.

Some have questioned whether there exists the resource base to satisfy this new demand as well as the continued demand of traditional natural gas markets. The evidence is that there exists adequate gas resources and deliverability to meet the anticipated demand. A Department of Energy study released in May 1988 concludes that in the lower 48 States there exists a gas resource base on 583 trillion cubic feet—almost 35 years supply at current consumption rates—that is economically recoverable at less than $3 per mcf. Furthermore, pronouncements that there are looming supply shortages and sharp price spikes fail to consider the flexibility of the Nation's gas delivery system and the inherent flexibility of end-use markets.

Finally, the Senate must pass a clean wellhead decontrol bill with no amendments to H.R. 1722 as reported by the Committee on Energy and Natural Resources. An important prerequisite for the industry consensus behind the wellhead decontrol bill was that it be a clean bill. For purposes of this bill, the various industry groups agreed to put their differences behind them and to compromise on several points. Amendments that would be controversial to any segment of the industry would put the consensus—and the bill—in jeopardy.

Time and again it has been proven that comprehensive natural gas bills topple of their own weight and in the end accomplish nothing. Our experience with attempts at wellhead decontrol in 1983 and 1985 is evidence of this. We should not put at risk accomplishing wellhead decontrol for the sake of addressing other issues that are better suited for resolution by the FERC and by the Federal courts.

In conclusion, I strongly urge my colleagues to join with me in voting for H.R. 1722, the Natural Gas Wellhead Decontrol Act of 1989.

Mr. President, I ask unanimous consent that a letter dated June 5, 1989, that was sent from Adm. James D. Watkins, the Secretary of Energy, to all Senators urging their support for the wellhead decontrol legislation reported by the Committee on Energy and Natural Resources be reproduced in the CONGRESSIONAL RECORD. I also ask that a letter sent by 11 organizations representing producers, pipelines, local distribution companies and end-users to all Senators urging support for the wellhead decontrol legislation be reproduced in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

THE SECRETARY OF ENERGY,
Washington, DC, June 5, 1989.

Hon. J. BENNETT JOHNSTON,
Chairman, Committee on Energy and Natural Resources, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The Congress and the Administration have a unique opportunity this year to forge a bipartisan consensus to eliminate unnecessary and burdensome regulation of the natural gas industry.

A natural gas wellhead decontrol measure, the Natural Gas Wellhead Decontrol Act of 1989, was reported by the Senate Energy Committee by a vote of 17-2, and is now moving to the Senate floor for a vote in early June. This measure essentially would eliminate remaining natural gas wellhead price controls as contracts expire or are renegotiated, with all wellhead price controls eliminated by January 1, 1993.

In the interest of relieving the natural gas industry and consumers of a continuing regulatory burden and in the interest of furthering competition in the industry, all remaining wellhead price controls on natural gas should be removed. In his first budget message to Congress, President Bush expressed the belief that ". . . at long last the Federal Government should fully decontrol natural gas."

Recent changes in the natural gas and oil markets have resulted in current natural gas prices that are significantly below most of the ceiling prices established in the Natural Gas Policy Act of 1978 (NGPA). Although about 40% of 1988 production was subject to NGPA price ceilings, the Energy Information Administration estimates that only about 6% of 1988 production was constrained by binding price ceiling below the market price.

After full decontrol takes effect on January 1, 1983, gas markets will function more efficiently and rationally in sending correct price signals to consumers and producers. Correct price signals are indispensable if natural gas is to play its appropriate role effectively in national energy policy. Natural gas provides a competitive, domestic alternative to imports of oil from insecure sources.

Natural gas decontrol can also be an integral part of our environmental policy. Natural gas burns much more cleanly than other fossil fuels. In addition, natural gas combustion produces almost no solid waste, sludge or water pollution. By allowing gas markets to function more efficiently, we will allow natural gas to contribute toward our clean air goals.

The market is currently the predominant force setting prices of natural gas. It is sending fairly accurate signals to consumers on when to consume gas as opposed to when to consume oil, coal, or engage in conservation. It is sending fairly accurate signals to producers on when to produce. The experience of the last several years in the gas market shows that it has been very responsive to supply and demand conditions.

If natural gas prices are decontrolled, downward price pressure will be the result over the longer term. Thus, prices will be lower than they would otherwise be without decontrol. The downward pressure will result from two factors. First, lower cost reserves will be produced more efficiently under decontrol and thus postpone the production of higher cost reserves. This will result in prices lower than would otherwise be the case. Second, producers will be relieved from regulatory burdens which would otherwise add to their costs. In a highly competitive market such as the current gas market, lower production costs will result in lower prices, all other things being equal. Given that many of the benefits of decontrol already have been realized by lowered gas prices and recent Federal Energy Regulatory Commisison actions, we would not expect the difference between decontrol and no decontrol to be dramatic.

The reported legislation represents a consensus of parties that have long been at odds on natural gas decontrol legislation. It is supported by the Natural Gas Supply Association and Independent Petroleum Association of America representing producers, the Interstate Natural Gas Association of America representing interstate natural gas pipelines, the American Gas Association representing natural gas pipelines and local distribution companies, and various organizations representing industrial consumers.

The Department of Energy has advocated immediate wellhead price decontrol. In the interest of keeping the consensus intact, however, the Department is supporting the January 1, 1993, date for total elimination of natural gas wellhead price controls. It has come to my attention that amendments that address other gas issues may be offered on the Senate floor. The Administration strongly opposes amendments to the consensus bill and would prefer to see unrelated gas issues addressed in a context other than wellhead decontrol legislation. Amendments to the wellhead decontrol legislation could make it difficult to maintain this consensus. Thus, I urge you to support the Senate Energy Committee's gas wellhead decontrol legislation when it reaches the Senate floor.

Thank you for your attention to this important issue.

Sincerely,

JAMES D. WATKINS,
Admiral, U.S. Navy (Retired).

JUNE 1, 1989.

Hon. J. BENNETT JOHNSTON,
U.S. Senate, Washington, DC.

DEAR SENATOR JOHNSTON: The undersigned organizations urge your support for passage of S. 783, the Natural Gas Wellhead Decontrol Act of 1989, which was recently reported without amendment by the Committee on Energy and Natural Resources. The bill would phase out the remaining wellhead price controls on natural gas by January 1, 1993.

S. 783 is sound energy policy that will benefit consumers of gas. Most gas flowing today is decontrolled under existing law and the current market price for gas is well below the ceiling price for most gas flowing under regulated price categories. Thus the removal of the remaining controls will not adversely impact consumer prices. In fact, consumers and the industry will benefit from decontrol as clear market signals will encourage the efficient and timely development of the nation's gas supplies.

We are aware of several amendments that may be offered to S. 783. These amendments deal with extremely controversial and divisive issues which are being addressed by the Federal Energy Regulatory Commission or the Courts. While each of the undersigned organizations could support one or more of the amendments, many of these amendments are so controversial that their adoption would destroy the consensus of support for the bill and jeopardize its pas-

sage. Consequently, the undersigned oppose such amendments to S. 783.

Please feel free to contact us if you have any questions about the legislation.

Sincerely,

George H. Lawrence, President, American Gas Association; H.B. "Bud" Scogging, Jr., President, Independent Petroleum Association of America; Jerald V. Halvorsen, President & CEO, Interstate Natural Gas Association of America; Nicholas J. Bush, President, Natural Gas Supply Association; Wayne Gibbens, President Mid-Continent Oil & Gas Association; Alexander B. Trowbridge, President, National Association of Manufacturers; Gary D. Myers, President, Fertilizer Institute; Robert A. Roland, President, Chemical Manufacturers Association; Royce Laffitte, Chairman, Petrochemical Energy Group; Richard L. Lesher, President, U.S. Chamber of Commerce; Andrew S. Merrills, Chairman, Process Gas Consumers.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. Mr. President, first, I wish to compliment my friend and colleague, Senator JOHNSTON. I am happy to cosponsor the bill that is before us today that will finally, at long last, deregulate natural gas. I say at long last. We are talking about a bill that has been pending off and on before Congress for 35 years, because we have had price controls on natural gas since 1954.

Since 1954, Federal prices have distorted the whole natural gas market. In many cases, and I will tell you for the most part, certainly in the last many years, it has cost consumers billions of dollars. It did not save consumers billions of dollars. It has cost consumers billions of dollars. And it also hurt the natural gas industry and wasted a precious natural resource. So it is high time, to finally decontrol natural gas. Clearly, decontrol is better late than never.

For 35 years we have had price controls on this commodity, natural gas. It is the only major commodity on which the Federal Government still has price controls. At one time we had price controls on beef. We had price controls on oil. We had price controls on a lot of commodities, but today we only find price controls on natural gas.

Price controls have not worked. I think you can ask any economist, "do price controls work on natural gas?" And the answer is "No." Did they save consumers money? The answer is "No." Most of the price controls that we still have on the books today are at prices that are well above the marketplace. As a matter of fact, we find, I believe, that 94 percent of all gas today is in effect deregulated because the price ceilings that we have under the Natural Gas Policy Act are well above the market price. But because we have Natural Gas Policy Act price ceilings above market price, we have a lot of contracts that were written to couple with Natural Gas Policy Act price ceilings, and so consumers are paying more than what they have if we had no price controls on natural gas.

There are a lot of people in the natural gas industry, some even testified before the Energy Committee, who did not want to see price controls eliminated because they were getting more for natural gas because of price controls. I can tell you that, time and time again, I have had a lot of people in my State say, "Senator, we are not really interested in decontrol because we have been making money off those price controls that Congress passed in 1978."

I will also tell you that Congress, when it passed the Natural Gas Policy Act of 1978, did a lot of damage. They called for phased decontrol. The only area they immediately decontrolled was the so-called "deep gas"; gas that was deeper than 15,000 feet. They said, "we are going to immediately decontrol that category of gas." A lot of people in my State said, "Isn't that great?"

The Nation had a gas shortage at that time. Why did we have a shortage of natural gas in the late 1970's? We had a shortage because of Federal price controls. That is, the only reason we had a shortage was because the Federal Government was controlling the price of interstate gas. So we had a shortage in the interstate markets, particularly the Midwest. We had an excess of demand over supply. So when Congress decided, well, we need to do something, because there were brownouts, factories that were being shut, schools that were being closed, and people out of work. Why? Because we had price controls on interstate natural gas.

Congress in 1978 said, "Well, we are going to try an alleviate some of that. We will decontrol, at least immediately, one category of gas." We decontrolled "deep gas," gas deeper than 15,000 feet. Because demand exceeded supply, we really had a big increase in prices for that one little category of gas. We had gas prices that went up from $2 to $3, to $6, $7, $8, $9, and even $10 per MCF.

A lot of that deep gas came from my State. There was an explosion in drilling. We went from a couple, 8 to 880 drilling rigs. We had lease prices go up; and we had banks that were thriving. We had a bank called Penn Square that started lending billions of dollars. They did not have the money, so they borrowed it from Continental Illinois and Chase Manhattan and Seattle First. Billions of dollars were loaned on deep gas, gas that was going for $8, $9, $10, and people thought it would go even higher. They borrowed this money to go out and drill for that gas, as Congress had encouraged them to do. They were encouraged to drill for deep gas because Congress decontrolled that one little category of gas, a very small percentage of gas in the United States.

Eventually, supply equalled demand and then those prices which rose very high in a very short period of time fell very far in a very short period of time, and so those billions of dollars of loans that were made with the expectation that prices would continue to increase were not good any more. So those loans failed, and those banks failed.

Penn Square failed. Penn Square failed, I believe, on July 5 in 1982, and brought down a lot of the banking industry and S&L industry in my State. Continental Illinois failed shortly after that, a couple years later. It cost over a couple billion dollars for the Federal taxpayers to bail out Continental Illinois.

A big part of the bank's mistake was they invested on this one category of gas. Again, this was a mistake that Congress made when it passed the Natural Gas Policy Act in 1978 because it did not do what we are getting ready to do. It did not deregulate all categories of gas. It deregulated only a very small category of gas and said for that one category to fill the market, take care of the excess of demand over supply at that time. That was a severe mistake.

Maybe Congress was well intentioned. I do not fault Congress, and I do not fault those Members. I was not here. If I had been here, I think I would have tried to influence Congress to act a little differently. I had a background in the natural gas industry, so I was somewhat familiar with it. But good intentioned as they were, it caused a lot of problems because Congress did not go far enough. Congress did not deregulate all our natural gas.

Mr. JOHNSTON. Will the Senator yield?

Mr. NICKLES. I will be happy to yield.

Mr. JOHNSTON. First, I want to congratulate the Senator for the leadership he has given in this area of deregulation. The reason for keeping some of that gas under regulation was not because we did not recognize that regulation was a bad thing. It simply was a question of getting the votes. It was simply a compromise that had to be struck with those who said let us see how this works, let us not go too far too fast. That is why we kept that gas under regulation. It is not because we did not recognize we should have released it.

Mr. NICKLES. I appreciate the Senator's comments. I know my good friend from Ohio was also engaged in that lengthy discussion on the bill in 1978, but we still ended up with a faulty product. It ended up with one a category of gas deregulated immediately.

Mr. President, natural gas is natural gas. It is the same natural gas below 15,000 feet as it is in a shallow well. It is the same natural gas drilled before 1977, before 1980, or whenever. We had 33 different categories for natural gas and we still have far too many regulated categories for natural gas. We were paying producers in Canada, in many cases, three and four times what we paid producers in Louisiana and Oklahoma for "old" gas.

Again, I think that the Good Lord probably put gas in Canada about the same time he put it in the United States, so why should we pay a producer more in Canada than we are allowed to pay our own producers for the same commodity? It is because of this complex scheme that was devised, the so-called Natural Gas Policy Act of 1978.

The Congress made a couple of other mistakes. It also regulated gas in Louisiana, Texas, and Oklahoma that was deregulated before. The intrastate market: The intrastate market did not have a shortage like the interstate markets did. But Congress said, "Well, we will solve that problem, we will just put them under Federal price controls as well. If there is a shortage, they will have shortage in those States."

That did not make sense. That was another mistake. The Natural Gas Policy Act made a lot of mistakes and cost my State a lot, especially, its producers and its financial industry. To a large extent, the reason why there have been such severe economic problems recently in the oil and gas industry, is because the Congress mismanaged the industry in the Natural Gas Policy Act when it came up with all these schemes: "This area is going to be deregulated, and here are these different price categories." And, all those producers came in and said, "We will drill for these different price categories." In many cases, certainly for the last several years, those maximum ceiling categories have greatly exceeded what the actual market price is—what producers are actually receiving.

Congress did not stop there. It also passed the Fuel Use Act. It said we could not burn natural gas in certain industrial plants and said we could not burn natural gas in certain utilities, major utilities; instead, we are going to save natural gas for consumers. That law also cost consumers a lot of money. Finally, Congress had the wisdom, partly in 1981, and finally in the last Congress, to repeal most of the major sections of the Fuel Use Act. So we have taken care of that mistake.

We have also taken care of one of the other mistakes that was made by Congress in the same period of time by finally repealing the windfall profit tax. That was passed in 1980, again, as part of the Carter administration energy package. It made no sense. It taxed a few States to the tune of $79 billion. It took that money from a handful of States, and sent it to Washington, DC. For what? Was this really "windfall profits?" No; the tax was pure and simply a severe excise tax.

Was this excise tax on imports? No; it was only on domestic production. So we penalized domestic production and encouraged imports. Not a very sound energy policy in this Senator's opinion. It was a heavy exise tax, an unfair excise tax that the last Congress was finally successful in repealing. Now at long last, we have one piece of legislation that we still need to pass and it is to finally decontrol natural gas wellhead prices.

Let us get rid of these remaining price categories of gas. I look at the FERC's price ceiling for old OCS gas. In February its maximum lawful price was $5.16; old interstate gas, various ceilings from 35 cents to $2.80; we have interstate in-field well gas, $3.38; we have some controlled intrastate gas, $4.97; we have rollover contract gas, it goes for $1.93; we have Alaskan gas, it is at $2.80; we have tight sand formation gas at $6.77; we have some stripper well gas at $5.53; we have other controlled gas at $2.80. All these ceilings are above—many greatly above—current spot market prices of $1.35 to $1.50. And producers are not getting these ceiling prices—the average gas wellhead price was only $1.71 during 1988.

These ceiling prices at the categories of gas under NGPA make no sense. Natural gas is natural gas. Why have price controls on a commodity? It burns the same in your home whether it is the tight sand gas or whether it is old OCS gas or whether it is intrastate gas. Natural gas is natural gas. It does not need Federal price controls.

And so we at long last have the opportunity today to finally do what should have been done 35 years ago. Actually, we passed a bill, Congress passed a bill, back during the Eisenhower administration to eliminate price controls on natural gas. The President was going to sign the bill but did not because there was some unethical behavior in lobbying, and so he vetoed the bill. Many times some of my predecessors, Senator Kerr and Senator Monroney and others, tried to pass gas decontrol legislation, but for some reason or other they were never successful. We tried to pass a complex gas decontrol bill several years ago when we had 31 days of markup in the Energy Committee. We were successful in getting it through committee, but not successful in getting it through the Senate or the House. But this legislation before us today has passed the House. As Senator JOHNSTON said, it passed the House unanimously. It is identical legislation to this legislation that Senators FORD, JOHNSTON, MCCLURE, GRAMM, myself, and others have worked on. It is good legislation. It is positive legislation. It is simple. It decontrols natural gas. It eliminates all price ceilings in the Natural Gas Policy Act, no later than January 1, 1993. It says in the interim, any natural gas contract that is renegotiated or any natural gas contract that expires will be deregulated. That is good, and a positive to letting the free market set prices. The bill makes sense.

There is only one minor difference between this bill and the House-passed version of the bill, and that deals with "newly spudded" wells. I hope the Senate provision will prevail. I think it should. Our approach to the removal of the NGPA price controls should be consistent. The Senate bill is consistent. Gas from newly spudded wells is treated the same as all gas under contracts—it is decontrolled on January 1, 1993, unless that contract expires or is renegotiated. The Senate bill makes sense. It is workable.

This is good legislation. This is proconsumer legislation. Consumers can benefit more in a market system than they can by arbitrary price controls that are selected years in advance by Members of Congress who really do not know anything about the natural gas market. They may be good-intentioned but do not know what they are doing. How could we come up with 33 price controls on natural gas in 1978 saying tight sands gas should have this price, old gas should have this price, and deep gas should have this price. It really does not make any sense. Members of Congress may have expertise in a lot of areas but this is not one of them. The marketplace can do a much more efficient, a much better job in allocating resources and a much better job for consumers as well. Consumers have paid billions of dollars because of these price categories that were designated by the Natural Gas Policy Act unnecessarily. So let us do consumers a favor. Let us do the industry a favor. At long last let us decontrol natural gas. Let us pass this bill.

There have been many changes in the natural gas industry since the last time the Senate considered decontrolling wellhead gas prices. During the past 5 years, gas prices have fallen dramatically, the transportation gas for others by pipelines has blossomed, and, most significantly, the vast majority of domestic natural gas has been effectively decontrolled.

The Congress began the process of decontrol by providing in the Natural Gas Policy Act of 1978 for the decontrol of "new" gas beginning January 1, 1985, and "infill" gas beginning July 1, 1987. Following both decontrol dates, the average wellhead price for domestic natural gas fell as free-market mechanisms replaced arbitrary pricing

categories. EIA estimates that 61 percent of domestic gas was decontrolled by 1988. The past 4 years of increasing decontrol since 1985 have helped to order gas markets.

The most frequently given rationale for continued price controls is to protect the consumer from higher prices. However, with more than 60 percent of natural gas decontrolled, the prices consumers pay will reflect the marketplace, not the price ceilings on the one-third of the gas that remains under price controls. Moreover, only a minority of the domestic gas that is still subject to price controls is selling at prices below current market prices.

According to the Energy Information Administration, the amount of "effectively decontrolled" domestic gas, that is, gas that is both decontrolled gas and gas which has a maximum lawful price above market prices, has grown from approximately 23 percent in 1983 to over 94 percent in 1988. Clearly, today's price controls on natural gas do not protect the consumer. In fact, there is evidence that consumers are actually paying higher prices for gas than they would in the absence of price controls.

The continued existence of Federal price controls on natural gas is distorting investment decisions, reducing the flexibility of the gas market to evolve, and requiring enormous administrative costs to be borne by producers, pipelines, and even the FERC. For example, Chairman Hesse was reported to have said that if this wellhead decontrol legislation becomes law, 100 or more jobs at the FERC would be eliminated in the well certification division alone.

On March 16, 1989, Senator FORD and I introduced S. 625, joined by our colleagues, Senators GARN, WALLOP, BREAUX, BOREN, BINGAMAN, SIMPSON, GRAMM, COATS, and COCHRAN. Our bill contained a transition period lasting until full decontrol on January 1, 1993. During the transition period, our bill would decontrol gas that is not subject to contracts that is, gas under contracts that have expired, or that expire or are renegotiated during the transition period. Moreover, the full decontrol under the bill would be achieved by repealing subtitle A of the NGPA, the wellhead price ceiling authority, rather than by abrogating producer/purchaser gas supply contracts. Accordingly, decontrol would be achieved only as contemplated by the parties to the gas contracts, such as by triggering the operation of a decontrol provision written into the contracts by the parties in contemplation of possible Federal decontrol. Thus, both the transition period and the full decontrol provisions of our bill would avoid contract abrogation.

Our bill has served as the model for the House-passed bill and for the Johnston-McClure-Nickles-Ford bill, S. 783, which I fully support. There is, however, one difference between the two Senate bills and the House-passed bill, H.R. 1722. H.R. 1722, as it passed the House, contains a provision in the transition period that would immediately decontrol gas from any well spudded after date of enactment.

In drafting the Nickles-Ford bill and in joining Senator JOHNSTON on his bill, I made a conscious decision not to make exceptions to the decontrol by mutual agreement policy underlying the transition period in our two bills. I specifically rejected the newly spudded wells concept in drafting S. 625, as being highly inequitable and bad energy policy.

The spudded wells provision is inequitable in that it would single out for special harm the very people who are currently adding to our Nation's gas supplies, the producers who are planning to drill for more gas. Many of these producers have already made investments in purchasing farmouts or other subcontract rights to drill in existing fields, they have taken out loans and have contracted for equipment. It is unfair for the Congress to abruptly change the rules on these investors after their reliance on existing FERC price rules and the underlying congressional incentives in the NGPA. These producers deserve adequate notice of a change in the rules.

The spudded well provision is also a step backward toward the NGPA's discredited policies of market tinkering. The provision would treat molecules of gas from one well differently than the existing law, and the existing contract, would treat molecules of gas from another well, even if the gas were from the same formation. It is this very type of government meddling in contracts and distorting free-market decisionmaking that we are trying to correct by repealing subtitle A of the NGPA.

The Senate Energy and Natural Resources Committee amended the House bill to reflect these concerns. H.R. 1722, as amended by the committee, does not contain this newly spudded well provision.

Mr. WIRTH. Mr. President, the Senator from Oklahoma is exactly right. The time has come. I thank the distinguished chairman of the committee and distinguished ranking member and others for rapidly moving this legislation. I hope we can finish it without a lot of the discussion and perhaps rhetorical, well-intended as it may be, flourishes of the 1970's

I went through all of this discussion 10 years ago on the Energy Committee in the House of Representatives. We had the battle. We went through it. We slowly but surely transitioned our way out of the crises of the mid 1970's, to which the Senator from Oklahoma so appropriately referred. And here we are today in a very different kind of situation, politically, economically, and environmentally.

Politically, we are at the point where anything unanimously passing out of the Energy Committee on the House side related to the deregulation of natural gas tells you that the Earth has shuddered and times have changed. Some of us went through those battles over and over and over again. They are now done; they are finished. Let us not do it again. And let us make sure we are doing the right thing economically. The facts are that we are very clearly entering a period in the next 20 to 30, maybe longer, years, a period of natural gas in our Nation's history. Natural gas has become recognized as perhaps the premium fuel. It has become recognized as the fuel that is going to be more accessible to Americans. It is recognized as a fuel that is easily transportable. It is recognized as a fuel that can solve the geographic problems we have in the United States—for example, too much of New England and that area of the country is dependent upon imported fuel. Pipelines are now moving in that direction. The time has come there as well. And we also have this new trade treaty with the Canadians giving us the opportunity to interchange energy resources in a way that strengthens both of our countries and certainly makes accessible the upper tier of the United States, which previously had not had such access to natural gas.

The economics, as well, in addition to the geographic determination, the economics certainly dictate this is the direction in which we ought to go. We went through the debate over the decontrol of the price of oil and we heard over and over and over again arguments that what was going to happen was enormous balloon in oil prices. Well, it did not happen. We went through the argument about the decontrol of much of the natural gas supply, and the argument was made then, ballooning prices. It did not happen. And it is not going to happen here either.

The facts are that it is not what we do related to energy prices. It is what happens with OPEC. OPEC is determining the price of oil. The price of oil drives the price of other alternative fuels, and we have to be realistic about that. We cannot hold back the tide of this international energy market. There is no way in the world we are going to do that.

When we underpriced natural gas through controls of the 1970's, the results were on the one hand sometimes booming demand and then resulting shortages, reaction, counterreaction, reaction, counterreaction. We wrote a lot of contracts that proved to be counterproductive. FERC now spends a great deal of its time trying to sort its way through all of these contrac-

tual relations because of the anomalies developed in natural gas control programs. We ended up costing consumers millions and millions of dollars in administrative action alone and, I would suggest, billions of dollars in direct costs.

What we want to do is understand that while deregulating natural gas is certainly not going to solve all of our energy problems; what it does is it gives us the opportunity to shift and change as the times change, as things in the Middle East change, as they certainly may, as gas supplies change, as oil supplies change, as the premiums placed on coal differ. It gives us greater flexibility for the market to move and adapt. We should not be facing this complex energy market with a rigid set of controls on about 40 percent of our natural gas supply. It just does not make any sense.

So the economics, the geography, the reality of the politics, the reality of 1989 tells us that it is time to pass this legislation rapidly.

Entering as well, Mr. President, are a whole new set of variables which also argue for natural gas, and that is the set of variables that relate to the environment. Nobody in this body and nobody in this country can be unaware of the extreme changes that are occurring around the globe, from low-level air pollution haunting every one of our cities, from Paris, to London, to Bangkok, to Mexico City. We are all familiar with those low-level air pollution problems.

And we are increasingly understanding the biggest set of issues of them all, global warming. The globe is getting warmer. It is getting warmer because of changes in the atmosphere. The atmosphere, which surrounds the globe which has acted as a kind of thermostat allowing a moderate temperature on the face of the globe to be maintained in allowing life to be supported and to develop with that predictable temperature changing, it is becoming thicker, and more like the effect of a greenhouse. That is the greenhouse effect. The atmosphere operates to hold heat in, and when the Earth gets too warm, it allows that warmth to vent out into outer space.

We are currently changing the nature of that atmosphere, and we are changing the nature of that atmosphere predominantly through man's activities in the production of various gases like chlorofluorocarbons and the biggest villain of them all in terms of the global warming is the excessive and rapidly increasing production of carbon dioxide. Carbon dioxide produces about 50 percent of the so-called greenhouse gases, and is about a 50-percent contributor to global warming.

As we understand this problem, understand what is going on long term, and understand the very significant dangers of global warming, we also start to understand what we can do about it. Just as man is having an impact on the atmosphere, man has the opportunity to slow down the process of global warming. And how do we do that? Clearly, we want to eliminate chlorofluorocarbons, and we are well upon our way to a 50-percent reduction agreement, and maybe moving more rapidly than that.

We can move on methane—more problematic, more difficult, but still more steps to be taken, and certainly and most importantly we can take very significant steps in the reduction of carbon dioxide.

As we do so, here is where natural gas comes in. Twenty-five percent of the carbon dioxide, approximately, produced by man comes from the United States. So what we have to do is in our own backyard tend to our own backyard, make our own backyard cleaner, and we have a number of ways of doing that:

First, to burn energy more efficiently. We are pretty good in the way we use energy but we use about twice as much energy per unit of gross national product as the Japanese or the Germans do. There is a tremendous amount of saving there. It is very important for us to emphasize energy efficiency and energy conservation.

Second, we can move toward alternatives in energy programs—alternatives to fossil fuel which means we once again ought to be very aggressive about solar energy, and in my opinion we are going to have to start all over again on nuclear to see if we can develop a safe and cost-effective nuclear program that addresses the issues of nonproliferation, waste disposal, and related kinds of issues that apply to the nuclear program.

As we do efficiency, as we do alternatives, we also have to look at the questions of forestation, both reforestation and stopping deforestation, trees being natural sinks for carbon dioxide. If we can do all of those steps, we ought to be more aggressively pushing the natural gas agenda. Natural gas burns cleaner than coal, burns cleaner than oil, and when we have the opportunity we certainly want to make the transition toward clean fuels wherever possible. Clean coal technologies are absolutely imperative. And transitioning where we can, where it is appropriate, to use of natural gas is also a prudent and wise thing to do.

The freer the marketplace the more likely we are to be able to make those decisions, and to make them carefully and rationally within a sound economic system rather than within the higgledy-piggledy of a regulatory program.

There are a whole variety of ways in addition to the reduction of carbon dioxide from many powerplants, combined cycle turbines, coal firing with coal, a variety of ways in which we can move on the transition of natural gas for central power sources. We also want to take some very significant steps in other areas.

For example, in the area of transportation, the other main use of fuel in this country, other than building standards and industry, we are heavily dependent currently on the traditional uses of oil. We want to make that transition as well toward experimentation and starting to use more and more natural gas, not only in individual fleets, but mass transit across the country—tremendous opportunities here and ones that we ought to be pursuing.

I would not be at all surprised that as we view the President's clean air proposals, which I understand will be coming out early next week, that within those proposals will be some very significant dependence on natural gas.

So we are in a kind of win-win situation here. By passing this legislation related to natural gas, we are not only doing the right thing economically, we are not only avoiding the mistakes that we made in the 1970's, as we worked our way out of that energy crisis, we are not only making sure that we are evening out the geographic inequities in the country in terms of access to natural gas, we are doing all of those things but we also have the opportunity to make some very significant steps in the area of the environment.

Global warming is the premier environmental issue that all of us and our children and probably grandchildren are going to face. It is time we started to take rational steps to counter the global warming trend now. We have to take a whole lot of those steps and one of them is to make sure that we encourage greater use of natural gas, and one of the ways to do that is to assure that we pass this legislation.

Mr. President, I hope we can get through this debate very quickly. I hope we can get through this debate and not get hung up on a lot of discussion echoing our past, but let us look to the future, deregulate natural gas, look to this as a benign fuel, a more benign fuel in terms of global warming and other environmental issues, and move this out as quickly as possible.

Thank you very much, Mr. President.

I yield the floor.

Mr. McCLURE addressed the Chair.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. McCLURE. Mr. President, I rise in strong support of the pending matter, the Natural Gas Wellhead Decontrol Act of 1989, which proposes to eliminate the remaining Federal wellhead price and allocation controls on natural gas.

I firmly believe that returning natural gas production to the discipline of

the marketplace will benefit consumers and our economy, both in the short and long run. That is why I cosponsored this legislation, and that is why I urge my colleagues to vote for it.

Mr. President, we now are at a crossroads. We can choose to hold on to the last vestiges of Federal wellhead controls engendered nearly four decades ago by the Supreme Court's 1954 Phillips decision. Or, instead, we can recognize the overwhelming benefits of the marketplace, and take the final step to bring about a market-regulated natural gas supply. We must keep in mind that we are not eliminating wellhead regulation, we are substituting market discipline for Federal controls.

There are also those who would urge the Senate not to take this step; they claim that it would hurt consumers. They urge that continued Federal regulation would protect consumers from product shortages and price increases. But if you believe that, you are putting fear over experience.

If there is one thing we know for sure from four decades of wellhead regulation, it is that Federal interference in the marketplace only harms consumers.

Federal wellhead controls have not prevented severe gas shortages from occurring; in fact, the exact reverse is true—Federal controls have instead directly created shortages. This occurred during the late 1960's and 1970's when Federal controls kept natural gas from entering the interstate gas market at the very time gas producing States were awash in surplus supplies. As a result, there were growing gas shortages and curtailments in the interstate market. And who can forget what happened during the winter of 1976-77 when severe shortages led to the school closings and the shutting down of businesses and industry in the Midwest. Clearly, Federal controls did not help consumers in that case; they harmed them.

Nor have Federal controls protected consumers from rising prices. Following the 1978 enactment of the Natural Gas Policy Act, the wellhead price of natural gas increased, on average, 20 percent per year for the next 6 years. It wasn't until the NGPA in 1985 deregulated half our gas supplies that wellhead prices stopped rising, and then actually began to fall. Since partial deregulation on January 1, 1985, wellhead gas prices have fallen by nearly 50 percent. Clearly, partial deregulation has benefited consumers, as will be the case with total deregulation if we pass the pending legislation.

The lesson from our four-decade experience is plain and simple: Federal interference in the operation of the marketplace does not help; it instead causes severe distortions which directly harm consumers. Normal market activity, however imperfect, is far preferable and results in a more rational and efficient allocation of supplies; it matches supply with demand, bringing forth supply when needed at prices that are reasonable.

Over the past several years Federal wellhead controls have become increasingly irrelevant, becoming the moral equivalent of an appendix; at best doing no good, and at worst causing real harm. In part this is the result of the 1978 enactment of the Natural Gas Policy Act which deregulated roughly half our gas supply on January 1, 1985. In part this is attributable to a host of regulatory actions by the Federal Energy Regulatory Commission, most notably their establishment in 1985 of the so-called "open access transportation program," which further brought market forces to bear.

As a result, today only a small percentage of natural gas is price-constrained by Federal controls—some place it as low as 6 percent. But perversely, Federal controls also have inadvertently resulted in substantial volumes of natural gas being artificially held at prices far above market value. The situation reminds me of the man who had one foot in a bucket of scalding water and one in a bucket of ice water. On average it was fine, but both his feet hurt like the dickens.

In sum, Mr. President, what we are today considering is the question of who can best regulate the operation of the marketplace: the Federal Government or market forces. To me the answer is obvious—the marketplace can do it better. It is now time to do away with the remaining Federal regulations.

The House of Representatives agrees; they have unanimously passed H.R. 1722, which is substantially the same as the legislation we are now considering. Today, as never before, there is near unanimity in support of decontrol: major and independent gas producers, interstate pipelines, local distribution companies, industrial end users and consumer groups all agree that decontrol, as formulated in the pending legislation, would be in the overall national interest.

In this connection, I must note that I personally would have preferred decontrol to occur immediately, instead of the bill's January 1, 1993, date. However, 1993 is not an unreasonable compromise and therefore I support it.

Those who oppose the pending legislation do so not because they believe that decontrol would increase gas prices; there is agreement that decontrol would have little, if any, upward impact on gas prices. Instead, they oppose the legislation because of the issues it does not address. However, there is no question that if extraneous amendments are adopted, particularly those which deal with the so-called LDC bypass issue and mandatory contract carriage, action on decontrol legislation would have to wait for another Congress. And that would not benefit consumers or our economy.

I want to make clear one thing this bill does not do; it does not deregulate interstate natural gas pipelines. Pipelines are natural monopolies and their continued regulation is in the public interest. Federal law confers upon the Federal Energy Regulatory Commission the duty and responsibility to ensure that interstate pipelines operate responsibly, and this legislation does not alter that.

Mr. President, it is for these reasons that I strongly support the pending legislation and urge my colleagues to vote for it.

I might just add parenthetically, Mr. President, that I spent, as chairman of the committee, about 2 years of my time in constant negotiations trying to arrive at a package that could muster majority support. After 2 years, I was forced to give up that effort, recognizing that we simply were not going to get there. This package, a brace in this bill, can and does have majority support. To attempt to improve it threatens, in my judgment, to destroy that consensus, and we will indeed make it impossible again to enact the deregulation, which is in the interest of every citizen of this country.

Mr. METZENBAUM addressed the Chair.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. METZENBAUM. Mr. President, I know my geography. I usually know where I am. Today I think that I am in the land of Oz, and I have been listening to the wizards of Oz tell me, in the words of my good friend, Senator JOHNSTON, that this bill will not adversely affect consumers, and it will help consumers.

My friend, Senator NICKLES, says that it is proconsumer legislation. My friend, Senator MCCLURE, says that it will benefit consumers and our economy.

Come on, who are you kidding? Who are you really kidding? The only people that are for this bill are the producers, the oil line, the gas line owners and some utilities—not all utilities.

Not one consumer group in the country is for this bill. You are telling us that you are going to decontrol the price of gas—A wonder of wonders; it is going to bring down prices and help the consumers. Is that not a wonderful thing to be doing, and is it not wonderfully generous of the oil companies that control about half of the gas that is in the ground, and the other gas producers—is there not some kind of magnanimity that believes there is a Christmas season; they are standing here telling us they are just going to give away all these dollars and bring

down prices to help the American consumer? No way.

Consumer groups testified against this bill. There is not a consumer group in the country supporting this legislation, and to the best of my knowledge, there is not an oil company or gas producer or a gas pipeline company that is not supporting the bill.

I rise in opposition to this bill. If it passes in this form, Mr. President, in years to come it wil be known as "the natural gas ripoff bill of 1989." My friend over here says it is not controversial. Well, I suppose that is a matter of perspective. It may not be controversial to you, but it is very controversial to those users of natural gas who will be paying the bill. Most of them do not know what is happening. It is June, and not many people are heating with gas in June, but come the winter season, the prices will be up, and they will be very unhappy about what this Congress did.

Frankly, this is a controversial bill. I do not know why it passed in the House. I tried to call Phil Sharp and ask him how come he rolled over and did not oppose the bill. He did not call me back. I do not know why. I cannot explain what other Members of Congress do. I can speak for myself, and I say, without any fear of contradiction, that the consumers of America will pay the price, if this bill passes.

No ifs, ands, or buts about it.

Talk about what happened in the past, you have to add into that equation the fact that oil prices came down throughout the world. Nobody expected they would do that. But OPEC could not control its own members. So when oil prices came down, natural gas prices followed the curve.

More than a decade ago, Mr. President, I took this floor to oppose the ancestor of this bill, the Natural Gas Policy Act of 1978. It is a long story. But 3 weeks and 130 rollcall votes later, our filibuster on behalf of American consumers was broken, broken not due to a lack of support, broken by changing the rules and, as Senator JOHNSTON has already said, there were new interpretations, so many new interpretations to break that filibuster, that they had to rewrite the rule book. In fact, they did. But that is yesteryear's news. That is not the issue before us today.

The fact is that when Congress finally did pass the Natural Gas Policy Act of 1978 it did so over the vigorous and vocal opposition of consumers. As bad as it was, as bad as it was, at least the NGPA assured consumers that as gas prices rose under partial decontrol they could still buy that large long-term body of forever regulated gas at reasonable and affordable prices.

But here we are today with a bill to wipe out all the remaining protection against future runups in the heating bills of gas consumers.

My colleague from Colorado talks about the fact we ought to be using more natural gas clean. I agree with that. You do not get people to use more by raising the prices on them. This bill once and for all would cancel without cause 3½ decades of protection for America's homeowners, renters, small businesses, and industrial firms who rely on gas to heat their homes and offices, cook their food, fuel their factories.

Under such a fundamental reordering of regulatory policy, one might expect a bill as a product of compromise, give and take. This bill has all take in it and no give. You would expect a bill that asks something of both sides. That is the way it usually works around here. That is the way it ought to work. But even the slightest little protection that was left in the bill when the House sent it over now the Senate Energy Committee takes it out. The argument is made 17 to 2 it came out of committee.

I have been around here long enough and I have sat on the committee long enough and have enough seniority on it to know that is not a pro-consumer committee. That is the committee that is pretty close to the industry, and that is all right. That is perfectly proper. There is nothing illegal or inappropriate about that. But the fact is that that is the committee that day in and day out works closely with the oil industry and the gas industry and you cannot expect that committee to be concerned about the consumers who are going to have to pay the bill.

But we here on the Senate floor have an obligation to be concerned about them. No give in this; all take.

This bill hands natural gas producers gigantic windfall profits by decontrolling the price of gas they now hold and allowing the price to rise and rise and rise as a basis to catch up with world oil prices.

When we had our hearing, there was testimony that the natural gas spot price is $1.35. The distinguished Senator from Louisiana just said the spot price in Louisiana at this time is $1.65. I do not know what the national spot price is, but every single scintilla of evidence that is available tells us that gas prices are going up, going up. Oil prices are going up. They have already gone up.

Who are these natural gas producers? Not the company that gets the check for your home heating bill. They are not the producers. Most of our natural gas is brought to the consumer by the same folks who brought us the Alaska oil spill and the ensuing price spike at the gas pump.

According to the Energy Information Institute, which did a study of the 22 major petroleum companies in this country, more than one-third of the new natural gas reserves reported during 1982-86 were not new reserves at all.

My colleague from Louisiana talks about all the gas we got because of the NGPA, the bill we passed 10 years ago, but the fact is that the industry itself concluded that the so-called one-third of new natural gas reserves reported during that 5-year period, 1982-86, were not new reserves at all. They were simply assets that were talked about in a merger between two or more producers.

The big oil companies have been buying up other energy companies and mergers involving billions and billions of cubic feet of natural gas reserves.

And what we have today on the floor of the U.S. Senate is a battle between the 10 top oil companies who control over 45 percent of the Nation's natural gas reserves, over 45 percent controlled by the 10 top oil companies, and their associated companies and others in this industry, and what we have is they are here standing up demanding of the Congress that all prices be decontrolled of those trillions of cubic feet of natural gas that is still in the ground.

We know who the big winners will be under this bill and we also know who the big losers will be. For natural gas consumers, Mr. President, there is nothing in this bill, zip, zilch, not one single thing for the American consumers, and three of my colleagues stand on the floor and say how great this bill is going to be for the consumers.

Come on. Let us get out our violins and play a tune. But there would be a lot of discordant notes if you played a tune on that basis, because that score just does not come together right.

They are asking for decontrol, telling us it is going to be great for consumers. Why do they want the bill so much? Are they such a pro bono publico organization that they are trying to get the price of natural gas down? No way.

This bill does not contain a single word, a single passage, a single subparagraph, not a comma in this bill is there for the natural gas consumers.

As the proponents trumpet, it is a clean bill, I will say it is a clean bill—how many times have we heard that around here—clean out the consumers of their cash. Oh, yes, it is clean in that respect.

Every time Congress attempts to pass a clean bill America's consumers better hold on to their wallets. A clean bill really means quick and dirty, take it from the consumers and give it to the oil company and the gas company. A clean bill means a bill stripped clean of anything the industry does not want.

That is certainly the case here. This is their bill. Nobody else's. No con-

sumer in this country wants it, I know. We had a large natural gas producer come before our committee and tell us that there is no question about it, prices are going to go up under this bill. That is unequivocal. That is undeniable. Prices will go up. We had the head of a large utility company from St. Louis come before our committee and tell us prices are going to go up. We had representatives of consumers come before our committee and say prices are going to go up.

Under this bill consumers come away emptyhanded, cleaned out, by the big oil boys pushing this bill. Not only does this measure rip away the protection offered by price controls, it completely neglects to remedy the host of problems faced by gas consumers today.

This bill makes a mockery of its own claim to be free market oriented. It completely ignores the anticompetitive, antimarketplace, anticonsumer regulations that are currently burdening gas users throughout the Nation.

There is no relief in this bill from smothering take-or-pay contracts and those take-or-pay contracts that are presently in effect are going to continue in effect. And the consumers are going to continue to pay the bill for that high-priced gas that is covered by the take-or-pay contract. Free market, yes; except when it might bring down the price.

No refunds are provided in this bill for consumers when the Federal Energy Regulatory Commission finds that pipelines are overcharging. Under the law today, when the Federal Energy Regulatory Commission finds that a pipeline is overcharging, it cannot order a refund. There is no provision in this bill to do anything about that. FERC does not even have the authority to do it. FERC has the authority to order future price decreases, but no authority when it finds that there have been overcharges by the pipelines to order the pipelines to make refunds.

There is nothing in this bill that provides any safeguard against large industries who bypass local distribution companies, leaving higher and higher bills behind for residential and commercial customers.

There is no support for low-income consumers to help them meet higher bills as prices climb or to help them insulate their homes as supplies tighten. No leverage for consumers to use on producers to renegotiate on oppressive contract clauses. Nothing in this bill to help consumers get out from under high-priced contracts until 1993.

This bill is unfair. It is wrong. It may pass, but if it passes there will not be a Member of the U.S. Senate who votes for it who will not be embarrassed to look at his or her constituents in the winter of 1989, and particularly the winter of 1990, because prices will continue to go up. And when your constituents say to you, "What did you do for me?", you will say, "Well, I decontrolled the price of natural gas so you could pay higher prices."

Proponents of this clean bill approach argue that it brings about total decontrol without getting caught up with other natural gas issues. There are only really two issues at hand today: prices and profits. Gas producers want it all. They want the freedom to charge prices as high as they can and they do not want Congress to correct the regulations that have been such a boon to their business.

To take so much so brazenly while offering nothing in return may seem an audacious way to do business, Mr. President, but I think I understand the strategy. This is a window of opportunity. This is as far from the heating season as it gets. It was in the 90's last week. We have been through a couple of mild winters and gas bills have been relatively low and supplies are currently stable and prices are down. And no doubt about it, the proponents are bringing this bill to the floor at an opportune time for their purposes.

But I ask my colleagues to recall that earlier attempts at total decontrol have failed and they failed for good reason. Because the Members of this body have seen and lived through the violent disruptions in the world energy scene, disruptions that led to extremely rapid price increases.

Look at oil prices. They are up 50 percent—50 percent—since November. Natural gas competes with oil. You do not have to be an economist or an energy analyst to know what that means. Gas prices are going to go up, way up. Maybe not tomorrow, maybe not next week, but soon. And anybody who stands here on the floor and says that this bill is proconsumer just is not sharing the facts and the reality with you.

This bill is anticonsumer. This bill is pro-oil, and it is pronatural gas producers.

You do not have to be an investment banker to understand why major oil companies are buying up natural gas reserves. You do not have to be an accountant to realize that with the top 10 big oil companies holding 45 percent of the gas reserves in this country—some of that gas as low as 35 cents or 60 cents per 1,000 cubic feet—that this decontrol bill is a gold mine for the oil companies.

I have been attempting to find the price of the gas that is in the ground. I have gone to the NGPA and I have gone to AGA, and I have gone to the API, and I have gone to the Department of Energy and the Energy Information Administration, and I have not been able to find the price of that old gas, that gas that is in the ground. I think there is something like 10 trillion cubic feet of it being held in the ground.

But the manager of this bill was good enough to share with me that which is described as "Federal Energy Guidelines, Table 2, Natural Gas Ceiling Prices, NGPA, paragraphs 104 and 106(a), (subpart D, part 271.)" And it talks about the category of natural gas and the type of sale or contract and the price.

It indicates that if there is post-1974 gas, for all producers, that that maximum price today is $2.82. Well, that is a long way from where we are, although I do not doubt that it will get there in the not-too-far-distant future. And it talks about 1973-74 biennium gas, and that maximum price is either $1.82 or $2.38.

Now, I am not an authority on all these categories of gas and I do not claim to be. If somebody were to ask me specifically what each category describes, I would not know.

Then it talks about interstate rollover gas, all producers. That maximum price is substantially below the price at which gas is selling today. That is $1.048.

Then there is replacement contract gas or recompletion gas. That is selling anywhere from $1.02 to $1.34. Then there is flowing gas—I guess that is the stuff that is continuing to come out of the ground. We can certainly understand that. That is 57 cents—57 cents—for the large producers and 67 cents for the small producers. I would guess that flowing gas makes up a very substantial portion of the gas that comes to market.

Then there is certain Permian Basin gas. That is about 70 cents for the large producers or 80 cents for the small producers. And then there is certain Rocky Mountain gas, and that is 67 cents for the large producers and 80 cents for the small producers. And then there is certain Appalachian Basin gas. That is described as north subarea contracts dated after October 7, 1969. That is 64 cents, and other contracts are 59 cents. And then there is minimum rate gas, all producers; that is 35 cents.

That sounds like a lot of different categories of gas. Is anybody going to stand here and tell me that the price of that gas is not going to go up to market, which is somewhere between $1.35, $1.65, and rising? Of course it is going to. And who is going to pay it? The consumers are going to pay it.

This old gas has, over a period of time, provided a cushion. It was a cushion of cheap, old, long-term system supply, that was mixed in with decontrolled gas and, as a consequence, the price did not rise to its maximum because there was that limit on it. But when you take the lid off at all, consumers in your States are going

to feel it and they are not going to like it, and I do not blame them.

As I said before, the telephones will not be ringing this afternoon. Senators probably will not hear them if they go back on a trip home this weekend. It may be as soon as this winter when my colleagues hear from them. But they will certainly be hearing from them by this winter, or not later than November 1990, and I will guarantee that to be the fact.

They will be asking: Why did you vote to raise my heating bills? What did you have against me, and what relationship did you have with the oil companies and the gas producers that caused you to cast a vote against me when I am trying to pay my overhead and send my kids to school and pay my taxes and buy food for my family? Why did you vote to raise the price of my gas bill?

Some Senators have spoken with me in the halls during the past week or two and have said to me: Well, will there not be more gas, then will there not be more competition and therefore will prices not be lower? My colleagues should not kid themselves. Do Senators think prices are going to be lower and that is the reason why the oil companies and the gas producers are here urging passage of this bill? No way.

Producers argue that almost all gas is effectively decontrolled because only a fraction of regulated gas flowing today is selling at prices below the controlled ceiling. Well, that is an irrational conclusion. That is illogical. That gas that is coming to market today does not represent necessarily all of that gas that is out there in the ground. They can bring to market whichever gas they want. They can bring decontrolled gas, they can bring gas that is at a higher price, they can keep the cheap gas in the ground and wait for decontrol. So they cannot say that because there is 6 percent of the gas flowing to market today that is controlled that the balance of the gas in the ground is not cheap gas that is being withheld from the market until we pass this piece of legislation and let it zoom up to $1.65 and $2 and $2.50.

Next year or the year after, market prices will inexorably rise and prices for those formerly regulated categories of gas will be shooting through the price controls stripped away in this bill.

I cannot give the exact figures as to how much gas is out there and at what price it would be sold today. I have already told my colleagues I have attempted to find those figures. I have gone to every resource that I thought was available. And it was not until about an hour ago that I was able to obtain this chart. I do not know how my colleagues were able to obtain it when I was calling Henson Moore, the Deputy Director of the Department of Energy; I was calling the Department of Energy through the regular channels; I was calling all of the groups where you might find the information, trying to find it in the annual reports of the oil companies and the gas companies but was not able to find it.

But then, somehow, those in support of this bill were able to obtain it and I thank them for sharing the facts with me. And I do not find any malfeasance on their part. I just find it unusual I could not find it from the Department of Energy and it came from the Department of Energy but it was not shared with this Senator.

I know these reserves held by the big oil companies are providing so much of the push for this legislation. Do not be fooled. It is not for nothing that the big push is on for this bill.

Some of you probably did not notice in the business section of your paper that Amerada Hess, another big oil company, just bought Transco's reserves, proven and unproven reserves, some difficult to extract. Do you know what they paid? Sight unseen—they could not go down and see the gas—sight unseen they paid $1.65 per 1,000 cubic feet. That is public information. It was to be found in the business sections of the paper.

Gas a few weeks ago was $1.35. It is $1.65 now in Louisiana and the upward trend is on. Why would Amerada Hess pay $1.65 for that which is in the ground, having to get it out and then bring it to market, and certainly there are some costs involved, if they did not know that gas prices were going to go right through the ceiling?

Gas is only selling today for a very modest price. We are in June—$1.35, $1.65—I am not sure. But why pass this bill? Why buy something sight unseen, whose price looks wildly out of line?

Can Senators really believe that this bill is good for consumers when the Senators from the gas-producing States are all here on the floor fighting so hard for its passage? Do you hear any Senators on the floor from the consumer States fighting for its passage? Of course not.

And why is this bill important? Because the producers are banking on prices going up and this decontrol bill going through and that is the reason that Amerada Hess is willing to pay $1.65 per thousand cubic feet for gas in the ground, not even taken out.

Mr. President, the increasing concentration of ownership of gas reserves will stifle competition as such potential competition is limited by the transportation monopoly of the pipeline. Every analyst you can find, even the managers of this bill, would agree that prices are on the way up. This legislation would improve the lot of the big oil companies and major gas producers by setting a new policy for natural gas prices. The sky is the limit. And the terrible ills in the natural gas industry go unaddressed to the continued detriment of consumers.

Mr. President, the complete unwillingness to entertain any provision that would help residential gas consumers get out from under unfair and expensive regulation is unfortunate. I will offer amendments to this bill. I will attempt to improve it. I will not vote for it. But the intractability of the gas industry and their total disregard for the needs of residential consumers ought to leave Senators from gas consuming States no choice at all but to vote down this bill. To do otherwise would be to set your constituents afloat in the rising waters of gas prices, without so much as a lifeboat.

Mr. President, I am about to yield the floor. I expect to address myself to this legislation at considerable more length. I expect to offer amendments in the course of the day and the days ahead of us.

I yield the floor.

The PRESIDING OFFICER (Mr. ROBB). The Chair recognizes the Senator from Louisiana.

Mr. JOHNSTON. Mr. President, just very briefly to reply, I must tell my colleagues I would be severely and personally resentful of the remarks of my distinguished colleague from Ohio, had I not heard this story before. It is the same old tired rhetoric: brazen, audacious, handmaidens of the oil companies—what relationship do you have to the oil and gas industries, Senators, if you vote for this bill? What are you going to tell your consumers?

It is that same old claptrap, Mr. President, we have heard time and time before, which proved to be exactly wrong. That is what we were told on January 1, 1985. "If you let those prices be deregulated they are going to go through the roof." Remember, Mr. President? Remember, colleagues? That is what we were told.

What happened to prices? They came down 36 percent.

Mr. President, it is time to do away with that kind of rhetoric on the floor of this Senate. Oh, we are told that this is a great conspiracy by the Energy and Natural Resources Committee which is controlled by the industry; that they see a window of opportunity to press this through on the backs of consumers in order to help their friends in the oil industry. Well, Mr. President, the vote in the Energy Committee was 17 to 2. All of those 17 members, Mr. President, I can tell you, do not have pro-oil company voting records; would be severely offended if they were individually accused of being friends of the oil companies much less not voting evenhandedly on that issue.

But, Mr. President, the fact of the matter is, this is not even a Senate bill. This bill did not originate in the

Energy and Natural Resources Committee. It is a House bill. Its main author is PHILIP SHARP, who is not from a producing State, who introduced this bill and held hearings on it in the Energy and Commerce Committee chaired by JOHN DINGELL of Michigan, which last time I checked, Mr. President, was not a producing State. If it is, it does not produce much. And Indiana is certainly not a producing State. That is PHIL SHARP's home State.

I do not know whether the Senator from Ohio considers the Energy and Commerce Committee to be in the pockets of the oil companies, to be handmaidens, brazen, audacious, waiting for that window of opportunity to smash it through on the backs of consumers. Are you saying that all 435 Members of the House are all each individually in the pockets of the oil companies? Oh, come on, Mr. President. Come on now. They did not sneak this through in the middle of the night. It was over there for weeks. For weeks.

As a matter of fact, we said, "Look, if you cannot get it through the House, we do not even want to handle it because it is not that big a deal." It is only 6 percent of the gas now under these price controls. There will only be 2 percent on January 1, 1993; 2 percent of the gas.

Oh, but what is that 2 percent going to do to consumers? Mr. President, I will tell you what this is going to do for consumers. One witness came up, a Mr. Schusterman, I believe, if I pronounce his name correctly. I think he was introduced to our witness list by the Senator from Ohio. He produces from the Anadarko basin in Oklahoma. Do you know why he opposed this bill? He said it would break contracts. He has one of these special contracts that makes reference to the highest regulated price. The highest regulated price is $3.42, in his case. So by virtue of this present law which we are trying to amend, he was gouging the consumer to the tune of $3.42.

What we want to do is tell him that he can bring his price down to the market price, less than half the price he is getting. How many Schustermans are there? Please understand, Mr. President, I mean no disrespect individually to Mr. Schusterman. He is trying to get the highest price that the law allows. It simply is that the law presently allows Mr. Schusterman to charge consumers in Oklahoma over twice what the present market price is, and his consumers have to pay that.

Now, that is not right. The market ought to determine that. Will some of this gas go up? Yes, Mr. President. I said that in my opening statement. We think 2 percent; 2 percent of the gas will go up. Probably a like amount or maybe more, we cannot be precise, will go down. The effect on consumers will be minimal at best, probably positive and certainly the effect on natural gas supply will be good. It will not solve all the problems. Frankly, it is not that big a deal, Mr. President, it is just 2 percent of the gas that is controlled.

But, Mr. President, when I hear this old tired rhetoric—did you hear that? "What are you going to tell your consumers in the winter of 1990 when these prices go through the roof?" Mr. President, this decontrol does not even take place under this bill until January 1, 1993. What are you going to tell them in 1990? You are going to have to tell them they have to wait until January 1, 1993, if they are from Oklahoma and they buy gas from Mr. Schusterman, they are going to have to wait another 3 years to get their price brought down to half of what it is in order to be down to the market. That is what you are going to have to tell them.

Mr. METZENBAUM. Will the Senator yield for a question.

Mr. JOHNSTON. Yes, I will yield.

Mr. METZENBAUM. You mention constantly 2 percent.

Mr. JOHNSTON. Yes.

Mr. METZENBAUM. Is it not the fact that there are trillions of cubic feet of natural gas that are out there in the ground and that the Senator from Louisiana and the Senator from Ohio, neither of us actually know at what price that gas is regulated at the present time and, I would like to ask, where do you get your 2-percent figure from?

Mr. JOHNSTON. Mr. President, I get my 2-percent figure from our hearings, from the American Gas Association, which, by the way, represents local distribution companies for the most part. Local distribution companies are not producers; they are consumers. They are the distributors to the consumers, and they are in the position of consumers in this case. They are for decontrol. The AGA, in effect, is the voice of consumers in this case. They say their studies indicate it will be only a third of that presently under control will be left.

I am glad the Senator asked the question because I had it down here to answer. What he says is this; that there is a lot of gas now under these old gas categories which is being withheld from the market waiting for the price to go up. That may have been a phenomenon of past years, but it is not now, and I will tell you exactly why. That is, in order to be old gas, it must be under control as of April 1977. It must have been interstate gas under control as of that time.

All interstate gas under control as of the time that Natural Gas Policy Act went into operation was dedicated gas. Under the terms of the old Natural Gas Act of 1938, dedicated gas must keep flowing, all of it, to the market unless you go to the FERC and get permission to abandon. In other words, it has to flow until you get permission to abandon, and FERC will not give you permission to abandon simply because you want to wait for a higher price. They might give you permission to abandon, for example, if it is not economic to operate your well.

Mr. President, there is one category of gas which may be affected by this, and that is the gas yet undrilled, which they may not be drilling the wells to further develop the field because if it is at 35 cents, then that is a very small, minute quantity of gas at 35 cents where it is uneconomic to drill the further wells. But, Mr. President, all the gas that was flowing in 1978 and under these contracts is still flowing unless they got permission——

Mr. METZENBAUM. And still controlled.

Mr. JOHNSTON. Excuse me?

Mr. METZENBAUM. And still controlled.

Mr. JOHNSTON. Is flowing and still controlled. The Senator is correct that some of that, perhaps 2 percent of the total, would go up in price.

Mr. METZENBAUM. And is it not the fact that if it is flowing, you could increase the flow or decrease the flow and that would be your own personal decision to make and that some of it that is flowing at the moment could have great reserves that are tapped but not flowing in substantial amounts and that they would totally change the figure with respect to the 2 percent?

Mr. JOHNSTON. No; the amount of the flow cannot be regulated by turning up or turning back the tap. It is subject to a whole series of regulations. To the extent you tried to turn back the tap and restricted the flow, it would be a violation of your contract and a violation of law, so that it must flow in the full way. You are under no obligation to go out and drill additional wells.

Mr. METZENBAUM. That is right.

Mr. JOHNSTON. Except perhaps under your contract.

Mr. METZENBAUM. So you could go back where you have a tremendous field, and it is flowing, and it is controlled, and you drill additional wells at different points with respect to that particular field, that would all be controlled gas at the present time.

Mr. JOHNSTON. It depends. If the well was more than a mile and a half from the old well, it would be new gas.

Mr. METZENBAUM. Not if it is part of the same field. Not as part of the same field. If it was part of the same field in the ground, it is my understanding that, when you talk about the mile and a half, that had to do with where they go down and drill new. But if they know there is gas under there perhaps 30 miles this way

and 4 miles that way, that would not be new gas. That would be part of the same field and would be regulated the same way.

Mr. JOHNSTON. In the Natural Gas Policy Act of 1978, in order to get away from that question of what was a new horizon, what was an old reservoir, we simply used the rule of a mile and a half. If it is a mile and a half, it is new gas whether or not it is in the same reservoir or not. Excuse me, I said a mile and a half. It is 2.5 miles. Section 102, (c)(1)(B) says, "Any new well which is 2.5 miles or more, determined in accordance with paragraph 2"—in any event, it was 2.5 miles. It is new gas whether it is the old field or not.

Mr. METZENBAUM. That is a long ways away. There is a lot of gas in a 2.5-mile distance.

Mr. JOHNSTON. I think the Senator is correct, but it is not going to be drilled, you cannot force that guy to go out and drill a well when it is——

Mr. METZENBAUM. No. I own the gas, and I am bringing it up at a certain rate and I know that I can drop in some additional wells, lots of additional wells in a 2.5-mile area, but I know that if I do that it is going to be all at the old rate, 35 cents, 65 cents, whatever the case may be. Well, if I have any brains at all and I can afford to do so—and certainly the oil companies can afford to do so and certainly many of the major gas producers can afford to do so—they are going to sit back and they are going to know that at some point, whether it is now or the next year or the year after or 1993 or whatever the case may be, they are going to be able to decontrol, and they know that by sitting and waiting with the gas they are going to get a far greater yield on their money than they would if they just brought it up at 35 cents and invested their money at 10 percent.

Mr. JOHNSTON. I say to the Senator that his conclusion really is not correct that there is a lot of gas out there, believe me, because, in the first place, they would have had to wait an awful long time. It has already been 11 years. Under our bill they would have to wait another almost 4 years. So you have to assume that these people are waiting around for 15 years, waiting for this window of opportunity to come and produce that gas. It simply is not so.

To the extent it is so, believe me, Mr. President—and I tell my colleague—it is in the Nation's interest for them to go ahead and drill that gas at market price whatever the quantity is. If it is minute, at least small, it is in the country's interest for them to go drill it. And if they have waited 15 years already, why would they not wait another 15 years rather than go drill a well which surely is more uneconomical now than it was 11 years ago when they had the right to drill the same well.

Mr. METZENBAUM. It is the floor of my colleague and I do not wish to impose upon his time. One last gentleman.

Mr. JOHNSTON. That is all right. I think the Senator is learning something.

Mr. METZENBAUM. I am certainly being very well educated, and I am grateful to the Senator from Louisiana.

One simple question. Is the Senator saying to this body that the whole thrust of this bill is to deregulate 2 percent of the gas coming to market? Is that what the Senator is saying?

Mr. JOHNSTON. Yes, exactly, and I am saying that it is not because we want that 2 percent to go up in price, because an equal amount will go down in price. It is the regulatory burden which it puts on not just those 2 percent. If you are one of these under control, even though the control price may be well above—there is some controlled amounts here at $6 and something. That is four times what it is actually selling for. But if you are in a controlled price and you want to abandon because the company does not want to buy your gas anymore, it is too expensive, you have to go file an abandonment procedure with the FERC. Then, if somebody else comes along and says, "I want to buy your gas and I will buy it at such and such a price," then you have to file for a new certificate and you have to file a new rate schedule.

Let us say somebody wants a little gas for a few months. The regulatory burden of having to go to FERC every time you do that puts you at a competitive disadvantage. First, it costs a lot of money because, even though it is a noncontested procedure and even though FERC might give it relatively expedited treatment, it costs money to do that.

Mr. METZENBAUM. I understand that. Now, if my colleague is saying that it is the paperwork, which is always an abominable term around here and we always abhor anything that provides paperwork for industry or anybody else, individuals, I do not have any problem about that. I do not have any problem about that.

Mr. JOHNSTON. That is principally——

Mr. METZENBAUM. If that is what the Senator wants in this bill, let us sit down and work out the language to take care of eliminating the paperwork, but at the same time let us keep the controls in place so that the consumers do not get stuck with the added cost of the gas. I do not have any problem about eliminating paperwork. I have a lot of problem about increasing the price of gas to homeowners.

Mr. JOHNSTON. I say to my colleague there are no controls without paperwork. That is the whole point. The whole signal—the thrilling thing about history now is we are seeing the decline, the demise of communism. We see it all over the world. The only way these countries can operate is with these controls. The Chinese we thought were letting a little sunshine in on their free market, and to the extent they did, the system did well. Of course, it cannot accommodate the free world.

Mr. METZENBAUM. I know the Senator is not saying that controlling the price of natural gas is tantamount to communism or Chinese communism, Maoism.

Mr. JOHNSTON. It is inconsistent with the free market, and I think the message of history is that the free market works better, and surely in natural gas the free market works better.

Mr. METZENBAUM. Does not the bill of the Senator recognize the right to enforce pipelines to continue to buy from the producers at highly inflated prices and the bill does nothing about relieving that obligation which would indeed help consumers? On that score, I asked the Senator about it, whether it would take an amendment to change that, and the Senator indicated no, and I respect the Senator for that.

Mr. JOHNSTON. The highly inflated prices are the very thing that our bill does do something about, which is by doing away with all the controlled prices—you have not only the controlled prices that are low. You have controlled prices that are high.

Mr. METZENBAUM. Absolutely.

Mr. JOHNSTON. That are above market. That is that Mr. Schusterman that I was talking about.

Mr. METZENBAUM. Let us point out that Mr. Schusterman said he was selling at higher than market.

Mr. JOHNSTON. Yes.

Mr. METZENBAUM. But he also said—it was not my witness. He wanted to have an opportunity to be heard, and I said fine. But the fact is Mr. Schusterman said, make no bones about it, this bill will wind up costing the consumers more money.

Now, it is a fact that because of his peculiar circumstances I guess he would get less money, but I am not interested in that part. I am interested in the fact that Schusterman is one of the largest gas producers, according to his testimony, in the entire State of Oklahoma, and he was saying, do not kid yourself, this bill will wind up costing the consumers more money. He was also saying that he personally would be hurt by the bill because he would wind up getting less money, but overall the bill would cost the consumers more money was his professional testimony.

Mr. JOHNSTON. Excuse my skepticism about Mr. Schusterman, but he did not really put it this way. We since found out the price at which he was selling. He answered a question which we sent in writing. He was selling at $3.42. His consumers are paying twice the market price.

Mr. METZENBAUM. I said that.

Mr. JOHNSTON. Twice the market price.

Mr. METZENBAUM. He did not say twice the market.

Mr. JOHNSTON. Does the Senator think he was up there testifying for consumers? If he was concerned about consumers, why did he not sell at market price instead of gouging his consumers at twice the market price?

Mr. METZENBAUM. I have been arguing with Mr. Schusterman for years about his being on the wrong side of issues such as this.

Mr. JOHNSTON. I will stipulate about that.

Mr. METZENBAUM. So there is no argument about that. But Mr. Schusterman called and said this bill will result in higher prices to consumers. He testified this would result in lower prices for him. But I do not care about Mr. Schusterman and what price he sells his gas at except as it affects the consumers in that area.

But it is his expertise in this industry, and it is that portion of his testimony that I think is relevant. He said it is going to wind up costing consumers a lot more money. That is something that is irrefutable. That is the point I am concerned about, not about how much Mr. Schusterman will get. He can make out for himself.

Mr. JOHNSTON. I say to my dear friend, and he is a dear friend even though we have these fights from time to time, he is thinking about consumers. I will concede him that. Mr. Schusterman is simply out of step with virtually all the experts. He is out of step. He also has a demonstrated propensity to sock it to consumers.

Mr. METZENBAUM. As to the St. Louis utility head who testified he had a gas company, testified it would cost consumers more, was he out of step, too?

Mr. JOHNSTON. I do not recall the St. Louis utility man.

Mr. METZENBAUM. I think he heads up a public utility in St. Louis.

Mr. JOHNSTON. Yes. The Senator is correct. There was one LDC, local distribution company, who so testified. AGA, which is the collection of hundreds of local distribution companies whose only interest is to get gas as cheaply as they can, and in good quantities, are for the bill. Why would AGA be for it?

Mr. METZENBAUM. I think I can answer that. Because AGA is not just a representative of local utility companies. AGA utility companies in many instances are tied into the producing companies in the pipeline. The Senator from Louisiana is very knowledgeable in this industry, far more than I. But I know he and I both understand how this industry works, that pipelines are intertwined economically with producers, and producers and pipelines are intertwined economically with public utility companies. I think it is consolidated natural gas, if my recollection serves me right, that I believe covers the entire gamut. I believe Columbia Natural Gas covers the entire gamut.

I am not certain of my facts, but I think I am correct. I am quite certain about whether those two cover the entire gamut or not, there is no argument about the fact that there are just hosts of companies, major companies in this country, that are both producers, pipeline owners, and own major portions of the utility companies.

Mr. JOHNSTON. Mr. President, I will concede to the Senator that there are some companies who are like that. The majority of AGA, however, would be local distribution companies, and the important thing is that the local distribution companies individually, with one or two exceptions, and as represented by AGA, are all together on this.

Mr. METZENBAUM. No question the side of the Senator from Louisiana is all together; no argument about that. My side is all together too. All the consumers are opposed.

Mr. JOHNSTON. Will the Senator concede that as to the local distribution companies their interest is cheap natural gas as opposed to expensive natural gas?

Mr. METZENBAUM. I think it is fair to say that they would prefer to have cheap natural gas. Yes, I think it would help them competitively against electricity and other forms of fuels.

Mr. JOHNSTON. I appreciate that because that is the fact. They are for this bill.

This is a House bill. We did not even bring the bill up. I keep saying this bill is not of cosmic importance because it is not going to solve all of the problems, it is not going to be the kind of incentive that is going to rejuvenate the industry in my State, for example, which is way down. We did not put in this bill. It is a House bill. We waited for the House to act. We said, "Look, we are not going to go through all the trouble and effort on this bill if you guys over there in the House cannot pass a bill because it is not that big a deal." It is a small quantity of gas. It is an irritation, expensive irritation to have to go to FERC every time you want to change contracts. We want a market that operates quickly and efficiently, to balance supply and demand so if you are a producer you can find a pipeline, sell your gas, get it done quickly and inexpensively. That is in the interest of the consumer. That is what is involved here.

We waited for the House to act, and to act unanimously, before we took the bill up. One just simply cannot make the case, I tell my dear friend. The case cannot be made that this is a ripoff to consumers.

Mr. METZENBAUM. I believe the case can be made. But I will say one thing, and I respect the fact we disagree. But if the Senator is really concerned about making it a free market, why does he not have a provision in the bill to eliminate the requirement of pipelines to take or pay for gas from the producers, some of which is $6 and $7 gas?

Mr. JOHNSTON. That is a very good question. Let me answer it. The take-or-pay problem has been one of the most difficult problems that the whole industry has had to deal with. For my colleagues who are not familiar, I assume most are not from oil-producing States, back when gas was short—we remember the winter of 1975-76 when all of these industries were shutting down across the country because they could not get enough gas—they went out and employed an old device in the gas market which was to guarantee contracts for a guaranteed price and guaranteed quantities called take or pay. They would tell the producer, look, if you will sell your gas to me I will guarantee you such and such a price and I will take the quantity whether I need it or not. In other words, I will guarantee your price. To farmers it is a first cousin to a target price.

So it was a good deal for these companies, these pipelines who did not have gas and wanted gas. It gave the incentive to producers to go out and drill for gas.

The only problem was that gas at that time was in short supply and the prices were very high. There were all of these take-or-pay contracts which were at high prices, some as high as $6 and even higher.

Well, these were contracts, legal contracts, entered into by people of good will on both sides. They were not ripoff artists. That is what the market was at that time. But when the price went way down the industry was in a heck of a bind. They said, what are we going to do about it?

Well, the FERC entered an order—actually, the process of the market started working. Tenneco, for example, said to all of their producers with whom they had take-or-pay contracts, we are not going to take your gas. If you will not renegotiate, we are just not going to take your gas and you can sue us. In the meantime, the producers do not have any cash flow. In the meantime we have all of these lawyers, and we are going into this discovery. You might win but it is going to

take you 2, 3 years or something to win.

So they began a process of renegotiation. Then the question is, if you are going to buy out these producers from their take or pay, who should pay? Well, FERC came up with an order No. 500, I believe, where they said if you can renegotiate your contracts you can charge that half to the stockholders, and half to the ratepayers. As a matter of fact, it worked out very well for the consumers because the stockholders had to pay half of it, and the ratepayers only had to pay half of the settlement cost. In many cases, the settlement might have been, I guess, on the average, 15 to 20 percent of the take-or-pay premium.

If you look at the difference between what the market price was and the take-or-pay price, in most cases, the liability was negotiated down 80 or 85 percent. The balance which might have been 15 to 20 percent of the initial take-or-pay premium was divided in half according to order No. 436. So half of that went to the stockholders of the pipeline, and half went to the consumers.

So maybe half of 20 percent, say 10 percent, is all the consumers have had to pay for those legal contracts which were take-or-pay contracts. I think it has been a very good deal for consumers. It is a knotty problem. To say that take-or-pay contracts now, after the horse is already out of the barn, after these contracts were legally entered into, I think would be unfair, somewhere between unfair and outrageous of us particularly since the problem, for the most part, is solved—not completely, but for the most part, the market is solving that.

Mr. METZENBAUM. Some of that gas is still being passed through costwise to the consumers at prices two, three, and four times the market price of gas.

Mr. JOHNSTON. I do not believe that there is any gas left being passed through as those tremendously high prices. There may be some contracts, as yet unresolved. And there is a further question about whether we can do that, whether we could declare take-or-pay contracts to be illegal, and to bring the price back down.

Mr. METZENBAUM. I would say to my colleague on that, that my recollection is that during the New Deal days where the Nation's interest was involved, courts did recognize the right to vitiate contracts.

Mr. JOHNSTON. Well, what they do is, they will pass it through—in fact, they can only pass it through if it is found to be prudent, and so there is that defense. That defense is available now, and if consumers come in and prove that the pipeline was imprudent, in contracting on a take-or-pay basis for natural gas, then you cannot pass that price through, anyway.

So I can tell the Senator that we have looked very long and hard at take-or-pay contracts, because of the very thing that the Senator is raising. But it is very complicated, and I think most of the problem is solved; I really do. But this would not be the place to solve that.

Mr. METZENBAUM. Let me ask another question. Do you think you would be willing to accept an amendment that would vitiate indefinite price escalation where the contract provisions push up the gas prices, regardless of what the market is doing? In order words, they have an annual escalator clause in there. Nobody gets hurt if they do not get that increase. But under the court rulings, as I understand it, all those charges are passed on to the consumer.

Mr. JOHNSTON. Well, one species of those contracts is in fact done away with. That is those that reference the highest market price.

We do not outlaw it by this legislation, but the price comes down by virtue of it. I do not think that is a problem now, because, again, only 6 percent of the gas is selling below market. And you pretty well have a market—indefinite price escalators, where a particular problem at the time, when you had a regulated market, generally, and you had that gas below 15,000 feet, which was deregulated, an indefinite price escalator clause would reference, in effect, the deregulated price, which in those days brought the price from $1.50 to $8 in some cases. I think that is not a problem now.

Mr. METZENBAUM. If it is not a problem, why do we not put a clause in that takes care of it and keep me from being able to say that there is not a single line of the bill that is pro-consumer?

Mr. JOHNSTON. Well, I am inclined to do it, but I think it is not a problem, and I hate to legislate on these complicated matters here on the floor. Keep in mind that we have 6 percent under effective control now, and two-thirds of the contracts for that gas that expires by the effective date of this bill, which is January 1, 1993.

Mr. METZENBAUM. Keep in mind, you say 6 percent, you say 2 percent, and I say that that does not account for the tremendous amount of natural gas that is out there in the fields. I do not know how much of it is regulated, at what price.

As I said earlier in my remarks, I tried every way possible to get the facts, because I did not want to come on this floor and misrepresent the facts. But as far as I can find out—and I cannot get the facts—they are not just 6 percent, not just 2 percent, but there is an untold percentage of gas that is out there sitting waiting to be drilled and brought to market at regulated prices, 35 and 60 cents, and I do not know how much of it; I do not know the fact.

I know this: This bill is not going to effect—the battle is not over 2 percent of the gas. That is controlled price. It is not over 6 percent of the gas that is coming to market. It has to do with that tremendous amount of gas that is out there sitting in the fields waiting to be drilled, waiting to be brought to market, and the question is, at what price will it be brought to market, whether it is at market or at the old prices, at the regulated low prices.

Mr. JOHNSTON. Let me tell the Senator, on this question of the indefinite price escalator, what the problem, as I see it, is. I certainly would entertain his language. Indefinite price escalators usually make reference to a contract that we will sell our gas at the highest market price in the area. You usually define the area, and they set their price with reference to some other price.

Now, in the old days, that was a problem, because there was a huge difference in price. Under this bill, come January 1, 1993, all gas will be deregulated, and, therefore, what price could it be that would be the wrong price? In other words, what would you be outlawing at that time?

Mr. METZENBAUM. What is wrong with that phrase is that where there are escalator clauses of an indeterminate amount, they shall no longer be legal and valid.

Mr. JOHNSTON. It seems there is nothing wrong with an escalator clause, as long as it tracks a market price.

Would the Senator agree?

Mr. METZENBAUM. I am not sure I follow that, attracts.

Mr. JOHNSTON. Tracks. In other words, you have gas now, and suppose I believe, as you do, just suppose that, and say that gas is going up—and I, by the way, can make a very strong case that gas is not going up. Look at the action of OPEC just, I think, yesterday, keeping in mind that gas prices track crude oil prices, and OPEC just announced an increase in their production, which usually leads to a softening of the price.

In any event, we can argue that.

Mr. METZENBAUM. Would you agree that about 50 percent of the oil prices are up, about 50 percent in the last short period of time? The basic price has gone—are we around $25, $27 a barrel today?

Mr. JOHNSTON. The price is around $20 a barrel.

Mr. METZENBAUM. I thought it was around $14. I was wrong.

Mr. JOHNSTON. The low was around $14. That is right. It has fluctuated. I do not know where it is going to go.

Suppose I believe as you do, that prices are going up, and I have a quan-

tity of gas to sell. What is wrong with my saying OK, I will sell you this gas, contract for it at today's price, say $1.57 or $1.65, whatever price, and if the market price of gas goes up next year, I will sell it to you next year at market. Now, if you tell me I cannot do that, then I am likely to say I will not sell it to you at today's market price. I will want to go above market. Or maybe I will not sell it at all, because I will think that the price is going up. I will withhold from the market.

Now, those are the very kinds of action that we have sought to preclude. In order words, we want to have freedom of contract, we want to have a free and open market, spot prices, gas moving all kinds of different ways on a free and open pipeline, willing sellers and willing buyers. In that way, believe me, the consumer gets the best deal.

And indefinite price escalators, when we used to track the highest rate in the area, where much of your gas was held down at $1.50 in those days and some was selling at $6, of course, it led to ridiculous results. But today, where it is all market price, or relatively all market price, it seems to me that an indefinite price escalator clause could have exactly the opposite effect from that which is intended.

Having said that, I will certainly entertain any language the Senator has, because it is not our purpose here to defend these indefinite price escalators that bring big prices. What we want to do is have a free and open market, which we think is in the best interest of consumers.

Mr. President, I apologize particularly to the Senator from Texas [Mr. GRAMM] who was coming to the floor to make a statement. I said I had only a word or two to say, and this exhange has taken too long. But I would yield the floor, Mr. President.

The PRESIDING OFFICER. Who seeks recognition?

Mr. JOHNSTON. Does the Senator want to vote at this time on the bill?

Mr. METZENBAUM. The Senator wants to eat a sandwich, but I do not think the Senator is quite ready to vote right at this minute.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. ADAMS). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BENTSEN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BENTSEN. Mr. President, I support the Gas Decontrol Act of 1989. I congratulate the distinguished senior Senator from Louisiana and the members of the Energy Committee for their leadership in it, because we need an energy policy and one that cuts back on our dependence on foreign sources of energy. When I look at the continued increase of our dependence on foreign oil, foreign energy, I realize that it hurts our industrial base, it adds to our trade deficit and it hurts our national security.

What we need to do is work to those things that will encourage the drilling for oil and gas in our country. I think what we have before us is a great step for both.

It brings back a lot of memories. I can recall helping lead this fight in 1977, with some of the same principals involved then. I remember Senator METZENBAUM was very much in evidence at that time expressing his point of view and the Senator from Kansas, Jim Pearson. I recall the filibusters that we had as we pushed that piece of legislation through, but passed it through the U.S. Senate. So I have been making a case for decontrol year after year. And I am glad to see this effort being made now that I think is going to be carried to fruition and to success.

Despite the regulatory zeal of the last decade, natural gas is the last major commodity and the only fuel over which the Federal Government controls the price. Continued regulation not only fails to make economic sense, but it hurts both the consumer and the producer.

No other State in the Union has as much natural gas production and as much natural gas consumption as the State I represent. So I understand both sides of that equation, as you try to work out something that is equitable and serves the interests of our country.

Until this Congress, a consensus on how to remove the remaining wellhead gas controls eluded us. It seems that whenever the Senate considers the issue of natural gas pricing, there has been that tendency to pit the consumers against the producers; we are constantly hearing the dark prophesies about how the price of natural gas, if we take it out from under control, is going to go right on through the roof.

Well, maybe the fires are burning a little lower now. The passions do not seem to be quite as high, because we have heard those same arguments and those dire predictions when the price of oil was decontrolled. Now we can see those arguments had no basis in fact. I think the same thing is true about natural gas.

One of the main reasons we have finally reached consensus is the experience we have had over the last several years. It demonstrates that decontrol brings lower prices to consumers, not higher prices, when we are talking about natural gas and when we are trying to promote efficient long-term supply of that kind of energy.

On Janaury 1, 1985, price controls were removed from the so-called new gas pursuant to the Natural Gas Policy Act of 1978. According to the Energy Information Administration, the average wellhead price declined by 35 percent between 1984, the last full year before partial decontrol and 1988. These savings were passed through to consumers. They all gained by it; folks across this country. In the Northeast, where apparently they had the most concern, they have been one of the major beneficiaries of what has taken place.

Between 1984 and 1988, residential rates declined 14 percent, while the reduction was 16 percent for commercial customers and 26 percent for both industrial users and electric utilities.

This bill helps that continue. Fully 94 percent of the natural gas delivered in 1988 was effectively decontrolled. This is because 60 percent was no longer subject to controls, while most of that legally subject to controls actually sold for less than the maximum lawful prices set by the NGPA.

Deregulation will allow natural gas to play a significant role in meeting our future energy needs. The Nation's growing dependence on foreign oil imports endangers our energy security. It is estimated that next year over 50 percent of our oil will be imported while U.S. crude oil exploration is falling at an alarming rate. At the end of 1988, U.S. production was less than 8 million barrels per day—matching the lowest annual rate of production in 25 years, and the rig count is at an abysmal low. We must spur increased natural gas production. This legislation will help increase exploration and production of natural gas.

This legislation is going to help that kind of exploration and its production, and it will help us find new reserves of natural gas that are terribly important. When we are talking about new reserves in natural gas, we are talking about expensive wells. We are talking about deep wells with substantial capital investment. That is why we have to have stability and some more encouragement for that industry. It will bring about: lower prices for consumers, more money for producers, enhanced national security for an American no longer dependent on foreign crude, and a cleaner supply of fuel for the Nation's air and water.

How can you beat it? This is not quite the best deal since we bought Manhattan Island from the Indians. But if we offered the Indians this kind of deal on energy they might have thrown in the whole Northeast—even Boston Harbor.

It is time for Congress to complete the decontrol process started by NGPA and remove all remaining price controls on natural gas. For this

reason I hope my colleagues will join me in supporting H.R. 1722.

The PRESIDING OFFICER. The Senator from Louisiana.

Mr. JOHNSTON. Mr. President, I want to thank my distinguished colleague from Texas who, with his usual wit and wisdom, has put his finger exactly on the problem. I think he makes a very good case for this bill. It is not the most important piece of energy legislation ever to be passed by this Congress, if it is passed; and I believe it will be. But it is an important piece of the mosaic and we need to pass it.

I might tell my colleagues, Mr. President, if any of them want to be heard, we have a bit of time here.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. FORD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Kentucky.

Mr. FORD. Mr. President, I am pleased to be a cosponsor of the pending legislation and to have cosponsored with Senator NICKLES the first bill on natural gas pricing in this Congress.

My present position from a consuming State may seem somewhat odd as it did at the time of my active participation in the Natural Gas Policy Act, however, these actions are consistent with what I intended to achieve in the NGPA. The NGPA has taken a lot of abuse but, from my point of view and what I aimed for 10 years ago, it has been a success. The pricing issue is no longer relevant to what I intended and what was achieved by the NGPA.

My whole thrust in 15 years of dealing with the natural gas issue has been to ensure a supply of gas to my State and my region of the country. The dual pricing system had to be destroyed to achieve nationwide gas distribution—this was done.

Pricing to me always has been considered within the more basic supply issue. In this I feel a good deal of satisfaction. Moreover, I believe that complete price decontrol no earlier than January 1, 1993, will further guarantee that if any section of the country has an adequate supply of gas, Kentucky also will have an adequate supply.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HELMS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from North Carolina is recognized.

Mr. HELMS. I thank the Chair.

(The remarks of Mr. HELMS pertaining to the introduction of S. 1151 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. METZENBAUM. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BRYAN). Without objection, it is so ordered.

NATURAL GAS WELLHEAD DECONTROL ACT

The Senate continued with the consideration of the bill.

AMENDMENT NO. 144

(Purpose: To provide for reinstitution of price controls in the event of a dramatic increase in the market price of natural gas)

Mr. METZENBAUM. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Ohio [Mr. METZENBAUM] proposes an amendment numbered 144.

Mr. METZENBAUM. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end of the bill insert the following new section:

SEC. 3. REINSTITUTION OF CONTROLS.

(a) FREEZING OF PRICE.—On any date (referred to as the "freeze date") that the Commission determines that the composite price of competitive spot market prices of natural gas exceeds by more than 100 percent the composite price of competitive spot market prices as of January 1, 1989, adjusted for inflation. The maximum lawful price for all first sales of natural gas shall be set, commencing the day after the Commission makes that determination, at the composite price of competitive spot market prices as of the freeze date.

(b) ADJUSTMENT OF MAXIMUM LAWFUL PRICE.—After a maximum lawful price has been set pursuant to subsection (a), the Commission shall adjust the maximum lawful price monthly by a factor equal to the change in the Consumer Price Index for each month, to take effect on the first day of the following month.

(c) DEFINITIONS.—For the purposes of this section—

(1) the term "Commission" means the Federal Energy Regulatory Commission; and

(2) the term "composite price of competitive spot market prices" means the composite price of competitive spot market prices of natural gas as determined by the Commission based on prices reported in at least three trade periodicals published at regular intervals by entities not engaged in the business of buying, selling, transporting, or brokering natural gas and not affiliated with any such entities.

Mr. METZENBAUM. Mr. President, this is a very simple amendment.

Mr. President, I ask unanimous consent that my amendment be in order notwithstanding the fact that the two committee amendments have not been adopted.

The PRESIDING OFFICER. Is there objection to the request of the Senator? Without objection, it is so ordered.

Mr. METZENBAUM. Mr. President, this is a very simple amendment. It would leave intact the decontrol of natural gas as proposed in this bill but it would provide for emergency recontrol if gas prices double over their levels as of January 1, 1989, adjusted for inflation. In other words, picking a hypothetical figure of $1.50 as of January 1, 1989, and assuming for purposes of discussion a 10-percent inflation impact between January 1, 1989, and the date some future date, that would be $1.65.

The recontrol would then be imposed only if the spot market price again as determined by FERC had gone to $3.30, twice the price as of January 1, 1989, as adjusted for inflation, and then double that amount.

If the average spot price of gas does in fact double as determined by FERC, then the recontrol ceiling would take effect. The ceiling covers all gas produced in this country, and starts out equal to the trigger level—in other words, twice the spot market price in January 1, 1989, as adjusted for inflation. Then at that time, when you get the new price level, assuming it to be $3.30 in the previously explained example, then that $3.30 figure would constantly be adjusted for inflation on a monthly basis.

The arguments for the amendment are simple. The natural gas decontrol is really a debate about natural gas prices. That is what this issue is all about today. We can talk about terminating the need to file certain papers and to get certain other determinations made. But the bottom line is how much is the consumer going to have to pay for natural gas? How high are we going to permit natural gas prices to go, and how much will our constituents have to pay to heat their homes, to cook their food, and to run their factories?

H.R. 1722 is a bill whose solitary purpose is to allow the price of gas in this country to rise unchecked. Explain it as you will, say that it is in order to eliminate some of the filings that have to be made and the hiring of legal counsel, and all of that, but when all is said and done, it has to do with price. Amazingly enough, some of the supporters of decontrol still maintain that decontrol will lower gas prices.

Producers, the administration, and others have argued that decontrol will allow gas sellers to lower their sales prices. I do not expect many producers would do this. The oil and gas industry has pushed this bill hard, and this fast, so that they will be free to raise their prices and send bigger bills to consumers nationwide.

Decontrol at any time is a ripoff of American consumers. Decontrol at a time like this, when there will be upward pressure to push up gas prices, is a scandal. Maintaining some type of price protection, on the other hand, is the only protection that consumers have against the return of sky-high heating bills.

This amendment is in effect a catastrophic insurance policy for the American public. If prices fall, as proponents of decontrol have claimed will happen, or if they stay even, or even if they increase at a modest rate, then this amendment will do nothing more than give natural gas consumers some peace of mind. But if prices skyrocket, shoot up well beyond most expectations, this amendment will provide an upward ceiling on wellhead prices, and keep consumers from intolerable and unacceptable gas bills.

Mr. President, as you know, few in Congress hope and pray as much as I do that gas prices will not rise. But in case they do rise, and rise uncontrollably, we must prepare now to protect consumers from that potential disaster.

As Members of the Senate prepare to vote on my amendment, they must ask themselves one very crucial question: Are you willing to allow gas prices to double? Is decontrol such a good economic theory that it is worth letting prices go up more than 100 percent?

My amendment would permit the price to go up to 100 percent adjusted for inflation. If the answer to either questions previously asked is "no," then I would hope my colleagues would vote "aye" for the emergency decontrol amendment.

Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. METZENBAUM. Mr. President, I know my colleagues undoubtedly wish to be heard. At the conclusion of that, I would wish to be heard once more, and we will be ready to vote.

Mr. JOHNSTON addressed the Chair.

The PRESIDING OFFICER. The Senator from Louisiana is recognized.

Mr. JOHNSTON. Mr. President, this is a very simple amendment. It is a recontrol natural gas amendment. To be sure, it says that recontrol would occur only upon the price of natural gas going up at 100 percent in excess of the prices as of January 1, 1989.

Mr. President, I do not know where the prices of natural gas are going to go. We tried to project that out in 1978, and when all the fears about prices going up turned out to be not correct we provided at that time, Mr. President, for a price escalator of as I recall, 3.5 percent a month for new natural gas.

That price, if allowed today, would give you a price of about $6 on a thousand cubic feet, which is about four times today's present price. We relied upon the market, Mr. President, and the price went down. Now, what we are saying, Mr. President, is we ought to allow that market now. To go back to a recontrol of all natural gas, Mr. President, would get us in exactly the stew we were in back in 1978. We had cheap natural gas then, but we had no gas. That was what gave us those shutdowns of industry when hundreds of thousands of American workers were out of work, because there was no gas to run their industries.

I do not know whether my colleagues remember that. I am sure the Senator from Ohio remembers, because many industries in Ohio were without gas at that time. That was in the winter of 1975-76. We decontrolled, at least partially, new natural gas. We produced trillions of cubic feet of new gas, and in the process, Mr. President, we got Americans back to work.

Now, what this amendment would say is: Let us find a controlled price, which is below the maximum lawful price allowed today, but we trigger that in only if the price goes up 100 percent. I do not believe the price is going to go up 100 percent, Mr. President. Certainly, on the short-term basis, everything that we know would dictate that it is not going up. But what this would do, Mr. President, is take away some of the incentive for drilling for new wells, because there will be people who drill for new wells, thinking that maybe the price will go up, and maybe it will not; but maybe there is this huge amount of increase in natural gas. When the price of crude oil goes up, perhaps the price of natural gas will go up, and there may be some who would drill wells based on that incentive. And to take away that incentive, without giving anything at all to consumers, would be to get us right back in the pickle we were in.

I will not argue this long, because I think what this amendment is saying is, let us reverse all of this history of the last 30 years, where we found that control of natural gas does not work, and instead of being a decontrol bill, this would be a recontrol bill, and I do not believe this Senate would consider that for a minute.

I will not argue it any longer, Mr. President. I see my friend from Texas, who wanted to speak earlier when I assured him I would be very short in my remarks. He waited around.

I yield the floor to him.

The PRESIDING OFFICER. The Senator from Texas [Mr. GRAMM].

Mr. GRAMM. Mr. President, I have long ago found that this great deliberative body, when somebody tells you he is going to be brief, you may as well go call your mama or take a walk around the park.

Mr. President, the world has been eagerly awaiting this debate. I mean, this is the debate about fundamental issues that will affect the future of mankind. This is a debate not just about setting the price of one product, but if you listen to our dear colleague from Ohio, this is a debate about two fundamentally different economic systems. In fact, the newspapers and television news have been full of this debate, but they have not been full of that debate here in this great deliberative body in this old Capitol.

The world has been waiting for this debate to take place out on that cold tundra with all of those onion-domed churches in the background in the Kremlin. What we are debating here, Mr. President, is not natural gas price deregulation, but perestroika.

Our distinguished colleague from Ohio, I always enjoy listening because he is always consistent, and that is, always consistently wrong about what is going to happen when you let people use their God-given talents in this brilliant system that we call American free enterprise. He is always consistently against economic freedom. I can hear his voice there in the Supreme Soviet, crying out against Gorbachev and his untried and radical ideas. I mean, listen to the words here today and picture them being said in the Kremlin. Gorbachev is being accused of taking away the protection of price control. He is talking about freeing producers to charge any price they want.

Mr. President, these words are ringing today through the Kremlin and, thank God, they are falling on deaf ears there, as they are here. This debate, Mr. President, occurred intellectually 200 years ago; it was won by those who proposed economic freedom, and, God willing, it will be won here today or tomorrow, or however long our dear colleague wants to go on, by those who want to remove price controls on the last item in the American economy that is under price control.

Now, our dear colleague says, if we take these price controls off, prices are going through the ceiling. I am going to do something today I normally do not do, because it is terribly unfair. Can you imagine the unfairness of using a politician's words against him? But our dear colleague did talk about

my dear friend from Louisiana and, I guess, me, by implication, as being stooges of the oil industry. So while it is unfair, I am going to do just a little of it, and I will stop before I am overtaken by the unfairness of it.

President Reagan, on January 28, 1981—I remember it, because I rejoiced in it, it was a great day for freedom—took price controls off oil. So the following day, sure enough, there was the champion of collectivism, of price controls, of government suppression of economic freedom, our dear colleague from Ohio. And he said, on January 29:

> The sad fact is that with one stroke of the pen, President Reagan has put in jeopardy his entire commitment to wring inflation out of our economy. Oil decontrol will immediately add at least half a point and probably something closer to a full point to the rate of inflation.

We all know our dear colleague from Ohio has one of the best staffs in the Senate. I do not know where he gets all these brilliant people from. I wish I had them. Then he does his estimate of what is going to happen because of the stroke of the pen, and he says, "Inflation," he figures, "is going to be between 13.5 percent and 13.9 percent." Now, he admits there could be a little variability there. That is what is going to happen in 1982.

Now, I know the world changed, and they cheated on him again, and it was only 3.8 percent. Then he said:

> Decontrol is inflationary, very much so. But more inflation is not the only negative consequence we can expect. In effect, decontrol means signing away our economic sovereignty.

Then he says:

> There is no free market.

And then:

> That is a prescription for economic disaster. It means capital starvation, economic stagnation, and unprecedented concentration of economic power in the hands of a few big companies.

Now, Mr. President, I can go on and on, but I do not want to belabor this unfair practice of using somebody's words against him. The world changed, and a lot has happened. Oil prices ended up going down, not up. The inflation rate went down because of a change in economic policy, basically.

Mr. President, the issue here is not whether the gas price is going to go up or down, or whether it is going to stay the same because of deregulation. That is not the issue. The issue is, basically, that if we deregulate natural gas prices, natural gas, like oil and other forms of energy and other commodities, produced in the American economy, will trade at a market value set by supply and demand.

And what it means is that we will have a more efficient economy. Nobody knows whether natural gas is going up in price or down in price or if it will stay the same, but we know one thing for certain: it is unlikely to have the price that is arbitrarily set by the Federal Government. And by letting the market system work we unleash the most powerful economic force ever known to mankind, a force that has been discovered in China and Russia; it has not been discovered by our colleague from Ohio, but there is still hope. This battle of perestroika goes on. Its margin is ever marching forward and we will know we have reached the end when this final conversion occurs and our colleague from Ohio comes out for free enterprise and market pricing.

Mr. President, our colleague from Ohio talked about all these consumer groups. I am always suspicious of somebody who wants to speak for the consumers. My belief, Mr. President, is that there has been only one legitimate consumers' movement in the history of mankind, and that is called capitalism. It is the only legitimate consumerist movement in history. All these other groups who claim to speak for consumers by and large are the tools of special-interest groups who prove how phony they are, for example, on issues like trade where they speak out against the interest of the very group that they claim to represent.

I represent 17 million consumers in Texas. They would like to consume more natural gas, especially for industrial purposes. They would like to use more of it to generate electricity. If this bill is adopted, they may ultimately have their chance.

Mr. President, this is not a bold bill. In fact, under the time limit of this bill, if Secretary Gorbachev is successful in the Soviet Union, he will deregulate natural gas before we do. We will be the last bastion of economic regulation of natural gas on Earth, if the students are successful in China and if Gorbachev is successful in Moscow.

But, at least, Mr. President, we are commiting to a timetable that on January 1, 1993, will enable us to throw off this vestige of totalitarianism and let the market system work. And by letting it work, what we will do is encourage the production of a relatively plentiful, relatively cheap, clean burning fossil fuel.

I do not know what it will cost in January of 1993, and anybody who tells you they know, you know they do not know. But I do know this: that our economy will be better off if people have an opportunity to buy it at a competitive price.

Now it may well be that somebody may make a buck, somebody may earn a profit. But I submit, Mr. President, you are not going to turn the wheels of industry and agriculture, you are not going to heat the homes and factories, you are not going to move America forward economically if it cannot be done at a profit. If it cannot be done at a profit it will not be done and if you do not let people make a profit by doing it, it will not be done either.

So the question is: Are we going to get on with the job, or are we going to have a debate that should not be occurring here? This is a debate that makes sense in Moscow. This is a debate that makes sense in Peking, but this debate makes absolutely no sense whatsoever in this great bastion of American capitalism.

So I rejoice that we are adopting this bill, and let me make it clear, Mr. President, that there are a lot of amendments that I would like to offer to this bill. This bill is far from a perfect bill as far as I am concerned. I would like immediate decontrol. I would at least like a provision that says if somebody goes out and drills a new well they can get a free and fair market price for it. I would like to do something about FERC pricing practices related to Canadian gas, to give us a guarantee of fairness in selling on our own market. I would like to do something about FERC abandonment procedures. I would like to debate incentives for producing more energy. I would like to talk about promoting natural gas for clear air purposes.

But, Mr. President, I realize that this is a delicately balanced bill. I am hoping that we will take the provision of the House bill that we left out which was a provision deregulating newly spudded gas.

But, Mr. President, rather than me trying to achieve what I would consider to be perfection in this bill, I am going to support the bill. I am certainly going to oppose this amendment. This amendment flies in the face of everything we have learned in this country for over 200 years.

If this amendment made sense we would be here today imitating the economic system of the Soviet Union. If this amendment made sense the riots would be in Washington, not Peking. People would be rioting out front for Government controls. They would want us to decide where people went to school and what professions we chose and where investment flowed. That would be the cutting edge of the debate.

If this amendment made sense the world would be turned on its head, but the world is not turned on its head, Mr. President, and this amendment makes absolutely no sense and it ought to be rejected.

I yield the floor.

The PRESIDING OFFICER. The Senator from Idaho is recognized.

Mr. McCLURE. Mr. President, I rise in opposition to the amendment and urge all of my colleagues to vote against the amendment when they have the opportunity to do so.

I will be very brief because I think it is pretty easy to summarize my reasons.

One is I do not know what natural gas prices will do in the future, but I do know this, that the potential for rising prices is much greater if the amendment is adopted than if it is not because if the amendment is adopted the speculative forces of those who might go out and drill for gas will be dampened and therefore less gas will be discovered and therefore it is more certain that prices will rise if the amendment is adopted.

If, on the other hand, your motive is to keep gas prices low, then oppose the amendment because without the amendment there will be more exploration, there will be more gas discovered, there will be more gas moved to market and natural competition will keep the prices lower. If you want high prices that you then have to regular, then indeed follow the lead of the Senator from Ohio and ask the Government to regulate because the most direct effect of that regulation will be to regulate on the downside the exploration activities which alone can keep prices low.

I hope the amendment is defeated.

The PRESIDING OFFICER. The Senator from Montana is recognized.

Mr. BAUCUS. I thank the Chair.

(The remarks of Mr. BAUCUS pertaining to the introduction of S. 1149 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. METZENBAUM. Mr. President, I have a couple of responses and then I will proceed to final argument.

With respect to my colleague from Texas, I was not sure whether he thought he was in the Kremlin or somewhere in Chinese Square. I think we are on the floor of the United States Senate. I think we ought to just confine ourselves to our concerns about what happens to American people as far as gas prices are concerned.

He made some observations about some things I had said at the time of deregulation of the oil prices by the President. I can only respond to him in two ways. One is, I did not know Iran and Iraq were going to go to war and as a consequence they were going to try to push all the oil they could into the marketplace and the OPEC cartel fell apart and so prices came down. No one knew that. No one could have anticipated that.

But when it comes to predictions as to what is going to happen, I am looking forward to the next great debate we have on the need to implement the Gramm-Rudman-Hollings bill, because I remember hearing what great things that was going to do to help us balance the budget. And the distinguished Senator from Texas told us that that was the open sesame and that, with the Gramm-Rudman-Hollings bill, the world would all be great and we would balance the budget. Since that time I guess we have gone up, I do not know, a trillion and a half dollars, almost $2 trillion. So one has some difficulty around here predicting exactly what will happen.

As is obvious from this amendment, I do not know what is going to happen. I think prices are going to go up. My colleagues suggest they may even go down. It is hard for me to understand why they would be here advocating this bill if that were the case. But my amendment says only that if prices double as of January 1, 1989, that price adjusted for inflation and then doubled and then that price, that doubling price still being adjusted for inflation on a monthly basis, that controls would be put back on natural gas and no gas could be sold at a higher price than that figure.

Well, I do not think that is so unreasonable. If prices are going to stay down, then my amendment would never become applicable. Now, this amendment still allows the tremendous incentive to explore and develop new gas. Because double the current price plus inflation should provide plenty of incentive to drill for new gas. Yet, it would maintain an insurance policy to give consumers the kind of security and peace of mind so that they need not feel that the whole thing could run away.

Let me be frank with my colleagues. There are millions of people in this country affected by what we are doing here on the floor of the Senate today—millions—because the number of residential households that use natural gas in this country is just incredible. In every State in the Union, you find tremendous numbers of residential households using natural gas. And for every residential household about which we are speaking, you are talking about maybe 2½ times that number of people who are affected per household.

In Alabama, 662,000 residential households; in Alaska, 68,000; Arizona, 568,000; Arkansas, 481,000 households using natural gas. California, 7,905,000 residential households using natural gas. Colorado, 943,000; Connecticut, 411,000; Delaware, 83,000; Florida, 445,000; Georgia, 1,237,000; Hawaii, 29,000; Idaho, 105,000; Illinois, 3,170,000; Indiana, 1,250,000; Iowa, 691,000; Kansas, 726,000 residential households using natural gas to heat their homes. Kentucky, 596,000; Louisiana, 952,000; Maine, 12,000; Maryland, 755,000; Massachusetts, 1,083,000; Michigan, 2,453,000; Minnesota, 872,000; Mississippi, 370,000; Missouri, 1,181,000; Montana, 168,000; Nebraska, 400,000; Nevada, 213,000; New Hampshire, 60,000; New Jersey, 1,870,000; New Mexico, 349,000; New York, 3,811,000; North Carolina, 436,000; North Dakota, 84,000; Ohio, 2,649,000; Oklahoma, 809,000; Oregon, 281,000; Pennsylvania, 2,238,000; Rhode Island, 181,000; South Carolina, 302,000; South Dakota, 101,000; Tennessee, 535,000; Texas, 3,156,000 homes using natural gas.

Utah, 414,000; Vermont, 16,000; Virginia, 550,000; Washington, 392,000; West Virginia, 351,000; Wisconsin, 1,054,000; Wyoming, 113,000.

I read those numbers because, as I had discussed this matter with a number of my colleagues, I got the impression that many of them thought that there was not much natural gas actually used in their States. When we take the numbers that I read and multiply that by 2½, approximately the number living in each residential household, we are talking about a tremendous number of people affected by this legislation. And therefore I believe that it is only right that we provide some semblance, some kind of limitation with respect to the price to which natural gas can go before it is recontrolled.

Mr. President, I am prepared to go forward with the vote.

Mr. JOHNSTON. Mr. President, very, very briefly, and then I will move to table and ask for a record vote within the next couple of minutes: This decontrol legislation, Mr. President, affects as of January 1, 1993, about 2 percent of the natural gas in the country. That 2 percent will probably go up slightly in price; an equal or even greater amount of gas is likely to come down in price because of the contract clauses which reference a controlled price and, therefore, make for higher prices under a controlled regime. In other words, Mr. President, this legislation will probably not affect consumers at all by prices going up. It could bring prices down. And we hope it will.

What it will do, Mr. President, will save pipeline companies, local distribution companies, and principally producers, from the huge amount of regulatory red tape so that every time they wish to go enter a sale transaction, they do not have to file an abandonment proceeding in the FERC, a new certificate of public convenience and necessity, or a new rate schedule, every time they wish to respond to the market signals.

Mr. President, this piece of legislation in the House of Representatives went through unanimously. it went through the Senate Energy Committee by a vote of 17 to 2. It has broad consensus from the AGA, from local distribution companies which want low prices, from producers, from pipelines.

Mr. President, this amendment, which I can only say cannot be a serious amendment because it would reregulate all natural gas. I mean, here

we are dealing with the decontrol of the last 2 percent as of January 1, 1993. This amendment would say we go back to regulating all natural gas.

There are all kinds of holes in the amendment which there is no need to go into. I cannot believe that this Senate would for 1 minute want to go back and reregulate all natural gas, considering the debacle which the regulation of natural gas scheme gave this country over a period of many years. It resulted in no natural gas, in shortages, in layoffs at industrial plants, shortages that produced, as my colleagues will remember, hundreds of thousands of layoffs at industrial plants in the cold winter of 1975-76, when gas was not available.

That is why we decontrolled in the Natural Gas Policy Act of 1978. That is why we allowed decontrol to go further on January 1, 1983. And that is why the House has voted unanimously for the last 2 percent to be decontrolled as of January 1, 1993.

Mr. President, I hope we can table this amendment by an overwhelming vote so that we can pass this legislation quickly and get on to the next legislative agenda.

Mr. President, I move to table and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. Is there further debate?

There being no further debate, the question is on agreeing to the motion by the Senator from Louisiana to lay on the table the amendment offered by the Senator from Ohio.

The yeas and nays have been ordered. The clerk will call the roll.

Then legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Delaware [Mr. BIDEN] and the Senator from Massachusetts [Mr. KENNEDY] are necessarily absent.

Mr. SIMPSON. I announce that the Senator from Oregon [Mr. PACKWOOD] is necessarily absent.

The PRESIDING OFFICER (Ms. MIKULSKI). Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 89, nays 8, as follows:

[Rollcall Vote No. 84 Leg.]

YEAS—89

Armstrong	Chafee	Durenberger
Baucus	Coats	Ford
Bentsen	Cochran	Fowler
Bingaman	Cohen	Garn
Bond	Conrad	Glenn
Boren	Cranston	Gore
Boschwitz	D'Amato	Gorton
Bradley	Danforth	Graham
Breaux	Daschle	Gramm
Bryan	DeConcini	Grassley
Bumpers	Dixon	Harkin
Burdick	Dodd	Hatch
Burns	Dole	Hatfield
Byrd	Domenici	Heflin
Heinz	Mack	Roth
Helms	Matsunaga	Rudman
Hollings	McCain	Sanford
Humphrey	McClure	Sasser
Inouye	McConnell	Shelby
Jeffords	Mikulski	Simon
Johnston	Mitchell	Simpson
Kassebaum	Murkowski	Specter
Kasten	Nickles	Stevens
Kerrey	Nunn	Symms
Kerry	Pressler	Thurmond
Lautenberg	Pryor	Wallop
Leahy	Reid	Warner
Lieberman	Riegle	Wilson
Lott	Robb	Wirth
Lugar	Rockefeller	

NAYS—8

Adams	Levin	Pell
Exon	Metzenbaum	Sarbanes
Kohl	Moynihan	

NOT VOTING—3

Biden	Kennedy	Packwood

So the motion to lay on the table amendment (No. 144) was agreed to.

Mr. JOHNSTON. I move to reconsider the vote by which the motion was agreed to.

Mr. COCHRAN. I move to lay that on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. Will Senators please take their seats. It is difficult to hear the distinguished manager of the bill.

The Senator from Louisiana, the distinguished manager of the bill.

Mr. JOHNSTON. Madam President, I thank the Chair. I was wondering if we might inquire about further action for the day, whether the distinguished Senator from Ohio has in mind additional amendments, how much time he would think they would take.

Mr. METZENBAUM. The answer is yes. I am not sure of the amount of time. I am perfectly happy for the leadership to adjourn whenever the leadership decides to do so, but I do intend to keep pressing forward.

Mr. JOHNSTON. But the Senator would expect more votes this afternoon?

Mr. METZENBAUM. Yes.

Mr. JOHNSTON. I thank the Senator.

Mr. METZENBAUM. Vote or votes. I am not sure which.

Mr. WALLOP addressed the Chair.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. WALLOP. Madam President, I rise today to add my support to those who have already urged the Senate to pass this natural gas decontrol legislation.

Madam President, today, June 8, 1989, is independence day for the natural gas industry, a day on which we could usher in a new era in domestic energy policy. Yesterday, June 7, marked the 35th anniversary of the Supreme Court's Phillips decision that imposed Federal price controls at the wellhead. Our action here today will bring an end to that decision and the regulations, allowing the forces of the free market to prevail.

The legislation before us represents a consensus, a consensus reached after years and years of debate. Amendments attached to the bill now would tear that consensus apart. Those urging amendments do not oppose the principle of wellhead deregulation. They do not oppose the substance of the legislation. Instead, they want to tackle all outstanding natural gas market issues in one piece of legislation.

Madam President, their amendments address difficult and divisive issues. I certainly recognize the existence of those issues, having been a part of these debates for now 14 years, and feel that perhaps the Congress should seek resolution of some of them but not all of them at this time and not in this piece of legislation. This is but a first step, a step that we must and should responsibly take now.

Recently, the Oil Daily reported a surge in the number of rigs drilling for natural gas. According to the Daily, between 40 and 46 percent of the working rigs in the United States are drilling for gas at this time, an increase of between 7 to 13 percent over last summer.

The increase in demand for gas is attributed to the environmental qualities of gas and to the expectation of price deregulation.

Madam President, we must not put these rigs out of business. We must not put the American consumer out of business, and we must not put the American need for clean environmental fuel out of business by defeating that expectation. If we burden this legislation with amendments that is precisely what we will do.

In heaven's name, let us take this first step toward an unfettered gas market on behalf of the consumers, on behalf of the producers, on behalf of American energy policy, pass H.R. 1722 without amendment, and declare June 8 as independence day for the consumers of natural gas and for the natural gas industry.

Madam President, I thank the Chair.

I yield the floor.

Mr. METZENBAUM. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SIMON. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SIMON. Madam President, I am going to vote against the bill before us. I have great respect for my colleague, BENNETT JOHNSTON, who by any gauge is one of the most effective Members of this body. I voted against the Metz-

enbaum amendment because I do not believe we will be doing a wise thing to deregulate gas that is not regulated now. I think for conservation reasons and for other reasons it would not be wise. But I also have to add I see no point whatsoever in deregulating old gas. There is nothing to be gained in terms of encouraging production by deregulating old gas.

So from the viewpoint of conservation, from any viewpoint I just do not see any point in doing that. I see my colleague from Louisiana whom I was just praising a few minutes ago is on the floor now.

I again have great respect for him but I just do not think it serves the consumers of this Nation to deregulate the old gas.

I do that with great respect.

Madam President, I question the presence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. METZENBAUM. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 145

(Purpose: To provide fair refunds to consumers of natural gas who are found to have been overcharged)

Mr. METZENBAUM. Madam President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. Is the Senator from Ohio requesting that the committee amendments be set aside?

Mr. METZENBAUM. Madam President, I ask unanimous consent that the two committee amendments be temporarily set aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Ohio [Mr. METZENBAUM] proposes amendment numbered 145.

Mr. METZENBAUM. Madam President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end of the bill insert the following new section:

SEC. 3. REFUNDS FOR OVERCHARGES.

(a) AMENDMENT OF SECTION 4(e) OF THE NATURAL GAS ACT.—The second and third sentences of section 4(e) of the Natural Gas Act (15 U.S.C. 717c(e)) are amended to read as follows: "Where changes in rates or charges are thus made effective, the Commission may, by order, require the natural gas company to furnish a bond, to be approved by the Commission, to refund any amounts ordered by the Commission, to keep accurate accounts in detail of all amounts received by reason of such changes, specifying by whom and in whose behalf such amounts were paid, and, upon completion of the hearing and decision, to order such natural gas company to refund, with interest, the portion of such rates or charges by its decision found not justified. At any hearing involving a rate or charge sought to be changed, the burden of proof to show that the changed rate or charge is just and reasonable shall be upon the natural gas company, and the Commission shall give to the hearing and decision of such questions preference over other questions pending before it and decide the same as speedily as possible.".

(b) AMENDMENT OF SECTION 5 OF THE NATURAL GAS ACT.—Section 5 of the Natural Gas Act (15 U.S.C. 717d) is amended by redesignating subsection (b) as subsection (c) and inserting the following new subsection following subsection (a):

"(b) At the conclusion of any proceeding under this section, the Commission shall order the natural gas company to make refunds of such amounts as have been paid, for the period subsequent to the refund effective date, in excess of those which would have been paid under the just and reasonable rate, charge, classification, rule, regulation, practice, or contract, which the Commission orders to be thereafter observed and in force. The refunds shall be made, with interest, to those persons who have paid those rates or charges which are the subject of the proceeding. The Commission shall establish the refund effective date. In the case of a hearing instituted on complaint, the refund effective date shall not be earlier than the date that is 60 days after the date of filing of the complaint or later than 5 months after the expiration of such 60-day period.".

(c) EFFECTIVE DATE.—(1) The amendments made by this section shall not apply to any proceeding under the Natural Gas Act commenced before the date of enactment of this Act.

(2) A proceeding to which the amendments made by this section does not apply by reason of paragraph (1) may be withdrawn and refiled without prejudice.

(d) STUDY.—(1) Not earlier than 3 years and not later than 4 years after the date of enactment of this Act, the Commission shall perform a study of the effect of the amendments to the Natural Gas Act made by this Act.

(2) The study required by paragraph (1) shall analyze—

(A) the impact, if any, of such amendments on the cost of capital paid by natural gas companies;

(B) any change in the average time taken to resolve proceedings under section 5; and

(C) such other matters as the Commission may deem appropriate in the public interest.

(3) Upon completion the study required by paragraph (1) shall be submitted to the Committee on Energy and Natural Resources of the Senate and the Committee on Energy and Commerce of the House of Representatives.

Mr. METZENBAUM. Madam President, this amendment is not nearly as controversial as the previous amendment, because it actually parallels the Regulatory Fairness Act of 1988. That bill became law in the 100th Congress, authored by Senator BUMPERS of Arkansas. That statute changed the Federal Power Act to provide consumers refunds when they are overcharged.

Now, this amendment does no more and no less. It will give every American what they have come to expect from firms they do business with, the right to a refund. If a product has been mismarked or the cashier made a mistake or the credit card company did not properly register payment, we ask for and receive a refund. That is how we do business in this country, except when it comes to gas pipelines.

Now, when FERC finds that an interstate gas pipeline has been charging rates that are too high, it can lower those rates for the future. Everybody would agree that that is fair. If they find the rates are too high, they have a right to order the rates to be reduced. Unfortunately, by a quirk in the law, FERC is now powerless to require a refund for the time period when unfairly high rates were in effect. So, if the pipeline litigates the matter for weeks or months or years, they gain the over charges during that period.

Now, my amendment would only change that by giving FERC the authority to provide for those refunds, and after all, it seems to me that is only fair. We do it with respect to electric utilities; we ought to do it with respect to gas companies. This regulatory unfairness had been the case on the electric side before we passed the Regulatory Furnace Act last year. For gas FERC's staff and customers can be involved in litigating the rate decrease against the overcharging pipeline for long periods of time. I am informed that many of these cases drag out and that they average about 2 years.

Now, during that period of time, the pipelines get a windfall. They get the right to collect and keep their unjustly high rates and never have to refund the overcharges. Nothing in this legislative proposal would provide that FERC has to do anything different than they presently do, but it would give FERC the right to order a refund of the overcharge that occurred during the period of time that the litigation had occurred.

Unfortunately, that is happening too often in the gas industry. As a matter of fact, these overcharges have come about in some instances by reason of more latter day, lower interest rates and lower corporate income tax rates, so that the pipelines were permitted to overcharge. I honestly do not believe that the pipelines, if they were seated here on the floor, would oppose this amendment, because it is totally fair; there is nothing cute about it.

It merely follows the approach that we passed with the Regulatory Fairness Act last year. But there is not any reason to give a pipeline an incentive

to continue to collect its unearned rates, while dragging out the litigation for years. We cured it in the past with respect to the utilities industry. We should clarify it now with respect to the natural gas industry.

As a matter of fact, the Supreme Court has always viewed rate-making sections in the Natural Gas Act and Federal Power Act as substantially identical. There have been any number of cases to that effect, in which the court has said, "Construction of one were authoritative for the other." That is the case of *Arkansas and Louisiana* v. *Hall*, 453 U.S. 571. That is no longer the case.

There was a circuit court of appeals case that made a distinction between gas company cases and electric utility company cases. I do not think it was ever intended to create such a distinction when we passed the Regulatory Fairness Act. We must cure this anti-consumer problem for the gas industry as well. I think it is only fair. I have discussed with the managers of the bill whether or not they might see fit to accept this amendment, and I do not think that they find it that objectionable. At least I did not get that from that response, but I think they are somewhat concerned that if any amendments are accepted to this bill, somehow it may jeopardize the possibility of bringing it to final passage in the House. I am prepared to go forward.

Mr. JOHNSTON addressed the Chair.

The PRESIDING OFFICER. The manager of the bill, the Senator from Louisiana.

Mr. JOHNSTON. Madam President, I did not mean to give my dear friend from Ohio the impression that we found no vice in this amendment. I was wondering, if we would go along with this amendment, if this would be his last amendment, and I thought we might really consider it, recognizing that it might be dropped between here and conference, under that circumstance, if he would make this his last amendment; and he said, in fact, it would not be his last amendment. So we do find vice in this amendment.

Madam President, ratemaking is a very complicated part of the Natural Gas Act.

Let me just say that this amendment is a bad amendment. It deals with section 5 and what is called the filed rate doctrine. That has been part of the law since 1938 and so far as I know there has been no move by any consumer groups or any groups whatsoever to change this up until the present line.

The reason for that is this. By the way, we are talking about sales here between local distribution companies and pipelines. Those are subject to regulations by the FERC. Before there can be a rate for a sale between a pipeline and a local distribution company, it must be declared to be just and reasonable by the FERC.

There is a procedure for that. There are hearings. There is a right to appeal. And once that is declared to be just and reasonable, then it goes into effect. Before there is a just and reasonable determination under the present law, the Commission suspends the rate for 5 months. Thereafter, it goes into effect subject to refund and, as a matter of fact, let me just read the provision of law:

> Pending such hearings and decision thereon, the Commission, upon filing with such schedules and delivering to the natural gas companies affected thereby a statement in writing of its reasons for such suspensions, may suspend the operation of such schedule and defer the use of such rate classification or service, but not more than a period of 5 months.

So they suspend it for 5 months and beyond that time, they may require a bond for the refund.

So, in effect, you have this power right now where it is a new rate for a sale which has not been declared to be just and reasonable; after it has gone through the process, it has already been subject to hearings, briefs, and the right of appeal. It is what we call in the law res judicata.

So, Madam President, this situation is taken care of under the Natural Gas Act of 1938 as amended. It has been the law of the land for 51 years. It has never been sought to be amended prior to this time.

Where did this amendment come from? I think in fairness that the Senator took this amendment virtually verbatim from another situation involving wholesale sales between electric utilities or between two sets of utilities. Those are different because under those situations you do not have a sale that has been declared to be just and reasonable, nor do you have the power to suspend rates or require a bond.

While this was needed, and I voted for this kind of language in a separate context involving sales between two electric utilities, involving a nonregulated situation, this situation is different and is already covered in the first instance by a requirement for just and reasonable determination and if there is no such determination, no such procedures having been followed, then it is subject to refund.

So, while the intent of the Senator from Ohio is good, upsetting 51 years of law when no one else has asked for it, no consumer group, no one, I think would be the wrong thing to do and is completely unnecessary.

At the proper time I will move to table, but not before I give my colleagues a chance to comment.

The PRESIDING OFFICER. The distinguished ranking minority member managing the bill is recognized.

Mr. McCLURE. I thank the Chair.

Madam President, I rise in opposition to the amendment. In addition to what the distinguished chairman of the committee has said about the merits of the proposal, I want to draw just two or three other points. I will not repeat all that he has said. But I do want to repeat one thing he has said and stress it.

While we last year did pass a bill dealing with rate regulation with respect to the electric industry, the situations are not identical. This bill has to the best of my knowledge never been presented to us for even consideration, either in the markup of this bill or in any other context with relation to the natural gas industry.

I believe that the differences between the natural gas industry and its regulatory framework, the differences between that and the electricity industry and the wholesale exchanges that were the subject of legislation last year, which I gather many others supported, certainly does indicate the need for hearings and a constructive look at the differences as well as potential need which I think is probably not there but nevertheless could be considered if it were handled in the ordinary course of the legislating process.

I would point out, too, that even though a bill was passed last year, it was passed after a substantial modification that came about as a result of the hearings and the discussions in the committee. That is precisely why you have hearings and precisely why you have a committee to look at the technical issues that cannot be discussed or even given rational consideration in attempting to legislate in this manner.

For that reason I am certainly opposed to the adoption of an amendment without ever having had even the most cursory examination by the committee that has the responsibility and again make the point that the natural gas industry is not sufficiently parallel with the electric industry that you can simply bootstrap from hearings and legislation dealing with the electricity industry into the natural gas industry. Therefore, I do oppose the amendment.

Mr. NICKLES. Madam President, will the Senator yield for a question?

Mr. McCLURE. I would be happy to yield.

Mr. NICKLES. When we had 31 days of hearings dealing with natural gas several years ago, when we considered a lot of amendments, I do not remember having this amendment. Correct me if I am wrong, but I am perceiving this amendment to be in effect basically retroactive ratemaking, with refunds which could be enormously disruptive to the entire industry and to consumers as well.

Mr. McCLURE. Let me answer the Senator in this way: First of all, I would understand it on a cursory examination to be exactly as described by the Senator from Oklahoma. But, the Senator is correct. I think in all of the hearings that we had this subject was never raised. I do not think we have ever been asked to look at this particular proposal before.

Mr. METZENBAUM. Madam President, will the Senator from Idaho yield for a question?

Mr. McCLURE. Surely, I would be happy to yield.

Mr. METZENBAUM. Is it not a fact that the Senator from Idaho knows that when this matter was before the committee the Senator from Louisiana and other Senators were gung ho, they wanted to move the bill rapidly? The Senator from Ohio had 31 amendments that were circulated to the committee at that time. The Senator from Louisiana indicated he wanted to move. The Senator from Ohio can count and knew he could not pass them in that committee, which was gung ho for this bill, and did not see fit to offer them.

But for the Senator from Idaho to now come on the floor and say that because I did not offer it therefore it should not be considered, I think it is a little bit unfair.

Mr. McCLURE. I would respond to the Senator from Ohio. I understand the point that he is trying to make. That was just 1 day and one instance. We have had natural gas decontrol. The Senator and I sat along with others for a 2-year period a few years ago trying to forge something in natural gas decontrol. I do not recall this subject matter having been discussed in any part of that 2-year period.

Mr. METZENBAUM. Madam President, if I may respond, the fact is that the bill having to do with the electric utility industry did not pass until I think it was last year and so this bill is merely following the format of that piece of legislation which provided for refunds in the event of and for the time delay in which a case is pending. For the life of me, I do not understand why there is opposition. I do not understand.

Is the Senator saying to me that if a case is pending and the company has overcharged and FERC has the right to order decreases in rates in the future in order to make up for that overcharge but they cannot order a retroactive refund—is that what the Senator is saying?

Mr. McCLURE. Madam President, will the Senator yield?

Mr. METZENBAUM. Sure.

Mr. McCLURE. Just because we passed legislation dealing with the electric utility industry and the wholesale rate exchanges or sales does not mean that the same mechanism is appropriate to the natural gas industry.

We have never looked at that issue so far as I know, and I am not trying to say, well, you should have, on that day we had it in the committee, offered the amendment. I understand what was done that day as does the Senator from Ohio.

But it has not, in my memory, been discussed at any point, nor raised as an issue at any point in the discussion of the natural gas industry. I think the industries are sufficiently different and the regulatory scheme is sufficiently different that you must give parties the opportunity to hear the proposal and respond and make their comments before you attempt to legislate.

Mr. METZENBAUM. The Senator from Ohio's amendment is not a mandatory one. It merely gives FERC the authority if it, in its judgment, thinks it should be done, to order a refund for the period during which the litigation occurred.

Now, it was not an issue in years past because gas rates were going up and there was not any basis to expect a refund. Today, or in the interim period in the last several years, we have seen gas rates come down. I expect they will go up. But if there is a situation in which there is an overcharge, I do not know how you can stand on the floor and be opposed to giving FERC the authority to order a refund. I just do not understand that.

Mr. JOHNSTON. Will the Senator yield?

Mr. METZENBAUM. Yes.

Mr. JOHNSTON. I have two points. First, the committee has never considered or was in no position to hold hearings on this legislation because it was never introduced. I suppose it was part of those 31 amendments which we never discussed in committee because the Senator did not bring up his amendments. I am glad he did not and he knew if he had the amendments would have been defeated.

Nevertheless, he did not introduce it as freestanding legislation. There is no record whatsoever. There is not the first word of testimony on this issue, and there ought to be. It overturns 51 years of settled law upon which parties have relied.

Now, the fundamental difference between this and the electric industry is that in wholesale electric rates there was no initial just and reasonable determination. In this situation, there is an initial rate for a sale with a just and reasonable determination. That is the whole procedure. I think the Senator understands those procedures. If you sell at the rate already determined to be just and reasonable, then there should be no retroactive refund.

Now, there is provision for retroactive refunds in the event it has not initally been found by the Commission to be just and reasonable.

Mr. METZENBAUM. No; I take issue with the Senator. There is no provision for a refund in the event it has been found to be unjust and unreasonable. There is no basis. That is the whole basis of the amendment. FERC cannot order the refund.

Mr. JOHNSTON. No. Initially, if there is no just and reasonable determination—the Senator understands what the just and reasonable determination is.

Mr. METZENBAUM. Yes.

Mr. JOHNSTON. In other words, it is a formal proceeding in which all parties can be heard, in which there are hearings, there are briefs and the commission will then make a determination that such and such price is just and reasonable. It is a judgment of the FERC, appealable to courts.

Now, once that price is set, then the present law provides that it may be attacked by anybody, including the FERC on its own motion, by a third party intervenor, by a citizens group, by Ralph Nader, by whoever. They can come in and attack that. And if they can show there is changed circumstances, they can change that just and reasonable rate.

But in that instance where they relied upon a judgment of just and reasonable, there is no retroactive refund.

Now, in the event that the first sale did not go through the just and reasonable determination—in other words, there has been no price set by the commission—in that event, there is not only a retroactive refund but it can provide for a bond for a retroactive refund. So the consumer is protected. And that, I would submit to the Senator, is the reason that no group, so far as I know, in 51 years, has ever tried to change this doctrine up until today.

Mr. METZENBAUM. If I may say to my colleague, we are talking about refunds that are prospective from the date that the pipeline is put on notice that the rates are too high. We are not talking about retroactive refunds. So we are not talking about violating the filed rate doctrine.

What we are talking about is a case is pending. FERC looks at the facts and comes to the conclusion that the rates are too high and the whole issue is argued before FERC during that entire period.

Now if they decide that the rates are too high, why in the world should the pipeline be permitted to charge the excess?

Now, I do not know anything about the 51 years and I do not really care about the last 51 years, I am worried about the next 51 years. Just because it was not done yesterday does not mean—there was no FERC 51 years ago, I might say. It is not really that old.

Mr. JOHNSTON. The Federal Power Commission.

Mr. METZENBUAM. Yes, but that was operated under different rules.

Mr. JOHNSTON. No; this part of the law, this section 5, it was unchanged by the Natural Gas Policy Act.

Mr. METZENBAUM. I am not disputing that point. But what I am saying to you is, I do not understand why the Senator is opposing this. I can understand the Senator opposing the previous amendment. I understand the substantive nature of it. In this, we are just talking about equity. We are only saying that FERC has the right to do it. We are not saying FERC has to do it. We are saying that if FERC comes to the conclusion there should be a refund that they just do not make the refund prospective but have a right to order the refund based upon how much has been overcharged in the past.

Mr. JOHNSTON. May I ask the Senator a question? Does he know of any case, any consumer that has been ripped off by failure to have this position? Or, put it another way, is there any evidence whatsoever that the Senator can point to of the need for this amendment?

Mr. METZENBAUM. The issue has only arisen recently since prices are going down. They went down the last couple of years as we have talked about previously. So that when prices were going down, that is the only time the issue came up.

Although I do not know all of the cases that were decided before FERC, I can only say if it is right, put it in the law. If there is no applicability to it, what have you lost? What have you lost by giving them that authority?

I just hope the Senator would see fit to accept the amendment rather than making a big to-do about it.

Mr. JOHNSTON. Madam President, I think the main argument against this amendment was just established. I asked my dear friend from Ohio: Was there any evidence whatsoever to which he could point of the need for this amendment, a provision of law which has been on the books for 51 years, governing the whole industry? And I asked the Senator: Has there ever been any case, any evidence whatsoever, of the need for this amendment?

The Senator says, in fairness, "No, that the situation under which this amendment would come into being has only arisen lately because up until recently prices were always going up instead of down and therefore this situation would not have arisen."

First of all, I would tell the Senator that a downward direction in prices is not necessarily the only situation in which a reexamination of just and reasonable price might be needed.

However, Madam President, prices have been going down steadily for about 4 years now. Surely 4 years is time enough to get a body of evidence of the need for this kind of amendment if it existed. Indeed, if there was such evidence, surely there are groups out there, consumer groups or whatever, who could at least write us a letter on the Energy Committee or at least complain to Ralph Nader or the Citizens Labor Coalition or someone and say, "Give us some relief." Surely there would be that evidence.

Madam President, we are dealing with a very complicated section of the law where there are thousands of producers and pipelines and LDC's, local distribution companies, and others who rely upon the certainty of the law. The law must be just, but it also must be certain. And for us to come in here on a Thursday afternoon and undo 51 years of settled law based on no record, no evidence, and just say, "Well, in the Energy Committee the other day, we passed some similar legislation dealing with electricity. It must have been good if the Energy Committee passed it, and it dealt with electricity. If it is good for electricity, it must be good for natural gas." That kind of reasoning, Madam President, just does not wash.

Because there is a fundamental difference in the regulatory scheme for electricity, which did not involve the original determination of just and reasonable rates, and natural gas, which did involve that original determination.

So I think the case is made, Madam President. I yield the floor.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. METZENBAUM. In response to my friend from Louisiana, I find that there are at least two cases we know of, one is called ANR—I do not know what that stands for. The other is called Bear Creek Storage. They are pending. They have been dragged out for years. And I am told there are other cases presently at FERC to which this principle would apply.

Without this amendment, FERC would not have authority to order a refund. With it, they would if they deemed it the right thing to do. So I would say that there are cases, but I did not know the name previously. I have told my colleagues of two. I am told there are many, many others. There are a lot of companies. The companies are dragging them out knowing full well cathat they are never going to have to make a refund and that is all this matter is about.

Mr. JOHNSTON. Madam President, I think our argument is made. I would therefore move to table and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. Is there further debate?

There being no further debate, the question is on agreeing to the motion by the Senator from Louisiana to lay on the table the amendment offered by the Senator from Ohio.

The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Delaware [Mr. BIDEN] and the Senator from Massachusetts [Mr. KENNEDY] are necessarily absent.

Mr. SIMPSON. I announce that the Senator from Indiana [Mr. LUGAR] and the Senator from Oregon [Mr. PACKWOOD] are necessarily absent.

The PRESIDING OFFICER (Mr. GORE). Are there any other Senators in the Chamber who desire to vote?

The result was announced, yeas 53, nays 43, as follows:

[Rollcall Vote No. 85 Leg.]

YEAS—53

Armstrong	Ford	McConnell
Bentsen	Fowler	Murkowski
Bingaman	Garn	Nickles
Bond	Glenn	Nunn
Boren	Gore	Robb
Boschwitz	Gorton	Rockefeller
Breaux	Gramm	Roth
Burdick	Hatch	Sanford
Burns	Hatfield	Shelby
Byrd	Heflin	Simpson
Chafee	Helms	Stevens
Cochran	Hollings	Symms
Conrad	Johnston	Thurmond
Danforth	Lott	Wallop
DeConcini	Mack	Warner
Dixon	Matsunaga	Wilson
Dole	McCain	Wirth
Domenici	McClure	

NAYS—43

Adams	Harkin	Mikulski
Baucus	Heinz	Mitchell
Bradley	Humphrey	Moynihan
Bryan	Inouye	Pell
Bumpers	Jeffords	Pressler
Coats	Kassebaum	Pryor
Cohen	Kasten	Reid
Cranston	Kerrey	Riegle
D'Amato	Kerry	Rudman
Daschle	Kohl	Sarbanes
Dodd	Lautenberg	Sasser
Durenberger	Leahy	Simon
Exon	Levin	Specter
Graham	Lieberman	
Grassley	Metzenbaum	

NOT VOTING—4

Biden	Lugar
Kennedy	Packwood

So the motion to lay on the table amendment No. 145 was agreed to.

Mr. JOHNSTON. I move to reconsider the vote by which the motion was agreed to.

Mr. McCLURE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senate will come to order.

Mr. SIMPSON. Mr. President, while deliberations go on with regard to the bill, let me make a few brief remarks about the bill. I have not done so in

the debate. Five minutes certainly would be appropriate although I know there is no time limit, but that would give everyone a sense of confidence as I speak!

I think we have to remain focused on just what it is we are trying to do. This Senate, by this bill, is not reopening the entire policy debate that we had in 1978 with the Natural Gas Policy Act when we deregulated the price for the majority of the natural gas that this country produces.

At that time, we argued—boy, did we argue—about deregulation, we argued about free markets, we argued about consumer rights and about the profit motive, and our trust of those in the industry and the mentality of the natural gas producers. We dealt with all of that. And then we decided to deregulate most of the gas in this country. Consumers have not suffered since that time. In fact, consumers have ended up paying more money for the categories of gas that are still regulated than they would have paid if the free market system was working and market prices had been charged for the product.

Now, where were the defenders of consumers during the last couple of years when this was the situation? Were they defending consumers? No, they were not. They were not defending the consumers of America because that is not the issue here, and none of us in this body, those of us from producing States or not, would purposely legislate to stick it to the consumers of America, because those consumers also have another title in our unique parlance. They are called constituents. They are people who vote for us and people we represent.

In 1978 this country agreed to supply and demand, and they agreed it works. It works in our economy, and this economic system should be allowed to work for our natural gas industry. Certain categories of gas—old gas, stripper gas—were still subject to the controls, but now it is time to deregulate all of the natural gas prices.

None of us know what will occur, obviously, on down the road, if prices will soar or if they will plummet. We find that terrible inconsistency with regard to crude oil in the producing States. If any of us could do that type of divining, we would certainly not have permitted the bust which came to my State and the States of others, that hit all of us in the producing States in 1986.

No one can predict what will happen to prices or what will happen to the demand for natural gas, if it is controlled or decontrolled. What we do know is that in the last 11 years the free market system has worked very well as it has established the prices for the majority of the gas that is produced in this country. It is not always as high as the producers might like but it reflects the market, and that is something I think all of us would deal with and appreciate and respect. I do not say this because the producers in my State are bashing my door down for this bill, because they are not. Indeed, they are not, because Wyoming mostly has new gas, so described, gas that has already been deregulated.

I say this because I have watched and observed our natural gas industry, and I can see economic trends. I hope to see what works and what does not work, and who is affected and if they are adversely affected. I do not see the people in this Nation are going to be adversely affected by allowing the free market to establish the prices for the remaining tiers of gas that are still controlled.

So, Mr. President, I hope we can go beyond all of these amendments and this unnecessary delay. It is clear that the vast majority of the Senators from every area of this Nation support decontrol. I certainly hope that we might see that happen in short fashion here, and get on with the other serious issues of the day.

This bill passed rather overwhelmingly in the House. There is no real reason—there may be other reasons—but no real reason why it should be delayed. I suggest that the sooner we close off the activity and move on with it, we will have put out of commission an absurd situation. When we deregulated crude oil nothing bad has happened. Under natural gas deregulation, we will finish this and we will have the same result. We will always be attentive to the consumer. We never fail to do that. That is probably one of the things we do here with the greatest of skill—protect the consumers.

So I urge my colleagues to produce the legislation, and I thank the Chair.

Mr. EXON addressed the Chair.

The PRESIDING OFFICER. The senior Senator from Nebraska is recognized.

Mr. EXON. Mr. President, as one who has fought for years to protect natural gas consumers I must express reservations about H.R. 1722, the Natural Gas Wellhead Decontrol Act. I also have misgivings about the speed with which this bill has moved through Congress. We have seen decontrol legislation sail through the House with almost lightening speed and the Senate is not far behind.

Since 1978, the decontrol of old gas has been considered a dangerous and expensive proposition to those of us looking out for gas consumers. And for years we were able to preserve the deal that was struck in the Natural Gas Policy Act of 1978 that created old and new gas. Unfortunately, it appears those days are over.

This measure is better in some respects than previous attempts in this area. It obviously has been written to better conform with what many of us have worked for to protect consumers. My eventual vote on final passage will be dependent upon how well the Senate in debate seriously addresses some questionable issues.

The price fly-ups predicted under partial decontrol have not materialzed as many within the industry predicted. And most industry experts now predict, as a practical matter, that passage of this bill will have less impact on the nationwide average price of gas in the next decade than other market factors.

Those projections, however, do not make gas decontrol any easier to swallow. Without producers clamoring for decontrol, the likelihood is slim that the Senate will revisit other natural gas issues in a meaningful way for years to come.

Producers, pipelines, distributors, industrial users, and end-use consumers each have different fish to fry in this debate. They all have a legitimate point of view. This bill and the one passed by the House satisfy most of those groups, but they fail to resolve a number of contentious issues. Of primary concern to me is the manner in which gas pipelines renegotiate contracts in anticipation of decontrol.

While the bill provides roughly 3 years for negotiations between pipelines and producers, it is silent on the treatment of several contractual problems that threaten some Nebraska gas consumers. If everyone's crystal balls had been better, I doubt those contracts would ever have been signed. But lots of them were signed all across the country during the energy crisis of the 1970's and now they could come home to roost.

I intend to support modifications to this legislation which would address those contract problems. Improvements to the bill are justified.

I urge my colleagues to take a careful look at all of the amendments that are offered.

I thank the Chair. I yield the floor.

The PRESIDING OFFICER. What is the will of the Senate?

Mr. EXON. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. MITCHELL. Mr. President, I ask unanimous consent that the

Senate proceed to executive session to consider the following nominations: Calendar Item 163, Bryce L. Harlow, to be a Deputy Under Secretary of the Treasury; Calendar Item 164, Kenneth W. Gideon, to be an Assistant Secretary of the Treasury; Calendar Item 165, Gerald L. Olson, to be an Assistant Secretary of Health and Human Services; and Reggie B. Walton, to be an Associate Director of National Drug Control Policy, reported today by the Committee on the Judiciary.

I further ask unanimous consent the nominees be confirmed en bloc, that any statements appear in the RECORD as if read, that the motions to reconsider be laid upon the table en bloc, and that the President be immediately notified of the Senate's action.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations considered and confirmed en bloc are as follows:

DEPARTMENT OF THE TREASURY

Bryce L. Harlow, of Virginia, to be a Deputy Under Secretary of the Treasury.

Kenneth W. Gideon, of Virginia, to be an Assistant Secretary of the Treasury.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Gerald L. Olson, of Minnesota, to be an Assistant Secretary of Health and Human Services.

EXECUTIVE OFFICE OF THE PRESIDENT

Reggie B. Walton, of the District of Columbia, to be Associate Director for National Drug Control Policy.

STATEMENTS ON THE NOMINATION OF REGGIE B. WALTON

● Mr. BIDEN. Mr. President, this morning, the Judiciary Committee approved—without dissent—the nomination of Judge Reggie B. Walton to be the first Associate Director for State and Local Affairs in the Office of National Drug Control Policy—the so-called drug czar's office.

Mr. President, when my colleagues and I wrote the drug director statute, we created a national drug director, who is responsible for writing a national drug strategy. We did so because the drug crisis is one of the few problems that is truly national and international in scope, but primarily local in impact.

That's why my colleagues and I created the Associate Director's position—to ensure that the views and expertise of State and local officials are reflected in the national strategy.

The position to which Judge Walton goes is entirely new, and his actions will set precedents that guide the actions of his successors for years to come. Because this office is new, I believe that the committee's responsibility in reviewing this nomination was twofold:

First, to determine whether Judge Walton, based on his background and experience, is the right man for this job; and

Second, I wanted to establish clearly what Congress intended for that job to be.

Regarding the first issue, I think Judge Walton is qualified to hold this position. He has extensive practical experience—as a local public defender, prosecutor, and trial judge. And he has demonstrated his concern about the local impact of drug abuse by playing an active role in community drug-fighting efforts in the District.

As I stated at the outset of the hearing, I think Judge Walton's job entails three basic responsibilities:

First, to ensure that State and local officials have input into the development of the national strategy; second, to make sure that the Federal Government is a reliable partner in the national campaign against drugs; and third, to challenge State and local governments and the private sector to do more to fight drugs.

Based on Judge Walton's responses to oral and written questions, I believe that he has a similar understanding of the job. In response to my written question, Judge Walton stated:

> Based on my discussions with Dr. Bennett, I can tell you that I will play an integral role in drafting the national strategy. My task will be to bring the expertise and knowledge of State and local officials to bear on the strategy so that their views are represented. Dr. Bennett and I believe that these State and local officials have the real hands-on expertise on this issue and it would be foolish to neglect their input.

On substantive drug policy matters, Judge Walton's answers were—understandably—vague. It would be unreasonable to expect Judge Walton to make recommendations or commitments on specific programs before he takes office. I do expect, however, that in developing the first national strategy, Judge Walton will identify specific programs work, how much they will cost and how long it will take to put them in place for each of the major State and local components of the national strategy.

Finally, I was encouraged about Judge Walton's statements on the staffing of his office. As I stated in the hearing, I am concerned about the initial budget request that Dr. Bennett submitted to Congress. The request called for 64 full-time positions; however, only 14 positions were earmarked for the two deputies and associate director combined, which could seriously hinder the ability of the deputies and associate director to be actively involved in the drafting of the strategy.

Judge Walton told the committee that Dr. Bennett indicated that he would allocate 13 or 14 staff positions to the Associate Director's Office, which should provide sufficient staffing. In addition, Judge Walton stated that he was seriously considering using his authority to accept detailees from State and local agencies to work in his office, which would not only provide direct State and local input into the office, but also bolster the experience and expertise of the staff in his office.

Judge Walton has been nominated to one of the most important positions in the Federal Government. The success of the drug director statute will largely rest on his ability to forge a partnership between Federal, State, and local governments in fighting drugs. And I pledge my full support to Judge Walton and Dr. Bennett in making this new office achieve this goal.

Based on the committee's review of Judge Walton's background and experience, and on his responses to extensive oral and written questions, I believe that Judge Walton is qualified to lead this office and urge my colleagues to vote in favor of Judge Walton's nomination.●

Mr. THURMOND. Mr. President, I rise today to voice my strong support for Judge Reggie Walton, President Bush's nominee to be Associate Director for National Drug Control Policy.

Judge Walton received his bachelor of arts degree from West Virginia State College in 1971. In 1974, he graduated from American University, Washington College of Law. From 1974–76, he served as a staff attorney with the Defender Association of Philadelphia. Judge Walton then served as an assistant United States attorney for the District of Columbia from 1976–81. He has served as an associate judge for the Superior Court of the District of Columbia since 1981.

As Associate Director, Judge Walton will head the Bureau of State and Local Affairs. In this capacity he will be required to provide high-level attention to the needs and views of State and local drug control officials. This requirement will be particularly important in preparing the State and local component of the national drug control strategy.

Mr. President, the task of strengthening and fostering the cooperation needed among all agencies involved in drug enforcement will not be an easy one. I am confident, however, that with the President's nomination of Judge Walton, the office of National Drug Control Policy will have the experience of an individual who will be of tremendous assistance in accomplishing this endeavor.

I feel that Judge Walton will serve with distinction as Associate Director for National Drug Control Policy and I urge my colleagues to vote for his confirmation.

LEGISLATIVE SESSION

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Senate return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

DIRECTING THE SENATE LEGAL COUNSEL TO TAKE CERTAIN ACTION

Mr. MITCHELL. Mr. President, on behalf of Senator DOLE and myself, I send to the desk a resolution directing the Senate Legal Counsel to provide representation for the acting Public Printer and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A resolution (S. Res. 143) directing the Senate Legal Counsel to represent the acting Public Printer in the Honorable Alcee L. Hastings, United States District Judge v. The United States Senate, et al.

The PRESIDING OFFICER. Is there objection to the request of the majority leader?

There being no objection, the Senate proceeded to consider the resolution.

Mr. MITCHELL. Mr. President, Senate Resolution 141, which was agreed to by the Senate on June 2, 1989, directs the Senate Legal Counsel to represent the Senate, the Impeachment Trial Committee, and the Secretary of the Senate in Judge Hastings' action in the District Court for the District of Columbia challenging the impeachment proceedings against him. Judge Hastings has also named the Acting Public Printer as a defendant to enjoin him from printing the committee's proceedings. Judge Hastings is additionally requesting an injunction against the printing of any proceedings that are conducted before the full Senate on Impeachment articles I through XV and XVII.

The Acting Public Printer has requested that the Senate authorize the Senate Legal Counsel to represent him in this action, together with the Senate defendants, as the Government Printing Office's sole function in this matter is to support the Senate in any printing that it requires for the pending impeachment. This resolution would provide that authorization.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

The resolution was agreed to.

The preamble was agreed to.

The resolution (S. Res. 143), with its preamble, reads as follows:

S. RES. 143

Whereas, in the case of *The Honorable Alcee L. Hastings, United States District Judge v. The United States Senate, et al.*, No. 89-1602, pending in the United States District Court for the District of Columbia, the plaintiff has named as defendants the Senate; the Impeachment Trial Committee that has been appointed pursuant to Senate Resolution 38, 101st Congress, and Rule XI of the Rules of Procedure and Practice in the Senate When Sitting on Impeachment Trials; Walter J. Stewart, the Secretary of the Senate; and Joseph E. Jenifer, the Acting Public Printer of the United States;

Whereas, by Senate Resolution 141 of the 101st Congress, the Senate has directed the Senate Legal Counsel to represent the United States Senate, the Impeachment Trial Committee, and the Secretary of the Senate in this action;

Whereas, the complaint states that the plaintiff will be seeking an injunction to restrain the Acting Public Printer "from printing or distributing any records, transcripts, orders or reports submitted by or on behalf of the Impeachment Trial Committee or, with respect to Article I through XV and Article XVII, by or on behalf of the Senate";

Whereas, the Acting Public Printer has requested that the Senate authorize the Senate Legal Counsel to represent him in this proceeding together with the Senate defendants;

Whereas, pursuant to section 708(c) of the Ethics in Government Act of 1978, 2 U.S.C. 288g(c) (1982), the Senate may direct the Senate Legal Counsel to perform such other duties consistent with the statutory authority of the Senate Legal Counsel as the Senate may direct; Now, therefore, be it

Resolved, That the Senate Legal Counsel is directed to represent Joseph E. Jenifer, the Acting Public Printer of the United States, in the case of *The Honorable Alcee L. Hastings, United States District Judge v. The United States Senate, et al.*

Mr. MITCHELL. Mr. President, I move to reconsider the vote by which the resolution was agreed to.

Mr. McCLURE. I move to lay that motion on the table.

REFERRAL OF JOINT RESOLUTION

Mr. MITCHELL. Mr. President, I ask unanimous consent that calendar item number 61, Senate Joint Resolution 135, which establishes the National Commission on Human Resources Development, be referred to the Committee on Labor.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE CALENDAR

EXTENSION OF TIME ON CERTAIN PROJECTS

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of calendar item number 72, S. 750, a bill to extend the time limitation of the development for certain hydroelectric projects.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (S. 750) extending time limitations on certain projects.

The PRESIDING OFFICER. Is there objection to the request of the majority leader?

There being no objection, the Senate proceeded to consider the bill.

AMENDMENT NO. 146

(Purpose: To extend the deadline for the development of a certain licensed hydroelectric project in Washington)

Mr. McCLURE. Mr. President, on behalf of Senators GORTON and ADAMS, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Idaho [Mr. McCLURE], (for himself, Mr. GORTON, and Mr. ADAMS), proposes an amendment numbered 146.

Mr. McCLURE. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 1, line 6, and on page 2, line 5, insert "2833," between the word "numbered" and the number "4204";

On page 2, line 2, before the word "section", insert "such"; and

On page 2, line 19, before the word "under", insert the following: "concerning projects 4204, 4659, and 4660".

Mr. GORTON. Mr. President, today I rise together with my colleague from Washington State, Senator ADAMS, in offering an amendment that would authorize the Federal Energy Regulatory Commission [FERC] to extend the deadline, under the Federal Power Act, for the commencement of construction of the Cowlitz Falls hydroelectric project on the Cowlitz River in Lewis County, WA. The project has an authorized generating capacity of 70 megawatts and is expected to produce an average of 261,000 megawatt-hours of electric energy annually. At that rate the project would save the equivalent of about 428,600 barrels of oil or 120,800 tons of coal per year.

The FERC issued a license for the Cowlitz Falls project to Public Utility District No. 1 of Lewis County [PUD] in June 1986. Prior to being licensed, the project underwent extensive analysis and was the subject of full-blown environmental impact statements at both the State and Federal levels. All pertinent fish, wildlife, and environmental resource agencies concurred in the licensing of the project. Indeed, the project is expected to have a net beneficial impact on fishery resources as it may represent the only feasible means of restoring anadromous fish runs in the upper Cowlitz River basin, runs that were destroyed years ago by the construction of dams downstream of Cowlitz Falls. As the result of an agreement reached with State fish and wildlife authorities and made a condition of the FERC license, the PUD has designed the dam to accommodate the future addition of facilities for collection and transportation of downstream migrant juvenile salmon.

Under the time strictures prescribed in section 13 of the Federal Power Act, the PUD must commence actual physi-

cal construction of project works by June 30, 1990. If the PUD does not start construction by that date, the FERC will be required to terminate the license. As the law presently stands, the Commission has no discretion to extend the construction deadline beyond June 1990, even for good cause.

Mr. President, it is our understanding that the PUD and its engineering contractor have proceeded diligently to implement the terms of the FERC license and to move forward with project development. To date, the PUD has spent approximately $10 million on the technical, environmental, and other planning necessary to bring the project to fruition. It recently has become clear, however, that the public interest would be best served if greater flexibility were allowed in timing the project's construction.

By the time FERC issued the license in 1986, the earlier forecasts of regional power shortages had changed to predictions of short-term surpluses. The Commission examined the proposed project in light of the Northwest Conservation and Electric Power Plan [Regional Power Plan] prepared by the Northwest Power Planning Council [Council]. FERC found Cowlitz Falls to be both economically sound and consistent with the Regional Power Plan, which gives priority to renewable resources projects over other generation facilities. Although regional power surpluses were expected to remain until the early to mid-1990's, FERC observed that forecasting load growth is an inherently uncertain endeavor and concluded that there may well be a regional need for the project's output by the time it could be placed into service—then projected to be 1991 at the earliest. In addition, the Cowlitz Falls project would help the PUD meet its own system load growth.

Earlier this year, the Northwest Power Planning Council reexamined the project in light of the 1989 Supplement to the Regional Power Plan and reconfirmed that the Cowlitz Falls project is a cost-effective resource. The council observed, however, that the project's value to the region would be enhanced if it could be brought on line sometime after the currently projected in-service date of 1993. The council also expressed concern over the potential for substantial rate impacts to Lewis County ratepayers if the project is developed solely by the PUD. The council noted that these rate impacts could be mitigated if the costs, risks, and benefits of the project were shared with other utilities, and urged the PUD to pursue that option. Consistent with the council's observations, the PUD has been engaged in a good faith effort to address that concern. Besides taking steps to meet the council's concerns, the PUD has also worked to meet the concerns of the State Department of Ecology and other interested parties.

Despite the council's excellent work in load forecasting and power resources planning, fluctuating demand in the Pacific Northwest and changing regulatory requirements make it very difficult for utilities like the Lewis County PUD to plan, time, market, and finance new power generation facilities. These difficulties are exacerbated in the case of hydroelectric facilities such as Cowlitz Falls by the time constraints for commencing construction under section 13 of the Federal Power Act. It would be a shame if the PUD and its ratepayers were forced to forfeit years of planning and millions of dollars in development cost due to conditions beyond its control. There is wide consensus that Cowlitz Falls is a clean, valuable, and needed resource—the only questions remaining are when it will be most needed and how its costs and benefits should be shared.

Mr. President, as stated before, this amendment would give FERC the authority to extend the deadline for commencing construction of the Cowlitz Falls project—in addition to the three Arkansas projects already covered by S. 750—by a maximum of three additional 2-year periods beyond the time currently authorized, in accordance with the good faith, due diligence, and public interest standards of the Federal Power Act. In determining whether extensions under this amendment are in the public interest, it is expected that FERC will take into account the regional power supply situation as reported by the Northwest Power Planning Council in its periodic updates of the Regional Power Plan. Nothing in the amendment is intended to detract from any discretionary authority FERC may presently have to extend time periods for completion of project construction or for acquisition of necessary property rights.

I would again like to express my appreciation to the Senate Energy and Natural Resources Committee chairman, Senator JOHNSTON, and the ranking minority member, Senator MCCLURE, for their assistance in this matter and particularly to Senator BUMPERS who has kindly agreed to allow this amendment to his legislation. Additionally, I would express my appreciation to the Senate Energy and Natural Resources Committee staff and Senator BUMPERS' staff for their work.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 146) was agreed to.

The PRESIDING OFFICER. Are there further amendments? If not, the question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 750

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That notwithstanding the time limitations of section 13 of the Federal Power Act, the Federal Energy Regulatory Commission upon the request of the licensees for FERC projects numbered 2833, 4204, 4659, and 4660 (and after reasonable notice) is authorized, in accordance with the good faith, due diligence, and public interest requirements of such section 13 and the Commission's procedures under such section, to extend:

(1) the time required for commencement of construction of projects numbered 2833, 4204, 4659, and 4660 for up to a maximum of three consecutive two-year periods for each such project,

(2) the time required for completion of construction of such projects for a reasonable period not to exceed five years after commencement of construction of each project, and

(3) the time required for the licensees to acquire the real property required for such projects for a period of up to five years from the date of enactment of this Act.

The authorization for issuing extensions under paragraphs (2) and (3) of this section shall terminate three years after enactment of this Act. The Commission may consolidate requests concerning projects 4204, 4659, and 4660 under this Act.

Mr. MITCHELL. Mr. President, I move to reconsider the vote by which the bill, as amended, was passed.

Mr. MCCLURE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar Nos. 83 and 84 en bloc; that the joint resolutions be read a third time; that the resolutions be deemed passed or agreed to en bloc; that the preambles to the resolutions be considered agreed to; and a motion to reconsider the adoption of these resolutions en bloc be in order and be laid upon the table.

I further ask unanimous consent that consideration of these items appear individually in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

BICENTENNIAL OF THE U.S. CUSTOMS SERVICE

The joint resolution (S.J. Res. 151) to honor the U.S. Customs Service on the 200th anniversary of its establishment, was considered, ordered to be engrossed for a third reading, read the third time, and passed.

The preamble was agreed to.

The joint resolution and the preamble, are as follows:

S.J. RES. 151

Whereas July 31, 1989, marks the two hundredth anniversary of the signing by

President George Washington of legislation establishing the United States Customs Service;

Whereas the controls on imports and exports and on shipping and trade, deemed essential by the founders of the Republic, would have been impossible without implementation by an honest, resourceful, and efficient United States Customs Service;

Whereas the Collector of Customs, the Customs House, and the Customs officer have stood for two hundred years as the symbols of Federal authority in the ports and on the waterfronts;

Whereas after two hundred years the ever more complex demands of our economy and our civilization require the United States Customs Service of the Treasury Department to remain alert and ready to perform on short notice a widening variety of tasks;

Whereas the men and women of the United States Customs Service have been the first line of defense against the entry into the United States of illicit drugs and other contraband goods;

Whereas the United States Customs Service has safeguarded the economic well being of the Nation against unfair trade practices and infringement of intellectual property rights;

Whereas the United States Customs Service, established by the fifth Act of the First Congress, is one of the oldest Federal agencies; and

Whereas the United States Customs Service was the source of the establishment of many Federal agencies, is the principal United States border agency, and enforces all laws of the United States at our border: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the United States Customs Service be honored and congratulated on the two hundredth anniversary of its establishment and that the men and women of the United States Customs Service be commended on their continued hard work and dedication.

AGREEMENT BETWEEN THE UNITED STATES AND JAPAN CONCERNING THE SEMICONDUCTOR MARKET

The resolution (S. Res. 119) concerning the 1986 agreement between the United States and Japan regarding the Japanese semiconductor market, was considered.

JAPAN'S CONTINUING VIOLATION OF THE UNITED STATES-JAPAN SEMICONDUCTOR AGREEMENT

Mr. WILSON. Mr. President, the Senate again must turn its attention to a problem that long ago should have been resolved. Indeed, the problem was resolved by the signing of an agreement. Unfortunately, the other party has not met the letter or the spirit of the terms of the agreement.

Mr. President, the problem is fair trade in semiconductors, and the other party is Japan.

From Japan's conduct, one is reminded of the actions of a drug addict. In this instance, Japan's addiction is predatory trade practices, and despite its continuing promises to reform, it cannot kick the habit.

Yes, it stopped dumping chips in the United States and abroad, but it still will not open its markets to U.S. computer chips, for it is apparently unwilling to face the reality of free and fair trade.

The ultimate solution to someone's addiction when he is unwilling to kick the habit on his own is to be totally intolerant of the addict's behavior.

With drug addicts, we send them to treatment, and that failing, we lock them up. With Japan, we tried treatment, in the form of a negotiated settlement. When that failed, we imposed penalties in the form of trade sanctions.

The existing sanctions haven't worked: We are still being victimized by Japan's reliance on unfair trade. Our only response must be to step up the pressure.

The resolution before us, Senate Resolution 119, which I introduced with Senator HEINZ and a number of our colleagues, puts the Senate again on record against Japan's actions in the semiconductor market.

I commend Senator HEINZ for his work on the resolution. I also thank the distinguished chairman and ranking member of the Finance Committee for acting expeditiously on the resolution and bringing it to the floor.

Mr. President, when Ambassador Hills recently announced the priority countries under the Super 301 provisions of our trade laws, she listed Japan, but did not include semiconductors as one of the targeted products—with good reason.

Semiconductors are already the subject of a 301 case, and we need not wait and should not wait for an additional 12 or 18 months for Japan to live up to the terms of the agreement that it signed. We do not need a new trade case to be started on semiconductors under Super 301—we need resolution of the 301 case that is starting its fifth year.

Ambassador Hills noted in her statement on the Super 301 that semiconductors remain a priority issue, and Senate Resolution 119 indicates the Senate's full support for increased efforts and actions against Japan's continuing unfair practices; the House recently agreed to the companion to the Wilson resolution, House Resolution 146.

Mr. President, I urge adoption of the resolution.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

The resolution (S. Res. 119) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 119

Whereas in 1986 Japan entered into an agreement with the United States which included a provision to increase foreign access to the Japanese semiconductor market;

Whereas the agreement envisaged gradual and steady growth of foreign producers' share of the Japanese market from the 8.5-percent level in 1986, until, by 1991 it was to exceed 20 percent;

Whereas in 1987 the Senate found by a vote of 93 to 0 that the Government of Japan had failed to meet the commitment of the 1986 United States-Japan Semiconductor Agreement, and resolved that the President should immediately take all appropriate and feasible actions under section 301 of the Trade Act of 1974 to remedy and prevent further violation of the agreement by Japan;

Whereas in early 1987 the President found that Japan's failure to abide by its commitments was "inconsistent with the provisions of, or otherwise denies benefits to the United States under, the (Agreement); and is unjustifiable and unreasonable, and constitutes a burden of restriction on United States commerce;" and in response, the President imposed market access-related sanctions under section 301 of the Trade Act of 1974 in the amount of $165,000,000 annually;

Whereas it is now the midpoint of the Agreement which should place foreign market share at above 14 percent, although it is currently only 10.5 percent, approximately the level it has averaged for the last two decades, including the period when imports into Japan were formally controlled;

Whereas Japan's failure to live up to its market access commitments has a serious adverse effect on the United States semiconductor industry, costing United States producers an estimated $490,000,000 in lost sales in 1988, an amount projected to grow to $1,600,000,000 annually by 1991;

Whereas these lost sales figures substantially understate the effects on employment, investment in research and development, technological leadership and competitiveness, and national security that results from lack of full access to Japan, the world's largest semiconductor market;

Whereas semiconductors are the heart of computer technology and numerous related fields, such as defense equipment, work stations, supercomputers, high-definition television, robotics, and automotive technology;

Whereas the actions which were the object of the 1985 section 301 petition have not changed, and Japan is currently still in violation of the agreement it entered into;

Whereas former President Reagan stated, and United States Trade Representative Hills recently reaffirmed, that the sanctions would be maintained until there was "firm and continuing evidence * * * that access to the Japanese market has improved";

Whereas resolution of the semiconductor case has important implications for solving the trade problems facing numerous other United States industries in Japan, including work stations, fiber optics, supercomputers, and telecommunications;

Whereas the policy of resolving trade disputes through negotiations is not credible if, after successful negotiation of an agreement, the other party fails to abide by it; and

Whereas Japan has a strong interest in maintaining access to the United States market for both those current products which include semiconductors, such as auto-

mobiles and consumer electronic goods, and in emerging technologies, such as high-definition television: Now, therefore, be it

Resolved, That it is the sense of the Senate—

(1) that Japan has not lived up to the terms of its agreement with the United States in an area of vital importance to our Nation's economic health and national security;

(2) that the administration convey to the Government of Japan that its continuing violation of the Agreement is unacceptable;

(3) that the President, the United States Trade Representative, the Secretary of State, and the Secretary of Commerce seek a prompt remedy for the violation, placing the highest priority on obtaining full access to the Japanese market for semiconductors in accordance with the United States-Japan Semiconductor Agreement; and

(4) that the President and the United States Trade Representative, pursuant to statute, take all measures necessary to achieve compliance with the Agreement.

CALLING ON THE GOVERNMENT OF VIETNAM TO EXPEDITE THE RELEASE AND EMIGRATION OF ALL POLITICAL PRISONERS

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Foreign Relations Committee be discharged from further consideration of Senate Concurrent Resolution 16, a concurrent resolution calling on the Government of Vietnam to expedite the release and emigration of all political prisoners, and that the Senate proceed to its immediate consideration.

The clerk will report.

The assistant legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 16) calling on the Government of Vietnam to expedite the release and emigration of all political prisoners.

The PRESIDING OFFICER. Is there objection to the request of the majority leader?

There being no objection, the Senate proceeded to consider the concurrent resolution.

● Mr. BOSCHWITZ. Mr. President, 14 years after the end of the Vietnamese conflict, thousands of individuals who were associated with the United States-backed Government of South Vietnam face continued persecution. Senate Concurrent Resolution 16 sends an important message to the Government of Vietnam that we have not forgotten the plight of the reeducation camp detainees.

After the fall of Saigon in 1975, the Socialist Republic of Vietnam established its infamour reeducation camps; into which it put former officials and military officers of the South Vietnamese Government, dissident intellectuals, clergymen, and others it perceived as a threat. Although estimates vary greatly, as many as 1 million Vietnamese have been imprisoned in these camps since 1975.

We have a special obligation to help these persecuted individuals. Fortunately, since the mid 1980's, a series of large-scale amnesties have resulted in the release of many of these prisoners. But thousands remain imprisoned—leaving family members to live in constant fear. Moreover, those who have been released have not been allowed to emigrate—despite Vietnam's official commitment to let them go.

In the Summer of 1988, a United States delegation, headed by Gen. John Vessey of Minnesota, held further talks with Vietnamese officials on this issue. A joint statement issued on July 15, 1988, "reaffirmed the policy of the Socialist Republic of Vietnam that released detainees and their close family members would be permitted to emigrate overseas if they so desired." Not long after this statement was issued, however, the Vietnamese backtracked and unilaterally suspended talks on implementing this agreement. Sadly, there has been no movement on this issue since that time—almost a year ago.

The resolution before the Senate calls on the Government of Vietnam to make public the names of those who continue to be held in reeducation camps—and to release immediately all long-term detainees. The resolution also asks Vietnam to resume negotiations, without preconditions, on the emigration of current and former detainees and their families.

Mr. President, the timing of this resolution is crucial. On June 13 and 14, the International Conference on Indochinese Refugees will take place in Geneva. At this conference, United States and Vietnamese officials—among others—will meet to discuss the continuing flow of refugees from Vietnam. It would be an added benefit, Mr. President, if our United States delegates could meet their Vietnamese counterparts with a clear message that the United States remains committed to the release and emigration of reeducation camp detainees.

I urge the adoption of the resolution.●

AMENDMENT NO. 147

Mr. McCLURE. Mr. President, I send an amendment to the desk on behalf of Senator BOSCHWITZ and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Idaho [Mr. McCLURE], for Mr. BOSCHWITZ, proposes an amendment numbered 147.

Mr. McCLURE. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 2, beginning on line 4, strike out "(1)" and all that follows through the period on line 14 and insert in lieu thereof the following:

"(1) to make public the names of all individuals who continue to be held in "reeducation" camps or prisons in connection with suspected opposition to the Government of Vietnam;

"(2) to release immediately all remaining long-term "reeducation" camp or prison detainees, as well all individuals imprisoned in Vietnam in recent years because of their political or religious expression or related nonviolent activities; and

"(3) to resume negotiations, without preconditions, with the United States concerning the emigration from Vietnam of current and former detainees and their families, in accord with the commitment of the Government of Vietnam to allow their emigration."

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 147) was agreed to.

The PRESIDING OFFICER. Are there further amendments? If not, the question is on agreeing to the concurrent resolution, as amended.

The concurrent resolution (S. Con. Res. 16), as amended, was agreed to.

AMENDMENT NO. 148

Mr. McCLURE. Mr. President, on behalf of Senator BOSCHWITZ, I send an amendment to the preamble and an amendment to the title to the desk and ask unanimous consent that they be considered en bloc.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Idaho [Mr. McCLURE], for Mr. BOSCHWITZ, proposes an amendment numbered 148.

Mr. McCLURE. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On pages 1 and 2, strike out the preamble and insert in lieu thereof the following:

"Whereas 14 years have passed since the end of the Vietnam conflict;

"Whereas thousands of opponents of the Government of the Socialist Republic of Vietnam, including officials of, and others associated with, the former Republic of Vietnam, were detained without trial in 'reeducation' camps or prisons beginning in 1975;

"Whereas a series of large-scale anmesties took place in the late 1980's resulting in the release of many detainees;

"Whereas despite these welcome releases, many Vietnamese remain in long-term detention because of their suspected opposition to the Government of Vietnam, and many family members of detainees do not know their status;

"Whereas the Government of Vietnam has continued in recent years to imprison individuals because of their political and religious expression or association or related nonviolent activity;

"Whereas the Government of Vietnam has stated publicly that the remaining 'reeducation' camp or prison detainees would be released and that former detainees would be allowed to emigrate;

"Whereas the United States has repeatedly stated that the resettlement of 'reeducation' camp or prison detainees is one of its highest priorities in its dealing with Vietnam on humanitarian issues and has made it clear to the Government of Vietnam that it is willing to allow former and current detainees to enter the United States;

"Whereas at negotiations held in Hanoi in July 1988, the United States and Vietnam agreed in principle on the resettlement of those released from 'reeducation' camps or prisons and Vietnam reaffirmed that released detainees and their families could emigrate from Vietnam;

"Whereas the Government of Vietnam subsequently suspended negotiations on the issue of the resettlement of detainees and their families; and

"Whereas the willingness of the Government of Vietnam to satisfactorily resolve this humanitarian issue will have an important bearing on the relationship between Vietnam and the United States: Now therefore be it"

Amend the title so as to read:

"Calling on the Government of the Socialist Republic of Vietnam to expedite the release and emigration of 'reeducation' camp detainees."

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 148) was agreed to.

The text of concurrent resolution, as amended, and the preamble, as amended, is as follows:

S. CON. RES. 16

Whereas 14 years have passed since the end of the Vietnam conflict;

Whereas thousands of opponents of the Government of the Socialist Republic of Vietnam, including officials of, and others associated with, the former Republic of Vietnam, were detained without trial in "reeducation" camps or prisons beginning in 1975;

Whereas a series of large-scale amnesties took place in the late 1980's resulting in the release of many detainees;

Whereas despite these welcome releases, many Vietnamese remain in long-term detention because of their suspected opposition to the Government of Vietnam, and many family members of detainees do not know their status;

Whereas the Government of Vietnam has continued in recent years to imprison individuals because of their political and religious expression or association or related nonviolent activity;

Whereas the Government of Vietnam has stated publicly that the remaining "reeducation" camp or prison detainees would be released and that former detainees would be allowed to emigrate;

Whereas the United States has repeatedly stated that the resettlement of "reeducation" camp or prison detainees is one of its highest priorities in its dealing with Vietnam on humanitarian issues and has made it clear to the Government of Vietnam that it is willing to allow former and current detainees to enter the United States;

Whereas at negotiations held in Hanoi in July 1988, the United States and Vietnam agreed in principle on the resettlement of those released from "reeducation" camps or prisons and Vietnam reaffirmed that released detainees and their families could emigrate from Vietnam;

Whereas the Government of Vietnam subsequently suspended negotiations on the issue of the resettlement of detainees and their families; and

Whereas the willingness of the Government of Vietnam to satisfactorily resolve this humanitarian issue will have an important bearing on the relationship between Vietnam and the United States: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That the Congress calls on the Government of Vietnam–

(1) to make public the names of all individuals who continue to be held in "reeducation" camps or prisons in connection with suspected opposition to the Government of Vietnam;

(2) to release immediately all remaining long-term "reeducation" camp or prison detainees, as well as all individuals imprisoned in Vietnam in recent years because of their political or religious expression or related nonviolent activities; and

(3) to resume negotiations, without preconditions, with the United States concerning the emigration from Vietnam of current and former detainees and their families, in accord with the commitment of the Government of Vietnam to allow their emigration.

Mr. MITCHELL. Mr. President, I ask unanimous consent that motions to reconsider the votes by which the resolution and the amendments were agreed to be considered en bloc and tabled en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXCLUDING AGENT ORANGE SETTLEMENT PAYMENTS FROM COUNTABLE INCOME AND RESOURCES UNDER FEDERAL MEANS-TESTED PROGRAMS

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Committee on Finance be discharged from further consideration of S. 892, a bill to exclude agent orange settlement payments from countable income in determining eligibility for benefits.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. 892.

The PRESIDING OFFICER. The bill will be stated by title.

The legislative clerk read as follows:

A bill (S. 892) to exclude agent orange settlement payments from countable income and resources under the Federal means-tested programs.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

AMENDMENT NO. 149

(Purpose: To change the effective date of the bill to January 1, 1989)

Mr. MITCHELL. Mr. President, on behalf of Senator MOYNIHAN, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from Maine [Mr. MITCHELL], for Mr. MOYNIHAN, proposes an amendment numbered 149.

Mr. MITCHELL. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

Strike out section 1(b) of the bill and insert in lieu thereof the following:

(b) EFFECTIVE DATE.—The provisions of this section shall become effective on January 1, 1989.

The PRESIDING OFFICER. If there be no further debate, the question is on agreeing to the amendment of the Senator from New York.

The amendment (No. 149) was agreed to.

Mr. MOYNIHAN. Mr. President, I wish to thank the distinguished majority leader for cosponsoring this measure and for his cooperation in bringing the bill to the floor under unanimous consent. I also wish to thank the distinguished Republican leader for his cooperation, and my friend and colleague Senator BENTSEN, chairman of the Committee on Finance, and Senator PACKWOOD, the distinguished ranking member of that committee, for their agreement to discharge S. 892 from committee so that we may proceed expeditiously.

As the distinguished majority leader indicated, this bill will prevent disabled Vietnam veterans from losing Federal public assistance benefits if they are recipients of agent orange settlement payments.

Mr. President, after 5 years of delays, veterans disabled from exposure to agent orange are finally beginning to receive small payments from the agent orange settlement fund. Under the terms of a 1984 settlement of a suit by disabled veterans against the manufacturers of agent orange, chemical companies agreed to put up $180 million to settle all claims while admitting no liability for any injuries or deaths caused by the use of agent orange. The settlement agreement was approved by a Federal district court in Brooklyn in July 1988, and the distribution of the modest payments began in March of this year.

To receive payments from the settlement fund, a veteran must be totally disabled, must show exposure to agent orange in Vietnam, and show that the disability was not caused by another injury. Payments will also be made to the families of veterans whose deaths are linked to agent orange.

An eligible veteran will receive an average disability settlement payment of about $5,700 over the 6-year distribution period, or an average annual payment of about $950. An eligible

survivor will receive an average total death payment of about $1,800. Roughly 30,000 veterans and 18,000 survivor families are estimated to be eligible for the payments.

Under current law, the settlement payments are counted as income for determining eligibility for and benefit amounts under most Federal safety-net assistance programs, and many needy disabled veterans and their survivors will lose benefits. Such programs include Supplemental Security Income, Foodstamps, Medicaid, and Aid to Families With Dependent Children. S. 892 will correct this inequity by creating an income exclusion for the settlement payments for purposes of these programs.

The measure is effective retroactively to January 1, 1989, to protect those who have already received settlement payments and lost benefits. I know there are such individuals because I received a letter from one last month. She says that her husband is a very disabled Vietnam vet who received a $732 agent orange payment, and as a result they lost $502 in SSI benefits. This injustice demonstrates the need for fast congressional action. We must act now to prevent more needy disabled Vietnam vets from falling through this hole in the safety net.

Thank you, Mr. President, and I thank my colleagues, and again I thank the distinguished majority leader.

The PRESIDING OFFICER. The bill is open to further amendment. If there be no further amendment to the proposed, the question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed as follows:

S. 892

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. AGENT ORANGE SETTLEMENT PAYMENTS EXCLUDED FROM COUNTABLE INCOME AND RESOURCES UNDER FEDERAL MEANS-TESTED PROGRAMS.

(a) IN GENERAL.—(1) That none of the payments made from the Agent Orange Settlement Fund or any other fund established pursuant to the settlement in the In re Agent Orange product liability litigation, M.D.L. No. 381 (E.D.N.Y.), shall be considered income or resources in determining eligibility for or the amount of benefits under any Federal or federally assisted program described in paragraph (2).

(2) The program benefits described in this paragraph are—

(A) benefits under the supplemental security income program under title XVI of the Social Security Act;

(B) aid to families with dependent children under a State plan approved under section 402(a) of the Social Security Act;

(C) medical assistance under a State plan approved under section 1902(a) of the Social Security Act;

(D) benefits under title XX of the Social Security Act;

(E) benefits under the food stamp program (as defined in section 3(h) of the Food Stamp Act of 1977);

(F) benefits under the special supplemental food program for women, infants, and children established under section 17 of the Child Nutrition Act of 1966;

(G) benefits under section 336 of the Older Americans Act;

(H) benefits under the National School Lunch Act;

(I) benefits under any housing assistance program for lower income families or elderly or handicapped persons which is administered by the Secretary of Housing and Urban Development or the Secretary of Agriculture;

(J) benefits under the Low-Income Home Energy Assistance Act of 1981;

(K) benefits under part A of the Energy Conservation in Existing Buildings Act of 1976; and

(L) benefits under any educational assistance grant or loan program which is administered by the Secretary of Education.

(b) EFFECTIVE DATE.—The provisions of this section shall become effective on January 1, 1989.

Mr. MITCHELL. Mr. President, I move to reconsider the vote by which the bill, as amended, was passed.

Mr. McCLURE. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. MITCHELL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AUTHORITY FOR FILING MINORITY REPORT WITH RESPECT TO THE NOMINATION OF RICHARD BURT

Mr. MITCHELL. Mr. President, I ask unanimous consent that the minority members of the Foreign Relations Committee may have until 7 p.m. this evening to file a minority report with respect to the nomination of Richard Burt.

The PRESIDING OFFICER. Without objection, it is so ordered.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Kalbaugh, one of the secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

ENROLLED BILLS SIGNED

At 12:07 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the Speaker has signed the following enrolled bills:

S. 767. An act to make technical corrections to the Business Opportunity Development Reform Act of 1988; and

H.R. 932. An act to provide for the settlement of land claims, and the resolution of certain issues of governmental jurisdiction, of the Puyallup Tribe of Indians in the State of Washington, and for other purposes.

The enrolled bills were subsequently signed by the President pro tempore [Mr. BYRD].

At 4:01 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the House has passed the following joint resolution, without amendment:

S.J. Res. 113. Joint resolution prohibiting the export of technology, defense articles, and defense services to codevelop or coproduce the FSX with Japan.

The message also announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 1101. An act to extend the authorization of appropriations for the Water Resources Research Act of 1984 through the end of fiscal year 1994; and

H.R. 2392. An act to amend section 37 of the Mineral Leasing Act relating to oil shale claims, and for other purposes.

ENROLLED BILL AND JOINT RESOLUTION SIGNED

The message further announced that the Speaker has signed the following enrolled bill and joint resolution:

H.R. 964. An act to correct an error in Private Law 100-29 (relating to certain lands in Lamar County, Alabama) and to make technical corrections in certain other provisions of law; and

S.J. Res. 113. Joint resolution prohibiting the export of technology, defense articles, and defense services to codevelop or coproduce the FSX aircraft with Japan.

The enrolled bill and joint resolution were subsequently signed by the President pro tempore [Mr. BYRD].

MEASURES REFERRED

The following bills were read the first and second times by unanimous consent, and referred as indicated:

H.R. 1101. An act to extend the authorization of appropriations for the Water Resources Act of 1984 through the end of fiscal year 1994; to the Committee on Environment and Public Works.

H.R. 2392. An act to amend section 37 of the Mineral Leasing Act relating to oil shale claims, and for other purposes; to the Committee on Energy and Natural Resources.

ENROLLED BILL PRESENTED

The Secretary of the Senate reported that on today, June 8, 1989, he had presented to the President of the United States the following enrolled bill:

S. 767. An act to make technical corrections to the Business Opportunity Development Reform Act of 1988.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents which were referred as indicated:

EC-1222. A communication from the Architect of the Capitol transmitting, pursuant to law, a report of all expenditures during the period October 1, 1988, through March 31, 1989, from moneys appropriated to the Architect of the Capitol; to the Committee on Appropriations.

EC-1223. A communication from the Director of Administration and Management, Office of the Secretary of Defense, transmitting, pursuant to law, notice that the Strategic Defense Initiative Organization intends to exercise authority for the exclusion of the clause concerning examination of records by the Comptroller General; to the Committee on Armed Services.

EC-1224. A communication from the Deputy General Counsel of the Department of Defense transmitting a draft of proposed legislation to provide the Service Secretary concerned the option to order a cadet or midshipman to reimburse the United States without first ordering such cadet or midshipman to active duty; to the Committee on Armed Services.

EC-1225. A communication from the Director of the Defense Security Assistance Agency transmitting, pursuant to law, a report on the Department of the Air Force's proposed letter of offer to Korea for defense articles estimated to cost in excess of $50 million; to the Committee on Armed Services.

EC-1226. A communication from the General Counsel of the Department of the Treasury transmitting a draft of proposed legislation to repeal the requirement that the United States currency notes be reissued after redemption; to the Committee on Banking, Housing, and Urban Affairs.

EC-1227. A communication from the Secretary of Transportation transmitting a draft of proposed legislation to amend subtitle IV of title 49, United States Code, to eliminate economic regulation of motor carriers and interstate water carriers, to sunset the Interstate Commerce Commission, and for other purposes; to the Committee on Commerce, Science, and Transportation.

EC-1228. A communication from the Secretary of Transportation transmitting, pursuant to law, the annual report on accomplishments under the Airport Improvement Program for fiscal year 1988; to the Committee on Commerce, Science, and Transportation.

EC-1229. A communication from the Acting Administrator of the Federal Aviation Administration transmitting, pursuant to law, the report on progress in developing and certifying the Traffic Alert and Collision Avoidance System for March 1989; to the Committee on Commerce, Science, and Transportation.

EC-1230. A communication from the Assistant General Counsel of the Department of Energy transmitting, pursuant to law, a notice of meeting related to the International Energy Program; to the Committee on Energy and Natural Resources.

EC-1231. A communication from the Deputy Associate Director for Collection and Disbursements, Minerals Management Service, Department of the Interior, transmitting, pursuant to law, a report on the refund of certain excess offshore lease revenues; to the Committee on Energy and Natural Resources.

EC-1232. A communication from the Deputy Associate Director for Collection and Disbursements, Minerals Management Service, Department of the Interior, transmitting, pursuant to law, a report on the refund of certain excess offshore lease revenues; to the Committee on Energy and Natural Resources.

EC-1233. A communication from the Deputy Associate Director for Collection and Disbursements, Minerals Management Service, Department of the Interior, transmitting, pursuant to law, a report on the refund of certain excess offshore lease revenues; to the Committee on Energy and Natural Resources.

EC-1234. A communication from the Deputy Associate Director for Collection and Disbursements. Minerals Management Service, Department of the Interior, transmitting, pursuant to law, a report on the refund of certain excess offshore lease revenues; to the Committee on Energy and Natural Resources.

EC-1235. A communication from the Deputy Associate Director for Collection and Disbursements, Minerals Management Service, Department of the Interior, transmitting, pursuant to law, a report on the refund of certain excess offshore lease revenues; to the Committee on Energy and Natural Resources.

EC-1236. A communication from the Chairman and Directors of the Tennessee Valley Authority transmitting, pursuant to law, the annual report of the Authority for fiscal year 1988; to the Committee on Environment and Public Works.

EC-1237. A communication from the Secretary of Health and Human Services transmitting, pursuant to law, a report on the use by States in fiscal years 1987 and 1988 of funds made available for Independent Living Initiatives; to the Committee on Finance.

EC-1238. A communication from the Secretary of Health and Human Services transmitting a draft of proposed legislation to amend the Social Security Act and related laws to make various improvements in the old-age, survivors, and disability insurance program and the supplemental security income program, and for other purposes; to the Committee on Finance.

EC-1239. A communication from the Secretary of Health and Human Services transmitting, pursuant to law, a report on actions States have taken in adopting standards equal to or more stringent than the National Association of Insurance Commissioners Model Transition Regulation or the amended NAIC Model Regulation for Medicare supplemental health insurance policies; to the Committee on Finance.

EC-1240. A communication from the Assistant Legal Advisor For Treaty Affairs, Department of State, transmitting, pursuant to law, a report on international agreements, other than treaties, entered into by the United States in the 60 day period prior to May 25, 1989; to the Committee on Foreign Relations.

EC-1241. A communication from the Administrator of the Small Business Administration transmitting, pursuant to law, a report on a plan to enhance competition and reduce sole source contracts in fiscal year 1989; to the Committee on Governmental Affairs.

EC-1242. A communication from the Secretary of the Board of Governors of the Postal Service transmitting, pursuant to law, the semiannual report of the Office of Inspector General, U.S. Postal Service, for the period October 1, 1988 to March 31, 1989; to the Committee on Governmental Affairs.

EC-1243. A communication from the Acting Administrator of General Services transmitting, pursuant to law, the semiannual report of the Office of Inspector General, General Services Administration, for the period October 1, 1988, to March 31, 1989; to the Committee on Governmental Affairs.

EC-1244. A communication from the Chairman of the Council of the District of Columbia transmitting, pursuant to law, copies of D.C. Act 8-33 adopted by the Council on May 16, 1989; to the Committee on Governmental Affairs.

EC-1245. A communication from the Chairman of the Council of the District of Columbia transmitting, pursuant to law, copies of D.C. Act 8-35 adopted by the Council on May 16, 1989; to the Committee on Governmental Affairs.

EC-1246. A communication from the Chairman of the Council of the District of Columbia transmitting, pursuant to law, copies of D.C. Act 8-34 adopted by the Council on May 16, 1989; to the Committee on Governmental Affairs.

EC-1247. A communication from the Director of the U.S. Information Agency transmitting, pursuant to law, the semiannual report of the Office of Inspector General, U.S. Information Agency for the period October 1, 1988, to March 31, 1989; to the Committee on Governmental Affairs.

EC-1248. A communication from the Secretary of Commerce transmitting, pursuant to law, the semiannual report of the Office of Inspector General, Department of Commerce, for the period October 1, 1988, to March 31, 1989; to the Committee on Governmental Affairs.

EC-1249. A communication from the Acting Administrator of the National Aeronautics and Space Administration transmitting, pursuant to law, the semiannual report of the Office of Inspector General, National Aeronautics and Space Administration for the period October 1, 1988, to March 31, 1989; to the Committee on Governmental Affairs.

EC-1250. A communication from the Director of the Office of Legislative Affairs, Agency for International Development, transmitting, pursuant to law, the annual report of the Agency under the Freedom of Information Act for calendar year 1988; to the Committee on the Judiciary.

EC-1251. A communication from the Secretary of Education transmitting, pursuant to law, the Indian Fellowship Program; to the Committee on Labor and Human Resources.

EC-1252. A communication from the Secretary of Health and Human Services transmitting a draft of proposed legislation to amend title X of the Public Health Service Act to authorize a program of grants to States for family planning services; to the Committee on Labor and Human Resources.

EC-1253. A communication from the Chairman of the Advisory Committee on Student Financial Assistance transmitting, pursuant to law, the results of the study of institutional lending in the Stafford Loan Program; to the Committee on Labor and Human Resources.

EC-1254. A communication from the Secretary of Education transmitting, pursuant to law, final regulations—Migrant Education Even Start; to the Committee on Labor and Human Resources.

EC-1255. A communication from the Secretary of Education transmitting, pursuant to law, the Chapter I Program in Local Educational Agencies; to the Committee on Labor and Human Resources.

EC-1256. A communication from the Secretary of Health and Human Services transmitting, for the information of the Senate, his views on the bill S. 546; to the Committee on Labor and Human Resources.

EC-1257. A communication from the Acting Comptroller General of the United States transmitting, pursuant to law, a report on the President's fourth special impoundment message for fiscal year 1989; pursuant to the order of January 30, 1975, as midified on April 11, 1986, referred jointly to the Committee on Appropriations, the Committee on the Budget, the Committee on Agriculture, Nutrition, and Forestry, the Committee on Energy and Natural Resources, the Committee on Finance, the Committee on Armed Services, and the Committee on the Judiciary.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. BIDEN, from the Committee on the Judiciary, without amendment and with a preamble:

S. Res. 116. Resolution commemorating the 50th anniversary of the United States Jewish Appeal.

S.J. Res. 55. Joint resolution to designate the week of October 1, 1989, through October 7, 1989, as "Mental Illness Awareness Week."

S.J. Res. 67. Joint resolution to commemorate the 25th anniversary of the Wilderness Act of 1964 which established the National Wilderness Preservation System.

S.J. Res. 73. Joint resolution to designate the week beginning October 29, 1989, as "Gaucher's Disease Awareness Week."

S.J. Res. 76. Joint resolution to designate the period commencing on June 21, 1989, and ending on June 28, 1989, as "Food Science and Technology Week."

S.J. Res. 78. Joint resolution to designate the month of November 1989 and 1990 as "National Hospice Month."

S.J. Res. 85: Joint resolution to designate the week of July 24-30, 1989, as the "National Week of Recognition and Remembrance for Those Who Served in the Korean War."

S.J. Res. 95. Joint resolution to designate the week of September 10, 1989, through September 16, 1989, as "National Check-Up Week."

S.J. Res. 96: Joint resolution designating July 2, 1989, as "National Literacy Day."

S.J. Res. 105. Joint resolution to designate October 7 through October 14, 1989, as "National Week of Outreach to the Rural Disabled."

S.J. Res. 108. Joint resolution designating October 3, 1989, as "National Teacher Appreciation Day."

S.J. Res. 109. Joint resolution to designate the period commencing September 11, 1989, and ending on September 15, 1989, as "National Historically Black Colleges Week."

S.J. Res. 110. Joint resolution designating October 5, 1989, as "Raoul Wallenberg Day."

S.J. Res. 117: Joint resolution to designate the week of November 19, 1989, through November 25, 1989, and the week of November 18, 1990, through November 24, 1990, as "National Family Week."

S.J. Res. 118: Joint resolution designating October 6, 1989, as "German-American Day."

S.J. Res. 120: Joint resolution to designate the period commencing November 12, 1989, and ending November 18, 1989, as "Geography Awareness Week."

S.J. Res. 122: Joint resolution to designate October 1989 and 1990 as "National Down's Syndrome Month."

S.J. Res. 124: Joint resolution to designate October as "National Quality Month."

S.J. Res. 126: Joint resolution commemorating the bicentennial of the U.S. Coast Guard.

S.J. Res. 130: Joint resolution designating February 11 through February 17, 1990, as "Vocational-Technical Education Week."

S.J. Res. 133: Joint resolution designating October 1989 as "National Domestic Violence Awareness Month."

S.J. Res. 136: Joint resolution designating August 8, 1989, as "National Neighborhood Crime Watch Day."

S.J. Res. 137: Joint resolution designating January 7, 1990, through January 13, 1990, as "National Law Enforcement Training Week."

S.J. Res. 138: Joint resolution designating October 16, 1989, and October 16, 1990, as "World Food Day."

S.J. Res. 142: Joint resolution designating the week beginning July 23, 1989, as "Lyme Disease Awareness Week."

S.J. Res. 143: Joint resolution to designate the week of December 10, 1989, through December 16, 1989, as "National Drunk and Drugged Driving Awareness Week."

S.J. Res. 146: Joint resolution designating the week of September 24, 1989, as "Religious Freedom Week."

S.J. Res. 148: Joint resolution to designate the week of October 8, 1989, through October 14, 1989, as "National Job Skills Week."

S.J. Res. 150: Joint resolution to designate August 1, 1989, as "Helsinki Human Rights Day."

S. Con. Res. 39: Concurrent resolution to commend the group of aviators known as the "Flying Tigers" for nearly 50 years of service to the United States.

S. Con. Res. 40: Concurrent resolution to designate June 21, 1989, as "Chaney, Goodman, and Schwerner Day."

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. RIEGLE, from the Committee on Banking, Housing, and Urban Affairs:

Susan Carol Schwab, of Maryland, to be Assistant Secretary of Commerce and Director General of the United States and Foreign Commercial Service;

Alfred A. DelliBovi, of New York, to be Under Secretary of Housing and Urban Development;

John B. Taylor, of California, to be a member of the Council of Economic Advisors; and

John Michael Farren, of Connecticut, to be Under Secretary of Commerce for International Trade.

(The above nominations were reported with the recommendation that they be confirmed, subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

By Mr. BIDEN, from the Committee on the Judiciary:

Reggie B. Walton, of the District of Columbia, to be Associate Director for National Drug Control Policy.

By Mr. PELL, from the Committee on Foreign Relations:

John D. Negroponte, of New York, a career member of the Senior Foreign Service, Class of Career Minister, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Mexico.

(Contributions are to be reported for the period beginning on the first day of the fourth calendar year preceding the calendar year of the nomination and ending on the date of the nomination.)

Nominee: John D. Negroponte.

Post: Mexico.

Nominated: January 31, 1989.

Contributions, amount, date, and donee:

1. Self, none.

2. Spouse (Diana), none.

3. Children and Spouses, (Marina, Alexandra, John—minor children), none.

4. Parents, Catherine and Dimitri Negroponte, none.

5. Brothers and spouses: Nicholas and Elaine Negroponte, none. Michel and John Negroponte, none. George Negroponte, $420.00 (total), 1985-88; various Democratic party recipients (e.g. DNC, Moynihan Committee Cranston for Senate Committee for Democratic Consensus).

7. Sisters and Spouses, n.a.

Chic Hecht, of Nevada, to be Ambassador Extraoridinary and Plenipotentiary of the United States of America to the Commonwealth of the Bahamas.

Nominee: Senator Chic Hecht.

Post Ambassador to the Commonwealth of the Bahamas.

(Contributions are to be reported for the period beginning on the first day of the fourth calandar year preceding the calendar year of the nomination and ending on the date of the nomination.)

Contributions, amount, date, and donee:

1. Self, none.

2. Spouse, none.

3. Children and Spouses, Lori and Leslie, none.

4. Parents, Mildred Kahn, $2,000, 1988, Senator Chic Hecht.

5. Grandparents, all deceased 25 years or more.

6. Brother and spouse: Mr. and Mrs. Martin Hecht, $4,000, 1988, Senator Chic Hecht; $2,000, 1984, Senator Boschwitz; $1,000, 1986, Senator Dixon; $1,000, 1986, Senator Hawkins; $1,000, 1986, Senator Bond; $1,000, 1984, Senator Percy; $2,000, 1984, Senator Helms; $1,000, 1986, Linda Chavez; $1,000, 1984, Linda Chavez; $1,000,

1984, Senator Kasten; $1,000, 1988, Senator Danforth; $2,000, 1988, Senator Laxalt for President; $1,000, 1988, Congressman Emerson; and $1,000, 1986, Congressman Emerson.

7. Sister and Spouse: Mr. and Mrs. Irving Applebaum, $4,000, 1988, Senator Chic Hecht; $500, 1984, Senator Simon; $500, 1986, Congressman Durbin; and $2,000, 1984, Senator Boschwitz.

Richard Reeves Burt, of Arizona, for the rank of Ambassador during his tenure of service as Head of Delegation on Nuclear and Space Talks and Chief Negotiator on Strategic Nuclear Arms (START) (Exec. Rept. No. 101-7):

(Contributions are to be reported for the period beginning on the first day of the fourth calendar year preceding the calendar year of the nomination and ending on the date of the nomination.)

Nominee: Richard R. Burto.

Post: U.S. Negotiator for Strategic Nuclear Arms.

Nominated: February 2, 1989.

Contributions, amount, date, and donee:

1. Self, none.

2. Spouse, Gahl Lee Hodges Burt, $120, 1/85, GOP pals.

3. Children and Spouses: names, Christopher, none.

4. Parents: names, Mr. and Ms. Wayne Burt, none.

5. Grandparents: names, N/A.

6. Brothers and Spouses: names, Christopher and Winnell Burt, none.

7. Sisters and Spouses, N/A.

John Hubert Kelly, of Georgia, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be an Assistant Secretary of State; and

Bernard William Aronson, of Maryland, to be an Assistant Secretary of State.

(The above nominations were reported with the recommendation that they be confirmed, subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. CRANSTON (by request):

S. 1147. A bill to amend title 38, United States Code, to authorize a headstone allowance for prepurchased grave markers; to the Committee on Veterans' Affairs.

By Mr. GORTON:

S. 1148. A bill to authorize issuance of a certificate of documentation for the vessel M/V *Northern Victor*; to the Committee on Commerce, Science, and Transportation.

By Mr. BAUCUS (for himself, Mr. CHAFEE, Mr. PRYOR, Ms. MIKULSKI and Mr. PELL):

S. 1149. A bill to amend title XVIII of the Social Security Act and the Internal Revenue Code of 1986 to limit application of the benefits and premiums of the Medicare Catastrophic Coverage Act of 1988 to those voluntarily enrolled in part B of the Medicare program; to the Committee on Finance.

By Mr. CONRAD (for himself and Mr. DASCHLE):

S. 1150. A bill to provide for the payment by the Secretary of the Interior of undedicated receipts into the Refuge Revenue Sharing Fund; to the Committee on Environment and Public Works.

By Mr. HELMS:

S. 1151. A bill to support democracy and human rights in the People's Republic of China and Tibet; to the Committee on Foreign Relations.

By Mr. GORTON:

S. 1152. A bill to authorize a certificate of documentation for the vessel *American Empire*; to the Committee on Commerce, Science, and Transportation.

By Mr. DASCHLE (for himself, Mr. KERRY, Mr. CRANSTON, Mr. JEFFORDS, Mr. DECONCINI, Mr. MATSUNAGA, Mr. BRADLEY, Mr. SIMON, Mr. WIRTH, Mr. PELL, Mr. ROCKEFELLER, Mr. SPECTER, Mr. KERREY, Mr. BURDICK, Mr. HARKIN, Mr. GORE, Mr. BINGAMAN, Mr. KOHL, Mr. MOYNIHAN, Mr. BIDEN, Mr. PRESSLER, and Mr. CHAFEE):

S. 1153. A bill to amend title 38, United States Code to provide for the establishment of presumptions of service-connection between certain diseases experienced by veterans who served in Vietnam era and exposure to certain toxic herbicide agents used in Vietnam; to provide for interim benefits for veterans of such service who have certain diseases; to improve the reporting requirements relating to the "Ranch Hand Study"; and for other purposes; to the Committee on Veterans' Affairs.

By Mr. JOHNSTON (by request):

S.J. Res. 154. Joint resolution to consent to certain amendments enacted by the legislature of the State of Hawaii to the Hawaiian Homes Commission Act, 1920; to the Committee on Energy and Natural Resources.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. MITCHELL (for himself and Mr. DOLE):

S. Res. 143. Resolution directing the Senate Legal Counsel to represent the Acting Public Printer in the Honorable Alcee L. Hastings, United States District Judge v. The United States Senate, et al. (D.D.C.); considered and agreed to.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. CRANSTON (by request):

S. 1147. A bill to amend title 38, United States Code, to authorize a headstone allowance for prepurchased grave markers; to the Committee on Veterans' Affairs.

HEADSTONE ALLOWANCE AMENDMENT ACT

Mr. CRANSTON. Mr. President, as chairman of the Veterans' Affairs Committee, I have today introduced, by request, S. 1147, the proposed Headstone Allowance Amendment Act of 1989. The Secretary of Veterans' Affairs submitted this legislation by letter dated June 2, 1989, to the President of the Senate.

My introduction of this measure is in keeping with the policy which I have adopted of generally introducing—so that there will be specific bills to which my colleagues and others may direct their attention and comments—all administration proposed draft legislation referred to the Veterans' Affairs Committee. Thus, I reserve the right to support or oppose the provisions of, as well as any amendment to, this legislation.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD at this point, together with the June 2, 1989, transmittal letter.

There being no objection, the bill and letter were ordered to be printed in RECORD, as follows:

S. 1147

Be it enacted by the Senate and the House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Headstone Allowance Amendment Act of 1989."

SEC. 2. Subsection (d) of section 906 of title 38, United States Code, is amended by inserting after "by or on behalf of such person", a comma and "or, in cases where a veteran has prepaid the cost of the veteran's own headstone or marker, by the veteran,."

VETERANS' ADMINISTRATION, OFFICE OF THE ADMINISTRATOR OF VETERANS' AFFAIRS,
Washington, DC, June 2, 1989.

Hon. DAN QUAYLE,
President of the Senate, Washington, DC.

DEAR MR. PRESIDENT: There is transmitted herewith a draft bill "To authorize a headstone allowance for prepurchased grave markers," with the request that it be referred to the appropriate committee for prompt consideration and enactment.

Our proposal would amend current section 906(d) of title 38, United States Code, to permit payment of the headstone or marker allowance to the estate of a deceased veteran who purchased the headstone or grave marker prior to his or her death. Further, in the case of a prepurchased marker that is engraved following the veteran's death, the proposal would provide for reimbursement of the engraving costs, and now, plus any balance remaining in the marker allowance would be applied to reimburse, in part, for the expense of the marker.

Section 906(d) of title 38, United States Code, provides for the payment of a monetary allowance in lieu of a Government-furnished headstone or grave marker under certain circumstances. The allowance is intended to reimburse an individual, in part, for the actual costs of acquiring a suitable memorial, and is not payable prior to the death of the veteran. Therefore, if the veteran purchases his or her memorial prior to death, the headstone or marker allowance cannot be claimed at the time of the purchase. Moreover, the allowance is not payable to any person after the veteran's demise, to the extent the costs of the memorial were prepaid (borne) by the veteran.

Prepaid funeral arrangements are gaining in popularity, and serve as a thoughtful means of sparing survivors the need to make difficult decisions during a period of emotional stress. Under existing law, the Department of Veterans Affairs (VA) is authorized to pay burial and plot allowances to reimburse for prepayment of such funer-

al expenses. Our proposal would extend that approach to the acquisition of headstones or grave markers, thereby removing the disincentive to prepurchase memorials and relieving survivors of a financial burden. Further, the proposed amendment would reconcile the different criteria for reimbursement applied to prepayment of funeral expenses and prepurchase of memorials.

Our proposal, if enacted would result in negligible benefit costs and less than $100,000 in administrative costs.

The Office of Management and Budget advises that there is no objection from the standpoint of the Administration's program to the submission of this legislative proposal to the Congress.

Sincerely yours,

EDWARD J. DERWINSKI,
Secretary.

By Mr. GORTON:

S. 1148. A bill to authorize issuance of a certificate of documentation for the vessel M/V *Northern Victor*; to the Committee on Commerce, Science, and Transportation.

DOCUMENTATION OF VESSEL M/V "NORTHERN VICTOR"

● Mr. GORTON. Mr. President, I am introducing a bill today which will grant a waiver for the operation of the vessel M/V *Northern Victor*. Last year, the Senate passed a similar bill for this vessel under unanimous consent; unfortunately, the measure died in the House.

The vessel is now owned by Seafood Wholesalers, Inc., based in California. In 1988, Crystal Products, Inc., a Washington State corporation, entered into an agreement to purchase the ship. They have requested assistance in obtaining a legislative waiver of a restriction on a vessel to allow it to participate in some aspects of the U.S. fisheries. The waiver would allow this vessel to acquire, purchase, process, and transport fish products. It would not allow the vessel to actually catch fish and there is no desire to use the vessel for that purpose.

Crystal Products, Inc., is a company that manages U.S. trawlers operating in the Bering Sea and Eastern Pacific in a joint venture with foreign processing motherships. These joint ventures are being phased out as U.S. processing capacity increases. In order for members of the joint venture fleet to survive, it is necessary that processing ships be available to accept the product that those vessels are capable of catching. Such motherships must be U.S.-built under the Commercial Fishing Industry Vessel Anti-Reflagging Act of 1987.

In order to create a "mothership processor" it is necessary to have a U.S.-built hull of sufficient size to hold the equipment necessary to process large volumes of fish and to house the large number of people required for the handling of the fish. A number of vessels have been sold from the U.S. surplus fleet that meet the size requirement for these motherships. Mr. Yates has identified one of these vessels, the M/V *Northern Victor* (ex *Ocean Cyclone*, ex *Coastal Spartan*), as being suitable for this purpose, and he has entered into a contract for the purchase of this U.S. built vessel with the intention of converting it into a processing ship. When such vessels were sold out of the U.S. surplus fleet, however, a contractual restriction was placed upon their use which prohibits their operation as a means of transportation of passengers or cargo for hire, or as a means of transportation of proprietary cargo.

The Department of Transportation has interpreted this contractual restriction to preclude the utilization of these vessels in the U.S. fisheries in the manner which is now being contemplated. Because of this interpretation, Congress in 1980 adopted an act which provided a 2-year window for all of the owners of the surplus vessels to apply for permission to utilize these vessels in the U.S. fisheries. However, the owners of the vessel failed to apply for this permission. For this reason, legislation is now needed to correct this oversight. In addition, the new owner intends to receive fish from catcher vessels within the 3-mile limit. The transport of those fish to a U.S. port would be "coastwise trade." Former ownership by a foreign company renders the vessel ineligible for such "coastwise trade" under the Jones Act. While the vessel was United States built and is now United States owned, it was purchased in 1975 by a Panamanian corporation, which placed the vessel under the Panamanian flag and used it as a drilling platform. The proposed legislation therefore waives the application of the Jones Act for this purpose.

The vessel is now under contract for a major conversion in the United States at an estimated cost of $10 million. When the conversion is completed, the ship will employ between 100 to 150 people. Additionally, the vessel will utilize between 4 and 8 U.S. trawlers to provide it with the raw fish products necessary for the operation of the processing plant. Obtaining the required waiver for this vessel will result in increased jobs for U.S. workers.●

By Mr. BAUCUS (for himself, Mr. CHAFEE, Mr. PRYOR, Ms. MIKULSKI, and Mr. PELL):

S. 1149. A bill to amend title XVIII of the Social Security Act and the Internal Revenue Code of 1986 to limit application of the benefits and premiums of the Medicare Catastrophic Coverage Act of 1988 to those voluntarily enrolled in part B of the Medicare Program; to the Committee on Finance.

LIMITING MEDICARE CATASTROPHIC BENEFITS AND PREMIUMS TO MEDICARE PART B ENROLLEES

Mr. BAUCUS. Mr. President, today I am introducing the Catastrophic Coverage Choice Act of 1989.

My bill gives seniors the choice of participating in the Medicare Catastrophic Coverage Act.

Mr. President, let me explain why this bill is needed.

Montana's seniors and the seniors across the country are asking two questions about the Catastrophic Illness Program.

They want to know why the new Medicare coverage costs so much.

And they want to know why they are forced to take the coverage.

Well, we have new information showing that seniors may be paying more than is needed.

A big reserve is being built up at the expense of seniors.

We cannot balance the budget from these funds.

The cost of catastrophic coverage to seniors should be reduced.

But even if the cost is reduced, it is still not fair for this coverage to be jammed down the throats of Medicare beneficiaries.

No matter how good the coverage is—and I strongly believe it is the best buy there is for most seniors—they should still have that choice.

Making catastrophic coverage voluntary is not a new idea.

In fact, that is the way the Senate wanted it originally 2 years ago.

It was a good idea 2 years ago, and it is a good idea now.

Mr. President, the Catastrophic Coverage Act has many important and valuable benefits, benefits that protect seniors from getting wiped out by severe illness in a time of staggering health care costs, benefits that are the first small steps toward providing real long-term care benefits.

Those benefits have real value.

But let us give folks the choice, give folks the choice to decide whether or not they actually want to participate in the program.

I think they will keep the coverage. I think they will make that choice.

But at least they deserve to be treated with honor and respect and to decide for themselves what is best for them.

This bill gives them that choice.

I urge my colleagues to support me in this important effort.

Mr. President, I ask unanimous consent that the text of the Catastrophic Coverage Choice Act of 1989 be printed following my statement.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1149

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. LIMITING MEDICARE CATASTROPHIC BENEFITS AND PREMIUMS TO MEDICARE PART B ENROLLEES.

(a) MEDICARE PART A BENEFITS.—Part A of title XVIII of the Social Security Act is amended by inserting before section 1811 the following new section:

"LIMITING APPLICATION OF AMENDMENTS MADE BY MEDICARE CATASTROPHIC COVERAGE ACT OF 1988 TO PART B ENROLLEES

"SEC. 1810. Notwithstanding any other provision of this part, the amendments made to this part by the Medicare Catastrophic Coverage Act of 1988 shall not apply to any individual for services provided in any month unless the individual is enrolled under part B for that month.".

(b) LIMITING APPLICATION OF SUPPLEMENTAL MEDICARE PREMIUM TO MEDICARE PART B ENROLLEES.—Section 59B(f) of the Internal Revenue Code of 1986, as added by section 111(a) of the Medicare Catastrophic Coverage Act of 1988, is amended—

(1) by striking "medicare-eligible individual" each place it appears and inserting "medicare-enrolled individual";

(2) by amending paragraph (1) of subsection (f) to read as follows:

"(1) MEDICARE-ELIGIBLE INDIVIDUAL.—The term 'medicare-enrolled individual' means, with respect to any month, any individual who is entitled to benefits under part A and part B of title XVIII of the Social Security Act for such month."; and

(3) by striking paragraph (5) of subsection (f), and by redesignating paragraphs (6) through (8) of such subsection as paragraphs (5) through (7), respectively.

(c) EFFECTIVE DATES.—

(1) The amendment made by subsection (a) shall take effect on January 1, 1990.

(2) The amendment made by subsection (b) shall apply retroactively to taxable years beginning after December 31, 1989.

Mr. CHAFEE. Mr. President, the bill that Senator BAUCUS and I are introducing today squarely addresses many of the concerns surrounding the new Catastrophic Coverage Act—that is, the bill we passed 2 years ago. The concerns have been aired at town meetings across the country over the last several months. These are the same concerns that were in the Finance Committee and most recently, in the last few days, right here on the floor.

Yesterday on the floor of the Senate, we adopted a sense-of-the-Senate resolution which directed the Finance Committee to take another look at the catastrophic program with an eye on addressing concerns about the supplemental premium—that is, the premium that is the percentage of one's income tax—and also the problem of duplicative coverage. I believe the bill that Senator BAUCUS and I are introducing today represents a reasonable and constructive tack for the committee to take.

Our bill, the Catastrophic Coverage Choice Act, addresses these concerns head on by making the new catastrophic coverage voluntary. In other words, nobody has to take it. You can opt out. You do not have to take part B. You do not have to take the supplemental. You do not have to take the catastrophic premium. You do not have your choice. It is not like a Chinese menu, where you can take some and not the other. You take either all or none of it, none of these options that I have just mentioned.

I have always thought that this program should be voluntary. Indeed, it was voluntary, Mr. President, in the bill which was drafted in our committee, the Finance Committee, and which was approved by the full Senate here. However, when we went to conference with the House, the provisions making the program voluntary were dropped, had to be dropped at the insistence of the House.

The bill we are intoducing today would, quite simply, reinstate the voluntary nature of the program by typing catastrophic coverage to Part B coverage. This would mean that any Medicare beneficiary could opt out of Part B, and thus out of catastrophic. Those who choose this option, as I mentioned earlier, would not pay either the Part B premium, the flat catastrophic premium, or the supplemental catastrophic premium.

This would give each beneficiary the opportunity to examine the benefits and the costs, and make an informed decision. Personally, I would opt in if I were in that situation, because I believe you cannot get better coverage for the price in the private market. The value of Medicare benefits as a whole—parts A, B, and catastrophic—is still significantly higher than the premium, even for those who will pay the maximum catastrophic premium.

I believe, in this program I helped write it 2 years ago, representing the Senate Finance Committee, along with the distinguished Senator from Maine, our leader. I believe that it is a good program for the citizens of the country to take advantage of. However, some do not want it. Some who perhaps might have coverage through a very extensive program that continues into retirement from their business career or perhaps those who are part of a Government program or a military retiree, they may find it is better to opt out and we ought to give them that opportunity. That is what this legislation does.

CBO has done a report that bears this out, showing that the government subsidy on Medicare benefits is substantial across all income categories—including those who will pay the maximum supplemental premium.

What this all means is that Medicare, as expanded by the new catastrophic coverage is a good deal—a good package of benefits at a below-market price. But as firmly as I believe that, I also believe that senior citizens ought to be able to make that choice for themselves, after reviewing the benefits, the costs, and any other plans they may have.

For example, our legislation would allow a Medicare beneficiary with a very generous retiree health benefit plan—whether from a private employer, the Federal Government, or other retiree health plan—to opt out of both part B and catastrophic. Some such plans provide extensive health care benefits under very generous terms—sometimes even free of charge. Under our bill, a person with such a plan could opt out and thus avoid duplication of benefits. This, we believe, is the best way to satisfy the concerns we have heard from those who have these very generous plans.

In summary, making the program voluntary is a reasonable way to resolve most, if not all, of the concerns surrounding the new catastrophic law. Under our bill, seniors who want the benefits could get them, and those who do not could opt out, by opting out of part B. It is as simple as that, and I hope my colleagues will give this proposal their favorable consideration.

Mr. PRYOR. Mr. President, I am pleased to join Senator BAUCUS in introducing the Catastrophic Coverage Choice Act of 1989. This legislation would achieve one simple, but extremely important result: it would give back an option that Medicare beneficiaries always have had in the past and, I believe, wish to continue to have now.

The bill we are introducing today would return the Medicare part B program, and the catastrophic health care benefits now included in the program, to a truly optional benefit. Without this measure, beneficiaries will be required to pay the supplemental premiums we all have been hearing so much about—even if they choose to forego the benefits included in part B.

Mr. President, every one of us have heard from thousands of our elderly constituents who have, to say the least, raised concerns about the Medicare Catastrophic Coverage Act. Many of them feel that the benefits included in the package are not worth the cost and are upset that they must pay the premium regardless of whether they want it or not.

As it turns out, and is often the case, our constituents appear to be right. The new law does not offer Medicare beneficiaries the option to opt out of part B and it does appear to be overcharging them for the benefits they are receiving. In fact, unless we do something, the supplemental premium required by the law may raise billions more than is necessary to pay for the benefits.

I believe that both of these concerns should be addressed. I have advocated and will continue to advocate that we find ways to return funds collected through the premiums that are over and above what is necessary to adequately fund the new law. In addition, as I did when we passed the Senate version of the catastrophic health care

bill, I support retaining the optional status of the part B program. Moreover, last night, the Senate and the Senate Finance Committee, in particular, made a commitment to address these issues prior to September of this year. Today, I am building on that commitment by joining the senior Senator from Montana in introducing the Catastrophic Coverage Choice Act of 1989.

Although many believe there are shortcomings in the catastrophic health care bill, there should be no question where I stand on the Medicare part B benefit and its catastrophic health expansions. In my mind, the Medicare benefit offers the most cost-effective insurance protection available now or likely to be developed in the future. The added protections are needed and need to be retained. However, beneficiaries also need to be given the choice to decide for themselves. The bill we are introducing today gives them that choice.

Mr. President, the Catastrophic Coverage Choice Act is not perfect. Few bills can claim that distinction when first introduced. It does not address all the concerns of the people and the organizations from whom we have heard. On the one hand, such groups as the Federal retirees, may be pleased to see we will not be mandating their participation. On the other hand, there is little question that they and others have additional important concerns that still need to be addressed. It is, however, an important starting point that provides another clear signal of our desire to move on this issue.

It should not be too surprising if this idea sounds familiar to my colleagues. It was the approach taken by the Senate-passed version of the catastrophic health care bill. I believe it was a good idea then, and remains a good idea now. I hope all my colleagues will join with us in supporting this important piece of legislation.

By Mr. CONRAD (for himself and Mr. DASCHLE):

S. 1150. A bill to provide for the payment by the Secretary of the Interior of undedicated receipts into the Refuge Revenue Sharing Fund; to the Committee on Environment and Public Works.

REFUGE REVENUE SHARING FUND ACT

Mr. CONRAD. Mr. President, I rise today to introduce legislation that will help ensure that local governments receive fair compensation for lands that are developed into national wildlife refuges. I am pleased that Senators DASCHLE, LOTT, GORE, and LEVIN have agreed to be original cosponsors.

In 1935, the Refuge Revenue Sharing Act was enacted into law. The act provided for Federal payments to units of local government in partial compensation for property tax revenues lost when land is transferred to Federal control for a wildlife refuge. These payments originally came out of revenues received by the Department of Interior from sales of timber and other products, and from leases for public accommodations or facilities near wildlife refuges. As time passed, these revenues were not sufficient to provide all of the money needed for the fund, and a congressional appropriation became necessary.

In recent years the appropriation has fallen victim to tight budgets and, as a result, only partial payments have been made to local governments. Last year only 59 percent of the payments were made. This has caused severe hardship in many counties which have national wildlife refuges within their jurisdiction, and it is becoming a disincentive to States to turn over more lands for refuges.

The legislation which is being introduced today will require the Secretary of Interior to make up the shortfall in the Refuge Revenue Sharing Fund with any undedicated revenues under his control. This will ensure that local governments are fully compensated according to the payment formulas already embodied in the Refuge Revenue Sharing Act.

The U.S. Fish and Wildlife Service controls more land in North Dakota than in any other State except Alaska and California. Some counties have a large percentage of their land invested in refuges, and payments under this program are critical to their survival. Some States and counties are beginning to question the wisdom of turning over more land to the Federal Government if adequate compensation is not forthcoming.

Mr. President, we cannot let this underfundng continue. When the Refuge Revenue Sharing Act was enacted into law over 50 years ago, the Federal Government made a promise to the States and local governments that they would be fairly compensated for giving up lands for wildlife refuges. By not meeting this obligation, the Federal Government is now jeopardizing our ability to protect our wildlife by providing shelters for this most precious resource. We're not talking about a shortfall of billions or hundreds of millions of dollars, but less than 7 million dollars. That's all it will take to make full payments to local governments this year. Seven million dollars—to ensure that land will be available when it's needed for the continued development of national wildlife refuges.

Mr. President, the bottom line is this: The Federal Government is not paying its fair share. The Government made a promise more than 50 years ago—and for the last 10 years, hasn't kept that promise.

Every landowner out there pays property taxes—every landowner except the Federal Government. If we want to encourage States to turn over land for wildlife refuges, we've got to start keeping our promise, and compensate them for the taxes they lose.

Mr. President, I ask unanimous consent that this article from the Fargo Forum, Fargo, ND, which describes the problems that citizens are facing from shortfalls in the Refuge Revenue Sharing Program, be included along with my remarks and a copy of the bill.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1150

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Refuge Revenue Sharing Fund Act of 1989".

SEC. 2. PAYMENT OF UNDEDICATED FUNDS.

Notwithstanding any other provision of law, undedicated receipts equal in amount to the Refuge Revenue Sharing Fund shortfall that are collected by the Secretary of the Interior in a fiscal year shall be—

(1) covered into the United States Treasury,

(2) reserved in the Refuge Revenue Sharing Fund, and

(3) paid to counties as required by section (c) of the Refuge Revenue Sharing Act (16 U.S.C. 715s(c)) without necessity for appropriation by law.

SEC. 3. DEFINITIONS.

For the purposes of this Act—

(1) the term "Refuge Revenue Sharing Act" means section 401 of the Act entitled "An Act to amend the Migratory Bird Hunting Stamp Act of March 16, 1934, and certain other Acts relating to game and other wildlife, administered by the Department of Agriculture, and for other purposes", approved June 15, 1935 (16 U.S.C. 715s);

(2) the term "Refuge Revenue Sharing Fund" means the fund established by section (a) of the Refuge Revenue Sharing Act (16 U.S.C. 715s(a));

(3) the term "Refuge Revenue Sharing Fund shortfall" means the amount by which—

(A) the amount necessary to make the full payments to counties required by section (c) of the Refuge Revenue Sharing Act (16 U.S.C. 715s(c)) in a fiscal year exceeds

(B) the amount appropriated to the Refuge Revenue Sharing Fund for that fiscal year,

not to exceed $20,000,000 in a fiscal year; and

(4) the term "undedicated receipts" means all monies that the Secretary of the Interior is authorized to collect that are not required by law to be paid to a particular person or entity or into a particular fund (other than miscellaneous receipts in the United States Treasury).

IN-LIEU-OF-TAX PAYMENTS NEED CONGRESSIONAL ACTION

(By John Lohman)

It's time for Congress to do something about in-lieu-of-tax payments.

If it really is a desire of this nation to preserve, improve and acquire land in the prairie pothole states and other areas of the nation for waterfowl, it also is the duty of

Congress to assure it's not done at the expense of local government and local taxpayers.

In-lieu-of-tax payments under the federal Refuge Revenue Sharing Act seldom have met full entitlement due taxing entities—principally counties and school districts.

The act provides for calculating county entitlement on the basis of 25 percent of net receipts collected for activities (such as having, grazing and oil wells) on FWS lands; or three-quarter of 1 percent of the current market value, or 75 cents per acre.

Under a 1978 amendment, Congress was given authority to make up deficits through special appropriations and it called for fair market value appraisals on all FWS lands at least once every five years.

In North Dakota, for example, the three-quarter of 1 percent of fair market value results in the greatest amount for a payment to a county for in-lieu-of taxes.

The U.S. Fish and Wildlife Service budgets for full entitlement, and the Office of Management of Budget cuts the funds. Congress, which has the final responsibility, fails to appropriate the monies and what is appropriated is divided among the entities having such lands.

For example, during the past 10 years, the payments only once have reached 100 percent. They have been as low as 52 percent.

If you were in business in the private sector, you wouldn't last long if you did what Congress is doing. You probably would get thrown in jail or have the property forcibly sold to meet tax obligations.

ISSUE IS NOT NEW

The issue is not new. It has been rolling around out here a long time.

Our senators and representatives have attempted to address it, but apparently they just don't have the clout needed to bring the issue to a head and get Congress to pay its bills.

The current battle over the proposed Hamden Slough National Wildlife Refuge in the Audubon, MN, area and the recent conflicts in Sargent County in North Dakota are in part due to the failure of Congress to meet its commitments.

There are other issues, also, such as some landowners just don't want any government ownership. That issue is sometimes the reason for the big battle cry over in-lieu-of taxes.

In order to overcome the in-lieu-of-tax opposition, landowners and others have been setting aside an escrow account on some tracts being purchased by the FWS so that local entities receive their fair share. Some of these escrow accounts are being taken out of the pockets of the sellers. Is that fair?

Lloyd Jones, manager of the U.S. Fish and Wildlife Service wetland office in Bismarck, said nationwide the shortfall only runs $6 million to $9 million annually to bring entitlements to full value. Now, in a Congress that deals with trillions of dollars and wants to take 50 percent pay raises, is that a lot of bucks? No!

BEGINNING TO BE HEARD

Jones and others I talked with on the issue feel Congress and major conservation organizations around the nation are beginning to look at the problems and throw some support behind getting Congress to allocate funds for full entitlement.

The National Wildlife Federation has been a supporter of Congress providing full funding.

Now, if we can just get our congressmen to be heard, maybe we could avoid the conflicts that are now raging and the possible loss of key areas.

Time is running out. We can't lose future areas such as the proposed Hamden refuge.

It seems strange that we can pour millions into the Conservation Reserve Program, but can't solve little problems like in-lieu-of-tax payments.

The Hamden Slough area is not only important, but is vital to help preserve our waterfowl resources.

If our forefathers hadn't taken the time and effort to set aside areas such as Yellowstone or Glacier National Park or Itasca State Park in Minnesota, what would we have today?

Certainly, there is more at stake in the Hamden Slough issue than just the tax payment. That possibly can be solved for the long term by an escrow account.

It will take compromise from all involved. There are hard decisions to be made, but they must be made for the benefit of the state and nation and not just for the feelings of a few.

Those giant Canada geese doting the landscape didn't come about by accident, it has taken time and efforts on the part of many. The trumpeter swan program in Becker County also is not just a one-person effort or short-term either.

Those are the fruits we derive, not only for today but for the future, when an area is preserved, improved and set aside to sustain a natural resource.

Yes, dollars are a problem, but really the issue should not be insurmountable to a people that can put a man on the moon.

Mr. DASCHLE. Mr. President, I rise today to join my distinguished colleague from North Dakota, Senator CONRAD, in introducing the Refuge Revenue Sharing Fund Act of 1989.

I want to acknowledge the diligent work of Senator CONRAD on this issue. Refuge revenue sharing is not a glamorous issue; it does not involve large sums of money; and the problem is spread out over the whole country. But the problem has festered for almost a decade now, and every year the consequences are felt more deeply. Senator CONRAD has taken the initiative in this difficult area and proposed a very sensible solution.

The problem of which I speak is the unfulfilled Federal commitment to counties hosting our National Wildlife Refuges and Waterfowl Protection Areas. The Refuge Revenue Sharing Act was enacted in 1935. Under the act, the Federal Government was given the authority to fairly compensate local governments for real estate taxes lost when lands owned by the Federal Government are located within the local government's jurisdiction. Unfortunately, the appropriations are not mandatory and have fallen to a point where, in recent years, only about 60 percent of the payments have been made.

In my home State of South Dakota, local governments were owed $271,246 under the Refuge Revenue Sharing Act in 1988. However, South Dakota only received $192,828. While a shortfall of almost $80,000 is not a major issue in many areas, in South Dakota it makes a real difference. It is money that local governments should be able to count on when making their budgets and assessing their local revenue needs.

The impact of the shortfall in refuge payments goes far beyond lost revenues. The delinquency is poisoning relations between the Federal Government, represented by the U.S. Fish and Wildlife Service, and local governments. In South Dakota, six counties—Brown, Clark, Codington, Day, Deuel, and Kingsbury—have announced that they will disapprove any Federal attempts to acquire land within their jurisdictions. This comes at a time when concerns about disappearing wetlands have caused national response from positions as high as the Presidency. Waterfowl populations are plummeting, water quality is declining, and flood severity is increasing as wetland values are lost.

I ask my colleagues how the noble ambitions of the North American waterfowl plan and other efforts to protect wetlands can be achieved if the Federal Government will not even pay off its modest debts to our counties?

To have both proper natural resources management and cooperation between the Federal Government and the people of our States is essential. By making the U.S. Fish and Wildlife Service and the U.S. Government shirkers of their debt, we undermine the credibility of our resource professionals, and we stymie efforts to protect our natural resources.

I remind my colleagues that I am speaking about a very modest sum of money. True to the trend since 1981, President Bush has recommended that only $6.65 million of $13.35 million be funded in fiscal year 1990. The shortfall is therefore $6.7 million. In past years, Congress has not opted to remedy the refuge deficit. Senator CONRAD and I propose that undedicated receipts—receipts returned to the General Treasury each year—from the Department of the Interior be used to make up the shortfall. In 1988, undedicated receipts from the Department of the Interior totaled $1.9 billion. To repeat, this year the refuge shortfall is a mere $6.7 million.

Very simply, I believe that the Federal Government should not purchase 1 more acre if it is not willing to honor its debts to local governments. The bill being introduced would solve this problem. The beneficiaries will be every State and local community with refuge lands, Federal-local relations and finally, our land, water, and wildlife.

By Mr. HELMS:

S. 1151. A bill to support democracy and human rights in the People's Republic of China and Tibet; to the Committee on Foreign Relations.

DEMOCRACY, LIBERTY, AND JUSTICE IN THE PEOPLE'S REPUBLIC OF CHINA ACT

Mr. HELMS. Mr. President, on Tuesday, both the Senate and the House passed resolutions commending the President of the United States for his forthright actions on behalf of freedom in Communist China.

The President announced Monday that the United States would immediately suspend all government-to-government sales and commercial exports of weapons, immediately suspend all visits between the United States and Chinese military officials, treat sympathetically requests by Chinese students in the United States to extend their stay in our country, and offer humanitarian and medical assistance through the International Committee of the Red Cross to those injured during the assault on Beijing.

I was one of the four principal cosponsors of the Senate resolution. The leadership, the distinguished majority leader, and the distinguished minority leader, the distinguished chairman of the Foreign Relations Committee, and I, as ranking Republican on that committee. I was cosponsor because, among other reasons, the four steps that President Bush took were steps that I had urged him to take as soon as, in the early hours of June 4, the magnitude and the brutality of the massacre began to emerge. The President's actions are thoroughly commendable and appropriate.

But the crisis in China continues. It continues to develop into one of the historical, significant events of our time. Elements of the People's Liberation Army continue to fire on the Chinese people, some tanks have left Beijing, but martial law is still in effect and no attempt has been made to address the human and civil rights of those seeking democratic reform.

The leaders of the Communist government remain silent, and even out of sight, while their future plans are concealed. We must not be surprised if those plans include purges in the military and the party with massive executions. This is the way Communist governments, wherever they are, always operate. When they are challenged by their own people, the killing begins.

Nevertheless, the Chinese people are heroic in the face of this new oppression by the Chinese Government. Who can forget the television scenes of that single Chinese citizen who, unarmed and absolutely alone, stalked up to a moving tank, forced it to stop, forced, indeed, the whole column of tanks to stop while he lectured the crew inside? In a sense, that one patriotic citizen stood for all the students, for all the world and for all Chinese who have been standing up to the present oppressive Communist regime in China.

Mr. President, before us lies a massive power struggle, paradoxically taking place in full view of the world but, in reality, out of sight. The Communist leaders of China are at this very moment taking counsel saying to themselves, have we lost the mandate of the people? How do we hold on to our power? What steps should we take? Well, we must make certain they do not take steps more bloody and more repressive than they have already taken. If there is an escalation of violence, the President of the United States must do more, and I am persuaded that he will do more. I will stand with him and assist him in any way I can, which is the purpose of my being here at this moment on the floor of the U.S. Senate.

I am introducing legislation today setting forth a few minimal standards of what must be done in the event of a continuation of the brutality and murder and oppression that we have already seen, that the world has already seen. The present Communist regime in China has already demonstrated its illegitimacy by attacking their own people, the Chinese people. First of all, the American Government must do nothing which will strengthen the present illegitimate regime in Beijing, and especially not even economically.

So the bill I am introducing today, of course, commends the President of the United States for the actions already taken. It affirms those actions, but it also emphasizes the fact that we simply cannot have business as usual if the murder rampage resumes or is continued.

In that event, my legislation would roll back trade and related matters to the level at which these relations stood before the start of this decade. It would stop the trade development program with Communist China. It would suspend most-favored-nation treatment, and it would instruct United States representatives to vote against benefits in IBRD, the IFC, and the Asian Development Bank. It would suspend Export-Import Bank loans and OPIC guarantees and, last, it would suspend licenses for high-technology exports on the munitions control list and it would disapprove exports on the Cocom list.

That is just the next step. There are many other things that we could do, but this legislation represents the next rung on the ladder for the things the President of the United States can do and should do in the event the brutality and bloodshed should resume and should it continue in Communist China.

Let me make one thing clear. I emphasize that these sanctions, as stated in the bill I am about to introduce, are contingent upon what the Chinese Government does from this point on. It would not go into effect if the government of Communist China ceases its sustained campaign of violence, or if it lifts martial law, or if it has taken substantial steps to provide the people of China and Tibet with democracy, liberty, and justice. I do not suggest, Mr. President, that we try to hold our breath until Communist China does any or all of these things.

The question has been raised as to whether these sanctions would hurt the Chinese people. But that is hardly the question when unarmed Chinese people are being gunned down in the streets of their own cities. Which hurts more? To be gunned down in the street or to be denied high technology arms exports useful mainly to the illegitimate Communist regime?

Mr. President, there were two disturbing reports from China yesterday. First, the head of the Chinese equivalent of the Soviet KGB reportedly has been named General Secretary of the Chinese Communist Party. Mr. Qiao is chairman of the Central Discipline Inspection Commission and Secretary of the Political and Legal Commission. Second, the notorious 27th Army is firmly in control of Beijing at this moment.

Some of its soldiers shot into the U.S. diplomatic compound and into one of the international hotels. We are all familiar with the news reports as to those and other incidents.

The struggle that is underway in Communist China at this moment is of profound consequence for the strategic interests of the United States. Our relationship with Communist China has been built upon the premise that China "balances" the power of the Soviet Union, acting as a restraining influence on the Soviets in world affairs.

But some of us have been saying that Communists are Communists, and when push comes to shove, it will take but one telephone call for the two Communist governments to get together.

In fact, according to European analysts with whom I have been in touch, those who have been involved in the crackdown are precisely those who have been most closely allied with the Soviet Union. And if they succeed, the budding alliance between Communist China and Communist Soviet Union may turn the China card, so-called, inside out.

The key leader of the crackdown factions is Yang Shangkun, an 82-year-old veteran military figure. Yang presides over a powerful clan which holds key positions. His younger brother, Yank Baibing, is head of the general political department of the People's Liberation Army, and his son-in-law, Chi Hastian, is the Chief of the General Staff. One of his nephews, Yang She, is in command of the 27th Army which, of course, was the military force that massacred those students who were pleading for freedom over

the weekend. And all of us are familiar with that story.

Mr. President, nobody knows the outcome of these machinations. In the tragedy of the past few days, we have seen the Communist government of China reveal its true nature, this time by brutalizing the Chinese people. We have before us a government which is illegitimate by every standard of the Chinese tradition.

Mr. President, the present regime, the Communist regime in China, has lost the mandate of the people or, as Confucius says, the mandate of Heaven. That is the way Confucius put it. According to that tradition, Heaven cares about people and provides a king—in this case the government—to secure their moral education and temporal well-being, in that order. And if the King, meaning the government, should forget his purpose and begin to rule for personal advantage, Heaven will withdraw the mandate and bestow it upon somebody else. And that is precisely what the young people of Beijing are asking.

In that classical tradition, Mr. President, a legitimate government is one that the people follow freely because it meets the moral criteria set by Heaven, as emphasized by Confucius. Indeed, the more perfectly government exemplifies moral principles, the less compulsion should be necessary. Thus, any government which resorts to force and violence and cruelty and brutality in all but the gravest of circumstances is to that extent a failure. Killing the people, whether through incompetence or misrule, as the philosopher Mencius said, is the same as murder, and violence directed against the innocent is the highest of all crimes.

Mr. President, the ruthless brutality which the world has witnessed during the past several days demonstrates clearly that the Communist regime in China has lost its mandate, and we must be prepared to support those elements in China which are working to restore traditional morals and traditional freedom.

Mr. President, I ask unanimous consent that the text of the bill that I am introducing today be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HELMS. I thank the Chair.

Mr. President, I further ask unanimous consent that a question-and-answer sheet which I have prepared relating to my bill be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HELMS. I thank the Chair.

Mr. President, I ask unanimous consent that a study of the legal analysis of the Beijing regime's actions prepared by the Far East Law Division of the Library of Congress at my request be printed in the RECORD at the conclusion of my remarks.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1151

Be it enacted by the Senate and House of Representatives of the United States of America in Congress Assembled,

SECTION 1. TITLE.

This Act shall be known as the Democracy, Liberty and Justice in the People's Republic of China Act of 1989.

SEC. 2. FINDINGS.

The Congress finds that—

(1) the government of the People's Republic of China is now attempting to crush the democracy and reform movement in China through the use of wanton violence by the People's Liberation Army;

(2) the United States Congress condemns the brutal actions taken by the People's Liberation Army and the Government of the People's Republic of China against the Chinese people during peaceful, non-violent demonstrations for democratic change;

(3) the government of the People's Republic of China has used the People's Liberation Army to crush brutally the freedom movement in Tibet on several occasions;

(4) fundamental human, political and economic rights are denied to the people of China and the people of Tibet by the Government of the People's Republic of China;

(5) the President of the United States has announced that the United States would immediately suspend all government to government sales and commercial exports of weapons, immediately suspend all visits between the United States and Chinese military officials, treat sympathetically requests by Chinese students in the United States to extend their stay, and offer humanitarian and medical assistance through the International Committee of the Red Cross to those injured during the assault on Beijing; and,

(6) the President of the United States is to be commended for his forthright action.

SEC. 3. CONDITIONS UNDER WHICH SANCTIONS SHALL BE IMPOSED.

The sanctions provided for in this Act shall take effect 10 days after the date of enactment of this Act unless the President certifies to Congress prior to such date, that following the massacre of June 3/4, 1989, the Government of the People's Republic of China—

(1) has not carried out a sustained campaign of violence against unarmed civilians;

(2) has lifted martial law; and,

(3) has made significant progress in providing for democracy, liberty and justice in Tibet and the People's Republic of China.

SEC. 4. SUSPENSION OF U.S. ASSISTANCE.

(a) Notwithstanding any other provision of law, the Export-Import Bank shall not finance trade with the People's Republic of China and no loan, credit, credit guarantee, or insurance may be extended by any agency of the United States Government, including the Overseas Private Investment Corporation, with respect to the People's Republic of China.

(b) No funds appropriated or otherwise made available by law shall be available for activities of the Trade Development Program in, or for the People's Republic of China.

(c) The Secretary of State is urged to encourage allies of the United States to suspend any of their own programs providing similar support to the People's Republic of China.

SEC. 5. SUSPENSION OF TRADE BENEFITS AND COMMERCIAL RELATIONS.

(a) The President shall not extend to the products of the People's Republic of China the preferential treatment provided for under the Generalized System of Preferences (GSP), regardless of whether that country obtains entry to the General Agreement on Tariffs and Trade (GATT).

(b) The waiver granted to the People's Republic of China by the President under 19 USC 2432 (c) and (d) is suspended.

(c) The Secretary of the Treasury shall instruct the United States Executive Directors to the International Bank for Reconstruction and Development, the International Development Assocation, the International Finance Corporation, and the Asian Development Bank to—

(1) vote against or otherwise disapprove any loan, grant, or other form of economic or technical assistance to the People's Republic of China;

(2) propose and support the downgrade of the membership status of the People's Republic of China to that of "observer status"; and

(3) urge allies of the United States to support actions taken by the United States Executive Directors pursuant to this section.

(d) The United States Trade Representative shall instruct the United States Representatives to GATT to propose and support the suspension of "observer status" for the People's Republic of China at GATT.

(e) No funds appropriated or otherwise made available by law shall be available for the purpose of concluding or supporting any commercial agreement with the People's Republic of China.

(f) No funds appropriated or otherwise made available by law shall be available for participation of the United States in the United States-China Joint Committee on Commerce and Trade and the United States-China Commission on Trade.

SEC. 6. SUSPENSION OF EXPORT LICENSES.

(a) All licenses currently issued for export of items on the United States Munitions Control List or on the Commercial Control List are suspended.

(b) No funds appropriated or otherwise made available by law shall be available for the processing or issuance of licenses required to export items on the United States Munitions Control List or items on the Commercial Control List for any item destined for the People's Republic of China.

(c) The Secretary of State shall instruct the United States Representative to COCOM to vote against or otherwise disapprove the export of any COCOM controlled items by any COCOM participating country to the People's Republic of China.

(d) The Secretary of State is urged to encourage the allies of the United States to join United States efforts to vote against or otherwise disapprove the export of any COCOM controlled items to the People's Republic of China and suspend the export of other military items and advanced technology.

SEC. 7. LIMITATION ON IMPORTS FROM OTHER COUNTRIES.

The President is authorized to limit the importation into the United States of any product or service of a foreign country to the extent to which such foreign country benefits from, or otherwise takes commer-

cial advantage of, any sanction or prohibition imposed by or under this Act.

SEC. 8. PRIVATE RIGHTS OF ACTION.

(a) Any national of the United States who is required by this Act to terminate or curtail business activities in the People's Republic of China may bring a civil action for damages against any person, partnership, or corporation that takes commercial advantage or otherwise benefits from such termination or curtailment.

(b) The action authorized by this section may only be brought without respect to the amount in controversy, in the United States district court for the District of Columbia or the Court of International Trade. Damages which may be recovered include lost profits and the cost of bringing the action, including a reasonable attorney's fee.

(c) The injured party must show by a preponderance of the evidence that the damages have been the direct result of defendant's action taken with the deliberate intent to injure the party.

SEC. 9. SUSPENSION OF MILITARY-TO-MILITARY COOPERATION.

No funds appropriated or otherwise made available by law shall be available for United States military cooperation with the People's Republic of China.

SEC. 10. SUSPENSION OF SCIENCE AND TECHNOLOGY COOPERATION.

No funds appropriated or otherwise made available by law shall be available for United States participation under any U.S.-China agreement or protocol on scientific cooperation.

SEC. 11. CHINESE AND TIBETAN STUDENTS IN THE UNITED STATES.

Until the President certifies to Congress that the human rights of the Chinese and Tibetan peoples are recognized and respected by the Government of the People's Republic of China, the Attorney General shall treat sympathetically requests by students from Tibet and the People's Republic of China studying in the United States for Extended Voluntary Departure status.

SEC. 12. CONDITIONS UNDER WHICH SANCTIONS MAY BE LIFTED.

The sanctions provided for in this act shall not apply when the President determines and so certifies to Congress that the Government of the People's Republic of China—

(1) is no longer carrying out a sustained campaign of violence against unarmed civilians;

(2) has lifted martial law; and

(3) has made significant progress in providing for democracy, liberty and justice in Tibet and the People's Republic of China.

[From the Library of Congress, Far Eastern Law Division, June 1989]

LEGAL ASPECTS OF RECENT CHINESE GOVERNMENT ACTIONS AGAINST DEMONSTRATORS

(Prepared by Tao-tai Hsia, chief, and Constance A. Johnson, legal research analyst)

Under the 1982 Constitution of the People's Republic of China (PRC), the citizens have the right to freedom of speech, of the press, of assembly, or association, or procession, and of demonstration (art. 35). In addition, the Constitution states that freedom of person of PRC citizens is inviolable (art. 37), and that citizens have the right to criticize their government and that no one is to suppress such criticisms or to retaliate against the citizens making them (art. 41). By opening fire on the crowd in Tiananmen Square, the Chinese troops have violated these very basic tenets of the Constitution.

In addition, the government of the PRC have violated its Criminal Code, enacted in 1979, which states, "The rights of the person, the democratic rights, and the other rights of citizens are to be protected and are not to be unlawfully infringed by any person or any organ" (art. 131).

Clearly, citizens have been attempting to express their complaints to the government through the exercise of freedom of speech, assembly, and demonstration in the Chinese capital and in other cities for more than a month; rather than protecting these rights, by moving in troops, the PRC government has itself violated them.

Furthermore, the United Nations charter states that one of the basic purposes of that organization, of which China is a member, is to "reaffirm faith in fundamental human rights." The Universal Declaration of Human Rights, which refers to this clause in the Charter, states in article 3 that everyone has the right to life, liberty, and security of person. Articles 19 and 20 refer to the rights to freedom of opinion and expression and to peaceful assembly. China has ignored all of these statements by its actions in the last few days.

In the last week, the PRC authorities have claimed that the student demonstrators, or at least their leaders, have been guilty of crimes of counterrevolution. Under Chinese law, however, at most they may be guilty of violating not the Criminal Code, but only the Regulations on Offenses against Public Order, enacted in 1986. These regulations do prohibit disruption of social order (art. 2 & 19) and the failure to adopt good safety measures in organizing mass rallies (art. 20). The maximum penalties under these regulations include 15 days of detention or a fine. There are also Beijing city provisions on parades and demonstrations, enacted on an interim basis following student demonstrations in December 1986. Article 3 of the city provision requires organizers of demonstrations to apply to the public security office for approval; it is unlikely that the students have done this. However, these regulations also do not carry criminal sanctions.

All of these Chinese laws, the Constitution, the Criminal Code, and the Regulations on Offenses Against Public Order, where adopted during the Deng Xiaoping era, as a part of his efforts to develop the legal system of the PRC.

[From the Library of Congress, Far Eastern Law Division, June 1989]

THE LEGALITY OF THE IMPOSITION OF MARTIAL LAW UNDER THE CHINESE CONSTITUTION

(Prepared by Tao-tai Hsia, chief, and Constance A. Johnson, legal research analyst)

The 1982 Constitution of the People's Republic of China (PRC) has a number of provisions on martial law. Article 89, paragraph 16, states that it is the function of the State Council to decide on the imposition of martial law for a part of a province, an autonomous region, or a city administered directly under the central government (such as Beijing). Article 67, paragraph 20 states that it is the function of the Standing Committee of the National People's Congress to decide on the imposition of martial law when it is for the whole country, or for a whole province, automomous region, or city administered directly under the central government. Finally, article 80 requires that the President of the PRC issue proclamations of martial law in pursuance of the decisions of the National People's Congress and its Standing Committee.

Li Peng is currently the Premier, the head of the State Council. As such, it is consistent with the Constitution that he decide on the imposition of martial law for a part of the city of Beijing. However the decision can only be formally proclaimed by the President (Yang Shangkun). It is not clear whether this step was taken. Furthermore, the proclamation of the President can only be made on the basis of the decision of the National People's Congress and its Standing Committee. Neither the full Congress nor the Standing Committee was in session when martial law was declared and there have been no reports of either body taking any such action. For this reason, the legality of the recent imposition of maritial law may be questioned.

[From the Library of Congress, Far Eastern Law Division, June 1989]

THE CRIME OF COUNTERREVOLUTION IN THE PEOPLE'S REPUBLIC OF CHINA (PRC)

(Prepared by Tao-tai, Hsia, chief, and Wendy I. Zeldin, legal research analyst)

According to article 90 of Chapter 1, "Crimes of Counterrevolution," of Part II ("Special Provisions") of the Criminal Code of the PRC, "All acts endangering the People's Republic of China committed with the goal of overthrowing the political power of the dictatorship of the proletariat and the socialist system are crimes of counterrevolution." [1] The key word in this definition insofar as the Chinese students accused by the government of counterrevolutionary crimes are concerned is "the goal." The students declared that they wanted, among other things, more freedom of publication, punishment of corrupt bureaucrats and speculators, and improvements in the lot of intellectuals, but they did not state that they wanted to overthrow the government or even the Communist Party.[2]

The section on crimes of counterrevolution has itself come under increasing scrutiny and criticism. A prominent jurist has proposed in a recent article that the section on counterrevolutionary crime be revised, because it is vague and confusing and makes it difficult for judges to determine which cases are of a counterrevolutionary nature.[3] In his view, under China's new policy of opening up to the outside world, citizens have the right to participate in political activity, to hold discussions about politics, and to express their views, including critical or opposing views, vis a vis state policies, so that the old concept of counterrevolutionary crime is tantamount to a sword of Damocles hanging over everyone, because anyone with a different view from that of the Party and government could become suspected of being a counterrevolutionary. The jurist believes, therefore, that the term "counterrevolutionary crime" should be abolished, to prevent it from hampering the

---

[1] *The Criminal Law and the Criminal Procedure Law of China* 35 (Beijing, Foreign Languages Press, 1984. J. Cohen, T. Gelatt, and F. Li, *trans.*). The Criminal Law was adopted by the National People's Congress on July 1, 1979, and became effective as of January 1, 1980. The Chinese version of the provision cited appears on page 89 of the same work.

[2] *See for example Liberation* (Paris, in French), Apr. 24, 1989, at 24, as cited in Foreign Broadcast Information Service, *Daily Report: China*, May 1, 1989, at 9 [hereinafter FBIS]. In an interview, a student leader listed in all seven demands of the movement.

[3] Zhou Zhenxiang, "My Views on Revising the Provisions on Crimes of Counterrevolution," 88 *Faxue* [Law Science] 17-19 (Mar. 1989).

above-mentioned forms of political expression and participation. He goes on to state that there are also problems with the content of counterrevolutionary crime as defined in the Law, preeminent among them that the absolute requirement for constituting a counterrevolutionary crime is that it be committed with the goal of engaging in counterrevolutionary acts. He considers this a subjective way of looking at a person's behavior rather than an objective assessment of the facts. As a result of the recent reconsideration of the subject, there has even been a move to have the Standing Committee of the National People's Congress deliberate removal of the offense of counterrevolution from the Criminal Law.[4]

DEMOCRACY, LIBERTY, AND JUSTICE IN THE PEOPLE'S REPUBLIC OF CHINA ACT OF 1989

Question. What is the purpose of this Act?

Answer. The Congress has already passed Sense of the Congress resolutions urging the PRC leadership not to shoot unarmed demonstrators. Thousands are now dead. This sanctions legislation shows the seriousness with which the Congress views human rights and democracy in China.

Question. Do the sanctions go into effect on enactment?

Answer. This is contingency legislation which goes into effect only if the President determines that the PRC leadership has renewed its warfare on the Chinese people.

Question. Is this a full trade and economic embargo?

Answer. No. This is an intermediate step to roll trade and other relations back to about 1979 levels.

Question. What are the sanctions?

Answer. First, it confirms the actions already taken by the President including cutting off arms sales. Then, it puts Chinese goods on the same level as Soviet goods for import purposes (removes Most Favored Nation privileges) and denies high tech exports. It also suspends scientific, and other agreements.

Question. Can our competitors take advantage of these sanctions?

Answer. The sanctions are designed to be part of an international program with our allies. If the Chinese Communist leaders renew warfare against their own people, allied governments will want to take similar actions. However, the Act does contain provisions designed to discourage foreign firms from taking commercial advantage of the Chinese tragedy.

Question. Will these sanctions have any effect?

Answer. Chinese trade has expanded several fold in the past ten years and the Chinese economy has become very dependent on high tech imports from the Free World. Denial of these inputs should put substantial pressure on the PRC leadership.

Question. Doesn't the President already have the authority contained in this Act?

Answer. Yes, if he declares a National Emergency under the International Emergency Economic Powers Act (IEEPA). The legislation being considered here would make it clear that the President could exercise this authority without declaring a National Emergency.

Question. Can these sanctions be lifted?

Answer. Yes, if the President determines that significant progress has been made providing for democracy, liberty and justice in the PRC. There is no Congressional override provision.

[4] *South China Morning Post* (Hong Kong, in English), Mar. 31, 1989, at 10, as carried in FBIS, Mar. 31, 1989, at 25.

By Mr. GORTON:

S. 1152. A bill to authorize a certificate of documentation for the vessel *American Empire;* to the Committee on Commerce, Science, and Transportation.

DOCUMENTATION OF VESSEL "AMERICAN EMPIRE"

● Mr. GORTON. Mr. President, I am introducing a bill today to direct that the fish processing vessel, *American Empire,* be entitled to engage in the coastwise trade and be issued a coastwise license under 46 U.S.C. 12106. The *American Empire*—official Coast Guard No. 553645—is a crab processing vessel owned by American Empire Limited Partnership of Seattle, WA. The vessel was built by Halter Marine in Moss Point, MS, in 1973 as an offshore supply vessel. It was then registered in the United States and operated by Euro-Pirates International of New Orleans, LA. It was subsequently registered in Panama by its second owner, Zapata Corp. American Empire Limited Partnership bought the vessel in 1988 and had it converted in an American shipyard to a crab processing vessel at a cost of $4,750,000. The vessel is 171.5 feet long, and its gross tonnage is 280 tons.

The new owner of the vessel would like to use it in the domestic fisheries. In addition, it would be used to transport merchandise—that is, fish products—from Alaska to Seattle, WA and other points in the United States. The Jones Act, section 27 of the Merchant Marine Act, 1920 (46 U.S.C. App. 883) prevents the *American Empire* from possessing a coastwise license because it was once under foreign registry. For the same reason, the vessel may not engage in the domestic fisheries. The vessel is U.S.-built and owned. The purpose of the legislation I am introducing today is to allow the *American Empire* to receive a coastwise license notwithstanding its prior foreign registry and to permit it to engage in the domestic fisheries.●

By Mr. DASCHLE (for himself, Mr. KERRY, Mr. CRANSTON, Mr. JEFFORDS, Mr. DECONCINI, Mr. MATSUNAGA, Mr. ROCKEFELLER, Mr. SPECTER, Mr. BRADLEY, Mr. SIMON, Mr. WIRTH, Mr. PELL, Mr. KERREY, Mr. BURDICK, Mr. HARKIN, Mr. GORE, Mr. BINGAMAN, Mr. KOHL, Mr. MOYNIHAN, Mr. BIDEN, Mr. PRESSLER, and Mr. CHAFEE):

S. 1153. A bill to amend title 38, United States Code, to provide for the establishment of presumptions of service-connection between certain diseases experienced by veterans who served in Vietnam during the Vietnam era and exposure to certain toxic herbicide agents used in Vietnam; to provide for interim benefits for veterans of such service who have certain diseases; to improve the reporting requirements relating to the "Ranch Hand Study"; and for other purposes; to the Committee on Veterans' Affairs.

VETERANS' AGENT ORANGE EXPOSURE AND VIETNAM SERVICE BENEFITS ACT OF 1989

Mr. DASCHLE. Mr. President, today Senator KERRY, Senator CRANSTON, Senator JEFFORDS, Senator DECONCINI, Senator MATSUNAGA, Senator ROCKEFELLER, Senator SPECTER, Senator BRADLEY, Senator SIMON, Senator WIRTH, Senator PELL, Senator KERREY, Senator BURDICK, Senator HARKIN, Senator GORE, Senator BINGAMAN, Senator KOHL, Senator MOYNIHAN, Senator BIDEN, Senator PRESSLER and I are introducing the Veterans' Agent Orange Exposure and Vietnam Service Benefits Act of 1989, which is the result of long negotiations and years of unsuccessful attempts to bring justice to Vietnam veterans disabled as a result of their exposure to agent orange. I ask that both a short summary and the full text of the bill be printed in the RECORD at the conclusion of my remarks.

I want to commend my colleagues, Senator KERRY and Senator CRANSTON, for their efforts to bring us to this point. Senator KERRY has worked tirelessly with me for 2 years to bring our dream of a meaningful agent orange bill to fruition. Senator CRANSTON, the distinguished chairman of the Senate Veterans' Affairs Committee, has joined with us and worked diligently to ensure that responsible agent orange legislation is passed this year.

This bill is not the final word on agent orange. It does not go as far as I and many others would like, and there is much work still to be done. Nevertheless, it is an honest attempt to attack the agent orange problem with a comprehensive approach that covers disability compensation, research, outreach, and treatment. It addresses some of the longstanding concerns veterans have had with the way the Federal Government has approached this problem in the past by bringing impartial experts into the decisionmaking process and asking Congress to accept its share of the responsibility for our Government's treatment toward those who fought our wars.

But the responsibility does not end with Congress or with this bill. The Department of Veterans' Affairs has the primary responsibility for ensuring American veterans are compensated and treated fairly, and our bill reflects that fact by requiring that scientific information be presented to the Secretary of Veterans' Affairs so that he may make informed policy decisions.

It is no secret that I have been deeply concerned about VA policy in the past. I am happy to say, however,

that the appointment of the first Secretary of Veterans' Affairs, Ed Derwinski, has proven to be a very positive step toward just treatment of victims of agent orange as well as all American veterans. I have talked to Secretary Derwinski at length about the agent orange issue, and I am confident of his dedication to an honest, fair resolution. His decision not to appeal the recent Federal court ruling striking down the VA's past agent orange regulations and to issue new regulations by October of this year serves as proof of that dedication. I have nothing but praise for the way the Secretary has handled this issue in an atmosphere that has not always been conducive to evenhanded discourse.

I want to make it clear that I see our bill as a complement to the efforts Secretary Derwinski will be making through the new agent orange regulations. Our bill will offer Vietnam veterans suffering from non-Hodgkin's lymphoma [NHL] and soft-tissue sarcoma [STS]—two diseases linked most often to agent orange—interim benefits. This process will allow the VA's regulatory procedure to go forward and give NHL and STS victims the benefit of the doubt in the meantime. If the Secretary finds that these disabilities are service connected before the interim period expires, they will become permanent, and if he makes no such determination, both he and Congress will have an opportunity to revisit the issue after the bill's first independent scientific review is completed. The other provisions of our bill are independent of the regulatory process, and they are intended to address veterans' long-term needs in the areas of research, health care, and outreach.

Also, I want to applaud the efforts of several other people who have played an instrumental role in advancing the agent orange issue, including Senator JEFFORDS, who has been an important ally of agent orange victims during his tenure in both the House and the Senate, and Representative LANE EVANS, who will be spearheading the House effort to address this issue. Also, I want to thank our other cosponsors, many of whom have been fighting with us for several years.

Finally, I want to thank the many individual veterans and scientists who have worked with us to develop this legislation over the last 2 years. We have also worked with several veterans organizations, including Vietnam Veterans of America, the American Legion, the Veterans of Foreign Wars, the Disabled American Veterans, the National Vietnam Veterans Coalition, the Military Order of the Purple Heart, Jewish War Veterans, Vietnam Veterans Agent Orange Victims, and the National Association of Agent Orange Survivors. I am hopeful that the veterans of America will find this bill worthy of their support, and I invite my colleagues to join in this effort.

Mr. President, I ask unanimous consent that all Senators be allowed to join as original cosponsors until the Senate recesses today.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1153

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Veterans' Agent Orange Exposure and Vietnam Service Benefits Act of 1989".

SEC. 2. INTERIM PERIOD FOR AWARD OF BENEFITS FOR VIETNAM VETERANS WITH NON-HODGKIN'S LYMPHOMA AND CERTAIN SARCOMAS.

(a) PRESUMPTIVE DISABILITY AND DEATH BENEFITS.—(1) In the case of a veteran—

(A) who served in the active military, naval, or air service in Vietnam during the Vietnam era, and

(B) who has—

(i) non-Hodgkin's lymphoma, or

(ii) a soft-tissue sarcoma,

the Secretary of Veterans Affairs shall, except as provided in subsection (b), pay a monthly disability benefit to the veteran in accordance with this section for any disability resulting from that disease.

(2) If a veteran referred to in paragraph (1) dies from a disease referred to in clause (B) of such paragraph, the Secretary shall pay a monthly death benefit to the survivors of the veteran in accordance with this section.

(b) EXCEPTIONS.—Benefits may not be paid in the case of a veteran under this section with respect to a disease referred to in subsection (a)(1)(B) if—

(1) there is affirmative evidence that such disease was not incurred by that veteran during active military, naval, or air service in Vietnam during the Vietnam era; or

(2) there is affirmative evidence to establish that, between the date of that veteran's most recent departure from Vietnam during such service and the onset of such disease, the veteran suffered an intercurrent injury or disease recognized as a cause of such disease referred to in subsection (a)(1)(B).

(c) DISABILITY BENEFIT.—A disability benefit payable to a veteran under this section for a disability resulting from a disease referred to in subsection (a)(1)(B) shall be paid at the rate at which compensation would be payable under chapter 11 of title 38, United States Code, to that veteran for such disability if the disability were determined to be service-connected.

(d) DEATH BENEFIT.—(1) A death benefit is payable under this section to the survivors of a deceased veteran who, if the cause of the veteran's death had been a service-connected or compensable disability, would be entitled to dependency and indemnity compensation under chapter 13 of that title.

(2) The amount of the death benefit payable to a survivor of a deceased veteran under this section shall be the rate that would be applicable to such survivor under such chapter 13 if the veteran's death had been the result of a service-connected or compensable disability.

(e) NONDUPLICATION OF BENEFITS.—A benefit may not be paid under this section with respect to a disability or death of a veteran resulting from a disease referred to in subsection (a)(1)(B) for any month for which compensation is payable to that veteran for that disability under chapter 11 of title 38, United States Code, or for which dependency and indemnity compensation is payable for that death under chapter 13 of such title.

(f) TREATMENT OF DISABILITY OR DEATH AS SERVICE-CONNECTED EXCEPT FOR COMPENSATION PURPOSES.—A disability or death from a disease referred to in subsection (a)(1)(B) not otherwise considered service-connected for purposes of laws administered by the Department of Veterans Affairs shall be treated for purposes of all laws of the United States (other than the provisions of chapter 11 (other than sections 357, 358, and 361) of title 38, United States Code, and chapter 13 of such title) as if such disability or death were service-connected. The receipt of a disability benefit under this section shall be treated for purposes of all laws of the United States as, if such benefit were disability compensation under chapter 11 of such title. The receipt of a death benefit under this section shall be treated for purposes of all laws of the United States as if such benefit were dependency and indemnity compensation under chapter 13 of such title.

(g) AWARD OF BENEFITS.—Section 3010(g) of title 38, United States Code, shall apply to the award of benefits under this section.

(h) EXPIRATION OF INTERIM BENEFITS.—(1) No benefit may be paid or service provided by virtue of this section for any period beginning after April 15, 1992.

(2) If a joint resolution described in paragraph (3) (relating to the extension of authority to pay benefits under this section or the making of such authority permanent) is introduced in either House of Congress after January 1, 1992, Congressional action on such joint resolution shall, subject to paragraph (8), be subject to the rules set out in this subsection.

(3) For purposes of paragraph (2), the term "joint resolution" means only a joint resolution—

(A) which does not have a preamble;

(B) the matter after the resolving clause of which is—

(i) as follows: "That section 2(h)(1) of the Veterans' Agent Orange Exposure and Vietnam Service Benefits Act of 1989 is amended by striking out 'April 15, 1992' and inserting in lieu thereof '_____'.", the blank space being filled with a date; or

(ii) as follows: "That paragraph (1) of section 2(h) of the Veterans' Agent Orange Exposure and Vietnam Service Benefits Act of 1989 is repealed"; and

(C) the title of which is—

(i) as follows: "A joint resolution extending the authority to pay certain benefits relating to military service in Vietnam"; or

(ii) as follows: "A joint resolution making permanent the authority to pay certain benefits relating to military service in Vietnam".

(4) A resolution described in paragraph (3) introduced in the House of Representatives shall be referred to the Committee on Veterans' Affairs of the House of Representatives. A resolution described in paragraph (3) introduced in the Senate shall be referred to the Committee on Veterans' Affairs of the Senate.

(5) If the committee to which a resolution described in paragraph (3) is referred has not reported such resolution (or an identical resolution) within the 60-day period beginning on the date on which such resolution is

introduced, such committee shall be discharged from further consideration of such resolution as of the day after the last day of such period, and such resolution shall be placed on the appropriate calendar of the House involved.

(6)(A) On or after the third day after the date on which the committee to which such a resolution is referred has reported, or has been discharged (under paragraph (5)) from further consideration of, such a resolution, it is in order (even though a previous motion to the same effect has been disagreed to) for any Member of the respective House to move to proceed to the consideration of the resolution (but only on the day after the calendar day on which Member announces to the House concerned the Member's intention to do so). All points of order against the resolution (and against consideration of the resolution) are waived. The motion is highly privileged in the House of Representatives and is privileged in the Senate and is not debatable. The motion is not subject to amendment, or to a motion to postpone, or to a motion to proceed to the consideration of other business. A motion to reconsider the vote by which the motion is agreed to or disagreed to shall not be in order. If a motion to proceed to the consideration of the resolution is agreed to, the respective House shall immediately proceed to consideration of the joint resolution without intervening motion, order, or other business, and the resolution shall remain the unfinished business of the respective House until disposed of.

(B) Debate on the resolution and on all debatable motions and appeals in connection therewith shall be limited to not more than 10 hours, which shall be divided equally between those favoring and those opposing the resolution. An amendment to the resolution is not in order. A motion further to limit debate is in order and not debatable. A motion to postpone, or a motion to proceed to the consideration of other business, or a motion to recommit the resolution is not in order. A motion to reconsider the vote by which the resolution is agreed to or disagreed to is not in order.

(C) Immediately following the conclusion of the debate on a resolution described in paragraph (3) and a single quorum call at the conclusion of the debate if requested in accordance with the rules of the appropriate House, the vote on final passage of the resolution shall occur.

(D) Appeals from the decisions of the Chair relating to the application of the rules of the Senate or the House of Representatives, as the case may be, to the procedure relating to a resolution described in paragraph (3) shall be decided without debate.

(7)(A) If, before the passage by one House of a resolution of that House described in paragraph (3), that House receives from the other House a resolution described in paragraph (3), then the procedures specified in this paragraph shall apply.

(B) The resolution of the other House shall not be referred to a committee and may not be considered in the House receiving it except in the case of final passage as provided in subparagraph (C)(ii).

(C) With respect to a resolution described in paragraph (3) of the House receiving the resolution—

(i) the procedure in that House shall be the same as if no resolution had been received from the other House; but

(ii) the vote on final passage shall be on the resolution of the other House.

(D) Upon disposition of the resolution received from the other House, it shall no longer be in order to consider the resolution that originated in the receiving House.

(8) This subsection is enacted by Congress—

(A) as an exercise of the rulemaking power of the Senate and the House of Representatives, respectively, and as such it is deemed a part of the rules of each House, respectively, but applicable only with respect to the procedure to be followed in that House in the case of a resolution described in paragraph (3), and it supersedes other rules only to the extent that it is inconsistent with such rules; and

(B) with full recognition of the constitutional right of either House to change the rules (so far as relating to the procedure of that House) at any time, in the same manner, and to the same extent as in the case of any other rule of that House.

(i) NOTIFICATION OF THE PROVISIONS OF THIS SECTION.—(1) The Secretary of Veterans Affairs shall take all reasonable actions—

(A) to publicize the provisions of this section not later 30 days after the date of the enactment of this Act; and

(B) to provide actual notice of the provisions of this section, not later than 30 days after the date of the enactment of this Act—

(i) to each person described in subsection (a) who, before the date specified in subsection (k), has filed any claim for benefits under programs administered by the Department of Veterans Affairs on the basis of a disease referred to in subsection (a)(1)(B); and

(ii) in the case of a veteran who dies after filing such a claim but before the provisions of this section are publicized, to the surviving spouse, children, and parents of such veteran, if any.

(2) The Secretary shall enclose with at least three distributions of benefits payment checks to each veteran or other person receiving benefits under this section a notice that the authority to pay benefits under this section is temporary. Each notice shall contain the date of the expiration of such authority. The first notice shall be enclosed with the first payment of such benefits to a veteran. The last notice shall be enclosed with the last payment of such benefits. At least one notice shall be enclosed with a payment distributed in approximately the middle of the estimated period during which the authority is to be in effect.

(j) DEFINITIONS.—For the purposes of this section—

(1) the term "veteran" has the meaning given such term in sections 101(2) and 401 of title 38, United States Code; and

(2) the terms "child" and "parents" have the meanings given such terms in paragraphs (4) and (5), respectively, of section 101 of such title.

(k) EFFECTIVE DATE.—This section, other than subsection (i), shall take effect on October 1, 1989. Benefits shall be paid in accordance with this section for periods beginning on or after such date, but no benefit may be paid for any period before such date by reason of the enactment of this section.

SEC. 3. PRESUMPTION OF SERVICE CONNECTION FOR CHLORACNE.

Section 312 of title 38, United States Code, is amended by adding at the end the following new subsection:

"(d) For the purposes of section 310 of this title, and subject to the provisions of section 313 of this title, in the case of a veteran who, during active military, naval, or air service, served in Vietnam during the Vietnam era, the disease of chloracne shall be considered to have been incurred in or aggravated by such service in Vietnam, notwithstanding there is no record of evidence of such disease during the period of such service in Vietnam, if such disease or another acneform disease consistent with chloracne became manifest to a 10 percent degree of disability or more within one year after the last date on which that veteran performed such service in Vietnam.".

SEC. 4. PRESUMPTION OF SERVICE CONNECTION FOR DISEASES ASSOCIATED WITH EFFECTS OF EXPOSURE TO CERTAIN HERBICIDE AGENTS.

(a) FINDINGS.—Congress makes the following findings:

(1) It is in the public interest to provide for an independent nonprofit scientific organization which has appropriate expertise and is not connected to the Department of Veterans Affairs to review and evaluate the available scientific evidence regarding associations between diseases and exposure to dioxin and other chemical compounds in herbicides and to make judgments on the degree and probability of such associations, because there is no uniform body of scientific literature on such issues.

(2) The standard of proof required for a scientific conclusion of causation is higher than the standard of proof required for justification of a presumption, for purposes of veterans disability compensation laws, that an adverse health effect is connected, based on sound medical and scientific evidence, to active service in the Armed Forces of the United States.

(b) IN GENERAL.—(1) Subchapter II of chapter 11 of title 38, United States Code, is amended by inserting after section 312 the following new section:

"§ 312A. Presumption of service connection for diseases associated with effects of exposure to certain herbicide agents

"(a) IN GENERAL.—(1) For the purposes of section 310 of this title, and subject to section 313 of this title, in the case of a Vietnam veteran who, during Vietnam service, was exposed to a herbicide agent containing dioxin or 2,4-dichlorophenoxyacetic acid or to any other herbicide agent, each disease (if any) listed in regulations prescribed by the Secretary in accordance with this section and identified in such regulations as having positive association with the biological effects of exposure to such herbicide agent shall be considered to have been incurred in or aggravated by such service, notwithstanding that there is no record of evidence of such disease during the period of such service.

"(2) For the purposes of this subsection, a veteran who performed Vietnam service and has a disease referred to in paragraph (1) of this subsection shall be presumed to have been exposed during such service to an herbicide agent containing dioxin or 2,4-dichlorophenoxyacetic acid, and may be presumed to have been exposed during such service to any other chemical compound in an herbicide agent, unless there is affirmative evidence to establish conclusively that the veteran was not exposed to any such agent during such service.

"(3) The Secretary may extend the applicability of paragraph (1) of this subsection to the case of any veteran who, during the performance of active military, naval, or air service outside Vietnam, was exposed to an agent of the same type as the herbicide

agent referred to in paragraph (1) of this subsection.

"(b) DISEASES TO BE PRESCRIBED IN REGULATIONS.—(1) Whenever the Secretary determines pursuant to this section that there is positive association between any disease and the biological effects of exposure to an herbicide agent in Vietnam, the Secretary shall prescribe regulations listing each disease having such positive association. In the case of each disease listed in the regulations, the Secretary shall identify the herbicide agent that causes the biological effects with which the disease has positive association. After the Secretary prescribes regulations pursuant to this paragraph, the Secretary shall periodically revise such regulations, as appropriate, to reflect determinations periodically made pursuant to paragraph (2) of this subsection.

"(2) The Secretary shall periodically (not less often than biennially)—

"(A) determine whether any disease not listed in regulations under this section has positive association with such effects; and

"(B) determine whether any disease listed in such regulations does not have positive association with such effects.

"(3) The Secretary shall make determinations for the purpose of this subsection on the basis of reports received by the Secretary from a contract scientific organization pursuant to this section and all other relevant scientific evidence, information, or analyses available to the Secretary at the time of the determinations.

"(c) UTILIZATION OF CONTRACT SCIENTIFIC ORGANIZATION.—In prescribing and revising regulations for the purposes of subsection (b), the Secretary shall obtain, by contract, the determinations and estimates of a contract scientific organization as provided in this section.

"(d) REQUIRED ACTIVITIES OF CONTRACT SCIENTIFIC ORGANIZATIONS.—(1) Each contract entered into under subsection (c) of this section shall provide for a contract scientific organization—

"(A) to determine, in the case of each herbicide agent—

"(i) which diseases (if any) have positive association with the biological effects of exposure to such agent, including specifically effects involving porphyrin synthesis, nervous system function, immune function, reproduction, and birth defects, and psychological and psychiatric effects;

"(ii) which diseases (if any) have limited positive association with such biological effects;

"(iii) which diseases (if any) have insubstantial association with such biological effects; and

"(iv) to the extent practicable, the biological basis for the positive, limited positive, and insubstantial associations of diseases referred to in subclauses (i), (ii), and (iii) of this clause with such biological effects; and

"(B) to estimate the extent of the association between each such disease and such biological effects using methods as quantitative and as objective as the relevant available data permit.

"(2) The contract scientific organization shall specifically determine whether there is positive, limited positive, or insubstantial association between the biological effects referred to in paragraph (1) of this subsection and the following diseases:

"(A) Non-Hodgkin's lymphoma.

"(B) Each soft-tissue sarcoma.

"(C) Lung cancer.

"(D) Each other cancer.

"(e) REQUIRED PROVISIONS FOR FIRST CONTRACT.—(1) The first contract entered into under subsection (c) of this section shall provide for the contract scientific organization—

"(A) to conduct as comprehensive a survey and evaluation as is practicable of the completed and ongoing scientific studies of, and other scientific evidence or information regarding, the effects that herbicide agents have on humans or other animals that have been exposed to such agents, including an evaluation of the CDC Selected Cancers Study report; and

"(B) make its determinations and estimates on the basis of the results of such survey and evaluation.

"(2) The contract scientific organization shall conduct the survey and evaluation referred to in paragraph (1)(A) of this subsection through a panel composed of recognized experts in toxicology, medicine, epidemiology, statistics, biochemistry, and related fields. The conduct of such survey shall be subject to appropriate peer review.

"(f) REQUIRED CONTRACT PROVISIONS RELATING TO PERIODIC DETERMINATIONS OF THE SECRETARY.—A contract entered into under subsection (c) of this section in connection with the Secretary's periodic determinations under subsection (b)(2) of this section shall require a contract scientific organization—

"(1) to conduct as comprehensive a survey and evaluation as is practicable of the scientific studies, evidence, and information referred to in subsection (e)(1)(A) of this section that have become available since the last such survey and evaluation under this section; and

"(2) make its determinations and estimates on the basis of the results of such survey and evaluation and all other surveys and evaluations conducted for the purposes of this section.

"(g) REPORTS OF CONTRACT SCIENTIFIC ORGANIZATIONS.—(1) Each contract scientific organization making determinations and estimates under this section shall transmit to the Secretary and the Committees on Veterans' Affairs of the Senate and the House of Representatives a written report regarding its determinations and estimates.

"(2) Each report shall contain—

"(A) the name of each disease (if any) determined to have positive association with the biological effects of exposure to an herbicide agent in Vietnam and the identity of such agent;

"(B) the name of each disease (if any) determined to have limited positive association with the biological effects of exposure to an herbicide agent in Vietnam and the identity of such agent;

"(C) the name of each disease (if any) determined to have insubstantial association with the biological effects of exposure to an herbicide agent in Vietnam and the identity of such agent; and

"(D) with respect to each disease named pursuant to clauses (A), (B), and (C) of this paragraph—

"(i) a discussion of the biological basis for the association;

"(ii) the contract scientific organization's estimate of the statistical significance of the association;

"(iii) the contract scientific organization's estimate of the relative risk for such disease in veterans who, during Vietnam service, were exposed to an herbicide agent; and

"(iv) the probability that the estimates referred to in subclauses (ii) and (iii) are correct.

"(3) Estimates and probabilities are not required under clauses (ii), (iii), and (iv) of paragraph (2)(D) of this subsection when the available data do not permit meaningful estimates and probabilities.

"(4)(A) If a contract scientific organization determines that a disease has positive association with the biological effects of exposure to an herbicide agent used in Vietnam, such organization shall determine whether there is a reasonable basis for concluding that a Vietnam veteran with the highest level of exposure to that herbicide agent in Vietnam was exposed to such agent under the circumstances necessary for such biological effects.

"(B) If a contract scientific organization determines that there is no such reasonable basis, the organization shall state that determination in a report under this subsection and include in such report—

"(i) a description of the evidence that supports such determination;

"(ii) a description of the evidence (if any) that supports alternative conclusions; and

"(iii) a full discussion of the organization's reasons for such determination, including a discussion of the reasons for the organization's determination that the evidence referred to in clause (i) of this subparagraph outweighs the evidence (if any) referred to in clause (ii) of this subparagraph.

"(C) A determination with respect to reasonable basis is not required under subparagraph (A) of this paragraph when the available data do not permit a meaningful determination.

"(5) The first report under this subsection shall be transmitted to the Secretary and the Committees on Veterans' Affairs of the Senate and the House of Representatives on or before the later of (A) the date 60 days after the date on which the contract scientific organization obtains a copy of the CDC Selected Cancers Study report, or (B) the date one year after the date of the enactment of the Veterans' Agent Orange Exposure and Vietnam Service Benefits Act of 1989.

"(h) ACTIONS OF THE SECRETARY AFTER RECEIVING THE FIRST REPORT.—(1) Not later than 60 days after the date on which the Secretary receives the first report under subsection (g) of this section, the Secretary shall—

"(A) for the purpose of subsection (b)(1) of this section—

"(i) determine in accordance with subsection (b)(3) of this section whether there is positive association between any disease and the biological effects of exposure to an herbicide agent in Vietnam; and

"(ii) if so, issue proposed regulations listing each such disease and specifying such agent;

"(B) transmit to the Committees on Veterans' Affairs of the Senate and the House of Representatives a report containing the scientific basis for including each disease listed in such proposed regulations, and

"(C) if any disease listed in the first report under subsection (g) of this subsection as having positive association is not listed in such proposed regulations—

"(i) include in the report to the Committees on Veterans' Affairs the scientific basis for not including that disease in the proposed regulations; and

"(ii) publish in the Federal Register a notice that such disease is not listed in the proposed regulations despite the report under subsection (g) and include in such notice a discussion of such scientific basis.

"(2) Not later than 60 days after the date on which the Secretary issues any proposed regulations pursuant to paragraph (1) of this subsection, the Secretary shall issue

final regulations under subsection (b). Such regulations shall be effective on the date of issuance.

"(i) ACTIONS OF THE SECRETARY AFTER RECEIVING A PERIODIC REPORT.—(1) Upon receiving a contract scientific organization's report after a periodic survey and evaluation conducted for the purpose of subsection (b)(2) of this section, the Secretary shall—

"(A) determine in accordance with subsection (b)(3) of this section whether—

"(i) any disease named in such report not listed in regulations under subsection (b) of this section has positive association with the biological effects of exposure to an herbicide agent in Vietnam; and

"(ii) any disease listed in such regulations does not have positive association with such effects; and

"(B) promptly transmit to the Committees on Veterans' Affairs of the Senate and the House of Representatives a report containing the Secretary's determinations under clause (A) of this paragraph and the scientific bases for such determinations.

"(2)(A) Not later than 60 days after transmitting a report to the Committees on Veterans' Affairs under paragraph (1)(B) of this subsection, the Secretary shall prescribe or revise regulations, as the case may be, pursuant to subsection (b) of this section as may be necessary to reflect the Secretary's determinations included in that report. The regulations or revisions of regulations, as the case may be, shall take effect 30 days after the date on which the Secretary issues the proposed regulations or revisions, as the case may be.

"(B) If any disease listed in a periodic report under subsection (g) of this section as having positive association is not listed in such regulations or revisions of regulations, as the case may be, the Secretary shall, not later than 60 days after transmitting a report under subparagraph (A) of this paragraph, publish in the Federal Register a notice that such disease is not listed in the proposed regulations despite such report and include in such notice a discussion of the scientific basis for not including that disease in such regulations or revisions.

"(j) EFFECT OF REMOVAL OF DISEASE FROM REGULATIONS.—Whenever a disease is removed from regulations pursuant to paragraph (2) of subsection (i) of this section as a result of a determination under paragraph (1)(A)(ii) of such subsection—

"(1) any veteran who was awarded compensation for such disease on the basis of the presumption provided in subsection (a) of this section before the effective date of the removal shall continue to be entitled to receive compensation on such basis; and

"(2) any survivor of a veteran who was awarded dependency and indemnity compensation for the death of a veteran resulting from such disease on the basis of such presumption shall continue to be entitled to receive dependency and indemnity compensation on such basis.

"(k) LIMITATION ON CONTRACT AUTHORITY.—The contract authority provided in this section shall be effective for a fiscal year to such extent or in such amount as is provided for in an appropriation Act.

"(l) TERMINATION OF EFFECTIVENESS OF THIS SECTION.—(1) Subsections (b) through (i) and (k) of this section shall cease to be effective 10 years after the first day of the fiscal year in which a contract scientific organization transmits to the Secretary the first report under subsection (g) of this section.

"(2) Paragraph (1) shall not affect the continued effectiveness of—

"(A) subsection (a) of this section and the regulations referred to in such subsection; and

"(B) subsection (j) of this section.

"(m) DEFINITIONS.—For the purposes of this section—

"(1) the term 'Vietnam veteran' means a veteran who performed Vietnam service;

"(2) the term 'Vietnam service' means active military, naval, or air service in Vietnam during the Vietnam era;

"(3) the term 'herbicide agent' means an agent in an herbicide used in support of United States and allied military operations in Vietnam during the Vietnam era;

"(4) the term 'biological effect', with respect to exposure to an herbicide agent, means—

"(A) each known biological effect of such exposure on humans, including those biological effects resulting from relevant host and environmental factors; and

"(B) each biological effect of such exposure on humans that it is reasonable to infer on the basis of the known biological effects of such exposure on appropriate animal models;

"(5) the term 'positive', with respect to association between a disease and the biological effects of exposure to an herbicide agent in Vietnam, means that the credible evidence for the association is equal to or outweighs the credible evidence against the association;

"(6) the term 'limited positive', with respect to association between a disease and the biological effects of exposure to an herbicide agent in Vietnam, means that the credible evidence against the association outweighs the credible evidence for the association but that there is substantial credible evidence for the association;

"(7) the term 'insubstantial', with respect to association between a disease and the biological effects of exposure to a herbicide agent in Vietnam, means that there is some credible evidence for the association but the evidence is not substantial;

"(8) the term 'relative risk', with respect to a report of a contract scientific organization for the purposes of subsection (g) of this section, shall have the meaning determined by such organization and specified in such report;

"(9) the term 'contract scientific organization', with respect to a contract under this section, means—

"(A) the National Academy of Sciences; or

"(B) in the event that the Secretary determines that the National Academy of Sciences is unwilling to enter into such contract, any other appropriate private nonprofit scientific organization which has appropriate expertise and has no connection with the Department of Veterans Affairs and which the Secretary identifies to the Committees on Veterans' Affairs of the Senate and the House of Representatives in a written notification received by such committees at least 90 days before the date on which such contract is entered into;

"(10) the term 'soft-tissue sarcoma' means any sarcoma other than osteosarcoma, condrosarcoma, Kaposi's sarcoma, and mesothelioma; and

"(11) the term 'CDC Selected Cancers Study report' means the report submitted to Congress by the Secretary of Veterans Affairs that contains the final results of the Selected Cancers Study conducted by the Centers for Disease Control pursuant to section 307 of the Veterans Health Programs Extension and Improvement Act of 1979 (Public Law 96-151; 38 U.S.C. 219 note).".

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 312 the following new item:

"312A. Presumption of service connection for diseases associated with effects of exposure to certain herbicide agents.".

(c) CONFORMING AMENDMENT.—Section 313 of title 38, United States Code, is amended by inserting "or 312A" after "section 312" each place it appears.

(d) INTERIM REGULATIONS.—If the authority to pay benefits under section 2 of this Act expires before the Secretary of Veterans Affairs issues final regulations under of section 312A(h) of title 38, United States Code (as added by subsection (b)), the Secretary shall issue emergency regulations, effective upon issuance, providing for the payment of disability compensation under chapter 11 of such title to each veteran or survivor who receives benefits under section 2 of this Act for a disease listed in regulations (if any) proposed by the Secretary under section 312A(h)(1)(A) of such title (as added by subsection (b)). Payment of such disability compensation shall be effective on the date of the expiration of the authority under section 2 of this Act. The Secretary shall pay disability compensation to such a veteran pursuant to this paragraph without requiring such veteran to submit an application in addition to the application submitted for benefits under section 2 of this Act.

(e) SPECIAL EFFECTIVE DATE FOR AWARDS OF DISABILITY COMPENSATION.—If the Secretary of Veterans Affairs issues final regulations under subsection (h)(2) of section 312A of title 38, United States Code (as added by subsection (b)), after April 15, 1993, any award of disability compensation under chapter 11 of such title (in the case of a claim received by the Secretary before the effective date of such final regulations) on the basis of a presumption provided in subsection (a) of such section 312A shall be effective on the later of April 16, 1993, or the date determined under section 3010 of such title. However, benefits may not be paid to any person under chapter 11 of such title pursuant to this subsection for any period for which benefits are paid to such person under such chapter pursuant to subsection (d).

SEC. 5. RESULTS OF EXAMINATIONS AND TREATMENT OF VETERANS FOR DISABILITIES RELATED TO EXPOSURE TO CERTAIN HERBICIDES OR TO SERVICE IN VIETNAM.

(a) IN GENERAL.—The Secretary of Veterans Affairs shall compile and analyze, on a continuing basis, all clinical data that (1) is obtained by the Department of Veterans Affairs in connection with examinations and treatment furnished to veterans by the Department after November 3, 1981, by reason of eligibility provided in section 610(e)(1)(A) of title 38, United States Code, and (2) is likely to be scientifically useful in determining the association, if any, between the disabilities of veterans referred to in such section and exposure to dioxin or any other toxic substance referred to in such section or between such disabilities and active military, naval, or air service in Vietnam during the Vietnam era.

(b) ANNUAL REPORT.—The Secretary shall submit to the Committees on Veterans' Affairs of the Senate and the House of Representatives an annual report containing—

(1) the information compiled in accordance with subsection (a);

(2) the Secretary's analysis of such information;

(3) a discussion of the types and incidences of disabilities identified by the Department of Veterans Affairs in the case of veterans referred to in subsection (a);

(4) the Secretary's explanation for the incidence of such disabilities;

(5) other explanations for the incidence of such disabilities considered reasonable by the Secretary;

(6) the Secretary's views on the scientific validity of drawing conclusions from the incidence of such disabilities, as evidenced by the data compiled under subsection (a), about any association between such disabilities and exposure to dioxin or any other toxic substance referred to in section 610(e)(1)(A) of title 38, United States Code, or between such disabilities and active military, naval, or air service, in Vietnam during the Vietnam era; and

(7) the evaluation of such report submitted by the Director of the Office of Technology Assessment pursuant to subsection (c)(2).

(c) CONSULTATION WITH OTA.—(1) The Secretary of Veterans Affairs shall consult with the Director of the Office of Technology Assessment before compiling and analyzing any information under this section and shall submit each annual report required by subsection (b) to the Director before submitting such report to the committees referred to in such subsection.

(2) The Director of the Office of Technology Assessment shall review each annual report submitted under paragraph (1) and transmit to the Secretary of Veterans Affairs the Director's evaluation of the content of the report.

(d) FIRST REPORT.—The first report under subsection (b) shall be submitted one year after the date of the enactment of this Act.

SEC. 6. TISSUE ARCHIVING SYSTEM.

(a) ESTABLISHMENT OF SYSTEM.—For the purpose of facilitating future scientific research on the effects of exposure of veterans to dioxin and other toxic agents in herbicides used in support of United States and allied military operations in Vietnam during the Vietnam era, the Secretary of Veterans Affairs shall establish and maintain a system for the collection and storage of voluntarily contributed samples of blood and tissue of veterans who performed active military, naval, or air service in Vietnam during the Vietnam era. The system may be administered by the Department of Veterans Affairs or under a contract awarded by the Secretary, whichever is more cost-effective.

(b) SECURITY OF SPECIMENS.—The Secretary shall ensure that the tissue is collected and stored under physically secure conditions and that the tissue is maintained in a condition that is useful for research referred to in subsection (a).

(c) AUTHORIZED USE OF SPECIMENS.—The Secretary may make blood and tissue available from the system for research referred to in subsection (a) in a manner consistent with the privacy rights and interests of the blood and tissue donors.

(d) LIMITATIONS ON ACCEPTANCE OF SAMPLES.—The Secretary may prescribe such limitations on the acceptance and storage of blood and tissue samples as the Secretary considers appropriate consistent with the purpose specified in the first sentence of subsection (a).

(e) CONSULTATION REQUIREMENTS.—(1) To the extent provided under any agreement entered into by the Secretary and the National Academy of Sciences, the Secretary shall consult with the National Academy of Sciences regarding the establishment and maintenance of the tissue archiving system under this section, including any limitation to be prescribed under subsection (d).

(2) In the event that the National Academy of Sciences does not enter into an agreement for consultation under paragraph (1), the Secretary shall consult with the Director of the Office of Technology Assessment on the establishment and maintenance of the tissue archiving system under this section, including any limitation to be prescribed under subsection (d).

(f) CONTRACT AUTHORITY SUBJECT TO APPROPRIATION.—The contract authority provided in this section shall be effective for a fiscal year to such extent or in such amount as is provided for in an appropriation Act.

SEC. 7. SCIENTIFIC RESEARCH FEASIBILITY STUDIES PROGRAM.

(a) ESTABLISHMENT OF PROGRAM.—The Secretary of Veterans' Affairs shall establish a program to provide for the conduct of studies of the feasibility of conducting additional scientific research on—

(1) health hazards resulting from exposure to dioxin;

(2) health hazards resulting from exposure to other toxic agents in herbicides used in support of United States and allied military operations in Vietnam during the Vietnam era; and

(3) health hazards resulting from active military, naval, or air service in Vietnam during the Vietnam era.

(b) PROGRAM REQUIREMENTS.—(1) Under the program established pursuant to subsection (a), the Secretary shall, pursuant to criteria prescribed pursuant to paragraph (2), award contracts or furnish financial assistance to non-Government entities for the conduct of studies referred to in subsection (a).

(2) The Secretary shall prescribe criteria for (A) the selection of entities to be awarded contracts or to receive financial assistance under the program, and (B) the approval of studies to be conducted under such contracts or with such financial assistance.

(c) REPORT.—The Secretary shall promptly report the results of studies conducted under the program to the Committees on Veterans' Affairs of the Senate and the House of Representatives.

(d) CONSULTATION WITH THE NATIONAL ACADEMY OF SCIENCES.—To the extent provided under any agreement entered into by the Secretary and the National Academy of Sciences (1) the Secretary shall consult with the National Academy of Sciences regarding the establishment and administration of the program under subsection (a), and (2) the National Academy of Sciences shall review the studies conducted under contracts awarded pursuant to the program and the studies conducted with financial assistance furnished pursuant to the program. The agreement shall require the National Academy of Sciences to submit to the Secretary and the Committees on Veterans' Affairs of the Senate and the House of Representatives any recommendations that the National Academy of Sciences considers appropriate regarding any studies reviewed under the agreement.

(e) AUTHORITY SUBJECT TO APPROPRIATION.—The authorities to enter into contracts and to furnish financial assistance provided in this section shall be effective for a fiscal year to such extent or in such amount as is provided for in an appropriation Act.

SEC. 8. OUTREACH SERVICES.

Section 1204(a) of the Veterans' Benefits Improvement Act of 1988 (division B of Public Law 100-687; 102 Stat. 4125) is amended—

(1) in clause (1), by striking out ", as such information on health risks becomes known";

(2) by redesignating clauses (1) and (2) as clauses (A) and (B), respectively;

(3) by inserting "(1)" after "PROGRAM.—"; and

(4) by adding at the end the following new paragraph:

"(2) The Secretary of Veterans' Affairs shall annually furnish updated information on health risks described in paragraph (1)(A) to veterans referred to in paragraph (1).".

SEC. 9. REPORT RELATING TO RESEARCH ON TREATMENTS FOR EXPOSURE TO DIOXIN AND OTHER TOXIC AGENTS.

Not later than 180 days after the date of the enactment of this Act, the Secretary of Health and Human Services shall submit to the Committees on Veterans' Affairs of the Senate and the House of Representatives a report containing a discussion of the research being conducted to identify and develop treatments for physiological absorption of dioxin and other toxic agents similar to the toxic agents in herbicides used in support of United States and allied operations in Vietnam during the Vietnam era, including research relating to exposure to dioxin and other toxic agents outside Vietnam.

SEC. 10. EXTENSION OF HEALTH-CARE ELIGIBILITY BASED ON AGENT ORANGE OR IONIZING RADIATION EXPOSURE.

Section 610(e)(3) of title 38, United States Code, is amended by striking out "September 30, 1990" and inserting in lieu thereof "December 31, 1993".

SEC. 11. RANCH HAND STUDY AMENDMENTS.

Section 1205 of the Veterans' Benefits Improvement Act of 1988 (division B of Public Law 100-687; 102 Stat. 4126) is amended—

(1) by redesignating subsections (c) and (d) as subsections (d) and (e), respectively;

(2) by inserting after subsection (b), the following new subsection (c):

"(c) ADVISORY RELATIONSHIP.—The Advisory Committee may consult directly with and provide information and recommendations directly to the Department of the Air Force scientists conducting the Ranch Hand Study, and such scientists may consult directly with and provide information and recommendations directly to the Advisory Committee. No officer or employee of the Federal Government may intervene in or impair direct communication between the Advisory Committee and such scientists under this section except as may be necessary to prevent an inappropriate disclosure of classified information."; and

(3) in subsection (d), as redesignated by clause (1)—

(A) by adding at the end of paragraph (1) the following: "The schedule shall provide for the preparation and submission of annual reports and a final report."; and

(B) in paragraph (4), by inserting "in" after "report referred to".

SEC. 12. DEFINITIONS.

In this Act—

(1) the terms "veteran", "service-connected", "active military, naval, or air service", and "Vietnam era" shall have the meanings

given those terms in paragraphs (2), (16), (24), and (29), respectively, of section 101 of title 38, United States Code;

(2) the term "disability" refers to a disability within the meaning of chapter 11 of such title; and

(3) the term "soft-tissue sarcoma" means any sarcoma other than osteosarcoma, condrosarcoma, Kaposi's sarcoma, and mesothelioma.

SEC. 13. EFFECTIVE DATE.

Except as provided in section 2(k), this Act and the amendments made by this Act shall take effect on the date of the enactment of this Act.

SUMMARY: VETERANS' AGENT ORANGE EXPOSURE AND VIETNAM, SERVICE BENEFITS ACT OF 1989

The Veterans' Agent Orange Exposure and Vietnam Service Benefits Act of 1989 would provide interim disability benefits for Vietnam veterans suffering from non-Hodgkin's lymphoma and soft-tissue sarcoma, and would provide survivors' benefits for their spouses, through April 15, 1992. The bill would also provide for House and Senate votes after January 1, 1992, under expedited procedures on a resolution to extend or make permanent those benefits.

The bill would establish a permanent presumption of service connection for chloracne in Vietnam veterans whose chloracne became manifest within one year of their service in Vietnam.

The legislation would provide a mechanism under which the VA must determine, based largely on bienniel independent scientific reviews covering all relevant evidence, whether permanent disability benefits should be given to veterans with non-Hodgkin's lymphoma, soft-tissue sarcoma, or any other diseases determined to have a positive association with exposure to agent orange or other toxic chemicals in Vietnam. The organization conducting the reviews would be the National Academy of Sciences [NAS] unless NAS declines the contract.

The VA would also be required to:

Gather, analyze, and report, on a continuing basis, clinical data from the health records of veterans examined or treated for disabilities relatd to, first, dioxin or other toxic agents in herbicides; or, second, Vietnam service;

Establish a tissue archiving system of voluntarily contributed blood and tissue samples to facilitate future research; and

Fund appropriate independent pilot studies to determine whether or not future scientific research on Vietnam service-related disabilities is feasible.

The Secretary of Health and Human Services would be required to submit a report on research being conducted to identify and develop treatments for exposure to dioxin and other toxic agents in herbicides.

The bill would extend veterans' eligibility for free medical care based on agent orange or ionizing radiation exposure through December 31, 1993.

The legislation would make technical changes regarding first, VA outreach services related to agent orange; and second, reporting procedures related to the Air Force's "Ranch Hand Study."

Mr. CRANSTON. Mr. President, I am delighted to join my good friends, Senators DASCHLE and KERRY, my colleagues on the Veterans' Affairs Committee, Senators MATSUNAGA, DECONCINI, ROCKEFELLER, and JEFFORDS, and our other colleagues, Senators BRADLEY, SIMON, WIRTH, PELL, KERREY, BURDICK, HARKIN, GORE, BINGAMAN, KOHL, and MOYNIHAN, in introducing S. 1153, legislation which, if enacted, would provide benefits to veterans who may have been exposed to agent orange during their service in Vietnam. Senators DASCHLE and KERRY and I have worked together very closely and cooperatively since last Congress to reach an agreement on a bill for this Congress on this very complex issue, and I am delighted that we have succeeded in doing so.

Mr. President, Senators DASCHLE and KERRY have provided strong and persistent leadershp in this cause. They are to be congratulated.

On October 18, during Senate consideration of S. 2011, the Senate adopted the Daschle-Kerry-Cranston amendment (No. 3681), which would have provided a comprehensive package of health care, benefit payments, and scientific review provisions to assist Vietnam veterans in ways that were reasonably related to current scientific knowledge in order to addresss the concerns about their exposure to agent orange. Despite the overwhelming Senate support for that agent orange legislation, the House of Representatives refused to accept all but a few provisions. The final version of the bill, which was enacted as Public Law 100-687 on November 18, contained only five, relatively minor agent orange provisions from the Senate-passed bill.

Mr. President, in keeping with our promise made last year to accomplish more this Congress to find acceptable answers to the many remaining questions regarding Vietnam veterans' exposure to agent orange and other herbicides during their service in Vietnam, and working from our amendment from last Congress, I believe that we have now produced an update version of that Senate-passed legislation that will appropriately address the ongoing concerns of Vietnam veterans about agent orange.

Of most importance, this bill would include an interim temporary presumption for the payment of VA benefits for veterans suffering from non-Hodgkins lymphoma [NHL] and soft tissue sarcoma [STS]. These benefits would be paid from October 1, 1989 until April 15, 1992. In addition, the bill provides a mechanism whereby a vote to extend the interim benefits would be ensured in each House if desired by any member prior to the expiration of these benefits.

The decisions to provide interim, temporary benefits will be reevaluated once the results of the Selected Cancers Study—which is being carried out by the Centers for Disease Control—are available and evaluated. At this time, CDC estimates that preliminary results from this study will be available in December of this year with final results due by the end of March next year. Procedures would be established under our bill pursuant to which the National Academy of Sciences—or, if it declines, another appropriate scientific body—would evaluate the results of the selected cancers study and all other appropriate scientific studies and information regarding the health effects of veterans' service and exposure in Vietnam to dioxin or other toxic agents contained in herbicides used there. That evaluation would be submitted to Congress within 1 year of the date of the enactment of this legislation or 60 days after the report on the CDC study is available if that date is later. On the basis of that evaluation and any other appropriate, available scientific evidence, the Secretary would have to determine whether presumptions of service connection should be provided for NHL, STS, or any other disease.

The bill would provide a mandatory timetable for the Secretary's decisions and for publication of final regulations, as appropriate, so that presumptive, permanent benefits would be provided on a prompt and timely basis when there is adequate scientific evidence to support them. In addition, the bill calls for periodic further surveys and evaluations of the scientific literature by NAS with followup reports to the Secretary on the outcome of those surveys and evaluations, and then establishes a timetable for followup actions by the Secretary, including reports to Congress and amendments to the regulations if appropriate.

Mr. President, for over 10 years I have been working to resolve the concerns raised about the possible adverse health effects arising from veterans' exposure to agent orange in Vietnam. As either the chairman or ranking Democratic member of the Veterans' Affairs Committee during this time, I have participated in numerous hearings and discussions on this issue, and I am proud to have authored or co-authored in the Senate various laws designed to provide solutions to the agent orange dilemma in the areas of health-care eligibility, epidemiological studies, and public rulemaking and adjudication standards regarding benefits claims.

Mr. President, the questions raised by the agent orange issue, while emotional and controversial, are scientific questions requiring scientific analysis and answers. I believe that we owe it to our Vietnam veterans to search for meaningful answers—not just for the purposes of providing compensation but so that we can know the full extent of any threat which may exist to their health. Accordingly, a major focus of my efforts and those of the Committees on Veterans' Affairs in both Houses has been on research

which might eventually lead to a greater understanding of the health effects of agent orange exposure.

Unfortunately, we do not yet have a definitive scientific answer as to whether there is an association between NHL and STS—or any disease other than chloracne, for that matter—and service in Vietnam. If we did, things would be a lot easier.

Instead, we face a simple dilemma—do we tell Vietnam veterans that they have to wait until a definitive answer is available, which we hope will be provided in early 1990 by the selected cancers study, or do we believe that there is enough suggestive evidence to justify taking action now?

I do not believe we can ignore the accumulation of suggestive associations found between certain conditions and Vietnam service or certain herbicide exposure. I believe that, taken together, certain findings in various studies, which are discussed in detail in my two floor statements concerning the passage of this legislation last Congress (S16540 in the October 18 RECORD and S16977 in the October 20 RECORD), represent enough reasonable suspicion so that, in fairness to these veterans, we ought to provide benefits now consistent with our historic obligation to give veterans the benefit of reasonable doubt.

Mr. President, for more of the historical background, I would refer my colleagues to our Committee Report on S. 2011 (S. Rept. No. 100-439) and the two floor statements I just mentioned.

Mr. President, I want to highlight the vital, very important role that VA Secretary Ed Derwinski has played in our efforts to address this matter. His decision, which I described in detail in a statement I made to the Senate last week (S5987 in the June 1 RECORD), not to appeal a district court decision invalidating certain restrictive aspects of VA regulations dealing with agent orange was a most refreshing change from prior VA responses to agent orange matters. I am confident that his efforts will be most helpful and constructive as we move forward in the legislative process with this bill.

Mr. President, it has been a long, hard struggle to help ensure that serving our Nation in an unpopular war did not unfairly prevent Vietnam veterans from receiving all of the help they deserve. Too many Vietnam veterans and their families have suffered anguish for far too long because of concern over the effects of exposure to agent orange and other herbicides. I recognize the frustrations that many individuals have experienced in working to resolve this difficult, intensely felt, vitally important issue. I am proud to have worked with so many of my colleagues in this fight over so many years and look forward to bringing this legislation before the committee and the Senate in the near future. This bill is a good, solid measure that, if enacted, will be of great assistance to many Vietnam veterans and their families.

Mr. President, for the information of my colleagues and others with an interest in this legislation, the committee will hear testimony on this legislation on June 22, and it will be marked up at a committee meeting on July 13. It is then my plan to bring it before the full Senate for consideration before the August recess.

Mr. KERRY. Mr. President, I am delighted today to join with Senator DASCHLE, Senator CRANSTON, and others to introduce the Veterans' Agent Orange Exposure and Vietnam Service Benefits Act of 1989.

This is the third consecutive year that Senator DASCHLE and I have introduced such legislation and I am pleased that this year, as was the case last year, we are joined by the chairman of the Senate Veterans' Affairs Committee, Senator ALAN CRANSTON. I also want to thank our other cosponsors: Senators JEFFORDS, DECONCINI, MATSUNAGA, BRADLEY, SIMON, WIRTH, PELL, KOHL, KERREY, BURDICK, ADAMS, GORE, BINGAMAN, MOYNIHAN, and BIDEN.

At long last we can say that the momentum is with us. The recent decision by U.S. District Judge Thelton Henderson was a major victory for veterans. Judge Henderson declared that the government has too strictly defined the standard of proof required of veterans claiming injury from agent orange. The benefit of the doubt should be with the veteran.

That is exactly what many of us in Congress have been saying for years.

The court decision is a vindication for the thousands of veterans who believe that their exposure to agent orange made them ill. It has far-reaching implications: The Department of Veterans Affairs will be required to review the claims of some 34,000 veterans, and in the Department's review the veteran will be given the benefit of the doubt.

The Secretary of Veterans Affairs, Edward Derwinski, has stated that the Department will not appeal the decision. This, in my opinion, is very good news.

Secretary Derwinski has indicated that the Department will issue new regulations within the next few months that will conform to the spirit of the court decision.

Secretary Derwinski has taken a much needed step to repair the image of the Department of Veterans Affairs which has suffered in recent years among Vietnam veterans.

It's been a long struggle for the veteran of Vietnam who returned from war over 14 years ago. The Vietnam veteran returned to a country that didn't seem to value his service. Then came the recognition that the branch of the government that was supposed to be an advocate for the veteran was not, in fact, willing to speak out on those issues that were really important. The veteran, who once fought the Vietcong, was now fighting the Veterans' Affairs.

We are glad to see that this is finally changing. We are glad to see that Secretary Derwinski is acting as an advocate for the veteran.

The 1989 Veterans' Agent Orange and Victims Service Disabilities Act of 1988 provides compensation on an interim basis for only two diseases, soft-tissue sarcoma and non-Hodgkins lymphona. We are not opening up the floodgates for compensation. But when you consider how much has already been spent on agent orange research, the extent of compensation seems mimimal. Consider, for instance, that in October 1987, the White House Agent Orange Working Group reported that more than $91 million had been spent on completed research projects, an additional $120 million on continuing projects and an estimated $186 million is estimated over the next 15 years to complete them.

I favor continued research into agent orange, but we can't wait another 15 years for evidence that may never be conclusive. I think it's time—well past time—to provide compensation to the veterans. We need to compensate on the basis of the existing evidence and using the reasonable doubt standard.

The disability benefits for Vietnam veterans suffering from non-Hodgkin's lymphona and soft-tissue sarcoma will be provided on an interim basis through April 15, 1992. By that date the Center for Disease Control will have issued its final report on agent orange. We have included a new provision in this year's bill that will guarantee House and Senate votes on a resolution, introduced after January 1, 1992, to either extend or make permanant the benefits. The votes will occur under expedited procedures.

As it did last year, the bill will also establish a permanent presumption of service connection for chlorane in Vietnam veterans whose chlorane became manifest within 1 year of their service in Vietnam.

Perhaps the most important addition to this year's legislation is the requirement that the Department review of scientific literature of agent orange and other toxic chemicals. The legislation provides a mechanism under which the Department of Veterans Affairs must determine, based on biennial independent scientific review covering all germane evidence, whether permanant disability benefits should be given to veterans with soft-tissue sarcoma, non-Hodgkin's lymphona or any other diseases deter-

mined to have a positive association with exposure to agent orange or other toxic chemicals used in Vietnam. The National Academy of Sciences [NAS] will conduct the reviews unless it declines to do so. If it does Congress will request the reviews from the Office of Technology Assessment.

The bill further requires that the Secretary of Health and Human Services submit a report on research being conducted to identify and develop treatment for exposure to dioxin and other toxic agents in herbicides. It also extends veterans' eligibility for free medical care based in agent orange or ionizing radiation exposure through December 31, 1993.

The bill requires the Department of Veterans Affairs compile, analyze, and report on a continuing basis, clinical data from the health records of veterans examined or treated for disabilities related either to: First, dioxin or other toxic agents, in herbicides; or, second, Vietnam service. The bill requires the Department of Veterans Affairs to fund independent pilot studies to determine whether or not future scientifc research on Vietnam service-related disabilities is feasible. Finally, the Department of Veterans' Affairs is required to establish a tissue archiving system of voluntarily contributed blood and tissue samples to facilitate future research.

Mr. President, I believe this is an important bill and I hope that the Senate considers it and approves it in the near future. It respresents a compromise, particularly on the issue of interim verus permanant benefits.

However, as was the case last year, the real battle ground over compensation will be the House of Representatives. I am hopeful that swift passage of this bill will send a message to our colleagues in the House. I am hopeful that Judge Henderson's decision will send a message to our colleagues in the House. I am hopeful that Secretary Derwinski's comments on the agent orange court decision and his willingness to rewrite the regulations will send a message to our colleagues in the House. That message is: The time for compensation of the agent orange victim is long overdue.

In introducting agent orange legislation last year I said that providing compensation to agent organge victims was a simple matter of justice. I still believe this to be true. The difference between this year and last year is that we've taken an important step forward and the momentum is now with us.

We can never give back to the Vietnam veteran what he gave to this Nation. All we can hope to do is to give him justice.

By Mr. JOHNSTON (by request):

S.J. Res. 154. Joint resolution to consent to certain amendments enacted by the Legislature of the State of Hawaii to the Hawaiian Homes Commission Act, 1920; to the Committee on Energy and Natural Resources.

CONSENT OF THE CONGRESS TO CERTAIN AMENDMENTS TO THE HAWAIIAN HOMES COMMISSION ACT

● Mr. JOHNSTON. Mr. President, at the request of the administration, I send to the desk for appropriate reference a joint resolution to consent to certain amendments enacted by the Legislature of the State of Hawaii to the Hawaiian Homes Commission Act, 1920.

Mr. President, this draft legislation was submitted and recommended by the Department of the Interior, and I ask unanimous consent that the joint resolution, and the executive communication which accompanied the proposal from the Secretary of the Interior, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S.J. Res. 154

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That, as required by section 4 of the Act entitled "An Act to provide for the admission of the State of Hawaii into the Union," approved March 18, 1959 (73 Stat. 4), the United States hereby consents to the following amendments to the Hawaiian Homes Commission Act, 1920, as amended, adopted by the State of Hawaii in the manner required for State legislation: Act 16, Act 75, Act 84, and Act 249 of the Session Laws of Hawaii, 1986; and Act 36 of the Session Laws of Hawaii, 1987.

EXECUTIVE COMMUNICATION

Amendments to the Hawaiian Homes Commission Act, 1920, Enacted in Hawaii in 1986 and 1987, to which the proposed Joint Resolution would provide the consent of the United States

Act 16 of 1986: Authorizes the Department of Hawaiian Home Lands (the State agency which administers the Hawaiian Home lands program) to participate in any Federal or State program that permits the establishment of enterprise zones on Hawaiian home lands. The principal purpose of such enterprise zones would be to encourage the employment of economically disadvantaged Native Hawaiians.

Act 75 of 1986: Provides an alternative means by which Hawaiian home lands may be made available to Native Hawaiians. Under existing law, Native Hawaiians may obtain 99-year leases at $1 per year, but they cannot pledge their leasehold interest to secure private financing except for loans insured or guaranteed by a Federal agency. Private lenders are thus unable to place a mortgage lien on homestead properties. Act 75 provides an alternative method, termed a Homestead General Lease Program, under which Native Hawaiians may lease Hawaiian home lands for residential, agricultural, pastoral, or aquacultural purposes. The Department of Hawaiian Home Lands (Department) is authorized to subdivide and improve any Hawaiian home lands for the foregoing purposes and can also enter into agreements with developers for the development and construction of improvements. The resulting lots or parcels may be leased for an initial term of not more than fifty-five (55) years at fair market value. Native Hawaiians on the Department's waiting lists would receive priority for such leases, followed by other Native Hawaiians. If lots or parcels are available after all interested and qualified Native Hawaiians have received leases, the remaining lots may be disposed of at fair market rental to the general public. Homestead general lessees may encumber their leasehold interests by mortgage loans from the private sector, and may transfer their interests by subletting, bequests, or otherwise. The Department of Hawaiian Home Lands is further authorized to convert any homestead lease to a homestead general lease in accordance with procedures to be adopted by the Department. Act 75 provides for its repeal, and thus for the termination of the Homestead General Lease Program, either five years after the United States has consented to the Act, or on December 31, 1995, whichever occurs first.

Act 84 of 1986: Authorizes the Department of Hawaiian Home Lands to enter into agreements with private developers for the development of Hawaiian home lands for either homestead purposes or for income generating purposes. The Department of Hawaiian Home Lands is authorized under existing law to enter into such agreements; it also has authority to enter into general leases in order to derive income for use in meeting the administrative costs of the Department. Act 84 would largely perpetuate existing law, but it would exempt the Department from the requirement that its private development agreements be approved by both the Legislature and the Governor. That requirement is time-consuming. It can lead to uncertainty and it may preclude the timely response to opportunities. Act 84 would also permit the Department of Hawaiian Home Lands to negotiate contract provisions conferring particular benefits upon Native Hawaiians.

Act 85 of 1986: Expands the authority of the Department of Hawaiian Home Lands with respect to the financing of improvements on homestead lands and for infrastructure development. Many lessees have been unable to construct homes on their leaseholds due to the lack of loan financing. The lack of funds has also hampered the Department's ability to construct needed infrastructure in homestead subdivisions. Act 85 is intended to meet this problem in two ways. First, it permits the Department to obtain loans by using its loan accounts receivables (e.g., money owed by its present borrowers), as collateral for loans from financial institutions. The money borrowed would be used by the Department for making loans to homestead lessees for home construction, and for the construction of infrastructure in homestead subdivisions. Second, Act 85 enables the Department to fulfill conditions under which homestead lessees can participate in the United States Department of Housing and Urban Development (HUD) insured loan program. Terms of the agreement developed by the Department and HUD require that a cash reserve be established to cover any potential defaults on the part of the mortgagee, and allows the transfer to that reserve of available funds from certain of the Department's other loan funds.

Act 249 of 1986: Reduces from fifteen to seven the number of fiscal accounts that the Department of Hawaiian Home Lands is required by law to maintain. As a result of amendments enacted following Statehood,

29-059 O-90-44 (Pt. 8)

the Hawaiian Homes Commission Act required the maintenance of seven separate revolving funds and eight other special funds. Act 249 abolishes some such funds and merges others in order to simplify the funding structure. This action promotes more efficient and economical management.

Act 36 of 1987: Repeals Act 112 of 1981, which was excluded from the consent provided by Public Law 99-557 because it was in conflict with an amendment later enacted in Hawaii. Act 112 had provided a new method of calculating the amount due in the event of surrender or cancellation of a lease, or the death of a lessee who had no qualified heir. The effect of Act 36 is to continue substantially the earlier method of calculating the amount due, which requires payment by the Department of Hawaiian Home Lands of the appraised value of improvements, including growing crops, on the leasehold. Act 36 also permits payment to be made by the Department from the General Loan Fund if the Home Loan Fund is inadequate for that purpose.●

ADDITIONAL COSPONSORS

S. 13

At the request of Mr. CRANSTON, the name of the Senator from New Mexico [Mr. BINGAMAN] was added as a cosponsor of S. 13, a bill to amend title 38, United States Code, to increase the rates of disability compensation and dependency and indemnity compensation for veterans and survivors, to increase the allowances paid to disabled veterans pursuing rehabilitation programs and to the dependents and survivors of certain disabled veterans pursuing programs of education, and to improve various programs of benefits and health-care services for veterans; and for other purposes.

S. 16

At the request of Mr. CRANSTON, the name of the Senator from New Jersey [Mr. LAUTENBERG] was added as a cosponsor of S. 16, a bill to require the executive branch to gather and disseminate information regarding, and to promote techniques to eliminate, discriminatory wage-setting practices and discriminatory wage disparities which are based on sex, race, or national origin.

S. 86

At the request of Mr. CRANSTON, the name of the Senator from New Mexico [Mr. BINGAMAN] was added as a cosponsor of S. 86, a bill to amend title 38, United States Code, to improve the capability of the Department of Veterans' Affairs health-care facilities to provide the most effective and appropriate services possible to veterans suffering from mental illness, especially conditions which are service-related, through the designation of up to five of its facilities as centers of mental illness research, education, and clinical activities and for other purposes.

S. 231

At the request of Mr. MOYNIHAN, the name of the Senator from Arkansas [Mr. BUMPERS] was added as a cosponsor of S. 231, a bill to amend part A of title IV of the Social Security Act to improve quality control standards and procedures under the Aid to Familes With Dependent Children Program, and for other purposes.

S. 405

At the request of Mr. CRANSTON, the name of the Senator from New Mexico [Mr. BINGAMAN] was added as a cosponsor of S. 405, a bill to amend title 18, United States Code, to require the Department of Veterans' Affairs to conduct a program providing community-based residential treatment for homeless chronically mentally ill veterans and to authorize the inclusion of certain other chronically ill veterans in such program, and for other purposes.

S. 432

At the request of Mr. ROCKEFELLER, the name of the Senator from California [Mr. WILSON] was added as a cosponsor of S. 432, a bill to direct the Secretary of Transportation to identify scenic and historic roads and to develop methods of designating, promoting, protecting, and enhancing roads as scenic and historic roads.

S. 478

At the request of Mr. DODD, the name of the Senator from Hawaii [Mr. INOUYE] was added as a cosponsor of S. 478, a bill to provide Federal assistance to the National Board for Professional Teaching Standards.

S. 635

At the request of Mr. MCCLURE, the name of the Senator from New York [Mr. D'AMATO] was added as a cosponsor of S. 635, a bill to prevent the unintended licensing of federaly nonjurisdictional pre-1935 unlicensed hydroelectric projects.

S. 640

At the request of Mrs. KASSEBAUM, the name of the Senator from Montana [Mr. BURNS] was added as a cosponsor of S. 640, a bill to regulate interstate commerce by providing for uniform standards of liability for harm arising out of general aviation accidents.

S. 727

At the request of Mr. HEFLIN, the names of the Senator from Mississippi [Mr. COCHRAN], the Senator from North Carolina [Mr. HELMS], and the Senator from Connecticut [Mr. DODD] were added as cosponsors of S. 727, a bill to amend the Animal Welfare Act to provide protection to animal research facilities from illegal acts.

S. 753

At the request of Mr. GORE, the name of the Senator from Oklahoma [Mr. NICKLES] was added as a cosponsor of S. 753, a bill to provide a special statute of limitations for certain refund claims.

S. 839

At the request of Mr. ADAMS, the name of the Senator from Maryland [Ms. MIKULSKI] was added as a cosponsor of S. 839, a bill to provide for the safe operation of tanker traffic in Puget Sound, to improve the ability to respond to tanker vessel accidents in Puget Sound, and for other purposes.

S. 892

At the request of Mr. MOYNIHAN, the name of the Senator from Vermont [Mr. JEFFORDS] was added as a cosponsor of S. 892, a bill to exclude agent orange settlement payments from countable income and resources under Federal means-tested programs.

S. 947

At the request of Mr. CRANSTON, the name of the Senator from New Mexico [Mr. BINGAMAN] was added as a cosponsor of S. 947, a bill to amend title 38, United States Code, to improve conditions of employment for employees of the Veterans Health Services and Research Administration, and for other purposes.

S. 979

At the request of Mr. DASCHLE, the name of the Senator from West Virginia [Mr. ROCKEFELLER] was added as a cosponsor of S. 979, a bill to provide grants for designating rural hospitals as medical assistance facilities.

S. 1060

At the request of Mr. PRYOR the name of the Senator from South Dakota [Mr. DASCHLE] was added as a cosponsor of S. 1060, a bill to amend the Internal Revenue Code of 1986 to provide refundable income tax credits to primary health services providers who work in rural health manpower shortage areas, and for other purposes.

S. 1087

At the request of Mr. BURNS, the names of the Senator from Utah [Mr. HATCH] and the Senator from Idaho [Mr. SYMMS] were added as cosponsors of S. 1087, a bill to amend the Disaster Assistance Act of 1988 to provide disaster assistance to orchard owners who have suffered losses as a result of freeze damage in 1989, and for other purposes.

SENATE JOINT RESOLUTION 114

At the request of Mr. THURMOND, the names of the Senator from Nevada [Mr. REID], the Senator from Indiana [Mr. LUGAR], the Senator from Vermont [Mr. JEFFORDS], the Senator from North Dakota [Mr. CONRAD], the Senator from Mississippi [Mr. COCHRAN], the Senator from Virginia [Mr. ROBB], the Senator from Arizona [Mr. DECONCINI], the Senator from South Dakota [Mr. PRESSLER], the Senator from Iowa [Mr. GRASSLEY], the Senator from Alabama [Mr. SHELBY], and the Senator from Wisconsin [Mr. KOHL] were added as cosponsors of Senate Joint Resolution 114, a joint

resolution expressing the sense of the Congress that the people of the United States should purchase products made in the United States and services provided in the United States, whenever possible, instead of products made or services performed outside the United States.

SENATE JOINT RESOLUTION 116

At the request of Ms. MIKULSKI, the name of the Senator from Florida [Mr. MACK] was added as a cosponsor of Senate Joint Resolution 116, a joint resolution to designate the week beginning October 8, 1989, as "National Infertility Awareness Week."

SENATE JOINT RESOLUTION 121

At the request of Mr. DECONCINI, the names of the Senator from Delaware [Mr. ROTH] and the Senator from Colorado [Mr. WIRTH] were added as cosponsors of Senate Joint Resolution 121, a joint resolution to provide for the designation of September 14, 1989, as "National D.A.R.E. Day."

SENATE JOINT RESOLUTION 122

At the request of Mr. LUGAR, the names of the Senator from New Jersey [Mr. BRADLEY], the Senator from Florida [Mr. GRAHAM], the Senator from New Hampshire [Mr. HUMPHREY], and the Senator from Kansas [Mrs. KASSEBAUM] were added as cosponsors of Senate Joint Resolution 122, a joint resolution to designate October 1989 and 1990 as "National Down Syndrome Month."

SENATE JOINT RESOLUTION 129

At the request of Mr. DOLE, the name of the Senator from New Hampshire [Mr. RUDMAN] was added as a cosponsor of Senate Joint Resolution 129, a joint resolution to provide for the designation of September 15, 1989, as "National POW/MIA Recognition Day."

SENATE JOINT RESOLUTION 136

At the request of Mr. SPECTER, the name of the Senator from Iowa [Mr. GRASSLEY] was added as a cosponsor of Senate Joint Resolution 136, a joint resolution designating August 8, 1989, as "National Neighborhood Crime Watch Day."

SENATE JOINT RESOLUTION 140

At the request of Mr. GLENN, the names of the Senator from Illinois [Mr. DIXON], the Senator from Indiana [Mr. COATS], and the Senator from Wyoming [Mr. SIMPSON] were added as cosponsors of Senate Joint Resolution 140, a joint resolution designating November 19–25, 1989, as "National Family Caregivers Week."

SENATE JOINT RESOLUTION 146

At the request of Mr. CHAFEE, the name of the Senator from Utah [Mr. HATCH] was added as a cosponsor of Senate Joint Resolution 146, a joint resolution designating the week of September 24, 1989, as "Religious Freedom Week."

At the request of Mr. PELL, the names of the Senator from Minnesota [Mr. DURENBERGER] and the Senator from West Virginia [Mr. BYRD] were added as cosponsors of Senate Joint Resolution 146, supra.

SENATE JOINT RESOLUTION 150

At the request of Mr. DECONCINI, the name of the Senator from Pennsylvania [Mr. SPECTER] was added as a cosponsor of Senate Joint Resolution 150, a joint resolution to designate August 1, 1989, as "Helsinki Human Rights Day."

SENATE CONCURRENT RESOLUTION 16

At the request of Mr. BOSCHWITZ, the name of the Senator from Virginia [Mr. WARNER] was added as a cosponsor of Senate Concurrent Resolution 16, a concurrent resolution calling for the Government of Vietnam to expedite the release and emigration of all political prisoners.

SENATE CONCURRENT RESOLUTION 40

At the request of Mr. CRANSTON, the names of the Senator from Missouri [Mr. DANFORTH] and the Senator from Nebraska [Mr. KERREY] were added as cosponsors of Senate Concurrent Resolution 40, a concurrent resolution to designate June 21, 1989, as "Chaney, Goodman, and Schwerner Day."

SENATE RESOLUTION 13

At the request of Mr. DOLE, the names of the Senator from North Dakota [Mr. CONRAD] and the Senator from New Hampshire [Mr. RUDMAN] were added as cosponsors of Senate Resolution 13, a resolution to amend Senate Resolution 28 to implement closed caption broadcasting for hearing impaired individuals of floor proceedings of the Senate.

SENATE RESOLUTION 99

At the request of Mr. BOSCHWITZ, the name of the Senator from Georgia [Mr. FOWLER] was added as a cosponsor of Senate Resolution 99, a resolution requiring the Architect of the Capitol to establish and implement a voluntary program for recycling paper disposed of in the operation of the Senate.

SENATE RESOLUTION 119

At the request of Mr. WILSON, the name of the Senator from Ohio [Mr. GLENN] was added as a cosponsor of Senate Resolution 119, a resolution concerning the 1986 agreement between the United States and Japan regarding the Japanese semiconductor market.

AMENDMENTS SUBMITTED

NATURAL GAS DECONTROL ACT OF 1989

METZENBAUM AMENDMENT NO. 144

Mr. METZENBAUM proposed an amendment to the bill (H.R. 1722) to amend the Natural Gas Policy Act of 1978 to eliminate wellhead price and nonprice controls on the first sale of natural gas, and to make technical and conforming amendments to such act, as follows:

At the end of the bill insert the following new section:

SEC. 3. REINSTITUTION OF CONTROLS.

(a) FREEZING OF PRICE.—On any date (referred to as the "freeze date") that the Commission determines that the composite price of competitive spot market prices of natural gas exceeds by more than 100 percent the composite price of competitive spot market prices as of January 1, 1989, adjusted for inflation, the maximum lawful price for all first sales of natural gas shall be set, commencing the day after the Commission makes that determination, at the composite price of competitive spot market prices as of the freeze date.

(b) ADJUSTMENT OF MAXIMUM LAWFUL PRICE.—After a maximum lawful price has been set pursuant to subsection (a), the Commission shall adjust the maximum lawful price monthly by a factor equal to the change in the Consumer Price Index for each month, to take effect on the first day of the following month.

(c) DEFINITIONS.—For the purposes of this section—

(1) the term "Commission" means the Federal Energy Regulatory Commission; and

(2) the term "composite price of competitive spot market prices" means the composite price of competitive spot market prices of natural gas as determined by the Commission based on prices reported in at least 3 trade periodicals published at regular intervals by entities not engaged in the business of buying, selling, transporting, or brokering natural gas and not affiliated with any such entities.

METZENBAUM AMENDMENT NO. 145

Mr. METZENBAUM proposed an amendment to the bill H.R. 1722, supra, as follows:

At the end of the bill insert the following new section:

SEC. 3. REFUNDS FOR OVERCHARGES.

(a) AMENDMENT OF SECTION 4(e) OF THE NATURAL GAS ACT.—The second and third sentences of section 4(e) of the Natural Gas Act (15 U.S.C. 717c(e)) are amended to read as follows: "Where changes in rates or charges are thus made effective, the Commission may, by order, require the natural-gas company to furnish a bond, to be approved by the Commission, to refund any amounts ordered by the Commission, to keep accurate accounts in detail of all amounts received by reason of such changes, specifying by whom and in whose behalf such amounts were paid, and, upon

completion of the hearing and decision, to order such natural-gas company to refund, with interest, the portion of such rates or charges by its decision found not justified. At any hearing involving a rate or charge sought to be changed, the burden of proof to show that the changed rate or charge is just and reasonable shall be upon the natural-gas company, and the Commission shall give to the hearing and decision of such questions preference over other questions pending before it and decide the same as speedily as possible.".

(b) AMENDMENT OF SECTION 5 OF THE NATURAL GAS ACT.—Section 5 of the Natural Gas Act (15 U.S.C. 717d) is amended by redesignating subsection (b) as subsection (c) and inserting the following new subsection following subsection (a):

"(b) At the conclusion of any proceeding under this section, the Commission shall order the natural-gas company to make refunds of such amounts as have been paid, for the period subsequent to the refund effective date, in excess of those which would have been paid under the just and reasonable rate, charge, classification, rule, regulation, practice, or contract, which the Commission orders to be thereafter observed and in force. The refunds shall be made, with interest, to those persons who have paid those rates or charges which are the subject of the proceeding. The Commission shall establish the refund effective date. In the case of a hearing instituted on complaint, the refund effective date shall not be earlier than the date that is 60 days after the date of filing of the complaint or later than 5 months after the expiration of such 60-day period.".

(c) EFFECTIVE DATE.—(1) The amendments made by this section shall not apply to any proceeding under the Natural Gas Act commenced before the date of enactment of this Act.

(2) A proceeding to which the amendments made by this section does not apply by reason of paragraph (1) may be withdrawn and refiled without prejudice.

(d) STUDY.—(1) Not earlier than 3 years and not later than 4 years after the date of enactment of this Act, the Commission shall perform a study of the effect of the amendments to the Natural Gas Act made by this Act.

(2) The study required by paragraph (1) shall analyze—

(A) the impact, if any, of such amendments on the cost of capital paid by natural-gas companies;

(B) any change in the average time taken to resolve proceedings under section 5; and

(C) such other matters as the Commission may deem appropriate in the public interest.

(3) Upon completion the study required by paragraph (1) shall be submitted to the Committee on Energy and Natural Resources of the Senate and the Committee on Energy and Commerce of the House of Representatives.

EXTENDING TIME LIMITATIONS ON CERTAIN PROJECTS

GORTON (AND ADAMS) AMENDMENT NO. 146

Mr. McCLURE (for Mr. GORTON, for himself and Mr. ADAMS) proposed an amendment to the bill (S. 750) extending time limitations on certain projects, as follows:

On page 1, line 6, and on page 2, line 5, insert "2833," between the word "numbered" and the number "4204";

On page 2, line 2, before the word "section", insert "such"; and

On page 2, line 19, before the word "under", insert the following: "concerning projects 4204, 4659, and 4660".

RELEASE OF POLITICAL PRISONERS IN VIETNAM

BOSCHWITZ AMENDMENT NOS. 147 AND 148

Mr. McCLURE (for Mr. BOSCHWITZ) proposed two amendments to the concurrent resolution (S. Con. Res. 16) calling on the Government of Vietnam to expedite the release and emigration of all political prisoners, as follows:

AMENDMENT No. 147

On page 2, beginning on line 4, strike out "(1)" and all that follows through the period on line 14 and insert in lieu thereof the following:

"(1) to make public the names of all individuals who continue to be held in "reeducation" camps or prisons in connection with suspected opposition to the Government of Vietnam;

"(2) to release immediately all remaining long-term "reeducation" camp or prison detainees, as well as individuals imprisoned in Vietnam in recent years because of their political or religious expression or related nonviolent activities; and

"(3) to resume negotiations, without preconditions, with the United States concerning the emigration from Vietnam of current and former detainees and their families, in accord with the commitment of the Government of Vietnam to allow their emigration."

AMENDMENT No. 148

On pages 1 and 2, strike out the Preamble and insert in lieu thereof the following:

"Whereas 14 years have passed since the end of the Vietnam conflict;

"Whereas thousands of opponents of the Government of the Socialist Republic of Vietnam, including officials of, and others associated with, the former Republic of Vietnam, were detained without trial in 'reeducation' camps or prisons beginning in 1975;

"Whereas a series of large-scale anmesties took place in the late 1980's resulting in the release of many detainees;

"Whereas despite these welcome releases, many Vietnamese remain in long-term detention because of their suspected opposition to the Government of Vietnam, and many family members of detainees do not know their status;

"Whereas the Government of Vietnam has continued in recent years to imprison individuals because of their political and religious expression or association or related nonviolent activity;

"Whereas the Government of Vietnam has stated publicly that the remaining 'reeducation' camp or prison detainees would be released and that former detainees would be allowed to emigrate;

"Whereas the United States has repeatedly stated that the resettlement of 'reeducation' camp or prison detainees is one of its highest priorities in its dealing with Vietnam on humanitarian issues and has made it clear to the Government of Vietnam that it is willing to allow former and current detainees to enter the United States;

"Whereas at negotiations held in Hanoi in July 1988, the United States and Vietnam agreed in principle on the resettlement of those released fom 'reeducation' camps or prisons and Vietnam reaffirmed that released detainees and their families could emigrate from Vietnam;

"Whereas the Government of Vietnam subsequently suspended negotiations on the issue of the resettlement of detainees and their families; and

"Whereas the willingness of the Government of Vietnam to satisfactorily resolve this humanitarian issue will have an important bearing on the relationship between Vietnam and the United States: Now therefore be it"

Amend the title so as to read:

"Calling on the Government of the Socialist Republic of Vietnam to expedite the release and emigration of 'reeducation' camp detainees".

AGENT ORANGE SETTLEMENTS

MITCHELL AMENDMENT NO. 149

Mr. MITCHELL (for Mr. MOYNIHAN) proposed an amendment to the bill (S. 892) to exclude agent orange settlement payments from countable income and resources under Federal means-tested programs, as follows:

Strike out section 1(b) of the bill and insert in lieu thereof the following:

(b) EFFECTIVE DATE.—The provisions of this section shall become effective on January 1, 1989.

SENATE RESOLUTION 143—AUTHORIZING REPRESENTATION BY THE SENATE LEGAL COUNSEL

Mr. MITCHELL (for himself and Mr. DOLE) submitted the following resolution; which was considered and agreed to:

S. RES. 143

Whereas, in the case of *The Honorable Alcee L. Hastings, United States District Judge* v. *The United States Senate, et al.*, No. 89-1602, pending in the United States District Court for the District of Columbia, the plantiff has named as defendants the Senate; the Impeachment Trial Committee that has been appointed pursuant to Senate Resolution 38, 101st Congress, and Rule XI of the Rules of Procedure and Practice in the Senate When Sitting on Impeachment Trials; Walter J. Stewart, the Secretary of the Senate; and Joseph E. Jenifer, the Acting Public Printer of the United States;

Whereas, by Senate Resolution 141 of the 101st Congress, the Senate has directed the Senate Legal Counsel to represent the United States Senate, the Impeachment Trial Committee, and the Secretary of the Senate in this action;

Whereas, the complaint states that the plaintiff will be seeking an injunction to restrain the Acting Public Printer "from printing or distributing any records, transcripts, order or reports submitted by or on

behalf of the Impeachment Trial Committee or, with respect to Article I through XV and Article XVII, by or on behalf of the Senate";

Whereas, the Acting Public Printer has requested that the Senate authorize the Senate Legal Counsel to represent him in this proceeding together with the Senate defendants;

Whereas, pursuant to section 708(c) of the Ethics in Government Act of 1978, 2 U.S.C. 288g(c) (1982), the Senate may direct the Senate Legal Counsel to perform such other duties consistent with the statutory authority of the Senate Legal Counsel as the Senate may direct; Now, therefore, be it

Resolved, That the Senate Legal Counsel is directed to represent Joseph E. Jenifer, the Acting Public Printer of the United States, in the case of *The Honorable Alcee L. Hastings, United States District Judge* v. *The United States Senate, et al.*

NOTICES OF HEARINGS

COMMITTEE ON SMALL BUSINESS

Mr. BUMPERS. Mr. President, I would like to announce that the Small Business Committee will hold a full committee hearing on Thursday, June 22, 1989, to assess the problems faced by small businesses in complying with the paperwork requirements of the Occupational Safety and Health Administration's hazard communications standard. The hearing will be held in room 428A of the Russell Senate Office Building and will commence at 9:30 a.m. For further information, please call Nancy Kelley of the committee staff at 224-2809.

COMMITTEE ON RULES AND ADMINISTRATION

Mr. FORD. Mr. President, I wish to announce that the Committee on Rules and Administration will meet on Wednesday, June 14, 1989, at 9 a.m., in SR-301, to resume its consideration of S. 874, the National Voter Registration Act of 1989. At this markup the committee will act on amendments to my amendment in the nature of a substitute which was adopted by the Rules Committee at its June 8 meeting. It is anticipated that next Wednesday's markup of S. 874 will last until 10:30 a.m.

At 10:30 a.m., the committee will hold its third in a series of hearings on the subject of congressional campaign finance legislation. Individuals and organizations will present their views on the following bills introduced this session: S. 7, S. 56, S. 137, S. 242, S. 330, S. 332, S. 359, and S. 597.

For further information regarding the markup and hearing, please contact Jack Sousa, chief counsel of the Rules Committee, on 224-5648.

SUBCOMMITTEE ON AGRICULTURAL CREDIT

Mr. LEAHY. Mr. President, I wish to announce that the Subcommittee on Agricultural Credit of the Committee on Agriculture, Nutrition, and Forestry will hold a hearing on June 19, 1989, from 1 to 4 p.m. on the implementation of the Agricultural Credit Act of 1987: borrowers rights and restructuring provisions. The hearing will be held in room 332, Russell Senate Office Building.

Senator KENT CONRAD will preside. For further information please contact Kent Hall of the subcommittee staff or Lisa Novacek of Senator CONRAD's office at 224-2043.

AUTHORITY FOR COMMITTEES TO MEET

SUBCOMMITTEE ON PUBLIC LANDS, NATIONAL PARKS, AND FORESTS

Mr. JOHNSTON. Mr. President, I ask unanimous consent that the Subcommittee on Public Lands, National Parks and Forests of the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate, June 8, 1989, 9:30 a.m. for a hearing to receive testimony on S. 555, a bill to establish in the Department of the Interior the De Soto Expedition Trail Commission, and for other purposes; S. 624, a bill to provide for the sale of certain Federal lands to Clark County, NV, for national defense and other purposes; and S. 830, a bill to amend Public Law 99-647, establishing the Blackstone River Valley National Heritage Corridor Commission, to authorize the Commission to take immediate action in furtherance of its purposes and to increase the authorization of appropriations for the Commission.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON STRATEGIC FORCES AND NUCLEAR DETERRENCE

Mr. JOHNSTON. Mr. President, I ask unanimous consent that the Subcommittee on Strategic Forces and Nuclear Deterrence of the Committee on Armed Services be authorized to meet on Thursday, June 8, 1989, at 2 p.m. in open/closed session to receive testimony on the Chemical Deterrent Program.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON READINESS, SUSTAINABILITY AND SUPPORT

Mr. JOHNSTON. Mr. President, I ask unanimous consent that the Subcommittee on Readiness, Sustainability and Support of the Committee on Armed Services be authorized to meet on Thursday, June 8, 1989, at 2 p.m. in open session to receive testimony on environmental restoration programs in the Department of Defense in review of S. 1085, the Department of Defense authorization bill for fiscal years 1990-91.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. JOHNSTON. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be allowed to meet during the session of the Senate Thursday, June 8, 1989, at 10 a.m. to conduct hearings on the nomination of John B. Taylor, of California, to be a member of the Council of Economic Advisers; and, to vote on the nominations of Alfred DelliBovi, to be Under Secretary of Housing and Urban Development, and Susan Carol Schwab, to be Assistant Secretary of Commerce and Director General of the United States and Foreign Commercial Service.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. JOHNSTON. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Thursday, June 8, 1989, at 2 p.m. to hold a closed hearing on intelligence matters.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON LABOR AND HUMAN RESOURCES

Mr. JOHNSTON. Mr. President, I ask unanimous consent that the Committee on Labor and Human Resources be authorized to meet during the session of the Senate on Thursday, June 8, 1989 at 10 a.m. to conduct a hearing on "Women in Non-Traditional Work," S. 975.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON THE CONSTITUTION

Mr. JOHNSTON. Mr. President, I ask unanimous consent that the Subcommittee on the Constitution of the Committee on the Judiciary, be authorized to meet during the session of the Senate on Thursday, June 8, 1989, at 2 p.m. to hold a markup on Senate Joint Resolution 14 and Senate Joint Resolution 23, line item veto.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON CONSUMERS

Mr. JOHNSTON. Mr. President, I ask unanimous consent that the Consumer Subcommittee of the Committee on Commerce, Science, and Transportation, be authorized to meet during the session of the Senate on June 8, 1989, at 9:30 a.m. to hold a hearing on the Federal Trade Commission reauthorization.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON ENERGY RESEARCH AND DEVELOPMENT

Mr. JOHNSTON. Mr. President, I ask unanimous consent that the Subcommittee on Energy Research and Development of the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate June 8, 1989, 2 p.m. for an oversight hearing to receive testimony on the status of the current and future use of alternative motor vehicle fuels in the United States.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. JOHNSTON. Mr. President, I would like to announce that the Governmental Affairs Committee will hold a hearing on Thursday, June 8, at 9:30 a.m., on the subject: Oversight of the District of Columbia drug problem. For further information, please call Len Weiss, staff director, at 224-4751.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. JOHNSTON. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, June 8, at 2 p.m. to hold an Ambassadorial nomination hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

BILL VINCENT

● Mr. REID. Mr. President, a great many volunteers contribute to the well being of our Nation and receive little recognition. President Bush recognized the importance of their work and achievements by referring to our volunteers as a "thousand points of light." Today, I wish to focus on the achievements of one of those points of light that we find in the city of lights—Las Vegas, NV.

Mr. Bill Vincent has spent much of his life working for the preservation of our environment and improvement of people's way of life. His long career in the media signifies the importance that Bill places on an educated public being able to make informed decisions for themselves as well as for this Nation.

Bill Vincent was born October 30, 1914, in Grand Junction, CO. He attended Denver University and Columbia University. At a time when working conditions were far different than they are today, he traveled the South and Northeast organizing workers for the International Ladies' Garment Workers' Union. Later, he tried gold mining in Colorado and northern Nevada. He also tried farming and logging in Washington State, and today he continues to grow trees on his farm in Washington. Bill's involvement with working men and women in America and his background in mining, farming, and logging have allowed Bill to communicate with a variety of people on a variety of issues. His early years provided Bill with the background to be an effective catalyst for other volunteers in Nevada today.

His career in the news media includes being an editor of the Farmers Union in Colorado, a reporter for United Press International, a news director for a radio station in Fresno, CA, and a reporter and editor for the Las Vegas Review-Journal. He spent 14 years as editor of the Review-Journal's Sunday Nevadan magazine, where he gave great attention to hunting, fishing, recreation, and environmental issues.

It is in the protection of Nevada's environment and our people's way of life where Bill has excelled. He was named Conservation Communicator of the Year by the Nevada Wildlife Federation in 1971, and in 1980 he received the Governor's Conservationist of the Year Award from the federation. In June 1987 Friends of the United Nations Environment Programme named him as 1 of 500 honorees. These are just a few of the notable achievements in his life, but there are more, less publicized, accomplishments as well.

Bill has worked hard to preserve some of Nevada's outstanding forested mountain ranges as wilderness, and he has also worked to preserve some of our few remaining wild areas along the Colorado River. I am hopeful that this 25th anniversary year of the Wilderness Act, Bill will see additional Forest Service areas in Nevada protected as wilderness by this Congress.

Bill worked hard to keep the racetrack based MX missile out of our State. Over time people throughout Nevada and our Nation came to realize that he was right in opposing an expensive, large-scale weapons system that would have dramatically changed the character and environment of Nevada and Utah.

Bill has worked with Citizens Alert in Nevada to oppose the designation of Nevada and Yucca Mountain as this Nation's high-level nuclear waste dump. Many Nevadans share his concerns. Time will tell how many others will recognize what he recognizes—that Yucca Mountain and Nevada are not the solution to this Nation's growing problem with nuclear waste.

These three major issues for Nevada and the Nation are just a few of the issues Bill has addressed during his years in Nevada. I believe his achievements and style will serve as an example for years to come on what an individual can do if only they try. Nevada and the Nation are better today because of the work of this volunteer in the city of lights—Las Vegas.

I will be joining other Nevadans on June 27, 1989, in paying tribute to the work of Bill Vincent through the presentation of a distinguished service award. When one learns of Bill's past efforts, it seems only fitting that the distinguished service award will consist of a planting of trees in a city park. The trees, like Bill, will improve the environment and make the city and State a better place to live.●

INCLUDING DEPRECIABLE ASSETS IN ANY CUT IN THE CAPITAL GAINS RATE

● Mr. BOSCHWITZ. Mr. President, for more than 2 years now, I have been coming to the floor of the U.S. Senate to speak about the need to reduce the tax on capital gains in order to stimulate capital formation and job creation. Treating capital gains as ordinary income, as the current Tax Code does, encourages investors to look for less risky, short-term investments. Because the incentive to make riskier investments has been eliminated from the Tax Code, capital for new ventures is in short supply.

True to his campaign promise, President Bush has now proposed a reduction in the tax on capital gains. His proposal goes a long way toward correcting the problems resulting from the current high tax rate and I commend him for taking the lead on this issue.

President Bush's proposal properly addresses the need to encourage long-term investment. However, I am disappointed that the President's proposal ignores a larger segment of the investor community, those who have invested in depreciable assets. These assets include machinery, commodities such as coal, iron ore or timber and improved real estate.

I believe we need to go further and include depreciable assets in any cut in the capital gains tax rate. After all, if reducing the tax rate for nondepreciable assets will be a boon to our economy—and I believe it will—including one of the largest segments of the economy, depreciable real estate, should really do the job.

Frequently, I hear the argument that a reduction in the capital gains rate will only benefit the wealthy. But let's look at the effect high capital gains rates have on ordinary citizens.

A hard-working, middle-class couple operates a small business or farm, which they own. After many years of hard work, they decide to sell their business or farm, most likely to provide for their retirement. Inflation helps to provide them with a large gain on their sale. For 1 year they are "rich"—and they are taxed at the top rates, because the gain resulting from years of work and sacrifice is treated, for tax purposes, no differently than a gain from a short-term transaction. The following year, the couple reverts back to their middle-income status. But these taxpayers have been severely taxed on the illusionary gains resulting from simply holding on to their farm or business.

This case shows in striking terms the disincentive which now exists for making long-term investments. Clearly, under the present tax system, it is not in the interest of the farmer or small businessman to build a business

or farm up over time and then sell it, since they stand to realize a loss in real terms.

The point I am making is that while President Bush's proposal will help to encourage long-term investment, it will do nothing to help those who have built businesses or farms over a lifetime from being taxed on the inflationary gain. This is why I believe we need to include depreciable assets in any cut in the capital gains tax rate.●

STRATEGIES FOR ADOPTION

● Mr. HUMPHREY. Mr. President, family life for members of our military is not easy under the best of circumstances. For families trying to adopt, the often transient military lifestyle can compound difficulties in an already lengthy and bureaucratic process.

For those military families who persevere, the rewards are tremendous. Military families are a source of nurturing and love for children who need both. This month's issue of Military Lifestyle, a publication of the Department of Defense, carries an article documenting the struggles and rewards for members of the military who chose adoption. I hope Senators will take a moment to review this article.

The Department of Defense should be supportive of families who wish to adopt. Two years ago, Congress agreed to a proposal which I offered to establish a test program for adoption benefits for members of the military. The results to date have been very positive. According to a DOD official quoted in Military Lifestyle, "Very positive comments are coming in regarding morale and retention." Indeed, I have received scores of letters and phone calls from service men and women underscoring the importance of this modest program.

I have introduced legislation, S. 278, to make this program permanent. I encourage all Senators to support this bill.

Mr. President, the patriotic men and women who serve our country in the armed services are deserving of children to raise. And the children deserve these parents. I ask that a copy of "Strategies for Adoption," be printed in the RECORD.

The article follows:

STRATEGIES FOR ADOPTION

FOR MILITARY COUPLES WHO WANT A CHILD, PERSEVERANCE IS THE KEY

(By Linda Taylor)

"There are more babies available for adoption than the general public realizes," says Christine Adamec, author of "There ARE Babies to Adopt: A Resource Guide for Prospective Parents" (Adoption Advocates Press).

Adamec has become one of the nation's foremost authorities on adoption. She says her purpose in writing the book, as well as in appearing on television programs such as "Hour Magazine," was to chronicle her experiences down the adoption path and offer new hope to those who desperately seek to adopt a baby.

Adamec first became interested in adoption in 1982 when, as a member of the Air Force reserve, she worked for Capt McBurnett Smith, Jr., at Hanscom AFB, Mass.

He and his wife experienced many problems with the Korean government when they tried to adopt an abandoned Amerasian child while they were stationed in Seoul. After talking with the Smiths, Adamec wrote several articles about adoption. And in 1986, she and her husband, John, and their two biological children decided to adopt a baby boy.

"The experience was easier than we'd imagined," says Adamec. "We got Stevie when he was only four days old. I wanted to share our joy, and felt bad that so many people have trouble adopting. Some are convinced it's impossible to adopt an infant."

Those who knew Adamec weren't surprised at her rapid success. A former Air Force officer now working as a professional writer, Adamec was never discouraged by negative feedback she received from others.

"When you tell your friends and relatives about your big decision to adopt, they'll caution you not to get too excited," she says. "They'll say, 'There's a big baby shortage.' They know because they read it in the newspapers, heard it on TV and everyone says so."

ADAMEC'S ADOPTION STRATEGIES

But Adamec debunks the baby shortage theory in her book, which is also peppered with helpful tips.

"Don't call an agency on Mondays," she says. "If you must, at least wait until they've had their morning coffee. An adoption may be just business-as-usual for them, not a terrifying and thrilling adventure as it is for you."

Adoptions are discussed in detail, including independent adoption, the non-agency method Adamec used. "It is lawful in most states, but can be expensive and risky if the birth mother changes her mind," she cautions, adding that private adoptions account for more than half of all infant adoptions.

Refusing to rely solely on her own experience with adoption, Adamec researched her book by interviewing hundreds of adoptive parents, birth mothers, social workers and attorneys. She became convinced that adoption is feasible for those willing to devote the energy needed to succeed.

"The odds are far better than you've been led to believe," she insists.

Adamec urges prospective adoptive parents to educate themselves thoroughly about adoption, and sees ignorance and a lack of research as the primary error made by those who want to adopt.

"Consider it a project, and tell everyone what you are doing—your friends, neighbors, the family doctor, lawyer and pastor," she says.

She also discusses the pros and cons of actually advertising for a birth mother, and explains how it can be accomplished and what to expect.

One outgrowth of Adamec's book is a local support group she formed called Parents Adopting Children Everywhere (PACE), which reaches prospective adoptive parents in her city of Palm Bay, Fla., and other Central Florida cities.

"Without the knowledge and moral support of a parents' group, you're flying blind," says Adamec. "I'm convinced that support groups are a key to success in adoptions."

To find the support group nearest you, Adamec recommends contacting your state's social services adoption unit or writing to the Organization for a United Response (OURS), a national adoptive parents group with chapters in virtually every state (see accompanying sidebar for address).

PACE has been so successful that Patrick AFB, Fla., officials have encouraged Adamec to expand the group into their area. Claire Castellano, coordinator of the base Family Services center, frequently refers families to PACE.

"We're in contact with Chris all the time," says Castellano. "I think her book is long overdue; she answers questions that no one here could answer."

PO1 Elmer Hinkle, of the Naval Training Center in Orlando, and his wife Melanie learned of Adamec's book by word of mouth. After reading it, they contacted her personally.

"I read the book and called PACE," says Melanie, "I learned from Chris that a baby might be available soon, but I was afraid to get my hopes up. We had been listed with one of the state's oldest agencies for five years. I had considered staying behind when my husband transferred out, but the agency said they couldn't guarantee us a baby."

The Hinkles were prepared to start all over again when they relocated, but their call to PACE put them on the right track—they got their baby. They have been fortunate in completing placement prior to their next assignment, and the Navy is allowing Elmer temporary shore duty until the adoption is finalized.

"We would have done things differently had Chris' book been available years ago," says Melanie. "We would have been more assertive with the agency; we'd have told everyone we wanted to adopt."

HELPFUL LEGISLATION

Adamec's interest in adoption did not end with publication of her book. Today she is researching the Encyclopedia of Adoption, a publication of Facts on File, and she has also been appointed to the Florida Adoption Advisory Council. She's very supportive of adoption legislation, particularly of bills introduced by Sen. Gordon Humphrey (R-N.H.).

Humprey was the primary sponsor of the two-year DoD test program for reimbursement of adoption expenses for servicemembers. The program, which ends on Sept. 30, pays up to $2,000 for one child and $5,000 for the adoption of more than one child. Agency and placement fees, legal fees, temporary foster care charges and medical care for the birth mother are covered.

In January, Humphrey introduced into legislation Senate Bill 278 which, if approved by Congress, will make the test program permanent. An adoptive parent himself, Humphrey has been an adoption activist since 1985 when he formed the Congressional Coalition on Adoption in his attempts to remove barriers to adoption.

Humphrey has also introduced legislation mandating similar benefits for federal employees, and an income tax deduction to exclude from an employee's income any adoption expense paid by the employer.

It will be some time before the outcome of Humphrey's efforts are known, but Kathleen O'Beirne, family programs information coordinator for the Office of Family Policy and Support at the Pentagon, says, "Very positive comments are coming in regarding

morale and retention. We will be making a full report to Congress 90 days after the end of the [reimbursement] project."

Parents like Coast Guard LCDR James Mongold, an attorney assigned to Governors Island, N.Y., and his wife Barbara are disappointed that the Coast Guard opted not to participate in the DoD reimbursement program. They are parents of a biological son, 9-year-old Ryan, and two adopted Korean daughters, 2-year-old Rachel and 4-month-old Rebecca.

"It rankles me that the Coast Guard has chosen not to participate in the DoD test program," says James. "The reimbursement is not a primary consideration for families who think of adopting, but Coast Guard families heard about it and some began the process only to learn they were not eligible. DoD described the test program as one for all members of the armed forces."

Herbert Levin, chief of Housing and Family Support Programs for the Coast Guard, says, "It isn't that the Coast Guard would not participate. The legislation, as written, did not give the Coast Guard authority to participate or reimburse under this program. The test program was initiated by and for the DoD. Thirty-eight thousand Coast Guard personnel are in the Department of Transportation, not the DoD. Although they receive the same personnel pay and travel benefits as DoD members, they do not have available to them the same resources or facilities. Our will is good; if this program goes permanent we want to be included."

According to Bill Anthony, press secretary for Senator Humphrey, "The problem has been pointed out to us, and we are in the process of considering what action to take." Possible alternatives may include adjusting the language of the bill to encompass both DoD and DOT.

Still, servicemembers such as Marine Sgt. Nicole Thompson, public affairs NCO at Recruiting Station Cleveland, Ohio, are pleased with the reimbursement. "It is difficult for the average family, regardless of rank, to shell out $5,000 to $6,000, and to get any portion of it back is terriffic," she says. "It makes me feel good that the military recognizes adoptions and adoptive parents."

CUTTING THE RED TAPE

One problem the DoD test program won't solve for military families is that of mobility and disrupted home studies.

Adamec describes a home study as a two-fold process to determine if a family is financially, emotionally and physically secure enough to take in a new child, and also whether or not the family would be happy with an adopted child. The preparation process often requires parenting classes and deals with issues such as how and when to tell your child he's adopted.

When a family moves, these reports can *sometimes* be transferred to a licensed agency in the new home state. But sometimes is the key word. States and agencies differ broadly in their requirements. This poses a serious problem for military families who are trying to adopt.

Navy LT Amy Stevens, an educational training specialist at Naval Communications Command, Washington, D.C., moved nine times in 10 years. It took seven years for her to adopt.

"It's very hard to complete the home study or sell yourself to a social worker if you're going to be pulling out every few years," he says.

But the Marine Corps' Nicole Thompson approached the adoption much the way Adamec advises in her book.

"Knowing how long adoption can take, we signed with 10 agencies, mailed out 1,200 letters to doctors, lawyers, churches and schools," she says.

Thompson and her husband, Bill, were successful. Next month, when they leave for Nicole's new assignment in Albany, Ga., they will be taking their adopted daughter, Danielle (now 20 months) with them.

Army CPT Christopher Essig, a system automation officer at Fort Leavenworth, Kan., and his wife, Doreen, have been coordinating with Heart of America Family Services, an adoption agency in Kansas, in order to update the home study done on them in 1987 during the adoption of their 2-year-old son Matthew. The Essigs are the parents of two adopted children, and they are networking to find another baby.

"The whole adoption process makes me crazy because of bureaucracy and red tape," says Doreen. "We missed out on getting one child because of a transfer from Fort McClellan, Ala., to Fort Myer, Va. We knew we would not be in Virginia long, so we sought foreign adoption and got our son Ryan in 1984."

Joe Kroll, executive director of the North American Council on Adoptable Children (NACAC), a St. Paul, Minn., unbrella group for adoptive parent organizations, says, "At a meeting of state adoption supervisors two years ago, a representative from Wyoming said they had black families who wanted to adopt but no black infants. Cook County, Illinois had plenty of black infants. I've thought all along this kind of information should be collected in a national pool for service families, and a central way provided for transferring home studies when a family moves."

Jane Edwards, executive director of the Spence Chapin adoption agency in New York, doesn't understand why moving is such a problem. Her home studies are transferrable. (Some adoption agencies will allow studies to be transferred while many will not.)

Says Edwards, "Much depends on the determination of the family. Here in New York, we are often able to get adoptions finalized much faster than the six month waiting time." (Finalization varies from state to state.)

Stephanie Johnson, legislative aide to Senator Humphrey, acknowledges the concerns of military families. "There have been discussions about setting up adoption agencies on bases to cater solely to military families, and developing some type of nationalized home study concept to frequent moves," she says. "By October of this year, we will have a statistical base on which to develop any new programs."

In an effort to circumvent long waiting periods, some military families turn to foreign adoption while others adopt minority infants or older children.

"I know there are lots of biracial children in the United States who are thrust into foster homes simply because some agencies won't place them with white parents," says Doreen Essig. "The alternative is foreign adoption, but the cost plus airfare can be more than $10,000." (Foreign adoption costs vary greatly, depending on the country the childs is adopted from and other factors.)

Jeffrey Rosenberg, director of public policy for the National Committee for Adoption in Washington, D.C., says, "Our position is quite simple. A racially matching family would always be the preference. But if you don't have a racially matching family, you place that child in an appropriate non-racially matching family. You don't make kids wait."

Adamec urges that "special needs" children be considered when searching for a child. A special needs child is considered hard to adopt, and includes minority infants and toddlers, children over age 8, sibling groups and other categories.

Adamec says military couples are generally very adaptable and loving people who make great parents. Those who succeed in adopting share one common denominator, she says: "Whether they adopted through a state or private agency, whether they adopt an American or foreign child, they don't crumble when the going gets tough."

PRE-ADOPTION HEALTH COVERAGE

President George Bush, an adoptive grandparent himself, pledged to give adoptive parents a bigger tax break in his budget address delivered to Congress on Feb. 9. And in his 1990 budget book "Building a Better America," in which the president requests $138 million be spent on adoption, he says, "the Administration will work with the states to review all regulations and laws that currently discourage adoption."

This is good news for LCDR James Mongold and his wife, Barbara. They have been calling their congressman and writing letters because adopted children are not covered under CHAMPUS benefits until after the adoption is finalized. Since states have different laws regarding the length of time between placement and finalization, this may place an extraordinary burden on families when major medical care is needed.

The Mongolds' experience with this problem led them to research the regulations regarding the status of adoptees and medical care coverage prior to finalization. "Just before our daughter arrived, we learned that she was not covered by CHAMPUS. We feel that no one should be denied the joys of raising a child because of insurance limitations and cost," says Barbara.

James, a Coast Guard attorney, applauds any measure to eliminate the "ward" status all military services use to classify a child placed in the home prior to finalization.

"It is a distinction that allows pre-adoptees dependent benefits, but prevents them from receiving full medical care," he says. "This puts a family's savings and future at risk until after the adoption is finalized. When a child is placed in the home by a qualified agency or state, then that child should be treated as a dependent. In our case, we put out several thousand dollars to the agency. That should indicate our intention to follow through with the adoption."

Mongold says that a secretarial designee letter is available from each of the services to families who request it in writting. This provides authorization for treatment in military hospitals only. The authorization is only helpful when the family is attached to a military installation with a large medical facility capable of handling major medical procedures. In the Mongolds' case, the nearest medical facility is West Point or Fort Dix, N.J., almost two hours distant.

"We can cover the routine baby care, colds and ear infections. It's the big, unexpected medical emergencies we are concerned about," says Barbara.

The Mongolds solved the problem by taking out a medical policy that covers chil-

dren in the pre-adoptive state through the Uniformed Services Voluntary Insurance Plan (USVIP). They recommend that parents look into this kind of coverage as an interim measure. (USVIP is not underwritten by the government.)—L.T.●

RECENT EVENTS IN CHINA

● Mr. KERRY. Mr. President, the tragedy in China continues to unfold. It now appears that some 300,000 to 400,000 thousand military troops occupy the capital city of Beijing. The army continues to fire randomly at the students. The army has even sprayed tourist hotels and American Embassy housing with gunfire. But as the Chinese Government tries to intimidate its own people, it should keep in mind that the rest of the world is watching. And the Chinese people should know that they have the support of people throughout this country and, indeed, throughout the world. In different cities and towns across this country people are organizing to express their outrage over the actions of the Chinese Government and to express their sympathy for the Chinese people.

Last Sunday, the day after the tanks rolled into Tiananmen Square, I was honored with an invitation to address a rally at the Massachusetts Institute of Technology on events in China. I ask that those remarks be printed in the RECORD.

The remarks follow:

STATEMENT OF SENATOR JOHN KERRY IN SUPPORT OF CHINESE NATIONALS AND STUDENTS

Students from China, Chinese Nationals, friends, supporters, lovers of freedom everywhere, the hearts of all the people in this country, and all freedom loving people across the world, have been struck by the events that have taken place in Tiananmen Square.

For all people who seek freedom, for all people who strive for democracy whatever their understanding of the definition of the term, the events that have taken place in Tiananmen Square will stand among those of the greatest of infamy and shame in the history of the world. The shock of an old government of despots—a decrepit government—resisting change from the people that they purport to represent by turning on them with the so-called People's Army, is one of the most ignominious acts of history.

Thousands of students, thousands of people—not just students, but workers, people from all walks of life—who stood up for change—suddenly gunned down. And behind the troops that did the shooting were troops that were prepared to shoot the troops that were to do the shooting should they not have done so. The United States of America has a solemn obligation in this situation. I heard some say in Washington that it was important that the efforts of seventeen years not be undone by the happenings of the weekend. My friends, these are not the happenings of the weekend. These are the happenings of an epic, the happenings of lifetime and they demand a moral and political response by the leader of the Western world that says we will not tolerate this kind of killing anywhere in the world.

History has proven, and continues to prove, in South Africa's struggle for freedom, in Poland in the struggle of Solidarity, in this country's struggle to fulfill all promises of civil rights, and in the struggles of the Central-Latin America, that there is a central political truth. The river of freedom—the river of thought that comes from those who seek freedom—is a river that sweeps down the mightiest walls of oppression and resistance that stand in front of it. And while they may be able to tear down the symbol of freedom—a makeshift Statue of Liberty in Tiananmen Square—everyone in the world who knows and loves freedom, understands that that statue will rise again in the hearts and souls of millions of people.

So amid these terrible events, we must not despair. Deng Xiaoping opened up China to a new economic era. Gorbachev is trying to open the Soviet Union to a new economic era, but he has understood that with that new economic era comes a new era of political change, a new era by which people in order to enjoy the rights of economic competition have to enjoy the rights of freedom and the exchange of ideas as well as goods. China has not understood that yet, but it is clear that the winds of change will not be stopped by this event.

I share with all of you the hope that someday very soon the Chinese people will be free and that the blood that was shed in that square will not have been shed in vain.

But for now, the suffering continues. I am told that the hospitals are filled to a point that they can take no more: the wounded are lying on every available flat surface. There are people with gaping gunshot wounds, and these are extremely difficult wounds to heal.

This is clearly one of those events that will stand with the Boston Massacre, with Bastille Day, with all those great events in history in which people have said we will continue to strive for freedom.

Emerson talked about the power of the spirit being far more important than the power of material force, and indeed it is. Thought—thought is more powerful.

Bertolt Brecht said a long time ago, and I don't remember exactly how it went, but I paraphrase it—he said something to the effect:

General, your air force is a mighty air force and it can bomb from the skies and devastate whole villages and, general, your tanks are mighty weapons, they can sweep over people and devastate villages, and, general, your army is a mighty army, they can sweep through the countryside and subjugate whole peoples, but, general, it has one defect. Your soldier, he can think, and it is that power of thought that has been unleashed in the spirit of a freedom seeking people.

I am hopeful that as we join hands around the world to express our anger and our sorrow to this loss of life, we will tap a wellspring of hope, and from that hope will flow a river of freedom—strong enough to sweep down the walls of oppression and resistance.

I wish you well. I join with you on behalf of all the citizens of this state in expressing our sorrow. And I know that if we stand squarely with the people of China, they will, in the long run, persevere.

I am going to return to Washington tomorrow and suggest that number one, that no student's visa and no Chinese National's visa that might expire should have an expiration of that visa so they should have to return to this government.

I will propose that we do more than suggest that this was the event of a weekend. We can not do business as usual with a government that behaves this way. And as a starter, we should put a whole on any transaction of military sales or exchanges to this government until or unless it pulls back and deals decently and peacefully.

I believe the President of the United States must join with the United Nations in a universal condemnation of this action, of this act and demand for a redress of this grievance by listening to the people of the country who are asking for nothing more than change and the right to take part in deciding the destiny of their own lives. Thank you all very very much.●

CAPITAL GAINS ON THE TABLE

● Mr. BOSCHWITZ. Mr. President, recent press accounts indicate that the chairman of the House Ways and Means Committee, DAN ROSTENKOWSKI, has agreed it is time to deal with President Bush on reducing the tax rate for capital gains. My colleagues will recall that the President proposed a 15-percent tax rate for capital gains on nondepreciable assets last February in his budget message to Congress. Under current law, the tax rate for capital gains can go as high as 33 percent.

As one who has been a long-time supporter of reduced rates for capital giains—indeed, Senator CRANSTON and I led the fight here in the Senate to preserve the capital gains exclusion when tax reform was being debated—I applaud Mr. ROSTENKOWSKI's new thinking on this issue. I urge him to pursue negotiations with the administration in earnest so that we can wrap up the tax part of the fiscal year 1990 budget and avoid a sequester under the Gramm-Rudman-Hollings budget law.

One of the press accounts I have seen suggested that a capital gains compromise would consist of a 1-year reduction in the top rate for capital gains to 20 percent, coupled with an adjustment for inflation so that investors are not taxed on profits that are illusionary. In another article, Paul Blustein of the Washington Post, suggested that the compromise would center on indexing as the solution to the deadlocked negotiations over a tax bill.

Although I support the President's proposal to reduce the top rate on capital gains to 15 percent, I acknowledge their are political risks. Consequently, pairing a reduction in the marginal rate with indexing strikes the perfect balance. As Mr. Blustein notes in his column entitled "The Coming Capital Gains Compromise: Indexing Taxes to Inflation," Congress will go for indexing because it doesn't offend democratic sensibilities about fair play * * *." I agree.

Mr. President, I believe a compromise on capital gains will be well re-

ceived here in the Senate, not just because of the reason cited by Mr. Blustein, but also because many of us here in this body fervently believe reform is justified. Consider this scenario: a hard-working, middle-income couple operates a small business or farm. They own the property. Finally, after many years of work, they sell their business or farm for a price that by any measure is modest. Inflation on their real estate, coupled with years of depreciation leaves them with a large gain. In that year they are among the rich and they love it. The next year they revert to their earlier middle-income status, having paid an excessive tax on their gain, much of which is artificial.

A reduction in the capital gains rate, coupled with an adjustment for inflation, will benefit not only the rich but also middle-income taxpayers, small business owners and family farmers across the country. In addition, it will help stimulate the economy, encourage job growth and—many of us believe—bring more revenues to the Federal Government.

A capital gains compromise can be a win-win situation for the Federal Government. I am pleased to hear that Congressman ROSTENKOWSKI is willing to negotiate on this issue and I encourage all parties to proceed to take advantage of this new development.

Mr. President, I ask to have printed in the RECORD Mr. Blustein's column.

The column follows:

[From the Washington Post, May 17, 1989]

THE COMING CAPITAL GAINS COMPROMISE: INDEXING TAXES TO INFLATION

(By Paul Blustein)

You read it here first: President Bush and the Democratic Congress will reach a compromise on the issue of capital gains taxation—and that compromise will be a change in the tax code to index capital gains to inflation.

At the moment, Bush and Congress are at an impasse. The president wants to cut the tax rate on gains—profits from the sale of stocks and other assets—roughly in half, to 15 percent, in order to stimulate investment. Congressional Democrats reject Bush's proposal as a bonanza for rich investors.

Here's why indexing will emerge as the compromise solution. First of all, it has the substantive merit of ensuring that people are taxed only on the "real" portion of the gains on their investments—that is, the part not attributable to inflation. At a recent House Ways and Means Committee retreat in Savannah, Ga., all 16 outside economists who were invited—from liberal to conservative—endorsed indexing, according to one panel member who was present.

But approval from the economics profession has never been a sufficient criterion for a proposal to succeed. The main reason to believe that capital-gains indexing will become law is political; it is the ideal middle course for both sides.

Bush will settle for indexing because it probably represents as good a victory as he can hope to get on his campaign promise to cut capital gains taxes, and because indexing would remove a substantial tax penalty on investment. Congress will go for indexing because it doesn't offend Democratic sensibilities about fair play, and capital gains changes could provide a good bargaining chip with which to lure Bush into a broader budget-and-tax compromise.

For now, administration officials say, Bush is sticking by his original proposal. But they strongly hint that indexing would represent an acceptable compromise. "We're aware of the political support for it," said one senior official. "We're aware that it has broad appeal across the ideological spectrum."

Likewise, a senior aide to Ways and Means Chairman Dan Rostenkowski said the Illinois Democrat hasn't backed away from his opposition to Bush's proposed cut in the capital gains tax rate. "Whether [indexing] would be acceptable to the chairman or other members here, I don't know," he said. "But I would view it as a very viable proposal. I think most people would concede that the tax system should be taxing real gains, not inflationary gains."

Tax specialists love indexing because, as one Treasury official puts it, "it's the right way to measure income." Under a system of capital gains indexing, a taxpayer calculating the gain on the sale of an asset upwardly adjusts the price he paid (his "basis") to account for the effects of inflation; such an adjustment will reduce the amount of his gain and hence his tax liability.

Suppose, for example, you sell some stock this year for $3,000 that you bought for $2,000 in 1982. Under the current system, your gain is $1,000, and if you're in the 28 percent bracket, your taxes are that percentage of the gain—$280. But if indexing were in effect, you would adjust your original $2,000 purchase price upward to $2,500, to account for the roughly 25 percent inflation that has occurred during the intervening years. This shows that your "real" gain is $500, and the tax you would pay (again, in the 28 percent bracket) is $140. (Before you start calculating your tax savings, though, keep in mind that if indexing were enacted it would presumably allow adjustment only for future inflation, not for past inflation.)

Liberals consider indexing vastly preferable to a rate cut because, they say, it's fairer, offering less of a windfall to the rich. "There's really a striking difference in the distributional effect [among income classes] of indexation and the distributional effect of a rate change," said Joseph Minarik, chief economist of Congress's Joint Economic Committee. "Indexation is a much more progressive way of dealing with capital gains taxation."

Moreover, noted House Majority Leader Thomas S. Foley, indexing wouldn't encourage the spread of tax shelters to nearly the extent that a cut in capital gains tax rates would. (When capital gains are subject to lower rates than salaries and wages and dividends, tax-shelter operators look for ways to create investments that pay off in terms of capital gains rather than other forms of income.) "I don't want to commit myself in advance," Foley said, "but the indexing approach has some possible appeal."

Conservatives like indexing too. Capital gains taxes should "apply to real gains only, and not to false gains caused by inflation," said Sen. Bill Armstrong (R-Colo.), an influential member of the Senate Finance Committee, when he introduced a bill last March to index capital gains.

Indexing has one big political problem: It would raise no revenue in fiscal 1990, and under the terms of the recent budget agreement with the White House, Congress badly needs ways to raise more than $5 billion in 1990 from various changes in the tax law. In that respect, it is less appealing than a rate cut. (While the long-term revenue effects of a capital gains rate cut are subject to much dispute, economists agree that the immediate revenue impact of a rate cut would be positive because many investors would want to sell assets in order to take quick advantage of the lower rates; this in turn would create billions of dollars in taxable gains.)

Some conservatives would be very unhappy with a compromise that included only indexing and no rate relief for capital gains. "Indexing only takes care of half of the capital gains issue," said Mark Bloomfield, president of the American Council for Capital Formation, an industry-sponsored group. Bloomfield argues that while indexing would protect investors against being taxed on inflation gains, it would offer little extra incentive to the high-rolling investor who is willing to put money into risky projects in hopes of getting a huge payoff.

But other conservatives recognize that there is deep resistence among Democrats on Capitol Hill to a rate cut that would reverse the progressive impact of the 1986 Tax Reform Act. Thus, indexing looks like an attractive half-loaf—at least for now.

Rep. Bill Archer (R-Tex.), ranking minority member of the Ways and Means Committee, says he isn't ready yet to give up on the idea of a rate cut. But indexing he said, "could be the win that the president needs on the capital gains issue for this year."●

GODDESS OF DEMOCRACY AND FREEDOM

● Mr. SASSER. Mr. President, today I rise to draw the attention of my colleagues to the work of a group of Chinese students at Vanderbilt University in my home State of Tennessee. Today these Vanderbilt students will unveil a replica of the "Goddess of Democracy and Freedom," the statue that was built by the student protesters in China and which, within a matter of hours, was destroyed by government troops.

Mr. President, these young people should be applauded for their effort to memorialize the heroic sacrifice made by Chinese students who were brutally slaughtered as they demonstrated for freedom in Tiananmen Square. The reconstruction of the statue reflects the feelings of the people of Tennessee, and indeed of people all across this country. The statue states, in the most powerful terms, that we stand in solidarity with the Chinese students as they battle for freedom and democracy.

Mr. President, we cannot overstate the importance of that kind of forceful statement at this fateful time in history.

Mao Zedong taught that power comes out of the barrel of a gun, and China's hardline leaders are trying to follow in that tradition. But the fact is that the student demonstrators across China are teaching their elders a far more profound lesson: that power comes from the strength of an idea—

and that power comes from the courage of people who are willing to stand up for the freedoms they believe in.

We here in the United States stand firmly on the side of that principle and of the students who are expressing it so courageously. Looking back at our own history, we understand the significance of the students' struggle, and the immense value of what they're struggling for.

President Bush has taken appropriate, measured steps to make clear to the Chinese Government that its acts of brutality are simply unacceptable. Because we have so little information about the Chinese leadership, we as a nation must continue to act prudently so that we don't mistakenly harm those who we are trying to help.

But on an individual level, we must continue to let the students know that they have our total support, and that they must not give up their fight until they have their freedom. The statue constructed by the Vanderbilt students is an outstanding symbol of the indestructible spirit of the Chinese students' struggle.

Mr. President, I believe that the spirit of Chinese democracy will not be crushed under the heel of repression. That is the profound lesson of the recent revival of democratic freedoms in Poland, in the Soviet Union, and in other eastern block states.

We need to do all we can to encourage that great reawakening of the spirit of democracy—in China and throughout the world.●

RICHARD ARMITAGE

● Mr. LUGAR. Mr. President, I want to mention the departure from government service of a good man and an extraordinarily fine public servant, Richard Armitage. Mr. Armitage has worked in the Department of Defense since 1981, first as a Deputy Assistant Secretary of Defense for East Asian and Pacific Affairs, and, since 1983, as Assistant Secretary of Defense for International Security Affairs.

Richard Armitage was instrumental in a range of efforts throughout the world which have left this Nation more secure and made the world more free and democratic. To cite just a few examples, he was a key architect of the successful Persian Gulf operation of recent years; he was instrumental in arranging the transition to democracy in the Philippines in 1986 and the departure of Ferdinand Marcos; he strongly supported President Reagan's efforts to back resistance groups fighting for freedom in Afghanistan, Angola, Cambodia, and Nicaragua. He was a primary player in our successful operations to rescue democracy in Grenada and to respond to Libyan terrorism.

For 8 years, Richard Armitage carried the message of the Defense Department around the world, and his diplomatic skill is reflected in our relations with important partners such as Japan, Israel, Egypt, and the Republic of Korea, not to mention dozens of others.

I know that I speak for this body and for the American people when I say to Richard Armitage, "Thank you for a job well done."●

MEETING WITH ASSOCIATION OF CHINESE STUDENTS AND SCHOLARS AT THE UNIVERSITY OF DELAWARE

● Mr. ROTH. Mr. President, on Monday, June 5, I met with a group of Chinese students attending the University of Delaware in my office in Wilmington. The encounter was, to say the least, a moving one. Thousands of miles away from home, these young people were deeply concerned for the safety and security of the friends and families whom they had left behind, friends and relatives who could, even as we spoke, be subjected to the mindless brutality of the 27th Army on the streets of Beijing.

I felt a great deal of admiration for these young people because, notwithstanding their natural anxieties, their determination to bring a more open political life to their homeland remained firm and unshaken.

The so-called People's Liberation Army—which is clearly the enemy, not the defender, of the Chinese people can do its worst, but the voice which was heard in Tiananmen Square will not be silenced. The Chinese student body has spoken and it clearly has the support of the Chinese people. No group of aged power-brokers will be able to stifle that voice for long, with or without support of the military. Mr. Deng and his colleagues would do well to remember, before they decide to silence the voice of youth, that the ranks of its armies are filled with youth. Discipline will only go so far and if they press much further, they may find themselves the victims, not the masters of their own armed forces.

Mr. President, I am sure that there are many Members of the Congress who would like to take more drastic, immediate actions in support of China's beleaguered student body. However, I commend the President for his measured response. The United States does not boast the capacity to have a dramatic impact upon the course of events in China. Consequently, I believe that, having terminated military sales, this Government would be wise to wait upon events so that, when it acts, it may do so to maximum effect. The people of China deserve our best, and most effective, support.

Mr. President, I ask that a statement issued by the Association of Chinese Students and Scholars at the University of Delaware be printed in the RECORD.

The statement follows:

ASSOCIATION OF CHINESE STUDENTS AND SCHOLARS AT THE UNIVERSITY OF DELAWARE, STATEMENT ON JUNE 5, 1989

In responding to the massive killing of unarmed civilians in Beijing under the order of Deng Xiaoping Li Peng regime, we, all Chinese students and scholars at the University of Delaware, hereby state the following:

1. We strongly condemn the Government for committing the savage atrocity which goes beyond humanity.

2. We appeal to all the people in the United States to help us to condemn the brutal violation of human rights in China.

3. We call upon all friendly nations in the world to call for an emergency meeting in the United Nations to denounce the massacre in China.●

TRIBUTE TO THE USO

● Mr. LEVIN. Mr. President, tomorrow night at the Henry Ford Museum in Dearborn, MI, a special event will be held to launch a 2-year celebration of the USO's 50th anniversary.

Miss Pearl Bailey will be honored for her generous and selfless contributions to the USO over the years. An all-star cast of jazz performers will entertain, and the USO will begin officially a much-deserved 2-year golden anniversary celebration.

The USO began in early 1941 when six civilian charities—the YMCA, YWCA, National Catholic Community Services, National Jewish Welfare Board, Salvation Army, and National Travelers Aid Association—banded together under Presidential decree to form the United Service Organizations. The USO is a private, nonprofit, independent group that was chartered by Congress on February 4, 1941, and recognized by the Department of Defense as an important partner in meeting the human needs of its service personnel.

The USO is a multifaceted service organization dedicated to enhancing the quality of life and improving the morale of American military personnel and dependents worldwide in a variety of ways. At over 160 locations at home and abroad, the USO serves the human needs of American military families and individuals. As the times and demands have changed over the last half century, the USO has adapted. In addition to the well-known and much-loved entertainment shows at military bases throughout the world, the USO today succeeds in meeting needs through its various programs in family assistance, intercultural understanding, commuity outreach, information, and referral.

The USO receives no government funds. It is supported by voluntary contributions, the United Way, the Combined Federal Campaign, and corporate contributions.

Mr. President, I doubt that there is an American serviceman or servicewoman or an American veteran since World War II who has not had his or her life touched by the USO.

The USO was there when it was needed, and is still there today. It is sometimes too easy to take for granted those individuals and groups that are always there when needed, always dependable, always helping. It is appropriate and important that we note, and pay tribute to, those many selfless volunteers who have given of themselves, both at home and abroad, to make the lives of our service personnel a little easier. Those volunteers and professional workers of the USO continue that tradition of assuring that in every far corner of the world, American military personnel find a little bit of home.

Mr. President, the USO is a living tribute to the spirit and power of American voluntarism. As the USO begins the celebration of its 50th anniversary, I want to take this time to pay respect and much-deserved honor to the continued dedication of its supporters, volunteers, and staff.●

PRESIDENT BUSH ON THE ENVIRONMENT

● Mr. CHAFEE. Mr. President, on Thursday, June 8, President Bush appeared before an audience of Ducks Unlimited supporters and delivered his first major environmental speech since becoming President. It was an excellent speech that revealed the sincere, heartfelt commitment our President feels for the environment and conservation issues. I urge all of our colleagues to review the text of the speech and to assist them in that task I ask that it be printed in the RECORD following my remarks.

I want to thank President Bush for his personal attention to these important matters and look forward to working with him in the years ahead.

[The speech follows:]

REMARKS BY THE PRESIDENT TO THE DUCKS UNLIMITED SIXTH INTERNATIONAL WATERFOWL SYMPOSIUM

Thank you, Harry, very, very much, and all of you for that warm welcome. Every member of Ducks Unlimited can eat his heart out—or hers—and I say that because you should be very jealous of me. You ought to see the beautiful carvings that you all gave to me carved by Bill Veesy—two ducks—one of the most spectacular pieces of duck artwork that I believe I've ever seen. And so, I'm grateful to all of you for that presentation that Harry made.

I want to salute the members of Congress that are here. I want to pay my respects to the head of the EPA, Bill Reilly. We are very fortunate to have him leading our Environmental Protection Agency. I want to pay my respects to our Secretary, Manuel Lujan, who is going to do a fantastic job for us. I served with him in the Congress and he rates and merits your confidence.

Mike Deland was supposed to be here, and he, showing the fact that he's human, he is caught up at the airport in Washington right now—[laughter]—so I expect we'll see him in a while. But most of you know him. And I would simply say that the members of Congress and friends, it's a real pleasure to be here.

One of my greatest pleasures is going fishing with my grandchildren, and seeing the Grand Tetons through the eyes of a 10-year-old grandson or teaching our six-year-old twin granddaughters—now Texans again—the wonders of the ocean, makes life really sing for me. And when I am out in the great outdoors with my own kids or grandkids, I realize how true it is that our children will inherit the Earth. And so any vision of a kinder, gentler America—any nation concerned about its quality of life, now and forever, must be concerned about conservation. It will not be enough to merely halt the damage we've done. Our natural hereitage must be recovered and restored.

And we saw it at Mount St. Helens, and we see it now at Yellowstone Park, and in the growth of spring—nature healing its wounds, coming back to life. We can and should be nature's advocate. And that means an active stewardship of the natural world. And it's time to renew the environmental ethic in America—and to renew U.S. leadership on environmental issues around the world. Renewal is the way of nature, and it must now become the way of man.

And that's why I so readily accepted when Harry invited me and that's why I wanted to talk to you today. When this organization was founded over fifty years ago, in the Dust Bowl days, there was just a handful of you committed to preserving and restoring our wetlands. And just about that time, a few hunters got together and formed a little group called Ducks Unlimited. And thank goodness they did.

And since then, you've set aside, I am told, over five million acres as habitat, raised nearly half a billion dollars, started wetlands projects in each of the fifty states, for a simple reason—75 percent of the remaining wetlands in the continental U.S. are privately owned. We can't do it without your help.

The partnerships you've set up with state and federal agencies—and with conservation groups like the Nature Conservancy and the National Wildlife Foundation—have been outstanding.

And that's good news for ducks. Remember, though, what Dick Darman said about taxes. Anything that looks like a duck or walks like a duck or quacks like a duck is going to hear from him. [Laughter.] The poor guy—the very thought of Ducks Unlimited keeps him up at night. [Laughter and applause.] But your work is even better news for America. For what you're doing represents just the kind of local, on-site, private sector initiative that we must bring to every environmental challenge.

As you know too well, our wetlands are being lost at a rate of nearly half a million acres a year. So every year, fewer mallards and pintails make it to the pothole country. You may remember my pledge, that our national goal would be no net loss of wetlands. And together, we are going to deliver on the promise of renewal, and I plan to keep that pledge. [Applause.]

I've set up an interagency task force, under our Domestic Policy Council, to work with you—with governments at all levels—with the private sector—to stop the destruction of those precious habitats. Their first task is to develop a united federal policy for the North American Waterfowl Management Plan here and in Canada as well. And Canada has lost over 40 percent of her wetlands. And the time has come to simply say stop.

And to support the Plan, this week Secretary Lujan proposed a new trust fund—using interest from the Pittman-Robertson Fund—that would contribute about $10 million. And our goal is to restore a fall flight of more than 100 million birds. And we're looking at legislation from Senators Mitchell and Chafee, Congressmen Dingell and Conte. And there are a few details to be worked out, but the basic thrust of the legislation is sound. I look forward to signing a bill to conserve North American wetlands this year.

And we've asked for nearly $200 million in new funding for acquisitions under the Land and Water Conservation Fund. We've also increased funding for coordinated water quality programs, to protect the wetlands we already have, and, for the first time in seven years, some of those dollars will go towards acquiring wetlands.

But we're looking far beyond the federal role. We want to improve the management of federally-owned wetlands by leasing them to concerned groups like yours. And, you know, the local momentum is picking up. Just last month, Maryland's Governor Schaefer approved the nation's first state non-tidal wetlands law. And it's an outstanding piece of work. Bill Reilly emerged as a key supporter for that bill—and I certainly would encourage him to do more, but in his case, he's the one that's encouraging me to do more all the time. And, again, I'm grateful for his leadership.

We're working with American farmers through the Farm Bill program to provide technical assistance for wetland conservation. Wherever wetlands must give way to farming or development, they will be replaced or expanded elsewhere. It's time to stand the history of wetlands destruction on its head. From this year forward, anyone who tries to drain the swamp is going to be up to his ears in alligators. [Laughter and applause.]

Let me just spend a few minutes outlining our environmental philosophy. Our approach to wetlands conservation is driven by a new kind of environmentalism—a set of principles that apply to all of the environmental challenges that we face. We believe that pollution is not the inevitable by-product of progress. So the first principle is that sound ecology and a strong economy can coexist. But let's remember—the burden of proof is on man, not nature.

And the fact is, our ecology and the economy are interdependent. Environmentalists and entrepreneurs must see how much their interests are held in common. It's time to harness the power of the marketplace in the service of the environment.

The second principle is that a true commitment to restoring the nation's environment requires more than just a federal commitment. The tradition of purely federal, "top-down" directives will never again be enough. So we're working to promote more creative state and local initiatives, drawing on the energy of local communities and the private sector into the cause—pulling them into the cause of conservation. All of you in this room have made that commitment—and now, it must be made an all-American commitment.

And our third principle is obvious, but too rarely acted on—the preventing—that preventing pollution is a far more efficient

strategy than struggling to deal with problems once they've occurred. For too long, we've focused on clean-up and penalties after the damage is done. It's time to reorient ourselves using technologies and processes that reduce or prevent pollution—to stop it before it starts. In the 1990s, pollution prevent will go right to the source.

Technology has given us tremendous, awesome power to alter the face of the earth. We must use it to do good. Environmental soundness, industrial design must be partners. Industry is making—and must continue to make—environmental soundness an essential fact of American industrial life.

We've already taken several steps in that direction. And as you know, I've called for the elimination of CFCs by the year 2000. And we've also reviewed the Corporate Average Fuel Economy—those CAFE standards. We've tightened the standard, as the law originally intended. More efficient cars are good for our environment, and good for our energy security. We're going to promote the use of alternative, "neat" fuel technolgy. And I've proposed full funding to develop clean coal technology.

The fourth principle is a recognition that environmental problems respect no borders. I'm delighted to see the Ambassador from Canada here. So we're working with nations around the world, to provide leadership in finding cooperative, international solutions. From Japan to Brazil, we're discussing ways to reverse rainforest devastation. And we've recommended a ban on international shipment of hazardous waste, unless an agreement is signed that makes sure waste is disposed of safely.

In Germany two weeks ago, I announced our intention to provide technical assistance and new technologies to the nations of Eastern Europe, to help them handle pollution problems. And some of the rivers in those countries, are now so polluted, they can't even be used for industrial cooling—because they're too corrosive. And even our recommendation to ban the importation of elephant ivory underscores this new international emphasis.

The fifth and final principle is that existing environmental laws will be vigorously and firmly enforced. And I've requested funds to hire more environmental prosecutors at the Justice Department. And next week, Bill Reilly will deliver to Congress a report on overhauling the Superfund Program for hazardous waste. Our message about environmental law is simple—polluters will pay.

And finally, on Monday, I will unveil the most sweeping changes to the Clean Air Act since it was last amended 12 years ago. And it will allow us to recover and restore precious forests, lakes, and streams. And whether Americans live near factories, or in cities, or in high woodland country, it'll significantly improve every North American's quality of life.

So those are our five principles. Harnessing the power of the marketplace, state and local initiative, promoting prevention, international cooperation, and strict enforcement.

But behind all of the studies, the figures, and the debates, the environment is a moral issue. For it is wrong to pass on to future generations a world tainted by present thoughtlessness. It is unjust to allow the natural splendor bestowed to us to be compromised. It is imperative that we preserve the Earth and all its blessings—to meet the challenge of renewal.

Some 40 years ago, a man named Aldo Leopold wrote a book that some of you may have heard of. It was called "A Sand County Almanac." And in it, he talked about values—values that you and I share. "That land is to be loved and respected," Leopold wrote. Let me start—"That land is to be loved and respected—is an extension of ethics." That was 40 years ago. And since then, millions of acres of wetlands, habitat for so many plants and animals, have disappeared. And they continue to vanish at an alarming rate—some one-half million acres a year.

And I want to ask you today what the generations to follow will say of us 40 years from now. It could be they'll report the loss of many million acres more, the extinction of species, the disappearance of wilderness and wildlife.

Or they could report something else. They could report that, sometime around 1989, things began to change, and that we began to hold on to our parks and refuges. And that we protected our species. And that, in that year, the seeds of a new policy about our valuable wetlands were sown—a policy summed up in three simple words: "No net loss." And I prefer the second vision of America's environmental future.

A man I greatly admire, Theodore Roosevelt, was the first President to act on that ideal. And when he set aside the Grand Canyon as a national monument of nature, his words of warning were driven by great personal conviction. "Leave it as it is," he said. "You cannot improve on it. The ages have been at work on it, and man can only mar it. What you can do is to keep it—for your children, and your children's children."

Recovery, restoration, and renewal—that is our moral imperative. And from today forward, it is the ethical legacy we must inspire in every American.

To one of the great private sector organizations in America—I thank you. God bless you. And God bless the United States of America. Thank you very, very much. [Applause.]●

DENVER POLICE OFFICER DELBERT BLACK RETIRES

● Mr. ARMSTRONG. Mr. President, I rise today to bring to the attention of my colleagues the retirement of Denver Police Officer Delbert Black. I would like to take just a few minutes to acquaint you with the accomplishments of Technician Black.

During his 30 years as a police officer, he has become one of the most respected members of the Denver community. He has had a dramatic influence on literally thousands of people, both young and old.

For the past 19 years Technician Black has been serving in the community resource division, which he was instrumental in creating. He has helped to organize Neighborhood Watch programs, which reduced crime and improved the relationship with the community and the police department. He has also had a significant influence on young people by speaking at neighborhood schools about crime prevention and safety. Many of the programs Technician Black started were adapted both statewide and nationally.

Technician Black's outstanding qualities are reflected by his strong feelings for his family. He and his wife Betty have been married for 40 years. They have four children and eight grandchildren. He has a proud family.

Colleagues have called Technician Black a model officer, and Captain O'Neill of the district 4 police station said, "I wish I had a whole station full of men like Delbert Black."

Upon the retirement of Delbert Black I would like to ask my colleagues in joining me in congratulating Technician Black and thanking him for 30 years of dedicated service to the city of Denver above and beyond the call of duty.●

HUMAN RIGHTS IN EAST TIMOR

● Mr. DURENBERGER. Mr. President, tomorrow, Indonesia's President Suharto will meet with President Bush here in Washington. Indonesia is a nation which shares our interest in regional security and economic development in Southeast Asia. President Suharto has helped shape the Association of Southeast Asian nations into one of the most effective regional organizations. Most recently, Indonesia played a vital role in bringing together the major parties in the Cambodian conflict. Despite such positive achievements, however, there are some troubling issues. Tomorrow's meeting will also be an excellent opportunity for the Bush administration to raise, at the highest level, the issue of the situation in the former Portuguese colony of East Timor, which was occupied and annexed by Indonesia in 1975.

Last October, I led a group of 47 of our Senate colleagues in sending a letter, co-authored by Senator LEVIN, to then-Secretary of States Shultz, which outlined our concerns about human rights violations, the restrictions on international observation groups and armed conflict in East Timor. On that occasion, as on previous occasions, we noted that many thousands of people—perhaps 150,000, or more than one-fifth of the original population—have perished in East Timor since 1975, and that steps should be taken to ensure that further human suffering is averted.

Since I sent that letter, reports that human rights violations are being carried out in East Timor by the Indonesian military have come to light. An account of the current conditions was reported in the New York Times earlier this year. Msgr. Carlos Belo, the Roman Catholic Bishop of East Timor was quoted as saying recent reports of improvement in the human rights situation in East Timor were false. The article noted that Bishop Belo's observations were "his strongest statement against the Indonesian authorities since he was appointed head of the

church in East Timor in 1983 * * * [in which Belo accused the authorities of barbarism]." Bishop Belo said interrogations "accompanied by blows, kickings and beatings" were "the norm in East Timor." Subsequent communications by Bishop Belo speak of killings, arbitrary arrests, and abuse of women by Indonesian soldiers. Monsignor Belo laid out specific concerns about the human rights situation in a letter to the Indonesian Papal Nuncio on February 16, 1989.

On February 6, 1989, Monsignor Belo sent a letter to U.N. Secretary General Perez de Cueller, asking for the United Nation's assistance in securing self-determination for East Timor. Belo called for a United Nation's sponsored plebiscite as a first step in the decolonization of East Timor.

When recently asked about Monsignor Belo's letter by Indonesian journalists, the Indonesian Minister for Politics and Security Affairs, Admiral Sudomo, said that if such a letter existed, "we have to question how much patriotism the bishop has" and "it is incorrect to report something to a foreigner." Such remarks, coming from a top-ranking security official, at least imply a threat to Monsignor Belo. And given the history of the Timor situation—the annexation by Indonesia, brutal human rights violations and the large scale loss of life—some observers would wonder whether or not Bishop Belo is obligated to agree to the standard of patriotism set by Indonesian security officials. Nonetheless, to request a free and fair election is no crime and this should not be met with threats, implicit or explicit.

I firmly believe that the United States should support the continuation and expansion of the small international humanitarian presence in East Timor, so that the people of the island may receive the greatest amount of international observation and relief possible. I also advocate the reduction of restrictions on movement in and out of the territory, and respect for human rights. Finally, Monsignor Belo's request for a democratic solution to the tragic situation in East Timor cannot be ignored.

On January 1, 1989, President Suharto declared East Timor an open territory. The Indonesian administrator of the island, Governor Carrascalao, has also voiced his support for increased international access to East Timor. The Indonesian Government has made the right choice—now these promises need to be followed up with deeds allowing unrestricted access to humanitarian and human rights organizations.

No one doubts President Bush's commitment to world human rights. I am confident that he will express our shared concern about the conditions in East Timor to President Suharto.

Mr. President, I ask that the aforementioned article from the New York Times, our October 1988 letter to then Secretary of State Shultz and two letters from Bishop Belo be printed in the RECORD.

[From the New York Times, Jan. 22, 1989]

BISHOP SAYS INDONESIA TORTURES IN EAST TIMOR

LISBON, January 21.—The Roman Catholic Bishop of East Timor, saying claims that human rights abuses had ended were "lying propaganda," has accused the Indonesian Government of continuing to practice torture in the region.

In his strongest statement against the Indonesian authorities since he was appointed head of the church in East Timor in 1983, the Bishop, Msgr. Carlos Filipe Belo, accused the authorities in Jakarta of barbarism.

East Timor, a former Portuguese colony, was invaded by Indonesia in 1975. The United Nations still recognizes Portuguese administration, but the United States recognizes Indonesian sovereignty.

The invasion produced accusations of widespread brutality. Human rights organizations, including Amnesty International and the Catholic Institute of International Relations, have said in the years since that as many as 200,000 of the 650,000 people may have died as a direct result of the invasion and the suppression of armed resistance, which has continued intermittently.

Monsignor Belo's statement followed a roundup of East Timorese when President Suharto of Indonesia visited the region in November. Jakarta-based journalists reported that about 3,000 East Timorese had been arrested.

Monsignor Belo said that arrests had been made in Dill, the capital, and the towns of Baucau, Lospalos and Viqueque, and that although most people had been freed, some were still detained.

East Timorese exiles in Portugal said seven or eight were still in prison.

In his statement, which he ordered to be read in churches throughout East Timor, the Bishop said criminal interrogations "accompanied by blows, kickings and beatings" were "the norm in Timor."

"We disagree with this barbaric system and condemn the lying propaganda according to which abuses of human rights do not exist in East Timor," the statement said.

The document was dated Dec. 5 but only now reached Lisbon, having been carried out of the territory by church officials. Exiles and human rights organizations say postal services and telephone communications have been censored since 1975.

Monsignor Belo has been criticized by the East Timorese liberation movement, known by its Portuguese acronym, Fretilin, and by young, radical Catholics, who regard him as pro-Indonesian, largely because of the circumstances of his appointment. He replaced the popular Martinho Lopes da Costa, who was forced to retire in 1983 after Indonesia complained to the Vatican of his nationalistic sermons.

U.S. SENATE,
Washington, DC, October 28, 1988.

Hon. GEORGE SHULTZ,
Secretary of State, Department of State, Washington, DC.

DEAR MR. SECRETARY: For a number of years members of the United States Senate have been concerned about the conditions in the former Portuguese colony of East Timor, which was invaded and forcibly annexed by Indonesia in 1975. We are aware of the fact that you have raised human rights issues in East Timor with Indonesian officials over the past six years. We applaud your willingness to address these concerns with one of our most valuable friends in Southeast Asia.

We are aware that certain improvements have taken place in East Timor in recent years. However, there is little doubt that armed conflict continues in the territory. Partly because of this armed conflict and the tight control exercised by the Indonesian armed forces over the civilian population, agricultural activity is impeded, resulting in shortages of food in some areas of East Timor. The memory of the disastrous war-induced famine which killed thousands of Timorese in 1978-80 makes us particularly concerned about the current situation. We believe the continuing military conflict in the territory and any renewed shortages of food and medical supplies warrant the careful attention of the United States.

We wish to insure that conditions do not deteriorate as a result of international inattention or increased levels of Indonesian military action. Therefore, international humanitarian organizations should be allowed to maintain and, where necessary, expand their operations to help provide relief and protection to the civilian population throughout East Timor. Such relief and protection should be permitted to extend to any Timorese political detainees still being held within East Timor or elsewhere.

Recent reports about the human rights situation in East Timor are also of great concern to us. The transfer of political prisoners to Jakarta makes family visitation nearly impossible, while released detainees are reportedly unable to return to their place of origin in East Timor. We are informed that torture during interrogation of Timorese continues, especially in outlying areas. Freedom of expression for citizens of East Timor, including most Roman Catholic clergy, continues to be virtually non-existent. Monitoring human rights conditions in East Timor is difficult because human rights organizations have been denied access. We strongly believe that regular visits to East Timor by respected human rights organizations would help shed light on conditions inside East Timor, and make the Indonesian government more accountable for its administration of the territory.

In the past some of us have called for a peaceful resolution of the East Timor conflict that recognizes the interests of all parties. In recent months, there have been signs in various parts of the world that seemingly intractable conflicts need not remain so indefinitely. We believe that the United States could help bring the parties involved in the East Timor conflict to the negotiating table to begin a process that could end this 13-year tragedy. We hope that the United States, whether directly or indirectly, will agree to play such a role in the interests of peace and stability in that part of the world.

We fully recognize the difficulty of securing a peaceful and equitable settlement in East Timor. We remain aware of the value of the friendly relationship between the governments of Indonesia and the United States based on sound strategic and political considerations. But it is our belief that this relationship can only be strengthened by Indonesia's pursuit of a just and lasting solution to the East Timor tragedy. A significant step in that direction could be accom-

plished by actions addressing the human rights issues raised in this letter.

Thank you for your consideration of our concerns.

Sincerely,

Carl M. Levin, Edward M. Kennedy, Dave Durenberger, Rudy Boschwitz, Claiborne Pell, Daniel P. Moynihan, Alan J. Dixon, Tom Harkin, Bill Bradley, Spark M. Matsunaga, John Kerry, Dennis DeConcini, Richard G. Lugar, Mark O. Hatfield, Charles E. Grassley, Robert T. Stafford, John Heinz, Alfonse D'Amato, George J. Mitchell, Thomas Daschle, Howard M. Metzenbaum, Paul S. Sarbanes, Christopher J. Dodd, Timothy E. Wirth, Alan Cranston, Bob Graham, Kent Conrad, Patrick J. Leahy, John H. Chafee, Quentin N. Burdick, Barbara Mikulski, William Proxmire, Brock Adams, Dale Bumpers, Don Riegle, John D. Rockefeller, Frank H. Murkowski, Frank R. Lautenberg, Pete Wilson, Joseph R. Biden, Jr., David Pryor, Terry Sanford, Nancy Kassebaum, Arlen Specter, Lowell P. Weicker, Jr., Paul Simon, Albert Gore, Jr.

DILI, *February 6, 1989.*

His Excellency SR. DR. JAVIER PÉREZ DE CUELLAR,
Secretary General of the United Nations,
New York, USA.

YOUR EXCELLENCY: First allow me to give you my sincere and respectful greetings.

I am taking the liberty of writing to your Excellency to draw to your attention the fact that the process of decolonisation of Portuguese Timor has still not been resolved by the United Nations, and it is important that this should not be forgotten. For our part, we, the people of Timor, think that we must be consulted on the future of our land. That is why I am writing, as a leader of the Catholic Church, and as a citizen of Timor, to ask you, as Secretary General, to start in Timor the most normal and democratic process of decolonisation, i.e. the holding of a referendum. The people of Timor must be allowed to express their views on their future through a plebiscite. Hitherto the people have not been consulted. Others speak in the name of the people. Indonesia says that the people of Timor Timur (East Timor: trans) have already chosen integration, but the people of Timor themselves have never said this. Portugal wants to let time solve the problem. And we continue to die as a people and a nation.

You are a democrat and a friend of human rights. Therefore let your excellency demonstrate with facts your respect for the spirit and letter of the United Nations charter, which grants to all the peoples of this planet the right to choose their own destiny, freely, consciously and responsibly. Your excellency, there is no more democratic means of ascertaining the supreme desire of the Timorese people than the holding of a referendum promoted by the United Nations for the people of Timor.

Sr. Pérez de Cuellar, I thank you for all your sympathy with the people of Timor and conclude by expressing once again my best wishes.

With admiration and respect, I remain

DOM CARLOS FILIPE XIMENES BELO
SDB,
Titular Bishop of Lorium,
Apostolic Administrator of Dili.

DILI, *February 16, 1989.*

His Excellency The APOSTOLIC NUNCIO,
Apostolic Nunciature,
Jakarta.

EXCELLENCY: My sincere and respectful greetings.

I am responding to your letter of February 1, 1989, No. 2264/89 in which you ask me for an exhaustive report on the Yayasan Santo Antonio. I should mention that in my pastoral letter (or note) of December 5 I have already explained this Yayasan a bit. In the first place, the so-called Yayasan Santo Antonio is not a real Yayasan, because in order to be a Yayasan (according to its meaning in Bahasa) it would have to have a recognized organizational structure with a managing board (BaDAN Pengurua) and it would have to have statutes (Anggara dasar) that were approved by a court. In this case this (yayasan) is a secret organization and its activities are secret. Its founder is a man called Anantas do Carmo, born in Oe-Cussi, a teacher in the catholic school in Balide-Dili. According to what he says, he disappeared when he was 7 years of age and that he reappeared when he was 9 years old. From that time on he does not suffer any illnesses or ever gets hurt. His body has a special power and is not susceptible to be penetrated by bullets. He began to gather sympathizers among the "guru," the "pelajar" and some "pogawai" to defend the Catholic religion against Islam and Protestantism. That is why he has a special devotion to Santo Antonio, they say the third part of the rosary in the oratories and light candles and they pray to obtain cures for sick people. As a sign of recognition among the members, they mark their skin, either the palm of the hand or the arm, with a tatoo in the form of a crucifix. This practice has spread throughout the schools from Dili to Lospalos. This organization began its activities in 1984.

At the same time another organization emerged called the "SECRET PARTY" which has more of a political contents and which gathered Timorese who are discontent with the present situation (Indonesian occupation). Among the leaders Afonso Pinto stands out who is also known by the name of LAPAIK. Some members were Timorese military men, policemen, civil servants and students. The goal of this organization, according to the words of Lapaik himself, is to fight "corruption". This organization was discovered at the end of 1987 and in 1988 Lafaik was sent to Viqueque to fight the guerrillas of the Frente. More or less in 1988 these two organizations merged and had as their goal to kill President Suharto when he would come to visit East Timor. Because of a misunderstanding among the members in Wutalari and because of some (contentious) questions, there were mutual denunciations and the organization was discovered by the military. A wave of imprisonments and interrogatories followed (men, women and students). There were abuses against women and girls. There were beatings and kicking of men. These scenes provoked a reaction among the people and that is why the Church took a position in the PASTORAL NOTE of December 5, 1988. At this moment the situation has calmed down. Some of the leaders continue to be in prison. Will they be put before a court? I do not know.

We still do not know if the Yayasan was founded only by Timorese or if there are occult forces behind it. The worst of it all was that all this carnival of imprisonments and interrogatories was carried out by some officers who wanted to receive awards from Suharto!

I.—The fact that Indonesia invaded and occupied East Timor militarily, not even allowing the Timorese people to express their feelings, is in itself already a violation of human rights against the Charter of the United Nations.

II.—It is forbidden to talk about politics, it is forbidden to form associations, to hold meetings and to circulate at night. These are the facts of every day life. It is forbidden to talk about independence, about autonomy and to talk about a referendum. Everybody is forced to talk about PANCASILA and PEMBAGUNAN. Regarding religion, there is no right to be non-religious, atheist or animist. Everybody has to choose a religion. Points I and II are a lot more grave than the ordinary abuses such as:

III. In Dili-Laclutar members of battalion 726 killed

1. Carlos Mendes da Silva, 22 years old, assassinated on October 31, 1988 with 18 bullets in his body;

2. Luis da Cruz, 20 years old, with 18 bullets in his body; they were killed in public in front of 15 people (I do have the names).

Civilians who were beaten:

1. Araujo Fernandes-Desa Ahio-Dilo
2. Agostinho Lo'o-Desa Ahio-Dilo
3. Francisco Parada Martins-Desa Ahio-Dilo
4. Luis Ximenes-Desa Ahio-Dilo
5. Loi 'Ouela-ficoi (his head was split open)
6. Alarico Martins-Desa Ahio
7. Moises Ximenes-Desa Ahio

On November 5, 1988 the commander of the sector ordered Mr. Afonso Lafaik to tell the people that assassinations were carried out by Fretilin. On November 7 the commander of the sector and the authorities in Viqueque made a statement to the population in Lacluta saying that the acts committed were acts of Fretilin. (A PUBLIC LIE OF THE AUTHORITIES, SOME OF WHICH ARE CATHOLIC, APOSTOLIC AND ROMAN).

IV. There were more killings by the military in Ossu (4 people), Laclutas (5 people), Viqueque (2 people), Gariwai-Baucau (2 people) Luro (1 person). It would be a long-drawn-out story of assassinations in the name of Keamanan.

V. There are threats and psychological pressure on the civil servants in order to avoid that they publicise the various assassinations, if they do not obey they lose their jobs, the NIP and will be killed themselves. After all, we have lived in this since 1976 . . .

Since 1983, year in which I was nominated to be the Apostolic Administrator, we have every year always seen these same abuses. We already have talked and continue to talk with the authorities, but the result is always the same. It is the people who suffer. That is why it is urgent to CARRY OUT A REFERENDUM in order to ask the people of Eash Timor if they accept integration.

In Timor we live under the psychological pressure of the Dictatorship. A last piece of news: The military are already training and paying former prisoners of the Yayasan Santo Antonio to have them spy on the priests in the parishes. With all this one can ask: Since when do violations of human rights not exist in East Timor?

With sentiments of consideration and admiration.

CARLOS FILIPE XIMENES BELO, SDB,
Titular Bishop of Lorium,
Apostolic Administrator of Dili.●

HYDROELECTRIC FAIRNESS ACT OF 1989, S. 635

● Mr. D'AMATO. Mr. President, I rise today as a cosponsor of S. 635, the Hydroelectric Fairness Act of 1989. This legislation rectifies an unjustice against the more than 300 hydrolectric projects built before 1935 that are at risk from claim jumping. In my State alone, there are potentially two dozen projects at risk.

The Federal Power Act of 1935, modified the hyroelectric licensing system by requiring that only Hydroelectric projects built after 1935 need obtain a license. Projects built before 1935 and located along nonnavigable rivers were grandfathered from Federal jurisdiction and the need to obtain a license as long as no new construction took place on the project.

I have heard from various project owners in my State who now find themselves in danger of losing ownership to third parties who have filed for licenses under the pretext of new construction. In many cases, this new construction is a small addition to the project such as increasing the height of a dam. If licenses were granted to these third parties, original project owners would lose their ownership of the facility. To a utility like Orange & Rockland, which serves thousands of residential and commercial customers in the New York area, losing ownership of one of their hydroelectric projects to a claim jumper would cost them $50 million over a 10-year period to buy back their property from the claim jumper. This scenerio does not bode well for Orange & Rockland's customers who would foot the bill in the form of higher electric rates. It was certainly not the intent of Congress to allow this kind of claim jumping to occur.

Enactment of this legislation would prohibit the issuance of licenses to pre-1935 projects other than to the owners of the projects. This bill is urgently needed to project the hundreds of projects at risk from claim jumpers and would additionally protect ratepayers from higher electric rates by insuring that ownership is not passed along to third parties. I urge Members, whether or not they have affected projects in their States, to cosponsor this legislation.●

(NOTE.—The following orders were entered earlier and appear at this point in the RECORD by unanimous consent:)

UNANIMOUS-CONSENT AGREEMENT

Mr. MITCHELL. Mr. President, for the information of Senators I am about to propound a unanimous-consent request which will detail the handling of this legislation on tomorrow, Monday, and Tuesday, and if the unanimous-consent request is agreed to there will be no further votes this evening or tomorrow, Friday, or on Monday. Under this agreement the next rollcall vote will occur on next Tuesday afternoon.

ORDERS FOR FRIDAY

RECESS UNTIL 11 A.M.

Mr. MITCHELL. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 11 a.m. on Friday, June 9.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. MITCHELL. Mr. President, I further ask unanimous consent that following the time for the two leaders there be a period for morning business not to extend beyond 11:30 a.m. with Senators permitted to speak therein for up to 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

RESUME CONSIDERATION OF H.R. 1722

Mr. MITCHELL. Mr. President, I ask unanimous consent that at 11:30 a.m. tomorrow, Friday, June 9, the Senate resume consideration of H.R. 1722, the natural gas deregulation bill, and that the Senator from Idaho [Mr. MCCLURE], be recognized for the purpose of filing a cloture motion.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDERS FOR MONDAY

RECESS UPON COMPLETION OF BUSINESS ON FRIDAY, JUNE 9, 1989 TO MONDAY, JUNE 12, 1989

Mr. MITCHELL. Mr. President, I further ask unanimous consent that when the Senate completes its business on Friday, June 9, it stand in recess until 12 noon on Monday June 12.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRO FORMA SESSION

Mr. MITCHELL. Mr. President, I ask further unanimous consent that on Monday the Senate meet in pro forma session only and that no business be conducted on that day.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDERS FOR TUESDAY

RECESS UNTIL 11:30 A.M.

MORNING BUSINESS

Mr. MITCHELL. Mr. President, I further ask unanimous consent that when the Senate recesses on Monday, it stand in recess until 11:30 a.m. on Tuesday, June 13, and that on that day, following the time for the two leaders, there be a period for morning business not to extend beyond 12:30 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS FROM 12:30 P.M. UNTIL 2:15 P.M. RESUME CONSIDERATION OF H.R. 1722

Mr. MITCHELL. Mr. President, at 12:30 p.m., I ask unanimous consent that the Senate stand in recess until 2:15 p.m. and that at 2:15 p.m. there be 30 minutes equally divided between Senators JOHNSTON and METZENBAUM, at the end of which the cloture, vote, on which a motion will be filed by Senator MCCLURE tomorrow, take place with the live quorum required under rule XXII having been waived.

The PRESIDING OFFICER. Without objection, it is so ordered.

AUTHORITY FOR COMMITTEES TO REPORT EXECUTIVE AND LEGISLATIVE CALENDAR BUSINESS AND AUTHORITY FOR AMENDMENTS TO BE FILED

Mr. MITCHELL. Mr. President, I further ask unanimous consent that committees have permission to report executive and legislative calendar business on Monday between the hours of 12 noon and 3 p.m., and I further ask unanimous consent that amendments may be filed on Monday, June 12 until 1 p.m. in accordance with the provisions of rule XXII.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. MITCHELL. Mr. President, there will be no further rollcall votes this evening.

Tomorrow the Senate will be in session with a brief period for morning business and for the filing of a cloture motion by Senator MCCLURE.

There will be no rollcall votes tomorrow. The Senate will be in session on Monday on a pro forma basis only. There will be no rollcall votes on Monday.

The Senate will return to session on Tuesday, and the first rollcall vote will be at approximately 2:45 p.m. on Tuesday and will be on the cloture motion to be filed by Senator MCCLURE tomorrow.

RECESS UNTIL 11 A.M. TOMORROW

Mr. MITCHELL. Mr. President, if the distinguished acting Republican leader has no further business, and if no Senator is seeking recognition, I

ask unanimous consent that the Senate stand in recess, under the previous order, until 11 a.m. tomorrow, Friday, June 9.

There being no objection, the Senate, at 6 p.m., recessed until Friday, June 9, 1989, at 11 a.m.

NOMINATIONS

Executive nominations received by the Senate June 8, 1989:

DEPARTMENT OF STATE

WILLIAM H. TAFT, IV, OF VIRGINIA, TO BE THE U.S. PERMANENT REPRESENTATIVE ON THE COUNCIL OF THE NORTH ATLANTIC TREATY ORGANIZATION, WITH THE RANK AND STATUS OF AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY.

DEPARTMENT OF LABOR

DEBRA RUSSELL BOWLAND, OF LOUISIANA, TO BE ADMINISTRATOR OF THE WAGE AND HOUR DIVISION, DEPARTMENT OF LABOR, VICE PAULA V. SMITH, RESIGNED.

WILLIAM C. BROOKS, OF MICHIGAN, TO BE AN ASSISTANT SECRETARY OF LABOR, VICE FRED WILLIAM ALVAREZ, RESIGNED.

EXECUTIVE OFFICE OF THE PRESIDENT

JULIUS L. KATZ, OF MARYLAND, TO BE A DEPUTY U.S. TRADE REPRESENTATIVE, WITH THE RANK OF AMBASSADOR, VICE MICHAEL BRACKETT SMITH, RESIGNED.

INTERSTATE COMMERCE COMMISSION

EDWARD MARTIN EMMETT, OF TEXAS, TO BE A MEMBER OF THE INTERSTATE COMMERCE COMMISSION FOR A TERM EXPIRING DECEMBER 31, 1992, VICE FREDERIC N. ANDRE, TERM EXPIRED.

IN THE ARMY

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED, UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 601(A) IN CONJUNCTION WITH ASSIGNMENT TO A POSITION OF IMPORTANCE AND RESPONSIBILITY DESIGNATED BY THE PRESIDENT UNDER TITLE 10, UNITED STATES CODE, SECTION 601(A):

To be lieutenant general

MAJ. GEN. HOWARD D. GRAVES, [redacted] U.S. ARMY.

THE FOLLOWING-NAMED ARMY MEDICAL CORPS OFFICERS FOR APPOINTMENT IN THE REGULAR ARMY OF THE UNITED STATES TO THE GRADE INDICATED UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTIONS 611(A) AND 624(C):

To be permanent major general

BRIG. GEN. FREDERICK N. BUSSEY, [redacted] U.S. ARMY.

To be permanent brigadier general

COL. LESLIE M. BURGER, [redacted] U.S. ARMY.

CONFIRMATIONS

Executive nominations confirmed by the Senate June 8, 1989:

DEPARTMENT OF THE TREASURY

KENNETH W. GIDEON, OF VIRGINIA, TO BE AN ASSISTANT SECRETARY OF THE TREASURY.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

GERALD L. OLSON, OF MINNESOTA, TO BE AN ASSISTANT SECRETARY OF HEALTH AND HUMAN SERVICES.

DEPARTMENT OF THE TREASURY

BRYCE L. HARLOW, OF VIRGINIA, TO BE A DEPUTY UNDER SECRETARY OF THE TREASURY.

THE ABOVE NOMINATIONS WERE APPROVED SUBJECT TO THE NOMINEES' COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

EXECUTIVE OFFICE OF THE PRESIDENT

REGGIE B. WALTON, OF THE DISTRICT OF COLUMBIA, TO BE ASSOCIATE DIRECTOR FOR NATIONAL DRUG CONTROL POLICY.

EXTENSIONS OF REMARKS

INTRODUCTION OF THE AIR TOXICS CONTROL ACT OF 1989

HON. HENRY A. WAXMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 8, 1989

Mr. WAXMAN. Mr. Speaker, I am pleased to join Congressmen MICKEY LELAND, GUY MOLINARI, GERRY SIKORSKI, and JIM FLORIO in introducing the Air Toxics Control Act of 1989, to stem the flow of dangerous air toxics into our country's air supply. I want to commend Congressman LELAND for his leadership in assembling this vitally important legislation.

Last March, the Health and Environment Subcommittee released U.S. EPA data indicating that some 2.7 billion pounds of toxic air pollutants had been emitted into the Nation's air supply in 1987. Not surprisingly, this information generated considerable concern. However, there was no direct evidence linking the high levels of toxic releases with impacts on the public health.

Today, the subcommittee is releasing EPA data associating a number of industrial sources of air toxics with very high cancer risks. These are preliminary data. They are subject to some error and should be evaluated with care. But the general picture they provide is truly dismaying.

EPA has preliminarily identified some 205 industrial facilities in 37 States that are associated with cancer risks for the most exposed individual that may exceed 1 in 1,000. Some 45 facilities are associated with maximum individual cancer risks of greater than 1 in 100, and 1 facility is associated with an incredible 1 in 10 cancer risk.

In releasing this data, we do not intend to suggest that each risk estimate for each individual source is accurate. I would emphasize again, as EPA has emphasized, that the data are preliminary, and considerable uncertainty surrounds the risk estimates for individual sources.

The central message that I take from this data is more general, but no less compelling. The estimates for so many sources across the country of such high cancer risks is a stunning demonstration of the very real and very serious public health threat from air toxics.

We ignore these data at our peril. They suggest a problem so serious and widespread the public needs to know, our local and State governments need to know, and the Congress needs to know.

The risk estimates for these sources exceed by more than a thousand-fold the cancer risk level that most policymakers consider acceptable. For example, with regard to the cleanup of hazardous waste sites, the EPA uses regulatory programs to reduce potential cancer risks to levels of less than 1 in 100,000 in some instances, or 1 in 1,000,000 in others.

I have written to EPA to request more detailed, more comprehensive, and more up-to-date information on the air toxics risk estimates. The seriousness of the figures before us cannot be dismissed. Faced with such high risk estimates the Agency should have already moved to assemble the most reliable possible data to support evaluation of the cancer risk from these sources.

I have urged EPA to take prompt action under existing legislative authority to reduce air toxic emissions from these and other high risk sources. We can do no less. And we must also move quickly to increase our ability to deal with toxic air pollutants. These data reaffirm the urgent need for action on strong legislation to protect the public health from the release of air toxics.

I am very pleased today to be able to join Congressmen LELAND, FLORIO, and SIKORSKI in introducing legislation that will promptly and dramatically reduce such cancer risks.

The Air Toxic Control Act of 1989 will put EPA on a rapid schedule for issuing regulations for sources releasing any of a long list of toxic air pollutants. Such a mandate is long overdue. In the 19 years since the Agency was first directed to regulate hazardous air pollutants, standards have been issued for only seven of the hundreds of toxic air contaminants.

Major sources of air toxics will be required in the Air Toxic Control Act to use the best technology available to reduce toxic emissions. They will also be required to take any additional control steps necessary to protect the public health. No cancer risk of greater than 1 in 1,000,000 will be considered acceptable.

In addition, the legislation includes an aggressive program for the prevention and control of catastrophic accidental releases of air toxics, such as the accident in Bhopal, India in 1984 that killed thousands. A recent EPA study found that, since 1980, 17 accidents have occurred in the United States with potential for health impacts worse than those that accompanied the tragedy in Bhopal. Only through good fortune did we avoid such tragedies here. The Air Toxic Control Act will no longer leave it to chance that we won't have a Bhopal type accident here in the United States that costs thousands of American lives.

The Air Toxic Control Act also includes a strong program for the control of air toxic emissions, such as diesel particulates, from motor vehicles. According to EPA data, motor vehicles are among the most pervasive sources of cancer-causing air pollution in the country.

Finally, the Air Toxic Control Act has a sorely needed program to protect the Great Lakes from continued toxic air pollution damage.

I am confident that the provisions of the Air Toxic Control Act will establish a reasonable and effective program for protecting the public from air toxic emissions, and will do so as quickly as possible. Congressmen LELAND, MOLINARI, SIKORSKI, and FLORIO deserve tremendous credit for assembling this important legislation.

I look forward to working with my colleagues to move this bill rapidly through the Congress. I am pleased to announce that we will begin hearings on this bill at the Subcommittee on Health and the Environment in 2 weeks, on June 22.

I have attached for insertion into the RECORD a summary and section-by-section analysis of the Air Toxics Control Act of 1989:

SUMMARY OF THE AIR TOXICS CONTROL ACT OF 1989

The Air Toxics Control Act of 1989 establishes new programs for the control of hazardous air pollutants in each of five areas—(1) control of toxic emissions from industrial sources, (2) control of toxic emissions from motor vehicles, (3) prevention of accidental releases of toxic air pollutants, (4) protection of the Great Lakes, and (5) control of toxic emissions from small "area" sources.

LIST OF TOXIC AIR POLLUTANTS

Under current law, EPA is required to list substances that can cause death or serious illness when inhaled as hazardous air pollutants. Yet it has listed only eight of hundreds of such substances since 1970.

The bill takes listing out of EPA's hands by specifying 187 hazardous air pollutants to be regulated by EPA. EPA is given authority to add or delete substances on its own initiative or pursuant to a petition.

CONTROL OF TOXIC EMISSIONS FROM INDUSTRIAL SOURCES

Current law requires EPA to regulate hazardous air pollutants on an inefficient chemical-by-chemical basis. The bill takes a new approach by requiring regulation on an industry-by-industry basis. It directs EPA to set control standards for categories of industry based upon the best available control technology (BACT).

To ensure that the remaining risk to human health and the environment is small, the bill calls for analyses of the health risks remaining after BACT is applied. Further controls are required whenever the remaining risks of cancer or other serious illnesses at a facility exceed one in one million.

CONTROL OF TOXIC EMISSIONS FROM MOTOR VEHICLES

Cars and trucks are one of the most pervasive sources of hazardous air pollutants in urban air. The bill controls their emissions by requiring EPA to identify and regulate to the lowest achieveable emission rate hazardous air pollutants, such as diesel particulates, emitted from motor vehicles.

PREVENTION OF ACCIDENTAL RELEASES OF TOXIC AIR POLLUTANTS

Catastrophic chemical accidents involving air toxics, such as the incident at Bhopal, India, in 1984, have the potential to kill thousands, but are unaddressed by the ex-

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

isting Clean Air Act. The bill requires EPA to develop a list of the substances most likely to endanger the public through accidental releases to the air and to issue regulations to prevent—and provide for effective responses to—such releases. The bill also creates a Chemical Safety and Hazard Investigation Board, modeled after the National Transportation Safety Board, to investigate chemical accidents.

PROTECTION OF THE GREAT LAKES

The bill creates a special program to protect the Great Lakes, an area especially affected by the atmospheric deposition of hazardous pollutants. It requires a comprehensive EPA study and further regulation if the other requirements under the bill are insufficient to protect the Great Lakes.

CONTROL OF TOXIC EMISSIONS FROM AREA SOURCES

"Area sources" are small stationary sources of hazardous air pollutants that are unregulated under existing law. While individually minor in impact, collectively they contribute significantly to a hazardous "toxic soup" in many urban areas.

The bill creates a new program for area sources. After completing a comprehensive study, EPA is required to list important categories of areas sources and to issue regulations requiring control of hazardous pollutants from such sources through the best available control measures.

SECTION-BY-SECTION ANALYSIS OF THE AIR TOXICS CONTROL ACT OF 1989

SECTION 1: SHORT TITLE

This section provides that the bill may be cited as the Air Toxics Control Act of 1989.

SECTION 2: HAZARDOUS AIR POLLUTANTS

This section amends Section 112 of the Clean Air Act by striking the current language and replacing it with new programs for the control of hazardous air pollutants from major emitting facilities and area sources. The provisions of the new subsections of Section 112 are described below.

Definitions

This subsection defines key terms, including major emitting facility, area source, and hazardous air pollutant.

List of Hazardous Air Pollutants

This subsection lists 187 substances as hazardous air pollutants to be regulated under the section. EPA is given authority to add or delete substances on its own initiative or on a petition from the public. The test for addition or deletion of a substance is whether emissions, ambient concentrations or transformation products of the substance are known or may reasonably expected to cause serious adverse effects to human health or serious or widespread adverse environmental effects.

List of Categories

This subsection requires EPA to list all categories of major emitting facilities.

Schedule for Standards

This subsection establishes a two- to eight-year schedule for the promulgation of BACT emissions standards for categories of major emitting facilities. The schedule is to be established by EPA after considering such factors as the quantity of hazardous air pollutants emitted by major emitting facilities in the categories.

Emissions Standards

This subsection requires EPA to promulgate emissions standards for categories of major emitting facilities based on the best available control technology (BACT). The subsection establishes a floor for such standards, requiring them to be not less stringent than the best level of control achieved in practice. In setting standards for existing major emitting facilities, EPA may exclude from consideration the 10% of the facilities with the lowest emissions rates. If EPA does not set BACT standards for a category of major emitting facilities, a statutory default applies, requiring facilities to comply with the best level of control achieved in practice.

Risk Evaluation

This subsection requires EPA to evaluate the residual risk remaining after application of the BACT standards.

Residual Risk Standards for Carcinogens and Other Nonthreshold Pollutants

This subsection requires EPA to promulgate revised emissions standards if necessary to reduce the risks of cancer or other serious illness to the maximum exposed individual from "nonthreshold" pollutants from major emitting facilities to less than one in one million. The revised standards must be promulgated within five years after the promulgation of the BACT standards.

Residual Risk Standards for Threshold Air Pollutants

This subsection is similar to the subsection on residual risk standards for nonthreshold pollutants, except that it applies to "threshold" pollutants, which are pollutants for which EPA has established safe exposure levels. It requires revision of the emission standards as necessary to prevent, with an ample margin of safety, serious adverse effects to human health or widespread or serious adverse environmental effects.

Work Practice Standards

This subsection authorizes EPA to promulgate work practice standards in addition to, or in lieu of, emissions standards based on BACT.

Leak Prevention

This subsection requires EPA to include leak prevention, detection, and correction standards in the emissions standards.

Annual Safety Inspection

This subsection directs EPA to require major emitting facilities to conduct annual safety inspections to locate leaks.

Monitoring and Certification

This subsection directs EPA to promulgate monitoring and annual certification procedures for major emitting facilities.

De Minimis Emissions Level

This subsection authorizes EPA to establish a de minimis level of emissions of any hazardous air pollutant. Major emitting facilities emitting less than the de minimis level of the pollutant do not need to regulate those emissions under the section.

Permit Program

This subsection establishes a permit program for new, modified, and existing major emitting facilities. After the effective date of an emissions standard under the section, no major emitting facility can operate without a permit under the subsection.

Temporary Permits for Existing Major Emitting Facilities

This subsection establishes a procedure whereby an existing major emitting facility that certifies it is in compliance with the applicable emissions standards can receive a temporary, one-year operating permit pending issuance of a final permit.

Effective Dates

This subsection provides that emissions standards under the section are immediately effective for new major emitting facilities and are effective as expeditiously as practicable, but not later than three years after promulgation. for existing facilities.

Exemption from Residual Risk Standards

This subsection authorizes the permitting authority to exempt major emitting facilities from the residual risk standards upon a showing that the facility does not create a lifetime cancer risk greater than one in one million or cause serious adverse effects to human health.

Extensions from Residual Risk Standards

This subsection provides a series of three two-year extensions from the residual risk standards to major emitting facilities that cannot meet the standards with available technology.

National Security Exemption

This subsection authorizes the President to exempt major emitting facilities from emissions standards for national security reasons.

Voluntary Reductions

This section provides an exemption from the BACT standards for existing major emitting facilities that voluntarily reduce emissions of hazardous air pollutants by sufficient amounts from uncontrolled levels.

Area Source Program

This section establishes a program for controlling the emissions of hazardous air pollutants from area sources, which are stationary sources other than major emitting facilities. After completing a study of area source emissions, EPA must promulgate regulations requiring important categories of area sources to use the best available control measures.

State Programs

This subsection establishes a procedure whereby EPA delegates to the states its permitting authority for major emitting facilities and its authority to enforce requirements for area sources.

Protection of the Great Lakes

This subsection provides special protection for the Great Lakes. After a study, EPA is required to promulgate additional control regulations if necessary to protect the Great Lakes from serious or widespread adverse environmental effects from atmospheric deposition of hazardous air pollutants.

Savings Clause

This subsection provides that nothing in section 112 affects more stringent requirements under other laws.

Reports

This subsection requires EPA to submit annual status reports to Congress.

General Provisions

This subsection contains general administrative provisions providing for the public availability of documents, an air toxics clearinghouse, and other matters.

SECTION 3: GUIDELINES FOR RISK EVALUATIONS

This section adds a new section to the Clean Air Act requiring EPA to develop guidelines for risk evaluations.

SECTION 4: MOTOR VEHICLES AIR TOXICS

This section amends title II of the Clean Air Act to require EPA to regulate the emissions of hazardous air pollutants from motor vehicles. EPA is required to list air

pollutants emitted from motor vehicles that cause or may reasonably be expected to cause serious adverse effects to human health or serious or widespread adverse environmental effects. EPA is then required to use its existing authority under section 202 (regarding motor vehicle emission standards) or section 211 (regarding regulation of fuels) to reduce emissions of such pollutants to the lowest achievable emission rate, taking costs into account. EPA is required to prepare a residual risk analysis after promulgating the technology-based standards and to issue such additional standards as necessary to prevent serious adverse effects to human health or serious or widespread adverse environmental effects.

Specific subsections establish new emissions standards for particulates, ban the sale of leaded gasoline, and require retrofit technology on existing diesel buses to control particulate emissions.

SECTION 5: ACCIDENTAL RELEASES

This section establishes a new program to prevent and provide for effective responses to accidental releases to the ambient air of hazardous air pollutants. The provisions of the new subsections of Section 129 are described below.

Purpose

This subsection states that the purpose of the section is to prevent or reduce the potential for the accidental release of listed substances and to minimize the consequences of such releases.

Definitions

This subsection defines key terms, such as release, accidental release, and covered facility.

List of Substances

This subsection requires EPA to establish within 2 years a list of at least the 100 substances that pose the greatest risks to human health and the environment from accidental releases. EPA is authorized to add or delete substances from the list on its own initiative or pursuant to a petition from the public. EPA is also required to review substances on the list established by section 112, the list established by section 302 of the Emergency Planning and Community Right-to-Know Act of 1986, and the list of liquids and gases identified by the Secretary of Transportation as toxic upon inhalation to determine whether such substances should be added to the list under this subsection.

At the time EPA lists a substance, EPA is authorized to establish a de minimis quantity of the substance. Only facilities having more than the de minimis quantity of the substance are covered under this section.

Accident Prevention, Detection, and Response Regulations

This subsection directs EPA to promulgate regulations to provide for the prevention and detection of accidental releases and for effective responses to such releases. The regulations are effective two years after promulgation or two years after the substance concerned is listed, whichever comes later.

Risk Management Plans

This subsection requires EPA to include in the regulations under this section provisions for the preparation of risk management plans by covered facilities. Such plans must assess risks and establish programs for preventing and responding to accidental releases.

Compliance with Risk Management Plans

This subsection requires covered facilities to register risk management plans with EPA and other concerned agencies. The plans must be updated as required by EPA rule.

Enforcement

This subsection provides that rules promulgated under this section are enforceable to the same extent as rules under section 112.

Other Authority

This subsection provides that nothing in this section affects other requirements applicable under other laws.

Chemical Safety and Hazard Investigation Board

This subsection creates a Chemical Safety and Hazard Investigation Board with powers to investigate and report on accidental releases. The Board is modeled after the National Transportation Safety Board.

SECTION 6. GENERAL PROVISIONS

This section contains provisions strengthening the enforcement citizen suit, and judicial review provisions of the Clean Air Act and making conforming changes.

STUDENT LOAN DEFAULTS

HON. WILLIAM D. FORD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 8, 1989

Mr. FORD of Michigan. Mr. Speaker, last week, Secretary of Education Lauro F. Cavazos announced the administration's new initiatives to reduce defaults in the Student Loan Program. Student loan defaults are certainly a problem meriting serious attention. Default costs this year are likely to be more than $1.5 billion. However, we should not lose sight of the fact that over 90 percent of student borrowers do pay their loans back, that the student loan programs enable many low- and moderate-income students to pursue post secondary education and that most of the increase in default costs is due to increases in loan volume not to increases in the rate of default.

The Secretary's initiative includes new final regulations for the student loan programs, new proposed regulations, additional administrative actions by the Department and proposed legislation. Under the new regulations schools whose students have a default rate above 60 percent would be subject to having their participation in the student loan programs limited, suspended or terminated in 1991. Schools with lower default rates between 60 and 20 percent would be required to take various actions including implementing pro rata refund policy, delaying certification of loans to first-time borrowers and undertaking default management plans. All schools would be required to provide improved entrance counseling to first-time borrowers, and all vocational schools would be required to provide consumer information, including program completion and job placement data.

The new regulations represent a series of graduated responses and requirements depending on the severity of the default situation at a particular school. No school would be subject to automatic termination from the programs if the default rate of its students exceeds a fixed percentage. I applaud this thoughtful and measured approach relating to the remedies to the severity of the problem. These regulations adopt and refine a number of suggestions that have been developed by the higher education community and in congressional hearings and reports. They show an increased sensitivity and understanding of the default problem in stark contrast to the mindless Draconian meat-ax approach of this Secretary's predecessor.

I also commend the Secretary for acting to strengthen the enforcement efforts of the Department of Education including increased reviews of schools, lenders, and guarantee agencies, increased audits and investigations and vigorous enforcement of due diligence collection requirements for lenders and guarantee agencies. I believe that one of the major causes of defaults becoming a serious problem was the erosion of enforcement efforts by the Department during the Reagan years. During that period cutting back Federal employment and controls was seen as the highest good regardless of the consequences for the sound administration of Federal programs, for safeguarding the taxpayers' dollars and for the public interest.

While I support the constructive steps taken by the Secretary, his efforts unfortunately fail to deal with the root cause of the default problem. The problem is that we are loaning far to much money to low income students. Two-thirds of Federal student financial aid is now in the form of loans whereas a decade ago two-thirds of it was grants. In addition, the purchasing power of the maximum Pell grant, our largest grant program, has diminished in the last decade by 25 percent compared to the CPI and by 40 percent compared to college costs. If you make increasing amounts of loans to low-income students, who are the most likely to default, you will inevitably have increasing default costs. Until we redress the growing imbalance between grants and loans in student aid, the default problem will not be significantly ameliorated. I look forward to working with the Secretary to address this most fundamental cause of student loan defaults.

PUBLIC EDUCATION: WHAT WILL HAPPEN?

HON. NEWT GINGRICH

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 8, 1989

Mr. GINGRICH. Mr. Speaker, the following is an editorial from the May 30 edition of the Washington Post estimating what will happen to public education by the year 2000.

I would urge my colleagues to read this editorial and ask how we can assure that public education will improve and grow stronger:

PUBLIC EDUCATION IS A MESS

(By Paul D. White)

Public education is sinking not so slowly into the West. Use any indicator you choose: the growing dropout rate, the increasing number of districts going bankrupt, the growing mountain of litigation against

school districts, the increasing venom of bargaining units, the large number of educators who jump ship to other professions or the racial polarization threatening to bring the same divisiveness to education it has brought to law enforcement and other professions.

If we don't start facing reality, public education won't live to see the year 2000—at least not without so many governmental I-V tubes and life-support systems that it will hardly be functioning. We need total rethinking, a break with tradition and ritual so we can get on with effective education and throw off everything that is getting in the way.

What's in the way? You don't have time to hear the entire list. However, to whet your interest, I present six of the most widespread policies or attitudes that are killing our education system and briefly touch on what we can do to correct them.

1. EXCESSIVE FEAR OF LITIGATION

The operative word here is "excessive." Schools everywhere are curtailing previously successful, necessary and stimulating activities and neglecting to experiment with new ones because they are afraid of being sued. Should student activities be sanitary? Legal? Reasonably safe? Of course they should, and districts that overlook these considerations have a responsibility to damaged parties. But the fear of someone waiting to litigate against them has driven many districts to water down reasonable extracurricular activities, greatly limit the use of valid films and literature and even endanger students by making sex education so sanitized that it doesn't deal honestly with the tremendous problems of today.

If the system is going under, it's better to fall from the assassin's bullet of irresponsible and unprincipled lawsuits than for education to take its own life by restricting its programs until they lack the vitality that makes education viable. Any program that's 100 percent safe from potential litigation is usually too weak and vapid to be effective. Education is a revolutionary undertaking, and those individuals and districts who fear a legal judgment more than they do depriving students of needed programs need a new vocation or a gold watch.

2. TENURE

How many ineffective teachers are out there? More than file cabinets full of inflated evaluations would indicate. How many do we get rid of? Very few. The biggest obstacle is tenure laws. In most states, if you can manage to do nothing indecent, show up on time and stay relatively sober at work, you are almost guaranteed a lifetime teaching job. It is only probationary teachers that a school system has any real chance of terminating, and the new crop coming in is much more motivated, well-trained and deserving of employment, for the most part, than much of the existing old guard. Why don't principals move on the horde of unsatisfactory tenured teachers? It's too time-consuming, and the other demands of the job are too great.

But whatever the cost, financial or otherwise, it's worth getting rid of tenure. The real cost, in terms of dreams killed and students discouraged by poor teaching, is immeasurable.

3. THE EDIFICE COMPLEX

Our philosophy on building schools is all wrong. New schools cost millions, are built to serve thousands and take forever to construct. Education needs and demographics are constantly changing, and large, permanent complexes are not flexible enough to keep up. Because of their unwieldy size, we pump a disproportionate budgetary amount into heating, cooling, maintenance, transportation and food systems. These funds would be more effectively spent if directed at the students themselves. And what about the students of these megaschools? Who knows? When a small office staff deals with so many young people every day, tight accountability goes out the window. Who really knows whether students are there or not, safe or not, learning or not?

Instead of 2,000-pupil high schools, why not have 10 satellite campuses of 200 students each? Teach them in large, sturdy, comfortable (and cheap) warehouses. Forget trying to create mini-college campuses. Instead offer high accountability and a real sense of personal involvement with each individual. When schools need major resources, they should work with their communities, making use of parks, libraries, playing fields, transportation. Why duplicate unnecessarily and ineffectively? The only real thing the schools would be giving up is . . .

4. INTERSCHOLASTIC SPORTS

It appears this entire institution has taken steroids, because its growth and position of importance in many schools is outrageously out of proportion. Grade fixing? Overlooking drug-use by star athletes? Prime athletes being allowed to remain illiterate? School budgets dependent on athletic gate receipts? No, we're not just talking about college sports any longer; these are facts of life in many large high schools. Academic performance and pride in learning are receiving an increasingly distant priority in comparison with the importance placed on interscholastic sports. Why do we do so poorly in science, math and geography? Because schools, the only places in society that can dignify and reward these pursuits, have turned themselves into entertainment centers, where academics simply fill the time between morning athletic practice and evening games.

The schools should ban interscholastic sports immediately. Physical activity and competition are fun, healthy and harmless, but all three of these benefits can be realized through a strong program of physical education and intramurals. If the colleges desire a minor league system or if the adults of America desire Friday evening entertainment, let them organize and pay for it. Keep schools focused on the academic upgrading of our youth.

5. ONE PLAN FOR ALL STUDENTS

Was it ever a sensible idea to assume that the Harvard-bound and McDonald's-bound, the student who deeply cares and the student who couldn't care less, can both be effectively educated under one roof and one system until they're 18 years old? It's ludicrous, and so are the academic efforts of many high schools. This refusal to track students at an earlier age into programs best suited to their needs has resulted in a diluted curriculum for our brighter students and a glorified recreation/day care program for our technical and trade-oriented students.

Two strong, distinct educational tracks should be developed for students, and the schools should not wait until after the 9th grade to place students in them. Let the college preparatory track be challenging enough to keep up with the rest of the world's scholars. Let the vocational track offer the widest possible variety of employable skills and technological training. Dignify both tracks by creating them equal in quality but distinct in identity.

6. DENIAL, A SUPERIORITY COMPLEX AND INBREEDING

I've listed the last three problems together, because you almost never find one without the other two. All school districts have problems, many have large problems and a growing number can expect the sky to fall any day now. But when is the last time you heard a district (not the community) announce it had a significant problem? The dangerous practice of overt denial is growing. Every public agency that monitors students and their behavior tells the schools that they have problems. The schools issue their own reports and say everything's fine. Someone's lying.

One way schools have discovered for keeping bad news contained is to make it impossible for outside leadership to transfer in. By filling all administrative openings with cronies, the spread of negative news can be kept in, but this also keeps new and innovative leadership out.

To top it off, Americans have a misguided superiority complex about how effective their educational system is. In a recent survey American and Korean students were asked how well they thought they performed in math. Only 23 percent of Koreans, who are the best math students in the world, thought they were good in math. On the other hand, 76 percent of Americans, who are some of the weakest math students in the world, thought they were excellent. Americans are still quick to wave the flag and expound on the wonderful opportunities our free educational system offers. They need to be equally quick in acknowledging our slipping position in worldwide education and courageous enough to take the steps needed to shore it up.

HAPPY BIRTHDAY, JAMES B. LINEHAN

HON. RONALD K. MACHTLEY

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 8, 1989

Mr. MACHTLEY. Mr. Speaker, it is my distinct pleasure today to honor James B. Linehan of Barrington, RI. Mr. Linehan has served the United States of America and the State of Rhode Island with distinguished courage and integrity.

A veteran of World War I, Mr. Linehan served in the French theater. After attending Boston College as an undergraduate and law student, he was appointed to his judgeship following World War II. Mr. Linehan dedicated over 30 years to the bench, serving through some of the most difficult times on the judicial circuit.

Today, Mr. Linehan has 12 grandchildren and 13 great grandchildren. I would like to wish him a happy 95th birthday for this past May 27 and send him our gratitude and best wishes for many more.

REPRESENTATIVE HORTON HONORED AT DINNER TO BENEFIT ISRAEL

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 8, 1989

Mr. GILMAN. Mr. Speaker, I rise today to pay tribute to one of the outstanding Members of this body. It is been an honor and a privilege to serve with my colleague from New York, Representative FRANK HORTON. I believe FRANK should be recognized for his dedication and service to the public.

FRANK is chairman of the New York Bipartisan Congressional Delegation and has served in Congress for 27 years. Recently FRANK was honored with a State of Israel's Bonds Testimonial Dinner in tribute to Frank Horton. FRANK was the recipient of Israel's Jerusalem Medal. Over $2 million was raised for the State of Israel bonds. I believe the following statement by the president of Rochester Institute of Technology, Dr. Richard M. Rose, accurately depicts FRANK HORTON's career in Congress and his dedication to the right of self determination in the Middle East:

FRANK HORTON TESTIMONIAL DINNER

(Remarks by M. Richard Rose, President, Rochester Institute of Technology)

Thank you, Nick—Frank and Nancy—his Excellency Nissen—Congresswoman Slaughter—and friends of Frank Horton.

It is a pleasure to gather with Frank Horton's many friends and colleagues to, again, say a small thanks—for his twenty-seven years of service—in the Halls of Congress.

Frank has always stood foursquare—for justice and fair play.

His historic clash with the White House—not long ago—over the Whistleblower's act—typified this commitment to governmental integrity.

It is appropriate to recognize Frank, at a State of Israel Testimonial Dinner.

The founding of the State of Israel—and this nation's constant support—is symbolic of our commitment to the right of self-determination.

And the recognition of the human rights of all people in the Middle East—as well as other parts of the world.

Are a mainstay of Frank Horton's political philosophy.

I am personally pleased to have been asked to be a participant in this event—which helps enable the State of Israel to maintain its integrity and commitment to justice.

Frank once told me he sees the Mideast as an analog of Rochester: a lot of little people trying to make a living and get along.

This reflects to me: an attitude; a spirit; and a recognition of the equality of all people under god.

Frank, clearly, you understand the hopes and dreams of your constituents—as well as the hopes and dreams of those who desire, to live in peace.

We have no difficulty understanding why you have been returned to office 13 times by resounding margins.

And we shouldn't be misled by Frank's easygoing—down home style.

It masks a very sophisticated knowledge of the Congress and what it takes to: get the job done; and to deliver swing votes on critical defense, domestic and foreign policy issues.

Frank, you have brought to Washington an understanding of people—and an attitude that combines independence of thought—with an understanding of how to make politics work.

Your bipartisan philosophy has won you the respect of leaders from both sides of the aisle.

Many of us in education are grateful: that you have made education a priority; and that you have significantly influenced the federal government in this regard.

And we at RIT—are especially grateful—and we thank you, again, for being a principal supporter of RIT's National Technical Institute for the Deaf.

As a college of RIT:

NTID has demonstrated its impact on the lives of thousands of hearing impaired young people who now are contributors to society.

They arrived dependent on society—and leave self-sufficient professionals.

Value added by any measure—made possible by government support—guided by your leadership.

You see the value of the investment—which, in strictly economic terms, pay dividends in increased taxes.

You also see the human value—of adding dignity—the self esteem—beyond dollar value.

Additionally, at RIT—creation of the Horton Scholars Program—reflects your long-standing and deep interest in education—and in providing business and industry with highly qualified graduates.

The Horton speaker's series has been established at RIT to bring distinguished national figures to our campus—which enhances both the intellectual process—and the educational perspective.

And for the State of Israel—you are another reason to dream positive dreams for its future.

For all of us gathered here—you ideally reflect the vision of our Founding Fathers—carried forward to 1989—as to what a Congressman should be.

Frank, you are truly "an elected representative for the people."

TRIBUTE TO WAYNE TOWNSHIP PLANNER DONALD W. GILES ON HIS RETIREMENT

HON. ROBERT A. ROE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 8, 1989

Mr. ROE. Mr. Speaker, it is with the greatest pride and admiration that I rise today in honor of a special individual and a tireless public and community servant from my Eighth Congressional District of New Jersey who has been a vital asset to the municipality of Wayne, NJ, for nearly three decades.

I am speaking of Donald William Giles, who has served with great distinction for the past 28 years as the Wayne Township planner, and who, having accrued an outstanding record of exemplary service, is now retiring. For all that Donald W. Giles has accomplished, he will be honored with a dinner dance on June 23, 1989, at the Brownstone House in Paterson, NJ.

Mr. Speaker, I know that this event will be a great source of pride to Don Giles' devoted family; his loving wife, Lucille; his daughters, Barbara MacDonald and Leslie Lieber; his granddaughter, Sarah Lieber, and his brothers, Richard and Kenneth Giles. I know, too, that this event will be a great success, thanks to the tireless efforts of dinner chairman John W. Littleton, and the dinner committee, Charles Kelly, Violet Witkowski, Jack O'Brien, Anthony Buzzoni, Thomas Melani, and Albert Tallia.

Mr. Speaker, Don Giles will, indeed, be missed by Wayne Township and by the State of New Jersey. As township planner since 1961, he has been responsible for mapping out the orderly growth of one of the most rapidly growing and complex areas of our country, integrating residential, industrial, commercial, school and recreational development. Wayne's ability to make this transition effectively during the past three decades is a strong testament to Donald W. Giles' unique ability and strong dedication.

Don Giles was born in Brooklyn, NY, and moved to Summit, NJ, at age 8. He attended Summit High School, served in the U.S. Navy and then entered Worcester Polytechnic Institute, where he received his degree in civil engineering in 1950. He began learning his trade during the decade from 1951 to 1961 as an assistant planner with a private consultant firm in New York City.

Mr. Speaker, in 1961 Don Giles was appointed by Wayne Township Mayor Richard P. Browne as the municipality's first township planner. He has performed so well in that capacity that he has been reappointed every 4 years, serving a total of seven terms.

Among his many outstanding accomplishments, Donald W. Giles was instrumental in acquiring State and Federal funding for open land within the township, as well as getting developers of major subdivisions to donate land for Wayne's 2,588 acres of reserved parcels of parkland. He also obtained funding that enabled the township to purchase the estate home of noted writer Albert Payson Terhune, the author of the "Lassie" series.

Mr. Speaker, Donald W. Giles was also instrumental in the establishment of the Route 23 urban renewal area located in the mountain view section of Wayne, and he helped to establish the mountain view restoration project and to acquire State funding for it. In addition, under Don Giles' tenure, Wayne's first shopping center, the Preakness Shopping Center, was developed in 1962, and the Rouse Co. of Maryland selected Wayne as the site for its shopping mall which in 1966 was considered to be the world's largest regional shopping mall consisting of more than 105 acres.

One of the most outstanding experts in the field of planning, Donald W. Giles was instrumental in establishing Wayne Township's master plans, the official map of parks in 1963 and the official map of the township establishing present and proposed future growth of the municipality.

In 1982 Don Giles' work was recognized by New Jersey Gov. Thomas Kean, who appointed him as a member of the New Jersey State Board of Professional Planners Licensing Board, on which he is serving his second 4-year term. In addition, Donald W. Giles is

highly active in the New Providence Presbyterian Church, to which he and his wife have belonged for 32 years and where he is in charge of recordkeeping and accounting.

Mr. Speaker, I appreciate this opportunity to present a brief profile of a truly outstanding individual and public servant who has used his considerable skills to help guide the planning for the township of Wayne, NJ, thereby making it the fine place to live that it is today. It is with great pride then, Mr. Speaker, that I invite you and our colleagues to join me in saluting a great individual and great American who has truly made his community, State, and Nation a better place to live, Donald W. Giles, township planner of Wayne, NJ.

ANNUAL SURVEY

HON. WILLIAM D. FORD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 8, 1989

Mr. FORD of Michigan. Mr. Speaker, every year since I first entered the Congress in 1965, I have surveyed the views of my constituents on a wide range of national issues. This year's survey, the 25th I have conducted, received a tremendous response. Approximately 12,000 people answered the survey, which asked 13 yes/no questions and also asked each individual to list the activities of the Federal Government which should receive an increase or a reduction in funding.

At this time, Mr. Speaker, I would like to share the responses of my constituents in the 15th Congressional District of Michigan with my colleagues. The 20 communities that make up the 15th Congressional District are Augusta Township, Belleville, Canton Township, Dearborn Heights, Garden City, Huron Township, Livonia, Milan, Romulus, Saline, Southgate, Sumpter Township, Superior Township, Taylor, Van Buren Township, Wayne, Westland, York Township, Ypsilanti, and Ypsilanti Township.

Both in this year's survey and last year's, housing program were among those most frequently named as deserving more Federal aid. To test the depth of my constituents' support for such aid, I asked them whether they would be willing to pay $100 a year more in Federal taxes to address the problems of the homeless. A surprisingly large number, 36 percent, said "yes." A tax increase of that size would support a $10 billion increase in what is currently a $550 million program of assistance.

I also asked whether my constituents support establishment of a National Housing Trust to provide $2 billion a year in subsidized low-interest-rate mortgages to help renters buy their first home. Fifty-three percent said Congress should enact such an initiative.

The survey's two questions relating to foreign trade provoked one-sided responses. Seventy-nine percent favor extending the President's authority to negotiate voluntary restraint agreements [VRA's] with foreign steel producers for another 5 years. The VRA's have helped reduce steel imports to less than 20 percent of the U.S. market, down from 30 percent in 1984.

An even greater majority opposes President Bush's deal to transfer F-16 technology to Japan for coproduction of a new fighter airplane, the FSX. Eighty-three percent of my constituents want Congress to block the licensing agreement between General Dynamics and Japan. I was an original cosponsor of the House resolution to disapprove the FSX deal. Though the disapproval resolution was defeated in the Senate, I intend to continue to work with the House FSX task force to find a way to block or limit this outrageous giveaway of American technology.

As it usually is among the people of the 15th District, defense spending was singled out as the area where the Federal budget most needs reduction. What I found surprising, however, was the fact that nuclear weapons programs were identified as a high priority for budget cuts even apart from the general category of defense.

My constituents' negative feelings about nuclear weapons were reflected in their very strong opposition both to expansion of the MX missile program and to deployment of the Midgetman mobile ICBM. Seventy-six percent oppose spending $5.4 billion for the Rail Garrison MX, and 82 percent oppose the more expensive Midgetman Program.

Even larger majorities favor negotiations of an arms control agreement with the Soviet Union. Eighty-six percent of my constituents want President Bush to conclude the nuclear arms reduction treaty that President Reagan initiated. Eighty-three percent want the President to negotiate even deeper cuts than the 50-percent reduction in nuclear arsenals that Reagan and Gorbachev tentatively agreed to.

Despite the fact that our national unemployment rate has fallen below 5.5 percent, concern about job loss remains high in my congressional district. A substantial majority favors increasing funding for the Economic Dislocation and Worker Adjustment Assistance Act [EDWAA] to $600 million a year, even at the risk of increasing the budget deficit.

EDWWA provides money and technical assistance to State and local agencies to retrain and help reemploy people who are permanently laid off. When a business shuts down or lays off 50 or more workers, it is required to notify the Governor's Office of Job Training 60 days in advance. The Job Training Office then coordinates the delivery of financial and job counseling, training, and placement services, before any of the workers is actually terminated.

Senator HOWARD METZENBAUM and I have helped lead an effort to add resources to the Dislocated Workers Program. The fiscal year 1990 budget resolution calls for a $200 million increase, but no decision has been made yet by the Appropriations Committees.

My constituents feel very strongly that the Federal minimum wage should be increased. Seventy-nine percent agreed that the minimum should be raised to $4.65 by January 1992, and many of those who opposed that increase did so because it was not enough.

Congress has passed H.R. 2, which would raise the minimum wage to $4.55 by October 1991, but President Bush says he intends to veto it. I intend to work with my colleagues to override the President's veto if he is so meanspirited as to cast it.

I asked one other employment-related question on this year's survey—whether Congress should enact the Family and Medical Leave Act, H.R. 770. H.R. 770 would require businesses with 50 or more employees to provide up to 10 weeks of unpaid leave to employees who request it after the birth or adoption of a child, to care for a seriously ill child, spouse, or dependent parent, or during a period of medical disability.

Seventy-seven percent of my constituents said they want Congress to enact the Family and Medical Leave Act. I am a cosponsor of H.R. 770, have voted for it in both of my committees this year, and will do all I can to see that it becomes law.

For the first time ever, the environment was named as my constituents' highest priority for Federal action, beating out drugs, the Federal deficit, and education as areas needing more attention. I was especially impressed with the strength of this response because the question assumed that tackling this problem might require an increase in the Federal budget deficit.

I believe that the perils of global warming, the *Exxon Valdez* disaster, and the solid waste and toxic waste disposal crisis have made my constituents more aware than ever of the fragility of the environment. They are willing to take radical steps to protect the environment. And they are willing to pay to accomplish this important goal.

Ninety-three percent favor a law that would require the States to implement recycling programs that would increase the proportion of garbage that is recycled to 25 percent.

Ninety-seven percent want the Federal Government to encourage the development of markets for degradable plastics.

And 69 percent of my constituents want the Federal Government to provide money to promote waste reduction techniques by industry.

The 101st Congress will consider several proposals to investigate methods by which the Federal Government can encourage businesses to reduce the amount of waste generated during the production process and to create products that can be recycled. I am a cosponsor of H.R. 1457, the Waste Reduction Act, which seeks to encourage the voluntary reduction of hazardous wastes created during the manufacturing process. Among other things, the bill would provide matching grants to States to provide on-site technical assistance to small- and medium-sized businesses to enable them to identify and implement appropriate waste reduction practices.

I am also a cosponsor of H.R. 500, the Recyclable Materials Science and Technology Development Act, to promote a public-private sector effort to develop recycling technologies and open new markets for recyclable consumer products.

As in past years, my constituents identified defense spending and foreign aid as the areas where they would like to see Government spending reduced. Welfare was a distant third, perhaps because people are waiting to see whether last year's welfare reform bill, whose JOBS Program will be phased in over the next 3 years, will be successful in moving welfare mothers off the rolls and into productive work.

Pentagon programs have never been less popular among my voters. They perceive the costs of our nuclear weapons program to be out of control and many believe that waste, fraud, and abuse are endemic in the Pentagon procurement system. As far as I can tell, they are right.

Northrup, which is building the $500-$600 million B-2 Stealth bomber, has a sordid track record. The Justice Department and Congress are investigating allegations that Northrup paid bribes to foreign countries, OSHA is investigating an epidemic of occupational disease among its workers, and the company has been indicted for criminal fraud because it delivered weapons to the Air Force that don't work. This history has led to my cosponsorship of H.R. 1337, which would force the Pentagon to declassify the production records, cost accounting, and testing of the B-2 (the most expensive planes ever built) so that Congress and the General Accounting Office will be able to oversee its development and judge whether the B-2 should be canceled or produced.

As I said at the outset, Mr. Speaker, I was very pleased by the overwhelming response my survey generated. This annual questionnaire continues to be a valuable learning experience for my constituents and for me. All who responded have my heartfelt thanks.

A VISIT TO WASHINGTON, DC

HON. NEWT GINGRICH

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 8, 1989

Mr. GINGRICH. Mr. Speaker, the following is a letter I received from a constituent of mine, Kenneth Dodd. His account of the experiences in Washington with a tour group from Herschel Jones Junior High School is appalling.

I would urge my colleagues to read this editorial and realize the urgent need we have to clean up the District from the prevailing crime and drugs that are present.

The letter follows:

HERSCHEL JONES JR. HIGH SCHOOL,
Dallas, GA, March 28, 1989.

Congressman NEWT GINGRICH,
Carroll County Court House,
Carrollton, GA.

DEAR CONGRESSMAN GINGRICH: During the week of 19-25 March 1989 I led a tour group from Herschel Jones Junior High School of Dallas, Georgia to Washington, D.C. We were appalled at what all we saw. Bums were laying all over the streets. We stayed in the Hotel Harrington and several evenings while eating supper bums would come in and attempt to pan handle scraps of food off the plates of the students. One evening a bum walked into the hotel dining room and picked up a supper plate and fork of a student of mine and walked out onto the street with it despite there being a guard on duty in the lobby.

One evening a 13-year-old student of mine looked out of his fifth story hotel room window and witnessed a murder in the alley. He saw a thug lunge for a bum with a knife and stab the victim to death. His mother was upset as she told me about it. The boy has refused to discuss the matter with anybody but his mother.

Across the street from the White House some boys with my group went to a public underground rest room. When they entered they saw a bum that was stark naked taking a bath in a sink. One boy gave the bum $1.50 after he begged for a handout. The children looked out of our chartered bus and saw two bums fighting over a park bench. We saw a bum "high as a kite" on drugs doing a wild dance in the middle of the street directly in front of the White House.

Is there nothing that can be done? The chief of police of Washington, D.C. seems to feel that the thing to do is let the drug killers kill each other off until they decide among themselves who will control Washington.

I intend to take another group to the nation's capital next year but would greatly appreciate it if you would support measures that would lead to the cleaning up of Washington even if it requires calling out the Marines with tanks anf flame throwers.

Sincerely,

KENNETH L. DODD.

Buchanan, GA.

JENNIFER CABRAL, OUTSTANDING STUDENT

HON. RONALD K. MACHTLEY

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 8, 1989

Mr. MACHTLEY. Mr. Speaker, it is my distinct pleasure to congratulate Jennifer Cabral, of Bristol, RI, this year's recipient of the first annual Ronald K. Machtley Award for Our Lady of Fatima High School in Warren, RI.

This award is presented to the student, chosen by Our Lady of Fatima High School, who demonstrates a mature blend of academic achievement, community involvement, and leadership qualities.

Jennifer has clearly met this criteria by being a member of the National Honor Society for 2 years. She has also been very active within student government as a class officer, student council member, and president of the student council her senior year. In addition to being coeditor of the school yearbook, she has been a committed member of the pro-life club, the drama, chorus, and the dance club. Outside of school, she has been a camp counselor for Sisters of St. Dorothy Camp.

I commend Jennifer for her achievements and wish her all the best in her future endeavors.

INTRODUCTION OF WORKERS POLITICAL RIGHTS ACT

HON. TOM DeLAY

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 8, 1989

Mr. DELAY. Mr. Speaker, today I am introducing a bill I believe reaffirms the very basic personal rights of every American worker in our Nation, including the right to choice, freedom of speech and association, and the basic right to know.

As we have spent nearly the first 6 months of the 101st Congress fighting off accusation after accusation of ethics violations, the very name of our Congress has been smeared almost daily. Little attention has been paid to the people we were sent here to represent—the American worker.

It is high time to recognize that the American public is clearly crying out for ethics reform. And campaign and election ethics reform is at the top of the list. We need to ensure that workers in this country get the representation of their choice. We need to ensure that workers are afforded their basic right to choose what political causes and candidates they wish to support. And we need to restore faith in the Congress and the American democratic process for which our citizens and others were willing to defend till their death.

My legislation seeks to protect our workers' rights by stopping the common practice of forcing workers to contribute to political causes they do not support.

Unfortunately, the practice of forced dues politics, while slowed, still continues.

Overall, $9.4 billion (1982 figures) went to U.S. labor unions. Of that amount, an estimated $355 million—money that came from the pockets of more than 17,200,000 hard-working, union dues-paying members—was spent last year by union management on unreported political activities. I feel safe in saying that a vast majority of the millions of union members in this country have no idea how those political moneys were spent.

Our workers are entitled to know how their money is being spent and they have the right to choose what political activities they want to support or oppose.

Instead, millions of American workers have long been forced to contribute money through their union dues to causes they do not support. In addition, workers' money is being spent to lobby for causes unrelated to a union's duty of fair representation.

I'll give an example. Texas, as many of you may know, is in general opposed to gun control. I know workers in my district would be outraged if they realized that their union dues support extensive lobbying for gun control and welfare programs—and other legislation they may oppose, like tax increases, opposing a balanced budget, and weakening the defense of our Nation.

When deciding the case that is the basis for this legislation: Beck versus Communication Workers of America, the Supreme Court stated that "Congress authorized compulsory unionism only to the extent necessary to ensure that those who enjoy union-negotiated benefits contribute to their cause."

I agree.

While I recognize no one should get a free ride and benefit from labor management's bargaining representation by not paying their fair share of union dues, I also very strongly believe that union members paying either union dues or the substitute agency fees should have the right if they so choose to pay only that portion of the dues that pertains to collective bargaining—and not to political causes they do not support.

John Hurley along with Harry Beck and several others of his coworkers objected to what they believed to be a misuse of their funds. After discovering they were unable to stop these expenditures through internal union procedures, they resigned from the union. When forced to pay the compulsory agency fee instead of dues, they found that their hard-earned money was still being spent on activities unrelated to collective bargaining activities. In 1976, they decided to sue for their rights, their beliefs, and their freedom of speech and choice.

Twelve years and $700,000 later, the U.S. Supreme Court concluded the workers were right. The Court determined that only 21 percent of their compulsory fees were used for collective bargaining activities and that they were entitled to be reimbursed for the nearly 80 percent of their fees that was spent on political and other activities.

While the Court ruled that labor union members may demand a rebate of that part of their compulsory dues not used to negotiate and maintain their contracts, the problem today is that individual members of unions must ask for their dues back and sue in court. This is expensive, it makes it very difficult for members to secure their rights, and members are often intimidated.

Clearly, this is wrong. American workers should not be put through the wringer to find out how their hard-earned money is spent.

My bill would help workers cut through this red rape and afford them the right to know how much of their dues is being spent dutifully on collective bargaining matters and how much is spent on political and other activities—without having to file suit and wait years for the outcome.

While contributing to candidates and political causes that are in line with one's own beliefs is truly a basic American right, such political contributions should be voluntary.

We should elect our representatives, pass certain legislation, improve existing laws, and support various political causes the democratic way—not the dictatorial way.

FRIDAY NIGHT ALIVE

HON. BARBARA BOXER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 8, 1989

Mrs. BOXER. Mr. Speaker, I wish to salute a courageous and forward-looking group in the county of Marin called "Friday Night Alive." This group was formed with the goal of reducing teenage alcohol and drug-related automobile crashes. At this time of year, their Safe Graduation Committee issues proclamations, holds community meetings and enlists the aid of the student bodies and the community to make sure that high school graduation night does not turn into a night of tragedy for our young people and their family and friends.

There is a growing awareness of the seriousness of drug and alcohol problems among youth in this country. The efforts of this group and the community to organize alcohol and drug-free graduation night dances and parties have been a huge success. Graduates have responded enthusiastically to these innovative and exciting parties.

In addition to providing a night to remember for these young people, these parties also send a powerful message to our young students that drugs and alcohol are not necessary to have fun.

I believe this kind of community response to an urgent problem deserves the commendation of everyone. My congratulations to everyone involved in it.

H.R. 1502

HON. RONALD V. DELLUMS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 8, 1989

Mr. DELLUMS. Mr. Speaker, H.R. 1502, the District of Columbia Police Authorization and Expansion Act of 1989, is a bill to authorize the appropriation of funds to the District of Columbia for additional officers and members of the Metropolitan Police Department of the District of Columbia. In addition, H.R. 1502 as amended, resolves the historic preservation problem and allows the construction of an 800-bed prison facility to proceed. Also, it calls for the implementation of a community based policing system. Mr. Speaker, H.R. 1502 as amended, is the result of a bipartisan compromise worked out between this Member and the distinguished ranking Republican member of the Committee on the District of Columbia, the Honorable STAN PARRIS of Virginia.

Mr. Speaker, I can think of no other issue that grips the heart of America, than does the sale and use of illegal drugs. Although some might believe differently, no section of our country has been or is immune from this scourge. From tiny farm communities to big cities like Los Angeles, Miami, Phoenix, Philadelphia, Dallas, and Washington, DC, young men and women are being destroyed by the use and sale of drugs. Mr. Speaker, I don't think it would be too far afield to say that almost every Member of this body knows someone in their respective district that is directly affected by drugs. It is truly a national problem, one that reflects a deeper more insidious change in the fabric and makeup of our country's values.

Here in the National Capital region we have witnessed an onslaught of death and dying that is both staggering in proportions and of sobering consequence. The young men and women who have perished as the result of drug-related violence were the children of our future. Mr. Speaker, during the subcommittee markup session of H.R. 1502, the distinguished Member from the District of Columbia spoke of the personal side of the drug tragedy in his opening remarks, a portion of which I enter into the RECORD at this time:

We have been led to believe by some people that someone killed while selling drugs is somehow a non-person with no ties to the local community, simply another number on a long list of numbers recorded at our city's coroner's office. Surely this belief cannot be true.

Each time a young man dies, no matter what the reason, his death directly and profoundly effects his mother, his father, his sisters, his brothers, and other relatives and friends. To believe otherwise is to ignore the outpouring of emotion that is expressed at funerals recorded by the media for all of us to see. Mothers are weeping because their children are dying. That child has a name and an age and a place at the supper table and a bedroom of their own or a bed in a room shared by other brothers and sisters. His mother comforted him when he was a little child and watched him as he played games with other children and suddenly because of a violence that she cannot understand, no matter who tries to explain it to her, that son, that one time child of hope is gone and she weeps from deep within herself. And only the most callous among us do not weep with her.

So I know we are all deeply concerned about the drug dealing violence in our Nation's Capital and I welcome the concern of Members of Congress, some of whom live here and all of whom work here in coming to grips with this plague.

And if we can't win the war on drugs in our Nation's Capital with all of us here as partners in this effort, we can't win it anywhere.

Mr. Speaker, in full cooperation with my distinguished colleague from Virginia, the ranking Republican member of the District of Columbia Committee, I will move that H.R. 1502 as amended, be brought under suspension on Tuesday, June 13, 1989. H.R. 1502 as amended, is the first phase of a four part plan to confront the drug plague in the District of Columbia. It will provide additional needed funding over a 5-year period to hire 700 additional law enforcement officers as well as overcoming obstacles that have prevented the construction on a new 800 bed prison in the District of Columbia. It takes 18 months to 2 years to train police officers during which time I will propose the additional steps needed to complete a comprehensive attack on the drug problem.

I urge my colleagues on both sides of the aisle to vote in favor of passage of H.R. 1502 as amended.

GUARANTEEING ADEQUATE STAFFING FOR SOCIAL SECURITY OFFICES

HON. CLAUDINE SCHNEIDER

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 8, 1989

Ms. SCHNEIDER. Mr. Speaker, today I am introducing legislation that directs the General Accounting Office to investigate the impact of staffing cutbacks at Social Security field offices and the institution of a 1-800 telephone line. This bill will also implement a moratorium on further loss of personnel until the impact on those most vulnerable, namely the frail elderly, individuals with disabilities, and those with special needs, can be assessed by GAO.

Mr. Speaker, last month the Select Committee on Aging held hearings on this very topic in my district and witness after witness told of the detrimental effects of this so-called down sizing. We heard from elderly who were unable to access Social Security for even the most basic information. Frail elderly and

people with disabilities were asked to wait literally hours in line only to be told that there was no one to help them. Witnesses provided documented cases of staff providing incorrect information at the newly implemented 1-800 teleservice centers. It is clear to me that we need to take a good hard look at the overall impact of down sizing before we leap into a system that will insure only that the most vulnerable suffer the most.

Creating a system that is efficient for people as well as for the Government is critical, but it would appear that to date the vigorous efforts at down sizing has only served some agency officials' needs. The impact on those whose very existence depends upon Social Security has been ignored long enough. We simply can't expect people to wait months for benefits, because we don't have the staffing to get the claims done. We can't turn our backs on those who are hearing impaired or unable to communicate. We can't expect that simply because the Social Security Administration has devised a plan the frail, the sick elderly, and people with physical and mental impairments will suddenly be able to pick up a telephone, dial a number several States away, and if they are lucky enough to get through, articulate their needs. With the system as it currently exists, we can't even guarantee that if they do get to speak with someone, they will get accurate information!

I was also shocked to learn in the course of the hearing that an estimated 37 to 50 percent of the very poorest of Social Security recipients are not even aware that the SSI programs exists to serve their needs. Further reduction in staffing in the field offices will certainly make access and information about this program just that more elusive. Remember, this is not a welfare benefit, rather it is an entitlement for those elderly with the very lowest income. I cannot believe that a program that allows poor elderly to remain in dire poverty simply because of lack of information is working effectively to meet the needs of its beneficiaries. Even one elderly person living below the poverty line because he or she doesn't know about an entitlement, is needless human suffering.

I fear that the Social Security Administration's plan has lost sight of the very population it was set up to serve. Very simply, my legislation seeks to refocus attention on the need to provide service to social security recipients. Specifically, this bill:

Requires that GAO conduct a study to determine the impact of proposed staffing changes on beneficiaries, and particularly those with special needs;

Calls for a moratorium on staffing cuts until the study can be completed;

Allows local offices to maintain current staffing levels if they lose employees to attrition while the study is being undertaken;

Requires SSA to provide a protective accountability for communication.

This final requirement insures that people inquiring about their Social Security benefits are given accurate information by Social Security Administration employees and that records are kept of the inquiries and the answers provided.

I urge my colleagues to support this bill. Social Security beneficiaries will be grateful for your cosponsorship.

AMY KATHLEEN AHLBRECHT HONORED

HON. RONALD K. MACHTLEY

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 8, 1989

Mr. MACHTLEY. Mr. Speaker, it is my distinct pleasure to congratulate Amy Kathleen Ahlbrecht, of Newport, RI, this year's recipient of the first annual Ronald K. Machtley Award for Rogers High School in Newport, RI.

This award is presented to the student, chosen by Rogers High School, who demonstrates a mature blend of academic achievement, community involvement, and leadership qualities.

Amy has clearly met this criteria by being a member of the National Honor Society and the Rhode Island Honor Society. She has been very active in her school and community. As a junior, she was secretary of the student council and president her senior year. She was also editor-in-chief of the school yearbook her senior year after spending 3 years on staff.

Amy's interests also extend beyond the classroom. She was a student representative to the Newport School Committee. As a member of the Newport Community Task Force, she has helped to fight the plaque of drug use in our schools.

I commend Amy for her achievements and wish her all the best in her future endeavors.

CENTENNIAL ANNIVERSARY OF ACTUARIES

HON. ROD CHANDLER

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 8, 1989

Mr. CHANDLER. Mr. Speaker, I would like to congratulate the actuarial professionals in North America on their centennial anniversary. Actuaries from Canada and the United States have participated in a year-long series of events which will be highlighted by a 3-day centennial celebration in Washington, DC, June 12 through 14.

The function of the actuary dates back to the 18th century in Europe. However, it was not until 1889, that business leaders recognized the role of the actuary as a profession by establishing the Actuarial Society of America.

The anniversary program is coordinated by a consortium of five leading United States and Canadian actuarial groups. Their goal is to educate the public to the broadening role actuaries play in business and public policy decisionmaking.

Many people do not realize the important role actuaries play in our society. Actuaries were recently rated in the 1988 Jobs Rated Almanac as having the No. 1 career. In brief, actuaries are responsible for making sure that all the financial promises made by insurance companies, pension plans and government agencies like the Social Security Administration and the Department of Veterans Affairs are promises kept. Literally every person who has a pension or retirement plan, and health, life property, and casualty insurance is placing his trust in an actuary.

Actuaries use statistical and economic techniques to evaluate the financial, economic and business implications of future events. Actuaries represent the "brains behind the business" and are responsible for the financial solvency of a company's or client's projects, programs and investment portfolios.

The consortium is represented by the American Academy of Actuaries, the Canadian Institute of Actuaries, the Casualty Actuarial Society, the Conference of Actuaries in Public Practice, and the Society of Actuaries. The more than 13,000 actuaries in North America are members of one or more of these groups.

The centennial celebration will feature a keynote address by Willard Z. Estey, retired justice of the Supreme Court of Canada and current deputy chairman of the Central Capital Corp.

The Washington conference also features two general sessions on topics such as asset allocation, credit risks, health care and pensions, and a report by the Task Force on the Actuary of the Future to be released at a Washington news briefing. The report focuses on the actuary's rule for the future, including expansion into working risks in inflation, epidemics, securities defaults, and political change.

To further emphasize the expanding role actuaries will play as North America enters the 21st century, the consortium is sponsoring a series of four seminars, called Forecast 2000, which will deal with the exciting areas in which actuaries are practicing. Each seminar will involve a panel of actuaries expert in the subject matter being discussed. The panelists will discuss the changes to take place at the end of the 20th century and how business and government should prepare for them.

The Forecast 2000 seminars will focus on long-term care, environmental risks, pension and employee benefits and asset management and investments.

Mr. Speaker, I urge Members to join me in commending the actuarial profession in North America for their 100th anniversary and the fine job they have performed since the 18th century.

TRIBUTE TO THE MARCHING COBRAS

HON. ALAN WHEAT

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 8, 1989

Mr. WHEAT. Mr. Speaker, it is with great pride that I rise today to bring to the attention of my colleagues the 20th anniversary celebration of a Kansas City treasure, the Marching Cobras.

As Kansas City's foremost ambassadors of good will, the Marching Cobras have traveled across the Nation and abroad to perform their unique routines for captivated audiences. Their routines are unique because the March-

ing Cobras don't just march—they dance, prance, run, jump, and wriggle with a precision that is marvelous to behold. While some refer to the Cobras as a drill team, they are really a dance and drill team. Or, as their director says, "The Cobras don't march—they perform."

Who are the Cobras? They are a group of 150 talented elementary and junior high school students from across the Greater Kansas City area who meet strict eligibility standards of good conduct and scholastic achievement. They are highly motivated, creative young people who work hard to perfect their routines and who serve as role models for other young people in the community. Above all, they are simply great entertainers.

While they have won over 200 first place awards in competition, the Cobras' greatness is reflected in the stature of their audiences. They have performed three times at the Cotton Bowl in Dallas; on "Kidsworld," the nationally syndicated television show for children; in the Fourth of July parade here in Washington, DC, the Freedom Week parade in Philadelphia, and the boardwalk in Atlantic City; at Disneyland and Knotts Berry Farm in California; in Hollywood in a TV pilot show; and at the Carnival of Festivals in Nice, France, where they won three first-place awards. And probably their biggest thrill was performing in a very special garden—the Rose Garden of the White House, where former President Ronald Reagan enjoyed a uniquely American performance.

The Marching Cobras are the product of one man's concern and love for the kids in his community. Willie Arthur Smith formed the Cobras in 1969 when he was a teacher of seventh and eighth grade social studies at Lincoln Academy South. The formation of the Cobras grew out of his conviction that the inner-city children he taught were in need of a constructive, meaningful social activity that would keep them off the streets. Twenty years later, Willie Smith has nurtured what was originally 13 boys performing in the school talent show into a world-renown performance group that has touched the hearts of millions. His is an accomplishment that deserves the highest praise and commendation.

Rather than becoming complacent by success, Willie Smith has continued to focus all his efforts on the Cobras. He still requires the daily 2-hour, high-intensity practices which keep the Cobras sharp and disciplined, and the children respond to his challenge. Boys and girls, young and old, he exhorts them to hone old routines while creating and mastering new routines for the future. By challenging them to always do better, Willie Smith instills in the children a work ethic and confidence in one's ability that serves each of them well as they grow older. As such, the story of the Cobras never ends with their latest performance—it is retold as those who were once Cobras carry the values they have learned into adulthood.

On June 18, the Marching Cobras mark their 20th anniversary with a gala celebration and performance at Kansas City's Starlight Theatre. It will be a special evening for thousands of Kansas Citians who have taken the Cobras to heart, for the Cobras themselves, and for Willie Smith. It is a pleasure and a privilege to call their accomplishments to the attention of my distinguished colleagues, and I extend my congratulations and best wishes to the Cobras for a successful celebration.

INTRODUCTION OF THE CORRECTIONAL EDUCATION ASSISTANCE ACT

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 8, 1989

Mr. CONYERS. Mr. Speaker, today I rise to introduce a bill that would direct sorely needed funds to a population that, without assistance, will continue to be a great cost and a burden on society. The people I speak of are the rising population of unskilled, incarcerated individuals who, without help, stand to remain dependent on society for most of their lives.

We have a huge stake in our inmate population; 95 percent of all offenders leave prison after less than 2 years. After hitting the streets, half end up right back in prison. Our prisons now hold a record 580,000 people and rising. Another 275,000 are in jails and 83,000 children are in juvenile facilities.

This means almost a million people are imprisoned today, dwarfing the size of most American cities. If we include parolees, 4 million people are under correctional supervision; 4 million and rising.

One out of every thirty adult males is under some type of correctional supervision. One in twelve black males in their twenties are incarcerated. In fact, there are now more black males in prison than in college full time. Without a real improvement in the prospects for rehabilitation, we are in danger of losing a generation.

To look for a cause, we only need examine a profile of the inmate population. Nearly 95 percent of inmates do not possess the basic skills needed for the most menial employment. Ninety percent did not finish high school and half cannot read or write.

The costs of the revolving crime-and-incarceration door are staggering. We spend up to $24,000 for a single State or Federal inmate each year, and maximum security runs as high as $35,000.

But if society's goal is to punish, the question is, Who is punishing whom? We are paying a massive and rising cost in crime and incarceration. By overcrowding—by incarcerating without rehabilitating—we are accessories to the high recidivism rates.

The most practical rehabilitative tool is education. Education socializes and provides a positive self-image. Mere confinement without education or job training only delays the time when these offenders return to the streets without addressing the issues which caused them to break the law initially.

And rehabilitation is less expensive than incarceration. It costs between $50,000 and $100,000 to build one new prison bed; plus the annual $20,000 to $35,000 to feed and house an inmate. Tuition at the most prestigious colleges in America are just a fraction of those costs. Yet prisons only spend 7 percent of their budgets on education.

Rather than simply warehousing offenders, we must try to replicate successful rehabilitation programs at the State level. For example, the Berrien County, (MI,) Juvenile Center provides a full range of educational and vocational programs resulting in a 50-percent success rate. And studies have shown that parole failure rates decrease by more than 33 percent for participants in correctional education programs.

We were fortunate enough to pass my correctional education bill as part of the Omnibus Education Bill of 1987, which dedicated 10 percent of all adult basic education funds to prison education. It has provided some much needed funds to the Department of Education and National Institute of Corrections for education.

Unfortunately, this only scratches the surface of the real need. We can look to Lorton, where inmates are doing little more than watching TV and shooting hoops. The level of boredom is sinful. For them, and thousands of other inmates, prison is little more than a classroom for criminal behavior, and the entire idea and opportunity for rehabilitation has been ignored.

So I am again introducing legislation; this time to infuse $50 million into prison education. The bill would establish a correctional education office within the Department of Education to grant money to State and local providers and community based organizations. These are the people who can provide the best examples of success for those so in need of examples.

The only way we will truly mend the situation is through a massive investment in our youth—education, employment help, aid to children, new housing stock. If we find ourselves unable to make such a massive commitment, the least we can do is direct funds to those most in need, to free prison inmates of their bonds of illiteracy and lack of employable skills so that when the prison doors open, they will not find every door but that marked "crime" closed for them.

A TRIBUTE TO MARGARET "MAGGIE" SCHELEN

HON. VIC FAZIO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 8, 1989

Mr. FAZIO. Mr. Speaker, I rise today to salute my dear friend Margaret "Maggie" Schelen because of the outstanding contributions she has made to the community and the help she has given me which has enhanced my ability to serve my constituents.

Maggie was born in Philadelphia to Charles and Mary Ring. The second daughter and third child of Armenian immigrants who came to America seeking refuge from the oppression and tyranny of the Ottoman Empire. The Ring family moved to California when Maggie was 2 months old. The climate was more like the "old country."

Maggie's parents instilled a love of reading in her. Intellectual stimulation and the impor-

tance of challenging the injustice of society were family goals. Charles Ring was instrumental in starting the Ladies Garment Worker's Union in Los Angeles in the 1920's. This union was one of the more progressive of the day, fighting for decent wages and better working conditions. They attempted to eliminate the infamous sweatshops where immigrants who could find no other jobs were forced to work.

Maggie attended Los Angeles City College where she studied to become a dental assistant. In 1941, she married Robert Edward Schelen. The Schelen family built their home in Arcadia, CA, where their two children Delilah Ann and Robert (Bob) Charles were born.

While taking time to raise her children, Maggie became involved in many local organizations. She was a Camp Fire Girl mother. She had been a Camp Fire Girl herself. Maggie was also an active PTA member. Here's a typical Maggie story. At one point, PTA members told her that she could not ride her bicycle to meetings. They suggested that she should walk or drive because they felt it was not dignified to ride a bicycle to meetings. Maggie's solution? She put bells on her bicycle to announce her arrival.

As a PTA member she suggested several reforms for the schools. She proposed that some classes be geared for students that might not be able to or have the inclination to go to college. This was a daring suggestion at the time and she was severely chastised for it. But that's Maggie, always forward thinking, always caring about others, and always looking out for those who might slip through the cracks.

In 1960, Maggie began to work outside of her home again. She worked at St. Luke's Hospital and then for an insurance company. It was during this period that the late Jess Unruh, the former California State Treasurer and Speaker of the California State Assembly, would ask Maggie to work for him because he needed someone with her people skills in his district office.

In 1965, she began working in Unruh's district office. There she served as the constituent relations representative and on her own time served as volunteer coordinator for the Unruh political organization. This was a master stroke and it was here that Maggie found her true calling. One year later, as a CORO Foundation intern I was assigned to Unruh's office. This is where I met my surrogate mother, Maggie.

In 1970, Maggie headed the Unruh for Governor volunteer organization. The next year, she accepted a position with then Assemblyman David Pierson and moved to Sacramento where she has resided ever since. In 1973, she was asked to join the staff at majority services. Maggie worked there for 12 years until her retirement in 1985.

Upon her "retirement," I was first in line to ask her to join my staff. Rather than enjoy her retirement in leisure, she spends the greater part of each week as a constituent caseworker in my Sacramento District Office. In the office, Maggie handles some of the most difficult cases, working with the Office of Personnel Management to solve the problems of my constituents. Nothing can get by Maggie; one can often find her on the telephone, insisting that our constituents be treated fairly. She is persistent when needed so that people no longer feel "wronged" by the Federal Government. If it weren't for Maggie, there would be some very unhappy and disgruntled constituents in the Fourth Congressional District.

Everywhere Maggie goes, she either has friends or makes them along the way. Every time Maggie introduced me to "someone I needed to know," I enjoyed the benefit of the respect and admiration people have for her.

It's hard to put into words how much love and dedication Maggie has for others. If there is ever anything Maggie can do for someone she will do it, gladly and without expecting anything in return. She has adopted me and many others as her own. When she calls you one of her kids she really means it. This means that she will help you out in any way she can, watch out for you, and tell you when you get out of line. Being part of Maggie's family is a special honor. Maggie is a special person. Thank you Maggie for all you have done and all you will do.

JONATHAN LEARY HONORED

HON. RONALD K. MACHTLEY

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 8, 1989

Mr. MACHTLEY. Mr. Speaker, it is my distinct pleasure to congratulate Jonathan Leary, of Barrington, RI, this year's recipient of the First Annual Ronald K. Machtley Award for Barrington High School in Barrington, RI.

This award is presented to the student, chosen by Barrington High School, who demonstrates a mature blend of academic achievement, community involvement, and leadership qualities.

Jonathan has clearly met this criteria by graduating first in his class and earning membership in the National Honor Society and Rhode Island Honor Society. He has also participated in the Rhode Island Academic Decathlon and has been active in the Math League. Jonathan's extracurricular activities include being on the Barrington hockey, baseball, and cross-country team. He was a cocaptain of the hockey team this past year.

I commend Jonathan for his achievement and wish him all the best in his future endeavors.

STATEMENT REGARDING THE RECENT ELECTIONS IN POLAND

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 8, 1989

Mr. VISCLOSKY. Mr. Speaker, we have seen a triumph of the human spirit in Poland this week. The Polish people in their struggle for basic rights and democracy have dealt an oppressive Communist regime a startling blow. Not only have they forced a multicandidate election, but they have sent a resounding message to the world by overwhelmingly electing Solidarity candidates.

I believe that Lech Walesa and Solidarity deserve praise for bringing about the elections. It is a fundamental step in the journey toward freedom. Any time people are given the opportunity to express their approval or disapproval of a candidate or government, the ideals of democracy are reaffirmed and strengthened.

Solidarity's success is so overwhelming that the Communist Party is suggesting that Solidarity join it in a governing coalition.

While unprecedented in the Soviet bloc, Solidarity is justly wary of the Communist Party's sincerity in relinquishing some of its power so easily. Although the elections were the first "free" elections in Poland since World War II, the Communist Party was guaranteed control of the Parliament and the remainder of the government.

Nevertheless, this is another step toward a freer and more democratic Poland.

As events in Poland continue to unfold, I believe it's appropriate to remember two points made by Abraham Lincoln that are especially relevant today. First, Lincoln said that the ballot is stronger than the bullet, and second, that no man is good enough to govern another person without the other's consent.

I encourage my colleagues to use the talents and energy that have made this House "the fundamental institution of democracy" to counsel, encourage, and support those who aspire to bring freedom to Poland.

A TRIBUTE TO IMBT LABORATORIES

HON. DON RITTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 8, 1989

Mr. RITTER. Mr. Speaker, Friday, June 9, 1989, marks a unique milestone for construction and engineering in America. This day marks the dedication of the Herbert R. Imbt Laboratories at Lehigh University's Advanced Technology for Large Structural Systems [ATLSS] Center—the National Science Foundation's only research center devoted exclusively to large structural systems research for the construction industry.

Mr. Speaker, Imbt Laboratories at the ATLSS Center has drawn attention and support from a spectrum of people from my congressional district and from across the country—educators, community leaders, government officials, engineers, and contractors. I want to especially thank Herbert R. Imbt, the Nation Science Foundation, and the Commonwealth of Pennsylvania for their contributions and foresight, as well as President Peter Likins, Chairman Edward Uhl, the trustees, and the faculty of Lehigh for their support of this project.

Mr. Speaker, I would also like to bring to your attention the comments of Dr. John Fisher, who is a friend and a fellow colleague from Lehigh University. A professor of civil engineering, and the director of the ATLSS center, Dr. John Fisher has said:

That the laboratory and other center research will lead to more accurate testing

and to development of a more comprehensive knowledge base—something the U.S. construction industry needs desperately to halt the rapid decay of the Nation's infrastructure and improve its competitiveness in domestic and world markets.

Mr. Speaker, the Herbert R. Imbt Laboratories, at Lehigh University, is the largest facility of its kind in the world. It is a state-of-the art, $7.5 million, multidirectional structural testing laboratory that will be used to conduct tests of large structural systems and components at their actual sizes, rather than on a small scale. The laboratory and ATLSS Center will continue, into the 21st century, Lehigh's tradition of pioneering structures research.

Lehigh University's ATLSS Center's main goal is to advance research and education that will help make large structural systems—bridge spans, skyscraper sections, and offshore oil rigs—in the United States safer, more reliable, and easier to maintain.

Mr. Speaker, I am proud to have the Imbt Laboratories and ATLSS Center in my district. I am proud to be able to participate in the dedication, and I'm glad to be the team player in Washington that helped to secure initial Federal support. I'm sure that the ATLSS Center—with the new Imbt Laboratories—will continue its unique, pace-setting, contributions to the health and well-being of our Nation's vital infrastructure.

THE FSX AGREEMENT

HON. MIKE SYNAR

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 8, 1989

Mr. SYNAR. Mr. Speaker, yesterday I voted for a substitute amendment by Congressman TERRY BRUCE to Senate Joint Resolution 113, the resolution on the FSX fighter plane agreement between the United States and Japan.

The amendment will tighten up the FSX agreement as renegotiated by the Bush administration. The amendment puts forth two mandates to the administration as it negotiates the terms of the coproduction memorandum of understanding [MOU] with the Japanese.

First, it requires the coproduction agreement to specify that the United States receives a 40 percent share of the FSX production work. The development costs of the F-16 have been estimated at $7 billion. Without this requirement, U.S. industry is guaranteed to receive only $480 million for codevelopment. Given our $55 billion trade deficit with the Japanese, this provision is a crucial one.

Second, the Bruce amendment places express prohibitions on technology transfer relating to the deal. The amendment bans the transfer of critical engine technology that have been developed by U.S. efforts and resources. It also prohibits the transfer, sale, or retransfer of the FSX technology to a third country.

It's clear to me that, without the safeguards in the Bruce amendment, the FSX agreement is a bad one for the United States. In fact, given Japan's intention to become competitive in the civilian aircraft industry, the deal may hurt the United States even if a 40 percent production guarantee and technology transfer prohibitions are included. Experts disagree on the applicability of FSX technology to the manufacture of civilian aircraft.

However, with the defeat of the resolution of disapproval in the other body, this amendment is the best we in the House of Representatives can do to alter the FSX agreement in our favor. Future administrations will need to take more care in negotiating deals which provide short-term fixes while neglecting long-term damage to our economy. I hope that this agreement does not come back to haunt us.

NINITA V. MARZETTA RECEIVES AWARD

HON. RONALD K. MACHTLEY

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 8, 1989

Mr. MACHTLEY. Mr. Speaker, it is my distinct pleasure to congratulate Ninita V. Marzetta, of Middletown, RI, this year's recipient of the First Annual Ronald K. Machtley Award for Middletown High School in Middletown, RI.

This award is presented to the student, chosen by Middletown High School, who demonstrates a mature blend of academic achievement, community involvement, and leadership qualities.

Ninita has clearly met this criteria by being a member of the National Honor Society and the Spanish Honor Society. She was president of the student council and vice president of her class. She has also been very active on the yearbook and as a member of the homecoming committee. Outside of the school, Ninita has been a volunteer at the physical therapy department at Newport Hospital.

I commend Ninita for her achievements and wish her all the best in her future endeavors.

A THANK YOU FOR DOROTHY BAILEY

HON. GLENN POSHARD

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 8, 1989

Mr. POSHARD. Mr. Speaker, I rise today to relate some bittersweet news to the Members of Congress, and to the residents of southern Illinois whom I'm privileged to represent.

Mrs. Dorothy Bailey is someone you may not know, but you need to know more about. There are probably Dorothy Bailey's in every community in this country, and she and those like her are literally the lifeblood that keeps our home fires burning and our lives more meaningful.

Not long from now, Mrs. Bailey will step down from her position as executive secretary for the United Way serving the Herrin, IL area. It is an understatement to say she will be missed.

Dorothy moved along with her husband Gerald from her native St. Louis to Herrin in 1956. She promptly started the newcomers program, and it's estimated she's helped welcome over 30,000 new residents to Herrin since then. They surely knew immediately they had at least one good friend they could count on in a time of need. In 1959, community leaders approached her to seek her service on behalf of the Herrin Area United Way. The rest, as they say, is history.

In 30 years of distinguished service, Dorothy Bailey has never once failed to meet the fundraising goals of the United Way. That's 30 for 30, a batting average Stan Musial would be proud of, and a record that puts her at the very top of United Way executives in the State of Illinois.

In that time, she's raised over $1.2 million from a community of some 10,000 persons. They gave because they knew she would be a wise steward of their gifts, and the record of the United Way shows that to be true.

What has been the result of her service to the people of Herrin, IL? Young people have enjoyed the opportunity to play sports and realize the potential of their youth. Scouting has been able to teach the principles of citizenship we need so badly to hundreds of youngsters. Families torn apart by the effects of domestic violence have held her helping hand through assistance to family shelters. Families equally gripped by the challenge of mental illness or retardation have found community support available by United Way funding of programs that come to their rescue. People with no place to live, nothing to eat, and really nowhere to go have been given hope by the community food and assistance programs her efforts have helped support. I dare say it's doubtful there's anyone in the Herrin area that hasn't been helped in some way, big or small, by Dorothy's desire to help and willingness to lead.

The old saying goes, if you want something done, you ask a busy person. That must be true in this case, because all this time, Dorothy and Gerald were busy raising three lovely children, Beverly, Susan, and Kay. She's also been involved actively in the spiritual well-being of her community, being actively involved in the First United Methodist Church.

I said the news is bittersweet. Bitter because we will miss her many contributions to the community. But sweet, because she has promised to continue her volunteer efforts in a number of ways, and because she now has a chance to enjoy the many fruits of her labor.

We know many people like her, by different names, who make such a difference in the quality of life we lead in the communities we make our homes in. But as I know, and now as the rest of the Nation knows, there is only one Dorothy Bailey.

I'm pleased and proud to represent her in Congress.

ACCOUNTABILITY: A WAY TO PREVENT ENVIRONMENTAL PROBLEMS AT FEDERAL FACILITIES

HON. RON WYDEN

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 8, 1989

Mr. WYDEN. Mr. Speaker, today, I am introducing a bill that will help prevent new hazardous waste problems at federally owned facili-

ties by making operators more accountable for complying with the law.

Many of the environmental problems at the Federal Government's own facilities—including the multi-billion dollar problems at Department of Defense and Department of Energy facilities—could have been avoided if we had properly handled the hazardous wastes there in the first place. Incredible as it seems, despite all the publicity last year about problems at these facilities, many are still not in compliance with RCRA, the central Federal hazardous waste law designed to prevent new problems from happening.

One of the reasons the compliance record is so poor is that those operating the plants—often government contractors—are not being held accountable when they break the law.

Last Congress I introduced a bill, H.R. 3783, to make contractors accountable for problems under their control. Today, I am offering an improved version, based on what we learned during committee consideration of the bill.

The new bill has three parts. Part one makes the hazardous waste operator permits at Federal facilities enforceable against the facility contractors. At many facilities today, only the agency's name appears on the permit, even though a contractor is making the day-to-day operating decisions.

Part two sets up a program that will prevent criminal and chronic violators of the hazardous waste laws from enjoying new Federal contracts. A similar program has worked for years under the Clean Air and Clean Water acts to give contractors added incentive to follow the law.

Part three will stop agencies from refunding contractors' fines, penalties, and legal fees for RCRA violations that contractors could have prevented. Without this provision, agencies may continue to shield the contractors from the consequences of breaking the law.

This bill will help stop hazardous waste problems before they happen—before they become a burden on the environment and the taxpayer. I encourage my colleagues to consider this bill carefully. I believe it is a fair and practical step toward improved environmental conditions at Federal facilities.

THE BILL OF RIGHTS BEGAN HERE 200 YEARS AGO TODAY

HON. LINDY (MRS. HALE) BOGGS

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 8, 1989

Mrs. BOGGS. Mr. Speaker, on this day 200 years ago, Congressman James Madison of Virginia introduced a series of amendments to the Constitution of the United States that became known as the Bill of Rights. This was the beginning of months of debate in Congress and a 2-year long ratification process by the States before the amendments would become part of the Constitution.

In commemoration of the accomplishments of the First Congress and those that followed, the Library of Congress is preparing a major exhibition entitled "To Make All Laws." It will open in September this year. Also the Commission on the Bicentennial of the U.S. Constitution will focus on the BIll of Rights with a number of events and programs in 1991, the 200th anniversary of ratification.

In the meantime, let it be known that here in the House of Representatives we remember with profound gratitude the Members of the First Federal Congress who gave to us, and the world, the vital legacy of freedom contained in the Bill of Rights.

HUMAN RIGHTS IN KENYA

HON. GUS YATRON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 8, 1989

Mr. YATRON. Mr. Speaker, I want to take this opportunity to share with our colleagues some of the latest developments in Kenya. I welcome the release of all prisoners in Kenya who have been detained without trial or charge. A pardon and amnesty for Kenyan dissidents in exile who are willing to return home has also been announced. On June 1, the Kenyan Government ordered four political detainees freed. Some of the prominent Kenyans scheduled to be released include: Lawyers Wanyiri Kihoro, Samuel Okumu Okwany, and Mirugi Kariuki; businessmen Raila Odinga, and Israel Otieno Agina, professor Mukaru Nganga; and air force private Richard Obuon Guya.

As chairman of the Subcommittee on Human Rights and International Organizations, I have been deeply concerned over deteriorating human rights conditions in Kenya. Over the last few years the Kenyan Government has become increasingly repressive and intolerant of dissent. I am hopeful that the recent positive actions in Kenya signal a reversal of this ominous trend and will lead to greater reforms and improvements in human rights. Specifically, the Kenyan Government should be encouraged to restore the independence of the judiciary and the authority of Parliament, return to election by secret ballot, allow greater freedom of expression, and ensure prison conditions meet international standards with an end to torture.

Kenya remains a valuable United States ally in Africa. A strong and stable Kenya is critical to United States security interests, the African continent, and of course, the Kenyan people. That is why restoration of basic democratic freedoms and human rights in Kenya is so important. It will enhance prosperity and the Kenyan people's confidence in their system of government.

STEPHEN N. CHASSE, JR., HONOR STUDENT

HON. RONALD K. MACHTLEY

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 8, 1989

Mr. MACHTLEY. Mr. Speaker, it is my distinct pleasure to congratulate Stephen N. Chasse, Jr., of Cumberland, RI, this year's recipient of the first annual Ronald K. Machtley Award for Davies Vocational School in Lincoln, RI.

This award is presented to the student, chosen by Davies Vocational School, who demonstrates a mature blend of academic achievement, community involvement, and leadership qualities.

Stephen has clearly met this criteria by being a member of the Rhode Island Honor Society. A graduating senior in the electronics program, Stephen won first place in the Rhode Island Vocational Industrial Clubs of America Olympics, which allows him to represent Rhode Island in the national electronics competition.

I commend Stephen for his achievements and wish him all the best in his future endeavors.

BUTCHER OF BEIJING

HON. HOWARD L. BERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 8, 1989

Mr. BERMAN. Mr. Speaker, China teeters on the brink of civil war. By his decision to unleash the so-called People's Army on the peaceful prodemocracy demonstration in Tiananmen Square, Deng Xiao Ping will go down in history as the "butcher of Beijing." Deng has, once and for all, ended the era of reform that he helped usher in. Worse yet, he has ruthlessly declared war on the legacy of that reform movement.

In the face of such brutal repression, the imperative for swift retaliation from our Government was overwhelming. I wholeheartedly endorse the President's actions suspending military sales and military cooperation with China. I further commend the President for his decision to provide compassionate review to Chinese students in this country who wish to extend their visas.

But this is only a beginning. I urge the President to use the full power of his office to convey the seriousness with which the United States regards China's contempt for basic standards of human decency. United States cooperation with the People's Republic of China was established on the premise that China was moving toward a more open society. Our response to the massacre in China should reflect the fact that this expectation has not been met.

To this end I will seek a meeting with the Chinese consul general to protest the bloodshed. I will use every resource to help Chinese living in this country to support and comfort their compatriots in Beijing. Today, we must stand with the courageous Chinese citizens who have risked their lives for the cause of freedom.

HONORING OUTSTANDING GRADUATES OF ST. CHARLES PREPARATORY SCHOOL

HON. CHALMERS P. WYLIE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 8, 1989

Mr. WYLIE. Mr. Speaker, it is a great honor for me to share the good news that St. Charles Preparatory School in Columbus, OH, has achieved what I believe to be unprecedented distinction.

This year, eight graduates from St. Charles' class of 1989 have been accepted to attend our U.S. service academies. Hugh Joseph Dorrian, James A. Best, Timothy Pione, and Matthew T. Strausbaugh have been accepted to attend the U.S. Naval Academy. Mark A. Eberle and Jason Jon Ottman have been accepted to attend the U.S. Military Academy.

In addition, Edward A. Ferguson III will attend the U.S. Naval Academy Preparatory School and Baldomero Silva III has been accepted to participate in the Naval Academy's Broadened Opportunity for Officer Selection and Training Program [BOOST].

A 1988 St. Charles graduate, Shawn Sweeney, will attend the Naval Academy after spending a year at the Academy's prep school, and his former classmate, Brady Brady, is a naval enlistee who appears to be bound for Annapolis based on his service record and his transcripts.

One of the emoluments of my office which gives me great pleasure is to be able to nominate outstanding young people for attendance at our service academies. Talking with them gives me confidence that the future defense of our country is in good hands.

I do not know of any other school in the United States which has accomplished such a feat, and I congratulate the faculty and administration of St. Charles for producing these exemplary graduates. These young men have worked hard and long to attain their goal, and it is an honor for me to say that I nominated six of these gentlemen as residents of the 15th Congressional District of Ohio.

INTERSTITIAL CYSTITIS AWARENESS DAY

HON. JIM BATES

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 8, 1989

Mr. BATES. Mr. Speaker, I rise today to call upon the United States to honor "Interstitial Cystitis Awareness Day." Interstitial cystitis is a very painful ailment which affects over 500,000 people throughout the United States. The ratio of men to women who are burdened with the disease is 10 to 1.

It remains virtually impossible to treat—although there are a variety of therapies, some of which help some of the patients some of the time. But doctors have learned a great deal more about this bladder disorder, finding that it is more common than previously thought, more debilitating, and painful than any other urological disease. For many women, it makes holding a job impossible.

This disease is a urological disease which is directly associated to the inflammation of the bladder wall. This inflammation causes intermittent or chronic pain. Although the disease is not fatal, the pain becomes unbearable sometimes causing the victims to take their own lives. Research is now being done to find the unknown cause of this disease.

In addition to the large number of people afflicted with the disease, it also has an adverse effect on America's economy. Studies have estimated the economic impact of the disease is $1.7 billion each year in lost productivity, wages, and medical costs.

Prior to 1987, interstitial cystitis was an "orphan" disease and ignored by Federal funding. Then in fiscal year 1987, Congress granted $1.1 million for research and development of the disease. In 1989 the Interstitial Cystitis Association is asking Congress for $2 million to bring interstitial cystitis up to par with other urological diseases.

Please join me in declaring November 16, 1989 as "Interstitial Cystitis Awareness Day." America needs to become educated on all diseases affecting the people of our country.

PATRICIA C. FARICY NATIONAL HONOR SOCIETY STUDENT

HON. RONALD K. MACHTLEY

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 8, 1989

Mr. MACHTLEY. Mr. Speaker, it is my distinct pleasure to congratulate Patricia C. Faricy, of North Smithfield, RI, this year's recipient of the First Annual Ronald K. Machtley Award for North Smithfield Junior-Senior High School in North Smithfield, RI.

This award is presented to the student, chosen by North Smithfield Junior-Senior High School, who demonstrates a mature blend of academic achievement, community involvement, and leadership qualities.

Patricia has clearly met this criteria by being a member of the National Honor Society and the Rhode Island Honor Society. She has been active within her school as a member of the student council, math team, Students Against Drunk Driving and yearbook staff. A very well rounded student, Particia also recently won the URI Book Award, Excellency in Art Award, and was a first place winner in the social studies fair.

I commend Patricia for her achievements and wish her all the best in her future endeavors.

THE BASEBALL VIEWERS PROTECTION ACT OF 1989

HON. CHARLES E. SCHUMER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 8, 1989

Mr. SCHUMER. Mr. Speaker, not long ago, baseball on television in New York was as much a part of summer as picnics and walks in the park. But that has changed. Now the sweet sounds from the ball park have been replaced by bitter squabbles between cable companies over broadcast rights and contract terms.

First came the sudden move of major league baseball from free television to cable. After years of showing over 100 Yankee games on free television, the rules changed. Two seasons ago, the Yanks moved those 100 games to cable television, where virtually no one in their home city outside of Manhattan could view them. To this day, much of the Boroughs of Brooklyn, Queens, and the Bronx are not wired for cable.

This season, insult was added to injury. Cable companies and programmers in a never-ending battle over rate structure and service tiers have begun keeping baseball games off cable systems as well as free television! The baseball games are just ammunition in corporate combat between cable companies. In the end, its the fans who suffer the casualties.

In all this, the fan—the consumer—is powerless. Cable subcribers all over the Nation are facing the same problems. Programming being moved or held hostage without notice is commonplace on cable systems. And many large cities and small towns can't buy cable programming even if they wanted to because cable isn't yet offered in their neighborhood.

Today I am introducing the Baseball Viewers Protection Act of 1989. The bill requires that major league teams entering cable contracts broadcast at least 50 percent of their games on not-for-pay TV stations. It also requires that games contracted for cable television must actually be shown. Any team in violation of the provisions of the bill will lose their antitrust exemption for 2 years. The bill only applies to teams that have traditionally shown 65 percent of their games on not-for-pay TV.

The exemption from antitrust legislation that Major League Baseball has been granted is a privilege which Congress has left intact for many years. In return for that privilege, baseball should continue to operate in the public interest.

The message of the Baseball Viewers Protection Act of 1989 is clear: baseball is more than the national pastime. It is a national treasure. If baseball clubs, programmers and cable companies want to continue business as usual, then they'll have to do it without the benefit of a congressional antitrust exemption.

ADDRESS URGENT HUMAN NEEDS IN CENTRAL AMERICA

HON. BYRON L. DORGAN

OF NORTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 8, 1989

Mr. DORGAN of North Dakota. Mr. Speaker, today, along with 10 colleagues, I am introducing legislation urging the President to establish specific improvements in the health, nutrition, and education levels of children, women, refugees and others most in need in the poorest countries of Central America. The resolution would direct the President to make this a fundamental goal of U.S. policy. Our intention is to make these proposals major building blocks of our Central American policy in this Congress.

Extreme poverty remains the lot of too many men, women, and children living in Central America, and the Caribbean. The mortality rates of children under age 5 and mothers remain unacceptably high in countries such as El Salvador, Guatemala, and Honduras. We must join in a partnership with our neighbors to promptly tackle these problems.

A NEW STRATEGY FOR REFUGEES

In addition, Central America faces a staggering challenge in helping more than 2 million refugees, aliens, and displaced people who have been driven from their homes and communities by persistent civil strife. Central American governments recently met to define a new strategy for dealing with needs of all displaced persons. This approach would integrate refugees and displaced persons into their country of asylum, help them to find jobs, or assist them to return to their home countries instead of confining them to emergency camps.

Our resolution makes refugee assistance a top priority, as called for in the Arias Peace Plan, the Report of the International Commission for Central American Recovery and Development, and the Report of the Inter-American Dialogue. I am including for the RECORD an article from the New York Times which describes the magnitude of refugee problems, the importance of its resolution to the success of the Central American peace process, and the new strategy being considered to advance solutions.

Improvements in the health, nutrition levels, education, and general well-being of people in Central America are essential to the growth and strengthening of democratic societies there, and in the best interest of the United States. International organizations, such as UNICEF and the Pan American Health Organization [PAHO], are striving to improve the health of the disadvantaged, through initiatives such as "Health: A Bridge for Peace in Central America," and our own Agency for International Development is required to focus its development assistance on the poor majority. Our resolution seeks to reinforce those activities.

The Congress has consistently supported efforts to improve the health and well-being of children, women, and others most in need. It has done so in particular through funds voted for the Child Survival Fund to support immunization, oral rehydration therapy, improved nutrition, and other essential interventions, and other funds provided by the Congress and used by the Agency for International Development for child survival and education activities. Congress also authorized a special Child Survival Assistance Program last year to provide prosthetic devices and other emergency medical care for civilian victims of the war in Nicaragua.

A FUNDAMENTAL POLICY GOAL

This resolution, then, urges the President to establish specific and measurable improvements in the health, nutrition, and education levels of children, women, and others most in need living in the poorest countries of Central America as a fundamental goal of U.S. policy for the next decade and to take all appropriate steps to ensure that the established targets are attained. It further stresses the importance of a new strategy for solving the enormous refugee problem in Central America.

Some of the targets mentioned in this legislation are 50 percent reductions in child mortality due to diarrhea disease and in maternal mortality rates as target levels—to be achieved within 5 years; rates of immunization against the most common immunopreventable diseases of or above 80 percent as a target—to be attained within 5 years; strategies to provide universal literacy and numeracy attainment within the next decade for students in primary schools.

I cannot emphasize enough how much the success of peace efforts depends on addressing the urgent need of poor and displaced people in the region. I firmly believe that we need to start shaping some new initiatives to undergird the ongoing peace process in Central America. Toward that end, I encourage other colleagues to cosponsor this resolution, whose text follows:

H. CON. RES. —

Whereas approximately 1,000,000 Central Americans live in extreme poverty and more than 1,000,000 Central Americans are refugees or are displaced in their own countries;

Whereas the mortality rates of children under the age of five and mothers remain unacceptably high throughout Central America, particularly in El Salvador, Guatemala, and Honduras;

Whereas improvements in the health, nutrition levels, education, and general well-being of people in Central America are essential to the growth and strengthening of democratic societies there, as well as the long-term political and economic stability of the region;

Whereas efforts to reduce the plight of refugees and displaced people in Central America enhance regional stability and, therefore, coincide with the interests of the United States;

Whereas the International Commission for Central American Recovery and Development recently set out a plan of immediate action to help the most vulnerable groups in the region, to increase employment opportunities, and to provide food assistance through targeted programs, including food-for-work and food stamps;

Whereas the Ministers of Health and the Ministers for Social Security of six Central American nations have stated their "resolve to provide priority care to groups hitherto disadvantaged with respect to access to health services and to those at greatest risk: children, women, workers in the countryside and marginal areas, refugees, displaced persons, and all who are socially and economically depressed";

Whereas international organizations, such as the United Nations Childrens Fund and the Pan American Health Organization, are striving to improve the health of the disadvantaged through initiatives such as Health: A Bridge for Peace in Central America;

Whereas the Agency for International Development is required to focus its development assistance on the poor majority; and

Whereas the Congress has supported efforts in Central America to improve the health and well-being of children, women, and others most in need by providing funding for the Child Survival Fund to support immunization, oral rehydration therapy, improved nutrition, and other essential health interventions, and other programs used by the Agency for International Development for child survival and educational activities: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That the Congress—

(1) urges the President to address basic human needs as a priority of foreign assistance to Central America through—

(A) funding for increased opportunities for refugees, displaced people, and those living in extreme poverty to engage in productive, sustainable employment; and

(B) setting specific and measurable goals relating to the improved health, nutrition, and education levels of children, women, and others most in need in Central America;

(2) urges the Administrator of the Agency for International Development, in implementing the goals referred to in paragraph (1)(B)—

(A) to strengthen programs to address the needs of the victims of war, including amputees and others most severely affected by war;

(B) to increase the number of immunizations provided to Central Americans, with the goal of immunizing 80 percent of the Central American population within five years against the most common diseases preventable by immunizations, including efforts to eradicate polio and prevent tetanus for pregnant women;

(C) to strengthen programs to reduce child mortality due to diarrheal disease by 50 percent within five years and to reduce maternal mortality rates;

(D) to develop strategies to provide universal literacy and numeracy attainment within the next decade for children of primary school age; and

(E) to develop a program to provide supplies of safe water to rural areas;

(3) urges the President to alter distribution of food assistance to Central America—

(A) by increasing funding for targeted assistance under title II of the Agricultural Trade Development and Assistant Act of 1954 and reducing the level of assistance under title I of the Act; and

(B) by structuring food assistance in a manner which follows the recommendations of the International Commission for Central American Recovery and Development; and

(4) urges the President to request full funding for payment of the United States assessed contribution to the Pan American Health Organization, including payment of all arrearages.

[From the New York Times, May 29, 1989]

NEW AID STRATEGY FOR LATIN REFUGEES

(By Paul Lewis)

GUATEMALA, May 28.—A new strategy for helping the more than two million refugees and others driven from their homes by decades of civil strife in Central America is expected to be endorsed by an international conference starting here on Monday.

The strategy, which has been debated by refugee experts for more than a year, calls on Central American governments to stop confining refugees to camps and to help them return home or to get jobs in the country of asylum, ending their dependence on emergency aid.

Western governments, humanitarian organizations and aid agencies, whose representatives will be attending the conference, will be asked to help by financing employment projects. Italy has already offered $115 million toward the expected $365 million cost

of creating a more normal life for Central American refugees.

But the conference will also urge Central American governments and refugee agencies to pay greater attention to the many so-called internally displaced people driven from their homes by violence and natural disasters. Many of these do not qualify as refugees under current international law and as a result often receive scant help from international aid agencies.

A MODEL FOR OTHERS

The proposed strategy is seen by experts as a model for dealing with many of the world's more than 20 million refugees as other conflicts are brought to an end.

"At Guatemala we hope to creat a model for dealing with the refugee crises in Africa and elsewhere, which involves replacing emergency relief with projects to incorporate refugees into national development," Jean-Pierre Hocké, the United Nations High Commissioner for Refugees, said in a recent interview at his Geneva headquarters.

The present international machinery for dealing with refugees, essentially comprising the United Nations High Commissioner for Refugees and a convention defining the rights of refugees, dates from the 1950's when international concern was focused on the plight of Europeans left homeless by the World War II and the spread of Communism in Eastern Europe. The 1951 Convention, for example, defines refugees in essentially cold-war terms, saying they must have fled to another country to escape "a well-founded fear of persecution."

Today, most refugees are in the developing world and are victims of violence and natural disasters, not ideological persecution.

MANY GET NO HELP

While the United Nations High Commissioner for Refugees, with an annual budget of some $600 million, accepts responsibility for caring for about 12 million refugees, up to 14 million more do not qualify for its help, usually because they have been displaced within their own country, according to the Refugee Policy Group, a private American organization based in Washington.

Various efforts to liberalize the definition of a refugee have been made over the years. But the major Western governments refuse to change the mandate of the United Nations High Commissioner for Refugees or the 1951 Convention, fearing an influx of third world migrants in search of a better life.

Instead, they argue that those made homeless by civil wars are the responsibility of the Red Cross, though governments are often reluctant to let it operate in areas of conflict.

The proposed new policy seeks to break through these constraints by shifting the emphasis away from humanitarian relief toward treating refugees as part of their host country's development process.

It does this by urging the United Nations High Commissioner for Refugees to cooperate with the United Nations Development Program, an aid-giving organization, in developing economic projects that will provide employment for refugees, for those who elect to return home and for internally displaced people, instead of confining them to camps.

SOME GOVERNMENTS RESIST

United Nations officials concede their proposals are controversial with some governments. In Honduras, for instance, refugee workers report that the military authorities distrust refugees from El Salvador and Nicaragua, whom they see as potential troublemakers, and keep them in guarded camps.

The success of the plan therefore depends on a relaxation of tensions within the region, making it easier for refugees and internally displaced people to return home voluntarily or to be accepted into the local communities.

CENTRAL AMERICA'S REFUGEES

[Estimates for each country for this year]

	Political refugees	Undocumented aliens	Internally displaced people
Belize	5,100	25,000	0
Costa Rica	40,800	250,000	0
El Salvador	500	20,000	400,000
Guatemala	3,000	220,000	100,000
Honduras	37,000	250,000	22,000
Mexico	53,000	128,000	0
Nicaragua	7,000	0	350,000
Total	146,400	893,000	872,000

Source: United Nations High Commissioner for Refugees

Officials stress that the Guatemala conference is an integral part of the Central American peace process approved by the Presidents of Costa Rica, El Salvador, Guatemala, Honduras and Nicaragua. The agreement calls for urgent attention to be given to refugees and internally displaced people.

Prolonged strife and civil war in Nicaragua, El Salvador and Guatemala have forced two million people to abandon their homes over the past decade, according to estimates of the United Nations High Commissioner for Refugees.

About 140,000 certified refugees are currently being helped by the international community. But over six times that number have fled their countries for reasons similar to those of the refugees, although they have not registered as refugees and are mostly living illegally in neighboring countries.

In addition, 870,000 have been displaced within their own countries. El Salvador is estimated to have 400,000 such people, Nicaragua 350,000 and Guatemala 100,000.

JENNIFER JONES RECEIVES AWARD

HON. RONALD K. MACHTLEY

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 8, 1989

Mr. MACHTLEY. Mr. Speaker, it is my distinct pleasure to congratulate Jennifer Jones, of Cranston, RI, this year's recipient of the First Annual Ronald K. Machtley Award for St. Dunstan's School in Providence, RI.

This award is presented to the student, chosen by St. Dunstan's School, who demonstrates a mature blend of academic achievement, community involvement, and leadership qualities.

Jennifer has clearly met this criteria by being an honor roll student. Her extracurricular activities include being a member of Students Against Drunk Driving and a founding member of Amnesty International in her school.

I commend Jennifer for her achievements and wish her all the best in her future endeavors.

SENATE—*Friday, June 9, 1989*

(Legislative day of Tuesday, January 3, 1989)

The Senate met at 11 a.m., on the expiration of the recess, and was called to order by the Honorable RICHARD C. SHELBY, a Senator from the State of Alabama.

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray:

*Beloved, let us love one another: for love is of God * * *.—1 John 4:7.*

Gracious God, full of love and mercy and grace, perfect in justice and truth, it seems that the world is filled with hurting people, with confusion, with cosmic trauma. Our hearts reach out to all who suffer, whether it be civil conflict in China, poverty, homelessness, hunger or starvation, not only in many places in the world, but in the great cities and rural areas of America, and in our own city.

Help us, Father in Heaven, in this place of power, never to forget the powerless; in this place of many words, never to forget the voiceless; in this place of freedom, never to forget the oppressed. Give to us who always have more than we need of everything compassion and the grace to respond to those who never have enough of anything they need. Deliver us from indifference to the hurting. Grant to us in love the will to action, wherever, whenever, however we are able.

We pray in Jesus' name whose love is unconditional, universal, and eternal. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore [Mr. BYRD].

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, June 9, 1989.

To the Senate:

Under the provisions of, rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable RICHARD C. SHELBY, a Senator from the State of Alabama, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. SHELBY thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

THE ACTING PRESIDENT pro tempore. The majority leader is recognized.

THE JOURNAL

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Journal of the proceedings be approved to date.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

SCHEDULE

Mr. MITCHELL. Mr. President, following the time for the two leaders, there will be a period for the transaction of morning business not to extend beyond 11:30 a.m., with Senators permitted to speak therein for up to 5 minutes each.

At 11:30 when the Senate resumes consideration of H.R. 1722, the natural gas deregulation bill, Senator MCCLURE will be recognized for the purpose of filing a cloture motion.

For the information of my colleagues, I will briefly restate the schedule for the next few days as I stated it last evening.

There will be no rollcall votes today. When the Senate recesses today, it will stand in recess until noon on Monday, June 12. Monday's session will be pro forma only with no business conducted.

At the close of the pro forma session on Monday, the Senate will stand in recess until 11:30 a.m. on Tuesday, June 13. Following leader time on Tuesday, there will be a period for morning business until 12:30 p.m. At 12:30, the Senate will recess until 2:15 p.m. for the party conferences.

When we reconvene at 2:15 p.m. on Tuesday, there will be 30 minutes of debate equally divided between Senators JOHNSTON and METZENBAUM, after which a rollcall vote will occur on the motion to invoke cloture on H.R. 1722. Therefore, Mr. President, Senators should be prepared that there will be a rollcall vote on cloture at approximately 2:45 p.m. on Tuesday, and several rollcall votes are likely throughout the day and evening thereafter on Tuesday.

Mr. President, I reserve the remainder of my leader time. I now yield the floor.

RECOGNITION OF THE REPUBLICAN LEADER

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

Mr. DOLE. Mr. President, I reserve my time.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business not to extend beyond 11:30 a.m. with Senators permitted to speak therein for not to exceed 5 minutes each.

Mr. MITCHELL. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

AUTHORITY TO FILE AMENDMENTS

Mr. MITCHELL. Mr. President, I ask unanimous consent that amendments may be filed on Tuesday, June 13, until 1:45 p.m. in accordance with the provisions of rule XXII.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. MITCHELL. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MCCLURE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

AN OLD SOLDIER BIDS ADIEUX TO THE CITADEL

Mr. HOLLINGS. Mr. President, at the end of this month, a very distinguished soldier, Maj. Gen. James A. Grimsley, Jr., will retire as president of The Citadel. During his 9-year tenure at the helm of the South's premiere military academy, General Grimsley has provided the school with

superb, tough-minded leadership—leadership deeply rooted in tradition and old-fashioned values, yet leadership with an eye on the future and a rapidly changing world.

I knew Alex Grimsley as a cadet—we both graduated in The Citadel class of 1942. He was a natural leader even then. He naturally commanded our respect. And, in that regard, nothing has changed during an extraordinary military career stretching across nearly five decades. Yet I hasten to add that Alex's ingrained, unflappable sense of discipline and dignity has always been leavened with a tremendous sense of humor. Indeed, I would venture the opinion that perhaps Alex Grimsley has served The Citadel best simply as a beau ideal, as a personal example to cadets of what being a man and a leader of men is all about.

Mr. President, as a military academy, The Citadel has traditionally defined its mission as that of turning young men into warriors and leaders. While upholding that proud tradition, President Grimsley has also put a new accent on academic excellence at The Citadel. He has presided over implementation of a tough new academic core curriculum affecting every course of study. And he has put money where his mouth is, working timelessly to complete a $27 million capital campaign—the first such fundraising effort in the academy's history—2 years ahead of schedule.

Already President Grimsley's accent on academics has had impressive results. The number and caliber of applicants to The Citadel is on the rise. The South Carolina Commission on Higher Education has recognized The Citadel as first among all State institutions in student retention, in the graduation rate of student-athletes, and in retention of black students. In both 1986 and 1988, U.S. News & World Report cited The Citadel for its overall academic programs and educational philosophy.

Mr. President, another proud soldier, Dwight Eisenhower, once explained that he purchased his farm in Gettysburg because he wanted to leave one corner of God's Earth better than when he found it. General Grimsley can look back with great pride in having taken one very proud corner of God's Earth, The Citadel, and left it better than when he found it. On behalf of the U.S. Senate, I salute this outstanding public servant, and I wish him and Jessie a long and happy retirement.

Mr. President, I also ask unanimous consent to have printed in the CONGRESSIONAL RECORD the text of General Grimsley's address to the 1989 graduating class at The Citadel last month.

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

COMMENCEMENT ADDRESS BY MAJ. GEN. JAMES A. GRIMSLEY, JR., PRESIDENT, THE CITADEL, MAY 13, 1989

Colonel Risher and members of the Board of Visitors, Distinguished Platform Guests, members of the Academic Board, other members of the Faculty and Staff, Families and Friends, members of the Corps of Cadets and—most especially—the Class of 1989: At the outset, let me express my deep appreciation to the Board of Visitors for the high honors bestowed on me this date. No son of The Citadel could ask for greater recognition, and I am most grateful.

Permit me now to present the individual who really deserves these awards—that great, gracious, and loving lady—who loves The Citadel as much as I—my wife, Jessie.

Last Fall, Cadet David Platt, Senior Class President, met with me to determine whom we should seek to address the Class of 1989 today. On his list were such notables as then-President Ronald Reagan and Vice President George Bush; former President Richard Nixon; and Lee Iaccoca! Look who the class ended up with! I'm sorry, fellows!! Incidentally, some of those individuals command a speaking fee of $15-20 thousand. I decided not to request an honorarium from the Board of Visitors for making this address—besides, it would be embarrassing when the Board stopped payment on the check.

In developing my remarks, I considered several courses of action. One—I could follow the advice I read of recently by a news columnist concerning graduation addresses: start with a joke, acceptable in public; be brief; and sit down. Or I could follow the lead of Bob Hope who recently told a college graduating class, "I was asked to give you advice on going out into the real world. Don't!!" And he sat down! Finally, I could become quite nostalgic and mix a lot of sentiment with rhetoric and philosophy—the "whole man concept" and the like. I shall do none of the above. Rather, for a brief few minutes, I plan to aim my remarks directly at the Class of 1989, and then close with some thoughts applicable to all in attendance.

To the Class of 1989: Whether you want to or not, in approximately 90 minutes you will enter the real world that Bob Hope mentioned. A world which is crying for genuine leaders in all sectors, at all levels. You can provide that critical ingredient of leadership because you have that Citadel experience. You have been tested, you have faced adversity, you have been tempered, and you have succeeded—up to this point! And that, gentlemen, is my primary injunction to you this morning. You must prove yourself over and over again, because the real world—with the sorry spectacle from Washington, D.C. to Cottageville, S.C.:

of graft, bribery, double standards, and situational ethics—

"if it ain't illegal, then its OK to do it", regardless of the moral or ethical value which is ignored,

with the unfortunate conventional wisdom in so many quarters that the lowest common denominator concept is right because that makes it easy for everybody—

That's the arena, wherever your piece of turf is, gentlemen, that's the arena you will enter.

What do you do? Simply this, my friends: draw on your Citadel experience. First, never, never lower the ethical and professional standards which govern your everyday life. The minute you fail to insist on a standard being met or when you do not do your utmost to meet that standard, it is immediately lowered. And that's bad!

Next, accept responsibility for your actions and for your personal and professional performance. Be a man; stand up and be counted; if you have "blown it"—have the moral courage to say so. Then have the fiber and pride to pull up your socks, correct your mistakes, and grow from the experience. Accept responsibility for those under you, their training and performance. Remember always that loyalty works both ways, up and down. Set the example.

Finally, continue to develop that single most important trait—integrity. Without integrity, all else is for nought. Nourish that integrity which connotes an honorable man, a disciplined man, a man of character. This world of ours is crying for such men!

Having said these things, I can state affirmatively that today, on this campus, this is a happy occasion. Because very shortly, The Citadel will send over 400 young men into this mixed-up but exciting world as beacons of responsible, disciplined leadership—men who have met high standards these past 4 years—men of integrity. As long as you gentlemen continue to draw on your Citadel experiences, forgetting not from whence you came and what you learned and experienced, and as long as you lead the way in your respective fields of endeavor, you will be successful—and The Citadel can state without equivocation that this institution has accomplished its mission in your behalf.

"SOME THINGS CHANGE—SOME THINGS NEVER CHANGE"

As the Corps knows, I frequently visit reveille formation (6:30 AM). A few weeks ago, I stood in the sallyport of Padgett-Thomas Barracks right after first call had blown. It was one of those glorious early mornings in the Low-Country in the Spring, with the sky beginning to lighten, a bit of cool in the air, and mist rising off the parade ground. The 4th classmen were double-timing to the quadrangle, and the upper-classmen were barking at them to brace, to move smartly, to correct their shirt tucks. The color detail was standing at attention by the flag-pole, prepared to raise the national color at reveille.

The cadet officer-of-the-day reported to me, one of the outstanding young men in this Class of 1989, as did the Officer-in-Charge for the day, an Army Major in The Citadel Class of 1972—one of the fine group of active duty personnel here on ROTC duty. They informed me that the evening before had been quiet and they also commented on the large number of cadets in all classes using the computer labs in Bond Hall, Capers Hall, and LeTellier Hall during Evening Study Period. The Army Major remarked on the physical plant changes on campus since his graduation in 1972, and the cadet captain noted that he was relieved that he would graduate on 13 May before the revised academic core curriculum would be implemented in September.

Then, reveille sounded, the flag went up, and the companies were marched to breakfast.

I commented to my two young companions that "some things change, some things never change." They agreed! The computer laboratories and their use during Evening Study Period, the additions and renovation to the physical plant, the toughened academic curriculum were all changes for the better, reflecting the dynamism of The Citadel in the 1980's.

But the balance of that morning's events had the same meaning to every cadet in formation on the 4 quadrangles as they did to that cadet leader in the Class of 1989, to the active duty graduate of the Class of 1972, and to this old-timer of the Class of 1942. Indeed, the picture of that reveille formation I have described would be fully understood by every Citadel Man, whether he matriculated at the Old Citadel on Marion Square or here. These practices, these traditions reflect a continuity in the heritage of this institution that sets it apart. Most recognize this as "The Citadel Spirit." Some things never change! God willing, I hope that they never will.

For The Citadel spirit is present, it is real, and it binds together the Corps of yesterday and today and tomorrow. It is embodied in the Corps of Cadets, the centerpiece of this great institution—may it always be so!

It is in support of this vision of The Citadel that Jessie and I pledged our total selves and service nine years ago. We shall always be deeply grateful for that opportunity given us. We are indebted for life to the Board of Visitors, the distinguished faculty and talented staff, the staunch alumni and good friends of the college, all of you for your dedication and support; and to the Corps of Cadets through all these years for the splendid experience of working with quality young men and the spirit and enthusiasm and affection they have shown us.

Now, it's time to say goodbye. It is time for this old soldier to say farewell to the Corps—and I do so with sadness but with so many happy memories. I have had an abiding and deep-seated love affair with the Corps of Cadets, and my nine years as president have been the happiest of my 45 years of public service.

It is time for me to take official leave of The Citadel. And that hurts. But I do so with the anticipation of having many additional opportunities in the future to work for my alma mater.

And it is also time for me to say goodbye to these seniors assembled here today, the last class I shall graduate. Fortunately for me, my sense of loss at leaving the Corps and The Citadel is tempered by my pride in "graduating"—again—with the Class of 1989. Gentlemen, I salute you!

Good friends, here and wherever members of The Citadel Family are, I hope that you will permit me to use that wonderful statement by St. Paul to his young friend, Timothy, as my valedictory as President of The Citadel:

"I have fought a good fight. I have finished my course. I have kept the faith."

Thank you very much. God bless you!

THE LATE WARREN G. MAGNUSON

Mr. INOUYE. Mr. President, with the recent passing of former Senator Warren G. Magnuson, I lost a dearly beloved friend and the Nation lost a legislative giant.

Senator Magnuson authored such landmark laws as the Public Accommodations Act, the 1964 Civil Rights Act, abolition of the poll tax, the Marine Mammal Protection Act, lowering of the voting age to 18, and establishment of the National Institutes of Health and National Science Foundation. Citizens may today take for granted the Federal laws that protect their liberties, their health, and their safety in their homes, workplace and marketplace, but many of these laws are the products of Warren G. Magnuson, who represented the State of Washington in the Congress for 44 years.

Senator Magnuson will be deeply missed not only for his magnificent legislative deeds, but also his personal humility, good humor, and constant readiness—even eagerness—to lend advice to a young colleague or simply tell a fun story from his vast storehouse of lore. Maggie, we miss you.

There must be a special place in heaven for individuals such as Senator Magnuson—although, it should be noted, it seemed that whenever Maggie was presiding in the appropriations or commerce hearing room, he was in a heaven of his own creation. Undoubtedly, Maggie will encounter fellow heroes such as Franklin Roosevelt, Lyndon Johnson, Robert Taft, Sam Rayburn, and Richard Russell in his heavenly travels—leaders with whom he would enjoy endless discussions of history, government, politics, and of societal problems. One day in his later Senate years, when age and ailments slowed his gait to a slow shuffle, Maggie was asked whether he would be late for an important committee session, and he was said to have responded, "The meeting doesn't start until the chairman gets there." Now, gentlemen, your meetings may begin.

RESOLUTION TRUST CORPORATION

Mr. KERREY. Mr. President, my policy concerns with the Resolution Trust Corporation [RTC]—a key entity in the proposed FSLIC-rescue legislation that we expeditiously passed onto the House have not been resolved by the House's action on the legislation.

In the month and a half since the Senate approved S. 774, numerous analysts and commentators have raised serious doubts as to whether the RTC, as currently structured, can adequately meet the task for which it has been established. I ask unanimous consent that three articles regarding the RTC be printed in the RECORD following my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. KERREY. Mr. President, both versions of the bill only slightly modify the original administration proposal creating a Government entity charged with disposing of $100 billion in assets. As currently proposed, the RTC is mandated to sell or manage all of the real estate and deposits inherited from the hundreds of thrifts that have failed in the past years or are expected to fail in the future. As currently structured, this huge entity could be just another accident, waiting to happen.

In the Senate's legislation, the RTC would be headed by the Secretary of the Treasury, the Attorney General, and the Federal Reserve Chairman, along with two private individuals and a chief executive officer—the House version differs slightly. Karen Shaw, Director of the Institute for Strategy Development, characterizes this situation as putting three of the busiest people in this country in charge of managing the world's largest asset-disposition entity. This will place enormous power in the hands of the two private members of the RTC board and, most directly, in the hands of its CEO. Hundreds of billions of dollars of real estate and other assets must be sold at the best price to the best people. A daunting task even under the best of circumstances.

When confronted with such a task it seems advisable to consider and weigh previous experiences in order to craft a structure which incorporates the lessons learned from previous mistakes. The fate of the Federal Asset Disposition Association [FADA] should immediately raise a red flag. In its 4 years of selling off thrift assets seized by the Government, FADA, aside from itself becoming insolvent, has racked up a record characterized by mismanagement, slow asset disposition and high administrative costs.

We should also take into consideration FDIC's experience with the asset liquidation. FDIC has long been involved with liquidating assets for commerical banks. While observers generally have given them high marks, their experience grants us some insight into what we can expect. At the moment, FDIC is involved in 21,000 lawsuits growing out of $9 billion of assets. The RTC could be nearly 50 times as large. Finding an adequate number of accountants, lawyers, title insurers, appraisers, managers will be a monumental task in itself.

The prospective of such a massive Federal disposition of assets is viewed as a gold mine by real estate investors. An article published in a trade publication entitled "Nation's Building News" (June 5, 1989) asks "What's in the [FSLIC] bailout for the small real estate investor?" Their response: "Potentially a diamond mine of opportunities," and they continue "The name of the RTC game, however, will be sales at discounts. For savvy buyers, RTC's regional and local offerings could provide years of tempting deals. And profits." Mr. President such talk makes me very nervous.

There are political obstacles to the successful completion of this task as well. The RTC is charged with disposing of the assets as quickly and cheaply as possible. This process will require closing institutions, suing people,

firing individuals and selling property often in economically depressed regions. These actions or the threat of these actions will mobilize strong political pressures on the RTC. The response to these pressures may be to plunge the RTC into a managerial nightmare: it may actually try to oversee the management of these newly acquired properties, including half-built shopping malls and trailer parks, with little or no practical experience.

The Senate correctly included anti-dumping language in its version in order to prevent further damage to certain real estate markets. Yet, the opposite—holding onto property—may be just as damaging to real estate markets attempting to recover. The RTC will need to create incentives for the contractors to sell the assets as expeditiously as possible without encouraging a giveaway of assets, thereby driving up the cost to the taxpayers.

The challenge to policymakers is to create a management structure that can better respond to the problems I have outlined above. Asking three of the busiest individuals in Government to oversee the disposition of hundreds of billions of dollars of real estate and other assets is foolish. The potential for scandal is tremendous.

I have previously argued for an alternative proposed to better insulate the RTC board from political and financial pressures. I had suggested a seven member board, plus the currently proposed officials in an ex officio capacity, under the leadership of a strong chairman. In proposing a board similar to the Federal Reserve Board, it is not merely the number of individuals, but more specifically their insulation from political pressures. The challenge is to not only find an individual of unquestioned integrity, but also tap an individual with extensive business experience who does not hold a position that would present a conflict of interest. Unfortunately, my amendment was rejected by the Senate.

Poor management and regulation, as well as politics, have put us in a position of needing to rescue hundreds of insolvent savings and loans. Each dollar we commit to cleaning up this mess is one less dollar for worthy public programs needed to protect our environment, to improve our schools and health care system, or fund hundreds of other programs that are facing bugetary constraints. It is essential for us to create an oversight board and agency that reflects the magnitude of the problem, and will provide us with the necessary fiscal accountability to make sure that this situation is finally resolved without wasting funds. As currenty structured, the RTC does not meet that goal.

EXHIBIT 1

[From the Wall Street Journal, May 18, 1989]

NEW AGENCY TO HANDLE SICK S&Ls' ASSETS—HUGE RESPONSIBILITIES CARRY RISK OF FRAUD, ABUSE

(By Paulette Thomas)

WASHINGTON.—The federal government is creating a monster.

As early as this summer, in one full swoop, a new federal agency will seize assets with a value of as much as $400 billion. Thousands of lawyers and accountants will immediately go to work disposing of that property. And federal officials are painfully aware of the likelihood of fraud and abuse.

"There's obviously great potential for under-the-counter payments," says William Seidman, chairman of the Federal Deposit Insurance Corp.

Today, Mr. Seidman will issue his report to the President on the assets—from raw Texas prairie to trailer parks and vacant shopping malls—that the FDIC has taken over from 220 sick thrifts seized since February. The report will provide the first real glimpse of the challenges ahead for the new agency, which will take over the thrift liquidations that the FDIC is temporarily handling now.

This new agency will be called the Resolution Trust Corp. It will quickly become the owner of assets held by hundreds of sick savings and loans. Its ultimate shape and authority remain vague, with Congress still completing work on President Bush's thrift-rescue legislation. In a little-noticed provision of the Senate bill, for example, the RTC would have unlimited power to plunge the nation deeper into debt.

Just yesterday, in fact, Mr. Seidman—along with Danny Wall, the chairman of the thrift regulatory agency, and Robert Heller, a governor of the Federal Reserve Board—complained before a House committee that the bill's language is so vague that it will slow down the rescue process, in which thrift losses mount at $1 billion a month, adding to the taxpayer's cost.

DEARTH OF LAWYERS

It is clear that the RTC will become a giant contracting agency, unloading the hemisphere's largest pool of private property in a liquidation that will test the nation's property managers, title insurers, abstracters, appraisers, accountants and other such professionals for a decade to come.

"We could literally create a shortage of lawyers," says Mr. Seidman, whose agency, under one pending plan, will handle much of the RTC's work.

Never before has the U.S. tried to manage—much less sell—so much private property, and its previous efforts on a smaller scale hardly inspired confidence. The Federal Asset Disposition Association, or FADA, which for four years has sold off thrift assets seized by the U.S., has been skewered in Congress for mismanagement, cushy salaries and slow sales.

"It's amazing," says Karen Shaw, a Washington analyst who follows financial-services legislation. "Congress looked at FADA, didn't like it, and said, 'Yep, let's do that again.'"

Sen. Donald Riegle (D., Mich.), chairman of the Senate banking committee, says Congress is trying to put "iron disciplines in place that can really prevent the kind of abuse that I think is otherwise very likely to happen."

But many federal officials say that the scale of the RTC's mission makes mismanagement and fraud virtually inevitable—just one more cost that taxpayers will bear after years of federal inattention to the problems of money-losing savings and loans.

DAUNTING TASK

The scope of the RTC's mission is breathtaking, if the experience of the FDIC is any guide. As the longtime liquidating agency for commercial banks, the FDIC is currently involved in a staggering 21,000 lawsuits associated with $9 billion of assets. The RTC's property portfolio, by comparison, will be nearly 50 times as large.

It is nearly impossible for the FDIC and the Federal Home Loan Bank, its S&L counterpart, to retain accountants they aren't also suing. Under that guideline, only two of the top 20 accounting firms are eligible to do the work.

It takes 5,000 federal employees to keep track of the FDIC's property, suggesting that RTC, by simply arithmetic, would demand roughly a quarter-million people to handle its workload. But the administration intends to keep the RTC lean and mean—perhaps with fewer than 100 people to keep track of the private-sector contractors handling the real work.

The detail work itself is daunting. Joseph Robert Jr. of Alexandria, Va., who runs one of the nation's largest asset-management firms, says handling each asset can consume years of litigation, business planning and title research. The $5 billion in remnants of failed financial institutions now managed by Mr. Robert range from a muddy hole in a Dallas suburb that was to be the site of the "world's first vertical high-rise country club" to a church in Provo, Utah, built on speculation that some denomination would be interested in buying it.

Mr. Robert's experience also illustrates the all-too-typical nightmares awaiting those who will marshal the assets of the sick thrifts. In 1986, when his company stepped in as conservator of the Independent American Savings & Loan in Dallas, (now part of Sunbelt Savings & Loan), the S&L had more than a half-dozen financial reporting systems to monitor its various nonperforming assets. Computer hardware and software systems were incompatible.

"It was the craziest thing you ever saw," he says, "and that's just one institution." The RTC may eventually handle 500 or more sick thrifts.

Creating incentives for the RTC's private contractors to sell the assets will ultimately determine the RTC's success. When Continental Illinois National Bank failed in 1982, Mr. Seidman notes, private contractors, overseeing the $2.8 billion liquidation sold assets at a rapid clip for a while. But once the asset size fell below $1 billion, he says, the sales faltered. "It's more difficult to do when employees know they are selling themselves out of a job," he says.

Legislation, meanwhile, dictates that property not be "dumped," driving down local real estate values, while at the same time, property "overhang" may be just as damaging to a market waiting to recover. "Almost anything that happens will be subject to second guessing," predicts John Oros, a partner at Goldman Sachs & Co., who advised thrift regulators.

Mr. Seidman adds: "Being the head of this is not the place to get popular."

PROPOSED STRUCTURE OF THE RTC

In Senate bill

RTC oversight board members: Treasury Secretary, Attorney General, Federal Reserve Chairman, two private sector experts.

Includes provision that could allow RTC to issue debt and guarantees against loss in disposing of assets.

Could review, but not overturn, last year's thrift sales.

In House bill

RTC oversight board members: Treasury Secretary, Attorney General, Federal Reserve Chairman, HUD Secretary, a real estate expert, and the FDIC Chairman as nonvoting member.

A portion of the property will be reserved for low-income housing.

Could review but not overturn last year's Bank Board deals.

[From the Washington Post, May 5, 1989]

RTC: CAN THE HUGE S&L BAILOUT AGENCY HANDLE AN EQUALLY HUGE TASK?

(By Sharon Warren Walsh)

In bailing out the savings and loan industry, the Bush administration has created a government entity with $100 billion in assets—exceeded in size by only three of the Fortune 500 industrial corporations. Its deposits of $300 billion to $500 billion will make it the nation's largest financial institution—more than twice the size of banking giant Citibank.

But while the huge new agency appears to offer the best possible hope of recovering some of the costs of bailing out the S&L industry, financial industry observers say it also will create an opportunity for the greatest mischief in financial history.

Called the Resolution Trust Corp., it will have the far-from-simple mandate of selling or managing all of the real estate and deposits inherited from the hundreds of thrifts that have failed in the past several years. Rescuing those failed S&Ls will cost between $157 billion and $183 billion, according to various estimates.

"This $100 billion asset disposition agency is being created with absolutely no controls," said Karen Shaw, head of the Washington-based Institute for Strategy Development, a consulting firm. "It could be the Teapot Dome scandal of this century."

"It's going to be one enormous headache," said Robert Litan, senior fellow at the Brookings Institution. "Whoever heads it will be in a no-win position."

Under the Bush plan and in legislation passed by the Senate and soon to go to the floor of the House, the Federal Deposit Insurance Corp. will continue to take over insolvent S&Ls. The RTC, rather than the FDIC, will liquidate the thrifts.

But no one really knows how the liquidation of more than $100 billion in homes, apartments, offices, industrial buildings and land will be handled. There are no rules for the RTC to go by. The FDIC, in its entire history, has handled bank failures or bailouts involving only $144 billion in deposits.

William Seidman, chairman of the FCIC, has one view of the job ahead for the RTC. "In our experience, liquidation is a very difficult job," he said in an interview. "It involves closing institutions down, suing people, selling property into depressed markets, closing locations, firing people—all the kinds of jobs that can create a lot of unhappiness."

The RTC will have to walk a fine political line between getting rid of the assets of failed institutions quickly and cheaply, or of holding on to the assets and taking on the responsibility of managing the real estate.

Because the real estate market is extremely depressed in areas where many thrifts have failed, such as the Southwest, many experts worry that the government will sell the commercial buildings, homes and shopping centers that make up the assets of the failed S&Ls too cheaply. In the process, new real estate magnates will make a killing on the property later.

Others fear that if the RTC holds on to the properties, which it will be under considerable political pressure to do, it will wind up managing businesses in which it has no expertise.

"What does the government know about managing half-finished shopping centers?" Litan said. "There's virtually no guidance in the [House or Senate] bills . . . It's obviously a management problem of extraordinary magnitude."

One example of the types of problems the RTC may face has been experienced by the Federal Asset Disposition Association, the federal agency that now sells foreclosed property from failed S&Ls. FADA, which was created in 1985, itself became insolvent because of mismanagement, adding millions of dollars to the government's cost of closing insolvent thrifts. Several of its top-ranking employees were found to have stakes in firms that could benefit from FADA contracts.

In Congress, members admit that in the massive thrift bailout bills being rushed through both houses—each with more than 500 pages and hundreds of amendments—there are few provisions that control the RTC. They aren't sure, they say, exactly what it's going to do, how it's going to function, how big it will become or who will control it.

In the crisis atmosphere surrounding S&Ls, members of Congress said they were much more concerned with other issues and with getting a bill to the president quickly.

"We still don't know what kinds of control there will be on this amorphous, unshaped animal," said Rep. Charles Schumer (D-N.Y.).

Both the House and Senate versions of the bill limit the lifespan of the RTC—the House version to 10 years, the Senate version to five. But there are those who fear that the mammoth task ahead of the corporation may take longer than provided for in either bill.

To lead the corporation, Bush wanted a three-person oversight board. Headed by Treasury Secretary Nicholas F. Brady, it would have had Attorney General Dick Thornburgh and Federal Reserve Chairman Alan Greenspan as members. But Congress added more members to the oversight panel.

The Senate bill adds two outside real estate professionals to the board—a move that Sen. Robert Kerrey (D-Neb.) calls "putting a fox in charge of the henhouse."

Kerrey wanted an amendment that would set up a seven-person board with a strong chairman—someone, he said, of unquestioned integrity. But the administration opposed such an amendment.

The House version expanded the board from three members to five—adding Housing and Urban Development Secretary Jack Kemp and a private real estate expert.

No matter which version survives, a chief executive appointed by Brady will run the RTC.

In one amendment to the House bill, Rep. Steve Bartlett (R-Tex.) included a provision that would prevent the RTC president from going to work in the private sector for institutions with which RTC has dealings.

"I think it's critical that there be no hint of any ability for [the RTC chairman] to be able to negotiate for the RTC and then be able to do private business deals," Bartlett said.

[From the Chicago Tribune, May 21, 1989]

S&L RECONSTRUCTION AGENCY EMBATTLED BEFORE IT STARTS

(By Christine Winter)

Resolution Trust Corp., the government agency being created to dispose of the nation's troubled savings and loans, hasn't opened its doors yet, but already it's under attack.

Critics forecast it will be "a gigantic headache . . . a carbon copy of past mistakes." Even supporters admit it will need "a tremendous control framework" to ward off scandal.

In testimony before Congress last week, federal regulators warned that the structure of the massive agency, which will control hundreds of billions of dollars in deposits and troubled assets, is "extremely vague."

"The RTC is the big unknown to everybody," said Robert Weinberger, lobbyist for Continental Bank Corp.

Resolution Trust Corp. instantly will become the nation's largest financial institution, an agency that should attract the best and the brightest. But pundits already are calling the director's job the most unappealing in Washington.

"Guaranted to cause any rising star to explode," said one.

The director will be on such a hot seat—with billions of dollars of assets to unload, a legislated timetable of five years and very few concrete regulations—that he is virtually guaranteed to attract heat-seeking missiles.

"The potential for abuse is enormous," Sen. Robert Kerrey (D., Neb.) warned. "People are going to make millions of dollars on these assets; there is going to be a feeding frenzy out there. This can only be workable with good management."

The agency will be charged with disposing of the assets and deposits of the 219 failing thrifts that were put under the conservatorship of the Federal Deposit Insurance Corp. earlier this year. They represent $98.4 billion in deposits and about $95 billion in assets, an FDIC spokesman said.

According to congressional testimony by FDIC Chairman William Seidman Thursday, the program will include about 279 institutions by the end of the year, with about $115 billion in assets.

Total losses for the 212 of these that have been evaluated to date are $29.8 billion, according to Seidman. That is the amount of money it would take to "fill up the negative holes and bring their net worth up to zero," something that would have to be done before they could be sold or liquidated.

Seidman estimated that the total losses, when all of the 279 insolvent thrifts are evaluated, should fall under the $50 billion in proposed funding for the RTC.

These figures don't include the approximately $40 billion cost of merging and shutting down more than 200 thrifts in 1988—those institutions apparently will not be under the auspices of the RTC. However, the agency has been given the power to go back and try to renegotiate more favorable terms in some of the year-end "fire sales," when many troubled thrifts were sold to buyers seeking generous tax advantages.

The new RTC will be charged with the unenviable task of liquidating those billions of dollars worth of troubled assets—mostly commercial real estate but also residential mortgages and raw land—if the institutions can't be sold intact.

The RTC has only a few options for unloading its white elephant thrifts.

"We hope to see most of the institutions in this area merged, rather than liquidated; that's the preferable choice," said Patrick Rohan, assistant regional director for the FDIC in the Midwest.

"We've had a lot of expressions of interest in acquiring the thrifts in the Chicago area, from banks, investor groups and other S&Ls," Rohan added. Some would be buyers who looked closely at Skokie Federal Savings & Loan before the end of 1988 are back for another look, the FDIC managing agent at that institution said.

According to Leo Blaber, president of the Federal Home Loan Bank of Chicago, most of the troubled institutions in this district are prime candidates for acquisition, because "they are not deeply insolvent."

Seidman testified the FDIC has met with about 100 potential acquirers and has answered more than 400 written in inquiries.

All acquisition activity, however, is in a holding pattern until the legislation creating the RTC is passed.

"The government should sell these institions up front, with no contingencies or support," suggested thrift analyst Bert Ely. He pointed out that the earlier assisted deals left all the economic risk in the hands of the government, because it guaranteed troubled assets taken over by the acquirer.

Merging the thrifts, however, will take a bundle of up-front cash.

Merging the thrifts, however, will take a bundle of up-front cash.

Gerald Smith, managing director at Salomon Brothers Inc., which is starting a partnership fund to buy insolvent thrifts, said that whatever approach the RTC takes, the government must make these insolvent institutions whole before they are saleable.

"Nobody is going to underwrite the losses they have already incurred," he said.

"It's better to take the hit up front by merging the institutions and getting somebody else to take on the problem assets without assistance," Ely said. "It takes a lot of courage to put the cash on the table—I don't know if the courage is there, even if the cash is. Any solutions that try to lessen the amount of cash up front will be more costly in the long run."

For those S&Ls that can't be merged or sold, the government will have to transfer the deposits to a healthy institution, along with a negotiated amount of cash to offset the liabilities, or simply shut the institutions down and pay off depositors.

In either case, the RTC will make over and liquidate the assets, to get some recompense for the taxpayer. The FDIC would be contracted to sell the assets under the current proposal.

"This whole thing is going to be a tremendous problem . . . a mess," Kerrey said. "Government does a lousy job of disposing of assets."

Although the RTC has not been well defined in the current legislation, there is some concern that in the few details that have emerged, the RTC has gained "a social and welfare look to it." Most observers think it will probably shed such baggage in the final version of the legislation.

There is a provision now that community groups be given first crack at residential real estate, while another part of the bill forbids the "dumping" of assets, an attempt to preserve local real estate markets.

Critics argue that such provisions, while noble, will just slow down the process and increase the final cost to the taxpayer. However, they admit that while the provision regarding community groups may be disruptive, it won't be crippling, because relatively few of the assets are residential.

"Economically speaking, the right way to get rid of this stuff is as fast as possible," said Robert Litan of the Brookings Institution. "Everybody agrees that government will be a less efficient manager than the private sector, if this property is held."

The idea that such properties should be held—to protect local markets and to get a better price when depressed regions rebound—is unhealthy, according to Ely.

"These are damaged goods in almost all cases; this stuff is really junk; it would be in trouble in the best of markets," he said. He described much of the property as "badly built, half-built, with poor tenant mixes, legal clouds and bad locations.

"It would take fresh money, entrepreneurical talent and time to make these properties marketable," Ely said. "The RTC will have none of those things."

A spokesman for the FDIC in Washington said it will "take any conceivable approach to moving this stuff—bulk sales, auctions, whatever yield's the best return."

Since many of the assets are office buildings, high-rise developments, shopping strips and other commercial properties, the FDIC would have to hire someone to manage anything that isn't sold right away, something it doesn't like to do.

If there are any bargains to be had, it is unlikely the small investor will get a chance to take advantage of them.

"The most cost-effective method, from our standpoint, is to take a lot of like stuff and package it up and sell it in as big blocks as possible to qualified bidders," said the FDIC spokesman. The transaction costs would be too high to retail it in individual lots.

There is also concern that both House and Senate versions of the legislation authorize the RTC to issue notes and guarantees, without explicit limitations, FDIC officials reportedly are also concerned about having to go back to the RTC repeatedly for cash, since the RTC will be writing the checks.

Kerrey called for a strong RTC director, with such impecceable credentials that "no one could challenge him," a person the public will look at and say "we trust you."

The Senate version of the legislation puts the secretary of the Treasury, the attorney general, the chairman of the Federal Reserve Board and two independent real estate professionals on the board.

The House version adds the chairman of the FDIC and the secretary of housing and urban development.

During hearings, Donald Riegle (D., Mich.), chairman of the Senate Banking Committee, complained of too many administration members on the board. "We want some independence," he said.

"These are kind of busy people," pointed out Karen Shaw, head of the Institute for Strategy Development in Washington, D.C. "The actual management might end up being left to those independent members, with no real specifications."

"The way the board is set up is all window dressing; the director is going to run the thing, and he's the guy who is going to take the heat," the Brookings Institution's Litan said. "No rational person would want the job."

"The ideal person would be a recently retired corporate executive who has some government experience," Continental Bank's Weinberger said. "He can't be a babe in the woods in Washington, but he needs the business acumen."

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Morning business is now closed.

NATURAL GAS WELLHEAD DECONTROL ACT

The ACTING PRESIDENT pro tempore. The Senate will now resume consideration of H.R. 1722, which the clerk will report.

The legislative clerk read as follows:

A bill (H.R. 1722) to amend the Natural Gas Policy Act of 1978 to eliminate wellhead price and nonprice controls on the first sale of natural gas, and to make technical corrections and conforming amendments to such act.

The Senate resumed consideration of the bill.

CLOTURE MOTION

Mr. McCLURE. Mr. President, I send a cloture motion to the desk.

The ACTING PRESIDENT pro tempore. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on H.R. 1722, a act to amend the Natural Gas Policy Act of 1978 to eliminate wellhead price and nonprice controls on the first sale of natural gas, and to make technical and conforming amendments to such Act.

Senators J. Bennett Johnston, John Breaux, James A. McClure, Don Nickles, Phil Gramm, Slade Gorton, Lloyd Bentsen, Wendell Ford, Alan Simpson, Malcolm Wallop, Timothy Wirth, Bob Dole, Trent Lott, Nancy L. Kassebaum, Conrad Burns, Pete Domenici, David Boren, Jeff Bingaman, Kent Conrad, and Strom Thurmond.

Mr. McCLURE. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. DIXON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

MORNING BUSINESS

Mr. DIXON. Mr. President, I ask unanimous consent that there now be

a period for morning business for not to exceed 40 minutes, with Senators permitted to speak therein for not to exceed 5 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. DIXON. Thank you very much, Mr. President.

KOREA: ANOTHER FSX SALE IN THE MAKING

Mr. DIXON. Mr. President, I want to talk a little bit about a recent Wall Street Journal article concerning the possibility of an FSX aircraft arrangement with Korea similar to the one that we recently debated concerning Japan.

But before that, I remind my colleagues who may be watching now in the U.S. Senate that the House of Representatives this week adopted the Byrd-Dixon language in the Dixon resolution amended by BYRD that passed the Senate and went to the House. The House jurisdictional committee, the Committee of Foreign Affairs, had modified the Byrd-Dixon resolution, but on the floor of the House an amendment by Congressman BRUCE of Illinois was adopted overwhelmingly that puts the language back in the same shape the language was in when it left the Senate and that is now going to the President.

Secretary of State James Baker has indicated, if that occurs, that the President may very well veto it.

I remind my colleagues that 72 Members of the U.S. Senate supported the language that is now going to the President's desk. If the President vetoes, it is certainly the intention of the distinguished President pro tempore, the distinguished senior Senator from West Virginia, Senator ROBERT BYRD, and this Senator and other like-minded Senators, including the distinguished Senator from Alabama in the chair, and others, to press to override the President's veto.

So, there will be correspondence going to my colleagues on that, and I think we have made a profoundly persuasive case that the deal contained within the FSX memorandum of understanding and letters of clarification is not a good one for the United States, and the language of the resolution, the Dixon resolution, amended by Senator BYRD, is the language of Congress about what we ought to do in respect to protecting our technology, our engine technology, our integrated systems technology, and to prevent the dissemination of the information regarding this technology to other countries. Also, the resolution keeps the jurisdictional committees of the Congress in both Houses involved in the process and assures that Commerce is involved in the future.

Now, Mr. President, having said all that, and that is a battle we may still have here shortly, I refer to a recent edition of the Wall Street Journal which reported that the South Koreans are probably feeling the heat generated by the intense debate over the Japan-United States FSX aircraft development program. Like Japan, Korea has been negotiating with United States companies for the purpose of coproducing fighter aircraft. In fact, the proposed Korean sales are in some ways even more extensive than the FSX sale to Japan, because they also cover helicopters.

Like the Japanese, Koreans are asking us to help build and improve their aerospace industry. This turn of events, of course, should not be a surprise to us. Last September, I warned this body that the Koreans were right behind the Japanese in their quest for an aerospace industry. In this joint program, commonly referred to as the FX, the South Koreans will coproduce the majority of 120 F-16 or FA-18 fighter aircraft that they will buy from the United States. They have clearly stated that they intend to be a factor in the future aerospace market.

We should pay close attention to these explicit declarations of Korea's intentions. We cannot afford to ignore these statements as we consider United States-Korean trade and security issues.

Although Korea is several years behind the Japanese in aerospace technology and development, they have demonstrated that they know how to catch up. Just as an example, look at how they captured the microwave market.

According to a new book, "The Silent War: Inside the Global Business Battles Shaping America's Future," in 1976 the Koreans started with one engineer who reverse engineered American made microwave ovens in a 15 square foot corner office of an old and primitive lab. Working roughly 80 hours a week for years, this engineer developed, and thousands of workers began building, microwave ovens.

These Korean ovens were so good and reasonably priced that a major United States company, General Electric, began buying them from Korea and shut down their own production lines in the United States. The Korean company building them became so efficient that today it is the largest maker of microwave ovens in the world.

What is the name of this company, Mr. President? Samsung, the same company that will be building either our F-16 or FA-18 fighter aircraft.

Experts say the Koreans are years away from building a competitive aerospace industry, but the experts said the same thing about the microwave industry and look at how wrong they were.

The major question I raised during the FSX debate is also valid in the FX case: Why are we helping a business competitor and free-trade violator build yet another industry at the expense of American workers here at home?

Extensive last minute trade concessions by the South Koreans were the only reasons they were not listed as an unfair trading partner by the United States Trade Representative. Although they avoided the Super 301 provision of the 1988 Trade Act, the Koreans were placed on the "priority watch list" because of their reluctance to protect United States intellectual property rights—patents, copyrights, and trademarks.

American companies know that many Korean trade practices are unfair. According to an April 11, 1989, Washington Post article, American companies wanted to place South Korea at the top of the list of unfair trading partners under the Super 301 provision. Indeed, these companies have felt the brunt of a $10 billion trade deficit that the United States has rung up with the Koreans in each of the past 2 years.

Uncle Sam provides the security umbrella that enables the South Koreans to build their economy, yet the Koreans, in all too many cases, have built that new economic muscle with unfair trade practices that hurt the American economy and cost American jobs.

Of course, the South Koreans are wheeling and dealing on these FX proposals, lying back, waiting for our companies to offer offset deals to make their packages more attractive. According to the journal article, General Dynamics is prepared to grant marketing and manufacturing rights for the Cessna caravan light transport plane, and even provide some work for atlas space rockets. What is next? Work on the space shuttle?

I am sure that many of the arguments put forth to promote the FSX agreement with Japan will surface again during the debate on the FX agreement. We will hear again that South Korea will not buy battle-proven American fighters off the shelf and that if we do not enter into this arrangement, the Koreans will turn to the Europeans.

Are we really trying to convince the Koreans to buy these planes outright from us? Or are we making the same feeble attempts to persuade the Koreans that we did in the case of the FSX sale to Japan?

Is the Commerce Department involved in the current negotiations? We know the Department was virtually ignored during the FSX negotiations.

If we have not been pressuring the Koreans to buy the planes outright, then our negotiations are not doing the job they ought to do. We Ameri-

cans easily have the comparative advantage in the aerospace industry, and if Koreans are a strong ally and fair trading partner, their only reasonable course of action is to buy these planes from us outright and off the shelf. If they do not, then the FX deal now under development should be scrapped.

Some years ago, developing a steel industry had the international popularity that the development of an aerospace industry seems to have now. As my colleagues know only too well, the net result of that spreading of overcapacity in the steel industry around the world had severe consequences that we are still attempting to deal with. Soon now, we will be extending the steel voluntary restraint agreement for another 5 years. Do we really want to turn the world aerospace industry into another steel industry?

This Senator is not going to compromise future American jobs for the sake of getting what we can get now, without taking the long view. We do not need the FX sale, Mr. President. Instead of politics to create more foreign government-subsidized competition for American firms, we need policies that focus on the export of American products made by American workers in American industry.

In the case of the FSX sale to Japan, the administration argued that the negotiations were over—that the deal was done—and that Congress therefore should not overturn it.

Many of my colleagues, Mr. President, got on the floor and voted against me on the resolution of disapproval, saying, "Well, the deal's done; the deal's done."

In this case, however, the negotiations are not over and, Mr. President, the deal is not done. In this case, therefore, Congress has a chance to make its voice heard in a timely way, and I urge all my colleagues to join me in making sure that the U.S. FX negotiators know where we stand.

Mr. President, I ask unanimous consent that the Wall Street Journal article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Wall Street Journal, June 7, 1989]

KOREA FEELS HEAT FROM JAPAN FSX FUROR—SEOUL WANTS U.S. KNOW-HOW FOR MILITARY JETS, HELICOPTERS

(By Damon Darlin)

SEOUL, SOUTH KOREA.—After FSX comes son of FSX.

The U.S. aerospace industry plans to teach South Korea's largest companies how to build jet fighters and military helicopters. And just as the American-Japanese FSX jet-fighter development plan sparked a furor in the U.S., the Korean project may cause trouble, too.

Even the names of the planes in the project, the FX fighter and the HX helicopter, sound reminiscent of the FSX, which raised fears about transferring U.S. technology to Japan, which has targeted aerospace as an industry it wants to dominate. Awareness created by the FSX flap could cause trouble for the Koreans, even though the technology is less advanced.

Indeed, South Korea makes no secret that the military projects, totaling about $4.2 billion, have a mission besides protecting the country. "We'd rather have the power to manufacture our own aircraft," says Chung Tae Seung, director of the Ministry of Trade and Industry's defense industry division. "We have a strong wish to be a manufacturing center of the world."

The Koreans say they will award contracts to U.S. companies that offer the most help in reaching that goal. And the American companies—General Dynamics Corp. and McDonnell Douglas Corp. for the FX, and Bell Helicopters, a unit of Textrom Inc., and the Sikorsky unit of United Technologies Corp. for the HX—are competing fiercely for the right to teach the Koreans how to compete with them.

Some Koreans boast their country will be building its own planes in 10 years, though knowledgeable Americans and Koreans doubt the Korean industry is a threat, and some say it may never be. The big three of the nascent Korean aerospace industry—Hanjin Group's Korean Air, Samsung Group and Daewoo Group—have done little more than assemble fuselages or machine simple parts. The industry made goods valued at only $213.8 million in 1988, $88 million of that for export.

Korean Air, for example, is designing a four-seater turbo-prop aircraft, based on a decade of assembling F-5 jets and helicopters. "But even with a simple toy like that turbo-prop, we need advice, 50 researchers and two years," says Shim Yi Taek, senior managing vice president of the company's aerospace division.

Experts say Korea is at least 20 years behind Japan, which is about a decade behind the U.S. But the Koreans have shown remarkable skill at catching up. A decade ago, few people thought they would be selling cars, computers and sophisticated appliances in the U.S. Though most of that technology is from Japan or the U.S., it has found a profitable niche in the low-end of the market. The same could be true for aerospace.

JUMPING IN

About 15 Korean companies already have jumped into aerospace and dozens more are considering it. The Ministry of Trade estimates that in 1992, just as the FX and HX begin production, Korea will produce $760 million in aerospace goods, more than half of that for export. "It's dangerous to underestimate them," says an executive of a U.S. helicopter maker.

U.S. aerospace executives say they have little choice but to aid Korea because the Koreans won't buy machines off the shelf. "If we don't help them, the French and the British are all too eager to jump right in," says a U.S. official in Seoul.

The Korean projects are very different from the Japanese FSX. While the FSX project will codevelop a new generation of fighter based on General Dynamic's F-16 and involving the latest technology, the Korean FX and HX are joint manufacturing projects drawing on technology at least a decade old. For U.S. industry, the Korean projects mean profits. And with Korea building the older machines under license, the American companies can shift to production of higher technology—and more profitable—machines in U.S. plants.

Besides the lack of experience and technology, Korea also lacks a domestic market for commercial aircraft, so it would be dependent on exports. But rising wages and the appreciating won are starting to reduce the nation's price advantage and could erase it entirely in 20 years.

COMPETING PAIRS

In the case of the HX, the Korean government is pitting two joint teams against each other for the right to build a light utility helicopter. Bell Helicopter and Samsung want to build the Bell 412, and Daewoo and Sikorsky want to build Sikorsky's H76. The government is also having another two teams compete for a medium-utility helicopter. Sikorsky is linked with Korean Air for the Sikorsky UH60 Blackhawk, and Bell wants Samsung as a partner for the Bell 214ST. The two projects will total an estimated 100 machines.

In the FX project, the government has named Samsung Aerospace as prime contractor for the 120-plane contract. Perhaps as early as this month, the Korean government will choose between General Dyanmic's F-16 and McDonnell Douglas's F/A-18. The planes are well matched, so the selection criteria boils down to how much help the companies would give the Korean industry, particularly in teaching how to manage a complex manufacturing process that can turn out consistently high-quality products.

General Dynamics, for example, is offering to help Korea update the F-4 fighter and the P-37 trainer, grant marketing and manufacturing rights for the Cessna Caravan light transport plane, and even provide some work for Atlas space rockets. "The list goes on and on," says Dain M. Hancock, vice president of program development for General Dynamics. "The technology of production is directly transferable to the commercial side of the industry."

That kind of talk could get Congress worried in these post-FSX days. "A lot of us are apprehensive," says a U.S. official in Seoul.

But others argue that because the FSX was able to get through Congress, the less-threatening FX project should have an easier time. "The FSX program has done all of us a big favor," says Herbert F. Rogers, president and chief operating officer of General Dynamics. "It creates an environment for the FX program to be treated more favorably than it would have been."

Mr. DIXON. I say in conclusion, Mr. President, this deal with Korea is not done yet. I heard some of the most distinguished Members in this Senate take the floor, some of the giants in this Senate, and say "It's a bad deal, but it's done now. Not much we can do. I guess we will go along."

Well, the administration might have gotten by with that once, but this deal is not done. Commerce ought to be in this deal. Secretary Mosbacher ought to be in this deal. We ought to be making the kind of a deal that is a good deal for America.

So I give notice now, Mr. President, that we know about the discussions on this deal and when they come to us later with a memorandum of understanding and letters of clarification on the deal with the Koreans, I am saying to them now that better be a

deal that Commerce and Mosbacher and others were involved in and that the leaders in the Congress were consulted about in both the House and the Senate if we are going to have a deal that will hold up. What we ought to do, Mr. President, is sell them these planes off the shelf.

I thank the Chair and my colleagues for listening to me this morning on what I consider to be the most important continuing issue, both domestically and in international affairs, before the United States of America at this time in our history.

I yield the floor.

Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BAUCUS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. KERREY). Without objection it is so ordered.

THE CLEAN AIR ACT

INTRODUCTION: A LEGACY OF GOOD HEALTH

Mr. BAUCUS. Mr. President, this Congress can reaffirm America's commitment to careful stewardship of the environment.

The days of the so-called me generation are numbered. People in all walks of life are becoming more concerned about the air we breathe, the water we drink, and even the fragile layer that protects the planet from deadly ultraviolet rays.

These are no longer esoteric subjects for debate at scientific conferences. They are real. I hear about them when I am home. And I read about them every day, when I read the Montana mail.

We have the opportunity to translate this rising public conern into a new set of positive environmental laws. By doing so, we can leave the next generation a legacy of good health.

THE FIRST TEST: CLEAN AIR

The first test will come when we consider legislation to reauthorize the Clean Air Act.

Everybody, of course, is in favor of clean air.

But it turns out that everybody has not been in favor of a strong Clean Air Act. For 8 long years, reauthorizing legislation has been blocked, primarily by intransigent opposition from the Reagan administration.

Well, a new breeze may indeed be blowing.

Earlier this week, President Bush invited several of us to the White House. The President confirmed that he will propose Clean Air legislation next week.

That's good news. I congratulate the President. Whatever the details of his proposal, after 8 long years of intransigence, his leadership is very important, and very welcome.

Sure, Democrats would like to claim all the credit. But we would rather pass a bill. Now, with the prospect of bipartisan cooperation, we have a chance to do just that. And there will be plenty of credit to go around.

Bipartisan support is a unique opportunity. We must not squander it. We must not pass a lowest common denominator bill, that does just enough to get by.

We must act boldly. We must pass a tough, responsible, bill. A bill that fully and finally protects public health.

THE KEY: OZONE NONATTAINMENT

Today, I would like to discuss the standard by which a clean air bill must be judged. It must include strong enforceable provisions that address our air toxics problem, our nonattainment problem, and our acid rain problem. Each of these problems are real. Each require real solutions. Clean Air legislation must be judged on how well it addresses each of these problems.

To control our air toxics, legislation must require the best available control technology, and include a health based safety net in cases in which our technology is not adequate. To neutralize our acid rain, it must include a true 10 million ton reduction in sulfur dioxide emissions by 2000.

But the cornerstone of a clean air bill, Mr. President, is nonattainment. Let me spend a few minutes to discuss the standard by which a nonattainment provision must be judged.

Nonattainment is a fancy phrase. What we are really talking about is smog—that chokes, corrodes lungs, and kills.

In 1970, Congress declared that air pollution "has resulted in mounting dangers to the public health and welfare, including injury to agricultural crops and livestock, damage to and deterioration of property, and hazards to air and ground transportation."

To address these problems, the Clean Air Act of 1970 established a national deadline for attaining—that is, for cleaning the air.

That was 19 years ago. We have extended the deadlines repeatedly. But today there are hundreds of nonattainment areas, covering 354 counties in 42 States. In fact, most Americans live in nonattainment areas; areas, that is, in which the air is not safe to breathe.

The biggest problem is ozone, which is formed from hydrocarbons and nitrogen oxides. Most of our major cities are not meeting the ozone standard. Some by significant amounts. One hundred million Americans live in ozone nonattainment areas.

What does this mean?

Ozone can age our lungs prematurely, make us more susceptible to other diseases, and make it harder to breathe. It also may increase our risk of cancer.

Ozone creates particularly grave dangers for children, whose respiratory systems are undeveloped and who spend a lot of time outdoors.

Last summer, children in New York and Washington were playing in air which did not meet the standards that OSHA applies to workplaces. That is right. Our kids were playing in air that it would be illegal to work in.

The toll is taken quietly. Incrementally. But its staggering. Air pollution may be the cause of 5 percent of all deaths and illnesses in the United States. The American Lung Association estimates that it increases health costs by $40 billion a year.

And things may be getting worse. Ozone is catalyzed by heat. The hot summers of the 1980's, which may be attributable to global warming, are raising ozone levels nationwide.

MOVING FORWARD: THE FEDERAL ROLE

So how do we move forward?

We must require a tough pollution control strategy, so that we can meet the air quality standards within a reasonable time. One of the tools we must use is a series of regular, scheduled emissions reductions.

As far as Federal controls go, we must, to paraphrase Willie Sutton, go where the pollution is.

That means tighter controls on mobile sources, including automobile tailpipes. It means tighter controls on stationary sources. And it means tighter standards for fuel volatility.

Each step will be controversial. The Office of Technology Assessment estimates that we need, on a national average, a 50-percent reduction in emissions of volatile organic compounds, which are one of the main precursors of ozone. But today's technology can only give us a 35-percent reduction.

So, by definition, any strategy to clean up our air cannot depend solely on existing technology. We have to establish more ambitious standards, and challenge American industry to meet them. This challenge can mean new American jobs and new pollution control technologies we can export to other countries who are looking to America for environmental leadership.

CONCLUSION

A good bill provides mechanisms to correct mistakes and the guidance to make those corrections. Cities should look ahead and decide how they will maintain clean air standards after the standards are attained.

States that fail to give it all they have should be subject to clear, strong, and fair penalties. We all need to know the rules of the game, and then we have to live by them.

The current act fails to make the tough choices. Even clear mandates in the law were ignored and avoided where possible. The new act must not make that mistake.

We can breathe clean air again if we insist. I, for one, will insist.

EXTENSION OF MORNING BUSINESS

Mr. BAUCUS. Mr. President, I ask unanimous consent that the time for morning business be extended until 1 o'clock under the same current conditions.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAUCUS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. WIRTH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

EAST-WEST ENVIRONMENTAL COOPERATION

Mr. WIRTH. Mr. President, we are all transfixed by the drama of the changes in world order as the century nears its end. Some of the drama comes from images we have come to expect as daily fare on television:

Students and tanks in Tiananmen Square;

Morning gunfire in Beirut;

Hostilities between the dispossessed and the Government of Israel; and

Shootouts between Crips and Bloods in our own inner cities.

And some of the drama also comes from a stunning revision of perspective, a revision perhaps best symbolized by the new views of the Earth brought back to us by space travelers. The astronomer Fred Hoyle said, way back in 1948 when the notion of space exploration was science fiction:

> Once a photograph of the Earth, taken from the outside, is available * * * a new idea as powerful as any in history will be let loose.

Certainly the travelers themselves come back profoundly changed in their view of the unity of the world, and Americans and Russians react in exactly the same way.

Here is Astronaut James Irwin of the United States:

> That beautiful, warm, living object looked so fragile, so delicate that if you touched it with a finger it would crumble and fall apart.

And now Cosmonaut Vladimir Kovalyonok:

> After an orange cloud—formed as a result of a dust storm over the Sahara and caught up by air currents—reached the Philippines and settled there with rain, I understood that we are all sailing in the same boat.

These radically new views of Earth—one from the television screen, the other from space—will be the ones that dominate the way we see our world in the 21st century, the century in which our children will govern. This vision of Earth is in some ways seamless: No national boundaries can be seen from space, no borders interrupt the transmission of the scenes we view on television. Yet the order in that world, and thus the chances for its survival, depend, upon nation-states and the relations among them. And these are in a state of flux as dramatic as the changes in our perception of the physical world.

Both the United States and the U.S.S.R. have severe economic problems. We realize the size and scope of our enveloping deficit nationally and internationally, and recent discussions in the Soviet Union reveal the even greater size of their national deficit.

These strong economic forces would be certain to produce significant effects on world order all by themselves. But in fact they are not all by themselves; they are aligned with a new phenomenon, perhaps more powerful and moving than all the others. It is a vision not unlike that of the Earth from space—a realization that the global environment is a commons—that is, a resource shared by all peoples and nations and used in common by them in ways that both affect and depend upon its quality. For example, if one country manufactures chlorofluorocarbons, it affects the ozone layer that affords equal protection to all countries. States that burn coal generate acid rain that falls on States that do not. Nations that burn their forests and nations that consume large amounts of fossil fuel per capita contribute carbon dioxide to the atmospheric greenhouse and contribute to global warming, but we all get warm together.

We are familiar with our problems in the United States—those, day to day in our newspapers—and increasingly, Americans are aware of the size and scope of air pollution in our cities, soil pollution, the drawdown of water reserves, drinking water systems that are polluted and cannot be drunk, toxic air pollution problems and so on. We are familiar with those problems here at home, but they are less familiar with similar kinds of problems existing on the other side of the ocean to the East.

CONDITIONS IN EASTERN EUROPE

For example, in Eastern Europe Dr. Barbara Jancar, professor of political science at State University of New York at Brockport, commented in her statement before the Commission on Security and Cooperation, April 26, 1988, that: "In Czechoslovakia, Poland, and the GDR, there are areas * * * so degraded, devoid of life, they are fast approaching the ecological barrier where further economic development is impossible.

Asked to describe the present situation in Eastern Europe, John Boland, professor of geography at the Johns Hopkins University, who recently returned from an extended stay in Eastern Europe in part as an advisor to Solidarity, said that starting from the northwest corner of Czechoslovakia in Bratoslavl and going east by northeast through Czechoslovakia and southwest Poland into the Soviet Union is the worst environmental situation in the world.

CZECHOSLOVAKIA

In Czechoslovakia, government officials estimate that 70 percent of the rivers flowing through Czechoslovakia are heavily polluted. In 1982, more than 4,300 miles of river—28 percent of the nation's total—had no fish life.

In Czechoslovakia, 30 percent of the forests in the Czech lands (Bohemia) are dead, and 20 percent more are dying. The figure of 25 to 30 percent for damaged forest is common for four out of six Eastern European countries, according to U.N. data from 1986.

POLAND

Poland's rivers are among the most polluted in the world. In Poland, government figures show that almost one half of the country's water is unfit even for industrial use. The Vistula River, for example, in the section that runs through Cracow is "virtually devoid of biological life." The Vistula, which empties into the Bay of Gdansk, accounts for two-thirds of the 131,000 metric tons of nitrogen that end up in the Baltic each year.

A French scientist noted in a recent article in The Sciences that the Polish Academy of Sciences reported that all of the country's tap and well water may be contaminated to the point of being unusable by the year 2000. Similarly, in Romania, one report estimates that only 20 percent of the country's rivers are acceptable sources of drinking water. Two-thirds of Hungary's drinking water reserves are endangered and its rivers further threatened as a direct result of Romania's pollution of the Tisza and Danube Rivers. Romania is furthermore the fifth worst air polluter in Europe, the GDR being the worst, emitting some 5 million tons of sulfur dioxide into the air in 1982, which is about 150 percent more than does its neighbor Czechoslovakia.

A quarter of Poland's soil is believed to be too contaminated for safe farming. To this extent, the Polish Government is considering a ban on growing vegetables in Silesia, where garden samples register quantities of heavy metals that are between 30 and 70 percent higher than World Health Organization norms.

SOVIET UNION

The recent developments in the Soviet Union:

MORGUN'S SPEECH

Feodor Morgun, Chairman of the U.S.S.R. State Committee for Nature Conservation, gave the following assessment of the state of the environment in the Soviet Union at the July 1, 1988 session of the 19th All-Union CPSU Conference:

There is a reduction in the natural fertility of the land, there is a reduction in humus in the soil, and forests are in an unsatisfactory state. Some 64 million tons of harmful substances are discharged into the atmosphere by industry and even more by automobiles, and the content of these substances in the air exceeds health norms in all industrial centers. In 102 cities—

Said Dr. Morgun, the Soviet leader in this area, the Soviet head of the equivalent of the EPA—

with a total population of 50 million, concentrations were frequently 10 times the permitted level. (The exact numerical evaluation of the permitted level has proved to be unobtainable indicating the as yet incomplete availability of information within the Soviet Union.)

EASTERN EUROPEAN ENVIRONMENTAL PROBLEMS

In the period of glasnost, some of the most startling information emerging from the Warsaw Pact nations is information about the environmental decay that has occurred.

On his return from a recent visit to Central Soviet Asis, a Swedish scientist remarked:

The destruction of the Soviet environment, particularly in the Central Asian area, has now progressed beyond the point of recovery. The Caspian Sea is dying, the Black Sea is heading for the same fate, and Lake Ladoga, Europe's largest inland sea, is so polluted that it cannot be used even by a planned extension of a paper mill. By the year 2000 Central Asia will be environmentally dead.

Testimony presented to the Commissions on Security and Cooperation in Europe last year by an American researcher made the following observation:

In Czechoslovakia, Poland, and the GDR, there are areas * * * so degraded, devoid of life, they are fast approaching the ecological barrier where further economic development is impossible.

The general opinion in the Soviet Union among some specialists is the recognition that the world has entered into a new era where the old laws are no longer operative. Most notably, security is being redefined and the environment is being factored into that definition. However, whereas there has been significant progress on armament issues, the ecological situation remains threatening. This recognition is accompanied by an awakening to the fact that the Earth's natural resources are exhaustible and that the Soviet Union may already have reached the point where its land and water sources are not replenishable.

Managing our global commons provides us with enormous opportunities, which I recently discussed with Fyodor Morgun in the U.S.S.R.

Specifically, I believe there are five areas that we together may want to concentrate on.

First, we have to work together on energy efficiency. Increasingly, we are finding our greatest environmental challenges—and this as true in the East and as it is in the West—derive from the way we use energy. Energy efficiency is the top priority for environmentally sound economic activity. Japan and Western Europe produce a unit of GNP with half the energy required by the United States. The Soviets and the rest of the centrally planned economies lag further behind.

Second, we have a great deal of work to do in the area of water conservation. The death of the Aral Sea is directly related to the inefficient means with which the Soviets use water. The problem is that these problems are contributing to environmental decline. Water conservation should be another focus for cooperative efforts.

Third, certainly we can find common ground on the dreadful rate of deforestation around the globe. In the tropics, forests are being slashed at the rate of one footfall field per second. An area the size of Pennsylvania is lost each year—loading the atmosphere with carbon dioxide and creating new problems for the industrialized nations as soils erode, land grows scarce and food security in the developing world becomes more marginal, and as we rob the globe of treasured biological diveristy.

Fourth, together with the Soviets, we take on the issue of global population. It took more than a million years for the human species to grow to 2 billion people. In the past 45 years, population has more than doubled—to 5 billion. In the next 30 to 40 years it will double again to 10 billion. There is a serious question as to whether the planet and its environmental systems can sustain these numbers. Can we produce enough food, preserve atmospheric systems and the like? No one knows. It seems to me that a prudent first step for our efforts would be to work together to ensure that every individual who desires it has access to basic family planning services.

Fifth, a large scientific research agenda exists. Many of these arrangements are already underway. However, we need to step up cooperative ventures to understand the scope of the problems we face, particularly in Eastern Europe, and to improve the precision of our responses. Of special concern here should be the sharing of air pollution technologies to combat the increasingly deadly pollution from Paris and Rome to Cracow and Turkey.

Finally, we should be aware of the national and international security dimensions of our task.

When the world becomes warmer, and oceans rise, what happens to our assumptions of coast lines, coastal integrity and sealanes?

As deforestation grows, along with deserts, where do populations move and what kind of political pressures result?

As agricultural patterns change, can we adapt through research rapidly enough to avert enormous famine?

A warmer climate encourages greater disease, more insects, and increasingly subtle and frightening threats to human life.

And North-South disparities can multiply, with escalating potential for confrontation.

These examples could be multiplied endlessly. They portray a planet beset not by single, great difficulties like the nuclear balance of terror but by a host of complex, interlocking conflicts at a more local scale—many of them involving cultural beliefs, traditions, and religious convictions with which we are woefully unfamiliar. To create peace and order in such a world will be inordinately more difficult even than solving the classic great-powers' security problems. What should nations like the United States and the U.S.S.R. be doing to prepare ourselves for our 21st-century roles in untangling this mess?

Certainly the focus is changes. A world that was defined by arms relationships between the two is rapidly changing. A new imperative, global environmental problems, is going to define our relationships, and it is time for us to get along to get right on, Mr. President, with moving on the urgency of this set of issues.

I thank the Chair and I yield the floor.

The PRESIDING OFFICER. The Republican leader.

THE PRESIDENT'S FIRST PRIME TIME PRESS CONFERENCE

Mr. DOLE. Mr. President, first of all I want to congratulate President Bush for an excellent first "prime time" national press conference in the Reagan years, the national press was always clamoring for more press conferences, and more access to the President.

Well, President Bush has given them access—and then some. In fact, some reporters are now complaining they have too much access. I guess sometimes you just cannot win.

But President Bush demonstrated last night his cool command of foreign policy issues, especially China. The President spoke with ease and experience about the country in which he served so well as our Ambassador. The

questions were tough but he met them head on with candor and depth.

The President reiterated his strong condemnation of the human tragedy in Beijing, and refused to back away from the strong actions he has already taken, including reaffirming our right to provide physical asylum at the United States Embassy for threatened Chinese dissident Fang Lizhi.

On another important subject, the President underscored again his total and complete rejection of the regrettable Republican National Committee TOM FOLEY "smear release." President Bush—as do I and my colleagues on this side of the aisle—view Speaker FOLEY as an honorable, dedicated public servant who has earned the respect of Republicans, Democrats, and independents.

And we know he will be a great Speaker. I look forward to working with him, as does President Bush.

I am not a "TV critic" so I will not judge how the lighting and the setting looked on the tube, but on performance I will give the President four stars.

BIRDS OF A FEATHER

Mr. DOLE. Mr. President, birds of a feather fly together. In this case, the birds are vultures.

Today's Washington Post reports that Nicaragua's Communist dictator, Daniel Ortega, has joined forces with Panama's drug-running dictator, Manuel Noriega in a common front against the United States.

Drawing on his bulging warehouses of Soviet and Cuban arms, Ortega is providing weapons to Noriega, both as a political sign of support, and to prepare Noriega for any showdown with the United States.

It is not surprising that these two are arm-in-arm. Noriega has made himself a pariah in this hemisphere. He will take friends anywhere he can find them, especially friends who can help him arm his goon squads.

And Ortega understands that his own fate might be tied in an indirect way to Noriega's fate. If this hemisphere joins together, as it should, to effect the ouster of a dictator like Noriega, it would set what would be seen in Managua as a pretty scary precedent.

Mr. President, at heart, Ortega is just as much of a tyrant as Noriega, or, at least, he aspires to be. It matters not that one brandishes a tyranny of the right, and the other of the left. Tyranny is the meeting point for the extremes of both ends of the political spectrum, and tyranny is something that has no place in this hemisphere.

Nicaragua and Panama are different situations, requiring different kinds of strategies, but the bottom line problem in both is the same—the people of those countries are being denied their rights, and the governments of those countries represent a threat to the free nations of the hemisphere. Neither problem is going to be solved, until these despotic and corrupt regimes are removed, and democracy is established.

SUPPORT FOR SANCTIONS IN SOUTH AFRICA DWINDLES

Mr. DOLE. Mr. President, seizing on events in China, as they will on any pretext, the knee-jerk proponents of more and more punitive action against South Africa are again starting the drumbeat for new sanctions legislation.

There is only one problem—a problem that many of us who opposed the last major sanctions bill predicted at the time. The kind of sweeping sanctions we imposed, under the circumstances we imposed them, do not work. They have not speeded the end of apartheid. They have cost thousands of blacks their jobs and their opportunity for a better life.

Sunday's New York Times has an article by Christopher Wren on this subject, which I would like to share with the Senate. I ask unanimous consent that the text of the Wren article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

SANCTIONS DO THE JOB, BUT APARTHEID'S CRITICS ARE NOT ALL FOR THEM

(By Christopher S. Wren)

JOHANNESBURG.—Archbishop Desmond M. Tutu sounded less than enthusiastic last week about his known support of economic sanctions as a weapon against apartheid. Addressing a church gathering in Durban, the Anglican archbishop, one of the Government's most visible critics, reiterated an earlier confession that he was "not wedded" to sanctions. "If we can bring about the end of apartheid without sanctions, I would be the first to say Hallelujah," he said.

Sanctions have hurt South Africa and forced the Government to readjust its economic strategies. But the first waves of casualties have come from the country's black majority, not its white minority.

A poll commissioned by the Chamber of Mines, a private association of South Africa's mining companies, and released in mid-May reported that 82 percent of the 1,400 black South Africans interviewed said they opposed sanctions and 85 percent of the blacks surveyed said they would oppose sanctions and boycotts that cost them their jobs, even if such measures brought down the white minority Government in five years.

Some anti-apartheid groups were quick to challenge the startling findings of the poll, which had a 4 percent margin of error, mostly on grounds that the Chamber of Mines wanted to show that sanctions were unpopular.

But the Gallup Organization, which conducted the survey through a respected South African marketing group, contends that even those blacks who admitted supporting the outlawed African National Congress expressed substantial opposition to sanctions.

This apparent backlash has prompted some rethinking among apartheid's opponents about selecting their targets more carefully. Last week Archbishop Tutu and three other prominent South African clergymen wrote to international banks asking them to make any rescheduling of South Africa's foreign loans, which now exceed $20 billion, conditional on the creation of "a just political order" by Pretoria.

The damage inflicted by financial sanctions was acknowledged by Gerard de Kock, head of the South African Reserve Bank. "Political developments and perceptions forced South Africa to transform itself from a capital-importing to a capital-exporting economy," Mr. de Kock told an audience in Cape Town last month.

The Government's top banker disclosed that $10 billion had been withdrawn from the country between 1984 and 1988. Economic recovery, he said, required political changes that would appease overseas critics sufficiently for capital to start flowing back.

The damage imposed by restricting South Africa's access to the international financial market was described in starker terms by Andre du Pisani, a South African political scientist, who told a conference in Harare, Zimbabwe, last week that South Africa's foreign exchange reserves had sunk below those of neighboring Botswana.

Proponents of disinvestment have long said that the loss of foreign funds taken by departing companies would force the Government to hasten the demise of apartheid. Opponents have contended that disinvestment hurts apartheid's victims, not its villains, by depriving blacks of jobs, weakening their economic leverage. Moreover, some maintain that the strategy of attacking apartheid by forcing Western companies to leave doesn't work. "I cannot attribute a single change to the departure of an American company, so in that respect it has been a total disaster," said Adrian Botha, the executive director of the American Chamber of Commerce in South Africa, a co-sponsor of the Gallup poll.

No South African trade unions opposed to apartheid have called publicly for foreign companies to leave, though some black union officials maintain that sanctions are necessary in the political struggle.

A LABOR UNION'S REQUEST

The Chemical Workers Industrial Union is trying to negotiate an agreement with the Mobil Oil Corporation, which has announced its departure, that would effectively leave the bulk of its assets in South Africa.

The extent of hardship inflicted by sanctions has been hard to measure. John Liebenberg, a senior executive of the Chamber of Mines, said that 8,000 to 10,000 mine workers, almost all black, lost their jobs when foreign embargoes were first placed on coal exports. But some miners were rehired when the demand resumed.

In a report for the South African Institute of Race Relations, a private think tank that monitors the effect of apartheid, Ronnie Bethlehem, an economist, estimated that sanctions could cost nearly two million jobs by the year 2000, most of them in the unskilled category filled by blacks, because the job market would not expand in a declining economy.

Some advocates of sanctions concede that they cost black jobs. But they say they are

needed to force change on white South Africans, who ultimately must suffer too.

John K. Nkadimeng, a labor leader prominent in the African National Congress, said that those left unemployed should be treated as inevitable casualties of the war against apartheid, no less than the A.N.C.'s armed guerillas. "There are thousands of our people who suffer whether there are sanctions or no sanctions," said Mr. Nkadimeng, speaking from exile in Zambia. "They must make the same sacrifices."

Support for sanctions, not only in the West but also in South Africa, is likely to persist in the absence of alternative actions against the white-minority Government, though they seem bound to become more selective Eugene Nyatt, a political economist, said he and other blacks like Archbishop Tutu advocated sanctions "not because they are good or bad, but because they are effective."

Mr. DOLE. Mr. President, noting that the headline of the article does not accurately represent its contents, I would urge all Senators to read the Wren article.

Without belaboring the point, I would also just like to cite two items from the article. First, a Gallup poll recently conducted in South Africa shows that the overwhelming majority of black South Africans oppose economic sanctions, on the grounds that it is they—and not the white power structure—that get hurt the most.

The other item I would cite is a projection by a noted South African economist that the existing sanctions could lead to the loss of about 2 million jobs in the South African economy in 10 years—almost all of them jobs now held by blacks.

Mr. President, according to this article, even those like Bishop Tutu who have been ardent supporters of sanctions in the past are beginning to question their effectiveness.

I hope that those Americans who have almost automatically supported any call for new sanctions will join with Bishop Tutu and the overwhelming majority of black South Africans, to stop and think for a moment; and to start supporting American policies that will work, and not just make us feel good.

TERRY ANDERSON

Mr. MOYNIHAN. Mr. President, today marks the 1,546th day of captivity for Terry Anderson in Beirut.

I ask unanimous consent that the attached article from the November 25, 1985, Washington Post describing the efforts of Anglican Church envoy—and now hostage—Terry Waite be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

FOUR AMERICANS "ALIVE, WELL," CHURCH ENVOY BACK FROM BEIRUT TALKS

(By Dody Tsiantar)

NEW YORK, Nov. 25—Anglican Church envoy Terry Waite, arriving here today for talks with Reagan administration officials, said four Americans held in Beirut are "alive and well," although it was not clear whether he had seen or spoken with the hostages during his negotiations with their captors. "I regard it as a good sign that they are talking," he said. "But I am not through."

He was reluctant, however, to supply details about the captors or their discussions. "The situation is highly volatile and very, very dangerous. And I am not being overdramatic," said Waite, the representative of the Rev. Robert Runcie, archbishop of Canterbury. "One false move on my part or one loose word could cost lives."

Waite, 46, was visibly tired after flight from Athens. His departure Sunday from Beirut had been delayed for two days by fighting in the streets. He is here to brief White House and State Department officials and church leaders on the progress of his talks.

Waite said he was not certain how long he would stay in this country but said he hoped to return to Beirut "in a few days."

The four hostages are Terry Anderson, Associated Press Bureau chief; the Rev. Lawrence Jenco, director of Catholic Relief Services, and two officials of the American University of Beirut, David Jacobsen and Thomas Sutherland.

"You can take my word for it, the four hostages are alive and well," Waite said. Asked where he met with them, he replied, "I didn't say I spent any time with the hostages."

Waite said he had no information about two other Americans held hostage, Peter Kilburn, a librarian at the university, and U.S. Embassy official William Buckley.

"It's a mystery," he said "I wouldn't like to say they are dead until I have proof that this is true. But, genuinely, I don't know."

PRETRIAL ORDERS OF THE IMPEACHMENT TRIAL COMMITTEE ON THE ARTICLES AGAINST JUDGE ALCEE L. HASTINGS

Mr. BINGAMAN. Mr. President, the Impeachment Trial Committee that has been appointed to receive and report evidence on the articles of impeachment against Judge Alcee L. Hastings will begin its evidentiary hearings on July 10, 1989. The hearings will be conducted in the Central Hearing Facility between the Hart and Dirksen Senate Office Buildings, SH-216. They will be broadcast live to each Senate office. Also, videotapes of the testimony of the witnesses at these hearings will be available for later viewing by Members of the Senate who are not on the Impeachment Trial Committee.

During the last several months the Impeachment Trial Committee has considered and acted on a number of pretrial issues. Its actions are reflected in five pretrial orders that have been issued to date. The most recent of those orders, issued yesterday, governs the final pretrial statements which the parties will file on June 21, 1989, prior to the pretrial conference which the committee's vice chairman, Mr. SPECTER, and I will hold with the parties on June 22, 1989.

For the information of the Senate, I ask unanimous consent that the committee's pretrial orders be printed in the RECORD.

There being no objection, the pretrial orders were ordered to be printed in the RECORD, as follows:

I. IMPEACHMENT TRIAL COMMITTEE, DISPOSITION OF PRETRIAL ISSUES

Upon consideration of the written submissions of the parties on pretrial issues and the oral argument on April 12, 1989, the committee has authorized the chair to issue the following rulings on behalf of the committee:

PRELIMINARY WITNESS LISTS

First, on three occasions, beginning on August 10, 1988, the Committee on Rules and Administration asked the parties for preliminary lists of witnesses with a description of the general nature of the testimony that is expected from each witness. The Rules Committee expressly stated that neither side would be precluded, by the submission of this preliminary information, from requesting subpoenas for other witnesses. On September 6, 1988, the House submitted a list of twenty-three witnesses that it anticipates calling. The House briefly described the nature of each witness' proposed testimony. On January 17, 1989, the House supplemented that list with six additional witnesses. Judge Hastings did not provide the Rules Committee a list of his proposed witnesses in these Senate proceedings. Neither has Judge Hastings provided to this committee a preliminary list of the witnesses that he intends to call before us, other than to refer to material which he had provided last year to a subcommittee of the House Committee on the Judiciary.

It is imperative that Judge Hastings now provide his preliminary witness list without any further delay. The committee requires the list in order to complete its consideration of pretrial issues, including the fixing of an appropriate date to begin evidentiary hearings. Accordingly, Judge Hastings is directed to provide to the committee by noon on April 19, 1989, a preliminary witness list that identifies in good faith the witnesses that he intends to call before this committee. The witness list should also briefly state, in detail comparable to that already provided by the House for its anticipated witnesses, the nature of the testimony that Judge Hastings expects each listed witness would provide. This is to be a preliminary list. Judge Hastings may add, by showing good cause for not including them on the preliminary list, additional names when he submits his final witness list. In the absence of a showing of good cause, the committee may exclude the testimony of any witness who is not listed and described in the preliminary witness list.

The House has indicated that it may have additional witnesses. To the extent that those additional witnesses are now known to the House, the House should supplement its preliminary list by noon on April 19, 1989.

MOTION IN LIMINE

Second, the House has moved *in limine* to exclude five categories of evidence as irrelevant.

The first category concerns the motivations of persons who investigated Judge Hastings in 1981 and then who prosecuted him in *United States* v. *Hastings*, Cr. No. 81-

596-Cr-ETG. The third category concerns the motivations of persons who investigated the matters addressed by Grand Jury No. 86-3 (Miami) concerning the alleged disclosure by Judge Hastings of confidential wiretap information.

Judge Hastings correctly notes that the House has placed on its witness list several assistant United States attorneys and agents of the Federal Bureau of Investigation who would testify in connection with either the bribery and perjury allegations or the wiretap matter. Judge Hastings asserts that the House motion is premature. He also asserts that he should be able to inquire into the motivation and bias of the witnesses against him. As Judge Hastings has asserted a tenable basis for some degree of latitute in cross-examining the witnesses that the House will call, the committee denies at this time this portion of the House's motion. To the extent that Judge Hastings proposes to inquire into the motivations of persons who investigated and prosecuted him for a purpose other than impeaching witnesses that the House will call, the House motion is premature in the absence of a firm indication from Judge Hastings, through the filing of a witness list, that he intends to call any such witnesses. We wish to make clear nonetheless that our denial at this time of this portion of the House motion should not be understood to invite an open-ended inquiry into the motivations of federal prosecutors and investigators. Rather, any such inquiry must be limited to evidence that the investigations were conducted in a manner intended to mislead a court or trier of fact as to Judge Hastings's guilt or innocence.

Categories two and four concern the motivations of persons who initiated, investigated, and considered the complaints that were filed against Judge Hastings in March, 1983, and September, 1986, with the Eleventh Circuit under the Judicial Conduct and Disability Act of 1980. Judge Hastings contends that this aspect of the House motion also is premature.

The issues that are presented by the articles concern Judge Hastings' conduct, not the conduct of members of the judicial branch or persons employed by it. Judge Hastings has made no showing that evidence in categories two and four would be relevant to the articles of impeachment. Moreover, a grant of the House motion with respect to categories two and four should help to focus the parties' preparation for trial on issues that will be germane to the Senate's consideration of the articles. The motion to exclude evidence of the matters described in categories two and four is granted.

The fifth category in the House motion *in limine* is cumulative evidence on Judge Hastings' general character and reputation. We agree with Judge Hastings that this portion of the House motion *in limine* is premature. We expect that Judge Hastings will be mindful of the limitations that the committee placed on the number of character witnesses, and the total length of character testimony, in the Claiborne proceedings, and that, in composing his witness list, Judge Hastings will recognize the need to avoid cumulative evidence. We can address at a later date any question which arises about the need to impose limits on that testimony.

DOCUMENTARY DISCOVERY

Third, Judge Hastings has moved for extensive pretrial discovery. He advocates that discovery be based on contemporary ideas about discovery in federal civil judicial proceedings. The House has proposed a scope of discovery that is modeled to a greater extent on federal criminal judicial proceedings. The House proposes to provide to Judge Hastings any exculpatory evidence that it possesses. The House also proposes that each party provide to the other party the documents that it proposes to offer in evidence, prior sworn, adopted, or approved statements of witnesses that each proposes to call, and substantially verbatim and contemporaneously recorded statements of witnesses that each intends to call. The discovery proposed by the House should be completed as promptly as possible. We reject, however, the divergent theoretical limits—expansive in Judge Hastings' view and constricted in the House's view—that each side has advocated.

The House has expressed a concern about one House of Congress directing another House to produce records. We need not address at this time whether the Senate has that power in an impeachment proceeding, because we think that it should be sufficient to state principles and a schedule to guide these proceedings:

(a) To the extent that the parties have had a disagreement about photocopying, we recommend to the House that the issue be resolved in Judge Hastings favor and that the House provide to Judge Hastings copies of all documents that the House has no objection to providing on the basis of their content. To facilitate Judge Hastings' response to the House's proposed stipulations, a matter that will be discussed below, the House should provide those copies by April 21, 1989, a week from today's order.

(b) The House—which has proposed to provide exculpatory materials, certain prior statements of witnesses, and documents and other tangible evidence that it intends to introduce in evidence—has indicated that it has provided most but not all of that material to Judge Hastings. The House would like to defer further production until it receives equivalent material from Judge Hastings. We will be requiring comparable disclosure by Judge Hastings, but the production to Judge Hastings should not be delayed while that occurs. Again, because we will be requiring responses to the House's proposed stipulations, the House should provide this material to Judge Hastings by April 21.

(c) Concerning other documents, the sharing of information should be guided by a broader principle than that advanced by the House in its offer to provide exculpatory evidence and the prior sworn, adopted, approved, or substantially verbatim and contemporaneously recorded statements of witnesses. In addition to the interests of the House in its role as advocate for the articles of impeachment and the interests of Judge Hastings in defending against those articles, the Senate has an interest in the development of a record that fully illuminates the matters that it must consider in rendering a judgment that under the Constitution only the Senate may make. We therefore ask the House—for documents that it has obtained from elsewhere in the government that are responsive to a particularized request from Judge Hastings—to determine whether there are specific objections, such as the need to honor promised confidences to people who may be at risk, to production to Judge Hastings. In the absence of specific objections by the House or by the governmental entity that provided the material to the House, which should be articulated in writing so that the parties and the committee may be apprised of them, the special constitutional process that we are now engaged in will be served best by the fullest disclosure possible. It may be that for some documents an appropriate course of action would be to provide them to the committee for an evaluation of their sensitive nature, if any, and a determination by the committee whether any restrictions should be placed on the terms of access to them. Again, because of the schedule that will be set forth below for responses to stipulations, the House should respond by May 3.

(d) Judge Hastings also has a burden that he has not yet met. It will be necessary for him to do more than simply demand everything that other people have. In order to facilitate the process that we are asking the House and the other branches to undertake, Judge Hastings should identify, with far greater particularity than he has to date, the records that are germane to issues in these proceedings. Also, if it would be of assistance to the holders of documents in determining their responses, he should articulate to them the basis for his requests. To enable the House to respond by May 3, Judge Hastings should submit his particularized requests by April 26.

(e) Neither the Department of Justice nor the counsel or the members of the Investigating Committee of the Judicial Council of the Eleventh Circuit are before us. If Judge Hastings has requests for documents from either the Department, including the Federal Bureau of Investigations, or the Judicial Council, he should promptly make particularized requests to them by April 26. With knowledge of the committee's interest in the fullest disclosure possible, we would appreciate knowing of the Department's and the Council's responses at the earliest possible time.

(f) Judge Hastings should provide his reciprocal discovery to the House by May 10, including all documents, tapes, and other tangible evidence he intends to offer in evidence, and sworn, adopted, approved, or substantially verbatim statements of witnesses that Judge Hastings intends to call.

DEPOSITIONS

Fourth, Judge Hastings has asked that the Senate utilize its subpoena power to enable him to take depositions in advance of the committee's hearings. He has attached to his most recent request a list, in which he has denominated a provisional list, of twenty-four Department of Justice attorneys and Federal Bureau of Investigation officials and agents. The list is taken from a list of provisional witnesses that Judge Hastings had submitted last year to a subcommittee of the House Committee on the Judiciary.

The committee knows of no precedent for the pretrial examination of witnesses in connection with a Senate impeachment trial. Nevertheless, the committee will give further consideration to Judge Hastings' request for depositions after receiving from him a statement that includes the following information: a list of proposed deponents; a proffer of the testimony he expects to elicit from each proposed deponent and the relevance of that testimony; whether the proposed deponent has testified or provided statements in prior proceedings and whether Judge Hastings has received or has had access to any transcripts or recorded statements; whether Judge Hastings has asked the proposed deponent to provide information voluntarily and, if he has, the response of the proposed deponent; and, if the committee provides for depositions but limits

their number, what priorities Judge Hastings places among the depositions that he is requesting.

If Judge Hastings wishes to pursue his request for depositions, he should submit this statement by April 28, 1989.

It is the committee's hope and expectation that if either the House or Judge Hastings seeks an opportunity to obtain information from the Department of Justice, including the Federal Bureau of Information, that the Department and the Bureau will cooperate voluntarily to provide relevant information.

STIPULATIONS

Fifth, the House, on December 15, 1988, served an original and, on March 31, 1989, served a revised proposed stipulation of facts. The revised proposal reorganizes the original proposed stipulation of facts into fifteen categories. The House also served on December 15, 1988, a proposed stipulation of documents which asked that the parties stipulate that each of the listed documents is genuine. The proposed documentary stipulation also proposed other stipulations for designated categories of documents. The December 15, 1988 submission by the House on documentary stipulations stated the proposed stipulations did not preclude pertinent objections to the admissibility of the documents listed by the House based on matters not addressed in the stipulations.

On January 17, 1989, the House proposed that the Senate adopt a rule that any proposed stipulation of fact will be accepted as true unless the opposing party files a written objection, including a proffer as to why the proposed stipulation should not be taken as true. The House asked for a parallel rule on the authenticity of documents.

An early resolution of factual questions and questions about the authenticity and admissibility of documents that are not in dispute will enable the parties and the committee to focus their time and energies on matters that are truly in disagreement. Also, the committee has been directed by the Senate to report to it on facts that are uncontested.

Accordingly, the committee accepts the House proposals. We direct Judge Hastings to respond to the House's proposed revised stipulations of fact, filed on March 31, 1989, by admitting their truth or serving and filing a specific objection that includes a proffer as to why the proposed stipulation should not be taken as true. With respect to documents, we direct Judge Hastings to respond to the House's proposed documentary stipulations, filed December 15, 1988, by admitting the matters set forth in that submission and by admitting the admissibility of the documents listed by the House, or by serving and filing a specific objection that includes a proffer as to why the proposed stipulation concerning each document should not be taken as true and the particular document admitted into evidence.

Judge Hastings has had nearly four months to evaluate the House's proposed stipulations. We direct that Judge Hastings' response be submitted no later than May 10, 1989. This should be a reciprocal process. Although Judge Hastings has not proposed stipulations of his own, he may do so by May 10. If Judge Hastings does submit proposed stipulations by that day, the House should respond to them by May 24. The parties should engage in this process with an eye towards resolving problems. Consequently, if a disagreement about a proposed stipulation can be resolved by redrafting the stipulation to be more accurate, or can be resolved by providing access to a specific document, then we would expect the parties to work together to settle differences between them.

EVIDENTIARY PRINCIPLES

Sixth, the parties have expressed an interest in the evidentiary principles that will govern these proceedings. The committee's task is to receive and report evidence to the Senate. The Senate reserves the power to determine the competency, relevancy, and materiality of the evidence received by the committee. The committee is not bound by the Federal Rules of Evidence, although those rules may provide some guidance to the committee. Members of the Senate sit both as judges of law and fact. Precise rules of evidence are not needed in an impeachment trial to protect jurors, lay triers of fact, from doubtful evidence. In the end, the task of members of the Senate will be to weigh the relevance and quality of the evidence.

FINAL PRETRIAL STATEMENTS

Lastly, the parties should file final pretrial statements by a date that the committee will designate when it issues an order setting a date for the commencement of testimony. These statements should include a final list of witnesses with a brief statement of the nature of each witness's proposed testimony. The parties should also submit marked exhibits that each proposes to offer. Further, each party should set forth to the committee the legal principles that each believes is applicable to each article of impeachment, or, if appropriately grouped, set of articles. Although the committee will not reach conclusions of law, it is important for the committee, in determining the relevancy of evidence, to know from the parties the legal theories upon which each is proceeding. We will provide more detailed instructions to the parties about the contents of these pretrial statements.

DEFERRED MATTERS

The committee is continuing to consider Judge Hastings' application for defense funds. The committee is also continuing to consider a schedule for its evidentiary hearings. The committee expects to issue an order or orders on these matters within a week.

JEFF BINGAMAN,
Chairman.

APRIL 14, 1989.

II. IMPEACHMENT TRIAL COMMITTEE, DISPOSITION OF PRETRIAL ISSUES, SECOND ORDER

In the order of April 14, 1989, the committee reserved judgment on several pretrial issues. After further deliberations on April 19, 1989, the committee determined its schedule for the commencement of evidentiary hearings. This order sets forth that determination, several adjustments in the pretrial schedule established in the April 14, 1989 order that are appropriate in light of that trial schedule, and a schedule for further pretrial conferences with the chairman and the vice chairman. Judge Hastings' motion for defense funds remains under consideration.

COMMENCEMENT OF EVIDENTIARY HEARINGS

The committee has determined that evidentiary hearings shall begin on July 10, 1989. The articles of impeachment in this matter were exhibited to the Senate on August 9, 1988. The Senate, in Senate Resolution 480 of the 100th Congress, which the Senate agreed to on September 30, 1988, more than six months ago, directed the parties to be prepared by March 1, 1989, or more than seven weeks ago, to present their evidence in the forum to be designated by the Senate. That forum is this committee. The Senate allowed the March 1, 1989 date to pass in order to hear and decide Judge Hastings' motions to dismiss; but we should be reluctant to delay much further the taking of evidence.

In determining the schedule for these impeachment proceeds we must be mindful not only of the interests of the House, the Senate, and Judge Hastings, but also of the interests of litigants in the Southern District of Florida, who require the services of a full district court. We should make steady progress towards the completion of these impeachment proceedings in order to return Judge Hastings to the courtroom if he is acquitted or, if Judge Hastings is convicted, to allow the President to nominate and the Senate to confirm a replacement judge.

Accordingly, we cannot accept Judge Hastings' request for a delay of six months. We believe, however, that the schedule established by the committee will provide the parties with ample preparation time. The date that we have fixed, July 10, 1989, allows the parties more than eleven additional weeks to prepare for this impeachment trial.

REVISED STIPULATION SCHEDULE

Based on the setting of July 10, 1989 for the commencement of evidentiary hearings, the committee has revised the schedule for stipulations. Judge Hastings shall have until May 17, 1989 to respond to the stipulations of facts and documents proposed by the House. He shall also have until May 17, 1989 to propose his own stipulations to the House. The House shall have until June 7, 1989 to respond to any stipulations proposed by Judge Hastings.

FINAL PRETRIAL STATEMENTS

The April 14, 1989 order stated that the committee would designate a date for the filing of final pretrial statements when it issues an order setting a date for the commencement of testimony. Final pretrial statements shall be filed no later than June 21, 1989.

ADDITIONAL PRETRIAL CONFERENCES

In order to facilitate the preparation for trial, the chairman and vice chairman will meet with the parties on May 17, 1989, and again on June 22, 1989. At the May 17, 1989 conference, the parties should be prepared to discuss ways of reducing the numbers of witnesses to permit the completion of evidentiary hearings within a three-week period. The parties should consider, among other matters, whether the prior sworn testimony of any witnesses may be received in evidence as an alternative to the repetition of their testimony before the committee.

The parties should also be prepared to express their views on whether the evidentiary proceedings should be bifurcated by first receiving the evidence of both sides on Articles I through XV, the bribery and perjury articles (as well as their evidence on any aspects of Article XVII, the summary article, that are germane to those matters), and then receiving the parties' evidence on Article XVI, the wiretap disclosure article. The parties are invited to express their views in writing on these matters, and any other proposals they may have for the conduct of the evidentiary hearings, no later than May 10, 1989.

JEFF BINGAMAN,
Chairman

ARLEN SPECTER,
Vice Chairman

APRIL 21, 1989.

III. IMPEACHMENT TRIAL COMMITTEE, DISPOSITION OF MOTION REQUESTING FUNDS FOR RESPONDENT'S DEFENSE, THIRD ORDER

Upon consideration of the submissions of the parties on Judge Hastings' Motion Requesting Funds for Respondent's Defense, the committee has authorized the chair to issue the following ruling on behalf of the committee:

The committee has determined that it will not recommend to the Senate that the Motion Requesting Funds for Respondent's Defense be granted. Judge Hastings may renew his request for defense funds at the close of the Senate's proceedings on the Articles of Impeachment.

JEFF BINGAMAN,
Chairman.

ARLEN SPECTER,
Vice Chairman.

MAY 18, 1989.

IV. IMPEACHMENT TRIAL COMMITTEE, DISPOSITION OF PRETRIAL ISSUES, FOURTH ORDER

Upon consideration of the submissions of the parties and after hearing from them at the pretrial conference of May 18, 1989, the chair, in consultation with the vice chair, issues the following rulings on behalf of the committee:

STIPULATIONS

Senate Resolution 480 of the 100th Congress, which was agreed to on September 30, 1988, requested the parties to work together to stipulate to evidentiary matters that are not in dispute and to report to the Senate on the stipulations to which they had agreed. On December 15, 1988, the House served proposed documentary and factual stipulations. On February 20, 1989, the parties reported to the Senate that they had reached no agreement on any stipulations.

On January 17, 1989, by which time it may have become apparent that a voluntary stipulation process would not be productive, the House proposed that the Senate "adopt a rule that would hold that any proposed stipulation of fact filed with the Senate by a party to this proceeding will be accepted as true unless the opposing party files a written objection, including a proffer as to why the proposed stipulation of fact should not be taken as true." The House also requested that the Senate "adopt a parallel rule addressing the authenticity of documents, which would establish that any proposed stipulation regarding the admissibility of a document filed with the Senate by a party to this proceeding will be accepted as true unless the opposing party files a written objection, including a proffer as to why the proposed stipulation should not be taken as true." *Response of the House of Representatives to the December 12, 1988 Letter from the Senate Committee on Rules and Administration*, at 2-3.

On March 31, 1989, the House renewed its proposals on admissions concerning facts and documents, and resubmitted its stipulation of facts in revised form. In a filing with the committee on April 2, 1989, Judge Hastings stated his opposition to the House's proposals for stipulations prior to trial. *A Further Memorandum on Pre-Trial and Trial Procedures Necessary for a Trial that is Fair to Respondent*, at 31-32.

The committee heard oral argument by the parties on April 12, 1989, and issued its first order on pretrial issues on April 14, 1989. In that order, the committee adopted the House proposal that any proposed stipulation of fact be accepted as true unless the opposing party files an objection, including a proffer as to why the proposed stipulation should not be taken as true. A like rule was adopted for the stipulations as to documents. By its second order, dated April 21, 1989, the committee extended to May 17, 1989 the date for the filing of Judge Hastings' response to the House stipulations. The second order also extended until May 17, 1989, the date for Judge Hastings to file his own stipulations, which, like those of the House, would be accepted as true unless a specific objection was filed. Judge Hastings chose not to file his own stipulations.

Judge Hastings' Response to Stipulations Proposed by the House, which was received by telecopy on May 18, 1989, does not comport with the committee's order. Judge Hastings has in large part failed to respond to the stipulations proposed by the House. Although his response makes certain generalized objections, a few specific objections, and several generalized concessions, the committee in most cases is unable to determine Judge Hastings' position with respect to particular House stipulations. Instead, Judge Hastings, without having asked the committee to reconsider the April 14, 1989 order at any time between its issuance and the May 17, 1989 date for compliance, argues that he should not be required to take part in this process of identifying those matters that are not truly in contest. While the committee appreciates the inevitable burdens which these proceedings impose on all concerned, it believes that these burdens can best and most efficiently be discharged by complying with its orders, rather than by reiterating at length the difficulties of compliance.

The committee continues to believe that both parties as well as the Senate will benefit from a narrowing of the issues of those matters which are truly in dispute. The committee accordingly will review the stipulations proposed by the House and give careful consideration to any specific objections that it is able to identify in Judge Hastings' May 18, 1989 response and in any supplement that he may file to that response by June 1, 1989. Upon completion of its review, the committee will issue a ruling that sets forth the matters which shall be deemed to be found as true as a matter of record for purposes of the committee's evidentiary proceedings and its report to the Senate of matters that are not in dispute.

If Judge Hastings wishes to participate further in this process of distinguishing contested from uncontested issues, he may submit an additional response to the House's proposed stipulations on or before June 1, 1989. That response shall set forth for each proposed fact and each document his specific objection, or lack of objection, to each particular stipulation. In so doing, Judge Hastings should respond to each factual and documentary stipulation proposed by the House: for example, that a particular document is authentic or is a business or public record, or that a particular fact is true. He need not address whether a particular document or fact is relevant and admissible in evidence.

Although the House has referred to its "proposed stipulation[s] regarding the admissibility of a document," *see* page 2 *supra*, we agree with both parties that documentary admissions need go no further than the genuineness of the documented and, for those categories specifically identified by the House, their status as records of regularly conducted activities or public records, *see Proposed Stipulations of Documents*, filed December 15, 1988, at 1. Admissions concerning facts also need go only to their truth and not to their relevance.

DEPOSITIONS

By its April 14, 1989 order, the committee advised Judge Hastings that it would consider his request to take pretrial depositions if he provided a list of, and certain information concerning, his proposed deponents. Judge Hastings responded with a Request for Specific Depositions, filed on May 10, 1989, in which he asked that subpoenas be issued for sixteen individuals. The House, on May 16, 1989, filed a request for the issuance of deposition subpoenas, naming three individuals.

In ruling upon these requests, unprecedented in the context of an impeachment proceeding, the committee has been guided by whether a strong showing of need has been made. In particular, the committee has considered, first, whether or not there has been an adequate showing that the deposition could ascertain relevant evidence, and second, whether or not the parties already have a sufficient basis for trial preparation in any previous testimony by a proposed deponent.

For persons whom Judge Hastings designates as "Participants in Borders's Scheme," the committee declines to issue the requested subpoenas for Rebecca Sutton Nesline and Peter Chaconas. No showing has been made that either Rebecca Sutton Nesline or Peter Chaconas has knowledge of any matter relevent to the Articles of Impeachment. With respect to Joseph Nesline, before deciding whether a threshold showing has been made which might justify the issuance of a subpoena, the committee requests that the House make available to the committee the information in the House's possession concerning Mr. Nesline's competency as a witness.

The committee will grant Judge Hastings' request for the issuance of a subpoena to William Dredge for pretrial testimony. Although Mr. Dredge's testimony before the Eleventh Circuit Investigating Committee is available to Judge Hastings' counsel, the committee has decided to permit a pretrail examination of Mr. Dredge because Judge Hastings has argued that Mr. Dredge's testimony may be especially central to his defense. The committee requests that the parties confer with each other on arrangements for a pretrial examination of Mr. Dredge and that they advise the committee about available dates for that examination so that a subpoena may be issued for a suitable time.

Concerning the FBI and Justice Department officials for whom Judge Hastings requests the issuance of deposition subpoenas, Judge Hastings is ordered, on or before June 1, 1989, to provide the committee with a list of the three individuals, in order of priority, whom he deems most important to depose. In compiling that list, he should be mindful of whether or not he has access to the individual's prior testimony. He should also furnish to the committee at that time any supporting information, including documentation, which supports his claim that these persons possess knowledge relevant to the Articles of Impeachment, and shows that he is in fact unable to obtain information voluntarily from those persons. The committee will then determine whether it

will issue subpoenas for their pretrial examination.

With respect to the House requests, the committee declines to issue subpoenas for Marilyn Carter and Alan G. Ehrlich, both of whom have given previous testimony which is available to the House for its trial preparation. In contrast to Mr. Dredge, whose pretrial examination we will allow, there is no indication that either of these witnesses is sufficiently central to these proceedings to warrant the issuance of subpoenas for their pretrial examination. The committee has decided that a subpoena shall issue for Joanne Tyson Colt, who was a law clerk in Judge Hastings' chambers in October of 1981, who has never previously testified, and who has refused to be interviewed by the House. The requested subpoena shall issue for her pretrial testimony after counsel for the parties have advised the committee about available dates for Ms. Colt's pretrial examination.

CONDUCT OF EVIDENTIARY HEARINGS

Pursuant to the committee's second pretrial order, issued on April 21, 1989, the committee heard from the parties at the May 18, 1989 pretrial conference on various proposals concerning the conduct of the evidentiary hearings which shall begin on July 10, 1989. To the extent that Judge Hastings' submissions to the committee should be understood to be a request to postpone those hearings, that request is denied.

One of the issues that the parties addressed, at the committee's request, was whether the evidentiary proceedings should be bifurcated to permit the taking of each party's evidence first on the bribery and perjury articles and second, after receiving all the evidence on those matters, on the wiretap disclosure article. Judge Hastings objects to bifurcation because it would require him, if he testifies, to divide his testimony into two parts. We will respect Judge Hastings' objection and will not bifurcate the evidentiary hearings. The committee will accommodate the interest of the House in deferring, if it so wishes, the portion of its opening statement on the wiretap disclosure issue to the point in the presentation of its evidence when it is prepared to present its case on that issue.

At the May 18, 1989 conference, the parties also briefly discussed whether it would be appropriate to permit introduction of prior testimony, taken in *United States v. Borders, United States v. Hastings*, and before the Eleventh Circuit Investigation Committee, in place of taking live testimony before this committee. The committee believes that the use of such prior recorded testimony is desirable in certain circumstances, particularly, for example, where the testimony is not that of a key witness whose credibility is at issue, and encourages its use consonant with fairness to the parties and the development of a coherent record for use by the Senate.

Accordingly, both parties are directed to file and serve, no later than June 14, 1989, an identification of the prior testimony which, to the best of their knowledge, they in fact intend to offer into evidence. That identification shall: (1) specify the proceedings from which the proffered testimony is drawn, (2) append a copy of the proffered testimony, and (3) briefly state why the party believes that it would be appropriate to submit that particular testimony by way of prior recorded testimony rather than through a live witness. Each party shall in its pretrial statement on June 21, 1989, state, for each such proffer of prior testimony by the opposing party, whether or not it objects to introduction of that prior testimony and, if so, the specific nature of its objections.

The parties were also invited to suggest ways in which the evidentiary proceedings could be structured to permit the taking of evidence within a three-week period of time. In response, the House suggested that the committee adopt the procedure, used by United States District Judge Pierre Laval in the *Westmoreland v. CBS* defamation case, of dividing a predetermined number of hours between the parties, leaving each side free to determine how its case can best be presented within the available time. Judge Hastings has not responded to the particulars of the House proposal or offered any specific proposals of his own.

The committee believes that guidelines, fairly and flexibly applied, must be adopted to facilitate realistic trial preparation and to enable the Senate and the parties to focus on matters that will be important to the Senate's disposition of the Articles of Impeachment. In framing their final pretrial statements, due on June 21, 1989, and in preparing for the evidentiary proceedings which will commence on July 10, 1989, the parties should operate within guidelines premised on the availability of eighty trial hours during the course of three weeks of hearings. Reserving several hours for miscellaneous matters, the parties should anticipate that they will each have thirty-eight hours in which to present their evidence on all matters, dividing their time as each sees fit between direct and cross-examination. In addition, each party may present an opening statement of no longer than one hour, which, if either party wishes, may be divided into two portions.

The parties should address in their final pretrial statements of June 21, 1989, and be prepared to discuss at the pretrial conference on June 22, 1989, the amount of time which they intend to allocate to direct testimony, whether by prior or live testimony, and whether their preparation has shown that some modification of these guidelines is necessary. The committee is mindful that the foregoing guidelines may need adjustment, both before commencement of the evidentiary proceedings and in the course of those proceedings, and that there must, and will, be flexibility in their application.

An additional order providing further details about the required content of the final pretrial statements will be issued shortly.

JEFF BINGAMAN,
Chairman.
ARLEN SPECTER,
Vice Chairman.

MAY 24, 1989.

V. IMPEACHMENT TRIAL COMMITTEE, ORDER DESIGNATING CONTENTS OF FINAL PRETRIAL STATEMENTS AND OTHER MATTERS, FIFTH ORDER

By its first Disposition of Pretrial Issues, dated April 14, 1989, the committee provided for the filing of Final Pretrial Statements by the parties and described in general terms certain of the matters to be contained in them. By its Second Order, dated April 21, 1989, the committee ordered that the Final Pretrial Statements be filed no later than June 21, 1989. In this order, we provide further information about the required content of the June 21, 1989 Final Pretrial Statements, and address several other matters in preparation for the evidentiary hearings which shall begin on July 10, 1989.

A. *Final Pretrial Statements.*

The parties should:

1. *Statement of the Case.* Provide a brief and general statement of the case as the party intends to present it at the impeachment trial proceedings.

2. *Witnesses.* List the names and addresses of witnesses whom the party wishes to call, with a statement of the nature of their testimony sufficient to illustrate the relevance of that testimony to these proceedings. If any expert witnesses are listed, provide a brief statement of the subject of their testimony and their qualifications as experts. The witness list should be framed within the hourly guidelines articulated in the committee's Fourth Order.

The committee shall treat the inclusion of an individual's name on the witness list as a request to the Senate that a subpoena be issued to that individual requiring his or her appearance at the impeachment trial proceedings. Upon receipt of the Final Pretrial Statements, the committee shall determine which subpoenas shall issue.

Unless good cause be shown for failure to include a witness on the Final Pretrial Statement, the parties shall not be permitted to call as witnesses persons not listed on the Final Pretrial Statement. If a party believes that there is good cause for naming additional witnesses after the Final Pretrial Statement has been filed, it shall, as soon as such witnesses become known, file with the committee, and serve on opposing counsel, the names and addresses of those witnesses, the subject matter of their testimony, and show good cause for their late addition to the witness list. The requirements of this paragraph shall not apply to rebuttal witnesses.

In order to facilitate the orderly issuance of subpoenas, the parties shall periodically be requested to provide information to the committee concerning their order of proof. At the present time, the House is requested to indicate, to the extent currently possible, the order in which it intends to call its witnesses during the direct presentation of its case, and the estimated duration of each of those witnesses' direct testimony. In the event that information should change in the time before commencement of the impeachment trial proceedings on July 10, 1989, the House shall promptly advise the committee of that fact.

3. *Exhibits.* Provide a numbered index of exhibits which the party intends to offer at the evidentiary hearings. The index should provide a specific description of each listed document or item of evidence, and, if the document or item of evidence has previously been introduced in related prior proceedings, such as in *United States v. Hastings*, or before the Investigating Committee of the Eleventh Circuit, a citation to the particular location in the prior record where the document or item of evidence was introduced.

Both parties shall exchange copies of their numbered exhibits, including any tape recordings, and shall provide a copy of their exhibits to the committee, on or before June 22, 1989.

Both parties shall, on or before June 27, 1989, file and serve a statement for each document or item of evidence listed on the opposing party's witness list which unequivocally states whether objection is made to admission of that document or item without need for formal proof as to its authenticity or genuineness, and where appropriate, its status as a record of a regularly conducted activity or a public record. In the event that such objection is made, the basis

for the objection and the reason therefore shall be specifically stated.

The committee will review the foregoing statements and will enter an order stating whether, for each particular piece of evidence, the party offering the evidence need submit formal proof as to its authenticity, genuineness, or status as a record of a regularly conducted activity or a public record. Failure by the opposing party to make a reasoned and specific objection to any particular document or item of evidence will result in a finding by the committee that formal proof need not be made, but will leave the evidence subject to all other objections. It should also be noted that a finding that formal proof need not be made does not relieve the offering party of the need to explain the content or meaning of the document, should the party believe that such explanation is necessary.

Unless good cause be shown for failure to include a document or other item of evidence on the index of exhibits, documents or items not listed thereon shall not be introduced at the impeachment trial proceedings. If a party believes that there is good cause for amending its index of exhibits, it shall, as soon as the need for the amendment becomes known, file with the committee, and serve on opposing counsel, an amendment to the index together with copies of any new exhibit and a showing of good cause for their late inclusion on the index. The opposing party shall, three days after receipt of any such amendment, file and serve its objections regarding matters of formal proof to the exhibits included in the amended index.

4. *Prior Testimony.* The parties shall incorporate into their Final Pretrial Statements their June 14, 1989 filings identifying the prior testimony which they wish to offer into evidence. Copies of the proffered testimony, appended to the June 14, 1989 filing, need not be resubmitted.

With respect to each proffer of prior testimony identified by the opposing party in its June 14, 1989 filing, the parties shall state whether or not they object to introduction of that piece of prior testimony, and, if so, the specific nature of their objections.

5. *Conduct of Evidentiary Proceedings.* The parties shall state the amount of time which they intend to allocate to direct testimony, whether by prior or live testimony, and whether their preparation has shown that they anticipate any particular difficulties in the presentation of their case of which the committee should be made aware.

6. *Legal Matters.* The parties shall set forth the legal principles which each believes is applicable to each article of impeachment, or if appropriately grouped, set of articles, and which the party believes should guide the committee in determining the relevance and assessing the importance of particular evidence.

B. *Other Pretrial Matters.*

1. *William Borders.* On June 7, 1989, the committee adopted a resolution to direct the Senate Legal Counsel to apply to the United States District Court for the District of Columbia for an order immunizing from use in prosecutions any testimony by William A. Borders, Jr. The Senate Legal Counsel notified the Attorney General today, June 8, 1989, of the committee's intention to apply for an immunity order. The committee will be able to apply for that order on June 19, 1989, or on an earlier date if the Attorney General wavies the ten-day notice requirement provided for by the immunity statute.

Neither party placed Mr. Borders on its preliminary witness list, although Judge Hastings has sought to reserve the right to call him. The committee has determined that it is important to have, prior to the Final Pretrial Statements, a clear public record of the final determination of each party whether the party will call Mr. Borders as a witness and, if the party does not intend to call Mr. Borders, a statement of why the party will not call him as a witness. The statements of both the House and Judge Hastings on this matter should be filed with the committee by June 15.

2. *Pretrial Examinations.* The committee will grant Judge Hastings' request for pretrial examinations of Gerald McDowell, Robert Richter, and Peter Marcoline. The parties should confer with each other, and consult with the committee, about suitable dates for these examinations. As the parties have been advised, the committee is attempting to facilitate access to relevant documents of the Department of Justice, including the Federal Bureau of Investigation.

JEFF BINGAMAN,
Chairman.
ARLEN SPECTER,
Vice Chairman.

JUNE 8, 1989.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM-121. A resolution adopted by the House of Representatives of the State of Hawaii; to the Committee on Commerce, Science, and Transportation.

"HOUSE RESOLUTION 359

"Whereas, the National Commission on Space has delcared that there is a need for improved education about the earth, the solar system and the universe, especially for the young as they plan careers; and

"Whereas, the University of Hawaii Institute for Astronomy has fostered the development of two of the State's highest peaks into world class scientific observatory sites; and

"Whereas, the Bishop Museum Planetarium, the University of Hawaii Onizuka Center for International Astronomy at midelevation on Mauna Kea, the Hilo campus Center for Astronomy and Space Education, the University of Hawaii Institute of Geophysics Pacific Regional Planetary Data Center, the Department of Education, and the Department of Business and Economic Development Office of Space Industry have growing space education programs; and

"Whereas, NASA has an ongoing program in research and educational activities which are relatively inaccessible to Hawaii's people, due to the distance of Hawaii from the National Air and Space Museum in Washington D.C. and NASA's regional facilities; now, therefore,

"Be it resolved by the House of Representatives of the Fifteenth Legislature of the State of Hawaii, Regular Session of 1989, that NASA is urged to assist the Department of Education of the State of Hawaii with the teacher resource centers, teacher training services, science center planning, and programming for a summer space camp; and

"Be it further resolved that NASA is requested to bring its spacemobile vehicle to Hawaii in the near future for visits to public and private schools and the Bishop Museum Planetarium; and

"Be it further resolved that certified copies of this Resolution be transmitted to the Administrator of NASA, Hawaii's Congressional Delegation, the Speaker of the U.S. House of Representatives and the President of the U.S. Senate, the Governor of Hawaii, the President of the University of Hawaii, the Superintendent of Education, the Director of the Department of Business and Economic Development, the President of the Hawaii Science Teacher's Association, and the Diretor of the Bishop Museum."

POM-122. A concurrent resolution adopted by the House of Representatives of the State of Hawaii; to the Committee on Commerce, Science, and Transportation.

"HOUSE CONCURRENT RESOLUTION 52

"Whereas, in 1984 Congress passed the Cable Communications Policy Act of 1984 ('Cable Act'); and

"Whereas, the Cable Act prohibits regulation of rates by franchising authorities, except where such authorities can demonstrate lack of 'effective competition'; and

"Whereas, the definition of 'effective competition' adopted by the Federal Communications Commission is such that there are very few places in the country where cable rates can be regulated; and

"Whereas, the Cable Act further prohibits regulation of cable television companies as a public utility; and

"Whereas, prior to the enactment of the federal Cable Act, the Department of Commerce and Consumer Affairs regulated rates charged for basic cable television service under Chapter 440G; and

"Whereas, since the deregulation of rates by the Cable Act, some cable companies in Hawaii and on the mainland have significantly raised rates and provide compelling evidence that the authority to regulate cable rates in all circumstances should be given back to the franchising authorities; and

"Whereas, the cable industry is a capital intensive industry which makes it economically impractical for companies to compete by overlapping their service in the same region; and

"Whereas, for all intents and purposes the cable television industry has all the major characteristics of a public utility but is not regulated as such; and

"Whereas, the foregoing suggests that cable television is a natural monopoly, that the 'effective competition' concept is erroneous, and accordingly, that rate regulation authority is needed; now, therefore,

"Be it resolved by the House of Representatives of the Fifteenth Legislature of the State of Hawaii, Regular Session of 1989, the Senate concurring, that the United States Congress is urged to amend the Cable Act to allow appropriate rate regulation of cable television and to allow regulation of cable television as a public utility; and

"Be it further resolved that certified copies of this Concurrent Resolution be transmitted to the President of the United States Senate, the Speaker of the United States House of Representatives, and Hawaii's congressional delegation."

POM-123. A resolution adopted by the House of Representatives of the State of Hawaii; to the Committee on Energy and Natural Resources.

"HOUSE RESOLUTION 192

"Whereas, Palmyra is an atoll in the middle of the Pacific Ocean approximately 960 nautical miles south southwest of Honolulu and 352 nautical miles north of the equator; and

"Whereas, the overall size of the entire atoll shelf is approximately 8,320 acres (13 square miles) with the dry area at high tide consisting of approximately 600 acres; and

"Whereas, Palmyra Atoll, the northernmost part of the Line Islands which also includes Kiritimati (Christmas), Tabuaeran (Fanning), and Teraina (Washington), is presently under the jurisdiction of the United States Department of Interior, Office of Territories as a U.S. possession; and

"Whereas, after it was first sighted in 1798, various individuals claimed ownership of Palmyra Atoll; finally, in 1922, the present owners, Leslie and Ellen Fullard-Leo, purchased the atoll from Judge Henry Cooper; and

"Whereas, during World War II, the U.S. Department of the Navy converted Palmyra Atoll into an air and sea base during which time substantial dredging and construction activities took place; and

"Whereas, following the War, the United States Government attempted to claim title to Palmyra Atoll; however, in 1947, the U.S. Supreme Court upheld the Fullard-Leos' claim, thereby confirming their legal ownership of the atoll; and

"Whereas, recently, the owners of the uninhabited Palmyra Atoll have placed it on sale for $33 million; and

"Whereas, given the worldwide recognition of the "Age of the Pacific", the acquisition of Palmyra Atoll by the United States could serve as a strategic move to take advantage of its unique geographic location for a variety of uses such as a sports and commercial fishing center, satellite launching site, off-shore banking, or a site for oceanic and atmospheric research; now, therefore,

"Be it further resolved by the House of Representatives of the Fifteenth Legislature, State of Hawaii, Regular Session of 1989, that this body urges the United States Congress to immediately acquire Palmyra Atoll; and

"Be it further resolved that the United States Congress is urged to subsequently include Palmyra Atoll as part of the State of Hawaii and then transfer ownership of the Atoll to the State, because of the State's long standing interest in Palmyra as a potential area for expanding Hawaii's fisheries, both recreational and commercial fishing development, and because of Hawaii's close proximity to Palmyra; and

"Be it further resolved that certified copies of this Resolution be transmitted to the Speaker of the United States House of Representatives, the President of the United States Senate, and members of the Hawaii Congressional Delegation."

POM-124. A joint resolution adopted by the Legislature of the State of Maryland; to the Committee on Finance.

"HOUSE JOINT RESOLUTION No. 23

"Whereas, The Social Security System was designed to be fair to all Americans; and

"Whereas, The 'notch year' benefit cut enacted by Congress in 1977 unfairly reduces Social Security benefits for up to 20 million retired workers born between 1917 and 1928; and

"Whereas, These discriminatory benefit cuts may be over 20 percent of some people's Social Security benefits and cost the individuals affected an average of about $660 per year; and

"Whereas, The projected annual surplus in the Social Security Trust Funds would enable Congress to remedy this injustice and restore a fair level of benefits to 'notch year' Americans without increasing scheduled payroll tax rates; now, therefore, be it

"Resolved by the General Assembly of Marlyand, That the General Assembly urges the United States Congress to adopt the program introduced into the last United States Congress by Senator Terry Sanford and Congressman Harold Ford to restore benefits which 'notch year' Americans have paid for and earned; and be it further

"Resolved, That a copy of this Resolution be forwarded by the Department of Legislative Reference to the Honorable George Bush, President of the United States, 1600 Pennsylvania Avenue, Washington, D.C. 20500; to the Honorable J. Danforth Quayle, Vice President of the United States, Old Executive Office Building, Washington, D.C. 20501; and the Honorable James C. Wright, Jr., the Speaker of the House of Representatives, Room H-204, The Capitol, Washington, D.C. 20515; and be it further

"Resolved, That a copy of this Resolution be forwarded by the Department of Legislative Reference to the Maryland Congressional Delegation: Senators Paul S. Sarbanes and Barbara A. Mikulski, Senate Office Building, Washington, D.C. 20510; and Representatives Royden P. Dyson, Helen Delich Bentley, Benjamin L. Cardin, C. Thomas McMillen, Steny H. Hoyer, Beverly B. Byron, Kweisi Mfume, and Constance A. Morella, House Office Buidling, Washington, D.C. 20515; and be if further

"Resolved, That a copy of this Resolution be forwarded by the Department of Legislative Reference to the Honorable William Donald Schaefer, Governor of Maryland; the Honorable Thomas V. Mike Miller, Jr., President of the Senate of Maryland; and the Honorable R. Clayton Mitchell, Jr., Speaker of the House of Delegates."

POM-125. A joint resolution adopted by the Legislature of the State of Maryland; to the Committee on Finance.

"HOUSE JOINT RESOLUTION No. 18

"Whereas, the 100th Congress of the United States has enacted the Medicare Catastrophic Coverage Act of 1988, which provides covered individuals with additional health care; and

"Whereas, In addition to a $4 monthly premium increase to be paid by each covered individual, the Act has an unusual and unique procedure for revenue enhancement designated as a 'supplemental premium'; and

"Whereas, This 'supplemental premium' is in effect a surtax, which is based upon and is added to the initial tax obligation of persons receiving Medicare benefits or eligible for Medicare benefits; and

"Whereas, Those who must pay the surtax will have to pay the highest rate of personal income tax, rising from 15% in 1989 to 28% in 1993, with a maximum upper limit of an additional $2,100 per couple; and

Whereas, The surtax is directed primarily of those persons who are at or above retirement age (veterans, pensioners, and retirees) whether or not they are actually covered by Medicare or are receiving Medicare benefits; and

Whereas, The method of financing the cost of the new Act violates the long established Social Security principle that all who are likely to benefit from the system should contribute to the costs of the system; and

Whereas, This method of financing is an inappropriate burden to place on people living on fixed incomes, especially in view of the disproportionate growth in the costs of health care; and

Whereas, Because persons with higher incomes are taxed on a proportionately smaller amount of their total incomes, the ceiling placed on the yearly surtax also hurts persons in the low to middle income groups of the elderly; and

Whereas, The new Act does not offer senior citizens the protection they want most—long-term nonskilled care in the home or in residential facilities; and

Whereas, The costs to the insured are open-ended since the Act authorizes the Secretary of Health and Human Services to change premiums and copayments; and

Whereas, The costs to the insured penalize those who planned for their retirement and saved enough to still have a federal income tax obligation; and

Whereas, The costs of prescription drugs have been increasing at an annual rate faster than other health care costs, and the federal government does not have a method to control these costs, especially the costs of manufacturing drugs; now, therefore, be it

"Resolved by the General Assembly of Maryland, That the State of Maryland urges the President and the Congress of the United States to take necessary action to reconsider and amend the Medicare Catastrophic Coverage Act of 1988 to relieve the elderly from provisions of this tax burden by more evenly spreading the cost of catastrophic health insurance among all taxpayers, and to control the costs of prescription drugs in anticipation of Medicare's coverage of prescription drugs in 1991; and be it further

"Resolved, That a copy of this Resolution be forwarded by the Department of Legislative Reference to the Honorable George Bush, President of the United States, 1600 Pennsylvania Avenue, Washington, D.C. 20500; the Honorable J. Danforth Quayle, Vice President of the United States, The Capitol Building, Washington, D.C. 20510; and the Honorable Jim Wright, Speaker of the United States House of Representatives, Washington, D.C. 20515; and be it further

"Resolved, That a copy of this Resolution be forwarded by the Department of Legislative Reference to the Maryland Congressional Delegation: Senators Paul S. Sarbanes and Barbara A. Mikulski, Senate Office Building, Washington, D.C. 20510; and Representatives Royden P. Dyson, Helen Delich Bentley, Benjamin L. Cardin, C. Thomas McMillen, Steny H. Hoyer, Beverly B. Byron, Kweisi Mfume, and Constance A. Morella, House Office Building, Washington, D.C. 20515."

POM-126. A resolution adopted by the Senate of the State of Michigan; to the Committee on Finance.

"SENATE RESOLUTION No. 96

"Whereas, For several years the Michigan State Housing Development Authority (MSHDA) and similar agencies all across the country have been utilizing Mortgage Revenue Bonds (MRBs) to offer low-cost loans for home mortgages and home improvements. Loan money made possible through these bonds has been targeted to assist people of low and modest incomes. Through MSHDA's programs, the money

from these bonds has also helped revitalize neighborhoods; and

"Whereas, As a provision of the 1988 Technical Corrections Act, however, Mortgage Revenue Bonds cannot be used for housing after December 31, 1989. This sunset date threatens a uniquely successful public-private vehicle that has encouraged construction and provided highly productive economic activity in communities throughout Michigan; and

"Whereas, Mortgage Revenue Bonds have financed homes in every county in Michigan, helping thousands of families realize the dream of home ownership. Of the 28,000 homes for families with average incomes below $22,000 provided through Mortgage Revenue Bonds, ninety percent represented the purchase of a first home. There can be little doubt that the lower interest rates and down payments of mortgages financed through Mortgage Revenue Bonds have enabled a great number of people to purchase a home who would otherwise be unable to become homeowners; and

"Whereas, There are two bills presently before Congress (S 355 and HR 1200) that would extend Mortgage Revenue Bonds until 1992. Given the effectiveness of the programs using these bonds to finance housing, it would seem wise to enact such legislation in order to continue a concept that has clearly worked well; now, therefore, be it

"Resolved by the Senate, That we hereby memorialize the Congress of the United States to enact appropriate legislation to extend the sunset date of Mortgage Revenue Bonds to permit their use for housing beyond December 31, 1989, and until 1992; and be it further

"Resolved, That copies of this resolution be transmitted to the President of the United States Senate, the Speaker of the United States House of Representatives, and the members of the Michigan congressional delegation."

POM-127. A concurrent resolution adopted by the House of Representatives of the State of Hawaii; to the Committee on Finance.

"HOUSE CONCURRENT RESOLUTION 362

"Whereas, the Medicare Catastrophic Expansion Act of 1988 (PL 100-360, 102 Stat. 683) is of great importance to all Americans, particularly the elderly who are most liable as a group to have extended and costly illnesses; and

"Whereas, the Act was intended to provide for the most serious needs of the largest number of people and to provide a broad cover of protection for those who can least afford long illnesses; and

"Whereas, the cost of the Act was expected to be minimal and to be spread equitably across all of the beneficiaries in order to be affordable, so that the elderly would not be singled out for higher taxes than others; and

"Whereas, information now shows that too few of the promises of the Act will be fulfilled under its restrictive and complex regulations, which impose significant tax impacts on the elderly; and

"Whereas, the elderly must now pay not only a premium for the benefits but a surtax as well, and those who already have other comparable insurance coverage must nonetheless pay the premium and the surtax; and

"Whereas, the problems generated by the Act have aroused an unusually high level of opposition, as shown by recent bills introduced in Congress to repeal or modify the Act, by numerous petitions signed by citizens against the Act, by syndicated journalists' negative articles in nationally-known newspapers and periodicals, and by individual and organizational complaints; now, therefore,

"*Be it resolved by the House of Representatives of the Fifteenth Legislature of the State of Hawaii, Regular Session of 1989, the Senate concurring,* That the Congress of the United States of America is requested to cease implementation of the Medicare Catastrophic Coverage Act until the Congress can thoroughly review the Act and modify it as necessary; and be it further

"*Resolved,* That certified copies of this Concurrent Resolution be transmitted to the President of the United States, the President of the U.S. Senate, the Speaker of the U.S. House of Representatives, and Hawaii's Congressional delegation."

POM-128. A concurrent resolution adopted by the House of Representatives of the State of Texas; to the Committee on Finance.

"HOUSE CONCURRENT RESOLUTION 13

"Whereas, Inequities in the current Medicare reimbursement system have placed undue financial hardships on small rural hospitals, resulting in the closure of a number of these facilities; and

"Whereas, Under the present system, rural hospitals receive substantially less Medicare reimbursement than their urban counterparts; estimates compiled by the Texas Hospital Association indicate that the amount of reimbursement to rural facilities may be as much as 25 to 50 percent below the amount reimbursed to larger urban hospitals for similar services; and

"Whereas, At the same time, the gap between actual hospital costs and Medicare reimbursements continues to widen; between 1983 and 1987, the annual price updates for hospital payments under Medicare increased by 9 percent while actual hospital costs rose by more than 18 percent; and

"Whereas, Rural hospitals are particularly affected by these discrepancies because of the high percentage of elderly Medicare recipients living in rural areas; and

"Whereas, In Texas alone, at least 60 hospitals have closed their doors since October 1983; 23 of these closures have occurred in counties with populations under 25,000; and

"Whereas, Currently, 48 Texas counties have no hospital facilities at all; in many instances, hospital closures have resulted in an exodus of the physicians who formerly practiced in rural communities; and

"Whereas, Adequate and convenient medical care must not become a luxury afforded only to those living in metropolitan areas; by increasing Medicare reimbursement levels to rural hospitals, we can help ensure the continued availability of vital medical facilities for all our citizens; now, therefore, be it

"*Resolved,* That the 71st Legislature of the State of Texas hereby requests the Congress of the United States to propose legislation designed to increase the level of Medicare compensation to rural hospitals; and, be it further

"*Resolved,* That the Texas secretary of state forward official copies of this resolution to the president of the United States, to the speaker of the house of representatives and the president of the senate of the United States Congress, and to all members of the Texas delegation to the congress, with the request that this resolution be officially entered in the Congressional Record as a memorial to the Congress of the United States of America."

POM-129. A resolution adopted by the Senate of the State of Michigan; to the Committee on Foreign Relations.

"SENATE RESOLUTION NO. 107

"Whereas, The Republic of Lebanon has traditionally been a bastion of democracy and western values in the Middle East. The Republic of Lebanon and its people have made significant contributions to western civilization and culture, and with two-and-one-half million Americans of Lebanese descent living in our nation, there are strong ties between the people of the United States and Lebanon; and

"Whereas, the Republic of Lebanon is presently in peril of losing its identity as a free, sovereign, and independent state. The government of Lebanon is in a state of paralysis, and there can be no lasting peace in the Middle East without firmly reestablishing the national rights of the Lebanese people and sovereignty and independence of Lebanon; and

"Whereas, the United States is a champion of democracy and human rights throughout the world. Lebanon has been a major catalyst of democracy in the Middle East. Few countries in the Middle East can legitimately claim practicing such a political system. It behooves the United States, the friend of democracies wherever they exist, to do Lebanon justice and help Lebanon to once again stand on its feet and be, as it always was, the true friend of America; now, therefore, be it

"*Resolved by the Senate,* That the Congress of the United States, in recognition of the special relationship between the United States and Lebanon, and in recognition of the grave and immediate dangers to Lebanon, unequivocally support the sovereignty, integrity, and independence of the Republic of Lebanon within its internationally recognized borders; and be it further

"*Resolved,* That the United States Congress support a strong representative central government in Lebanon, and an accelerated buildup of a strong national army that would have the support and confidence of the Lebanese people; and be it further

"*Resolved,* That the United States Congress deplore the violence and killings which have taken place in Lebanon since 1975, especially the recent slaughter of innocent civilians in Beirut; and be it further

"*Resolved,* That Syria's military forces should withdraw from Lebanon because they no longer fulfill their original mandate as a 'peacekeeping' element in the beleaguered nation. This withdrawal should be immediate from all of Lebanon and should include all foreign troops; and be it further

"*Resolved,* That a free presidential election be guaranteed, under the auspices of the United Nations, whose result truly reflects the will of the people rather than that of the armed foreign elements occupying Lebanon; and be it further

"*Resolved,* That the United States Congress affirms that only an expanded role of the United Nations peacekeeping * * * central Lebanese government to build up the central army and begin the political and economic process of restoring the country; and be it further

"*Resolved,* That the Congress of the United States urge the administration to support the central Lebanese government toward the necessary disarming of all armed militians within Lebanon, and approve a

major foreign aid program to fund major reconstruction, and most importantly, send immediate emergency medical aid, and fund major humanitarian programs for rehabilitating the thousands of physically and psychologically damaged citizens, especially the children and orphaned; and be it further

"*Resolved,* That a copy of this document be presented to the President of the United States Senate, the Speaker of the United States House of Representatives, and the members of the Michigan congressional delegation."

POM-130. A petition from a citizen of Campbell, California relating to the National debt; to the Committee on the Judiciary.

POM-131. A petition from a citizen of Fayetteville, Arkansas relating to the National debt; to the Committee on the Judiciary.

POM-132. A petition from a citizen of Santa Ana, California relating to the National debt; to the Committee on the Judiciary.

POM-133. A petition from a citizen of San Marcos, California relating to the National debt; to the Committee on the Judiciary.

POM-134. A joint resolution adopted by the Legislature of the State of Montana; to the Committee on Veterans' Affairs.

"SENATE JOINT RESOLUTION 8

"Whereas, Montana's Fort Harrison was the initial training site for the First Special Service Force; and

"Whereas, the 'Force' was a combination of United States Army and Canadian troops that fought under United States command, in United States battle zones, wearing United States uniforms; and

"Whereas, the 'Force' distinguished itself as a superior United States combat unit; and

"Whereas, many Canadian members of the 'Force' who returned to Montana following World War II were denied United States veterans' benefits.

"*Now, therefore, be it resolved by the Senate and the House of Representatives of the State of Montana:*

"(1) That the 51st Montana Legislature encourage the United States Congress to grant full veterans' benefits to Canadian First Special Service Force members now living in the United States.

"(2) That the Secretary of the Senate send copies of this resolution to the Speaker of the United States House of Representatives, the President of the United States Senate, and the members of the Montana Congressional Delegation."

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. D'AMATO:

S. 1154. A bill to allow the obsolete destroyer U.S.S. Edson (DD 946) to be transferred to the Intrepid Sea-Air-Space Museum in New York before the expiration of the otherwise applicable 60-day congressional review period; to the Committee on Armed Services.

By Mr. PRYOR (for himself, Mr. BUMPERS, Mr. KENNEDY, Mr. LUGAR, Mr. PELL, Mr. SIMON, and Mr. LOTT):

S. 1155. A bill to amend the Internal Revenue Code of 1986 to provide that certain educational and training grants to nonresident aliens shall be exempt from income tax and for other purposes; to the Committee on Finance.

By Mr. BOND:

S. 1156. A bill to promote exports and export market development by increasing the activities and resources of the United States and Foreign Commercial Service and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. EXON (for himself and Mr. KERREY):

S. 1157. A bill to amend the Internal Revenue Code of 1986 to allow individuals who do not itemize deductions to deduct losses from failed financial institutions which are treated as ordinary losses; to the Committee on Finance.

By Mr. CRANSTON:

S. 1158. A bill to amend chapter 37 of title 38, United States Code, to restructure the loan guarantee provided under such chapter and to ensure the solvency of the housing loan guaranty program conducted under that chapter; to the Committee on Veterans' Affairs.

By Mr. BAUCUS:

S. 1159. A bill to amend the Federal Noxious Weed Act of 1974 to establish a Center for Noxious Weed Management and Data Collection, to provide for a coordinated management plan for the control of noxious weeds, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. PRYOR (for himself, Mr. BUMPERS, Mr. KENNEDY, Mr. LUGAR, Mr. PELL, Mr. SIMON, and Mr. LOTT):

S. 1155. A bill to amend the Internal Revenue Code of 1986 to provide that certain educational and training grants to nonresident aliens shall be exempt from income tax, and for other purposes; to the Committee on Finance.

INTERNATIONAL SCHOLARSHIP TAX CORRECTION ACT

● Mr. PRYOR. Mr. President, I am pleased to announce today that I am introducing the International Scholarship Tax Correction Act of 1989. Although international educational exchange programs are increasingly important to U.S. economic, educational, and foreign policy interests, recent tax policy changes are severely hampering these vital international linkages. This bill addresses these problems, correcting some unintended effects of the modifications made in scholarship taxation by the Tax Reform Act of 1986.

Joining me as original cosponsors of this important legislation are Senators BUMPERS, KENNEDY, LUGAR, PELL, SIMON, and LOTT. It is my hope that other Senators will support this bill and pass it promptly before more damage is done to the Fulbright and other international educational exchange programs which serve our national interests in so many ways.

One does not need to look hard to see how effective international exchange programs are in furthering peace and international understanding. Just to cite one example, the United States can see the fruits of our small investments in international exchanges in the changes currently unfolding in the Soviet Union. Although the number of exchanges with the Soviet bloc has been very limited over the years, many of those who have participated in these exchanges are now serving key roles in the dramatic and positive transformation of Soviet society now taking place. For example, Aleksandr Yakovlev, who was a United States Government-sponsored IREX scholar at Columbia University in 1959 is now a member of the Soviet Politburo and a close advisor to Mikhail Gorbachev. I am sorry to report, however, that we have not been able to sustain the graduate and senior-level exchanges with the Soviet Union that brought Yakovlev to the United States, let alone take advantage of current opportunities to expand them, to a large extent because of the costs of new scholarship tax requirements.

There is little doubt in my mind that the Fulbright Program is one of the most successful and innovative foreign policy initiatives this Nation has undertaken in the post-war era. No others of which I am aware have built so much good will abroad for this Nation or established such important relationships with leaders of other nations. A recent survey discovered that 34 Japanese Ambassadors are alumni of the Fulbright Program, as are 16 presidents of major Japanese universities. At the same time, no other programs have done so much to advance our understanding of other cultures. Building such expertise needs to be a major concern of the United States as we strive to be more effective in the new international marketplace in which we are currently floundering. Unfortunately, since 1986 when these tax policies went into effect, the number of participants sponsored under the Fulbright Program have declined by nearly 13 percent. Once again, a major cause of this decline has been the impact of new scholarship tax policies which have added very substantial unavoidable costs and required reductions in the number of grants given.

A similar situation is found with regard to the Agency for International Development's Participant Training Program, which annually brings about 17,000 young people from developing nations to the United States for education and training. Over the years, AID's education and training activities have proven to be one of our best investments in sustainable Third World Development. In today's world a country simply cannot advance without skilled leadership, and democratic institutions cannot be maintained without an educated population. While we lack the funds and other resources to

solve many of the problems developing nations are facing, we do have a great system of higher education which can make tremendous contributions in developing the human resources these nations need to advance. Yet, AID estimates that as much as $8 million of its funding for the Participant Training Program will be lost this year due to the scholarship tax requirements imposed by the Tax Reform Act of 1986. Eight million dollars can buy a lot of education for needy developing country students.

While these federally funded exchanges are extremely important, they constitute only a small part of the impressive set of programs and linkages through which we exchange students, scholars, and others with foreign nations. The German Marshall Fund, the Harkness Fellowships, Rotary International, and countless other private programs make major contributions to international exchanges.

Altogether more than 350,000 foreign students attend our higher education institutions each year, bringing a much-needed international dimension to our often far too parochial campuses. Many of these students will soon assume high leadership positions in their nations. Consider how much the United States has gained by educating leaders such as President Corazon Aquino of the Philippines, President Oscar Arias Sanchez of Costa Rica, and Prime Minister Benazir Bhutto of Pakistan.

However, the reports from all privately funded programs reveals the same situation as that experienced by Federal programs. Recent tax policies are forcing reductions in the number of scholarships provided and they are doing great damage to our relationship with exchange participants and foreign nations.

Having served on the Committee on Finance during the development of the Tax Reform Act of 1986, I know it was not our intention to damage international exchanges. However, all of us closely involved in the development of the act knew we could not make such sweeping changes in tax policy without inadvertently damaging some important and useful programs. This is one of those cases. Now we must take the time to fix it.

As you may recall, the act made some substantial changes to section 117 of the Tax Code which governs the taxation of scholarship income. A total exclusion of scholarship income for individuals who are degree candidates was replaced with a partial exclusion for scholarship amounts used for qualified tuition and other expenses. The act also eliminated the existing partial exclusion of scholarship income for those who are not degree candidates.

These changes were made to make the Tax Code more equitable in its treatment of students in general, since those individuals not on scholarships generally have to pay taxes on the income they use to pay for their educations. Furthermore, the change was aimed at those with fairly large incomes. We assumed that the change would have little or no impact on low-income students, since the act increased substantially the standard deduction and the personal exemption. This, it was thought, would mean that students on modest scholarships would probably have no taxable income by the time the amount of their scholarship was reduced by these amounts.

Several factors have prevented these assumptions from proving true in the case of scholarships awarded for international exchange programs. We did not take into account that foreign recipients of scholarships, as nonresident aliens, cannot take the standard deduction and are limited to one personal exemption. This means that foreign exchange participants on our campuses are this year taxed on all amounts above $1,950, whereas scholarship recipients who are U.S. citizens may well only be taxed on amounts in excess of $10,000.

Thus, there is a fundamental inequality built into our current policy regarding the taxation of scholarship income. Needless to say, such inequality of tax treatment is antithetical to the basic principle of reciprocity which governs international exchange programs. It is strangely ironic that this inequality should be the result of our effort in the Congress to provide equity of tax treatment for income devoted to educational purposes.

There are further inequalities in our current scholarship tax policy as it applies to international scholarship awards. We impose withholding and reporting requirements on scholarships awarded to foreign students and scholars while no such requirements are imposed on those who are U.S. citizens or resident aliens. This translates into two inequities. First, it requires international exchange scholarship programs to develop and maintain an administratively costly withholding system, which takes away funds which would otherwise be used for scholarships. Thus, many foreign individuals simply do not receive scholarships because there are fewer of them. Second, it means that U.S. recipients have full access to their scholarship funds, while foreign recipients do not.

Of course, we generally apply more restrictive withholding requirements on foreign taxpayers because of the increased difficulties our tax authorities may face in collecting delinquent tax payments when the taxpayer is back in his or her home country. While I understand this general principle and support it, I think there are more important purposes to be served in this case—to preserve the reciprocity of our international exchange programs, particularly when we consider the amount of income to the Treasury involved which is very small. We should, I believe, view exchange participants as special guests in our country and should not subject them to such requirements, particularly if they are not required of our students. Since I understand the IRS has waived withholding requirements on foreign gamblers, I think it is highly inappropriate to impose such requirements on a visiting Fulbright scholar.

Finally, we have faced a very serious inequality in our treatment of funds coming from abroad for foreign students and scholars to undertake educational programs in the United States. We do not know of a single other nation that subjects to taxation the funds a student brings from the United States to finance his or her educational program. Yet, until very recently it has been the policy of the U.S. Government to tax the scholarships foreign students bring to pay for their education in the United States. As you can well imagine, foreign governments who finance educational programs for large numbers of individuals in the United States as well as other foreign scholarship donors have been extremely distressed regarding this policy.

Happily in this case, the Internal Revenue Service issued a revenue ruling on May 15 which resolves most of this problem. The ruling declares that most scholarship payments coming from abroad to finance educational programs of nonresident aliens will generally be considered to be foreign source income for tax purposes and will not be subject to taxation. I commend the Service for taking this very useful and sensible step. Nonetheless, there may be some remaining technical problems regarding this area which my bill addresses.

The International Scholarship Tax Correction Act aims to deal with the damaging problems outlined above by redressing the inequalities now found in the Tax Code. The bill would: equalize the actual tax liability between foreign and U.S. recipients of scholarships; eliminate withholding requirements for nonresident alien recipients; and exclude from taxation all foreign funds which are provided as scholarships to foreign recipients, including contributions foreign sources make to our programs such as the funds foreign governments provide each year to the Fulbright Program.

More specifically, section 1(a) of the bill would amend section 872(b) of the Tax Code to establish an exclusion from gross income for certain grants provided to F, M, or J visa holders. In the case of qualifying foreign grants,

the entire amount is excludable from income under this provision. In the case of qualifying domestic grants, the amount of the exclusion is limited to the amount of gross income which would not be taxable income if received by a U.S. citizen or resident—that is, because of the standard deduction and personal exemptions such individuals can utilize to reduce their taxable income.

Section 1(b) of the bill is a conforming provision that avoids double counting of the single personal exemption amount to which nonresident aliens are entitled. This prevents foreign recipients from obtaining a more favorable tax position than that enjoyed by a U.S. citizen or resident through these provisions.

Section 1(c) amends section 1441(c)(6) of the Code to provide an exemption from withholding requirements for payments made in the form of grants to foreign recipients as defined above.

Section 1(d) deals with effective dates, making the new exclusion available for taxable years beginning after December 31, 1988, and the withholding exception effective on the date of enactment.

To summarize, this bill asks only that we provide a level playing field regarding the taxation of scholarship grants for international exchange programs. For reasons which only became apparent after passage of the Tax Reform Act of 1986, the changes the act made to section 117 of the Tax Code have created fundamental inequalities which require statutory corrections. The United States is currently not treating foreign recipients of Fulbright and other awards fairly. Because of the reciprocal nature of these programs this is not a tolerable situation and it must be corrected. The International Scholarship Tax Correction Act of 1989 would accomplish this crucial goal so our exchange programs can grow, flourish, and fulfill the vital national purposes they are intended to serve.

I want to note in closing that the distinguished senior Senator from Indiana [RICHARD LUGAR] has also proposed legislation to deal with these problems. I want to commend him for his initiative and express my support for his proposal. The provision Senator LUGAR has proposed would address more completely than my bill the pressing problems AID and USIA programs are facing by providing a total exclusion from taxation for payments made to nonresident alien participants of their programs. There clearly are compelling arguments for such a policy. It makes no sense from a fiscal or administrative point of view to subject the appropriations we struggle to provide these small but valuable programs to taxation and costly administrative procedures. It makes even less sense to subject the future world leaders sponsored on these programs to the complicated and unfair tax rules we now impose. If Aleksandr Yakovlev came on an IREX scholarship today and faced these bewildering tax requirements, I seriously doubt he would suggest to Michael Gorbachev that the Soviet Union should move closer to our system of Government. However, Senator LUGAR's proposal would not address the tax problems privately funded international exchange participants are now facing. The best solution, I believe, would be to enact both proposals.

Our international exchange programs are too important to this Nation to allow them to be seriously eroded and damaged by a poorly conceived tax policy. Although it was not our intention to establish such a policy in 1986 that is what we did. Now we need to correct these problems. I urge my colleagues to support this vital legislation.

Mr. President, I ask for unanimous consent that a copy of the bill be included in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1155

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. TREATMENT OF EDUCATIONAL AND TRAINING GRANTS RECEIVED BY NONRESIDENT ALIENS.

(a) EXCLUSION FROM GROSS INCOME FOR CERTAIN EDUCATIONAL AND TRAINING GRANTS.—Subsection (b) of section 872 of the Internal Revenue Code of 1986 (relating to exclusions from gross income of nonresident alien individuals) is amended by adding at the end thereof the following new paragraph:

"(7) EDUCATIONAL AND TRAINING GRANTS—

"(A) IN GENERAL.—In addition to amounts excluded from gross income under other sections of this subtitle, amounts—

"(i) which are received by a nonresident alien individual who is temporarily present in the United States as a nonimmigrant under subparagraph (F), (J), or (M) of section 101(a)(15) of the Immigration and Nationality Act,

"(ii) which are granted directly or indirectly by—

"(I) a foreign government,

"(II) an international organization, or a binational or multinational educational and cultural foundation or commission created or continued pursuant to the Mutual Educational and Cultural Exchange Act of 1961, or

"(III) the United States (or an instrumentality or agency thereof), a State, a possession of the United States, any political subdivision of the foregoing, the District of Columbia, or any organization created or organized in the United States which is described in section 501(c)(3) and exempt from tax under section 501(a), or

"(IV) any organization created or organized outside of the United States which is described in section 501(c) (3) or (4), as or incident to a scholarship or fellowship for study, training, teaching, research or career development in the United States, and

"(iii) which are described in subparagraph (B) or (C).

"(B) GRANTS MADE FROM FUNDS FROM FOREIGN SOURCES.—An amount is described in this subparagraph to the extent that the amount is attributable to funds provided directly or indirectly by an entity described in subclause (I), (II) or (IV) of subparagraph (A)(ii). Amounts provided to nonresident aliens by an entity described in subclause (III) of subparagraph (A)(ii) are described in this subparagraph (and are not described in subparagraph (C)) if such amounts are attributable to funds provided directly or indirectly to the subclause (III) entity by an entity described in subclause (I), (II), or (IV).

(C) GRANTS MADE FROM FUNDS FROM UNITED STATES SOURCES.—An amount is described in this subparagraph to the extent that—

"(i) such amount is attributable to funds provided directly or indirectly by an entity described in subclause (III) of subparagraph (A)(ii), and

"(ii) the aggregate of such amounts received by the taxpayer during any taxable year does not exceed the sum of—

"(I) the amount of the standard deduction as described in section 63(c) without regard to paragraph (6)(B), and

"(II) the aggregate amount of the deductions for personal exemptions under section 151, to which such individual would be entitled for such year if such individual (and his spouse, if any) were citizens of the United States."

(b) CONFORMING AMENDMENT TO AVOID DOUBLE-COUNTING OF PERSONAL EXEMPTION AMOUNTS.—Paragraph (3) of section 873(b) of the Code is amended by adding at the end thereof the following sentence:

"The deduction allowable under section 151 shall be reduced by the amount that is excluded from the taxpayer's gross income by reason of section 872(b)(7)(C)."

(c) EXEMPTIONS FROM WITHHOLDING TAXES.—Paragraph (6) of section 1441(c) of such Code (relating to exceptions to withholding) is amended to read as follows:

"(6) AMOUNTS INCIDENT TO CERTAIN EDUCATIONAL AND TRAINING GRANTS.—No tax shall be required to be deducted and withheld under subsection (a) from any amount which is received by a nonresident alien and attributable to funds provided directly or indirectly by an entity described in section 872(b)(7)(A)(ii) (I), (II), (III) or (IV) as or incident to a scholarship or fellowship for study, training, teaching, research or career development."

(d) EFFECTIVE DATES.—

(1) SUBSECTIONS (a) AND (b).—The amendments made by subsections (a) and (b) shall apply to taxable years beginning after December 31, 1988.

(2) SUBSECTION (c).—The amendments made by subsection (c) shall apply to payments made after the date of the enactment of this Act.●

By Mr. BOND:

S. 1156. A bill to promote exports and export market development by increasing the activities and resources of the United States and Foreign Commercial Service, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

EXPORT PROMOTION AND MARKET DEVELOPMENT ACT

Mr. BOND. Mr. President, trade continues to be an issue that dominates

the attention of policymakers in Washington and business leaders throughout the Nation. Major trade-related initiatives are almost always at the top of the news these days—most recently it was the Super 301 designations, last year it was the Omnibus Trade bill, before that it was the free trade agreement with Canada.

This, of course, is a direct reflection of the fact that trade is becoming critical to the health of our economy—a point which becomes more and more pressing every day.

In the past we have been able to maintain the world's strongest economy while turning in relatively poor showings in the trade area. For example, the administration has estimated that fewer than 250 firms now account for 85 percent of our exports, and that 45,000 firms which could be exporting are not doing so.

The days when we can get by with this lackluster performance are quickly passing. If we are to maintain our economic muscle and our position as the world's leading economy, it is critical that we take a worldwide view and take it now. We have all heard it before; we've all said it before—but we need to get more U.S. companies exporting more goods overseas.

To accomplish this goal will take a national effort with leadership from the top levels of Government. We have seen some of this in recent years, but we need to go so much further.

We in the Senate spend a significant amount of time talking about international trade. We invest a lot of effort in passing measures intended to open markets, level playing fields, and force other countries to trade fairly.

These are all important goals, and many of the measures we have passed will help us in our effort to expand our overseas sales and to increase our share of the world market. But these are all defensive measures. No matter how good your defense is, you can't win the game if you don't field an offense.

An issue that we almost never discuss in the Senate is how to go about fielding a good offense once the playing field has been leveled. I am concerned that we have not taken the steps necessary to ensure that American businesses will be able to move into new markets once the opportunities arise. A level playing field will do us little good if we do not have a team ready to take the field.

If small businesses are going to enter foreign markets with which they have no experience, they are going to need assistance and guidance. They will need trade leads, they will need counseling from trade experts, and they may need help with financing.

The Federal Government has agencies which exist to provide these services. Unfortunately, in recent years they have not been given the resources they need to do their job. The United States and Foreign Commercial Service, our lead export promotion agency has weathered 5 years of budget reductions. The Export-Import Bank which exists to support export financing, has seen its resources slashed over the same period.

Fortunately, the States and some local governments have moved in to fill part of the void. Almost all States have now established international business offices and many now have offices overseas.

My State is a good example. During my terms as Governor of Missouri, we greatly expanded overseas operations, opening offices in Germany and Japan, and laying the groundwork for offices in Korea and Taiwan which have since opened. I pushed Missourians to look overseas and I traveled throughout the world promoting Missouri products, attending trade shows with Missouri business owners, and meeting with Government leaders to help the State get a larger share of the world market.

I am proud to say that we had quite a few successes. Many Missouri enterprises—in agriculture, aerospace, chemicals and machinery, to name just a few—are actively selling overseas. Our companies now are exporting everything from the world's finest fighter planes to wontons filled with Missouri catfish.

However, the States cannot do it alone. They need the leadership of the Federal Government. No State can match the resources of the Commerce Department in gathering trade leads, for example, and it would be a mistake for any State to try.

Mr. President, the tiny amount that we in the United States spend to promote American products overseas is truly appalling. When we compare it to that spent by our trading partners, it is easy to see one reason why they are leaving us behind in the international marketplace. For example, we spend a meager $1.20 per capita on export promotion compared to $21.44 for Canada, $8.72 for Sweden, and $6.19 for France. While I realize Government spending is not necessarily the best measure of our competitiveness, this clearly does show the low national priority we place on exporting compared to our trading partners.

Today I am introducing a bill to begin to address these problems, the Export Promotion and Market Development Act of 1989. The bill authorizes desperately needed resources to the Federal agencies which exist to help exporters compete overseas and targets available resources so that we can do a better job.

First, it strengthens the Department of Commerce's trade promotion activities, particularly those of the United States and Foreign Commercial Service, by restructuring to give the Service new tools to use in serving exporters.

Second, it strengthens some of the important programs conducted by the Export-Import Bank and makes changes which will allow the Bank to serve its customers better.

Third, it attempts to remove laws which act as barriers to U.S. exports and prevent new regulations from impeding exports in the future.

Finally, it provides incentives for our children to learn more about the world and to study the languages which are critical if they are to be the successful business leaders of the future.

Mr. President, in developing this bill, I have spent more than a year consulting with exporters, bankers, trade specialists in both the Federal and State Governments, and representatives of many associations including the National Association of State Development Agencies, the Export Managers Association of California, and the National Foreign Trade Council, U.S. Chamber of Commerce, I believe this bill addresses many of the concerns that were raised by the members of those groups.

No one can dispute that we are entering a new era in which a global economy and a global society is evolving. Americans have always been pioneers changing to meet the challenges of a changing world. Today our challenge is to be competitive participants in this new global economy, and to do that we must become more aggressive in overseas markets. At the same time, we must begin the process of becoming more worldly as a society. To be successful in this effort, we must make these objectives a national priority.

Unless we in Washington are willing to take the first steps toward placing a national priority on export promotion and market development, we cannot expect our large or small businesses, our financial institutions, or even our citizens to make that commitment. For too long, we have relied upon the richness of our vast domestic consumer market and we have lost, in some ways, our drive to be competitive in those smaller, yet vitally important, markets overseas. We need to elevate exporting to a top level national priority with leadership from the highest levels of government, business, and education. I hope that my colleagues will agree and support the important provisions contained in this measure.

Mr. President, I ask unanimous consent that the text of the bill be included in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1156

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Export Promotion and Market Development Act of 1989".

SEC. 2. FINDINGS.

The Congress finds that—

(1) increasing exports by United States businesses is critical if the United States is to maintain its position as a leader in the world economy;

(2) the United States as a nation must make a commitment to increasing its involvement in world trade and increasing exports;

(3) if the United States is to achieve this goal, the Federal Government must give adequate support to United States exports and exporters; and

(4) to give such support, the Federal Government must help to make available adequate export financing and provide the assistance and counseling businesses need to sell their products abroad.

TITLE I—UNITED STATES AND FOREIGN COMMERCIAL SERVICE

SEC. 101. EXPORT MARKET DEVELOPMENT STRATEGY.

(a) DEVELOPMENT.—The Secretary of Commerce, acting through the International Trade Administration, shall develop and submit to the Congress a 5-year export market development strategy. The Secretary shall update the plan annually.

(b) ISSUES TO BE CONSIDERED.—In developing the strategy, the Secretary of Commerce shall consider, though not limit the report to, the following specific questions:

(1) How are the activities of the Assistant Secretary of Commerce and Director General of the United States and Foreign Commercial Service, the Assistant Secretary of Commerce for International Economic Policy, and the Assistant Secretary of Commerce for Trade Development being coordinated to eliminate duplicative activities and to ensure that United States exporters are getting the greatest possible benefit from the International Trade Administration's activities?

(2) What specific steps does the Assistant Secretary of Commerce and Director General of the United States and Foreign Commercial Service plan to take and what specific programs does it plan to utilize in order to increase the number of the United States firms, particularly small- and medium-size firms, that are exporting their products overseas?

(3) What steps is the Assistant Secretary of Commerce and Director General of the United States and Foreign Commercial Service taking to improve the Service's system of gathering export leads and providing such leads to United States exporters in a timely and usable manner?

(4) What steps are the Assistant Secretary of Commerce and Director General of the United States and Foreign Commercial Service and the Assistant Secretary of Commerce for Trade Development taking to assist the efforts of States to increase exports and what can be done to increase Federal-State cooperation?

(5) What steps is the Assistant Secretary of Commerce and Director General of the United States and Foreign Commercial Service taking to improve the coordination between domestic and overseas offices?

(6) Can additional steps be taken to ensure that United States exporters arrive overseas better prepared to deal with foreign customers?

(7) What steps is the Assistant Secretary of Commerce and Director General of the United States and Foreign Commercial Service taking to improve the services available to businessmen at overseas posts?

(c) REPORT.—Not later than October 1, 1990, and annually thereafter, the Secretary of Commerce shall transmit to the Congress a document setting forth the export market development strategy developed under this section.

SEC. 102. SMALL BUSINESS SPECIALIST.

(a) IN GENERAL.—The Administrator of the Small Business Administration shall assign a small business specialist to each district and branch office maintained in the United States by the United States and Foreign Commercial Service.

(b) DUTIES.—The small business specialist shall report to the manager of the office to which such specialist is assigned and shall be responsible for—

(1) helping to increase the Service's responsiveness to small businesses, and

(2) assisting small businesses to compete in international markets.

SEC. 103. AUTHORIZATION OF APPROPRIATIONS FOR UNITED STATES AND FOREIGN COMMERCIAL SERVICE.

There are authorized to be appropriated $112,800,000 to carry out the activities of the United States and Foreign Commercial Service. Amounts appropriated under this section shall be available—

(1) to employ personnel in sufficient numbers to fill all authorized positions in domestic and foreign offices of the United States and Foreign Commercial Service; and

(2) to provide adequate funding for foreign and domestic offices of the United States and Foreign Commercial Service—

(A) to maintain up-to-date commercial libraries,

(B) to undertake necessary in-country travel,

(C) to print newsletters,

(D) to pay ordinary office expenses,

(E) to train trade specialists and other staff members, and

(F) to provide adequate funding for the Commercial Information Management System; and

(3) to cover other necessary expenses.

SEC. 104. USER FEES.

Notwithstanding any other provision of law, all user fees collected by the United States and Foreign Commercial Service in the United States and abroad shall be retained by the United States and Foreign Commercial Service and shall be available to carry out the continuing operation of, and to strengthen, the programs from which such fees were derived.

SEC. 105. ONE-STOP SHOP.

(a) The Secretary of Commerce shall establish and maintain within the United States and Foreign Commercial Service a one-stop shop to make available to exporters and other interested persons all information pertaining to exports from all United States Government agencies, including the Department of Commerce, the Department of State, the Overseas Private Investment Insurance Corporation, the Export-Import Bank of the United States, the Department of the Treasury, the United States Customs Service, the Agency for International Development, and the Trade and Development Program. All Federal agencies shall consult and cooperate with, and furnish information to the one-stop shop to assist it in carrying out its function.

(b) In addition, the one-stop shop shall seek to coordinate its activities with those of not-for-profit groups involved in promoting exports and shall seek to serve as a clearinghouse for information on the export promotion services of these groups. The groups that the one-stop shop shall seek to coordinate with include, but are not limited to, State, local, and regional export assistance agencies, port authorities, and trade associations.

(c) The one-stop shop shall be headquartered in Washington, D.C., and shall disseminate its information through the domestic offices of the United States and Foreign Commercial Service.

SEC. 106. SENSE OF THE CONGRESS.

It is the sense of the Congress that the principal and overriding responsibility of United States and Foreign Commercial Service officers serving abroad is the promotion of the sale of United States exports, the assistance of United States exporters, and the development of United States foreign markets. Other activities related to trade policy and trade interests should involve the United States and Foreign Commercial Service only to the extent that they further this primary responsibility.

TITLE II—EXPORT FINANCE

SEC. 201. EXPORT-IMPORT BANK CREDIT PROGRAMS.

Section 7(a)(3) of the Export-Import Bank Act of 1945 (12 U.S.C. 635e(a)(3)) is amended to read as follows:

"(3) AUTHORIZATION.—There are authorized to be appropriated to the Bank for direct loans for fiscal year 1990 not to exceed $750,000,000. Any sums so appropriated shall remain available until expended.".

SEC. 202. REVIEW OF DOCUMENTATION.

Section 2(c) of the Export-Import Bank Act of 1945 (12 U.S.C. 635(c)) is amended by adding at the end the following:

"(4) The Bank shall conduct a continuing review of documentation it uses and shall take appropriate actions to simplify its loan agreements and other forms.".

SEC. 203. MILITARY PRODUCTS.

(a) FINDINGS.—The Congress finds that—

(1) the continued viability of the United States defense industry is critical to our Nation's continued economic and national security;

(2) the ability to compete in the world marketplace is essential to the continued viability of the United States defense industry;

(3) the lack of an export financing program is hindering the United States defense industry's ability to compete in the international marketplace, and has resulted in sales lost to foreign competitors, lost United States jobs, and an increase in the United States trade deficit.

(b) MAINTENANCE OF INDUSTRIAL BASE.—In view of the critical importance of maintaining the defense industrial base, and the importance of defense exports to meeting that goal, the President shall carry out a study in the course of which he shall—

(1) examine the role of export financing in the decline of United States defense exports in absolute terms and market share;

(2) determine the extent to which other countries support commercial financing for defense exports through official government credit programs;

(3) determine the extent to which United States private capital is used to support defense exports and the obstacles that United States lending institutions face in providing additional support; and

(4) make recommendations for mobilizing private capital to more aggressively support

United States defense exports through existing government export guarantee programs or through new programs.

(c) Not later than 120 days after the date of enactment of this Act, the President shall transmit to the Congress a report on the findings of the study under subsection (b).

SEC. 204. REIMBURSEMENT.

Section 2(a)(1) of the Export-Import Act of 1945 (12 U.S.C. 635(a)(1)) is amended by adding at the end the following: "Notwithstanding any other provision of law, the Bank is authorized to accept payment of or reimbursement for travel, subsistence, and other reasonable expenses in furtherance of the statutory goals and objectives of the Bank.".

TITLE III—CONSIDERATION OF EXPORT IMPACT IN FEDERAL RULES

SEC. 301. REGULATORY FLEXIBILITY ACT AMENDMENT.

(a) IN GENERAL.—Chapter 6 of title 5, United States Code, is amended by adding at the end thereof the following new section:

"§ 613. Consideration of export impact in rules

"(a) Any agency preparing a regulatory agenda or an analysis of any rule under the provisions of this chapter shall consider the impact of such rule on the ability of United States small businesses to sell products to other nations and compete in the international marketplace.

"(b) The Chief Counsel for Advocacy of the Small Business Administration shall—

"(1) monitor agency compliance with the considerations described under subsection (a); and

"(2) consult with the Department of Commerce, the United States Trade Representative, and organizations interested in United States exports in carrying out such monitoring.".

(b) CONFORMING AMENDMENT.—The table of sections for chapter 6 of title 5, United States Code, is amended by adding at the end thereof:

"613. Consideration of export impact in rules.".

TITLE IV—CARGO PREFERENCE

SEC. 401. EXEMPTION OF AGRICULTURAL EXPORTS FROM CARGO PREFERENCE REQUIREMENTS.

(a) IN GENERAL.—Section 901a of the Merchant Marine Act, 1936 (46 U.S.C. 1241e) is amended by inserting "the export of any agricultural commodity or product thereof, including" after "shall not apply to".

(b) CONFORMING AMENDMENTS.—

(1) Sections 1141 and 1143 of the Food Security Act of 1985 (46 U.S.C. 1241d and 1241p) are repealed.

(2) Sections 901b through 901k of the Merchant Marine Act, 1936 (46 U.S.C. 1241f-1241o) are repealed.

TITLE V—INTERNATIONAL EDUCATION AND FOREIGN LANGUAGE INSTRUCTION

SEC. 501. STUDY OF INTERNATIONAL EDUCATION.

(a) FINDINGS.—The Congress finds that—

(1) public school systems in the United States should begin to play a stronger role in the process of elevating awareness and understanding of world affairs; and

(2) increased emphasis on such topics as global economics, world geography, foreign languages, and other nations' customs and cultures may be needed to better prepare young Americans to be active and competitive participants in an evolving world marketplace.

(b) REVIEW.—To begin to address the findings described in subsection (a), the Secretary of Education shall conduct a review of public education in the United States as it relates to the courses of study described in subsection (a)(2). The Secretary shall issue a report making recommendations for State and local education officials to consider in enhancing their curricula in such courses and to make global awareness and understanding a higher national priority in public education. This review shall be completed not later than 1 year after the date of enactment of this Act. The Secretary shall provide the report directly to the chief education official in each of the States and shall make it available to other education officials.

SEC. 502. DEMONSTRATION GRANTS AUTHORIZED.

The Secretary of Education is authorized to make demonstration grants to primary and secondary schools to develop innovative programs in foreign language instruction.

SEC. 503. APPLICATIONS.

(a) APPLICATION REQUIRED.—No demonstration grant under this title may be made to any primary or secondary school unless such primary or secondary school submits an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary considers appropriate.

(b) CONTENTS OF APPLICATION.—Each such application shall—

(1) describe the activities for which assistance is sought; and

(2) contain such information and assurances as the Secretary may require to ensure compliance with the provisions of this title.

SEC. 504. DEFINITIONS.

For the purposes of this title—

(1) The term "primary or secondary school" means a day or residential school which provides primary or secondary education, as determined under State law, except that it does not include any education provided beyond grade 12.

(2) The term "Secretary" means the Secretary of Education.

SEC. 505. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated $3,000,000 to carry out the provisions of section 502 of this title, and such additional funds as may be necessary to carry out the provisions of section 501 of this title.

By Mr. EXON (for himself and Mr. KERREY):

S. 1157. A bill to amend the Internal Revenue Code of 1986 to allow individuals who do not itemize deductions to deduct losses from failed financial institutions which are treated as ordinary losses; to the Committee on Finance.

AMENDING THE INTERNAL REVENUE CODE RELATING TO FAILED INSTITUTIONS

● Mr. EXON. Mr. President, today I am introducing legislation to correct what I believe was a misinterpretation by the Internal Revenue Service of a part of the 1988 Technical and Miscellaneous Revenue Act. I am pleased to be joined by my colleague Senator KERREY in this effort.

The 1988 provision allows individuals who have lost deposits in nonfederally insured failed financial institutions to treat the lost deposits as an ordinary loss for purposes of an income tax deduction.

The original intent for allowing these lost deposits to be treated as ordinary losses was because ordinary losses are deductible on Form 4797 and then line 15 of Form 1040. That enables ordinary losses to be deducted regardless of whether the taxpayer itemizes deductions.

However, the IRS recently announced in notice 89-28 that the deduction may only be taken by itemizers. That prevents the majority of victims who lost deposits in such institutions, including depositors of Commonwealth Savings Co. in Lincoln, NE, from being able to use the deduction which was intended for them.

In particular, most of the elderly and low-income depositors have been shut out by this IRS determination because they do not have enough deductions to be able to itemize.

The sole purpose of our bill is to address and overrule the technical concerns of the IRS and clarify the original intent in the 1988 Technical and Miscellaneous Revenue Act that this deduction for lost deposits may be taken by both nonitemizers and itemizers.

Mr. President, I ask unanimous consent that a copy of the bill appear in the RECORD immediately following my statement.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1157

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. TAXPAYERS NOT ITEMIZING ALLOWED TO DEDUCT CERTAIN LOSSES FROM FAILED FINANCIAL INSTITUTIONS.

(a) IN GENERAL.—Section 62(a) of the Internal Revenue Code of 1986 is amended by inserting after paragraph (13) the following new paragraph:

"(14) CERTAIN LOSSES FROM FAILED FINANCIAL INSTITUTIONS.—The deduction allowed under section 165 to the extent of the amount of such deduction which is treated as an ordinary loss by reason of an election under section 165(l)(5)."

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect as if included in the amendments made by section 905(a) of the Tax Reform Act of 1986.●

By Mr. CRANSTON:

S. 1158. A bill to amend chapter 37 of title 38, United States Code, to restructure the loan guaranty provided under such chapter and to ensure the solvency of the housing loan guaranty program, conducted under that chapter, to the Committee on Veterans' Affairs.

VETERANS HOME LOAN GUARANTY RESTRUCTURING AND SOLVENCY ACT OF 1989

Mr. CRANSTON. Mr. President, as chairman of the Committee on Veterans' Affairs, I am pleased to introduce today S. 1158 the proposed "Veterans Home Loan Guaranty Restructuring and Solvency Act of 1989."

Mr. President, this bill would restructure and improve the present Department of Veterans Affairs loan guaranty system to create a solvent and equitable program that better serves the interests of our Nation's veterans.

At this point, Mr. President, I would like to summarize the provisions of the bill. Early next week, I will make a statement providing background information and a more detailed explanation of the bill.

SUMMARY OF PROVISIONS

Mr. President, this measure contains provisions that would, effective October 1, 1989:

First, create a new revolving fund, known as the "Home Loan Guaranty Fund," to finance the VA Home Loan Guaranty Program with respect to loans made or assumed after September 30, 1989, for the purpose of providing greater solvency and continuity for the VA Loan Guaranty Program.

Second, provide for there to be deposited in the guaranty fund all fees collected after September 30, 1989, all income and proceeds from VA's holding or disposing of homes acquired by VA upon foreclosures of loans made or assumed after September 30, 1989, and all revenues from investments of funds in the guaranty fund; provide for crediting to the guaranty fund an amount equal to 0.25 percent of the loan amount for each of the first 3 years on guaranteed loans made after September 30, 1989; and require the Secretary of the Treasury to invest surplus funds in the guaranty fund in Government securities.

Third, generally increase the loan fee from 1 percent to 1.25 percent of the loan amount but reduce the fee to 0.75 percent if the veteran makes a downpayment of at least 5 percent and to 0.25 percent for a 10-percent downpayment; allow the veteran to finance the fee as part of the loan; increase the fee for assumptions from one-half percent to two-thirds of 1 percent; and continue the current 1-percent fee for vendee loans.

Fourth, require VA to pay the loan fee for all veterans with compensable disabilities and for surviving spouses of veterans who died from service-connected disabilities.

Fifth, allow the Secretary—after first providing the Committees on Veterans' Affairs with advance notice at the time the President submits the budget in mid-January—on or after the ensuing October 1 to increase all loan and assumption fees uniformly to not more than 20-percent more that the statutorily prescribed percentages—for example, as to the proposed standard 1.25-percent fee, this would permit an increase to no more than 1.5 percent, in one or more steps—if the Secretary determines such an increase is necessary to keep the guaranty fund solvent, based on a Secretarial determination that the guaranty fund otherwise would become insolvent within 24 months after the proposed increase would take effect; and require the Director of the Congressional Budget Office to provide the committees with an assessment of any Secretarial finding relating to such insolvency.

Sixth, eliminate liability to VA for any loss resulting from default on a VA-guaranteed home loan for anyone who pays a fee, or is exempted from paying a fee, after September 30, 1989, except: First, in the case of fraud, misrepresentation, or bad faith by such individual in obtaining the loan or approval of an assumption of the loan, or in connection with a default; and second, in the case of any default resulting from circumstances not beyond the borrower's control—vendee loans would not be covered under this release from liability.

Seventh, extend for 1 year, to October 1, 1990, the current expiring authority for VA to sell loan assets either with or without recourse and the requirement for VA to justify and explain each such loan asset sale in a report to the Committees on Veterans' Affairs.

Eighth, require that, notwithstanding any other provision of law, all amounts received from recourse and nonrecourse loan asset sales be credited, without reduction, as offsetting collections of the loan guaranty revolving fund or the home loan guaranty fund, depending on which fund received the fee for the loan involved.

Ninth, allow a veteran to acquire additional loan guaranty entitlement—up to $10,000—for a particular loan by paying a 0.1-percent fee for each additional $1,000 of entitlement, or portion thereof; require that the total of the guaranty and any downpayment could not exceed 25 percent of the purchase price, except where, under regulations prescribed by the Secretary, the Secretary grants a waiver of this requirement in order to enable a veteran to use a VA-guaranteed loan in a market where lenders would otherwise charge so many points—which sellers must pay—as to make it unlikely for the veteran to be able to use his or her VA entitlement to acquire a home; and provide that the fee for the additional entitlement, like other loan fees, could be financed as part of the loan.

Tenth, require a lender to notify VA when the lender refuses a tender of partial payment by a veteran and to state the circumstances of the veteran's default and the reasons why the lender refused partial payment.

Eleventh, extend by 2 years, through fiscal year 1991, the statutory formula—known as the "no-bid" formula—by which VA determines whether it will acquire at foreclosure the property securing a VA-guaranteed loan.

Twelfth, prohibit VA from considering the cost of borrowing funds in determining the net value of a property for purposes of the no-bid formula, except to the extent of one-half of the amount by which the cost of borrowing the funds necessary to acquire the property exceeds the cost of borrowing the funds that would be needed to pay the guaranty.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD at this point.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1158

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; REFERENCES TO TITLE 38, UNITED STATES CODE.

(a) SHORT TITLE.—This Act may be cited as the "Veterans Home Loan Guaranty Restructuring and Solvency Act of 1989".

(b) REFERENCES TO TITLE 38.—Except as otherwise specifically provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of title 38, United States Code.

SEC. 2. ESTABLISHMENT OF HOME LOAN GUARANTY FUND AND LOAN FEE.

(a) NEW FUND.—(1) Chapter 37 is amended by inserting after section 1824 the following new section:

"§ 1824A. Home Loan Guaranty Fund

"(a) There is hereby established in the Treasury of the United States a revolving fund known as the Home Loan Guaranty Fund (hereinafter referred to as the 'Guaranty Fund').

"(b) The Guaranty Fund shall be available to the Secretary for all operations (other than administrative expenses) carried out with respect to (1) housing loans guaranteed or insured under this chapter which are made after September 30, 1989, and (2) loans to which section 1814 of this title applies and which are assumed after such date.

"(c)(1) All fees collected under section 1829 of this title after September 30, 1989, shall be credited to the Guaranty Fund.

"(2) There shall also be credited to the Guaranty Fund—

"(A) for each housing loan guaranteed or insured under this chapter after September 30, 1989, an amount equal to 0.25 percent of the original amount of such loan for each of the three fiscal years beginning with the fiscal year in which such loan is guaranteed or insured;

"(B) all collections of principal and interest and the proceeds from the use of property held, or from the sale of property disposed of, with respect to loans to which subsection (b) of this section applies; and

"(C) all income from the investments described in subsection (d) of this section.

"(d)(1) The Secretary of the Treasury shall invest the portion of the Guaranty Fund that is not required to meet current payments made from the Guaranty Fund, as determined by the Secretary of Veterans Affairs, in obligations of the United States or in obligations guaranteed as to principal and interest by the United States.

"(2) In making investments under paragraph (1) of this subsection, the Secretary of the Treasury shall select obligations having maturities suitable to the needs of the Guaranty Fund, as determined by the Secretary of Veterans Affairs, and bearing interest at suitable rates, as determined by the Secretary of the Treasury, taking into consideration current market yields on outstanding marketable obligations of the United States of comparable maturities.".

(2) The table of sections of subchapter III of chapter 37 is amended by inserting after the item relating to section 1824 the following new item:

"1824A. Home Loan Guaranty Fund.".

(b) LOAN FEE.—Section 1829 is amended to read as follows:

"§ 1829. Loan fee

"(a)(1) Except as provided in subsection (c), a fee shall be collected from each veteran obtaining a housing loan guaranteed or insured under this chapter, and from each person obtaining a loan under section 1833(a) of this title, and no such loan may be guaranteed, made, or insured under this chapter until the fee payable under this section has been remitted to the Secretary.

"(2) The amount of such fee shall be 1.25 percent of the total loan amount, except that—

"(A) in the case of a loan made under section 1833(a) of this title, the amount of such fee shall be one percent of the total loan amount;

"(B) in the case of a guaranteed or insured loan for a purchase, or for construction, with respect to which the veteran has made a downpayment of not less than 5 percent of the total purchase price or construction cost, the amount of such fee shall be 0.75 percent of the total loans amount; and

"(C) in the case of a guaranteed or insured loan for a purchase, or for construction, with respect to which the veteran has made a downpayment of not less than 10 percent of the total purchase price or construction cost, the amount of such fee shall be 0.25 percent of the total loan amount.

"(3) The amount of the fee may be included in the loan and paid from the proceeds thereof.

"(b) Except as provided in subsection (c) of this section, a fee shall be collected from a person assuming a loan to which section 1814 of this title applies. The amount of the fee shall be equal to two-thirds of one percent of the balance of the loan on the date of the transfer of the property.

"(c) A fee may not be collected under this section from a veteran who is receiving compensation (or who but for the receipt of retirement pay would be entitled to receive compensation) or from a surviving spouse of any veteran (including a person who died in the active military, naval, or air service) who died from a service-connected disability. The Secretary shall, on behalf of such veteran or surviving spouse, deposit in the Home Loan Guaranty Fund (in addition to the amount required to be credited to such fund under section 1824A(c)(2)(A) of this title) the amount equal to the fee that, except for this subsection, would be collected from such veteran or surviving spouse.

"(d)(1) Subject to paragraphs (2) and (3) of this subsection, the Secretary may increase each fee percentage specified in subsections (a) and (b) of this section if the Secretary determines, on the basis of economic projections and analyses, that the Home Loan Guaranty Fund would, except for such increase, be unable to pay the valid claims of holders of defaulted loans during the first 24 months that such increase is to be in effect. In exercising the authority under this paragraph, the Secretary shall increase all such fee percentages by multiplying each such fee percentage by the same factor.

"(2) An increased percentage prescribed by the Secretary under paragraph (1) of this subsection for the computation of a fee required to be collected under subsection (a) or (b) of this section may not exceed the percentage determined by multiplying the percentage specified for such fee in that subsection by 1.2.

"(3) The Secretary may not in any fiscal year increase the fee percentages specified in subsections (a) and (b) of this section unless the Secretary first submits to the Committees on Veterans' Affairs of the Senate and the House of Representatives a report containing the Secretary's determination to increase such fee percentages, the factor by which such fee percentages are to be increased, and the economic projections and analyses on which the Secretary bases such determination. Any such report shall be submitted not later than the day on which the President, pursuant to section 1105 of title 31, submits to the Congress the budget for the fiscal year in which the increase is proposed to take effect. On the same day that the Secretary submits the report to the committees, the Secretary shall submit a copy of the report to the Director of the Congressional Budget Office.

"(3) Not later than 30 days after the Secretary submits the report to the committees, the Director of the Congressional Budget Office shall transmit to the committees the Director's views on the Secretary's report.".

(c) LIABILITY.—Section 1803 is amended by adding at the end the following new subsection:

"(e) Any individual who pays a fee under section 1829 of this title, or is exempted under section 1829(c) from paying such fee, after September 30, 1989, with respect to a housing loan (other than a loan made under section 1833(a) of this title) shall have no liability to the Secretary with respect to the loan for any loss resulting from any default of such individual except (1) in the case of fraud, misrepresentation, or bad faith by the individual in obtaining the loan or approval of an assumption of the loan or in connection with the loan default, and (2) in the case of any default or liquidation resulting from circumstances not beyond the individual's control.".

(d) CONFORMING AMENDMENTS.—(1) Section 1824 is amended—

(A) in subsection (b), by inserting "and the operations carried out with the Home Loan Guaranty Fund established by section 1824A" before the period at the end of the first sentence; and

(B) in subsection (c)—

(i) by inserting "before October 1, 1989, except that fees collected under subsection (b) of such section 1829 on or after such date with respect to loans which were originally guaranteed, made, or insured before such date shall also be deposited in the Fund" after "title" in clause (2); and

(ii) by inserting "with respect to housing loans guaranteed or insured under this chapter before October 1, 1989" after "chapter" in clause (3).

(2) The last sentence of section 1832(a)(1) is amended by striking out "If" and inserting in lieu thereof "Except as provided in section 1803(e) of this title, if".

(e) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 1989, with respect to loans closed or assumed on or after that date.

SEC. 3. SALE OF VENDEE LOANS.

(a) IN GENERAL.—Section 1833(a)(3) is amended—

(1) in subparagraph (A), by striking out "1989" and inserting in lieu thereof "1990";

(2) in subparagraph (B), by striking out "1989" and inserting in lieu thereof "1990";

(3) in subparagraph (C), by striking out "1989" and inserting in lieu thereof "1990"; and

(4) by adding at the end the following new subparagraph:

"(D) Notwithstanding the Balanced Budget and Emergency Deficit Control Act of 1985 and the Congressional Budget and Impoundment Control Act of 1974, all amounts received from the sale of such loans shall be credited without any reduction, for the fiscal year in which the amount is received, as offsetting collections of the Loan Guaranty Revolving Fund (established by section 1824 of this title) or the Home Loan Guaranty Fund (established by section 1824A of this title), for which a fee was collected (or from which a fee was exempted from being collected) at the time the loan was originally guaranteed. The total amount credited to the Loan Guaranty Revolving Fund or the Home Loan Guaranty Fund for a fiscal year shall offset outlays attributed to such Fund, as the case may be, during such fiscal year.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on October 1, 1989.

SEC. 4. COMPUTATION OF ENTITLEMENT AMOUNT.

(a) OPTIONAL INCREASED ENTITLEMENT.—Section 1803(a) is amended—

(1) in paragraph (1)(B), by striking out "The" and inserting in lieu thereof "Except in the case of an election pursuant to paragraph (3)(A) of this subsection, the"; and

(2) by adding at the end the following new paragraph:

"(3)(A) Subject to subparagraphs (B) and (C) of this paragraph, the maximum amount of guaranty entitlement available to a veteran for purposes specified in clauses (1), (2), (3), and (6) of section 1810(a) of this title may, upon the election of the veteran, be increased by not more than $10,000 in connection with a specific loan. The Secretary shall collect from that veteran a fee equal to 0.1 percent of the total loan amount for each $1,000 (and fraction of $1,000) by which the veteran elects to increase that maximum amount. The fee shall be deposited in the Home Loan Guaranty Fund.

"(B) The total amount of the guaranty entitlement available to a veteran in connection with a loan for a purchase or construction may not be increased pursuant to subparagraph (A) of this paragraph by an amount which would cause the sum of the guaranty and any downpayment to exceed 25 percent of the price of the purchase or construction.

"(C) The Secretary may waive the limitation in subparagraph (B) of this paragraph in the case of a loan for the purchase or construction of housing whenever the Secretary determines, in accordance with regulations prescribed by the Secretary, that the housing is being purchased or constructed in a housing market area for which it is the general practice of lenders, in the case of loans to be guaranteed under this chapter, to require the payment of points in, or to

discount the loans by, such large amounts as to make it unlikely that a veteran could obtain such a loan for the purchase or construction of housing in such market area.

"(D) The amount of the fee imposed by subparagraph (A) of this paragraph may be included in the loan and paid from the proceeds thereof.".

(b) EFFECTIVE DATE AND APPLICABILITY.—The amendments made by subsection (a) shall take effect on October 1, 1989, and shall apply with respect to loans guaranteed or insured under chapter 37 of title 38, United States Code, after September 30, 1989.

SEC. 5. PROCEDURES ON DEFAULT.

(a) NOTIFICATION REQUIREMENT.—Section 1832(a) is amended by adding at the end the following new paragraph:

"(5) When a default has occurred in the payment of any loan made, guaranteed, or insured under this chapter and the holder of the obligation has refused a tender by the veteran of a partial payment of any amount payable under the terms of the loan, the holder of the obligation shall notify the Secretary as soon as such partial payment has been refused. Such notification shall include a statement of the circumstances of the default and the reasons for the holder's refusal.".

(b) COMPUTATION OF NET VALUE.—Section 1832(c)(1)(C) is amended by—

(1) striking out "(i)";

(2) striking out "(ii)" and inserting in lieu thereof "(i)"; and

(3) inserting "(other than the cost of borrowing funds to acquire the property), and minus (ii) 50 percent of the cost to the Government of borrowing the amount equal to the excess, if any, of the total indebtedness over the amount guaranteed under this chapter" before the period at the end.

(c) POSTPONEMENT OF EXPIRATION DATE.—Paragraph (11) of section 1832(c) is amended by striking out "October 1, 1989" and inserting in lieu thereof "October 1, 1991.".

By Mr. BAUCUS:

S. 1159. A bill to amend the Federal Noxious Weed Act of 1974 to establish a Center for Noxious Weed Management and Data Collection, to provide for a coordinated management plan for the control of noxious weeds, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

FEDERAL NOXIOUS WEED ACT AMENDMENTS OF 1989

Mr. BAUCUS. Mr. President, I am introducing legislation today that concerns a very serious problem. This problem, in fact, has become epidemic in proportion. I am, of course, referring to the problem farmers and ranchers live with day in and day out—noxious weeds infestation. The impact of noxious weeds is tremendous and far-reaching. These weeds cause significant reduction in crop production and out-compete desirable vegetation, are generally unpalatable to livestock and wildlife, increase the potential for erosion problems, increase reforestation costs, and create land unsuitable for recreational purposes. The problem exists nationwide. It is estimated that agricultural productivity decreases about 10 percent due to noxious weed infestation. This production loss together with the current cost of control is well over $20 billion annually in the United States. And, in addition, weed spread is occurring at the rate of 7 to 10 percent per year. The problem is getting worse.

In Montana alone, over 8.4 million acres of land are infested with noxious weeds. Over half of these acres are infested with one weed—spotted knapweed. Scientists predict that 70 million acres will be lost to this weed if control measures are not taken. One Federal agency charged with the responsibility of controlling noxious weeds does not even consider spotted knapweed to be a noxious weed. You ask why? Because it does not fall within their definition of "noxious weed." It is too widespread.

It is time to take control of this situation. There are a number of existing Federal statutes which touch on this problem. None, however, approaches it comprehensively. These statutes authorize specific Federal agencies to do something about noxious weeds, but they don't even define what a noxious weed is in the same way. These agencies sometimes work together or work with the States, but not in any organized, coordinated fashion. What we have today is a piecemeal system, one that spends millions of dollars pouring thousands of gallons of herbicide on noxious weeds in an attempt to eradicate the problem. What results is the continued spread of noxious weeds. We now, also, have to be concerned with the contamination of our ground water as a consequence of our singularly based approach.

Some States have attempted to control noxious weeds within their borders. It is, however, a very difficult and expensive problem for a State to undertake. As an example, Montana has developed an innovative system to make funding available. They have initiated a surcharge on motor vehicle registration. This provides some funding, but it is not enough. It is also doomed to failure because no matter how much money Montana raises for weed control, its program's success depends on what surrounding States are doing about the problem.

As widespread as this particular problem is there has never been a coordinated effort on the part of all of the parties involved to come up with a solution—until now. My legislation attempts to combat the problem of noxious weeds infestation in a systematic, cooperative manner. This legislation provides the framework from which Federal, State, and local governments, as well as private landowners can move forward toward resolution of this problem.

My legislation first recognizes that the elimination of noxious weeds from all agricultural land and wilderness areas is highly unlikely. Bearing this in mind, we must, therefore, approach noxious weeds from the perspective of limiting spread and infestation to an acceptable level. We must learn to live with minimal levels of noxious weeds.

It also recognizes that because of concern for the effects of the overuse of chemicals on the environment, on ground water, it is no longer possible nor wise to use this type of control method exclusively. We must in fact consider alternative types of control. We must incorporate cultural methods as well as biological control technology to achieve our ultimate goal of reaching an acceptable level of noxious weeds. We must truly develop an integrated management plan, on a national level, in order to control this problem.

My legislation establishes a policy to control noxious weeds. To carry out this policy it creates a center, to be located within a lead Federal agency, whose function is to both assess the extent of the noxious weed problem and to develop and monitor an integrated management plan on a national level. All parties, Federal, State, local government, and private landowner will be given the opportunity to offer suggestions as to the development of the integrated plan. These parties will also be expected to participate in the plan once it has been formulated by the center.

The cost of creating a center to evaluate the noxious weed problem on a national basis, to develop a feasible control system, and to implement that system will realistically be $100 million. It will take a number of years to fully deal with this problem so I suggest that we fund this project at this level for a minimum of 5 years.

To conclude, it is clear that we have a significant problem in controlling noxious weeds throughout these United States. It seems that plant species which were originally exotic to the United States have set up housekeeping within our borders. As a result, a range of problems both agricultural and environmental have been created. In order to effectively eliminate these problems we must use a coordinated approach. Again, it does no good to attempt to eliminate weeds on one piece of land when the adjoining land continues to be infested. I believe my legislation will create a center that can both assess the extent of the problem and develop a coordinated plan to effectively deal with this problem on a national level.

I ask unanimous consent that the text of the bill be printed in the RECORD immediately following my statement.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1159

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Federal Noxious Weed Act Amendments of 1989".

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) noxious weeds cost farmers and ranchers millions of dollars in lost crops and range land;

(2) noxious weeds are very adaptable at out-competing the natural vegetation of the area that such weeds are present in and therefore have a considerable impact on domestic animals and wildlife foraging in such areas;

(3) the total eradication of noxious weeds is impossible, therefore resources should be used to develop measures that will decrease the numbers of noxious weeds to an acceptable level;

(4) concerns about ground water contamination and environmental impact argue in favor of a more ecologically sound approach to resolve noxious weed problems;

(5) to control noxious weeds, the focus must be on a coordinated management plan as opposed to the exclusive use of chemical control; and

(6) future technology concerning the development of biological mechanisms for the control of noxious weeds should be developed and used.

(b) PURPOSES.—It is the purpose of this Act—

(1) to establish a Center for Noxious Weed Management and Data Collection;

(2) to establish a coordinated management plan for the control of noxious weeds while minimizing the damage caused by such weeds, the cost of such control, and the detrimental impact on the environment; and

(3) to implement the plan on a nationally coordinated basis in order to systematically control noxious weeds.

SEC. 3. DEFINITION.

Section 3(c) of the Federal Noxious Weed Act of 1974 (7 U.S.C. 2802(c)) is amended by adding at the end thereof the following new sentence: "Not later than September 30 of each fiscal year, the Secretary, after consultation with the Director of the Center established under section 8A, shall publish a list of parasites or plants identified as noxious weeds that are, or may become, widespread and that are causing, or may cause, significant problems with domestic agriculture.".

SEC. 4. CENTER FOR NOXIOUS WEED MANAGEMENT AND DATA COLLECTION.

The Federal Noxious Weed Act of 1974 is amended by inserting after section 8 (7 U.S.C. 2807) the following new section:

"SEC. 8A. CENTER FOR NOXIOUS WEED MANAGEMENT AND DATA COLLECTION.

"(a) ESTABLISHMENT.—The Secretary shall establish, within the Animal and Plant Health Inspection Service, a Center for Noxious Weed Management and Data Collection, to be administered by a Director appointed by the Secretary.

"(b) FUNCTIONS.—The Director shall—

"(1) not later than 180 days after the date of enactment of the Federal Noxious Weed Act Amendments of 1989, determine the extent of the noxious weed problem in the United States;

"(2) accumulate and assess, on a continuing basis, data concerning types of noxious weeds and the acreage that such weeds are present in;

"(3) develop a coordinated management plan for the control of noxious weed species in accordance with section 8B;

"(4) monitor the effect of the plan on noxious weed control; and

"(5) perform any other activities that the Secretary shall determine appropriate.".

SEC. 5. COORDINATED MANAGEMENT PLAN.

The Federal Noxious Weed Act of 1974 (as amended by section 4 of this Act) is further amended by inserting after section 8A the following new section:

"SEC. 8B. COORDINATED MANAGEMENT PLAN.

"(a) ESTABLISHMENT.—Not later than 120 days after the Director determines the extent of the noxious weed problem in the United States under section 8A(b)(1), the Secretary shall establish a coordinated management plan for the control of noxious weeds throughout the United States.

"(b) COMMENTS.—In developing the plan under subsection (a), the Secretary shall solicit the comments of other agencies of the Federal Government, State and local governments, and private landowners.

"(c) CONTENTS.—The plan developed under subsection (a) shall—

"(1) provide for an integrated management system for the control of noxious weeds through the establishment of minimum standards and requirements for the control of noxious weeds throughout the United States;

"(2) permit State and local governments to prescribe more restrictive standards and requirements than those established under paragraph (1);

"(3) emphasize the use of progressive agricultural methods to control noxious weeds, including the use of new biological control technology;

"(4) contain any other information that the Secretary determines is appropriate.

"(d) PARTICIPATION OF FEDERAL AGENCIES.—

"(1) REQUIREMENT.—A Federal agency that carries out a program or activity that affects the control of noxious weeds shall comply with the plan established under subsection (a).

"(2) REPORT OF FEDERAL AGENCIES.—Such agency shall submit an annual report to the Secretary that describes actions taken by the agency to comply with the plan established under subsection (a).

"(e) PARTICIPATION OF STATE AND LOCAL GOVERNMENTS.—To be eligible to receive any assistance provided by the Secretary for the control of noxious weeds, a State or local government shall comply with the plan established under subsection (a).

"(f) PARTICIPATION OF LANDOWNERS.—

"(1) COST SHARING.—The Secretary may provide grants to State and local governments to enable such governments to provide cost sharing incentives to local private landowners to encourage such landowners to participate in the plan established under subsection (a).

"(2) ELIGIBILITY.—To be eligible to receive any assistance provided by the Secretary for the control of noxious weeds, a State shall establish procedures to ensure that at least 80 percent of the landowners who are eligible to participate in the plan established under subsection (a) participate in such plan.

"(g) REPORT OF SECRETARY.—The Secretary shall annually prepare and submit, to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate, a report concerning—

"(1) the compliance of Federal agencies and the States with the requirements of the plan established under subsection (a); and

"(2) the progress of the coordinated management plan established under subsection (a) in controlling the existence and spread of noxious weeds.".

SEC. 6. AUTHORIZATION OF APPROPRIATIONS.

Section 11 of the Federal Noxious Weed Act of 1974 (7 U.S.C. 2810) is amended—

(1) by inserting "(a)" after the section designation; and

(2) by adding at the end thereof the following new subsection:

"(b) There are authorized to be appropriated to carry out sections 8A and 8B, $100,000,000 in each of the fiscal years 1990 through 1994.".

ADDITIONAL COSPONSORS

S. 428

At the request of Mr. WALLOP, the names of the Senator from South Carolina [Mr. HOLLINGS], the Senator from Arkansas [Mr. BUMPERS], the Senator from Connecticut [Mr. LIEBERMAN], the Senator from Wisconsin [Mr. KOHL], and the Senator from North Carolina [Mr. SANFORD] were added as cosponsors of S. 428, a bill to modernize United States circulating coin designs, of which one reserve will have a theme of the Bicentennial of the Constitution.

S. 464

At the request of Mr. SANFORD, the name of the Senator from Florida [Mr. MACK] was added as a cosponsor of S. 464, a bill to promote safety and heatlh in workplaces owned, operated, or under contract with the United States by clarifying the United States obligation to observe occupational safety and health standards and clarifying the United States responsibility for harm caused by its negligence at any workplace owned by, operated by, or under contract with the United States.

S. 507

At the request of Mr. SIMON, the name of the Senator from Washington [Mr. ADAMS] was added as a cosponsor of S. 507, a bill to prohibit investments in, and certain other activities with respect to, South Africa, and for other purposes.

S. 714

At the request of Mr. MCCLURE, the name of the Senator from Arkansas [Mr. BUMPERS] was added as a cosponsor of S. 714, a bill to extend the authorization of the Water Resources Research Act of 1984 through the end of fiscal year 1993.

S. 956

At the request of Mr. COATS, the names of the Senator from Alaska [Mr. STEVENS] and the Senator from Colorado [Mr. ARMSTRONG] were added as cosponsors of S. 956, a bill to exclude users of alcohol and illegal substances from the definition of handicapped individuals under the Rehabili-

tation Act of 1973, and for other purposes.

S. 982

At the request of Mr. REID, the name of the Senator from Ohio [Mr. GLENN] was added as a cosponsor of S. 982, a bill to repeal a provision of Federal tort claim law relating to the civil liability of Government contractors for certain injuries, losses of property, and deaths and for other purposes.

S. 993

At the request of Mr. KOHL, the names of the Senator from North Dakota [Mr. CONRAD] and the Senator from Colorado [Mr. WIRTH] were added as cosponsors of S. 993, a bill to implement the Convention on the Prohibition of the Development, Production, and Stockpiling of Bacteriological [Biological] and Toxin Weapons and Their Destruction, by prohibiting certain conduct relating to biological weapons, and for other purposes.

S. 1000

At the request of Mr. MCCLURE, the name of the Senator from Washington [Mr. ADAMS] was added as a cosponsor of S. 1000, a bill to amend the Agricultural Act of 1949 to require the Secretary of Agriculture to exclude the malting barley price from the national weighted market price for barley in determining the payment rate used to calculate deficiency payments for the 1989 and 1990 crops of barley, and for other purposes.

S. 1008

At the request of Mr. CONRAD, the name of the Senator from North Dakota [Mr. BURDICK] was added as a cosponsor of S. 1008, a bill to promote the growth and economic diversification of, and to increase business and employment opportunities in rural America, and for other purposes.

S. 1153

At the request of Mr. DASCHLE, the name of the Senator from Pennsylvania [Mr. HEINZ] was added as a cosponsor of S. 1153, a bill to amend title 38, United States Code, to provide for the establishment of presumptions of service connection between certain diseases experienced by veterans who served in the Vietnam era and exposure to certain toxic herbicide agents used in Vietnam; to provide for interim benefits for veterans of such service who have certain diseases; to improve the reporting requirements relating to the "Ranch Hand Study"; and for other purposes.

SENATE JOINT RESOLUTION 79

At the request of Mr. REID, the names of the Senator from Iowa [Mr. GRASSLEY], the Senator from South Carolina [Mr. HOLLINGS], and the Senator from Arizona [Mr. DECONCINI] were added as cosponsors of Senate Joint Resolution 79, a joint resolution to require display of the POW/MIA flag at Federal buildings.

SENATE JOINT RESOLUTION 81

At the request of Mr. DIXON, the names of the Senator from Indiana [Mr. LUGAR], the Senator from New York [Mr. MOYNIHAN], the Senator from New Jersey [Mr. LAUTENBERG], the Senator from Virginia [Mr. ROBB], the Senator from South Carolina [Mr. THURMOND], and the Senator from New York [Mr. D'AMATO] were added as cosponsors of Senate Joint Resolution 81, a joint resolution to designate the week of October 1 through 7, 1989, as "National Health Care Food Service Week."

SENATE JOINT RESOLUTION 129

At the request of Mr. DOLE, the name of the Senator from Oklahoma [Mr. BOREN] was added as a cosponsor of Senate Joint Resolution 129, a joint resolution to provide for the designation of September 15, 1989, as "National POW/MIA Recognition Day."

SENATE CONCURRENT RESOLUTION 9

At the request of Mr. HUMPHREY, the name of the Senator from Iowa [Mr. GRASSLEY] was added as a cosponsor of Senate Concurrent Resolution 9, a concurrent resolution establishing procedures for expedited consideration by the Congress of certain bills and joint resolutions submitted by the President.

SENATE CONCURRENT RESOLUTION 16

At the request of Mr. MITCHELL, his name was added as a cosponsor of Senate Concurrent Resolution 16, a concurrent resolution calling for the Government of Vietnam to expedite the release and emigration of all political prisoners.

AMENDMENTS SUBMITTED

ACT FOR BETTER CHILD CARE SERVICES

WALLOP AMENDMENT NO. 150

(Ordered to lie on the table.)

Mr. WALLOP submitted an amendment intended to be proposed to the bill (S. 5) to provide for a Federal program for the improvement of child care, and for other purposes, as follows:

On page 98, line 13, strike "such sums as may be necessary".

NOTICES OF HEARINGS

SUBCOMMITTEE ON ENERGY RESEARCH AND DEVELOPMENT

Mr. FORD. Mr. President, I would like to announce for the Senate and the public that the hearing originally scheduled before the subcommittee on Energy Research and Development on June 13, 1989, at 2 p.m. on the Department of Energy's role in the area of magnetic fusion research and development and demonstration has been rescheduled.

The hearing will now take place on Wednesday, June 14, 1989, at 9:30 a.m. in room SD-366 of the Senate Dirksen Office Building in Washington, DC.

For further information, please contact Ben Cooper or Teri Curtin (202) 224-7569.

ADDITIONAL STATEMENTS

DIXON C. TERRY, IOWA AGRICULTURALIST

● Mr. HARKIN. Mr. President, on May 28, 1989, we lost Dixon Terry, one of the foremost agriculturalists and farm leaders of our time, when he was struck by lightning as he finished baling hay on his farm near Greenfield, IA.

Harry Truman said, "There's only one test of friendship. It is a test of the heart." I have been honored to know Dixon Terry as a true friend of the heart.

Many of us remember him as an activist, an inspirational leader, an educator, an organizer, a political visionary, a populist.

But we all know Dixon would want to be remembered first and foremost as a farmer. He wasn't just someone who planted and harvested, milked and sold, but one who cared deeply about that it means to be a farmer.

He believed in the dignity of work. He cared about the land, its preservation for future generations. He cared about his family and his community, and the quality of life in rural America.

He enjoyed the independent life of farming. But he saw that true independence was not possible unless farmers joined together.

Unless farmers began to see not just their independence, but their interdependence, each of them would be vulnerable to far more powerful forces—and these forces would determine the fate of farm families.

Dixon had a unique ability to cut through the baloney and blue smoke of politics. He understood that politics is about power. His lifelong goal was to give farmers more power, and more say-so over their lives.

Dixon and I traveled and fought side-by-side on many causes. I learned a great deal from him, and witnessed his growth—as he began to talk not just of farmers, but of rural America, not just of agriculture, but of global economic development and the need to reduce our huge expenditures on military weapons.

He saw the connection between U.S. farm policy and poverty in the Third World, between economic choices and the impact on our environment.

He had a unique ability to think broadly and to speak with a clarity and a perspective that appealed to

your basic sense of fairness and justice.

It seems in every generation, there are a few individuals who possess a certain life force that inevitably draws others to them; who command attention, get things done, move people and make a difference. Dixon had that life force.

In an age of cynicism about politics and government, Dixon acted upon the belief that politics could be a force for positive change.

He was a Jeffersonian, in the sense he believed in the value of grassroots action and democracy from the bottom up. Dixon made a difference—he left us with the legacy of what one individual can do if committed and determined.

He never asked much for himself, least of all tribute or praise. He asked only that we join in the struggle for human rights and human dignity. And so that is how we should pay tribute to him today—by pledging to carry on the work he began.

As Robert Kennedy said,

It is from numberless diverse acts of courage and belief that human history is shaped. Each time a person stands up for an ideal, or acts to improve the lot of others, or strikes out against injustice, that person sends forth a tiny ripple of hope, and crossing each other from a million different centers of energy and daring, those ripples build a current that can sweep down the mightiest walls of oppression and resistance.

And so the causes he started are still rippling and cascading out, rising in a demand for economic and social justice.

I'm going to miss Dixon Terry.

I will miss his redheaded presence in my office every time I turn around. I'll miss his sense of conviction, his deeply held beliefs, his courage, his doggedness and persistence. I'll miss our long discussions in cars, restaurants, airplanes, offices, around the kitchen table. I'll miss having him by my side in the political trenches.

He was a strong ally and a wonderful friend.

Native Americans have a saying: "To live on in the hearts of those you love is not to die." So, old friend, you live on in our hearts, and I will love and remember you all the days of my life.

Mr. President, I ask that the program of the memorial service for Dixon Terry be reprinted in the RECORD.

The program follows:

A SERVICE OF CELEBRATION OF THE LIFE OF DIXON C. TERRY

Dixon was born in Radcliffe, Iowa October 8, 1949, to C. Dixon and Virlayne (Cameron) Terry. He died Sunday, May 28 on his farm near Greenfield. Dixon attended Radcliffe Community School where he graduated valedictorian in 1968. He was a national merit scholar at Radcliffe. He attended Iowa State University in Ames where he was an honor student. He was affiliated with the United Methodist Church. For the past 11 years, he and his family have operated a dairy farm.

In recent years Dixon's devotion to family, friends and organizations touched many lives. He was a founder of the Iowa Farm Unity Coalition and served as its chair. He also was co-chair of the National League of Rural Voters and director of the Iowa League of Rural Voters, president of the National Family Farm Coalition and vice president of the Iowa Farmers Union. He was a founder of the Progressive Prairie Alliance and served on the board of directors of the U.S. Farmers Association. He was a founding board member of Prairiefire Rural Action. He was a delegate to the 1984 Democratic National Convention where he was instrumental in organizing the Rural Caucus. He was a board member of the Mid-America Dairy Cooperative and president of the Dairy Herd Improvement Association. In 1984 Dixon and Linda were named by Esquire magazine as "The Best of the New Generation: Men and Women under 40 Who are Changing America."

Dixon was endowed with extraordinary wisdom, wit and leadership ability. Dovetailing his love of the land and compassion for the disenfranchised, Dixon diligently pursued social and economic justice. He will be remembered for approaching situations with insight, intelligence, vision and fairness.

Survivors include his wife, Linda; his daughter, Willow, and son, Dusky, both at home in Greenfield; his parents, C. Dixon and Virlayne Terry of rural Stuart, Iowa; and three sisters; Jackie Williby and family of Ames, and Betty Boccella and family of Ames, and Jenny Stensland and family of Zearing; several aunts, uncles and cousins.

Preceding him in death were his grandparents, Mr. and Mrs. A. G. Terry of Radcliffe, and Mr. and Mrs. Ed Cameron of Greenfield.

The family of Dixon Terry wishes to express its gratitude for the support during this time. You are invited to share lunch at the church after graveside services.

What is Life? It is the flash of a firefly in the night. It is the breath of a buffalo in the winter time. It is the little shadow which runs across the grass and loses itself in the Sunset.

Crowfoot, an Orator for the Blackfoot Confederacy, 1890; in his dying hours, his last words were of life.

FOR A MAN NO LONGER WITH US

Rattlesnake is the Earth. Lightning is the Universe.
If one takes you, it is the Earth.
If the other takes you, it is the Universe.
He is blessed now. He is of the Earth.
If he lived, he would be like the lightning-struck tree that no one comes around.
If he lived, no one would share food with him until he was blessed again by Ceremony.
Now he is blessed by Ceremony.
He is of the Earth.

In honor of Dixon Terry from Jogii (Bluejay) de Groat, Navajo Medicine Man, Gallup, New Mexico, May 31, 1989.

A SERVICE OF CELEBRATION OF THE LIFE OF DIXON C. TERRY

Prelude: Janna Nelson, Fr. Norm White, Dan Hunter.

Processional: "Come Ye Thankful People, Come".

Words of Greeting and Prayer: Rev. William Olmsted.

Friends Remember: Pat Eddy, Gary Lamb, George Naylor, Dave Millis.

A Song for Dixon: Dan Hunter.

Reading: Mary Ellen Mackaman.

Reflections on Dixon's Life: Jay Howe, Helen Waller.

Silent Reflection and Prayer: ——— ———.

A Hymn for the Rural Crisis: by Rev. Ed Kail (1985).

Reading: Willard Olesen.

Reflections on Dixon's Life: Chuck Terry, Rev. Jesse Jackson.

Music: Rev. Wintley Phipps.

Reflections on Dixon's Life: Sen. Tom Harkin, Ona Mae Lettow, Mark Ritchie.

Reading: Willow Terry, Dusky Terry.

Homily: "Remembering a Man of the People"; Rev. David Ostendorf.

A Hymn for our departure: Amazing Grace.

PALLBEARERS

Gary Barrett, Clifford Bax, Dennis Eddy, Stan Kading, George Naylor, Jim Riordan, Vernon Roach.

"Dixon Terry is no ordinary farmer. After all, how many farmers make Esquire's list of the influential young men and women who are shaping America's future? How many have played, literally, a constant role throughout the past decade in formulating, strategizing, and organizing a national farm movement that, in its current dimensions, did not even exist a decade ago?

"Ruddy, red-haired, bearded, and usually wearing work clothes, Terry, with his wife, Linda, operates a dairy farm. His operation is organic, and he believes farmers need to experiment with alternatives to current practices, but he does not believe for one moment that there is any long-term solution without an adequate price for farm products."—From Raising Less Corn and More Hell by Jim Schwab—University of Illinois Press, Urbana, 1988.●

THE U.S. SUGAR QUOTA

● Mr. DURENBERGER. Mr. President, I rise to share with my colleagues a letter to the editors of the New York Times commenting on that newspapers' editorial regarding the recent ruling by a panel of the General Agreement on Tariffs and Trade or GATT. The panel ruled that this country's sugar import quotas violated GATT. This letter, which I request be entered into the RECORD, is written by John C. Kingerly, a former Associate General Counsel to the U.S. Trade Representative's Office. Mr. Kingerly's message is an important one: We must view the U.S. sugar quotas and GATT's decision in the full context of international trade.

SUGAR QUOTA OUR EXCEPTION, THEIR RULE

To the Editor:

There you go again. In your May 23 editorial on trade, you claim that U.S. sugar quotas serve as a good example of why we should not accuse anyone else of unfair trade practices.

As the lawyer who wrote the briefs in the case you cite with regard to the General Agreement on Tariffs and Trade, I can assure you that no one claimed the sugar quotas were wise policy. Indeed, the U.S. position in the Uruguay Round of trade negotiations concerning the unwinding of all agricultural trade restrictions implicitly stated that such quotas were unwise. However, the U.S. should not be required to disarm itself

unilaterally in the highly restricted world sugar market.

You ignore two important aspects of the GATT case. First, the country bringing the case, Australia, has had an absolute ban on imports of sugar for 70 years. Last year it announced a "reform with a proposal to change from a ban to a tariff. However, Australia admitted to the International Sugar Organization that, at least for the next several years, the tariff will be so high that it will have the same effect as a ban. Now that is hypocrisy.

Also, during the GATT panel proceeding, the panel asked just how widespread restrictions such as the U.S. sugar quota were. The U.S. quotas were administered under a tariff provision negotiated in a GATT round almost 40 years ago. We found many such restrictions in others' tariff schedules, including an illegal local content rule on tobacco in Australia. In particular, the European Community had so many quotas in its tariff schedule that we had a list several pages long after reviewing only a fraction of the E.C. schedule.

Why are you so quick to blame America and cry mea culpa? Remember, in sugar the major price depressant in the world is not the U.S. quotas, it is the massive dumping of highly subsidized sugar into the world market by the European Community. The lesson of the sugar case is not that we are as bad as everyone else; it is that an exception to our general practice is the rule for most of our trading partners.—JOHN C. KINGERLY.

SIMSBURY, CN, *May 23, 1989.*●

AMERICA'S NONEXISTENT NUCLEAR CRISIS

● Mr. WIRTH. Mr. President, one of the most pressing concerns facing our country today is the continuing crisis within the Department of Energy's nuclear weapons complex. How do we clean up the waste resulting from 40 years of nuclear weapons production? What effect have these weapons plants had on the health of the Department of Energy's workers and on the populations that reside nearby? Do we need to continue production of weapons-grade plutonium? Are we facing a "tritium crisis" as a result of the shutdown of all of the DOE's production reactors?

Mr. President, as we seek answers to these enormously complicated questions, it is essential that we consider every option and take advantage of any and all expertise that we come across. It is with this in mind that I am inserting into the RECORD today a recent article from the Washington Post entitled "America's Non-Existent Nuclear 'Crisis' "—April 16, 1989. This article is adapted from a tritium policy paper prepared by the Nuclear Control Institute and signed by 11 prominent scientists, including 2 Nobel laureates, with extensive arms control and public policy experience.

I urge all of my colleagues to read this article.

The article follows:

AMERICA'S NONEXISTENT NUCLEAR CRISIS

New production of tritium for U.S. nuclear weapons has been at a standstill since the spring of 1988, when the Department of Energy's reactors at the Savannah River plant were completely shut down as a result of safety concerns.

Since those reactors are the sole source of supply of tritium for nuclear weapons, officials of the Departments of Defense and Energy and some members of Congress have stated that production must be resumed in at least one Savannah River reactor this year or our national security will be endangered; they view a longer halt as tantamount to "unilateral disarmament." This concern is based on tritium's relatively rapid radioactive decay, necessitating its regular replacement in warheads.

DOE also has asked for over $300 million in FY 1990 to prepare for construction of two new production reactors with an estimated cost of $7.5 billion. The reactors, to be completed in 10 years, would supply 150 percent of DOE's perceived future tritium requirements for nuclear weapons. They also would be capable of producing weapon-grade plutonium.

It is our considered view that there is no critical shortage of tritium today and that claims of an imminent "crisis" distort the true situation. Congress and the American people should not be stampeded into restarting the Savannah River reactors and building costly new reactors. Instead, the existing tritium supply should be put to more efficient use to meet the nation's military needs in the near-term and proposals for new production should be reevaluated.

There are a number of important reasons to take this cautious approach.

Tritium, because of its decay rate, is a wasting asset; it makes no sense to produce more than is now needed or to fund facilities capable of producing very much more than will be needed. Plutonium, on the other hand, is long-lived and is in ample supply without new production to meet current weapons requirements.

Enough tritium exists in present inventory to sustain a fully adequate weapons stockpile, probably for at least five years without new production, if the possible effects of different management arrangements and the possible use of tritium from weapons scheduled for retirement or held in storage are taken into account. Congress needs to obtain complete information on these options from the Departments of Defense and Energy.

In view of the fact that the leaders of the United States and the Soviet Union have agreed in principle that their nuclear arsenals are much too large, a continuation of the present halt and a delay in proceeding with new production facilities would allow time to ascertain whether the ongoing Strategic Arms Reduction (START) Talks and other arms reduction initiatives will result in significantly reduced tritium requirements.

If prospects for a START agreement are realized, there would be an opportunity to reassess the need for new tritium production capacity and to take advantage of substantial reductions in the size and cost of new facilities if they are required.

If it turns out that these arms-reduction opportunities will not be realized, and a new production reactor is eventually needed, plans of the kind currently proposed could be reinstated. The delay of a few years entailed by this approach would not erode the nuclear-deterrent power the nation now possesses, nor pose any other risk to national security. It should be understood that with a stockpile of over 20,000 nuclear warheads, any reference to a "crisis" in tritium supply is quite inappropriate.

We believe a new production reactor can be built in five years, rather than 10, once planning activities are completed. A great deal more is known now about reactor design and safety than was known in the 1950s, and much time and money can be saved if construction proceeds efficiently after thorough planning and safety and environmental review.

The nation is now faced with strict limitations on federal spending because of the imperative to cut the budget deficit. Very large sums will be required to upgrade elements of the weapons-production complex to achieve improvements in safety, pollution control and efficiency, as well as to proceed with the necessary cleanup of environmental pollution resulting from 40 years of past operation. Monies now being requested for the construction of new production capacity should be applied, for at least the next few years, to such other purposes.

MAINTAINING THE ARSENAL

Tritium, a man-made radioactive isotope of hydrogen, is an essential element in modern, "boosted" nuclear warheads. The fusion of a few grams of tritium with a naturally occurring hydrogen isotope called deuterium provides a burst of neutrons at the crucial moment to amplify ("boost") the yield in fission weapons or in the fission triggers of thermonuclear weapons. Boosted warheads thus weigh less, are more compact and efficient and have lower cost. We are heavily dependent on boosting, and the Soviets use it as well.

Because tritium decays at a rate of 5.5 percent annually (it has a half-life of 12.5 years), the tritium "reservoirs" of U.S. nuclear warheads must be refilled regularly to maintain the weapon's explosive yield. The reservoirs are filled initially with a supply of tritium in excess of what is needed for the weapon to operate properly. When the excess runs down, the reservoir is exchanged for a new one. The surviving tritium in the old reservoir is recovered, purified and recycled. Tritium replenishment cycles vary for different types of warheads: It has been reported that weapons currently in the stockpile have a four- to six-year cycle, whereas the new generation of submarine-launched missiles may be charged for 10 years or more.

Provided that the essential minimum amount of tritium remains in the weapon system, it will still produce the certified yield. The size of the charge determines only the length of time the weapon may remain in the field. To provide a six-year service life after a fresh filling, the tritium loading must have an excess of at least 40 percent over the minimum amount. An eight-year service life requires an excess of 57 percent; 10 years requires approximately 75 percent above the minimum.

A CRISIS MENTALITY

In testimony before the Senate Armed Services Committee, Troy E. Wade, DOE acting assistant secretary for defense programs, said it would be necessary to restart one Savannah River reactor by the end of the year, since by then the need for new tritium would become critical. Earlier, Robert B. Barker, assistant to the secretary of defense for atomic energy, was quoted as warning that delaying restart of the reactors would be tantamount to "unilateral nuclear disarmament." These assertions have led to expressions of congressional concern. Yet a recent internal Pentagon study, re-

ported in The Boston Globe, concludes that there is an adequate supply of tritium for 18 months to two years with no alterations in resupply of weapons or any additional production.

There are a number of straightforward means that could be adopted to stretch out the period for which a given reserve supply of tritium would be adequate. The most obvious and immediately effective step would be to reconsider existing plans for tritium service life. Suppose, for example, that the current schedule calls for refilling a large number of weapons for a six-year service life. According to Troy Wade's testimony, there is only enough tritium on hand to continue the refilling operation for about one year. However, simply by changing to a three-year service life, for which the required excess in the filling is only 18 percent rather than 40, the required amount of additional tritium would be cut in half and the supply extended from one year to two years. For weapons with a service life longer than six years, the extension of inventory would be even greater.

These options would entail a doubling (or more) of the work load at facilities handling the refills. But the increase would take effect gradually and would not be difficult to prepare for. The increased number of reservoirs to be handled also would raise operating costs in the field. But this would be offset by the net savings realized from deferring new tritium production costs.

There are a number of other potential sources of tritium that could be used to avert a short-range tritium supply problem. Among these are: the 500 or so warheads to be withdrawn under the INF Treaty, along with the Pershing 1A missiles to be retired from Germany; the warheads from the Poseidon submarines retired since 1985, along with additional warheads from the two scheduled for retirement in 1989 to abide by the SALT limits; the bombs removed from the B52G bombers converted to conventional missions; some 400 enhanced radiation warheads now in storage (if their large tritium supplies have been kept intact); and the recovery of tritium from used heavy water moderators in storage at Savannah River. All these and similar sources should be exploited before it is concluded that there is any imminent "crisis."

Finally, it should be noted that if the present halt in tritium production were continued for an extended period, the weapons stockpile eventually would have to be reduced at a rate similar to the decrease in the amount of tritium on hand—that is, at the decay rate of about 5.5 percent a year. For about the first five years, such a reduction in weapons is roughly equivalent to the cuts that have been discussed in the START negotiations. Should negotiations continue beyond START with the objective of establishing a minimum effective nuclear deterrent, there would be no need to resume new tritium production for many years. In fact, the United States now has enough tritium in its 23,000 nuclear warheads to support a force of 6,000 strategic warheads for longer than 20 years and a force of 1,000 warheads for some 50 years.

But what if the START and other initiatives fail? As a worst-case scenario, suppose that the United States were to refrain from producing any tritium for five years and that at the end of that time there were no clear prospect of any arms-control agreement. We might then decide that it was essential to build up our nuclear arsenal. Would we then face a crisis in tritium supply?

No. Because even then, other sources would be available. During the non-production period, we presumably would have prepared at least one Savannah River reactor for restart. Operating even at half power, it could supply enough tritium to sustain the arsenal at its present level during the approximately five years required to complete a new production reactor. In the unlikely event that none of the remaining Savannah River reactors can be restarted safely, there are a number of other possible sources: The N reactor at Hanford, now undergoing renovation; the DOE test reactors in Idaho; and even the expedient of commercial power reactors, for which tritium target technology is now under development. Also, tritium might be acquired from France, Britain or possibly Canada.

RECOMMENDATIONS AND REALITY

Preparations now underway for construction of new production reactors should be deferred to allow Congress to become fully informed about the country's actual needs and to allow time for the START process to produce results.

The United States should not now resume production of nuclear weapon materials that are not needed and can serve only to further stimulate the arms race. Instead, it should move toward a mutual halt in the production of nuclear materials for weapons.

While the present half in production remains in effect, the United States should consider offering not to restart the Savannah River reactors or to begin construction of new production reactors for a designated period of time to give the Soviet Union the opportunity to reciprocate. The two sides may be able to proceed to a mutual halt in production of tritium and fissionable materials for weapons by a series of reciprocal steps. A mutual production halt could be monitored by national technical means and on-site inspections, supplemented by international and bilateral safeguards on civilian reactors. Such a halt is possible in the context of a START agreement and agreements on deep cuts beyond START accompanied by verification of delivery systems and warheads destroyed and retained.

The United States and the Soviet Union should not let pass an extraordinary opportunity to achieve a mutual end to the production of nuclear materials for weapons. For its part, the United States can exercise restraint and turn the present production shutdown to advantage. It should not be stampeded into premature resumption of tritium production or construction of new production capacity. If we exercise restraint, the arms reduction process can flourish.

THE AUTHORS

The following scientists have signed the tritium policy paper, prepared in collaboration with the Nuclear Control Institute in Washington, from which the above article is adapted:

Hans Bethe, a 1967 Nobel Prize winner in physics, formerly headed the theoretical-physics division at Los Alamos National Laboratory and is emeritus professor of physics at Princeton's Institute for Advanced Study, has been a frequent consultant to the Defense Department and the U.S. Arms Control and Disarmament Agency (ACDA).

Herman Feshbach, former chairman of the nuclear-science advisory committee of the National Science Foundation and former president of the American Physical Society and the American Academy of Arts and Sciences, is emeritus institute professor of physics at the Massachusetts Institute of Technology.

Val Fitch, a 1980 Nobel Prize winner in physics and professor of physics at Princeton University, was a presidential adviser on science policy and arms control in the Nixon administration.

Marvin Goldberger, former president of the California Institute of Technology and now director of Princeton's Institute for Advanced Study, chaired the committee on international security and arms control of the National Academy of Sciences.

Kurt Gottfried, professor of physics and nuclear studies at Cornell, was an officer of the American Physical Society and a consultant to the Department of Energy's high-energy-physics advisory board.

Milton Hoeing, a physicist and scientific director of the Nuclear Control Institute, was at ACDA during the Carter administration.

Franklin Long, professor emeritus of chemistry at Cornell, was research supervisor of the National Defense Research Committee from 1942 to 1945 and assistant director of ACDA under President Kennedy.

J. Carson Mark, former leader of the theoretical-physics division of Los Alamos National Laboratory, serves as a consultant to Los Alamos and other government agencies.

George Rathjens, professor of political science at MIT, was chief scientist in the Defense Advanced Research Projects Agency and in the Office of Special Assistant to the President for Science and Technology.

Victor Weisskopf, former group leader at Los Alamos National Laboratory and former director of CERN (the European Center for Nuclear Research), is emeritus institute professor of physics at MIT.●

FROM ALL WALKS OF LIFE

● Mr. KERRY. Mr. President, something remarkable happened in Massachusetts last Sunday. Nearly 18,000 people walked 6.2 miles through Boston and Cambridge to raise money for AIDS research, education, and prevention.

This was the fourth year of the walk, called From All Walks of Life and that aptly described the people who participated. Black, white, Hispanic, Asian-American, gay men and lesbians, heterosexual men and women, medical caregivers, priests, teachers, computer progammers—in short, people representing the great diversity of our citizens, took the time and trouble to spend a warm, muggy Sunday marching through Boston to help defeat this plague.

The AIDS Action Committee, under the able guidance of its executive director Larry Kessler, did a superb job of organizing the march, which was like a giant block party. Musical groups of all sorts, from chamber music to punk rock to reggae to rap to a 1940's "girl group" sparked the marchers on their way, and hundreds of volunteers made box lunches for everyone, acted as crossing guards, and blew up more balloons than one can

imagine. Fifty-one local radio stations played "That's What Friends Are For" at exactly 3:06 p.m. and eight local companies donated over 95 percent of the funds needed to support the walk, so that all of the money raised will go directly to AIDS organizations.

Mr. President, 4 years ago, 4,000 people walked and raised $500,000. This year, 18,000 people raised over $1,500,000.

I want to commend all those who participated in this great celebration of life and hope in the face of perhaps the most deadly epidemic in our lifetimes. AIDS has affected this country as a whole, and each of us personally, very deeply and in ways we do not yet perhaps realize. But out of its devastation also comes the spirit we saw Sunday as Massachusetts came together—truly "from all walks of life"—to fight it.

I ask that an article from the Boston Globe on Monday, June 9, 1989, concerning this event be printed in the RECORD.

The article follows:

FROM ALL WALKS, THEY FIGHT AIDS—NEARLY 18,000 JOIN TREK

(By Alexander Reid)

While the AIDS epidemic continues to rank as one of the nation's most devastating public health threats, nearly 18,000 people walked through Boston in a fund-raising campaign that raised more than $1.5 million.

The event, called From All Walks of Life, lived up to its billing as people from every level of society poured onto the Boston Common to prepare for the 6.2-mile trek through the city and parts of Cambridge.

Blacks, whites, gays, lesbians and heterosexuals walked side-by-side, a testament to the vast reach of the disease and how it has affected so many lives, regardless of race, sexual preference or economic status. The walk was organized by the AIDS Action Committee of Boston.

Many of the marchers said they knew at least one person, usually a friend, who had the disease or who died from it.

"AIDS is a disease that threatens every man and it should attract the attention of every man if it is ever to be defeated," said Surgeon General C. Everett Koop, who delivered an opening speech to the throng.

Koop, a Bush administration official appointed to his post by President Reagan, last month announced his intention to resign July 13. He urged his audience to "keep going until this is all over."

In the four years that the walk has been held it has become an institution among those involved in combating AIDS. It is the largest AIDS-related fund-raising event in New England.

The first walk, held in 1986, drew only 4,000 people and brought in $500,000. In each of the following years, however, with the disease taking more lives, the walk has grown, attracting corporate sponsors, larger contributions and people like George Arthur Jr., 64, an elementary school teacher.

"The spirit here, the camaraderie is wonderful," Arthur said, "This disease should not be overlooked or ignored by anyone. The crisis has not lessened and the need for action is urgent."

It was a colorful procession, with marchers wearing light clothing to weather the humid conditions.

Larry Kessler, director of the AIDS Action Committee, estimated that about 18,000 people participated in the march.

Of the $1,575,000 collected, a portion will go to other community groups and the remainder will go toward AIDS education and prevention efforts conducted by Kessler's group.

Mayor Flynn and state Health Commissioner Deborah Prothrow-Stith were among the local officials to greet the marchers on the Boston Common.

Shortly after 10 a.m., the stream of people moved peacefully down Commonwealth Avenue, onto Beacon Street to Coolidge Corner and then onto Harvard Avenue.

The marchers then came back to Commonwealth Avenue before taking the Boston University Bridge onto Memorial Drive along the Charles River.

They crossed the river at the Museum of Science and walked along the Esplanade until they reached Liederman Field.

They carried balloons, banners and placards. Some walked their dogs.

Along the route were performance groups that provided entertainment ranging from punk rock, to jazz, to dance. One group, the Dorchester Youth Collaborative's Young Nation, performed a rap routine that was popular.

By noon, when the first of the marchers reached Liederman Field, AIDS Action volunteers awaited them with box lunches, watermelon, beverages, and more music.

The scene resembled a mass picnic. It appeared that many of those who set out from the Common completed the trek.

Toward the end, marchers were asked to join hands and sing a song titled "That's What Friends Are For." It was broadcast live by 54 radio stations throughout the state.

The festive nature of the march belied its serious mission.

Said Carey Glincher, 26, a Boston University student, "This is great. We are all coming together in a way that inspires hope for the AIDS fight." Glincher said she raised $250 for the march.

Another marcher, Lee Taylor, said, "If ever there was a need to raise money this is it. This disease does not play. It's a death sentence."

Boston police reported no incidents related to the walk.●

THE GORTON/ADAMS AMENDMENT TO S. 750 TO EXTEND THE TIME LIMITATION ON A HYDROELECTRIC PROJECT IN WASHINGTON STATE

● Mr. ADAMS. Mr. President, yesterday evening the Senate adopted an amendment offered by my colleague, Senator GORTON, and myself to S. 750, a bill to extend time limitations for several hydroelectric projects. I was unable to be on the floor at that time, but I want to thank both Senator JOHNSTON, chairman of the Energy Committee and Senator MCCLURE, the ranking minority member, and the majority and minority staffs for their assistance in working out this amendment. I also want to thank the author of the bill, Senator BUMPERS, for his courtesy and cooperation in accepting this amendment.

The situation we are seeking to address in this amendment is similar to the situation that S. 750, as reported by the committee, sought to address; namely, that the demand for electricity anticipated at the time that the Cowlitz Falls hydroelectric project was conceived and licensed by the Federal Energy Regulatory Commission did not materialize as anticipated. Consequently, the licensee for the project, the Lewis County Public Utility District, has had difficulty in completing marketing and participation agreements within the deadline set by the FERC.

As we all know, predicting energy requirements years in advance is an imperfect science. In this case, the Northwest Power Planning Council, in a letter dated January 27, 1989, notified the State of Washington that "Cowlitz Falls appears to be a cost-effective resource," and that this project "* * * may be needed to serve regional electric loads as early as 1993, but on average the project would show more value if completed beyond 1993." This conclusion mirrors the difficulty that the licensee, Lewis County PUD, has had in securing participation in the project. By granting the FERC authority to extend the deadline for commencing construction of the project, this amendment will help assure the economic viability of the project and offers the opportunity to significantly reduce the economic costs of the project to Lewis County ratepayers.

The planning council has also concluded that this project, unlike many hydro projects, could contribute significantly to the restoration of anadromous fish runs in the Cowlitz River ended by previously constructed dams below this project. I also want to point out that the Washington State Department of Ecology has recently reached a settlement with the licensee resolving any remaining environmental objections raised by the department. I am appending a copy of the planning council's letter to these remarks.

The amendment would simply add the Cowlitz Falls project to the list of projects in the bill for which FERC would be authorized to grant extensions of time. The amendment also makes one technical correction in the bill, the need for which has been acknowledged by the committee. This amendment should not be controversial, and, in fact, enactment of the provision, offers the opportunity for resolving the economic and fish mitigation issues raised by critics of the project.

I would like to clarify one point concerning this amendment and the bill. It is the understanding of this Senator

and Senator GORTON that, by providing the Federal Energy Regulatory Commission with the authority to grant time extensions for the Cowlitz Falls project, we are not altering or restricting, in any way, any other requirements that might apply to the Commission's obligations to be consistent with the Pacific Northwest Electric Power Planning and Conservation Act, Public Law 96-501, or any other applicable law.

Again, I want to thank the chairman and ranking member of the Energy Committee and Senator BUMPERS for their help in working out this amendment.

I ask that the letter to which I referred be printed in the RECORD.

The letter follows:

NORTHWEST POWER PLANNING COUNCIL,
Portland, OR, January 27, 1989.

Mr. RODNEY G. SAKRISON,
Hydropower Coordinator, Water Resources Program, State of Washington Department of Ecology (PV-11), Olympia, WA.

DEAR MR. SAKRISON: This letter is in response to your request for comments regarding the timing and cost-effectiveness of the proposed Cowlitz Falls hydropower project (FERC project no. 2833). The Northwest Power Planning Council staff has performed an analysis of the revenue requirements, cost-effectiveness and associated timing of the Cowlitz Falls project. The study assumptions were consistent with the Draft 1988 Supplement to the 1986 Power Plan. Technical and cost information for Cowlitz Falls were provided by Lewis County PUD.

SUMMARY

Based on these studies, Cowlitz Falls appears to be a cost-effective resource. Of concern, however, is the potential for substantial rate impacts to Lewis County ratepayers if the project is developed solely by Lewis County PUD. These impacts could be mitigated if the costs, risks and benefits of the project are shared with other utilities. Although, deferral of completion past 1993 may be difficult because of contraints imposed by the FERC license, greater benefit would accrue if construction could be scheduled to be consistent with the need for power. Depending on load growth, the project may be needed to serve regional load as early as 1993, but on average, the project would show more value if completed beyond 1993. The Council is not prepared to assess the environmental acceptability of the project, however, the project could contribute to restoration of anadromous fish runs in the upper Cowlitz basin.

ANALYSIS

Stand-alone project levelized revenue requirements were calculated to establish the position of Cowlitz Falls in the Council's resource portfolio. A base case was first run, using the Council's standard publically-owned utility financing assumptions, "real" dollars, a 1988 inservice date and the cost components normally considered by the Council in comparing resource cost-effectiveness. The base case levelized revenue requirement was estimated to be 25.3 mills per kilowatt-hour (1988 dollars). This number is consistent with the new resource costs appearing in Chapters 3 and 4 of the 1988 Supplement to the 1986 Power Plan. It indicates that the project is potentially cost-effective, generally comparable to the high end of the "Low Cost Hydro 1" block of the 1988 Supplement.

The actual costs that would be experienced by Lewis County PUD if the project were to be developed would differ somewhat from the base case revenue requirements, for several reasons. First, the financing expected for the project (8.5 percent) is more favorable than the Council's standard financial assumptions for publically-owned utilities (9.2 percent). Second, the project is expected to come into service in 1993, in lieu of the 1988 inservice date used in calculating benchmark resource revenue requirements. Escalation of project costs in the intervening years will raise revenue requirements. Third, Lewis County PUD will pay legal and bond financing fees, estimated to be 2.5 percent of borrowed funds. Such fees have not normally been considered by the Council in assessing resource cost-effectiveness. Finally, the PUD will maintain reserve and working capital funds totalling approximately $20.3 million. Though these funds will be reinvested, a net interest expense of about 1 percent is expected to be incurred on these funds. This expense is also not normally considered by the Council in assessing resource cost-effectiveness. The net effect of these additional factors decreases the estimated levelized revenue requirement to 23.9 mills per kilowatt-hour.

The previous calculations were based on "real" i.e., inflation-free financial assumptions, as used in the Council's power plan. Real world ("nominal") project costs will be greater because interest rates include a forecasted rate of inflation. Using assumptions consistent with the foregoing analysis, the project levelized revenue requirement was calculated using nominal interest, inflation and discount rates. The nominal levelized revenue requirement was estimated to be 63.4 mills per kilowatt-hour.

Levelized revenue requirement calculations provide an estimate of the cost of developing and operating a project. But estimating the cost-effectiveness of a project requires in addition, consideration of factors such as the seasonality of energy production, possible displacement of other existing resources by the project, and the lesser value of the non-firm energy component (about 25 percent of the average energy output of the project would be non-firm energy). Cost-effectiveness is expressed as the net present value of a project to the region, and is estimated using the Council's Decision Model. Three cases were modeled. The base case was simply the resource portfolio for the 1988 Supplement and did not include Cowlitz Falls. The second case included Cowlitz Falls as a resource available for construction on a "floating" schedule. A floating schedule assumes that the project is available and could be built, consistent with forecast need, at any time during the Council's twenty year planning period. Comparison of this case with the base case yields an expected net present value benefit for the project of $51 million, if the costs and the benefits of the project accrue to the region as a whole. Note that this is the expected value outcome across 100 different load scenarios. The value would tend to be less in lower load conditions where the avoided cost of resources is lower. The value would tend to increase as loads increase.

A third case was run to determine what reduction to present value benefits might result if the project were brought into service at its currently scheduled inservice date. In this case the project was assumed to be brought into service in 1993, consistent with FERC license requirements, regardless of load level or need. This case yields a present value benefit of $48 million from a regional perspective. The reduction to present value benefits for assuming that the project is brought into service early, as required by the FERC license, is only about $3 million. This is due to both the relatively low cost of the project and its high probability of need.

A second set of cost-effectiveness studies was run to estimate the cost-effectiveness of the project if it is used to serve the loads of Bonneville and its preference customers. These studies assume that Bonneville provides no service to investor-owned utility loads. Bonneville's surplus is expected to last longer than that of the region as a whole because much of the current surplus resides on Bonneville's system, and also because Bonneville's forecasted load growth is expected to be less than that of the region as a whole. For these reasons, the project is expected to be less cost-effective from the Bonneville perspective than from the perspective of the region.

These studies were performed with a newly developed decision analysis model, which has the capability for cost differentation between the major utilities in the region. It is the only major planning tool currently available in the region with this capability. However, because it is new and relatively untested model, the results from these studies are subject to refinement. As a benchmark, this new model indicates a regional benefit of $35 million, compared to the $51 million mentioned earlier. Given the differences in model structures and real-world uncertainties in power system operation, this is a reasonable result.

A study with the new model assuming that Cowlitz Falls is built to serve only Bonneville loads, and is built on a floating schedule, results in a present value benefit to Bonneville and its customers of about $15 million. Because Bonneville has less need for the plant than the region as a whole, the reduction in present value benefits for a forced completion in 1993 will be greater. This penalty is estimated to be on the order of $10 million, reducing the value of the plant to about $5 million. Clearly, if the project is acquired to serve Bonneville loads, it is important to try to time its completion so it comes into service when needed.

Because of uncertainties associated with future loads, it is not possible to forecast a specific date by which this project, or any other project will be needed. The Decision Model, however, may be used to assess the probability that the project will be needed during the 20-year planning period. Figure 1 shows the probability of need for Cowlitz Falls if the project is used to serve regional loads. The length of the horizontal bars represent the cumulative probability of need for the project by a particular year. For example, the probability the project would be needed by 1993 is 30 percent. This probability rises to more than 50 percent by 1995, and to 98 percent by 2008. Because the probability of need within a year or two of the currently scheduled completion date is relatively high, the reduction in present value benefits for 1993 service is relatively small, as described earlier.

Figure 2 shows the probability of need for Cowlitz Falls if the project serves Bonneville loads. As expected, the probability that the project will be needed in any given year is less for the regional case. For example, the project is not needed to serve Bonneville's loads until 1996 at the earliest. There

is a 50 percent probability that the project will be needed by 2004, and the probability that the project would be needed by 2008 is 79 percent. Because these anticipated dates of need are further in the future than for the regional case, a greater reduction in present value benefits is seen for a forced completion in 1993. Again, this emphasizes the importance of a floating schedule if the project is used to serve Bonneville's loads.

The present value benefits, and probabilities of need estimated for Bonneville acquisition are subject to the uncertainty of investor-owned utility load placement upon Bonneville. While no investor owned utility has announced that it will be placing long-term load on Bonneville, such placement would accelerate Bonneville's need for new resources.

Though the proposed Cowlitz Falls project appears to be cost-effective from both the region's and Bonneville's perspective, the potential impact of this project on Lewis County PUD rates is of great concern to the Council. Because of the large size of Cowlitz Falls relative to Lewis County PUD loads, using the entire project to serve just the PUD's loads would have substantial near-term rate impacts. We estimate the first year cost of the project to be approximately 62 mills per kilowatt-hours, greatly in excess of the expected cost of purchases from Bonneville at that time. These rate impacts could be largely mitigated if the project were acquired by Bonneville or if the project were jointly developed in partnership with another regional entity. For this reason, the Council encourages Lewis County PUD to pursue Bonneville acquisition or partnership with another utility to facilitate cost-effective development of Cowlitz Falls without unacceptable rate impacts to the customers of Lewis County PUD.

Finally, while Cowlitz Falls appears to be cost-effective from an economic prespective, the Council is not prepared to take a position regarding the overall environmental acceptability of the project. However, it is important to note that the project is not precluded from construction by the Council's protected area criteria, and, in fact, may contribute to the restoration of anadromous fish runs in the upper Cowlitz basin. In accordance with the Lewis County PUD agreement with the Washington Department of Wildlife, the project will be designed to accommodate the future addition of facilities for the capture and collection of downstream migrant fish. This would allow restoration of anadromous fish runs in the upper Cowlitz basin via collection and transport of migrants around Cowlitz Falls and downstream dams currently blocking such runs.

The merits of such a program will be addressed in the Council's subbasin planning process, currently underway. In 1987 the Council adopted a system planning process for purposes of increasing Columbia River anadromous fish runs. The Council's goal is an increase of 2.5 million salmon and steelhead. In this process, each subbasin in the Columbia River Basin will be reviewed for anadromous fish enhancement needs, opportunities and constraints. An integrated plan will be developed to coordinate andromous fish enhancement projects regionwide. Though it is premature to say what enhancement measures may be appropriate for the Cowlitz River system until the system planning process is complete, the ability to use the Cowlitz Falls project as a downstream migrant collection facility may be beneficial if the Council decides to return the upper Cowlitz basin to anadromous fish production.

The Council greatly appreciates the opportunity to submit testimony on the Cowlitz Falls project. I, or Ed Sheets of the Council staff are available to answer questions regarding this testimony.

Yours truly,

TOM TRULOVE,
Chairman.●

AWARD TO PEORIA, IL

● Mr. SIMON. Mr. President, I would like to take a moment to recognize the recent award bestowed on a city in my home State of Illinois.

Every year for the past 40 years the National Civic League presents its All-America City Awards to 10 communities that best exemplify what can be achieved when members of a community work together. This year, Peoria, IL, was one of the 10 cities receiving this high honor.

I am proud of the leaders and citizens of Peoria for this fine achievement. It was just several years ago that Peoria was in a deep recession due to decline in local industry. During this period there was a sense that perhaps Peoria was beginning to follow the path of so many industrial communities hard hit by the recession of the early 1980's. In 1985, however, with new leadership and invigoration, a program known as Forward Peoria was implemented.

This program has helped to turn the tide for the residents of Peoria from its focus on the recession to a new focus on a stronger, more vibrant community. In short, the leaders and residents of Peoria have come together to revive the spirit of their great city. I commend Peoria for this inspiring turnaround and anticipate its continued growth in the years to come.

Mr. President, I have long been aware of the high caliber of the people and communities in Illinois and am pleased and proud that the achievements of one of these communities has received such a high honor from the National Civic League.●

PRIME MINISTER BENAZIR BHUTTO, PAKISTAN

● Mr. DECONCINI. Mr. President, I would like to congratulate Pakistani Prime Minister Benazir Bhutto on the policies she announced in her address to the Joint Session of Congress on Wednesday. Her stated dedication to nonproliferation is vital to the safety not only of the people of Pakistan, but of every person on the face of the Earth.

The United States has had long-standing concerns over reports about Pakistan's nuclear development program. Congress has stipulated that if Pakistan develops a nuclear weapons capability, economic and military aid would be terminated. Prime Minister Bhutto allayed some of our fears. She said, "Speaking for Pakistan, I can declare that we do not possess, or do we intend to make, a nuclear device. That is our policy."

Her commitment to "a regional approach to the nuclear problem" will play an important role in keeping the peace on the Asian subcontinent. The safeguards, inspections and verifications which she said Pakistan is ready to accept, are tools essential to ensuring that the arms race in the region will not escalate. I share her desire to work for a test ban treaty between Pakistan and its neighbors. Specifically, I hope that the goal of talks between India and Pakistan on forestalling an arms race will become a major part of U.S. policy.

For its part, India's Defense Minister K.C. Pant recently announced that India is considering the option of integrating missile systems with the armed forces. He said India has achieved a breakthrough in missile technology with the May 22 launching of the intermediate range surface to surface missile "Agni." These events do not work to allay the concerns of India's neighbors about India's peaceful intentions in the region. As India continues to develop its missile technology, the need for talks and, perhaps a test ban treaty, becomes even greater.

Prime Minister Bhutto said, "We are prepared for any negotiation to prevent the proliferation of nuclear weapons in our region. We will not provoke a nuclear arms race in the subcontinent." I congratulate her on her reinteration of Pakistan's nuclear policies. I encourage countries in the region to develop confidence building measures which will promote stability by decreasing the fears created by a constant nuclear threat.●

AMERICA'S "UNDERUSED" CITIZENS

● Mr. SIMON. Mr. President, I ask to have printed in the RECORD a column I wrote tipping my hat to the University of Illinois men's wheelchair basketball team, new national champions, and the University of Illinois women's wheelchair team, runners-up for the national title.

AMERICA'S "UNDERUSED" CITIZENS

(By Paul Simon)

Just about everyone in Illinois knows that the University of Illinois men's basketball team lost to the University of Michigan by the narrowest of margins in one of the Final Four games of the national championship.

Hardly anyone knows about a victory scored by the University of Illinois that is in many ways more heartening. The University of Illinois men's wheelchair basketball team won the national championship, defeating Temple University of Philadelphia.

And the Illinois women's wheelchair team lost in the national finals to Minnesota.

I am frankly less interested in whether they won or lost than the fact they were playing.

It is a powerful demonstration of the potential of those who use wheelchairs.

There was a day when people assumed that if you had a major disability, you were destined to a life of existence but not much more. That people who are blind or deaf or who have other disabilities can make major contributions is a reality that more and more are gradually understanding.

Through the visibility of athletics, the University of Illinois and other schools are demonstrating the capabilities of underused citizens.

I happened to see Sen. Bob Dole on television the other day, talking about people with disabilities. Bob lost the use of his right arm during World War II. Yes, he's disabled. But, yes, he also contributes immensely to the nation.

Hundreds of thousands of people read the writings of Henry Kisor, book editor of the Chicago Sun-Times, but probably fewer than 1 percent of those who read his column know that he is deaf.

Paul Scher, national manager for rehabilitation services for Sears in Chicago, is blind. Susan Suter, who had polio, is director of the Illinois Department of Public Aid.

Yes, I'm proud of the University of Illinois wheelchair teams and their coach Brad Hedrick.

But I'm equally proud of those unknown university administrators who decided to have a team, to make the campus accessible for those in wheelchairs and to make the campus visibly aware that people with disabilties have great potential, along with all other people."

I am proud to be a cosponsor of a bipartisan bill introduced in the Senate May 9—the Americans with Disabilities Act—to guarantee that all of our citizens with disabilities have a chance to use their potential. I hope we have the good sense to pass it quickly.

An underused resource in the nation are all the people with disabilities—some disabilities visible and some not visible—and we will help the economy of the nation if we do what is both humanitarian and right.●

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider the following nominations:

Calendar Item No. 166, John M. Farren, to be Under Secretary of Commerce for International Trade; Calendar Item No. 167, Alfred A. DelliBovi, to be Under Secretary of Housing and Urban Development; and Calendar Item No. 168, John B. Taylor, to be a member of the Council of Economic Advisers.

I further ask unanimous consent that the nominees be confirmed en bloc, that any statements appear in the RECORD as if read, that the motions to reconsider be laid upon the table en bloc, that the President be immediately notified of the Senate's action.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations considered en bloc and confirmed en bloc are as follows:

DEPARTMENT OF COMMERCE

John Michael Farren, of Connecticut, to be Under Secretary of Commerce for International Trade.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Alfred A. DelliBovi, of New York, to be Under Secretary of Housing and Urban Development.

EXECUTIVE OFFICE OF THE PRESIDENT

John B. Taylor, of California, to be a member of the Council of Economic Advisers.

LEGISLATIVE SESSION

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Senate return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE CALENDAR

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar items numbered 85 through 115 en bloc; that any amendments, where indicated, be considered and agreed to; that the joint resolutions be deemed to have been read a third time and passed; that the simple and concurrent resolutions be considered and agreed to; that the preambles, where indicated, be agreed to; and that the motion to reconsider the passage of these resolutions en bloc be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

MENTAL ILLNESS AWARENESS WEEK

The joint resolution (S.J. Res. 55) to designate the week of October 1, 1989, through October 7, 1989, as "Mental Illness Awareness Week," was considered, ordered to be engrossed for a third reading, read the third time, and passed.

The preamble was agreed to.

The joint resolution and the preamble are as follows:

S.J. RES. 55

Whereas mental illness is a problem of grave concern and consequence in American society, widely but unnecessarily feared and misunderstood;

Whereas thirty-one to forty-one million Americans annually suffer from clearly diagnosable mental disorders involving significant disability with respect to employment, attendance at school, or independent living;

Whereas more than ten million Americans are disabled for long periods of time by schizophrenia, manic depressive disorder, and major depression;

Whereas between 30 and 50 percent of the homeless suffer serious, chronic forms of mental illness;

Whereas alcohol, drug, and mental disorders affect between 19 percent of American adults in any six-month period;

Whereas mental illness in at least twelve million children interferes with vital developmental and maturational processes;

Whereas mental disorder-related deaths are estimated to be thirty-three thousand, with suicide accounting for at least twenty-nine thousand, although the real number is thought to be at least three times higher;

Whereas our growing population of the elderly is particularly vulnerable to mental illness;

Whereas estimates indicate that one in ten AIDS patients will develop dementia or other psychiatric problems as the first sign of the disease and as many as two-thirds of AIDS patients will show neuropsychiatric symptoms before they die;

Whereas mental disorders result in staggering costs to society, estimated to be in excess of $249,000,000,000 in direct treatment and support and indirect costs to society, including lost productivity;

Whereas mental illness is increasingly a treatable disability with excellent prospects for amelioration and recovery when properly recognized;

Whereas families of mentally ill persons and those persons themselves have begun to join self-help groups seeking to combat the unfair stigma of the diseases, to support greater national investment in research, and to advocate an adequate continuum of care from hospital to community;

Whereas in recent years there have been unprecedented major research developments bringing new methods and technology to the sophisticated and objective study of the functioning of the brain and its linkages to both normal and abnormal behavior;

Whereas research in recent decades has led to a wide array of new and more effective modalities of treatment (both somatic and psychosocial) for some of the most incapacitating forms of mental illness (including schizophrenia, major affective disorders, phobias, and phobic disorders);

Whereas appropriate treatment of mental illness has been demonstrated to be cost effective in terms of restored productivity, reduced utilization of other health services, and lessened social dependence; and

Whereas recent and unparalleled growth in scientific knowledge about mental illness has generated the current emergence of a new threshold of opportunity for future research advances and fruitful application to specific clinical problems: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the seven-day period beginning October 1, 1989, and ending October 7, 1989, is designated as "Mental Illness Awareness Week", and the President is authorized and requested to issue a proclamation calling upon the people of the United States to observe that week with appropriate ceremonies and activities.

TWENTY-FIFTH ANNIVERSARY OF THE WILDERNESS ACT

The joint resolution (S.J. Res. 67) to commemorate the 25th anniversary of the Wilderness Act of 1964 which established the National Wilderness Preservation System, was considered, ordered to be engrossed for a third reading, read the third time, and passed.

The preamble was agreed to.

The joint resolution and the preamble are as follows:

S.J. RES. 67

Whereas 1989 marks the twenty-fifth anniversary of the establishment of the National Wilderness Preservation System;

Whereas wilderness areas were created to secure for the American people the benefits of an enduring resource of wilderness;

Whereas Congressionally designated wilderness is an area of undeveloped Federal land where earth and nature are untrammeled by man, and where man is a visitor who does not remain;

Whereas wilderness areas allow us to preserve ecological, geological, scientific, educational, scenic, and historical values;

Whereas wilderness areas provide outstanding opportunities for solitude and primitive recreation;

Whereas in 1924 the Gilda Wilderness in New Mexico was the first administratively designated wilderness in the nation, and became statutory wilderness in 1964;

Whereas there are four hundred and seventy-four units totaling nearly ninety-one million acres in forty-four States that comprise the National Wilderness Preservation System today;

Whereas a wide range of individuals, organizations, and agencies with differing perspectives have worked with Congress to promote preservation of wilderness areas;

Whereas the Forest Service, the National Park Service, the Fish and Wildlife Service, and the Bureau of Land Management are entrusted to protect and manage our wilderness heritage;

Whereas the Wilderness Act passed in both houses of Congress with a strong sense of bipartisan support; and

Whereas the Wilderness Act was signed into law on September 3, 1964 by President Lyndon Baines Johnson: Now, therefore, be it

Resolved, by the Senate and the House of Representatives of the United States of America in Congress assembled, That the week of September 3 through September 9, 1989, is designated as "National Wilderness Week". The President is authorized and requested to issue a proclamation calling upon the people of the United States to observe the week with appropriate activities and programs.

GAUCHER'S DISEASE AWARENESS WEEK

The joint resolution (S.J. Res. 73) to designate the week beginning October 29, 1989, as "Gaucher's Disease Awareness Week," was considered, ordered to be engrossed for a third reading, read the third time, and passed.

The preamble was agreed to.

The joint resolution and the preamble are as follows:

S.J. RES. 73

Whereas Gaucher's disease is caused by the failure of the body to produce an essential enzyme;

Whereas the absence of such enzyme causes the body to store abnormal quantities of lipids in the liver and spleen and frequently has an adverse effect on tissues in the body, particularly bone tissue;

Whereas among Jewish persons, Gaucher's disease is the most common inherited disorder affecting the metabolism of lipids, which are one of the principle structural components of living cells;

Whereas there is known cure for Gaucher's disease and no successful treatment of the symptoms of the disease;

Whereas the increased awareness and understanding of Gaucher's disease by the people of the United States can aid in the development of a treatment and cure for the disease;

Whereas the National Gaucher's Disease Foundation provides funds for research in the United States with respect to the disease; and

Whereas research and clinical programs with respect to Gaucher's disease should be increased: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the week beginning October 29, 1989, is designated as "Gaucher's Disease Awareness Week", and the President is authorized and requested to issue a proclamation calling upon the people of the United States to observe such week with appropriate ceremonies and activities.

FOOD SCIENCE AND TECHNOLOGY WEEK

The joint resolution (S.J. Res. 76) to designate the period commencing on June 21, 1989, and ending on June 28, 1989, as "Food Science and Technology Week," was considered, ordered to be engrossed for a third reading, read the third time, and passed.

The preamble was agreed to.

The joint resolution and the preamble are as follows:

S.J. RES. 76

Whereas the quality and quantity of the food supply in the United States are unmatched by those of any other country;

Whereas nutritious foods are available at a reasonable cost, for consumption both at home and away from home, throughout the year;

Whereas food scientists and technologists of the United States, working in education and government, have been innovative world leaders in the development, preservation, and distribution of safe and nutritious foods;

Whereas food science and technology has been taught in American universities increasingly and intensively for the past fifty years;

Whereas there are more than fifty universities in the United States with departments offering programs leading to B.S., M.S., and Ph.D. degrees in food science and technology;

Whereas academic institutions in the United States have trained tens of thousands of food scientists and technologists, both from this country and abroad;

Whereas food scientists and technologists have developed new technologies in food production, and their counterparts in government have guided the application of good manufacturing practices to assure a safe food supply;

Whereas the United States continues to be a leader in food technology transfer to developing countries;

Whereas low cost and nutritious foods developed in the United States can now be found in virtually every third world country;

Whereas the world has looked to the United States for innovations in food product and process development; and

Whereas American universities, and State and local governments are working together with the Federal Government in researching and developing an even more nutritious and safe food supply for the nation and the world: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the period commencing on June 21, 1989, and ending on June 28, 1989, is designated as "Food Science and Technology Week", and the President is authorized and requested to issue a proclamation calling on the people of the United States to observe such period with appropriate ceremonies and activities.

NATIONAL HOSPICE MONTH

The joint resolution (S.J. Res. 78) to designate the month of November 1989 and 1990 as "National Hospice Month," was considered, ordered to be engrossed for a third reading, read the third time, and passed.

The preamble was agreed to.

The joint resolution and the preamble are as follows:

S.J. RES. 78

Whereas hospice care has been demonstrated to be a humanitarian way for terminally ill patients to approach the end of their lives in comfort with appropriate, competent, and compassionate care in an environment of personal individuality and dignity;

Whereas hospice advocates care for the patient and family by attending to their physical, emotional, and spiritual needs and specifically, the pain and grief they experience;

Whereas hospice care is provided by an interdisciplinary team of physicians, nurses, social workers, pharmacists, psychological and spiritual counselors, and community volunteers trained in the hospice concept of care;

Whereas hospice is becoming a full partner in the Nation's health care system;

Whereas the enactment of a permanent medicare hospice benefit and an optional medicaid hospice benefit makes it possible for many more Americans to have the opportunity to elect to receive hospice care;

Whereas private insurance carriers and employers have recognized the value of hospice care by the inclusion of hospice benefits in health care coverage packages; and

Whereas there remains a great need to increase public awareness of the benefits of hospice care: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the month of November in 1989 and 1990 is designated as "National Hospice Month". The President is requested to issue a proclamation calling upon all government agencies, the health care community, appropriate private organizations, and people of the United States to observe each of those months with appropriate forums, programs and activities designed to encourage national recognition of and support for hospice care as a humane response to the needs of the terminally ill and as a viable components of the health care system in this country.

NATIONAL WEEK OF RECOGNITION AND REMEMBRANCE FOR THOSE WHO SERVED IN THE KOREAN WAR

The joint resolution (S.J. Res. 85) to designate the week of July 24 to July 30, 1989, as the "National Week of Recognition and Remembrance for Those Who Served in the Korean War," was considered, ordered to be engrossed for a third reading, read the third time, and passed.

The preamble was agreed to.

The joint resolution and the preamble are as follows:

S.J. RES. 85

Whereas on June 25, 1950, the Communist army of North Korea invaded and attacked South Korea, initiating the Korean war;

Whereas the week of July 24 to July 30, 1989, includes July 27, the thirty-sixth anniversary of the cease-fire agreement that ended the active combat of the Korean war;

Whereas the Korean war was brought to an end primarily through the efforts of the United States Armed Forces;

Whereas for the first and only time in history a United Nations command was created, with the United States as the executive agent, to repel this invasion and preserve liberty for the people of the Republic of Korea;

Whereas, in addition to the United States and Republic of Korea, twenty other member nations provided military contingents to serve under the United Nations banner;

Whereas after three years of active hostilities, the territorial integrity of the Republic of Korea was restored, and the freedom and independence of its people are assured even to this date;

Whereas over five million seven hunderd thousand American servicemen and women were involved directly or indirectly in the war;

Whereas American casualties during that period were fifty-four thousand two hundred and forty-six dead, of which thirty-three thousand six hundred and twenty-nine were battle deaths, one hundred and three thousand two hundred and eighty-four were wounded, eight thousand one hundred seventy-seven listed as missing or prisoners of war, and three hundred and twenty-eight prisoners of war are still unaccounted for;

Whereas, although the Korean war has been known as America's "Forgotten War", those who served have never forgotten, and this Nation should never forget the sacrifice made by those who fought and died in Korea for the noble and just cause of freedom;

Whereas the Congress and the President of the United States have enacted a law authorizing the establishment of a Korean War Veterans Memorial in the Nation's Capital to recognize and honor the service and sacrifice of those who participated in the Korean war;

Whereas increasing numbers of Korean war veterans are setting aside July 27, the anniversary date of the armistice, as a special day to remember those with whom they served and to honor those who made the supreme sacrifice in a war to preserve the ideals of freedom and independence; and

Whereas on this significant anniversary of the cease-fire which started the longest military armistice in modern history, it is right and appropriate to recognize honor, and remember the service and sacrifice of those who endured the rigors of combat and the extremes of a hostile climate under the most trying conditions and still prevailed to preserve the independence of a free nation: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the week of July 24 to July 30, 1989, is designated as the "National Week of Recognition and Remembrance for Those Who Served in the Korean War". The President is authorized and requested to issue a proclamation calling upon the people of the United States to observe such week with appropriate ceremonies and activities, and to urge the departments and agencies of the United States and interested organizations, groups, and individuals to fly the American flag at half staff on July 27, 1989, in honor of those Americans who died as a result of their service in Korea.

NATIONAL CHECK-UP WEEK

The joint resolution (S.J. Res. 95) to designate the week of September 10, 1989, through September 16, 1989, as "National Check-up Week," was considered, ordered to be engrossed for a third reading, read the third time, and passed.

The preamble was agreed to.

The joint resolution and the preamble are as follows:

S.J. RES. 95

Whereas more than 34,000,000 Americans are hospitalized each year;

Whereas nearly 66,000,000 Americans are afflicted with some form of heart or blood vessel disease;

Whereas approximately 34,000,000 Americans between the ages 24 and 74 suffer from obesity;

Whereas more than 60,000,000 Americans suffer from high blood pressure;

Whereas an estimated 25 percent of adult Americans have elevated blood cholesterol levels;

Whereas annual medical check-ups can decrease the number of hospitalizations, reduce the likelihood of a serious illness or premature death, and curb escalating health care costs; and

Whereas annual medical screening may reveal previously undetected high blood pressure, high blood cholesterol, cancer, and obesity-related ailments: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the week of September 10 through September 16, 1989, is designated as "National Check-Up Week". The President is authorized and requested to issue a proclamation calling on the people of the United States to observe such week with appropriate programs, ceremonies, and activities.

NATIONAL LITERACY DAY

The joint resolution (S.J. Res. 96) designating July 2, 1989, as "National Literacy Day," was considered, ordered to be engrossed for a third reading, read the third time, and passed.

The preamble was agreed to.

The joint resolution and the preamble are as follows:

S.J. RES. 96

Whereas literacy is a necessary tool for survival in our society;

Whereas thirty-five million Americans today read at a level which is less than necessary for full survival needs;

Whereas there are twenty-seven million adults in the United States who cannot read, whose resources are left untapped, and who are unable to offer their full contribution to society;

Whereas illiteracy is growing rapidly, as two million three-hundred thousand persons, including one million two-hundred thousand legal and illegal immigrants, one million high school dropouts, and one hundred thousand refugees, are added to the pool of illiterates annually;

Whereas the annual cost of illiteracy to the United States in terms of welfare expenditures, crime, prison expenses, lost revenues, and industrial and military accidents has been estimated at $225,000,000,000;

Whereas the competitiveness of the United States is eroded by the presence in the workplace of millions of Americans who are functionally or technologically illiterate;

Whereas there is a direct correlation between the number of illiterate adults unable to perform at the standard necessary for available employment and the money allocated to child welfare and unemployment compensation;

Whereas the percentage of illiterates in proportion to population size is higher for blacks and Hispanics, resulting in increased economic and social discrimination against these minorities;

Whereas the prison population represents the single highest concentration of adult illiteracy;

Whereas one million children in the United States between the ages of twelve and seventeen cannot read above a third grade level, 13 per centum of all seventeen-year-olds are functionally illiterate, and 15 per centum of graduates of urban high schools read at less than a sixth grade level;

Whereas 85 per centum of the juveniles who appear in criminal court are functionally illiterate;

Whereas the 47 per centum illiteracy rate among black youths is expected to increase to 50 per centum by 1990;

Whereas one-half of all heads of households cannot read past the eighth grade level and one-third of all mothers on welfare are functionally illiterate;

Whereas the cycle of illiteracy continues because the children of illiterate parents are often illiterate themselves because of the lack of support they receive from their home environment;

Whereas Federal, State, municipal, and private literacy programs have only been able to reach 5 per centum of the total illiterate population;

Whereas it is vital to call attention to the problem of illiteracy, to understand the severity of the problem and its detrimental effects on our society, and to reach those who are illiterate and unaware of the fee services and help available to them; and

Whereas it is also necessary to recognize and thank the thousands of volunteers who are working to promote literacy and provide support to the millions of illiterates in need of assistance: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That July 2, 1989, is designated as "National Literacy Day", and the President is authorized and requested to

issue a proclamation calling upon the people of the United States to observe such day with appropriate ceremonies and activities.

NATIONAL WEEK OF OUTREACH TO THE RURAL DISABLED

The joint resolution (S.J. Res. 105) to designate October 7 through October 14, 1989, as "National Week of Outreach to the Rural Disabled," was considered, ordered to be engrossed for a third reading, read the third time, and passed.

The preamble was agreed to.

The joint resolution and the preamble are as follows:

S.J. RES. 105

Whereas approximately 3,400,000 rural Americans of working age are disabled;

Whereas work disabilities are proportionally more prevalent in rural areas than urban areas and the rural disabled are more disadvantaged than their urban counterparts;

Whereas insufficient attention has been given to the unique problems faced by the rural disabled in the United States; and

Whereas there is a need to focus more attention on the unmet needs of the rural disabled, to underscore their potential, and to encourage outreach programs by rural communities to their disabled members: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That October 7 through October 14, 1989, is hereby designated "National Week of Outreach to the Rural Disabled", and the President is authorized and requested to issue a proclamation calling on the people of the United States to observe the week with appropriate ceremonies and activities.

NATIONAL TEACHER APPRECIATION DAY

The joint resolution (S.J. Res. 108) designating October 3, 1989, as "National Teacher Appreciation Day," was considered, ordered to be engrossed for a third reading, read the third time, and passed.

The preamble was agreed to.

The joint resolution and the preamble are as follows:

S.J. RES. 108

Whereas education of the Nation's youth is the foundation of the Nation's future;

Whereas education is a lifelong process which is beneficial to the individual and thus beneficial to the entire Nation;

Whereas teachers deserve credit for their invaluable role in providing education;

Whereas teaching not only involves traditional areas of education, but today also includes vocational education, continuing education, and education for special needs;

Whereas teachers contribute not only to the academic growth of students, but also to their ethical, social, and emotional development;

Whereas a student's respect for his or her teacher is essential to the student's ability to learn; and

Whereas the contributions of teachers should be celebrated often in order to honor the role or teachers in society and to affirm and foster respect for teachers: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That October 3, 1989, is designated as "National Teacher Appreciation Day", and the President is authorized and requested to issue a proclamation calling upon the people of the United States to observe such day with appropriate programs, ceremonies, and activities.

NATIONAL HISTORICALLY BLACK COLLEGES WEEK

The joint resolution (S.J. Res. 109) to designate the period commencing September 11, 1989, and ending on September 15, 1989, as "National Historically Black Colleges Week," was considered, ordered to be engrossed for a third reading, read the third time, and passed.

The preamble was agreed to.

The joint resolution and the preamble are as follows:

S.J. RES. 109

Whereas there are 107 Historically Black Colleges and Universities in the United States;

Whereas such colleges and universities provide the quality education so essential to full participation in a complex, highly technological society;

Whereas black colleges and universities have a rich heritage and have played a prominent role in American history;

Whereas such institutions have allowed many underprivileged students to attain their full potential through higher education; and

Whereas the achievements and goals of the Historically Black Colleges are deserving of national recognition: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the period commencing September 11, 1989, and ending on September 15, 1989, is designated as "National Historically Black Colleges Week" and the President of the United States is authorized and requested to issue a proclamation calling upon the people of the United States and interested groups to observe such week with appropriate ceremonies, activities, and programs, thereby demonstrating support for Historically Black Colleges and Universities in the United States.

RAOUL WALLENBERG DAY

The joint resolution (S.J. Res. 110) designating October 5, 1989, as "Raoul Wallenberg Day," was considered, ordered to be engrossed for a third reading, read the third time, and passed.

The preamble was agreed to.

The joint resolution and the preamble are as follows:

S.J. RES. 110

Whereas in January 1944, the United States War Refugee Board asked Sweden to send a representative to Hungary to organize operations for the Hungarian Jewish community which was marked for liquidation by the Nazis;

Whereas the Swedish representative, Raoul Wallenberg, through a combination of what has been described as "bluff, heroism, and a contempt for convention" waged a bold campaign in Hungary to thwart the "final solution";

Whereas in the 6 months he was in Budapest, Raoul Wallenberg managed to, directly and indirectly, save the lives of some 100,000 men, women, and children;

Whereas Raoul Wallenberg risked his own life countless times during his work, dragging Jews from trains bound for gas chambers, bringing food and blankets to those on death marches, and unflinchingly challenging Nazi authorities;

Whereas Raoul Wallenberg was taken into Soviet "protective custody" on January 13, 1945, in violation of international standards of diplomatic immunity;

Whereas Soviet officials originally denied having custody of Wallenberg, but subsequently stated that a prisoner named "Wallenberg" died in a Soviet prison on July 17, 1947;

Whereas eyewitness accounts over the years, and as recently as December 1986, indicate that Raoul Wallenberg may indeed still be alive and imprisoned in the Soviet Union;

Whereas the Soviet Union has never produced a death certificate or the remains of Raoul Wallenberg to prove that he died;

Whereas the Soviet Union, despite numerous attempts by Swedish and American officials, refuses to look into the reports that Raoul Wallenberg is still alive;

Whereas just as Raoul Wallenberg did not forget the Jewish people when it seemed that the rest of the world had forgotten, Raoul Wallenberg and all that he did for the cause of humanity must never be forgotten; and

Whereas on October 5, 1981, the President of the United States signed into law a proclamation making Raoul Wallenberg an honorary citizen of the United States: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That October 5, 1989, is designated as "Raoul Wallenberg Recognition Day", and the President is authorized and requested to issue a proclamation calling upon the people of the United States to observe such a day with appropriate ceremonies and activities.

NATIONAL FAMILY WEEK

The joint resolution (S.J. Res. 117) to designate the week of November 19, 1989, through November 25, 1989, and the week of November 18, 1990, through November 24, 1990, as "National Family Week," was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S.J. RES. 117

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President is hereby authorized and requested to issue a proclamation designating the week of November 19, 1989, through November 25, 1989, and the week of November 18, 1990, through November 24, 1990, as "National Family Week", and inviting the Governors of the several States, the chief officials of local governments, and the people of the United States to observe such week with appropriate ceremonies and activities.

GERMAN-AMERICAN DAY

The joint resolution (S.J. Res. 118) designating October 6, 1989, as "German-American Day," was considered, ordered to be engrossed for a third reading, read the third time, and passed.

The preamble was agreed to.

The joint resolution and the preamble are as follows:

S.J. RES. 118

Whereas the Senate of the United States unanimously passed joint resolutions designating October 6, 1987, and October 6, 1988, as "German-American Day";

Whereas President Ronald W. Reagan issued proclamations in 1987 and 1988 acknowledging "German-American Day" and held formal ceremonies in the Rose Garden and the Roosevelt Room of the White House;

Whereas the work and contributions to the development and culture of the United States by German-Americans, since the arrival of the first German immigrants in the United States on October 6, 1683, merits a tribute to the achievements of German-Americans;

Whereas German-Americans, as in the past, continue to contribute to the development, life, and culture heritage of the United States, and will work for and will support the democratic principles of the Government of the United States and the freedom of all people;

Whereas such contributions should be recognized and celebrated in 1989; and

Whereas German-Americans are interested in having "German-American Day" established as an annual event on October 6: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That October 6, 1989, is designated as "German-American Day", and the President is authorized and requested to issue a proclamation calling on the people of the United States to observe such day with appropriate ceremonies and activities.

GEOGRAPHY AWARENESS WEEK

The joint resolution (S.J. Res. 120) to designate the period commencing November 12, 1989, and ending November 18, 1989, as "Geography Awarness Week," was considered ordered to be engrossed for a third reading, read the third time, and passed.

The joint resolution and the preamble are as follows:

S.J. RES. 120

Whereas geography is the study of people, their environments, and their resources;

Whereas the United States of America is a truly unique nation with diverse landscapes, bountiful resources, a distinctive multiethnic population, and a rich cultural heritage, all of which contribute to the status of the United States as a world power;

Whereas, historically, geography has aided Americans in understanding the wholeness of their vast nation and the great abundance of its natural resources;

Whereas geography today offers perspectives and information in understanding ourselves, our relationship to the Earth, and our interdependence with other peoples of the world;

Whereas statistics illustrate that a significant number of American students could not find the United States on a world map, could not identify Alaska and Texas as the Nation's largest States, and could not name the New England States;

Whereas, according to a recent Gallup poll, Americans ranked among the bottom third on an international test of geography knowledge, and those age eighteen to twenty-four came in last;

Whereas geography has been offered to fewer than one in ten United States secondary school students as part of the curriculum;

Whereas departments of geography are being eliminated from American institutes of higher learning, thus endangering the discipline of geography in the United States;

Whereas traditional geography has virtually disappeared from the curricula of American schools while still being taught as a basic subject in other countries, including the United Kingdom, Canada, Japan, and the Soviet Union;

Whereas an ignorance of geography, foreign languages, and cultures places the United States at a disadvantage with other countries in matters of business, politics, and the environment;

Whereas the United States is a nation of worldwide involvements and global influence, the responsibilities of which demand an understanding of the lands, languages, and cultures of the world; and

Whereas, one-third of adult Americans can not name four of the sixteen NATO member nations, and another one-third can not name any;

Whereas national attention must be focused on the integral role that knowledge of world geography plays in preparing citizens of the United States for the future of an increasingly interdependent and interconnected world: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the period commencing November 12, 1989, and ending November 18, 1989, is designated as "Geography Awareness Week", and the President is authorized and requested to issue a proclamation calling upon the people of the United States to observe such week with appropriate ceremonies and activities.

NATIONAL DOWN'S SYNDROME MONTH

The joint resolution (S.J. Res. 122) to designate October 1989 and 1990 as "National Down's Syndrome Month," was considered, ordered to be engrossed for a third reading, read the third time, and passed.

The preamble was agreed to.

The joint resolution and the preamble are as follows:

S.J. RES. 122

Whereas the past two decades have brought a greater and more enlightened attitude in the care and training of the developmentally disabled;

Whereas one such condition which has undergone considerable reevaluation is that of Down syndrome—a condition which, just a short time ago, was often stigmatized as a mentally retarded condition which relegated its victims to lives of passivity in institutions and back rooms;

Whereas through the efforts of concerned physicians, teachers and parent groups such as the National Down Syndrome Congress, programs are being put in place to educate new parents of babies with Down syndrome, to develop special education classes within mainstream programs in schools, to provide for vocational training in preparation for entering the work force, and to prepare young adults with Down syndrome for independent living in the community;

Whereas the cost of such services designed to help individuals with Down syndrome move into their rightful place in our society is but a tiny fraction of the cost of institutionalization;

Whereas only the improvement in educational opportunities for those with Down syndrome, but also the advancement in medical science is adding to a brighter outlook for individuals born with this chromosomal configuration; and

Whereas public awareness and acceptance of the capabilities of children with Down syndrome can greatly facilitate their being mainstreamed in our society: Now, therefore, be it

Resolved by the Senate and the House of Representatives of the United States of America in Congress assembled, That October 1989 and 1990 are designated as "National Down Syndrome Month" and that the President of the United States is authorized and requested to issue a proclamation calling upon the people of the United States to observe the designated month with appropriate programs, ceremonies, and activities.

NATIONAL QUALITY MONTH

The joint resolution (S.J. Res. 124) to designate October as "National Quality Month," was considered, ordered to be engrossed for a third reading, read the third time, and passed.

The preamble was agreed to.

The joint resolution and the preamble are as follows:

S.J. RES. 124

Whereas the design and manufacture of quality commercial products and goods and the provision of services of the highest quality are fundamental to the success of the United States in the world marketplace, to the improvement of the standard of living of the people of the United States, and to the security of the United States.

Whereas the United States has been a world leader in producing quality goods and services and the leadership has resulted in a worldwide market for the products of the United States;

Whereas in recent years, the leadership of the United States in producing quality goods has been challenged by foreign competition and the rate of growth of the productivity of the United States is currently less than the rate of growth of the productivity of some of the competitors of the United States;

Whereas a commitment to continuous quality improvement, using recognized quality principles and practices has been demonstrated to be the most effective way to regain and solidify economic leadership in the world marketplace;

Whereas over the past 5 years, virtually every segment of business and industry in the United States and many units of government have adopted quality management principles and experienced resulting dramatic improvements in productivity;

Whereas the Federal Government promotes quality through such programs as the Malcolm Baldridge National Quality Award of the Department of Commerce, the Federal Quality Institute, the President's Council on Management Improvement, the Productivity Improvement Plan of the Department of Defense, and the NASA Excellence Award for Quality and Productivity;

Whereas regional quality movements have promoted quality management philosophy and quality management principles and have begun to develop a sense of quality consciousness within particular regions of the Nation;

Whereas cognizance of quality, like cognizance of safety, is an attitude that once instilled in individuals becomes ingrained;

Whereas implementation of quality principles in manufacturing and service operations increases productivity through emphasis on waste reduction, defect prevention, and improved reliability of products and services;

Whereas the American Society for Quality Control has been a leader in the development, promotion, and application of quality and quality-related technology since 1946;

Whereas the American Society for Quality Control, together with other national professional organizations, business, industry, government, and academia, is sponsoring activities to observe National Quality Month to promote awareness of the need for quality in production and services throughout the United States; and

Whereas the theme of National Quality Month will be "Quality First," to emphasize that quality is an integral part of the processes that create goods and services: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That October is designated as "National Quality Month", and the President of the United States is authorized and requested to issue a proclamation calling upon the people of the United States to observe the month with appropriate ceremonies and activities.

BICENTENNIAL OF THE U.S. COAST GUARD

The joint resolution (S.J. Res. 126) commemorating the bicentennial of the U.S. Coast Guard, was considered, ordered to be engrossed for a third reading, read the third time, and passed.

The preamble was agreed to.

The joint resolution and the preamble are as follows:

S.J. RES. 126

Whereas August 4, 1990, marks the 200th anniversary of the Act of August 4, 1790, by which Congress authorized 10 revenue cutters requested by Alexander Hamilton for the purpose of interdicting violators of the customs laws;

Whereas the seagoing service which began with those first 10 cutters lives on in the form of the service now known as the "United States Coast Guard";

Whereas the Coast Guard has served this Nation well, in war and peace, in both the defense of this Nation against foreign enemies and against the use of the sea for crimes against the Nation;

Whereas the Coast Guard has also served this Nation well in protecting against the perils of the sea, by rescuing those in danger at sea, maintaining aids to navigation, and regulating the safety of vessels;

Whereas the Coast Guard, despite its small size, has served the Nation in these and in many other areas with efficiency and gallantry;

Whereas the Coast Guard's present-day battle against the importation of drugs by sea reminds us of the origins of the Coast Guard with those first 10 cutters 200 years ago, and of the other essential services performed by the Coast Guard; and

Whereas the bicentennial of the Coast Guard will be commemorated during the period beginning August 4, 1989, and ending August 4, 1990: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Congress of the United States hereby gives recognition to the two centuries of service by the United States Coast Guard and authorizes and requests the President to issue a proclamation calling upon the people of the Nation to share in the pride and satisfaction enjoyed by the dedicated and committed members of the United States Coast Guard during the commemoration of this bicentennial.

VOCATIONAL-TECHNICAL EDUCATION WEEK

The joint resolution (S.J. Res. 130) designating February 11 through February 17, 1990, as "Vocational-Technical Education Week," was considered, ordered to be engrossed for a third reading, read the third time, and passed.

The preamble was agreed to.

The joint resolution and the preamble are as follows:

S.J. RES. 130

Whereas vocational-technical education prepares the Nation's work force by providing students with basic academic and occupational skills;

Whereas vocational-technical education stresses the importance of positive work attitudes and values;

Whereas vocational-technical education builds the leadership skills of students by encouraging them to participate in student organizations;

Whereas vocational-technical education stimulates the growth and vitality of the Nation's businesses and industries by preparing workers for the majority of occupations forecasted to experience the largest and fastest growth in the next decade;

Whereas vocational-technical education encourages entrepreneurship among students through units of study and courses designed to prepare them to start and manage their own businesses;

Whereas a strong vocational-technical education program planned and carried out by trained vocational-technical educators is vital to the future economic development of the Nation and to the well-being of its citizens;

Whereas the Future Business Leaders of America, the Future Homemakers of America and Home Economics Related Occupations, the Future Farmers of America, the Distributive Education Clubs of America, the Vocational Industrial Clubs of America, the American Industrial Arts Student Association, the National Association of Trade and Technical Schools, the Health Occupation Students of America, the National Association of State Councils on Vocational Education, and the American Vocational Association have joined efforts to give added definition to vocational-technical education;

Whereas the planned theme for Vocational-Technical Education Week is "Vocational-Technical Education: It Works": Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That February 11 through February 17, 1990, is designated as "Vocational-Technical Education Week", and the President is authorized and requested to issue a proclamation calling upon the people of the United States to observe such period with appropriate programs, ceremonies and activities.

NATIONAL DOMESTIC VIOLENCE AWARENESS MONTH

The joint resolution (S.J. Res. 133) designating October 1989 as "National Domestic Violence Awareness Month," was considered, ordered to be engrossed for a third reading, read the third time, and passed.

The preamble was agreed to.

The joint resolution and the preamble are as follows:

S.J. RES. 133

Whereas it is estimated that a woman is battered every fifteen seconds in America;

Whereas domestic violence is the single largest cause of injury to women in the United States, affecting three million to four million women;

Whereas urban and rural women of all racial, social, religious, ethnic, and economic groups, and of all ages, physical abilities, and lifestyles are affected by domestic violence;

Whereas 30 per centum of female homicide victims in 1986 were killed by their husbands or boyfriends;

Whereas one-third of the domestic violence incidents involve felonies, specifically, rape, robbery, and aggravated assault;

Whereas in 50 per centum of families where the wife is being abused, the children of that family are also abused;

Whereas some individuals in our law enforcement and judicial systems continue to think of spousal abuse as a "private" matter and are hesitant to intervene and treat domestic assault as a crime;

Whereas in 1986, over three hundred and eleven thousand women, plus their children, were provided emergency shelter in domestic violence shelters and safehomes and the number of women and children that were sheltered by domestic violence programs increased by nearly one hundred thousand between 1983 and 1986;

Whereas for every one woman sheltered nationwide, two women in need of shelter may be turned away due to a lack of shelter space;

Whereas the nationwide efforts to help the victims of domestic violence need to be coordinated;

Whereas there is a need to increase the public awareness and understanding of domestic violence and the needs of battered women and their children; and

Whereas the dedication and successes of those working to end domestic violence and the strength of the survivors of domestic violence should be recognized: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That October 1989 is designated as "National Domestic Violence Awareness Month". The President is authorized and requested to issue a proclamation calling on the people of the United States to observe this month by becoming more aware of the tragedy of domestic violence, supporting those who are working to end domestic violence, and participating in other appropriate efforts.

NATIONAL NEIGHBORHOOD CRIME WATCH DAY

The joint resolution (S.J. Res. 136) designating August 8, 1989, as "National Neighborhood Crime Watch Day," was considered, ordered to be engrossed for a third reading, read the third time, and passed.

The preamble was agreed to.

The joint resolution and the preamble are as follows:

S.J. RES. 136

Whereas neighborhood crime is of continuing concern to the American people;

Whereas the fight against neighborhood crime requires people to work together in cooperation with law enforcement officials;

Whereas neighborhood crime watch organizations are effective at promoting awareness about, and the participation of volunteers in, crime prevention activities at the local level;

Whereas neighborhood crime watch groups can contribute to the Nation's war on drugs by helping to prevent their communities from becoming markets for drug dealers;

Whereas citizens across America will soon take part in a "National Night Out", a unique crime prevention event which will demonstrate the importance and effectiveness of community participation in crime prevention efforts by having people spend the period from 8 to 10 o'clock post-meridian on August 8, 1989, with their neighbors in front of their homes: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That August 8, 1989, is designated as "National Neighborhood Crime Watch Day", and the President is authorized and requested to issue a proclamation calling upon the people of the United States to observe such day with appropriate programs, ceremonies, and activities.

NATIONAL LAW ENFORCEMENT TRAINING WEEK

The joint resolution (S.J. Res. 137) designating January 7, 1990, through January 13, 1990, as "National Law Enforcement Training Week," was considered, ordered to be engrossed for a third reading, read the third time, and passed.

The preamble was agreed to.

The joint resolution and the preamble are as follows:

S.J. RES. 137

Whereas law enforcement training and sciences related to law enforcement are critical to the immediate and long-term safety and well-being of this Nation because law enforcement professionals provide service and protection to citizens in all sectors of society;

Whereas law enforcement training is a critical component of national efforts to protect the citizens of this Nation from violent crime, to combat the malignancy of illicit drugs, and to apprehend criminals who commit personal, property, and business crimes;

Whereas law enforcement training serves the hard working and law abiding citizens of this Nation;

Whereas it is essential that the citizens of this Nation be able to enjoy an inherent right of freedom from fear and learn of the significant contributions that law enforcement trainers have made to assure such right;

Whereas it is vital to build and maintain a highly trained and motivated law enforcement work force that is educated and trained in the skills of law enforcement and sciences related to law enforcement in order to take advantage of the opportunities that law enforcement provides;

Whereas it is in the national interest to stimulate and encourage the youth of this Nation to understand the significance of law enforcement training to the law enforcement profession and to the safety and security of all citizens;

Whereas it is in the national interest to encourage the youth of this Nation to appreciate the intellectual fascination of law enforcement training; and

Whereas it is in the national interest to make the youth of this Nation aware of career options available in law enforcement and disciplines related to law enforcement: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That January 7, 1990, is designated as "NationaL Law Enforcement Training Week", and the President is authorized and requested to issue a proclamation calling upon the people of the United States to observe such week with appropriate exhibits, ceremonies, and activities, including programs designed to heighten the awareness of all citizens, particularly the youth of this Nation, of the importance of law enforcement training and related disciplines.

WORLD FOOD DAY

The joint resolution (S.J. Res. 138) designating October 16, 1989, and October 16, 1990, as "World Food Day," was considered, ordered to be engrossed for a third reading, read the third time, and passed.

The preamble was agreed to.

The joint resolution and the preamble are as follows:

S.J. RES. 138

Whereas hunger and malnutrition remain daily facts of life for hundreds of millions of people throughout the world;

Whereas the children of the world suffer the most serious effects of hunger and malnutrition, with millions of children dying each year from hunger-related illness and disease, and many others suffering permanent physical or mental impairment because of vitamin or protein deficiencies;

Whereas the United States and the people of the United States have a long tradition of demonstrating humanitarian concern for the hungry and malnourished people of the world;

Whereas there is growing concern in the United States and around the world for environmental protection and the dangers posed to future food security from misuse and overuse of precious natural resources of land, air, and water and the subsequent degradation of the biosphere;

Whereas efforts to resolve the world hunger problem are critical to the maintenance of world peace and, therefore, to the security of the United States;

Whereas the Congress is particularly concerned with the continuing food problems of Africa and is supportive of the efforts being made there to reform and rationalize agricultural policies to better meet the food needs of Africans;

Whereas the United States, as the largest producer and trader of food in the world, has a key role to play in assisting countries and people to improve their ability to feed themselves;

Whereas, although progress has been made in reducing the incidence of hunger and malnutrition in the United States, certain groups, notably Native Americans, migrant workers, the elderly, and children, remain vulnerable to malnutrition and related diseases;

Whereas the Congress is acutely aware of the paradox of enormous surplus production capacity in the United States despite the desperate need for food by people throughout the world;

Whereas the United States and other countries should develop and continually evaluate national policies concerning food, farmland, and nutrition to achieve the well-being and protection of all people and particularly those most vulnerable to malnutrition and related diseases;

Whereas improved agricultural policies, including farmer incentives, are necessary in many developing countries to increase food production and economic growth;

Whereas private enterprise and the primacy of the independent family farmer have been basic to the development of an agricultural economy in the United States and have made the United States capable of meeting the food needs of most of the people of the United States;

Whereas increasing farm foreclosures threaten to destroy the independent family farmer and weaken the agricultural economy in the United States;

Whereas conservation of natural resources is necessary for the United States to remain the largest producer of food in the world and to continue to aid hungry and malnourished people of the world;

Whereas participation by private voluntary organizations and businesses, working with national governments and the international community, is essential in the search for ways to increase food production in developing countries and improve food distribution to hungry and malnourished people;

Whereas the member nations of the Food and Agriculture Organization of the United Nations unanimously designated October 16 of each year as World Food Day because of the need to increase public awareness of world hunger problems;

Whereas past observances of World Food Day have been supported by proclamations by the Congress, the President, the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, and the territories and possessions of the United States, and by programs of the Department of Agriculture, other Federal departments and agencies, and the governments and peoples of more than 140 other nations;

Whereas more than 400 private voluntary organizations and thousands of community leaders are participating in the planning of World Food Day observances in 1989, and a growing number of these organizations and leaders are using such day as a focal point for year-round programs; and

Whereas the people of the United States can express their concern for the plight of hungry and malnourished people throughout the world by fasting and donating food and money for such people: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That October 16, 1989, and October 16, 1990, are designated as "World Food Day", and the President is authorized and requested to issue a proclamation calling upon the people of the United States to observe World Food Day with appropriate ceremonies and activities, including worship services, fasting, education endeavors, and the establishment of year-round food and health programs and policies.

LYME DISEASE AWARENESS WEEK

The joint resolution (S.J. Res. 142) designating the week beginning July 23, 1989, as "Lyme Disease Awareness Week," was considered, ordered to be engrossed for a third reading, read the third time, and passed.

The preamble was agreed to.

The joint resolution and the preamble are as follows:

S.J. RES. 142

Whereas Lyme disease is spread by the tick species Ixodes Dammini by means of the bacterium Burrelia Burgdorferi;

Whereas these ticks are no larger than the head of a pin;

Whereas these ticks can be carried by domestic animals such as cats, dogs, and horses;

Whereas these ticks can be transferred from domestic animals to humans;

Whereas Lyme disease was first diagnosed in southeastern Connecticut and has spread to forty-three States;

Whereas the Centers for Disease Control has reported fourteen thousand cases of Lyme disease since 1982;

Whereas Lyme disease is easily treated in its early stages by an oral vaccine administered by a physician (penicillin and erythromycin for young children and tetracycline for person allergic to penicillin);

Whereas the early symptoms of Lyme disease are a rash, mild headaches, a slight fever, and swollen glands;

Whereas Lyme disease often mocks rheumatoid arthritis and heart disease;

Whereas if left untreated, Lyme disease can cause severe depression, brain disorders, and even death;

Whereas the best cure for Lyme disease is prevention;

Whereas prevention of Lyme disease depends upon public awareness; and

Whereas education is essential to making the general public and health care professionals more knowledgeable of Lyme disease and its debilitating side effects: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the week beginning July 23, 1989, is designated as "Lyme Disease Awareness Week", and the President is authorized and requested to issue a proclamation calling upon the people of the United States to observe such week with appropriate programs, ceremonies, and activities.

NATIONAL DRUNK AND DRUGGED DRIVING AWARENESS WEEK

The joint resolution (S.J. Res. 143) to designate the week of December 10, 1989, through December 16, 1989, as "National Drunk and Drugged Driving Awareness Week," was considered, ordered to be engrossed for a third reading, read the third time, and passed.

The preamble was agreed to.

The joint resolution and the preamble are as follows:

S.J. RES. 143

Whereas, traffic accidents cause more violent deaths in the United States than any other cause, approximately 46,000 in 1986;

Whereas traffic accidents cause thousands of serious injuries in the United States each year;

Whereas close to 50 per centum of all drivers killed in single vehicle collisions and over 38.7 per centum of all drivers fatally injured in 1986 had blood alcohol concentrations above the legal limit of .10;

Whereas the United States Surgeon General has reported that life expectancy has risen for every age group over the past 75 years except for Americans 15 to 24 years old, whose death rate, the leading cause of which is drunk driving, is higher now than it was 20 years ago;

Whereas the total societal cost of drunk driving has been estimated at more than $26,000,000,000 per year, which does not include the human suffering that can never be measured;

Whereas there are increasing reports of driving after drug use and accidents involving drivers who have used marijuana or other illegal drugs;

Whereas driving after the use of therapeutic drugs, either alone or in combination with alcohol, contrary to the advice of physician, pharmacist, or manufacturer, may create a safety hazard on the roads;

Whereas more research is needed on the effect of drugs either alone or in combination with alcohol, on driving ability and the incidence of traffic accidents;

Whereas an increased public awareness of the gravity of the problem of drugged driving may warn drug users to refrain from driving and may stimulate interest in increasing necessary research on the effect of drugs on driving ability and the incidence of traffic accidents;

Whereas the public, particularly through the work of citizens groups, is demanding a solution to the problem of drunk and drugged driving;

Whereas the Presidential Commission on Drunk Driving, appointed to heighten public awareness and stimulate the pursuit of solutions, provided vital recommendations for remedies for the problem of drunk driving;

Whereas the National Commission Against Drunk Driving was established to assist State and local governments and the private sector to implement these recommendations;

Whereas most States have appointed task forces to examine existing drunk driving programs and make recommendations for a renewed, comprehensive approach, and in many cases, their recommendations are leading to enactment of new laws, along with strict enforcement;

Whereas the best defense against the drunk or drugged driver is the use of safety belts and consistent safety belt usage by all drivers and passengers would save as many as 10,000 lives each year;

Whereas an increase in the public awareness of the problem of drunk and drugged driving may contribute to a change in society's attitude toward the drunk or drugged driver and help sustain current efforts to develop comprehensive solutions at the State and local levels;

Whereas the Christmas and New Year holiday period, with more drunk drivers on the roads and an increased number of social functions, is a particularly appropriate time to focus national attention on this critical problem;

Whereas designation of National Drunk and Drugged Driving Awareness Week in each of the last 7 years stimulated many activities and programs by groups in both the private and public sectors aimed at curbing drunk and drugged driving in the high-risk Christmas and New Year holiday period and thereafter;

Whereas the activities and programs during National Drunk and Drugged Driving Awareness Week have heightened the awareness of the American public to the danger of drunk and drugged driving: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the week of December 10, 1989, through December 16, 1989, is designated as "National Drunk and Drugged Driving Awareness Week" and the President is authorized and requested to issue a proclamation calling upon the people of the United States to observe the week with appropriate activities.

RELIGIOUS FREEDOM WEEK

The joint resolution (S.J. Res. 146) designating the week of September 24, 1989, as "Religious Freedom Week," was considered, ordered to be engrossed for a third reading, read the third time, and passed.

The preamble was agreed to.

The joint resolution and the preamble are as follows:

S.J. RES. 146

Whereas the principle of religious liberty was an essential part of the founding of our Nation, and must be safeguarded with eternal vigilance by all men and women of good will;

Whereas religious liberty has been endangered throughout history by bigotry and indifference;

Whereas the first amendment to the Constitution of the United States guarantees the inalienable rights of individuals to worship freely or not be religious, as they choose, without interference from governmental or other agencies;

Whereas the Constitution of the United States ensures religious freedom to all of the people of the United States;

Whereas at Touro Synagogue in 1790, President George Washington issued his famous letter declaring "to bigotry no sanction, to persecution no assistance";

Whereas the Touro Synagogue letter advocating the doctrine of mutual respect and understanding was issued more than 1 year before the adoption fo the Bill of Rights;

Whereas the letter of President Washington and the Touro Synagogue have become national symbols of the commitment of the United States to religious freedom;

Whereas throughout our Nation's history, religion has contributed to the welfare of believers and of society generally, and has been a force for maintaining high standards for morality, ethics, and justice;

Whereas religion is most free when it is observed voluntarily at private initiative, uncontaminated by Government interference and unconstrained by majority preference; and

Whereas religious liberty can be protected only through the efforts of all persons of good will in a united commitment: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the week of September 24, 1989, is hereby declared to be "Religious Freedom Week", wherein members of all faiths or none, may join together in support of religious tolerance and religious liberty for all.

NATIONAL JOB SKILLS WEEK

The joint resolution (S.J. Res. 148) to designate the week of October 8, 1989, through October 14, 1989, as "National Job Skills Week," was considered, ordered to be engrossed for a third reading, read the third time, and passed.

The preamble was agreed to.

The joint resolution and the preamble are as follows:

S.J. RES. 148

Whereas the ability to maintain an internationally competitive and productive economy and a high standard of living depends on the development and utilization of new technologies;

Whereas new technologies require skills that are currently lacking in the national workforce;

Whereas experts in both the public and private sectors predict that a shortage of skilled entry-level workers will exist through the remainder of this century;

Whereas young people in the United States are experiencing higher than normal unemployment rates because many of them lack the skills necessary to perform the entry-level jobs that are currently available;

Whereas these young people will continue to experience higher than normal unemployment rates unless they develop the skills necessary to perform the entry-level jobs that become available;

Whereas American workers who face dislocation due to plant closures and industrial relocation need special training and education to prepare for new jobs and new opportunities; and

Whereas a National Job Skills Week can serve to focus attention on present and future workforce needs, to encourage public and private cooperation in job training and educational efforts, and to highlight the technological changes underway in the workplace: Now, therefore be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the week of October 8, 1989, through October 14, 1989, is designated as "National Job Skills Week," and the President is authorized and requested to issue a proclamation calling upon the people of the United States to observe such week with appropriate ceremonies and activities.

HELSINKI HUMAN RIGHTS DAY

The joint resolution (S.J. Res. 150) to designate August 1, 1989, as "Helsinki Human Rights Day," was considered, ordered to be engrossed for a third reading, read the third time, and passed.

The preamble was agreed to.

The joint resolution and the preamble are as follows:

S.J. RES. 150

Whereas August 1, 1989, will be the fourteenth anniversary of the signing of the Final Act of the Conference on Security and Cooperation in Europe (CSCE) (hereafter in this preamble referred to as the "Helsinki accords");

Whereas on August 1, 1975, the Helsinki accords were agreed to by the Governments of Austria, Belgium, Bulgaria, Canada, Cyprus, Czechoslovakia, Denmark, Finland, France, the German Democratic Republic, the Federal Republic of Germany, Greece, the Holy See, Hungary, Iceland, Ireland, Italy, Liechtenstein, Luxembourg, Malta, Monaco, the Netherlands, Norway, Poland, Portugal, Romania, San Marino, Spain, Sweden, Switzerland, Turkey, the Union of Soviet Socialist Republics, the United Kingdom, the United States of America, and Yugoslavia;

Whereas the participating States have committed themselves to balanced progress in all areas of the Helsinki accords;

Whereas the Helsinki accords recognize the inherent relationship between respect for human rights and fundamental freedoms and the attainment of genuine security;

Whereas the Helsinki accords express the commitment of the participating States to "recognize the universal significance of human rights and fundamental freedoms, respect for which is an essential factor for the peace, justice and well-being necessary to ensure the development of friendly relations and cooperation among themselves as among all States";

Whereas the Helsinki accords also express the commitment of the participating States to "respect human rights and fundamental freedoms, including the freedom of thought, conscience, religion or belief, for all without distinction as to race, sex, language or religion";

Whereas the Helsinki accords also express the commitment of the participating States to "promote and encourage the effective exercise of civil, political, economic, social, cultural and other rights and freedoms all of which derive from the inherent dignity of the human person and are essential for his free and full development";

Whereas the Helsinki accords also express the commitment of the participating States to "recognize and respect the freedom of the individual to profess and practice, alone or in community with others, religion or belief acting in accordance with the dictates of his own conscience";

Whereas the Helsinki accords also express the commitment of the participating States on whose territory national minorities exist to "respect the right of persons belonging to such minorities to equality before the law" and that such States "will afford them the full opportunity for the actual enjoyment of human rights and fundamental freedoms and will in this manner, protect their legitimate interests in this sphere";

Whereas the Helsinki accords also express the commitment of the participating States to "constantly respect these rights and freedoms in their mutual relations" and that such States "will endeavor jointly and separately, including in cooperation with the United Nations, to promote universal and effective respect for them";

Whereas the Helsinki accords also express the commitment of the participating States to "conform the right of the individual to know and act upon his rights and duties in this field";

Whereas the Helsinki accords also express the commitment of the participating States in the field of human rights and fundamental freedoms to "act in conformity with the purposes and principles of the Charter of the United Nations and with the Universal Declaration of Human Rights" and to "fulfill their obligations as set forth in the international declarations and agreements in this field, including inter alia the International Covenants on Human Rights by which they may be bound";

Whereas the Helsinki accords by incorporation also express the commitment of the participating States to guarantee the right of the individual to leave his own country and return to such country;

Whereas the Helsinki accords also express the commitment of the participating States to "facilitate freer movement and contacts, individually and collectively, whether privately or officially, among persons, institutions and organizations of the participating States, and to contribute to the solution of the humanitarian problems that arise in that connection";

Whereas the Helsinki accords also express the commitment of the participating States to "favorably consider applications for travel with the purpose of allowing persons to enter or leave their territory temporarily, and on a regular basis if desired, in order to visit members of their families";

Whereas the Helsinki accords also express the commitment of the participating States to "deal in a positive and humanitarian spirit with the applications of persons who wish to be reunited with members of their family" and "to deal with applications in this field as expeditiously as possible";

Whereas the Helsinki accords also express the commitment of the participating States to "examine favorably and on the basis of humanitarian considerations requests for exit or entry permits from persons who have decided to marry a citizen from another participating State";

Whereas the Helsinki accords also express the commitment of the participating States to "facilitate wider travel by their citizens for personal or professional reasons";

Whereas the Helsinki accords also express the commitment of the participating States to "facilitate the freer and wider dissemination of information of all kinds, to encourage cooperation in the field of information and the exchange of information with other countries;"

Whereas all the participating States, including the Governments of the Union of Soviet Socialist Republics, Bulgaria, Czechoslovakia, the German Democratic Republic, Hungary, Poland, and Romania, in agreeing to the Helsinki accords, have made a commitment to adhere to the principles of

human rights and fundamental freedoms as embodied in the Helsinki accords;

Whereas, despite some significant improvements in some of these countries, the aforementioned Governments still have the worst performance records and have failed to fully implement their obligations under Principle VII of the Helsinki accords to respect human rights and fundamental freedoms, including the freedom of thought, conscience, religion or belief, and under Basket III of the Helsinki accords to promote free movement of people, ideas and information;

Whereas representatives from the signatory States convened in Vienna on November 4, 1986, to review implementation and address issues of compliance with the human rights and humanitarian provisions of the Helsinki accords;

Whereas representatives from the signatory States reached consensus on the Concluding Document of the Vienna Meeting on January 19, 1989, a document which has added clarity and precision to the obligations undertaken by the States in signing the Helsinki accords; and

Whereas by agreeing to the document, the signatory States "reaffirmed their commitment to the CSCE process and underlined its essential role in increasing confidence, in opening up new ways for cooperation, in promoting respect for human rights and fundamental freedoms and thus strengthening international security": Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That—

(1) August 1, 1989, the fourtenth anniversary of the signing of the Final Act on the Conference on Security and Cooperation in Europe (hereinafter referred to as the "Helsinki accords") is designated as "Helsinki Human Rights Day";

(2) the President is authorized and requested to issue a proclamation reasserting the American commitment to full implementation of the human rights and humanitarian provisions of the Helsinki accords, urging all signatory nations to abide by their obligations under the Helsinki accords, and encouraging the people of the United States to join the President and Congress in observance of the Helsinki Human Rights Day with appropriate programs, ceremonies, and activities;

(3) the President is further requested to continue his efforts to achieve full implementation of the human rights and humanitarian provisions of the Helsinki accords by raising the issue of noncompliance on the part of any signatory nation which may be in violation (in particular, the Governments of the Soviet Union, Bulgaria, Czechoslovakia, the German Democratic Republic, Hungary, Poland, and Romania);

(4) the President is further requested to convey to all signatories of the Helsinki accords that respect for human rights and fundamental freedoms is a vital element of further progress in the ongoing Helsinki process; and

(5) the President is authorized to convey to allies and friends of the United States that unity on the question of respect for human rights and fundamental freedoms is an essential means of promoting the full implementation of the human rights and humanitarian provisions of the Helsinki accords.

SEC. 2. The Secretary of the Senate is directed to transmit copies of this joint resolution to the President, the Secretary of State, and the Ambassadors of the thirty-four Helsinki signatory nations.

COMMENDING THE "FLYING TIGERS" FOR 50 YEARS OF SERVICE TO THE UNITED STATES

The concurrent resolution (S. Con. Res. 39) to commend the group of aviators known as the "Flying Tigers" for nearly 50 years of service to the United States, was considered and agreed to.

The preamble was agreed to.

The concurrent resolution, and the preamble, are as follows:

S. CON. RES. 39

Whereas the merger of Tiger International with the Federal Express Corporation led to the transfer of the international air cargo routes from Flying Tiger Line, Inc., a subsidiary of Tiger International, to the Federal Express Corporation will bring to a close one of the most remarkable and distinguished chapters in United States aviation history;

Whereas the pilots of the Flying Tiger Line, Inc. bear a name which represents members of a proud and distinguished group of aviators (properly known as the "Flying Tigers");

Whereas approximately 50 years ago the Flying Tigers initially operated in the jungles of Burma, with the operations of the American volunteer group under the command of General Clair Chennault;

Whereas the tradition of proud and distinguished service by the Flying Tigers to the United States began under the direction of Robert W. Prescott;

Whereas for more than 4 decades such proud and distinguished group of aviators has steadfastly served the specialized air transportation needs of the United States; and

Whereas the Flying Tigers have provided assistance with rescue efforts in Korea, Hungary, Vietnam, Cambodia, and Ethiopia, and have conducted many other humanitarian missions: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress commends the group of pilots that bear the name Flying Tigers, a distinguished group of aviators, for nearly 50 years of valued and compentent service to the United States.

CHANEY, GOODMAN, AND SCHWERNER DAY

The concurrent resolution (S. Con. Res. 40) to designate June 21, 1989, as "Chaney, Goodman, and Schwerner Day," was considered.

Mr. MITCHELL. Mr. President, not often does the Senate pause to recognize individuals who have made eternal contributions to this country. I am honored to join my colleagues today to commemorate three brave Americans who forsake personal considerations to advance the cause of freedom for all.

Michael Schwerner and Andrew Goodman traveled to unfamiliar Mississippi from the relative comfort of their homes in Pennsylvania to fight injustice leveled at people they have never met. James Chaney, a native of the State, worked with them in hopes of bringing a new reality to people he knew deserved it. They must have known hostility awaited them. They could not have imagined their expressions of support for the right of all citizens, regardless of their color, to participate in American dream would cost them their lives. Surely, they did not know what their ultimate contribution would mean to this country.

Mr. President, these men are symbols of the civil rights movement which remains vigilent—that no individual, no organization—no matter what its philosophical bent—weakens this Republic. As long as we continue to protect the fundamental, inalienable rights of all Americans, we can proudly state that Chaney, Goodman, and Schwener efforts were triumphant.

The PRESIDING OFFICER. The question is on agreeing to the concurrent resolution.

The concurrent resolution (S. Con. Res. 40) was agreed to.

The preamble was agreed to.

The concurrent resolution, and the preamble, are as follows:

S. CON. RES. 40

"Whereas on June 21, 1964, James Chaney, Andrew Goodman, and Michael Schwerner gave their lives at a young age in an effort to guarantee the rights that are the birthright of every citizen of the United States, particularly the right to vote;

Whereas James Chaney, Andrew Goodman, and Michael Schwerner were part of a movement that helped to achieve the passage of the Civil Rights Act of 1964, the Voting Rights Act of 1965, and other milestones in the progress of this Nation toward achieving the goal of ensuring equal rights, equal opportunities, and equal justice for all;

Whereas during the quarter century after the deaths of James Chaney, Andrew Goodman, and Michael Schwerner this Nation has benefitted tremendously from the removal of many barriers to full participation by every citizen of this Nation in political, educational, and economic life;

Whereas the lives and resultant deaths of James Chaney, Andrew Goodman, and Michael Schwerner have come to symbolize the dream of brotherhood and sisterhood among citizens of this Nation from all races, religions, and ethnic backgrounds.

Whereas the memory of the struggle of James Chaney, Andrew Goodman, and Michael Schwerner and the sacrifice of such men will encourage all citizens of this Nation, in particular young citizens, to be rededicated to the ideals of justice, equality, citizenship, and community;

Whereas the State of Mississippi and the City of Philadelphia, Mississippi, are joining with citizens from throughout this Nation to commemorate the contributions that James Chaney, Andrew Goodman, and Michael Schwerner made to this Nation; and

Whereas the lifework of James Chaney, Andrew Goodman, and Michael Schwerner remains unfinished until all barriers are removed that bar the full participation of every citizen of this Nation in the democratic process of this Nation, especially in the electoral process: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That—

(1) June 21, 1989, is designated as Chaney, Goodman, and Schwerner Day,

(2) it is the sense of the Congress that the Voting Rights Act of 1965 has helped to fulfill the promise of democracy in this Nation, and

(3) the Congress reaffirms the goal of removing remaining barriers to full voter participation in this Nation.

FIFTIETH ANNIVERSARY OF THE UNITED JEWISH APPEAL

The resolution (S. Res. 116) commemorating the 50th anniversary of the United Jewish Appeal, was considered, and agreed to.

The preamble was agreed to.

The resolution, and the preamble, are as follows:

S. RES. 116

Whereas the United Jewish Appeal was born out of Kristallnacht, the "Night of Broken Glass" November 9, 1938, which many believe was the beginning of the Holocaust that killed six million Jews;

Whereas the "Night of Broken Glass" left an open wound on the hearts of Jews in every nation; for American Jewish leaders six thousand miles away, it was a turning point and a catalyst, causing them to realize that only a centralized fundraising body would be able to mobilize the resources needed to meet the coming crisis for the Jews of Europe;

Whereas, the United Jewish Appeal, popularly called UJA, was born two months later;

Whereas, on January 10, 1939, a charter was signed that established the UJA as the central American Jewish fundraising organization;

Whereas the purpose of the organization was to work for the relief and rehabilitation of Europe, the immigration to and settlement in the land of Israel of Jews, and to the aid of refugees in the United States;

Whereas, since its founding, the UJA has served as a model of American Jewish concern for Israel, symbolizing the Jewish lifeline extended by the Jews of America to preserve and strengthen Jewish life everywhere it exists throughout the world;

Whereas while UJA is primarily devoted to fundraising, it has come to be, through its strong and dedicated leadership, a central force through which the American Jewish community asserts its commitments and interests and makes its views known to the entire country on matters of American policy toward Israel, United States-Soviet relations, and other matters of concern;

Whereas UJA at fifty makes possible today's in-gathering of refugees and others into Israel and future growth throughout the country, provides continuing care for the remnant of Jews in Eastern Europe, and preserves Jewish continuity in thirty-three countries around the world.

Whereas UJA funds have contributed to the rescue, rehabilitation, and resettlement of more than three million men, women, and children, more than one million eight hundred thousand of them in Israel;

Whereas the UJA/Federation Campaign represents the Jewish community's commitment to Jewish continuity, providing the help that would not be there otherwise;

Whereas the UJA will work its fiftieth anniversary during the 1989 campaign year from August 1988 to July 1989 with a host of special programs and events to call attention to the organization's history, its ongoing work on behalf of the Jewish people, and its role in American life; Now therefore, be it

Resolved, That—

(1) the United States Senate congratulates the United Jewish Appeal for its outstanding work on behalf of Jews all over the world; and

(2) urges the UJA to continue its good work on behalf of human rights and human dignity throughout the world, and wishes it great success in the coming years.

ORDER FOR THE RECORD TO REMAIN OPEN UNTIL 3 P.M. TODAY

Mr. MITCHELL. Mr. President, I ask unanimous consent that the RECORD remain open today until 3 p.m. for the introduction of bills and statements.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF PROCEDURE

Mr. MITCHELL. Mr. President, if the Republican leader has no further business and only one Senator remains to seek recognition, I ask unanimous consent that Senator KERREY be recognized to address the Senate and upon the completion of his remarks the Senate stand in recess under the previous order until 12 noon on Monday, June 12.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MITCHELL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. KERREY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. CONRAD). Without objection, it is so ordered.

ATWATERGATE

Mr. KERREY. Mr. President, on Monday of this week the day before the House of Representatives elected a new Speaker, it was revealed that the Republican National Committee had produced and mailed a memorandum that dealt primarily with Representative TOM FOLEY. This memorandum has since been described as sleazy, outrageous, disgusting; it has been denounced by the President of the United States, by the distinguished majority leader and minority leader of the U.S. Senate and the House of Representatives.

The Speaker of the House, the man who was named and who has been damaged by this irresponsible action, has asked that we place the entire matter behind us. His love of this country exceeds his concern for his own reputation. He knows that Congress has much work to do and he is anxious for us to get on to that work.

Mr. President, I have a great deal of respect for Speaker FOLEY and accordingly I will not join others who are asking that Lee Atwater, the chairman of the Republican National Committee, resign. However, Mr. President, I must also declare that I simply do not believe Mr. Atwater when he says that he did not know about this memorandum. His comments on Tuesday of this week that the memorandum was "no big deal" betrays a prior knowledge.

His comments today, saying that it was "just the wrong time and the wrong place" to send this memorandum out betrays as well that he condones the content of this memorandum.

Mr. President, I believe that Mr. Atwater knew about this memorandum and that he encouraged its distribution. His coverup now can, I believe, be best described as "Atwatergate."

Mr. President, I am not surprised by Atwatergate. The only surprise is this controversy, which currently surrounds Mr. Atwater and the RNC's memorandum about TOM FOLEY, is that anyone is surprised at all.

Atwatergate is not a new tactic of Mr. Atwater, but rather fits with a long pattern of deceptiveness and disingenuousness that we have experienced recently in Nebraska. Last month, Mr. Atwater publicly interfered with Environmental Protection Agency's delicate review of the Two Forks Dam project. And when the majority of the Nebraska congressional delegation, including our Republican Governor, complained, he explained that he had been merely acting as a private citizen.

In a letter to Mr. Atwater, I argued that this kind of misrepresentation of fact appears to be your principal operating procedure. Unfortunately, Mr. President, it is also an operating procedure that the President of the United States and other leaders of Mr. Atwater's party have too long condoned or sought to explain away.

I appreciate very much the recent leader's condemnation of Mr. Atwater's action, and I ask unanimous consent that the full text of the letter that I wrote to Mr. Atwater be printed in the RECORD following this statement.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. KERREY. Mr. President, we have also heard in the last few days about the importance of allowing democratic values to flourish in China. But democratic values are at stake here in America as well. Democracy depends on more than just the right to vote in protest. Democracy demands that its participants conduct themselves honestly, fairly, and within cer-

tain established rules of civility and fair play.

Mr. Atwater has made a career of breaking those rules and his superiors have made their careers condoning it.

Mr. President, Atwatergate undercuts confidence in democracy at the very moment when America's political leaders should be acting so as to increase the world's confidence in democratic principles.

Atwatergate should not be condoned or ignored. It should be condemned and isolated as offensive behavior.

EXHIBIT 1

U.S. SENATE,
Washington, DC, May 11, 1989.

Mr. LEE ATWATER,
Chairman, Republican National Committee, Washington, DC.

DEAR MR. ATWATER: Your recent declaration of intent to carry a strong message to the President of the United States on behalf of the Two Forks Dam was strongly criticized by the majority of Nebraska's Congressional delegation. As elected representatives we believe it is entirely inappropriate for the Chairman of the Republican National Committee to be interfering while a delicate review of the project is underway by the Environmental Protection Agency.

The rationalization that you were just acting as a "private citizen" is unacceptable and unbelievable. This is particularly true given the circumstances of your original statement, namely an audience of Colorado Republicans most of whom may today wish you were a private citizen.

Initially, I was pleased when you indicated that you had made a mistake. I said publically that you were smart to have understood the nature of the error. However, your subsequent statements have caused me to conclude that I had misjudged you. First of all, you claim to have been misquoted. Mr. Atwater, this is simply not ture. Your voice has been captured on tape saying:

"The battle is not finished yet, and I intend to go back and have a very serious discussion with the president. I want to let him know the sentiment of people out here who I have confidence in and who I've worked with over the years."

In fact this kind of misrepresentation of fact appears to be your principle operating procedure. You assume that because you have a respectable position you can say what you want * * * the truth be damned. You evidently assume that is acceptable behavior in American politics.

Your successes have led many to conclude that this is so. You assume you can tell a lie and that people will understand because that's the way it's done. I understand you set some kind of new political record the other evening in New York by saying straight faced that you didn't realize William (AKA Willy) Horton was black.

Given your behavior in the last Presidential election I find your statement that Senator Exon's assertions are the "most outrageous in the twenty years you have been in politics" laughable.

Finally, you pathetically express the hope that the people of Nebraska "exmaine the senator's concepts of civil liberties and civil rights when he questions my right to talk to the President about this issue." My satisfaction seeing you finally demonstrating concern for someone's civil liberties and civil right (albeit your own) does not calm the outrage I feel hearing you say these words.

Mr. Atwater, you have asked Senator Exon to retract or clarify his statement. He needs to do neither; you need to do both.

Sincerely,

J. ROBERT KERREY.

RECESS UNTIL MONDAY, JUNE 12, 1989

The PRESIDING OFFICER. Under the previous order, the Senate will now stand in recess until 12 noon on Monday.

Thereupon, at 1:05 p.m., the Senate recessed until Monday, June 12, 1989, at 12 noon.

CONFIRMATIONS

Executive nominations confirmed by the Senate June 9, 1989:

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

ALFRED A. DELLIBOVI, OF NEW YORK, TO BE UNDER SECRETARY OF HOUSING AND URBAN DEVELOPMENT.

EXECUTIVE OFFICE OF THE PRESIDENT

JOHN B. TAYLOR, OF CALIFORNIA, TO BE A MEMBER OF THE COUNCIL OF ECONOMIC ADVISERS.

DEPARTMENT OF COMMERCE

JOHN MICHAEL FARREN, OF CONNECTICUT, TO BE UNDER SECRETARY OF COMMERCE FOR INTERNATIONAL TRADE.

THE ABOVE NOMINATIONS WERE APPROVED SUBJECT TO THE NOMINEES' COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

SENATE—*Monday, June 12, 1989*

(Legislative day of Tuesday, January 3, 1989)

The Senate met at 12 noon and 8 seconds, on the expiration of the recess, and was called to order by the Honorable KENT CONRAD, a Senator from the State of North Dakota.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore [Mr. BYRD].

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, June 12, 1989.

To the Senate:

Under the provisions of Rule I, Section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable KENT CONRAD, a Senator from the State of North Dakota, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. CONRAD thereupon assumed the chair as Acting President pro tempore.

RECESS UNTIL TUESDAY, JUNE 13, 1989, AT 11:30 A.M.

The ACTING PRESIDENT pro tempore. The Senate will now stand in recess under the order.

Thereupon, at 12 noon and 34 seconds p.m., the Senate recessed until Tuesday, June 13, 1989, at 11:30 a.m.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

HOUSE OF REPRESENTATIVES—*Monday, June 12, 1989*

The House met at 12 noon and was called to order by the Speaker pro tempore [Mr. COELHO].

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
June 9, 1989.

I hereby designate the Honorable TONY COELHO to act as Speaker pro tempore on Monday, June 12, 1989.

THOMAS S. FOLEY,
Speaker of the House of Representatives.

PRAYER

The Rev. Harvey Schaffer, chaplain, U.S. Army, Anaheim, CA, offered the following prayer:

Heavenly Father, we seek inspiration for our lives and our Nation. Give us greater love for our fellow men that we may have something to deposit on which the young men and women of today can draw interest tomorrow. The Members of this Congress know that a different world can not be made by indifferent or cowardly people; so provide us with energy to challenge, question, initiate, always investing our concern for the people we lead and represent, and pledging ourselves to try to bridge the gap between the "ought" and the "is." Help us to live in the knowledge that You have matched us to this finest hour in history, and that the place and time of our service to You and our country is not random but by Your wisdom and direction. Lord bless the Members of Congress and the members of the Armed Forces. In Jesus' name, Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. The gentleman from California [Mr. SHUMWAY] will lead us in the Pledge of Allegiance.

Mr. SHUMWAY led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Hallen, one of its clerks, announced that the Senate had passed with amendments in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 2072. An act making dire emergency supplemental appropriations and transfers, urgent supplementals, and correcting enrollment errors for the fiscal year ending September 30, 1989, and for other purposes.

The message also announced that the Senate agrees to the amendments of the House to the concurrent resolution (S. Con. Res. 26) "concurrent resolution urging first asylum countries of the Association of Southeast Asian Nations [ASEAN] to reinstate the practice of providing refuge to all asylum-seekers from Vietnam, and for other purposes."

The message also announced that the Senate insists upon its amendments to the bill (H.R. 2072) "an act making dire emergency supplemental appropriations and transfers, urgent supplementals, and correcting enrollment errors for the fiscal year ending September 30, 1989, and for other purposes," and requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. BYRD, Mr. INOUYE, Mr. HOLLINGS, Mr. JOHNSTON, Mr. BURDICK, Mr. LEAHY, Mr. SASSER, Mr. DECONCINI, Mr. BUMPERS, Mr. LAUTENBERG, Mr. HARKIN, Ms. MIKULSKI, Mr. REID, Mr. ADAMS, Mr. FOWLER, Mr. KERREY, Mr. HATFIELD, Mr. STEVENS, Mr. MCCLURE, Mr. GARN, Mr. COCHRAN, Mr. KASTEN, Mr. D'AMATO, Mr. RUDMAN, Mr. SPECTER, Mr. DOMENICI, Mr. GRASSLEY, Mr. NICKLES, and Mr. GRAMM, to be the conferees on the part of the Senate.

The message also announced that the Senate had passed bills and a concurrent resolution of the following titles, in which the concurrence of the House is requested:

S. 750. An act extending time limitations on certain projects;

S. 892. An act to exclude Agent Orange settlement payments from countable income and resources under Federal means-tested programs; and

S. Con. Res. 16. Concurrent resolution calling on the Government of the Socialist Republic of Vietnam to expedite the release and emigration of "reeducation" camp detainees.

REV. HARVEY SCHAFFER

(Mr. DANNEMEYER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DANNEMEYER. Mr. Speaker, our guest chaplain this morning, the Rev. Harvey Schaffer, was born in Nebraska. His mother and dad emigrated to this country from the Soviet Union, and he is a first-generation American.

He entered the military services as an enlisted man in the Korean war, serving for 4 years. He entered the Concordia Seminary in Springfield, IL, and graduated in 1961. He then entered active duty with the U.S. Army in 1966 and has been on active duty since then, and now serves as a full colonel.

He is one of a dozen or so chaplains on duty with the U.S. Army who has earned the Silver Star during his service on behalf of his country, his having been earned in Vietnam.

Reverend Schaffer has served this Nation in foreign military posts in Giessen, Germany; Heidelberg, Germany, and one tour in Vietnam. In his previous duty station he served as Deputy Chaplain to all of the chaplains in Europe in Heidelberg, Germany, and he now is on his way to a new duty station at Fort Lewis, WA, where he will serve as chief of Pastoral Ministry at Madigan Army Medical Center.

He and his wife have one daughter, Joanne, and he is very pleased to have been given the honor of serving as our guest chaplain today.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair desires to announce that pursuant to clause 4 of rule 1, the Speaker signed the following enrolled bill and joint resolution on Thursday, June 8, 1989:

H.R. 964. An act to correct an error in Private Law 100-29 (relating to certain lands in Lamar County, AL) and to make technical corrections in certain other provisions of law; and

S.J. Res. 113. Joint resolution prohibiting the export of technology, Defense articles, and Defense services to codevelop or coproduce the FSX aircraft with Japan.

PRESIDENT BUSH'S CLEAN AIR AND ACID RAIN PROPOSAL

(Mr. RICHARDSON asked and was given permission to address the House

for 1 minute and to revise and extend his remarks.)

Mr. RICHARDSON. Mr. Speaker, President Bush's clean air, acid rain proposal is a welcome first step, but it is not enough. It is progress because for years the Reagan administration told us that clean air and acid rain was not a problem, that all we needed was more research.

President Bush's proposal hopefully will now spur us to action here in the Congress, and end the gridlock between industry and environmentalists. Mr. Speaker, President Bush's proposal is positive on the acid rain side, but in the area of ozone and air toxics, I think it leaves a little to be desired.

Mr. Speaker, the President has chosen the free-market approach. This raises concern because it provides no guarantees that there will be actual reductions of hydrocarbons. It places an enormous amount of faith in the industry to deal with some of the problems that the industry itself has created.

This is not a good approach. There should be deadlines. There should be strict guidelines. There should be leadership from the Government, not simply allowing the industry to decide what is best.

Finally, the President's proposal gives the EPA unwarranted discretion in decisionmaking authority when EPA has yet to make a decision on whether car canisters or gas station nozzles should be required to trap HC emissions. We asked EPA to do this 12 years ago. Nonetheless, Mr. Speaker, the President's announcement on his policy is a step in the right direction. It is a welcome change from the past, but it needs a lot of work. It is too weak, and it is going to be up to this body to deal with it in the days and months ahead.

PERMISSION FOR COMMITTEE ON INTERIOR AND INSULAR AFFAIRS TO FILE REPORT ON H.R. 987, TONGASS NATIONAL FOREST WILDERNESS BILL

Mr. RICHARDSON. Mr. Speaker, I ask unanimous consent that the Committee on Interior and Insular Affairs may have until 5 p.m. today, Monday, June 12, 1989, to file a report on the bill (H.R. 987), amending the Alaska National Interest Lands Conservation Act, to designate certain lands in the Tongass National Forest as wilderness, and for other purposes.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Mexico?

There was no objection.

□ 1210

IN RECOGNITION OF DISTINGUISHED ELEMENTARY SCHOOLS IN THE 39TH DISTRICT, CALIFORNIA

(Without objection, Mr. DANNEMEYER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

There was no objection.

Mr. DANNEMEYER. Mr. Speaker, I rise today to recognize 10 very special elementary schools in my district. They are Barton, Madison, Stoddard, William E. Fanning, Dr. Jonas Salk, Esplanade, Prospect, Villa Park, Van Buren, and Cerritos. Each was recently recognized by the California State Department of Education as 1 of the 233 recipients of the 1988-89 California Distinguished Elementary School Award. With 4,575 elementary schools in California, this distinction is truly an honor. Each recognized school will be presented with commemorative plaques and flags as symbols of the school's high achievement.

Distinguished elementary schools are selected for being the best in their grade span and socioeconomic group, based on either attaining the highest level or showing greatest improvement on a variety of quality indicators such as test scores in reading and mathematics. Participation in advanced academic classes and improvements in pupil attendance and in the length of the school day are also factors.

The Distinguished Schools Awards Program is part of a more comprehensive California School Recognition Program which was launched in 1986. Middle grade schools and high schools are not included this year since they compete in alternating years.

Congratulations to these elementary schools. I also applaud the California Department of Education for establishing the California School Recognition Program. The benefits of the program are evident as it enables schools to continually strive to better their learning environments.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. MONTGOMERY) to revise and extend their remarks and include extraneous material:)

Mr. OWENS of New York, for 5 minutes, today.

Mr. ANNUNZIO, for 5 minutes, today.

Mr. OWENS of New York, for 5 minutes, on June 13 and 15.

Ms. PELOSI, for 60 minutes, on June 14.

Mr. LIPINSKI, for 60 minutes, on June 14.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Member (at the request of Mr. SHUMWAY) and to include extraneous matter:)

Mr. FIELDS.

(The following Members (at the request of Mr. MONTGOMERY) and to include extraneous matter:)

Mr. ANDERSON in 10 instances.

Mr. GONZALEZ in 10 instances.

Mr. BROWN of California in 10 instances.

Mr. ANNUNZIO in six instances.

Mr. LAUGHLIN.

Mr. PENNY.

Mr. DYMALLY.

Mr. LANTOS.

SENATE BILL AND CONCURRENT RESOLUTION REFERRED

A bill and concurrent resolution of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 750. An act extending time limitations on certain projects; to the Committee on Energy and Commerce, and

S. Con. Res. 16. Concurrent resolution calling on the Government of the Socialist Republic of Vietnam to expedite the release and emigration of "reeducation" camp detainees; to the Committee on Foreign Affairs.

ENROLLED BILL SIGNED

Mr. ANNUNZIO, from the Committee on House Administration, reported that that committee had examined and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 964. An act to correct an error in Private Law 100-29 (relating to certain lands in Lamar County, AL) and to make technical corrections in certain other provisions of law.

SENATE ENROLLED JOINT RESOLUTION SIGNED

The SPEAKER announced his signature to an enrolled joint resolution of the Senate of the following title:

S.J. Res. 113. Joint resolution prohibiting the export of technology, defense articles, and defense services to codevelop or coproduce the FSX aircraft with Japan.

ADJOURNMENT

Mr. MONTGOMERY. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 12 o'clock and 12 minutes p.m.), the House adjourned until tomorrow, Tuesday, June 13, 1989, at noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1344. A letter from the Director, Defense Security Assistance Agency, transmitting notification of the Department of the Air Force's proposed letter(s) of offer and acceptance [LOA] to Saudi Arabia for defense articles estimated to cost $50 million or more, pursuant to 10 U.S.C. 188; to the Committee on Armed Services.

1345. A letter from the Director, Defense Security Assistance Agency, transmitting notification of the Department of the Air Force's proposed letter(s) of offer and acceptance [LOA] to Saudi Arabia for defense articles services (Transmittal No. 89-27), pursuant to 22 U.S.C. 2776(b); to the Committee on Foreign Affaris.

1346. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b(a); to the Committee on Foreign Affairs.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

[Pursuant to the order of the House the following reports were filed on June 9, 1989]

Mr. DE LA GARZA: Committee on Agriculture. H.R. 2042. A bill to amend title V of the Agricultural Act of 1949 to allow producers to provide the appropriate county committees with actual yields for the 1989 and subsequent crop years; with amendments (Rep. 101-80). Referred to the Committee of the Whole House on the State of the Union.

Mr. DE LA GARZA: Committee on Agriculture. H.R. 2469. A bill to limit a previous owner's right of first refusal in the case of fraud or resale for sales of farm property by the Farmers Home Administration and the Farm Credit System; with an amendment (Rept. 101-81). Referred to the Committee of the Whole House on the State of the Union.

REPORTED BILLS SEQUENTIALLY REFERRED

Under clause 5 of rule X, bills and reports were delivered to the Clerk for printing, and bills referred as follows:

[Omitted from the record of June 8, 1989]

Mr. UDALL: Committee on Interior and Insular Affairs. H.R. 1472. A bill to establish the Grand Island National Recreation Area in the State of Michigan, and for other purposes; with an amendment; referred to the Committee on Agriculture for a period ending not later than July 21, 1989, for consideration of such provisions of the bill and amendment as fall within the jurisdiction of that committee pursuant to clause 1(a), rule X. (Rept. 101-78, Pt. 1). Ordered to be printed.

Mr. UDALL: Committee on Interior and Insular Affairs. H.R. 1485. A bill to provide for the sale of certain Federal lands to Clark County, NV, for national defense and other purposes; with an amendment; referred to the Committee on Merchant Marine and Fisheries for a period ending not later than June 14, 1989, for consideration of such provisions of sections 102(a)(7), 102(b)(5), and 106 of the amendment recommended by the Committee on Interior and Insular Affairs as fall within the jurisdiction of the Committee on Merchant Marine and Fisheries pursuant to clause 1(n), rule X. (Rept. 101-79, Pt. 1). Ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

[Submitted June 12, 1989]

By Mr. CAMPBELL of California:

H.R. 2598. A bill to amend title VII of the Civil Rights Act of 1964 with respect to establishing and rebutting a prima facie violation of such title; to the Committee on Education and Labor.

By Mr. MATSUI (for himself and Mr. FAZIO):

H.R. 2599. A bill to provide for the continued operation of the medical facilities at Mather Air Force Base, CA; to the Committee on Armed Services.

By Mr. FIELDS (for himself, Mr. DYSON, Mr. DAVIS, and Mrs. BENTLEY):

H. Con. Res. 148. Concurrent resolution to express the sense of the Congress that a democratically elected government be in place in Panama before the Senate gives its advice and consent for the nominee for the position of Administrator of the Panama Canal Commission; jointly, to the Committees on Foreign Affairs and Merchant Marine and Fisheries.

By Mr. MOODY (for himself, Mr. CHANDLER, Mr. BENNETT, Mr. MOAKLEY, Mrs. MORELLA, Mr. FUSTER, Mr. PALLONE, Mr. CLARKE, Mr. HEFNER, Mr. SKAGGS, Mr. NEAL of Massachusetts, Mr. GARCIA, Mr. PASHAYAN, Mr. BEILENSON, Mr. COSTELLO, Mr. HAYES of Illinois, Mrs. BYRON, Mr. FASCELL, Mr. POSHARD, Mr. MADIGAN, and Mr. SKELTON):

H. Con. Res. 149. Concurrent resolution expressing the sense of the Congress that a postage stamp should be issued in honor of Claude Denson Pepper; to the Committee on Post Office and Civil Service.

MEMORIALS

Under clause 4 of rule XXII,

146. The SPEAKER presented a memorial of the Legislature of the State of Hawaii, relative to Social Security; to the Committee on Ways and Means.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 82: Mr. EDWARDS of Oklahoma, Mr. FOLEY, Mr. HOCHBRUECKNER, Mr. ANDREWS, Mrs. BOGGS, Mr. ROWLAND of Connecticut, Mr. HOPKINS, Mr. MURPHY, and Mr. LEATH of Texas.

H.R. 118: Mr. BORSKI.

H.R. 283: Mr. ROBERT F. SMITH.

H.R. 537: Mr. ENGEL, Mr. KASICH, Mr. RHODES, Ms. PELOSI, Mr. HYDE, Mr. DURBIN, Mr. HUTTO, and Mr. MORRISON of Connecticut.

H.R. 671: Mr. MOORHEAD.

H.R. 900: Mr. MFUME.

H.R. 937: Ms. LONG, Mr. FROST, Mr. ROE, Mr. HAWKINS, Mr. ENGEL, and Mr. EVANS.

H.R. 1025: Mr. ROBINSON.

H.R. 1030: Mr. ROBINSON.

H.R. 1060: Mr. ESPY.

H.R. 1131: Mr. SANGMEISTER.

H.R. 1358: Mr. RAVENEL.

H.R. 1526: Mr. YATRON.

H.R. 1545: Mr. GEJDENSON.

H.R. 1573: Mr. EDWARDS of California, Mr. BATES, and Mr. TALLON.

H.R. 1586: Mr. WEBER and Mr. KOSTMAYER.

H.R. 1587: Mr. WEBER.

H.R. 1628: Mr. STAGGERS.

H.R. 1762: Mr. KASTENMEIER, Mr. DYMALLY, Mr. ROBINSON, Mr. MILLER of Washington, Mr. FOGLIETTA, Mr. TOWNS, Mrs. BOXER, Mr. ACKERMAN, Mr. EVANS, Mr. HERTEL, Mr. HAWKINS, Mr. STUDDS, Mrs. UNSOELD, Mr. GUARINI, Mr. BILBRAY, Mr. FAZIO, Mr. VENTO, and Mr. DWYER of New Jersey.

H.R. 2102: Mr. DANNEMEYER.

H.R. 2126: Mr. CAMPBELL of Colorado and Mr. EVANS.

H.R. 2131: Mr. PACKARD, Mrs. BENTLEY, and Mr. ATKINS.

H.R. 2174: Mr. LEHMAN of California.

H.R. 2238: Mr. CHAPMAN and Mr. WISE.

H.R. 2265: Mr. PARRIS and Mr. SHUMWAY.

H.R. 2330: Mr. JONTZ, Mr. ESPY, and Mr. PARKER.

H.R. 2493: Mrs. BOXER and Mr. JONTZ.

H.R. 2507: Mr. MCGRATH, Mrs. COLLINS, Mr. WALSH, Mrs. KENNELLY, Mr. GEJDENSON, and Mr. CONYERS.

H. Con. Res. 109: Mr. BUECHNER and Mr. GILMAN.

PETITIONS, ETC.

Under clause 1 of rule XXII,

50. The SPEAKER presented a petition of the Polish-American Congress—New Jersey Division, Perth Amboy, NJ, relative to World War II; which was referred to the Committee on Foreign Affairs.

EXTENSIONS OF REMARKS

THE UNITED STATES OF AMERICA RESPONSE TO EVENTS IN CHINA—VIEWS OF PROF. A. DOAK BARNETT

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 12, 1989

Mr. LANTOS. Mr. Speaker, the world has watched as the tragic and turbulent events have unfolded in the People's Republic of China over the past 2 weeks. The unmistakable yearning for a democratic and open society and the suppression of that positive desire by reactionary forces raises important questions that the U.S. Government will have to consider and act upon in the near future.

Mr. Speaker, one of the most perceptive and thoughtful scholars on China—Prof. A. Doak Barnett of the School of Advanced International Studies of the Johns Hopkins University—prepared a statement this past week for a congressional hearing which could not be given because of time constraints. Professor Barnett's statement provides an outstanding assessment of the recent developments in China as well as thoughtful views on what the United States should do and not do in response to those developments.

Since those of us in the Congress will be involved in the determination of our policy toward China in the coming days and weeks, Mr. Speaker, I ask that Professor Barnett's statement be placed in the RECORD and I urge my colleagues to give thoughtful attention to his views.

STATEMENT OF A. DOAK BARNETT, PAUL NITZE SCHOOL OF ADVANCED INTERNATIONAL STUDIES, JOHNS HOPKINS UNIVERSITY

The tragedy that has unfolded in China, especially in the past few days, has created a crisis that is unprecedented in the post-Mao period, and it poses extremely difficult issues for U.S. policy.

The brutal suppression of peaceful protestors carried out this past weekend by hardline leaders, who have achieved at least temporary ascendency in Beijing, has evoked international anger and universal condemnation. Within China it appears to have alienated much of the population and strengthened widespread opposition to the present leadership not only in Beijing but in major urban areas throughout the country. It has, in my judgment, not only highlighted but severely exacerbated basic splits within the leadership, within the Party, and government and army, which are not yet resolved. In addition to the splits within the top leadership, I believe, there are large numbers of people in the Party and government bureaucracies who strongly support reform and political liberalization who have been appalled by what has happened. The thousands of Chinese students studying abroad clearly have been outraged.

In the present situation, the immediate outlook is bleak. Conflict continues to grow, and the outcome is unpredictable. The military establishment appears to be asserting itself more and more strongly, but there are basic splits within the military. Even a week ago I would have said that open conflicts between military units were unthinkable—but I also would have said that the kind of massacre that occurred in Beijing was unthinkable. Now all I can say is that the situation is uncertain, volatile, and unpredictable. The immediate outlook is for—at a minimum—continued instability, unrest, ferment, and turbulence.

This will continue, in my opinion, until there are further changes in the top leadership which bring to the force leaders willing to reverse course. Perhaps the present hardline leaders can impose their will, temporarily, by force—although I am not certain that they can. But even if they are able to do this, it will be uneasy, unstable situation of military rule over an alienated population.

I am convinced that the present civilian leadership under Li Peng and military leadership under Yang Shangkun—with Deng Xiaoping in the background—has lost its legitimacy—in Chinese terms, its mandate—and cannot be viable or last long, and cannot rule effectively as long as it lasts. Their authority has been fundamentally undermined by the use of brutal force against unarmed civilians. Their policy of using force rather than attempting a political solution involving conciliation, compromise, and accommodation is bankrupt and cannot succeed more than temporarily.

The crisis in China cannot even begin to be resolved, in my judgment, until there is a reemergence of Party and government leaders, now in eclipse, who are committed to and associated with further reform and political liberalization—or at least leaders whose reputations have not been destroyed by the massacre in Beijing last weekend. Whatever leaders emerge from the present debacle will face extraordinary difficulty in restoring stability, some consensus on policy, some credibility with China's population. Trying to cope with the complex problems of economic, political, and social reform that, even before this crisis, confronted the country with enormous challenges, will be increasingly difficult.

I would like to emphasize today that the crisis—and internal conflict in China—are far from over. The situation is a moving one, and it is absolutely impossible now to predict its outcome. What we should fervently hope for, obviously, is that the disasters of the past few days will so shock and galvanize those within the Chinese leadership, both civilian and military, who favor moderation and conciliation, who opposed the use of force and favor a political solution, who represent the forces of economic reform and political liberalization, that they will be able somehow to prevail and pull China back from the brink of absolute disaster.

I believe such a shift within the leadership is inevitable at some point, but whether it will come soon, before further disasters come, or only later after further disasters have occurred, is simply not predictable.

What should the United States do in response to this situation? What factors and considerations should we take into account in deciding what to do and what not to do?

On one question, there is, and can be, no real debate, in my opinion. The brutal use of repression and violence against unarmed civilians must be condemned in the strongest terms. The more difficult question, however, is what beyond this should be done, taking into account both the immediate situation and the long-run interests of both the United States and the Chinese people.

To state in capsulated form what I believe our posture and policy should be, it is the following: We should put our relationship on hold, freeze it, postpone or delay programs that are simply not feasible under present conditions, and send signals that U.S.-China relations already have been damaged in a serious way and will be damaged more if present trends continue or if the situation deteriorates further. But we should not cut ties in any irrevocable or irreversible way, and should continue to make clear that we believe relations between the United States and the Chinese nation and Chinese people are of great long-term importance and of tremendous mutual benefit to both countries, and we should express confidence that our relationship can be further developed when China is once again on the path of moderation, reform, liberalization, and development. For the moment we should essentially play a waiting game. If repression and conflict develop further, our relations will deteriorate whatever the U.S. government does, but it is essential that, instead of burning our bridges, we continue to urge moderation in China and be prepared to support, in any way we can, any signs of movement in that direction and any emerging leadership that appears to be prepared to return China to a saner course than it is now on.

There are numerous facts and factors that we should take into account in deciding what we should do.

Our long-range interest in a close cooperative relationship with a China that moves toward reform and development is immense. We have an important strategic and geopolitical stake in close ties with such a China. As our relationship from the 1970s up until the present crisis has demonstrated, it can contribute in a major way to stability in East Asia, and globally, as well as to the economic and other interests in both countries. A China in conflict, under leaders repressing a rebellious population, threatens to undermine these interests. But in a situation as chaotic and unpredictable as that in China today we must continue to keep open the door to future cooperative relations, if and when China returns to a moderate course.

It is essential that we try to assess, as best we can, the probable real consequences of any actions we consider, and not, simply to express our moral indignation, begin to cut ties or close doors in ways that might be counterproductive or boomerang either in the short or long run—and that might actually harm rather than help the Chinese people, might weaken rather than strengthen forces for moderation, and might pro-

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

voke hard liners to try to pursue an even harder line.

I am the first to recognize that making such judgments is exceedingly difficult.

Realism demands that we recognize that the influence of any outside nation, including the United States, on developments with China is limited. Chinese leaders, of every political stripe, are proud and independent, oppose crude external pressure or intervention, and are likely to react strongly to it.

China's hard-line leaders, now in the ascendancy, are more likely to be intensely nationalistic, even xenophobic, than China's most able and committed reformers, at present seemingly in eclipse, who are more internationally minded. Actually, most of the Chinese at all levels with whom U.S. government and private institutions have developed close ties in recent years belong to the latter reformist group. To the extent that the evolving situation permits, we must try, in whatever ways we can, to indicate our moral support for the policies and goals that they represent, avoid cutting ties with them—even if it is unavoidable that such ties be reduced or that programs involving such groups be postponed or temporarily suspended. The former group, that is the hardliners, may or may not be influenced very much in a useful way by U.S. actions that attempt to demonstrate the possible costs to Chinese interests of their policies. The fact is that the course they are pursuing is severely damaging China's interests abroad. Recent events cannot help but have adverse effects on China's foreign trade and investment, on military contacts abroad, on scientific, cultural, and educational exchanges that are important to China's modernization, on the attitudes of the elite of Chinese students who are studying abroad, on the prospects for a peaceful rejoining of Hong Kong with China in 1997, and on the attitudes in Taiwan toward expanded trade and contacts.

I believe that President Bush's decision to suspend military sales and contacts is a sound one for two reasons. It serves as a signal to Chinese hardline leaders that their recent actions are inflicting great damage on China's interests. Yet, suspending rather than cancelling military links of this sort is also a signal to more moderate military leaders that a return to moderation can bring a return to U.S.-China military cooperation. I am not sure how much effect this—or even stronger actions—can have on the old revolutionary leaders who are now in power and appear to be desperate and fighting for their own survival. The resolution of the present conflict within the Chinese leadership will ultimately be determined by forces within China, not by what any outside power does. Nevertheless, the signal that this action represents is worth sending, to both hardliners and moderates in China.

I believe, however, that it would be a severe mistake to impose economic sanctions on China or to cut our economic ties (which will be damaged enough without any U.S. government action), because the effects of this would, in my judgment, weaken rather than strengthen the moderates in China—that is, the professionals, liberals, and technocrats who are committed to reform and liberalization—and, to the extent that such action would exacerbate China's already immense economic problems they would damage the interests of ordinary Chinese more than the position of China's present hardline leaders.

The United States, while strongly supporting democratic aspirations and values, clearly should avoid incitement to rebellion, which could provoke strongly nationalistic hardline responses, or statements or actions that could arouse unrealistic expectations among Chinese youths, or even some older reformers, of outside support which is impossible for any outsiders to give.

We clearly have to walk a fine line, on a razor's edge, condemning what we disapprove, asserting our values, urging a return to moderation and reform, but avoiding actions that could exacerbate the situation or close doors for the future. When doors are closed in a crisis, it is often extremely difficult to reopen them even when the situations changes and improves. This is perhaps especially true of the United States. It took two decades to begin to restore significant contacts with China after our relationship disintegrated in the late 1940s and early 1950s. And efforts to exert strong overt pressures to try to influence internal developments in China can backfire badly. Perhaps the most notable example of this involved the Soviet Union rather than the United States. In response to Chinese ideological attacks in 1960, Moscow withdrew all of its aid to, and technicians in, China. Within a couple of years it was extending offers to China to renew them, but it actually took two decades in this instance, too, before Sino-Soviet economic and other contacts could begin to be repaired.

In light of all the above, I believe that the course for the United States defined by President Bush, so far, is a desirable and prudent one. It has defined the right stand to take under present circumstances. It does not exclude further responses as the situation evolves, and it does not close the door to fully normal cooperative relations if and when the situation in China improves.

It is depressing, and frustrating, to watch, from the sidelines, a tragedy unfold. But what we can do to effect events in China in a positive way is limited, and we should avoid taking precipitous actions that may have long-term damaging effects.

China will survive its present time of troubles. In the long run, a good relationship with China is extremely important to U.S. national interests. We must ensure that, when reason and moderation return, we can resume efforts to strengthen cooperative relations and support reform as well as development in China.

AWARDS HONOR EXEMPLARY BLACKS IN BUSINESS

HON. DONALD M. PAYNE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, June 12, 1989

Mr. PAYNE of New Jersey. Mr. Speaker, a very special and inspiring ceremony was recently held here in our Nation's Capital to honor the community service work of black entrepreneurs.

The Community Service Awards for Exemplary Blacks in Business recognized five distinguished members of the business community who have volunteered their time and talent to help others achieve success: Harry W. Brooks, Jr., Harlow Fullwood, Jr., William R. Giles, Sr., David Baker Lewis, Esq., and William F. Pickard, Ph.D.

The five honorees, in addition to providing jobs in their communities, have also contributed their services to educational, religious, and recreational activities. They have served on public boards and represent important role models for young people in the black community.

The awards program was sponsored by the Institute for American Business in cooperation with General Motors Corp., Pepsi-Cola Co., and Philip Morris Companies Inc.

Washington, DC, was chosen as the location because Government sponsored minority business enterprise programs began here. Many minority businesses have received support through the Office of Minority Business Enterprise; its successor, the Minority Business Development Agency; the Economic Development Agency; and the Small Business Administration.

I am very proud of the fact that one of the honorees, William R. Giles, Sr., resides in East Orange, NJ, in my congressional district.

Mr. Giles is the founder and chairman of EPC International, Inc., a family-run advertising specialty and premium firm serving major corporations with a full line of executive gifts.

The East Orange company distributes products made by over 2,000 manufacturers. The Giles family has ambitious plans for the future, with a 5-year vision of a $10 million company with substantially more export and import business. The firm presently does business with Nigeria, Bermuda, Bahamas, and Jamaica. The growth of sales is now running in the double digits annually.

Mr. Giles is a member of the board of directors of the Lions Club, the East Orange General Hospital and president of the 100 Black Men of New Jersey. He is also a member of the Kiwanis Club, the Greater Newark Chamber of Commerce, NAACP, and the Urban League. He is a member of the board of trustees of Benedict College in Columbia, SC, where he was awarded an honorary doctorate of humane letters on May 13.

Mr. Giles is also chairman of the building fund at the New Hope Baptist Church of East Orange. His firm has raised over $300,000 for the United Negro College Fund over the past 6 years, providing opportunities for young people to get the education they need to compete in the business world.

In a day and age when too many people are consumed only with their own materialistic goals, it is refreshing to hear about successful business people who take the time to give something back to their communities.

Mr. Speaker, we in New Jersey are very fortunate to have in our midst a person of Mr. Giles' stature. I hope my colleagues will join my in honoring him and the other award winners for their ingenuity, perseverance, and most of all, their generosity toward others.

INTRODUCTION OF A RESOLUTION DEALING WITH THE APPOINTMENT OF A NEW ADMINISTRATOR OF THE PANAMA CANAL COMMISSION

HON. JACK FIELDS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, June 12, 1989

Mr. FIELDS. Mr. Speaker, I am pleased to join with our distinguished colleagues ROY DYSON, BOB DAVIS, and HELEN BENTLEY in introducing this important House concurrent resolution dealing with the appointment of a new administrator for the Panama Canal Commission.

The language of this resolution is virtually identical to the proposal offered by Senator DAN COATS of Indiana, on Thursday, June 1 during consideration of the dire emergency supplemental appropriations bill. This resolution was approved by a convincing vote of 63 to 31.

It is a sense of Congress resolution which states unambiguously that the Senate will not approve any new administrator of the Panama Canal Commission until the President of the United States certifies that a democratically elected government is in place in the Republic of Panama.

Mr. Speaker, this resolution does not have the force of law. Nevertheless, it will send a clear and strong message of support for the democratic process in Panama. It will also provide a further incentive for those freedom fighters committed to the removal of Noriega.

While world attention has shifted from Noriega's brutality to the mindless slaughter of defenseless Chinese students, we must not forget that just 1 month ago, the people of Panama went to the polls in record numbers and overwhelmingly rejected the continued tyranny of Noriega. Despite massive voting fraud, they elected Guillermo Endara as their next President.

Unfortunately, we all know, that the will of the Panamanian people was not only thwarted but their duly elected representatives were savagely beaten by Noriega and his henchman.

Mr. Speaker, we must not let Noriega steal the hopes and aspirations of 3 million Panamanians. Democracy and the rule of law cannot exist in Panama so long as this despot, international drug dealer, and thug remains in power. I am convinced that this resolution will help Panamanians to rid themselves of the Noriega cancer which threatens democracy throughout Central America.

Let me emphasize, Mr. Speaker, that this resolution does not abrogate or affect the Panama Canal treaties or the Panama Canal Act of 1979 which implemented those agreements in any way.

While I strongly believe that the Panama Canal treaties were a terrible idea founded on the naive notion that by giving away the Panama Canal we would ensure a friendly democratic government in Panama, this is not the appropriate time to discuss abrogation.

Nevertheless, Panamanians should look at this resolution as a yellow light on the road to a full turnover of the canal. By taking action to remove Noriega now, they can ensure the continuation of a smooth transfer of authority over the Panama Canal.

I am afraid, however, that if the Panamanian people and more importantly Noriega miss this signal, then additional efforts will be proposed to stop or freeze the transfer of the Panama Canal.

Mr. Speaker, there should be no doubt, the United States Congress will not turn over the Panama Canal to Panamanian control until Noriega and his cohorts are given the boot which they so richly deserve.

While I am confident that President Bush would never submit to the Senate the nomination of any individual selected by Noriega, I strongly believe this resolution will help the democratic process in Panama and will further strengthen the determination of those who are working to remove Noriega.

Mr. Speaker, to reiterate, this resolution does not abrogate the treaty. It does not alter or change the implementing statute. What it does is to send a strong signal to the Panamanian people that Noriega must go and that his continued presence is totally contrary to the goals of the Panama Canal treaties.

I urge my colleagues to join with ROY DYSON, BOB DAVIS, HELEN BENTLEY, and I in sending this message by overwhelmingly adopting this sense of Congress resolution.

A CALL TO CONSCIENCE FOR CHINA'S ASSASSINS

HON. RONALD K. MACHTLEY

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, June 12, 1989

Mr. MACHTLEY. Mr. Speaker, the tragic loss of life in China has drawn the attention of all the world. I would like to share with you a letter I sent to the Chinese Ambassador to the United States which I hope expresses the grief and outrage which we have all felt at the recent violence:

JUNE 7, 1989.

His Excellency HAN XU,
Embassy of the People's Republic of China, Washington, DC.

DEAR AMBASSADOR XU: I am writing to express my deep regret and ongoing concern for the use of excessive and brutal force by the People's Liberation Army to suppress peaceful, pro-democratic efforts.

Since May 20, when the martial law order was first handed down by Supreme Leader Deng and Premier Li Peng, the situation in China has deteriorated, and it has done so by the hands of its own leadership.

The unprecedented democratic movement of millions of protesters in China were heralded in the United States as peaceful movements. The extension of mass protests into other cities outside the capital, and the representation of all ages and broad sectors of the population declared to the international community the widespread support for peaceful protest in China.

Premier Li Peng and Supreme Leader Deng had a clear option to respond to these public outcries with diplomacy. Instead, they chose to respond by sending over 200,000 troops to surround Tianenmen Square in an inhuman act of deadly force.

The resultant escalation of violence in China has warranted a strong and angry response from the international community.

I fully support the congressional resolution of June 6 to condemn the Chinese government action to use machine guns and bayonets to murder its own people. The broad support for President Bush's declared suspension of U.S. military sales and commercial arms exports into China indicates a U.S. willingness to go beyond these actions should the brutality continue, and a fair and peaceful resolution to the military repression not result.

As the official representative of your government in the United States, I am delivering this letter to you to demonstrate my personal outrage at your government's blatant disregard for human life.

The Asian population in my State of Rhode Island, and throughout the United States constitutes a large and important contribution to American society. I share the concern of the U.S. Asian population for the welfare of friends and relatives in China.

There are also a large number of Americans now in China. While the U.S. embassies in China are working hard to protect our citizens, it is important for the Chinese government and military to understand that injury to any American citizen will be harshly interpreted in our country.

I am hopeful that a peaceful and just resolution to the conflict is imminent. I am disheartened not only by the immediate means the "hardline" faction of your government has taken to assert its power upon the will of the people, but also by my concern for the long term consequences of this type of repression for the people of your country.

In the coming weeks, I am hopeful that the government of China will work to incorporate the concerns expressed by the peaceful protesters and will not continue to act against these individuals with intimidation or force.

TRIBUTE TO VICE ADM. ED MARTIN

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, June 12, 1989

Mr. SKELTON. Mr. Speaker, today I wish to pay tribute to a good friend and a great American, Vice Adm. Ed Martin, who recently retired after a distinguished career in the U.S. Navy.

The people of Savannah, GA, have reason to be proud of their native son, who in 1950 went off to the U.S. Naval Academy in Annapolis. He became a naval aviator, and was a combat flight instructor until 1961. In 1965 he graduated from the Naval War College. Shortly thereafter he received a master's degree in international affairs.

After serving in Vietnam, where he was a prisoner of war from 1967 to 1973, Admiral Martin returned to the States to become a student again, this time at the National War College, where he graduated in 1974. In 1987, Edward Holmes Martin was designated vice admiral of the U.S. Navy and apppointed commander of the 6th Fleet. He also spent time in London as deputy commander and chief of the U.S. Naval Forces in Europe. He most re-

cently served at the Pentagon as the special assistant to the Chief of Naval Operations.

It is an honor to pay tribute to Vice Admiral Martin. I extend my sincere wish that Ed and his wife Sherry find comfort and enjoyment in retirement.

TRIBUTE TO SOLON B. COUSINS

HON. DONALD M. PAYNE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, June 12, 1989

Mr. PAYNE of New Jersey. Mr. Speaker, I would like my colleagues here in the House of Representatives to join me in honoring an outstanding leader, Mr. Solon B. Cousins. The national executive director of the YMCA of the USA, Mr. Cousins is ending a 4-year term as the elected president of the National Assembly of National Voluntary Health and Social Welfare Organizations.

The National Assembly is an association of America's largest and most respected national voluntary human service organizations. During his presidency, these organizations have worked together to advance the mission of each agency and the human service sector as a whole. Mr. Cousins has guided the National Assembly through an ever-expanding set of programs and activities designed to promote effective management of these organizations, to increase public understanding of human needs and the special qualities which voluntary agencies bring to human services, and to advocate policies, programs and resources which are necessary to maintain a viable network of human services under voluntary auspices throughout the Nation.

Through thousands of local affiliates engaged in hands-on service, these national organizations provide millions of volunteers and staff people with opportunities to serve their neighbors and their communities in a uniquely American tradition which is unparalleled anywhere in the world. Within the famework of the assembly, human service organizations have collaborated on issues ranging from youth service to AIDS, from leadership development to ethical considerations, from child protection to homelessness.

In my own service as a national officer of both the YMCA of the USA and the National Assembly, I have worked closely with Solon Cousins on many occasions. I know of the high esteem in which he is held by his peers who lead other national voluntary organizations. I am certain that this community of service providers share with me a deep appreciation for the leadership he has brought to the National Assembly. Voluntary human service providers throughout the country have benefited from the wise, statesmanlike, and positive approach he has brought to the National Assembly's presidency.

Mr. Speaker, Mr. Cousins has inspired many people through his devoted service. I ask my colleagues to join me today in paying tribute to this very special person.

TRIBUTE TO CSABA KUR

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, June 12, 1989

Mr. TRAFICANT. Mr. Speaker, I rise today to pay tribute to Csaba Kur, a Hungarian-American artist, who came to the United States in search of the American dream and is now bestowing the world with his invaluable gifts of art.

Csaba was born in Hungary in 1926 and arrived in America in 1951 impoverished. Driven from his homeland by the Red army, he sought refuge in Germany where he received his preliminary training in the arts. Mr. Kur began his career creating prints with water colors, but soon moved to creating statues, for which he is most famous today.

Mr. Kur has sculpted many works that can be seen in public buildings in Chicago, New York, and Cleveland. He also has a statue in the permanent collection at the John F. Kennedy Center for the Performing Arts in Washington, DC. Presently he runs his own gallery in my 17th Congressional District of Ohio and teaches classes to individuals in hopes of spreading his love of art to others. His expressionistic style of art captures the deep meaning behind all of his subjects.

Mr. Speaker, Csaba Kur has truly made an outstanding contribution not only to my district but also to the World. The recording of history in his manner will allow the events to live on forever in a true to life form. I am extremely grateful for his contributions, and consider it an honor to represent him.

TRIBUTE TO CONGRESSIONAL SENIOR CITIZEN INTERNS

HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, June 12, 1989

Mr. STOKES. Mr. Speaker, I would like to salute two outstanding older Americans from the 21st Congressional District, Mrs. Emily Laster and Ms. Charlotte Constant. They are 2 of 200 older Americans from around the Nation, who participated in the 1989 Congressional Senior Citizen Intern Program held May 22–26.

Mr. Speaker, I am proud of the senior interns who represented the 21st Congressional District and our Nation in this important program. Through their participation in this program, the interns provide a valuable link to the local senior community. I am pleased to share with you the accomplishments and endeavors of the interns representing my congressional district.

Emily Laster has worked diligently with senior citizens in the cultural arts and many other senior-related programs at Karamu House for over three decades. Mrs. Laster became affiliated with Karamu House as a volunteer tour guide and theater hostess more than 32 years ago. Currently, she is the senior and volunteer coordinator for Karamu House and acts as a liaison for the Karamu Volunteer Organization, the Karamu Alumni Organization, the Karamu Golden Age Club, and the tour guides.

The founders of Karamu House, a cultural arts center in Cleveland, were so impressed with Mrs. Laster's abilities that they asked her to join the staff of Karamu on a part time basis in 1960. Since then, she has been recruiting other seniors to stay active and busy after retirement. She serves on various committees for seniors and participates in several senior-related programs.

Charlotte Constant is a recently retired administrative secretary for the city of Cleveland, where she also served as assistant office manager in the department of personnel. Ms. Constant has been active politically in the campaigns of Cleveland elected officials. Ms. Constant was an active volunteer for my brother, Judge Carl Stokes, the former mayor of Cleveland and an enthusiastic volunteer during several of my reelection campaigns.

In addition to participating, Ms. Constant is an active member of Faith Temple Church of God in Christ in Cleveland. At Faith Temple, Ms. Constant is involved in missionary teaching and counseling ministry. Currently, she serves as president of the Young Women's Christian Council, covering three churches in Cleveland and in Painesville, OH.

Mr. Speaker, the Congressional Senior Citizen Intern Program emphasizes the need for participants to take their knowledge and share it with other seniors from their districts. This goal is personified in the continued growth of the program. Since 1973, the Congressional Senior Citizen Intern Program has brought more than 2,000 older Americans to Washington to examine the processes and issues involved in shaping public policy.

While in Washington, the interns had an opportunity to meet with their representatives and voice their concerns about issues affecting seniors. This type of firsthand interaction encourages the interns to take the knowledge home and put it to work on behalf of their communities. Both Ms. Constant and Mrs. Laster became interested in the program through their association with former senior citizen interns.

Mr. Speaker, both Mrs. Laster and Ms. Constant exemplify the spirit of volunteerism. I hope my colleagues will join me in commending them for their outstanding participation in the Congressional Senior Intern Program and their commitment to the community in which they live.

HONORING JON PETERS, ON THE ESTABLISHMENT OF THE NATIONAL HIGH SCHOOL RECORD FOR CONSECUTIVE PITCHING WINS

HON. GREG H. LAUGHLIN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, June 12, 1989

Mr. LAUGHLIN. Mr. Speaker, I rise today to acknowledge a truly remarkable athletic accomplishment, and to ask my fellow colleagues to join me in congratulating Jon Peters, of the Brenham High School Cubs,

who on April 28 established a new national high school record for consecutive pitching wins.

The Brenham Cubs, under the tutelage of Head Coach Earl Hathaway, are entering the Texas State AAAA baseball playoffs having won the State championship in each of the last 3 years—1986, 1987, 1988. Jon Peters' successes are those that should be shared with his teammates, and the cubs championships in the last 3 years are indeed indicative of a superb coaching staff blessed with many fine young athletes.

Jon's streak began in March 1986, when, as a freshman starting pitcher, he won his first game. He remained undefeated throughout his freshman, sophomore, and junior years, and throughout most of his senior year.

On Friday, April 28 of this year, the Cubs faced A&M Consolidated at Fireman's Park in Brenham. Jon came into the game with a 50-game winning streak, and a chance to break the high school mark for consecutive pitching victories set 9 years ago by Timmy Moore of McColl, SC.

Jon set the new record in storybook fashion, pitching a no-hit game, striking out 12 batters, and driving in the game-winning run, securing his record-setting victory. He then proceeded to win his next 2 games, bringing his national record to 53 victories, before suffering the first loss of his high school career last week. I should point out that it took no-hit pitching by two West Orange-Stark High pitchers to defeat Jon, who will now take a 54–1 career record into the Texas high school playoffs. Along the way he has struck out over 600 batters, while giving up barely 100 walks.

I commend Jon Peters on these truly outstanding achievements on the baseball diamond, and wish him continued success in the upcoming professional draft, and in the fall of 1989, when he will attend my alma mater, Texas A&M University, on a baseball scholarship.

I further wish the Brenham Cubs, and Coach Earl Hathaway, good luck as they pursue a fourth consecutive State baseball championship.

THE FUTURE OF AFRICAN AMERICANS

HON. MERVYN M. DYMALLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 12, 1989

Mr. DYMALLY. Mr. Speaker, I wish to bring to your attention an article about the Congressional Task Force on the Future of African Americans, which I Chair.

The article was written by Ken Wilbecan, in the Long Beach Press Telegram, on April 17, 1989.

I am pleased to report that Compton Community College, located in the 31st Congressional District, and the southern California members of the Congressional Black Caucus, will sponsor a conference on the subject, in Los Angeles on Friday, Saturday, and Sunday, June 23, 24, and 25, 1989:

STUDY FINDS RACISM REMAINS MAJOR PROBLEM FACING BLACKS

(By Ken Wibecan)

This year the Congressional Task Force on the Future of African Americans, chaired by Rep. Mervyn M. Dymally, released a report that is a damning indictment of the prejudice and discrimination that still remains in this country.

Although it is not the intention of the document, even a casual reader of "The Future of African Americans to the Year 2000" might easily draw the conclusion that by the beginning of the next century African Americans will be in poorer economic condition than they are now.

In his opening remarks Dymally noted that "it is clear that no one has been here longer than the children of Africa except for Indian Americans (Native Americans), the first migrants from Asia. And no one has labored harder or longer than African Americans to cull and fashion the natural resources of this land for the creation of a more abundant way of life. Yet African Americans have not reaped the benefits of their labors to the fullest measure. Indeed, they remain second-class citizens of the American economy, even as they begin to approach full citizenship. . . ."

When the report refers to African Americans, it does not mean all of them. A number maneuver through the system with as much facility as anyone; they have learned how to play the game of survival. To many of these members of the middle class a ghetto is something seen on television or read about in the morning newspaper. The African Americans who are really in trouble are not the doctors, lawyers, politicans and other professionals.

While the number of professionals has increased from 6 percent to nearly 17 percent, the percentage of black households with incomes greater than $25,000 went up only 1 percent between 1970 and 1980 (from 29 to 30 percent). Those households with incomes below $15,000 increased from 45 to 47 percent.

African Americans in 1980 were three times as likely to be impoverished as white Americans. Median black household net assets are less than 10 percent of median white household net assets.

In a nation that brags about its respect for human life, African American life expectancy still lags behind that of whites: 67 years, compared to 74.

These and other statistics document a deplorable situation that is "likely to remain so unless they (African Americans) continue to advance faster than European Americans," a highly unlikely supposition.

On the political scense, the report offers little evidence to support Dymally's optimistic projection that African Americans are approaching "full citizenship in the American political system." Despite Jesse Jackson's admirable run for the presidency, it remains true that 12 percent of the population hold less than 1.5 percent of all elected officies. And recent polls have shown voters tending to cast ballots along racial lines; the recent Chicago mayoral election was a prime example.

Even more disturbing are the predictions for the year 2000. The task force notes that "if African Americans are to be brought into real equality with European Americans, something vastly more powerful and sustained than anything in the American past will have to be done." At a time when business set-asides for minority firms trying to squeeze into the closed circle of procurement networks are deemed illegal by a right-leaning Supreme Court, and when even the mildest affirmative action goals go largely unmet, corrective measures are not likely to see the light of day.

Each year new data prove conclusively that African Americans are sliding backward down a slippery road to oblivion, hastened on their way by the lack of concern of a society that makes a number of decisions based solely on race. Information gathered from this and similar reports rarely results in significant policy changes on any level of government. For years we have been studied to death, while we continue to "consider" what action to take. Admittedly, there is much that African Americans can and must do on their own to improve their lot, and I have beaten that drum often in this column and in other public forums. But, as the report concludes, "While the major internal problem faced by African Americans is inappropriate and rampant individualism, the major external problem is racism." In the face of these dire conclusions, there seems to be only one way to change the odds, and that is through a massive reform of our education system. Knowledge offers the only ticket to the safety of the middle class, which may be the only way for African Americans to survive through the year 2000. Time is running out on our opportunity to do something about it.

In June there will be a conference sponsored by the Congressional Black Caucus and Compton Community College to discuss the task force findings. This may well be an important event. More information may be obtained by calling (213) 637-2660, extension 340.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Any changes in committee scheduling will be indicated by placement of an asterisk to the left of the name of the unit conducting such meetings.

Meetings scheduled for Tuesday, June 13, 1989, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

JUNE 14

9:00 a.m.

Agriculture, Nutrition, and Forestry

To continue markup of S. 1036, to improve the economic, community, and

educational well-being of rural America.
SR-332

Commerce, Science, and Transportation
Communications Subcommittee
To hold hearings on the diversity and concentration of media ownership.
SR-253

Labor and Human Resources
Business meeting, to consider S. 110, Family Planning Amendments, S. 120, Adolescent Pregnancy Prevention, Care, and Research Grants Act, S. 54, Age Discrimination in Employment Waiver Protection Act, and pending nominations.
SD-430

Rules and Administration
Business meeting, to resume consideration of S. 874, to establish national voter registration procedures for Presidential and Congressional elections.
SR-301

Veterans' Affairs
To hold hearings on certain provisions of S. 13, S. 86, S. 192, S. 405, and S. 846, bills to strengthen and improve VA health care programs, and related measures.
SR-418

9:30 a.m.
Armed Services
Strategic Forces and Nuclear Deterrence Subcommittee
To continue closed and open hearings on S. 1085, authorizing funds for fiscal years 1990 and 1991 for the Department of Defense, focusing on NATO nuclear deterrence.
SR-222

Banking, Housing, and Urban Affairs
Securities Subcommittee
To resume hearings on S. 646, to facilitate cooperation between the United States and foreign countries in securities law enforcement, and on the globalization of securities markets.
SD-538

Energy and Natural Resources
Energy Research and Development Subcommittee
To hold hearings on the Department of Energy's role in the area of magnetic fusion and inertial confinement fusion research and development and demonstration, and S. 964, authorizing funds for fiscal years 1990 and 1991 for civilian energy programs of the Department of Energy.
SD-366

10:00 a.m.
Foreign Relations
To resume mark up on proposed legislation authorizing funds for fiscal year 1990 for foreign assistance programs.
SD-419

10:30 a.m.
Rules and Administration
To resume hearings on S. 7, S. 56, S. 137, S. 242, S. 330, S. 332, S. 359, and S. 597, bills to provide for spending limits and public financing for Federal elections.
SR-301

11:00 a.m.
Finance
To resume oversight hearings on the implementation of the Omnibus Trade and Competitiveness Act of 1988.
SD-215

2:00 p.m.
Agriculture, Nutrition, and Forestry
Nutrition and Investigations Subcommittee
To hold hearings on proposed legislation authorizing funds for the Women, Infants, and Children (WIC) Program and child nutrition programs.
SR-332

Armed Services
To hold hearings on S. 1085, authorizing funds for fiscal years 1990 and 1991 for the Department of Defense, focusing on the balanced technology initiative and international armaments cooperation.
SR-222

Foreign Relations
To continue mark up on proposed legislation authorizing funds for fiscal year 1990 for foreign assistance programs.
SD-419

2:30 p.m.
Commerce, Science, and Transportation
To hold hearings on the nomination of James B. Busey IV, of Illinois, to be Administrator of the Federal Aviation Administration, Department of Transportation.
SR-253

Office of Technology Assessment
The Board, to meet to consider pending business.
S-146, Capitol

JUNE 15

9:00 a.m.
Agriculture, Nutrition, and Forestry
To continue mark up of S. 1036, to improve the economic, community, and educational well-being of rural America.
SR-332

Appropriations
Defense Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1990 for the Department of Defense.
SD-192

Armed Services
To continue hearings on S. 1985, authorizing funds for fiscal years 1990 and 1991 for the Department of Defense, focusing on those programs recommended for termination, and to review budget authority and outlay estimates for fiscal year 1990 for the Department of Defense and the Congressional Budget Office.
SH-216

9:30 a.m.
Banking, Housing, and Urban Affairs
Securities Subcommittee
To continue hearings on S. 646, to facilitate cooperation between the United States and foreign countries in securities law enforcement, and on the globalization of securities markets.
SD-538

Commerce, Science, and Transportation
To hold hearings on S. 561, to provide for testing for the use, without lawful authorization, of alcohol or controlled substances by the operators of aircraft, railroads, and commercial motor vehicles.
SR-253

Energy and Natural Resources
Energy Research and Development Subcommittee
To continue hearings on S. 964, authorizing funds for fiscal years 1990 and 1991 for civilian energy programs of the Department of Energy, and to begin hearings on S. 488, to provide Federal assistance to a program of research, development, and demonstration of renewable energy and energy efficiency technologies, and proposed legislation authorizing funds for fiscal year 1990 for conservation and renewable energy programs of the Department of Energy.
SD-366

Environment and Public Works
Superfund, Ocean and Water Protection Subcommittee
To hold oversight hearings on the Environmental Protection Agency's report on its 90-day review of the Superfund program and related issues.
SD-406

Governmental Affairs
To hold hearings on alcohol abuse prevention.
SD-342

Judiciary
To hold hearings on the nomination of James Franklin Rill, of Maryland, to be an Assistant Attorney General, Department of Justice.
SD-562

Joint Economic
To hold hearings to examine economic and budgetary implications of the build-up of the Social Security trust fund.
2359 Rayburn Building

9:45 a.m.
Foreign Relations
To hold hearings on the nomination of Donald Phinney Gregg, of Maryland, to be Ambassador to the Republic of Korea.
SD-419

10:00 a.m.
Labor and Human Resources
To hold hearings on the condition of academic research facilities.
SD-430

1:00 p.m.
Armed Services
Strategic Forces and Nuclear Deterrence Subcommittee
To continue closed hearings on S. 1085, authorizing funds for fiscal years 1990 and 1991 for the Department of Defense, focusing on the Strategic Defense Initiative.
SR-222

Select on Intelligence
To hold closed hearings on intelligence matters.
SH-219

2:00 p.m.
Agriculture, Nutrition, and Forestry
Nutrition and Investigations Subcommittee
To continue hearings on proposed legislation authorizing funds for the Women, Infants, and Children (WIC) Program and child nutrition programs.
SR-332

Appropriations
Foreign Operations Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1990 for foreign assistance programs, focusing on the World Bank, International Development Association, International Finance Corporation, International Monetary Fund, and Multilateral Investment Guaranty Agency.
SD-138

Commerce, Science, and Transportation
To hold hearings on the nomination of Jeffrey N. Shane, of the District of

Columbia, to be an Assistant Secretary of Transportation.
SR-253

2:30 p.m.
Judiciary
Immigration and Refugee Affairs Subcommittee
To hold hearings on immigration and naturalization procedures.
SD-226

JUNE 16

9:30 a.m.
Finance
Medicare and Long-Term Care Subcommittee
To resume hearings on physician payment reform under the Medicare program.
SD-215

Governmental Affairs
Government Information and Regulation Subcommittee
To resume hearings on proposed legislation authorizing funds for programs of the Paperwork Reduction Act.
SD-342

10:00 a.m.
Banking, Housing, and Urban Affairs
Housing and Urban Affairs Subcommittee
To resume hearings on S. 566, the National Affordable Housing Act, focusing on rental assistance and public housing.
SD-538

Environment and Public Works
Environmental Protection Subcommittee
To hold oversight hearings on the implementation of the Federal Water Pollution Control Act Amendments (Public Law 100-4).
SD-406

Foreign Relations
To resume markup on proposed legislation authorizing funds for fiscal year 1990 for foreign assistance programs.
SD-419

10:30 a.m.
Judiciary
Constitution Subcommittee
To hold oversight hearings on the implementation of the Bail Reform Act of 1984 (Public Law 98-473).
SD-226

JUNE 19

10:00 a.m.
Commerce, Science, and Transportation
To hold hearings in conjunction with the National Ocean Policy Study on proposed legislation authorizing funds for fiscal year 1990 for the U.S. Coast Guard.
SR-253

Finance
Health for Families and the Uninsured Subcommittee
To hold hearings on proposals to provide universal access to health care.
SD-215

1:00 p.m.
Agriculture, Nutrition, and Forestry
Agricultural Credit Subcommittee
To resume oversight hearings on the Farmers Home Administration implementation of the Agriculture Credit Act of 1987 (P.L. 100-233), as it relates to borrowers.
SR-332

JUNE 20

9:30 a.m.
Agriculture, Nutrition, and Forestry
Agricultural Research and General Legislation Subcommittee
To hold hearings to review mechanisms for establishing priorities in agricultural research programs.
SR-332

Commerce, Science, and Transportation
Business meeting, to consider pending calendar business.
SR-253

Energy and Natural Resources
Public Lands, National Parks and Forests Subcommittee
To hold hearings on S. 724, to modify the boundaries of the Everglades National Park and to provide for the protection of lands, waters, and natural resources within the park.
SD-366

10:00 a.m.
Finance
To hold hearings on proposals to improve health care coverage for children under the Medicaid and Maternal Child Health Services Block Grant programs.
SD-215

11:00 a.m.
Select on Indian Affairs
To hold hearings on the nomination of Eddie F. Brown, of Arizona, to be Assistant Secretary of the Interior for Indian Affairs.
SR-485

2:30 p.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1990 for foreign assistance programs, focusing on Central America.
SD-138

Foreign Relations
Business meeting, to consider the nomination of Donald Phinney Gregg, of Maryland, to be Ambassador to the Republic of Korea.
SD-419

JUNE 21

9:00 a.m.
Commerce, Science, and Transportation
Communications Subcommittee
To resume hearings on the diversity and concentration of media ownership.
SR-253

9:30 a.m.
Commerce, Science, and Transportation
Aviation Subcommittee
To hold hearings on S. 640, to establish guidelines for Federal standards of liability for general aviation accidents.
SR-301

Energy and Natural Resources
Business meeting, to consider pending calendar business.
SD-366

Governmental Affairs
To resume hearings on alcohol abuse prevention.
SD-342

1:30 p.m.
Agriculture, Nutrition, and Forestry
Conservation and Forestry Subcommittee
To hold hearings to review the sustainability of forest resources.
SR-322

2:00 p.m.
Commerce, Science, and Transportation
To hold hearings on S. 1067, to provide for a coordinated Federal research program to ensure continued United States leadership in high-performance computing.
SR-253

Commerce, Science, and Transportation
Science, Technology, and Space Subcommittee
To hold hearings on super computers.
SR-253

Energy and Natural Resources
Public Lands, National Parks and Forests Subcommittee
To hold hearings on miscellaneous public lands measures, including S. 558, S. 560, S. 818, S. 855, S. 940, and S. 963.
SD-366

JUNE 22

8:00 a.m.
Veterans' Affairs
To hold hearings on S. 404, H.R. 1415, and S. 898, to extend certain Department of Veterans' Affairs home loan guaranty provisions, and related measures.
SR-418

9:00 a.m.
Agriculture, Nutrition, and Forestry
Conservation and Forestry Subcommittee
To hold hearings to review conservation and agricultural practices.
SR-332

Commerce, Science, and Transportation
Communications Subcommittee
To continue hearings on the diversity and concentration of media ownership.
SR-253

9:30 a.m.
Small Business
To hold hearings to assess the problems faced by small businesses in complying with the paperwork requirements of the Occupational Safety and Health Administration's hazard communications standard.
SR-428A

10:00 a.m.
Environment and Public Works
Environmental Protection Subcommittee
Business meeting, to markup S. 804, to conserve North American wetland ecosystems and waterfowl and other migratory birds and fish and wildlife that depend on such habitat.
SD-406

2:00 p.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1990 for foreign assistance programs.
SD-138

Commerce, Science, and Transportation
Surface Transportation Subcommittee
To hold hearings on S. 1005, relating to the sale, purchase, or other acquisition of certain railroads.
SR-253

Energy and Natural Resources
To hold hearings to review trends in domestic CO_2 emissions as they contribute to the phenomenon of global warming.
SD-366

JUNE 23

9:30 a.m.
Governmental Affairs
To hold hearings on S. 253, to establish a coordinated National Nutrition Mon-

itoring and Related Research Program.
SD-342

2:00 a.m.
Select on Indian Affairs
To hold oversight hearings on administration of Indian programs by the Environmental Protection Agency.
SR-485

JULY 11

9:30 a.m.
Energy and Natural Resources
To resume hearings on S. 710, S. 711, and S. 712, bills to provide for a referendum on the political status of Puerto Rico.
SD-366

2:30 p.m.
Energy and Natural Resources
Energy Research and Development Subcommittee
To resume hearings on S. 964, authorizing funds for fiscal years 1990 and 1991 for civil energy programs of the Department of Energy, and on fossil energy research and development and the clean coal technology program.
SD-366

JULY 12

9:00 a.m.
Commerce, Science, and Transportation
To hold hearings on the nomination of Janice Obuchowski, of Virginia, to be Assistant Secretary of Commerce for Communications and Information.
SR-253

10:00 a.m.
Commerce, Science, and Transportation
Communications Subcommittee
To hold hearings on S. 707, to require the Federal Communications Commission to reinstate restrictions on advertising during children's television, to enforce the obligation of broadcasters to meet the educational and informational needs of the child audience.
SR-253

JULY 13

9:30 a.m.
Commerce, Science, and Transportation
Merchant Marine Subcommittee
To hold hearings on capabilities and concerns of the national sealift policy.
SR-253
Veterans' Affairs
Business meeting, to consider pending calendar business.
SR-418

10:00 a.m.
Energy and Natural Resources
To resume hearings on S. 710, S. 711, and S. 712, bills to provide for a referendum on the political status of Puerto Rico.
SD-366

JULY 14

10:00 a.m.
Energy and Natural Resources
To continue hearings on S. 710, S. 711, and S. 712, bills to provide for a referendum on the political status of Puerto Rico.
SD-366

JULY 18

9:30 a.m.
Energy and Natural Resources
Energy Research and Development Subcommittee
To resume hearings on S. 964, authorizing funds for fiscal years 1990 and 1991 for civilian energy programs of the Department of Energy, focusing on reactor research and development, and on commercial efforts to develop advanced nuclear reactor technologies.
SD-366

JULY 19

9:30 a.m.
Commerce, Science, and Transportation
Communications Subcommittee
To hold hearings on S. 999, relating to the broadcasting of certain material regarding candidates for Federal elective office.
SR-253

JULY 20

9:30 a.m.
Energy and Natural Resources
Energy Research and Development Subcommittee
To resume hearings on S. 964, authorizing funds for fiscal years 1990 and 1991 for civilian energy programs of the Department of Energy, focusing on reactor research and development, and on commercial efforts to develop advanced nuclear reactor technologies.
SD-366
Veterans' Affairs
Business meeting, to mark up proposed legislation to revise certain provisions of VA health care programs, including S. 13, S. 86, S. 165, S. 192, S. 263, S. 405, S. 564, S. 574, S. 748, and S. 846.
SR-418

JULY 21

9:30 a.m.
Select on Indian Affairs
To hold hearings to establish a Tribal Judicial Resource Center.
SR-485

JULY 26

9:00 a.m.
Commerce, Science, and Transportation
Communications Subcommittee
To hold hearings on S. 1009, relating to the purchase of broadcasting time by candidates for public office.
SR-253

SENATE—*Tuesday, June 13, 1989*

(Legislative day of Tuesday, January 3, 1989)

The Senate met at 11:30 a.m., on the expiration of the recess, and was called to order by the President pro tempore [Mr. BYRD].

The PRESIDENT pro tempore. Today's prayer will be offered by guest chaplain, Rabbi Stephen Pinsky, Temple Israel, Minneapolis, MN.

PRAYER

Rabbi Stephen Pinsky, Temple Israel, Minneapolis, MN, offered the following prayer:

Let us pray:

Our G-d and the G-d who links us generation to generation, soul to soul, heart to heart:

As we begin this day's session of this Senate, let us pause to reflect upon our lives and upon our Nation—upon its dreams and its promise.

We are thankful for this new day and for this season of the year as the days grow longer and the pace of our lives slow just a bit as the Earth warms and cares seem softened by the Sun's lengthening rays.

And we are grateful for the lives we lead, for our homes which offer us safe havens from life's inevitable storms, for our families which give life purpose and meaning, for our Nation, this Republic with its "amber waves of grain," its "purple mountain majesty," its patriot's dream, its alabaster cities, its citizens proud and free, its institutions democratic and open.

And although this Nation celebrates a vision of "one nation under G-d," we know all too well that our society, being a creation of men and women, does not yet reflect that which a nation under G-d must reflect.

Our streets are too often filled with violence and a spreading sense of valuelessness and despair. Our people are not yet one nor do all share equally Your gifts to our Nation and our land. There is hunger, there is fear, there is poverty of the body and of the spirit.

Give us, O G-d, the ability to feel the pain of others, to reach out to them, to share our blessings with them. Help us to build a society based on equity and justice, on righteousness and peace. Give us that wisdom, that breadth of vision, which shall enable us to understand that if the cost of turning our land into a garden seems high to some, the price of making it a desert is higher still.

Grant the men and women of this Senate the strength and the courage to do what must be done so that this Nation, this blessed land, may represent the very finest and the very best, that it may, indeed, become "one nation under G-d." Bless the work of their hands, the Nation which we love so deeply and of which we are so proud so that all G-d's children will some day sit at His table and drink the wine of deliverance and eat the bread of freedom.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The majority leader is recognized.

THE JOURNAL

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Journal of proceedings be approved to date.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. MITCHELL. Mr. President, on behalf of the Members of the Senate, I thank Rabbi Pinsky for his presence here today and for this thoughtful and inspirational message. I now yield to the distinguished Senator from Minnesota [Mr. BOSCHWITZ].

THE VISITING CHAPLAIN'S PRAYER

Mr. BOSCHWITZ. I thank the majority leader, Mr. President. I also found the rabbi's prayer inspirational, as I so often do. I am a member of his congregation in Minneapolis, and I am proud to say that he is my rabbi and that he is here today to open the Senate. We look forward to today visiting together here in the Senate, and we look forward to having him again here in Washington. I yield the floor.

ORDER OF PROCEDURE

Mr. MITCHELL. Mr. President, following the time for the two leaders, there will be a period for the transaction of morning business not to extend beyond 12:30 p.m., with Senators permitted to speak therein for up to 5 minutes each.

The Senate will recess today from 12:30 to 2:15 p.m. to accommodate the party conferences.

Mr. President, following consultation with the distinguished Republican leader, I will shortly propound a unanimous-consent agreement, which if agreed to, would provide that the vote on the motion to invoke cloture on the natural gas deregulation bill be vitiated; that all remaining amendments to this bill, except the Bradley amendment, be disposed of today; and that final passage occur tomorrow following disposition of the Bradley amendment and after 2 additional hours of debate on the bill.

The agreement would also provide for the consideration of the nomination of Richard Burt to be Ambassador to the START talks following disposition of the natural gas bill, and also that the Senate then proceed to the consideration of S. 5, the child care bill, following the disposition of the Burt nomination.

UNANIMOUS-CONSENT REQUEST

Mr. MITCHELL. Mr. President, I ask unanimous consent that the cloture vote on H.R. 1722 be vitiated; that at 2:15 p.m. today, when the Senate resumes consideration of the bill, the committee amendments be agreed to without debate; that Senator METZENBAUM then be permitted to offer up to four amendments described as follows, on each of which there will be 1 hour equally divided: First, an amendment described as take or pay. It declares that take-or-pay liabilities may not legally be passed through to consumers by the pipeline unless the Federal Energy Regulatory Commission finds those liabilities to be just and reasonable.

Second, an amendment described as indefinite price escalators. It declares that indefinite escalator liabilities may not legally be passed through to consumers by the pipeline unless the Federal Energy Regulatory Commission finds those liabilities to be just and reasonable.

Third, an amendment to prevent the passthrough of costs incurred by pipelines that resulted from violations of environmental law.

And fourth, an amendment to require the decontrol of certain high-priced gas immediately.

I further ask unanimous consent that Senator BRADLEY be permitted to offer one amendment regarding gas transportation authority on which there be 1 hour equally divided.

I further ask unanimous consent that all these amendments, except the Bradley amendment, be considered and disposed of during the Senate session on Tuesday and that no other amendments, motions to recommit, or other motions, except motions to table and motions to reconsider, be in order with respect to this bill; that the

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

agreement be in the usual form with respect to control and division of time.

ORDERS FOR WEDNESDAY

I further ask unanimous consent that when the Senate recesses at the conclusion of Tuesday's session, it stand in recess until 9 a.m. on Wednesday; that following the conclusion of the leaders' time, there be a period of morning business not to extend beyond 9:30 a.m. with Senators permitted to speak therein for not to exceed 5 minutes each, and that at 9:30, the Senate resume consideration of the pending business, H.R. 1722; that Senator BRADLEY be recognized to offer his amendment, and that following the disposition of the Bradley amendment, there be up to 2 hours allocated for debate only equally divided and controlled between Senators JOHNSTON and METZENBAUM with a rollcall vote expected to occur on final passage of the bill at the conclusion or yielding back of the time.

I further ask unanimous consent, as in executive session, that following the disposition of the natural gas bill, the Senate turn to the consideration of the nomination of Richard R. Burt to serve as head of the delegation on nuclear and space talks and chief negotiator on strategic nuclear arms; that there be 2 hours of debate to be equally divided between the chairman and ranking member of the Committee on Foreign Relations or their designees, and that at the conclusion or yielding back of the time, the Senate proceed without any intervening business to a vote on the nomination, that the President be immediately notified of the Senate's action, and that the Senate then return to legislative business.

Finally, Mr. President, I further ask unanimous consent that following the disposition of the Burt nomination, the Senate proceed to consideration of Calendar item No. 43, S. 5, a bill to provide for a Federal program for the improvement of child care.

The PRESIDENT pro tempore. Is there objection to the agreement as propounded by the majority leader?

Mr. DOLE. Mr. President, I have indicated to the majority leader that I would be constrained to object on behalf of a Member at this time. I hopefully do not see any problem with the first two parts of the agreement. I am not certain I can accommodate the leader with reference to child care. I do not believe there will be a problem taking that up, but since the Finance Committee has not yet marked up what could become in part a substitute, I do not believe I could enter into that part of the agreement. But I have yet to be able to contact Senator HELMS with reference to the Burt nomination. He has indicated to the Secretary of State, Jim Baker, that he would not hold it up. He may want to debate; he may want a rollcall on the nomination; and I hope to get back to the majority leader before the policy luncheon recess on those provisions.

The PRESIDENT pro tempore. Does the Chair hear an objection?

Mr. DOLE. I object.

The PRESIDENT pro tempore. Objection is heard.

UNANIMOUS-CONSENT REQUEST, AS MODIFIED

Mr. MITCHELL. Mr. President, since the Republican leader's objections relate to those portions of the proposed agreement which involve the disposition of the Burt nomination and then proceeding to S. 5, I would like to inquire of the distinguished Republican leader whether he would in fact agree to the remaining portion of the agreement which deals with the disposition of the Natural Gas Decontrol Act, and that if we might not now get agreement on that so then Senators who at the present time anticipate a cloture vote at or about 2:45 could be aware of the sequence of events with respect to that and we would take care of disposition of that. So I inquire of the distinguished Republican leader whether or not he might agree to that, and then I would therefore propose the agreement limited to the Natural Gas Act.

Mr. DOLE. Mr. President, if the majority leader will yield, I have no objection. In fact, I agree with the distinguished majority leader it would be helpful if we could get the agreement on the natural gas portion of the proposed consent agreement. Certainly I share the concerns of the majority leader. We need to notify Members, and this will put all Members on notice, including the managers. So I agree.

Mr. MITCHELL. Accordingly, Mr. President, I renew my request for unanimous consent regarding the disposition of the Natural Gas Decontrol Act as previously stated.

The PRESIDENT pro tempore. Is there objection to the modified agreement as proposed by the majority leader, Mr. MITCHELL?

Hearing no objection, that will be the order of the Senate.

Mr. MITCHELL. Mr. President, I thank the Republican leader. Therefore, Senators should be aware that there will not be a cloture vote at 2:45 today, as previously scheduled, but there will be up to four votes on amendments to be offered by Senator METZENBAUM which I have identified in general terms in the agreement, and I would expect those votes to occur between the period of approximately 3:30 and 6:30 this evening, depending upon how much time is taken with respect to those amendments.

Then tomorrow morning there will be the possibility of two rollcall votes, one on the Bradley amendment and one on final passage of the Natural Gas Decontrol Act. I hope, before we break for the party conferences today, we will be able to get back with the Republican leader and deal with the disposition of the Burt nomination at that time.

Mr. DOLE. Will the majority leader yield?

Mr. MITCHELL. Yes.

Mr. DOLE. I believe it is tomorrow morning that we have another important bicentennial event. I believe it starts at 10 a.m., if I might ask the Presiding Officer. 10:30?

The PRESIDENT pro tempore. That is my understanding.

Mr. DOLE. I hope during that time, if we are going to have a good attendance, there is some way we could discourage committee meetings. If there are committee meetings, Members feel compelled to go. It is a rather historic event that is going to be happening, and, if there were some way to persuade our colleagues to have their committee meetings in the afternoon, I would try to get consent to do that.

Mr. MITCHELL. Let me consider that and perhaps get back to the Republican leader shortly after the party caucuses today.

The PRESIDENT pro tempore. The Chair should state to the Republican leader that the Chair is not sure as to when the program to which the Republican leader has referred begins on tomorrow.

Mr. DOLE. We have rechecked the information, and it is our information it does start at 10:30.

Mr. MITCHELL. Mr. President, I am now advised that the distinguished leader is prepared to agree to a unanimous-consent request regarding the nomination of Richard Burt, and I therefore now will propound an agreement with respect to that subject.

UNANIMOUS-CONSENT AGREEMENT

Mr. MITCHELL. Mr. President, as in executive session, I ask unanimous consent that at such time as the Senate considers the nomination of Richard R. Burt to serve as Head of Delegation on Nuclear and Space Talks and Chief Negotiator on Strategic Nuclear Arms there be 1 hour of debate to be equally divided between the chairman and ranking member of the Committee on Foreign Relations or their designees, and that at conclusion or yielding back of time the Senate proceed without any intervening business to a vote on the nomination; that the President be immediately notified of the Senate's action; and that the Senate then return to legislative session.

The PRESIDENT pro tempore. Is there objection to the proposal as submitted by the majority leader, Mr. MITCHELL, as in executive session? The Chair hears none, and that will be the order of the Senate.

Mr. DOLE. If the majority leader will yield, there could be a request for a rollcall vote on that nomination. I assume there may be.

Mr. MITCHELL. Yes. I anticipate that. Has the request been approved, Mr. President?

The PRESIDENT pro tempore. It has been approved.

Mr. MITCHELL. I thank the Chair.

I should state to the distinguished Republican leader that it is my intention to proceed to that nomination tomorrow afternoon after completion of the Natural Gas Decontrol Act. That is not included in the agreement. As I understand it, there was some concern expressed on that, and I hope to discuss it further with the Republican leader and other interested Senators prior thereto. That is my present intention.

We will, Mr. President, discuss ways and means by which we can encourage attendance at the ceremony tomorrow morning, and hope to announce them at a later point during the day, including the scheduling of votes tomorrow morning, in such a way as to not detract from the participation at the ceremony.

Mr. President, I reserve the remainder of my leader time, and I yield to the distinguished Republican leader.

RECOGNITION OF THE REPUBLICAN LEADER

The PRESIDENT pro tempore. The Republican leader, Mr. DOLE, is recognized.

WICHITA STATE WINS COLLEGE WORLD SERIES

Mr. DOLE. Mr. President, this past weekend a Kansas tornado roared through Omaha, NE. The good news is, it didn't do any damage, except to the competition at the College World Series.

The tornado was the Wichita State University baseball team which won the NCAA championship on Saturday with a dramatic 5 to 3 victory over a tough Texas Longhorn squad.

Today, the team is being honored with a joyous parade through downtown Wichita. No doubt about it, the Shockers earned it.

I would like to add to the celebration by announcing that President Bush has just extended an invitation to the Shocker team to come visit him in the White House this Friday. I have a feeling the team will be able to make it.

They have earned it, and I certainly look forward to it, and I know my colleague, Senator KASSEBAUM, who made the request, is pleased also.

Despite injuries, the haunting memories of tournament elimination last year, and some rugged competition this year, our Wheat Shockers from Wichita refused to settle for anything less than the world series title; and they proved it, fighting off elimination six times.

Well, mission accomplished—call them national champions.

I want to congratulate coach Gene Stephenson and the entire Shocker team for an inspirational victory. Kansas is enjoying every minute on our field of dreams.

Our State is especially proud that the national baseball crown now rests in the Midwest; for the first time in 23 years it is not in the Sunbelt. And we are also extremely proud that the Shockers are mainly a homegrown product: six of the nine players on the field at clinching-time were Kansans.

Looks like we play some pretty good ball back home, and I believe America agrees.

Mr. President, I ask unanimous consent to have printed in the RECORD at this point stories about their championship and their victory, and I also say that following a visit with President Bush—and I want to thank President Bush for agreeing to see members of the Shocker team and their coaches—it is the hope of Senator KASSEBAUM and myself to bring them to the Nation's Capitol to honor them with a reception.

We invite all of our colleagues to come by and say hello to these outstanding young men.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From USA Today, June 12, 1989]

WINSLOW INSPIRES GRITTY WICHITA WIN

(By John Bannon)

OMAHA.—Two hours earlier, first baseman Bryant Winslow had tried something silly. He had tried to keep playing baseball on a freshly fractured leg.

Now, Winslow was in line to get his reward—a memento of Wichita State's College World Series title.

Winslow, left wrist bandaged tightly, right leg in an inflatable cast, used a crutch to limp forward when his turn came in the awards ceremony.

He is a properly gritty symbol for a plucky Wichita State team that won the school's first national title in any sport with Saturday's 5-3 victory against Texas.

This was a team that arrived in Omaha with two of its top players out with injuries. Center fielder Jim Audley limped around with a sore Achilles tendon. Winslow was playing with a stress fracture in his right leg.

"We're just a competitive bunch," coach Gene Stephenson said. "We were going to keep playing even if we could only put eight guys out there."

The Shockers played seven postseason games in which a loss would have eliminated them. They found a way to win them all.

In the top of the fifth Saturday, Winslow and Texas' Lance Jones collided at first base. The exchange left Winslow with two broken bones in his leg. Still, he wanted to play.

"How many chances are you going to get to play for a title at the College World Series?" he said.

"He just wouldn't come out," Stephenson said. "He refused."

The bravery ended one pitch later when Winslow realized he couldn't put any weight on his leg.

"If you had known Bryant a year ago, you never would have thought he was capable of this," Stephenson said. "He was pampered, sheltered, spoiled. He had to learn dedication."

As Winslow limped out of the game, he had a message for catcher Eric Wedge and pitcher Greg Brummett.

Wedge said, "He told us: 'You guys have got to win this thing. Don't you dare lose this game.' "

Brummett, a Wichita native, was listening.

"Sure, he was an inspiration to us," Brummett said. "You had to be moved by that. I know it put a lump in my throat."

Brummett, a right-handed sinkerball pitcher who won three games and was the tournament's MVP, did his job.

In the final game, Wichita State was just hoping Brummett could last long enough for reliever Jim Newin to take over.

But Newlin, who had saved the Shockers' previous four victories, ended up watching from the bullpen.

Brummett retired the last eight batters in order, wanting to finish what he had started—"more than anything I've ever wanted in my entire life."

That's desire his buddy Winslow fully understood.

[From the Wichita Eagle-Beacon, June 11, 1989]

Team of Destiny.—WSU Shocks: Our National Champs

Against all the odds, the Wichita State University Shockers baseball team is the College World Series national champions. Twice before, the Shocks had fought their way to the series. Over the past 10 years, the Shocks have averaged more wins each season than any other U.S. college team. Still, to get to where they were Saturday afternoon, they had to beat the powerful University of Michigan Wolverines—twice—and the top-ranked Florida State University Seminoles—twice. Finally, they had to face the University of Texas Longhorns, who hadn't lost a game all the way to this year's championship match-up.

Then the Longhorns met the Shockers.

The Shocker victory came despite injuries, fatigue, rain and other adversities that had hampered the team most of the season. Yet the Shocks kept winning, moving almost inexorably, it sometimes seemed, toward Omaha's Rosenblatt Stadium and the College World Series. It was enough to make Coach Gene Stephenson speculate his was a "team of destiny." The feeling must have grown Saturday as the Shockers displayed the grit that had driven the team all season long, and captured the first national sports championship in WSU history.

The victory was all the sweeter because Wichita State's baseball players have their priorities straight: They are scholars first and athletes second. Team members consistently place high on the Athletic Director's Honor Roll, maintaining a 3.0 grade point average or better. This is partly because Coach Stephenson, to his credit, insists that it be so; but it's primarily because the players know the importance of getting an education—that a diploma is worth even more than a College World Series title.

The Shockers' win isn't Wichita's alone; the players come from throughout the

state, representing the strength that comes from diversity. WSU team members are the embodiment, in fact, of the Kansas state motto: "To the stars through difficulties." The Shockers reached the stars in Omaha, and the entire state of Kansas is proud.

The 1989 Wichita State Shockers

Player	Position	Year	Hometown (School)
Pat Meares	88-3B	So.	Salina (Sacred Heart).
Mike Jones	0-3B	So.	Wichita (East).
Jim Audley	OF	So.	Overland Park (SM North).
Mike Lansing	88-2B	Jr.	Casper, Wyo. (Natron Co.).
Mike McDonald	OF-1B	Sr.	Vici, Okla. (Vlol).
Jay Haffley	3B-C	Fr.	Hutchinson, Minn. (Hutchinson).
Jeff Bonacquista	OF	Sr.	Pueblo, Colo. (South).
P.J. Forbes	2B-3B	Jr.	Pittsburg (Colgan).
Joey Wilson	OF	Sr.	Anderson, Ind. (Anderson).
Bryant Winslow	1B	So.	Littleton, Colo. (Columbine).
Jeff Williams	P	So.	Wichita (North).
Charlie Glaudrone	P	Fr.	McAlester, Ok. (McAlester).
Todd Dreifort	OF-3B	Fr.	Wichita (Heights).
Greg Brummett	P	Sr.	Wichita (Northwest).
Eric Wedge	C	Jr.	Fort Wayne, Ind. (Northrop).
Mike Wentworth	C	Sr.	Canton, N.Y. (Hugh Williams).
Jeff Bluma	P	Jr.	Duncan, Okla. (Duncan).
Tyler Green	P	Fr.	Denver (Thomas Jefferson).
Darrin Paxton	P	Fr.	Wichita (East).
Brian Buzard	P	Fr.	Neodesha (Neodesha).
Pat Cedeno	P	Sr.	Pittsburg (Pittsburg).
Jim Newlin	P	Jr.	Overland Park (SM South).
Morgan LeClair	P	So.	Mulvane (Mulvane).

Coaches: Gene Stephenson, head coach (Missouri, 1955); Brent Kemnitz, pitching coach (Phillips, 1978); Loren Hibbs, assistant coach (Wichita State, 1984); Gregg Miller, graduate assistant coach (Phillips, 1988); Randy Fox, baseball trainer.

[From the Washington Post, June 11, 1989]

SHOCKERS WIN WORLD SERIES OVER LONGHORNS

OMAHA, June 10.—Wichita State won its first NCAA baseball title today as Greg Brummett tied a record with his third College World Series triumph and Pat Meares hit a two-run homer in a 5-3 victory over error-plagued Texas.

Brummett, 18-2 for the season, allowed six hits and one earned run in becoming the seventh pitcher to get three tournament victories. Brummett, who beat Arkansas by 3-1 and 8-4 earlier in the tournament, struck out six and walked four.

"I had my best stuff probably of the whole series," said Brummett, chosen the tournament's most valuable player. "Three days rest was not enough. I was throwing on guts out there."

Meares' second homer of the tournament and ninth of the year with one on in the fifth broke a 3-3 tie.

"These kids, they tried so hard," Wichita State Coach Gene Stephenson said. "To overcome everything we had to overcome—[outfielder Jeff] Bonacquista out for the season and [shortshop Mike] Lansing out for the season—it was just incredible. I'll be numb for weeks."

Texas ended its season 53-18.

"We didn't play well but you have to credit Brummett for a fine job," Texas Coach Cliff Gustafson said. "The best team is the winner. They did it the hard way."

Wichita State lost to Miami in its only other title game, in 1982. It was the eighth title game for Texas, which has won four times.

Brummett started the game slowly, walking Lance Jones and giving up a single to David Tollison that put runners on first and third. But he picked off Tollison and struck out Scott Bryant and Arthur Butcher.

Bryant, Texas's starting pitcher, was plagued by control troubles, leaving after two-thirds of an inning trailing, 1-0.

COLLEGE WORLD SERIES

AT OMAHA

Double elimination

East Division

Game 1—Florida State 4, North Carolina 2
Game 2—Wichita State 3, Arkansas 1

West Division

Game 3—Texas 7, Long Beach State 1
Game 4—Miami 5, Lousiana State 2

Sundays results

Game 5—Arkansas 7, N. Carolina 3
Game 6—Florida St. 4, Wichita St. 2

Monday's results

Game 7—LSU 8, Long Beach St. 5
Game 8—Texas 12, Miami 2

Tuesday's results

Game 9—Wichita St. 8, Arkansas 4
Game 10—LSU 6, Miami 3

Wednesday's result

Game 11—Wichita State 7, Florida State 4

Thursday's result

Game 12—Texas 12, LSU 7

Friday's result

Game 13—Wichita State 12, Florida St. 9

Saturday's result

Championship

Game 14—Wichita St. 5, Texas 3

Jim Audley walked to lead off for Wichita State, but was caught stealing. Bryant then walked P.J. Forbes, got Mike McDonald to fly out and walked Eric Wedge. Bryant Winslow, playing on a stress fracture in his right leg, followed with a single to left that scored Forbes. It was the first hit in two series games off Bryant.

Wichita made it 3-0 in the second with the help of three Texas errors.

Lance Jones led off with a bunt for Texas in the fifth and collided with Winslow at first, reinjuring Winslow's stress fracture and forcing him to leave the game.

Mike Wilson, Winslow's sub, singled with one out in the fifth and scored when Meares homered.

Texas	ab	r	h	rbi
Jones cf	2	0	1	0
Tollison 2b	4	0	1	0
Bryant dh/p	4	1	1	0
Butcher lf	4	1	1	0
Newkirk 3b	3	1	1	0
Lowery 1b	3	0	1	1
Shults rf	3	0	0	1
Bethea ss	4	0	0	0
Prather c	3	0	0	0
Pate ph	1	0	0	0
Dare p	0	0	0	0
Total	31	3	6	2

Wichita St.	ab	r	h	rbi
Audley cf	3	0	0	0
Forbes 2b	3	1	0	0
McDonald lf	4	0	0	0
Wedge c	3	0	0	0
Winslow 1b	2	0	1	1
Wilson lf	2	1	1	0
Meares ss	3	1	1	2
Dreifort rf	4	0	1	0
Jones 3b	4	1	1	0
Wentworth dh	4	1	2	0
Total	32	5	7	3

Texas	000	201	000	3
Wichita State	120	020	00x	5

E. Newkirk 2, Tollison, Dreifort, Winslow, Bethea. DP: Wichita St. 1. LOB: Texas 6, Wichita St. 8. HR: Meares (9). S: Audley. SF: Lowery.

	IP	H	R	ER	BB	SO
Aggies						
Bryant (L, 1-1)	⅔	1	1	1	4	0
Dare	7⅓	6	4	2	0	7
Shockers						
Brummett (W, 18-2)	9	6	3	1	4	6

WP: Bryant. PB: Wedge.
Umpires: Home, Williams; First, Steiner; Second, Jones; Third, Graham; Left, Raven, Right, Roberts.
Time: 2:59. Attendance: 13,701

[From the Wichita Eagle-Beacon]

STEPHENSON COMPLETES CLIMB TO THE TOP

(By Lauretta McMillen)

Paula Stephenson crouched behind the home-plate screen Saturday with tears of joy squeezing out of the corners of her eyes.

As soon as Greg Brummtt threw the final strike past Texas' Kevin Pate, wife Paula and daughter Ginny were poised to join Gene Stephenson in a celebration of something he has wanted for a long, long time: a College World Series title.

"I just can't believe it," said Paula Stephenson, dabbing at her tears with her yellow Shocker Homer Hankie. "I just never thought we'd get this far."

Gene Stephenson may not have thought so, either, but he certainly wanted to.

"I've been waiting about 11 or 12 years for this," he said, tears of joy lining the laugh lines around his eyes. "I didn't know what I'd do, how I'd react.

"We thought we had it last year, we thought we had it in '82. But we somehow just found a way to get it done this year."

In doing so, the Shocker baseball team took Stephenson to the pinnacle of an already highly successful career.

The victories in the CWS lifted Stephenson's career record to 681-216-3. His .759 winning percentage is third among active coaches behind only Cliff Gustafson of Texas and Gary Ward of Oklahoma State.

After Stephenson's Shocker team eliminated Florida State from the College World Series Friday night, FSU coach Mike Martin did not mince words about his counterpart.

"Gene Stephenson should be bronzed for the job he's done," Martin said after the 12-0 Shocker victory."

"With the stuff he's lost: two starters, plus the guy with the stress fracture on first base, they were still a very good baseball team."

Originally from Guthrie, Okla., Stephenson came to WSU in February 1977 to revive the Shocker program that had been dormant since 1970. Stephenson had been an assistant coach at Oklahoma, where he served under Enos Semore for five years.

When Stephenson was at OU, the Sooners earned four Big Eight Conference titles and five trips to the CWS. They have not been back to Omaha since Stephenson left.

It has been rumored that Stephenson could be Semore's replacement because the Oklahoma coach has come under fire this season. On Saturday, that was the least thing Gene Stephenson wanted to talk about.

"Right now, this is the most important thing to me and I want to savor today," he said.

With WSU's CWS title, the Shockers became the first team outside of the so-called Sun Belt to win the national championship since Ohio State in 1986.

"We've tried for so many years to run a great program and do it in such a way that it would make people proud around the

country," Stephenson said. "Now, it finally happened and we're not going to be second fiddle to anybody."

SALUTE TO THE COLLEGE WORLD SERIES CHAMPIONS

Mrs. KASSEBAUM. Mr. President, today the Shockers of Wichita State University reign as the best college baseball team in America. On Saturday, before a nationwide television audience, the Shockers won the 1989 College World Series, defeating the University of Texas 5 to 3.

Wichita State was not the best known or most highly favored team in the series. They had suffered enough injuries and disappointments the last two seasons to sink many a lesser team. In fact, to follow their fortunes this year you might have thought "backs against the wall" was part of their official name.

By one account, on six different occasions during the postseason, the Shockers were on the verge of elimination. But in the never-say-die tradition for which Kansans, and all champions, are known, Wichita State University fought its way to the top.

Much of the credit goes to the team's coach, Gene Stephenson, who set the example of hard work and dedication for which this team became known. The on-field heroes include pitcher Greg Brummett, who added his name to the record books by winning three games in the series, including the championship game on Saturday.

But this was, in the best sense of the term, a "team effort." I salute the Wichita State University Shockers as a team of heroes who have brought great pride to their school, the city of Wichita, and the State of Kansas. I salute them for their championship season.

NOMINATION OF WILLIAM LUCAS

Mr. DOLE. Mr. President, something is wrong with the nominations process when nominees are treated more like suspects on trial than the considered choices of elected Presidents. We saw it happen to Robert Bork. We saw it happen to John Tower. I hope we are not going to see it happen to Bill Lucas, President Bush's outstanding choice to head up the Justice Department's Civil Rights Division.

On June 1, the Judiciary Committee asked the Justice Department to release documents relating to Bill Lucas's background. Such a request is not unusual—particularly for Justice nominees. But what is unusual is the incredibly broad scope of the request. The request covers employment records, court documents, personal documents, campaign filings—everything but Bill Lucas's fifth grade report card.

Even worse, the documents could total between 100,000 and 150,000 pages of reading material. We will know for certain when the Justice Department releases most of the documents later this week.

But whatever the number, we can be certain of one thing: Unless the Judiciary Committee staff enrolls itself in the Evelyn Wood speed-reading course, it will take at least a month—perhaps 2 months—for the staff to review all these documents. And it will take even longer for the Judiciary Committee to hold its hearing and act on the Lucas nomination.

Now, I am not going to second-guess the motives behind such a voluminous document request. I am not going to suggest that the purpose of the request is to stall the nomination—or to find something—no matter how trivial—that could be taken out of context.

But I can hear the rumor mill churning already. And the last thing this institution needs is another Tower debacle. I hope that Bill Lucas—or anyone else for that matter, Republican or Democrat—will never have to endure the kind of character assassination that John Tower suffered. We do not need any more rejections by innuendo, defeat by appearances and perception, and career destruction by leaks and irresponsible reporting.

BILL LUCAS: A HISTORY OF PUBLIC SERVICE

Now, let us forget about documents for a moment. Let's talk about the man—Bill Lucas.

Here is a son of immigrant parents—orphaned at age 14—the victim himself of racial discrimination and racial stereotyping—Bill Lucas has managed to climb out of poverty, educate himself, and raise a lovely family of five children. And somehow Bill Lucas has found the time to dedicate more than 35 years of his life to public service: As a schoolteacher, social worker, policeman, FBI agent, lawyer, sheriff, and as an elected official for one of the Nation's largest counties.

Most importantly, Bill Lucas has risen to the challenges that life has offered him. The principle of equality of opportunity has real-life meaning for him.

To those who say that Bill Lucas is technically unqualified, let me say this: I cannot think of anyone who is more technically qualified. More technically qualified to know the real-life effects of the evils of discrimination. And more technically qualified to know what it takes to be a tough enforcer of our Nation's laws—and particularly its civil rights laws.

SPEED UP THE PROCESS

So, I just hope that the Judiciary Committee will finish up its review, hold a hearing, and report out the nomination. Perhaps the committee could pare down the scope of its document request.

We have to speed up the process so that Bill Lucas—who has been a fine public servant—can now be a fine Assistant Attorney General.

Yesterday's Wall Street Journal contains an editorial entitled "Sandbag Watch" that makes some of the points that I have tried to make here this morning.

Mr. President, I ask unanimous consent that the text of the editorial be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

SANDBAG WATCH

President Bush has nominated William Lucas, a former county executive and sheriff from the Detroit area for the Justice Department's top civil-rights job. But the honor is turning into an ordeal, as the staff of the Senate Judiciary Committee subjects him to an amazing investigation.

Chief committee counsel Diana Huffman and her staff are bombing Justice with requests for tens of thousands of documents relating to Mr. Lucas's past, perhaps as many as 200,000 pages. They're seeking employment records, court documents and other material that may have been filed in cases when, as a public official, Mr. Lucas was a defendant in legal actions. The committee has also mau-maued the White House into turning over files from FBI background checks. No other Justice nominee has received the same going over.

His nomination has infuriated Ralph Neas and others in the Washington civil-rights establishment, because Mr. Lucas isn't part of their club. But because Mr. Lucas is black and capable—supported by Jesse Jackson, Congressman John Conyers and other prominent blacks—his opponents probably can't win on the merits.

Unless, of course, they can dig up enough allegations and innuendo to "raise doubts," as they say in Washington, about his personal character. This tactic was used brilliantly against John Tower, complete with leaks of unproven allegations from raw FBI files made available to the Senate Armed Services Committee. Former Defense Secretary Donald Rumsfeld was so disgusted by the leaks that he informed FBI chief William Sessions that he wouldn't any longer be interviewed for background checks.

Everyone's now moaning about Washington's "poisonous" atmosphere. We'll believe it's more than hypocrisy when Senate committees start treating nominees less like suspects to be investigated and more like the choices of elected presidents.

Mr. DOLE. I reserve any time I might have remaining.

The PRESIDENT pro tempore. Without objection, the Republican leader's time is reserved.

MORNING BUSINESS

The PRESIDENT pro tempore. Under the order, there will now be a period for the transaction of morning business. The Chair understands that no provisions have been made permitting Senators to speak during the period of the transaction of morning business.

Mr. REID addressed the Chair.

The PRESIDENT pro tempore. The Senator from Nevada [Mr. REID].

Mr. REID. I ask unanimous consent that there be a period for morning business not to extend beyond the hour of 12:30 p.m. this day, with Senators permitted to speak therein for a period of time not to exceed 5 minutes each.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. REID addressed the Chair.

The PRESIDENT pro tempore. The senior Senator from Nevada is recognized for not to exceed 5 minutes.

TRAGEDY IN ISRAEL

Mr. REID. A Las Vegas newspaper this past Sunday reported a small boy had been killed in rioting in Israel. What a terrible tragedy—the loss of a young life. And yet that death, half a world a way, has been noted in every reputable paper in the civilized world. Why is that?

I would submit to you that, in part, at least, it is because of the inherent difficulties with which a nation steeped in democratic ideals; indeed a country whose very foundations are the ideals of the 18th-century enlightenment and 19th-century humanism, faces attack by those who are willing to sacrifice their children for a political motive.

Because that tiny democracy, that ancient nation, stands alone among peoples to whom the concept of individual liberty is as foreign and repulsive as the plague, Israel alone is the focus of our attention. Only in Israel do the courts act as a bulwark against repression. Only in Israel can the citizenry openly disagree with the government and with each other. Only in Israel is the press free to tell the world of the death of one boy.

On the same page of Sunday's paper, there was another story. An item about continued shelling by the Syrian Army and its Lebanese Moslem allies of Christian areas in and around Beirut. "Continued shelling"—what a nice summation. So simple; so easy to say. What does it mean?

We do not know what it means. We can not know.

Because in Lebanon the free press, due to kidnapings and repression, dares not tread. Instead of rubber bullets and tear gas, for day after ceaseless day, the artillery roars and anonymous civilians suffer. How many small boys die not because they were sent by their elders to riot in the streets, but because, as they lay huddled in basements with their mothers and sisters, a shell landed indiscriminately.

They die, not because of what they do, or because of the stones they throw, but because they made the mistake of being born to a family of the wrong religion.

We do not know—we may never know—how many will die because their water supplies are cut off, their sewage systems destroyed, their medical facilities eliminated by year after year of shelling by Russian-supplied Syrian artillery.

We do not know—we may never know—how many small boys and girls have lost limbs, how many have been orphaned, how many have succumbed to the same blank horror of shellshock that our trained soldiers experienced in the First World War. It is time that we, and the American people, and the world press look away for a moment from the mote in the Israeli eye and turn to the beam in the eye of its neighbor.

Mr. President, in 1860, a new doctrine entered the field of international law. The concept of humanitarian intervention, the right of a nation to intervene in what would normally be the internal affairs of another country to prevent crimes against humanity this doctrine was promulgated by the French Government.

That idea arose because of the strong revulsion of the French people, Europe as a whole, and the entire civilized world at the wicked and heartless manner in which the Turkish Empire ruled Lebanon, and at the way in which they allowed their Christian minority to be oppressed. The French have a saying:

The more things change, the more things stay the same.

In Lebanon, some things have not changed. It is time that they do.

We have tried, as a nation, to do the job through military force or with our European allies. It did not work and we lost a terrible number of our young men in the attempt.

Let us take another approach to the concept of humanitarian intervention. The Soviet Union, under Mr. Gorbachev, has indicated its desire to join the community of civilized nations.

Let them speak to that desire by cutting off the Syrian shelling of the Christian community.

I think that the Soviets are beginning, in their own republics with minority populations, to recognize the fruits of the mischief they have sowed in the Moslem world. Let them begin to rectify that error.

We all know that there is no easy answer in Lebanon. But we also know—at least those of us who are students of history—that there once was an oasis of peace in the Middle East.

Once there was a spot where Moslem and Christian, Greek, and Armenian, Arab and Jew, could sit side-by-side in peaceful discussion of their rivalries.

Once there was a place called Lebanon. Let it be so again. Let it be so.

Today I call upon the State Department and upon all our allies among the Western democracies to put the utmost pressure on the Soviets and their Syrian allies to take a first step, to stop the shelling of innocent civilians in the Christian enclaves.

It is not peace when the shelling stops; it is not peace, but it is a necessary precursor to peace.

Let the world recognize that fact and perhaps the death of small boys will again be a fact and a tragedy as important when it occurs in the basements of Beirut as when it happens in the streets of the West Bank and Gaza.

I yield the floor.

The PRESIDENT pro tempore. The senior Senator from South Carolina [Mr. THURMOND] is recognized for not to exceed 5 minutes.

Mr. THURMOND. Mr. President, I ask unanimous consent for 8 minutes.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The distinguished Senator from South Carolina [Mr. THURMOND] is recognized for not to exceed 8 minutes.

CONSTITUTIONALITY OF THE CHILD PROTECTION AND OBSCENITY ENFORCEMENT ACT OF 1988

Mr. THURMOND. Mr. President, on May 16, 1989, in the case of American Library Association versus Dick Thornburgh, Attorney General of the United States, a Federal district court struck down key provisions of the recently enacted Child Protection and Obscenity Enforcement Act of 1988. This important legislation, which I introduced, was carefully drafted to give government a strong weapon for fighting child pornography and obscenity.

Regarding the decision, the court declared unconstitutional and enjoined enforcement of the recordkeeping and criminal presumption provisions, and declared unconstitutional certain key aspects of the statute's forfeiture provisions. These provisions were strong, effective ones, useful in the fight against pornography. For this reason, I find the decision troubling. The strong public policy against and the evils associated with child pornography and obscenity justify the burdens this legislation places upon the pornography industry.

With respect to its growth, pornography is rampant in our society today. It has increasingly made its way into existing and new media of communication and has become an enormously profitable business as well. The Department of Justice has estimated that the pornography industry reaps an astonishing $4 billion annually.

On January 25, 1989, Ted Bundy was executed in the electric chair at Florida State Prison. Prior to his execution he gave one last interview in which he discussed how hardcore pornography had an addictive, progressive, and de-

structive nature in his own life. In discussing pornography's role in shaping his life, Mr. Bundy said, "Pornography can reach out and snatch a kid out of any house. * * * It snatched me out of my home 30 years ago." He went on to say that Americans walk past magazine racks "full of the very kinds of things that send young kids down the road to be Ted Bundys." Such a statement is truly alarming.

The Child Protection and Obscenity Enforcement Act of 1988 was introduced to protect our children and to enhance enforcement procedures in current obscenity law. The bill was fully debated in both Houses of Congress and represents what we, as Federal legislators, believe to be a fair, reasonable, and constitutional weapon against child pornographers and obscenity producers and distributors. It provides the additional tools to current law which are critically necessary for vigorous enforcement. This is mandatory if we are to rid our Nation of obscenity and child pornography. Careful consideration was taken to insure that the act met constitutional requirements.

I would like to briefly discuss the provisions in controversy and the reasons for their inclusion in the Child Protection and Obscenity Enforcement Act of 1988. One such provision is the recordkeeping requirement. This provision requires producers of sexually explicit material to keep records pertaining to every person portrayed in such material. These records must include the age and other identifying information of all the performers engaging in the explicit conduct. By requiring this information, it will assure that minors are not used in the production of pornography. This provision serves the legitimate governmental interest of protecting children from sexual exploitation.

Additionally, the court concluded that certain key provisions relating to criminal and civil forfeiture are unconstitutional. The forfeiture provisions included in the act allow for forfeiture of obscene material, child pornography, the profits from their sale, and property used to produce or distribute this material. It is clear that forfeiture is a powerful weapon. Under the act, the Government can seize these items prior to filing of a forfeiture action or a formal adversarial hearing. However, the Government must possess a search warrant issued by a judicial officer only after a showing of probable cause. In addition, the Government must show that a restraining order would be insufficient to insure preservation of a pornographer's forfeitable assets. The court concluded that such pretrial seizures are unconstitutional if undertaken without a prior adversarial hearing in court. However, I believe these provisions are constitutionally acceptable and necessary to preserve evidence in these cases. If prior notice is given to child pornographers and obscenity peddlers, they will dispose of assets and hide their profits. The Government has a compelling interest in preserving evidence necessary to successfully prosecute and put out of business those who produce obscene material and sexually exploit children.

Another conclusion of the court relating to forfeiture limits the application of the criminal forfeiture provisions to only those cases involving patterns of criminal behavior. The court decided that it would be inappropriate to impose criminal forfeiture upon a person convicted of only a single violation if no pattern of criminal behavior has been proven. Therefore, before the Government could utilize these powerful forfeiture provisions, there would have to be two or more criminal convictions. The provision as drafted only requires a single conviction before forfeiture is allowed. To require otherwise would only serve to give these criminals a second chance to break the law.

In summary, the decision that I have discussed today is that of a single district court. I believe a higher court should examine the complicated legal issues this opinion raises. For this reason, I have urged Attorney General Thornburgh to appeal this decision. The Government's duty and responsibility to our children may well merit appealing this decision all the way to the Supreme Court of the United States, if necessary. If this decision is permitted to stand, it will operate as an unacceptable precedent.

In closing, we, as a nation, must take every reasonable step necessary to ensure the protection of our society and our most precious resource, our children. Unless we continue to strengthen our laws, the progress we have made in recent years could be easily eroded. The interests of our children and those who are the victims of child pornography and obscenity demand our sincere attention and endless efforts.

Mr. SHELBY addressed the Chair.

The PRESIDING OFFICER (Mr. KERRY). The Senator from Alabama is recognized.

(The remarks of Mr. SHELBY pertaining to the introduction of S. 1161 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. GLENN addressed the Chair.

The PRESIDING OFFICER. The Senator from Ohio is recognized.

(The remarks of Mr. GLENN pertaining to the introduction of S. 1165 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

The PRESIDING OFFICER. The Senator from Wisconsin is recognized.

Mr. KOHL. I thank the Chair.

(The remarks of Mr. KOHL pertaining to the introduction of S. 1162 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

THE CLEAN AIR ACT

Mr. BAUCUS. Mr. President, yesterday President Bush outlined his proposal for cleaning up our Nation's dirty air. I congratulate the President for his leadership. After 8 long years of congressional work and 8 long years of opposition by the Reagan-Bush administration, the President's proposal is in fact a breath of fresh air.

Over the past 8 years, Congress has tried to enact strong progressive air legislation that we stop the degradation of our air; that will assure that everyone has clean, healthy air to breathe; that will assure our children no longer have to play in air so dirty that it would be illegal to work in; that will assure that ozone levels go down and not up as they did last summer, when ozone levels were the highest levels of the decade—in some areas the highest level ever recorded; that will stop the hemorrhaging of life from our lakes, streams, and forests.

For almost a decade, many of us in Congress have tried to enact legislation to fix what was wrong with the Clean Air Act. We tried to address acid rain, to control releases of toxic chemicals, and to stop our cities' skies from resembling sewers.

But each time we tried to move forward, we have been stymied by the previous administration that placed cost of controls above cost to human health.

We now have an opportunity to move forward. I know my colleagues will join me in welcoming the President aboard. We look forward to seeing his legislative proposal. And we look forward to working with him.

I am encouraged to see that many of the solutions that the President has proposed were contained in the Senate's clean air legislation during the last Congress.

And I am encouraged that both Congress and the administration share the goal of clean, healthful air for everyone.

The President's outline holds out the promise of dramatic improvement in air quality. We will have to review the details to determine if the legislation matches up to the rhetoric.

The details are important. The President's proposal suggests that clean fuels in autos will enable us to continue the luxury of not having to think about getting to work in car pools or by mass transit. These are very rosy assumptions.

The President's proposal mentions tighter tailpipe standards, but only for

hydrocarbons and no date is mentioned.

The proposal makes only passing and confused reference to the important problem of transport of air pollution, which is particularly serious from Virginia to Maine.

The toxics proposal suggests the best available control measures will be used on categories of toxic emitters: but we do not know which emitters, and it appears that not all sources will be required to control their emissions.

The best news is the clearest news: the President has committed himself to a 10-million-ton reduction in sulfur dioxide emissions below 1980 levels, taking growth into account. It is of tremendous relief to no longer have to struggle with the amount of the reduction. While I have supported a 12-million-ton reduction in the past, I am willing to act in good faith and support, as I have indicated to the President, a 10-million-ton option.

The flexibility of the proposal is especially encouraging, as this can reduce ratepayers' costs and does not shut out opportunities for low-sulfur coal.

Everyone is for clean air. I hope that his proposal, the President's proposal, is not only a breath of fresh air, but more importantly, a breath of clean air. Unless we enact good, strong legislation our air quality will only deteriorate. This option is within our grasp, we must not forgo this rare opportunity.

We must not squander this opportunity, the unique opportunity now, with the convergence of the President's interest and that of the Congress, to in fact pass strong clean air legislation. It is our duty to do so.

WARREN GRANT MAGNUSON

Mr. MITCHELL. Mr. President, earlier this week I heard with great interest and sympathy our colleague, Senator ADAMS of Washington, give an extended eulogy for a man who was a giant in his home State, former Senator Warren Magnuson, of Washington.

And although I only had the privilege of serving with Senator Magnuson for a very short 8 months in 1980, I was reminded of the stature of Senator Magnuson, and I wanted to add my voice to the many others on the sad occasion of his death.

Warren Magnuson's life spanned decades that changed the face of our Nation and our world. From 1904, when he was born, and America was a nation of small towns to the year of his death, he played a role in the tumultous events of our century.

He was in China during the period of the warlords in the 1920's, when the leaders of modern China were unknown students.

He served his nation in World War II, both at sea and in the Senate.

In the depths of the Depression, legislation he conceived laid the groundwork for the Nation's first workmen's compensation system.

Magnuson is a famous name in coastal Maine, as it is in every State with a commercial fishery, for one of Senator Magnuson's abiding concerns was to nurture and preserve the commercial fisheries of our Nation. His legislative legacy in that field will endure, enhancing the livelihoods of fishermen from Alaska to Maine to the Mexican coast.

His work in the Senate ranged from the practical works of construction essential to economic growth to the great research centers essential to a better future for our people. He was instrumental in the construction of Grand Coulee Dam and the National Cancer Institute. Neither his interests nor his sympathies were limited or narrow.

The Senate lost a part of its history and a man of vision on his departure in 1981. The State of Washington and the Nation lost an unparalleled public servant on his departure from this life last weekend.

INTERNATIONAL CONFERENCE ON INDOCHINESE REFUGEES

Mr. KENNEDY. Mr. President, today in Geneva the U.N. Secretary-General, in cooperation with the U.N. High Commissioner for Refugees, will convene the Second International Conference on Indochinese Refugees to set the stage for more effective international action to deal with the continuing problem of refugees from Indochina.

Ten years ago, representatives from over 60 countries met in Geneva to consider for the first time at a major conference the plight of hundreds of thousands of refugees in Southeast Asia. After 2 days of intensive diplomatic activity, and after a great deal of preparatory work by the U.N. High Commissioner for Refugees, the meeting concluded with a coordinated, international response to the Indochinese refugee problem.

That first meeting served as a catalyst for the world's original effort to address the urgent humanitarian needs of refugees scattered throughout Southeast Asia—many unable at the time to even find temporary safe haven, their leaky boats being pushed out to sea, all facing uncertain futures with few or no prospects for resettlement elsewhere.

The 1979 Geneva conference dealt with this crisis by doubling the resources made available to provide emergency care and assistance. It secured agreement by the countries of first asylum that they would provide temporary safe haven if they were assured of international support. It also saw a new commitment by third countries, including the United States, to provide permanent resettlement opportunities for refugees outside the region. Finally, and perhaps most important, it set the stage for the first initiative to deal with the problem at its source—the Orderly Departure Program—to provide an alternative to forcing tens of thousands of refugees to flee by boat with great risk and loss of human life.

During the decade since, the pact agreed upon in Geneva in 1979 has worked—although it was limited in scope, and there have clearly been serious lapses and more than a few broken promises. Despite this, the basic understandings between the countries of first asylum that they would provide protection for refugees if the countries outside the region provided assistance and opportunities for resettlement, has held for most of the decade. That is, until recent months.

Impatience with the continuing flow has grown; there seems to be no end in sight. The spectre of a large, unanticipated residue of refugees left in Southeast Asia has increasingly alarmed the countries of first asylum. Finally, the continued high demand for third country resettlement has, after a decade, taxed the resources and patience of outside countries as well. The lack of any real management or control of the flow through the Orderly Departure Program, has also brought despair. To many observers, the program is on the brink of breakdown.

For some months, Mr. President, it has been clear that if the world is to avoid a tragic ending to what has been until now, an extraordinarily humane international effort, new and urgent action must be undertaken to deal more effectively with the continued movement of Indochinese. New approaches are required to cope with this flow into Southeast Asia, while more realistic steps are taken to deal with the problem at its source.

Critically important in this process will be efforts by all nations, within the region and outside, to improve the political climate in Southeast Asia—by ending years of conflict in Cambodia, by negotiating the end to other longstanding differences, and by assisting countries to deal with problems that contribute to the desperate movement of peoples throughout the region. As always, the fate of refugees is linked to the larger questions of war and peace and economic stability—of diplomacy instead of conflict. To this end, the United States can best contribute to this peaceful process by taking the necessary steps to normalize relations with Vietnam. That is one of the most realistic ways for us to deal with these humanitarian problems at their source.

Finally, the office of the U.N. High Commissioner for Refugees must begin to adjust its programs of humanitarian assistance—taking steps to screen refugees from nonrefugees; securing greater protection for bona fide refugees; establishing programs to help the countries of origin; and providing new procedures, consistent with international humanitarian law, to facilitate both the repatriation as well as the resettlement of Indochinese.

That will be the agenda before the international community at this week's conference in Geneva. It is a critical time—a watershed point—for the Indochinese program. New diplomatic approaches must be reviewed; international responsibilities delineated; and old obligations reestablished.

Mr. President, I am hopeful the United States will assume its traditional leadership—as we did in Geneva in 1979—and support these new international efforts to address the root causes behind the continued refugee flow, as well as promote more durable solutions for the future. The broad outlines of the program are there—again, thanks to the preparatory work of the High Commissioner, Jean-Pierre Hocke, and the staff of the UNHCR.

What is needed now is a commitment to act upon the draft "Comprehensive Plan of Action" adopted last March in Kuala Lumpur, Malaysia. It provides the framework for the international community to respond to the new situation in Southeast Asia by:

Providing for more regular, and legal, departures from the countries of Indochina;

Reestablishing the principle of refugee protection and first asylum;

Protecting the integrity of the refugee process by screening out nonrefugees; and

Supporting new efforts to promote safe return and voluntary repatriation, as well as continued third country resettlement.

These undertakings are all interrelated, and the task in Geneva will be to assure that each receives balanced attention and support. More important still, the diplomats in Geneva must not allow-short term objectives, some fueled by current frustrations and admittedly difficult problems, to distract us from our longer term obligations under the United Nations Convention and Protocol Relating to the Status of Refugees. These principles remain paramount, not only in what is said in Geneva, but what is done by member nations in the weeks and months to come. Only then will history judge this, the Second Conference on Indochinese Refugees, to have been a success.

Again, Mr. President, I commend the Secretary-General for his action in convening the conference, and the High Commissioner for his diligent work in preparing for its successful conclusion.

Given the importance this meeting will likely have upon future U.S. refugee programs in the area, senior staff from our Immigration and Refugees Subcommittee will be attending the Geneva conference this week. For the information of my colleagues and the readers of the RECORD, I ask that the draft text of the Comprehensive Plan of Action prepared for Geneva by the UNHCR be printed at this point in the RECORD.

There being no objection, the draft text was ordered to be printed in the RECORD, as follows:

DRAFT DECLARATION AND COMPREHENSIVE PLAN OF ACTION APPROVED BY THE PREPARATORY MEETING FOR THE INTERNATIONAL CONFERENCE ON INDOCHINESE REFUGEES ON MARCH 8, 1989

NOTE BY THE SECRETARY-GENERAL

1. The Preparatory Meeting for the International Conference on Indo-Chinese Refugees, convened by the Government of Malaysia, was held at Kuala Lumpur from 7 to 9 March 1989. It approved by consensus the text of a draft Declaration and Comprehensive Plan of Action.

2. In accordance with a request contained in a letter dated 24 March 1989 from the Chairman of the Preparatory Meeting to the Secretary-General, the above-mentioned text is being brought to the attention of the Conference.

DRAFT DECLARATION AND COMPREHENSIVE PLAN OF ACTION

I. DECLARATION

Having reviewed the problems of Indo-China asylum-seekers in the South-East Asian region,

Noting that, since 1975, over 2 million persons have left their countries of origin in Indo-China and that the flow of asylum-seekers still continues,

Aware that the movement of asylum-seekers across frontiers in the South-East Asian region remains a subject of intense humanitarian concern to the international community,

Recalling United Nations General Assembly resolution 3455 (XXX) and the first Meeting on Refugees and Displaced Persons in South-East Asia convened at Geneva in July 1979 under the auspices of the United Nations to address the problem,

Recalling further the 1951 Convention relating to the Status of Refugees and its 1967 Protocol, and related instruments,

Noting with satisfaction that, as a result of combined efforts on the part of Governments and international organizations concerned, a durable solution has been found for over 1.6 million Indo-Chinese,

Preoccupied however by the burden imposed, particularly on the neighbouring countries and territories, as a result of the continuation of the outflow and the presence of large numbers of asylum-seekers still in camps,

Alarmed by indications that the current arrangements designed to find solutions for asylum-seekers and resolve problems stemming from the outflow may no longer be responsive to the size, tenacity and complexity of the problems in the region,

Recognizing that the resolution of the problem of asylum-seekers in the region could contribute positively to a climate of peace, harmony and good neighbourliness,

Satisfied that the international community, and in particular the countries directly involved, have responded positively to the call for a new international conference made by the States members of the Association of South-East Asian Nations and endorsed by the Executive Committee of the Programme of the United Nations High Commissioner for Refugees at its thirty-ninth session and by the General Assembly of the United Nations at its forty-third session,

Noting the progress achieved towards a solution of this issue by the various bilateral and multilateral meetings held between the parties concerned prior to the International Conference on Indo-Chinese Refugees,

Noting that the issues arising from the presence of Khmer refugees and displaced persons are being discussed, among the parties directly involved, within a different framework and as such have not been included in the deliberations of the Conference,

Noting with satisfaction the positive results of the Preparatory Meeting for the Conference, held in Kuala Lumpur from 7 to 9 March 1989,

Realizing that the complex problem at hand necessitates the co-operation and understanding of all concerned and that a comprehensive set of mutually re-enforcing humanitarian undertakings, which must be carried out in its totality rather than selectively, is the only realistic approach towards achieving a durable solution to the problem,

Acknowledging that such a solution must be developed in the context of national laws and regulations as well as of international standards,

Have solemnly resolved to adopt the attached Comprehensive Plan of Action.

II. COMPREHENSIVE PLAN OF ACTION

A. Clandestine departures

1. Extreme human suffering and hardship, often resulting in loss of lives, have accompanied organized clandestine departures. It is therefore imperative that humane measures be implemented to deter such departures, which should include the following:

(a) Continuation of official measures directed against those organizing clandestine departures, including clear guidelines on these measures from the central government to the provincial and local authorities.

(b) Mass media activities at both local and international level, focusing on:

(i) The dangers and hardship involved in clandestine departures;

(ii) The institution of a status-determination mechanism under which those determined not to be refugees shall have no opportunity for resettlement;

(iii) Absence of any advantage, real or perceived, particularly in relation to third-country resettlement, of clandestine and unsafe departures;

(iv) Encouragement of the use of the regular departure and other migration programmes;

(v) Discouragement of activities leading to clandestine departures.

(c) In the spirit of mutual co-operation, the countries concerned shall consult regularly to ensure effective implementation and co-ordination of the above measures.

B. Regular departure programmes

2. In order to offer a preferable alternative to clandestine departures, emigration

from Viet-Nam through regular departure procedures and migration programmes, such as the current Orderly Departure Programme, should be fully encouraged and promoted.

3. Emigration through regular departure procedures and migration programmes should be accelerated and expanded with a view to making such programmes the primary and eventually the sole modes of departure.

4. In order to achieve this goal, the following measures will be undertaken:

(a) There will be a continuous and widely publicized media campaign to increase awareness of regular departure procedures and migration programmes for departure from Viet-Nam.

(b) All persons eligible under regular third-country migration programmes, Amerasians and former re-education centre detainees will have full access to regular departure procedures and migration programmes. The problem of former re-education centre detainees will be further discussed separately by the parties concerned.

(c) Exit permits and other resettlement requirements will be facilitated for all persons eligible under regular departure procedures and migration programmes.

(d) Viet-Nam will fully co-operate with the United Nations High Commissioner for Refugees (UNHCR) and the Intergovernmental Committee for Migration (ICM) in expediting and improving processing, including medical processing, for departures under regular departure procedures and migration programmes and will ensure that medical records of those departing comply with standards acceptable to receiving countries.

(e) Viet-Nam UNHCR, ICM and resettlement countries will co-operate to ensure that air transportation and logistics are sufficient to move expeditiously all those accepted under regular departure procedures and migration programmes.

(f) If necessary, countries in South-East Asia through which people emigrating under regular departure procedures and migration programmes must transit will, with external financial support as appropriate, expand transit facilities and expedite exit and entry procedures in order to help facilitate increased departures under such programmes.

C. Reception of new arrivals

5. All those seeking asylum will be given the opportunity to do so through the implementation of the following measures:

(a) Temporary refuge will be given to all asylum-seekers, who will be treated identically regardless of their mode of arrival until the status-determination process is completed.

(b) UNHCR will be given full and early access to new arrivals and will retain access, following the determination of their status.

(c) New arrivals will be transferred, as soon as possible, to a temporary asylum centre where they would be provided assistance and full access to the refugee status-determination process.

D. Refugee status

6. The early establishment of a consistent region-wide refugee status-determination process is required and will take place in accordance with national legislation and internationally accepted practice. It will make specific provision, inter alia, for the following:

(a) Within a prescribed period, the status of the asylum-seeker will be determined by a qualified and competent national authority or body, in accordance with established refugee criteria and procedures. UNHCR will participate in the process in an observer and advisory capacity. In the course of that period, UNHCR shall advise in writing each individual of the nature of the procedure, of the implications for rejected cases and of the right to appeal the first-level determination.

(b) The criteria will be those recognized in the 1951 Convention relating to the Status of Refugees and its 1967 Protocol, bearing in mind, to the extent appropriate, the 1948 Universal Declaration of Human Rights and other relevant international instruments concerning refugees, and will be applied in a humanitarian spirit taking into account the special situation of the asylum-seekers concerned and the need to respect the family unit. A uniform questionnaire developed in consultation with UNHCR will be the basis for interviews and shall reflect the element of such criteria.

(c) The Handbook on Procedures and Criteria for Determining Refugee Status issued by UNHCR will serve as an authoritative and interpretative guide in developing and applying the criteria.

(d) The procedures to be followed will be in accordance with those endorsed by the Executive Committee of the Programme of the United Nations High Commissioner for Refugees in this area. Such procedures will include, inter alia:

(i) The provision of information to the asylum-seekers about the procedures, the criteria and the presentation of their cases;

(ii) Prompt advice of the decision in writing within a prescribed period;

(iii) A right of appeal against negative decisions and proper appeals procedures for this purpose, based upon the existing laws and procedures of the individual place of asylum, with the asylum-seeker entitled to advice, if required, to be provided under UNHCR auspices.

7. UNHCR will institute, in co-operation with the Governments concerned, a comprehensive regional training programme for officials involved in the determination process with a view to ensuring the proper and consistent functioning of the procedures and application of the criteria, taking full advantage of the experience gained in Hong Kong.

E. Resettlement

8. Continued resettlement of Vietnamese refugees benefiting from temporary refuge in South-East Asia is a vital component of the Comprehensive Plan of Action.

1. Long-Stayers Resettlement Programme

9. The Long-Stayers Resettlement Programme includes all individuals who arrived in temporary asylum camps prior to the appropriate cut-off date and would contain the following elements:

(a) A call to the international community to respond to the need for resettlement, in particular through the participation by an expanded number of countries, beyond those few currently active in refugee resettlement. The expanded number of countries could include, among others, the following: Australia, Austria, Belgium, Canada, Denmark, Germany, Federal Republic of, Finland, France, Ireland, Italy, Japan, Luxembourg, Netherlands, New Zealand, Norway, Spain, Sweden, Switzerland, United Kingdom and United States of America.

(b) A multi-year commitment to resettle all the Vietnamese who have arrived in temporary asylum camps prior to an agreed date, except those persons already found not to be refugees under established status-determination procedure and those who express the wish to return to Viet-Nam. Refugees will be advised that they do not have the option of refusing offers of resettlement, as this would exclude them from further resettlement consideration.

2. Resettlement Programme for Newly-Determined Refugees

10. The Resettlement Programme for Newly-Determined Refugees will accommodate all those who arrive after the introduction of status determination procedures and are determined to be refugees. Within a designated period after their transfer to the resettlement area, those determined to be refugees shall receive an orientation briefing from a UNHCR representative that explains the third-country resettlement programme, the length of time current arrivals may be expected to spend in camp awaiting resettlement, and the necessity of adhering to the rules and regulations of the camp.

11. Wherever possible, a pledge shall be sought from the resettlement countries to place all those determined to be refugees, except those expressing the wish to return to Viet-Nam, within a prescribed period. It shall be the responsibility of UNHCR, with the full support of all the resettlement countries and countries of asylum, to co-ordinate efforts to ensure that departures are effected within that time.

F. Repatriation/Plan of Repatriation

12. Persons determined not to be refugees should return to their country of origin in accordance with international practices reflecting the responsibilities of States towards their own citizens. In the first instance, every effort will be made to encourage the voluntary return of such persons.

13. In order to allow this process to develop momentum, the following measures will be implemented:

(a) Widely publicized assurances by the country of origin that returnees will be allowed to return in conditions of safety and dignity and will not be subject to persecution.

(b) The procedure for readmission will be such that the applicants would be readmitted within the shortest possible time.

(c) Returns will be administered in accordance with the above principles by UNHCR and ICM, and internationally funded reintegration assistance will be channeled through UNHCR, according to the terms of the Memorandum of Understanding signed with Viet-Nam on 13 December 1988.

14. If, after the passage of reasonable time, it becomes clear that voluntary repatriation is not making sufficient progress towards the desired objective, alternatives recognized as being acceptable under international practices would be examined. A regional holding centre under the auspices of UNHCR may be considered as an interim measure for housing persons determined not to be refugees pending their eventual return to the country of origin.

15. Persons determined not to be refugees shall be provided humane care and assistance by UNHCR and international agencies pending their return to the country of origin. Such assistance would include educational and orientation programmes designed to encourage return and reduce re-integration problems.

G. Laotian asylum-seekers

16. In dealing with Laotian asylum-seekers, future measures are to be worked out through intensified trilateral negotiation

between UNHCR, the Lao People's Democratic Republic and Thailand, with the active support and co-operation of all parties concerned. These measures should be aimed at:

(a) Maintaining safe arrival and access to the Lao screening process;

(b) Accelerating and simplifying the process for both the return of the screened out and voluntary repatriation to the Lao People's Democratic Republic under safe, humane and UNHCR-monitored conditions.

17. Together with other durable solutions, third-country resettlement continues to play an important role with regard to the present camp populations of the Laotians.

H. Implementation and review procedures

18. Implementation of the Comprehensive Plan of Action is a dynamic process that will require continued co-ordination and possible adaptation to respond to changing situations. In order to ensure effective implementation of the Plan, the following mechanisms shall be established:

(a) UNHCR, with the financial support of the donor community, will be in charge of continuing liaison and co-ordination with concerned Governments and intergovernmental as well as non-governmental organizations to implement the Comprehensive Plan of Action.

(b) A Steering Committee based in South-East Asia will be established. It will consist of representatives of all Governments making specific commitments under the Comprehensive Plan of Action. The Steering Committee will meet periodically under the chairmanship of UNHCR to discuss implementation of the Comprehensive Plan of Action. The Steering Committee may establish sub-committees as necessary to deal with specific aspects of the implementation of the Plan, particularly with regard to status determination, return and resettlement.

(c) A regular review arrangement will be devised by UNHCR, preferably in conjunction with the annual Executive Committee session, to assess progress in implementation of the Comprehensive Plan of Action and consider additional measures to improve the Plan's effectiveness in meeting its objectives.

SENATOR WARREN MAGNUSON

Mr. BRADLEY. Mr. President, with the death of Senator Magnuson, we lost one of the 20th century's great statesmen. I join my colleagues in paying tribute to a man whose outstanding public service career has left an important mark on history.

Senator Magnuson was a man of integrity, a true statesman who showed wisdom and skill throughout his 44 years on Capitol Hill. As chairman of the Appropriations Committee and President pro tem, he was able to channel his influence toward vitally important issues. He was a leader in the effort to strengthen our National Institutes of Health, and it is appropriate that a NIH hospital and research center bears his name. Senator Magnuson was at the forefront of consumer advocacy—pushing through legislation on auto safety, regulation of flammable fabrics and truth in packaging. I am particularly grateful for his work on cigarette labeling.

Besides his legislative accomplishments, Senator Magnuson contributed greatly to the life of the Senate. He believed in stating things simply and fairly. But behind every simple saying were years of legislative experience that his colleagues listened to and respected. Senator Magnuson also understood that the Senate worked best without animosity and retribution—that however we felt about a course of action, our goals were similar.

America has lost a powerful political leader, whose dedication, hard work, and unbending pride in the principles of democracy have made our country a better place to live.

FORMER SECRETARY OF THE NAVY WILLIAM L. BALL III

Mr. NUNN. Mr. President, I want to take a few moments to pay tribute to William L. Ball III, who resigned as Secretary of the Navy last month. At the age of only 41, Will Ball has already had a distinguished career of both military and civilian service in both the executive and legislative branches of the Federal Government.

Will Ball spent 6 years in the U.S. Navy. He served 3 years aboard the guided missile destroyer U.S.S. *Sellers*, and then had a tour of duty in the Navy's Office of Legislative Affairs in the Senate where I first came to know him.

From 1975 until 1986, Will worked on the staffs of Senator Herman Talmadge and Senator John Tower, as well as on the staff of the Armed Services Committee. For the last 3½ years of this period, he served as Senator Tower's administrative assistant.

In 1985, Will was nominated by President Reagan to be the Assistant Secretary of State for Legislative and Intergovernmental Affairs, and a year later President Reagan put him on the White House staff as Assistant to the President for Legislative Affairs. In these two jobs, Will quickly earned an excellent reputation on Capitol Hill as a knowledgeable, articulate, and effective spokesman for the administration's policies.

In March 1987, President Reagan nominated Will Ball to be Secretary of the Navy. With less than a year to go in the second term of an administration, a lesser appointee might have been satisfied to coast through the remaining months in office, leaving the tough decisions to his successor in the new administration. Not Will Ball. Will brought the same thoughtful, steady and energetic approach to his responsibilities as Secretary of the Navy that have been the hallmark of his whole career in public service. He established a special rapport with the men and women throughout the sea services, that quickly won him their confidence and respect. His strong leadership and sense of compassion in the wake of the recent tragedy aboard the U.S.S. *Iowa* helped the Navy community and a grieving nation get through this very difficult period.

As Secretary of the Navy, Will Ball also played a key role in helping former Defense Secretary Frank Carlucci put together the last 5-year defense plan of the Reagan administration.

As Will steps down as Secretary of the Navy, I want to congratulate him for his outstanding service to the men and women in uniform and to the Nation. I want to extend to Will and his family my best wishes for continued success in the future.

TERRY ANDERSON'S 1,550TH DAY OF CAPTIVITY

Mr. MOYNIHAN. Mr. President, for 1,550 days, Terry Anderson has been held in captivity in Beirut.

I ask unanimous consent that the following piece, which appeared in Newsweek on October 20, 1986, and which provides a chilling description of this captivity, be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

AMERICA'S FORGOTTEN HOSTAGES

(By Rod Nordland)

Terry Anderson spent the first three weeks of his captivity lying chained to a bed—threatened with death if he uttered a single word. The Associated Press Beirut bureau chief had been a Marine; he had fought in Vietnam. As his nerves steadied, he got mad, replying to the mixed threats and blandishments of his captors with two words: "—— you." For the next six months, he was beaten, kicked and tormented with taunts that his family and his government had abandoned him. Still, he kept a private faith, refusing to make the scripted appearances his kidnappers demanded again and again. But when the kidnappers let him read about the Daniloff deal, he went on camera. The administration believes the kidnappers forced him to make the videotape. His family doesn't think so. "How can any official justify the interest and attention and action given that case—and the inattention given ours?" he asked.

This cry of pain out of Lebanon cannot be wished away. Since 1984, when kidnappers in Beirut declared open season on Americans, they have seized journalist Anderson, agriculturist Thomas Sutherland and David Jacobsen, a hospital administrator—along with a priest and a Presbyterian minister, an accountant, an engineer, librarian, school director, broadcaster and a diplomat they believed to be the CIA station chief. Two have been released. One managed to flee, one was rescued—and two have been killed. Five remain.

Over periods of captivity that range from 490 to 575 days, Anderson, Jacobsen and Sutherland, crammed into their tiny room with no furniture or light, have been beaten—sometimes for months on end. Pressure from the Syrians did force the kidnappers to move their prisoners from the dangerous reaches of the Bekaa Valley to the sprawling suburbs of Beirut, where they

have been kept in the basement of a half-finished apartment block. The administration has identified many of the exact places where the hostages have been held, but they've been moved often and undoubtedly will be moved again. That hasn't been easy. From time to time they have been stuffed into the trunk of a car, bound like mummies with packing tape and shuttled from hiding place to hiding place in wooden coffins and ambulances.

Real names: No one is certain who is holding the two newest hostages—Joseph Cicippio, the accountant, and Frank Reed, the school director—who were seized just last month. But the kidnappers of Anderson, Jacobsen and Sutherland sign their communiqués Islamic Jihad. They have real names too. They belong to a family called the Mugniyahs, part of the Musawi clan, led by Hussein Musawi from the Bekaa. They are Shiite Muslims, admirers of Iran's relentless style of Islamic fundamentalism. They call the Reagan administration the Great Satan, denounce imperialism and praise Ayatollah Ruhollah Khomeini. Ostensibly they snatched their victims to trade for 17 confreres-in-terror jailed in Kuwait. But intelligence sources believe that they might settle for springing just the three Lebanese Shiites among them, who have been sentenced to death. They particularly want to free a ringleader and bomb maker, Mustafa Yousef, who also goes by the Christian alias of Elias Fuad Saab. Strip away their fancy religious and ideological trappings and it comes down to this: he's their cousin and they want him back. All of this has been established by U.S. intelligence—and is well known to the hostage families.

The situation presents the families with an agonizing choice: to remain quiet in the long-faded hope that silence might protect the hostages and hasten their release; or to speak out, counting on exposure and public pressure to work as it did in the Teheran hostage crisis, in the TWA Flight 847 hijacking and in the Daniloff affair. "My prayer from Day One has been to do nothing that would hurt my brother," says Peggy Say, Terry Anderson's sister. She began her ordeal as the most cooperative of hostage relatives. At first, she says, all the hostage families accepted a terrifying warning from the State Department about their loved ones' plight: be quiet or you will kill them. At State Department meetings, she bitterly denounced others who didn't trust the government's advice.

Then came the TWA hijacking, which—it is now known—involved some of the same kidnappers who now hold the forgotten hostages in Beirut. "They called me and said, 'Don't even ask for Terry and the others, don't say anything to connect your hostages to the TWA ones'," she said. "I was stunned." Other potential sources of help also left these particular hostages in the lurch. The country has not been bombarded with gun-to-neck images; even the media seem to have forgotten them.

Although Mrs. Say began criticizing the Reagan administration after the TWA affair, she has been careful; she still had hope. But the Daniloff deal, then her brother's haggard look and pained, videotaped call for help were the last straws. "Only by letting all the facts be known can we help them now," she says. With many of the others, she now believes that remaining quiet is what can kill them. Father Lawrence Jenco, a Roman Catholic priest released by the kidnappers last July, and the Rev. Benjamin Weir, a Presbyterian minister set free in September 1985, have both refused to talk about their ordeal. But with information gathered from the families—supplemented by reports from intelligence and diplomatic sources and sounding in Beirut—it is now possible to piece together a wrenching study in human misery.

The growing breach with the hostage families confronts the administration with its own agonizing problem. Ronald Reagan came to office vowing that America would never again be held hostage by terrorists. According to basic U.S. policy, negotiating with terrorists can only encourage them; and bargaining will only prompt them to take more Americans hostage elsewhere.

Ready to talk: Behind the scenes, the administration has used private go-betweens and secret emissaries like Vernon Walters, U.S. ambassador to the United Nations, and CIA chief William Casey, who have gone to Syria and other countries to try to win the release of the hostages. "Just as the president said, there hasn't been a day since this whole affair began where we haven't been trying to find out where these people are and who's holding them," said one White House official last week. "We've said in every way that we can, publicly, privately, on the street, that we're ready to talk to these people about the safety and release of the hostages, and we are willing to do it directly, anyplace, anytime, with anyone."

But so far, according to administration hands, all leads have proved tenuous, imprecise and contradictory. "It's a maddening situation," said the president's official. "There's no place to vent one's rage. You simply have to keep plugging away at it, using all the resources that you have." Given the lack of results, however, the argument leaves most hostage relatives cold. "The president keeps saying there is no comparison" with Daniloff, says Jacobsen's son Eric, a cardiac researcher from Huntington Beach, Calif. "He's right. In our case I see a complete lack of commitment . . . a lack of urgency and a prolonging of his suffering." If nothing is done to break the impasse, the plight of the captives will grow worse. And with the families breaking silence, an administration that has so successfully avoided the fate of Jimmy Carter in Iran could finally face its own hostage crisis.

The first months of Terry Anderson's captivity were by far the worst. Anderson's anger, and his stubborn streak, marked him out for especially brutal treatment. Whenever the kidnappers insisted on looking down his undershorts for contraband, he struggled and tried to stop them—and was beaten for it. In June of 1985, Terry and Madeleine Anderson expected their first child; not knowing if they had a son or a daughter drove him to distraction, and he never stopped demanding to be told. "You've been forgotten by everyone," the captors taunted during beatings. He was a muscular man with a sturdy constitution—probably that helped to save him, but he lost his hearing in one ear. Back in his seafront apartment on the corniche in West Beirut, he had lifted weights every night while Madeleine did sit-ups and stretches on the floor nearby. One such night a week before his kidnapping, they told a visitor that they weren't worried about being kidnapped. "People in Lebanon know that I care about them," Anderson said. "I'd be the last one they would take."

Weird irony: By one of Lebanon's weird ironies, the men standing guard over Anderson, Jacobsen and Sutherland are devout Muslims who pray five times a day. The guard Said, a Shiite in his early 20s, earns 1,200 Lebanese pounds ($27) a month for his work. He has three children; following the death of his wife, he has often seemed depressed. On one occasion Lebanese TV was about to play a videotape from Anderson's family; Said found out and brought a TV set into the cell. There on television, Anderson finally saw his child for the first time and learned he and Madeleine had a healthy daughter named Sulome Teresa. But in February of this year, Anderson's father, Glenn, died of cancer. And on June 7, Sulome's first birthday, Anderson's brother also died of cancer. On his deathbed, Glenn Anderson Jr. delivered a videotaped plea to the captors. "I wish to see him one more time," he said. The appeal was broadcast in Beirut. The captors were in no mood to grant the request. They sympathized enough, though, not to tell Anderson his brother and father were dead. They were afraid it would break him.

Peggy Say called the hostages' life in close quarters "the odd couple in quintuple." Living together 24 hours a day, seven days a week, they struggle to fend off the double affliction of fear and boredom. They exercise regularly, doing push-ups and calisthenics. When the exercises wore out their socks, Anderson began knitting new ones from accumulated bits of cloth and string pulled from mats. At one point, the captors gave their prisoners an elaborate Mr. T puzzle. Anderson turned the offering into a test of mind and reflex; he can now do it in 30 minutes flat. He spends endless hours with Sutherland, quizzing the agriculturist on what he will have to do to start a farm on a piece of land he owns with his sister Peggy near her hometown of Batavia, N.Y. With tinfoil cheese wrappers and matchsticks he makes crucifixes, and he has devised a way to crochet rosaries from fuzz balls and string. Whenever he becomes depressed, he takes out his rosary and says his Hail Marys.

David Jacobsen sometimes loses patience with Anderson's incessant "jogging" around the tiny room. To fight boredom, Anderson likes to engage the guard Haj in political arguments, refusing to budge from his own positions. One verbal mismatch so angered the kidnappers that they dropped the bread from the hostages' meager ration of bread and cheese. "Terry," snapped Jacobsen, "you're always making us pay for your principles." Anderson, a liberal Democrat from Lorain, Ohio, sometimes has political fights with Jacobsen, a Republican fundamentalist from Orange County, Calif.; but the shared ordeal of captivity has drawn the two men closer. Jacobsen was touched the day Anderson made him a gift of a handmade rosary.

'Read this': Thomas Sutherland, from Ft. Collins, Colo., has had the bad luck to look suspicious to the kidnappers. Early on, they mistook him for a CIA agent. Their evidence was ridiculous. After they snatched him from his car on the airport road, they discovered an article on Islam tucked into his briefcase. A friend had written on it the notation, "You should read this." That was all. One day Haj and Said said they were taking Sutherland away to "another place." "Please, please don't take Tom; he's not a CIA agent," pleaded Father Jenco, a gentle Catholic priest. When Jenco started crying, the guards relented. They ought to know by now that Sutherland is no CIA agent; he came to the American University of Beirut (AUB) because he wanted to train Lebanese farmers to help restore the war-ravaged countryside. As Sutherland's captivity

stretches out, the danger remains, his captors will not believe this. He did not appear with Anderson and Jacobsen on the latest videotape.

William Buckley, a diplomat the kidnappers took to be a CIA agent, apparently did not survive. Privately, administration officials now believe that after 19 months of sustained torture he suffered pneumonia and other complications as the result of one especially brutal session and died early in October. The kidnappers told the remaining hostages about it and claimed they were upset that medical attention had not been available to save him. After that they seemed to pay closer attention to the health of their captives. Some U.S. officials cling to the hope that Buckley, who was a political officer at the U.S. Embassy, may have survived. His body has never been found. But the kidnappers did release a picture that appeared to show him dead. In an Islamic Jihad communiqué, the kidnappers boasted that they had tried Buckley, found him to be CIA station chief in Beirut—and executed him.

Sold to die: After the Reagan administration bombed Tripoli in a reprisal for Libyan-sponsored terrorism in April, another hostage was executed: Peter Kilburn, a librarian at AUB. A gentle man in frail health, he used to write long, loving letters about God and life to his favorite niece Patty Little of Watsonville, Calif. Kilburn was held for ransom by a group of kidnap-for-profit Lebanese who, U.S. officials told the family, had been demanding "many millions of dollars" for his release. Intelligence sources learned that, shortly after Kaddafi offered a million dollars if the hostages in Beirut were turned over to him, Kilburn's kidnappers sold him to a pro-Libyan, Abu Nidal faction, which promptly executed him, calling it a reprisal for the Libyan raid. The same group also tried to buy Anderson and the other hostages for the same purpose from the Mugniyah family, but they refused to sell.

Afterwards Patty Little wrote a bitter letter to President Reagan. "It is terribly sad to think he was worth more dead to them than alive to his own country," she said. And she accused the administration of failing to help her family find a way to negotiate or pay a ransom. National-security adviser John Poindexter wrote a long reply six weeks ago. "Unfortunately, those individuals holding your uncle were even more reprehensible, unscrupulous and unreasonable than the group holding separately the other Americans," he said. When Little appealed to Reagan not to let the same thing happen to the surviving hostages, to negotiate instead, Poindexter restated the administration's view "that any pressure on Kuwait to release their convicted prisoners or any payment of ransom subverts justice and establishes a new and dangerous precedent that would subject even greater numbers of Americans to the whims of terrorists anywhere in the world." "I can assure you," Poindexter concluded, "that President Reagan will never forget the hostages remaining in Lebanon." "It was a real good letter," Patty Little said last week. "But I'm not that stupid."

The accumulation of hard feelings that surround the hostage mess in Lebanon began on Feb. 10, 1984, when AUB engineering Prof. Frank Regier, 58, ventured into the dangerous streets of West Beirut. He wanted to find a friend and tell him about plans to evacuate Americans by helicopter. A husky Arab walked up and put his arm around Regier's shoulder; when the professor started to shrung off the squeeze, he felt a gun pressed to his temple. The sudden sequence of events would later become familiar in almost every kidnapping. Shoved into a car with three men, Regier was wrapped head to toe in wide, plastic packing tape, then jammed into the trunk of another car for the ride to a hiding place. There he was kept blindfolded, tied up and chained to a wall or radiator. Occasionally he was moved around town in an ambulance, some times in a wooden box made to order for a shorter man. That box was probably a Lebanese coffin.

Blind beating: The beatings started immediately. "I couldn't see what he wanted out of me," Regier recalls. "I was asked if I was CIA, but it was never asked seriously. I think he was just sadistic." He was told if he moved, he would be beaten, and hour after hour his tormentor watched for the slightest twitch. "He knows how hard to hit you without breaking any bones. He would hit my cheek, for instance, not my nose." Blindfolded, Regier developed a routine in the dark, terrifying world he lived in. "After a while you have to move," he says, working back to his thoughts at the time. "Do I move a lot and get in a new position so after the beating I'm more comfortable? Or do I move a little and hope he doesn't see me?" Either way, most times he would get a beating. When his tormentor left the room, he would tiptoe silently so Regier would still think he was there. But Regier had developed the acute hearing of the blind and usually knew when he was alone.

While Regier was being held, Cable News Network Beirut bureau chief Jerry Levin and then Buckley were seized. Regier was luckier by far. After two months some children playing outside his jail in the Shiite suburbs of southerh Beirut got a peek through the window of his cell and alerted Shiite Amal militiamen, who rescued him. "I kept thinking, 'how could I endure this for a whole year," and those poor guys now have endured it a lot longer," he says.

'Mean Mike': Levin and probably Buckley were first stashed in the town of Baalbek in the Bekaa Valley, held in an apartment block in the Sheik Abdallah barracks—an old Lebanese fort on the top of a hill that now is headquarters to the Musawi clan and the radical Hizbullah party and as many as 1,000 Revolutionary Guards from Iran. He knew none of this at the time; all he knew were the names he silently gave his tormentors: "Mad Mean Mike," "Angry Al" and "Sadistic Sam." Sadistic Sam was the worst. "He would come in and he wouldn't want me to say anything, and he'd say, 'Shut up, huh' and hit me anyway."

To keep occupied, Levin made mental lists of all the many operas he knew and tried to recite the names of all the players on his hometown team, the Detroit Tigers, when they won the 1945 World Series. During captivity, Levin, who is Jewish, also experienced a "spiritual awakening" after having been an atheist.

One day Levin's captors told him that his wife had shown up—probably referring to her trip to Damascus. Suddenly the food got better—there were even hot meals. Levin noticed that several times his captors had fastened his chain in a way that would enable him to slip out of it. "I kept thinking about it, but I kept chickening out, four times," he said. Finally, 11 months into captivity and almost too weak to walk, he did it. He knotted together his sheets, slid out the window and ran to the safety of the first Syrian Army post he could find. "I thought I escaped, but maybe they let me," he later said. Syrian officials were quick to claim responsibility for winning his release.

When Levin returned to the United States, President Reagan called him personally and, as the nation listened in, Reagan delivered a fatherly warning: "In the days ahead you'll no doubt be beset by those in your profession who want . . . to know your full story . . . Say only that which won't cause, even inadvertently, harm to those who are still held hostage." Levin didn't say so at the time, but he was furious that the president was hinting the administration somehow won his freedom. Now, critical at the administration's lack of action on behalf of the other hostages, Levin says, "I think that was the dirtiest, meanest thing [Reagan] ever did."

After Levin escaped, the captors shuttled their prisoners from the Bekka Valley to Beirut—just in case. President Assad of Syria had promised to help find them, thanks to U.S. pressure. U.S. officials believe the Syrians could easily find and free the hostages but are unable to make an all-out effort to do so without angering Iran, which helps finance both allies like Syria and extremist friends like the Musawi clan. Deprived of one journalist, the kidnappers went looking for another, grabbing Anderson on his way back from a tennis match with fellow AP staffer Don Mell, a photographer. "To this day, I'll never understand why they didn't take me, too," Mell says. Apparently they know whom they wanted. To Mell, Anderson seemed like a man who already knew he was doomed. Mell said he has been haunted ever since by a look in Anderson's eyes as he was pushed into the getaway car. The look seemed to plead "Help me," though Anderson must have kown Mell was no match for three gunmen on the lawless streets of West Beirut. For the first several weeks of his grueling captivity, Anderson lay down and sobbed. His first letter, a month later, related his captors' terms and ended, "I cannot take it anymore." Somehow he did.

In June of 1985 Sutherland, the dean of agriculture at the American University of Beirut, was kidnapped, too. Then a group of gunmen took over TWA Flight 847, shuttling it between Lebanon, Cyprus and Algeria, murdering one American and demanding the freedom of prisoners in Kuwait and Shiites in Israel. The Reagan administration had a larger hostage crisis, and it scrambled a team of ranking officials to deal with it. One of their first chores was to call Peggy Say and demand that she keep quiet. She didn't, and the public furor she raised about negotiating for the 39 remaining TWA hostages but not for the 7 others, forced the administration to change its position. Secretary Shultz publicly declared there were 46 hostages, including Anderson and the others. After all, the demands for the release of the Kuwait prisoners had been put forth for both groups of hostages. When word came that their release was immiment, Peggy Say flew to Washington to wait for them over the July 4 weekend, while State Department officials called other relatives of the hostages in Beirut to tell them to expect their loved ones to come out, too.

Heading home? Back in Beirut the captors put an end to the solitary confinement of the hostages, who called the break "Christmas in July." They already had individually requested a prayer meeting, and the request was granted. For most of them it was the

first time in many months that they had seen another man's face. As soon as they got over their fears of a trick, they poured out their stories in whispers. For several days they got full meals, beds and linens and reading materials. Anderson was allowed to be alone with Father Jenco briefly to take confession. The brutality seemed to be over.

Best of all, it seemed as if they would soon be heading home. TWA Flight 847 sat on the runway at Beirut International Airport surrounded by terrorists and radical demonstrators supporting them. According to one U.S. intelligence source, among the terrorists on the tarmac were Haj and Said, taking a leave from the tedium of prison duties. The accused mastermind of that hijacking was Imad Mugniyah, whom the United States narrowly missed catching in Paris later. The men who carried it out were from Hizbullah, a group closely linked with the Musawi clan to which the Mugniyah family belongs, intelligence sources say. Back at the secret prison, the hostages' captors could not disguise their jubilation that a deal was in sight.

Then everything fell apart. Peggy Say believes the administration was in too much of a hurry to settle the TWA crisis; she thinks it cut Anderson and the others off, rather than negotiate further. Or perhaps the captors were still holding out for the Kuwait prisoners. Administration officials argue they got the best deal possible at the time. Whatever the case, when a caravan of Shiite gunmen escorted a caravan of hostages over Mount Lebanon to Damascus, Anderson and the others were not on board. Back in their new quarters, the party was abruptly over.

Forgotten again: The hostages were forgotten once again, and life soon settled down to a tedium marked by occasional beatings, sparse food and poor ventilation in sealed rooms. Some good seemed to linger, however. By August the kidnappers decided to keep five of the hostages together. The desperate loneliness was over for everyone but Buckley. Little by little, some of the hostages and their captors began developing a rapport. Outsiders call it the Stockholm syndrome: Father Jenco considers it the result of an accumulation of mutual kindnesses and the growth of mutual respect. The captors even warmed to Anderson, although he still refused to do their bidding on videotape.

At this time, the families of the hostages were meeting regularly with administration officials, but usually only low-level messengers at State, who served mostly as a sounding board for their concerns—and a damper on their public activities. One high-ranking administration official acknowledged that the administration at first was "slow to focus" on the hostage families' concerns, failing to let them meet with high officials, for instance. Larry Speakes' repeated public statement that "the U.S. government does not negotiate with terrorists," in this official's view, may have gotten the terrorists' backs up. But at the time, he said, quiet contacts were well under way secretly.

A little over a year ago, after the kidnappers released Reverend Weir as a "goodwill gesture," the families met with Vice President George Bush, head of the administration's terrorism task force. They were still hopping mad about the outcome of the TWA hostage affair, and the meeting with the vice president degenerated into acrimony and shouting. Mrs. Say called him a cold fish. Stung, he shot back, "How can you accuse me, a Christian man, of being cold?" "Don't tell me you're Christian," Mrs. Say said. "Show me you're a Christian." The relatives complained to Bush of being kept in the dark. They accused the administration of withholding letters sent out by the hostages—including one that had a threat to hang the prisoners. After that meeting, the administration decided to begin sharing confidential intelligence and updates on negotiations with the families.

That fall the administration and the families put their greatest hope in Terry Waite, the special envoy of the archbishop of Canterbury who acted as a messenger between Washington and Beirut and actually met with the captors. The administration chose to stand by its refusal to pressure Kuwait to release Yousef and the others. "There is absolutely no way we'll do that," says one White House hand. "These people tried to blow up the French and American embassies," argues another administration insider. "They killed 6 and wounded 80, and Kuwait isn't going to release anyone." When Waite returned to the Middle East, the Kuwaitis made it clear that they wouldn't even grant him a visa. And on his return to Beirut over Christmas in 1985, the kidnappers were furious that he had returned empty-handed. "Don't come back or we'll kill you," they told him.

After the Libyan raid, when the kidnappers released Father Jenco, they vowed he would be the last prisoner they would let go. The death threats resumed. A letter that purported to be from Jacobsen was dropped off at a Western news agency in West Beirut. It was in scrawled handwriting, full of spelling errors that a man of Jacobsen's education would not be likely to make. "We fear the possible ending of our story," the letter said.

The administration says that statements made under duress cannot be taken at face value. That point offers no comfort, let alone hope, for the families of the hostages. "It is absolutely awful for someone to be held for 17 days," says Sutherland's daughter Kit. "It's unthinkable for 16 months." Peggy Say has quit work and school to campaign full time for her brother's release: "After six years in the Marine Corps and staying on in Beirut to bring that truth to the American people, he put his life on the line for both his country and his profession," she says. "He must feel a terrible abandonment by both of them." Nothing has happened so far to change her view.

MRS. ROBERT TOMPKINS HONORED FOR HER CONTRIBUTIONS TO PUBLIC EDUCATION IN SOUTH CAROLINA

Mr. THURMOND. Mr. President, Henry Brooks Adams once said, "a teacher affects eternity, he can never tell where his influence stops." It is with great pride that I stand before you today to pay tribute to Mrs. Mary Thurmond Tompkins, a woman who has influenced many of South Carolina's most distinguished citizens as a teacher in our State's public schools. Mrs. Tompkins was recently honored at the dedication of the Strom Thurmond Institute on the campus of Clemson University for her outstanding contributions to public education.

This tribute is especially meaningful for me. Not only have I admired the professional career of this exceptional woman for more than 50 years, but I have had the good fortune to have known her throughout her lifetime as she is my sister. It is rare that a man has the opportunity to acknowledge the accomplishments of a member of his own family in such a public way, however, I am sure that my colleagues will agree that Mary's dedication to the education of the children of South Carolina merits no less.

Born on May 31, 1909, Mary attended public school in Edgefield, SC, before entering Winthrop College in the fall of 1927. She majored in home economics and graduated in 1931. Later in that same year, she accepted a position teaching home economics at Clover High School in Clover, SC. She taught at Clover High School for the next 4 years.

In 1936, Mary returned to Edgefield County and began teaching home economics at her alma mater, Edgefield High School. She continued teaching until she married on August 25, 1938. At that time, South Carolina law forbade a married women to teach public school. In 1939, Mary and her husband J. Robert Tompkins, who is now deceased, celebrated the birth of their only daughter, Mary Thurmond Tompkins. Mary's interest in education, however, never diminished and she attended both the University of South Carolina and Columbia University in New York to obtain certification to teach elementary school. When the law was amended, Mary returned to public education, teaching fifth grade until she retired in 1974.

Perhaps Mary's greatest strength as an educator was her ability to motivate her students to learn. There is an old Chinese proverb which reads, "I hear and I forget; I see and I remember; I do and I understand." In Mary Thurmond Tompkins fifth grade classes, the students did and they understood. Mary used innovative and enjoyable methods to teach her students some very basic principles. For instance, to teach the children fractions, Mary would make a pan of fudge and have the children cut it into specific proportions. To demonstrate the scientific principle of salt melting ice, Mary would bring an ice cream churn and make homemade ice cream for the class, and when the children studied South Carolina government, Mary led a field trip to the State capital. It is not hard to understand why Mary was loved by both her students and their parents.

As Members of the U.S. Senate, we often speak of the responsibility which will one day be shouldered by the youth of our Nation. Unfortunately, we often forget to mention the tremendous responsibility which is being shouldered daily by our Nation's teachers. They shape the future of this great country as they shape the

minds of our children. We must never forget to say thank you to those professionals who, like Mary Thurmond Tompkins, have dedicated their lives to educating our children.

I am pleased to commend Mary Thurmond Tompkins for the many contributions which she has made to the State of South Carolina. May God bless her, her daughter Mary T. Freeman, her son-in-law Ted Barron Freeman and her grandchildren Ted Barron II, Eloise Townsend, and Robert Tompkins Thurmond. May her dedication to education serve as a model for others who seek to teach the future leaders of our country.

I ask unanimous consent that a newspaper article from the Edgefield Citizen-News be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Edgefield (SC) Citizen-News, May 4, 1989]

MRS. TOMPKINS HONORED FOR SERVICE

(By Dana Bailey)

A very special lady was honored at the recent dedication of the Strom Thurmond Institute of Clemson University.

Mrs. Robert (Mary Thurmond) Tompkins, sister of Senator Strom Thurmond, was honored for her contributions to public education.

Although Mrs. Tompkins, a life long resident of Edgefield County, feels that she deserves no special recognition, her accomplishments are far too great to go unacknowledged.

After graduating from Edgefield High School, Mrs. Tompkins went to Winthrop College in Rock Hill to major in home economics. She also traveled extensively through Europe to get insight on other countries and to broaden her own education.

She began her teaching career at Clover High School in York County where she stayed for four years before returning to Edgefield in 1936.

Back at her own alma mater, she taught home economics until she gave up her job to get married. At that time the law stated that married women weren't allowed to teach.

When the law changed in 1938, Mrs. Tompkins took courses at the University of South Carolina and at Columbia University in New York so she could teach elementary grade students.

Mrs. Tompkins seen many changes through her years of teaching.

"When I first began teaching there was no such thing as integration," said Mrs. Tompkins, who taught the very first black student to attend Edgefield County public schools. "I couldn't have asked for a nicer student. He went on to become the vice-president of student government at the University of South Carolina."

Mrs. Tompkins also has seen many changes in the educational system in Edgefield County.

"Things have truly changed for the better," Mrs. Tompkins said. "Teachers are more qualified, the students have more access to equipment, and the students seem to realize the importance of a good education now much more than when I was teaching."

After Mrs. Tompkins retired in 1974, she continued to substitute two or three times a week.

"The thing I miss the most is the people. I enjoy students, I enjoy having contact with other teachers," said Mrs. Tompkins. "I always had a good time seeing the students advance themselves through the years."

Mrs. Tompkins recent recognition was not her first.

In 1936, she spoke at the S.C. Teachers Education Association before a crowd of 5,000-6,000 members, as County Chairman of the Beautification Project she received the county award, and she served as President of the Village Garden Club.

Mrs. Tompkins is also a member of the Daughters of the American Revolution, the Colonial Dames, the Edgefield Revitalization Committee, and has been a life long member of Edgefield First Baptist Church.

In spite of all these various honors, Mrs. Tompkins is most proud of the desk that was placed in the Senator's suite at the Strom Thurmond Institute. On the desk will be a brass plaque permanently displayed acknowledging her life-time services to the state and Edgefield County.

"This is definitely the biggest honor I've ever received," said Mrs. Tompkins. "When I found out I was overcome with joy!"

TRIBUTE TO SENATOR WARREN MAGNUSON

Mr. CRANSTON. Mr. President, throughout his life, Warren Magnuson toiled to give the people of Washington and the country the best, most honorable and diligent representation he could. The warm, loving, and deeply respectful tributes Maggie has received throughout this week are testimony to the outstanding success he had in his efforts and to the friendships he earned along the way.

It is a great pleasure to reflect on the two full Senate terms Maggie and I served together and on the many causes we undertook together. He had an abiding concern for justice and fairness. Maggie pioneered consumer protection legislation, he fought for civil rights, and he was a leader in getting voting rights for 18-year-olds. Compassion and caring were the foundation of his work.

The Senate is a better institution for having had his presence and guidance, and generations of Americans will benefit from all he did.

TRIBUTE TO MRS. EVELYN CAVE

Mr. HEFLIN. Mr. President, I rise today to pay tribute to a wonderful Alabamian—Mrs. Evelyn Cave from Mobile, AL. On May 14, 1989, Mrs. Cave reached an incredible milestone in her career. On that day she completed her 50th year of Federal service. I applaud her for her accomplishment and for her diligent service to her country.

Almost all of Evelyn Cave's 50-year career has been served in the Mobile District of the U.S. Army Corps of Engineers. Few offices are fortunate enough to have employees of Mrs. Cave's caliber stay for such an extended period. While she has been in the office, Mrs. Cave has served in numerous positions in personnel management and has helped shape this Corps of Engineers district.

For the past 16 years, Mrs. Cave has served as the district's Personnel Officer, which oversees about 2,000 employees. In addition to six States, her district also covers Central America. For this time, she has been responsible for the planning, implementation, and evaluation of all personnel programs in the district. Mrs. Cave has also served for 16 years as the Assistant Personnel Officer and for 15 years as Chief of the Employee Utilization and Development Section.

Throughout her career, Mrs. Cave has been recognized for her outstanding contributions to the Corps of Engineers. Her talents have provided her office with strong guidance through numerous projects. She was responsible for the staffing of the Tennessee-Tombigbee Waterway Corps of Engineers. She has been instrumental to the success of the waterway over the past few years. The staff of the waterway was brought into the spotlight during the summer of 1988 when the drought forced much of the barge traffic off the Mississsippi River onto the Tennessee-Tombigbee Waterway.

Mrs. Cave has also been instrumental in helping the Corps of Engineers compete against the private contractors. She played a key role in starting the Mobile District life cycle project management which has helped them compete in today's market.

Mr. President, these are just a few of the many accomplishments of Evelyn Cave. I cannot begin to list all of her awards, achievements, and special projects, but wanted to share these few examples of her leadership and managerial ability.

Mr. President, Evelyn Cave's devotion and talent should serve as a shining example to those of us who aspire to public service. She has provided an important service to her country and has devoted her life to the service of others.

Thank you, Mr. President.

TRIBUTE TO LEE GOLDMAN FOR HIS OUTSTANDING ROLE IN HEALTH POLICY

Mr. KENNEDY. Mr. President, it is a privilege to draw the Senate's attention to the appointment by Secretary Louis Sullivan of the Department of Health and Human Services of LeRoy Goldman to the Senior Executive Service.

Lee Goldman's productive career in public service now spans 25 years. In 1971, as the incoming chairman of the Senate Health Subcommittee, I was fortunate to persuade him to become

the subcommittee's staff director—a post he held until 1977.

During that period, he served with great distinction and was responsible for the enactment of numerous measures that have significantly enhanced the quality of health care in America. Among the principal bills that he guided expertly into law are the National Cancer Act, the National Heart Act, the Health Manpower Act, the President's Biomedical Research Panel, and the HMO legislation. In addition, Lee was tireless in our effort to provide decent health insurance protection for all Americans.

One of Lee's greatest assets, as subcommittee staff director, was his skill in working with Senators on both sides of the aisle to create the bipartisan coalitions essential to the successful passage of vital health legislation.

Upon his return to the executive branch, he has continued to serve in positions of increasing responsibility, including the Health Resources Administration, the National Institutes of Health, and, now, the National Institute of Mental Health, where he is the Director of the Office of Policy and Legislation. The NIMH is indeed fortunate to have the benefit of his energy, judgment, and vision.

I commend Lee Goldman for his distinguished career in public service and his extraordinary contributions to public health policy. I know that all of us in the Senate who have worked with Lee will be pleased to know of this latest honor, and I wish him every continued success in the years ahead.

SENATOR DOMENICI CALLS FOR WORLD ENERGY SUMMIT TO EXAMINE GLOBAL WARMING

Mr. DOLE. Mr. President, yesterday, President Bush announced his important initiatives to improve dramatically the air Americans breathe.

Not long before the President's action, our good friend, the distinguished Senator from New Mexico [Mr. DOMENICI], gave a major speech on clean air issues. He spoke at a meeting of environmental groups in Albuquerque, NM.

During that speech, Senator DOMENICI discussed a variety of air pollution issues: local, national, and international.

While all of his comments were interesting, I was particularly impressed with his review of the global climatic situation, as it relates to clean air and energy use.

Concern continues to grow over the "greenhouse effect"—global warming. Senator DOMENICI rightly notes that the danger of global warming as a result of pollution could be "a disaster unlike any this planet has experienced during mankind's tenure."

During the speech, Senator DOMENICI went on to discuss the huge increases that are forecast in the world's population, particularly in the Third World, and the accompanying increase that will occur in demand for energy, which Senator DOMENICI called the fundamental component of economic growth.

Senator DOMENICI told the Albuquerque meeting that the United States must take the lead in developing a comprehensive international energy policy, beginning with an International Energy Conference designed to lead to the greater use of nonfossil fuel sources, both here and among the developing nations.

Mr. President, Senator DOMENICI's speech was both wise and thoughtful. I ask unanimous consent that the portion of Senator DOMENICI's speech that addressed world energy issues and global warming be printed at this point in the RECORD.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

GLOBAL ENVIRONMENTAL PROBLEMS

Now let me turn to the international front. The other day, I heard a private talk given by a former leader of one of the great European democracies.

He talked of many things, but during his talk he cited four overriding problems that confront mankind—problems for us, for our children, and for their children. Included in those concerns were: (1) Population growth, and (2) the world environment, in particular global warming.

I want to spend the remainder of my talk discussing those challenges, particularly the second one, the challenge facing a planet on which the median temperature seems likely to be rising, quite possibly at a dangerous rate.

We know that global warming—the Greenhouse Effect—could be a disaster, a disaster unlike any this planet has experienced during mankind's tenure.

Many scientists predict that the accumulation of CO_2 and other gases will raise the planet's mean temperature in the next 50 to 60 years by 3 to 4 degrees centigrade, the same increase that brought us out of the Ice Age 18,000 years ago.

Because this issue is so complex scientifically, it is not clear whether or not these forecasts are accurate.

But we do not have the luxury of waiting until we know for certain what increases might occur.

We must act, recognizing that a "Greenhouse" cataclysm is possible. We must do all that we reasonably can to build a global awareness—and action—while more data is developed.

While global warming—or the extent of warming—may not yet be conclusive, one thing that is absolutely certain is that the number of people on this planet will continue to increase at a startling rate.

In the year I was born, 1932, about 2 billion persons lived on this planet. Today, there are just over 5 billion of us. The United Nations Population Fund now predicts that by the year 2025—36 years from now—there will be between 8½ billion and 10 billion human beings living on the planet.

Human experience tells us that each of those individuals will be seeking material advancement, a better life for themselves, certainly, a better life than their parents experienced in 1989.

Our country's policy is to encourage prosperity. The hallmark of America's world leadership since World War II has been to foster democracy and economic growth.

What that means, of course, is that the world of the early 21st century will not only be a far more populated world, but it will almost certainly be a world of far greater consumption than exists today.

And of that huge increase in population, about 90 percent will occur in nations of the Third World.

These developing nations will demand—and justly demand—their fair share of the economic growth. They will very possibly experience a growth rate faster than our own.

Those billions of new humans will not sit gladly in mud huts, thankful that they are contributing to a better environment. They will demand a better life, and they will deserve it.

So with that framework, let me pose a question: What is the fundamental component of that economic growth, the growth after which billions of humans are—and will—be clamoring?

The answer is energy.

Without energy, our standard of living will collapse and mankind's survival is threatened.

That doesn't mean we can't be more efficient in our use of energy. But the combination of the twin growth in population and human expectations make it certain that energy will expand.

And since the burning of fossil fuels is tied so very closely to what appears to be a warming of the planet, we confront a situation we dare not avoid.

We—as individuals and as government officials—face a challenge that can only be called "staggering."

The risk of doing nothing is horrendous. We must act, and we must begin to act promptly to meet this challenge—not just the challenge of protecting our climate, but the challenge of ensuring that energy is available for mankind's progress.

We cannot wait until incontrovertible scientific proof appears to validate or invalidate the estimates on global warming.

With all this in mind, I have concluded that we will not suddenly scale down energy use. Such a change will be politically unsustainable in the United States and Europe. And other countries, the developing nations, simply will not accept the fact that they cannot improve their standard of living.

Because of what America is—the richest and most powerful nation, the nation that is responsible for about 25 percent of the man-produced carbon dioxide—we simply must take the lead in addressing the climatic situation that will affect all human beings.

Recognizing all of that means we must take the lead to develop a comprehensive international energy policy to meet the challenges ahead and to move toward energy sources that will not endanger our atmosphere.

If we don't, I can assure you that no one else will.

For millions of years, CO_2 was in balance on this planet. Nature produced—and consumed—about 100 billion tons of CO_2 a year through the natural cycle of photosynthesis and respiration.

Mankind upset that balance when we began to burn wood and later coal and oil in vast quantities. Even though man's activities produce just 6 billion tons of CO_2—

about 1 ton per person per year—much of that 6 billion tons has not been consumed in the environment, but accumulated in the atmosphere.

We can't eliminate the build-up, but I would like to suggest several steps that I believe are a pre-requisite to reducing the rate of future CO_2 accumulations. These are not magical solutions, but they will definitely move us forward.

First, President Bush is absolutely correct in calling for the negotiation of an international treaty on global warming. That has been done, and the conference will take place beginning this October in Washington, DC. Forty or so nations will examine the financial, economic, technical, and legal issues for responding to climate change.

Once those nations develop the framework for an international treaty, they will take that document to meetings of the Intergovernmental Panel on Climate Change next summer for further evaluation.

I can't begin to suggest to you what such a treaty will look like, but I am encouraged that we are moving forward.

More than a decade ago, Senator Dale Bumpers and I initiated the groundbreaking hearings that led to an international treaty reducing the use of CFCs—chlorofluorocarbons—by 50 percent in the industrialized nations by the end of the century. CFC gases are not only "greenhouse" gases, but they are the culprits for depletion of the ozone layer.

We are going back to the table to negotiate a total phase-out of CFCs. While the CFC issue was a far easier challenge that CO_2, we now have a history of global environmental co-operation.

Second, I recommend that the White House establish an inter-agency group to develop policy options on ways to reduce CO_2 emissions, and submit those proposals to the Congress. It would be appropriate if such a task force were led jointly by EPA Administrator Riley and Energy Secretary Watkins.

I must tell you that last fall I was able to work with Senator Leahy of Vermont to get $13 million so EPA could begin to study the policy implications of global warming. That was a good start.

A related concern is research into the basic science of global climatic change. Overall, in the current fiscal year, the Federal Government is spending $134 million for such research. Next year, in the Budget the Congress just approved, we will spend about $190 million.

That sounds great. I support it. But I warn you of one unfortunate fact: There really isn't much co-ordination in this spending, which is spread among half a dozen agencies.

We must find ways to focus that effort more effectively, to develop solutions to particular problems.

I certainly intend to work within the Senate's Energy Committee, on which both Senator Bingaman and I serve, to move us toward a coordinated effort.

And certainly, our national laboratories—including Los Alamos and Sandia—have the skills and knowledge to become leaders in this effort.

The list of worldwide science and policy issues regarding the climate is extensive.

What more can we learn about the methane cycle, since methane is believed to be the second most significant contributor to climatic change?

What is the role of clouds in climatic change, and the role of the oceans?

To what degree is the price of energy a factor in emission forecasts?

What do we do about Third World deforestation, which contributes an estimated 20 percent of the CO_2 mankind sends to the atmosphere? How do we reverse a situation where for every tree that is planted in the Third World, 10 are cut down?

My third and primary proposal is this: The United States should call for an International Energy Conference to encourage all nations to begin to address energy use and new sources that are compatible with our world environment. Our nation must take the lead in encouraging the use of sources of energy other than fossil fuels.

That doesn't mean our oil fields will be closed down. What it means is that we absolutely must increase our research into alternative, cleaner sources of energy.

Such a conference is valid, whatever the impact of global warming.

Right now, the Federal Government is spending just over $500 billion a year for research into high-temperature fusion.

We need a much stronger effort on solar energy.

And while many of you may disagree with me, I am convinced we must move toward greater use of nuclear energy, starting with a stepped-up effort to design fail-safe nuclear power plants.

We must move toward a long-term worldwide energy policy, particularly one that encourages technology transfer assisting the Third World.

And we certainly need to bring the industries and countries of the world into this dialogue.

Before closing, let me cite the example of China.

China today produces an estimated 10 percent of the man-made CO_2. And China, with its population exceeding 1 billion, is in the midst of its own Industrial Revolution.

China also happens to possess vast quantities of coal, the resource that could propel China into the First World. It is a resource that will obviously accelerate worldwide CO_2 emissions. And it is also high-sulfur coal, the kind that produces acid rain.

Do we tell China: Sorry, you can't use your coal?

And even if we did, would they listen?

I think the answer is obvious. It will only be through a coordinated international effort that countries such as China will be able to leap into the future without committing horrendous damage to this planet.

Mankind has probably never faced a more difficult challenge. It is one that will require our every skill—both scientifically and politically—even if the problem is only a fraction as bad as some forecast.

I guess there is no one in this room who doesn't know that I am an optimist. I believe we can meet that challenge. But we will only meet it if we recognize it for what it is—possibly the greatest challenge in the history of this beautiful planet.

TRIBUTE TO WARREN MAGNUSON

Mr. STEVENS. Mr. President, there is a special desk and a big green couch in my Senate office.

They were not chosen for beauty or contemporary style. The desk has some nicks and scratches, and the couch springs have seen better days.

But for years before I got them, they were Senator Warren Magnuson's. When he left the Senate he asked me to keep them. I promised him they would be with me for as long as I served as Senator from Alaska.

The vast body of legislation Warren Magnuson left as a legacy to the people of Washington and our Nation is a measure of his greatness.

When I came to the Senate 21 years ago, Senator Magnuson had already served in this Chamber for 24 years, following his 7 years in the House of Representatives.

From the beginning, he was more than a colleague. He was a mentor, a teacher, and a good friend. For nearly a decade, although we have been thousands of miles apart, I am proud to say that friendship remained.

News stories in Washington State recalled for some of Senator Magnuson's greatest accomplishments. The list is long.

He was ahead of his time in his concerns. From public television to marine mammal protection; from consumer protections to the Coastal Zone Management Act; from the public accommodations section of the Civil Rights Act to the National Cancer Institute and the National Institutes of Health to oil tanker safety laws; from the creation of the Department of Transportation to animal welfare, Maggie charted new courses that benefit us all.

He worked long and hard on the 200-mile-limit law, one of the most important pieces of legislation ever enacted, particularly for coastal States. It was my privilege to make the motion designating it the Magnuson Act—the Magnuson Fishery Conservation and Management Act.

Politics were immaterial in all the years I worked with Warren Magnuson. We sat on different sides of the aisle, but our mutual concerns, representing regions of the Pacific Northwest, put us on the same side of the fence more often than not.

Maggie understood my commitment to amateur sports. Even though I was in the minority then, as chairman of the Commerce Committee he gave me wide latitude to pursue the Amateur Sports Act of 1978. For 3 years, before the bill's final passage, his interest and his assistance were critical to its success.

The fear and anxiety the recent tragic oil spill in my State have generated, reminded me of Senator Magnuson's deep personal concern when Mount St. Helens erupted. With great passion on the Senate floor, he discussed the need for realistic disaster assistance to deal with the tremendous devastation resulting from the eruption.

Warren Magnuson never sought the limelight. Grandstanding was not his style. Hard work, attention to detail, endurance, and the ability to forget

yesterday's disagreements and move forward earned him the respect of all who worked with him.

As an Alaskan, I feel especially grateful for his support for Alaska statehood. "Let us vote for the 49th star on the flag," he said in an eloquent statement on the Senate floor detailing the reasons Alaska should be admitted to the Union.

He supported the construction of the Alaska highway, vital at first in the defense of our Nation, and more and more important now, as travelers come to explore Alaska.

Many times in our years together in the Senate—even on my 50th birthday—Maggie called me son. We were colleagues, but he had every right to call me son. I looked on him in many ways as a father.

I was fortunate to have had, for so long, a time, his counsel. He taught me a thing or two, that's for sure.

In his 44 years on Capitol Hill, Warren Magnuson never forgot who came first—the people of his State. In working for them he was a good steward of our resources and our environment, a careful planner for our health and safety, and a master at his craft.

His wit was equal to his wisdom. His tenacity was softened by his kindness and understanding. His legendary hard work was balanced by his ability to enjoy a good time. His loyalty was unmatched.

It's tough to see others say goodbye one final time to Warren Magnuson.

As an Alaskan and as a personal friend of his, I was at the farewell ceremony in Seattle.

But I did not really say goodbye. Maggie will be here in spirit as long as I sit at his desk in my office.

ADDITIONAL COSPONSOR—S. 1153

Mr. DASCHLE. Mr. President, last Thursday I introduced S. 1153, the Veterans' Agent Orange Exposure and Vietnam Service Benefits Act of 1989. In the rush to get the bill introduced in time for consideration at a June 22 Senate Veterans' Affairs Committee hearing, the name of one cosponsor of the bill, Senator HEINZ, was not added. As many of my colleagues are aware, Senator HEINZ has been a strong supporter of agent orange victims for many years, and he has played a key role in the ongoing struggle for compensation for those veterans. I want to acknowledge Senator HEINZ' cosponsorship and thank him for his support. Thank you, Mr. President. I yield the floor.

THE FIFTH INTERNATIONAL CONFERENCE ON AIDS

Mr. KENNEDY. Mr. President, I wish to take this opportunity to bring to the attention of the Senate some of the key findings reported last week in Montreal at the Fifth International AIDS Conference.

AIDS continues to escalate as a global public health catastrophy. Millions of people worldwide now infected with the HIV virus face catastrophic illness unless society moves swiftly to make available the therapeutic interventions which biomedical research is now producing. The world's leading AIDS researchers brought us both good news and bad last week in Montreal. Unfortunately, it appears that efforts to develop an effective vaccine that entirely prevents HIV infection in human beings are moving slowly. On the other hand, we are making steady progress in developing treatment strategies to slow the devastating effect of HIV. In particular, we now have effective means of preventing the pneumonia which has been the most frequent killer of people with HIV disease, and there is encouraging progress being made in the development of treatments directed at the AIDS virus itself.

According to Dr. Samuel Broder, Director of the National Cancer Institute:

> Our treatment technology is reaching the stage that a diagnosis of HIV infection might be regarded, not as a mandatory death sentence, but as a chronic illness that can be successfully managed over many years through clinical intervention.

If we take action to increase access to these treatment advances for the hundreds of thousands of HIV-infected Americans, who could benefit from them, we will not only save lives but also advance the Nation's public health campaign to halt the spread of HIV. Our ability to offer life-prolonging treatment could become a significant and realistic incentive to encourage individuals to volunteer for HIV testing and counseling. It is through counseling to achieve behavior change that we will arrest the continued spread of the epidemic. We cannot expect people to take advantage of expanded testing opportunities unless proper medical evaluation and necessary treatment are available as a follow up to testing. Today, that is not the case. Indeed, in some inner-city public hospitals, HIV positive individuals must wait up to 4 months for a clinic appointment that will provide necessary immune system evaluation.

An even greater threat to our public health effort against this virus is the continuance of HIV-related discrimination. That was considered the "linchpin of our ability to control this epidemic" in the opinion of the President's Commission of the HIV Epidemic. Unless we take action to bar senseless discrimination against HIV-infected people, we cannot expect them to step forward for counseling, testing, treatment or anything else. Our No. 1 policy priority on AIDS must be to send a clear signal that we will help, not punish, those who are infected.

We have learned the hard way the implications of discrimination and attempts at implementation of coercive measures in the name of contagion control. Such techniques have driven the epidemic underground and to unwarranted human suffering. I believe that the U.S. Congress has learned these lessons well and does not wish, at this juncture to, turn back on sound public health policy.

Our best and only option is to enlist the voluntary cooperation of those in need of counseling, testing, and possibly lifesaving treatment. In the months ahead, I will seek support for the adoption of a comprehensive Federal policy barring HIV-related discrimination in the context of protections against discrimination for all people with disabilities. In addition, I hope to design a program to make the fruits of AIDS research accessible to all who need them.

While hope is on the horizon we must keep our eye on the goal and maintain a policy in accord with sound public health principles.

THANKING TOM STALLMAN FOR 20 YEARS OF SERVICE

Mr. BURDICK. Mr. President, it is hard to believe that it has been 20 years since I talked Tom Stallman, a farmer from Barney, ND, into joining my staff. This week will be his last in my Fargo office, as he begins his retirement Saturday.

Tom Stallman has been a true and loyal assistant. He always put my needs and best interests first. I truly do not know what I could have done without him heading up my office in my home city of Fargo.

Stallman joined my staff in April 1969 as an agricultural assistant. Before joining my staff, he had served as a North Dakota committeeman for the Agricultural Stabilization and Conservation Service, a member of the North Dakota State Legislature, and a sergeant in the U.S. Marine Corps, one of the brave marines who landed at Iwo Jima during World War II. Tom's background, experience, and friendship have been a great help in my work for farmers, veterans, Federal employees, State and local officials, and other constituents in my State. Anyone who contacted my Fargo office for any reason knew they could count on Tom Stallman.

I could share hundreds of stories from our many trips across North Dakota. We have driven between boulders and flown into airports without paved runways or lights to get to meetings on time. We have shared countless church dinners and quick stops at the Dairy Queen. Tom has

kept floodwaters from my house and led friends to my door.

Although it is hard for me to understand why some people enjoy the thought of retirement, I know Tom wants more time to travel and enjoy life with his wife Lois. I wish him all the best in the future, and I thank him for all his help in the past.

TRIBUTE TO CONGRESSMAN CLAUDE PEPPER

Mr. SARBANES. Mr. President, I join in expressing my profound sadness at the death of Congressman Claude Pepper, a beloved friend and colleague and one of the Nation's most formidable and admired legislators. Rarely has a public figure served with such distinction and consistent vision. In his own words, Claude Pepper devoted his full energies "to helping to free people from fear of dictatorial oppression, from fear of illness and poverty, from fear of ignorance and from fear of opportunity foreclosed."

In his early childhood, amid the poverty of rural Alabama at the turn of the century, Claude Denson Pepper set his sights on service in the U.S. Congress. His intelligence, integrity, and hard work led him to the University of Alabama and, with veterans' benefits earned through service in World War I, he went on to graduate from Harvard Law School, finishing in the top six of the class of 1924. He later said that he felt "a lifelong obligation to the Government for his legal education, redoubling his commitment to public service.

By 1928, Claude Pepper had settled in Perry, FL, and won a seat in the Florida State Legislature. When the legislature passed a resolution condemning the invitation of a black Congressman to the White House, Pepper's dissenting vote cost him the seat in 1930. Six years later, he returned to public life, winning a 1936 special election to the U.S. Senate. He immediately became a strong and eloquent voice in support of President Roosevelt's New Deal legislation to revive an economy depressed by the Depression, restore hope in the Nation's future and create new opportunities for Americans where none had existed before.

Claude Pepper was a sponsor of the Nation's first minimum wage law and an early advocate of publicly assisted health care. He fought for the establishment of the Social Security system, making a life-time commitment to its effective functioning. This uncompromising advocacy of social welfare was the hallmark of his 14 years of distinguished service in the Senate, which ended with his defeat for reelection in 1950.

When he returned to Congress in 1962, this time in the House of Representatives, Congressman Claude Pepper simply continued the work begun by Senator Pepper. He was a steadfast supporter of President Johnson's Great Society programs and resumed his role as an outspoken friend of the disadvantaged.

In 1978, he assumed the chairmanship of the Special House Committee on Aging, where he continued his efforts on health care and became the Nation's leading spokesman in the drive to improve the lives of older Americans. Nearly 50 years after he first voted for Social Security, he remained its staunchest defender, fighting against the cuts proposed in the early eighties. His vigorous intellect and principled commitment to a just society remained undiminished to the end.

Most will remember Claude Pepper as the foremost champion of older Americans. Yet his effective advocacy on their behalf is but a part of his legacy. Claude Pepper was the champion of all Americans. Although we can no longer look to his courageous and unflagging leadership in the Congress, we will continue to draw inspiration from his example in the years to come.

Mr. President, I ask that the editorials on Congressman Pepper's career from the Baltimore Sun and the Baltimore Evening Sun be printed in the RECORD at this point.

There being no objection, the editorials were ordered to be printed in the RECORD, as follows:

[From the Baltimore Sun, June 1, 1989]

CLAUDE PEPPER

The story of Claude Pepper's career reads like a recitation of the New Deal, to which he always remained faithful. He began as a champion of the poor and downtrodden in the 1920s, and ended as a folk hero for the elderly. He was tireless in working for the liberal ideals in which he believed, whether or not those ideals were in vogue.

Mr. Pepper stuck to his beliefs even when they cost him dearly. As a state legislator in racially segregated Florida, he sided with Mrs. Herbert Hoover's decision to invite a black congressman to a White House reception. That cost him his seat, but he soon showed his political resilience. He ran for the U.S. Senate and won in 1936. He was instrumental in passage of the first minimum wage law, was an early supporter of health care insurance and favored outlawing the poll tax used to prevent blacks from voting in the South.

In 1940 after hearing Adolf Hitler address a crowd in Nuremberg, he warned against the rise of Nazism. He urged America to work with Joseph Stalin after World War II. For that, he was branded "Red Pepper," and lost his Senate seat in a nasty smear campaign.

But Mr. Pepper made another comeback at the age of 62, winning election to the House from a Miami district, where his pro-elderly positions and his largely elderly constituency gave him a safe seat for 27 years. His work on behalf of the elderly, and his chairmanship of the House Select Committee on Aging, catapulted him to the status of folk hero to millions of retirees. Indeed, he gained such popularity he was in great demand during the 1980s as a campaigner for other Democrats.

President Bush, in awarding Mr. Pepper the Medal of Freedom last week, said, "Those who agreed with him were proud to follow his banner. Those who disagreed with him always respected him. Claude Pepper was a gentleman, a noble human being." He also was the best argument against forced retirement. He remained energetic and hard working until he died Tuesday at age 88.

[From the Baltimore Evening Sun, May 31, 1989]

LEGACY OF LIBERALISM

Claude Pepper, the senior member of Congress who died yesterday, finished his legendary career as he began—as a "do-gooder" and proud of it. "There are many worse terms of derision," he wrote in his autobiography. "I am and shall remain a liberal. I intend to continue to devote my full energies to helping to free people from fear of dictatorial oppression, from fear of illness and poverty, from fear of discrimination, from fear of ignorance and from fear of opportunity foreclosed."

Those were lofty goals, but Claude Pepper's 88 years were filled with an impressive list of achievements that have made life better for millions of people. Pepper's political career is remarkable for the courage he showed on many important issues—from his early opposition to Hitler to his support for the first minimum wage bill and his early efforts to guarantee equal rights and equal pay for women. In recent years, he has been known largely as a champion of the elderly, but he wasn't new to that cause either. Pepper won passage of a law to ban mandatory retirement ages in the federal government and most private jobs, and helped protect the Social Security system from cuts—but those efforts came a full half century after he campaigned for the establishment of the retirement program that has largely ended poverty among this country's elderly. Pepper also wrote and sponsored legislation that helped create the Medicare and Medicaid, federal health-care programs for the poor and elderly.

It is not surprising that Pepper died in the middle of another long political fight—the unresolved issue of federal aid for long-term health care legislation. Pepper's long and remarkable career is likely never to be duplicated. But the best tribute to his memory would be for other members of Congress to embrace the ideals and causes that inspired Claude Pepper to make this country a better place to live.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

RECESS UNTIL 2:15 P.M.

The PRESIDING OFFICER. The Senate, under the previous order, will now recess until the hour of 2:15 p.m.

Thereupon, at 12:30 p.m., the Senate recessed until 2:15 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer [Mr. SANFORD].

NATURAL GAS WELLHEAD DECONTROL ACT

The PRESIDING OFFICER. The Senate will now resume consideration of H.R. 1722, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 1722) to amend the Natural Gas Policy Act of 1978 to eliminate wellhead price and nonprice controls on the first sale of natural gas, and to make technical and conforming amendments to such act.

The Senate resumed consideration of the bill.

The PRESIDING OFFICER. Under the previous order, the two committee amendments will be considered without debate. The question occurs on agreeing to the first committee amendment.

The first committee amendment was agreed to.

The PRESIDING OFFICER. The question occurs now on agreeing to the second committee amendment.

The second committee amendment was agreed to.

Mr. McCLURE. Mr. President, I move to reconsider the vote by which the amendments were agreed to.

Mr. JOHNSTON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BINGAMAN. Mr. President, the time for complete decontrol of natural gas prices at the wellhead has come. I fully support the legislation that is before the Senate today to amend the Natural Gas Policy Act of 1978 to eliminate the remaining wellhead price controls by January 1, 1993.

Our experience with partial wellhead decontrol under the NGPA and with the total decontrol of crude oil prices has proven unquestionably that energy markets do respond favorably, both in terms of price and in terms of supply, to free market forces. Price controls at the well head are a regulatory anachronism, as proven by the fact that natural gas is the only commodity that remains subject to Federal price controls at its source.

The legislation which is before the Senate today will benefit consumers because the elimination of remaining wellhead price controls will increase competition in the natural gas industry that has been fostered by partial wellhead decontrol under the NGPA and by the Federal Energy Regulatory Commission's open access initiatives and by other procompetitive policies.

Looking ahead, removal of the distorting influences of the wellhead price controls is important, because fully responsive natural gas markets will be necessary to meet the demand for natural gas that is forecast for the decade ahead.

I hope and expect that this demand will be significant. Many have called natural gas the fuel of the future, and I believe this label is justified, especially as a result of the President's clean air plan announced yesterday for acid rain and ozone depletion.

We also, Mr. President, have a real opportunity to reduce our growing dependence on oil imports by converting our transportation fleets to alternative fuels such as natural gas. Natural gas also will be the key in reducing sulfur dioxide emissions which are major causes of acid rain. Decontrol will help ensure that we have sufficient supplies to meet this emerging demand.

Many of my constituents in New Mexico have expressed concern regarding the impact that this legislation would have on tight sands gas, a unique formation of natural gas found only in a few States, one of those being New Mexico. One unintended and unavoidable consequence of the decontrol legislation, because of the way the Tax Code is written, is to eliminate the tight sands credit. However, the legislation that we consider today in no way reflects an adverse judgment on the desirability of that credit, and I have hopes that the Finance Committee will take up the various legislative initiatives that have been put forward by myself as well as others to extend that tight sands credit as well as the credit for other nonconventional fuels.

I urge my colleagues to support the legislation and to pass it promptly.

Mr. President, I yield the floor.

Mr. JOHNSTON. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. METZENBAUM. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 191

(Purpose: To declare indefinite price escalator clauses to be presumptively unjust and unreasonable)

Mr. METZENBAUM. Mr. President, on behalf of myself and Senator EXON, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Ohio [Mr. METZENBAUM], for himself and Mr. EXON, proposes an amendment numbered 191.

At the appropriate place, insert:

"SEC. 3. INDEFINITE PRICE ESCALATOR CLAUSES.

"An indefinite price escalator clause in a contract for the purchase of natural gas shall be held to be unjust and unreasonable under section 5 of the Natural Gas Act (15 U.S.C. 717d) unless the Federal Energy Regulatory Commission finds, on application of a party to the contract, that the clause is just and reasonable under the particular circumstances of the contract in question.".

The PRESIDING OFFICER. The Senator from Ohio.

Mr. METZENBAUM. Mr. President, this is not a complicated amendment. It is a pretty simple amendment. It would simply shift the burden of proof regarding who should pick up the tab for the indefinite price escalator provisions in producer pipeline contracts.

I am pleased that Senator EXON, who spoke to this subject last week, is cosponsoring this amendment, and I am also pleased that it has been endorsed by the AARP, the American Association of Retired Persons. They endorse it because they know that without its passage senior citizens and the rest of the entire community who use gas are going to wind up paying the bill by reason of this situation.

While H.R. 1722 claims to bring about a free market for natural gas, the price escalator provisions actually prevent the marketplace from working by locking in high prices.

These price escalator clauses work by setting prices according to formulas, rather than according to what the market will bear.

If you have decontrol then market forces ought to be permitted to work, but unless this amendment is passed then the free market will not be able to work.

For example, the proponents of decontrol say that with decontrol the price of high price gas will come down to market levels. But that will not be the case for contracts with fail-safe clauses, clauses that say, in effect, "the price the day after decontrol shall be the same as the price the day before decontrol and will go up at the rate of inflation."

If you are going to have decontrol let us have decontrol. But oh, no, if there are higher prices keep them in place. That is what would happen without this amendment. The market will not be free for consumers where their pipelines signed these favored nation contracts.

What is a favored nation contract? It provides for periodic readjustment, such as upon decontrol, that the price of gas for all the wells in a producing area will rise to the average of the two highest priced contracts from that producing field.

Now, hear me. What I am saying is that under these contracts that are presently in existence, the price will rise after decontrol to the average of the two highest priced contracts from the producing field in which the well is. That means, simply speaking, increase in prices. That means more dollars for the producers and more costs to the consumer.

The two highest priced contracts is the place to which the prices can rise.

What absurd logic could possibly bring about that kind of result? It was put into those contracts and now we are trying to provide a mechanism to take that clause out.

Some of those contracts lock in stripper well prices, listen to this, of $6.82 per 1,000 cubic feet. We have been told the market price today is somewhere around $1.35 to $1.65. Without this amendment some of those contracts will lock in stripper well prices about 4½ times that amount, $6.82 per 1,000 cubic feet, and these dollars will be passed on to the consumer. The favored nation contract will shoot up to that price.

Is that a free marketplace? Is that what my colleagues from Louisiana and Idaho have been talking about? Free marketplace—free, my eye. It cost the consumer more money and the prices will be controlled, forced to go up. I guess you would not say "forced to go up." Nobody has to raise the price, but the fact is they will if they have the right to do so under the contract just as any other business person would.

If this bill passes without this amendment we will not have a free and fair marketplace unless consumers are freed from the burden of paying for the results of these oppressive contract terms.

This amendment would place the burden of proof on the producers and pipelines. If they can demonstrate that these contracts are in fact just and reasonable, then producers will be allowed by FERC to keep these terms in their contracts and pipelines would be able to pass these costs on.

Now I am frank to say, Mr. President, we gave some consideration to totally outlawing these favored nations contracts to say that the higher price could not be charged. But we decided that we wanted to be reasonable and so we provided that FERC would be allowed to keep the terms in the contracts if they can determine that the contracts are in fact just and reasonable. But if they are not just and reasonable, then consumers will not have to pay prices higher than the free market price.

The opponents may argue that this amendment voids contract terms. That is not true. The only thing this amendment does is affects the price. The contracts will otherwise remain legally binding.

To those who would question as to whether that can be done, I point out that the courts have already approved FERC's powers to invalidate contract terms while leaving the basic obligations between the buyers and the sellers intact.

As a matter of fact, the appellate court said in Wisconsin Gas Company against FERC, decided in 1985, that "Section 5 gives the Commission authority to alter terms of any existing contract found to be unjust or unreasonable."

In fact, the Supreme Court in Permian Basin, a case decided 20 years ago in 1968, rejected the gas producers' arguments that Commission action might destroy the contracts in which unjust price escalator clauses were found. In that case they held that "The Commission has plenary authority to limit or to proscribe contractual arrangements that contravene the relevant public interests."

Now, frankly, FERC could have done something about this matter on its own. FERC should have done something about this matter on its own. But although FERC has the power to alter the oppressive terms, it has failed to do so. It is not a theoretical matter. We are talking about changing the burden of proof. We are talking about an amendment that is quite simple. It says:

> An indefinite price escalator clause in a contract for the purchase of natural gas shall be held to be unjust and unreasonable under section 5 of the Natural Gas Act (15 U.S.C. 717d) unless the Federal Energy Regulatory Commission finds, on application of a party to the contract, that the clause is just and reasonable under the particular circumstances of the contract in question.

In other words, we are saying the automatic escalation of the price is unjust and unreasonable unless FERC decides to the contrary. We are not talking about a theoretical matter. We are not talking about something up in the sky.

A study by the U.S. Energy Information Administration examined these oppressive contract terms. The USEIA is obviously an objective, impartial agency. The USEIA found that most contracts contain more than one of these complex pricing provisions. Most fixed-price clauses are overridden by complex indefinite pricing clauses that make predictions of future prices, according to EIA, indeterminable.

The EIA said that most indefinite pricing clauses are written very broadly to include the highest price allowed "in response to the possibility that price of gas might be deregulated."

Now, do you understand that? The clauses are written that if there is deregulation, they are written so broadly that the highest price can be allowed. That is the EIA's finding.

The EIA said:

> Most of these provisions would establish a price higher than the current maximum lawful price. Most of these provisions would establish a price higher than the current maximum lawful price.

If these men who are fighting so hard and all these groups fighting to pass this bill want real decontrol, why does it not go both ways? Why does it not make it possible to reduce prices as well as to increase prices?

Am I making this up in my head? Let me tell you what EIA further say:

> This type of pricing provision, if rigidly enforced, would make little or no sense, in an open and competitive market, because a few high-priced contracts would lead gas prices to be set above market.

The EIA further found something else—we are not talking about a few contracts; we are talking about a lot of contracts—that 45 percent, almost half, of all the old gas contracts have most-favored-nation clauses. That is to be found in the EIA report on page 43.

Mr. JOHNSTON. What year was that report?

Mr. METZENBAUM. February 1986. But I am certain that that has not changed.

In other words, half the gas we are deregulating have most-favored-nation clauses. So who are you kidding with this bill? You are talking about decontrol? You are talking about decontrol so prices can go up, go up. That is what you are talking about. See to it that the prices go up so you can rob the consumers of this country that do not know what is going on here on the floor of the Senate today. Does anybody care? No. Let the gas producers rip off the American public. Let the pipelines rip off the American public. Forget about the consumer. Who cares about them anyhow? They are just people.

Contract prices under many of the contracts that are presently in existence are also tied to prices of competing fuels like No. 2 and No. 6 fuel oil markets which are posted in New York or the gulf coast. And those prices we know have gone up and will continue to go up.

The EIA concluded that:

> In an open and competitive market for gas, these provisions would be hard to justify since there is no reason for oil products to set the price for gas directly.

Unlike competitive market gas prices, almost none of these contracts have "market out" provisions to let either party walk away if prices go too far from the market price in either direction.

There is in fact substantial precedent to invalidate these unjust and unreasonable clauses. In 1984, FERC Order 380 voided anticompetitive minimum bills in contracts that forced local distribution companies to pay pipelines whether or not they took the gas. The court upheld FERC.

FERC also used section 5 remedial powers to invalidate Columbia's high cost, take-or-pay contracts, forcing Columbia to absorb all the costs.

The D.C. Circuit Court of Appeals threw out FERC Order 436, that provided open access transportation because—and listen to this—FERC did not use its section 5 powers to declare the take-or-pay contracts unjust and unreasonable. If I could wave a magic

wand, I would void all of these contract terms, and let this decontrol legislation really wipe the slate clean. But, rather, I have chosen the more modest approach of encouraging FERC to review these contract terms to see if they are just and reasonable.

Mr. President, I reserve the remainder of my time.

Mr. JOHNSTON. Mr. President, first of all, I would like to ask the distinguished Senator from Ohio a rather basic question. Under his amendment, an indefinite price escalator in a contract will be declared to be unjust and unreasonable.

Now when FERC finds such an indefinite price escalator clause in a contract, what may FERC do?

Let me give the Senator three things they might do:

First, they might declare the whole contract invalid, unenforceable.

No. 2, they might declare the whole contract as written unenforceable and write new terms with respect to what they consider to be a just and reasonable price.

Or, third, they might consider themselves bound by the starting price without reference to an escalator.

Now which of those three things, or would FERC have power to do all three?

Mr. METZENBAUM. First, I would say to my distinguished colleague that the contracts themselves would stand and FERC could declare that the take-or-pay provision, the price escalator provision, was unjust and unreasonable.

Mr. JOHNSTON. Well, a contract without a price, though, is no contract.

Mr. METZENBAUM. Well, that is what I thought at first until I started studying it. Then I found that FERC has in previous cases affected the price without vitiating the contract itself, without vitiating the entirety of the contract.

And I believe that my colleague knows this better than I do, we are dealing in a very unusual area because we recognize that the contract's validity would still remain in place but we are going to decontrol the price.

Mr. JOHNSTON. Well, let us say you have a contract to deliver gas for a 10-year period in certain quantities and the price is to be set based upon what the market, the average market price in that year, readjusted every 6 months, is, and the FERC finds that this is an indefinite price escalator, which it obviously is. A price escalator based upon market price, as it may vary, is obviously indefinite; a classic indefinite price escalator. So what would FERC's order be? "We order that the gas be delivered." But what is the obligation of the pipeline in taking the gas?

Mr. METZENBAUM. First of all, let me say that if they found it was tied to the market price, then my guess is they would not find it to be unjust and unreasonable. It is only when it gets to a price like $6.82 or way above the market price that they would find that the price escalator clause is unreasonable.

Mr. JOHNSTON. My question is: What do they have power to do?

Mr. METZENBAUM. They have the power to do anything they deem advisable because the power is within their control.

Mr. JOHNSTON. If that is——

Mr. METZENBAUM. Let me just finish. Let us assume that they find that the price escalator clause winds up at $1.52 and the market price is $1.47. Well, it is just my guess that they would not find that to be unjust and unreasonable, that they would let that stay.

But, if they found that the price was $1.47 market price and the price escalator clause—do not forget, the price escalator clause permits it in many of these instances to go to the price of the gas in two highest-priced wells in the field. And some of that gas does have a price, as you know, in many instances, as high as $6.82. That would be unjust and unreasonable, I would guess.

Mr. JOHNSTON. First I want the Senator to understand that he is incorrect in saying that it would go to this $6.82, referencing this section 107 because section 313 specifically says that section 107 may not be taken into account in applying any indefinite price escalator clause. That is section 313 of the act, so the Senator was incorrect to say that.

Mr. METZENBAUM. If my colleague is going to talk about a section with which I am not familiar, I hope he will be good enough for me to have a chance to look at the section.

Mr. JOHNSTON. Let me get one point clear. I am not arguing what the FERC might do or should do. I simply want to know: What is their power? Let us say they find a contract wherein they find an indefinite price escalator. Would they have the power to reset a new price? Or, must they use the initial price? Or, must they declare the contract to be invalid?

Mr. METZENBAUM. I think it would be totally discretionary with them.

Mr. JOHNSTON. Thank you, I will reclaim my time.

Mr. President, let me tell my colleagues, this amendment was not brought forth in the Energy Committee. Not one word of testimony has been considered on this amendment.

It was not discussed by the members at the time, and I can tell the President, if it were, it would be considered to be completely irresponsible, a killer amendment. It is reregulation. May I explain?

First of all, this amendment says that you may not have an indefinite price escalator in a contract. That sounds good. My colleague says it is to protect the consumer. The effect would be exactly the opposite, by making it impossible to contract for gas on a long-term basis.

Why is this? Well, because, Mr. President, if you have a supply of natural gas and you want to contract with the local distribution company, you do not know what that price of that gas is going to be in the future. The average price of gas now is about $1.64. But if you were going to make a long-term, 10-year contract with a local distribution company, you would not say, "I am going to contract for $1.64 a year for 10 years." Of course, you would not.

So, what would you use? You would use an indefinite price escalator. You would tie it to inflation or the average price of natural gas or the consumer price index or some other formula that would let the price of that gas rise. Perhaps it would be the price of the gas in your State.

Whatever it is, it would be an indefinite price escalator. If you could not use an indefinite price escalator, then what you would do is say: "Well, we will sell it for 3 months and then we will renegotiate the price." In other words, you could not be bound by a long-term contract.

Mr. President, that is what AGA says, the American Gas Association. That is what all the industry says. If this amendment passed, the bill is dead, Mr. President, because it is completely unworkable. It is an absurd amendment; absolutely absurd.

Argument two, Mr. President, if this passed, this would be reregulation of natural gas. It would be a reassertion of the power of FERC over all natural gas.

What do I mean? Well, right now 17 percent of natural gas is still subject to what we call the Natural Gas Act, that is, the initial Natural Gas Act of 1938, which provides the authority under which gas is committed to market, is held under price controls. The rest of it is deregulated.

Under this, Mr. President, if you had one of these provisions that say reference the price of natural gas or reference inflation or something, and it was declared to be an indefinite price escalator and it is unenforceable, then FERC can come in and rewrite your contract and reset the price.

Reset it at what? At whatever they want to. There is no guidance to FERC in here. So, FERC, I suppose, would have to come up with some new standards of price reregulation. In other words, Mr. President, here we have a deregulation bill affecting the last 2 percent of natural gas which will still be held down by price controls in 1993, where we are trying to get rid of those controls, and this amendment

says: Let us make all the gas subject to reregulation. We do not want to give any standards on how to reregulate it, but we want to give the FERC the power to do so.

Mr. METZENBAUM. Will my colleague yield for a question?

Mr. JOHNSTON. I will yield.

Mr. METZENBAUM. My colleague has used that 2-percent figure time and time again. What is his authority for that figure? Since it is my understanding there is something like 10.7 trillion cubic feet of natural gas that has not been brought to market. I do not know how much of it is still controlled, but I think it is far, far, far in excess of 2 percent.

My colleague has used it over and over again. What is his authority?

Mr. JOHNSTON. I will tell my colleague there is 6 percent of the gas now, according to the Energy Information Administration, that is under controls, whereby that gas is, by the operation of the act, being held down in price. And the American Gas Association tells us that by 1993, which is the date of deregulation here, that two-thirds of that gas, those contracts will expire.

They have done a study on when contracts expire. So, of 6 percent, two-thirds expire. That leaves 2 percent.

Mr. METZENBAUM. So my colleague is saying to me, as I understand it, that the American Gas Association gave him a figure. Did they buttress it with any studies? Does the Energy Information Administation give the Senator a figure like that? Does the Department of Energy give him a figure like that? Does the Interior Department give him a figure like that?

Because from everything that I have been able to find, in fact, the figures that we used on the floor the other day indicated that far more than 2 percent is controlled, for more than 6 percent; and that 10.7 trillion cubic feet that is sitting out there, underground, that the oil companies are buying up and buying up constantly, that a whole lot of that is still controlled and would be controlled except for this legislation.

So where does the Senator from Louisiana get the 2 percent?

Mr. JOHNSTON. I just told the Senator.

Mr. METZENBAUM. More than what the AGA says. That is a group pushing for this bill.

Mr. JOHNSTON. I will tell the Senator, everyone virtually agrees upon the 6 percent.

Mr. METZENBAUM. The 6 percent is what is coming to market now. But what I am saying is, what about the trillions of cubic feet of natural gas that has not come to market and, if prices go up, is it not the fact that there will be closer to 40 percent of the natural gas that is still controlled?

Mr. JOHNSTON. Whether the gas comes to market or not does not determine whether it is controlled or not controlled.

Mr. METZENBAUM. I agree with that.

Mr. JOHNSTON. It is controlled or not controlled under the law. There is some gas that is not being sent to market that is under control. There is some gas not being sent to market that is decontrolled. That is irrelevant.

The fact of the matter is, there is 6 percent of the natural gas now under control where the control level is below the market price.

Mr. METZENBAUM. Six percent of the gas coming to market is under control?

Mr. JOHNSTON. Six percent of the natural gas.

Mr. METZENBAUM. That is coming to market is under control.

Mr. JOHNSTON. That is right; of the controls that hold it down.

Mr. METZENBAUM. What I am trying to get at, and I do not mean to badger my colleague and I certainly have no intention of doing that, but my point is, of that, this 10.7 trillion cubic feet—which I guess the gas companies know, I guess the oil companies know, I guess the producers know, but I have not been able to find out—what portion of that 10.7 trillion cubic feet is still controlled and at what price?

I have tried with every group I could search out.

Mr. JOHNSTON. I can tell the Senator there is 178 trillion cubic feet in reserves; he used the figure 10.6, so that is 6 percent.

Mr. METZENBAUM. If there are 178 trillion cubic feet in reserve, the only reason I used 10.7, that is what I had been advised. If there are 178 trillion cubic feet in reserve, how much of that is still controlled, and how do you get the answer to that? I cannot find it.

Mr. NICKLES. Will the Senator yield?

Mr. JOHNSTON. You used the figure 10.7. That is exactly the 6 percent.

Mr. METZENBAUM. I picked that figure up in some report I read that that is how much gas is out there. You tell me it is 178 trillion cubic feet in reserve. I accept your figure because I do not claim to be an expert in this. I am an expert in what the consumers pay. I do not know what the gas companies have. When I went to the AGA——

Mr. JOHNSTON. Mr. President, I yielded for a question, not for a speech.

Mr. METZENBAUM. The Senator is right. I yield the floor.

Mr. JOHNSTON. I think the Senator has confirmed the 6 percent figure. There is really no question about that, Mr. President. There is 6 percent of the gas left still under control. It is going to phase down to 2 percent. What the Senator's amendment would do is subject the whole of the natural gas, the whole 100 percent to reregulation; a deregulation bill with a reregulation amendment.

Mr. President, third, this would be an absolute administrative nightmare. The amendment says that contracts that have indefinite price escalators, which are most contracts—most contracts either reference inflation or market price, so that is most contracts. How many contracts are there? Thousands upon thousands upon thousands of contracts are of the kind that would be outlawed by this amendment which could be enforceable only by coming to FERC, unless the Federal Energy Commission finds on application of a party to the contract that the clause is just and reasonable. So what the amendment would be saying, Mr. President, is that the thousands and thousands of contracts that have this kind of clause would be unenforceable unless you bring those thousands to FERC.

Mr. President, what do you think would happen? There would be such chaos in FERC. It goes without saying, Mr. President, that this would make our gas markets totally unworkable.

Finally, Mr. President, is there a problem here that this amendment fixes? The answer is no. There was a time when there were problems with indefinite price escalators. No doubt about it. The Energy Administration report back in January of 1986, 3½ years ago, made reference to that. And what was that problem? The problem was that upon deregulation, many contracts referenced the highest regulated price in an area so that on January 1, 1985, we were concerned that there would be a fly-up in prices because upon deregulation it would go to the highest regulated price which would be section 107, which the Senator has pointed out is $6 and something.

How was it fixed? It was fixed by, first of all, section 313 of the act which stated that you could not use section 107 for the purpose of an indefinite price escalator. Second, it was fixed by renegotiation of these contracts so that, Mr. President, that was yesterday's problem. Deregulation of 1185 with these indefinite price escalators has long ago occurred. We are talking about only 2 percent of the contracts which would be left still unnegotiated. it is not a problem, Mr. President. In fact, that was a problem of 4 years ago which has gone away.

Mr. President, I say this is a killer amendment. I mean an amendment which under the guise of deregulation reregulates possibly all of the gas which is totally unworkable from an administrative standpoint which makes it impossible to contract for gas on a long-term basis. In other words, these local distribution companies,

whose duty it is to supply gas to the consumer, would not be able to contract on a long-term basis, and you would end up with rapid ups and downs in the market, in the spot market, with the price of gas going up and down rapidly, the supply being undependable because whoever would make the biggest bid for natural gas, whether it be an industrial load or some other load, if they bid a little bit higher on the spot market, they would get the gas and bid it right away from the local distribution company. Mr. President, this provision is totally unworkable.

I see my friend from Oklahoma rising. If he has a question, I will answer it; otherwise I will yield the floor.

Mr. NICKLES. I would like to ask the Senator from Louisiana a couple of questions. One, in this bill we put together, and many of us worked on this for some time, one, we tried to avoid abrogation of contracts. Would not the amendment of the Senator from Ohio grossly abrogate untold numbers of contracts?

Mr. JOHNSTON. By the thousands. There is almost no way to contract for gas on a long-term basis without reference to inflation or the market price and that, by definition, is an indefinite price escalator.

Mr. NICKLES. I think and I hope and I believe the majority of the members of the Senate are not interested in running around abrogating so many contracts. If we were unwise enough to do so, we would be turning these over to the FERC to determine whether they are just and reasonable.

How long does it take the FERC to handle a case? I can just see in my State, which has some production of natural gas, if not thousands, of contracts sitting up before FERC waiting months, if not years, to be determined whether it is just and reasonable. What happens in the meantime? What are they going to charge?

Mr. JOHNSTON. I can tell the Senator exactly what would happen. The FERC would not and could not deal with these things. Shortly after this act would pass, the FERC would come to the Hill and say, "Look, we cannot do this. This is unworkable. if you want to stop natural gas markets in their tracks, then do not do anything about it. Otherwise, you better pass emergency curative legislation to fix this mistake." That is what would happen.

Mr. NICKLES. I thank the Senator.

Mr. JOHNSTON. Mr. President, I yield the floor.

Mr. METZENBAUM addressed the Chair.

The PRESIDING OFFICER (Mr. LIEBERMAN). The Chair recognizes the Senator from Ohio, Senator Metzenbaum.

Mr. METZENBAUM. Mr. President, since talking with my colleague from Louisiana, I find that we are both, I think, wrong. I have before me this statement, and it is to be found in the legislative bulletin: "Between 1979 and 1978, the share of decontrolled gas as a percentage of total U.S. production rose to 61 percent."

Obviously, if it rose to 61 percent, that leaves 39 percent that is still controlled; 39 percent still controlled.

Mr. JOHNSTON. Will the Senator yield?

Mr. METZENBAUM. In 1988, 6 percent was held down by reason of controls, and that means that 33 percent is still controlled, but they are above market prices right now, and that is the reason why there is only 6 percent of that which is coming to market, that is, coming to market under the present prices. But 33 percent of it still remains to be controlled, or a total of 39 percent. I now yield.

Mr. JOHNSTON. That is exactly what I have been saying. I have been saying that 6 percent was controlled by prices that were below market price and that 6 percent would phase down to 2 percent so that by January 1, 1993, only 2 percent would be held down.

Mr. METZENBAUM. Would my colleague then explain to me, what about this other 33 percent?

Mr. JOHNSTON. That is the kind of gas like the section 107 gas, the price of which is now $6.83 cents.

I say the price of which. The controlling price is $6.83. The market price is $1.64. So it is way up above the market price. Section 102 gas is $5.24. Section 103 gas is $3.41. Section 105 gas is $5.03. Section 107 is $6.83. Section 108, stripper gas, is $5.60. So while this is subject to price controls, those price controls for the most part are several times higher than the actual market price.

Mr. METZENBAUM. But the fact is—and I appreciate the Senator's comment but I will proceed—as I read on the floor of the Senate last week there is a considerable amount of gas that is 64 cents, 67 cents, 79 cents, 70 cents, 79 cents, 57 cents, 67 cents, $1.02, $1.34, $1.04, $1.08, and on up. In other words, when you look at the amount of gas that is out there, of course there is some that is controlled at higher prices, and that is one of the reasons why we need my amendment, because some of the gas from those wells in the field is selling as high as $6.82. So the bill, without my amendment, permits all of that which is decontrolled by reason of the bill to immediately go up to $6.82.

Mr. JOHNSTON. That is not correct.

Mr. METZENBAUM. Mr. President, I yield the floor.

The PRESIDING OFFICER. The Chair recognizes the Senator from Louisiana.

Mr. JOHNSTON. I do not understand the Senator's question. It permits what to go up to $6.82?

Mr. METZENBAUM. It would permit all of that gas that is the subject of my amendment, that is, gas that has an indefinite price escalator, to go up—not all gas. I am not going to say all gas is going to go up to $6.82, but it could go up to $6.82, if there are wells in the field that have a price of $6.82 and some wells do. We do not know; some will be $5.87, some will be $6.50.

Mr. JOHNSTON. The Senator is wrong on two scores. First of all, the law in section 313 specifically prohibits using that high-cost gas as the price to which indefinite price escalator gas can rise. That is the first thing. Second, those contracts simply do not reference any highest price. That is yesterday's problem. That was the problem in the early 1980's. It is simply not a problem now. There is virtually none of that gas left.

Mr. METZENBAUM. I would like to say to my colleague as I read section 313 I do not read it the same way the Senator does. That only says that "no price paid in the first sale of high cost natural gas as defined in section 107(c)"—that is a limiting clause—"may be taken into account in applying any indefinite price escalator," and then "as defined in section 105(b)(3)(b)," and then "with respect to any first sale of any natural gas other than low cost natural gas, which is gas defined in section 107(c)."

Now, I want to say to my colleague, frankly, if the Senator understands that, the Senator is smarter than I, but I understand it well enough to say that we are not talking about failing to take into account the possibility of higher prices than the price which existed at the time of decontrol—the price escalator clauses to which we both refer.

Mr. JOHNSTON. I will say to the Senator, I think section 313 read together with section 107 is clear. It says you cannot use that as the price to which it will rise. Moreover, the contracts do not provide for that anyway.

Mr. President, it is so very plain and simple. FERC could not handle thousands of contracts. They just could not do it. You cannot contract for gas long-term without an indefinite price escalator. It is supposed to be in the interest of the consumer to have 3-month contracts with the price set by the spot market?

Mr. President, on this committee I have been dealing with natural gas now for 17 years. We have tried in all that time to get some certainty in the markets, to get some supply in the markets, to get some predictability

and to be able to get some market signals. What this amendment would do in one fell swoop is do away with predictability because you could not contract on a long-term basis. If you have a gas field, you are simply not going to commit that gas field to a long-term contract on today's price. You just do not do that.

The Senator from Ohio said in the debate the other day that the price of natural gas was going to go up. So would you commit your gas to a long-term contract if the price was going to go up, or if you thought it was going to go up? Of course you would not. You would commit it for 3 months and then say, "Well, we will take a look at the end of 3 months." So that in effect you would be free at any time to recommit your gas to another customer and take it away from those customers about which the Senator from Ohio professes such concern.

Mr. President, I think it is very clear that this amendment is not only a killer amendment but it would be a terrible mistake.

The PRESIDING OFFICER. Who yields time?

Mr. JOHNSTON. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator from Louisiana has 4 minutes, 6 seconds remaining.

Mr. JOHNSON. I yield 2 minutes to the Senator from Idaho.

Mr. McCLURE. Mr. President, I thank the Senator from Louisiana for yielding this time.

Mr. President, I will not belabor the subject but I did not wish to allow this time to pass and get to a vote on the amendment without having registered my strong opposition to this amendment. The Senator from Ohio simply does not trust market forces, and there are many of us who do.

I want to make just one point which is true of the energy market, and it is an energy market, not a natural gas market, and that is that fuel switching at the margins determines market value of energy today. Fuel switching in the industrial markets by which industrial users can move away from natural gas to residual oils is where the market determines what the price is. No amount of Government regulation can change that fact. And so there is no reason to fear a price fly up when as a matter of fact the industrial market has alternatives and will choose those alternatives. There is simply no reason any longer to leave the Government in control of a portion of that market.

I thank my colleague for yielding this time. I yield back the remainder of my time.

The PRESIDING OFFICER. Who yields time?

If no one yields time, time will be deducted evenly.

Mr. JOHNSTON. Mr. President, if the Senaor is ready to yield back his time and vote, I am.

Mr. METZENBAUM addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Ohio [Mr. METZENBAUM].

Mr. METZENBAUM. Mr. President, let me make it clear that under these price escalator clauses you could have $6.82 gas to which the price would go and that would not be market price. The market price might just be $1.40, $1.50, $1.90, $2. But if you have one of these price escalators clauses which says that the price immediately after decontrol shall go to the price of the highest two wells in the field—and there are such contracts, lots of them—it might go to $6.82, or if you had some stripper wells in the field it might go to $5.27 as compared to the present price of $1.35 or $1.65—$5.27 being a maximum stripper price. You could have some long-term contracts that would be just and reasonable—in other words, that would be market sensitive.

What we really have here in an effort on the part of my colleagues to say that they want decontrol, but not too much decontrol, because if you get too much decontrol, then the prices are going to come down. You see, if you had total decontrol, there is no question you would not need this amendment that is on the floor. But the fact is, they have now reduced their argument on this amendment to one single claim—too much paperwork—rather than responding to the substance.

They do not want the paperwork. Eliminate that part of the bill that relates to this subject. I tried to be fair and give FERC an opportunity to determine whether it was just and reasonable. If the Senator does not like that, tell me. I will accept an amendment; I will make my own amendment to take out that portion having to do with being just and reasonable and giving FERC authority. I tried to be reasonable, so that there would not be a precipitous action, that there would be an opportunity for FERC to take a look at it.

So now because I am doing that, I am being told, oh, no, now I am causing too much paperwork for FERC. If the Senator does not like the fact that FERC has any say about it, maybe we just ought to have total decontrol, determine that it is unjust and unreasonable.

If the Senator were to vote for it and told me he was going to vote for it on that basis, I would have no trouble taking it out; he could accept the amendment. So if the Senator wanted to worry about the paperwork, I will help him on that score. Just let the amendment be accepted without giving FERC any authority. But absent that, I thought that giving FERC some authority would be a reasonable way to approach this problem.

The PRESIDING OFFICER. The Chair recognizes the Senator from Louisiana.

Mr. JOHNSTON. Mr. President, the distinguished Senator from Ohio has just suggested that he recognized the unworkability of his amendment by saying that the power he will give to FERC under this amendment, he would take away from FERC. The Senator has not offered to change his amendment, and I am frank to say I do not know how it would change. I do respect his honesty in recognizing the total unworkability of this amendment.

Mr. President, there are thousands of gas contracts out there. I assume that all the long-term gas contracts have some kind of indefinite price escalator. In one fell swoop, this amendment would declare them all illegal, unless you come to FERC and make a determination and a finding by FERC, which FERC could not do; it would be overwhelmed, totally overwhelmed and physically could not do this.

So, Mr. President, for that unworkable reason alone, this amendment should fall. Second, it reregulates all natural gas, gives FERC the power to do that. Third, it fixes a problem that is not a problem, that was a problem back 5 and 6 years ago. Most important, Mr. President, it would make it impossible to enter into long-term contracts for supply of natural gas, which would hurt that very consumer who the amendment is designed to protect.

So, Mr. President, if the Senator is ready to vote, I am ready.

Mr. METZENBAUM. Mr. President, I am ready to vote.

I ask for the yeas and nays.

The PRESIDING OFFICER. The request has been made for the yeas and nays.

Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. JOHNSTON. Mr. President, does the Senator yield back his time?

Mr. METZENBAUM. I yield.

The PRESIDING OFFICER. Under the previous order for a vote, the Senator form Ohio will have to yield back the remainder of his time.

Mr. METZENBAUM. On the condition that the Senator from Louisiana does the same, I will, yes.

Mr. JOHNSTON. Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Ohio [Mr. METZENBAUM].

Mr. JOHNSTON. Mr. President, I move to table the amendment, and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Louisiana [Mr. JOHNSTON] to table the amendment of the Senator from Ohio [Mr. METZENBAUM].

The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Tennessee [Mr. GORE] is necessarily absent.

Mr. DOLE. I announce that the Senator from Wyoming [Mr. SIMPSON], the Senator from Wyoming [Mr. WALLOP], and the Senator from California [Mr. WILSON] are necessarily absent.

I further announce that, if present and voting, the Senator from Wyoming [Mr. WALLOP] would vote "yea."

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 73, nays 23, as follows:

[Rollcall Vote No. 86 Leg.]

YEAS—73

Armstrong	Ford	McClure
Baucus	Fowler	McConnell
Bentsen	Garn	Mitchell
Biden	Glenn	Moynihan
Bingaman	Gorton	Murkowski
Bond	Graham	Nickles
Boren	Gramm	Nunn
Boschwitz	Grassley	Packwood
Breaux	Hatch	Pell
Bryan	Hatfield	Pryor
Burdick	Heflin	Reid
Burns	Heinz	Robb
Byrd	Helms	Roth
Coats	Hollings	Rudman
Cochran	Humphrey	Sanford
Cohen	Jeffords	Sasser
Conrad	Johnston	Shelby
Cranston	Kassebaum	Specter
D'Amato	Kasten	Stevens
Daschle	Levin	Symms
DeConcini	Lott	Thurmond
Dixon	Lugar	Warner
Dole	Mack	Wirth
Domenici	Matsunaga	
Durenberger	McCain	

NAYS—23

Adams	Inouye	Metzenbaum
Bradley	Kennedy	Mikulski
Bumpers	Kerrey	Pressler
Chafee	Kerry	Riegle
Danforth	Kohl	Rockefeller
Dodd	Lautenberg	Sarbanes
Exon	Leahy	Simon
Harkin	Lieberman	

NOT VOTING—4

Gore	Wallop
Simpson	Wilson

So the motion to lay on the table amendment No. 191 was agreed to.

Mr. JOHNSTON. Mr. President, I move to reconsider the vote by which the motion was agreed to.

Mr. McCLURE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. METZENBAUM. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. METZENBAUM. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 192

(Purpose: To prohibit passthrough of unjust and unreasonable costs incurred by a natural gas company as a result of an act in violation of environmental law)

Mr. METZENBAUM. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from Ohio [Mr. METZENBAUM], for himself, Mr. REID, and Mr. LAUTENBERG, proposes an amendment numbered 192.

At the appropriate place, insert:

SEC. . PROHIBITION OF PASSTHROUGH OF COSTS.

(a) PROHIBITION.—The Federal Energy Regulatory Commission (referred to as the "Commission") shall not permit a natural gas company to recover in its rates costs of any nature incurred directly or indirectly as a result of an act by the company or its employees or agents that: was a violation of Federal or State environmental law; or was an environmentally irresponsible act unless the natural gas company can demonstrate, using substantial evidence, that such costs that were incurred are just and reasonable.

(b) DETERMINATION OF VIOLATION.—The Commission shall determine whether a violation of environmental law has occurred in accordance with the following standards:

(1) The Commission shall consult with Federal and State agencies having responsibility for enforcement of environmental laws in determining whether a violation has occurred.

(2) The Commission shall be bound by advice from authorized officials of an agency, whether or not in the form of a formal action, that an act was a violation of environmental law.

(3) The Commission shall not be bound by a decision by an agency not to pursue a possible violation or by advice that an act was not a violation of environmental law unless the decision or advice is a formal affirmative determination by the agency that a violation did not occur.

(4) The Commission shall be bound by a judicial determination, or an administrative determination not reviewed by a court, that a violation of environmental law did or did not occur.

(5) The Commission shall not be bound by a consent decree or similar agreement entered in a judicial or administrative proceeding unless the decree or agreement specifically states a determination that a violation of environmental law did or did not occur.

(c) DETERMINATION OF ENVIRONMENTALLY IRRESPONSIBLE ACT.—Notwithstanding the absence of facts warranting prosecution or a possible violation of environmental law, the Commission may find that a natural gas company or its employee or agent committed an environmentally irresponsible act.

(d) PREVENTION OF VIOLATION.—Subsection (a) shall not be construed to prohibit the passthrough of costs incurred by a natural gas company in an effort to prevent violations of Federal or State environmental law by the company or its employees or agents.

(e) DEFINITIONS.—For the purposes of this section—

(1) The term "act" means an act or a failure to act, whether intentional, negligent, or inadvertent; and

(2) The term "environmentally irresponsible act" means an act that is inconsistent with the ends sought to be achieved by Federal or State environmental law.

Mr. METZENBAUM. Mr. President, I yield myself up to 10 minutes.

Mr. President, this amendment makes it much more difficult for pipelines to pass on to consumers the costs for a cleanup incurred as a result of an environmental violation. It strongly discourages but does not prohibit the passthrough of costs for cleanup of environmental violations.

Gas pipelines have contaminated the environment with PCB's, and, frankly, that was bad enough. And the environment will suffer for their negligence. But now, under current FERC regulations, they can turn around and pass the cleanup bills on to gas consumers.

I think pipelines have a lot of nerve in attempting to do that. But, unfortunately, FERC is permitting them to do it.

They are trying to pass on environmental cleanup costs to consumers just as Exxon is attempting to pass on its Alaska oilspill cleanup costs to the taxpayers of this country.

Exxon wants to write off its Alaska cleanup costs to reduce its taxes. Gas pipelines want to have their cleanup costs declared just and reasonable by the Federal Energy Regulatory Commission so that they may legally stick their consumers with the tab.

One gas pipeline signed a consent decree with the Justice Department and the EPA, agreeing to pay the cleanup costs. The pipeline then turned around, applied to FERC to pass all its costs on to consumers as ordinary and necessary expenses associated with providing service.

Texas Eastern Gas Pipeline is actually now attempting to recover over $400 million in cleanup costs after being caught dumping PCB's in open pits along its pipeline right-of-way from Louisiana all the way up to New York and New Jersey.

I wrote letters to the FERC chairman and the EPA Administrator in late 1987 urging them not to do anything in any consent decree that in any way could be construed as allowing Texas Eastern to pass on these cleanup costs. In 1988, Senator LAUTENBERG, one of the cosponsors of this amendment, requested Senate confirmation of five FERC commissioners be held up until we receive their assurances that pipelines could not pass on their costs. This would assure pipelines cannot shift the cost of their mistakes on to consumers.

There are a number of other gas pipelines out there that have PCB cleanup problems. We do not yet know the extent of the problem or have any idea what the cleanup costs will be, and cleanup costs for Texas Eastern may go much higher than the $400 million previously mentioned.

This amendment protects consumers from unjustly footing the bill. This amendment in no way diminishes the pipeline's environmental responsibility. They must still follow the law and will be punished severely if they do not. But for once they will have to pay the price of their negligence and not pass the bill on to the consumers.

Mr. President, I yield the floor and reserve the remainder of my time.

The PRESIDING OFFICER. The Chair recognizes the Senator from Louisiana.

Mr. JOHNSTON. Mr. President, the amendment sounds good. It was not considered before committee. But, Mr. President, this amendment is an abomination. I think I have seen very few amendments on the floor of this Senate which rank with this in terms of bad legal drafting and using concepts which are totally violative of due process and would subject companies to what amounts to huge penalties with no right to be heard and with opinions being determined on the telephone. Let me explain what I mean, Mr. President.

First of all, let me say what the present law is. Present law is that if you have something like this PCB violation, and I have also written letters on the PCB violation urging strong and strict action but, Mr. President, I do not know what the facts of the PCB violation are. I do know this. In order to pass that $400 million of cleanup costs along, Texas Eastern Pipeline must come and prove their case before FERC. FERC has not allowed that to be passed on to consumers. FERC has all the power that they need right now to determine whether that was prudent or nonprudent. So the law now, Mr. President, provides all the power that is needed. There is not one example given of an abuse of power.

He would refer to the *Exxon Valdez* situation. I think my colleagues know that the *Exxon Valdez* spill has nothing to do with FERC. That oil is not regulated by FERC. There is no question of passing that along to consumers at regulated rates. Those rates are not regulated. The Senator from Ohio does not mention one single example of an abusive discretion by FERC or a situation in which FERC does not have the power.

What would he give as the power? First of all, he would say, you cannot pass along these costs if it was an environmentally irresponsible act. Now what, Mr. President, is an environmentally irresponsible act? He defines it. An environmentally irresponsible act means an act that is inconsistent with the ends sought to be achieved by Federal or State environmental law.

So perhaps you are going to build a pipeline and you get a permit to build that pipeline and some State agency says, Well, this is inconsistent with our clean air laws or our scenic laws. It is going to be a blot or eyesore upon the landscape. It means, in effect, you could not pass the costs of that pipeline along, I suppose, because some regulator could say that it is inconsistent with the ends sought to be achieved by some environmental law.

Mr. President, I do not think I have ever seen a standard quite that broad—inconsistent with the ends sought to be achieved by Federal or State environmental law.

Mr. METZENBAUM. Will the Senator yield? I think the Senator from Louisiana has made a good point, and I am going to make the modification to eliminate that particular phrase. Mr. President, I make a modification to eliminate the last paragraph thereof.

The PRESIDING OFFICER (Mr. ROBB). Without objection, the amendment is so modified.

The amendment, as modified, is as follows:

At the appropriate place, insert:

SEC. . PROHIBITION OF PASSTHROUGH OF COSTS.

(a) PROHIBITION.—The Federal Energy Regulatory Commission (Referred to as the "Commission") shall not permit a natural gas company to recover in its rates costs of any nature incurred directly or indirectly as a result of an act by the company or its employees or agents that—

Was a violation of Federal or State environmental law; or

Was an environmentally irresponsible act unless the natural gas company can demonstrate, using substantial evidence, that such costs that were incurred are just and reasonable.

(b) DETERMINATION OF VIOLATION.—The Commission shall determine whether a violation of environmental law has occurred in accordance with the following standards:

(1) The Commission shall consult with Federal and State agencies having responsibility for enforcement of environmental laws in determining whether a violation has occurred.

(2) The Commission shall be bound by advice from authorized officials of an agency, whether or not in the form of a formal action, that an act was a violation of environmental law.

(3) The Commission shall not be bound by a decision by an agency not to pursue a possible violation of by advice that an act was not a violation of environmental law unless the decision or advice is a formal affirmative determination by the agency that a violation did not occur.

(4) The Commission shall be bound by a judicial determination, or an administrative determination not reviewed by a court, that a violation of environmental law did or did not occur.

(5) The Commission shall not be bound by a consent decree or similar agreement entered in a judicial or administrative proceeding unless the decree or agreement specifically states a determination that a violation of environmental law did or did not occur.

(c) DETERMINATION OF ENVIRONMENTALLY IRRESPONSIBLE ACT.—Notwithstanding the absence of facts warranting prosecution of a possible violation of environmental law, the Commission may find that a natural gas company or its employee or agent committed an environmentally irresponsible act.

(d) PREVENTION OF VIOLATIONS.—Subsection (a) shall not be construed to prohibit the passthrough of costs incurred by a natural gas company in an effort to prevent violations of Federal or State environmental law by the company or its employees or agents.

(e) DEFINITIONS.—For the purposes of this section—The term "act" means an act or a failure to act, whether intentional, negligent, or inadvertent.

Mr. JOHNSTON. Mr. President, what the Senator has done is taken away a very noxious definition of the term environmentally irresponsible act and has perhaps done the worst thing. He has left it undefined. What in the world does environmentally irresponsible act mean?

Not only that, Mr. President, but this amendment would disallow the passthrough even if it is an inadvertent act by an employee or agent of the corporation not authorized by the corporation, inconsistent with anything that the corporation stands for. Mr. President, we are not talking about intentional actions. We are talking about punishing inadvertent acts on behalf of the corporation. Not only that, Mr. President, if it is deemed to be a violation of State or Federal environmental law, then you may be disallowed the passthrough. Again, this pass-through may be as much as $400 million. In fact, we have referred to the $400 million cleanup cost if it is a violation of State or Federal law.

How do you determine a violation of State or Federal law? We are told in here, Mr. President. First of all, we are not talking about a conviction. We are not talking about a conviction at all. In fact, it says:

Notwithstanding the absence of facts warranting prosecution of a possible violation of environmental law, the Commission may find that a natural gas company or its employee or agent committed an environmentally irresponsible act.

So that you can be environmentally irresponsible even though you do not violate the law in such way so as to be prosecuted.

How do you determine whether or not an actual violation has taken place? Well, we are told here that the Commission shall consult with Federal and State agencies having responsibility for enforcement of environmental laws in determining whether a violation has occurred. And get this, Mr. President:

The Commission shall be bound by advice from authorized officials of an agency, whether or not in the form of a formal action, that an act was a violation of environmental law.

The Commission shall be bound by advice from a State agency on whether you violate a Federal or State law even if that opinion was given informally. I suppose, Mr. President, that this means that if you call up the State agency having responsibility for PCB's or scenic easements, or whatever, and say, "Does this violate the law and are you qualified to give this opinion," and they say, "Yes, it violates the law," not only may that evidence be used, but FERC is bound by it.

Let me repeat the language if what I have said sounds too strong. I am quoting:

> The Commission shall be bound by advice from authorized officials of an agency, whether or not in the form of a formal action, that an act was in violation of environmental law.

Mr. President, there is no hearing. There is no right to present your case. There is no right to confront your accusers. It is hearsay. It may be itself an irresponsible act but FERC would be bound by that and not allow that to be passed along.

Mr. President, what this would do is discourage cleaning up some situations that need cleaning up, because if you cannot pass that cost along, then you are going to resist this and FERC until the last breath and litigate it out through years rather than putting up the money to clean up the problem.

Mr. WIRTH. Will the Senator yield for a question?

Mr. JOHNSTON. I yield to my friend from Colorado.

Mr. WIRTH. I thank the Senator for yielding. I have a question.

I think the Senator from Louisiana has pointed out very clearly the procedural problems with this amendment. I think that there are some fundamental environmental problems. It is my understanding that the purpose of the whole passthrough process is to encourage cleanup, not to encourage litigation. Is that not correct?

Mr. JOHNSTON. It clearly has that effect.

Mr. WIRTH. What it wants to do, it seems to me, if you go back to the egregiousness of the $400 million example, is encourage a company to voluntarily move in and clean up and then take its chances at FERC as to whether or not those costs could be passed through.

Mr. JOHNSTON. That is right. And you want to give him a fair hearing at FERC where he can present his evidence and the other guy present his evidence and not have him bound by some third-level bureaucrat in some State agency, because under this amendment they would be bound by some informal opinion given by some State agency.

Mr. WIRTH. I think the Senator is correct. There is another fundamental and environmental point which is; we want to make sure the company has the incentive to clean up.

The purpose of the law is cleanup, it seems to me, not to put people in jail or set up long litigation or whatever. Those may be long-term byproducts of this, but the goal, like in the situation with the PCB's, is to get the company to clean up, to allow the company to come in and say maybe I will be able to pass through the charges but maybe not. What I am going to do is clean up, then take the next steps and take my chances with FERC. It seems to me that leaving the legislation the way it is now encourages environmental cleanup and that we should therefore vote against the amendment offered by the Senator from Ohio.

Mr. JOHNSTON. The Senator is very correct. The Texas Eastern case is a good example. Texas Eastern disposed of some PCB improperly. This was certainly not correct, certainly in later years. This took place over a period of years. In the early years PCB's were really a fire retardant lubricant in transformers and other things and they did not know how bad they were.

I am not defending Texas Eastern. I am saying there were levels of complicity, levels of scienter, to use the the legal word, of Texas Eastern—perhaps very bad action during later years, perhaps less bad during earlier years. Texas Eastern claims that they were justified in whole or in part. That proceeding is at FERC right now with much discovery, many intervenors, many witnesses, and under the due process provisions at FERC they will have their day in court. I do not know what FERC is going to do but in the meantime Texas Eastern agreed with EPA to pay $400 million to get it cleaned up so that the problem will be eradicated and whether or not they pass it on will be determined in accordance with due process at a later time.

Now, the point of the Senator is a proper one. If this amendment had been in operation, Texas Eastern would probably never have agreed to pay $400 million in advance. They probably would have taken their chances to go all the way through EPA and FERC, resist it to the last appeal and it would not be cleaned up now. It probably would not be cleaned up 5 years from now.

Mr. WIRTH. If the Senator might further yield, it seems to me, looking at this from an environmental perspective, while the amendment has a good appearance to it and while there may be some very egregious violations that have occurred, in the situation we are talking about, for example, Texas Eastern, this is a long history of PCB's. We have all had PCB's in our district because they looked like oil; they looked appropriate; we did not understand what the problems were.

What we would do, in passing the Metzenbaum amendment, would be to discourage cleanup. The purpose is to encourage cleanup. Let us encourage cleanup and then take our chances as to whether or not FERC is going to allow those costs to be passed through.

Mr. METZENBAUM. Will the Senator yield?

Mr. WIRTH. The Senator from Louisiana has the time but I would hope that we might oppose this amendment; I think it is bad environmental policy. I think we ought to stay with the existing legislation.

I thank the distinguished chairman for yielding.

Mr. JOHNSTON. I thank the Senator from Colorado for his very valid point. I think the Senator from Ohio now wants the floor and I now yield the floor.

Mr. METZENBAUM addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Ohio [Mr. METZENBAUM].

Mr. METZENBAUM. I yield such time as needed by the Senator from New Jersey, up to 5 mintues.

The PRESIDING OFFICER. The chair recognizes the Senator from New Jersey for 5 minutes.

Mr. LAUTENBERG. I thank the Senator from Ohio for permitting me to join with him in supporting this amendment today.

The amendment prohibits FERC from approving rates that pass on environmental violations costs for cleanup to rate payers' unless there is substantial evidence that such rates are just and reasonable. The amendment applies this prohibition to all rate requests by natural gas companies, and it is general in its application. The Texas Eastern gas pipeline case, which is as the distinguished Senator from Louisiana said, the classic case, underscores the need for this amendment. In 1987, we learned that this company had dumped PCB contaminated liquids in pits across the country. The dumping scarred some 89 sites in 14 States. States included were Alabama, Arkansas, Illinois, Indiana, Kentucky, Louisiana, Maryland, Mississippi, Missouri, New Jersey, Ohio, Pennsylvania, Tennessee, and Texas.

After a year long investigation, the Subcommittee on Superfund and Environmental Oversight, which I chaired, issued a report on this situation. That report, which was unanimously approved by the subcommittee, included a recommendation that environmental violation costs not be allowed to be passed through in rate recovery. The cost of cleanup in that case was estimated, as we have heard here today, at $400 million. That does not even account for groundwater and off-site contamination.

In November of 1987, Texas Eastern indicated that it was considering passing some of these costs on to consumers. A rate proceeding is currently underway at FERC which addresses these costs. If this goes unchecked, such a passthrough by Texas Eastern or any such regulated entity could seriously undermine our environmental laws.

In unregulated industries, costs resulting from environmental regulations are borne by shareholders or possible passed on the consumers. But consumers only pick up the tab is they cannot get the product more cheaply someplace else.

Regulated companies face different constraints. They can pass costs on the consumers if they can show that the costs are just and reasonable, which is the application here. Where a regulated company enjoys monopoly power consumers may not be able to purchase the product elsewhere.

If FERC does it job right, it should not allow the passthrough of environmental violation costs. FERC clearly has the authority to prevent rate recovery of environmental violations. But given the importance of this issue, I think that some clarification is necessary to assure that some passthrough does not occur. Consumers should not have to pay for behavior by the management or by the functioning of a company, which violates or is inconsistent with environmental laws.

They should not have to pay for pollution that might have been prevented. The polluter ought to pay. That principle is fundamental to our Federal environmental laws. Otherwise, we take away a significant incentive to prevent pollution. We say that regulated industries can pollute without the certainty of knowing that they must pick up the tab. This jeopardizes the environment and penalizes the consumer.

Mr. President, we heard my friend, the distinguished Senator from Colorado, suggest that by preventing the company to pass along the costs, that in fact it might stand in the way of environmental cleanup.

Mr. WIRTH. Will the Senator yield?

Mr. LAUTENBERG. In just a minute.

Well, that hardly makes the case, in my view.

The PRESIDING OFFICER. The time for the Senator from New Jersey has expired.

Mr. LAUTENBERG. I ask the manager if I might have 2 more minutes.

Mr. METZENBAUM. Without objection.

The PRESIDING OFFICER. The Senator is recognized for 2 additional minutes.

Mr. LAUTENBERG. That hardly makes the case. I think it is very obvious that if someone else is going to pay the tab, the risk is often worth taking. What we are saying is that if—as much as the Senator from Colorado is in the forefront of all fights to improve the quality of our environment—gas companies know in advance that they can pass along the costs resulting from environmental violations, the incentive to prevent the pollution from occurring could be diminished.

Mr. WIRTH. Will the Senator yield for a question?

Mr. LAUTENBERG. Yes.

Mr. WIRTH. Is it the case that there is nothing in the legislation that says they cannot automatically passthrough the cost? That is not in the legislation. What is there is they can apply to FERC, which goes through the process of trying to find out what is reasonable and fair in the determination of whether that passthrough is the case.

Mr. LAUTENBERG. The answer to the question, in my view, is that we must guide FERC in making its decision. We want to let them know in advance that you cannot abuse the environment without paying the cost. We want to help and clarify that decisionmaking process.

I want to say, Mr. President, that we have an important opportunity to send a message to the country: Polluters, not consumers, should pick up the tab of pollution. That is what it is about. That is why it deserves the support of everybody here who is concerned about the protection of the environment.

In response to some of the objectives raised in this debate, I would note that they appear to be procedural, and do not suggest a contrary view of the underlying legal principles of this amendment. Therefore, should a tabling motion be offered, as it appears is likely, and should such a motion succeed, such a result would not form a basis for arguing or concluding that costs resulting from environmental violations or from acts that are inconsistent with environmental laws are just and reasonable. In fact, the statements of the proponents and opponents of the amendment indicate a consensus that such costs are not just and reasonable.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. McCLURE addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Idaho.

Mr. McCLURE. If the Senator from Kentucky will yield 4 minutes.

Mr. FORD. The Senator has 4 minutes from this side.

The PRESIDING OFFICER. The Senator from Idaho is recognized for 4 minutes.

Mr. McCLURE. Thank you. I thank the Senator for yielding the time. I will be very brief. First of all, I agree with what the Senator from Colorado has said. This could inhibit the cleanup of conditions which are discovered and not deliberately created. I want to make a rather fundamental point about where we are and what this amendment does. We have in the law today a flexible standard which FERC does apply on whether or not costs can be passed through, and that standard works. There is no showing that FERC does not make that work.

This amendment would eliminate flexibility and mandate the result, and that has two adverse effects, as far as I am concerned: One, it substitutes arbitrary action for reasoned decision. Second, it deprives the parties who are involved from any sense of, or any semblance of due process. There is no way in which the so-called polluter has the opportunity to present evidence as to whether or not it was accidental or inadvertent or a discovered condition that they did not know existed. It just says, "If you pollute, you pay."

Now, that sounds good, but as the Senator from Colorado has indicated, that militates against the kind of action we wish to take to clean up exactly that kind of mess, which, in part, was true in the Texas-Eastern case, I believe—although I am not an expert on that particular case—I think the amendment, if I listened correctly, and I listened carefully, I think the Senator from New Jersey made a very good point in describing existing law and misdescribing the amendment, because the amendment would not do what he suggested. It would do entirely something different, and the current law does precisely what the Senator outlined in his amendment. There is not only no reason shown for a change in the law, but the law itself, as presented to us in this amendment, does not do what either of the speakers in favor of the amendment suggest that it does.

I hope that indeed we reject this amendment. If there is a problem which has not yet been identified, let us try in a reasonably constructive, ordinary legislative process to deal with a solution to a problem which is then identified, rather than attempting to legislate in this way, which I think would be harmful to the objectives of the people that are suggesting that we make a change in the law at this time.

So I hope our colleagues will not be misled into believing this does something good for the environment or does something good for the process or does something good for the consumers when, as a matter of fact, I think it does none of the above.

Mr. LAUTENBERG. Will the Senator yield for a question?

Mr. McCLURE. I am afraid my time has expired.

Mr. REID addressed the Chair.

Mr. METZENBAUM. How much time does the Senator from Nevada wish?

Mr. REID. The Senator from Ohio has how much time remaining?

The PRESIDING OFFICER. About 19 minutes, 30 seconds.

Mr. REID. Up to 10 minutes.

Mr. METZENBAUM. Without objection.

Mr. REID. Mr. President, I rise in support of the amendment now pending before this body. First of all, let us get to the merits of this amendment. There has been talk here that this amendment would put people in jail—simply not true. This is a simple amendment, one that Members of this body should be able to identify with.

If you cause a mess, the consumer should not have to pay. This is similar to an amendment that was discussed at some length last week on this floor—my oilspill bill—which simply said, if you pollute, then before you can deduct from your taxes the cost of that cleanup, that there must be a certification by the EPA and/or the Coast Guard that you have complied with the law; that is, that you have done a reasonably good job of cleaning up and met certain standards established by EPA and/or the Coast Guard.

The Metzenbaum amendment is a general remedy, inspired by a specific event, much like the oilspill bill, which was inspired by Exxon's polluting the Alaskan waters. The tragic *Exxon Valdez* spill created a lot of commotion, but in addition to that, Mr. President, it created an atmosphere in this country that the time has come when these large corporations should be held accountable for what they do. And the *Exxon Oil Valdez* example certainly is something that is emblazoned in the minds of the consumer public.

This amendment, the one about which we are here today, is a response to a gasoline explosion that occurred on May 27 in California, at or near the city of San Bernardino. That incident arose when a large gas pipeline exploded. The reason that it exploded, probably—we do not know for sure—was as a result of a train accident that has occurred a matter of a couple weeks prior to that.

The explosion that occurred killing two people, forced hundreds to abandon their homes, cut the gasoline supply to southern Nevada, different factually than the *Exxon Valdez* oilspill which did not directly kill people but killed thousands of animals and led to the largest oil price increases in the history of the Nation in a short period of time.

The gasoline explosion that took place in San Bernardino killed people, disrupted people in their homes, destroyed homes, but in addition to that, Mr. President, it increased the cost of gasoline even more so in the State of Nevada than was caused by the *Exxon Valdez* oilspill. This was caused by a violation of law.

In response to the Alaska oilspill, Exxon is passing on the cleanup cost to consumers. In response to the San Bernardino explosion, various oil companies are passing on the cost of trucking the gasoline to southern Nevada.

Mr. JOHNSTON. Mr. President, will the Senator yield for a question?

Mr. REID. I will in a short time, not right now.

In both cases other oil companies will raise their prices in response.

The consumers do not expect and should not expect to pay for the accidents of giant corporations. I think this Congress must stand on the side of the consumer and on the side of the environment.

I think the Senator from New Jersey certainly responded well to the question of how FERC would handle this. This gives direction to FERC in handling this awesome job that they have. But it does have to take into consideration these violations of our environment.

We cannot do anything about oil pipelines directly perhaps, but we have an opportunity here today to protect consumers from costs associated with environmental mishaps on these pipelines.

The oilspill bill prevents polluters from passing on cleanup costs by deducting these costs from their Federal income taxes.

This amendment before this body today requires FERC to prevent gas companies from passing on the cost of price increases that result when a company violates Federal or State environmental laws. That is quite simple, direct and to the point. It prevents gas companies from passing on the cost of price increases that result when a company violates Federal or State environmental laws.

The Finance Committee, by agreeing to hold hearings on my bill, the oilspill bill, is giving this body an opportunity to protect consumers from the costs of cleaning up the mess left by corporate polluters. Now today this body has an opportunity to protect consumers from the cost of gas polluters as has been illustrated here today.

I urge my colleagues to support the Metzenbaum amendment.

I would be happy to respond to a question from the senior Senator from Louisiana.

Mr. JOHNSTON. I thank my friend from Nevada.

My friend from Nevada talked about a couple of cases, the *Exxon* spill, the gasoline spill in Arizona. The Senator, of course, understands that none of that is regulated by FERC or covered by this amendment.

Mr. REID. Yes, I do understand that.

Mr. JOHNSTON. Is the Senator aware of any single case in which FERC has allowed a pass-on of expenses in one of these environmental cleanup cases, cases where there was a violation of environmental law?

Mr. REID. I would suggest to the Senator from Louisiana that I cannot give a specific case. I do not serve on the chairman's committee and am not certainly as familiar with the case-by-case history as is the chairman.

But that answers the question in and of itself, because if in fact there are not cases, then we should not be concerned, and that should make the amendment that much more agreeable, if in fact there are not cases, because if one does occur then this would give FERC further direction about how to handle their rate increase requests.

Mr. JOHNSTON. Would the Senator be in a position to disagree with me when I tell him that to my knowledge there is only one case of this kind and that is the Texas Eastern case that is pending now, and the question is whether it was improvident of Texas Eastern to have taken this action in the first place.

I have not heard it suggested that there is any lack of authority on behalf of FERC. Would the Senator be in a position to disagree with the statement?

Mr. REID. I would respond to the chairman's question by saying my answer still applies as answered previously. If in fact there are cases, one that the chairman mentioned, or others arise in the future as to whether there are some environmental laws being violated, then certainly FERC, as indicated by the Senator from New Jersey, would just have that much additional guidance in handling the rate request or the request for the cleanup costs being passed on.

Mr. JOHNSTON. I thank the Senator.

Mr. REID. I yield the floor.

Mr. JOHNSTON. Mr. President, I yield to the Senator from Idaho 3 minutes.

The PRESIDING OFFICER. The Senator from Idaho is recognized for 3 minutes.

Mr. McCLURE. Mr. President, in trying to explain the effect of this amendment, let us get into something that more of us might be familiar with.

You are involved in a minor traffic accident. Two cars came together and there is a small wrinkle in the fender of each. Nobody is injured. It is not terribly serious. The investigating officer looks at it and says, "I think the driver of car A was guilty." Bang, he is guilty.

Under this amendment there is no appeal from that. There is no review of that. There is absolutely no way the man can escape unless he goes to court and is exonerated by a court and a jury at a later stage.

Now get this: If, on the other hand, he did not go to court and get a trial and get exonerated, suppose he goes to the investigating officer or to the supervisor or to the district attorney and persuades them not to prosecute the violation of law. He is still guilty under this amendment because there was no exoneration by a jury at a later date; the investigating officer's opinion in advice to someone else determines his guilt—no hearing, no trial, no exoneration; he is guilty.

If that standard is made to apply here, I would tell you I think that is impossible to live with as a matter of law or policy.

I have read this as carefully as I know how to read, and I can tell you that is the result, maybe not the intended result, but it is the result of the language in this amendment.

There may be a problem that needs to be addressed. I think probably not under the prudent expenditure test which FERC is permitted to attach. But if there is a problem, this simply is overkill, and in my judgment the amendment ought to be rejected.

The PRESIDING OFFICER. Who yields time?

Mr. LAUTENBERG. Mr. President, I ask if the Senator from Ohio would permit me a 1-minute response?

Mr. METZENBAUM. I yield 1 minute.

The PRESIDING OFFICER. The Senator from New Jersey is recognized for 1 minute.

Mr. LAUTENBERG. Mr. President, FERC has broad discretion given to it. We are saying there should be no doubt about the fact that neglect of environmental responsibility by companies is their obligation and not the ratepayers.

There is no penalty. This is no incentive to comply with the law otherwise.

Mr. JOHNSTON. Mr. President, will the Senator yield for a question on my time?

The PRESIDING OFFICER. Does the Senator from New Jersey yield to the Senator from Louisiana for a question?

Mr. LAUTENBERG. I return the floor to the manager.

Mr. JOHNSTON. Mr. President, how much time remains on both sides?

The PRESIDING OFFICER. Nine minutes and nineteen seconds on the opponents' side and 9 minutes and 54 seconds on the proponents' side.

Mr. JOHNSTON. Mr. President, if the Senator is willing, I am willing to sum up in a minute or have the Senator from Colorado sum up in a minute and let the Senator from Ohio sum up in a minute, and vote.

Mr. METZENBAUM. Mr. President, I say to the Senator from Louisiana, the Senator from Ohio is considering modifying his amendment to make it short, and so I do not know if I want to do that without the Senator from Louisiana having an opportunity to see what I have done to it so he may have a further opportunity to speak to it.

Mr. JOHNSTON. Mr. President, this amendment has been changed once to take out what was an awful definition and leave the term "environmentally irresponsible" undefined. That could mean any number of things. One thing is clear, Mr. President, that this amendment would be productive of endless litigation.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. JOHNSTON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JOHNSTON. Mr. President, under the quorum call, is the time being equally divided?

The PRESIDING OFFICER. The time is not being equally divided at this point. It is being taken from the time of the Senator from Louisiana.

Mr. JOHNSTON. Mr. President, we were advised earlier that under a quorum call the time was equally divided.

The PRESIDING OFFICER. The request for a quorum call would have to specify that the time be equally divided. The Senator has 2 minutes remaining on his side.

The Chair would remind the Senator that the time is still running, if any Senator desires to address the question before the Senate.

Mr. JOHNSTON. Mr. President, I had asked the Senator from Ohio if he was willing to vote at this time. We were willing to vote. I think he wants to further argue this.

I have thought, under what we were told previously, that the time would run equally under the quorum call against both sides. I believe we have only 2 minutes remaining.

I yield the remainder of the time to the Senator from Colorado.

The PRESIDING OFFICER. The Chair recognizes the Senator from Colorado.

Mr. WIRTH. Thank you very much, Mr. President.

The statement was made earlier in support of this amendment that: "You cannot abuse the environment without paying the cost."

Noboby disagrees with that. I mean, we want those who have caused environmental problems to pay for it. No question about that whatsoever.

What this amendment does, though, however, is preclude people who have in fact caused problems to clean up the environment and then go after the cost for doing that. This amendment makes it almost impossible to assume that any company that says, "Hey, I made a mistake. I'm sorry. It was a problem," or, "I did something in the past that I didn't know about," it makes it impossible for any one of them to come forward and say they are going to clean up their problem and then to to FERC and say, "Maybe that is justifiable, maybe it isn't, but you, FERC, decide whether or not this is a reasonable and fair approach."

This is a very anticleanup amendment. The polluter pays, of course, but this is simply not a fair way of approaching it, and a completely irrational approach.

Finally, it says in this amendment: "The Commission shall be bound by advice from authorized officials of an agency, whether or not in the form of a formal action."

FERC calls up a State or a county or a local agency and says, "What do you think?" And that becomes a formal procedure? I am not a lawyer, but I can tell you that is terrible.

This is a poorly drafted, thin gruel amendment indeed, and it certainly is antienvironmental. This is going to discourage any kind of cleanup.

So I hope, from an environmental perspective, Senators should certainly understand that they should vote against this very badly crafted and bad amendment.

The PRESIDING OFFICER. All time for the opponents has expired. The Chair recognizes the Senator from Ohio.

Mr. METZENBAUM. Mr. President, just the opposite is true, of that which he has been peddling on this floor this afternoon.

If the pipeline knows that they cannot pass thrugh to the consumer the cost of their environmental irresponsibility, they will have the financial incentive to prevent the environmental problem in the first place.

What an absurd proposition we have been offered this afternoon by the Senator from Colorado, that it is a terrible thing, that if we do not let them pass through, they are not going to clean up the environment.

First of all, they should not have polluted the environment.

Mr. WIRTH. Will the Senator yield?

Mr. METZENBAUM. No.

They should not have polluted the environment.

They were the ones who were the moving party. It was not somebody else. It was they.

And now what they want to do is pass through those costs to the consumers. That is exactly what is being

attempted in a case pending before the FERC at the present time.

Why? What possible justification could there be to permit that to occur?

So this amendment is directed at the same subject, only different kinds of operations, as the proposal made by the distinguished Senator from Nevada the other day with respect to Exxon.

Exxon pollutes in Alaska; comes back and says that they are going to deduct the costs of cleaning it up from the taxpayers of this country, that everybody is going to have to share in those costs. Not 100 percent because it is only the amount of the taxes. But that is the same kind of argument we are getting here today. If we do not let them pass it through, then they will not clean it up.

I do not believe the Senator from Colorado believes that these gas pipeline companies are that irresponsible.

Mr. WIRTH. Will the Senator yield?

Mr. METZENBAUM. I think he knows better than that.

Mr. WIRTH. Will the Senator yield?

Mr. METZENBAUM. I yield for a simple question, one question, not a speech.

Mr. WIRTH. Is there anything in this amendment that relates to Alaska and Exxon?

Mr. METZENBAUM. Not a thing.

Mr. WIRTH. I did not think so.

Mr. METZENBAUM. My colleague is absolutely right. But the situation is comparable and that is the only reason we mention it. In the Exxon situation, the effort is made to clean it up and then pass it on to the taxpayers by deducting it from the taxes. In this one, the effort is made to pass it on to the consumers.

What we are saying is that FERC has the right to say no; that FERC has a right to find out what the facts are, to find out what decisions have been made by governmental agencies, and then to say no.

To suggest to the contrary, and that this is a great environmental opportunity, by defeating this amendment, violates the language of the amendment; violates the facts; is contrary to reality; and worst of all, it violates the environment.

This amendment allows the pipelines to clean up. If they show that they acted reasonably, they can pass it on, period.

But, if they did not, they cannot pass it on. And anyone who believes that we ought to have a cleaner environment in this country should be voting with me on this amendment. They should be voting with Senator REID. They should be voting with Senator LAUTENBERG on this amendment.

My colleague from Louisiana made the point that there could be no hearing, just an absolute moving forward and that would be the end of the ball game. FERC would disallow it and that is it.

I know my colleague from Louisiana is too good a lawyer to have anybody believe that, because the language specifically says, in line 8, "was an environmentally irresponsible act unless the natural gas company can demonstrate, using substantial evidence, that such costs that were incurred are just and reasonable."

The only place you have evidence is in a hearing.

Mr. JOHNSTON. Will the Senator yield?

Mr. METZENBAUM. For a question?

Mr. JOHNSTON. Yes. I said that they would be "bound by advice from authorized officials of an agency, whether or not in the form of a formal action," that there was a violation of environmental law.

Mr. METZENBAUM. No, what the Senator said, if I may correct him, my colleague said there is no right to be heard, and he said no hearing.

Mr. JOHNSTON. That is correct. On the question of a violation.

There are two different things here: "an environmentally irresponsible act" on which you have a right to a hearing; and "a violation of environmental law," on which the "Commission shall be bound by advice from authorized officials of an agency, whether or not in the form of a formal action."

I am quoting the amendment of the Senator from Ohio. There is no evidence. No hearing. No nothing.

Mr. METZENBAUM. It is my time, if my colleague does not mind, and I asked for a question and I tried to answer his question.

Mr. JOHNSTON. Am I not correct?

Mr. METZENBAUM. Thank you very much. The determination of the violation is found in the language: "The Commission shall determine whether a violation of environmental law has occurred in accordance with the following standards."

And then you have those standards set forth in the amendment. I will not read all of them. The Senator from Louisiana mentions one of them, but that is all.

There will be a hearing. There will be evidence. There will be fairness. And, if it is just and unreasonable, then it will be disallowed. But if it is just and reasonable, it will be allowed. And that is the way it ought to be.

Mr. JOHNSTON. Would the Senator yield for a question? A short question?

Mr. METZENBAUM. Only for a question.

Mr. JOHNSTON. I must not be reading this right. If the Commission is bound by the informal opinion of an authorized official, how can there be evidence on that question, other than the question of whether or not he gave the opinion?

Mr. METZENBAUM. The Commission will take all the factors into account and will make its own determination. We cannot preclude the Commission from making its own determination.

Mr. JOHNSTON. The Senator just did.

Mr. METZENBAUM. Just a moment. Whether or not the violation occurred, the Commission can get the advice. But the Commission still has the right to determine whether or not the pipeline's actions were just and reasonable.

Mr. JOHNSTON. What does it mean it says they are "bound by advice"?

Mr. METZENBAUM. It is a determination that there was a violation. They are bound that there was a violation.

They are not bound in the ultimate decision as to whether their expenditures were just and reasonable.

Mr. President, how much time does the Senator from Ohio have?

The PRESIDING OFFICER. The Senator from Ohio has 1 minute and 48 seconds remaining.

Mr. METZENBAUM. Mr. President, if Senators believe in the environment, if Senators think that those who violate the environment ought to at least be brought up, not exactly on charges but brought before FERC for a determination as to whether or not they should or should not be required to pay it themselves or pass on the expenses to their consumers, then Senators have to vote for this amendment. We are just saying that FERC has the right to do it. We are saying that, if there is a violation, that it ought not to be charged back to the consumers automatically.

Mr. President, my understanding is that the proponents have no further time; the Senator from Ohio probably has less than 1 minute time left?

The PRESIDING OFFICER. The Senator's understanding is correct on both counts.

Mr. METZENBAUM. Mr. President, I yield back the remainder of my time and I am ready to vote.

The PRESIDING OFFICER. Both sides have yielded back all time. The question occurs on the amendment offered by the Senator from Ohio.

The Chair recognizes the Senator from Louisiana, Senator JOHNSTON.

Mr. JOHNSTON. Mr. President, I move to table the amendment.

Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Louisiana to lay on the table the amendment by the Senator from Ohio [Mr. METZENBAUM],

as modified. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Tennessee [Mr. GORE] is necessarily absent.

Mr. DOLE. I announce that the Senator from Wyoming [Mr. SIMPSON] and the Senator from Wyoming [Mr. WALLOP] are necessarily absent.

I further announce that, if present and voting, the Senator from Wyoming [Mr. WALLOP] would vote "yea."

The PRESIDING OFFICER (Mr. CONRAD). Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 66, nays 31, as follows:

[Rollcall Vote No. 87 Leg.]

YEAS—66

Armstrong	Fowler	McClure
Baucus	Garn	McConnell
Bentsen	Glenn	Mitchell
Bingaman	Gorton	Moynihan
Bond	Gramm	Murkowski
Boren	Grassley	Nickles
Breaux	Hatch	Nunn
Bumpers	Hatfield	Packwood
Burdick	Heflin	Pryor
Burns	Helms	Riegle
Chafee	Hollings	Robb
Coats	Inouye	Roth
Cochran	Jeffords	Rudman
Cranston	Johnston	Sanford
D'Amato	Kassebaum	Sasser
Danforth	Kerrey	Shelby
Daschle	Kerry	Stevens
Dixon	Lott	Symms
Dole	Lugar	Thurmond
Domenici	Mack	Warner
Exon	Matsunaga	Wilson
Ford	McCain	Wirth

NAYS—31

Adams	Graham	Metzenbaum
Biden	Harkin	Mikulski
Boschwitz	Heinz	Pell
Bradley	Humphrey	Pressler
Bryan	Kasten	Reid
Byrd	Kennedy	Rockefeller
Cohen	Kohl	Sarbanes
Conrad	Lautenberg	Simon
DeConcini	Leahy	Specter
Dodd	Levin	
Durenberger	Lieberman	

NOT VOTING—3

Gore	Simpson	Wallop

So the motion to lay on the table amendment No. 192, as modified, was agreed to.

Mr. JOHNSTON. Mr. President, I move to reconsider the vote by which the motion to lay on the table was agreed to.

Mr. McCLURE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. JOHNSTON. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CHAFEE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

If the Senator will withhold for 1 moment, if we could have order in the Chamber so the Senator can be heard.

The Senator from Rhode Island.

EXPLANATION OF VOTE

Mr. CHAFEE. Mr. President, as one who is deeply concerned about our environment, and whose credentials on environmental issues are as strong as any of my colleagues in the Senate, I would just like to comment briefly on the last vote. I believe the amendment, which was just soundly defeated, would have resulted in an entirely inappropriate Federal policy. The amendment stated that "the Commission shall be bound by advice from authorized officials of an agency, whether or not in the form of a formal action, that an act was a violation of environmental law." This is bad language. I do not believe we want the Federal Energy Regulatory Commission to be bound by advice that comes from any agency official, whether or not that advice was in the form of a formal action.

This would allow an authorized official to come forward and give his opinion, as if in fact, that an action was in violation of environmental law. To bind FERC by this opinion would violate the concept of due process of the law, a fundamental underpinning of our system of jurisprudence.

So, Mr. President, it is for that reason that I voted to table the amendment that was presented by the junior Senator from Ohio. I believe environmentalists must take responsible positions on environmental matters. When a proposal is not adequately constructed, and poses a significant threat to an important tenet like due process of the law, we should say so.

Our credibility is an extremely important factor in this Chamber. If we wish others to carefully consider our concerns, we must be thorough in evaluating environmental proposals. Plenty of difficult matters will come before us in the coming months—the Clean Air Act, preservation of wetlands, the Clean Water Act, and reauthorization of the Superfund. Those of us who are deeply concerned with the environment want to be able to stand up here and have our colleagues say we are responsible or in pursuit of protecting our environment. I think that confidence and respect gives us the best chance of enacting important environmental legislation.

I thank the Chair.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. METZENBAUM. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 193

(Purpose: To declare take-or-pay clauses to be presumptively unjust and unreasonable)

Mr. METZENBAUM. Mr. President, I send an amendment to the desk on behalf of myself and Senator KOHL and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Ohio [Mr. METZENBAUM], for himself and Mr. KOHL, proposes an amendment numbered 193.

Mr. METZENBAUM. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place, insert:

"SEC. 8. TAKE-OR-PAY CLAUSES.

"A take-or-pay clause in a contract for the purchase of natural gas shall be held to be injust and unreasonable under section 5 of the Natural Gas Act (15 U.S.C. 717d) unless the Federal Energy Regulatory Commission finds, on application of a party to the contract, that the clause is just and reasonable under the particular circumstances of the contract in question.".

Mr. METZENBAUM. Mr. President, this amendment is simple. It shifts the burden of proof regarding who should pay for the multibillion-dollar mistake known as take-or-pay.

Right now, consumers must pay for billions of dollars in take-or-pay liabilities. Bills being passed on to consumers for take-or-pay contracts now total over $5.1 billion. That amount will increase in the future unless we adopt this amendment.

While FERC has made some generic rulings regarding the apportionment of take-or-pay liabilities, they have failed to examine particular cases to see whether the pipelines acted prudently when they entered into the contracts.

This amendment says that FERC must presume that take-or-pay liabilities are unjust and unreasonable unless, after a hearing, they find that a particular contract's take-or-pay clause was in fact just and reasonable.

This amendment in no way abrogates contracts between producers and pipelines that have take-or-pay clauses: The contracts remain legally binding. The legal obligation between buyers and sellers continue.

I am pleased that it has been endorsed by AARP.

Now, take-or-pay contracts were extracted from gas buyers during acute gas shortages of late 1970's.

Buyers must take high priced gas in large quantities, or pay a penalty for the shortfall. Typically the required "take"; in other words, purchase, is 70 to 90 percent of the average purchase.

This is the equivalent of having to pay 70 to 90 percent of your average grocery bill every time you shop, re-

gardless of how many groceries you actually take home.

Take-or-pay is anticompetitive. It restricts gas buyers from shopping for lowest cost supplies and getting it delivered under open access transportation. They cannot do that because they are obligated to buy large volumes of the high-priced gas.

Soon after most of these contracts were signed, demand for gas plummeted due to several factors, such as warm winters, plant closings, recession, and conservation.

As a matter of fact, large industrial gas purchasers switched to oil as the oil price collapsed.

Yet, despite the lower demand, pipelines had obligated themselves to buy large volumes of high priced gas, and as a result significantly raised costs to residential consumers.

FERC has the power to invalidate take-or-pay, but they are now making the consumers pay half the liability, the pipelines pay up to half.

In a similar situation pertaining to pipeline-local distribution company [LDC] contracts, the other end of the stick, our end being the pipeline to the producer, minimum bill clauses with the same anticompetitive effects of take-or-pay were in the contracts.

In 1984, FERC used its NGA section 5 powers to invalidate minimum bills in pipeline-LDC contracts. This order 380 was upheld by courts as I described earlier, citing FERC's "authority to limit or to proscribe contractual arrangements that contravene the relevant public interests."

In 1985 FERC issued order 436, which encouraged pipelines to become open access transporters but it failed to deal with take-or-pay liabilities between producers and pipelines that were already mounting into many billions of dollars of costs for consumers.

Take-or-pay liabilities worsened as pipelines could not sell high cost, high take-or-pay gas. In June 1987, the D.C. Court of Appeals, while confirming FERC power to coerce pipelines to become open access transporters, threw out the whole order for its glaring failure to address the closely related take-or-pay problem using its section 5 remedial powers. The court criticized, and I quote:

> FERC's seeming blindness to the possible impact of order 436 on take-or-pay liability seems impossible to square with reasoned decisionmaking.

I am not sure all of my colleagues heard that, but I want to point it out to you. I want to repeat it. The court in that case, the D.C. Court of Appeals, while confirming that FERC had the power to coerce pipelines to become open access transporters, they threw out the whole order for its glaring failure to address the closely related take-or-pay problems using its section 5 remedial powers.

Mr. JOHNSTON. Mr. President, will the Senator yield?

Mr. METZENBAUM. Not at this point.

The court said:

> FERC's seeming blindness to the possible impact of order 436 on take-or-pay liability seems impossible to square with reasoned decisionmaking.

That is about as strong language as I have ever heard a court use.

The court concluded "FERC's indifference on take or pay taints the package."

In late 1987 FERC's solution to the Court of Appeals ruling was order 500 with respect to take or pay. Order 500 allows automatic passthrough of up to half of the billions in liabilities, and the bulk is passed on to residential consumers if pipelines absorb the other half.

Order 500 is still an interim rule. The court will not hear the oral argument until the fall of 1989. By that time most bills may already be paid by consumers and unquestionably FERC will say the problem is solved, the case is moot, and the consumer will have been stuck with the bill.

This amendment will help consumers and local distribution companies nationwide by encouraging FERC to conduct an investigation into the reasonableness of these contract terms. It does not void take or pay liabilities. It merely exposes them to the light of day.

I yield the floor.

Mr. JOHNSTON. Mr. President, this amendment would wreak havoc in the whole gas market, and that havoc would last only so long as it would take the Congress to come in and correct the mistake because this would be totally, totally unworkable.

If I may explain, first of all, let me explain what a take-or-pay contract is. In any contract for natural gas you have a price and you have a quantity. Now, the quantity is dealt with on what we call take-or-pay because in the case of purchaser, the needs of that purchaser will vary seasonally. In wintertime they will need more gas than they will in summertime.

On the other hand, for the supplier of natural gas, the deliverability of the field or of the well will vary according to geologic conditions.

So, accordingly, in order to tie up a specific quantity of gas or a specific field, we provide for take-or-pay contracts which will typically say that the purchaser will be bound to take, for example, 70 percent of the deliverability of the field not to exceed a certain specified amount.

Now, Mr. President, virtually every long-term gas contract has a take-or-pay provision. It is the only way to make really a binding long-term contract. If you cannot tie up the quantity, then there is no way to have a contract.

So, in effect what this amendment would do would say that virtually every long-term contract for the delivery of natural gas existing in America today would be presumptively invalid, and the only way to make them valid would be to go in to FERC and prove that it was just or reasonable.

How many natural gas contracts are there? There are thousands of natural gas contracts, all of which would be presumptively invalid and you would have to go to FERC in order to prove them valid.

It is precisely the same question that we had in the amendment a moment ago which we beat 73 to 23.

The contract would be invalid unless you went to FERC. You would have to go to FERC in virtually every case because they all have take-or-pay contracts. There is no other way to have a long-term gas purchase contract.

What was the Senator talking about a moment ago when he was saying FERC said in order 436 or the court of appeals said on appeal of order 436?

Mr. President, the Senator did not answer my question which was going to be: Did the Commission not come back under order 500 and clear it up? And the answer to that is yes, Mr. President.

After order 436 and the court of appeals decision on that, then they remanded the case to FERC. FERC then came up with order 500 dealing with the take-or-pay.

The problem, Mr. President, was not with take-or-pay contracts. The problem was really in the price specified in those contracts because some years ago when the price of natural gas was very high and the supply was very low, companies entered into long-term take-or-pay contracts, setting the price of natural gas in some cases as high as $6 or $7 and providing for a long-term contract.

The contract was perfectly valid, was entered into in good faith, but the price of natural gas dropped, thereby putting pipelines, local distribution companies, and consumers in an embarrassing economic situation; thereby FERC came up with order 500 to deal with that, which provided, in effect, for the passthrough of sums incurred for the renegotiation of those contracts, and that such costs would be split 50-50 between the consumer and the pipeline.

As I mentioned the other day, Mr. President, about 80 percent of the costs had been renegotiated; 95 percent of the contracts have been renegotiated, and 80 percent of the liability was negotiated away and absorbed by producers. The remaining 20 or 30 percent was divided 50-50 by agreement between consumers and the pipeline companies.

So, Mr. President, the problem dealing with take-or-pay which was really a price problem has been solved.

This amendment would create brand new problems of unsolvable dimensions. The first effect would be probably to abrogate all of these contracts.

There is a provision in gas contracts, typically a provision, called a force majeure provision, which says in effect that, if by action beyond the control of the parties as in the case of FERC or in the case of a congressional abrogation of a provision of the contract such as take-or-pay, the whole contract is abrogated.

So, you would have thousands of contracts which would be subject to being immediately nullified.

The only way to revive them would be to go to have a long-term litigation at FERC.

So, Mr. President, in effect what you have is all the gas that is being supplied to consumers today would be at very best uncertain as to its legality and at worst the contract fully abrogated.

Mr. President, further for future action it would make virtually impossible a long-term contract. If you cannot tie up a long-term supply of gas binding both the purchaser to take it and the supplier to supply it, you are not going to have any long-term contracts. They will say we will contract for 90 days. We will give you x amount of gas which they know that they need and you know that you can supply, and you will come back at the end of 90 days—no stability of supply for the market.

I cannot imagine a worse thing for the consumer than what this amendment would do.

Mr. President, it would be totally unworkable. Moreover, this amendment would greatly expand FERC jurisdiction. Most wellhead natural gas contracts are already deregulated. Well over 60 percent are already deregulated. But what this amendment would do would bring those contracts to the extent they have take-or-pay obligations back under FERC jurisdiction, with I suppose blanket authority of FERC to reform the contracts in whichever way they wished, to rewrite the price or rewrite the quantity of take-or-pay or indeed to declare the whole contract null and void.

The same arguments were made on the first amendment today. Take-or-pay it is the flip side of the indeterminant price escalator provision.

Mr. President, there are probably few areas of the law as arcane, as detailed, as difficult as natural gas deregulation.

I can tell my colleagues what order 436 provides and what order 500 provides, but I can tell you that my colleagues, those who do not deal in natural gas, are not going to really understand it because it is very, very complicated.

So to bring an amendment out here on the floor that deals with all the natural gas contracts in America, which runs the risk of nullifying all of those contracts, of abrogating any long-term contracts, of putting the markets into disarray and doing all of that without hearing from the first witness, without having the first day markup in the committee of jurisdiction, Mr. President, would be totally irresponsible.

It is simply indefensible, because there is a no problem here. The problem has been fixed by order 500. Over 95 percent of those contracts have been renegotiated. And the effect of the amendment would be to wreak havoc on all of our natural gas markets.

Mr. METZENBAUM. Will the Senator from Louisiana yield for a question?

Mr. JOHNSTON. Yes.

Mr. METZENBAUM. The Senator from Louisiana has spoken about order 500 providing for pipelines to pay 50 percent of the cost and consumers to bear 50 percent of the cost. Is it not a fact that the consumers are now paying 100 percent of the costs because order 500 is on appeal? Many lawyers are saying that it may be overturned, but in the interim the consumer is being billed and the only way the consumer would benefit from that order is if FERC were to order refunds, which is a highly unlikely probability.

Mr. JOHNSTON. The Senator is incorrect. The billing mechanisms in place at the present time are on a 50 to 50 basis. Moreover, the amount that is split 50–50 is only the amount that the pipeline has paid to settle its liability.

Understand that about 70 to 80 percent of cost of those take-or-pay contracts from some years ago have already been negotiated away. So you are dealing with only the remaining 20 or 30 percent of renegotiated costs and that is being split 50–50 between the pipelines and the consumer.

Mr. METZENBAUM. Is the Senator from Louisiana saying that the consumer is not being billed for that 50 percent under order 500; that none of it is being billed to the consumer?

Mr. JOHNSTON. Fifty percent of the unnegotiated amount is being billed to the consumer, that is correct.

Mr. METZENBAUM. Is it not correct that the consumers have been billed as of May 11 this year $3,467,328,412, according to a report from somewhere, I am not sure where it came from?

Mr. JOHNSTON. I am not sure of the amount, but that may well be what the pipelines have applied for which has not been passed through yet, not been determined by the Commission.

Mr. METZENBAUM. According to what I am reading here, it says amount directly bill, $3,467,328,000.

Mr. JOHNSTON. I do not know what document the Senator has.

Mr. METZENBAUM. It is a FERC document.

Mr. JOHNSTON. I think the Senator would probably find that that is the amount that has been filed for that represents 50 percent of the negotiated amount and that will be amortized over a 5-year period and, indeed, passed on to consumers if the State commissions determine that LDC's were prudent.

Mr. METZENBAUM. I am afraid I have to take issue with my colleagues, because in the FERC figures, the amount directly billed, as I said in my opening statement, $5.1 billion has actually already been passed through this. This has a breakdown of $3,467,000,000 and plus a voluntary surcharge of $1,743,000,759. I guess the total of that would come up to $5.1 billion.

Mr. KOHL. Mr. President, I am pleased to speak on behalf of this amendment.

I also am concerned about passage of S. 783 in its current form.

Mr. President, this legislation does nothing to protect or help residential consumers of natural gas. This bill essentially gives gas producers everything they want, while denying consumers any relief from unreasonable contract terms, and unfair Federal regulations.

As Senator METZENBAUM has ably explained, the producers took advantage of their market power in the late seventies and early eighties, insisting on these take-or-pay clauses in the sales contracts they negotiated with pipelines.

And for their part, the pipelines made the unfortunate decision to accept these unreasonable terms.

The producers were clearly playing on the Nation's fear of gas shortages, and the pipelines bought into that sales pitch.

I am a businessman, and I understand that being in business involves a certain amount of risk-taking. You make your best guesses about what the future holds, and you take your chances. Sometimes you win, and sometimes you lose.

In the case of high-priced gas contracts signed in the late seventies, the pipelines clearly lost.

The Federal Energy Regulatory Commission [FERC] has decided that it is fair to hold gas consumers partially responsible for these unfortunate business decisions, in which they had no say.

FERC, which Congress entrusted with the responsibility of protecting

29-059 O-90-48 (Pt. 8)

the public interest, has refused to protect consumers from take-or-pay.

FERC simply told the producers and pipelines to renegotiate these contracts, and encouraged the pipelines to buy their way out of these contracts.

Meanwhile, producers are free to resell the gas which was not taken by the pipelines, essentially allowing them to collect payment twice on the same gas.

And FERC decided that consumers should help the pipelines with those take-or-pay liabilities pipelines and end users are required to split the buy-out costs 50–50.

But it gets even worse. FERC has decided that if large industrial users do not want to pay these buy-out costs, they can bypass the local gas utility and contract for their own gas. That leaves the homeowners picking up a bigger share of the tab.

Clearly, Congress could have resolved the take-or-pay problem long ago. For years, consumers have asked Congress to do something. And they were told that Congress could not open the Gas Act. It is too complicated. It would get too messy.

But, interestingly enough, when the producers asked Congress to decontrol cheap "old gas" still subject to controls, Congress went to work drafting a bill.

And when the pipelines objected to immediate decontrol, guess what happened? The bill was changed to provide for a 3-year phase-in.

Producers and pipelines made their requests, and their wishes were granted. But who is listening to the consumers?

The bill before us today finally opens the Gas Act—but only to the benefit of natural gas producers. If we do not take this opportunity to provide relief and fairness to consumers, we will not have another chance.

The proponents of the bill tell us that we need not worry because total deregulation of natural gas is the universal panacea. Consumers need not worry about any of their prior concerns because competition will hold prices down.

But everyone forgets to mention that residential gas customers will not benefit from competitive prices for a very long time. Competition—what is that? For the average homeowner, it means nothing.

FERC's open access transmission policy does not allow residential customers to take advantge of market prices.

Large industrial gas users will benefit from open access. They have the resources to compare wellhead gas prices, secure transportation rights, and build a hookup straight to the pipeline, circumventing the local utility.

In so doing, the industrials can also avoid sharing in take-or-pay buy-out costs.

But what about senior citizens on fixed incomes, or young families trying to heat their homes in Wisconsin, or any other State in the Midwest, or Northeast?

Can these homeowners shop around for the cheapest gas? Can they get on the phone and call producers in the Southwest, trying to get a good deal on their heating bills?

Of course not. Homeowners are still dependent on their local gas utility. The monopoly still exists for the millions of people who depend on natural gas for home heating, and are captive customers of their local gas utility.

They will not benefit from increased competition in the natural gas marketplace. They have to pay whatever their local utility charges. They do not have any options.

They cannot object to the price and take their business elsewhere.

They will not be able to object when their bills go up as take-or-pay liabilities are passed through. They cannot object to paying for gas they never even used.

Mr. President, this situation simply is not fair. Residential customers keep getting the short end of the stick.

And if we decontrol the remaining natural gas under regulation, without correcting some of the regulatory and contract abuses which afflict residential customers, we are doing a disservice to our constituents.

There is absolutely no reason why any Senator from a consuming State should not support this amendment. It simply requires that FERC make a determination that take-or-pay costs are just and reasonable before they can be passed on to consumers.

Is that so unreasonable? I think not. Most homeowners who heat their homes with natural gas would probably agree.

Mr. President, I urge my colleagues to support this amendment which makes some small improvement to the benefit of consumers.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. METZENBAUM. Mr. President, I would like to thank the distinguished Senator from Wisconsin for a very erudite, direct, concise statement as to why we need this amendment. It pleases me no end to have him speaking out so strongly in behalf of consumers of this country.

We all know that he came here as a very successful business person and it is with a great deal of pleasure that I align myself with his concerns and appreciate his support very much.

Mr. McCLURE. Mr. President, will the Senator from Louisiana yield me 5 minutes?

Mr. JOHNSTON. Yes, I so yield.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. McCLURE. Mr. President, would the Senator from Ohio respond to a question, because I want to make certain I understand what is intended by the amendment?

It is a short amendment, but languge can sometimes be understood by different people to mean different things. It says, "A take-or-pay clause in a contract for the purchase of natural gas shall be held," and so on.

Is it intended to be prospective only? Is this to be attached to current contracts or only to future contracts?

Mr. METZENBAUM. It would be applicable to current contracts.

Mr. McCLURE. And that would be applicable, then, to all of those under order 500 today?

Mr. METZENBAUM. The answer is yes.

Mr. McCLURE. And it would be applicable equally to all those in which negotiated settlements have already been effected and approved?

METZENBAUM. Let me respond to my colleague.

When he says "negotiated," the implication is there was a give and take.

Let me make it very clear, I do not know who did the negotiations.

Mr. McCLURE. Aside from that issue—and I recognize we can get into the question of how equal were the relative strengths of the parties to such negotiation.

Mr. METZENBAUM. Certainly the consumers were not at the table. They had nobody speaking for them.

Mr. McCLURE. Nevertheless, there were an awful lot of contracts in which the contracting parties did negotiate some kind of settlement with respect to take-or-pay issues.

Mr. METZENBAUM. If the Senator from Idaho is asking whether or not this would have any retroactive effect with respect to the application of order 500, the answer is "No." But if he is asking whether or not it would have an impact upon those contracts still extant, the answer is yes, even though they may be affected by order 500.

Mr. McCLURE. That answer did not help me much because order 500 purports to cover a number of existing contracts. There are only the unsettled remnants of those which were earlier settled.

We had a whole block of contracts, as we have had since 1938, that had take-or-pay provisions in them, and many of those have expired by their terms. Some have been renegotiated—the great bulk of them have been renegotiated in one form or another.

Mr. METZENBAUM. If they were renegotiated and there is no longer a take-or-pay clause that is applicable, then this language would not be applicable.

Mr. McCLURE. So it is not your intention to apply this language to reopen those contracts which have already been negotiated?

Mr. METZENBAUM. Where the take-or-pay provisions of the contract have been negotiated out, it is not my intention to reopen that situation.

Mr. McCLURE. I thank the Senator for his answer because that does narrow the range of the discussion somewhat. But I would also say, if that is true, then it does not apply to the $8,678,000,000 that the Senator made reference to a while ago.

Mr. METZENBAUM. I do not think I ever mentioned that figure.

Mr. McCLURE. The Senator mentioned two halves of it, $3,467,000,000 which is eaten by the pipelines and $3,467,000,000 which is to be direct billed to the consumers.

That is the total amount. But I would say that, pursuant to the answer, of my colleague, we can set all of that aside because it is not covered by the amendment.

Mr. METZENBAUM. The fact is, so that we not leave that confusion as to the $3,467,000,000, let me point out that there is also a volumetric surcharge which is passed on to the consumers, the amount of $1,473,000,000.

Mr. McCLURE. Which has nothing to do with this discussion, but it may be a fact. We could put a lot of other facts in, too, that have nothing to do with the discussion, but that does not change the discussion.

If, as a matter of fact, this amendment has the effect the Senator from Ohio says that it does, it has almost no effect. And maybe on that basis, we ought to accept it.

Mr. METZENBAUM. Why does my colleague not do so?

Mr. McCLURE. But I am afraid that others reading the amendment might come to a different conclusion than has the Senator from Ohio.

Mr. JOHNSTON. Will the Senator yield? It would have prospective effect, which would mean it would be virtually impossible to contract for a long-term supply of gas.

Mr. McCLURE. That is fair. But it would have almost no effect on current liabilities under current contracts, regardless of their status.

Mr. JOHNSTON. If the Senator will further yield, it would at least be productive of a great deal of litigation as to those existing contracts.

Mr. McCLURE. Yes.

Mr. JOHNSTON. Because I heard both a yes and a no answer when the question was put to the Senator. And I am inclined to think that the court would be equally confused, as well.

Mr. McCLURE. I am concerned because if indeed the Senator meant what he said, and understood what he said, then it has no effect. Therefore, I am not sure that he meant what he said or understood what he said. And the court might well say, in spite of what he said, he must have meant something by the amendment and therefore we will apply it, even though he said it does not apply.

So, I agree with the Senator that, indeed, there would be a great deal of confusion with respect to where we stand. And that confusion would extend, I would say, also, not just to the 42 contracts that are in question here—and I might just mention, out of those 42 contracts, there are 9 of them that have already been settled, 9 out of that 42.

I have not tried to total up the number of dollars in those nine that have been settled. There are 2 in which there is no contest about the prudency, but with 31 of the 42, there is a contest before the Commission on the prudency question. So to hold out to this body or to anybody listening that this is a kind of a liquidated sum is to overstate our understanding of the facts that exist.

I am very much opposed to this amendment for a variety of reasons, in spite of the answers of the Senator from Ohio, the author of the amendment, because I do not believe the language is that clear. But I think, as a matter of fact, the very fact that we do not know what the language means casts in doubt not just this volume of contracts, but all of those that were renegotiated, and the consumers who believed that they know what their charges are may well find they wake up the day after tomorrow and find that we have thrown all of those contracts back into contention before a FERC that is already unduly burdened.

I do know that it is easy to say, well, all this does is change the burden of proof. That is an easy thing to say, but it does much, much, much more than that because it says every one of those contracts that we have negotiated settlements upon or that are now pending under order 500 will be back before the Commission for a redetermination of what the effect will be. That is a grab bag. As a matter of fact, order 500 carefully tries to balance certain equities with a kind of a contract carriage, open access policy offset by a split on the effects of take-or-pay obligations.

If we had been willing to make that kind of a settlement, we could have had that 5 years ago. As the Senator from Louisiana and the Senator from Ohio know, we spent almost 2 years negotiating those kinds of trade dollars. The Senator from Ohio and others at that time said, no, we are not going to make any settlement; we are not willing to make tradeoffs; we will hold out for everything. That is why 5 years later we have several hundreds of millions of dollars having transferred from consumers to producers at the wellhead.

So I would suggest that if, indeed, we want to protect the consumers, the best way to do that is to come to an end to this business and give them supplies under secure contracts of known quantity and known price and give the producers at the other end the opportunity to get out there and drill some wells and find some gas and build some pipelines and distribute some supplies to consumers so that they have supplies at a known price.

Mr. President, this amendment in its thrust, and I believe it would be safe to say in its genesis, comes from almost precisely the same ground and the same direction as the amendment we previously voted on and rejected by a vote of 2 to 1 in this body. I hope when we get to the conclusion of this debate, and I hope that is soon, that we will again have the opportunity to vote on a motion to table this amendment. I urge my colleagues to vote on this as they did on the other amendment earlier this afternoon.

The PRESIDING OFFICER (Mr. SHELBY). The Senator from Ohio.

Mr. METZENBAUM. Let us understand what we are talking about on this 50-50. It is 50-50 for some of those cases, but there is no reason for the consumer to be billed for this 1 penny. They did not make the contract. But in addition to the 50-50, there is a volumetric surcharge that will be billed to the consumer to the extent of exactly one-half of that amount billed to the consumer, $1,743,759,000.

All we are saying here is that they cannot pass it on, it is unjust and unreasonable, on these take-or-pay contracts unless the FERC determines to the contrary. Mr. President, I am prepared to vote.

Mr. McCLURE. Will the Senator yield for a question?

Mr. METZENBAUM. Sure.

Mr. McCLURE. The volumetric surcharge to which you make reference—that is 17 of the contracts you would make reference to—is already the subject of a FERC order; is it not?

Mr. METZENBAUM. I do not know.

Mr. McCLURE. FERC has already looked at those contracts and said it is just and reasonable there be a volumetric surcharge.

Mr. METZENBAUM. I guess that would be correct, but the fact is, let me point something out to my colleague, you all talk about the fact it will open up all these cases. Let me say to you that the cases may very well be opened up despite of what we do here on the floor because order 500 is presently on appeal. And if the decision comes down to overrule FERC, then the entire matter would be before FERC and, therefore, there would be an even stronger reason as to why we need this legislation.

Mr. JOHNSTON addressed the Chair.

The PRESIDING OFFICER. The Senator from Louisiana.

Mr. JOHNSTON. Mr. President, very briefly. First of all the Senator is wrong in his last statement. Most of these cases are not jurisdictional with FERC because they deal with decontrolled wellhead contracts, which is another reason to oppose it. This amendment would bring jurisdiction for the first time over these contracts. So in the guise of deregulating natural gas, the last 2 percent, we would be reregulating all natural gas.

Mr. President, this amendment, if agreed to, would put in complete turmoil all of our natural gas contracts, would abrogate many of those contracts because of what we call force majeure clause in the contracts, would make it impossible to contract for long-term supplies of natural gas, would inundate FERC with a volume of cases which would be completely impossible for FERC to deal with and, indeed, make it impossible to have rational gas markets. For that reason, Mr. President, the amendment should not be agreed to, and I am ready to yield back the remainder of my time.

Mr. METZENBAUM. I yield back the remainder of my time.

The PRESIDING OFFICER. All the time has been yielded back.

Mr. JOHNSTON. Mr. President, I move to table the amendment. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DOLE. I announce that the Senator from Wyoming [Mr. SIMPSON] and the Senator from Wyoming [Mr. WALLOP] are necessarily absent.

I further announce that, if present and voting, the Senator from Wyoming [Mr. WALLOP] would vote "yea."

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 63, nays 35, as follows:

[Rollcall Vote No. 88 Leg.]

YEAS—63

Armstrong	Dodd	Levin
Baucus	Dole	Lott
Bentsen	Domenici	Lugar
Biden	Ford	Mack
Bingaman	Fowler	Matsunaga
Bond	Garn	McCain
Boren	Glenn	McClure
Boschwitz	Gore	McConnell
Breaux	Gorton	Mitchell
Burdick	Graham	Murkowski
Burns	Gramm	Nickles
Byrd	Hatch	Nunn
Coats	Hatfield	Packwood
Cochran	Heflin	Pell
Conrad	Helms	Pryor
Cranston	Hollings	Robb
DeConcini	Inouye	Rockefeller
Dixon	Johnston	Roth
Sanford	Stevens	Warner
Sasser	Symms	Wilson
Shelby	Thurmond	Wirth

NAYS—35

Adams	Harkin	Lieberman
Bradley	Heinz	Metzenbaum
Bryan	Humphrey	Mikulski
Bumpers	Jeffords	Moynihan
Chafee	Kassebaum	Pressler
Cohen	Kasten	Reid
D'Amato	Kennedy	Riegle
Danforth	Kerrey	Rudman
Daschle	Kerry	Sarbanes
Durenberger	Kohl	Simon
Exon	Lautenberg	Specter
Grassley	Leahy	

NOT VOTING—2

Simpson	Wallop

So the motion to lay on the table amendment No. 193 was agreed to.

Mr. JOHNSTON. Mr. President, I move to reconsider the vote by which the motion to lay on the table was agreed to.

Mr. McCLURE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. JOHNSTON. Mr. President, there is one amendment remaining with a time limit of an hour. I wonder if the Senator from Ohio would be willing to reduce that time to a less time, 5 or 10 minutes to a side.

Mr. METZENBAUM. As I indicated earlier, 10 minutes on a side would be agreeable. I want to take a few minutes to offer the amendment just to be certain I have it in the right order. I have no objection to entering into an agreement for 20 minutes on a side, but since there is no time limit on the bill itself, I want to tell my colleagues there will be a few minutes in which I will actually offer the amendment.

Mr. JOHNSTON. Mr. President, in that case, I ask unanimous consent that the time on the final Metzenbaum amendment be reduced to 10 minutes a side.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. JOHNSTON. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. METZENBAUM. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 194

(Purpose: To require the Federal Energy Regulatory Commission to use its existing authority to decontrol incentive pricing for certain high cost natural gas)

Mr. METZENBAUM. I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Ohio [Mr. METZENBAUM] proposes an amendment numbered 194.

At the appropriate place, insert:

"In the case of high-cost natural gas under Section 107(c)(5) of title I of the Natural Gas Policy Act of 1978, the Federal Energy Regulatory Commission shall exercise its existing authority to rescind any incentive prices on that category of natural gas within 90 days of the date of enactment. Notwithstanding any other provision of the Code, nothing in this amendment shall affect the continuation of tax credits under the Internal Revenue Code with respect to natural gas production.".

The PRESIDING OFFICER. The Senator from Ohio.

Mr. METZENBAUM. Mr. President, this amendment forces FERC to remove incentive prices that give producers windfalls four times above market.

Now, if you believe in decontrol, and it is obvious that a majority of the Members of this body, as indicated by the votes today, favor decontrol, then you ought to be for this amendment, because this amendment is the decontrol amendment.

The proponents have been hammering away about free markets, and they view 1989 as a unique opportunity to remove the wellhead controls that they contend distort markets.

Yet, FERC has failed to administratively deregulate incentive priced tight formation gas, as it said it intended to do several years ago in a proposed rule.

This gas is currently selling at prices as high as $6.82 per thousand cubic feet. If you want to deregulate, let us go for it. That is this amendment, deregulation of the high-priced gas.

FERC has refused for years to remove the incentive prices it set in 1980 even though those prices are today more than four times the market price of gas.

The reason FERC has failed to act is that the large producers screamed that they would lose their windfall.

The Supreme Court said in *FERC* v. *Martin Exploration*, 108 S. Ct. 1765 (1988), that:

> Not one participant in the NGPA legislative process suggested that producers should receive higher prices than deregulation would afford them.

Yet, that is what is happening today to large amounts of high priced gas, and the consumers are footing the whole bill.

In April 1989, the D.C. Circuit Court of Appeals slammed FERC for refusing without explanation to amend its regulations to remove the incentive prices for this gas. It said:

> The Commission also ignores the contention that many contracts for future sales of deregulated gas have set the price by reference to the last regulated price.

At pages 21–22, the Court further rebuked FERC:

We see no basis in either the statute or in logic for such extraordinary abdication of FERC's role.

Are you getting the picture about FERC's intransigence? How about the way they conduct business?

Is FERC protecting consumers the way Congress expected them to?

This recent court case that I have been quoting concluded:

FERC has not merely tolerated, but encouraged the formation of contracts which incorporate by reference the incentive price.

So the Court believes that FERC caused the problem, but continuously refuses to act.

Meanwhile, consumers are being forced to pay prices way above market.

I am sure that the opposition will say there is only a little bit involved. What difference does it make? Why should any portion of the gas be at $6.82 per 1,000 cubic feet?

I find it incredible that the FERC Chairman can chant "deregulation" and "free market" but refuse to remove antiquated incentives for high-cost gas that is hitting consumers so hard.

If you believe in deregulation, then give the consumer a break and deregulate the high-price gas.

I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Louisiana.

Mr. JOHNSTON. Mr. President, I do not know where the distinguished Senator from Ohio has gotten his information but it is incorrect. He has stated that the average price of gas under his amendment is $6.82, I believe he said.

According to the Energy Information Administration that gas under section 107 is not selling for $6 or $4. It sold for an average wellhead price of $1.89 in 1988 which is a little more than 20 percent above the average market price.

Mr. President, there are a number of reasons to be against this amendment. It seems to me that probably the clearest is that this amendment is within the jurisdiction of the Ways and Means Committee on the House side. I have not run it by the chairman of the Finance Committee here. But as my colleagues know if it is in their jurisdiction, it gets a blue slip and therefore it kills the whole bill.

How is it in their jurisdiction? It is because, Mr. President, section 29 of the Internal Revenue Code provides a tax credit for tight formation gas that is contingent upon such gas being regulated by the Federal Government.

What this amendment purports to do is deregulate the gas but continue the tax credit. It says in explicit terms that it continues the tax credit notwithstanding any other law. It is plainly within the jurisdiction of Ways and Means. It plainly would give us a blue slip on this whole bill. The whole bill falls not just that provision if it is contained in the law.

Beyond that, Mr. President, it is fixing a nonproblem. The price gotten by this gas is only $1.89 which is 24 cents above the average market price now. And how much gas does it affect? It affects three-tenths of 1 percent of the natural gas.

So, Mr. President, it is a total nonproblem.

Now how did we get it in the first place? It is because we in the Congress explicitly decided that we wanted these tight sands, Devonian shale, and other formations drilled, and we had to give incentives to do that and people relying upon the solemn legislation will of this body went out and make investments based upon that. Now that they have flowing wells, even though they are getting only 25 cents 1,000 cubic feet above the market price, the Senator from Ohio would take that away from them.

That is not right. It is not necessary. It does not correct the problem that is plaguing the consumers of this country.

What it would do is put on notice all producers to not ever rely upon the Federal Government even if it is a Federal law, to keep their word because they will change it every year that comes along.

But, Mr. President, principally I ask my colleagues not to make this bill blue slip bait. We have been debating this thing now for 2 full days and to lose the bill at the last moment because we do something in the jurisdiction of the Ways and Means Committee, I think, is wrong.

Mr. President, how much time remains?

The PRESIDING OFFICER. Seven minutes and 22 seconds.

Mr. JOHNSTON. I yield 3 minutes to the distinguished Senator from New Mexico.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, I certainly cannot do any better than my good friend from Louisiana, but let me just suggest that I was one of the Senators who for months on end participated in getting the Natural Gas Policy Act passed.

It was clear in that law. At that point in time we were short of natural gas. Industries all over this country, including the State of Ohio and others were even thinking of closing down or opening at night because they could save energy. What we did in that Natural Gas Policy Act was to say if people would go out and take an extraordinary risk, and then we provided that the Commission had to find that it was an extraordinary risk in the case of the gas that is the subject of this amendment.

Some people in this country went out and did that. They invested their money and they found some natural gas. It is filling the pipelines of this country. It has brought us to the point where natural gas is once again a true natural asset.

We may indeed in the future find that that Natural Gas Policy Act, with some of these incentives built in, brought us to a position where we could finally deregulate natural gas.

Mr. President, how does anyone in this body think they could face constituents, people out there who said here is the law, we will go out and invest money to take an exceptional risk, we will find new natural gas, and then we come along and, while we are getting ready to deregulate it all, including that, by 1993, we come along with an amendment and we say we did not mean what we were saying. We said you go out and take that risk. They found that it is a very, very risky business. That is what the Commission has already found. People relied on it. And this amendment would say we did not mean what we were saying. You did that. You produced natural gas. We just want this afternoon to say we will take that away from you.

Essentially this bill for deregulation of the 6 percent of the natural gas that remains regulated is a Godsend for America. It is something we never thought would happen. Now we want to come along in the waning moments and Christmas tree it up to make little exceptions here and there negating the proposal we made to the American people, to investors, to independent operators, to go out and find this hard to find gas, risky gas. We will take their price away from them.

I do not think this is the way to do it. We ought not do it on this bill. Let the 1993 deregulation take its course. We will indeed have done something very significant for our people.

The PRESIDING OFFICER. Who yields time?

Mr. JOHNSTON. Mr. President, I wonder if the Senator from Ohio will join me in yielding back the remainder of his time?

Mr. METZENBAUM. I have no objection.

Mr. JOHNSTON. Mr. President, I yield back the remainder of my time.

Mr. METZENBAUM. I yield back the remainder of my time.

The PRESIDING OFFICER. All time having been yielded back——

Mr. JOHNSTON. Mr. President, I move to table and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. METZENBAUM. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MITCHELL. Mr. President, for the information of Senators, I am about to propound a unanimous-consent agreement that has been cleared with the distinguished Republican leader that will set forth the circumstances for final disposition of the pending legislation on tomorrow.

Mr. President, may we have order?

The PRESIDING OFFICER. The Senate will be in order. Senators will take their seats and clear the well and clear the aisle. The majority leader is entitled to be heard.

UNANIMOUS-CONSENT AGREEMENT

Mr. MITCHELL. Mr. President, I ask unanimous consent that the time for debate on this bill on Wednesday, June 14, be reduced to 90 minutes under the same terms and conditions as previously ordered.

I further ask unanimous consent that following the debate on the Bradley amendment, which is to begin at 9:30 a.m. on Wednesday morning, the vote on or in relation to the amendment be delayed to occur upon the completion or yielding back of the time that has been reserved for debate on the bill. I further ask unanimous consent that all other provisions of the time agreement obtained earlier today remain in effect.

The PRESIDING OFFICER. Is there objection? Hearing none, it is so ordered.

Mr. MITCHELL. Mr. President, Senators should therefore be advised that the rollcall vote that is about to occur will be the last rollcall vote this evening, and that on tomorrow, there will be two rollcall votes, one on the Bradley amendment, and then on final passage of this bill. They will occur back to back beginning at approximately noon tomorrow. So there will be two rollcall votes tomorrow at 12 and at 12:15 and the vote that is about to occur will be the last vote this evening.

Mr. DOLE. Will the majority leader yield?

Mr. MITCHELL. Yes.

Mr. DOLE. I had asked earlier today about the coin striking ceremony and whether or not any arrangements could be made with reference to that. Some of us need to be there and some of us need to be somewhere else at the same time. If committees are going to meet, then we would need to know.

Mr. MITCHELL. Following the discussion with the distinguished Republican leader, I have, and do now again, encouraged committee chairman to recess any meetings that are underway between the hours of 10:30 and noon tomorrow to permit those Senators who wish to do so to attend the ceremony that will be underway. One of the reasons for my seeking and obtaining the unanimous consent agreement is to make certain there are no votes here during that period so Senators may confidently participate in the ceremony and such other business that they may have. So I hope that committee chairmen would be understanding in this regard. I know the distinguished Republican leader and I both have to attend and we encourage other Senators to attend who can do so.

The PRESIDING OFFICER. The question is on the motion of the Senator from Louisiana [Mr. JOHNSTON] to table the amendment of the Senator from Ohio [Mr. METZENBAUM]. The yeas and nays have been ordered, and the clerk will call the roll.

Mr. DOLE. I announce that the Senator from Wyoming [Mr. SIMPSON] and the Senator from Wyoming [Mr. WALLOP] are necessarily absent.

I further announce that, if present and voting, the Senator from Wyoming [Mr. WALLOP] would vote "yea."

The PRESIDING OFFICER (Mr. ROCKEFELLER). Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 87, nays 11, as follows:

[Rollcall Vote No. 89 Leg.]

YEAS—87

Adams	Durenberger	McCain
Armstrong	Exon	McClure
Baucus	Ford	McConnell
Bentsen	Fowler	Moynihan
Biden	Garn	Murkowski
Bingaman	Gore	Nickles
Bond	Gorton	Nunn
Boren	Graham	Packwood
Boschwitz	Gramm	Pell
Bradley	Grassley	Pressler
Breaux	Hatch	Pryor
Bumpers	Hatfield	Reid
Burdick	Heflin	Riegle
Burns	Heinz	Robb
Byrd	Helms	Rockefeller
Chafee	Hollings	Roth
Coats	Humphrey	Rudman
Cochran	Inouye	Sanford
Cohen	Jeffords	Sarbanes
Conrad	Johnston	Sasser
Cranston	Kassebaum	Shelby
D'Amato	Kasten	Simon
Danforth	Kerrey	Specter
Daschle	Lautenberg	Stevens
DeConcini	Leahy	Symms
Dixon	Lott	Thurmond
Dodd	Lugar	Warner
Dole	Mack	Wilson
Domenici	Matsunaga	Wirth

NAYS—11

Bryan	Kerry	Metzenbaum
Glenn	Kohl	Mikulski
Harkin	Levin	Mitchell
Kennedy	Lieberman	

NOT VOTING—2

Simpson	Wallop

So the motion to lay on the table amendment No. 194 was agreed to.

Mr. MITCHELL. Mr. President, I move to reconsider the vote by which the motion to table was agreed to.

Mr. JEFFORDS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. CONRAD. Mr. President, the Committee on Energy and Natural Resources considered what effect, if any, this legislation might have upon the Great Plains Coal Gasification Plant near Beaulah, ND. The committee noted in its report language, that none of the provisions of S. 625, S. 783, or H.R. 1722 would affect the plant, and that it would oppose any actions that would adversely effect the economic viability of the project. The committee stated as follows:

Concern was expressed during hearings before the Committee that pending natural gas legislation might have an effect on the economic viability on the Great Plains Synthetic Fuels Project. Under terms of its contract for the sale of the Great Plains Project, the Federal Government will receive certain financial returns stemming from the gas purchase agreements with the original partners. The Committee would oppose any actions that would adversely effect those gas purchase agreements, the economic viability of the project, or anticipated returns to the Federal Government. From this perspective, the Committee concurs in the judgment of the Department of Energy that none of the provisions of S. 625, S. 783, or H.R. 1722 would affect the Great Plains gas purchase agreements. As previously stated, the legislation does not abrogate or modify any contract.

Moreover, the Committee has received assurances from the Department that it would oppose actions which would modify the Great Plains gas purchase agreements in a manner which would adversely affect the Project's economic viability and the financial returns to the Federal government. The continued operation of Great Plains was established as a major objective guiding the Federal government divestiture process and the Committee has received the Department's assurance that this policy objective is viewed by the Department as extending to post divestiture activities.

This position has been expressed by the Department in its letter of May 12, 1989 to the Federal Energy Regulatory Commission regarding proceedings involving a proposed restructuring of the merchant function of Transcontinental Gas Pipe Line Corporation, one of the four interstate natural gas pipelines that contractually committed to purchase the Great Plains Project's output. The Departments letter requested that the Commission act to ensure that its action on Transco restructuring plan not adversely affect the regulatory and contractual framework on which the Great Plain project is premised. The Committee supports the Department in this view.

Mr. President, I also submit for the RECORD the letter from the Department of Energy of the Federal Energy Regulatory Commission, dated May 12, 1989, that is referenced in the report language.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

DEPARTMENT OF ENERGY,
Washington, DC, May 12, 1989.

Hon. MARTHA O. HESSE,
Chairman, Federal Energy Regulatory Commission, Washington, DC.

DEAR CHAIRMAN HESSE: I would like to bring to your attention some concerns of the Department of Energy (the Department) related to the continued operation of the Great Plains Coal Gasification Plant (Plant). These concerns arise in connection with the ongoing Commission proceedings concerning Transcontinental Gas Pipe Line Corporation's (Transco) proposals for a marketing affiliate and a gas inventory charge (FERC Docket Nos. RP88-68, et al. and CP88-391, et al.). I request that the Commission consider these concerns carefully before it takes any action on Transco's proposals.

As you are well aware, from its inception, the Great Plains project involved substantially greater risks than an ordinary energy project. In Opinion and Order 119, the Commission provided the regulatory treatment necessary for the successful construction and operation of the plant. In subsequent decisions, the Commission reaffirmed its commitment thereby ensuring that inadvertent government action would not defeat the project. On the private side, four interstate pipelines, including Transco, entered into a "Gas Purchase Agreement" under which, by contract, they committed themselves to purchase the plant's full production. The regulatory and contractual framework for the project recognizes its unique nature and is essential to its continued viability.

For the past ten years, the Department has expended considerable time and expense on the Great Plains project. The plant was financed with $1.5 billion in loans from the Federal Financing Bank, guaranteed by the Department. After the original investors defaulted in 1985, the Department acquired the plant through foreclosure. On October 31, 1988, Dakota Gasification Company (Dakota) purchased the plant from the Department under an Asset Purchase Agreement containing provisions designed to assure continued operation of the plant by establishing a trust account in support of operation and a revenue-sharing plan that would eliminate further U.S. taxpayer subsidy and could return to the government its original investment. For this to occur, the plant must continue to operate for the next 20 years. Both the ability to draw on the trust account and the receipt of revenue sharing payments are, in large part, contingent on the continued validity of the Gas Purchase Agreement. Thus the continued operation of the plant and the integrity of its underlying contracts have a direct economic effect on the U.S. Government.

The Department views the long-term viability of the plant as an important element of our long-term national energy policy. The Great Plains project is a unique undertaking in which a combination of private parties and the U.S. Government cooperated to develop and commercialize the technology for making pipeline quality synthetic natural gas from coal. The operation of the plant has generated valuable information concerning the use of this "clean coal" technology. This information holds the promise of greatly benefiting the U.S. public by providing a use for our abundant supplies of coal in an environmentally-acceptable manner, while enhancing our national energy security by reducing our dependence on imported oil. The continued operation of the plant, with its concomitant flow of data to the Department, is vital to our retention of this technology in our national energy arsenal.

Recently, Dakota brought to the Department's attention its serious concerns that potential Commission actions concerning Transco's proposals for a marketing affiliate and a gas inventory charge might jeopardize the integrity of the underlying Gas Purchase Agreement and Transco's performance under it. While the Department does not believe indirect Commission action could constitute "force majeure" or otherwise abrogate the gas purchase contract, it urges the Commission to be aware of and take into account the effect on the Great Plains project of any action it might take concerning Transco. Accordingly, the Department requests the Commission to make explicit in any order concerning Transco's proposals that its action is not intended to, and should not be implemented in a manner that could, affect adversely the regulatory and contractual framework on which the Great Plains project is premised.

The Department strongly supports the Commission in its efforts to make the natural gas industry more responsive to the realities of the marketplace. Preservation of the existing regulatory and contractual framework for Great Plains is consistent with these efforts, since the ultimate commercialization of the technology utilized in the project will mean more competition in the future. Gas from coal can be an important element of ensuring American consumers adequate energy supplies at reasonable prices. The Department, therefore, asks the Commission to avoid any inadvertent regulatory disincentive to the continued operation of Great Plains since a truly efficient marketplace has the ability to respond to the realities of today and the future.

Please enter this correspondence in the public record. I appreciate your consideration of the concerns expressed in this letter.

Sincerely,

J. ALLEN WAMPLER,
Assistant Secretary, Fossil Energy.

S. 1158: THE PROPOSED VETERANS HOME LOAN GUARANTY RESTRUCTURING AND SOLVENCY ACT OF 1989

Mr. CRANSTON. Mr. President, I rise to make a supplementary introductory statement on S. 1158, the proposed Veterans' Home Loan Guaranty Restructuring and Solvency Act of 1989, which I introduced on Friday, June 9.

S. 1158 would restructure and improve the present Department of Veterans' Affairs loan guaranty system to create a solvent and equitable program that better serves the interests of our Nation's veterans.

SUMMARY OF PROVISIONS

Mr. President, this measure contains provisions that would, effective October 1, 1989:

First, create a new revolving fund, known as the Home Loan Guaranty Fund, to finance the VA home loan guaranty program with respect to loans made or assumed after September 30, 1989, for the purpose of providing greater solvency and continuity for the VA Loan Guaranty Program.

Second, provide for there to be deposited in the Guaranty Fund all fees collected after September 30, 1989, all income and proceeds from VA's holding or disposing of homes acquired by VA upon foreclosures of loans made or assumed after September 30, 1989, and all revenues from investments of funds in the Guaranty Fund; provide for crediting to the Guaranty Fund an amount equal to 0.25 percent of the loan amount for each of the first 3 years on guaranteed loans made after September 30, 1989; and require the Secretary of the Treasury to invest surplus funds in the Guaranty Fund in Government securities.

Third, generally increase the loan fee from 1 percent to 1.25 percent of the loan amount but reduce the fee to 0.75 percent if the veteran make a downpayment of at least 5 percent and to 0.25 percent for a 10-percent downpayment; allow the veteran to finance the fee as part of the loan; increase the fee for assumptions from one-half of 1 percent to two-thirds of 1 percent; and continue the current 1-percent fee for vendee loans.

Fourth, require VA to pay the loan fee for all veterans with compensable disabilities and for surviving spouses of veterans who died from service-connected disabilities.

Fifth, allow the Secretary—after first providing the Committees on Veterans' Affairs with advance notice at the time the President submits the budget in mid-January—on or after the ensuing October 1 to increase all loan and assumption fees uniformly to not more than 20 percent more that the statutorily prescribed percentages—for example, as to the proposed standard 1.25-percent fee, this would permit an increase to no more than 1.5 percent, in one or more steps—if the Secretary determines such an increase is necessary to keep the Guaranty Fund solvent, based on a Secretarial determination that the Guaranty Fund otherwise would become insolvent within 24 months after the proposed increase would take effect; and require the director of the Congressional Budget Office to provide the committees with an assessment of any Secretarial finding relating to such insolvency.

Sixth, eliminate liability to VA for any loss resulting from default on a VA-guaranteed home loan for anyone who pays a fee, or is exempted from paying a fee, after September 30, 1989, except (a) in the case of fraud, misrepresentation, or bad faith by such individual in obtaining the loan or approval of an assumption of the loan, or in connection with a default, and (b) in the case of any default resulting from circumstances not beyond the borrower's control—vendee loans would not

be covered under this release from liability.

Seventh, extend for 1 year, to October 1, 1990, the current expiring authority for VA to sell loan assets either with or without recourse and the requirement for VA to justify and explain each such loan asset sale in a report to the Committees on Veterans' Affairs.

Eighth, require that, notwithstanding any other provision of law, all amounts received from recourse and nonrecourse loan asset sales be credited, without reduction, as offsetting collections of the Loan Guaranty Revolving Fund or the Home Loan Guaranty Fund, depending on which fund received the fee for the loan involved.

Ninth, allow a veteran to acquire additional loan guaranty entitlement—up to $10,000—for a particular loan by paying a 0.1-percent fee for each additional $1,000 of entitlement, or portion thereof; require that the total of the guaranty and any downpayment could not exceed 25 percent of the purchase price, except where, under regulations prescribed by the Secretary, the Secretary grants a waiver of this requirement in order to enable a veteran to use a VA-guaranteed loan in a market where lenders would otherwise charge so many points—which sellers must pay as to make it unlikely for the veteran to be able to use his or her VA entitlement to acquire a home; and provide that the fee for the additional entitlement, like other loan fees, could be financed as part of the loan.

Tenth, require a lender to notify VA when the lender refuses a tender of partial payment by a veteran and to state the circumstances of the veteran's default and the reasons why the lender refused partial payment.

Eleventh, extend by 2 years, through fiscal year 1991, the statutory formula—known as the "no-bid" formula—by which VA determines whether it will acquire at foreclosure the property securing a VA-guaranteed loan.

Twelfth, prohibit VA from considering the cost of borrowing funds in determining the net value of a property for purposes of the no-bid formula, except to the extent of one half of the amount by which the cost of borrowing the funds necessary to acquire the property exceeds the cost of borrowing the funds that would be needed to pay the guaranty.

BACKGROUND

Mr. President, the VA Home Loan Guaranty Program was established by the Servicemen's Readjustment Act of 1944 to assist veterans who because of their military service had been unable to achieve the savings necessary to make a downpayment on a home or the creditworthiness to obtain a loan without one as their nonveteran counterparts had been able to do. Under that 1944 act, the program was to expire 5 years after the end of World War II. However, due to its great popularity and success, the program was extended a number of times until it was made a permanent benefits program in 1970. It is currently codified in subchapters I through III of chapter 37 of title 38, United States Code.

Since its inception in 1944, the program has been changed and expanded many times, guaranteeing loans totalling more than $300 billion and helping more than 13 million veterans to purchase homes. With a VA guaranty, a mortgage can now be obtained for a term of up to 30 years and with an interest rate no greater than the maximum set by the Secretary of Veterans' Affairs and adjusted periodically to meet the demands of the loan market.

Today, the Loan Guaranty Program is financed primarily through the loan guaranty revolving fund [LGRF], which funds guaranty payments and the acquisition of foreclosed properties. LGRF receipts are derived from a 1-percent fee charged to veterans and service persons—other than those with compensable service-connected disabilities or surviving spouses of veterans and servicepersons who died from a service-connected disability—in order to obtain the guaranty and to individuals who give to the Department of Veterans' Affairs [VA] secured promissory notes—known as vendee loans—to finance their purchase of foreclosed properties acquired by VA in liquidation sales. The LGRF also receives money from the sale of foreclosed properties, transfers from the direct loan revolving fund, and appropriations.

Traditionally, the vast majority of VA-guaranteed loans have cost the Government little to guarantee and have provided significant benefits to veterans and to society because veterans generally have proven good credit risks. From its inception in 1944 until 1961, the Home Loan Guaranty Program was funded through appropriations of just $730 million to VA's readjustment benefits account. That's an average of $49.9 million a year for the 5.6 million loans made during those 17 years.

More recently, however, the downturn in certain parts of the economy and higher default and foreclosure rates, including those for loans guaranteed by VA, have threatened the viability of the program. In many cases, the cost to VA of acquiring, managing, and reselling properties has exceeded the income realized by VA through property sales and loan fees. As a result, the program has incurred significant deficits requiring increasing appropriations to keep the program alive. In fiscal year 1989 alone, the LGRF has received $658 million in appropriations and VA has requested—and both Houses have passed in H.R. 2074, the fiscal year 1989 Dire Emergency Supplemental Appropriations Act—$120 million more in supplemental appropriations.

Mr. President, it is not realistic to expect that a benefits program will incur no costs. But when the cost of such a program continues to increase, we must take a closer look to determine the reasons for the sharp increase and must take steps to minimize program costs in view of the towering Federal deficit. That does not mean changing the fundamental nature of the Loan Guaranty Program, however, either by drastically curtailing it or by insisting that it must be paid for in full by those seeking to use it.

I believe that S. 1158 would make improvements in the VA Home Loan Program that would enhance its value to veterans, maintain its solvency, and reduce its dependence on taxpayers' funds—without compromising basic program goals.

I, along with the ranking minority member and former chairman of the Committee, Senator MURKOWSKI, and other colleagues on the Veterans' Affairs Committee, have worked very hard over the past several years to make needed improvements in this program and protect it from various threats that could undercut its value to veterans. Thus, for example, our committee has successfully opposed the Reagan administration's repeated proposals to double, triple, and nearly quadruple the current 1-percent fee veterans must pay to use the guaranty. Such dramatic fee increases would have diminished the value of this program for a large number of veterans and would have precluded many from using this important benefit. I also authored legislation, enacted in Public Law 100-198, to make the program exempt from across-the-board reductions under the Gramm-Rudman-Hollings law.

More recently, on October 20, 1988, the Senate passed my bill, S. 2049, enacted into law as Public Law 100-689, which in title III authorized interest-rate reductions to finance vendee loans, established creditworthiness requirements for assumed loans, and expanded VA's authority to use money from the LGRF for certain costs of administering the program.

Mr. President, I note that S. 1158 is substantially similar to homeloan legislation passed by the House on June 6, 1989. This legislation, H.R. 1415, was introduced in the House on March 15, 1989, by Representative HARLEY STAGGERS, who chairs the House Veterans' Affairs Subcommittee on Housing and Memorial Affairs; reported by the House Veterans' Affairs Committee on June 1, 1989; and passed by the full House on June 6, 1989. The House bill is derived directly from H.R. 5221, a bill authored by Representative

MARCY KAPTUR in the 100th Congress and passed by the House late last year. I congratulate Representatives KAPTUR and STAGGERS, as well as the House Committee, for their leadership in this matter.

COMPARISON TO H.R. 1415

Provisions of H.R. 1415, as passed by the House, that are included, with revisions in some cases, in my bill would:

First, establish a new revolving fund to finance the loan guaranty program with respect to loans made after Septemer 30, 1989; the Senate bill titles the fund the Home Loan Guaranty Fund whereas the House bill calls it the Veterans Mortgage Indemnity Fund.

Second, relieve veterans from liability to VA in the event of foreclosure on a VA-guaranteed loan, except in cases of fraud, misrepresentation, or bad faith; the Senate bill adds an exception for cases in which the default is not for reasons beyond the veteran's or assumptor's control.

Third, generally increase the current loan fees from 1 percent to 1.25 percent byt decrease it to 0.75 percent for veterans making a downpayment of 5 percent or more; the Senate bill adds a further half-percentage-point decrease for downpayments of 10 percent or more.

Fourth, require a payment by the Federal Government to the new fund of 0.25 percent of the loan amount for the fiscal year in which the loan is guaranteed and for each of the next 2 years.

Fifth, require the Secretary of the Treasury to invest surplus amounts from the new fund in government securities.

Sixth, continue the current 1-percent fee for vendee loans.

Seventh, continue the fee for assumed loans; the Senate bill would increase the current one half-percent fee to two-thirds of 1 percent and provide indemnification protection for assumptors.

Eighth, require that loan asset sales both with and without recourse be scored as offsetting collections of the fund in which the original loan fee was deposited.

Ninth, extend VA's foreclosed-property acquisition no-bid formula until October 1, 1991.

Tenth, restrict VA as to including the Government's cost of borrowing from net value determinations for purposes of the no bid formula; the House bill would prohibit such inclusion entirely whereas S. 1158 would permit the cost of borrowing to be included but only to the extent that interest costs are incurred to borrow 50 percent of the amount by which the amount that VA would be required to pay in order to acquire a property exceeds the amount of the guaranty.

Eleventh, require that a lender immediately notify VA of its refusal of a veterans' offer of partial payment and the reasons for the refusal.

Mr. President, two significant provisions of S. 1158 have no roots in H.R. 1415—the requirement that the Government pay the loan fee for the veterans with compensable service-connected disabilities and the surviving spouses who are exempt from paying the fee and the provision allowing for the purchase of limited amounts of additional entitlement.

DISCUSSION OF THE BILL

ESTABLISHMENT OF NEW FUND—THE VETERANS HOME LOAN GUARANTY FUND

Mr. President, section 2(a) of S. 1158 would amend chapter 37 of title 38, United States Code, relating to the VA Home Loan Guaranty Program, to add new secton 1824A, entitled "Home Loan Guaranty Fund." This new section would create a new revolving fund—the Home Loan Guaranty Fund, which I will refer to as the Guaranty Fund—to finance operations of the program with respect to loans guaranteed or assumed after September 30, 1989. Thus, the Guaranty Fund would accept deposits of fees collected after September 30, 1989, including both government and borrower contributions and income from VA-acquired properties and from investments of any surplus money in the Guaranty Fund. Payments would be made from the Guaranty Fund to pay the claims of holders of loans made or guaranteed by VA after September 30, 1989. The current Loan Guaranty Revolving Fund would continue to operate for loans originally made before the effective date of the new program. If the Secretary of Veterans' Affairs determines that the new Guaranty Fund contains more money than necessary to meet current requirements, the Secretary of the Treasury must invest the surplus funds in Federal Government securities, but the principal and earnings would remain Guaranty Fund assets.

Establishment of this separate, new fund would allow more accurate evaluation and monitoring of the Loan Guaranty Program as it would be restructured under this bill, unaffected by operations under the current program.

Mr. President, new section 1824A also would provide for Government contributions to the Guaranty Fund of 0.25 percent a year for the first 3 years of any loan made after September 30, 1989.

Under current law, there are no regular Government contributions to the Loan Guaranty Revolving Fund. Rather, the Revolving Fund relies on ad hoc appropriations to meet funding shortfalls. Modest, regular Government contributions, together with slightly increased fees from veterans and assumptors, should help ensure the long-term, stable operation of this important program of such major benefit to our Nation's veterans—in constrast to the uneven, sometimes very large appropriations requirements for maintaining the current program that have threatened the continuing viability of VA loan guaranties as a benefit program.

LOAN FEES

Mr. President, section 2(b) of S. 1158 would amend section 1829 of title 38 generally to raise the current 1-percent guaranty fee to 1.25 percent for VA-guaranteed loans made after September 30, 1989. S. 1158 would provide that when a veteran or eligible surviving spouse makes a 5-percent downpayment the fee is only 0.75 percent. A 10-percent downpayment would reduce the fee further, to 0.25 percent. Current law provides no such incentive for making a downpayment. Home buyers who assume VA-guaranteed home loans made after March 1, 1988 and for which an assumption fee was imposed under section 1814 of title 38 would be required to pay a two-thirds of 1-percent fee on the remaining balance, rather than the current ½ percent. The government would pay the loan fees for veterans with compensable service-connected disabilities and for surviving spouses of veterans who died from service-connected disabilities. Direct VA financing of purchases of VA-owned properties, known as vendee loans, would carry the same 1-percent fee applicable under current law. The fee is not increased because the obligor would not be indemnified—that is, in the case of foreclosure, the obligor would be liable to the VA for any loss not eliminated by the sale of the property.

These basic loan-fee provisions differ from current law and the House bill in three significant ways, as I have pointed out earlier. First, S. 1158 would add an additional incentive category for downpayments of 10 percent by reducing the loan fee even further than the House bill's reduction for 5-percent downpayments. Larger downpayments should reduce the likelihood of default, and thus the cost of these loans to the VA, by increasing the buyer's equity in the home. The graduated fee reductions for downpayments would encourage downpayments, thereby reducing defaults and contributing to the overall viability of the home loan program.

Second, the requirement that VA pay the loan fees, in addition to the regular Government contribution, for disabled veterans or surviving spouses of veterans who died from a service-connected disability—in contrast to the House bill, under which these borrowers would be exempted from the fees—recognizes that the costs of the loans are the same for all borrowers, because some risk of default exists in all cases and recognizes that these costs should be funded even where the

borrower is exempt from paying the fee. I am advised that this provision would increase guaranty fund resources by about $10 million a year.

Third, S. 1158 would increase the loan fee for assumptions by a third, from ½ percent to two-thirds of 1 percent of the remaining balance, would indemnify the assumptor; and would provide for the assumption fee to be deposited in the new guaranty fund. Under H.R. 1415, the fee would not be modified, nor would there be indemnification, and the existing ½-percent assumption fee would be deposited in the current loan guaranty revolving fund for loans originally made before October 1, 1989 and in the new fund—known as the indemnity fund in the House bill—only for loans originally made after September 30, 1989.

LIMITED FEE-ADJUSTMENT AUTHORITY

Mr. President, new section 1829(d) would authorize the Secretary of Veterans' Affairs to make a small adjustment in loan fees under certain circumstances. If the Secretary determines that the guaranty fund faces insolvency within 24 months after a proposed increase would take effect, the Secretary could increase all of the fees uniformly to no more than 120 percent of the respective fee amounts specified in the statute. Before ordering any such increase in any fiscal year, the Secretary first would have to submit to the Senate and House Committees on Veterans' Affairs a report justifying and explaining the proposed increase, at the time the President submits the budget for that fiscal year on the first Monday after January 3 each year. Thus, the Secretary would be required to propose an increase by the time the budget is submitted in early January before ordering an increase to take effect in the upcoming fiscal year, beginning the following October 1. This would give the Congress the opportunity to review and, if it chose to do so, nullify any planned increase.

To assist the Congress in making this review, the Secretary would be required to submit a copy of the report on the increase to the Director of the Congressional Budget Office, who would be required to provide the Committees with CBO's views on the Secretary's report.

The adjustment provision, which has no parallel in current law or the House bill, would provide the means for the Secretary to respond in a carefully limited way to changing economic conditions without the need for new legislation.

INDEMNIFICATION

Mr. President, section 2(c) of S. 1158 would release veterans and surviving spouses who pay a loan fee or for whom VA pays a fee after September 30, 1989, from liability to VA for any loss it incurs as a result of a loan default. Those who assume VA-guaranteed loans and pay the increased assumption fee on or after the effective date of the new program, October 1, 1989, also would receive indemnification against liability to VA.

Veterans who default on a home loan face the prospect of a double trauma—first of losing their homes, then of being pursued by VA as it seeks to recover its losses from paying the guaranty. VA currently collects only 7 percent of the liabilities owed by defaulting VA home loan borrowers. Nevertheless, the threat of this liability can hang over the veteran's head for months—even years—and can delay and complicate the veteran's recovery from the financial catastrophe that already has claimed the family's home. This low collection rate means that indemnification would have little effect on the financial soundness of the home loan program in comparison to the resulting benefit to veterans who have experienced financial reverses, and to their families.

Other statutory loan protection programs, such as the Federal Housing Administration [FHA] loan insurance program, provide insurance against default. Thus, the concept of indemnification has ample precedent.

Forgoing a 7-percent collection rate—the receipts from which would be at least partially offset by the increased fees in the bill—is a small price to pay for the financial and emotional benefits or indemnification for veterans and their families.

This provision includes measures to prevent abuse of indemnification by retaining liability to VA in the case of fraud, misrepresentation, or bad faith by the borrower in obtaining a loan or approval of an assumption of a loan or in connection with the loan default. Also, unlike the House bill, this provision specifically provides for a denial of indemnification to borrowers who default as a result of circumstances not beyond their control.

Unlike the House bill, S. 1158 also would indemnify those who assume VA loans, many of whom are themselves veterans. I will be reviewing the possible impact that the increased assumption fee and the provision for indemnification may have on program funding and operations in an effort to ensure that these provisions are in the best interest of the program.

SALE OF VENDEE LOANS

Mr. President, section 3 of S. 1158 would amend section 1833(a)(3) of title 38 to extend by 1 year, through fiscal year 1990, VA's authority to sell vendee loans either with or without recourse and would require that all proceeds from either type of sale be counted as offsetting collections of the fund under which the original loan was guaranteed.

Current law and the House bill contain provisions that, as of October 1, 1989, effectively would prohibit loan asset sales without recourse. A prohibition on nonrecourse sales was inserted by the House in the legislation enacted as Public Law 100-136 as its price for agreeing to extend temporarily the VA loan fee—which we believed was necessary to protect the revolving fund and which otherwise would have expired on September 30, 1987. A compromise provision, enacted in the Omnibus Budget Reconciliation Act of 1987, Public Law 100-203, delayed the nonrecourse-sale prohibition until October 1, 1989.

VA's initial attempt, in 1987, to sell loan assets without recourse failed when VA had to withdraw the offering because bids ranged from only 15 to 65 percent of the loan's par value. Based on this experience, and on the Reagan administration's policy to require, beginning in fiscal year 1988, that all vendee loans be sold without recourse and that a total of $900 million of loan assets be sold during fiscal years 1988, 1989, and 1990, I agreed with my colleagues on the House Committee that restrictions were needed to govern nonrecourse sales. I was very concerned with the Reagan administration's attempts to use the assets of the VA Home Loan Guaranty Program to provide quick cash for one-time reductions of the budget deficit—at the expense of the viability of the home loan program and the veterans who benefit from it, and the administration's attempt to use nonrecourse sales as a means of privatizing the program.

It seemed clear then that VA would be able to sell loan assets without recourse only at very substantial discounts. To make matters worse, in order to increase the value of securities backed by loans purchased from VA without recourse, VA recently has structured these sales so that VA retains almost all the risk of nonpayment of the loans, by taking subordinate certificates as part of the proceeds of the nonrecourse sale. Thus, any revenues achieved through such sales likely could turn out to be less, over the long term, than the revenues from recourse sales.

If the House provision had ensured that nonrecourse sales could be made only if VA obtained fair value for the loans, I probably could have endorsed it. However, as I indicated in my October 1, 1987, statement beginning on page S 13344 of the RECORD, when the Senate reluctantly accepted the total ban on nonrecourse sales in a compromise to keep alive the 1-percent loan fee, I believed the House's total, permanent ban went too far.

I still believe that a permanent prohibition on nonrecourse sales is not sound public policy. There is nothing inherently wrong with nonrecourse sales of loans, as long as the sale price is not substantially discounted from the price VA could obtain for a sale of the same loan with recourse.

S. 1158 would permit both recourse and nonrecourse sales for 1 more year beyond the current cutoff date, but would retain the restrictions and reporting requirements, enacted in December 1987, imposed on all loan asset sales. The delayed prohibition in the current law, which S. 1158 would extend for another year, would provide this administration with an opportunity to demonstrate greater responsibility and appropriate concern for the long-term best interests of the loan guaranty program in conducting loan asset sales.

Mr. President, in fairness to the current administration, I would note that, at least according to VA's financial adviser, Kidder Peabody & Co., the most recent nonrecourse sale of vendee loans, completed on March 23, 1989, produced greater proceeds than the sale of the same loans with recourse would have produced. Although I found this assertion difficult to accept on face value, the 85.03 percent of par that VA received on this nonrecourse sale, without the need for issuance of subordinate certificates, suggests that it is counterproductive for nonrecourse sales to be prohibited altogether.

S. 1158, as does the House bill, also would change the way that loan asset sales are scored for budget purposes by requiring that the proceeds of all sales of loan assets, whether with or without recourse, be counted as offsetting collections of the fund for which the particular loan's fee was collected.

The background on this matter is as follows: In 1987, the Office of Management and Budget, and later the Congressional Budget Office, adopted an illogical, biased approach to scoring recourse-sale proceeds. Instead of counting the proceeds of recourse sales as receipts, as they previously had done, they declared that a recourse sale would be considered to be the equivalent of a loan from the purchaser to the Government. Thus, OMB and CBO now refuse to count recourse-sale proceeds as budgetary receipts. As a consequence, a nonrecourse sale—even one with subordinate certificates—currently has favorable budget scorekeeping results that are denied in the case of a recourse sale.

The approach in S. 1158 and the House bill is more objective than the current OMB-CBO scorekeeping rule; it simply requires that dollars received for both types of sales be treated as receipts when the Government receives them. Thus, S. 1158 would create a level playing field by requiring that the proceeds of both recourse and nonrecourse sales be so counted, rather than continue the CBO/OMB new scorekeeping policy that dictates public policy results based on technical factors rather than assessments of what is in the best interest of veterans and the solvency of the home Loan Guaranty Program.

OPTIONAL INCREASED ENTITLEMENT

Mr. President, section 4 of S. 1158 would amend section 1803(a) of title 38 by allowing veterans to purchase additional entitlement—up to $10,000—for a particular loan, provided the increased guaranty plus any downpayment would not total more than 25 percent of the purchase price. The Secretary could prescribe regulations under which exceptions to the 25-percent limit could be permitted under certain circumstances. The veteran or surviving spouse would pay 0.1 percent of the loan amount for each additional $1,000 of entitlement.

Current home loan guaranty limits generally allow a veteran to purchase a home for up to four times the amount of the VA guaranty, without the need of a downpayment. The current guaranty maximum of $36,000 thus allows a VA borrower to buy a house worth up to $144,000 with no money down. In many parts of the country, this amount cannot buy even a modest-sized home for a veteran and his or her family. Allowing a veteran to purchase an additional $10,000 in loan guaranty would increase to $184,000 the maximum value of a VA-guaranteed home loan purchased without a downpayment.

This provision thus is intended to help make the Loan Guaranty Program better reflect current home prices in certain parts of the country—including my State of California, Alaska, and Hawaii.

The provision prohibiting the veteran or surviving spouse from purchasing additional entitlement beyond the point at which the guaranty plus any downpayment would equal 25 percent of the purchase price is designed to protect the veteran against unreasonable pressure from lenders to increase the guaranty amount beyond the level reasonably necessary to protect the lender. However, the Secretary would be given the authority to prescribe regulations allowing an exception to the 25-percent limitation where the additional entitlement would enable the veteran or surviving spouse to use his or her VA loan guaranty entitlement to acquire a home in areas in which lenders are charging so many points for VA-guaranteed loans that sellers—who must pay the points—generally are unwilling to sell to VA-guaranteed loan borrowers.

NOTIFICATION OF LENDER'S REFUSAL OF PARTIAL PAYMENT

Mr. President, section 5(a) of the bill would amend section 1832(a) of title 38 to require lenders to notify VA when they refuse a veteran's tender of partial payment on a VA-guaranteed loan.

Current law requires lenders to notify VA when a veteran defaults and—except where the lender has a demonstrated record of providing those in default of VA-guaranteed loans with timely and accurate information—also requires VA to counsel defaulting veterans about alternatives to foreclosure. Despite the clear intent of this provision, drastic understaffing in VA regional offices has meant that the counseling requirement too often is all but ignored, according to GAO testimony before the Committees on Veterans' Affairs. Veterans who tender substantial partial payments are in the best position to cure their default. Thus, they are the best candidates for counseling. Unfortunately, current law provides no mechanism for VA to distinguish these veterans from other defaulting veterans. The notification requirement for tenders of partial payments would be a small expansion of current notification procedures and should not greatly burden lenders. This information should, however, provide a means by which overburdened VA counselors can better target their efforts to reduce foreclosures.

COMPUTATION OF NET VALUE

Mr. President, subsection 5(b) of S. 1158 would amend sections 1832(a) and (c) of title 38 to alter the statutory formula VA applies to determine whether it will purchase at foreclosure a home securing a loan on which a veteran has defaulted, by specifying that VA is to consider half of the amount by which the imputed interest cost of the funds necessary to buy the home exceeds the imputed interest cost of paying the guaranty.

Current law does not state specifically whether VA may consider the cost of borrowing funds in determining the net value of a home for purposes of determining whether it will bid on the property at foreclosure. This calculation, known as the no-bid formula, compares the cost of paying the guaranty with the cost of purchasing and reselling the home, to determine which option would be most profitable for VA. The joint explanatory statement accompanying the conference report on the Deficit Reduction Act of 1984, stated that the conferees never intended to permit VA to consider the cost of funds in its no-bid formula. The explanatory statement directed that, if the VA decided to interpret the law to allow the cost-of-funds factor, it notify the Committees on Veterans' Affairs of this intention no later than the February 1 preceding the fiscal year in which it intended to include the cost of funds factor.

The then-Acting Administrator notified the committees on January 30, 1989 of VA's intent to propose regulations to consider the cost of funds in the no-bid formula, and specifically stated in that notification that VA would not implement the proposed regulations until on or after October 1, 1989, in compliance with the language

in the conference joint explanatory statement. On May 16, 1989, the Secretary notified me that VA intends to implement those proposed regulations on August 1, 1989, in direct contravention of the intent of the conferees and his predecessor's written commitment.

H.R. 1415 permanently would bar the Department from considering the cost of funds in calculating net value.

VA's proposed regulation is flawed as a matter of logic, regardless of whether it represents sound policy. The statutory no-bid formula is designed to provide a comparison of two possible courses of action—acquiring the home at foreclosure or simply paying the lender the amount of the guaranty—and to direct VA to follow the more economically advantageous course. The proposed regulation, however, would establish an unbalanced comparision by taking into account the cost of borrowing funds to acquire a home, while completely ignoring the cost of borrowing funds necessary to follow the other possible course—paying the guaranty. S. 1158 would correct this error by requiring that the guaranty amount be subtracted from the total amount necessary to buy the home at foreclosure—the total amount of the indebtedness—before any interest cost is added to the cost of acquiring the home.

Mr. President, S. 1158 also would cut this amount of imputed interest cost in half in order to avoid a drastic change in the number of situations in which VA decides not to bid on a foreclosed property. The Congressional Budget Office estimates that no-bids would increase from 25 percent of foreclosures to 35 percent if the VA proposal were allowed to take effect. Such a radical increase—by 40 percent—in no-bids poses a significant threat of a marked reduction in participation in the VA Loan Guaranty Program, which in turn could reduce significantly the access by veterans to this important entitlement. This is not a risk I believe veterans should be asked to take.

COST

Mr. President, according to the Congressional Budget Office estimate of the costs of the House bill, which appears on pages 18 through 21 of the House committee's report (H. Rept. No. 101-964), the new revolving fund established under the House bill would have a significant unobligated balance through at least fiscal year 1993. However, VA, in its testimony on H.R. 1415 at the April 18, 1989, hearing of the House Veterans' Affairs Committee's Subcommittee on Housing and Memorial Affairs, stated that, according to an analysis of H.R. 1415 by Peat, Marwick, Main, and Co., the new fund would begin showing a deficit in fiscal year 1994 and the deficit "would continue indefinitely."

In response to VA's stated concerns in this respect, I have included in S. 1158 provisions which should bolster both the short-term and long-term solvency of the new fund. These include the requirements that the Government contribute the loan fee on behalf of those who would be exempt from paying it, an increased fee for assumptors—who would, in conjunction with the increase be included in the indemnification provision—a limited opportunity for veterans to purchase additional entitlement in certian cases, and authority for the Secretary to make a limited adjustment in the fees.

CONCLUSION

Mr. President, I believe that we must ensure that VA's Home Loan Program continues to meet the needs of our Nation's veterans and help them—as it already has helped over 13 million veterans and their families—achieve the American dream of owning their own homes, a dream many veterans would never realize without a VA home loan guaranty.

CHINESE STUDENTS IN RHODE ISLAND DEMAND DEMOCRACY IN CHINA

Mr. PELL. Mr. President, last Friday, June 9, I had an emotional meeting with Chinese students attending Brown University in Providence. These students were justifiably outraged and saddened by the brutal horror of the mass murders committed against their fellow students in Beijing on June 4. Their grief and outrage were tempered only by the pride and admiration they felt about the courage and determination demonstrated by their martyred compatriots.

The hard liners in Beijing appear to have prevailed in their effort to suppress the will of the Chinese people, but they may yet reap a whirlwind sowed by their descent to mindless brutality. The cleansing breeze of democracy, once stirred, will not easily be stifled.

The gathering of students and their supporters in Tiananmen Square reminded me very much of the civil rights March on Washington in 1963. At that time, black Americans came together on the Mall to dramatize their quest for justice and freedom. Unlike Deng Xiaoping, President Kennedy immediately took up the cause of the civil rights demonstrators as his own, and our Nation became stronger as a result. If only Deng had done the same, I believe he would have found that China, also, would have been strengthened.

The students with whom I met last week left with me a statement they prepared expressing their heart-felt support for democracy, freedom and human rights in China. They also gave me a copy of the Deng regime's grotesquely falsified version of the events that took place in Tiananmen Square.

Mr. President, I ask unanimous consent that these documents be printed in the RECORD.

There being no objection, the documents were ordered to be printed in the RECORD, as follows:

STATEMENT

The world has recently witnessed the government of Deng-Li-Yang resorting to brutal fascistic force to suppress a peaceful pro-democracy movement in China.

We, the Chinese scholars and students at Brown University, issue the following statements:

(1) As Chinese citizens, we do not recognize the Deng-Li-Yang regime, we will no longer cooperate with the present government in any aspect.

(2) We firmly support the students, workers, and all of the people in China fighting for freedom, democracy, and human rights.

(3) We appeal to all countries and people throughout the world who love life, democracy, freedom, and human rights to support the Chinese people and fight with us for a more peaceful and beautiful world.

THE OFFICIAL STORY

(This is a free translation of an article that appeared in June 6th's People's Daily overseas edition entitled: "Communist Party's Center Committee, Chinese Government: An open letter to Communist Party members and Chinese Citizens.")

Members of the Communist Party, People of every ethnic group: Today, the situation in the nation's Capital of Beijing is severe. For more than a month a extremely small group of ill-intentioned people, have purposely created chaos. Starting in the early morning of June 3rd, this chaos has already developed into an astonishing anti-revolutionary violent riot.

An extremely small number of rioters incited some people who did not know the real situation to create a number of violent incidents. They blocked troops enforcing martial law from entering the city and Tiananmen Square. They stoned and set on fire more than one hundred military vehicles and buses, they insulted, beat, and kidnaped officers, soldiers and security police personnel. They stole guns, ammunition and other military equipment; attacked sensitive installations such as government compounds, the People's Hall, the central T.V. station, the security police station, and looted stores and burned police traffic control posts. They also cruelly, savagely killed tens of PLA soldiers and armed policemen, and then even hung the bodies of the soldiers that they had killed from highway overpasses. The objective of the riots is to deny the Party the leadership of the country, oppose the socialist system, and to overthrow the People's Republic of China. They shouted publicly "Take weapons, overthrow the government", "Kill forty seven million communist cult members". The plotters and organizers of this anti-revolutionary riot are extremely small number of people, they are mainly people who for a long time have harbored bourgeois-liberal ideas, making political plots, establishing contact with overseas and foreign hostile forces, and providing state and Party secrets to illegal organizations. The people participating in the criminal acts of beating, breaking, robbery and arson are mainly uneducated released prison inmates, political gang members, fol-

lowers of the "gang of four" and other social garbage. In short, they are a group of anti-revolutionaries who betrayed the Communist Party and Socialist system. As everybody knows, for a month, the government has taken a tolerant, controlled attitude to the riot created by this extremely small number of people have being inciting the masses who do not know the reality. However, this extremely small number of people have taken this as a sign of weakness on the part of government, and have, therefore, accelerated their movement, finally starting this anti-revolutionary riot.

Facing this serious situation, the Chinese People's Liberation Army, enforcing martial law under intolerable conditions, took decisive action, in order to put to an end to this riot. In order to avoid hurting innocent people, beginning on the afternoon of June 3rd, the (Army) has repeatedly issued emergency warnings, convincing a majority of college students and city residents not to interfere with the military's enforcement of martial law. During the operation, the army again made maximum effort to avoid bloodshed. However, a few violent rioters ignored all these measures, furiously attacking the army. In this situation, some casualties occurred, most of them, soldiers and armed policeman. This is what we did not want to see to happen. However, without taking these actions, the riot could not be put to an end, which would have caused even greater bloodshed. The People's Republic the result of the sacrifice of tens of millions of revolutionaries might have been overthrown, the results of the construction of the socialist system and ten years of reform could have been ruined. The whole country could have been put under a White terror. Therefore, decisively squelching this riot is a totally justified action, and is a response to the will of Beijing's residents and the people of the whole country, and is in their fundamental interest.

With the heroic struggle of officers and soldiers of the People's Liberation Army, Army police and Security Force, and with the active support and cooperation of the majority of people and young students, we have won the first step in squelching this riot. But we must calmly realize that the anti-revolutionary riot has not been completely put to an end. An extremely small number of violent elements are not going to concede their defeat. They will look for occasions to provoke incidents. All comrades of the Party and all people must be alert, keep your eyes open, unite together, continue the fight against these elements, defend the fruits of revolution, construction, and reform. For as long as they have the audacity to continue their sabotage, we should fight them. We have the guidance of Marist-Leninist thought, a strong people's democratic government, tens of millions of members of the Communist Party, millions of soldiers of the People's Liberation Army loyal to the Party and the people, the support of the masses of factory workers, peasants, intellectuals, and other democratic political parties and partriots from all professions, we have the ability and the confidence to definitively defeat them, and definitively put this riot to an end.

All members of the Communist Party, all people and patriots should definitively answer the call of the Party and the government, distinguish right from wrong, attend to the interests of the country, quickly start actions, stand up to fight this extremely small number of people who provoked this violent riot, and not do any thing which will hurt friends and please the enemies. You should be confident that the Party and the government have the ability to stop this turmoil. Members of the Communist Party should play a leading role, and be examples. All managerial persons and employees should remain at your post, continue production, guarantee provisioning of the city, maintain social order and security, educate young students and masses of people, refrain from spreading and believing rumors, not pursue any kind of mobilizations, fight for a stable and peaceful social environment, united in pushing forward the construction and continuation of reform.

MESSAGES FROM THE PRESIDENT RECEIVED DURING RECESS

Under the authority of the order of the Senate of January 3, 1989, the Secretary of the Senate, on June 9, 1989, during the recess of the Senate, received a message from the President of the United States submitting sundry nominations; which were referred to the appropriate committees.

(The nominations received on June 9, 1989, are printed in today's RECORD at the end of the Senate proceedings.)

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Kalbaugh, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

At 4:38 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the House has passed the following joint resolution, without amendment:

S.J. Res. 63. Joint resolution designating June 14, 1989, as "Baltic Freedom Day," and for other purposes.

The message also announced that the House has agreed to the following concurrent resolution, without amendment:

S. Con. Res. 16. Concurrent resolution calling on the Government of the Socialist Republic of Vietnam to expedite the release and emigration of "reeducation" camp detainees.

ENROLLED BILLS SIGNED

The PRESIDENT pro tempore (Mr. BYRD) reported that on today, June 13, 1989, he had signed the following enrolled bills, which had previously been signed by the Speaker of the House:

H.R. 2. An act to amend the Fair Labor Standards Act of 1938 to restore the minimum wage to a fair and equitable rate, and for other purposes; and

H.R. 964. An act to correct an error in Private Law 100-29 (relating to certain lands in Lamar County, AL).

REPORTS OF COMMITTEES RECEIVED DURING RECESS

Under the authority of the order of the Senate of June 8, 1989, the following reports of committees were submitted on June 12, 1989:

By Mr. HOLLINGS, from the Committee on Commerce, Science, and Transportation, without amendment:

S. 341. A bill to amend the Federal Aviation Act of 1958 to prohibit discrimination against blind individuals in air travel (Rept. No. 101-45).

By Mr. PELL, from the Committee on Foreign Relations, without amendment:

S. 1160. An original bill to authorize appropriations for fiscal year 1990 for the Department of State, the U.S. Information Agency, the board for International Broadcasting, and for other purposes (Rept. No. 101-46).

By Mr. KENNEDY, from the Committee on Labor and Human Resources, with an amendment in the nature of a substitute:

S. 123. A bill to provide financial assistance to States and localities for high quality early childhood development programs for prekindergarten children, and for other purposes.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. FORD, from the Committee on Rules and Administration, without amendment:

S. 619. A bill to authorize the Alpha Phi Alpha Fraternity to establish a memorial to Martin Luther King, Jr. in the District of Columbia (Rept. No. 101-47).

By Mr. BENTSEN, from the Committee on Finance, without amendment:

S. 1164. An original bill to authorize appropriations for fiscal year 1990 for the Office of the U.S. Trade Representative, the U.S. International Trade Commission, and the U.S. Customs Service (Rept. No. 101-48).

By Mr. HOLLINGS, from the Committee on Commerce, Science, and Transportation, with an amendment in the nature of a substitute:

S. 673. A bill to amend the National Traffic and Motor Vehicle Safety Act of 1966 and the Motor Vehicle Information and Cost Savings Act to authorize appropriations for fiscal years 1990 and 1991, and for other purposes (Rept. No. 101-49).

By Mr. INOUYE, from the Select Committee on Indian Affairs, without amendment:

H.R. 881. A bill to provide for restoration of the Federal Coquille Tribe of Indians and the individual members consisting of the Coquille Tribe of Indians, and for other purposes (Rept. No. 101-50).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. SHELBY:

S. 1161. A bill to amend the Internal Revenue Code of 1986 to allow a deduction for dividends paid by corporations; to the Committee on Finance.

By Mr. KOHL (for himself and Mr. CONRAD):

S. 1162. A bill to amend the Congressional Budget Act of 1974 to require the Committees on the Budget to adopt the economic and technical assumptions of the Congressional Budget Office in preparing the concurrent resolution on the budget for a fiscal year; to the Committee on the Budget and the Committee on Governmental Affairs, jointly, pursuant to the order of August 4, 1977 with instructions that if one committee reports, the other committee has 30 days of continuous session to report or to be discharged.

By Mr. HATCH:

S. 1163. A bill to amend the District of Columbia Code to limit the length of time for which an individual may be incarcerated for civil contempt in a child custody case in the Superior Court of the District of Columbia and to provide for expedited appeal procedures to the District of Columbia Court of Appeals for individuals found in civil contempt in such case; to the Committee on Governmental Affairs.

By Mr. BENTSEN, from the Committee of Finance:

S. 1164. An original bill to authorize appropriations for fiscal year 1990 for the Office of the U.S. Trade Representative, the U.S. International Trade Commission, and the U.S. Customs Service; placed on the calendar.

By Mr. GLENN (for himself and Mr. MCCAIN):

S. 1165. A bill to provide for fair employment practices in the Senate and the House of Representatives; to the Committee on Governmental Affairs.

By Mr. LEVIN (for himself and Mr. RIEGLE):

S. 1166. A bill to correct the tariff classification of certain chipper knife steel products; to the Committee on Finance.

By Mr. MITCHELL (for himself and Mr. COHEN):

S. 1167. A bill to fund the Muskie Archives, and for other purposes; to the Committee on Labor and Human Resources.

Mr. Mr. KENNEDY:

S. 1168. A bill to amend the Internal Revenue Code of 1986 to assure access to health insurance for self-employed individuals and to simplify rules governing the inclusion in gross income of benefits provided under discriminatory group health plans; to the Committee on Finance.

By Mr. ROTH:

S. 1169. A bill to provide administrative procedures for noncontroversial tariff suspensions; to the Committee on Finance.

By Mr. INOUYE (for himself, Mr. ADAMS, and Mr. SIMON):

S. 1170. A bill to amend the Federal Aviation Act of 1958 to provide for the establishment of limitations on the duty time for flight attendants; to the Committee on Commerce, Science, and Transportation.

By Mr. DOLE:

S. 1171. A bill entitled the "ESOP Reform Act of 1989"; to the Committee on Finance.

By Mr. MACK:

S. 1172. A bill to authorize a certificate of documentation for a vessel; to the Committee on Commerce, Science, and Transportation.

By Mr. CHAFEE (for himself, Mr. BAUCUS, Mr. DANFORTH, Mr. WALLOP, Mr. RIEGLE, Mr. LAUTENBERG, Mr. BOREN, Mr. SYMMS, Mr. DURENBERGER, Mr. ROTH, Mr. GRASSLEY, Mr. HEINZ, Mr. LIEBERMAN, Mr. GORTON, Mr. CRANSTON, and Mr. MCCAIN):

S. 1173. A bill to amend the Internal Revenue Code of 1986 with respect to the allocation of research and experimental expenditures; to the Committee on Finance.

By Ms. MIKULSKI:

S.J. Res. 155. Joint resolution designating June 23, 1989, as "United States Coast Guard Auxiliary Day"; to the Committee on the Judiciary.

By Mr. CRANSTON (for himself and Mr. WILSON):

S.J. Res. 156. Joint resolution to commemorate the 50th anniversary of the National Aeronautics and Space Administration Ames Research Center; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. MITCHELL (for himself and Mr. DOLE):

S. Res. 144. Resolution relating to the commemoration of the bicentennial of the Senate of the United States; considered and agreed to.

By Mr. PRESSLER (for himself, Mr. DOMENICI, Mr. D'AMATO, and Mr. DOLE):

S. Con. Res. 43. Concurrent resolution expressing the grave concern of the Congress regarding human rights violations in the Socialist Federal Republic of Yugoslavia; to the Committee on Foreign Relations.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. SHELBY:

S. 1161. A bill to amend the Internal Revenue Code of 1986 to allow a deduction for dividends paid by corporations; to the Committee on Finance.

ALLOWING A DEDUCTION FOR DIVIDENDS PAID BY CORPORATIONS

Mr. SHELBY. Mr. President, I introduce today a bill that would amend the Internal Revenue Code of 1986 to provide for a deduction for corporations for dividends paid during the taxable year. This deduction would be to corporate adjusted taxable income and would be for the entire amount of dividends paid in that year.

Mr. President, this legislation is intended to help balance the scales in the realm of corporate finance. Currently the Tax Code bias toward debt promotes leveraged buy outs by encouraging the issuance or assumption of debt and discouraging the issuance of equity. Corporations may deduct from adjusted taxable income the amount of interest paid each year on debt, while dividends must be paid in after-tax dollars. This double taxation of corporate earnings effectively makes dividends, and thus equity, far more expensive than corporate debt.

For this reason, the rash of corporate restructurings that has occurred over the past several years has resulted in a steady decrease in the issuance of equity and a dramatic increase in the issuance of debt. Alan Greenspan, Chairman of the Federal Reserve, recently testified before the House Ways and Means Committee that the 1980's has been characterized by the retirement of substantial amounts of equity, more than $500 billion since 1983, most of which was financed by borrowing.

Chairman Greenspan continues by noting that the "accompanying increase in debt has resulted in an appreciable rise in leverage ratios for many of our large corporations." Business Week estimates that the debt of nonfinancial companies has nearly doubled in the last 6 years, to $1.8 trillion.

Mr. President, I am not a foe of corporate restructuring. I believe that in many cases, takeovers, hostile or friendly, result in beneficial streamlining and increased efficiencies that make U.S. products and services more competitive in the global marketplace. Takeovers prune businesses or complacent management and unwidely bureaucracies and put pressure on management to adopt cost-efficient, competitive labor and production strategies.

However, I am concerned over the mounting debt burden on the shoulders of corporate America. While the aggregate debt-equity ratios of corporations have increased sharply, the ability of corporate America to service this debt is decreasing dramatically. The current ratio of gross interest payments to corporate cash-flow is approximately 35 percent. This is similar to the peak level in 1982, when interest rates were much higher and profits much slimmer. This current high, however, comes at a time when profits have been handsome and interest rates reasonable. What does this augur for the next cyclical recession?

The recent surge in debt is concentrated; a Morgan Stanley report states that 95 percent of the increase in net interest outlays is concentrated in industry sectors that account for 30 percent of gross national product. Interest outlays for the three industries—nondurables manufacturing, public utilities, and services—have risen at a rate of 10 percent per year, while net interest for the remainder of the economy has risen at the modest rate of 1.4 percent per year.

Morgan Stanley notes that two of these three sectors are less sensitive to recessionary pressures. Demand for

utilities and services remains fairly constant during economic downturns but the same is not true for the manufacturing sector. Alan Greenspan estimates in his testimony that roughly two-fifths of recent mergers and acquisitions have taken place in cyclically sensitive industries which are more apt to experience problems during a recession.

We cannot know until such cyclical downturn arrives what consequences will befall our economy. The rising interest rates and narrower profit margins that characterize a recession, associated with the inordinately high debt-equity ratios of sectors of corporate America could result in record defaults and a severely sharpened recession.

The impact of widespread default on the holders of corporate debt could be catastrophic. Chairman Greenspan, characteristically succinct, indicates that the Federal Reserve is concerned over the increasing share of the restructuring loans made by commercial banks and admits that massive failures of these loans could have broad ramifications.

Other pundits are less diplomatic. Barron's ran an article last December hailing LBO loans as the son of LDC's or rather, this decade's popular means for banks to chase high returns at the expense of high risk. Merger-related loans held by banks have increased from a total of $3 billion in early 1984 to a total of $115 billion in October 1988. Pending yearend deals brought this total to approximately $150 billion.

This loan increase phenomenon is, in part, due to innovation in the capital market place. The improvements and growth of the loan-sale market and the increased presence of foreign banks in the U.S. market have made it easier for banks to participate in the mergers and acquisitions business. However, the amount of LBO loans as a percentage of bank equity is reaching questionable proportion.

Barron's reported that manufacturers Hanover's LBO exposure equaled 64 percent of equity, while Bank of America's LBO loans totaled 71 percent of equity and Wells Fargo's LBO loans equaled a whopping 135 percent of equity. These numbers suggest the need for limits on LBO loan participation by banks. I believe that limits on the participation of banks, and thus the ultimate liability to the deposit insurer should be examined in depth by Congress and the banking regulators. However, this subject should be addressed in separate legislation.

I offer this measure today with the intention that it might serve as a catalyst for debate. Providing for the deductibility of dividends is not revenue neutral; to the contrary, providing for the full deductibility of dividends would cost the Federal Government an annual estimated $20 to $25 billion in lost tax revenue. I do not offer an alternative source of revenue; and in this ERA of big budget deficits, I do not foresee passage of legislation that results in such tremendous cost to the Government.

However, it is time to begin the effort to remove the bias toward debt that the Internal Revenue Code currently holds. While I do not want to manipulate or restrict the dynamics of the market place, I firmly believe that we should not encourage through the Internal Revenue Code the assumption of debt over the issuance of equity. Corporate restructuring for the sake of efficiencies and increased productivity is right; corporate restructuring for the sake of transactional and legal fees is wrong. I urge my colleagues to consider this issue.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1161

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DIVIDEND PAID DEDUCTION.

(a) GENERAL RULE.—Part VIII of subchapter B of chapter 1 of the Internal Revenue Code of 1986 (relating to special deductions for corporations) is amended by striking out the table of sections and section 241 and inserting in lieu thereof the following:

"Subpart A. Dividend paid deduction.

"Subpart B. Dividend received deduction.

"Subpart C. Miscellaneous corporate deductions.

"SEC. 230. ALLOWANCE OF SPECIAL DEDUCTIONS.

"In addition to the deductions provided in part VI (section 161 and following), there shall be allowed as deductions in computing taxable income the items specified in this part.

"Subpart A—Dividend Paid Deduction

"Sec. 231. Dividend paid deduction.

"Sec. 232. Qualified dividend account.

"Sec. 233. Ineligible corporations.

"Sec. 234. Special rules.

"SEC. 231. DIVIDEND PAID DEDUCTION.

"(a) ALLOWANCE OF DEDUCTION.—In the case of a corporation, there shall be allowed as a deduction an amount equal to the dividends paid by such corporation during the taxable year.

"(b) LIMITATION BASED ON AMOUNT IN QUALIFIED DIVIDEND ACCOUNT.—The amount of the dividends paid during any taxable year which may be taken into account under subsection (a) shall not exceed the amount in the corporation's qualified dividend account as of the close of such taxable year determined after the application of section 232(b)(1) for the taxable year but before the application of section 232(b)(2) for such taxable year.

"SEC. 232. QUALIFIED DIVIDEND ACCOUNT.

"(a) ESTABLISHMENT OF ACCOUNT.—Each corporation shall establish a qualified dividend account. The opening balance of such account shall be zero.

"(b) ADJUSTMENTS TO ACCOUNTS.—As of the close of each taxable year beginning after December 31, 1989, the qualified dividend account—

"(1) shall be increased by the adjusted taxable income of the corporation for the taxable year, and

"(2) shall be reduced by the amount of the dividends paid by the corporation during the taxable year to the extent the amount so paid does not exceed the limitation of section 231(c).

"(c) ADJUSTED TAXABLE INCOME.—For purposes of this section—

"(1) IN GENERAL.—The term 'adjusted taxable income' means taxable income adjusted as provided in this subsection.

"(2) ADJUSTMENT FOR CERTAIN QUALIFYING DIVIDENDS.—Taxable income shall be increased by the deduction allowed under section 243 with respect to that portion of any qualifying dividend (as defined in section 243(b)(1)) for which such deduction is determined at a rate of less than 100 percent. Similar rules shall apply in the case of dividends for which deductions are allowable under section 245(b).

"(3) ADJUSTMENT FOR TAX CREDITS.—

"(A) IN GENERAL.—Taxable income shall be reduced by the deduction equivalent of the tentative nonrefundable credits for the taxable year.

"(B) DEDUCTION EQUIVALENT.—For purposes of subparagraph (A), the deduction equivalent of the tentative nonrefundable credits for any taxable year is the amount which (if allowed as a deduction for the taxable year) would reduce the tax liability (as defined in section 26(b)) for the taxable year by an amount equal to the tentative nonrefundable credits.

"(C) TENTATIVE NONREFUNDABLE CREDITS.—For purposes of this paragraph, the term 'tentative nonrefundable credits' means the amount of the credits which would have been allowable under part IV of subchapter A of this chapter for the taxable year (other than the credit allowable under section 34) if no deduction were allowable under section 231.

"(4) ADJUSTMENT FOR CORPORATE MINIMUM TAX.—If tax is imposed by section 55 on the corporation for any taxable year, taxable income for the succeeding taxable year shall be increased by an amount equal to $^{34}/_{100}$ of the amount of tax so imposed.

"(5) DIVIDEND PAID DEDUCTION NOT TAKEN INTO ACCOUNT.—Taxable income shall be determined without regard to the deduction allowed under section 231.

"SEC. 233. INELIGIBLE CORPORATIONS.

"(a) GENERAL RULE.—No deduction shall be allowed under section 231 with respect to any dividend paid by—

"(1) a regulated investment company,

"(2) a real estate investment trust,

"(3) an S corporation,

"(4) any organization taxable under subchapter T of this chapter (relating to cooperative organizations), or

"(5) a FSC or DISC.

"(b) FOREIGN CORPORATIONS.—In the case of a foreign corporation—

"(1) no deduction shall be allowed under section 231 for dividends paid by such corporation during any taxable year unless the corporation meets the requirements of section 245(a) for such taxable year,

"(2) only adjusted taxable income effectively connected with the conduct of a trade or business in the United States and attributable to the uninterrupted period referred

to in section 245(a) shall be added to the qualified dividend account, and

"(3) any distribution shall be treated as made ratably out of income effectively connected with the conduct of a trade or business in the United States and other income.

"SEC. 234. SPECIAL RULES.

"(a) CERTAIN DISTRIBUTIONS NOT TREATED AS DIVIDENDS.—For purposes of this subpart, the term 'dividend' does not include—

"(1) any distribution in redemption of stock, in liquidation, or in a reorganization (whether or not such distribution is treated as a distribution to which section 301 applies), and

"(2) any dividend described in section 244 (relating to dividends received on certain preferred stock).

"(b) DEDUCTION NOT TAKEN INTO ACCOUNT FOR PURPOSES OF CERTAIN LIMITATIONS BASED ON TAXABLE INCOME.—For purposes of sections 246(c), 613, 613A, and 593, taxable income shall be determined without regard to the deduction allowed under section 231.

"(c) TREATMENT OF DIVIDENDS RECEIVED BY 5-PERCENT TAX-EXEMPT SHAREHOLDERS.—

"(1) IN GENERAL.—For purposes of part III of subchapter F (relating to taxation of unrelated business income of certain exempt organizations), any dividend received by a tax-exempt organization from a corporation in which such organization is a 5-percent shareholder shall be treated as unrelated business taxable income to the extent of the amount of the deduction allowable under section 231 to such corporation with respect to such dividend. Except as provided in regulations, the amount of such deduction shall be determined on the basis of the return filed by the corporation for the taxable year.

"(2) DEFINITIONS.—For purposes of this subsection—

"(A) 5-PERCENT SHAREHOLDER.—The term '5-percent shareholder' means any tax-exempt organization which owns (or is considered as owning within the meaning of section 318)—

"(i) 5 percent or more (by value) of the outstanding stock of the corporation, or

"(ii) stock possessing 5 percent or more of the total combined voting power of all stock of the corporation.

"(B) TAX-EXEMPT ORGANIZATION.—The term 'tax-exempt organization' means any organization which is exempt from the tax imposed by this chapter.

"(C) RELATED ENTITIES.—A tax-exempt organization and 1 or more other tax-exempt organizations which have—

"(i) significant common purposes and substantial common membership, or

"(ii) directly or indirectly substantial common direction or control, shall be treated as 1 tax-exempt organization for purposes of this paragraph.

"(d) TREATMENT OF SUBSEQUENT ADJUSTMENTS.—If there is any adjustment which affects the amount of the adjusted taxable income of a corporation for any taxable year (whether by reason of any carryback to such taxable year or otherwise) for purposes of this subpart and subpart B, the amount of such adjustment shall be treated as made of the close of such taxable year.

"(e) ALLOCATION OF QUALIFIED DIVIDEND ACCOUNT IN CORPORATE SEPARATIONS, REORGANIZATIONS, AND REDEMPTIONS.—Adjustments similar to the adjustments provided in subsection (h) or (n)(7) of section 312 shall be made to the qualified dividend account in the case of a transaction described in either of such subsections.

"(f) MUTUAL LIFE INSURANCE COMPANIES.—

"(1) GENERAL RULE.—In the case of a mutual life insurance company, for purposes of this subpart, 80 percent of the differential earnings amount (as defined in section 809(a)(3)) shall be treated as a dividend paid to a shareholder.

"(2) REGULATIONS.—The Secretary may prescribe regulations applying rules consistent with this subpart to mutual life insurance companies. Such regulations may include rules treating an appropriate portion of the recomputed differential earnings amount (as defined in section 809(f)(3)) as an adjustment to the amount described in paragraph (1).

"Subpart B—Dividend Received Deduction

"Sec. 243. Dividends received by corporations.

"Sec. 244. Dividends received on certain preferred stock.

"Sec. 245. Dividends received from certain foreign corporations.

"Sec. 246. Rules applying to deductions for dividends received.

"Sec. 246A. Dividends received deduction reduced where portfolio stock is debt financed.

"Sec. 247. Dividends paid on certain preferred stock of public utilities."

(b) COMPENSATORY WITHHOLDING TAX ON DIVIDENDS PAID TO NONRESIDENT ALIENS OR FOREIGN CORPORATIONS.—

(1) GENERAL RULE.—Subpart C of part II of subchapter N of chapter 1 (relating to miscellaneous provisions) is amended by adding at the end thereof the following new section:

"SEC. 898. ADDITIONAL TAX ON DIVIDENDS TO REFLECT DIVIDEND PAID DEDUCTION.

"(a) GENERAL RULE.—In addition to any tax imposed by section 871 or 881, there is hereby imposed a tax equal to the applicable percentage of the dividends received from sources within the United States by a nonresident alien individual or foreign corporation.

"(b) APPLICABLE PERCENTAGE.—For purposes of subsection (a), the applicable percentage is 30.4.

"(c) TAX NOT TO APPLY TO SHAREHOLDER'S EFFECTIVELY CONNECTED ITEMS.—The tax imposed by this section shall not apply to any dividend to the extent such dividend is effectively connected with the conduct of a trade or business by the shareholder within the United States.

"(d) CORRESPONDING INCREASE IN WITHHOLDING TAX.—In the case of any dividend subject to tax under subsection (a), the tax imposed by section 1441 or 1442 (as the case may be) shall be increased by an amount equal to the applicable percentage of such dividend.

"(e) EXCEPTION FOR CERTAIN TREATY COUNTRIES.—The tax imposed by subsection (a) shall not apply to any dividend paid to a resident or corporation of a foreign country during any period—

"(1) in which an income tax treaty between such country and the United States is in effect, and

"(2) during which there is in effect a certification by the Secretary that—

"(A) such income tax treaty has adequate provisions to prevent treaty shopping, and

"(B) if such foreign country imposes an income tax comparable to the tax imposed by this subtitle and grants relief from such tax to its residents, such country grants relief equivalent to that provided in section 231 with respect to dividends paid to United States persons.

The requirements of paragraph (2) shall not apply to dividends paid before January 1, 1992."

(2) CLERICAL AMENDMENT.—The table of sections for subpart C of part II of subchapter N of chapter 1 is amended by adding at the end thereof the following new item:

"Sec. 898. Additional tax on dividends to reflect dividend paid deduction."

(c) SECTION 381 TO APPLY TO QUALIFIED DIVIDEND ACCOUNT.—Subsection (c) of section 381 (relating to items of the distributor or transferor corporation) is amended by adding at the end thereof the following new paragraph:

"(27) QUALIFIED DIVIDEND ACCOUNT.—Under regulations prescribed by the Secretary, the acquiring corporation shall take into account (to the extent proper to carry out the purposes of this section and subpart A of part VIII of subchapter B of this chapter) the qualified dividend account of the distributor or transferor corporation."

(d) CLERICAL AMENDMENT.—Part VIII of subchapter B of chapter 1 is amended by inserting after section 247 the following:

"Subpart C—Miscellaneous Provisions

"Sec. 248. Organizational expenditures.

"Sec. 249. Limitation on deduction of bond premium on repurchase.

"Sec. 250. Certain payments to the National Railroad Passenger Corporation."

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to dividends paid during taxable years of payor corporations beginning after December 31, 1989.

By Mr. KOHL (for himself and Mr. CONRAD):

S. 1162. A bill to amend the Congressional Budget Act of 1974 to require the Committees on the Budget to adopt the economic and technical assumptions of the Congressional Budget Office in preparing the concurrent resolution on the budget for a fiscal year; pursuant to the order of August 4, 1977, referred jointly to the Committee on the Budget and the Committee on Governmental Affairs.

CONGRESSIONAL BUDGET ACT AMENDMENTS

Mr. KOHL. Mr. President, I am here today to introduce a bill. I call it the honest economic assumptions bill.

Mr. President, the budget is the most important work of Congress. It represents our view of the country and it sets out priorities for the future. How we put that budget together is, therefore, very important. It needs to be done honestly.

Economic assumptions, Mr. President, are at the very foundation of any budget we construct. Assumptions about interest rates and economic growth will determine how much money we have to spend on programs. In the past, we have manipulated these economic assumptions to hide the magnitude of our deficits. I believe that this must stop.

We need to stick with honest numbers, not subject to manipulation by anyone. There is one agency that can do this and that is the Congressional

Budget Office. The CBO is a nonpartisan economic forecasting office and it is respected by all Members of both parties.

The CBO may not always be right, Mr. President, because forecasting is a very inexact science. But theirs will represent an objective projection that is not subject to influence from any party.

I am honored to be joined in introducing this bill by Senators CONRAD and ROBB. Senator CONRAD has carried this torch ever since he arrived in this body. And Senator ROBB has already demonstrated leadership on this issue in his work on the Budget Committee and elsewhere.

This bill is not perfect. There are many ways it could be improved. And I look forward to hearing suggestions that anyone might have.

Mr. President, I ask unanimous consent that the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1162

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subsection (g) of section 301 of the Congressional Budget Act of 1974 is amended to read as follows:

"(g) ECONOMIC ASSUMPTIONS.—

"(1) Subject to periodic revision based on changed economic conditions or technical estimates, determinations under titles III and IV for any fiscal year shall be based upon the economic and technical assumptions of the Congressional Budget Office.

"(2) It shall not be in order in the Senate or the House to consider any concurrent resolution on the budget for a fiscal year, or any amendment thereto, or any conference report thereon, that sets forth amounts and levels that are not determined in accordance with paragraph (1). A point of order under this paragraph may be waived or suspended only by the affirmative vote of three-fifths of the Members, duly chosen and sworn.

"(3) The joint explanatory statement accompanying a conference report on a concurrent resolution on the budget shall clearly set forth the economic assumptions upon which such joint statement and conference report are based.".

Mr. CONRAD. Mr. President, I am pleased to join with Senator KOHL to introduce S. 1162 today. This bill is a very simple amendment to the Budget Act. It requires that preparation of the budget resolution be based on the economic and technical estimates prepared by the Congressional Budget Office.

As North Dakota State Tax Commissioner I was responsible for the revenue forecasts for the State. The one thing we could always be sure of was that whatever we forecast, it would be wrong. The goal was to be "least wrong". I believe that should be the goal of Congress, also. Congress should try to minimize the error, or be "least wrong" when implementing its budget decisions. Over the last several years, CBO projections have consistently been the closest to the actual budget deficit in its forecasts.

Since 1982, OMB has missed the deficit estimate by $296 billion. CBO has missed the target by $205.

This estimating difference in forecasting tells me two things: First, forecasting is a very complicated process and we can't hope to be perfect; and second, because it is so complicated, Congress should base its decisions on projections from the agency that is correct most often.

Given the track record of the two agencies, one would have to ask why Congress would ever choose to use the estimates from a partisan executive agency that is less accurate than its own agency. The answer is obvious and we have taken full advantage of those easier targets over the years. However, I believe the tough decisions must be made now. Putting them off does not make them easier.

As many in this Chamber know, I believe very strongly that Congress should make those decisions, reduce the budget deficit and set a more positive course for the Nation. I am encouraged that there may be some movement in that direction. The last budget agreement required that negotiations begin immediately on the fiscal year 1991 budget. If Congress chooses to honor that mandate we will have the opportunity to make significant progress on the budget deficit. However, the progress will be a mirage if Congress does not use credible underlying assumptions.

I urge Congress to favorably consider S. 1162 and bring credibility back to the budget process.

By Mr. HATCH:

S. 1163. A bill to amend the District of Columbia Code to limit the length of time for which an individual may be incarcerated for civil contempt in a child custody case in the Superior Court of the District of Columbia and to provide for expedited appeal procedures to the District of Columbia Court of Appeals for individuals found in civil contempt in such a case; to the Committee on Governmental Affairs.

LIMITING THE LENGTH OF TIME OF INCARCERATION FOR CIVIL CONTEMPT IN A CHILD CUSTODY CASE

Mr. HATCH. Mr. President, today I am introducing legislation which would amend the District of Columbia Code to limit to 1 year the length of time for which an individual may be incarcerated for contempt of court in a child custody case in the Superior Court of the District of Columbia. Currently there is no statutory limit.

INTRODUCTION: DANGERS OF THE CONTEMPT POWER

The contempt power is a significant tool for judges seeking to enforce their orders. Many commentators, and some courts, have noted that it is uniquely dangerous, since in civil contempt proceedings a judge has almost unfettered discretion. See, for example, Martineau, "Contempt of Court: Eliminating the Confusion Between Civil and Criminal Contempt," 50 U. Cin. L. Rev. 677 (1981).

Proceedings for criminal contempt include virtually all the protections extended to other criminal defendants: The contempt must be proven beyond a reasonable doubt; the defendant cannot be required to incriminate himself; double jeopardy is prohibited; the offense is pardonable; the accused is presumed innocent; and so on. Note, "Modern Discussion of a Venerable Power: Civil Versus Criminal Contempt and its Role in Child Support Enforcement: *Hicks* v. *Feiock,*" 22 Creighton L. Rev. 163, 170-71 (1988). Proceedings for civil contempt, however, lack many of these protections; the standard of proof is lower, for example, and the contemnor has no right to a jury trial. Id. at 171.

Clearly, the courts need sufficient independent authority to conduct their business and enforce their judgments, including the power to punish for contempt. But the broad civil contempt power must be exercised with prudence and self-restraint. Like any other power exercised by a government official, it can be abused. Any abuse of the civil contempt power is a very serious matter, for a civil contemnor may be subject to virtually unlimited fines and indefinite incarceration. Furthermore, the contempt hearing will be conducted by the very judge whose authority the contemnor challenges.

It is said that the contemnor has the jailhouse keys in his or her own hands. *In re Nevitt,* 117 F. 448, 461 (8th Cir. 1902), cited in *In Re Grand Jury Investigation,* 600 F.2d 420, 422-23 (3d Cir. 1979). In other words, the contemnor will be freed as soon as he or she complies with the court's order. However, in one poignant context this truism rings hollow. In a child custody dispute where one parent refuses to produce the child for the other pursuant to a court visitation or custody order, and the court invokes its civil contempt power to incarcerate the recalcitrant parent, the child is deprived of the nurturing, care, and love of both parents.

THE MORGAN CASE

There are several examples of this. One of the most publicized involves Dr. Elizabeth Morgan. On August 21, 1987, D.C. Superior Court Judge Herbert B. Dixon, Jr., ordered Morgan to deliver her daughter Hilary to her exhusband, Dr. Eric Foretich, for a 2-week unsupervised visit. Morgan refused, claiming that Foretich had sexually abused Hilary during past visits. During a partly closed hearing on August 26, 1987, Judge Dixon held

Morgan in contempt of court for defying the order and imposed a fine of $5,000 for each day she refused to comply. On August 28, 1987, Dr. Morgan began serving an indefinite jail sentence for contempt. She has now spent 22 months in jail and has resolutely asserted that she will stay until Hilary is 18—another 12 years—rather than allow Dr. Foretich access to her. Judge Dixon appears willing to keep Morgan imprisoned until she relents. Hers is a Hobson's choice: Either surrender her daughter to someone she believes sexually abused her child or stay in jail indefinitely.

The purpose of civil contempt is not to punish but to coerce compliance with the court's order. Once it is clear that the civil contempt sanction will not coerce a recalcitrant individual, that sanction must be removed. The failure to do so constitutes a deprivation of liberty or property without due process. That is, the coercive sanction is transmuted into a punitive sanction at the point of coercion can no longer fairly be said to be possible and, therefore, the contemnor is entitled to further procedural protections before the sanction can continue. See, for example, *Shillitani* v. *United States*, 384 U.S. 364, 371-72 (1966); *In re Grand Jury Investigation*, 600 F.2d 420, 423-24 (3d Cir. 1979); *Lambert* v. *Montana*, 545 F.2d 87, 89-90 (9th Cir. 1976); *Matter of Thornton*, 560 F. Supp. 183, 184 (1983).

Dr. Morgan has served longer than many convicted criminals, even though she endangers no one. Each prisoner costs the taxpayers tens of thousands of dollars a year. In a jurisdiction perpetually releasing these apprehended on drug busts and sweeps because the jails lack room for them, scarce jail space could be better used. Dr. Morgan's medical practice has disappeared, along with her home and other assets, and she is now the longest residing female prisoner at the D.C. Detention Center. She has nothing left to lose. She insists that she will never comply with the court order, an assertion to which her adamance thus far lends credence. There is no indication that continued imprisonment will change her mind. She appears immune to the coercive authority of the court.

After Dr. Morgan had been incarcerated for 16 months, Judge Dixon said, "The coercion has only just begun." [Washington Post, December 16, 1988.] Had she been imprisoned for criminal contempt in Federal court, her initial sentence would have been for a definite period, and a jury trial would have been required to incarcerate her for more than 6 months. See *Cheff* v. *Schnackenberg*, 384 U.S. 373, 380 (1966). Now, however, she is still serving indefinitely. No one in the District of Columbia has ever served as long on a civil contempt charge. During this whole time Hilary has been without benefit of either parent. Surely this result cannot be in the best interests of the child.

On Friday, June 9, 1989, Dr. Morgan's brother, Robert M. Morgan, appeared before Judge Dixon pursuant to subpoena. Mr. Morgan, an assistant U.S. attorney in the District of Columbia, refused 26 times to comply with the judge's orders to disclose Hilary's whereabouts, according to the June 10, 1989, Washington Post. Judge Dixon took no action against Mr. Morgan but directed him to report any change of address or employment and noted he could be jailed for contempt. Id. The specter is now raised of the court incarcerating Dr. Morgan's brother for civil contempt as a means of increasing the pressure on Dr. Morgan herself. If this happens, I suppose the judge could feel free to jail Dr. Morgan's relatives seriatim over the next 12 years before determining she will not be coerced. Enough is enough.

I am not taking sides in the Morgan-Foretich dispute. However, a brief comment on Morgan's stated reason for defying the court order may help illustrate the importance of this bill. When Dr. Morgan became concerned about possible sexual abuse, she took Hilary to several different examiners. Some of these failed to diagnose sexual abuse, but a very highly qualified specialist—Charles I. Shubin, M.D., a board certified pediatrician, associate professor of pediatrics at the University of Maryland, and cofounder and codirector of the first program in the United States for the training of pediatric health professionals in the diagnosis of child sexual injuries—found serious vaginal scarring and other injury indicative of abuse. Psychologist Mary Froning of the Chesapeake Institute in Chesapeake, MD, saw Hilary for 87 sessions from January 1986 to August 1987. Her notes document that in 21 of those visits Hilary described physical or sexual abuse. Froning explained that Hilary could not have fabricated the incidents or been coached to recite them because of the explicit detail and authentic emotional state with which she recounted them. [Washingtonian, December 1988.]

In a related case, according to the U.S. Court of Appeals for the Fourth Circuit, Dr. Shubin was prepared to testify that Heather, Foretich's daughter by his second wife—Morgan was his third—exhibited injuries similar to those suffered by Hilary. "[N]umerous other professionals and lay witnesses [were also] prepared to testify that Heather had been sexually abused during visitation periods with [Foretich and his parents]." *Morgan* v. *Foretich*, 846 F.2d 941, 943-44 (4th Cir. 1988). Evidence of Heather's injuries was excluded from both the D.C. and Federal court cases. The fourth circuit ruled that the evidence in the Federal case was excluded inappropriately. "The proferred evidence of sexual abuse suffered by Heather * * * was highly relevant," it said. In fact, "this evidence was essential in that it tended to identify the defendants [Foretich and his parents] as the perpetrators of the crime against Hilary since only the defendants had access to both girls. No other piece of evidence could have had a comparable probative impact as to the identity of Hilary's asailants. This evidence also negated several defenses raised by the defendants." *Morgan* v. *Foretich*, 846 F.2d 941, 944 (4th Cir. 1988).

Foretich denies ever molesting Hilary. Judge Dixon found the evidence of sexual abuse "in equipoise"—in other words, equally balanced. [Legal Times, December 5, 1988; New York Times, December 15, 1988.] Neither party won suits accusing the other of abuse; the courts cannot determine which party is telling the truth. Under such circumstances, a mother's protectiveness should not be punished forever. My bill makes the 12-month cap on civil contempt in such cases retroactive to January 1, 1987, and thus would free Dr. Morgan.

Elizabeth Morgan is only one of several mothers recently imprisoned under the contempt power for refusing to send their children to court-ordered visitations with ex-husbands accused of sexual abuse. Note, "Modern Discussion of a Venerable Power: Civil Versus Criminal Contempt and its Role in Child Support Enforcement: *Hicks* v. *Feiock*," 22 Creighton L. Rev. 163, 183 n.195 (1988). These cases have prompted reevaluation of the rules surrounding incarceration for contempt. Civil contempt is supposed to be coercive, not punitive; to entice the contemnor to obey the court, not to punish him or her for refusing to do so. Regardless of the merits of the Morgan case—the facts of which are detailed, complex, and partly secret—the present District of Columbia law regarding civil contempt does not take into account unique concerns arising in child custody cases.

THE 12-MONTH CAP

Under Rule 42 of the Federal Rules of Criminal Procedure, a criminal contempt may be punished summarily, but it must be prosecuted on notice, with a hearing, and the defendant is entitled to a trial by jury. If the contempt involves disrespect to or criticism of a judge, that judge is disqualified unless the defendant consents. Moreover, if found guilty, the defendant still receives a fixed punishment. Fed. R. Crim. P. 42.

Such protections are lacking for most civil contemnors. The Federal recalcitrant witness statute provides that an uncooperative witness before a

court or grand jury may be confined until he or she is willing to provide the requested information. The confinement is capped at 18 months. 28 U.S.C.A. 1826. For ordinary civil contempt, however, there is no cap either in the Federal courts or in those of 48 States. The exceptions are California, with a 12-month limit, and Wisconsin, with a 6-month limit. (For a detailed discussion of the Wisconsin law, see Martineau, "Contempt of Court: Eliminating the Confusion Between Civil and Criminal Contempt," 50 U. Cin. Rev. 677 (1981).

Moreover, if the contemnor has nothing left to lose, or demonstrates an unwillingness ever to be persuaded by the court's action, the imprisonment serves no remedial or potentially coercive purpose. Continued imprisonment under such circumstances is then punitive and is constitutionally impermissible as a deprivation of liberty without due process. See, for example, *Gompers* v. *Bucks Stove & Range Co.*, 221 U.S. 418, 442-52 (1911); *Jackson* v. *Indiana*, 406 U.S. 715, 738 (1972).

The bill I introduce today simply recognizes that after a year continued imprisonment is unlikely to coerce a contemnor in a child custody case to comply with the court order. H.R. 2136, a bill providing for an 18-month cap but otherwise virtually identical, has been introduced in the House of Representatives by Representative FRANK WOLF, with the cosponsorship of District of Columbia Delegate WALTER FAUNTROY and others. This is an appropriate exercise of congressional power. Under the Home Rule Act, only Congress can determine the jurisdiction of D.C. courts. The D.C. Council is not empowered to consider this matter itself.

As I mentioned earlier, this bill would apply to child custody cases in the District of Columbia only. This limited application has the advantages of disrupting little settled law and of preserving discretion for D.C. judges to address widely disparative civil contemnors in other kinds of cases. The limited changes applicable to child custody cases would affect basically honest people with honest disagreements. The child is the real loser in such cases, deprived indefinitely of both parents. The case for limiting the court's summary contempt power is strongest here.

Under present Federal law, imprisonment for criminal contempt may not continue for more than 6 months without a jury trial. Seen in that light, a 12-month cap on imprisonment for civil contempt in the context of child custody proceedings does not unduly restrict the power of the courts to regulate their own affairs; but it does afford an important protection to litigants in these cases—and to their children.

CONCLUSION

Traditional burdens of proof are exceptionally difficult to meet in cases of child sexual abuse, especially with respect to very young children. The evidence of abuse may be sufficient to convince a well-trained physician or therapist but insufficient to convince a court. In such a case, when the parent of the abused child refuses to submit to court-ordered demands to allow the alleged abuser access to the child, many courts are sentencing the recalcitrant parent, which is typically the mother, to contempt. Some mothers have gone underground rather than submit to the court, and taken the child with them. Others have gone to prison rather than risk endangering their children.

A 1-year limit on imprisonment for civil contempt in child custody cases before the D.C. Superior Court is a prudent and needed step to protect the interests of the children in these deeply unfortunate cases.

Mr. President, I ask unanimous consent that the text of the bill be placed in the RECORD at this point.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1163

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. LIMITATION ON TERM OF INCARCERATION IMPOSED FOR CONTEMPT IN CHILD CUSTODY CASES.

(a) SUPERIOR COURT.—Section 11-944 of the District of Columbia Code is amended—

(1) by striking "In addition" and inserting "(a) Subject to the limitation described in subsection (b), and in addition"; and

(2) by adding at the end the following new subsection:

"(b) In any proceeding for custody of a minor child conducted in the Family Division of the Superior Court under section 11-1101(1), no individual may be imprisoned for more than 12 months pursuant to the contempt power described in subsection (a) for disobediance of an order or for contempt committed in the presence of the court.".

(b) DISTRICT OF COLUMBIA COURT OF APPEALS.—Section 11-741 of the District of Columbia Code is amended—

(1) by striking "In addition" and inserting "(a) Subject to the limitation described in subsection (b), and in addition"; and

(2) by adding at the end the following new subsection:

"(b) In the hearing of an appeal from an order of the Superior Court of the District of Columbia regarding the custody of a minor child, no individual may be imprisoned for more than 12 months for disobediance of an order or for contempt committed in the presence of the court pursuant to the contempt power described in subsection (a).".

SEC. 2. EXPEDITED APPEALS PROCESS FOR INDIVIDUALS INCARCERATED FOR CONTEMPT IN CHILD CUSTODY CASES.

Section 11-721 of the District of Columbia Code is amended by adding at the end the following new subection:

"(f) The District of Columbia Court of Appeals shall hear an appeal from an order of the Superior Court of the District of Columbia holding an individual in contempt and imposing the sanction of imprisonment on such individual in the course of a case for custody of a minor child not later than 60 days after such individual requests that an appeal be taken from that order.".

SEC. 3. EFFECTIVE DATE.

The amendments made by this Act shall apply with respect to individuals imprisoned for disobediance of an order or for contempt committed in the presence of the Superior Court of the District of Columbia or the District of Columbia Court of Appeals in the course of a case for custody of a minor child on or after January 1, 1987.

By Mr. GLENN (for himself and Mr. MCCAIN):

S. 1165. A bill to provide for fair employment practices in the Senate and the House of Representatives; to the Committee on Governmental Affairs.

CONGRESSIONAL FAIR EMPLOYMENT PRACTICES ACT

Mr. GLENN. Mr. President, I rise today to introduce legislation designed to eliminate the so-called double standard for the Congress in certain laws which we have passed. The double-standard is established when Congress passes legislation for the rest of the country and then exempts itself.

I am happy to have the Senator from Arizona [Mr. MCCAIN] as a cosponsor of this legislation.

The legislation addresses a nagging problem that exists because the Congress has traditionally excluded itself from civil rights laws, as well as health, safety, and certain labor laws that apply to the Federal executive branch and private industry but not here on Capitol Hill. These congressional exclusions, Senator Sam Ervin once said, "looks like a situation where the doctor is prescribing medicine for his patients that he himself will not take." I agree with that statement. I believe that this medicine is good for both the patient and the doctor.

I find back home when people bring this up that there is nothing that aggravates them any more than having a law that they have to comply with back home in whatever area—health, safety, or civil rights—we are talking about, but yet Congress exempts itself because we do not want to deal with it.

Mr. President, the legislation that I am introducing today attempts to take care of some of the problem areas that have been mentioned as impediments in the past with legislation of this nature. First of all, the bill mandates the application, of all the principles found in the following laws to congressional employees: Federal civil rights laws, primarily the Civil Rights Act of 1964, the Fair Labor Standards Act of 1938 which mandates a minimum wage, the Age Discrimination in Employment Act of 1976, the Occupational Safety and Health Act of 1970, and the Rehabilitation Act of 1973.

Since 1978, to my knowledge, the Senate has been on record in attempting to reach out to minorities and women in both hiring and promotions; that year we adopted a resolution stating that we would attempt to reach out to minorities and women. However, the overall record of this body is not a great record. On personal and professional committee staffs at the senior or top policy-making levels, blacks total less than 50 out of a total population of some 2,500, less than 3 percent. That is personal and committee staffs combined.

Women have done only slightly better. Less than 20 percent of the top jobs in the Senate are held by females while 80 percent of the lowest-paying jobs are reserved for female employees.

What are the implications of OSHA laws to the working conditions of many of the employees who work for the Superintendent of the Senate or the Architect of the Capitol?

Why is it, Mr. President, that we do not afford our employees the same basic rights and protection we routinely vote for other workers throughout this country.

There are two very important exceptions to the applicability of these laws to congressional employees and those two exceptions include the domicile of an individual and the political affiliation of the individual. Simply put, if I, the Senator from Ohio, wanted to give preference to an applicant from Ohio then the civil rights laws would not apply. If a Republican Senator hired all his staff on the basis of the fact that he or she wanted a purely partisan staff of Republicans, then none of the laws stated in the bill would apply to that hiring situation. The reason we included these two very important exceptions is the recognition that there are special circumstances that apply to congressional employment practices particularly with regard to personal staffs. However, it should be made very clear that those persons who prepare and serve our food, who maintain these picturesque grounds around Capitol Hill, who repair our office furniture, and who work generally in a non-legislative capacity, should have the same kind of protection that their counterparts in the executive branch and private sector enjoy. It is only fair.

The legislation establishes a procedure for the consideration of alleged violations and an enforcement mechanism in the form of the Congressional Employees Relations Office.

This takes care of the problem we had before with this legislation where we were afraid of having an executive branch group oversee the legislative branch on Capitol Hill.

A review panel consisting of House and Senate members will have final authority. If monetary awards are involved, the bill requires full Senate or House approval of any proposed settlement.

The process and procedures aspect of the legislation are self explanatory and I would invite my colleagues to read the bill and lend your support to this effort. I know that there are other Senators interested in legislating in this area including Senators LEAHY and BOSCHWITZ, both of whom have introduced their own bills to deal with this problem.

The Governmental Affairs Committee will schedule hearings on this and other bills pertaining to this issue, later this summer.

Mr. MCCAIN. Mr. President, I am pleased today to cosponsor the introduction of the Fair Employment Practices Act of 1989.

At the end of the last session, I introduced legislation designed to secure civil rights for Senate employees. That bill, similar to legislation passed by the House, would have banned discrimination based on sex, race, religion, age, or handicap.

At that time, the chairman of the Governmental Affairs Committee, Senator GLENN, stated his intent to work for a broadening of those standards. Together, we crafted a bill that applies to all congressional employees the principles embodied in the following laws: The Civil Rights Act of 1964, the Age Discrimination in Employment Act of 1976, the Fair Labor Standards Act of 1938, the Occupational Safety and Health Act of 1970, and the Rehabilitation Act of 1973.

Mr. President, this law is long overdue. Congressional employees are completely unprotected against discrimination. In my experience, discrimination is not widespread on the Hill. We have all heard, however, of cases of discrimination against employees based on sex or age or other criterion.

Such bias is indefensible. Two issues are involved here. First, congressional employees have a right to the same protection as other citizens of this Nation. Second, it is, quite simply, hypocritical that Congress demands standards of other American employers that we are unwilling to apply to ourselves.

For some time, Congress had offered the explanation of "separation of powers" as a reason for nonapplication of antidiscrimination statutes. In short, Congress argued that it could not be judged by a separate, coequal branch of government.

The legislation that Senator GLENN and I are introducing today circumvents that argument by placing the mechanism for resolution of disputes within the legislative branch itself. Alleged violations would be considered by an office within the Congress, and enforcement would come from the Congressional Employees Relations Office. A review panel of Senators and Congressmen has authority to review and second such judgments. Monetary rewards would be approved by the full Senate or House.

I believe the time has long since passed when Congress could exempt itself from the laws it applies to other Americans. Recent activity in Congress has brought public esteem for this institution to an all-time low. Exempting Congress from laws that eliminate bias and discrimination can only further erode the confidence of the American people in their government. I hope that my colleagues will give serious consideration to our proposal.

By Mr. LEVIN (for himself and Mr. RIEGLE):

S. 1166. A bill to correct the tariff classification of certain chipper knife steel products; to the Committee on Finance.

RELATING TO CERTAIN CHIPPER KNIFE STEEL PRODUCTS

● Mr. LEVIN. Mr. President, the legislation which I am introducing with Senator RIEGLE today, would amend the Harmonized Tariff Schedule to correct an error in the customs classification of imported chipper knife steel.

Chipper knife steel is a specialty steel that is imported by American industrial knife companies for the production of wood chipping knives and other industrial knives.

In 1984, Senator RIEGLE and I sponsored legislation which extended duty free treatment to imported chipper knife steel. The bill passed and chipper knife steel was permanently classified for duty free treatment.

When the United States converted to the Harmonized Tariff Schedule on January 1, 1989, we adopted a new definition of bars which inadvertently excluded certain chipper knife bars. Consequently, about a third of all chipper knife imports are classified as flat rolled and are subject to an 11.6 percent ad valorem duty, instead of being duty free, as the 1984 legislation required.

The legislation Senator RIEGLE and I are introducing would correct this error in the classification of chipper knife steel, by making a technical adjustment to the Harmonized Tariff Schedule. Since the current classification is the result of unintended error, the technical correction would be retroactive and any duties collected since January 1, 1989 would be returned.

Mr. President, I ask unanimous consent that the full text of the bill be printed in the RECORD following my statement.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1166

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subchapter XV of chapter 72 of the Harmonized Tariff Schedule of the United States is amended by striking out subheadings 7226.91.10 and 7226.91.30 and inserting the following with the article description for subheading 7226.91.05 having the same degree of indentation as subheading 7226.91.50:

"7226.91.05	Of chipper knife steel ..... Other:	Free.....		34%
7226.91.10	Of a width of 300mm or more.	9.6%.....	Free (E, IL)	29%
7226.91.30	Of a width of less than 300mm.	11.6%.....	Free (E, IL)	34%"

SEC. 2. (a) The amendment made by the first section of this Act shall apply with respect to articles entered, or withdrawn from warehouse for consumption, on or after the 15th day after the date of the enactment of this Act.

(b) Notwithstanding section 514 of the Tariff Act of 1930 or any other provision of law, upon proper request filed with the appropriate customs officer within 90 days after the 15th day after the date of the enactment of this Act, any entry which was made after January 1, 1989, and before such 15th day with respect to which there would have been no duty if the amendment made by the first section of this Act applied to such entry, shall be liquidated or reliquidated as though such amendment applied to such entry.●

By Mr. MITCHELL (for himself and Mr. COHEN):

S. 1167. A bill to fund the Muskie Archives, and for other purposes; to the Committee on Labor and Human Resources.

FUNDING FOR THE MUSKIE ARCHIVES

Mr. MITCHELL. Mr. President, today I am introducing legislation with Senator COHEN to authorize a $5 million endowment for the Edmund S. Muskie Archives at Bates College in Lewiston, ME.

With the exception of a few former Presidents, the Muskie Archives contains one of the largest collections of a public official. The collection documents Ed Muskie's life and career from his years at Bates, his law practice in Waterville, ME, and his public career as a State legislator, 1947-55, Governor 1955-59, U.S. Senator 1959-80, and his term as U.S. Secretary of State, May 1980-January 1981.

Unlike the Office of Presidential Libraries, which assumes the cost of storing, processing, and making Presidential collections available to the public, there is no counterpart for assistance in meeting archival standards for other prestigious public officials.

Bates College has already raised $375,000 to renovate an unused women's gymnasium on the campus to accommodate the collection.

However, the collection needs to be preserved as well as housed.

Currently, the archives holds an estimated 1,900 linear feet of textual records. In addition to the paper, the archives holds another 1,800 linear feet of books, periodicals, studies, photographs, plaques, framed pictures, and other political mementos as well as over 1,000 reels or cassettes of audio tapes, 69 videotape cassettes, and 120 reels of 16mm motion picture film.

In addition to preserving the Muskie collection, Bates would like to open the archives as a learning center for those in New England and beyond. One event already held under the auspices of the Muskie Archives was a three part series last fall on the 1988 Presidential election.

The Bates College community would like to hold a number of seminars and forums at the archives to encourage an understanding of how our Government works and educate students and interested citizens in important national and international issues.

The archives would hold conferences for public officials to examine complex and controversial issues such as solid waste disposal and land use management.

For the 1989-90 academic year, the Southern Center for International Studies will sponsor with the Muskie Archives its seventh annual meeting of former U.S. Secretaries of State. This will be the first time the conference is scheduled for outside the South.

Bates College plans a Maine Scholars Program to be held each summer for 30-40 Maine high school juniors to study the history of the Senate in the 1960's and 1970's, making full use of the archives. The Maine Humanities Council has approved a grant of $5,700 for the course and the State Department of Educational and Cultural Services plans to make a substantial contribution.

A number of studies have indicated that Maine high school students have low educational aspirations. Many young people complete high school and go no further. Bates plans to introduce young Maine students from across the State to the benefits of college and the study of issues of importance throughout the world.

The archives will have a dual function. It holds and will make available a collection of documentation on the political history of Maine and the Nation. And, it will develop into a center for public programs on topics of community interest with which Senator Muskie was indentified.

I urge my colleagues to consider this legislation and approve the endowment to underwrite the costs of running the archives programs and preserving the Muskie collection.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1167

Be it enacted by the Senate and House of Respresentatives of the United States of America in Congress assembled,

SECTION 1. GENERAL AUTHORITY.

The Secretary of Education is authorized to provide financial assistance, in accordance with the provisions of this Act, to the Muskie Archives at Bates College, Lewiston, Maine, to establish an endowment for the Muskie Archives.

SEC. 2. AUTHORIZATION OF APPROPRIATIONS

There are authorized to be appropriated $5,000,000 to carry out the provision of this Act. Funds appropriated pursuant to this Act shall remain available until expended.

Mr. COHEN. Mr. President, I rise today to introduce a bill to authorize funds for the Edmund S. Muskie Archives at Bates College in Lewiston, ME.

I believe it can be safely said that few people have had a greater impact on public life in Maine in the last half of this century than Ed Muskie.

In part, his influence has come through the positions he has held—Governor, Senator, candidate for President and Vice President, and Secretary of State.

But beyond the roles he played, Ed Muskie made his mark through a fierce will, a restless and probing intellect, a compassion for the underdog, and an approach to public life that combines action and passion.

When I came to this body in 1979, Ed Muskie took the time to become a very special friend to me. He could have easily ignored a junior member of the other party. Instead, he taught me, guided me, and looked for ways we could work together to help Maine.

We share more than our positions as Senators. We both grew up in modest circumstances. Ed's father was a tailor; my dad is a baker. Our success in Government seemed all the more sweet since our forbearers were fairly new to the country we were serving. We both entered the field of law, both believing in moderation and rationality instead of extremism.

To understand the full significance of Ed Muskie's role in Maine's history, one must look back to 1954. In that watershed year, Ed was elected Governor of Maine. To the occasional chagrin of those of us who are Republicans, Ed's election signaled the one-man rejuvenation of the near-moribund Democratic Party in Maine.

Dating back to 1916, Repubicans had won 17 of 19 gubernatorial elections. Then along came a tall, quiet lawyer named Ed Muskie, winning a solid victory in 1954 and a landslide in 1956. Those elections galvanized the Democratic Party and converted it into an effective political force for the first time in decades.

Even the most ardent Republicans in my State would grudgingly admit that Ed Muskie is responsible for the very healthy competition between the two

major parties in Maine that exists today.

During this resurgence, Ed also inspired a generation of talented young people to enter public life. In fact, another quiet young lawyer from Waterville, ME, whose family also came from modest circumstances sought out a position on Senator Muskie's staff and served him ably for years.

He both idolized and emulated Ed, developing along the way his own considerable flair and skill as a political figure. Today, that young man honors this body through his service as majority leader, and I know that my able colleague GEORGE MITCHELL still credits Ed Muskie as his greatest teacher and mentor.

Most of us are familiar with the highlights of Ed Muskie's career, in particular, his powerful advocacy of environmental issues at a time when such questions were either unheard of or unpopular. Though the environment continues to be threatened by many forces, we should thank Ed Muskie every day that the air we breathe and the water we drink are as clean as they are.

Ed was also instrumental in producing a more rational and coherent congressional budget process through the Budget Control and Impoundment Act, which curbed excesses of the executive branch. As always, Ed operated by a simple principle; tell people what they need to know, not what they want to hear.

Ed's first priority was to serve Maine, but Maine also took special pride as Ed grew in stature as a national figure. Ed's service as his party's vice presidential candidate in 1968 was carried out with great dignity during that volatile year, and solidified his position as a dominant figure in the national political environment through the 1970's.

After seeking the Presidency in 1972, Ed continued to serve Maine in the Senate for many more years, always winning reelection by comfortable margins. In 1980, President Carter called on Ed to become Secretary of State, a post he held for a short time but with great distinction.

When that brief chapter ended, Ed left public life for the first time in more than 35 years. But, in Tennyson's words, he "knew better than others how dull it is to pause, to make an end, to rust unburnished, not to shine in use." So he continued to be extremely active in his legal practice and many other endeavors.

He answered President Reagan's call to serve on the Tower Commission in 1986, and, as always, he brought great dignity and respect for the facts to his service.

I thought it was extremely telling that in April, just a week after Ed turned 75, a small announcement appeared in the Maine papers that Ed had assumed the chairmanship of a commission on the legal needs of poor people. At the stage in his life when most people are just relaxing, Ed is still searching for ways to help people less fortunate than himself.

The Muskie Archives will represent the legacy of all these various achievements, and will forever commemorate Ed Muskie's outstanding contributions during his remarkable public career. Located on the grounds of his alma mater in Lewiston, ME, the Muskie Archives contain an unusually large and rich collection of materials and will be an indispensable resource for anyone studying the history of Maine during the latter half of this century.

Bates College has invested, and will continue to invest, important resources to care for the Muskie collection. Unfortunately, the considerable financial burden of efforts such as these has fallen to institutions with severe financial constraints—colleges, universities, and historical societies.

There is no counterpart to the office of Presidential libraries to assume the cost of storing and processing materials and of making these collections available to scholars and the general public.

This proposed $5 million authorizaton will help the college greatly to develop a suitable repository for these invaluable documents.

Of course, Bates College will continue to defray the operating expenses of the archives, which will include preserving and expanding the Muskie collection as well as other collections the college plans to acquire.

Mr. President, I would conclude by saying that Ed Muskie is one of the most distinguished Americans ever to grace this body, one of the most talented people ever to come from the great State of Maine, and one of the most generous friends I've been privileged to know. Compared to the legacy he has left Maine and America, the funding of these archives seems a very modest gesture indeed.

I thank the Chair.

By Mr. KENNEDY:

S. 1168. A bill to amend the Internal Revenue Code of 1986 to assure access to health insurance for self-employed individuals and to simplify rules governing the inclusion in gross income of benefits provided under discriminatory group health plans; to the Committee on Finance.

INCREASE IN DEDUCTIBLE HEALTH COSTS FOR SELF-EMPLOYED INDIVIDUALS

Mr. KENNEDY. Mr. President, at the time I introduced the Basic Health Benefits for All Americans Act I announced that I would be introducing companion legislation to simplify the so-called section 89 rules and to provide fairer tax treatment for the owner-operators of unincorporated small business and for other self-employed individuals. The legislation I am submitting today fulfills those objectives. Similar companion legislation has already been introduced in the House by the House sponsors of the basic health benefits bill.

The section 89 provisions initially enacted in the Tax Reform Act had a laudable objective: to assure that the Federal tax preference granted for health insurance premiums would act to provide a benefit for all workers in a business, not just for a few highly compensated employees. Despite that laudable objective, the rules actually enacted to achieve this goal have proved excessively burdensome, particularly for small business. There have even been claims that some companies have actually dropped their coverage altogether rather than undergo the administrative burdens associated with complying with the section 89 rules. The bill that I am introducing today will dramatically simplify those rules and ease the burden of compliance. I also want to take this opportunity to say that I do not believe that section 89 is necessary in any form if Basic Health Benefits is enacted, and I would be willing to work with the business community to repeal that legislation under those circumstances.

The second part of the legislation I am introducing today would provide full tax deductibility for the health insurance premiums of the self-employed. Currently, there is a basic inequity in the Tax Code. The hired manager of a large corporation need not include in taxable income any health insurance premiums paid on his behalf by the company. The self-employed owner-operator of an unincorporated small business, however, may deduct only 25 percent of the premiums he pays to insure himself and his family from income. This is unfair and the legislation I am introducing today will correct it.

By Mr. ROTH:

S. 1169. A bill to provide administrative procedures for noncontroversial tariff suspensions; to the Committee on Finance.

PROVIDING ADMINISTRATIVE PROCEDURES FOR CERTAIN TARIFF SUSPENSIONS

● Mr. ROTH. Mr. President, I am today introducing, with Senator BRADLEY, a bill to create an administrative process for U.S. import duty suspensions. A similar bill was passed by the Senate last year. We believe it is a worthwhile bill and are reintroducing it this year with certain changes.

On occasion a domestic company discovers that there is no domestic supply for a component or article they import to distribute or use in manufacturing a product in the United States. They must therefore import the necessary article and pay the U.S. duty on

that importation. Since the duty increases the cost of the product and lessens the competitiveness of U.S. industry, Congress passes legislation temporarily suspending U.S. duties on such products. These duty suspensions are particularly important when an article is imported as a raw material or component of a final product manufactured by the U.S. industry. Because many final products compete with foreign products here and abroad, decreasing the cost of materials to the U.S. manufacturer increases its competitiveness and strengthens our domestic industry. Congress generally passes legislation suspending duties only if the suspensions are considered noncontroversial; that is, neither the administration nor any significant domestic company or group opposes the suspension.

Obtaining the suspension of duties on raw materials not manufactured in the United States has become increasingly important for domestic industries. At the same time the congressional calendar is growing to the point that it is difficult to ensure the timely passage of such legislation. For example, prior to the Omnibus Trade Act of 1988, it had been 4 years since the Congress passed any duty suspension bills.

Failure to obtain noncontroversial duty suspensions on a timely basis makes it extremely difficult for companies to schedule production or enter into contracts when the date on which duties may be suspended cannot be predicted with any certainty. This adversely affects the ability of companies in my State and elsewhere to compete with foreign products both here and abroad. This is particularly true in regard to Canada and the EC, both of which have streamlined procedures for duty suspensions. I am, therefore, proposing that an administrative process be created for noncontroversial duty suspension requests.

In contrast with last year's bill, the procedure will be applicable only if Congress fails to act on a bill within 12 months of its introduction. It would work as follows. Persons who want a duty suspended will file a petition with the International Trade Commission containing sufficient information to enable it to determine whether an investigation is merited. The procedure may also be used by persons requesting a reinstatement of duties because they manufacture a product on which duties are suspended.

After its investigation of all the facts, the ITC will submit a final report to the President. The President will review the report submitted by the ITC and will, in addition, consider revenue, foreign policy and trade policy issues. This is important particularly as we are presently involved in the Uruguay Round of Multilateral Trade negotiations. The public will have several opportunities to comment during the process, and the President will only be authorized to grant duty suspensions if no person has a valid objection to the suspension.

It should be emphasized that this proposal is intended to be a supplement to the current congressional system of granting duty suspensions. All bills would continue to be introduced in Congress. Persons would be free to continue to pursue the congressional option to suspend a tariff in any case where the administrative system is viewed as inadequate or unavailable.

At the same time that this bill will help individual American companies to compete, it includes a cap on the revenue that could be foregone under this new procedure, assuring this will not be a means of proclaiming sweeping changes in tariff rates. The President may also consider the effect a duty suspension would have on revenue in determining whether or not to grant a duty suspension.

Finally, this bill is supported by industries which regularly go through the uncertain process of tariff suspensions by legislation. They seek a regularized process so that business planning can occur.

I urge favorable and early consideration of this legislation. To facilitate consideration of this bill, I ask unanimous consent that the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1169

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. INITIATION OF INVESTIGATIONS.

(a) PETITIONS.—

(1) Any person who—

(A) uses an article in the production of a product in the United States,

(B) imports an article into the United States, or

(C) distributes an article in the United States,

may file with the United States International Trade Commission (hereafter referred to in this Act as the "Commission") a petition requesting the President to issue a proclamation under section 3(a) that suspends the duty imposed on such article by any chapter of the Harmonized Tariff Schedule of the United States other than chapter 98 or 99, if the rate of duty applicable to such article is provided in rate of duty column 1.

(2) Any person who—

(A) produces in the United States—

(i) any article for which a duty is suspended by reason of a proclamation issued under section 3(a),

(ii) any other article like, or directly competitive with, such article, or

(iii) any other article which is like, or directly competitive with, a product that is produced in the United States by means of a process which uses such article as a significant raw material or component,

(B) has—

(i) the capacity, and

(ii) the bona fide intent,

to produce such article, or any other article like, or directly competitive with, such article in the United States in significant quantities,

may file with the Commission a petition requesting the President to issue a proclamation under section 3(b) that reinstates such duty.

(3) The Commission shall not accept a petition under paragraph (1) or (2) for the suspension or reinstatement of a duty on an article before the date that is 1 year after the date on which a bill is introduced in the House of Representatives or the Senate that would, if enacted, effect such suspension or reinstatement.

(4) Each petition filed under paragraph (1) or (2) shall contain sufficient information (including a precisely defined article description) to enable the Commission to determine whether an investigation into the suspension or reinstatement of the duties is justified.

(5)(A) By no later than the date that is 15 days after the date on which a petition is filed with the Commission under paragraph (1) or (2), the Commission shall determine whether the information provided in the petition is sufficient to justify an investigation under section 2.

(B) If the determination made under subparagraph (A) is affirmative, the Commission shall—

(i) transmit a copy of the petition to the United States Trade Representative,

(ii) initiate an investigation under section 2 of the suspension or reinstatement of duties requested in the petition, and

(iii) publish in the Federal Register notice of—

(I) the initiation of such investigation, and

(II) the opportunity for public comment on such suspension or reinstatement of duties.

(C) If the determination made under subparagraph (A) is negative, the Commission shall dismiss the petition and notify the petitioner of the basis on which such negative determination was made.

(b) PRESIDENTIAL REQUEST OR SELF-INITIATION.—

(1) Upon request of the President, or upon the initiative of the Commission, the Commission shall initiate an investigation under section 2 of the reinstatement of any duties that have been suspended by any previous proclamation issued under section 3(a).

(2) Upon initiating an investigation under section 2 by the authority of paragraph (1), the Commission shall—

(A) transmit to the United States Trade Representative a written statement describing the article and duties that are the subject of such investigation and all information available to the Commission regarding justification of the reinstatement of such duties on such article, and

(B) publish in the Federal Register notice of—

(i) such investigation, and

(ii) the opportunity for public comment on such suspension or reinstatement of duties.

SEC. 2. INVESTIGATIONS BY THE COMMISSION.

(a) IN GENERAL.—If the determination made under section 1(a)(5)(A) is affirmative or section 1(b)(1) applies, the Commission shall conduct an investigation to determine—

(1) whether the article that is the subject of the petition filed under section 1(a), or of the notice published under section 1(b)(2)(B), is produced in the United States,

(2) whether any other article which is like, or directly competitive with, such article is produced in the United States,

(3) whether any other article is produced in the United States which is like, or directly competitive with, a product that is produced in the United States by means of a process which uses (or could use) such article as a significant raw material or component,

(4) whether any person has—

(A) the capacity, and

(B) the bona fide intent,

to produce such article, or any other article like, or directly competitive with, such article in the United States in significant quantities,

(5) whether any person who—

(A) produces in the United States—

(i) such article,

(ii) any other article like, or directly competitive with, such article, or

(iii) any other article described in paragraph (3), or

(B) is described in paragraph (4),

objects to a suspension of the duty imposed on such article by any chapter of the Harmonized Tariff Schedule of the United States other than chapter 98 or 99,

(6) whether any person not described in paragraph (4) or (5)(A) objects to that suspension of duty on such article,

(7) whether any quotas or other import restrictions are imposed by Federal law on such article,

(8) whether any international agreements to which the United States is a party affect trade in such article or in any other article like, or directly competitive with, such article,

(9) whether such article, or any article like, or directly competitive with, such article, is, or has been, the subject of any investigation under—

(A) title VII of the Tariff Act of 1930 or section 303 of the Tariff Act of 1930,

(B) section 337 of the Tariff Act of 1930,

(C) chapter 1 of title II of the Trade Act of 1974,

(D) chapter 1 of title III of the Trade Act of 1974, or

(E) section 232 of the Trade Expansion Act of 1962,

(10) the aggregate value of such articles imported into the United States during the calendar year preceding the calendar year in which such determination is made,

(11) the aggregate value of such articles consumed in the United States during the calendar year preceding the calendar year in which such determination is made,

(12) the principal uses of such article in the United States,

(13) the duties that are imposed by Federal law on such article and the rates of such duties, and

(14) the aggregate amount of Federal revenue derived from the duties imposed by Federal law on such article during the fiscal year preceding the fiscal year in which such determination is made.

(b) PUBLIC COMMENTS.—During the course of any investigation conducted under this section, the Commission shall provide an opportunity for any person to submit written statements regarding the subject of the investigation and, upon request and after reasonable public notice, shall hold a hearing for the oral presentation of views on the subject of the investigation.

(c) REPORTS.—

(1) By no later than the date that is 75 days after the date on which an investigation under this section is initiated, the Commission shall—

(A) complete a preliminary report on the investigation conducted under subsection (a),

(B) publish a summary of the preliminary report in the Federal Register,

(C) provide a copy of the preliminary report to the petitioner, and

(D) make the preliminary report available for public inspection.

(2) On the date that is 30 days after the date on which a summary of the preliminary report on the investigation conducted under this section is published in the Federal Register, the Commission shall submit to the President a final report on the investigation. Such report shall include—

(A) the determinations made under subsection (a),

(B) a summary of comments received by the Commission regarding such investigation, including comments on the preliminary report completed under paragraph (1), and

(C) a copy of the transcript of any hearings held in the course of such investigation.

(d) DETERMINATIONS NOT SUBJECT TO JUDICIAL REVIEW.—The determinations made by the Commission under subsection (a) shall not be reviewable in any court.

SEC. 3. ACTION BY THE PRESIDENT.

(a) SUSPENSION OF DUTIES.—

(1) During the 30-day period beginning on the date on which the Commission submits to the President under section 2(c)(2) a final report on an investigation concerning the suspension of duties on an article, the President may issue a proclamation that suspends the duty imposed on such article by any chapter of the Harmonized Tariff Schedule of the United States other than chapter 98 or 99 if the President determines that—

(A) no person has a valid objection to such a suspension,

(B) the sum of—

(i) the aggregate value of such articles imported into the United States during the calendar year preceding the calendar year in which such determination is made, plus

(ii) the aggregate value of all articles imported into the United States during such preceding calendar year that are the subject of a previous proclamation issued under this paragraph during the calendar year in which such determination is made,

does not exceed $100,000,000, and

(C) the sum of—

(i) the aggregate amount of Federal revenue derived from the duty imposed on such article by any chapter of the Harmonized Tariff Schedule of the United States other than chapter 98 or 99 during the fiscal year preceding the fiscal year in which such determination is made, and

(ii) the aggregate amount of Federal revenue derived during such preceding fiscal year from all the duties imposed on all articles that are the subject of a previous proclamation issued under this paragraph during the calendar year in which such determination is made,

did not exceed an amount equal to 0.01 percent of the aggregate amount of Federal outlays during such preceding fiscal year.

(2) The President may not issue a proclamation under paragraph (1) that suspends the duty imposed by the Harmonized Tariff Schedule of the United States on any article to which the rate of duty provided in rate of duty column 2 applies.

(3) In determining whether to issue a proclamation under paragraph (1), the President may take into account—

(A) the effect such a proclamation would have on the bargaining position of the United States in any continuing, planned, or prospective negotiations with any foreign country,

(B) the effect such a proclamation would have on the revenue of the United States,

(C) foreign policy considerations, and

(D) any other factors the President considers appropriate.

(4) If the President does not issue a proclamation under paragraph (1) with respect to any article that is the subject of a report submitted under section 2(c)(2) during the 30-day period described in paragraph (1), the President shall publish in the Federal Register the reasons why the President is unable, or has declined, to issue such a proclamation.

(5) The duration of any suspension of duties provided in any proclamation issued under paragraph (1) shall not exceed 3 years; but such suspension may be extended by proclamations issued under paragraph (1) with respect to subsequent investigations conducted under section 2 for periods which do not exceed 3 years per proclamation.

(b) REINSTATEMENT OF DUTIES.—

(1) During the 30-day period beginning on the date on which the Commission submits to the President under section 2(c)(2) a final report on an investigation concerning the reinstatement of duty on an article that have been suspended by a proclamation issued under subsection (a), the President shall—

(A) determine whether any person has a valid objection to such suspension, and

(B) if the determination made under subparagraph (A) is affirmative, issue a proclamation that reinstates the duty which would be in effect if such suspension had not been made.

(2) The President shall publish in the Federal Register any negative determination made under paragraph (1)(A).

(c) DETERMINATIONS NOT SUBJECT TO REVIEW.—Any determination made by the President under this section shall be final and shall not be reviewable in any court.

SEC. 4. ALTERNATIVE SCHEDULES.

The President may, by proclamation, establish—

(1) an annual deadline for the filing of those petitions under section 1(a) with respect to which—

(A) the Commission will be required to make determinations under sections 1(a)(5) and 2 during the calendar year, and

(B) the President will be required to make determinations under section 3 during the calendar year, and

(2) a schedule for the taking of other actions under sections 1, 2, and 3 that may differ from any time requirements set forth in such sections.

SEC. 5. EFFECTIVE DATE.

The provisions of this Act shall take effect on the date that is 6 months after the date of enactment of this Act.●

By Mr. INOUYE (for himself, Mr. ADAMS, and Mr. SIMON):

S. 1170. A bill to amend the Federal Aviation Act of 1958 to provide for the establishment of limitations on the duty time for flight attendants; to the Committee on Commerce, Science, and Transportation.

FLIGHT ATTENDANT DUTY TIME

● Mr. INOUYE. Mr. President, Senator ADAMS and I rise to introduce the Flight Attendant Duty Time Act.

The tragedy of United Flight 811 in which 9 passengers were killed when a portion of the 747's fuselage ripped open emphasizes the critical role played by alert, well-trained aviation professionals. To prevent fatigue and overwork which may threaten the ability of aviation professionals to perform their duties in a safe and effective manner, the Federal Aviation Administration [FAA] regulates the work hours permitted for airline pilots, flight engineers, flight navigators, dispatchers, and air traffic control operators.

A key group of aviation professionals unjustifiably excluded from the FAA's work-time limitations is the flight attendants. Our bill includes them under the FAA's protective regulations.

Mr. President, work as a flight attendant is a physically demanding job in a noisy, stressful and poorly ventilated environment. In addition to their routine safety procedures, flight attendants must be continually alert and prepared throughout the flight for such emergencies as rapid depressurization, cabin fires, passenger illness, and hijackings. The Department of Transportation [DOT] states that there is no conclusive evidence to demonstrate a correlation between a flight attendant's fatigue and passenger safety. However, common sense should tell you that if a flight attendant has not slept or rested for the last 18-24 hours, he or she will not be able to function in an alert and effective manner, let alone be able to respond to emergencies or other potential safety hazards that may occur on an airplane.

The DOT and the FAA have acknowledged many cases in which flight attendants have been required to work as many as 24 consecutive hours. A particularly alarming case is that of the accident involving Galaxy Airlines in Reno, NV, in 1985. An investigation disclosed that at the time of the accident, two of the flight attendants had been on duty for over 18 hours and were scheduled to continue for another 7 hours.

Irrespective of the danger that overworked flight attendants pose to the safety of our airways, as well as themselves, the DOT has consistently refused to include them in its protective class of "safety sensitive" aviation employees which currently includes airline pilots, flight engineers and navigators, dispatchers and air traffic controllers. Yet, the DOT has determined that flight attendants are "safety sensitive" employees for purposes of submitting to random drug and alcohol testing. The DOT's conflicting and inconsistent position—"safety sensitive" in one regard but not another—is not in the best interest of public safety.

Mr. President, our bill requires immediate action on the part of the DOT to rectify this inequitable situation. The DOT is mandated to initiate appropriate rulemaking within 60 days of enactment, and to promulgate final regulations within 8 months of enactment. If the DOT fails to take action, the bill provides for backup duty time limitations to be implemented. Thereafter, the Department may amend these limitations under its rulemaking authority.

The next time you fly and are greeted by flight attendants, ask them about their duty hours. You will probably be shocked and alarmed by their answers. Mr. President, I urge my colleagues to cosponsor and support the Flight Attendant Duty Time Act.●

● Mr. ADAMS. Mr. President, I rise today to introduce with Senator INOUYE the Flight Attendant Duty Time Act. This bill will limit the number of hours that flight attendants will be required to work at one stretch.

As it stands now, flight attendants are the only crew members that are not covered by Federal Aviation Administration regulations to limit work hours. Remarkably, some flight attendants have been required at times to work 24-hour shifts. Clearly, this is an aviation safety issue that must be addressed.

There is no question that fatigue is a safety risk and will diminish performance. We limit the number of hours that truck drivers can be on the road. We limit the number of hours that train engineers can operate their trains without rest. And we already limit the number of hours that pilots, air traffic controllers, navigators, dispatchers and flight engineers can work. Flight attendants must be included in the FAA regulations.

Flight attendants have many safety related functions. They are responsible for evacuating their aircraft after a crash; they must detect and extinguish in-flight fires; they treat passengers with in-flight medical emergencies; they monitor the aircraft for security threats; and they must manage the cabin during hijackings and other terrorist situations. Alert and well-trained cabin attendants are critical to maintaining air safety in emergencies. Conversely, a cabin attendant who is exhausted from long flights and quick turnarounds with no rest break is a potential hazard to passengers.

This bill requires immediate action by DOT to implement duty time regulations for flight attendants. If DOT fails to take action, the bill would limit the length of work periods required. It would impose a 14 to 20 hour duty time limit, depending on the type of flight, and require prescribed rest breaks after each duty period.

Mr. President, the FAA has consistently denied the flight attendants' petitions for rulemaking in this area, stating that flight attendants are not safety sensitive employees. Yet, they have determined that flight attendants are safety sensitive employees for the purpose of imposing random drug testing requirements. It is time that we rectified this situation and ensure that exploitation of flight attendants that hampers their performance will no longer be tolerated.●

By Mr. DOLE:

S. 1171. A bill entitled the ESOP Reform Act of 1989; to the Committee on Finance.

THE ESOP REFORM ACT OF 1989

Mr. DOLE. Mr. President, today I am introducing legislation which would help to get Wall Street out of the ESOP business.

Employee stock ownership plans were originally designed to provide tax incentives for companies to give their employees a stake in the success of the enterprise. Accordingly, repayments of loans used to establish an ESOP are fully deductible even though the proceeds of the loan remain with the sponsoring corporation as payment for stock purchased by the ESOP. My bill would not change this result.

In 1984, however, the Congress went one step further and allowed private lenders to receive one half of all interest paid by an ESOP tax-free. In effect, private corporations were authorized to issue 50 percent tax-exempt debt without limit to fund their ESOP contributions. Two weeks ago, the IRS put the final icing on this cake by ruling that Wall Street could transform these securities into publicly traded, half tax-exempt, bonds.

Mr. President, in the first 5 months of 1989, approximately 40 major companies have established ESOP's totaling $8 billion in value; the ESOP value for all of 1986 was only $1.2 billion. Now, as a result of the IRS ruling, the projected growth in ESOP's this year alone is estimated at 300-450 percent.

The legislation which I am introducing today is directed only at this last 300-plus percent of annual increase. It would repeal the lender interest exemption, effective last Wednesday—the date similar legislation was introduced in the House of Representatives by the chairman of the Ways and Means Committee.

Generally, I do not favor retroactive effective dates for tax legislation. However, I believe it is necessary in this case to stop the meters which are running nonstop on Wall Street, trying to complete leveraged ESOP transactions before the Congress can act. However, I can assure my colleagues that, when this legislation comes before the Finance Committee, I will support additional, reasonable

transitional relief crafted to protect those ESOP transactions which were negotiated in good faith before June 7, 1989. In addition, I believe the Finance Committee should consider retaining the lender interest exclusion for loans to ESOP's which acquire 50 percent voting control of a corporation.

Mr. President, tax savings are not the only factor in the ESOP explosion. ESOP's have become players in the LBO game—most recently as a favored takeover defense. Thus, rather than promoting greater worker participation in corporate affairs, ESOP's may now be protecting entrenched, mediocre, corporate managers.

For these reasons, Mr. President, I believe that it is time for the Congress to apply the brakes to this runaway benefit.

I ask unanimous consent for the text of the bill to be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1171

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. REPEAL OF PARTIAL EXCLUSION FOR INTEREST ON CERTAIN LOANS USED TO ACQUIRE EMPLOYER SECURITIES.

(a) IN GENERAL.—Section 133 of the Internal Revenue Code of 1986 is hereby repealed.

(b) CONFORMING AMENDMENTS.—

(1) Subparagraph (B) of section 291(e)(1) of such Code is amended by striking clause (iv) and by redesignating clause (v) as clause (iv).

(2) Section 812 of such Code is amended by striking subsection (g).

(3) Paragraph (5) of section 852(b) of such Code is amended by striking subparagraph (C).

(4) Subsection (f) of section 7872 of such Code is amended by striking paragraph (12).

(5) The table of sections for part III of subchapter B of chapter 1 of such Code is amended by striking the item relating to section 133.

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this section shall apply to loans made after June 6, 1989, including loans made after such date to refinance loans made on or before such date.

(2) EXCEPTION.—The amendments made by this section shall not apply to any loan pursuant to a written binding commitment in effect on June 6, 1989, and at all times thereafter, or in connection with a tender offer, exchange offer or registration statement filed with the Securities and Exchange Commission on or before June 6, 1989, to the extent with the ESOP transaction is described in such documents. In addition, the amendments made by this section shall not apply to any loan used to acquire employer securities which were purchased by the employer on or before June 6, 1989, pursuant to a corporate resolution adopted on or before June 6, 1989, providing for the sale of the employer's securities to an ESOP. In addition, the amendments made by this section shall not apply if a public announcement of the ESOP plan was made by the employer on or before June 6, 1989, which announcement sets forth the amount or value of the employer securities to be contributed to the ESOP, or the employer reached an agreement in principle with its lenders, which agreement was evidenced by a written confirmation on or before June 6, 1989, setting forth the principal amount, interest rate or spread and maturity of the loan.

By Mr. MACK:

S. 1172. A bill to authorize a certificate of documentation for a vessel; to the Committee on Commerce, Science, and Transportation.

DOCUMENTATION OF VESSEL "PAPA JOE"

● Mr. MACK. Mr. President, today I am introducing legislation to authorize a certificate of documentation for a vessel titled the *Papa Joe*, owned by Charles Elmer Amerson. On March 23, 1987, the 38-foot wooden shrimp boat was found to be in violation of title 46, United States Code, section 12108.

Section 12108 requires vessels of at least 5 net tons engaged in fisheries to be documented under the laws of the United States with a fishery license. For a vessel to be used with a fishery license, the owner must present evidence that the vessel was built in the United States and owned by an American.

Mr. Amerson is an American. However, neither Mr. Amerson or my office has been able to locate the manufacturer's of the *Papa Joe*. The vessel certificate of title states that the *Papa Joe* was manufactured by NOVI. Through our research we have been unable to locate the NOVI corporation or any trace to the origin of the vessel.

Mr. Amerson purchased the *Papa Joe* in North Carolina. When he received the title, State law did not require that the vessel's origin or previous owner be recorded. This fact has contributed to the difficulty of locating the origin of the *Papa Joe*.●

By Mr. CHAFEE (for himself, Mr. BAUCUS, Mr. DANFORTH, Mr. WALLOP, Mr. RIEGLE, Mr. LAUTENBERG, Mr. BOREN, Mr. SYMMS, Mr. DURENBERGER, Mr. ROTH, Mr. GRASSLEY, Mr. HEINZ, Mr. LIEBERMAN, Mr. GORTON, Mr. CRANSTON, and Mr. MCCAIN):

S. 1173. A bill to amend the Internal Revenue Code of 1986 with respect to the allocation of research and experimental expenditures; to the Committee on Finance.

RELATING TO THE ALLOCATION OF RESEARCH AND EXPERIMENTAL EXPENDITURES

● Mr. CHAFEE. Mr. President, concern about the ability of U.S. businesses to compete with foreign firms has been increasing in recent years. International competitiveness has become one of the top concerns of Congress, and rightly so. The balance of trade has gone from a surplus of $3.4 billion in 1975 to a horrendous deficit of $137.3 billion in 1988.

Given the importance of this issue, Government policies, especially in the areas of tax and trade, should be carefully scrutinized to ensure they enhance our ability to compete rather than hinder it. Our attention should be focused on helping Ameican businesses succeed in today's worldwide market. Even though a small business may not export its products, it is now competing inside the United States against the influx of imported products.

One area of tremendous importance in today's competitive environment is research and development which leads to technological innovation. Since 1929, more than two-thirds of our economic growth has resulted from technological innovation. The nations winning the competitiveness race are those that recognize the importance of advanced technology—because it results in new, marketable products and more efficient production and manufacturing. These countries work to attract companies that will establish research and development facilities within their borders.

To achieve greater economic competitiveness we must foster, not impede, U.S. investment in research and development. We must expand, not export, our technological base. With these goals in mind, Senator BAUCUS and I are introducing legislation to help U.S. business regain its competitive edge. Our bill will change a tax policy which actually impedes our ability to compete, and may, in fact, encourage the export of R&D activities and important technological advances.

Yet, the United States is falling behind in its development of new technologies. I believe one of the reasons for this is the research allocation rules contained in Treasury Regulation section 1.861-8, issued in 1977. In this environment, it is difficult to understand why the United States would adopt policies that discourage the pursuit of domestic R&D.

These rules require U.S. companies with foreign operations to allocate a portion of their domestic R&D to their foreign income. Of course, foreign countries do not allow our companies to use the cost of research performed in the United States as a deduction from the income earned in the foreign country. The net effect is to increase the worldwide tax liability of the companies performing R&D in the United States, encouraging American companies to locate their R&D efforts abroad.

While founded on perhaps valid technical tax principles, it was soon recognized that these regulations represent poor public policy, and Congress placed a moratorium on their implementation. Congress has renewed this moratorium five times. It's time to put an end to the controversy surrounding section 861—over a decade of

uncertainty is enough. We should adopt a permanent solution to the problem—we have an opportunity to do so with the legislation we are introducing today.

Stable public policies with regard to research and development are extremely important. Without stability, we cannot expect our major investors in R&D to make the long-range plans that are critical to some of our most promising research efforts. With permanent reform of section 861, we have an opportunity to both change a misguided policy and to increase long-term R&D investment.

I would like to address some of the misconceptions about reform of section 861. It has been alleged that reform is some type of tax break. I assure you that is not the case. Section 861 is a penalty on domestic R&D, in that it requires U.S. R&D performers to engage in an accounting fiction that leads to double taxation and increases their world-wide tax liability. Removal of this penalty simply allows American companies to be treated like their counterparts all over the world.

It has also been alleged that reform of section 861 will only benefit multinational corporations. In a way, this is true in that a U.S. company must have foreign operations in order to be penalized by Section 861. However, small companies that conduct U.S. R&D and sell abroad are also penalized by Section 861, just like the larger corporations. There are hundreds of small companies that will be burdened less, and made stronger and more competitive, if the section 861 penalty is removed.

Fortunately, President Bush has led the way toward settling this issue with a proposal to permanently resolve the section 861 problem. The President's proposal is consistent with the compromise agreement reached on this issue in 1987 and is identical to the legislation we are introducing today. I commend President Bush for his leadership and foresight in recognizing the need for stable, permanent, and procompetitive policies in this area.

Senator BAUCUS and I are pleased to be joined in the introduction of this procompetitiveness legislation by seven other members of the Senate Finance Committee and seven more of our fellow Senators, all of whom recognize the importance of encouraging domestic R&D. I urge my other colleagues to join us as we attempt to finally, permanently resolve the long-standing controversy surrounding Treasury Regulation Section 1.861-8 by supporting this important legislation.

Thank you, Mr. President and I ask unanimous consent that the full text of this bill appear in the RECORD following my statement.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1173

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. ALLOCATION OF RESEARCH AND EXPERIMENTAL EXPENDITURES.

(a) RULES FOR ALLOCATING RESEARCH AND EXPERIMENTAL EXPENDITURES.—Section 864 of the Internal Revenue Code of 1986 is amended by adding at the end thereof the following new subsection:

"(f) ALLOCATION OF QUALIFIED RESEARCH AND EXPERIMENTAL EXPENDITURES.—

(1) IN GENERAL.—For purposes of sections 861(b), 862(b), and 863, qualified research and experimental expenditures shall be allocated and apportioned as follows:

"(A) any qualified research and experimental expenditures expended solely to meet legal requirements imposed by a political entity with respect to the improvement or marketing of specific products or processes for purposes not reasonably expected to generate gross income (beyond de minimis amounts) outside the jurisdiction of the political entity shall be allocated only to gross income from sources within such jurisdiction;

"(B) 67 percent of qualified research and experimental expenditures (after taking into account subparagraph (A)) shall be allocated and apportioned to income from sources within the United States and deducted from such income in determining the amount of taxable income from sources within the United States; and

"(C) the remaining portion of qualified research and experimental expenditures (after taking into account subparagraphs (A) and (B)) shall be apportioned, at the annual election of the taxpayer, on the basis of gross sales or gross income, and no limitation related to apportionment on the basis of gross sales (or otherwise) shall be imposed on apportionment on the basis of gross income.

"(2) QUALIFIED RESEARCH AND EXPERIMENTAL EXPENDITURES.—For purposes of this section, the term 'qualified research and experimental expenditures' means amounts—

"(A) which are research and experimental expenditures within the meaning of section 174, and

"(B) which are attributable to activities conducted in the United States.

For purposes of this paragraph, rules similar to the rules of subsection (c) of section 174 shall apply.

"(3) AFFILIATED GROUP.—

"(A) Except as provided in subparagraph (B), the allocation and apportionment required by paragraph (1) shall be determined as if all members of the affiliated group (as defined in subsection (e)(5) of this section) were a single corporation.

"(B) For purposes of the allocation and apportionment required by paragraph (1)—

"(i) sales and gross income from products produced in whole or in part in a possession by an electing corporation (within the meaning of section 936(h)(5)(e)); and

"(ii) dividends from an electing corporation;

shall not be taken into account, except that this subparagraph shall not apply to sales of (and gross income and dividends attributable to sales of) products with respect to which an election under section 936(h)(5)(F) is not in effect

"(C) The qualified research and experimental expenditures taken into account for purposes of paragraph (1) shall be adjusted to reflect the amount of such expenditures included in computing the cost-sharing amount (determined under section 936(h)(5)(C)(i)(I)).

"(D) The Secretary may prescribe such regulations as may be necessary to carry out the purposes of this paragraph, including regulations providing for the source of gross income and the allocation and apportionment of deductions to take into account the adjustments required by subparagraph (C)."

(b) CONFORMING CHANGES.—

(1) Subsection (f) of section 861 of such Code is amended to read as follows:

"(f) CROSS REFERENCES.—

"(1) For treatment of interest paid by a branch of a foreign corporation, see section 884(f).

"(2) For the allocation and apportionment of qualified research and experimental expenditures, see section 864(f)."

(2) Section 862 of such Code is amended by adding at the end thereof the following new subsection:

"(c) CROSS REFERENCE.—

"For the allocation and apportionment of qualified research and experimental expenditures, see section 864(f)."

(3) Section 863 of such Code is amended by adding at the end thereof the following new subsection:

"(f) CROSS REFERENCE.—

"For the allocation and apportionment of qualified research and experimental expenditures, see section 864(f)."

(4) Paragraph (6) of section 864(e) of such Code is amended to read as follows:

"(6) ALLOCATION AND APPORTIONMENT OF OTHER EXPENSES.—Expenses other than interest and qualified research and experimental expenditures which are not directly allocable and apportioned to any specific income producing activity shall be allocated and apportioned as if all members of the affiliated group were a single corporation."

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after August 1, 1987; except that such amendments shall not apply to qualified research and experimental expenditures to which section 4009(c)(2) of the Technical and Miscellaneous Revenue Act of 1988 applies.●

Mr. BAUCUS. Mr. President, I am pleased to join my colleague, Senator CHAFEE, to introduce legislation to reform section 861 of the Internal Revenue Code, and thereby encourage U.S. firms to do their research and development in the United States. The legislation we are proposing will generally boost the American economy and create jobs.

As now written, the regulations known as section 861-8 discourage pursuit of domestic R&D because they require U.S. companies that operate in overseas markets to allocate a portion of their domestic R&D expenses abroad. Of course, other governments do not permit American companies to actually deduct U.S. R&D expenses from income earned in their country. As a result, U.S. R&D performers end up with a higher worldwide tax liability. None of our major competitors

impose a similar burden on their companies.

This is a misguided public policy. It penalizes the pursuit of R&D and encourages American companies to move their R&D efforts abroad—where they can fully deduct their R&D expenses and where they are often other incentives to establish research facilities.

If the United States is going to maintain, and enhance, its position as a technological world leader, we must encourage vigorous research and development here at home. Domestic R&D increases the American scientific community's knowledge base—as scientists share information on a regular basis. This results in greater, and sometimes unexpected, innovation. As cochair of the congressional competitiveness caucus, I am aware of the importance of technological innovation to a strong, competitive position in the world marketplace. I also know that leadership in the worldwide competitiveness race results in a stronger domestic economy with more jobs.

There have been allegations that, instead, reform of 861 will somehow decrease American employment. Proponents of this view argue that reform of 861 will encourage companies to move their manufacturing operations abroad because they will benefit from the 861 reform only if they have foreign operations. Nothing could be further from the truth. As discussed above, section 861 is a penalty for U.S.-incurred R&D expenses, and the presence of this penalty encourages companies to locate overseas. Reform of 861 will reduce the penalty, and thus reduce the incentive to locate abroad, but it in no way makes section 861 a tax benefit for foreign manufacturing.

We are a strong nation with significant resources, which include our highly trained, creative research community. It is time to end the years of controversy about 861 and to turn our attention to formulation of positive public policies that boost our economy—through investments in the technological innovation that we are so capable of producing. This legislation is an important, necessary step in this effort. I urge my colleagues to join us in support of this legislation.

By Mr. CRANSTON (for himself and Mr. WILSON):

S.J. Res. 156. Joint resolution to commemorate the 50th anniversary of the National Aeronautics and Space Administration Ames Research Center; to the Committee on the Judiciary.

THE 50TH ANNIVERSARY OF THE AMES RESEARCH CENTER

Mr. CRANSTON. Mr. President, I am pleased to introduce a joint resolution on behalf of Senator WILSON and myself to commend the NASA Ames Research Center on its 50th anniversary. One of the foremost centers of aeronautical and space science research and technology, California's NASA Ames has played an important role in our Nation's journey into space.

NASA Ames has been on the cutting edge of technology since its founding. Developments in atmospheric entry systems and aerodynamics made significant contributions to the Mercury, Gemini, and Apollo space programs. Advances in vehicle design and the development of materials for thermal protection contributed significantly to the space shuttle program.

Scientific discoveries at NASA Ames have paved the way for discoveries about the Earth and beyond. Spacecraft from NASA Ames have explored the solar system, enhancing our understanding of Venus, leading to the discovery of rings around Uranus, and closer to home, charting the Antarctic ozone hole in our atmosphere. In this era of heightened awareness about our environment, these contributions are invaluable.

NASA Ames developed and operated the best flight simulation complex in the world, including wind tunnels and arc-jets for model testing of aircraft. NASA Ames is also a world leader in the use of supercomputers, operating the most powerful supercomputer complex in the world.

Cooperative activities with the public and private sector, nationally and internationally, have made NASA Ames the unsurpassed leader in its field.

There being no objection, Mr. President, I ask unanimous consent that the resolution be included in the RECORD following my statement.

There being no objection, the joint resolution was ordered to be printed in the RECORD, as follows:

S.J. RES. 156

Whereas Santa Clara County, California is the home of the National Aeronautics and Space Administration Ames Research Center;

Whereas the NASA Ames Research Center supports America's goals and has a long tradition of award-winning advances in aeronautical, space and life science research;

Whereas the NASA Ames Research Center is a world leader in the utilization of supercomputers for computational analysis of fluid flow and such Center operates one of the most powerful supercomputer complexes in the world;

Whereas spacecraft from the NASA Ames Research Center were the first to travel through the asteroid belt between Mars and Jupiter and on to Saturn;

Whereas the NASA Ames Research Center pioneered the use of aircraft as airborne laboratories and applied such usage to chart the Antarctic ozone hole in the atmosphere of the Earth and to provide other essential information concerning the environment;

Whereas from the inception of the NASA Ames Research Center, the personnel of the NASA Ames Research Center have been the most important resource of such Center, and 2,200 civil servants and almost 3,200 contract personnel, university researchers, and research personnel from the United States Army currently work at the NASA Ames Research Center: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That—

(1) the NASA Ames Research Center is commended for 50 years of outstanding contributions to space science and technology through the work of exceptional personnel and the development and the use of premier facilities; and

(2) the President is authorized and requested to issue a proclamation acknowledging the 50th anniversary of the NASA Ames Research Center and commending the contributions of such Center.

ADDITIONAL COSPONSORS

S. 15

At the request of Mr. CRANSTON, the name of the Senator from Illinois [Mr. SIMON] was added as a cosponsor of S. 15, a bill to amend the Public Health Service Act to improve emergency medical services and trauma care, and for other purposes.

S. 16

At the request of Mr. CRANSTON, the name of the Senator from Michigan [Mr. RIEGLE] was added as a cosponsor of S. 16, a bill to require the executive branch to gather and disseminate information regarding, and to promote techniques to eliminate, discriminatory wage-setting practices and discriminatory wage disparities which are based on sex, race, or national origin.

S. 58

At the request of Mr. BOSCHWITZ, the name of the Senator from Connecticut [Mr. LIEBERMAN] was added as a cosponsor of S. 58, a bill to amend the Housing and Community Development Act of 1987 to improve the enterprise zone development program, to amend the Internal Revenue Code of 1986 to provide tax incentives for investments in enterprise zones, and for other purposes.

S. 110

At the request of Mr. KENNEDY, the name of the Senator from Vermont [Mr. JEFFORDS] was added as a cosponsor of S. 110, a bill to revise and extend the programs of assistance under title X of the Public Health Service Act.

S. 120

At the request of Mr. KENNEDY, the name of the Senator from Vermont [Mr. JEFFORDS] was added as a cosponsor of S. 120, a bill to amend the Public Health Service Act to reauthorize adolescent family life demonstration projects, and for other purposes.

S. 131

At the request of Mr. INOUYE, the name of the Senator from Wisconsin [Mr. KOHL] was added as a cosponsor of S. 131, a bill to amend title 10,

United States Code, to exclude nurse officers from the computation of authorized grade strength.

S. 148

At the request of Mr. PRESSLER, the name of the Senator from North Carolina [Mr. HELMS] was added as a cosponsor of S. 148, a bill to require the Secretary of the Treasury to mint coins in commemoration of the golden anniversary of the Mount Rushmore National Memorial.

S. 231

At the request of Mr. MOYNIHAN, the name of the Senator from Ohio [Mr. GLENN] was added as a cosponsor of S. 231, a bill to amend part A of title IV of the Social Security Act to improve quality control standards and procedures under the Aid to Families With Dependent Children Program, and for other purposes.

S. 260

At the request of Mr. MOYNIHAN, the names of the Senator from South Carolina [Mr. HOLLINGS] and the Senator from Alabama [Mr. HEFLIN] were added as cosponsors of S. 260, a bill to amend the Internal Revenue Code of 1986 to make the exclusion from gross income of amounts paid for employee educational assistance programs.

S. 335

At the request of Mr. MCCAIN, the names of the Senator from Wisconsin [Mr. KASTEN], the Senator from Oklahoma [Mr. NICKLES], and the Senator from Mississippi [Mr. LOTT] were added as cosponsors of S. 335, a bill to amend title XVIII of the Social Security Act and other provisions of law to delay for 1 year the effective dates of the supplemental Medicare premium and additional benefits under part B of the Medicare Program, with the exception of the spousal impoverishment benefit.

S. 378

At the request of Mr. ROCKEFELLER, the name of the Senator from Rhode Island [Mr. PELL] was added as a cosponsor of S. 378, a bill to extend the Steel Import Stabilization Act for an additional 5 years.

S. 416

At the request of Mr. DOMENICI, the name of the Senator from Kentucky [Mr. FORD] was added as a cosponsor of S. 416, a bill to provide that all Federal civilian and military retirees shall receive the full cost-of-living adjustment in annuities payable under Federal retirement systems for fiscal years 1990 and 1991, and for other purposes.

S. 434

At the request of Mr. REID, the name of the Senator from Florida [Mr. GRAHAM] was added as a cosponsor of S. 434, a bill to prohibit a State from imposing an income tax on the pension income of individuals who are not residents or domiciliaries of that State.

S. 435

At the request of Mr. REID, the name of the Senator from Montana [Mr. BURNS] was added as a cosponsor of S. 435, a bill to amend section 118 of the Internal Revenue Code to provide for certain exceptions from certain rules determining contributions in aid of construction.

S. 436

At the request of Mr. METZENBAUM, the name of the Senator from Tennessee [Mr. GORE] was added as a cosponsor of S. 436, a bill to strengthen the protections available to employees against reprisals for disclosing information, to protect the public health and safety, and for other purposes.

S. 479

At the request of Mr. HATCH, the name of the Senator from Alabama [Mr. HEFLIN] was added as a cosponsor of S. 479, a bill to amend the Internal Revenue Code to allow for deduction of qualified adoption expenses and for other purposes.

S. 501

At the request of Mr. D'AMATO, the name of the Senator from Alabama [Mr. HEFLIN] was added as a cosponsor of S. 501, a bill to amend the Internal Revenue Code of 1986 to make permanent, and to increase the amount of, the exclusion for amounts received under qualified group legal services plans.

S. 511

At the request of Mr. INOUYE, the name of the Senator from Kansas [Mrs. KASSEBAUM] was added as a cosponsor of S. 511, a bill to recognize the organization known as the National Academies of Practice.

S. 519

At the request of Mr. LAUTENBERG, the name of the Senator from Rhode Island [Mr. CHAFEE] was added as a cosponsor of S. 519, a bill to prohibit smoking on any scheduled airline flight in intrastate, interstate, or overseas air transportation.

S. 652

At the request of Mr. KENNEDY, the name of the Senator from Michigan [Mr. RIEGLE] was added as a cosponsor of S. 652, a bill to revise the format of the Presidential report to Congress on voting practices in the United Nations.

S. 655

At the request of Mr. HATCH, the name of the Senator from Arkansas [Mr. BUMPERS] was added as a cosponsor of S. 655, a bill to amend the Public Health Service Act to require public conveyances to certify that the public is not involuntarily exposed to passive smoke when exposed to such conveyance, and for other purposes.

S. 656

At the request of Mr. GRASSLEY, the names of the Senator from Tennessee [Mr. GORE], the Senator from Alabama [Mr. HEFLIN], and the Senator from Vermont [Mr. JEFFORDS] were added as cosponsors of S. 656, a bill to amend the Internal Revenue Code of 1986 to restore the deduction for interest on educational loans.

S. 681

At the request of Mr. BAUCUS, the names of the Senator from Pennsylvania [Mr. SPECTER], the Senator from Iowa [Mr. GRASSLEY], the Senator from Arizona [Mr. MCCAIN], the Senator from Mississippi [Mr. COCHRAN], the Senator from Mississippi [Mr. LOTT], the Senator from Kansas [Mrs. KASSEBAUM], the Senator from New Mexico [Mr. DOMENICI], the Senator from Oklahoma [Mr. NICKLES], the Senator from Wisconsin [Mr. KASTEN], and the Senator from Connecticut [Mr. DODD] were added as cosponsors of S. 681, a bill to require the Secretary of the Treasury to mint and issue coins in commemoration of the 100th anniversary of the statehood of Idaho, North Dakota, South Dakota, Washington, and Wyoming, and for other purposes.

S. 754

At the request of Mr. PACKWOOD, the name of the Senator from Maine [Mr. COHEN] was added as a cosponsor of S. 754, a bill to restrict the export of unprocessed timber from certain Federal lands, and for other purposes.

S. 785

At the request of Mr. ROCKEFELLER, the name of the Senator from West Virginia [Mr. BYRD] was added as a cosponsor of S.785, a bill to amend title XIX of the Social Security Act to provide States the option of providing quality home and community care to the elderly under their Medicaid Program.

S. 814

At the request of Mr. DOMENICI, the name of the Senator from New Jersey [Mr. LAUTENBERG] was added as a cosponsor of S. 814, a bill to provide for the minting and circulation of one dollar coins, and for other purposes.

S. 893

At the request of Mr. LAUTENBERG, the name of the Senator from Maryland [Ms. MIKULSKI] was added as a cosponsor of S. 893, a bill to establish certain categories of Soviet and Vietnamese nationals presumed to be subject to persecution and to provide for adjustments to refugees status of certain Soviet and Vietnamese parolees.

S. 919

At the request of Mr. PRYOR, the names of the Senator from Maryland [Ms. MIKULSKI] and the Senator from Maine [Mr. MITCHELL] were added as cosponsors of S. 919, a bill to enable producers of soybeans to develop, finance, and carry out a nationally coordinated program for soybean promotion, research, and consumer information, and for other purposes.

S. 933

At the request of Mr. HARKIN, the names of the Senator from North Carolina [Mr. SANFORD] and the Senator from California [Mr. WILSON] were added as cosponsors of S. 933, a bill to establish a clear and comprehensive prohibition of discrimination on the basis of disability.

S. 956

At the request of Mr. COATS, the name of the Senator from North Carolina [Mr. HELMS] was added as a cosponsor of S. 956, a bill to exclude users of alcohol and illegal substances from the definition of handicapped individuals under the Rehabilitation Act of 1973, and for other purposes.

S. 969

At the request of Mr. MOYNIHAN, the name of the Senator from Arizona [Mr. DECONCINI] was added as a cosponsor of S. 969, a bill to establish the President's Award for Addiction Research.

S. 975

At the request of Mr. METZENBAUM, the name of the Senator from Colorado [Mr. WIRTH] was added as a cosponsor of S. 975, a bill to amend the Job Training Partnership Act to encourage a broader range of training and job placement for women, and for other purposes.

S. 980

At the request of Mr. MITCHELL, the names of the Senator from Wisconsin [Mr. KASTEN], the Senator from Mississippi [Mr. COCHRAN], the Senator from Nevada [Mr. REID], and the Senator from Alabama [Mr. HEFLIN] were added as cosponsors of S. 980, a bill to amend the Internal Revenue Code of 1986 to improve the effectiveness of the low-income housing credit.

S. 1036

At the request of Mr. LEAHY, the names of the Senator from Maryland [Ms. MIKULSKI], the Senator from Illinois [Mr. SIMON], and the Senator from Montana [Mr. BURNS] were added as cosponsors of S. 1036, a bill to improve the economic, community, and educational well-being of rural America, and for other purposes.

S. 1040

At the request of Mr. WILSON, the names of the Senator from Minnesota [Mr. BOSCHWITZ] and the Senator from Alaska [Mr. STEVENS] were added as cosponsors of S. 1040, a bill to require the Secretary of Defense to establish an Anti-Drug Task Force.

S. 1063

At the request of Mr. LUGAR, the name of the Senator from Mississippi [Mr. COCHRAN] was added as a cosponsor of S. 1063, a bill to improve the conservation of cropland, and for other purposes.

S. 1091

At the request of Mr. GRAHAM, the names of the Senator from California [Mr. WILSON], the Senator from South Carolina [Mr. THURMOND], the Senator from New Jersey [Mr. BRADLEY], the Senator from North Dakota [Mr. CONRAD], and the Senator from Kansas [Mr. DOLE] were added as cosponsors of S. 1091, a bill to provide for the striking of medals in commemoration of the bicentennial of the U.S. Coast Guard.

S. 1129

At the request of Mr. BENTSEN, the names of the Senator from Vermont [Mr. LEAHY], the Senator from South Carolina [Mr. HOLLINGS], the Senator from Illinois [Mr. SIMON], the Senator from Wyoming [Mr. WALLOP], the Senator from Maryland [Mr. SARBANES], the Senator from Delaware [Mr. BIDEN], the Senator from Indiana [Mr. LUGAR], the Senator from Illinois [Mr. DIXON], the Senator from Michigan [Mr. LEVIN], and the Senator from Delaware [Mr. ROTH] were added as cosponsors of S. 1129, a bill to amend the Internal Revenue Code of 1986 to simplify the antidiscrimination rules applicable to certain employee benefit plans.

S. 1153

At the request of Mr. DASCHLE, the name of the Senator from Connecticut [Mr. DODD] was added as a cosponsor of S. 1153, a bill to amend title 38, United States Code, to provide for the establishment of presumptions of service connection between certain diseases experienced by veterans who served in Vietnam era and exposure to certain toxic herbicide agents used in Vietnam; to provide for interim benefits for veterans of such service who have certain diseases; to improve the reporting requirements relating to the "Ranch Hand Study;" and for other purposes.

SENATE JOINT RESOLUTION 15

At the request of Mr. PRESSLER, the names of the Senator from Nebraska [Mr. EXON], the Senator from Wyoming [Mr. SIMPSON], the Senator from Minnesota [Mr. DURENBERGER], the Senator from Kansas [Mrs. KASSEBAUM], and the Senator from Michigan [Mr. RIEGLE] were added as cosponsors of Senate Joint Resolution 15, a joint resolution to designate the second Sunday in October of 1989 as "National Children's Day."

SENATE JOINT RESOLUTION 57

At the request of Mr. PELL, the name of the Senator from Oklahoma [Mr. NICKLES] was added as a cosponsor of Senate Joint Resolution 57, a joint resolution to establish a national policy on permanent papers.

SENATE JOINT RESOLUTION 120

At the request of Mr. BRADLEY, the names of the Senator from Florida [Mr. GRAHAM], the Senator from Iowa [Mr. GRASSLEY], and the Senator from Mississippi [Mr. LOTT] were added as cosponsors of Senate Joint Resolution 120, a joint resolution to designate the period commencing November 12, 1989, and ending November 18, 1989, as "Geography Awareness Week."

SENATE JOINT RESOLUTION 121

At the request of Mr. DECONCINI, the name of the Senator from Maryland [Ms. MIKULSKI] was added as a cosponsor of Senate Joint Resolution 121, a joint resolution to provide for the designation of September 14, 1989, as "National D.A.R.E. Day."

SENATE JOINT RESOLUTION 132

At the request of Mr. SASSER, names of the Senator from Utah [Mr. GARN], the Senator from Connecticut [Mr. LIEBERMAN], the Senator from Georgia [Mr. NUNN], and the Senator from Pennsylvania [Mr. HEINZ] were added as cosponsors of Senate Joint Resolution 132, a joint resolution designating September 1 through 30, 1989, as "National Alcohol and Drug Treatment Month."

SENATE JOINT RESOLUTION 148

At the request of Mr. GORE, the name of the Senator from West Virginia [Mr. BYRD] was added as a cosponsor of Senate Joint Resolution 148, a joint resolution to designate the week of October 8, 1989, through October 14, 1989, as "National Job Skills Week."

SENATE CONCURRENT RESOLUTION 37

At the request of Mr. HARKIN, the name of the Senator from Alaska [Mr. MURKOWSKI] was added as a cosponsor of Senate Concurrent Resolution 37, a concurrent resolution expressing the sense of the Congress that the differential in Medicare payments made to urban and rural hospitals be eliminated.

SENATE CONCURRENT RESOLUTION 39

At the request of Mr. WILSON, the name of the Senator from Pennsylvania [Mr. SPECTER] was added as a cosponsor of Senate Concurrent Resolution 39, a concurrent resolution to commend the group of aviators known as the "Flying Tigers" for nearly 50 years of service to the United States.

SENATE CONCURRENT RESOLUTION 40

At the request of Mr. CRANSTON, the name of the Senator from Massachusetts [Mr. KERRY] was added as a cosponsor of Senate Concurrent Resolution 40, a concurrent resolution to designate June 21, 1989, as Chaney, Goodman, and Schwerner Day.

SENATE RESOLUTION 13

At the request of Mr. DOLE, the names of the Senator from Maryland [Ms. MIKULSKI], the Senator from Alaska [Mr. STEVENS], the Senator from Massachusetts [Mr. KERRY], the Senator from Mississippi [Mr. COCHRAN], and the Senator from California [Mr. CRANSTON] were added as cosponsors of Senate Resolution 13, a resolution to amend Senate Resolution 28 to implement closed caption broadcasting for hearing-impaired individuals of floor proceedings of the Senate.

SENATE RESOLUTION 99

At the request of Mr. BOSCHWITZ, the name of the Senator from Oklahoma [Mr. NICKLES] was added as a cosponsor of Senate Resolution 99, a resolution requiring the Architect of the Capitol to establish and implement a voluntary program for recycling paper disposed of in the operation of the Senate.

SENATE RESOLUTION 116

At the request of Mr. LAUTENBERG, the name of the Senator from Illinois [Mr. SIMON] was added as a cosponsor of Senate Resolution 116, a resolution commemorating the 50th anniversary of the U.S. Jewish Appeal.

SENATE CONCURRENT RESOLUTION 43—CONCERNING HUMAN RIGHTS VIOLATIONS IN YUGOSLAVIA

Mr. PRESSLER (for himself, Mr. DOMENICI, Mr. D'AMATO and Mr. DOLE) submitted the following concurrent resolution; which was referred to the Committee on Foreign Relations:

S. CON. RES. 43

Whereas the Department of State's 1988 Country Report on Human Rights Practices cites many human rights practices in Yugoslavia that violate internationally accepted human rights standards, including infringement upon and abrogation of the rights of assembly and fair trial, freedom of speech, and freedom of the press.

Whereas the Country Report also indicates that these human rights violations are targeted at certain ethnic groups and regions, including Slovenians but most particularly against the ethnic Albanians in the Socialist Autonomous Province of Kosovo;

Whereas those human rights violations, in addition to recent actions taken to limit the social and political autonomy of the Socialist Autonomous Province of Kosovo have precipitated a crisis in that region;

Whereas the Yugoslav government's response to that crisis was a brutal police crackdown that led to the deaths of many civilians and police officers, the wounding of hundreds more, and the imprisonment of additional hundreds;

Whereas the these human rights abuses violate the high ideals of mutual equality, dignity and brotherhood among all of the country's nations and nationalities which has been a guiding principle of the Socialist Federal Republic of Yugoslav since 1945; and

Whereas the European Parliament of the European Community has condemned these actions: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That the Senate—

(1) expresses grave concern regarding the action of the Government of the Socialist Federal Republic of Yugoslavia for repeated human rights violations and for its unnecessary, violent and brutal handling of the crisis in the Socialist Autonomous Province of Kosovo;

(2) urges the Yugoslav government to take all necessary steps to assure that further violence and bloodshed do not occur in the Socialist Autonomous Province of Kosovo;

(3) urges the government of the Socialist Federal Republic of Yugoslavia fully to observe its obligations under the Helsinki Final Act and the United Nations Declaration on Human Rights to assure full protection of the rights of the Albanian ethnic minority in Yugoslavia;

(4) requests the President and the Department of State to continue to monitor closely human rights conditions in the Socialist Federal Republic of Yugoslavia; and

(5) calls upon the President to express these concerns of the Congress through appropriate channels to representatives of the Socialist Federal Republic of Yugoslavia.

Mr. PRESSLER. Mr. President, in conjunction with identical action in the House of Representatives today, I am now submitting a Senate concurrent resolution expressing the sense of Congress concerning the deplorable human rights situation in Yugoslavia.

As I have noted previously in the Chamber, Yugoslavians of Albanian ethnic descent have been treated brutally by Yugoslavian police. The time for Congress to express its point of view on this injustice is long overdue.

The concurrent resolution urges the Yugoslavian Government to stop the bloodshed, and adhere to its obligations under the Helsinki Final Act and the United Nations Declaration on Human Rights. It also requests the President and the Department of State to continue close monitoring of human rights conditions in Yugoslavia and to express the concerns of Congress to Yugoslavian officials through appropriate channels.

Mr. President, the political status and human rights of Albanian-Yugoslavians have deteriorated drastically during the past year. It is appropriate that Congress call for action to address this problem, just as we have done in instances of human rights abuses in other countries. I urge the Senate to act promptly and favorably on the concurrent resolution.

Finally, Mr. President, I take note of the fact that tomorrow, June 14, hundreds of Albanian Americans will gather at 11 a.m. on the west front of the Capitol to demonstrate their concerns on this matter. I urge all Senators to attend this event. It is fitting that it is being held on Flag Day, a day when patriotic Americans like these traditionally gather to show respect for our flag and the universal principles of liberty for which it stands. These principles are now being trampled upon in Yugoslavia.

SENATE RESOLUTION 144—RELATIVE TO COMMEMORATION OF THE BICENTENNIAL OF THE SENATE

Mr. MITCHELL (for himself and Mr. DOLE) submitted the following resolution; which was considered and agreed to:

S. RES. 144

Resolved,

SECTION 1. ESTABLISHMENT OF COMMISSION.

There is hereby established a Commission on the Bicentennial of the United States Senate (referred to as the "Commission") to coordinate ceremonial events and related activities as appropriate.

SEC. 2. MEMBERSHIP OF COMMISSION.

The Commission shall be composed of the following members:

(1) the President pro tempore of the Senate;

(2) the majority leader and minority leader of the Senate;

(3) three Members of the Senate to be appointed by the majority leader; and

(4) three members of the Senate to be appointed by the minority leader.

A Member of the Senate appointed pursuant to Senate Resolution 352, agreed to April 11, 1986, to serve during the 100th Congress shall serve until the termination of the Commission.

SEC. 3. CHAIRMANSHIP; QUORUM.

The Majority Leader, or his designee, shall serve as the Chairman of the Commission and the Minority Leader, or his designee, shall serve as the Vice Chairman of the Commission. Four members of the Commission shall constitute a quorum for the transaction of business.

SEC. 4. VACANCY.

Any vacancy in the membership of the Commission shall be filled in the same manner as the original appointment.

SEC. 5. DUTIES OF COMMISSION.

The Commission shall oversee the development of projects and activities as outlined in the Final Report of the Study Group on the Commemoration of the United States Senate Bicentenary. It shall seek to coordinate Senate bicentennial activities with related organizations outside the Senate, including the Commission on the United States House of Representatives Bicentenary and the Commission on the Bicentennial of the United States Constitution.

SEC. 6. STAFF AND SUPPORT.

(a) IN GENERAL.—The Commission shall have the staff support and the expertise of Senate support staff including the Senate Historical Office and the Office of Senate Curator, under the jurisdiction of the Secretary of the Senate, and the assistance of the United States Senate Commission on Art. The Chairman shall designate an Executive Secretary of the Commission.

(b) SERVICES OF CONSULTANT.—In carrying out its functions, the Commission may, with the prior approval of the Senate Committee on Rules and Administration, procure the temporary (not to exceed one year) or intermittent service of individual consultants, or organizations thereof, in the same manner and under the same conditions as a standing committee of the Senate may procure such services.

(c) GUEST SPEAKERS.—In carrying out its functions, the Commission is authorized to engage the services of guest speakers and provide such speakers (other than speakers who are Members of Congress or officers or employees of the United States) with appropriate honoraria, transportation expenses, and per diem in lieu of subsistence.

SEC. 7. PAYMENT OF EXPENSES.

(a) PAYMENT OUT OF THE CONTINGENT FUND.—The actual and necessary expenses of the Commission, including official reception and representation expenses, the employment of staff at an annual rate of pay, and the employment of consultants at a rate not to exceed the maximum daily rate for a standing committee of the Senate, shall be paid from the Contingent Fund of the Senate, out of the account of Miscellaneous

Items, upon vouchers approved by the Chairman of the Commission or his designee; except that no voucher shall be required to pay the salary of any employee who is compensated at an annual rate of pay. This subsection is effective with respect to expenditures incurred on or after the date of agreement to Senate Resolution 293, 100th Congress.

(b) AUTHORITY OF THE SECRETARY OF THE SENATE.—The Secretary of the Senate is authorized to advance such sums as may be necessary to defray the expenses incurred in carrying out the provisions of this resolution.

SEC. 8. PRIVATE SECTOR TASK FORCE.

The Commission shall seek to assemble a private sector task force to explore ideas and funding from private sources for appropriate projects to commemorate the bicentennial.

SEC. 9. REPORTS.

The Commission may submit periodic reports on its activities to the Senate and shall submit a final report at the time of its termination.

SEC. 10. TERMINATION OF COMMISSION.

The Commission shall cease to exist at the end of the one hundred and first Congress.

SEC. 11. REPEAL OF SENATE RESOLUTION 352.

Senate Resolution 352, agreed to April 11, 1986, is repealed.

AMENDMENTS SUBMITTED

NATURAL GAS DECONTROL ACT OF 1989

METZENBAUM (AND EXON) AMENDMENT NO. 191

Mr. METZENBAUM (for himself and Mr. EXON) proposed an amendment to the bill (H.R. 1722) to amend the Natural Gas Policy Act of 1978 to eliminate wellhead price and nonprice controls on the first sale of natural gas, and to make technical and conforming amendments to such act, as follows:

At the appropriate place, insert:

"SEC. 3. INDEFINITE PRICE ESCALATOR CLAUSES.

"An indefinite price escalator clause in a contract for the purchase of natural gas shall be held to be unjust and unreasonable under section 5 of the Natural Gas Act (15 U.S.C. 717d) unless the Federal Energy Regulatory Commission finds, on application of a party to the contract, that the clause is just and reasonable under the particular circumstances of the contract in question.".

METZENBAUM (AND OTHERS) AMENDMENT NO. 192

Mr. METZENBAUM (for himself, Mr. REID, and Mr. LAUTENBERG) proposed an amendment, which was subsequently modified, to the bill H.R. 1722, supra; as follows:

At the appropriate place, insert:

SEC. . PROHIBITION OF PASSTHROUGH OF COSTS.

(a) PROHIBITION.—The Federal Energy Regulatory Commission (referred to as the "Commission") shall not permit a natural-gas company to recover in its rates costs of any nature incurred directly or indirectly as a result of an act by the company or its employees or agents that—

was a violation of Federal or State environmental law; or

was an environmentally irresponsible act unless the natural-gas company can demonstrate, using substantial evidence, that such costs that were incurred are just and reasonable.

(b) DETERMINATION OF VIOLATION.—The Commission shall determine whether a violation of environmental law has occurred in accordance with the following standards:

(1) The Commission shall consult with Federal and State agencies having responsibility for enforcement of environmental laws in determining whether a violation has occurred.

(2) The Commission shall be bound by advice from authorized officials of an agency, whether or not in the form of a formal action, that an act was a violation of environmental law.

(3) The Commission shall not be bound by a decision by an agency not to pursue a possible violation or by advice that an act was not a violation of environmental law unless the decision or advice is a formal affirmative determination by the agency that a violation did not occur.

(4) The Commission shall be bound by a judicial determination, or an administrative determination not reviewed by a court, that a violation of environmental law did or did not occur.

(5) The Commission shall not be bound by a consent decree or similar agreement entered in a judicial or administrative proceeding unless the decree or agreement specifically states a determination that a violation of environmental law did or did not occur.

(c) DETERMINATION OF ENVIRONMENTALLY IRRESPONSIBLE ACT.—Notwithstanding the absence of facts warranting prosecution of a possible violation of environmental law, the Commission may find that a natural gas company or its employee or agent committed an environmentally irresponsible act.

(d) PREVENTION OF VIOLATIONS.—Subsection (a) shall not be construed to prohibit the passthrough of costs incurred by a natural-gas company in an effort to prevent violations of Federal or State environmental law by the company or its employees or agents.

(e) DEFINITIONS.—For the purposes of this section—

(1) The term "act" means an act or a failure to act, whether intentional, negligent, or inadvertent;

METZENBAUM (AND KOHL) AMENDMENT NO. 193

Mr. METZENBAUM (for himself and Mr. KOHL) proposed an amendment to the bill H.R. 1722, supra; as follows:

At the appropriate place, insert:

SEC. 3. TAKE-OR-PAY CLAUSES.

"A take-or-pay clause in a contract for the purchase of natural gas shall be held to be unjust and unreasonable under section 5 of the Natural Gas Act (15 U.S.C. 717d) unless the Federal Energy Regulatory Commission finds, on application of a party to the contract, that the clause is just and reasonable under the particular circumstances of the contract in question.".

METZENBAUM AMENDMENT NO. 194

Mr. METZENBAUM proposed an amendment to the bill H.R. 1722, supra; as follows:

At the appropriate place, insert:

"In the case of high-cost natural gas under section 107(c)(5) of title I of the Natural Gas Policy Act of 1978, the Federal Energy Regulatory Commission shall exercise its existing authority to rescind any incentive prices on that category of natural gas within 90 days of the date of enactment. Notwithstanding any other provision of the Code, nothing in this amendment shall affect the continuation of tax credits under the Internal Revenue Code with respect to natural gas production."

AMENDMENTS SUBMITTED DURING RECESS

Under the authority of the order of the Senate of June 8, 1989, the following amendments were submitted on June 12, 1989, during the recess of the Senate:

NATURAL GAS DECONTROL ACT OF 1989

BRADLEY AMENDMENT NOS. 151 THROUGH 156

(Ordered to lie on the table.)

Mr. BRADLEY submitted six amendments intended to be proposed by him to the bill (H.R. 1722) to amend the Natural Gas Policy Act of 1978 to eliminate wellhead price and nonprice controls on the first sale of natural gas, and to make technical and conforming amendments to such Act, as follows:

AMENDMENT No. 151

Insert the following at the appropriate place:

SEC. .

The Federal Energy Regulatory Commission may require, by rule or order, any interstate pipeline to transport natural gas. Such rules or orders may be issued under both the Natural Gas Policy Act and the Natural Gas Act.

AMENDMENT No. 152

Insert the following at the appropriate place:

SEC. .

The Federal Energy Regulatory Commission may require, by rule or order, any interstate pipeline to transport natural gas. Such rules or orders may be issued under both the Natural Gas Policy Act and the Natural Gas Act.

AMENDMENT No. 153

In lieu of matter proposed to be inserted, insert the following at the appropriate place:

SEC. .

The Federal Energy Regulatory Commission may require, by rule or order, any interstate pipeline to transport natural gas. Such rules or orders may be issued under both the Natural Gas Policy Act and the Natural Gas Act.

AMENDMENT No. 154

At the end of the amendment insert the following: "Such rules or orders shall be made in the public interest and shall require that natural gas be transported at just and reasonable rates. Nothing in this section shall be construed as affecting the authority of the Federal Energy Regulatory Commission with respect to the construction of new pipeline facilities.".

AMENDMENT No. 155

On page 3, line 23, strike "effective on January 1, 1993." and insert "effective on the later of—

"(1) January 1, 1993; or

"(2) the date that the Federal Energy Regulatory Commission issues regulations implementing its authority under the Natural Gas Act and the Natural Gas Policy Act of 1978 to require a natural-gas company to transport natural gas, at just and reasonable rates, in the public interest in order to prevent anticompetitive action; provided, that nothing in this subsection shall be construed as affecting the authority of the Federal Energy Regulatory Commission with respect to the construction of new pipeline facilities.".

AMENDMENT No. 156

On page 3, line 23, strike "effective on January 1, 1993." and insert "effective on the later of—

"(1) January 1, 1993; or

"(2) the date that the Federal Energy Regulatory Commission issues regulations implementing its authority under the Natural Gas Act and the Natural Gas Policy Act of 1978 to require a natural-gas company to transport natural gas.

METZENBAUM AMENDMENT NOS. 157 THROUGH 190

(Ordered to lie on the table.)

Mr. METZENBAUM submitted 34 amendments intended to be proposed by him to the bill H.R. 1722, supra, as follows:

AMENDMENT No. 157

At the appropriate place, insert:

SEC. . TAKE-OR-PAY AND CERTAIN OTHER TYPES OF CONTRACT CLAUSES.

An indefinite price escalator clause in a contract for the purchase of natural gas shall be held to be unjust and unreasonable under section 5 of the Natural Gas Act (15 U.S.C. 717d) unless the Federal Energy Regulatory Commission finds, on application of a party to the contract, that the clause is just and reasonable under the particular circumstances of the contract in question.

AMENDMENT No. 158

In lieu of the matter proposed to be stricken, insert the following:

SEC. . TAKE-OR-PAY AND CERTAIN OTHER TYPES OF CONTRACT CLAUSES.

An indefinite price escalator clause in a contract for the purchase of natural gas shall be held to be unjust and unreasonable under section 5 of the Natural Gas Act (15 U.S.C. 717d) unless the Federal Energy Regulatory Commission finds, on application of a party to the contract, that the clause is just and reasonable under the particular circumstances of the contract in question.

AMENDMENT No. 159

In lieu of the matter proposed to be inserted, insert the following:

SEC. . TAKE-OR-PAY AND CERTAIN OTHER TYPES OF CONTRACT CLAUSES.

An indefinite price escalator clause in a contract for the purchase of natural gas shall be held to be unjust and unreasonable under section 5 of the Natural Gas Act (15 U.S.C. 717d) unless the Federal Energy Regulatory Commission finds, on application of a party to the contract, that the clause is just and reasonable under the particular circumstances of the contract in question.

AMENDMENT No. 160

At the appropriate place, insert:

SEC. . TAKE-OR-PAY AND CERTAIN OTHER TYPES OF CONTRACT CLAUSES.

An indefinite price escalator clause in a contract for the purchase of natural gas shall be held to be unjust and unreasonable under section 5 of the Natural Gas Act (15 U.S.C. 717d) unless the Federal Energy Regulatory Commission finds, on application of a party to the contract, that the clause is just and reasonable under the particular circumstances of the contract in question.

AMENDMENT No. 161

To the language proposed to be stricken, at the appropriate place, insert the following:

SEC. . TAKE-OR-PAY AND CERTAIN OTHER TYPES OF CONTRACT CLAUSES.

An indefinite price escalator clause in a contract for the purchase of natural gas shall be held to be unjust and unreasonable under section 5 of the Natural Gas Act (15 U.S.C. 717d) unless the Federal Energy Regulatory Commission finds, on application of a party to the contract, that the clause is just and reasonable under the particular circumstances of the contract in question.

AMENDMENT No. 162

At the appropriate place, insert the following:

SEC. . TAKE-OR-PAY AND CERTAIN OTHER TYPES OF CONTRACT CLAUSES.

An indefinite price escalator clause in a contract for the purchase of natural gas shall be held to be unjust and unreasonable under section 5 of the Natural Gas Act (15 U.S.C. 717d) unless the Federal Energy Regulatory Commission finds, on application of a party to the contract, that the clause is just and reasonable under the particular circumstances of the contract in question.

AMENDMENT No. 163

In lieu of the matter proposed to be inserted, insert the following:

SEC. . TAKE-OR-PAY AND CERTAIN OTHER TYPES OF CONTRACT CLAUSES.

An indefinite price escalator clause in a contract for the purchase of natural gas shall be held to be unjust and unreasonable under section 5 of the Natural Gas Act (15 U.S.C. 717d) unless the Federal Energy Regulatory Commission finds, on application of a party to the contract, that the clause is just and reasonable under the particular circumstances of the contract in question.

AMENDMENT No. 164

At the appropriate place, insert:

SEC. . TAKE-OR-PAY AND CERTAIN OTHER TYPES OF CONTRACT CLAUSES.

An indefinite price escalator clause in a contract for the purchase of natural gas shall be held to be unjust and unreasonable under section 5 of the Natural Gas Act (15 U.S.C. 717d) unless the Federal Energy Regulatory Commission finds, on application of a party to the contract, that the clause is just and reasonable under the particular circumstances of the contract in question.

AMENDMENT No. 165

At the appropriate place, insert the following:

SEC. . TAKE-OR-PAY AND CERTAIN OTHER TYPES OF CONTRACT CLAUSES.

An indefinite price escalator clause in a contract for the purchase of natural gas shall be held to be unjust and unreasonable under section 5 of the Natural Gas Act (15 U.S.C. 717d) unless the Federal Energy Regulatory Commission finds, on application of a party to the contract, that the clause is just and reasonable under the particular circumstances of the contract in question.

AMENDMENT No. 166

At the appropriate place, insert the following:

SEC. . TAKE-OR-PAY AND CERTAIN OTHER TYPES OF CONTRACT CLAUSES.

An indefinite price escalator clause in a contract for the purchase of natural gas shall be held to be unjust and unreasonable under section 5 of the Natural Gas Act (15 U.S.C. 717d) unless the Federal Energy Regulatory Commission finds, on application of a party to the contract, that the clause is just and reasonable under the particular circumstances of the contract in question.

AMENDMENT No. 167

At the appropriate place, insert:

SEC. . PROHIBITION OF PASSTHROUGH OF COSTS.

(a) PROHIBITION.—The Federal Energy Regulatory Commission (referred to as the "Commission") shall not permit a natural gas company to recover in its rates costs of any nature incurred directly or indirectly as a result of an act by the company or its employees or agents that:

was a violation of Federal or State environmental law; or

was an environmentally irresponsible act, unless the natural gas company can demonstrate, using substantial evidence, that such costs that were incurred are just and reasonable.

(b) DETERMINATION OF VIOLATION.—The Commission shall determine whether a violation of environmental law has occurred in accordance with the following standards:

(1) The Commission shall consult with Federal and State agencies having responsibility for enforcement of environmental laws in determining whether a violation has occurred.

(2) The Commission shall be bound by advice from authorized officials of an agency, whether or not in the form of a formal action, that an act was a violation of environmental law.

(3) The Commission shall not be bound by a decision by an agency not to pursue a possible violation or by advice that an act was not a violation of environmental law unless the decision or advice is a formal affirmative determination by the agency that a violation did not occur.

(4) The Commission shall be bound by a judicial determination, or an administrative determination not reviewed by a court, that a violation of environmental law did or did not occur.

(5) The Commission shall not be bound by a consent decree or similar agreement entered in a judicial or administrative proceeding unless the decree or agreement specifically states a determination that a violation of environmental law did or did not occur.

29-059 O-90-49 (Pt. 8)

(c) DETERMINATION OF ENVIRONMENTALLY IRRESPONSIBLE ACT.—Notwithstanding the absence of facts warranting prosecution of a possible violation of environmental law, the Commission may find that a natural gas company or its employee or agent committed an environmentally irresponsible act.

(d) PREVENTION OF VIOLATIONS.—Subsection (a) shall not be construed to prohibit the passthrough of costs incurred by a natural gas company in an effort to prevent violations of Federal or State environmental law by the company or its employees or agents.

(e) DEFINITIONS.—For the purposes of this section—

(1) the term "act" means an act or a failure to act, whether intentional, negligent, or inadvertent; and

(2) the term "environmentally irresponsible act" means an act that is inconsistent with the ends sought to be achieved by Federal or State environmental law.

AMENDMENT NO. 168

In lieu of the matter proposed to be stricken, insert the following:

SEC. . PROHIBITION OF PASSTHROUGH OF COSTS.

(a) PROHIBITION.—The Federal Energy Regulatory Commission (referred to as the "Commission") shall not permit a natural gas company to recover in its rates costs of any nature incurred directly or indirectly as a result of an act by the company or its employees or agents that:

was a violation of Federal or State environmental law; or

was an environmentally irresponsible act, unless the natural gas company can demonstrate, using substantial evidence, that such costs that were incurred are just and reasonable.

(b) DETERMINATION OF VIOLATION.—The Commission shall determine whether a violation of environmental law has occurred in accordance with the following standards:

(1) The Commission shall consult with Federal and State agencies having responsibility for enforcement of environmental laws in determining whether a violation has occurred.

(2) The Commission shall be bound by advice from authorized officials of an agency, whether or not in the form of a formal action, that an act was a violation of environmental law.

(3) The Commission shall not be bound by a decision by an agency not to pursue a possible violation or by advice that an act was not a violation of environmental law unless the decision or advice is a formal affirmative determination by the agency that a violation did not occur.

(4) The Commission shall be bound by a judicial determination, or an administrative determination not reviewed by a court, that a violation of environmental law did or did not occur.

(5) The Commission shall not be bound by a consent decree or similar agreement entered in a judicial or administrative proceeding unless the decree or agreement specifically states a determination that a violation of environmental law did or did not occur.

(c) DETERMINATION OF ENVIRONMENTALLY IRRESPONSIBLE ACT.—Notwithstanding the absence of facts warranting prosecution of a possible violation of environmental law, the Commission may find that a natural gas company or its employee or agent committed an environmentally irresponsible act.

(d) PREVENTION OF VIOLATIONS.—Subsection (a) shall not be construed to prohibit the passthrough of costs incurred by a natural gas company in an effort to prevent violations of Federal or State environmental law by the company or its employees or agents.

(e) DEFINITIONS.—For the purposes of this section—

(1) the term "act" means an act or a failure to act, whether intentional, negligent, or inadvertent; and

(2) the term "environmentally irresponsible act" means an act that is inconsistent with the ends sought to be achieved by Federal or State environmental law.

AMENDMENT NO. 169

In lieu of the matter proposed to be inserted, insert the following:

SEC. . PROHIBITION OF PASSTHROUGH OF COSTS.

(a) PROHIBITION.—The Federal Energy Regulatory Commission (referred to as the "Commission") shall not permit a natural gas company to recover in its rates costs of any nature incurred directly or indirectly as a result of an act by the company or its employees or agents that:

was a violation of Federal or State environmental law; or

was an environmentally irresponsible act unless the natural gas company can demonstrate, using substantial evidence, that such costs that were incurred are just and reasonable.

(b) DETERMINATION OF VIOLATION.—The Commission shall determine whether a violation of environmental law has occurred in accordance with the following standards:

(1) The Commission shall consult with Federal and State agencies having responsibility for enforcement of environmental laws in determining whether a violation has occurred.

(2) The Commission shall be bound by advice from authorized officials of an agency, whether or not in the form of a formal action, that an act was a violation of environmental law.

(3) The Commission shall not be bound by a decision by an agency not to pursue a possible violation or by advice that an act was not a violation of environmental law unless the decision or advice is a formal affirmative determination by the agency that a violation did not occur.

(4) The Commission shall be bound by a judicial determination, or an administrative determination not reviewed by a court, that a violation of environmental law did or did not occur.

(5) The Commission shall not be bound by a consent decree or similar agreement entered in a judicial or administrative proceeding unless the decree or agreement specifically states a determination that a violation of environmental law did or did not occur.

(c) DETERMINATION OF ENVIRONMENTALLY IRRESPONSIBLE ACT.—Notwithstanding the absence of facts warranting prosecution of a possible violation of environmental law, the Commission may find that a natural gas company or its employee or agent committed an environmentally irresponsible act.

(d) PREVENTION OF VIOLATIONS.—Subsection (a) shall not be construed to prohibit the passthrough of costs incurred by a natural gas company in an effort to prevent violations of Federal or State environmental law by the company or its employees or agents.

(e) DEFINITIONS.—For the purposes of this section—

(1) the term "act" means an act or a failure to act, whether intentional, negligent, or inadvertent; and

(2) the term "environmentally irresponsible act" means an act that is inconsistent with the ends sought to be achieved by Federal or State environmental law.

AMENDMENT NO. 170

At the appropriate place, insert:

SEC. . PROHIBITION OF PASSTHROUGH OF COSTS.

(a) PROHIBITION.—The Federal Energy Regulatory Commission (referred to as the "Commission") shall not permit a natural gas company to recover in its rates costs of any nature incurred directly or indirectly as a result of an act by the company or its employees or agents that:

was a violation of Federal or State environmental law; or

was a environmentally irresponsible act, unless the natural gas company can demonstrate, using substantial evidence, that such costs that were incurred are just and reasonable.

(b) DETERMINATION OF VIOLATION.—The Commission shall determine whether a violation of environmental law has occurred in accordance with the following standards:

(1) The Commission shall consult with Federal and State agencies having responsibility for enforcement of environmental laws in determining whether a violation has occurred.

(2) The Commission shall be bound by advice from authorized officials of an agency, whether or not in the form of a formal action, that an act was a violation of environmental law.

(3) The Commission shall not be bound by a decision by an agency not to pursue a possible violation or by advice that an act was not a violation of environmental law unless the decision or advice is a formal affirmative determination by the agency that a violation did not occur.

(4) The Commission shall be bound by a judicial determination, or an administrative determination not reviewed by a court, that a violation of environmental law did or did not occur.

(5) The Commission shall not be bound by a consent decree or similar agreement entered in a judicial or administrative proceeding unless the decree or agreement specifically states a determination that violation of environmental law did or did not occur.

(c) DETERMINATION OF ENVIRONMENTALLY IRRESPONSIBLE ACT.—Notwithstanding the absence of facts warranting prosecution of a possible violation of environmental law, the Commission may find that a natural gas company or its employee or agent committed an environmentally irresponsible act.

(d) PREVENTION OF VIOLATIONS.—Subsection (a) shall not be construed to prohibit the passthrough of costs incurred by a natural gas company in an effort to prevent violations of Federal or State environmental law by the company or its employees or agents.

(e) DEFINITIONS.—For the purposes of this section—

(1) the term "act" means an act or a failure to act, whether intentional, negligent, or inadvertent; and

(2) the term "environmentally irresponsible act" means an act that is inconsistent with the ends sought to be achieved by Federal or State environmental law.

AMENDMENT NO. 171

To the language proposed to be stricken, at the appropriate place, insert the following:

SEC. . PROHIBITION OF PASSTHROUGH OF COSTS.

(a) PROHIBITION.—The Federal Energy Regulatory Commission (referred to as the "Commission") shall not permit a natural gas company to recover in its rates costs of any nature incurred directly or indirectly as a result of an act by the company or its employees or agents that:

was a violation of Federal or State environmental law; or

was a environmentally irresponsible act, unless the natural gas company can demonstrate, using substantial evidence, that such costs that were incurred are just and reasonable.

(b) DETERMINATION OF VIOLATION.—The Commission shall determine whether a violation of environmental law has occurred in accordance with the following standards:

(1) The Commission shall consult with Federal and State agencies having responsibility for enforcement of environmental laws in determining whether a violation has occurred.

(2) The Commission shall be bound by advice from authorized officials of an agency, whether or not in the form of a formal action, that an act was a violation of environmental law.

(3) The Commission shall not be bound by a decision by an agency not to pursue a possible violation or by advice that an act was not a violation of environmental law unless the decision or advice is a formal affirmative determination by the agency that a violation did not occur.

(4) The Commission shall be bound by a judicial determination, or an administrative determination not reviewed by a court, that a violation of environmental law did or did not occur.

(5) The Commission shall not be bound by a consent decree or similar agreement entered in a judicial or administrative proceeding unless the decree or agreement specifically states a determination that violation of environmental law did or did not occur.

(c) DETERMINATION OF ENVIRONMENTALLY IRRESPONSIBLE ACT.—Notwithstanding the absence of facts warranting prosecution of a possible violation of environmental law, the Commission may find that a natural gas company or its employee or agent committed an environmentally irresponsible act.

(d) PREVENTION OF VIOLATIONS.—Subsection (a) shall not be construed to prohibit the passthrough of costs incurred by a natural gas company in an effort to prevent violations of Federal or State environmental law by the company or its employees or agents.

(e) DEFINITIONS.—For the purposes of this section—

(1) the term "act" means an act or a failure to act, whether intentional, negligent, or inadvertent; and

(2) the term "environmentally irresponsible act" means an act that is inconsistent with the ends sought to be achieved by Federal or State environmental law.

AMENDMENT NO. 172

At the appropriate place, insert the following:

SEC. . PROHIBITION OF PASSTHROUGH OF COSTS.

(a) PROHIBITION.—The Federal Energy Regulatory Commission (referred to as the "Commission") shall not permit a natural gas company to recover in its rates costs of any nature incurred directly or indirectly as a result of an act by the company or its employees or agents that:

was a violation of Federal or State environmental law; or

was an environmentally irresponsible act unless the natural gas company can demonstrate, using substantial evidence, that such costs that were incurred are just and reasonable.

(b) DETERMINATION OF VIOLATION.—The Commission shall determine whether a violation of environmental law has occurred in accordance with the following standards:

(1) The Commission shall consult with Federal and State agencies having responsibility for enforcement of environmental laws in determining whether a violation has occurred.

(2) The Commission shall be bound by advice from authorized officials of an agency, whether or not in the form of a formal action, that an act was a violation of environmental law.

(3) The Commission shall not be bound by a decision by an agency not to pursue a possible violation or by advice that an act was not a violation of environmental law unless the decision or advice is a formal affirmative determination by the agency that a violation did not occur.

(4) The Commission shall be bound by a judicial determination, or an administrative determination not reviewed by a court, that a violation of environmental law did or did not occur.

(5) The Commission shall not be bound by a consent decree or similar agreement entered in a judicial or administrative proceeding unless the decree or agreement specifically states a determination that a violation of environmental law did or did not occur.

(c) DETERMINATION OF ENVIRONMENTALLY IRRESPONSIBLE ACT.—Notwithstanding the absence of facts warranting prosecution of a possible violation of environmental law, the Commission may find that a natural gas company or its employee or agent committed an environmentally irresponsible act.

(d) PREVENTION OF VIOLATIONS.—Subsection (a) shall not be construed to prohibit the passthrough of costs incurred by a natural gas company in an effort to prevent violations of Federal or State environmental law by the company or its employees or agents.

(e) DEFINITIONS.—For the purposes of this section—

(1) the term "act" means an act or a failure to act, whether intentional, negligent, or inadvertent; and

(2) the term "environmentally irresponsible act" means an act that is inconsistent with the ends sought to be achieved by Federal or State environmental law.

AMENDMENT NO. 173

In lieu of the matter proposed to be inserted, insert the following:

SEC. . PROHIBITION OF PASSTHROUGH OF COSTS.

(a) PROHIBITION.—The Federal Energy Regulatory Commission (referred to as the "Commission") shall not permit a natural gas company to recover in its rates costs of any nature incurred directly or indirectly as a result of an act by the company or its employees or agents that:

was a violation of Federal or State environmental law; or

was an environmentally irresponsible act unless the natural gas company can demonstrate, using substantial evidence, that such costs that were incurred are just and reasonable.

(b) DETERMINATION OF VIOLATION.—The Commission shall determine whether a violation of environmental law has occurred in accordance with the following standards:

(1) The Commission shall consult with Federal and State agencies having responsibility for enforcement of environmental laws in determining whether a violation has occurred.

(2) The Commission shall be bound by advice from authorized officials of an agency, whether or not in the form of a formal action, that an act was a violation of environmental law.

(3) The Commission shall not be bound by a decision by an agency not to pursue a possible violation or by advice that an act was not a violation of environmental law unless the decision or advice is a formal affirmative determination by the agency that a violation did not occur.

(4) The Commission shall be bound by a judicial determination, or an administrative determination not reviewed by a court, that a violation of environmental law did or did not occur.

(5) The Commission shall not be bound by a consent decree or similar agreement entered in a judicial or administrative proceeding unless the decree or agreement specifically states a determination that a violation of environmental law did or did not occur.

(c) DETERMINATION OF ENVIRONMENTALLY IRRESPONSIBLE ACT.—Notwithstanding the absence of facts warranting prosecution of a possible violation of environmental law, the Commission may find that a natural gas company or its employee or agent committed an environmentally irresponsible act.

(d) PREVENTION OF VIOLATIONS.—Subsection (a) shall not be construed to prohibit the passthrough of costs incurred by a natural gas company in an effort to prevent violations of Federal or State environmental law by the company or its employees or agents.

(e) DEFINITIONS.—For the purposes of this section—

(1) the term "act" means an act or a failure to act, whether intentional, negligent, or inadvertent; and

(2) the term "environmentally irresponsible act" means an act that is inconsistent with the ends sought to be achieved by Federal or State environmental law.

AMENDMENT NO. 174

At the appropriate place, insert:

SEC. PROHIBITION OF PASSTHROUGH OF COSTS.

(a) PROHIBITION.—The Federal Energy Regulatory Commission (referred to as the "Commission") shall not permit a natural gas company to recover in its rates costs of any nature incurred directly or indirectly as a result of an act by the company or its employees or agents that:

was a violation of Federal or State environmental law; or

was an environmentally irresponsible act, unless the natural gas company can demonstrate, using substantial evidence, that such costs that were incurred are just and reasonable.

(b) DETERMINATION OF VIOLATION.—The Commission shall determine whether a violation of environmental law has occurred in accordance with the following standards:

(1) The Commission shall consult with Federal and State agencies having responsibility for enforcement of environmental laws in determining whether a violation has occurred.

(2) The Commission shall be bound by advice from authorized officials of an agency, whether or not in the form of a formal action, that an act was a violation of environmental law.

(3) The Commission shall not be bound by a decision by an agency not to pursue a possible violation or by advice that an act was not a violation of environmental law unless the decision or advice is a formal affirmative determination by the agency that a violation did not occur.

(4) The Commission shall be bound by a judicial determination, or an administrative determination not reviewed by a court, that a violation of environmental law did or did not occur.

(5) The Commission shall not be bound by a consent decree or similar agreement entered in a judicial or administrative proceeding unless the decree or agreement specifically states a determination that a violation of environmental law did or did not occur.

(c) DETERMINATION OF ENVIRONMENTALLY IRRESPONSIBLE ACT.—Notwithstanding the absence of facts warranting prosecution of a possible violation of environmental law, the Commission may find that a natural gas company or its employee or agent committed an environmentally irresponsible act.

(d) PREVENTION OF VIOLATIONS.—Subsection (a) shall not be construed to prohibit the passthrough of costs incurred by a natural gas company in an effort to prevent violations of Federal or State environmental law by the company or its employees or agents.

(e) DEFINITIONS.—For the purposes of this section—

(1) the term "act" means an act or a failure to act, whether intentional, negligent, or inadvertent; and

(2) the term "environmentally irresponsible act" means an act that is inconsistent with the ends sought to be achieved by Federal or State environmental law.

(3) The Commission shall not be bound by a decision by an agency not to pursue a possible violation or by advice that an act was not a violation of environmental law unless the decision or advice is a formal affirmative determination by the agency that a violation did not occur.

(4) The Commission shall be bound by a judicial determination, or an administrative determination not reviewed by a court, that a violation of environmental law did or did not occur.

(5) The Commission shall not be bound by a consent decree or similar agreement entered in a judicial or administrative proceeding unless the decree or agreement specifically states a determination that a violation of environmental law did or did not occur.

(c) DETERMINATION OF ENVIRONMENTALLY IRRESPONSIBLE ACT.—Notwithstanding the absence of facts warranting prosecution of a possible violation of environmental law, the Commission may find that a natural gas company or its employee or agent committed an environmentally irresponsible act.

(d) PREVENTION OF VIOLATIONS.—Subsection (a) shall not be construed to prohibit the passthrough of costs incurred by a natural gas company in an effort to prevent violations of Federal or State environmental law by the company or its employees or agents.

(e) DEFINITIONS.—For the purposes of this section—

(1) the term "act" means an act or a failure to act, whether intentional, negligent, or inadvertent; and

(2) the term "environmentally irresponsible act" means an act that is inconsistent with the ends sought to be achieved by Federal or State environmental law.

AMENDMENT NO. 175

To the text to be stricken out, at the appropriate place, insert the following:

SEC. . PROHIBITION OF PASSTHROUGH OF COSTS.

(a) PROHIBITION.—The Federal Energy Regulatory Commission (referred to as the "Commission") shall not permit a natural gas company to recover in its rates costs of any nature incurred directly or indirectly as a result of an act by the company or its employees or agents that.

was a violation of Federal or State environmental law; or

the clause is just and reasonable under the particular circumstances of the contract in question.

AMENDMENT NO. 176

At the appropriate place, insert the following:

SEC. 17. PROHIBITION OF PASSTHROUGH OF COSTS.

(a) PROHIBITION.—The Federal Energy Regulatory Commission (referred to as the "Commission") shall not permit a natural gas company to recover in its rates costs of any nature incurred directly or indirectly as a result of an act by the company or its employees or agents that:

was a violation of Federal or State environmental law; or

was an environmentally irresponsible act, unless the natural gas company can demonstrate, using substantial evidence, that such costs that were incurred are just and reasonable.

(b) DETERMINATION OF VIOLATION.—The Commission shall determine whether a violation of environmental law has occurred in accordance with the following standards:

(1) The Commission shall consult with Federal and State agencies having responsibility for enforcement of environmental laws in determining whether a violation has occurred.

(2) The Commission shall be bound by advice from authorized officials of an agency, whether or not in the form of a formal action, that an act was a violation of environmental law.

(3) The Commission shall not be bound by a decision by an agency not to pursue a possible violation or by advice that an act was not a violation of environmental law unless the decision or advice is a formal affirmative determination by the agency that a violation did not occur.

(4) The Commission shall be bound by a judicial determination, or an administrative determination not reviewed by a court, that a violation of environmental law did or did not occur.

(5) The Commission shall not be bound by a consent decree or similar agreement entered in a judicial or administrative proceeding unless the decree or agreement specifically states a determination that a violation of environmental law did or did not occur.

(c) DETERMINATION OF ENVIRONMENTALLY IRRESPONSIBLE ACT.—Notwithstanding the absence of facts warranting prosecution of a possible violation of environmental law, the Commission may find that a natural gas company or its employee or agent committeed an environmentally irresponsible act.

(d) PREVENTION OF VIOLATIONS.—Subsection (a) shall not be construed to prohibit the passthrough of costs incurred by a natural gas company in an effort to prevent violations of Federal or State environmental law by the company or its employees or agents.

(e) DEFINITIONS.—For the purposes of this section—

(1) the term "act" means an act or a failure to act, whether intentional, negligent, or inadvertent; and

(2) the term "environmentally irresponsible act" means an act that is inconsistent with the ends sought to be achieved by Federal or State environmental law.

AMENDMENT NO. 177

At the appropriate place, insert:

SEC. 3. TAKE-OR-PAY AND CERTAIN OTHER TYPES OF CONTRACT CLAUSES

A take-or-pay clause in a contract for the purchase of natural gas shall be held to be unjust and unreasonable under section 5 of the Natural Gas Act (15 U.S.C. 717d) unless the Federal Energy Regulatory Commission finds, on application of a party to the contract, that was an environmentally irresponsible act, unless the natural gas company can demonstrate, using substantial evidence, that such costs that were incurred are just and reasonable.

(b) DETERMINATION OF VIOLATION.—The Commission shall determine whether a violation of environmental law has occurred in accordance with the following standards:

(1) The Commission shall consult with Federal and state agencies having responsibility for enforcement of environmental laws in determining whether a violation has occurred.

(2) The Commission shall be bound by advice from authorized officials of an agency, whether or not in the form of a formal action, that an act was a violation of environmental law.

(3) The Commission shall not be bound by a decision by an agency not to pursue a possible violation or by advice that an act was not a violation of environmental law unless the decision or advice is a formal affirmative determination by the agency that a violation did not occur.

(4) The Commission shall be bound by a judicial determination, or an administrative determination not reviewed by a court, that a violation of environmental law did or did not occur.

(5) The Commission shall not be bound by a consent decree or a similar agreement entered in a judicial or administrative proceeding unless the decree or agreement specifically states a determination that a violation of environmental law did or did not occur.

(c) DETERMINATION OF ENVIRONMENTALLY IRRESPONSIBLE ACT.—Notwithstanding the absence of facts warranting prosecution of a possible violation of environmental law, the Commission may find that a natural gas company or its employee or agent committed an environmentally irresponsible act.

(d) PREVENTION OF VIOLATIONS.—Subsection (a) shall not be construed to prohibit the passthrough of costs incurred by a natural-gas company in an effort to prevent violations of Federal or State environmental law by the company or its employees or agents.

(e) DEFINITIONS.—For the purposes of this section—

(1) the term "act" means an act or a failure to act, whether intentional, negligent, or inadvertent; and

(2) the term "environmentally irresponsible act" means an act that is inconsistent with the ends sought to be achieved by Federal or State environmental law.

AMENDMENT NO. 178

In lieu of the matter proposed to be stricken, insert the following:

SEC. . TAKE-OR-PAY AND CERTAIN OTHER TYPES OF CONTRACT CLAUSES.

A take-or-pay clause in a contract for the purchase of natural gas shall be held to be unjust and unreasonable under section 5 of the Natural Gas Act (15 U.S.C. 717d) unless the Federal Energy Regulatory Commission finds, on application of a party to the contract, that the clause is just and reasonable under the particular circumstances of the contract in question.

AMENDMENT NO. 179

In lieu of the matter proposed to be inserted, insert the following:

SEC. . TAKE-OR-PAY AND CERTAIN OTHER TYPES OF CONTRACT CLAUSES.

A take-or-pay clause in a contract for the purchase of natural gas shall be held to be unjust and unreasonable under section 5 of the Natural Gas Act (15 U.S.C. 717d) unless the Federal Energy Regulatory Commission finds, on application of a party to the contract, that the clause is just and reasonable under the particular circumstances of the contract in question.

AMENDMENT NO. 180

At the appropriate place, insert:

SEC. . TAKE-OR-PAY AND CERTAIN OTHER TYPES OF CONTRACT CLAUSES.

A take-or-pay clause in a contract for the purchase of natural gas shall be held to be unjust and unreasonable under section 5 of the Natural Gas Act (15 U.S.C. 717d) unless the Federal Energy Regulatory Commission finds, on application of a party to the contract, that the clause is just and reasonable under the particular circumstances of the contract in question.

AMENDMENT No. 181

To the language proposed to be stricken at the appropriate place, insert the following:

SEC. 3. TAKE-OR-PAY AND CERTAIN OTHER TYPES OF CONTRACT CLAUSES.

A take-or-pay clause in a contract for the purchase of natural gas shall be held to be unjust and unreasonable under section 5 of the Natural Gas Act (15 U.S.C. 717d) unless the Federal Energy Regulatory Commission finds, on application of a party to the contract, that the clause is just and reasonable under the particular circumstances of the contract in question.

AMENDMENT No. 182

At the appropriate place, insert the following:

SEC. 3. TAKE-OR-PAY AND CERTAIN OTHER TYPES OF CONTRACT CLAUSES.

A take-or-pay clause in a contract for the purchase of natural gas shall be held to be unjust and unreasonable under section 5 of the Natural Gas Act (15 U.S.C. 717d) unless the Federal Energy Regulatory Commission finds, on application of a party to the contract, that the clause is just and reasonable under the particular circumstances of the contract in question.

AMENDMENT No. 183

In lieu of the matter proposed to be inserted, insert the following:

SEC. 3. TAKE-OR-PAY AND CERTAIN OTHER TYPES OF CONTRACT CLAUSES.

A take-or-pay clause in a contract for the purchase of natural gas shall be held to be unjust and unreasonable under section 5 of the Natural Gas Act (15 U.S.C. 717d) unless the Federal Energy Regulatory Commission finds, on application of a party to the contract, that the clause is just and reasonable under the particular circumstances of the contract in question.

AMENDMENT No. 184

At the appropriate place, insert:

SEC. . TAKE-OR-PAY AND CERTAIN OTHER TYPES OF CONTRACT CLAUSES.

A take-or-pay clause in a contract for the purchase of natural gas shall be held to be unjust and unreasonable under section 5 of the Natural Gas Act (15 U.S.C. 717d) unless the Federal Energy Regulatory Commission finds, on application of a party to the contract, that the clause is just and reasonable under the particular circumstances of the contract in question.

AMENDMENT No. 185

At the text to be stricken out, at the appropriate place, insert the following:

SEC. . TAKE-OR-PAY AND CERTAIN OTHER TYPES OF CONTRACT CLAUSES.

A take-or-pay clause in a contract for the purchase of natural gas shall be held to be unjust and unreasonable under section 5 of the Natural Gas Act (15 U.S.C. 717d) unless the Federal Energy Regulatory Commission finds, on application of a party to the contract, that the clause is just and reasonable under the particular circumstances of the contract in question.

AMENDMENT No. 186

At the appropriate place, insert the following:

SEC. . TAKE-OR-PAY AND CERTAIN OTHER TYPES OF CONTRACT CLAUSES.

A take-or-pay clause in a contract for the purchase of natural gas shall be held to be unjust and unreasonable under section 5 of the Natural Gas Act (15 U.S.C. 717d) unless the Federal Energy Regulatory Commission finds, on application of a party to the contract, that the clause is just and reasonable under the particular circumstances of the contract in question.

AMENDMENT No. 187

On page 3, line 24, insert immediately following the numeral:

"*Provided, however,* That in the case of high-cost natural gas under section 107(c)(5) of title I of the Natural Gas Policy Act of 1978, the Federal Energy Regulatory Commission shall exercise its existing authority to rescind any incentive prices on that category of natural gas within 90 days of the date of enactment.".

AMENDMENT No. 188

To the language proposed to be stricken, insert the following:

In the case of high-cost natural gas under section 107(c)(5) of title I of the Natural Gas Policy Act of 1978, permanent elimination of wellhead price controls pursuant to section 2(b) of the Natural Gas Wellhead Decontrol Act of 1989 shall not be effective unless the Federal Energy Regulatory Commission shall exercise its existing authority to rescind any incentive prices on that category of natural gas within 90 days of the date of enactment.".

AMENDMENT No. 189

In lieu of the language proposed to be inserted, insert the following:

In the case of high-cost natural gas under section 107(c)(5) of title I of the Natural Gas Policy Act of 1978, permanent elimination of wellhead price controls pursuant to section 2(b) of the Natural Gas Wellhead Decontrol Act of 1989 shall not be effective unless the Federal Energy Regulatory Commission shall exercise its existing authority to rescind any incentive prices on that category of natural gas within 90 days of the date of enactment.".

AMENDMENT No. 190

At the appropriate place insert:

In the case of high-cost natural gas under section 107(c)(5) of title I of the Natural Gas Policy Act of 1978, permanent elimination of wellhead price controls pursuant to section 2(b) of the Natural Gas Wellhead Decontrol Act of 1989 shall not be effective unless the Federal Energy Regulatory Commission shall exercise its existing authority to rescind any incentive prices on that category of natural gas within 90 days of the date of enactment.".

NOTICES OF HEARINGS

SUBCOMMITTEE ON FEDERAL SERVICES, POST OFFICE, AND CIVIL SERVICE

Mr. PRYOR. Mr. President, I would like to announce that the Subcommittee on Federal Services, Post Office, and Civil Service, of the Committee on Governmental Affairs, will hold a hearing on Friday, June 16, 1989. The focus of the hearing will be to examine policy issues regarding operational testing, as well as contracting practices. The Subcommittee will hear witnesses from the Office of Test and Evaluation, the General Accounting Office, and the Office of the Inspector General, Department of Defense.

The hearing is scheduled for 9:30 a.m., in room 628 of the Senate Dirksen Office Building. For further information, please contact Ed Gleiman, subcommittee staff director, on 224-2254.

Mr. President, I would like to announce that the Subcommittee on Federal Services, Post Office, and Civil Service, of the Committee on Governmental Affairs, will hold a hearing on Monday, June 18, 1989. The focus of the hearing will be to examine Federal recruitment policies and practices. The subcommittee will hear witnesses from the Office of Personnel Management, the General Accounting Office, the National Commission on the Public Service, the General Services Administration, the Department of the Air Force, and various employee groups.

The hearing is scheduled for 10 a.m., in room 342 of the Senate Dirksen Office Building. For further information, please contact Ed Gleiman, subcommittee staff director, on 224-2254.

SELECT COMMITTEE ON INDIAN AFFAIRS

Mr. INOUYE. Mr. President, I would like to announce that the Select Committee on Indian Affairs will be holding an Oversight Hearing on Friday, June 23, 1989, beginning at 2 p.m., in 485 Russell Senate Office Building on the administration of Indian programs by the Environmental Protection Agency.

Those wishing additional information should contact the Select Committee on Indian Affairs at 224-2251.

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. GLENN. Mr. President, I would like to announce that the Governmental Affairs Committee will hold a hearing on Thursday, June 15, at 9:30 a.m., in SD-342 Dirksen Office Building on the subject of: "Averting Alcohol Abuse," new directions in prevention policy. For further information, please call Len Weiss, staff director, at 224-4751.

COMMITTEE ON SMALL BUSINESS

Mr. BUMPERS. Mr. President, I would like to announce that the Small Business Committee will hold a full committee hearing on Tuesday, June 13, 1989, to assess the impact on small business of proposed user fees by the Food and Drug Administration in conducting drugs and device reviews. The hearing will be held in room 428A of the Russell Senate Office Building and will commence at 2:30 p.m. This hearing was originally scheduled for 2 p.m. For further information, please call Nancy Kelley, of the committee staff at 224-5175.

Mr. President, I would like to announce that the Small Business Committee will hold a full committee hearing on Wednesday, June 21, 1989, to examine the impact of enterprise zones on small business growth and development. The hearing will be held in room 428A of the Russell Senate

Office Building and will commence at 9:30 a.m. For further information, please call Marja Maddrie, at 224-5175.

SUBCOMMITTEE ON MINERAL RESOURCES DEVELOPMENT AND PRODUCTION

Mr. BINGAMAN. Mr. President, I would like to announce for the public that a field hearing has been scheduled before the Subcommittee on Mineral Resoruces Development and Production of the Committee on Energy and Natural Resources.

The hearing will take place on Thursday, June 29, 1989, at 2:30 p.m. at San Juan College, 4601 College Boulevard, Farmington, NM.

The purpose of the hearing is to address the impact upon domestic natural gas producers of developments in natural gas markets, developments in Federal natural gas regulation, and legislative initiatives in the Congress that affect natural gas production. In particular, the hearing will focus upon the competitiveness of New Mexico natural gas producers in light of these developments.

For further information, please contact Lisa Vehmas of the subcommittee staff at (202) 224-7555.

SUBCOMMITTEE ON ENERGY RESEARCH AND DEVELOPMENT

Mr. FORD. Mr. President, I would like to announce for the Senate and the public that the hearing originally scheduled to begin at 9:30 a.m. before the Subcommittee on Energy Research and Development on June 14, 1989, will now take place at 2 p.m. The purpose of this hearing is to hear testimony on the Department of Energy's role in the area of magnetic fusion research and development and demonstration. The hearing will take place in room SD-366 of the Senate Dirksen Office Building in Washington, DC.

For further information, please contact Ben Cooper or Teri Curtin, (202) 224-7569.

AUTHORITY FOR COMMITTEES TO MEET

SUBCOMMITTEE ON COURTS AND ADMINISTRATIVE PRACTICE

Mr. JOHNSTON. Mr. President, I ask unanimous consent that the Subcommittee on Courts and Administrative Practice of the Committee on the Judiciary, be authorized to meet during the session of the Senate on Tuesday, June 13, 1989, at 2 p.m., to hold a hearing on S. 594, a bill to establish a specialized corps of judges necessary for certain Federal proceedings required to be conducted, and for other purposes.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. JOHNSTON. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation, be authorized to meet during the session of the Senate on June 13, 1989, at 9:30 a.m. to hold a hearing on the nomination of Thomas J. Murrin, of Pennsylvania, to be Deputy Secretary of Commerce.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON EDUCATION, ARTS, AND HUMANITIES

Mr. JOHNSTON. Mr. President, I ask unanimous consent that the Subcommittee on Education, Arts, and Humanities, of the Committee on Labor and Human Resources, be authorized to meet during the session of the Senate on Tuesday, June 13, 1989, at 10 a.m. to conduct a hearing on the Educational Excellence Act of 1989, S. 695.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON STRATEGIC FORCES AND NUCLEAR DETERRENCE

Mr. JOHNSTON. Mr. President, I ask unanimous consent that the Subcommittee on Strategic Forces and Nuclear Deterrence of the Committee on Armed Services be authorized to meet on Tuesday, June 13, 1989, at 9 a.m. in closed session to receive testimony on strategic bomber and cruise missile programs in review of S. 1085, the Department of Defense authorization bill for fiscal years 1990 and 1991.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON SMALL BUSINESS

Mr. JOHNSTON. Mr. President, I ask unanimous consent that the Small Business Committee be authorized to meet during the session of the Senate on Tuesday, June 13, 1989, at 2:30 p.m. The committee will hold a hearing on the impact of proposed user fees by the Food and Drug Administration on small business.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. JOHNSTON. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Tuesday, June 13, 1989, at 2 p.m. to hold a closed hearing on intelligence matters.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. JOHNSTON. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, June 13, 1989, at 10 a.m. to hold an ambassadorial nomination hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JOHNSTON. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, June 13, 1989, at 2 p.m. to hold an ambassadorial nomination hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. JOHNSTON. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on June 13, 1989, at 2:30 p.m. to mark up the child care/child health legislation and the nondiscrimination rules applicable to employer-provided fringe benefits, referred to as section 89.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JOHNSTON. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on June 13, 1989, at 11 a.m. to hold a hearing on S. 800, a bill that provides for a moratorium on and study of certain State tax laws relating to the taxation of nonresidents.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

NATIONAL AVIATION AUTHORITY

● Mr. INOUYE. Mr. President, during the 100th Congress I introduced legislation with Senator STEVENS to try and correct some of the problems that plague the Federal Aviation Administration. Senator STEVENS and I proposed a new National Aviation Authority that would have the operational flexibility and revenue base to run the Nation's air traffic control system more efficiently and effectively. Senator FORD initiated a similar effort to reform the FAA, and is pursuing the matter currently.

In a recent speech before the Aero Club of Washington, Robert Aaronson, president of the Air Transport Association, presented an excellent summary of this issue and emphasized the urgency of addressing the FAA's problems. Mr. President, I respectfully request that the text of Mr. Aaronson's speech be included in the RECORD. I believe its thoughtful approach should be of benefit to the Congress as it renews its exploration of this important matter.

The remarks follow:

REMARKS OF ROBERT J. AARONSON, PRESIDENT—AIR TRANSPORT ASSOCIATION

Today, I would like to survey briefly for you what I see as some of the major challenges confronting aviation; review what isn't being done; and perhaps point to some solutions.

I think many of you know I spent about three years at the FAA. So I'm returning to town with more than a little sense of how the problems of aviation are perceived inside as well as outside the Federal Government.

It will be exactly one year ago tomorrow—April 26, 1988—that Jack Albertine stood before this same Aero Club audience to present the findings of the President's Commission on Aviation Safety. That Commission had spent almost a year traveling around the country talking to hundreds of aviation experts and visiting dozens of facilities.

The Aviation Safety Commission concluded that the nation's air transport system was safe. But it also said that to maintain a safe system and improve its safety in the future, changes would have to be made, and they would have to be made quickly.

Central to the Commission's recommendations was that the FAA be removed from the Department of Transportation and be established as a user-funded authority which would, and I quote, "be freed from the constraints of the federal civil service and procurement system." They agreed unanimously that a major structural overhaul also was essential. The Commission's recommendations were not unique. Many of our aviation leaders have concluded the same thing.

It is inexcusable that so little has happened since last April. While there has been some shifting of responsibilities within FAA, it is mere tinkering that does not address the essential problems.

While government has failed to address its obligations, we believe that the airlines have been doing their part. Their responsibility is to provide the modern aircraft, personnel, maintenance facilities and all the rest that is needed to meet the rising demand for air travel. They have done so boldly. Airlines have bought billions of dollars worth of new aircraft, they have helped finance billions in airport facilities, and there are many more billions committed to modernize both the air and ground sides of the business. They are providing additional assurance of the airworthiness of their older aircraft by making sweeping recommendations to the FAA mandating new inspection procedures, modifications and component replacements. Deregulation of our industry, I believe, has inspired a very quick and highly professional response.

But, back to the scene here in Washington. Due in no small part to the dedication and hard work of many of you in this room, appropriations and staffing levels for the FAA have increased significantly in recent years. But the government simply does not currently have an adequate management, personnel and procurement mechanism to meet the demand. At present, the FAA doesn't even have an Administrator. Will there be one next week? No. Next month? No. Two months from now? I doubt it. Once we have one will he stay longer than his predecessor? Who knows? It is bad enough when DOT engages in micromanagement. It's really bad when there is no one they could micro-manage even if they wanted to!

The FAA's management, personnel, procurement and funding problems have been widely recognized and debated to death the last few years. Almost everyone in this room, I suspect, is aware of the many suggestions that have been put forward. The Air Transport Association played a leadership role back in 1986 in promoting the concept of a national aviation authority; that idea did not receive the needed support. Congressional leaders have since proposed that the FAA be an independent Executive Branch agency. But the Administration and others have opposed that approach.

Clearly we need some sort of meeting of the minds here because we need real reform and we need it real soon.

With that in mind, let me offer a possible scenario. It may not be everyone's ideal or entirely new. But a reasonable approach put into practice, is better than a perfect approach that we only talk about.

It is essential that air traffic control operations be conducted on a more business-like footing. An effective ATC organization must have management flexibility to hire, train, promote and transfer people quickly and easily and it must be able to procure and modernize equipment the way a private corporation does. It also must have the necessary, consistent stream of funding to do the job.

But that organization could be a public entity, and could enjoy a measure of independence, yet remain under the overall direction of the Secretary of Transportation. A public ATC corporation could provide its services much as if it were a private firm under contract to the Department.

After a significant improvement in 1988, ATC delays this year are once again increasing. Some say things have to get a lot worse before they get better. My friends, we cannot allow that to happen in aviation. Senator Ford and Congressman Oberstar, two of our key aviation leaders on the Hill, have fashioned reform legislation. We in the airlines applaud their leadership and urge them, Secretary Skinner and the Bush Administration to find the common ground necessary to solve these problems once and for all. We in the airlines want to do everything we can to support their legislative efforts.

The airlines will also continue, along with the airframe and engine manufacturers and others, to support the Partnership for Improved Air Travel (PIAT), which is gaining grass roots support around the nation for expanding and modernizing our air transportation system. The Partnership's Board has asked me, as ATA's new president, to help direct the activities of the organization and I am doing that.

Now for the page one topic of the day—Security. Recent terrorist incidents have raised new concerns about the safety of air travel, particularly international travel. Such incidents, however—are as rare as they are dramatic. Over the past six years, for example, there have been three bomb attacks on U.S. commercial aircraft. During the same six years, U.S. airlines operated approximately 36 million flights.

The record also shows that terrorist attacks are not unique to U.S. airlines, despite what some incredibly ill-advised U.S. company travel policies would have you believe. Over the past six years there have been four times as many bomb attacks against foreign airlines as there have been against U.S. carriers.

The nature of the security threat we face today is far different (and far more dangerous) from what it was in the early seventies when we first began screening passengers and their carry-on baggage. Back then, hijacking was the primary threat. Now, it is sabotage by international terrorists seeking to influence the behavior of governments through acts of violence against commercial aviation. Modification of government policy is their real goal, commercial aviation merely the surrogate target.

ATA and the airlines have made a number of recommendations recently on the subject:

People.—FAA security specialists should be assigned to airports where the threat of terrorism is greatest—specifically in Europe, the Middle East and the Far East.

R&D.—The government should speed the development and availability of emerging new technologies that detect hidden explosives.

Deployment.—Explosive detection systems should be installed on a priority basis at those foreign airports where the threat is greatest.

Funding.—The government should fund the initial purchase of explosives detection equipment, as was done in the early seventies with metal detectors installed at U.S. airports.

The government has a direct obligation to protect its citizens from criminal attacks, especially when those attacks are committed by international terrorists whose real targets are U.S. government institutions and policies and not airlines.

A few years ago the the Persian Gulf was being interrupted by Iranian gunboat attacks. We sent in the U.S. Navy for an extended period to protect the interests of our citizens and those of our allies. Our history is replete with such examples. The U.S. Marines stormed the shores of Tripoli to root out the Barbary Pirates who were attacking out ships. Laying off upgraded anti-terrorist security on private airlines, without the Government assuming any direct role, might be compared with the Pentagon telling us all to provide our own national defense albeit under their regulatory oversight.

The FAA also should impose the same security requirements on foreign carriers serving the United States as it imposes on U.S. carriers. Some 50% of U.S. citizen traveling abroad fly with foreign carriers, so beefing up security only for U.S. carriers is like having the police patrol only on odd numbered streets.

There is also another opportunity for our government to take action to combat terrorism. It's the British government's recent offer to consider preinspection of U.S.-bound passengers at British airports. Preinspection means that international passengers go through their INS inspection formalities before they board the airplane, not after they land. This offers significant security benefits. In 37 years of operation of preclearance, no precleared flight has ever been hijacked, sabotaged, or the target of any other criminal attack. The mere fact that passengers, baggage and travel documents would have to run the gauntlet of clearance by seasoned government experts with immediate access to the entire U.S. intelligence community's look-out list would make a real contribution to this part of our war against terrorism.

In sum, ladies amd gentlemen, we are now in an era where the Federal Government must act. It must act boldly and it must act quickly. That is true for capacity enhancement. It is true in security. And it is true in other areas of aviation.

America's failure so far to meet the challenge to expand and modernize its aviation system is a national mistake that has reached the crisis stage.

Successfully meeting that challenge will take strong and imaginative leadership, and I intend to be a part of that leadership.

I have returned to Washington to try to make a difference for our industry—so, you can view my remarks today as only an opening shot across the bow. Thank you.●

HERBERT HOOVER: POLITICAL ORPHAN

● Mr. HATFIELD. Mr. President, recently I had the opportunity to read the text of a talk delivered at the Hoover Institution on War Revolution and Peace on November 16, 1988, by Dr. George H. Nash, the premier biographer of our 33d President. His comments were entitled "Herbert Hoover: Political Orphan," and I will ask that his remarks appear in the RECORD following my statement.

To say that Herbert Hoover is the subject of ridicule is to state the obvious. He has become an archetype in public opinion, effectively characterized as the essence of one who maximizes greed over meeting need and "fiddles while Rome burns."

That is an absolutely false image of Herbert Hoover, as is so clearly laid out in Dr. Nash's short but incisive review of Hoover's political philosophy. Hoover was, at heart, one who stood for equality of opportunity. He felt that upward mobility was the goal of our society and that such movement should be based upon merit, not determined by race or arbitrary governmental decree. I commend to my colleagues the examples included in Dr. Nash's speech which give lie to the common perceptions of President Hoover.

That such a false impression has been so effectively fixed in the American mind is a subject for discussion itself. Dr. Nash gives four reasons: The incredible breadth and length of Herbert Hoover's career make it difficult to understand in its fullness; his laconic and private personality, with its emphasis on efficiency, hid from view the depth of his practical care for individuals; his successor in the Oval Office laid the blame for the Depression at his feet and effectively promoted this viewpoint during four terms in office; and, finally, the passions surrounding the national trauma during which Hoover left office and surrounding the radically different political and economic philosophy of his successor, have taken a great while to subside.

Thank you, Mr. President, for this opportunity to share Dr. Nash's careful examination with my colleagues.

I ask that the remarks to which I referred be printed in the RECORD.

The remarks follow:

HERBERT HOOVER: POLITICAL ORPHAN

(By George H. Nash) [1]

Many of you are no doubt familiar with a statement attributed to Abraham Lincoln: "You can fool some of the people all of the time, and all of the people some of the time, but you can't fool all of the people all the time." Some of you may also be familiar with H.L. Mencken's version of this remark. Said Mencken: "You can fool some of the people all of the time and all of the people some of the time—and that's enough!"

Perhaps some of you have heard of another mordant observation that has been ascribed to Mencken: "In politics a man must learn to rise above principle."

In 1988 it is easy to be cynical about politics. But no cloud of expediency surrounds the man whose career I shall examine this afternoon. In the half century since he left the presidency, few observers have accused Herbert Hoover of "fooling the people" or "rising above principle."

Yet for Hoover, twenty-four years after his death and more than a century after his birth, clouds of a different sort remain to be dispelled: an intellectual fog, if you will, which even now impairs our clear perception. Where in the spectrum of American statesmanship does he belong? A hero of libertarians like Rose Wilder Lane and John Chamberlain in the 1950s, he is today castigated by libertarians like Murray Rothbard as the true father of the New Deal interventionist state. A patron of *Human Events*, Young Americans for Freedom, and other conservative causes after World War II, he was hailed in the 1970s by New Left historians as a profound critic of global interventionist anti-Communism. The "principal founder" (in John Chamberlain's words) of *The Freeman* in 1950, an ally of William F. Buckley, Jr. in the founding of *National Review* in 1955, Hoover in more recent years has been stigmatized in conservative media as a cheerless apostle of balanced budgets and high taxes. Acclaimed in his day as "the greatest Republican of his generation," he has been likened in the 1980s—even on the Right—to Jimmy Carter. Surely it is noteworthy that one of Ronald Reagan's first acts as President was to hang a portrait of Calvin Coolidge in a prominent place in the White House and that he has been known to quote Franklin Roosevelt (but not Herbert Hoover) in his speeches. It is a curious datum that even now, nearly sixty years after his presidency, Herbert Hoover remains in considerable degree a political orphan, unwelcome in liberal and conservative pantheons alike.

The course of Hoover historiography has reflected this continuing confusion. Somehow, despite all the research and analysis, he remains an elusive figure. Was he, historians have wondered, an ossified nineteenth-century liberal or a sophisticated twentieth-century "corporate Liberal"? A spokesman for big business or a proto-New Dealer? A quintessential product of rural and small-town America or a modern managerial elitist? A failed adherent of "rugged individualism" or a rejected prophet whose message is valid still?

Many factors account for the historical haze that continues to envelop this man. First, there is the sheer breadth and duration of his career. Born in 1874 in a little Iowa farming community, Hoover was orphaned before he was ten. By the time he was twenty-one he had worked his way through Stanford University and had entered his chosen profession of mining engineering. At the age of twenty-four he was superintendent of a gold mine in the desolate outback of Western Australia. By the age of twenty-seven he had managed a gigantic coal-mining enterprise with 9,000 employees in northern China and had survived a harrowing skirmish with death in the Boxer Rebellion. By 1914, at the age of 40, Herbert Hoover was an extraordinarily successful mining engineer who had traveled around the world five times and had business interests on every continent except Antarctica.

With the outbreak of World War I Hoover rose to international prominence as director of the Commission for Relief in Belgium, a humanitarian relief agency that ultimately brought food to 9,000,000 French and Belgian civilians a day—an unprecedented undertaking in world history. After serving as head of President Wilson's wartime Food Administration, he returned to Europe after the armistice for ten months as Director-General of the American Relief Administration, organizing the supply of food for starving millions, facilitating the emergence of stable economies, and helping thereby to check the advance of Bolshevik revolution in central Europe. Thanks in considerable measure to the relief efforts of Hooever and his staff, perhaps one-third of the population of Europe was saved from privation and death.

In the 1920s, when he served as Secretary of Commerce under Presidents Harding and Coolidge, it was said that Hoover was undersecretary of every other department. Indeed, one distinguished historian has jocularly remarked, "While Hoover had only one term in the Presidency he had almost as many years in the White House as Franklin Roosevelt." Certainly it seems correct to say that in domestic affairs, at least, Hoover was the most influential man in American public life between 1921 and 1933. The first man to have his image transmitted over television (in 1927), the first President to have a telephone permanently on his desk, Hoover after his four years in the White House lived longer as an ex-President (31½ years) than any other former chief executive in our history. These were strenuous years, too; even in his mid-eighties he worked eight to twelve hours a day. Between the ages of eighty-five and ninety, he published a four-volume history of his gigantic relief efforts in World Wars I and II. From Wilson to Eisenhower, he served five Presidents of the United States. He wrote incessantly. A recent bibliography of his published writings and addresses contains over 1200 entries.

When Herbert Hoover died in 1964, he had lived ninety extraordinarily productive years, including a full fifty in public service. It was a record that in sheer scope and duration may be without parallel in American history.

If the formidable magnitude and variety of Hoover's accomplishments have tended to retard a complete assessment of his place in history, a second factor has also contributed, and that is the personality and character of the man himself. From the time he entered public life in World War I there was always something enigmatic about him. Blunt, laconic, protective of his personal privacy, with an aura about him of impersonal efficiency, Hoover was not an easy man to understand. Many contemporaries were puzzled by him. *Who's Hoover?* was the title of a book written about him in 1928. "Is Hoover Human?" asked a noted magazine article that same year. But if Hoover seemed almost machinelike to some, very few doubted his ability. Said a well-known Quaker to a friend about to visit Secretary of Commerce Hoover: "Don't let him get thy goat. He'll sit there and hear thee talk, and so far as thee can tell thee might just as well be talking to a stump or a stone; but he'll not miss a thing? And he was right.

Hoover's reticence and taciturnity, his tendency as an administrator to rely on intermediaries to achieve his objectives while

[1] This is the slightly revised text of a "Tower Talk" delivered at the Hoover Institution on War, Revolution and Peace on November 16, 1988.

he quietly masterminded their efforts from behind the scenes: these and other traits have made it difficult to discern his true, often catalytic role in crucial episodes throughout his career. So, too, with his benefactions: from the time he was a college graduate he systematically concealed his charitable acts toward others, preferring to give anonymously through surrogates. In the mid-1930s Hoover's brother estimated that Hoover had given away more than one-half of his profits for benevolent purposes. Characteristically, however, he did it without fanfare, with the result that even today the enormous extent of his benefactions is not known.

Given this panoply of character traits (some of them no doubt derived from his early orphanhood), it is not surprising that for many people Hoover has long remained what a famous journalist called him in 1928: "an enigma easily misunderstood."

A third, more practical factor has also contributed to the lingering perplexity about Mr. Hoover. It was only in 1966 that the bulk of his papers, comprising literally millions of documents, became available to scholars for the first time at the Herbert Hoover Presidential Library in Iowa. With this stroke all previous Hoover historiography was rendered, if not obsolete, at least subject to new and skeptical scrutiny. Only now is the "real Herbert Hoover," so to speak, emerging from obscurity.

And I might add that since 1966 new Hoover-related collections have become available here at the Hoover Institution, and old collections have been admirably processed by professional archivists, thereby facilitating research and permitting the task of historical revisionism to accelerate.

All of this helps to explain the continuing lack of consensus about our thirty-first President. To these factors I would add one more. Hoover left office in 1933 during the greatest national trauma since the Civil War. For a generation after he left the White House, he was the focus of highly personalized historiography in which he was portrayed as either the hero, or more frequently as the villain, of a great moral drama culminating in the New Deal. It has taken a long time for passions to subside, and, indeed, they have not vanished even yet.

Nevertheless, with the passage of time, the receding of partisan emotion, and the opening of the Hoover papers, we have entered a new era in Hoover scholarship. For the first time it is becoming possible to take proper measure of this unusual man.

Sixty years ago this fall, as Hoover was seeking the office of President, a certain mediocrity was running for city council in Augusta, Georgia. The candidate apparently knew his limitations, for he announced in his campaign advertisements, "I know I'm not much, but why vote for less?" With Herbert Hoover we do not, so to speak, have to "vote for less." For unlike most men in politics then or since, Hoover had a social philosophy, a coherent sense of what he was doing in public life—and why.

How, then, shall we understand this political orphan? I suggest we begin by asking how he understood himself. A son of Quaker parents living in Iowa a decade after the Civil War, Hoover grew up in a Republican village whose only Democrat, as he remembered it, was the town drunk. Identifying himself in 1910 with the Progressive wing of the Republican party, he contributed financially in 1912 to Theodore Roosevelt's Bull Moose campaign. Early in 1920, in response to pleas that he run as either a Democratic or Republican candidate for President, Hoover first labeled himself an "independent Progressive," alienated from Republican reactionaries and Democratic radical alike. A few weeks later he declared a Republican affiliation and allowed his name to be placed on the ballot in California. After losing that state's primary to Senator Hiram Johnson, Hoover declared:

"I do not believe that this country is either reactionary or radical. I believe that the country at heart is progressively liberal. . . . I believe that the better way to secure needed reforms in political, social and economic conditions is through the progressive element in the Republican Party."

This, then, was Hoover's own self-image in 1920, near the beginning of his active career in American politics. It was also how he was perceived by others. Early that year he was supported for the presidency by the *New Republic*, Justice Louis Brandeis, Walter Lippmann, and numerous other members of the "progressive" wing of American politics. It is very possible that he could have obtained the Democratic nomination. Franklin Roosevelt supported him; in a letter that historians like to quote, Roosevelt declared: "[Hoover] is certainly a wonder, and I wish we could make him President of the United States. There could not be a better one." Early in 1921, when Hoover was selected for President-elect Harding's cabinet, it was only after Harding quelled the opposition of the Old Guard of the Republican Party.

Herbert Hoover was a man of action, a man for whom the highest purpose of life was practical achievement. But he was also capable of philosophical reflection. Late in 1922, in a book entitled *American Individualism*, he expounded his understanding of the American sociopolitical system. According to Hoover, the revolutionary upheavals of World War I and its aftermath had produced a world in ferment. In this cauldron, collectivist ideologies alien to America were competing for the minds of men. To Hoover, who had just seen in postwar Europe the vicious results that emanate from the blending of "bestial instincts" (as he called them) with idealistic humanitarian jargon, the need for a definition of the American system was urgent. He called this alternative "American Individualism."

By this term he definitely did not mean unfettered, old-fashioned laissez-faire. Hoover was anxious that individual initiative always be stimulated and rewarded; initiative, in fact, was one of the character traits he most admired. Progress, he declared, "is almost solely dependent" on the few "creative minds" who "create or who carry discoveries to widespread application." These minds, he said, must be free to "rise from the mass." But "the values of individualism," he argued, must be "tempered"—tempered by "that firm and fixed ideal of American individualism—an equality of opportunity". Equality of opportunity, "the demand for a fair chance as the basis of American life"—this, in Hoover's words, was "our most precious social ideal."

Hoover did not believe that equality of opportunity was automatically self-sustaining in a modern, technological economy. As a Progressive, he believed that some governmental regulation and legislation (such as anti-trust laws and inheritance taxes on large fortunes) were necessary to prevent economic coagulation, inequality of opportunity, and the throttling of individual initiative. Like many other Progressives, Hoover abhorred the notion of a rigid, class-conscious society. To him it was imperative that "we keep the social solution free from frozen strata of classes." As he put it some years later, the uniqueness of American society lay in its ideal of "a fluid classless society." It was, he said, "the point at which our social structure departed from all others."

Hoover was not (to use today's terminology) a libertarian. He was not a "rugged individualist" in the Social Darwinist sense. He did not believe that an advanced economy could function without regulation. Many times, in fact, he explicitly rejected the philosophy of laissez-faire, which he defined as "every man for himself and the devil take the hindmost." It was, he stated, an outmoded social doctrine which America had abandoned "when we adopted the ideal of equality of opportunity—the fair chance of Abraham Lincoln."

In the context of 1921-1933 Hoover was undoubtedly a governmental "activist." As Secretary of Commerce he took the initiative in national waterway development, radio regulation, aviation regulation, stabilization of the coal and railroad industries, abolition of the twelve-hour day in the steel industry, and elimination of industrial waste. He was one of the foremost exponents of governmental public works expenditures as a form of countercyclical economic policy. Nominated in 1928 over the opposition of the Old Guard and some elements of Big Business, Hoover conceived his term of office as a reform presidency and set to work with characteristic drive. And when the Great Depression came, the Federal government under President Hoover responded with unprecedented interventions in a peacetime economy. This, he said later (and approvingly), "is hardly laissez-faire."

But if Hoover was not a free market purist, neither was he a proto-New Dealer. It is absolutely crucial, if we are to understand Hoover, that we comprehend the nature, guiding purpose, and boundaries of his activism. Time and again he insisted that the form and extent of governmental involvement in the economy must be carefully defined and, above all, kept consistent with the broad American traditions of voluntary cooperation, local self-government, and individual initiative. The purpose of Hoover's limited governmental regulation was to strengthen and preserve American Individualism, not to subvert or supplant it.

How was this to be done? As Hoover perceived it, the fundamental role of the federal government was to stimulate the private sector to organize and govern itself. "I believe cooperation among free men can solve many problems more effectively than government," he declared in 1937. During the 1920s and early 1930s Hoover in office willingly used government as a device to facilitate this cooperation—through publicity, collection and dissemination of statistical data, and the covening of conferences of private sector representatives. Between 1921 and 1924 alone, to take but one example, Hoover's Commerce Department sponsored over 900 such conferences on the single subject of efficiency and standardization.

Certainly there was much of the modernizer, the technocrat, the efficiency engineer in Hoover. Indeed, in some quarters during the 1920's, he came to be regarded as an aggrandizing bureaucrat. Franklin D. Roosevelt, for instance, told a friend in 1928 that Hoover "has always shown a most disquieting desire to investigate everything and to appoint commissions and send out statistical inquiries on every conceivable subject under Heaven. He has also shown in his own De-

partment a most alarming desire to issue regulations and to tell businessmen generally how to conduct their affairs."

Hoover, then, was no enemy of innovation. He believed in the conscious, rational use of modern social science for the amelioration of social ills. Gather the facts, publicize them, devise solutions that avoid the myopic partisanship of electoral politics (for which he had profound distaste): here, too, he showed the influence of pre-1914 Progressivism.

Yet, we must not lose sight of the fact that for all of Hoover's reforming and modernizing impluses, he also had a conserving purpose: the preservation, in an urban, industrial society, of the American tradition of equal opportunity. Whenever possible, Hoover searched for non-coercive, decentralized, cooperative arrangements to solve such problems as unemployment. In the 1920s, for instance, he tried to encourage insurance companies to establish a private system of old-age pensions long before Social Security. He organized and skillfully led such private institutions as the American Child Health Association and the Better Homes in America movement, the latter devoted to the profoundly conservative goal of wide diffusion of home ownership. He mobilized the resources of great private foundations in the cause of scientific and social research, such as studies of the business cycle. While an activist (for his time) in the use of governmental power, he employed it repeatedly to facilitate the growth of non-governmental, mediating institutions.

Hoover's apolitical and antistatist progressivism pleased neither the Left nor the Right. Not surprisingly, during his presidency his relations with Congress were abysmal. He labeled one senator "the only verified case of a negative IQ." When in 1930 one of Hoover's granddaughters was born, his first response was, "I'm glad she doesn't have to be confirmed by the Senate." In a whimsical mood one day he remarked, "There ought to be a law allowing the President to hang two men a year, and without being required to give any reason."

With the advent of the Democrats to power in 1933, Hoover, for the first time in his public life, found himself "in opposition." In the years ahead, he endeavored to define his social philosophy in the face of the challenge posed by the New Deal. "The impending battle in this country," he told an associate shortly after Roosevelt's first Hundred Days, would be between "a properly regulated individualism" and "sheer socialism." "That," he said, was "likely to be the great political battle for some years to come." As the months passed, Hoover increasingly identified his own philosophy as that of "historical liberalism" and excoriated the collectivist, regimenting "false liberalism" of the New Deal. "The New Deal," he said, "having corrupted the label of liberalsim for collectivism, coercion, concentration of political power, it seems 'Historic Liberalism' must be conservatism in contrast." And so, in the last third of his life, Hoover, the self-styled Progressive Republican of the 1920s, became in a sense a counterrevolutionary: a defender of what he called "true liberalism."

It was once remarked of Hoover that he was "too progressive for the conservatives and too conservative for the radicals." Such, I suspect, may be the response of some who appraise him today. Clearly there are elements of Hoover's thought that will not appeal to American conservatives of the 1980s: his energetic expansion of the federal government's role in economic life in the 1920s and 1930s, for instance, his unequivocal repudiation of laissez-faire; his faith is social science research as a basis for the rational reordering of our institutions. Some conservatives may be troubled by a feeling that Hoover conceived society as something to be deliberately, continuously, and endlessly reformed.

Yet if parts of Hoover's philosophy have an unconservative sound, it is also abundantly evident that he was not a modern liberal. First, as a tireless exponent of voluntarism, he emphatically repudiated the statist philosophies of Communism, socialism, fascism, and the New Deal. Unlike some of his contemporaries, Hoover never abandoned his aversion to the overweening regulatory State. He recognized in burgeoning bureaucracy a pernicious enemy of the creative impulses upon which freedom and prosperity depend. "True liberalism," he declared, "if found not in striving to spread bureaucracy but in striving to set bounds to it."

Secondly, unlike many latter-day liberals, Hoover did not believe that government exists for the primary purpose of redistributing wealth. To be sure, he believed, as he stated in 1936, that "economic fair play" required that "the economically more successful must through taxes or otherwise help bear the burdens" of "victims of misfortune and of the ebb and flow of economic life" by "providing for old age, unemployment, better homes, and health." Hoover accepted, if you will, the concept of a "safety net" provided by government and paid for by taxation. And, as I mentioned earlier, he favored stiff inheritance taxes on large fortunes. Yet he did so not out of a socialistic yen to "soak the rich" or penalize success, but because the notion of a wealthy, insulated, privileged class perpetuating its economic power for generations was anathema to his philosophy of American Individualism. Everyone should be free, he believed, to rise in the world, as he had done, without artificial encumbrance. Equality of opportunity, not equality of result, was his governing principle. "The human particles," he said, "should move freely in the social solution."

Another set of concerns that tended to separate Hoover from contemporary liberalism was his abiding interest in fostering productivity and economic growth. For all his efforts in the 1920s to rationalize and stabilize the economic order, Hoover never lost his vision of America as a perpetual frontier, offering even greater promise tomorrow. How he inveighed at the "economy of scarcity" which he believed the New Deal was imposing on our nation. "The notion that we get richer and more prosperous by producing less," he said in 1936, "is about as progressive as a slow-motion film run backwards." And how he citicized the view, popular in the 1930s and again in the 1970s, that the era of American abundance was over and that the frontiers of opportunity were closing:

"When we concede that progress is ended we concede that hope and new opportunity have departed. That is the concept of a static nation. It is necessarily the philosophy of decadence. No society can become static, it must go forward or back. . . . No society will function without confidence in its future opportunities."

Fundamentally, he was interested in multiplying wealth, not dividing it. And unlike many of his foes on the Left, he knew that the creation of wealth does not occur by accident.

Finally, more than any other man who has held the presidency, Hoover was profoundly acquainted with the social systems of the Old World. He had seen, as he later put it, "the squalor of Asia, the frozen class barriers of Europe." He had seen the haughty oligarchies of the Right, the bloody tyrannies of the Left, and the hatreds, injustices, and miseries they engendered. He had seen the terrible consequences of imperialism, war, and revolution as few Americans ever had. And he had seen America in contrast.

This perception of contrast between Old World and New was the experiential core of Hoover's social philosophy, and it had a profoundly conservative effect on him. It gave him a lifelong understanding of America as a uniquely free, humane, classless society that had come closer to implementing its ideals than any other nation on earth. Hoover judged the imperfections of the American system not as a man of the Left might—by theoretical standards never before realized and perhaps impossible to attain. He judged it as a conservative would—in the historical and the comparative perspective of other societies, other experiments, other ideologies, that had failed.

Some years ago a British member of Parliament addressed his constituency during an election campaign. Concluding his remarks, the orator proclaimed, "These are our principles. If you do not like them, we have others." Unlike this amiable cynic, Herbert Hoover was a man of principles—principles which found their touchstone in the concept of "equality of opportunity." Orphan, engineer, humanitarian, statesman, he was the veritable embodiment in his lifetime of a formative ideal in our history: the ideal of upward mobility. Since the time of Abraham Lincoln the American people by and large have stood for this principle and for the only kind of society in which such a principle makes sense: a free, dynamic, capitalist society, a society of promise and hope, in which men's and women's fulfillment in life is determined not by race, class, or arbitrary governmental decree but by their own inner resources—by merit. For as long as Americans cherish this deal and strive to create a society based upon it, they will find enduring appeal in the philosophy and vision of Herbert Hoover.●

NATIONAL BICENTENNIAL COMPETITION ON THE CONSTITUTION AND THE BILL OF RIGHTS

● Mr. MOYNIHAN. Mr. President, I wish to direct my colleagues' attention for a moment toward the outstanding achievements of a group of students from Half Hollow Hills High School, of Dix Hills, NY. These students, all members of Ms. Gloria Sesso's advanced placement American Government class of that school, recently won second place in the finals of the 1989 National Bicentennial Competition on the Constitution and the Bill of Rights.

Their achievement is considerable, not only in that they advanced so far and performed so well in an arena as competitive as the National Bicentennial Competition, but also because of the contest's basic subject matter

itself. These students competed on their depth and their breadth of understanding of the Nation's founding documents, upon which our system has depended and developed. In addition, they not only memorized and mastered the text of the Constitution and the Bill of Rights, but demonstrated their comprehension of the ideas contained in the texts by applying these ideas to the challenges and conflicts of the Nation's past, its present, and its future as well.

Clearly, the excellence of their work and the significance of their achievement is worthy of commendation. These are the citizens who will soon vote, who will serve in public office, and who will be both guardians and inheritors of the United States democratic system.

I am sure that my colleagues join me in congratulating the following students: Chad Brecher, Keith Brill, Michael Capell, Scott Davidoff, Tanisha Fazal, Jason Guttman, Craig Kurland, David Lessing, Samantha Leventhal, Shari Levine, Jeffrey Newelt, Ian Schwartz, Neil Siegal, Nayan Sivamurthy, and Debra Steinig.

Also worthy of praise is Ms. Gloria Sesso, their teacher in American Government, Principal James McCaffery on Half Hollow Hills High School, and Superintendent Kevin N. McGuire of the Half Hollow Hills Central School District.●

SALUTE TO WINIFRED BALKENOL

● Mr. BOSCHWITZ. Mr. President, many times tribute is paid to extraordinary accomplishments of famous people in this CONGRESSIONAL RECORD. Today, Mr. President, I wish to call attention to the career accomplishments of someone whose name has never appeared in front page headlines, even in her local paper, the Redwood Gazette. Winifred Balkenol, or Winnie as she is known by her friends and coworkers has worked for 45 years in dedication to her job and countless hours of volunteer work for her community and church.

Winnie's career in banking, beginning at the State Bank of Lismore, MN, in 1944 gave her the unique opportunity to serve her community at work as well as in her personal time, and she did both. She came to the Citizens State Bank of Redwood Falls, now known as Minnesota Valley Bank, in 1954. For the past 35 years she has helped build the community at work and through her many activities including the American Legion Auxiliary, VFW Auxiliary, Redwood Concert Association, and the National Association of Bank Women.

Mr. President, Winnie Balkenol is retiring from her banking career, but not her community service career. She never sought recognition, but she deserves a hearty thanks and appreciation for what she has done in contributing to her community and her country. Her hard work and dedication serve as an example to all Americans, and this Senator wishes to publicly thank Winnie and wish her a long and happy retirement.●

HOW TO MAKE AMERICA MORE COMPETITIVE

● Mr. LIEBERMAN. Mr. President, earlier this year I delivered a speech to the AFL-CIO discussing some ideas I have about how to make America more competitive. I believe that one way to do this is through strategic planning.

I hope that I will have an opportunity to further define some of the ideas I outlined in my speech as a member of the newly formed strategic planning group organized by our distinguished majority leader, Senator MITCHELL. He has asked Senator BRADLEY to head up this group which will help formulate an agenda for the Nation into the next century.

Clearly, one issue we must focus on is our Nation's ability to compete in the global economy. One way we can do this is to make certain that our economy is sound enough so that the business community will be willing to take the risks inherent in long-term investment. We must work with business as we look to the future.

I am inserting my AFL-CIO speech into the RECORD for my colleagues perusal. I look forward to working with them on these and other related issues.

The excerpts follow:

EXCERPTS FROM REMARKS OF SENATOR JOSEPH I. LIEBERMAN TO THE AFL-CIO, FEBRUARY 20, 1989

I want to share with you today some thoughts I've had about American politics that grow out of my recent campaign for the Senate in Connecticut, and the Democratic Party's third straight losing Presidential campaign, its fifth straight Presidential loss in Connecticut.

I am, as you know, a newcomer to the national scene, so these observations are fresh and personal to me. For many of you who have been here awhile, my ideas may seem naive or presumptuous, or just plain wrong. But, if so, I hope you will conclude that freshman Senators, like youth in general, deserve tolerance and the freedom to be brash.

I am fascinated and troubled by the paradox of the Democratic Party. We continue to lose Presidential elections while winning congressional and gubernatorial elections. And I believe that one of the reasons for that inconsistency is that state and congressional Democrats have continued to identify with the economic aspirations of average Americans, while Presidential Democrats have not.

Like you, I was brought up to believe in the work ethic, to respect those who labored, to have faith that America is a land of economic opportunity where people are fairly rewarded for their labor. If you work hard here, there is no limit to what you can achieve. That is our credo.

That ethic, that faith in economic opportunity, is still held by most Americans and, yet, the Presidential Democratic Party has come to be seen as a party that does not put economic growth high on its priority list.

During its greatest days in this century, the Presidential Democratic Party was seen as the party America could rely on for economic development as well as social opportunity.

Franklin D. Roosevelt and John F. Kennedy are certainly prime examples of Presidents who were elected because they had a program for economic growth. In fact, their economic policies came first. That is how they were elected, how they began to govern. Then, with that base in place, they began to meet America's social needs.

In our time, the Presidential Democratic Party lost that first issue, economic growth.

The truth is that we are never going to be able to afford to meet the social needs of our people unless we stop getting beaten in some basic economic battles by our global competitors.

If we do not act, if we do not lead, we're going to be looking at an American economy where our industrial base will shift to Asia and elsewhere, and we'll be left with an elite class of professionals in good jobs, and the bulk of our population in lower-paying jobs in the so-called service sector, or in no jobs at all.

That's not the future for America that you and I want for our children. And it's not the future that I want for the Democratic Party. In my opinion, our failure to hold high the flag of economic growth is at the the heart of the failure of the Presidential Democratic Party.

New voters are becoming Republican by a two-to-one margin, and one of the reasons is that they see it as the party of economic opportunity. Everybody talks about the lock the Republicans have on the South, and it is true that, except for Jimmy Carter, we haven't won one electoral vote in the South since 1964. But it is also true, and probably more perplexing, that Democrats haven't won a national election in California, Illinois, Kentucky, Michigan, New Jersey, Ohio, Pennsylvania and Connecticut in 20 years.

While 16 percent of Bush voters said they were dissatisfied with the field of candidates last year, 63 percent of Dukakis voters were dissatisfied. And 50 percent of Bush voters said they were against Michael Dukakis because he was a "liberal."

Yet, as you know, we win big in House, Senate and gubernatorial races. Why? Because we match candidates to the voters and their values, and one of the reasons I believe we do is that, at the state level, we are still seen as the party of economic opportunity and economic growth.

We must return to mainstream economic issues, and we must convince the average worker, investor and manager that we care about economic growth, that we are not just a bunch of social tinkerers who want to tax their money away and give it to others.

If we focus again on economic growth, our historic ability to deliver on equal opportunity, upward mobility and social justice will again fall into place. Without economic opportunity, we lose other opportunities—to educate, to house, to protect from drugs and crime.

The challenge before us today as a party is how to make our economy grow—how do

we create a strong, vibrant, job-producing, competitive economic base that will support an expanding standard of living for all our people and that will once again be the envy of the world? By working to answer that question, we can make our party a winning Presidential party and, more to the point, a party that America needs to win Presidential elections.

Let's look at some of the problems we now face. We're failing to invest in our future and in our people.

Thirty million of our people live in poverty; eight million remain out of work.

We've lost over two million jobs to overseas competition in the last six years.

One third of our students never finish high school, while our economy demands ever more well-trained workers.

We are becoming a nation of consumers, not producers. We're the market, not the makers. We're exporting American jobs and importing foreign products.

These are all symptoms of an economic disease we've caught. Let's look at the disease.

DEFICIT

First, the deficit. From 1982 to 1987, the federal government went $1.1 trillion into the hole. This deficit is tearing at our economic strength. Think about the debt service on this number! The interest on this debt is taking $75 billion a year out of our economy year after year, far into the future. This money could have gone into productive investment, but we're mortgaging our future. And to whom are we paying this debt service? Too much of it is going to Japan, Germany and many of our other trading partners. We are borrowing $10 billion a month from our economic competitors. Everyone has heard that we've gone from being the world's largest creditor nation to the world's largest debtor nation in a decade. But what that means, as you know, is that we're not going to have the money we need to have for economic development for our people.

EDUCATION

Our government is now so in debt that we're not investing in education. Our ability to compete is being damaged by inadequate investment in our most important resource—people. Put simply, we're not educating our work force for the kinds of demanding skills our economy increasingly needs. Our job force will have to depend more and more on minorities and women—but we're not teaching them the skills they will need. While one-third of our students never finish high school, as I mentioned before, 98 percent of Japan's graduate. We're in jeopardy of not having the work force we need for the economy we want.

NATIONAL SAVINGS RATE

And we're not saving money to invest in our economy, either. America's national savings rate is the second lowest in the industrial world. Our private/public savings rate has dropped from 7.5 percent in the 1970's to a terrible 1.8 percent in the 1980's. Why do we care? Because this is the money we could be investing in plants, in equipment, in jobs. And if the savings aren't there, we can't make these investments. You can bet that Germany, Japan and Korea aren't making this mistake.

RESEARCH AND DEVELOPMENT

R&D means jobs for tomorrow—new products, new technology, new industries and rebuilding existing industries. America has been the world's greatest inventor—the world's innovator. Time and time again we've come up with ideas, products and services that made our economy the envy of the world. But we're losing our edge. Our R&D growth rate is now leveling off. Our competitors are now plowing a higher percentage of their Gross National Product into R&D than we are.

Traditionally, our government has played an important role in R&D. We've sponsored countless research projects, putting R&D funds into many small baskets, and many of these efforts have worked, moving new products into our marketplace. However, we're shifting government R&D money into only a handful of huge R&D projects—like SDI—with high risks of limited returns.

LBO/TAKEOVER BINGE

If we are not putting our money into savings, economic investment, research and work force education, where is it going?

I'll give you one of the worst examples—the takeover and leveraged buyout binge. Between 1984 and 1987, we threw $160 billion into corporate debt for takeovers and LBO's. In the first few months of 1988 alone, we took another $50 billion out of possible economic investment and into these kinds of deals. These transactions amount to a kind of "musical chairs" for top management, with huge new debts built onto productive companies. Speculation is replacing productive investment. Instead of putting money into investments that will strengthen our economy for all of us, we're shifting it around among a few people at the top.

Our tax policies are partially to blame. We allow tax breaks that encourage these buyouts by taxing returns on equity investments, while letting interest on debt remain deductible. We're therefore actively encouraging these LBO's and "merger mania".

What we should have, instead, is a tax system that says: If you have wealth or want wealth, then build plants and products, and create jobs, and make money by strengthening our economy, not by gambling away our national investment funds.

We need a tax system that has a bias toward fundamental new investment, rather than the exchange of already existing assets.

QUALITY

Remember when "Made in the USA" meant the best in the world? Now there are too few world markets left where that is still true.

We invented the consumer electronics business—now we have an $11 billion trade deficit in that field. In 1960, we built nearly half the world's cars. Today, Japan is about to claim that title. The auto industry is an overall $37 billion trade imbalance for us. This is true in industry after industry.

In the words of journalist Otis Post, we're going to have to get better or get beat.

That's going to mean revitalizing aging plants and doing a much better job at turning our national talent for great ideas into actual production of new products. It's going to require a major new emphasis on education, training, and quality control.

What if we don't take action on these issues?

Our standard of living is now slipping. Average hourly earnings, when you adjust for inflation, are now below what they were in 1970. Because the growth rate in national output is over 25 percent lower than it was in the 1960-1970 period, more people have to work—two-earner families are becoming standard. But wages have stagnated. And Americans keep spending, even while their income is falling. And they're going deeper in debt—just like the federal government—to pay for it. Consumer debt is 16 percent higher now than it was in 1973. With higher personal debt and lower real income, our national living standard is falling.

The National Democratic Party must take on this challenge; one of the party's first priorities must be to put forward a program for national economic growth. Only economic growth is going to turn around this decline in our living standard; only economic growth will mean better jobs for all our people; and only economic growth will generate the funds for the social programs that will make life better for us all.

We need a national Democratic economic growth agenda.

It could promote such programs as:

Better education and training and retraining for our work force;

A turnaround in our national savings rate;

More tax incentives for research and development investment;

Incentives for revitalization of our industrial base;

Mechanisms for turning investment dollars toward productive, longer-term investments in plants, equipment and jobs;

Targeting equity investment into critical new and existing industries, possibly through an adjustment to our capital gains tax;

A strategic plan to turn around our trade imbalance and restore our national competitiveness;

A venture capital system that does a much better and faster job of bringing our inventions and ideas into actual production.

The fact that people of wealth will benefit more directly from some of these tax incentives is not reason enough to oppose them, if society benefits in new jobs, and new opportunity. After all, the aim of these tax policies is to get people with more money to invest it in ways that benefit America most.

Can we do it? Can we start competing abroad again, and expanding our economy, and improving our standard of living?

We have to, and we will.

Today and tomorrow, we need to make a national effort to compete with our world economic competitors, just as we have so successfully competed with and contained the Soviet Union in the military and diplomatic fields over the last 40 years.

U.S. businesses are still the world's best. American workers have proven that they can turn out products as good or better than the Asians and Europeans. But, until the United States places as much importance on economic development policy as it does on its social, political and military policy, the balance of world power will continue to shift to Asia and Europe. And our standard of living and our economic opportunities will go with it.●

MICHAEL CHANG

● Mr. WILSON. Mr. President, I rise today to pay tribute to the unparalleled athletic accomplishment by one of my truly unique fellow Californians, Michael Chang.

Michael has become the first American to win the French Open Men's Singles Tennis Title in 34 years. His bravery and physical stamina helped him overcome some of the greats in tennis today. Although seeded at a re-

spectable 15th in the world, young Michael bettered the No. 1 ranked Ivan Lendl in one of the early rounds. Facing debilitating muscle spasms and bouts of exhaustion, Michael relied on a reservoir of strength and perseverance normally found in a person much older than he. In the final match Michael fought back from near defeat and wrestled victory from the hands of No. 3 ranked Stefan Edberg.

It is enough that Michael Chang has brought the coveted "Simple Messieurs" trophy back to America for the first time in three decades, but to be the youngest player ever to win a "Grand Slam" men's singles title, and to do it on the trying red clay of Stade Roland Garros is a remarkable display of athletic excellence.

It is with great pride and honor that I join my fellow Californians and Americans everywhere in saluting Michael Chang for his remarkable achievement in this Chamber of the U.S. Senate.

I submit the following article detailing his achievement from the Los Angeles Times for the RECORD.

The article follows:

SEVENTEEN-YEAR-OLD STOPS EDBERG IN FIVE SETS FOR FRENCH MEN'S TITLE

(By Thomas Bonk)

PARIS.—For the first time seemingly since Mona Lisa was a baby, an American has won the French Open.

Frame this one and hang it in the Louvre.

It took 3 hours 41 minutes for a 17-year-old kid from Southern California to end a 34-year-old winless streak at Roland Garros, where the hopes of every U.S. male player since 1955 lay buried beneath its red clay.

On a sunny Sunday afternoon, Michael Chang became the youngest to win a Grand Slam men's singles title when he captured the French Open championship with a 6-1, 3-6, 4-6, 6-4, 6-2 decision over Stefan Edberg of Sweden.

Chang, from Placentia, weathered a blizzard of break points in the fourth set when Edberg, the latest in a long line of Swedes in the final here, seemed only a volley away from victory.

But Edberg found himself playing an iceberg.

And it started to wear on him in the fourth set, beginning in the third game.

From then on, 10 times Edberg was a point away from breaking Chang's serve and 10 times Chang turned him away when even he felt he couldn't.

"I really thought that the match was gone," Chang said. "But a chance went through my head. I thought, "Hey, maybe I can do this."

For Edberg, it was a demoralizing defeat. Ahead a set and a break, he was cruising along like one of those party barges on the Seine. The break points piled up, but one by one they disappeared.

Edberg had four break points that would have put him up 2-1. He had five more that would have made it 4-3 and another for 5-4. However, Chang saved them all, snatching the last one away from Edberg in what became typical fashion.

Chang sent a backhand pass at Edberg like a heat-seeking missile and the Swede volleyed the ball into the net.

So it was Edberg, not Chang, who was serving to stay in the set at 4-5 in the fourth.

Fatigued from trying to punch a volley past someone who patrolled the baseline as if he were on roller skates, Edberg double-faulted twice and put two volleys in the net to give the fourth set to Chang, 6-4.

Edberg was the 11th Swede in the past 12 years to play in the final here, but at this point he began to wonder why he ever crossed rackets with Chang.

"He played a lot of tough matches the whole tournament and he kept coming back all the time," Edberg said. "You have to admire him for that."

Maybe someone older wouldn't have, Edberg said.

"But he's young and he doesn't think that much."

Edberg, a two-time winner of the Australian Open and the reigning Wimbledon champion, had the look of a champion again. He began the fifth set by breaking Chang's serve.

But at 15-40, Chang broke back. On the first break point, he produced a Grand Slam quality drop shot, which he feathered over the net by just slightly touching the ball with his racket.

The beginning of the end for Edberg and the beginning for Chang arrived in the next game.

Quickly, Edberg fell behind 0-40. He saved two break points, but then Chang came up with a Grand Slam quality lob to get the break he needed.

Edberg forced Chang to retreat to the baseline with a powerful approach shot, but Chang put up a artful lob that flew over Edberg's head, bounced once and skipped away as if it were being pulled by a string.

The next game was longer than the French Revolution, but when it was over, Chang put the match in his bag.

Once again, he did it the hard way. Down two break points, Chang saw Edberg force the game to deuce four times, but pulled it out after the final one when two consecutive Edberg backhands sailed wide.

Chang won his service game at 15 to lead, 5-2. Edberg covered his over. It was the last one.

Another lob winner by Chang and Edberg could only wave at it with his racket. At 15-30, Edberg sent a forehand into the net.

A crowd of 16,500 filled the stadium court from the bottom row to the top and cheered in anticipation of what was soon to come. On match point, Edberg put one last forehand into the net and put Chang in the record books.

Chang, however, has to be content with being the youngest known male winner. In 1905, 17-year-old Rodney Heath of Australia won the first Australian championship, but his exact birth date is unknown.

Chang, who is 17 years 3½ months old, struggled with his new found place in tennis history, although he definitely seemed to like it.

"It's hard to really think about my head. It's definitely a great honor. It's definitely an achievement that will be with me no matter how I do the rest of my career.

"It's definitely probably the highest achievement that I could ever have."

But not definitely.

"I hope maybe one day I'll be able to achieve something greater than this."

His work began with unexpected ease. Chang closed out the first set in just 32 minutes with a forehand volley winner.

"He started playing unbelievable," Edberg said. "I don't think he made many mistakes the first hour."

Throughout the tournament, Edberg stuck to his serve-and-volley style, which although it presented a target for Chang's passing shots, often worked for him, just as it did when Yannick Noah won the 1983 final.

Chang had a tactic of his own. Edberg's serve is particularly devastating on clay because it bounces so high that returns are difficult. But Chang moved inside the baseline to take the ball quickly.

It worked. Edberg's serve, which had dismantled Alberto Mancini and Boris Becker, did not blow over Chang, who also made another change in his tactics by attacking Edberg's ground strokes.

Edberg's frustration grew.

On Chang's speed: "He's so quick, he gets a lot of time to hit the ball."

On Chang's accuracy: "He very seldom misses a passing shot."

But as well as Chang began, the middle of the match belonged to Edberg. Chang lost seven consecutive games at the end of the second set and the start of the third.

He was reeling. Then came the third set. He thought it was over.

Why wasn't it?

"I really don't know," Chang said. "The fourth set was just a couple of points here and there. Stefan gave me an opening, I guess, but I finally believed there was a chance I could come back."

The winner's share of the French Open is $291,752, which not only more than doubles his career earnings, but also goes along nicely with the distinction of winning one of his sport's biggest honors.

In the last week, Chang beat the No. 1 player in the world, Ivan Lendl, and the No. 3, Edberg. His No. 19 ranking is expected to improve to the top 10 when the new ranking come out today.

He becomes the sixth U.S. player to win the French Open, joining such players as Don Budge (1938), Don McNeill (1939), Frank Parker (1948-49), Budge Patty (1950) and Trabert (1954-55).

Chang's title is also the first Grand Slam singles title for a U.S. man since John McEnroe won the U.S. Open in 1984.

Now that he has one, Chang said there could be more.

"I don't want to limit myself," he said. "I don't want to say, 'OK, Michael, you've won Roland Garros and that's it.' I want to keep on going and do better."●

FIRST INTERNATIONAL VERY SPECIAL ARTS FESTIVAL

● Mr. KERRY. Mr. President, I rise today to call attention to an important event which will be happening this week throughout Washington. It is called the First International Very Special Arts [VSA] Festival. More than 1,000 stars will be performing at 231 events at 27 sites around the city. This event will help demonstrate that disabled Americans can and have achieve excellence in the arts, and certainly have the capabilities to excel and achieve in every aspect of life. I urge my colleagues and all who have the opportunity to attend and enjoy this festival of art.

Mr. President, I ask that an article concerning this event, from the Washington Post, be printed in the RECORD at this point.

IN WASHINGTON, IT'S THE CAN-DO ARTS FESTIVAL

(By Christina Del Sesto)

Nadine Wobus never thought she was different until the fourth grade.

"I remember going into the bathroom with some classmates," she says, "and one of them stood on the commode, looked over the stall at me and said, 'Do you need any help? and I thought: "Help with what?"'

Wobus had been stricken with polio at the age of 3. Now 35, she lives in Bowie and uses crutches, braces and most often a wheelchair to do such chores as caring for her 2-year-old daughter, teaching her music therapy students and belting out the blues at the Kennedy Center.

This week she'll be one of more than 1,000 stars at the first international Very Special Arts (VSA) Festival—231 events scheduled at 27 sites around the city—designed to celebrate the fact that people with disabilities need not be disabled.

As Wobus says, "I can do a lot of things."

An educational affiliate of the Kennedy Center, VSA was founded by Jean Kennedy Smith in 1974 to help integrate into society people otherwise isolated because of their disabilities.

"It's very important to understand the difficulties that those of us with special needs have to overcome to create art," Smith says. "Perhaps you wouldn't recognize the potential within yourself if you didn't watch a retarded child reciting Shakespeare. Seeing them makes you examine your own life."

But the art itself is the attraction, says the festival's creative director, Ron Miziker. "We don't want an audience to come because they're curious to see a disabled performer. They're all good performers and artists."

Adds Eugene Maillard, VSA's chief executive officer: "In some cases the public will see some great performances and exhibits by any standard."

Wobus' is one of them.

"I had the whole Broadway bit in mind when I was younger," she says. "Then I went to New York to pursue my dreams." What she found was that agents were reluctant to promote a women blues singer in a wheelchair.

"As much as they loved me, I knew what was going through their minds," she says. "Women are suppose to be svelt and sexy. That's still marketable if you're dealing with a blind women, but if she's in a wheelchair it doesn't look so great on stage or TV."

This week Wobus will be on stage a lot. Besides her own three performances, she's project coordinator of Special Gifts, Special Friends Musical Theater, which started 2 years ago to bring disabled and non-disabled children together. More than 20 elementary school children from Ivymount and Beverly Farms Day Care Center in Rockville will be performing "True Friends," which Wobus co-wrote, during the festival.

"Eventually a person with a disability has to deal with people that aren't disabled—your neighbors, employers, co-workers and friends," she says. "Very Special Arts is important because it emphasizes mainstreaming people with disabilities who would otherwise be at a disadvantage later on. This festival is a celebration of integration."

One of those celebrating is Tony Melendez, 27, born in Nicaragua without arms to a mother who had been prescribed the drug thalidomide during her pregnancy. Melendez hoped originally to be a priest but was told in inquiries to the Vatican that he needed hands to bless his congregation.

So Melendez changed his plans. Now he sings, and plays the guitar with his feet—so skillfully that he's won a recording contract, appeared on major television shows and—in what for him remains the apex of his career so far—played for Pope John Paul II last September in Los Angeles.

"Music has helped me express myself," he says. "Talent is within a person, and no matter what sort of disability they have, it eventually will shine."

Even though Melendez occasionally wishes he could do things quicker and "normal like everybody else," he's proud of his achievements. His album "Never Be the Same" was released just two months ago on the Starsong label, and now he's working on an entirely Spanish recording.

"If I was behind a curtain," he says, "no one would know" of his disability. "I know people are curious," he says. "It doesn't bother me because I've always been stared at. So I might as well be onstage."

Less at ease in the limelight is Randy McGill, 14, of Towson, Md. He's having his first solo exhibition this week. It's in the Atrium of the Kennedy Center, and so far, he says, "it's just been one big stage fright. . . . I'm shy."

Randy has suffered for years with a series of learning disorders, including one that affects his concentration. None of it, however, affects his talent for painting, which was noticed and nurtured by one of his teachers at the School of Contemporary Education in Baltimore.

"Most people don't realize how talented others with disabilities are," says Randy's mother, Sue. "They have these great talents because it's a way of compensating for another area of weakness. You just have to find out where the disabled person's strength is and work on it."

When she looks at her son's art she sees parts of this personality that he never reveals. "He's so reserved and quiet," she says, "but there's an exuberance about his paintings that has so much more to it than the subject he's depicting."

It's been an uphill struggle for Randy and his family to reach this stage of achievement. His mother remembers it well. At the public school he was attending, she says, other children taunted him and even wrecked his bike. "I've grown tremendously because of my two boys with learning disabilities," she says. "I've had to fight for my children."

Randy has grown too. He now feels ready to take on the challenges of attending high school next year.

"I really try hard," he says. "My painting makes me feel like I'm doing something with my life."

The effort involved for those with disabilities can barely be imagined by those without them. Zina Bethune, for example, grew up in New York determined to be a dancer. But there were a few problems, including dysplastic hips, tumors in her nerves and others. "I'm a doctor's picnic," she says, wryly.

But the picnic has included a double career as a dancer with the New York City Ballet and as a television actress (Gail Lucas in "The Nurses" during the mid- to late 1960s).

"People have always said, 'You'll never dance,'" she says. "But I never believed them."

She still doesn't. She'll be dancing at the Kennedy Center this week. Fitted with a prosthetic hip, she's also artistic director of the Bethune Theatredanse of Los Angeles and creator of Dance Outreach, a performance program to teach dance to children with all sorts of disabilities.

Bethune and one of her first pupils, 13-year-old Sarah Anderson, will be doing a ballet together. Anderson, who has osteogenesis, or brittle bones, uses a wheelchair.

"I was 8 when Zina told me she was going to teach me to dance," says Anderson. "And I thought to myself, 'Now wait a minute. I can't get out of my chair.' But I believed in her."

"She's graceful and has the soul of a dancer," says Bethune. "You quickly forget that her bottom half is stuck in a wheelchair."

"I like to transcend the technical and focus on the spiritual creativity within my student," she says. When a professional dancer is on stage, she notes, one leg is weaker than the other. "There's always an imbalance," she says. "It's the job of the artist to find the balance, disabled or not, and to learn what their speciality is so that the imbalance is perceptually eliminated."

Bethune and Anderson will be dancing to the theme from the film "The Rose." Bethune says they chose the music because it's about evolution and potential. "Art is a form of communication for all of us to share, and that is terribly important," she says.

Blues singer Wobus agrees. The way she figures it, her disability is a disadvantage in some ways but not with her audience. "Without my disability I might never have had the chance to perform at the Kennedy Center," she says. "And if there's one thing I've learned it's that you've got to use everything you've got. I know that as soon as I open my mouth people will realize that not only can I schlep my way out to the stage, but I can sing. I mean really sing."●

ELMER L. ANDERSEN—MINNESOTA'S PREMIER "SERVANT LEADER"

● Mr. DURENBERGER. Mr. President, this week, Minnesotans are helping one of our State's outstanding public servants celebrate his 80th birthday. And, as we honor former Gov. Elmer L. Andersen, an amazing cross section of the State is pausing to recall his contributions, not only as a public official, but as a business leader, environmentalist, journalist, and inspiration to all who view public service as a means rather than an end.

Others have described Elmer Andersen at various times in his distinguished career as "Minnesota's most respected public citizen," as "the best example of our State's enlightened establishment," as "unfailingly polite * * * capable of charming the socks off a snake."

At successive times in his career, Elmer has called himself a businessman, a farmer, and now a newspaper publisher.

I distinctly remember asking Elmer—at a time when he was my employer—what he considered to be his job. And, he answered without hesitation, "I'm a salesman."

But, with all his vocations—and avocations—no label better suits Elmer Andersen than the two words "servant leader."

This spring, I have had the privilege of being the commencement speaker at three of Minnesota's best educational institutions. And, at each, I have urged the graduating seniors to seek out—and become the very best kind of leaders—"servant leaders."

Elmer Andersen is just the kind of "servant leader" I have been talking about.

Robert Greenleaf describes servant leaders as those who lead by listening, learning and empowering others.

They do not grab power—or headlines—at the expense of others. They share in the fulfillment of the potential of those they serve with.

Elmer described himself in that same kind of role in an interview with the business publication, Corporate Report, almost 12 years ago.

Elmer's reference point that day was the Dutch Catholic scholar and theologian, Desiderius Erasmus. Erasmus, Elmer recalled, was neither a revolutionary nor an apologist for the status quo. In the midst of the Protestant Reformation, he was looking for common ground. His goal was to get rid of the abuses within the Catholic Church while preserving its more positive parts—to reform the church without leaving it.

"That's why he's so special to me," Elmer told his interviewer. "I'm all for finding the common ground, the area where those with different points of view can meet and agree on the basics. I'm all for conciliation, for working out the differences for the common good of all."

In an era of cynics, that attitude might be called deliberate avoidance of conflict—perhaps even copping out.

I would prefer to call it "servant leadership."

It took servant leadership to build popular support for Voyageurs National Park.

Servant leadership helped pass the Taconite amendment, opening up thousands of new jobs in the hard-pressed Minnesota Iron Range.

Servant leadership got the University of Minnesota through some of its most challenging days.

And, servant leadership is what has made Elmer Andersen the first citizen of a State known for the quality of its public leadership.

Mr. President, one of the first goals of a true servant leader is making it possible for others to serve—and lead—as well.

And, I hope you will allow me a point of personal privilege here to say "thank you, Elmer," for giving me that opportunity when he was my boss.

There are a lot of good corporate citizens in Minnesota—a lot of business people who know that there is much more to the bottom line than quarterly profits.

But, nobody practiced that principle better than Elmer Andersen.

And, the amazing thing is that he's still applying that principle today.

That is why Minnesotans are not throwing Elmer Andersen a retirement party. Rather, Minnesotans are celebrating the contributions of a man who is 80 years of age and still in his prime.

I am proud to have worked for Elmer Andersen and I am grateful for the opportunity he gave me to serve this State and this community.

Mr. President, because of the outstanding contributions Elmer L. Andersen continues to make to the betterment of his State and his Nation, I ask that the following article documenting both his contributions and the affection held for him by his State be printed at this point in the RECORD.

The article follows:

FORMER GOV. ANDERSEN'S 80TH IS OCCASION FOR A CAPITOL BASH

(By Bill Salisbury)

In 1945, Elmer L. Andersen wanted to do something special for the employees of the industrial adhesive manufacturing firm he headed, the H.B. Fuller Co. of St. Paul.

The workers got days off for Washington's birthday, Lincoln's birthday and a variety of other holidays recognizing other people, but nothing for themselves. Andersen decided to recognize each employee's value to the company by giving each a holiday on his or her birthday.

The idea was a hit. It was reported in newspapers around the country and quickly became a popular benefit at many companies.

It was a typical Andersen idea: It was innovative and warm-hearted and helped cement employee loyalty.

That's the sort of imaginative thinking and selfless approach that has made Andersen one of Minnesota's most popular public figures. He is a businessman and newspaper publisher and former governor, legislator, University of Minnesota regent, foundation president and member of numerous civic organizations.

"Usually historians are hestitant to say anything about living people, but in Elmer's case, there's no reason to wait," said Nina Archabal, director of the Minnesota Historical Society. "His accomplishments are so extraordinary on so many levels—in government, politics, the environment, education, philanthropy, the standards that he set for business. I can't think of another person in Minnesota history who represents that range and level of interests and accomplishments."

Gov. Rudy Perpich said Andersen was the most politically independent, centrist and open-minded governor in the state's history. "He had it all," Perpich said.

Andersen's friend Wheelock Whitney calls him "Minnesota's No. 1 citizen."

That's why all Minnesotans are invited to celebrate Andersen's 80th birthday on the front steps of the state Capitol on Friday.

Andersen is eager to see old acquaintances at the party.

"At 80, what really matters are family and friends," he said in an interview last week.

"It's wonderful to be 80. You're not a callow 20, a frustrated 30, a disappointed 40, an overweight 50 or a pill-ridden 60. All is wiped away, and you're a wise 80, and it's beautiful."

Born in Chicago on June 17, 1909, Andersen grew up in Muskegon, Mich. His parents both died when he was 14, and he worked as a paper boy and door-to-door salesman while attending high school and Muskegon Junior College.

After graduating from junior college in 1928, he arrived in St. Paul as a traveling salesman and fell in love with the Twin Cities. The next year, he enrolled at the University of Minnesota's school of business administration.

"I had three reasons for going to college," he recalled. "One was I wanted to find someone to marry, and I thought, boy, there's got to be a lot of wonderful young women over at that university.

"The second reason was to get a degree for protective purposes. I didn't want some guy to be pushed ahead of me because he had a degree and I didn't.

"My third reason was that I wanted to have a little college fun. I had been working steadily since I was 14—weekends, vacations, nights, whenever I could—and I had gotten ahead a little financially and thought I deserved to enjoy life a little."

During his first week at the university, he spotted "a spectacularly beautiful blonde woman" named Eleanor Johnson at a Lutheran student reception. They were married during his senior year. He also found time to serve as editor of the business school's newspaper, class president and member of the debate team.

In 1934, after two years of traveling as a salesman and being away from his wife, Andersen settled down and joined Fuller, "a little paste outfit," his previous boss called it. He became the firm's president in 1941.

That's where he honed a philosophy of business that differs markedly from the corporate raiders who dominate the news today.

"The only consideration, it seems to me, in all these takeovers is who's going to pay the shareholders the highest price. That's the big deal," he said. "Nowhere near enough consideration is given to how the customers and employees are going to come out of it.

"At Fuller, we said the first responsibility of this company is to serve customers. To be a U.S. corporation is a privilege that gives owners limited liabilities and other amenities. They only justification for giving all that to a corporation is that they produce a service or product that is a contribution to society."●

CONGRESSIONAL CALL TO CONSCIENCE VIGIL FOR SOVIET JEWS

● Mr. METZENBAUM. Mr. President, Vladimir Raiz is a refusenik. I had hoped that by this time, with the rapid changes taking place in the Soviet Union, the term "refusenik" would have become an anachronism.

Unfortunately, refusenik can still be used to describe the condition of Soviet Jewish men and women in the present tense. They are still living in fear, they are still being denied permission to emigrate, and they are still being forced to put their lives on hold.

I am sorry to say that the term "refusenik" still applies to over 600 families—more than 2,500 individuals who have applied to leave the Soviet Union.

Mr. President, the case of Vladimir Raiz, his wife Karmela, and sons Moshe and Saul is typical of the conditions of Soviet Jews. It is typical in that, amidst the veritable floodtide of exit visas that have been issued in the past year, the Raiz family lives under a cloak of fear imposed by the capricious Soviet emigration system. Although their case shares much in common with those of other refuseniks, the Raiz's situation is also unique. It is unique because of the four individual people waiting to emigrate. Over the years, refusenik has been a common title for tens of thousands of Soviet Jews. But we cannot view these people simply as numbers: These are each special individuals who continue to suffer the scourge of religious persecution.

Vladimir and Karmela Raiz first applied to emigrate from the U.S.S.R. in 1972. During the 17 intervening years, they have suffered continual harassment by the KGB, they have been subjected to prolonged interrogations, have lost their jobs—a natural consequence of applying to leave—and they have repeatedly had their appeals refused on the grounds that Vladimir's medical research exposed him to state secrets. The fact that they were able to start a family under this tremendous stress is a tribute to the Raiz's tremendous strength of character.

Mr. President, it goes without saying that Vladimir Raiz possesses no state secrets. The only work he has found since being dismissed from the Soviet Academy of Sciences in 1972 has been with the postal service. Even if he did hold a sensitive position, the knowledge is now 17 years old. The secrecy canard has been a frequent modus operandi for OVIR, the Government visa office. Karmela worked as a concert violinist with the Lithuanian State Philharmonic Orchestra. Apparently, OVIR fears the loss of Karmela's musical talent as well as Vladimir's phantom state secrets.

Mr. President, we are witnessing great changes in the Soviet attitude toward emigration, with upward of 50,000 Jews having left the U.S.S.R. in the past year. We all hope and pray that the changes are permanent, and that freedom of movement will become a simple matter of choice for Soviet citizens. There have been too many examples in the past of Soviet Jews being used as pawns in bilateral relations.

However, the changes in emigration levels must be accompanied by changes in emigration laws. The thousands of Jews who left in the past year did so because the Soviet Government decided to allow it. Emigration is still a matter of luck, a windfall arbitrarily granted by OVIR to the citizens it chooses. As Senator Henry Jackson, a great advocate for Soviet Jews, said in 1974:

> . . . We would expect that if there are 75,000 applicants there will be 75,000 visas, if there are 100,000 applicants there will be 100,000 visas, and so on.

Mr. President, there is clearly a human rights agenda yet to be fulfilled.

Mr. President, Vladimir Raiz and his family are at the top of that agenda. Most recently, one of Vladimir's former employing agencies indicated that it no longer opposes his emigration. However, he has not been informed of any change in his secrecy classification. What more does OVIR want? When will Raiz and his family get their exit visas?

While we rejoice at the recent wave of Soviet Jewish emigration, I implore my colleagues not to forget Vladimir Raiz and the many, many Soviet Jews who give the word "refusenik" painful relevancy each and every day.●

A CAPITAL GAINS DIFFERENTIAL IS VITAL FOR U.S. ECONOMIC GROWTH

● Mr. BOSCHWITZ. Mr. President, I rise today to share with my colleagues recent testimony which Charls E. Walker, the chairman of the American Council on Capital Formation, presented before the Senate Finance Committee. In his testimony, Dr. Walker makes a strong case for reinstating a capital gains differential in the Tax Code.

Mr. Walker presents data which clearly shows how the high current capital gains tax compares unfavorably with the capital gains rates of many of our rival trading partners—including Japan. In fact, according to Mr. Walker, the United States taxes capital gains at a rate higher than in most other industrialized countries. The bottom line is that Americans are at a great disadvantage when it comes to capital formation which makes the U.S. economy less competitive compared to other industrialized countries.

Dr. Walker outlines some of the benefits which a capital gains differential would provide. These benefits include improved U.S. savings rates and a reduction in the cost of capital which will encourage business startups and expansion. Furthermore, the capital formation "playing field" with our trading partners would be leveled. Clearly, a rate reduction would help the U.S. economy.

Mr. President, we need to reinstate a capital gains differential if we are going to remain competitive in world markets. President Bush recognizes this and has proposed a reduction in the capital gains rates which I support in principle. In my judgment, a reduction in the capital gains rates should primarily encourage long-term investments. That's why I have proposed legislation—S. 411—to create a two-tiered capital gains tax rate based on the length of the taxpayers capital amount holding period.

I encourage my fellow Senators to consider Mr. Walker's research carefully, and to join me in supporting a reduction in the capital gains rates.

Mr. President, I ask that Dr. Walker's testimony before the Senate Finance Committee be printed in full in the CONGRESSIONAL RECORD.

The summary follows:

A CAPITAL GAINS TAX DIFFERENTIAL IS VITAL FOR U.S. ECONOMIC GROWTH

(On April 13, ACCF President Mark A. Bloomfield testified in support of President Bush's proposal to restore a capital gains tax differential before the House Ways and Means Committee. His remarks were similar to testimony presented by ACCF Chairman Charls E. Walker when he appeared as an invited witness before the Senate Finance Committee in mid-March. The full text of Dr. Walker's testimony is available upon request. What follows is the executive summary of Mr. Bloomfield's testimony.)

EXECUTIVE SUMMARY

1. President Bush's capital gains tax initiative is an important first step toward a constructive, bipartisan dialogue on capital gains tax reform.

2. The restoration of a capital gains tax differential will benefit the U.S. economy in several important ways.

U.S. saving

The tax code contains numerous provisions which tend to encourage consumption and discourage saving. The President's proposal will help reduce the bias against saving by increasing the after-tax return on realized capital gains.

Cost of capital

The cost of capital in the U.S. is considerably higher than in Japan, West Germany, and most of our other foreign competitors. The President's proposal will reduce the cost of capital for U.S. firms. Lower capital costs promote higher investment and, ultimately, a higher standard of living.

International comparisons

U.S. capital gains taxes are among the highest in the world. Research indicates that the favorable treatment of capital gains in Germany and Japan is an important element in their lower capital costs. The President's proposal will reduce the U.S. disadvantage. (See Table 1.)

Entrepreneurial effort

Restoring a capital gains tax differential will have a particularly powerful impact on the entrepreneurial sector of the American economy, making possible new technological breakthroughs, new start-up companies, and new jobs.

3. A capital gains tax cut is "fair" in its impact on taxes paid by different income classes. The voluntary nature of the tax, historical data, and Treasury analysis show that capital gains taxes lower than current law result in higher government revenues from upper-income taxpayers because a reduced tax rate will stimulate the unlocking of their unrealized gains. Although a large percentage of capital gains is realized from these high-income taxpayers. IRS data show most taxpayers who would benefit from the Administration's proposal have low and moderate incomes. They also have a significant amount of actual capital gains. (See Chart 1.)

4. The Treasury estimate that the President's capital gains tax proposal will raise revenue can be substantiated by logic, historical experience, and recent academic and government studies. With lower capital gains taxes, taxpayers choose to realize accrued gains. When the capital gains tax was cut from 50 percent in 1978 to 20 percent in 1985, tax revenues from capital gains were 179 percent higher in 1985 than in 1978. The Treasury estimates of "elasticity" (behavioral response) are comfortably in the middle of the range of recent academic and government studies.

CHART 1.—*Who gets capital gains?*

	Percent
Non-capital-gains income: [1]	
Less than $20,000:	
Percent of returns with long-term capital gains	33.0
Share of total dollar volume of long-term capital gains	26.0
Less than $50,000:	
Percent of returns with long-term capital gains	74.0
Share of total dollar volume of long-term capital gains	44.0
Over $200,000:	
Percent of returns with long-term capital gains	1.8
Share of total dollar volume of long-term capital gains	26.2

[1] Adjusted gross income without capital gains for 1985; the major components are wage and salary income.

Source: U.S. Department of the Treasury data, March 1989. Chart prepared by the American Council for Capital Formation.

TABLE 1.—Comparison of Individual Taxation of Capital Gains on Portfolio Stock Investments in 1989

Countries	Capital gains tax rate [1]		Period to qualify for long-term gains treatment	Maximum annual net worth tax rate
	Maximum short term	Maximum long term		
Industrialized:				
United States [2]	33 percent	33 percent	1 year	None.
Australia [3]	50.25 percent	50.25 percent	1 year	None.
Belgium	Exempt	Exempt	None	None.
Canada [4]	17.51 percent	17.51 percent	None	None.
France [5]	16 percent	16 percent	None	None.
Germany [6]	56 percent	Exempt	6 mo	0.5 percent
Italy	Exempt	Exempt	None	None.
Japan [7]	5 percent	5 percent	None	None.
Netherlands	Exempt	Exempt	None	0.8 percent
Sweden	45 percent	18 percent	2 years	3 percent
United Kingdom [8]	40 percent	40 percent	None	None.
Pacific basin:				
Hong Kong	Exempt	Exempt	None	None.
Indonesia	35 percent	35 percent	None	None.
Malaysia	Exempt	Exempt	None	None.
Singapore	Exempt	Exempt	None	None.
South Korea	Exempt	Exempt	None	None.
Taiwan	Exempt	Exempt	None	None.

[1] State, provincial and local tax rates not included.
[2] The nominal tax rate for long- and short-term capital gains is 28 percent. The marginal rate, however, rises to 33 percent for joint returns between $74,850 and $155,370 and for single returns between $44,900 and $93,130 for calendar year 1989.
[3] Indexing is allowed on long-term gains.
[4] Canadian residents are allowed an annual capital gains exemption of Canadian $30,000 ($22,998—see footnote 2) subject to a cumulative exemption of up to Canadian $500,000 ($383,300 based on exchange rates of Mar. 31, 1987) in 1990.
[5] Gains from proceeds of up to FF 272,000 ($45,288 based on exchange rates of Mar. 31, 1987) are exempt from taxation in a given taxable year.
[6] The first DM 1,000 ($554 based on exchange rates of Mar. 31, 1987) of short-term capital gains is exempt from tax.
[7] Japan's tax reform plan, which takes effect in 1989, imposes a maximum tax of approximately 5 percent on the sale of securities.
[8] Only gains and losses accrued since 1982 will be taxed; gains since 1982 are indexed.

Source: Prepared by Arthur Andersen & Co. for the Securities Industry Association; updated by the ACCF Center for Policy Research, March 1989.

BUDGET SCOREKEEPING REPORT

● Mr. SASSER. Mr. President, I hereby submit to the Senate the latest budget scorekeeping report for fiscal year 1989, prepared by the Congressional Budget Office in response to section 308(b) of the Congressional Budget Act of 1974, as amended. This report was prepared consistent with standard scorekeeping conventions. This report also serves as the scorekeeping report for the purposes of section 311 of the Budget Act.

This report shows that current level spending is over the budget resolution by $0.9 billion in budget authority, and over the budget resolution by $0.4 billion in outlays. Current level is under the revenue floor by $0.3 billion.

The current estimate of the deficit for purposes of calculating the maximum deficit amount under section 311(a) of the Budget Act is $135.7 billion, $0.3 billion below the maximum deficit amount for 1988 of $136 billion.

The report follows:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, June 12, 1989.

Hon. JIM SASSER,
Chairman, Committee on the Budget, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The attached report shows the effects of congressional action on the budget for fiscal year 1989 and is current through June 9, 1989. The estimates of budget authority, outlays, and revenues are consistent with the technical and economic assumptions of the most recent budget resolution, for fiscal year 1989, House Concurrent Resolution 268. This report is submitted under section 308(b) and in aid of section 311 of the Congressional Budget Act, as amended, and meets the requirements for Senate scorekeeping of section 5 of Senate Concurrent Resolution 32, the 1986 first concurrent resolution on the budget.

Since my last report, Congress has taken no action that affects the current level of spending or revenues.

Sincerely,

ROBERT D. REISCHAUER,
Director.

CBO WEEKLY SCOREKEEPING REPORT FOR THE U.S. SENATE, 101ST CONG., 1ST SESS., AS OF JUNE 9, 1989

[In billions of dollars]

	Current level [1]	Budget resolution H. Con. Res. 268 [2]	Current level +/− resolution
FISCAL YEAR 1989			
Budget authority	1,233.0	1,232.1	0.9
Outlays	1,100.1	1,099.8	.4
Revenues	964.4	964.7	−.3
Debt subject to limit	2,772.5	[3] 2,824.7	−52.2
Direct loan obligations	24.4	28.3	−3.9
Guaranteed loan commitments	111.0	111.0	.....
Deficit	135.7	[4] 136.0	[5] −.3

[1] The current level represents the estimated revenue and direct spending effects (budget authority and outlays) of all legislation that Congress has enacted in this or previous sessions or sent to the President for his approval and is consistent with the technical and economic assumptions of H. Con. Res. 268. In addition, estimates are included of the direct spending effects for all entitlement or other mandatory programs requiring annual appropriations under current law even though the appropriations have not been made. The current level of debt subject to limit reflects the latest U.S. Treasury information on public debt transactions.
[2] In accordance with sec. 5(a)(b) the levels of budget authority, outlays, and revenues have been revised for Catastrophic Health Care (Public Law 100–360).
[3] The permanent statutory debt limit is $2,800 billion.
[4] Maximum deficit amount (MDA) in accordance with section 3(7)(D) of the Congressional Budget Act, as amended.
[5] Current level plus or minus MDA.

PARLIAMENTARIAN STATUS REPORT 101ST CONG., 1ST SESS., SENATE SUPPORTING DETAIL, FISCAL YEAR 1989 AS OF CLOSE OF BUSINESS JUNE 9, 1989

[In millions of dollars]

	Budget authority	Outlays	Revenues
I. Enacted in previous sessions:			
Revenues			964,434
Permanent appropriations and trust funds	874,205	724,990	
Other appropriations	594,475	609,327	
Offsetting receipts	−218,335	−218,335	
Total enacted in previous sessions	1,250,345	1,115,982	964,434
II. Enacted this session:			
Adjust the purchase price for nonfat dry dairy products (Public Law 101–7)		−10	
Implementation of the Bipartisan Accord on Central America (Public Law 101–14)	−11		
Total enacted this session	−11	−10	
III. Continuing resolution authority			
IV. Conference agreements ratified by both Houses			
V. Entitlement authority and other mandatory items requiring further appropriation action:			
Dairy indemnity programs	(2)	(2)	
Special milk	4		
Food Stamp Programs	253		
Federal crop insurance corporation fund	144		
Compact of free association	1	1	
Federal unemployment benefits and allowances	31	31	
Worker training	32	32	
Special benefits	37	37	
Payments to the Farm Credit System	35	35	
Payment to the civil service retirement and disability trust fund [1]	(85)	(85)	
Payment to hazardous substance superfund [1]	(99)	(99)	
Supplementary security income	201	201	
Special benefits for disabled coal miners	3		
Medicaid:			
Public Law 100–360	45	45	
Public Law 100–485	10	10	
Family support payments to States:			
Previous law	355	355	
Public Law 100–485	63	63	
Veteran's Compensation COLA (Public Law 100–678)	345	311	
Total entitlement authority	1,559	1,121	
VI. Adjustment for economic and technical assumptions	−18,925	−16,990	
Total current level as of June 9, 1989	1,232,969	1,100,103	964,434
1989 budget resolution H. Con. Res. 268	1,232,050	1,099,750	964,700
Amount remaining:			
Over budget resolution	919	353	
Under budget resolution			266

[1] Interfund transactions do not add to budget totals.
[2] Less than $500 thousand.

Note.—Numbers may not add due to rounding.●

JAPANESE TRADE PRACTICES

● Mr. BOSCHWITZ. Mr. President, the United States Trade Representative recently placed Japan on its list of super 301 countries with unfair trading practices. At the same time, it announced the formation of an interagency committee to propose negotiations with Japan on impediments to expanded United States trade. To be included in these talks would be subjects such as anticompetitive practices of Japanese businesses in the Japanese market. I wish to commend the administration on these initial steps, because it recognize the problems as significant.

On a related point, the Washington Post recently featured an article written by my good friend T. Boone Pickens, describing his experiences in investing in a Japanese manufacturing firm. It is an excellent account of the difficulties faced by Americans trying to invest in Japan and the differences in our business systems.

Because only a small percentage of a Japanese company's stock is freely traded and most shares are controlled by an informally closed system of interlocking corporate ownership, it is difficult for outside investors to make a serious investment in a Japanese company. Nevertheless, Boone managed to purchase 20 percent of the stock of Koito Manufacturing Co., which makes interior lights for automobiles and aircraft. He quickly found his presence as an outsider decidely unwelcome. Although he is the largest single shareholder, Boone was denied representation on the board of directors, at the same time that a Japanese investor with 5 percent of the stock was given a seat. The registration of his stock was delayed until the deadline for voting in the June stockholders meeting had passed. And at this meeting, Boone will not be allowed to attend with anyone but an interpreter.

If a businessman with as much experience and as many resources as T. Boone Pickens has such difficulty in dealing with Japan, Mr. President, what an we expect of our smaller and less experienced companies? How are American firms, accustomed to open, fair competition, going to break into the Japanese market? The United States Trade Representative's 1989 national trade estimate report on foreign trade barriers details a myriad of unfair trading practices in Japan. I support the administration in its effort to widen trade negotiations with Japan, for it appears that only through such efforts can we hope to achieve some sort of balanced trading relationship with that country.

Mr. President, I ask that the attached article by T. Boone Pickens in the June 4, 1989, Washington Post be printed in the RECORD.

The article follows:

[From the Washington Post, June 4, 1989]

T. BOONE TAKES ON TOKYO: HOW A CORPORATE DEALMAKER LEARNED THAT JAPAN DOESN'T PLAY BY TEXAS RULES

(By T. Boone Pickens)

Maybe I should have been worried when I got off the bullet train in Tokyo on April 16 and picked up a newspaper. I was amazed to read that the Japanese press was comparing my recent investment in a Japanese manufacturing firm and my trip to Japan with the historic "Black Ships in the Harbor" visit by another American, Commodore Matthew Perry, in 1853. Perry's visit forced Japan's economy to open to the outside world.

I'm not trying to sell the idea that T. Boone Pickens was so naive as not to have considered cultural and symbolic issues before acquiring, in March of this year, almost a billion dollars' worth of stocks in Koito Manufacturing Co., a Japanese supplier of automobile lighting. Still, I had observed how over the past decade the Japanese, with relative ease, invested billions of dollars in the American economy, and I took it almost for granted that our investment in Japan would be received similarly.

After all, I have been giving speeches since the early 1980s about the emerging global economy and the opportunities it would offer for U.S. as well as foreign investors. I can hear myself now. I would say that American executives should quit whining for protection and get back to the workbench and compete. I said I was skeptical about claims that countries like Japan played by two sets of rules, one for their home companies and another for ours. I said that with the right corporate leadership, all you would have to do is show us the court, tell us the rules, and Americans could win most of the time.

It was always a popular speech. I gave it, for example, to a middle management seminar at Harvard in 1986. There were about 30 managers from Japanese companies in the class. They grinned broadly throughout the speech and came up to me afterward to register their complete agreement. I think I understand better now what it was they were smiling about. The reason for my new understanding is this: When I visited Japan back in April, I got a first-hand introduction to what it is like to do business—wait a minute—to try to do business in Japan.

After my unexpected welcome in the press, my second tip-off to the fact that it wouldn't be business-as-usual came when I walked into a luncheon to deliver a speech to the American Chamber of Commerce at Tokyo's New Otani Hotel. The crowd was so large that they had to change rooms to accommodate it. I learned later from the Japanese press that the press conference that followed was the largest in Japanese business history.

What amazed me most, however, were the quizzical looks we received when my wife Bea accompanied me to the table from which my partner Sidney Tassin and I would answer the media's questions. It's well known that women are not included in Japanese business circles, but I didn't realize that a woman's presence in today's world would draw such attention. After all, it seemed natural that Bea would be by my side. She was there in 1976 when Mesa tested its discovery well off the coast of Scotland in the North Sea. She was there when I addressed Gulf Oil's shareholders in 1983. In fact, Bea has been at my side at every major juncture in my career since our marriage in 1972.

This reaction struck home not just because it ran contrary to American instincts, but because I was involved in one of the largest business transactions of my career. And I was quickly coming to realize that it involved conflicts of culture and custom the likes of which I had never experienced—and I have experienced some pretty good clashes of culture with entrenched management in this country.

Through shares in Japanese companies are ostensibly traded freely on world markets, a clubby system of interlocking ownership governed by an unwritten corporate

code ensures that control of these companies will remain in Japanese hands. It also ensures that stocks on the Tokyo Stock Exchange trade at unusually high multiplies of share price to earnings because only a small percentage of a company's shares actually trades freely.

In a typical Japanese public company, 60 to 80 percent of its shares are held by what is known as a *kierestu*—a web of "stable" stockholders, most of whom either do business directly with the company or with one of the company's major holders. Koito is a classic case. Toyota Motor Corp. owns 19 percent of Koito's shares—and at the same time is Koito's largest customer, buying almost half of its products. Another 40 percent is held by Koito's other customers, banks, insurance companies and suppliers. These stockholders do not expect to make money through the stock, but through the business relationships that come with being a member of the club.

The opportunity to purchase a 20 percent interest in Koito was unique: It was the first time in history that a major block of shares in a Japanese company had become available to an outsider without the approval of the kieretsu. We purchased the stock from a Japanese investor who had accumulated it from various sources, including disgruntled members of Koito's founding family.

The press reports that the Japanese markets were "stunned" by our investment caught me by surprise. I saw it as an unusual, but fairly straightforward, transaction posing no threat to Koito management. Our intention was to obtain representation on the company's board and to play a constructive role in planning Koito's future, especially in expanding its customer and operating base in America and Europe. We had no thoughts of taking over the company—that would be impossible given the structure of Koito's ownership. Nor did we have any plans for accepting greenmail, despite rumors to the contrary. In an April 19 letter, we expressed all these assurances, and requested a meeting with Koito's management.

The first roadblock we came to was Koito's concern about the completeness of our filings. We had consulted the Japanese Ministry of Finance and Ministry of International Trade and Industry on our transaction and had been assured that our filings were complete. Still, by March 31, the last day on which ownership entitled us to vote at the June stockholders meeting, Koito had not registered our stock. When we got to the bottom of the matter, it rested on Koito's complaint that we had failed to note that Koito did business with a "sensitive" national security-related industry because it produced inferior lighting for aircraft. Sensitive? Maybe they don't realize that American planes have interior lights too.

By the time we left for Japan on April 15 for my speech to the Chamber of Commerce, Koito had still not registered our stock or agreed to a meeting. Finally, on the day of the speech, Koito—having failed to convince the Japanese government that our filings were incomplete or inaccurate—agreed to register the stock in the name of Boone Co., a private company through which the investment was made. After the press conference, our Japanese lawyer received word that Koito would meet with us.

The next morning we met with Takao Matsuura, Koito's president, and other Koito representatives. After exchanging pleasantries, and briefly discussing Koito's U.S. operations, Matsuura stated that he was glad to have this first meeting but he did not want to address any "difficult" questions. He explained that in Japan, a first meeting was often just an exchange of business cards. But, objected my partner, Signey Tassin, we had come a long way, and none of our few questions seemed to us particularly difficult.

We asked for the date and time of Koito's annual shareholders meeting, and we asked to be allowed to send observers to their next board of directors meeting. Finally, we asked for representation on Koito's board of directors equal to that of their other large shareholder, Toyota, which has three representatives.

With this last question Matsuura stiffened. The Koito managers did a lot of talking and exchanged disdainful looks. In the end, all we got was the date and time of the shareholders meeting—10 a.m. on June 29.

As to the other questions, we were told that we didn't understand Japan's prevailing custom and practice. "In the future," said Matsuura, "we [Koito] would consider thinking about whether you [Boone Co. representatives] could be on the board. But we are not saying you could be."

To this I responded, "I am hearing that you do not consider us owners. That we have to work our way in. I understand your custom but not the logic."

Matsuura replied, "We have a different system. This will take time, trust must be built, logic is hard to explain. . . ."

They asked that we send a formal letter requesting representation on the board for "full consideration." I was about to learn that the Japanese notion of trust isn't much like the one we know in Texas.

Finally, Matsuura asked that we not discuss with the press what went on in the meeting—that we honor the Japanese custom of portraying the first meeting as cordial and introductory. We were not trying to put Koito's management in an uncomfortable position, so we agreed; and when I was later met by the press, I honored Matsuura's request.

We went directly from the meeting to Tokyo's Narita airport for the 10-hour flight back home. Upon arriving in Texas, we learned that Koito had held a press conference shortly after our meeting to announce that we had requested board representation and that our request had been turned down. So much for the required portrayal of first meetings—or for giving our request "full consideration."

Nevertheless, we went ahead and sent a formal request on April 21. We also asked that four representatives of Boone Co., including an interpreter, be allowed to attend the June 29 shareholders meeting. The first response we received was that Koito management was using its "best efforts" to accommodate the request—at the same time that Tokyo's financial press was reporting that our requests have been rejected. Then on May 23, we got a letter saying that it would be all right if I came to the stockholders meeting with an interpreter—but no one else!

I wonder what Matsurra meant by "building trust?"

At the same time, Koito denied our request for representation on their board. Yet at the very same meeting where the decision was made, Koito directors voted to add a new director to represent Matsushita Corp., a Japanese company with only a 5 percent holding in Koito stock, compared with Boone Co.'s 20.2 percent holding.

It's becoming very clear that Koito's management does not want me or any Boone Co. representatives on the inside. But why? We are requesting three seats. With Koito's 20-member board, we couldn't be a threat. What could we do to disrupt the company, and why would we want to? With a 20 percent investment, our interests are the same as all the shareholders and Koito's managers—to maximize Koito's potential.

Admittedly, I'm a four-day wonder on the subject of Japan (though negotiation of the purchase agreement did involve 10 lengthy meetings over four months), but I have come to the conclusion that investment between our two countries is not a two-way street. Every day we read about a Japanese company or investor making a major investment in American real estate or taking over an American corporation. I see that as healthy—but only if Americans have the same opportunities to invest with full rights in Japan. What makes this problem so tough to deal with is that the most powerful impediments are not legal restrictions but silent barriers produced by nationalistic custom and practice.

As the world's second largest economy, Japan wants to live by a double standard. It wants open markets in which to sell and invest, but it doesn't want to provide the openness at home on which stable global trading relationships must depend in the long run. In fact, after getting a glimpse of their financial structure, I don't buy all the rhetoric about how the Japanese are long-term thinkers. Their policy of exclusion is the shortest of short-term strategies. If Japan expects to go into the next century with a closed system, it's not going to work—especially when the rest of the world is headed in another direction.

I am convinced that Japan will never be a meaningful market for our products, and our $55 billion trade imbalance will not be reduced, until its financial markets—along with its whole approach to trade—are restructured. That's why I was delighted to read the week before last that, in deciding to list Japan as an "unfair trader" under Sec. 301 of the Trade Act, President Bush has also proposed undertaking wide-ranging talks with Japan aimed at altering "structural impediments to trade." This means truly free markets where shares are not locked up to facilitate clubby economic relationships but are bought and sold freely based on an underlying system of risks and rewards.

We plan to do our part by pressing on until we receive full and equal treatment commensurate with Koito's Japanese shareholders. I am looking forward to attending Koito's annual shareholders meeting on June 29 with my interpreter to let me know what's going on. And, I expect that Bea will join me.●

NATIONAL VALUES AND PRIORITIES

● Mr. KERREY. Mr. President, the mail that comes into our offices daily from our constituents is an important anchor for us. It enables us to keep in touch with the people we represent and provides us with a base from which to work. These letters help guide us, motivate us, and inspire us as we attempt to make this Nation and this world a better place.

But occasionally a letter arrives that touches us dramatically; that conveys

a message better than we could ever hope to.

I was fortunate to receive such a letter from a fellow Nebraskan, Lisa Shulman. This brave and thoughtful 17-year-old woman writes about our national values and priorities with an insight and clarity that I believe should impress, educate, and inspire each of us. Mr. President, I ask that Ms. Shulman's letter be printed in the RECORD, and I encourage all of my colleagues to read this letter, and benefit from Ms. Shulman's eloquent wisdom and insight.

The letter follows:

OMAHA, NE,
February 3, 1989.

Senator BOB KERREY,
194 Dirksen Building, Washington, DC.

DEAR SENATOR KERREY: As I sit at the dinner table each night with my parents, I am constantly reminded of the tragedy and plight of the human situations throughout the world as they are relayed to us through the network news. After listening to these types of things night after night, one tends to build up an immunity to them: rarely does any one story stand out to me.

However, on the February 2nd broadcast of NBC Nightly News, my attention was drawn to John Chancellor's commentary. He was addressing the problem of technological advancement in the U.S. as compared to that of Japan and West Germany, where the governments contribute largely to their country's research and development programs. He believed that the reason the U.S. was falling behind in the technology race was its lack of funding in that area: funding that was being spent on military advancements should perhaps be used to fund the research and development of consumer goods.

Later in the broadcast was a story about the small town of Blue Hill, Mississippi, where its residents were living, in 1989, as they always had—without running water or indoor plumbing. Imagine, in a time when my friends and I face computers, compact discs, and automatic ice-makers as everyday facts of life, that people in this supposedly wonderful nation are driving 35 miles a day to gather buckets of creek water just to take a bath! This not only frustrates me, but as an American, embarrasses me. Our government spends billions of dollars to build mechanisms to defend us in case of a war that we aren't even sure will ever happen, yet won't spend the money to give 2% of its population a standard of living that the other 98% practically take for granted. To me, this is absurd. If the government were to cut back just a small fraction of its defense spending and use that money to raise the standard of living not only of its own unfortunate, but perhaps, someday, for the world.

I am not what I would consider a great follower of politics and the many things that go on in our government each day. There are a lot of things that I don't know or understand, and I realize that what may sound like the ideal solution may not always be such. But I know that it is possible to overcome obstacles that lay in our path. When I was twelve I was diagnosed with cancer and though the battle has been long and hard, I have managed to come out winning so far (I am now seventeen). Were it not for the technology that we have, I would probably not be alive today. But just because I have survived does not mean that research for the cause and cure of cancer should stop. Likewise, just because our Nation has prospered or made a few advancements does not mean that we should delay further achievements. If our government continues to spend money on defending its people instead of enriching the projects that contribute to their well-being, it may someday have nothing to defend.

Sincerely yours,

LISA SHULMAN.●

DEDICATION OF THE GUS J. SOLOMON U.S. COURTHOUSE

● Mr. HATFIELD. Mr. President, on April 28, 1989, I had the honor and privilege of attending a ceremony which celebrated the renaming of the U.S. courthouse in Portland, OR, in honor of the late Judge Gus J. Solomon. The ceremony was attended by Judge Solomon's family, Gov. Neil Goldschmidt, Congressman LES AUCOIN, jurists from around the country and a host of dignitaries and friends.

The late Judge Solomon was an inspiration to everyone who had the pleasure of knowing him. He was a dedicated and honest man with a keen intellect and a fierce love of the law. His life was most eloquently honored by an address given by Stephen Gillers, a friend and former law clerk who is now a professor of law at New York University.

Mr. President, in honor of the late Judge Solomon, I ask that the comments of Professor Gillers be printed in the RECORD.

The comments follow:

Libby, Chief Judge Panner, Chief Judge Goodwin, Senator Hatfield, Congressman AuCoin, Governor Goldschmidt, relatives, friends and guests:

We gather today to place Gus J. Solomon's name on this stately courthouse. Gus Solomon worked here for more than thirty-five years, advancing the law in conscientious service to the United States and to the people of Oregon. I want to share with you some of my memories of this building and of Gus.

I spent a lot of time here: mornings, afternoons, evenings, Saturdays, Sundays. More Saturdays. Researching, writing, arguing, researching some more. Arguing some more. Gus worked hard and his clerks worked almost as hard.

I recall that Ted Goodwin was appointed to the district court during my clerkship year, after the elevation of Judge Kilkenny to the Ninth Circuit. At about that time, Judge Solomon had a case in which a man who owned a store in Portland had been convicted in state court of selling obscene books.

Paul Meyer represented the man in a First Amendment challenge to the conviction in federal court. "We" got the case and it was my dubious assignment to read all nine of the books that had been the subject of the criminal trial.

I did and found them without any redeeming literary value whatsoever, but also boring and in no sense obscene under what was then the Supreme Court's Roth test. Judge Solomon agreed and vacated the conviction, a decision the Ninth Circuit affirmed en banc.

At about that time Judge Goodwin had lunch (arranged by Gus) with all the district court clerks. I told him about this case. I remember Judge Goodwin's observation that, throughout history, elite groups in society used terms like "obscene," "blasphemous" and "seditious" to exercise control over the entertainment and diversions of the masses.

I recall my astonishment and joy at hearing a class-conscious view of history from a federal judge—and a Republican no less. I began to see the wisdom of the life tenure provision of Article III of the Constitution. And I realized that President Nixon had no chance of radically altering the federal bench—no President does.

The last time I was in this courthouse with Governor Goldschmidt he was a Legal Aid lawyer. He appeared before Judge Solomon on behalf of a class of tenants challenging the conduct of a public housing authority. I remember thinking that Neil's efforts for his indigent clients represented the purest and most noble work a lawyer could pursue. I could not imagine where Neil could possibly go, or want to go, from there. He could imagine, of course, and I have been proud and happy to watch his career from the sidelines.

But I bet if you asked Neil over a couple of glasses of Oregon wine, late at night, he'd admit that representing legally indigent people as a Legal Aid lawyer twenty years ago offered him some of the deepest professional satisfactions he has ever had.

Those are some of my memories of this building, and two of the people here today. Now I want to say a word about this dedication.

There's an old joke about the first Solomon, King Solomon. It goes this way: The Lord came to Solomon and offered him one of three choices. Solomon could have either wisdom, or fame, or wealth. Solomon chose wisdom and the Lord gave him wisdom. And, once wise, Solomon realized that he should have picked wealth.

The American public expects its judges to be wise but not wealthy. Today a federal judge's salary is less in real dollars than it was twenty years ago when I was a clerk. (A clerk's salary is also less.) My students earn more in the first year or two after graduation than do federal judges with thirty years experience.

What I see is a public ambivalence about the judiciary. On one hand, the public has deep regard for its judges collectively. Judges are probably the one group of officials about whom the public is willing to suspend the reflexive suspicion and cynicism often reserved for other categories of officeholders.

On the other hand, judges also take their share of undeserved blame. They are easy to scapegoat because they live and work under constraints that do not encumber the rest of us. For example, judges are often blamed for high crime rates. That's about as fair as blaming the weather forecaster for a storm or the family doctor for a flu epidemic.

Perhaps most interesting, given our purpose here today, is that judges are largely anonymous. The public is not generally aware of the identities of the particular men and women who set on its courts. For example, in this time when the national debate over Roe v. Wade is at a peak, probably very few members of the public can identify the Justice who wrote the opinion. I think, too, that most members of the public, even those

who consider themselves well informed, would be unable to name a majority of the judges of the United States or their state supreme courts.

The public's ambivalence about judges and the individual anonymity of judges may partly explain why it is so rare for the people, through their elected representatives, to name a building after a judge. Indeed, if it were not rare, our Supreme Court building in Washington would long ago have been named for Chief Justice John Marshall. The very rarity of our purpose here today therefore bespeaks Judge Solomon's importance to the people of this state.

Gus Solomon was, of course, decidedly not anonymous. Nor were Oregonians ambivalent in their fondness for him. Gus was a son of this state and this city. As lawyer, judge and citizen, he was visibly part of public life here for nearly six decades. I haven't done an opinion poll, but I bet that for the man or woman on the street, Judge Solomon's name recognition would set some kind of record. And outside the state, travelling, Gus was the best good will ambassador one could wish for.

It is entirely proper that the name of Gus J. Solomon should be physically linked with this building as, for so many years of his life, it was in fact linked in the minds of Oregonians.

Following Gus' funeral, I sent Edward Weinfeld, a friend of Gus' and a district judge in New York, a copy of the eulogy I gave. Judge Weinfeld, who died last year after a long and distinguished judicial career, wrote back the following letter:

"APRIL 27, 1987.

"DEAR STEVE: Thank you for sending on your moving and eloquent eulogy of my dear friend Gus Solomon. He was indeed a great man; he was a noble person and an outstanding jurist. I enjoyed reading how deeply he felt about being a District Court Judge and his relationship to his law clerks. He often talked to me about what that relationship meant to him and how proud he was of their achievements.

"As for the District Court judgeship, I read an item recently, I believe in a biography of Professor Zechariah Chafee, that William Howard Taft said that of all the public positions he held the District Court judgeship was the greatest.

"With warmest regards,

"Sincerely,

EDWARD WEINFELD."

I have imagined telling Gus that the courthouse in which he labored so long would be named after him. And I have imagined his response. At first, he'd wave it off. "Oh, they don't have to go and do that over there," he'd say.

"Well," I say in my imagination, "they're doing it anyway, and it's not because they have to. It's because they want to."

Then Gus would be silent for a moment, smile, look down, and say: "Well, heck, tell them that's a very nice thing for them to do."

Thank you.●

COMMENDING PRINCE HALL GRAND CHAPTER, ORDER OF THE EASTERN STAR

● Mr. LUGAR. Mr. President, it is my pleasure to commend Prince Hall Grand Chapter, order of the Eastern Star, jurisdiction of Indiana for their outstanding charitable work.

This grand body was organized at a conventional held in Greencastle, IN, at Rogan Hall No. 19, October 25, 1888, under the name Grand Court Order of the Eastern Star, State of Indiana.

Based on the recommendations of Charles Wills, attorney-at-law, the name of this grand body was changed in 1947 to Prince Hall Grand Chapter, order of the Eastern Star, State of Indiana.

During the Grand Session in South Bend, IN, in 1908, a resolution was passed to purchase a home for its indigent members and orphans. Subsequently 43 acres of land was purchased in Grant County near Marion, IN. Today, a small lake, pavilion, and picnic grounds provide a recreational area that is used by residents of the surrounding communities as well as members of the Prince Hall family.

Prince Hall Grand Chapter, order of the Eastern Star and its subordinate chapters have maintained a long history of providing aid to the less fortunate, providing scholarships and awards to students and are actively engaged in numerous community and civic involvements.

I would like to take this opportunity to urge my colleagues to join me in saluting this great institution.●

AMERICANS SUPPORT THE UNITED NATIONS

● Mr. KENNEDY. Mr. President, a recent Roper poll of the American public's attitudes on the United Nations reveals widespread support for the organization.

The poll shows that while the Congress continues to withhold funds from the United Nations—despite a treaty obligation to pay our assessments—60 percent of the American public believes that the United States should not withhold funds. Many Americans say we should be paying more than our current share to support a wide range of U.N. activities including improving world health care, controlling population, increasing food production, protecting the environment, and monitoring human rights violations.

Almost 50 percent of those surveyed support the use of U.N. forces in resolving international conflicts, including those in which the United States has an interest. And a majority also believe that we should abide by the decisions of the World Court, even when the Court's ruling is against the United States.

I believe this poll, which indicates strong support by the American public for the United Nations, will be of interest to my colleagues. I ask that the poll be printed in the RECORD.

The poll follows:

U.S. PUBLIC ATTITUDES ON THE UNITED NATIONS, A POLL CONDUCTED BY THE ROPER ORGANIZATION, SPONSORED BY THE UNITED NATIONS ASSOCIATION OF THE USA MARCH 1989

Q. 1. In general, do you feel that the United Nations is doing a good job or poor job in trying to solve the problems it has had to face?

	Percent
Good job	38
Poor job	29
Don't know	34

Q. 2. Do you think that the U.S. should increase or decrease its participation in the U.N.?

	Percent
Increase	34
Decrease	16
No change (volunteered)	31
Don't know	19

Q. 3. Do you think that the United States and the other U.N. member countries should provide the United Nations with more money that it has now to (read items below), or less money, or are they providing the U.N. with the right amount of money now for that purpose?

[In percent]

	More	Less	Right amount	Don't know
a. Stop disease and improve health care around the world	53	8	28	11
b. Help poor countries develop their economies	40	15	35	10
c. Slow population growth by providing birth control information and devices	48	11	30	12
d. Help increase world food production	58	7	26	9
e. Improve and protect the environment	58	6	26	10
f. Bring peace to regional conflicts	46	11	31	11
g. Provide relief to victims of disaster	53	6	32	9
h. Help manage the world's economy	31	20	36	14
i. Monitor violations of human rights throughout the world	45	12	31	12

Q. 4 (A) Should the member countries of the U.N. give or not give the United Nations the power to control the manufacture and spread of chemical weapons by the countries of the world, including the United States?

(B) What about nuclear weapons—should the U.N. have or not have the power to control the manufacture and spread of nuclear weapons in both the U.S. and other countries?

	Chemical weapons (percent)	Nuclear weapons (percent)
Should	49	46
Should not	33	36
Don't know	18	18

Q. 5 When there are conflicts among other countries where the United States has an interest, should the United States be prepared to use U.S. forces so that the conflicts are resolved the way we think they ought to be, or should we support the use of United Nations forces so that they are resolved in a way that tries to accommodate all sides?

	Percent
U.S. forces	17
U.N. forces	49
Depends (volunteered)	20
Don't know	14

Q. 6 Some say environmental problems are now worldwide and that unified international action on such things as pollution is needed. Others say different countries have

different priorities, and environmental problems should be handled on a country-by-country basis. Do you think the United States and other member countries should or should not give the United Nations more power to deal with environmental problems on a worldwide basis?

	Percent
Should	56
Should not	27
Don't know	17

Q. 7 As you may know there is an organization called the "World Court" that tries to settle international disputes peacefully among countries that accept its jurisdiction. If the World Court finds that actions by the United States Government have violated international law, should the U.S. accept the Court's decisions or should it feel free to ignore the Court's decisions if it disagrees with them?

	Percent
Accept Court's decisions	58
Ignore the Court	15
Don't know	26

Q. 8 Do you think that an international agency on trade negotiations should be given the power to settle trade disputes among nations, or should the U.S. and other countries rely on their own actions against trade competitors?

	Percent
International agency	25
Rely on own actions	54
Don't know	21

Q. 9 Do you believe that U.N. member states, including the U.S., should always pay their full dues to the U.N. on a regular basis, or should a country—perhaps even the U.S.—hold back its dues to pressure other members to agree to changes it believes are needed?

	Percent
Always pay	60
Hold back	14
Depends (vol.)	14
Don't know	12●

TRIBUTE TO ARCH PEASE

● Mr. DURENBERGER. Mr. President, it is with privilege and respect that I rise today to inform and inspire my colleagues through an article appearing in the Minnesota Star and Tribune. The article recognizes and commends the work and character of an exemplary newspaperman and fellow Minnesotan, Arch Pease. At age 80, after 43 years of leadership and initiative, the extraordinary Pease is retiring.

I believe, and I am confidant my colleagues in the Senate will share my opinion, that Arch Pease is worthy and deserving of America's thanks and recognition. Persons such as Pease exist in that rare but lofty and uncommon stratum, reserved solely for those individuals whose moral and social consciences demand fairness, equality, and keep the less fortunate in the forefront of consideration.

Pease demonstrated throughout his career an unrelenting and stubborn ability to pursue those objectives he felt in his heart to be correct, justifiable, and derived from the most distinguished motivations. Of course, this brand of bold conduct often necessitated disputes and conflicts with the dictates of politicians and authority figures. Yet, even in his seemingly disadvantaged position, Pease never backpedaled nor capitulated from his commitment to the people. In fact, no matter the weight, prestige, or relation of the foe or obstacle, Pease addressed the situation in the same manner: Do what it takes to defeat the problem, present the truth, and gain support. Furthermore, Pease always conducted himself in such a manner that gained the respect and esteem from even his worst enemies.

Pease never could be bullied from the outside. His purpose and motivation comes from within, and he is involved because he wants to be, because—my colleagues in the Senate—like other great Americans, Pease's obligations to the common benefit of the people comes above all else.

Arch Pease is not a faultfinder, a criticizer, or a complainer. He is, however, a builder and improver of the way things are and could be. Quite simply, the man constantly moved to explore the bounds of society's potential. Indeed, Arch Pease is an igniter, carving out the best atmosphere for all around him.

Mr. President, I ask that this article be inserted into the RECORD, and I hope it will serve as an inspirational path for my colleagues to observe and follow. I challenge everyone to act as Arch Pease did.

The article follows:

CONSCIENCE OF ANOKA COUNTY: PUBLISHER ARCH PEASE LAYS HIS SLINGS AND ARROWS ASIDE

(By Cheryl Johnson)

Politicians can relax. The days when Arch Pease might refer to you in print as rodents and kumquats are history.

Last week, the opinionated publishing curmudgeon of Anoka County sold his three newspapers and ad shopper in a move that means he's really retiring after two earlier tries at it.

"Haven't got anything to go back to, kiddo," said Pease, 80, as he lapsed into his familiar poker face pout.

For 41 years, Pease has been the feisty, but aloof conscience of Anoka County through the Anoka County Union, the Coon Rapids Herald and the Blaine-Spring Lake Park Life.

A player in most major decisions from the establishment of Mercy Medical Center to the Anoka County Airport. Pease has been a cheerleader for what he says was once a hillbilly county. At the same time, he has been willing to publicly whack political buddies over the head, especially when they got arrested for private foibles such as driving while intoxicated.

"Newspapers are good things," said Pease. "You can use them to swat flies, mosquitoes or politicians."

Once he labeled a politician, who had flimsy ideas, as a kumquat through Pease's favorite nonprofane name is any variation of the word rat.

"I called the Board of Regents the Board of Rodents because of the way they handle some things. Boy, I tell you, they have handled everything wrong. What the hell did they fire (Athletic Director Paul) Giel for? He didn't do anything.

"I've always liked Paul Giel * * * but * * * I told Paul this: 'Look, Paul, I supported the hell out of you when you wanted to put a roof on Memorial Stadium * * * and what did you do.' "

You got those big town guys down there in Minneapolis, Carl Pohlad, Wheelock Whitney, Curt Carlson, and pulled the rug out from under me because you decided you were going to build a dome and you were going to build it in downtown Minneapolis.

"And I said, 'That was stupid. That's a stupid act.' Called it stupid," he said with a vehemence.

Everyone was generally careful about running afoul of Pease, who was unpredictable. An oft-heard question from one commissioner to another during former County Board Chairman Al Kordiak's 32-year tenure was "I wonder what Arch would say?"

"We loved him and we feared him," said Kordiak. "We knew we could have lunch with him, shake hands and have a fine time and that the next day he might virtually blast us out of our chairs when that editorial came out. We learned to respect the man because he was deeply honest, committed."

Former County Attorney R.W. Johnson said, "I never asked him not to print something, even unflattering things. That was the quickest way to get it on the front page."

Pease was born in Anoka on Sept. 25, 1908. While he was still in Anoka High School, he was sports editor for the Anoka Union, the newspaper that his grandfather Granville Pease bought in 1866. Arch Pease later became publisher-editor-columnist-reporter-bookkeeper and also pan for the paper. He graduated from the University of Illinois in 1931 with a bachelor's degree in education.

Pease learned the importance of political connections before he went to work on the family paper.

In Missouri in the 1930s, he met a young National Guard officer named Harry Truman, to whom Pease became an aide and a life-long friend. He helped a Minnesota candidate win a congressional seat in 1940 and wound up an administrative aide in Washington, D.C., although Pease said he never wanted anything but to defeat the other guy.

Many, including Arch Pease, believe Anoka County is a better place because Pease settled there.

Kordiak—one of his best friends—said Pease has assisted in a long list of county amenities.

Without Pease's influence, Anoka County might not have been first to have a county administrator, first to have a countywide police radio dispatch system, first to have a major crimes investigation unit or have a high-quality park system. Kordiak said.

"Arch Pease was, in one way or another, back of all of (those projects)," said Kordiak. "He would support us on the County Board) editorially and the legislators paid keen attention."

Johnson said Pease always worried about losing his candor because he was friends with people who might someday be the subject of newspaper criticism.

If standing by his commitment to cover the news was hard on his friends, it also was difficult for Pease sometimes.

In November, Pease put Commissioner Nick Cenaiko's drunken driving arrest on

Page 1.

"That hurt me because Nick Cenaiko is a great guy. I was asked 'maybe you can soft pedal that?" And I said I can't soft pedal that. Too many people get killed' "

Pease took a hard line on public officials driving drunk long before it was the thing to do.

That special Page 1 treatment wasn't just reserved for politicians, it also was promised to Pease employees and family members.

Pease's wife, Amy, said, "We always told our children * * * if you get into any trouble, your name is going to be on the front page. Fortunately, they didn't. But that is what would have happened."

The couple has been married 54 years.

Once, while doing volunteer work at Mercy, a patient noticed Amy Pease's name tag and asked how she could stand being married to Arch Pease. "I said, 'It's real easy' and walked out of the room," she recalled with a faint chuckle.

Living with Arch has helped Amy Pease perfect an exit. "If he got mad, I always walked away. It takes two to fight," she said.

But even as often as Pease has been willing to fight for causes, there have been occasions when he wouldn't choose sides.

Attorney Charles Weaver, Sr., a former legislator, said that the first time he ran for office he was anxious to see whom Pease would endorse. "He wrote an editorial that said nice things about both of us and suggested 'Wouldn't it be nice if it was a tie?' "

Weaver recalled. "That wasn't exactly what I was looking for because he usually took strong stances and supported candidate for both parties."

Weaver won the election. "I always looked up to Arch. I always thought he knew more about what was going on than anybody else," he said. "He pretty much always made up his own mind on things, except that he didn't look for a lot of counsel on some of the positions he took over the years."

Although Pease enjoyed taking harsh positions, he was capable of kindness. Once a young bride asked that her marriage not be noted in the paper because she was pregnant at the altar and when the vital statistics about the birth were printed everyone would know.

Pease said he put the wrong date in the paper. How'd he justify that?

"I didn't say it. It was a typographical error in the paper," he said with a smile. "* * * the stigma was on the child. You don't want the kid going through life" being called names, Pease said.

"I've had a good life," he said. "I'm living on borrowed time."

Pease learned in July that he has a recurrence of cancer, which he thought he'd licked in 1982. This time, the disease is in his bones.

He's now channeling the spirit that even he characterizes as curmudgeonly into his fight with cancer.

"I want to be remembered for the fact that we put out a newspaper, we did a good job and we kept the community informed. We became the eyes and ears of the people," said Pease. "I want this on my headstone: 'Born in Anoka, lived in Anoka, moved to Coon Rapids, died in Coon Rapids.' I've got something to look forward to." ●

COMMEMORATION OF THE BICENTENNIAL OF THE SENATE OF THE UNITED STATES

Mr. MITCHELL. Mr. President, on behalf of myself and Senator DOLE I send to the desk a resolution commemorating the Bicentennial of the U.S. Senate and I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 144) relating to the commemoration of the bicentennial of the Senate of the United States.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

The resolution (S. Res. 144) was agreed to as follows:

S. RES. 144

Resolved,

SECTION 1. ESTABLISHMENT OF COMMISSION.

There is hereby established a Commission on the Bicentennial of the United States Senate (referred to as the "Commission") to coordinate ceremonial events and related activities as appropriate.

SEC. 2. MEMBERSHIP OF COMMISSION.

The Commission shall be composed of the following members:

(1) the President pro tempore of the Senate;

(2) the majority leader and minority leader of the Senate;

(3) three Members of the Senate to be appointed by the majority leader; and

(4) three members of the Senate to be appointed by the minority leader.

A Member of the Senate appointed pursuant to Senate Resolution 352, agreed to April 11, 1986, to serve during the 100th Congress shall serve until the termination of the Commission.

SEC. 3. CHAIRMANSHIP; QUORUM.

The Majority Leader, or his designee, shall serve as the Chairman of the Commission and the Minority Leader, or his designee, shall serve as the Vice Chairman of the Commission. Four members of the Commission shall constitute a quorum for the transaction of business.

SEC. 4. VACANCY.

Any vacancy in the membership of the Commission shall be filled in the same manner as the original appointment.

SEC. 5. DUTIES OF COMMISSION.

The Commission shall oversee the development of projects and activities as outlined in the Final Report of the Study Group on the Commemoration of the United States Senate Bicentenary. It shall seek to coordinate Senate bicentennial activities with related organizations outside the Senate, including the Commission on the United States House of Representatives Bicentenary and the Commission on the Bicentennial of the United States Constitution.

SEC. 6. STAFF AND SUPPORT.

(a) IN GENERAL.—The Commission shall have the staff support and the expertise of Senate support staff including the Senate Historical Office and the Office of Senate Curator, under the jurisdiction of the Secretary of the Senate, and the assistance of the United States Senate Commission on Art. The Chairman shall designate an Executive Secretary of the Commission.

(b) SERVICES OF CONSULTANT.—In carrying out its functions, the Commission may, with the prior approval of the Senate Committee on Rules and Administration, procure the temporary (not to exceed one year) or intermittent service of individual consultants, or organizations thereof, in the same manner and under the same conditions as a standing committee of the Senate may procure such services.

(c) GUEST SPEAKERS.—In carrying out its functions, the Commission is authorized to engage the services of guest speakers and provide such speakers (other than speakers who are Members of Congress or officers or employees of the United States) with appropriate honoraria, transportation expenses, and per diem in lieu of subsistence.

SEC. 7. PAYMENT OF EXPENSES.

(a) PAYMENT OUT OF THE CONTINGENT FUND.—The actual and necessary expenses of the Commission, including official reception and representation expenses, the employment of staff at an annual rate of pay, and the employment of consultants at a rate not to exceed the maximum daily rate for a standing committee of the Senate, shall be paid from the Contingent Fund of the Senate, out of the account of Miscellaneous Items, upon vouchers approved by the Chairman of the Commission or his designee; except that no voucher shall be required to pay the salary of any employee who is compensated at an annual rate of pay. This subsection is effective with respect to expenditures incurred on or after the date of agreement to Senate Resolution 293, 100th Congress.

(b) AUTHORITY OF THE SECRETARY OF THE SENATE.—The Secretary of the Senate is authorized to advance such sums as may be necessary to defray the expenses incurred in carrying out the provisions of this resolution.

SEC. 8. PRIVATE SECTOR TASK FORCE.

The Commission shall seek to assemble a private sector task force to explore ideas and funding from private sources for appropriate projects to commemorate the bicentennial.

SEC. 9. REPORTS.

The Commission may submit periodic reports on its activities to the Senate and shall submit a final report at the time of its termination.

SEC. 10. TERMINATION OF COMMISSION.

The Commision shall cease to exist at the end of the one hundred and first Congress.

SEC. 11. REPEAL OF SENATE RESOLUTION 352.

Senate Resolution 352, agreed to April 11, 1986, is repealed.

Mr. MITCHELL. Mr. President, I move to reconsider the vote by which the resolution was agreed to.

Mr. JEFFORDS. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

APPOINTMENT BY THE PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The Chair, on behalf of the Acting Presi-

dent pro tempore, pursuant to Public Law 99-624, appoints the Senator from Pennsylvania [Mr. HEINZ] to the Eisenhower Centennial Commission, vice the Senator from Colorado [Mr. ARMSTRONG], resigned.

REPLICATION OF THE HOUSE OF REPRESENTATIVES TO THE ANSWER OF JUDGE WALTER L. NIXON, JR.

The PRESIDING OFFICER. The Chair submits to the Senate for printing in the Senate Journal and in the CONGRESSIONAL RECORD the Replication of the House of Representatives to the Answer of Judge Walter L. Nixon, Jr., to the articles of impeachment against Judge Nixon, pursuant to Senate Resolution 127, 101st Congress, 1st session, which replication was received by the Secretary of the Senate on June 12, 1989, and the Chair further notes for the RECORD the receipt by the Secretary of the Senate of the House of Representatives' Request for Discovery, which will be forwarded to the committee appointed under rule 11 of the Rules of Procedure and Practice in the Senate When Sitting on Impeachment Trials.

The replication is as follows:

HOUSE OF REPRESENTATIVES,
COMMITTEE ON THE JUDICIARY,
Washington, DC, June 12, 1989.

Re impeachment of Judge Walter L. Nixon, Jr.

Mr. WALTER J. STEWART,
Secretary of the Senate, U.S. Senate, Capitol Building, Washington, DC.

DEAR MR. STEWART: Enclosed please find the Replication of the House of Representatives to the Answer of Judge Nixon to the Articles of Impeachment, and the House of Representatives' Request for Discovery, for filing in the above matter.

Sincerely,

PETER E. KEITH,
Assistant Special Counsel.

[In the Senate of the United States Sitting As a Court of Impeachment]

IN RE IMPEACHMENT OF JUDGE WALTER L. NIXON, JR.

REPLICATION OF THE HOUSE OF REPRESENTATIVES TO THE ANSWER OF JUDGE WALTER L. NIXON, JR. TO THE ARTICLES OF IMPEACHMENT

The House of Representatives, through its Managers and counsel, replies to the Answer to Articles of Impeachment of Respondent, Judge Walter L. Nixon, Jr., as follows:

Article I

The first paragraph of Respondent's Answer to Article I simply summarizes that Article and requires no response by the House of Representatives.

The House of Representatives denies each and every allegation set forth in the second, third and fourth paragraphs of Respondent's Answer to Article I.

Article II

The first paragraph of Respondent's answer to Article II simply summarizes that Article and requires no response by the House of Representatives.

The House of Representatives denies each and every allegation set forth in the second and third paragraphs of Respondent's Answer to Article II.

Article III

The first paragraph of Respondent's Answer to Article III simply summarizes that Article and requires no response by the House of Representatives.

With regard to all remaining paragraphs of Respondent's Answer to Article III, the House of Representatives denies each and every allegation in the Answer that denies the acts, knowledge, intent or wrongful conduct charged against Respondent in Article III, or that otherwise suggests that Respondent's grand jury testimony and interview statements were true and correct. The House of Representatives further states that Article III properly alleges an impeachable offense, is not subject to a motion to dismiss, and should be considered and adjudicated by the Senate sitting as a Court of Impeachment. The House of Representatives incorporates by reference, in its Replication to Respondent's Answer to Article III, its response to the Answer of Respondent to Articles I and II.

1. Article III(1)

In addition to the foregoing, the House of Representatives responds to Respondent's Answer to the specific allegations of Article III(1) (A) through (G) as follows:

(A) The House of Representatives denies that the impeachment charge alleged in Article III(1)(A) is "virtually identical" to the Count II perjury charge on which Respondent was acquitted by the jury, and further denies that the jury verdict of acquittal on Count II of Respondent's criminal indictment in any way bars consideration by the Senate of Article III(1)(A).

(B) The House of Representatives denies that the impeachment charge alleged in Article III(1)(B) is "virtually identical" to the Count II perjury charge on which Respondent was acquitted by the jury, and further denies that the jury verdict of acquittal on Count II of Respondent's criminal indictment in any way bars consideration by the Senate of Article III(1)(B). The House of Representatives also denies that the allegations in subsections (A) and (B) of Article III(1) are "duplicitous and redundant." Subsections (A) and (B) of Article III allege two distinct false or misleading statements by Respondent, and both subsections should be considered and adjudicated by the Senate.

(C) The House of Representatives denies that Article III(1)(C) "does not accurately describe or refer" to actual statements by Respondent.

(D) The House of Representatives denies that the statement by Respondent referred to in Article III(1)(D) is "vague and imprecise," and states that the Senate can and should deem this to be a material false or misleading statement.

(E) The House of Representatives denies that Article III(1)(E) "distorts" or "omits material portions" of Respondent's actual statement in a "misleading manner."

(F) The House of Representatives denies that the allegations in subsection (E) and (F) of Article III(1) are "duplicitous and redundant." Subsections (E) and (F) of Article III(1) allege two distinct false or misleading statements by Respondent, and both subsections should be considered and adjudicated by the Senate.

(G) The House of Representatives denies that Article III(1)(G) "does not accurately describe" Respondent's statement during the April 1984 interview.

2. Article III(2)

In addition to the foregoing, with regard to Respondent's Answer to the specific statements alleged in Article III(2), the House of Representatives agrees that the statement of Respondent set forth in Article I is also the basis for Article III(2)(A), and that the statements of Respondent set forth in Article II are also the basis for Article III(2) (D), (F), and (G). The House of Representatives denies that the statement of Respondent set forth in Article II is also the basis for Article III(2)(E), inasmuch as the specific statement set forth in Article III(2)(E) was not an "underscored material declaration" in Count IV of Respondent's criminal indictment found by the jury to be false. However, the House of Representatives acknowledges that the statements set forth in Articles II and III(2)(E) were each part of Respondent's response during his grand jury testimony to the question, "Judge, do you have anything you want to add?"

The House of Representatives denies that Article III(2) is "multiplicitous, redundant and fundamentally unfair." Article III properly alleges an impeachable offense, is distinct from Articles I and II, and should be considered and adjudicated by the Senate. The House of Representatives denies that any portion of Article III is defective, and will oppose any motion to dismiss all or part of Article III.

The House of Representatives denies that Article III(2)(B) "distorts and misstates" Respondent's actual grand jury testimony.

First Affirmative Defense

The House of Representatives denies each and every allegation of this purported defense. The House of Representatives further states that this purported defense is not relevant to the Impeachment Articles and is insufficient as a matter of law. This purported defense of "vindictive prosecution" is a question particularly appropriate for judicial resolution and has been finally resolved by the judicial branch against Respondent without pending appeal. Respondent should thereby be estopped from raising this issue during the impeachment proceedings. The House of Representatives further asserts that such "vindictive prosecution," even if true as alleged, cannot excuse or be a defense to the misconduct by Respondent set forth in the Articles of Impeachment.

Second Affirmative Defense

The House of Representatives denies each and every allegation of this purported defense. The House of Representatives asserts that this purported defense is not relevant to the Impeachment Articles and is insufficient as a matter of law. This purported defense of prosecutorial misconduct is a question particularly appropriate for judicial resolution and has been resolved by the judicial branch against Respondent. Respondent should thereby be estopped from raising this issue during the impeachment proceedings. The House of Representatives further asserts that such prosecutorial misconduct, even if true as alleged, cannot excuse or be a defense to the misconduct by Respondent set forth in the Articles of Impeachment.

Wherefore, the House of Representatives states that each of the Articles of Impeachment presents a valid basis for removing Respondent from office. Each of the three Articles should be considered and adjudicated by the Senate.

With regard to Respondent's demand for "trial before the full United States Senate," the House of Representatives denies that Article I, Section 3 of the Constitution requires that evidence be taken by the full Senate, rather than by a Committee formed pursuant to Senate Impeachment Rule XI.

Respectfully submitted,

The U.S. House of Representatives,
ALAN I. BARON,
Special Counsel.

Managers of the House of Representatives: Jack Brooks, Don Edwards, Benjamin L. Cardin, F. James Sensenbrenner, William E. Dannemeyer.

Impeachment Trial Staff: Alan I. Baron, Special Counsel; Peter E. Keith, Assistant Special Counsel.

House Judiciary Committee Staff Participating in the Impeachment Proceedings: William Jones, General Counsel; Daniel Freeman, Counsel; Catherine A. LeRoy, Counsel; Colleen Kiko, Counsel.

RECESS UNTIL 9 A.M. TOMORROW

Mr. MITCHELL. Mr. President, I now ask unanimous consent that the Senate stand in recess under the previous order until 9 a.m. on Wednesday, June 14, 1989.

There being no objection, the Senate, at 7:31 p.m., recessed until Wednesday, June 14, 1989, at 9 a.m.

NOMINATIONS

Executive nominations received by the Secretary of the Senate after the recess of the Senate on June 9, 1989, under authority of the order of the Senate of January 3, 1989:

DEPARTMENT OF STATE

THOMAS PATRICK MELADY, OF CONNECTICUT, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE HOLY SEE.

DEPARTMENT OF JUSTICE

WILLIAM BRANIFF, OF CALIFORNIA, TO BE U.S. ATTORNEY FOR THE SOUTHERN DISTRICT OF CALIFORNIA FOR THE TERM OF 4 YEARS VICE PETER K. NUNEZ, RESIGNED.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

SKIRMA ANNA KONDRATAS, OF VIRGINIA, TO BE AN ASSISTANT SECRETARY OF HOUSING AND URBAN DEVELOPMENT, VICE JACK R. STOKVIS, RESIGNED.

U.S. INTERNATIONAL DEVELOPMENT COOPERATION AGENCY

MARK L. EDELMAN, OF MISSOURI, TO BE DEPUTY ADMINISTRATOR OF THE AGENCY FOR INTERNATIONAL DEVELOPMENT, VICE JAY F. MORRIS, RESIGNED.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

JAMES R. THOMPSON, JR., OF ALABAMA, TO BE DEPUTY ADMINISTRATOR OF THE NATIONAL AERONAUTICS AND SPACE ADMINISTRATION, VICE DALE D. MYERS, RESIGNED.

Executive nominations received by the Senate June 13, 1989:

DEPARTMENT OF STATE

JOSEPH BERNARD GILDENHORN, OF THE DISTRICT OF COLUMBIA, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO SWITZERLAND.

DEPARTMENT OF THE INTERIOR

MARTIN LEWIS ALLDAY, OF TEXAS, TO BE SOLICITOR OF THE DEPARTMENT OF THE INTERIOR, VICE RALPH W. TARR, RESIGNED.

JOHN F. TURNER, OF WYOMING, TO BE DIRECTOR OF THE U.S. FISH AND WILDLIFE SERVICE, VICE FRANK H. DUNKLE, RESIGNED.

DEPARTMENT OF COMMERCE

DEBORAH WINCE-SMITH, OF OHIO, TO BE ASSISTANT SECRETARY OF COMMERCE FOR TECHNOLOGY POLICY, VICE D. BRUCE MERRIFIELD, RESIGNED.

IN THE ARMY

THE FOLLOWING-NAMED OFFICER TO BE PLACED ON THE RETIRED LIST IN GRADE INDICATED UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 1370:

To be general

GEN. MAXWELL R. THURMAN [redacted] U.S. ARMY

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED, UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 601(A), IN CONJUNCTION WITH ASSIGNMENT TO A POSITION OF IMPORTANCE AND RESPONSIBILITY DESIGNATED BY THE PRESIDENT UNDER TITLE 10, UNITED STATES CODE, SECTION 610(A):

To be general

LT. GEN. JOHN W. FOSS, [redacted], U.S. ARMY.

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED, UNDER IN CONJUNCTION WITH ASSIGNMENT TO A POSITION OF IMPORTANCE AND RESPONSIBILITY DESIGNATED BY THE PRESIDENT UNDER TITLE 10, UNITED STATES CODE, SECTION 610(A) AND TO BE APPOINTED AS SENIOR ARMY MEMBER OF THE MILITARY STAFF COMMITTEE OF THE UNITED NATIONS UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 711.

To be lieutenant general and Army senior member of the Military Staff Committee of the United Nations

MAJ. GEN. GORDON R. SULLIVAN, [redacted] U.S. ARMY

IN THE NAVY

THE FOLLOWING NAMED OFFICER TO BE PLACED ON THE RETIRED LIST IN THE GRADE INDICATED UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 1370.

To be vice admiral

VICE ADM. JOSPEH B. WILKINSON, JR., [redacted] 1230, U.S. NAVY.

HOUSE OF REPRESENTATIVES—*Tuesday, June 13, 1989*

The House met at 12 noon.

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

May our hearts, O gracious God, be open to Your renewing spirit so that our eyes can see the opportunities for life and love and service that are all about us. May not the attention that we give to that which is immediate and necessary, keep us from lifting our hearts, our minds, and our souls to experience the boundless riches of Your grace and to share with others the goodness of all Your gifts. This we pray. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. The Chair will ask the gentleman from Kansas [Mr. GLICKMAN] to lead the House in the Pledge of Allegiance.

Mr. GLICKMAN led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Hallen, one of its clerks, announced that the Senate had passed joint resolutions and concurrent resolutions of the following titles, in which the concurrence of the House is requested:

S.J. Res. 55. Joint resolution to designate the week of October 1, 1989, through October 7, 1989, as "Mental Illness Awareness Week";

S.J. Res. 67. Joint resolution to commemorate the twenty-fifth anniversary of the Wilderness Act of 1964 which established the National Wilderness Preservation System;

S.J. Res. 73. Joint resolution to designate the week beginning October 29, 1989, as "Gaucher's Disease Awareness Week";

S.J. Res. 76. Joint resolution to designate the period commencing on June 21, 1989, and ending on June 28, 1989, as "Food Science and Technology Week";

S.J. Res. 78. Joint resolution to designate the month of November 1989 and 1990 as "National Hospice Month";

S.J. Res. 85. Joint resolution to designate the week of July 24 to July 30, 1989, as the "National Week of Recognition and Remembrance for Those Who Served in the Korean War";

S.J. Res. 95. Joint resolution to designate the week of September 10, 1989, through September 16, 1989, as "National Check-Up Week";

S.J. Res. 96. Joint resolution designating July 2, 1989, as "National Literacy Day";

S.J. Res. 105. Joint resolution to designate October 7 through October 14, 1989, as "National Week of Outreach to the Rural Disabled";

S.J. Res. 108. Joint resolution designating October 3, 1989, as "National Teacher Appreciation Day";

S.J. Res. 109. Joint resolution to designate the period commencing September 11, 1989, and ending on September 15, 1989, as "National Historically Black Colleges Week";

S.J. Res. 110. Joint resolution designating October 5, 1989, as "Raoul Wallenberg Day";

S.J. Res. 117. Joint resolution to designate the week of November 19, 1989, through November 25, 1989, and the week of November 18, 1990, through November 24, 1990, as "National Family Week";

S.J. Res. 118. Joint resolution designating October 6, 1989, as "German-American Day";

S.J. Res. 120. Joint resolution to designate the period commencing November 12, 1989, and ending November 18, 1989, as "Geography Awareness Week";

S.J. Res. 122. Joint resolution to designate October 1989 and 1990 as "National Down Syndrome Month";

S.J. Res. 124. Joint resolution to designate October as "National Quality Month";

S.J. Res. 126. Joint resolution commemorating the bicentennial of the U.S. Coast Guard;

S.J. Res. 130. Joint resolution designating February 11 through February 17, 1990, as "Vocational-Technical Education Week";

S.J. Res. 133. Joint resolution designating October 1989 as "National Domestic Violence Awareness Month";

S.J. Res. 136. Joint resolution designating August 8, 1989, as "National Neighborhood Crime Watch Day";

S.J. Res. 137. Joint resolution designating January 7, 1990, through January 13, 1990, as "National Law Enforcement Training Week";

S.J. Res. 138. Joint resolution designating October 16, 1989, and October 16, 1990, as "World Food Day";

S.J. Res. 142. Joint resolution designating the week beginning July 23, 1989, as "Lyme Disease Awareness Week";

S.J. Res. 143. Joint resolution to designate the week of December 10, 1989, through December 16, 1989, as "National Drunk and Drugged Driving Awareness Week";

S.J. Res. 146. Joint resolution designating the week of September 24, 1989, as "Religious Freedom Week";

S.J. Res. 148. Joint resolution to designate the week of October 8, 1989, through October 14, 1989, as "National Job Skills Week";

S.J. Res. 150. Joint resolution to designate August 1, 1989, as "Helsinki Human Rights Day";

S.J. Res. 151. Joint resolution to honor the U.S. Customs Service on the 200th anniversary of its establishment;

S. Con. Res. 39. Concurrent resolution to commend the group of aviators known as the "Flying Tigers" for nearly 50 years of service to the United States; and

S. Con. Res. 40. Concurrent resolution to designate June 21, 1989, as Chaney, Goodman, and Schwerner Day.

SUPPORTING MOVE FOR DEMOCRACY IN CHINA

(Mr. MAZZOLI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MAZZOLI. Mr. Speaker, this summer it is my pleasure to have as an intern in my office Braxston Banks, a student at the University of Notre Dame. Last summer Braxston traveled to China and spent 3 weeks there and, therefore, when the events occurred recently in Tiananmen Square and throughout Beijing, Braxston was able to put these things into better perspective and to help me to frame my own thoughts on this issue.

I think what we have before us today, Mr. Speaker, in the People's Republic of China is a crisis, a situation crying for resolution, a country and a people possibly ready to explode.

The Chinese students in my home town of Louisville who attend the University of Louisville and other schools are joining in solidarity with their friends and the students in China, and I join them in that same solidarity. We must make it clear, Mr. Speaker, to the Chinese authorities that their conduct is not acceptable among civilized nations of the world and that stern sanctions must be invoked by the free peoples of the world if they do not improve the conditions for their people in China seeking demoracy and seeking freedom.

NO DEALS FOR RELEASE OF MR. FANG AND MISS LI

(Mr. BROOMFIELD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BROOMFIELD. Mr. Speaker, today I read a disturbing newspaper report suggesting that the two outspoken Chinese dissidents being harbored in the American Embassy in Beijing may not be as secure in our Embassy as they thought they might be.

A headline in today's New York Times reads: "Washington wants vow that couple living in Embassy will not be harmed." That headline tells me that the American people are being prepared for some kind of deal with the Chinese Government.

The Chinese leaders can make all the vows they want, but they will never convince me that they will treat Mr. Fang and Miss Li any differently than the protesters they have arrested in the days since the Tiananmen Square massacre.

The students look to the United States as a model for human rights. Let's not disappoint them by entering into some cynical arrangement for the release of Mr. Fang and Miss Li. Secretary Baker should tell the Chinese: "No deals. America is standing by its commitments."

THE MIRACLE BASEBALL TEAM OF WICHITA STATE UNIVERSITY

(Mr. GLICKMAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GLICKMAN. Mr. Speaker, in the current hit movie "Field of Dreams," a fantasy takes place. The old baseball legend Shoeless Joe Jackson returns from the past to play baseball once again. It is possible for him to do this only because the movie's star, Kevin Costner, believed a fantasy could really happen and so he built a baseball field of dreams in the middle of his Iowa cornfield. After a day of playing baseball on that field with a team of other baseball legends, Shoeless Joe asks Costner, "Is this Heaven?" to which Costner replies, "No, it's Iowa."

This past weekend, another fantasy took place on a different Midwest baseball diamond; on a true field of dreams. The Wichita State University baseball team won the 1989 College World Series, and showed the world that if you are willing to dream, then fantasies really can come true. Nicknamed the Shockers to represent the shocks of wheat grown in our State, they proved that there is a different interpretation of the mascot. They shocked college baseball by becoming the first team in almost 25 years from outside the traditional baseball States of Florida, Texas, Arizona, or California to win the national championship.

It was a miracle team coached by Gene Stephenson that beat the second-seeded Texas Longhorns, and it would not have been possible without the superb pitching in the final game by the city of Wichita's own Greg Brummett. In fact, over half of the team hails from Kansas, which just proves that great baseball can be played outside of the Sun Belt. The team was also motivated by Bryant Winslow, who played much of the season with a stress fracture in his shin. Although his leg finally gave out and broke playing against Texas, he symbolized the guts and the can-do spirit of the Shockers and made everyone believe the dream was attainable.

But baseball is a team sport, and credit must go to everyone associated with this team that made this championship happen. From the assistant coaches and trainers to every single player, who in their own way contributed during the entire season, reaching this pinnacle would not have been possible without a complete team effort. Listed below is a roster of the players and coaches. Even the sports department and the faculty of the university share in this victory, for it is these leaders who teach the players that academics is just as important as athletics, and that it is possible to succeed in both sports and scholarship.

This was the second appearance in 7 years for Wichita State in the championship round of the College World Series, and last year they came within one strike of reaching the championship game. Perhaps it was that setback which caused the Shockers to set their sights on this year's championship. They dared to dream what others said was impossible, and played with a fire in their hearts that could not be put out.

After watching the Cinderella team from Wichita State University play determined, back-to-the-wall, never-say-die baseball during the 2-week long College World Series in Omaha, one had to wonder "was it Heaven?" Clearly, this time the correct response "No, it was Nebraska, and the fantasy team was the Wichita State University Shockers."

Coaches and players roster of the 1989 NCAA College World Series:

Gene Stephenson, head coach; Brent Kemnitz, pitching coach; Loren Hibbs, assistant coach; Gregg Miller, graduate assistant coach; Randy Fox, assistant trainer; Jim Audley, Jeff Bluma, Jeff Bonacquista, Greg Brummett, Brian Buzard, Pat Cedeno, Todd Dreifort, P.J. Forbes, Charlie Giaudrone, Tyler Green, Jay Haffley, Mike Jones, Mike Lansing, Morgan LeClair, Mike McDonald, Pat Meares, Jim Newlin, Darrin Paxton, Eric Wedge, Mike Wentworth, Jeff Williams, Bryant Winslow, Joey Wilson.

TRIBUTE TO GEN. JULIUS W. BECTON, JR.

(Mr. SHUMWAY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SHUMWAY. Mr. Speaker, I ask that my colleagues join with me today in paying tribute to Gen. Julius W. Becton, Jr., as he retires from his position as Director of the Federal Emergency Management Agency [FEMA].

While none of us enjoys dealing with severe disasters, I am sure we can all agree that General Becton has made such emergencies more manageable. His leadership, experience, and combat-proven abilities under pressure made his stewardship at FEMA impressive. Regrettably, virtually all members of the California delegation have had more than one occasion to appreciate General Becton's efficiency during his tenure. Under his command, FEMA's 2,400 employees provided rapid, effective response and relief to disasters, be they natural or man-made. During his tenure, FEMA has mitigated 73 disasters and emergencies of sufficient severity to be declared eligible by the President for Federal assistance. His prioritizing has seen some $1.5 billion well applied.

General Becton has dedicated 44 years of his life to Federal service, 39 of them in the U.S. Army. His military career reflects his determination, drive, and excellence: he rose through the ranks from private to lieutenant general. His meritorious service, courage, and valor have been recognized repeatedly: he won 13 awards for meritorious service and 7 decorations for valor in combat during World War II, and the conflicts in both Korea and Vietnam.

Prior to his nomination as FEMA Director by then-President Reagan, General Becton extended his expertise around the world, through his service as Director of the Office of Foreign Disaster Assistance, Agency for International Development.

Now, General Becton will apply his knowledge and leadership in the private sector, assuming the position of senior vice president for operations with American Coastal Industries, Inc. Fortunately, he will not be moving far away, as the company is headquartered in Arlington.

I am pleased to have this opportunity to express my appreciation and commendation to Gen. Julius Becton for a job well done. Additionally, I know that my colleagues will join me in wishing the very best to him, his wife, Louise, and their family as they enter another challenging chapter in their lives.

DEATH PENALTY FOR MASS MURDERERS

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, a decade ago Richard Speck attacked eight nurses in Chicago. He bound them one at a time; he raped three of them. Then Speck brutally executed all eight of those young ladies.

Meanwhile, there was a young Spanish-speaking nurse who rolled under-

neath the daybed and out of view and who witnessed this terrible nightmare, and later wrote a passage that we should all be cognizant of down here: "God, don't let him hear the pounding of my heart." God spared her life. She gave the testimony that convicted Richard Speck.

Now to really confuse the situation, the Illinois Bureau of Corrections and Rehabilitation 2 years later recommended that Richard Speck be sent to college as a model prisoner. That is how out of hand things have gotten.

Mr. Speaker, I have introduced a bill that will call for the death penalty for mass murderers like Speck. I think Congress should be starting to concern themselves with the victims' rights and the would-be victims, and I am asking for the support of my colleagues and the Democratic leadership for my bill, H.R. 2102.

□ 1210

The SPEAKER. The Chair is obliged to advise our guests in the gallery that much as we appreciate their attendance, any demonstration of approval or disapproval is barred by the rules of the House.

The Chair recognizes the gentleman from Wisconsin [Mr. ROTH].

ADMINISTRATION IS NOT RETREATING ON CAPITAL STANDARDS FOR S&L'S

(Mr. ROTH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROTH. Mr. Speaker, the Washington Post today has an article stating the administration is retreating on capital standards on our savings and loan bill. This is totally inaccurate.

I have talked to people at the Department of the Treasury. There is no retreat. There is going to be no sellout of the American taxpayer and the President is going to veto any bill that does not have a strong capital standard.

The present House bill targets 3-percent tangible assets, by 1994, that is in 5 years, is certainly not too much to require.

In the State of Wisconsin we have had over 6-percent tangible assets. That is why we have not had an S&L insolvency problem in the State of Wisconsin.

Capital is the cash that thrift institutions use to absorb bad loans and protect depositors.

The President on February 6 came before Congress and asked that in 45 days he have legislation on his desk. Now 127 days later we still do not have the bill.

It is time we act. It is costing us $10 million every day, of taxpayers' money, every day we do not act.

Mr. Speaker, I ask all the Members to take a look at the capital standards and you will see that the States that are in trouble are mostly in the negative column with capital assets. Use that as a guide when you vote on this bill.

CONDEMNING BEIJING MASSACRE

(Ms. SLAUGHTER of New York asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. SLAUGHTER of New York. Mr. Speaker, on June 3 countless numbers of Chinese students and workers were wantonly slain by the Chinese Army. Since that fateful day, the world has mourned the deaths of these prodemocracy reformers—and an even greater tragedy, the loss of progress toward an open society where people could freely air their thoughts and ideas.

While the military's massacre of protestors appears to have stopped, make no mistake, Government suppression still exists in China. I would like to warn the Chinese rulers that all Americans are still aware of your violent repression. Your brutal military tactics cannot be covered up. American television may be banned from broadcasting pictures of police intimidation and the numerous arrests of innocent workers and students. But what we cannot see can still be felt. Peace in the People's Republic of China can never be attained under these repressive conditions.

I urge Deng Xiaoping: heed your own words and "Seek Truth From Facts." Throughout Chinese history, the people have repeatedly demonstrated for greater democracy. The people's desire for democracy cannot be suppressed. Allow the people of China to strive openly for reform and end this period of fear and pain.

THE BUSH CLEAN AIR PROPOSAL

(Mr. CONTE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CONTE. Mr. Speaker, yesterday, the President unveiled sweeping revisions to the Clean Air Act, addressing acid rain, urban air pollution, and toxic air.

This announcement marks the first time that any President has proposed major strengthening of our Nation's clean air law since the 1977 amendments. By all accounts, the President has changed the character and parameters of the clean air debate. No longer can we tolerate excuses or delays.

The research is done. The problem is scientifically documented. And the damage is mounting year-by-year and month-by-month.

To control acid rain, the President proposed significant reductions in sulfur dioxide emissions.

These deadly airborne killers have wreaked havoc on the lakes, streams, and reservoirs of New England. In my State of Massachusetts alone, over 200 waterways are already dead, and thousands more are on the verge of environmental extinction.

Although this plan goes a long way to addressing the devastation of acid rain and other clean air problems, not everyone interested in this issue will agree with every detail of the President's proposal.

I have some reservations myself, but with this announcement, President Bush has put clean air on the front burner of the national legislative agenda. He has opened the door for a new and revitalized clean air act.

Mr. Speaker, let us take up the President's challenge and put a strong clean air act on his desk by the end of this session. As he said yesterday, "we've seen enough of this stalemate. It's time to clear the air."

PRESIDENT BUSH GIVES THE NATION A BREATH OF FRESH AIR

(Mr. ALEXANDER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ALEXANDER. Madam Speaker, the Nation owes President Bush its thanks for proposing a clean air plan which provides the American people with a solution to the dirty air problem in America. About three out of five Americans live in areas where breathing is hazardous to their health, according to the Environmental Protection Agency.

Nearly 100 percent of the carbon dioxide and 50 percent of the smog is caused from automotive emissions. The hazardous toxins can be eliminated from automobile emissions if Congress requires the use of clean fuels to achieve minimum health air quality standards.

We are indeed grateful to President Bush for taking the initiative to give the American people a breath of fresh air.

LET US SEND A STRONG MESSAGE TO THOSE MURDERERS

(Mr. SOLOMON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SOLOMON. Madam Speaker and my colleagues, last year this U.S. Government, with the approval of this Congress, approved the transfer and the licensing to the People's Republic of China, the Communist government

in China, of the know-how for launching satellites.

At that time on this floor I raised concern that we could not trust the Communist Chinese Government, and I guess with the events that have taken place these last 2 months that that certainly has come true.

Today, I am offering legislation which will prohibit that satellite launch technology agreement from going through. This will not place sanctions on the suffering Chinese people, but it will place a very strong sanction on that Government which has committed all of these atrocities, the crimes they now are denying to the world press.

I urge all of my colleagues to sponsor that legislation. Let us reconsider it and let us send that strong message to the murderers in the Great Hall of the People.

PIRACY ALIVE AND WELL IN U.S. WATERS

(Mr. MILLER of Washington asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MILLER of Washington. Madam Speaker, I would like to take 1 minute to remind you and all my colleagues of tales we read as children, tales of adventurous pirates searching the oceans for riches to plunder. We may have imagined that pirates preying on American commerce was a thing of the past. Well, piracy is alive and well.

In the 17th century pirates went after gold; today they go after fish. Last week, the Coast Guard caught a Taiwanese vessel, the *Ta Chieh No. 3.* The vessel, supposedly fishing for squid, was catching salmon bound for U.S. waters. This ship was 500 miles south of the Aleutian Islands. That's far outside of legitimate squid fishing areas.

Madam Speaker, the Coast Guard has video tapes of the crew throwing trays of frozen salmon over the side of the ship. They found logs on this ship which prove that the *Ta Chieh* violated Taiwanese and international law 64 times over the past 2 years—64 times. The Coast Guard boarding party was offered a bribe to look the other way. There is mounting concern this ship is part of a well-organized fleet which is pirating our fish. It is pirating our jobs. And, Madam Speaker, it is pirating the future of our fishing industry. Such fleets operate not only out of Taiwan but out of other nations such as Korea and Japan.

Madam Speaker, the Taiwanese Government granted the Coast Guard permission to board this vessel. But, they need to do more. They need to show this Nation, the world, and the fishing industry that pirates will be caught and punished. The *Ta Chieh* should be prosecuted to the full extent of Taiwanese law.

The Government of Taiwan should take the following three steps: First, place observers aboard their fishing fleet; second, outfit their ships with transponders—finding their fleet should not be a game of hide and seek. Third, they should make their enforcement officers more readily available to our Coast Guard.

Taiwan and the United States have worked hard to build good, solid relations and we should be proud we have just that. Let's not endanger those relations by allowing this piracy to continue.

Madam Speaker, 2 years ago, I joined in cosponsoring legislation to keep foreign drift net fleets from stealing our salmon. The Taiwanese and others have flagrantly ignored this law. The time has come to stop the pirating of our fish.

CALLING ON VIETNAM TO RELEASE CAMP DETAINEES

(Mr. INHOFE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. INHOFE. Madam Speaker, I rise today to support House Concurrent Resolution 113 calling upon the Government of the Socialist Republic of Vietnam to expedite the release and emigration of the "reeducation" camp detainees.

□ 1220

I think we, in this country, would call many of these reeducation camps labor camps or prisons.

A year ago we had a young man who had come to the United States of America, by the name of Thi Van Nguyen. He came here to be trained in 1974 to fight for the freedom of his people. Then after a period of time went by he was detained here, of course, and could not go back in and had not seen his wife and three small children since 1974.

Last year I went to New York. I talked to the Ambassador to the United Nations of Vietnam and negotiated the release of Thi Van Nguyen's wife and three children whom he had not seen for 15 years. Thi Van Nguyen has become one of our most valuable citizens in Tulsa, OK. On Saturday, he will become a naturalized citizen.

I call upon Congress to encourage that Government to release those others trying to reunite with their families in the United States of America, because they have ended up being great and valued citizens.

BILL PROVIDING REMOVAL OF CONVICTED FEDERAL JUDGES

(Mr. SANGMEISTER asked and was given permission to address the House for 1 minute.)

Mr. SANGMEISTER. Madam Speaker, today I will be introducing a bill to provide for the automatic removal of Federal judges who have been convicted of a serious crime.

This bill, Madam Speaker, would spare American taxpayers from paying the salary and exorbitant investigation costs that precede a convicted judge's impeachment. The American taxpayer does not deserve to bear the financial burden of an impeachment process that is too long, too redundant, and too costly in the case of convicted judges.

Recently, we considered articles of impeachment against Judge Walter Nixon. Judge Nixon was convicted of perjury in February 1986 and sentenced to 5 years in prison; however, since his conviction, he has received more than a quarter of a million dollars in salary. Madam Speaker, we should not pay Judge Nixon a salary while he resides in the Eglin Air Force Base prison camp; we should not pay for investigations that have already been conducted and needlessly linger on; and we should not stick the American taxpayer with the tab every time a Federal official betrays the public trust.

LEE ATWATER RESPONSIBLE FOR REPUBLICAN NATIONAL COMMITTEE

(Mr. WILLIAMS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILLIAMS. Madam Speaker, a good many of my colleagues on the Democratic side, and many Democrats throughout the country, have strenuously suggested, some demanded, that the chairman of the Republican National Committee, Lee Atwater, resign his position. Folks have suggested this primarily because Mr. Atwater's organization has put out a memo which George Bush and reportedly Mr. Atwater, as well, have called disgraceful.

Although that memo may not have been put out under Mr. Atwater's imprimatur, it nonetheless came out of the organization of which he is the chairman. I disagree with my colleagues who are saying that Mr. Atwater should resign. I do not think he should. I, personally, believe that he is the leader of a long-running strategy by the Republican Party to do precisely the type of thing that the Foley memo set out to do. So Mr. Atwater now is branded, he is tattooed. We can now, as a people, as American citizens, spot him as he

grazes out there in the valley of sleaze. We have him spotted. We ought to keep them there so we can identify the kinds of sleaze that is now coming out and probably will continue to come out of the Republican National Committee.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Ms. SLAUGHTER of New York). Pursuant to the provisions of clause 5 of rule I, the Chair announces that she will postpone further proceedings today on each motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 4 of rule XV.

Such rollcall votes, if postponed, will be taken after debate has concluded on all motions to suspend the rules.

DISTRICT OF COLUMBIA POLICE AUTHORIZATION AND EXPANSION ACT OF 1989

Mr. DELLUMS. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 1502), to authorize the appropriation of funds to the District of Columbia for additional oficers and members of the Metropolitan Police Department of the District of Columbia, and to provide for the implementation in the District of Columbia of a community-oriented policing system, as amended.

The Clerk read as follows:

H.R. 1502

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "District of Columbia Police Authorization and Expansion Act of 1989".

SEC. 2. AUTHORIZATION OF APPROPRIATIONS FOR ADDITIONAL OFFICERS AND MEMBERS FOR THE METROPOLITAN POLICE DEPARTMENT OF THE DISTRICT OF COLUMBIA.

(a) IN GENERAL.—Section 502 of the District of Columbia Self-Government and Governmental Reorganization Act is amended by adding at the end thereof the following new subsection:

"(c)(1) In addition to the amounts authorized to be appropriated under subsection (a) and subject to paragraphs (2) and (3), there are authorized to be appropriated to the District of Columbia, for salaries and expenses (including benefits and necessary equipment) of 700 additional officers and members of the Metropolitan Police Department of the District of Columbia $23,149,000 for fiscal year 1990, $23,338,000 for fiscal year 1991, $25,199,000 for fiscal year 1992, $27,252,000 for fiscal year 1993, and $28,367,000 for fiscal year 1994.

"(2) Amounts appropriated under paragraph (1) shall be available only for salaries and expenses (including benefits and necessary equipment) of officers and members of the Metropolitan Police Department of the District of Columbia in excess of the authorized level of the department for fiscal year 1989 of 4,055 officers and members.

"(3)(A) For fiscal year 1990, no funds authorized to be appropriated under paragraph (1) may be obligated or expended until 120 days after the Mayor develops and submits a plan for the implementation in the District of Columbia of a community-oriented policing system (modeled after such a system in Houston, Texas) to the Committee on the District of Columbia of the House of Representatives and the Subcommittee on General Services, Federalism and the District of Columbia of the Committee on Governmental Affairs of the U.S. Senate.

"(B) For fiscal years after 1990, no funds authorized to be appropriated under paragraph (1) may be obligated or expanded until the Mayor submits a notification to the Committee on the District of Columbia of the House of Representatives and the Subcommittee on General Services, Federalism and the District of Columbia of the Committee on Governmental Affairs of the U.S. Senate that the District of Columbia has implemented for such fiscal year a community-oriented policing system in the District of Columbia.".

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect October 1, 1989.

SEC. 3. CONSTRUCTION OF DETENTION FACILITIES.

(a) IN GENERAL.—(1) The District of Columbia shall construct a facility at the location described in subsection (c) to serve solely as a place for the detention and incarceration of individuals accused or convicted of crimes in the District of Columbia.

(2) Nothing in the National Historic Preservation Act (Public Law 89-655; 16 U.S.C. 470 et seq.) may be construed to prevent the construction of the facility referred to in paragraph (1).

(b) SUBMISSION AND APPROVAL OF DESIGN.—(1) Not later than 15 days after the date of the enactment of this Act, the District of Columbia shall submit the design for the detention facility described in subsection (a) to the Committee on the District of Columbia of the United States House of Representatives and the Subcommittee on General Services, Federalism and the District of Columbia of the Committee on Governmental Affairs of the U.S. Senate for the Committees' approval.

(2) The District of Columbia shall begin construction of the detention facility described in subsection (a) not later than 30 days after the Committee on the District of Columbia of the House of Representatives and the Subcommittee on General Services, Federalism and the District of Columbia of the Committee on Governmental Affairs of the U.S. Senate approve the design of such facility.

(c) LOCATION.—The facility described in subsection (a) shall be located on the South part of Square E-1112 as recorded in Subdivision Book 140, Page 199 in the Office of the Surveyor of the District of Columbia.

SEC. 4. STUDY OF DISTRICT OF COLUMBIA COURT RESOURCES AND UNITED STATES ATTORNEYS IN METROPOLITAN AREA.

(a) IN GENERAL.—Not later than 60 days after the date of the enactment of this Act, the Attorney General—

(1) together with the Joint Committee on Judicial Administration in the District of Columbia, shall prepare and submit to Congress a report analyzing resources available to District of Columbia courts; and

(2) together with the Judicial Conference of the United States and in consultation with the Joint Committee on Judicial Administration in the District of Columbia, shall prepare and submit to Congress a report analyzing the need for an increase in the number of United States Attorneys appointed in the District of Columbia and other judicial districts in the surrounding metropolitan area and in the number of support personnel assigned to the United States Attorneys appointed in those jurisdictions.

(b) CONTENTS OF REPORT ON D.C. COURT RESOURCES.—The report prepared and submitted under subsection (a)(1) shall include—

(1) an analysis of the feasibility of, and the costs associated with, an increase in the number of support personnel and judges assigned to District of Columbia courts;

(2) an analysis of the sufficiency of the budget, facilities, and programs available to such courts; and

(3) recommendations for possible changes in the District of Columbia Pre-Trial Detention Act, the proposed felony sentencing guidelines for the District of Columbia Superior Court, and the social services program managed by and under the direction of the District of Columbia courts.

SEC. 5. REPORT ON EFFECTS OF INCREASED D.C. LAW ENFORCEMENT EFFORTS ON CRIME IN METROPOLITAN AREA.

Not later than 60 days after the date of the enactment of this Act, the Attorney General shall prepare and submit to Congress a report analyzing the potential effects of increased efforts to eliminate drug-related criminal activity in the District of Columbia on crime and law enforcement in the metropolitan area surrounding the District, including the effects of such efforts on the caseload of prosecuting attorneys (including United States Attorneys) in such area.

SEC. 6. DEVELOPMENT OF CLASSIFICATION SYSTEM FOR INDIVIDUALS CONVICTED OF CRIMES IN DISTRICT.

(a) ASSISTANCE FROM BUREAU OF PRISONS AND NATIONAL INSTITUTE OF CORRECTIONS.—Not later than 180 days after the date of the enactment of this Act, the District of Columbia shall request the Director of the Bureau of Prisons and the Director of the National Institute of Corrections to provide the District of Columbia with technical assistance and training in the development of a criminal record-keeping and classification system, which will provide the basis for a uniform strategy for managing and evaluating the processing in the District of Columbia's criminal justice system of individuals convicted of crimes in the District of Columbia.

(b) INFORMATION INCLUDED IN SYSTEM DATA BASE.—The recordkeeping and classification system described in subsection (a) shall include a data base continuously updated to provide current information on the prison population of the District of Columbia, including, but not limited to, the following:

(1) Aggregate inmate profiles and classifications based on individual records and files.

(2) Escape and other risk assessments for individual inmates.

(3) Ongoing counts of the number of persons at various stages of processing in the criminal justice system.

(4) Projections for future prison populations.

SEC. 7. USE OF PROCEEDS OF FORFEITED PROPERTY FOR LAW ENFORCEMENT ACTIVITIES.

Section 502(d)(3)(B) of the District of Columbia Uniform Controlled Substances Act

of 1981 (Section 33-552(d)(3)(B), D.C. Code) is amended by striking "to finance programs" and inserting "to finance law enforcement activities of the District of Columbia, with any remaining balance used to finance programs".

The SPEAKER pro tempore. Is a second demanded?

Mr. BLILEY. Madam Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER pro tempore. The gentleman from California [Mr. DELLUMS] will be recognized for 20 minutes and the gentleman from Virginia [Mr. BLILEY] will be recognized for 20 minutes.

The Chair recognizes the gentleman from California [Mr. DELLUMS].

Mr. DELLUMS. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, much has been written and much more said regarding drugs and drug-related violence in the District of Columbia. In an effort to address this problem, the Subcommittee on Fiscal Affairs and Health of the full Committee on District of Columbia, chaired by the distinguished colleague and good friend, the gentleman from Washington, DC [Mr. FAUNTROY], has held no less than seven investigative oversight and legislative hearings on this issue.

The Committee on District of Columbia, Madam Speaker, began the 101st Congress with hearings into the various questions surrounding drug use, sale, manufacturing in the District of Columbia metropolitan area. On April 12, the subcommittee voted to send to the full committee the bill, H.R. 1502, with instructions that committee staff on both sides of the aisle were to draft a version that was acceptable to all parties concerned. On April 27 of this year the full committee voted unanimously to report to the House the bill, H.R. 1502. Following discussions with staff of the Committee on the Judiciary and the Committee on Interior and Insular Affairs, certain corrective amendments were agreed to, resulting in H.R. 1502, as amended.

Madam Speaker, this bill authorizes increased appropriations for 700 additional District of Columbia police officers. Second, it resolved a historic preservation problem in order to allow construction of a prison in the District of Columbia to proceed. Third, it requires the District of Columbia to institute a community-oriented policing system. The authorization for additional police is as follows: The bill authorizes $23.1 million for fiscal year 1990; $23.3 million for fiscal year 1991; $25.2 million for fiscal year 1992; $27.3 million for fiscal year 1993; and $28.4 million in fiscal year 1994 for 700 additional officers for the District of Columbia Metropolitan Police Department.

When added to the currently authorized level of 4,055 officers, this would bring the authorized strength of the Metropolitan Police Department up to 4,755. With respect to other provisions that I alluded to earlier, the community-oriented policing system, this measure provides that none of these additional funds can be obligated or expended until 120 days after the Mayor of the District of Columbia submits to Congress a plan to implement a community-oriented policing system in the District of Columbia. This is modeled after a system used in Houston, TX, and none of these funds may be obligated in fiscal year 1991 or thereafter until the Mayor certifies that such a system has indeed been implemented.

A community-oriented system, for those of my colleagues who are not aware, Madam Speaker, requires police officers to be assigned to the same neighborhoods and to become familiar with and work with the residents in those areas.

With respect to the District prison, Madam Speaker, the bill specifies that nothing, and I repeat nothing for the purposes of emphasis, nothing in the National Historic Preservation Act might be construed to prevent the construction of a prison in Southeast Washington, adjacent to the District of Columbia General Hospital. This provision will permit the District to go forward with the construction of an 800-bed prison at this location. The measure requires the District, within 15 days of enactment, to submit the design for the prison to the House Committee on District of Columbia and to begin construction within 30 days after the committee approves the site of the prison.

There is another provision that I have alluded to, Madam Speaker, that I would speak to at this moment. It deals with the question of the use of forfeited property.

□ 1230

The measure changes the District of Columbia Code to provide that proceeds from forfeited property will be used only to finance District of Columbia law enforcement activities. This was an amendment offered by and insisted upon by my distinguished colleague, the gentleman from Virginia [Mr. PARRIS].

Under current law, the proceeds from such property are disposed of in the general fund and thus can be used to finance any type of Government activity. This particular amendment establishes a very specific utilization of these projected funds.

There are a number of studies, Madam Speaker, that are called for in the bill, and I would address them in summary. The bill requires the Justice Department and the Joint Committee on Judicial Administration in the District of Columbia to report on the District of Columbia court resources, including an analysis of the feasibility and cost of the additional judges and support personnel. This study would include recommendations for possible changes in the District of Columbia pretrial detention act, in proposed felony sentencing, in guidelines for the District of Columbia Superior Court, and in the social services program managed by the District of Columbia courts.

The bill also requires the Justice Department to report on the effects that increased efforts to eliminate drug-related criminal activity in the District will have on crime and law enforcement in the metropolitan area, including the effect on the caseloads of prosecuting attorneys.

The measure requires the District to seek technical assistance to develop a criminal defendant record-keeping and classification system to manage and evaluate the processing of criminal defendants in the District criminal justice system.

This measure is an authorization bill, I might add, Madam Speaker, It is not covered by spending limitations in the Budget Act or in any budget resolution because it does not directly result in expenditure.

I might in closing point out, Madam Speaker, that this bill reflects the intent of the District of Columbia government and the Members of both parties. It was drafted in a true spirit of bipartisanship, and I think my distinguished colleague on the other side of the aisle will allude to that. It has been drafted in mutual respect for all of us who strive to attain a workable piece of legislation.

Madam Speaker, I would like to commend our committee staff for their diligent work in bringing us this piece of legislation. In particular, I would like to commend Johnny Barnes, senior staff counsel, Mr. Ronald C. Willis, senior staff assistant, and Mr. Mark Robertson, minority staff director.

Madam Speaker, this is an important initial step toward reducing the violence and devastation of the regional drug problem. It is aimed at the supply side of the issue. It clearly does not address the demand side. We also hope that in the future we will be able to fashion other instruments directed at education, treatment, employment, and rehabilitation that will be directed at this other side of the equation, namely, the demand side. It is our intent to provide additional resources to the District of Columbia as it moves to confront this tragedy, as indeed America moves to confront this tragedy that afflicts us all.

With that statement, Madam Speaker, I reserve the balance of my time.

Mr. BLILEY. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, the bill before us today is the result of a cooperative, bipartisan effort to effectively address the problems of drug-related crime and murder which have plagued our Nation's capital city for far too long now.

H.R. 1502, the District of Columbia Police Authorization and Expansion Act of 1989, was originally introduced as authorizing the appropriation of $127 million over 5 years for purposes of hiring, training, and equipping 700 additional officers for the Metropolitan Police Department. While Members of the minority all saw the need for increased law enforcement in Washington, DC, we also agreed with the vice chairman of the committee, Mr. PARRIS, that additional officers were simply not enough.

H.R. 1502, with the Parris amendments, representing sections 3 through 7 in the bill, represents what the committee unanimously regarded as a systemic approach to a systemic problem.

Section 3 of the bill eliminates any further impediments to construction of the long-awaited jail in the city, which the Congress funded in 1985. It also requires prompt committee review of the proposed design of the facility.

Section 4 of the bill seeks to address, in the short term, the current and prospective needs of the courts, and prosecutors staffs throughout the Washington metropolitan area. It also directs the U.S. Department of Justice to recommend changes in D.C.'s felony services programs offered by the superior court.

Section 5 of the bill directs the Attorney General to analyze the potential effects of increased law enforcement efforts in the District of Columbia on the level and types of crime within the surrounding jurisdictions of Virginia and Maryland.

Section 6 of the bill directs the Federal Bureau of Prisons and the National Institute of Corrections to assist the District in establishing an effective system of prisoner classification and monitoring.

Finally, section 7 amends the District Code to require that any additional financial resources made available through the seizure and forfeiture of assets be directed toward increased law enforcement activities and not into the general fund of the District of Columbia.

Madam Speaker, H.R. 1502, as amended, addresses the need for additional police and prison beds and seeks to identify the degree of need for additional court resources. The version before us represents an effective compromise worked out between the chairman, Mr. DELLUMS, and vice chairman, Mr. PARRIS. While we can all agree that this is not a perfect bill, it is clearly a significant step in the right direction and deserving of our support.

Madam Speaker, I reserve the balance of my time.

Mr. DELLUMS. Madam Speaker, I yield 5 minutes to the distinguished gentleman from the District of Columbia [Mr. FAUNTROY].

Mr. FAUNTROY. Madam Speaker, I join with the distinguished chairman of the Committee on the District of Columbia, my colleague on the other side of the aisle, Mr. BLILEY, and the other members of the committee, Democrats and Republicans, who, in a truly bipartisan spirit, voted unanimously, 11 to 0, to send this vital measure to the floor of the House. A special thanks is due our colleague, Congressman STAN PARRIS, whose staff worked closely with Democratic committee staff in helping to shape a bill that we could all support.

The District of Columbia Police Authorization and Expansion Act of 1989, H.R. 1502, is a short-term, containment measure. This bill will not solve the problem of drug-driven violence. The real healing force must come from education, prevention, treatment, and rehabilitation programs.

This bill will, however, bring quiet and stability to neighborhoods in the Nation's Capital that have erupted with record-breaking homicides and unprecedented fear and intimidation among residents.

As the chairman pointed out, H.R. 1502 authorizes the funding of 700 new police officers over a 5-year period, and Madam Speaker, I am pleased to report that the District government has also made a commitment to provide funding for an additional 100 police officers. The additional 100 officers will provide a greater police presence at the District's public housing sites which have been disproportionately targeted as havens for drug dealers. Secretary of HUD, Jack Kemp, has also called for expanded police presence at public housing sites. The District government will also provide funds needed for recruiting the new officers and for expanding the training facility to accommodate them.

I am particularly encouraged by one section of the bill which requires that a Community Oriented Policing System [COPS] be put in place on a pilot basis by the D.C. Metropolitan Police Department. The COPS system has been successfully tested by the police departments of Houston, TX and Newark, NJ. Under this system, police officers are deployed in such a manner as to serve as a force for crime deterrence and prevention as well as that of crisis response.

Section 3 of the bill as amended resolves an historic preservation issue in order to facilitate the construction of the 800-bed prison facility. Again, Madam Speaker, this section reflects the cooperation that has typified the development of this bill. The House Interior Committee, chaired by Congressman MORRIS UDALL, and its Subcommittee on National Parks and Public Lands, chaired by Congressman BRUCE VENTO, worked closely with us in developing language that would pave the way for construction of the desperately needed prison while preserving our historic preservation laws.

Section 4 of the amended bill mandates a study of resources of District of Columbia courts and the U.S. attorneys offices in this region to determine what additional resources are needed.

Section 5 requires a report on the effects of increased D.C. law enforcement efforts and its effect on the region.

The amended bill at section 6 makes provision for the development of a classification system for individuals convicted of crime in the District of Columbia so that such individuals can more easily be tracked by law enforcement officials.

And section 7 of H.R. 1502 as amended includes a provision which amends the District of Columbia Uniform Controlled Substances Act of 1981 to assure that proceeds from forfeited property are used to finance law enforcement activities of the District of Columbia. I should like to point out, Madam Speaker, that it is not our intent that such forfeited funds be used by any source other than the District government. We intend here merely to ensure that priority use of the funds be for law enforcement. Surplus funds may then be used for other purposes.

In the weeks ahead, I look forward to working with the other members of the committee in bringing to the floor measures aimed at expanding the capabilities of our U.S. attorneys office and our court system. I also look forward to seeing the construction of the much needed, new prison to help ease the overcrowding problem in the District. After that, I look forward to working on education, prevention, treatment, and rehabilitation programs.

Madam Speaker, I believe I can say without fear of contradiction that all of us in Congress want to see an end to the spiral of drugs and violence that has engulfed the Nation's Capital. This bill, H.R. 1502, as amended, is the first stage of a four-stage process which will help us reach that goal.

□ 1240

Mr. BLILEY. Madam Speaker, I yield such time as he may consume to the gentleman from Minnesota [Mr. FRENZEL].

Mr. FRENZEL. Madam Speaker, I oppose H.R. 1502 because it contains an excessive authorization of Federal appropriations for the District of Columbia for fiscal years 1990 through 1994.

This bill authorizes an additional $127.3 million over the next 5 years to be spent on purely local issues such as law enforcement.

I do support the District of Columbia's efforts to strengthen their drug laws. I also support the District's efforts in fighting the serious problem of drug related crimes at all levels—law enforcement, adjudication, and incarceration. However, the Federal Government is already contributing $430 million for fiscal year 1989 supporting the operation of the District of Columbia government. If the District of Columbia requires additional funds for their drug enforcement effort, they have sufficient budgeting and taxing authority under home rule to accomplish this objective. Specifically, the District could change their budget priorities or they could exercise their taxing authority.

I also oppose H.R. 1502 because if the money is appropriated to increase the Federal payment to the District of Columbia, based on this authorization, other important domestic discretionary programs would have to be cut in order to comply with the domestic discretionary spending cap negotiated in the 1990 bipartisan budget agreement.

The District of Columbia should not be singled out for special treatment. Other metropolitan areas have similar problems, but they are not receiving authorization of special Federal funds. Therefore, I urge my colleagues to oppose H.R. 1502.

Mr. DELLUMS. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I would like to address the comments made by the speaker who preceded me, the gentleman from Minnesota [Mr. FRENZEL].

I just say, with all due respect to my distinguished colleague, that I would suggest to him that budgets do not exist in a vacuum, that budgets are not simply the aggregate of numbers, that budgets speak to the reality of the human condition throughout this country in our Nation's streets and communities.

I would hasten to comment to my colleague, the gentleman from Minnesota [Mr. FRENZEL] that a number of people on both sides of the aisle, members of the press around the country, suggested to the District of Columbia, the crime capital of America, the most dangerous place in the country, an analysis that this gentleman did not agree with because I think the problems of drugs and the problems of violence associated with it is not simply a problem of the District of Columbia. It is a problem that this Nation must address. It is a national problem. It is a societal problem. It is a problem with systemic problems.

I find it almost uncanny that Members can suddenly, on the one hand begin to be seriously concerned about the health and safety of human beings in the District of Columbia, and people, such as those gathered in this Chamber today, who come to visit their Nation's Capital, their safety as well, but when we begin to try to address that issue, then suddenly the issue becomes one of numbers.

The gentleman from Minnesota [Mr. FRENZEL] and I know that a hundred and some odd million dollars in a $1.3 trillion budget is what we say on the streets "chump change." I say to the gentleman, "You can move a decimal point to take this money."

So, Madam Speaker, I think we are arguing an absurd argument here. We have the capacity to provide a hundred and some odd million dollars for the District of Columbia.

I might just add this: Several young people have died in the streets of Washington, DC. What price their life? A million? Five million? Two bucks? Whatever.

We have a responsibility to come here to address the human condition. I did not come here as an accountant. I came here as a compassionate human being who wants to try to address our financial resources to deal with human problems.

Children are dying in the District of Columbia. Adults are dying in the District of Columbia. People are dying around the country because of drugs and crime related to it.

If people in the District of Columbia want more police officers to try to address the supply side of the issue, to make this a safer community for the residents and those people who journey here every year, then we ought to be willing to give it to them. There is an MX missile we do not need. There is a Trident submarine we do not need. There is a B-2 bomber we do not need. There are myriad problems we do not need. Children are not dying as a result of violence directed by the Soviet Union at this point. They are dying as a result of violence directed at them in this community, in our community, and we have a responsibility to address those problems.

Madam Speaker, if the gentleman from Minnesota [Mr. FRENZEL] would like to respond, I would be pleased to yield to him for a couple of minutes.

Mr. FRENZEL. Madam Speaker, I will try to confine myself to less time than that.

Madam Speaker, I stipulate to the gentleman's sensitivity and his interest in human needs, and I think most of us are struggling with those problems and trying to feel the same sensitivity.

Second, I would say that my arguments are usually not compelling and often wrong, but they are never absurd, and I was making the same point, I think, that the gentleman from California [Mr. DELLUMS] was making. That is we argue nothing in a vacuum, and, if the gentleman can convince this House that this is a priority venture and that we should then not do something else that other people might like, then of course we will pass his bill and he will be successful.

□ 1250

The point I was trying to make is that we do have to consider this, not in isolation, but along with all the other programs that other Members think are important, too.

I did not mean to insist that simply the fact of the numbers should shoot down the program. I consider it to be important too.

I am not going to vote for it, but I do not demean the gentleman's argumentation, and I thank him for making the point and yielding to me.

Mr. DELLUMS. Madam Speaker, I thank the gentleman very much.

Mr. BLILEY. Madam Speaker, I yield myself such time as I my consume and then I will yield to my colleague, the gentleman from Kansas.

Madam Speaker, I would like to say that I happen to believe that this is important legislation. We have appointed a drug czar who has said he wants to eliminate drugs from the streets of Washington, and that is a worthy goal. We want to eliminate drugs from the streets of America. We are the Nation's Capital. We have thousands of visitors here today and every day from all over the world and we have an obligation to do what we can to make their stay as pleasant and as safe as possible.

If we are going to do something about drugs, it is going to take more police power, no question about it, and it is going to cost money, and it should cost money, because they are putting their lives on the line for each and every one of us. Therefore, I do not think we can have any higher priority.

The gentleman talked about bombers. I happen to remember reading an article, I am not on the Armed Services Committee, but that a single B-2 bomber costs in excess of $600 million, and we are talking about $127 million over 5 years. That is I think a small price to pay for a safer capital.

Madam Speaker, I yield such time as he may consume to my friend, the gentleman from Kansas [Mr. ROBERTS].

Mr. ROBERTS. Madam Speaker, I thank my friend and colleague for yielding this time.

Madam Speaker, I would like to inform my colleagues in the House, it

is a lot like the ad says, "You are either going to pay me now or pay me later" in regards to this problem. We have to do something. This is a real crisis.

I would like to bring to the attention of my colleagues a letter that we received on the Subcommittee on Police and Personnel from the Mayor, indicating that there has been a suggestion on the Senate side that approximately 250 officers from the U.S. Park Police and 250 officers from the U.S. Capitol Police who are on the security force and 250 officers from the U.S. Secret Service be immediately detailed to the district, to the metropolitan department's special operations division.

The Mayor indicated to us that it is important that we quickly determine if there is any feasibility for such a joint effort like this.

This is a very complex problem. As the gentleman from California has pointed out and as the gentleman from Virginia has pointed out, it is a crisis and we must move, but I have grave concerns about lending, if you will, our U.S. Capitol Police to this effort. Who pays for this? Who pays the insurance? What about the training? Who takes the place of the 250 personnel who have as their responsibility the security of the U.S. Capitol? What about the chain of command?

There are many questions here, it seems to me, and we are going to go into that as of this Thursday.

I would like to ask the gentleman from Virginia, or perhaps the chairman, what is the timeframe in regard to these moneys so that we can get these 700 officers on board and I think really prevent the necessity of taking away from other law enforcement agencies.

Mr. BLILEY. Reclaiming my time, Madam Speaker, and speaking for the gentleman from Virginia as far as this Member is concerned, I would like to have had the money yesterday. I cannot speak for the gentleman from California and the gentleman from the District, but I believe they feel the same way. There is no impediment as soon as this bill is passed and signed into law and as quick as they can get appropriations under it to prevent the District from implementing it as soon as possible.

Mr. DELLUMS. Madam Speaker, will my distinguished colleague from Virginia yield to me?

Mr. BLILEY. I am happy to yield to the gentleman from California.

Mr. DELLUMS. First, the gentleman from California would like to associate himself with my colleague's remarks, but to very specifically say to my colleague that to the best of the understanding of this gentleman, it takes somewhere between 18 and 22 months for the purposes of total recruitment and training and placing these persons on the street to carry out their responsibility, so as I understand it, the proposition laid before the body to which the gentleman alludes by the Mayor of the District of Columbia is simply an interim step. These persons are already on the payroll. They are already trained. They already have arrest powers, so they can fill in this gap during this hiatus when these persons are being recruited, when they are being trained and ultimately will be placed on the street; so there is a specific rationale for why this proposal comes before us. It is not in lieu of, it is in addition, in order to handle that hiatus period.

Mr. ROBERTS. Madam Speaker, will the gentleman yield?

Mr. BLILEY. I yield to the gentleman from Kansas.

Mr. ROBERTS. Madam Speaker, I understand the need for some kind of interim staff, but in my personal opinion, and I am just speaking as the ranking member on the subcommittee, I think that the security of the Capitol and the security of the entire area are equally importnt and it is an interim step that I would like to avoid, if possible. We will explore that in the subcommittee hearings.

Mr. FAUNTROY. Madam Speaker, will the gentleman yield?

Mr. BLILEY. I am happy to yield to the gentleman from the District of Columbia.

Mr. FAUNTROY. Madam Speaker, I thank the gentleman from Virginia for yielding to me. I want to express again to him my personal appreciation and that of the citizens of the Nation's Capital for his leadership and cooperation in shaping this measure.

I would like in closing simply first to commend my friend, the gentleman from Minnesota, for his acknowledgment of the magnificent bipartisan effort that this has been in the District Committee and for acknowledging the need for it.

In the course of raising reservations about voting for it, the gentleman from Minnesota indicated that this appropriation will not be in a vacuum, but then suggested that Members ought to consider their vote on the basis of what might affect their own interest in their own districts.

I would just want to assure all Members that this is not a zero sum game here. It is a win-win situation. What we invest in this effort will yield heavy dividends in terms of savings, not only in human suffering in our Nation's Capital, but also in the enormous costs that we bear when we fail to deal with the drug-driven violence that afflicts us in this region.

So I would hope that all Members as they prepare to vote will be mindful of the instruction of an old English Methodist minister, who said on one occasion that on some issues cowardice asks the question, Is it safe to take a position? Expediency asks the question, Is it politic? Vanity asks the question, Is it popular? But conscience asks the question, Is it right?

I hope that no Member will vote on this measure on the basis of narrow self-interest, but on the basis of what conscience tells us is right, what we ought to do in the Nation's Capital against the background of the well-known drug-driven crisis that afflicts us.

Mr. BLILEY. Madam Speaker, I yield back the balance of my time.

Mr. DELLUMS. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, in conclusion, I would like to point out that at this time there were a number of other people who assisted us in other areas, other jurisdictional areas in the Congress. I wish to extend my personal gratitude to the gentleman from Texas [Mr. BROOKS] who chairs the Judiciary Committee; the gentleman from Wisconsin [Mr. KASTENMEIER] who chairs the Subcommittee on Courts, Intellectual Property, and the Administration of Justice of the Committee on the Judiciary; the gentleman from Arizona [Mr. UDALL], chairman of the Interior Committee; and the gentleman from Minnesota [Mr. VENTO], chairman of the Subcommittee on National Parks and Public Lands of the Committee on Interior and Insular Affairs for their cooperation and assistance in framing certain sections of the bill (H.R. 1502) that is before us.

Madam Speaker, finally I would like to make it extremely clear that clause 2, section 3 of the bill before the body (H.R. 1502), the section regarding the construction of the District of Columbia Detention Facility should not be regarded as setting a precedent. That is terribly important, and I ask my colleagues to support this legislation before us.

□ 1300

Mr. VENTO. Madam Speaker, I rise in support of H.R. 1502. I recognize that this Nation, and in particular this city, face a serious crisis from the illegal use of drugs. Such drugs are damaging the social fabric of this Nation and destroying American citizens' lives. The sponsors of this bill believe that this legislation will help solve this crisis, and have worked mightly to ensure its passage.

This bill seeks to construct a new detention facility on the grounds of the present Gallinger Hospital, adjacent to the present District jail. Because of the impact on the Gallinger Hospital, there has been some question whether section 106 of the National Historical Preservation Act applied here. The court case on the matter decided it did not. Had the court decided otherwise, I am pleased to note that if section 106 had applied, H.R. 1502 would not have precluded the Department of Justice from meeting its historic preservation review obligations to this project.

As chairman of the Subcommittee on National Parks and Public Lands, I have particular interest in the National Historic Preservation Act of 1966 and its implementation. I am pleased that H.R. 1502 will not have a detrimental effect on the National Historic Preservation Act of 1966. Given the current situation, and knowing that the Advisory Council on Historic Preservation was actively working with the Department of Justice to comply with section 106 before the court's actions made that moot, I am comfortable that this bill does not damage the Historic Preservation Act or the procedures established under it.

Finally, I want to thank the District Committee for its assistance on this matter and for cooperating with the Committee on Interior and Insular Affairs to ensure that unintentional damage was not done to the Historic Preservation Act.

Mr. GILMAN. Madam Speaker, I rise in support of H.R. 1502, providing $127 million over 5 years for the District of Columbia to hire 700 additional police officers.

Our Capital City is besieged by drug-related crime and violence and drug abuse. Each day the casualties mount and another family is heartbroken at their loss. Unfortunately, the District is not unique in this problem. Too many cities and towns across this great Nation are also experiencing a drug-related crisis and are in need of help.

The Director of National Drug Control Policy, Dr. William Bennett, has indicated that the District would be a test case for his anti-drug proposals. There is much to be done, both at home and abroad, to win this war against drugs, but solving Washington's drug problem would be a significant first step. Washington DC, is a symbol of our Nation, of freedom and democracy. Millions of people from all over the country and the world come here to view the seat of government of the oldest existing constitutional democracy. It is disgraceful and embarrassing that this great city has become such a center for drug-related crime. We must address the District's drug crisis and this legislation is a good way to begin. Accordingly, I urge my colleagues to support H.R. 1502.

Mr. DELLUMS. Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Ms. SLAUGHTER of New York). The question is on the motion offered by the gentleman from California [Mr. DELLUMS] that the House suspend the rules and pass the bill, H.R. 1502, as amended.

The question was taken.

Mr. FRENZEL. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 5 of rule I and the Chair's prior announcement, further proceedings on this motion will be postponed.

GENERAL LEAVE

Mr. DELLUMS. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill just under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

CALLING ON VIETNAM TO EXPEDITE THE RELEASE AND EMIGRATION OF "REEDUCATION" CAMP DETAINEES

Mr. YATRON. Madam Speaker, I move to suspend the rules and concur in the Senate concurrent resolution (S. Con. Res. 16) calling on the Government of the Socialist Republic of Vietnam to expedite the release and emigration of "reeducation" camp detainees.

The Clerk read as follows:

S. CON. RES. 16

Whereas fourteen years have passed since the end of the Vietnam conflict;

Whereas thousands of opponents of the Government of the Socialist Republic of Vietnam, including officials of, and others associated with, the former Republic of Vietnam, were detained without trial in "reeducation" camps or prisons beginning in 1975;

Whereas a series of large-scale amnesities took place in the late 1980's resulting in the release of many detainees;

Whereas despite these welcome releases, many Vietnamese remain in long-term detention because of their suspected opposition to the Government of Vietnam, and many family members of detainees do not know their status;

Whereas the Government of Vietnam has continued in recent years to imprison individuals because of their political and religious expression or association or related nonviolent activity;

Whereas the Government of Vietnam has stated publicly that the remaining "reeducation" camp or prison detainees would be released and that former detainees would be allowed to emigrate;

Whereas the United States has repeatedly stated that the resettlement of "reeducation" camp or prison detainees is one of its highest priorities in its dealing with Vietnam on humanitarian issues and has made it clear to the Government of Vietnam that it is willing to allow former and current detainees to enter the United States;

Whereas at negotiations held in Hanoi in July 1988, the United States and Vietnam agreed in principle on the resettlement of those released from "reeducation" camps or prisons and Vietnam reaffirmed that released detainees and their families could emigrate from Vietnam;

Whereas the Government of Vietnam subsequently suspended negotiations on the issue of the resettlement of detainees and their families; and

Whereas the willingness of the Government of Vietnam to satisfactorily resolve this humanitarian issue will have an important bearing on the relationship between Vietnam and the United States: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That the Congress calls on the Government of Vietnam—

(1) to make public the names of all individuals who continue to be held in "reeducation" camps or prisons in connection with suspected opposition to the Government of Vietnam;

(2) to release immediately all remaining long-term "reeducation" camp or prison detainees, as well as all individuals imprisoned in Vietnam in recent years because of their political or religious expression or related nonviolent activities; and

(3) to resume negotiations, without preconditions, with the United States concerning the emigration from Vietnam of current and former detainees and their families, in accord with the commitment of the Government of Vietnam to allow their emigration.

The SPEAKER pro tempore. Is a second demanded?

Mr. BROOMFIELD. Madam Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER pro tempore. The gentleman from Pennsylvania [Mr. YATRON] will be recognized for 20 minutes, and the gentleman from Michigan [Mr. BROOMFIELD] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Pennsylvania [Mr. YATRON].

Mr. YATRON. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I urge adoption of the resolution before us today which addresses the still unresolved issue of Vietnamese reeducation camp prisoners. Senate Concurrent Resolution 16, as amended, calls on the Vietnamese Government to expedite the release and emigration of these prisoners.

Since 1975, marking the end of the Vietnam war, the Communist government in Vietnam has regularly imprisoned perceived political opponents, including former Republic of Vietnam Government personnel as well as private citizens. Due process is denied, many are detained without trial, some have served in the infamous "reeducation" camps, and some still languish in prison 14 years later.

Last July the Government of Vietnam suspended negotiations with the United States on the emigration of Vietnamese in reeducation camps. Before Vietnam withdrew from the talks, they agreed in principle to process released detainees and their families for emigration to the United States. The Government of Vietnam needs to be given the signal that this issue has not been put to rest by the United States and is key to any normalization of ties between our two countries. If Vietnam wishes to establish economic and diplomatic ties with the United States and become an accepted member of the international community, they must adhere to, and demonstrate respect for, internationally recognized standards of human rights.

Madam Speaker, I hope my colleagues will join me in voting for this timely resolution. These prisoners

cannot continue to lay to waste in these camps.

I would like to thank Chairman FASCELL and Mr. BROOMFIELD for considering this resolution in such a timely fashion, especially in light of the conference on Indochinese refugees that is taking place this week. Mr. BEREUTER also deserves special thanks for his consideration of this resolution. And lastly, I want to commend the sponsor of the resolution, Mr. WOLF for this most worthwhile initiative and his continuing concern for reeducation camp prisoners.

Mr. FASCELL. Madam Speaker, I rise in support of Senate Concurrent Resolution 16 calling on the Government of Vietnam to expedite the release and emigration of "reeducation" camp detainees.

Madam Speaker, it has long been the policy of the United States to seek the release and right to emigrate for victims of Vietnam's "reeducation" camps. Although talks were held between our two Governments in 1988, the Vietnamese suspended discussions before a final agreement could be reached. We continue to be concerned for the rights of these individuals who were imprisoned, without trial, because of their political or religious beliefs.

Our Government estimates that there are more than 15,000 known former detainees, of whom more than 1,100 were imprisoned for at least 10 years. This resolution calls on the Vietnamese Government to again address the fate of these individuals, to make their names public, and to resume negotiations with the United States to allow detainees and their families to emigrate.

Madam Speaker, I would like to commend my colleague from Virginia [Mr. WOLF], the original sponsor of the House resolution, House Concurrent Resolution 113, for his leadership in bringing this important issue to the attention of the House, as well as to my colleagues on the Foreign Affairs Committee, Mr. YATRON, Mr. BEREUTER, Mr. SOLARZ, and Mr. LEACH for their assistance in moving this resolution through committee. This is a worthy resolution and I ask for the support of the House in its passage.

Mr. BROOMFIELD. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, we have recently seen greater cooperation by the Government of Vietnam in addressing some of the humanitarian concerns that divide us. But more assistance is needed in locating our missing in action from the Indochinese war that ended 14 years ago, and in helping to relocate Amerasian children from that war to the United States.

Just last week we learned from a Buddhist monk that there may be American POW's alive in Vietnam. We will continue to follow this lead with zeal.

There is another group of people, the Vietnamese reeducation camp detainees, who also continue to be persecuted by the Government of Vietnam.

Senate Concurrent Resolution 16 and it's identical companion bill in the House, House Concurrent Resolution 113 expresses the deep concern this Nation feels toward the welfare of the thousands of Vietnamese who were imprisoned because of their ties to the United States-backed Government of South Vietnam.

The resolution is particularly timely because an international Conference on Indochinese Refugees is meeting in Geneva under the auspices of the U.N. High Commissioner on Refugees. Congressman WOLF, the sponsor of the House bill, deserves our special thanks for spearheading this effort. Chairman FASCELL, Congressmen SOLARZ, YATRON, and Vice Chairmen LEACH and BEREUTER are to be congratulated for bringing this resolution to the floor.

With the fall of South Vietnam, thousands of Vietnamese suddenly found themselves in reeducation camps or prison. Many still languish in these camps. For those who have been released, their life is not much better. Although former detainees are eligible to emigrate to the United States, the Government of Vietnam has not allowed them to do so.

The resolution before us today calls on the Vietnamese to live up to their word. It calls on the Vietnamese Government to make public the names of all individuals who continue to be incarcerated in their reeducation camps; release the long-term detainees, as well as all those imprisoned for their political beliefs; and resume negotiations on the emigration of the former detainees and their families.

Madam Speaker, this resolution sends an important message to the Government of Vietnam and to the many reeducation camp detainees who still hope to emigrate to the United States. It tells them that the United States does not forget those who stood by us, and that we will continue to work for their well being. I urge my colleagues to approve Senate Concurrent Resolution 16.

Madam Speaker, I yield such time as he may consume to the gentleman from New York [Mr. SOLOMON].

Mr. SOLOMON. Madam Speaker, I want to thank the ranking Republican on the Committee on Foreign Affairs as well as the subcommittee chairman, the gentleman from Pennsylvania [Mr. YATRON], for bringing this timely resolution to the floor. I commend the gentlemen.

Madam Speaker, the resolution we are considering here today is very important, not just because the Government of Vietnam should release those it still confines in its reeducation camps after all these years, but particularly in light of the recent story we have all heard concerning a Buddhist monk's statement that there may be live Americans also still held captive in that country.

Many of us in the Congress have closely followed the questions surrounding the fate of both these Vietnamese detainees and of those of our American servicemen still unaccounted for in Southeast Asia. I believe I speak for all of us in urging President Bush to not only continue the United States' work on behalf of those unfortunate Vietnamese imprisoned in the camps, but to continue the strong work begun by President Reagan in seeking to account for our missing American servicemen and to pursue this latest lead on their fate as far as it will take him.

As a former chairman of the House Task Force on Missing and Prisoners in Southeast Asia, I have always kept alive my personal hope that some of our missing men in Southeast Asia may yet prove to be alive. I want to again take the opportunity to commend President Bush for pointing out in his inaugural address that the need to discover their fate will not be forgotten under his administration. I urge my colleagues to pass this resolution today and to continue to support our President as he seeks freedom for all those now imprisoned in Vietnam.

Mr. BROOMFIELD. Madam Speaker, I yield such time as he may consume to the principal sponsor of this resolution, the gentleman from Virginia [Mr. WOLF].

Mr. WOLF. Madam Speaker, today the Congress has the opportunity to go firmly on record calling on the Government of the Socialist Republic of Vietnam to release prisoners remaining in reeducation camps and to permit the emigration of many who were held in reeducation camps.

Senate Concurrent Resolution 16 expresses the sense of the Congress that the Vietnamese Government should act immediately to bring an end to the suffering endured by tens of thousands of Vietnamese people in the past 14 years. It calls for the release of those still imprisoned for their opposition to the Hanoi government, including perhaps hundreds of officials and those associated with the former U.S.-backed Government. It also calls for the release of individuals imprisoned in more recent years because of their political or religious expression or association or related nonviolent activities—in short, those held only for their suspected opposition to the Communist government.

Long-term detainees who remain in camps or prisons—many held up to 14 years without trial—are in fact political prisoners. And many former reeducation prisoners continue to flee repression in Vietnam—despite the fact that first-asylum countries with overcrowded refugee camps have often pulled back the welcome mat for refugees, and despite the increasing terror and death at sea for these boat people at the hands of pirates. They flee despite much longer odds against finding asylum.

Bringing this resolution to the floor today is fitting as, today in Geneva, the United Nations opens a conference to begin to decide the fate of Indochinese refugees. Today we send a message to Vietnam and the world com-

munity that continuing persecution and the threat of imprisonment in Vietnam is a major reason the Geneva Conference is necessary, and the U.S. Congress wants this problem addressed by permitting the orderly departure from Vietnam of those current and former reeducation camp prisoners, and their families, who desire to leave.

A recent petition by 7,000 refugees at Ban Thad Camp in Thailand pleaded for the participating countries at the Geneva Conference to mobilize to help bring about their resettlement. The petition claimed that 30 percent of those in the camp were "associated with the former government of the Republic of South Vietnam" or fought against the North Vietnamese Communists. An additional 65 percent in the camp are said to be their family members.

The Vietnamese Government agreed in principle nearly 1 year ago on the resettlement of those held or previously held in reeducation camps or prisons on account of their associations or beliefs, but has failed to follow through. It would be an added benefit if our United States delegation to the Geneva Conference could meet with their Vietnamese counterparts with a clear message that the United States remains committed to the release and emigration of reeducation camp detainees.

Recently the Vietnamese Government has been more forthcoming in negotiations and cooperation on other humanitarian issues—namely, the emigration of Amerasian children and findings of American remains from those missing in action from the Vietnam conflict. On this question of Americans MIA's—particularly in light of possible recent live sightings of Americans held since the conflict—we also call for Vietnamese cooperation to quickly resolve this matter favorably. I can think of no other issue that is of higher priority to the American people than the American MIA's. Let me restate; there is no issue of higher priority.

The Socialist Republic of Vietnam should cease attempts to politicize this issue by trying to directly link in negotiations the release and emigration of current and former prisoners with a hoped for normalization of relations with the United States. This resolution states, however, that the willingness of the Government of Vietnam to satisfactorily resolve this humanitarian issue will have an important bearing on any future relationship with the United States.

Unless there is a lasting improvement in the human rights situation in Vietnam, boat people will likely continue to flee Vietnam. It is imperative to preempt these boat departures by extending orderly departure to former prisoners, including so many who remain divided from their families overseas. But in the final analysis, the release of prisoners must be followed up by permanent human rights protections—including freedom of speech and political association, open access to information and outside news, and freedom to worship and practice one's religion.

I want to thank the committee for its efforts to bring this resolution to the floor today, and I thank the chairman, Mr. FASCELL and vice chairman, Mr. BROOMFIELD, as well as Mr. SOLARZ, Mr. LEACH, Mr. YATRON, and Mr. BEREUTER, and others for their support.

□ 1310

Mr. YATRON. Madam Speaker, I yield 5 minutes to the distinguished gentleman from Connecticut [Mr. MORRISON].

Mr. MORRISON of Connecticut. Madam Speaker, I rise to clarify precisely what it is we are seeking to do in this legislation and to engage in a colloquy with the gentleman from Pennsylvania.

My concern is that this bill has been reported from the Foreign Affairs Committee dealing in part with matters in the area of refugee policy abroad, but also going quite a bit further, as I have read some of the language, in suggesting certain policies that have to be pursued by the United States in the admission of certain refugees or people applying to be refugees. My first question to the gentleman from Pennsylvania, if I may ask, is which language is it that we are acting on here? Are we acting on the language of the House bill, House Concurrent Resolution 113?

Mr. YATRON. Madam Speaker, will the gentleman yield?

Mr. MORRISON of Connecticut. I yield to the gentleman from Pennsylvania.

Mr. YATRON. Madam Speaker, we are dealing with the language in Senate Concurrent Resolution 16, the Senate legislation.

Mr. MORRISON of Connecticut. That language in the Senate concurrent resolution is being substituted for the House language, and that is what the House will be approving?

Mr. YATRON. The gentleman is correct.

Mr. MORRISON of Connecticut. That makes my concern much less than it was because that language, as I understand it, calls on the Government of Vietnam to do certain things. Do I understand that this is a request of the Government of Vietnam as opposed to something that is being asked of the Government of the United States?

Mr. YATRON. Generally speaking, the gentleman is correct.

Mr. MORRISON of Connecticut. I am pleased at that response, the reason being I think we are not in a position, and certainly the subcommittee of which I am the chairman on immigration, refugees, and international law of the Judiciary Committee really is about to engage in hearings on this question of the admission of individuals from Vietnam. Obviously I do not think the Congress is in a position or the House is in a position at this moment to determine what commitment we can make as to how many of the people who might be released will be taken in the United States. We have a certain limit on the numbers, and those numbers have been under consideration to be changed.

The President has engaged in a consultation, but has not acted on the consultation he received. So if it is clear that the obligation here rests to get the Government of Vietnam to allow processing without a commitment that we would take a certain number, I am relieved. Is my understanding correct?

Mr. YATRON. I agree with the gentleman, and he is correct.

Mr. MORRISON of Connecticut. I thank the gentleman from Pennsylvania and am pleased to have had the chance to clarify this. I look forward to an opportunity for more consultation between our two committees on these matters of refugee affairs, which obviously engage the jurisdiction of the Committee on Foreign Affairs, but also when we are talking about people coming to the United States involves the jurisdiction of the Committee on the Judiciary as well.

Mr. YATRON. Madam Speaker, I assure the gentleman from Connecticut that in the the future we will have a closer liaison.

Mr. MORRISON of Connecticut. I thank the gentleman very much for his consideration.

Mr. YATRON. Madam Speaker, I yield 5 minutes to the gentleman from New York [Mr. MRAZEK].

Mr. MRAZEK. Madam Speaker, I would like to congratulate my colleague, the gentleman from Virginia [Mr. WOLF], for focusing significant attention on this very important problem that we face in regard to our responsibilities to those who were left behind in Vietnam and who spent many years facing political reeducation in concentration camps. I would submit as important as this issue is it is my hope that the State Department will also take a broader look at how it can help rectify this problem.

It was Eugene Dewey, who was a former Assistant Secretary of State and is now the Deputy U.N. High Commissioner for Refugee Affairs, who indicated recently that the Reagan administration back in 1982 did not do justice to the proposal by the Vietnamese at that time to fully settle the problem of those people placed in the reeducation camps. I am

deeply concerned that some of the recent decisions by the State Department with respect to cutting back on the number of interviews being done each month in Vietnam under the ODP program could slow down the opportunities for those people who served lengthy sentences in these political reeducation camps to have a chance to come out of Vietnam.

So again I want to congratulate my colleague, the gentleman from Virginia [Mr. WOLF] and at the same time make it clear that I believe that the State Department and our Government must do more in overcoming some of their concerns from a budgetary standpoint to see that this problem is addressed.

□ 1320

Certainly we can solve the problem, as was demonstrated with the passage by this Congress of the Amerasian Homecoming Act. We are currently moving forward very quickly to resolve the issue of all of the Amerasian children fathered by American servicemen in Vietnam who were left behind when we pulled out of Vietnam in 1975.

Out of the total numbers of Amerasians that are looking to come to the United States, we have already been able to interview more than half of them and over 12,000 of them in just the last year have left Vietnam to come to the United States.

It is my hope that when Members like my distinguished colleague from Virginia [Mr. WOLF] focus the attention of this Congress on an outstanding humanitarian issue that it brings the day closer and sooner that we will be able to fulfill our responsibilities.

Mr. GILMAN. Madam Speaker, I rise to express my strong support for Senate Concurrent Resolution 16, calling on the Socialist Republic of Vietnam to expedite the release and emigration of reeducation camp detainees, and I thank the gentleman from Virginia [Mr. WOLF] for his work on this legislation.

Fourteen years have passed since the end of the Vietnam conflict. During the course of that conflict, thousands of opponents of the Socialist Government of Vietnam, including officials of the former Republic of Vietnam were detained without trial in reeducation camps, or prisons, since 1975.

The 1980's saw a wave of amnesties granted which resulted in the release of many of these detainees. Nonetheless, despite these welcome releases, many thousands of Vietnamese citizens remain in long-term detention because of their suspected opposition to the current Vietnamese regime. This is in direct opposition to the publicly proclaimed position of the Vietnamese Government, which states that all detainees would be released and former detainees would be allowed to emigrate.

By way of this resolution, the United States Congress will send a clear message to the Government of Vietnam that the release of the reeducation camp detainees is one of the highest priority items in our bilateral relations with that nation.

At the July 1988 Hanoi negotiations, the United States and Vietnam agreed, in principle, on the resettlement of those released from the camps. Subsequently, much to the chagrin of United States negotiators, Vietnam suspended talks on this issue.

This issue is simply too important to sweep under the rug. We call upon the Government of Vietnam to make public the names of those individuals who are still incarcerated, and to immediately release all remaining long-term prisoners.

Accordingly, Madam Speaker, I urge the prompt passage of this bill.

Ms. PELOSI. Madam Speaker, I rise in support of Senate Concurrent Resolution 16, which would call on the Government of Vietnam to expedite the release and emigration of reeducation camp detainees. I commend Congressman WOLF for his leadership on this important issue.

In October of last year, I held a hearing in San Francisco on the issue of Southeast Asian refugees and their reasons for leaving their homelands. At that hearing, the tragic reality of Vietnam's reeducation camps became clear.

Thousands of political prisoners, with varying degrees of opposition to government policies, continue to be held in this gulag of camps or prisons. These camps number as many as 150 and have been the sites for massive numbers of executions since 1975.

In July 1988, the United States and Vietnam agreed that prisoners released from reeducation camps would be resettled outside Vietnam. Yet Vietnam has failed to release even a list of the names of those people who are imprisoned.

The Government of Vietnam also continues to restrict the free exercise of religion. Nearly 10 percent of the Vietnamese population is Roman Catholic. Priests have been forbidden from preaching in new economic zones and the Vietnamese Government has restricted the construction and repair of churches. Many priests have perished in reeducation camps.

Madam Speaker, the Vietnamese Government would very much like to develop a full diplomatic relationship with the United States. Its economic problems necessitate this rapprochement. I believe it is essential that, at this time, we press for a release of all political and religious prisoners in Vietnam. I therefore urge my colleagues to support this important resolution.

Mr. BROOMFIELD. Madam Speaker, I yield back the balance of my time.

Mr. YATRON. Madam Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Ms. SLAUGHTER of New York). The question is on the motion offered by the gentleman from Pennsylvania [Mr. YATRON] that the House suspend the rules and concur in the Senate concurrent resolution, Senate Concurrent Resolution 16, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate concurrent resolution was concurred in.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. YATRON. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on Senate Concurrent Resolution 16, the Senate concurrent resolution just concurred in.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

AMENDING TITLE V OF THE AGRICULTURAL ACT OF 1949

Mr. DE LA GARZA. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 2042) to amend title V of the Agricultural Act of 1949 to allow producers to provide the appropriate county committees with actual yields for the 1989 and subsequent crop years, as amended.

The Clerk read as follows:

H.R. 2042

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SUBMISSION OF ACTUAL YIELD DATA TO COUNTY COMMITTEES.

Effective for the 1989 and 1990 crops of wheat, feed grains, upland cotton, and rice, section 506 of the Agricultural Act of 1949 (7 U.S.C. 1466) is amended by adding at the end the following new subsection:

"(e)(1) With respect to the 1989 and subsequent crop years, the Secretary shall allow producers to provide the county committee data with respect to the actual yield for each farm for each program crop. The Secretary shall maintain such data for at least five crop years after receipt in a manner that will permit the data to be used, if necessary, in the administration of the commodity programs for the 1989 and subsequent crops.

"(2) The Secretary shall provide timely notification to producers of the provisions of paragraph (1).

"(3) With respect to the 1989 crop year, the Secretary shall determine what the costs of each commodity program would be if farm program payment yields were determined in accordance with the methods prescribed in paragraph (4) and what the impact of such alternative methods would be on each commodity program and on producers participating in each commodity program.

"(4) The alternative methods of determining program payment yields for purposes of paragraph (3) shall include, at a minimum—

"(A) using producers' actual yields for the current crop year;

"(B) allowing producers the option of choosing to use their actual yields or the county average yield for the current crop year; and

"(C) the yield derived on the basis of the acreage of the actual yield per harvested acre for the crop for each of the five crop years immediately preceding such crop year,

excluding the crop year with the highest yield per harvested acre, the crop year with the lowest yield per harvested acre, and any crop year in which such crop was not planted on the farm.

Not later than January 30, 1990, the Secretary shall report the determinations under this subsection to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate.".

SEC. 2. SUBMISSION OF SOYBEAN ACTUAL YIELD DATA TO COUNTY COMMITTEES.

With respect to the 1989 and 1990 crop years, the Secretary shall allow producers of soybeans to provide to county committees (as defined in section 502 of the Agricultural Act of 1949 (7 U.S.C. 1462)) data with respect to the actual yield for each farm for each crop of soybeans. The Secretary shall maintain such data for at least five crop years after receipt in such a manner as to be easily accessible. The Secretary shall provide timely notification to producers of the provisions of this section.

The SPEAKER pro tempore. Pursuant to the rule, a second is not required on this motion.

The gentleman from Texas [Mr. DE LA GARZA] will be recognized for 20 minutes, and the gentleman from Illinois [Mr. MADIGAN] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Texas [Mr. DE LA GARZA].

Mr. DE LA GARZA. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, payments to producers under Federal agricultural price support programs are determined, in part, by the farm acreage bases, crop acreage bases, and farm program payment yields established for each farm entered into the program. Farm program payment yields determine the production per acre on which payments to program participants are based, if payments are to be made. Many farmers who participate in Federal farm programs have expressed their concern that the program payment yields currently used by the Department of Agriculture are not reflective of the actual production on many farms.

H.R. 2042 would provide the means for the Congress to analyze this issue. It would require the Secretary of Agriculture to allow producers of wheat, feed grains, upland cotton, and rice to report actual yield data for the 1989 and 1990 crops to the county committees established under the Soil Conservation and Domestic Allotment Act. The bill would also require the Secretary to notify producers of the opportunity to submit data regarding their actual yields to county committees and to maintain such data for at least 5 crop years.

Under H.R. 2042, the Secretary would determine, and report to the Congress by January 30, 1990 regarding, what the costs of the wheat, feed grains, upland cotton, and rice programs would be if actual yields, and other specified methods, were used to determine farm program payment yields for the 1989 crop year. The Secretary would also be required to assess what impact the use of such yield determination methods may have on each commodity program and on program participants.

It is expected that this report from the Secretary will provide the Committee on Agriculture with information regarding the merits of using actual yields to determine farm program payment yields. This information will be useful as the committee begins consideration of legislation to reauthorize basic commodity programs as part of the 1990 farm bill.

Similarly, producers of soybeans have expressed concern that no actual yields are available from county committee records on which to base certain policies under the Federal crop insurance program. H.R. 2042 would address this problem by requiring the Secretary of Agriculture to allow producers of soybeans to report actual yield data for the 1989 and 1990 crops to county committees, to notify soybean producers of the opportunity to submit such data, and to maintain such data for at least 5 crop years.

Madam Speaker, this legislation was approved unanimously by the Committee on Agriculture. The Congressional Budget Office estimates that there would be no significant cost to the Government to implement the provisions of H.R. 2042. I commend H.R. 2042 to the House and urge its passage.

Mr. MADIGAN. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, H.R. 2042 is a small bill, adding nothing to the deficit and requiring only minimal effort by the Department of Agriculture. The bill essentially allows farmers to record their actual harvest yields with the Agriculture Department county offices. Then, based on that information, a report to Congress will be prepared indicating the impact of converting the farm commodity programs to an actual yields basis.

The results of this report will allow the Congress to make a determination during the 1990 farm bill whether the Government should use actual yields and in fact if we can afford to do so in farm programs. The yields issue arose out of program changes in the 1985 farm legislation that required payments to be made based on a "program payment yield" rather than allowing a farmer to use the amount actually harvested.

Since the program payment yield is a very mechanical formula involving past production reporting, farmers who have suffered several years of weather-damaged crops or farmers who only recently began to participate in the Government programs receive payments based on yields that are from 10 to as much as 30 percent lower than their actual harvest. In effect they are being punished for factors completely beyond their control.

Because changing the basis for making farm program payments could have profound effects on both producers and taxpayers, the gentleman from Indiana and I introduced H.R. 2042 to provide Congress the information necessary to make a prudent and responsible decision on this important question.

H.R. 2042 also serves one additional function by providing an actual yields record for both program crops and soybeans that could be used as a basis for future Federal crop insurance payments. The congressionally created commission currently studying Federal crop insurance is expected to recommend that indemnity payments should be based on actual yield data as submitted to the county offices. H.R. 2042 would serve as a foundation for the collection of such yield data.

This bill, at no additional cost to the Government, will provide prudent management tools that can be of real value to farmers and taxpayers. I urge you to join me in suspending the rules and passing H.R. 2042.

Madam Speaker, I yield such time as he may consume to the ranking member of the Committee on the Budget, the gentleman from Minnesota [Mr. FRENZEL].

Mr. FRENZEL. I thank the gentleman for yielding.

Madam Speaker, H.R. 2042 would do as the two previous speakers have suggested. it is a modest bill which does not require any outlays, just a little study by the Department.

What concerns me about it, however is its future impact on the budgets of the United States.

If we were to use a different base and the same subsidy system that we are using now, according to the Secretary of Agriculture, the additional cost for the coming fiscal year would be about $1 billion.

Now $1 billion is more than small change. More importantly than that, from my standpoint, the current program was designed to induce farm producers to make market-oriented business decisions, or at least to take us closer to that sort of stimulus, rather than to simply play the Federal program game.

If as a result of this study Congress moves forward and tries to adopt the historical formula laying it over the rest of the existing formula, we will not only have large increases in the program, we will go back to a much heavier reliance on the program.

Now I do not ask any Member to vote against the bill and I shall not ask for a recorded vote, but I do want to let these warnings lay on the record

that this takes us down a path which may lead to difficulties in the future.

I would like to be sure that all Members understand that.

Madam Speaker, H.R. 2042 would allow farmers to begin establishing a record of actual crop yields, and it woud commission a study of alternative ways of determining farm program payment yields.

The goal of our current farm bill was to reorient the farm economy toward the marketplace and away from Government subsidies. Having subsidy levels based on a historic average rather than on actual yields was designed to force farmers to make market-oriented business decisions.

This bill appears to move our policy away from market determinations. The legislation would not in itself reintroduce actual yields into the calculation process, but it sets the process in motion. If, in the future, Congress authorizes the current level of subsidies based on actual yields, we may again be encouraging farmers to make subsidy-based decisions rather than market-based decisions. I had thought that farm program crop payments were supposed to act as insurance against large swings in farm income, rather than be a factor in making production decisions.

The administration estimates that if actual crop yields were to be used for determining 1990 farm program payments, farm subsidies would increase by $1 billion. At a time when we are making painful decisions on where to allot our limited resources, we have to be looking for ways to decrease, not increase, future entitlement expenditures.

Mr. DE LA GARZA. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, just very briefly, I do this to mention to my distinguished colleague and friend from Minnesota that his concerns are certainly well taken, but I wanted to assure the gentleman that our committee has been responsible and we have accepted the discipline which has been imposed and demanded by the American people.

We have reduced agricultural spending by about $30 billion in the past 8 years. This year we have been allocated $1 billion-something but actually we will have to reduce about $600 million.

Every year that the Committee on the Budget has given us a number we have met that number. So I would think that the gentleman could rest assured that as the gentleman from Illinois and the gentleman from Texas and the present membership of this committee remains the same, then we have nothing to worry about

□ 1330

Madam Speaker, I yield such time as he may consume to our distinguished colleague, the gentleman from Indiana [Mr. JONTZ], who along with our distinguished colleague, the gentleman from Illinois [Mr. MADIGAN] is one of the principal authors of this legislation.

Mr. JONTZ. Madam Speaker, I want to take a moment to thank the distinguished chairman of the Committee on Agriculture for his assistance in preparing this legislation, and also thank my coauthor, the distinguished ranking member, the gentleman from Illinois [Mr. MADIGAN], for his very capable assistance in bringing this legislation to the floor.

Madam Speaker, H.R. 2042 addresses one of the inequities in our Nation's farm programs—the established yield which USDA uses to determine program payments to farmers.

Farmers' payments are based upon a USDA-established yield for their farm. These established yields are not always reflective of actual production because producers have not been able to update the information used by USDA to set these yields. The last time producers were allowed to update their yields was in 1986 when they were allowed to prove their actual yields for the crop years of 1980 through 1985.

Denying producers the option to adjust their yields for the past 3 years has created inequity between actual production and the USDA established yields. Farmers have had to become more efficient in their operations and current farm programs do not reflect this increase in efficiency.

Even more disadvantaged are the farmers who did not participate in our Nation's farm programs until recently. Without a production history in the past, these farmers are required to accept an even more arbitrary yield figure that is frequently even more distorted than the USDA established yield.

As the Agriculture Committee, and Congress, prepares to write a new 5-year farm bill next year to reauthorize the 1985 Food and Security Act it is important that all policy alternatives are considered, including paying producers on actual production. To gather the information necessary to estimate the costs of such an alternative requires the passage of H.R. 2042.

For these reasons, Mr. MADIGAN, several members of the Agriculture Committee, and I, introduced H.R. 2042 to address this inequity by:

Requiring the Secretary to allow producers of wheat, feed grains, upland cotton, rice, and soybeans to provide actual yield data for the 1989 and 1990 crops to county ASCS committees.

Requiring the Secretary to notify producers of the opportunity to submit such data;

Requiring the Secretary to maintain such data for at least 5 crop years; and

Require the Secretary to report to Congress, no later than January 31, 1990, the potential costs of basing farm program payments on actual yields in future farm programs.

Most importantly, this bill will provide the data for this Congress to address the concerns of our Nation's farmers about program payments based upon unrealistic and outdated information.

This bill has been endorsed by the American Agriculture Movement, American Farm Bureau Federation, American Soybean Association, National Association of Wheat Growers, National Farmers Union, and the National Corn Growers Association.

Madam Speaker, I urge the passage of this bill to help address this inequity.

Mr. MADIGAN. Madam Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. DE LA GARZA. Madam Speaker, I yield such time as he may consume to the distinguished gentleman from Kansas [Mr. GLICKMAN], chairman of the subcommittee.

Mr. GLICKMAN. Madam Speaker, I rise in support of H.R. 2042, a bill which amends title 5 of the Agricultural Act of 1949 to allow producers to provide the appropriate county committees with actual yields for the 1989 and subsequent crop years.

A farmer's yield is the amount of crop he produces per acre times the amount of acres he harvests. For administering farm programs under the 1985 Food Security Act, determining a farmer's crop yield is one, but very important element, in figuring his program payment. Under the 1985 Food Security Act, the Secretary has the discretion of implementing one of two ways to figure farmers' individual program payment yields. He can allow producers to report to county committees their actual yields per year to formulate an average yield. Under the act, an actual yield is what a farmer harvests in any given year. A farmer submitting an actual yield to his county committee, thereby making it a "proven yield," would receive his entitled payments reflective of what he actually produced, on average, in the previous 5 years. The Secretary also can, and has done since 1985, use an average of farmers' production levels between the years 1980 and 1985 or any such years as he determines. The formula is more complicated than the theory of relativity.

Considering that it is now 1989, farmers, even though they may have made technological advances over the past 10 years which improved their production capacity and management practices, are still locked into receiving program payments based on an outdated average of their production capacity. Farmers have expressed concern to me that their program payments are no longer reflective of the amount they produce.

H.R. 2042 requires the U.S. Department of Agriculture to:

First, gather information across America on farmers' proven yields to determine potentially significant differences between these and the presently used program yields, and

Second, to use this information to conduct studies on the potential changes in 1989 farm program costs if producers were allowed to report to county committees their actual proven yields instead of using their program yields.

In preparation of the 1990 farm bill, I find this bill to be instrumental in obtaining the information we need to go forward, responsibly, in writing new farm legislation. We, on the committee realize the importance of this bill, but we also are aware of budget constraints. I'm sure this bill will provide useful information to the Committee on Agriculture.

This will be useful, for example, if I might add to what the gentleman from Minnesota [Mr. FRENZEL] said, basic Social Security payment on a guess of what Social Security determines that American's base is. That is the way we kind of do it now on farm programs. What we are saying is, as we do in the Social Security Program, we compute a person's Social Security based on their actual work history. What we want to do with farm programs is study whether we compute it based on their actual yields, and determine if that is not a more fair way to receive farm program payments. I urge the adoption of this bill and congratulate the sponsors.

Mr. DE LA GARZA. Madam Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Ms. SLAUGHTER of New York). The question is on the motion offered by the gentleman from Texas [Mr. DE LA GARZA] that the House suspend the rules and pass the bill, H.R. 2042, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The title of the bill was amended so as to read: "A bill to amend title V of the Agricultural Act of 1949 to allow producers to provide the appropriate county committees with actual yields for the 1989 and subsequent crop years, and for other purposes.".

A motion to reconsider was laid on the table.

LIMITING PREVIOUS OWNER'S RIGHT OF FIRST REFUSAL IN CASE OF FRAUD OR RESALE OF PROPERTY BY FHA AND FARM CREDIT SYSTEM

Mr. DE LA GARZA. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 2469) to limit a previous owner's right of first refusal in the case of fraud or resale for sales of farm property by the Farmers Home Administration and the Farm Credit System, as amended.

The Clerk read as follows:

H.R. 2469

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. AMENDMENT TO THE CONSOLIDATED FARM AND RURAL DEVELOPMENT ACT.

Section 335(e) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1985(e)(1)) is amended by—

(1) in paragraph (1)(C) striking "The Secretary" and inserting "Except as provided in subparagraph (D), the Secretary";

(2) in paragraph (1) redesignating subparagraphs (D) and (E) as (F) and (G) and adding the following new subparagraphs:

"(D) The Secretary shall not give preference in the sale of property to—

"(i) any person described in subparagraph (C) who, within the preceding five years, has been finally convicted under the laws of the United States of criminally defrauding the United States Government (including any agency or authority of the Government of the United States, whether or not it is subject to review by another agency);

"(ii) the spouse or child of a previous borrower-owner, if within the preceding five years the previous borrower-owner has been finally convicted under the laws of the United States of criminally defrauding the United States Government (including any agency or authority of the Government of the United States, whether or not it is subject to review by another agency); or

"(iii) a stockholder in a corporation, held exclusively by members of the same family, if within the preceding five years such corporation or any stockholder therein has been finally convicted under the laws of the United States of criminally defrauding the United States Government (including any agency or authority of the Government of the United States, whether or not it is subject to review by another agency).

"(E)(i) Any person who purchases property from the Secretary pursuant to a preference, or anyone who subsequently acquires title to such property, shall not transfer title to the property, or any portion thereof, for a period of two years following such purchase from the Secretary. This prohibition against transfer of title shall not apply to a transfer—

"(I) to a member of such person's family if the value of any consideration received by such person for the transfer does not exceed the price paid for such purchase;

"(II) to a financial institution in connection with a mortgage to obtain financing for such real property;

"(III) by the institution specified in subclause (II) or by anyone who subsequently acquires title therefrom; or

"(IV) after the then current owner dies or is declared incompetent by a court of competent jurisdiction.

The Secretary is authorized to enforce the prohibition on the transfer of title to such real property with liens, deed restrictions, or other encumbrances as determined necessary by the Secretary.

"(ii) For purposes of this subparagraph the term 'family' consists of parents, grandparents, children, grandchildren, siblings, and spouse."; and

(3) in paragraph (10), striking, "In the event" and inserting "Except as provided in subparagraphs (D) and (E), in the event".

SEC. 2. AMENDMENT TO THE FARM CREDIT ACT OF 1971.

Section 4.36 of the Farm Credit Act of 1971 (12 U.S.C. 2219a) is amended by—

(1) in subsection (h) striking "The rights" and inserting "Except as provided in subsections (j) and (k), the rights"; and

(2) adding at the end the following new subsections:

"(j) FORFEITURE OF RIGHT.—A previous owner who has been finally convicted under the laws of the United States within the preceding five years of criminally defrauding either—

"(1) an institution chartered under this Act, or

"(2) the United States Government (including any agency or authority of the Government of the United States, whether or not it is subject to review by another agency),

shall not have a right of first refusal under this section.

"(k) TRANSFER OF REAL ESTATE.—

"(1) LIMITATION ON TRANSFER.—Any previous owner who purchases acquired real estate from an institution of the system by the exercise of a right of first refusal under this section, or anyone who subsequently acquires title to such real estate, shall not transfer title in the real estate, or any portion thereof, for a period of two years following such purchase from the institution. This prohibition against transfer of title shall not apply to a transfer—

"(A) to a member of the previous owner's family if the value of any consideration received by such previous owner for the transfer does not exceed the price paid for such purchase;

"(B) to a financial institution in connection with a mortgage to obtain financing for such real estate;

"(C) by the institution specified in subparagraph (B) or by anyone who subsequently acquires title therefrom; or

"(D) after the then current owner dies or is declared incompetent by a court of competent jurisdication.

An institution of the System is authorized, pursuant to regulations issued by the Farm Credit Administration, to enforce the prohibition on the transfer of title to such real estate with liens, deed restrictions, or other encumbrances.

"(2) DEFINITION OF FAMILY MEMBERS.—For purposes of this subsection the term 'family' consists of parents, grandparents, children, grandchildren, siblings, and spouse.".

SEC. 3. IMPLEMENTING REGULATIONS.

The Farm Credit Administration shall issue regulations to implement section 2 of this Act not later than one hundred twenty days after the date of enactment of this Act.

SEC. 4. EFFECTIVE DATE.

The amendments made by sections 1 and 2 of this Act shall be effective only for sales of property by the Secretary or by an institution of the Farm Credit System made after the date of enactment of this Act.

The SPEAKER pro tempore. Pursuant to the rule, a second is not required on this motion.

The gentleman from Texas [Mr. DE LA GARZA] will be recognized for 20 minutes, and the gentleman from Missouri [Mr. COLEMAN] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Texas [Mr. DE LA GARZA]

Mr. DE LA GARZA. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, in the 1987 Farm Credit System Act, we had a section called borrower's rights, and that was to try and work with individuals that had difficulty in keeping up payments with the Farmers' Home Administration and other institutions. We have found, now, that there are some corrective measures needed, and this bill does exactly that.

H.R. 2469 is designed to curb certain abuses involving the rights of first refusal and preferences granted with respect to the purchase of land which has been acquired by the Secretary of Agriculture or an institution of the Farm Credit System. These privileges were granted as a result of the Agricultural Credit Act of 1987 as a means to help farmers, who had been forced off their land through foreclosure, to return to farming.

Currently, persons who have been convicted of fraud against the Federal Government or an institution of the Farm Credit System are allowed to exercise a right of first refusal or to receive a purchase preference to regain title to the land. The Committee on Agriculture does not believe that such persons should enjoy the benefit of these privileges.

This bill would eliminate the right of first refusal, granted by the provisions of the Farm Credit Act of 1971, for persons who have been convicted of criminal fraud against the U.S. Government or any institution of the Farm Credit System. Similarly, this bill would eliminate the preference given under the provisions of the Consolidated Farm and Rural Development Act to borrower-owners and others who have been convicted of criminal fraud against the U.S. Government.

It has also come to the committee's attention that some parties are exercising these privileges in order to profit by reselling the land to third parties. The intent of granting these privileges was to help farmers who were forced off the land to return to farming rather than permit them to profit by brokering their former land.

H.R. 2469 would limit the ability of previous owners who have purchased real estate from an institution of the Farm Credit System pursuant to a right of first refusal, and certain others who acquire title from those previous owners, to transfer such real estate for a period of 2 years.

Similarly, this bill would provide limitations on the ability of borrower-owners or others who have purchased real property from the Farmers Home Administration pursuant to the grant of a preference from the Secretary of Agriculture, and certain others who acquire title from them, to transfer such real property for a period of 2 years.

Madam Speaker, this legislation has the broad support of the Committee on Agriculture. The Congressional Budget Office estimates that there would be no significant cost to the Government to implement the provisions of H.R. 2469. I commend H.R. 2469 to the House and urge its passage.

Mr. COLEMAN of Missouri. Madam Speaker, I rise in support of this legislation. I think the chairman has pretty well spelled out exactly why we are all supporting it. There are instances where people have been about to be provided the right of first refusal by the Farmers Home Administration or the Farm Credit System when, in fact, they may have been convicted of criminal fraud prior to that.

There is no reason to reward these types of people when they have actually used criminal fraud against the Government. We want to help honest farmers, producers, and borrowers who are the victims of adverse weather or farm credit conditions. We want to close this loophole that has permitted some borrowers found guilty of fraud against the Government from benefiting from the right of first refusal.

Also, we find a few instances where some people are utilizing this right of first refusal opportunity and turning around within a short period of time and reselling their property at higher rates, and perhaps denying a sale to a beginning farmer. We consider that is not appropriate when the Government has extended the right of first refusal on the assumption that the farmer is going to continue farming. We are just tightening down on some loopholes that may have been inadvertently created in earlier enactments.

I would point out that the Farmers' Home Administration [FmHA] states that it will seek an amendment to this bill in the Senate, to prevent additional abuses. FmHA came forward with an amendment too late after our markup to include it in this bill, so they may ask the other body to take up that matter.

□ 1340

I think it is a bill that makes improvements in the administration of the FmHA and Farm Credit System programs.

Madam Speaker, I reserve the balance of my time.

Mr. DE LA GARZA. Madam Speaker, I yield such time as he may consume to my colleague, the distinguished gentleman from Oklahoma [Mr. ENGLISH], the principal author of the legislation.

Mr. ENGLISH. Madam Speaker, I thank the gentleman very much for yielding this time to me.

Let me also say that I want to commend our colleague, the gentleman from Nebraska [Mr. BEREUTER], who has introduced similar legislation and who has worked with us on this legislation.

Madam Speaker, H.R. 2469 is designed to correct two unintended problems which have arisen in the right of first refusal that was included in the borrowers rights provisions of the 1987 Credit Act.

It was intended that some farmers who were forced off their farms by economic conditions beyond their control might find it possible to continue farming under improved conditions. The act included a provision which allowed them to have first priority in the resale of the land they lost. This right was included for both Farmers Home Administration and the Farm Credit System.

An unintended cicumstance has developed, however. Some persons are using this privilege for the sole purpose of selling the land to another party. Some who have the right of first refusal are actively seeking prospective buyers. Others, persons who have financial resources, are seeking persons with the right of first refusal to make a deal for the resale.

The intent in the 1987 Credit Act was to help farmers forced off the land to get back into farming—not make a profit on reselling their former land.

H.R. 2469 would prohibit the resale of land for 2 years after the right of first refusal is exercised.

A second problem has also arisen. Persons who have been convicted of fraud against Farmers Home are said to be planning to exercise the right of first refusal to regain control of the land. It was not intended for such a situation to occur.

H.R. 2469 removes the right of first refusal from any person who has been convicted of fraud against the U.S. Government, and in the case of Farm Credit, any unit of the Farm Credit System as well.

I urge the approval of H.R. 2469.

Mr. COLEMAN of Missouri. Madam Speaker, I yield back the balance of my time.

Mr. DE LA GARZA. Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. (Ms. SLAUGHTER of New York). The question is on the motion offered by the gentleman from Texas [Mr. DE LA GARZA] that the House suspend the rules and pass the bill, H.R. 2469, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. DE LA GARZA. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 2042 and H.R. 2469, the two bills just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

HUMBLE AND HARDY DAIRY GOATS FILL VITAL NICHE IN AMERICAN AGRICULTURE

(Mr. DE LA GARZA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DE LA GARZA. Madam Speaker, I appreciate the opportunity to inform my colleagues that for the past 2 years we have had a resolution providing for a National Dairy Goat Awareness Week, and for some unfortunate reasons it was painted in a negative way in an ad in the campaign, and then it was brought to some ridicule in the media, and now no one wants to sign my Dairy Goat Awareness Week resolution. I do not blame them because they do not want to be ridiculed, but this is serious business.

Madam Speaker, I had hoped that by this week—as we have done the previous 2 years—Congress would have passed a simple resolution to designate the third week in June as National Dairy Goat Awareness Week. House Joint Resolution 166, which I introduced earlier this year, would have provided a little public recognition for the thousands of people around the country who raise dairy goats or who process and market goat milk products. This would have been at no cost to the Federal Treasury.

But it is now the third week in June and House Joint Resolution 166 has not attracted enough cosponsors this year to be brought up on the House floor. Neither has the Senate resolution.

That is not to say National Dairy Goat Awareness Week did not attract attention. As my colleagues may recall, National Dairy Goat Awareness Week was an object of ridicule in several political campaign television ads last year. And now this year it has been cited as an example of why Congress should clamp down on commemorative legislation.

Needless to say, this has not been the kind of recognition I or the people in the dairy goat industry had intended or wanted. Neither I nor any person associated with our Nation's dairy goat industry ever dreamed our good intentions could be so distorted.

Perhaps the number of commemorative bills have gotten out of hand. But the dairy goat resolution is neither silly or irrelevant to those of us who care about agriculture and nutrition.

For more than 7,000 years dairy goats have provided milk and sustenance for people around the world. Sixty percent of the world's population rely on goat milk products as the primary source of their dairy intake. Without dairy goat milk, many children would suffer from serious nutritional deficiencies.

Here in the United States the American Dairy Goat Association reports that it has more than 9,000 members in 50 States, with over one-quarter of a million dairy goats registered. Goat milk products are increasingly popular with health-conscious Americans. Constant improvements in their genetics have made American dairy goats a popular export item to countries where goats are the main source of dairy products.

Although we cannot convince a few of our colleagues that this is serious business, I think, Madam Speaker, that I shall declare Dairy Goat Awareness Week on my own, regardless of how many cosponsors we have, so that we may pay tribute to that lowly, yet very productive animal. You can drink the milk, you can eat the meat, you can use the hide. It can then also cut the lawn, and it can do almost anything that a multitude of people can do.

Madam Speaker, the dairy goat has been with us for thousands of years, and I pay tribute to those who work with them now in the United States of America.

Madam Speaker, although I cannot provide the necessary 218 cosponsors for this resolution, I want my colleagues and the American people to know that I am proud and honored to be associated with the thousands of men and women who comprise our Nation's dairy goat industry. As chairman of the House Committee on Agriculture, I recognize the valuable contribution this industry makes to American agriculture and to the food needs of people around the world.

While underappreciated by us here in this Congress, the humble and hardy dairy goat will nevertheless survive and continue to fill a vital niche in American agriculture.

Mr. MADIGAN. Madam Speaker, will the gentleman yield?

Mr. DE LA GARZA. I yield very briefly to my distinguished colleague, the gentleman from Illinois.

Mr. MADIGAN. Madam Speaker, is the distinguished chairman of the committee still talking about goats?

Mr. DE LA GARZA. The dairy type, yes.

Mr. MADIGAN. Madam Speaker, I thank the gentleman.

Mr. GOODLING. Madam Speaker, will the gentleman yield?

Mr. DE LA GARZA. I am happy to yield very briefly.

Mr. GOODLING. Madam Speaker, I would be happy to help the gentleman cosponsor this if he would get the Agriculture Department to stop getting my goat over the drought assistance bill.

Mr. DE LA GARZA. Here we go again.

Madam Speaker, I am speaking of Dairy Goat Awareness Week, which I now hereby officially declare for the third week in June.

EXTENDING AUTHORIZATION FOR CERTAIN SCHOOL DROPOUT DEMONSTRATION PROGRAMS

Mr. HAWKINS. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 2281) to amend the Elementary and Secondary Education Act of 1965 to extend the authorization for certain school dropout demonstration programs, as amended.

The Clerk read as follows:

H.R. 2281

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. EXTENSION OF SCHOOL DROPOUT DEMONSTRATION PROGRAMS.

Section 6003 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 3243) is amended—

(1) by striking "There" and inserting the following: "(a) IN GENERAL.—Subject to subsection (b), there";

(2) by inserting "each of" before "the fiscal";

(3) by striking "year" and inserting "years";

(4) by inserting before the period the following: ", 1990, and 1991"; and

(5) by adding at the end the following new subsection:

"(b) No amounts are authorized to be appropriated under subsection (a) for any fiscal year in which assistance is made available to local educational agencies under part C of chapter 1 of title I.".

SEC. 2. AUTHORIZATION OF USE OF FUNDS FOR EVALUATION ACTIVITIES.

Subsections (a) of section 6004 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 3244) is amended—

(1) by inserting after "the Secretary" the following: "shall first reserve not more than $1,500,000 for the purposes of evaluating programs carried out with assistance under this part. From the remaining amount, the Secretary"; and

(2) by striking "the amount appropriated" each place it appears after the first occurrence and inserting "such remaining amount".

SEC. 3. AUTHORIZATION OF REALLOTMENT OF CERTAIN FUNDS.

Paragraph (1) of section 6004(b) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 3244(b)) is amended by striking "25 percent" and inserting "not less than 25 percent and not more than 50 percent".

SEC. 4. DEADLINE FOR EVALUATIONS.

Subsection (d) of section 6201 of the Elementary and Secondary Education Act of 1965 is amended by striking "at the end" and all that follows and inserting "not later

than the expiration of the 6-month period following the end of the grant period.".

The SPEAKER pro tempore. Is a second demanded?

Mr. GOODLING. Madam Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER pro tempore. The gentleman from California [Mr. HAWKINS] will be recognized for 20 minutes, and the gentleman from Pennsylvania [Mr. GOODLING] will be recognized for 20 minutes.

The Chair recognizes the gentleman from California [Mr. HAWKINS].

Mr. HAWKINS. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise in favor of H.R. 2281, the National School Dropout Demonstration Assistance Act. H.R. 2281 extends a 2-year, $50 million National School Dropout Demonstration Program which is already in current law, in the School Improvement Act of 1988. However, the authorization for the demonstration program ends this fiscal year.

We must enact this measure because a much larger, more comprehensive State-administered antidropout program, entitled the Secondary School Program for Basic Skills Improvement and Dropout Prevention, also included in the School Improvement Act, has not been funded yet. Until funding is approved to launch this new larger school dropout prevention program, we must maintain the Federal commitment to attack the deplorable problem of school dropouts in our Nation.

It has been estimated that the 1 million students who have dropped out of our high schools, just this year alone, will reduce revenues to the Treasury by $68 billion, and the students will lose $228 billion in lifetime personal earnings. Businesses are feeling the brunt through spending $210 billion annually on employee training in basic reading, writing, and arithmetic. Communities across the country are experiencing the problems often associated with high school dropouts, including increased drug abuse among young people, more incidence of adolescent pregnancies, and increased reliance on Federal, State, and local public assistance.

The investment we make today to curb school dropouts will save our Nation billions of dollars in the future. This truly is a winning deal for the young people themselves, as well as for our entire economy. While we on the Education and Labor Committee continue to be hopeful that moneys will be appropriated for the larger, school dropout State-administered program under part C of chapter 1, by enacting H.R. 2281, we will at least be able to continue the current school dropout demonstration program.

I urge my colleagues to give this bill their overwhelming support.

□ 1350

Mr. GOODLING. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise in support of H.R. 2281, a bill to amend the Elementary and Secondary Education Act of 1965 which will continue authority for a dropout prevention program. As you know, the problem of students dropping out of school is a staggering problem in this country. Last Congress, we created two programs aimed at helping to combat this problem. The smaller program received funding; the larger did not. This bill extends authority to fund the smaller program. The larger program would need approximately 20 times the funding as the smaller program extended in H.R. 2281. At this time, I believe that such a large funding requirement is probably a budgetary impossibility. H.R. 2281 will allow us to continue our support of combating the problem of dropouts in a smaller and more targeted program. Through this bill, we can choose to fund either one or the other program, but not both.

The larger program mirrors the chapter 1 program of the Elementary and Secondary Education Act of 1965, which targets Federal support for basic skills education. As a practical matter, money used in the chapter 1 program could be used for services in the high school; however, due to funding shortages, local educators almost without exception use all the chapter 1 money in the early grades. This program would direct money toward the higher grades. Even though I may prefer to have the larger program funded, the bill recognizes the practical reality of these fiscal times.

During our consideration of this bill we have included some changes suggested by the Department of Education. Two changes included during the full committee markup address the evaluation process and allow the Secretary of Education to reserve funding for the evaluation. Furthermore, the amendments require that a report be submitted in a timely fashion. Finally, the bill recognizes the importance of educational partnerships and allows for the Secretary to fund more partnerships. I hope you will join me in support of H.R. 2281, so that we may continue our support of stopping this tremendous problem of students dropping out of school.

Mr. HAWKINS. Madam Speaker, I wish to express my appreciation to the ranking minority member of the committee, the gentleman from Pennsylvania [Mr. GOODLING].

Madam Speaker, I yield 5 minutes to the gentleman from Illinois [Mr. HAYES] who was the author of this demonstration program and who has provided leadership on the committee in this very troubling field. I think he is certainly due our gratitude, and we certainly commend him on his leadership.

Mr. HAYES of Illinois. Madam Speaker, I am proud to have the honor to come before you today to speak in support of H.R. 2281, legislation I introduced, along with the chairman and ranking minority member of the Committee on Education and Labor, GUS HAWKINS and BILL GOODLING.

H.R. 2281 seeks to extend the Federal Government's current School Dropout Demonstration Program for 2 additional years through fiscal year 1991. The current program, which ends at the end of this fiscal year—fiscal year 1989—is included in the Hawkins-Stafford school improvement amendments—Public Law 100-297—and is currently authorized with a 2-year $50 million authorization.

Without passage of H.R. 2281, it is virtually certain that the Federal Government will abandon any effort to help public schools come to grips with their dropout problems. In short, the Federal focus on school dropouts will drop off the national agenda.

The current program, which attracted 852 applications, is already responsible for funding 89 projects across the country. These projects hold the promise to provide us with effective and proven strategies to deal with our Nation's dropout problem. Some of the cities in which they are in operation include: Tuscaloosa, AL; Los Angeles, CA; Denver, CO; Atlanta, GA; Chicago, IL; Ville Platte, LA; Flint, MI; Columbia, MO; Hattiesburg, MS; Dobbs Ferry, NY; Aiken, SC; Coleman, TX; Dallas, TX; and Seattle WA.

While the current program is authorized for $50 million in fiscal year 1989, that amount should be considered only a drop in the bucket compared to what is really needed to adequately address our national dropout problem. This fact was taken into consideration in the Hawkins-Stafford school improvement amendments by the inclusion of chapter 1, part C, which establishes a much larger, State administered, $400 million ESEA secondary schools basic skills and dropout prevention program. Hawkins-Stafford authorized this to begin in fiscal year 1990. Unfortunately, the realities of the current budget situation make it extremely unlikely that funding of this magnitude, or funding even close to it, will be available to launch this major new program.

My measure is in no way designed to remove focus on the larger program and in fact, I have incorporated language in H.R. 2281 to stipulate that when assistance is made available under part C, no amounts are author-

ized to be appropriated to fund the federally administered program. In this way we will ensure that at the minimum, with respect to the problem of dropouts, the Federal Government is in some way addressing the needs of our Nation's public schools.

While this may in fact be a simple reauthorization amendment to current law, it is critically important to the future of thousands upon thousands of young people across the country. I urge my colleagues on both sides of the aisle to send a clear message to our public schools and more importantly, to our Nation's school children, and pass this measure unanimously.

Mr. HAWKINS. Madam Speaker, I yield back the balance of our time.

Mr. GOODLING. Madam Speaker, I, too, have no further requests for time, and I yield back the balance of our time.

The SPEAKER pro tempore (Ms. SLAUGHTER of New York). The question is on the motion offered by the gentleman from California [Mr. HAWKINS] that the House suspend the rules and pass the bill, H.R. 2281, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended, and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. HAWKINS. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 2281, the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Debate has been concluded on all motions to suspend the rules.

DISTRICT OF COLUMBIA POLICE AUTHORIZATION AND EXPANSION ACT OF 1989

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 1502, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California [Mr. DELLUMS] that the House suspend the rules and pass the bill, H.R. 1502, as amended, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 289, nays 105, not voting 39, as follows:

[Roll No. 82]

YEAS—289

Ackerman	Harris	Ortiz
Akaka	Hatcher	Owens (NY)
Anderson	Hawkins	Pallone
Andrews	Hayes (IL)	Panetta
Annunzio	Hayes (LA)	Pashayan
Anthony	Hefner	Patterson
Aspin	Hertel	Payne (NJ)
Atkins	Hoagland	Payne (VA)
AuCoin	Hochbrueckner	Pease
Baker	Horton	Pelosi
Barton	Houghton	Penny
Bateman	Hoyer	Perkins
Bates	Hubbard	Petri
Beilenson	Huckaby	Pickett
Bennett	Hughes	Pickle
Bentley	Hutto	Poshard
Berman	Hyde	Price
Bevill	Ireland	Quillen
Bilbray	Jacobs	Rahall
Bilirakis	Jenkins	Rangel
Bliley	Johnson (CT)	Ray
Boehlert	Johnson (SD)	Regula
Boggs	Johnston	Richardson
Bonior	Jones (GA)	Rinaldo
Borski	Jones (NC)	Ritter
Boucher	Jontz	Roberts
Boxer	Kanjorski	Robinson
Brennan	Kaptur	Roe
Brown (CA)	Kasich	Rose
Bruce	Kastenmeier	Rostenkowski
Bustamante	Kennedy	Roth
Byron	Kennelly	Roukema
Campbell (CO)	Kildee	Rowland (CT)
Cardin	Kostmayer	Rowland (GA)
Carper	LaFalce	Roybal
Carr	Lancaster	Russo
Clarke	Lantos	Sabo
Clay	Laughlin	Saiki
Clement	Leath (TX)	Sangmeister
Coelho	Lehman (CA)	Sarpalius
Coleman (MO)	Lehman (FL)	Sawyer
Coleman (TX)	Leland	Saxton
Conte	Lent	Scheuer
Conyers	Levin (MI)	Schroeder
Cooper	Levine (CA)	Schumer
Costello	Lewis (FL)	Sharp
Coughlin	Lewis (GA)	Shays
Coyne	Lipinski	Sikorski
Crockett	Livingston	Sisisky
Darden	Lloyd	Skaggs
de la Garza	Long	Skelton
Dellums	Lowey (NY)	Slattery
Derrick	Luken, Thomas	Slaughter (NY)
DeWine	Lukens, Donald	Slaughter (VA)
Dixon	Machtley	Smith (FL)
Donnelly	Manton	Smith (IA)
Dorgan (ND)	Markey	Smith (NJ)
Downey	Marlenee	Smith (VT)
Durbin	Martinez	Snowe
Dwyer	Matsui	Solarz
Dymally	Mavroules	Spence
Dyson	Mazzoli	Spratt
Early	McCloskey	Staggers
Eckart	McCollum	Stallings
Edwards (CA)	McCurdy	Stangeland
Engel	McDermott	Stark
English	McGrath	Stenholm
Erdreich	McHugh	Stokes
Espy	McMillen (MD)	Studds
Evans	McNulty	Swift
Fascell	Meyers	Synar
Fazio	Mfume	Tallon
Feighan	Miller (CA)	Tanner
Fish	Mineta	Tauzin
Flippo	Moakley	Thomas (CA)
Ford (MI)	Molinari	Thomas (GA)
Frank	Mollohan	Torres
Frost	Moody	Torricelli
Gallo	Morella	Towns
Garcia	Morrison (CT)	Traficant
Gaydos	Mrazek	Traxler
Gejdenson	Murtha	Udall
Gephardt	Myers	Unsoeld
Gibbons	Nagle	Valentine
Gillmor	Natcher	Vento
Gilman	Neal (MA)	Visclosky
Glickman	Neal (NC)	Volkmer
Gonzalez	Nelson	Walgren
Gordon	Nowak	Watkins
Gray	Oakar	Waxman
Green	Oberstar	Weber
Hall (OH)	Obey	Weiss
Hamilton	Olin	Weldon
Wheat	Wolf	Yatron
Whittaker	Wolpe	Young (FL)
Whitten	Wyden	
Wilson	Yates	

NAYS—105

Archer	Hancock	Porter
Armey	Hansen	Pursell
Ballenger	Hastert	Ravenel
Bartlett	Hefley	Rhodes
Broomfield	Henry	Ridge
Brown (CO)	Herger	Rogers
Bunning	Hiler	Rohrabacher
Burton	Holloway	Schaefer
Campbell (CA)	Hopkins	Schiff
Chandler	Hunter	Schuette
Clinger	Inhofe	Schulze
Coble	James	Sensenbrenner
Combest	Kolbe	Shaw
Craig	Kyl	Shumway
Crane	Lagomarsino	Shuster
DeLay	Leach (IA)	Skeen
Dingell	Lewis (CA)	Smith (MS)
Douglas	Lightfoot	Smith (NE)
Dreier	Madigan	Smith (TX)
Duncan	Martin (IL)	Smith, Denny (OR)
Edwards (OK)	Martin (NY)	Smith, Robert (OR)
Emerson	McCandless	Solomon
Fawell	McCrery	Stearns
Fields	McDade	Stump
Frenzel	McEwen	Sundquist
Gallegly	McMillan (NC)	Tauke
Gekas	Michel	Upton
Gingrich	Miller (OH)	Vucanovich
Goodling	Miller (WA)	Walker
Goss	Montgomery	Walsh
Gradison	Moorhead	Williams
Grandy	Morrison (WA)	Wylie
Grant	Murphy	Young (AK)
Gunderson	Nielson	
Hall (TX)	Packard	
Hammerschmidt	Paxon	

NOT VOTING—39

Alexander	Dannemeyer	Owens (UT)
Applegate	Davis	Oxley
Barnard	DeFazio	Parker
Bereuter	Dickinson	Parris
Bosco	Dicks	Savage
Brooks	Dornan (CA)	Schneider
Browder	Flake	Smith, Robert (NH)
Bryant	Florio	Thomas (WY)
Buechner	Foglietta	Vander Jagt
Callahan	Ford (TN)	Wise
Chapman	Guarini	Wright
Collins	Kleczka	
Courter	Kolter	
Cox	Lowery (CA)	

□ 1424

The Clerk announced the following pair:

On this vote:

Mr. Parris and Ms. Schneider for, with Mr. Oxley against.

Messrs. GINGRICH, HEFLEY, SKEEN, and ROHRABACHER changed their vote from "yea" to "nay."

Messrs. DERRICK, GREEN, and SPENCE changed their vote from "nay" to "yea."

Mr. HALL of Texas changed his vote from "present" to "nay."

So (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was commu-

nicated to the House by Mr. Kalbaugh, one of his secretaries.

APPOINTMENT OF CONFEREES ON H.R. 2072, DIRE EMERGENCY SUPPLEMENTAL APPROPRIATIONS, FISCAL YEAR 1989

Mr. WHITTEN. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 2072) making dire emergency supplemental appropriations and transfers, urgent supplementals, and correcting enrollment errors for the fiscal year ending September 30, 1989, and for other purposes, with Senate amendments thereto, disagree to the Senate amendments, and agree to the conference asked by the Senate.

The SPEAKER. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

MOTION OFFERED BY MR. CONTE

Mr. CONTE. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. Conte moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the bill H.R. 2072 be instructed not to meet with the managers on the part of the Senate on other issues until resolution of supplemental funding for Department of Veterans Affairs Medical Care.

The SPEAKER. The gentleman from Massachusetts [Mr. CONTE] will be recognized for 30 minutes and the gentleman from Mississippi [Mr. WHITTEN] will be recognized for 30 minutes.

The Chair recognizes the gentleman from Massachusetts [Mr. CONTE].

Mr. CONTE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this motion to instruct is about one thing and one thing only. It is about veterans.

It is about our failure to provide on a timely basis, the supplemental funding needed to keep our veterans' medical care system operating.

It is about politics, and how veterans are being held hostage in this supplemental now going to conference to the other body's pet projects.

And it is about determination, and whether this House meant what it said on May 24, when it voted 409 to 0 to separate veterans' funding from this bill, so it could be passed expeditiously, on its own.

Mr. Speaker, this motion says one thing. It says, veterans come first.

It says, the veterans' health care system is in dire need. It is the one true emergency in this bill. It is the one program that is going broke as we speak. It is the one situation where people are being turned away, denied health care, denied treatment, denied even being seen, due to lack of money.

In my district, Mr. Speaker, veterans are camped out, on grounds of the veterans' hospital, until Congress does its duty. They are begging for help. They are begging for the emergency relief that only Congress can provide. They gave me these petitions, signed by hundreds of supporters, calling on the Government to do nothing more than provide the decent health care that our veterans have been promised, and are now being denied.

My friends at Firebase Leeds are not alone. Similar firebases are said to be springing up across the country. And you know what, Mr. Speaker? They are right.

It is an outrage that it has been 3 months since the administration first asked for this dire emergency and it still has not been taken care of.

It has been 1 month since the House broke veterans out of this contentious supplemental and said, no more. We can't wait any longer. The veterans come first.

We gave the Senate the opportunity to resolve this issue before Memorial Day, and they turned it down. They said, we'll only give the veterans funding for 3 weeks. But we won't let them loose. There are many, many programs we want to tack on, and we don't want to release our veterans as hostages.

Mr. Speaker, how do you hire nurses for 3 weeks? How do you hire doctors for 3 weeks? How do you take care of sickness for 3 weeks?

So we said no. Our veterans come first. Do not hold the veterans hostage. Do not give them crumbs. Give them the whole loaf. And we sent the bill, H.R. 2402, right back to them, insisting on our position, by a vote of 409 to 0 on May 24.

And what has the Senate done with that bill? Nothing. Not a dog-blasted thing.

Instead, Mr. Speaker they have strung the veterans out. They have kept them hostage in this supplemental here, H.R. 2072, an omnibus supplemental appropriations bill. And let me tell you just how omnibus that Senate bill has become. In the Senate, no one is off the bus. They are all omnibus.

Let me tell you what the Senate is holding our veterans hostage to.

Hostage to $75 million for a radio telescope in West Virginia.

Hostage to a $1 million community gym for the Navy in landlocked West Virginia.

Hostage to a $250,000 warning system for chemical plants in West Virginia.

Hostage to $900,000 more for Logan County Airport in West Virginia.

Hostage to a $250,000 drought information center at Kansas State University.

Hostage to a $400,000 Yellowstone fire research project at the University of Wyoming.

Hostage to a provision urging that the Department of Agriculture buy more apples.

Hostage to $130 million increased authorization for the Bonneville lock project.

Hostage to $200,000 for University of South Carolina to study drug abuse.

Hostage to $1.6 million for job training in Philadelphia.

Hostage to $500,000 for Mill Creek Lake, OH.

Hostage to $3 million for toxicological research in Jefferson, AR.

Hostage to Shinnecock Inlet, NY.

Hostage to the Dubuque City Island Bridge.

Hostage to $50 million in army winter clothing manufactured in 10 States.

And on and on.

Mr. Speaker, I do not object to these items in principle. Some of them might even be needed. Once in a while, I might engage in similar conduct. Every Member is elected to look out for the interests of constituents.

But what I do object to is that veterans are being denied medical care, veterans are being turned away from hospitals, veterans are not getting their medication, because the Senate won't let the veterans go until it gets all these pet projects.

It is a heartless situation. If I were not in Congress, I would be camped out with my brothers at Firebase Leeds.

So now we are going to conference on this omnibus supplemental. Let me tell you, this conference could drag on for weeks. The lines have already been drawn.

The House bill has the $821 million for drugs, that I don't think my chairmen will back off on. The Senate has all these projects that the House won't back off on, at least while there is the debate on drugs going on.

The administration has set a budget target just slightly less than the Senate bill, with no room for drugs, and it says it will veto anything above that. We have the votes to sustain the veto. The Senate needs 60 votes to waive the Budget Act, which it won't get if the administration opposes the bill.

We will not see a bill signed into law, I do not think, for a long time to come.

There is one thing we can do. We can go into conference with a firm House position that says one thing. The veterans come first.

We can deal with drugs in due course. We can deal with the Senate projects in due course. But first, let us free the veterans.

Let us not hold the veterans up any longer. Let us not deny one more veteran the medical care that he or she needs.

We can go into conference with the unified position that the Senate

should pass the minisupplement that we passed 409-0. They could do it in 10 minutes. They could do it with two people in the Chamber. They could do it by unanimous consent. They could do it so fast that no one would know what had just gone through.

Once they do that, we can conference out the rest of this omnibus bill. But let us not hurt the veterans any longer.

Please, I ask of you, reaffirm that 409-0 vote for the veterans. Vote for this motion to instruct.

It says one thing and one thing only—put our veterans first.

□ 1430

Free the veterans as hostages, free the veterans as hostages, free the veterans as hostages.

I hope that is not too much to ask.

Mr. Speaker, I include all the documentations on just how serious the problem is.

VETERANS OF FOREIGN WARS
OF THE UNITED STATES,
Washington, DC, May 24, 1989.

Hon. SILVIO O. CONTE,
Committee on Appropriations, House of Representatives, Washington, DC.

DEAR MR. CONTE: It is our understanding the House will consider the FY '89 Supplemental Appropriations bill today, Wednesday, May 24. This will be the full appropriations as was originally considered and ultimately sent back to the House Appropriations Committee.

As you know, this FY '89 supplemental contains drastically needed funding for the Department of Veterans Affairs so it may continue to provide health care to our nation's veterans. Unfortunately, this bill also contains non-dire emergency funding for the war on drug abuse which the President has emphatically stated he will veto.

On behalf of the more than 2.7 million men and women of the Veterans of Foreign Wars of the United States and its Ladies Auxiliary, I urge that you strike the language for the non-emergency drug funding and pass the supplemental which will assure that our nation's veterans receive the care they are entitled to and earned.

Sincerely,

COOPER T. HOLT,
Executive Director

DAV CHARGES POLITICAL GAMESMANSHIP IS THREATENING VETERANS' LIVES

Leaders of the one-million-member Disabled American Veterans (DAV), today charged Democratic and Republican leaders in both the House and the Senate are, "playing partisan games that could jeopardize the lives of America's sickest and neediest veterans."

The charge came from DAV National Commander Billy E. Kirby following Senate passage of an emergency supplemental appropriations bill, good only until June 13, and designed to keep hospitals operating in the Department of Veterans' Affairs (VA) medical system.

Earlier, the House passed the emergency appropriation following reports the VA was poised to lay off as many as 100 health care employees a week if the funds weren't immediately provided. VA Secretary Edward Derwinski had warned Congress that "VA Medical Care program is now in a state of emergency" and that funds were immediately necessary.

The measure had been stalled in the House for more than two weeks as Democratic party leaders pressed to include an $800 million amendment to fund the war on drugs.

House Republican leaders balked at the amendment, charging it was a political ploy to embarrass the Administration, given the President's vow to veto measures that required increased funding. The measure finally cleared the House when the VA funds were separated from the overall supplemental bill.

In the Senate, leaders of both parties—on the eve of Senate adjournment—agreed to an amendment placing a June 15 deadline on the VA's spending authority of the supplemental funds. Thus, the VA will be facing the same fiscal crisis after that date.

"What this means is both political parties are trying to make each other look bad in terms of the drug issue," Kirby said. "And they're using the VA's emergency funding needs as the hook to make their points. It's a blatant political game that makes me wonder if either party really cares what's happening in the VA health care system today."

Kirby concluded by saying, "The leaders of both political parties must shoulder the blame. They're playing Washington politics, even as VA health care dangles by a thread that's poised to snap."

VFW CHIEF UPSET WITH CONGRESS OVER PIECEMEAL VA FUNDING

WASHINGTON, DC, May 22, 1989.—The head of the 2.2-million member Veterans of Foreign Wars and the U.S. today accused the Senate of playing politics with the welfare of America's veterans.

Larry W. Rivers, VFW Commander-in-Chief, said, the Senate vote to limit spending of the House-approved VA emergency supplemental funds does not help the deteriorating health care crisis within the VA.

A request for $1.2 billion in supplemental funds, allowing the VA to continue providing services at the previous year level, had been requested by the new incoming Secretary of the Department of Veterans' Affairs, Edward J. Derwinski.

The amendment, passed by the Senate on May 18, allows the spending of the VA emergency fund till June 15 when the Congress returns following a recess.

The Senate approved only about $75 million, enough to last the VA about a month before the crisis situation renews.

Rivers, an Alexandria, Louisiana, attorney said, "The amendment ties the hands of VA hospital administrators because no long-term contracts for goods and services can be negotiated. Also, VA hospital officials cannot hire critically needed health care personnel because the spending supplemental is only good till June 15."

The VFW leader said, "Come June 15th we are back to the political wrangling. We could see the whole VA emergency funds issue go down the drain."

"The Congress has to put aside its partisan bickering and address the serious health care situation facing veterans today," said Rivers.

PARALYZED VETERANS OF AMERICA,
May 24, 1989.

Hon. BOB STUMP,
House Committee on Veterans' Affairs, House of Representatives, Washington, DC.

DEAR REPRESENTATIVE STUMP: On behalf of the membership of Paralyzed Veterans of America, I am again writing to request your support and assistance in securing the critically needed supplemental funding required by the Department of Veterans' Affairs. Last week the House of Representatives addressed the catastrophic funding situation currently besetting veterans' health care only to see the United States Senate constrict these vital funds through their actions.

Veterans are now faced with a situation where with less than four months left in the fiscal year, the Congress has yet to complete action on this drastically needed supplemental funding. Needless to say, a funding situation in veterans' health care that was serious last September has turned into an actual crisis. More and more veterans are being denied medical treatment, programs are being terminated, supplies rationed or running out entirely. As we noted last week, DVA employees at one medical center took up a collection of $1,600 just to be able to purchase such routine medical supplies as adhesive tape.

Funding levels contained in the FY 1990 Budget Resolution approved by the House and Senate are already $300 million below that required to provide current services. Without immediate relief from an adequate supplemental this year, this crisis will surely spill over and compound itself even more severely in FY 1990. The DVA is already making plans to close hospitals unless adequate resources can be provided during the FY 1989-1990 funding cycles.

Further delay in providing the needed supplemental funds for veterans' health care is putting sick and disabled veterans at risk. Not only is the Department of Veterans' Affairs curtailing and eliminating needed programs and denying and delaying care to veterans, but the Department is facing the potential of losing qualified nurses and other health-care professionals who cannot be quickly replaced, if at all. This situation can only be stopped by the timely provision of adequate funds which can be expended, uninterrupted, throughout the remainder of this fiscal year. Veterans need your immediate support for passage of a clean supplemental bill, unencumbered by other issues, which can again be addressed by the Senate.

Thank you for your continuing consideration and support for our Nation's veterans.

Sincerely yours,

GORDON H. MANSFIELD,
Associate Executive Director for Government Relations.

AMVETS,
Lanham, MD, May 22, 1989.

Hon. ROBERT C. BYRD,
U.S. Senate, Washington, DC.

DEAR SENATOR BYRD: On behalf of the 200,000 members of AMVETS, we are appalled at the recent action taken by the Senate to provide emergency funding for the health care of America's veterans only through June 15th.

This action, and the cavalier attitude toward providing necessary funding for health care for those who have borne our country's battles is unconscionable. Veterans issues have always been non-partisan in

scope and we fail to see what gains can be had in providing emergency funding only through June 15th when the issue must be addressed again.

We call upon you and all members of the United States Senate to insure that adequate funding is available to provide the requisite health care for our country's veterans.

Sincerely yours,

JIMMY T. SMITH,
National Commander.

DEPARTMENT OF VETERANS AFFAIRS,
Washington, DC, May 16, 1989.

Hon. JAMIE L. WHITTEN,
Chairman, Committee on Appropriations, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: The House will shortly be considering a supplemental appropriation request which contains much needed funding for veterans' health care programs. I must respectfully bring to your attention that the Medical Care program is now in a state of emergency. Each day that supplemental funding is not forthcoming, the level of service provided by the VA's medical system is diminished. The VA has virtually exhausted its flexibility to borrow from non-payroll accounts to support the employment level necessary to properly treat veterans. Inventories of supplies are low, and the purchase of necessary medical equipment will have to be postponed until next fiscal year.

I would appreciate whatever steps you can take to ensure that the Medical Care supplemental request is enacted by the Congress without further delay, realizing that you have other obligations that warrant full consideration.

Currently, the medical employment level is at 190,728 FTEE, 4,000 below the level directed by Congress. The employment reduction has reduced the number of outpatients treated this year by approximately 600,000 visits. Without action on the supplemental, medical employment will start dropping by 200 FTEE or more for each two-week pay period. As of May 19, 1989, VA capital accounts will be frozen even though the replacement equipment backlog is in excess of $600 million. Activation funding for 96 projects will be stopped, as will funding for high technology sharing agreements with DoD and private hospitals.

The President is clearly committed to supplemental funding for veterans' health care programs. I seek your assistance in guiding this supplemental through Congress and ensuring it is not encumbered with amendments or provisions that could delay Presidential approval.

Sincerely yours,

EDWARD J. DERWINSKI,
Secretary.

DEPARTMENT OF VETERANS' AFFAIRS',
Washington, DC

Hon. SILVIO CONTE,
Ranking Minority Member, Committee on Appropriations, House of Representatives, Washington, DC.

DEAR MR. CONTE: In further reference to my letter of yesterday—notwithstanding suggestions and speculation to the contrary, the VA is in urgent need of supplemental FY 1989 funding for its medical programs. It is important that the House act immediately, certainly prior to the coming recess, to permit swift action by the Senate.

The legislative complications that threaten this supplemental also threaten health care for veterans. Delayed action will force us to take measures to cut back on the levels of medical care provided, as well as on the number of patients we treat. Failure to provide supplemental funding at this juncture equates to 20,000 few veterans outpatient visits for each week of delay.

Accordingly, I urge you to consider this a matter of the utmost importance, and ensure immediate action on the supplemental appropriation request now before the House.

Sincerely yours,

EDWARD J. DERWINSKI,
Secretary.

VA SECRETARY WARNS OF HEALTH CARE BUDGET CRISIS

WASHINGTON, DC, May 17.—Secretary of Veterans Affairs Edward J. Derwinski today expressed his grave concern over Congressional failure to act promptly on an emergency supplemental appropriation for current-year needs of the VA health-care system.

Derwinski said, "Unless prompt action is taken, VA will be forced to take measures to cut medical staff and services to veterans across the nation."

It had been anticipated that Congress would provide a supplemental of about $340 million to help ease current budget pressures. But moves to provide additional FY 1989 funding for VA medical programs fell through this afternoon. This prompted Derwinski to warn that veterans hospitals face a "real emergency" in their current budget situation.

"We have been operating the system on a deficiency basis," Derwinski said. "We cannot continue to meet our full responsibilities without the funding so urgently needed by our hospitals."

Derwinski outlined the impact of funding shortages in letters to the leadership of the House Appropriations Committee. He described systemwide staff shortages of some 4,000 medical personnel, reductions in outpatient capacity amounting to 20,000 visits per week, the imposition of a freeze of capital accounts used to purchase replacement medical equipment, and halt activation of 96 recently completed medical facility projects.

VA FUNDING DELAY PROMPTS SERVICE CUTBACKS

WASHINGTON, DC, May 26.—The Department of Veterans Affairs (VA) will today begin scaling back medical services and curtailing expenditures because emergency supplemental funding for VA has not been provided by Congress.

VA Secretary Edward J. Derwinski said he had to react to the continuing legislative impasse in Congress which has embroiled VA's request for supplemental funding and is affecting operation of the VA health-care system.

"I must take these actions," Derwinski said, "to keep the system functioning within the limits of our resources. They should hold us until June 15, when we are cautiously optimistic that the Congress will resolve its differences and provide VA with urgently needed funds."

Derwinski described the emergency measures as "temporary, but to be closely monitored and reviewed." He cautioned that if supplemental appropriations do not reach VA soon, more drastic cutbacks may be needed.

Among the immediate steps being taken by the VA health-care system is a freeze on accepting new patients whose eligibility depends on available VA resources. Except in emergencies, the veterans affected are those with nonservice-connected status whose incomes are above limits set by law, designated as VA categories "B" and "C".

Other actions include decreasing staff levels at VA facilities through attrition. VA will also halt spending used to purchase and maintain certain medical equipment and will delay the start-up of numerous new facility projects.

Derwinski said later steps he might be forced to take in the absence of early Congressonal action could include cuts that would close some specialized medical programs and steps affecting staffing within VA's Veterans Benefits Administration. This could result in slowing down the processing of compensation and pension claims, educational assistance, home-loan guaranties and life insurance claims. Grounds maintenance at VA's 113 national cemeteries may also have to be reduced.

The fiscal year 1989 supplemental being considered for VA includes $340 million for medical care and $844 million for various benefits programs. VA health-care services are delivered primarily thorugh 172 medical centers and more than 230 outpatient clinics nationwide. Benefits activities are administered by 58 regional offices.

PARALYZED VETERANS OF AMERICA,
Washington, DC. May 16, 1989.

Hon. JAMIE L. WHITTEN, *Chairman,*
House Committee on Appropriations U.S. House of Representatives Washington, DC.

DEAR CHAIRMAN WHITTEN: On behalf of the membership of Paralyzed Veterans of America, I am writing to request your support for quick passage of a clean FY 1989 supplemental approriations bill to include despearatly needed funding for veterans' health care services.

As you know, the previous dire supplemental was returned to Committee by the House because considerable additional spending measures for other programs over and above the recommendation of the Administration were attached to the bill. We are deeply concerned that this situation could happen again, endangering passage of the bill once more.

With only four months left in the fiscal year, the Congress has yet to complete action on the supplemental bill. Needless to say, a funding situation in veterans' health care that was serious last September has turned into an actual crisis. More and more veterans are being denied medical treatment, programs are being terminated, supplies rationed or running out entirely. We received one report of DVA employees at one medical center taking up a collection of $1,600 just to be able to purchase such routine medical supplies as adhesive tape.

Funding levels contained in the FY 1990 Budget Resolution approved by the House and Senate last week are already $300 million below that required to provide current services. Without immediate relief from an adequate supplemental this year, this crisis will surely spill over and compound itself even more severely in FY 1990. The DVA is already making plans to close hospitals unless adequate resources can be provided during the FY 1989—1990 funding cycles.

MAY 16, 1989.

The American Legion strongly supports immediate action on a "Clean" supplemental appropriations bill for fiscal year 1989. This measure must include not less than the amounts of veterans program money as contained in the original supplemental bill.

These funds are urgently needed to continue essential VA services nationwide. Further delay will produce serious consequences, particularly in veterans health care.

H.F. "SPARKY" GIERKE,
National Commander,
The American Legion.

VETERANS OF FOREIGN WARS
OF THE UNITED STATES,
Washington, DC. May 16, 1989.

Hon. JAMIE L. WHITTEN,
Chairman, Committee on Appropriations, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: On behalf of the 2.7 million members of the Veterans of Foreign Wars of the United States and its Ladies Auxiliary, I wish to state our frustration and concern in that the "Dire Emergency Supplemental Appropriation for FY '89" is still languishing in your Committee.

As I know you are aware, the Department of Veterans Affairs health care system is in desperate need of immediate supplemental funding. At this very moment, veterans are being denied health care due to staff reductions, equipment delays and vital service terminations. To be blunt, veterans are being placed in life-threatening situations.

We strongly urge your support in immediately reporting out the Dire Emergency Supplemental with no further amendments so the VA may resume caring for the health needs of our nation's veterans.

Sincerely,

LARRY W. RIVERS,
National Commander-in-Chief.

The SPEAKER. The gentleman from Massachusetts [Mr. CONTE] has consumed 9 minutes.

Mr. CONTE. Mr. Speaker, I yield 1 minute to the gentleman from New York [Mr. SOLOMON].

Mr. SOLOMON. I thank the gentleman for yielding.

Mr. Speaker, I rise in support of the gentleman's motion to instruct the House conferees to give first preference to the veterans medical care appropriations in the dire supplemental now pending before the Congress. This appropriation is an absolute priority if we are to provide adequate medical care in the 172 veterans hospitals around the country.

We need to instruct the conferees to support the veterans money so that we are not faced with a veto by the President because of all the unnecessary spending in the bill. I urge all of you to support this motion.

Mr. CONTE. Mr. Speaker, I yield such time as he may consume to the gentleman from Mississippi [Mr. MONTGOMERY], chairman of the Committee on Veterans' Affairs.

Mr. MONTGOMERY. I thank the gentleman for yielding.

Mr. Speaker, I will not take too much time of the House, but I do rise in support of instructing the conferees.

Mr. Speaker, I point out to our colleagues that the gentleman from Massachusetts [Mr. CONTE] has been a strong fighter for veterans, not only in the House but in the Committee on Appropriations.

I can say the same thing about all the committee members, including the gentleman from Mississippi [Mr. WHITTEN] on two occasions we have sent a clean bill to the other body to help the veterans of this country. The bill over there now does not have any Christmas tree markings on it. It should be sent to the President without further delay.

The gentleman from Massachusetts [Mr. CONTE] and the gentleman from New York [Mr. SOLOMON] are right. The veterans hospitals are being hurt with respect to the care they are able to give to our veterans. Most of our 172 hospitals are having problems now.

Mr. Speaker, they are losing hundreds of staff each week; they are having to close wards, and they cannot buy any new equipment. The quality of care is not there in many hospitals.

Mr. Speaker, it is a serious, serious situation and I certainly hope the other body will act and get the legislation containing $340 million for our veterans hospitals to the President.

Mr. CONTE. Mr. Speaker, I yield 2 minutes to the gentleman from Ohio [Mr. MCEWEN].

Mr. MCEWEN. I thank the gentleman for yielding.

Mr. Speaker, I wish to associate myself with the remarks of the gentleman from Mississippi [Mr. MONTGOMERY], the chairman of the Committee on Veterans' Affairs, when he expresses support of this motion by Mr. CONTE that the veterans need this motion to pass.

For those who are concerned about our veterans hospitals today, those who are concerned about the thousands of veterans who will be denied service this week, it is absolutely essential for those who are concerned about the veterans of America to receive the service to which they are entitled, this motion must pass.

□ 1440

If this motion does not pass, then they will continue to be denied, to be turned away at the doors of America's VA hospitals for many, many weeks to come.

I repeat, I support the comments of the chairman of the Committee on Veterans' Affairs, the gentleman from Mississippi [Mr. MONTGOMERY] and his expression of support for his motion, by the gentleman from Massachusetts [Mr. CONTE], that those who are concerned about veterans this year, those that are concerned about veterans now, this motion must pass.

Mr. MONTGOMERY. Mr. Speaker, I yield back the balance of my time.

Mr. CONTE. Mr. Speaker, I move the previous question on the motion.

The previous question was ordered.

The SPEAKER. The question is on the motion offered by the gentleman from Massachusetts [Mr. CONTE].

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. CONTE. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 395, nays 0, not voting 38, as follows:

[Roll No. 83]

YEAS—395

Ackerman	Coyne	Gunderson
Akaka	Craig	Hall (OH)
Alexander	Crane	Hall (TX)
Anderson	Crockett	Hamilton
Andrews	Darden	Hammerschmidt
Annunzio	de la Garza	Hancock
Anthony	DeLay	Hansen
Archer	Dellums	Harris
Armey	Derrick	Hastert
Aspin	DeWine	Hatcher
Atkins	Dingell	Hawkins
AuCoin	Dixon	Hayes (IL)
Baker	Donnelly	Hayes (LA)
Ballenger	Dorgan (ND)	Hefley
Barnard	Downey	Hefner
Bartlett	Dreier	Henry
Barton	Duncan	Hertel
Bateman	Durbin	Hiler
Bates	Dwyer	Hoagland
Beilenson	Dymally	Hochbrueckner
Bennett	Dyson	Holloway
Bentley	Early	Hopkins
Berman	Eckart	Horton
Bevill	Edwards (CA)	Houghton
Bilbray	Edwards (OK)	Hoyer
Bilirakis	Emerson	Hubbard
Bliley	Engel	Huckaby
Boehlert	English	Hughes
Boggs	Erdreich	Hunter
Bonior	Espy	Hutto
Borski	Evans	Hyde
Boucher	Fascell	Inhofe
Boxer	Fawell	Ireland
Brennan	Fazio	Jacobs
Broomfield	Feighan	James
Browder	Fields	Jenkins
Brown (CA)	Fish	Johnson (CT)
Brown (CO)	Flippo	Johnson (SD)
Bruce	Ford (MI)	Johnston
Bunning	Frank	Jones (GA)
Burton	Frenzel	Jones (NC)
Bustamante	Frost	Jontz
Byron	Gallegly	Kanjorski
Campbell (CA)	Gallo	Kaptur
Campbell (CO)	Garcia	Kasich
Cardin	Gaydos	Kastenmeier
Carper	Gejdenson	Kennedy
Carr	Gekas	Kennelly
Chandler	Gephardt	Kildee
Clarke	Gibbons	Kolbe
Clay	Gillmor	Kostmayer
Clement	Gilman	Kyl
Clinger	Gingrich	LaFalce
Coble	Glickman	Lagomarsino
Coelho	Gonzalez	Lancaster
Coleman (MO)	Goodling	Lantos
Coleman (TX)	Gordon	Laughlin
Combest	Goss	Leach (IA)
Conte	Gradison	Lehman (CA)
Conyers	Grandy	Lehman (FL)
Cooper	Grant	Leland
Costello	Gray	Lent
Coughlin	Green	Levin (MI)

Levine (CA)	Pallone	Smith (FL)
Lewis (CA)	Panetta	Smith (IA)
Lewis (FL)	Pashayan	Smith (MS)
Lewis (GA)	Patterson	Smith (NE)
Lightfoot	Paxon	Smith (NJ)
Lipinski	Payne (NJ)	Smith (TX)
Livingston	Payne (VA)	Smith (VT)
Lloyd	Pease	Smith, Denny (OR)
Long	Pelosi	
Lowey (NY)	Penny	Smith, Robert (OR)
Luken, Thomas	Perkins	
Lukens, Donald	Petri	Snowe
Machtley	Pickett	Solarz
Madigan	Pickle	Solomon
Manton	Porter	Spence
Markey	Poshard	Spratt
Marlenee	Price	Staggers
Martin (IL)	Pursell	Stallings
Martin (NY)	Quillen	Stangeland
Martinez	Rahall	Stark
Matsui	Rangel	Stearns
Mavroules	Ravenel	Stenholm
Mazzoli	Ray	Stokes
McCandless	Regula	Studds
McCloskey	Rhodes	Stump
McCollum	Richardson	Sundquist
McCrery	Ridge	Swift
McCurdy	Rinaldo	Synar
McDade	Ritter	Tallon
McDermott	Roberts	Tanner
McEwen	Robinson	Tauke
McGrath	Roe	Tauzin
McHugh	Rogers	Thomas (CA)
McMillan (NC)	Rohrabacher	Thomas (GA)
McMillen (MD)	Rose	Torres
McNulty	Rostenkowski	Torricelli
Meyers	Roth	Towns
Mfume	Roukema	Traficant
Michel	Rowland (CT)	Traxler
Miller (CA)	Rowland (GA)	Udall
Miller (OH)	Roybal	Unsoeld
Miller (WA)	Russo	Upton
Mineta	Sabo	Valentine
Moakley	Saiki	Vento
Molinari	Sangmeister	Visclosky
Mollohan	Sarpalius	Volkmer
Montgomery	Savage	Vucanovich
Moody	Sawyer	Walgren
Moorhead	Saxton	Walker
Morella	Schaefer	Walsh
Morrison (CT)	Scheuer	Watkins
Morrison (WA)	Schiff	Waxman
Mrazek	Schroeder	Weber
Murphy	Schuette	Weiss
Murtha	Schulze	Weldon
Myers	Schumer	Wheat
Nagle	Sensenbrenner	Whittaker
Natcher	Sharp	Whitten
Neal (MA)	Shaw	Williams
Neal (NC)	Shays	Wilson
Nelson	Shumway	Wolf
Nielson	Shuster	Wolpe
Nowak	Sikorski	Wyden
Oakar	Sisisky	Wylie
Oberstar	Skaggs	Yates
Obey	Skeen	Yatron
Olin	Skelton	Young (AK)
Ortiz	Slattery	Young (FL)
Owens (NY)	Slaughter (NY)	
Packard	Slaughter (VA)	

NAYS—0

NOT VOTING—38

Applegate	DeFazio	Leath (TX)
Bereuter	Dickinson	Lowery (CA)
Bosco	Dicks	Owens (UT)
Brooks	Dornan (CA)	Oxley
Bryant	Douglas	Parker
Buechner	Flake	Parris
Callahan	Florio	Schneider
Chapman	Foglietta	Smith, Robert (NH)
Collins	Ford (TN)	
Courter	Guarini	Thomas (WY)
Cox	Herger	Vander Jagt
Dannemeyer	Kleczka	Wise
Davis	Kolter	Wright

□ 1459

So the motion was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore (Mr. TAUZIN). The Chair will appoint conferees upon his return.

PERMISSION FOR COMMITTEE ON RULES TO FILE REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 1278, FINANCIAL INSTITUTIONS REFORM, RECOVERY, AND ENFORCEMENT ACT OF 1989

Mr. MOAKLEY. Mr. Speaker, I ask unanimous consent that the Committee on Rules be permitted to have until midnight tonight to file a privileged report on a resolution providing for the consideration of the bill (H.R. 1278) to reform, recapitalize, and consolidate the Federal deposit insurance system, to enhance the regulatory and enforcement powers of Federal financial institutions regulatory agencies, and for other purposes.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

DRUG ABUSE TREATMENT TECHNICAL CORRECTIONS ACT OF 1989

Mr. WAXMAN. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 1426) to amend the Public Health Service Act to make technical corrections relating to subtitles A and G of title II of the Anti-Drug Abuse Act of 1988, and for other purposes, with Senate amendments thereto, disagree to the Senate amendments numbered 1 through 5 and 8 and concur in the Senate amendments numbered 6 and 7.

The Clerk read the title of the bill.

The Clerk read the Senate amendments, as follows:

Senate amendments:

Page 6, strike out lines 14 to 16.

Page 6, line 17, strike out "(D)" and insert "(C)".

Page 7, strike out lines 3 to 5, and insert:

(D) in subsection (f), to read as follows:

"(f) For purposes of subsection (e), the applicable amount for each fiscal year is $330,000,000,".

Page 8, after line 10, insert:

(6) MODIFICATION OF GENERAL FORMULA.—Section 1912A(a)(4)(B) of the Public Health Service Act (42 U.S.C. 300x-1a(a)(4)(B)) (as amended in paragraphs (1) through (5)) is amended—

(A) in clause (i)—

(i) by striking out "0.4" in subclause (I), and inserting in lieu thereof "0.2"; and

(ii) by striking out "indicated by the most recent data collected by the Bureau of the Census" in subclause (II), and inserting in lieu thereof "determined by multiplying the percentage of the State's population that resides in urbanized areas of the State (as indicated by the most recent dicennial census compiled by the Bureau of the Census) by the most recent estimate of the total population of the State";

(B) in clause (ii)(I), by striking out "0.2" and inserting in lieu thereof "0.266";

(C) in clause (iii)(I), by striking out "0.2" and inserting in lieu thereof "0.266"; and

(D) in clause (i)(I), by striking out "0.2" and inserting in lieu thereof "0.267".

(7) MODIFICATION OF SMALL STATE MINIMUM.—Section 1912(A)(b) of the Public Health Service Act (42 U.S.C. 300x-1a(b)(1)) (as amended in paragraphs (1) through (5)) is amended to read as follows—

"(b)(1) In fiscal year 1989, each State shall receive a minimum allotment under this subpart of the lesser of—

"(A) $8,000,000; and

"(B) an amount equal to 105 percent of the sum of—

"(i) the annual the State received under section 1913 for fiscal year 1988 (as such section was in effect for such fiscal year); and

"(ii) the amount the State received under part C for fiscal year 1988.

"(2) In subsequent fiscal years, each State shall receive a minimum allotment under this subpart that is equal to the amount that such State received in fiscal year 1989 under paragraph (1) (or the minimum amount that such State was entitled to under such paragraph) plus an amount equal to such minimum multiplied by the percentage increase in the amount appropriated under section 1911(a) in such subsequent fiscal year above the amount appropriated for the immediately preceding fiscal year.".

Page 18, after line 16, insert:

"(4) EXTENSION OF DEVELOPMENT GRANTS PROGRAM.—Section 1924(c) of the Public Health Service Act (42 U.S.C. 300x-10(c)) is amended by striking out "and 1989" and inserting in lieu thereof "through 1991".

Page 19, after line 4, insert:

"(q) SERIOUSLY MENTALLY ILL.—

"(1) MENTAL HEALTH SERVICES PLANNING COUNCIL.—Section 1916(e)(3)(iii) of the Public Health Service Act (42 U.S.C. 300x-4(e)(3)(iii)) is amended by striking out "chronically" and inserting in lieu thereof "seriously".

"(2) COMMUNITY-BASED MENTAL HEALTH TREATMENT.—Section 1923(c)(1) of such Act (42 U.S.C. 300x-9b(c)(1)) is amended by striking out "chronically" and inserting in lieu thereof "seriously" each place that such occurs.".

Page 23, after line 6, insert:

"(g) SERIOUSLY MENTALLY ILL.—Section 520A of the Public Health Service Act (42 U.S.C. 290cc-13) is amended by striking out "chronically" and inserting in lieu thereof "seriously" each place that such occurs.".

Page 35, after line 4, insert:

SEC. 6. MENTAL HEALTH DEMONSTRATION PROJECTS.

Section 520A(e)(1) of the Public Health Service Act (42 U.S.C. 290cc-13(e)(1)) is amended by striking out "1990" and inserting in lieu thereof "1991".

Mr. WAXMAN (during the reading). Mr. Speaker, I ask unanimous consent that the Senate amendments be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

The SPEAKER pro tempore. Is there objection to the initial request of the gentleman from California?

Mr. MADIGAN. Mr. Speaker, reserving the right to object, under my res-

ervation I would ask the gentleman from California [Mr. WAXMAN] if the bill under question, H.R. 1426, is in fact a bill that we have previously passed out of the House.

Mr. WAXMAN. Mr Speaker, if the gentleman from Illinois [Mr. MADIGAN] will yield, the gentleman, is correct.

Mr. MADIGAN. Mr. Speaker, may I further ask the gentleman from California [Mr. WAXMAN] if the amendments with which we are agreeing, the Senate amendments numbered 6 and 7, are amendments that only change the definition of "mental health" to "serious mental health"?

Mr. WAXMAN. The gentleman from Illinois [Mr. MADIGAN] is correct.

Mr. DE LUGO. Mr. Speaker, I rise today in support of H.R. 1426, the Drug Abuse Treatment Technical Corrections Act of 1989.

I congratulate the chairman of the Committee on Energy and Commerce, Mr. DINGELL, and the chairman of the Subcommittee on Health and the Environment, Mr. WAXMAN, for their work on this bill. I hope my colleagues will strongly support this bill.

H.R. 1426 is a very important bill for the territories and the States. The bill corrects some technical oversights that affect the block grant distribution formula in which funds are distributed to the territories and States for use in the treatment of drug abuse and IV drug abusers. This bill makes the necessary corrections to the anti-drug abuse bill to ensure that the territories and States receive their proper distribution. This bill is critical to the territories and States in their fight against the drug crisis.

Mr. Speaker, this bill is additionally important to the U.S. Virgin Islands and our sister territory Guam because the technical oversight it corrects would result in a substantial change in our funding. The funding provision for the U.S. Virgin Islands as it now stands would result in a decrease of approximately $800,000. Originally, the anti-drug abuse bill intended funding for the Virgin Islands was to increase in fiscal year 1989 from $1.1 to $1.2 million. But, because of this technical error, it was reduced to only $400,000.

Mr. Speaker, it is unfortunate that this bill has not yet been enacted into law. These funds are desperately needed by our territories and States. I hope that my colleagues will go to conference on H.R. 1426 with a renewed sense of urgency and enact this extremely important bill.

I appreciate the opportunity to speak on this bill and hope that it can again move expeditiously through the House and Senate and finally be sent to the President for his signature.

Mr. MADIGAN. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the initial request of the gentleman from California?

There was no objection.

A motion to reconsider was laid on the table.

AUTHORIZING PRINTING OF COMMITTEE PRINT ENTITLED "THE ANTI-DRUG ABUSE ACT OF 1988: A GUIDE TO PROGRAMS FOR STATE AND LOCAL ANTI-DRUG ASSISTANCE"

Mr. BATES. Mr. Speaker, I ask unanimous consent that the Committee on House Administration be discharged from further consideration of the resolution (H. Res. 136) authorizing the printing of the committee print entitled "The Anti-Drug Abuse Act of 1988: A Guide to Programs for State and Local Anti-Drug Assistance" as a House document, and ask for its immediate consideration.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

Mr. ROBERTS. Mr. Speaker, reserving the right to object, under my reservation I yield to the gentleman from California [Mr. BATES] so that he might explain the resolution.

Mr. BATES. Mr. Speaker, I thank my colleague, the gentleman from Kansas [Mr. ROBERTS], for yielding.

Mr. Speaker, this resolution authorizes the reprinting of the Select Committee on Narcotics Abuse and Control's report, "The Anti-Drug Abuse Act of 1988: A Guide to Programs for State and Local Anti-Drug Assistance."

Mr. ROBERTS. Mr. Speaker, this resolution has the concurrence of the minority, and I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

The Clerk read the resolution, as follows:

H. RES. 136

Resolved, That the committee print entitled "The Anti-Drug Abuse Act of 1988: A Guide to Programs for State and Local Anti-Drug Assistance", One Hundred First Congress, shall be printed as a House document. In addition to the usual number, there shall be printed, for the use of the Select Committee on Narcotics Abuse and Control of the House of Representatives, such number of copies of the document as does not exceed a cost of $1,200.

The resolution was agreed to.

A motion to reconsider was laid on the table.

AUTHORIZING PRINTING OF JOINT COMMITTEE PRINT ENTITLED "THE EDUCATION DEFICIT"

Mr. BATES. Mr. Speaker, I ask unanimous consent that the Committee on House Administration be discharged from further consideration of the resolution (H. Res. 156) authorizing the printing of the joint committee print entitled "The Education Deficit" as a House document, and ask for its immediate consideration.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

Mr. ROBERTS. Mr. Speaker, reserving the right to object, I will not object, but will ask the gentleman from California [Mr. BATES] to explain the resolution?

Mr. BATES. Mr. Speaker, if the gentleman will yield, the resolution authorizes the reprinting of the Joint Economic Committee's report entitled "The Education Deficit."

Mr. ROBERTS. Mr. Speaker, this resolution has the concurrence of the minority.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

The Clerk read the resolution, as follows:

H. RES. 156

Resolved, That the joint committee print entitled "The Education Deficit", dated December 14, 1988, shall be printed as a House document. In addition to the usual number, 3,000 copies of the document shall be printed for the use of the Joint Economic Committee.

The resolution was agreed to

A motion to reconsider was laid on the table.

AUTHORIZING PRINTING OF COLLECTION OF STATEMENTS IN TRIBUTE TO THE LATE CLAUDE PEPPER

Mr. BATES. Mr. Speaker, I ask unanimous consent that the Committee on House Administration be discharged from further consideration of the concurrent resolution (H. Con. Res 150), authorizing the printing of a collection of statements in tribute to the late Representative Claude Denson Pepper, and ask for its immediate consideration.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

Mr. ROBERTS. Mr. Speaker, reserving the right to object, I would ask the gentleman from California [Mr. BATES] to explain the resolution.

Mr. BATES. Mr. Speaker, if the gentleman will yield, the resolution provides for the printing of 2,000 copies of the customary memorial volume with respect to our late colleague, the Honorable Claude Pepper.

Mr. ROBERTS. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

The Clerk read the concurrent resolution, as follows:

H. CON. RES. 150

Resolved by the House of Representatives (the Senate concurring), That there shall be printed as a House document a collection of statements made in tribute to the late Representative Claude Denson Pepper, together with appropriate illustrations and other materials relating to such statements. In addition to the usual number, there shall be printed 1,000 copies of the document for the use of the House of Representatives, of which 500 copies shall be casebound, and 1,000 copies of the document for the use of the Senate, of which 500 copies shall be casebound.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

APPOINTMENT OF CONFEREES ON H.R. 2072, DIRE EMERGENCY SUPPLEMENTAL APPROPRIATIONS FISCAL YEAR 1989

The SPEAKER. The Chair appoints the following Members as managers on the part of the House on H.R. 2072 making dire emergency supplemental appropriations and transfers, urgent supplementals, and correcting enrollment errors for the fiscal year ending September 30, 1989, and for other purposes: Messrs. WHITTEN, NATCHER, SMITH of Iowa, YATES, OBEY, ROYBAL, BEVILL, MURTHA, TRAXLER, LEHMAN of Florida, DIXON, FAZIO, HEFNER, CONTE, MCDADE, COUGHLIN, REGULA, Mrs. SMITH of Nebraska, Messrs. EDWARDS of Oklahoma, GREEN, and ROGERS.

FAIR LABOR STANDARDS AMENDMENTS OF 1989—VETO MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 101-71)

The SPEAKER laid before the House the following veto message from the President of the United States:

To the House of Representatives:

I am returning herewith without my approval H.R. 2, the "Fair Labor Standards Amendments of 1989."

This bill would increase the minimum wage by an excessive amount and thus stifle the creation of new job opportunities. It would damage the employment prospects of our young people and least advantaged citizens. It would accelerate inflation. It would not help those in poverty. And thus it would fail to properly reflect the thought behind this measure: to help our lowest paid workers.

H.R. 2 would increase the minimum wage to $4.55 an hour and would provide a training wage only for 60 days and only for a temporary period. Economist universally agree that such an increase in the minimum wage will result in the loss of job opportunities. This is because, as the minimum wage rises, employers in today's highly competitive marketplace must respond. Some close their doors. Some automate. Others reduce their work force or cut the services they provide to their customers.

That is why I made it clear that I could accept an increase only if it were a modest one, and only if it were accompanied by a meaningful training wage for new employees of a firm, to help offset the job loss. As I have said many times, I could sign into law an increase in the hourly minimum wage to $4.25, phased in over 3 years, which preserves job opportunities through a 6-month training wage for all new hires. The bill the Congress has sent to me fails to meet these standards.

The increase in the minimum wage I said I could accept amounts to 27 percent—totaling 90 cents an hour in three equal amount increments of 30 cents. The increase in H.R. 2 exceeds that amount by a full one-third. In the interest of preserving job opportunity, I cannot approve this legislation.

I wish to be clear about this. My difference with the Congress is not just about 30 cents an hour. It is about hundreds of thousands of jobs that would be preserved by my administration's approach, as opposed to those that would be sacrificed under the excessive increase included in this legislation.

The "training wage" included in H.R. 2 is ineffective. Its 60-day limitation is too short and unrealistically restrictive. The principal justification for a training wage is preservation of opportunity—for jobs and for training. This can be accomplished only through a permanent trainee differential. H.R. 2 provides only temporary training wage authority that would expire in 3 years. This means that within 4 years the minimum wage for trainees would rise to the regular minimum wage. That defeats the job-saving purpose of the training wage. This provision of H.R. 2 would do little to save jobs. I cannot support it.

Minimum wage jobs are for the most part entry-level jobs—those jobs that give our workers the valuable work experience and basic training they will need for advancement to future opportunities. When those jobs are lost, the losers are the young and disadvantaged, grasping for the first rung on the ladder of economic opportunity.

I am also deeply concerned that an excessive increase in the minimum wage will increase inflation, which has rightly been called the cruelest tax. Inflation is hardest on those living on fixed incomes, many of whom are poor and elderly. As the minimum wage increases, employers' costs rise, and they must charge the consumer more for goods and services just to break even.

The Federal budget deficit also would increase. The jobs lost due to a large minimum wage increase would have generated tax revenues for the Federal Government. Certain Government programs are tied directly to the minimum wage; other Government expenditures are indexed to inflation. As the minimum wage and inflation increase, those expenditures will increase, and so will the budget deficit.

H.R. 2 provides for a Minimum Wage Review Board, which threatens to compound the bill's inflationary effect. The Board would be permanent; it would be required to make annual recommendations to the Congress for increasing the minimum wage in light of increases in wages and prices since any previous minimum wage adjustment. This has been termed, accurately, a "back-door" indexing provision. It is unacceptable.

Contrary to what proponents of H.R. 2 have been saying, increasing the minimum wage is not an effective way to help the poor. The poverty population and the minimum wage earners are, by and large, different people. Most minimum wage earners are young, they are single, they live in households with other workers, and most importantly, they are not poor.

We must never forget that a healthy and growing private economy is essential to remedying poverty. We are now in the 78th month of an unprecedented economic expansion. Over the last few months, the unemployment rate has been lower than at any time since 1974. Since the beginning of this economic expansion at the end of 1982, our economy has created nearly 20 million new jobs. Since 1981 the number of workers earning no more than Federal minimum wage has been cut in half—from 7.8 million to 3.9 million last year. Now is not the time to turn back or halt the progress we have made.

In the contemporary American market, wages rise—not because of mandated increases, but because of market forces and the changing nature of America's workplace, which demand higher skills and offer better pay to the workers who possess them. An excessive increase in the minimum wage would reduce any chance for hundreds of thousands of less skilled workers to get entry-level employment and experience the on-the-job training and advancement opportunities that go with it.

Most, though not all, of those denied the opportunity would be young people. I remain, as I have said before, haunted by the fact that by the thousands, young Americans in inner cities believe they have no stake in our system, no future, no hope. Believing they have nothing to lose, they act as

if they have nothing to gain. We cannot let this continue. Work can give them something to gain—and we cannot sit by, destroying opportunity with well-intentioned but misguided policies—jinxing another generation—and live easily with ourselves.

It is regrettable that this debate must end with a veto; once the majority in the Congress determined to reject my offer of compromise on minimum wage legislation, however, it also became inevitable.

In the discussions of this issue, my objectives have been and remain twofold: first, to preserve job opportunities for entry-level workers seeking to get their feet on the ladder of economic opportunity; and second, to increase the take-home pay of the heads of low-income households. My proposal was designed to accomplish those twin objectives.

If the Congress remains unwilling to support this job-saving approach, I am prepared to examine with the Congress, within the confines of our fiscal limitations, changes in the Earned Income Tax Credit, which could better help the heads of low-income households.

I renew my invitation to the Congress to work with the Administration, in a cooperative and bipartisan way, on what I believe is the compelling work force challenge. We need to improve American education so Americans of all ages can prepare for the more demanding jobs that this economy is creating. Growth offers opportunity for those prepared to seize it. For those not now prepared and lacking the basic skills of language and literacy, computation skills, and the like, we need to provide or refine our training programs.

I have proposed a package of educational reforms to enhance our Federal approach to elementary and secondary education. We can offer a better quality of education to our children than we do and a wider degree of educational choice to them and their parents.

My Administration has also proposed a package of reforms in vocational education that can improve this system, so vital to training and retraining our Nation's work force. We should move quickly to improve the quality of vocational education, to simplify it, to expand choice, to make the system more accountable, and, importantly, to integrate it better with other job training efforts.

We will be proposing significant improvements in the Job Training Partnership Act. These will include a package of youth initiatives to increase the targeting of critical training resources on those in need of help. These initiatives will also offer improvements in the quality of training made available to "at-risk" youth and incorporate higher standards for achievement and competency after training.

We continue to believe that proposals such as these and our child tax credit are preferable and more effective measures for assisting low-income working families. Unlike a minimum wage increase, they can be much more precisely targeted to help only those who need the help, with none of the job-loss or inflationary effects of raising the minimum wage.

The Congress this year has the opportunity to move these legislative proposals in a concerted way. We need to refine our basic skills training, literacy, and remedial education, not just job training, to prepare youth for a *lifetime* of productive work, not just a job. Let us approach these separate statutes and programs not separately, but as parts of a whole, as components of an integrated Federal policy on real workplace needs.

As I said in my Inaugural Address, I wish to proceed together with both parties in both Houses of Congress. For those of us whose legislative priorities include the real needs of America's work force, there can be no more important items on that agenda than education and skills preparation.

During this year, and this Congress, even with limited budget resources—we can make a difference. Let us get started.

GEORGE BUSH.

THE WHITE HOUSE, *June 13, 1989.*

□ 1510

The SPEAKER pro tempore (Mr. TORRICELLI). The objections of the President will be spread at large upon the Journal and without objection, the message and bill will be printed as a House document.

There was no objection.

MOTION OFFERED BY MR. HAWKINS

Mr. HAWKINS. Mr. Speaker, I move that further consideration of the veto message on the bill H.R. 2, be postponed until tomorrow, Wednesday, June 14, 1989.

The motion was agreed to.

A motion to reconsider was laid on the table.

AUTHORIZING PRINTING OF COLLECTION OF INAUGURAL ADDRESSES OF THE PRESIDENTS OF THE UNITED STATES

Mr. BATES. Mr. Speaker, I ask unanimous consent that the Committee on House Administration be discharged from further consideration of the Senate concurrent resolution (S. Con. Res. 19) to authorize printing of a collection of the inaugural addresses of the Presidents of the United States, and ask for its immediate consideration.

The Clerk read the title of the Senate concurrent resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

Mr. ROBERTS. Mr. Speaker, reserving the right to object, I yield to the gentleman from California [Mr. BATES] so that he might explain the resolution.

Mr. BATES. Mr. Speaker, this resolution authorizes the printing of a collection of the inaugural addresses of the Presidents of the United States.

Mr. ROBERTS. Mr. Speaker, the resolution has the concurrence of the minority, and I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

The Clerk read the Senate concurrent resolution, as follows:

S. CON. RES. 19

Resolved by the Senate (the House of Representatives concurring), That a collection of the inaugural addresses of the Presidents of the United States, from President George Washington to and including President George H.W. Bush, compiled from research volumes and State papers by the Congressional Research Service, Library of Congress, be printed with illustrations as a Senate document; and that 16,200 copies thereof be printed, of which 5,510 copies shall be for the use of the Senate and 11,050 copies shall be for the use of the House of Representatives.

SEC. 2. Copies of such document shall be made available pro rata to Members of the Senate and House of Representatives for a period of sixty days, after which time any copies not used by the Members of either the Senate or the House of Representatives, respectively, shall revert to the Document Room of the Senate or of the House of Representatives, respectively.

AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. BATES

Mr. BATES. Mr. Speaker, I offer an amendment in the nature of a substitute.

The Clerk read as follows:

Amendment in the nature of a substitute offered by Mr. BATES: Strike out all after the resolving clause and insert the following: "That there shall be printed as a Senate document, with appropriate illustrations, a collection of the inaugural addresses of the Presidents of the United States, from George Washington, 1789, to George Bush, 1989, compiled by the Congressional Research Service of the Library of Congress. In addition to the usual number, there shall be printed 16,000 copies of the document which shall be made available for a period of 60 days, as follows: 5,000 copies for the use of individual Senators, pro rata, and 11,000 copies for the use of individual Members of the House of Representatives, pro rata. If, at the end of that period, any of the additional number of copies are not so used, such copies shall be transferred to the document room of the Senate or the House of Representatives, as appropriate.".

Mr. BATES (during the reading). Mr. Speaker, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

The SPEAKER pro tempore. The question is on the amendment in the nature of a substitute offered by the gentleman from California [Mr. BATES].

The amendment in the nature of a substitute was agreed to.

The SPEAKER pro tempore. The question is on the Senate concurrent resolution.

The Senate concurrent resolution was concurred in.

TITLE AMENDMENT OFFERED BY MR. BATES

Mr. BATES. Mr. Speaker, I offer an amendment to the title.

The Clerk read as follows:

Title amendment offered by Mr. BATES: Amend the title to read as follows: "Concurrent resolution authorizing the printing of a collection of the inaugural addresses of the Presidents of the United States.".

The title amendment was agreed to.

A motion to reconsider was laid on the table.

□ 1520

GENERAL LEAVE

Mr. BATES. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the several resolutions and concurrent resolutions just considered and adopted.

The SPEAKER pro tempore (Mr. TORRICELLI). Is there objection to the request of the gentleman from California?

There was no objection.

BALTIC FREEDOM DAY

Mr. SAWYER. Mr. Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from further consideration of the Senate joint resolution (S.J. Res. 63) designating June 14, 1989, as Baltic Freedom Day, and for other purposes, and ask for its immediate consideration.

The Clerk read the title of the Senate joint resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

Mr. RIDGE. Mr. Speaker, reserving the right to object, I would like to acknowledge the role of our colleague, the gentleman from Michigan [Mr. HERTEL], who is the chief sponsor.

Mr. GILMAN. Mr. Speaker, will the gentleman yield?

Mr. RIDGE. Continuing my reservation, I am happy to yield to the gentleman from New York.

Mr. GILMAN. Mr. Speaker, I rise in support of House Joint Resolution 184 designating June 14, 1989 as Baltic Freedom Day. I want to thank the gentleman from Michigan [Mr. HERTEL] and the gentleman from Pennsylvania [Mr. RITTER] for their leadership in introducing this legislation, which I am pleased to cosponsor.

Now, more than ever, it is essential that all Americans demonstrate support for the freedom-loving people of Estonia, Latvia, and Lithuania.

Who among us could claim to have foreseen the changes in the Communist world today. These changes have allowed the people of the Baltic Republics, who have long sought to end the illegal occupation and homogenization of their republics by the Soviet Union, to rapidly move toward greater autonomy.

The Baltic sense of national identity has survived over 48 years of Soviet occupation and is now more visible than ever in the changes being enacted by the Baltic Republic's legislatures and the grass roots demonstrations.

All three Baltic Republics have amended their constitutions to allow them to reject laws enacted by Moscow. Estonia and Lithuania have passed measures to replace Russian, the official language of both Baltic States, with each Republic's respective national tongue.

This spring, students in Latvia staged the first illegal occupation of a building in Latvian history. This occupation not only brought attention to the plight of Latvia's homeless but also was inspired to protest the influx of ethnic Russians into Latvia since 1940.

A similar situation in Lithuania has inspired slogans such as "Lithuania Without Sovereignty is a Lithuania Without A Future," and "Sovereignty Within the U.S.S.R. is a Contradiction in Terms."

Mr. Speaker, it is imperative that the people of Estonia, Latvia, and Lithuania receive all the support we can give them at this most critical time. Accordingly, it is in this spirit that I invite our colleagues to join us in support of House Joint Resolution 184 and celebrate "Baltic Freedom Day."

Mr. RITTER. Mr. Speaker, will the gentleman yield?

Mr. RIDGE. Continuing my reservation, I am happy to yield to the gentleman from Pennsylvania.

Mr. RITTER. Mr. Speaker, I just want to say that the Baltic States today, more than ever, need the understanding and the sympathy of this Congress, the administration, and the American people as they go about seeking greater freedom from the Soviet Union.

To date, the United States has never recognized Soviet sovereignty over the Baltic States, and that is to our credit. Mr. Speaker, it is time that this nonrecognition of sovereignty is supported by further promoting of the freedoms of these deserving people.

Mr. Speaker, the Baltic States have moved to the center stage of world politics. They are at the leading edge of glasnost and perestroika in the U.S.S.R. The eyes of the world are on Latvia, Lithuania, and Estonia.

This year marks the 50th year of the Hitler-Stalin Pact by which the Baltic nations were forcibly incorporated into the Soviet Union.

In light of recent, peaceful Baltic mass demonstrations, Congress must send an encouraging signal of support to these brave men and women struggling for democracy and freedom by commemorating June 14 as "Baltic Freedom Day."

Mr. Speaker, I want to thank my colleagues for their unanimous support of House Joint Resolution 184 which commemorates June 14 as "Baltic Freedom Day."

Mr. Speaker, June 14 will mark the 48th anniversary of the day the Soviet military began deporting thousands of men, women, and children from their homes in the Baltic States to Siberia. Few ever returned. In this era of glasnost, Baltic Freedom Day commemorations are a means of testing just how much openness there is in the Soviet Union. If glasnost means anything at all, it should mean that the injustices done in the Baltic States must be recognized by Moscow.

Mr. FISH. Mr. Speaker, I take this occasion of Baltic Freedom Day to commend the peoples of Estonia, Latvia, and Lithuania for their courageous and tenacious struggle to bring democracy and freedom to their countries.

Victimized by the infamous Molotov-von Ribbentrop pact secretly carving up Europe between dictators Josef Stalin and Adolph Hilter, the Baltic Republics have fought to regain their independence without much success until very recently.

Soviet President Mikhail Gorbachev, presiding over the new Soviet parliament has agreed to appoint a commission to examine the issue of the Nazi and Soviet Union secret nonagression agreement—at the request of nationalist groups in the three Baltic Republics.

According to the still-secret agreement, personally signed by Stalin and in red ink, by von Ribbentrop—the Baltic Republics and eastern Poland were assigned to the Soviet sphere, paving the way for their subsequent occupation and annexation.

Fifty years later, the Soviets are still there. The three republics and their courageous peoples remain annexed into the Soviet Union, continuing their magnificent struggle for freedom, self-determination, and democracy.

Official Soviet history still insists the Baltic Republics joined the Soviet Union voluntarily in 1940. President Gorbachev, in statements to the Soviet parliament repeated that no original copy of the 1939 agreement signed by foreign ministers, Vyacheslav Molotov and Joachim von Ribbentrop of Nazi Germany, could be found, either in the Soviet Union or Germany. However, Gorbachev is backing the commission of inquiry.

Now, when the Baltic Republics are driving for more independence, the deputies from

Lithuania, Latvia, and Estonia, have boycotted attempts at the newly convened Soviet Congress to make all local and regional laws conform to the Federal Constitution.

The issue of Baltic freedom is one that deserves our closest attention. How the Soviet Congress of People's Deputies, in the closing stages of its first marathon session, handles the continuing questions of Baltic freedom may well determine the future not only of the Baltic Republics, but the ultimate question of the rewrite of Soviet law and history as well as the success or failure of Gorbachev's Supreme Soviet.

Mr. RIDGE. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

The Clerk read the Senate joint resolution, as follows:

S.J. RES. 63

Whereas the people of the republics of Lithuania, Latvia, and Estonia (hereinafter referred to as the "Baltic Republics") have cherished the principles of religious and political freedom and independence;

Whereas the Baltic Republics existed as independent, sovereign nations and as fully recognized members of the League of Nations;

Whereas 1989 marks the 50th anniversary of the infamous Molotov-Ribbentrop Pact in which the Soviet Union colluded with Nazi Germany, thus allowing the Soviet Union in 1940 to illegally seize and occupy the Baltic Republics and to incorporate such republics by force into the Soviet Union against the national will and the desire for independence and freedom of the people of such republics;

Whereas due to Soviet and Nazi tyranny, by the end of World War II, 20 percent of the total population of the Baltic Republics had been lost;

Whereas the people of the Baltic Republics have individual and separate cultures and national traditions and languages which are distinctively foreign to those of Russia;

Whereas since 1940, the Soviet Union has systematically implemented Baltic genocide by deporting native Baltic peoples from Baltic homelands to forced labor and concentration camps in Siberia and elsewhere;

Whereas by relocating masses of Russians to the Baltic Republics, the Soviet Union has threatened the Baltic cultures with extinction through russification;

Whereas through a program of russification, the Soviet Union has introduced ecologically unsound industries without proper safeguards into the Baltic Republics, and the presence of such industries has resulted in deleterious effects on the environment and well-being of the Baltic people;

Whereas the Soviet Union, despite recent pronouncements of openness and restructuring, has imposed upon the captive people of the Baltic Republics an oppressive political system which has destroyed every vestige of democracy, civil liberty, and religious freedom;

Whereas the people of the Baltic Republics are subjugated by the Soviet Union, are locked into a union such people deplore, are denied basic human rights, and are persecuted for daring to protest;

Whereas the Soviet Union refuses to abide by the Helsinki accords which the Soviet Union voluntarily signed;

Whereas the United States stands as a champion of liberty, is dedicated to the principles of national self-determination, human rights, and religious freedom, and is opposed to oppression and imperialism;

Whereas the United States, as a member of the United Nations, has repeatedly voted with a majority of that international body to uphold the right of other countries of the world to self-determination and freedom from foreign domination;

Whereas the Soviet Union has steadfastly refused to return to the people of the Baltic Republics the right to exist as independent republics, separate and apart from the Soviet Union, or to permit a return of personal, political and religious freedoms; and

Whereas 1989 marks the 49th anniversary of the continued policy of the United States of not recognizing the illegal forcible occupation of the Baltic Republics by the Soviet Union: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That—

(1) the Congress recognizes the continuing desire and right of the people of the Baltic Republics for freedom and independence from the domination of the Soviet Union;

(2) the Congress deplores the refusal of the Soviet Union to recognize the sovereignty of the Baltic Republics and to yield to the rightful demands for independence from foreign domination and oppression by the people of the Baltic Republics;

(3) June 14, 1989, the anniversary of the mass deportation of Baltic peoples from their homelands in 1941, is designated as "Baltic Freedom Day", as a symbol of the solidarity of the people of the United States with the aspirations of the enslaved Baltic people; and

(4) the President is authorized and requested—

(A) to issue a proclamation calling upon the people of the United States to observe Baltic Freedom Day with appropriate ceremonies and activities, and

(B) to call upon the Soviet Union, the Federal Republic of Germany, and the Democratic Republic of Germany to renounce the acquisition or absorption of the Baltic Republics by the Soviet Union as a result of the Molotov-Ribbentrop Pact.

The Senate joint resolution was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

NATIONAL SCLERODERMA AWARENESS WEEK

Mr. SAWYER. Mr. Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from further consideration of the joint resolution (H.J. Res. 274) to designate the week beginning June 11, 1989, as "National Scleroderma Awareness Week," and ask for its immediate consideration.

The Clerk read the title of the joint resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

Mr. RIDGE. Mr. Speaker, reserving the right to object, I yield to the gentleman from Ohio [Mr. SAWYER].

Mr. SAWYER. Mr. Speaker, I rise in support of House Joint Resolution 274, to designate the week of June 11, 1989, as "National Scleroderma Awareness Week."

Scleroderma means "hard skin." It is a chronic disease that affects approximately 300,000 people in the United States alone, and two to three times as many women as men. This disease usually develops in people between the ages of 25 and 55 years old.

The cause of scleroderma is unknown. It is not contagious, infectious, cancerous, or hereditary. However, its victims can suffer a great deal of pain if the disease goes undetected and untreated. Many of those affected by scleroderma initially think that they have arthritis. This is because the thickening and hardening of the skin may spread into the joints, causing small tasks, such as clenching one's fist, to become major accomplishments.

Mr. Speaker, I also would like to take this opportunity to point out that this resolution is but one example of why commemorative resolutions are important. The passage of "National Scleroderma Awareness Week" will assist in elevating the public's awareness of scleroderma, which I suspect is virtually unknown to those who have not had any contact with it. It will also aid those groups that are involved in scleroderma research in raising additional funds.

Finally, Mr. Speaker, I would like to commend Congressman HUGHES for all of his efforts in getting this resolution to the floor today.

Mr. HUGHES. Mr. Speaker, I rise today as the sponsor of House Joint Resolution 274, which designates this week, the second week of June 1989, as "National Scleroderma Awareness Week." I urge my colleagues to join me in supporting this resolution.

Scleroderma is a rare skin disease which affects approximately 300,000 people in the United States alone. The word "scleroderma" means "hardening of the skin." Those who suffer from this disease experience a thickening and hardening, or "scarring," of the skin. In more severe forms of the disease the hardening process may spread to the joints greatly reducing an individual's mobility or to the body organs causing functional impairment.

The cause of scleroderma is unknown. Scleroderma can occure at anytime in a person's life without any predisposition or prior illness. The symptoms of scleroderma vary greatly from person to person. It is as though each person with scleroderma has his or her own version of the disease.

It is not hereditary, nor is it contagious, but it can be fatal if progression is not halted at the onset of symptoms.

My mother was a victim of scleroderma. Her suffering has made this resolution of particular personal importance to me. Those of us who have watched a loved one suffer while feeling so helpless know the frustration and heart-

ache a rare disease like scleroderma can bring to a family.

Since the time of my mother'ls illness some progress has been made in the diagnosis and treatment of scleroderma. If it is diagnosed soon enough, therapeutic treatment with a drug called penicillamine can be effective in slowing the progression of the disease.

Passage of this resolution will help continue the progress we are making toward better awareness, understanding, and treatment of scleroderma.

Information and fund-raising activities organized during a week of special designation will facilitate contributions to fund research and patient support groups.

Let's continue the efforts we began when we passed a similar resolution last year. As Members of Congress we will know that we have made a small contribution toward the fight against scleroderma.

I ask my colleagues here and in the other body to pass House Joint Resolution 274 by unanimous consent.

Mr. RIDGE. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

The Clerk read the joint resolution, as follows:

H.J. RES. 274

Whereas scleroderma is a disease in which connective tissue in the body becomes hardened and rigid, and might afflict any part of the body;

Whereas approximately 300,000 people in the United States suffer from scleroderma;

Whereas women are afflicted by scleroderma 3 times more often than men;

Whereas scleroderma is a chronic and often progressive illness that can result in death;

Whereas the symptoms of scleroderma vary greatly from person to person and can complicate and confuse diagnosis;

Whereas the cause and cure of scleroderma are unknown; and

Whereas scleroderma is an orphan disease and is considered to be under-studied: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the week beginning June 11, 1989, is designated as "National Scleroderma Awareness Week", and the President of the United States is authorized and requested to issue a proclamation calling upon the people of the United States to observe the week with appropriate ceremonies and activities.

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. SAWYER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the joint resolutions just considered and passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

THE BANKRUPTCY OF CHINESE COMMUNISM

(Mr. PORTER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PORTER. Mr. Speaker, Deng Xiaoping and his hard-line Chinese leaders have demonstrated for all the world to see the bankruptcy of totalitarian communism. When you have to shoot down your own people peacefully demonstrating for democracy you have no where to go. Tiananmen Square will mark not the defeat of democracy in China, but the beginning of the end for Deng and his gang of barbaric thugs who obviously cannot govern without the gun.

Now, he backpedals frantically, trying to use the big lie to cover his stupidity and cowardice. Many, maybe even most Chinese will believe him, but truth cannot be long repressed and the movement toward human freedom and self-determination will continue to build.

For the past 3 years, Chinese repression and torture of Tibetans have revealed the true nature of Deng's regime and the Human Rights Caucus has done everything possible to educate the Congress, and the American people. Now Deng has made everything clear.

I do not know how American officials can continue to deal with this Chinese Government. We should begin to cut ties now. Eliminating most favored nation status for the Chinese would be a good way to start.

1530

THE BUTCHERS OF BEIJING

(Mr. RITTER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RITTER. Mr. Speaker, when a black youth or a white youth or a Chinese youth picks up a gun and shoots and kills an innocent victim, what do we call them? We call them a murderer.

When the leader of the Chinese Communist Party in China, Deng Xiaoping, gives the order to massacre thousands of students and workers and civilians in Tiananmen Square, what do we call him? We call him the General Secretary of the Communist Party of the People's Republic of China.

Mr. Speaker, it is high time we begin to call this man by his rightful name—murderer. The butchers of Beijing is an apt way to describe those who head the Communist Party at this time.

Not only is rejection of most favored nation status in order, but the President should call for an immediate convening of the United Nations to discuss and to denounce and to seek ways to support those Chinese who believe in peace and freedom, human life and human dignity as opposed to those butchers of Beijing.

A NEW BREEZE IS BLOWING: CLEAN AIR

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York [Mr. BOEHLERT] is recognized for 5 minutes.

Mr. BOEHLERT. Mr. Speaker, yesterday was a historic day in Washington, DC, and all across this land, because yesterday was the day that President George Bush fulfilled a campaign pledge by proving that he is truly a committed environmentalist. He provided that missing ingredient that we have been searching for for so long in the fight against acid rain.

When President Bush gave his inaugural address, and I was proud to sit there and listen to every single word, when he said a new breeze is blowing, what he did not tell us then but what he revealed yesterday is that new breeze involves clean air at long last.

I happen to be one who is committed to the proposition that clean air should be an American birthright. It always has been, it will be in the future, but it is not now. It is not now because we have not had the leadership that this issue requires.

Quite frankly, I have a confession to make. As a Republican I have been disappointed in the previous administration's activity. Not only did the previous administration refuse to accord acid rain a high priority on its environmental agenda, but it threatened to veto any initiative that we in the Congress launched.

Those days are gone. There is a new breeze blowing, and it will involve clean air because President George Bush in a historic moment yesterday said he wants to be an environmental President. Present at that moment were Members of Congress, Governors, environmentalists all focusing attention on this plan that we have so long waited for. When he revealed the plan people across America stood to applaud the boldness, the decisiveness, the commitment demonstrated by George Bush when he said he wants to be an environmental President.

He is well on his way, Mr. Speaker, and he wants us to be an environmental Congress. I think that is a challenge we are up to.

Year after year we have talked about the problem of acid rain, we have had plenty of press releases, but we have not had progress. The American people have every right to demand

of us something more than we have given them. But now we have a new partnership, and I have been privileged to play a role in that partnership.

Last Tuesday, in something that I have never seen before, and I came to Washington, DC, 25 years ago as a starry-eyed young staffer and am now in my fourth term as a Member of Congress and have seen a lot of things come and go in this town, but last Tuesday was something very special, very meaningful, very moving to me. The President of the United States assembled in the Cabinet Room 20 Members of the Congress of the United States, the new Speaker in his first official meeting, the Democrat leader of the Senate, Senator GEORGE MITCHELL, the chairmen of the key committees of jurisdiction over environmental issues, Members like Senator MAX BAUCUS and the gentleman from Michigan, Mr. JOHN DINGELL, and others who have been committed for so long in the fight against acid rain, Members like the gentleman from California, Mr. HENRY WAXMAN, 20 of us in that room, and one by one the President called upon us, Republican, Democrat, Senator, Member of the House. He said he was in the final stages of review to make a determination on the direction in which the Nation should proceed in the fight to have clean air for all Americans. But he did something very important. Before he cast in concrete his proposals, he wanted to hear from the people's representatives. We did not sing all from the same hymnal, we did not all have the same proposed solution. Some wanted strong regulation in certain areas and others were fighting vigorously against strong regulations. The President listened. Then he went off to Camp David for the weekend and he put the finishing touches on this clean air package. Yesterday we were all privileged to see that package unveiled.

Mr. Speaker, there is a new breeze blowing, and that new breeze has clean air, thanks to the leadership of President George Bush.

USURPATION BY FOREIGN INTERESTS OF AMERICAN ENTERPRISE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. MARTINEZ] is recognized for 5 minutes.

Mr. MARTINEZ. Mr. Speaker, I rise today to express my extreme dismay at what appears to be a growing phenomenon in this great country. I am referring to the opening of the arms, heart, and very soul of our defense contractors to foreign interests. This is a problem our Nation's leadership had better start facing up to. We cannot continue to ride this course, and still expect to come out ahead of foreign interests in our defense industry.

The elements involved in this usurpation of American enterprise are often subtle, and to me ominous. They reach so deeply into our economy, that ultimately every American will be a victim of this. But at this very moment, the immediate losers are our own defense contractors. In my case, it involves not only the potential loss of jobs, but the unsavory discovery and reality that America's national security—as a result of international wheeling and dealing and a lack of awareness on our part—is increasingly being placed in the hands of foreign interests. I further believe that this discovery is not an isolated incident. Last week's vote on the codevelopment project of the FSX with Japan was a clear example of this intrusion.

The case which I now bring to your attention centers on the U.S. Army's $4.5 billion mobile subscriber equipment program known as the MSE.

As many of you may already be aware, this is the largest tactical communications procurement ever issued by the Army. Even before the award was made to the prime contractor, GTE and a French conglomerate, Thomson-CSF, the MSE had already made many headlines around the world.

As part of the original contract, a local company in my district became, and is currently a U.S. manufacturer for the project. Navcom Defense Electronics in El Monte, CA, was selected as the U.S. manufacturer for the key radio subsystem which lies at the heart of the system. The idea was to ensure that no matter what—an American company would have the capability to make this important radio on its own if the Army needs it.

For 3 years Navcom was a good partner with Thomson, a French quasi-governmental international corporation. By all accounts, Navcom, an American-owned and operated firm, not only met its obligations to the contract in full, but has even received a low risk rating from the U.S. Army's production analyst, which is the best possible rating.

I recently learned that GTE plans to seek approval to allow Thomson-CSF to move this manufacturing contract to another part of the country, 4 years short of the original 6-year program.

On the surface, a move like this would hardly generate a ripple and would surely fail to attract the attention of Congress. When we look closer, however, a disturbing element appears, which in fact greatly impacts this country's national security, and grabs our full attention.

While it is true that the radios will continue to be built by Americans in America—what is not widely known is that Wilcox Electric in Kansas City, MO, is a recently purchased subsidiary of Thomson-CSF, a French conglomerate. Wilcox Electric at present is not much more than an empty building. It was purchased by this French firm as part of a far-reaching strategy on their part to penetrate deep into this Nation's defense business. In short, Thomson, a French company, now has a front company in the United States—and is using American workers to secure more American contracts.

Under the contract made with the Army, GTE is required to have 40 percent of its work done by an American firm. According to the contract, Thomson-CSF of France does not qualify as an American firm since it only employs U.S. nationals, but is not an American-owned company. It is up to GTE to come forward proving that they have fulfilled the 40-percent requirement. I believe that you will find that they have not done this.

Even if GTE has fulfilled the 40-percent requirement, which I emphasize that they are not likely to have done, GTE is clearly violating the spirit of the law, if not the letter of the law. I believe actions like these violate the will of Congress in its desire to have a safety valve built in to protect our national interests. A foreign corporation that is already making millions off of our defense programs is now here to compete with other bona fide American firms and to compete at the source and soul of our national security.

It seems to me that something is terribly wrong in our system to allow such activities to occur—especially with so grave a matter as our national security. The ultimate losers will be the American people.

I, for one, intend to do everything in my power to make sure that everything is done to stop this travesty. And where the spirit of fair play and common sense are lost or set aside, GTE will learn of my own and other Americans' discontent at the idea of a major U.S. firm selling out American industry. We need to take whatever corrective measures are necessary to help our military and defense contractors. GTE, whether it believes so or not, is severely damaging our domestic defense industry. We see this occurring in this instance with MSE

I urge each of you to consider what I am saying today and to survey your own constituencies as I have. Our Nation's defense is—in the end—an American affair. Global economics and the desire of a foreign conglomerate to participate in our industry—no matter what the price—should be an outside and secondary issue in order to protect this Nation's ultimate interests.

SOCIAL SECURITY EARNINGS LIMIT

(Mr. BEVILL asked and was given permission to address the House for 1

minute and to revise and extend his remarks.)

Mr. BEVILL. Mr. Speaker, I rise today to express my strong support for H.R. 2460, the "Older Americans Freedom to Work Act." As you know, this bill will repeal the Social Security Earnings Limit for people over 65.

It seems to me that senior citizens are being hit with a double whammy these days. First of all, they are having to pay a very high premium for catastrophic illness protection under Medicare. This premium needs to be lowered.

People over age 65 who work are being hit in the pocketbook again. They lose $1 in Social Security benefits for every $2 earned over the $8,880 limit. This, in effect, is 50 percent marginal income tax.

Those over age 65 should not be socked with these high tax rates. This policy discourages people from working past age 65, which is still a very young age.

Vast numbers of people past the age of 65 are very productive and contribute a great deal to our economy. They should not be so harshly penalized on their Social Security when they earn more money.

I think we should repeal the retirement earnings test and give our Nation's senior citizens relief from unfair taxation.

HOUSE RESOLUTION 120

The SPEAKER pro tempore. Under a previous order to the House, the gentleman from Ohio [Mr. HALL] is recognized for 5 minutes.

Mr. HALL of Ohio. Mr. Speaker I would like to indicate my enthusiastic support for House Resolution 120, and the outstanding work of its author, my colleague on the Select Committee on Hunger, the gentleman from Nebraska, Mr. BEREUTER.

We all know about the tremendous work done by Jim Grant as the head of UNICEF. Millions of children are alive today as a result of his hard work. Congressional support has helped his organization do so much for so many needy, malnourished children.

Now we in the Congress need to do another thing for Mr. Grant and for the world's children: We need to send the clearest possible signal to the Bush administration that he should begin leading the call for a World Summit for Children. It is time that the U.S. Government declares unequivocally that we will do everything in our power to end unnecessary child death as soon as possible. Any other stance seems morally problematic to me.

This resolution does exactly that, and I urge all my colleagues on both sides of the aisle to give it their total support.

HEALTH INSURANCE FINANCE REFORMS

The SPEAKER pro tempore. Under a previous order of the House the gentleman from North Carolina [Mr. ROSE] is recognized for 5 minutes.

Mr. ROSE. Mr. Speaker, last Congress I introduced legislation designed to encourage debate on the future of Medicare. Today I am again submitting a bill H.R. 2600 drafted by the American Medical Association in hopes that the 101st Congress will continue to plan for the future of our growing elderly population by ensuring the long-term solvency of Medicare. Under the present pay-as-you-go system, Medicare will remain financially solvent into the next century only if we run up huge deficits, shoulder future generations of Americans with an unreasonable burden of program costs, or make wholesale cuts in Medicare benefits. Clearly, none of these are attractive options.

The proposal I am introducing includes financing reform measures and a voucher system which would allow senior citizens to purchase health insurance with a comprehensive package of benefits. My colleagues who carefully examine this legislation will discover a number of controversial provisions, all of which I am fully aware. I only ask that the proposal be given thoughtful consideration. Medicare reform is not going to happen overnight. It is time to begin seriously evaluating our long-term options in dealing with the shortcomings of the Medicare Program.

GO THE EXTRA MILE, GO FOR THE GOLD

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida [Mr. NELSON] is recognized for 5 minutes.

Mr. NELSON of Florida. Mr. Speaker, while visiting my district, Evelyn Lincoln, the late John F. Kennedy's personal secretary, attended a speech delivered by Jennifer Gash, a 13-year-old student at Roosevelt Middle School in Cocoa Beach, FL. Jennifer wrote the speech herself and presented it to parents and friends at a local PTA meeting.

Like Evelyn Lincoln, I feel that the message in Jennifer's speech is especially timely and merits special attention. I am proud to present these words of a seventh grader that inspire thoughts and ideas not unlike those of President Kennedy in the 1960's:

SPEECH BY JENNIFER GASH

Go the extra mile, be all you can be, reach for the top, go for the gold!

No, I'm not an Army recruiter, and this isn't a beer commercial.

I'm here to talk to your about the spirit of adventure that our country was founded on. But do people still struggle to reach for the top? A few, but not many. The sad "truth" is that most people today aren't as courageous as our ancestors were. They just don't care. And those that do care don't seem to do much about it.

Where would we be if Christopher Columbus had not gone the extra mile and discovered America?

Would all people be free if Martin Luther King had not climbed to the mountain top and let the world know how he, and others, felt about freedom?

Would we know of radioactivity if Marie Curie had not discovered it?

Where would those poor, hungry children be if Mother Teresa had not helped them in their time of need?

Think of what your evenings would be like without Thomas Edison! What would you do without electricity or motion pictures? I'd hate to think what I would do.

Many people have etched a permanent mark on this world that will always be there. For they were so great and changed this world so much that we will never forget them.

And then there comes you. What have you done to leave your mark on this world? When was the last time you helped someone, or helped yourself become someone? Will people remember you because of your originality, your inspiration, your generosity, or your courageousness? Will people remember you at all?

Right now some of you may look at the person beside you and may think, "that's the person who will work hard and become someone, not me." But that won't work! You're the one who needs to work hard and be your very best. Just think of what this world could be like if everybody tried and were their very best!

You will find that the more you try, the more you will succeed, and that the more you succeed, the better you will feel about yourself. So now go and try. You will soon see that just one person can make a big difference.

In the 4th century B.C. Apeau Caecus once spoke these words as I am now going to speak them to you, and as Apeus Caecus meant them, I too mean them. "Each man is the architect of his own fate."

SOCIAL SECURITY EARNINGS TEST

The SPEAKER pro tempore. Under previous order of the House the gentleman from Illinois [Mr. HASTERT] is recognized for 60 minutes.

GENERAL LEAVE

Mr. HASTERT. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks and to include extraneous material on the subject of my special order tonight.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. HASTERT. Mr. Speaker, it is a great privilege to be here before this body today and to hear the previous speaker, the distinguished chairman, the gentleman from Alabama [Mr. BEVILL] talk about the need for repealing the earnings limit for people 65 years of age and older.

In my district, Mr. Speaker, I have attended town meetings and I have heard people talk about the earnings limit. For example, I have heard from a 67-year-old woman trying to pay tuition for her daughter in her last years of college. On top of that she has to make a car payment and a house payment.

That story goes on and on, Mr. Speaker. Today we have several people

who would like to also talk about that issue.

First of all, I yield to the gentleman from North Carolina [Mr. COBLE].

Mr. COBLE. I thank the gentleman from Illinois for yielding to me.

I also thank him for having taken out the special order.

Our colleague, the gentleman from Alabama [Mr. BEVILL] started the ball rolling before the gentleman got to the well, with his 1 minute.

□ 1550

Mr. Speaker and my colleagues, if there is ever a glaring example of age discrimination, this satisfies it. This is a flagrant example of age discrimination, it seems to me.

Now, Americans older than 65 years of age comprise a stable, skilled element of the total work force. I think we ought to utilize that element to the fullest. I think these older Americans should be encouraged, not discouraged, from working after they get to be 65 years of age.

As the gentleman from Illinois has pointed out, $8,800 is the magic number. Once a person earns that amount, then the earnings cap comes into play. He or she is penalized for each dollar earned thereafter. It is not right. It is not fair. It is not equitable. It ought to be corrected.

There are thousands, and the gentleman from Illinios may touch on this before he concludes his special order, but there are literally thousands of hours that are required to enforce this onerous practice. For one thing, that would be a savings, if we could get it resolved.

As Members know, I have a bill in, the gentleman from Illinois has a bill in. I think there are between 10 and 15 bills. I do not care whose is passed. I do not care who gets the credit for it, so long as it is corrected. It seems to me that the people who are advocating defeat of the gentleman's proposal and my proposal on the ground that it will cost Americans money, these people are overlooking the fact that there will be hundreds and hundreds of older Americans who are then going to be encouraged to work and who will be working.

Now, as I said previously, they are discouraged from working; No. 2, they are forced to go underground and work illegally, if you will.

I am excited about it. Again, I thank the gentleman for having taken out this special order. I am delighted to see our colleagues here today to express their support.

Mr. HASTERT. Mr. Speaker, I certainly appreciate the gentleman from North Carolina joining in the special order. In the gentleman's experience, meeting with senior citizen's groups and town meetings, has the gentleman from North Carolina [Mr. COBLE] found that senior citizens tend to say, "Listen, we want to be productive, we want to have a chance to earn, but we are being taxed out of the workplace"?

Mr. COBLE. Mr. Speaker, I hear that time and time and time again. It is not just exclusively reserved for senior citizens. I have people 35 and 40 years old who come to me and they say, "One day I am going to be in that position. Thank you for your bill." But yes, senior citizens are aware of what we are trying to do. They are appreciative. They will be direct beneficiaries of it if we are able to convince our colleagues to enact this proposal into law.

Mr. HASTERT. Mr. Speaker, again I thank the gentleman from North Carolina.

I would like to yield to the gentleman from Pennsylvania [Mr. CLINGER].

Mr. CLINGER. Mr. Speaker, I thank the gentleman for yielding. I want to commend the gentleman from Ilinois [Mr. HASTERT] for bringing this special order and for bringing attention to what appears to many Members to be one of the most discriminatory, if not just wrong-headed policies that we have in this country, by systematically discouraging some of the more productive and potentially useful members of our society from engaging in the work force at all.

I imagine how I might feel, faced with a marginal tax rate as high as 102 percent, or how I would feel if I were going to be penalized, which is what we do for earning too much money. That is so contrary to anything we have known in this country. However, we do not have to imagine this, because if we talk to the senior citizens as all of the Members do in hometown meetings, go back home and see them on the street, this is an issue that has them concerned and has them understandably upset, these people subject to Social Security earnings tax tell Members all about it, and tell Members the earning test mandates very sharp reduction in the monthly benefits of those whose earnings exceed a certain amount, as we know, $8,800 in 1989. They lose, literally, penalized $1 for ever $2 they earn above that limit.

This earning has imposed an effective marginal tax rate of 50 percent on citizens and encouraged retirement for many, many who want to remain on the work force, who have been active and productive members of the work force through their lives. It has frustrated those who need additional income for expenses that fixed incomes cannot possibly support.

The legislation which the gentleman has brought, and others have brought, of which I am an enthusiastic and eager cosponsor of, would repeal a 50-year-old provision in the Social Security Act that effectively carries out this discrimination against retired persons who want or need to continue to work, and would repeal, which I think that is the only answer, repeal that earnings test for those aged 65 to 69.

Older Americans can continue to be productive, contributing members of our society.

I think another thing that is overlooked is the fact that we will need these people in the not-too-distant future. We are facing a labor shortage in this country. The baby boom generation has all been pretty much absorbed into the work force. There will not be that many new people in the work force. Women and minorities will be the major source of new entrants into the work force. What will we do with skilled jobs that go begging because we have discouraged the seniors who have those skills from working in the work force and doing a job?

I think it is a totally wrong-headed approach that we are doing to discourage people from staying in the work force, at the very time when demographics tell Members we will need them more and more. It is unjust that they be blocked out by this earnings test.

The other point I want to make, and I know that Members are well aware of this, is that administering this test costs. We talk about how much it will cost if this kind of approach is taken, but administering the test alone costs over $200 million per year, and presently employs 8 percent of all the Social Security Administration employees, just to police income levels of our senior citizens and make sure that no one is cheating, or no one is getting ahead of the system.

So I want to commend the gentleman from Illinois. I applaud what is going on in the Senate, the other body. They have been making steps. It is an issue we all recognize, it is one that needs to be addressed forthrightly. I commend the gentleman for taking this special order.

Mr. HASTERT. Mr. Speaker, I thank the gentleman from Pennsylvania for spending some time in putting forth his views on this subject. The gentleman reminds me in his remarks of the many, many people we have with special talents, that we force out of the work force. They can be so productive in this society. I thank the gentleman for his remarks and thank the gentleman for spending some time here this afternoon.

Mr. Speaker, at this time I would like to recognize the gentleman from Oklahoma [Mr. INHOFE].

Mr. INHOFE. Mr. Speaker, I thank the gentleman from Illinois not just for bringing this special order to the attention of this body, but also for the way in which he has done it, because there are several Members, each person who has already spoken, and those who will be speaking, as each one introduced legislation to do this very thing. The gentleman who was in

the well a moment ago from North Carolina [Mr. COBLE], I agree with. It does not really matter which one passes, but this is the time, now, that we have more people uniting behind, the gentleman from Illinois that decided to get our entire group that was elected in the 100th Congress behind us as a joint effort.

I would like to make a couple of comments about it, that perhaps might be overlooked. We are talking about the actuarial end. We talked about the technicalities, how it came to be, where it should go, why it cannot be repealed or altered, and we all so often overlook the human side of it.

I recently had nine townhall meetings in Tulsa, OK. In those district meetings we had an average of just under 400 people at each of the nine townhall meetings. Ninety percent of the time in each of these meetings was dominated by two subjects: One, the catastrophic health care issue; and the second, the earnings test that is in our Social Security.

We have talked about other special orders on the catastrophic health issue.

□ 1600

As far as the earnings test is concerned, it is something we have to look at a little bit differently than we do many other things. This is something that is un-American. We were all brought up and for 200 years our families have been brought up to say that we prepare for the future for ourselves, we prepare for our old age, and we can continue to work as long as we want to work.

I had an experience just the other day, and this happened on Sunday; I went by a place that was a fast food type of operation, and I met a gentleman in there whom I happened to remember. He was in sales for many, many years, and he was forced by his company to retire from that particular operation. He said he was in there working, and that when he reached that level beyond which he could not go without being penalized, "I am going to keep on working." He said, "What you are doing in Government, what the institution of Government is forcing me to do is to lie, and I am going to lie so I can keep on working."

He said, "I have had many friends who are my age who have retired and then died. They no longer feel they have anything worthwhile to do. Retirement looks awfully good for some people sometimes, but when you finally reach that point, you say, 'No, I would rather be productive, I would rather add something to society.' "

There are many, many Americans who feel that way. So here is a gentleman who is going to be forced, as he told me, for the first time in his life to lie, to lie against the Government.

So, Mr. Speaker, I really do commend the gentleman from Illinois and all the rest of my colleagues who are so enthusiastic about the process of change. I do not think I could single out one inequity in our society which needs our attention more than this one.

Mr. HASTERT. Mr. Speaker, I thank the gentleman from Oklahoma [Mr. INHOFE]. I appreciate his time and certainly his effort in this production.

Mr. RHODES. Mr. Speaker, will the gentleman yield?

Mr. HASTERT. I yield to the gentleman from Arizona, who has been a cohort of mine in trying to bring this issue before Congress.

Mr. RHODES. Mr. Speaker, I thank the gentleman from Illinois [Mr. HASTERT] very much not only for yielding to me this afternoon but for all the work he has done in getting this legislation prepared, in gathering the cosponsors we have been able to acquire, and in bringing this issue to the floor here this afternoon.

I think at some point in time either the gentleman from Illinois or I ought to recognize also that we have three or four people on our staffs who have put in an awful lot of time and effort and energy in this bill. We have had an awful lot of roadblocks thrown in our way by various and sundry members of the bureaucracy, and our staffs have systematically helped us go about knocking those roadblocks down. They deserve a lot of thanks for the work they have done. The entire House owes the gentleman from Illinois a vote of thanks for the time and effort and dedication he has put into getting us here. I certainly appreciate it myself, and I certainly do thank the gentleman for that.

We are talking about one simple thing, in my judgment. There are a lot of side issues, but to me the basic thing we are talking about here is unfairness. We are talking about saying to people, "When you reach a certain age, your contribution is no longer valuable. We don't want it, and in order to prevent you from giving it to us, we will penalize you."

We are not talking about people who have retired and are basically comfortable in their retirement. We are not talking about people who, besides Social Security, have private pension plans. We are not talking about those people who during the course of their lives have been able to amass investments from which they can receive income upon their retirement. We are not talking about that. We are saying to people, "If you have been fortunate enough during your work life to acquire assets for your retirement, that is fine," but we are also saying to those who worked but who were not that fortunate during their work life and who, upon retirement, find they cannot live on their Social Security and must continue to work, "you can't do that."

Now, how unfair can that possibly be? We are literally stockpiling older Americans. We are literally saying to them, "You have now reached age 65. You step aside and clip your coupons, if you have coupons to clip, but otherwise enjoy your retirement age in poverty. You can't work. We won't let you."

This legislation is not of benefit for the well-to-do because the well-to-do are not penalized by this law. This legislation is intended to help those who need to work, who have to have the additional income to sustain themselves in their so-called golden years.

We have perpetuated for the last 50 years a fundamental unfairness. Other speakers will talk about the valuable contributions that these senior citizens can make, and I certainly do not denigrate that value. Others will talk about the costs, and others will talk about the benefits, but the one word I want us all to keep in mind is fairness. There is no reason why we should treat those who have contributed so much to the wealth and well-being of this country any differently than we treat anybody else. They should have the same opportunities, the same benefits, and the same rights as we do, and that is just fair. That is the American way.

Mr. HASTERT. Mr. Speaker, I thank the gentleman from Arizona [Mr. RHODES]. He has hit the nail right on the head.

We know that this issue does not touch those people who have unearned income and who can live on what they have been able to provide for themselves through pension and annuities. The ironic thing is that the people who have to earn that extra margin by the sweat of their brow with calloused hands are really penalized by the earnings limit when we say, "No, you aren't productive human beings; you can't earn that margin that can give you that comfortable place in life."

Mr. Speaker, I certainly appreciate the gentleman from Arizona stressing that idea and clarifying the fundamental issue here.

Mr. RHODES. Mr. Speaker, again I thank the gentleman from Illinois.

Mr. SOLOMON. Mr. Speaker, will the gentleman yield?

Mr. HASTERT. I yield to the gentleman from New York.

Mr. SOLOMON. Mr. Speaker, I certainly thank the gentleman for yielding. As a matter of fact, I have to get back to a Rules Committee meeting in a few minutes where we are debating an issue of similar importance, and that is the savings and loan associations throughout America. Many of our older Americans have their life-

long savings in these savings institutions.

I wanted to come down here to commend the gentleman for taking the lead on this special order today. Not only is this law the most unconstitutional and most unfair law we have ever had on the books in the history of this country, but it goes somewhat further than that. I represent an area of about 8,000 square miles in upstate New York, with 157 small towns with populations of anywhere from 500 to 1,000, 2,000, 3,000, and 4,000. Most of the working Americans who live in my district commute long distances. The people who are 20, 30, 40, and 50 years old drive 40 and 50 miles to work, and they are not home during the day; they are not in the community. Consequently, these small communities depend on older Americans who need a little income who do their volunteer work and work in the community while the younger Americans are out working 40 and 50 miles away. And to think they are penalized $2 for every single dollar they get in Social Security benefits is just a disgrace.

I have introduced this bill which the gentleman in the well has introduced, along with others who are here to testify today. This bill is H.R. 393. This is the 11th consecutive year I have put this bill in to try to get this terrible law repealed.

Mr. Speaker, I welcome the gentleman and those from his class who have come here in the last couple of years and put their weight behind the repealing of this law. I commend the gentleman. Maybe if we stick at it long enough, we will get the law repealed.

Mr. HASTERT. Mr. Speaker, I thank the gentleman from New York [Mr. SOLOMON]. He certainly makes a good point. This is no new idea. It is an idea that has been around this Congress certainly for a long time, and it is an idea whose time has come.

Mr. HANCOCK. Mr. Speaker, will the gentleman yield?

Mr. HASTERT. I yield to the gentleman from Missouri.

Mr. HANCOCK. Mr. Speaker, first, I would like to thank Congressman HASTERT for organizing this special order at which I speak today, for chairing the Republican Research Committee Task Force on the Earnings Test of which I am a member, and for introducing the Older Americans Freedom To Work Act of which I am an original cosponsor. Your efforts for this worthy cause, along with those of Congressman RHODES, have truly been heroic.

I am glad to have the opportunity in this special order to speak out against one of the most discriminatory laws remaining on the books today—the Social Security earnings test. Plain and simple, this law is age discrimination at its worst. It cuts across social, racial, religious, and income strata to single out those needing to continue working past the traditional retirement age to supplement their income from drawing a full Social Security benefit. Conceived during the Great Depression as a way to remove older Americans from the unemployment roles, this regulation plagues the elderly today long after the problem it was intended to solve has passed. Indeed, while we now face a shrinking workforce and labor shortages, we effectively exclude those over 65 with moderate means from supplementing their standard of living by continuing to work.

Most people could not even conceive of the pyramid of taxes which face the elderly today. The National Center for Policy Analysis has done some excellent work in this area, and I would commend their findings to anyone truly interested in the plight of the elderly. What they have found should come as no surprise. When you add up Federal income taxes, State taxes, Social Security payroll taxes, the taxation of one-half of Social Security benefits—which I have always opposed—the 50 percent tax we call the earnings test, and our latest addition, the catastrophic health care surtax, the working elderly can face marginal tax rates of 80 percent and, in some cases, over 100 percent. Isn't that amazing? Do we really expect senior citizens or anyone to work for only 20 percent or less of their paychecks?

But the most discouraging of all of these taxes is the earnings test because it specifically targets those needing to work. To me, earnings means income. But the earnings test does not measure income, it measures only wages. Other forms of income are not measured. When a Donald Trump or a Sam Walton files for Social Security, and God bless Donald Trump, Sam Walton, and the other Americans who invest in America, but they could earn $20 million from their investments and still collect full Social Security benefits. But when a senior citizen who needs to work to supplement his or her income files for Social Security, they lose $1 in benefits for every $2 of wages over $8,880. Is that fair?

The most common objection to revisiting the earnings test is that it would help mostly the well-to-do. We hear that most of those affected by the earnings test are corporate executives who are paid fat salaries. The Villers Foundation testified at a recent RRC hearing that a wide majority of those affected by the earnings test had incomes several times the poverty level. But I contend that, as the system is presently constructed, and in the face of marginal tax rates exceeding 80 percent, only the well-to-do can afford to work past 65. The system is intended to discourage those over 65 from working and, lo and behold, only those who can afford to buck the system. Isn't that surprising?

While life expectancy increased from 59.7 years in 1930 to 73.7 years in 1980, the percent of males over 60 in the workforce has declined steadily from 65 percent in 1930 to 32 percent in 1980. Obviously, we are doing something to prevent the average American from working at an older age. But if we change the system, if we encourage the elderly to work, then we will see an increasing number of low- and middle-income senior citizens who would have been affected and, yes, excluded by the earnings test present in the workforce.

There are those in Congress who say that repealing the earnings test would have an adverse impact on Federal revenues. My position is that we have a choice. We can do what is morally right, or we can concern ourselves solely with Government revenues and violate the principle of representing the people and not representing Government. If we look at all of the things the Government does which are unnecessary or plain wrong, I am sure we can find the resources to repeal the earnings test. Why, with all of the taxes detailed above, our senior citizens might surprise us with their veracity and turn this proposal into a revenue gainer.

What troubles me the most about this law, all arguments aside, is what we as Americans are saying to our Nation's senior citizens. We are saying, "You have too much experience, too many qualifications, and too great a desire to work." What we should say to our senior citizens is, "You have worked a lifetime, you have accumulated unmatched experience and, if you so desire, you can continue to work at the job you love and we will not penalize you for doing so."

Senior citizens, America needs you. We need your experience, your work ethic and your devotion to quality work if America is to retain its international competitiveness and remain the leader of the free world.

I hope my colleagues will join me in cosponsoring H.R. 2460 to repeal the earnings test. This should be a bipartisan effort to restore fairness to the Social Security system and to allow America's senior citizens to help themselves.

□ 1610

Mr. HASTERT. Mr. Speaker, I certainly thank the gentleman from Missouri [Mr. HANCOCK] for bringing up some very cogent points, and we always look at what the cost is to Government and note what the cost is to human beings, but even when we start to look at the cost to the Government, what we find is that those people who go back to work, pay income taxes. They pay FICA taxes, and regarding

Medicare, these people stay with private coverage instead of Medicare and that also brings in revenue. So, we tend to overlook, not only the productivity, but also the addition to the revenue side.

So, Mr. Speaker, I thank the gentleman from Missouri [Mr. HANCOCK] for his comments.

Mr. Speaker, I yield to another gentleman from Missouri [Mr. EMERSON].

Mr. EMERSON. Mr. Speaker, I am grateful for this opportunity to speak on behalf of the many senior citizens of this country who are currently penalized by the Social Security earnings limit. An enormous potential lies in the senior citizens of America; we must continue to fight to preserve and protect their interests, and to correct this problem of serious discrimination against senior citizens.

Mr. Speaker, the Social Security earnings limit subjects elderly taxpayers to some of the highest marginal tax rates ever imposed on middle-income Americans. This simply is not fair. The people most hurt by the earnings limit are those who most need some extra earnings. Note that the limit is not a limit on income, but on earnings. Capital gains, interest, and dividends are not covered by this law. Pure and simple, the Social Security earnings cap is a work tax on seniors who want to work, may need to work, are entitled to work.

No American should be discouraged from working, as long as he wants to and is physically able to work. If we retain the earnings limit, we are telling our senior citizens that we no longer want nor need their services and abilities. We are allowing a valuable resource—the talent, wisdom and experience of older Americans—to go unused. This is a mistake we cannot afford.

I am grateful to the gentleman from Illinois [Mr. HASTERT] for providing this opportunity today to discuss this important matter. We all need to rally now, to solve the problem. We have talked enough. We need action.

Mr. HASTERT. Mr. Speaker, I appreciate the gentleman from Missouri [Mr. EMERSON] spending some time with us today and recommending that we pull together and work on this. We already have 129 sponsors on this bill and sponsors who are saying on a bipartisan front that we need to make a change, and the time is now.

Mr. Speaker, I yield to the gentleman from Mississippi [Mr. SMITH].

Mr. SMITH of Mississippi. Mr. Speaker, I thank the gentleman from Illinois [Mr. HASTERT], and I would like to commend him for this legislation.

Mr. Speaker, I rise in support of H.R. 2460, the Older Americans Freedom To Work Act. I represent the Fifth District of Mississippi and represent a constituency that includes a large percentage of retirees and the elderly. They are not rich. Many of that constituency live in the rural areas of Mississippi, and many of these older Americans need to work past the age of 65.

Mr. Speaker, I find it impossible to justify why they are being penalized for working beyond that age, and, as the gentleman from Missouri [Mr. EMERSON] said a little while ago, this is a very, very simple issue, the issue of fairness, and that is what we are asking for here is to be fair with our senior citizens.

Mr. Speaker, I urge all of my colleagues in the House to support the Older Americans Freedom to Work Act and to put an end to this very unfair penalty.

The benefits of the repeal of this earnings test are many. First and foremost is to send a clear message to our Nation's seniors that we value their experience and we want them to continue working if they choose to do so.

Second, it would alleviate a feeling of dependency on the Federal Government that some of these older Americans feel. The more they work, the less dependent they are on their Social Security check and the more able they are to chart their own course.

Again, I would like to commend the gentleman from Illinois for this legislation. I look forward to working with the gentleman to see that this bill becomes law.

Mr. HASTERT. Mr. Speaker, I thank the gentleman from Mississippi [Mr. SMITH]. The gentleman from Mississippi makes some good points.

It is not country club fees that we are talking about. It is people who do live in the country. It is for people who turn the soil to make a living that we need to make this change for.

I guess what we are saying is that when a person reaches the age of 65 in this country we do not want to put them on a shelf anymore. We recognize that they have a contribution they can make to themselves, to the community and to the country; so I really appreciate the gentleman from Mississippi [Mr. SMTIH] coming forward today and talking about this issue.

Mr. SMITH of Mississippi. Mr. Speaker, I thank the gentleman for his recognition.

Mr. HASTERT. Mr. Speaker, I yield to the gentleman from Florida [Mr. STEARNS].

Mr. STEARNS. Mr. Speaker, I thank my distinguished colleague, the gentleman from Illinois, for this opportunity to speak in favor of this bill, H.R. 2460, the Older Americans Freedom To Work Act.

I come down here with a little bit of preexperience dealing with senior citizens. I live in Florida. I live in central Florida. My district encompasses from the gulf coast almost over to Daytona Beach in the north up to Gainesville where the University of Florida is and going down to a nice little town called Zephyrhills. It is a large district and it is comprised of many senior citizens. They come down from the north, they sell their houses and they buy property. After awhile they want to have an alternative source of income. They go out in the workplace and they start to work. They go to work in my district into service industries. There is not a lot of manufacturing, like IBM or General Electric, but they are small businesses. They start these businesses and they work until probably about August or July and suddenly they realize that the earning test comes into play and they say to themselves, "I just can't be involved with losing $1 in my Social Security check for each $2 earned thereafter." This puts them in the marginal tax rate of 50 percent.

So they just say, "I'm not going to work."

Think about that. Here we are in a free country, owning property, and talking about the free market. These folks are discouraged from working.

So I am very excited about this bill. I endorse it. I have talked about it in my campaign. I am pleased that my colleague has put this bill forward. I was pleased when he had his press conference to speak in behalf of it.

I know a lot of these senior citizens take off in August or September. Then what happens is they come back in January. I would like to point out to the folks here on the floor and to the Speaker that what happens is that small businesses have to retrain these folks again, so there is a retraining process that no one realizes that businesses do because senior citizens drop out and take 4 or 5 months off. This bill will allow those senior citizens to work. So I heartily endore this bill.

I wanted to conclude by mentioning, Mr. Speaker, that I have been contacted by many employers in my district who are upset by the existing law in favor of this law. They do not want to lose quality employees and be forced to spend time and money to train someone new, like I mentioned.

The Older Americans Freedom To Work Act sends a clear message to our Nation's citizens that we value their experience and we want them to continue working if they choose to do so.

Mr. HASTERT. Mr. Speaker, I thank the gentleman from Florida for making some very important points.

Again, the jobs we are talking about include, being the clerk of a store or working in a child care center. We need those types of experienced loving people. I really appreciate the points the gentleman raises here.

Mr. Speaker, I yield to the gentleman from Florida [Mr. BILIRAKIS].

Mr. BILIRAKIS. Mr. Speaker, I too, am very grateful to the gentleman

from Illinois [Mr. HASTERT], along with the gentleman from Arizona [Mr. RHODES], for producing this piece of legislation, and of course, there are other pieces of legislation. I believe the gentleman from Texas [Mr. ARCHER] has introduced one and there are others that basically intend to accomplish the same objective.

I heard the remarks of the previous gentleman who spoke, the gentleman from Florida [Mr. STEARNS]. I certainly endorse his remarks, and like him and unlike many Members of this august body, I think I can talk about personal experience, not that I am old enough to start receiving Social Security, although not too very far away from that particular point, Mr. Speaker; but the personal experience of actually spending an awful lot of time on the grassroots level with our many retired elderly.

In my particular district, I do not know, I guess half a dozen of us maintain that we have a district with more senior citizens than any other district in the country and I am not really sure what those statistics are, but certainly my district has got to be in the top three or four in the country in any case. One particular county that I have, Pasco County, is probably No. 1 in the country.

So we are talking about personal experience. We are talking about people whom we live next door to, people with whom we socialize, people who in my particular case having practiced law so very many years in that particular Pasco County where so many senior citizens retirees live, having seen their problems and knowing full well that even with Social Security and possibly other income that they may be getting, some pensions; my father whom I lost a little better than 3 years ago was receiving a pension from a factory up North which was something less than $100 a month, but some of those pensions are relatively large and some of them are relatively small and in many cases there just are not any at all, because they have not worked for the big factories which gave them the benefit of a pension once they retired.

The fact of the matter is that with the cost of living expenses going to where they are, many of these good people must supplement their Social Security pay and their Social Security amounts and pensions and what interest they may get or dividends or whatever the case may be, and so many of them just do not take advantage of the work that is available, particularly in an area such as ours, because of this earning limitation. What is it, for very dollar they earn, they lose a dollar. It just does not make any sense.

Also, I saw some figures, and I did not have the benefit of hearing all the prior speakers, and I speak now to the gentleman in the well, but I have seen some figures to the effect that now with the catastrophic surtax that we have added an additional burden for those good people on top of losing this $1 for every $2 and on top of their Social Security tax that we have also burdened them with 2 or 3 years ago, as much as 50 percent of their Social Security, we are talking about people, depending on what category they are in, could be paying as much as 80 to 85 percent income tax rate.

So this is what we are doing to these good people who have made this country basically what it is.

Mr. Speaker, we have heard a number of instances of memorializing our very late, very great colleague, Congressman Claude Pepper. Someone earlier today when we had a press conference discussing the catastrophic said that in the interests of Congressman Pepper and in the interests of memorializing him, we have to do something with that particular bill and open it up again and take a look at the surtax which is hurting so many of our senior citizens.

□ 1630

I knew Congressman Pepper very well. We served together on the Committee on Aging back during my first term, and we got to be very good friends. I made at least one speech for him in Miami Beach as his surrogate, and I was very proud to do so.

I got to know him well when he talked many times about the problems of seniors, and he felt so very, very strongly that there should not be an age limitation on our people, that it should be based upon their physical being at the time and leaving it up to them to determine whether they should work or not and whether they wanted to continue to work or not.

We all have known people, our parents, our grandparents, friends, neighbors who have developed what I call a wealth of history, a wealth of background as a result of fantastic experiences they have had, fantastic learning, much of it not book learning, if you will, but the hard school of learning, if you will, on the job, and then they reach this age of 65. I should call it the ripe young age of 65, because that is the way it is today.

We have the fastest growing segment of our population, as we know, who are those in 85 and older, so 65, obviously, is young, and as I continue to get closer to it like you, Mr. Speaker, I say it is younger yet, but the point of the matter is we are discouraging those people from continuing to afford us, the American public and the American people, the benefit of all of that wisdom and all of that history which they gained throughout the years.

Mr. DREIER of California. Mr. Speaker, will the gentleman yield?

Mr. HASTERT. I am happy to yield to the gentleman from California.

Mr. DREIER of California. Mr. Speaker, I thank my friend, the gentleman from Illinois, for yielding.

Mr. Speaker, I would just like to underscore the fact that the arbitrary 65-year level is ludicrous. Clearly one of the most productive Members of this body, whom we just buried, Claude Pepper, was very active up until he was 88, and I remember well seeing my friend from Florida pictured in the presenting of that medal to him with the President, and even then Claude Pepper looked as if he was very vital.

Mr. Speaker, I think that that is something that does need to be underscored. I thank the gentleman for his contribution.

Mr. BILIRAKIS. Can you imagine those of us who loved this man, the Congressman we fondly called Senator Claude Pepper, can you imagine if he were forced to have retired at age 65? This country of ours, and particularly our elderly, and all Americans, and we did not agree, and certainly the three of us here did not agree with every aspect of his philosophy, but obviously when it came to our seniors, we all did. Can one imagine what this country and these people of ours would have lost, my parents and the gentleman's and his grandparents would have lost if this man had been, in effect, forced to retire at age 65? We would have lost 23-plus good years.

Mr. HASTERT. Just think of the productivity that Mr. Pepper had. Many Members of this House certainly are beyond the age of 65, and some of them do not come to this House until they are 65, but yet what a real talent and gift they have to give this country, and that is, I think, representative of people throughout this country, the millions of people who are 65 and older.

Mr. BILIRAKIS. That is certainly very true.

I had occasion, and it was certainly one of the finest 10 days, or whatever it was, of my life. I was invited by Senator Pepper to join him and members of the Committee on Rules to go on a trip, principally to North Africa, to Morocco and to the Ivory Coast, the Cote d'Ivoire, and I could not keep up with him. He was 80—86 years of age at that time, and I was 30 years younger, and I just could not keep up with him, that mind and that history and that experience, which would have been wasted, and that is exactly what we are doing to our people in effect, and any way we look at it here from a practical, realistic, real-world standpoint, we are forcing them to retire at age 65, and we are not only losing the benefit of all of that, and, yes, I realize that this supposedly is going to negatively impact the Social Security fund, which is fatter now and of more sur-

plus than it ever has been in its history, and it may or may not, but we do know that these people would continue to be contributing to that fund if we allowed them to work. We know that they also would be contributing to the Internal Revenue fund, to the income tax, to the revenue of this country if they continued to work.

Obviously, and I feel very strongly about this, and I say obviously, and I guess maybe it is not that obvious, but to me it is obvious that if they continue to work there is a much better frame of mind there mentally and physically, and they turn out that they are healthier. I have always wondered how people can work 40-plus hours a week, and then all of a sudden turn that faucet and just, in effect, quit working, what that must do to the body and the mind of those people. They tend then to get sicker a heck of a lot quicker.

It is just critical that we keep all of these things in mind.

Mr. Speaker, I did not plan to take this much time, and I say that to the gentleman in the well, the gentleman from Illinois [Mr. HASTERT], but I think that it is just important that if we truly, if we truly, and I heard Mr. Pepper talking about it, and I am not sure that I agreed with him completely about airline pilots and how there should not be an age maximum there and what-not. I am not going to get into that at this point in time. I suppose there are some professions where maybe there should be some sort of a limitation there, and I am not wise enough to determine that. Maybe airline pilots should have some sort of a limitation. I do not know; every time we fly, we might think so.

The fact of the matter is that he felt very strongly about this issue, as strongly, in my opinion, coming from a person who really came to know him very well, as strongly, I believe, as he felt about Medicare, the fundamental Medicare concept and Medicare and Social Security, and if we are to truly memorialize this man more than he has even been memorialized in so many ways, we will place one of these pieces of legislation, that of the gentleman or certainly one of the others, on a fast track so that we can do what is really the most practical, the most realistic, the most constructive thing that we possibly can do in today's society, and I am just very pleased to be a cosponsor of the legislation of the gentleman.

Mr. HASTERT. I just want to say I appreciate the gentleman's contribution. I know the constituency that the gentleman has and the time and the immense care that he has for those people, so I think his concern arises from that.

Certainly when the gentleman talks about our deceased colleague, Mr. Pepper, I think we should keep in mind, that he was a sponsor of a bill to repeal the earnings limit.

I appreciate the time of the gentleman and certainly appreciate his contribution.

Mr. BILIRAKIS. I certainly appreciate again the gentleman holding this special order and giving me the opportunity to speak my piece on the issue.

Mr. DREIER of California. Mr. Speaker, will the gentleman yield?

Mr. HASTERT. I am happy to yield to the gentleman from California.

Mr. DREIER of California. Mr. Speaker, I plan to be very brief.

I first want to extend congratulations to my friend, the gentleman from Illinois, for taking out this special order and dealing with what certainly is a very important problem. I also want to extend to him thanks, Mr. Speaker, for the fine representation which he provides to my sister and her husband and my two young nieces who reside in Aurora, IL. I know that he is very committed to seniors around this country and specifically to his constituents.

I want to say that, to me, one of the most reprehensible things which we in this Congress have done is we have said to Americans, Plan for retirement, put dollars aside, do what you can, so that you will not be dependent upon the Federal Government as your sole source for survival.

This very, very well-intended legislation has unfortunately created a very unfortunate situation. Mr. Speaker, the thought of saying that $6,480 dollars a year is the maximum which anyone can earn between the ages of 62 and 64 without a penalty, the thought of saying that $8,880 a year can be earned without any kind of penalty being imposed is a real tragedy for senior citizens. For them to be in a position where they are penalized with this 50-percent tax when they are often, as we have just described, with the terrific life that was led by Claude Pepper, and at a very productive point in their lives, for us to be in a situation where we penalize them and we tell them to plan for retirement, and then when they do, when they make some plans to continue to be productive, we impose this reprehensible penalty.

I have been working for several years in an attempt to repeal this, and I congratulate my friend, the gentleman from Illinois, for working as diligently as he has to keep this issue in the forefront, because the senior citizens in this country will owe a debt of gratitude to everyone who has worked diligently to try and bring about some kind of equity as they look toward retirement, and as so many of them have the option, and it is just an option, that we want for them to continue to remain as productive and in so many cases become even more productive than they have in earlier years.

□ 1640

Mr. HASTERT. Mr. Speaker, I appreciate the contribution of the gentleman from California to this special order. To think that men and women like the gentleman from California have brought this issue before the House for years, and I am a relatively newcomer to this institution, but to see the efforts of a person like yourself and our colleague from Texas, BILL ARCHER, who has brought this issue before the House for the last 17 years.

Mr. DREIER of California. We are very happy to have the gentleman from Illinois.

Mr. HASTERT. We need to move forward and we need to make this good idea law. I thank the gentleman very much.

I want to take this time, Mr. Speaker, to thank my colleagues for their attendance here today. Some of them joined me in a standing-room-only press conference recently to introduce this bill, H.R. 2460. I especially want to thank the gentleman from Texas [Mr. ARCHER], who has done yeoman's work for most of his 18 years in Congress on this issue, and certainly the gentleman from Arizona [Mr. RHODES], who has worked with me on this issue from the beginning.

On May 24 we introduced this bill, the Older Americans Freedom to Work Act, which would get rid of an antiquated and unfair provision of Social Security that harks back to the Depression era. It is a provision which says to older Americans, go home, retreat to your rocking chairs, we do not think your contributions to the work force are of any consequence anymore.

Ladies and gentleman, that certainly is not the feeling of people in this day and age and this time. That might have been right for the Depression era, but today is a new age and a new time, and we need to think forward and move forward and enact this legislation.

Many of my colleagues know that the Social Security earnings limit reduces a recipient's Social Security check $1 for every $2 he earns of outside income after $8,800 for those aged 65 and over. Our bill would remove that cap so that older Americans can work as long and as hard as they want without fear that their hard-earned check will be taken away. It is an idea whose time has come.

I think we should send a loud and clear message to our older Americans that we think their value to our work force does not cease on the day they celebrate their 65th birthday.

Many arguments are advanced for repealing the earnings limit, but none may be more compelling in the short run than the assistance older Americans can provide in easing our labor shortage. The Labor Department has

warned of shortages, and there is good reason to believe that this labor shortage is more than just cyclical. Some economists estimate that between 300,000 and 600,000 older workers would reenter the labor force or increase their work effort as a result of repealing the earnings limit. When they do that, they do pay income tax, they pay FICA tax, they make contributions to their community, they actually go on private insurance programs instead of being the recipients of Medicare, which certainly relieves a huge burden off the shoulders of the Federal Government.

Mr. Speaker, it is an idea whose time has come, an idea which has been articulated in this House for many many years, an idea which has bipartisan support, and certainly many of my colleagues who came in the 100th Congress have worked with me to make this idea a reality. I think it is time to make it a law, and I certainly appreciate the opportunity to speak today.

Mr. Speaker, I yield back the balance of my time.

Mr. BALLENGER. Mr. Speaker, I joined over 100 of my colleagues in introducing the Older Americans Freedom To Work Act. This legislation repeals the Social Security earnings test for Americans age 65 and older.

Currently, retirees may have their benefits reduced or withheld if their earnings exceed a specified exempt amount. In 1989, the earnings test threshold for workers aged 65 to 69 is $8,880. It is $6,480 for those who haven't reached the normal retirement age of 65. Social Security benefits for those workers are reduced by $1 for every $2 of earnings over this limit.

The test doesn't apply to investment income, dividends, interest, rents, annuity payments, and similar types of unearned income, or to those over age 70.

Working beneficiaries are subject to the same Federal, State, local, and Social Security taxes paid by all workers. Yet the loss of $1 in benefits for every $2 in gross earnings translates into a marginal tax rate of 50 percent. This can result in a combined tax rate of 80 percent, making these older Americans the most heavily taxed wage earners in the United States.

Last year, more than 1 million people had their paychecks reduced because of this test, while another million lost benefits entirely. In addition, labor economists estimate that the test deters another 1 million from working fulltime.

The test is unfair. It is unfair to senior citizens who lose needed income and to America at large, because we lose some of our most experienced, talented, and dependable workers.

Ask yourself this simple question—if you had to pay 80 cents in taxes for every dollar you earned, would you work?

Senior citizens are by far our most dedicated and talented workers. In my district unemployment is very low and businesses are constantly seeking new, qualified workers. I recently conducted seminars for older Americans in every county in my district. At each seminar, we had an opportunity to discuss the earnings test. The support for the repeal of the earnings test is overwhelming. Many senior citizens would go to work tomorrow if they weren't subject to the earnings test.

Support is building for the passage of this legislation because it is good public policy for Social Security and, in the long run, for the national economy. I urge the House Ways and Means Committee to give this legislation the serious consideration that it deserves.

Mrs. MORELLA. Mr. Speaker, I rise in support of the Older Americans Freedom To Work Act, a bill which would eliminate one of the most outdated and unfair provisions of the Social Security program; the retirement earnings test [RET]. The test was established over 50 years ago when the mandatory retirement age was 65. Today, however, with an increasing number of Americans opting to retire later in life, the earnings test has become little more than a means of discriminating against individuals aged 65 to 69 who either want or need to continue working.

Under current law, Social Security recipients who continue to hold a job which pays over $8,880 a year lose 50 percent of their benefits. In addition, they must keep on paying Federal and State income taxes as well as Social Security taxes. The result is a staggering marginal tax rate of up to 100 percent in extreme cases, placing those seniors who need to continue working—as is often the case in high-cost areas like Montgomery County—in a catch-22 position: The more they work, the less they earn. For example, if a senior citizen worked for 1 additional hour after he or she had already earned $8,880, a job that pays $4.90 an hour would give him or her only 98 cents in additional purchasing power.

Clearly, the retirement earnings test is a significant disincentive for older Americans to work. The provision encourages seniors to retire even if they are perfectly able and willing to continue contributing to the Nation's work force. This is a great loss not only because the Nation misses out on the contributions of the most experienced segment of the labor force, but also because the United States in the next decade will, according to most economists, face a serious shortage in the work force. If the earnings test were repealed, senior citizens would have the incentive to keep working—or even work more—and a forthcoming labor shortage could be partially offset.

But even more important, the earnings test should be repealed because it is fundamentally unfair. Throughout their lives, our Nation's senior citizens contribute to the Social Security trust fund with the expectation that they will someday receive what they have paid. However, by gauging Social Security benefits to a person's income upon retirement, rather than to his/her lifetime contribution to the program, the earnings test more closely resembles a feature of a welfare program than of a retirement program.

The time is ripe for repeal of the retirement earnings test. More than 110 Members of Congress, including myself, are original cosponsors of the Older Americans Freedom To Work Act. Support for repeal is also widespread in the Senate. By an 86 to 11 vote, a nonbinding sense-of-the-Senate resolution was adopted which calls for the complete elimination of the earnings test by the year 2000. Congress is quickly recognizing the injustice of depriving older Americans their hard earned Social Security payments simply because they have not yet left the labor force by age 65. We have already repealed the mandatory retirement age in the United States; the retirement earnings test is completely anachronistic and should likewise be repealed.

Mr. PETRI. Mr. Speaker, many older Americans continue to be a valued part of our Nation's work force. Individuals of retirement age who choose to keep working or go back to work after retirement age have much to offer. Unfortunately, however, outmoded restrictions in Social Security benefits unnecessarily dissuade far too many older Americans from staying active in the work force.

Instead of encouraging seniors to continue working, the Government penalizes them. The Social Security earnings test, a provision of the Social Security Act, prohibits seniors from working unless they are willing to pay a large tax penalty. Under this provision, Social Security beneficiaries lose half of their benefits for every dollar they earn over $8,880. When added to other taxes paid by working senior citizens, they are effectively being taxed at an 80 percent rate.

This means that a senior citizen, subject to the earnings test, who is working in a job that pays $4 an hour only gets 80 cents of that after taxes. Obviously we can not expect America's seniors to feel welcome in the work force while being subjected to this kind of taxation. In effect, Federal policy pushes them into retirement before many are really ready to go.

Therefore, I am proud to be a cosponsor of several bills which would reform this injustice to senior citizens. Representatives BILL ARCHER (H.R. 58), DENNIS HASTERT (H.R. 2460), and HOWARD COBLE (H.R. 841) have all introduced legislation which would amend title II of the Social Security Act to phase out or immediately eliminate the earnings test for individuals who have attained retirement age. By doing so, seniors could remain a productive part of America's work force after the age of 65 if they so choose.

In the short run, probably half of the costs of removing the earnings test would be offset by the taxation of the increased earnings. The Social Security Administration says that there would be no long-term effect on the Social Security trust fund. The long-term impact of the bill on the Nation as a whole can be nothing but positive: Seniors will gain the right to choose whether they want to continue working and the work force will gain the productivity and experience of senior citizens who do.

As our Nation moves toward the labor shortage projected for the 1990's, we should be doing whatever we can to encourage the development of a larger work force. Besides helping generate greater economic growth, seniors also provide irreplaceable experience and expertise. We need to encourage their continued active participation in the Nation's economic life.

Mr. WELDON. Mr. Speaker, I am pleased and honored to join my colleagues in support-

ing this important and overdue legislation to eliminate the earnings test placed on senior citizens. I want to pay special thanks to Congressman RHODES and Congressman HASTERT, who have worked to produce legislation that is responsive to the concerns of senior citizens and responsible to budgetary constraints.

Through the course of their working years, senior citizens acquire a wealth of knowledge. They have wisdom shaped by their experience and an expertise that comes from having learned how to do a job right. They can be a tremendous educational resource for the younger workers.

And for all that they give to their fellow workers, their employer, and society, how does the Federal Government reward those individuals who choose to work beyond the normal retirement age?

It taxes them. It taxes them on their wages, and it cuts their Social Security benefits if the wages exceed $8,800 per year. The working population of senior citizens is subjected to the highest marginal tax rates of any group of Americans.

Employers in many parts of the country, including my own, are having a difficult time finding qualified applicants to fill job vacancies. Instead of encouraging senior citizens to take these jobs and relieve the labor shortage, the Federal Government punishes those individuals who might be interested in such opportunities.

The Social Securities earnings test is a remnant of the New Deal. Then, it was used as a means to encourage older workers to make room for young laborers. The American economy has changed a good deal since those days, and we can no longer afford to push the elderly out of the workplace.

The time is ripe for action to eliminate the earnings test. Support for such change is evidenced by the fact that over 100 Members of Congress are original cosponsors of this bill. We have seen action on similar legislation in the Senate this year. I hope that the enthusiasm and interest which this bill has gathered today indicates that this legislation will also receive swift and favorable action by this Congress.

When the earnings test legislation was first enacted, many of today's senior citizens were still in elementary school. It seems to me that the earnings test has more than outlived its usefulness. It is high time that the Congress abolishes this obsolete law.

Passing this legislation provides an opportunity for Congress to better provide for the welfare of the elderly in America. I urge my colleagues to do so.

Mr. UPTON. Mr. Speaker, I rise today in support of the Older Americans Freedom To Work Act, which would repeal the antiquated Social Security earnings test. I am pleased to join more than 100 Members of the House of Representatives who have pledged to repeal this law.

I believe that the present Social Security earnings test is unfair to our senior citizens. In fact, the Social Security earnings test is not really a test, but a penalty for being productive. This law subjects older Americans, aged 65 through 69, with incomes over the limit of $8,880, to a loss of $1 in Social Security for every $2 earned. This is a tax rate of more than 50 percent, and combined with other income taxes paid the effective marginal tax rate rises to 83 percent.

Unless we repeal this law, the message we are sending our senior citizens is: Don't work. Don't be productive. Don't try to be self-sufficient. You're not worth as much as other workers.

If my colleagues believe as I do that hard work is what made our country great, they will recognize the effects of this law are a tragedy.

Older Americans deserve the right to be fairly compensated for their labor. Many face exorbitant costs of living and either want to work, or financially need to work to earn extra income. Older workers bring with them many years of experience and wisdom. They deserve the chance to supplement their incomes without being penalized for their productivity, and America depends on their expertise in our work force.

Some argue that Social Security is intended only for those who have reached retirement age and have actually retired. I argue differently. If we believe that what America stands for is the freedom of choice and equality, then no Member of this House who agrees with these tenets can, with a conscience, continue to ignore this injustice. I urge each of my colleagues to lend their support to this bill, and send a message to our senior citizens that we value them as workers, as citizens, and as contributors to our Nation.

Mr. BUECHNER. Mr. Speaker, America is growing older. We must keep the expertise, extensive knowledge, and skills which our senior citizens possess in our Nation's work force so America can remain competitive and strong. It is therefore critical that we encourage our senior citizens to continue working after the age of 65 so that their badly needed skills will remain available in our Nation's work force.

Under current Social Security earnings regulations, senior citizens are penalized for working. Beneficiaries under age 65 may earn up to $6,480 a year in wages and those 65 to 69 may earn up to $8,880 in wages without having adverse affects to their Social Security benefits. However, if a senior citizen wishes to earn in excess of these amounts, $1 of benefits is lost for each $2 of earnings. The exempted amounts are adjusted each year to rise in proportion to average wages in the economy.

The graying of America will continue into the early 21st century. By the year 2020, there will be only two workers for every one retiree. There's good reason to believe that this labor shortage is more than cyclical. Factors contributing to a labor shortage well into the 1990's include a tightening immigration policy, low fertility rates, and the baby boom generation having fully entered the labor market.

Productive citizens, especially those who fill jobs that would otherwise go vacant in such places as hospitals, day care centers, and retirement communities, should not be penalized for maintaining an active work schedule.

Further, by sustaining these older employees in the active work force, they continue to contribute a reasonable percentage of their wages to the Social Security revenue account. This will help stabilize that account for future years when a smaller work force will be expected to support a larger recipient pool.

Seniors have every right to earn money, improve their lifestyle, and plan for their health care needs. For years, senior citizens subscribed to the American work ethic of commitment, self-sufficiency, and productivity. Their commitment has built a better America and we still have a lot to learn from them. Why should they be limited to what they can contribute to our society?

Opponents to repealing the earnings test say that the repeal would be too costly. But consider this. Currently, many seniors earn right up to the limit, $8,800, and quit working rather than see their Social Security checks reduced.

What is interesting here is that the Social Security trust fund would not experience any revenue loss with these people since they were getting their full check before the limit was changed and would continue to do so under the new limit. A loss would occur with these working seniors that made between $8,800 and $9,800. Common sense would dictate that the number of seniors in that group would be miniscule since the imposition of the earnings test would reduce their Social Security benefit by $500, not to mention any additional Federal, State, and local taxes.

Not every senior citizen will want to work once they retire. However, in this land of opportunity, everyone should have the opportunity to be hard-working contributors to our society.

Mr. Speaker, America can grow wiser as it grows older if it looks to its senior citizens for their experience. I have joined my colleagues Representative HASTERT and Representative RHODES as an original cosponsor of the Older Americans Freedom To Work Act which would repeal the Social Security earnings test for those aged 65 to 69. I call upon my colleagues to join us in repealing the Social Security earnings test and rid our country of the last vestiges of age discrimination in the Federal law.

Mr. MACHTLEY. Mr. Speaker, we all think that the 50-percent tax bracket is dead, right? Wrong. The wonders of tax reform seem to have bypassed many Americans; namely, our Nation's senior citizens.

Congress has been sending mixed signals to the elderly of this country for a long time. On the one hand, we tell them that Social Security is merely a supplement, and that people should be allowed to work past the age of 65, if they so choose.

On the other hand, we slap them with an enormously strong disincentive, and this just is not fair.

Based on an outdated provision in the Social Security Act—that is, the earnings test—today's older Americans are all but prohibited from contributing to their country's economy without suffering a severe tax penalty.

The system of tax pyramiding puts many of the elderly at an effective marginal tax rate of 50 percent or higher. This translates into working for nothing, or nearly nothing. Don't you think that's a bit much to ask?

As our population continues to grow older, and there are less and less young people to

fill more and more jobs, it will become increasingly important to address this inequity. Older Americans have a great deal to contribute to our society, but their hard work is being met with financial penalty. Unbelievable, but true.

The time to act is now, before we face a crisis. By repealing the Social Security earnings test, the elderly will be free to work—if they so choose—without suffering severe financial consequences. Let us give our seniors the right to choose.

Mr. GOSS. Mr. Speaker, our senior citizens are facing the possibility of a marginal tax rate as high as 122 percent. This is outrageous. A couple with a modest income of $10,000 to $25,000 would have a marginal tax rate of 65 to 85 percent. If you combine the earnings test with the taxes seniors pay on their benefits, an individual can exceed a marginal tax rate of 100 percent.

I ask you, where is the incentive to work? We have forced our senior citizens into an unnecessary early retirement. Eliminating the Social Security earnings test will help reduce the crippling financial situation our senior citizens find themselves in. It will also provide the incentive for hundreds of thousands of senior citizens to contribute to the workforce and earn additional, much-needed income.

It is an inherent right, in my opinion, that people who want to work should be able to work without the Federal Government penalizing them for their initiative. It is my hope that this legislation will partially lift the burden from the elderly who are being so heavily taxed.

The Older Americans' Freedom To Work Act is long overdue. We are discouraging capable, talented, and responsible citizens from working—because most of them are losing $1 of their Social Security benefits for every $2 they earn.

In today's society we need the experience and commitment of senior citizens who are able and eager to work. Mr. Speaker, fellow colleagues, we should be encouraging our seniors to lead productive lives instead of penalizing them for trying to be self-sufficient.

This country was built on an ethic of hard work, self-reliance, and pride in accomplishment. The Social Security earnings test flies in the face of those principles and should be repealed as quickly as possible.

Mr. BALLENGER. Mr. Speaker, I joined over 100 of my colleagues in introducing the Older Americans Freedom To Work Act. This legislation repeals the Social Security earnings test for Americans age 65 and older.

Currently, retirees may have their benefits reduced or withheld if their earnings exceed a specified exempt amount. In 1989, the earnings test threshold for workers aged 65 to 69 is $8,880. It is $6,480 for those who haven't reached the normal retirement age of 65. Social Security benefits for those workers are reduced by $1 for every $2 of earnings over this limit.

The test doesn't apply to investment income, dividends, interest, rents, annuity payments, and similar types of unearned income, or to those over age 70.

Working beneficiaries are subject to the same Federal, State, local, and Social Security taxes paid by all workers. Yet the loss of $1 in benefits for every $2 in gross earnings translates into a marginal tax rate of 50 percent. This can result in a combined tax rate of 80 percent, making these older Americans the most heavily taxed wage earners in the United States.

Last year, more than 1 million people had their paychecks reduced because of this test, while another million lost benefits entirely. In addition, labor economists estimate that the test deters another 1 million from working full-time.

The test is unfair. It is unfair to senior citizens who lose needed income and to America at large, because we lose some of our most experienced, talented, and dependable workers.

Ask yourself this simple question—If you had to pay 80 cents in taxes for every dollar you earned, would your work?

Senior citizens are by far our most dedicated and talented workers. In my district unemployment is very low and businesses are constantly seeking new, qualified workers. I recently conducted seminars for older Americans in every county in my district. At each seminar, we had an opportunity to discuss the earnings test. The support for the repeal of the earnings test is overwhelming. Many senior citizens would go to work tomorrow if they weren't subject to the earnings test.

Support is building for the passage of this legislation because it is good public policy for Social Security and, in the long run, for the national economy. I urge the House Ways and Means Committee to give this legislation the serious consideration that it deserves.

Mrs. SAIKI. Mr. Speaker, America is growing older. In fact, the number of people over the age of 45 is expected to increase about 30 percent by the year 2000. By the year 2020, there will be twice as many retirees per worker than there were in 1950. With these facts in mind, we cannot continue to discourage older Americans from working.

I join my colleagues here today to introduce legislation aimed at tearing down the significant barrier to older workers called the Social Security earnings limitation. I am confident that the repeal of this test will encourage more individuals to work through their retirement years in exchange for financial freedom and stability.

In 1962, outside earnings provided a 28-percent share of income for individuals over 65, but by 1984 this percentage shrank by 12 percent. The earnings limitation has the effect of a mandatory retirement provision by throwing the average individual into a remarkably high marginal tax bracket.

In America, we pride ourselves on individual initiative. However, the earnings limitation sends a message to our elderly that they should not try to earn a little outside income to help make ends meet. It is simply unreasonable for the Government to continue to penalize people for working.

It is important to keep in mind that Social Security is supposed to be a supplement to a retiree's income. When Social Security was first created, jobs were scarce. The earnings test encouraged older workers to retire and make room for the young. This theory is obviously outdated and its effects are damaging the financial stability of our senior citizens. We owe it to our seniors to make it economical to earn outside income.

I urge the Members of the House to join me in support of this resolution and cosponsor the Older Americans Freedom To Work Act.

Mr. SHUMWAY. Mr. Speaker, as many of my colleagues are aware, the American workforce is experiencing major demographic changes. The elderly are the fastest growing age group in the U.S. population. According to the Census Bureau, there are more than 30 million persons in the United States aged 65 and older. This number will continue to rise at a rate of 1.7 percent a year over the next 23 years. As a result, interest has grown for adopting measures which will eliminate penalties on senior citizens who choose to remain in the workforce. One of these penalties is the Social Security earnings limitation.

Under current law, Social Security recipients between the ages of 65 and 69 are threatened with a reduction in Social Security benefits if their outside income exceeds $8,400. For those under 65, the earnings limitation is $6,120. For every $2 earned in excess of these limits, Social Security benefits are reduced by $1.

It makes very little sense to penalize Social Security recipients in this fashion. Social Security is a retirement program, not a welfare program. To deny full benefits to those who have paid into the system throughout their working careers is little more than a breach of contract.

The earnings limitation serves as a disincentive to work. In 1986, more than 1 million people had their paychecks reduced because of the earnings limitation, while yet another million lost their benefits entirely.

Many Americans are choosing to work longer, contributing not only to their own economic well-being, but that of the entire economy. The American economy will surely benefit not only from their contribution of labor, also from their vast experience. The earnings limitation is counterproductive and outdated; it should be eliminated.

Mr. RINALDO. Mr. Speaker, I am pleased to join my colleagues in this special order on the introduction of legislation to eliminate the earnings limit for Social Security recipients. It has been a constant thorn in the side of those forced to work to supplement their retirement benefits, and its repeal is long overdue.

Simply stated, the earnings test penalizes beneficiaries age 65 to 69 who have continued to work by effectively taxing them at a rate of 50 percent on earned income above $8,880.

It is especially unjust and unfair because this limit is placed only on earnings, not income. Those who have retired to a life of leisure and collect hundreds of thousands of dollars in pension and investments are not subject to the limit. But those who work part time at the local library or department store and make a few dollars over the limit are.

This issue has been examined by congressional committees. It has been the subject of editorials, studies, and remains a key issue for many aging groups. In the Senate, it is the subject of a new bill by Senator BENTSEN. His proposal would change the test to allow seniors to keep a little more of their earned

income than the law currently allows. It is a good first step, but does not go nearly far enough to address the problem. Congress must act now to remove this barrier for the working senior.

There are those who you a change in the law is too expensive, that the only people who will be helped by changing the limit are the well off, that changing the law will alter the principles upon which Social Security was founded. They also claim that changing the law from a dollar lost for every $2 of earnings to a dollar lost for every $3 of earnings is sufficient.

I could not disagee more. Even with next year's liberalization, the working elderly will still be hit with the highest effective tax rate of any other age group. Second, the changing demographics of the work force make it unconscionable for us to discourage the skilled elderly who wish to continue to work. We need their skills, their talents, and their ability to teach younger workers.

Finally, those concerned about the costs involved ignore the increased income and payroll tax revenues which would result by seniors returning to the workforce.

I am convinced that the earnings limit must be removed for the working retired. I have been a sponsor of legislation to eliminate the test in previous Congresses, and I am pleased that today over 100 Members of the House have cosponsored this important legislative. The earnings limit is truly an idea whose time has passed.

Mr. COURTER. Mr. Speaker, I would like to thank my colleague, Representative HASTERT, for providing this important opportunity to discuss the Social Security earnings penalty.

I am a strong supporter of repealing the Social Security earnings penalty, which reduces Social Security benefits to recipients under the age of 70 who have outside earnings above a modest annual limit. This earnings test places an unfair burden on a segment of our population which all too often faces financial hardship—our senior citizens. At the same time that we are struggling to enhance our Nation's competitiveness, the Government is forcing much needed talent out of the work force. This situation is especially critical in my State of New Jersey, where we are experiencing a serious labor shortage.

Our Government should not continue to penalize those older individuals who choose to contribute to their own well-being and the good of our Nation's economy. Ironically, it is not the rich elderly who are affected the most by the Social Security earnings test, since the penalty does not apply to investment income or private pensions. The ones who suffer the most from this policy are senior citizens of moderate means, who lack pension and investment income and therefore work to supplement their earnings.

It is clear that the current policy is unfair and should be changed. I was encouraged when earlier this year, advocates of repealing the earnings test were successful in attaching an amendment to the Senate minimum wage bill, H.R. 2, to reform the Social Security earnings test. I joined many of my House colleagues in signing a letter to the minimum wage conferees to include the Senate amendment in the final version of the legislation. Unfortunately, despite the strong support for this measure, the earnings penalty reforms were not included in the final agreement.

Even though we were not successful in attaching the earnings limit measure to the minimum wage bill, our efforts prove that there is wide support for putting an end to this counterproductive policy. I will continue to push for enactment of legislation to repeal the earnings test. It is my hope that today's debate on this issue will draw attention to this matter and will prompt additional efforts to repeal the Social Security outside earnings limit.

Mr. GALLO. Mr. Speaker, today I join with my colleagues to call for major revisions to the Social Security earnings law. I believe that the law is counterproductive and unfair for senior citizens who are currently punished for being productive members of society at a time when their experience and skills are desperately needed.

After reviewing testimony by senior citizens at our January field hearing, I have cosponsored legislation to repeal the Social Security earnings test, because I believe that this law does not reflect current reality.

This law is counterproductive and unfair for senior citizens because it punishes them for being productive members of society at a time when their experience and skills are desperately needed.

Senior citizens could work and earn unlimited income without losing Social Security benefits under the proposed legislation, which would repeal the Social Security earnings test for those aged 65 or older.

Under current law, seniors age 65 to 69 lose a portion of their Social Security benefits if they continue to work and earn more than $8,400. Seniors over the age of 70 are already exempt from the earnings test.

This 50-year-old law was originally designed to encourage workers to retire at a time when the baby boomers were entering the job market.

Today, this law effectively discriminates against seniors who want or need to continue to work. It also deprives society of their expertise at a time when jobs go begging for lack of experienced workers.

We have talented individuals who would like to work and continue to share their job skills, but who choose not to because they lose $1 of Social Security benefits for every $2 they earn.

In January, we heard testimony from seniors opposed to the earnings test law at Select Committee on Aging field hearings in Morristown and a great deal was learned from the testimony.

No American should be discouraged from working, but this is exactly the result of the Social Security earnings test.

Mr. Speaker, I thank my colleagues for providing the opportunity for a discussion on the House floor of the need to change this outdated law. I join with them in calling for timely action in the House.

FINANCIAL DIFFICULTIES IN THE FEDERAL HOUSING ADMINISTRATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. DREIER] is recognized for 5 minutes.

Mr. DREIER of California. Mr. Speaker, I very much appreciate the opportunity to take just a few moments to address the House on what certainly is a very important issue, and one which, as I have said on a couple of occasions, is a delicate matter. It is one which a number of my friends say if you talk about it, you are opposing it. I do not want to leave misunderstandings about this issue.

The issue, Mr. Speaker, is a follow-up of a special order that I delivered here on May 16, when I submitted to the RECORD two newspaper articles which discussed the Federal Housing Administration's growing financial difficulties. Today, I would like to bring to the attention of my colleagues two more articles from the Washington Post which discuss a recent Congressional Research Service study on raising the FHA loan limits. The study concludes that trying FHA's loan ceiling to an area's median home price will not help the affordability problem.

The study states:

> If a family does not have the income to purchase the median-price home, it does not matter whether that median is above or below the FHA mortgage limit.

The study also stated:

> It is misleading to use the median sales price as a measure of husing affordability.

The report contains an "FHA Affordability Index" that measures the degree to which homebuyers in given communities may be able to purchase the median-priced home using FHA-insured financing. In all but 14 of the 62 metropolitan statistical areas studied, the current FHA limit is more than enough to purchase the median-priced home. In 2 of the 14 areas, the FHA loan limit is just shy of the median house price.

The effect of raising the loan limits then would be to help a small number of people earning between $50,000 and $100,000 a year purchase a home with Government assistance. The study asks:

> In an era when most entitlement programs are being targeted to those most in need, should the FHA insurance program be expanded to accommodate higher income families buying higher priced homes?

As I pointed out earlier, there are several bills pending before the Housing Subcommittee which would greatly expand FHA for the well-intended purpose of making home ownership more affordable working Americans. However, these recent studies indicate that perhaps this is not the best solution to the housing affordability problem, nor is it the least costly. Before these proposals gain momentum in the Congress, we should examine whether expanding FHA is the best course of

action, as well as study alternative proposals.

Mr. Speaker, this is a very challenging and delicate situation, and I recognize that. In fact, I was a cosponsor of an amendment which actually did increase the high-cost area, which had a direct effect on my constituents in southern California. Nevertheless, in light of this CRS study, it is very important that we closely analyze this issue.

Mr. Speaker, I submit for the RECORD the Washington Post articles I just referred to.

The articles referred to follow:

[From the Washington Post, May 13, 1989]

THE NATION'S HOUSING—GOVERNMENT MAY EXPAND DOWN-PAYMENT PROGRAMS

(By Kenneth R. Harney)

Should the federal government's most politically popular low down-payment mortgage program be expanded to finance $100,000-per-year earners in San Francisco and $80,000-per-year earners in Boston, Los Angeles and New York? Should the Federal Housing Administration (FHA) help buyers making $55,000 a year in Washington, $72,000 a year in Connecticut and $69,000 in San Diego?

The political winds on Capitol Hill are blowing strongly in that direction this spring. Major legislation pending in the Senate and House would set higher loan limits, which would benefit higher-income borrowers in high-priced metropolitan areas.

But a new, unreleased congressional study on FHA mortgages flashes a caution signal to Capitol Hill's lawmakers: If Congress' intent is to make homeownership more affordable to first-time buyers and moderate-income families, it warns, raising the FHA limits won't help. It might even divert federal assistance from the very people the FHA is supposed to help buy homes.

The new FHA study, prepared by Congress' in-house legislative-analysis arm, the Congressional Research Service, flies in the face of bills sponsored by some of Capitol Hill's most influential housing legislators. Among them are the 1989 National Affordable Housing Act sponsored by Sen. Alan Cranston (D-Calif) and Sen. Alphonse D'Amato (R-N.Y.), and the Homeownership Assistance Act of 1989, sponsored by Rep. David E. Price (D-N.C.) and Rep. Chalmers P. Wylie (R-Ohio).

Both bills would allow the FHA to insure low down-payment mortgages for up to 95 percent of the median home price in metropolitan areas nationwide. Sponsors of the measure argue that under the FHA's current limits, large chunks of key home markets are effectively cut off from the agency's low down-payment financing.

In Orange County, Calif., for instance, the median home price last year was $226,200, but FHA's statutory maximum loan limit was $101,250. In Washington, the same statutory ceiling applied, but the median-priced home sold for $135,000. In high-cost New England, the New York-New Jersey suburbs and portions of Florida, FHA Loan limits remain far below the sale price of a median home.

Legislation raising the ceiling has drawn strong support from politicians representing these areas, as well as from powerful housing lobbies such as the National Association of Home Builders and the Mortgage Bankers Association of America.

The principal critics of the bills have been private industry groups that find themselves in competition with the government—mortgage insurance companies that underwrite conventional (non-FHA or Veterans Administration) loans carrying down payments of less than 20 percent.

The private mortgage insurers received unexpected support from the unreleased Congressional Research Service study. The study questions whether there is an urgent need for higher limits when only 14 of the 62 largest metropolitan areas have FHA loan ceilings too low to finance a median-priced home. In two of the 14, Philadelphia and Seattle, the current FHA limit is adequate if buyers put down 5 percent, according to the report.

Among the areas more than adequately served with current FHA limits, the study pinpoints such big housing markets as Baltimore, Cincinnati, Chicago, Cleveland, Dallas, Detroit, Fort Lauderdale, Miami, Houston, Indianapolis, Las Vegas, Louisville, Kansas City, Milwaukee, Minneapolis, Omaha, Orlando, Phoenix, Portland and St. Louis.

The 12 areas with the largest gaps between median home prices and FHA loan limits include the Washington area; Orange County, Los Angeles, Riverside, San Diego and San Francisco in California; and Boston, Hartford, Honolulu, metropolitan New York-New Jersey, Providence, and West Palm Beach-Boca Raton.

If FHA's loan limit was raised to 95 percent of median metro area home prices, it would offer federally assisted low down-payment mortgages to borrowers with annual incomes considered high by national standards.

On top of that, the study warns, it might steer large numbers of buyers who could readily qualify for private, conventional mortgages into the federal program. FHA could then supplant the conventional, insured market. Lenders would steer buyers to FHA, the study says, because the high-end FHA loans could be so readily and profitably pooled into securities backed by the federal Government National Mortgage Association (Ginnie Mae).

Equally important, higher FHA limits would not relieve the housing-affordability problems in any of the high-cost markets, according to the report.

"If a family does not have the income to purchase the median-priced home, it does not matter whether that median is above or below the FHA limit," the report said. Moreover, the family may well be able to afford a house below the area median, with FHA loan help. Simply because the house prices is below median does not mean that the house is "substandard." All it means is that a family purchased a home with a price tag lower than one-half the homes sold in a given period.

Housing groups had no immediate comment on the new report. A spokesman for the Mortgage Bankers Association, however, said that including larger mortgages in FHA's loan inventory would help balance the agency's loan portfolio, countering the insurance losses it's suffering on lower-cost homes.

[From the Washington Post, June 10, 1989]

STUDY ASSAILS PLAN TO RAISE FHA LIMIT—BILL WOULD DO LITTLE TO AID SHUT-OUT HOME BUYERS, SERVICE SAYS

(By Sam Hankin)

Legislation to raise the limits on Federal Housing Administration-insured loans would do little to make homes more affordable for many home buyers currently shut out of the housing market because of high housing prices, according to a recent study presented to Congress.

The report, prepared by the Congressional Research Service, the research arm of Congress, criticized pending legislation that would eliminate the set limit on the amount a borrower can obtain with an FHA-insured mortgage. Currently, the maximum amount of an FHA loan is $101,250, except in a few special high cost areas of the country such as Alaska and Hawaii, where the cap is as high as $151,850.

Some housing industry officials have complained that those limits are too low in many parts of the country, especially higher-priced areas such as Washington, where the average price of a home is $143,700, for the loans to be useful to low- and moderate-income borrowers. Such borrowers generally do not have the available cash to make the down payment required for conventional loans, or those not guaranteed by the government.

FHA loans require a down payment of as low as 3 percent of the sales price, while conventional loans typically require borrowers to make at least a 10 percent down payment.

Sens. Alan Cranston (D-Calif.) and Alphonse M. D'Amato (R-N.Y.) introduced legislation in March that would, in part, tie the FHA loan limit to the cost of purchasing a home in a particular area. Instead of a fixed cap, the limits would be set at 95 percent of an area's median home sales price.

Supporters of the legislation say the measure would open more higher-priced housing to buyers who have the income but not the cash to buy houses that generally cost more than the existing limits for FHA mortgages.

But the Congressional Research Service report said the 95 percent proposal "does not address the affordability issue. The problem is that, for many metropolitan areas, new homes are no longer being sold at prices that are affordable by the moderate-income and first-time buyers that typically use the FHA program."

The report noted that family incomes have not kept pace with existing home prices. In particular, the ability of home buyers in the Northeast and Southwest to purchase a house has declined in recent years. "Only in the Midwest . . . has the median-income family been able to afford the median-priced home since 1985," the study said.

"If a family does not have the income to purchase the median-priced home, it does not matter whether that median is above or below the FHA mortgage limit," the report said.

The study also said that raising loan limits for such mortgages could lead borrowers who could have obtained conventional financing to use the FHA program instead because of the lower costs of such loans.

Consequently, those borrowers earning higher incomes would benefit more from the program than lower-income home buyers. Raising the limits on FHA mortgages also could lead to unfair competition by the agency because private mortgage companies, which underwrite lenders against losses if a borrower defaults on a conventional mortgage, require higher down payments on the loans they insure.

Moreover, the report said that those borrowers still can use FHA mortgages to pur-

chase homes that cost less than the median-priced house.

"When a family purchases a home that is priced less than the area median, it does not imply that the family has purchased a substandard house," the report said. "They have simply purchased a home that is priced lower than half the homes that were sold in a given period."

The report concluded "the FHA loan limit may be less than the median sales price in a community, but many homes in the lower half of the price range may be both affordable and adequate for the home buyers traditionally served by FHA."

Steve Doehler, executive vice president of the Mortgage Insurance Companies of America, a trade group representing private mortgage insurers, applauded the study.

"We've been saying similar things," he said. "We think the key thing is that if a family doesn't have the income to qualify for a median-priced home, then what good does it do to raise the ceilings? They still won't be able to qualify for a higher mortgage limit. Raising the limit won't raise their incomes."

But Brian Chappelle, staff vice president of the Mortgage Bankers Association of America, an organization representing lenders, said that "the report ignores the fact that families may have combined incomes of $70,000. They could qualify for a conventional loan, but they haven't been able to save a 10 percent down payment. That's the shortcoming of the report. It ignores the difficulty of accumulating a down payment."

"FHA changes are not a panacea, but they are a step in the right direction," Chappelle said.

IN HONOR OF FLAG DAY, 1989

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Maryland [Mrs. BENTLEY] is recognized for 60 minutes.

Mrs. BENTLEY. Mr. Speaker, symbols are one of the most important tools that the human mind can use, for they help one to apply tangible concepts to intangible ideas.

For example, "war" is universally seen as evil, but only through vivid images—an orphaned child weeping over the corpses of her parents, a heap of smoldering rubble which used to be a village—can we truly grasp its horrors.

"Freedom" is cherished, yet only through powerful symbols—citizens fleeing East Berlin on the eve of the wall's construction, a "goddess of democracy" chiding the totalitarian powers that be—can we fully begin to grasp what an awesome concept this is.

America too is an "intangible," and we constantly use a variety of symbols to help us comprehend her greatness. The Statue of Liberty, the National Anthem, the bald eagle—all these are helpful in stirring powerful emotions such as pride and love of country within each of us.

There is one symbol, however, which stands far above all the others. It is something that has been with us since the earliest days of this Republic and has remained during our darkest hours. It is something that has been carried from the battlefields of the Pacific to the surface of the Moon. More importantly, it is something for which hundreds of thousands of Americans have sacrificed their lives at the hands of our Nation's enemies.

The symbol I am referring to is the American flag, and it gives me great pleasure to salute her on the eve of Flag Day, 1989. Indeed there is no symbol more deserving than "Old Glory" herself.

These days, however, it seems that our flag is not given the respect it deserves. Many people do not know that they should stand when the flag passes them by in a parade or place their hand over their heart out of respect. Even fewer people can tell you its history or some of the basic rules governing flag etiquette.

Why are these things important? Because there are not that many things that we—a nation of immigrants—can call truly American. To forget such important things about our flag is to forget a part of our own culture—one that is distinctly American. Indeed as President Abraham Lincoln once said, "A country with no regard for its past will do little worth remembering in the future."

I have been quite lucky in that my home State of Maryland is one of the richest in the Nation in terms of flag lore. Indeed it was at the historic Flag House in Baltimore that Mary Pickersgill made the original "Star-Spangled Banner"—the flag which flew above Fort McHenry during the night of the "rockets red glare" which took place so long ago.

Baltimore's Flag House is also home to the National Flag Day Foundation, a patriotic organization which oversees the national observance of Flag Day each year. Foundation president Lou Koerber has worked diligently to ensure that this year's celebration is certainly on a par with past years.

And he has certainly succeeded. Last Tuesday 4,000 Maryland middle schoolers converged upon Fort McHenry to form a "living flag." Veterans of the first living flag ceremony—held in 1914—were there to watch.

Two days ago the largest replica of the Star-Spangled Banner—100 feet by 60 feet—was unveiled on historic Federal Hill in Baltimore. Student representatives from all 50 States participated in a marvelous parade of State flags. These are the outstanding students from each State who are brought to Baltimore each year to help celebrate Flag Day.

In addition, Gen. John Vessey, former Chairman of the Joint Chiefs of Staff, will serve as speaker at the salute to Flag Day luncheon to be held tomorrow in the Baltimore Hyatt-Regency. The celebration is capped off by the "pause for the pledge" program at Fort McHenry—during which time all 245 million Americans are invited to join in reciting the Pledge of Allegiance at 7 p.m. as a sign of national unity.

With so many Flag Day celebrations going on in my home State, Mr. Speaker, it would be difficult not to be caught up in all this excitement.

In fact, I attended two other fine celebrations in my district this past weekend—one in Bel Air and the other at Locust Point. The first featured a stirring address by Brig. Gen. David Nydam, program manager for Chemical Demilitarization, Edgewood Area, Aberdeen Proving Ground, as well as the patriotic music of the Bel Air High School band. The second was a wonderful breakfast where we honored the 50-student State representatives. Both were events to be remembered.

Today I would like to observe Flag Day in my own special way—by delving a little bit into the forgotten history of our glorious flag and talking about some of the rules that one should follow when saluting or displaying it.

But a flag is, of course, more than a relic to be researched or an ornament to be hung * * * it is alive as the Nation it represents. That is why I have asked some of the most prominent ethnic leaders in my district to share their thoughts on what the flag means to them. Their comments and insight will, I hope, be useful to you, Mr. Speaker, as well as to all my colleagues.

Our national treasure chest is filled with many fine artifacts and reminders of our Nation's glorious past—yet none of these prizes is more valuable than the red, white, and blue. This is a fact which I hope my constituents—as well as yours—will take to heart.

ORIGINS OF THE U.S. FLAG

The Continental Congress of the United States first agreed on a design for the national flag on June 14, 1777—nearly 1 year after the signing of the Declaration of Independence. It resolved that the flag, "shall be thirteen stripes, alternate red and white, with a union of thirteen stars of white on a blue field, representing a new constellation." The red stripes represented blood spilt in battle; the white represented bandages.

In fact, the only difference from the previous-used continental flag was that the field of stars replaced the crosses of England and Scotland found in the British Union Jack. The stripes remained the same.

The design for the new flag had—for a long time—been thought to be influenced by George Washington's coat of arms. Researchers later found that Francis Hopkinson, a signer of the Declaration of Independence, prepared the rough draft which was later shown to Philadelphia seamstress

Betsy Ross, who was commissioned by the Continental Congress and reportedly asked to make many of them.

The Congress, however, made no provision as to how the stars should be arranged. Thus some flags were made with 12 stars in a circle and one in the center; others featured three horizontal rows of 4, 5, and 4 stars. In fact, the first Stars and Stripes to be displayed in battle by land forces was the famous "76 flag" flown in the battle of Bennington.

The number of stars remained unchanged until 1794, when the addition of Vermont and Kentucky brought about the addition of two more stripes and two more stars. In 1818, however, Congress decided that the flag should contain 13 alternate red and white stripes—representing the original 13 colonies—and that a star for each new State should be added on the July 4 following its admission to the union.

June 14—long observed as Flag Day by many around the Nation—was designated by an act of Congress to be "National Flag Day" on August 3, 1949. The National Flag Day Foundation was founded in 1985 to "plan for the Nation's Flag Day ceremonies."

FLAG ETIQUETTE

Laws regarding proper use and display of the flag were first debated on Flag Day, 1923, at a conference of the American Legion. A Federal flag code was first enacted and signed in 1942 and amended during the Nation's bicentennial ceremony.

The law—as passed on July 7, 1976—includes the following points:

The flag should only be displayed from sunrise to sunset on buildings and on stationary flagstaffs in the open. Some places, such as Fort McHenry, have special permission to fly it 24 hours a day. It should be displayed every day—especially on federal holidays. It should be displayed near the main administration building of every public institution, near polling places on election day, and near every schoolhouse. It should not be displayed in poor weather.

The flag, when carried in a procession, should be on the marching right or—if there are other flags—in the front of the center of the line. No other flags should be placed above—or to the right—of the U.S. flag. In addition, the flag should always be displayed from a firm staff or—if suspended vertically from a rope—the union (the blue field with stars)—should be uppermost and to the flag's own right. When the flag passes by on such occasions, those present should stand, come to attention, and salute. Civilians should place their right hands over their hearts; those in uniform should remove their hats and give the military salute.

A flag—when flown at half-staff—should be hoisted to the peak before it is lowered to the half-staff position. The flag is to be flown at half staff for 30 days in the case of a president or former president; 10 days for the vice president, the chief justice or retired chief justice, or the Speaker of the U.S. House of Representatives; from the day of death until interment of an associate justice of the Supreme Court, a Secretary of an executive or military department; and on the day of death and the following day for a member of Congress.

Flags used to cover a casket are placed with the union at the head and over the left. Flags folded should be folded in a triangular fashion—so they resemble a cocked hat.

And, most importantly:

No disrespect shall be shown to the flag. It is not to be dipped to any other flag or person. The flag should never touch the ground. The flag should never be used as wearing apparel, bedding, or drapery. It should never be used for advertising purposes.

Flags which are no longer fit for display are to be destroyed in a ceremonial way—such as by burning.

"WHAT THE FLAG MEANS TO ME"

The American flag, indeed, is many things * * * relic of a revolution two centuries old, sacred object which has presided over battles, parades, and the funerals of Presidents. Yet the most important meaning it has is to each of us—as individuals. For each of us have our own reasons—our own memories—which tell us why the flag is so special.

Since I have been a member of this body I have come to see this more clearly. A few months back, I helped a young Czechoslovakian woman named Dana Petranova and her two children—all of whom were fleeing persecution in their homeland—to emigrate to the United States.

I was lucky enough to accompany family members to the airport to await the Petranovas' plane. The family reunion which followed was indeed very touching—almost the kind of story that one might expect to see at the movies. But there was one image which will certainly endure in my memory as long as I live.

Once all the initial hugs and kisses had ceased, I presented an American flag to the Petranovas in the hopes of making them feel more welcome in their strange new home. Jiri, the youngest child, stared at the nylon flag with wonder and amazement. Soon tears began to well up in his eyes.

To 14-year-old Jiri this was more than just a flag—it was the welcome sign at the end of a long and treacherous trip. It was the beacon of hope he had traveled many thousands of miles to see—one whose pleasant glow ensured him that the values that he and his family sought, such as freedom and peace of mind, were now here. The first time he felt safe, he said, was when he saw the United States flag in the United States Embassy in Belgrade, Yugoslavia.

The look in his eyes was the same as that in the eyes of those heroic students in China, who risked—and gave all—in pursuit of liberty against overwhelming odds. It was a look that too few Americans remember—having grown too used to the freedoms we now enjoy.

Many times I have felt that ethnic Americans are among our Nation's most special citizens—for they had to earn the right to be an American. I contacted a number of them during the past few days and asked them to tell me what the flag means to them. It pleased me so much to learn that—even after having been Americans for years, in some cases—their love of the Stars and Stripes burns just as intensely in their hearts as it ever did.

Greece—John Demitrotis: "The American flag is my emblem. It stands for everything America stands for, and that means "the Bill of Rights." As ethnic people, the flag enables us to practice our culture, our traditions, and our religion without fear."

Norway—Kjell Rassmussen: "It means a lot to me, in fact everything I believe in, freedom and pride. I am also proud to say that most Scandinavian countries have a flag of red, white and blue. The world has a lot to learn from this country. We have so much to be grateful for. We must not let it be forgotten that we owe it all to our elders. The young, I am afraid have been spoiled. They expect too much with too little effort."

The Republic of China—Taiwan—Stephanie Chin: "As a young Asian, I have been taught that nothing is gained without effort. The old saying is: 'Busy hands are happy hands,' and so with a busy mind. I cherish the American flag because it represents the freedom other countries do not have, something sometimes taken for granted. While saluting the American flag and singing the National Anthem, I am overcome with a patriotic feeling and a sense of pride in our Nation."

Africa—Mary Carter Smith: "Let it not be forgotten that people of all races have died on the battlefields to protect the symbol of our flag, freedom and justice for all."

Czechoslovakia—Frank Vlchek Sr.: "America the Beautiful. The land of opportunity, where any man may be king, if he is willing to work hard enough. God bless America, and our flag."

Yugoslavia—Dr. Milton Marisic: "Our flag is a symbol of freedom, liberty and free speech. As a practical scientist I value a capitalistic system of free enterprise, and the rewards being rewarded to industriousness."

Japan—Dr. Edward Sawada: "Our flag is a symbol of freedom, that identifies our nation as the country who supports and protects the ideals of freedom and democracy."

"WHAT THE AMERICAN FLAG MEANS TO ME"

American Indian—Barry Richardson: We regret a lot of things that have happened to the American Indians in order to be able to have an American flag. However, our people have always ascertained that there is more than enough room on this continent for everyone, but no room for greed. Our people through the years have fought for our flag, because that flag, for better or worse represents freedom. For people, freedom represents life.

Lithuania—Elena Okas: Regardless of where I may be, when I see our American flag, I salute. I am proud to be an Lithuanian American, and proud the Lithuanians in Europe are protesting for democracy.

Italy—Mary Torrieri: To me the flag is a symbol both of the freedom that makes life worth while, and of a nation of all races and religious living together in harmony, with the opportunity to share in its bounty, as

well as the opportunity to contribute to its well being. Industriousness, dignity, pride, produce happiness and self esteem.

India—Shella Rao: Our flag makes me very proud to be an American citizen. This is the land of opportunity. We rise above the struggles going on in other countries. The quality of the flag itself, depicts power and strength for the benefit of mankind.

Ecuador—Monica Jaramillo: My father, Ivan Jaramillo is not present, with your permission, as a nineteen year old Ecuadorian, I will be happy to give my feelings into "what the American flag means to me." Basically it stands for everyone, not just for the people in our nation, but for people world-wide in search of peace, justice and democracy. The Stars and Stripes depict the struggle of what our Nation has had to face to become the great nation that is the world leader in democracy.

Peru—Isabel Razuri Jones: After observing the situation in a recent visit to South America, I witnessed a lot of terrorism, especially in Peru, where communism is a major threat. The American flag now means more to me than ever.

Naturalized Americans, of course, do not have a monopoly on love of flag or of country—they are merely a stunning example. Another great example is our Nation's veterans. Their devotion to our Nation—and its greatest symbol—never ceases to impress me.

Indeed—as ethnic Americans had to earn the freedoms America has to offer—veterans fought to protect theirs in battle. And the prices they paid—some with their lives, others with their limbs—could not have been greater.

I have spent a lot of time with the veterans of my district. I have marched with them in parades, celebrated with them on the Fourth of July, and wept with them on Memorial Day. Yet I am still haunted by the case of one very special veteran. This is a man whom I never met, yet I can say that—even though I truly love all of America's veterans—he occupies a special place in my heart.

His name was Mike Christian, and he was the former POW whom Senator John MCCAIN described in his breathtaking speech to this party's convention last year. He was the man who made an American flag out of an old shirt and said the Pledge of Allegiance every day. He was the man who was caught and beaten by his Vietnamese captors for his defiance. He was the man who picked up his bamboo needle and his rags and began to make another flag after the first one—a product of hours of hard work and affection—was confiscated.

I suppose the Star-Spangled Banner which flew over Fort McHenry is the most famous flag of all. Yet Mike Christian's flag—made of scraps of old clothing—is just as much a testament to the ideals of liberty as was that fine piece of work.

That is what makes the American flag so great. It has nothing to do with where it is made or where it was flown. Its greatness stems from the feelings it stirs inside each of us. For a flag—in the end—is only worth what it stands for in the hearts of those whom it represents.

And it stands for many things. For example, our flag is a living memorial to any person—soldier, astronaut, or President—who has given his life in the name of our country—whether it be through some terrible accident or at the hands of our Nation's enemies.

Our flag stands for pride in America's achievements—at Iwo Jima, at Fort McHenry, and on the Moon, where—even after 20 years—it is still the only one there.

Most of all, however, our flag stand for freedom. America—despite what some people will have you believe—is still the last best hope on Earth for people yearning to breathe free. Indeed I can name many nations where people are fighting to get out—but ours is the only one where they will—and have—sacrifice all to get in.

So I urge you, Mr. Speaker, all my colleagues, and all the people of the United States to join me in pausing for the Pledge tomorrow at 7 p.m. Our flag is still a beacon of hope to others around the world—like the students in China—who seek freedom. Let's stand up as a nation and show others around the world that it still means something to us.

□ 1710

FOREIGN OWNERSHIP OF U.S. DEFENSE COMPANIES

The SPEAKER pro tempore (Mr. HUTTO). Under a previous order of the House, the gentleman from Virginia [Mr. WOLF] is recognized for 30 minutes.

Mr. WOLF. Mr. Speaker, I will not take the 30 minutes. I just wanted to bring to the attention of the House the facts about an issue that I believe is very important and will be of interest to the Members and certainly to the American public and to the administration.

There was a report done by Johns Hopkins University, the Foreign Policy Institute, on the question of foreign ownership of U.S. defense companies.

At the beginning of the report, the author of the report said: "According to the author, the continued loss of significant defense resources" is significant. He said "that this could progressively place the United States at a competitive disadvantage vis-a-vis our adversaries, especially in light of persistent U.S. budgetary constraints, and of our reliance on advanced technologies for effective deterrence."

The report "urges the U.S. government—especially the Pentagon—to adopt a national policy governing foreign takeovers of parts of the U.S. defense industrial base—one that can be understood all the more readily by would-be investors as it is clearly articulated and consistently implemented by relevant officials."

The report goes on to talk about how a number of high-technology companies, defense-related companies, have been taken over by foreign investors.

Mr. Speaker, it says this:

Yet in the short term, foreign investment almost certainly has a positive impact on the U.S. trade balance.

But it goes on to say that the flow of technology resulting from foreign acquisitions, on the other hand, is almost certainly unfavorable to the United States.

The absence of restrictions on foreign investment permits foreigners to buy advanced technological know-how, repatriate it, and then exploit the technology to compete directly against U.S. companies. In this sense, quite apart from the potential implications of technology transfers for U.S. national security interests, the United States may be literally selling off its economic advantages.

It gives some examples of some of the companies that have been taken over, and again for the American people and for the Members who are listening, we are not talking about companies that are making toys or making food; we are talking about companies that are related to the defense of the United States.

It says in the report:

However, there are several recent striking examples. In 1987 when Paul Bilzerian, an American investor, acquired the Singer Company, a major defense electronics company, he sold several of its component units to foreign purchasers. In July, Ryobi Ltd., a Japanese company, acquired Singer's largely commercial motor products division. A Canadian firm, CAE Industries Ltd., acquired Singer's Link Simulation and Training Systems Division, a major supplier of aircraft simulators to the U.S. Army, Navy, Air Force and The National Aeronautics and Space Administration (NASA). Link produces the simulators for the F-16, the C-130 transport, and the Apache and Black Hawk helicopters, and has updated simulators for the F-111, B-52, F-14 and P-3C aircraft. Link simulators are used at NASA's Johnson Space Center to train space shuttle crews and ground personnel. CAE industries also holds a contract for the development and, presumably, eventual production of a simulator for the B-2 Stealth bomber.

□ 1720

Mr. Speaker, these are absolutely critical to the national defense of our country. Foreign acquisition of U.S. defense firms increased almost fourfold from 1983 to 1987, and the number of purchases in the first half of 1988, which were 37, were almost equal to the total for all of 1987, which was 41, meaning, Mr. Speaker, that in the first 6 months of 1988, 37 high technology defense-related companies where taken over by foreign interests, which was almost as many as were taken over in all of 1987. So my

colleagues can see the trend going very, strongly in takeovers.

There are three unique risks when a U.S. defense company is sold to a foreign owner: The possible compromise of confidential information, the redirection of vital investments such as research and development funds away from U.S. defense needs, and a dangerous dependence on foreign sources.

In ending, Mr. Speaker, and there is more in this report, and I urge my colleagues to obtain a copy of "Foreign Ownership of U.S. Defense Companies—Where Do We Draw the Line?" by Bernard L. Schwartz, and here is what he makes with regard to recommendations:

He says:

First the Secretary of Defense should take the lead within the government in determining which defense properties should be protected from ownership. In this regard, the Defense Department should prepare systematic policy guidelines that define those industries and technologies which would be of greatest concern from a national security standpoint if corporate control was lost to foreign ownership.

Second, the new leadership team at the Department of Defense.

And we are very fortunate to have our former colleague, Dick Cheney, now down there as Secretary of Defense; he says:

The Department of Defense leadership should issue a clear statement that foreign ownership of defense companies is not in the best interests of the United States and that efforts to acquire such companies will be examined carefully before being permitted.

Third, the U.S. Government needs to monitor and evaluate more carefully the dramatic increase in foreign purchases of U.S. defense companies.

Again we are not talking about nondefense companies. We are talking about defense, high technology, defense-related companies. He says:

There must be more careful, dramatic increase and a monitoring. No one agency or individual in our government has a comprehensive view of the degree of foreign ownership of our firms and its impact, real and potential, on our national security. The raw data already exists, but needs to be consolidated more effectively. With a sound central collection and reporting system, the senior levels of the U.S. Government will have the information necessary to make decisions that are vital to our long-term national interests.

Mr. Speaker, the issue of foreign ownership of U.S. defense companies is critical, and I hope the Members of this body agree, and it requires the immediate attention of the new administration and also, I believe, Congress.

Mrs. BENTLEY. Mr. Speaker, will the gentleman yield?

Mr. WOLF. I yield to the gentlewoman from Maryland.

Mrs. BENTLEY. Mr. Speaker, first of all I want to commend the gentleman from Virginia [Mr. WOLF] for bringing this Hopkins presentation to the attention of the Members of Congress. This is a very, very important document, and the statements that the gentleman from Virginia made in connection with it about the concern of our defense industries being taken over by foreign investments and foreign control I think is very serious.

Mr. Speaker, since that book was published I think we need to note that Monsanto, which made a very important wafer for the computer industry, the only producer of that in this country, that we allowed German interests to buy that earlier this year. Efforts were made to stop it, but it went.

Mr. Speaker, right now we are trying to protect the sale of Perkin Elmer Co. which produces the microscan DAV stepper, a vital component in today's modern world of technology. The firm holds a worldwide position in electronic beam mark reticle production equipment for lithographing.

The people from Semitech were into my office recently to say we have to make sure that this industry, which deals so much with computers, stays in this country, the control of its stays in this country. They are very concerned about once again foreign interests coming in and taking this over, and we will lose all—we have almost lost all of our industry base, but we are going to lose everything at the rate we are going.

Mr. Speaker, something has to be done, and once again I want to commend the gentleman from Virginia [Mr. WOLF] for bringing this to the attention of the Congress.

Mr. WOLF. Mr. Speaker, I appreciate the comments of the gentlewoman from Maryland [Mrs. BENTLEY]. She makes a very good case. I did not know about that latest company. I hope, and I have been talking to some Members, where there may be an amendment offered on the defense bill that comes up. I would hope that we will deal with this issue particularly in the defense-related companies.

Mr. Speaker, the Members might want to get a copy of Touche Ross' "Impact of Foreign Investment in the United States," a report done by Touche Ross, very balanced. There are some excellent articles in here in support of foreign investment and some excellent articles in here warning of the dangers of foreign investment. So, it is very well balanced, and I think I would want to commend Touche Ross, but in the study, before I close, the Touche Ross survey, of 519 top-ranking U.S. business executives on foreign investments 71 percent, 71 percent, favor restricting or prohibiting foreign investments in industries vital to the country's national interest.

Again, that is what we are talking about, foreign investment for industries that are vital to our national security, and it said that 99 percent cited defense industries for special consideration.

My last comment, and I appreciate the speaker bearing with me, the last comment and the last sentence from the report is perhaps the most telling, and I hope, if we remember anything that was said today on this one issue, this one sentence will ring in my colleagues' minds. It says:

Future generations should not look back and wonder how our leaders could have allowed the Nation to sell its basic defense resources to foreign interests for short-term economic gain.

I pray, Mr. Speaker, that we will not do that, and I yield back the balance of my time.

AMENDMENT TO CHANGE THE BASIS OF FEDERAL DEPOSIT INSURANCE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio [Mr. PEASE] is recognized for 5 minutes.

Mr. PEASE. Mr. Speaker, I rise today briefly to alert my colleagues that hopefully the Committee on Rules will make in order for our consideration on the savings and loan bailout bill an amendment of mine which would change the basis of Federal deposit insurance.

As my colleagues know, currently and for a number of years Federal deposit insurance has been available to individuals on a per-account basis. Theoretically, deposit insurance is available only once to a person in an institution. As a matter of fact, what happens is that members or individuals can have any number of deposits in a single institution as long as they have somebody else's name on the account with them and as long as it is a different name.

In addition to that, individuals can, or corporations for that matter, or pension funds, can also place money in a multiplicity of savings and loans and banks around the country, and in the same manner have a number of accounts in each one of those institutions.

So, it is possible, or would be possible, for example, for a person to put $10 million into one hundred different savings and loans around the country in denominations of $100,000. In that case all $10 million would be guaranteed by FSLIC and ultimately, of course, by the taxpayers of this country. A lot of sharp operators have figured that out long ago, and we entered in the middle of the 1930's into the practice of having brokers take large blocks of money from individuals, but also from institutions, corporations, pension funds, and so forth, and spreading that money in $100,000 chunks around the country in a number of savings and loan institutions. The perversity of that situation is that obviously the institutions or

the individuals wanted to get the highest possible return.

□ 1730

So the brokers placed these $100,000 chunks of money in those institutions offering the very highest returns. And what institutions were they? They were the savings and loans in the most serious trouble because they could not raise the money or get deposits locally. Local people knowing the situation were reluctant to put money into those institutions.

The brokers in the institutions and the individuals represented by those brokers could care less whether those savings and loans were sound or not because the good old Federal Government in the guise of FSLIC or the FDIC was guaranteeing those deposits up to $100,000. So what we have seen over the last several years is more and more money, millions of dollars, going into the weakest savings institutions in our country, the ones most likely to go belly-up, and all that liability being added to the Federal Government as we now cope with bailing out those savings and loans.

There are no absolutely firm figures on how much we are dealing with here, but the CBO has come up with an estimate of at least $137 billion over the last several years of liability. That means ultimately that if we have to make good on the insurance of those various depositors, it is $137 billion that we, the Federal Government and the taxpayers who support us, are responsible for.

I have no doubt at all in my own mind that the magnitude of the bailout cost that we are facing now was contributed to significantly by the fact that brokered accounts have been placed in institutions all over the country. If we want to prevent a recurrence of the kind of mess we are in now, it is imperative that in the future we stop that.

I will offer hopefully an amendment to the savings and loan bill tomorrow or the next day to change the basis from a per-depositor, per-account basis to one per person. Each one of our ordinary constituents could save up to $100,000 in one institution or in combination in several and have that money fully protected, but we would not be protecting millions or tens of millions of large institutional money being put in difficult savings and loans.

I hope very much that my colleagues will pay attention to that amendment and will want to support it when it comes up.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. BEREUTER (at the request of Mr. MICHEL), for today, on account of official business.

Mrs. COLLINS (at the request of Mr. ROSTENKOWSKI), for June 13 through June 20, on account of illness.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. HASTERT) to revise and extend their remarks and include extraneous material:)

Mr. BOEHLERT, for 5 minutes, on June 14 and 15.

(The following Members (at the request of Mr. MARTINEZ) to revise and extend their remarks and include extraneous material:)

Mr. PEASE, for 5 minutes, on June 14 and 15.

Mr. MARTINEZ, for 5 minutes, today.

Mr. HALL of Ohio, for 5 minutes, today.

Mr. ANNUNZIO, for 5 minutes, today.

Mr. ROSE, for 5 minutes, today.

Mr. NELSON of Florida, for 5 minutes, today.

Mr. PEASE, for 5 minutes, on June 14 and 15.

Mr. MFUME, for 60 minutes, on June 20.

(The following Member (at his own request) to revise and extend his remarks and include extraneous material:)

Mr. DREIER of California, for 5 minutes, today.

(The following Member (at his own request) to revise and extend his remarks and include extraneous material:)

Mr. WOLF, for 30 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. HASTERT) and to include extraneous matter:)

Mr. SCHUETTE in three instances.
Mr. MARTIN of New York.
Mr. CONTE.
Mrs. MEYERS of Kansas.
Mr. BUECHNER.
Mr. HASTERT.
Ms. SNOWE in two instances.
Mr. MACHTLEY.
Mr. GILMAN.
Mr. SHUMWAY.
Mr. GALLO.
Mr. FISH.
Mr. SOLOMON in four instances.
Mr. COBLE.
Mr. WELDON.

(The following Members (at the request of Mr. MARTINEZ) and to include extraneous matter:)

Mr. LANTOS in two instances.
Mr. DORGAN of North Dakota.
Mr. FORD of Michigan.
Mr. FAUNTROY.
Mr. GUARINI.
Mr. BERMAN.
Mr. TALLON.
Mr. BILBRAY.
Mr. BATES.
Mr. MCHUGH.
Mr. MANTON.
Mr. MILLER of California.
Mr. WEISS.
Mr. MAZZOLI.
Mr. HOCHBRUECKNER.
Mr. SOLARZ.
Mr. MFUME.
Mr. BRYANT.

SENATE JOINT AND CONCURRENT RESOLUTIONS REFERRED

Joint and concurrent resolutions of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S.J. Res. 55. Joint resolution to designate the week of October 1, 1989, through October 7, 1989, as "Mental Illness Awareness Week"; to the Committee on Post Office and Civil Service.

S.J. Res. 67. Joint resolution to commemorate the twenty-fifth anniversary of the Wilderness Act of 1964 which established the National Wilderness Preservation System; to the Committee on Post Office and Civil Service.

S.J. Res. 73. Joint resolution to designate the week beginning October 29, 1989, as "Gaucher's Disease Awareness Week"; to the Committee on Post Office and Civil Service.

S.J. Res. 76. Joint resolution to designate the period commencing on June 21, 1989, and ending on June 28, 1989, as "Food Science and Technology Week"; to the Committee on Post Office and Civil Service.

S.J. Res. 78. Joint resolution to designate the month of November 1989 and 1990 as "National Hospice Month"; to the Committee on Post Office and Civil Service.

S.J. Res. 85. Joint resolution to designate the week of July 24 to July 30, 1989, as the "National Week of Recognition and Remembrance for Those Who Served in the Korean War"; to the Committee on Post Office and Civil Service.

S.J. Res. 95. Joint resolution to designate the week of September 10, 1989, through September 16, 1989, as "National Check-Up Week"; to the Committee on Post Office and Civil Service.

S.J. Res. 96. Joint resolution designating July 2, 1989, as "National Literacy Day"; to the Committee on Post Office and Civil Service.

S.J. Res. 105. Joint resolution to designate October 7 through October 14, 1989, as "National Week of Outreach to the Rural Disabled"; to the Committee on Post Office and Civil Service.

S.J. Res. 108. Joint resolution designating October 3, 1989, as "National Teacher Appreciation Day"; to the Committee on Post Office and Civil Service.

S.J. Res. 109. Joint resolution to designate the period commencing September 11, 1989, and ending on September 15, 1989, as "National Historically Black Colleges Week"; to the Committee on Post Office and Civil Service.

S.J. Res. 110. Joint resolution designating October 5, 1989, as "Raoul Wallenberg Day"; to the Committee on Post Office and Civil Service.

S.J. Res. 117. Joint resolution to designate the week of November 19, 1989, through November 25, 1989, and the week of November 18, 1990, through November 24, 1990, as "National Family Week"; to the Committee on Post Office and Civil Service.

S.J. Res. 118. Joint resolution designating October 6, 1989, as "German-American Day"; to the Committee on Post Office and Civil Service.

S.J. Res. 120. Joint resolution to designate the period commencing November 12, 1989, and ending November 18, 1989, as "Geography Awareness Week"; to the Committee on Post Office and Civil Service.

S.J. Res. 122. Joint resolution to designate October 1989 and 1990 as "National Down Syndrome Month"; to the Committee on Post Office and Civil Service.

S.J. Res. 124. Joint resolution to designate October as "National Quality Month"; to the Committee on Post Office and Civil Service.

S.J. Res. 126. Joint resolution commemorating the bicentennial of the United States Coast Guard; to the Committee on Post Office and Civil Service.

S.J. Res. 130. Joint resolution designating February 11 through February 17, 1990, as "Vocational-Technical Education Week"; to the Committee on Post Office and Civil Service.

S.J. Res. 133. Joint resolution designating October 1989 as "National Domestic Violence Awareness Month"; to the Committee on Post Office and Civil Service.

S.J. Res. 136. Joint resolution designating August 8, 1989, as "National Neighborhood Crime Watch Day"; to the Committee on Post Office and Civil Service.

S.J. Res. 137. Joint resolution designating January 7, 1990, through January 13, 1990, as "National Law Enforcement Training Week"; to the Committee on Post Office and Civil Service.

S.J. Res. 138. Joint resolution designating October 16, 1989, and October 16, 1990, as "World Food Day"; to the Committee on Post Office and Civil Service.

S.J. Res. 142. Joint resolution Designating the week beginning July 23, 1989, as "Lyme Disease Awareness Week"; to the Committee on Post Office and Civil Service.

S.J. Res. 143. Joint resolution to designate the week of December 10, 1989, through December 16, 1989, as "National Drunk and Drugged Driving Awareness Week"; to the Committee on Post Office and Civil Service.

S.J. Res. 146. Joint resolution designating the week of September 24, 1989, as "Religious Freedom Week"; to the Committee on Post Office and Civil Service.

S.J. Res. 148. Joint resolution to designate the week of October 8, 1989, through October 14, 1989, as "National Job Skills Week"; to the Committee on Post Office and Civil Service.

S.J. Res. 150. Joint resolution to designate August 1, 1989, as "Helsinki Human Rights Day"; to the Committees on Foreign Affairs and Post Office and Civil Service.

S.J. Res. 151. Joint resolution to honor the United States Customs Service on the two hundredth anniversary of its establishment; to the Committee on Post Office and Civil Service.

S. Con. Res. 39. Concurrent resolution to commend the group of aviators known as the "Flying Tigers" for nearly 50 years of service to the United States; to the Committee on Post Office and Civil Service.

S. Con. Res. 40. Concurrent resolution to designate June 21, 1989, as Chaney, Goodman, and Schwerner Day; to the Committees on the Judiciary and Post Office and Civil Service.

SENATE ENROLLED JOINT RESOLUTION SIGNED

The SPEAKER announced his signature to an enrolled Joint resolution of the Senate of the following title:

S.J. Res. 63. Joint resolution designating June 14, 1989, as "Baltic Freedom Day," and for other purposes.

BILLS PRESENTED TO THE PRESIDENT

Mr. ANNUNZIO, from the Committee on House Administration, reported that that committee did on this day present to the President, for his approval, bills of the House of the following titles:

H.R. 2. An act to amend the Fair Labor Standards Act of 1938 to restore the minimum wage to a fair and equitable rate, and for other purposes;

H.R. 932. An act to provide for the settlement of land claims, and the resolution of certain issues of governmental jurisdiction, of the Puyallup Tribe of Indians in the State of Washington, and for other purposes; and

H.R. 964. An act to correct an error in Private Law 100-29 (relating to certain lands in Lamar County, Alabama) and to make technical corrections in certain other provisions of law.

ADJOURNMENT

Mr. PEASE. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 34 minutes p.m.), under its previous order the House adjourned until tomorrow, Wednesday, June 14, 1989, at 1 p.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1347. A letter from the Comptroller of the Department of Defense, transmitting the supplemental contract award report for the periods July 1, 1989, to August 31, 1989, pursuant to 10 U.S.C. 2431 (b); to the Committee on Armed Services.

1348. A letter from the Secretary of Health and Human Services, transmitting a report on the review of swing-bed care by Peer Review Organizations, pursuant to Public Law 100-203; jointly, to the Committee on Ways and Means and Energy and Commerce.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. HAWKINS: Committee on Education and Labor. H.R. 2281. A bill to amend the Elementary and Secondary dropout demonstration programs; with amendments (Rept. 101-82). Referred to the Committee of the Whole House on the State of the Union.

Mr. UDALL: Committee on Interior and Insular Affairs. H.R. 1529. A bill to provide for the establishment of the White Haven National Historic Site in the State Of Missouri, and for other purposes; with amendments (Rept. 101-83). Referred to the Committee of the Whole House on the State of the Union.

Mr. MOAKLEY: Committee on Rules. House Resolution 173. Resolution providing for the consideration of H.R. 1278, a bill to reform, recapitalize, and consolidate the Federal deposit insurance system, to enhance the regulatory and enforcement powers of Federal financial institutions regulatory agencies, and for other purposes (Rept. 101-85). Referred to the House Calendar.

REPORTED BILLS SEQUENTIALLY REFERRED

Under clause 5 of rule X, bills and reports were delivered to the Clerk for printing, and bills referred as follows:

Mr. UDALL: Committee on Interior and Insular Affairs. H.R. 987. A bill to amend the Alaska National Interest Lands Conservation Act, to designate certain lands in the Tongass National Forest as wilderness, and for other purposes; with an amendment; referred to the Committee on Agriculture for a period ending not later than June 30, 1989, for consideration of such provisions of the bill and amendment as fall within the jurisdiction of that Committee pursuant to clause 1(a), rule X (Report 101-84, Pt. 1). Ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ROSE:

H.R. 2600. A bill to amend the Social Security Act to establish a new program to provide for the health care needs of the elderly, and for other purposes; jointly, to the Committees on Ways and Means and Energy and Commerce.

By Mr. WAXMAN:

H.R. 2601. A bill to amend the Public Health Service Act to establish an agency to be known as the Agency for Health Care Research and Policy and to amend title XI of the Social Security Act with respect to evaluations of the outcomes of health care services and procedures; to the Committee on Energy and Commerce.

By Mr. AuCOIN:

H.R. 2602. A bill to convey to the Northwest Oregon Housing Authority certain property located in Astoria, OR; to the Committee on Education and Labor.

By Mr. BRYANT:

H.R. 2603. A bill to direct the Secretary of Health and Human Services to provide Federal minimum standards for health insurance for the elderly; to the Committee on Energy and Commerce.

By Mr. CAMPBELL of Colorado:

H.R. 2604. A bill to establish an abandoned minerals and materials mine reclamation fund to provide for the reclamation of areas adversely affected by certain mining activities, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. DORGAN of North Dakota:

H.R. 2605. A bill to amend the Internal Revenue Code of 1986 to provide that the discount rules relating to short-term obligations shall not apply to certain obligations of small banks; to the Committee on Ways and Means.

By Mr. FOGLIETTA (for himself, Mr. FLORIO, Ms. SCHNEIDER, Mr. BORSKI, Mr. KOSTMAYER, Mr. WALGREN, Mr. DWYER of New Jersey, Mr. SAXTON, Mr. MCNULTY, Mr. TALLON, Mr. ESPY, Mrs. BOGGS, Mr. SMITH of Mississippi, and Mr. WELDON):

H.R. 2606. A bill to amend the Maritime Act of 1981 to enhance interstate and foreign commerce and improve competitiveness of U.S. ports in such commerce by establishing a port improvement revolving loan program to be administered jointly by the Secretary of Commerce and the Secretary of Transportation; to the Committee on Public Works and Transportation.

By Mr. FRENZEL:

H.R. 2607. A bill to amend the Internal Revenue Code of 1986 to exclude certain employee productivity awards from gross income; to the Committee on Ways and Means.

H.R. 2608. A bill to amend the Internal Revenue Code of 1986 to permit private foundations and community foundations to establish tax-exempt cooperative service organizations; to the Committee on Ways and Means.

By Mr. GALLO (for himself, Mr. ROE, Mr. SAXTON, Mr. HUGHES, Mrs. JOHNSON of Connecticut, Mr. GUNDERSON, Mr. PENNY, Mr. HENRY, Mr. FAWELL, Mr. HORTON, Mr. KASICH, Mr. DOWNEY, Mr. OWENS of New York, Mr. COURTER, Mr. PALLONE, Mrs. ROUKEMA, Mr. FLORIO, Mr. DWYER of New Jersey, Mr. SOLOMON, Mr. KLECZKA, Mr. SMITH of New Jersey, Mr. TORRICELLI, Mr. ROBINSON, Mr. MCMILLAN of North Carolina, Mr. MCMILLEN of Maryland, Mrs. BOXER, Mr. HASTERT, Mr. NEAL of North Carolina, and Mr. SCHUETTE):

H.R. 2609. A bill to amend title 46, United States Code, to require double hulls on all tank vessels; to the Committee on Merchant Marine and Fisheries.

By Mr. GIBBONS (for himself and Mr. FRENZEL):

H.R. 2610. A bill to make the Superfund petroleum tax consistent with the General Agreement on Tariffs and Trades; to the Committee on Ways and Means.

By Mr. GILMAN:

H.R. 2611. A bill concerning democracy and human rights in the People's Republic of China and Tibet; jointly, to the Committees on Banking, Finance and Urban Affairs, Foreign Affairs, and Ways and Means.

By Mr. JONES of North Carolina (for himself, Mr. DAVIS, Mr. DYSON, Mr. FIELDS, Mr. TAUZIN, and Mrs. BENTLEY):

H.R. 2612. A bill to provide temporary authority to certain employees of the Panama Canal Commission to purchase food and other goods at any commissary or exchange store located in Panama which is operated by any military department of the United States; jointly, to the Committees on Armed Services and Merchant Marine and Fisheries.

By Mr. LANTOS (for himself and Mr. PORTER):

H.R. 2613. A bill to suspend most-favored-nation treatment for the products of the People's Republic of China and to suspend further operations by the Overseas Private Investment Corporation [OPIC] in the People's Republic of China until that country recognizes and protects fundamental human rights jointly, to the Committee on Ways and Means and Foreign Affairs.

By Mr. MACHTLEY:

H.R. 2614. A bill to establish a pilot program to encourage college students to serve as mentors for disadvantaged youths; to the Committee on Education and Labor.

By Mrs. MORELLA:

H.R. 2615. A bill to ensure the eligibility of displaced homemakers and single parents for Federal assistance for first-time home buyers; to the Committee on Banking, Finance and Urban Affairs.

By Mr. NEAL of North Carolina:

H.R. 2616. A bill to amend title II of the Social Security Act to eliminate the earnings test for individuals who have attained retirement age; to the Committee on Ways and Means.

By Mr. RUSSO (for himself and Mr. MILLER of California):

H.R. 2617. A bill to amend the National Labor Relations Act to make it an unfair labor practice for an employer to fail to reinstate certain senior employees upon the conclusion of a strike; to the Committee on Education and Labor.

By Mr. RUSSO (for himself and Mr. MILLER of California):

H.R. 2618. A bill to amend the Railway Labor Act to require the reinstatement of certain senior employees upon the conclusion of a strike; to the Committee on Energy and Commerce.

By Mr. SHUMWAY:

H.R. 2619. A bill to extend the Federal Energy Regulatory Commission License No. 2761 for construction of the South Fork American River Project, El Dorado County, CA; to the Committee on Energy and Commerce.

By Mr. SMITH of Mississippi:

H.R. 2620. A bill to amend the Endangered Species Act of 1973 to prohibit importation of shrimp from any country which does not require its shrimp fishing vessels to use turtle excluder devices, and for other purposes; jointly, to the Committees on Merchant Marine and Fisheries and Ways and Means.

By Ms. SNOWE:

H.R. 2621. A bill to provide for additional Border Partol personnel and the procurement of additional mobile sensor response systems for deployment at and designated Border Patrol checkpoint in the State of Maine; to the Committee on the Judiciary.

H.R. 2622. A bill to amend the Medicare Catastrophic Coverage Act of 1988 to expand the responsibilities of the Advisory Committee on Medicare Home Health Claims and to provide a fixed date for the termination of such Advisory Committee; jointly, to the Committees on Ways and Means and Energy and Commerce.

By Ms. SNOWE (for herself and Mr. BRENNAN):

H.R. 2623. A bill to authorize funds for the Muskie Archives, and for other purposes; to the Committee on Education and Labor.

By Mr. SOLOMON:

H.R. 2624. A bill to prohibit the export of satellites intended for launch from launch vehicles owned by China; to the Committee on Foreign Affairs.

By Mr. SYNAR:

H.R. 2625. A bill to prohibit further obligation of funds for procurement of production aircraft under the B-2 Advanced Technology Bomber Program until the Secretary of Defense certifies to Congress that flight testing of the B-2 aircraft has been successfully accomplished; to the Committee on Armed Services.

By Mr. TALLON:

H.R. 2626. A bill to amend the Internal Revenue Code of 1986 to facilitate the use of amounts from individual retirement plans to pay long-term health care insurance premiums, educational expenses, and first home acquisition costs; to the Committee on Ways and Means.

By Mr. HOYER (for himself, Mr. FASCELL, Mr. MARKEY, Mr. FEIGHAN, Mr. RICHARDSON, Mr. RITTER, Mr. SMITH of New Jersey, Mr. PORTER, and Mr. WOLF):

H.J. Res. 292. Joint resolution to designate August 1, 1989, as "Helsinki Human Rights Day"; jointly, to the Committees on Post Office and Civil Service and Foreign Affairs.

By Mr. HUGHES (for himself and Mr. MCCOLLUM):

H.J. Res. 293. Joint resolution designating August 8, 1989, as "National Neighborhood Crime Watch Day"; to the Committee on Post Office and Civil Service.

By Mr. SANGMEISTER (for himself, Mr. COSTELLO, Mr. DURBIN, Mr. LIPINSKI, Mr. POSHARD, Mr. COBLE, and Mr. HUTTO):

H.J. Res. 294. Joint resolution proposing an amendment to the Constitution of the United States to provide for the automatic removal of Federal judges upon their conviction of serious crimes; to the Committee on the Judiciary.

By Mr. BATES:

H. Con. Res. 150. Concurrent resolution authorizing the printing of a collection of statements in tribute to the late Representative Claude Denson Pepper; to the Committee on House Administration.

By Mr. JONES of North Carolina (for himself, Mr. DAVIS, Mr. LENT, Mr. ACKERMAN, Mr. AKAKA, Mr. ANDERSON, Mr. ANNUNZIO, Mr. AUCOIN, Mr. BATEMAN, Mr. BENNETT, Mrs. BENTLEY, Mr. BEVILL, Mr. BILBRAY, Mr. BILIRAKIS, Mrs. BOGGS, Mr. BORSKI, Mr. BOSCO, Mrs. BOXER, Mr. BRENNAN, Mr. BUNNING, Mr. BUSTAMANTE, Mr. CALLAHAN, Mr. CAMPBELL of Colorado, Mr. CLARKE, Mr. CLEMENT, Mr. CLINGER, Mrs. COLLINS, Mr. DELLUMS, Mr. DICKS, Mr. DYSON, Mr. ENGEL, Mr. FASCELL, Mr. FAZIO, Mr. FIELDS, Mr. FOGLIETTA, Mr. FORD of Michigan, Mr. GALLO, Mr. GAYDOS, Mr. GOSS, Mr. GRANT, Mr. GUARINI, Mr. HASTERT, Mr. HAYES of Illinois, Mr. HAYES of Louisiana, Mr. HEFNER, Mr. HOCHBRUECKNER, Mr. HORTON, Mr. HUBBARD, Mr. HUGHES, Mr. HUNTER, Mr. HUTTO, Mr. INHOFE, Mr. JONTZ, Mr. KOLTER, Mr. LANCASTER, Mr. LEWIS of California, Mr. LIPINSKI, Mr. LIVINGSTON, Mrs. LOWEY of New York, Mr. MANTON, Mr. MARTIN of New York, Mr. MAVROULES, Mr. MCCLOSKEY, Mr. MCGRATH, Mr. MCNULTY, Mr. MILLER of Washington, Mr. MOAKLEY, Mr. MOLINARI, Mr. MRAZEK, Mr. MURPHY, Mr. NEAL of North Carolina, Mr. ORTIZ, Mr. PALLONE, Ms. PELOSI, Mr. PERKINS, Mr. PICKETT, Mr. QUILLEN, Mr.

RAHALL, Mr. ROE, Mr. ROSE, Mrs. SAIKI, Mr. SAVAGE, Mr. SAXTON, Mr. SHUMWAY, Mr. SIKORSKI, Mr. SMITH of Florida, Mr. SMITH of Mississippi, Mr. SMITH of New Jersey, Mr. SOLARZ, Mr. SOLOMON, Mr. STAGGERS, Mr. STOKES, Mr. STUDDS, Mr. TALLON, Mr. TAUZIN, Mr. TORRICELLI, Mr. TOWNS, Mrs. UNSOELD, Mr. VANDER JAGT, Mr. WELDON, Mr. WILSON, Mr. YATRON, and Mr. YOUNG of Alaska):

H. Con. Res. 151. Concurrent resolution to recognize the uniqueness of and express strong support for the maritime policy of the United States, and to urge the Administration in the strongest possible terms to not propose maritime transportation services for inclusion at the General Agreement on Tariffs and Trade and to actively oppose any proposal that would consider maritime transportation as an area for negotiation; jointly, to the Committees on Ways and Means and Merchant Marine and Fisheries.

By Mr. LANTOS (for himself, Mr. BROOMFIELD, and Mr. PORTER):

H. Con. Res. 152. Concurrent resolution expressing the grave concern of the Congress regarding human rights violations in the Socialist Federal Republic of Yugoslavia; to the Committee on Foreign Affairs.

By Mr. BILIRAKIS (for himself, Mr. TOWNS, Mr. BROOMFIELD, Mr. BATES, Mr. MCCOLLUM, Mr. GIBBONS, Mr. RICHARDSON, Mr. FIELDS, Mr. LEWIS of Florida, Mr. RHODES, Mr. COURTER, Mr. COMBEST, Mr. RITTER, Mr. BARTON of Texas, Mr. ANDERSON, Mr. CALLAHAN, Mr. COUGHLIN, Mr. BLILEY, Mr. GOSS, Mr. DONALD E. LUKENS, Mrs. MORELLA, Mr. MADIGAN, Mr. DORNAN of California, Mr. ROWLAND of Georgia, Mr. TAUKE, Mr. JAMES, Mr. MCCANDLESS, Mr. BILBRAY, Mr. BAKER, Mr. LAGOMARSINO, Mrs. MARTIN of Illinois, Mr. DYMALLY, Mr. ARMEY, Mr. LANCASTER, Mr. NIELSON of Utah, Mr. APPLEGATE, Mr. FROST, Mr. GILLMOR, Mr. ROHRABACHER, Mr. DOUGLAS, Mr. CAMPBELL of California, Mr. STEARNS, Mr. WALSH, Mr. SMITH of Mississippi, Mr. COX, Mr. HANCOCK, Mr. SCHIFF, Mr. SMITH of Vermont, Mr. PAXON, Mr. BURTON of Indiana, Mr. SLAUGHTER of Virginia, Mrs. BENTLEY, Mr. ORTIZ, Mr. RAHALL, Mr. HATCHER, Mr. SMITH of New Hampshire, Mr. SAXTON, Mr. MACHTLEY, Mr. SMITH of Texas, Mr. BEILENSON, Mr. MORRISON of Washington, Mr. HYDE, Mr. PARKER, Mr. ROBERTS, Mr. OXLEY, Mr. HAYES of Louisiana, Mr. RINALDO, Mr. SCHAEFER, Mr. SKAGGS, Mr. WILSON, Mr. FAWELL, Mr. WELDON, Mr. BEREUTER, Mr. KOLTER, Mr. HALL of Texas, Mr. KYL, Mr. GRANT, Mr. DANNEMEYER, Mr. QUILLEN, Mr. LIVINGSTON, Mr. PAYNE of New Jersey, Mr. NEAL of Massachusetts, Mr. WYLIE, Mr. HILER, Mr. BUNNING, Mr. FRANK, Mr. CLEMENT, Mrs. LLOYD, Mr. HUGHES, Mr. JONTZ, Mr. HOLLOWAY, Mr. BEVILL, Mr. POSHARD, Mr. SHAYS, Mr. VALENTINE, Mr. GUNDERSON, Mr. HEFNER, Mr. DURBIN, Mr. MOORHEAD, Mrs. ROUKEMA, Mr. CAMPBELL of Colorado, Mr. MOLINARI, Mr. STUMP, Mr. MCMILLAN of North Carolina, Mr. HOUGHTON, Mr. BALLENGER, Mrs. MEYERS of Kansas, Mr. HORTON, Mr. THOMAS of Georgia, Mr. HARRIS, Mr. MCCRERY, Mr. BROWN of Colorado, Mr. GALLEGLY, Mr. HUTTO, Mr. PAYNE of Virginia, Mr. OWENS of Utah, Mr. NELSON of Florida, Mr. ROE, Mrs. LOWEY of New York, Mr. MICHEL, and Mrs. PATTERSON):

H. Res. 169. Resolution expressing the sense of the House of Representatives respecting review of, and hearings on, the Medicare Catastrophic Coverage Act of 1988; jointly, to the Committees on Ways and Means and Energy and Commerce.

By Ms. KAPTUR:

H. Res. 170. Resolution expressing the sense of the House of Representatives that long-term care aides make significant contributions to individuals of all ages in the United States and deserve recognition and compensation for their efforts; jointly to the Committees on Energy and Commerce and Education and Labor.

By Mr. LANCASTER (for himself, Mr. ACKERMAN, Mr. AUCOIN, Mr. BOUCHER, Mr. FAZIO, Mr. FUSTER, Mr. GREEN, Mr. JACOBS, Mr. KOSTMAYER, Mr. NIELSON of Utah, Mrs. PATTERSON, Ms. PELOSI, Mr. PENNY, Mr. PRICE, Mr. RAHALL, Mr. ROBINSON, Mr. SKAGGS, Mr. SLATTERY, Mr. VALENTINE and Mr. WALSH):

H. Res. 171. Resolution amending the Rules of the House of Representatives to create a Scholars' Gallery; to the Committee on Rules.

By Mr. STENHOLM (for himself, Mr. WELDON, Mr. BALLENGER, Mr. BARTLETT, Mr. BARTON of Texas, Mr. BATES, Mr. BENNETT, Mr. BILBRAY, Mr. BROWDER, Mr. BUECHNER, Mr. CAMPBELL of Colorado, Mr. CARPER, Mr. COURTER, Mr. DE LA GARZA, Mr. DYSON, Mr. FAWELL, Mr. FLORIO, Mr. HALL of Texas, Mr. HAMILTON, Mr. HARRIS, Mr. HUCKABY, Mr. INHOFE, Mr. JOHNSON of South Dakota, Mr. LANCASTER, Mr. LEATH of Texas, Mr. LEWIS of Florida, Mr. MARLENEE, Mr. MCCOLLUM, Mrs. MEYERS of Kansas, Mr. MONTGOMERY, Mr. MOORHEAD, Mr. NEAL of North Carolina, Mr. NIELSON of Utah, Mr. OLIN, Mr. PARKER, Mrs. PATTERSON, Mr. PAYNE of Virginia, Mr. PENNY, Mr. PETRI, Mr. RAY, Mr. ROBINSON, Mr. SARPALIUS, Mr. SAXTON, Mrs. SCHROEDER, Mr. SHARP, Mr. SIKORSKI, Mr. SKAGGS, Mr. SKELTON, Mr. SLATTERY, Mr. DENNY SMITH, Mr. SMITH of Texas, Mr. SOLOMON, Mr. STALLINGS, Mr. SYNAR, Mr. TALLON, Mr. TAUKE, Mr. TAUZIN, Mr. THOMAS of Georgia, Mr. TRAFICANT, Mr. UPTON, Mr. VALENTINE, and Mr. WALKER):

H. Res. 172. Resolution to amend the Rules of the House of Representatives to require committees to include in committee reports, and conference committees to include in joint explanatory statements, the identity, sponsor, and cost of each provision of a reported bill or conference report which benefits 10 or fewer beneficiaries to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII,

Mr. OXLEY introduced a bill (H.R. 2627) for the relief of the estate of Commodore Perry Miller; which was referred to the Committee on Ways and Means.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 6: Mr. WHITTAKER, Mr. HASTERT, Mr. SMITH of New Hampshire, Mr. KOLBE, Mr. GALLEGLY, Mr. RAVENEL, Mr. HEFLEY, Mr. DEWINE, Mr. GRANDY, Mr. SCHIFF, Mr. GOODLING, Mr. LIGHTFOOT, Mr. CHANDLER, Mrs. SMITH of Nebraska, Mr. PACKARD, Mr. WELDON, Mr. BOEHLERT, Mr. GALLO, Mr. COBLE, Mr. COLEMAN of Missouri, Ms. SCHNEIDER, and Mr. YOUNG of Alaska.

H.R. 19: Mr. BEILENSON, Mr. CLEMENT, and Mr. EVANS.

H.R. 24: Mrs. BOXER, Mr. STARK, and Mr. JOHNSTON of Florida.

H.R. 45: Mr. CARPER.

H.R. 58: Mr. GOODLING and Mr. SUNDQUIST.

H.R. 60: Mr. SCHULZE, Mr. MCEWEN, Mr. BUSTAMANTE, Mr. HANSEN, Mr. PORTER, Mr. STALLINGS, Mr. EMERSON, Mr. COLEMAN of Missouri, Mr. GORDON, Mr. HOPKINS, Mr. LAGOMARSINO, Mr. SHUMWAY, Mr. QUILLEN, Mr. JACOBS, Mr. BEREUTER, Mr. MORRISON of Washington, Mr. LIVINGSTON, and Mr. INHOFE.

H.R. 63: Mr. GOODLING, Mr. SMITH of New Hampshire, Mr. PACKARD, Mr. BUSTAMANTE, Mr. BATES, Mr. MOLINARI, and Mr. GILLMOR.

H.R. 108: Mr. BAKER, Mrs. BOXER, and Mr. LIPINSKI.

H.R. 110: Mr. ANDREWS and Mr. EDWARDS of Oklahoma.

H.R. 145: Mr. BRYANT, Mr. COLEMAN of Texas, Mr. HORTON, Mrs. LOWEY of New York, Mr. MCDERMOTT, Mr. OBEY, and Mr. SANGMEISTER.

H.R. 201: Mrs. SCHROEDER.

H.R. 215: Mr. LENT, Mr. ENGEL, Mr. SCHAEFER, Mrs. MORELLA, Mr. BARNARD, and Mr. MOORHEAD.

H.R. 220: Ms. KAPTUR.

H.R. 283: Mr. HASTERT, Mr. WALSH, Mr. ANDREWS, and Mr. HUBBARD.

H.R. 286: Mr. SOLOMON.

H.R. 332: Mr. MOLINARI.

H.R. 360: Mr. CLAY.

H.R. 361: Mr. SAVAGE, Mr. FORD of Tennessee, Mr. CLAY, Mr. HAWKINS, Mr. DIXON, Mr. TOWNS, and Mr. PAYNE of New Jersey.

H.R. 458: Mr. HENRY and Mr. MOORHEAD.

H.R. 500: Mr. PENNY, Mr. NOWAK, and Mr. KOSTMAYER.

H.R. 534: Mr. GOSS, Mr. HAWKINS, Mr. BRUCE, Mr. MATSUI, Mr. HOCHBRUECKNER, Mr. TAUZIN, and Mr. KANJORSKI.

H.R. 560: Mrs. BOXER.

H.R. 561: Mr. EDWARDS of Oklahoma.

H.R. 634: Mr. BROWDER, Mr. FEIGHAN, Mr. FLAKE, Mr. GAYDOS, Mr. DICKINSON, Mr. JOHNSON of South Dakota, Mr. PALLONE, Mr. HOUGHTON, Mr. MCCANDLESS, Mr. TORRICELLI, and Ms. SNOWE.

H.R. 664: Mr. SARPALIUS and Mr. GALLEGLY.

H.R. 694: Mr. BUSTAMANTE, Mr. CAMPBELL of Colorado, Mr. CHAPMAN, Mrs. COLLINS, Mr. DEFAZIO, Mr. DYMALLY, Mr. FAZIO, Mr. FLIPPO, Mr. FRANK, Mr. GEJDENSON, Mr. JOHNSON, of South Dakota, Mr. LEATH of Texas, Mrs. LOWEY of New York, Mr. MAVROULES, Mr. MURPHY, Mr. OWENS of New York, Mr. PAYNE of New Jersey, Mr. RICHARDSON, Mr. COBLE, Mr. DELAY, Mr. FIELDS, Mr. GILMAN, Mr. GUNDERSON, Mr. HENRY, Mr. HORTON, Mr. JAMES, Mr. LAGOMARSINO, Mr. MCCRERY, Mr. MCMILLAN of North Carolina, Mr. MADIGAN, Mr. MARTIN of New York, Mr. MACHTLEY, Mr. NIELSON of Utah, Mr. PACKARD, Mr. PASHAYAN, Mr. PAXON, Mr.

RAVENEL, Mr. SHAYS, Mr. SHUMWAY, Mr. SLAUGHTER of Virginia, Mr. SMITH of Vermont, Mr. TAUKE, Mr. WALKER, Mr. WOLF, Mr. ROBINSON, Mr. SISISKY, Mr. WILSON, Mr. WOLPE, Mr. BEVILL, Mr. BROWDER, and Mr. GLICKMAN.

H.R. 711: Mr. BARNARD and Mr. KANJORSKI.

H.R. 719: Mr. GUNDERSON, Mr. GINGRICH, Mr. PACKARD, Mr. DELAY, Mr. HASTERT, Mr. MCMILLAN of North Carolina, and Mr. BAKER.

H.R. 844: Mr. MCEWEN.

H.R. 854: Mr. JOHNSTON of Florida, Mr. FRANK, Mr. SCHUETTE, Mr. OWENS of Utah, Mr. BRENNAN, and Mr. ROE.

H.R. 883: Mr. BROOMFIELD, Mr. JACOBS, Mr. FEIGHAN, Mr. COSTELLO, Mr. ACKERMAN, Mr. EVANS, and Mr. DWYER of New Jersey.

H.R. 915: Mr. MARTINEZ, Mr. HUNTER, Mr. DENNY SMITH, Mr. LEWIS of California, Mr. HERGER, Mr. MCCANDLESS, Mr. MOORHEAD, Mr. DEFAZIO, Mr. PASHAYAN, and Mr. SHUMWAY.

H.R. 917: Mr. GOSS.

H.R. 930: Mr. SABO, Mr. MCMILLEN of Maryland, Mr. CLAY, and Mr. FORD of Michigan.

H.R. 979: Mr. FAUNTROY, Mr. NAGLE, Mr. HUCKABY, Mr. JONTZ, Mr. ATKINS, Mr. FORD of Michigan, Mrs. KENNELLY, Mr. CONYERS, and Mr. MYERS of Indiana.

H.R. 985: Mr. PETRI.

H.R. 987: Mr. COURTER.

H.R. 995: Mr. MADIGAN, Mr. KOSTMAYER, Mr. GUNDERSON, Mr. WALSH, Mr. COLEMAN of Missouri, and Mr. EDWARDS of Oklahoma.

H.R. 1028: Mr. JONTZ, Mr. CHAPMAN, Mr. SCHIFF, Mr. BOEHLERT, Mr. SAWYER, Mr. VALENTINE, Mr. CRAIG, Mr. TRAFICANT, Mr. SMITH of New Jersey, Mr. FEIGHAN, Mr. PETRI, Mr. FUSTER, Mr. SAVAGE, Mr. HUNTER, Mr. ROBERTS, Mr. ATKINS, Mr. MARTINEZ, Mr. PURSELL, Mr. CHANDLER, Mr. STENHOLM, Mr. HUTTO, Mr. BERMAN, Mr. VOLKMER, Mr. STANGELAND, Mr. EMERSON, Mr. SUNDQUIST, Mr. POSHARD, Mr. BRYANT, Mr. APPLEGATE, Mr. HYDE, Mr. GRAY, Mr. LENT, Mr. SCHEUER, Mr. BENNETT, Mr. PICKLE, Mr. KASICH, Mr. BROWN of Colorado, Mr. RICHARDSON, Mr. GOSS, Mr. ROWLAND of Connecticut, Mr. SHAYS, Mr. PICKETT, Mr. SISISKY, Mr. WAXMAN, Mr. HUGHES, Mr. FAWELL, Mr. MCNULTY, Mr. WALSH, Mr. ERDREICH, Mr. MFUME, and Mr. SCHAEFER.

H.R. 1030: Mr. ATKINS.

H.R. 1074: Mr. ESPY, Mr. CROCKETT, Mr. FUSTER, Mr. WAXMAN, and Mr. HUBBARD.

H.R. 1174: Mr. SMITH of Mississippi, Mr. ROE, and Mr. ECKART.

H.R. 1216: Ms. PELOSI, Mr. SYNAR, Mrs. MORELLA, and Mr. CAMPBELL of Colorado.

H.R. 1226: Mr. RINALDO.

H.R. 1235: Mr. RANGEL and Mr. PANETTA.

H.R. 1243: Mr. PURSELL.

H.R. 1333: Mrs. BENTLEY and Mr. ATKINS.

H.R. 1371: Mr. FRANK and Mr. LAUGHLIN.

H.R. 1386: Mr. ATKINS.

H.R. 1394: Mr. MARTINEZ.

H.R. 1432: Mr. LEWIS of Georgia, Mrs. BOXER, Mr. WHEAT, Mr. LELAND, Mr. MCGRATH, Mr. KOLTER, Mr. TOWNS, Mr. ACKERMAN, Mrs. COLLINS, Mrs. JOHNSON of Connecticut, Mr. CHAPMAN, Mr. CONTE, Mrs. SAIKI, Mr. BUSTAMANTE, Mr. STARK, Mr. KILDEE, Mr. LEVINE of California, Mr. SCHUETTE, Ms. SCHNEIDER, Mr. ROE, Mr. GEJDENSON, Mr. OWENS of New York, Mr. FAZIO, Mr. MORRISON of Connecticut, Mr. STOKES, Mr. GAYDOS, Mr. MILLER of California, Mr. MURPHY, Mr. HAYES of Illinois, Mr. PERKINS, Mr. SAWYER, Mr. PAYNE of New Jersey, Mrs. LOWEY of New York, Mr. POSHARD, Mrs. UNSOELD, Mr. RAHALL, Mr. VISCLOSKY, Mr. JONTZ, Mr. DWYER of New Jersey, and Mr. MRAZEK.

H.R. 1456: Mr. MOODY.

H.R. 1528: Mr. CLINGER.

H.R. 1599: Mr. HASTERT.

H.R. 1601: Mr. HASTERT.

H.R. 1614: Mr. YOUNG of Florida and Mr. CLARKE.

H.R. 1632: Mr. FAUNTROY and Mr. ERDREICH.

H.R. 1690: Mr. CLEMENT, Mr. CLINGER, Mr. ESPY, Mr. MARTINEZ, and Mr. BROWN of California.

H.R. 1699: Mr. LEWIS of Georgia, Mr. BLILEY, and Mr. JOHNSON of South Dakota.

H.R. 1711: Mr. LAGOMARSINO, Mr. SKEEN, Mr. PORTER, Mr. PETRI, and Mrs. BENTLEY.

H.R. 1760: Mr. THOMAS of Georgia and Mr. TALLON.

H.R. 1780: Mr. GEJDENSON, Mr. LIPINSKI, Mr. BUSTAMANTE, Mr. BRENNAN, Mr. SISISKY, and Mrs. PATTERSON.

H.R. 1782: Mr. WALSH, Mr. WEBER, and Mr. RHODES.

H.R. 1860: Mr. ERDREICH, Mr. STAGGERS, Mr. CLAY, Mr. HORTON, Mr. SIKORSKI, and Mr. EMERSON.

H.R. 1864: Mr. ROBINSON, Mrs. UNSOELD, Mr. NEAL of North Carolina, Mr. FORD of Michigan, Ms. PELOSI, and Mr. HANSEN.

H.R. 2008: Mr. PETRI, Mr. SPENCE, Mr. MADIGAN, Mr. MCEWEN, Mr. IRELAND, Mr. SKEEN, Mr. MILLER of Washington, Mr. BARTON of Texas, and Mr. FIELDS.

H.R. 2021: Mr. ROBINSON, Mr. TANNER, and Mr. PARKER.

H.R. 2023: Mr. DURBIN.

H.R. 2055: Mr. LEWIS of California.

H.R. 2080: Mr. ERDREICH, Mr. KOLTER, and Mr. OWENS of New York.

H.R. 2098: Mr. FAWELL, Ms. LONG, Mr. MCCOLLUM, Mr. ROE, Mr. ORTIZ, Mr. DREIER of California, Mr. CALLAHAN, Mr. NIELSON of Utah, Mr. BATEMAN, Mr. WALSH, Mr. ENGLISH, Mr. LANTOS, Mr. THOMAS of Georgia, Mr. HARRIS, Mr. RAVENEL, Mr. MINETA, Mr. YOUNG of Alaska, Mr. DEFAZIO, Mr. COBLE, Mr. MCCLOSKEY, Mr. BROWN of California, Mr. RHODES, Mr. FAZIO, Mr. CAMPBELL of Colorado, Mr. GINGRICH, Mr. FOGLIETTA, Mrs. VUCANOVICH, Mr. OLIN, and Mr. EDWARDS of California.

H.R. 2111: Mr. BRYANT.

H.R. 2121: Mr. WALKER, Mr. CONYERS, Mr. MILLER of Ohio, Mr. KANJORSKI, Mr. WALSH, and Mr. AKAKA.

H.R. 2144: Mr. OLIN.

H.R. 2191: Mr. SOLOMON and Mr. VANDER JAGT.

H.R. 2192: Mr. LANCASTER, Mr. DYMALLY, Mr. BROWN of California, and Mr. WALSH.

H.R. 2233: Mr. ATKINS.

H.R. 2245: Mr. JACOBS, Mr. FAUNTROY, Mr. ATKINS, Mr. GALLEGLY, Mr. FUSTER, Mr. SMITH of Mississippi, Mr. TOWNS, Mr. HAYES of Louisiana, Mr. ROBINSON, Mr. LAGOMARSINO, and Mr. PARKER.

H.R. 2283: Mr. FLORIO, Mr. BUSTAMANTE, Mrs. BENTLEY, Mr. BILIRAKIS, Mr. POSHARD, and Mr. EMERSON.

H.R. 2302: Mr. LAGOMARSINO.

H.R. 2303: Mr. LAGOMARSINO and Mr. JONTZ.

H.R. 2318: Mr. DWYER of New Jersey, Mr. BUSTAMANTE, Mr. OWENS of New York, and Mrs. ROUKEMA.

H.R. 2319: Mr. BATEMAN, Mr. DERRICK, Mr. CLAY, Mr. KENNEDY, Mr. CALLAHAN, Mr. BARNARD, Mr. MFUME, Mr. ROBINSON, Mr. RAVENEL, Mr. STUDDS, Mr. CROCKETT, Mr. BALLENGER, Mr. OBERSTAR, Mr. MAZZOLI, Mrs. ROUKEMA, Mr. SPRATT, Mr. GEJDENSON, Mr. FAZIO, Mr. EMERSON, Mr. LAGOMARSINO, Mr. BILBRAY, Mr. EVANS, Mr. TALLON, Mr. LELAND, and Mr. NATCHER.

H.R. 2345: Mr. MARTINEZ, Mr. OWENS of New York, Mr. GIBBONS, and Mr. LIPINSKI

H.R. 2348: Mr. OLIN, Mr. FAWELL, Mr. SUNDQUIST, Mr. ARMEY, Mr. WALKER, Mr. BAKER, Mr. DYMALLY, Mr. FIELDS, Mr. WALSH, Mr. DORNAN of California, Mr. CHAPMAN, Mr. GUNDERSON, Mr. LAGOMARSINO, and Mr. SHAW.

H.R. 2349: Mr. FAWELL, Mr. RAHALL, and Mr. HUCKABY.

H.R. 2353: Mr. ANDREWS and Mrs. MEYERS of Kansass.

H.R. 2376: Mr. PALLONE, Mr. BUSTAMANTE, Mr. LEWIS of Georgia, Mr. STUDDS, Mr. JONTZ, Mr. FAUNTROY, Mr. TOWNS, Mr. MANTON, Mr. KOLTER, Mr. DWYER of New Jersey, Mr. OWENS of New York, Mr. GEJDENSON, and Mr. FUSTER.

H.R. 2380: Mr. BROWN of California, Mr. BROWN of Colorado, Mr. LIPINSKI, Mr. HANCOCK, Mr. ROBINSON, and Mr. SIKORSKI.

H.R. 2460: Mr. DARDEN.

H.R. 2529: Mr. COSTELLO, Mr. PACKARD, Mr. STARK, Mr. BAKER, Mr. MCGRATH, Mr. ROBINSON, Mr. PASHAYAN, Mr. WHITTAKER, Mr. PORTER, Mrs. PATTERSON, Mr. HAWKINS, and Mr. BROWN of Colorado.

H.R. 2560: Mr. FRANK, Mr. STOKES, Mr. FUSTER, Mr. KOSTMAYER, Mr. WOLPE, Mr. ATKINS, Mr. FLORIO, Mr. DYMALLY, Mr. MILLER of Washington, Mr. HYDE, Mr. VOLKMER, Mrs. UNSOELD, and Mr. ROWLAND of Connecticut.

H.J. Res. 3: Mr. LEACH of Iowa and Mr. HENRY.

H.J. Res. 104: Mr. PRICE, Mr. FISH, Mr. WELDON, Mr. GUARINI, Mr. SAXTON, Mr. SPENCE, Mr. CRANE, Mr. NATCHER, Ms. SLAUGHTER of New York, Mr. PALLONE, Mr. MILLER of California, Mrs. LOWEY of New York, Mr. PARRIS, Mr. WYLIE, Mr. KANJORSKI, Mrs. PATTERSON, Mr. MAZZOLI, Mr. TORRICELLI, and Mr. OXLEY.

H.J. Res. 138: Mrs. KENNELLY.

H.J. Res. 163: Mr. VOLKMER, Mr. CARPER, Mr. JONTZ, Mr. CHAPMAN, Mr. MANTON, Mr. MCNULTY, Mr. LEVIN of Michigan, Mr. HAWKINS, Mr. SKELTON, Mr. LEWIS of Georgia, Mr. WILLIAMS, Mr. MARTIN of New York, Mr. FLORIO, Mr. SABO, Mr. MADIGAN, Mr. DICKS, Mr. COELHO, Mr. MCCOLLUM, Mr. VALENTINE, Mr. SAVAGE, Mr. SOLOMON, Mr. GALLEGLY and Mrs. MEYERS of Kansas.

H.J. Res. 166: Mr. THOMAS of Georgia, Mr. EMERSON, Mr. FAUNTROY, Mr. FAZIO, Mr. TRAXLER, Mr. BLILEY, Mr. HORTON, Mr. DYMALLY, Mr. ESPY, Mr. SKEEN, Mr. HATCHER, Mr. SCHUETTE, Mr. LANCASTER, Mr. HARRIS, Mr. MARTINEZ, Mr. YOUNG of Alaska, Mr. JOHNSON of South Dakota, Mr. HAMILTON, Mr. EVANS, Mr. ROBERTS, Mr. SOLOMON, Mr. FUSTER, Mr. BILBRAY, Mr. HERGER, Mr. STENHOLM, Mrs. MARTIN of Illinois, Mr. WILSON, Mr. MADIGAN, Mr. ROBERT F. SMITH, Mr. GUNDERSON, Mr. ECKART, Mr. SAWYER, Mr. GRANDY, Mr. WISE, Mr. LEWIS of Florida, Mr. SAVAGE, Mr. LAGOMARSINO, Mr. FLIPPO, Mr. GRANT, Mr. DEFAZIO, Mr. DE LUGO, Mr. HAMMERSCHMIDT, Mr. HAYES of Louisiana, Mr. HENRY, Mr. TALLON, Mr. WEBER, Mr. WHITTEN, and Mr. WOLF.

H.J. Res. 184: Mr. BROWN of California, Mr. FAZIO, Mr. WYLIE, Mr. COOPER, Mr. OWENS of New York, Mr. BORSKI, Mr. SANGMEISTER, Mrs. LOWEY of New York, Mr. MARKEY, Mr. ROE, Mr. ASPIN, Mr. HOYER, Mr. KASICH, Mr. HEFLEY, Mr. ECKART, Mr. GUNDERSON, Mr. ERDREICH, Mr. CRANE, Mr. NOWAK, Mr. MCCOLLUM, Mr. MFUME, Mr. SAVAGE, Mr. LANCASTER, Mr. LEWIS of Florida, Mr. LELAND, Mr. BONIOR, Mr. GORDON, Mr. DREIER of California, Mr. HAYES of Illinois, Mr. HEFNER, Mr. HOCHBRUECKNER, Mr. RHODES, Mrs. ROUKEMA, Mrs. BYRON, Mr.

GARCIA, Mr. ATKINS, Mr. FORD of Tennessee, Mr. FLIPPO, Mr. GOSS, Mr. ANDERSON, Mr. MAVROULES, Mr. TORRES, Mr. SAWYER, Mr. HARRIS, Mr. NEAL of North Carolina, Mr. BOSCO, Mr. STUDDS, Mr. HUTTO, Mr. HILER, Mr. LAGOMARSINO, Mr. ROSE, Mr. LOWERY of California, Mr. WYDEN, Mr. SHARP, Mr. DIXON, Mr. DAVIS, Mr. DORGAN of North Dakota, Mr. SAXTON, Mr. BRUCE, Mr. HUNTER, Mr. GILMAN, Mr. PEASE, Mr. CHANDLER, Mr. ROWLAND of Georgia, Mr. MCMILLEN of Maryland, Mr. MICHEL, Mr. GUARINI, Mr. PAYNE of New Jersey, Mr. ARCHER, Mr. UDALL, Mr. KANJORSKI, Mr. MCDERMOTT, Mr. SARPALIUS, Mrs. UNSOELD, Mr. HERGER, Mr. WALGREN, Mr. GLICKMAN, Mr. LENT, Mr. BROWN of Colorado, Mr. SLATTERY, Mr. WALSH, Mr. KASTENMEIER, and Ms. KAPTUR.

H.J. Res. 194: Mr. INHOFE, Mr. RAVENEL, Mr. HALL of Ohio, Mr. STALLINGS, Mr. RICHARDSON, Mr. YOUNG of Florida, Mr. GOSS, Mr. RITTER, Mr. SAXTON, Mr. STANGELAND, Mr. MCCLOSKEY, Mr. DE LA GARZA, Mrs. ROUKEMA, Mr. FASCELL, Mr. HUBBARD, Mr. WOLPE, Mr. SARPALIUS, Mr. SHAYS, Mrs. BOGGS, Mr. ROWLAND of Connecticut, Mr. HOPKINS, Mr. JONES of Georgia, Mr. SOLARZ, Mr. CARR, Mr. KENNEDY, Ms. LONG, Mr. MCCOLLUM, Mr. SOLOMON, Mr. HAMMERSCHMIDT, Mr. BOEHLERT, Mr. HATCHER, Mr. CLINGER, Mr. OXLEY, Mr. COLEMAN of Missouri, Mr. RINALDO, Mr. HARRIS, Mr. UDALL, Ms. KAPTUR, Mrs. SAIKI, Mr. LELAND, Mr. SPENCE, Mr. WEBER, Mrs. MEYERS of Kansas, Mr. ANNUNZIO, Mr. HAYES of Louisiana, Mr. GALLEGLY, Mr. KOLTER, Mr. STUDDS, Mr. BRENNAN, Mr. OWENS of New York, Mr. VALENTINE, Mr. RAY, Mr. PORTER, Mr. HUCKABY, Mr. MCDERMOTT, Mr. BILIRAKIS, Mr. EMERSON, Mr. ESPY, Mr. SMITH of Vermont, Mr. PRICE, Mr. SCHAEFER, Mr. BRUCE, Mr. KLECZKA, Mr. GUARINI, Mr. SMITH of Texas, Mr. WAXMAN, Mr. TAUZIN, Mr. FAWELL, Mr. JONES of North Carolina, Mrs. VUCANOVICH, Mr. FRENZEL, Mr. ROWLAND of Georgia, Mr. JONTZ, Mr. ENGLISH, Mrs. MORELLA, Mrs. UNSOELD, Mrs. PATTERSON, Mr. FLORIO, Mr. GRANDY, Mr. SANGMEISTER, and Mr. GEKAS.

H.J. Res. 215: Mr. NATCHER, Ms. OAKAR, Mrs. PATTERSON, Mr. BILBRAY, and Mr. NEAL of North Carolina.

H.J. Res. 221: Mr. CONTE, Mr. DWYER of New Jersey, Mr. EDWARDS of Oklahoma, Mr. ESPY, Mr. FOGLIETTA, Mr. HAYES of Louisiana, Mr. INHOFE, Mr. LEWIS of California, Mr. MORRISON of Washington, Mr. ROE, Mr. SMITH of New Jersey, and Mr. TAUZIN.

H.J. Res. 255: Mrs. PATTERSON, Mr. JONTZ, Mr. BORSKI, Mr. WALSH, Mrs. ROUKEMA, Mr. ROBERTS, Mr. PACKARD, Mr. LEWIS of California, Mr. TAUKE, and Mr. BATES.

H.J. Res. 257: Mr. THOMAS of Georgia, Mr. OXLEY, Mr. JOHNSON of South Dakota, Mr. PORTER, Mr. DEWINE, Mr. JONTZ, Mr. MADIGAN, Mr. MCCRERY, Mr. SMITH of Florida, Mr. BROWDER, Mr. SOLARZ, Mr. LEVINE of California, Mr. MCNULTY, Mr. BROWN of California, Mr. LIPINSKI, Mr. LAUGHLIN, Mr. CONYERS, Mrs. BENTLEY, Mr. WALSH, Mr. DEFAZIO, Mr. HAYES of Illinois, Mr. PASHAYAN, Mr. GUARINI, Mr. HUGHES, Mr. MRAZEK, Mrs. MEYERS of Kansas, Mr. BILBRAY, Mr. CHANDLER, Mr. BORSKI, Mr. DENNY SMITH, Mr. BERMAN, Mr. PALLONE, Mr. HANCOCK, Mr. CRAIG, Mr. SCHUETTE, Mr. WOLPE, Mr. POSHARD, Mr. MOAKLEY, and Mr. BUECHNER.

H.J. Res. 273: Mr. RINALDO, Mr. PORTER, Mr. TRAFICANT, Mr. COSTELLO, Mr. HAYES of Louisiana, Mr. HORTON, Mr. FUSTER, Mr. SMITH of Mississippi, Mr. KLECZKA, Mr. WYLIE, Mr. DYMALLY, Mr. LEACH of Iowa, Mr. JONTZ, Mr. DARDEN, Mr. HALL of Ohio, Mr. MRAZEK, Mr. FEIGHAN, Mr. MOODY, Mr. SMITH of Florida, Mr. SMITH of Vermont, Mr. AUCOIN, Mr. BAKER, Mr. BEVILL, Mr. BLAZ, Mr. BUSTAMANTE, Mr. CALLAHAN, Mr. BILBRAY, Mr. DICKS, Mr. DONNELLY, Mr. DORNAN of California, Mr. FAZIO, Mr. FORD of Tennessee, Mr. GRANT, Mr. SHAYS, Mr. BARTON of Texas, Mr. MATSUI, Mr. FAUNTROY, Mr. STALLINGS, Mr. CARPER, Mr. BOEHLERT, Mr. HATCHER, Mr. GILMAN, Mr. DEFAZIO, Mr. KASICH, Mr. FLIPPO, Mr. GORDON, Mr. LEHMAN of Florida, Mr. LEVIN of Michigan, Mr. BUNNING, Mr. MCCLOSKEY, Mr. MORRISON of Connecticut, Mr. MURPHY, Mr. MCEWEN, Mr. OWENS of Utah, Mr. GUNDERSON, Mr. RAVENEL, Mr. EVANS, Mr. HUBBARD, Mr. ROYBAL, Mr. MARTIN of New York, Mr. LENT, Mrs. KENNELLY, Mr. LANCASTER, Mr. SAWYER, Mr. STOKES, Mr. ROE, Mr. BORSKI, Mr. PALLONE, Mr. RANGEL, Mr. THOMAS of Georgia, Mr. TOWNS, Mr. TRAXLER, Mr. NOWAK, Mr. BLILEY, Mr. SISISKY, Mr. SAXTON, Mr. SCHAEFER, Mr. LEWIS of Florida, Mr. CHAPMAN, Mr. IRELAND, Mr. SKELTON, Mr. SMITH of Iowa, Mr. PACKARD, Mr. BATES, Mr. RUSSO, Mr. MCNULTY, Mr. POSHARD, Mr. SMITH of New Jersey, Mrs. COLLINS, Mr. HAMILTON, Mr. FASCELL, Mr. WOLF, Mr. JACOBS, Mr. HARRIS, Mr. SCHUETTE, Mrs. PATTERSON, Mr. APPLEGATE, Mr. ANNUNZIO, Mr. AKAKA, Mr. NELSON of Florida, Mr. LIPINSKI, Mr. HANCOCK, Mr. BILIRAKIS, Mr. BURTON of Indiana, Mr. ROWLAND of Connecticut, Mr. ANDERSON, Mr. BUECHNER, Mr. DE LUGO, Mr. DIXON, Mr. DOWNEY, Mr. JOHNSTON of Florida, Mr. BENNETT, and Mr. ESPY.

H.J. Res. 274: Ms. OAKAR, Mr. STOKES, and Mr. BILIRAKIS.

H.J. Res. 275: Mr. PICKETT, Mr. DYMALLY, Mr. BUSTAMANTE, Mr. DERRICK, Mr. STUMP, Mr. BUNNING, Mr. GOODLING, Mr. AKAKA, Mr. JOHNSON of South Dakota, Mr. PARKER, Mr. DE LUGO, Mr. INHOFE, Mr. BEVILL, Mr. APPLEGATE, Mr. TALLON, and Mr. KILDEE.

H. Con. Res. 79: Mr. DANNEMEYER, Mr. AKAKA, Mr. MANTON, Mr. SAXTON, Mr. LIPINSKI, Mr. OWENS of Utah, Mr. SKELTON, Mr. ANDREWS, Mr. PANETTA, Mr. WOLPE, Mrs. KENNELLY, Mr. ATKINS, Mr. SOLOMON, Mr. FUSTER, and Mr. DEFAZIO.

H. Con. Res. 113: Mr. ROHRABACHER.

H. Con. Res. 118: Mr. RAHALL, Mr. LIGHTFOOT, Mr. HUTTO, Mr. APPLEGATE, Mr. BUNNING, Mr. TRAFICANT, and Mr. SMITH of Mississippi.

H. Con. Res. 123: Mr. EVANS, Mr. MCNULTY, Mr. SKEEN, Mr. MRAZEK, Mr. CRAIG, Mrs. BENTLEY, Mrs. BOXER, Mrs. PATTERSON, and Mr. ROE.

H. Con. Res. 128: Mr. HUNTER, Mr. ROBINSON, Mr. BUSTAMANTE, Mr. BATES, Mrs. MEYERS of Kansas, Mr. MANTON, Mr. ATKINS, Mr. FORD of Michigan, Mr. PENNY, Mr. DYMALLY, Mr. STEARNS, and Mr. ROHRABACHER.

H. Con. Res. 134: Mr. MILLER of Ohio, Mr. GILMAN, Mr. EVANS, Mr. BAKER, Mr. CAMPBELL of Colorado, Mr. MCEWEN, Mr. BUSTAMANTE, and Mr. HYDE.

H. Con. Res. 135: Mr. ROHRABACHER, Mr. WELDON, Mr. MCEWEN, and Mr. NEAL of North Carolina.

H. Res. 41: Mr. STOKES and Mr. WISE.

H. Res. 120: Mr. CROCKETT, Mr. MCDERMOTT, Mr. AKAKA, Mr. STALLINGS, Mr. KASTENMEIER, Mrs. BOXER, and Mr. SPENCE.

H. Res. 134: Mr. LANCASTER.

H. Res. 144: Mr. ROHRABACHER.1

EXTENSIONS OF REMARKS

WHY I AM PROUD TO BE AN AMERICAN

HON. WILLIAM D. FORD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 13, 1989

Mr. FORD of Michigan. Mr. Speaker, I rise today to share with my colleagues five award winning essays by Christopher P. Chandler, Gretchen Spencer, Julie A. Yonts, Scott Lange, and Stephen Michon, sixth grade students at the Hale Creek Elementary School in Romulus, MI. Their teacher, Mrs. Gaye McGinnis, has sponsored this essay contest over the years and brings her class to Washington each year; and it is always an honor to present the winners with flags that have been flown over the Capitol in their name.

WHY I AM PROUD TO BE AN AMERICAN

(By Christopher P. Chandler)

I am proud to be an American because we have so many freedoms. My favorite is the freedom of speech. I think it is important to say what you feel. People should say what they mean and not lie.

In the U.S.S.R. there is no freedom of speech. The government controls the press. If a citizen speaks out against the government, they will go to prison.

Freedom means being able to buy what you want when you can afford it. America is very wealthy. People are starving in Ethiopia, while here in our country food is plentiful.

In America we have the right to choose the church in which we worship. Religious freedom is very personal, and the government has no place there.

In America we can get as much education as we wish and advance our knowledge as far as we choose. We work, live, and worship where we please.

The Constitution guarantees us these rights and freedoms. It can only be changed when the people approve an amendment to the Constitution.

Our freedoms are being threatened by illegal drugs. We must get drugs out of America. Tough laws must be enforced to bring this problem under control.

I owe my country my loyalty and support. If I must, I will fight to protect our freedom. I am proud to be an American.

THANKFUL FOR MY FREEDOM TO WORSHIP

(By Gretchen Spencer)

When Abraham Lincoln was asked what makes up our liberty and independence, he said, "It is not our frowning battlements, or bristling sea coasts, our army and navy . . ., our reliance is in the love of liberty which God has planted in us." [1]

Americans really *do* love liberty, and so America has been established around many different freedoms. Some of these freedoms are: the freedom to vote, freedom of the press, freedom of speech, and freedom of religion.

Even though I love all the freedoms, freedom of religion is the most important one to me. I feel this way because the church I belong to, The Church of Jesus Christ of Latter Day Saints, is more than just a church I go to on Sunday—it's a way of life. It teaches me where I came from, what's the meaning of life, and where I will go after this life on Earth. I wouldn't be able to choose my religion and practice it if American didn't have this freedom.

Many nations in the world began from wanting power,[2] but our nation began when some of the people in England wanted more freedom than they had. The main freedom they wanted was the freedom to worship as they believed.

I am very thankful that the Pilgrims loved freedom enough to go through all the hardships to come to America. I know that many children and adults suffered and died on the long journey.

This wasn't the end of America's fight for freedom. They still had many more battles to fight and much blood to shed. The war with England was long and hard, but did they give up? No! They had great courage and a love of freedom, but they had more than this. I believe they had the power of God within them. I agree with Benjamin Franklin when he said, "I have lived a long time, and the longer I live, the more convincing proofs I see of this truth: that God governs in the affairs of men. And if a sparrow cannot fall to the ground without his notice, is it probable that en empire can rise without his aid?" [3] With the help of God and their own courage and love of freedom, the early Americans made freedom of religion possible for me in two ways. First, because they established this country around freedom of religion, I can worship how I believe now. Second, the church I belong to was organized in 1830. It wouldn't have been able to begin here if this country didn't have religous liberty.

Many countries, such as China, the Soviet Union, and other communist countries, don't have this freedom, and my church could never have started in them.

I am thankful that I live in this wonderful country. It is a great country that was made by courageous people. I know that if I want this country to keep its freedom and independence, I will have to be patriotic, be involved in what goes on in my community and nationwide, and teach my children the same things.

I want to keep America the great country it is. I owe it to the people who started it, to myself, and to my children. I am truly thankful for America, Land of the Free!

WHAT THE AMERICAN FLAG MEANS TO ME

(By Julie A. Yonts)

After I wake up in the morning, I wonder, "What am I going to do today?" I always plan out my day very carefully.

Then I wonder about the people in the Soviet Union and in Nigeria. They are told what to say, what to do, and where to live. They are told everything, even what job to take!

I wonder how they can, well, "put up with" the way they are forced to live. "How many people live there because they want to? How many people live there because they have to?" I walk into school and greet people with a "Hi or Hello." Then one of my fellow students leads me and my classmates in the Pledge of Allegiance.

"With Liberty and Justice for all," is a phrase from the Pledge. All Americans have the right to choose their actions, they also have to pay the consequences for their choices and actions.

If a person committed murder, they might have to go to jail. If a person finds a lost puppy or wallet and returned it, they might be rewarded for it.

In America you must obey the laws. You are also innocent until proven guilty. After I say the Pledge I ask myself, "How many people are saying these important words with feelings and understanding?" Then I ask myself, "How many people are saying these important words just because they have to?"

When I say the Pledge I get a special feeling, like when you step outside on the first sign of spring, or when you're opening your presents on Christmas. That feeling is the way I feel when I say the Pledge of Allegiance.

"I pledge allegiance to the flag of the United States of America and to the Republic, for which it stands, one nation, under God, indivisible, with liberty and justice for all."

These words are very special and important to me, and should be to the rest of the nation.

WHY I'M PROUD TO LIVE IN AMERICA

(By Scott Lange)

I am proud to live in America because for one, I have freedom that many other countries do not.

These freedoms are freedom of religion, freedom of the press, and freedom of speech.

The freedom of religion is the right to believe in and practice whatever faith a person chooses. This also includes the right of an individual to have no religious beliefs.

Religion has been discouraged or even forbidden in countries ruled by dictators. For example, the governments of China, Russia, and other communist nations have persecuted religion on a large scale.

Freedom of the press is the right to publish facts, ideas, and opinions without interference from the government or from private groups. This right applies to the printed media, including radio and television.

"If we in the United States didn't have freedom of the press I could not write this.

[1] "The Light of Liberty," by Paul H. Dunn.

[2] "Stand Fast by Our Constitution," J. Reuben Clark, Jr.

[3] "The Light of Liberty," by Paul H. Dunn.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Freedom of the press exists largely in the Western European countries, the English speaking nations, and Japan. It is present to a limited extent in some Latin American countries."

In Great Britain, for example, the press restricts itself on what it prints about the Pope. Australia and Ireland have strict obscenity laws. Norway and Sweden are not strict. Denmark dropped all its obscenity laws during the 1960's. (The World Book Encyclopedia, 1982)

Freedom of speech is the right to say publicly or privately what one believes. This covers all forms of expression, including books, newspapers, magazines, radio, television, and motion pictures. Many scholars consider freedom of speech a natural right. I like this best out of the ones I have named because I can say what I think or feel. It would be hard to express ideas or opinions. I don't know how it would feel. I have never lived in or ever been in a country that is not free.

All the information I have looked at or have received tells me that I am very lucky to be free and I feel sorry for those who are not free and don't have all the rights I have.

WHY I'M PROUD TO BE AN AMERICAN

(By Stephen Michon)

I am proud to be an American because of all the freedoms, rights, and laws that keep America safe and peaceful.

Religious freedom allows me to believe in anything that I want to believe in or if I choose, not to believe in anything. Other countries such as Russia, Poland, Yugoslavia, and Hungary don't have religious freedom which is guaranteed by the Constitution of the United States.

Freedom of the press lets me know what is going on everywhere. If something bad is happening within the government the press lets us know. Countries like Russia, Poland, Yugoslavia, China, Hungary and Czechoslovakia don't have freedom of the press. People only read good things from the government and they will be happy and satisfied and will stay happy.

Freedom of speech allows me to laugh, talk, yell, and speak a free mind. In Hungary in 1956 the people protested against the government and hundreds of citizens were killed and many were put in jail. If I protest against the government in America they will do nothing against me.

When we break the law our freedoms and rights are taken away. We can be assured of our rights and freedoms if we don't break the law.

America is not perfect but there is a system that provides ways of correcting mistakes. It is a privilege to live here.

A TRIBUTE TO LT. COL. LIONEL A. JACKSON

HON. RON de LUGO

OF THE VIRGIN ISLANDS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 13, 1989

Mr. DE LUGO. Mr. Speaker, I am proud to pay tribute today to Lt. Col. Lionel A. Jackson, a native of Frederiksted, St. Croix, in the U.S. Virgin Islands, who earned high military awards and was recently buried in Arlington National Cemetery with full military honors after his death on April 11.

Lieutenant Colonel Jackson entered the military in 1951 and established an exceptionally outstanding record in his 31-year career in the U.S. Army and Virgin Islands National Guard, as well as NASA. During two tours of duty in Vietnam, from 1966 to 1969, he served as commander of an armed helicopter unit that displayed great valor and courage conducting emergency medical evacuations and other missions under extremely tough combat conditions. He came out of the service with a host of honors, including more than 20 Air Medals for over 800 combat missions, the Purple Heart for injury in combat, and two Distinguished Flying Crosses for Valor, the Nation's second highest award.

Lieutenant Colonel Jackson exemplifies the very best that our country has to offer in courage and service in the Armed Forces. After growing up on Frederiksted, as one of 15 children of Ethel Challenger Jackson and Julius A. Jackson, he entered the U.S. Army just before his 18th birthday in 1951. He advanced through rigorous and demanding training—ranging from officer candidate school to airborne school, parachute training, and even engineering. During an unpopular war, he served with unswerving loyalty and honor. He did his duty to the very best of his ability and is an outstanding model for our country's young people.

Lieutenant Colonel Jackson's career also included periods as a deputy inspector general in the Army Forces in Okinawa, an assistant commander at the Yuma Proving Grounds in Yuma, AZ, a U.S. property and fiscal officer with the Virgin Islands National Guard, and a project officer with NASA, where he worked on Apollo flights II, III, and IV.

The entire Virgin Islands is proud of Lieutenant Colonel Jackson's record. In 1968, the Virgin Islands Legislature awarded him the Virgin Islands Medal of Honor for his achievements as a helicopter gunship commander. This is an extremely well-deserved honor. Now, sadly, at the time of his death, we again remember his service and his achievements. I am proud to express the admiration and respect that I and other Virgin Islanders feel for the life and career of Lt. Col. Lionel A. Jackson.

DEMOCRACY, LIBERTY AND JUSTICE IN THE PEOPLE'S REPUBLIC OF CHINA ACT OF 1989

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 13, 1989

Mr. GILMAN. Mr. Speaker, today I am introducing H.R. 2611, the Democracy, Liberty, and Justice in the People's Republic of China Act of 1989. The bill calls for trade sanctions and other actions against the People's Republic of China until human rights and democracy are on a firm footing.

No longer can we stand idly by watching what happened in Tibet repeat itself in the People's Republic of China. We must take firm action now to put the Congress and the American people on record as opposing totalitarian dictatorial regimes. We must respond to the leaders in Beijing as we do to the leaders in Panama or any where else where power hungry rules are determined to hang on, even if they don't have the mandate from the people to do so.

Prior to the savage butchering of thousands of unarmed Chinese students and their supporters in Tiananmen Square, the Chinese dissident Fang Lizhi made some suggestions on how the West can best help bring about greater democracy and human rights in the People's Republic of China. The astrophysicist, the People's Republic of China's most respected dissident, who now has taken refuge in our Embassy in Beijing, advocated certain economic actions against his country. This bill links credit, trade, and multilateral bank loans to democracy and human rights in Tibet and the People's Republic of China.

As the writer A.M. Rosenthal of the New York Times said today in his "On My Mind" column, "The students of Beijing showed in Tiananmen Square what kind of men and women they were. Now it is our turn." I believe H.R. 2611 is a step in that direction and I invite my colleagues to join in support of the bill:

H.R. 2611

A bill concerning democracy and human rights in the People's Republic of China and Tibet

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. TITLE.

This Act shall be known as the "Democracy, Liberty, and Justice in the People's Republic of China Act of 1989".

SEC. 2. FINDINGS.

The Congress finds that—

(1) the Government of the People's Republic of China is attempting to crush the democracy and reform movement in China through the use of wanton violence by the People's Liberation Army;

(2) the United States Congress condemns the brutal actions taken by the People's Republic of China against the Chinese people during peaceful, nonviolent demonstrations for democratic change;

(3) the Government of the People's Republic of China has used the People's Liberation Army to crush brutally the freedom movement in Tibet on several occasions;

(4) fundamental human, political, and economic rights are denied to the people of China and the people of Tibet by the Government of the People's Republic of China;

(5) the President of the United States has announced that the United States would immediately suspend all government-to-government sales and commercial exports of weapons, immediately suspend all visits between the United States and Chinese military officials, treat sympathetically requests by Chinese students in the United States to extend their stay, and offer humanitarian and medical assistance through the International Committee of the Red Cross to those injured during the assault on Beijing; and

(6) the President of the United States is to be commended for his forthright action.

SEC. 3. IMPOSITION OF UNITED STATES SANCTIONS WITH RESPECT TO THE PEOPLE'S REPUBLIC OF CHINA.

Sections 4, 5, 6, 7, 8, 9, 10, and 11 of this Act shall take effect 10 days after the date of enactment of this Act unless the President determines and submits a notification

29-059 O-90-52 (Pt. 8)

to the Congress that following the June 4, 1989 massacre in Beijing, the Government of the People's Republic of China—

(1) has abandoned the campaign of violence against unarmed civilians;

(2) has lifted martial law; and

(3) has made significant progress in providing for democracy, liberty, and justice in Tibet and the People's Republic of China.

SEC. 4. SUSPENSION OF UNITED STATES ASSISTANCE.

(a) EXPORT-IMPORT BANK.—Notwithstanding any other provisions of law, no loan, credit, credit guarantee, or insurance may be extended to the People's Republic of China by any agency of the United States Government, including the Export-Import Bank of the United States and the Overseas Private Investment Corporation (OPIC).

(b) TRADE DEVELOPMENT PROGRAM.—Funds authorized to be appropriated or otherwise made available by the Congress may not be obligated or expended for activities of the Trade Development Program with respect to the People's Republic of China.

(c) MULTILATERAL ACTION.—The Congress urges the Secretary of State to encourage countries which are allies of the United States to suspend programs providing assistance comparable to that described in subsections (a) and (b) to the People's Republic of China.

SEC. 5. SUSPENSION OF TRADE BENEFITS AND COMMERCIAL RELATIONS.

(a) DENIAL OF NONDISCRIMINATORY TREATMENT.—Products of the People's Republic of China shall not receive nondiscriminatory treatment by the United States.

(b) INTERNATIONAL FINANCIAL INSTITUTIONS.—The Secretary of the Treasury shall instruct the United States Executive Directors to the International Bank for Reconstruction and Development, the International Development Association, the International Finance Corporation, and the Asian Development Bank to—

(1) oppose any loan, grant, or other form of economic or technical assistance to the People's Republic of China;

(2) propose and support a downgrading of the membership status of the People's Republic of China to that of an observer; and

(3) urge other democratic countries to support actions taken by the United States Executive Directors pursuant to this section.

(c) STATUS OF PEOPLE'S REPUBLIC OF CHINA AT GATT.—The United States Trade Representative shall instruct the United States Representatives to the General Agreement on Tariffs and Trade (GATT) to support the suspension of observer status for the People's Republic of China at GATT.

(d) TRADE AGREEMENT.—Funds authorized to be appropriated or otherwise made available by the Congress may not be obligated or expended to negotiate, conclude, or carry out any commercial agreement with the People's Republic of China.

(e) UNITED STATES-CHINA TRADE ORGANIZATIONS.—Funds authorized to be appropriated or otherwise made available by the Congress may not be obligated or expended for participation by the United States on the United States-China Joint Committee on Commerce and Trade or the United States-China Commission on Trade.

SEC. 6. SUSPENSION OF CERTAIN UNITED STATES EXPORTS TO THE PEOPLE'S REPUBLIC OF CHINA.

(a) LICENSES FOR EXPORT OF ITEMS ON THE MUNITIONS CONTROL LIST AND THE COMMERCIAL CONTROL LIST.—

(1) Licenses for export to the People's Republic of China of items on the United States Munitions Control List or on the Commercial Control List are suspended.

(2) Funds authorized to be appropriated or otherwise made available by the Congress may not be obligated or expended to process or issue any license for the export to the People's Republic of China of items on the United States Munitions Control List or items on the Commercial Control List.

(b) COCOM.—

(1) The Secretary of State shall instruct the United States Representative to the Coordinating Committee on Multilateral Export Controls (COCOM) to oppose the export to the People's Republic of China of any COCOM-controlled item by any country participating in COCOM.

(2) The Congress urges the Secretary of State to encourage the industrialized Western allies of the United States to join United States efforts to oppose the export of any COCOM controlled item to the People's Republic of China and suspend the export of other military items and advanced technology.

SEC. 7. LIMITATION ON IMPORTS FROM COUNTRIES WHICH TAKE COMMERCIAL ADVANTAGE OF UNITED STATES SANCTIONS.

The President is authorized to limit the importation into the United States of any product or service of a foreign country to the extent to which such foreign country benefits from, or otherwise takes commercial advantage of, any sanction, prohibition, or limitation imposed by or under this Act.

SEC. 8. SUSPENSION OF MILITARY COOPERATION.

No agency or entity of the United States may engage in any form of military cooperation, direct or indirect, with the People's Republic of China.

SEC. 9. SUSPENSION OF SCIENCE AND TECHNOLOGY COOPERATION.

Funds authorized to be appropriated or otherwise made available by the Congress may not be obligated or expended for United States participation under any United States-China agreement or protocol on scientific cooperation.

SEC. 10. CHINESE AND TIBETAN STUDENTS IN THE UNITED STATES.

The Attorney General shall treat sympathetically requests by students from Tibet and the People's Republic of China studying in the United States for Extended Voluntary Departure status.

SEC. 11. CONDITIONS UNDER WHICH SANCTIONS MAY BE LIFTED.

The provisions of this Act shall cease to have effect on the date on which the President determines and submits a notification to the Congress that the Government of the People's Republic of China—

(1) is no longer carrying out a sustained campaign of violence against unarmed civilians;

(2) has lifted martial law; and

(3) has made significant progress in providing for democracy, liberty, and justice in Tibet and the People's Republic of China.

IN RECOGNITION OF THE TUSTIN SIXTH GRADE "ODYSSEY OF THE MIND" TEAM

HON. BILL SCHUETTE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 13, 1989

Mr. SCHUETTE. Mr. Speaker, I rise today to honor the Tustin sixth graders who participated in the "Odyssey of the Mind" competition for the State of Michigan. They should be saluted for their first place finish in State competition. The first phase was a skit to sell a product, and the second phase was brainstorming. The creative talents that these students have shown will be displayed in Boulder, CO, at the World Odyssey of the Mind competition.

In this day of educational crisis these students should be applauded for their initiative and problem solving skills. As America enters the 21st century these skills are going to become increasingly important to our Nations future. The ability to assess a situation and creatively deal with the problem will become increasingly vital skills. Students that are excelling in these activities should be encouraged and congratulated for their efforts.

Mr. Speaker, I ask that you join me in saluting the Tustin sixth grader's Odyssey of the Mind team for their first place award in the Michigan competition. I also know that we wish each of them: Rylan Kahley, Kelly Anderson, Cindy Nix, Wendy Paramenter, Mike Pacola, Lisa Black, and Megan Anderson the best of luck in the World Odyssey of the Mind competition.

THE 1956 HUNGARIAN PREMIER REBURIED IN BUDAPEST

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 13, 1989

Mr. SOLOMON. Mr. Speaker, Dr. Sandor Balogh, chairman of the Foreign Affairs and Human Rights Committee of the National Federation of American Hungarians, is an academician who is well-versed in the events now taking place in Hungary. As a former resident of that country, he is also a specialist in its past.

Upon his return from a recent trip to Hungary, Dr. Balogh wrote the following article, reflecting his views on the planned reburial of former Premier Imre Nagy as it relates to current events in Hungary:

THE 1956 HUNGARIAN PREMIER REBURIED IN BUDAPEST

(By Dr. Sandor Balogh)

"The bones of Imre Nagy, the patriot who was executed three decades ago and dumped in a mass grave, will be reburied in honor on June 16 (1989, the 31st) anniversary of his execution. Some officials worry that this may trigger a new uprising," reports William Safire from Budapest.

Imre Nagy was prime minister of Hungary first in 1953, after Stalin's death, to be replaced in 1955 by the Stalinist Hegedus. In 1956, during the Uprising, Nagy was made

prime minister again, at the demand of the people.

After the Soviet attacked on Nov. 4, 1956, he escaped to the Yugoslavian Embassy. After promised free conduct, he left the Embassy in a bus together with several other Hungarian leaders. They were all arrested by the Soviet military police.

In spite of written guarantee by Janos Kadar then prime minister, he was tried and executed on June 16, 1958, provoking angry remarks from world leaders and the international media.

For 30 years his grave was not revealed even to this relatives, in spite of international protest.

As part of the recent democratization process, his remains have been exhumed in April of this year, and along with several other executed leaders of the Revolution of 1956 will be officially re-buried on the 31st anniversary of the execution, June 16, 1989.

The event is expected to be a milestone in the democratization process, with hundreds of thousands preparing to demonstrate in support of the trend toward democracy.

While Imre Nagy was a communist, he stands as a symbol of democracy and national self determination. Many of the current reforms are following his prescriptions. Nagy wrote in 1955, while ousted from power and fighting for his reinstatement the following about the Hungarian people: "They want a People's Democracy where working people are masters of their country and of their own fate, where human beings are respected, and where social and political life is conducted in the spirit of humanism. . . . The virtues that little by little are dying out in Party life and Communist conduct must be revived and developed. Such virtues include love and respect for the Hungarian people, close relations and unity with the people, loyalty to the people, and true service to their interest. . . ."

While premier in 1956, he requested that the Soviet troops leave Hungary, declared Hungary's neutrality, and introduced economic and political reforms that are still vital demands even today. After his capture, he refused to compromise even if it meant certain death and gave his life for his people. In the hearts of many this Communist leader has taken his place alone with the other great heroes of the thousand year old Hungarian history.

Therefore his reburial is a great national event, showing the nation's respect to a hero, and also a symbolic event that indicts the leadership of Janos Kadar, who, in reaction to the events of 1956 went back to the same old anti-Hungarian, internationalist and Stalinist methods that Nagy called "national nihilism." Finally, his re-burial is a message that his ideas should be followed by the current regime.

While Hungary was described some ten years ago as the economic miracle of the Soviet bloc, today she is in tremendous economic crisis: for a nation of just over 10 million people, the foreign indebtedness is about 20 billion dollars, the highest per capita indebtedness in the Soviet world. The national economy is also bankrupt, unable even to finance the interest on the loans.

Recognizing the hopelessness of the situation, the people pushed, and the party responded, at least with promises and a democratic rhetoric, toward more economic and political reforms.

Some of the progress is more symbolic, while others are basic. But the threat of returning to the old ways, as it has happened just recently in China, is a distinct threat. Also, one cannot rule out another Soviet intervention.

Some of the recent achievements:

1. Removal of the Iron Curtain and the hated barbed wire, along with much freer travel policies both into and out of Hungary;

2. Abolition of the State Office for Religious Control and permission to organize religious orders (although no effort has been made to provide financial aid to support private schools);

3. Acceptance of over 10,000 refugees from neighboring Communist Rumania, the first by a "socialist" country;

4. Promise of new constitution, free multi party elections, relaxed control over the media, already active Parliament where elected deputies, most of them members of the Party, are free to criticize the regime;

5. Promised re-examination of all political trials and rehabilitation of the innocent victims, along with the re-burial of Imre Nagy and companions, as well as talk of rehabilitation of Cardinal Mindszenty.

At the same time, other problems continue:

1. Refusal to request the removal of Soviet troops (and if necessary, quit the Warsaw Pact) and to declare, according to the overwhelming wishes of the people Austrian style neutrality in Hungary, even though a neutral Hungary (with a neutral Poland, erecting a buffer zone between the Soviet and Western Europe) would be a great step toward de-fusing the East-West conflict;

2. Refusal to account for the mismanaged funds and to effect meaningful economic reforms, so the country continues to sink deeper and deeper into the crisis;

3. Instead of cutting unnecessary expenses, ending Soviet exploitation of the Hungarian eocnomy, and refusing to contribute to the international aid program of the Soviet Union, they attempt to raise revenue by inflation and new taxes;

4. With many of the already promised reforms the regime still drags its feet in implementing them. Also, there is no indication that the perpetrators of the illegal trials and the instigators behind the illegal sentences and executions are going to be held responsible.

The National Federation of American Hungarians (NFAH) is the largest organization in the United States, having more than one hundred member organizations, representing tens of thousands of Americans of Hungarian ancestry. NFAH supports the reform movement in Hungary and hopes that with the support of the free world the movement will produce true independence and democracy in Hungary and in the entire Soviet sphere, including the Soviet Union itself, Poland, the Baltic Nations, and even in the countries where the wind of freedom has not started blowing yet.

At the same time, the Federation is saddened by the use of military force in China against students, and prays that the sacrifice of the Chinese students and workers will not be in vain. The peoples' need for justice and freedom cannot be oppressed forever!

MUSKIE ARCHIVES AT BATES COLLEGE

HON. OLYMPIA J. SNOWE

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 13, 1989

Ms. SNOWE. Mr. Speaker, today Representative JOSEPH BRENNAN and I have introduced a bill to authorize a $5 million endowment to fund the Edmund S. Muskie Archives at Bates College in Lewiston, ME.

The archives will serve to maintain and process the papers and documents of the distinguished former Senator Edmund S. Muskie. In addition to hundreds of thousands of documents, the archives contains over 1,000 audio and video tapes, films, photographs, and other political memorabilia.

The funds will also be used to operate an annual summer program, called the Maine Scholars Program, involving 30 to 40 high school students of various backgrounds to introduce them to the college experience. The Maine Scholars Program will help these students to feel comfortable in a college environment.

In addition, the center will organize public policy seminars and forums on the workings of government and important national and international concerns.

Mr. Speaker, I urge my colleagues to join us in support of this bill to provide funding for this valuable educational resource.

A BILL TO FUND THE MUSKIE ARCHIVES AT BATES COLLEGE

HON. JOSEPH E. BRENNAN

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 13, 1989

Mr. BRENNAN. Mr. Speaker, today Representative OLYMPIA SNOWE and I have introduced a bill to authorize a $5 million endowment to fund the Edmund S. Muskie Archives at Bates College in Lewiston, ME.

The archives will serve first and foremost as an archive holding the papers of one of Maine's and America's most distinguished statesmen, former Senator Edmund S. Muskie. Senator Muskie served not only as a U.S. Senator, but also as Governor of Maine and as Secretary of State of the United States. The Muskie Archives will contain thousands of documents, plus audio tapes, video tapes, films, and photographs documenting the career of this distinguished American public servant.

The Muskie Archives at Bates College will also provide a place for men and women to discuss and contemplate the issues of the day. As a resource for theoreticians and scholars on the one hand, and practitioners and public servants on the other hand, the archives will bridge gaps between the thinkers and the doers in the realm of public affairs.

Mr. Speaker, I urge my colleagues to join us in support of this bill to provide funding for this valuable and important educational resource.

TRIBUTE TO KIDD & CO., INC., EMPLOYEES

HON. JAMES H. BILBRAY

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 13, 1989

Mr. BILBRAY. Mr. Speaker, I rise today to recognize and honor an outstanding group of Nevadans who, having endured a life threatening disaster that put the community of southern Nevada in peril, have since rallied together in service and contribution to this great State.

We can well remember the explosion and destruction of the Pacific Engineering & Production Co. [PEPCON], rocket fuel plant in Henderson that killed 2 and left more than 350 injured on May 4, 1988. The concussion from the hellish blast, which measured 3.5 of the Richter scale, was felt throughout the Las Vegas Valley and literally paralyzed the society with fear. Perhaps the most conspicuous victim of the disaster was Kidd & Co., Inc., whose marshmallow candy factory 200 yards away, was engulfed by the devastating explosion and burned to its foundation.

Founded in 1895 in Chicago by family patriarch Albert E. Kidd, Kidd & Co., Inc., is today the second-largest producer of marshmallows in the United States. The blasts left all of the firm's 35 day-shift employees at the plant injured, with 2 spending more than a day in the hospital.

While the Kidd employees were kept on the payroll they organized a program of volunteer work for the city and county social services. John Kidd, the 29-year-old vice president and general manager of the facility had the great responsibility of guiding the "factory without a factory." He thought of the community service activities as a way to keep his employees active while the plant was being reconstructed. Determined to see the 90 local employees back making marshmallows in a new factory within about a year, the plant was rebuilt on the same site and resumed production on May 1989.

The Kidd & Co., Inc., employees have contributed more than 60,000 man hours to a wide variety of community service renewal and renovation projects for over 30 companies and organizations. They have completed a number of painting and restoration projects and simple carpentry repairs for such organizations as the Domestic Crisis Center, New Horizons Disabled Learning Center, Henderson Parks and Recreation and Boys and Girls Club, Clark County social services and school district, Spring Mountain Youth Camp, Goodwill Industries; in addition to bicycle repair for Child Haven, yard work for senior citizens and clerical duties for Clark County Museum, school district, and St. Judes Ranch. This is just an abbreviation of the numerous projects completed by the Kidd & Co., Inc., the list goes on and on.

I think John Kidd, who has guided the volunteer work program, speaks for all of southern Nevada when he says: "I hope my employees feel some gratitude for this because I sure do for them." We all share this gratitude for the unselfish generosity contributed by every employee at Kidd & Co., Inc., to southern Nevada.

It is with great pleasure and enthusiasm that I urge my colleagues to join me in recognizing each of the Kidd & Co., Inc., employees: Jojo Bashaw, Elizabeth Briggs, Adeline Dentice, Eleanor Fortmeyer, Yolanda Gonzales, Frances Goodhue, Lillian Goodman, Jeni Kushel, Doug Kyle, Bill Lawrence, Adam Llamas, Elvin Marshall, Norma Maranjo, Bill Nossem, Wesley Phillips, Norma Piggott, Bill Piper, Tom Preston, Jomarr Rose, Claudia Sanderson, Mike Schiller, Vicki Stock, Jenet Thacker, Helen Turner, John Ulibarri, Bernadetter Verraneault, Janice Watson, Phil Yoder, Gina Gentile, Eunuice Mays, Kathy Renstrom, Mike Bilbro, David McBride, Dave Peugh, Tony Cracchiola, Eric Ward, Jerry Hicks, Terry Allen, Arlene George, Pat Knight, Sharon Sorrie, Steven Holdaway, Pete Phillips, Vince Sanchez, Chuck Wright, Thelma Armstrong, Wally Cox, Everett White, John Kidd, and the late Steve Tiffany.

These special individuals serve as an inspiration for the entire community. They have earned plaudits from virtually all levels of government for their contributions to the southern Nevada community. Most recently they won the right to fly the red, white and blue C-Flag, which bears the slogan "We Can—We Care." This symbol of the President's Citation Program for Private Sector Initiatives recognizes the outstanding contributions to the American spirit of volunteerism and community action, as exemplified by Kidd & Co., Inc., of Henderson.

Mr. Speaker, I am proud to have this opportunity to pay tribute to these courageous, generous, and loyal citizens. I speak for all of southern Nevada when I say thank you for your extraordinary contributions and commitment to our communty and our State.

HONORING RABBI LIONEL KLASS ON THE OCCASION OF HIS BIRTHDAY

HON. CHARLES E. SCHUMER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 13, 1989

Mr. SCHUMER. Mr. Speaker, I call your attention to Rabbi Lionel Klass, an editor of the Jewish Press on the occasion of his birthday.

Rabbi Klass received his B.A. at Brooklyn College. From there he went on to earn a degree in library science at the acclaimed program at Pratt University. After finishing his education, Lionel Klass proved his mettle as one of the finest of our Nation's young men while serving in the U.S. Air Force for 3½ years.

Capping his ambitions and talents Rabbi Klass entered the field of journalism. As an editor of the Jewish Press for the past 30 years, he has brought undeniable success to the paper. Lionel's efforts have enabled the Jewish Press to gain an international reputation. In fact, the circulation of the paper now exceeds 500,000 copies around the world. Rabbi Klass has taken a publication that traditionally might be limited in its readership and transformed it into one which has been able to appeal to a much broader audience. Rabbi Klass has provided the Jewish community and the greater community at large an invaluable service.

Mr. Speaker, please join me in honoring Rabbi Lionel Klass on the occasion of this milestone and expressing our extreme gratitude for the service he has provided us. I am certain that his wife Blossom Klass, a community leader in her own right, shares our joy in wishing her husband a happy birthday.

U.N. INTERNATIONAL CONFERENCE ON INDOCHINESE REFUGEES—TIME FOR ACTION TO PREVENT HUMAN RIGHTS ABUSE AGAINST REFUGEES FROM VIETNAM

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 13, 1989

Mr. LANTOS. Mr. Speaker, when we consider the large number of monks, nuns, intellectuals, and ordinary citizens whom the Socialist Republic of Vietnam still holds in their infamous "reeducation" camps, we must conclude that recent expressions of interest by the Vietnamese Government in modernization and democracy should be treated with some caution. We must be especially concerned about the possible fate of refugees facing repatriation to Vietnam. With the continuing persecution of those who have remained in the country, for only the peaceful expression of their religious and other opinions, what can we expect for those who may return, having once escaped?

Mr. Speaker, as you know this month in Geneva, the United Nations will convene the International Conference on Indochinese Refugees. One important goal for this meeting is to provide arrangements for the future welfare of Vietnamese refugees. At the very least, those returning to Vietnam should enjoy thorough and ongoing supervision by United Nations representatives within Vietnam to assure their safety and just treatment.

Additionally, we in the United States should further consider the successful Canadian model in this area. Canada accepts any otherwise eligible refugee whose welfare, education, and adjustment is underwritten by a church or other group which meets certain qualifications. In this way, Canadian humanitarian concerns can be realized beyond the limits of governmental support.

Mr. Speaker, I hope that we have learned our lesson of the 1930's and 1940's, when our Government turned back so many refugees to their deaths. Our responsibility is more than just to refrain from persecution. It is also to recognize when our actions may permit persecution by others, and to prevent that harm before it can occur.

LEGISLATION TO HELP SMALL BANKS REMAIN ON CASH ACCOUNTING

HON. BYRON L. DORGAN

OF NORTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 13, 1989

Mr. DORGAN of North Dakota. Mr. Speaker, today I am reintroducing a bill to clarify that small commercial banks may continue to use the cash method of accounting for income tax purposes, under section 448(c) of the Tax Reform Act of 1986. This bill is identical to the bill I introduced last Congress, H.R. 4515, which had 16 cosponsors.

Section 448(c) provided that any small business entity with up to $5 million of annual gross receipts may continue to use cash accounting for tax purposes. There was no indication in the statutory language or the legislative history of that section that Congress intended to exclude any entity that meets the under $5 million gross receipts test, and therefore small commercial banks should be able to rely upon that provision as a basis for using cash accounting.

A problem arose, however, because language in a subsequent part of the Tax Reform Act of 1986, in sections 1281 and 1282, requires that all banks accrue daily the income from stated interest on their short-term loans. If applied to small banks, that requirement makes it untenable to remain on the cash basis method of accounting because the bank would be accruing interest income on those loans prior to being able to offset interest expenses on the deposit funds used to make those loans. The resulting imbalance of income and expense is particularly serious for smaller banks, because a larger percentage of their assets is often composed of short-term loans that mature in 1 year or less.

The discrepancy created by Congress between section 448(c) and section 1281 and 1282 was, by all indications, inadvertent. In fact, the legislative history shows that the original provision dealing with accruals on short-term obligations, in the Deficit Reduction Act of 1984, was intended to require the daily accrual of the market discount on such short-term obligations as Treasury bills that mature in 1 year or less. The record indicates that Congress was concerned that taxpayers using the accrual method of accounting should be required to accrue this income due to the high interest rates at that time and the concern that taxpayers were making leveraged purchases of such discounted obligations at year-end to achieve tax deferral. The 1986 amendment of this provision, sections 1281 and 1282, broadened the provision to include interest on short-term obligations, regardless of whether the interest is stated or is in the form of acquisition discount or when the interest is paid. However, such loans made by banks, especially small banks in the ordinary course of their business are not the type of loans that create the abuses to which the special legislative provision was addressed. And under section 448, larger banks with average gross receipts of more than $5 million are required to use the accrual method.

Consequently, small banks under $5 million of gross receipts that are on cash accounting for tax purposes are caught in a catch-22 situation that truly appears to be due to an oversight in the law. Many small bankers have been presented by their accountants with an artificially high tax bill because of their inability to offset interest income with interest expense, when they follow a strict interpretation of sections 1281 and 1282.

I believe that Congress in section 448(c) of the Tax Reform Act of 1986 made a commitment to the small banks identical to the commitment to other small businesses under $5 million gross receipts that they may continue to use cash accounting. To honor that commitment, we should now make the technical change in the Tax Code so that the interest accrual provision will not apply to those small banks who are on cash accounting with respect to short-term loans that are made in the ordinary course of the bank's trade or business. That is what my bill is designed to do.

I hope that we can correct the situation now, so that we don't prolong the confusion for this group of small bankers. I urge you to cosponsor this legislation.

A CRISIS IN CHINA

HON. ROMANO L. MAZZOLI

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 13, 1989

Mr. MAZZOLI. Mr. Speaker, what we have before us today in the People's Republic of China is a crisis. A situation crying for resolution. A country and a people ready to explode.

A young intern in my office, Braxston Banks, a student at the University of Notre Dame, traveled in the People's Republic of China last summer. He looks at the drama unfolding in China both as an observer and as one who has been in Tiananmen Square. His counsel has been helpful to me in placing events in China in proper perspective.

I join citizens throughout the world in expressing my outrage over the indiscriminate killings, and the brutal suppression by Chinese authorities of a people's desire for democracy and freedom.

I join Chinese students attending school in Louisville and citizens of my district in their dismay and distress over the violence in Beijing. Many gathered recently at the University of Louisville and at Louisville City Hall to protect and to stand in solidarity with their friends and colleagues in Beijing.

Turning back the page of time, this is not the first time the People's Republic of China has been wrenched by revolt and violence. In the mid-sixties, under Mao Tse-tung, China underwent what is called today the Cultural Revolution. We cannot even calculate how many Chinese, specifically intellectuals, professors, and writers, were sent to reeducation camps where they were maltreated, even tortured, until they completely accepted the edicts of Chairman Mao.

We, as a great nation, cannot allow history to repeat itself.

We must make it clear to Chinese authorities that their conduct is not acceptable among civilized nations of the world and that stern sanctions will be invoked by the United States and its allies if conditions for the protesting people of China do not improve.

THE CHOICES FOR CHILDREN ACT OF 1989

HON. JAN MEYERS

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 13, 1989

Mrs. MEYERS of Kansas. Mr. Speaker, on May 4, I introduced H.R. 2244, the Choices for Children Act, that gives parents, providers, and local governments flexible child care choices. My legislation is a practical and comprehensive alternative to the bloated and costly ABC child care bill. I urge my colleagues to cosponsor this legislation.

Unlike the ABC bill, the country can afford the Choices for Children Act. Whereas the ABC bill costs $2.5 billion per year, my legislation authorizes $750 million in fiscal 1990 and $600 million in each of the following 2 fiscal years. More importantly, at a third of the cost of other child care bills, H.R. 2244 does more to expand child care care choices for parents and enhance the supply of child care than the ABC bill purports to do.

Because there is no one-way-for-all child care solution, H.R. 2244 consists of five major parts. They are:

Block grants: To help States respond to their particular child care concerns, $300 million is authorized annually in block grants for child care training, recruitment, voucher, referral, and other innovative programs. These programs are targeted to serve low income families. No Federal standards are imposed on providers.

School-based grants: Grants of $100 million per year are authorized to help school districts defray the cost of establishing, equipping, and staffing extended-day child care programs. The latch-key problem affects many families, and this program addresses it. With an infrastructure already in place, it makes sense to encourage schools to be an active partner in expanding child care options for parents. The program is not a mandate; participation is optional.

Business tax credits: A 25-percent tax credit, worth up to $400,000, is provided to for-profit and nonprofit organizations to help offset the costs associated with acquiring, constructing, or rehabilitating on-site or near-site child care facilities.

Liability insurance risk pools: A one-time authorization of $100 million is provided for the establishment and operation of child care liability insurance risk pools. Many prospective providers face insurmountable liability problems. The risk pools will encourage potential providers to enter the child care market.

Revolving loan fund: A one-time authorization of $50 million is provided to help unlicensed family providers meet State licensing requirements. Family providers may borrow from the revolving fund to help pay for costs associated with meeting State standards.

The Choices for Children Act is a middle-ground alternative to the ABC bill that goes a

long way toward expanding the market of quality and affordable child care.

A section-by-section analysis of the bill follows:

THE CHOICES FOR CHILDREN ACT OF 1989—SECTION-BY-SECTION ANALYSIS

SECTION 1

Short title and table of contents.

SECTION 2

Defines purposes of the bill to give parents choices in acquiring access to quality and affordable child care, among other things.

SECTION 3

Definitions for various terms used in the bill.

SECTION 4

Authorizes $300 million in each of fiscal years 1990, 1991, and 1992 for child care block grants to States. Of the funds allocated to each State, 80 percent are to be used for a variety of purposes designed to improve access to quality and affordable child care. The remaining 20 percent of the funds to be used for innovative child care demonstration programs.

Use of block grant funds include, but are not limited to:

(1) training of day care providers;

(2) establishing a child care voucher system to give choices to low-income families;

(3) establishing a child care information and referral system;

(4) partially funding innovative child care programs sponsored by businesses, nonprofit organizations, and community-based organizations;

(5) establishing after-school child care programs in elementary schools;

(6) expanding part-day child care programs into full-day ones;

(7) setting up recruiting programs to encourage individuals to become child care providers.

Programs funded under the bill are targeted to serve families with incomes below 200 percent of the poverty line.

When applying for funds, States must provide assurances that they have standards in effect that providers must meet to receive funds under the bill.

Funds are allocated to States based on the number of children under the age of 12 residing with families having incomes below 200 percent of the poverty line.

States are required to provide a 20 percent match to the federal funds.

SECTION 5

Authorizes $100 million in each of fiscal years 1990, 1991, and 1992 to States to provide grants to school districts for the establishment of extended-day child care programs. The State educational agency (SAE) awards grants to school districts. Grants are limited to $10,000.

Use of funds include, but not limited to:

(1) offsetting the start-up costs associated with the establishment of extended-day child care programs;

(2) equipping and staffing extended-day child care programs; and

(3) conducting studies to determine the feasibility of establishing extended-day child care programs.

Funds are allocated to States based on the number of children under age 12 residing with families having incomes below 200 percent of the poverty level.

States are required to provide a 20 percent match to the federal share.

SECTION 6

Authorizes a 25 percent tax credit, not to exceed $400,000 per taxable year, to offset costs associated with acquiring, constructing, or rehabilitating on-site or near-site child care facilities. Both for-profit and nonprofit organizations are eligible for the credit. The credit sunsets on December 31, 1992.

SECTION 7

Authorizes $100 million in fiscal 1990 for the establishment and operation of child care liability insurance risk pools to help child care providers obtain affordable liability insurance. Funds remain available through fiscal 1992. When applying for funds, States must specify how the risk pools will continue to be financed after fiscal 1992.

Funds are allocated to States based on the number of children under age 12 residing with families having incomes below 200 percent of the poverty level.

SECTION 8

Authorizes $50 million in fiscal 1990 for the establishment of a revolving loan fund to help family-based child care providers become licensed or accredited. States determine the maximum individual amount that can be borrowed from the revolving loan fund.

OUR WAR ON DRUGS: WHO'S IN CHARGE?

HON. THOMAS J. MANTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 13, 1989

Mr. MANTON. Mr. Speaker, I was dismayed upon reading an article in last Wednesday's Washington Post about our Nation's antidrug efforts. We in this House, and the other body, have worked diligently during the past two sessions of Congress to develop a strong, effective national program for fighting the war on drugs. We passed a strong drug bill last year and sent it to the administration for implementation. Instead of establishing a unified, coordinated force to fight the scourge of illegal drugs which are ripping apart the very fabric of our society, the Nation's antidrug efforts are virtually adrift in a morass of bureaucratic in fighting. Our Nation's law enforcement agencies seem more intent on fighting over who will take the lead or who will reap the reward of public opinion than on resolving the crisis at hand. This is the last thing we need in our war against the drug lords. We need law enforcement officials interested in protecting the public, rather than protecting turf or garnering headlines.

Mr. Speaker, we are losing the war on drugs. Valiant police officers and innocent citizens continue to be subjected to violent assaults resulting in serious injury and death. Yet, our efforts on the Federal level continue to be inadequate and sorely uncoordinated.

Mr. Speaker, I believe it is time to ask what our drug czar Mr. Bennett is doing. I also believe it is time to ask where is the leadership of the President. At a minimum they should be able to obtain greater cooperation between our law enforcement agencies so that we can rid our Nation of illicit drugs once and for all.

Mr. Speaker, I commend the Washington Post article to my colleagues.

[From the Washington Post, June 7, 1989]

ANTI-DRUG UNITS SPAR OVER WHO'S IN CHARGE—DEA, CUSTOMS CLASH ON PROBE POWERS

(By Michael Isikoff)

It was one of those red-faced moments when the federal drug war begins to look like a Marx Brothers comedy.

Last fall in Phoenix, undercover Drug Enforcement Administration agents, acting on an informant's tip, plotted what is known in the trade as a "buy-bust." They set up a meeting where they hoped to buy cocaine from a suspected drug dealer, then arrest him.

At the same time, U.S. Customs Service agents were helping local police arrange a "reverse sting." They would sell cocaine to suspected buyers, then arrest them.

Each group of agents loaded their handguns and proceeded to the designated rendezvous at a suburban shopping center—only to discover they were there to arrest each other.

"Whoa! We got a problem here. I recognize that guy," a DEA agent conducting a stakeout reportedly said.

Customs officials insist that such mishaps are the price of vigilant narcotics enforcement. But for outraged DEA officials, the Phoenix foul-up was one more example of a federal drug effort that sometimes swerves out of control because too many rival agencies are traipsing around on their territory.

"The question we have to ask ourselves is: Who is in charge?" complained Tom Cash, special agent in charge of DEA's Maimi office. "Currently, nobody is in charge in narcotics investigations—and nobody wants to follow anybody else's guidance."

The long-smoldering dispute has finally boiled over in recent months with blistering interagency memos and bureaucratic lobbying that has been taken all the way up to President Bush. At stake in this hard-fought turf war is the scope of Customs authority to conduct drug investigations and, perhaps more important, whether the agency can pocket the millions of dollars in assets it seizes from drug dealers or whether it must turn that booty over to the Justice Department's Asset Forfeiture Fund.

But the dispute also highlights what many officials say is a larger phenomenon: the growing number of federal agencies, from the U.S. Forest Service to the Civil Air Patrol, that have muscled their way into the war on drugs, much the chagrin of DEA officials, who once thought DEA had that job to itself.

According to the most recent figures, 337 Customs agents, 2,320 Border Patrol agents, six Bureau of Alcohol, Tobacco and Firearms agents, 22 Immigration and Naturalization Service agents and 134 Forest Service agents have been "cross-designated" by DEA to pursue specific federal drug cases. That means there are about as many federal drug agents in other agencies now—2,819—as there are agents in all of DEA.

"The problem," said one federal official who has been following the dispute, "is that everybody wants to be a narc."

DEA officials thought they had solved the problem with Customs last November when the Justice Department's Office of Legal Counsel issued an opinion stating unequivocally that Customs agents lacked the authority to seize assets from drug dealers

unless those agents were explicitly cross-designated by the DEA to work drug cases.

Customs still has unchallenged authority to seize drugs and pursue smugglers at the borders. But under the new guidelines, designed to put Customs agents on a shorter leash, any time Customs wants to investigate a drug trafficker within the country, it must seek DEA's permission, then follow DEA's permission, then follow DEA's instructions.

The restrictions infuriated Customs investigations, who believe they have busted major traffickers only because they have been free to pursue drug cases on their own. One of those agents personally appealed the matter to Bush during an April 25 briefing at Rancho Del Rio, Calif. According to Customs officials, the agent extracted a promise from the president to review the matter.

"It was an unfortunate opinion and without question, it did have a demoralizing effect on Customs personnel," Customs Commissioner William von Raab said in a recent interview.

"They've made no bones about the fact they're going to get this changed," said one DEA official. "They're saying it's outrageous."

Von Raab insists that he is trying to quietly work out a compromise. But internal memos suggest neither side is too happy with the way things are going.

In a March 14 memorandum, Von Raab took a broad view of "cross-designation," saying it means that DEA offices would exercise only "general oversight" over Customs drug investigations.

Then, in a May 9 memo to Attorney General Dick Thornburgh, DEA Administrator John C. Lawn cited what he called "continuing problems" and "uneven or sporadic implementation" by Customs.

According to an April "survey" of DEA offices attached to Lawn's memo, Von Raab had recommended "100 percent cross designation" for all Customs agents in some cities. In other cities, such as Detroit and Denver, DEA offices "have documented unilateral" Customs investigations of domestic drug cases "with no smuggling aspects," the survey said.

In one of those cases, the memo said, Customs agents "attempted to bypass DEA and deal with the FBI."

"We cannot allow an environment to develop that permits an agency of the federal government to 'shop' state, local or foreign policy officials," Lawn's memo said.

For Customs officials, however, DEA's hard-line position makes no sense, given the limited resources available to fight illegal drugs. "It's a shame," said one Customs official, "I see this as one more bureaucratic procedure that stymies our effort."

LET'S GET RID OF THE "SLIME-SLINGERS"

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 13, 1989

Mr. MILLER of California. Mr. Speaker, I am hopeful that all Members of the House share a strong sense of revulsion at the smear tactics of the Republican National Committee this past week. At a time when the Nation, and the Congress, were celebrating the accession of a distinguished and respected new Speaker, Lee Atwater and his band of a slime-slingers—in the words of Anthony Lewis—launched again their special brand of gutter politics, slandering the Speaker and denigrating the entire political process one more time.

Mr. Lewis, the distinguished New York Times columnist, properly assigns responsibility for this slander to the man at the top, noting "I do not know that we have ever had a major party chairman who raises viciousness and cowardice to as professional a level as does Lee Atwater of the Republican National Committee."

Mr. Atwater has, throughout his political career, demonstrated an uncontrollable willingness to go for the jugular, and the facts be damned. He wields facts and political arguments with all the precision of a surgeon operating a chain saw, and with a comparable respect for human sensitivity. A candidate's personal reputation, his or her family, a lifelong career—all are suitable targets for the Atwater and the RNC slime-slingers.

Mr. Atwater, who strongly embraced the RNC smear sheet on Monday, by Tuesday claimed not to know anything about it. Either Mr. Atwater is letting the junior RNC staff run amok, which demonstrates his atrocious judgment and management style, or he is once again letting an underling take the fall for employing the RNC's well-developed style of rumor mongering. Mr. Atwater is very good at that style, and also at always finding someone else to blame, or at apologizing—after the fact, after the election, and after the reputation is sullied.

Those of us who live in the political arena have seen this reprehensible style before. As Anthony Lewis wrote in the Times on June 8:

The American people are fed up with gutter politics and with those who practice that degrading style. They demean our political system and our Nation. And perhaps what is most sad, commentator after commentator advises that mudslinging—however decried it may be—will continue because "it works."

The time has come for political leaders to repudiate the use of character assassination, innuendo, and lies as campaign and legislative tactics, and the best way to show sincerity is by getting rid of the purveyors of slime. President Bush, whose campaign benefited from Mr. Atwater's bombastic style, should demonstrate his commitment to upgrading politics in America by replacing Atwater with a skilled and respected party leader who will base campaigns and debate on the legitimate issues rather than on assaulting anyone's character or reputation.

[From the New York Times, June 8, 1989]

THE SLIME-SLINGER

(By Anthony Lewis)

This is not the only occasion on which Mr. Atwater has demonstrated such square-shooting candor in taking responsibility for what comes out of his shop and his school of politics. In last year's Presidential campaign there was Willie Horton.

Willie Horton was the black murderer who raped a white woman while on furlough from a Massachusetts prison. Last June, according to press reports, Mr. Atwater told a Republican group: "If I can make Willie Horton a household name, we'll win the election." This year he said he could not remember saying that.

He also reportedly told a Republican meeting in Atlanta, "There's a story about a fellow named Willie Horton for all I know may end up being Dukakis's running mate. He cannot remember that widely quoted remark either.

Last month Mr. Atwater said the use of Willie Horton in the campaign had nothing to do with race. "In retrospect," he told the Washingtonian magazine, "I'm sorry he was black. Now, looking back, we should have used a white guy."

In 1980 a Democratic candidate for Congress said Mr. Atwater had planted questions with reporters about the fact that he had had electric shock therapy as a teenager. Asked about that, Mr. Atwater said he would not answer charges by someone who had been "hooked up to jumper cables." This year he said he "feels terrible" about having said that and wishes "journalists would stop bringing it up."

While President Bush was endorsing a pay raise for members of Congress and Federal officials last winter, Mr. Atwater sent out a fund-raising letter attacking Democrats for the idea. When challenged, he said staff members had inserted the pay raise material.

He is plainly a man with the courage of his convictions. His conviction is that the way to win in politics is to smear—and then disavow responsibility. He does not even stop at what this country's history and present condition make the most dangerous demagoguery: the use of race.

The Atwater methods have Congress in a paralyzing state of fear and anger right now. No one knows who may be the next victim of innuendo.

That raises a question: Where is President Bush in all this? He says he wants bipartisanship, he invites Democrats to the White House—and he has Lee Atwater at the Republican National Committee. Does he want some governance in this country? Or does he want Atwaterism?

TOM JOYCE RETIRES

HON. WILLIAM D. FORD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 13, 1989

Mr. FORD of Michigan. Mr. Speaker, as chairman of the Committee on Post Office and Civil Service, I have been fortunate to have Tom Joyce on the staff as public information director and press secretary.

Tom is now retiring—the fitting end to an admirable career in journalism of covering stories and issues important to the people of Michigan and this country.

After graduating from Michigan State University, Tom began his career as a reporter for the Greenville Daily News in western Michigan. From there he moved to the Pontiac Daily Press and eventually to the Detroit Times. In 1956 Tom moved to the Washington, DC, Bureau of the Detroit News, where he covered the capital for nearly 14 years. Following his stint with the Detroit News, the country's largest afternoon newspaper, Tom joined the staff of Newsweek, and became their correspondent specializing in labor relations and organized labor. In 1977, Tom was asked to join the Carter administration in the role of assistant director of public affairs for the Council on Wage and Price Stability.

When Tom's White House duties ended in 1981, it was then that I asked him to join my committee and personal staff, where he served as an important and valued member until his retirement.

I ask my colleagues and staff members to join me in wishing Tom Joyce the best in his retirement. No doubt he'll still spend a lot of time with his first love, writing, but he'll also have time to enjoy his other favored pursuits, including sailing, woodworking, and hunting.

We will miss Tom Joyce, but I'm comforted by the fact that I can still count on him as a close friend and adviser.

WELL-EARNED PRAISE FOR MARIO WATLINGTON

HON. RON de LUGO

OF THE VIRGIN ISLANDS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 13, 1989

Mr. DE LUGO. Mr. Speaker, I am proud to make a statement today in praise of an outstanding Virgin Islander and longstanding friend of mine, Mario Watlington, who has just been elected to the National School Boards Association.

Mario has dedicated himself to improving education in the Virgin Islands and he has served his community very well. Now is it most fitting that he gain wider recognition through his election to the National School Boards Association, which sets policy for more than 15,000 school districts.

Mario has served on the Virgin Islands Board of Education since 1972 and says he is now in his last term. He will be sorely missed. He has always been a strong voice for better schools and better opportunities for our young people in the Virgin Islands. He has put his ideas into action during a distinguished career as teacher, department of education administrator, University of the Virgin Islands admissions director, and board of education member.

Mario also applied his boundless energy to other areas of public life. If he is not attending to board of education business, then he is on the tennis court, or is leading senior citizen activities, or is counseling aspiring young entrepreneurs in his capacity as a leader of the Service Corps of Retired Executives. In addition, he has served as a delegate to Virgin Islands Constitutional Conventions and adviser to many of our elected officials.

I, for one, have benefited from many years of friendship with he and his wife, Lydia, and from many insights into Virgin Islands public affairs that Mario has shared with me over the years.

Mario was profiled in the Virgin Islands Daily News on June 7, 1989. I want to reproduce that article here in the CONGRESSIONAL RECORD so my colleagues in Congress will know of Mario Watlington's outstanding contribution to education in the Virgin Islands.

The article follows:

EDUCATION'S BRILLIANT BEACON

(By Abu Bakr)

Mario Watlington last month became the first Virgin Islander to be elected to the National School Boards Association, the most influential body in its field in the United States. The board sets policy for more than 15,000 school districts.

Watlington's election, which he described as "a final contribution to the Virgin Islands before I retire," comes at the end of a distinguished career in education at all levels, and is the culmination of his 17 years of work on the V.I. school board.

NSBA President James Oglesby paid homage to Watlington after his election. Oglesby said, "Mario brings a lifetime of education and school-board experience to the board, as well as fresh perspectives. He has a background that epitomizes the ethnic and cultural diversity of our American democracy. His contribution will be significant to the cause of local school-board governance as we move into the future."

Watlington, chairman of the Joint School Boards of the Virgin Islands, was elected to what he calls his last term in that position. The four-year term began this year. His election to the national board is for one year, to fill an unexpired three-year term.

Watlington and his wife, Lydia, are the parents of well-known University of the Virgin Islands physics professor Roy Watlington, and of Audrey Watlington, a public schoolteacher in Los Angeles.

Watlington worked in the field of education all his life and produced children who followed in his footsteps. He said a career that started as a schoolteacher and led him to become deputy commissioner of education and director of admissions at the University of the Virgin Islands seemed almost destined.

"When I graduated from Charlotte Amalie High School, there was an opening for a commercial teacher, and since I was a graduate of the commercial department, I started as an evening schoolteacher. Since then, even though I worked with law firms in New York and with the New York City Housing Authority for many years, circumstances seem to have drawn me to education all my life," he said.

The St. Thomas native opened his own commercial school and worked in the courts before leaving to pursue his studies in New York. He recalls those days with delight.

Already married and a father, Watlington studied at Baruch School of Business Administration and was active in the Harlem West Indian movement that Geraldo Guirty described in his book on the era.

Guirty said Watlington was one of the Virgin Islanders who marched with the Rev. Martin Luther King and who worked to improve the lot of West Indians on the continent.

"We, the V.I. Public Affairs Council, used to meet at Guirty's house every Sunday to discuss what was happening in New York, in the Virgin Islands and in the rest of the world. We spoke with one voice and we were effective. Those were the days when J. Raymond Jones had power in Tammany Hall, and when we spoke, we would be heard," Watlington said.

That period in Watlington's life came to an end when V.I. Gov. Ralph Paiewonsky, who was putting together his administration, asked Watlington to return to the territory. Watlington became deputy commissioner for business affairs in the V.I. Department of Education.

Because Watlington then was what was called a "Donkey Democrat," his five-year career with the department fell victim in 1967 to the infighting that afflicted the Democratic Party in the territory.

He then worked for the University of the Virgin Islands until his retirement in 1982.

He has been on the school board since 1972 and has participated in the third and fourth constitutional conventions, so that he especially could push for the education agenda to which he always has been loyal. He is concerned about the quality and quantity of students' education.

"Students at risk constitute our main problem. We still have an unacceptably high dropout rate—about 30 percent—due to pregnancies, insufficient parental supervison and inadequate vocational education," he said.

He noted that a thorough infusion of the basics and a strengthening of V.I. students' motivation could boost their performance levels.

"Virgin Islands students do so well abroad that I don't see why they can't do better at home," he said. "Longer school days and at least 182 teaching days per year, and a combination of vocational education and work projects should be introduced if we are to see any major improvement."

Regarding the board's relationship with the Department of Education, he declared: "The three-part board system—two district boards and then a joint board—is going through its throes. Some members don't want it, but most of the Crucian members do. However, we are doing our best to make it work."

Education Commissioner Linda Creque, a distant relative of Watlington's, is trying within the limits she has inherited, Watlington said.

He would like to see the district superintendents report directly to the boards. He believes that the department should be concerned strictly with administrative matters.

Watlington foresees the remaining years as his final chance to help shape the education system in the territory. He says the board members are excellent and well qualified and that together they can succeed.

Watlington ran for lieutenant governor on the Dr. Aubrey Anduze ticket, but apart from that sortie into politics, he has resisted all invitations to transform his voter appeal in board elections into a senatorial seat. He is content to work in a field he knows and loves. At the end of his four-year term, he will retire from public life, he said.

A TRIBUTE TO CHIEN JEN CHEN

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 13, 1989

Mr. GILMAN. Mr. Speaker, it gives me pleasure to pay tribute to Chien Jen Chen, a highly respected diplomat for the Republic of China on Taiwan.

For more than 6 years Mr. Chen has served as deputy representative for the Coordination Council for North American Affairs [CCNAA] which is the unofficial embassy of the Republic of China on Taiwan in the United States. He has been a regular, active force in Washington for more than 18 years. Mr. Chen has been invaluable in encouraging mutual understanding of intricate and delicate issues facing our countries today and because of his service he has greatly improved this important dual relationship.

Recently promoted to Vice Minister of Foreign Affairs, Mr. Chen will be leaving Washing-

ton on June 15 and returning to his home country. The Government of the Republic of China on Taiwan could not be recognizing a more astute, intelligent man. Known throughout Washington as a skillful and productive leader, there is not doubt in my mind that Mr. Chen will continue to strengthen the longstanding relationship between his country and ours.

It is an understatement to say that C.J. Chen deserves an enormous amount of credit for working on and creating a plan of action to enable his government to help reduce the trade imbalance between our two countries. Without his help, we would not have made the improvements we have today. The trade deficit is a very serious consideration for our Government and Mr. Chen has been of great assistance in adopting a very positive approach in resolving this issue.

Mr. Chen will be sorely missed in Washington as an effective diplomat and leader and I am certain that he will do as well at his new position of responsibility as he has in Washington. The Government of the Republic of China on Taiwan could not be getting a better man as the Vice Minister of Foreign Affairs.

IN RECOGNITION OF FORMER MIDLAND FIRE CHIEF, ROBERT J. FISHER

HON. BILL SCHUETTE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 13, 1989

Mr. SCHUETTE. Mr. Speaker, I rise today to honor Robert J. Fisher who on February 23, 1989, retired as chief of the Midland City Fire Department. In the profession of fire protection Robert has consistently distinguished himself in his 43 years of public service. The accomplishments of the department during his 17 years as Midland City Fire Chief have been especially impressive. Among these are important modernizations to improve the efficiency of the fire department such as adding the first aerial ladder company, adding a third fire station in Midland, and constructing administrative offices.

Mr. Fisher's career began with the city of Lansing Fire Department on October 1, 1946. He served with their department until August 14, 1972, when he was appointed chief of the Midland Fire Department. Robert has always been active in using his expertise to assist the community. He has been a member of the Michigan Fire Chiefs Association, National Fire Protection Association, International Association of Fire Chiefs, Midland County Fire Chiefs Association, Southeastern Michigan Fire Chiefs Association, and a charter member of the local C.A.E.R. [Community, Action, Emergency, Response] Committee. He also served as president of the Michigan Fire Chiefs Association during 1979 and 1980.

Mr. Speaker, I ask that you join me in saluting Robert J. Fisher for his fine service in the efforts of fire prevention, and for his dedicated service with the Lansing Fire Department, and with the Midland Fire Department. I ask that we all take a moment to thank Robert for his community service. I know we all wish Robert and his wife Edna, along with their five children, Michael, Jeffrey, Mary Kay, Patrick, and Jane the best for the future.

BUSH GAINING STATURE AS A STATESMAN

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 13, 1989

Mr. SOLOMON. Mr. Speaker, as long as 2 years ago, when I was one of the first Republicans in this body to come out in support of George Bush for President, I pointed out that the then Vice President was the most qualified person ever to seek that office.

We are starting to see abundant justification of that confidence, most recently in President Bush's prudent response to events in China, under pressure from the left and the right, and in his successful European trip.

But William Randolph Hearst, Jr., expresses it better than anything I could say, Mr. Speaker, and I proudly place his recent column, published in the June 11, Albany (NY) Times-Union, in today's RECORD.

BUSH SCORES AGAIN WITH SOUND STATESMANSHIP

(By William Randolph Hearst, Jr.)

NEW YORK.—Three highly beneficial developments for our country this past week provided a little relief from the horrifying reports of the Chinese communist regime's barbaric terrorism against its own pro-democratic people.

First of all, President Bush's prudent response to the infamy that has brought China to the brink of civil war won glowing praise at home and abroad for his sound statesmanship. It followed quickly in the wake of his success in unifying NATO over arms talks with the Soviets and mollifying West Germany over the short-range nuclear missile issue.

We are fortunate to have a president who is proving so soon his qualities of world leadership.

Other good news was announcement of the conclusion of a historic agreement between the United States and the Soviet Union pledging the two superpowers never to use force against each other in responding to any accidental military contact or incident.

Adm. William J. Crowe, chairman of the Joint Chiefs of Staff, plans to sign the agreement shortly after his scheduled arrival in Moscow tomorrow, Monday, for an 11-day visit.

Negotiated over the past eight months in great secrecy by teams of U.S. and Soviet military officers and approved by President Bush and Soviet leader Mikhail Gorbachev, the unprecedented pact, called "The Prevention of Dangerous Military Activities," is intended to avert accidental military confrontations from escalating into a wider conflict—even nuclear war.

It provides that the two governments will "take measures to ensure expeditious termination and resolution, by peaceful means without resort to the threat or use of force, of any incident which may arise as a result of dangerous military activities."

It would apply to border or boundary incursions, use of range-finding lasers when forces meet, ship and troop movements in regions of high tension and interference with communications, command and control networks.

We can, I believe, have cautious confidence that President Gorbachev will respect this encouragingly peaceful pact, but we must remain mindful that he could be replaced by an aggressively anti-American tyrant. As long as the Soviet Union maintains offensive military superiority of any kind, we must retain appropriate defensive strength.

Among the good news in recent days was the election of Rep. Thomas S. Foley, D-Wash, as speaker of the House of Representatives. One of the most highly respected members of Congress who is known for his rationality and skill as a conciliator, the 25-year veteran of the House will be third in line for the presidency. He has praised President Bush for his handling of China and NATO and pledged that he will do his best to work cooperatively with the President when he believes it will serve the interests of the country.

His appeal to Republicans and Democrats to end the partisan rancor and divisiveness that marked the downfall of his predecessor, Rep. Jim Wright, D-Tex., was ignored by partisan zealots. Slimy, slanderous innuendoes against the new speaker, which President Bush denounced as "disgusting," forced the resignation of Republican National Committee communications director Mark Goodin, a political hatchetman for NRC Chairman Lee Atwater.

The future of China is now in grave internal danger as a result of the brutal suppression of the student-led revolt against communist corruption and incompetence. The slaughter of an estimated 3,000 people by illiterate Mongolian troops brought into Beijing to crush the courageous students and populace of China's capital who were demanding democratically-oriented political reforms created fears of a military split that could precipitate widespread civil war. However, by weekend's approach, the communist hardliners, originally led by Deng Xiaoping, age 84, and his equally hardline president, Yang Shangkung, appeared to have gained control of Beijing.

The 27th (Mongolian) army, which was brought into the capital to brutally crush the student rebellion against the communist regime, was moving out of the city, indiscriminatingly killing bystanders and spraying western compounds, including American residences and office buildings, with automatic-weapon fire as they went. The 27th army was being replaced by the 38th army, which is responsible for defense of Beijing and whose officers and troops refused to fire on the students when first ordered in to suppress the rebellion in Tiananmen Square. This army apparently remains loyal to the hardline military high command. Western military sources estimated up to 400,000 troops ring the capital.

Deng, who opened up Communist China to the West and launched an economic reform program, was vehemently opposed to political reform. He particularly hated students because, during the Cultural Revolution under Mao Zedong, radical students had badly beaten him and murdered some of his relatives.

President Bush, in limiting action against the communist regime to suspension of arms sales to China and in rejecting congressional demands for economic sanctions and a break in diplomatic relations, showed his wisdom and the benefit of his knowledge

about China learned when he was U.S. envoy there in 1975.

Severing ties with China and cutting off trade not only would have disheartened the incredibly courageous students who had raised a replica of the Statue of Liberty in Tiananmen Square and who, with millions of Chinese adults, looked to the United States for support. It would also have led the communist regime to turn to the Soviet Union for help. Moscow's price for aid would undoubtedly be removal, or confiscation, of the U.S. missile monitoring bases which the Chinese government allowed us to set up on the Sino-Soviet border after we were forced to remove them from Iran when the late shah left the country. Those bases are the main land source of our most effective electronic surveillance of Soviet missile launching. As the President so wisely said, we must take into account our long-term interests and the faith of the Chinese people, young and old, in America and its ideals.

The good sense of President Bush's handling of China's terrible tragedy won strong bipartisan support in Congress and widespread approval in Europe. As Bernard Kaplan, our foreign affairs writer, reported from Paris, the President "reinforced his recently enhanced status as a world leader by what foreign observers hailed as a skilled and measured response to the upheaval in China."

MEASURE TO HELP MAINE'S BORDER PATROL IN DRUG WAR

HON. OLYMPIA J. SNOWE

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 13, 1989

Ms. SNOWE. Mr. Speaker, today I am sponsoring legislation designed to help the U.S. Border Patrol in Maine fight the war against drugs. This measure takes a small, but nonetheless important, step in the right direction as we continue to mobilize our society's resources against the scourge of drugs in America.

The provisions of the legislation I have introduced would earmark $380,000 from the currently existing authorization for the U.S. Border Patrol's budget to provide for the salaries of an additional 10 agents in Maine over the next 2 fiscal years. Additionally, this measure would earmark $500,000 from the current Border Patrol budget authorization to purchase an extra 50 mobile, electronic devices in Maine for fiscal year 1990 and fiscal year 1991.

Mr. Speaker, last autumn I traveled to northern Aroostook County in Maine to witness firsthand the difficulties that our Federal law enforcement agencies are encountering in trying to protect our border with Canada. I visited with a family in Fort Fairfield, right on the northern border, who recounted for me the frequent number of illegal border crossings that they see in their apple orchard every year. Yet, most of these illegal crossings are not investigated by the Federal law enforcement community. At a potato farm located right on the border in Littleton, I was able to see exactly how easy it is for anyone who wants to smuggle illegal drugs across the border to do so, without being detected or properly detained.

During my visit, I also spoke with agents from the U.S. Border Patrol and other Federal agencies about their own experiences in trying to enforce our laws and protect our citizens. These agents have noticed that more and more frequently, smugglers are bringing illegal drugs, guns, or alcohol across the border for profit. Yet, in recent years, Maine's Border Patrol budget for personnel and equipment just has not kept pace with the increasing number of individuals engaged in illegal activities. It was clear that they needed help in order to adequately respond to this growing menace.

My legislation seeks to remedy this problem by focusing tightly limited Federal resources where the can be most helpful: Increased funds for more Border Patrol agents and mobile electronic sensors. Adding to the number of Border Patrol agents in Maine will allow them to investigate illegal border crossings in Fort Fairfield, Littleton or other Maine communities on the border. Increasing the number of mobile electronic sensor devices will also allow the Border Patrol to monitor a larger number of the roughly 120 unofficial border crossings in Maine that smugglers can use to bring their contraband into, or out of, the country.

By drafting the bill's provisions to fund these efforts out of the existing budget authorization levels, I recognize the concern we all share about the Federal budget deficit. My legislation is designed not to add to the existing budget shortfall, but rather to direct already existing budget resources to where they are needed, and can be used, on the Maine-Canada border.

Mr. Speaker, there are many ways in which the 101st Congress can help our Nation stem the flood of drugs invading our country. One such method is to direct our limited budgetary resources where they can be most effectively utilized. My legislation to add 10 additional Border Patrol agents and 50 mobile, electronic sensor devices in Maine seeks to do just that. I urge all of my colleagues in the House to join me in supporting this measure.

TRIBUTE TO THE LATE CHRIS KARAMANOS

HON. JAMES H. BILBRAY

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 13, 1989

Mr. BILBRAY. Mr. Speaker, I rise to honor Chris Karamanos a university regent and a truly great member of the Las Vegas community who passed away June 8 of this year.

Karamanos was one of the great givers of our community. He donated his money, he gave his time and incredible energy to anyone who asked. Now, in his passing, those great gifts live on in our memory of him.

Karamanos was a native of Ohio who served as a helicopter pilot during the Vietnam war. He went on to serve as a police officer in Newport Beach, CA. By the time he came to Las Vegas, Chris had hit his stride.

He was a vice president of the Las Vegas Hilton from 1969 to 1973. He also served as chairman of the employee management relations board before being appointed to the Nevada University Board of Regents.

In business it seemed that Chris was always ready to branch out into something new. He was a former owner of Jet-Avia a charter service that transported medical patients. His catering service fed most of the big social functions in Las Vegas and fed firefighters who battled blazes throughout the West.

His restaurant T.K. Christy's was always packed with downtown business leaders, politicians, and attorneys. He always had a kind word, quick to pass along a smile and a handshake. He always made you feel welcome, made you feel that he was truly anxious to see how you were doing.

He was a fierce supporter of the Rebels basketball team. So were a lot of people. But Chris cared about the rest of the college students too. He fought for more funds for the university and pushed the regents board to make credits at the community college transferable to university credits. He was always thinking of the little guy.

Las Vegas is full of stories of his kindness. Chris went out of his way to make people feel at ease. Its too easy to forget that not everyone can be home with their families during the holidays. Chris had a knack for thinking of workers who would be stuck at the job on Thanksgiving or Christmas and he'd send over a big turkey dinner. No notice, no one asked, no reminder. That's the kind of man he was. He did a lot of things for a lot of people. This world is a little colder, a little less caring today without him. He's gone to his rest. I'm going to miss him. He was a credit to Nevada and a good friend.

A TRIBUTE TO PHILIP KAPLAN

HON. CHARLES E. SCHUMER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 13, 1989

Mr. SCHUMER. Mr. Speaker, today I call your attention to Mr. Philip Kaplan who is retiring after 19 years of service as both a member and president of the community school board of district 15.

Mr. Kaplan was born on March 29, 1929, in Brooklyn where he has remained a lifelong resident throughout his career. For 27 years he has been a partner in the Manhattan based law firm of Levy, Gutman, Goldberg, & Kaplan. He brought to his law practice a broad-based education. He first earned a B.B.A. in accounting at Pace College in 1951. In 1957 he went to Brooklyn College where he received a LL.B. and 10 years later, in 1967, a J.D. in law.

The cause of the hiatus in his educational career was his service in the Korean war. Before receiving his law degrees, he helped defend American democratic values by serving during the Korean conflict in the U.S. Air Force. Following his discharge in July 1952, he continued his service by joining the Air National Guard of the State of New York until 1957, when he left with an honorable discharge.

Prior to embarking on his distinguished and uninterrupted 32-year law career, Mr. Kaplan

was a partner in a certified accounting firm, and controller to a listed corporation. His notable law career has taken him from the corridors of New York courts to Federal courts all the way to the Supreme Court.

Not only has Mr. Kaplan distinguished himself professionally, but he has also been an outstanding member of Brooklyn's community and the community at large. The trust he has gained from his neighbors is evidenced by the fact that he was elected to and made president of the community school board of district 15 in 1970. He has had the honor of holding these positions ever since. His commitment to education and the well-being of the young has led him to being a member of the Jewish Teachers Association and to frequently appearing as a guest lecturer at graduate schools like Brooklyn and City Colleges. He has also served as the president of the New York City School Boards Association, representing community school boards in New York.

Despite what seems to be a career which would leave little time or energy for community service, Phil has found the time to give back to those who are less fortunate than he has been. He has been a volunteer attorney for the New York Civil Liberties Union. He has served on the Maimonides Medical Center Community Mental Health Advisory Board. In addition to this, he is also a former member of the board of directors for the New York Multiple Sclerosis Society.

Mr. Speaker, please join me in saluting this man on the occasion of his retirement from his long life of serving and educating the community of Brooklyn. I am certain that his wife, Esna, his two children, Karen and David, his son-in-law Michael and his grandson Lee Jason share the pride I feel in honoring Philip Kaplan. His dedication to the education of our children will be missed.

VIETNAMESE PERSECUTION OF THE UNIFIED BUDDHIST CHURCH

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 13, 1989

Mr. LANTOS. Mr. Speaker, extensive human rights violations continue to occur in the Socialist Republic of Vietnam [SRV]. A delegation representing Thich Nhat Hanh, overseas representative of the suppressed Unified Buddhist Church of Vietnam, recently met with Members of Congress to remind us, and particularly the congressional Human Rights Caucus, that thousands of peaceful Vietnamese are still detained in the infamous reeducation camps or exiled to remote areas. I bring to the attention of the House today a short list of prominent monks, nuns, and writers. They represent countless more Vietnamese still persecuted for the peaceful expression of their religious or other beliefs.

As cochairman of the Human Rights Caucus I am very concerned about the fate of the two highest surviving leaders of the Unified Buddhist Church—Thich Quang Do and Thich Huyen Quang. Because they have protested religious policies of the SRV, the government holds them in internal exile. Their situation is similar to what Sakharov faced in the Soviet Union, except that these monks are not even allowed the basic necessities of life.

The treatment of other monks and nuns is also extremely serious. Thich Tri Thu, although he had accepted the position of president of the government-created Buddhist Church, died in 1984 following police interrogation. Several monks and nuns arrested with him were not brought to trial until 1988.

Among those sentenced at that trial were Thich Nguyen Giac (aka Ho Khac Dung), Le Dang Pha, Thich Chon Nguyen (aka Trung Tam Lac), Thich Duc Njuan (aka Dong Van Khoa), Hgo Van Bach, Hoang Van Cuong, Nguyen Thi Nghia, Huyng Van Phuong, Thai Ngoc Loi, and Do Huu Can. Two of the monks, Thich Tue Sy and Thich Tri Sieu, were at first condemned to death. After widespread international protest their sentences were commuted to 20 years. Amnesty International quite properly calls for the release of all of these monks and nuns and for the return from exile of Thich Quang Do and Thich Huyen Quang.

Mr. Speaker, there are also as many as 60 writers detained in Vietnam. These writers, along with other intellectuals who could be aiding the development of their country, are instead held in reeducation camps under inhuman conditions. Doan Quoc Sy and Hoang Hai Thuy, well-known and respected writers, should be immediately released, as should all intellectuals and ordinary citizens held without proper cause.

Mr. Speaker, these detentions demonstrate a continuation of the unacceptable repression of religion and free expression in the Socialist Republic of Vietnam. We in the U.S. Congress must continue to recognize this outrageous violation of human rights and support measures that will bring this to an end.

HELP THE GUMINTZSKY FAMILY GET OUT OF THE SOVIET UNION

HON. BYRON L. DORGAN

OF NORTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 13, 1989

Mr. DORGAN of North Dakota. Mr. Speaker, I would like to take a moment to share with my colleagues the case of a Leningrad refusenik which the Minnesota-Dakotas Action Committee for Soviet Jewry has recently brought to my attention. Samuel Gumintzsky has been refused a visa for 10 years on the grounds of secrecy. Although there may be some basis for this as he was involved in the Soviet space program, he has not worked in that field for a while and the information he possesses is most likely outdated. Moreover, the United States and the Soviet Union have agreed that, in the spirit of perestroika, they will share information regarding space exploration. Thus, the secrecy deadline should be lifted and his family permitted to leave.

Samuel and his wife, Stella, agreed to divorce in the early 1980's as a means to facilitate emigration, but the family has not been able to obtain visas. Stella Verbitskaya is an English teacher in a Leningrad school. Stella's and Samuel's daughter, Inessa, is a student at Herzen Pedagogical Institute in Leningrad, studying English. All members of the family speak English very well. The anti-Semitic group Pamyat has been quite active at Herzen, including last September when a group appeared at the opening of school dressed in black Nazi-style dress and demanded that the Jewish question be solved.

Inessa has applied twice to work for Sputnik, the student travel agency that deals with foreign travelers, for the United States and elsewhere. She has been refused work both times even though she took a special tutorial to prepare for the exam and believed she had gotten all the answers correct. Later, she found out from a non-Jewish friend who happened to get into a conversation with a superior about the matter, that she was refused the job because she was of the "wrong nationality" and that a special test and evaluation procedure existed for such people.

Inessa has been granted permission to leave the Soviet Union on June 25 without her parents. Because of these and other incidents of anti-Semitism among prospective employers, she has decided to leave on her own. Understandably, the family's frustrations are high, and they are especially complicated by the visa situation in Rome. Any congressional support would help their case.

ENCOURAGING PROGRESS IN NORTHERN IRELAND

HON. MATTHEW F. McHUGH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 13, 1989

Mr. McHUGH. Mr. Speaker, for many years it has been conventional wisdom that nothing could be done to end the violence in Northern Ireland—that the Catholic and Protestant communities were incapable of ever resolving their differences peacefully.

Now, however, there is growing evidence that the conventional wisdom is wrong and that a new spirit of tolerance and reconciliation is taking hold in Northern Ireland. In 1985 the Governments of Great Britain and Ireland signed an accord in which they pledged to work together to address the many problems in that troubled land.

Recently, the Washington Post carried an editorial assessing progress under that accord. As that editorial suggests, some points of contention remain. Nonetheless, it is also clear that concrete accomplishments have resulted from the accord, some of which are detailed in the editorial. For the benefit of those who may not have seen it, I am inserting a copy of the Post editorial into the RECORD following my remarks.

I also want to share with our colleagues a report by Paul S. Quinn of the Committee for a New Ireland, a private organization of American citizens. Mr. Quinn recently returned from his sixth trip to Northern Ireland, and his comments on the situation there are encouraging.

In particular, Mr. Quinn calls attention to the important work being done by the International Fund for Ireland, to which the United States

has been a major contributor. His report suggests that jobs are being created and that our funds are being targeted to the most disadvantaged areas in Northern Ireland.

Mr. Speaker, it is my hope that the United States will continue to lend its strong support to those who are working to promote reconciliation between the two communities in Northern Ireland. As the attached materials suggest, progress is being made in this effort.

[From the Wasington Post, June 9, 1989]

PROGRESS REPORT ON ULSTER

On Nov. 15, 1985, the British and Irish governments signed an agreement establishing an intergovernmental conference to work together on mutual problems involving Ulster. A few hardliners in the Republic warned against any kind of agreement that conceded the legitimacy of current British rule in Northern Ireland. Their opposite numbers in the north threatened resistance against any plans even to consult with the Irish government in the sensitive areas of terrorism, administration of justice and individual rights. But the naysayers won no converts, and the two governments proceeded quietly to work toward easing tensions and creating a permanent mechanism for cooperation.

The terms of the agreement require a periodic review of the workings of the conference, and recently both governments released a report growing out of that assessment. Some points of contention remain. The Irish continue to press for reform of emergency criminal laws enacted in 1978 and the special judicial procedures used to try those accused under that law. The British "are not at present persuaded of the merits of this proposal." In other areas, there are no breakthroughs but a continuing effort to progress. Building public confidence in the security forces and the system of justice is a long-term task. Assuring citizens that their complaints involving individual rights will be heard and acted upon is an objective that takes time. Working together to combat terrorism will continue into the foreseeable future.

But there is also concrete accomplishment. Fair employment legislation aimed at the 10-point difference between Protestant and Catholic unemployment in Northern Ireland is now being considered in the British Parliament. Laws that restricted the display of certain flags and emblems, which so incensed the minority community, have been repealed. Voting rights of Irish citizens living in the north have been clarified. A new curriculum designed to promote understanding and mutual respect for the two traditions in Ulster is being prepared for the schools. Reforms involving prisons and reviews of the cases of certain prisoners have been undertaken. All this is an encouraging record of accomplishment in a short period of time.

It's important that both governments reaffirm their commitment to the agreement and both resolve to continue to work toward its goals. Terrorists on both sides, the intransigents and the haters, have failed to sabotage this effort. Instead, it now appears there is wide agreement on the principles expressed by both governments: "The agreement does not represent a threat to either tradition in Northern Ireland. On the contrary, it provides a framework that respects the essential interests of both sides of the community and their right to pursue their aspirations by peaceful means. It facilitates cooperation in the fight against terrorism and sets out to create the conditions in which the whole community can live together in peace."

NORTHERN IRELAND—MAY 1989

(By Paul S. Quinn)

I have just returned from Belfast and the border areas of Northern Ireland. It was my sixth trip in five years and, although serious social, economic and political problems continue there, I came away more hopeful than ever before that real progress is being made in turning Northern Ireland away from violence and toward peace and social and economic reconstruction. Violence and threats of violence from extremist elements in both the Nationalist and Unionist communities continue to impede the political process and discourage economic investment, but there is clear evidence of a constructive movement in several areas:

The local government elections held on May 17 produced decisive gains from the Social Democrat and Labour Party (SLLP), the voice of moderation and non-violence in the Nationalist community. It is now the second largest political party in Northern Ireland. The SDLP got twice as many votes in the local elections as Sinn Fein, the political wing of the IRA, and has 122 Council seats throughout the Country versus 43 for Sinn Fein. The official Unionist party substantially out-polled Paisley's Democratic Unionist party, further reflecting that voices of moderation in both traditions are gaining strength in Northern Ireland.

On May 24, the Conference of the Anglo-Irish Agreement produced a very favorable assessment of the first three years work of the agreement, pointing to substantial progress in the working relationship between the British and Irish governments regarding Northern Ireland, expressing increased confidence in the security forces and system of justice, including a new Code of Conduct adopted by the Royal Ulster Constabulatory (RUC), improvement in the Northern Ireland prison system, cross-border economic cooperation, and the establishment of a British-Irish interparliamentary body.

The International Fund for Ireland, created by the Anglo-Irish Agreement, has allocated $94 million to 850 specific projects in seven program areas throughout Northern Ireland and the border areas in less than two and one half years. These projects have created 4,500 permanent jobs and an additional 4,000 construction jobs. Of the $57 million allocated for projects within northern Ireland, 70 percent was in support of projects in the most disadvantaged areas, thus helping assure that the objectives of the Fund—to promote economic and social advance and to encourage contact, dialogue and reconciliation between Nationalists and Unionists throughout Ireland—is being achieved.

A particularly significant development flowing from the Agreement and the International Fund is cooperation between Northern Ireland and the Republic on joint tourism projects which, for the first time, link the North of Ireland with the Republic as a single tourist destination.

On May 25, the House of Commons passed significant legislation designed to eliminate employment discrimination in Northern Ireland. This legislation was substantially modified and improved as it moved through Parliament through the application of the Anglo-Irish Agreement's mechanism for cooperation between the Republic and the British Government on matters impacting on Northern Ireland. The legislation as finally adopted, while not perfect, embodies most of the specific recommendations of the SDLP and has its strong endorsement. It passed the House of Commons overwhelmingly with the opposition Labour Party joining in support of it.

Unfortunately, there has been little substantial progress toward the devolution of responsibility to govern Northern Ireland to elected representatives there. This is as a result of the intrangence of the two Unionist parties who have thus far refused to enter negotiations or even meaningful discussions with John Hume, the SDLP leader. However, the Conference of the Anglo-Irish Agreement specifically reiterated a commitment by the British and Irish governments to a process of devolution and last week both the Irish Prime Minister, Charles Haughey, and the British Secretary of State for Northern Ireland, Tom King, forcefully urged Unionists to enter a dialogue to bring this about.

The economic crisis which has confronted Northern Ireland for 20 years still causes unacceptably high levels of unemployment throughout the Country. Among Catholics, adult male unemployment is 28 percent. This is two and one-half times higher than their Protestant neighbors. This poses the most serious economic and social threat to further progress in Northern Ireland. Efforts to promote further investment in the Country, particularly in the context of a singular European market in 1992, should be the single most important objective of all who are concerned with the process of peace through nonviolence in Northern Ireland.

Recent Congressional testimony by the new Speaker, Tom Foley, in support of an additional $20 million for the International Fund for Ireland and his condemnation of violence in Northern Ireland, provided a major boost for supporters of the Fund and the Anglo-Irish Agreement in Northern Ireland, Great Britain and the Republic. Congressional action in support of the Speaker's request would be the best possible proof that the United States government stands behind efforts of the British and Irish governments in their commitment to help the overwhelming majority of the people of Northern Ireland who want to achieve self-determination and economic progress through peaceful means achieve that goal.

TRIBUTE TO HARVEY H. ROSEN

HON. HOWARD L. BERMAN

OF CALIFORNIA

HON. MEL LEVINE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 13, 1989

Mr. BERMAN. Mr. Speaker, it is with distinct pleasure that we rise today to honor a unique individual and a model citizen. Harvey H. Rosen is this year's recipient of the prestigious "Goodfellow" Award from the Boy's and Girl's Club of the San Fernando Valley. Harvey is being honored for his untiring efforts to improve and enhance the lives of underprivileged youth in our community. He has played a key role in implementing and expanding the club's mission—providing supervised guidance programs to head young

people in the direction of a productive, meaningful life.

Harvey gives generously of his time to many worthy organizations in our city. In addition to his charitable commitments Harvey is also a distinguished jurist. He is a founding partner and is now managing principal of Rosen, Wachtell & Gilbert and is a renowned expert in banking and corporate law.

Harvey has a broad and extensive background in banking. Prior to his present firm's formation, he had several years of distinguished service in the banking industry. He was vice president and general counsel for Imperial Bancorp, Imperial Bank, Imperial Thrift and Loan, and their affiliated subsidiaries.

Among his many accomplishments, Harvey has served as chairman of the Financial Institutions Committee of the State Bar of California. Additionally, he has chaired the Corporations and Business Law Section of the Beverly Hills Bar Association and continues to serve on its executive committee. He also lectures extensively on matters relating to financial institutions and corporate transactions.

Mr. Speaker, we ask our colleagues to join us in honoring Harvey H. Rosen, a man whose achievements and dedication are a credit to this country.

IN TRIBUTE TO THE HONORABLE CLAUDE PEPPER

HON. JIM BATES

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 13, 1989

Mr. BATES. Mr. Speaker, my constituent, Carole J. LaSalle, knew Senator Claude Pepper for many years. What follows is Carole LaSalle's eloquent statement about Senator Pepper on behalf of all his many friends in the State of California.

IN TRIBUTE TO THE HONORABLE CLAUDE PEPPER

(By Carole J. LaSalle)

Claude Pepper—only two words—a name. But today that name echoes in the hearts of millions of Americans who truly are "from sea to shining sea". This man entered the Senate of the United States before many of us were born. In a primary campaign for reelection to the Senate, he experienced events that few of us would wish to face and was forced to return to private life.

A man of no privileged background, he had acquired the education to return to a very successful legal practice. This would have been enough for most ordinary people.

Claude Pepper had assured himself of a mark in the history books, but he was far from defeated. In 1960, he saw a need that was not being met and accepted a call to enter the United States House of Representatives. He was never defeated again; not even now, by death.

Claude Pepper wasn't a saint, wasn't a political genius, wasn't many things strangers might assume. He was a name of ultimate dedication. In returning to serve the citizens of Florida, he found a constituency across the nation. These were the elderly, the needy—the ignored. Remembering his role in the "New Deal", he said: "This shall not continue".

He rose to a position of power in the Congress which enabled him to keep his promise. What a champion he was! Many times, "ol' Claude", as he was unofficially known, accomplished the creation of laws to help those he served. Respected on both sides of the aisle, it was not unusual to hear someone say, "Ol' Claude won't buy that one". He could, and did, manage to prevent enactments that would hurt his people.

Those who had the privelege of knowing him closely were aware that this was a "gentleman of the old school". He would never embarrass a stranger who presumed first-name acquaintance or addressed him as "Congressman". Throughout his life he had a small vanity: the Senate was the highest elective office he ever held, and he was always addressed as "Senator" by those who knew and loved him.

Dear Friend, you have left us better for having had you. The time has come for you to lay the flag to rest, and those of us who knew you—who learned from you never to give up—always to stand and fight for the protection of others, will have to adopt your goal. It will take millions of us to do only a small portion of what you were able to give to your country. But we shall do this because we are also left with the consolation that when you approached the gates of Heaven, St. Peter greeted you: "Well done, Senator! The Lord and Mildred are waiting to welcome you home."

A TRIBUTE TO MS. ALLIE CASH MOSHER

HON. BILL SCHUETTE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 13, 1989

Mr. SCHUETTE. Mr. Speaker, it is with admiration and respect that I rise today to pay tribute to Ms. Allie Cash Mosher, of Marion, MI, who at the age of 92 on June 1, 1989, graduated from high school with the class of 1989 as a straight-A student.

When Allie left Marion High School in 1913, she had two more credits that she needed to complete graduation requirements. But those credits did not include a course in government, so she did not get a diploma.

Last fall, Allie asked Bob Hamilton, the adult education director at Marion High School, if it would be possible for her to graduate. Bob was able to locate her records from 1890 to 1913 and determined she needed a course in government. This year, she completed courses in government and geography. Allie did not "slip through." She completed all the tests and classwork. "I got awfully tired at times," she said of her two classes on Thursdays, "but * * * they made me keep digging."

Allie quit school when the normal school in Big Rapids closed. She had wanted to attend the normal school and become a teacher. In 1915, she married and spent her life as a farmer's wife, rearing three boys and a girl. She has 17 grandchildren and 10 great-great grandchildren. She says she does not have time to count the great-grandchildren.

Allie lives alone on a farm just outside of Marion. She still drives her car and plays the piano in a senior-citizen kitchen band.

Mr. Speaker and my colleagues in the House of Representatives, please join me in paying tribute to Allie Cash Mosher, who is indeed a very special lady.

BEIJING'S PRESENT COULD BE HONG KONG'S FUTURE

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 13, 1989

Mr. SOLOMON. Mr. Speaker, probably not even the brutal repression of prodemocratic students by the Chinese Communist regime can interrupt today's present euphoria over the alleged end of the cold war.

But at whatever risk, I feel obliged to turn the attention of this body to an op ed article by William V. Kennedy in the June 13 Washington Post, titled "What Now of Those 'Guarantees' for Hong Kong."

It should have been apparent since the savage June 4 massacre in Beijing that beneath the superficial liberalization of China lurked the entire repressive apparatus of totalitarian communism, ready to spring forth at any serious challenge to its power.

Now that we have had our eyes opened, we should turn our gaze at the future of over 5 million people in Hong Kong, who must have seen in the fate of the Chinese students a foretaste of their own treatment once their free, prosperous island is turned over to the murderous regime.

I place the article in today's RECORD, after which, Mr. Speaker, we should have no excuse for being surprised when darkness descends over Hong Kong.

WHAT NOW OF THOSE "GUARANTEES" FOR HONG KONG

(By William V. Kennedy)

The proudest boast of Ronald Reagan's presidency was that no country had "gone communist" on his "watch." Yet, all the while, Reagan's most treasured international friend, Margaret Thacher, was in the process of turning over to Communist China 5½ million people born or become free in the British crown colony of Hong Kong.

The United States has stood silent as, one by one, the supposed "guarantees" of a special status for Hong Kong after assimilation into China in 1997 disappeared.

What do we say now?

The Thatcher attitude towad Hong Kong has been blatantly racist all along. On the one hand she has insisted that there can be no change in the status of the six Irish counties still in British hands, of Gibraltar and the Falklands/Malvinas Islands so long as a majority in those places opts for union with Britain. Yet, no matter what, the British loyalists in all of those places retain the option of moving to Britain.

No such escape is open to the population of Hong Kong for one reason and one reason only: the Hong Kongese are brown. The others are white.

Despite mounting evidence of brutal suppression in Tibet the U.S. government has been able to assuage its conscience with the notion that there was some shadow of a chance that communism in China was drifting into some sort of social democracy. That any Communist Party, whether in China or

in Moscow, is thus going to quietly consign itself to that "dustbin of history" to which the communists have always sought to consign us was and always will be pure wishful thinking.

A new windrow of dead mocks us. What awaits the Hong Kongese and their notion of freedom has been spelled out on every television screen in the noncommunist world.

The shadow that is lengthening over Hong Kong falls on Taiwan, too, for the people who engineered the massacres of June 3 can no more tolerate a Taiwan moving steadily toward full democracy than they could the martyred students. Indeed, that shadow reaches all the way to Tokyo.

In short, freedom abandoned in Hong Kong is bound to send a shiver down every spine in Taiwan. If the United States will not use its influence to enforce the original "guarantees" of some measure of freedom for the Hong Kongese, what will it do when, inevitably, China under a desperate, paranoid regime swings its nuclear arsenal in the direction of Taipei?

Southern Japan is indefensible if Taiwan is under effective military and political control of a mainland power, in particular one armed with nuclear weapons.

Yet the United States and Japan retain enormous leverage. China cannot turn back from the path of economic modernization. It can progress on that path only with American and Japanese capital and technology. Our responsibility is crystal-clear: to make it known that such investment is at an end unless the special status promised Hong Kong is given substance by the grant of political and economic autonomy to Hong Kong, based on universal Hong Kongese suffrage translated into a local parliament and a constitution that guarantees basic human rights.

We did not permit British Commonwealth status to stay our hand in Grenada. The stakes in Hong Kong are infinitely higher in that they relate to the stability of the entire Pacific Basin and much of the Asian mainland. An undue and undeserved regard for Margaret Thatcher's feelings must not deter us now.

A TRIBUTE TO ANTHONY SCICCHITANO

HON. CHARLES E. SCHUMER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 13, 1989

Mr. SCHUMER. Mr. Speaker, today I call your attention to Mr. Anthony Scicchitano on the occasion of his being awarded an honorary high school diploma at the 102d commencement exercises of the Berkeley Carroll School in Brooklyn.

Nothing brings me more happiness than an immigrant's success story. Mr. Scicchitano's life embodies this story. He was born in Italy in 1922. At the tender age of 15, his family immigrated to the United States and settled in Pennsylvania. His father worked for over 35 years as a coal miner. Anthony helped support his family, first by working the coal mines and then by becoming a highly skilled automobile mechanic. He would later put this skill to use to serve his newly adopted country when he joined the U.S. Army Air Corps in World War II.

During the war, Mr. Scicchitano met Rae Fretta, who he married in 1947 and settled in New York. He then joined his wife's family business, the oldest Italian pork store in New York, located on Mott and Hester Streets on the Lower East Side. In the 1950's Anthony Scicchitano moved into business on his own, establishing the first A.S. Pork Store in Brooklyn. Since that time his business has grown prolifically, spreading throughout New York City. A longtime neighborhood businessman, who has persevered through good times and bad, Mr. Scicchitano's strong belief in Park Slope as a commercially viable area has indeed contributed to the community's revitalization.

Anthony Scicchitano's steadfast dedication to making a living for both himself and his family, has deprived him of the opportunity to finish high school and receive a high school diploma. Yet his strong belief in the importance of education is evidenced by the fact that all three of his daughters have completed college. He now looks forward to the day when his grandchildren complete their college years. Moreover, his concern transcends his own family, he has been a long time supporter of the Berkeley Carrol School, and a generous donor to other local charities.

Mr. Speaker, it is an extraordinary honor to be able to share with you the success story of Mr. Anthony Scicchitano as he is awarded the high school diploma he sacrificed in order that his family might achieve the American dream. I am certain his wife Rae, his daughters, Josephine, Rita, and Phyllis and his grandchildren, Terrence and Alexandra share my pride on this occasion.

REQUIRING DOUBLE HULLED TANKERS CHEAPER THAN ALTERNATIVE

HON. DEAN A. GALLO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 13, 1989

Mr. GALLO. Mr. Speaker, today I am introducing legislation on behalf of 27 of my colleagues requiring double hulls on all newly constructed tankers and other vessels carrying oil and hazardous materials in U.S. waters.

The recent devastating oilspill in Alaska has caused a tragic loss of wildlife and irreparable damage to pristine shore areas.

A spill of similar magnitude near populated areas along our coastline would cause equally mind-boggling destruction to the natural environment and put an end to use of our shoreline for recreational and other uses.

In my home State of New Jersey, we are proud of our 126 miles of shoreline. Tourism is now our No. 1 industry, with annual revenues of $3 billion, and our clean beaches are a major attraction for vacationers.

We also have refineries that receive 39 million metric tons of crude and refined petroleum products annually valued at $4.5 billion, most of it from vessels that travel in and out of New York and northern New Jersey deep ports.

The 1978 accident off the coast of France when the tanker *Cadiz* spilled 68 million gallons of oil would cost $200 million in today's dollars for cleanup. The cost of closed beaches would add untold losses over several years, based on the devastation caused by the spill on the French coastline.

When the *Torrey Canyon* spilled 36 million gallons of oil off the coast of the United Kingdom in 1967, the cost of cleanup in today's dollars was $26 million.

Similar potential for devastation exists along our entire U.S. coastline, including the Atlantic, the Pacific, and the gulf coasts as well as in waterways near densely populated areas such as our deep water coastal ports, along our major rivers, including the Mississippi, and in the Great Lakes.

Balanced against the cost of disastrous spills, the cost of requiring double hull tankers is both affordable and cost effective.

Double hulling tankers adds between 5 percent and 10 percent of the cost of tanker construction, according to industry estimates. Construction costs for the *Valdez* amounted to $125 million.

At a cost of $6 to $12 million, double hulling would be worth the money if it prevented one major spill.

The cost in natural and commercial destruction far outweighs the added investment in double hull vessels.

The issue of Federal requirements for double hulls has been hotly debated several times in the past and decisions were made not to require them. I believe that the Alaskan spill and its aftermath require us to fully consider this issue once again.

We must do everything possible to prevent spills of this type in the future.

Recognizing the potential for human error and the need to reassure the public that effective prevention measures are being taken to prevent future spills, it is in everyone's best interest to raise the standards of safe construction to the highest possible level.

My bill treats equally all companies wishing to use any port facility in the country, regardless of where the tanker was built, who owns it, or what flag it flies.

It deals with new construction after the date of enactment and gives all parties time to bring their fleets up to full standard before making the double hull requirement universal for all vessels using our ports.

In simple terms, a double hull provides a margin of safety between the outer skin of the vessel and the cargo. A double hulled tanker the size of the *Valdez* would have struck the reef in Prince William Sound at a point 6 feet below the compartments containing its cargo of oil.

Mr. Speaker, I urge my colleagues to support this effort and welcome cosponsors of this legislation.

THE ROLE OF ALTERNATIVE FUELS IN U.S. ENERGY AND ENVIRONMENTAL POLICY

HON. BILL RICHARDSON

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 13, 1989

Mr. RICHARDSON. Mr. Speaker, I would like to bring to the attention of my colleagues the following statement by Dixon Smith of Chevron U.S.A., Inc., before the Senate Subcommittee on Energy Research and Development of the Committee on Energy and Natural Resources on the role of alternative fuels in U.S. energy and environmental policy. While I strongly support the use of alternative fuels and alternatively fueled vehicles, they may not be a panacea as we atttempt to address the problem of air pollution. This is is a thoughtful commentary.

ORAL STATEMENT OF CHEVRON USA, INC., BY DIXON SMITH

Mr. Chairman, members of the subcommitte, my name is Dixon Smith. I'm the general manager of Strategic Planning and Business Evaluation for Chevron USA.

Chevron appreciates Senator Ford's invitation to speak to you today. My oral comments will summarize my written testimony. As the Senator requested, I will focus on the future role of alternative fuels in the context of U.S. energy and environmental policy, and on the role of the government in promoting utilization of alternative fuels.

Chevron U.S.A. is the largest supplier of transportation fuels in the United States. We are in the energy business in the broadest sense. We intend to continue supplying the transportation fuel needs of our customers for the long haul.

Interest in alternative transportation fuels stems primarily from two national goals: reducing dependence on imported energy, and reducing air pollution caused by motor vehicles.

In addressing alternative fuels, Congress should focus on these national goals. This will assure that the strategies selected are consistent with these goals and that proper priorities are established. Alternative fuels represent just one of several means of achieving these goals. And, alternative fuels vary widely in their potential to contribute. They are not a panacea in general.

Let me explain why I suggest a goal-oriented focus. I'll discuss each of the two goals in turn.

The first goal of reducing dependence on imported energy will require rational strategies involving energy conservation combined with greater use of domestic energy resources. These strategies may or may not involve use of alternative fuels.

For example, the U.S. has an immense amount of crude oil in the ground which is not economically recoverable at the current time. Improved techniques for enhanced oil recovery have great potential to reduce crude oil imports. This does not involve alternative fuels.

Much longer term, there are a variety of options for converting domestic coal into liquid transportation fuels.

Much of the current alternative fuels focus is on methanol. Methanol can be made from either natural gas or coal. Unfortunately, it can be made at a much lower cost from natural gas. Particularly in foreign countries which have more gas than they can use or economically ship to other countries. More than half of this surplus gas is in the Soviet Union. Excluding the USSR, over eighty percent of the remainder is in OPEC countries. Hence, use of methanol made from natural gas may contribute to energy *diversity*, but it is unlikely to reduce *dependence* on insecure sources of imported energy. And, of course, importing a finished fuel instead of crude oil as a raw material also adversely affects both energy security and the balance of payments.

Regarding the second national goal, alternative fuels can reduce air pollution caused by motor vehicles. Natural gas seems to have the greatest potential to reduce vehicle emissions in the near-term. However, customer acceptance problems concerning vehicle range, safety and refueling will limit widespread use. The potential for methanol vehicles is currently unresolved. Uncertainties surrounding methanol exhaust composition and the ability to adequately control emissions in actual use must be clarified through further research.

All fuels require tailoring of the engine and its emission control system to optimize emissions performance. No fuel is inherently clean in the absence of such optimization. Improved emission control for vehicles using conventional fuels may be more feasible and less expensive than converting to alternative fuels before they are economic.

The goal is to reduce vehicular emissons, and this should be done by setting emission standards. This will allow the creative scientists and engineers in the private sector the necessary flexibility to find the optimal combination of fuel, engine and emission control technology.

Nothing could be more imprudent than to choose now and totally rely on a single method, one tactic, as the way to reduce vehicular pollution over the next 20 years. The California South Coast Air Quality Management District recognized this when they adopted their new air quality management plan. The plan calls for "low-emitting technology" and "extremely low-emitting technology" vehicles and does not specify any one particular fuel.

The effort to develop low-emitting vehicles should encompass all promising fuels. Improved engine designs and emission control technologies should also be pursued. The best minds from industry, government and academia should be put to work and ample funds should be provided. Hard information would then be available to compare all fuel/vehicle systems and their effects on air quality.

Chevron and other major petroleum companies are prepared to fund and participate in a private-public sector cooperative effort to develop and demonstrate low-emitting fuel/vehicle technologies.

I've sketched out a positive program to reduce air pollution due to automobiles—an action agenda for progress and accomplishment. Before concluding, I must also address an unworkable concept. That is the concept of fuel mandates.

Alternative fuel mandates are almost certain to be inefficient and unworkable. The costs are likely to be massive and unacceptable to the public.

Petroleum companies have had active alternative fuels programs over many years. They have included exploration and acquisition of domestic coal and oil shale resources, as well as natural gas in remote locations around the globe. They have invested billions of dollars in research, development and demonstration projects to find more economic technologies to produce transportation fuels from these resources. These programs have been diverse because it's too early to foretell with certainty which alternative fuels might be economic in the 21st century. It would be foolish for any broad-based energy company, or the nation, to put all of its eggs in any one alternative energy basket. Yet, this is exactly what mandates would do.

Even with solid consumer acceptance, a mandate could backfire and be rescinded promptly if unknown or improperly investigated health and safety issues lead to excessive health risks or environmental impacts. The resulting failure of the massive investments made by industry to accommodate such a mandate would have a disastrous effect on future alternative fuels development.

If it can be determined that the use of alternative-fueled vehicles is cost-effective in reaching air quality goals, the use of market incentives to subsidize the purchase of higher cost alternative fuels would be preferred to mandates.

What is government's role?

As a first step, government should establish the vehicle emission standards required to achieve national air quality goals. This will allow vehicle manufacturers and fuel suppliers to develop cost-effective solutions which meet air quality needs consistent with consumer acceptance.

There is a clear need for consensus-building on the cost-effectiveness of alternative fuels in achieving clean air goals. This subcommittee and the Administration could help by encouraging the cooperative low-emitting fuel/vehicle development program I have outlined.

Secondly, government should assume a major role in well designed fleet demonstrations of low-emitting vehicle technologies. These demonstrations should include evaluations of emissions control system effectiveness and durability, fuel economy, maintenance and consumer acceptance. Government should also play an active role in initiating needed health effects and air quality impact studies.

To conclude, most petroleum companies have the potential to supply a wide variety of transportation fuels, including methanol.

Gasoline, methanol and other alternative-fueled low-emitting vehicles should be evaluated fully to resolve the major performance, economic, health, safety and environmental issues. Chevron and other companies are already working with government agencies and vehicle manufacturers to resolve some of these issues. These cooperative studies should be expanded.

Thank you. I will be glad to try to answer your questions.

CPL. DONALD PINNEY: DALLAS POLICE OFFICER OF THE MONTH

HON. JOHN BRYANT

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 13, 1989

Mr. BRYANT. Mr. Speaker, our local law enforcement agencies and their dedicated em-

ployees are our first line of defense against crime. It is always a great pleasure for me, as a member of the House Committee on the Judiciary and its Criminal Justice Subcommittee, as well as a Dallas resident, to join in paying tribute to some of our best local law enforcement officers.

Dallas Police Cpl. Donald Pinney has been recognized as May Officer of the Month, and I take pride in calling his achievements, described in the Dallas Police News to the attention of my colleagues and fellow citizens.

SE's Cpl. Pinney Receives May Honor

Southeast Cpl. Donald Pinney has been selected the May Officer of the Month by the Dallas Community Police Awards Committee. He will be honored today during a luncheon hosted by the Downtown Lions Club.

Cpl. Pinney joined the Dallas Police Department in September 1983 after completing 13 years of police service with the Phoenix Police Department and other area agencies. He was elected president of Recruit Class 181.

After graduation he was assigned to the Southeast Division where he has distinguished himself as an outstanding police officer. His professional attitude was tested when he was seriously injured in the line of duty on January 30, 1987. He was arresting a felony suspect on Grand Avenue when the suspect resisted. During the assault, the suspect fell on Cpl. Pinney's left leg, seriously injuring his knee. He underwent two major operations during the next nine months in an attempt to repair the extensive damage.

Cpl. Pinney is the recipient of a Marksmanship Award, a Five-Year Safe Driving Award, a Certificate of Merit for continuous outstanding job performance, the Police Shield for the serious injury he sustained in January 1987 and a Life Saving Bar for his actions on January 15, 1985 when he aided a cutting victim whose carotid artery and jugular vein had been lacerated. He applied direct pressure to the wound and worked with the paramedics to bring the bleeding under control.

The recipient of 17 commendations, Cpl. Pinney has participated in the Adopt-A-Block program designed to reduce crime one block at a time by addressing the root causes of crime. He volunteered to work foot patrol inside the Adopt-A-Block area.

In June 1988, he participated on a departmental task force formed to review the General Orders. The officers identified several sections that could be modified, added or deleted. Since July 1988 he has been an active member of the DPD's Police Officers Advisory Committee. The group provides the Chief with officers' feelings and attitudes regarding current or proposed programs, policies or equipment.

He has also worked with a committee of officers and supervisors to develop ways to reduce the high call load without creating a hardship on beat officers. After researching the issue and interviewing prosecutors and judges, Cpl. Pinney proposed that hundreds of man-hours could be saved if stores were able to file their own Class C Misdemeanor Shoplift cases. His proposal is currently under review.

IN HONOR OF MORRIS KATZ

HON. JAMES H. SCHEUER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 13, 1989

Mr. SCHEUER. Mr. Speaker, I am pleased to honor the world reknowned artist, Morris Katz, for his exemplary career.

A refugee of World War II and survivor of the concentration camp experience, Morris Katz came to America exactly 40 years ago. He was barely 17 years old. Unversed in American culture, he could not speak or write English. He came to our country bereft of assets, save one; a tremendous talent for creative art.

Mr. Katz's career as an artist actually began in Poland when he found a knife by a riverside. Picking it up, but not having any paints, he began dabbling with mud from the waters' edge. And so a career was born.

Studying at the Art Students League and benefiting from prior study abroad he slowly perfected his technique. At an early age, his study of colors led him to catalog and classify various tints and hues. His skill with a palette knife enabled him to develop his own technique, "instant art" giving him the skill to paint saleable art with incredible speed.

At present he is listed in the "Guiness Book of World Records" as the most prolific painter in history, having painted and sold over 180,000 paintings. He holds the world's record for speed of execution, having completed a picture under Guiness Book rules and supervision in a matter of seconds. In addition, he has authored a text, explaining and illustrating his method of painting.

In juxtaposition with his zest for painting, has been his love for his adopted home, the United States of America. He has performed before our troops in such places as Okinawa and painted every President of the United States. In doing so he has assembled the "Morris Katz Collection of American Presidents" adding to this collection with each Presidential election.

He has given of himself completely to such organizations as the Boys Scouts of America by engaging in marathon painting and giving all proceeds from the sales of these paintings to that worthy organization. Hundreds of charitable organizations have benefited from his largesse.

He has participated in telethons in order to raise moneys for worthy charities. He has traveled at his own expense throughout the country to participate in many of these events and by so doing has enriched the culture and artistic life of our country. He has brought art to city, town, and village in personal visits in a manner and volume never before seen and experienced, enabling thousands of our fellow citizens to own and enjoy an original piece of art.

Mr. Katz has traveled extensively, painting throughout the world. He has given exhibitions in such countries as England, Israel, Maylasia, Austrialia, and Nepal among others. He is also the host of his own TV show, 200 of which have appeared on public cable television.

When asked the secret of his success, Mr. Katz has stated, "America, the land I love. No other country could have given me the opportunities I have enjoyed in this blessed land."

Morris Katz, I salute you and your impressive array of works.

THE TAIWAN PERSPECTIVE ON THE MASSACRE IN BEIJING

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 13, 1989

Mr. SOLOMON. Mr. Speaker, the world continues to recoil in horror at the events in mainland China. And nowhere is this anguish felt with deeper pain and poignance than in Taiwan. The 20 million free Chinese people who live in Taiwan are shocked and saddened at the fate of their compatriots on the mainland in a way that words cannot adequately describe.

However inadequate words alone may be, they must be used. And I would like to share with my colleagues the brief remarks that were made by President Lee Teng-hui of the Republic of China on Taiwan. On the morning of June 4, when Tiananmen Square in Beijing was soaked with the blood of innocent people, President Lee spoke for Chinese people everywhere, on the mainland, in Taiwan, and throughout the world, when he denounced the massacre.

His brief, but eloquent, remarks convey that sense of shock and sorrow that all civilized people must now feel. President Lee's remarks also make clear that history is running on the side of freedom. It is the murderers in Beijing who are the true reactionaries.

I ask that President Lee's remarks appear at this point in the RECORD.

Statement on the Situation in Mainland China

(By Lee Teng-hui, President, Republic of China on Taiwan, June 4, 1989)

Ladies and Gentlemen: Early this morning, Chinese Communist troops finally used military force to attack the students and others demonstrating peacefully for democracy and freedom in Tienanmen Square in Peking, resulting in heavy casualties and loss of life. Although we anticipated this mad action of the Chinese Communists beforehand, it still has moved us to incomparable grief, indignation, and shock.

We believe that the existence of any political regime must be based on the will of the people. The Chinese Communists were able to usurp the Chinese mainland with violence and lies, but there have been constant internal struggles and suppression of the people over the past forty years. In the face of a universal awakening of our mainland countrymen, the inhumane actions of the Chinese Communists are sure to be judged by history, evoke even stronger opposition from our mainland countrymen, and hasten the demise of the Chinese Communists.

With a deeply grieved and heavy heart, I wish, on behalf of the government and people of the Republic of China, to summon all the peace-loving nations and people of the world who share a concern for human rights to sternly condemn the Chinese Communists; to demand them to put an immediate stop to this bloody massacre; and to demand them to offer their best care and

relief to the wounded and families of the dead.

I also summon all Chinese people at home and abroad to put their great love for their countrymen into practice, to closely unite and act as a backup for our mainland compatriots in their struggle for survival and freedom, to support and assist them in every way possible, and to make a complete break with the Chinese Communists.

At the same time, I also wish to remind the people on our bastion of national revival, military and civilian alike, to remain alert to the Chinese Communists' inclination towards the use of violence and military force, and to be prepared, on the eve of the collapse of the Chinese Communists, for any action that they might risk taking.

The Chinese Communist tyranny is the shame of all the Chinese people of the world. The government and people of the Republic of China must resolutely unite all anti-communist and patriotic forces and exert their utmost efforts to overthrow this tyranny. We pledge not to stop until we have achieved this goal.

ST. FRANCIS HOSPITAL, JERSEY CITY CELEBRATES 125TH ANNIVERSARY

HON. FRANK J. GUARINI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 13, 1989

Mr. GUARINI. Mr. Speaker, a dedicated medical facility in my district is celebrating its 125th year of service. Their record is one of outstanding accomplishment covering the years from a most dramatic portion of America's history, treating veterans and their families of the Civil War era to the present time.

St. Francis Hospital, Jersey City, and St. Mary Hospital, Hoboken, which is also in my district, are part of the Franciscan Health System of New Jersey, whose president is Thomas A. Schember, and have combined their goal of intensive caring here in the Garden State.

According to Joan Quigley, corporate vice president of planning and marketing at the facility, located in downtown Jersey City, just two blocks from the Hudson River, the following information is provided:

St. Francis Hospital celebrates its 125th anniversary this year. Some of the memorable events which have taken place here over two centuries are captured on newspaper clippings, now yellowed with age. Yet, perhaps our most cherished memories—the ones which seem most real to us—are those recalled by our senior employees.

"I remember how every inch of this hospital was covered with people. They were out the windows and on the front steps when we used to have them," says retired employee Brunhilde Rautenberg of that day in the 1960's when the late President John F. Kennedy and his wife passed by the hospital in a motorcade. "Children from a local school waved little American flags as we all cheered. I can picture it as if it happened yesterday."

St. Francis first opened its doors to help the poor and sick on April 5, 1864. The hospital has survived two World Wars and a Depression and grown from a two-story frame house into a thriving complex with 254 beds.

And we've cared for generations.

"During the war years, the nuns used to get big trays of food and give them out to the poor who came to the hospital hungry," says Paul Ross, a maintenance mechanic who has been with St. Francis for 40 years. "At that time, this place was run by Franciscan sisters. When Christmas came, they would give every employee a new calendar and a bag of candy."

Mother Francis Schervier, the founder of the Franciscan Sisters of the Poor, had already established two hospitals in the United States when she sent a small group of sisters to set up St. Francis, the first hospital in Jersey City.

With the help of Father Pierre Louis Dominique Senez, who was the pastor of St. Mary Church in Jersey City, the nuns were able to minister to the poor and sick from a house on the intersection of Fourth and Coles Streets. The hospital had 12 beds and a dormitory for homeless girls in the basement.

In 1871, the site for the hospital was moved to a three-story brick house located on Pavonia Avenue and East Hamilton Place, the hospital's current address. That same year, the administration gathered its first medical staff of four physicians and four surgeons. Today's medical staff includes over 268 physicians who have a variety of specialties. Dr. John Imhoff came to St. Francis in 1934. He recalls how he used to ride in the ambulances with his patients on the way to the hospital. Dr. Imhoff also made daily rounds in wards—large rooms filled with 10 to 12 patients.

"I think I've been here longer than any doctor still practicing. The changes I've seen have been breathtaking," says Dr. Imhoff from his office in the hospital.

"When I first became a doctor, we still used maggots to eat away the dead tissue of an ulcerated leg. That sounds like something right out of the dark ages. That's how far we've come."

Today, St. Francis is part of the Franciscan Health System of New Jersey. Our hospital consists of a six-story main building (1974), a 10-story Franciscan Pavilion (1930) and St. Francis School of Nursing (established 1930) is housed in Mother Tarsicia Hall (1960). A parking garage was also built in 1975.

Two years ago, the FHSNJ purchased the old grain mill on Tenth and Grove Streets. After renovations, it will become the administration headquarters for the hospital corporations.

Along with expanding in size, we've also grown to keep pace with advances in modern medicine. For example, in a joint effort with St. Mary, the hospital purchased a CAT-Scan three years ago. An arthroscope and advance C-Arm were also added to the emergency room.

"I remember when cataract patients had to be kept in a hospital for seven days after an operation because they couldn't be moved," says nurse Louise Fallon, the director of materials management who has worked at the hospital for 32 years. "We used to put sand bags on either side of their heads to keep them still. Now they are up, around, and out of here in a day."

The faces at our hospital have also changed. Sr. Loretta Kirby, a patient representative, is one of the few Franciscan Sisters who still works here on a daily basis. She was also here back in 1980 when Thomas A. Schember—the first lay president of the hospital—came to St. Francis.

"The Franciscan sisters have always worked very closely with lay people to care for the sick," said Sr. Loretta. "I didn't intend to be a nun when I first started working here while still in high school. But St. Francis enthralled me. And each day that I come here I am reminded of my vocation and our mission."

Truly, as part of the Franciscan Health Systems nationally, which is located in Brooklyn under the direction of Sister Joanne Schuster, S.F.P., president, St. Francis Hospital is continuing their tradition of caring for generations, working with all phases from handling acute illnesses to those needing long-term care. The parent body operates outstanding facilities such as the Frances Schervier Home for the Aged in Riverdale, NY.

Today, 364 men and women in need of long-term care reside in the home's geriatric unit. The elderly who are able to care for themselves live in a rent-stabilized project with 155 apartments. There is also a residence for nurses, a retirement center for priests, and the Schervier Gallery, which showcases the talents of local artists.

The Frances Schervier Home is the only member of the Franciscan Health System which is named after the founding Mother of the Franciscan Sisters of the Poor. Sister Rita Kerr is the president of the home.

Located in the Bronx, the home sits on 9 acres of land overlooking the Hudson River. The surrounding neighborhood combines both urban and suburban lifestyles. "Ten years ago, healthy seniors would have come here just to retire comfortably without having to deal with all the pressures of living independently," according to Chris Watson, public information officer of the facility. "Now we are getting a lot of seniors only when they are too sick to care for themselves."

In addition to providing medical services and shelter for the elderly, employees encourage the residents to participate in activities and to cultivate relationships in—and outside—the home.

Always on the alert for new ways to reach the public, St. Francis Hospital in Jersey City is heavily involved in providing community programs on health.

The Franciscan Health System of New Jersey takes to the air waves as it introduces residents of Jersey City to a new monthly cable television program entitled HouseCalls.

The show, which will deal with a variety of consumer health care issues, started in February on Jersey City Cablevision. All filming for the program will be done on location at St. Mary and St. Francis Hospitals.

"We are the only hospitals in the area at the present time to offer such a health care program to county residents," said Thomas Schember. "Instead of having a panel/discussion format, the program will be conducted in a documentary style which should make for interesting viewing."

Joan Quigley will host the show which is scheduled to air on Channel 3. Topics to be covered include: Same-day surgery, cardiology, ophthalmology, plastic surgery, infectious diseases, mental health, child abuse, substance abuse, breast cancer, allergies, dermatology, obstetrics and gynecology, and physical rehabilitation.

According to Thomas Schember, "Hopefully, once we get a couple of segments under

our belt we will be able to expand to the cable stations in Hoboken and Bayonne. We feel that this program will provide residents of Hudson County with useful information concerning health care."

St. Francis Hospital and the Franciscan Health Systems of New Jersey has scheduled various events to help celebrate the 125th anniversary of St. Francis Hospital. The most immediate functions they planned are:

An outdoor mass for all employees, medical staff, and board members in Hamilton Park on June 24 at 10:30 a.m. The event will be followed by a continental breakfast in the nursing school classroom;

A birthday party/ice cream social for employees and their children on June 24 from noon to 2:00 p.m. at Hamilton Park;

Two health fairs, both scheduled to take place in Jersey City, one will be at Midlantic Bank at Harborside II and the other is slated for the Hudson Mall.

I am sure that my colleagues here in the House of Representatives want to join me in this grand salute to an excellent medical facility which is providing first-class service to the people of New Jersey.

POLISH ELECTIONS SIGNAL BRIGHT FUTURE FOR DEMOCRACY

HON. WILLIAM O. LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 13, 1989

Mr. LIPINSKI. Mr. Speaker, like so many other Polish Americans encouraged by the revolutionary reforms underway in Poland, I had anxiously looked forward to the June 4 elections in Poland. While April's Roundtable negotiations between the Communist government and the people's opposition were a monumental step toward democracy in Poland, the elections offered the first real test of the Polish Government's willingness to implement the far-reaching agreements.

The elections were an overwhelming success for Solidarity, and included a resounding disapproval of communism by the Polish people. Solidarity won 94 of 100 seats in the Senate, the upper House of the Parliament reestablished by the Roundtable accords. In their quota of 161 seats in the Sejm, Solidarity candidates earned 161 victories, even though the trade union opened these seats to free elections, unlike the Communists with their quota of 299 seats.

Just as apparent as the people's universal support of Solidarity was their disdain for the Communist candidates. This should be of little surprise. The Polish people have denied the Communist government a shred of legitimacy since tanks and troops rolled into their country in 1947. The gap between the cultural, moral, and political beliefs of the Polish people and the Warsaw government is larger than in any country in the world. It is little wonder that given their first opportunity, the Polish people voiced their complete disapproval of the Communist regime. Still, the extent of the Communist's failure was remarkable. Of the 35 principle party candidates who ran unopposed, not one managed to get the 50 percent rate of approval necessary for a Parliamentary seat. The remaining 264 seats guaranteed the regime will be decided in a runoff, as not one Communist-affiliated candidate won 50 percent of the vote.

Overall, the June 4 elections were the strongest sign yet that the international tide is turning toward democracy, and that communism is no longer a viable option. The students fighting for freedom in China, as well as Mikhail Gorbachev leading reforms in the Soviet Union, have made this clear. Democracy and participation is a requisite for successfully governing the people.

Solidarity's election success is an important sign of the future nature of the Polish Government. If the current government and the Solidarity opposition can cooperate enough to begin Poland down the road to economic recovery, Poland's political environment will remain stable until 1991, when elections will undoubtedly result in democratic rule by Solidarity forces. Solidarity always keeps this future goal in mind. Eventual democracy brought Solidarity to the bargaining table, and is the reason behind their cooperation with the Communists. The United States must also keep this ultimate goal of true democracy and a free Poland in mind as it addresses this curious period in Poland.

As witnessed by the 62 percent voter turnout in a country which normally draws 98 percent, many people were not satisfied by the partially democratic nature of the elections. In the United States, some politicians expressed dissatisfaction, claiming that we must immediately push for completely free and open elections. But we must remember that this system of gradual democratization was agreed upon by Solidarity and the government at the Roundtable negotiations. Looking toward 1991, the United States should use economic and diplomatic support to stabilize the progression toward a democratic and free Poland.

In some ways, Solidarity's curious opposition role is a blessing. Polish citizens desire immediate improvements in their standard of living. Even if the government and opposition quickly institute sufficient economic reforms, the economic hardships in Poland will get worse before improving. If Solidarity policy makers were held primarily responsible, its popularity could decrease before the next elections. Potentially, the opposition will get the best of both worlds: Because of their sweep of the Senate and popular support, they will have a significant role in creating policy; Yet the Communist regime will be held primarily responsible for the hardships reforms will necessarily bring.

Despite a Communist president and Communist control of the Sejm, Solidarity's election victory should translate into great power in creating policy, especially economic policy. Because the Senate has veto power, Communist policies will be subject to Solidarity approval. Solidarity should use this leverage to take the initiative in creating policy. In Poland, Solidarity's cooperation with the government is necessary for the country's economic recovery, but will also lead to greater influence.

Hopefully, this opposition role will not cause Solidarity to avoid making the tough decisions on economic reform. Continued stagnation will likely lead to economic collapse and chaos in Poland, which could easily undermine the greater steps toward democracy and freedom already underway in Poland. Using its huge electoral mandate to drive policy, the opposition can cooperate with the Communists to stabilize the reform process.

The remarkable election results are another monumental step towards democracy and freedom in Poland. America should work to ensure the reforms process remains stable. The Polish people have waited 40 years for democracy, and the next elections should bring true freedom and democracy to Poland. As Solidarity realizes, the goal is certainly worth the necessary cooperation and the short wait.

STATE UNIVERSITY AT PLATTSBURGH NOTES 100TH ANNIVERSARY

HON. DAVID O'B. MARTIN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 13, 1989

Mr. MARTIN of New York. Mr. Speaker, I want to take this opportunity to extend recognition to the State University of New York at Plattsburgh on the occasion of that educational institution's 100th anniversary. This week the college will commence a year-long celebration of its first 100 years of service to the people of the city of Plattsburgh, the Adirondack-Champlain Valley region, New York State, and the Nation.

The college has received national recognition as an institution dedicated to excellence and enters its second century committed fully to the ideals that inspired its beginnings 100 years ago; to provide the best possible educational experiences for students in an academic community that is rigorous, supporting, demanding, and caring.

The Plattsburgh tradition in higher education began in the spring of 1889, when assemblyman Stephen Moffitt, a resident of Plattsburgh, introduced a bill in the State legislature calling for establishment of, and funding for, "* * * a normal and training school at the village of Plattsburgh, in the County of Clinton." On June 15 of that year, Gov. David B. Hill signed into law the legislative act creating the normal school as a teacher-training institution. It opened in September 1890. The following year, three women—all of whom had been admitted with advanced standing—received diplomas during the school's first commencement exercises. One male student was among 26 graduates of the class of 1892.

Following brief terms by normal school principals Fox Holden and Dr. E.N. Jones, Dr. George K. Hawkins assumed that post in 1898. He would guide Plattsburgh Normal for the next 35 years. The school would grow during his tenure but it would also face its most serious crisis. On January 26, 1929, fire destroyed its only building. Pressure mounted to move the school. But, with solid backing from the greater Plattsburgh community, particularly its mayor, John McGaulley, Plattsburgh prevailed. In the meantime, classes

were held in city hall and in lodges and churches throughout the city. In September 1932 a new, $1 million normal school building opened on the site of the original structure. In 1955 the normal school building, which continues to serve the SUNY Plattsburgh campus today, was renamed Hawkins Hall.

Dr. Charles Ward was installed as principal in 1933. He guided the school from the end of the Great Depression through World War II and into the 1950's. In 1937, following 2 years of negotiations with education officials in Albany and Washington, the college was authorized to implement a 4-year curriculum in home economics education. Two years later, the school was granted permission to award the bachelor of science degree to students who completed a new, 4-year program in education. Normal school enrollment reached 700 students by 1940. The normal school became Plattsburgh State Teachers College in 1942. Six years later, the institution became one of the original units in the State University of New York system. University affiliation brought about another name change—the teachers college became the State University Teachers College at Plattsburgh. Dr. Ward foresaw the postwar enrollment boom and lobbied Albany for more buildings and for permission to enroll more students. He died in office in February 1952, about 6 months after the opening of Mcdonough Hall dormitory and college center—and before ground was broken for a new home economics and science building that, in 1955, would be dedicated to his memory. Ward was succeeded by the dean of the college, Dr. Edward E. Redcay. Professor of psychology, Redcay had been brought to the normal school by President Ward in 1936 to strengthen education in the liberal arts. He would serve as president in an acting capacity for 2 years. The college council and the faculty asked Dr. Redcay to accept the presidency permanently, but he declined it.

Dr. George W. Angell was appointed president in February 1954, and it became his responsibility to manage the phenomenal growth of the college from the mid-1950's through the mid-1970's—and its transition from a teacher-training institution to a multipurpose "State University of New York College of Arts and Science." During his administration, more than 35 new degree programs were designed, approved and added to existing curricula; the faculty and student body grew fourfold and eightfold, respectively; and the campus expanded from a few buildings to an academic and residential complex. Tuition, once free, then $20 in the 1930's, edged upward during the 1950's and 1960's as more and more of the costs of public higher education were passed on to students. President Angell, sensing that students in growing numbers would require financial assistance, and supported by many of the community's leading citizens, created the Plattsburgh College Foundation in 1963. It would exceed the fondest expectations of its founders: to the point where in less than three decades the foundation would award more than $400,000 in scholarships and grants in a single year.

Upon Dr. Angell's retirement in 1974, Dr. Joseph C. Burke, then vice president for academic affairs at the college, assumed the presidency. His appointment coincided with the beginning of a protracted period of budget crises, and it became his challenge to manage administrative and academic reform of staggering proportions. Physical growth came to a halt, but the college continued to expand in its diversity of programs in the arts and sciences, business and economics, and professional studies. The college had doubled in size every 5 years from 1955 to 1970—from 800 to 5,200 students—but in 1975—President Burke's second in office—it reached over 6,700, its highest ever. Campus beautification efforts, including the college's innovative museum-without-walls concept, enhanced the living-working environment; honors programs, freshmen seminars, and the Distinguished Visiting Professor Program enlivened the learning environment.

Programs in Canadian studies, in vitro-cell biology and biotechnology, and women's studies gained national reputations. SUNY Plattsburgh became a best buy in American higher education, according to Changing Times magazine. The college became a focal point for the arts on a national scale with a growing collection of world-class works, especially its Rockwell Kent collection and the Winkel Sculpture Court; the forensic and hockey teams won national championships; individual students won prestigious awards, published their research, went on to the Nation's leading graduate institutions, and began careers in public affairs, commerce, medicine and the sciences, the arts and education.

In 1987, following Dr. Burke's appointment as the university's provost, Dr. Charles O. Warren became SUNY Plattsburgh's eighth president. In the 2 years he has been in office, several initiatives have been introduced in response to this call for "* * * a renewed and more collectively conscious commitment to greater and deeper dimensions of quality." A progressive 5-year planning process has been launched; a supportive environment for campus living and learning, designed especially to help freshmen adjust to the collegiate world, has been strengthened; efforts to recruit minority students have intensified; and an improved general education curriculum has been implemented with serious emphasis on active learning, new scholarship on women and minorities, global awareness, interdisciplinary courses, and high standards. President Warren insists that the college remain excellent.

JOE HOOPER'S HOMAGE

HON. ROD CHANDLER

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 13, 1989

Mr. CHANDLER. Mr. Speaker, as a staff sergeant during the Vietnam war, Joe Hooper was awarded the Medal of Honor for rescuing wounded men in the face of heavy machine-gun fire, and neutralizing a North Vietnamese position single-handedly. He then refused medical care for serious wounds until all of his men were treated.

Tragically, Joe Hooper died 10 years later from a much more elusive and persistent enemy—alcoholism. Since then he has become a symbol of the Vietnam veteran's legacy of post traumatic stress disorder. Fearless in battle, yet struck down at home by forces more elusive and powerful than any he encountered in wartime.

Hooper has received many honors since his return from Vietnam, and since his death in 1979 as well. Last year, Karen Lucas of Butler, OH, wrote a song in his honor. I would like to include it here in the CONGRESSIONAL RECORD, along with this article from the Columbus Dispatch which tells her story, as well as his.

[From the Columbus Dispatch, Apr. 3, 1989]

SONG REMEMBERS FALLEN MAN WHO WAS ONCE BRAVE SOLDIER

(By Mike Harden)

There was a war, discounted by some
As just a part of the past to forget;
But men lived and died
You can still hear their cries
From the graves too many to neglect.

No one bothered to write a song about Joe Hooper until Karen Lucas came along.

Lucas, who lives in Butler, Ohio, close by Mohican State Forest, usually writes contemporary gospel music.

"I hadn't written any secular songs in a while," she admitted. But when she heard the story of Joe Hooper, she said, "I was just so moved by it and outraged by it."

To her, Joe Hooper was not merely a hero, a status conferred upon him by the Army and the country for which he fought. He was as well, she observed, a "folk hero."

Hooper is dead. Come May, it will be 10 years.

The North Vietnamese Army couldn't kill him, though it tried mightily. During the Tet offensive of 1968, according to one news story about Hooper, he killed 24 enemy soldiers, rescued a half-dozen of his comrades and was wounded seven times. Alone, he stormed seven enemy bunkers, destroying them with hand grenades. While attempting to rescue a wounded comrade pinned down by enemy fire, he was attacked by an NVA soldier. Hooper killed his adversary with his pistol.

Even after Hooper was evacuated and hospitalized, wrote journalist Nicholas Gerani os for The Associated Press, he checked himself out of the hospital to rejoin his unit.

By the time the Vietnam War came to its ignoble, if welcome, end in 1975, Joe Hooper had spent 30 months in the thick of it, his bravery earning for him a Medal of Honor, two Silver Stars and 11 Purple Hearts.

The chestful of ribbons he won made him the second- or third-most decorated soldier of the Vietnam War.

Uneasy with civilian life back in his home state of Washington, Hooper re-enlisted in the Army. In 1974, he resigned the battlefield commission he had won in Vietnam and returned to the Yakima, Wash., area.

It is difficult to read the lines of Karen Lucas' song about Hooper without recalling a tragically similar balled Johnny Cash once sang about World War II hero Ira Hayes:

Call him drunken Ira Hayes
He won't answer anymore,
Not Whiskey-drinkin' Indian
Or the Marine who went to war.

Ira Hayes, a Pima Indian who helped raise the flag on Iwo Jima, turned to drink after the war and drowned face-down in a drainage ditch.

David Dworkin, a legislative assistant for U.S. Rep. Rod, Chandler, R-Wash., said of Hopper: "He suffered from acute post-traumatic stress disorder and chronic alcoholism. . . . Alcoholism is more devastating than the North Vietnamese Army."

On May 6, 1979, Hopper died after a fall in a motel room in Louisville, Ky. He was 40, but by then, Dworkin implied, most of the damage has been done.

Dworkin's boss, Chandler, recently introduced a bill that would rename the substance abuse unit at Seattle's VA hospital for Joe Hooper.

Dworkin acknowledged that naming the unit for Hooper does not necessarily require legislation. The Veterans Administration needs no congressional authorization to do it, and Chandler's office has even written the secretary-designate of the VA to inform him of as much.

"At this point," said Dworkin, "the problem is prodding the bureaucracy." He hopes that before the end of the year the hospital unit will carry Joe Hopper's name.

A hero's welcome is what he deserved,
To be honored in history books;
And all he received in his motherland's arms,
Were the memories of lives that were took.

Karen Lucas isn't sure just what to do with the song she wrote. It was just something that had to be said about a guy whose bravery vanquished every adversary he faced except his own.

JOE HOPPER'S HOMAGE

There was a war, now discounted by some
as just a part of the past to forget;
But men lived and died, you can still hear their cries,
from the graves to many to neglect.

Joe was a boy, who grew into a man
not the way that most young men do;
War has a way of stealing your soul,
and the boy that is left inside you.

(refrain:)
A hero's welcome, is what he deserved,
to be honored in history books;
And all he received in his motherland's arms,
were the memories of lives that were took.

Joe stormed the bunkers, braved enemy fire,
risked his life for his comrade's defense;
Wounded, pressed on, and he still fought the fight,
A soldier of soldiers, among men.

A medial of honor and two silver stars,
Purple hearts that number past ten;
Three dozens citations, prove valour and pride
of his country, but who's heard of him?

(refrain)

the most decorated vet of Vietnam
won his war, that he fought overseas;
But our hero came home, remaining unknown,
Just another 'Nam war casualty.

(refrain)

Onward Christian soldier,
marching on to war;
America, America,
God sheds His grace on thee.

Thanks, Joe. . . .

JOE FIORE: A GREAT MARINE, A GREAT AMERICAN, AND A GREAT FRIEND

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 13, 1989

Mr. SOLOMON. Mr. Speaker, on Tuesday, June 20, 1989, Joseph P. Fiore, veterans' service director of Warren County in upstate New York, will be honored at a retirement party.

Mr. Speaker, Joe Fiore has given nearly a half century of service to his country and his community. He was wounded twice while serving with the U.S. Marine Corps from 1942 to 1945 in Eniwetok Atoll, the Marshall Islands, Saipan, and the Marianas Islands.

But the end of the war didn't end Joe Fiore's service. I had the privilege of working with him on the Warren County Board of Supervisors, where he represented his hometown of Glens Falls from 1960 to 1963, and 1966 to 1974. A longtime leader in veterans' activities, he was a three-term commander of Glens Falls American Legion Post No. 233, commander of the Warren County American Legion in 1985, and service officer of Queensbury American Legion Post No. 6196. He was the first commandant of Memorial Detachment No. 2, Marine Corps League in Glens Falls from 1946 to 1947, and still serves that group as adjutant/paymaster. Joe occupied his post of veterans' service director for 10 years. He was fully involved in every Glens Falls Memorial Day Parade since 1946. In fact, Joe Fiore is synonymous with area veterans' activities.

Mr. Speaker, I don't think I've ever known a finer human being, or a man more willing to give of himself. I ask every Member of Congress to join me in saluting a great marine, a great American, and a great friend, Joe Fiore of Glens Falls, NY.

THE PORT IMPROVEMENT ACT OF 1989

HON. THOMAS M. FOGLIETTA

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 13, 1989

Mr. FOGLIETTA. Mr. Speaker, I rise today to introduce the Port Improvement Act of 1989, legislation to address the critical need to modernize and improve the infrastructure facilities at our Nation's seaports.

The problem of America's failing infrastructure is one with which this Congress must cope in a creative, constructive manner. That is especially true for America's ports. To reasonably hope to compete as a world trading partner, we must ensure that our Nation's ports are physically able to maintain and improve our international trading position.

The Port Improvement Act of 1989 will create a Federal low-interest revolving loan fund for port infrastructure facilities, including the construction, repair, or purchase of any port structure, terminal building, equipment, transportation facility, or land. During its first 3 years, the fund will be financed by a small appropriation based on Customs revenues—an amount equal to 0.5 percent of revenue in the first year and 1.0 percent in the second and third years. The fund would then be perpetuated through interest payments on the loans.

The Maritime Administration will administer the fund. Loans will be awarded based on competitive criteria, such as the port agency's ability to repay the loan and complete the proposed improvement, and the impact of the project on the economy of the region, including the number of jobs created or retained. There is also a requirement in the bill to aid our Nation's smaller, but equally vital ports.

Whether on the east coast, the Gulf of Mexico, the Great Lakes, or the west coast, upgraded port facilities are essential to a strong U.S. trade position; 95 percent of all foreign trade comes through our ports. In fiscal year 1988, customs duties totaled over $16 billion. But there is only a minimal Federal investment in the ports which earn that revenue. In fact, while there has been a sharp increase in capital costs for deep-draft port facilities, developments at the Federal level have adversely affected Federal and local investment in our ports.

My own State of Pennsylvania has recognized the magnitude of this problem and is establishing its own revolving loan fund to upgrade facilities at the Port of Philadelphia. But the health of our ports is a national problem, affecting our national economy and demanding a national solution. This legislation will allow port agencies a final option for long-term financing of essential projects.

Mr. Speaker, public and private sector investment in modernized production methods, transportation systems, and high technology ships will be meaningless unless our port facilities are physically prepared to keep pace with the demands of today's international marketplace. I invite my colleagues to join me in supporting the Port Improvement Act of 1989 as a modest but important step forward in the reinvestment of our Nation's infrastructure.

The text of the bill follows:

H.R. 2606

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Maritime Act of 1981 (46 U.S.C. App. 1601 et seq.) is amended as follows:

(1) DESIGNATION OF EXISTING SECTIONS AS SEPARATE TITLE.—The following is inserted before that first section:

"TITLE I—TRANSFER OF MARITIME ADMINISTRATION"

(2) SHORT TITLE.—The first section is amended to read as follows:

"SECTION. 1. This title may be cited as the 'Maritime Act of 1981'.".

(3) CONFORMING AMENDMENTS.—The phrase "this Act" is struck each place it occurs in reference to such Act and "this title" is inserted in lieu thereof.

(4) ESTABLISHMENT OF LOAN PROGRAM.—The following is added at the end of such Act:

"TITLE II—PORT IMPROVEMENT LOAN PROGRAM

"SEC. 21. SHORT TITLE.

"This title may be cited as the 'Port Improvement Act of 1989'.

"SEC. 22. FINDINGS AND PURPOSE.

"(a) FINDINGS.—The Congress finds that—

"(1) the 189 deep-draft ports in the United States are vital to the economic competitiveness not only of the regions in which they are located but to the entire United States and its interstate and foreign commerce;

"(2) the United States' position in international trade depends on a healthy system of deep-draft ports, since more than 95 percent of foreign trade, by volume, passes through its ports;

"(3) a significant number of these ports are facing serious difficulties because their port facilities have become obsolete and have been overtaken by quickly changing technologies;

"(4) there has been a sharp increase in capital costs for deep-draft ports and port facilities, with the result that some ports are unable to finance necessary infrastructure improvements and others which have recently upgraded their facilities (or are in the process of upgrading) have done so at considerable expense;

"(5) while such expenses have traditionally been borne by local and State authorities, escalating costs, changes in tax laws, a diminished Federal role in funding harbor and channel projects, the limited ability of local and State authorities to finance such projects, and the importance of ports to national economic prosperity and competitiveness all suggest that the Federal Government should find new financing mechanisms to assist port agencies; and

"(6) both the Secretary of Transportation and the Secretary of Commerce should participate in activities which enhance the competitiveness of United States ports in interstate and foreign commerce.

"(b) PURPOSE.—The purpose of this title is to improve the ability of United States ports to facilitate trade and to improve the competitiveness of such ports in interstate and foreign commerce by developing a new method of financing major infrastructure improvements to the Nation's deep-draft ports and port facilities by creating a port improvement revolving loan program to make low interest loans to partially fund the cost of such improvements.

"SEC. 23. ESTABLISHMENT OF PROGRAM.

"The Secretaries shall jointly establish a program to make loans to port agencies for financing and refinancing improvements to port facilities at deep-draft ports.

"SEC. 24. LIMITATIONS ON LOANS.

"(a) MAXIMUM AMOUNT.—The maximum aggregate amount of loans under this title in a 5-fiscal-year period for financing improvements to any port shall be $30,000,000.

"(b) MAXIMUM PERCENTAGE OF COSTS.—The aggregate amounts of loans made under this title and other Federal assistance used for improvements to any port facility shall not exceed 50 percent of the costs of such improvements. Except as otherwise provided in this title, any costs of improvements to any port facility not covered by a loan made under this title may be paid for from any other funding source, except a source of Federal assistance.

"(c) NONWATER RESOURCE PROJECTS.—No loan may be made under this title for any activity which is eligible for assistance as a water resource project carried out by the Secretary of the Army, acting through the Chief of Engineers.

"SEC. 25. LOAN SELECTION PROCEDURE.

"(a) APPLICATIONS.—A loan under this title may only be made to a port agency which submits an application for such loan containing such information as the Secretaries may require by regulation. An application for a loan shall be approved or disapproved not later than 60 days after the date on which the application is received by the Secretaries.

"(b) CRITERIA FOR SELECTION OF LOAN RECIPIENTS.—The Secretaries shall evaluate applications for loans under this title and shall select port facility improvements to finance with loans under this title on the basis of the following criteria:

"(1) The applicant's ability to repay the loan.

"(2) The applicant's capability for undertaking the proposed port facility improvements.

"(3) The impact of the proposed improvements on the economy of the port region, including the number of jobs which will be created and retained as a direct or indirect result of such improvements.

"(4) The extent to which improvements will enhance the competitiveness of the port in interstate and foreign commerce.

"(5) The economic viability of the proposed improvements.

"(6) The relative need of the port agency for the proposed improvements, based on the port's economic and competitive status in interstate and foreign commerce.

"(c) SET-ASIDE FOR ASSISTANCE FOR SMALL DEEP-DRAFT PORTS.—

"(1) IN GENERAL.—The Secretaries shall use not less than 20 percent of the amounts appropriated from the Port Improvement Revolving Loan Fund each year for making loans under this title for financing improvements to port facilities at small deep-draft ports.

"(2) ISSUANCE OF REGULATIONS.—The Secretaries shall issue regulations describing requirements for qualification as a small deep-draft port for purposes of this subsection.

"SEC. 26. TERMS AND CONDITIONS OF LOANS.

"(a) MAXIMUM TERM OF LOAN.—The maximum term for any loan made under this title shall be 20 years.

"(b) INTEREST RATE.—Loans made under this title shall be repaid at an interest rate that—

"(1) will ensure that the amount of funds in the Port Improvement Revolving Loan Fund established by this title will increase, not counting future transfers, at approximately the rate of inflation as determined by the Secretaries; and

"(2) is less than market rates for such loans.

"(c) AUDITS.—Projects funded with loans made under this title shall be subject to such audits as the Secretaries determine are appropriate to carry out the objectives of this title. After reasonable notice, a recipient of a loan under this title shall make available to the Secretary for inspection such records as the Secretaries may require to carry out the objectives of this title.

"(d) ADDITIONAL TERMS AND CONDITIONS.—In addition to the terms and conditions otherwise set forth in this section, loans made under this title shall be subject to such other terms and conditions as the Secretaries determine are appropriate to carry out the objectives of this title.

"SEC. 27. PORT IMPROVEMENT REVOLVING LOAN FUND.

"(a) ESTABLISHMENT.—There is established in the Treasury of the United States a fund to be known as the Port Improvement Revolving Loan Fund, consisting of—

"(1) amounts transferred to the Fund under subsection (c);

"(2) amounts deposited into the Fund under subsection (d); and

"(3) amounts credited to the Fund under subsection (e).

"(b) AVAILABILITY.—Amounts in the Port Improvement Revolving Loan Fund shall be available for use by the Secretaries, subject to appropriations, for making loans to port agencies for financing and refinancing improvements to port facilities in accordance with the provisions of this title.

"(c) TRANSFERS TO FUND.—The Secretary of the Treasury shall transfer to the Port Improvement Revolving Loan Fund—

"(1) not later than October 1, 1990, an amount equal to not more than one half of one percent of the total revenues attributable to customs duties collected by the Federal Government during fiscal year 1989;

"(2) not later than October 1, 1991, an amount equal to not more than one percent of the total revenues attributable to customs duties collected by the Federal Government during fiscal year 1990; and

"(3) not later than October 1, 1992, an amount equal to not more than one percent of the total revenues attributable to customs duties collected by the Federal Government during fiscal year 1991.

"(d) REPAYMENT OF LOANS.—The Secretary of the Treasury shall deposit into the Port Improvement Revolving Loan Fund all amounts received by the United States in the form of repayments of loans made under this title, including interest on such loans.

"(e) INVESTMENT.—

"(1) IN GENERAL.—The Secretary of the Treasury shall invest amounts in the Port Improvement Revolving Loan Fund.

"(2) AUTHORIZED INVESTMENTS.—Investments under this subsection shall be made by the Secretary of the Treasury only in interest-bearing obligations of the United States acquired—

"(A) on original issue at the issue price, or

"(B) by purchase of outstanding obligations at the market price.

"(3) SALE OF OBLIGATIONS.—Any obligation acquired by the Port Improvement Revolving Loan Fund may be sold by the Secretary of the Treasury at the market price.

"(4) DEPOSIT OF INVESTMENT INTEREST AND PROCEEDS.—The interest on, and the proceeds from the sale or redemption of, any obligations held in the Port Improvement Revolving Loan Fund shall be credited to and be a part of the Fund.

"SEC. 28. ADVISORY BOARD.

"(a) ESTABLISHMENT AND DUTIES.—The Secretaries shall establish a permanent advisory board to advise the Secretaries in the development of regulations to carry out this title and to advise the Departments as necessary regarding—

"(1) matters relating to the Port Improvement Revolving Loan Fund;

"(2) improvements to port facilities undertaken with loans made under this title; and

"(3) requirements for qualification as a small deep-draft port under section 25(c).

"(b) MEMBERSHIP.—The advisory board established under this section shall be composed of 9 members as follows:

"(1) The Secretary of Transportation or his designee.

"(2) The Secretary of Commerce or his designee.

"(3) 1 member appointed by the majority leader of the House of Representatives.

"(4) 1 member appointed by the minority leader of the House of Representatives.

"(5) 1 member appointed by the majority leader of the Senate.

"(6) 1 member appointed by the minority leader of the Senate.

"(7) 3 other individuals specially qualified to serve on the board by virtue of their education, training, or experience in maritime matters elected by the members referred to in paragraphs (1) through (6).

"(c) PAY.—Members of the advisory board shall serve without pay; except that the members of the board elected under subsection (b)(7) shall while attending meetings of and attending hearings held by the board be entitled to travel or transportation expenses in accordance with section 5703 of title 5, United States Code.

"(d) QUORUM.—6 members of the advisory board shall constitute a quorum but a lesser number may hold hearings.

"(e) CHAIRMAN.—The Secretaries shall alternate each year in serving as chairman of the advisory board. The Secretary of Commerce shall serve as the first chairman of the advisory board.

"(f) MEETINGS.—The advisory board shall meet at the call of the Chairman or a majority of the members of the board.

"(g) POWERS.—

"(1) HEARINGS AND SESSIONS.—The advisory board may, for the purpose of carrying out its duties under this title, hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence, as the advisory board considers appropriate.

"(2) POWERS OF MEMBERS AND AGENTS.—Any member or agent of the advisory board may, if so authorized by the advisory board, take any action which the advisory board is authorized to take by this subsection.

"(3) OBTAINING OFFICIAL DATA.—The advisory board may obtain from the Departments information necessary to enable it to carry out its duties under this title. Upon request of the Chairman of the advisory board, the Secretaries shall furnish such information to the advisory board.

"SEC. 29. REGULATIONS.

"The Secretary shall issue such regulations as are necessary to carry out the objectives of this title.

"SEC. 30. ANNUAL REPORT.

"The Secretaries shall prepare and transmit to the Committee on Energy and Commerce, the Committee on Public Works and Transportation, and the Committee on Merchant Marine and Fisheries of the House of Representatives and to the Committee on Commerce, Science, and Transportation of the Senate an annual report on the loans made under this title, repayment of such loans, the status of port facility improvements funded with such loans, the current and projected financial condition of the Port Improvement Revolving Loan Fund, and an assessment of the effect that loans from such fund have had on the competitiveness of United States ports in interstate and foreign commerce.

"SEC. 31. DEFINITIONS.

"For purposes of this title—

"(1) DEEP-DRAFT PORT.—The term 'deep-draft port' means a port that has a depth of 20 feet or more in habor channels and at marine terminal facilities and that is used by seagoing vessels.

"(2) DEPARTMENTS.—The term "Departments' means the Department of Commerce and the Department of Transportation.

"(3) IMPROVEMENTS.—The term 'improvements' means—

"(A) construction, repair, or rehabilitation of any port facility and purchase of any port-related equipment; and

"(B) construction, repair, or rehabilitation of any other facility which handles waterborne cargo in the vicinity of a port facility.

"(4) PORT AGENCY.—The term 'port agency' means any agency established by one or more States or local governments which is authorized to make improvements to any port facility.

"(5) PORT FACILITY.—The term 'port facility' includes any port structure, terminal, building, transportation facilities, and land.

"(6) PORT IMPROVEMENT REVOLVING LOAN FUND.—The term 'Port Improvement Revolving Loan Fund' means such fund established by section 27.

"(7) SECRETARIES.—The term "Secretaries' means the Secretary of Commerce and the Secretary of Transportation acting through the Federal Maritime Administration.".

SUPPORT MAGAZANNIK FAMILY REQUEST TO EMIGRATE TO ISRAEL

HON. WALTER E. FAUNTROY

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 13, 1989

Mr. FAUNTROY. Mr. Speaker, as a member of the Congressional Vigil on Soviet Jewry, it is with great concern that I bring to the attention of my colleagues the case of Dr. Norbert Magazannik and family, a Soviet family seeking permission to emigrate to Israel. The family first applied to leave the U.S.S.R. in 1977; and Dr. Norbert Magazannik, a respected heart and lung specialist, had to leave his employment as a result of the application.

The Government's refusal is focused on Norbert's wife, Natalya, who worked in glass production but who has been out of the field for 15 years. The Soviet Government insists that Natalya's contact with an invention registration application in 1968 has made her privy to State secrets. Because of this, the Supreme Soviet is denying the Magazanniks permission to emigrate. Additionally, the Government refuses to declare when the secrecy status will be lifted.

Article 13 of the Universal Declaration of Human Rights, an agreement signed by the U.S.S.R., declares that "everyone has the right to leave any country, including his own, and to return to his country." The extent to which Mr. Gorbachev and the Soviet Government respect the rights of those, like the Magazannik family, who wish to emigrate is one of the criteria which we must use in determining our relations with the U.S.S.R. The Magazanniks must be permitted the fundamental human right of free emigration. Let my people go.

MARITIME: GET OUT OF GATT

HON. WALTER B. JONES

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 13, 1989

Mr. JONES of North Carolina. Mr. Speaker, today I, together with 102 of our colleagues on both sides of the aisle, am introducing a resolution that will help preserve U.S. national security by urging that maritime transportation services be excluded from the current General Agreement on Tariffs and Trade [GATT] round of talks on trade in services.

Since the founding of this Nation, U.S. maritime policy has been and remains an integral element of our national security and defense policy. The U.S.-flag merchant marine is and has always been our fourth arm of defense. No aspect of our national defense should ever be a subject for international economic bargaining.

Our longstanding NATO relationships and commitments, port security considerations, and strategic sealift requirements are factors which clearly prohibit inclusion of maritime transportation as an appropriate area for economic liberalization. The fundamental reliance that our Nation has on our merchant marine for national security and defense places it beyond any multilateral process of trade negotiations.

Inclusion of maritime transportation in the GATT discussions offers no prospect for benefiting our maritime transportation industry or international trade interests. The United States already has the most open international maritime trade; GATT negotiations could only result in trading away our present programs.

In the Omnibus Trade and Competitiveness Act of 1988, the 100th Congress strengthened the Federal Maritime Commission's authority to respond to unfair trade practices which adversely affect U.S.-flag ocean carriers. This action clearly and intentionally placed maritime transportation outside the parameters of trade negotiations, and it is totally inappropriate to permit curtailment or neutralization of the Federal Maritime Commission's authority through a trade agreement.

Mr. Speaker, the strong support for this resolution demonstrates its extreme importance. It sends the right message at the right time and I hope that many more of my colleagues will join me in cosponsoring it.

TRIBUTE TO BILL GREEN OF NEW YORK FOR HIS LEADERSHIP OF THE ENVIRONMENTAL AND ENERGY STUDY CONFERENCE

HON. ROBERT E. WISE, JR.

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 13, 1989

Mr. WISE. Mr. Speaker, as vice chairman of the Environmental and Energy Study Conference, I rise today on behalf of the conference to pay tribute to our colleague from New York's 15th Congressional District, BILL GREEN. BILL is stepping down as the study conference's chairman after 4 years of service. He was elected chairman for the 99th Congress and reelected to serve for the 100th Congress.

BILL's leadership and foresight have been critical to the conference as environmental issues have once again risen to the top of the Nation's policy priorities. With BILL's advice and encouragement, the conference has provided invaluable analytical and information services on environment, energy, and natural resource questions long before the headlines brought them to the attention of the entire world.

As a result, the House has been well-prepared to begin the policy debate and respond to constituent concerns on some of the most important questions facing the Earth in the coming years.

BILL has been vigorous in preserving the conference's independence from all groups and ideologies. As you know, that balance is at the heart of the conference's credibility and success. The study conference does not take political positions; its mandate is to provide Members of Congress with objective analysis of environmental, energy, and natural resource issues and a forum for discussion of those issues.

It goes without saying that BILL's leadership has been instrumental in maintaining the conference's superb reputation. It is no accident that the conference remains the largest legislative service organization in Congress. This year, more than 275 House Members and 90 Senators are members of the study conference. On behalf of the study conference, the executive committee, and the conference membership, I want to extend a sincere thank you to BILL for his hard work and strong guidance over the past 4 years.

A SALUTE TO JAMES R. MOFFETT, RECIPIENT OF 1989 B'NAI B'RITH GREAT AMERICAN TRADITIONS AWARD

HON. LINDY (MRS. HALE) BOGGS

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 13, 1989

Mrs. BOGGS. Mr. Speaker, tomorrow evening, James R. Moffett, an individual for whom I have the highest respect and admiration, will receive the B'nai B'rith's Great American Traditions Award which is given to individuals who have made special contributions to improve the nature of the civil life in their own communities.

Jim Bob, as he is know to friends, admirers, and just about everyone in the State of Louisiana, is such an individual. A successful geologist and business leader, Jim Bob is the chairman and chief executive officer of Freeport-McMoRan, Inc., a leading natural resources company and a member of the Fortune 500 which is located in New Orleans. He has guided the corporation since moving its headquarters to New Orleans several years ago.

Jim Bob exemplifies well the great American traditions symbolized by this award. I dare say there are few top executives of large corporations who have taken such an active interest in the well-being of the communities in which they live. Because of the downturn in the energy industry, the New Orleans' economy and local industry, including Freeport-McMoRan, have been affected. Jim Bob could sit back and worry about the problems of his industry, but he isn't that kind of individual. He knows there are problems in the community and he has stepped forward to take a leadership role in developing solutions.

For example, several years ago the city of New Orleans was faced with the first of a series of severe deficits. There weren't enough funds to keep the public libraries open. Rather than see the young people of our city denied this resource so essential to their education, Jim Bob, without hesitation, opened his check book and led a fundraising drive to keep the libraries open. He also helped formulate a stable source of revenues for the public library system.

As a leader in the Louisiana Council for Fiscal Reform, founder of the New Orleans Business Council, and president of the Chamber of Commerce for New Orleans and the River Region, he has aggressively sought to mobilize the business community and the general public to formulate and implement solutions to some of the severe economic and fiscal problems facing our region.

When local cultural organizations were confronted with severe shortages in their fundraising efforts, Jim Bob took the lead in organizing several major local corporations to contribute to an endowment, the Metropolitan Arts Fund, to ensure the continued survival of these essential community resources.

This is the type of man we know Jim Bob Moffett to be. I am proud to be his friend. I salute him for his leadership in the community and I salute the B'nai B'rith for continuing its 146-year tradition of concerns for education, culture, and service and its dedication to human dignity and interreligious understanding.

THE STEVENSON REGULAR DEMOCRATIC CLUB HONORS MAX SIEGEL

HON. GARY L. ACKERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 13, 1989

Mr. ACKERMAN. Mr. Speaker, today I rise to pay tribute to an outstanding individual and good friend, Mr. Max Siegel, who is being recognized for his dedicated service to the people of Queens County, NY. On June 15, 1989, Max Siegel will be honored by the Stevenson Club at its 23d annual dinner dance, in Flushing, NY.

Max Siegel has been a dedicated member of the Stevenson Club for over 15 years. He has worked quietly and effectively as the journal chairman and a member of the board of directors. A successful businessman, Max and his lovely wife Barbara have three children. Their daughter Bonnie works for Queens Borough president Claire Shulman, while their sons Howard and Stephen also have successful careers. Howard works as a manager for a local business, and Stephen is an electrician. Max and Barbara are proud grandparents of two, wonderful grandchildren, Adam and Roni.

Max has worked at his Manhattan appliance store for over 35 years, putting in grueling 12-hour days. He still manages to find time to devote to the Stevenson Club. Even with such a hectic schedule, he makes a special effort to attend the club on a regualr basis. He also enthusiastically volunteers for many activities and events that are sponsored in his community.

Max has donated countless hours to past Stevenson Club dinner dances, and so it is especially fitting that the club has chosen to honor him at this year's event. His love for politics has been an important factor in making the Stevenson Club such a success. Described by friends as being generous to a fault, Max has always been more than willing to give a helping hand to the Democratic Party in Queens County, NY.

Mr. Speaker, I know that everyone associated with the Stevenson Club would like to express their utmost appreciation for all of the hard work Max Siegel has contributed to the community. I ask all of my colleagues in the U.S. House of Representatives to join me in congratulating Max Siegel for being honored by the Stevenson Club, and wish him continued success in the future.

IRA LEGISLATION

HON. ROBIN TALLON

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 13, 1989

Mr. TALLON. Mr. Speaker, It's no secret that for decades now, America has been on a consumption binge. Tax and other policies have been either deliberately or unwittingly skewed to penalize savings and encourage consumption. We've taxed both the income going into savings, and the returns resulting from savings.

We've abandoned the old maxim that a penny saved is a penny earned. We've encouraged instead an attitude that a dollar I can borrow is a dollar I can spend. The symbol of our age is the plastic credit card. For people, for business, for the Government.

For years we've complacently treated American economic leadership as a natural right, much like the hare felt when he started his race with the tortoise. We've told people, in effect, to forget about tomorrow—live for today.

As a result, America currently has the lowest personal savings rates in the industrial world. When other nations' savings rates are compared, they are three, four, and five times higher than ours. The savings rate in the United States was 4.2 percent in 1988—up from a historic low of 3.2 percent in 1987. By comparison in the 1980-87 period, the Japanese had a personal savings rate averaging 16.8 percent, and the West Germans, 12.3 percent.

And while our investment in a fiscally sound future is declining, our dependence on it is growing like never before. Congress and the Nation face serious problems. The savings and loan bailout, nuclear clean up, and the drug epidemic come immediately to mind. Yet none is more daunting than how to pay for practical needs which affect every citizen—maintaining our health, educating and housing our families, and providing for a lengthening retirement. The costs are soaring and Americans are not prepared to meet them and the resulting shortfalls on a government already burdened with large deficits.

Sooner or later we've got to answer some big questions about our future. How are we going to pay for it? Do we start paying now, and put time and compounding to work multiplying what we set aside? Or do we wait until

we no longer have any time or earnings to save, and then count on somebody else to cough up the money for us? Do we take control of our own destiny, or do we continue to "depend on the kindness of the strangers" who are buying up our land and assets?

The answer is obvious. Getting back on track will take recognizing three things. First, national wealth depends on productivity. Second, productivity depends on investment. Third, investment depends on the flow of savings.

It makes sense that countries with high rates of savings and investment enjoy the fastest rise in productivity, income, and standard of living. Simply put, a lack of savings is a formula for economic mediocrity.

Yet, the cost of capital in the United States is 25 percent to 80 percent higher than in other nations. And while our major competitors use their tax codes to encourage savings and investment, we penalize it.

Financing the needs of tomorrow is too big a task for government alone. What we need for government is not new programs of payment for all the services we will need, but new policies that both enable and encourage people to provide for themselves.

I believe the only way basic needs such as housing, education, and long-term care can be met—on a sound, sustainable, economically feasible basis—is through structured programs of private asset accumulation of the sort that can only work if they're not penalized by the tax system.

Money put into private savings vehicles doesn't just sit there. It finances the Nation's investment in plant and equipment. It creates jobs and income. It keeps America competitive. And it multiplies. It's the ultimate economic and social "two-fer." It provides both the economic benefit of adding to the savings pool, and the social benefit of giving the saver more control over the condition and quality of his life.

Wise tax policy aims at striking a balance: At raising the revenues needed to run the Government with the least possible cost to the productive system, with the greatest possible equity, and in ways that encourage responsible behavior.

With savings at a dangerously low level, we need to encourage savings. With health care costs escalating, we need to encourage more people to provide early for their own future health care costs. With more and better skills needed for a technologically advancing world economy, we need a better educated population to be able to compete. As a nation, we have to encourage home ownership as a national priority.

Today, I'm intoducing legislation to open up the IRA. My bill will allow people to make tax-free withdrawals for education expenses, for long-term health care, and for a down payment on a house—without having to split the interest earned on it with the IRS. I believe this will provide a powerful incentive to encourage people to save for the future, rather than spend for today.

My bill will cost the Treasury very little now and it will make the IRA a sweet deal for the saver, without making it a sour one for the Treasury. It will swell the savings stream even as we continue to cut the deficit. It will promote both growth and competitiveness in the long run, because those require more investment, which in turn require more savings.

This will encourage people to provide for their own futures. And by doing so, build the savings pool that will finance the investment to provide for the Nation's future.

We've got the resources. What we need is the will, the discipline, and the stimulus to look to the future, plan for the future, and save for the future.

TRIBUTE TO DIANE NELSON

HON. RAYMOND J. McGRATH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 13, 1989

Mr. McGRATH. Mr. Speaker, I would like to take this opportunity to pay homage to a distinguished resident of the Fifth Congressional District, Diane Nelson. Diane is retiring from the Lawrence Board of Education after 19 years of dedicated service in the education of her community's children. Although her energy and commitment will be sorely missed, the example she has set will continue in the work of the school board.

The early 1970's was a time of great upheaval in American lifestyle and the education field was no exception. Change was the operative word of that era and local education leaders sought to usher in new educational techniques and programs. Diane Nelson brought capable leadership and a can-do approach to her job to meet the challenges. During those turbulent times, Diane's primary concern was restoration of common sense and order in the educational process. She led efforts to increase electives to appeal to a broader range of student interests.

When the winds of change once again swept the Nation in the early 1980's, schools sought a return to the basics of reading, writing, and arithmetic. The new technological era in American history which we continue to be part of has also increased our need to concentrate on the sciences and computer training. Throughout this continual change in policies, Diane was able to recognize the need for adaptation in her community schools. Today, the Lawrence School District serves as a superb example of success in American education.

Diane's legacy to the Lawrence School Board and the community is immense. Under her tenure a model, all-day kindergarten, a 4-year high school and a middle school were created. Her contributions also include major roles in instituting a learning disabilities program and an extensive health program to inform children about the dangers of drug and alcohol abuse, AIDS, and other serious health risks.

While we are all saddened at Diane's retirement from the school board, we are fortunate to have had her support, guidance, and talents. She will long be remembered for her accomplishments and has earned the lasting respect and gratitude of her community.

INTRODUCTION OF THE HEALTH CARE RESEARCH AND POLICY ACT OF 1989, H.R. 2601

HON. HENRY A. WAXMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 13, 1989

Mr. WAXMAN. Mr. Speaker, I am pleased to introduce H.R. 2601, the Health Care Research and Policy Act of 1989.

This bill recognizes the need for a major new initiative by the Federal Government to conduct and support the research needed for making informed health policy decisions. This is research that is critical for enhancing the quality of care and for improving access to care. It will have direct application to improving both clinical practice and the organization, financing and delivery of health care services.

Mr. Speaker, the need for this bill is evident when we consider the truly meager Federal investment in health care research, in comparison with spending on health care services. Although national health expenditures are over $500 billion, the Federal Government spends barely one ten-thousandth as much, some $50 million, on health services research to learn how to assure the quality and improve the efficiency of delivering health care. Similarly, the amounts we spend for technology assessment and for evaluative research on patient outcomes are a pittance of that needed to promote effectiveness and appropriateness in the use of our vast, and rapidly growing, medical armamentarium.

It is unrealistic to expect the private sector to meet this need. Expanded Federal resources, managed by an invigorated new agency, are needed. Not only is the total current investment grossly inadequate to the task, but the little that is being spent is currently without the kind of leadership and organization that could assure the most bang for the bucks. The level of funding must increase, and the work must be conducted and supported by an agency with greatly enhanced stature. Such an agency should be comparable to the other agencies of the Public Health Service. It should strive to achieve the level of scientific prominence that the National Institutes of Health have accomplished in biomedical research.

A significant portion of this research would be devoted to the evaluation of the various services and procedures used to diagnose and treat specific patient conditions. This is currently carried out under the rubric of "patient outcomes" research. This bill would build on the provisions we inserted into the 1986 reconciliation bill, but would greatly expand and enhance the current fledging program.

In addition to its clinical and applied research mission, the new agency would be responsible for promoting the practical applications of such research. In particular, the bill would create a new entity, called the Forum for Quality and Effectiveness in Health Care. The Forum's principal responsibility would be arranging for the development of practice guidelines.

Practice guidelines represent an effort to translate the fruits of health care research into

clinically relevant information for physicians and patients. Mr. Speaker, we are well aware that this task is anything but simple.

For such guidelines to be credible and useful to physicians and patients, they must be developed by persons of recognized stature, using a process of consensus development, and based on the best available information and research, as well as sound judgment.

The Forum would seek to meet these objectives by convening panels of experts, including practicing physicians and consumers, from outside the Federal Government. These panels would be responsible for developing the guidelines, with staff support from the Forum. It would not be the role of the Department of Health and Human Services to review, amend, approve, or disapprove such guidelines. The guidelines would be the product of the panels, not the Department. The Department would not be responsible for disseminating the guidelines or assuring their use, but the Forum could assist private grops who wished to disseminate them and urge their constituents to use them.

Mr. Speaker, I have been interested in this issue for a long time. I have discussed it with many interested parties and the Subcommittee on Health and the Environment has held several hearings on this subject. I believe this represents a balanced process for developing medical practice guidelines. The role of the Government would be to support the activity and to make sure it is done properly, but the actual content of the guidelines would be the responsibility of the private sector. The success or failure of this project would ride on the involvement and cooperation of the physician community. I have tried to structure this in a way that makes it acceptable and challenging to the medical profession, while assuring an appropriate role for Government.

Mr. Speaker, I would note a word of caution. Even though health care research and the development of practice guidelines may have some future application to funding decisions, I would emphasize that we must not expect too much too soon. While it appears that the time is ripe now for spurring this activity along, it is clearly a complex issue. We must have realistic expectations and not look to research results and practice guidelines as overnight solutions for all the problems in health care, particularly not the problem of ever-increasing costs.

This effort can and will help, but only if we are willing now to invest adequately in the research base needed for developing guidelines, and for all the other work needed to enhance quality and improve efficiency.

Mr. Speaker, the time for this investment has long passed, but it is not too late. We must take this challenge seriously. I call on all Members to join with us in support of the Health Care Research and Policy Act of 1989.

AMBASSADORS OF GOOD WILL

HON. J. DENNIS HASTERT

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 13, 1989

Mr. HASTERT. Mr. Speaker, on Monday, I had the opportunity to meet with a group of high school students from my congressional district in Illinois who will be serving as United States ambassadors to the Soviet Union for the next several weeks.

These students are taking part in the "People to People" exchange program that dates back to the era of former President Eisenhower. Over the years it has been very successful in exposing Americans and Russians to our differing cultures and gives them an opportunity to live briefly with host families.

In the spirit of glasnost, these exchange visits become even more important today to both nations. I believe this experience will instill in these students a deep appreciation for the freedoms and liberties that we too often take for granted. It will also give them the opportunity to establish international friendships that can last a lifetime.

To finance the trip, the communities in my congressional district raised an estimated $50,000 and I especially want to acknowledge a contribution of $15,000 from the Loyal Order of the Moose.

Lastly, I especially want to commend George Dyche, who will accompany the youths. He is a former teaching and coaching colleague.

The students who are a part of this trip include: Darrell Hammond, Keith Browning, Thandeka Chapman, Tracey Grometer, Megan Healy, Michael Kennedy, Laura Lauzen, Christopher Madden, Ana Maria Menendez, Eric Pietrusiak, Stephanie Reilly, Sarah Riddle, Marnie Rudigier, Maurice Thomas, and Jennifer Towers.

SALUTE TO DONNELLY CORP.

HON. FREDERICK S. UPTON

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 13, 1989

Mr. UPTON. Mr. Speaker, I rise today to honor Donnelly Corp., of Holland, MI, recipient of the Presidential "E" Award from the Department of Commerce. An E Award is given to industries and manufacturers that have significantly promoted and increased exports from the United States over a substantial period. I am proud that this fine company, founded and based in western Michigan, has been officially recognized as one of the top exporting firms in the entire United States.

The E Award symbolizes a number of business accomplishments. Interestingly, each of these starts with the letter "E":

First. The first E stands for export. A company must increase their exports by a substantial volume over at least a 4-year period. Under the expert direction of chairman of the board J. Dwane Baumgardner, Donnelly Corp. has developed an innovative product line which has made Donnelly glass in demand throughout the world. From Europe to the Far East, Donnelly products are now generating over $20 million in exports annually, an amount expected to double during the next 5 years.

Second. The second E stands for excellence. Donnelly was founded in 1905. Twenty-five years ago, Donnelly was still a relatively small producer of mirrored glass, primarily for the automotive industry. With the development of a technologically advanced line of undercoated glass, Donnelly is respected around the world for the quality of its products.

Third. The third E is for expansion, and expand Donnelly has. From a small handful of employees in 1977, Donnelly has grown to over 200 direct and indirect employees in 1988. Plans are currently underway to add one-third more production capacity and 20 to 50 more production employees.

Fourth. The last E is for effort. I would not be here today to honor Donnelly with this award if it were not for the tremendous effort by each and every Donnelly employee. Excessive overtime has been volunteered with a true team spirit by many of the employees. Whether in the design, production, or marketing of Donnelly products, the employees have done an outstanding job.

Once again, I want to congratulate Dwane Baumgartner and all of Donnelly Corp. for receiving this award. I am sure I speak for all Holland residents, as well as residents from throughout southwestern Michigan in saying how very proud we are of you.

INTRODUCTION OF LEGISLATION TO EXTEND THE FERC LICENSE FOR THE SOUTH FORK AMERICAN RIVER PROJECT

HON. NORMAN D. SHUMWAY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 13, 1989

Mr. SHUMWAY. Mr. Speaker, today I am introducing legislation to extend for 2 years the Federal Energy Regulatory Commission [FERC] license for the South Fork American River Project in El Dorado County, CA.

The El Dorado Irrigation District [EID] and El Dorado County Water Agency have invested more than $4 million for the planning and development of the SOFAR multipurpose water project. The project is an integral part of El Dorado County's plan to meet its water and power demands and to accommodate the increased population projected for this part of California. The proposed SOFAR project would furnish the county with a significant long-term water supply and provide needed energy, as well as recreational and fish and wildlife benefits.

Mr. Speaker, the need for this 2-year extension for the FERC license results from a change in the economic conditions on which the project was originally based. While at the time of the original licensing, high oil prices made the hydroelectric portion of the SOFAR project economically feasible, a reduction in oil prices since then has made non-Federal financing for this project increasingly difficult.

Nevertheless, the El Dorado Irrigation District and El Dorado County Water Agency have been diligent in efforts to move this project forward, and continue to believe that it is extremely vital to meeting future resource demands.

This FERC license extension is a reasonable proposition for those residents of El Dorado County who are counting on this project. Such extensions have precedent in previous congressional action, and it is my hope that the Congress can move this noncontroversial bill forward expeditiously before the July 24, 1989, deadline for the original license.

DEVELOPMENTS IN CHINA

HON. SILVIO O. CONTE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 13, 1989

Mr. CONTE. Mr. Speaker, day by day, the Chinese Government moves farther from decency. On June 12, in a move that recalls the worst moments of Stalinism and the cultural revolution, it published a list of 21 leaders of the student democrary, and urged Chinese citizens to turn them in for arrest.

On the list are some of China's brightest hopes for the future: lovers of democracy like Wang Dan, Chai Ling, and Wu'er Kaixi. That is not a list of traitors—it is a roll of Chinese patriots. The Chinese Government's attack on them does not surprise me—but it shows one more time how little respect that Government has for its own people.

The United States is not all-powerful, but we can take some measures to protect China's students and dissidents in this dangerous time. I specifically endorse the decision of the U.S. Embassy in Beijing to shelter Fang Lizhi and his wife, Li Shuxian. That is a courageous act. I urge the administration to stick to it, and to continue to give them sanctuary until the danger is past. And I hope we will respond generously to requests for political asylum from Chinese students and residents in the United States.

In closing, I want to commend the work of two institutions we too often take for granted—the American Foreign Service and the American media. Our Embassy has performed brilliantly in protecting and assisting American citizens in China. And American journalists have taken great personal risk—some suffering beatings and arrests—to tell the world about the democracy movement, the assault on Tiananmen Square, and the subsequent repression. They have done a service to friends of democracy, friends of China, and the Chinese people.

IN MEMORY OF THE JUNE 1964 MURDERS OF THREE MISSISSIPPI CIVIL RIGHTS WORKERS

HON. TED WEISS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 13, 1989

Mr. WEISS. Mr. Speaker, 25 years ago this month, civil rights activists James Chaney, Andrew Goodman, and Michael Schwerner were brutally murdered in Mississippi. The deaths of these three idealistic, committed young men have come to serve both as a vital reminder of the savagery and ugliness inherent in racial hatred, and as a symbol of the courage of the American civil rights movement.

In 1964, the three activists were working together in Mississippi on an interracial voter registration campaign. Chaney, a young Mississippian, was a dedicated CORE staff member working at the community center that had been set up in Meridian, MS, with the help of Shwerner, a social worker from New York who also worked for CORE. Goodman, a 20-year-old West Sider from Queens College, had volunteered to spend the summer in the South but spent only 1 night alive there.

The three young men disappeared after being arrested and jailed in Mississippi for a traffic violation. Released in the dark of night, they were followed and shot to death on a lonely country road in Neshoba County, MS. Forty-four days later, their bodies were found buried in an earthen dam. No murder charges were ever filed in their deaths, but eight people—including the sheriff—were later convicted of violating two civil rights statutes which made it a crime to interfere with the exercise of constitutional rights.

We must remember the sacrifice made by James Chaney, Andrew Goodman, and Michael Schwerner in the cause of furthering the ideals of justice and the right to vote. For history, once forgotten, tends to repeat itself. The recent election of former Ku Klux Klan leader David Duke to the Louisiana State Legislature, for example, is a chilling reminder that racial discrimination has not yet been eradicated in this country, despite the claims of some that prejudice and its impact on minorities in this country no longer exists.

Last September, the families, representatives and supporters of these civil rights workers met for the first time in my district office to begin forming what is now the Chaney Goodman Schwerner Memorial Coalition. The coalition will commemorate the 25th anniversary of their deaths and enlist the support of all Americans to continue to work for the values, aspirations and accomplishments of the civil rights movement.

The goals of the memorial coalition include the registration of 50,000 voters in New York City, promotion of civil rights and interracial cooperation, and support of lectures and humanitarian awards. The coalition has also organized a commemorative "Freedom Caravan" from Philadelphia, MS to New York City. On Wednesday, June 21, busloads of students, parents, business and labor leaders, public officials and clergy will begin this historic ride after a day of commemorative events that ends with a torch-lighting ceremony at the Meridian grave site of James Chaney. The Caravan will stop in Washington, DC for activities including a congressional breakfast and a rally on the steps of the Capitol, and will culminate in New York City, with a major public program of tribute at the Cathedral of St. John the Divine.

Mississippi and other parts of the country have taken great strides in improving human relations and providing opportunities for minorities since 1964. Yet racial, ethnic, and religious intolerance continue to be a serious threat to the stability of our society. The efforts and dedication of men and women of all colors and all religions to the civil rights movement is as important now as it was in 1964. The memorial coalition will remind, inform, and instruct us of the past so that we can be better prepared to continue the fight against prejudice and racial hatred into the future.

TRIBUTE TO TRUMAN E. NICKELL

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 13, 1989

Mr. SKELTON. Mr. Speaker, today I pay tribute to an outstanding Missourian who risked his life to save another. Because of his great feat of heroism, Truman E. Nickell received the Carnegie Medal on behalf of the Carnegie Hero Fund Commission. I ask that we take a moment to recognize the courageous act of this exceptional individual. I would like to read to you the following description given by the Carnegie Hero Fund Commission detailing Mr. Nickell's brave deed:

Truman E. Nickell, Lebanon, Missouri, saved Lela D. Harper from drowning, Galveston, Texas, July 14, 1988. Lela, 11, and another girl were wading in the Gulf of Mexico when a strong current pulled them away from shore. They yelled for help. From a nearby point in the water, Nickell, 58, retired, waded to the other girl, who was his granddaughter, and took her to shore. Seeing that Lela had been carried much farther out, Nickell waded and swam about 375 feet to her. When he reached her, they struggled, submerging and re-surfacing twice. With difficulty, Nickell swam back toward shore as Lela clung to him. As they approached, Nickell pushed Lela ahead, then swam to her and pushed her again, repeating the process until they were in wadable water. On the beach, Lela was tired but uninjured. Nickell was exhausted, and he recovered.

In closing, I wish to extend my congratulations to Mr. Nickell. His valor is to be applauded. His dauntless act will be forever commemorated through the Carnegie Medal.

THE B-2 FLY-BEFORE-YOU-BUY ACT

HON. MIKE SYNAR

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 13, 1989

Mr. SYNAR. Mr. Speaker, today I am introducing legislation which would prohibit further obligation of funds for procurement of production aircraft under the B-2 Advanced Technology Bomber Program until the Secretary of Defense certifies to Congress that flight testing of the B-2 has been successfully accomplished. The bill also requires the Comptroller General of the United States to review the Secretary's certification and submit his findings in a report to Congress. I plan to offer this bill as an amendment when the Armed Services takes up the Defense authorization bill later this month.

It has long been a generally accepted principle that any aeronautical system should be thoroughly tested, including extensive flight testing, to assure that the system will accomplish its stated mission objectives, before a commitment to procurement of the system is made. Deviations from this fly-before-you-buy principle have usually resulted in serious problems and excessive cost overruns.

Unfortunately, there has been an increasing tendency at the Defense Department toward concurrency, where a commitment is made to procurement and production actually begins before engineering development and prototype testing are completed. While concurrency is undertaken in the hope of saving money, recent experiences show that this practice is more harmful than helpful. In both the B1-B and C-5B programs, concurrency led to serious problems despite the accrued benefits of several years of experience with the B1-A and C-5A predecessor aircraft.

Obviously, the more revolutionary a proposed aircraft design is from a technological standpoint, the more extensive the testing which will be necessary before committing to procurement and production. The B-2 is a radically different aircraft, and is therefore a high-risk program for concurrency from the standpoint of aerodynamics, stability, and control.

In light of the increasing delay in the B-2's scheduled first flight test and the many questions concerning the program's status, I believe that we need to ensure that concurrency and its attendant risks are taken out of the B-2 before it is too late. The cost of the B-2 has increased several times since the plane was unveiled in 1981. Air Force sources recently estimated that the program cost has increased from $68 billion to $72 billion. The B-2 Fly-Before-You-Buy Act will limit further cost increases in the program by ensuring that future funds are spent only if the plane can perform its mission.

TRIBUTE TO UPPER DARBY HIGH SCHOOL AND SPRINGFIELD HIGH SCHOOL

HON. CURT WELDON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 13, 1989

Mr. WELDON. Mr. Speaker, I rise today to salute and recognize Upper Darby High School and Springfield High School, two schools in Pennsylvania's seventh district recently selected for recognition by the U.S. Department of Education as outstanding secondary schools.

Of all the secondary schools in the United States, both public and private, only 218 were selected to receive this honor. The competition was fierce. Each school first had to be nominated by the board of education in its respective State. Of the 629 schools nominated nationally, only approximately one-third were selected by a panel of judges from the Department of Education to receive an onsite visit, and fewer still were then selected to receive this honor.

Upper Darby High School and Springfield High School were given recognition as two of the outstanding secondary schools of America based on their track record in addressing the needs of their students. Each school is judged solely on its own merits. The criteria used are student achievement, teaching environment, learning environment, parent and community involvement, institutional vitality, and leadership. This year a special focus was placed on cultural reform and geography.

The honored schools receive a specially designed ceremonial flag and plaque, and representatives from each school attend a special ceremony here in Washington.

As a former school teacher, I fully recognize the necessity of excellence in our secondary schools. It is a pleasure and an honor to represent two schools who have succeeded in giving their students the best possible education, and I salute their perseverance and dedication.

IN RECOGNITION OF SIMEON BOOKER: A LIFE-TIME OF EXEMPLARY JOURNALISM

HON. KWEISI MFUME

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 13, 1989

Mr. MFUME. Mr. Speaker, I rise today to honor a journalist whose work in our Nation's Capital for the past 37 years has been nothing less than exemplary. Simeon Booker began his career here in Washington in 1952 at the Washington Post. He later opened the Washington bureau for Johnson Publishing Co., publishers of Ebony and Jet, where he has labored continuously since 1955. The names of these periodicals are but sign posts of a long career that represents the highest ideals of personal and journalistic honesty and integrity.

Doubts of the wisdom of a career in journalism worried Simeon's father, a Baptist minister, who hardly considered journalism a worthy career for Simeon. But when his first byline appeared over a well-written article, Simeon's father demanded that his son use a junior following his name and the elder Rev. Simeon Booker added a senior to the end of his name as a further safeguard against any confusion.

Simeon is a graduate of Virginia Union University, where he worked his way through by handling the publicity for the football and basketball teams. Upon graduation he worked for the Baltimore Afro-American, one of America's greatest black newspapers. There he covered the crime beat at the police station and in criminal court that included his presence as journalist witness at many executions by hanging at the Maryland State Penitentiary. He later joined the Cleveland Call-Post where he was awarded two national awards for his series on housing and education.

Upon leaving the Cleveland Call-Post, Mr. Booker was faced with two desirable choices in his career advancement: the first was to be a correspondent for a black newspaper on the Korean war and the other was to attend Harvard on the prestigious Nieman Fellowship. He accepted the fellowship.

Completing his year at Harvard he made himself a promise to work on a daily newspaper. Sent his writings to 50 editors, he was finally promised a desk upon the next vacancy by Phillip Graham of the Washington Post, which came only 6 months later in 1952. By accepting the position he also accepted the distinction of being the Jackie Robinson of journalism by being the first full-time journalist at that paper. Simeon struggled hard at the Post to achieve a high quality of journalism in the face of rampant racism. He struggled so hard friends often thought he was dying for he was chronically exhausted.

After almost 2 years of being faced with the horrific prejudice of the Capital he gave up his position when he met John H. Johnson, the publisher of Ebony and Jet magazines. The meeting was a match made in heaven. Simeon decided to join ranks with Johnson and together they would fight segregation head on. Through his writings Simeon chronicled the horror and the heroism of the struggle for civil rights. He volunteered for any and every assignment. He hid out in funeral homes, bars, and barns, disguised in overalls or as a minister, he traveled day and night, from one end of this country to another, to the watershed events of the civil rights movement that would one day compose so integrally the history of United States in the 20th century. And to the little events of the movement when the strength and integrity of the ordinary individual faced the ravages of racism with dignity and courage.

When Johnson decided to open a Washington bureau this was the opportunity Simeon had awaited to show Washington that he could not be beaten. Simeon Booker has been at the Washington bureau of Johnson Publishing Co. since 1955. The quality of his writing and the integrity of the person are widely recognized and appreciated.

Mr. Booker is recipient of the prestigious Fourth Estate Award of his lifetime achievement in journalism. He is the publisher of Ebony, Jet, Ebony, Jr., and Black Stars. He is the former commentator for the Westinghouse

Broadcasting Co. a position he held from 1969 to 1978. Simeon is also the author of Black Man's America, a reporter's view of the civil rights movement, and Susie King Taylor: Civil War Nurse, a biography for children.

We are all very grateful to Simeon for his courage and dedication in covering the civil rights movement. Many of us were raised on his writings as the words of a man who was there and who could tell us of how our brothers and sisters were struggling against forces of such hatred and ignorance that we could at once be horrified and hopeful. Horrified at the extent that some would go to prevent the civil rights movement from changing the face of America to the hope that we felt when we saw the victories begin to pile up and barriers to equality start coming down. There is, of course, much work that continues to be done. But we can take heart that we, who enjoy the rights and privileges of American society, stand on the shoulders of such men as Simeon Booker. Mr. Speaker, I am proud and honored to recognize the contributions of Simeon Booker, journalist and giant.

GUILFORD COLLEGE—NAIA CHAMPIONS

HON. HOWARD COBLE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 13, 1989

Mr. COBLE. Mr. Speaker, I am a graduate of Guilford College in Greensboro, NC. The school is located in my district, so I have two reasons to be proud of this fine institution. Actually, I now have three reasons why I can proudly boast about Guilford College. On May 26, 1989, Guilford College captured the 1989 National Association of Intercollegiate Athletics [NAIA] golf championship. This was the first national title for the Quaker golf team and the third NAIA championship in the school's proud history.

Guilford finished six shots ahead of four-time defending champion Huntingdon (AL) College. The Quakers had finished second to Huntingdon in three of those championship years, so the victory at Bay Valley Resort in Saginaw, MI, was even sweeter. They had finally overcome a determined and talented foe despite 25-mile-per-hour wind that gusted to more than 40 mph during the final round.

As I said, this was the third national championship in Guilford College athletic history. The first was the NAIA basketball championship won in 1973. The man who coached the basketball team to victory in 1973 is the same man who led the golf team to its title in 1989. That man is my good friend Jack Jensen. Jensen, who was named the NAIA coach of the year, told Helen Ross of the Greensboro News & Record that the victory was a team effort—"with T-E-A-M in capital letters," Jensen said. "This is not indescribable, but it's close," he added. "To have one national title is nice, but two are really special. Basketball was great, but not any greater than this. For us to win like we did is really special. I can't believe it."

Mr. Speaker, I can believe it. I have known Jack Jensen for many years, and I know he is truly one of the outstanding coaches in this country. He has now proven himself in two different sports by capturing two national titles. But as he said, he did not accomplish this remarkable feat alone. Our congratulations go to every member of the Guilford College golf team for their part in helping to bring a national championship to Greensboro.

To Jack Jensen and the entire Guilford College golf team we offer our congratulations on a job well done. Coach Jensen has proven to the entire Nation what we have known in our area for quite some time: Guilford College has an outstanding golf program led by a remarkable and talented coach.

PRESIDENT SHOULD SIGN FSX BILL

HON. TOM BEVILL

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 13, 1989

Mr. BEVILL. Mr. Speaker, I rise today to make a few comments about our recent vote to place restrictions on a deal between the United States and Japan to build a new fighter plane called the FSX, in Japan, using American technology.

I am completely opposed to this deal altogether. If we give the Japanese the technology to build the world's most sophisticated airplanes, it won't be long before we are completely out of the aerospace industry.

The Japanese have a way of taking over technology to the point that no one else can compete with them. Look what happened to the television manufacturing industry. We showed them how to make televisions and the next thing we knew, they had taken over the market.

Japan has continually exploited its relationship with the United States. We have paid for much of their defense since the end of World War II. Japan is a very rich nation, yet it only pays 1 percent of its gross national product for defense. By contrast, we pay 5 percent on defense.

And, we have lost American jobs due to unfair trading practices by the Japanese Government. I would like to see an honest effort to cut the $50 billion United States trade deficit with Japan. We don't want to lose any more American jobs. And, we certainly do not want to give away the American aerospace industry.

I also don't completely trust the Japanese not to sell our technology to our enemies. It wasn't very long ago that Congress initiated efforts against the Toshiba Corp. of Japan for selling restricted technology to the Soviet Union.

Because of this illegal sale, the Soviets were able to produce better submarine propellers, making it far more difficult for the United States to track Soviet subs.

The Toshiba incident is one of the main reasons that Congress voted to place restrictions on the FSX deal. Unfortunately, we did not have enough votes to kill the deal outright. However, both the House and the Senate have now passed restrictions on the production of the airplane which would prohibit the transfer of critical engine technologies to Japan.

Japan would also be barred from selling or transferring to third countries major FSX components developed or produced through United States technology.

We know that the President does not want these restrictions placed on the FSX deal and that he has threatened to veto this legislation. I certainly hope that the President will sign the bill, rather than veto it.

I think it is time for the United States to send a message to the Japanese. We value our friendship with them. But we will not let them steamroll over us economically. I hope the administration will get tough in protecting our interests.

TRIBUTE TO NEIGHBORHOOD IMPROVEMENT PROGRAM, INC.

HON. STEPHEN J. SOLARZ

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 13, 1989

Mr. SOLARZ. Mr. Speaker, the district I represent includes Brighton Beach, a colorful ethnic neighborhood comprising homeowners, apartment dwellers, merchants, and beachfront areas.

The Neighborhood Improvement Program, Inc., of Brighton Beach has proven itself invaluable in the assistance it has given to the residents, merchants, and law enforcement agencies in the area.

They have operated civilian patrols with volunteers driving from 8 p.m. to 2 a.m. Brighton Beach has a large elderly population, and the presence of a youth patrol on foot and on bicycles has helped to make the shopping areas and boardwalk more secure for the elderly.

This organization has helped register valuable property with the police and has participated in changing locks in accordance with the police department's lock program.

The members of the Neighborhood Improvement Program have patrolled the beaches, concerned not only with the safety of the Brighton Beach area but also with dangerous material dumped into the ocean and upon the beaches.

I pay tribute to the members of the Neighborhood Improvement Program, Inc., of Brighton Beach and thank them for a valiant effort on behalf of all the residents of Brighton Beach.

LAST HONORS FOR "U.S.S. EDSON"

HON. GEORGE J. HOCHBRUECKNER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 13, 1989

Mr. HOCHBRUECKNER. Mr. Speaker, I rise today to call my colleagues' attention to a bill I recently introduced, H.R. 2282. This bill will allow the obsolete destroyer U.S.S. *Edson* to be transferred to the Intrepid Sea-Air-Space

Museum by waiving the 60-day congressional review period.

The U.S.S. *Edson* has served the U.S. Navy for over 30 years. It was the last all-gun destroyer in active service and provided essential naval support during the Vietnam conflict. Its last assignment has been as a school ship for the Navy Reserves.

Since the Chief of Naval Operations has certified that the *Edson* is now obsolete and no longer essential for the U.S. defense, it seems fitting that it should be given the honor of serving as a museum for the interest of the American people.

The Intrepid Sea-Air-Space Museum of New York is an organization that certainly deserves such a fine ship. The *Edson* will join the ex-*Growler,* an obsolete submarine whose transfer I supported last year in H.R. 4665. The museum, a nonprofit organization, has agreed to incur all expenses in the transfer and will refurbish the destroyer for display.

The purpose of this bill is to waive the 60-day review period for this transfer. The museum would like to have the *Edson* ready to open on July 4, 1989, to allow the greatest summer exposure. Since the museum will need time to haul the *Edson* from its home port of Long Beach, CA, and time to prepare the exhibit, the 60-day review period will cause the museum great difficulty.

Mr. Speaker, I urge my colleagues to aid the Intrepid Sea-Air-Space Museum in this task. The museum will be a fine resting place for a U.S. destroyer that has served so faithfully. Please support H.R. 2282 and waive the 60-day review period.